Agenda – Executive Policy Committee – January 18, 2012

REPORTS

Item No. 8 Subdivision and Rezoning – 15 – 55 Rothwell Road (Charleswood - Tuxedo Ward) File DASZ 34/2011 [c/r DAV 166264/2011D]

COMMUNITY COMMITTEE RECOMMENDATION:

On January 10, 2012, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 34/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2011 dated November 29, 2011 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 Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 26, 2011.

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 34/2011 dated November 29, 2011, to an "M2" Manufacturing General 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 to include the following conditions:

        i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, lighting, fencing, landscaping and signage to the Director of Planning, Property and Development and the Assiniboia Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That all exterior lighting must be shut off at 10:00 p.m. until 7:00 a.m. daily, (excepting fascia signage and security motion detecting lighting).

iii. Prior to the issuance of any building or development permit, the Developer shall enter into and register against all titles to the subject land, by way of caveat or master or declaratory easement, private cross-access agreements which will ensure vehicular access to proposed lots 1 and 2 at all times via internal roads. The Developer must submit the agreements to the City Solicitor for approval prior to execution. Such registration shall be maintained in perpetuity, shall not be amended without the prior written consent of the City, and shall be binding on the Developer and all successors in title to the subject land.

iv. That there shall be no mobile signs, rotating signs, banner signs, electronic message board signs, inflatable signs, animated signs, flashing signs and A-board signs on the entire site.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two-year period and Council approves the extension.

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 Servicing Agreement.

8. 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 the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

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.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On January 10, 2012, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

On December 6, 2011, the Assiniboia Community Committee adjourned the public hearing to January 10, 2012 at 5:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – 15-55 Rothwell Road**
File DASZ 34/2011

For submission to: **Executive Policy Committee**

Prepared by: **Visa Hutter, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **January 12, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 10, 2012, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 34/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2011 dated November 29, 2011 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

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iv. That there shall be no mobile signs, rotating signs, banner signs, electronic message board signs, inflatable signs, animated signs, flashing signs and A-board signs on the entire site.

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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.

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

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated November 29, 2011.

PUBLIC HEARING SUMMARY

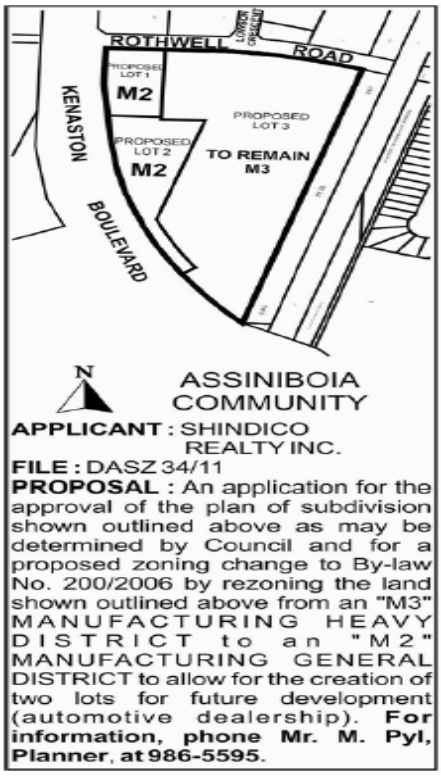
File: DASZ 34/2011

Before: Assiniboia Community Committee
Councillor Fielding, Chairperson
Councillor Havixbeck
Councillor Nordman

Public Hearing: January 10, 2012
North Committee Room
December 6, 2011
Council Chamber, Council Building,
510 Main Street

Applicant: Shindico Realty Inc.
(John Pearson)

Subject:



Premises Affected: 15 – 55 Rothwell Road

Exhibits Filed:
1. Application dated October 3, 2011
2. Notification of Public Hearing dated October 18, 2011

3. Manitoba Status of Title 1658860
4. Letter of authorization dated July 8, 2011 from 65055 Manitoba Ltd., to John Pearson, Shindico Realty Inc.
5. Surveyor's Building Location Certificate and sketch dated September 27, 2011 and Plan
6. Plans (3 pages) dated October 18, 2011
7. Report from the Planning and Land Use Division dated November 29, 2011
8. Inspection Report
9. Notice of Adjournment dated December 9, 2011
10. "Mercedes New Build" Plans submitted at the public hearing by Mike Scatliff, in support of the application
11. Audio Recording for public hearing held on January 10, 2012

REPRESENTATIONS:

In Support:

Grant Hekle
Robin Lee
Brian N. Lowes
John Pearson, Shindico Realty Inc.
Robert Scaletta
Mike Scatliff
Ian Taylor
Robert L. Tyler

In Opposition

Nil

For Information:

Nil

For the City:

Mr. J. Wintrup, Principal Planner, Planning, Property and Development Department
Mr. M. Pyl, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 34/2011

ADMINISTRATIVE REPORT

Title: DASZ 34/2011 – 15-55 Rothwell

Issue: For consideration at the public hearing to establish a car dealership

Critical Path: Assiniboia 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 34/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 34/2011 dated November 29, 2011 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

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thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That all exterior lighting must be shut off at 10:00 p.m. until 7:00 a.m. daily, (excepting fascia signage and security motion detecting lighting).

iii. Prior to the issuance of any building or development permit, the Developer shall enter into and register against all titles to the subject land, by way of caveat or master or declaratory easement, private cross-access agreements which will ensure vehicular access to proposed lots 1 and 2 at all times via internal roads. The Developer must submit the agreements to the City Solicitor for approval prior to execution. Such registration shall be maintained in perpetuity, shall not be amended without the prior written consent of the City, and shall be binding on the Developer and all successors in title to the subject land.

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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

- The applicant intends to subdivide the subject property into three lots. Proposed Lot 1 will accommodate future development, proposed Lot 2 will accommodate a Mercedes Benz car dealership, and proposed Lot 3 will maintain the existing trucking business.
- Proposed Lots 1 and 2 will be rezoned “M2” Manufacturing General district, while Lot 3 will remain zoned “M3” Manufacturing Heavy district.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the subject property will be subdivided and rezoned.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

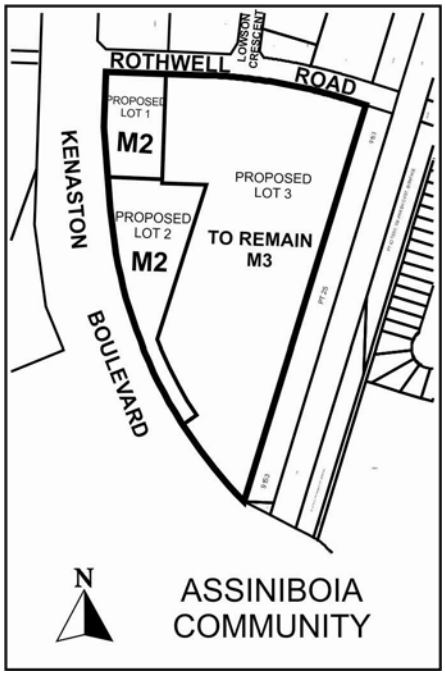
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Michael Pyl
Date:	November 29, 2011
File No.	DASZ 34/11

APPENDIX 'A'

DATE: November 29, 2011
FILE: DASZ 34/2011
RELATED FILES: DAV 11-166264D
COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.668

SUBJECT: To create two new lots and one residual lot and to rezone Proposed Lots 1 and 2 from "M3" Manufacturing Heavy district to "M2" Manufacturing General district

LOCATION: 15-55 Rothwell



APPLICANT: John Pearson
Shindico Realty Inc
1355 Taylor Av Suite 200
Winnipeg, MB R3M 3Y9

OWNER: 65066 Manitoba Ltd.

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to subdivide the subject property into three lots. Proposed Lot 1 will accommodate future development, proposed Lot 2 will accommodate a Mercedes Benz car dealership, and proposed Lot 3 will maintain the existing trucking business.
- Proposed Lots 1 and 2 will be rezoned “M2” Manufacturing General district, while Lot 3 will remain zoned “M3” Manufacturing Heavy district.

SITE DESCRIPTION

- The subject property is located on the east side of Kenaston Blvd between Rothwell Rd and the CPR spur line in the Tuxedo Industrial neighbourhood of the Charleswood-Tuxedo ward.
- The subject property is zoned “M3” Manufacturing Heavy district. It is occupied by a trucking business with both warehousing and office components. The property is 20 acres in area, with approximately 1,650 ft. (500m) of frontage along Kenaston.
- Adjacent properties include the Tuxedo Business Park to the west across Kenaston zoned “MMU” Manufacturing Mixed Use district, industrial uses to the north across Rothwell zoned “M3”, single family dwellings to the east across the railway line zoned “R1-M” Residential Single Family district, and commercial strip mall development to the south on both sides of Kenaston zoned “C4” Commercial Regional district.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to subdivide the subject property into three lots. Proposed Lot 1 will be located in the northwest corner of the property, will be 1.82 acres, and is intended to accommodate future development. Proposed Lot 2 will be located along the west side of the property with Kenaston frontage, will be 3.28 acres, and is intended to accommodate a Mercedes Benz car dealership. Proposed Lot 3 will be 14.8 acres and will maintain the existing trucking business.
- Proposed Lots 1 and 2 will be rezoned "M2", while Lot 3 will remain zoned "M3".
- It is proposed that access to Lots 1 and 2 will be provided by an existing road internal to the site, with access guaranteed by a cross-access agreement.
- In concurrence with this application, the applicant has also applied for a number of variances (DAV 11-166264D). They are:
    - No access from a street or lane (access will be by cross-access agreement with neighbouring land)
    - No west corner side yard (Kenaston) on proposed Lot 1 instead of 15 ft.
    - A front yard (Rothwell) on proposed Lot 1 of 10 ft. instead of 25 ft.
    - No front yard (Kenaston) on proposed Lot 2 instead of 25 ft.

BACKGROUND

DASZ 7/2008

- On May 14, 2008, Council approved a subdivision and rezoning application on the subject property that created a lot with frontage along Kenaston (largely the equivalent of Proposed Lots 1 and 2 in the current DASZ 34/11 application) to be zoned "M2". The applicant proposed to construct an office on this lot, with the balance of the property remaining as a trucking business. However, the plan was never registered, Council never passed a by-law, and this application has since expired.
- As a condition of approval, a zoning agreement was placed on the subject property that required the following:
    - That the location and design of proposed buildings, accessory parking areas, garbage enclosures, fencing, landscaping, exterior lighting, and free-standing signage are subject to plan approval to the Director of Planning, Property, and Development.
    - That any fencing located along the north property and west property limits of Lot 1 shall be limited to a maximum of 4 feet.
    - That the following uses shall not be permitted on the land:
        - Place of worship
        - Gallery/museum
        - Amusement enterprise, indoor
        - Amusement enterprise, outdoor
        - Drinking establishment
        - Restaurant
        - Funeral chapel or mortuary
        - Medical/dental/optical/counseling clinic
        - Landscape or garden supplies
        - Auto/light truck/motorcycle, sales and rental
        - Drive-in or drive-through

- That there shall be no mobile signs, poster signs, and A-frame signs on the entire site.

DASZ 23/98

- In 1998, Council approved a subdivision and rezoning application on the subject property to create a 1 acre lot in the northwest corner of the site zoned “M2”. The property owner had intended to develop a 2,500 sq. ft. drive-thru restaurant on the site.
- The Planning and Land Use Division had recommended against this application in order to preserve existing industrial property. At a time when the commercial lands around McGillivray and Kenaston were opening up, it was argued that this would be a better location for such a use.
- The application was approved subject to the establishment of a zoning agreement requiring:
    - The use of the land shall be limited to a drive-thru restaurant (doughnut shop).
    - The owner shall construct and maintain a 2.5 ft. high light proof fence in the parking area along the Kenaston and Rothwell frontages.
- This DASZ application was heard in concurrence with a variance application (DAV 637/98D) to permit:
    - No front yard instead of 25 feet.
    - No north corner side yard instead of 15 feet.
- The Planning and Land Use Division did not support the application, as it was argued that these yards provided opportunities for landscaping and design features to enhance the property. The Assiniboia Community Committee approved the variances subject to the provision of a 2.5 ft. high light-proof fence.
- This DASZ application was also heard in concurrence with a conditional use application (DCU 212/98D) to permit the establishment of a drive-thru restaurant. The Planning and Land Use Division did not support this application, as it was felt the subject property was not a suitable location for a commercial use. The Assiniboia Community Committee approved the application.

Other approvals

DAV 846/01

- On November 2, 2001, the Board of Adjustment approved a variance to permit the expansion of an accessory off-street parking area with a 15 ft. front yard instead of 25 ft. subject to compliance with a landscaping plan attached to the application. The applicant had originally asked for no front yard and no landscaping or light proof fencing in the required front yard.

DCU 07-152271

- On November 7, 2007, the Board of Adjustment approved a conditional use on the subject property to permit the establishment of an advertising sign use and the erection of a 192 sq. ft. billboard.

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and is intended to gain statutory authority as a secondary plan. The strategy is intended to serve as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- In general, Complete Communities envisions the transformation of Employment Lands from segregated, industrial areas into, "aesthetically pleasing, sustainable, mixed-use developments", facilitated by significant advancements in technology that have made the majority of current industrial uses much cleaner, quieter, and greener than they were in the past. Within Employment Lands, the subject property is designated "General Manufacturing". This designation allows for a limited mix of uses, including some office, associated and supportive retail, supportive personal service, warehouse, and limited outdoor storage.
- The subject property is also located in close proximity to both the "Kenaston & McGillivray" and "Kenaston & Sterling Lyon" Regional Mixed Use Centres. These are areas identified in the document's policies as places of significant commercial concentration and intensity that, over time, may accommodate the introduction of high density residential development.

Zoning

- The Manufacturing General (M2) district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage.
- The Manufacturing Heavy (M3) district is intended to provide for light or heavy industrial development, including heavy manufacturing, storage, major freight terminals, waste and salvage, resource extraction, processing, transportation, major utilities, and other related uses, particularly those that require very large buildings, frequent heavy truck traffic for supplies or shipments, or that may require substantial mitigation to avoid sound, noise, and odour impacts to neighbouring properties. New M3 zone districts should not be established within 300 feet of an existing residential zone district.

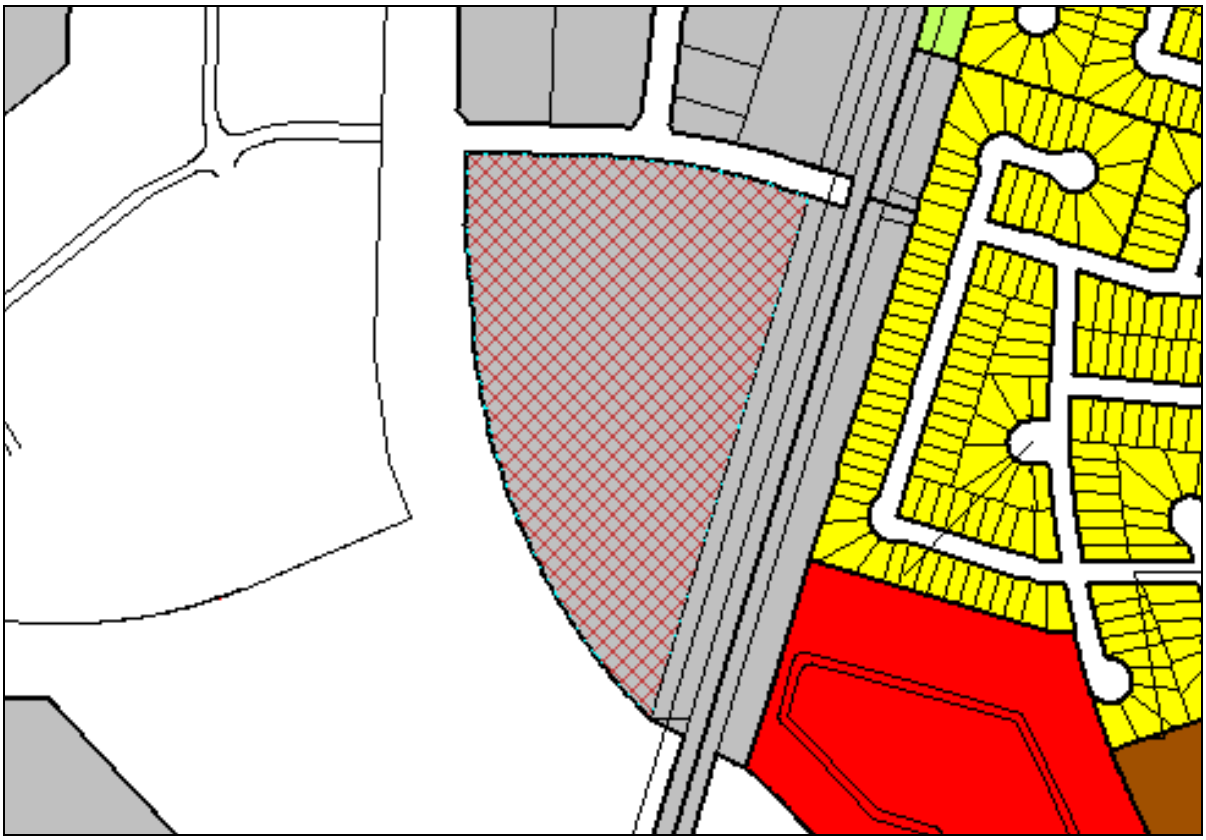


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 62 of Zoning By-law No. 200/06 prescribes all permitted and conditional principal uses in each zoning district. These uses in the "M2" district are outlined in Appendix 'B' of this report.
- Section 132(6) of Zoning By-law No. 200/06 states that no use permitted under the by-law shall be established, erected, or constructed unless the parcel of land on which it is located, in addition to complying with all other requirements of this by-law:
    - Abuts a public street; or
    - Abuts an unimproved street which, under an Agreement with the City, is to be improved to serve that lot; or
    - Is deemed to abut a public street pursuant to the non-conformity provisions of the by-law.
- Section 152 of the zoning by-law prescribes dimensional standards for the "M2" district.

	Min. Lot Area (sq. ft.)	Min. Lot Width (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Interior Side Yard (ft.)	Min. Corner Side Yard (ft.)	Max. Building Height (ft.)	Max. Floor Area Ratio
M2	NA	NA	25	0	0	15	100	2.0

Figure 3: Dimensional standards for the "M2" district

Land use by-law issues

- This planner's report only pertains to the DASZ application. Discussion of the proposed variances will be dealt with in the concurrent report for DAV 11-166264D.

Transportation and site access

- The subject site fronts onto both Kenaston Blvd and Rothwell Rd. The Public Works Department has indicated that the development of new private approaches off Kenaston is restricted. As a result, access will need to be obtained via Rothwell.

Future Kenaston improvements

- Public Works has indicated an intention to have a sidewalk built along the east side of the Kenaston Blvd right-of-way, adjacent to the subject property.
- As per Schedule 'B', the Administrative Coordinating Group has requested that the applicant be responsible for its installation.
- Public Works also has the long term intention of widening this portion of Kenaston Blvd to three lanes in each direction.

Site design issues

- It is recognized that this area of Kenaston is undergoing a transition from a primarily industrial character to that of a commercial/mixed use character; the IKEA development at Sterling Lyon and the Terracon Business Park are examples of this.
- Given the site's prominent location, it is imperative to the Urban Planning Division that this site is developed to a high standard. Through the plan approval process, it will be looking for:
    - Ample, high quality landscaping in required yards as well as internal to the site. Given that the applicant has requested fairly substantial yard variances, it is expected that the landscaping in these yards go above and beyond the requirements of the zoning by-law to mitigate against the impact of the reduced yards. Particular attention will be given to the Kenaston frontage.
    - Building location and design.
    - The location and design of the site's garbage enclosures. The garbage enclosure should match the architectural detailing of the primary building.
    - The location and design of accessory signage. Any free-standing sign should have substantial landscaping at its base. The Urban Planning Division will be looking for a well-designed monument sign.
    - The location and design of any on-site fencing. This fencing should be constructed of wrought iron or a similarly high-quality material.
    - The applicant should also provide a lighting plan that mitigates against any spillover to adjacent properties. While recognizing the need for security, it should also demonstrate a commitment to reducing light pollution. The Urban Planning Division is recommending a condition that the site's primary flood lights be turned off overnight to advance this aim.

- It is recognized that there has not been a development proposal come forward for proposed Lot 1. That being said, the Urban Planning Division will look for similar design treatment.

RECOMMENDATION

The Urban Planning Division has recommended against the development of auto sales uses on the subject property in the past. However, the subject property is designated “General Manufacturing” in the Employment Lands section of the new Complete Communities Direction Strategy. This designation allows for a limited mix of uses, including some office, associated and supportive retail, supportive personal service, warehouse, and limited outdoor storage. The intent of the “General Manufacturing” policies generally aligns with the permitted/conditional uses of the “M2” zoning district in Zoning By-law No. 200/06.

It is recognized that this area of Kenaston is undergoing a transition from a primarily industrial character to a commercial/mixed use character; the IKEA development at Sterling Lyon and the Terracon Business Park are examples of this. Given the site’s prominent location, it is imperative to the Urban Planning Division that this site is developed to a high standard. Through the plan approval process, it will be looking for ample, high quality landscaping, particularly along the Kenaston Blvd frontage, as well as other well-designed site elements. As well, through both a lighting plan to be provided through the plan approval process as well as a restriction on overnight lighting recommended as a condition of approval, it is expected that the proposed development will demonstrate a commitment to reduce light pollution, particularly given its proximity to nearby residential development in Lindenwoods.

Also included in the proposed zoning agreement is a condition requiring that the applicant establish a cross-access agreement to guarantee access to proposed Lots 1 and 2. Related to the concurrent variance creating a land-locked parcel, this will also be reiterated as a condition of approval for DAV 11-166264D.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 34/2011

APPENDIX 'B'

List of all permitted and conditional uses in the "M2" zoning district, as per Section 62 of Zoning By-law No. 200/06:

Permitted	Conditional
Community/recreation centre	Jail/detention centre
Post office/carrier depot	Boat dock, public access
Protection and emergency services	Sports or entertainment arena/stadium, indoor
Commercial school	Race track
Park/plaza/square/playground	Sports or entertainment arena/stadium, outdoor
Day care centre*	Hotel or motel
Place of worship	Adult service or entertainment establishment*
Gallery/museum	Pawnshop*
Amusement enterprise, indoor	X-rated store*
Studio, radio/TV/motion picture broadcast and production	Advertising sign
Amusement enterprise, outdoor	Crematorium
Animal hospital or veterinary clinic	Grain elevator
Kennel	
Drinking establishment*	
Restaurant	
Call centre	
Office	
Research institution	
Funeral chapel or mortuary	
Medical/dental/optical/counseling clinic	
Auction room	
Landscape or garden supplies	
Auto/light truck/motorcycle, repair and service*	
Auto/light truck/motorcycle, sales and rental*	
Auto parts and supplies, sales	
Car wash	
Drive-in or drive-through*	
Fuel sales*	
Parking, structured	
Parking, surface	
Towing and storage facility	
Airport and associated facilities	
Bus depot	
Commercial marina	
Transit station	
Utility facility, major	
Utility facility, minor*	
Auction yard	
Contractor's establishment	
Fleet services	
Heavy equipment sales, service, and rental	

Landscape/garden contractor or production Wholesaling Light manufacturing Freight or truck yard Mini-warehouse, self-storage Outside storage* Warehouse Recycling collection centre Recycling plant*	
* - Subject to use-specific standards	

Schedule "A" for File No. DASZ 34/11, Assiniboia Community Committee, dated November 29, 2011.

By-Law No. _____

File No. **DASZ 34/11**

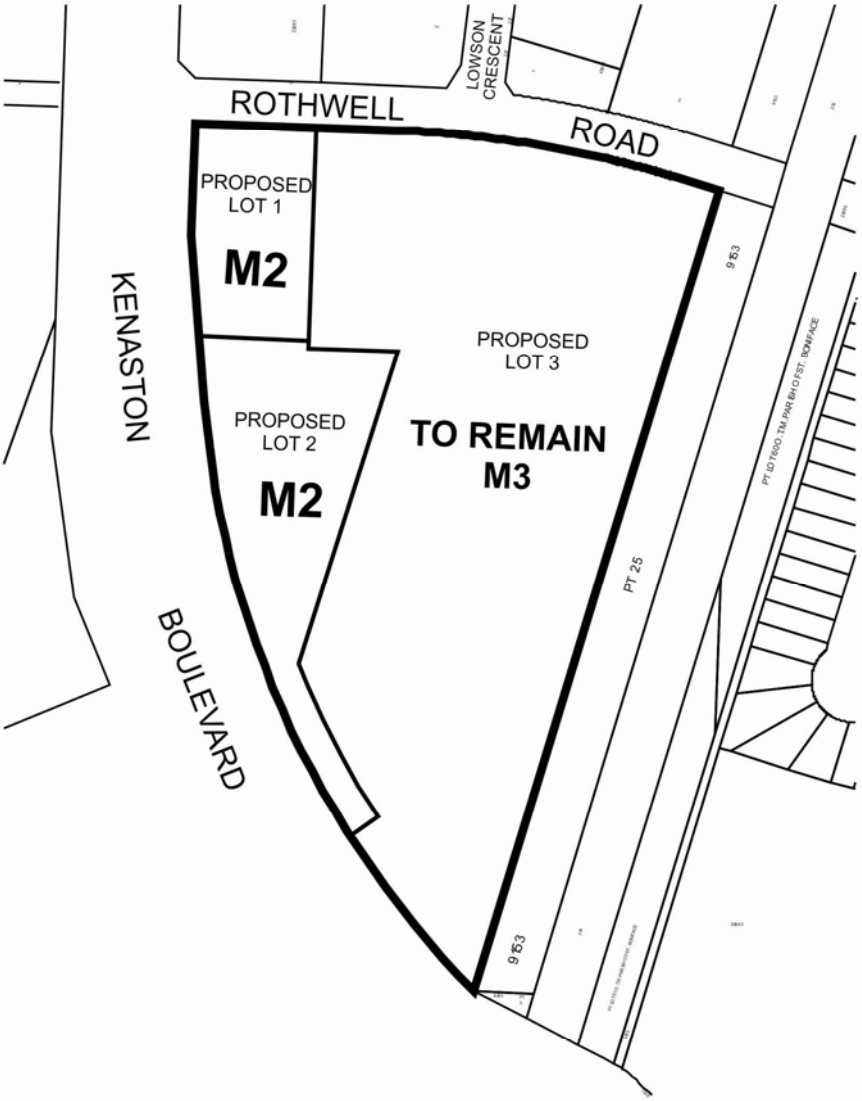
Atlas Sheet No.

N

AH20 ASSINIBOIA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 15-55 Rothwell Road from an "M3" MANUFACTURING HEAVY DISTRICT to an "M2" MANUFACTURING GENERAL DISTRICT to allow for the creation of two lots for future development (automotive dealership) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" – Report of the Administrative Coordinating Group

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – November 26, 2011

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 15-55 Rothwell Road - DASZ 34/2011

It is recommended that the approval of DASZ 34/2011, if granted, be subject to the applicant entering into a Servicing Agreement with the City of Winnipeg, containing the following conditions:

1. The Developer shall, on demand, pay its share of the cost of a sidewalk to be installed by the City in Kenaston Boulevard abutting the subject property, all as determined by the Director of Public Works.

2. The Developer shall execute, and register against the title of each lot, to the satisfaction of the Director of Public Works, the appropriate cross-access easement agreement(s) to guarantee access to each of the three proposed lots from each of the Private Approaches as illustrated on the attached Private Approach Drawing Nos. A-9237 and A-9512. No private approaches will be permitted to or from Kenaston Boulevard for any of the proposed lots.

3. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area 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.

4. 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 Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 34/2011
November 26, 2011

[Original Signed by K.T. Raban, P.Eng.]
K.T. Raban, P. Eng.
Land Development Branch

R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch