Agenda – Council – October 28, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – October 13, 2021

Item No. 5 Subdivision and Rezoning – Zimmerman Drive – Southwestern-Most Area (Charleswood-Tuxedo-Westwood Ward) File DASZ 26/2021 [c/r DAV 161787/2021D]

STANDING COMMITTEE RECOMMENDATION:

On October 20, 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 subdivision under Development Application No. DASZ 26/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated September 22, 2021 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 conditions:

    A. That the Developer be required to enter into an addendum to Development Agreement File No. AG 50/13 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 September 13, 2021 and attached as Schedule "B" to this report, with the following amendments:

        i. In Section II – Servicing Conditions:

            a. Add the following new conditions:

                "1) e) The Developer shall extend the chain link fence along the south and west limit of the Public Reserve, ensuring that the fencing connects to the existing fencing established under DASZ 26/21, and connects to the rail safety fence established under AG 50/13, to further ensure that no rail line trespassing nor crossing of the West Perimeter Highway is facilitated by the establishment of the Public Reserve.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – October 13, 2021

STANDING COMMITTEE RECOMMENDATION (continued):

1) f) The Developer shall install bollard fencing with vehicular access (ex. removable chain) at the entrance of the Public Reserve to prevent vehicular access through the Public Reserve and berm area. The location and style of fencing shall be as recommended through Park Plan approval."

b. Add the following new Condition:

"2) Public Reserve

a) The Developer shall dedicate as Public Reserve at least 8% of the land contained within the overall development area and shall, at no expense to the City, undertake site improvements per the Development Agreement Parameters, and pay its share of the cost of services in streets abutting the dedicated land, all in accordance with plans and specifications approved by the Director of Public Works. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Director of Public Works and the Director of Planning, Property and Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash or by the provision of an equivalent value of additional site amenities in the public reserves within the Planned Area, as approved by the Director of Public Works and the Director of Planning, Property and Development with concurrence and consultation by the Area Councillor."

ii. Add the following new Condition:

"Section IV – Plan Considerations

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – October 13, 2021

STANDING COMMITTEE RECOMMENDATION (continued):

1) The extension of the Public Reserve lands which abut and buffer the rail line and wrap around the westerly extents of Lots 1 & 2 shall not count towards Public Reserve dedication requirements. The dedication of this area shall offset or account for areas where the noise attenuation berm may extend into the Public Reserve lands as necessary to fulfill the noise attenuation requirements outlined in this Report."

B. That the City enter into, execute and deliver with the Developer an addendum to the Development Agreement File No. AG 50/13 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 to negotiate and approve the terms and conditions of the addendum to Development Agreement File No. AG 50/13, 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 interest of the City.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R1-M" Residential Single-Family (Medium) District and a "PR-1" Parks and Recreation 1 (Neighbourhood) District as shown on the map dated September 22, 2021 and attached as Schedule "A" to this report.

3. *Deleted.*

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the plan of subdivision (the "Plan") as prepared by the Manitoba Land Surveyor in accordance with Recommendation 1 is not submitted to the City for preparation of 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – October 13, 2021

STANDING COMMITTEE RECOMMENDATION (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 addendum to the Development Agreement File No. AG 50/13 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 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 recommendations 6 and 7 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – October 13, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 20, 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 October 13, 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 October 5, 2021, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- In Recommendation 1. A., add the following after "Schedule B to this report":

  ", with the following amendments:

  i. In <u>Section II – Servicing Conditions:</u>

     a. Add the following new conditions:

        "1) e) The Developer shall extend the chain link fence along the south and west limit of the Public Reserve, ensuring that the fencing connects to the existing fencing established under DASZ 26/21, and connects to the rail safety fence established under AG 50/13, to further ensure that no rail line trespassing nor crossing of the West Perimeter Highway is facilitated by the establishment of the Public Reserve.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – October 13, 2021

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

1) f) The Developer shall install bollard fencing with vehicular access (ex. removable chain) at the entrance of the Public Reserve to prevent vehicular access through the Public Reserve and berm area. The location and style of fencing shall be as recommended through Park Plan approval."

b. Add the following new Condition:

"2) Public Reserve

a) The Developer shall dedicate as Public Reserve at least 8% of the land contained within the overall development area and shall, at no expense to the City, undertake site improvements per the Development Agreement Parameters, and pay its share of the cost of services in streets abutting the dedicated land, all in accordance with plans and specifications approved by the Director of Public Works. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Director of Public Works and the Director of Planning, Property and Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash or by the provision of an equivalent value of additional site amenities in the public reserves within the Planned Area, as approved by the Director of Public Works and the Director of Planning, Property and Development with concurrence and consultation by the Area Councillor."

ii. Add the following new Condition:

"Section IV – Plan Considerations

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – October 13, 2021

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

1) The extension of the Public Reserve lands which abut and buffer the rail line and wrap around the westerly extents of Lots 1 & 2 shall not count towards Public Reserve dedication requirements. The dedication of this area shall offset or account for areas where the noise attenuation berm may extend into the Public Reserve lands as necessary to fulfill the noise attenuation requirements outlined in this Report."

- Delete Recommendation 3 in its entirety

and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

PUBLIC HEARING SUMMARY

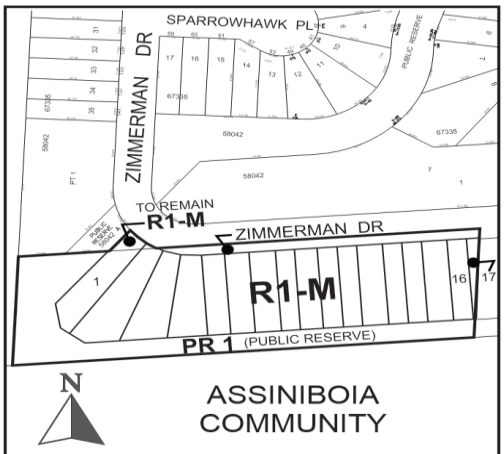
File: DASZ 26, 2021

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

Public Hearing: October 5, 2021
Council Building, 510 Main Street

Applicant: Landmark Planning and Design Inc.
(Jeff Pratte)

Subject:



APPLICANT : Landmark Planning & Design Inc. (Jeff Pratte)
FILE : DASZ 26/2021
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 "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT and an "A" AGRICULTURAL DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT and a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to facilitate the continuation of the Ridgewood West Neighbourhood by the establishment of residential building lots, the extension of the public reserve and the widening of Zimmerman Drive. **For information, phone Mr. R. Galston, Planner at 204-986-8645.**

Premises Affected: Zimmerman Drive

For submission to: The Standing Policy Committee on Property and Development, Heritage and Downtown Development

Prepared by: L. Cowan, Senior Committee Clerk
Assiniboia Community Committee

Report date: October 6, 2021

Community Committee Recommendation:

On October 5, 2021, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the subdivision under Development Application No. DASZ 26/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated September 22, 2021 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 conditions:

    A. That the Developer be required to enter into an addendum to Development Agreement File No. AG 50/13 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 September 13, 2021 and attached as Schedule "B" to this report***, with the following amendments:***

        i. In <u>Section II – Servicing Conditions:</u>

            a. Add the following new conditions:

                "1) e) The Developer shall extend the chain link fence along the south and west limit of the Public Reserve, ensuring that the fencing connects to the existing fencing established under DASZ 26/21, and connects to the rail safety fence established under AG 50/13, to further ensure that no rail line trespassing nor crossing of the West Perimeter Highway is facilitated by the establishment of the Public Reserve.

                1) f) The Developer shall install bollard fencing with vehicular access (ex. removable chain) at the entrance of the Public Reserve to prevent vehicular access through the Public Reserve and berm area. The location and style of fencing shall be as recommended through Park Plan approval."

b. Add the following new Condition:

"2) <u>Public Reserve</u>

a) The Developer shall dedicate as Public Reserve at least 8% of the land contained within the overall development area and shall, at no expense to the City, undertake site improvements per the Development Agreement Parameters, and pay its share of the cost of services in streets abutting the dedicated land, all in accordance with plans and specifications approved by the Director of Public Works. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Director of Public Works and the Director of Planning, Property and Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash or by the provision of an equivalent value of additional site amenities in the public reserves within the Planned Area, as approved by the Director of Public Works and the Director of Planning, Property and Development with concurrence and consultation by the Area Councillor."

ii. Add the following new Condition:

"<u>Section IV – Plan Considerations</u>

1) The extension of the Public Reserve lands which abut and buffer the rail line and wrap around the westerly extents of Lots 1 & 2 shall not count towards Public Reserve dedication requirements. The dedication of this area shall offset or account for areas where the noise attenuation berm may extend into the Public Reserve lands as necessary to fulfill the noise attenuation requirements outlined in this Report."

B. That the City enter into, execute and deliver with the Developer an addendum to the Development Agreement File No. AG 50/13 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 to negotiate and approve the terms and conditions of the addendum to Development Agreement File No. AG 50/13, 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 interest of the City.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R1-M" Residential Single-Family (Medium) District and a "PR-1" Parks and Recreation 1 (Neighbourhood) District as shown on the map dated September 22, 2021 and attached as Schedule "A" to this report.

3. Deleted.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the plan of subdivision (the "Plan") as prepared by the Manitoba Land Surveyor in accordance with Recommendation 1 is not submitted to the City for preparation of 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 the By-law in accordance with the above.

6. That the subdivision section of the By-law will come into force when the addendum to the Development Agreement File No. AG 50/13 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 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 recommendations 6 and 7 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. This is a continuation of a plan approval from 2013 and both the public service and the developer concur with the changes above, that's why I support this motion.

Exhibits Filed:

1. Application dated July 8, 2021
2. Notification of Public Hearing dated August 23, 2021
3. Manitoba Status of Titles 2796656/1 and 2841245/1
4. Letter of authorization dated March 10, 2021 from The Province of Manitoba, Real Estate Services (Wanda Kopytko) to Ridgewood West Land Corp. and/or their consultants
5. Letter of authorization dated May 26, 2021 from Ridgewood West Land Corp. (Tara Reid) to Landmark Planning and Design
6. Schedule of City of Winnipeg Zoning Site Widths and Areas, Qualico Ridgewood West Phase 3B, Zimmerman Drive (Provincial Lands) DASZ, dated May 27, 2021
7. Plan of Proposed Subdivision dated July 1st, 2021
8. Plan of Proposed Subdivision dated April 16, 2021
9. Plan of Proposed Subdivision dated Mach 15, 2021
10. Plan (1 page)
11. Report from the Urban Planning Division dated September 22, 2021
12. Inspection Report
13. Presentation titled "DASZ 26/2021 & Variance DAV 21-161787/D Subdivision and Rezoning of R1-M Building Lots", submitted by the Applicant in support of application
14. Recording of Representations

REPRESENTATIONS:

In Support:

Jeff Pratte
Bryan Ward

In Opposition:

Nil

For Information:

Nil

For the City:

R. Galston, Urban Planner, Planning, Property and Development Department
D. Trenchard, Land Development Engineer, Planning, Property and Development Department

Exhibit "11" referred to in File DASZ 26/2021

ADMINISTRATIVE REPORT

Title: DASZ 26/2021 – Zimmerman Drive

Issue: For consideration at the Public Hearing for an application to subdivide approximately 3.5 acres of land and rezone from an "A" Agricultural District to an "R1-M" Residential Single-Family (Medium) District and "PR1" Parks and Recreation (Neighbourhood) District, in order to facilitate the establishment of 17 residential lots and one (1) public reserve.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Galston, MCP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 26/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated September 22, 2021 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 conditions:
    A. That the Developer be required to enter into an addendum to Development Agreement File No. AG 50/13 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 September 13, 2021 and attached as Schedule "B" to this report
    B. That the City enter into, execute and deliver with the Developer an addendum to the Development Agreement File No. AG 50/13 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 to negotiate and approve the terms and conditions of the addendum to Development Agreement File No. AG 50/13, 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 interest of the City.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to an “R1-M” Residential Single-Family (Medium) District and a “PR-1” Parks and Recreation 1 (Neighbourhood) District as shown on the map dated September 22, 2021 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 26/2021, 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 the plan of subdivision (the “Plan”) as prepared by the Manitoba Land Surveyor in accordance with Recommendation 1 is not submitted to the City for preparation of 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 the By-law in accordance with the above.
6. That the subdivision section of the By-law will come into force when the addendum to the Development Agreement File No. AG 50/13 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 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 recommendations 6 and 7 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.

OURWINNIPEG POLICY ALIGNMENT

The proposed development aligns with *OurWinnipeg* Section 01, Direction 3: *“Promote Compact Urban Form and Manage the Extension of Municipal Services for New Growth.”*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposed development would align with the following Key Direction in the Winnipeg Climate Action Plan: *"Ensure New Areas of Growth are Designed According to the Principles of Complete Communities."*

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	R. Galston, MCP
Date:	September 22, 2021
File No.	DASZ 26/2021

List of Schedules and Attachments

- **Appendix "A," Planning Discussion**
- **Schedule "A," of File** DASZ 25/2021**,** Assiniboia **Community Committee, dated September 22, 2021**
- **Schedule "B," Report of the Administrative Co-ordinating group, dated September 13, 2021 Re: Proposed Subdivision and Rezoning of Land Located on the south-East Side of Zimmerman Drive, South of Sparrowhawk Place**

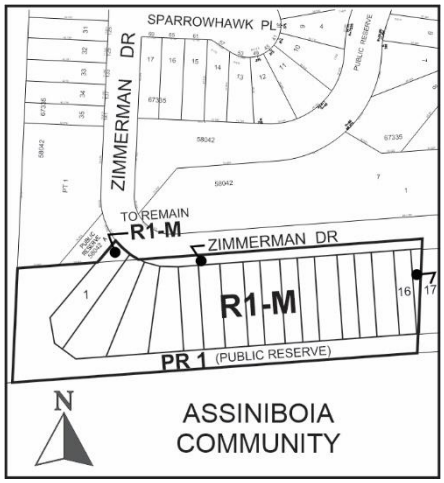
APPENDIX 'A'

DATE:	September 22, 2021
FILE:	**DASZ 26/2021**
RELATED FILES:	DAV 21-161767/D
COMMUNITY:	Assiniboia Community
NEIGHBOURHOOD #:	2.649 (Ridgewood South)

SUBJECT: For consideration at the public hearing for an application to subdivide approximately 3.5 of land and rezone from an "A" Agricultural District to an "R1-M" Residential Single-Family (Medium) District and "PR1" Parks and Recreation (Neighbourhood) District, in order to facilitate the establishment of 17 residential lots and one (1) public reserve.

LOCATION: Zimmerman Drive

LEGAL DESCRIPTION: PT OTM LOTS 69/70 ST C SHEWN AS PUBLIC WORKS & OUTLINED IN BROWN ON PL 7066 LYING N OF PL 5110 & E OF RD PL 7066
BLOCK 17 PLAN 58042 62/70 ST C



APPLICANT: Landmark Planning and Design, Inc. (Jeff Pratte)
298 Waterfront Drive
Winnipeg, MB R3B 0G5

OWNERS: Ridgewood West Land Corporation
1 Dr. David Friesen Drive
Winnipeg, MB R3X 0G8

RECOMMENDATION: Approval

HISTORY

DASZ 50/2013

On February 26, 2014, Council concurred in the recommendation of the Standing Policy Committee on Property and Development concerning the subdivision and rezoning of approximately 177 acres of the Ridgewood South Area, including the subject property.

Council adopted the following:

- That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "D" for File DASZ 50/2013 dated February 4, 2014" to an "R1-M" Single-Family Medium District, an "RMF-S" Residential Multi-Family Small District, and a "PR1" Parks and Recreation 1 District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter for each phase of the development, which Agreement shall contain the following conditions:

        i. That, for the development of any building, and/or accessory parking area within the lands zoned "RMF-S" Residential Multi-Family plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, exterior lighting and landscaping to the Director of Planning, Property and Development and the Assiniboia Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the Developer shall, at no expense to the City, construct completely within the rear yards of all residentially zoned lots abutting the CNR Rivers Main Line rail right-of-way, a minimum 2.5 height berm with a uniform acoustical fence 2.0m in height, to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the CNR Rivers Main Line rail right-of-way requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

        iii. That a minimum rear yard of 28.04m shall be provided within the rear yards of the residentially zoned lots abutting the CNR Rivers Main Line rail right-of-way measured from the northern boundary of the existing right-of-way (Plan 5110) to the nearest wall of any principal building, with the understanding that the height of the berm will be increased as provided in the Proximity Guidelines and Best Practices.

        iv. That the Developer shall, at no expense to the City, construct within the Planned Area abutting the Canadian National Railway (CNR) Rivers Subdivision, a uniform fence 2.0m in height, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of the proposed lot abutting the CNR Rivers Subdivision requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

v. That the Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting the West Perimeter Highway, a 2.0m to 2.5m high noise attenuation fence, as determined by, and to the satisfaction of, the Director of Public Works, and permit the City to file a caveat against the title of each such lot, requiring the owner(s) to maintain and/or repair the fence as originally constructed, to the satisfaction of the Director of Public Works.

DISCUSSION

SITE DESCRIPTION

- The subject property is located on the future Zimmerman Drive, south of Sparrowhawk Place, in the Ridgewood South Neighbourhood of the Charleswood – Tuxedo – Westwood Ward.
- The subject property has a total land area of approximately 3.5 acres, and is currently vacant.
- The subject property is currently zoned "A" Agricultural.
- The subject property is identified as a New Community within the Transformative Areas of the *Complete Communities Direction Strategy* Urban Structure Map. It is also located within the Low Density Residential Area under the *Ridgewood South Precinct Plan*.

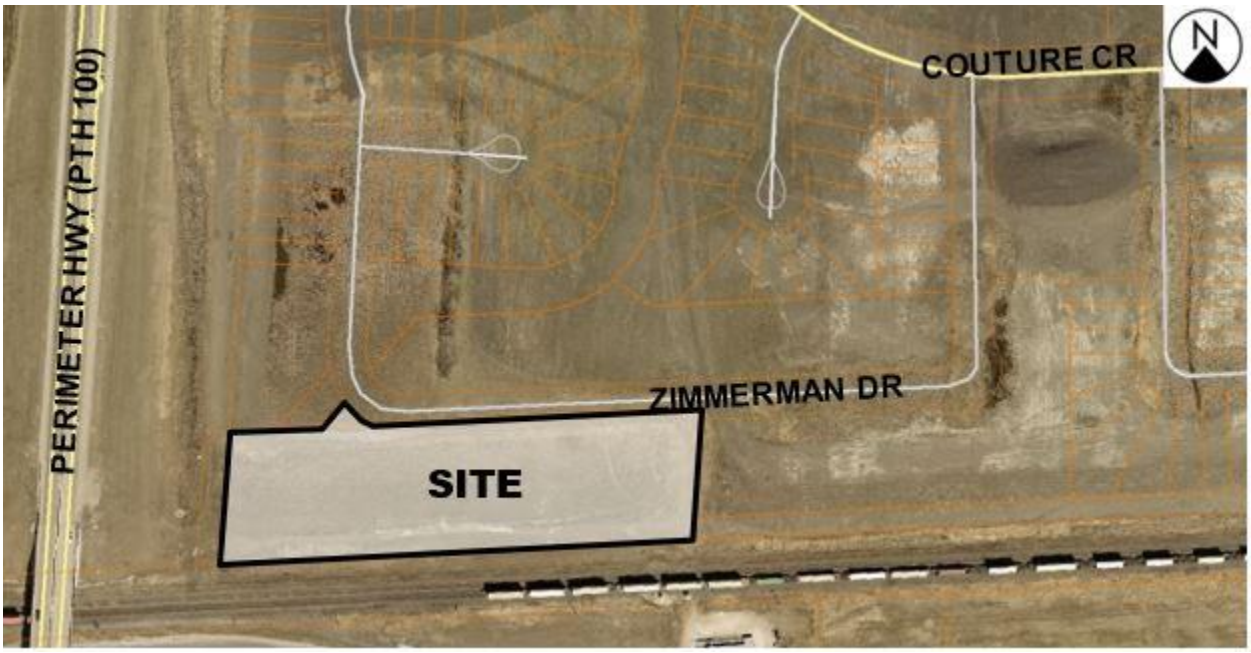


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Zimmerman Drive, then vacant land zoned "R1-M" Residential Single-Family (Medium) district and "RMF-S" Residential Multi-Family (Small) district.

South: Public reserve land, then a railway corridor zoned "A" Agricultural district.

East: Vacant land zoned “R1-M” Residential Single-Family (Medium) district.

West: Vacant land zoned “A” Agricultural district.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide one (1) lot currently zoned “A” Agricultural to create the following:
- 17 lots zoned “R1-M” Residential Single-Family (Medium) to accommodate 17 single-family properties.
- One (1) lot zoned “PR1” Parks and Recreation (Neighbourhood) to accommodate a public reserve.
- Access to the proposed single-family residential properties is to be taken from Zimmerman Drive. Design drawings have not been submitted for the proposed dwellings.

Associated Variance Application

- The proposed development requires a Variance to create one (1) lot with a width and area less than the Zoning By-law requirement. **Please refer to the Administrative Report for file no.** DAV 21-161787/D **for discussion of this Variance.**

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- *OurWinnipeg* is the City’s long-range development plan. The Key Direction of *OurWinnipeg* regarding New Communities states:
    - *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.

- The *Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg* and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is classified as an Transformative Area – New Community in *Complete Communities'* Urban Structure map. Key policies guiding development within New Communities include:
    - *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 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.*
    - *Encourage greater choices in housing type, density, style and tenure.*
    - *Promote the design of all streets to maximize connectivity, visual appeal, amenity space and safety where practical and cost effective.*
    - *Balance the provision (scale, distribution and design) of parks and open space with density, demographics and distance.*
    - *Promote and expand biodiversity and 'green' principles consistent with the local natural ecosystems to all Parks, Place and Open Spaces, beyond the expected environments of the urban forest and designated 'natural areas'.*

RIDGEWOOD SOUTH PRECINCT PLAN (By-law No. 62/2013)

- Under the *Ridgewood South Precinct Plan*, the subject property is located in the Low Density Residential Area. The purpose of the Low Density Residential Area is to provide opportunities for a range of lower density residential development with opportunities for multi-family residential development allowed in select locations. Public parks and trails will be interspersed throughout Low Density Residential Areas to service the recreational needs of residents and the greater Charleswood community.
- Policies guiding development in the Low Density Residential Area are:

6.1.2.1 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 multi-family units are allowed to a maximum of six attached units.

6.1.2.2 Multi-family uses in low density residential areas shall be ground-entry only and should be designed in a street-oriented fashion.

6.1.2.3 Residential areas should be development with neighbourhood character features through the implementation of tools such as architectural and neighbourhood design standards where feasible.

6.1.2.4 For single family residential units in Sub-Areas 1-5 and 7, the density for the combined total of these areas shall be a minimum of 4.0 units per gross developed acre.

6.1.2.5 For single family residential units in Sub-Areas 8-11, the density for the combined total of these areas shall be a minimum of 3.0 and a maximum of 5.0 units per gross developable acre.

6.1.2.6 For the undeveloped lands north of the Harte Trail, the density, site area and site width of new residential lots directly adjacent to existing lots should generally reflect the pattern of development in adjacent areas.

6.1.2.7 For any new residential lots abutting the existing Harte Trail, vegetation easements, fence restrictions or other measures to minimize potential adverse impacts to the Harte Trail should be incorporated.

6.1.2.8 Alternative housing forms including special needs housing, institutional uses, recreational uses, public uses, local commercial uses, secondary suites, and other similar and accessory uses may be allowed.

6.1.2.9 Parks, natural areas and open spaces shall be provided in residential areas to meet active and passive recreational needs of residents and visitors.

6.1.2.10 The residential area shall be served by public transit and include bus stops within 400m (1,213 feet) of most homes.

- The proposal meets the objectives and policies guiding development in the Low Density Residential Policy Area of the Ridgewood South Precinct Plan.

COMPATIBILITY WITH THE SURROUNDING AREA:

- As noted above, the subject application proposes rezoning the site to create 17 lots that are zoned “R1-M” Residential Single-Family (Medium), and one (1) lot that zoned “PR1” Parks and Recreation (Neighbourhood), to accommodate 17 single-family dwellings and one (1) public reserve. (Please refer to Figure 3 below.)
- As such, the proposed single-family and two-family residential lots are unlikely to create any compatibility issues, and the proposed development can be considered compatible with the surrounding area.

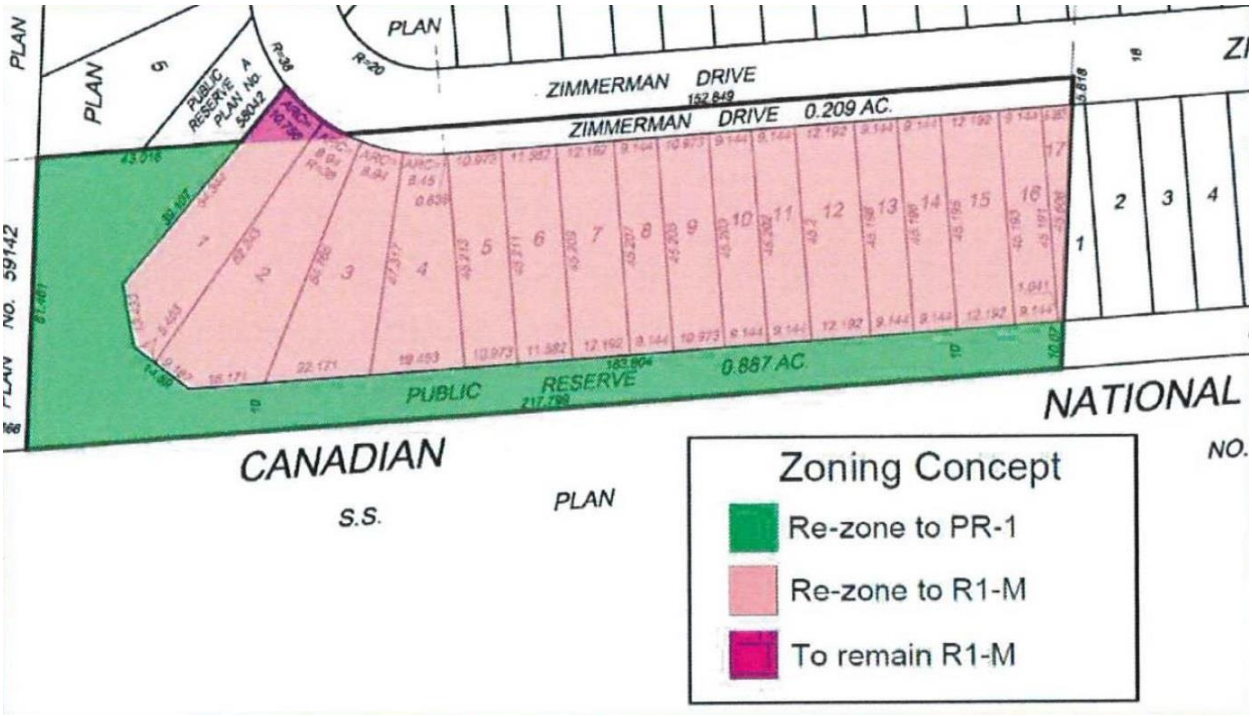


Figure 3: Site plan showing the proposed "R1-M" and "PR1" lots.

- With regard to the proposed public reserve land to be zoned "PR1," it should be noted that this public reserve land at the westerly portion of the subject site will accommodate a future extension of the active transportation network within the Ridgewood South Neighbourhood, which connects to active transportation routes via the Harte Trail.

RECOMMENDATION

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

- The subject rezoning complies with policies for low density areas under the *Ridgewood South Precinct Plan*.
- The proposed development is compatible with land uses in the vicinity of the proposed lots, and will accommodate the future expansion of the neighbourhood's active transportation network.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared by: R. Galston, MCP
PPD File #: DASZ 26/2021

Schedule "A" for File DASZ 26/2021, Assiniboia Community Committee, dated September 22, 2021

By-Law No. _____

File No. **DASZ 26/2021**

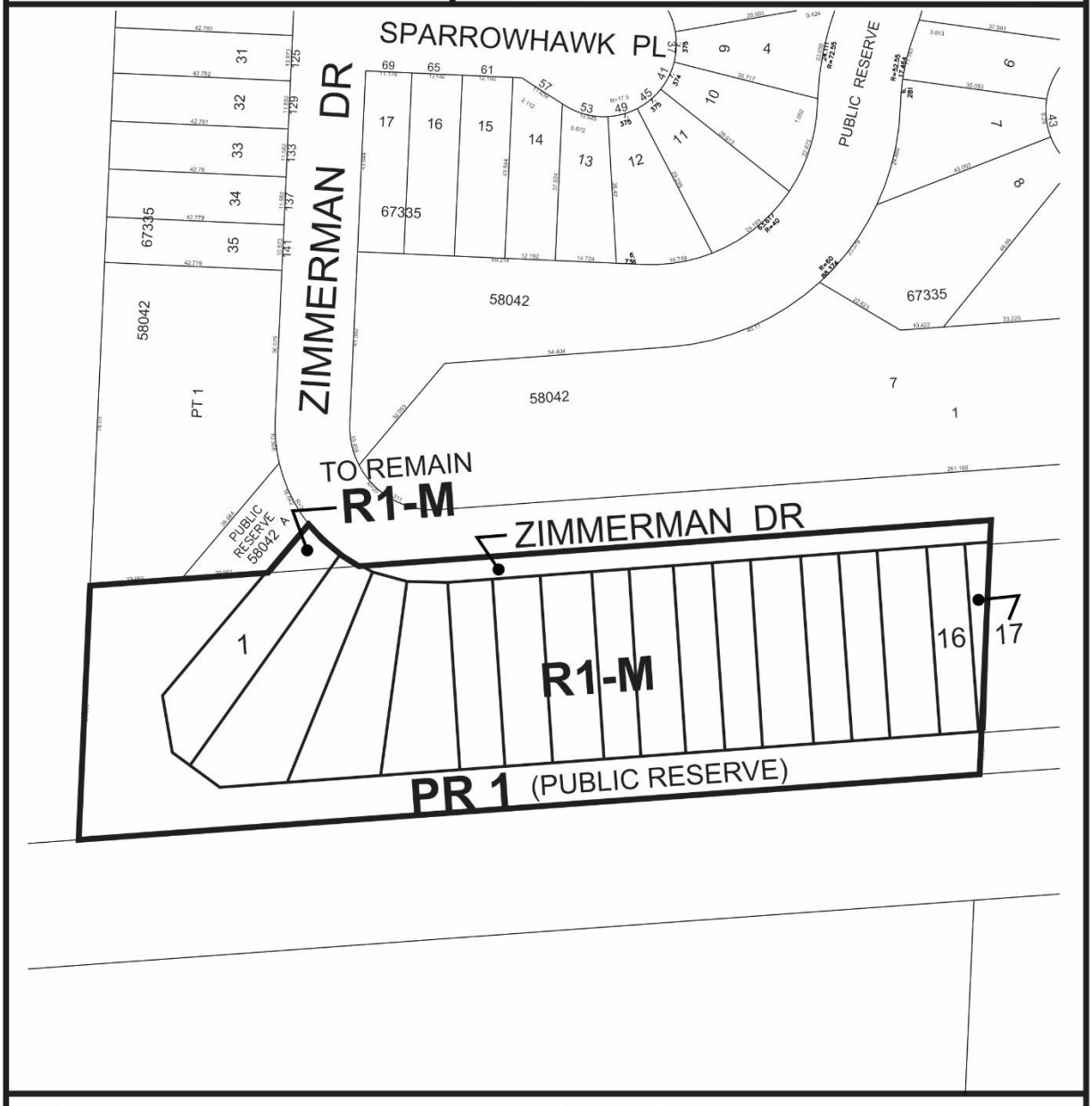
Atlas Sheet No. **AF11**

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ASSINIBOIA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on the south side of Zimmerman Drive, south of Sparrowhawk Place from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT and an "A" AGRICULTURAL DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT and a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to facilitate the continuation of the Ridgewood West Neighbourhood by the establishment of residential building lots, the extension of the public reserve and the widening of Zimmerman Drive.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE SOUTH SIDE OF ZIMMERMAN DRIVE, SOUTH OF SPARROWHAWK PLACE

The above noted application was reviewed by ACG and determined to be adjacent to the Planned Area of the Ridgewood West lands under development (DASZ 50/2013).

It is recommended that approval of DASZ 26/2021, if granted, be subject to the applicant entering into an Addendum to Development Agreement AG 50/13 to include the Planned Area under this application and containing the following conditions:

Section I – General Comments

1) The Public Works Department wishes to advise that they have permitted 0.75m flares as an alternative treatment for narrow lots. Any other proposed flares will need to be discussed with their Department.

Section II - Servicing Conditions

1) Fencing

The Developer shall, at no expense to the City:

a) Construct within the PR lands abutting the Canadian National Railway (CNR) Rivers Subdivision, a uniform chain link fence 2.0m in height, which thereafter shall become the responsibility of the City to maintain. Said fence is intended to ensure that pedestrian trespass to the tracks does not become a consequence of the subject development, thereby causing safety issues and jeopardizing existing and or future anti-whistling regulations along the subject railway lines;

b) Construct within the rear yards of all single family and two-family residential lots abutting the West Perimeter Highway, a 2.0 m to 2.5 m height noise attenuation fence and permit the City to file a caveat against the title of the proposed lots requiring the owner(s) to maintain and/or repair and/or replace the fence as originally constructed;

c) Construct fencing within the rear yards of all lots abutting Public Reserve B as shown on Schedule “B-3” (Public Reserve “B”). The Developer may install bollard style fencing, with bollards installed at the corner of each lot with an additional 3 bollards installed along the length of each lot, equally space, in satisfaction of the obligation imposed by this clause; and

d) Construct fencing within all residential lots abutting Public Reserve, to the satisfaction of the Director of Planning, Property and Development, and permit the City to file a caveat against the title of the proposed lots requiring the owner(s) to maintain and/or repair and/or replace the fence as originally constructed.

Section III – Costs and Fees

1) By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of this Agreement and the physical development of the Planned Area.

2) Professional Fees

a) The Developer shall pay to the City, in cash, its share of the cost of consulting fees for the preparation of the Precinct Plan, as determined by the Director of Planning, Property and Development.

b) Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, parklands, parkways and associated works required to serve the Planned Area;

c) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3) Administration Fees

The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, an administration fee plus applicable GST to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 26/2021
Sept 13, 2021

"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

"*Original Signed by D. Beaton"*
D. Beaton, M.L. Arch.
Urban Planning and Design Division
Planning, Property and Development Department

"*Original Signed by C. Desjardine"*
C. Desjardine, M. Sc., P. Eng.
Transportation Division
Public Works Department

Exhibit “10” referred to in File DASZ 26/2021

