Minute No. 214
Report - Executive Policy Committee - January 30, 2008

Item No. 3 Subdivision and Rezoning - Paget Street and Sterling Lyon Parkway File DASZ 35/2007

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision proposed under File DASZ 35/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 17, 2007.

    B. That the Plan of Subdivision be amended in accordance with the report of the Administrative Coordinating Group dated October 17, 2007 and Schedule "A".

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DASZ 35/2007 dated November 28, 2007, to an "RM-4" Multiple-family District subject to the following conditions:

    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 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, private paths, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development 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 - Executive Policy Committee - January 30, 2008

COUNCIL DECISION (continued):

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, north or east sides of the buildings.

iv. That a 2.0 metre high berm no steeper than 2.5:1 be constructed west of the locations for the two westerly proposed multiple-family dwellings prior to occupancy of said dwellings.

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

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

5. 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.

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

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

8. 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.

9. 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.

Report - Executive Policy Committee - January 30, 2008

COUNCIL DECISION (continued):

10. 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.

11. 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 - Executive Policy Committee - January 30, 2008

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 30, 2008, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 15, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

On November 27, 2007, the City Centre Community Committee did not hear any representation on the application and further adjourned the public hearing to its meeting on January 15, 2008.

On October 30, 2007, the City Centre Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on November 27, 2007.

RE: **Subdivision and Rezoning - Paget Street and Sterling Lyon Parkway (River Heights-Fort Garry Ward)**
File DASZ 35/2007 [c/r DAV 149376/2007D]

For submission to: **The Executive Policy Committee**

Prepared by: **Josie Marques, Senior Committee Clerk**
City Centre Community Committee

Report date: **January 17, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 15, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service dated November 28, 2007 and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 35/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 17, 2007.

    B. That the Plan of Subdivision be amended in accordance with the report of the Administrative Coordinating Group dated October 17, 2007 and Schedule "A".

2. That the Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 35/2007 dated November 28, 2007, to an "RM-4" Multiple-family District subject to the following conditions:

    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 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, private paths, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development 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 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, north or east sides of the buildings.

iv. That a 2.0 metre high berm no steeper than 2.5:1 be constructed west of the locations for the two westerly proposed multiple-family dwellings prior to occupancy of said dwellings.

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

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

5. 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.

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

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

8. 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.

9. 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.

10. 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.

11. 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.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The City Centre Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated November 28, 2007, and in the report from the Administrative Coordinating Group dated October 17, 2007.

2. The proposal is in accordance to Plan Winnipeg.

PUBLIC HEARING SUMMARY

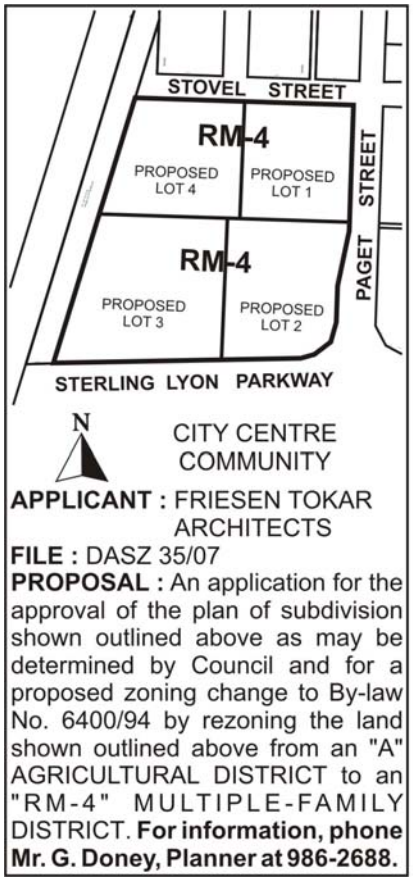
File: DASZ 35/2007 [c/r DAV 149376/2007D]

Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Leipsic
Councillor Smith

Hearing: January 15, 2008
Council Chamber
Council Building, 510 Main Street

Applicant: Friesen Tokar Architects
(Ken MacKinnon)

Subject:



Premises Affected: Paget Street and Sterling Lyon Parkway

Exhibits Filed:

1. Application dated September 7, 2007
2. Notification of Public Hearing dated September 25, 2007
3. Manitoba Status of Titles 1490350, 1490353, 1490356, 2172418, 2172421

4a. Letter of authorization dated August 2, 2007 from The City of Winnipeg to Crystal Developers Ltd.

4b. Letter of authorization dated August 1, 2007 from Crystal Developers Ltd. to Friesen Tokar Architects

5. Plans (5 pages)
6. Report from the Planning and Land Use Division dated October 23, 2007
7. Report from the Administrative Coordinating Group dated October 17, 2007
8. Inspection Report
9. Report from the Planning and Land Use Division dated November 21, 2007
10. Report from the Planning and Land Use Division dated November 28, 2007
11. Excerpt from the Airport Vicinity Acoustic Insulation By-law No. 6419/94, submitted by the applicant at the public hearing

REPRESENTATIONS:

In Support:

Ken A. MacKinnon, Friesen Tokar Architects
Brian Tokar, Friesen Tokar Architects
Marlene Spletzer
Rubin Spletzer

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Ken A. MacKinnon, Friesen Tokar Architects, appeared in support of the application and gave a brief overview on the proposal. Mr. MacKinnon stated concerns with the requirement of a 2 meter berm and stated the preference to provide a wall in accordance to regulations. He also stated concerns with the requirement of a non-locking gate for the noise attenuation fence as the additional access would create issues of crime and liability. He further stated his preference to conform to the Airport Vicinity Acoustic Insulation By-law No. 6419/94 for the exterior wall assemblies and submitted supporting documentation which has been placed on file as Exhibit 11. He also further stated concerns with the restriction on signage.

In response to committee's questions the Senior Planner stated the berm and fence are required for protection from the rail line. He also stated the non-locking gate was to give residents access to the sidewalk and any liability could be addressed through the installation of signage. He further stated that the restriction on signage was standard.

Brian Tokar, Friesen Tokar Architects, appeared in support of the application. Mr. Tokar stated the non-locking gate would not only allow residents to exit the property, but would also allow anyone to enter the property.

Exhibit "7" referred to in File DASZ 35/2007 [c/r DAV 149376/2007D]

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT THE NORTHWEST CORNER OF STERLING LYON PARKWAY AND PAGET STREET – DASZ 35/07

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE CITY CENTRE COMMUNITY COMMITTEE

"original signed by E.L. Carrière"
E.L. Carrière, P. Eng.,
Chairman
Administrative Coordinating Group
October 17, 2007

RE: PROPOSED SUBDIVSION AND REZONING OF LAND LOCATED AT THE NORTHWEST CORNER OF STERLING LYON PARKWAY AND PAGET STREET – DASZ 35/07

An application has been submitted by Friesen Tokar Architects on behalf of the owner to subdivide and rezone the land located at the northwest corner of Sterling Lyon Parkway and Paget Street.

1. It is recommended that the plan of subdivision be amended to eliminate any lot fronting exclusively on Stovel Street or Sterling Lyon Parkway.

2. It is also recommended that approval of the amended plan be subject to the Developer entering into a Servicing Agreement as follows:

   a) The Developer shall pay its share of the cost of the watermain and the wastewater sewer installed by others in Paget Street from Sterling Lyon Parkway to Stovel Avenue as determined by the Director of Water and Waste.

   b) The Developer shall pay its share of the cost of watermains, wastewater sewers and land drainage sewers installed by the City within the intersection of Sterling Lyon Parkway and Paget Street/Whidden Gate as determined by the Director of Water and Waste and the Director of Public Works.

   c) The Developer shall pay its share of the cost of a watermain installed by others in Sterling Lyon Parkway west of Paget Street as determined by the Director of Water and Waste.

   d) The Developer shall pay its share of the cost of the oversized wastewater sewer and of the oversized land drainage sewer in Whidden Gate as determined by the Director of Water and Waste. The 2007 rates are $1,049.00/acre and $4,551.00/acre for the wastewater sewer and the land drainage sewer respectively.

   e) The Developer shall pay its share of the regional land drainage system (2007 rate = $8,199.00/acre) and the Somerville Trunk User Charge (2007 rate = $251.80/acre).

   f) The Developer shall pay its share (± 45.3%) of the costs of the following improvements in Paget Street and at and in the vicinity of the intersection of Paget Street and Sterling Lyon Parkway;

i) Portland cement concrete pavements to widths of 8.0m and 10.0mm by 200mm in thickness in Paget Street from Sterling Lyon Parkway to Stovel Street and all related works including, but not necessarily limited to ornamental street lighting, sidewalks, boulevard landscaping and land drainage sewer;

ii) An eastbound left turn deceleration and storage lane;

iii) A westbound right turn deceleration and storage lane;

iv) Right-turn channelization in the northwest and northeast corners of the intersection;

v) Modifications to the existing median opening as may be required;

vi) 50% of the costs of the installation of traffic control signals and all related works at the intersection of Paget Street and Sterling Lyon Parkway including, but not necessarily limited to, pedestrian and vehicular actuation, interconnection to adjacent traffic control signals and railway crossing protection, and audible pedestrian signals, when required as determined by the Director of Public Works.

vii) Advance permanent street name signs on Sterling Lyon Parkway, east and west of Paget Street;

viii) All related works;

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

g) The Developer shall, construct a sidewalk and install sod and plant trees on the boulevard on the west side of Paget Street from Sterling Lyon Parkway to Stovel Street to the satisfaction of the Director of Public Works. The Developer's share of the cost of the above described works is ± 45.3%

h) The Developer shall pay the Sterling Lyon Parkway charge as determined by the Director of Public Works. The 2007 rate therefor is $3,754.31/acre.

i) The Developer shall, at no expense to the City, construct within the Planned Area abutting Sterling Lyon Parkway, a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer shall permit the City to file a caveat against the title of the Planned Area requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

j) Private approaches will not be permitted off Sterling Lyon Parkway or off Stovel Street.

The appropriate cross-access easement agreement is to be put in place to guarantee access for all four proposed lots to and from the approach or approaches onto Paget Street.

k) The Developer shall pay $1,200.00/acre in lieu of the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

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

"original signed by R. Hartmann"
Public Works Department

"original signed by T. Josephson"
Water & Waste Department

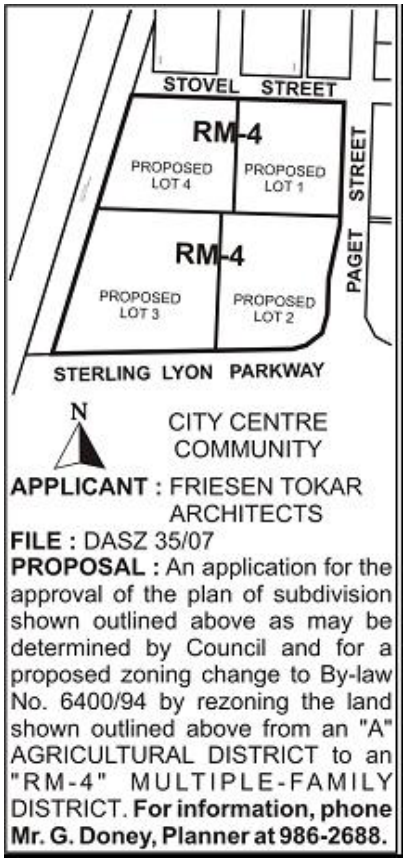
Exhibit "10" referred to in File DASZ 35/2007 [c/r DAV 149376/2007D]

Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date:	**November 28, 2007**
File:	**DASZ 35/07**
Related Files:	**DAV 07-149376D**
Subject:	**reconfigure five parcels, a portion of a public street and a portion of a public lane into four lots and rezone from "A" Agricultural District to "RM-4" Multiple-family District**
Location:	**northwest corner of Paget Street and Sterling Lyon Parkway**
Legal Description:	**Pt. Lots 18 and 19 and Lots 20 to 22, Block 1, Plan 34440**
Applicant:	**Ken A. MacKinnon, Friesen Tokar**
Owner:	**The City of Winnipeg**
Recommendation:	**Approve with conditions**



Report Summary:

- The proposal conforms to *Plan Winnipeg 2020 Vision.*
- Existing and planned transportation and other municipal infrastructure will provide the site with services such as, but not limited to, access/egress, potable water, wastewater removal and land drainage.
- Design features can be incorporated into the development that would decrease potentially negative aspects (such as noise, unappealing views or vibrations) from Sterling Lyon Parkway and, west of the proposal site, the electricity transmission line and the rail line.

- An illuminated path network can be created that would provide connections for pedestrians and non-motorized vehicles to all proposed lots, to the westerly sidewalk of Paget Street and the northerly sidewalk of Sterling Lyon Parkway.
- As per File DAV 07-149376D, the proposed variances to
  - the maximum building height requirement from 45 to 60 and to 70 feet is reasonable because the proposed lots would be relatively large, and
  - the minimum lot width requirement from 75 to 19.6 feet is reasonable because it would support the creation of four lots fronting onto Paget Street.

Site Description

The proposal site is immediately north of Sterling Lyon Parkway and immediately west of Paget Street, as shown in Figure 1. It is in the Brockville Neighbourhood of the River Heights Fort Garry Ward. The site is in a neighbourhood policy area of *Plan Winnipeg 2020 Vision* and, as shown in Figure 2, an "A" Agricultural District of Zoning By-law 6400/94. The site is undeveloped. Sterling Lyon Parkway and Paget Street are largely developed in the vicinity of the proposal site except for sidewalks proposed for the west boulevard of Paget Street and the north boulevard of Sterling Lyon Parkway and except for some landscaping.

The proposal site is approximately 10.51 acres (457,860 square feet) and consists of five parcels, a portion of Griffin Street Public Right-of-Way (ROW) and a portion of a public lane parallel, and east of, the aforementioned public ROW, both of which are to be closed.

Immediately west of the proposal site is a ROW containing an electricity transmission line and immediately west of that is a ROW containing a rail line that has approximately three train-trips per day at speeds up to 25 miles per hour. North of the proposal site is undeveloped land and east of the proposal site is land being developed with multiple-family dwellings that, as shown in Figure 2, is zoned RM-5 Multiple-family District. South of the proposal site and south of Sterling Lyon Parkway is an area developed with single-family dwellings. These existing uses are identified in Figure 1.



Figure 1: Existing Land Use of Proposal Site and Vicinity, 2007 Aerial Photo

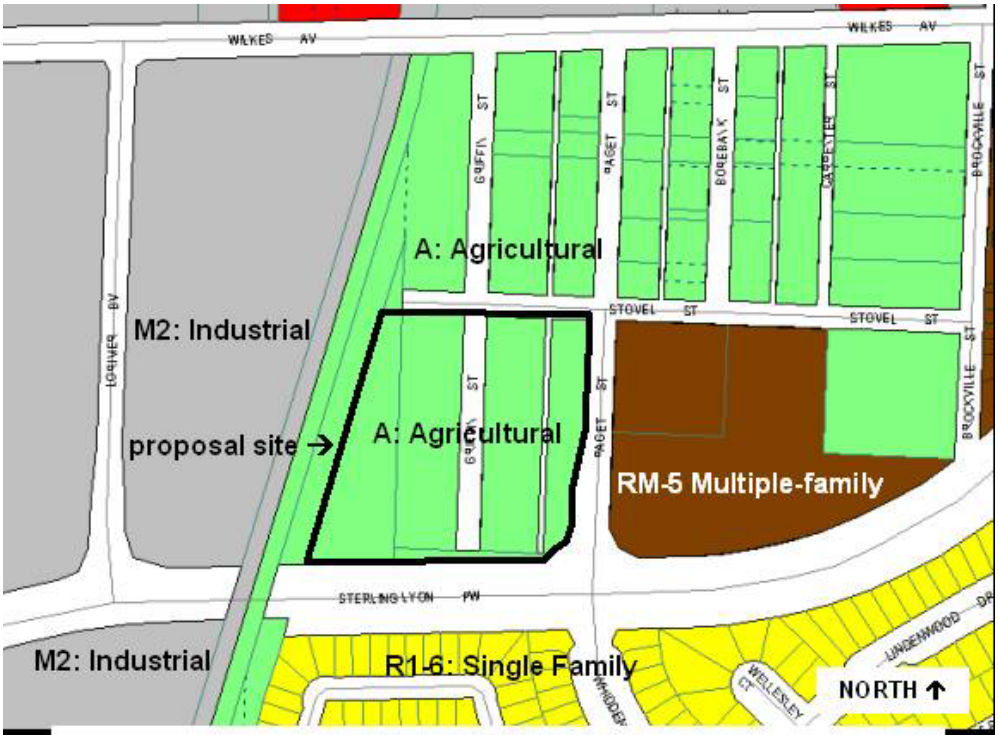


Figure 2: existing zoning

Background

City Council approved the closure of portions of Griffin Street Public ROW and the public lane parallel, and east of, the aforementioned public ROW on January 24, 2007 as per File DAC 18/06. Council declared the proposal site surplus on June 20, 2007.

Description of the Proposed Development

The proposal site is to be reconfigured into four lots, all of which would front onto Paget Street. Figure 3, dated November 7, 2007 and produced by the applicant, shows the revised subdivision proposal. This configuration is a revision from what was originally proposed, which is shown in Figure 4. This revision was made so that all proposed lots would front onto Paget Street in order that private approaches to Sterling Lyon Parkway, which is a limited access road, and to the Stovel Street Public ROW, which is not developed north of the proposal site, would not be required.

Presently, the proposed development is conceptual and consists of four phases, each of which would consist of developing one multiple-family dwelling and accessory uses on one of the four proposed lots, as shown in Figure 3. At this time, when all four phases of the proposal are complete, the proposed development would include four multiple-family dwellings totaling approximately 552 dwelling units with approximately 274 at-grade parking spaces and approximately 310 below-grade parking spaces. These dwelling units are to be for people of at least 55 years of age and one of the proposed multiple-family dwellings may include assisted living. Three of the multiple-family dwellings are to be 60 feet in height and one of them (Phase 4 on proposed Lot 2) is to be 70 feet in height. In addition, a two metre (6.56 feet) high uniform noise attenuation fence is to be built on the proposal site along the entire southern limit of said site (alongside Sterling Lyon Parkway), as stated in the October 17, 2007 report of the Administrative Coordinating Group.

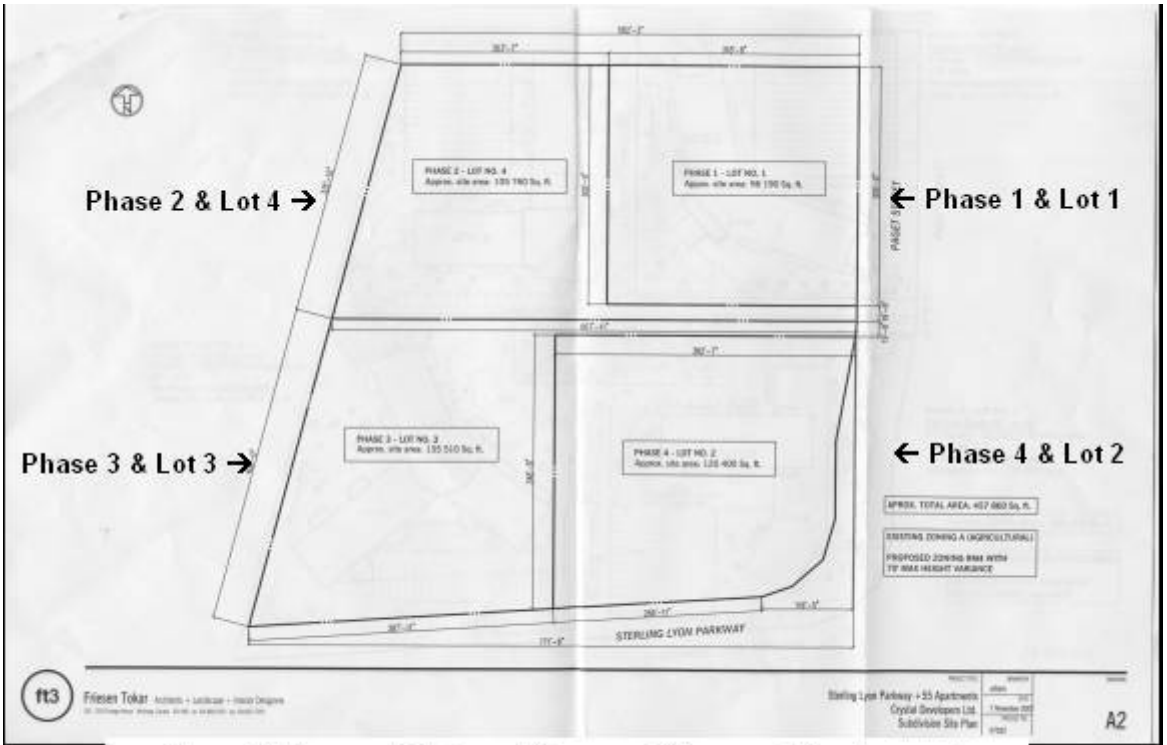


Figure 3: Proposed Lots and Proposed Phases of Development

Analysis

PLAN WINNIPEG
The proposal conforms to *Plan Winnipeg 2020 Vision* in that rezoning to "RM-4" Multiple-family District is allowed in a neighbourhood policy area.

COMPATIBILITY

- The existing electricity transmission line is not compatible with the proposed residential development because of its industrial appearance.
- The electricity transmission line ROW is over 21 metres wide and, therefore, mitigates some possible negative effects of train traffic.
- Nevertheless, the existing rail line is not compatible with the proposed residential development because train traffic on the rail line: poses a risk of derailment and spillage of goods being transported; causes in-ground vibrations that could be transmitted into nearby buildings; and creates noise.
- The proposed development is compatible with land that is north of the proposal site because that land is undeveloped.
- The proposed residential development is compatible with multiple-family dwellings that are being constructed east of the proposal site and east of Paget Street (in an "RM5" Multiple-Family District) because of their similarity.

- Sterling Lyon Parkway, which is immediately south of the proposal site, would be generally compatible with the proposed development after a two metre (6.56 feet) high uniform noise attenuation fence is built on the proposal site along the entire southern limit of said site, as per October 17, 2007 report of the Administrative Coordinating Group.
- The proposed residential development is compatible with the area developed with single-family dwellings that is south of the proposal site and south of Sterling Lyon Parkway because Sterling Lyon Parkway forms a buffer between the proposal site and the existing single-family dwellings.

TRANSPORTATION AND SITE ACCESS

- As stated in the October 17, 2007 report of the Administrative Coordinating Group, site access is to be from Paget Street.
- Site access is restricted to Paget Street for vehicles and pedestrians because:
  - Sterling Lyon Parkway is a limited access road;
  - the proposed two metre (6.56 feet) high uniform noise attenuation fence is to be built on the proposal site along the entire southern limit of said site (alongside Sterling Lyon Parkway);
  - at this time, there is no intention to develop the Stovel Street Public ROW where it is immediately north of the proposal site; and
  - a rail line and an electricity transmission line are west of the proposal site.

SERVICING

The City and the developer are to enter into a servicing agreement, as stated in the October 17, 2007 report of the Administrative Coordinating Group, to address the provision of services.

SITE DESIGN ISSUES

- The document *Report, Research Phase 3: Proximity Guidelines and Best Practices* states that a branch line is one that generally has less than five trains per day, speeds usually limited to 50 kilometres per hour and trains of light to moderate weight.
- The rail line west of the proposal site generally conforms to the branch line criteria and, therefore, a 15 metre setback from the rail line ROW to any proposed residential building and a 2.0 metre high berm no steeper than 2.5:1 (to provide a protective barrier to reduce the risks from a train derailment or other incident and also to provide some noise and vibration attenuation) with a three metre high acoustical fence on top of the berm is recommended.
- However, with regard to the proposed development:
  - no setback is required because the electricity transmission line ROW, which is between the rail line ROW and the proposal site, is at least 21 metres wide; and
  - no acoustical fence is required because, in lieu of constructing the fence, the applicant has indicated a willingness to construct the two most westerly proposed multiple-family dwellings such that they would generally conform to The City of Winnipeg Airport Vicinity Acoustic Insulation By-law No. 6414/94.

- A berm, at least 2.0 metres in height and no steeper than 2.5:1, should be provided between the proposed dwellings and the existing rail line to the west.
- For safety, a fence of at least 1.5 metres in height, should be provided between the proposed dwellings and the existing electricity transmission lines to the west to reduce accessibility to the exisiting electricity transmission line and the rail line.
- Landscaping, that would reduce the visibility of the electricity transmission line from any of the four proposed multiple-family dwellings, should be provided.
- An illuminated path network, that connects the proposed lots to one another, to the westerly Paget Street sidewalk and the northerly Sterling Lyon Parkway sidewalk, should be provided to improve access/egress for pedestrians and non-motorized vehicles.
- In order to provide a path network that directly connects to the northerly Sterling Lyon Parkway sidewalk at a convenient location, the fence that is to be alongside Sterling Lyon Parkway should have a non-locking gate or opening (either of which should be wheelchair accessible and have a clear opening of at least three feet) located at or near the western limit of the proposal site, coincident with the path connection to the northerly Sterling Lyon Parkway sidewalk.

ZONING BY-LAW ISSUES (Zoning By-law 6400/94)

- For "RM-4" Multiple-Family Districts, the maximum building height requirement is 45 feet and the minimum site width requirement is 75 feet.
- Therefore, the maximum building height requirement must be varied to 60 feet for three of the proposed lots and to 70 feet for proposed Lot Two, and the minimum site width requirement must be varied to 19.6 feet for proposed Lots One and Two (as per Figure 3).

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The proposal conforms to *Plan Winnipeg 2020 Vision.*
- Existing and planned transportation and other municipal infrastructure will
- provide the site with services such as, but not limited to, access/egress, potable water, wastewater removal and land drainage.
- Design features can be incorporated into the development that would decrease potentially negative aspects (such as noise, unappealing views or ground vibrations) of Sterling Lyon Parkway and, west of the proposal site, the electricity transmission line and the rail line.
- An illuminated path network can be created that would provide connections for pedestrians and non-motorized vehicles to all proposed lots, to the westerly sidewalk of Paget Street and the northerly sidewalk of Sterling Lyon Parkway.
- As per File DAV 07-149376D, the proposed variances to
  - the maximum building height requirement from 45 to 60 feet for proposed Lots 1, 3 and 4 and to 70 feet for proposed Lot 2 are reasonable because the proposed lots would be relatively large, and

- the minimum lot width requirement from 75 to 19.6 feet for proposed Lots 1 and 2 are reasonable because they would support the creation of four lots fronting onto Paget Street.

The Planning and Land Use Division concurs with the applicant that, instead of providing a three metre high acoustical fence on top of the aforementioned berm, the two most westerly proposed multiple-family dwellings are to be constructed with acoustical insulation to reduce train noise.

Therefore, for the two most westerly proposed multiple-family dwellings, all exterior walls, windows and doors that will be at an angle less than 90 degrees to the rail line ROW that is west of the proposal site, the developer is encouraged to ensure that they are constructed to provide acoustic insulation that is generally equal or greater than the following (which is derived from The City of Winnipeg Airport Vicinity Acoustic Insulation By-law No. 6419/94):

a. for exterior walls – 12.7mm gypsum board, rigid insulation (25 -50mm), 100mm back-up block and 100mm face brick;
b. for exterior glass windows/doors – two six mm. thick panes of glass with a six mm. space between them; and
c. for exterior doors (other than exterior glass doors) – 44mm steel door with foam or glass-fibre insulated core.

Also, the Planning and Land Use Division encourages the developer to provide:

- landscaping that would reduce the visibility of the electricity transmission line from any of the four proposed multiple-family dwellings;
- an illuminated path network (that does not cause glare onto other residential land uses), that connects the proposed multiple-family dwellings to one another, to the westerly Paget Street sidewalk and to the northerly Sterling Lyon Parkway sidewalk at or within 10 feet of the southwest corner of the proposal site (and proposed Lot Three), which may require that certain cross-access agreements be entered into;
- in the proposed two metre (6.56 feet) high uniform noise attenuation fence (as specified in the report of the Administrative Coordinating Group dated October 17, 2007), a non-locking gate or opening (either of which should be wheelchair accessible and have a clear opening of at least three feet) located within 10 feet of the western limit of the proposal site (for convenience and safety from crime), coincident with the recommended path that would connect the proposal site with the northerly Sterling Lyon Parkway sidewalk;
- for safety, a fence of at least 1.5 metres (4.92 feet) in height, should be provided between the proposed dwellings and the western limit of the proposal site to reduce accessibility to the existing electricity transmission line and the rail line; and
- for each garbage container, a solid fence that is at least six (6) inches above the top of the garbage container with solid access gate(s) of equal height.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 35/07 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 17, 2007.

   B. That the Plan of Subdivision be amended in accordance with the report of the Administrative Coordinating Group dated October 17, 2007 and Schedule "A".

2. That the Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 35/07 dated November 28, 2007, to an "RM-4" Multiple-family District subject to the following conditions:

   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 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, private paths, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development 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 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, north or east sides of the buildings.

      iv. That a 2.0 metre high berm no steeper than 2.5:1 be constructed west of the locations for the two westerly proposed multiple-family dwellings prior to occupancy of said dwellings.

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

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

5. 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.

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

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

8. 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.

9. 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.

10. 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.

11. 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: J. Glen Doney
PPD File DASZ 35/07

Schedule "A"

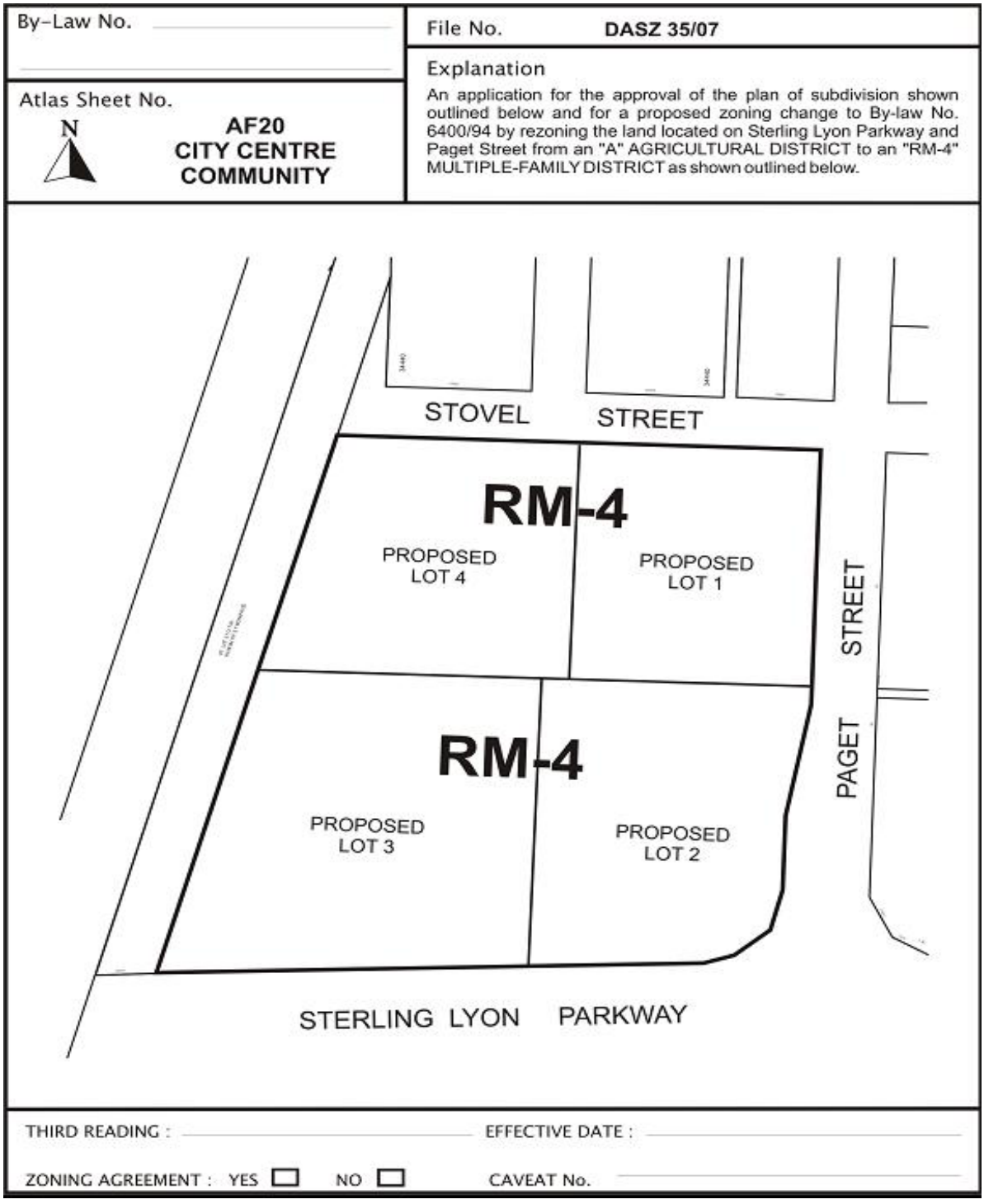


Figure 4: Schedule "A" to the report to the City Centre Community Committee for File DASZ 35/2007, dated November 28, 2007