Report - Standing Policy Committee on Property and Development - November 29, 2005

Item No. 14 Zoning Agreement Amendment - 901 and 929 Shaftesbury Boulevard File ZAA 14/2005 [c/r DASZ 2/2002]

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, as amended, and submits the following to Council:

1. That the Zoning Agreement under File DASZ 2/2002 dated June 19, 2002, and amended on May 28, 2003, be amended as follows:

   A. That Clause A be deleted.

   B. That the maximum height of buildings on the site be limited to three (3) storeys.

   C. That Clause C be deleted.

   D. That the minimum building set back to adjacent properties be 7.62 metres (25 feet) except for single story detached dwellings.

   E. That dwellings be set back a minimum distance of 17.5 metres (57.4 feet) from Shaftesbury Boulevard except where those dwellings abut the proposed underpass right-of-way and lands taken therefore in which case the minimum set back to dwellings shall be 10 metres (32.8 feet).

   F. That a set back minimum distance of 73.8 feet (22.5 metres) be established for multiple family dwellings constructed adjacent to the CNR Mainline right-of-way.

   G. That for the development of any building and/or accessory parking area and/or signage 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, landscaping, berming, site lighting, and signage 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.

Report – Standing Policy Committee on Property and Development – November 29, 2005

I. That a new site plan be prepared immediately upon Council approval of the amendments to File DASZ 2/2002.

J. That the Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5 metres by 100 millimetres in thickness on the east side of 901 Shaftsbury (Manitoba Status of Title 1915115) from the north property line and entering the proposed subdivision from the terminus of Litchfield Boulevard to the first paved internal street or parking area, as determined by and to the satisfaction of the Directors of Planning, Property and Development and Public Works and the Assiniboia Community Committee.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Zoning Agreement under File DASZ 2/2002 dated June 19, 2002 and amended on May 28, 2003, as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development - November 29, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 29, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee with the following amendments, namely:

- That Recommendation 2 be renumbered as Recommendation 1.J.
- That the balance of the recommendations be renumbered accordingly,

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 15, 2005, the Assiniboia Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That Recommendation 1. D. be amended by deleting the words “excepting non-winterized sun rooms” and replacing them with the words “except for single story detached dwellings”,

- That Recommendation 1. F. i. be deleted in its entirety,

- That Recommendation 1. G. be deleted in its entirety and the remaining recommendations be renumbered accordingly,

- That Recommendation 1. K. be deleted in its entirety and the remaining recommendations be renumbered accordingly,

- That the following new Recommendation 2 be added:

Report - Standing Policy Committee on Property and Development - November 29, 2005

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

> "2. That the Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5 metres by 100 millimetres in thickness on the east side of 901 Shaftsbury Boulevard (Manitoba Status of Title 1915115) from the north property line and entering the proposed subdivision from the terminus of Litchfield Boulevard to the first paved internal street or parking area, as determined by and to the satisfaction of the Directors of Planning, Property and Development and Public Works and the Assiniboia Community Committee,"
>
> and the remaining recommendations be renumbered accordingly,

and submitted its recommendation to the Standing Policy Committee on Property and Development.

On October 18, 2005, the Assiniboia Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on November 15, 2005.

RE: **Zoning Agreement Amendment - 901 and 929 Shaftesbury Boulevard File ZAA 14/2005 [c/r DCU 161106/2005D]**

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Josie Marques, Clerk, Assiniboia Community Committee**

Report date: **November 18, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 15, 2005, the Assiniboia Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the Zoning Agreement under File DASZ 2/2002, dated June 19, 2002 and amended on May 28, 2003, be amended as follows:

   A. That Clause A be deleted.

   B. That the maximum height of buildings on the site be limited to three (3) storeys.

   C. That Clause C be deleted.

   D. That the minimum building set back to adjacent properties be a 7.62 metres (25 feet), ~~***excepting non-winterized sun rooms***~~ ***except for single story detached dwellings***.

   E. That dwellings be set back a minimum distance of 17.5 metres (57.4 feet) from Shaftesbury Boulevard except where those dwellings abut the proposed underpass right-of-way, and lands taken therefore, in which case the minimum set back to dwellings shall be 10 metres (32.8 feet).

   F. That a set back minimum distance of 73.8 feet (22.5 metres) be established for multiple family dwellings constructed adjacent to the CNR Mainline right-of-way.

      ~~***i. That a setback minimum distance of 110 feet (33.5 metres) be established for any detached dwelling / residential units or accessory dwelling / residential units constructed adjacent to the CNR Mainline right-of-way.***~~

   ~~***G. That Clause G be deleted.***~~

H. That for the development of any building, and/or accessory parking area and/or signage, 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, landscaping, berming, site lighting, and signage to the Directors of Planning, Property and Development and Public Works 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.

I. That the minimum height of trees planted along the property limits of the adjacent Foxborough Cove Condominium lands be as follows:

i. 50% with a minimum height of 1.8 metres (6 feet);
ii. 25% with a minimum height of 2.4 metres (8 feet);
iii. 25% with a minimum height of 3.1 metres (10 feet).

J. That a new site plan be prepared immediately upon Council approval of the amendments to File DASZ 2/2002.

~~***K. That Clause K be deleted.***~~

2. That the Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5 metres by 100 millimetres in thickness on the east side of 901 Shaftsbury Boulevard (Manitoba Status of Title 1915115) from the north property line and entering the proposed subdivision from the terminus of Litchfield Boulevard to the first paved internal street or parking area, as determined by and to the satisfaction of the Director of Planning, Property and Development and the Assiniboia Community Committee.

3. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Zoning Agreement under File DASZ 2/2002, dated June 19, 2002 and amended on May 28, 2003, as approved in aforesaid Recommendation 1.

4. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

5. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

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

1. The developer will afford to pay the servicing to the land which has been deferred for six years

2. The application is consistent with previous approvals.

3. The development is a much needed facility.

4. Access on a regional street should not cause problems.

5. The single family condominiums on the east and north will provide a nice break between the properties and is better for the existing condominiums to the north.

PUBLIC HEARING SUMMARY

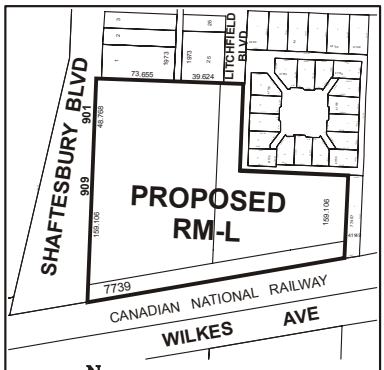
File: ZAA 14/2005 [c/r DCU 161106/2005D]

Before: Assiniboia Community Committee
Councillor Eadie, Chairperson
Councillor Clement
Councillor De Smedt

Public Hearing: October 18, 2005
November 15, 2005
Community Committee Chamber, 5006 Roblin Boulevard

Applicant: ND LEA Engineers and Planners Inc. (Ross Mitchell)

Subject:



APPLICANT: ND LEA ENGINEERS AND PLANNERS INC.
FILE : ZAA 14/05
PROPOSAL : To delete the proposed Zoning Agreement affecting the land shown outlined above and replace it with a new Agreement. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 901 and 929 Shaftesbury Boulevard

Exhibits Filed:

1. Application dated August 5, 2005
2. Notification of Public Hearing dated September 15, 2005
3. Manitoba Status of Titles 1481206 and 1915115
4. Surveyor's sketch
5. Letter of authorization dated August 8, 2005 from H.G. Schlamp and J.J. Schlamp, Cherlee Investments Ltd. to 1272272 Ontario Limited
6. Drawing of subject property

7. Plans (4 pages)
8. Report from the Manager of Planning and Land Use dated October 11, 2005 advising the application needs to be adjourned
9. Inspection Report
10. Report from the Manager of Planning and Land Use dated October 11, 2005
11. Presentation in support of the application, submitted at the public hearing by Ross Mitchell
12. Communication dated November 15, 2005, from H.G. Schlamp and J.J. Schlamp, Cherlee Investments Inc. in support of the application, submitted at the public hearing by Pamela K. Schlamp

REPRESENTATIONS:

In Support:

Ross Mitchell, ND LEA Engineers and Planners Inc.
Pamela K. Schlamp
Deborah L. Lauben
Jason Sefanson
Jay Lev

In Opposition:

Nil

For Information:

Doug Englot

For the City:

Mr. J. Wintrup, Planner, Planning, Property and Development Department
Mr. J. Veitch, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

October 18, 2005

No representations were heard inasmuch as the Assiniboia Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

November 15, 2005

The applicant, Ross Mitchell, ND LEA Engineers and Planners Inc. appeared in support of the application and gave a brief overview of the proposal. Mr. Mitchell submitted supporting documentation placed on file as Exhibit 11.

In response to Committee's questions, the Planner, clarified the administrative recommendations. Discussion ensued as to the need of a sidewalk on the east side of 901 Shaftsbury Boulevard.

In response to Committee's questions, the applicant stated that planned development was for rental units, underground parking had not been considered, and the plan included approximately 78 parking stalls.

Exhibit “8” referred to in File ZAA 14/2005 [c/r DCU 161106/2005D]

From: Wintrup, John

Sent: Tuesday, October 11, 2005 4:48 PM
To: 'Ross Mitchell
Cc: Ford, John
Subject: ZAA 14/2005

Hi Ross,

The boarding house requires a 'conditional use'. The use in combination with the number of units requires 77 parking stalls. The submitted site plan indicates 59, thus a variance is also needed for substandard parking.

We feel it best to send all the applications to a combined hearing in front of the Assiniboia Community Committee. This will allow the Councillors an opportunity to review the entire scope of the project and the nature of the applications; and the Division an opportunity to comment on all the inter-related issues (especially parking since traffic and density have been issue in the Zoning Agreement). As such, we will be sending your application to the November hearing of the Assiniboia CC to allow the site to be posted for the conditional use and variance applications. Feel free to contact me if you have any questions.

John S. Wintrup
Planning & Land Use Division
City of Winnipeg

Exhibit "10" referred to in File ZAA 14/2005 [c/r DCU 161106/2005D]

Winnipeg

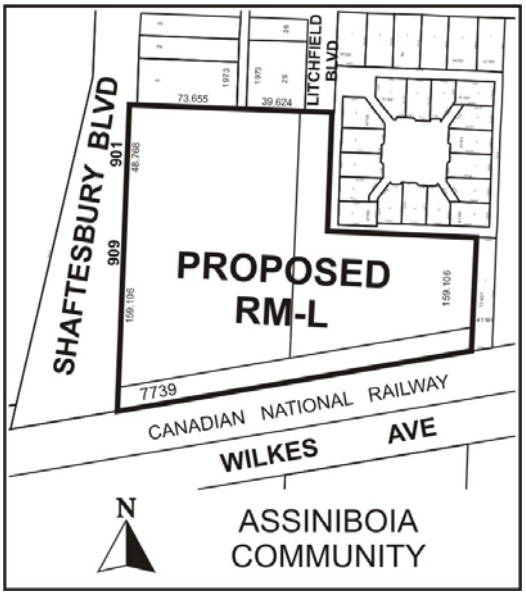
Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date: October 11, 2005
File: ZAA 14/05
Related Files: DASZ 2/2002; ZAA 2/2003; DCU05-161106D

Subject: Substitute and replace the zoning agreement previously proposed that restricts the number of units, floor area of units, building set-backs, and access to Shaftsbury.

Location: 901/929 Shaftesbury Blvd.



Applicant: ND Lea Engineers (Ross Mitchell).
Owners: Cherlee Investments Ltd.
Harold and June Schlamp

Recommendation: Approve the deletion of conditions A, C, G and K.

Report Summary:

- The by-law to enact the 'RM-L' zoning under the previous rezoning has been approved by Council but not been completed and the zoning agreement has not been attached as a caveat on the title.
- The existing proposed zoning agreement restricts the development to five, **three-storey** condominium apartment buildings containing a total of **126 residential units** with floor areas of **1,200 square feet**, underground parking for 126 vehicles, and surface parking for 82 vehicles.
- The applicant has changed the design of the project and intends to develop one, **three-storey** condominium apartment building with **153 residential units** ranging in size from **586 square feet to 900 square feet** with surface parking for 59 vehicles.
- The maximum number of units, and minimum size of units can be deleted.
- Restricting access to only Shaftsebury Blvd can be deleted.

Site Description

The site is **8 acres** (3.2 hectares) located on the east side of Shaftesbury Boulevard and north of the CNR Main line in the South Tuxedo neighbourhood of the Charleswood Ward. The site is proposed to be zoned **"RM-L" Multiple Family District**. Adjacent properties include to the north east Foxborough Cove Condominium bungalows approved under DASZ 31/01 and zoned "RM-L". Surrounding lands include to the east Edward Shindleman Park and to the west Assiniboine Forrest.

Background

DASZ 2/02
The property was rezoned from "A-5" to "RM-L" under DASZ 2/02 approved by Council on June 19, 2002. The by-law to enact the zoning has not been completed and the zoning agreement has not been attached as a caveat on the title.

The application was approved with a Zoning Agreement limiting the development to detached, **one-storey** condominium bungalows with a minimum floor area of **1,300 square feet** and double-attached garages. The Zoning Agreement also limited the development to a density of **6 units per acre**, and restricted access to Shaftesbury Boulevard. The total number of units was in the order of **40**. The dwellings setback from Shaftesbury was established at **57.4 feet**, from the CNR Mainline at **82 feet** and from adjacent properties at **25 feet**.

ZAA 2/03
An application to amend the Zoning Agreement was approved by Council on May 28, 2003 to enable construction of five (5), **three-storey**, condominium apartment buildings containing a total of **126 units** with areas of **1,200 square feet**, underground parking for 126 vehicles, and surface parking for 82 vehicles. Vehicular access was continued to be restricted to Shaftesbury Boulevard. Restrictions on building setbacks from adjacent properties were established at various dimensions based on the site plan that included five (5) buildings. Heights of tress adjacent to Foxborough Cove Condominium were established.

Description of the Proposed Development

The applicant intends to develop a **three-storey**, condominium apartment building with **153 residential units.** Plans submitted indicate the units will range from **586 square feet** to **900 square feet**. The submitted plans indicate the residential units will not have kitchens since this is an 'enriched living project': a kitchen/dining area will be provided on the main floor adjacent to a library, theatre, and games room; and laundry services will be available. The entrance to the building will be on the east side of the building. Loading facilities for the kitchen will be located on the south end of the building abutting the rail tracks. Parking for **59** will be provided on the surface adjacent to the east side of the building. Future plans indicated 4 detached dwellings may be constructed on the north end of the property to the east of the existing single family dwelling; and on the east of the property adjacent to Shindleman Park.

Analysis

PLAN WINNIPEG
The proposed concept is consistent with Plan Winnipeg regarding residential uses.

ZONING
- The **"RM-L" Multiple Family District**:
    - Permits a minimum lot area per dwelling unit of 2,500 square feet.
    - Requires front and rear yards of 25 feet.
    - A maximum building height of 30 feet.
    - Requires 1 parking stall for every 5 units (Residential Institutional Use).

- Zoning Agreement for DASZ 2/2002 and amended under ZAA 2/2003 affects the following:
    - *Maximum number of units set at 126 residential units.*
    - *that maximum height of the building be 3 storeys.*
    - *The minimum floor area of residential units be 1,200 square feet with underground parking provided at a ratio of 1 stall per residential unit.*

- *The minimum setback to adjacent residential properties vary from 90 feet to 200 feet depending on the location of the building.*
- *The building setback from Shaftesbury be 57.4 feet.*
- *The building setback from the CNR Main line be 110 feet.*
- Principle access to the site remain be restricted to Shaftsbury Blvd.
- The minimum height of trees planted adjacent to the Foxborough Cove Condominium lands be established at 6 to 10 feet.
- The applicant/land-owners not oppose the future closure of Litchfield.

- The Zoning Agreement requires site plan approval for landscaping, building location and design, parking areas, private approaches, and berming by Assiniboia Community Committee

LAND USE BY-LAW ISSUES

The **"RM-L" Multiple Family District** restricts the number of dwelling units on the 8 acres of land to **139 dwelling units**. DASZ 2/2002 restricted the number of dwellings units to 6.0 units per gross acre, which permitted **48 dwelling units** on the land. This was amended to allow for **126 residential units**. The Zoning By-law defines a dwelling unit as:

a building or portion thereof designated or used for residential occupancy by a single family, including cooking, eating, living, sanitary and sleeping facilities.

The proposed development does not include 'dwelling units' since the individual units do not have kitchens. These are instead called 'residential units'. The development is not subject to restrictions of density under the Zoning By-law but restricted by the previous zoning agreement to 126 ***residential*** units. Meals will be served from a common dining hall classifying this facility as a 'residential institution' that is a 'conditional use' (DCU05-161106C) that requires 31 parking stalls (59 will be provided).

TRANSPORTATION AND SITE ACCESS

Shaftesbury Blvd Connection

Public Works Department requested, under DASZ 2/2002, that the development direct vehicular traffic onto Litchfield Boulevard and connecting streets including Taylor Avenue and Park Place West. Public Works was of the opinion that the local streets can accommodate the additional traffic. The Concept Plan for the area prepared in 1994 by the Division shows the potential for upwards of 67 single-family residential units in the area. Public Works wanted to preserve the option of installing a Shaftesbury underpass of the CNR mainline. It was the Community Committee's decision to grant the Developer a private approach to Shaftesbury at the extreme north end of the property to ensure that the underpass could still be completed.

<u>Public Works Department would have no objections to permitting access to the subject property off of the end of Litchfield Boulevard and deleting the clause restricting access to Shaftesbury.</u>
The target market for the development is principally seniors who have independent living but have meal plans, entertainment, etc in the building. This segment of the population typically

generates less traffic than families who go shopping, out for entertainment and attend youth sporting events.

If Community Committee decides at this time to again preclude Litchfield for access in which case access must be off of Shaftesbury Boulevard: the future plans for a grade separation on Shaftesbury Boulevard at the CNR Mainline again make it necessary that any access from the subject property be at the north limit of the property for reasons of traffic operations and safety, and the plans be reviewed by the Director of Public Works.

Shaftesbury Blvd Setback
Public Works Department objects to removing the setback of **57.4 feet** along Shaftesbury. This setback relates to providing separation from the roadway in Shaftesbury Boulevard in order to provide traffic noise attenuation and it elimination or reduction will result in increased traffic noise being experienced by the residents of the affected dwellings.

CNR Mainline Setback
Rail companies have previously provided some strict guidelines to buffer residents from their operations. The setback applied under **DASZ 46/79** and **DASZ 22/81** for the single family, detached dwellings adjacent to the rail tracks to the west along Park Blvd require a **110 foot** building setback with a 7 foot berm and a 6 foot wood fence.

The Division is willing to provide some flexibility for a multiple family dwelling that is being constructed of concrete/brick by reducing the required setback, however, final site plans indicating the extent of landscaping, berming, and fencing will be needed to ensure the associated activities of the rail line are properly mitigated. The Division is recommending that a **73 foot (22.5 metre) setback** be established between the principal building and the CNR Main line. For detached dwellings units, and accessory dwelling units, the setback of **110 feet** should be maintained as previously recommended.

COMPATIBILITY WITH SURROUNDING USES
The subject site is relatively isolated from the traditional single-family housing to the north. The site is bounded on the west by Shaftesbury Boulevard, on the south by the CNR mainline, and on the east by Edward Shindleman Park. To the north, the subject development is bounded by the detached condominium project proposed under DASZ 31/01. The Division is therefore of the opinion that the proposed development is separate from, and will not have a detrimental impact on, the adjacent single-family area. Especially if the minimum setback to adjacent residential properties remains at 25 feet and the minimum height of trees planted adjacent to the Foxborough Cove Condominium lands remain as previously established.

PUBLIC INPUT
The applicant hosted a Public Open House on Thursday July 14, 2005 at the Canadian Mennonite University. Invitations were dropped by Canada Post at 502 households in the letter carrier route that includes the site. Story boards described the project, including the results of a traffic study. Eight (8) people attended the Open House, and filled out a survey. Seven (7) indicated their support, with one (1) undecided.

Recommendation

The Division supports the request to delete the clauses in the zoning agreement that restricts the number of residential units, and the minimum floor area of the units. The building's yards and heights will continue to be restricted to mitigate any negative impacts on the surrounding neighbourhood. The required landscaping (minimum tree heights) will also continue to assist in screening the development. The floor area of the residential units are compatible with the previously approved floor areas minus the kitchens.

The Division is recommending that clauses previously proposed under the Zoning Agreement to DASZ 2/2002 and amended under to ZAA 2/2003 continue to be placed on the subject properties. These conditions will ensure the residential development remains compatible with the adjacent residential neighbourhood. The conditions required to mitigate any negative impacts are:

- *that maximum height of the building remain at 3 storeys.*
- *The minimum setback to adjacent residential properties remain at 25 feet.*
- *The building setback from Shaftsbury remain at 57.4 feet.*
- *The building setback from the CNR Main line be reduced from 110 feet to 73.4 feet for the multiple family dwelling.*
- *The minimum height of trees planted adjacent to the Foxborough Cove Condominium lands remain as previously established.*
- *site plan approval for landscaping, fencing, buildings, and signage by the Assiniboia CC and the Director of Planning;*

The Division recommends that the private approach from Shaftesbury be restricted since the local streets can accommodate the additional traffic. However, should the Community Committee feel that access from Litchfield should be restricted then the following conditions would still be needed, namely:

J. *That the principal access to the development be restricted to Shaftsebury Boulevard in accordance with plans approved by the Director of Public Works .*

K. *That the applicant and/or landowner(s) not oppose the possible future closure and fencing of the Litchfield right-of-way.*

Recommended Conditions of Approval

1. That the Zoning Agreement proposed under file no. **DASZ 2/2002**, dated, **June 19, 2002** and amended **May 28, 2003** be substituted as follows:

   A. That Clause A be deleted.

   B. That the maximum height of buildings on the site be limited to 3 storeys.

   C. That Clause C be deleted.

   D. That the minimum building set back to adjacent properties be a 7.62 metres (25 feet), excepting non-winterized sun rooms.

   E. That dwellings be set back a minimum distance of 17.5 metres (57.4 feet) from Shaftesbury Boulevard except where those dwellings abut the proposed underpass R.O.W., and lands taken therefore, in which case the minimum set back to dwellings shall be 10 metres (32.8 feet).

   F. That a set back minimum distance of 73.8 feet (22.5 metres) be established for multiple family dwellings constructed adjacent to the CNR Mainline right-of-way.

      a That a setback minimum distance of 110 feet (33.5 metres) be established for any detached dwelling / residential units or accessory dwelling / residential units constructed adjacent to the CNR Mainline right-of-way.

   G. That Clause G be deleted.

   H. That for the development of any building, and/or accessory parking area and/or signage, 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, landscaping, berming, site lighting, and signage 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;

   I. That the minimum height of trees planted along the property limits of the adjacent Foxborough Cove Condominium lands be as follows:

      i. 50% with a minimum height of 1.8 metres (6 feet);
      ii. 25% with a minimum height of 2.4 metres (8 feet);
      iii. 25% with a minimum height of 3.1 metres (10 feet).

J. That a new site plan be prepared immediately upon Council approval of the amendments to **DASZ 2/2002**.

K. That Clause K be deleted.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Zoning Agreement **DASZ 2/2002**, dated, **June 19, 2002** as approved in aforesaid Clause 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: John S. Wintrup
PPD File # ZAA 14/05



Figure 1: Existing Land-Uses for subject property and Surrounding Area.

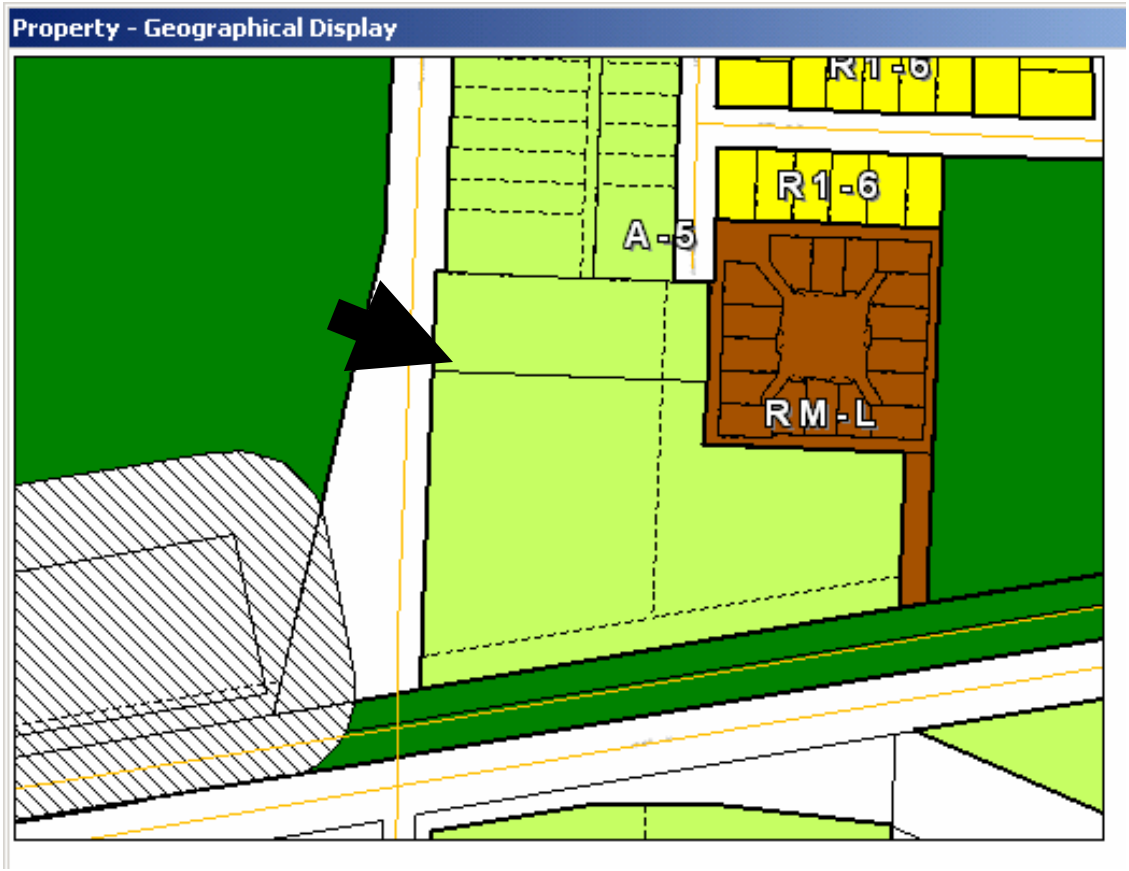


Figure 2: Existing Zoning for subject property and Surrounding Area.