Agenda – Executive Policy Committee – May 16, 2012

REPORTS

Item No. 3 Subdivision and Rezoning – Shady Shores Drive East (Lots 1, 2 & 3) (St. Boniface Ward)
File DASZ 3/2012

COMMUNITY COMMITTEE RECOMMENDATION:

On May 7, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 3/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2012 dated April 20, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an addendum to Development Agreement AG 20B/08 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 20, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 3/2012 dated April 20, 2012 to an "R2" Residential Two-Family District and an "R1-M" Single Family 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, and/or accessory parking area and/or signage within the lands zoned "CMU" Commercial Mixed Use, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the land zoned "CMU Commercial Mixed Use District" be restricted as follows:

a. That advertising signs, mobile signs, or A-board signs shall not be permitted.

b. That no illuminated signage shall be erected on the south or west side of any buildings.

c. That the Applicant shall erect one, 4 feet by 8 feet sign on the vacant subject property indicating the location and zoning of the commercial mixed use property within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to Director of Planning, Property and Development for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed as a commercial or residential land use.

iii. That no portion of any dwelling unit on any lot abutting the existing high pressure gas pipeline shall be less than fifty (50) feet from the pipeline.

iv. That the Developer shall construct within the rear yards of all single and two-family lots abutting Dugald Road and Guy Savoie Drive, a uniform, 2.0-metre high noise-attenuation fence, to the satisfaction of the Director of Public Works. All future owner(s) of these single and two-family lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

3. That Caveat 4021771/1 be withdrawn as it affects the subject site.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor 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 addendum to Development Agreement AG 20B/08.

8. 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 (1) year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

10. 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.

11. 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.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On May 7, 2012, the Riel 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.

RE: **Subdivision and Rezoning – Shady Shores Drive East (Lots 1, 2 & 3)**
File DASZ 3/2012

For submission to: **Executive Policy Committee**

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

Report date: **May 8, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 7, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 3/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2012 dated April 20, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an addendum to Development Agreement AG 20B/08 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 20, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 3/2012 dated April 20, 2012 to an "R2" Residential Two-Family District and an "R1-M" Single Family 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, and/or accessory parking area and/or signage within the lands zoned "CMU" Commercial Mixed Use, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the land zoned "CMU Commercial Mixed Use District" be restricted as follows:

a. That advertising signs, mobile signs, or A-board signs shall not be permitted.

b. That no illuminated signage shall be erected on the south or west side of any buildings.

c. That the Applicant shall erect one, 4 feet by 8 feet sign on the vacant subject property indicating the location and zoning of the commercial mixed use property within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to Director of Planning, Property and Development for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed as a commercial or residential land use.

iii. That no portion of any dwelling unit on any lot abutting the existing high pressure gas pipeline shall be less than fifty (50) feet from the pipeline.

iv. That the Developer shall construct within the rear yards of all single and two-family lots abutting Dugald Road and Guy Savoie Drive, a uniform, 2.0-metre high noise-attenuation fence, to the satisfaction of the Director of Public Works. All future owner(s) of these single and two-family lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

3. That Caveat 4021771/1 be withdrawn as it affects the subject site.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor 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 addendum to Development Agreement AG 20B/08.

8. 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 (1) year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

10. 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.

11. 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.

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

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated April 20, 2012.

PUBLIC HEARING SUMMARY

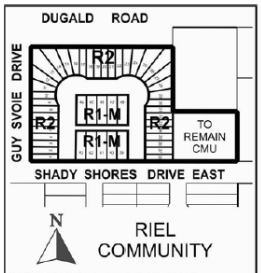
File: DASZ 3/2012

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

Public Hearing: May 7, 2012
Council Chamber
Council Building, 510 Main Street

Applicant: Terracon Development Ltd. (Chris Thorne-Tjomsland)

Subject:



APPLICANT : TERRACON DEVELOPMENT LTD.
FILE : DASZ 3/12
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 a "CMU" COMMERCIAL MIXED USE DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the creation of new residential building lots and public right-of-ways for future development. **For information, phone Mr. R. Kostiuk, Planner, at 986-7367.**

DEMANDEUR : TERRACON DEVELOPMENT LTD.
N° DE RÉFÉRENCE : DALZ 3/12
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie CMU (SECTEUR COMMERCIAL POLYVALENT) aux catégories R1-M (SECTEUR D'HABITATIONS BIFAMILIALES MOYENNES) et R2 (SECTEUR RÉSIDENTIEL BIFAMILIAL), afin de permettre la création de lots à bâtir et d'emprises publiques en vue d'aménagements futurs. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: Shady Shores Drive East (Lots 1, 2 & 3)

Exhibits Filed:

1. Application dated March 12, 2012
2. Notification of Public Hearing dated March 22, 2012
3. Manitoba Status of Titles 2501306/1, 25011309/1 and 2501310/1
4. Caveat No. 4021771 dated December 22, 2010
5. Letter of authorization dated January 31, 2012 from Bernadette MacKenzie, Waterside Development Corp. to Terracon Development Ltd. (Michael Falk & Chris Thorne-Tjomsland)
6. Surveyor's Building Location Certificate and sketch dated August 11, 2011
7. Plans (3 pages)
8. Report from the Planning and Land Use Division dated April 20, 2012
9. Communication in support of the application submitted by Michael Falk at the Public Hearing
10. Inspection Report

REPRESENTATIONS:

In Support:

Michael Falk
Matt Glavin

In Opposition

Nil

For the City:

Kim Raban, Land Development Administrator, Planning, Property and Development Department
Robert Kostiuk, Planner, Planning, Property and Development Department

ADMINISTRATIVE REPORT

Title: DASZ 3/2012 – Shady Shores Drive East (Lots 1, 2, 3 Block 1 Plan 50775) Public Hearing

Issue: An application for consideration at the Public Hearing to rezone the site from CMU to R2 and R1-M and subdivide the land into a total of 48 lots (38 R2-zoned lots and 10 R1-M-zoned lots).

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 3/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2012 dated April 20, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an addendum to Development Agreement AG 20B/08 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 20, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 3/2012 dated April 20, 2012 to an "R2" Residential Two-Family District and an "R1-M" Single Family 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, and/or accessory parking area and/or signage within the lands zoned "CMU" Commercial Mixed Use, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii) That, the land zoned “CMU Commercial Mixed Use District” be restricted as follows:

a) That, advertising signs, mobile signs, or A-board signs shall not be permitted.

b) That, no illuminated signage shall be erected on the south or west side of any buildings.

c) That, the Applicant shall erect one, 4 feet by 8 feet sign on the vacant subject property indicating the location and zoning of the commercial mixed use property within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to Director of Planning, Property and Development for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed as a commercial or residential land use.

iii) That, no portion of any dwelling unit on any lot abutting the existing high pressure gas pipeline shall be less than fifty (50) feet from the pipeline.

iv) That, the Developer shall construct within the rear yards of all single and two-family lots abutting Dugald Road and Guy Savoie Drive, a uniform, 2.0-metre high noise-attenuation fence, to the satisfaction of the Director of Public Works. All future owner(s) of these single and two-family lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

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9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

10. 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.

11. 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.

REASON FOR THE REPORT

- The applicant is proposing to subdivide the site into forty-eight (48) residential lots and rezone the majority of the property from "CMU" Commercial Mixed-Use to "R2" Residential Two-Family and "R1-M" Residential Single-Family Medium.
- The southeast portion of the property will remain zoned CMU. This CMU-zoned lot will be approximately 40,700 square feet in area.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be subdivided into 48 residential lots and rezoned to R1-M and R2. The southeast portion of the property that is approximately 40,700 square feet in area will remain zoned CMU.

HISTORY

DASZ 20/2008

- On February 18, 2009, Council recommended approval of the subdivision and rezoning of land south of Dugald Road and West of Plessis Road. This application included the rezoning the subject property from RR5 to CMU. The subdivision of the subject property resulted in the creation of the 5.65 acre CMU-zoned lot. On March 25, 2009, By-law 40/2009 was passed enacting the subdivision and rezoning.
- A zoning agreement was included as a condition of approval for DASZ 20/2008. The conditions of the zoning agreement, which were registered on the land as caveat 4021771/1, are as follows:

    i. That for the land zoned "CMU Commercial Mixed Use District"; and the land zoned "RMF-S Residential Multi-Family District – Small", the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage, to the Director of

Planning, Property and Development 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 for the land zoned "CMU Commercial Mixed Use District" be restricted as follows;

1. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire property, 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;

2. That no illuminated signage be erected on the south side of any buildings;

3. That the Applicant shall erect one, 4 feet by 8 feet sign on the vacant subject property indicating the location and zoning of the commercial mixed use property within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to Director of Planning, Property and Development for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed as a commercial or residential land use;

iii. That for the lands zoned "R1-M Residential Single-Family District" the residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 foot setback between the high pressure gas pipeline and any principal dwellings;

iv. That for the lands zoned "RMF-S Residential Multi-Family District – Small" be restricted as follows:

1. That a landscaped setback of 50 feet be provided along Camiel Sys Street;

2. That a landscaped setback of 50 feet be provided along Plessis Road;

3. That residential building(s) abutting the existing high pressure gas pipeline shall provide a minimum 50 foot setback between the high pressure gas pipeline and any principal dwellings.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk
Date:	April 20, 2012
File No.	DASZ 3/2012

List of Schedules and Attachments

1. Appendix A Planning Discussion
2. Schedule “A” Recommended File No. DASZ 3/2012 Riel Community Committee, dated April 20, 2012.
3. Schedule “B” Report of the Administrative Coordinating Group

APPENDIX 'A'

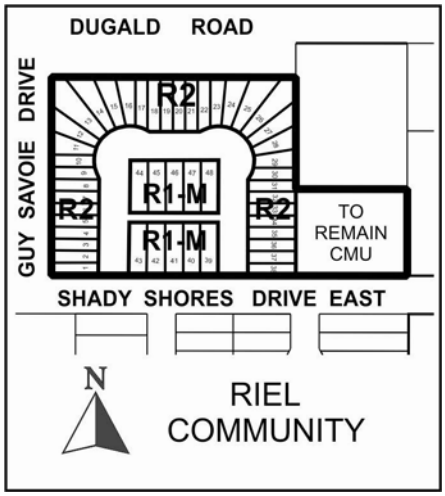
DATE: April 20, 2012

FILE: DASZ 3/2012
RELATED FILES: DASZ 20/2008, DASZ 33/2008, PW 5/2008,

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.537

SUBJECT: To rezone the land from "CMU" Commercial Mixed-Use to "R2" Residential Two-Family and "R1-M" Residential Single-Family Medium in order to develop forty-eight (48) residential lots.

LOCATION: NE Corner of the Guy Savoie Drive and Shady Shores East Intersection
LEGAL DESCRIPTION: LOT 1, 2, and 3 Block 1 Plan 50775



APPLICANT: Terracon Development Ltd. (Chris Thorne-Tjomsland)
1 Terracon Place
Winnipeg, MB R2J 4B3

OWNER: Waterside Development Corporation (Bernadette Mackenzie)
80 Southmoor Rd.
Winnipeg, MB R2J 2P4

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to subdivide the site into forty-eight (48) residential lots and rezone the majority of the property from “CMU” Commercial Mixed-Use to “R2” Residential Two-Family and “R1-M” Residential Single-Family Medium.
- The southeast portion of the property will remain zoned CMU. This CMU-zoned lot will be approximately 40,700 square feet in area.
- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject site is located on the northeast corner of the Guy Savoie Drive East intersection in the St. Boniface Industrial Park neighbourhood of the St. Boniface Ward.
- The site is vacant and approximately **246,000 square feet (5.65 acres) in area.**
- The property is located within the Areas of Stability – Recent Communities policy area under the Complete Communities Direction Strategy and is zoned “CMU” Commercial Mixed Use.



Figure 1: Aerial photograph showing approximate area of the subject site and surrounding area (2009)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Dugald Road and public utility buildings for Centra Gas zoned RR5.

South: Shady Shores Drive East and single-family homes that are currently under construction and zoned R1-M.

East: Public utility buildings for Centra Gas zoned RR5 and vacant land zoned R1-E.

West: Guy Savoie Drive and four-storey multi-family buildings zoned RMU.

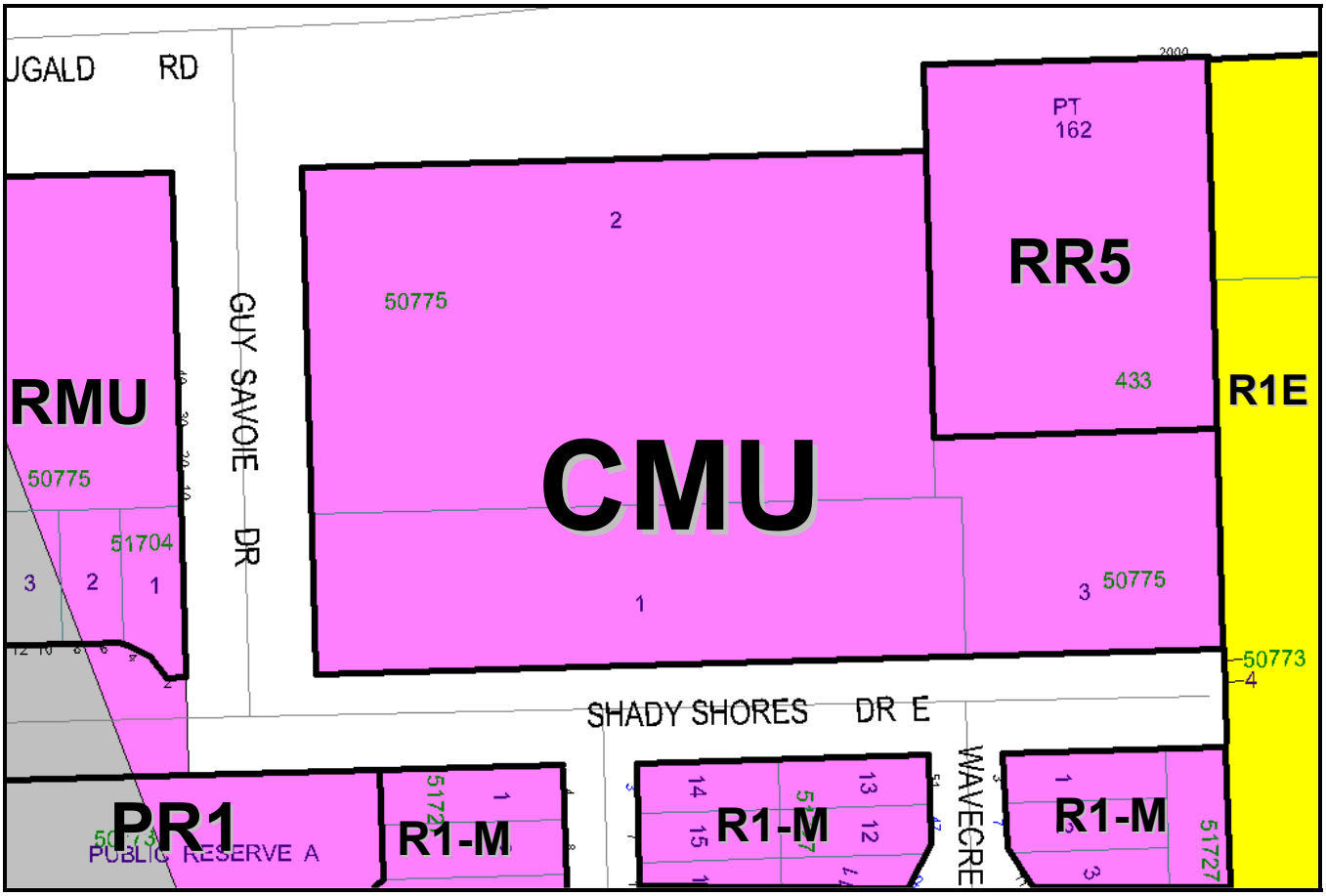


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the site into forty-eight (48) residential lots and rezone the majority of the property from “CMU” Commercial Mixed-Use to “R2” Residential Two-Family and “R1-M” Residential Single-Family Medium.
- The southeast portion of the property will remain zoned CMU. This CMU-zoned lot will be approximately 40,700 square feet in area.
- There will be a total of thirty-eight (38) R2-zoned lots and ten (10) R1-M-zoned lots. The majority of the R2-zoned lots will be about 2,600 square feet in area. The R1-M-zoned lots will be at least 3,700 square feet in area and at least 34 feet wide.
- The subdivision includes the creation of a public road and a back lane to service the proposed R1-M and R2-zoned lots.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. With regard to this proposal, the key policies guiding the development of Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.

ZONING

"CMU" Commercial Mixed-Use District

- The CMU district is intended to provide for community-serving mixed use development at a higher scale than is appropriate for neighbourhood locations. The CMU district is intended for use along selected corridors and at important nodes in the city. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support surrounding neighbourhoods and the community at-large. Although the area, site, or building should have a predominantly commercial character, multi-family housing may be incorporated within the district, and development should facilitate pedestrian connections between residential and nonresidential uses. There is no front or side yard requirement and maximum building height is 60 feet. Multi-family residential structures in the CMU district must meet the requirements of the RMF-M zoning. The maximum floor area ratio is 3.0 and the minimum rear yard is 25 feet.

"R2" Residential Two-Family Large District

- The R2 district is intended to accommodate the development of single and two-family units and where appropriate limited multi-family units in lower density neighbourhoods. The R2 district requires: a minimum lot width of 25 feet, a minimum lot area of 5,000 square feet (2,500 per dwelling unit for two-family dwellings), 4 foot side yards, a front yard of 20 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.

"R1-M" Residential Single-Family Medium District

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

LAND USE BY-LAW

Rezoning

- Single-family dwellings and two-family dwellings are not permitted in the CMU zone. The applicant is proposing a mix of two-family and single-family dwellings and is therefore proposing to rezone the majority of the site to R2 and R1-M.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The majority of the surrounding community is either undeveloped or is in the process of being developed in a manner consistent with the zoning approved under files DASZ 20/2008 and DASZ 33/2008.
- The proposed R2 and R1-M zoning will be consistent and compatible with the development west and south of the site. West of the subject site are four-storey multi-family buildings zoned RMU and two-storey townhouses (under construction) zoned RMU, but are proposed to be rezoned to R2 (see DAZ 203/2012). South of the subject site are detached single-family homes that are under construction and zoned R1-M.
- The remaining CMU-zoned lot is somewhat out of the ordinary in that, with the creation of the proposed R2 and R1-M zoned lots, this commercially-zoned lot will not be visible from Dugald Road and will not be immediately accessible from Guy Savoie Drive, which is the only entrance to the subdivision from Dugald Road. However, multi-family uses are permitted within the CMU zone as long as the multi-family use is developed consistent with the RMF-M standards of the Zoning By-law.

REMOVAL OF EXISTING ZONING AGREEMENT CAVEAT 4021771/1

- A zoning agreement was included as a condition of approval for DASZ 20/2008, which rezoned the subject property to CMU.
- The conditions of the zoning agreement were registered on the land as caveat 4021771/1.
- The Urban Planning Division recommends withdrawing this existing caveat and replacing it with a new zoning agreement that better reflects the new zoning and uses specific to the subject site (described below).

RECOMMENDED ZONING AGREEMENT

- Since the majority of the land is being rezoned to R1-M and R2, many conditions of the existing zoning agreement do not apply to land. However, as a result of the creation of R2-zoned lots abutting Dugald Road and Guy Savoie Drive, Public Works is requesting that a noise attenuation fence be developed at the rear yard of these lots (see Report of the Administrative Coordinating Group – Schedule “B”).
- The Urban Planning Division also recommends duplicating the conditions of the existing zoning agreement that pertain to the CMU-zoned lot, except for the following changes:
    - That, no illuminated signage shall be erected on the south or west side of any buildings.
    - That, no illuminated signage be erected on the south **or west** side of any buildings.
- The Division also recommends changing the wording for dwelling units constructed near the high pressure gas pipeline as follows:
    - That, no portion of any dwelling unit on any lot abutting the existing high pressure gas pipeline shall be less than fifty (50) feet from the pipeline.

LAND DEDICATION

- Land dedication requirements for this application are identified in the Report of the ACG (see Schedule B).

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The proposed rezoning and subdivision application is consistent with the Complete Communities Direction Strategy.
- The proposed R2 and R1-M zoning will be consistent and compatible with the development west and south of the site.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 3/2012

Schedule "A" for File No. DASZ 3/2012, Riel Community Committee, dated April 20, 2012

By-Law No. _____

File No. **DASZ 3/12**

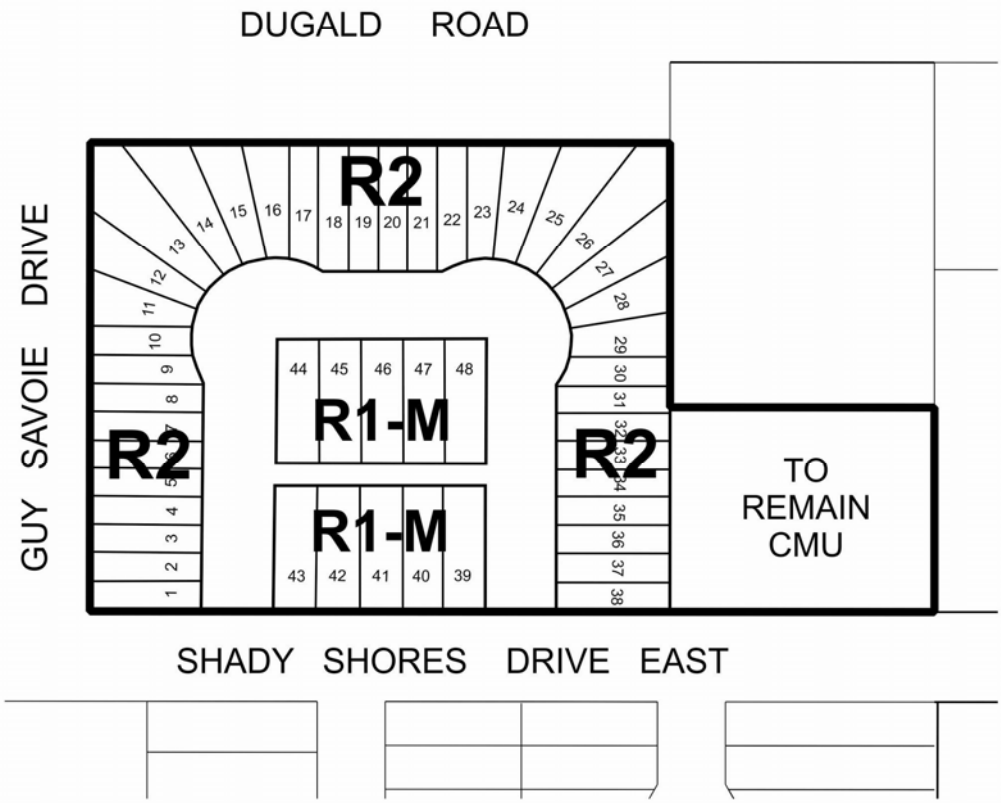
Atlas Sheet No.

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AA32
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COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on Shady Shores Drive East from a "CMU" COMMERCIAL MIXED USE DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the creation of new residential building lots and public right-of-ways for future development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – April 20, 2012

RE: DASZ 3/2012 – SUBDIVISION AND REZONING ON LAND LOCATED AT SHADY SHORES DRIVE EAST

It is recommended that the approval of DASZ 3/2012, if granted, be subject to the applicant entering into an addendum to Development Agreement AG 20B/08 as follows:

1. By adding to AG 20B/08 the Plan of Subdivision approved under DASZ 3/2012.

2. By adding to AG 20B/08 the conceptual servicing drawing and lot grading plan for the land covered under DASZ 3/2012.

3. By adding to AG 20B/08 that the developer shall, at no expense to the City, construct Portland cement concrete pavement to a width of 5.0 m and a thickness of 150 mm in the proposed public lane within the proposed subdivision, and all related works including, but not necessarily limited to land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

4. By adding to AG 20B/08 that the Developer shall, at no expense to the City, construct, within the rear yards of all single-family or two-family lots abutting Dugald Road and Guy Savoie Drive, a uniform, 2.0-m-high noise-attenuation fence, when and as determined by, and to the satisfaction of the Director of Public Works, and permit the City to file a caveat against the title of each such lot, requiring the owner(s) to maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

5. By adding to AG 20B/08 that there are to be no private approaches serving single-family or two-family residential development off of Dugald Road, Guy Savoie Drive or Shady Shores Drive East.

6. In the event that this subdivision and rezoning results in an increase in market value of the subject land, that the Developer shall make payment to the City for cash in lieu of the requirement for land dedication, based on 10% of the increase in market value of the land and that the Land Dedication Section of AG 20B/08 be amended to account for this dedication requirement resulting from DASZ 3/2012.

7. By adding to AG 3/2012 the requirement that the developer shall pay $1,650.00 plus GST to defray the City's administration and related costs associated with the preparation and implementation of the new addendum.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 3/2012
April 20, 2012

"original signed by K.T. Raban"
K.T. Raban, P. Eng.
Land Development Branch

R.J. Hartmann, P. Eng.
Public Works Department, Transportation Division

F.C. Mazur, P. Eng.
Water & Waste Department

D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch