**Minute No. 637**
**Report - Standing Policy Committee on Property and Development – September 7, 2004**

**Item No. 7 Subdivision and Rezoning - east side Swinford Avenue, north of Murray Avenue**
**File DASZ 8/2004**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 8/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2004 dated June 29, 2004, 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 16/2001 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 4, 2004, with the following amendment:

      i. That the following new clause 4. be added:

         "4. By adding a clause to require the development of the cul-de-sac to be undertaken with no access across the natural area without the permission of the Director of Water and Waste."

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 8/2004 dated June 29, 2004, to an "R1-4" Residential District.

4. That the plan be revised to include an additional forty (40) foot buffer area between the south periphery of the proposed new cul-de-sac and the north boundary of the Murray Street properties [for a total of seventy (70) feet], which is the residents' preferred option.

5. That the overall conceptual plan which outlines in some detail the location of streets and the location of future school buildings and recreational areas be approved in principle, as submitted, by the Lord Selkirk-West Kildonan Community Committee.

**Report - Standing Policy Committee on Property and Development - September 7, 2004**

COUNCIL DECISION (continued)

6. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land said dedication monies to be used exclusively for the development of the natural area backing onto Murray Avenue.

7. 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

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

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

10. 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.

11. 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.

12. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

**Report - Standing Policy Committee on Property and Development - September 7, 2004**

DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 22, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 7, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee with the following amendment, namely:

- Delete Recommendation 4 in its entirety and replace it with the following, namely:

    "4. That the plan be revised to include an additional forty (40) foot buffer area between the south periphery of the proposed new cul-de-sac and the north boundary of the Murray Street properties [for a total of seventy (70) feet], which is the residents' preferred option",

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2004, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation with the following amendments:

Administrative Coordinating Group Report

- That the following new clause 4 be added to the Addendum to Development Agreement AG 16/2001, namely:

    "4. By adding a clause to require the development of the cul-de-sac to be undertaken with no access across the natural area without the permission of the Director of Water and Waste".

**Report - Standing Policy Committee on Property and Development - September 7, 2004**

DECISION MAKING HISTORY (continued):

Planning and Land Use Report

- That clause 4 be deleted in its entirety and replaced with the following new clause 4, namely:

  "4. That a revised plan to be submitted by the developer for the approval of the Lord Selkirk-West Kildonan Community Committee indicate an additional forty (40) foot buffer area between the south periphery of the proposed new cul-de-sac and the north boundary of the Murray Street properties (for a total of seventy (70 feet), which is the residents' preferred option."

- That the following words be added at the end of clause 6, namely:

  "said dedication monies to be used exclusively for the development of the natural area backing onto Murray Avenue".

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

**RE:** **Subdivision and Rezoning - east side Swinford Avenue, north of Murray Avenue**
**File DASZ 8/2004**

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

**Prepared by:** **Diane Timmins, Clerk,**
**Lord Selkirk-West Kildonan Community Committee**

**Report date:** **August 5, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2004, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, as amended and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 8/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2004, dated June 29, 2004, 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 16/01 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 4, 2004, ***with the following amendment:***

        ***i. That the following new clause 4 be added, namely:***

            ***4. By adding a clause to require the development of the cul-de-sac to be undertaken with no access across the natural area without the permission of the Director of Water and Waste".***

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

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 8/2004, dated June 29, 2004, to an "R1-4" Residential District.

4. ***That a revised plan to be submitted by the developer for the approval of the Lord Selkirk-West Kildonan Community Committee indicate an additional forty (40) ft. buffer area between the south periphery of the proposed new cul-de-sac and the north boundary of the Murray Street properties (for a total of seventy [70] ft.), which is the residents' preferred option.***

5. That the overall conceptual plan which outlines in some detail the location of streets and the location of future school buildings and recreational areas be approved in principle, as submitted, by the Lord Selkirk-West Kildonan Community Committee.

6. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land, ***said dedication monies to be used exclusively for the development of the natural area backing onto Murray Avenue.***

7. 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 this 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.

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

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

10. 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.

11. 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.

12. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

***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 Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated June 29, 2004 and in the report from the Administrative Coordinating Group dated May 4, 2004.

2. Approval of this application will bring really nice new homes into the area and result in the paving of Murray Avenue in 2004.

## PUBLIC HEARING SUMMARY

File: DASZ 8/2004

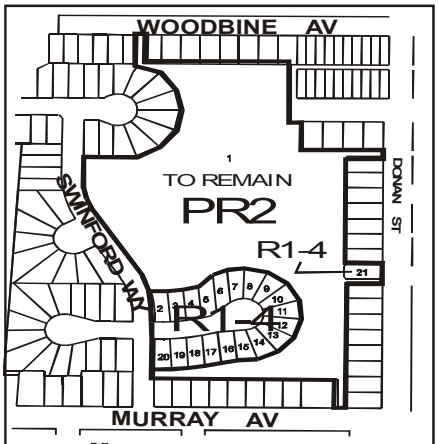
Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Lazarenko
Councillor O'Shaughnessy

Public Hearing: July 6, 2004
Council Chamber, Council Building
510 Main Street

Adjourned from: May 18, 2004

Applicant: Lombard North Group (Dave Palubeski)

Subject:



Premises Affected: east side Swinford Way, north of Murray Avenue

Exhibits Filed:

1. Application dated March 4, 2004
2. Notification of Public Hearing dated April 21, 2004
3. Manitoba Status of Title 1992451
4. Letter of authorization dated February 24, 2004 from the Seven Oaks School Division to Lombard North Group
5. Extract of Atlas Sheet S27
6. Plan showing Phase #3 - Single Family and School site development
7. Report from the Manager of Planning and Land Use dated May 11, 2004
8. Report from the Administrative Coordinating Group dated May 4, 2004
9. Inspection Report
10. Communication dated May 18, 2004, from Lombard North Group (1984) Ltd., providing background information with respect to the application
11. Supplementary Report from the Manager of Planning and Land Use dated June 29, 2004
12. Communication dated June 30, 2004 from Lombard North Group (1984) Ltd., providing comments on the public open house held on June 15, 2004 and requesting modifications to the recommendations outlined in the report of the Administrative Coordinating Group dated May 4, 2004
13. Revised Conditions of Approval submitted by the Manager of Planning and Land Use dated July 5, 2004

REPRESENTATIONS:

In Support:

David Palubeski, Lombard North Group
Ramona Gallos
Ed Johns
Bob Milne
Evelyn Myskiw
Brian O'Leary
Ted Truszynski

In Opposition:

Rowenlyn Barao

Tony Barao
Ross Eadie
Sherri Kasper
Derek Quill
Robert W. Snyder
George Tomchuk

For Information:

Michele Kading
Eileen Kafka
Sheila Templeton

For the City:

Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department
Mr. C. Torpey, Land Development Administrator, Planning, Property and Development Department
Mr. D. Marsh, Planner, Planning, Property and Development Department
Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

**May 18, 2004**
David Palubeski, Lombard North Group, appeared in support of the application and submitted a communication dated May 18, 2004, providing background information with respect to the application, marked as Exhibit "10". Mr. Palubeski advised Committee the applicant and the Seven Oaks School Division have gone through two (2) years of meeting with the public and feel they know what the public wants and how to satisfy their concerns. He indicated he did not agree with the recommendation contained in the report of the Manager of Planning and Land Use dated May 11, 2004, namely, that the public hearing be adjourned to June or July to allow the applicants to arrange and conduct an open house forum to solicit feedback from the surrounding community regarding the most recent proposal. In this connection, Mr. Palubeski stated concern that in the event the Community Committee did concur in the administrative recommendation and adjourned the application, that sane would not be considered by Council before the prorogue

period. After Councillor O'Shaughnessy indicated his desire to concur in the administrative recommendation and adjourn the public hearing to July 6, 2004, Mr. Palubeski expressed his disappointment, but indicated he would conduct a public information meeting in accordance with Committee's request.

**July 6, 2004**

At the adjourned public hearing, David Palubeski, Lombard North Group, appeared in support of the application and advised Committee that in accordance with Committee's instructions, a public open house was held on June 15, 2004 to discuss the site's development and school site lay-out. Mr. Palubeski made reference to the communication dated June 30, 2004 which he submitted, filed as Exhibit 12, providing comments on the public open house and the amendments to the Administrative Coordinating Group report the applicant is requesting. Committee was advised that approximately seventy-five (75) residents attended the public open house and that most of the concerns raised were with respect to the timing of the development, the type of development and the location of the school site. Mr. Palubeski stated there was some controversy regarding the location of the lots in the proposed cul-de-sac opposite Wellwood Place. Mr. Palubeski noted that in the original plan of subdivision submitted, it provided for a thirty (30) foot separation space at the minimum point between Murray Avenue and the back of the new lots in the proposed residential cul-de-sac. Mr. Palubeski made reference to the Phase #3 Single Family & School site development plan contained in his communication, filed as Exhibit 12, which lays out the school building site, the location of the recreational area, the play structure, the two soccer fields, parking and bus drop-off area, and the residual lands to be developed for twenty (20) single-family dwellings. As a result of the public open house, Mr. Palubeski indicated the applicant endeavoured to see whether the plan could be adjusted without compromising the lay-out of the school site building. Committee was informed that although the plan shows a sixty (60) ft. separation space, the Seven Oaks School Division is willing to provide an additional forty (40) foot buffer area between the south periphery of the proposed new cul-de-sac and the north boundary of the Murray Street properties, to make a total setback of seventy (70) feet. The Planner noted that the concession the applicant is prepared to make is contained in recommendation numbered 4 of the revised conditions of approval, filed as Exhibit 13.

Mr. Palubeski stated that the Seven Oaks School Division is requesting that the ten per cent (10%) dedication to be paid be allocated towards the use in developing the open spaces (two sports fields) and the construction of pathways that would connect the school property to the neighbourhood and the Community Club. Mr. Palubeski expressed the view this was a reasonable request given the commitments and contributions the Seven Oaks School Division has made to the neighbourhood. In this connection, Councillor O'Shaughnessy stated he would be prepared to recommend that the ten percent (10%) dedication be allocated for the development of the natural area backing onto the lots on Murray Avenue.

Robert Snyder, appearing in opposition to the application, expressed concern with respect to the additional traffic the proposed residential development and school will bring on Donen Street, which is the main thoroughfare in the area.

Michele Kading, appearing for informational purposes, confirmed the fact that the residents met with the developer to discuss this new proposal and some options with regard to the layout of the proposed residential cul-de-sac. She stated that if the separation space was increased by forty (40) feet, most of the residents on the north side of Murray Avenue would be reasonably happy with this concession. Ms Kading also stated she supports the request of the applicant to have the ten percent (10%) dedication allocated for the development of the natural area backing onto the lots on Murray Avenue. She further stated that if the entire area is bulldozed during the construction of the proposed cul-de-sac of homes, it will make it more difficult to rehabilitate the natural area. She therefore requested that due consideration be given to the restoration of the natural area during construction of the proposed cul-de-sac.

Eileen Kafka, also appearing for informational purposes, stated she would agree to the buffer zone being increased to make a total separation space of seventy (70) feet and also stated she agreed with Michele Kading's request that the natural area be protected by construction equipment during the construction phase of the proposed cul-de-sac and remain undisturbed in its natural state.

Sheila Kasper, also appearing for informational purposes, stated she has been a part of this whole process for five (5) years now, and is happy with the plans that have come about. Ms Kasper stated she would like to see the revised plan of development, including structures, parks and pathways and in this connection, Committee was advised the applicant has undertaken to provide her with a copy. She indicated the revised plan that is finally approved for this development should be one that is true and one to which the developer is bound.

In rebuttal, Mr. Palubeski reiterated that the Seven Oaks School Division would be willing to provide the seventy (70) foot separation space requested between the south periphery of the proposed cul-de-sac and the north boundary of the Murray Street properties. He also requested that the Lord Selkirk-West Kildonan Community Committee approve the conceptual layout of the twenty (20) residential lots and school site, as shown in Exhibit 12, as recommended by the Administration, and noted for the information of the Committee that the school site is lot 1 and the residential lots are numbered 2 to 21 on the plan.

Exhibit "13" referred to in File DASZ 8/2004

**Revised Conditions of Approval – DASZ 8/2004**
**July 6, 2004 Lord Selkirk – West Kildonan Community Committee meeting**

**RECOMMENDATION:**

I. That the plan of subdivision proposed under File No. DASZ 8/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 8/04, attached hereto and dated June 29/2004, 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 16/2001 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 4, 2004.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 8/2004, attached hereto and dated June 29, 2004, to an "R1-4" Residential District.

IV. That the revised plan which indicates an additional 40' buffer area between the south periphery of the proposed new cul-de-sac and the north boundary of the Murray Street properties and which is the residents preferred option, be approved by your Committee as submitted.

V. That the overall conceptual plan which outlines in some detail the location of streets and the location of future school buildings and recreational areas be approved in principle , as submitted , by your Committee.

VI. That a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

VII. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this 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

VIII. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

X. 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.

XI. 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.

XII. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Exhibit "11" referred to in File DASZ 8/2004

**In reply please refer to / Référence à rappeler :**

**Kevin Lalor**
**(204) 986-5069**
**Fax / Téléc. : (204) 986-7524**

**File No. DASZ 8/04** June 29, 2004
Our c/f CP 500 (.323)

Diane Timmins, Clerk
LS/WK Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Mrs. Timmins:

**SUBDIVISION AND REZONING**
Land located: East of Swinford Way, North of Murray Ave.
LS/WK Community
**File No. DASZ 8/04**

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An application has been received from Lombard North on behalf of the Seven Oaks School Division for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from a " PR-2 "Parks & Recreation District to an "R1-4" Single Family District to accommodate twenty ( 20) new dwellings.

RELATED FILES:

**SITE DESCRIPTION:**

Site Area:
Proposed new residential area, including a road r.o.w., encompasses a total area of approximately 3.25 acres.

Existing Land Use and Zoning:
The land is currently vacant and zoned PR-2 for future school requirements.

Surrounding Land Use and Zoning:
North: A mix of PR-2, new housing areas zoned R1-4, and established housing areas zoned R1-5.
South: Established housing areas along Murray Ave. zoned R1-5.
East: Pockets of PR-2 and established housing areas along Donan zoned R1-5.
West: New housing areas west of Swinford and along Carsdale zoned R1-4.

**DEVELOPMENT DESCRIPTION:**

The Seven Oaks School Division proposes to reduce the size of the PR-2 Parks and Recreation area from its current 14 acres to approximately 10.75 acres and rezone the remaining .25 acres to an R1-4 single family housing category. The proposed new housing area will have a total of twenty ( 20 ) new lots. One of the proposed new lots is an infill lot off of Donan St.; the remaining nineteen (19) are on a proposed new cul-de-sac on the east side of Swinford Way.

**PLAN WINNIPEG:**

The proposed subdivision and rezoning fully complies with Plan Winnipeg Policy In Neighbourhood Policy Areas.

ADMINISTRATIVE COMMENTS:

The original proposal for the subject lands under DASZ 16/01 centred on a High School to be built on the property with primary access to be via a vacant lot onto Donan St. That was an unacceptable proposal , particularly from a traffic standpoint, for both the Administration and the majority of residents living in the neighbouring community. After numerous meetings with the local residents, the applicants, the Seven Oaks School Division, submitted a new plan which outlined a proposal for 1) a 14 acre future school site on the most easterly two thirds of the interior lot area 2) approximately 8 acres of designated single family residential on the remaining most westerly third of the property and 3) vehicle access to be restricted to Murray Ave. and Carsdale Drive. The maximum number of single family dwellings that could have been constructed under that proposal was approximately thirty six ( 36).

That plan was generally acceptable to all parties involved and was endorsed by LS/WK Community Committee. Some minor changes were made to the original lotting plan during the ongoing approval process which created an additional cul-de-sac ( Glenboro Place) and raised the potential lot total to close to fifty (50). However those changes were deemed to be relatively minor and did not alter or effect the designated 14 acre public reserve ( future school site & interpretive natural area) previously endorsed by the Administration and the community residents associations involved in the original process.

The current proposal which was initially submitted to the LS/WK Community Committee in May, calls for the establishment of a new cul-de-sac and nineteen (19) single family lots on the east side of Swinford Way and one single family lot to be established with frontage on Donan Street. At the May hearing, the Administration requested that the matter be laid over pending the applicants arranging for a public information meeting to discuss both the increase in residential density and future school plans. A meeting was held at Ecole Riverbend on June 15th with the Administration, the applicants and approximately seventy five residents in attendance. After much discussion, those residents most affected by the expansion, the Murray Street property owners, agreed to endorse the proposal conditional upon the proposed cul-de-sac being moved an additional minimum forty (40) feet further north. That revision would create at least a seventy (70) foot buffer between the new lots and the existing Murray Street home owners and might also more effectively safeguard the sensitive lands area identified on previous plans north of Murray. With that in mind, the Planning and Land Division is prepared to support the proposed subdivision and rezoning in accordance with a revised plan illustrating the aforementioned increased buffer area. A re- advertising is not warranted.

**RECOMMENDATION:**

I. That the plan of subdivision proposed under File No. DASZ 8/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 8/04, attached hereto and dated June 29/04, 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 16/01 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 4/04.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 8/04, attached hereto and dated JUNE 29/04, to an "R1-4" Residential District , subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following condition:

   a. That the revised plan which indicates an additional 40' buffer area between the south periphery of the proposed new cul-de-sac and the north boundary of the Murray Street properties and which is the residents preferred option, be approved by your Committee as submitted.
   b. That the overall conceptual plan which outlines in some detail the location of streets and the location of future school buildings and recreational areas be approved in principle , as submitted , by your Committee.

IV. That a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

V. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this 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

VI. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

VIII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

IX. 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.

X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: Kevin Lalor, Senior Planner
LS/ WK Community
986-5069

By–Law No. _____

File No. **DASZ 8/04**

Atlas Sheet No. **S27**

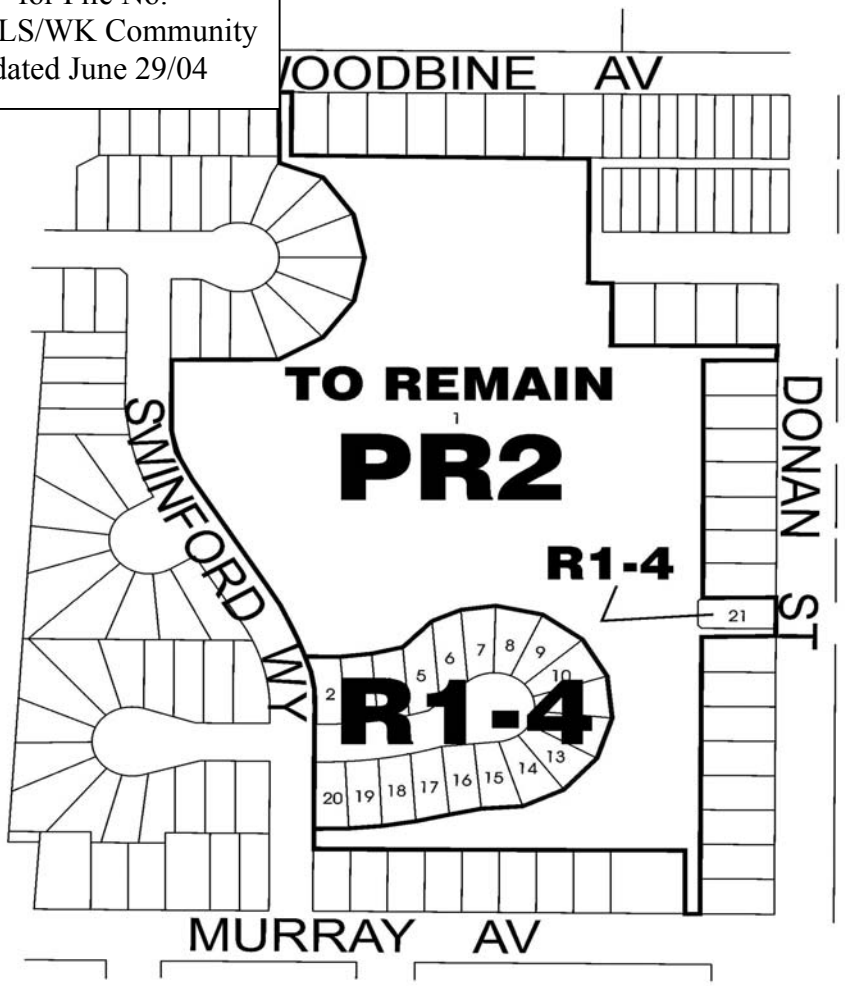
N

**LORD SELKIRK WEST KILDONAN COMMUNITY**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located on the east side of Swinford Way north of Murray Avenue from a "PR2" PARKS AND RECREATION DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT as shown outlined below.

Schedule "A" for File No. DASZ 8/04, LS/WK Community Committee, dated June 29/04




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "8" referred to in File DASZ 8/2004

**Re: Proposed subdivision and rezoning of land located north of Murray Avenue, on the east side of Swinford Way – DASZ 8/04**

An application has been submitted by Lombard North Group to subdivide and rezone land located north of Murray Avenue, on the east side of Swinford Way.

The subject land is currently covered under the terms of Development Agreement AG 16/01 between the City and the Seven Oaks School Division. The subject land is within the area which had been proposed to be a school site and was excluded from open space dedication calculations.

It is recommended that approval of DASZ 8/04 be subject to the Seven Oaks School Division entering into an Addendum to Development Agreement AG 16/01 as follows:

1. By attaching to AG 16/01, a copy of the plan of subdivision approved under DASZ 8/04;
2. By attaching to AG 16/01, a copy of a drawing showing the servicing requirements for the R1-4 land within DASZ 8/04;
3. By adding a clause requiring the Developer to pay cash in lieu of dedication of land for the R1-4 land within DASZ 8/04 in accordance with City policy.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 8/04
May 4, 2004

File No.:

V:\7-ACG Reports\04ag8-report.doc

**"Original signed by E.L. Carrière"**
Land Development Engineer

**"Original signed by K.T. Raban"**
Water and Waste Department

**"Original signed by R.J. Hartmann"**
Public Works Department
Transportation Division

Exhibit "7" referred to in File DASZ 8/2004

**In reply please refer to / Référence à rappeler :**

**Kevin Lalor**
**(204) 986-5069**
**Fax / Téléc. : (204) 986-7524**

**File No. DASZ 8/04** May 11, 2004
Our c/f CP 500 (.323)

Diane Timmins, Clerk
LS/WK Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Mrs. Timmins:

**SUBDIVISION AND REZONING**
Land located: East of Swinford Way, North of Murray Ave.
LS/WK Community
**File No. DASZ 8/04**

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An application has been received from Lombard North on behalf of the Seven Oaks School Division for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from a " PR-2 "Parks & Recreation District to an "R1-4" Single Family District to accommodate twenty ( 20) new dwellings.

RELATED FILES:

**SITE DESCRIPTION:**

Site Area:

Proposed new residential area, including a road r.o.w., encompasses a total area of approximately 3.25 acres.

Existing Land Use and Zoning:

The land is currently vacant and zoned PR-2 for future school requirements.

Surrounding Land Use and Zoning:

North: A mix of PR-2, new housing areas zoned R1-4, and established housing areas zoned R1-5.
South: Established housing areas along Murray Ave. zoned R1-5.
East: Pockets of PR-2 and established housing areas along Donan zoned R1-5.
West: New housing areas west of Swinford and along Carsdale zoned R1-4.

**DEVELOPMENT DESCRIPTION:**

The Seven Oaks School Division proposes to reduce the size of the PR-2 Parks and Recreation area from its current 14 acres to approximately 10.75 acres and rezone the remaining 3.25 acres to an R1-4 single family housing category. The proposed new housing area will have a total of twenty ( 20 ) new lots. One of the proposed new lots is an infill lot off of Donan St. ; the remaining nineteen (19) are on a proposed new cul-de-sac on the east side of Swinford Way.

**PLAN WINNIPEG:**

The proposed subdivision and rezoning fully complies with Plan Winnipeg Policy In Neighbourhood Policy Areas.

**ADMINISTRATIVE COMMENTS**:

The original proposal for the subject lands under DASZ 16/01 centred on a High School to be built on the property with primary access to be via a vacant lot onto Donan St. That was an unacceptable proposal , particularly from a traffic standpoint, for both the Administration and the majority of residents living in the neighbouring community. After numerous meetings with the local residents, the applicants, the Seven Oaks School Division, submitted a new plan which outlined a proposal for 1) a 14 acre future school site on the most easterly two thirds of the interior lot area 2) approximately 8 acres of designated single family residential on the remaining most westerly third of the property and 3) vehicle access to be restricted to Murray Ave. and Carsdale Drive. The maximum number of single family dwellings that could have been constructed under that proposal was approximately thirty six ( 36).

That plan was generally acceptable to all parties involved and was endorsed by LS/WK Community Committee. Some minor changes were made to the original lotting plan during the ongoing approval process which created an additional cul-de-sac ( Glenboro Place) and raised the potential lot total to close to fifty (50). However those changes were deemed to be relatively minor and did not alter or effect the designated 14 acre public reserve ( future school site & interpretive natural area) previously endorsed by the Administration and the community residents associations involved in the original process.

The new plan, submitted by the School Division proposes to create a buildable site out of a portion of the vacant frontage on Donan St. That does not concern us and is not , in our view, in contravention of the intent/consensus arrived at during the original consultation and approval process. The proposed creation of an additional cul-de-sac , with potentially nineteen (19) new lots on the east side of Swinford Way in the designated public reserve and future school site area does, however, in our view, not consistant with the consensus arrived at by the community during the first public hearing process. In other words, while the proposal may ultimately be of benefit to the school division and may ultimately have the support of the community, at this time, we do not feel that we, in the Planning Department, have a mandate from the community to effectively 1) support an increase in the overall residential density and 2) endorse a site plan which may have already had an adverse effect on both the designated interpretive area and future use of the remaining public reserve/school site area. It is our recommendation that until such time as the School Division has conducted an open house meeting with the neighbouring property owners,( as was the case in 2001), to solicit feedback from them as per the current proposal, any new and significant change to the original plan is premature and should be tabled.

**RECOMMENDATION:**

I. That the plan of subdivision and accompanying rezoning proposed under File No. DASZ 8/04 be laid over until the June 29th or July 13th Public Hearing and that in the interim, the applicants arrange for and conduct an open house forum to solicit feedback from the surrounding community regarding their most recent proposal.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

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Per: Kevin Lalor, Senior Planner
LS/ WK Community
986-5069