Minute No. 65
Report – Executive Policy Committee – November 26, 2019

Item No. 1 Subdivision and Rezoning – 0 Cassowary Lane (Charleswood-Tuxedo-Westwood Ward) File DASZ 32/2019

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the subdivision under Development Application No. DASZ 32/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated May 23, 2019 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "R1-M" Residential Single-Family Medium District as shown on the map dated October 25, 2019 and attached as Schedule "A" to this report.

3. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 32/2019, as determined by the City's Director of Planning, Property and Development.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "by-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

5. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to council for enactment of the By-law in accordance with the above.

6. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land titles Office.

7. That the zoning section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

Report – Executive Policy Committee – November 26, 2019

COUNCIL DECISION (continued):

8. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 6 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if necessary Plan approvals signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – November 26, 2019

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 26, 2019, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 5, 2019, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

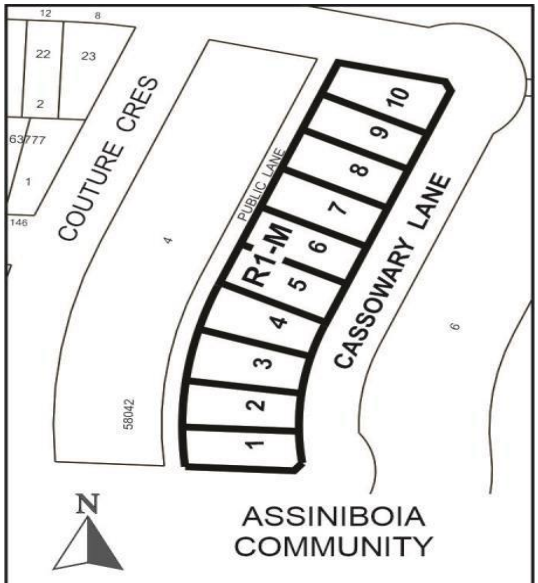
File: DASZ 32/2019

Before: Assiniboia Community Committee
Councillor Lukes, Chairperson
Councillor Gillingham
Councillor Klein

Public Hearing: November 5, 2019
Council Building, 510 Main Street

Applicant: Landmark Planning and Design
(Jeff Pratte)

Subject:



APPLICANT: Landmark Planning and Design Inc.
FILE: DASZ 32/2019
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "RMF-S" Residential Multi-Family (Small) District to an "R1-M" Residential Single-Family (Medium) District to allow for the creation of ten (10) residential building lots for future development. **For information, phone Mr. F. Ojo, Planner at 204-986-6008.**

Premises Affected: 0 Cassowary Lane

For submission to: Executive Policy Committee

Prepared by: Leah Cowan, Senior Committee Clerk
Assiniboia Community Committee

Report date: November 6, 2019

Community Committee Recommendation:

On November 5, 2019, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the subdivision under Development Application No. DASZ 32/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated May 23, 2019 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "R1-M" Residential Single-Family Medium District as shown on the map dated October 25, 2019 and attached as Schedule "A" to this report.

3. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 32/2019, as determined by the City's Director of Planning, Property and Development.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "by-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

5. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to council for enactment of the By-law in accordance with the above.

6. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land titles Office.

7. That the zoning section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

8. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 6 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if necessary Plan approvals signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

The Assiniboia Community Committee provided the following supporting reasons for its recommendation:

1. The ongoing community engagement of Qualico and their team.

2. And also the detail provided with respect to the water flow concerns and issues that they’re having.

Exhibits Filed:

1. Application dated August 16, 2019
2. Notification of Public Hearing dated October 1, 2019
3. Manitoba Status of Title 2796620/1
4. Letter of authorization dated August 7, 2019 from Ridgewood West Land Corp. to Landmark Planning and Design
5. Surveyor's Building Location Certificate and sketch dated April 1, 2019
6. Caveats 4635442/1 and 4635443/1
7. Zoning Agreement No. DASZ 50/2013
8. Plan
9. Report from the Urban Planning Division dated October 25, 2019
10. Inspection Report
11. Presentation in support of the application submitted by the Applicant at the public hearing

REPRESENTATIONS:

In Support:

Jeff Pratte
Tara Reid
Bryan Ward

In Opposition:

Nil

For Information:

Nil

For the City:

R. Galston, Urban Planner, Planning, Property and Development Department
F. Ojo, Urban Planner, Planning, Property and Development Department

ADMINISTRATIVE REPORT

Title: DASZ 32/19 – 0 Cassowary Lane

Issue: For consideration at the public hearing to rezone land from "RMF-S" Residential Multi-Family Small District to "R1-M" Residential Single-Family Medium District and subdivide into ten (10) residential lots.

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
F. Ojo, MCIP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 32/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated May 23, 2019 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to a "R1-M" Residential Single-Family Medium District as shown on the map dated October 25, 2019 and attached as Schedule "A" to this report.

3. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 32/2019, as determined by the City's Director of Planning, Property and Development.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "by-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

5. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to council for enactment of the By-law in accordance with the above.

6. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land titles Office.

7. That the zoning section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

8. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 6 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if necessary Plan approvals signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- The applicant is proposing to rezone an existing “RMF-S” Residential Multi-Family Small District parcel to “R1-M” Residential Single-Family Small District. As part of the proposal, the newly created “R1-M” parcel will be subdivided into ten (10) residential lots.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject land will be rezoned from “RMF-S” Residential Multi-Family Small District to “R1-M” Residential Single Family Medium District.

HISTORY

February 26, 2014 – Council concurred in the recommendation of Executive Policy Committee and approved the proposed plan of subdivision of the subject property from “A” Agricultural District to “R1-M” Residential Single-Family District; “RMF-S” Residential Multi-Family Small District and “PR1” Parks and Recreation District under file DASZ 50/2013.

The said approval was subject to five (5) Zoning Agreement and itemized Servicing Agreement as contained in the Administrative Co-ordinating Group Report dated January 22, 2014.

CONSULTATION

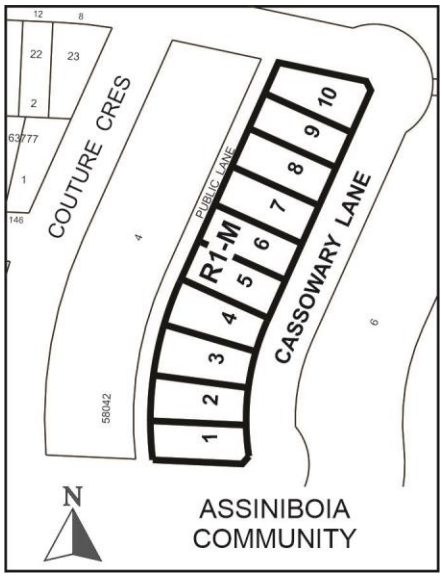
In preparing this Report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Femi Ojo, MCIP, RPP
Date:	October 25, 2019
File No.	DASZ 32/2019

APPENDIX 'A'

DATE:	October 25, 2019
FILE:	**DASZ 32/2019**
RELATED FILES:	DASZ 24/2013; DASZ 50/2013 (B/L 72/2014)
COMMUNITY:	Assiniboia
NEIGHBOURHOOD #:	2.649 (Ridgewood South)
SUBJECT:	The applicant is proposing to rezone the property to R1-M and subdivide the land into ten (10) residential lots.
LOCATION:	0 Cassowary Lane.
LEGAL DESCRIPTION:	Block 5 Plan 58042 WLTO in RL62 to 70 Parish of Saint Charles.



APPLICANT:	Landmark Planning and Design (Jeff Pratte) 298 Waterfront Drive Winnipeg, MB R3B 0G5
OWNER:	Ridgewood West Land Corp. 1 Dr. David Friesen Drive Winnipeg, MB R3X 0G8
RECOMMENDATION:	Approval

SITE DESCRIPTION

- The subject property is located within the Area "1" of Ridgewood South Precinct Plan (Precinct Q). The lands are within the Ridgewood South Neighbourhood of the Charleswood - Tuxedo Ward.
- The site falls within the Low Density Policy Area under the Ridgewood South Precinct Plan. Currently, the land is zoned "RMF-S" Residential Multi-Family Small and is 57,124 sq. ft. in size.
- The site is identified as a New Community within a Transformative Area of the *Complete Communities* Urban Structure Map designated as Precinct Q, Ridgewood South.

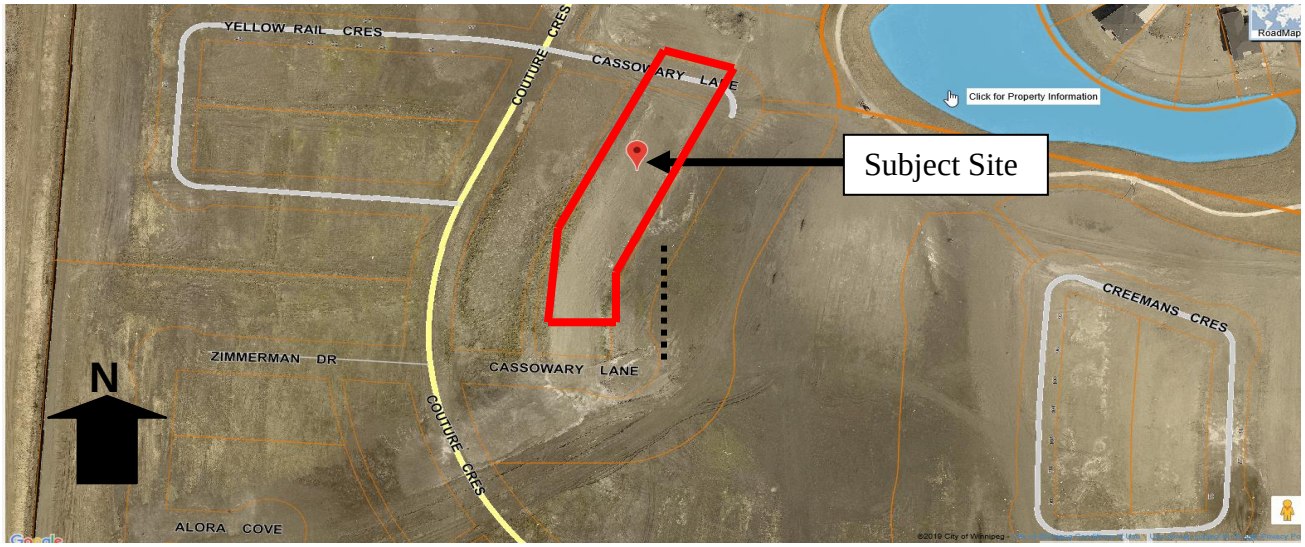


Figure 1: Site map of subject property and surrounding neighbourhood (flown 2018)

SURROUNDING ZONING & USES (See Figure 2)

North: Cassowary Lane, then vacant land zoned "R1-L" Residential Single-Family Large.

South: Cassowary Lane, then vacant land zoned "R1-L" Residential Single-Family Large.

East: Cassowary Lane, then vacant land zoned "R1-L" Residential Single-Family Large.

West: Backlane, then vacant land zoned "R1-M" Residential Single-Family Medium.

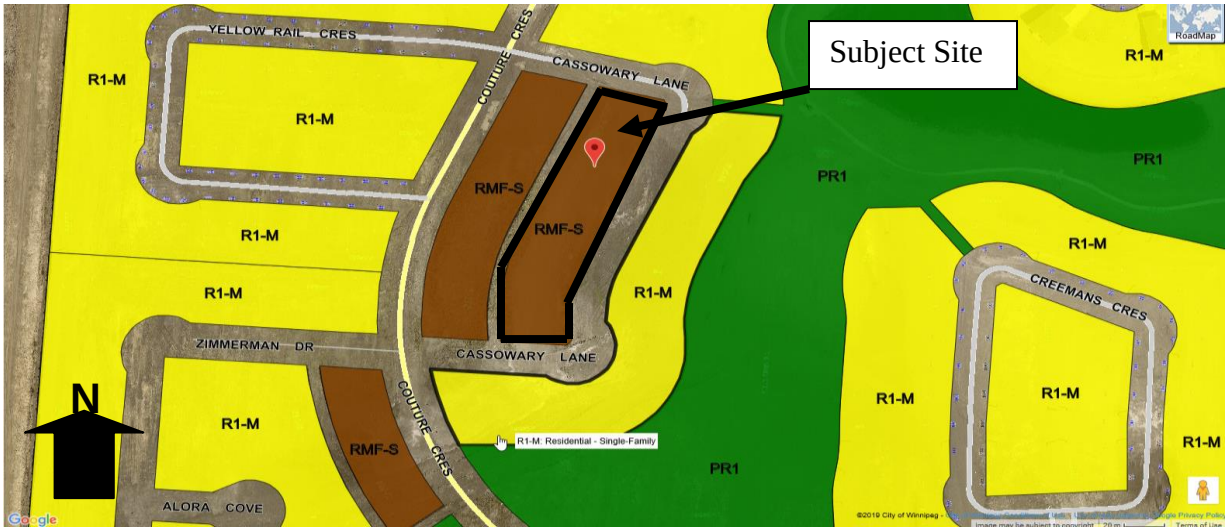


Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED SUBDIVISION AND REZONING

- In 2013, as part of the Ridgewood Precinct Plan development, the subject site was part of the lands that went through a subdivision/rezoning application under DASZ 50/2013. Specifically, the subject site was rezoned from "A" Agriculture to "RMF-S" Residential Multi-Family Small.
- Under the current application, the applicant is proposing to rezone the same parcel zoned "RMF-S" Residential Multi-Family Small to "R1-M" Residential Single-Family Medium and subdivide the same into ten (10) residential single-Family lots.
- At the time of this application, there are no building plans submitted as part of this application.

ANALYSIS AND ISSUES

OURWINNIPEG / COMPLETE COMMUNITIES

- Under the *Complete Communities Direction Strategy* of *OurWinnipeg,* the proposed development is considered a **New Community** within a **Transformative Area** of the *Complete Communities* Urban Structure Map as well as part of **Ridgewood South Precinct Plan (Precinct Q).**
- Key relevant Directions and policies guiding development within **New Communities** include:
    - **Key Direction** – New communities will continue to play an important role in accommodating the City's projected population growth. These New Communities will be planned as complete from the outset and will continue to achieve a high standard of sustainability in planning, design, construction and management.
    - **Vision –** New Communities are inclusive neighbourhoods with a variety of housing types within walking distance of mixed use districts that offer opportunities for shopping, employment and entertainment. These neighbourhoods are part of a larger community with interconnected open spaces,

walking and cycle paths, community facilities, employment opportunities and multimodal transportation connections with the rest of the City.

- Key relevant Directions and policies guiding development within Precincts include:
    - Direction 1 – New Communities will be developed in a sustainable manner;
        - Only approve new development when a full range of municipal services, as defined in *OurWinnipeg*, can be provided in an environmentally-sound, economical and timely manner.
        - Only approve new development when there is a reasonable relationship between the supply of land and the projected demand.
        - Support new development that is adjacent to, and compatible with, existing development and which is designed to minimize the spatial use of land.

RIDGEWOOD SOUTH PRECINCT PLAN (PRECINCT Q)

- The Ridgewood South Precinct Plan provides the overall planning guidance for the development of Ridgewood South.
- The Ridgewood South Precinct Plan was adopted by Council October 23, 2013, (By-law 62/13).
- Under the *Ridgewood South Precinct Plan,* the subject property falls within the Low Density Residential Policy Area.
- Key relevant Directions and policies guiding development within the Low Density Residential Policy Area include:
    - Direction 1 – The purpose of the Low Density Residential Areas is to provide opportunities for a range of lower density residential development with opportunities for multi-family residential development allowed in selected locations;
        - Single family homes shall be the predominant use of land within the low density residential areas, except within approximately 50 metres of a collector road or where a property abuts a public lane, in which case multifamily units are allowed to a maximum of six attached units.
        - Multi-family uses in low density residential areas shall be ground-entry only and should be designed in a street-oriented fashion.
        - Residential areas should be developed with neighbourhood character features through the implementation of tools such as architectural neighbourhood design standards where feasible.

REZONING

- The subject property is currently zoned “RMF-S” Residential Multi-Family Small; which is intended to accommodate the development of multi-family units in areas with low to medium residential densities.

- The applicant is proposing to rezone the land from “RMF-S” Residential Multi-Family Small to “R1-M” Residential Single Family – Medium and create ten (10) buildable lots.
- The “R1-M” district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 sq. ft., side yard setback of 4 feet, a front yard of 15 feet and a rear yard setback of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

COMPATIBILITY WITH SURROUNDING USES

- As earlier mentioned, the subject property falls within the low density area under the Ridgewood South Precinct Plan, The proposed “R1-M” Single-Family residential medium lots are consistent with the above designation.
- In terms of density, the applicant would have been entitled to 45 residential dwelling units under the “RMF-S” zoning district. This is much higher than the 10 residential single-family lots being proposed. The subject proposal shows a significant reduction in the overall density within the Ridgewood Precinct Plan Sub Area 1.
- It is also of note that the intent of the original subdivision (under DASZ 50/2013 was for multi-family development to be located on collectors, while the single-family residences front unto local roads. The proposed downzoning from RMF-S to R1-M aligns perfectly with the above intent.
- The Urban Planning Division believes that rezoning the subject lands to “R1-M” and the future construction of single-family houses will be consistent and compatible with the future surrounding development.
- It is also important to note that the proposed rezoning and subdivision is consistent with the Ridgewood South Precinct Plan.
- There is nothing to suggest that the proposal will have an adverse effect on any future development in the area.
- The Urban Planning Division is supportive of the subject application.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or ‘cash in lieu’ as determined by the Planning, Property and Development Department.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The proposed development is consistent with the *Complete Communities Direction Strategy* and the Ridgewood South Precinct Plan (By-law No. 62/2013).
- Rezoning the subject property to “R1-M” Residential Single-Family Small will facilitate a use that will be compatible with the future surrounding context.
- The proposed subdivision and rezoning will likely not have any adverse effect on potential future development in the area.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Femi Ojo, MCIP, RPP
PPD File # DASZ 32/2019

Schedule "A" for File No. DASZ 32/2019, Assiniboia Community Committee, dated October 25, 2019

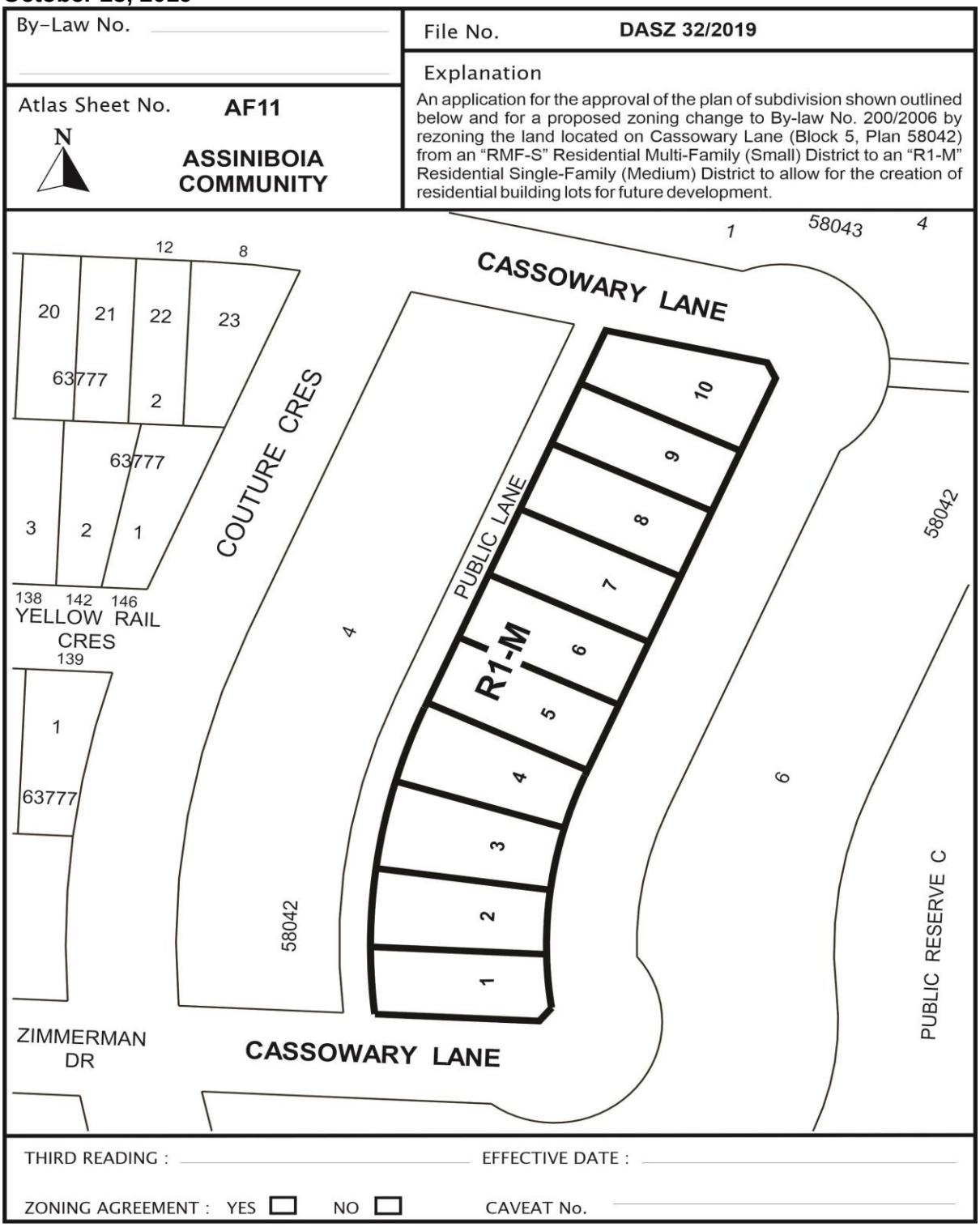


Exhibit "8" referred to in File DASZ 32/2019

