Minute No. 440
Report - Standing Policy Committee on Property and Development – May 1, 2007

Item No. 7 Subdivision and Rezoning - 186 Bairdmore Boulevard
File DASZ 50/2006

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 50/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 50/2006 dated April 12, 2007, 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 January 26, 2007, with the following amendment:

      i. That Recommendation 14 be added as follows, namely:

         "14. That the Developer contribute a cash donation of $25,000.00 towards the remediation of the open space lands between the rear of the lots on Calderwood Road and the rear of the newly-created lots to the east."

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 "B" for File DASZ 50/2006 dated April 12, 2007, to an "R1-4" Residential District.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

Report - Standing Policy Committee on Property and Development – May 1, 2007

COUNCIL DECISION (continued)

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

6. 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.

7. 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.

8. 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.

9. 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.

10. 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 – May 1, 2007

DECISION MAKING HISTORY:

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 9, 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 May 1, 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 April 10, 2007, the Riel Community Committee concurred in the administrative recommendation with the following amendments, namely:

Report from the Administrative Coordinating Group

- That the report of the Administrative Coordinating Group dated January 26, 2007, be amended as follows:

    1. That Recommendation 14 be added as follows, namely:

        "14. That the Developer contribute a cash donation of $25,000.00 towards the remediation of the open space lands between the rear of the lots on Calderwood Road and the rear of the newly-created lots to the east."

Report from the Planning and Land Use Division

- That the report from the Planning and Land Use Division dated February 6, 2007, be amended as follows:

    1. Amend Recommendation 1. by substituting the words "Schedule "A"" with the words "Schedule "B"" and changing the date of the Schedule to "April 12, 2007".

Report - Standing Policy Committee on Property and Development – May 1, 2007

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

2. Amend Recommendation 3. by substituting the words "Schedule "A"" with the words "Schedule "B"" and changing the date of the Schedule to "April 12, 2007".

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

On March 13, 2007, the Riel Community Committee further adjourned the public hearing to its meeting on April 10, 2007.

On February 13, 2007, the Riel Community Committee adjourned the public hearing to its meeting on March 13, 2007.

RE: **Subdivision and Rezoning - 186 Bairdmore Boulevard**
File DASZ 50/2006

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

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

Report date: **April 16, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 10, 2007, 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 50/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with ~~***Schedule "A"***~~ ***Schedule "B"*** for File DASZ 50/2006 dated ~~***February 6,***~~ ***April 12, 2007***, 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 January 26, 2007, ***with the following amendment:***

      i. That Recommendation 14 be added as follows, namely:

         "14. That the Developer contribute a cash donation of $25,000.00 towards the remediation of the open space lands between the rear of the lots on Calderwood Road and the rear of the newly-created lots to the east."

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"***~~ ***Schedule "B"*** for File DASZ 50/2006 dated ~~***February 6,***~~ ***April 12, 2007***, to an "R1-4" Residential District .

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

6. 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.

7. 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.

8. 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.

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

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

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

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated February 6, 2007 and in the report from the Administrative Coordinating Group dated January 26, 2007.

PUBLIC HEARING SUMMARY

File: DASZ 50/2006

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

Public Hearing: April 10, 2007
March 13, 2007
February 13, 2007
Council Chamber, Council Building, 510 Main Street

Applicant: River's Edge Development Corp. (Bernie MacKenzie)

Subject:



APPLICANT : RIVER'S EDGE DEVELOPMENT CORP.
FILE: DASZ 50/06
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 a "PR1" PARKS AND RECREATION DISTRICT to an "R1-4" RESIDENTIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : RIVER'S EDGE DEVELOPMENT CORP.
N° DE RÉFÉRENCE : DALZ 50/06
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS) à la catégorie R1-4 (SECTEUR RÉSIDENTIEL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 186 Bairdmore Boulevard

Exhibits Filed:

1. Application dated December 18, 2006
2. Notification of Public Hearing dated January 2, 2007
3. Manitoba Status of Title 2166433
4. Air Photo
5. Plan
6. Report from the Planning and Land Use Division dated February 6, 2007
7. Report from the Administrative Coordinating Group dated January 26, 2007
8. Inspection Report
9. Communication dated February 12, 2007, from Connie and Isabelle Bossuyt in opposition to the application.
10. Communication dated February 12, 2007, from Tammy Schneider in opposition to the application.
11. Communication dated February 13, 2007, from Krysztof Widla in opposition to the application
12. Communication dated February 13, 2007, from Karen Jones, West Broadway Horticultural Society, in opposition to the application
13. Communication dated February 13, 2007, from Anthony Reimer in opposition to the application
14. Site Plan submitted by Al Degner at the Public Hearing on February 13, 2007
15. Presentation and supporting documentation submitted by Fraser McPhee at the Public Hearing on February 13, 2007, in opposition to the application
16. Petition purporting to contain the signatures of 300 area residents submitted by Anthony Reimer at the Public Hearing on February 13, 2007
17. Petition purporting to contain the signatures of 41 area residents submitted by Krzysztof Widla at the Public Hearing on February 13, 2007
18. Communication dated February 28, 2007, from Fraser McPhee with respect to the application
19. Communication dated February 28, 2007, from Elvira McInnis with respect to the application
20. Presentation dated March 13, 2007, submitted by Fraser McPhee at the Public Hearing on March 13, 2007
21. Site Plan submitted by Al Degner at the Public Hearing on April 10, 2007
22. Presentation dated April 10, 2007, submitted by Fraser McPhee at the Public Hearing on April 10, 2007

REPRESENTATIONS:

In Support:

Frank Curtis
Al Degner
Ulrike Hellmuth
Donna Thordarson

In Opposition

Anthony Bacon
Brian Beckstead
Connie and Isabelle Bossuyt
Shelley Bourgeois
Brad Cloet
Murray Dutka
Bill E. Featherstone
Jose and Antonia Guerreiro
Karen Jones
Eugene and Sandra Kolisnyk
Kathrine Lewandoski
Fraser McPhee and Tamara Franzmann
Robert Plaetinck
Anthony Reimer
Dave and Tammy Schneider
Craig Whitman
Krzysztof Widla
Wayne and Janine Williams
Sepehr Yazdani
Eric Zogbi and Alicia Martinez-Zogbi

For Information:

Elvira McInnis
Barry Post
Ron Price
Clifford H. Speer

For the City:

Mr. K. Raban, Land Development Administrator, 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

February 13, 2007
Al Degner and Donna Thordarson appeared in support of the application. Mr. Degner indicated concurrence in the recommendation contained in the Report from the Planning and Land Use Division dated February 6, 2007 and submitted a revised site plan, filed as Exhibit 14.

Fraser McPhee appeared in opposition to the application on behalf of twelve (12) area residents living at 7, 11, 15, 19, 27 and 31 Calderwood Bay. Mr. McPhee read from a presentation which has been filed as Exhibit 15.

Bill E. Featherstone appeared in opposition to the application. Mr. Featherstone stated that his primary concern is the location and aesthetics of the homes that will be constructed along the eastern portion of the proposed development that face his home on Blackbird Bay.

Karen Jones appeared in opposition to the application on behalf of the West Broadway Horticultural Society. Ms. Jones paraphrased the objection as outlined in her submission, filed as Exhibit 12.

Robert Plaetinck appeared in opposition to the application. Mr. Plaetnick stated that his home backs on to the proposed development and he purchased his property based on the understanding that a school, which would occupy much less space, would be built on subject property. Mr. Plaetnick proposed the following amendments should the rezoning be approved, but maintained that it is his preference that the lands in question remain greenspace:

- Minimum fifty (50) foot feet wide lots with larger homes;
- The pathway along Calderwood Bay should be at least one hundred and thirty-five (135) feet wide;
- Development should be contained within two (2) acres;
- A pathway should be maintained from Bairdmore Boulevard to Kirkbridge Park;
- Pathway/Park should be developed in consultation with area residents;
- Trees should be planted along the pathway in consultation with area residents and at the developer's expense;
- Low-level lighting should be installed along the pathway for security, at the developer's expense;
- Tennis courts should be developed in the park land area;
- Aesthetic improvements including a pond and fountain;
- Residents of Calderwood should have "dibs" on purchasing lots adjacent to their properties to compensate for losses in property values.

Anthony Reimer appeared in opposition to the application. Mr. Reimer reiterated concerns raised by previous speakers and submitted a petition in opposition to the application purporting to contain the signatures of 300 area residents.

Dave Schneider appeared in opposition to the application and read into the record a communication dated February 12, 2007, from his wife, Tammy Schneider, filed as Exhibit 10.

Krzysztof Widla appeared in opposition to the application and read into the record a communication, filed as Exhibit 11. Mr. Widla also submitted a petition purporting to contain the signatures of forty-one (41) area residents, filed as Exhibit 17.

Eugene Kolisnyk appeared in opposition to the application. Mr. Kolisnyk stated that he is opposed to rezoning any parkland to residential.

Wayne Williams appeared in opposition to the application and submitted a copy of the original Ladco Company Plan for Richmond West which designates the area in question as a school, filed as Exhibit 18.

Ron Price appeared for information. Mr. Price stated that he would prefer if the subject property remained as is. Mr. Price asked if the City would be willing to complete the last stage of the park should this application be approved.

Al Degner and Donna Thordarson returned in rebuttal. Mr. Degner explained how the school division acquired the land in question. Mr. Degner stated that the original proposal was not to install a walkway along Calderwood Bay but to assist neighbouring residents in acquiring the portion of the walkway abutting their properties. Mr. Degner further stated:

- This is an infill development and, according to Plan Winnipeg, he, as a developer, is required to maximize the use of existing infrastructure while minimizing the spatial use of land;
- The proposed lot density is in character with the area at thirty-one (31) lots;
- The proposed development will not generate any more traffic than a school would have;
- The developer would be willing to construct a larger walkway along Calderwood Bay but this would require a land swap with the City as dedication for the subject property has already been satisfied;
- The developer is willing to meet with area residents to work out a compromise.

Councillor Swandel stated that he would be adjourning the public hearing to the meeting of the Riel Community Committee on March 13, 2007 to provide an opportunity for the applicant to meet with area residents. Councillor Swandel also stated that further representations would be limited to Fraser McPhee and Al Degner. Councillor Swandel iterated that thirty-one (31) lots may be too many for the proposed development and that there may be a need for an increased setback between said development and existing homes on Calderwood Bay. Councillor Swandel also stated that the developer should look at the aesthetics, including fencing, of the proposed development along Marrington and that the proposed development along Calderwood Bay should be consistent with existing housing.

March 13, 2007
Al Degner appeared in support of the application. Mr. Degner stated that since March 13, 2007, he has met and corresponded with Fraser McPhee and the Senior Planner, Planning, Property and Development, Kevin Lalor. Following the first meeting with Mr. McPhee, Mr. Degner stated that he had presented him with two variations of their original plan. Mr. Degner further stated that on February 28, 2007, he received a counter proposal from Mr. McPhee that illustrated seven (7) lots fronting on Marrington Road and a thirteen (13) lot cul-de-sac centred across from Afton Road which would provide a buffer of approximately two-hundred (200) feet along Calderwood Bay; said two-hundred (200) foot buffer would represent a land dedication of over thirty (30%). Mr. Degner indicated that he presented Mr. McPhee's proposal to the developers who did not feel it to be a viable option.

Mr. Degner explained that, in an effort to satisfy all parties, he developed a final plan that would dedicate sixteen (16) metres of the developer's land which, coupled with the existing six (6) metre wide City of Winnipeg property, would provide a total buffer of twenty-two (22) metres along Calderwood Bay. Mr. Degner iterated that this final plan was provided to Mr. McPhee on March 9, 2007.

Fraser McPhee appeared in opposition to the application and read into the record a presentation, which has been filed as Exhibit 20.

Al Degner returned in rebuttal and stipulated that landscaping would be addressed as part of the Development Agreement. Mr. Degner stated that the Developer would be willing to construct fencing consistent with existing fencing in the area. Mr. Degner stated that the lots outlined in the plan submitted by Mr. McPhee (see Exhibit 20) would only be one hundred (100) feet deep and the Developer requires lots with a depth of at least one hundred and ten (110) feet.

Councillor Swandel stated he would be further adjoining the public hearing to provide an opportunity for Mr. Degner to meet with Mr. McPhee in the hope that a compromise can be arrived at prior to the meeting of Committee scheduled for April 10, 2007.

April 10, 2007
Al Degner appeared in support of the application. Mr. Degner stated that, since the last meeting:

- He has revised the proposed plan of subdivision as per his submission, filed as Exhibit 21, to allow for the creation of twenty-four (24) lots, eight (8) fewer than what was applied for.
- He has met with the members of the Manitoba Home Builder's Association who indicated that the minimum lot depths should be one hundred and eighteen (118) feet.
- He has met with Roy Hartman, Traffic Assessment Engineer, Public Works Department and Kim Raban, Land Development Administrator, Planning Property and Development Department to discuss traffic implications. Mr. Hartman agreed that, though not ideal, the revised plan was acceptable from a traffic perspective due to the infill nature of the proposed development.

- He has submitted the latest plan proposed by Fraser McPhee and the area residents to the developer who has advised that it is not acceptable.

Fraser McPhee appeared in opposition to the application and read into the record a presentation, which has been filed as Exhibit 22.

Al Degner returned in rebuttal. Mr. Degner stated that the developer has revised the proposed plan significantly to address the concerns of area residents. Mr. Degner stated that the developer is willing to set aside ninety-two (92) feet of greenspace adjacent to the existing homes on Calderwood Bay. Mr. Degner maintained that the developer could not accept the final plan submitted by area residents as many of the lots would be undevelopable.

Exhibit "6" referred to in File DASZ 50/2006

Winnipeg

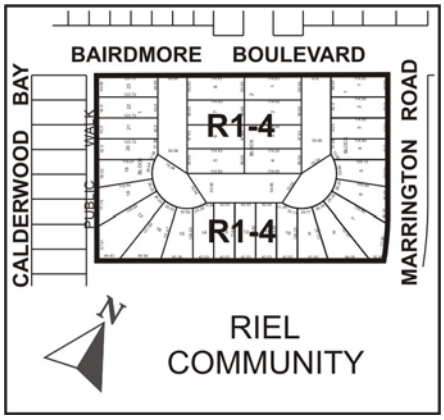
Planning, Property and Development Department Report

To the Riel Community Committee

Date: February 6/07
File: DASZ 50 /06
Related Files: N/A
Subject: To rezone the subject land from a " PR-1" Parks and Recreation category to a " R1-4" Residential classification for the purpose of creating 31 new residential housing lots.

Location: 186 Bairdmore Blvd.

Legal Description: Parcel B, Plan 34178



Applicant: Rivers Edge Development Corp.

Owner: same as above

Recommendation: Approved with Conditions

Site Description:



The subject 5.43 acre vacant parcel is situated at the corner of Marrington Road and Bairdmore Blvd. at the n.e. corner of Kirkbridge Park. It is surrounded on three sides by single family housing; to the north along Bairdmore are homes which front onto a service road and are zoned "R1-4" single family and "R1-5.5" single family. The established single family neighbourhood to the east of Marrington Road is zoned "R1-4" single family and to the west along Calderwood Bay, the homes are similarly zoned "R1-4" single family. The open recreational areas to the south are zoned "PR-1" Parks and Recreation.. The subject parcel itself has been zoned "PR-1" Parks & Recreation for over 30 years and was originally identified as a future school site when Richmond West was in its early stages of development.

Background:

In the 1970's, the subject parcel was identified as a future school site and purchased by the Pembina Trails School Division. It has been held by the School Division, until recently, when it was declared surplus to their needs and sold to Rivers Edge Development Corp. When potential school sites were identified prior to 1980, they were often zoned to a PR Public Reserve category but they were not part of the City's Public Reserve inventory. They were privately owned and maintained by the various school divisions. After 1980, it became customary to rezone future school sites to single family or low density multiple family categories if seemed to be the most logical alternative for development if the schools declared certain sites surplus. And indeed, in many areas of south Winnipeg, old designated school sites have been converted into a variety of housing forms with great success in the last fifteen years.

Description of the Proposed Development:



At an Open House held back in December of 2006, the Developers talked about their plans to rezone and subdivide the lands in question for single family housing. They discussed design options and configurations for the subdivision at that time but it wasn't until the application was officially made in January that the details of the subdivision lay-out and the final number of dwelling units was disclosed. The design itself is pretty straight forward with thirty ones lots fronting onto an internal street or bay which has two approaches onto Bairdmore Blvd. There are no lots fronting directly onto Bairdmore, so a service road is not required. While the land is to be zoned to an "R1-4" category, with a minimum frontage of 40' and a minimum area of 4000 sq.

ft., seventeen of the proposed thirty one lots have widths in excess of 45' and areas in excess of 5000 sq. ft. In terms of size, the majority of the proposed lots are in fact equivalent to or greater than most of the adjoining lots along Bairdmore, Calderwood or Marrington. The applicants are also proposing to retain a 28.5 ft. wide connective corridor along the west periphery of the subdivision which will act as a pedestrian walk-way/linkage between Bairdmore Blvd. and Kirkbridge Park. As indicated in the above Plan, that corridor could, if required, be expanded at the entrance to the Park to allow for a slightly larger buffer area between the proposed housing and existing housing along Calderwood Bay.

Analysis:

At the Open House meetings held in December 2006, one of the common themes expressed by neighbourhood residents was that the City should endeavor to retain zoned public reserve green space like the subject parcel currently under review. There may have been a misconception by some at the outset that, because of the zoning, the City had some measure of control over the maintenance and/or retention of the subject lands as a natural extention of the adjoining Kirkbridge Park. However, as was pointed out at the Open House , the subject lands, while zoned PR, are privately owned and the current owner, Rivers Edge Development have the legal right to make application for a rezoning to a residential category. The Parks, Riverbank and Community Initiatives Branch has also made it clear that , from their perspective, the 30.33 acres of adjoining open space area (Kirkbridge Park) is sufficient to meet the communities future needs. They have also indicated that, contrary to suggestions made at the Open House, they and the City Naturalist do not regard the low area at the center of the subject site, as an ecologically sensitive habitat site.

From a purely land use perspective, the Neighbourhood Planning Branch, is of the view, that the highest and best use, of the subject private parcel, is low density single family housing. We have assessed the existing zoning and lot sizes along adjacent streets like Calderwood Bay, Bairdmore Blvd. and Firbridge Crescent and we have concluded that the proposed zoning and the lot sizes of the proposed thirty one lots are in character with the surrounding neighbourhood. And the proposal is in accordance with one of the City's stated objectives, under Plan Winnipeg, of providing infill housing in serviced areas, wherever possible.

Finally, it should be noted that dedication of land for public open space or payment of cash in lieu thereof is not applicable as this requirement was fully satisfied for the subject site through the Richmond West Development Agreement AG 44/74 between the City and Ladco Company Ltd.

Recommendation:

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

- The proposed subdivision constitutes infill housing development which is a goal of Plan Winnipeg.
- The proposed lots are not dissimilar in size from lots in adjoining new subdivisions to the north and south.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 50/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 50/06, attached hereto and dated February 6/07, 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 January 26/07.

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 50/06, attached hereto and dated February 6/07, to a "R1-4" Residential District.

IV. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

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

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

VIII. 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.

IX. 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: Kevin Lalor
PPD File # (.531)

By-Law No. _____

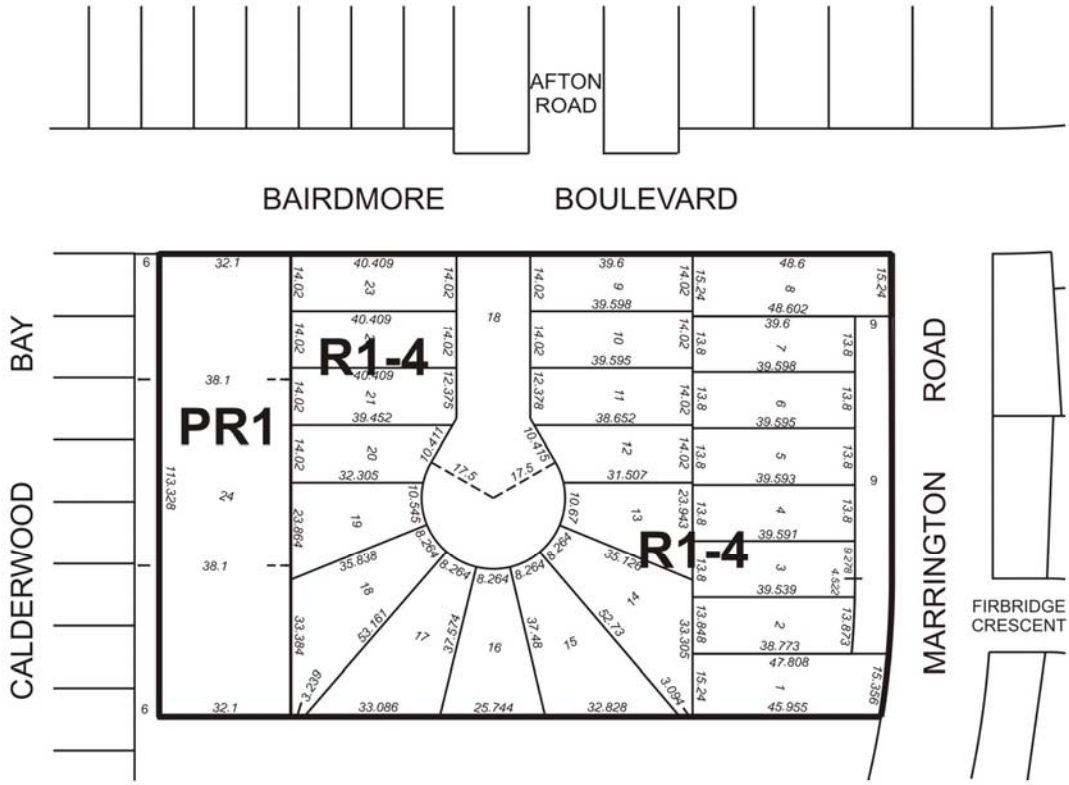
File No. **DASZ 50/06**

Atlas Sheet No.

AM23
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 on the southwest corner of Bairdmore Blvd. at Marrington Road from a "PR1" PARKS AND RECREATION DISTRICT to an "R1-4" RESIDENTIAL DISTRICT as shown outlined below.



Schedule "B" for
File No. DASZ 50/06,
Riel Community Committee,
Dated: April 12/07

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

By-Law No. _____

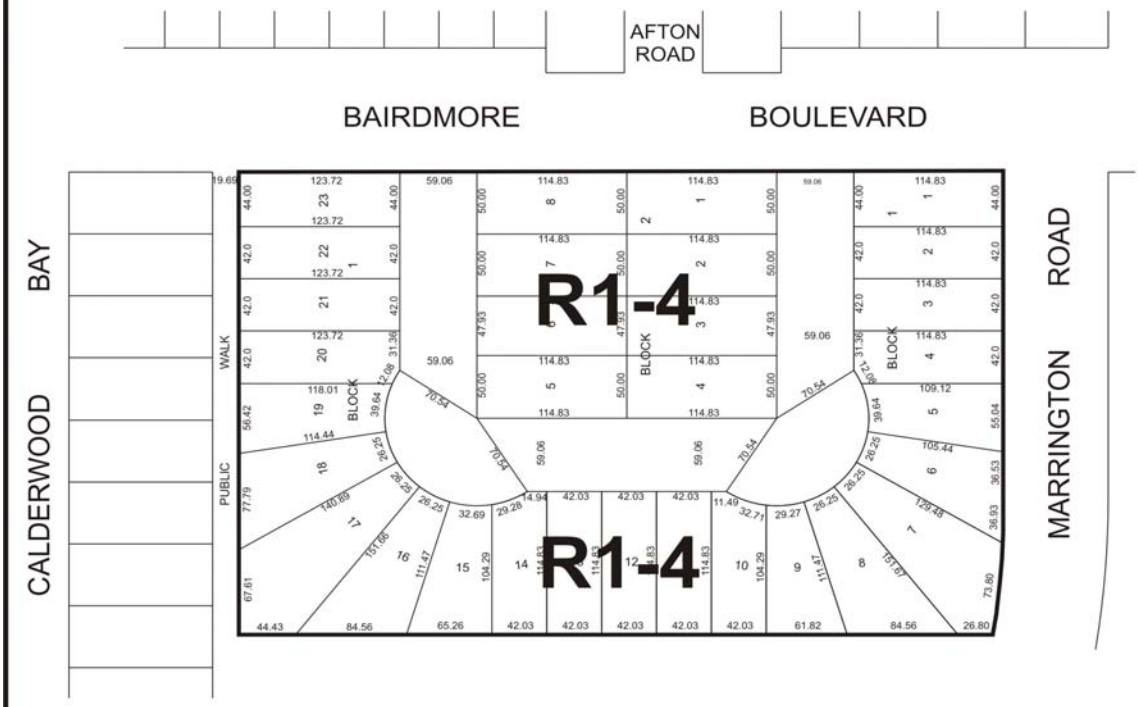
File No. **DASZ 50/06**

Atlas Sheet No.

AM23
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 on the southwest corner of Bairdmore Blvd. at Marrington Road from a "PR1" PARKS AND RECREATION DISTRICT to an "R1-4" RESIDENTIAL DISTRICT as shown outlined below.



Schedule "A" for File No. DASZ 50/07, Riel Community Committee, dated February 6/07

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "7" referred to in File DASZ 50/2006

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE SOUTHWEST CORNER OF BAIRDMORE BOULEVARD AT MARRINGTON ROAD - DASZ 50/06

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

(original signed by E.L. Carrière, P.Eng.)

E.L. Carrière
Chairman
Administrative Coordinating Group

January 26, 2007

Re: Proposed subdivision and rezoning of land located on the southwest corner of Bairdmore Boulevard at Marrington Road - DASZ 50/06.

An application has been submitted by River's Edge Development to subdivide and rezone land located on the southwest corner of Bairdmore Boulevard at Marrington Road.

The development as proposed results in four intersections along Bairdmore Boulevard within approximately 180 m and with intersection spacing, centreline to centreline, of approximately 50 m, 30 m and 50 m. Where two local residential streets intersect with a residential collector street on opposite sides of said collector, the centrelines of the local streets are to be aligned to be coincident with one another at their intersection with the collector or be offset by a minimum of 60.0 m along the collector. As such the Public Works Department recommends that the proposed plan of subdivision not be approved as currently proposed.

If it is the Riel Community Committee's decision to approve this application as submitted, it is recommended that approval be subject to the Developer entering into a Development Agreement as follows:

1. a) The Developer shall at no expense to the City, construct watermains, wastewater sewers and land drainage sewers required to serve the proposed subdivision as determined by and to the satisfaction of the Director of Water and Waste.

   b) The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant easements to the City as necessitated by the design.

2. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.5 m and thickness of 150 mm in the street within the proposed subdivision, and all related works including, but not necessarily limited to boulevard landscaping, and ornamental street lighting, all as determined by and to the satisfaction of the Director of Public Works.

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

4. 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.

5. 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.

6. 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.

7. The Developer shall be responsible to control and to initiate the cleanup 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 cleanup 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.

8. The Developer shall ensure that construction traffic issues 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.

9. 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.

10. 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 therefor.

11. No private approaches serving single family residential development will be permitted off Bairdmore Boulevard and Marrington Road.

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

13. 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.

Dedication of land for public open space or payment of cash in lieu thereof is not applicable as this requirement was fully satisfied for the subject site through the Richmond West Development Agreement AG 44/74 between the City and Ladco Company Limited.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 50/06
January 26, 2007

(original signed by E.L. Carrière, P.Eng.)
_____
Land Development Engineer

(original signed by R.J. Hartmann, P.Eng.)
_____
Public Works Department
Transportation Division

(original signed by T.S. Josephson, P.Eng.)
_____
Water and Waste Department

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