Minute No. 451
Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 4 Rezoning - 2307 St. Mary's Road
File DAZ 259/2005

COUNCIL DECISION:

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

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 259/2005 dated February 21, 2005, to an "RM-1" Multiple Family District subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

      i. That final plans indicating the location and elevation details of all proposed buildings, approach locations, parking details, location of garbage enclosures, landscaping and fencing details, exterior lighting and signage details, etc... be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of any building permits.

      ii. That the maximum density on the subject land be limited to eighteen (18) dwelling units.

      iii. That back lane access to the development be prohibited.

      iv. That the eighteen (18) stall parking area be relocated from the north side of the site adjoining the lane to the south periphery of the site and the buildings be shifted further north.

      v. That the buildings in the west half of the site be shifted to the west so as to provide more flexibility with internal parking and to allow for a turnaround somewhere in the northeast quadrant of the site.

      vi. That, if possible, the roof pitch of the proposed buildings be changed from 6/12 to 4/12 with final resolution to be determined by the Riel Community Committee at the Plan Approval stage.

Report - Standing Policy Committee on Property and Development - April 4, 2006

COUNCIL DECISION (continued)

2. That approval of DAZ 259/2005 be subject to the Developer entering into an Addendum to Development Agreement AG 34/03 containing the conditions outlined in the report from the Administrative Coordinating Group dated January 3, 2006.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

4. 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.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

6. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, 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.

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

8. 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 - April 4, 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 April 19, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 4, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 28, 2006, the Riel Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That the following conditions be added as Recommendations 1.A.iii. to 1.A.vi., namely:

  iii. That back lane access to the development be prohibited.

  iv. That the eighteen (18) stall parking area be relocated from the north side of the site adjoining the lane to the south periphery of the site and the buildings be shifted further north.

  v. That the buildings in the west half of the site be shifted to the west so as to provide more flexibility with internal parking and to allow for a turnaround somewhere in the northeast quadrant of the site.

Report - Standing Policy Committee on Property and Development - April 4, 2006

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

vi. That, if possible, the roof pitch of the proposed buildings be changed from 6/12 to 4/12 with final resolution to be determined by the Community Committee at the Plan Approval stage,

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

On January 17, 2006, the Riel Community Committee adjourned the public hearing to its meeting to be held on February 28, 2006.

RE: **Rezoning - 2307 St. Mary's Road**
File DAZ 259/2005 [c/r DAV 169451/2005D]

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **March 10, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 28, 2006, the Riel Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 259/2005 dated February 21, 2005, to an "RM-1" Multiple Family District, subject to the following:

    A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

        i. That final plans indicating the location and elevation details of all proposed buildings, approach locations, parking details, location of garbage enclosures, landscaping and fencing details, exterior lighting and signage details, etc... be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of nay building permits.

        ii. That the maximum density on the subject land be limited to eighteen (18) dwelling units.

        iii. That back lane access to the development be prohibited.

        iv. That the eighteen (18) stall parking area be relocated from the north side of the site adjoining the lane to the south periphery of the site and the buildings be shifted further north.

        v. That the buildings in the west half of the site be shifted to the west so as to provide more flexibility with internal parking and to allow for a turnaround somewhere in the northeast quadrant of the site.

vi. That, if possible, the roof pitch of the proposed buildings be changed from 6/12 to 4/12 with final resolution to be determined by the Community Committee at the Plan Approval stage.

2 That approval of DAZ 259/2005 be subject to the Developer entering into an Addendum to Development Agreement AG 34/03 containing the conditions outlined in the report from the Administrative Coordinating Group dated January 3, 2006.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

4. 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.

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

6. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, 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.

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

8. 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 Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated January 10, 2006 and in the report from the Administrative Coordinating Group dated January 3, 2006.

PUBLIC HEARING SUMMARY

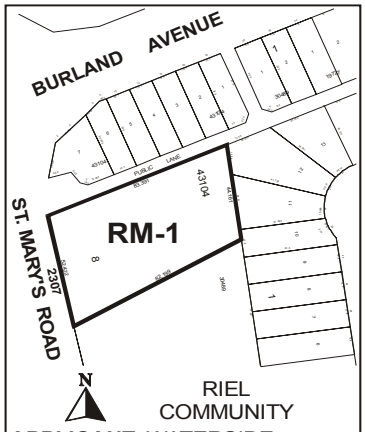
File: DAZ 259/2005 [c/r DAV 169451/2005D]

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Magnifico
Councillor Steeves

Public Hearing: February 28, 2006
January 17, 2006
Council Building, 510 Main Street

Applicant: Waterside Development Corporation (Bill McGarry)

Subject:



APPLICANT: WATERSIDE DEVELOPMENT CORPORATION
FILE: DAZ 259/05
PROPOSAL: To rezone the land shown outlined above from an "A-5" AGRICULTURAL DISTRICT to an "RM-1" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : WATERSIDE DEVELOPMENT CORPORATION
N° DE RÉFÉRENCE : DAZ 259/05
PROJET : Rezoner les sols délinéés ci-dessus afin de les faire passer de la catégorie A-5 (SECTEUR AGRICOLE) à la catégorie RM-1 (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 2307 St. Mary's Road

Exhibits Filed:

1. Application dated December 13, 2005
2. Notification of Public Hearing dated December 20, 2005
3. Manitoba Status of Title 2107869
4. Letter of authorization dated January 11, 2006 from William Alfred McGarry to Waterside Development Corporation
5. Aerial Photograph of subject property
6. Proposed Plan of Subdivision
7. Plans (3 pages)
8. Report from the Manager of Planning and Land Use dated January 10, 2006
9. Report from the Administrative Coordinating Group dated January 3, 2006
10. Inspection Report
11. Aerial Photograph submitted by Albert G. Degner at the Public Hearing held on January 17, 2005
12. Petition in opposition to the application purporting to contain the signatures of 21 area residents submitted by Ray Elhatton
13. Revised Report from the Manager of Planning and Land Use dated February 21, 2006
14. Communication dated February 23, 2006, from Wayne Hassar in opposition to the application.
15. Petition in support of the application purporting to contain the signatures of 6 area residents submitted by Al Degner at the Public Hearing on February 28, 2006
16. Revised Site Plans submitted by Al Degner at the Public Hearing on February 28, 2006

REPRESENTATIONS:

In Support:

Albert G. Degner
Joyce Drul
Bill McGarry

In Opposition:

Ray Elhatton
Robert Guerette
Wayne Hassar
Rob Holmes

Andy Nytepchuk
Dan Rivard
Barry Ross
Katherine Waldie

For Information:

Kevin Ferguson

For the City:

Mr. K. Lalor, Senior Planner, Planning, Property and Development Department
Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

February 28, 2006
Al Degner appeared in support of the application on behalf of the applicant and provided an overview of the proposed development. Mr. Degner submitted a petition in support of the application purporting to contain the signatures of 6 area residents (filed as Exhibit 15) and revised site plans (filed as Exhibit 16). Mr. Degner stated that, as a result of a meeting with affected residents, the applicant was willing to make a number of changes to the plan, including moving the development closer to St. Mary's Road, reconfiguring the plan to provide more parking and, if possible, reducing the roof slope from a 6/12 to 4/12 pitch. Mr. Degner further stated that the applicant could not support the request from residents to eliminate the proposed secondary access via the back lane.

Dan Rivard appeared in opposition to the application. Mr. Rivard stated that he was not opposed to the proposal but was against allowing access to the development via the back lane as this would adversely affect traffic, parking and the safety of area children.

Rob Holmes appeared in opposition to the application and reiterated concerns regarding access to the development via the back lane. Mr. Holmes suggested that the developer be allowed to cut the median on St. Mary's Road to allow easier access to the proposed development.

Robert Guerette appeared in opposition to the application and reiterated concerns regarding access to the development via the back lane. Mr. Guerette stated that the back lane would not provide adequate space for a fire truck to access the property.

Wayne Hassar appeared in opposition to the application and reiterated concerns regarding access to the development via the back lane. Mr. Hassar suggested that bollards be installed preventing access via the back lane unless needed access is needed for emergency vehicles.

Ray Elhatton appeared in opposition to the application and reiterated concerns regarding access to the development via the back lane. Mr. Elhatton stated that the applicant could accommodate a turn-around on site if the density could be reduced.

Katherine Waldie appeared in opposition to the application. Ms. Waldie reiterated concerns regarding access, traffic, density and safety. Ms. Waldie further stated that the application did not meet the criteria of Plan Winnipeg 2020 Vision.

Andy Nytepchuk appeared in opposition to the application and stated that he concurred with previous speakers who appeared in opposition. Mr. Nytepchuk further stated that he was not opposed to the development in its entirety, but primarily the proposed access via the back lane.

Al Degner returned in rebuttal. Mr. Degner stated:

- The City of Winnipeg Transportation Division is supportive of the access via the back lane;
- The applicant is not supportive of limiting access to the development via St. Mary's Road only;
- With respect to density, the development is two (2) units under what is allowed under the proposed zoning;
- Since meeting with area residents, the applicants have added more parking.

January 17, 2006

The applicant, Bill McGarry, accompanied by Albert G. Degner, appeared in support of the application and gave a brief overview of the proposal.

Ray Elhatton appeared in opposition to the application. Mr. Elhatton stated that the proposed development should not have access to the lane behind Burland Avenue as this would adversely affect traffic in the area and emergency vehicles would be unable to maneuver in and out of said lane. Mr. Elhatton further stated that the proposed development does not provide enough parking on site and would generate parking problems in the area. Mr. Elhatton submitted a petition in opposition to the application purporting to contain the signatures of twenty-one (21) area residents.

Wayne Hassar appeared in opposition to the application and indicated concurrence in the recommendation contained in the Report from the Manager of Planning and Land Use dated January 10, 2006, proposing that the application be adjourned to February 28, 2006. Mr. Hassar further stated that the developments ingress/egress should be limited to St. Mary's Road.

Andy Nytepchuk appeared in opposition to the application. Mr. Nytepchuk requested that the application be adjourned to provide area residents with the opportunity to meet with the developer.

Bill McGarry and Al Degner returned in rebuttal. Mr. Degner stated that it would be almost impossible to reconfigure the proposed access to the development.

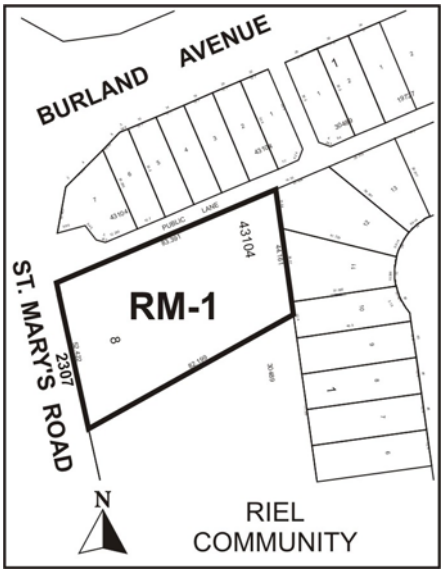
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: February 21, 2006
File: DAZ 259/05
Related Files: DAV 05 –169451D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "A-5" Agricultural District to an "RM-1" Multiple Family District.

Location: 2307 St. Mary's Road



Legal Description: Lot 8, Plan 43,104

Applicant: Waterside Development Corporation

Owner: W.A. McGarry

Recommendation: Approval with conditions, there having been consultation (s) with adjoining residents regarding site design details.

Site Description

The site, which is currently occupied with a dwelling and barn, is situated on the south side of Burland Street, east of St. Mary's Road. It has an overall site area of 40,414 sq. ft., or just under an acre. To the immediate north are recently constructed single family homes separated from the site by a rear lane. To the immediate east is an established single family subdivision zoned R1-3.5. Lying adjacent to the south is a church site and parking area zoned A-5 Agricultural. And on the west side of St. Mary's Road is a single family housing area zoned R1-6 Residential.

Description of the Proposed Development

The applicant is proposing to rezone the subject property in order to permit the construction of eighteen (18) 2 story, two bedroom condo townhouse units. The eighteen units are to be broken down into two 2 unit configurations, two 4 unit configurations and a single 6 unit block along the east property line. All structures are approximately 23' in height to the top of the truss. A 25' foot rear yard will separate the proposed building along the east periphery of the site from the rear yards along Gobert Crescent. There are no individual parking stalls provided for each unit; rather a general tenant parking area providing 18 stalls is to be provided along the south side of the existing lane with an additional 4 parallel parking stalls to be provided at a specific point along the internal street system. Three of the aforementioned parallel stalls are to be designated visitor parking. Primary access to the complex is to be via either the existing lane or directly off of St. Mary's Road.

Analysis

From a land use and density standpoint, the Planning and Land Use Division, is of the view that the proposed multiple family project is probably the highest and best use of the subject site. It is not an appropriate site for commercial development and it would probably not be a viable single family housing site because of 1) the proximity to St. Mary's Road and 2) the amount of land that would be lost to an internal public right-of-way system (twice the requirement of private roadways provided in a condominium project). However from a site design standpoint, the Planning Division does anticipate that there will be conflict with both existing residents to the north and to the east. The size of the building mass along the east property line will, in all likelihood, be an issue with the Gobert Crescent property owners lying adjacent and the location of the complexes proposed parking area off what is now a little used lane right -of- way will likely be an issue with property owners to the north. These are not, in our view, insurmountable problems. As was found during the neighbourhood consultative process for Mr. Rempel's recent condo project at 2335 St. Mary's Road, there were solutions to the problems identified by adjoining residents. However the solutions came only after several meetings with affected residents and several modifications to Mr. Rempel's original proposal. We would therefore recommend that the subject proposal be laid over until February to give the applicants, Waterside

Development Corp., ample time to meet with adjoining property owners ,and identify and address potential parking, yard and traffic issues in advance of the actual public hearing. The application was subsequently laid over by the Community Committee until February 28/06. What follows is a synopsis of that meeting and the City's recommendation based on that meeting.

February 22/06 Open House Meeting:

On the evening of February 22, the applicants convened a meeting at the offices of Pollock and Wright with the Administration and neighbouring residents to identify and address potential issues with the proposed development. The meeting was, by in large, productive resulting in a total of four (4) fundamental recommendations from the attending residential property owners. They were as follows;

1) the proposed development cannot have back lane access.
2) the proposed 18 stall parking area be moved from the north side of the site adjoining the lane to somewhere along the south periphery of the site and proposed buildings in that area be shifted further north.
3) that the proposed buildings in the west half of the site be shifted 10 to 15 feet to the west so as to provide more flexibility with internal parking and to allow for a turnaround somewhere in the north east quadrant of the site. If this creates the need for more variances, they would be endorsed by the community.
4) that the roof pitch of the proposed buildings be changed from 6/12 to 4/12.

The applicants, to their credit, were quite flexible and willing to make several significant alterations to their proposal. Specifically, they agreed to the aforementioned recommendations 2, 3 and 4. However they were quite adamant that, from a development perspective, removal of the lane access was simply not a viable option. Pollock and Wright have submitted revised plans reflecting the changes that they agreed to, and the changes will, in all likelihood require several new variances. However, should that occur, the Planning and Land Use Branch will support the suggested yard variances. It should be noted, (as per a recent correspondence from Public Works) that the Traffic Assessment Engineer, Mr. Hartmann, does not support the idea of a singular St. Mary's exit/access to the development and wants the lane access retained.

Recommendation

The Planning and Land Use Division recommends approval of the subject application (in accordance with plans as revised) for the following reason:

- The proposed development is an appropriate use on the subject property and is of a density that is compatible with the adjoining neighbourhood.
- The plans as revised, will, in our view, address several of the major concerns that we had relative to site design, without reducing the number of overall dwelling units.

Recommended Conditions of Approval

I. That The Winnipeg Zoning By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 259/05, attached hereto and dated February 21, 2005, to an "RM-1" Multiple Family District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter, to provide for the following:

i. That final plans indicating the location and elevation details of all proposed buildings, approach locations, parking details, location of garbage enclosures, landscaping and fencing details, exterior lighting and signage details etc. be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of nay building permits.

ii. That the maximum density on the subject land be limited to eighteen (18) dwelling units.

II That approval of DAZ 259/05 be subject to the Developer entering into an Addendum to Development Agreement AG 34/03 containing the conditions outlined in the report from the Administrative Coordinating Group dated January 3, 2006.

III. That a ten (10) per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

IV. 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.

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

VI. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office, 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.

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

VIII. 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: Kevin Lalor
PPD File # DAZ 259/05

By-Law No. _____

File No. **DAZ 259/05**

Atlas Sheet No.

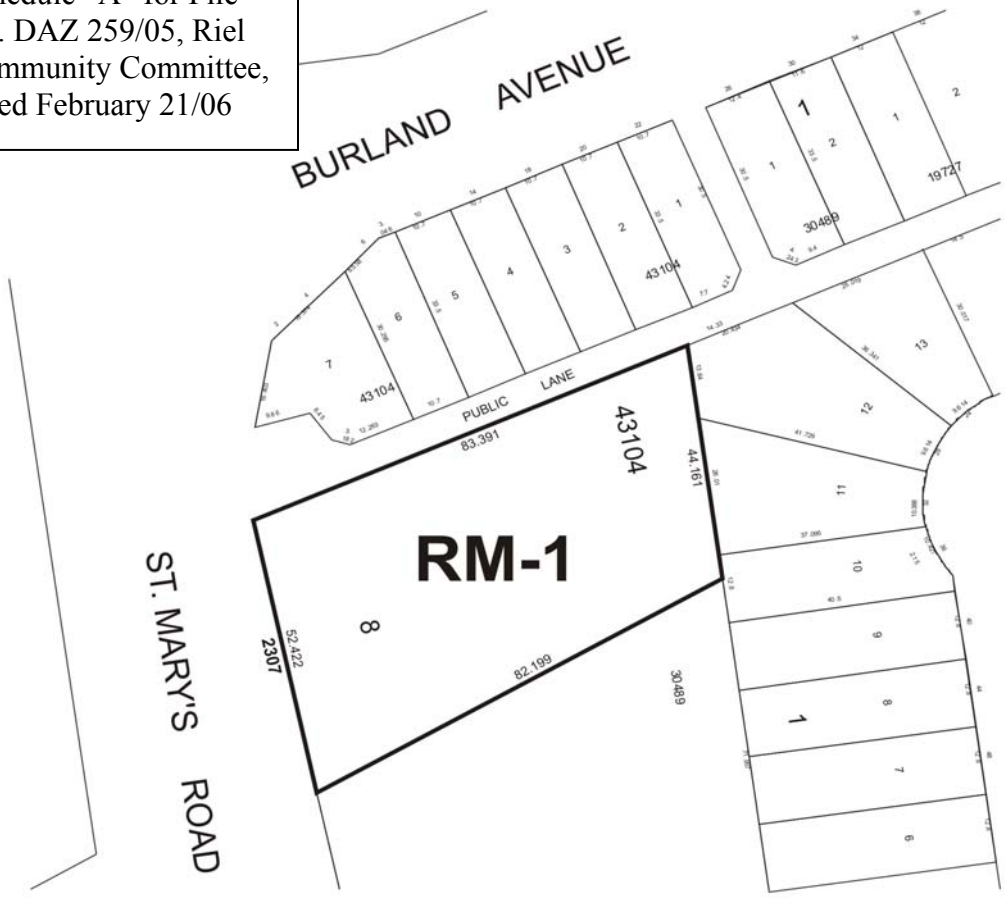
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Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 2307 St. Mary's Road from an "A-5" AGRICULTURAL DISTRICT to an "RM-1" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Schedule "A" for File No. DAZ 259/05, Riel Community Committee, dated February 21/06



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "8" referred to in File DAZ 259/2005 [c/r DAV 169451/2005D]

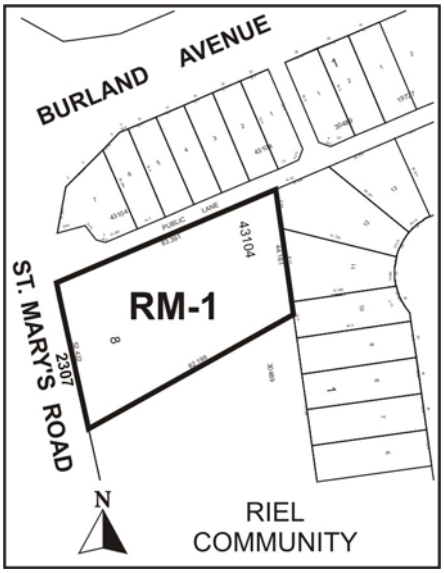
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: January 10, 2006
File: DAZ 259/05
Related Files: DAV 05 –169451D
Subject: To amend By-Law No. 6400/94 by rezoning the land shown below from an "A-5" Agricultural District to an "RM-1" Multiple Family District.

Location: 2307 St. Mary's Road



Legal Description: Lot 8, Plan 43,104

Applicant: Waterside Development Corporation

Owner: W.A. McGarry

Recommendation: Approval in principle, but recommend layover pending consultation (s) with adjoining residents regarding site design details.

Site Description

The site, which is currently occupied with a dwelling and barn, is situated on the south side of Burland Street, east of St. Mary's Road. It has an overall site area of 40,414 sq. ft., or just under an acre. To the immediate north are recently constructed single family homes separated from the site by a rear lane. To the immediate east is an established single family subdivision zoned R1-3.5. Lying adjacent to the south is a church site and parking area zoned A-5 Agricultural. And on the west side of St. Mary's Road is a single family housing area zoned R1-6 Residential.

Description of the Proposed Development

The applicant is proposing to rezone the subject property in order to permit the construction of eighteen (18) 2 story, two bedroom condo townhouse units. The eighteen units are to be broken down into two 2 unit configurations, two 4 unit configurations and a single 6 unit block along the east property line. All structures are approximately 23' in height to the top of the truss. A 25' foot rear yard will separate the proposed building along the east periphery of the site from the rear yards along Gobert Crescent. There are no individual parking stalls provided for each unit; rather a general tenant parking area providing 18 stalls is to be provided along the south side of the existing lane with an additional 4 parallel parking stalls to be provided at a specific point along the internal street system. Three of the aforementioned parallel stalls are to be designated visitor parking. Primary access to the complex is to be via either the existing lane or directly off of St. Mary's Road.

Analysis

From a land use and density standpoint, the Planning and Land Use Division, is of the view that the proposed multiple family project is probably the highest and best use of the subject site. It is not an appropriate site for commercial development and it would probably not be a viable single family housing site because of 1) the proximity to St. Mary's Road and 2) the amount of land that would be lost to an internal public right-of-way system. (twice the requirement of private roadways provided in a condominium project). However from a site design standpoint, the Planning Division does anticipate that there will be conflict with both existing residents to the north and to the east. The size of the building mass along the east property line will, in all likelihood, be an issue with the Gobert Crescent property owners lying adjacent and the location of the complexes proposed parking area off what is now a little used lane right -of- way will

likely be an issue with property owners to the north. These are not , in our view, insurmountable problems. As was found during the neighbourhood consultative process for Mr. Rempel's recent condo project at 2335 St. Mary's Road, there were solutions to the problems identified by adjoining residents. However the solutions came only after several meetings with affected residents and several modifications to Mr. Rempel's original proposal. We would therefore recommend that the subject proposal be laid over until February to give the applicants, Waterside Development Corp., ample time to meet with adjoining property owners ,and identify and address potential parking, yard and traffic issues in advance of the actual public hearing.

Recommendation

The Planning and Land Use Division recommend layover until February 28/06 for the following reasons:

- Because of the direct impact of the proposed 18 stall parking area on adjoining residents who share the lane , there should be a consultative process to discuss possible alternatives.
- Because of the proximity of the proposed building mass (units 13-18, totaling 120' in length) to the homes along Gobert Crescent, there should be a consultative process to evaluate possible alternative building designs.

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

Report Prepared by: Kevin Lalor
PPD File # DAZ 259/05

Exhibit "9" referred to in File DAZ 259/2005 [c/r DAV 169451/2005D]

Re: Proposed rezoning of land located at 2307 St. Mary's Road – DAZ 259/05

An application has been submitted by Waterside Development Corporation to rezone land located at 2307 St. Mary's Road. Under Development Agreement AG 34/03, the Developer established seven (7) lots fronting onto Burland Avenue and the lane right-of-way adjacent to the land being rezoned and constructed a concrete pavement within the new lane right-of-way.

It is therefore recommended that approval of DAZ 259/05 be subject to the Developer entering into an Addendum to Development Agreement AG 34/03 as follows:

1. By including the land covered under DAZ 259/05 under the terms of AG 34/03;

2. By adding a clause that the Developer shall pay the land drainage trunk charge attributable to the land covered under DAZ 259/05 as determined by the Director of Water and Waste;

3. By adding a clause that the Developer shall pay its share of the cost of services installed or to be installed by the City and others in St. Mary's Road abutting the land covered under DAZ 259/05 as determined by the Director of Public Works.

4. By adding a clause that the Developer shall pay $525.00 to defray the City's administration and related costs associated with the preparation and implementation of the Addendum to AG 34/03.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 259/05
January 3, 2006

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

"Original signed by K. T. Raban"
Water and Waste Department

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