Minute No. 634
Report - Standing Policy Committee on Property and Development – September 14, 2010

Item No. 24 **Subdivision and Rezoning – South side of Leila Avenue between Agnes Arnold Drive and Dunham Street (Old Kildonan Ward) File DASZ 18/2010**

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 18/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/2010 dated August 25, 2010 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 18, 2010, with the following amendments to the Development Agreement, namely:

      i. Delete Condition 6 in its entirety and replace with the following:
         "6. The Developer shall prior to the issuance of building permits for, or prior to the sale by the Developer of, Blocks 4 or 6, pay its share of the watermain and land drainage sewer constructed by others in Leila Avenue for reimbursement to the Developer who constructed those improvements."

      ii. Delete Condition 11 in its entirety and replace with the following:
         "11. The Developer shall pay to the City prior to the issuance of building permits for, or prior to the sale by the Developer of, Blocks 4 or 6, its share of the cost of the following services installed in Leila Avenue along the full length of the Planned Area abutting Leila Avenue for reimbursement to the Developer who constructed those improvements:

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

Report - Standing Policy Committee on Property and Development – September 14, 2010

COUNCIL DECISION (continued)

all as determined by the Director of Public Works."

iii. Amend Condition 12. by adding the words "said liability to expire if the work is not completed within five (5) years of the approval of this application by Council." at the end of the Condition.

iv. Delete Condition 13 and replace with the following:

"13. The Developer shall, at no expense to the City prior to the issuance of building permits for, or prior to the sale by the Developer of, Blocks 5 or 7, construct, in the extension of Mandalay Drive from its existing terminus approximately 30m north of Olford Crescent to Leila Avenue, 10.0-m-wide by 200-mm-thick portland cement concrete pavement and all related works, including, but not limited to, drainage works, all as determined by, and to the satisfaction of, the Director of Public Works."

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" with amendments and revisions contained therein for File DASZ 18/2010 dated August 25, 2010, to "PR1" Parks and Recreation 1 District, "R1-S" Residential Single-Family District, "RMF-M" Residential Multiple-Family District and "RMU" Residential Mixed-Use District subject to the following:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter, for proposed Blocks 3 to 7 of Schedule "A," to include the following conditions:

i. That, for the development of any building, accessory parking area, driveway, private approach, garbage enclosure, fencing, landscaping, lighting and signage, plans shall be submitted, showing the locations and designs of any building, accessory parking area, driveway, private approach, garbage enclosure, fencing, landscaping, lighting and signage, to the Lord Selkirk-West Kildonan Community Committee and the Director of Planning, Property and Development for approval prior to the issuance of any development or building permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

Report - Standing Policy Committee on Property and Development – September 14, 2010

COUNCIL DECISION (continued)

ii. That for only proposed Blocks 4 to 7 of Schedule "A", all non-residential uses shall be deemed conditional with exception of the following:
   a. post office / carrier depot
   b. office
   c. medical/dental/optical."

iii. That there shall be no private approaches to proposed Blocks 3 to 7 of Schedule "A" from the proposed Public Street that is to extend east from the proposed northerly extension of Mandalay Drive and north to Leila Avenue and west from the proposed northerly extension of Mandalay drive and north to Leila Avenue.

iv. That there shall be no mobile signs, poster signs or A-frame signs.

v. That no illuminated signage be of a height greater than six feet.

vi. That there shall be no more than 60 dwelling units and buildings shall not exceed either 45 feet in height or three (3) storeys, excluding projections allowed under Zoning By-law 200/2006, on proposed Block 4, proposed Block 5 or proposed Block 7 of Schedule "A."

vii. That there shall be no more than 70 dwelling units and buildings shall not exceed 60 feet in height, excluding projections allowed under Zoning By-law 200/2006, on proposed Block 6 of Schedule "A."

viii. That all the proposed lots and proposed blocks of Schedule "A" shall not be subdivided without the approval of the Lord Selkirk – West Kildonan Community Committee."

iv. That until the commencement of construction, all multiple-family sites (Blocks 3, 4, 5, 6, 7 of Schedule "A") have 4 feet X 8 feet signs erected denoting the zoning."

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

Report - Standing Policy Committee on Property and Development – September 14, 2010

COUNCIL DECISION (continued)

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 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 is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against proposed Blocks 3 to 7 of Schedule "A," provided that the said effective date occurs within one year from the date the by-law is passed.

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 things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development – September 14, 2010

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 15, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 14, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee with the following amendment, namely:

- Delete Recommendation 1. A iii. in its entirety and replace with the following

  iii. Amend Condition 12. by adding the words "said liability to expire if the work is not completed within five (5) years of the approval of this application by Council." at the end of the Condition.

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

COMMUNITY COMMITTEE RECOMMENDATION:

On September 7, 2010, the Lord Selkirk - West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

Report from the Planning and Land Use Division

- Amend Recommendation 2.A.i. by adding the words "Lord Selkirk-West Kildonan Community Committee and the" after the words "lighting and signage, to the" and before the words "Director of Planning, Property and Development".

Report - Standing Policy Committee on Property and Development – September 14, 2010

DECISION MAKING HISTORY (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Delete Recommendation 2.A.ii. in its entirety and replace with the following:
  "2.A.ii. That for only proposed Blocks 4 to 7 of Schedule "A", all non-residential uses shall be deemed conditional with exception of the following:
  d. post office / carrier depot
  e. office
  f. medical/dental/optical."

- Delete Recommendation 2.A.vi. in its entirety and replace with the following:
  "2.A.vi. That there shall be no more than 60 dwelling units and buildings shall not exceed either 45 feet in height or three (3) storeys, excluding projections allowed under Zoning By-law 200/2006, on proposed Block 4, proposed Block 5 or proposed Block 7 of Schedule "A."

- Add new Recommendation 2.A.viii. as follows:
  "2.A.viii. That all the proposed lots and proposed blocks of Schedule "A" shall not be subdivided without the approval of the Lord Selkirk – West Kildonan Community Committee."
- Add new Recommendation 2.A.ix. as follows:
  "2.A.iv. That until the commencement of construction, all multiple-family sites (Blocks 3, 4, 5, 6, 7 of Schedule "A") have 4 feet X 8 feet signs erected denoting the zoning."

Report of the Administrative Coordinating Group – Development Agreement
- Delete Condition 6 in its entirety and replace with the following:
  "6. The Developer shall prior to the issuance of building permits for, or prior to the sale by the Developer of, Blocks 4 or 6, pay its share of the watermain and land drainage sewer constructed by others in Leila Avenue for reimbursement to the Developer who constructed those improvements."

- Delete Condition 11 in its entirety and replace with the following:
  "11. The Developer shall pay to the City prior to the issuance of building permits for, or prior to the sale by the Developer of, Blocks 4 or 6, its share of the cost of the following services installed in Leila Avenue along the full length of the Planned Area abutting Leila Avenue for reimbursement to the Developer who constructed those improvements:

Report - Standing Policy Committee on Property and Development – September 14, 2010

DECISION MAKING HISTORY (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

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

all as determined by the Director of Public Works."

- Delete Condition 12 in its entirety, and renumber the balance of Conditions 13 to 39 to Conditions 12 to 38.

- Delete Condition 12 (formerly Condition 13) and replace with the following:

"12. The Developer shall, at no expense to the City, prior to the issuance of building permits for, or prior to the sale by the Developer of, Blocks 5 or 7, construct, in the extension of Mandalay Drive from its existing terminus approximately 30m north of Olford Crescent to Leila Avenue, 10.0-m-wide by 200-mm-thick portland cement concrete pavement and all related works, including, but not limited to, drainage works, all as determined by, and to the satisfaction of, the Director of Public Works."

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

RE: Subdivision and Rezoning – South side of Leila Avenue between Agnes Arnold Drive and Dunham Street
File DASZ 18/2010[c/r DAV 145768/2010D]

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

Prepared by: Inga Skundberg, Committee Clerk
Lord Selkirk - West Kildonan Community Committee

Report date: September 9, 2010

COMMUNITY COMMITTEE RECOMMENDATION:

On September 7, 2010, the Lord Selkirk - West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 18/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/2010 dated August 25, 2010 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 18, 2010, ***with the following amendments to the Development Agreement, namely:***

        i. Delete Condition 6 in its entirety and replace with the following:
        "6. The Developer shall prior to the issuance of building permits for, or prior to the sale by the Developer of, Blocks 4 or 6, pay its share of the watermain and land drainage sewer constructed by others in Leila Avenue for reimbursement to the Developer who constructed those improvements."

        ii. Delete Condition 11 in its entirety and replace with the following:
        "11. The Developer shall pay to the City prior to the issuance of building permits for, or prior to the sale by the Developer of, Blocks 4 or 6, its share of the cost of the following services installed in Leila Avenue along the full length of the Planned Area abutting Leila Avenue for reimbursement to the Developer who constructed those improvements:

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

all as determined by the Director of Public Works."

iii. Delete Condition 12 in its entirety, and renumber the balance of Conditions 13 to 39 to Conditions 12 to 38.

iv. Delete Condition 12 (formerly Condition 13) and replace with the following:

"12. The Developer shall, at no expense to the City prior to the issuance of building permits for, or prior to the sale by the Developer of, Blocks 5 or 7, construct, in the extension of Mandalay Drive from its existing terminus approximately 30m north of Olford Crescent to Leila Avenue, 10.0-m-wide by 200-mm-thick portland cement concrete pavement and all related works, including, but not limited to, drainage works, all as determined by, and to the satisfaction of, the Director of Public Works.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" with amendments and revisions contained therein for File DASZ 18/2010 dated August 25, 2010, to "PR1" Parks and Recreation 1 District, "R1-S" Residential Single-Family District, "RMF-M" Residential Multiple-Family District and "RMU" Residential Mixed-Use District subject to the following:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter, for proposed Blocks 3 to 7 of Schedule "A," to include the following conditions:

i. That, for the development of any building, accessory parking area, driveway, private approach, garbage enclosure, fencing, landscaping, lighting and signage, plans shall be submitted, showing the locations and designs of any building, accessory parking area, driveway, private approach, garbage enclosure, fencing, landscaping, lighting and signage, to the ***Lord Selkirk-West Kildonan Community Committee and the*** Director of Planning, Property and Development for approval prior to the issuance of any development or building permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

~~***ii. That, for only proposed Blocks 4 to 7 of Schedule "A," the following uses shall be deemed conditional uses:***~~

~~***a. community/recreation centre,***~~
~~***b. post office / carrier depot,***~~
~~***c. gallery/museum,***~~
~~***d. restaurant,***~~
~~***g. office,***~~
~~***e. personal services (excluding body modification establishment, cheque-cashing facility, funeral chapel or mortuary),***~~
~~***f. retail sales (excluding auction room, landscape or garden supplies, supermarket, pawnshop, x-rated store, auto/light truck/motorcycle sales and rental, auto parts and supplies – sales, and drive-in or drive-through) and***~~
~~***g. medical/dental/optical/counselling clinic;***~~

ii. That for only proposed Blocks 4 to 7 of Schedule "A", all non-residential uses shall be deemed conditional with exception of the following:

a. post office / carrier depot
b. office
c. medical/dental/optical."

iii. That there shall be no private approaches to proposed Blocks 3 to 7 of Schedule "A" from the proposed Public Street that is to extend east from the proposed northerly extension of Mandalay Drive and north to Leila Avenue and west from the proposed northerly extension of Mandalay drive and north to Leila Avenue.

iv. That there shall be no mobile signs, poster signs or A-frame signs.

v. That no illuminated signage be of a height greater than six feet.

~~***vi. That there shall be no more than 40 dwelling units and buildings shall not exceed 45 feet in height, excluding projections allowed under Zoning By-law 200/2006, on proposed Block 4, proposed Block 5 or proposed Block 7 of Schedule "A."***~~

vi. That there shall be no more than 60 dwelling units and buildings shall not exceed either 45 feet in height or three (3) storeys, excluding projections allowed under Zoning By-law 200/2006, on proposed Block 4, proposed Block 5 or proposed Block 7 of Schedule "A."

vii. That there shall be no more than 70 dwelling units and buildings shall not exceed 60 feet in height, excluding projections allowed under Zoning By-law 200/2006, on proposed Block 6 of Schedule "A."

viii. That all the proposed lots and proposed blocks of Schedule "A" shall not be subdivided without the approval of the Lord Selkirk – West Kildonan Community Committee."

iv. That until the commencement of construction, all multiple-family sites (Blocks 3, 4, 5, 6, 7 of Schedule "A") have 4 feet X 8 feet signs erected denoting the zoning."

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.

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 is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against proposed Blocks 3 to 7 of Schedule "A," provided that the said effective date occurs within one year from the date the by-law is passed.

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 things 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 Lord Selkirk - West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. There is sufficient provision for open space.

2. The growth in this area will continue and the current trend is toward more multi-family development.

3. The proposed development is much better than anything else previously considered or proposed for the site.

4. Community consultation regarding this application exceeds any consultation for previous proposals or considerations of the site.

PUBLIC HEARING SUMMARY

File: DASZ 18, 2010[c/r DAV 145768/2010D]

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

Public Hearing: September 7, 2010
Council Chamber
Council Building, 510 Main Street

Applicant: 5598002 Manitoba Ltd. (Pardeep Bhullar)

Subject:



Premises Affected: South side of Leila Avenue between Agnes Arnold Drive and Dunham Street

Exhibits Filed:
1. Application dated June 23, 2010
2. Notification of Public Hearing dated July 26, 2010
3. Manitoba Status of Titles 2275290, 2330727 and 2351568

4. Plans (4 pages)
5. Report from the Planning and Land Use Division dated August 16, 2010
6. Communication dated August 26, 2010, from Alison and Ken Harman in opposition to the application
7. Communication dated August 31, 2010, from Maria and Robert Doerr with respect to the application
8. Inspection Report
9. Communication dated September 7, 2010, from Lakhvir Singh Dhaliwal in opposition to the application
10. Communication dated September 7, 2010, from Lorianne Kowaliszyn in opposition to the application
11. Proposed Amendments to the Report from the Planning and Land Use Division, including the Report of the Administrative Coordinating Group submitted by Pardeep Bhullar, 5598002 Manitoba Ltd. at the public hearing
12. PowerPoint Presentation submitted by Pardeep Bhullar, 5598002 Manitoba Ltd. at the public hearing
13. Audio Recording of representations of public hearing held on September 7, 2010

REPRESENTATIONS:

In Support:

Kuldip Bhullar
Pardeep Bhullar, 5598002 Manitoba Ltd.
Derek Dabee
David Goyer
Jatinder Gill
Rubi Gill
Ross Mitchell of Genivar

In Opposition

Maria Berardi
Jean & Peter Blawat
Calvin Burtniak
Prashen Renv Chelikani
Pik Ching Li
Lakhvir Singh Dhaliwal
Maria & Robert Doerr
Otto Gebhardt
El-Alameen Hanif

Alison and Ken Harman
Lorianne Kowaliszyn
Mr. & Mrs. Bernardo Lingasin
Raphaele Leconte
Teresa Racciatti
Susan Soriano
Harold-Maxine Swick
Vincent & David Tsang & Hung Thiev Chan
Magna Withowski
Garry & Kim Yanke

For Information:

Curtis Ails
Luis Rocha

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Ms S. Matile, Land Development Engineer, Planning, Property and Development Department

Exhibit "5" referred to in File DASZ 18/2010[c/r DAV 145768/2010D]

ADMINISTRATIVE REPORT

Title: Subdivision and Rezoning Application File DASZ 18/10, 15 acre site south of Leila Avenue and Strasbourg Drive

Issue: Subdivision and rezoning to create two Public Streets, one of which would extend Mandalay Drive north to Leila Avenue at Strasbourg Drive, five blocks for multiple-family dwellings, mixed-use developments and a commercial development, 29 lots for single-family dwellings and two Public Reserves

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development (only if opposition or if recommendation differs from the report of the Public Service) → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
Patti Regan	n/a	n/a	n/a

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 18/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/2010 dated August 25, 2010 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 18, 2010.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" with amendments and revisions contained therein for File DASZ 18/2010 dated August 25, 2010, to "PR1" Parks and Recreation 1 District, "R1-S" Residential Single-Family District, "RMF-M" Residential Multiple-Family District and "RMU" Residential Mixed-Use District subject to the following:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of *The City of Winnipeg Charter,* for proposed Blocks 3 to 7 of Schedule "A," to include the following conditions:

i. That, for the development of any building, accessory parking area, driveway, private approach, garbage enclosure, fencing, landscaping, lighting and signage, plans shall be submitted, showing the locations and designs of any building, accessory parking area, driveway, private approach, garbage enclosure, fencing, landscaping, lighting and signage, to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That, for only proposed Blocks 4 to 7 of Schedule "A," the following uses shall be deemed conditional uses:

a. community/recreation centre,
b. post office / carrier depot,
c. gallery/museum,
d. restaurant,
g. office,
e. personal services (excluding body modification establishment, cheque-cashing facility, funeral chapel or mortuary),
f. retail sales (excluding auction room, landscape or garden supplies, supermarket, pawnshop, x-rated store, auto/light truck/motorcycle sales and rental, auto parts and supplies – sales, and drive-in or drive-through) and
g. medical/dental/optical/counselling clinic;

iii. That there shall be no private approaches to proposed Blocks 3 to 7 of Schedule "A" from the proposed Public Street that is to extend east from the proposed northerly extension of Mandalay Drive and north to Leila Avenue and west from the proposed northerly extension of Mandalay drive and north to Leila Avenue.

iv. That there shall be no mobile signs, poster signs or A-frame signs.

v. That no illuminated signage be of a height greater than six feet.

vi. That there shall be no more than 40 dwelling units and buildings shall not exceed 45 feet in height, excluding projections allowed under Zoning By-law 200/2006, on proposed Block 4, proposed Block 5 or proposed Block 7 of Schedule "A."

vii. That there shall be no more than 70 dwelling units and buildings shall not exceed 60 feet in height, excluding projections allowed under Zoning By-law 200/2006, on proposed Block 6 of Schedule "A."

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.

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 is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against proposed Blocks 3 to 7 of Schedule "A," provided that the said effective date occurs within one year from the date the by-law is passed.

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 things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

This report is for consideration of File DASZ 18/2010, an application to subdivide and rezone a 15 acres site to create two Public Streets, one of which would extend Mandalay Drive north to Leila Avenue at Strasbourg Drive, five blocks for multiple-family dwellings, mixed-use developments and a commercial development, 29 lots for single-family dwellings and two Public Reserves

This report recommends that the proposed plan of subdivision and rezoning be approved with modifications that are incorporated into Schedule "A" (of this report) and with conditions to ensure a reasonably high quality development that is quite compatible with the neighbourhood.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations are implemented, the planned area can be subdivided, rezoned and developed with multiple-family and single-family dwellings and commercial uses. As well, infrastructure would be constructed as per Schedule "B" of this report.

HISTORY

On December 15, 2004, Council rejected an application, under File DASZ 22/2004, to subdivide and rezone the planned area into two multiple-family dwelling lots and one public street.

Specifically, Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 22/2004 not be proceeded with.

On November 2, 2004, the Lord Selkirk-West Kildonan Community Committee recommended that the application for subdivision and rezoning under File DASZ 22/2004 not be proceeded with. The Lord Selkirk-West Kildonan Community Committee considered the proposed development to no be in keeping with the density, height and character of the surrounding neighbourhood.

However, the Planning and Land Use Division supported the concept of a multiple-family dwelling rezoning and development in the planned area, owing to its infill nature and location adjacent to a
major street right-of-way. However, the Division recommended that the proposed zoning be changed to allow a lower intensity and density of development than what was originally proposed.

CONSULTATION

In preparing this report there was consultation with the Water and Waste and Public Works Departments, as indicated in Schedule "B" of this report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Planning and Land Use
Prepared by: J. Glen Doney
Date: August 16, 2010
File No. DASZ 18/2010

Attachments and Schedules

1. Attachment 1 – Planning Discussion
2. Schedule “A”
3. Schedule “B”
4. Schedule “C”

ATTACHMENT 1 – PLANNING DISCUSSION

DATE	August 16, 2010
FILE	DASZ 18/2010
RELATED FILES	DAV 10-145768D
COMMUNITY	Lord Selkirk – West Kildonan
NEIGHBOURHOOD #	3.317
SUBJECT	proposed plan of subdivision and rezoning to create • two Public Streets, • two public reserves in two "PR1" Parks and Recreation 1 Districts, • 29 lots in two "R1-S" Residential Single-Family Districts, • one block of land in an "RMF-M" Residential Multiple-Family District, • one block of land in an "RMF-L" Residential Multiple-Family District, • two blocks of land in two "RMU" Residential Mixed-Use Districts and • one block in a "C2" Commercial Community District
LOCATION	south of Leila and Strasbourg and immediately west of 1640 Leila Avenue
LEGAL DESCRIPTION	W 1402.3F LOT 10 PLAN 3851 14/15 K OTM and PT RL 14 K LYING BET STR PRODS SLY OF E & W LIMITS LAND ABOVE DESC



The illustration to the left is what was in the public notice for this application. The proposed subdivision and rezoning, described above and shown as Figure 3 of this attachment, is different from this illustration to allow for the proposed subdivision and rezoning to be changed without requiring revising the public notice and, therefore, holding another public hearing.

APPLICANT	Pardeep Bhuller, 5598002 Manitoba Limited
OWNER	5598002 Manitoba Limited
RECOMMENDATION	Approval as modified, with conditions

REPORT SUMMARY

The planned area (the site) fronts onto Leila Avenue and is approximately 15 acres and 1400 feet wide.

The proposed plan of subdivision and rezoning should be approved with modifications that are incorporated into Schedule "A" of this report and with conditions to ensure a reasonably high quality development that is quite compatible with the neighbourhood.

THE PLANNED AREA (THE SITE)

The planned area is immediately south of the intersection of Leila and Strasbourg, immediately north of the northern limit of Mandalay Drive and is in The Maples Neighbourhood and the Old Kildonan Ward.

The planned area fronts onto Leila Avenue and is approximately 15 acres and 1400 feet wide.

Figure 1 of this attachment shows that the planned area is:

- undeveloped;
- next to the rear yards of several single-family dwellings, accessory parking for a place of worship use and a park;
- near two-family dwellings, another park and two undeveloped sites, one of which is to become a park and the other residential uses.

Figure 2 shows that the planned area is:

- in an "RR5" Rural Residential 5 District (where 5 = five acre minimum lot area requirement);
- next to "R1-M" Residential Single-Family Districts (where M = 3500 square foot minimum lot area requirement), "R1-L" Residential Single-Family Districts (where L = 5500 square foot minimum lot area requirement), and a "PR1" Parks and Recreation 1 District; and
- near other "RR5" Districts, "R1-M" Districts, "R1-L" Districts, an "R2" Residential Two-Family District and a "PR1" District.

The planned area is in a Neighbourhood policy area of Plan Winnipeg.

Leila Avenue has two lanes and extends as far west as Ritchie Street. The long term plan is for it to become a four-lane divided road that connects to the westerly extension of Chief Peguis Trail. Strasbourg Drive and Mandalay Drive are collector roads. Mandalay is to be extended north to connect to Leila Avenue and Strasbourg Street.

Winnipeg Transit bus routes are nearby, on Ritchie Street, Jefferson Avenue, Manila Road and Allan Blye Drive. After Mandalay is extended north to connect to Leila Avenue at Strasbourg Street, it is to become a Winnipeg Transit bus route.

THE PROPOSED DEVELOPMENT

As shown in Figure 3 of this attachment, the proposal is to create:

- one Public Street that would be the northerly extension of Mandalay Drive to Leila Avenue and another Public Street that would extend approximately 400 feet west and 400 feet east from the northerly extension of Mandalay Drive;
- two public reserves in two "PR1" Parks and Recreation 1 Districts, one of which would encompass a path and the other would encompass two paths and a park that would abut the park that is immediately south of the planned area – the Cannes Tot Lot;
- 29 lots in two "R1-S" Residential Single-Family District (where S = 2500 square foot minimum lot area requirement);
- one block in an "RMF-M" Residential Multiple-Family District (where M = 800 square foot minimum lot area per dwelling unit requirement); and
- one block in an "RMF-L" Residential Multiple-Family District (where L = 400 square foot minimum lot area per dwelling unit requirement);
- two blocks in two "RMU" Residential Mixed-Use Districts; and
- one block in a "C2" Commercial Community District.

Additional information provided by the applicant states that:

- proposed Block 3 would be 114,000 square feet and is to be developed with a five storey building, with 40 dwelling units and an assisted living facility;
- proposed Block 4 would be 45,000 square feet and is to be developed with a two storey building, with offices, a medical/dental clinic, personal services (such as a bank), a restaurant and retail sales uses (such as a flower shop);
- proposed Block 5 would be 45,000 square feet and is to be developed with a three-storey building, with 32 dwelling units, personal services (such as a hair salon) and a medical clinic;
- proposed Block 6 would be 63,000 square feet and is to be developed with a four storey building, with 66 dwelling units, offices, a daycare, a restaurant and retail sales uses; and
- proposed Block 7 would be 52,000 square feet and is to be developed with a three storey building, with 32 dwelling units, personal services (such as a hair salon) and a medical clinic.

As well, motor-vehicle access:

- to proposed Blocks 3, 4 and 5 would be from a private approach from Leila Avenue; and
- to proposed Blocks 6 and 7 would be from a private approach from Leila and another from the proposed northerly extension of Mandalay.

It is important to note that the proposed subdivision and rezoning, described above and shown as Figure 3 of this attachment, is different from the illustration in the public notice, which is Schedule "C" of this report. The reason for this difference is to allow for the proposed subdivision and rezoning to be changed (as discussed under the section "Analysis and Issues" of this attachment) without requiring revising the public notice and, therefore, holding another public hearing.

The differences are that:

- the proposed east-west Public Street is shown in the public notice to extend to Leila Avenue on both side of the proposed northerly extension of Mandalay Drive;
- the proposed westerly public reserve is shown in the public notice as a proposed Public Street;
- the proposed easterly public reserve connection to Leila Avenue is not shown in the public notice; and
- the proposed "RMF-M" District, which is proposed to be Block 6, is shown in the public notice as part of an "RMU" District encompassing proposed Blocks 6 and 7.

Lastly, variances are required for most of the proposed "R1-S" District lots because of the proximity of larger and wider single-family dwelling lots.

ANALYSIS AND ISSUES

Plan Winnipeg Compliance

Policy 3A-01, Promote Orderly Development, of Plan Winnipeg states that the Neighbourhood designation signifies areas of local identity with mutually supportive uses generally including a residential mix together with a variety of educational, recreational, institutional, commercial, and possibly industrial uses, at a scale and density compatible with each other.

The proposed development complies with Plan Winnipeg, and Policy 3A-01 in particular, because:

- single-family dwellings and a park would be developed alongside the southern and western limits of the planned area; and
- other buildings, ranging from two- to five-storeys, with the principal uses of multiple-family dwelling, assisted living facility and lower intensity commercial, would be developed north and east of the aforementioned single-family dwellings and the park and would be separated from residential development to the north and east by Leila Avenue and a place of worship.

However, aspects of the proposed rezoning would not be compatible with the neighbourhood. This is analyzed in the subsection "Zoning By-law 200/2006" of this attachment.

Compatibility with the Neighbourhood

As stated above, the proposed development would be compatible with the neighbourhood but aspects of the proposed rezoning would not.

Zoning By-law 200/2006

The following recommended changes to the proposed zoning are consolidated in Schedule "A" of this report.

Proposed Blocks 1 and 2 and the Proposed Public Reserves

Rezoning proposed Blocks 1 and 2 to "R1-S" District and the proposed Public Reserves to "PR1" District is appropriate because these districts allow only uses, building heights and yard depths that are compatible with the neighbourhood.

Proposed Block 3

Rezoning proposed Block 3 to "RMF-L" District is appropriate in terms of permitted uses, as shown in Table 1 of this attachment. However, the minimum lot area per dwelling unit requirement is 400 square feet and the maximum building height requirement is 150 feet, which permit a density of development and building height that are much greater than nearby developments which means that the "RMF-L" District is not appropriate.

However, Rezoning to "RMF-M" District is appropriate because the minimum lot area per dwelling unit requirement is 800 square feet and the maximum building height requirement is 60 feet, which permit a density of development and building height that are not excessively more than nearby developments. The "RMF-M" District accommodates the number of units proposed for Block 3, which is 100, without requiring a variance. In addition, only a minor height variance may be required to accommodate the five storey building proposed for Block 3.

Proposed Block 4

As shown in Table 1 of this attachment, the rezoning of proposed Block 4 to "C2" District is not appropriate because several uses that are permitted uses in the "C2" District can be incompatible with residential uses, including such uses as:

- amusement enterprise, indoor,
- auditorium/concert hall/theatre/cinema,
- studio, radio/tv/motion picture broadcast and production,
- hotel or motel,
- kennel,
- landscape or garden supplies,
- supermarket,

- auto/light truck/motorcycle, repair and service,
- auto/light truck/motorcycle, sales and rental,
- auto parts and supplies, sales,
- drive-in or drive-through,
- fuel sales,
- parking, structured,
- contractor's establishment and
- recycling collection centre.

As shown in Table 1, the "RMU" District is more appropriate because it accommodates all of the uses intended for proposed Block 4.

A comparison of the use regulations in the "RMU" District to those of the "RMF" District shows that:

- the uses of community/recreation centre, library and daycare centre are conditional uses in the "RMF" District but are permitted in the "RMU" District; and
- the uses of post office / carrier depot, gallery/museum, restaurant, office, personal services (excluding body modification establishment, cheque-cashing facility, funeral chapel or mortuary), medical/dental/optical/counselling clinic and retail sales (excluding auction room, landscape or garden supplies, supermarket, pawnshop, x-rated store, auto/light truck/motorcycle sales and rental, auto parts and supplies – sales, and drive-in or drive-through) are not allowed in the "RMF" District but are permitted in the "RMU" District.

Depending on how they are developed or the hours and days of the week they are in operation, all of these uses except library and daycare centre may have a negative effect on residential uses. Therefore, the aforementioned uses (other than library and daycare centre) should be conditional uses so that they can be evaluated at a public hearing and rejected or approved with conditions to ensure their compatibility with the neighbourhood.

In addition, the "RMU" District's minimum lot area per dwelling unit requirement is 500 square feet and the maximum building height requirement is 100 feet. These requirements permit a density of residential development and building height that are much greater than nearby developments. Therefore, the number of dwelling units and the building height (excluding projections allowed under the zoning by-law) should be limited to 40 units and 45 feet, to ensure development of proposed Block 4 is compatible with the neighbourhood.

Proposed Block 5

Rezoning proposed Block 5 to "RMU" District is appropriate because, with the same limits as those recommended for proposed Block 4, development of proposed Block 5 would be compatible with the neighbourhood.

Proposed Block 6

Rezoning proposed Block 6 to "RMF-M" District is not appropriate because it would not accommodate the proposed offices, restaurant or retail sales uses.

Therefore, it should be rezoned, instead, to "RMU" District with the number of dwelling units and the building height (excluding projections allowed under the zoning by-law) limited to 70 units and 60 feet, to accommodate the development to be on proposed Block 4 and to ensure it is compatible with the neighbourhood.

Proposed Block 7

Rezoning proposed Block 7 to "RMU" District is appropriate because, with the same limits as those recommended for proposed Block 4, development of proposed Block 5 would be compatible with the neighbourhood.

Special Boundary Conditions

As stated in the section "The Proposed Development" of this attachment, Lastly, variances are required for most of the proposed "R1-S" District lots because of the proximity of larger and wider single-family dwelling lots.

This is a "special boundary condition" requirement of the zoning by-law, which states:

> 138. (1) If an undeveloped parcel of land is located in the R1 or R2 zoning districts, or proposed for rezoning to the R1 or R2 zoning districts, and abuts an existing R1 or R2 zoning district, or is separated from an R1 or R2 zoning district by a street right-of-way, railroad right-of-way, or waterway, the undeveloped parcel must not be subdivided unless the width/square footage of the proposed lot(s) within 200 feet (measured from the edges of the proposed subdivision) of the adjacent R1 or R2 zoning district is not less than the average lot width/square footage of existing developed lots in residential use in the adjacent R1 or R2 areas along such shared boundary, but in no case may be less than 35 feet.

Site Design Issues

As stated in the following subsection, sidewalks or paths are to be built in all of the proposed Public Streets (as per Schedule "B"). This infrastructure, and that none of the proposed buildings would be more than five storeys, provide a base from which a high quality pedestrian environment can be created within the proposed northerly extension of Mandalay Drive and the proposed Public Street that is to extend east from the proposed northerly extension of Mandalay and north to Leila and west from the proposed northerly extension of Mandalay and also north to Leila.

A high quality pedestrian environment can be created within the aforementioned Public Streets if the proposed development is modified such that:

- no surface parking is between the proposed sidewalks or paths and the proposed buildings;
- the proposed buildings are oriented to the sidewalks and paths such that
  - the main building entrances are clearly visible from, and close to, the proposed sidewalks or paths,
  - transparent windows, balconies and entrances to dwellings and commercial and institutional space face the sidewalks or paths, rather than walls without openings and
  - residential, commercial and institutional uses, not parking, are on the ground floor alongside sidewalks or paths and parking is behind, under or above these uses;
- sidewalk and paths are paved in a manner that is consistent with universal design principals;
- sidewalks and paths are well lit with lights that are of a pedestrian scale and do not produce glare; and
- landscaping alongside the paths is visually interesting and well maintained.

As stated in the following subsection, three of the proposed single-family dwelling lots should, instead, be part of the public reserve proposed to be immediately north of the park called the Cannes Tot Lot in order to:

- better approximate the required land dedication area;
- improve the access to and through the park;
- improve visibility into the park (to improve safety from crime); and
- create an open-space configuration that is well integrated with the Cannes Tot Lot.

As shown in Figure 3 of this attachment, a public walkway is proposed alongside the eastern limit of the planned area. Locating a walkway there is not recommended because the walkway would be quite long and may not be visible to many people. If, instead, the walkway extends north from the easterly turnaround, in the Public Street shown in Schedule “A,” it would be shorter and, likely, visible to more people, thereby being safer from crime than what is proposed.

Lastly, Zoning By-law 200/2006 has standards on several aspects of land development, such as landscaping, lighting, garbage enclosures and bicycle parking. Adherence to these standards is a minimum and reasonable expectation.

Comments from other Departments

With-respect-to Schedule "C" of this report (the public notice version of the proposed subdivision and rezoning), and as stated in Schedule "B" (of this report), the Administrative Coordinating Group (which, for this application, represents the City departments of Pubilc Works, Water and Waste and Planning, Property and Development) states that:

- the future Mandalay Drive Public Street shall be 22 metres wide and centred on the existing Public Street south of the Planned Area (the existing Mandalay Drive) and transition to a width of 24 metres south of Leila Avenue and, at Leila, centred on the Strasbourg Street Public Street;
- the proposed Public Street that is to extend west and east from the future extension of Mandalay Drive be 18 metres wide and include cul-de-sac turnarounds at both of its "L" turns;
- the north-south portions of the proposed Public Street that is to extend west and east from the future extension of Mandalay be six metres to accommodate paths for pedestrians, cyclists and others (excluding motor vehicles);
- proposed Lot 13 and the proposed public reserve to be immediately north of proposed Lot 13 be consolidated with proposed Block 3;
- proposed Lots 10, 11 and12 be consolidated with the proposed public reserve to be east of these lots in order to better approximate the required land dedication area, improve the access to and through the park, improve visibility into the park (to improve safety from crime) and create an open-space configuration that is well integrated with the Cannes Tot Lot to the south;
- the developer shall, at no expense to the City, construct sidewalks within the proposed six metre wide Public Streets;
- the developer shall, at no expense to the City, construct sidewalks along:
    - the south side of Leila Avenue from Agnes Arnold Place to Dunham Street,
    - both sides of Mandalay Drive, from its existing terminus (which is approximately 30 metres) north of Olford Crescent) to Leila Avenue and
    - the north side of the proposed east-west street to both proposed paths; and
- the developer shall, at no expense to the City, cause to be installed ornamental street lights in all Public Streets within the planned area.

Schedule "A" of this report consolidates the recommended changes to the proposed plan subdivision.

Public Input

The applicant and people living adjacent or near the planned area have formed a residents' advisory committee. The applicant has met with this committee several times and the committee is in general support of the proposed subdivision, rezoning and development.

RECOMMENDATIONS

The proposal is recommended for approval because, with conditions, it will conform to Plan Winnipeg and make better use of land that is presently under-utilized, given the proximity of municipal infrastructure and other residential developments.

The conditions recommended as part of the zoning agreement:

- that plans, showing the locations and exterior details of any building, accessory parking area, driveway, private approach, garbage enclosure, fencing, landscaping, lighting and signage, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development; and
- that mobile signs, poster signs ad A-frame signs are prohibited.

are to ensure the proposed multiple family dwelling developments, and the pedestrian environment on adjacent public streets, are of a reasonably high quality.

The conditions recommended as part of the zoning agreement:

- that, for only proposed Blocks 4 to 7 of Schedule "A," the following uses shall be deemed conditional uses:
    a. community/recreation centre,
    b. post office / carrier depot,
    c. gallery/museum,
    d. restaurant,
    e. office,
    f. personal services (excluding body modification establishment, cheque-cashing facility, funeral chapel or mortuary),
    g. retail sales (excluding auction room, landscape or garden supplies, supermarket, pawnshop, x-rated store, auto/light truck/motorcycle sales and rental, auto parts and supplies – sales, and drive-in or drive-through) and
    h. medical/dental/optical/counselling clinic;

- that limit the number of dwelling units and height of buildings on proposed Blocks 4 to 7; and
- that no illuminated signage be of a height greater than six feet;

are to ensure that the proposed multiple family dwelling developments are compatible with the neighbourhood in terms of building height and intensity of land use and signage.

The condition recommended as part of the zoning agreement:

- that there shall be no private approaches to proposed Blocks 3 to 7 of Schedule "A" from the proposed Public Street that is to extend east from the proposed northerly extension of Mandalay Drive and north to Leila Avenue and west from the proposed northerly extension of Mandalay drive and north to Leila Avenue;

is to ensure that the proposed public street to extend west and east from Mandalay and north to Leila Avenue at two places will be a local residential street.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: J. Glen Doney
PPD File DASZ 18/2010

Figure 1 of Attachment 1: Existing and Planned Land Use
Existing land use is single-family dwelling unless shown otherwise. 2FD = two-family dwelling.
August 2010



Figure 2 of Attachment 1: Existing Zoning

August 2010

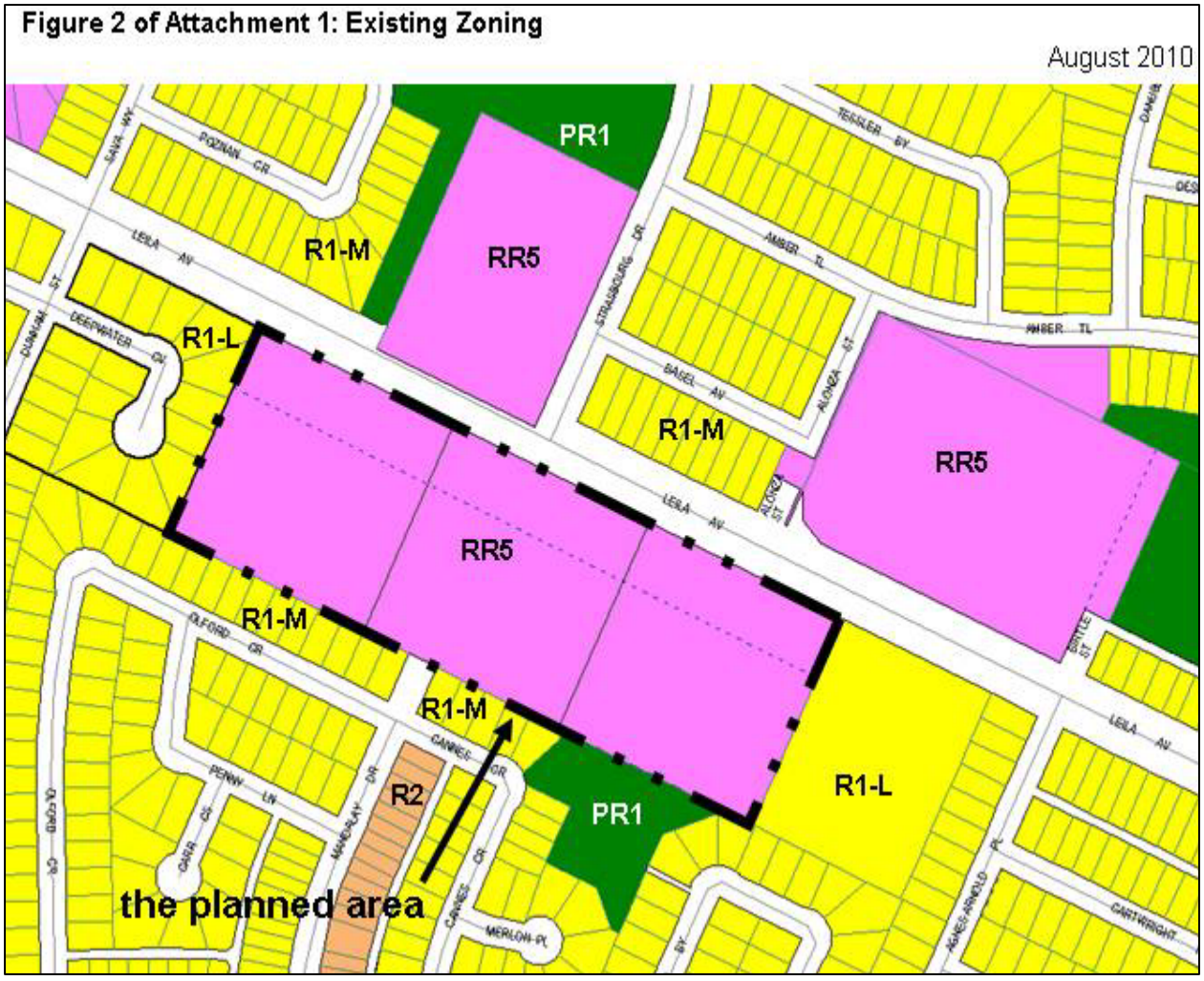


Figure 3 of Attachment 1: Proposed Development

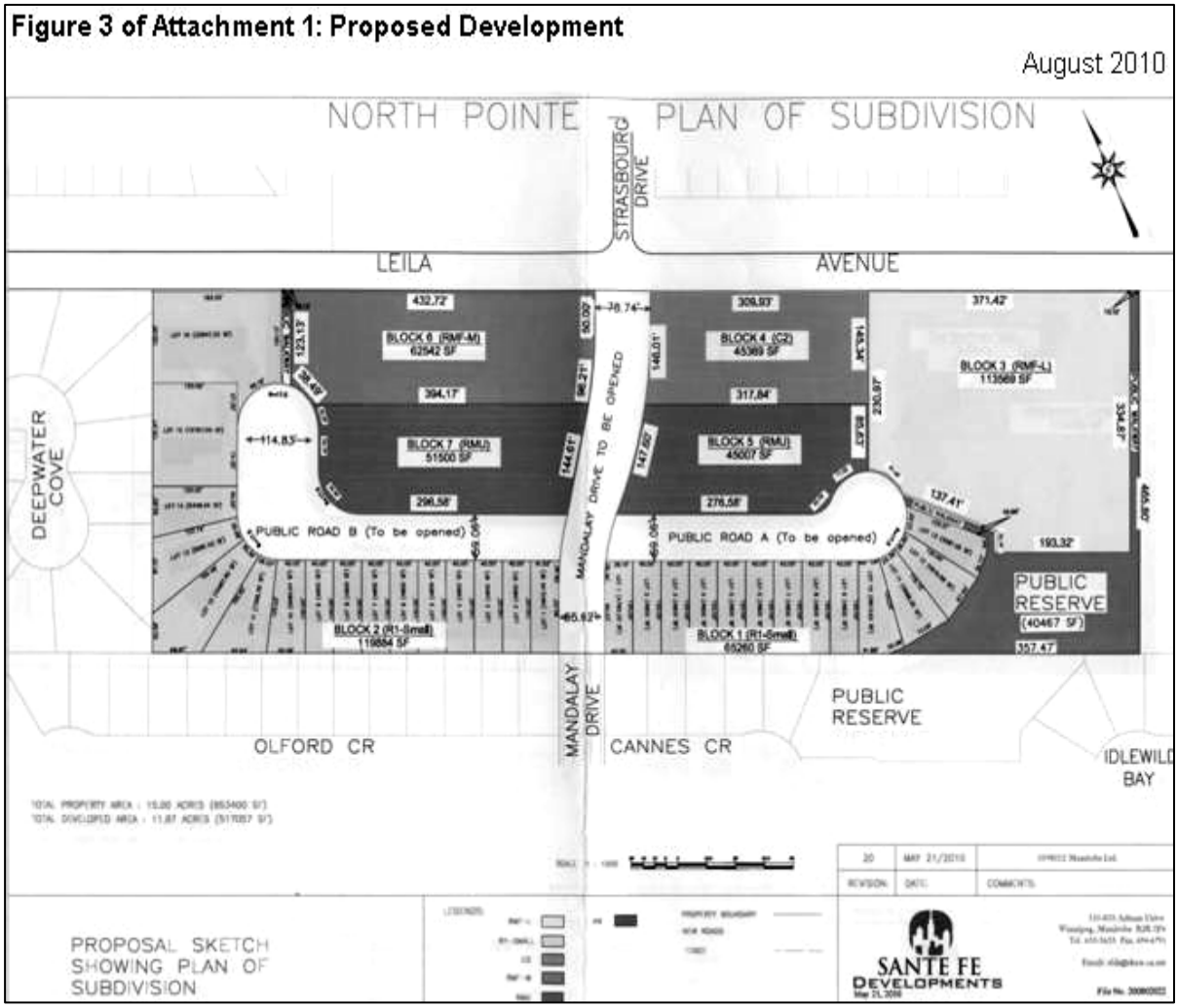


Table 1 of Attachment 1: Zoning By-law 200/2006, Principal-Use Regulations for Selected Zoning Districts

August 2010

P = permitted, C = conditional, x = not allowed, * = use specific standard

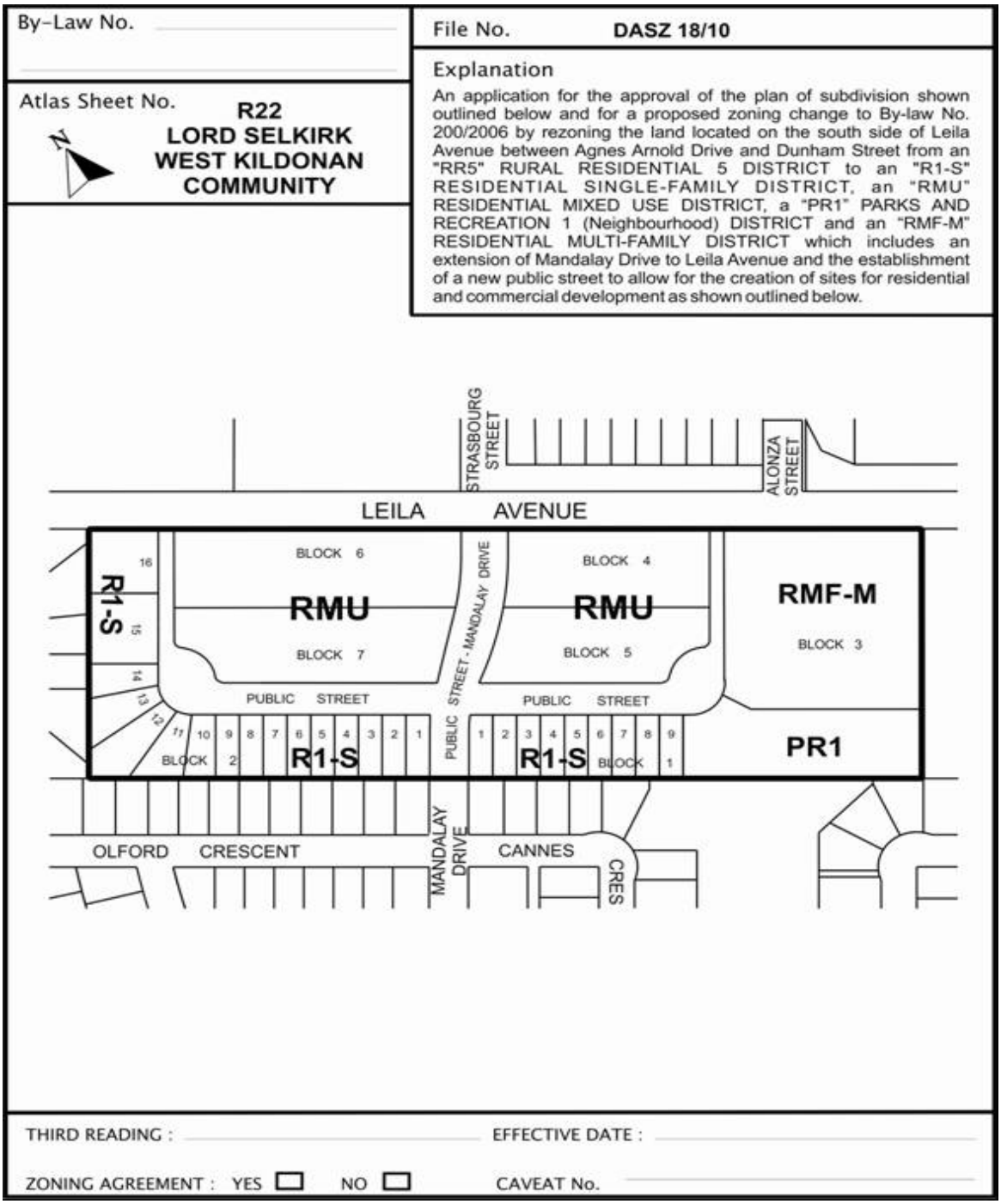
bold text denotes uses that are regulated differently under RMU than under RMU

	RMF	RMU	C1	C2
Dwelling, multi-family	P	P	C	C
Dwelling, single-family detached	P	P	P	C
Dwelling, two-family	P	P	P	C
Assisted living facility	P	P	C	P
Care home	P*	P*	P*	P*
Dormitory	C	C	X	X
Neighbourhood rehabilitation home	C*	C*	P*	P*
Single room occupancy	P*	P*	P*	P*
Community/recreation centre	**C**	**P**	C	P
Library	**C**	**P**	P	P
Post office/carrier depot	**X**	**P**	P	P
Social service facility	X	X	C	P
College or university	C	C	X	P
Commercial school	**X**	**C**	X	P
Elementary or junior high school	C*	C*	X	X
Senior high school	C*	C*	X	X
Day care centre	**C***	**P***	P*	P*
Hospital	X	X	X	C*
Place of worship	C*	C*	C*	P*
Cultural centre	**X**	**C**	X	C
Gallery/museum	**X**	**P***	P*	P
Amusement enterprise, indoor	X	X	X	P*
Auditorium/concert hall/theatre/cinema	X	X	X	P*
Hall rental	X	X	X	C
Private club, not licensed	X	X	X	C*
Studio, radio/TV/motion picture broadcast and production	X	X	X	P
Amusement enterprise, outdoor	X	X	X	C
Hostel	X	X	C	P
Hotel or motel	X	X	C	P
Animal hospital or veterinary clinic	X	X	P*	P
Kennel	X	X	P*	P*
Drinking establishment	**X**	**C**	X	P*
Restaurant	**X**	**P***	P*	P*
Office	**X**	**P***	P*	P
Personal services (unless otherwise listed)	**X**	**P***	P*	P*
Body modification establishment	X	X	X	C
Cheque-cashing facility	X	X	X	C*
Funeral chapel or mortuary	X	X	X	C
Medical/dental/optical/ counselling clinic	**X**	**P***	P*	P
retail sales (unless otherwise listed)	**X**	**P***	P*	P*
Auction room	X	X	X	C
Landscape or garden supplies	X	X	X	P
Supermarket	X	X	X	P*
Pawnshop	X	X	X	C*
X-rated store	X	X	X	C*
Advertising sign	X	X	X	C
Auto/light truck/motorcycle, repair and service	X	X	X	P*
Auto/light truck/motorcycle, sales and rental	X	X	X	P*
Auto parts and supplies, sales	X	X	X	P
Car wash	X	X	X	C
Drive-in or drive-through	X	X	X	P*
Fuel sales	X	X	X	P*
Parking, structured	X	X	X	P
Parking, surface	X	X	X	C

Bus depot	X	X	X	C
Transit station	C	C	C	C
Contractor's establishment	X	X	P	P
Fleet services	X	X	X	C
Recycling collection centre	X	X	X	P

Schedule "A"

Schedule "A" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 18/2010, dated August 25, 2010



Schedule "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – AUGUST 18, 2010

RE: PROPOSED SUBDIVISION AND REZONING SOUTH SIDE OF LEILA AVENUE BETWEEN AGNES ARNOLD DRIVE AND DUNHAM STREET - DASZ 18/10

It is recommended that the approval of DASZ 18/10 be subject to the following:

A. Plan Considerations

1. The Mandalay Drive right-of-way being 22.0 m wide, centered on the existing right-of-way south of the Planned Area, transitioning to a width of 24.0 m between the two proposed streets and Leila Avenue, and centered, at Leila Avenue, on the Strasbourg Street right-of-way opposite, to the satisfaction of the Director of Public Works.

2. The proposed streets on either side of the extension of Mandalay Drive both being 18.0 m wide and both including, at approximately the locations of the currently proposed 90-degree bends, right-of-way to accommodate cul-de-sac turnarounds consistent with the dimensions illustrated on Streets and Transportation Drawing ST–91, as a minimum, to the satisfaction of the Director of Public Works.

3. Two 6.0-m-wide public rights-of-way being provided for public multi-use pathways parallel to the Mandalay Drive extension, from each of the two cul-de-sac turnarounds to Leila Avenue.

4. The applicant combining proposed Lot 13 and the adjacent proposed public reserve "walkway" into the proposed Block 3.

5. The applicant incorporating proposed Lots 10-12 into the PR1 site to better approximate the required dedication area, to improve the access to and through the park, to improve visibility into and therefore safety of the park, and to create a better open-space configuration which is more integrated with the Cannes Tot Lot to the south.

B. 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.

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 hereby indemnifies 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.

   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 and adjacent lands, as determined by, and to the satisfaction of, the Director of Water and Waste.

5. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay the Leila Trunk User Charge (2010 rate = $938/acre).

6. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the watermain and land drainage sewer constructed by others in Leila Avenue.

7. The Developer shall ensure that the Planned Area drains southward, to Mandalay Drive.

8. 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.

9. 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.

10. 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.

11. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, its share of the cost of the following services installed in Leila Avenue along the full length of the Planned Area abutting Leila Avenue:

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

    all as determined by the Director of Public Works.

12. The Developer shall pay to the City, on demand, its share of a future westbound left-turn storage lane, to be constructed by others in the future, at the intersection of Leila Avenue and Mandalay Drive, as determined by the Director of Public Works.

13. The Developer shall, at no expense to the City, construct, in the extension of Mandalay Drive from its existing terminus approximately 30m north of Olford Crescent to Leila Avenue, 10.0-m-wide by 200-mm-thick portland cement concrete pavement and all related works, including, but not limited to, drainage works, all as determined by, and to the satisfaction of, the Director of Public Works.

14. The Developer shall, at no expense to the City, construct 150-mm-thick portland cement concrete pavements to widths of 7.5 m, and with cul-de-sac bulbs of 30.0-m diameter, and all related works, including, but not limited to, drainage facilities, in all other streets within the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

15. The Developer shall, at no expense to the City, construct 1.5-m-wide concrete sidewalks, offset within the 6-m rights-of-way both east and west of Mandalay Drive, landscape the balance of each right-of-way with sod and trees, and undertake the necessary grading and land drainage, all in accordance with drawings submitted for approval by, and to the satisfaction of, the Director of Public Works.

16. If the 6-m right of way is longer that 73 m, and if fencing is proposed for the adjacent private property, that fencing shall be limited to either open-style (i.e. chain-link or wrought-iron) or a maximum of 1.2 m in height, and shall include a 1.2- to 1.5-m-wide opening within 9 m of the mid-point of its length to serve as an additional point of access/exit.

17. The Developer shall, at no expense to the City, construct 1.5-m-wide by 100-mm-thick portland cement concrete sidewalk along:
a) the south side of Leila Avenue from Agnes Arnold Place to Dunham Street;
b) both sides of Mandalay Drive, from its existing terminus approximately 30m north of Olford Crescent to Leila Avenue;
c) the north side of the proposed street west of Mandalay Drive to the proposed walkway, and
d) the north side of the proposed street east of Mandalay Drive to the proposed walkway,

as determined by, and to the satisfaction of, the Director of Public Works.

18. The Developer shall construct all sidewalks concurrently with the pavements with which they share the right-of-way.

19. The City may file appropriate caveats in the Land Titles Office, notifying prospective homeowners of the proposed sidewalk locations.

20. The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of each temporarily paved 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. 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, all proposed streets, sidewalks, active transportation facilities, parks, and community mail-box sites - all with the approval of, and to the satisfaction of, the Director of Planning, Property and Development.

26. 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.

27. 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.

28. 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.

29. The Developer shall, at no expense to the City, construct, within the side yard of the single-family lot abutting Leila Avenue, a uniform, 2.0-m-high noise-attenuation fence, as determined by, and to the satisfaction of, the Director of Public Works, and permit the City to file a caveat against the title of that lot, requiring the owner to maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

30. The Developer shall, at no expense to the City:

a) ensure that construction traffic uses access routes determined by the Director of Public Works;

b) maintain those access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and

c) undertake the regular cleaning, including, but not limited to, scraping and sweeping, of those access routes and all streets within the Planned Area;

until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

31. 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.

32. The Developer shall dedicate to the City, as public open space, at least 8% of the Planned Area, improve the dedicated land, and pay its share of the cost of services in streets abutting the dedicated land, in accordance with City policy, and as determined by, and to the satisfaction of, the Directors of Public Works and Property, Planning & Development. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property, Planning & Development, and pay to the City the value of the difference between 8% of the land and the land actually dedicated, the value of the servicing of the land not dedicated, and the value of the landscaping of the land not dedicated.

33. The Developer shall, at no expense to the City, commence improvements in the Public Reserve in accordance with the Development Agreement Parameters (grade, level, sod, land

drainage, and irrigation), and install a 1.8-m-wide asphaltic concrete pathway to connect to the existing pathway within the Cannes Tot Lot, within six months of receiving an Occupancy Permit for Block 3, or when 50% of the single family residential lots have been have been developed, whichever occurs first. The improvements shall be designed to integrate with the existing adjacent park and shall be in accordance with drawings and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Planning, Property and Development.

34. If the City determines that the provision of water service to the public open space is not required, the Developer shall provide compensation either in additional landscape improvements or as dedication payment.

35. The Developer shall assume responsibility for the maintenance of all park sites until they are developed and turned over to the City for maintenance.

36. Securities for the public reserve improvements shall not be released until as-built drawings have been received, and accepted as complete, by the Director of Planning, Property and Development.

37. 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.

38. 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 by March 31 of the year following substantial performance showing, the services required to serve the Planned Area.

39. 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 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 18/10
August 18, 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

"original signed by D. Beaton, MLArch."
D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

Schedule "C"

Schedule "C" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 18/2010, dated August 20, 2010

