Agenda - Executive Policy Committee - February 16, 2005

Report - Standing Policy Committee on Property and Development - February 1, 2005

Item No. 6 Subdivision and Rezoning - south of McGillivray Boulevard, west of Columbia Drive, east of Post Street
File DASZ 44/2004

STANDING COMMITTEE RECOMMENDATION:

On February 1, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 44/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the plan of subdivision be amended as follows:

        i. That the Developer provide additional right-of-way to provide a utility corridor and, where possible, a standard 21.0m radius bulb on the outside of the 90 degree deflection at the intersection of Bessboro Street and Tamblyn Road, as generally shown on the sketch submitted by the Developer at the public hearing, identified as Exhibit "12", and as determined by and to the satisfaction of the Director of Public Works.

        ii. That the Developer provide and legally open, at no cost to the City, property required for a 5.0m widening to the McGillivray Boulevard right-of-way along the full length of the subject property abutting McGillivray Boulevard.

        iii. That the Developer provide and legally open, at no cost to the City, property required for a right-of-way corner-cut in the southwest corner of the intersection of McGillivray Boulevard and Columbia Drive, as determined by and to the satisfaction of the Director of Public Works.

        iv. That the Developer legally close and incorporate into the proposed subdivision that portion of Post Street, between Scurfield Boulevard and the east/west public lane to the north of Scurfield Boulevard, not required for the 8.0m wide utility corridor needed to accommodate the underground services of the Water and Waste Department.

Agenda - Executive Policy Committee - February 16, 2005

Report - Standing Policy Committee on Property and Development - February 1, 2005

B. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 29. 2004, with the following amendments:

i. That Condition No. 3 be deleted and replaced with the following:

"3. By adding a clause that the Developer shall remove the granular roadway within the section of Post Street adjacent to the proposed subdivision and remove the existing temporary gate and that the Developer shall also sod, construct a 1.5 m wide concrete walkway and install post and chain fencing and/or bollards at the north and south limits within this section of Post Street and within the utility corridor established on Bessboro Street, all as determined by and to the satisfaction of the Director of Public Works."

ii. That Condition No. 4 be deleted in its entirety and the remaining Conditions renumbered accordingly.

iii. That Condition No. 5 (formerly No. 6) be deleted and replaced with the following:

"5. By adding a clause that the Developer shall oversize the land drainage system to provide service for the adjacent lands. The City shall reimburse the Developer for any oversizing costs in 2006."

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 shown on Schedule "A" for File DASZ 44/2004 dated January 4, 2005, to an "R1-4" Single Family District and "R1-3.5" Single Family District.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

Report - Standing Policy Committee on Property and Development - February 1, 2005

6. 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.

7. 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, 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.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within 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.

Agenda - Executive Policy Committee - February 16, 2005

Report - Standing Policy Committee on Property and Development - February 1, 2005

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On February 1, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

January 18, 2005, the Assiniboia Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That Recommendation 1 be amended to read as follows:

    1. A. That the plan of subdivision be amended as follows:

        i. That the Developer provide additional right-of-way to provide a utility corridor and, where possible, a standard 21.0m radius bulb on the outside of the 90 degree deflection at the intersection of Bessboro Street and Tamblyn Road, as generally shown on the sketch submitted by the Developer at the public hearing, identified as Exhibit "12", and as determined by and to the satisfaction of the Director of Public Works.

        ii. That the Developer provide and legally open, at no cost to the City, property required for a 5.0m widening to the McGillivray Boulevard right-of-way along the full length of the subject property abutting McGillivray Boulevard.

        iii. That the Developer provide and legally open, at no cost to the City, property required for a right-of-way corner-cut in the southwest corner of the intersection of McGillivray Boulevard and Columbia Drive, as determined by and to the satisfaction of the Director of Public Works.

Report - Standing Policy Committee on Property and Development - February 1, 2005

DECISION MAKING HISTORY (continued)

iv. That the Developer legally close and incorporate into the proposed subdivision that portion of Post Street, between Scurfield Boulevard and the east/west public lane to the north of Scurfield Boulevard, not required for the 8.0m wide utility corridor needed to accommodate the underground services of the Water and Waste Department.

B. That the Administrative Coordinating Group report be amended as follows:

i. Condition No. 3 be deleted and replaced with the following:

"3. By adding a clause that the Developer shall remove the granular roadway within the section of Post Street adjacent to the proposed subdivision and remove the existing temporary gate and that the Developer shall also sod, construct a 1.5 m wide concrete walkway and install post and chain fencing and/or bollards at the north and south limits within this section of Post Street and within the utility corridor established on Bessboro Street, all as determined by and to the satisfaction of the Director of Public Works."

ii. That Condition No. 4 be deleted in its entirety and the remaining Conditions renumbered accordingly.

iii. That Condition No. 5 (formerly No. 6) be deleted and replaced with the following:

"5. By adding a clause that the Developer shall oversize the land drainage system to provide service for the adjacent lands. The City shall reimburse the Developer for any oversizing costs in 2006."

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

RE: **Subdivision and Rezoning - south of McGillivray Boulevard, west of Columbia Drive, east of Post Street**
File DASZ 44/2004 [DAV 336871/2004D and DCU 337226/2004D]

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

Prepared by: **Diane Timmins, Clerk,**
Assiniboia Community Committee

Report date: **January 26, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 18, 2005, the Assiniboia 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 44/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the plan of subdivision be amended as follows:

        i. That the Developer provide additional right-of-way to provide a utility corridor and, where possible, a standard 21.0m radius bulb on the outside of the 90 degree deflection at the intersection of Bessboro Street and Tamblyn Road, as generally shown on the sketch submitted by the Developer at the public hearing, identified as Exhibit "12", and as determined by and to the satisfaction of the Director of Public Works.

        ii. That the Developer provide and legally open, at no cost to the City, property required for a 5.0m widening to the McGillivray Boulevard right-of-way along the full length of the subject property abutting McGillivray Boulevard.

        iii. That the Developer provide and legally open, at no cost to the City, property required for a right-of-way corner-cut in the southwest corner of the intersection of McGillivray Boulevard and Columbia Drive, as determined by and to the satisfaction of the Director of Public Works.

        iv. That the Developer legally close and incorporate into the proposed subdivision that portion of Post Street, between Scurfield Boulevard and the east/west public lane to the north of Scurfield Boulevard, not

required for the 8.0m wide utility corridor needed to accommodate the underground services of the Water and Waste Department.

B. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 29. 2004, ***with the following amendments:***

i. That Condition No. 3 be deleted and replaced with the following:

"3. By adding a clause that the Developer shall remove the granular roadway within the section of Post Street adjacent to the proposed subdivision and remove the existing temporary gate and that the Developer shall also sod, construct a 1.5 m wide concrete walkway and install post and chain fencing and/or bollards at the north and south limits within this section of Post Street and within the utility corridor established on Bessboro Street, all as determined by and to the satisfaction of the Director of Public Works."

ii. That Condition No. 4 be deleted in its entirety and the remaining Conditions renumbered accordingly.

iii. That Condition No. 5 (formerly No. 6) be deleted and replaced with the following:

"5. By adding a clause that the Developer shall oversize the land drainage system to provide service for the adjacent lands. The City shall reimburse the Developer for any oversizing costs in 2006."

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 shown on Schedule "A" for File DASZ 44/2004dated January 4, 2005, to an "R1-4" Single Family District and "R1-3.5" Single Family District.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

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

7. 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, 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.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event 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.

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

The Assiniboia Community Committee provided the following supporting reasons for its recommendation:

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated January 4, 2005 and in the report from the Administrative Coordinating Group dated December 29, 2004.

2. The proposed amendments to the plan of subdivision will address the concern of the area residents that Bessboro Street not be extended to Scurfield Boulevard.

PUBLIC HEARING SUMMARY

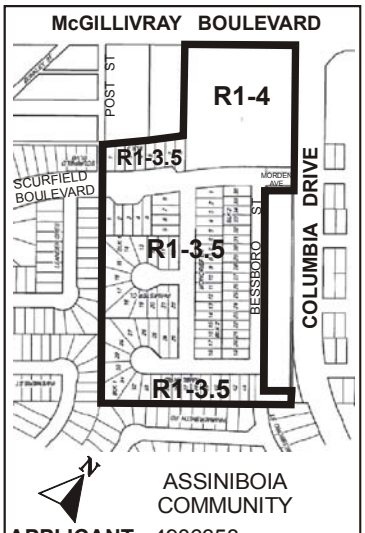
File: DASZ 44/2004 [DAV 336871/2004D and DCU 337226/2004D]]

Before: Assiniboia Community Committee
Councillor De Smedt, Chairperson
Councillor Clement
Councillor Eadie

Public Hearing: January 18, 2005
Community Committee Chamber
5006 Roblin Boulevard

Applicant: 4906358 Manitoba Ltd. (Lyne Jones)

Subject:



APPLICANT : 4906358 MANITOBA LTD.
FILE : DASZ 44/04
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. 6400/94 by rezoning the land shown outlined above from an "A" AGRICULTURAL DISTRICT,a "PR1" PARKS AND RECREATION DISTRICT and an "R1-20" RESIDENTIAL DISTRICT to an "R1-3.5" RESIDENTIAL DISTRICT and an "R1-4" RESIDENTIAL DISTRICT.
For information, phone Mr. J. Wintrup, Planner at 986-5102.

Premises Affected: south of McGillivrary Boulevard, west of Columbia Drive, east of Post Street

Exhibits Filed:

1. Application dated December 2, 2004
2. Notification of Public Hearing dated December 7, 2004
3. Manitoba Status of Titles 1093682, 1445477, 1445465, 1445493 18707078, 2018411, 2022803 and 2022804
4. Letter of authorization dated September 30, 2004 from Michael William Hannay and Danielle Therese Vivier to Qualico Developments (Winnipeg) Ltd.
5. Letter of authorization dated October 4, 2004 from Alan Lahure to Qualico Developments (Winnipeg) Ltd.
6. Letter of Authorization dated October 4, 2004 from the Roman Catholic Archiepiscopal Corporation of Winnipeg to Qualico Developments (Winnipeg) Ltd.
7. Letter of Authorization dated October 27, 2004 from Qualico Developments (Ltd.) to 4906348 Manitoba Ltd.
8. Subdivision Application Plan
9. Report from the Manager of Planning and Land Use dated January 4, 2005
10. Report from the Administrative Coordinating Group dated December 29, 2004
11. Inspection Report
12. Sketch of a proposed walkway at the intersection of Bessboro Street and Tamblyn Road, submitted by Eric Vogan, Qualico Developments (Winnipeg) Ltd., at the public hearing

REPRESENTATIONS:

In Support:

Eric Vogan, Qualico Developments (Winnipeg) Ltd.
Rick McMillan, President, Whyte Ridge Residents' Association

In Opposition

Nil

For Information:

Russell and Julie Halfdanson
Monique Huppe

For the City:

Mr. C. Torpey, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Eric Vogan, Qualico Developments (Winnipeg) Ltd., appeared in support of the application on behalf of a partnership, which includes the applicant, 4906358 Manitoba Ltd. and Qualico Developments (Winnipeg) Ltd. Mr. Vogan gave an overview of the proposed development and advised Committee that the subject application is a culmination of a number of years of assembly given that a number of small pieces of land had to come together for the infill development. The proposed development will result in the creation of eighty-seven (87) lots, ranging in size from thirty-eight (38) to fifty-three (53) ft. in width and with a site for a Church at the corner of Columbia Drive and McGillivray Boulevard.

Mr. Vogan stated concurrence in the reports of the Manager of Planning and Land Use and the Administrative Coordinating Group with the exception of the following:

1. The closing of Bessboro Street. In this connection, Mr. Vogan stated that although the intent was to extend Bessboro Street north to meet up with Columbia Avenue, there are a number of pipes that would run along what is now the Bessboro right-of-way. In this connection, Mr. Vogan submitted a sketch of a proposed walkway at the intersection of Bessboro Street and Tamblyn Road, filed as Exhibit 12, and noted that the area outlined in green represents the proposed pathway to connect the old and the new areas and where they would run pipes.

2. Recommendation numbered 4. requiring the Developer to pay, in cash, on demand its share of the cost of services to be installed in the future by the City in McGillivray Boulevard along the full length of the subject property abutting McGillivray Boulevard. In this connection, Mr. Vogan requested that this clause be deleted in its entirety. In this connection, Mr. Vogan advised Committee that in the land assembly process, the Developer had difficulty acquiring the Fort Whyte School site, which changed hands a number of times, and was able to subsequently purchase same at a higher price subject to their being able to proceed with this development without providing for costs associated with McGillivray Boulevard.

3. Recommendation numbered 6 requiring the Developer to oversize the land drainage system to provide service for the adjacent lands. In this connection, Mr. Vogan stated the Developer would be prepared to incur this cost, estimated at $110,000.00, but requested that the Developer be reimbursed by the City in 2006 rather than when the City collected the charges from the adjacent benefiting lands, with interest being recoverable on any

unpaid balance after that time. Mr. Vogan further stated that the land drainage cost in this area are very exorbitant and work out to be $110.00 per foot of new home, as compared to $48.00 per foot, being the local improvement rate for drainage costs City wide. With the recovery from the City, Mr. Vogan noted the land drainage costs would be reduced by $20.00 per foot.

Discussion ensued with respect to the street names proposed in the plan of subdivision. In this connection, Councillor Clement stated that typically names are chosen from a historical list, to which Mr. Vogan responded that 50% of the street names were taken from the City's Street Name Reserve List, and the balance were names the Developer came up with. Mr. Vogan also stated that the name "Tamblyn", was chosen because it represents what has been happening on Bessboro for the last twenty-five (25) years and that Rusty and Dusty Tamblyn were colourful residents of the area.

Rick McMillan, President, Whyte Ridge Residents' Association, also appeared in support of the application, and stated this infill development represents "the last piece of the puzzle" that will offer a lot of opportunity for traffic flow in the community and connects Scurfield Boulevard. He stated the Residents Association is supportive of the closure of Bessboro and Post Streets and commented that if they weren't closed, they would become short-cuts and cause aggravation to the residents of Whyte Ridge. Mr. McMillan questioned the type of housing that would be constructed on Lots 41, 42 and 43 on Tamblyn Road, and requested that no two-storey houses be constructed on any corner. Mr. McMillan also requested that the land dedication monies to be collected under this subdivision be applied to the Whyte Ridge Community Centre.

Monique Huppe, a resident of Wilmot Avenue, appeared for informational purposes. She stated she was not opposed to the proposed rezoning, but had concerns with the proposed lots opposite the existing housing on Bessboro Street, which are extremely small. Ms Huppe noted that the existing lots on Bessboro Street range in size between 66 ft and 132 ft. in width and requested that the proposed lots be made a bit bigger to at least 50 feet in width.

Russell Halfdanson, a resident of Hammersmith Road, also appeared for informational purposes and advised Committee that he has been a resident of the area for eighteen (18) years. Mr. Halfdanson expressed concern with respect to the size of the proposed lots behind his house and noted there was a proposed two-storey house on a thirty-five (35) foot wide lot. Mr. Halfdanson concurred in the suggestion put forward by Mr. McMillan, that the land dedication monies to be collected under this subdivision be applied to the Whyte Ridge Community Centre. He also stated concurrence in the request that Bessboro Street remain closed and not be extended to Scurfield Boulevard so as to not increase traffic in the area. Mr. Halfdanson questioned whether the proposed development area would be fenced in the same design as the Whyte Ridge area.

In rebuttal, Mr. Vogan addressed the concerns raised relative to the proposed lot and house sizes and stated the proposed development would be very similar and average in size to the streets immediately to the west, namely, Leander Street , Scurfield Boulevard and the three cul-de-sacs that have just been completed. The proposed cul-de-sac lots are designed to handle houses on lots thirty-six (36) feet in width, and the average house size will be 1800 square feet to 2200

square feet for two-storeys and bungalows will average 1300 to 1400 square feet in size. Mr. Vogan drew Committee's attention to the fact that builders today are putting more house on a lot given that lots are deeper now and lot prices have more than doubled in price since the opening of Whyte Ridge. In response to the concern raised that two-storey dwellings not be built on Lots 41, 42 and 43, Mr. Vogan stated the problem with having several bungalows together is that they all tend to look similar and that it is visually better to have variety on a street. Councillor Clement noted that although the City could not dictate to the Developer the type of house that should be built on a particular lot, the Developer endeavour to address this concern.

Exhibit "9" referred to in File DASZ 44/2004 [DAV 336871/2004D and DCU 337226/2004D]

Winnipeg

Planning, Property and Development Department Report

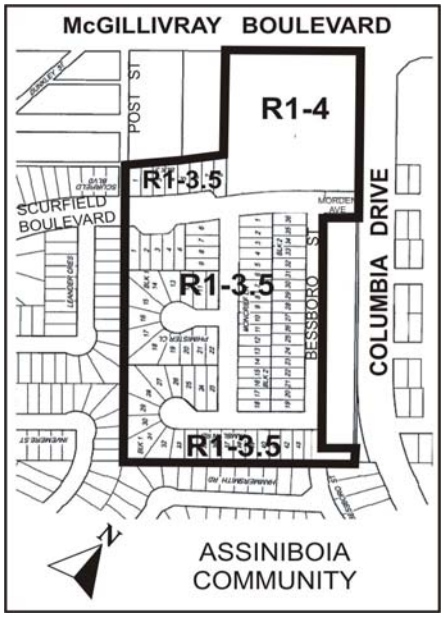
To the Assiniboia Community Committee

Date: **January 4, 2005**
File: **DASZ 44/2004**
Related Files: **DASZ 36/79; DASZ 58/85; DASZ 38/87; DASZ 2/89; DASZ 18/90; DAV 04-336871/D; DCU 04-337226/D**

Subject: **Rezone from "PR1" Parks and Recreation, "R1-20" Residential and "A" Rural Districts to "R1-3.5" and "R1-4" Residential.**

Location: **South side of McGillivray Blvd between Post St and Columbia Drive**

Legal Description:



Applicant: **Qualico Development – Lyne Jones**
Owner(s): **Qualico Developments**
Michael Hannay and Danielle Vivier
Alan Lahure
The Roman Catholic Archiepiscopal Corporation of Wpg

Recommendation: Approve with amendments.

Report Summary:

- The applicant is proposing to develop eighty-seven (87) single family residential lots, and one (l) lot for a church.
- The proposed use and zoning is consistent with the surrounding single family residential lots previously approved for Whyte Ridge.
- The proposed street pattern is inconsistent with the adjacent neighbourhood and does not promote orderly development.

Site Description

The subject properties are located on the east side of McGillivray Blvd between Post Street and Columbia Drive in the Whyte Ridge neighbourhood of the Charleswood – Tuxedo Ward. The site is zoned "A" Rural District. Adjacent properties include vacant lands to the south and east designated "A". Surrounding lands include single family dwellings zoned "R1-20" and "R1-4" to the east and north. Across McGillivray Blvd are industrial lands zoned "M1" that are currently under application for a commercial rezoning.

Background

A previous application was made in 1987 to rezone the southern portion of the subject lands for 21 single family dwellings. This earlier application proposed to widen and fully service Bessboro Street for a distance of approximately 580 feet north from its present terminus. Bessboro presently exists in the area north of the existing Whyte Ridge subdivision (DASZ 58/85) as a granular surface roadway connecting to McGillivray Blvd. The street is barricaded at the north limit of the existing Whyte Ridge subdivision (DASZ 58/85).

The Assiniboine Park – Fort Garry Community Committee recommended the proposed plan of subdivision and rezoning BE NOT PROCEEDED WITH since *the subdivision was premature at this time and should only be considered after a realistic Concept Plan can be developed for this area to ensure a contiguous, well-planned community for the entire area.*

A Concept Plan was subsequently developed and applications for the surrounding properties to the east and west where approved (DASZ 2/1989 and DASZ 18/1990). This Concept Plan, as shown in Figure 4, clearly shows Scurfield Blvd extended through the subject property to connect with Columbia Drive and Bessboro Street extended north to connect with Scurfield Blvd. This proposed street pattern was first indicated in the proposed plans for the first Whyte Ridge development application, DASZ 36/1979.

Description of the Proposed Development

The proposed rezoning and subdivision is part of the Whyte Ridge neighbourhood development that has been done in multiple phases over several years. This phase will connect the final section of Scurfield Road to Columbia Drive. Bessboro Street will NOT be extended from its existing terminus just north of Hammersmith Road to Scurfield Rd. The applicant is proposing to close a section of Bessboro at Bourne Avenue, which is at the boundary with the adjacent residential neighbourhood, severing Bessboro into two separate roadways.

The applicant is proposing to develop eighty-seven (87) single family residential lots. The lots widths will range from 37.9 feet to 52.5 feet. The lot areas will range from 4,300 square feet to 10,500 square feet. A variance has been requested for proposed lot 10, Blk 1; and lot 6, Blk 1 for a substandard reverse corner side yard. A lot with R1-4 zoning will be adjacent to McGillivary Blvd. This property is subject to DCU 04-337226/D to permit a Church and Parish Hall.

Analysis

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The development of smaller lots on the "R1-3.5" zoned lands supports compact urban form.

The Administration opposes the proposed new street configuration that closes a small section of Bessboro Street at the existing terminus north of Hammersmith Road at Bourne Avenue and severs Bessboro Street into two roadways. This is not consistent with the Concept Plan for the area that indicates Bessboro connecting Hammersmith to Scurfield. It is not consistent with the adjacent residential subdivisions that were designed with the belief that Bessboro Street would be fully extended to Scurfield. The proposed closure of a small section of Bessboro Street at Bourne Avenue does not ensure a contiguous, well planned community. And, it does not promote the orderly development of the Whyte Ridge neighbourhood.

Recommendation

The Department recommends approval of the application subject to amendments. The Department supports single family residential uses on the subject lands. The proposed use and zoning is consistent with the surrounding single family residential uses previously approved for Whyte Ridge. The proposed zoning designation will further add single family dwellings in the neighbourhood and accommodate the growing demand for housing in the South West quadrant of Winnipeg. The proposed street pattern needs to be amended as per the Administrative Coordinating Group report in order to promote the orderly development of the subject property. The Administration also is not supporting the variance for the substandard reverse corner side yards, which may affect the proposed lot layouts.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 44/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 29. 2004;

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

III. That the Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 44/2004, attached hereto and dated January 4, 2005, to an "R1-4" Single Family District and "R1-3.5" Single Family District.

IV. 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.

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

VI. 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.

VII. 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, **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.**

VIII. 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.

IX. 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.

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

Report Prepared by: John S. Wintrup
PPD File # 2.647

Schedule "A"

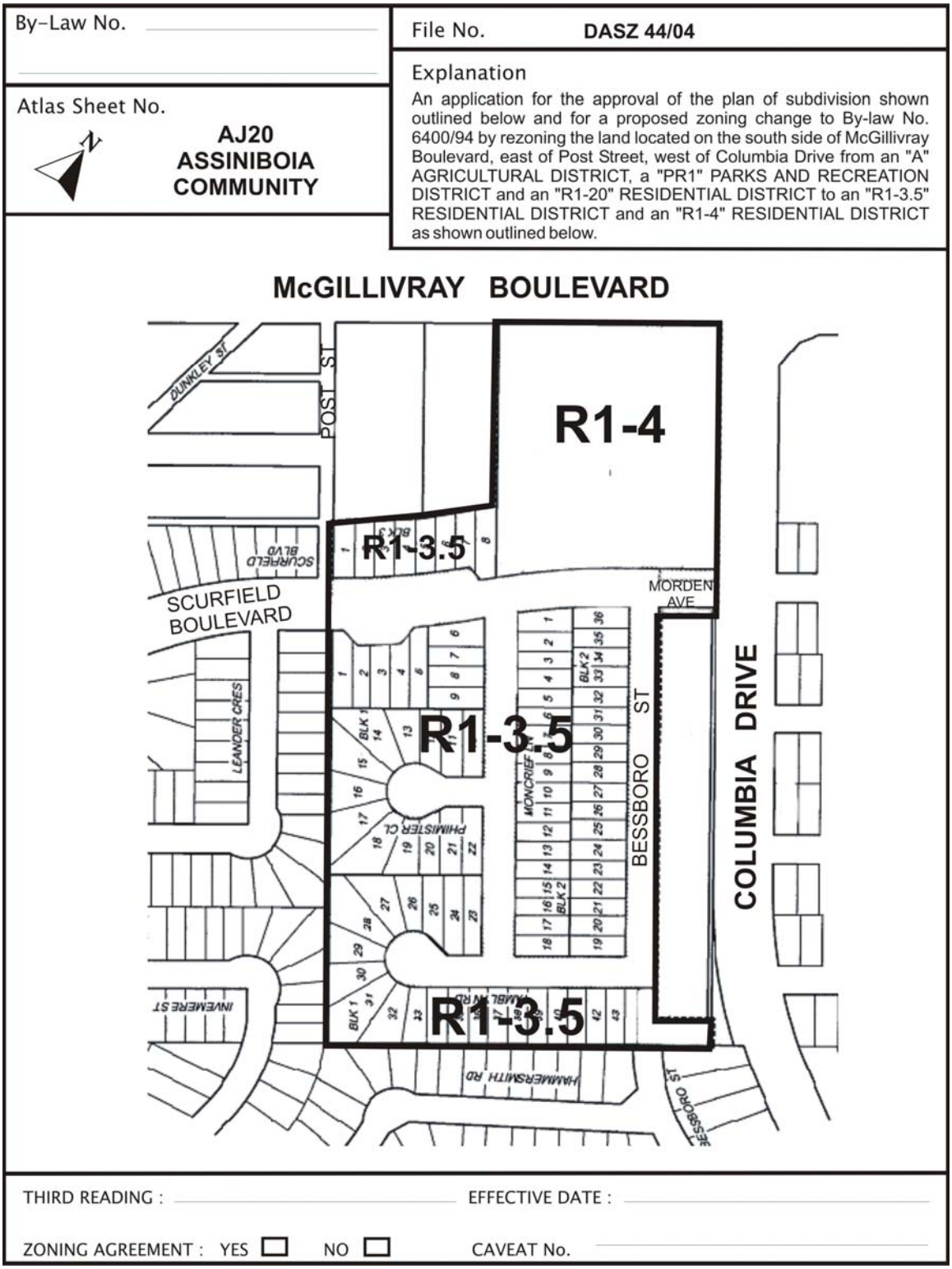


Figure 1: Schedule "A" to the report to the Assiniboia Community Committee for File No. DASZ 44/2004, dated January 4, 2005.



Figure 2: Existing Land-Uses for subject property and Surrounding Area.

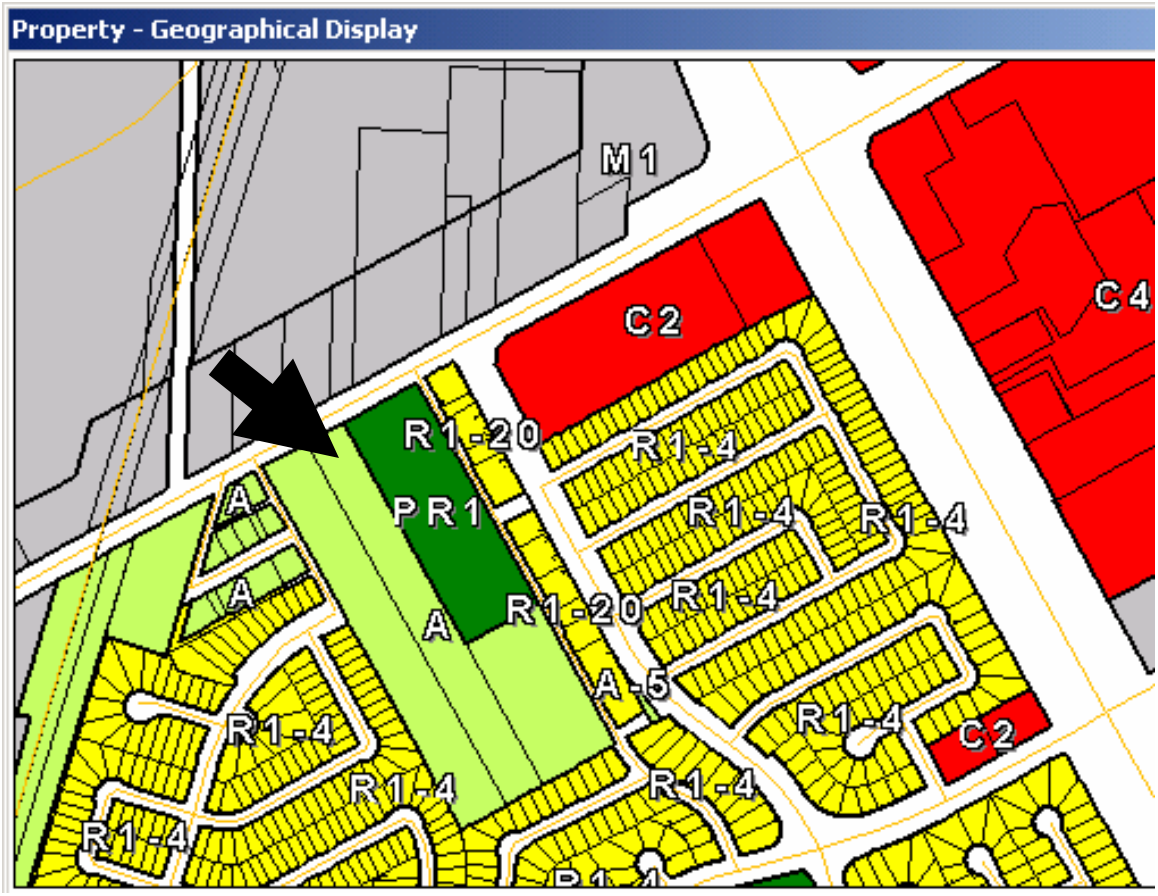


Figure 3: Existing Zoning for subject property and Surrounding Area.

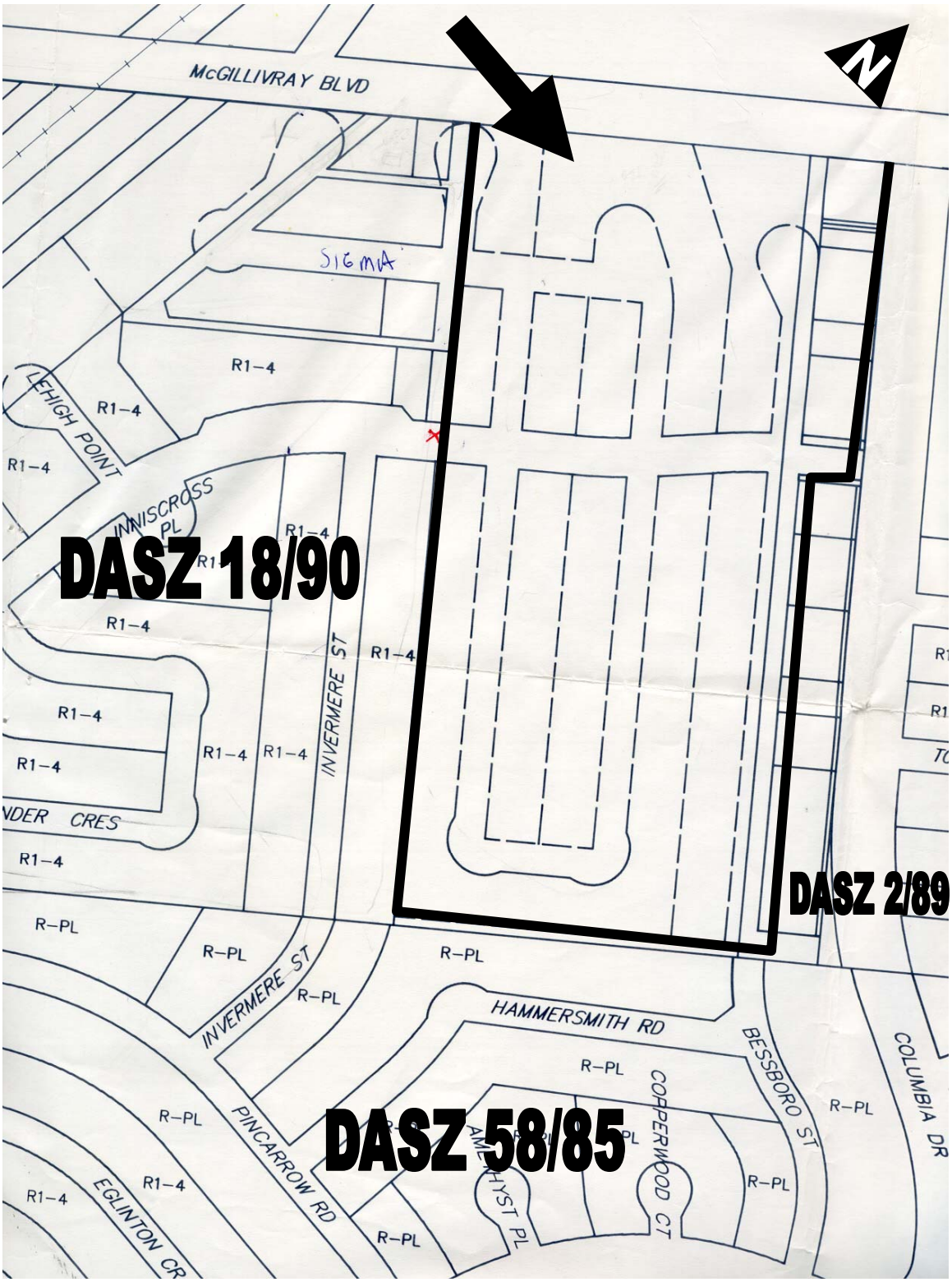


Figure 4: Concept Plans for Subject Property in Whyte Ridge.

Exhibit "10" referred to in File DASZ 44/2004 [DAV 336871/2004D and DCU 337226/2004D]

RE: Proposed subdivision and rezoning of land located on the south side of McGillivray Boulevard west of Columbia Drive.

DASZ 44/04 Proposed subdivision and rezoning of land located on the south side of McGillivray Boulevard west of Columbia Drive.

An application has been submitted by 4906358 Manitoba Ltd. to subdivide and rezone land located on the south side of McGillivray Boulevard west of Columbia Drive.

It is recommended that the Developer amend its plan as follows:

1. By making Bessboro Street continuous from its existing terminus south of the proposed subdivision through to Scurfield Boulevard to the satisfaction of the Director of Public Works; (Should it be the Community Committee's recommendation that the plan be approved without Bessboro Street being continuous, it is recommended that the Developer provide right-of-way, where possible, for a standard 21.0m radius bulb on the outside of the 90^0 deflection at the intersection of Bessboro Street and Tamblyn Road as determined by and to the satisfaction of the Director of Public Works).
2. By providing and legally opening, at no cost to the City, property required for a 5.0m widening to the McGillivray Boulevard right-of-way along the full length of the subject property abutting McGillivray Boulevard.
3. By providing and legally opening, at no cost to the City, property required for a right-of-way corner-cut in the southwest corner of the intersection of Scurfield Boulevard and Columbia Drive as determined by and to the satisfaction of the Director of Public Works.
4. By legally closing and incorporating into the proposed subdivision that portion of Post Street, between Scurfield Boulevard and the east/west public lane to the north of Scurfield Boulevard, not required for the 8.0m wide utility corridor needed to accommodate the underground services of the Water and Waste Department.

It is recommended that approval of the amended plan be subject to the Developer entering into an Addendum to Development Agreement AG 58/85 as follows:

1. By adding to AG 58/85 a copy of the plan of subdivision approved under DASZ 44/04.
2. By adding to AG 58/85 a copy of a drawing showing the specific requirements for the land covered under DASZ 44/04 including 6.0m wide pavement within 9.0m wide frontage roads and sidewalks on both sides of Scurfield Boulevard except where there are frontage roads.
3. By adding a clause that the Developer shall remove the granular roadway within the section of Post Street adjacent to the proposed subdivision, remove the existing temporary gate and install post and chain fencing and/or bollards at the north and south limits of this section of Post Street all as determined by and to the satisfaction of the Director of Public Works.

4. By adding a clause that the Developer shall, pay to the City, in cash, on demand its share of the cost of the following services to be installed, in the future by the City in McGillivray Boulevard along the full length of the subject property abutting McGillivray Boulevard:

   a) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and related works;
   b) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the south boulevard;
   c) street lighting in the south boulevard;
   d) landscaping in the south boulevard;

   all as determined by the Director of Public Works.

5. By adding a clause that the Developer shall pay its share of the regional land drainage system (2004 Rate = $6,479.00/acre), and its share of the oversized land drainage sewer in Columbia Drive (2004 Rate = $3,474.00/acre).
6. By adding a clause that the Developer shall oversize the land drainage system to provide service for the adjacent lands. The City shall reimburse the Developer for any oversizing costs when the City collects these charges from the adjacent benefiting lands through future development agreements.
7. By adding a clause that the Developer shall pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the Addendum.
8. By adding a clause that the Developer shall bay cash in lieu of dedication of land for public open space including payment of related servicing and landscaping.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 44/04
December 29, 2004

c:data/acgreports/04ag44-report

"Original signed by E. L. Carrière, P. Eng."
Land Development Engineer

"Original signed by K. Raban, P. Eng."
Water and Waste Department

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