Minute No. 66
Report - Standing Policy Committee on Property and Development – December 6, 2010

Item No. 12 Subdivision and Rezoning - 683/711 Knowles Avenue - DASZ 11/2010 [c/r DAV 123597/2010D] (North Kildonan Ward)

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 11/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2010 dated July 5, 2010 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated June 22, 2010.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 11/2010 dated July 5, 2010, to R1-M Residential Single-Family District – Medium.

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

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.

Report - Standing Policy Committee on Property and Development – December 6, 2010

COUNCIL DECISION (continued):

5. That the Director of Legal Services and City Solicitor 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.

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 twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

10. That the Director of Legal Services and City Solicitor be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter

Report - Standing Policy Committee on Property and Development – December 6, 2010

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 8, 2010, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 6, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 28, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment, namely:

- Delete Recommendation 3. in its entirety and renumber the remaining Recommendations accordingly,

and forwarded the matter to the Standing Policy Committee on Property and Development.

On July 13, 2010, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on September 28, 2010.

RE: **Subdivision and Rezoning - 683/711 Knowles Avenue**
File DASZ 11/2010 [c/r DAV 123597/2010D]

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

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **October 4, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 28, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 11/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2010 dated July 5, 2010 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated June 22, 2010.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 11/2010 dated July 5, 2010, to R1-M Residential Single-Family District – Medium.

~~***3. 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 and the creation of additional lots.***~~

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

5. 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.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

9. 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.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter

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

The East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

1. The East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated July 5, 2010.

PUBLIC HEARING SUMMARY

File: DASZ 11/2010 [c/r DAV 123597/2010D]

Before: East Kildonan-Transcona Community Committee
Councillor Browaty, Chairperson
Councillor Wyatt

Public Hearing: September 28, 2010
The Royal Canadian Legion, Transcona Branch
117 Regent Avenue East

July 13, 2010
Bronx Park Community Centre
720 Henderson Highway

Applicant: McGowan Russell Group Inc.
(Susan Russell)

Subject:



Premises Affected: 683/711 Knowles Avenue

Exhibits Filed:

1. Application dated May 13, 2010
2. Notification of Public Hearing dated May 19, 2010
3. Manitoba Status of Titles 1266925, 2290776 and 2346047
4a. Letter of authorization dated April 1, 2010, from Karen and Dan Powell to North Grassie Properties Inc. and/or McGowan Russell
4b. Letter of authorization dated March 31, 2010, from North Grassie Properties Inc. to McGowan Russell
4c. Letter of authorization dated April 1, 2010, from Patrick William Fletcher and Donna May Fletcher to North Grasie Properties Inc. and/or McGowan Russell
5. Surveyor's Building Location Certificate and sketch dated April 22, 2010
6. Plan (1 page)
7. Report from the Planning and Land Use Division dated July 5, 2010
8. Inspection Report
9. Notice of Adjournment dated July 15, 2010

REPRESENTATIONS:

In Support:

Norm Boyle
Susan Russell, McGowan Russell Group Inc.

In Opposition

Nil

For Information:

Heinz Hindemith
Sandy Raposo-Lloyd
Albert Toews

For the City:

Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department
Ms. S. Matille, Land Development Engineer, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Susan Russell, McGowan Russell Group Inc. accompanied by Norm Boyle, appeared in support of the application. Ms. Russell provided an overview of the application, and indicated concurrence in the Winnipeg Public Service report dated July 5, 2010. Ms. Russell requested clarification if Recommendation 3. of the report was the same as Condition 23 of the Report of the Administrative Coordinating Group dated June 22, 2010.

The Senior Planner, Planning, Property and Development Department, Mr. J. Wintrup advised that Recommendation 3. of the Winnipeg Public Service report should be deleted as the requirement for the ten percent (10%) dedication is met with the Conditions in the report of the Administrative Coordinating Group.

Exhibit "7" referred to in File DASZ 11/2010 [c/r DAV 123597/2010D]

ADMINISTRATIVE REPORT

Title: DASZ 11/2010 – 683 Knowles Avenue

Issue: For consideration at the Public Hearing for a subdivision and rezoning to create twenty-seven (27) lots that will have full municipal services.

Critical Path: East Kildonan - Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 11/10 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/10 dated July 5, 2010 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated June 22, 2010.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 11/10 dated July 5, 2010, to R1-M Residential Single-Family District – Medium.

3. 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 and the creation of additional lots.

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

5. 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.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

9. 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.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter

REASON FOR THE REPORT

- The applicant intends to consolidated three lots and then subdivided the planned area into 27 new single family dwellings zoned **R1-M Residential Single-Family District – Medium** on a new road extended north from Knowles Avenue.
- The two existing single family dwellings will remain fronting Knowles Avenue and will not have their zoning designations change or any additional new lots created on Knowles Avenue.
- A full range of municipal services will be extended into the planned area.
- No additional improvements will be made to Knowles Avenue through this development application.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, twenty-seven (27) single - family dwellings on fully serviced lots will be allowed for construction on the lands.

HISTORY

History of Residential Development – Knowles Avenue:
Knowles Avenue, west of De Vries Avenue, and east of Gateway Road has 32 single-family dwellings on 39 lots for a total frontage feet of 4880 feet. The average lot widths are 105.5 feet on the south side and 150.5 feet on the north side.

All of these lots were created, starting in 1912 (Plan 1950), well before *Plan Winnipeg* established clear standards for municipal infrastructure. The last plan of subdivision approved was in April, 1981 (Plan 15679) for the creation of one lot.

Since the adoption of *Plan Winnipeg* in 1986, the further subdivision of land along Knowles Avenue without a full range of municipal infrastructure has been prohibited.

Council has approved a number of applications for residential development in the Gateway / Bonner / Knowles / De Vries area since 2004, when land drainage was provided in the area, that have the full range of municipal services including:

- DASZ 20/04 - 40 acres of land to construct 155 single family dwellings; two lots for multiple family dwellings; and extend Headmaster Row to Lagimodiere Blvd;
- DASZ 45/04 - 5 acres to construct 20 single family dwellings;
- DASZ 53/05 - 71,429.31 square feet into 11 residential lots;
- DASZ 12/06 - 38,224.556 square feet to develop three (3) single family residential lots;
- DASZ 15/07 - 32 residential units on Cindy Klassen Way, two (2) multiple family buildings on Headmaster;
- DASZ 23/07 – create eight (8) residential lots on Cindy Klassen Way;
- DAZ 223/2007 - 4.2 acres to construct 140 apartment style dwellings for seniors;
- DASZ 24/08 - 43,000 square feet to construct 15 single family lots.

The City of Winnipeg has rejected a number of applications for subdivisions, as well as requiring the modification of several applications for lands fronting Knowles Avenue based on the *Plan Winnipeg* policy requiring a full range of municipal infrastructure in a Neighbourhood Policy Area including:

- DASSF 550/04 (two new lots rejected),
- DASZ 45/2004 (5 lots removed from Knowles Ave frontage)
- DASZ 23/2007 (lots re-orientated to front Cindy Klassen Way)
- DASZ 38/2007 (lots re-orientated to Sunny Morning Rd)
- DASZ 26/2008 (two new lots removed from Knowles Avenue frontage)
- DASSF 549/09 (two new lots rejected); and

- DASSF 542/09 at 795 Knowles, the subject of this appeal.

Access to Land Drainage System:
On May 18, 2005, the City of Winnipeg approved a development application by North Grassie Properties for 40 acres of vacant land (DASZ 20/2004 – Arrowwood) and 5 acres of land (DASZ 45/2004) on the west side of De Vries Avenue between Gateway Rd, Bonner Avenue and Knowles Avenue.

These applications enabled the construction of 175 single family dwellings. A full range of municipal infrastructure was constructed including a 3.1 acre retention lake for land drainage that was sized in order to provide capacity for all the lands along Bonner Avenue, Knowles Avenue and north to the City Limits.

The Developer was required to invest in the extension land drainage pipes along with the full range of municipal services north on Cindy Klassen Way and Sunny Morning Road to enable the readily extension of municipal services to Knowles Avenue.

Local Improvement – Knowles Avenue to Sunny Morning, Sunny Morning to De Vries Avenue
Wastewater Sewer and Watermain improvements have been approved for construction from Sunny Morning Road to De Vries Avenue in 2010. Wastewater, Watermain and Land Drainage Sewer has been approved for construction from Gateway Road east to Sunny Morning Road in 2010.

Knowles Avenue will remain as a rural cross-section standard road with open ditches and chip seal coating from Gateway Road east to DeVries Avenue. (see Appendix B for Chronology of Local Improvement).

Request for Secondary Plan – Knowles Avenue between Gateway Road and De Vries Avenue
On July 6, 2010 the Standing Policy Committee on Property and Development received for information and did not proceed with the East Kildonan – Transcona Community Committee request to create a plan overlay, special planning area or secondary plan for the homes that front Knowles Avenue between Gateway Road and De Vries Avenue, that allows for sub-divisions of lots to a minimum of 50 frontage feet with less than the standard full-range of municipal services, specifically concrete roadway and land drainage, in that it does not conform with Plan Winnipeg 2020, under subsection 275(2) of the City of Winnipeg Charter.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	*John Wintrup*
Date:	*July 5, 2010*
File No.	*DASZ 11/10*

List of Schedules and Attachments

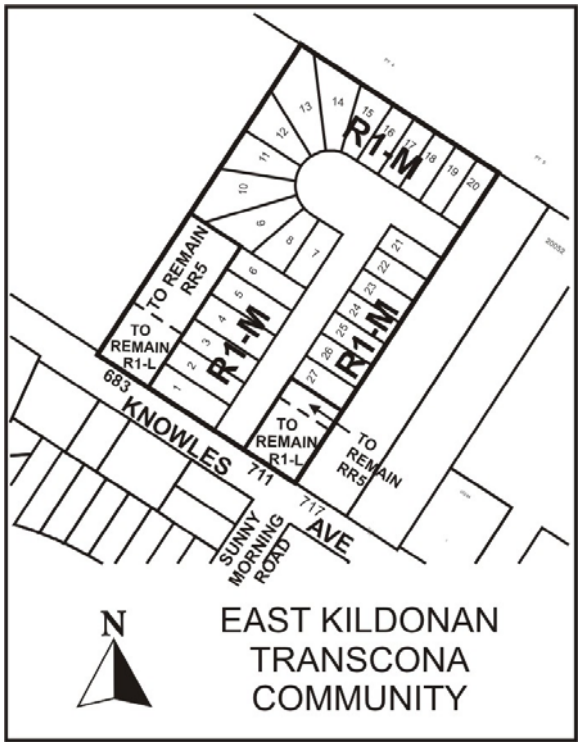
1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DASZ 11/2010
3. Appendix B for Chronology of Local Improvement
4. Schedule B – Report of the Administrative Coordinating Group

APPENDIX 'A'

DATE: July 5, 2010
FILE: DASZ 11/10
RELATED FILES: DASZ 20/04; DASZ 45/04; DASZ 53/05; DASZ 12/06; DASZ 38/07
COMMUNITY: North Kildonan
NEIGHBOURHOOD #: 4.419

SUBJECT: Subdivision and Rezoning to create 27 fully serviced residential lots.

LOCATION: 683 Knowles



APPLICANT: Susan Russell McGowan Russell Design Group Inc.
120 FORT ST SUITE 200
WINNIPEG MB

OWNER: North Grassie Properties
Box 25094
Mission, BC V1W 3Y7

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to consolidated three lots and then subdivided the planned area into 27 new single family dwellings zoned **R1-M Residential Single-Family District – Medium** on a new road extended north from Knowles Avenue.
- The two existing single family dwellings will remain fronting Knowles Avenue and will not have their zoning designations change or any additional new lots created on Knowles Avenue.
- A full range of municipal services will be extended into the planned area.
- No additional improvements will be made to Knowles Avenue through this development application.

SURROUNDING LAND USES AND ZONING

- The subject property is 5.43 acres located on the north side of Knowles Avenue between Gateway Road and Sunny Morning Road in the Springfield North neighbourhood of the North Kildonan ward.
- The site is zoned **R1-L Residential Single-Family District – Large** and **RR 5 Rural Residential District** .
- The site is roughly rectangular-shaped and is occupied by a 2,162 square foot dwelling constructed in 1978 and a 1,529 square foot dwelling constructed in 1970
- Adjacent properties include single family dwellings to the east along Knowles split-zoned “R1-L” Single Family Residential and “RR5” Rural Residential 5, and COVENANT CHRISTIAN REFORMED CHURCH to the west.

BACKGROUND

DASZ 20/04 Arrowwood

This application was made in June of 2004. The Division recommended in October, 2004 at a Public Hearing that DASZ 20/04 be laid over to allow the developer time to work with the City of Winnipeg to generate a revised plan due to issues surrounding lake size, street pattern, street location, etc. DASZ 20/04 went to a Public Hearing in February of 2005 and was approved by Council on May 18, 2005. A 3.1 acre retention lake developed in the southwest corner of this development has been sized to capacity to provide land drainage for the lands north of Knowles Avenue.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to consolidated three lots and then subdivided the planned area into 27 new single family dwellings zoned **R1-M Residential Single-Family District – Medium** on new road extended north from Knowles Avenue.
- The existing single family dwellings will remain fronting Knowles Avenue and will not have their zoning designations change.
- A full range of municipal services will be extended into the planned area.

- A future right-of-way is provided to extend east into adjacent lands to ensure future development can occur.

ANALYSIS AND ISSUES

PLAN WINNIPEG

- *Plan Winnipeg 2020 Vision* is our primary planning policy document that guides all land use, development and planning matters within the City of Winnipeg;

- All versions of *Plan Winnipeg*, (1986, 1993 and 2001) have included policies limiting the subdivision of un-serviced lots;

- The Public Service HAS rejected the subdivision application along Knowles Avenue because it is contrary to *Plan Winnipeg 2020* Policy 3A – 02 Promote Compact Urban Form.

- The full range of municipal infrastructure is readily available for extension to this development and has been oversized for capacity to accommodate future growth along Knowles Avenue.

ZONING (BY-LAW 200/2006)

- **R1-M Residential Single-Family District – Medium** minimum lot sizes of 3,500 square feet are required.
    - Side yards of 4 feet are required.
    - Front yard requirements are 15 feet; rear yard requirements are 25 feet.
    - Maximum building height is 35 feet.

- **R1-L Residential Single-Family District – Large** minimum lot sizes of 5,500 square feet are required.
    - Side yards of 4 feet are required.
    - Front yard requirements are 15 feet;
    - rear yard requirements are 25 feet.
    - Maximum building height is 35 feet.

- **RR 5 Rural Residential District** minimum lot sizes of 5 acres are required.
    - Side yards of 25 feet are required.
    - Front yard requirements are 100 feet;
    - Rear yards are 25 feet.
    - Maximum building height is 35 feet.
    - Agricultural cultivation is a permitted use:, Stable or riding academy, Landscape/garden contractor or production, and Apiary are ‘conditional’ uses.

LAND USE BY-LAW ISSUES

- The proposed zoning category are consistent with residential subdivisions in Winnipeg such as Eaglemere, Amber Trails, Canterbury Park, Whyte Ridge, Riverbend South, and Arrow wood.
- A number of developers have stated today’s main market is willing to purchase the 35 - 48 foot wide lots, and a minority of the market is willing to purchase 50 foot wide lots.

- There are a large number of 50 foot wide lots in the North Kildonan area and there is also a large number of 35 - 45 foot wide lots.
- The 35-45 foot wide lots dominate the area east of Gateway Road, south of McIvor, north of Sun Valley.
- The range of lot sizes permit the construction of a variety of new single family dwellings that diversify the housing stock and provide residents with different housing options

RIGHTS-OF-WAY
The Developer will be required to provide 1.829 metres of land along the entire Knowles Avenue frontage for the future widening of this street right-of-way. A future right-of-way is provided to connect to the lands to the east to enable the future subdivision of the rear lots of 717 and 725 Knowles.

MUNICIPAL SERVICES
A full range of municipal services (piped water, piped sewer, piped land drainage, and paved roadway) will be extended along the new street into the planned area.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of lands is not less than 10%. The developer will provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- If dedication is 'cash in lieu' of land, then the developer is required to pay the City its share of the costs of landscaping and services that it would have expended had a dedication of the land been made, which will equal 10 %.
- 'Cash in lieu' of land will be required under this development application.

RECOMMENDATIONS
The Planning and Land-Use Division supports rezoning and subdividing the property to residential to allow the construction of a residential dwellings.

- The proposed use is consistent with the adjacent properties on the nearby streets of residential development.
- The proposed subdivision will ensure an efficient use of the previously installed municipal services that have been installed.
- The proposed development will enable future development of the vacant lands north of Knowles Avenue.

This Report Submitted by: John Wintrup
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by:
PPD File # DASZ 11/10

Schedule “A” for File No. DASZ 11/10, East Kildonan – Transcona Community Committee, dated July 5, 2010

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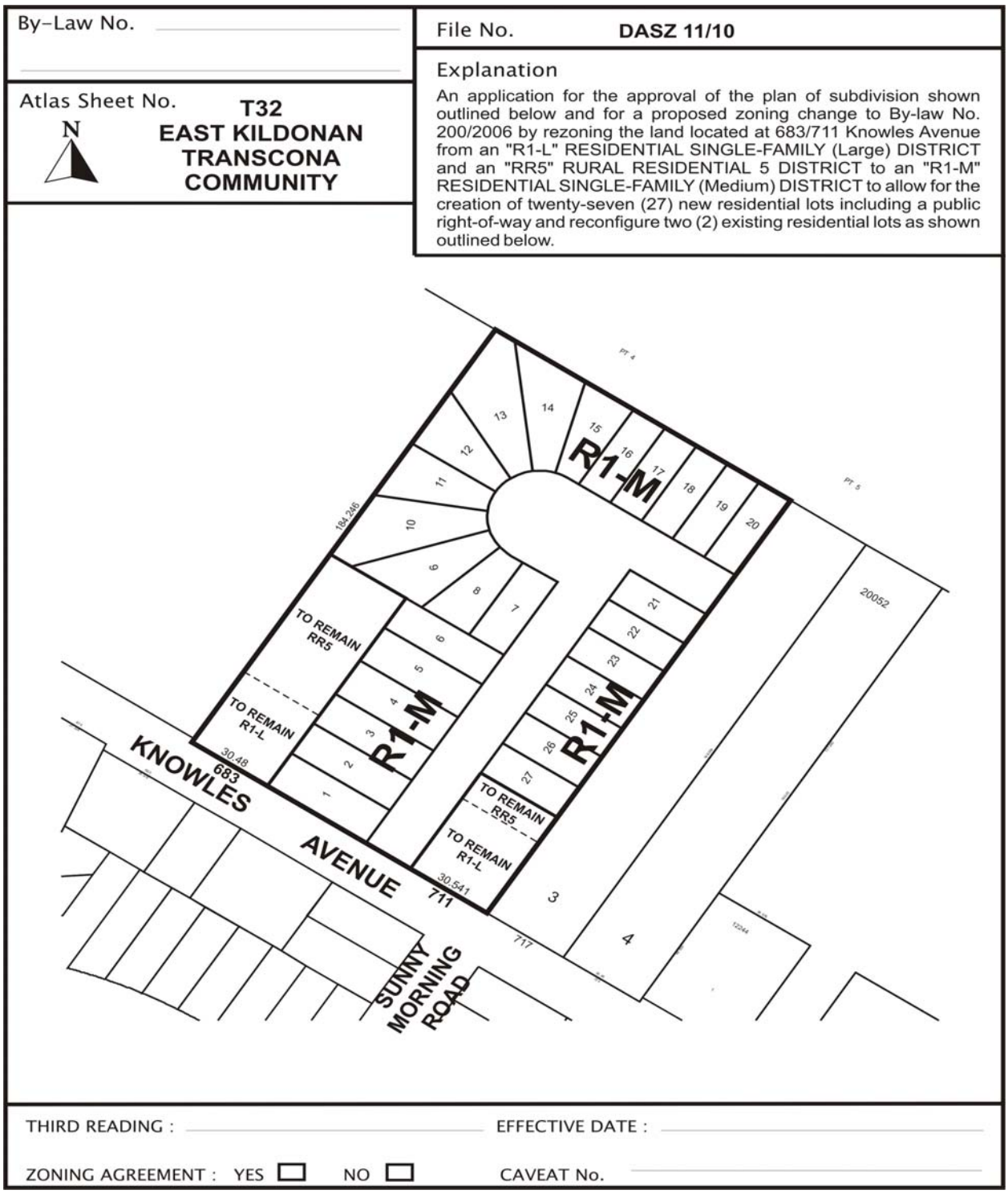

Appendix B: Chronology of Activity Related to Local Improvement

January 23, 2008 - Council approved DAZ 223/2007 at 625 Knowles Avenue for a 4 story multiple family buildings with 140 apartment style dwellings. A full range of municipal infrastructure (piped water, piped sewer, piped land drainage, and a paved right-of-way) will need to be provided;

June, 2008 - Winnipeg Public Service provided a letter to Knowles Avenue Residents indicating that a full range of municipal infrastructure was required for developments via subdivision for lot splits (appendix 3);

September 12, 2008 - City Clerk's Department received a "Petition For" from Mr. John Vanderkooy on behalf of Arcia Inc. of 38 Bridgecrest Drive for Waste Water Sewer, Land Drainage Sewer, and Watermain from Sunny Morning Road to Gateway Road;

October 14, 2008 - Manager of Taxation and Finance submitted a Report to the East Kildonan-Transcona Community Committee recommending that the proposed undertaking of this local improvement project may be advertised in March 2009.

November 17, 2008 - East Kildonan-Transcona Community Committee authorized the Winnipeg Public Service to advertise in March 2009 this proposed local improvement project. Therefore, on March 30, 2009, this proposed local improvement project was advertised in the Winnipeg Free Press newspaper.

Subsequent to the advertisement, an official "Notice of Objection" form was never requested from any of the registered property owners (deadline had elapsed on April 29, 2009). The total cost of the project is estimated to be $350,000 of which 68.87% is to be recovered from the registered property owners.

December 19, 2008 - City Clerk's Department received a "Petition For" from Mr. Adolf Laubstedt of 751 Knowles Avenue for Wastewater Sewer and Watermain from Sunny Morning Road to DeVries Avenue.

December 29, 2008 - Manager of Taxation and Finance submitted a Report to the East Kildonan-Transcona Community Committee recommending that the proposed undertaking of this local improvement project may be advertised in March 2009.

January 19, 2009 - East Kildonan-Transcona Community Committee authorized the Winnipeg Public Service to advertise in March 2009 this proposed local improvement project.

June 24, 2009 - Council adopted By-law 95/2009 to authorize the following Local Improvement projects to be proceeded with, namely:

A. Wastewater Sewer – Knowles Avenue from Gateway Road to Sunny Morning Road, Work Order No. 1420010408.
B. Land Drainage Sewer – Laterals and Trunks – Knowles Avenue from Gateway Road to Sunny Morning Road, Work Order No. 14200200208.
C. Watermain – Knowles Avenue from Gateway Road to Sunny Morning Road, Work Order No. 14200600408.
D. Wastewater Sewer – Knowles Avenue from Sunny Morning Road to DeVries Avenue, Work Order No. 1420010208.
E. Watermain – Knowles Avenue from Sunny Morning Road to DeVries Avenue, Work Order No. 1420060208.

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – JUNE 22, 2010

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT 683/711 KNOWLES AVENUE - NGP INC. - DASZ 11/10

It is recommended that the approval of DASZ 11/10 be subject to the following:

A. Plan Considerations

1. The Applicant submitting, to the satisfaction of the Director of Planning, Property, and Development, a conceptual plan for the development of the lands immediately to the east of the proposed subdivision.

2. The Applicant providing right-of-way to accommodate the cul-de-sac turnaround consistent with the dimensions shown on Streets and Transportation Drawing ST-90 (revised) or ST-90-A.

3. The Applicant providing and legally opening, at no cost to the City, property required for a 1.829-m widening to the Knowles Avenue right-of-way along the full length of the Planned Area abutting Knowles Avenue, to the satisfaction of the Director of Public Works.

B. Payment of Local Improvement Levies for Services in Knowles Avenue

1. The Applcant paying the cash costs, in full, of the three Local Improvement projects (land drainage sewer, wastewater sewer, and watermain) scheduled for construction in Knowles Avenue adjacent to the Planned Area, under Local Improvement Authorization By-Law No. 95/2009, pursuant to Council's passing of the Local Improvement Tax Imposition By-Laws – which, if the work has been completed to the satisfaction of the Water and Waste Department, are expected to be passed in February 2011. (If the construction of these local improvements is not completed by the end of 2010, no subdivision of these lots will be permitted until the local improvement taxes are assessed in February, 2012 and the cash costs paid in full by not later than the end of March, 2012.)

C. Development Agreement

The applicant entering into a **Development Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall, at no expense to the City, install all wastewater sewers required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

2. The Developer shall, at no expense to the City, install all watermains required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste. The watermain shall either be looped or partially twinned to meet the requirement that there be no more than 20 service connections on a dead-ended watermain.

3. The Developer shall install lot line services to service all lots within the Planned Area, as follows:

    a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.
    b) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer shall indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so prior to the issuance of a Final Acceptance Certificate certifying completion of all work under this Agreement.
    c) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

4. The Developer shall, at no expense to the City, install all land drainage sewers required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

5. The Developer shall pay its share of the regional stormwater management facilities (2010 Rate = $18,994/acre).

6. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design.

7. The Developer shall, at no expense to the City, construct all swales, catchbasins, and leads required to provide lot drainage prior to the issuance of building permits.

8. The Developer shall, at no expense to the City, provide all easements with respect to the installation, maintenance, and replacement of swales, catchbasins, and leads for lot drainage upon registration of the approved subdivision mylars in the Land Titles Office.

9. The Developer shall, at no expense to the City, construct 150-mm- thick portland cement concrete pavements to widths of 7.5 m, and all related works, including, but not limited to, drainage facilities, in all streets within the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

10. The Developer shall pay, to the City, its share of the cost of improvements previously installed by others at and in the vicinity of the intersection of Headmaster Row and Lagimodiere Boulevard, as determined by the Director of Public Works.

11. The Developer shall pay, to the City, its share of the cost of the oversized pavement previously installed by others in Headmaster Row, as determined by the Director of Public Works.

12. The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of the temporarily dead-ended street and provide any rights-of-way or easements necessary to accommodate same, all as determined by, and to the satisfaction of, the Director of Public Works.

13. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by, and to the satisfaction of, the Director of Public Works.

14. The Developer shall, at no expense to the City, sod boulevards and plant trees on all streets within the Planned Area, all in accordance with drawings and specifications to be prepared by the Developer and submitted to, and approved by, the Director of Public Works.

15. The Developer shall, at no expense to the City, maintain the boulevard improvements for one year, in accordance with specifications approved by the Director of Public Works.

16. The Developer shall, at no expense to the City, cause to be installed standard, reflectorized, permanent street-name signs at each new intersection within or adjacent to the Planned Area, as determined by the Director of Public Works.

17. Prior to construction, the Developer shall, at no expense to the City, obtain approval of and install, and subsequently maintain, at the entrances to the Planned Area, development information signs, containing no advertising, and showing the Planned Area, zoning information, a north directional arrow, Knowles Avenue, and the proposed community mail-box sites - all with the approval of, and to the satisfaction of, the Director of Planning, Property and Development.

18. The Developer shall, at no expense to the City, cause to be installed ornamental street lights in all streets within the Planned Area, to the satisfaction of the Director of Public Works.

19. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, to the satisfaction of the Director of Public Works.

20. The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

21. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust-free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets – all until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

22. The Developer shall, at no expense to the City, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

23. In lieu of dedication of land for public open space, the Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, 8% of the appraised increase in value of the land plus the cost of landscaping and services which it would have contributed to the City if public open space had been dedicated.

24. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Are verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

25. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as -built drawings within three months of substantial performance showing, the services required to serve the Planned Area.

26. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre of the Planned Area (minimum $1,650.00) to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 11/10
June 22, 2010

"original signed by S.M. Matile, P. Eng."
S. M. Matile, P. Eng., Chair
Land Development Branch

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

"original signed by F. C. Mazur, P. Eng."
F. C. Mazur, P. Eng.
Water & Waste Department

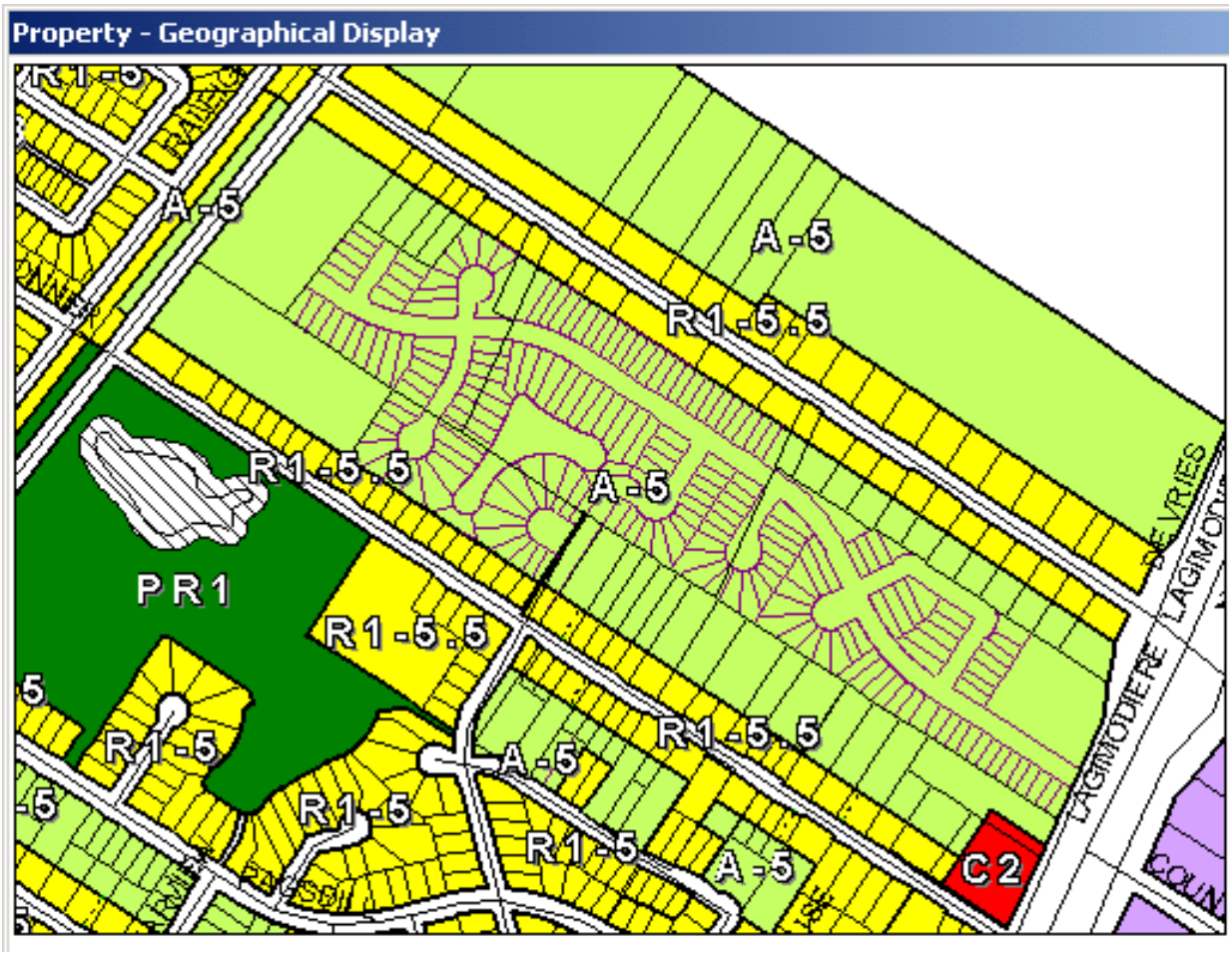

Figure 1: Existing Zoning for subject property and Surrounding Area.



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