Minute No. 601
Report - Standing Policy Committee on Property and Development - June 6, 2006

Item No. 8 Subdivision and Rezoning - Lot 8, Plan 33768 Red River Boulevard and 131 McBeth Street
File DASZ 11/2006

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 11/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2006 dated May 5, 2006, 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 12, 2006, with the following amendment:

        i. That recommendation 13 be amended to read as follows:

            13. That the development of the first fifteen (15) lots in Phase I, east of Rivergrove Drive, be allowed to be developed without a second means of paved access and that beyond Phase I, should this development proceed faster than the paved streets in the Coral Reef subdivision to the south, that a second means of access (asphalt) be allowed temporarily off Red River Boulevard.

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 outlined on Schedule "A" for File DASZ 11/2006 dated May 5, 2006, to an "R1-4" Residential District, a "RM-L" Multiple-Family District, and a "PR-1" 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:

Report - Standing Policy Committee on Property and Development - June 6, 2006

COUNCIL DECISION (continued)

A. That final plans showing building locations, building elevations, approaches, landscaping, and fencing be submitted to and approved by the Lord Selkirk-West Kildonan Community Committee and the Director of Planning, Property, and Development prior to the issuance of development permits for the "RM-L" lands

4. That a right-of-way for all purposes over Parcels A, B and C from the east limit of Rivergrove Drive to Main Street be transferred to the City prior to the release of mylars for the subject development.

5. 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.

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

7. 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.

8. 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.

9. 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.

10. 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.

11. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

Report - Standing Policy Committee on Property and Development - June 6, 2006

COUNCIL DECISION (continued)

12. 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 - June 6, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 6, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee with the following amendment, namely:

- That Recommendation No. 18 in the report of the Administrative Coordinating Group dated May 12, 2006 not be amended,

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

STANDING COMMITTEE DECISION:

On June 6, 2006, the Standing Policy Committee on Property and Development referred the recommendation from the Lord Selkirk-West Kildonan Community Committee with respect to the cash in lieu being referred back to the Community Committee with a suggestion that they forward a separate motion to the Administration regarding the request.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 23, 2006, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation with the following amendments, namely:

Report - Standing Policy Committee on Property and Development - June 6, 2006

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

ACG Report

- Delete recommendation 13 and replace same with the following:

  "13. That the development of the first fifteen (15) lots in Phase I, east of Rivergrove Drive, be allowed to be developed without a second means of paved access and that beyond Phase I, should this development proceed faster than the paved streets in the Coral Reef subdivision to the south, that a second means of access (asphalt) be allowed temporarily off Red River Boulevard."

- Delete recommendation 18 and replace same with the following:

  "18. The Developer shall dedicate the land along the Red River east of the proposed Primary Dyke as public open space. The Developer shall pay cash in lieu of landscaping normally associated with the dedication of public open space as determined by the Director of Planning, Property and Development. The Lord Selkirk-West Kildonan Community's share of the cash in lieu shall be earmarked and utilized in the immediate area of this development."

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

RE: **Subdivision and Rezoning - Lot 8, Plan 33768 Red River Boulevard and 131 McBeth Street**
File DASZ 11/2006

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

Prepared by: **Diane Timmins, Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **May 25, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 23, 2006, the Lord Selkirk-West Kildonan 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 11/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2006 dated May 5, 2006, 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 12, 2006, ***with the following amendments:***

        i. That recommendation 13 be amended to read as follows:

            13. That the development of the first fifteen (15) lots in Phase I, east of Rivergrove Drive, be allowed to be developed without a second means of paved access and that beyond Phase I, should this development proceed faster than the paved streets in the Coral Reef subdivision to the south, that a second means of access (asphalt) be allowed temporarily off Red River Boulevard.

        ii. That recommendation 18 be amended to read as follows:

            18. The Developer shall dedicate the land along the Red River east of the proposed Primary Dyke as public open space. The Developer shall pay cash in lieu of landscaping normally associated with the dedication of public open space as determined by the Director of Planning, Property and Development. The Lord Selkirk-West Kildonan Community's share of the cash in lieu shall be

earmarked and utilized in the immediate area of this development.

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 outlined on Schedule "A" for File DASZ 11/2006 dated May 5, 2006, to an "R1-4" Residential District, a "RM-L" Multiple-Family District, and a "PR-1" 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 plans showing building locations, building elevations, approaches, landscaping, and fencing be submitted to and approved by the Lord Selkirk-West Kildonan Community Committee and the Director of Planning, Property, and Development prior to the issuance of development permits for the "RM-L" lands

4. That a right-of-way for all purposes over Parcels A, B and C from the east limit of Rivergrove Drive to Main Street be transferred to the City prior to the release of mylars for the subject development.

5. 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.

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

7. 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.

8. 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.

9. 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.

10. That 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.

11. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

12. 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The development proposed with this application is consistent with development in the area and will be a fine addition to the community.

2. The conditions of approval will protect the riverbottom forest.

3. The recommendation to waive the cash in lieu of services was based on the fact the dedicated lands do not front on a street and therefore will not create an extra financial burden to the City.

PUBLIC HEARING SUMMARY

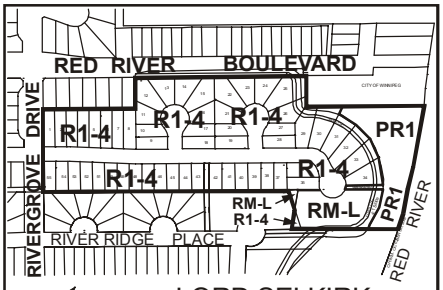
File: DASZ 11/2006

Before: Lord Selkirk-West Kildonan Community Committee
Councillor O'Shaughnessy, Chairperson
Councillor Lazarenko
Councillor Pagtakhan

Public Hearing: May 23, 2006
West Committee Room, Council Building
510 Main Street

Applicant: Abe Friesen

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : MR. A. FRIESEN
FILE : DASZ 11/06
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 "R1-20" RESIDENTIAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT, an "R1-4" RESIDENTIAL DISTRICT and an "RM-L" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. M. Robinson, Planner at 986-3213.**

Premises Affected: Lot 8 Plan 33768 Red River Boulevard and 131 McBeth Street

Exhibits Filed:

1. Application dated March 30, 2006
2. Notification of Public Hearing dated April 27, 2006
3. Manitoba Status of Titles 1095853 and 1458982
4a. Letter of authorization dated January 19, 2006 from Estate of Jona Margaret Whiteway to Stratfield Properties
4b. Letter of authorization dated February 13, 2006 from Draco Developments Ltd. to Stratfield Properties
4c. Letter of Authorization dated March 22, 2006 from 5246858 Manitoba Ltd. to Abe Friesen
5. Plan
6. Report from the Planning and Land Use Division dated May 5, 2006
7. Report from the Administrative Coordinating Group dated May 12, 2006
8. Inspection Report

REPRESENTATIONS:

In Support:

Daryl Dibbs
Abe Friesen
John Friesen
Rob Matias
Ross Mitchell, ND Lea
David Palubeski, Lombard North Group

In Opposition

Lorraine Corrin

For Information:

Ken and Dianne Linnell

For the City:

Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department
Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Abe Friesen, accompanied by David Palubeski and Ross Mitchell, appeared in support of the application. Mr. Friesen stated he was representing Stratfield Properties while Mr. Palubeski representing the Lehman portion of the development. Mr. Friesen stated concurrence in the administrative reports with the exception of the following proposed amendments to the report of the Administrative Coordinating Group ("ACG"), which he submitted and filed as Exhibit 9. Mr. Friesen requested that the following amendments be made to the ACG report, namely:

1. Clause 4. In this connection, he requested that the applicant be allowed to construct a temporary lane with knock-down bollards at each end of the lane. Mr. Friesen stated that earlier he was of the assumption this could be an emergency lane, but he has now been told by the Administration this proposal is not acceptable and that a full usable continuously open lane is necessary. Mr. Friesen stated the concern he didn't feel it necessary to provide a short-cut for vehicular traffic and expressed concern the lane would pose a safety hazard with crossing traffic and foot traffic combined. He also stated it would devalue the lots flanking on the lane.

   In response to Councillor O'Shaughnessy's question, Mr. Friesen stated there would be a total of fifty-five (55) lots from Rivergrove to the end of the cul-de-sac. In this connection, Councillor O'Shaughnessy expressed concern this would be the longest cul-de-sac in the City and emphasized the need for a second access.

2. Clause 13. In this connection, he requested that the requirement for the second access for Phase I be waived because it would be short and only servicing fifteen (15) lots. He also requested that in the event a secondary access is required, that the applicant be permitted to use a portion of the closed section of Red River Boulevard to connect that temporary access. Mr. Friesen stated this would only be necessary if development immediately to the south and east of Rivergrove, (the Coral Reef subdivision) had not progressed and did not have streets installed yet.

3. Clause 17. In this connection, he requested that the requirement for the construction of the primary dike be waived for Phase I of their development inasmuch as the area is above the flood plain.

4. Clause 18. In this connection, he requested that any of the cash to be paid in lieu of landscaping that is not used in the immediate planned area, be used towards the completion and enhancement of the overall park and trail system affected by DASZ 10/2005 and DASZ 11/2005. He also requested that the requirement for cash in lieu of services be waived inasmuch as the dedicated lands do not front a public street and only fronts a public walkway.

Mr. Friesen gave an overview of the proposed development and drew Committee's attention to the fact that the proposed development is primarily "R1-4" with an "RM" District and a "PR-1" District. In answer to Councillor O'Shaughnessy's question, Mr. Friesen responded that the average lot width in the "RM-4" section is 54.04 ft. wide and that the smallest lot has a lot width of 46 feet. In this connection, however, Mr. Friesen noted that the width is smaller, but the area of the lot is large because of the depth. The average lot area is 7419.83 square feet and the smallest lot area is 5451.38 square feet, which is equivalent to the lot area of a lot in an R1-5 District. In this connection, the Planner submitted two (2) communications which he received from Ross Mitchell dated May 23, 2006 confirming the above information, filed as Exhibit 10.

In answer to Councillor O'Shaughnessy's question regarding the "RM" District, David Palubeski confirmed there would be eight (8) bungalow-style units with double-attached garages. In this connection, Mr. Palubeski submitted a plan showing the Lehman property and the proposed planned residential group, filed as Exhibit 11. He noted that the Lehmans have the smallest area in this subdivision, being approximately 1.6 acres, but stated that all of the parties involved in the subdivision have worked together cooperatively to ensure that all of the developable lands within the protected dike area are incorporated into the project. Mr. Palubeski commented the proposed condominium development will address a demand in Rivergrove for this type of housing, and will be very much in character with the single-family housing all around. In answer to Councillor Lazarenko's question, Mr. Palubeski responded that the height of the dike will vary based upon the elevation of the land but that the highest portion of the dike would be approximately ten (10) feet, which is approximately one (1) foot higher than the Rivergrove dike. Mr. Palubeski further stated the dike will be incorporated into the lot grading and the rear of the dike will be the rear yard of the residences, which will be extended down to the tow of the dike. Mr. Palubeski also stated the dike will not be relocated as previously requested by the developer and will be built where the engineers have requested that it be constructed.

Lorraine Corrin appeared in opposition to the application and advised Committee she has been a long time resident of Rivergrove. She indicated she had three concerns with respect to this application, namely:

1. The lot sizes. She stated she would like to see a minimum lot size of 50 feet and 60 feet for river lots. She also indicated she would like to see restrictions on the minimum size for a house to which she was informed that Committee did not have the authority to impose such a restriction on the developer, which would be discriminatory.

2. Public notice. She advised Committee she only found out about this public hearing when she was walking her dog and wandered down to the lots where the Market Gardens are. She noted that one of the posters was taped to a light standard, which could be mistaken by residents as advertising for a garage sale. She stated the opinion that as she is the only person in opposition, that the people in the neighbourhood did not know about the meeting.

3. The height of the dike. Prior to the public hearing, she was advised the dike would be three (3) feet higher than the dike she lives on in order to meet the requirements of the Rivers and Streams authority. In this connection, she expressed concern about the aesthetics of the dike and how it would affect the topography.

Ken and Dianne Linnell appeared for information and expressed concern relative to the amount of traffic that will be generated with the new subdivision but that they now understand there will be a secondary access with a public lane part way down. They also questioned whether there would be lights at Rivergrove and Knotwood to which Councillor O'Shaughnessy responded the area would not generate enough traffic to warrant same. Mr. and Mrs. Linnell questioned about transit routes and whether the area residents would be notified when development commences and when trees will be cut down. Dianne Linnell also confirmed the information stated by Lorraine Corrin relative to knowing in the community knowing about this public hearing.

In rebuttal, Mr. Friesen stated that with respect to the smaller lot sizes, it is not uncommon today to see a decrease in the lot sizes. Mr. Friesen confirmed that it is not the developer's intent to have four (4) foot side yards in the R1-4 District, with the exception of the 46 ft. lot, and that development will be consistent with the development standards to the south.

With respect to the concern raised relative to the height of the dike, Mr. Palubeski confirmed that the height of the dike would not be three (3) feet higher than the Rivergrove dike and in this connection, Mr. Friesen commented that he too has a concern for the height of the dike for aesthetic reasons.

With respect to the posting of the property, Councillor O'Shaughnessy noted that in addition to the newspaper advertisement for the rezoning and subdivision, posters are only required to be erected on the edge of the property.

Discussion ensued between the Administration and the Committee relative to the amendments to the ACG report requested by Mr. Friesen.

Exhibit "6" referred to in File DASZ 11/2006

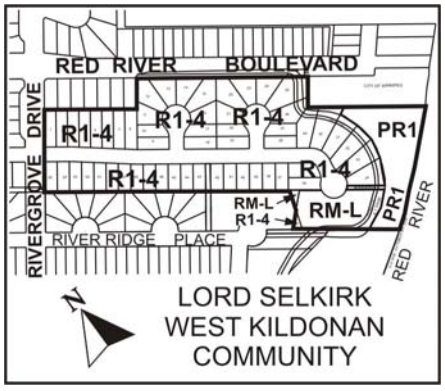
Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: **May 5, 2006**
File: **DASZ 11/06**
Related Files:
Subject: **An application for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "R1-20" Residential District to a "R1-4" Residential District, a "RM-L" Multiple-Family District and a "PR-1" Parks and Recreation District to allow for the creation residential lots and public reserve land.**

Location: **Red River Boulevard and 131 McBeth Street (Lot 8 Plan 33768)**



Applicant: **Abe Friesen**
Owner: **Draco Developments and Jona M. Whiteway**

Recommendation: **Approval**

Report Summary:

- **Application to create 55 single-family lots, 1 multiple-family lot, and 1.76 acres of public reserve land**
- **Proposal meets Plan Winnipeg policies infill development and compatible land use**
- **The applicant is preserving sensitive riverbank lands and providing for the logical continuation of the riverbank open space and trail network in the area.**

Site Description

The subject site, which includes several undeveloped parcels, is zoned "R1-20" Single-Family Residential. The total site area is ±14.9 acres.

North: To the immediate north is Red River Boulevard then undeveloped property zoned "R1-20" Single-Family Residential. Further north is McBeth Park, which is zoned "PR1" Parks and Recreation.
South: Undeveloped properties zoned "R1-4" Residential, which were the subject of subdivision and rezoning applications in 2005 (DASZ 10/05 and 11/05)
East: The Red River and public reserve land zoned "PR1" Parks and Recreation
West: Rivergrove Drive then residences zoned "R1-5" Single-Family Residential

Description of the Proposed Development

Overview

The subject application constitutes infill development on several undeveloped parcels of land in the Rivergrove neighbourhood of the Old Kildonan Ward.

Lots

55 single-family lots, zoned "R1-4" Residential, 1 multiple-family lot with eight condominium units zoned "RM-L" Multiple Family, and 1.76 acres of public reserve land zoned "PR1" Parks and Recreation are being proposed with this development.

Streets

The street alignment includes one east/west local road (Stratfield) intersecting with Rivergrove Drive and two short cul-de-sacs. Given that the length of the proposed cul-de-sac exceeds City guidelines and that a second point of access is necessary, a public lane connecting Stratfield to River Ridge Place will be required.

Natural Areas

The applicant is proposing dedication of 1.76 acres of natural habitat along the eastern portion of the site, adjacent to the Red River. This land will provide for the logical continuation of the riverbank open space and trail network in the area.

Dike
A portion of the proposed development is located within the City's designated "Floodway Fringe Area" and therefore requires flood protection as outlined in the Designated Floodway Fringe Area Regulation 266/91. To flood proof the area, the developer is proposing to continue the primary dike which is being constructed in conjunction with the development of the lands to the south (DASZ 10/05 and 11/05).

In order to provide flood protection from the north, the dike will need to be tapered back to the west. The applicant has proposed that this alignment occur within the Red River Boulevard right-of-way. Public Works has reviewed this proposal and has no objections, in light of the fact that this portion of Red River Boulevard is unimproved and does not serve any residences.

It should also be noted that any proposed primary dike construction must meet standards stipulated by the City and the Provincial Dyking Commissioner.

Analysis

Plan Winnipeg
Under Plan Winnipeg 2020, the subject area is, in its entirety, within a Neighbourhood Policy Area. Neighbourhood Policy Areas are intended to include a residential mix together with a variety of educational, recreational, institutional, commercial and possibly industrial uses, at a scale and density compatible with each other. This development meets several key goals of Plan Winnipeg including *infilling of vacant lands* (3A-02 iv) and *supporting new development which is adjacent to, and compatible with, existing development* (3A-02v). There is a demonstrated need for new residential development in the area and recognition that infill lands, with existing service in place, are the best place to accommodate it. This subdivision represents an orderly expansion of residential development and a logical next step for the Rivergrove Neighbourhood to the north and the emerging River Ridge neighbourhood of the south.

Another objective of Plan Winnipeg, and of equal importance, is the protection of environmentally sensitive lands that contain important pockets of natural flora and fauna by evaluating proposed new developments that impact high–quality natural areas and encouraging the protection and preservation of such lands to the greatest extent possible. This proposal will preserve sensitive riverbank lands and provide for the logical continuation of the riverbank open space and trail network in the area.

Compatibility with existing neighbourhood and surrounding uses
Single-Family Residential
The applicant is proposing "R1-4" Single-Family Residential zoning for the residential lots, with one exception. This is characteristic for the area and is consistent with what was approved last year on the lands to the south. (DASZ 10/05 and 11/05)

Multiple-Family
The applicant is also proposing "RM-L" Multiple-Family Residential on one lot. This lot would include a total of four side-by-side condominium buildings (eight units). The Planning and Land Use Division believes that the addition of eight condominium units will not have a considerable impact on overall density in the neighbourhood nor will it generate a significant amount of additional traffic. In light of this, the Division feels that eight condominium units are an appropriate use at the subject location, provided that the units are compatible with the adjacent neighbourhood. Therefore, the Division recommends that final plans come back to Community Committee for review to ensure that the design and layout of the proposed development and landscaping are of high quality and consistent with other development in the area.

Other
As a condition of approval of DASZ 11/06, we are recommending that the "Whiteway right-of-way" which is registered from Rivergrove Drive to Main Street be transferred to the City. This transfer will enable Coral Reef Ltd. (DASZ 11/05) to open Rivergrove Drive across the 31.5' strip of City-owned land described as Parcel C, Plan 22052 and will also allow the City to finalize a long outstanding sale of the balance of Parcel C to the adjoining property owners on Knotwood Crescent.

Recommendation

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

- **Proposal meets Plan Winnipeg policies for infill development and compatible land use**
- **The applicant is preserving sensitive riverbank lands and providing for the logical continuation of the riverbank open space and trail network in the area.**
- **Eight condominium units are an appropriate use provided that final plans come back to Community Committee for review to ensure that the design and layout of the proposed development and landscaping are of high quality and consistent with other development in the area.**

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 11/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 11/06, attached hereto and dated May 5, 2006, 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 12, 2006;

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 No. DASZ 11/06, attached hereto and dated May 5, 2006, to an "R1-4" Residential District, a "RM-L" Multiple-Family District, and a "PR-1" 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 plans showing building locations, building elevations, approaches, landscaping, and fencing be submitted to and approved by the Lord Selkirk-West Kildonan Community Committee and the Director of Planning, Property, and Development prior to the issuance of development permits for the "RM-L" lands

IV. That a right-of-way for all purposes over Parcels A, B and C from the east limit of Rivergrove Drive to Main Street be transferred to the City prior to the release of mylars for the subject development.

V. 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.

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

VII. 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.

VIII. 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.**

IX. 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.

X. 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.

XI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

XII. 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: Michael Robinson, AICP PPD File # 3.322

Schedule "A"

By-Law No. _____

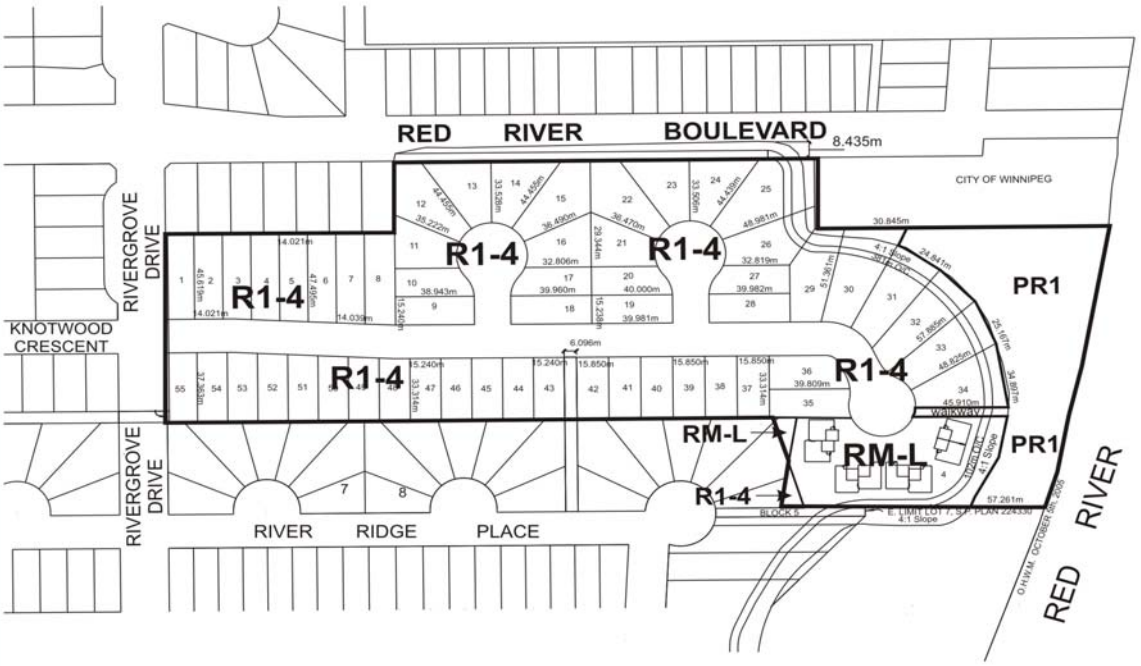
File No. **DASZ 11/06**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located on the south side of Red River Boulevard from an "R1-20" RESIDENTIAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT, an "R1-4" RESIDENTIAL DISTRICT and an "RM-L" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No. **S29**

LORD SELKIRK WEST KILDONAN COMMUNITY



Schedule "A" to the report of the Lord Selkirk-West Kildonan Community Committee for File No. DASZ 11/06, dated May 5, 2006

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2005)

Exhibit "7" referred to in File DASZ 11/2006

Re: Proposed subdivision and rezoning on land located on the south side of Red River Boulevard– DASZ 11/06

An application has been submitted by Abe Friesen to subdivide and rezone land located on the south side of Red River Boulevard.

It is recommended that the Applicant amend its plan, if required, as follows:

1. Right-of-way to accommodate the proposed public lane connecting the proposed east-west street within the proposed subdivision to River Ridge Drive is to be 6.25m in width.

2. Right-of-way to accommodate each cul-de-sac turnaround is to be consistent with the dimensions illustrated on Streets and Transportation Drawing ST-90 (revised) or ST-90-A.

It is recommended that approval of the amended plan be subject to the Developer entering into a Development Agreement as follows:

1. The Developer shall pay its share of the cost of the following improvements at and in the vicinity of the intersection of Rivercrest Avenue and Main Street on an area basis for the area of currently undeveloped, but developable lands, bounded by Main Street on the west, Chief Peguis Trail on the south, the Red River on the east and Red River Boulevard on the north, as determined by the Director of Public Works:

    a) right-turn channelization in the southeast and northeast corners of the intersection, modifications to the existing median opening as may be required and modifications to Ridgecrest Avenue west of Main Street as may be required to be compatible with Ridgecrest Avenue east of Main Street and all related works;

    b) the full cost of the installation of traffic control signals and all related works, including, but not necessarily limited to, pedestrian and vehicular actuation, interconnection to adjacent traffic control signals and audible pedestrian signals;

    and as and when determined by and to the satisfaction of the Director of Public Works.

2 The Developer shall, at no expense to the City, construct portland cement concrete pavement to widths of 7.5m and radii of 10.5m and thicknesses of 150mm in all streets within the proposed subdivision, and all related works including, but no necessarily limited to boulevard landscaping, ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

3. 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 east side of Rivergrove Drive, from Red River Boulevard to the south limit of the proposed subdivision to the satisfaction of the Director of Public Works.

4. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 5.0m and thicknesses of 150mm in the proposed public lane connecting the proposed east-west street within the Planned Area to River Ridge Drive, and all related works all as determined by and to the satisfaction of the Director of Public Works.

5. The Developer shall pay its share of the cost of services installed or to be installed by the others in Rivergrove Drive as determined by the Directors of Public Works and Water and Waste.

6. The Developer shall, at no expense to the City, construct all watermains, wastewater sewers and land drainage sewers required to service the proposed subdivision. Further, the Developer shall pay for its share of the regional land drainage system.

7. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant any easements as may be necessitated by the design.

8. The Developer is to 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.

9. 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.

10. 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 scarping 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.

11. The Developer shall, at no expense to the City, construct a cul-de-sac type vehicle turnaround 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.

12. 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.

13. The Developer shall ensure that two paved means of vehicular access are available at all times through all stages of development of the Planned Area 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.

14. 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.

15. There are to be no private approaches serving single or two family residential development off Rivergrove Drive or Red River Boulevard.

16. 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 proposed subdivision, as determined by the Director of Public Works.

17. The Developer shall, at no expense to the City, construct a Primary Dike to protect the proposed development from flooding in accordance with the requirements of the Dyking Commissioner and the Director of Water and Waste. This shall include constructing the dike to the 1:700 year flood protection level (with expanded Floodway) and installing riprap as required to arrest shoreline erosion and protect the long-term performance of the dike. All plans and specifications for the proposed Primary Dike shall be submitted to the Water and Waste Department for review and approval prior to the release of the subdivision mylars.

18. The Developer shall dedicate the land along the Red River east of the proposed Primary Dyke as public open space. The Developer shall pay cash in lieu of landscaping and services normally associated with the dedication of public open space as determined by the Director of Planning, Property and Development.

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

20. The Developer shall pay $1,200.00/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 11/06
May 12, 2006

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"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by T. S. Josephson"
Water and Waste Department

"Original signed by R. J. Hartmann"
Public Works Department
Transportation Division