Agenda – Executive Policy Committee – September 21, 2006

Moved by Councillor

That Rule 9.3 of the Procedure By-law be suspended in order that the following item, which was received too late to be placed on the regular agenda, be considered by Committee.

Report - Standing Policy Committee on Property and Development - September 19, 2006

Item No. 7 Subdivision and Rezoning - Perfanick Drive and Concordia Avenue File DASZ 30/2005 [c/r DAC 19/2005]

STANDING COMMITTEE RECOMMENDATION:

On September 19, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 30/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2005 dated August 14, 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 August 22, 2006, with the following amendment:

        i. That Recommendation No. 9 be amended by adding the words "and on the west side of the main north south roadway south of Perfanick Drive" before the words "as determined by and to the satisfaction of the Director of Public Works" in the second and third lines thereof.

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" for File DASZ 30/2005 dated August 14, 2006, to an "R1-3.5" Single Family Residential District, a "R1-4" Single Family Residential District, a "RM-7" Multiple Family District a "C2" Commercial District and a "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:

Report - Standing Policy Committee on Property and Development - September 19, 2006

A. That the Developer shall erect a uniform wood fence (2 metre in height) abutting the future Transcona North-South Corridor and the CPR Molson Subdivision to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development.

B. That residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline and any principal dwellings.

C. That for the land zoned "RM-7" Multiple Family Residential District and the land zoned "C2" Commercial District the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

D. That the commercial land be restricted as follows;
   i. the following uses shall not be permitted on the land:
      a. automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies/parts
      b. automobile, including motorcycle: supplies/parts, sales
      c. beer: sales
      d. bingo parlour
      e. bowling alley
      f. bus station
      g. contractors' establishment
      h. exterminator
      i. farm supplies: sales
      j. hotel, including motel, limited to guest rooms
      k. liquor: sales
      l. machinery/heavy equipment supplies and parts:sales, installation, service
      m. mobile home park
      n. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental, sale, service
      o. parking area, non-accessory

Report - Standing Policy Committee on Property and Development - September 19, 2006

p. pawnshop
q. tattoo parlour
r. terminal for haulage, motor freight station, excluding an intermodal terminal

s. terminal for courier/delivery/ express service, cleaning service, key and lock service, security service, taxi, or similar service
t. tire: sales, service

ii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

iii. That no illuminated signage be erected on the side of the building or the lot abutting a residentially zoned property.

iv. That any free-standing use identification sign not exceed twenty-five (25) feet in height.

v. That prior to the issuance of any occupancy permits all garbage containers be fully enclosed by a brick/concrete and/or wood barrier fence that is at least 6 inches above the top of the garbage container, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

vi. That a landscaped setback of 20 feet be provided along Concordia Avenue East.

vii. That the applicant shall erect two 4 foot by 8 foot signs on the land zoned "RM-7" Multiple Family Residential District and the land zoned "C2" Commercial District indicating the location and zoning of these properties within twelve (12) months from the date that the said rezoning by-law is adopted by Council and plans for the signs showing their location and design shall be submitted to Director of Planning, Property and Development for approval, and, the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed.

Report - Standing Policy Committee on Property and Development - September 19, 2006

4. That residential lots with rearage on the CPR Molson rail right-of-way shall provide a minimum 48 foot (14.6 metre) setback between the rear property line and any habitable rooms of principal buildings.

5. That residential lots with rearage on the future Transcona North-South Corridor shall provide a minimum rear yard of 48 feet (14.6 metres).

6. 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.

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

8. 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.

9. 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.

10. 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.

11. 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.

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.

Agenda – Executive Policy Committee – September 21, 2006

Report - Standing Policy Committee on Property and Development - September 19, 2006

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On September 19, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 12, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendments, namely:

Report of the Administrative Coordinating Group

- That Recommendation No. 9 be amended by adding the words "and on the west side of the main north south roadway south of Perfanick Drive" before the words "as determined by and to the satisfaction of the Director of Public Works" in the second and third line thereof,

Report of the Manager of Planning and Land Use

- Delete Recommendation 3D. in its entirety and renumber Recommendation 3E. to 3D.,

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

RE: **Subdivision and Rezoning - Perfanick Drive and Concordia Avenue File DASZ 30/2005 [c/r DAC 19/2005]**

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

Prepared by: **Inga K. Skundberg, Clerk, East Kildonan-Transcona Community Committee**

Report date: **September 14, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 12, 2006, the East Kildonan-Transcona 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 30/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2005 dated August 14, 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 August 22, 2006, ***with the following amendment:***

        i. That Recommendation No. 9 be amended by adding the words "and on the west side of the main north south roadway south of Perfanick Drive" before the words "as determined by and to the satisfaction of the Director of Public Works" in the second and third line thereof.

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" for File DASZ 30/2005 dated August 14, 2006, to an "R1-3.5" Single Family Residential District, a "R1-4" Single Family Residential District, a "RM-7" Multiple Family District a "C2" Commercial District and a "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 the Developer shall erect a uniform wood fence (2 metre in height) abutting the future Transcona North-South Corridor and the CPR Molson Subdivision to the satisfaction of the Director of Public Works. Future owners of the individual

building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development.

B. That residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline and any principal dwellings.

C. That for the land zoned "RM-7" Multiple Family Residential District; and the land zoned "C2" Commercial District the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

~~***D. That for the land zoned "RM-7" Multiple Family Residential District; and the land zoned "C2" Commercial District the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;***~~

D. That the commercial land be restricted as follows;

i. the following uses shall not be permitted on the land:

a. automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies/parts
b. automobile, including motorcycle: supplies/parts, sales
c. beer: sales
d. bingo parlour
e. bowling alley
f. bus station
g. contractors' establishment
h. exterminator
i. farm supplies: sales
j. hotel, including motel, limited to guest rooms
k. liquor: sales
l. machinery/heavy equipment supplies and parts:sales, installation, service

m. mobile home park
n. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental, sale, service
o. parking area, non-accessory
p. pawnshop
q. tattoo parlour
r. terminal for haulage, motor freight station, excluding an intermodal terminal
s. terminal for courier/delivery/ express service, cleaning service, key and lock service, security service, taxi, or similar service
t. tire: sales, service

ii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit;

iii. That no illuminated signage be erected on the side of the building or the lot abutting a residentially zoned property;

iv. That any free-standing use identification sign not exceed twenty-five (25) feet in height;

v. That prior to the issuance of any occupancy permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

vi. That a landscaped setback of 20 feet be provided along Concordia Avenue East;

vii. That the Applicant shall erect two, 4 feet by 8 feet signs on the land zoned "RM-7" Multiple Family Residential District; and the land zoned "C2" Commercial District indicating the location and zoning of these properties within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to Director of Planning, Property and Development for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed.

4. That residential lots with rearage on the CPR Molson rail right-of-way shall provide a minimum 48 foot (14.6 metre) setback between the rear property line and any habitable rooms of principal buildings.

5. That residential lots with rearage on the future Transcona North-South Corridor shall provide a minimum rear yard of 48 feet (14.6 metres).

6. 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.

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

8. 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.

9. 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.

10. 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.

11. 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.

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.

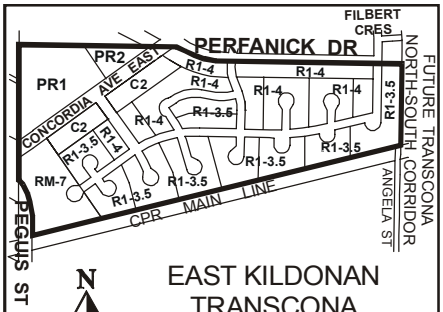
Note: The wording in bold and italics denotes amendments made by the Community Committee.

The East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. The subject application is consistent with the neighbouring area and is timely as it includes single-family housing for an area that is growing.

PUBLIC HEARING SUMMARY

File:	DASZ 20/2005
Before:	East Kildonan-Transcona Community Committee Councillor Lubosch, Chairperson Councillor Thomas Councillor Wyatt
Public Hearing:	September 12, 2006 Community Committee Chambers, 755 Henderson Highway
Applicant:	Bridgewood Estates Inc. (Jim Perfanick)
Subject:	



EAST KILDONAN TRANSCONA COMMUNITY

APPLICANT : BRIDGEWOOD ESTATE INC.

FILE : DASZ 30/05

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.5" AGRICULTURAL DISTRICT to a "PR1" and "PR2" PARKS AND RECREATION DISTRICT, an "R1-3.5" RESIDENTIAL DISTRICT, an "R1-4" RESIDENTIAL DISTRICT, an "RM-7" MULTIPLE-FAMILY DISTRICT and a "C2" COMMERCIAL DISTRICT and to consider a special rear yard setback along the CPR Molson railway right-of-way and the future Transcona North-South Corridor. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: Perfanick Drive and Concordia Avenue

Exhibits Filed:

1. Application dated July 7, 2005
2. Notification of Public Hearing dated August 17, 2006
3. Manitoba Status of Titles 1384920 and 2054594
4a. Letter of authorization dated May 19, 2005 from Joan Perfanick to Bridgewood Estates Inc.
4b. Letter of authorization dated May 19, 2005 from Christine Perfanick, President, Torre-De-Orro Inc., to Bridgewood Estates Inc.
5a. Surveyor's Building Location Certificate and sketch dated March 27, 1972
5b. Surveyor's Building Location Certificate and sketch dated April 13, 1994
6. Caveat B96646 dated February 11, 1974
7. Caveat 1054832 dated July 12, 1988
8. Caveat 1873451 dated December 14, 1994
9. Aerial photo
10. Plans (2 pages)
11. Report from the Planning and Land Use Division dated August 14, 2006
12. Report from the Administrative Coordinating Group dated August 22, 2006
13. Inspection Report

REPRESENTATIONS:

In Support:

Jim Perfanick, Bridgewood Estates Inc.

In Opposition:

Nil

For Information:

Elaine Smith
Eric Vogan, Qualico Developments

For the City:

Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Jim Perfanick appeared in support of the application, and advised that the development is timely and will be beneficial not only to the entire city but to the local residents as well.

Councillor Wyatt questioned the civic administration with respect to the requirement of sidewalks, to which Ernie Carriere, the Land Development Engineer, responded by advising the sidewalks which are included as conditions to the development agreement (Exhibit 12).

In this connection, Councillor Wyatt questioned if the applicant would object if there was a further condition imposed to add an additional sidewalk on the main north south roadway south of Perfanick Drive, to which Jim Perfanick responded in the negative.

Exhibit "11" referred to in File DASZ 30/2005

Winnipeg

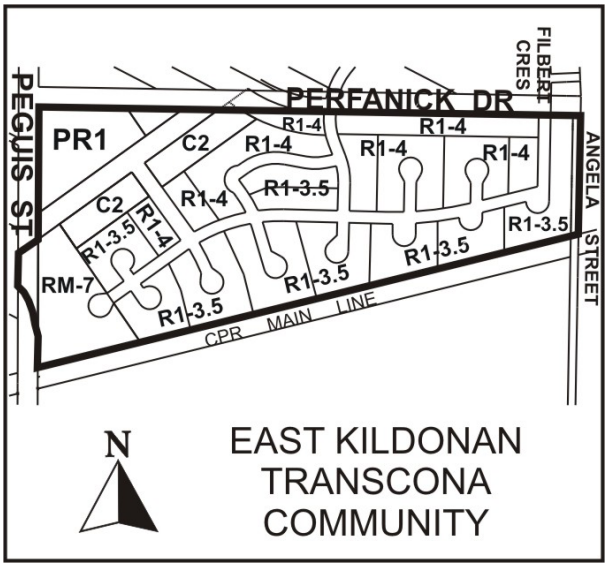
Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **August 14, 2006**
File: **DASZ 30/05**
Related Files: **DASZ 50/04; DAC 19/2005**

Subject: **Subdivide and rezone the land for single and multiple family dwellings, and commercial land-uses.**

Location:



Applicant: **Bridgewood Estates Inc. – Jim Perfanick**
Owner: **Torre – De – Oro Inc.**

Recommendation: **Approve with Conditions.**

Report Summary:

- The applicant is proposing to develop **single family residential lots**, a **4.3 acre park**, a **3.3 acre of commercial lands**, and **4.5 acres of multi-family lands** on 57.5 acres of land.
- The school site will be **3 acres** and the park will be **5 acres**. A **3.3 acre** commercial site is proposed adjacent Concordia Avenue.
- Adjacent to the commercial site and the Peguis Street / Concordia Avenue intersection is a **4.5 acre** multiple family site.
- The proposal is consistent and complementary to the approved Harbourview plan of subdivision.

Site Description

The subject property is approximately 57.5 **acres (23.08 hectares)** located east of Peguis Street between the C.P.R. Molson Subdivision and Perfanick Drive adjacent to Harbourview Phase II in the Grassie neighbourhood of the Transcona Ward. The site is zoned "A-5". Adjacent lands include vacant land to the east zoned "A-5".

Background

DASZ 50/04

Council approved Harbourview South Phase II, **DASZ 50/04**, on June 29, 2005. The applicant intends to construct **367 single family dwellings** and **40 multiple family dwellings**. The residential lots will range from 30 feet to + 40 feet. The existing 2.5 acre lake in Harbourview South will be expanded by **2.5 acres**. Another retention lake will also be developed in the southwest corner of the subject lands. An existing **3.22 acre forest** just south of Crozier Avenue will remain as a park zoned "PR1". A new open space will be developed at the existing intersection of Peguis Street and Perfanick Drive. A school site has also been identified just north of Perfanick Drive.

Description of the Proposed Development

The applicant is proposing to develop **single family residential lots**, a **4.3 acre park**, a **3.3 acre commercial site**, and **4.5 acres of multi-family lands** on 57.5 acres of land.

The residential lots will range from 30 feet to + 40 feet. Open space will be developed at the existing intersection of Peguis Street and Perfanick Drive to add 0.4 acres to the school site and 3.9 acres to the park. The school site will be **3 acres** and the park will be **5 acres**. A **3.3 acre** commercial site is proposed adjacent Concordia Avenue. Adjacent to the commercial site and the Peguis Street / Concordia Avenue intersection is a **4.5 acre** multiple family site.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

ZONING

- The **"R1-3.5" Single Family Residential District** will require a minimum lot size of 3,500 square feet and minimum lot width of 35 feet.
- The **"R1-4" Single Family Residential District** will require a minimum lot size of 4,000 square feet and minimum lot width of 40 feet.
- The **"RM-7" Multiple Family Residential District** will allow multiple family dwellings to a maximum height of 100 feet.
- A **"C2" Commercial District** has 104 Permitted Uses and 47 Conditional Uses that are generally orientated to a community wide market. Multiple Family uses are a conditional use requiring a public hearing.

TRANSPORTATION AND SITE ACCESS
Concordia Avenue East will be extended as a 104 foot wide right-of-way through the vacant lands north west of the proposed development. Peguis Street and Perfanick Drive intersection will be closed.

Perfanick Drive east of Concordia Avenue East has been reduced from 30 metres to 18.0 metres in width by closing the northerly 12.17 metres.

Filbert Crescent will be extended south from its present terminus at Perfanick Drive and swing west. Cul-de-sacs will be connected to this new street, which will be connect to Concordia Avenue.

TRAFFIC AND INFRASTRUCTURE IMPACTS
A gas transmission pipeline that has maximum operating pressure of 1725 kPa (250 psi) passes though the subject site. Manitoba Hydro has indicated in a letter dated February 10, 2006 to Qualico for the development of Harbourview Phase II that a 15 metre (50 foot) easement is required on both sides of the gas pipeline, as measured from the pipeline. The Developer is aware of the pipeline and has designed the subdivision with roads and park space along the gas pipeline. A few residential blocks are on the gas pipeline and will require a buffer to ensure public safety.

COMPATIBILITY WITH SURROUNDING USES
The Division supports single family residential uses on the subject site: the proposal represents a logical completion of Harbourview.

LAND USE BY-LAW ISSUES
The proposed zoning categories are consistent with a number of residential subdivisions in Winnipeg such as Eaglemere, Amber Trails, Canterbury Park, Whyte Ridge and Riverbend South. A number of developers have stated today's main market is willing to purchase the 35 - 48 foot wide lots. The range of lot sizes will permit the construction of a variety of dwellings units that will diversify the housing stock and provide residents with different housing options.

SITE DESIGN ISSUES
The Division has only one issue in response to the site plan. The Division is recommending that a 40 foot wide (essentially one lot) strip of land be provided as a public reserve connecting the future North – South Transportation Corridor to Filbert Crescent. This is consistent with the Division's approach for providing pedestrian access to the future belt way that is envisioned to incorporate paths and green spaces.

Recommendation

The Division recommends approval of the application subject to the following:

- that the proposed residential lots backing onto the future Transcona North-South Corridor and the CPR Molson Subdivision are established with a uniform noise attenuation fence.
- That a 50 foot buffer be established along the Gas Pipeline to ensure public safety.

The Division is also recommending that the proposed "C2" Commercial District be approved subject to a number of conditions that will ensure the future commercial development is compatible with the adjacent residential neighbourhood. The conditions required to mitigate any negative impacts are:

- site plan approval for landscaping, fencing, buildings, and signage;
- list of prohibited uses especially those that generate significant negative sounds, sights, and smells;
- free standing signage allowed to a maximum height of 25 feet to ensure free standing signs do not impact the new residents;
- no mobile signs;
- signage be restricted on the sides of the building adjacent to residential lots to ensure adjacent residents are not negatively impacted;
- landscaping required in yards against the right-of-way since this is a prominent entrance to a residential community;
- signage should be erected on the site to indicate the future commercial nature of the land-use to the potential new residents in the nearby neighbourhood.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 30/05** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with

Schedule "A" for File No. **DASZ 30/05,** attached hereto and dated **August 14, 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 **August 22, 2006**

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" for File No. **DASZ 30/05,** attached hereto and dated **August 14, 2006**, to an "R1-3.5" Single Family Residential District, a "R1-4" Single Family Residential District, a "RM-7" Multiple Family District a "C2" Commercial District and a "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 the Developer shall erect a uniform wood fence (2 metre in height) abutting the future Transcona North-South Corridor and the CPR Molson Subdivision to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development.

B. That residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline and any principal dwellings.

C. That for the land zoned "RM-7" Multiple Family Residential District; and the land zoned "C2" Commercial District the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

D. That for the land zoned "RM-7" Multiple Family Residential District; and the land zoned "C2" Commercial District the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the East Kildonan - Transcona Community

Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

E. That the commercial land be restricted as follows;

i. The following uses shall NOT be permitted on the land:

a AUTOMOBILE, including motorcycle: RENTAL, SALES, including accessory REPAIR, SERVICE, INSTALLATION OF SUPPLIES/PARTS
b AUTOMOBILE, including motorcycle: SUPPLIES/PARTS, SALES
c BEER: SALES
d BINGO PARLOUR
e BOWLING ALLEY
f BUS STATION
g CONTRACTORS' ESTABLISHMENT
h EXTERMINATOR
i FARM SUPPLIES: SALES
j HOTEL, including MOTEL, limited to guest rooms
k LIQUOR: SALES
l MACHINERY/HEAVY EQUIPMENT SUPPLIES and PARTS:SALES, INSTALLATION, SERVICE
m MOBILE HOME PARK
n MOTORS or MACHINES, RECREATIONAL or UTILITY, including power toboggans, outboard motors, lawn mowers: RENTAL, SALE, SERVICE
o PARKING AREA, non-accessory
p PAWNSHOP
q TATTOO PARLOUR
r TERMINAL for HAULAGE, MOTOR FREIGHT STATION, excluding an intermodal terminal
s TERMINAL for COURIER/DELIVERY/ EXPRESS SERVICE, CLEANING SERVICE, KEY AND LOCK SERVICE, SECURITY SERVICE, TAXI, or similar service
t TIRE: SALES, SERVICE

ii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit;

iii. That no illuminated signage be erected on the side of the building or the lot abutting a residentially zoned property;

iv. That any free-standing use identification sign not exceed twenty-five (25) feet in height;

v. That, prior to the issuance of any occupancy permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container, and thereafter

maintained to the satisfaction of the Director of Planning, Property and Development;

vi. That a landscaped setback of 20 feet be provided along Concordia Avenue East;

vii. That the Applicant shall erect two, 4 feet by 8 feet signs on the land zoned "RM-7" Multiple Family Residential District; and the land zoned "C2" Commercial District indicating the location and zoning of these properties within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to Director of Planning, Property and Development for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed;

4. That residential lots with rearage on the CPR Molson rail right-of-way shall provide a minimum 48 foot (14.6 metre) setback between the rear property line and any habitable rooms of principal buildings.

5. That residential lots with rearage on the future Transcona North-South Corridor shall provide a minimum rear yard of 48 feet (14.6 metres).

6. 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.

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

8. 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.

9. 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**.

10. 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.

11. 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.

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

Report Prepared by: John S. Wintrup
PPD File # DASZ 30/05

Schedule "A"

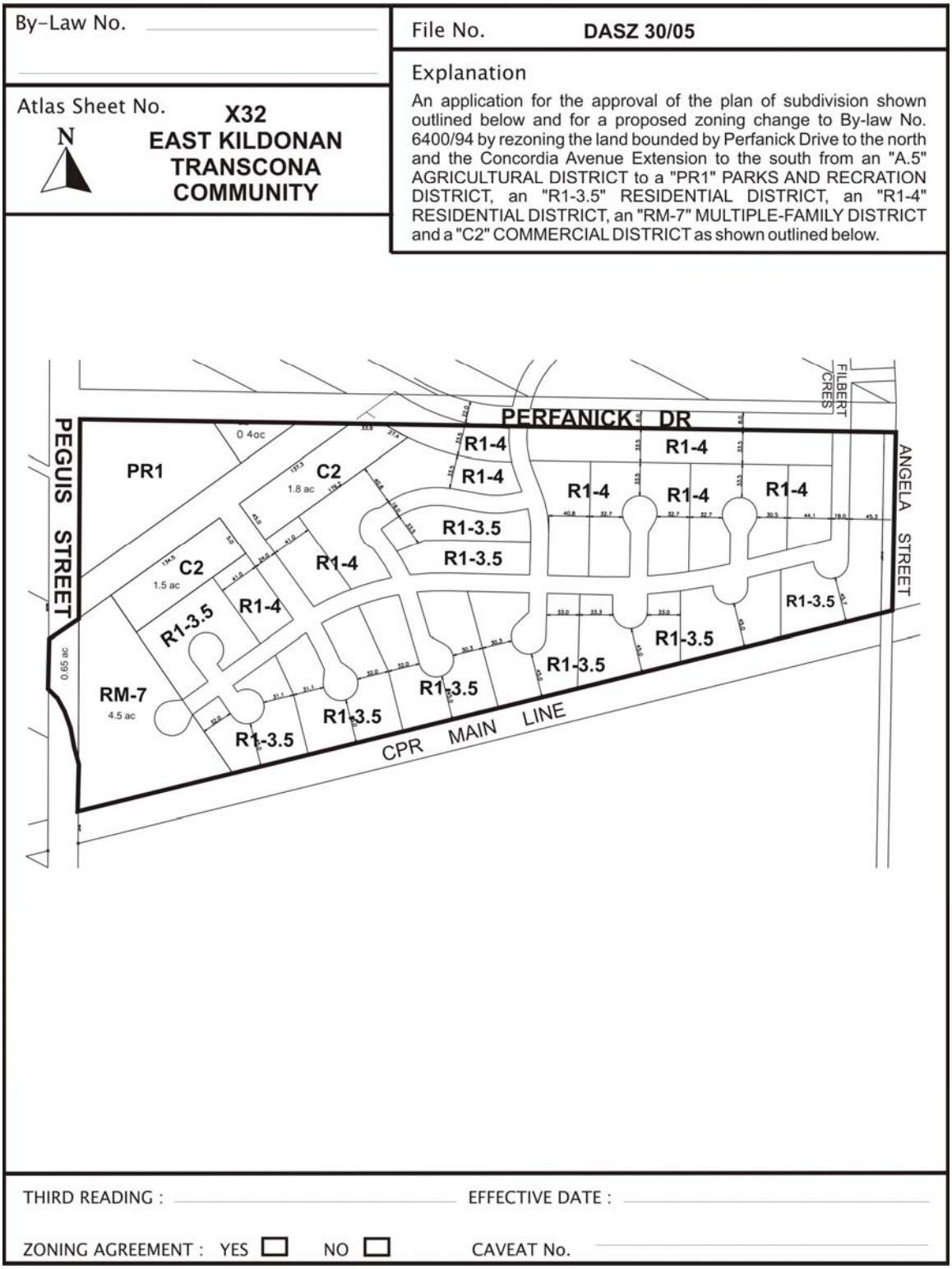


Figure 1: Schedule "A" to the report to the East Kildonan -Transcona Community Committee for File No. DASZ 30/05, dated August 14, 2006.

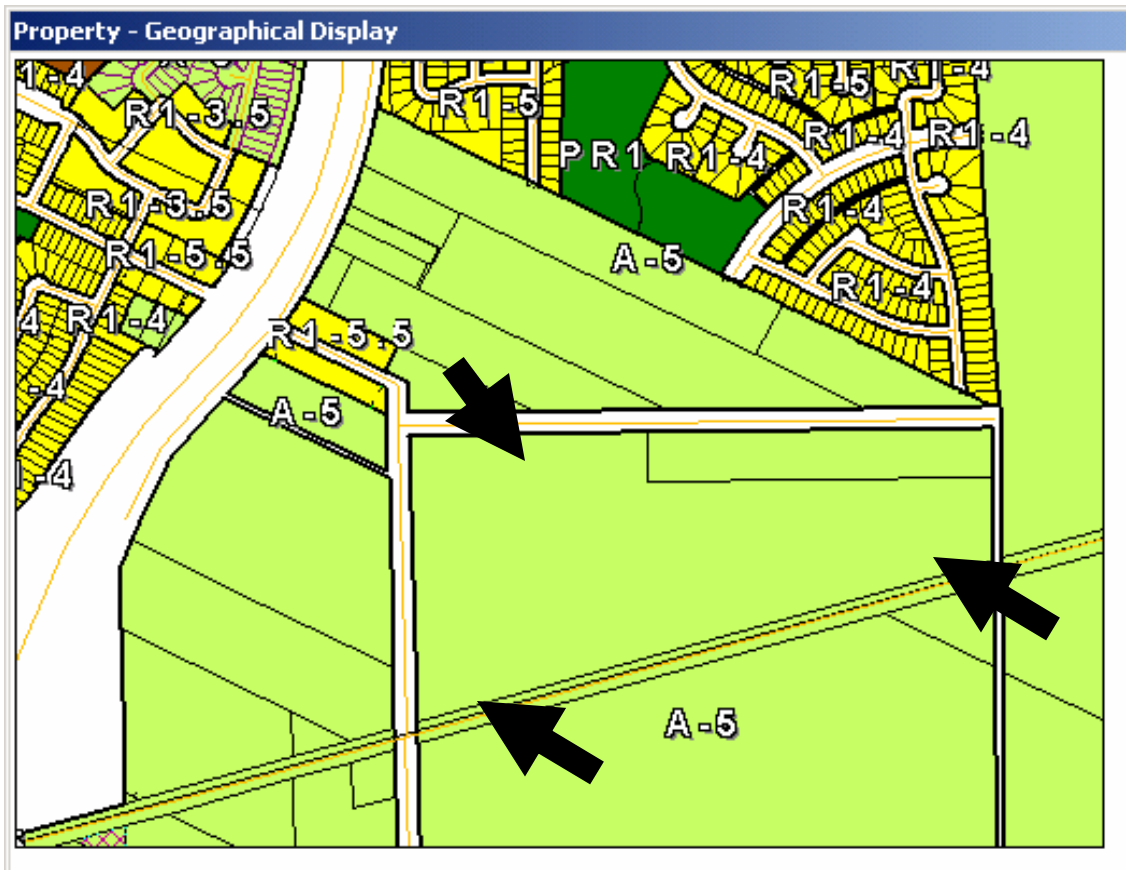


Figure 2: Existing Zoning for subject property and Surrounding Area.

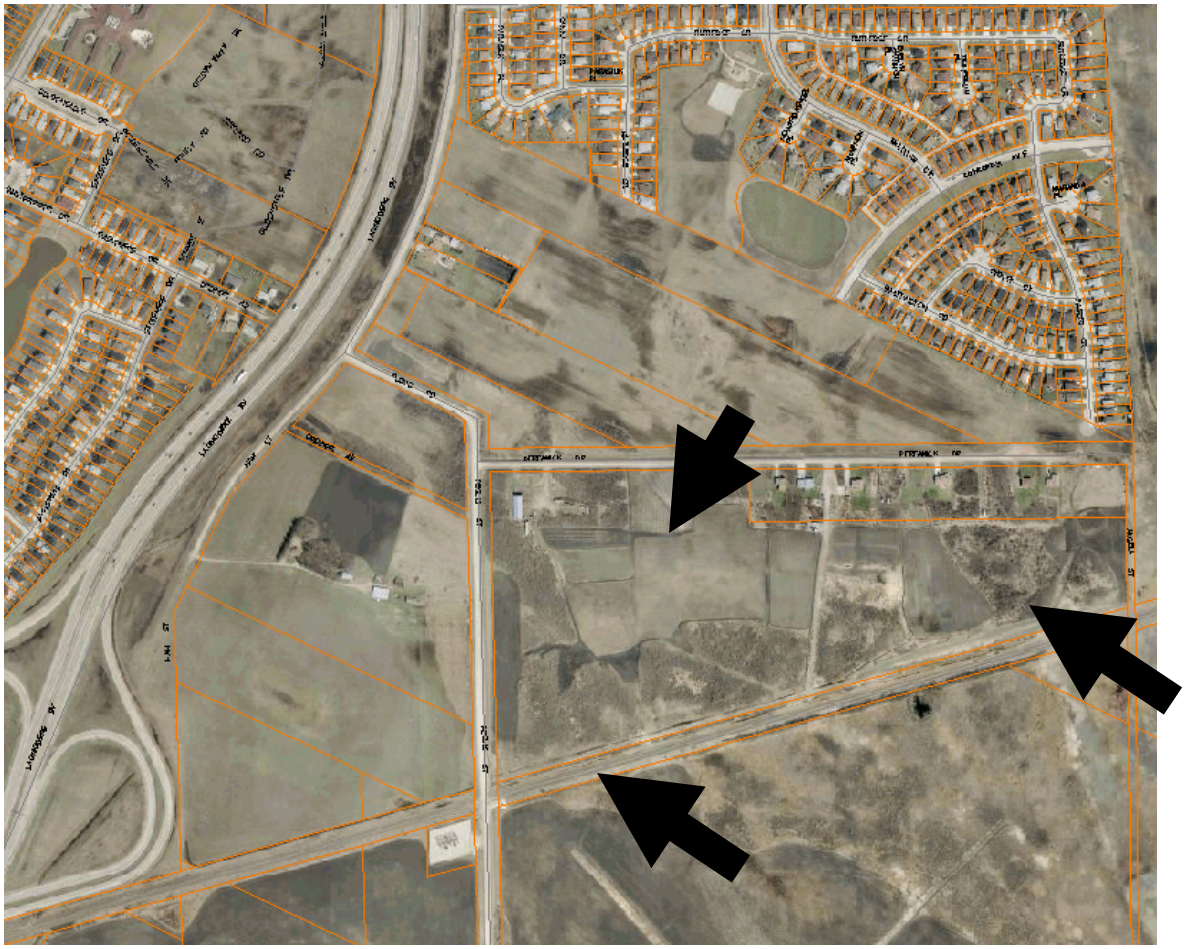


Figure 3: Existing Land-Uses for subject property and Surrounding Area.

Exhibit "12" referred to in File DASZ 30/2005

Winnipeg

Re: Proposed Subdivision and Rezoning of Land bounded by Perfanick Drive on the north and the CPR Main Line on the south – DASZ 30/05

An application has been submitted by Bridgewood Estates Inc. to subdivide and rezone land bounded by Perfanick Drive on the north and the CPR Main Line on the south.

It is recommended that the Developer amend the plan as follows:

A. By eliminating the cul-de-sac access to the proposed RM-7 site. (Access can be obtained off Concordia Avenue and/or Peguis Street
B. By designating a 40' lot adjacent to the closed Perfanick Drive right-of-way for possible access in the future to recreational facilities to be installed by the City adjacent to the Transportation Corridor.
C. 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 as a minimum.
D. The proposed street proceeding southeasterly from Concordia Avenue East to its first intersection southeast thereof is to be established as a residential collector street with a right-of-way of 22.0m, 24.0m if required to accommodate the land drainage sewer and a frontage road on each side where required.
E. Proposed frontage roads are to be accommodated with a minimum right-of-way width of 9.0m and the terminus points of the frontage roads are to be located and designed to the satisfaction of the Director of Public Works. The entrances and exits to/from proposed frontage roads along the collector streets are to be located such that they are coincident with intersections on the opposite side of the collector street or are offset by a minimum of 20.0m from the intersection on the opposite side of the collector street, to the satisfaction of the Director of Public Works.
F. Where local residential streets are aligned to curve within 20.0m of their intersection with a residential collector street, such curves are to have a minimum centreline radius of 60.0.
G. The Developer shall dedicate and legally open property for right-of-way corner cuts measuring 2.0m by 2.0m in each corner of the intersection of two streets measuring 22.0m in width or greater. Right-of-way corner cuts measuring 3.0m by 3.0m are to be provided at each corner of any intersection where the angle is less than 80° to the satisfaction of the Director of Public Works.
H. The Developer shall dedicate and legally open property for right-of-way corner cuts measuring 6.0m by 6.0m in the southwest and southeast corners of the intersection of the north/south collector street with Concordia Avenue East to the satisfaction of the Director of Public Works.

It is also recommended that approval of the amended plan be subject to the Developer entering into a Development Agreement containing the following:

1. a)The Developer shall, at no expense to the City, construct watermains required to serve the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste.
   b) The Developer shall pay its share of the cost of the existing watermain located in Eaglemere which was oversized to provide service to the proposed subdivision as determined by the Director of Water and Waste.
2. The Developer shall, at no expense to the City, construct wastewater sewers required to serve the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste.
3. a) The Developer shall, at no expense to the City, construct land drainage sewers including stormwater retention facilities required to serve the proposed subdivision and adjacent lands as determined by and to the satisfaction of the Director of Water and Waste.
   b) The Developer shall pay its share of the cost of the regional land drainage facilities as determined by the Director of Water and Waste. The City shall reimburse the Developer for the difference, if any, between the cost of regional land drainage facilities constructed by the Developer and the Developer's share of the cost thereof subject to the approval of capital funding by Council.
4. The Developer shall, at no expense to the City, install separate water and wastewater lot line connections to serve each lot within the proposed subdivision.
5. The Developer shall, at no expense to the City, construct the following works in Concordia Avenue East between Peguis Street and Perfanick Drive;
   a) an 8.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works.
   b) 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the east and west boulevards;
   c) street lighting in the west boulevard;
   d) landscaping in the west boulevard;
   all as determined by the Director of Public Works.
6. The Developer shall pay its share of the cost of the following improvements in Concordia Avenue East on an area basis, for the area as illustrated on the attached Figure 1, as determined by the Director of Public Works:
   a) an 8.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works in Concordia Avenue East between the existing Lagimodiere/Concordia interchange and the east limit of the existing Peguis Street, including a temporary asphaltic concrete transition section to the existing gravel roadway in Peguis Street north of Concordia Avenue East;
   b) 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the north and south boulevards of Concordia Avenue East;

c) Street lighting in the north boulevard of Concordia Avenue East;
d) Landscaping in the north boulevard of Concordia Avenue East;
e) Modifications to the existing Lagimodiere/Concordia interchange to accommodate the connection of Concordia Avenue East to the interchange, as generally illustrated on the attached Figure 2, including, but not necessarily limited to through lanes, turning lanes, channelization, medians, asphalt transitions, land drainage works, street lighting, boulevard landscaping, sidewalks, median hazard markers and all related works.

7. The Developer shall pay its share of the cost of the following improvements in Peguis Street on an area basis, for the area as illustrated on the attached Figure 1, as determined by the Director of Public Works:
a) two 8.0m in width by 200mm in thickness portland cement concrete lanes of pavement and all related works in Peguis Street, between Concordia Avenue East and the CPR Molson Subdivision including a temporary asphaltic concrete transition section to the existing gravel roadway in Peguis Street south of the CPR Molson Subdivision;
b) 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the east and west boulevards of Peguis Street;
c) Street lighting in both the east and west boulevards of Peguis Street;
d) Landscaping in both the east and west boulevards of Peguis Street;
e) Modifications to the existing railway crossing and the existing crossing protection at Peguis Street and the CPR Molson Subdivision as may be required by Transport Canada and/or Canadian Pacific Railways.

8. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a minimum width 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, ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction to the Director of Public Works.

9. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk on both sides of the proposed street proceeding southeasterly from Concordia Avenue East to its first intersection southeast thereof, as determined by and to the satisfaction of the Director of Public Works.

10. a) The Developer shall, at no expense to the City, construct portland cement concrete pavements to a width of 6.0m by 150mm in thickness within the proposed frontage roads within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

b) There are to be no private approaches serving single or two family residential developments off the internal residential collector street except where frontage roads are provided. There are to be no private approaches serving single-family residential development off of Concordia Avenue East or Peguis Street.

11. The Developer shall pay its share of the cost of services installed or to be installed by others in Perfanick Drive on the basis of Local Improvements rates prevailing at the time payment is made.
12. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs to be installed at all new street intersections being created as a result of the subdivision.
13. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.
14. The Developer shall pay all costs associated with the relocation of streetlights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.
15. The Developer shall, at no expense to the City, 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 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.
16. The Developer shall, at no expense to the City, ensure that construction traffic uses 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 condition, free of dropped and tracked-on-mud, and shall undertake regular cleaning 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 a temporary paved 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.
18. 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 of right-of-way therefore.

19. 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.
20. The Developer shall, at no expense to the City, construct within the rear and/or side yards of all single family lots abutting Concordia Avenue East, 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 each of these proposed single family lots abutting Concordia Avenue East 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.
21. The Developer shall, at no expense to the City, construct within the rear and/or side yards of all proposed residential lots abutting the CPR Molson Subdivision a uniform 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 each of the proposed residential lots abutting the CPR Molson Subdivision 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. Said fence is intended to ensure that "pedestrian trespass" to the tracks does not become a consequence of the subject development, thereby jeopardizing existing and/or future anti-whistling regulations along the subject railway line.
22. The Developer shall install signs at the entrance to the subdivision, upon which is to be displayed a plan of the subdivision showing theron the locations of all proposed sidewalks, community mail boxes, Public Reserve areas, the proposed school site, the proposed "C2" and "RM-7" sites, the CPR Molson Subdivision, Peguis Street, the future Transcona North-South Corridor and Concordia Avenue East.
23. The Developer shall grant an option to the City for $1.00 which option shall be fully assignable to the River East Transcona School Division, to purchase a site of approximately 0.4 acres, which option shall include but not limited to the following terms and conditions:
    i) The option shall be for five (5) years,
    ii) The land cost shall be based on the City's standard value for acquisition of land for public use as determined and set from time to time by the City,
    iii) The cost of services benefiting the school site shall be calculated based on the City's uniform or pooled rates for Local Improvements for the year in which the services were constructed or the actual cost of construction, whichever is the lesser as determined by the City.

24. The Developer shall dedicate a 40' lot backing onto the future Transportation Corridor and approximately 3.9 acres fronting Concordia Avenue East as public open space, the area of which 2 parcels comprises approximately 7.2% of the land within the proposed subdivision not including the Concordia Avenue East right-of-way. The Developer shall at no expense to the City landscape the 3.9 acre site and pay for the services abutting the 2 parcels in accordance with the City's Development Agreement Parameters. The City shall reimburse the Developer for the City's share of the cost of services minus the cost of providing and landscaping land (0.8%) required to fully satisfy the public open space requirements of DASZ 30/05 in accordance with the City's Development Agreement Parameters all as determined by the Director of Planning, Property and Development.
25. The Developer shall pay the full cost of engineering services provided by or on behalf
26. of the City in connection with the installation of services required to serve the proposed subdivision.
27. 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. 30/05
August 22, 2006

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["Original signed by E.L. Carriere"]
Land Development Engineer

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

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

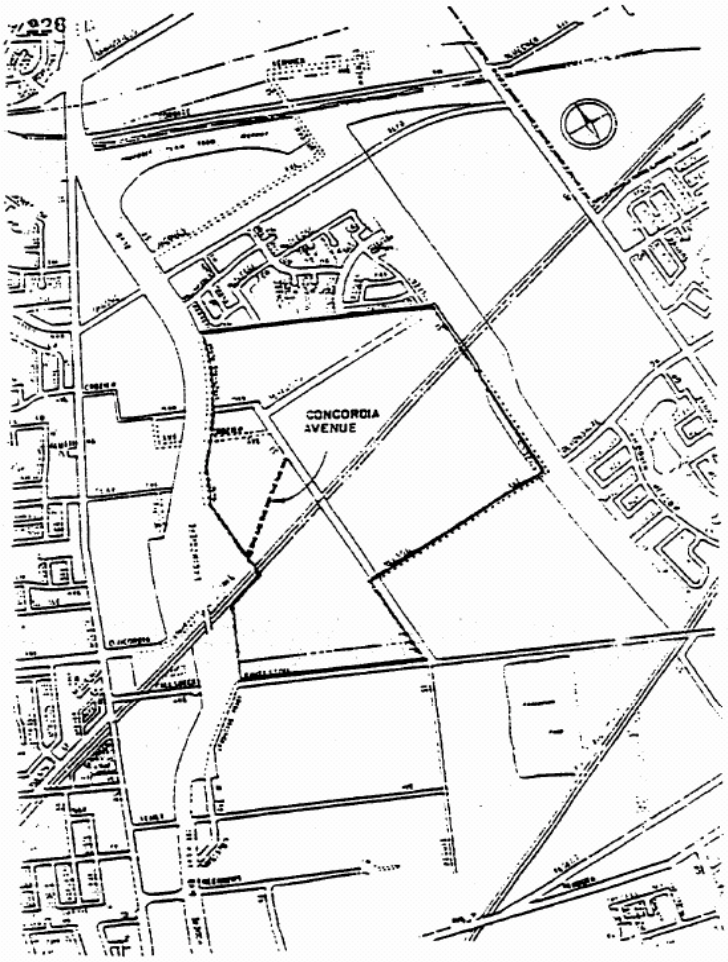

FIGURE - 1 (DASE 30/05)

CONTRIBUTING AREA FOR CONCORDIA AVENUE/ LAGIMODIERE BOULEVARD INTERCHANGE AND CONCORDIA AVENUE EXTENSION FROM PEGUIS STREET TO LAGIMODIERE BOULEVARD (347± ac.)

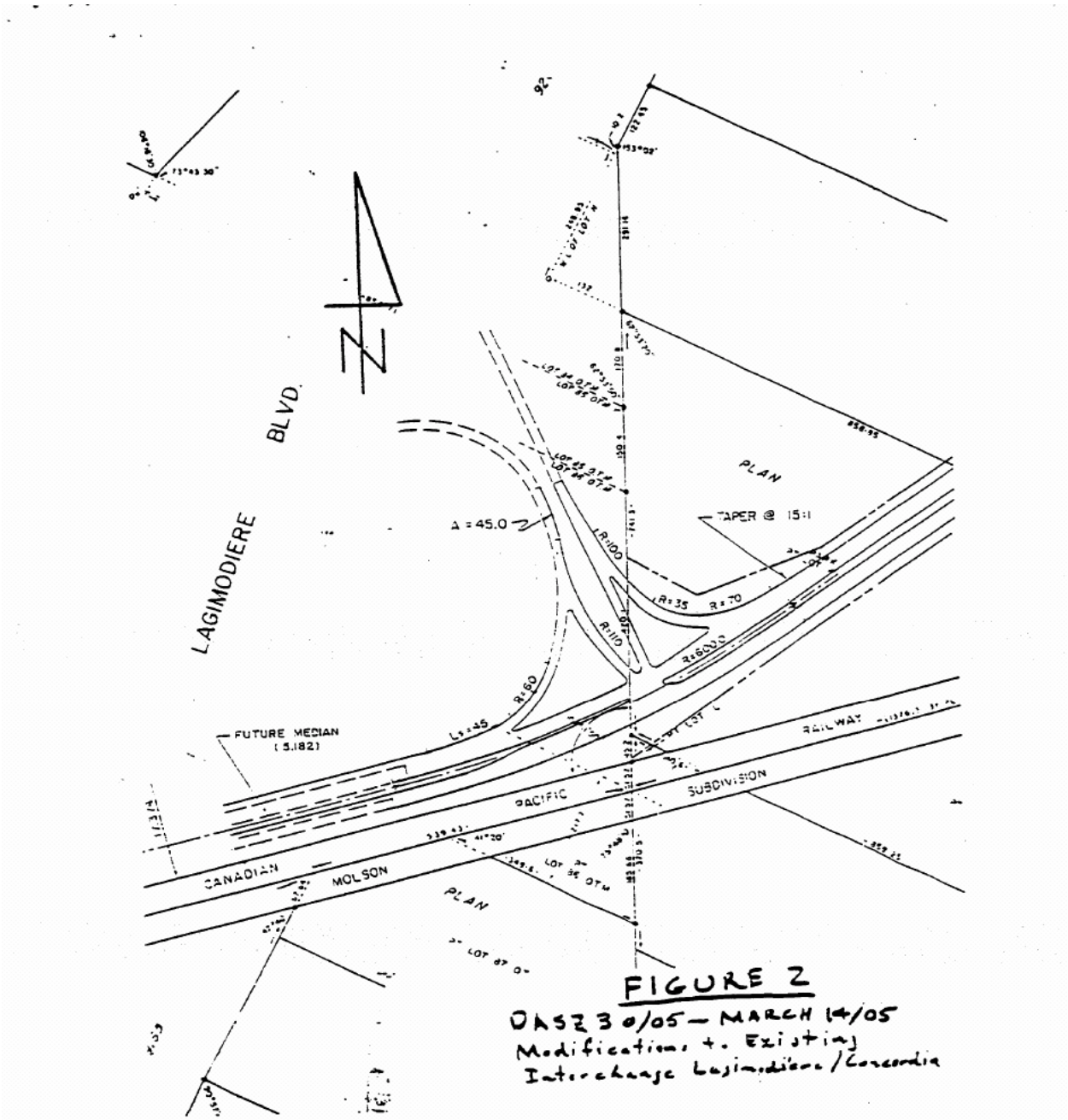

FIGURE 2

OA5230/05 — MARCH 14/05

Modifications to Existing Interchange Lagimodiere/Concordia