Minute No. 205
Report - Standing Policy Committee on Property and Development - January 10, 2006

Item No. 2 Subdivision and Rezoning - east side of Camp Manitou Road, north of Assiniboine River
File DASZ 44/2005 [c/r DAC 14/2005]

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 44/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Exhibit "12" for File DASZ 44/2005 dated December, 2005, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 25, 2005, with the following amendments namely:

        i. Delete Recommendation 5. in its entirety and replace with the following:

            5. A. The Developer shall, at no expense to the City, construct an asphaltic concrete pavement in the proposed emergency access between the proposed internal collector street and Oxbow Bend Road and shall install bollards at the east end of the emergency access, all as determined by and to the satisfaction of the Director of Public Works and the Chief of the Fire and Paramedic Service.

        ii. Delete the word "paved" in the first line of Recommendation 10 and replace it with the words "all weather".

        iii. Delete the word "entrances" in the first line of Recommendation 19 and replace it with the word "entrance".

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

Report - Standing Policy Committee on Property and Development - January 10, 2006

COUNCIL DECISION (continued):

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Exhibit "12" for File DASZ 44/2005 dated December, 2005, to "R1-6" and "R1-9" Single-Family Districts, "RM-L" Multiple Family District and "PR1" Parks and Recreation District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That final drawings for those sites zoned "RM" Multiple Family District showing the location and details of site plans, access, layout, parking, loading, building elevations, landscaping, fencing and garbage enclosures proposed shall be submitted to the Director of Planning, Property and Development and the Assiniboia Community Committee for approval prior to the issuing of any development or building permits and shall be maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

4. That the Sales Agreement between the City and the Developer be amended to account for the acquisition of two residual parcels of land from the City, specifically a rectangular piece falling within Lot 32, Block 3, and a triangular piece within Lot 31, Block 3, as per Schedule 'B' for File DASZ 44/2005 dated November 25, 2005.

5. That the Developer execute a Conservation Easement Agreement that will serve to protect the stands of river bottom forest within the proposed residential lots adjacent to the Assiniboine River. The easement will be to the satisfaction of the City and shall be registered as a caveat in series with the registration of the plan of subdivision in the Winnipeg Land Titles Office as per Schedule 'C' for File DASZ 44/2005 dated November 25, 2005.

6. That the Developer initiate the drafting of a Servicing and Maintenance Agreement between the Rural Municipality of Headingley and the City regarding Camp Manitou Road and the terms of the agreement be to the satisfaction of the City.

7. That the approved plan of subdivision not be released for registration in the Winnipeg Land Titles Office until:

    A. a Servicing and Maintenance Agreement has been entered into between the City and the Rural Municipality of Headingley and a minimum of one (1) full-time, unimpeded and paved means of access to and egress from the development as well as a minimum of one (1) emergency only access to and egress from the development have been secured by the Developer to the satisfaction of the City.

Report - Standing Policy Committee on Property and Development - January 10, 2006

COUNCIL DECISION (continued):

B. an agreement has been entered into regarding intersection improvements at Portage Avenue and Camp Manitou Road as approved by the Department of Highways, Province of Manitoba, all to the satisfaction of the Directors of Planning, Property and Development and Public Works.

8. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

9. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

10. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

11. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

12. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

13. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

14. That the Proper Officers of the City are hereby authorized to execute any agreements and documents connected with the development.

15. 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 - January 10, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development be adopted.

The motion for adoption of the item was put.

Councillor Gerbasi called for the yeas and nays, which were as follows:

Yea: His Worship Mayor Katz, Councillors Lazarenko, Clement, De Smedt, Magnifico, Pagtakhan, Steeves, Swandel, Wyatt and Eadie. 10

Nay: Councillors Benham, Gerbasi, Lubosch, Smith and Thomas 5

and the motion was declared carried.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2006, 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 January 10, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee, as amended, namely:

- That the Report from the Administrative Coordinating Group dated November 25, 2005, as amended by the Assiniboia Community Committee, be further amended by deleting Recommendation No. 5B.

- That Condition No. 7 be deleted in its entirety and the following substituted therefore, namely:

  "7. That the approved plan of subdivision not be released for registration in the Winnipeg Land Titles Office until:

Report - Standing Policy Committee on Property and Development - January 10, 2006

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

A. a Servicing and Maintenance Agreement has been entered into between the City and the Rural Municipality of Headingley and a minimum of one (1) full-time, unimpeded and paved means of access to and egress from the development as well as a minimum of one (1) emergency only access to and egress from the development have been secured by the Developer to the satisfaction of the City.

B. an agreement has been entered into regarding intersection improvements at Portage Avenue and Camp Manitou Road as approved by the Department of Highways, Province of Manitoba, all to the satisfaction of the Directors of Planning, Property and Development and Public Works."

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

COMMUNITY COMMITTEE RECOMMENDATION:

On December 13, 2005, the Assiniboia Community Committee concurred in the administrative recommendation with the following amendments, namely:

Planning and Land Use Report

- That Recommendation 1 be amended by deleting the words "Schedule "A" and replacing them with the words "Exhibit "12" and by deleting "November 25, 2005", and replacing it with "December, 2005"

- That Recommendation 3 be amended by deleting the words "Schedule 'A'" and replacing them with the words "Exhibit '12'" and by deleting the words "RM-3" Multiple Family"

- That Recommendation 7 be amended by deleting the word "two" after the words "a minimum of" and before the words "full-time" and replacing it with the word "one (1)" and by adding the words " as well as a minimum of one (1) emergency only access to and egress from the development" after the words "the development" and before the words "have been"

Report - Standing Policy Committee on Property and Development - January 10, 2006

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

Administrative Coordinating Group Report

- That Recommendation 5 be deleted in its entirety and replaced with the following:

  5.A. The Developer shall, at no expense to the City, construct an asphaltic concrete pavement in the proposed emergency access between the proposed internal collector street and Oxbow Bend Road and shall install bollards at the east end of the emergency access all as determined by and to the satisfaction of the Director of Public Works and the Chief of the Fire and Paramedic Service.

  5B. The Developer shall, at no expense to the City, upgrade Oxbow Bend Road from the proposed emergency access to Portage Avenue to a hard surface, all-weather roadway as determined by and to the satisfaction of the Director of Public Works based on the approval by the Manitoba Department of Transportation and Government Services as contained in that Department's letter to Longboat Capital Group dated December 12, 2005.

- That the word "paved" be deleted in the first line of Recommendation 10 and replaced with the words "all weather"

- That the word "entrances" be deleted in the first line of Recommendation 19 and replaced with the word "entrance"

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

RE: **Subdivision and Rezoning - East side of Camp Manitou Road, north of Assiniboine River**
File DASZ 44/2005

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

Prepared by: **Carlos Gameiro, Clerk**
The Assiniboia Community Committee

Report date: **December 16, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 13, 2006, The Assiniboia Community Committee concurred in the administrative recommendation as amended and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 44/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with ~~***Schedule "A"***~~ ***Exhibit "12***"for File DASZ 44/2005, dated ~~***November 25, 2005***~~, ***December, 2005*** for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 25, 2005, ***with the following amendments namely:***

      i. Delete Recommendation 5. in its entirety and replace with the following:

         5.A. The Developer shall, at no expense to the City, construct an asphaltic concrete pavement in the proposed emergency access between the proposed internal collector street and Oxbow Bend Road and shall install bollards at the east end of the emergency access all as determined by and to the satisfaction of the Director of Public Works and the Chief of the Fire and Paramedic Service

         B. The Developer shall, at no expense to the City, upgrade Oxbow Bend Road from the proposed emergency access to Portage Avenue to a hard surface, all-weather roadway as determined by and to the satisfaction of the Director of Public Works based on the approval by the Manitoba Department of Transportation and Government Services as contained in that Department's letter to Longboat Capital Group dated December 12, 2005.

ii. Delete the word "paved" in the first line of Recommendation 10 and replace it with the words "all weather"

iii. Delete the word "entrances" in the first line of Recommendation 19 and replace it with the word "entrance"

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on ***~~Schedule "A"~~ Exhibit "12***"for File DASZ 44/2005 dated ***~~November 25, 2005~~***, ***December, 2005*** to "R1-6" and "R1-9" Single-Family Districts, "RM-L" Multiple Family District, ***~~and 'RM-3' Multiple Family Residential Districts~~*** and "PR1" Parks and Recreation District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

   A. That final drawings for those sites zoned "RM" Multiple Family District showing the location and details of site plans, access, layout, parking, loading, building elevations, landscaping, fencing and garbage enclosures proposed shall be submitted to the Director of Planning, Property and Development and the Assiniboia Community Committee for approval prior to the issuing of any development or building permits and shall be maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

4. That the Sales Agreement between the City and the Developer be amended to account for the acquisition of two residual parcels of land from the City, specifically a rectangular piece falling within Lot 32, Block 3, and a triangular piece within Lot 31, Block 3, as per Schedule 'B' for File DASZ 44/2005 dated November 25, 2005.

5. That the Developer execute a Conservation Easement Agreement that will serve to protect the stands of river bottom forest within the proposed residential lots adjacent to the Assiniboine River. The easement will be to the satisfaction of the City and shall be registered as a caveat in series with the registration of the plan of subdivision in the Winnipeg Land Titles Office as per Schedule 'C' for File DASZ 44/2005 dated November 25, 2005.

6. That the Developer initiate the drafting of a Servicing and Maintenance Agreement between the Rural Municipality of Headingley and the City regarding Camp Manitou Road and the terms of the agreement be to the satisfaction of the City.

7. That the approved plan of subdivision not be released for registration in the Winnipeg Land Titles Office until a Servicing and Maintenance Agreement has been entered into

between the City and the Rural Municipality of Headingley and that a minimum of ~~***two***~~ ***one (1)*** full-time, unimpeded and paved means of access to and egress from the development ***as well as a minimum of one (1) emergency only access to and egress from the development*** have been secured by the Developer to the satisfaction of the City.

8. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

9. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

10. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

11. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

12. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

13. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

14. That the Proper Officers of the City are hereby authorized to execute any agreements and documents connected with the development.

15. 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 reasons for its recommendation:

1. This is a dynamic proposal that will offer options for people to live in the city.

PUBLIC HEARING SUMMARY

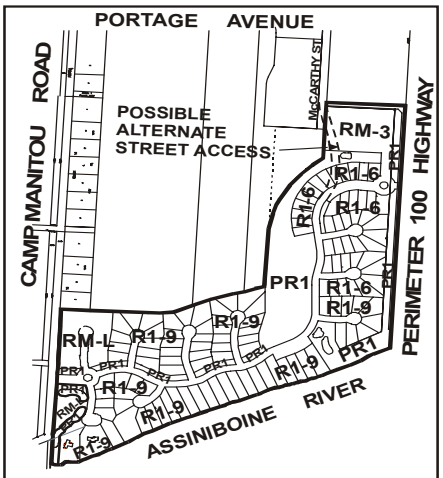
File: DASZ 44/2005

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

Public Hearings: December 13, 2005
Community Committee Chamber
5006 Roblin Boulevard

Applicant: 4922507 Manitoba Ltd.
(Scott Stephanson)

Subject:



ASSINIBOIA COMMUNITY

APPLICANT : 4922507 MANITOBA LTD.
FILE : DASZ 44/05
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "A" AGRICULTURAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT, an "R1-6" and "R1-9" RESIDENTIAL DISTRICTS and an "RM-L" and "RM-3" MULTIPLE-FAMILY DISTRICTS. **For information, phone Mr. J. Veitch, Planner at 986-7728.**

Premises Affected: East side of Camp Manitou Road, north of Assiniboine River

Exhibits Filed:

1. Application dated October 4, 2005
2. Notification of Public Hearing dated November 21, 2005
3. Manitoba Statuses of Titles 1145362, 1241002, 1383005, 2058017, 2058024, 2064216, 2058048 and 2058049
4. Surveyor's Building Location Certificate and sketch dated July 22, 2005

5A. Letter of authorization dated June 1, 2005 from Manchester Trading Company Limited to 4922507 Manitoba Ltd.

5B. Letter of authorization dated May 27, 2005 from Catholic Cemeteries Management Inc. to 4922507 Manitoba Ltd.

5C. Letter of authorization dated August 2, 2005 from Ruth and Stephen Chipman to 4922507 Manitoba Ltd.

5D. Letter of authorization dated March 23, 2005 from The City of Winnipeg to 4922507 Manitoba Ltd.

5E. Letter of authorization dated December 9, 2005 from Jeoff and Kim Chipman to 4922507 Manitoba Ltd.

6. Plan
7. Report from the Manager of Planning and Land Use dated November 25, 2005
8. Report from the Administrative Coordinating Group dated November 25, 2005
9. Inspection Report
10. Communication dated December 12, 2005 from Eric Christiansen, Director of Highway Planning and Design, Province of Manitoba, with respect to the application, submitted and read into the record at the public hearing by Jeoff Chipman
11. Communication dated December 13, 2005 from Mary Scott, President, Council of Women of Manitoba Inc. and Dr. Mary Pankiw, President, Council of Women of Winnipeg, in opposition to the application, submitted and read into the record at the public hearing by J Valinda Morris on behalf of The Provincial Council of Women
12. Revised Site Plans submitted at the public hearing by the applicant

REPRESENTATIONS:

In Support:
Jeoff Chipman and Scott Stephanson, 4922507 Manitoba Ltd.
Doug Scott
Mike Scatliff

In Opposition:
Valinda Morris on behalf of The Provincial Council of Women
Elizabeth Fleming, The Provincial Council of Women
Mary Scott, President, Council of Women of Manitoba Inc.
Dr. Mary Pankiw, President, Council of Women of Winnipeg
Barb Chisholm
Robert L. Tyler, Aikins Macaulay and Thorvaldson LLP
Jake and Ed Enns

For Information:
Eric Christiansen, Director of Highway Planning and Design, Province of Manitoba
Leo Cholakis
Bob Matias

For the City:
Mr. J. Veitch, Planner, Planning, Property and Development Department
Mr. E. Carrière, Land Development Engineer, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

The applicant, Scott Stephanson accompanied by Jeff Chipman, 4922507 Manitoba Ltd., appeared in support of the application and gave a brief overview of the proposal. Mr. Chipman submitted and read into the record a communication dated December 12, 2005 from the Director of Highway Planning and Design, Province of Manitoba, filed as Exhibit 10. He stated concerns with the following administrative recommendations, namely:

- Recommendation 5. of the Report from the Manager of Planning and Land Use, pertaining to a Conservation Easement Agreement and requested that said Recommendation be deleted.

- Recommendation 7. of the Report from the Manager of Planning and Land Use, requiring two full-time, unimpeded, and paved means of access to and egress.

In response to Committee's questions, Mr. Chipman stated they would be willing to withdraw their request for "RM-3" Multiple Family District zoning from the application.

Valinda Morris accompanied by Elizabeth Fleming, The Provincial Council of Women, appeared in opposition to the application and read into the record a communication dated December 13, 2005 from Mary Scott, President, Council of Women of Manitoba Inc. and Dr. Mary Pankiw, President, Council of Women of Winnipeg, filed as Exhibit 11.

Robert L. Tyler, Aikins Macaulay and Thorvaldson LLP, accompanied by Jake and Ed Enns on behalf of The Alliance Church appeared in opposition the application. Mr. Aikins stated they were not opposed to the development, but were concerned with its affects on access to the church.

In rebuttal, the applicants responded to the concerns expressed by those who spoke in opposition to the application. Mr. Stephenson stated there was a demand for this type of development in the area, there were already fifty (50) people on a waiting list to purchase said lots and there had been no previous development in the area. He also stated the existence of servicing for the area. He further stated concurrence with the communication from the Highway Planning and Design, Province of Manitoba (exhibit 10).

In response to Committee's questions, the Planner indicated that conservation easements were in place for the protection of the river bottom forest.

Exhibit "7" referred to in File DASZ 44/2005

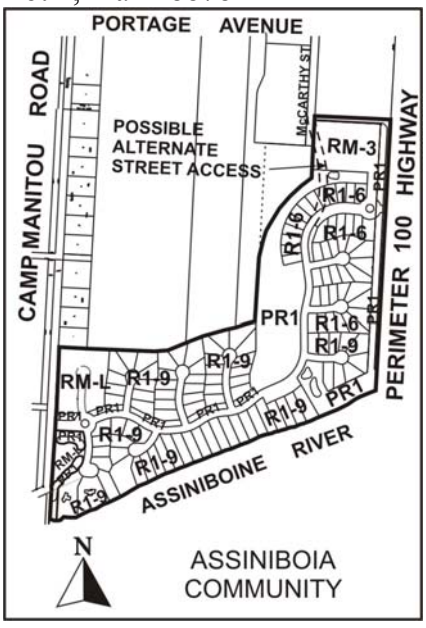
Winnipeg

Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date: November 25, 2005
File: **DASZ 44/05**
Related Files: N/A
Subject: To rezone land from 'A' Agricultural District to 'R1-6' & 'R1-9' Residential Districts, 'RM-L' & 'RM-3' Multiple Family Residential Districts and 'PR1' Parks and Recreation District to create 123 new lots for new Single Family and Multiple Family Residential Development

Location: East side of Camp Manitou Road, North of the Assiniboine River
Legal Description: Lots 1-3, Block 6 Pt Lot 20, Lots 21-28, Block 2, Lots 1-4, Block 10 Plan 1242
Parcel A, Plan 43332
Pt Wly 517 feet of RL 90 (now Parcel A, Plan 43332)
Parcel B, Plan 43332, Parcel C, Plan 43332, Parcel D, Plan 43332
Ptn Wly 396 ft of Ely 621.72 ft of RL 92 South of south limit of Plan 4421
Lot 1, Plan 18878



Applicant: **4922507 Manitoba Ltd.**
Owners: Richard Stephen Chipman & Ruth Evelyn Chipman, Manchester Trading Company Ltd., Jeoffrey Robert Chipman & Kim Eileen Chipman, 4922507 Manitoba Ltd., Catholic Cemeteries Management Inc., The City of Winnipeg

Recommendation: Approved with Conditions

Site Description

The subject area is approximately 95 acres in size and is located in the Assiniboia Downs Neighbourhood of the Assiniboia Ward. Currently the area is zoned 'A' Agricultural and is predominantly vacant with the exception of 3 single-family dwellings at the south west corner. The area is designated 'Neighbourhood' under Plan Winnipeg.

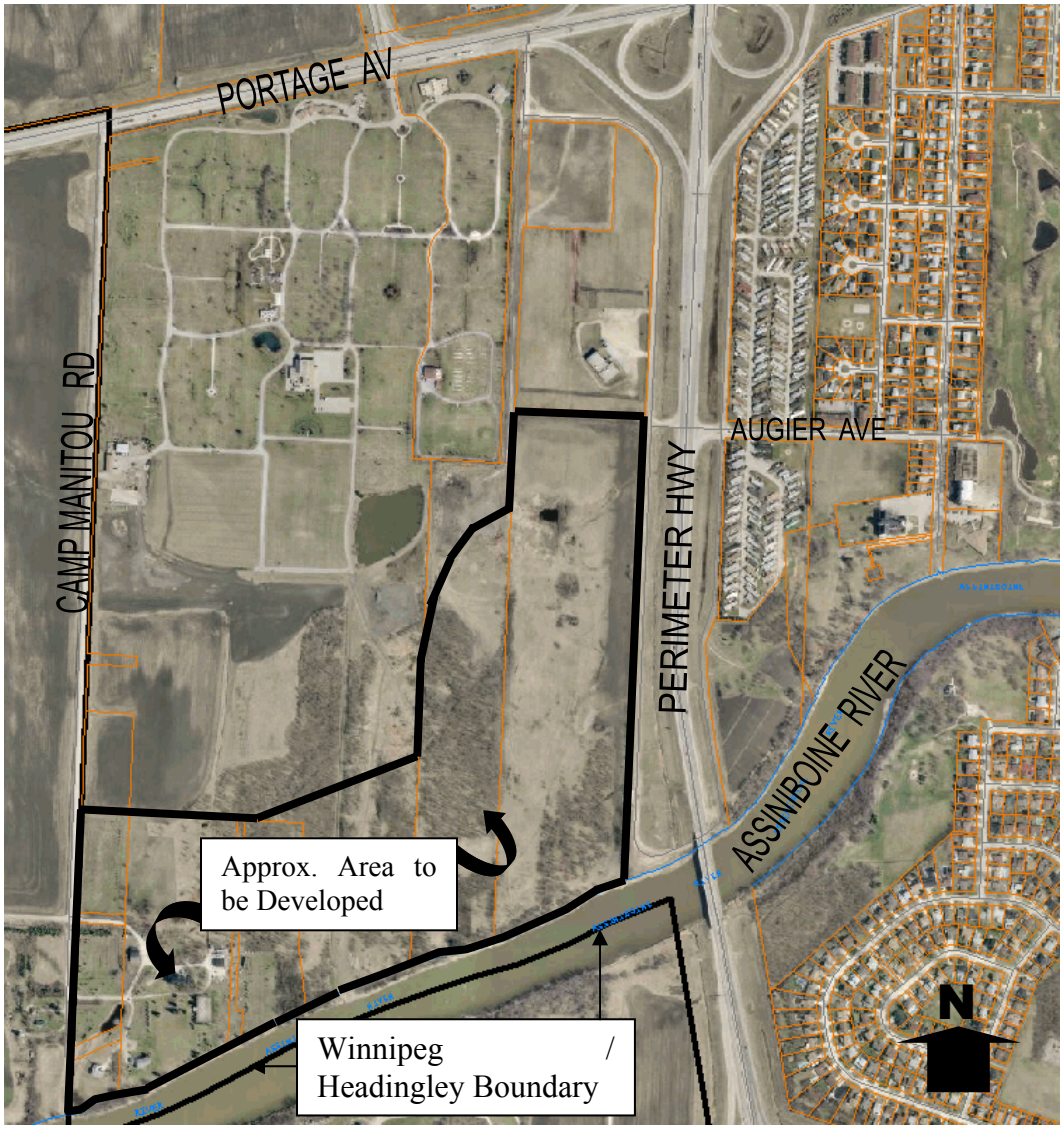


Figure 1: Subject Area (Aerial Photograph Flown 2002)

Surrounding Land Use and Zoning

North: 'A' Agricultural (Chapel Lawn Memorial) then Portage Avenue (PTH No.1 W)
South: Assiniboine River then the R.M. of Headingley
East: Perimeter Highway 100 then 'C3-2' Commercial (Downs Village)
West: R.M. of Headingley, Camp Manitou Road & future proposed residential

Background

The proposed subdivision site is the result of a long-term consolidation process of various land holdings from several different owners. The Longboat Capital Group along with an affiliated holding company, the Manchester Trading Company, acquired the parcels from the Chapel Lawns Memorial Gardens, the City of Winnipeg and others with the intent that the highest and best use for this land was a large lot residential subdivision.

Description of the Proposed Development

The proposed development is combination of a large lot subdivision with limited multiple family uses organized along a central drive running east west from Oxbow Bend Road and/or McCarthy Street to Camp Manitou Road.

The 95 acres are organized into approximately 83.5 acres of large lot single family residential, 6 acres of low-density condominium bungalows and a 5.5 acre assisted living development. The majority of the 120 single family residential will be half-acre lots. The developer is proposing 30 to 40 condominium bungalow units at the west end of the project, the City of Winnipeg Zoning By-law 6400/94 would permit 100 units on 6 acres. The 5.5 acre assisted living component at the east end of the subdivision would be comprised of approximately 140 units; the By-law would permit 238 units.

The site has a significant amount of high quality Oak and Riverbottom forest. The developer has indicated that the project will incorporate a Low Impact Development (LID) strategy. Their intention is to retain as much of the existing native forest and vegetation as possible, incorporate natural drainage patterns and systems for stormwater management and retention as well as providing a linked system of green pathways and open space.

Analysis

Plan Winnipeg Compliance
Plan Winnipeg 2020 Vision, which was adopted on December 21, 2001 has designated the subject site as a 'Neighbourhood' Policy Area, under this designation the proposed residential development would be permitted upon a successful re-zoning and subdivision of the land.

The proposed residential development is a mix of varying densities, including large lots, multiple family and assisted living. The rural residential style of the concept speaks to the Plan Winnipeg Policy 3B-01 i) promoting vibrant neighbourhoods by encouraging and accommodating within new and existing developments a variety of compatible mixed uses including low intensity residential uses.

As stated earlier, the area is endowed with an abundance of high quality forest and green space. The design concept will dedicate over 16% of the lands to the City as parks and open space. This includes approximately 15 acres of the site's most valuable Oak forest, 6.5 acres set aside for City Preserve adjacent to the Perimeter Highway and the Assiniboine River bank and 12.24 acres of a treed and widened right of way with 'green' pedestrian paths. In addition to the dedications the City is proposing to attach a Conservation Easement as a caveat on the residential properties that are adjacent to the Assiniboine River bank to protect the existing Riverbottom forest. Plan Winnipeg policies such as 3B-09 supports the preservation of open space for recreational uses and natural habitats.

The proposed development will provide a full range of services with a high degree of ecologically driven systems of grading, landscaping and drainage. Policy 3B-02 i) reinforces this aspect of the proposal by stating that developments be required to provide a full range of municipal infrastructure in an environmentally sound, economical and timely manner.

Compatibility with Surrounding Uses
The location of the subject site is relatively unique in that it is somewhat secluded from other residential lands within the City of Winnipeg. The site is separated from the City by the Perimeter Highway, bounded to the south by the Assiniboine River, the west by Camp Manitou Road and the Municipal boarder with the R.M. of Headingley and to the north by the Chapel Lawn Memorial Cemetery. Of note, a similar development of approximately 270 fully serviced large lots is proposed for the lands west of Camp Manitou Road in the R.M. of Headingley immediately adjacent to the subject site.

Transportation and Site Access
The conceptual subdivision plan submitted with the application indicates that the main collector running the length of the subdivision will connect at the west end of the site with Camp Manitou Road, (under the jurisdiction of the R.M. of Headingley) while the east end of the collector connects with Oxbow Bend Road within the City jurisdiction.

The R.M. of Headingley has previously indicated that they will allow the subdivision to connect to Camp Manitou Road with the expectation that the developer will contribute their share towards the upgrade and maintenance of that road. The City is comfortable with this arrangement as long as there is a Servicing and Maintenance Agreement between the R.M. of Headingley and the City of Winnipeg in place prior to the registration of the subdivision at the Land Titles Office. Camp Manitou Road is not under the control of the City; therefore we need to be assured that it will be appropriately maintained for daily and emergency use.

In terms of the second means of access at Oxbow Bend Road and/or McCarthy Street, its ultimate connection to either the Perimeter Highway or Portage Avenue requires approval from the Department of Transportation and Government Services of the Province of Manitoba. The Province has indicated that they will allow emergency access only at these locations. The City of Winnipeg, including the Public Works Department, the Fire Paramedic Service, Land Development and the Planning and Land Use Division are steadfast in their insistence that at least two accesses to the subdivision must be open to the public as full-time unimpeded paved entry and egress. One of the conditions in the Offer to Purchase, File No. 32/6686 Item 13. (4) Due Diligence states; *'The Purchaser in his sole discretion completing satisfactory negotiations with the City of Winnipeg, the Province of Manitoba, the adjacent landholders and the Municipality of Headingley to provide satisfactory access to the proposed subdivision.'*

The City's position is further emphasized in the ACG report dated November 25, 2005, Item 2. *'The Developer needs to provide a second permanent means of paved all-weather access in order for development of this area to proceed.'*

The Developer's ability to negotiate and secure two full-time, unimpeded, and paved means of access to and egress from the proposed development is the key outstanding transportation issue.

In terms of street configuration, subdivision design standards are based on safety, efficiency, convenience and aesthetics. The ability for fire, paramedic and police vehicles to respond to emergencies in a timely manner is dictated by both the quality and layout of the roadway system. Having only one full-time access to a subdivision compromises response time if for whatever reason that access was to become unusable. The option of providing one main access with a secondary 'emergency only' access is not acceptable to the Fire Paramedic Service, the Public Works Department and the Planning and Land Use Division for a subdivision of this size and density. Not only will the access for emergency vehicles be complicated and difficult to negotiate, the ability to evacuate the residents will be diminished if not impossible.

In regards to efficiency, convenience and aesthetics, the Public Works Department calculates residential car trips at an average of 9 trips per day per household. Based on the conceptual layout provided by the applicant, not including the 140 assisted living units, the typical number of car trips generated by the residents will be approximately 1,440 per day. By providing only one permanent access the subdivision becomes an exaggerated cul-de-sac which will double the number of vehicle trips through the west half of the development, while increasing the required distance of travel for the east half of the development. The scenario reduces the efficiency of the layout, compromises the residents' convenience, and deteriorates the aesthetics and character of the proposed neighbourhood.

Site Design Issues
The development plan indicates large lot single family residential bracketed by multiple family at the west and east ends of the main collector. The higher density 'RM-3' multiple family will only be appropriate if the full time access is allowed at that location.

The inclusion of the significant system of parks, pathways, existing forest and natural drainage systems is environmentally responsible and will fit well with the rural residential character of the development.

Comments from Other Departments
The proposal has been reviewed by all of the relevant City departments and has gone through the Administrative Coordinating Group. Their development requirements are outlined in the ACG Report as well as the recommended conditions for approval in this report.

Recommendation

The Planning and Land Use Division recommends approval for the following reasons:

- There is a high demand of single-family residential lots in Winnipeg and specifically there have been no new residential opportunities in west Winnipeg in recent years.

- The development is consistent with Plan Winnipeg and its encouragement of low intensity residential uses, mixed residential, environmental stewardship and providing a full range of municipal infrastructure.

- The design proposal plans to incorporate Low Impact Development retaining significant stands of oak forest and River Bottom forest, dedicating over 15 acres of public openspace and establishing a network of trails and providing a naturalized stormwater retention and management system.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. DASZ 44/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 44/05, attached hereto and dated November 25, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That, the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 25, 2005;

2. That, the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 44/05, attached hereto and dated November 25, 2005, to 'R1-6' & 'R1-9' Residential Districts, 'RM-L' & 'RM-3' Multiple Family Residential Districts and 'PR1' Parks and Recreation District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

   A. That final drawings for those sites zoned 'RM' Multiple Family Residential showing the location and details of site plans, access, layout, parking, loading, building elevations, landscaping, fencing and garbage enclosures proposed shall be submitted to the Director of Planning, Property and Development and the Assiniboia Community Committee for approval prior to the issuing of any development or building permits; and shall be maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

4. That the Sales Agreement between the City and the Developer be amended to account for the acquisition of two residual parcels of land from the City, specifically a rectangular piece falling within Lot 32 Block 3 and a triangular piece within Lot 31 Block 3 as per Schedule 'B'.

5. That the Developer executes a Conservation Easement Agreement that will serve to protect the stands of river bottom forest within the proposed residential lots adjacent to the Assiniboine River. The easement will be to the satisfaction of the City and shall be registered as a caveat in series with the registration of the plan of subdivision in the L.T.O. as per Schedule 'C'.

6. That the Developer initiates the drafting of a Servicing and Maintenance Agreement between the R.M. of Headingley and the City regarding Camp Manitou Road and that the terms of the agreement shall be to the satisfaction of the City.

7. That the approved plan of subdivision not be released for registration in the L.T.O. until a Servicing and Maintenance Agreement has been entered into between the City and the R.M. of Headingley and that a minimum of two full-time, unimpeded, and paved means of access to and egress from the development have been secured by the Developer to the satisfaction of the City.

8. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

9. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

10. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

11. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

12. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

13. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

14. That the Proper Officers of the City are hereby authorized to execute any agreements and documents connected with the development.

15. 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: James Veitch
PPD File # DASZ 44/05

Schedule "A"

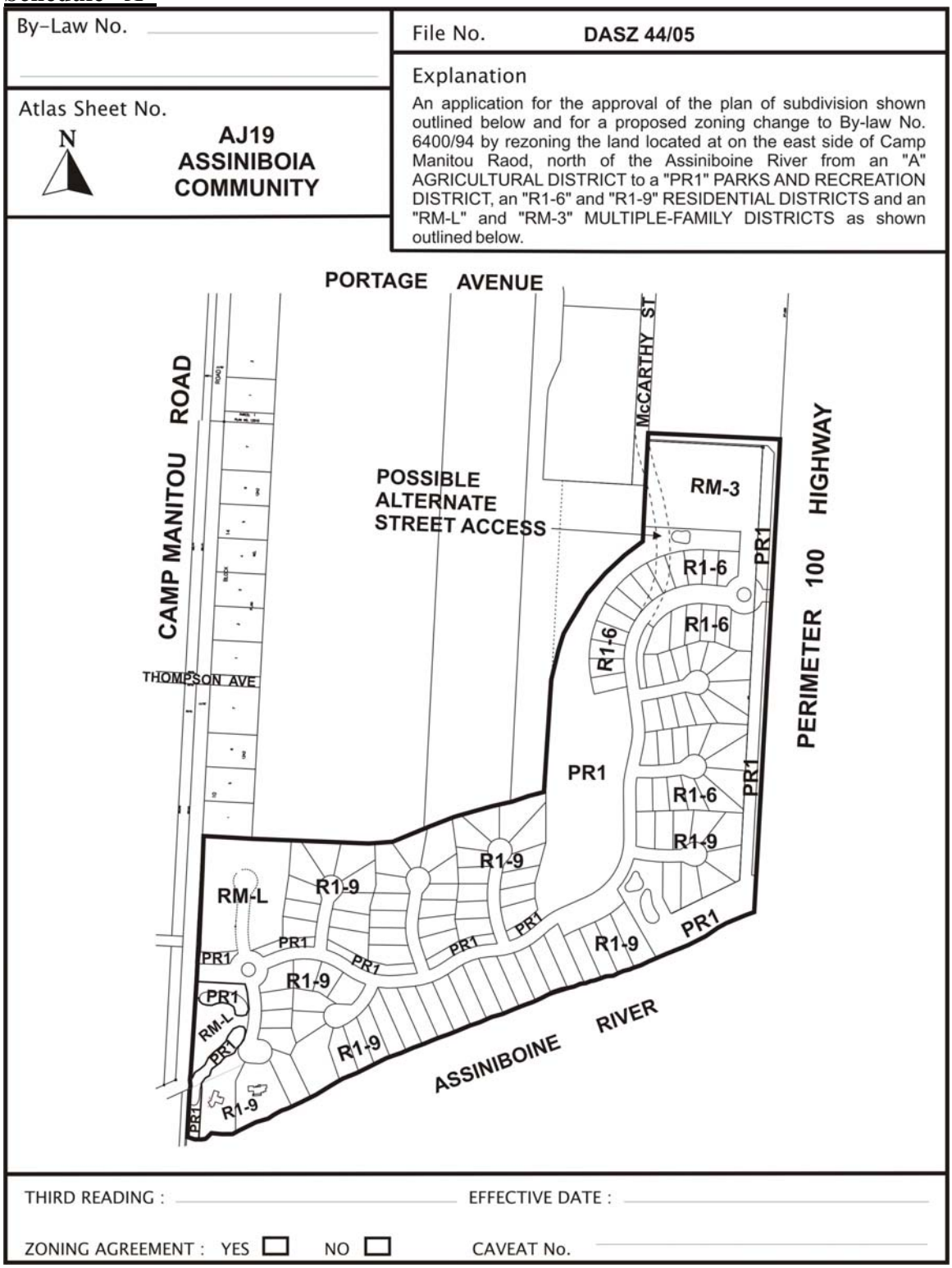


Figure 2: Schedule "A" to the report to the Assiniboia Community Committee for File No. DASZ 44/2005, dated November 25, 2005.

Schedule "B"

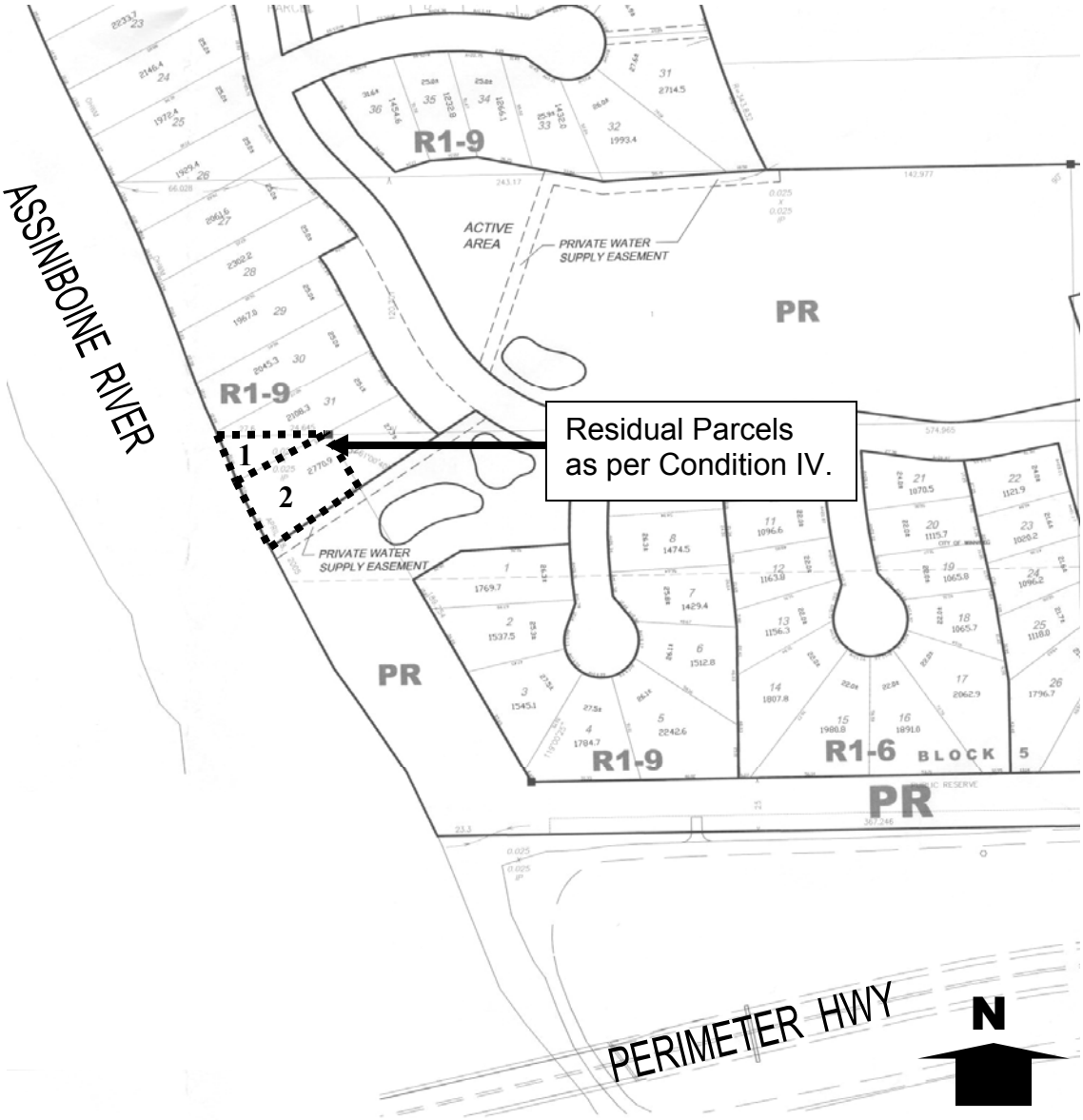


Figure 3: Schedule "B" to the report to the Assiniboia Community Committee for File No. DASZ 44/2005, dated November 25, 2005. (Location of the two Residual Parcels for acquisition by the Developer as per Condition IV)

Schedule "C"

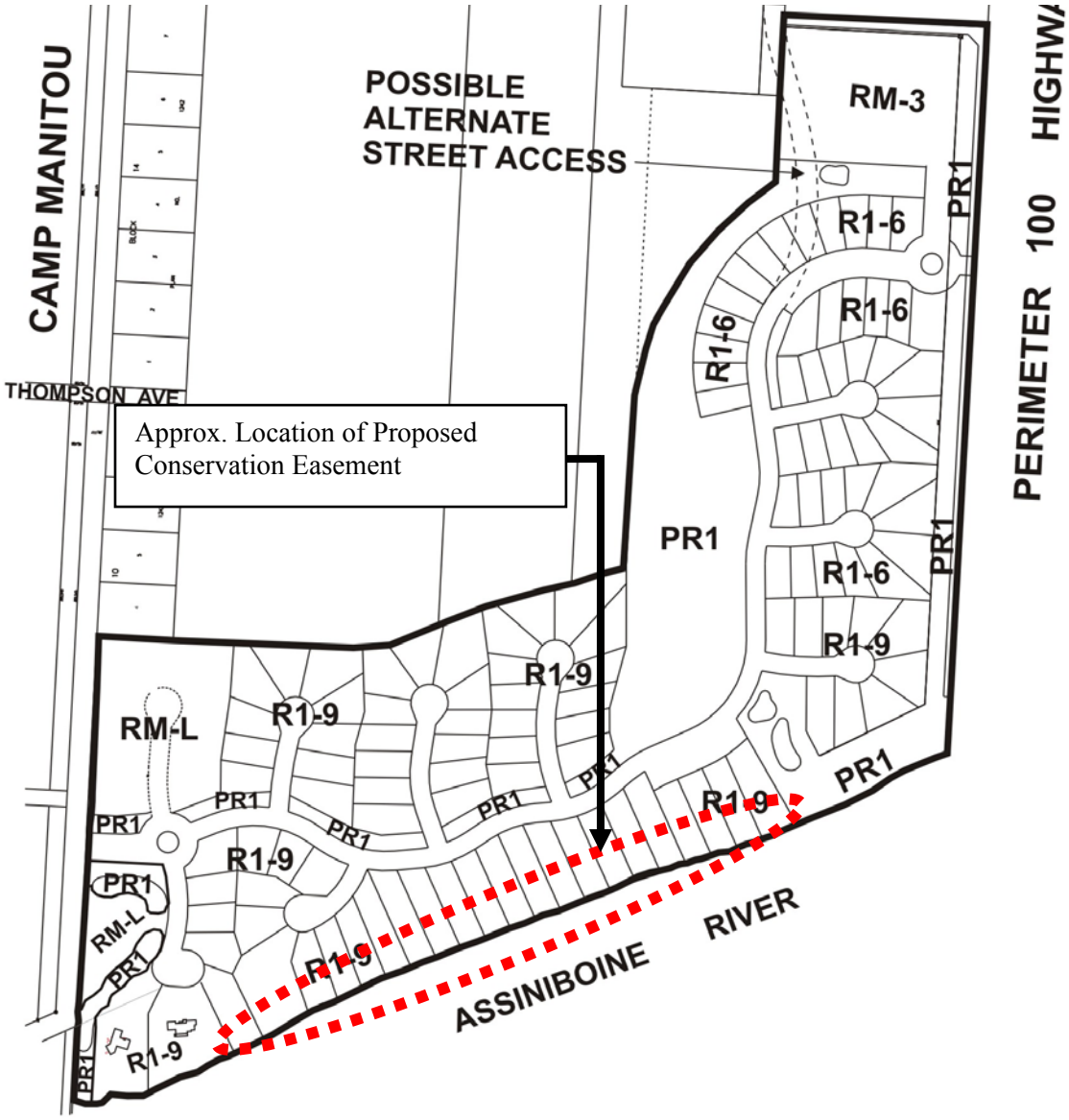


Figure 4: Schedule "C" to the report to the Assiniboia Community Committee for File No. DASZ 44/2005, dated November 25, 2005. (Approximate Location of Proposed Conservation Easement as per Condition V)

Exhibit "8" referred to in File DASZ 44/2005

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE EAST SIDE OF CAMP MANITOU ROAD - DASZ 44/05

An application has been submitted by 4922507 Manitoba Ltd. (Scott Stephanson) to subdivide and rezone land located on the east side of Camp Manitou Road. The application was reviewed by the Administrative Coordinating Group (A.C.G.) resulting in the following comments:

The Public Works Department adviseded as follows:

1. Development of an area as large in area and containing as many units as that proposed generally requires two permanent paved means of access for reasons of resident safety, fire, ambulance and police access, as well as resident convenience where two means of access will ensure that one means of access will always be available should the other be blocked for whatever reason. This is particularly important in this case as the primary means of access to this area is intended to be Camp Manitou Road which is under the jurisdiction of the R.M. of Headingley and as such the City has no direct control over its maintenance and accessibility.

2. Oxbow Bend Road, the Perimeter Highway service road, is under the jurisdiction of the City, but is not a desirable facility for a second means of permanent access. On the west side of the Perimeter Highway from opposite Augier Avenue to the north, Oxbow Bend Road is a gravel surface roadway that intersects Portage Avenue via McCarthy Street providing only right-in/right-out access. This access to Portage Avenue is poorly located with respect to the west to south interchange ramp for the Portage Avenue/Perimeter Highway interchange and as such is a safety and operational concern due to conflicts between ramp traffic and traffic that may be entering or exiting McCarthy Street. This access also does not allow for the westbound left-turn movement which would be necessary to accommodate emergency vehicles attending to the area from the east on Portage Avenue. Opposite Augier Avenue there is an existing right-in/right-out access from Oxbow Bend Road to the southbound lanes of the Perimeter Highway, which the Manitoba Department of Transportation and Government Services is intent on closing at some time in the future. South of this access point, under the Perimeter Highway bridge over the Assiniboine River and then northerly to Augier Avenue, Oxbow Bend Road is basically an unimproved dirt road not suitable for a means of access. There is minimal vertical clearance under the Perimeter Highway which could prevent emergency vehicles such as fire trucks and ambulances from using this route to access the area. It is also not desirable to use this route as a second means of access for residents of the proposed area as it would result in additional traffic traveling on the local streets through the area east of the Perimeter Highway, south of Portage Avenue, which would not be acceptable to the local residents of the area.

The Developer needs to provide a second permanent means of paved all-weather access in order for development of this area to proceed.

The Fire Paramedic Service advised as follows:

1. With regard to the main access route being Camp Manitou Road, we are concerned this route is not under the control of the City of Winnipeg as it belongs to the R.M. of Headingley. Thus the City has no control with the development, nor the servicing or maintenance of the road. We would be prepared to accept Camp Manitou Road as access provided an agreement between the R.M. of Headingley and the City of Winnipeg is provided to ensure its existence is preserved.

2. Although the proposed secondary access route falls within the land of the City of Winnipeg, it does not provide for immediate access, as there will be a locked gate closed prohibiting immediate access. Furthermore, access routes from the main thoroughfares (Portage Avenue and Perimeter Highway), to the east emergency access gate, are not reliable and possibly would not be capable of carrying the expected loads of Fire Paramedic Services apparatus nor other City of Winnipeg vehicles.

3. We are of the understanding that the City of Winnipeg Public Works has requirement for developers to provide two unobstructed access routes to new subdivisions. This requirement likely came from a CMHC document and we agree that it is reasonable and prudent to request. We have indicated our position with regard to access in meetings with the City of Winnipeg, the Province of Manitoba and the Developer. Amended drawings since our meetings have not addressed the access concerns.

The Water and Waste Department advised as follows:

1. The Developer shall provide an engineering report which shall outline the proposed servicing for the development including servicing criteria and the ultimate service areas.

It is recommended that approval of DASZ 44/05 be subject to the Developer entering into a Development Agreement as follows:

1. The Developer shall, at no expense to the City, construct looped watermains to serve the proposed development to the satisfaction of the Director of Water and Waste.

2. The Developer shall, at no expense to the City, construct wastewater sewers to serve the proposed development to the satisfaction of the Director of Water and Waste.

3. The Developer shall, at no expense to the City, construct land drainage facilities to serve the proposed development to the satisfaction of the Director of Water and Waste.

4. The Developer shall, at no expense to the City, install separate water and wastewater

connections to serve each single family residential lot within the proposed development.

5. The Developer shall, at no expense to the City, upgrade Oxbow Bend Road from the internal collector road to the Trans Canada Highway or McCarthy Street from the proposed development to the Trans Canada Highway to an all-weather roadway as determined by and to the satisfaction of the Director of Public Works subject to the approval by the Manitoba Department of Transportation and Government Services of access to the Trans Canada Highway.

6. The Developer shall, at no expense to the City, construct portland cement concrete pavement to widths of 7.5m and 10.0m and thickness of 150mm and 200mm respectively in all streets within the proposed subdivision, and all related works including, but not necessarily limited to boulevard landscaping and ornamental street lighting, all as determined by and to the satisfaction of the Director of Public Works.

7. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the both sides of all streets with a right-of-way of 22.0m or more, as determined by and to the satisfaction of the Director of Public Works.

8. The Developer shall, at no expense to the City, construct a cul-de-sac type vehicle turn-around at the terminus of each temporarily dead-ended street and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

9. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

10. The Developer shall ensure that two paved means of vehicular access are available at all times through all stages of development of the proposed subdivision to the satisfaction of the Director of Public Works. This may require the construction of temporary roadways and the provision of easements or right-of-way therefore.

11. There are to be no private approaches serving the development off of Oxbow Bend Road, the west service road of the Perimeter Highway.

12. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

13. The Developer shall pay all costs associated with the installation and/or relocation of

street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

14. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at each new intersection within or adjacent to the Planned Area, as determined by the Director of Public Works.

15. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

16. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

17. The Developer shall, at no expense to the City, construct the proposed roundabouts in accordance with dimensions and standards as determined by the Director of Public Works and provide any right-of-way necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

18. The Developer shall, at no expense to the City, construct within the rear or side yards of those lots abutting the 25m Public Reserve along Oxbow Bend Road, a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of the proposed lots abutting the 25m Public Reserve along Oxbow Bend Road requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

19. The Developer shall install signs at the entrances to the subdivision, upon which is to be displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, community mail boxes, Public Reserve areas and the Perimeter Highway.

20. A. The Developer shall dedicate more than 10% of the land within the proposed subdivision as public open space. The Developer shall pay the full cost of services installed within streets upon which the public open space abuts.

B. The proposed ponds and natural drains shall be constructed in accordance with plans and specifications approved by the Director of Public Works (City Naturalist).

C. The trail areas along the internal collector street shall be improved in accordance with plans and specifications approved by the Director of Public Works.

21. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.

22. The Developer shall pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 44/05
November 25, 2005

(original signed by E.L. Carrière, P. Eng.)
Land Development Engineer

(original signed by R. Hartmann, P. Eng.)
Public Works Department
Transportation Division

(original signed by K. Raban, P. Eng.)
Water and Waste Department

Exhibit "12" referred to in File DASZ 44/2005

