Agenda – Council – April 29, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 19, 2021

Item No. 9 Amendment to File No. DASZ 22/2020 – Glenbush Street (Charleswood-Tuxedo-Westwood Ward)

STANDING COMMITTEE RECOMMENDATION:

On April 21, 2021, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the decision of Council dated January 28, 2021, wherein Council concurred in the recommendations of Item No. 13 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated January 18, 2021, be amended as follows:

   A. In Recommendation 2, replace "RMF-M Residential Multi-Family (Medium) District" with "R1-M Residential Single-Family (Medium) District".

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

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 21, 2021, 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 19, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 9, 2021, the Assiniboia Community Committee passed the following motion:

WHEREAS the City received an application to subdivide and rezone land located on Glenbush Street ("DASZ 22/2020");

AND WHEREAS the administrative report of the Winnipeg Public Service dated December 30, 2020 for file DASZ 22/2020, included a recommendation that Council approve an amendment to the Winnipeg Zoning By-law No. 200/2006 by rezoning a portion of the subject land "RMF-M" Residential Multi-Family (Medium) District;

AND WHEREAS the Winnipeg Public Service has confirmed that 'RMF-M' Residential Multi-Family (Medium) District was included in Recommendation 2 in error, and should instead read 'R1-M' Residential Single-Family (Medium) District;

AND WHEREAS the developer's intention was to rezone a portion of the land included in DASZ 22/2020 to a "R1-M" Residential Single-Family (Medium) District;

AND WHEREAS on January 28, 2021, Council adopted the recommendations of the Standing Policy Committee on Property and Development, Heritage and Downtown Development to approve the subdivision and rezoning under development application No. DASZ 22/2020;

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DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

THEREFORE BE IT RESOLVED:

1. That the decision of Council dated January 28, 2021, wherein Council concurred in the recommendations of Item No. 13 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated January 18, 2021, be amended as follows:

    A. In Recommendation 2, replace "RMF-M Residential Multi-Family (Medium) District" with "R1-M Residential Single-Family (Medium) District".

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

COUNCIL DECISION:

On January 28, 2021, 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 22/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated December 30, 2020 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:

    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 18, 2020 and attached as Schedule "B" to this report, with the following amendments:

        i. In Section II – Servicing Costs, add the following new Condition:

            10) <u>Public Reserve</u>

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

The Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 22/2020, or shall dedicate an equivalent amount of land in a future phase of the Ridgewood development, as determined by the City's Director of Planning, Property and Development.

B. That the City enter into, execute and deliver with the developer a Servicing Agreement in accordance with recommendation 1. A., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

C. 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 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.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "RMF-M" Residential Multi-Family (Medium) District and a "PR-1" Parks and Recreation 1 (Neighbourhood) as shown on the map dated December 30, 2020, 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 22/2020, or shall dedicate an equivalent amount of land in a future phase of the Ridgewood development, 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.

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

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 the By-law in accordance with the above.

6. That the subdivision section of the by-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

7. 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.

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 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.

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