Manitoba

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The Municipal Board

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May 30, 2025

Carlos Gameiro
City Clerk
City of Winnipeg
510 Main Street
Winnipeg, MB R3B 1B9

Dear Carlos Gameiro:

RE: REFERRAL OF OBJECTIONS TO THE CITY OF WINNIPEG BY-LAW NO. 124/2024 WITH RESPECT TO DASZ 16/2024 PURSUANT TO SECTION 236.1(7) OF *THE CITY OF WINNIPEG CHARTER* FILE NO. 24D2A-0005

As per Section 236.1(8)(c) of *The City of Winnipeg Charter*, and as per your letter to the Municipal Board dated November 22, 2024, we now submit a copy of the Board's Report and Recommendation Number D-25-003 with respect to the above mentioned matter.

Yours truly,

E. Wills

Erin Wills
Secretary, Chief Administrative Officer

EW/cs/enclosure

c: Kalyn B. Bomback, Legal Services Department, City of Winnipeg

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THE MUNICIPAL BOARD OF MANITOBA

REPORT AND RECOMMENDATION

REPORT DATE: May 30, 2025

Report No. D-25-003
File No. 24D2A-0005

MATTER: Zoning By-law Referral
The City of Winnipeg Charter
Section 236.1(7)

LOCAL AUTHORITY City of Winnipeg

BY-LAW NO: 124/2024

HEARING DATE: March 25, 2025

PANEL: Diane Stasiuk, Vice Chair
Nelson Karpa, Member
Daryl Carry, Member

PARTIES AND APPEARANCES:

for the City of Winnipeg
Kalyn Bomback, Legal Counsel, Legal Services Department
Dylan Chyz-Lund, District Planner, Planning Property and Development Department
Kevin Kowalyk, Land Development Engineer, Real Estate and Land Development Branch, Planning Property and Development Department
Stephanie Whitehouse, Senior Urban Designer, Urban Planning and Design Division, Planning, Property and Development Department

for the Applicant/Owner
Eric Blouw, Legal Counsel, Pitblado LLP
Donovan Toews, Principal, Landmark Planning & Design Inc.
Brennan Johnson, Intermediate Planner, Landmark Planning & Design Inc.

Presenters (oral and written)
Lioubov Gavrilova-Crozier
Dan Diachun
also presented for:
Luanne Diachun
Sandra Boychuk
Dean Boychuk
Bernadette MacKenzie
Jeffrey Crozier
Vincent Marlatt
Trudy Campbell
Sukhwinder Kaur
Ranjeet Singh
Penny Pugh
Marlene Stoopendaal
Wilhelmus (Bill) Stoopendaal
Stephanie Benson

INTRODUCTION

This hearing relates to the referral of objections from the City of Winnipeg (the "City") to the Municipal Board (the "Board") regarding the City's By-law No. 124/2024 (the "Proposed By-law"). The Proposed By-law proposes to amend Zoning By-law No. 200/2006 (the "Zoning By-law") to re-zone the land located southwest of Dugald Road and Plessis Road, in the Transcona South Neighbourhood, of the Transcona Ward, in the City (the "Subject Land"). The Proposed By-law also includes a proposal to subdivide the Subject Land (the "Proposed Subdivision"). The Proposed Re-zoning and the Proposed Subdivision are set out in Development Application No. DASZ 16/2024 (the "Development Application").

The Development Application was submitted by Landmark Planning & Design Inc. (the "Applicant"), in collaboration with Waterside Development Corporation ("Waterside") and Terracon Development Ltd. ("Terracon"), on behalf of Waterside Estates Inc. (the "Owner").

The Proposed By-law proposes to re-zone the Subject Land from Residential Single-Family Estate District ("R1-E") to create the following zoning blocks (the "Block" or "Blocks", as appropriate):

- 1 RMF-M - Residential Multi-Family (Medium) District ("Block 1");
- 2 R2 - Residential Two-Family District ("Block 2" and "Block 3");
- 1 R1-S - Residential Single-Family (Small) District ("Block 4");
- 1 RMF-S - Residential Multi-Family (Small) District ("Block 5");
- 5 R1-L - Residential Single-Family (Large) District ("Block 6", "Block 7", Block "8", Block "9" and "Block 10");
- 2 PR1 - Parks and Recreation 1 (Neighbourhood) District (the "Public Reserves") (collectively, the "Proposed Re-zoning").

The Development Application also includes the creation of a road to provide access to the Subject Land.

City Council gave First Reading to the Proposed By-law. The City received sufficient objections to the Proposed By-law. In accordance with Section 236.1(7) of the *City of Winnipeg Charter* (the "Charter"), the City referred the objections to the Board (the "Referral").

The Board held a public hearing to consider the Referral on March 25, 2025 (the "Hearing") at the Norwood Community Centre in Winnipeg, Manitoba.

ISSUE

Whether the Board should recommend to Council that it approve the Proposed By-law, with or without conditions, or reject the Proposed By-law.

LEGISLATION

The following provisions of the Charter are relevant to these proceedings:

Definitions

"hearing body" means any body, including a committee of council, that is required under this Act or a by-law to hold or conduct a hearing, and where The Municipal Board is required under this Act to hold or conduct a hearing, includes The Municipal Board in respect of the hearing;

Recommendations by hearing body

280(1) Where a hearing body conducts a hearing under this Part for the purpose of making a recommendation to council respecting a proposed by-law or an application, the hearing body must, within 30 days after completing the hearing, or such further time as council may allow, prepare and submit to council a report containing

(a) a summary of the submissions made at the hearing;
(b) the recommendation of the body that council approve, reject, or approve with conditions, the proposed by-law or application;
(c) the reasons for the recommendation; and
(d) such other information as council may require.

Consideration of recommendation re by-law

281(1) Where a hearing body has conducted a hearing respecting a by-law proposed under this Part, before passing or rejecting the proposed by-law, council must consider the recommendations of the hearing body and may then

(a) pass the by-law or pass it with amendments or subject to conditions; or
(b) reject the by-law.

General Requirements

236 (1.1) A zoning by-law must be consistent with the development plan by-law and any applicable secondary plan by-law.

Notice of first reading: sufficient objections

236.1(6) As soon as practicable after a proposed zoning by-law is given first reading under subclause (5)(b)(i), the city must give notice to every person who made submissions at the hearing conducted by the designated committee of council respecting the proposed by-law, stating that

(a) council has given first reading to the proposed by-law; and

(b) any person who made submissions at the hearing respecting the proposed by-law may file an objection, with stated reasons, with the city within 14 days after the day the notice is given.

Referral to Municipal Board

236.1(7) If the city receives sufficient objections within 14 days after the day the notice is given, the city must, before council gives second reading to the proposed by-law, refer the proposed by-law to The Municipal Board.

Hearing by Municipal Board

236.1(8) If a proposed zoning by-law is referred to The Municipal Board, the board must

(a) subject to subsection 24(3.2) of *The Municipal Board Act*, conduct a hearing respecting the proposed by-law within 120 days after the by-law being referred to it;
(b) at least 14 days before the hearing, give notice of a hearing respecting the proposed by-law in accordance with clause 230(1)(a) (hearing by Municipal Board), which applies, with necessary changes, and by publishing a notice of the hearing on a website available to the public; and
(c) within 60 days after conducting the hearing, submit a report, with recommendations, to council in respect of the proposed by-law.

Restrictions on adoption of by-law

236.1(9) Council must not pass a proposed zoning by-law that has been referred to The Municipal Board unless the proposed by-law conforms to the recommendations that the board has made in its report to council in respect of the by-law.

BACKGROUND

The relevant background of this Referral, with timeline, is as follows:

1. **June 3, 2024**: An administrative report was prepared by the City's Urban Planning Division of the Planning, Property and Development Department ("PPDD") (the "Public Service") with respect to the Development Application (the "Admin Report"). Among other matters, the Admin Report recommended that:

    A. The Proposed Subdivision be approved, with minor changes and subject to certain conditions; and
    B. The Zoning By-law be amended by re-zoning the Subject Land to R1-S, R1-L, R2, RMF-S, and PR1, subject to a number of

conditions. The Public Service did not support the RMF-M zoning sought by the Applicant for Block 1 and, instead, recommended it be re-zoned to RMF-S (the "Public Service Recommendations").

2. **June 24, 2024**: The Development Application came before the East Kildonan-Transcona Community Committee (the "EKTCC"), at a combined public hearing under Section 280(1) of the Charter for the purpose of making a recommendation to Council. The EKTCC adjourned the public hearing to September 24, 2024 (the "Public Hearing"), to allow the Applicant to return to EKTCC with certain design details pertaining to the proposed development.

3. **September 4, 2024**: At the Public Hearing, approximately 81 people were in opposition, 6 people (including Applicant representatives) were in support, and 3 people were present for information. The EKTCC, as a hearing body, concurred in the Public Service Recommendations, as amended, and recommended approval of the Development Application, in a report dated September 5, 2024 (the "Report"), to the Standing Policy Committee on Property and Development (the "SPC").

   The Report included, among other matters, changes EKTCC made by way of amendment to the Public Service Recommendations as follows:

   A. Approving the applied for RMF-M zoning for Block 1 at the north of the site, rather than the recommended RMF-S.
   B. A Zoning Agreement condition prohibiting buildings within 25 feet of the east property line for Block 5 at the south of the site.
   C. A Zoning Agreement condition requiring a 6-foot-tall opaque privacy fence (the "Privacy Fence") along the east of the property lines where the proposed R1-S, RMF-M, and RMF-S Blocks abut existing single-family houses.
   D. A Zoning Agreement condition for Block 5 located at the south of the site, applying a building height restriction of 35 feet for any building on the Subject Land within 50 feet of the east property line. The "50 feet" reference was an error which was corrected to "100 feet" by way of amendment at the September 13, 2024, meeting of SPC (the EKTCC recommendations, as amended, are collectively referred to as the "EKTCC Recommendations").

   The following supporting reasons were given:

   1. This is consistent with PlanWinnipeg.
   2. The Developer went through extensive public consultation with the community, which was appreciated.
   3. We had a very productive two hearing meetings engaging with local residents and the applicant and found a number of issues and addressed local concerns without jeopardizing the need to find housing in the City.

4. The need to find housing in the City is large, specifically with the Mayor's challenge for 8,000 homes by, we should be building affordable homes, you know, that's the bigger issue, but 8,000 homes by November.
5. This gives predictability in terms of what the land use on this land would be in the future. It is located near Industrial lands to the North and South. Resolves a lot of long-standing issues with pertaining to uncertainty of what would be developed here, especially in terms of densities. Densities in the future are only going to go up, pressure will only be to go up more on density. And therefore it's actually in the residents' best interests to have this matter dealt with now.
6. I will also add that this improves the existing public amenities, mainly the interconnectivity of the sidewalks and active transportation. This provides residents with improvements to, with new rec facilities (collectively, the "Supporting Reasons").

4. **September 13, 2024**: The Development Application came before the SPC. The SPC concurred in the EKTCC Recommendations, with some further amendments, which were forwarded to the Executive Policy Committee (the "EPC").

5. **September 17, 2024**: The Development Application came before the EPC. The EPC concurred in the recommendations of the SPC, as amended.

6. **October 24, 2024**: The Development Application came before Council. Council concurred in the recommendations of the EPC and gave First Reading to the Proposed By-law approving the Proposed Subdivision and the Proposed Re-zoning.

7. **November 22, 2024:** The City sent its Referral letter to the Board on the Proposed By-law pertaining to the Proposed Re-zoning.

SUBMISSIONS AND EVIDENCE

The City

Dylan Chyz-Lund, District Planner with the City's Urban Planning and Design Division in the PPDD, made the following submissions:

- He is responsible for reviewing various types of development applications and for preparing the reports with recommendations for the applicable community committee of Council.
- He reviewed the Development Application and prepared the Admin Report on behalf of the Public Service.
- The Admin Report included the Public Service Recommendations for the EKTCC.

- The Report of the Administrative Coordinating Group dated June 7, 2024 (the "ACG Report"), attached as Schedule "B" in the Admin Report, was authored by Kevin Kowalyk.
- The ACG Report is prepared after coordination with various departments and forms the basis of recommended servicing conditions for the development.
- The Development Application was reviewed within the context of the Charter and the following City By-laws and documents:
    - OurWinnipeg 2045 Development Plan No. 120/2020 ("OurWinnipeg");
    - The Complete Communities Direction Strategy 2.0 Secondary Plan By-law No. 119/2020 ("Complete Communities");
    - The Zoning By-law; and
    - The Development Procedures By-law No. 104/2020 (the "DPBL").
- Public Service Recommendations are not binding on Council. Council can make a decision that differs from the recommendations.
- The Subject Land is comprised of two properties that have no addresses. The Subject Land is located southwest of Dugald Road ("Dugald") and Plessis Road ("Plessis") in the Transcona South neighbourhood of the Transcona Ward in the City of Winnipeg.
- The northern part of the Subject Land is square-shaped and fronts Dugald. The southern part of the Subject Land is rectangular-shaped and runs north-south with multiple points that front Plessis.
- The Subject Land is vacant with a large, forested area located at the southwest corner of the site.
- The Subject Land has an assessed area of 1,258,811 square feet or approximately 30 acres.
- The Development Application includes the Proposed Subdivision and the Proposed Re-zoning of the Subject Land into multiple residential Blocks, plus the Public Reserves and a new road that would connect Shady Shores Drive East and Plessis (the "Proposed Development").
- The Subject Land would be further subdivided through a short form subdivision at a future date.
- The Subject Land is currently zoned R1-E and is located within the Established Neighbourhoods - Recent Communities policy area (the "EN-RC Policy Area") of Complete Communities.
- Particulars of the Proposed Re-Zoning are as follows:
    - Block 1: Fronts Dugald and is proposed to be re-zoned Residential Multi-Family (Medium) District ("RMF-M"). This would enable multi-family buildings with a density of one dwelling unit per 800 square feet of lot area and a maximum building height of 70 feet.
    - Blocks 2 and 3: Located at the centre west of the site and are proposed to be re-zoned Residential Two-Family District ("R2"). This would enable two-family dwellings (eg. duplexes) and a maximum building height of 35 feet.

- Block 4: Located at the centre east of the site and is proposed to be re-zoned Residential Single-Family (Small) District ("R1-S"). This would enable single-family dwellings and a maximum building height of 35 feet.
- Block 5: Located at the south of the site and is proposed to be re-zoned Residential Multi-Family (Small) District ("RMF-S"). This would enable multi-family buildings with a density of one dwelling unit per 1250 square feet of lot area and a maximum building height of 35 feet.
  - A variance was applied for and approved by the Appeal Committee of Council by Variance Order 120733A/2024D dated September 9, 2024, that would increase the maximum permitted height to 50 feet; however, a Zoning Agreement condition was also imposed that would limit the height to 35 feet for any building on the land within 100 feet of the east property line.
  - Additionally, a Zoning Agreement condition was imposed that prohibits any buildings within 25 feet of the east property line.
- Blocks 6 through 10: These Blocks are proposed to be re-zoned Residential Single- Family (Large) District ("R1-L"). This would enable single-family dwellings that are a maximum of 35 feet in height.
- The Public Reserves are proposed to be re-zoned Parks and Recreation 1 (Neighbourhood) District ("PR1"). One would be located along the west side of the site, and one would be located along the northwest portion of the site.

- The Development Application also includes a proposal for one road that would connect Shady Shores Drive East with Plessis, providing access to the proposed residential developments on the Subject Land.
- The zoning of the surrounding area is as follows:
  - North: Single-family dwellings zoned R1-E, then Dugald.
  - East: Single-family dwellings zoned R1-E, then Plessis.
  - South: Single-family dwellings zoned R1-E, then townhouses zoned RMF-S, then Plessis.
  - West: a gas site zoned Rural Residential 5 ("RR5"), a residential building zoned Commercial Mixed Use ("CMU"), vacant land zoned Residential Single-Family Medium ("R1-M"), a gas transmission line, and a pedestrian trail zoned PR1.
- Concept sketches showing potential building and site plans have been provided with the Development Application. However, they are intended to be high-level and lack details typically required in an application for an Established Neighbourhood. Such details are not available because the Applicant has indicated an intention to sell the individual lots to builders for future construction.
- The Applicant does not include detailed site and building plans, with the expectation that any buildings proposed on Block 1 and Block 5 will require future plan approval with the City (the "Plan Approval").

- No parking variances were applied for. All future proposals on the site by a developer will be expected to meet the parking requirements of the Zoning By-Law or the developer will have to apply for a variance.
- No variances for bicycle parking were applied for.
- No landscaping variances were applied for. All future proposals on the site by a developer will be expected to meet the landscaping requirements of the Zoning By-law or the developer will have to apply for a variance.
- Dugald and Plessis are both classified as arterial roads. Arterial roads are meant to accommodate high volumes of traffic.
- A traffic impact study dated October 2023 was prepared by AECOM (the "Traffic Impact Study") and was made available to the public during the Public Hearing.
- The Proposed Development included the following variances:
    - For Blocks 6-10: variances to the lot areas and lot widths of the Special Boundary Conditions; and
    - For Block 5: variances for a building height of 50 feet instead of 35 feet.
- The existing infrastructure accommodates the extension of services for water, wastewater and land drainage to service the Proposed Development.
- There are numerous conditions in the Servicing Agreement that pertain to construction of infrastructure including roads, sewers and watermains, dedication of land, payments toward the regional land drainage system, provision of park space, and other features.
- Public Service recommended approval of the Proposed Re-Zoning, with RMF-S zoning, instead of the proposed RMF-M zoning, for Block 1.
- The Development Application was analyzed within the policy framework contained in OurWinnipeg and Complete Communities, as follows:

OurWinnipeg

- OurWinnipeg was the applicable development plan at the time the Development Application was deemed complete by the City's Zoning and Permits Branch on March 20, 2024.
- 6.1 Sustainable Urban Growth
    - The City must accommodate physical development that reflects this Plan's goals, and achieves a continuum of complete and connected communities over the lifecycle of the Plan.

Complete Communities

- Complete Communities is one of four direction strategies supporting OurWinnipeg, the City's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in the City.
- The Subject Land is located within EN-RC Policy Area under Our Winnipeg and Complete Communities.
- Goal 1 – Encourage compatible residential development within

Established Neighbourhoods to build more Complete Communities and align with the City's residential intensification target.

- 1.1 – Encourage residential development that positively contributes to neighbourhood character while expanding housing options for residents in a manner that is sensitive and complementary to existing development.
- 1.2 – Increase the population within Established Neighbourhoods to contribute to the physical renewal and revitalization of older neighbourhoods.
- 1.3 – The subdivision of land or the consolidation of land may occur when it is done in a context-sensitive manner, and only when in compliance with Policy section 9.1 of the Strategic Infrastructure and Resources section.
- 1.5 – Support up to mid-rise residential development in Established Neighbourhoods that is compatible with neighbourhood context.
- 1.6 – In the absence of a secondary plan guiding the local development of an Established Neighbourhood, intensification should be guided by a number of factors to ensure compatible development, including:
  a. Applicable City-endorsed policies or guidelines;
  b. Existing zoning of the property and adjacent properties;
  c. Characteristics of the immediate surrounding built form including building mass, height, lot coverage, setbacks, and layout;
  d. Surrounding uses and their characteristics including residential density and the intensity of commercial and other non-residential uses;
  e. Characteristics of the lot, including whether it is a corner lot, a larger lot than is typical for the neighbourhood, or the shape of the lot;
  f. Proximity to Downtown, Mixed Use Centres, major Redevelopment Sites and Mixed Use Corridors;
  g. The supporting street network (ex. local, collector, or arterial streets) and the street network's ability to support proposed development;
  h. The supporting transit, pedestrian and active transportation network; and
  i. The supporting water, wastewater, and land drainage infrastructure and capacity to accommodate a proposed development.
- 1.14 – Mid-rise residential uses will generally be accommodated on arterial roads where compatible with adjacent land uses and where they can be conveniently served with transit and local commercial amenities, and in consideration of the factors listed in Policy section 1.6.
- 1.15 – Low-rise residential uses will generally be encouraged to

locate on arterial roads and collector roads where compatible with adjacent land uses and where they can be conveniently served with transit and local commercial amenities, and in consideration of the factors listed in Policy section 1.6.

- Goal 2 – Design new development in Established Neighbourhoods to a high standard of urban design and construction to ensure new development adds value to public and private urban spaces to create a sense of place and civic pride.
    - 2.12 – New development should respect and complement the existing character of the built form of surrounding properties.
    - 2.21 – Site design should take cues from the character of the neighbourhood or street and should mitigate the potential for land use conflict with adjacent properties that have different scales, densities and uses. Parking location (motor vehicle and bicycle), vehicular access, servicing elements, building placement and landscaping treatment will be important design elements to ensure context-sensitive design.
- Goal 3 – Ensure all communities provide a diversity of housing options and meet resident life-cycle housing needs.
    - 3.1 – Encourage a variety of housing types and tenures within Established Neighbourhoods to meet life-cycle housing needs and affordability ranges.
    - 3.2 - Encourage a mix of types, tenures and unit sizes within residential developments. Make provisions for unit sizes that can accommodate varying family sizes and multi-generational households.
    - 3.6 – Encourage new development that incorporates housing types that enable "aging in place" in Established Neighbourhoods.

R1-S, R1-L ("R1"), R2 and RMF-S zoning:

Public Service highlights the following with respect to the proposed R1, R2, and RMF-S zoning:

- For Block 1, substitute the proposed RMF-M zoning with RMF-S.
- RMF-S zoning for Block 1 is consistent with the policies of Complete Communities and enables a variety of housing typologies to be introduced to the neighbourhood, including single-family dwellings, two-family dwellings, and multi-family dwellings.
- RMF-S zoning for Block 1 also allows for a combination of unit types and sizes that can address the varied needs of multiple residents.
- RMF-S zoning for Block 1 means that the required dimensional standards would be consistent with the adjacent properties, thereby requiring the development to be similar in intensity and scale of those properties and ensuring it meets the policies of Complete Communities.
- For the RMF-S zoning proposed for Block 5, the variance to enable a

building height of 50 feet, instead of 35 feet, is not supported.

- R1-S, R2, and RMF-S zoning limit the building heights and required yard setbacks as follows:
    - Maximum building height: 35 feet
    - Minimum front yard: 20 feet
    - Minimum rear yard: 25 feet
- The yard and height maximums of the R1, R2, and RMF-S zoning will:
    - Ensure future development will be sensitive and complimentary to the properties that abut the Subject Land.
    - Ensure that future development is compatible with the surrounding area by minimizing shadow impacts on surrounding properties by limiting the height to three stories.
    - Require setbacks to shared property lines that enable buffering space and high-quality landscaping between the Subject Land and the existing properties.
    - Enable a similar building typology to what exists in the established neighbourhood, which is primarily small-scale, ground-oriented residential buildings.
- The Applicant submitted conceptual site plans that demonstrate the required setbacks and parking for multi-family buildings can be accommodated on the north and south portions of the Subject Land.
- The conceptual drawings are intended to be high-level, showing what could be accommodated on the site, not what will be constructed.
- There is potential for multi-family intensification on the Subject Land. With the dimensional standards for RMF-S zoning that limit the size of potential structures, a small-scale multi-family development can be accommodated at the north and the south of the Subject Land that would be compatible with the surrounding area.
- R1-S, R2, and RMF-S zoning at the north and south of the Subject Land are supportable because:
    - They will increase the overall housing count in the neighbourhood.
    - They will introduce a variety of different housing typologies to meet the needs of different residents.
    - The lot sizes of Block 1 and Block 5 enable enough space to accommodate small-scale multi-family buildings that could meet the yard setbacks and parking requirements for a multi-family development required by the Zoning By-Law.
    - The surrounding zoning districts and existing buildings are similar in intensity and scale to what is permitted by the RMF-S zoning.

RMF-M zoning:

Public Service highlights the following with respect to the proposed RMF-M zoning for Block 1:

- Without the proposed RMF-M zoning for Block 1, the Proposed Development complies with Policy 6.1 of OurWinnipeg, in that it facilitates residential intensification that is compatible with surrounding properties.

- RMF-M is a substantially more intensive zoning district than RMF-S. It permits building heights of 60 feet instead of 35 feet and densities of one dwelling unit per 800 square feet instead of one dwelling unit per 1250 square feet.
- An applicant seeking this scale should clearly demonstrate that it is not just possible, but compatible, with existing development and consistent with the policies of Complete Communities.
- To assess compatibility, a complete site plan, landscaping plan, and building elevations are necessary. These would provide the Public Service, members of the public, and Council, with the materials necessary to gauge consistency with the policies of Complete Communities.
- There is insufficient detail to determine the compatibility of RMF-M zoning for Block 1 with the surrounding neighbourhood.
- RMF-M zoning *is expected to be incompatible* with adjacent land uses for the following reasons:
    - Complete Communities policies steer higher density residential development to established corridors with surrounding commercial amenities, a supporting pedestrian and active transportation network, and proximity to Downtown, Mixed Use Centres, Major Redevelopment Sites or a Mixed-Use Corridor. The Subject Land does not meet these criteria.
    - Complete Communities policies require that properties must have arterial street frontage or access with rapid, frequent or direct transit to enable medium residential densities in Recent Communities. Block 1 is set back from semi-rural arterial roads, with proposed access occurring predominantly from a collector street. The Subject Land does not contain true arterial road frontage, as existing single-family dwellings separate the majority of the site from Dugald and Plessis.
    - The adjacent properties include one three-storey building, and several one and two-storey buildings. Buildings at a permitted height of 60 feet, could create substantial shadow impacts as a result of these height differences. This concern is increased with the required setbacks to the existing gas site and pipeline which will push future buildings further east and closer to the existing single-family dwellings.
    - Without a detailed site and landscaping plan, and detailed building elevations, it is not evident that the site will accommodate a future development that mitigates the impacts on the existing neighbourhood.

Public Service also highlights the following additional considerations:

- Site Servicing:
    - The Proposed Development will be required to meet the conditions outlined in the ACG Report, which includes the requirement for a Servicing Agreement.

- Public Works – Parks:
  - The Parks & Open Space Division ("Parks") identified concerns and will be requesting changes to the proposed park space.
  - Parks has also recommended conditions in the Zoning Agreement requiring that, for every lot that abuts the Public Reserve, the owner must construct a fence/property delineation, to be maintained, repaired and replaced as required.
- Gas Pipeline:
  - There is a gas site (the "GS-003") and 16-inch diameter transmission pipeline abutting the Subject Land to the west (collectively the "Gas Pipeline").
  - Manitoba Hydro/Centra Gas identified the following restrictions required to safely develop near the Gas Pipeline:
    - Buildings within 90 meters of the Gas Pipeline cannot be four or more storeys.
    - Multi-family housing (two or three-storeys) to have a minimum 15-meter setback from the Gas Pipeline.
    - Single family housing to have:
      - Minimum 5-meter setback from the GS-003 property lines; and
      - Minimum 15-meter setback from the Gas Pipeline (the "Gas Pipeline Restrictions").
  - Conditions will be provided in the Zoning Agreement limiting any development to criteria specified by Manitoba Hydro/Centra Gas, including the Gas Pipeline Restrictions.
  - The Gas Pipeline Restrictions can only be reduced with the express written permission of Manitoba Hydro/Centra Gas.
- Plan Approval:
  - Since no finalized site, landscaping and building plans have been provided, Public Service recommends Plan Approval to the Director of PPDD and the EKTCC.

- Public Service Recommendations are not binding on Council or any committee of Council.
- The EKTCC, SPC, and EPC had the right to amend the Public Service Recommendations.
- Council is the final decision-maker and it may or may not agree with the Public Service Recommendations.

In response to questions from the Board and Legal Counsel for the Applicant, Mr. Chyz-Lund confirmed the following:

- For the proposed RMF-S zoning at Block 5:
  - The maximum height of any building within 100 feet of the east property line cannot exceed 35 feet.
  - The ETKCC minutes erroneously stated that the maximum height of any building within 50 feet of the east property line cannot exceed 35 feet. The error was corrected in the minutes of SPC to

read 100 feet, which was approved by Council.
    - Since no buildings are permitted within 25 feet of the east property line, the 35-foot height restriction applies to 75 feet beyond the 25-foot mark.
    - The approved variance increases the building heights to a maximum of 50 feet beyond the 100-foot mark from the east property line.
- At the time the Development Application was made to the City, the applicable allowable maximum building height for RMF-M zoning under the Zoning By-law was 60 feet. The allowable maximum height was subsequently increased to 70 feet on July 18, 2024, by Zoning By-law 26-2024 (the "2024 Zoning Amendment").
- The 2024 Zoning Amendment would not have changed the Public Service Recommendations to the EKTCC.
- The variance was approved by the EKTCC but appealed to the Appeal Committee. There was a tied vote at the Appeal Committee so the decision of the EKTCC stood.
- Public Service felt that, in order to determine the issue of compatibility with certainty, it required detailed site plans showing building setbacks, spacing for landscaping, and other layout details.
- Council, in making its decision, may have an alternate view from Public Service of how a specific policy should be applied or consider other factors.
- Once Council makes its decision, Public Service will implement the decision.
- Public Service supports Council's decision in this matter.

Kevin Kowalyk, Land Development Engineer with the City's Real Estate and Land Development Branch in the PPDD, made the following submissions:

- He prepared and signed the ACG Report regarding the servicing requirements for the Proposed Development. The ACG Report was also signed by other City departmental representatives.
- Once the Development Application is deemed complete, it goes to the Real Estate and Land Development Branch and is circulated to various departments to provide comments, criteria and conditions to ensure consistency with policy parameters.
- General Comments were outlined:
    - Parks comments that the proposed dedication of public reserve north of Shady Shores Drive constitutes buffer land and does not support a park level of service as directed by the Winnipeg Parks Strategy.
    - Parks recommends a minimum of 10% public reserve land dedication to protect and preserve the existing grade B aspen forest and remnant grassland at the southwest limit of the Subject Land.
    - The Water and Waste Department advises that their response to the Proposed Development is based on a review of capacity and

servicing considerations as of the date of the review.
    - As the project progresses over an extended period, there may be a lack of services from the City's regional wastewater infrastructure, as remaining capacity may be used by others in the intervening time. Once capacity is reached, proposals to discharge additional wastewater flow into the City's wastewater system will be rejected.
- Plan Considerations were outlined:
    - The developer shall open up the existing 0.3 meter control strip separating the Subject Land from the Shady Shores Drive East for the length of the Subject Land abutting Shady Shores Drive East.
    - The developer shall open up a Public Walk as shown in the concept drawing.
    - The developer shall open up a Public Road as a local residential street as shown in the concept drawing.
    - Public Walks containing pathways are to be established with a right-of-way width of 8 meters.
    - The developer shall dedicate a minimum of 10% of the Subject Land for public park purposes to preserve and protect the existing forest and habitat.
    - The walkway connecting to Shady Shores Drive West is not credited as public reserve.
- Engineering Studies were outlined:
    - The developer shall conduct geotechnical investigations and develop pavement designs.
    - The developer shall provide a comprehensive servicing report for the provision of underground services required for the Subject Lands and adjacent lands.
    - The developer shall submit Servicing Criteria Sheets for water, wastewater and land drainage facilities, including plans showing the current and proposed service areas.
- Various Servicing Conditions were outlined.
- Costs and Fees were outlined.
- Public Service makes recommendations based on policy, but Council is entitled to look at other factors as they are the Approving Authority.

The Applicant

Donovan Toews and Brennan Johnson, for the Applicant, co-presented a slide deck titled "Waterside East Residential Neighbourhood" and made the following submissions:

Opportunity

- The Subject Land is located within the City's Urban Intensification Target Area and east of the Waterside Estates East neighbourhood.
- The Subject Land is an odd-shaped piece of land and the only remaining piece of undeveloped land within the Waterside Estates neighbourhood

(the "Waterside Estates Neighbourhood"). It represents the final piece of the "puzzle".

- The site has frontage onto Dugald but is separated from the street by a deep ditch/drain.
- There are short, fragmented segments of frontage onto Plessis.
- Two roads terminate along the west side boundary of the Subject Land.
- Various segments of active transportation pathways also terminate along the west side boundary of the Subject Land.
- There are existing mature trees on the site.
- There are a variety of housing types existing in the Waterside Estates Neighbourhood.

Proposal

- The Proposed Development completes the "puzzle".
- The Waterside Estates Neighbourhood features a mix of single-family, two-family, and multi-family homes utilizing a variety of residential zoning categories.
- The Proposed Development:
    - extends Shady Shores Drive East to Plessis, completing the transportation network;
    - connects fragmented active transportation paths with new pathways and sidewalks; and
    - offers new park space, both active and passive, and amenities while preserving mature trees.
- Reference is made to the lot sizes of the new Blocks and public reserves.

OurWinnipeg

- OurWinnipeg designates the site as an EN-RC Policy Area.
- Established Neighbourhoods represent lands that will accommodate additional growth in a context-sensitive manner, while promoting the efficient use of land, cost-effective municipal servicing, enhanced housing choice and affordability, and conservation of green infrastructure and heritage resources and districts.
    - They are characterized by dispersed, low to medium density residential areas, often without sidewalks or public lanes.
    - Where Recent Communities can accommodate infill development, it should focus on increasing housing choice, including expanding options for "aging in place".
- The Proposed Development satisfies the following Objectives and Policies of OurWinnipeg:
    - Objective 3: Facilitate development opportunities that complete established communities, and plan new communities as complete from the outset.
    - Policy 6.6: Achieve the intensification target by making development in intensification target areas easier and more desirable and predictable.

- The Proposed Development also satisfies the Goals, Objectives and Policies of Complete Communities as they relate to the EN-RC Policy Area, namely Policies 1.1, 1.2, 3.1, 3.6, 6.0, 6.2, 8.0, and 8.1.
- The process and timeline for Development Application pre-approval and for City approvals, was outlined.
- Over the years there have been many opportunities to listen to stakeholders and make adjustments to the Proposed Development.
- Planning is a challenge for developers in trying to meet City policies that may overlap and conflict with each other, while addressing the concerns from various parties.
- City departments also have their own interests and policies that may not align.
- Not all planning policy objectives can be met.
- The concerns of all parties and residents were considered.

Community Concerns

- Land Use:
    - Significant efforts were made to match as closely as possible the Proposed Development with existing land uses in the area.
    - Careful consideration was given to the existing land uses to provide new homes, infrastructure, and park space to achieve a Complete Community.
    - Context sensitivity or co-locating doesn't mean you do "the same thing".
    - New development and existing adjacent development can co-exist in a sensitive manner, through mitigation measures such as buffers, access roads etc. These tools can be used to implement context sensitivity.
- Adjacency:
  For the RMF-S zoning at Block 5, reference is made to a cross-section drawing showing the scale of proposed buildings on Block 5 with existing context. The following are highlighted:
    - Moving westward from the west property line there is an existing forest, then a proposed multi-use path, followed by existing bungalow condominiums.
    - Moving eastward from the east property line is existing single-family homes, then Plessis.
    - Approximately 109 feet of forest is being preserved at the west part of Block 5.
    - Fencing, landscaping and building setbacks will help to maintain privacy.
    - Block 5 includes the same 35-foot height restrictions as any single-family home.
    - No buildings are permitted within 25 feet from the east property line, providing further protection to existing homes.
    - There is a three-storey building within 75 feet from the 25-foot buffer, which is the maximum building height of 35 feet.

- The approved variance permits a building height of 50 feet (four-storeys) for multi-family residential development.
- West of the three-storey building is another building at four-storeys, but it will be more than 100 feet from both the east and west property lines of Block 5.
- No proposal is going to fit the zoning densities perfectly.
- For RMF-S zoning the maximum allowable density is one unit per 1250 square feet of land or 180 units for Block 5.
- If a proposal is above the density maximum, application must be made for a different zoning with higher densities.
- For RMF-S zoning, even if a variance allows you to build higher than the 35-foot maximum, the density does not go up. You are limited to one unit per 1250 square feet of land.
- Density is different from building height, but the two metrics often get conflated.

For the RMF-M zoning at Block 1, reference is made to a cross-section drawing showing the scale of proposed buildings on Block 1 with existing context. The following are highlighted:

- Moving westward from the west property line there is an existing three-storey apartment block.
- Moving eastward from the east property line there are existing single-family homes, then Plessis.
- There are two buildings shown. The building closest to the west property line is shown as five-storeys, but that height will not be feasible due to the Gas Pipeline Restrictions.
- The Owner is prepared to cap the building height at 50 feet, or four-storeys.
- To the east of the 50-foot building, is a three-storey building.
- For RMF-M zoning the maximum allowable density is one unit per 800 square feet of land or 227 units for Block 1.
- The final proposal could be much less than 227 units. 150 units would be more likely.
- He is unable to predict with certainty the number of units. There are many factors, including that there are no site layouts, and it will depend on how the developer designs the space. He estimates "under 200 units to be safe".

- Traffic:
  - The Traffic Impact Study highlighted the following:
    - The proposed connection of Shady Shores Drive East to Plessis is easily handled without a traffic signal.
    - There are traffic signals at Dugald for access into the Waterside Estates Neighbourhood.
    - Traffic volumes generated by the Proposed Development does not warrant any infrastructure improvements that are not already needed.

        - The costs of any required improvements are the responsibility of the developer.
- Parks and Pathways:
    - The Proposed Development satisfies the following directions from the Winnipeg Parks Strategy:
        - Policy 4.1.1.1: Ensure land designated for public parks is sufficient to provide all Winnipeggers ample year-round opportunities for five key services (outdoor play, leisure and gathering, outdoor sport, nature experience, and trail-based recreation).
        - Policy 4.5.1.3: Consider all park components (parkland, natural features, connections and amenities) in a holistic manner.
        - Policy 4.5.1.10: Consider each park's contribution to the required active and passive recreation needs of the area.
    - The Proposed Development includes a neighbourhood park large enough to accommodate a 3 on 3 basketball court, picnic/gathering areas, and interconnected pathways.
        - As envisioned by the Winnipeg Parks Strategy, all Winnipeggers have access to a park within walking distance of home (600 meters).
        - The Proposed Development provides more than 4.8 acres of park space, which is more than the City requires.
    - The Proposed Development connects new park space with existing park space in the Waterside Estates Neighbourhood, provides new amenities, while also balancing the need for passive and active green spaces.
    - The proposed green space along the western edge of the Subject Land helps connect the Waterside Estates Neighbourhood with the Proposed Development and helps make the neighbourhood safer.
    - There will be a preservation of 60% of the existing forest.
    - The Applicant has agreed to add a drainage retention basin to help drain the Subject Land.
    - The normal amount of land dedication applied in the City is 10%, which is broken down into 8% dedicated parkland plus 2% for improvements and amenities.
    - There is also some non-dedicated parkland south of Block 1 near the upper right-portion of the Subject Land.
    - The Proposed Development includes approximately 10% for parkland dedication, which is above the typical 8% that is applied.
    - There is also an additional 5%-6% of non-dedicated green space that will become public land.
    - The total park space for the Proposed Development is not 8%, but 16%.
- Providing Connections:
    - The Proposed Development provides important links in a currently interrupted active transportation network.

    - A pedestrian sidewalk (curb-adjacent) will be accommodated on the east side of the proposed north-south local road.
    - A proposed multi-use path on the west side of the site will complete the pedestrian network loop.
- Variances:
    - EKTCC supported the following variances related to the Development Application which were later approved by the Appeal Committee. The decision on these variances is final.
        - To vary Blocks 6-10 to permit a lot width of 66 feet and lot area of 14,190 square feet on Blocks 6-9, and a lot width of 56 feet on Block 10.
        - To vary Block 5 to permit a building height at 50 feet instead of 35 feet.
    - The variances enable a broader mix of housing types to be accommodated and do not create a substantial adverse effect on the amenities, use, safety and convenience of adjoining properties and the adjacent area.
- The Proposed Development represents completion of the puzzle:
    - It completes an interrupted network of roads and pathways, providing important connections for recreation and leisure, while accommodating new housing and park space.
    - It increases housing options and tenures to meet all life-cycle needs in a neighbourhood that already provides a range of housing types.
    - It supports the goal of 50% infill for the City in the intensification target area.
    - It aligns with the directions and policies from OurWinnipeg, Complete Communities, and the Winnipeg Parks Strategy.

In response to questions from the Board and Mr. Blouw, Mr. Toews provided the following:

- If the proposed density falls somewhere between RMF-S and RMF-M zoning, you must go up. It is a "hard break".
- In this case, it made more sense to seek RMF-M zoning for Block 1.
- For the RMF-S zoning for Block 5, though no increase in density is being sought, there was a need to go up in height. The 50-foot variance allows the developer more flexibility with roof pitches, while mitigating against shadowing, and privacy concerns.
- He does not believe that the developer will hit the maximum allowable RMF-M and RMF-S densities for Block 1 (227 units) and Block 5 (180 units), respectively.
- For Block 1, there are several limiting factors restricting the maximum density of 227 units. These include the Gas Pipeline Restrictions, building setbacks, parking requirements, landscaping requirements, among other factors.

- There is a bus route on Dugald as well as on Plessis.
- The City recently unveiled a new system that affects City-wide services and will provide new ways of servicing the community.
- Plessis is a regional road which is a City concern, and not a developer obligation.

Mr. Toews also provided the following in response to concerns from the residents opposing the Proposed Re-zoning (the "Objectors"):

- Property Values:
  - He admits he is not a land value expert or appraiser but, based on his own research, the biggest factor that impacts property values is uncertainty.
  - Where there is vacant land there is uncertainty. When certainty is achieved, market values tend to stabilize.
  - Property values should therefore increase, not decrease, with the Proposed Development.
- Lack of Details:
  - The inability to share layout details is not intentional, as the developer will be the one to come up with its own designs.
  - There will be oversight over what gets built at the Plan Approval stage.
  - Building permits cannot be issued without the detailed plans first going to the EKTCC for Plan Approval.
  - The public can attend the Plan Approval meetings and register as a delegate to give their thoughts on the plans.
    - There are also architectural controls that developers can place on development to ensure cohesiveness of the neighbourhood.
- Privacy:
  - He is sympathetic to these concerns but also indicates that there are no guarantees to privacy in an urban setting.
  - A number of steps have been taken to mitigate these concerns, including the building restriction within 25 feet of the east property line and height restriction to three-storeys within 100 feet of the east property line on Block 5, plus fencing, and forest preservation.
- Neighbourhood Fit:
  - There is validity to every concern but neighbourhood "character" is a tricky word as it is subjective.
  - There is no metric or policy to help define what the character of the neighbourhood is. Hopefully this can be addressed in the future.
  - When you look at the existing Waterside Estates Neighbourhood, the "puzzle" proposal not only completes the character of, but is also compatible with, the neighbourhood.

- Public Engagement:
  - Four different stakeholder events took place.
  - The initial concept was revised over time to help address stakeholder concerns, including the preservation of trees, and creation of park space and amenities.

Objectors

The Board received written submissions and Public Presenter Forms from Objectors prior to the Hearing. The areas of concern with the Proposed Development are summarized as follows:

Incompatibility with Surrounding Properties:

- It is not consistent with OurWinnipeg and Complete Communities.
- It creates a substantial adverse effect on the amenities, use, safety, privacy, and convenience on the adjacent properties and/or area.
- "Like as" housing was asked for, but apartment style housing was provided.
- EKTCC ignored the recommendation of the Public Service as it relates to Block 1 and Block 5.
- The Proposed Development does not identify the type, design or the orientation of the structures.
- The Proposed Re-zoning for Block 1 and Block 5, namely the density and heights, is incompatible with the character, context and built form of the surrounding dwellings and established neighbourhood.
- They are not opposed to the Proposed Development but want to maintain the character of the area. Single family dwellings should back onto single family dwellings, not apartment blocks.
- 35 feet is consistent with the nearby townhouses.
- We are not averse to development to meet the City's increased density targets, but this can be done by adding multi-family dwellings at the two storey level, similar to the dwellings at the south end of the Subject Land.
- There are one-storey single family homes, duplexes, and one-storey bungalow condos on either side of the Subject Land and two-storey townhomes to the south.
- It does not make sense to overpopulate the area when it does not have the amenities to accommodate the increase in population.
- Residents struggle to understand why the Owner wants to inundate the 30 acres with high density. There is the corner of Dugald and Mazenod Road that will easily accommodate 50-feet plus multi-family buildings without destroying the character of the neighbourhood.
- The scale of the Proposed Development introduces a level of density that is disproportionate to the surrounding area.

Notices and Lack of Public Engagement:

- Not all questions by residents were answered when they were first approached by the Applicants. Drawings were asked for but never provided, only a concept plan.
- Signage was put up by the City, but in an obscure place which was hard to access and read.

Variance for Block 5:

- The 50-foot building heights in the RMF-S zoning for Block 5 should not be allowed. Maximum building heights should remain at 35 feet.
- Buildings above 35 feet would ruin the character of the neighbourhood. It would ruin the skyline for homes on Plessis backing onto it.
- Block 5 is in the middle of a residential area and not on a main roadway or corner where you would expect a 50-foot building.

Privacy:

- Building locations have not been determined.
- No studies have been done to know what effect 50-foot buildings would have on privacy and shadowing of homes on Plessis.
- Residents on Plessis have been told to trust the Applicant and that these issues will all be worked out later after zoning approval.
- We hope to be able to still have a small view from our backyards and not look onto a 50-foot structure.
- Some of the single-family homes on Plessis have swimming pools and will have no privacy.
- The Proposed Development will significantly reduce the privacy, affect the view, and sense of openness and quiet of the area.

Traffic, Noise and Other Adverse Impacts:

- The area currently lacks adequate public transit and no future plans for additional service are contemplated. With the higher density zoning, this will lead to congestion and safety issues.
- Traffic and noise will increase significantly, as well as increase the demand for parking in an area not equipped for higher density.
- There will be undue pressure placed on local infrastructure.
- Traffic on Plessis is congested, and this will only increase the congestion. Speed is already an issue.
- There will be an environmental impact from a large-scale construction project, which could contribute to both air and noise pollution.
- Schools in the area are already at capacity. If the Proposed Development is allowed, this would further complicate the issue.
- There are concerns regarding the Proposed Development being on the Gas Pipeline. Constructing four-storey apartment blocks will require deeper digging and pilings in proximity to this pipeline.

- It is likely more trees near the Gas Pipeline will need to be removed, which would also affect wildlife.
- Property values will be negatively impacted.

The Board also heard from Objectors who made oral submissions and who had also filed written submissions for the Hearing. These submissions are summarized as follows:

Lioubov Gavrilova-Crozier:

- Photos of her property are shown.
- The Proposed Development raises shadowing and privacy concerns.
- There are also plants and vegetables growing in her back yard which will be affected.
- There will be a negative impact on existing infrastructure.
- The Proposed Development is inconsistent with neighbouring properties.
- There is no bus stop close by.
- Multi-family housing will result in more density. More people will increase traffic on Plessis which is already in disrepair.
- She bought her home in 2011 when there was certainty with single family zoning.
- She is concerned about a decrease in the value of her property if the Proposed Development goes ahead.

Dan Diachun (also on behalf of Luann Diachun, Sandra Boychuk and Dean Boychuk):

- He bought his land in 2012 and built a home in 2013.
- There were to be some commercial amenities when Waterside Estates West was originally developed, but it never happened. Everyone must travel at least 1.5 km for any amenities. It is not a Complete Community.
- The three-storey condo building to the west of Block 1, which is within the CMU zone, should not have ever been built.
- There is high density along Dugald with four-storey apartments. Everything else is two-storey and under.
- The Proposed Development should follow what is in the neighbourhood.
- The high-density multi-family zoning at the north and south portion of the site, with heights exceeding two-stories and up to five-stories, is not compatible with the surrounding development.
- The Proposed Development should match the existing neighbourhood character, namely single-family homes and R2 duplex homes.
- The Proposed Re-zoning at Block 1 and Block 5 is incompatible with the character, context, and built form of the surrounding dwellings and established neighbourhood. These parcels are or will be surrounded by a maximum of two-storey residential houses.
- The Proposed Development does not conform to Complete Communities.

It is not compatible with the surrounding lands which are over 80% R1-single family homes.

- The Proposed Development does not conform to Complete Communities regarding the lack of services to support the community. The immediate area lacks amenities such as stores, restaurants, doctors, and daycare facilities.
- The Waterside Estates Neighbourhood already has a good mix of housing from the 196-unit apartment complex, multi-storey condo building, two family homes, 1-storey bungalow condos and single-family homes.
- There is no need for high-density zoning at the north and south ends of the site.
- There is no school in the immediate area so higher density in the area is not practical.
- The Proposed Development will add excessive high-density housing with potential of 194 dwelling units at Block 1 and 131 dwelling units at Block 5 for a total of 325 dwelling units. With the two-family and single-family dwelling units, the total number of dwelling units will be over 423.
- The proposed number of units is over 60% higher than the existing Waterside Estates West development, which is on less than half the land size.
- Public Service made recommendations to limit the density and heights for the Proposed Development, but they have been ignored by the EKTCC.
- The area has very limited transit service. Residents primarily rely on personal vehicles to travel.
- The Proposed Development is not conducive to high density apartment blocks that are dependent on public transit. Block 1 and Block 5 are not near an active transportation or transit route.
- Higher density properties are along major routes and the periphery of development, not inside it.
- He doesn't mind development, but it should be meaningful, reasonable, and reflect the input from the residents.
- He is an accredited appraiser and believes that higher density development negatively impacts the value of existing properties. Where would you want to put your money into - a property that backs onto a pond or an apartment?
- The proposed Shady Shores Drive East extension will be narrower than the current section. It will also become a shortcut for vehicles to avoid waiting at Dugald and Plessis when traffic backs up on Dugald. Higher traffic volumes on a narrower street create safety concerns for residents.
- With the right-in and right-out design at Shady Shores Drive East and Plessis, residents in the south portion of the Proposed Development, who want to travel north on Plessis or east/west on Dugald, will be forced to go north on Shady Shores Drive East to exit the development. This will add excessive traffic volumes and increase safety concerns for residents along this route.

- The Traffic Study did not take into account the impact of the proposed new precinct S redevelopment for South Transcona.
- The RMF-M and RMF-S zoning will result in limited street parking options for residents.
- We are not opposed to development, but it needs to have all stakeholders at the table with meaningful input from all. There were open houses, but the residents' voices were not heard.
- The Board should consider The Municipal Board decision on 4025 Roblin Boulevard which provides sound guidance on density, height and character for a redevelopment proposal.

CLOSING WRITTEN SUBMISSIONS

The City

Ms. Bomback made the following closing submissions:

- Public Service recommendations are only one step in the administrative hearing and approval process pertaining to development applications.
- Reference is made to the procedure for public hearings of development applications for subdivision and re-zoning within the City.
- The approving authority for subdivision and re-zoning is Council.
- Council has broad authority to approve or reject subdivision and re-zoning applications as a component of it governing the City and responding to present and future issues that the City may face.
- Decisions of Council are made by a majority vote.
- As it relates to re-zoning matters specifically:
    - Council must pass zoning by-laws to control or prohibit the use of real property and development in the City.
    - A committee of Council must conduct a public hearing and submit a report on its recommendations to Council.
    - Council must only pass zoning by-laws that are consistent with OurWinnipeg and Complete Communities.
- Public Service recommendations are not binding on Council.
- It was within the statutory and governing authority of Council to make the decision that it did and proceed to First Reading of the Proposed By-law.
- The decision of Council is justified in the circumstances and is consistent with the text, context and purpose of the Charter.
- From the language used in the EKTCC Recommendations, which were adopted by Council, it is clear that:
    - There was consideration of Section 236(1.1) of the Charter and the need for the Proposed By-law to comply with OurWinnipeg and Complete Communities.
    - Regarding Complete Communities, the following pertinent provisions are noted:
        a. The Subject Land falls within the EN-RC Policy Area.

b. Established Neighbourhoods are stable, but not static. The future success of these neighbourhoods depends on their ability to adapt and change over time. Established Neighbourhoods will accommodate contextually sensitive growth and change to increase the diversity of housing choices, improve housing affordability, and more efficiently use land, infrastructure and services.
c. Characteristics of Recent Communities include dispersed, low to medium-density development patterns.
d. Medium Rise Residential housing typologies can accommodate from four to six storeys and allow for some intensification in a form that respects the scale and character of the community while meeting the needs of a diverse population.
e. The Vision for Established Neighbourhoods establishes several Goals and Policies that are met by Council's decision, including Policies 1.1, 1.2, 1.5, 1.6, 1.14, 2.12, 2.21, 3.1, 3.2 and 3.6, which contemplate the following general themes:
    i. Intensification, expanding housing options, physical renewal and revitalization;
    ii. Supporting up to mid-rise four to six- storey buildings;
    iii. Ensuring new developments add value to public and private urban spaces to create a sense of place and civic pride;
    iv. Encouraging a variety of housing types, tenures and unit sizes.
    v. Meeting life-cycle housing needs and affordability ranges, including housing types that enable aging in place in Established Neighbourhoods.

- In the context of Council's statutory prerogative aimed at good governance, the decision demonstrates consideration of the following:
    a. The provision of services, facilities or other things that are necessary or desirable for all or part of the City;
    b. To ensure that orderly, viable and sustainable communities are developed;
    c. To respond to present and future issues in the City, such as the need to create affordable homes and the anticipated future increases in density in the area and in the City generally.

- Council members turned their minds to the provisions of OurWinnipeg and Complete Communities, and how the Proposed Development met the criteria for re-zoning, including that mid-rise buildings are contemplated within the EN-RC Policy Area.

- At the Public Hearing before EKTCC, the evidence included that the Proposed Development was contextually sensitive and provided the basis for sustainable densification in this neighbourhood.
- The Board should recommend that Council proceed with Second and Third Reading of the Proposed By-Law, as submitted.

The Applicant

Mr. Blouw made the following closing submissions:

- The Proposed Development features a mix of residential and park space uses similar to what is found in the existing Waterside Estates development.
- It will fill in a large, oddly shaped "gap" in the area, completing the puzzle.
- It will connect the existing fragmented network of active transportation pathways and roads, including the creation of a new road that will connect Shady Shore Drive East at the north end of the site to Plessis at the south end of the site.
- The Proposed Development includes a desirable mix of housing types.
- The Proposed Re-zoning satisfies many of the City's Goals and Objectives.
- Public Service agreed that the Development Application broadly aligns with the City's policies, including Complete Communities.
- Matching new development with existing, adjacent development does not mean having to construct the same thing. Rather, the policies require that development be planned in a respectful manner, with consideration to the surrounding context.
- With respect to the proposed RMF-S zoning at Block 5, the Proposed Development includes several mitigation measures including:
    - The construction of a six-foot tall opaque privacy fence along the east property line;
    - An agreement that no buildings will be constructed within 25 feet from the east property line;
    - An agreement that the maximum height of any building within 100 feet of the east property line shall not exceed 35 feet (three storeys);
    - The preservation of a large portion of the forest in the southwest corner of the site.
- With respect to the proposed RMF-zoning at Block 1, it will not be possible to build this area to its full potential. Factors that will limit the amount of density include the Gas Pipeline Restrictions, amongst others.
- Though the maximum number of units that *could* be developed on Block 1 under optimal circumstances is 227, a future owner will not be able to construct anywhere close to that number of units.
- The Applicant is prepared to agree to cap the number of units on Block 1 at 175.

- The Proposed Development preserves more than 60% of the trees while also adding much-needed amenity space. There will be an over-dedication of green space that will be preserved.
- The green space along the western edge of the site will help make the neighbourhood safer and also help connect the existing Waterside Estates neighbourhood with the new development.
- Responses to local resident concerns respecting traffic, infrastructure, transit service, property values, privacy, shadowing, and neighbourhood fit are highlighted.
- There has been extensive consultation with the City as well as residents, and numerous concessions have been made to address those concerns.
- In summary, the proposal will:
    a. Accommodate needed housing within the City's urban intensification area;
    b. Increase housing opportunities in terms of type to meet resident life-cycle needs;
    c. Connect currently disconnected greenspace features with new greenspace and pathways;
    d. Complete what is currently an incomplete road network without having a material impact on traffic levels in the area;
    e. Add missing public park features to the area;
    f. Establish a new public reserve protecting a significant portion of existing trees;
    g. Complement the existing Waterside Estates development, which includes a variety of housing types at varying densities;
    h. Extend the City's active transportation network; and
    i. Help to create a more complete community.
- The Proposed Development will have a significant positive effect on the area.
- Public Service supports Council's decision on this matter.
- The Board should recommend that Council pass the Proposed By-law in the form that was given First Reading on October 24, 2024.

ANALYSIS AND FINDINGS

In making this Report and Recommendations to Council (the "Board Report"), the Board carefully considered the submissions of representatives of the Parties, Legal Counsel and the Objectors. The Board also considered the applicable Charter provisions, OurWinnipeg, Complete Communities, the Zoning By-law, and the Proposed By-law. The Board is also guided by Section 280(1) of the Charter in its consideration of the type of recommendations to bring forward to Council.

This Board Report addresses the Proposed By-law pertaining solely to the Proposed Re-zoning of the Subject Land. The Proposed Subdivision has been approved by Council and is not a matter before the Board. Further, the Board has no authority to address the approved variance at Block 5.

The Board is presented with a unique scenario in that the Applicant proposes to re-zone the Subject Land to create six different zoning districts for the development of an entire neighbourhood. The Applicant aptly describes the Proposed Development as filling in the final piece of an oddly shaped gap in the Waterside Estates Neighbourhood, thereby completing the "puzzle".

In assessing the Proposed Re-zoning, as a starting point, the Board is guided by the general requirements for zoning by-law approval under Section 236(1.1) of the Charter which requires that a zoning by-law be consistent with the City's development plan by-law and any applicable secondary plan by-law. In the present case, OurWinnipeg and Complete Communities have application to the Proposed Re-zoning.

The Board agrees with the Parties that the Subject Land falls within the EN-RC Policy Area. The Board highlights the following Objectives, Goals, and Policies of OurWinnipeg as being relevant to the Proposed Development.

OurWinnipeg, Objective #3 provides:

- Facilitate development opportunities that complete established communities, and plan new communities as complete from the outset.

The following OurWinnipeg Policies are also relevant:

- 6.1 Sustainable Urban Growth – The City must accommodate physical development that reflects this Plan's goals and achieves a continuum of complete and connected communities over the lifecycle of the Plan.
- 6.6 Intensification Target – Achieve the intensification target by making development in intensification target areas easier and more desirable and predictable.

The Board also finds the following Goals and related Policies in Complete Communities to be relevant to the Proposed Development:

- Goal 1: Encourage compatible residential development within Established Neighbourhoods to build more Complete Communities and align with the City's residential intensification target, and Policies 1.1,1.2,1.5,1.6, and 1.14.
- Goal 2: Design new development in Established Neighbourhoods to a high standard of urban design and construction to ensure new development adds value to public and private urban spaces to create a sense of place and civic pride, and Policy 2.12.
- Goal 3: Ensure all communities provide a diversity of housing options and meet resident life-cycle housing needs, and Policies 3.1, 3.2 and 3.6.
- Goal 6: Ensure Neighbourhoods and communities are well served by parks, open spaces, and recreational facilities that contribute to sustainability, wellness and active living, and Policy 6.2.

- Goal 8: Facilitate the redevelopment of Established Neighbourhoods that contributes to further development of walkable, bikeable and transit-oriented communities in accordance with city pedestrian and cycling strategies, and Policy 8.1.

The Board notes the existing mix of housing types and variety of zoning categories in the Waterside Estates Neighbourhood. At the northern portion of the Subject Land, moving westward along Dugald, there is a gas site zoned RR5, as well as CMU zoning containing a three-storey condo building. Further west is R2 zoning containing two-family duplexes, followed by RMF-M zoning containing two four-storey apartment complexes.

At the mid-section of the Subject Land, to the west and east, there are mostly residential single-family dwellings. At the southern portion of the Subject Land, there are bungalow condos to the west, single-family dwellings to the east, and two-story townhouses to the south which is zoned RMF-S.

For greater clarity, but in no particular order, the Board will address the proposed zoning Blocks separately or in groups, as appropriate.

Block 2 and Block 3: Residential Two-Family District - R2
Block 4: Residential Single-Family (Small) District - R1-S
Blocks 6 through 10: Residential Single-Family (Large) District - R1-L

Blocks 2 and 3, at approximately 5.29 acres in total, are located at the centre west of the Subject Land. The Applicant is proposing to re-zone Blocks 2 and 3 to R2. R2 zoning would enable two-family dwellings and a maximum building height of 35 feet.

Block 4, at approximately 5.12 acres in size, is located at the centre east of the Subject Land. The Applicant is proposing to re-zone Block 4 to R1-S. R1-S zoning would enable single-family dwellings and a maximum building height of 35 feet. The Board notes as well the Zoning Agreement condition that was introduced by EKTCC and approved by Council for the construction of a Privacy Fence along the east property line of Block 4.

Blocks 6 through 10, at approximately 1.88 acres in total, are the "finger-like" parcels protruding from the easterly portions of the Subject Land towards Plessis. Blocks 6 through 10 are proposed to be re-zoned R1-L. R1-L zoning would enable single-family dwellings and a maximum building height of 35 feet.

The Board notes that the dimensional standards of the proposed R1-S, R1-M, and R2 zoning are consistent with the allowed height and yard requirements of the existing adjacent development which includes primarily R1 zoning and single-family dwellings. The Privacy Fence in the R1-S zone will also help mitigate privacy concerns of adjacent residents along Plessis. The Board is satisfied that the R1 and R2 zoning will provide a mix of housing options that are

sensitive to, and consistent with, the existing smaller scale, residential single-family development in the surrounding area. The proposed re-zoning will also increase the overall housing count in the area, while contributing to the physical rejuvenation of the neighbourhood. The Board, therefore, finds that the R1 zoning for Block 4 and for Blocks 6 through 10, and R2 zoning for Blocks 2 and 3 is consistent with the Goals and Policies in OurWinnipeg and Complete Communities for the EN-RC Policy Area.

Public Reserves: Parks and Recreation 1 (Neighbourhood) District - PR-1

There is a strip of land of approximately 4.82 acres in size, that runs north to south on the westerly portion of the Subject Land. The Applicant is proposing to re-zone these lands to PR-1 to create two Public Reserves.

The Board heard extensive testimony from Mr. Toews regarding the Applicant's efforts to preserve green space while trying to achieve densification in the area. In the Board's view, the Applicant has accomplished both objectives. The Board notes that over 60% of the existing forest will be preserved. The Board acknowledges that there is over-dedication, in that the portion of dedicated green space will be at 10%, which exceeds the City's minimum requirements of 8%.

The PR-1 zoning also allows for the introduction of new amenities in the form of a 3 on 3 basketball court and picnic and/or gathering areas. In addition to these amenities, the Public Reserves will also include a muti-use path. The multi-use path will help connect fragmented active transportation pathways to existing park spaces in the Waterside Estates West Neighbourhood, creating a seamless transition between the existing and new development.

The Board finds that the proposed PR-1 zoning fulfils directions contained in the Winnipeg Parks Strategy in that the Proposed Development combines the natural features, parkland and active transport connections in the area in a cohesive manner. It also supports the Policies in Complete Communities for the EN-RC Policy Area that encourage, among other objectives, the provision of a variety of park experiences and spaces for active and passive enjoyment.

Block 5: Residential Multi-Family Small District - RMF-S

Block 5 is approximately 5.17 acres in size and is located at the southern portion of the Subject Land. The Applicant is proposing to re-zone Block 5 to RMF-S. RMF-S zoning would allow maximum building heights of 35 feet and maximum density of 180 units.

There was common concern among Objectors regarding the scale and density of Block 5. The Board also acknowledges the Applicant's agreement to mitigate against the potential effects of the RMF-S zoning on the surrounding development. Certain of these mitigation measures are conditions in the Zoning Agreement and include obligations to construct a Privacy Fence along the east

property line; restrict the construction of any buildings within 25 feet from the east property line; and limit the maximum height of any building within 100 feet of the east property line to 35 feet (three-storeys). The Proposed Development also includes the preservation of a significant portion of the forest in the southwest corner of the Subject Land.

The Applicant sought a 50-foot variance for Block 5 which was approved and would allow building heights of up to four-storeys. The Board recognizes, however, that with the implementation of the above mitigation measures, a 50-foot building would have to be built beyond 100 feet from the east property line. The Board also accepts Mr. Toews' submission that it is unlikely that Block 5 will be built to its maximum allowable density of 180 units due to the required mitigation measures and other factors.

The Board notes that west of Block 5 is an existing forest and the proposed new multi-use path. The Board finds that these buffers, together with the mitigation measures and other RMF-S setbacks, should create sufficient distance between any new and existing development and help alleviate shadowing and privacy concerns in this area.

The Board is satisfied that the RMF-S zoning for Block 5 aligns with OurWinnipeg and Complete Communities in that it introduces another housing option for residents, with small to mid-size multi-family buildings, while intensifying the area in a manner that is complementary to the surrounding single-family developments. Further, the Board is of the view that the proposed moderate multi-family development would be contextually compatible with the scale and intensity of the surrounding developments, which also includes RMF-S zoning containing two-storey housing to the south.

Block 1: Residential Multi-Family Medium District - RMF-M

Block 1 is 4.15 acres in size and is located at the northern portion of the Subject Land. The Applicant is proposing to re-zone Block 1 to RMF-M. At the time the Development Application was deemed complete by the City, RMF-M zoning under the Zoning By-law allowed for maximum building heights of 60 feet and a maximum density of 227 units.

The Board acknowledges that the scale and intensity of RMF-M zoning for Block 1 was not supported by Public Service and was another common issue raised among Objectors. At the Hearing, Mr. Toews indicated that the Owner is prepared to limit the building height to 50 feet or four-storeys which will allow for flexibility with roof pitches. He adds that the 50-foot building height restriction is 10 feet less than the maximum 60-feet permitted under RMF-M zoning. The Board notes that Block 1 is also subject to a Zoning Agreement condition for a Privacy Fence along the east property line.

As to the issue of density, Mr. Toews was unable to provide the Board with an accurate number of units to be constructed on Block 1 but asserted that it is highly unlikely that the area could be built to the 227-unit maximum density. This is due to several restrictive factors, including the Gas Pipeline Restrictions, building setbacks, as well as landscaping and parking requirements. Mr. Toews also contends that it is not possible to give a precise figure without a detailed design plan but stated that the density could be much less at around 150 units. He added that a density of less than 200 units would be a "safe" estimate.

However, in the closing written submission filed on behalf of the Applicant, the Applicant reveals for the first time that it agrees to cap the density to 175 units. The Board notes that this information formed part of a closing argument that came after completion of the Applicant's presentation. Since the information was not brought forward in evidence at the Hearing, where it would also be subject to questions from the Board and cross examination, the Board is unable to rely on it.

The Board is of the opinion, however, that density is an important consideration and finds the testimony of Mr. Toews to be helpful in assessing the issue of density for Block 1. In consideration of the Gas Pipeline Restrictions, and other setbacks, the Board accepts that the number of units could range between 150 and 199 and recommends to Council a moderate densification at the mid-point of this range of no more than 175 units.

The Board is of the view that that the restricted density and building heights for Block 1 help bring the Proposed Development for Block 1 to a scale and intensity that is compatible with the nearby three-storey and four-storey mid-rise multi-family developments. The Board concludes that the proposed RMF-M zoning, with these restrictions, aligns with OurWinnipeg and Complete Communities in that it will help intensify the area in a manner that is contextually sensitive to the surrounding community.

As to the concerns raised by the Objectors, the Board notes that many of the issues pertain to the scope and scale of the Proposed Development at Block 1 and Block 5, as well as to the approved 50-foot variance at Block 5. The Board has no authority to amend or set aside the approved variance. The Board, however, acknowledges the efforts made by the Applicant to address intensity levels, as well as privacy and shadowing concerns, and is satisfied that these issues will be mitigated through setbacks, zoning conditions, and other restrictions that have been identified in this Board Report.

The Board is satisfied that the Proposed Re-zoning will also meet the Objectors' desire for new park and amenities and introduces more pathways and sidewalks to enhance pedestrian and non-vehicular experiences.

The Board also acknowledges Objectors' concerns regarding traffic congestion and safety, including traffic on Plessis. The Board accepts the findings in the recent Traffic Impact Study that the traffic generated by the Proposed Development will not require any infrastructure improvements. The Traffic Impact Study also reveals that the City has a long-term plan to widen Plessis which should improve traffic operations and safety on this road.

Objectors also raised concerns that higher-density development in the area is not supportable due to the lack of services, commercial and retail amenities, and transit routes. The Board heard that there are transit routes on both Dugald and Plessis (north of Dugald), with planned transit upgrades for the Waterside Estates Neighbourhood. The Board does not find that a lack of amenities to be a limiting factor precluding the moderate level of multi-family development proposed in this case.

The Board is also satisfied on the evidence that there has been sufficient public engagement resulting in adjustments to the Proposed Development over time. As to the assertions that property values would decline with the Proposed Development, the Board lacks any supportive evidence in this regard.

Finally, it was also suggested by one of the Objectors, that the Board be guided by the Board's prior decision pertaining to the proposed re-zoning for 4025 Roblin Boulevard ("Roblin"). The Board acknowledges the policy principles and findings made in the Roblin decision. However, the Board analyzes each matter that comes before it based on the evidence presented and notes that the neighbourhood context and development that was proposed in Roblin is vastly different from the present matter.

RECOMMENDATION

The Board is of the view that the Subject Land is ripe for development. The Proposed Development completes the final "puzzle" piece for the area and will help play a role in the City's growth strategy. It will also introduce a variety of housing options within the City's Urban Intensification Area which will allow for a variety of unit types and sizes to help meet resident life cycle needs.

Further, with the development of the Public Reserves, together with the extensions and connections of Shady Shores Drive and active transportation network, the Board is satisfied that the Proposed Development will help establish a cohesive and complete community.

Overall, the Board finds that the Proposed Re-zoning, with the building height and density restrictions for Block 1, aligns with the Goals and Policies of OurWinnipeg and Complete Communities for the EN-RC Policy Area. The Board, therefore, recommends that Council approve the Proposed By-law, with conditions that will address the said restrictions.

THEREFORE, THE BOARD RECOMMENDS:

1) That with respect to City of Winnipeg By-law No. 124/2024, the City of Winnipeg Council **APPROVE** the Proposed Re-zoning and proceed to Second and Third Reading of City of Winnipeg By-Law No. 124/2024, on conditions to include the following:

    a. That the Owner or persons entitled to be registered owner of the Subject Land, enter into a Zoning Agreement with the City of Winnipeg.

    b. That the Zoning Agreement include, among other requirements as determined by the City, the following requirements with respect to the RMF-M zoning for Block 1:

        i. building heights shall not exceed 50 feet or four-storeys; and
        ii. total density shall not exceed 175 units.

FOR THE MUNICIPAL BOARD

May 30, 2025
Date

Diane Stasiuk, Vice Chair

E. Wills
Erin Wills, Secretary