Minute No. 580
Report - Standing Policy Committee on Property and Development - June 26, 2007

Item No. 16 **Subdivision and Rezoning - southwest corner of Headmaster Row and DeVries Avenue**
File DASZ 15/2007

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 15/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "C" for File DASZ 15/2007 dated June 18, 2007, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into an Addendum to Development Agreement AG 20/04 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 11, 2007.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "C" for File DASZ 15 /2007 dated June 18, 2007, to a "R1-3.5" Residential District, "RM-4" Multiple Family District and "C2" Commercial District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the land zoned "RM-4" Multiple Family Residential District and the land zoned "C2" Commercial District the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

Report - Standing Policy Committee on Property and Development - June 26, 2007

COUNCIL DECISION (continued)

ii. That the commercial land be restricted as follows:

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

1. automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies/parts
2. automobile, including motorcycle: supplies/parts, sales
3. mobile home park
4. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental, sale, service
5. parking area, non-accessory
6. pawnshop
7. tattoo parlour
8. terminal for haulage, motor freight station, excluding an intermodal terminal
9. terminal for courier/delivery/ express service, cleaning service, key and lock service, security service, taxi, or similar service
10. tire: sales, service

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

iv. That no illuminated signage be erected on the south or west sides of the building or the lot.

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

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

vii. That the northerly most twenty-five (25) feet of the property be used only for landscaping.

Report - Standing Policy Committee on Property and Development - June 26, 2007

COUNCIL DECISION (continued)

viii. That a landscaped setback of twenty (20) feet be provided along the east property line.

3. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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 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.

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 - June 26, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

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

In amendment,

Moved by Councillor Swandel,
Seconded by Councillor Browaty,

WHEREAS on June 18, 2007, the East Kildonan-Transcona Community Committee recommended that the proposed subdivision and rezoning of lands on the southwest corner of Headmaster Row and DeVries Avenue under DASZ 15/2007 be approved subject to stated conditions, one of which was an amendment to the Report of the Administrative Coordinating Group to provide for the construction of improvements in Headmaster Row no later than December 31, 2008;

THEREFORE BE IT RESOLVED THAT Recommendation 1.A of Item 16 of the Report of the Standing Policy Committee on Property and Development dated June 26, 2007 be amended to delete the following:

"with the following amendments:

i. That Item e) be added to Clause 6 of Section I of Schedule "C" of AG 20/04 as follows:

"6.e) The Developer shall completely construct the improvements in 6.b) by no later than December 31, 2008."

ii. That Clause 7.b) of Section I of Schedule "C" of AG 20/04 be deleted in its entirety and replaced with the following:

"7. b) The pavement in Headmaster Row may be constructed in two (2) phases with the first phase being the portion from Mitchelson Way to the west limit of the Planned Area and the second phase being the portion from Mitchelson Way to Lagimodiere Boulevard. Building permits will not be issued within Phase 1 other than on Mitchelson Way and on Shadow Hills Cove until Headmaster Row has been connected to Gateway Road by others. Phase 2, being the portion from Mitchelson Way to Lagimodiere Boulevard shall be constructed by no later than December 31, 2008."

Report - Standing Policy Committee on Property and Development - June 26, 2007

DECISION MAKING HISTORY (continued)

The amendment was put and declared carried.

The motion for adoption of the item, as amended, was put and declared carried.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 26, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2007, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendments, namely:

Report from the Planning and Land Use Division

- That Recommendation 1 be amended by deleting the words "Schedule B for File DASZ 15/2007 dated June 8, 2007" and substituting the words "Schedule C for File DASZ 15/2007 dated June 18, 2007".

- That Recommendation 2 be amended by deleting the words "Schedule B for File DASZ 15/2007 dated June 8, 2007 to an "RM-L" Multiple Family District" and substituting the words "Schedule C for File DASZ 15/2007 dated June 18, 2007 to an "R1-3.5" Residential District".

Report of the Administrative Coordinating Group

- That Item e) be added to Clause 6 of Section I of Schedule "C" of AG 20/04 as follows:

  "6.e) The Developer shall completely construct the improvements in 6.b) by no later than December 31, 2008."

Report - Standing Policy Committee on Property and Development - June 26, 2007

DECISION MAKING HISTORY (continued)

COMMUNITY COMMITTEE RECOMMENDATION (continued)

- That Clause 7.b) of Section I of Schedule "C" of AG 20/04 be deleted in its entirety and replaced with the following:

  "7. b) The pavement in headmaster Row may be constructed in two (2) phases with the first phase being the portion from Mitchelson Way to the west limit of the Planned Area "and the second phase being the portion from Mitchelson Way to Lagimodiere Boulevard". Building permits will not be issued within Phase 1 other than on Mitchelson Way and on Shadow Hills Cove until Headmaster Row has been connected to Gateway Road by others. "Phase 2, being the portion from Mitchelson Way to Lagimodiere Boulevard shall be constructed by no later than December 31, 2008."

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

RE: **Subdivision and Rezoning - southwest corner of Headmaster Row and DeVries Avenue**
File DASZ 15/2007

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

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

Report date: **June 21, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2007, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 15/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with ***Schedule "C"*** for File DASZ 15/2007 dated ***June 18, 2007***, for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into an Addendum to Development Agreement AG 20/04 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 11, 2007, ***with the following amendments:***

      i. That Item e) be added to Clause 6 of Section I of Schedule "C" of AG 20/04 as follows:

         "6.e) The Developer shall completely construct the improvements in 6.b) by no later than December 31, 2008."

      ii. That Clause 7.b) of Section I of Schedule "C" of AG 20/04 be deleted in its entirety and replaced with the following:

      .

         "7. b) The pavement in headmaster Row may be constructed in two (2) phases with the first phase being the portion from Mitchelson Way to the west limit of the Planned Area "and the second phase being the portion from Mitchelson Way to Lagimodiere Boulevard". Building permits will not be issued within Phase 1 other than on Mitchelson Way and on Shadow Hills Cove until Headmaster Row has been connected to Gateway Road by others.

"Phase 2, being the portion from Mitchelson Way to Lagimodiere Boulevard shall be constructed by no later than December 31, 2008."

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on ***Schedule "C"*** for File DASZ 15 /2007 dated ***June 18, 2007*** to a ***"R1-3.5" Residential District***, "RM-4" Multiple Family District and "C2" Commercial District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

      i. That for the land zoned "RM-4" Multiple Family Residential District; and the land zoned "C2" Commercial District, the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

      ii. That the commercial land be restricted as follows:

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

            1. automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies/parts
            2. automobile, including motorcycle: supplies/parts, sales
            3. mobile home park
            4. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental, sale, service
            5. parking area, non-accessory
            6. pawnshop
            7. tattoo parlour
            8. terminal for haulage, motor freight station, excluding an intermodal terminal
            9. terminal for courier/delivery/ express service, cleaning service, key and lock service, security service, taxi, or similar service
            10. tire: sales, service

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

iv. That no illuminated signage be erected on the south or west sides of the building or the lot;

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

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

vii. That the northerly most 25 feet of the property be used only for landscaping;

viii. That a landscaped setback of 20 feet be provided along the east property line.

3. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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 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.

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.

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

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

1. There will be a time frame attached which previously did not exist in the development agreement regarding the completion of the roadway and traffic signalization at Headmaster Row and Lagimodiere Boulevard, which is important due to the major traffic issues in North Kildonan.

2. The more dense multi-family zoning abutting the commercial development will be beneficial to those people who wish to live in North Kildonan but don't chose to reside in single family homes.

3. The commercial zoning designation is a good use for the land.

4. Parking is problematic in the proposed "RM-L" Multi-Family District zoning and such zoning does not fit with the subject area.

PUBLIC HEARING SUMMARY

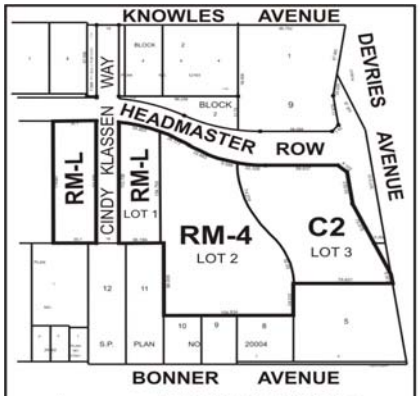
File: DASZ 15/2007

Before: East Kildonan-Transcona Community Committee
Councillor Thomas, Chairperson
Councillor Browaty
Councillor Wyatt

Public Hearing: June 18, 2007
Community Committee Chambers, 755 Henderson Highway

Applicant: Doug Henne Planning Services
(Doug Henne)

Subject:



APPLICANT : DOUG HENNE PLANNING SERVICES
FILE : DASZ 15/07
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, an "R1-3.5" RESIDENTIAL DISTRICT, an "RM-3" MULTIPLE-FAMILY DISTRICT and a "C2" COMMERCIAL DISTRICT to an "RM-L" MULTIPLE-FAMILY DISTRICT, an "RM-4" MULTIPLE-FAMILY DISTRICT and a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: southwest corner of Headmaster Row and DeVries Avenue

Exhibits Filed:

1. Application dated May 2, 2007
2. Notification of Public Hearing dated May 16, 2007
3. Manitoba Status of Titles 2138154, 2160330, 2181862, 2181863, 2200252; Title Search 1281114

4a. Letter of Authorization dated March 19, 2007 from North Grassie Properties Inc. to Doug Henne, Doug Henne Planning Services

4b. Letter of Consent dated January 2007 from Walter William Naherny to North Grassie Properties Inc., or its Agent

4c. Letter of Consent dated February 12, 2007, from Edward, Ron, Karen and Dennis Dudeck, Sharon Sorensen and Bev Sereda, to North Grassie Properties Inc., or its Agent.

4d. Letter of Consent dated March 14, 2007, from Nicholas Kenneth and Catherine June Shymko to North Grassie Properties Inc., or its Agent.

4e. Letter of Consent dated February 22, 2007, from Doug Henne Planning Services, and North Grassie Properties Inc. to Doug Henne

5. Surveyor's Building Location Certificate and sketch dated April 12, 2007
6. Plan
7. Report from the Planning and Land Use Division dated June 8, 2007
8. Report from the Administrative Coordinating Group dated June 11, 2007
9. Inspection Report
10. Bonner Residents Committee Presentation in opposition to the rezoning of the east and west side of Cindy Klassen Way to an "RM-L" Multiple-Family District submitted by Bruce Adams at the public hearing

REPRESENTATIONS:

In Support:

Norm Boyle
Doug Henne, Doug Henne Planning Services
Nick and June Shymko

In Opposition

Bruce Adams
Rod and Sandra Klinck
Peter Kotyk
Andre Trudeau

For Information:

Andrew Hretzay
Mirko Ljubic
Walter Naherny

For the City:

Kim Raban, Land Development Administrator, Planning, Property and Development Department
John Wintrup, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Doug Henne, Doug Henne Planning Services, Applicant, appeared in support of the application and indicated concurrence in the recommendations contained in the administrative report from the Manager of Planning and Land Use dated June 8, 2007 and the Administrative Coordinating Group Report dated June 11, 2007, with the following exception:

- Retaining the zoning designation on the west side of Cindy Klassen as an "R1-3.5" Residential District as opposed to rezoning it to an "RM-L" Multiple-Family District and in this connection, requested that the subject land be rezoned in accordance with Schedule "A" and not Schedule "B" as proposed by the Administration.

He indicated that zoning the property to an "RM-L" Multiple-Family District would yield only two more units than a zoning designation of "R1-3.5" Residential District and that the preference is the west side of Cindy Klassen Way compliment the east side by both being zoned "RM-L".

Nick Shymko appeared in support of the application and advised that she has no issues with the development of Cindy Klassen Way or the development of apartment buildings. She commented that there is a large need for 55 plus apartments for people who wish to continue living in the area.

Bruce Adams appeared in opposition to the application and submitted a presentation on behalf of the Bonner Residents Committee in opposition to the rezoning of the east and west side of Cindy Klassen Way to an "RM-L" Multiple-Family District, filed as Exhibit 10.

Peter Kotyk appeared in opposition to the application and indicated that he is not against development of the subject site. He advised that he supports the proposal previous to the current application and could live with the zoning of Cindy Klassen Way as an "R1-3.5" Residential District. He expressed concern that the zoning may further continue on Cindy Klassen Way if it were zoned an "RM-L" Multiple-Family District.

Walter Naherny appeared for information and advised that he is one of the landowners that have agreed to sell a portion of his rear lands to be incorporated in the subject property. He expressed concern regarding the development of a multi-unit development and suggested that the height be limited to two stories so as not to intrude on neighbouring homeowners. In this connection, he requested that condominium plans be restricted and rental units not be allowed.

In rebuttal, Doug Henne indicated that the Administration had invited the applicant to demonstrate how the property might be developed and for that reason, they submitted conceptual drawings. In this connection, he indicated that there is potential for the development of a four storey building to a maximum height of 45 feet and indicated that the only change between an "RM-3" and "RM-4" Multiple-Family District is density. To offset the impact of height, he advised that his client will be providing landscaping with mature trees where possible and solid screen fencing. He further advised that his client will not be developing rental units and indicated that the East Kildonan-Transcona Community Committee will have the opportunity to review the building plans prior to any building or development permit being issued. He referred to a comment that had been made that the zoning combined had increased the density and indicated that there is a net decrease of the higher density multiple family category with the subject application. He advised that the administrative report had incorrectly stated that the applicant is proposing to develop 32 residential units on Cindy Klassen Way when in fact, the applicant is only proposing to develop 24 dwelling units, which he reiterated is only two more units than permitted with an "R1-3.5" Residential District zoning. In conclusion, he expressed his opinion that the subject application does not set a precedent to extending an "RM-L" Multiple-Family District zoning further north on Cindy Klassen Way.

Exhibit "7" referred to in File DASZ 15/2007

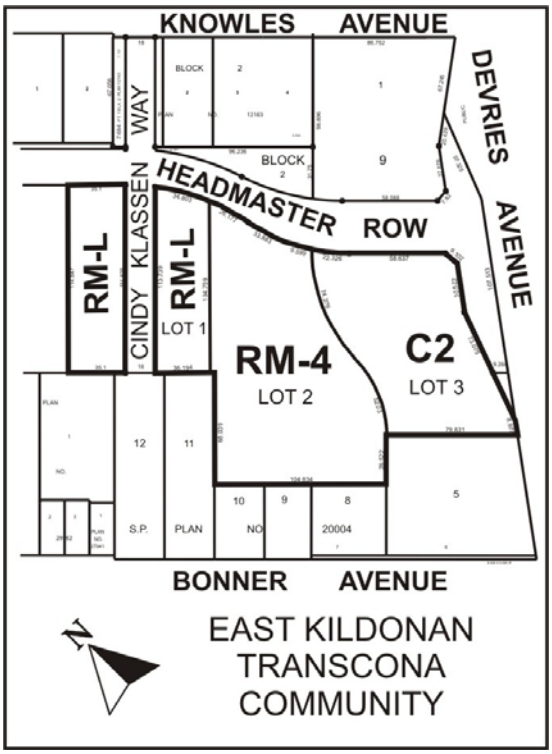
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **June 8, 2007**
File: **DASZ 15/07**
Subject: **Rezone and subdivide property into commercial and multiple family residential lots.**

Location: **SW Headmaster & DeVries (Arrowwood)**



Applicant: **Doug Henne Planning Services**
Owners: **North Grassie Properties**
Walter Naherny
Edward, Ron, Karen, Dennis Dudeck & Sharon Sorensen
Nicholas & Catherine Shymko

Recommendation: Approve

Report Summary:

- The applicant is proposing to develop 32 residential units on Cindy Klassen Way, **two** (2) multiple family buildings on Headmaster, and a commercial lot on Lagimodiere Blvd.
- A fourth lot (Lot 2) fronting Mitchelson Way will remain vacant for future subdivision.
- This application will not determine the exact location of the future road running east from Mitchelson Way.
- A Zoning Agreement will prevent the development of Lot 2 until the future road location is determined.

Site Description

The subject property is 0.91 acres (RM-L), 3.29 acres (RM-4), and 2.26 acres (C2) located on the southwest corner of Headmaster Row and Lagimodiere Blvd in the Springfield North neighbourhood of the North Kildonan Ward. The site is zoned "R1-3.5" Residential Districts along the west side of Cindy Klassen Way and 'RM-3' from Cindy Klassen Way east to DeVries. Adjacent properties include residential dwellings to the south designated "A-5" Rural and "R1-5.5" Residential Districts. Surrounding lands include the Arrowwood Subdivision zoned "C2" to the north.

Background

DASZ 20/04 Arrowwood

This application was made in June of 2004. The Division recommended in October, 2004 at a Public Hearing that DASZ 20/04 be laid over to allow the developer time to work with the City of Winnipeg to generate a revised plan due to issues surrounding lake size, street pattern, street location, etc. The developer was also asked to submit a concept plan for the properties on the north side of Bonner, east of Mitchelson Way. DASZ 20/04 went to a Public Hearing in February of 2005 and was approved by Council on May 18, 2005 (Figure 5).

Description of the Proposed Development

The owners of three properties along Bonner Avenue have tentatively sold their rear lands zoned 'Agricultural' to the developer of Arrowwood, North Grassie Properties.

The developer has applied to consolidate these rear yards with his larger holding, and then rezone and subdivide his holdings east of Cindy Klassen Way to develop multi-family residential and commercial lots.

Multiple family lots are proposed to front both sides of Cindy Klassen Way; an apartment building is proposed along Headmaster Row; and commercial lands at the corner of Headmaster and DeVries Avenue.

Analysis

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

ZONING

- The **"R1-5.5" Residential District** extends 110 feet deep from Bonner Avenue with the remainder of the lot zoned "A-5".
- The **"R1-3.5" Single Family Residential District** will require a minimum lot size of 3,500 square feet and minimum lot width of 35 feet. Maximum building heights are 30 feet.
- **"RM-L" Multiple Family Residential District** will allow multiple family dwellings to a maximum height of 30 feet. Front and rear yard requirements are 25 feet. Minimum lot area 2,500 square feet per dwelling unit. Single Family dwellings are permitted in all RM districts.
- **"RM-3" Multiple Family Residential District** will allow multiple family dwellings to a maximum height of 45 feet. Front and rear yard requirements of 25 feet. Minimum lot area 9,000 square feet. Minimum lot width 75 feet. Minimum lot area 1,000 square feet per dwelling unit.
- **"RM-4" Multiple Family Residential District** will allow multiple family dwellings to a maximum height of 45 feet. Front and rear yard requirements of 25 feet. Minimum lot area 9,000 square feet. Minimum lot width 75 feet. Minimum lot area 800 square feet per dwelling unit.
- A **"C2" Commercial District** has 104 Permitted Uses and 47 Conditional Uses that are generally orientated to a community wide market. Multiple Family uses are a conditional use requiring a public hearing at the Board of Adjustment.

LAND USE BY-LAW ISSUES
There are slight differences between **"RM-3"** and **"RM-4"** multiple family districts. The lot area, widths, and yard requirements are exactly the same. The maximum height of a building is also the same. The only difference is the allowable density: the number of units per lot area. The existing RM-3 zoning for the **164,912 sq ft** subject property permits 164 units. The proposed RM-4 zoning will be smaller in lot area (**143,311 sq.ft**) that will permit 179 units – an increase in 15 units.

TRANSPORTATION AND SITE ACCESS
A concept plan prepared in association with DASZ 20/2004 previously indicated a Cindy Klassen Way being extended east from Mitchelson Way and connected north to Headmaster Row. The applicant has submitted a new concept plan to account for the lands that were formerly identified for cul-de-sac off Cindy Klassen Way which are now being consolidated with his larger holdings to the north (Figure 4).

SITE PLAN
The applicant is proposing to change the R1-3.5 zoning on the west side of Cindy Klassen Way to RM-L. A submitted site plan indicates that 32 dwelling units will be constructed: 6 buildings of 4 units each with a front driveway along both sides of Cindy Klassen Way. These are essentially side by sides on lots 115 feet in depth.

The Division has concerns with this part of the proposal. The proposed design indicates miniscule amounts of landscaped front yard. Paved front driveways cover a large portion of the front yard. The front facades of the proposed side-by-side, side-by-side dwellings will be dominated by attached garages. Front yard landscaping contributes to the open, park-like character of our neighbourhoods. The future characteristics Cindy Klassen Way will be single family dwellings on 35-40 foot wide lots, 110-120 feet in depth with landscaped front yards. The design of the subdivision is not compatible to the future neighbouring single family dwellings.

Recommendation

The Planning and Land-Use Division supports rezoning the RM-3 lands to RM-4 and C2. The proposed C2 lands at the southwest corner of Headmaster Row and DeVries Avenue will mirror the approved (but vacant) C2 lands at the north west corner of Headmaster Row and DeVries.

The RM-3 and RM-4 zones are significantly similar with only a slight differences in density. The proposed RM-4 zone will allow 10-15 additional units on a smaller land parcel then allowed under the RM-3 zone. The proposed higher density will not translate into a higher building since the maximum height remains at 45 feet.

The Planning and Land-Use Division believes that future subdivisions and rezonings along Cindy Klassen Way will be for single family dwelling. The Division is recommending the R1-3.5 lands on the west side of Cindy Klassen Way retain their existing zoning: this will establish the character of the street. The Division would prefer the east side of Cindy Klassen Way also have single family dwellings, however, these lands are currently zoned RM-3, which will allow single and multiple family dwellings.

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

- site plan approval for landscaping, fencing, buildings, and signage;
- list of prohibited uses especially those that generate significant negative sounds, sights, and smells;
- free standing signage allowed to a maximum height of 25 feet to ensure free standing signs do not impact the new residents;
- no mobile signs;

- signage be restricted from the north, south, west sides of the building to ensure adjacent residents are not negatively impacted;
- building and parking area lighting be shielded away from adjacent residents;
- landscaping required in yards against the right-of-ways since this is a prominent entrance to a residential community and a gateway into the City of Winnipeg;

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 15/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 15/2007 dated June 8, 2007, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into an Addendum to Development Agreement AG 20/04 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 11, 2007.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 15 /2007 dated June 8, 2007 to a "RM-L" Multiple Family District, "RM-4" Multiple Family District and "C2" Commercial District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, for the land zoned "RM-4" Multiple Family Residential District; and the land zoned "C2" Commercial District, the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan - Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the commercial land be restricted as follows;

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

            a AUTOMOBILE, including motorcycle: RENTAL, SALES, including accessory REPAIR, SERVICE, INSTALLATION OF SUPPLIES/PARTS
            b AUTOMOBILE, including motorcycle: SUPPLIES/PARTS, SALES

c MOBILE HOME PARK
d MOTORS or MACHINES, RECREATIONAL or UTILITY, including power toboggans, outboard motors, lawn mowers: RENTAL, SALE, SERVICE
e PARKING AREA, non-accessory
f PAWNSHOP
g TATTOO PARLOUR
h TERMINAL for HAULAGE, MOTOR FREIGHT STATION, excluding an intermodal terminal
i TERMINAL for COURIER/DELIVERY/ EXPRESS SERVICE, CLEANING SERVICE, KEY AND LOCK SERVICE, SECURITY SERVICE, TAXI, or similar service
j TIRE: SALES, SERVICE

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

iii. That no illuminated signage be erected on the south or west sides of the building or the lot;

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

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

vi. That the northerly most 25 feet of the property be used only for landscaping;

vii. That a landscaped setback of 20 feet be provided along the east property line.

3. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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 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.

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.

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

Report Prepared by: John S. Wintrup
PPD File # DASZ 15/07

Schedule "C" to the report of the East Kildonan - Transcona Community Committee for File No. DASZ 15/2007, dated June 18, 2007

Schedule C

By-Law No. _____

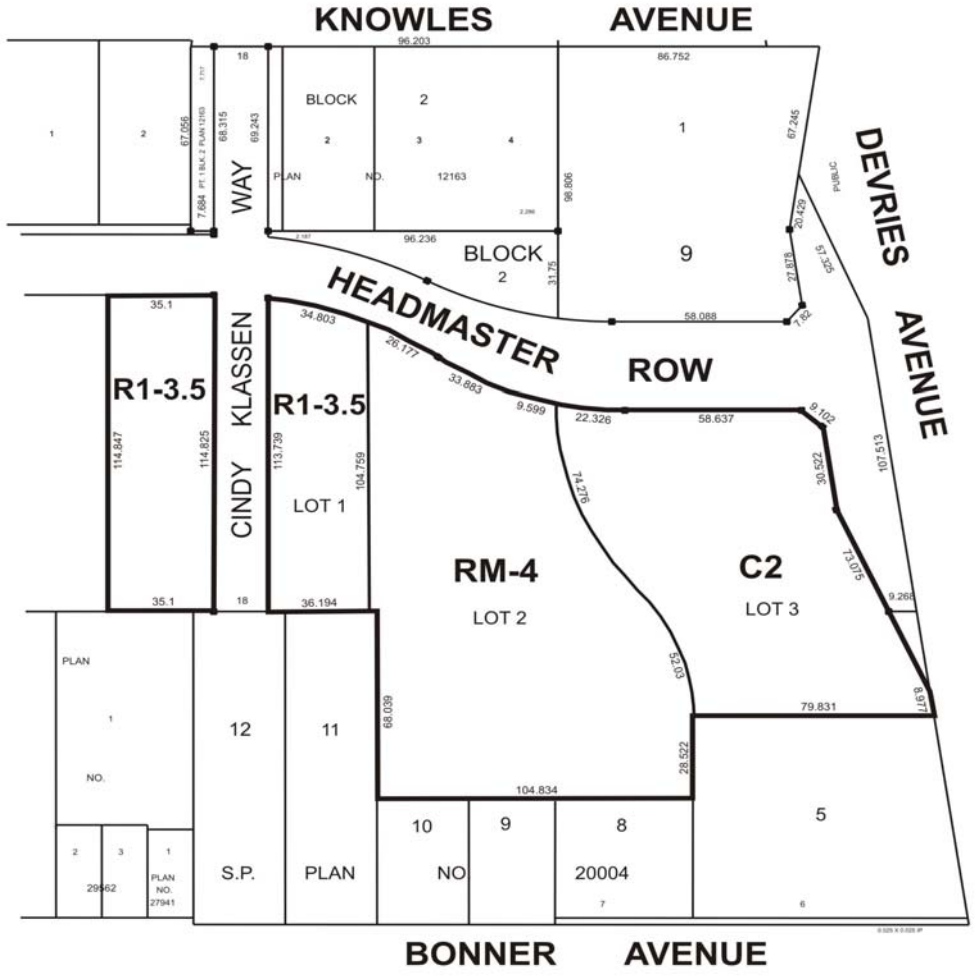
File No. **DASZ 15/07**

Atlas Sheet No. **U32**

EAST KILDONAN TRANSCONA 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 Headmaster Row and DeVries Road from an "A.5" AGRICULTURAL DISTRICT, an "RM-3" MULTIPLE-FAMILY DISTRICT and a "C2" COMMERCIAL DISTRICT to an "RM-L" MULTIPLE-FAMILY DISTRICT and a "C2" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

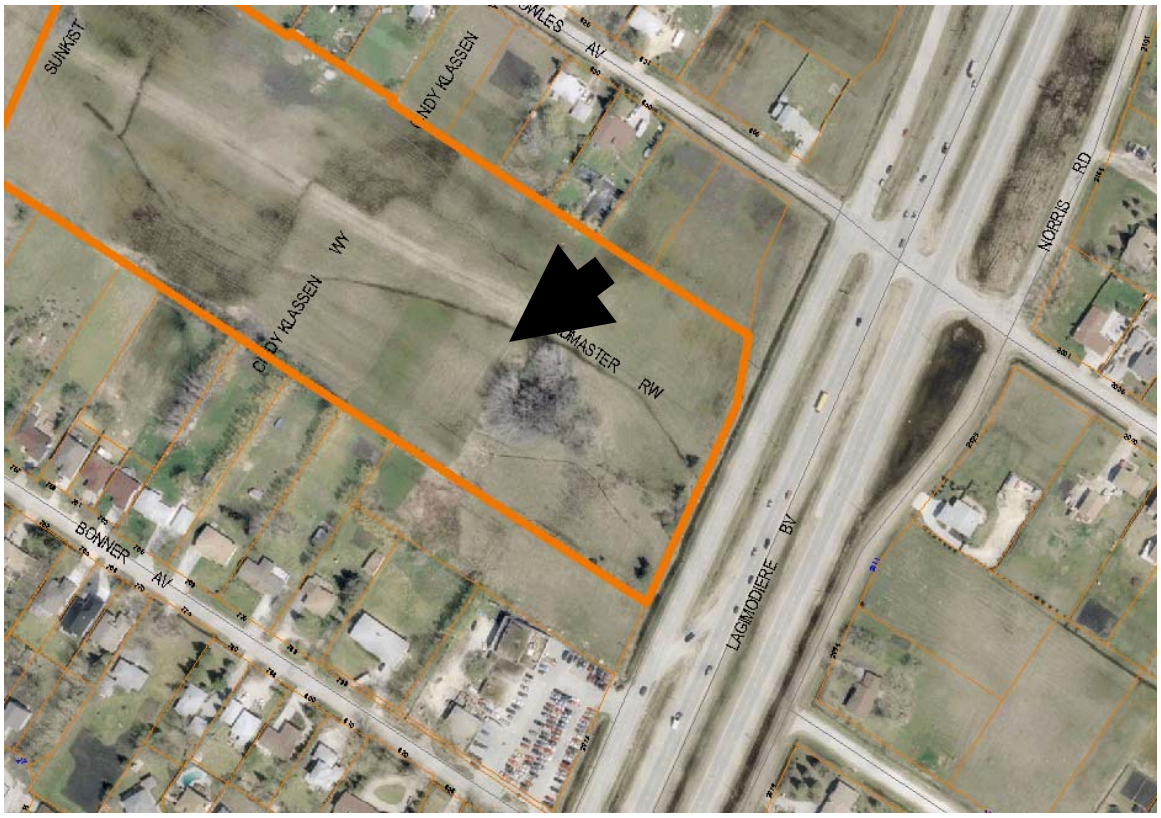


Figure 1: Existing Land-Uses for subject property and Surrounding Area.

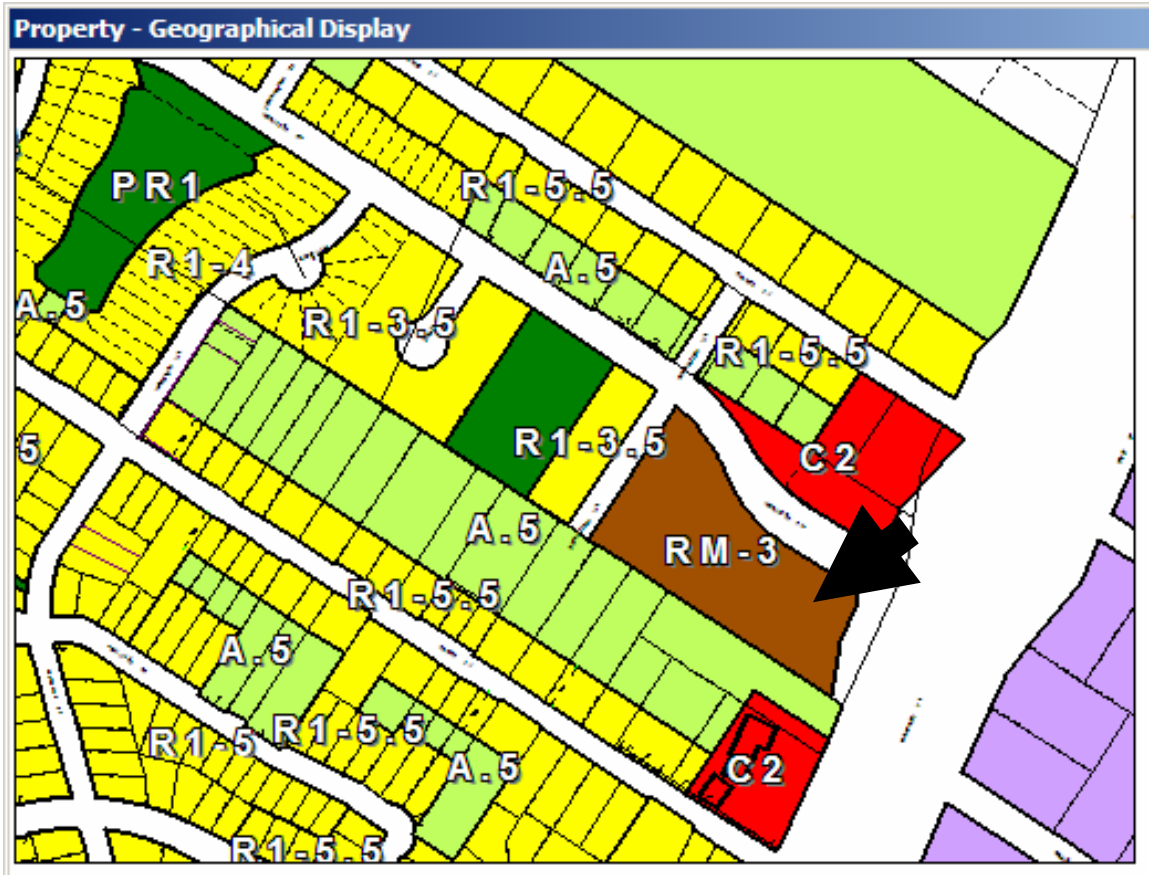


Figure 2: Existing Zoning for subject property.

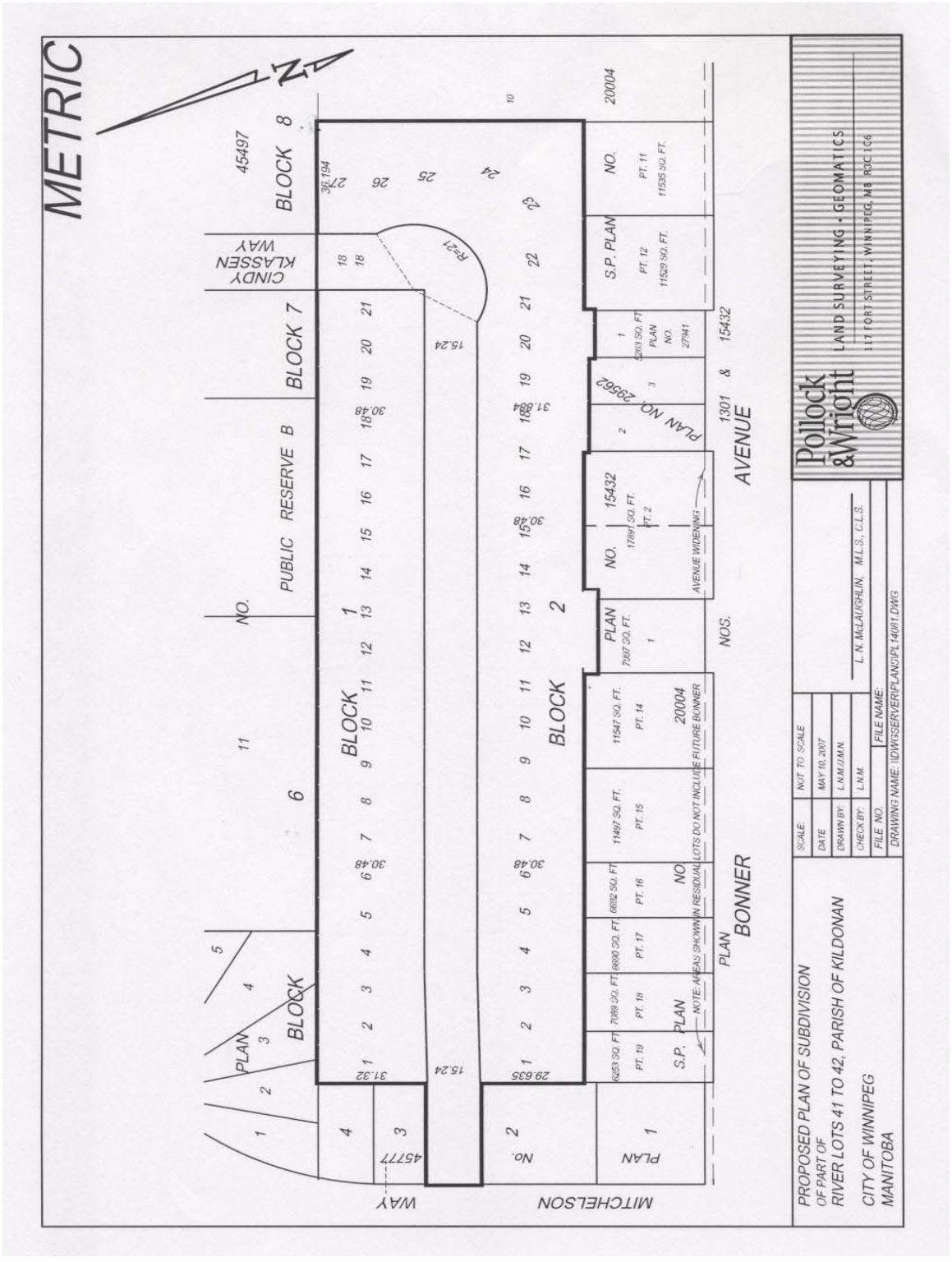


Figure 3: Concept Plan for adjacent lands to Arrowwood Subdivision.

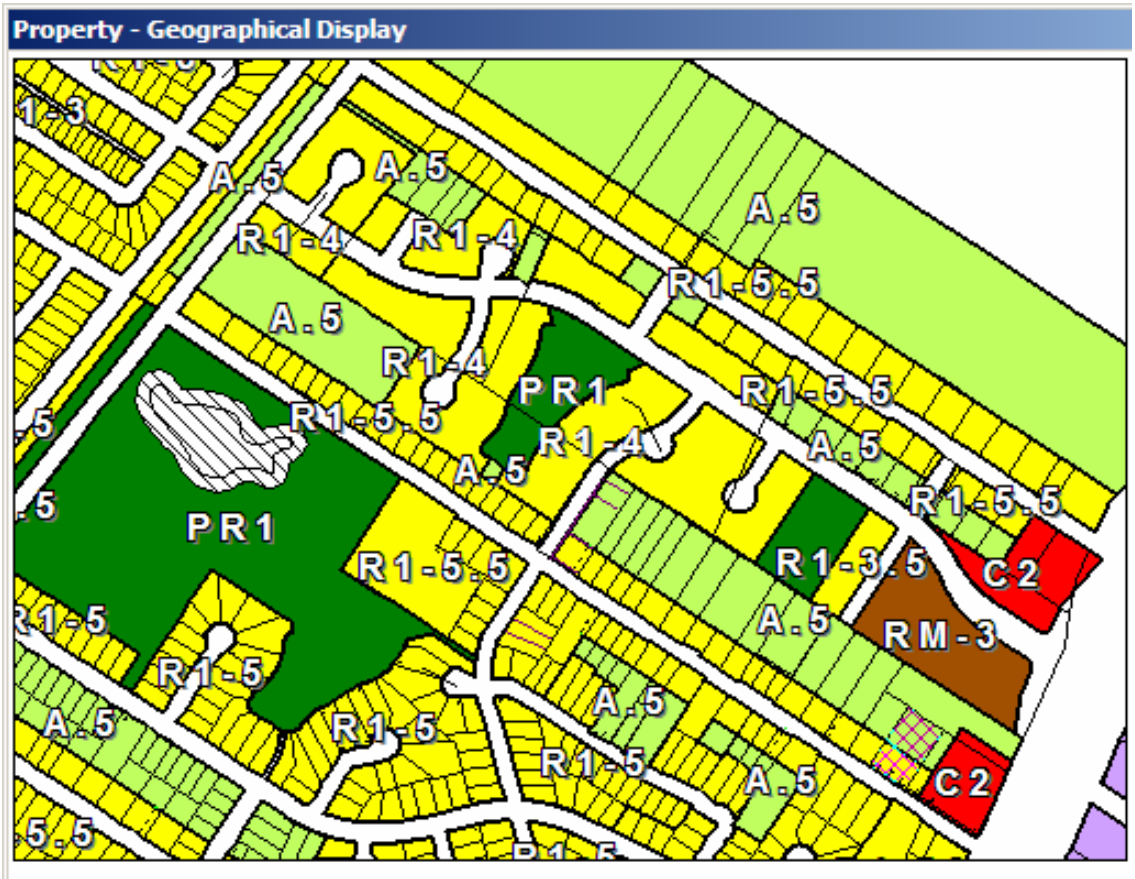


Figure 4: Approved Plan of Subdivision and Rezoning for Arrowwood (DASZ 20/2004).

Exhibit "8" referred to in File DASZ 15/2007

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE SOUTHWEST CORNER OF HEADMASTER ROW AND DE VRIES AVENUE - DASZ 15/07

An application has been submitted by Doug Henne Planning Services to subdivide and rezone land located on the southwest corner of Headmaster Row and De Vries Avenue. The subject land is located immediately east of, and forms part of land approved under DASZ 20/04 and covered under Development Agreement AG 20/04.

It is recommended that approval of this application be subject to the Developer entering into an Addendum to Development Agreement AG 20/04 as follows:

1. By attaching to AG 20/04, a copy of the plan of subdivision approved under DASZ 15/07;

2. By adding a clause that the land within DASZ 15/07 will be subject to all the cost sharing provisions, open space dedication calculations, payment of administration fees, etc. stipulated in AG 20/04;

3. By adding Clauses 19. and 20. to Section I of Schedule "C" of Ag 20/04 as follows;

    19. The Developer shall, at no expense to the City, update the Servicing Report provided under AG 20/04 to take into consideration the additional lands, and increased density of development proposed under DASZ 15/07.

    20. The Developer shall, at no expense to the City, install any system upgrades identified in the updated Servicing Report to the satisfaction of the Director of Public Works and the Director of Water and Waste.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 15/07
June 11, 2007

_____
for Land Development Engineer

_____
Public Works Department

_____
Water and Waste Department