Agenda - Council - February 23, 2005

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

Item No. 3 Subdivision and Rezoning - southwest corner of Lindenwood Drive West and Lindenwood Drive East, north of Fairhaven Road File DASZ 37/2004

STANDING COMMITTEE RECOMMENDATION:

On February 16, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 37/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2004 dated December 21, 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 6/2001 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 30, 2004.

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 37/2004 dated December 21, 2004, to a "R1-4" Single-Family Residential District and a "RM-4" Multiple-Family Residential District, subject to the applicant entering into a Zoning Agreement (for the "RM-4" Single-Family Residential District only) with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That prior to the issuance of a development permit plans showing the site layout, access, parking, fencing, landscaping, site lighting, garbage facilities, and building elevations and exterior materials be submitted for the approval of the City Centre Community Committee.

    B. That the maximum height of buildings on the land be limited to four (4) storeys.

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

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 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.

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.

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

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 16, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

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

COMMUNITY COMMITTEE RECOMMENDATION:

On January 4, 2005, the City Centre Community Committee concurred in the revised administrative recommendation dated December 14, 2004, and submitted its recommendation to the Standing Policy Committee on Property and Development

RE: **Subdivision and Rezoning - southwest corner of Lindenwood Drive West and Lindenwood Drive East, north of Fairhaven Road**
File DASZ 37/2004

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **January 5, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 4, 2005, the City Centre Community Committee concurred in the revised administrative recommendation dated December 14, 2004, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 37/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2004 dated December 21, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

    B. That the Developer be required to enter into an Addendum to Development Agreement AG 6/2001 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 30, 2004.

    C. That the Developer be required to pay to the City ten percent (10%) cash dedication in lieu of land dedication, to be calculated on the basis of the increase in land value.

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 37/2004 dated December 21, 2004, to a "R1-4" Single-Family Residential District and a "RM-4" Multiple-Family 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 include the following conditions:

    A. That prior to the issuance of a development permit, plans showing the site layout, access, parking, fencing, landscaping, site lighting, garbage facilities, and building elevations and exterior materials, be submitted for the approval of the City Centre Community Committee.

B. That the maximum height of buildings on the land be limited to four (4) storeys.

4. 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.

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 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.

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.

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

1. The City Centre Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated December 14, 2004, and in the report from the Administrative Coordinating Group dated November 30, 2004.

2. The development is keeping in character of neighbourhood and was previously discussed with neighbourhood.

PUBLIC HEARING SUMMARY

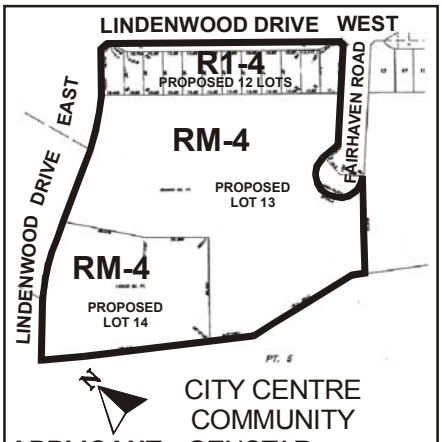
File: DASZ 37/2004

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Benham
Councillor Gerbasi

Public Hearing: January 4, 2005
Council Building, 510 Main Street

Applicant: Genstar Development Company

Subject:



APPLICANT : GENSTAR DEVELOPMENT COMPANY
FILE : DASZ 37/04
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, an "MP-1" INDUSTRIAL DISTRICT and an "MP-2" INDUSTRIAL DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT and an "RM-4" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. J. Veitch, Planner at 986-7728.**

Premises Affected: southwest corner of Lindenwood Drive West and Lindenwood Drive East, north of Fairhaven Road

Exhibits Filed:

1. Application dated October 22, 2004
2. Notification of Public Hearing dated December 14, 2004
3. Title Searches 1904231, 1949607 and 2030945
4. Letter of authorization dated September 10, 2004 from The City of Winnipeg to Genstar Development Company
5. Drawings of subject property (4 pages)
6. Plans (2 pages)
7. Report from the Manager of Planning and Land Use dated December 14, 2004
8. Report from the Administrative Coordinating Group dated November 30, 2004
9. Revised Report from the Manager of Planning and Land Use dated December 14, 2004
10. Inspection Report

REPRESENTATIONS:

In Support:

Greg Jasper, Genstar Development Company

In Opposition

Nil

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Greg Jasper, Genstar Development Company appeared in support of the application and gave a brief overview of the proposal.

Exhibit "7" referred to in File DASZ 37/2004

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-7524

File No. DASZ 37/04
Our c/f CP 500 (.634)

December 14, 2004

Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

SUBDIVISION AND REZONING
Land located between Fairhaven and Lindenwood Drive East, west of Lindenwood Drive West
City Centre Community
File No. DASZ 37/04

An application has been received from Genstar Development Company (Greg Jasper) for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "A" Agricultural District, "MP-1" Industrial District, and "MP-2" Industrial District to a "R1-4" Single-family Residential District and a "RM-4" Multiple-family Residential District to permit residential development.



6024

SITE DESCRIPTION:

Site Area: Irregularily shaped land measuring about 13 acres in area.

Existing Land Use and Zoning: Vacant land zoned for agricultural and industrial use.

Surrounding Land Use and Zoning:

North: Across Lindenwood Drive East, Senior's housing project zoned "RM-3"
South: South side Fairhaven Road, Multiple-family development zoned "RM-4" and single-family housing fronting Lindenwood Drive West, zoned "R1-4" under DASZ 29/03.
East: Across Lindenwood Drive West, Single-family housing zoned "R1-4"
West: First Professional Shopping Centre zoned "C2"

DEVELOPMENT DESCRIPTION:

The applicant has submitted a conceptual plan, attached as Figure 1, indicating that development of the subject lands is to be phased in conjunction with the lands to the south of Fairhaven Road that were rezoned a year ago under DASZ 29/03. The timing of construction is dependent upon market condition, and could extend over a period of 5 years. The applicant is a current part owner of the lands, along with the City of Winnipeg. The lands have been sold, conditional upon rezoning.

The concept plan shows a phased development involving 3 distinct housing types in 4 separate projects, identified as Projects "A" to "D" on Figure 1. Project "A" would involve construction of 12 single-family houses fronting the west side of Lindenwood Drive West on the lands to be zoned "R1-4". Situated between these houses and the shopping centre would be the phased construction of 3 separate projects on the proposed "RM-4" lands. Project "B", immediately behind the single-family houses, would involve construction of 41, attached condominium units in 12 separate buildings. The units would be two-storeys in height with double attached garages fronting a private roadway connecting to Fairhaven Road. Between this project and the shopping centre would be constructed two, 4-storey apartment building projects. The northerly project, Project "C", with access off Lindenwood Drive East, would involve a 4-storey, 146 unit senior's apartment building providing surface parking for 78 cars. The southerly building (Project "D"), with access from Fairhaven, would involve a 4-storey condominium apartment, similar to that approved under DASZ 29/03, which provided both surface and underground parking.

PLAN WINNIPEG:

The project complies with and is supported by Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

The Division supports this application and the proposed development of the site with a mix of single and multiple-family housing. The location of the lands, between the low density,

Lindenwoods neighbourhood and the Lindenwoods Shopping Centre on Kenaston is appropriate for higher density housing. The higher density housing is buffered from the adjacent low-density housing with the row of single detached housing fronting Lindenwood Drive West, and the adjacent cluster of ground-access, attached condominium units. Moreover, this development mirrors that approved on December 9, 2003 by the City Centre Community Committee under DASZ 29/03, with no opposition from area residents. The proposal has been reviewed by the City's Administrative Coordinating Group, which includes representatives from the Public Works Department, Water and Waste Department, and the Planning, Property and Development Department. In particular, the Public Works Department has determined that the existing street system can accommodate the proposed development.

The applicant has submitted conceptual plans showing the major building elements as well as site access, parking and landscaping components of the development. The proposed "R1-4" lots allow for 40' by 100' lots, whereas the proposed subdivision indicates larger lots, in the order of 50 feet wide by 110 feet deep. The proposed "RM-4" zoning allows for 4 storey buildings and a residential density of 1 unit per 800 square feet of lot area. The proposed development concepts for the multi-family sites show a maximum building height of 4 storeys, with a gross housing density of about 1 unit per 1,600 square feet of lot area. The development falls well within the bulk and density parameters of the proposed zoning categories. And, as a safeguard, the Division is recommending that a Zoning Agreement Caveat be registered on the property title(s) containing a Plan Approval clause that will ensure that future development of the lands accords with the conceptual plan under consideration at the public hearing.

This Department is committed to changing the face of suburban development throughout Winnipeg. The objective is to create *communities* as opposed to *subdivisions*. This objective supports the concept of "aging-in-place", whereby residents aren't forced to leave their neighbourhoods for want of housing that is tailored to empty nesters and seniors. In keeping with the Healthy Communities movement, it is equally important that suburban neighbourhoods provide the full range of housing opportunities for people across all age, socio-economic, and life-style groups. Literature from the fields of urban planning and urban sociology presents a consistent and compelling thesis: diverse communities produce healthier, happier, and more accepting and tolerant citizens. And it goes without saying that, from an environmental perspective, mixed-use, mixed-density communities allow for a more cost-effective and efficient use of land, municipal and transit services, and energy resources.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 37/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 37/04, attached hereto and dated December 21, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

   D. That the Developer be required to enter into an Addendum to Development Agreement AG 6/01 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 30, 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 37/04, attached hereto and dated December 21, 2004, to a "R1-4" Single-Family Residential District and a "RM-4" Multiple-Family Residential District, subject to the applicant entering into a Zoning Agreement, (for the 'RM-4' site only) with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

A. That, prior to the issuance of a development permit, plans showing the site layout, access, parking, fencing, landscaping, site lighting, garbage facilities, and building elevations and exterior materials, be submitted for the approval of the City Centre Community Committee.

B. That the maximum height of buildings on the land be limited to 4 storeys.

IV. 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.

V. That the City Solicitor 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.

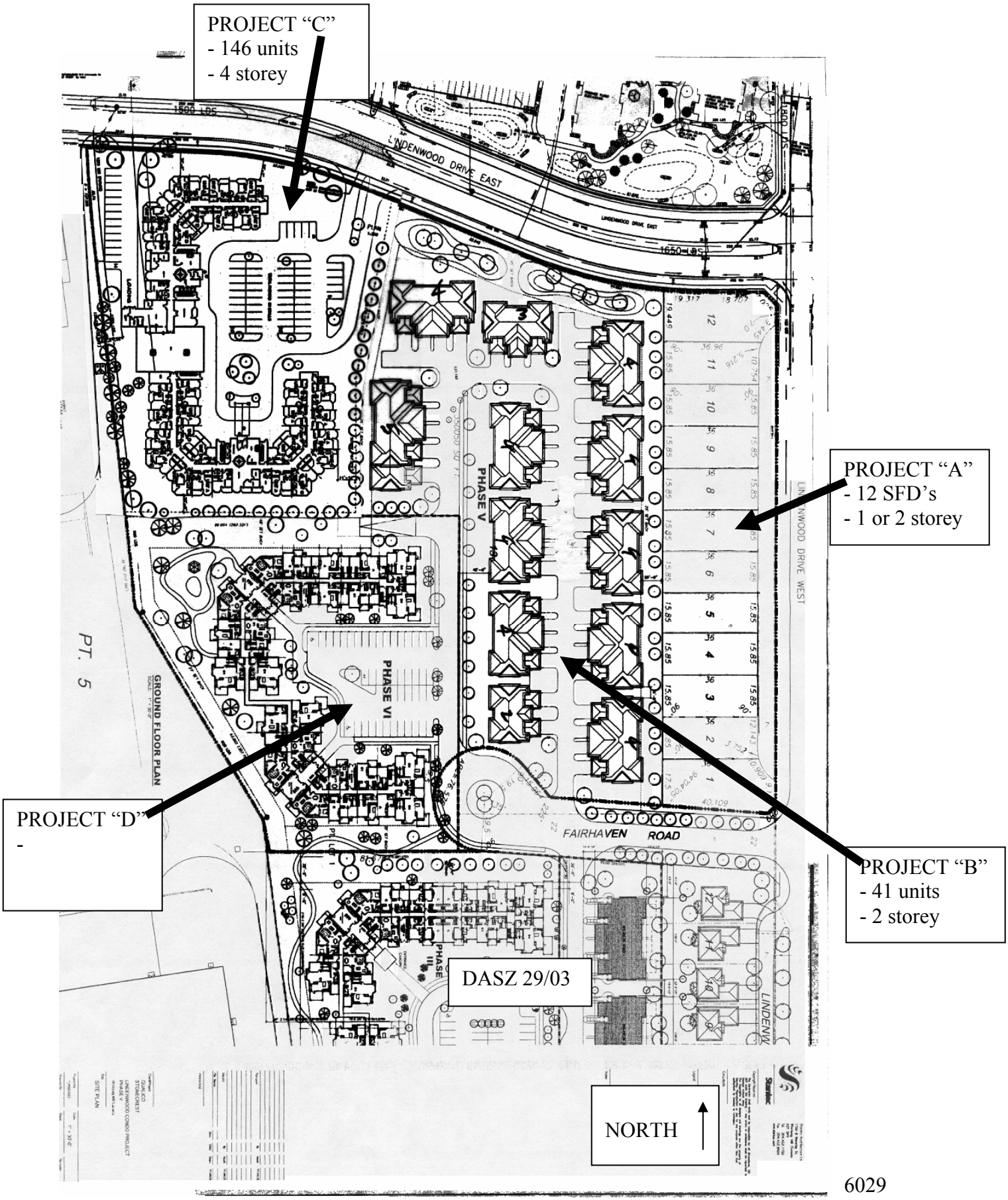
VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **provided that the said effective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

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 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.

Sincerely,

Per: Ross Mitchell, Senior Planner
(City Centre Community)
986-5017


PROJECT "C"
- 146 units
- 4 storey
PROJECT "A"
- 12 SFD's
- 1 or 2 storey
PROJECT "D"
-
PROJECT "B"
- 41 units
- 2 storey
DASZ 29/03
NORTH
LINDENWOOD DRIVE EAST
LINDENWOOD DRIVE WEST
FAIRHAVEN ROAD
PHASE V
PHASE VI
PHASE III
PT. 5
GROUND FLOOR PLAN
SITE PLAN

6029

Figure 1: Conceptual Development Plan



Figure 2: Air Photo of Site and Area.

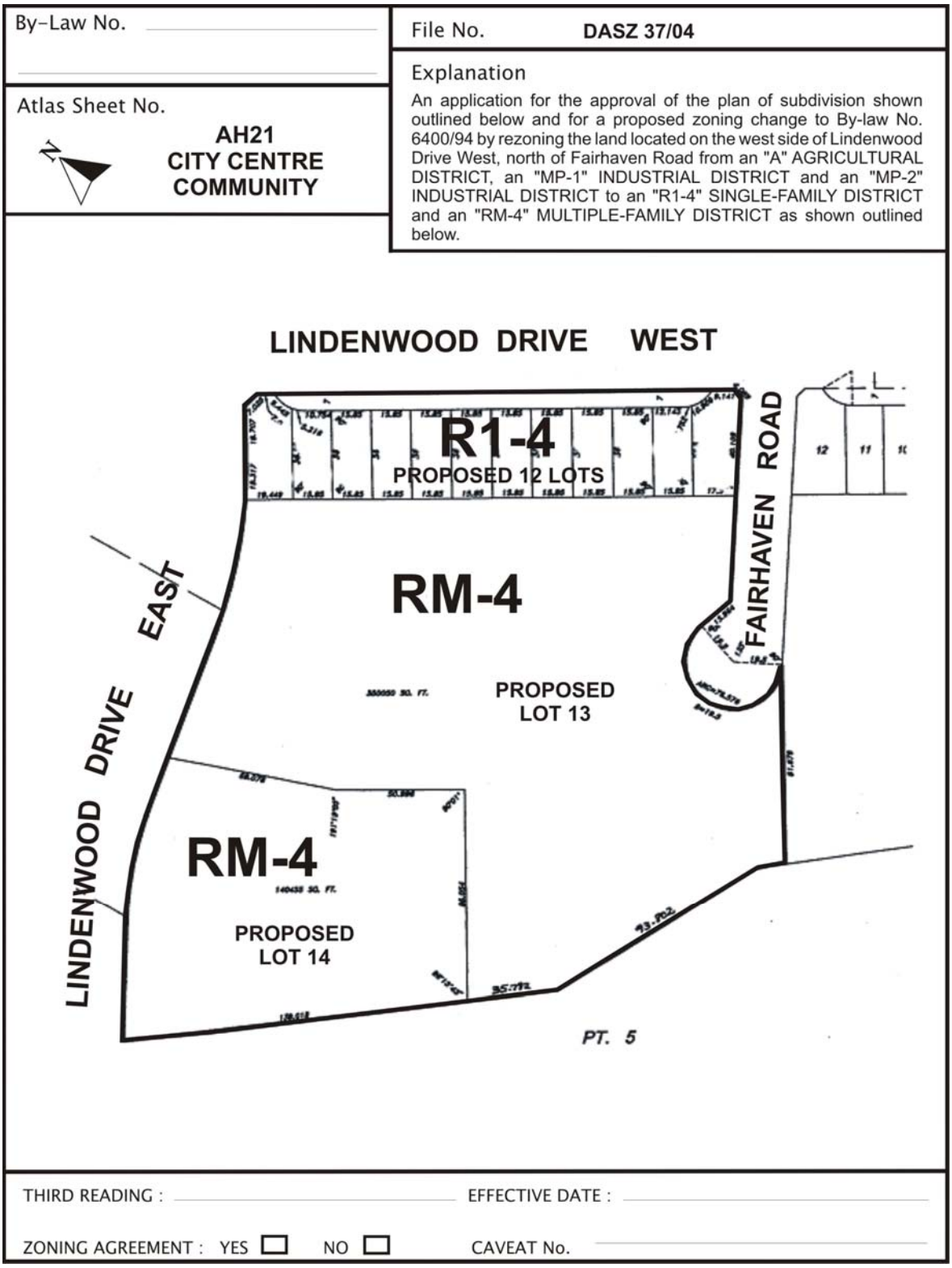


Figure 3: Schedule "A" to the report to the City Centre Community Committee for File No. DASZ 37/04, dated December 21, 2004.

Exhibit “8 referred to in File DASZ 37/2004

Re: Proposed subdivision and rezoning of land located on the west side of Lindenwood Drive West, north of Fairhaven Road – DASZ 37/04

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE CITY CENTRE COMMUNITY COMMITTEE

"Original signed by E.L. Carrière"
E.L. Carrière
Chairman
Administrative Coordinating Group

November 30, 2004

6032

Re: Proposed subdivision and rezoning of land located on the west side of Lindenwood Drive West, north of Fairhaven Road – DASZ 37/04

An application has been submitted by Genstar Development Company to subdivide and rezone land located on the west side of Lindenwood Drive West, north of Fairhaven Road.

It is recommended that approval of this application be subject to the Developer entering into an Addendum to Development Agreement AG 6/01 as follows:

1. By adding to AG 6/01, a copy of the plan approved under DASZ 37/04;
2. By adding to AG 6/01, a copy of a servicing plan covering DASZ 37/04, including:

    i) the construction of a 6.0m concrete pavement within a 7.0m frontage road;
    ii) constructing a 1.5m sidewalk on the west side of Lindenwood Drive West except where there is a frontage road.

3. By adding a clause to AG 6/01 requiring the Developer to grant easements to the City for the maintenance of the existing land drainage sewer and watermain traversing the site.
4. By adding a clause to AG 6/01 requiring the Developer to pay the Somerville Trunk User Charge applicable to the land covered under DASZ 37/04.
5. By adding a clause requiring the Developer to pay $1,200.00/acre to defray the City's administration and related costs associated with the preparation and implementation of the addendum.

The City-owned land within DASZ 37/04 is subject to payment of cash in lieu of dedication of land for public open space which is payable prior to the release of the approved subdivision mylars for registration in the Land Titles Office.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 37/04
November 30, 2004

V:\7-ACG Reports\04ag37-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 "9" referred to in File DASZ 37/2004

In reply please refer to / Référence à rappeler : **Ross Mitchell**
(204) 986-5017
Fax / Téléc. : (204) 986-7524

REVISED

File No. DASZ 37/04 December 14, 2004
Our c/f CP 500 (.634)

Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

SUBDIVISION AND REZONING
Land located between Fairhaven and Lindenwood Drive East, west of Lindenwood Drive West
City Centre Community
File No. DASZ 37/04

An application has been received from Genstar Development Company (Greg Jasper) for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "A" Agricultural District, "MP-1" Industrial District, and "MP-2" Industrial District to a "R1-4" Single-family Residential District and a "RM-4" Multiple-family Residential District to permit residential development.



6034

SITE DESCRIPTION:

Site Area: Irregularily shaped land measuring about 13 acres in area.

Existing Land Use and Zoning: Vacant land zoned for agricultural and industrial use.

Surrounding Land Use and Zoning:

North: Across Lindenwood Drive East, Senior's housing project zoned "RM-3"
South: South side Fairhaven Road, Multiple-family development zoned "RM-4" and single-family housing fronting Lindenwood Drive West, zoned "R1-4" under DASZ 29/03.
East: Across Lindenwood Drive West, Single-family housing zoned "R1-4"
West: First Professional Shopping Centre zoned "C2"

DEVELOPMENT DESCRIPTION:

The applicant has submitted a conceptual plan, attached as Figure 1, indicating that development of the subject lands is to be phased in conjunction with the lands to the south of Fairhaven Road that were rezoned a year ago under DASZ 29/03. The timing of construction is dependent upon market condition, and could extend over a period of 5 years. The applicant is a current part owner of the lands, along with the City of Winnipeg. The lands have been sold, conditional upon rezoning.

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PLAN WINNIPEG:

The project complies with and is supported by Plan Winnipeg.

ADMINISTRATIVE COMMENTS:

The Division supports this application and the proposed development of the site with a mix of single and multiple-family housing. The location of the lands, between the low density,

Lindenwoods neighbourhood and the Lindenwoods Shopping Centre on Kenaston is appropriate for higher density housing. The higher density housing is buffered from the adjacent low-density housing with the row of single detached housing fronting Lindenwood Drive West, and the adjacent cluster of ground-access, attached condominium units. Moreover, this development mirrors that approved on December 9, 2003 by the City Centre Community Committee under DASZ 29/03, with no opposition from area residents. The proposal has been reviewed by the City's Administrative Coordinating Group, which includes representatives from the Public Works Department, Water and Waste Department, and the Planning, Property and Development Department. In particular, the Public Works Department has determined that the existing street system can accommodate the proposed development.

The applicant has submitted conceptual plans showing the major building elements as well as site access, parking and landscaping components of the development. The proposed "R1-4" lots allow for 40' by 100' lots, whereas the proposed subdivision indicates larger lots, in the order of 50 feet wide by 110 feet deep. The proposed "RM-4" zoning allows for 4 storey buildings and a residential density of 1 unit per 800 square feet of lot area. The proposed development concepts for the multi-family sites show a maximum building height of 4 storeys, with a gross housing density of about 1 unit per 1,600 square feet of lot area. The development falls well within the bulk and density parameters of the proposed zoning categories. And, as a safeguard, the Division is recommending that a Zoning Agreement Caveat be registered on the property title(s) containing a Plan Approval clause that will ensure that future development of the lands accords with the conceptual plan under consideration at the public hearing.

This Department is committed to changing the face of suburban development throughout Winnipeg. The objective is to create *communities* as opposed to *subdivisions*. This objective supports the concept of "aging-in-place", whereby residents aren't forced to leave their neighbourhoods for want of housing that is tailored to empty nesters and seniors. In keeping with the Healthy Communities movement, it is equally important that suburban neighbourhoods provide the full range of housing opportunities for people across all age, socio-economic, and life-style groups. Literature from the fields of urban planning and urban sociology presents a consistent and compelling thesis: diverse communities produce healthier, happier, and more accepting and tolerant citizens. And it goes without saying that, from an environmental perspective, mixed-use, mixed-density communities allow for a more cost-effective and efficient use of land, municipal and transit services, and energy resources.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 37/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 37/04, attached hereto and dated December 21, 2004, for registration in the Winnipeg Land Titles Office, subject to the following:

   E. That the Developer be required to enter into an Addendum to Development Agreement AG 6/01 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 30, 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 37/04, attached hereto and dated December 21, 2004, to a "R1-4" Single-Family Residential District and a "RM-4" Multiple-Family Residential District, subject to the applicant entering into a Zoning Agreement, (for the 'RM-4' site only) with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

A. That, prior to the issuance of a development permit, plans showing the site layout, access, parking, fencing, landscaping, site lighting, garbage facilities, and building elevations and exterior materials, be submitted for the approval of the City Centre Community Committee.

B. That the maximum height of buildings on the land be limited to 4 storeys.

IV. 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.

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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.

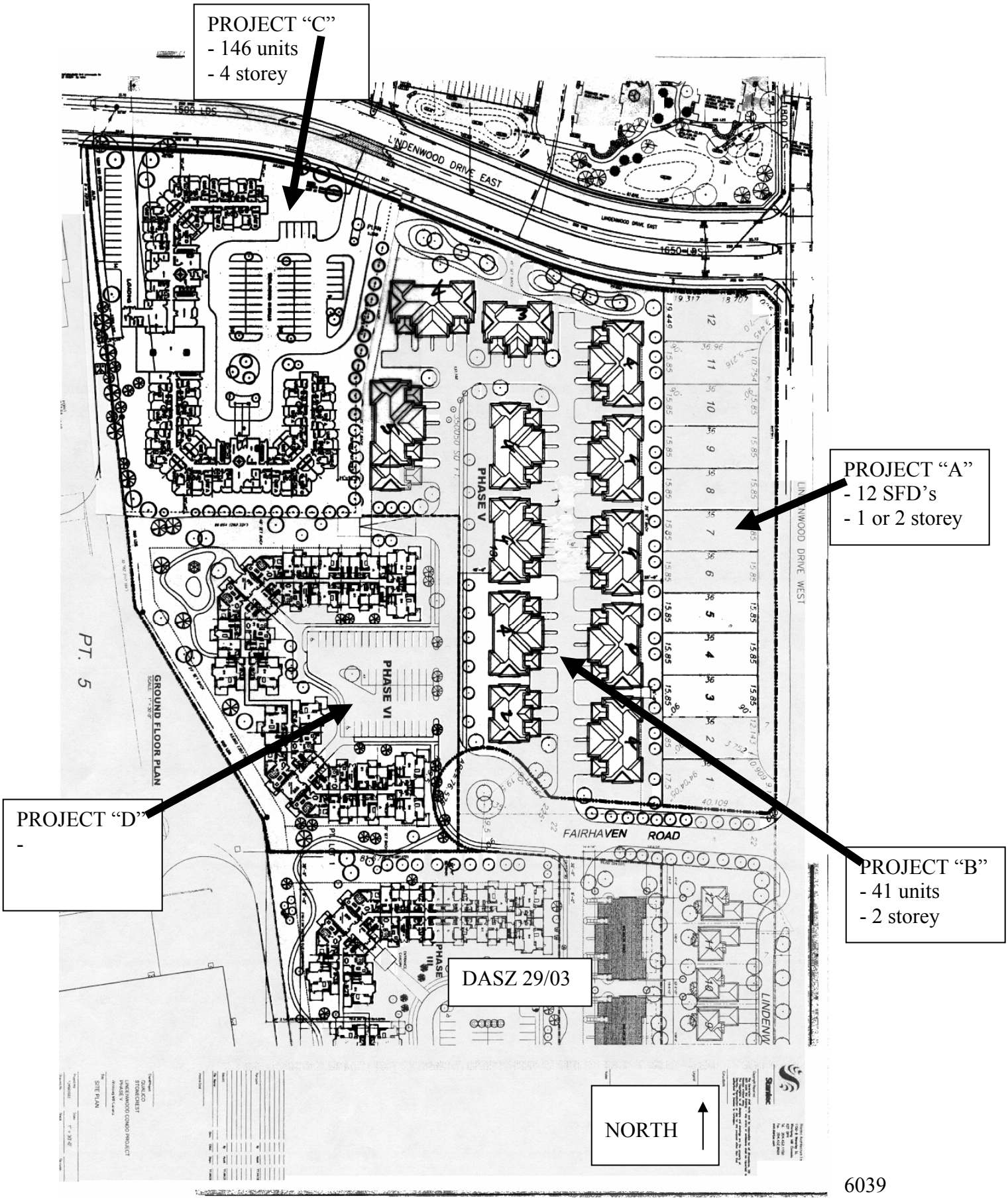
VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **provided that the said effective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

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 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.

Sincerely,

Per: Ross Mitchell, Senior Planner
(City Centre Community)
986-5017


PROJECT "C"
- 146 units
- 4 storey
PROJECT "A"
- 12 SFD's
- 1 or 2 storey
PROJECT "D"
-
PROJECT "B"
- 41 units
- 2 storey
DASZ 29/03
NORTH
LINDENWOOD DRIVE EAST
LINDENWOOD DRIVE WEST
FAIRHAVEN ROAD
PHASE V
PHASE VI
PHASE III
PT. 5
GROUND FLOOR PLAN
SITE PLAN

6039

Figure 4: Conceptual Development Plan



Figure 5: Air Photo of Site and Area.

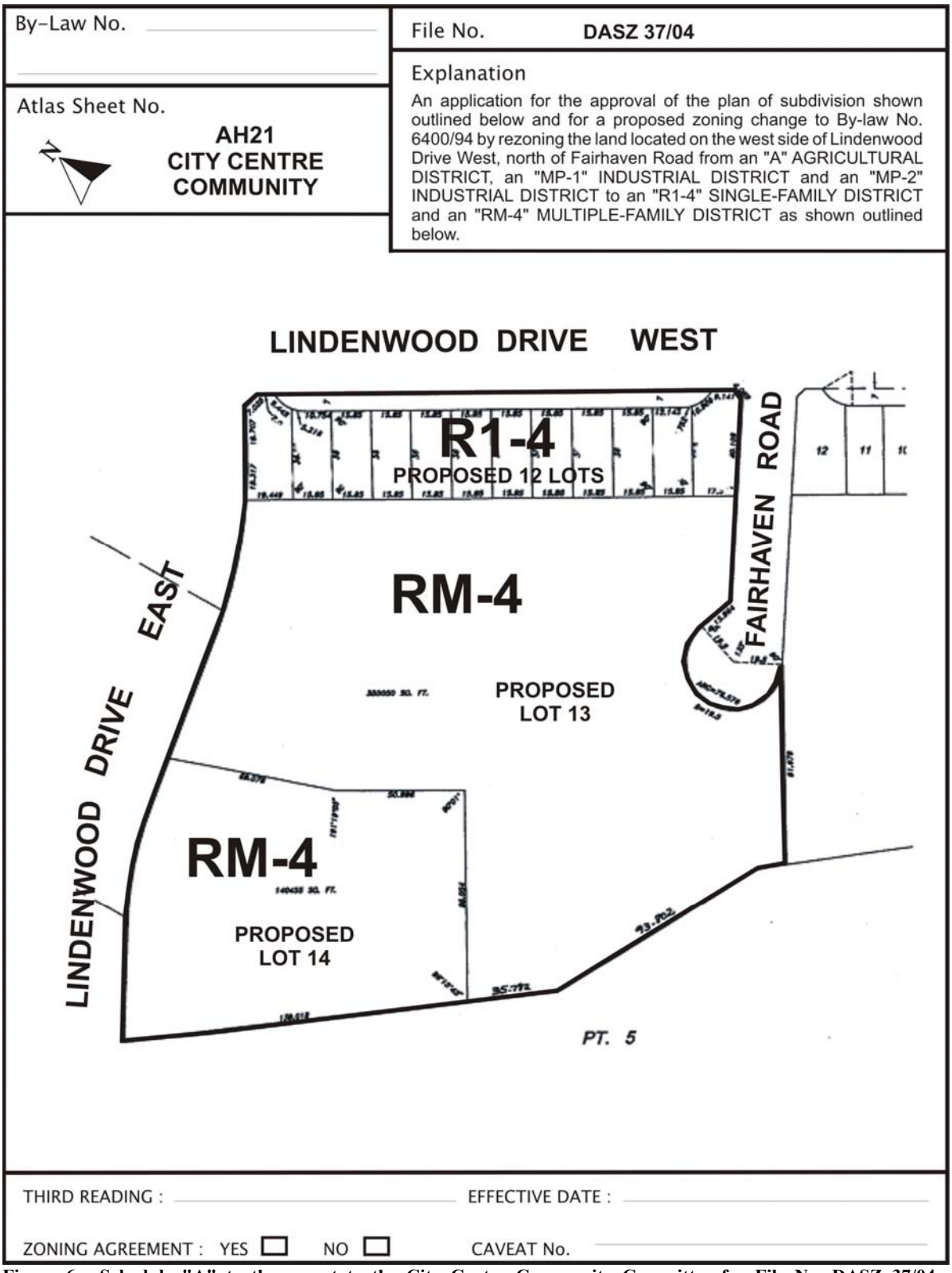


Figure 6: Schedule "A" to the report to the City Centre Community Committee for File No. DASZ 37/04, dated December 21, 2004.