Minutes – Executive Policy Committee – February 16, 2011

Minute No. 154
Report – Standing Policy Committee on Property and Development – February 8, 2011

Item No. 4 **Subdivision and Rezoning – North side of Leila Avenue between Birtle and Alonza Streets**
File DASZ 27/2010
(Old Kildonan Ward)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 27/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "E" for File DASZ 27/2010 dated January 4, 2011 with such minor changes as may be required, and 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 Schedule "B", the report of the Administrative Coordinating Group dated January 4, 2011, with the following amendments:

    Plan Considerations

    i. Delete Condition 3b) in its entirety and replace with the following:
    "3b) A pedestrian pathway connection to the Leila Avenue sidewalk, from the RMF-S and RMF-M lots be provided and maintained by the Developer."

    Servicing Agreement:

    i. Amend Condition 4 by adding the following words at the beginning thereof, "In the event that the Developer does not connect to the services in Alonza Street" before the words "The Developer shall, at no expense to the City ".

    ii. Renumber Conditions 20 and 21, to new Conditions 21 and 22

iii. Add new Condition 20 as follows:

"20. That in lieu of the originally proposed publicly accessible pathway through the planned area, the Developer shall, prior to the release of subdivision mylars, provide a security in the equivalent value of supply and installation of a 3m wide multi-use asphalt path with said funds to be applied to the installation of a multi-use asphalt path on the north side of Leila Avenue - between Alonza and Birtle Streets, all to the to the satisfaction of the Directors of Planning Property and Development and Public Works. Any funds not used for this purpose within 6 years, shall be returned to the Developer."

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "E" with amendments and revisions contained therein for File DASZ 27/2010 dated January 4, 2011 to "R1-M" Residential Single-Family [medium lot size] District, "RMF-S" Residential Multiple-Family [smaller scale] District, "RMF-M" Residential Multiple-Family [medium scale] District and "PR2" Parks and Recreation 2 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 development of any building, accessory parking area, private approach, garbage enclosure, fencing, landscaping or signage on proposed Lots 3 and 4 of Schedule "E", plans, showing the locations and designs of the proposed building, accessory parking area, private approach, garbage enclosure, fencing, landscaping and signage, must be submitted to the Director of Planning, Property and Development and the Lord Selkirk-West Kildonan Community Committee for 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 proposed Lots 3 and 4 of Schedule "E", except that a mobile sign shall be permitted on said lot for a period of thirty (30) days in association with a new occupancy permit.

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iii. That illuminated signage on proposed Lots 3 and 4 of Schedule "E" shall be no higher than six (6) feet.

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 Director of Legal Services and City Solicitor 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 Servicing/Development Agreement.

7. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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 twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

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11. That Council declare surplus to the City's needs the City owned properties shown: shaded gray and identified as "City Owned Property" on Schedule “C” – Misc. Plan No. 13870/2; hatched and identified as “Proposed Closing” on Misc. Plan No. 13870/2; and shaded gray and hatched and identified as “Proposed Land Swap City Property” on Schedule “D” – Misc. Plan No. 13919.

12. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the City owned properties shown: shaded gray and identified as "City Owned Property" on Misc. Plan No. 13870/2; hatched and identified as “Proposed Closing” on Misc. Plan No. 13870/2; and shaded gray and hatched and identified as “Proposed Land Swap City Property” on Misc. Plan No. 13919; to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services and City Solicitor in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

Report – Standing Policy Committee on Property and Development – February 8, 2011

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On February 8, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 11, 2011, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments, namely:

Report from the Planning and Land Use Division

- Amend Recommendations 1 and 2 by deleting the words “Schedule “A””, and substituting the words “Schedule “E””.

- Amend Recommendation 2.A.i. by deleting the words “Schedule “A””, and substituting the words “Schedule “E””, and by adding the words “and the Lord Selkirk-West Kildonan Community Committee” after the words “Director of Planning, Property and Development” and before the words “for approval prior to the issuance”.

- Amend Recommendations 2.A.ii and 2.A.iii. by deleting the words “Schedule “A””, and substituting the words “Schedule “E””.

- Delete Recommendations 2.A.iv. to 2.A.viii, inclusive.

Report – Standing Policy Committee on Property and Development – February 8, 2011

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

Report of the Administrative Coordinating Group

Plan Considerations

- Delete Condition 3b) in its entirety and replace with the following:
  "3b) A pedestrian pathway connection to the Leila Avenue sidewalk, from the RMF-S and RMF-M lots be provided and maintained by the Developer."

Servicing Agreement

- Amend Condition 4 by adding the following words at the beginning thereof, "In the event that the Developer does not connect to the services in Alonza Street" before the words "The Developer shall, at no expense to the City".

- Renumber Conditions 20 and 21, to new Conditions 21 and 22

- Add new Condition 20 as follows:
  "20. That in lieu of the originally proposed publicly accessible pathway through the planned area, the Developer shall, prior to the release of subdivision mylars, provide a security in the equivalent value of supply and installation of a 3m wide multi-use asphalt path with said funds to be applied to the installation of a multi-use asphalt path on the north side of Leila Avenue - between Alonza and Birtle

  Streets, all to the to the satisfaction of the Directors of Planning Property and Development and Public Works. Any funds not used for this purpose within 6 years, shall be returned to the developer."

and forwarded the matter to the Standing Policy Committee on Property and Development.

On December 14, 2010, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application, concurred in the recommendation of the Winnipeg Public Service and adjourned the public hearing to its meeting on January 11, 2011, at 5:00 p.m. in the Council Building, 510 Main Street.

RE: Subdivision and Rezoning – North side of Leila Avenue between Birtle and Alonza Streets – File DASZ 27/2010

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

Prepared by: Inga Skundberg, Committee Clerk
Lord Selkirk-West Kildonan Community Committee

Report date: January 13, 2011

COMMUNITY COMMITTEE RECOMMENDATION:

On January 11, 2011, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 27/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with ***Schedule "E"*** for File DASZ 27/2010 dated January 4, 2011 with such minor changes as may be required, and 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 January 4, 2011, ***with the following amendments, namely:***

    Plan Considerations

    i. Delete Condition 3b) in its entirety and replace with the following:

    "3b) A pedestrian pathway connection to the Leila Avenue sidewalk, from the RMF-S and RMF-M lots be provided and maintained by the Developer."

    Servicing Agreement:

    i. Amend Condition 4 by adding the following words at the beginning thereof, "In the event that the Developer does not connect to the services in Alonza Street" before the words "The Developer shall, at no expense to the City ".

    ii. Renumber Conditions 20 and 21, to new Condition 21 and 22

    iii. Add new Condition 20 as follows:

    "20. That in lieu of the originally proposed publicly accessible pathway through the planned area, the Developer shall, prior to the release of subdivision mylars, provide a security in the

equivalent value of supply and installation of a 3m wide multi-use asphalt path with said funds to be applied to the installation of a multi-use asphalt path on the north side of Leila Avenue - between Alonza and Birtle Streets, all to the to the satisfaction of the Directors of Planning Property and Development and Public Works. Any funds not used for this purpose within 6 years, shall be returned to the developer.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on ***Schedule "E"*** with amendments and revisions contained therein for File DASZ 27/2010 dated January 4, 2011 to "R1-M" Residential Single-Family [medium lot size] District, "RMF-S" Residential Multiple-Family [smaller scale] District, "RMF-M" Residential Multiple-Family [medium scale] District and "PR2" Parks and Recreation 2 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 development of any building, accessory parking area, private approach, garbage enclosure, fencing, landscaping or signage on proposed Lots 3 and 4 of ***Schedule "E"***, plans, showing the locations and designs of the proposed building, accessory parking area, private approach, garbage enclosure, fencing, landscaping and signage, must be submitted to the Director of Planning, Property and Development ***and the Lord Selkirk-West Kildonan Community Committee*** for 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 proposed Lots 3 and 4 of ***Schedule "E"***, except that a mobile sign shall be permitted on said lot for a period of thirty (30) days in association with a new occupancy permit.

      iii. That illuminated signage on proposed Lots 3 and 4 of ***Schedule "E"*** shall be no higher than six (6) feet.

      ~~***iv. That the Developer shall grant to the City an easement on proposed Lots 3 and 4 of Schedule "A" for the active transportation trail connecting Alonza and Basel Streets to the open space east of the planned area and shall pay all associated surveying costs.***~~

~~*v. That the specific location and configuration of the active transportation trail connecting Alonza and Basel Streets to the open space east of the planned area and associated easement will be determined by the Director of Planning, Property and Development and the Director of Public Work in consultation with the Developer, and will be based on safety-of-access considerations, design requirements, Universal Design standards and minimizing the impact on private property.*~~

~~*vi. That the Developer shall, prior to the issuance of a building permit for the proposed buildings on proposed Lots 3 and 4 of Schedule "A", complete the construction of the active transportation trail connecting Alonza and Basel Streets to the open space east of the planned area as determined by, and to the satisfaction of, the Director of Planning, Property and Development and the Director of Public Works.*~~

~~*vii. That the Developer shall indicate, in all applicable site plans, the intended construction of active transportation trail connecting Alonza and Basel Streets to the open space east of the planned area within the designated easement and*~~

~~*viii. That, if the proposed Development should include condominiums, The Developer shall include in the condominium agreements a description of the proposed active transportation trail connecting Alonza and Basel Streets to the open space east of the planned area and the requirement that the trail is to be accessible to the general public, and shall provide the City with a copy of the condominium agreement.*~~

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 Director of Legal Services and City Solicitor 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 Servicing/Development Agreement.

7. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands,

provided that the said effective date occurs within one year from the date the by-law is passed.

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 twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

11. That Council declare surplus to the City's needs the City owned properties shown: shaded gray and identified as "City Owned Property" on Schedule “C” – Misc. Plan No. 13870/2; hatched and identified as “Proposed Closing” on Misc. Plan No. 13870/2; and shaded gray and hatched and identified as “Proposed Land Swap City Property” on Schedule “D” – Misc. Plan No. 13919.

12. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the City owned properties shown: shaded gray and identified as "City Owned Property" on Misc. Plan No. 13870/2; hatched and identified as “Proposed Closing” on Misc. Plan No. 13870/2; and shaded gray and hatched and identified as “Proposed Land Swap City Property” on Misc. Plan No. 13919; to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services and City Solicitor in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The applicant undertook extensive community consultation in an effort to build consensus in the community, and after listening to area residents, resulted in a modification to the initial proposal.

2. The subject proposal is a good in-fill development which provides long term benefits to the neighbouring community.

3. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated January 4, 2011.

PUBLIC HEARING SUMMARY

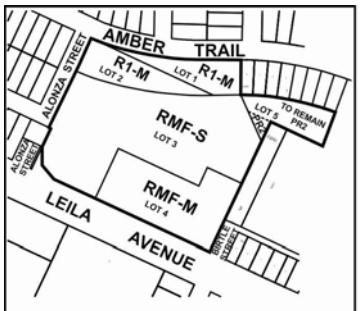
File: DASZ 27/2010

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Eadie
Councillor Sharma

Public Hearing: January 11, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: Lombard North Group (1984) Ltd. (Richard Mahe)

Subject:



LORD SELKIRK WEST KILDONAN COMMUNITY

APPLICANT : LOMBARD NORTH GROUP LTD.

FILE : DASZ 27/10

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. 200/2006 by rezoning the land shown outlined above from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to a "PR2" PARKS AND RECREATION (Community) DISTRICT, an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT and an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT to allow for the creation of sites for residential development. **For information, phone Mr. G. Doney, Planner, at 986-2688.**

Premises Affected: North side of Leila Avenue between Birtle and Alonza Streets

Exhibits Filed:

1. Revised Application dated September 13, 2010
2. Notification of Public Hearing dated October 5, 2010
3. Manitoba Status of Titles 2184621 and 2461991
4a. Letter of authorization dated July 22, 2010 from 5423571 Manitoba Ltd., to Lombard North Group
4b. Letter of authorization dated September 28, 2010 from the City of Winnipeg to Lombard North Group
5. Misc. Plan No. 13870/1
6. Plan dated September 2010
7. Report from the Planning and Land Use Division dated December 7, 2010
8. Inspection Report
9. Adjournment Letter dated December 15, 2010
10. Revised Application dated December 9, 2010
11. Notification of Public Hearing dated December 14, 2010
12. Manitoba Status of Title 1992575 and 2113017
13a. Letter of authorization dated December 7, 2010 from the City of Winnipeg to Lombard North Group
13b. Letter of authorization dated December 2, 2010 from Genstar Development Company to Lombard North Group
14. Sketch
15. Plans (12 pages)
16. Revised Report from the Planning and Land Use Division dated January 4, 2011
17. Communication dated January 5, 2011, from Ronald Sarran with respect to the application
18. Inspection Report
19. Schedule "E" submitted by the Senior Planner, Planning, Property and Development Department
20. Communication dated January 11, 2011, from Robert and Maria Samaniego in opposition to the application
21. PowerPoint Presentation with respect to the application submitted by David Palubeski, Lombard North Group (1984) Ltd. at the public hearing
22. Communication dated January 11, 2011, from David Palubeski, Lombard North Group (1984) Ltd., with respect to the application submitted at the public hearing
23. Audio Recording of representations

REPRESENTATIONS:

In Support:

Dave Boles
Jerry Klein
Richard Mahé, Lombard North Group (1984) Ltd.
Mohinder Mohal
David Palubeski, Lombard North Group (1984) Ltd.
Jaspal Singh Sandhu
Nishan Warraich

In Opposition

Frances and Ada Alcaraz
Flaviano and Maria Cristina Agpalza
Prashen Chelikani
Robert and Maria Samaniego
Deepender Sidhu

For Information:

Ronald Sarran

For the City:

Ms D. Beaton, Park Strategic Planner, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department

Exhibit "16" referred to in File DASZ 27/2010

ADMINISTRATIVE REPORT

Title: Subdivision and Rezoning Application File DASZ 27/10, southeast of Alonza Street and Amber Trail

Issue: Proposed plan of subdivision to create five lots from four parcels and proposed rezoning to "R1-M" Residential Single-Family [medium lot size] District, "RMF-S" Residential Multiple-Family [smaller scale] District, "RMF-M" Residential Multiple-Family [medium scale] District and "PR2" Parks and Recreation 2 District

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development (only if opposition or if recommendation differs from the report of the Public Service) → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
Patti Regan	n/a	n/a	n/a

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 27/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 27/2010 dated January 4, 2011 with such minor changes as may be required, and 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 January 4, 2011.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" with amendments and revisions contained therein for File DASZ 27/2010 dated January 4, 2011 to "R1-M" Residential Single-Family [medium lot size] District, "RMF-S" Residential Multiple-Family [smaller scale] District, "RMF-M" Residential Multiple-Family [medium scale] District and "PR2" Parks and Recreation 2 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 development of any building, accessory parking area, private approach, garbage enclosure, fencing, landscaping or signage on proposed Lots 3 and 4 of Schedule “A”, plans, showing the locations and designs of the proposed building, accessory parking area, private approach, garbage enclosure, fencing, landscaping and signage, must be submitted to the Director of Planning, Property and Development for 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 proposed Lots 3 and 4 of Schedule “A”, except that a mobile sign shall be permitted on said lot for a period of thirty (30) days in association with a new occupancy permit.

iii. That illuminated signage on proposed Lots 3 and 4 of Schedule “A” shall be no higher than six (6) feet.

iv. That the Developer shall grant to the City an easement on proposed Lots 3 and 4 of Schedule “A” for the active transportation trail connecting Alonza and Basel Streets to the open space east of the planned area and shall pay all associated surveying costs.

v. That the specific location and configuration of the active transportation trail connecting Alonza and Basel Streets to the open space east of the planned area and associated easement will be determined by the Director of Planning, Property and Development and the Director of Public Work in consultation with the Developer, and will be based on safety-of-access considerations, design requirements, Universal Design standards and minimizing the impact on private property.

vi. That the Developer shall, prior to the issuance of a building permit for the proposed buildings on proposed Lots 3 and 4 of Schedule “A”, complete the construction of the active transportation trail connecting Alonza and Basel Streets to the open space east of the planned area as determined by, and to the satisfaction of, the Director of Planning, Property and Development and the Director of Public Works.

vii. That the Developer shall indicate, in all applicable site plans, the intended construction of active transportation trail connecting Alonza and Basel Streets to the open space east of the planned area within the designated easement and

viii. That, if the proposed Development should include condominiums, The Developer shall include in the condominium agreements a description of the proposed active transportation trail connecting Alonza and Basel

Streets to the open space east of the planned area and the requirement that the trail is to be accessible to the general public, and shall provide the City with a copy of the condominium agreement.

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 Director of Legal Services and City Solicitor 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 Servicing/Development Agreement.

7. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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 twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

11. That Council declare surplus to the City's needs the City owned properties shown: shaded gray and identified as "City Owned Property" on Schedule “C” – Misc. Plan No. 13870/2; hatched and identified as “Proposed Closing” on Misc. Plan No. 13870/2; and shaded gray and hatched and identified as “Proposed Land Swap City Property” on Schedule “D” – Misc. Plan No. 13919.

12. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the City owned properties shown: shaded gray and identified as "City Owned Property" on Misc. Plan No. 13870/2; hatched and identified as “Proposed Closing” on Misc. Plan No. 13870/2; and shaded gray and hatched and identified as “Proposed Land Swap City Property” on Misc. Plan No. 13919; to the applicant on terms

and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services and City Solicitor in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

REASON FOR THE REPORT

This report is for consideration of the application for approval of a plan of subdivision and rezoning to allow the establishment of:

- a six storey multiple-family dwelling having approximately 95 dwelling units;
- approximately 47 dwelling units in 15 one- to two-storey side-by-sides, each of which would consist of two to four dwelling units; and
- two large "R1-M" District lots to be subdivided into 11 single-family dwelling lots in a future subdivision application.

The Winnipeg Public Service recommends approval of the application because it conforms to Plan Winnipeg and is compatible with the area.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations are implemented, a development permit can be issued for the proposal.

CONSULTATION

Consultation with other City departments is reflected in the Administrative Coordinating Groups report, which is Schedule "B" of this report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Planning and Land Use
Prepared by: J. Glen Doney
Date: January 4, 2011
File No. DASZ 27/2010

Attachments and Schedules

Attachment 1 – Planning Discussion
Schedule “A” – Proposed Plan of Subdivision and Rezoning
Schedule “B” – Report of the Administrative Coordinating Group
Schedule “C” – Misc. Plan No. 13870/2
Schedule “D” – Misc. Plan No. 13919

Attachment 1 – Planning Discussion

DATE	January 4, 2011
FILE	DASZ 27/2010
COMMUNITY	Lord Selkirk – West Kildonan
NEIGHBOURHOOD #	3.337
SUBJECT	Proposed plan of subdivision to create five lots from four parcels and proposed rezoning to "R1-M" Residential Single-Family [medium lot size] District, "RMF-S" Residential Multiple-Family [smaller scale] District, "RMF-M" Residential Multiple-Family [medium scale] District and "PR2" Parks and Recreation 2 District
LOCATION	SE of Alonza Street and Amber Trail
LEGAL DESCRIPTION	Block 3, Plan 45427; Lot 4, Plan 23200; Block 6, Plan 44296; Parcel A, Plan 42325



APPLICANT	Richard Mahe, Lombard North Group 505 – 93 Lombard Avenue, Winnipeg
OWNERS	The City Of Winnipeg and 5423571 Manitoba Limited
RECOMMENDATION:	Approval with one modification and with conditions

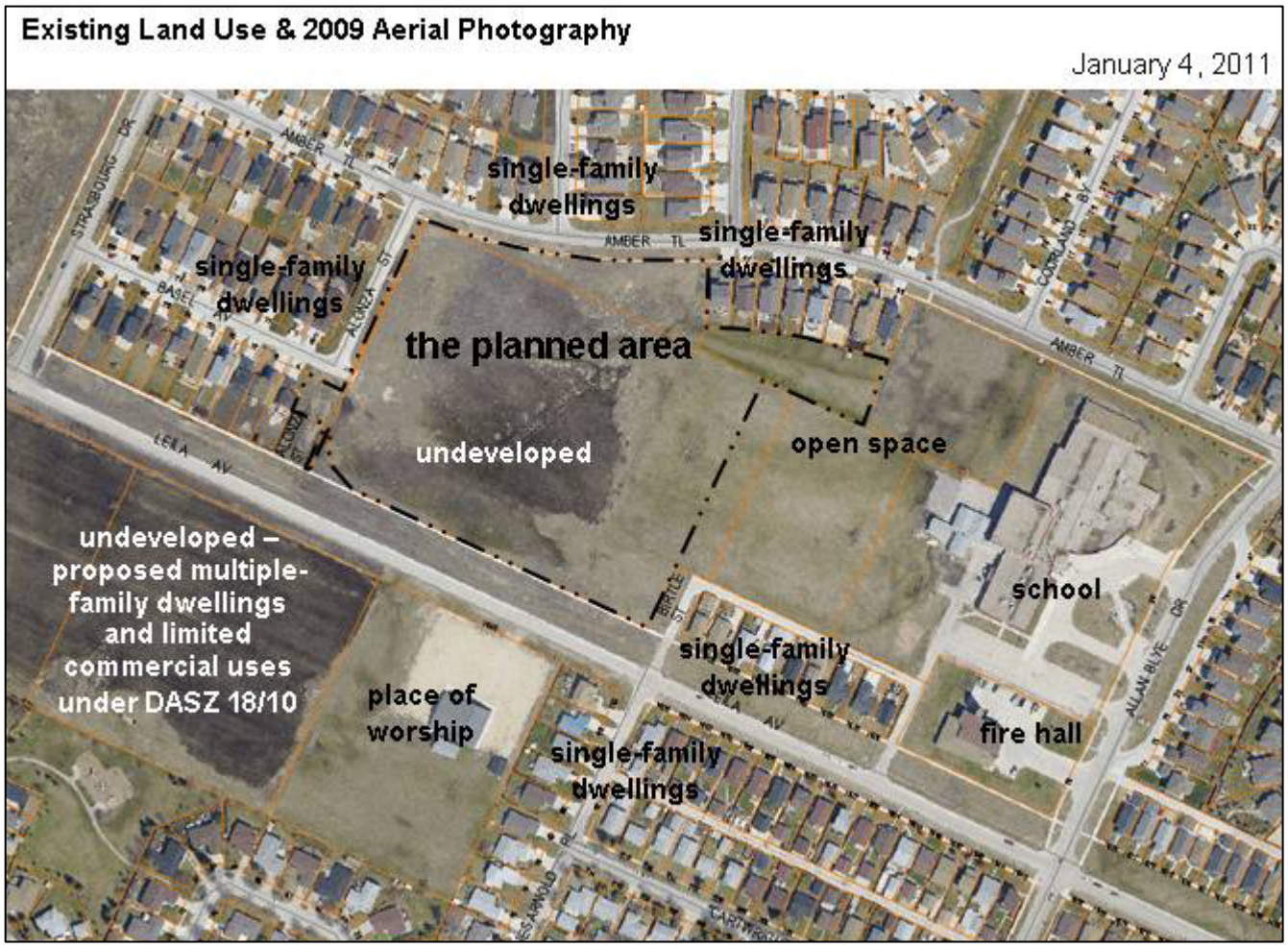
THE PLANNED AREA (THE SITE)

The planned area (the site) is:

- in the Amber Trails Neighbourhood and the Old Kildonan Ward;
- between Amber Trail and Leila Avenue and immediately east of Alonza Street; and
- almost nine acres.

The following image identifies existing land uses on 2009 aerial photography. It shows that the planned area is: undeveloped land and is adjacent to or near open space, single-family

dwellings, a school, a fire hall, a place of worship and a site that is to be developed with multiple-family dwellings and limited commercial uses.



The following image identifies existing zoning. It shows that the planned area: is in an “RR5” Rural Residentila 5 District; and adjacent or near an “R1-S” Residential Single-Family [smaller lot size] District, “R1-M” Residential Single-Family [medium lot size] Districts, an “R1-L” Residential Single-Family [larger lot size District, an “RMF-M” Residential Multiple-Family [medium scale] a “PR2” Parks and Recreation 2 District and a site proposed to be rezoned to “RMF-M” Residential Multiple-Family [medium scale], “RMU” Residential Mixed-Use District and a “PR1” Parks and Recreation 1 District.

The planned area is in a Neighbourhood policy area of Plan Winnipeg.

A Winnipeg Transit bus route is on Allan Blye Drive and additional routes will likely be added as the area develops. Sidewalks are on Amber Trail and Leila Avenue. Leila Avenue is to be widened from two lanes to four with a median. It is to connect to the future Chief Peguis Trail west of the planned area.



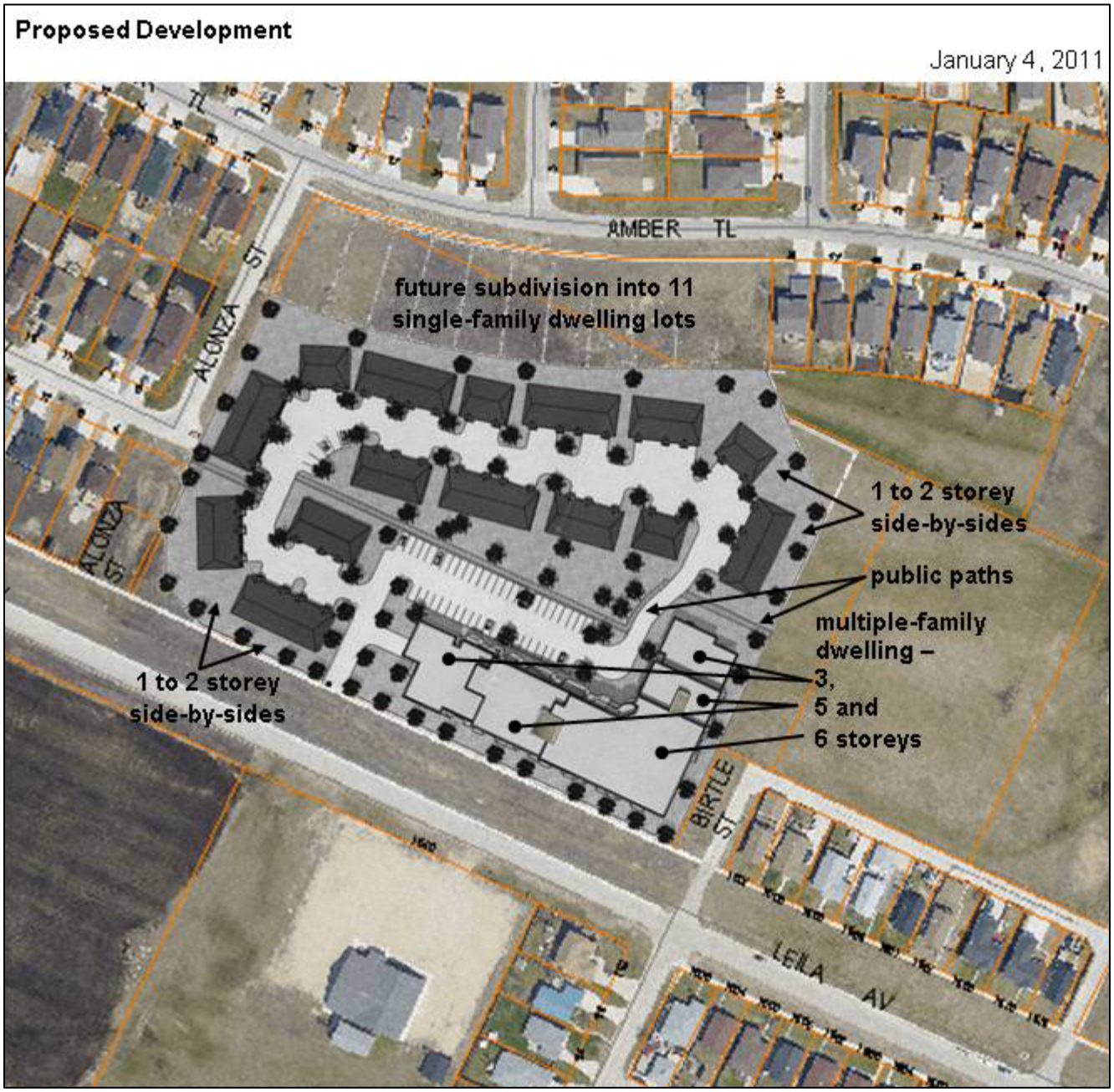
THE PROPOSED DEVELOPMENT

The proposal, shown in Schedule “A” of this report, is to create five lots from four parcels and to rezone two of the proposed lots to “R1-M” Residential Single-Family [medium lot size] District, one of them to “RMF-S” Residential Multiple-Family [smaller scale] District, one of them to “RMF-M” Residential Multiple-Family [medium scale] District and the portion of one of the proposed lots that is not “PR2” Parks and Recreation 2 District to “PR2” District.

A portion of Block 3, Plan 45427 (shown in Schedule “C”), which is City owned, is being transferred to the developer to facilitate connecting the development to municipal services in Alonza and Basel Streets. So as to not create a dead end open space south of the dwellings at 38, 42 and 46 Amber Trail (which are east of the planned area), a portion of Parcel A, Plan 42325, which is City owned, is being transferred to the developer and a portion of Lot 4, Plan 23200, which is owned by a numbered company, is being transferred to the City (both of which are shown in Schedule “D”). A portion of Leila Avenue Public Street land is being transferred to the developer to better utilized that land (shown in Schedule C”).

As shown in the following image and on Schedule “A”, the proposed subdivision and rezoning is to allow the establishment of:

- a six storey multiple-family dwelling having approximately 95 dwelling units and with motor-vehicle access from Leila Avenue;
- approximately 47 dwelling units in 15 one- to two-storey side-by-sides, each of which would consist of two to four dwelling units also with motor-vehicle access from Leila;
- an active transportation trail connecting Alonza and Basel Streets to the open space east of the planned area and
- two large “R1-M” District lots to be subdivided into 11 single-family dwelling lots in a future subdivision application.



ANALYSIS AND ISSUES

Plan Winnipeg Compliance

Policy 3A-02, Promote Compact Urban Form, of *Plan Winnipeg 2020 Vision states*

> The City shall promote compact urban form in support of sustainability by…encouraging infilling of vacant lands and the revitalization of existing neighbourhoods to maximize the use of existing infrastructure; and… supporting new development which is adjacent to, and compatible with, existing development and which is designed to minimize the spatial use of land.

The proposal would develop a considerable amount of land that is in an area that is largely developed with residential, institutional and recreational uses and the full range of municipal infrastructure.

The proposal would be quite compatible with the area because:

- the proposed six-storey building and side-by-sides would be accessed by motor-vehicles from Leila Avenue, not a local street;
- the proposed six-storey building would only be near existing homes that are to the southeast, which means that shadows cast by this building would have little effect on these, and other, homes;
- the proposed side-by-sides would be at a scale that is compatible with nearby homes; and
- the proposed “R1-M” District zoning would be the same zoning as is west, north and east of the planned area.

Compatibility with the Neighbourhood

As stated above, the proposed development would be compatible with the area.

Zoning By-law 200/2006

Given that much of the planned area is adjacent or near “R1-M” Zoning Districts, the proposed rezoning of two of the proposed lots to “RMF-S” and “RMF-M” should be compatible with the “R1-M” District.

The principal use table of the zoning by-law shows that the uses of “multi-family dwelling”, “two-family dwelling”, “assisted living facility”, “single room occupancy “ and “protection and emergency services” are permitted uses in the “RMF” Zoning Districts but are not allowed in the “R1” Zoning Districts. The Planning and Land Use Division considers these uses to be generally compatible with uses allowed in the “R1” Districts.

The following two tables are some of the dimensional standards for the “R1-M”, “RMF-S” and “RMF-M” Districts of the zoning by-law. It shows that the requirements for the “RMF-S” District

are similar to those for the “R1-M” District. It also shows that the “RMF-M” District allows over four times as many dwelling units in any given parcel of land than the “R1-M” District and that the maximum building height for the “RMF-M” and the “R1-M” Districts are 60 and 35 feet, respectively. The proposed “RMF-M” District lot would be separated from existing “R1-M” Districts by the proposed “RMF-S” District lot, the proposed “R1-M” District lots and by public streets and open space. As well, the proposed “RMF-M” District lot would be northwest from the nearest existing “R1-M” District, thereby resulting in very little shadow casting on that “R1-M” District (as described under “Plan Winnipeg Compliance”).

Selected R1-M Dimensional Standards, square feet & feet

	Min. Lot Area	**Min. Front Yard** (Notes C &D)	**Min. Rear Yard**	**Min. Side Yard** (Note B)	**Max. Bldg. Ht.**
R1-M	3,500	15	25	4	35

Note B: Where the width of the lot is less than 40 feet , the side yards may be reduced to 10% of the width of the lot but must not be less than 3 feet.
Note C: Portions of the front façade that do not include garages or carports must have a minimum front yard of 15 feet ; where a driveway leads from the street to a garage or carport located on the front facade of the house, such driveway must be a minimum of 18 feet in length, unless the provisions of subsection 140(2), Auto Courts, apply. Driveway length is measured between the garage door or the edge of the carport closest to the street and the front property line.
Note D: If the house has rear access to a public lane and does not have a driveway providing access from the public street to a garage or carport, the minimum front yard is 10 feet , unless the provisions of subsection 140(3), Loop Lanes, apply.

Selected RMF-S and RMF-M Dimensional Standards, square feet & feet

	Min. Lot Area Per Dwelling Unit	**Min. Front Yard**	**Min. Rear Yard**	**Min. Interior Side Yard**	**Min. Corner Side Yard**	**Max. Bldg. Ht.**
RMF-S	1,250	20	25	4	5	35
RMF-M	800	25	25	8 (Note B)	20	60

Note B: Where a building is more than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet.

Site Design

The proposed development should be modified such that:

- the proposed public path lines up on both sides of the private roads and crosses them perpendicularly or nearly so;
- the proposed public path is aligned to accommodate para ramps at curbed edges and to have few or no corners (curves instead); and
- there is a pedestrian path connecting the public sidewalk on the north side of Leila Avenue to an entrance to the proposed six-storey building.

Consideration should be given to illuminating the proposed public path.

As well, it is expected that:

- the site will be designed to meet or exceed the requirements of the zoning by-law;
- the massing of the proposed buildings will be in substantial conformity with the image in this attachment titled “Proposed Development” which shows the applicant’s site plan in context with the area; and
- the development will enhance the pedestrian environment; and
- the development will be compatible with the area.

REASONS FOR THE RECOMMENDATIONS

The recommended zoning agreement condition

> That, for the development of any building except for balcony enclosures, accessory parking area, private approach, garbage enclosure, fencing, landscaping or signage on proposed Lots 3 and 4 of Schedule “A”, plans, showing the locations and designs of the proposed building excluding balcony enclosure, accessory parking area, private approach, garbage enclosure, fencing, landscaping and signage, must be submitted to the Director of Planning, Property and Development for 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

is to ensure that the development is of a reasonably high quality, that the proposed public path is well designed and that the massing of the proposed buildings will be consistent with the image in this attachment titled “Proposed Development.”

The recommended zoning agreement conditions

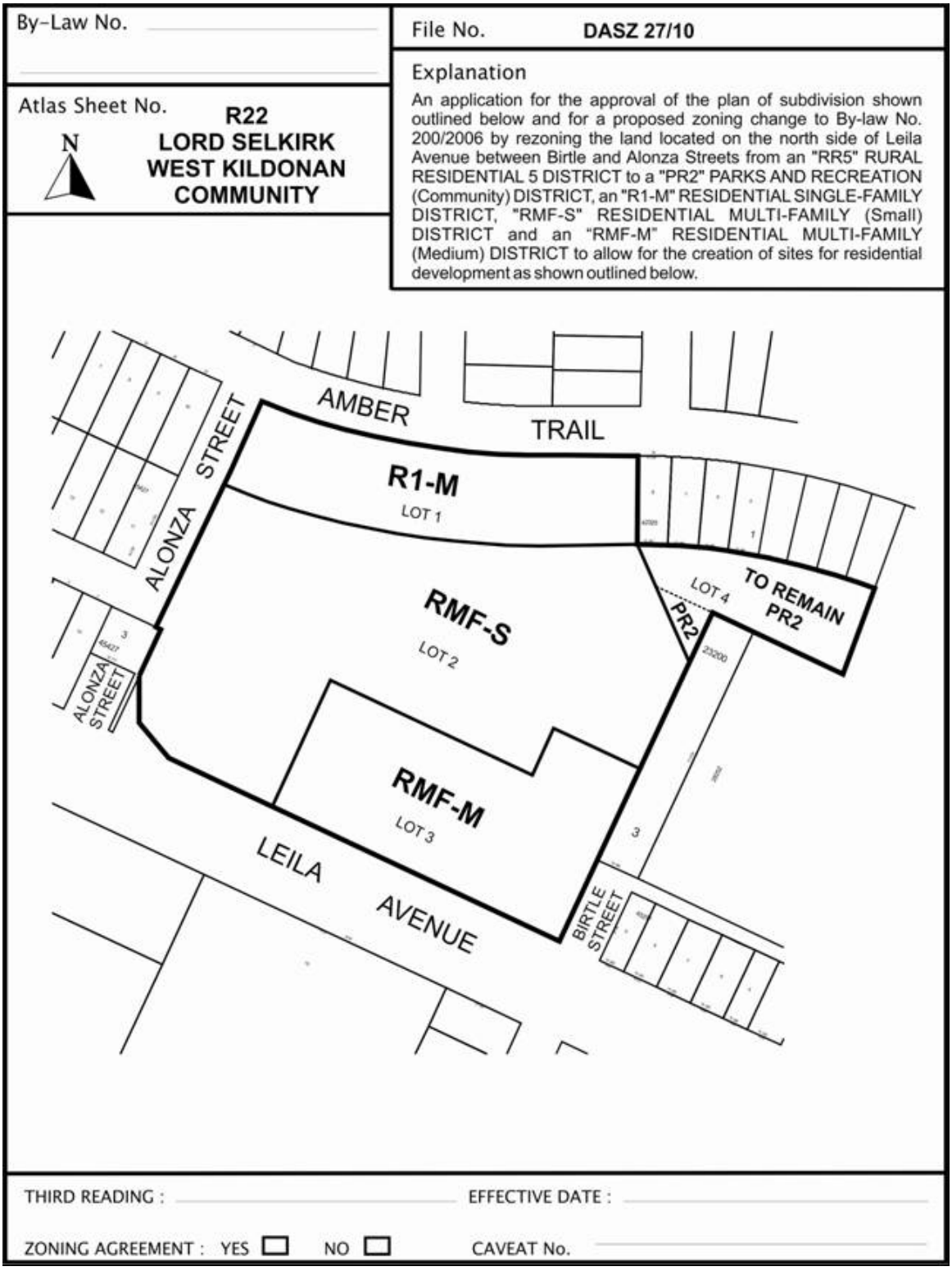
- That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on proposed Lots 2 and 3 of Schedule “A”, except that a mobile sign shall be permitted on said lot for a period of thirty (30) days in association with a new occupancy permit and
- That illuminated signage on proposed Lots 2 and 3 of Schedule “A” shall be no higher than six (6) feet not face the easterly limit of said lot, directly (perpendicular to said easterly limit) or at an angle

are to ensure that signage on the lots to be developed with side-by-sides and a six-storey building is generally compatible with the area.

The other recommended zoning agreement conditions are to ensure the active transportation trail, connecting Alonza and Basel Streets to the open space east of the planned area, will be constructed by the developer and will be for public use.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: J. Glen Doney
PPD File DASZ 27/2010

Schedule "A"



Schedule "A" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 27/2010, dated January 4, 2011

Schedule "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – JANUARY 4, 2011

RE: PROPOSED SUBDIVISION AND REZONING OF LAND ON THE NORTH SIDE OF LEILA AVENUE BETWEEN BIRTLE AND ALONZA STREETS - DASZ 27/10

It is recommended that the approval of DASZ 27/10 be subject to the following:

1. Plan Considerations

1. The City shall transfer the following lands to the Developer as partial consideration for land dedication subject to the said lands being declared surplus to the City's requirement;

    a) The most northerly 95.326 metres of the vacant City-owned property located on the south east corner of Amber Trail at Alonza Street shown as Subject City Property on the attached Misc. Plan 13870/2.
    b) The residual corner cut of public right of way located on the north east corner of Leila Avenue at Alonza Street shown as Proposed Closing on the attached Misc. Plan 13870/2.

2. The Developer legally opening a 6.0 metre wide walkway across the easterly part of Lot 3 Plan 45427, south of Basel Avenue for the full length abutting the Planned Area, including the southerly strip of land up to Leila Avenue, and also legally opening the most southerly 6.0 metres, as required, of the 2.003 metre wide strip of land that forms part of Lot 3, Plan 45427 at the south east corner of Basel Avenue and Alonza Street, as determined by, and to the satisfaction of, the Director of Public Works.

3. The Developer consulting with Winnipeg Fire Paramedic, Winnipeg Transit, and Parks Planning in the design of the internal site layout to ensure that:

    a) The requirements of the Fire Department, including the design of access routes in accordance with Article 3.2.5.6 of the 2006 Manitoba Building Code (MBC), the positioning of fire hydrants in accordance with Manitoba Building Code requirements, and the provision of access routes a minimum of 7.5 m wide, with appropriate turnaround configuration and exit strategy are satisfied;
    b) To facilitate a pedestrian pathway connection to the Leila Avenue sidewalk and between the public open space to the east and Alonza at the west from both the RMF-S and RMF-M parcels, the developer shall provide and maintain a publicly available E-W pathway through their site;

2. Servicing Agreement

The applicant entering into a Servicing Agreement with the City of Winnipeg, containing the following conditions:

1. The Developer shall, prior to the release of subdivision mylars, pay its share of the cost of oversized wastewater sewers constructed in Amber Trails (2010 rate = $568.90/acre).

2. The Developer shall, at no expense to the City, extend the land drainage sewer in Leila Avenue as required to service the proposed RMF-M lot.

3. The Developer shall pay its share of the existing watermains, wastewater sewers and land drainage sewers previously installed by others in Alonza St., Leila Avenue, and Amber Trail abutting the Planned Area, if applicable, as determined by the Director of Water and Waste.

4. The Developer shall, at no expense to the City, cut off and abandon the easterly watermain and sewer stubs installed by others at the intersection of Basel and Alonza Streets to the satisfaction of the Director of Water and Waste.

5. The Developer shall pay its share of the regional land drainage system (2010 Rate = $11,423/acre).

6. The Developer shall pay its share of the Leila Trunk User Charge (2010 Rate = $612/acre).

7. The Developer shall restrict land drainage runoff from the site to a “C” value of 0.4 as per original design and provide any easements required by the drainage design or to provide City access to existing drainage facilities.

8. The Developer shall, at no expense to the City, sod the boulevard and plant trees in Alonza Street adjacent to the planned area.

9. The Developer shall, at no expense to the City, maintain the boulevard improvements for one year, in accordance with specifications approved by the Director of Public Works.

10. 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.

11. 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.

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

regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

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

14. The Developer shall pay its share of the cost of the following improvements on an area basis for the area bounded by Leila Avenue, Pipeline Road and the future Chief Peguis Trail as determined by the Director of Public Works:

    a) an 8.3m in width by 200mm in thickness portland cement concrete pavement in Leila Avenue between Pipeline Road and the future Chief Peguis Trail and in Pipeline Road between Leila Avenue and the future Chief Peguis Trail.
    b) channelization, including, but not necessarily limited to construction of pavement for through lanes, auxiliary lanes, channelization, transitions, the installation and/or relocation of street lights and other utilities and boulevard landscaping at all street intersections entering Amber Trials from Pipeline Road and Leila Avenue including, but not necessarily limited to, the intersections of Ashville Street and Mandalay Drive with Leila Avenue and the intersections of the two ease-west streets entering Amber Trials from Pipeline Road.
    c) channelization at the intersection of Pipeline Road and Leila Avenue including, but not necessarily limited to construction of pavement for through lanes, auxiliary lanes, channelization, transitions and the installation and/or relocation of street lights and other utilities and boulevard landscaping.
    d) traffic control signals at the intersection of Leila Avenue and Pipeline Road.
    e) ornamental street lighting, sidewalks, boulevard landscaping and any accessory land drainage works in conjunction with the above works.

15. The Developer shall at no expense to the City, reconstruct the T- intersection pavement at the corner of Basel and Alonza Streets to a bend in a bay configuration to the satisfaction of the Director of Public Works.

16. The Developer shall pay its share of the cost of surface works previously installed by others in Amber Trail and Alonza Streets abutting the Planned Area, if applicable, as determined by the Director of Public Works.

17. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

18. That as contribution toward the dedication of 8% of the land contained within the overall development area for public open space, the developer shall be given credit for the net

area of the land swap at the northeast edge of the development with the balance of dedication required to be provided by either improvements on the adjacent land could and/or as cash payment. The value of improvements and cash shall be tabulated as the value of the difference between 8% of the land and the land actually dedicated, the value of the servicing of the land not dedicated, and the value of the landscaping of the land not dedicated. Improvements to the adjacent open space lands may include, but is not limited to, pathway development, lighting, planting and site furnishing, as negotiated and approved by the Directors of Public Works and Property, Planning & Development.

19. The Developer shall be responsible to grade, level, provide land drainage, construct a 2.4 m wide asphalt path and sod the balance within the 6.0 m wide walkway being established across the easterly part of Lot 3 Plan 45427, south of Basel Avenue, including the land southerly extended to Leila Avenue as required to provide completed pedestrian access to Leila Avenue and the 6.0 metre long by 2.003 metre wide part of Lot 3 Plan 45427 being opened as walkway at the south east corner of Basel Avenue and Alonza Street to the satisfaction of the Directors of Public Works and Property, Planning & Development.

20. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area.

21. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre of the Planned Area to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 27/10
January 4, 2011

"original signed by K.T. Raban, P. Eng."
S. M. Matile, P. Eng., Chair
Land Development Branch

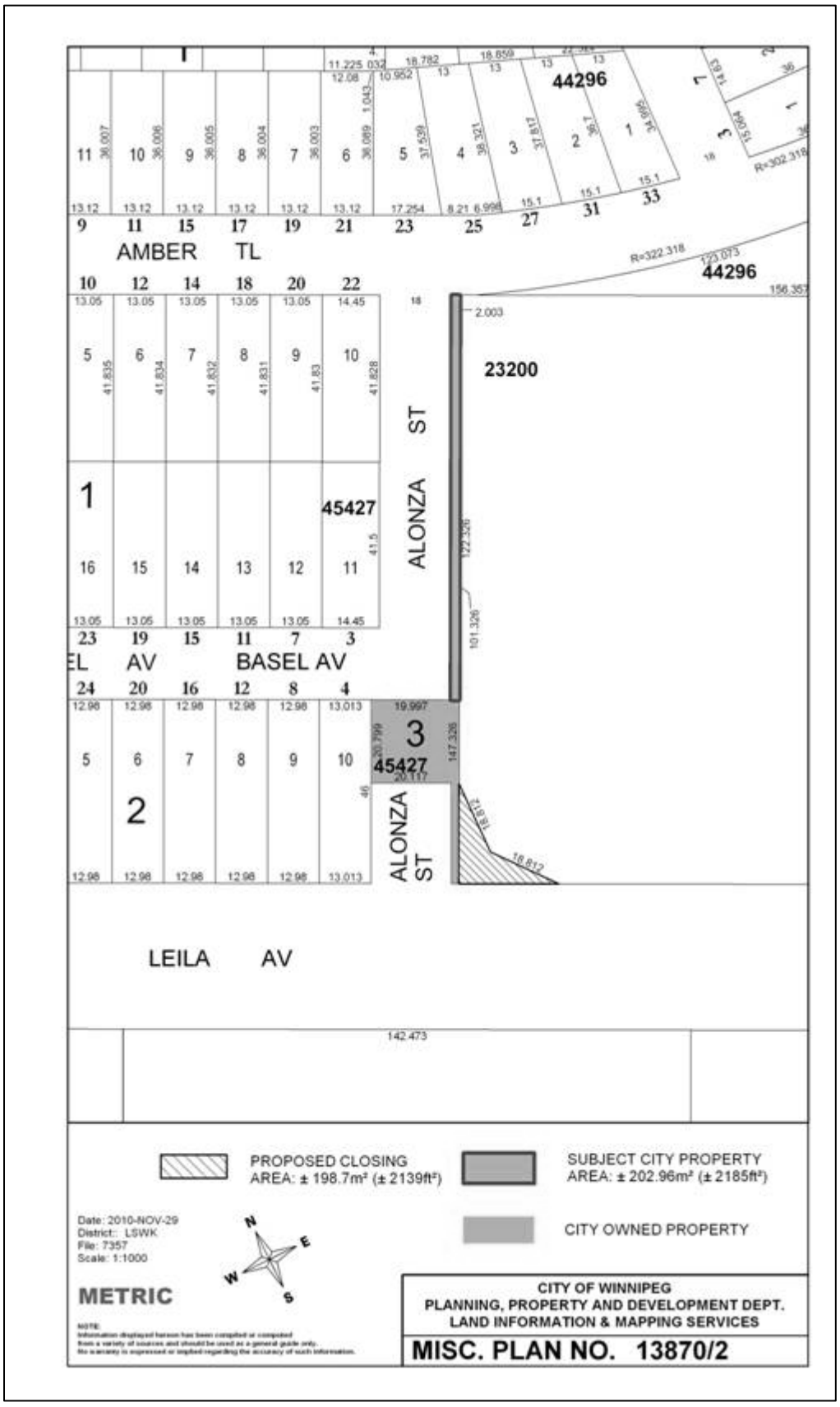
"original signed by R.J. Hartmann, P. Eng."
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by F. C. Mazur, P. Eng."
F. C. Mazur, P. Eng.
Water and Waste Department

"original signed by D. Beaton, MLArch."
D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

/ktr

Schedule "C" – Misc. Plan 13870/2



Schedule "D" – Misc. Plan 13919

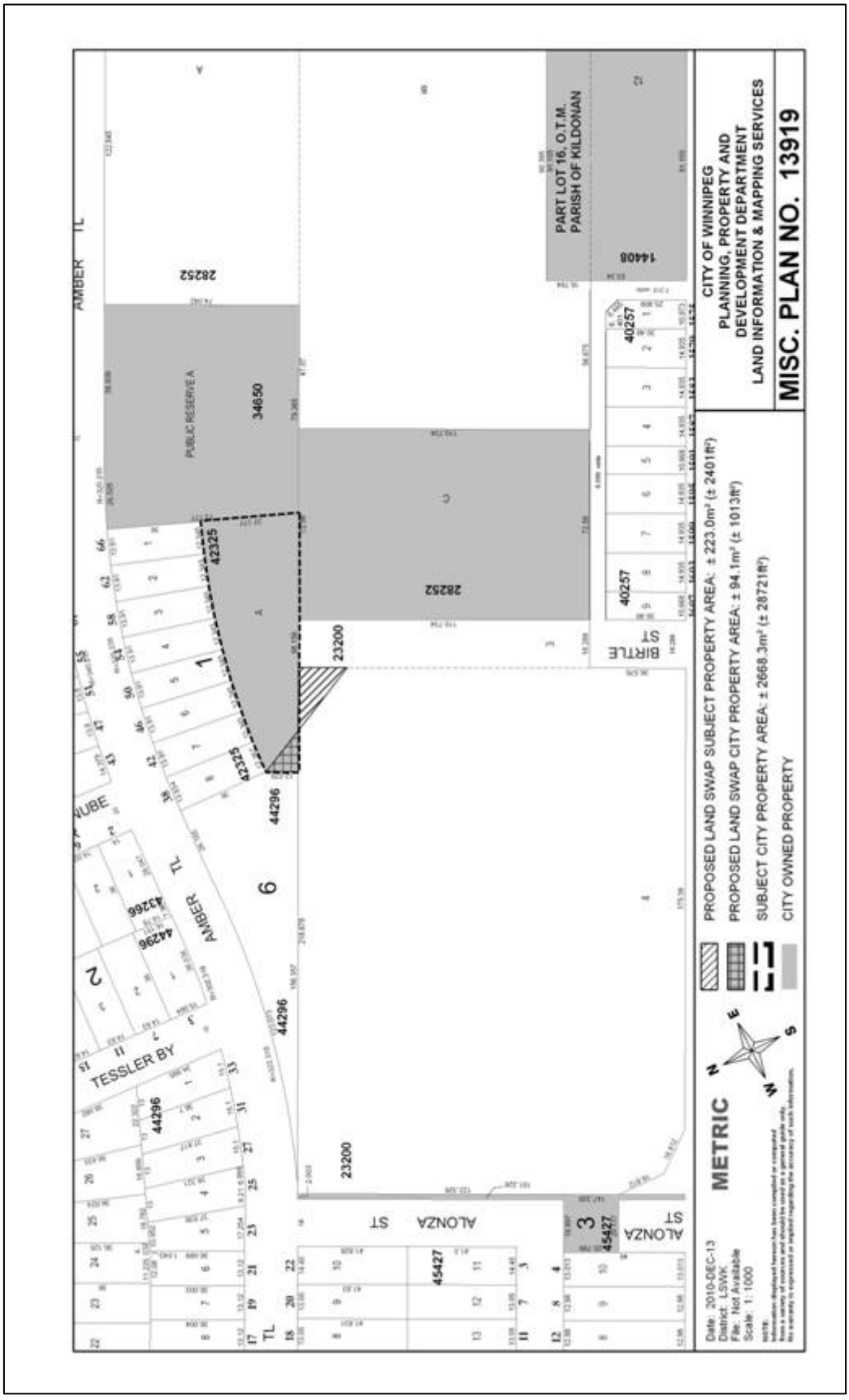
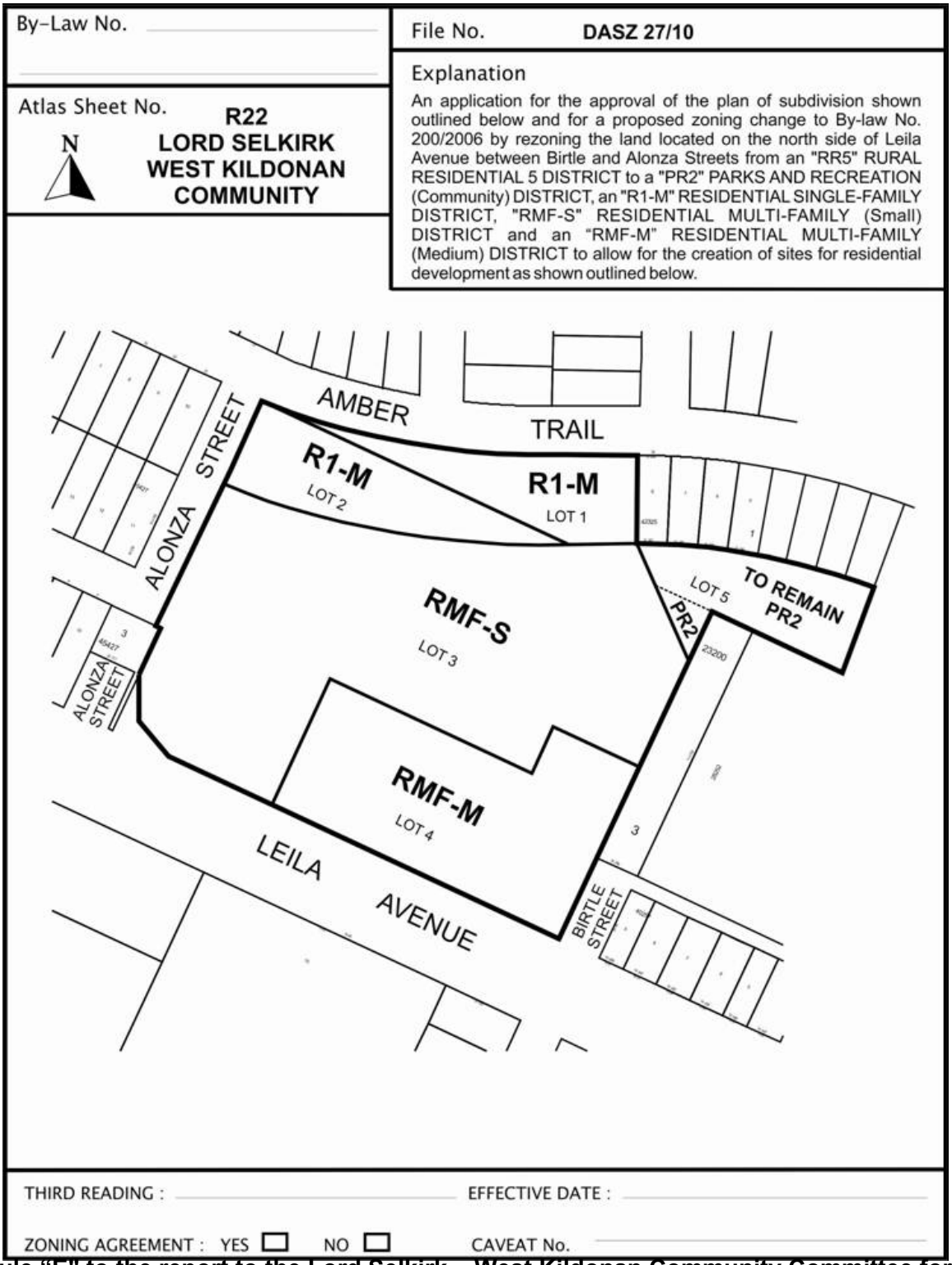


Exhibit “16” referred to in File DASZ 27/2010

Schedule “E”



Schedule “E” to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 27/2010, dated January 4, 2011

Exhibit "7" referred to in File DASZ 27/2010

ADMINISTRATIVE REPORT

Title: DASZ 27/2010 – SE of Amber Trail and Alonza Street

Issue: For consideration at the Public Hearing for a subdivision and rezoning to allow future commercial development

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATION

That the application for subdivision and rezoning (DASZ 27/2010) be adjourned to the January 11, 2011

REASON FOR THE REPORT

The configuration of the proposed lots and the associated rezoning were changed after public notice of the hearing was given. A portion of the planned area that was shown to be rezoned to "RMF-S" Residential Multiple-Family District [smaller scale] in the public notice is now proposed to be rezoned to "RMF-M" Residential Multiple-Family District [medium scale]. Therefore, a new public notice and a new planner's report are required. In addition, because the next public hearing is not far enough ahead to meet the public notice requirements of The City of Winnipeg Charter, this application must be adjourned to the January 11, 2011, or the February 8, 2011, public hearing of the Lord Selkirk – West Kildonan Community Committee.

The current proposal is to create five lots and to rezone two of them to "R1-M" Residential Single-Family [medium lot size] District, one to "RMF-S" Residential Multiple-Family [smaller scale] District, one to "RMF-M" Residential Multiple-Family [medium scale] District and a portion of one proposed lot to "PR2" Parks and Recreation 2 District. A portion of the planned area is to remain in a "PR2" Parks and Recreation District.

The proposed “R1-M” District lots would be subdivided into single-family dwelling lots in a future subdivision application. Side-by-sides would be built on the proposed “RMF-S” District lot and an apartment building would be built on the proposed “RMF-M” District lot. The proposed ‘PR2” District lot would be sodded if warranted.

A public path would extend through the proposed development. Motor-vehicle access to the planned area would only be from Leila Avenue.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the application can be considered at the January 11, 2010 public hearing instead of at the December 14, 2010 public hearing. The new planner’s report that is to be submitted in advance of this hearing will describe, and make recommendations with-respect-to, the new proposal.

CONSULTATION

Consultation with City departments was not warranted to prepare this report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	J.G. Doney
Date	December 7, 2010
File	DASZ 27/10