Agenda - Executive Policy Committee – September 17, 2014

Report - Standing Policy Committee on Property and Development – September 16, 2014

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Item No. 1 Subdivision and Rezoning – east side of Shaftesbury Boulevard, south of Grant Avenue
(Charleswood – Tuxedo Ward)
File DASZ 9/2014 [c/r DAV 110299/2014D]

STANDING COMMITTEE RECOMMENDATION:

On September 16, 2014, the Standing Policy Committee on Property and Development recommended to Council that the July 16, 2014, Council motion be received as information.

Further the Standing Policy Committee on Property and Development reiterated its recommendation of July 8, 2014, and submitted the following to Council:

1. That the plan of subdivision under File DASZ 9/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2014 dated June 3, 2014 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 May 7, 2014.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 57/2013 dated June 3, 2014, to an "RMF-S" Residential Multifamily - Small District, subject to the following conditions:

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

Report - Standing Policy Committee on Property and Development – September 16, 2014

i. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, fencing, landscaping, parking and garbage enclosures to the Assiniboia Community Committee for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the height of any building shall be limited to twenty five (25) feet.

iii. That the maximum number of dwelling units permitted shall be eleven (11).

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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 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-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 registration of the plan of subdivision in the Winnipeg Land Titles Office.

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

Report - Standing Policy Committee on Property and Development – September 16, 2014

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 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 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.

Agenda - Executive Policy Committee – September 17, 2014

Report - Standing Policy Committee on Property and Development – September 16, 2014

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On September 16, 2014, the Standing Policy Committee on Property and Development recommended that the July 16, 2014, Council motion be received as information and that the July 8, 2014, recommendation of the Standing Policy Committee on Property and Development be reiterated and submitted the matter to the Executive Policy Committee and Council.

COUNCIL DECISION:

On July 16, 2014, Council referred Item No. 10 with the following proposed amending motion back to the Standing Policy Committee on Property and Development:

Moved by Councillor Havixbeck;
Seconded by Councillor Nordman;

BE IT RESOLVED THAT Council amend Item 10 of the Report of the Standing Policy Committee on Property and Development dated July 8, 2014 to add the following conditions to Recommendation 2 (conditions of the zoning agreement):

- Decrease the density on the south side of the project from 4 units to 3 units.
- Increase the landscaping along the south side to have a wall of spruce trees as a screen.
- Construct and maintain a 6’ wooden fence along the south side backing onto the neighbours on Bard Place.
- Change the orientation on the south side so that the living rooms face north versus looking into the back yards of Bard Place.
- Amend to a 25’ rear yard from 20’ yard setback on the south backing onto Bard Place.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

Report - Standing Policy Committee on Property and Development – September 16, 2014

DECISION MAKING HISTORY: (continued)

STANDING COMMITTEE RECOMMENDATION:

On July 8, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- That recommendation 2.A.iv. be deleted in its entirety.

and forwarded to the Executive Policy Committee and Council

COMMUNITY COMMITTEE RECOMMENDATION:

On June 10, 2014, the Assiniboia Community Committee submitted the matter to the Standing Policy Committee on Property and Development without recommendation due to a tie vote.

RE: Subdivision and Rezoning – east side of Shaftesbury Boulevard, south of Grant Avenue
File DASZ 9/2014

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

Prepared by: Destiny Watt, Committee Clerk
Assiniboia Community Committee

Report date: June 12, 2014

COMMUNITY COMMITTEE RECOMMENDATION:

On June 10, 2014, the Assiniboia Community Committee submitted the matter to the Standing Policy Committee on Property and Development without recommendation.

PUBLIC HEARING SUMMARY

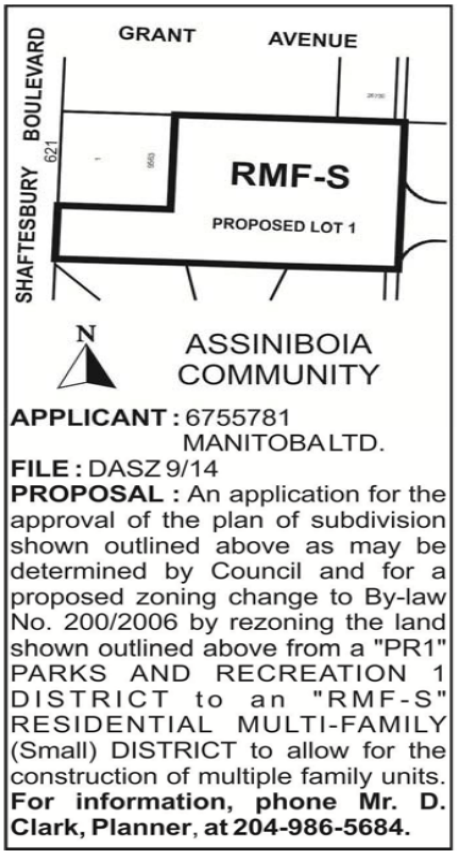
File: DASZ 9/2014

Before: Assiniboia Community Committee
Councillor Nordman, Chairperson
Councillor Havixbeck

Public Hearing: June 10, 2014
Council Building, 510 Main Street

Applicant: 6755781 Manitoba Ltd.
(Sidney Soronow)

Subject:



Premises Affected: east side of Shaftesbury Boulevard, south of Grant Avenue

Exhibits Filed:
1. Application dated March 25, 2014
2. Notification of Public Hearing dated April 28, 2014
3. Manitoba Status of Title 1751026/1

4. Letter of authorization dated February 27, 2014 from the City of Winnipeg to 6755781 Manitoba Ltd.
5. Plans (2 pages)
6. Report from the Urban Planning Division dated June 3, 2014
7. Inspection Report
8. Communication dated June 10, 2014, from Mickey Emmons Wener in regards to the application
9. Communication dated June 9, 2014, from Timothy A. Martin, Barrister and Solicitor, submitted on behalf of Ken and Linda Hilash in opposition to the application
10. Landscape Plans titled "The Shaftsbury Project" submitted by the applicant at the public hearing
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Sid Soronow, 6755781 Manitoba Ltd.

In Opposition

Karina Gamboa
Peter and Sherry MacDonald
Cheryl MacInnis
Timothy A. Martin, Barrister and Solicitor, on behalf of Ken and Linda Hilash

For Information:

Mickey Emmons Wener

For the City:

Mr. D. Clark, Planner, Urban Planning Division, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development

Exhibit "6" referred to in File DASZ 9/2014

ADMINISTRATIVE REPORT

Title: DASZ 9/14 – East side of Shaftesbury BLVD (south of Grant)

Issue: For consideration at the public hearing to subdivide and rezone land from "PR1" Parks and Recreation District to "RMF-S" Residential Multi-Family Small District for the purpose of developing a bare-land condominium.

Critical Path: Assiniboia 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
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 9/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2014 dated June 3, 2014 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 May 7, 2014.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 57/2013 dated June 3, 2014, to an "RMF-S" Residential Multifamily - Small District, subject to the following conditions:

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

        i. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, fencing, landscaping, parking and garbage enclosures to the Assiniboia Community Committeet for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the height of any building shall be limited to twenty five (25) feet.

        iii. That the maximum number of dwelling units permitted shall be eleven (11).

iv. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.
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 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-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 registration of the plan of subdivision in the Winnipeg Land Titles Office.
8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land, provided that the said effective date occurs within one 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 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 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.

REASON FOR THE REPORT

- The applicant is proposing to subdivide and rezone the land from “PR1” Parks and Recreation District to “RMF-S” Residential Multi-Family Small District in order to construct a bare-land condominium with nine (9) detached, single storey condominiums.
- 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 and rezoned to the “RMF-S” Residential Multi Family – Small zoning district.

HISTORY

- May 16, 2000 – The Assiniboia Community Committee recommends approval for a zoning change from “A” Agricultural District to “PR1” Parks and Recreation District.

- December 2012 – The City explores declaring the subject land as surplus and prepares it for sale.

- February 27, 2014 – Subject applicant is authorized to make application for any conditional uses, variances, rezonings, subdivisions or development. The enactment of any approved change in use, variance, rezoning or subdivision is conditional upon the finalization of the sale of the subject property.

CONSULTATION

- According to the applicant, a letter dated May 20, 2014, was dropped off with most of the residents on Bard Place that are adjacent to the subject site (approximately 17 letters). The applicant explained that letters that were not delivered were due to homeowners no longer residing in their dwelling or lack of a mailbox.

- The intent of the letter was to describe the nature of the proposed development and open up dialogue with neighbours to discuss any thoughts, or concerns. According to the applicant, there were follow up discussions from two neighbours who were both supportive of the proposal.

- A copy of this letter is provided in this report as Appendix ‘B’

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Devin Clark
Date:	June 3, 2014
File No.	DASZ 9/14

List of Schedules and Attachments

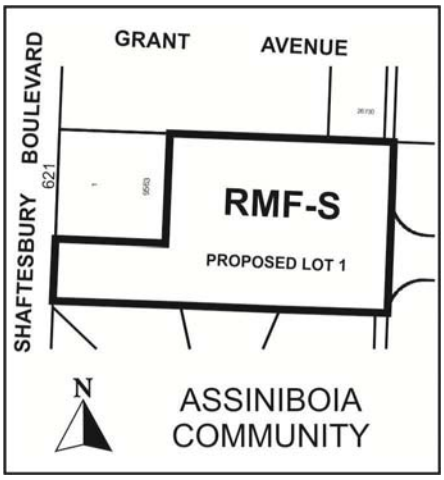
1. Appendix A Planning Discussion
2. Schedule “A” DASZ 9/2014, Assiniboia Community Committee, dated June 3, 2014
3. Schedule “B” Report of the Administrative Coordinating Group
4. Appendix B Letter to Neighbourhood

APPENDIX 'A'

DATE: June 3, 2014
FILE: **DASZ 9/14**
RELATED FILES: DAV 14-110299/D
COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.645

SUBJECT: To subdivide approximately 1.9 acres of land on Shaftesbury Boulevard and rezone the same property to 'RMF-S' Residential Multiple Family Small for the development of bare-land condo.

LOCATION: 621 Shaftesbury Blvd



APPLICANT: 6755781 Manitoba Ltd
210 – 400 St. Mary Avenue
Winnipeg MB R3C 0K4

OWNER: City of Winnipeg

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The applicant is proposing to subdivide and rezone the 1.9 acre site for the construction of a nine (9) unit bare-land condo, consisting of single storey, detached dwellings.
- The applicant intends to rezone the land from "PR1" Parks and Recreation District to "RMF-S" Residential Multi-Family Small District.
- The subdivision is required to re-designate the property from public reserve to private land.
- Water and sewer services currently do not extend to the subject site. The applicant is responsible for determining a feasible approach to service the site; a requirement of the Administrative Coordinating Group report, identified as Schedule B in this report.
- The Urban Planning Division recommends approval of this application with conditions.

SITE DESCRIPTION

- The subject property is located between Grant Ave. to the north and Wilkes Ave. to the south, on the east side of Shaftesbury Blvd, in the South-Tuxedo neighbourhood of the Charleswood-Tuxedo ward.
- The site is a vacant 1.9 acre parcel zoned “PR1” Parks and Recreation District. A Hydro Sub-Station is located northwest of the property
- Under the Complete Communities Direction Strategy, the site is located within the Areas of Stability – Recent Communities policy area

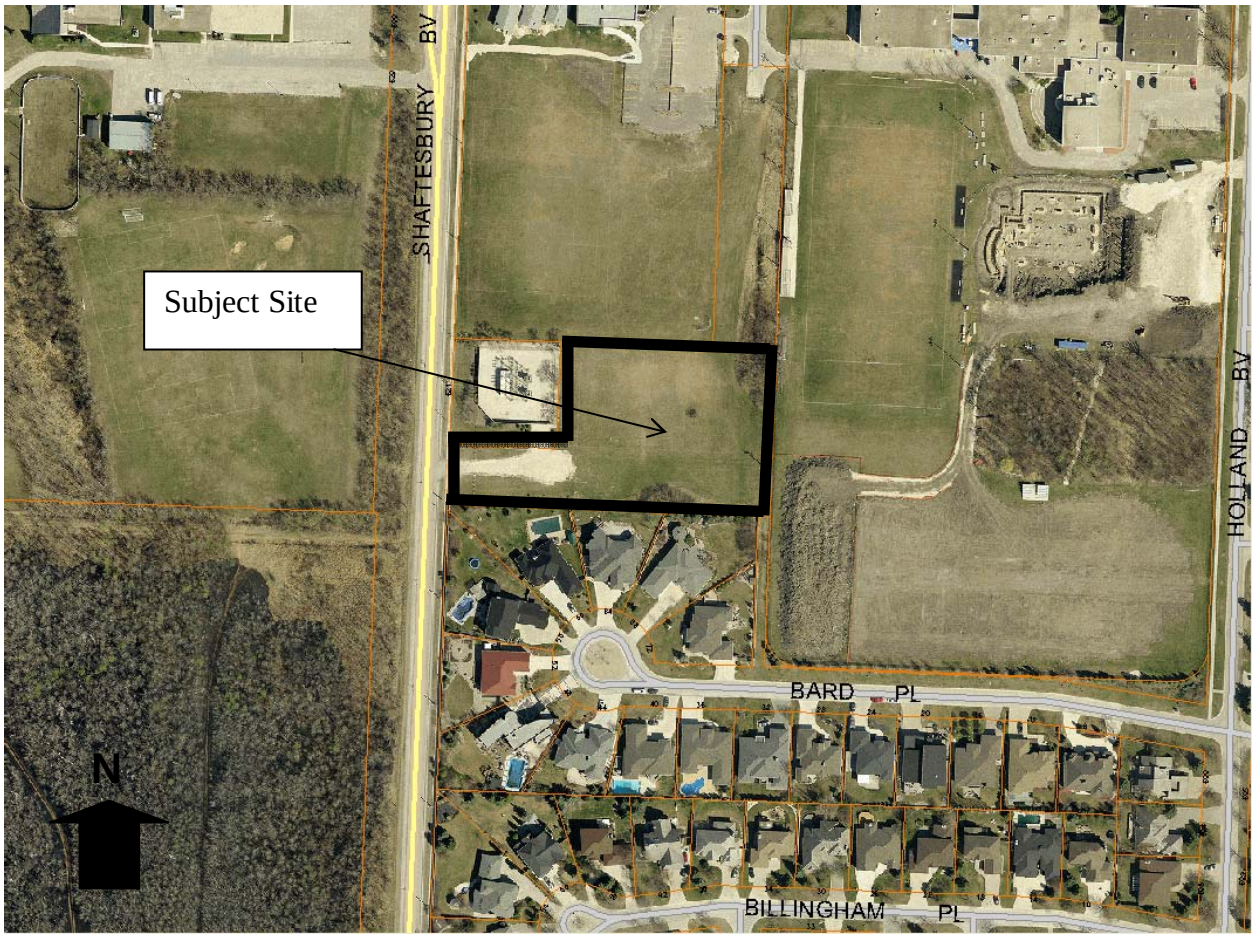


Figure 1: Site map of subject property and surrounding neighbourhood (flown 2012)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Shaftesbury High School zoned “PR3” Parks and Recreation (Regional)

South: Single family residential uses zoned “R1-L” Residential Single Family - Large.

East: St. Paul’s High School zoned “PR3” Parks and Recreation (Regional) and “RR5” Rural Residential 5.

West: Shaftesbury Blvd. then Canadian Mennonite University lands zoned “EI” Educational and Institutional.

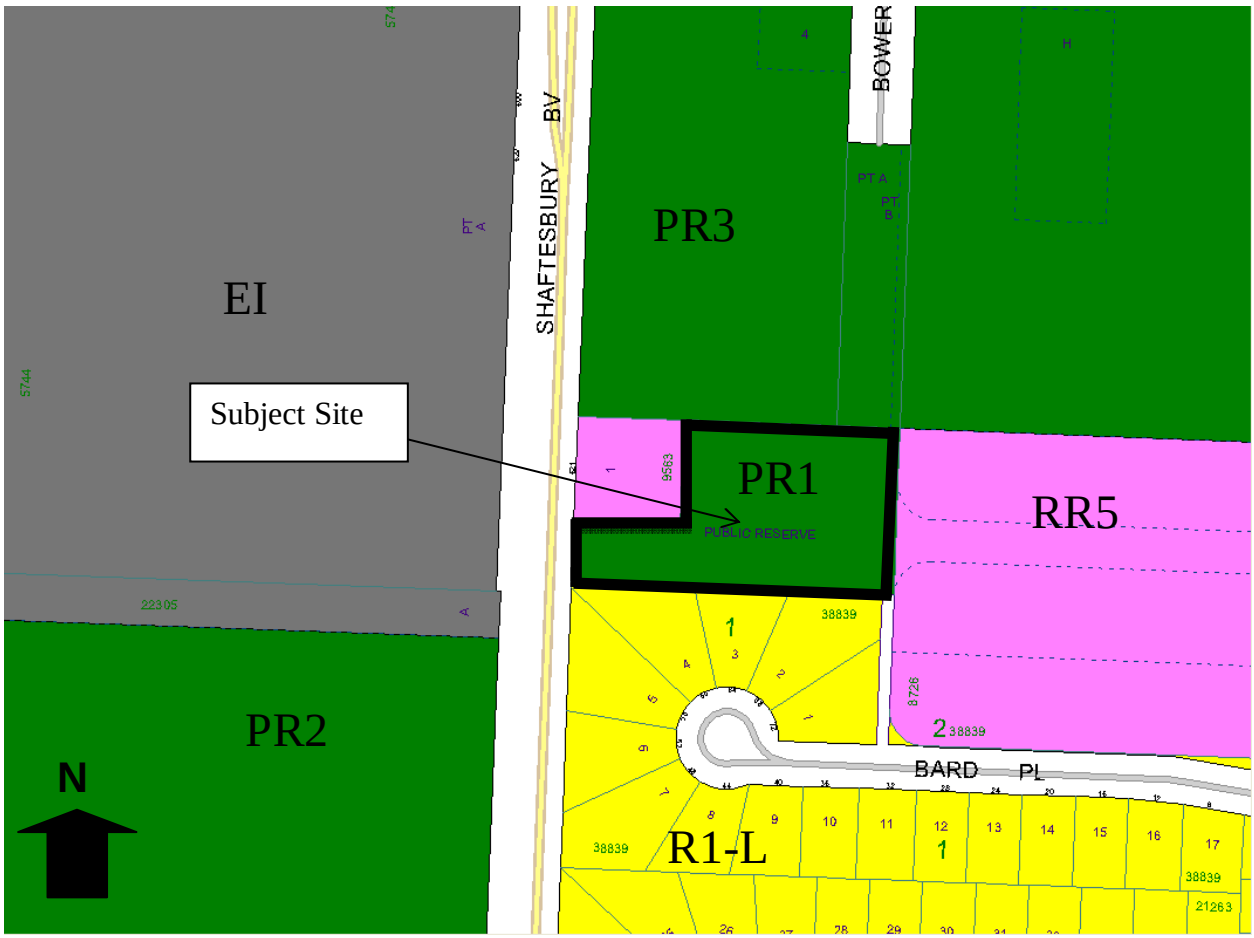


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to subdivide and rezone the vacant parcel to develop the property as a bare-land condominium.
- The condominium units are to be detached bungalow structures. The applicant has explained that the aim is to construct low density luxury homes that are compatible with the adjacent properties.
- There is an associated variance application (see DAV 14-110299D) to reduce the rear yard requirement from 25 feet to 16.4 feet.
- The applicant is proposing lot sizes ranging between 4,768 sq. ft. – 6,534 sq. ft. and units ranging between 2,246 sq. ft. – 3,684 sq. ft.
- The applicant is proposing a driveway that is 22 feet wide, with a loop at the easterly end of the property. All the nine dwelling units will be directly connected to the driveway, which takes access to Shaftesbury Blvd.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES

- 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, and townhomes.

ZONING

- The applicant is proposing to rezone the subject property from "PR1" Parks and Recreation to "RMF-S" Residential Single-Family Small.
- The Residential Multi-Family (RMF) district is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1,250 square feet.

LAND USE BY-LAW

Subdivision and Rezoning

- The applicant is proposing to subdivide and rezone the lands from the "PR1" Parks and Recreation (Neighbourhood) district to the "RMF-S" Residential Multi-Family Small district in order to construct a nine (9) unit, single family style, single storey bare-land condominium residential development.
- The subdivision is required to re-designate land from public reserve to private land. There are no parcels being consolidated or subdivided with regard to the proposed development. As such, the Urban Planning Division is supportive of the proposed subdivision application.
- Rezoning to "RMF-S" allows the developer to establish a multi-family residential development in accordance with the prescribed dimensional standards under Zoning By-law 200/2006. With an RMF-S zoning district the applicant could potentially develop a multifamily dwelling with a maximum of 66 units. However, the applicant has decided that the best approach, which will have minimal impact on the adjacent neighbours, is to develop the site as a bare-land condominium. The condominiums will have the appearance and effectively function as single family dwellings.
- The Urban Planning Division is supportive of the proposed number of units and general layout as it will maintain a compatible form and character with adjacent properties. Conditions are being recommended as part of a zoning agreement to limit the height of the dwelling units and

number of units to eleven (11) on the subject site. While submitted plans indicate that there will be nine (9) units, the applicant has identified in their letter of intent that this may vary up to eleven (11). With the recommended condition that plans come back to the Director of Planning, Property and Development, and the Assiniboia Community Committee for approval, there will be an opportunity to determine the best layout and number of units on the site.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

The Urban Planning Division believes that the application associated with the proposed subdivision and rezoning is a reasonable fit within the neighbourhood for the following reasons.

Height

- The applicant has determined that bungalow condos are the most compatible fit for the redevelopment of the subject site. This proposal respects the form of the adjacent dwellings to the south of the subject property that are also single storey dwellings.

Density

- The applicant is proposing between nine (9) and eleven (11) units for the subject site. Submitted plans indicate nine (9) units; however, the Urban Planning Division would consider eleven (11) units after an opportunity to review any proposed layout.

- The Urban Planning Division believes that nine units and potentially eleven units, is a reasonable and compatible number that will generally reflect the character of the adjacent dwellings on Bard Place.

Variances

- The project proponents have applied for one variance to allow the project to have a reduced side yard at the east edge of the property. Aside from this one variance, the proposed development conforms to the “RMF-S” dimensional standards.
- This variance is discussed and reviewed further in the planner’s report (file DAV 14-110299/D).

SITE DESIGN

Design considerations at the plan approval stage are to include the following:

- Site layout should show the location of buildings, landscaping (species and quantities), parking, fencing and garbage enclosures (colour renderings showing elevations should also be included).
- Fencing plans should be provided showing the design, details and location of fencing on the site.
- Garbage enclosures should be constructed in a manner that uses high quality building materials that meet the Zoning By-law requirements.
- Servicing requirements could impact the layout of the proposed development. See ‘servicing’ section below for further discussion.

SERVICING

In addition to the requirements outlined in the Servicing Agreement (Schedule B) with regard to extension of water and sewer mains, the Public Works Department has identified a few other issues for consideration in the development.

- Public Works does not have objections to the subject Developer entering into the appropriate cross-access agreement with Manitoba Hydro.
- The Developer must make an application for the proposed private approach as per the Private Access By-law as the proposed private approach on the attached site plans is non-conforming. The Private Access By-law stipulates that private access needs to be 3m from a lot line.
- The proposed turnaround on private property may not accommodate garbage/recycling vehicles. Refuse vehicles need to be able to turn around within the property and are not permitted to back up onto public streets. The Developer is encouraged to review this with a qualified Engineering Consultant.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

RECOMMENDATION

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

- The rezoning to "RMF-S" Residential Multiple Family Small allows for the development of a nine (9) unit bare-land condominium project that closely aligns with the policies in the *Complete Communities Direction Strategy* for Areas of Stability – Recent Communities;
    - *'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, and townhomes. (Page 80 – Complete Communities Direction Strategy)*
    - *'Recent communities can also accommodate some infill development to increase housing choice, increase options for 'aging in place', and to maximize the use of existing infrastructure.* (Page 86 – *Complete Communities Direction Strategy).*
- The proposal is consistent and compatible with the surrounding properties;
    - The proposed yard setbacks are compatible within the neighbourhood context.
    - The proposed building type, in terms of height, form and scale is consistent with the low density single-family development found in the neighborhood.

- There is a need for a mix of housing opportunities throughout the city. This development contributes a modest increase in housing supply within the Tuxedo neighborhood.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Devin Clark
PPD File # DASZ 9/2014

Schedule "A" for File No. DASZ 9/2014, Assiniboia Community Committee, dated June 3, 2014

By-Law No. _____

File No. **DASZ 9/14**

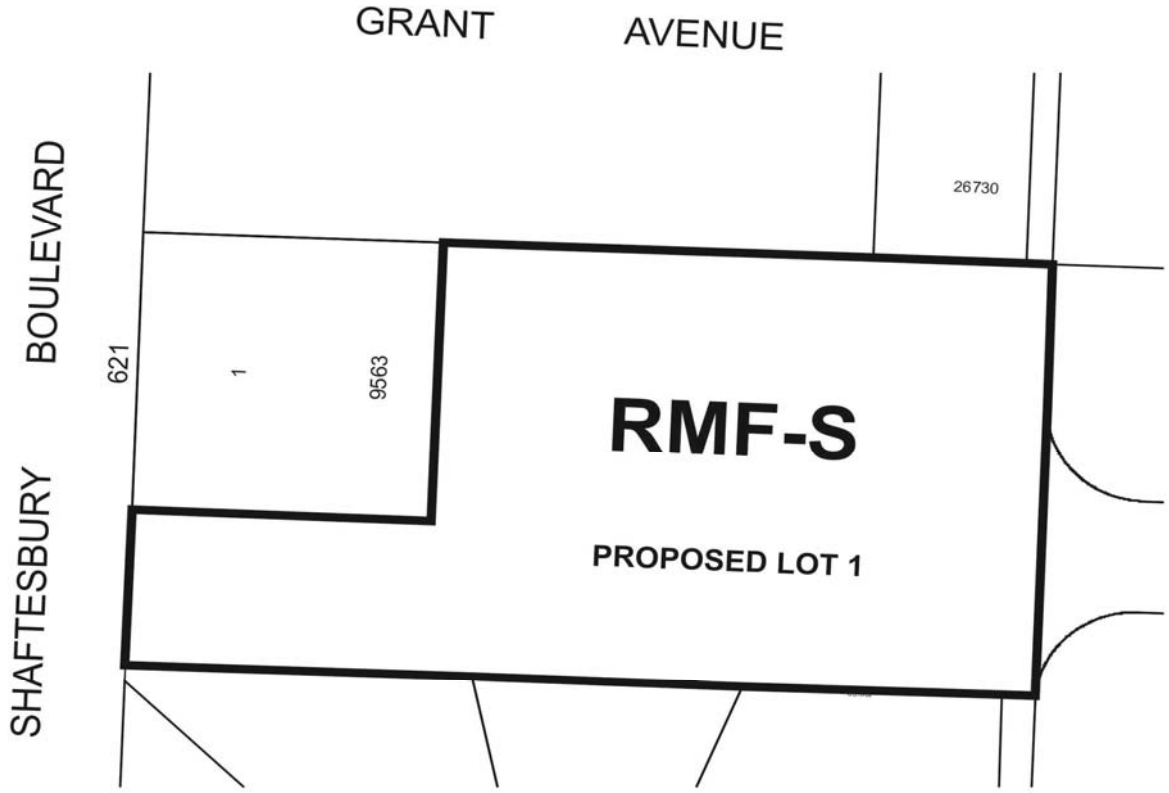
Atlas Sheet No.

N

AE18
ASSINIBOIA
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 the east side of Shaftesbury Boulevard, south of 621 Shaftesbury Boulevard from a "PR1" PARKS AND RECREATION 1 DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT to allow for the construction of multiple family units as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – May 7, 2014

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE EAST SIDE OF SHAFTESBURY BOULEVARD, SOUTH OF 621 SHAFTESBURY BOULEVARD - DASZ 9/2014

It is recommended that the approval of DASZ 9/2014, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions;

1) The applicant shall provide a comprehensive servicing report, prepared by a qualified municipal engineer; which will outline the provision of water, wastewater and land drainage services for the proposed subdivision.

2) The applicant shall, at no cost to the City, construct all watermains, wastewater sewers and land drainage sewers required to service the proposed subdivision, as determined by and to the satisfaction of the Director of Water and Waste.

3) The Developer shall pay the full cost of all design services, to be provided by Consultants approved by the City, for the design of the watermains, wastewater and land drainage sewers and associated works required to serve the Planned Area;

4) The Developer shall pay the full cost of construction services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other consulting services related to the installation and acceptance of the wastewater sewer, and all associated works to serve the Planned Area.

5) 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 (minimum $1,650.00) of the Planned Area to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 9/2014
May 30, 2014

"Original Signed by G. Jasper"
G. V Jasper, P. Eng.
Land Development Branch

"Original Signed by F. Mazur"
F. C. Mazur, P. Eng.
Water & Waste Department

GJ/gj

APPENDIX 'B'

May 20, 2014

Dear Neighbors,

Re: Property on Shaftsbury

I am the solicitor for and the President and Director of 6755781 Manitoba Ltd. ("**675**"). The relevance of this will become apparent as you review this letter.

Twenty-eight years ago my wife and I acquired the lot at 142 Bard Blvd. (the southeast corner of Bard and Holland) and built our home on that lot. We continue to reside in that home.

Over the years, I took a great interest in the development that occurred in the area. In excess of 10 years ago, the land developer of the area generally known as Tuxedo West, sold out the sub-divided lots to the south and west of 142 Bard Blvd. The last remaining parcel of land was a parcel on which Bard Place is now located. The land developer proposed a development which would include one or more multi-storey, multi-family buildings. Such a high density development appeared to be totally inconsistent with the surrounding area of single family homes. As a result, myself and others took steps to oppose such a development and I appeared at the zoning hearings (as spokesman for the opposition) to oppose this proposed development. Fortunately such opposition was successful and I subsequently liasoned with the land developer to arrive at a development that was appropriate. The result was Bard Place, the street you now live on.

More recently, the City of Winnipeg offered for sale a parcel of land ("the Shaftsbury Property") on the east side of Shaftsbury Blvd. between Grant Avenue and West Taylor Blvd. This parcel is approximately 2 acres in size. Based on the City's zoning requirements for land to dwelling ratios, such a parcel could accommodate up to 66 residential units. As such, I was very concerned that the Shaftsbury Property not be purchased by a developer who would propose to do a high density project with a multi-storey form of development.

This situation presented two options. The first option was to wait until the land was purchased by a developer and take issue with any development that was inconsistent with the neighborhood. The second option was to be proactive and bid on the Shaftsbury Property with a proposal to build approximately 9 or 10 single family luxury bungalows on the parcel. This would (if the bid was successful) insure that the project use for the Shaftsbury Property was in harmony with our neighborhood.

After weighing the options, it appeared that the best course of action would be to have **675** pursue the acquisition of the Shaftsbury Property. Accordingly **675** submitted a bid. We understand that 2 numerous other bids were received by the City, some of which no doubt contemplated high density residential development.

In the end, the bid by **675** was successful and the sale to **675** by the City was approved by the City of Winnipeg Council. At this juncture, **675** has filed an application to rezone the property to RMF-S which is the zoning necessary to permit a bareland condominium development which will accommodate 9 single family detached luxury bungalows. The bareland condominium approach, will enable the 9 homeowners to have the availability of certain common amenities or services, such as snow removal, yard maintenance, etc.

This low density development will safeguard our neighborhood from a development on the Shaftsbury Property which is multi-storey and / or high density in nature.

In due course, a hearing will be held on the rezoning. We very much hope that you will be supportive of the intended development plan by **675**. We should add, that the intended development contemplates an entry off Shaftsbury, thereby further minimizing any impact of the development on the homeowners on Bard Place and the adjacent residential area. A copy of the site plan submitted with the application is enclosed. If you have any questions concerning this letter or the proposed development, please do not hesitate to contact the writer.

Yours truly,
SORONOW LAW OFFICE
Per:
Sidney G. Soronow SGS/wl