Report of the Standing Policy Committee on Property and Development dated September 10, 2002

Proposed Plan of Subdivision and Rezoning - land located north of Murray Avenue, west of Donan Street

File DASZ 16/2001

3. The Standing Policy Committee on Property and Development has been advised that an application has been received from the Lombard North Group 1984 Ltd. (David Palubeski), 505 - 93 Lombard Avenue, Winnipeg, for approval of a plan of subdivision and related zoning change to Winnipeg Zoning By-law No. 6400/94 by rezoning the subject lands from an "R1-20" Single-Family District and an "R1-5" Single-Family District to an "PR-2" Parks and Recreation District and an "R1-4" Single-Family District to allow for the establishment of a school site and the creation of sites for single family development.

The Seven Oaks School Division is proposing to construct a future school (K-9 and/or a middle school) on the site at some time in the next five years. In the interim, (probably coinciding with the installation of Carsdale Drive in 2003 or 2004) the housing component totalling 40plus lots will be initiated. Primary access to the future school and future housing will be via Murray Ave. with, as mentioned, a secondary access to the future Carsdale right-of way. There are no details, at this point, regarding the specific location of the future school buildings or playground areas.

On July 17, September 11, October 9, and December 4, 2001, February 12, March 19, April 16 and June 18, 2002, public hearings were held before the Lord Selkirk-West Kildonan Community Committee. Eight persons appeared in support of the application, no one registered in opposition thereto, and thirteen persons registered for information.

On June 18, 2002, the Lord Selkirk-West Kildonan Community Committee concurred in part in the recommendation contained in the report dated June 11, 2002, from the Manager of Planning and Land Use, Planning, Property and Development Department. The Community Committee recommended approval of the plan of subdivision and related rezoning for the following reasons:

1. Development proposal 3 represents a plan supported by the community, as evidenced by the show of support and the lack of opposition at the most recent public hearing.

2. The plan approval process will afford area residents an opportunity to provide input on building locations, approaches, parking areas, landscaping, fencing, exterior lighting and garbage receptacle locations.

On September 10, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations contained in the Plan of Subdivision and Zoning Change Report dated July 15, 2002, from the Lord Selkirk-West Kildonan Community Committee.

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The Standing Policy Committee on Property and Development recommends:

I. That the plan of subdivision proposed under File DASZ 16/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 16/2001 dated June 11, 2002 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 May 24, 2002 with the following amendments:

1. That Clause 4.b) be deleted in its entirety.

2. That Clause 5.b) be deleted and replaced with the following new Clause 5.b):
"5.b) The Developer may stage the construction of the north cul-de-sac with connection to Carsdale Drive and the south cul-de-sac with connection to Murray Avenue. The staging of development other than the cul-de-sacs within the Planned Area shall ensure that two paved means of access are available at all times to the satisfaction of the Director of Public Works and may require construction of temporary roadways and the provision of easement or right-of-way therefore."

3. That Clause 11 be amended by adding at the end thereof the following words, namely, "multiplied by 18 metres; being the new street frontage onto Carsdale Avenue."

4. That Clause 15 be amended by adding the following words after the words "City policy", namely, "applied to the lands being rezoned to 'R1-4' and not to the lands being rezoned to 'PR-2'."

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

III. That the Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule " A" for File DASZ 16/2001 dated June 11, 2002 to an "R1-4" Residential District and a " PR-2" Parks and Recreational District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site to include the following conditions:

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A. That final site plans for development of the proposed "PR-2" Parks and Recreation District lands showing building locations, approaches, parking areas, landscaping, fencing, exterior lighting and garbage receptacle locations, shall be submitted to the Administration and the Lord Selkirk-West Kildonan Community Committee for approval prior to the issuance of any building permits.

B. That prior to the submission of the aforesaid site plans to the Lord Selkirk-West Kildonan Community Committee for approval; the Developer shall hold a well-advertised public meeting for the purposes of consulting with area residents and affording them the opportunity to provide input thereon.

IV. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

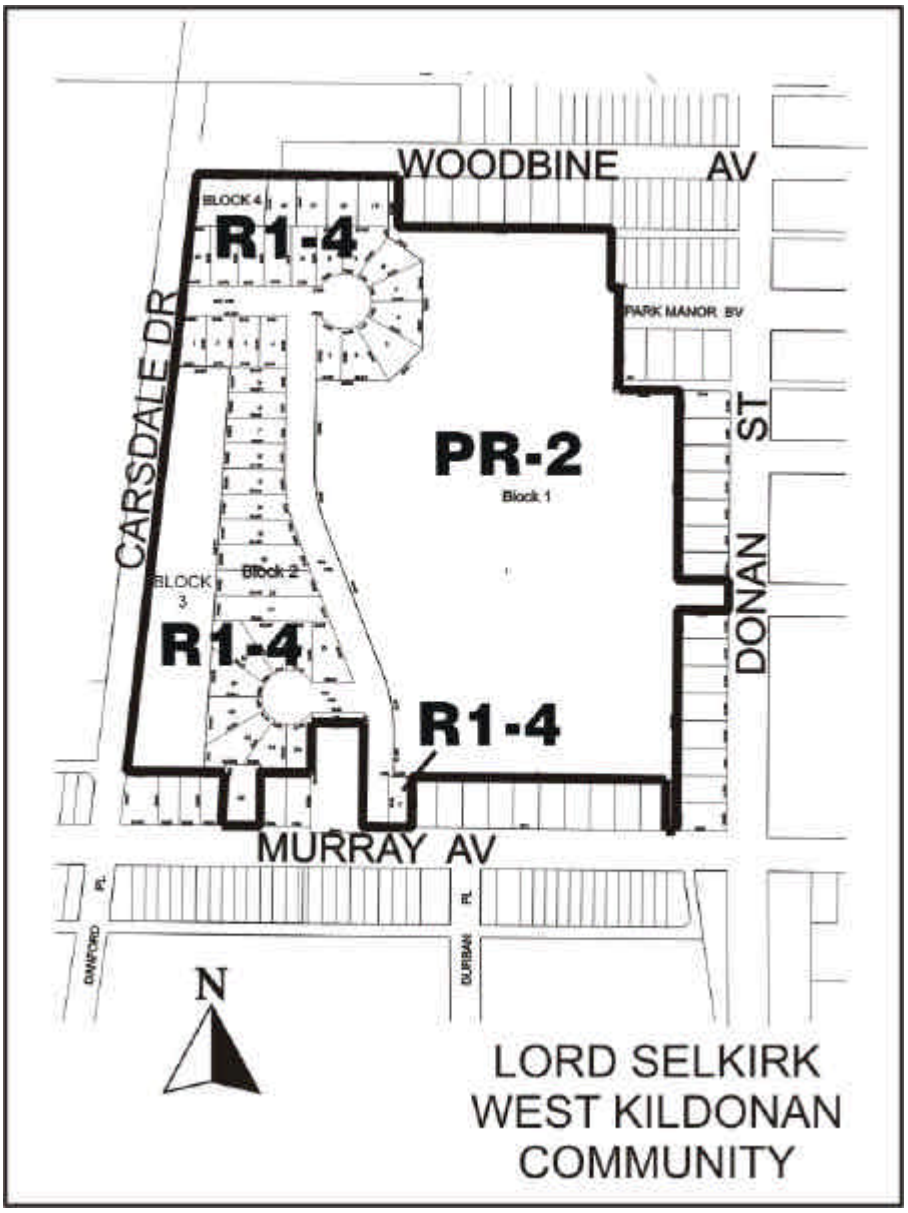
VI. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VII. 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 when the Zoning Agreement has been filed by caveat as a first charge 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.

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

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

Attachment "A" referred to in Clause 3 of the Report of the Standing Policy Committee on Property and Development dated September 10, 2002



This is Schedule “A” for File DASZ 16/2001 dated June 11, 2002.