Minute No. 285
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 20, 2020

Item No. 4 Bridgeland Drive Subdivision and Rezoning – Proposed Amendment (Waverley West Ward)
File DASZ 16/2019

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. That the Council decision dated January 30, 2020, wherein Council concurred in the recommendations of Item No. 5 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated January 6, 2020, be amended by adding the following as Recommendation 2:

   "2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "PR-1" Parks and Recreation (Neighbourhood) District as shown on the map dated November 20, 2019 and attached as Schedule "A" to this report."

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DECISION MAKING HISTORY:

Moved by Councillor Mayes,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 28, 2020, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 20, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Assiniboia Community Committee submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 3, 2020, the Assiniboia Community Committee passed the following motion:

WHEREAS the City received an application to subdivide and rezone land located south of Bridgeland Drive North and west of Prominence Point ("DASZ 16/2019");

AND WHEREAS the Public Service prepared an Administrative Report in respect of DASZ 16/2019 and recommended, among other things, that Council approve the rezoning portion of DASZ 16/2019 subject to the condition that the applicant be required to enter into a zoning agreement with the City;

AND WHEREAS on December 2, 2019, the Assiniboia Community Committee (the "Community Committee") recommended that Council approve DASZ 16/2019 but deleted recommendation 2 in its entirety;

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DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

AND WHEREAS on January 30, 2020, Council concurred in the recommendations of the Community Committee and approved DASZ 16/2019 with recommendation 2 deleted in its entirety;

AND WHEREAS the intention of the Community Committee was to approve the rezoning portion of DASZ 16/2019 and to delete only the requirement for the zoning agreement;

AND WHEREAS the Community Committee confirms that recommendation 2 was deleted in error;

THEREFORE BE IT RESOLVED that the decision of Council dated January 30, 2020, wherein Council concurred in the recommendations of Item No. 5 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated January 6, 2020, be amended by adding the following as Recommendation 2:

"2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "PR-1" Parks and Recreation (Neighbourhood) District as shown on the map dated November 20, 2019 and attached as Schedule "A" to this report."

COUNCIL DECISION:

On January 30, 2020, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. That the subdivision under Development Application No. DASZ 16/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated November 26th, 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, subject to the following:

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

A. That the Developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated November 26th, 2019 and attached as Schedule "B" to this report, with the following amendment:

i. Add the following new Condition under 'Plan Considerations':

5) The developer shall dedicate a 12-meter wide public reserve on the west side of the planned area.

2. *Deleted.*

3. That the City enter into, execute and deliver with the Developer:

A. A Servicing Agreement in accordance with Recommendation 1; and

B. A Zoning Agreement in accordance with Recommendation 2;

and such other agreements as determined necessary by the City Solictor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

5. 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.

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

6. 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 the By-law in accordance with the above.

7. That the subdivision section of the by-law will come into force when the Servicing Agreement is fully executed and Plan is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

8. That the zoning section of the by-law will come into force and effect when the Plan is registered in the Winnipeg Land Titles Office.

9. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 8 and 9 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval 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.

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