Agenda - Council - January 24, 2007

Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 22 Subdivision and Rezoning - north of Warde Avenue, west of St. Mary's Road
File DASZ 16/2006

STANDING COMMITTEE RECOMMENDATION:

On January 17, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 16/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 16/2006 dated December 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 October 27, 2006, with the following amendments:

        i. Amend Recommendation 2 by adding the words "including a Wastewater Sewer in Normand Avenue" after the words "land drainage sewers" in the second line thereof.

        ii. Delete Recommendation 9 in its entirety and renumber the remaining recommendations accordingly.

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 16/2006 dated December 5, 2006, to an "R1-4" Residential District, an "R1-5" Residential District, an "RM-5" Multiple Family District and a "PR-1" Park 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 - January 9, 2007

A. That prior to new construction on the proposed "RM-5" Multiple Family site, detailed site plans illustrating the location of new buildings or new additions, building profiles, parking areas, approaches, landscaping, garbage enclosures, signage and fencing 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.

B. That the single family subdivision outlined be developed in accordance with the plan submitted and identified as Schedule "C" as follows:

i. That those lots identified as Block 1, Lots 1-20, Block 2, Lots 1-15, and Block 4, Lots 1 and 2 shall be a minimum forty-four (44) feet in width.

ii. That those lots identified as Block 3, Lots 1-40, Block 4, Lots 3-24, Block 2 Lots 16-24 and Block 1 Lots 21-27 shall be a minimum forty-eight (48) feet in width.

iii. That those lots identified as Block 5, Lots 1-32, Block 6, Lots 1-28 and Block 7, Lots 1-14 shall be a minimum fifty-two (52) feet in width.

C. That the maximum height of buildings in the proposed "RM-5" Multiple Family District be limited to four (4) storeys.

4. 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 market value of the land and the creation of additional sites (if applicable).

5. That the Developer be required to execute a Conservation Easement Agreement, as identified on Misc. Plan No. 12946 that will serve to protect Normand Creek and its associated habitat located within the northeast corner of the proposed "RM-5" Multiple Family District. The easement will be to the satisfaction of the City and shall be registered as a caveat in series with the registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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.

Report - Standing Policy Committee on Property and Development - January 9, 2007

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

13. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development - January 9, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2007, 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 January 9, 2007, 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 December 5, 2006, the Riel Community Committee concurred in the administrative recommendation with the following amendments, namely:

Report from the Planning and Land Use Division
That the revised report from the Planning and Land Use Division dated November 13, 2006, be amended as follows:

- Amend Recommendation 3. by inserting the words “an “R1-5” Residential District” after the words “"R1-4" Residential District” in the third line thereof.

- Add the following Recommendation 3. C., namely:

  “3. C. That the maximum height of buildings in the proposed “RM-5” Multiple Family District be limited to four (4) storeys.”

Report from the Administrative Coordinating Group
That the report from the Administrative Coordinating Group dated October 27, 2006, be amended as follows:

- Amend Recommendation 2 by adding the words “including a Wastewater Sewer in Normand Avenue” after the words “land drainage sewers” in the second line thereof.

- Delete Recommendation 9 in its entirety and renumber the remaining recommendations accordingly,

Report - Standing Policy Committee on Property and Development - January 9, 2007

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

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

On November 14, 2006, the Riel Community Committee adjourned the public hearing to its meeting to be held on December 5, 2006.

COMMUNITY COMMITTEE DECISION:

On November 14, 2006, the Riel Community Committee filed the Variance application under file DAV 123235/2006D in light of the letter of withdrawal from the applicant.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 19, 2006, the Riel Community Committee adjourned the public hearing to its meeting to be held on November 14, 2006.

On July 18, 2006, the Riel Community Committee adjourned the public hearing to its meeting to be held on September 19, 2006.

RE: **Subdivision and Rezoning - North of Warde Avenue, west of St. Mary's Road**
File DASZ 16/2006

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

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

Report date: **December 13, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 5, 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 plan of subdivision under File DASZ 16/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 16/2006 dated December 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 October 27, 2006, ***with the following amendments:***

        i. Amend Recommendation 2 by adding the words "including a Wastewater Sewer in Normand Avenue" after the words "land drainage sewers" in the second line thereof.

        ii. Delete Recommendation 9 in its entirety and renumber the remaining recommendations accordingly.

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 16/2006 dated December 5, 2006, to an "R1-4" Residential District, ***an "R1-5" Residential District,*** an "RM-5" Multiple Family District and a "PR-1" Park 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 prior to new construction on the proposed "RM-5" Multiple Family site, detailed site plans illustrating the location of new buildings or new additions, building profiles, parking areas, approaches, landscaping, garbage enclosures, signage and fencing 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.

B. That the single family subdivision outlined be developed in accordance with the plan submitted and identified as Schedule "C" as follows:

i. That those lots identified as Block 1, Lots 1-20, Block 2, Lots 1-15, and Block 4, Lots 1 and 2 shall be a minimum forty-four (44) feet in width.

ii. That those lots identified as Block 3, Lots 1-40, Block 4, Lots 3-24, Block 2 Lots 16-24 and Block 1 Lots 21-27 shall be a minimum forty-eight (48) feet in width.

iii. That those lots identified as Block 5, Lots 1-32, Block 6, Lots 1-28 and Block 7, Lots 1-14 shall be a minimum fifty-two (52) feet in width.

C. That the maximum height of buildings in the proposed "RM-5" Multiple Family District be limited to four (4) storeys.

4. 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 market value of the land and the creation of additional sites (if applicable).

5. That the Developer be required to execute a Conservation Easement Agreement, as identified on Misc. Plan No. 12946 that will serve to protect Normand Creek and its associated habitat located within the northeast corner of the proposed "RM-5" Multiple Family District. The easement will be to the satisfaction of the City and shall be registered as a caveat in series with the registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

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 Proper Officers of the City are hereby authorized to execute said (Zoning) Agreement.

13. 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 reasons for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the revised report of the Planning and Land Use Division dated November 13, 2006.

2. The amended plan for the development is in character with the area and will provide a variety of housing for citizens of all ages.

PUBLIC HEARING SUMMARY

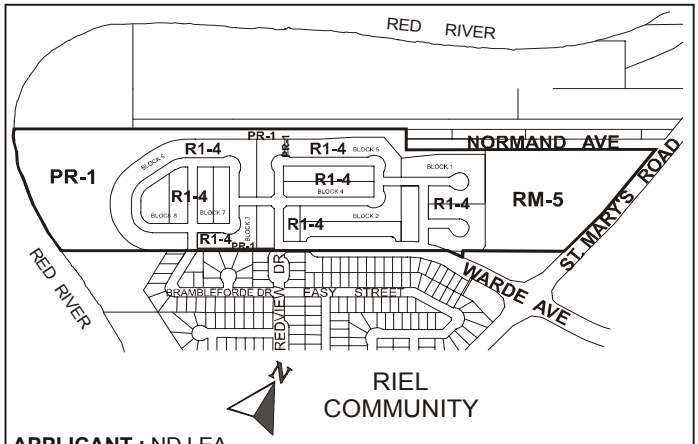
File: DASZ 16/2006

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

Public Hearing: December 5, 2006
November 14, 2006
September 19, 2006
July 18, 2006
Council Building, 510 Main Street

Applicant: David Palubeski

Subject:



APPLICANT : ND LEA
FILE: DASZ 16/06
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 "A.5" AGRICULTURAL DISTRICT and a "C1" COMMERCIAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT, an "R1-4" RESIDENTIAL DISTRICT and an "RM-5" RESIDENTIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : ND LEA
N° DE RÉFÉRENCE : DALZ 16/06
PROJET : Demande visant à faire approuver par le Conseil le plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à faire changer le zonage des sols délinéés ci-dessus qui passeraient des catégories A-5 (SECTEUR AGRICOLE), et C1 (SECTEUR COMMERCIAL), aux catégories PR1 (SECTEUR DES PARCS ET DES LOISIRS), R1-4 (SECTEUR RÉSIDENTIEL) et RM-5 (SECTEUR D'HABITATIONS MULTIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: North of Warde Avenue, west of St. Mary's Road

Exhibits Filed:

1. Application dated April 28, 2006
2. Notification of Public Hearing dated June 8, 2006
3. Manitoba Status of Titles 1231118; 1277518; 1388037; 1498336 and 2081399
4. Manitoba Certificate of Title B 1755
5. Letter of authorization dated April 6, 2006 from Van Hull Gardens Ltd. to ND Lea Inc.
6. Letter of authorization dated April 6, 2006 from Shirley Mitchell to ND Lea Inc.
7. Letter of authorization dated April 18, 2006 from Shirley Mitchell, Richard Stephen Van Hull and Joan Spence to ND Lea Inc.
8. Plans (2 pages)
9. Revised Plan dated June 23, 2006
10. Report from the Planning and Land Use Division dated July 11, 2006
11. Communication dated July 10, 2006, from Enterprise 777 Canada Ltd.
12. Communication dated July 10, 2006, from Enterprise 777 Canada Ltd. requesting adjournment
13. Inspection Report
14. Communication dated July 17, 2006, from K. B. Antonyshyn in opposition to the application.
15. Letter of authorization dated July 17, 2006 from Marcel Chartier, Enterprise 777 Canada Ltd. to Lombard North Group
16. Communication dated September 11, 2006 from the Land Development Engineer
17. Communication dated September 16, 2006, from Lorne Colpitts, in opposition to the application.
18. Communication dated September 18, 2006, from Deb Sebesteny, in opposition to the application.
19. Communication dated September 19, 2006, from Leslie MacCorby, in opposition to the application
20. Communication dated October 13, 2006 and Petition purporting to contain the signatures of 72 area residents submitted by the Waterfront Board of Directors, with respect to the application
21. Report from the Administrative Coordinating Group dated October 27, 2006
22. Revised Report from the Planning and Land Use Division dated November 13, 2006

23. PowerPoint presentation and supporting documentation submitted by David Palubeski at the Public Hearing on November 14, 2006
24. Communication dated November 14, 2006, submitted by Jim Hamilton, President, Henteleff Park Foundation, with respect to the application.
25. Communication dated November 14, 2006, submitted by Peter E. Falk, Barrister and Solicitor, Peter E. Falk, Law Corporation in opposition to the application
26. Communication dated November 22, 2006, submitted by Roy Chapman with respect to the application
27. Memorandum of Understanding dated November 14, 2006, submitted by Jim Hamilton, President, Henteleff Park Foundation
28. PowerPoint presentation and supporting documentation submitted by David Palubeski at the Public Hearing on December 5, 2006
29. Presentation, supporting documentation and petition in opposition to the application purporting to contain the signatures of 209 area residents submitted by Robert Obirek at the Public Hearing on December 5, 2006

REPRESENTATIONS:

In Support:

David Palubeski, Lombard North Group (1984) Ltd.

In Opposition

K. B. Antonyshyn
Roy Chapman
Lorne Colpitts
Liese Dorber
Peter E. Falk
R. Gyselinck
Scott Kaisaris
Dr. W. Lautt
Melanie Lautt
Marcel Leger
Leslie McCorby
John and Margaret Nelson
Leanna and Robert Obirek

Fausto Pereira
Matt and Deborah Sebesteny
Gord Webster
Lorna Winterburn

For Information:

Richard Bazin
Jim Hamilton, Henteleff Park Foundation Inc.
Lloyd Rhymer
Waltraud Rhymer
Paul Sunderland

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

December 5, 2006
The applicant, David Palubeski, Lombard North Group (1984) Ltd., appeared in support of the application and provided an overview of the proposal by way of a PowerPoint presentation, filed as Exhibit 28. Mr. Palubeski indicated concurrence in the recommendations contained in the revised report from the Planning and Land Use Division dated November 13, 2006, and the report from the Administrative Coordinating Group dated October 27, 2006, with exceptions as detailed in his submission, filed as Exhibit 28.

In response to questions from Committee, Mr. Palubeski responded:

- That no substantive changes have been made with respect to the proposal since the public hearing held on November 14, 2006, with the exception of extending the service road from Redview Drive to meet the proposed Van Hull Way as requested by the administration.
- That the height of existing "RM-5" Multiple Family Residential development in the vicinity is three (3) and four (4) storeys.
- That should the height of the proposed multiple family site be reduced, the developer would likely be required to increase its footprint to ensure that said development would be economically viable.

Robert Obirek appeared in opposition to the application, read into the record his presentation and submitted supporting documentation and a petition in opposition to the application purporting to contain the signatures of 209 area residents, all filed as Exhibit 29.

In rebuttal and in response to questions, Mr. Palubeski stated:

- That the developer has investigated realigning the proposed Van Hull Way as per the request from area residents but said realignment would result in double frontages and create un-buildable lots.
- That geotechnical studies have been prepared and the proposal will comply with City of Winnipeg standards with respect to dyke and bank stabilization; this will be covered in the development agreement.
- That, as a result of working with area residents and stakeholders at nine (9) meetings, the developer has amended the original plan dramatically to develop larger lots and eliminate the requirement for variances.
- That lot sizes are in character with the area at 3.6 lots per acre. Lots located closer to St. Mary's Road, like in Normand Park, are smaller and get larger as you move towards the river.
- That the multi-family project is a key component to the affordability of proceeding with this project and its density has already been reduced dramatically.
- That this is an expensive infill opportunity that will help meet the demand for diverse housing.
- That a principal of equity be developed with respect to the costs that the developer is requested to bear on behalf of other parties.

November 14, 2006

David Palubeski, Lombard North Group (1984) Ltd., appeared in support of the application and provided an overview of the proposal by way of a PowerPoint presentation, filed as Exhibit 23. Mr. Palubeski indicated concurrence in the revised Report from the Planning and Land Use Division dated November 13, 2006 and the report from the Administrative Coordinating Group dated October 27, 2006 with exceptions as detailed in his submission, filed as Exhibit 23.

Discussion ensued with respect to access to the development, traffic controls and a drainage plan.

Melanie Lautt appeared in opposition to the application. Ms. Lautt indicated that she resides at 1960 St. Mary's Road and is a member of the Board of Directors for The Waterfront. Ms. Lautt provided a summary of her communication dated October 13, 2006, which included a petition purporting to contain the signatures of 72 area residents, filed as Exhibit 20.

Robert Obirek appeared in opposition to the application. Mr. Obirek stated that he has not been provided with enough information with respect to the proposed development.

Leanna Obirek appeared in opposition to the application. Ms. Obirek stated that the proposed development would result in increased traffic in the area and that a five (5) storey building is not compatible with the area.

Liese Dorber appeared in opposition to the application for the following reasons:

- The proposed development does not provide for connectivity with existing neighbourhoods;
- The proposed development does not provide adequate public access to the Red River;
- The applicant has not provided enough detailed information;
- Does not agree with naming the extension of Warde Avenue, Van Hull Way;
- The proposed development should include a sidewalk on St. Mary's Road;
- Increased traffic;
- Concerned that the existing shelter belt located along the river will not be preserved;
- Concerned with increased traffic and impact on safety of existing neighbourhood;
- The proposed dyke should be realigned further east, eliminating ten (10) to twelve (12) lots from the development;
- Ingress and egress to and from the proposed condo development should be restricted to Normand Avenue and said condo should be limited to three (3) stories in height;
- All lots in the proposed development should be rezoned to a minimum "R1-5" Residential District.

Lorne Colpitts appeared in opposition to the application. Mr. Colpitts stated that he is a member of the Normand Park Residents Association and that he has met with the former applicant, ND Lea Inc. and, more recently, the current applicant. Mr. Colpitts requested that the public hearing be adjourned to provide area residents with another opportunity to meet with the applicant.

Gord Webster appeared in opposition to the application. Mr. Webster stated concerns regarding traffic, the proposed dyke and walkways on said dyke, drainage and the preservation of trees. Mr. Webster asked if the applicant has done an environmental impact study.

Jim Hamilton, Henteleff Park Foundation Inc., appeared for informational purposes and read into the record a communication, filed as Exhibit 24.

In rebuttal, David Palubeski stated the following:

- The density of the proposed development is quite low;
- The development will slightly increase traffic in the area but the majority of vehicles entering/exiting the development will likely do so via the proposed Van Hull Way;
- Provided an explanation regarding the location of the proposed dyke;
- Drainage will be designed in accordance with City of Winnipeg standards;
- The developer will consult with the City of Winnipeg and area residents to develop the parkland within the development;
- Height of the proposed condominiums has been reduced from six (6) to five (5) stories.

September 19, 2006
No representations were heard inasmuch as the Riel Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

July 18, 2006
No representations were heard inasmuch as the Riel Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

Exhibit "22" referred to in File DASZ 16/2006 [c/r DAV 123235/2006D]

Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: November 13/06

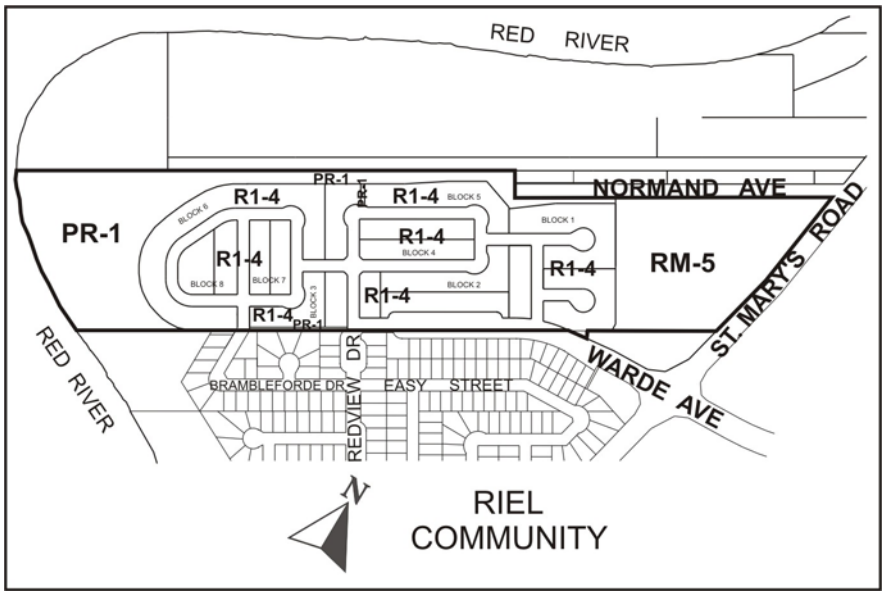
File: DASZ 16/06 (REVISED)

Related Files: DAV 06 –123235/D

Subject: The rezoning and subdivision of a 62 acre parcel of land to allow for the creation of 189 " R1-4" single family residential lots , an " RM-5" multiple family condominium complex and a "PR-1" public reserve area along the Red River.

Location: North of Warde Avenue, West of St. Mary's Road

Legal Description: Lots 1, 16-19, Plan 19857, Block 5, Plan 21202



Applicant: Lombard North Group

Owner: Van Hull Gardens Limited

Recommendation: Approve with Conditions

Site Description

The proposed development site, which is approximately 63 acres in size, lies north of the westward projection of Warde Avenue , west of St. Mary's Road. The area has been lying vacant and undeveloped for many years but conceptually is a natural extension of an existing residential single - family subdivision lying adjacent to the south. To the immediate west is the Red River and to the north a large City nursery. An approximately 60'wide flood protection dyke will be constructed along the west and north limits of the site and will be linked to an existing dyke system to the south.



The residential neighbourhood adjoining to the south is zoned R1-5 Residential and is separated from the Red River by a dyke and a narrow corridor of PR-1 land. Much of the adjacent land near the corner of St. Mary's Road and Warde Ave. is zoned C2 Commercial but has been approved for medium density multiple family housing in recent years. There are similarly new condominium projects, recently approved and zoned RM-4, immediately north of Normand Avenue. The aforementioned nursery, to the north of the proposed development, is zoned PR-1.

Description of the Proposed Development (Revised, see attached Schedule C)

The proposed subdivision will essentially have two primary components; 1) a proposed 10.76 acre "RM-5" multiple family condominium complex which will be situated along the eastern boundary of the site immediately adjacent to St. Mary's Road. It may eventually house as many as 322 dwelling units which is considerably less than that which is allowed under the By-Law 6400 for that particular zoning category. The multiple family structures will likely be upwards of a maximum five stories in height which is also within the allowable limits under the aforementioned zoning category. In total there will be 351 underground parking spaces allotted with an additional 132 surface stalls provided adjacent to the central court area. 2) under the revised plan the remaining 50 acres of land will be subdivided into a total of 189 single family housing lots, all to be zoned R1-4. That total is twenty (20) dwelling units less than the original proposal submitted to your Committee for approval in July/06. The aforementioned low density housing area is to be divided into three distinct sections; the most westerly third of the site will have a total of 74 lots, all between 52' in width and 60' in width; the middle section will have a total of 78 lots, all between 48' in width and 52' in width; and the most easterly component to have a total of only 37 lots, all between 44' in width and 48' in width. There are only two notable changes to the street alignment in the new plan; a) two cul-de-sacs proposed for the easterly periphery of the single family area have been deleted and replaced with a more conventional bay design and b) the frontage lots originally proposed along the north side of Warde Avenue have been replaced by a cul-de-sac. In the initial stages of development, Warde Avenue will be extended through to intersect with Redview Drive and will constitute the primary access to all phases of the new single family housing development an the existing residential neighbourhood. How exactly phasing is to take place and over what time period will depend largely on market demand. Finally, approximately ten (10) acres of the overall total acreage along the Red River is to be utilized as public open space, owned and maintained by the City of Winnipeg.

Analysis

In the mid 1980's, the lands to the east and west of what is now Redview Drive (bounded by St. Mary's Road and the Red River) were subdivided and rezoned to allow for 227 single family dwellings. Approximately 18 of the approved lots north of Easy Street cannot be effectively utilized until the westward extension of Warde Avenue is completed as part of the subject application. Primary access to the existing subdivision has been via Normand Park Drive with a secondary connection to St. Mary's Road at the south terminus of Redview Drive. That will, in all likelihood , change with the completion of Warde Avenue West which will allow for alternate access to the controlled/signalized intersection at St. Mary's Road.

Over the last year, there has been ongoing consultation between the applicants, their consultants ,the City and the adjoining residents association; the relative success of which is reflected, we believe, in the plan now before your Committee for evaluation. From the outset, the adjoining property owners placed great priority on a plan of subdivision that would be and orderly extension of and compatible with their established neighbourhood. The City, from its

perspective, had the added responsibility of a) ensuring that adequate flood protection will be provided to the overall area in the long term b) that there is an appropriate and workable integration of i) both proposed and existing public pathway systems and ii) the new flood protection dyke with the existing dyke at Brambleforde Drive c) that sensitive areas identified in the northeast quadrant of the site particularly along Normand Creek are fully protected and d) that proper access to and from the site is established at the outset in advance of any new single family development taking place. All of these criteria, we believe ,have been met in the detailed plans currently before your Committee.

Responding to neighbourhood concerns regarding the location of any proposed new multiple family development, the applicants have sited their proposed higher density (5 story maximum) condominium complex along St. Mary's Road with direct and independent access to that street. And in order to ensure that there is an orderly transition between existing housing along Brambleford Drive and Easy Street and the new lots proposed immediately to the north, 74 of the new lots will be in the 52'-60' range and an additional 78 will be in the 48'-52'width range . It should be noted that there are 227 lots in the existing adjacent 64 acre subdivision which translates into an overall density of 3.5 lots per acre; similarly the new single family housing area with 189 overall units in a 52 acre site area will have an overall density of approximately 3.6 lots per acre. Those lots, as outlined on accompanying map Schedule "C" will be subject to restrictions outlined in and governed by the accompanying zoning agreement. Final plan approval in the same restrictive zoning agreement will also provide the City and your Committee with an opportunity to evaluate details of development on the proposed RM-5 Multiple Family site.

Recommendation

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

- The proposed development is a logical and orderly extension of the existing neighbourhood lying adjacent to the south.
- The proposed subdivision constitutes new infill development which is in accordance with Plan Winnipeg Policy.
- The 189 single family lots proposed is 20 less than what was proposed in the original proposal and the densities are equivalent with the adjoining neighbourhood to the south.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 16/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 16/06, attached hereto and dated November 13/06, 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 October 27/06.

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 16/06, attached hereto and dated November 13/06, to an "R1-4" Residential District and an "RM-5" Multiple Family District and a "PR-1" Park 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 prior to new construction on the proposed "RM-5" Multiple Family site, detailed site plans illustrating the location of new buildings or new additions, building profiles, parking areas, approaches, landscaping, garbage enclosures, signage and fencing 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.

B. That the single family subdivision outlined be developed in accordance with the plan submitted and identified in the accompanying Schedule "C" and that all lots identified under accompanying Plan Schedule "C" as Blk. 1, Lots 1-20 , Blk. 2. Lots 1-15, and Blk. 4, Lots 1 & 2 shall be a minimum 44" in width, that those identified as Blk. 3, Lots 1-40 and Blk. 4 Lots 3-24 and Blk.2 Lots 16-24 and Blk.1 Lots 21-27 shall be a minimum 48' in width and those identified as Blk. 5 Lots 1-32 , Blk. 6 Lots 1-28, and Blk. 7 Lots 1-14 shall be a minimum of 52' in width.

IV That a ten (10) percent 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 market value of the land and the creation of additional sites, (if applicable).

V. That the Developer be required to execute a Conservation Easement Agreement , as identified on accompanying Misc. Plan No. 12946, that will serve to protect Normand Creek and its associated habitat located within the N.E. corner of the proposed "RM-5 " Multiple Family District. The easement will be to the satisfaction of the City and shall be registered as a caveat in series with the registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

VI. 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.

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

VIII. 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.

IX. 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.**

X. 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.

XI. 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.

XII. That the Proper Officers of the City are hereby authorized to execute said (Zoning) Agreement.

XIII. 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 # 5.527

3384

By-Law No. _____

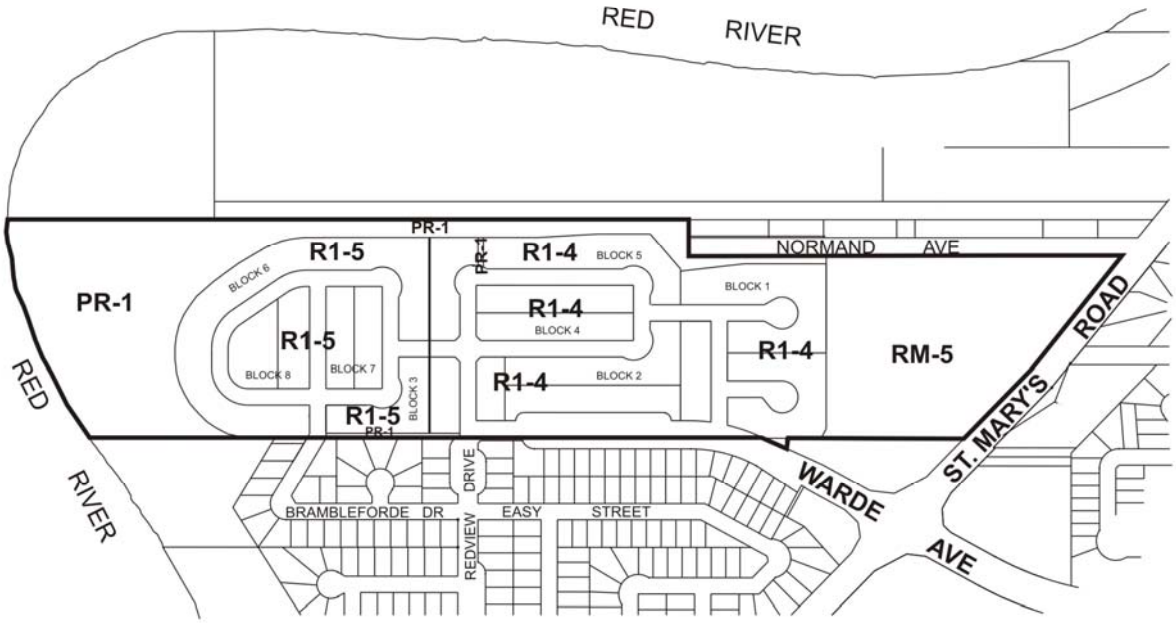
File No. **DASZ 16/06**

Atlas Sheet No.

AK26
RIEL
COMMUNITY

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 north of Warde Avenue, east of St. Mary's Road from an "A.5" AGRICULTURAL DISTRICT and a "C1" COMMERCIAL DISTRICT to a "PR1" PARK AND RECREATION DISTRICT, an "R1-4" RESIDENTIAL DISTRICT, an "R1-5" RESIDENTIAL DISTRICT and an "RM-5" MULTIPLE-FAMILY DISTRICT as shown outlined below.

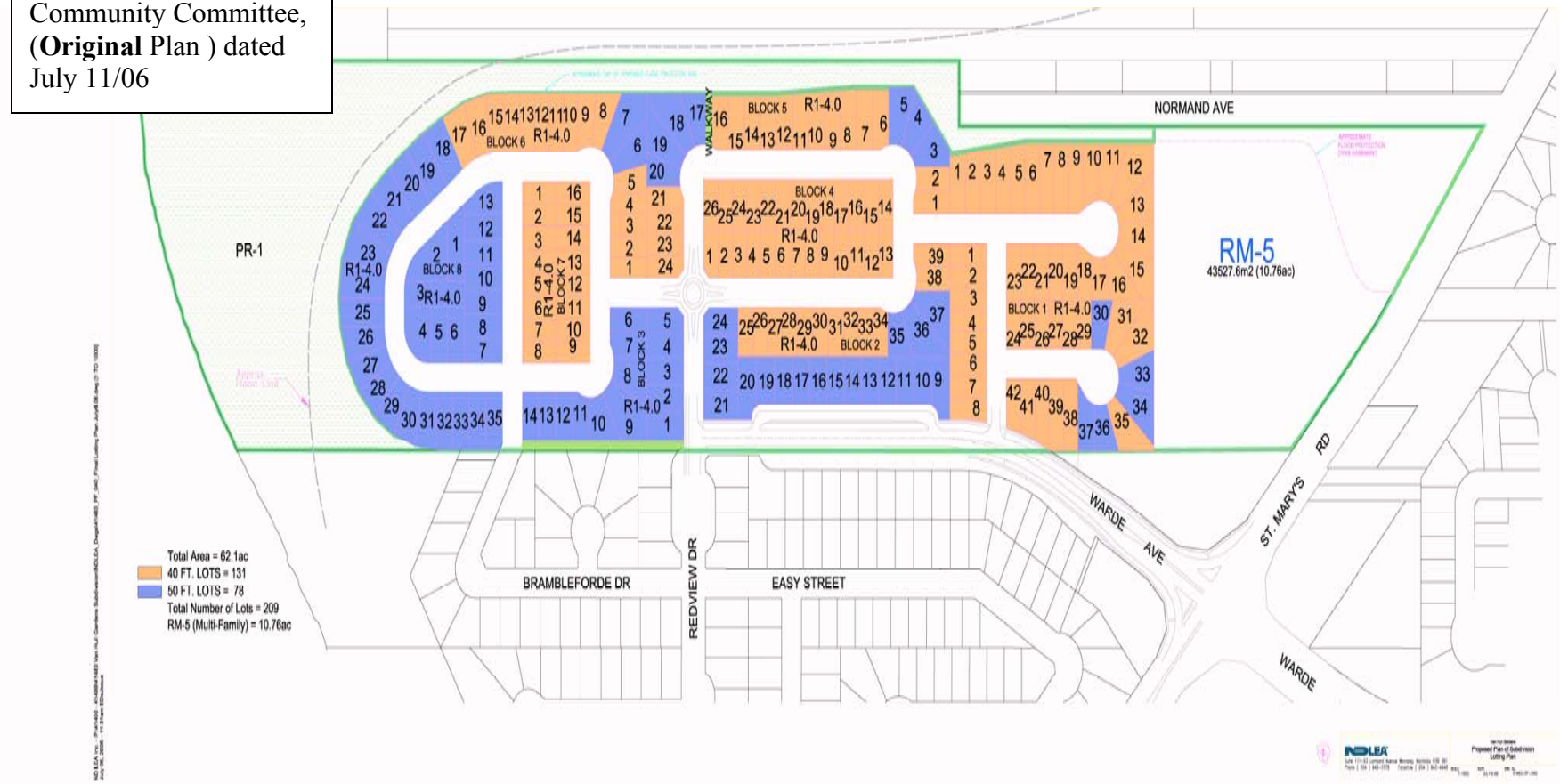


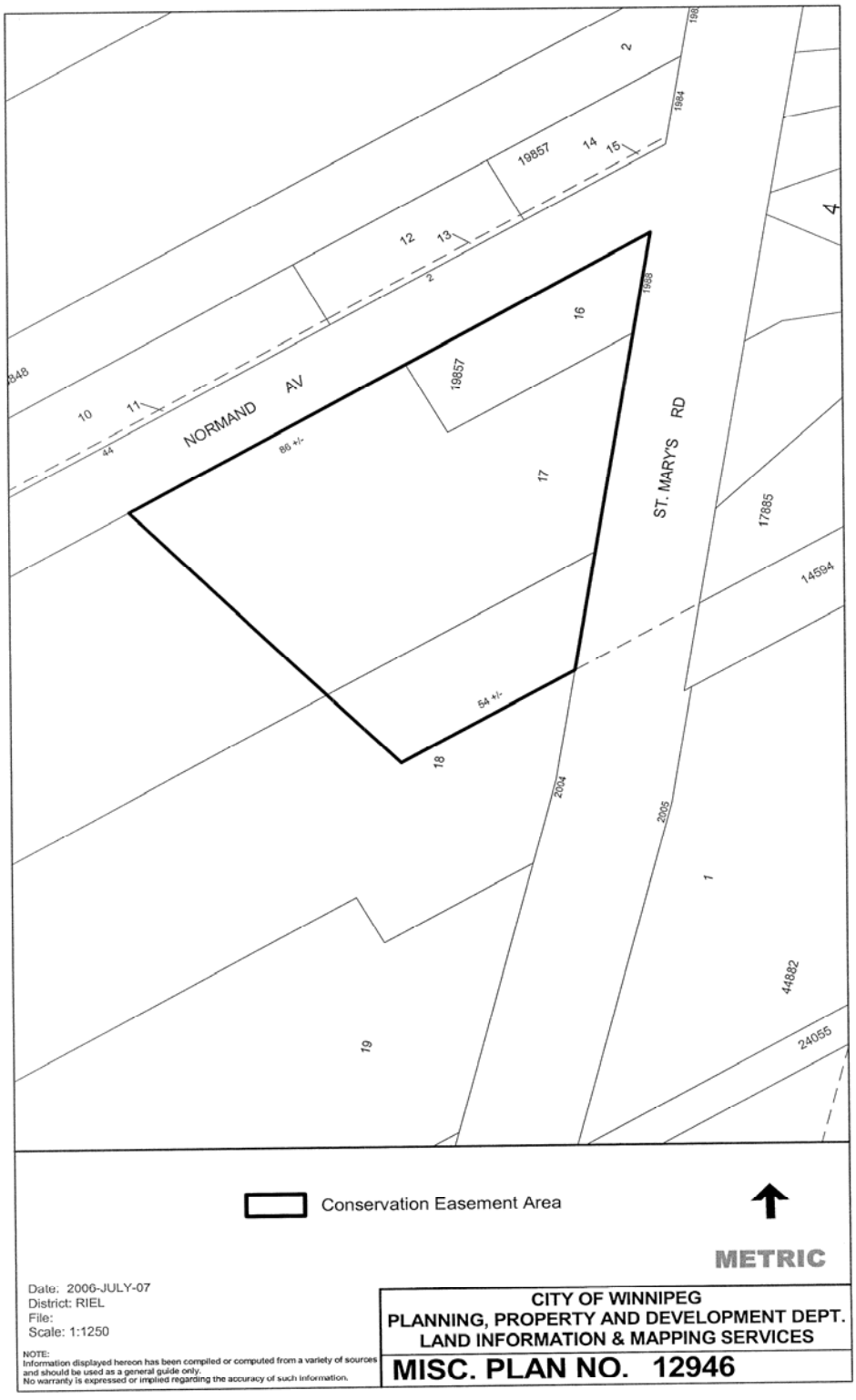
Schedule "A"
for File # DASZ 16/06,
Riel Community Committee,
Dated Dec 5/06

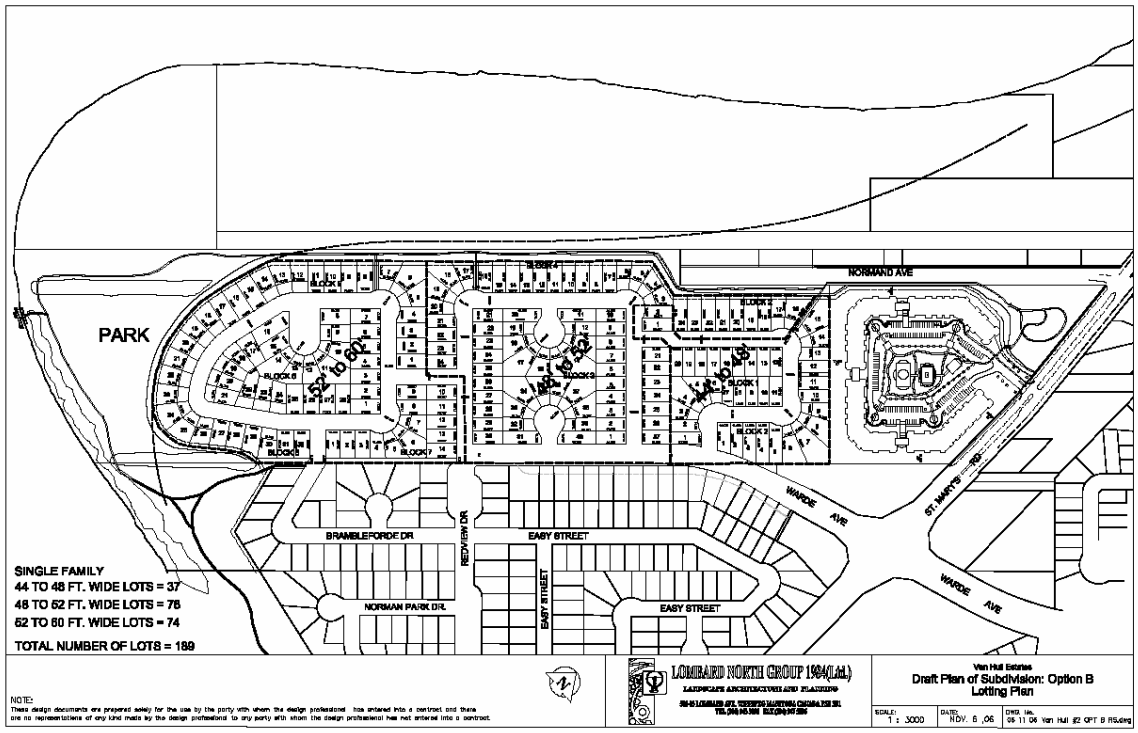
THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule “B” for file # DASZ 16/06, Riel Community Committee, (**Original** Plan) dated July 11/06




NORMAND AV
ST. MARY'S RD
86 +/-
54 +/-
19857
17885
14594
44882
24055
Conservation Easement Area
METRIC
Date: 2006-JULY-07
District: RIEL
File:
Scale: 1:1250
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only.
No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12946



Revised Plan, Schedule "C", Riel Community Committee, dated November 14/06

Exhibit "21" referred to in File DASZ 16/2006 [c/r DAV 123235/2006D]

Re: Proposed subdivision and rezoning of land located on the west side of St. Mary's Road, north of Warde Avenue - DASZ 16/06

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE RIEL COMMUNITY COMMITTEE

["Original signed by E.L. Carriere"]
E.L. Carrière
Chairman
Administrative Coordinating Group

October 27, 2006

Re: Proposed subdivision and rezoning of land located on the west side of St. Mary's Road, north of Warde Avenue - DASZ 16/06

An application has been submitted to subdivide and rezone land located on the west side of St. Mary's Road, north of Warde Avenue. The applicant has amended the plan which was advertised but those changes do not warrant a re-advertisement. A copy of the amended plan is attached as Schedule "A".

It is recommended that the plan be amended, if required, to include the following features:

1. Right-of-way being established for the northerly extension of Redview Drive into the Planned Area is to be 22.0m in width through its intersection with Warde Avenue and then transition to 18.0m north of the intersection. The centerline of the right-of-way north of the intersection is to be coincident with the existing centerline to the south of the intersection.

2. The existing frontage road on the west side of Redview Drive south of the Planned Area was not completed at the time of development of those lands in anticipation of it being extended northerly into the area of the subject application. The Developer shall, extend the frontage road northerly to serve the proposed lot located directly opposite the intersection of Warde Avenue with Redview Drive. Right-of-way being established to extend this frontage road is to be the same as previously established for the existing frontage road to the south. The entrance to proposed frontage road extension along Redview Drive is to be located such that it is coincident with the roadway in Warde Avenue at its intersection with Redview Drive.

3. 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 80^0 to the satisfaction of the Director of Public Works.

4. 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.

It is also recommended that the Developer enter into a Development Agreement containing the following:

1. The Developer shall lift the grade of the proposed subdivision to accommodate a gravity wastewater sewer. As the proposed subdivision lies on the wet side of the Primary Line of Defense (PLD) that runs through Normand Park and along St. Mary's Road, the Developer will be required to lift the grade of the proposed subdivision to accommodate a gravity wastewater and construct, subject to the approval of the Dyking Commissioner, a newly designated PLD around the proposed subdivision.

2. The Developer shall, at no expense to the City construct wastewater sewers, watermains and land drainage sewers to serve the proposed subdivision and adjacent lands as determined by and to the satisfaction of the Director of Water and Waste. The City shall reimburse the Developer for the cost of oversized land drainage facilities as determined by the Director of Water and Waste subject to the approval of capital funding by City Council and as the City collected from the benefiting property.

3. The Developer shall, provide a lot grading plan for the City's approval and grant any easements required by the design of the approved lot grading.

4. The Developer shall, at no expense to the City install water and wastewater connections to serve each lot within the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste.

5. The Developer shall, at no expense to the City, construct portland cement concrete pavement to widths of 7.5m and 8.0 and 10.0m and thicknesses of 150mm and 200mm respectively in all streets within the proposed subdivision and in Warde Avenue to St. Mary's Road, 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 of the Director of Public Works.

6. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5 by 100mm in thickness both sides of all streets with a right-of-way width of 22.0m or greater except where there is a frontage road and on the west side of St. Mary's Road abutting the Planned Area, all as determined by and to the satisfaction of the Director of Public Works.

7. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 6.0m by 150mm in thickness within the existing frontage roads abutting the Planned Area, as determined by and to the satisfaction of the Director of Public Works. The Developer shall, also extend the existing frontage road in Redview Drive northerly to serve the proposed lot located directly opposite the intersection of Warde Avenue.

8. The Developer shall construct and/or pay its share of the cost of the following improvements on an area basis at and near the intersection of St. Mary’s Road and Warde Avenue:

    i) upgrading the existing traffic control signals to include the west (4th) leg,
    ii) one (1) through lane and related works, a 35.0m northbound left turn lane plus transition, median opening and all related works on St. Mary’s Road and

iii) concrete pavement and related works on Warde Avenue to a point ± 150m west of St. Mary's Road.

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

(A portion of the cost of constructing pavement described in Clause 5. above shall be credited against the works described in iii) of this Clause.

9. The Developer shall either prepay or post securities to cover its share of the cost of a full range of services to be installed in the future by the City and /or others in Normand Avenue abutting the Planned Area as determined by the Director of Public Works and the Director of Water and Waste.

10. There are to be no private approaches serving single or two family residential development off streets with a right-of-way width of 22.0m or greater.

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

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

13. a) 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.

b) 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.

c) 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 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.

15. The Developer shall, be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial

completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

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

17. The Developer shall dedicate the land identified as PR1 as public open space the area of which open space is greater than 8% of the land within the proposed subdivision. The Developer shall install landscaping & pathways to fully satisfy the landscaping and servicing component of normal dedication of public open space to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

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

19. The Developer shall pay $1,200.00/acre to defray the City's administration and related costs associated with the preparations and implementation of the development agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 16/06
October 27th, 2006

["Original signed by E.L. Carriere"]
E.L. Carrière, P.Eng.
Land Development Engineer

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

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

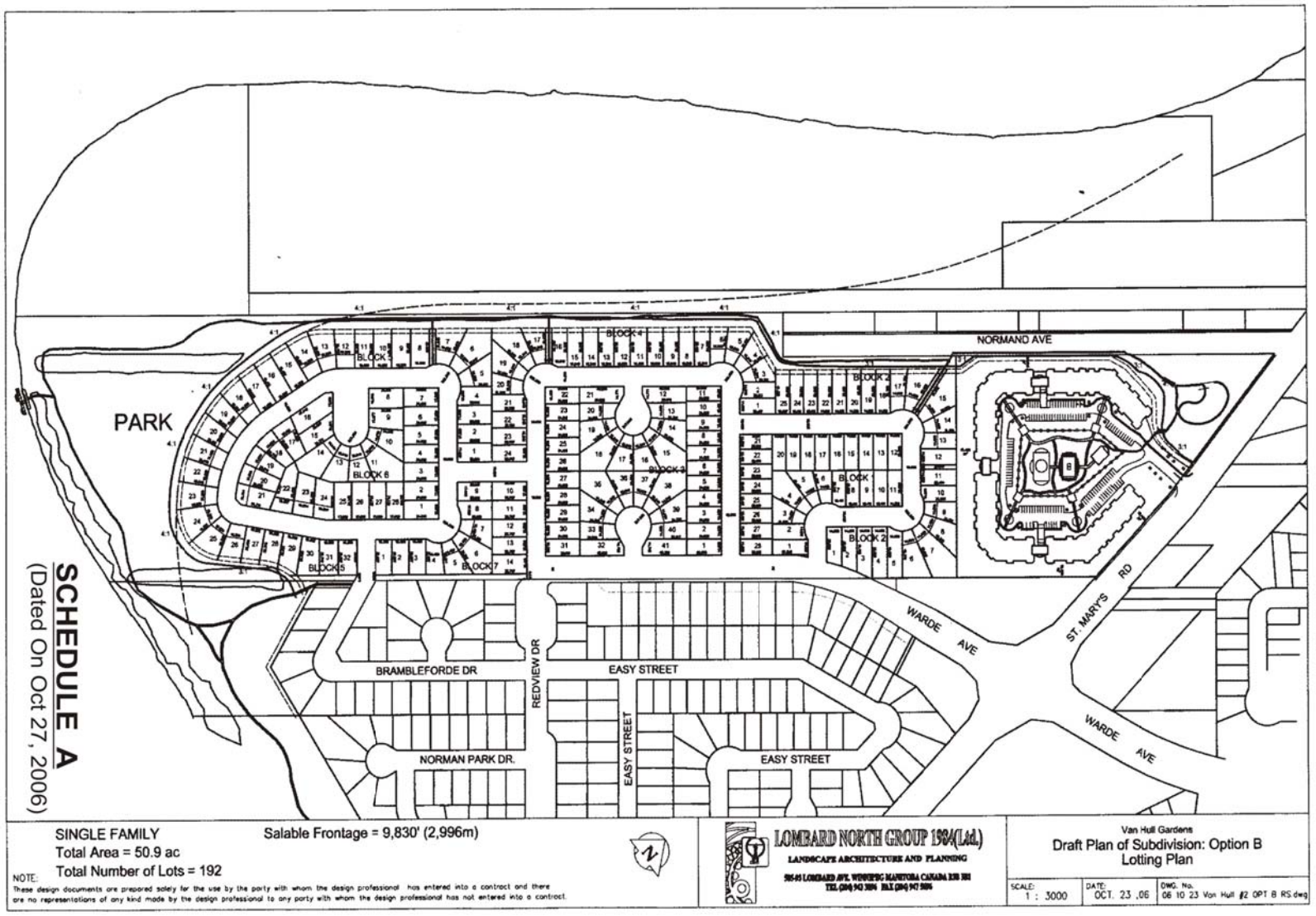

PARK
NORMAND AVE
BLOCK 1
BLOCK 4
BLOCK 3
BLOCK 2
BLOCK 6
BLOCK 5
BLOCK 7
BRAMBLEFORDE DR
REDVIEW DR
EASY STREET
NORMAN PARK DR.
EASY STREET
EASY STREET
WARDE AVE
ST. MARY'S RD
WARDE AVE
SCHEDULE A
(Dated On Oct 27, 2006)
SINGLE FAMILY
Total Area = 50.9 ac
Total Number of Lots = 192
Salable Frontage = 9,830' (2,996m)
NOTE:
These design documents are prepared solely for the use by the party with whom the design professional has entered into a contract and there are no representations of any kind made by the design professional to any party with whom the design professional has not entered into a contract.
LOMBARD NORTH GROUP 1984(Ltd.)
LANDSCAPE ARCHITECTURE AND PLANNING
Van Hull Gardens
Draft Plan of Subdivision: Option B
Lotting Plan
SCALE: 1 : 3000
DATE: OCT. 23 ,06
DWG. No. 06 10 23 Van Hull #2 OPT B RS.dwg

Exhibit "16" referred to in File DASZ 16/2006 [c/r DAV 123235/2006D]

INTER-OFFICE MEMORANDUM

Planning, Property and Development Department

Development and Inspections Division, Land Development Branch
Main Floor, 65 Garry Street

Winnipeg

Date: September 11, 2006

To: The Chair and Members of the Riel Community Committee

From: E.L. Carrière, Land Development Branch

RE: **Proposed Subdivision and Rezoning of land located on the west side of St. Mary's Road, north of Warde Avenue – DASZ 16/06**
FILE: AG 16/06 (PLEASE QUOTE WHEN REPLYING)

At its meeting held on July 18, 2006, the Riel Community Committee did not hear any representations on DASZ 16/06 and adjourned the public hearing to its meeting to be held on September 19, 2006. Lombard North Group, who are now representing the Owner/Developer of the subject property, on August 21, 2006 forwarded a number of plan amendments for the administration's consideration as well as a number of proposals dealing with dyking, land drainage and cost-sharing of certain services and a proposal that wastewater sewers for the proposed development be provided using a lift station rather than a gravity system.

Under the City's servicing plans for the subject area, the developer is required to construct, at no expense to the City, a gravity wastewater sewer system to provide service to the proposed development. In order to comply with this requirement, the elevation of a portion of the development area would have to be raised. On September 8, 2006 the City met with the Developer and his engineering consultant to explore possible alternative plans for providing wastewater service. In order to ensure that the Developer's proposed alternative meets the City's requirements and that it would not result in additional operation and maintenance costs for the City, the Developer is to provide additional engineering and economic information for the City's review. Therefore, it is recommended that DASZ 16/06 be laid over until this information is provided and reviewed.

["Original signed by E.L. Carriere"]
E.L. Carrière, P.Eng.
Land Development Engineer

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