Minute No. 515
Report - Standing Policy Committee on Property and Development – July 5, 2011

Item No. 5 **Subdivision and Rezoning – 455 Templeton Avenue and 2401 Ferrier Street**
(Old Kildonan Ward)
File DASZ 15/2011 [c/r DAV 120327/2011D]

COUNCIL DECISION:

Council concurred in the recommendations of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision under File DASZ 15/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2011 dated May 31, 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 Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 13, 2011 for Option 1 (which includes a condition regarding dedication of land for public open space) that are consistent with Schedule "A" for File DASZ 15/2011 dated May 31, 2011, with the following amendments, namely:

        A. Plan and Property Considerations
            i. Delete Condition 1
            ii. Renumber Conditions 2 and 3, to Conditions 1 and 2

        B. Development Agreement
            i. Renumber Conditions 4 to 7, to Conditions 3 to 6
            ii. Delete Condition 8
            iii. Renumber Conditions 9 to 16, to Conditions 7 to 14
            iv. Amend renumbered Condition 11 (formerly Condition 13) by deleting the words "and radius of 10.5 m", and replacing them with the words "up to the eastern terminus of the most westerly private road."
            v. Amend renumbered Condition 12 (formerly Condition 14) by deleting the figure "10", and replacing it with the figures "3, 4, 5 & 11".

Report - Standing Policy Committee on Property and Development – July 5, 2011

COUNCIL DECISION (continued):

vi. Delete renumbered Condition 13 (formerly Condition 15) and replace with the following:
"13. The Developer shall, at no expense to the City, construct, in the proposed Public Lane from the eastern terminus of the most westerly private road, 150-mm-thick portland cement concrete pavement, to the city's standard back lane width requirement, and all related works, all as determined by, and to the satisfaction of, the Director of Public Works."

vii. Amend renumbered Condition 14 (formerly Condition 16) by deleting the figure "12", and replacing it with figures "3, 4, 5 & 13"

viii. Delete Conditions 17 and 18

ix. Renumber Conditions 19 to 31, to Conditions 15 to 27

x. Amend renumbered Condition 17 (formerly Condition 21) by adding the words "in Beecher Avenue, Templeton Avenue or the private roads" after the words "Developer to serve the Planned Area".

xi. Amend renumbered Condition 23 (formerly Condition 27) by deleting the words "Paragraphs 10 and 14 above" and, replacing them with the words "Paragraph 11 above".

xii. Amend renumbered Condition 25 (formerly Condition 29) by adding at the end thereof a reference to taking into account the large amount of land dedicated free of charge to the City of Winnipeg for the future extension of McGregor Avenue, located within one block of the proposed development.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area, as shown on Schedule "A" for File DASZ 15/2011 dated May 31, 2011, to "R1-M" Residential Single-Family [medium scale] District, an "RMF-S" Residential Multiple-Family [smaller scale] District (Lot 3) and an "RMF-M" Residential Multiple Family [medium scale] District (Lot 2), 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 the following principal uses shall be conditional principal uses in the planned area:

Report - Standing Policy Committee on Property and Development – July 5, 2011

COUNCIL DECISION (continued):

a. assisted living facility;
b. single-room occupancy; and
c. protection and emergency services.

ii. That, for the development of any building, parking area, private approach, garbage enclosure, fencing, landscaping, lighting or signage in proposed Lot 2 or 3, as shown in Schedule "A" to this report, plans, showing the locations and designs of any proposed building, parking area, private approach, garbage enclosure, fencing, landscaping, lighting or signage, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter all to be developed in accordance with said plans and maintained to the satisfaction of the Director of Planning, Property and Development.

iii. That there shall be no illuminated signs, advertising signs, mobile signs, poster signs or A-frame signs in proposed Lot 2 or 3, as shown in Schedule "A" to this report, except that a mobile sign shall be permitted in proposed Lot 2 or 3 for a period of thirty (30) days in association with a new occupancy permit.

iv. That no habitable room or space, bathroom, water closet compartment, or recreation room or space shall be less than 48.5 feet (14.8 metres) as per plans submitted from the eastern limit of the planned area.

v. That a fence, without potential hand- or foot-holds on its west side, be built along the entire eastern limit of the planned area to a height that is the maximum height allowed in the zoning by-law.

vi. That the Developer shall grant to the City an easement in the planned area for the northerly 25 metres (82 feet) of the proposed westerly private road connecting to Beecher Avenue, said road to be accessible to the general public, including, but not limited to, vehicles providing emergency services, garbage or recycling pick-up, snow removal or services or repairs to any utility and the Developer shall pay all associated surveying costs.

Report - Standing Policy Committee on Property and Development – July 5, 2011

COUNCIL DECISION (continued):

vii. That the Developer and Owners must submit the easement agreement to the City Solicitor for approval prior to execution.

viii. That the Developer shall indicate, in all applicable site plans, the intended construction of the future northerly 82 feet (25 metres) of the westerly private road within the designated easement.

ix. That the specific location and configuration of the northerly 82 feet (25 metres) of the future westerly private road and the associated easement will be determined by the Chief of the Winnipeg Fire Paramedic Service and the Director of Public Works, and will be based on safety-of-access considerations, design requirements and impact on private property.

x. That the Developer shall, prior to the issuance of an occupancy permit for any proposed residential building on proposed Lot 2 or 3, as shown in Schedule "A" to this report, complete the construction of the northerly 82 feet (25 metres) of the proposed westerly private road as outlined above.

xi. That, if the proposed Development should include condominiums, the Developer shall include in the condominium agreements a description of the westerly private road and the requirement that the northerly 82 feet (25 metres) of said road is to be accessible to the general public, including, but not limited to, vehicles providing emergency services, garbage or recycling pick-up, snow removal or services or repairs to any utility, and shall provide the City with a copy of the condominium agreement.

xii. That copies of the master plan of the entire site, showing all buildings proposed under the current phase and any future phase of development, be provided to the Chief of the Winnipeg Fire Paramedic Service prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service.

xiii. That the address number of every building in proposed Lot 2 or 3 as shown in Schedule "A" to this report (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located.

Report - Standing Policy Committee on Property and Development – July 5, 2011

COUNCIL DECISION (continued):

xiv. That, where a building in proposed Lot 2 or 3 as shown in Schedule "A" to this report is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located in proposed Lot 2 or 3 as shown in Schedule "A" to this report, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the Winnipeg Fire Paramedic Service.

xv. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the Winnipeg Fire Paramedic Service.

xvi. That no other numbers or names are to be attached to any buildings in proposed Lot 2 or 3 as shown in Schedule "A" to this report that could be confused with the address numbers or building names.

xvii. That the owner/occupier of a building must ensure that the number assigned to a building is clearly visible from the internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of the Winnipeg Fire Paramedic Service.

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

4. 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.

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

Report - Standing Policy Committee on Property and Development – July 5, 2011

COUNCIL DECISION (continued):

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 the planned area, 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 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.

9. 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 – July 5, 2011

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 13, 2011, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk – West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 7, 2011, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

<u>Report from the Planning and Land Use Division</u>

- Amend Recommendation 2 by adding the words “(Lot 3) and an “RMF-M” Residential Multiple Family [medium scale] District (Lot 2)” after the words “RMF-S” Residential Multiple-Family [smaller scale] District, and before the words “subject to the following”.

- Amend Recommendation 2.A.iv. by deleting the words “49.2 feet (15 metres), and substituting the words “48.5 feet (14.8 metres)”.

- Amend Recommendation 2.A.x. by deleting the words “as determined by, and to the satisfaction of the Chief of the Winnipeg Fire Paramedic Service and the Director of Public Works” at the end thereof, and substituting the words “as outlined above.”

Report - Standing Policy Committee on Property and Development – July 5, 2011

DECISION MAKING HISTORY (continued)

COMMUNITY COMMITTEE RECOMMENDATION (continued)

- Amend Recommendation 2.A.xvii. by deleting the words "street or" after the words "clearly visible from the", and before the words "internal road".

Report of the Administrative Coordinating Group

A. Plan and Property Considerations

- Delete Condition 1

- Renumber Conditions 2 and 3, to Conditions 1 and 2

B. Development Agreement

- Renumber Conditions 4 to 7, to Conditions 3 to 6

- Delete Condition 8

- Renumber Conditions 9 to 16, to Conditions 7 to 14

- Amend renumbered Condition 11 (formerly Condition 13) by deleting the words "and radius of 10.5 m", and replacing them with the words "up to the eastern terminus of the most westerly private road."

- Amend renumbered Condition 12 (formerly Condition 14) by deleting the figure "10", and replacing it with the figures "3, 4, 5 & 11".

- Delete renumbered Condition 13 (formerly Condition 15) and replace with the following:

  "13. The Developer shall, at no expense to the City, construct, in the proposed Public Lane from the eastern terminus of the most westerly private road, 150-mm-thick portland cement concrete pavement, to the city's standard back lane width requirement, and all related works, all as determined by, and to the satisfaction of, the Director of Public Works."

- Amend renumbered Condition 14 (formerly Condition 16) by deleting the figure "12", and replacing it with figures "3, 4, 5 & 13"

- Delete Conditions 17 and 18

- Renumber Conditions 19 to 31, to Conditions 15 to 27

Report - Standing Policy Committee on Property and Development – July 5, 2011

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- Amend renumbered Condition 17 (formerly Condition 21) by adding the words "in Beecher Avenue, Templeton Avenue or the private roads" after the words "Developer to serve the Planned Area".

- Amend renumbered Condition 23 (formerly Condition 27) by deleting the words "Paragraphs 10 and 14 above" and, replacing them with the words "Paragraph 11 above".

- Amend renumbered Condition 25 (formerly Condition 29) by adding at the end thereof a reference to taking into account the large amount of land dedicated free of charge to the City of Winnipeg for the future extension of McGregor Avenue, located within one block of the proposed development,

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

RE: **Subdivision and Rezoning – 455 Templeton Avenue and 2401 Ferrier Street**
File DASZ 15/2011 [c/r DAV 120327/2011D]

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: **June 10, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 7, 2011, 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 15/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2011 dated May 31, 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 Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 13, 2011 for Option 1 (which includes a condition regarding dedication of land for public open space) that are consistent with Schedule "A" for File DASZ 15/2011 dated May 31, 2011, ***with the following amendments, namely:***

        A. Plan and Property Considerations

        i. Delete Condition 1

        ~~***"1. The Applicant providing right-of-way to accommodate the proposed cul-de-sac turnaround at the proposed terminus of Beecher Avenue consistent with the dimensions shown on Streets and Transportation Drawing ST-90 (revised) or ST-90-A.***~~

        ii. Renumber Conditions 2 and 3, to Conditions 1 and 2

B. Development Agreement

i. Renumber Conditions 4 to 7, to Conditions 3 to 6

ii. Delete Condition 8

~~"8. The Developer shall pay its share ($40.00/ft) of the lateral land drainage sewers installed in Ferrier Street."~~

iii. Renumber Conditions 9 to 16, to Conditions 7 to 14

iv. Amend renumbered Condition 11 (formerly Condition 13) by deleting the words "and radius of 10.5 m", and replacing them with the words "up to the eastern terminus of the most westerly private road."

v. Amend renumbered Condition 12 (formerly Condition 14) by deleting the figure "10", and replacing it with the figures "3, 4, 5 & 11".

vi. Delete renumbered Condition 13 (formerly Condition 15) and replace with the following:

~~"13. The Developer shall, at no expense to the City, construct, in the proposed Public Lane from the turnaround at the proposed terminus of Beecher Avenue to the CPR Winnipeg Beach Subdivision, 150-mm-thick portland cement concrete pavement, to a width of 6.0 m, and all related works including, but not limited to, land drainage sewer, all as determined by, and to the satisfaction of, the Director of Public Works."~~

"13. The Developer shall, at no expense to the City, construct, in the proposed Public Lane from the eastern terminus of the most westerly private road, 150-mm-thick portland cement concrete pavement, to the city's standard back lane width requirement, and all related works, all as determined by, and to the satisfaction of, the Director of Public Works."

viii. Amend renumbered Condition 14 (formerly Condition 16) by deleting the figure "12", and replacing it with figures "3, 4, 5 & 13"

viii. Delete Conditions 17 and 18

~~"17. The Developer shall, at no expense to the City, construct in Ferrier Street, from Templeton Avenue to Beecher Avenue, portland cement concrete pavement to a width of 10.0 m and a thickness of 200 mm, and all related works including, but not limited to, boulevard landscaping, ornamental street lighting, and drainage works, all as determined by, and to the satisfaction of, the Director of Public Works."~~

~~***"18. The City will endeavour, within the limits of its powers, to make recoveries from other privately owned lands benefiting from the improvements identified in 12 (above) for payback to the Developer either a) through subsequent agreements or b) in response to a request from the Developer to endeavour to enact a Local Improvement By-Law for these improvements.***~~

ix. ***Renumber Conditions 19 to 31, to Conditions 15 to 27***

x. ***Amend renumbered Condition 17 (formerly Condition 21) by adding the words "in Beecher Avenue, Templeton Avenue or the private roads" after the words "Developer to serve the Planned Area".***

xi. ***Amend renumbered Condition 23 (formerly Condition 27) by deleting the words "Paragraphs 10 and 14 above" and, replacing them with the words "Paragraph 11 above".***

xii. ***Amend renumbered Condition 25 (formerly Condition 29) by adding at the end thereof a reference to taking into account the large amount of land dedicated free of charge to the City of Winnipeg for the future extension of McGregor Avenue, located within one block of the proposed development.***

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area, as shown on Schedule "A" for File DASZ 15/2011 dated May 31, 2011, to "R1-M" Residential Single-Family [medium scale] District, ***an*** ~~***and***~~ "RMF-S" Residential Multiple-Family [smaller scale] District ***(Lot 3) and an "RMF-M" Residential Multiple Family [medium scale] District (Lot 2)***, 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 the following principal uses shall be conditional principal uses in the planned area:

a. assisted living facility;

b. single-room occupancy; and

c. protection and emergency services.

ii. That, for the development of any building, parking area, private approach, garbage enclosure, fencing, landscaping, lighting or signage in proposed Lot 2 or 3, as shown in Schedule "A" to this report, plans, showing the locations and designs of any proposed building, parking area, private approach, garbage enclosure, fencing, landscaping, lighting or signage, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter all to be developed in accordance with said plans and maintained to the satisfaction of the Director of Planning, Property and Development.

iii. That there shall be no illuminated signs, advertising signs, mobile signs, poster signs or A-frame signs in proposed Lot 2 or 3, as shown in Schedule "A" to this report, except that a mobile sign shall be permitted in proposed Lot 2 or 3 for a period of thirty (30) days in association with a new occupancy permit.

iv. That no habitable room or space, bathroom, water closet compartment, or recreation room or space shall be less than ~~***49.2 feet***~~ ***48.5 feet*** (***14.8 metres*** ~~***15 metres***~~) ***as per plans submitted*** from the eastern limit of the planned area.

v. That a fence, without potential hand- or foot-holds on its west side, be built along the entire eastern limit of the planned area to a height that is the maximum height allowed in the zoning by-law.

vi. That the Developer shall grant to the City an easement in the planned area for the northerly 25 metres (82 feet) of the proposed westerly private road connecting to Beecher Avenue, said road to be accessible to the general public, including, but not limited to, vehicles providing emergency services, garbage or recycling pick-up, snow removal or services or repairs to any utility and the Developer shall pay all associated surveying costs.

vii. That the Developer and Owners must submit the easement agreement to the City Solicitor for approval prior to execution.

viii. That the Developer shall indicate, in all applicable site plans, the intended construction of the future northerly 82 feet (25 metres) of the westerly private road within the designated easement.

ix. That the specific location and configuration of the northerly 82 feet (25 metres) of the future westerly private road and the associated easement will be determined by the Chief of the Winnipeg Fire Paramedic Service and the Director of Public Works, and will be based on safety-of-access considerations, design requirements and impact on private property.

x. That the Developer shall, prior to the issuance of an occupancy permit for any proposed residential building on proposed Lot 2 or 3, as shown in Schedule "A" to this report, complete the construction of the northerly 82 feet (25 metres) of the proposed westerly private road ***as outlined above.*** ~~***as determined by, and to the satisfaction of the Chief of the Winnipeg Fire Paramedic Service and the Director of Public Works.***~~

xi. That, if the proposed Development should include condominiums, the Developer shall include in the condominium agreements a description of the westerly private road and the requirement that the northerly 82 feet (25 metres) of said road is to be accessible to the general public, including, but not limited to, vehicles providing emergency services, garbage or recycling pick-up, snow removal or services or repairs to any utility, and shall provide the City with a copy of the condominium agreement.

xii. That copies of the master plan of the entire site, showing all buildings proposed under the current phase and any future phase of development, be provided to the Chief of the Winnipeg Fire Paramedic Service prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service.

xiii. That the address number of every building in proposed Lot 2 or 3 as shown in Schedule "A" to this report (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located.

xiv. That, where a building in proposed Lot 2 or 3 as shown in Schedule "A" to this report is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located in proposed Lot 2 or 3 as shown in Schedule "A" to this report, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and

names on that lot on signage to be approved by the Chief of the Winnipeg Fire Paramedic Service.

xv. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the Winnipeg Fire Paramedic Service.

xvi. That no other numbers or names are to be attached to any buildings in proposed Lot 2 or 3 as shown in Schedule "A" to this report that could be confused with the address numbers or building names.

xvii. That the owner/occupier of a building must ensure that the number assigned to a building is clearly visible from the ~~***street or***~~ internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of the Winnipeg Fire Paramedic Service.

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

4. 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.

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 the planned area, 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 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.

9. 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 reason for its recommendation:

1. The proposal is a good infill project which provides for more dense development as well as upgrades services to the area, as called for in Plan Winnipeg.

PUBLIC HEARING SUMMARY

File: DASZ 15/2011 [c/r DAV 120327/2011D]

Before: Lord Selkirk - West Kildonan Community Committee
Councillor Eadie, Chairperson
Councillor Pagtakhan
Councillor Sharma

Public Hearing: June 7, 2011
North Committee Room
Council Building, 510 Main Street

Applicant: Global Homes Inc. (Bernhard Goertzen)

Subject:



Premises Affected: 455 Templeton & 2401 Ferrier Streets

Exhibits Filed:

1. Application dated April 15, 2011
2. Notification of Public Hearing dated May 3, 2011
3. Manitoba Status of Titles 1291456 and 2306235
4. Manitoba Certificate of Titles 482046, 428181 and 680930
5a. Letter of authorization dated March 8, 2011 from 4713096 Manitoba Ltd to Global Homes Inc.
5b. Letter of authorization dated April 15, 2011 from The City of Winnipeg to Global Homes Inc.
6 Drawings of subject property (4 pages)
7. Plans (2 pages)
8. Report from the Planning and Land Use Division dated May 31, 2011
9. Inspection Report
10. Proposed Amendments to the Report of the Planning and Land Use Division submitted by Mike O'Shaughnessy at the public hearing
11. Audio Recording of representations of public hearing held on June 7, 2011

REPRESENTATIONS:

In Support:

Bernhard Goertzen
Andrew Hretzay
Mike O'Shaughnessy

In Opposition:

Nil

For Information:

Mr. & Mrs. Peter Poworoznyk

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 "8" referred to in File DASZ 15/2011

ADMINISTRATIVE REPORT

Title: DASZ 15/2011 – 455 Templeton Avenue

Issue: for consideration at the June 7, 2011, public hearing of the application for approval of:

- a proposed plan of subdivision to create three lots and a public street extension south from Beecher Avenue; and
- a proposed rezoning to "R1-M" Residential Single-Family [medium scale] District, "RMF-S" Residential Multiple-Family [smaller scale] District and "RMF-M" Residential Multiple-Family [medium scale] District

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development, only if the Community Committee recommendation differs from that of the Public Service or if there is opposition at the public hearing → Executive Policy Committee → Council, as per the Development Procedures By-law and *The City of Winnipeg Charter*

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 15/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2011 dated May 31, 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 Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 13, 2011 for Option 1 (which includes a condition regarding dedication of land for public open space) that are consistent with Schedule "A" for File DASZ 15/2011 dated May 31, 2011.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area, as shown on Schedule "A" for File DASZ 15/2011 dated May 31, 2011, to "R1-M" Residential Single-Family [medium scale] District and "RMF-S" Residential Multiple-Family [smaller scale] 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 the following principal uses shall be conditional principal uses in the planned area:

a. assisted living facility;

b. single-room occupancy; and

c. protection and emergency services.

ii. That, for the development of any building, parking area, private approach, garbage enclosure, fencing, landscaping, lighting or signage in proposed Lot 2 or 3, as shown in Schedule “A” to this report, plans, showing the locations and designs of any proposed building, parking area, private approach, garbage enclosure, fencing, landscaping, lighting or signage, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter all to be developed in accordance with said plans and maintained to the satisfaction of the Director of Planning, Property and Development.

iii. That there shall be no illuminated signs, advertising signs, mobile signs, poster signs or A-frame signs in proposed Lot 2 or 3, as shown in Schedule “A” to this report, except that a mobile sign shall be permitted in proposed Lot 2 or 3 for a period of thirty (30) days in association with a new occupancy permit.

iv. That no habitable room or space, bathroom, water closet compartment, or recreation room or space shall be less than 49.2 feet (15 metres) from the eastern limit of the planned area.

v. That a fence, without potential hand- or foot-holds on its west side, be built along the entire eastern limit of the planned area to a height that is the maximum height allowed in the zoning by-law.

vi. That the Developer shall grant to the City an easement in the planned area for the northerly 25 metres (82 feet) of the proposed westerly private road connecting to Beecher Avenue, said road to be accessible to the general public, including, but not limited to, vehicles providing emergency services, garbage or recycling pick-up, snow removal or services or repairs to any utility and the Developer shall pay all associated surveying costs.

vii. That the Developer and Owners must submit the easement agreement to the City Solicitor for approval prior to execution.

viii. That the Developer shall indicate, in all applicable site plans, the intended construction of the future northerly 82 feet (25 metres) of the westerly private road within the designated easement.

ix. That the specific location and configuration of the northerly 82 feet (25 metres) of the future westerly private road and the associated easement will be determined by the Chief of the Winnipeg Fire Paramedic Service and the Director of Public Works, and will be based on safety-of-access considerations, design requirements and impact on private property.

x. That the Developer shall, prior to the issuance of an occupancy permit for any proposed residential building on proposed Lot 2 or 3, as shown in Schedule "A" to this report, complete the construction of the northerly 82 feet (25 metres) of the proposed westerly private road, as determined by, and to the satisfaction of, the Chief of the Winnipeg Fire Paramedic Service and the Director of Public Works.

xi. That, if the proposed Development should include condominiums, the Developer shall include in the condominium agreements a description of the westerly private road and the requirement that the northerly 82 feet (25 metres) of said road is to be accessible to the general public, including, but not limited to, vehicles providing emergency services, garbage or recycling pick-up, snow removal or services or repairs to any utility, and shall provide the City with a copy of the condominium agreement.

xii. That copies of the master plan of the entire site, showing all buildings proposed under the current phase and any future phase of development, be provided to the Chief of the Winnipeg Fire Paramedic Service prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service.

xiii. That the address number of every building in proposed Lot 2 or 3 as shown in Schedule "A" to this report (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located.

xiv. That, where a building in proposed Lot 2 or 3 as shown in Schedule "A" to this report is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located in proposed Lot 2 or 3 as shown in Schedule "A" to this report, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and

names on that lot on signage to be approved by the Chief of the Winnipeg Fire Paramedic Service.

xv. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the Winnipeg Fire Paramedic Service.

xvi. That no other numbers or names are to be attached to any buildings in proposed Lot 2 or 3 as shown in Schedule "A" to this report that could be confused with the address numbers or building names.

xvii. That the owner/occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of the Winnipeg Fire Paramedic Service.

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

4. 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.

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 the planned area, 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 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.

9. 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 at the June 7, 2011, public hearing of the application, under File DASZ 15/2011, for approval of:

- a proposed plan of subdivision to create three lots and a public street extension south from Beecher Avenue; and
- a proposed rezoning to "R1-M" Residential Single-Family [medium scale] District, "RMF-S" Residential Multiple-Family [smaller scale] District and "RMF-M" Residential Multiple-Family [medium scale] District.

This report recommends approval of the proposed plan of subdivision and rezoning because, with conditions and modifications, it conforms to *Plan Winnipeg 2020 Vision* and is compatible with the neighbourhood.

An application to close a portion of the Beecher Avenue Public Street has been made under File DAC 12/2011 as well as an application to vary the "R1-M" District's rear yard requirement, for proposed Lot 1 as shown in Schedule "A," under File DAV 11-120327D.

The planned area is:

- owned, in part, by the City;
- 2.7 acres and is bounded by Templeton and Beecher Avenues, Ferrier Street and a branch rail line right-of-way;
- in the Templeton-Sinclair Neighbourhood and the Old Kildonan Ward;
- the location of three single-family dwellings;
- in an "A" Agricultural District; and
- in a Neighbourhood policy area of *Plan Winnipeg 2020 Vision* and near an Industrial policy area.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of this report, and those of the reports on File DAC 12/2011 and File DAV 11-120327D, are implemented, the planned area can be subdivided, rezoned and developed with multiple-family dwellings. As well, infrastructure would be constructed as per Schedule "B" of this report.

HISTORY

On July 22, 2009, Council concurred in the recommendations of the Executive Policy Committee and rejected the application under File DASZ 4/2009 to subdivide and rezone a portion of the planned area to an "R1-S" Residential Single-Family District and an "RMF-S" Residential Multiple-Family District because:

1. the subdivision and rezoning application was not ready to come forward at this time;
2. more communication with area residents was required in view of the overall impact that the subdivision and rezoning might have had on their properties; and
3. an opportunity may have existed for the Developer to include the City-owned Beecher Avenue lands as part of a new proposal for development on this site.

On November 25, 2009, Council passed By-law 200/2007, which amended *Plan Winnipeg 2020 Vision* By-law 7630/2000 by re-designating the planned area and an adjacent parcel at the southeast corner of Beecher and Ferrier from Industrial Policy Area to Neighbourhood Policy Area.

On September 7, 2010, the Lord Selkirk - West Kildonan Community Committee passed the motion that:

1. the public hearing be adjourned to the Lord Selkirk-West Kildonan Community Committee meeting on December 14, 2010, and, inasmuch as public representations were heard, be re-advertised as a new public hearing; and
2. the applicant, in the meantime, be requested to meet with the Planning, Property and Development Department regarding the Developer's intention as it relates to the planned area.

On November 30, 2010, the applicant, Global Homes Ltd., withdrew the application to subdivide and rezone the planned area – File DASZ 16/2010.

CONSULTATION

In preparing this report there was consultation with Water and Waste, Public Works and the Fire-Paramedic Service.

SUBMITTED BY

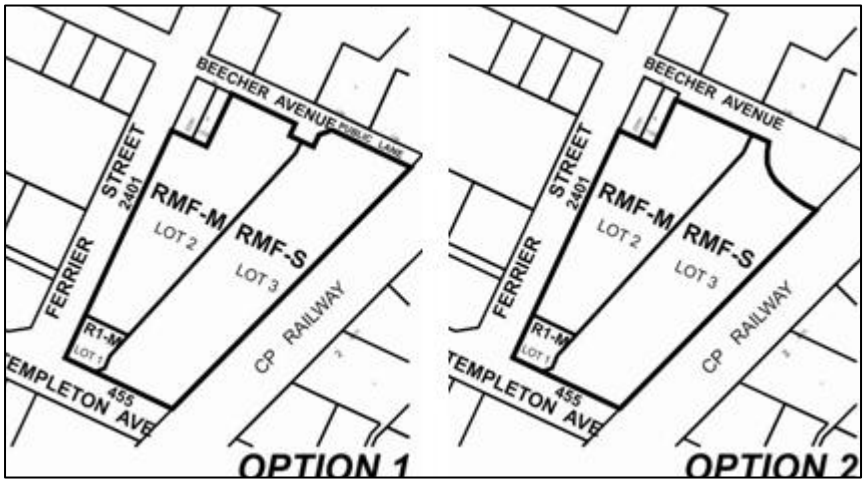
Department: Planning, Property and Development
Division: Planning and Land Use
Prepared by: J. Glen Doney
Date: May 31, 2011
File: DASZ 15/2011

Attachments and Schedules

1. Attachment 1 – Planning Discussion
2. Schedule “A” – Recommended Plan of Subdivision and Rezoning, Option 3
3. Schedule “B” – Report of the Administrative Coordinating Group, May 13, 2011
3. Schedule “C” – Recommended Plan of Subdivision and Rezoning, Option 2
4. Schedule “D” – Proposed Plan of Subdivision and Rezoning, Option 1

Attachment 1 – Planning Discussion

DATE	May 31, 2011
FILE	DASZ 15/2011
COMMUNITY	Lord Selkirk – West Kildonan
NEIGHBOURHOOD #	3.324
SUBJECT	application for approval of: • a proposed plan of subdivision to create three lots and a public street extension south from Beecher Avenue; and • a proposed rezoning to "R1-M" Residential Single-Family [medium scale] District, "RMF-S" Residential Multiple-Family [smaller scale] District and "RMF-M" Residential Multiple-Family [medium scale] District



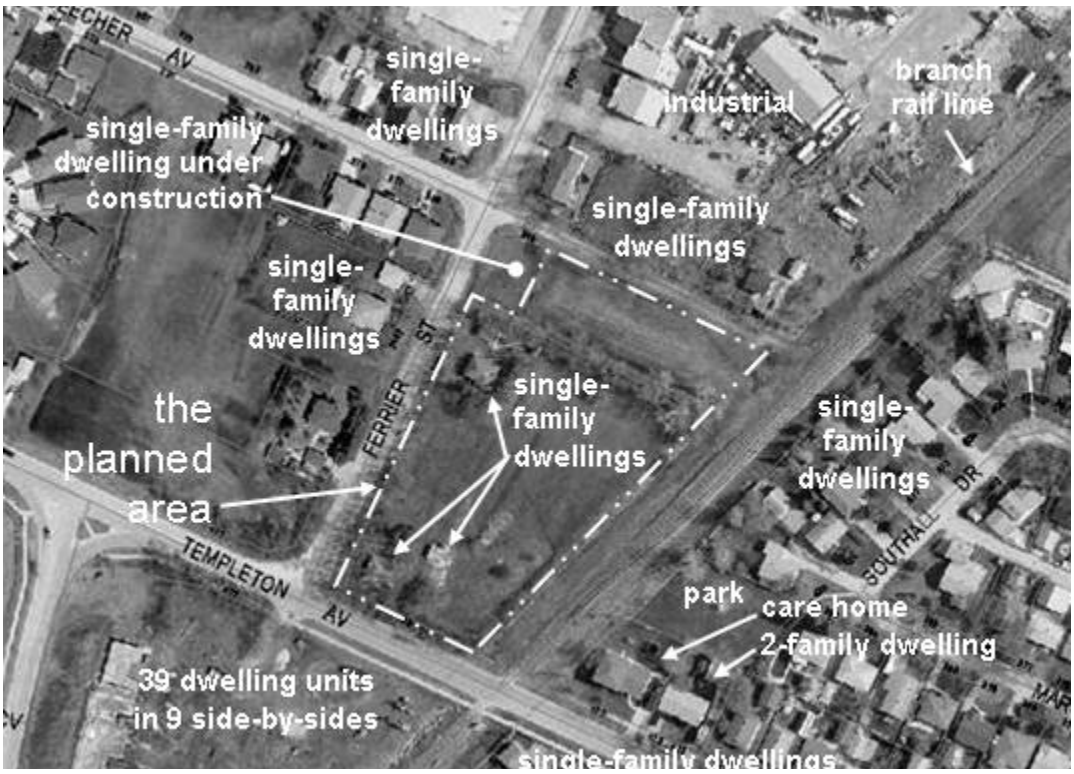
LOCATION	455 Templeton Avenue
LEGAL DESCRIPTION	Lot 3, Plan 2379; Lots 56 to 65, Block 19, Plan 1100; Parcel E, Plan 18501
APPLICANT	Global Homes
OWNERS	City of Winnipeg and 4713096 Manitoba Limited
RECOMMENDATION	Approval with conditions

THE PLANNED AREA (THE SITE)

The planned area is owned, in part, by the City. It is 2.7 acres and is bounded by Templeton and Beecher Avenues, Ferrier Street, a branch rail line right-of-way, and the southern and eastern limits of a parcel of land, approximately 59 feet wide and 79 feet deep, at the southeast corner of Beecher and Ferrier. The planned area is in the Templeton-Sinclair Neighbourhood and the Old Kildonan Ward.

Existing Land Uses

The image to the right, which identifies existing land uses on 2009 aerial photography, shows that:



- three single-family dwellings are in the planned area and several others are nearby, including one under construction at the SE corner of Ferrier and Beecher;
- an industrial use, a park, a two-family dwelling and a care home are also near the planned area;
- a right-of-way, within which is a branch rail line, abuts the planned area; and
- 38 dwelling units in nine side-by-side are near the planned area.

Existing and Proposed Zoning

The next image identifies existing zoning and shows that the planned area is:

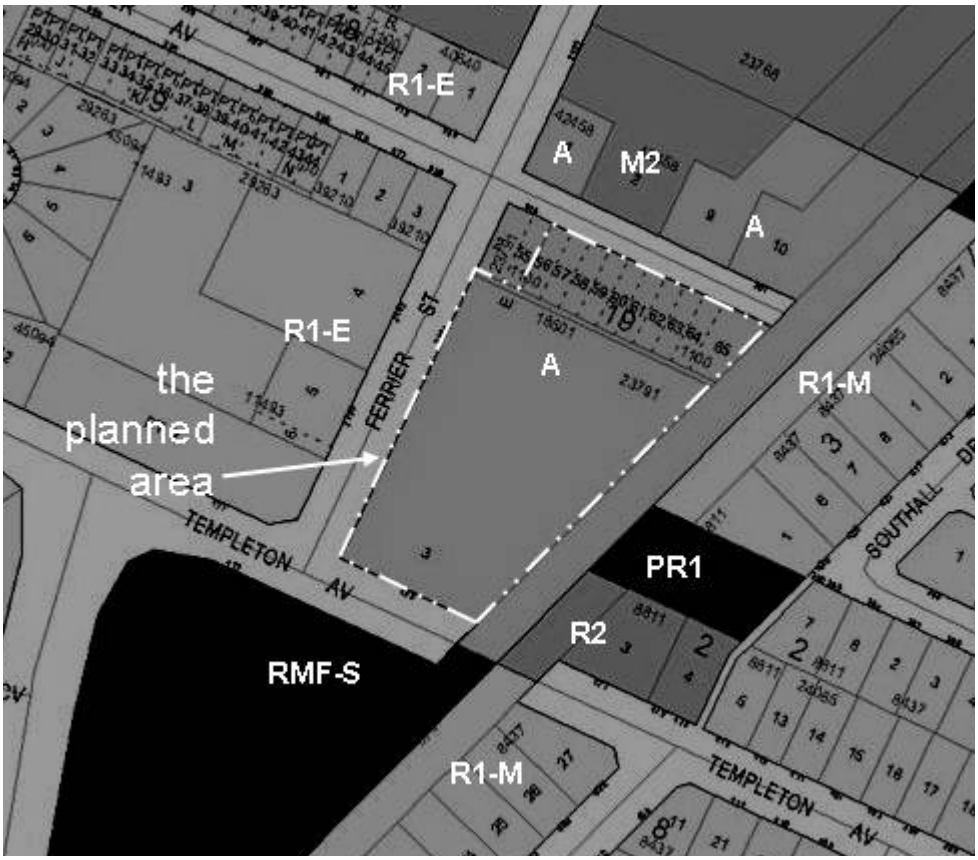
- in an “A” Agricultural District; and
- is near “A” Districts, “R1-M” Residential Single-Family [medium scale] Districts, “R1-L” Residential Single-Family [larger scale] Districts, “R1-E” Residential Single-Family [estate size lot] Districts, an “RR2” Rural Residential Two [2 ac. lots] District, an “RMF-S” Residential Multiple-Family [smaller scale] District and an “M2” Manufacturing General District.

It is of note that:

- for the “R1-M” District, the minimum lot area and maximum building height requirements are 3500 square feet and 35 feet, respectively;
- for the “RMF-S” District, the minimum lot area per dwelling unit, maximum building height and minimum interior side-yard requirements are 1250 square feet, 35 feet and four feet, respectively;

- for the "RMF-M" District, the minimum lot area per dwelling unit and the maximum building height requirements are 800 square feet and 60 feet, respectively, and the minimum interior side-yard requirement is eight feet plus two feet for every storey over one, up to a 20 foot maximum; and
- the Development and Design Standards of Zoning By-law 200/2006 provide minimum requirements for developments pertaining to design aspects such as landscaping, lighting, garbage enclosures and bicycle parking.

It is also of note that the principal uses of assisted living facility, single room occupancy, and protection and emergency services are not allowed in "R1" Districts but are permitted in "RMF" Districts, except that a single-room occupancy with more than 12 beds is a conditional use in the "RMF" Districts.



Plan Winnipeg

The planned area is in a Neighbourhood policy area of *Plan Winnipeg 2020 Vision* and near an Industrial policy area that extends north from the centre line of Beecher Avenue, between the centre lines of Ferrier Street and the rail line right-of-way.

Policy 3A-01, Promote Orderly Development, of *Plan Winnipeg 2020 Vision* 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.

Policy 3A-02, Promote Compact Urban Form, states: The City shall promote compact urban form in support of sustainability by… encouraging infilling of vacant lands and the revitalization of existing neighbourhoods to maximize the use of existing infrastructure…"

Proximity to the Branch Rail Line Right-of-Way

That a right-of-way, within which is a branch rail line, is abutting the planned area is a significant concern in terms of safety, noise and vibration.

Proximity Guidelines and Best Practices is a 2006 research report prepared for The Railway Association of Canada and The Federation of Canadian Municipalities. This research report recommends "best practices" for: protecting dwellings from train derailments or other rail incidents; and reducing the amount of noise and vibration from trains affecting dwellings.

The report recommends for:

- dwellings to be setback 15 metres (49.2 feet) from a branch line right-of-way (which is the type of rail line alongside the planned area);
- a two metre (6.6 foot) high berm, with a side slope no more than a rise of one and a run of 2.5, be built alongside the rail line right-of-way; and
- a 1.38-metre (4.5 feet) high chain link fence be built at the edge of the right-of-way and a three-metre high acoustical fence be built on the top of the berm.

Transportation and Site Access

The planned area is accessible from the three abutting public streets. Beecher Avenue dead-ends at the rail line right-of-way and, east of Ferrier Street, the roadway is mostly narrow and unpaved. Public transit is on Templeton Avenue. Public sidewalks are on both sides of Templeton Avenue except the north side where it abuts the planned area.

THE PROPOSED DEVELOPMENT

As generally shown in Option 1 – the proposed option – which is Schedule "D" to this report and in the following image, proposed are a plan of subdivision and rezoning as per Option 1 and development that would create:

- a, 4400 square foot, "R1-M" District lot encompassing an existing dwelling;
- a 52,600 square foot, "RMF-M" lot from which an existing dwelling would be removed and in which an apartment-type building would be built in a future phase of development;
- a public lane, by closing part of the Beecher Avenue Public Street;
- a Public Street that would extend south from Beecher by approximately 20 feet;
- a 66,000 square foot, "RMF-S" lot (proposed Lot 3), that would include the closed portion of Beecher Avenue, from which an existing dwelling would be removed and in which would be built
  - 23 dwelling units in three side-by-sides that would be no more than two-storeys,
  - three private roads having one private approach to Templeton Avenue, one to Beecher Avenue and one to the proposed public lane,
  - one private walkway and

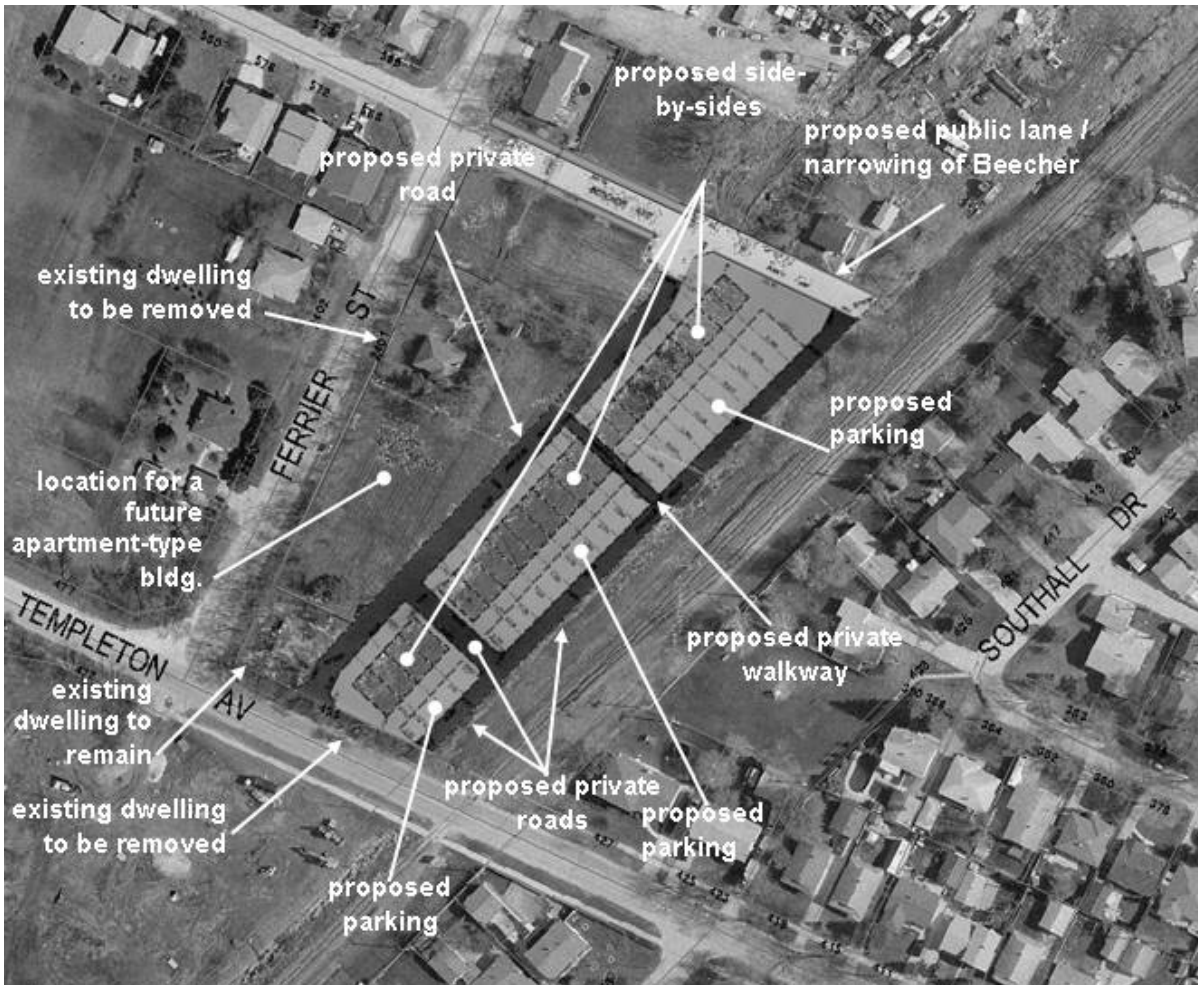
- approximately 40 accessory parking spaces.

Included in the proposal are:

- an application to close a portion of the Beecher Avenue Public Street, under File DAC 12/2011, which is to allow the portion proposed to be closed to become part of proposed Lot 3, as shown in Schedule "D" to this report; and
- an application, under File DAV 11-120327D, to vary the "R1-M" District's rear yard requirement for proposed Lot 1, as shown in Schedule "D."

The proposal includes replacing proposed Lot 3 with a condominium plan after the proposed plan of subdivision is registered in the Winnipeg Land Titles Office. Garbage and recycling would be picked-up from each unit and would be the condominium corporation's responsibility.

Option 2, which is Schedule "C" to this report, includes a cul-de-sac at the east end of Beecher Avenue. This option, and Option 1, are discussed in Schedule "B" – Report of the Administrative Coordinating Group, May 13, 2011.



ANALYSIS AND ISSUES

Plan Winnipeg Compliance

If proposed Lot 3 would, indeed, be rezoned to "RMF-S" District, approximately 52 dwelling units would be allowed. If proposed Lot 2 would be rezoned to "RMF-M" District, approximately 66 dwelling units would be allowed and so too would buildings at a height, as defined by Zoning By-law 200/2006, of 60 feet.

Given the proximity of "R1," "R2," and "RMF-S" Districts and of single-family dwellings and side-by-side style multiple-family dwellings, suggests that the proposed rezoning to "RMF-M" District is not "at a scale and density compatible with" the neighbourhood and, therefore, that this aspect of the proposal does not conform to *Plan Winnipeg 2020 Vision.*

In addition, it is noteworthy that the proposed development would infill vacant land and make use of existing infrastructure.

Compatibility with the Neighbourhood and the Pedestrian Environment

As stated above, the proposed rezoning to "RMF-M" District is not compatible with the neighbourhood.

A high quality pedestrian environment can be created within the public streets alongside the planned area if:

- no parking is between the public streets and the proposed buildings;
- the proposed buildings are oriented to the public streets such that
    - the main building entrances are clearly visible from, and close to, the public streets,
    - transparent windows, balconies and dwelling entrances face the public streets rather than walls without openings,
    - residential uses, not parking, are on the ground floor alongside the public streets and parking is behind, under or above these uses; and
- landscaping alongside the public streets is visually interesting and well maintained.

The Rail Line: Addressing Safety, Noise and Vibration

To provide the developer some flexibility with the15 metre (49.2 foot) setback guideline, instead of it applying to entire dwellings, it could, instead, apply only to habitable rooms or spaces, bathrooms, water closet compartments and recreation rooms or spaces. Areas such as laundries, pantries, foyers, closets and storage rooms could be less than 49.2 feet from a branch line right-of-way.

A fence without hand- or foot-holds on its west side should be built alongside the entire length of the east property line to reduce the opportunities for people to wander toward the rail line and to reduce the sound of passing trains as heard in the planned area.

The private road and abutting accessory parking to be in proposed Lot 3 could be graded to provide a measure of protection from potential derailments.

Transportation and Site Access

The proposed public street that would extend approximately 20 feet south from Beecher Avenue would be too short to accommodate larger vehicles attempting to turn around on Beecher Avenue to exist the area. The Winnipeg Fire Paramedic Service states that the minimum requirement for a turn-around segment is 25 metres (82 feet).

RECOMMENDATIONS

The proposal is recommended for approval because, with modifications and 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 recommendations that the plan of subdivision and rezoning be as shown in Schedule "A", which is Option 3, and that a zoning agreement, requiring a portion of the proposed westerly private road be built to a certain standard and accessible to the public would:

- address the issue of accommodating vehicles turning around on Beecher Avenue to exit the area; and
- would provide a means of turning-around a vehicle using less land than Option 2; and
- would make available to the public and service providers a long enough segment to accommodate larger vehicles such as fire trucks.

The plan of subdivision in Schedule "A" (Option 3):

- does not include a widening of Beecher Avenue because the lot at the SE corner would have to be widened as well and that cannot be done under the present circumstances; and
- includes narrowing Beecher east of the proposed westerly private road because that portion of the Beecher roadway is narrow and functions like a public lane.

The recommendations that are to ensure a high degree of compatibility with the neighbourhood are those that:

- rezone proposed Lot 2 to "RMF-S" District instead of to "RMF-M" District (as per Schedule "A");
- limit uses and signage; and

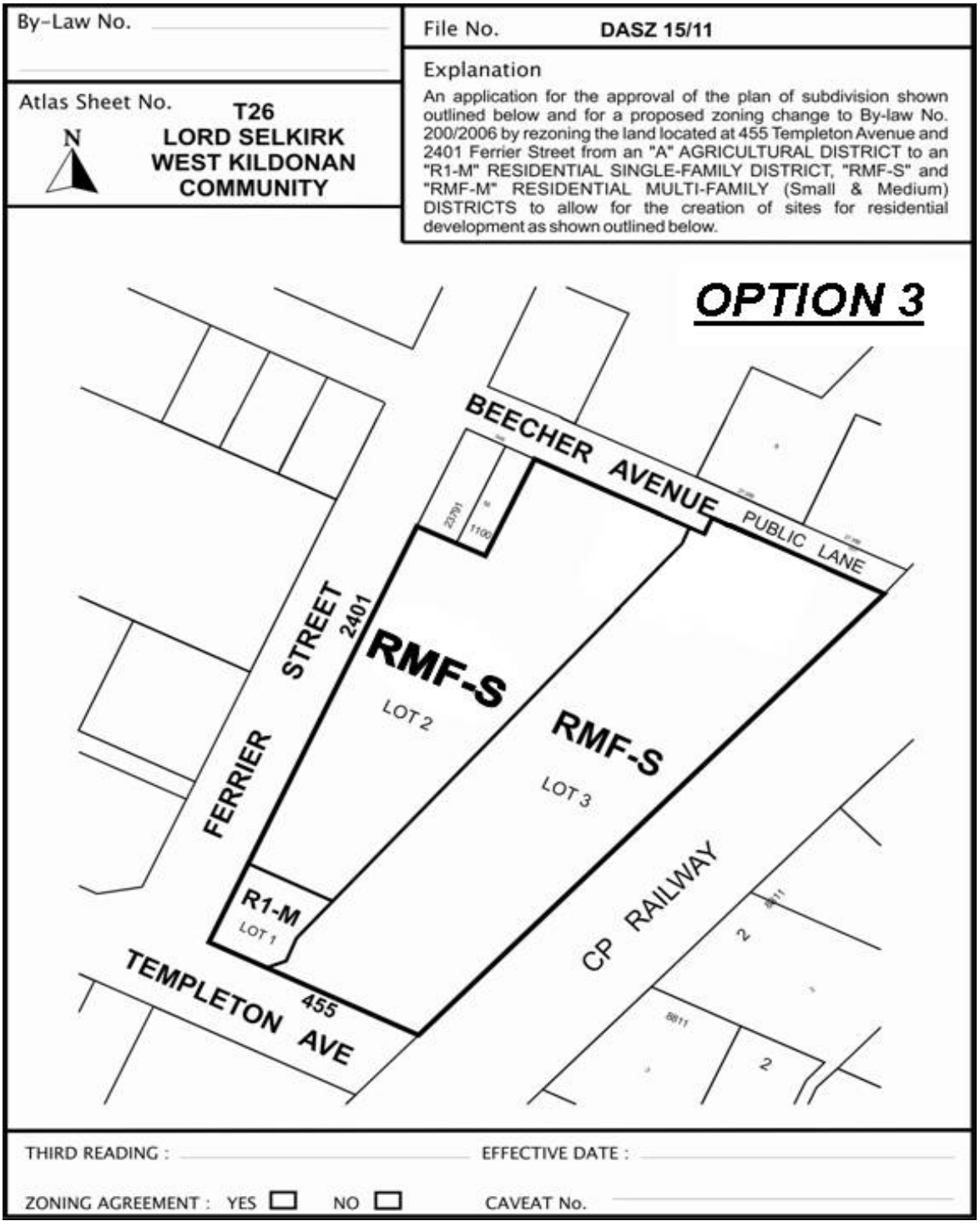
- require development in proposed Lots 2 and 3 to be in accordance with plans approved by the Director of Planning, Property and Development.

The recommendations that are to ensure a reasonable degree of compliance with the *Proximity Guidelines and Best Practices* report of 2006 are:

- the clause that limits what can be built less than 49.2 feet (15 metres) from the rail line right-of-way; and
- the clause regarding fence construction along the eastern limit of the planned area.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: J. Glen Doney
PPD File DASZ 15/2011

Schedule "A" – Recommended Plan of Subdivision and Rezoning, Option 3



Schedule "A" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 15/2011, dated May 31, 2011

Schedule "B" - Report of the Administrative Co-Ordinating Group, May 13, 2011

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT 455 TEMPLETON AVENUE AND 2401 FERRIER STREET - DASZ 15/11

DASZ 15/11 – OPTION 2

It is recommended that that the approval of DASZ 15/11 - **Option 2** be subject to the following:

A. Plan Considerations

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

2. The Applicant transferring and legally opening property required for a 2.447-m widening to the Beecher Avenue right-of-way abutting the north limit of the Planned Area, to the satisfaction of the Director of Public Works.

B. Development Agreement

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

3. The Developer shall, at no expense to the City, install a wastewater sewer in Beecher Avenue, abutting the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

4. The Developer shall, at no expense to the City, install a watermain in Beecher Avenue, abutting the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

5. The Developer shall, at no expense to the City, install a land drainage sewer in Beecher Avenue, abutting the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

6. The Developer shall pay its share of the regional land drainage system (2011 Rate = $17,968.50/acre).

7. The Developer shall pay its share ($40.00/ft) of the lateral land drainage sewers installed in Ferrier Street.

8. The Developer shall be credited for the land drainage local improvement levies previously paid for the Templeton Avenue frontage.

9. 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, all to the satisfaction of the Director of Water and Waste.

10. 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.

11. 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.

12. The Developer shall, at no expense to the City, construct, in Beecher Avenue abutting the Planned Area,150-mm-thick portland cement concrete pavement, to a width of 7.5 m and radius of 10.5 m, and all related works, including, but not limited to, street lighting, boulevard landscaping, sidewalk on the south side, and drainage works, all as determined by, and to the satisfaction of, the Director of Public Works.

13. The City will endeavour, within the limits of its powers, to make recoveries from other privately owned lands benefiting from the improvements identified in 10 (above) for payback to the Developer either a) through subsequent agreements or b) in response to a request from the Developer to endeavour to enact a Local Improvement By-Law for these improvements.

14. The Developer shall, at no expense to the City, construct in Ferrier Street, from Templeton Avenue to Beecher Avenue, portland cement concrete pavement to a width of 10.0 m and a thickness of 200 mm, and all related works including, but not limited to, boulevard landscaping, ornamental street lighting, and drainage works, all as determined by, and to the satisfaction of, the Director of Public Works.

15. The City will endeavour, within the limits of its powers, to make recoveries from other privately owned lands benefiting from the improvements identified in 12 (above) for payback to the Developer either a) through subsequent agreements or b) in response to a request from the Developer to endeavour to enact a Local Improvement By-Law for these improvements.

16. The Developer shall, at no expense to the City, construct 1.5-m-wide by 100-mm-thick portland cement concrete sidewalks on the east side of Ferrier Street, from Templeton Avenue to Beecher Avenue, and on the north side of Templeton Avenue, from the existing terminus of the sidewalk (approximately 25 m east of the CPR Winnipeg Beach Subdivision) to Ferrier Street, including a crossing of the CPR Winnipeg Beach Subdivision, and all related works, all as determined by, and to the satisfaction of, the Director of Public Works.

17. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, and any existing overhead services within the Planned Area to be converted to underground, all to the satisfaction of the Director of Public Works.

18. The Developer shall pay all costs associated with the installation and/or 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.

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

    ensure that construction traffic uses access routes determined by the Director of Public Works as being Main Street to Leila Avenue to McGregor Street to Templeton Avenue to Ferrier Street;

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

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

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

20. 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.

21. The Developer shall pay its share of the cost of services previously installed by the City and/or others in Templeton Avenue, if applicable, as determined by the Directors of Public Works and Water and Waste.

22. To ensure that pedestrian trespass to the railway tracks does not become a consequence of this development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the railway line, the Developer shall, at no expense to the City, construct, within the Planned Area abutting the CPR Winnipeg Beach Subdivision, including across the end of the Beecher Avenue right-of-way, a uniform fence, 2.0 m in height, as determined by, and to the satisfaction of, the Director of Public Works; and the Developer shall permit the City to file caveats against the titles of the proposed lots abutting the CPR Winnipeg Beach Subdivision, requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

23. `To maximize its separation from the CPR Winnipeg Beach Subdivision, any private approach to proposed Lot 3 from Templeton Avenue shall be located immediately adjacent to the west property line of that lot.

24. The Developer shall, at no expense to the City, maintain the boulevard improvements identified in Paragraphs 10 and 12 above (sod and trees) for one year, in accordance with specifications approved by the Director of Public Works.

25. 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.

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

27. 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.

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

DASZ 15/11 – OPTION 1

It is recommended that DASZ 15/11 Option 1 not be approved, because it does not provide for the appropriate extension of Beecher Avenue to the CPR Winnipeg Beach Subdivision to provide proper street frontage and access to the properties on the north side of Beecher Avenue.

However, should it be Community Committee's decision to recommend Option 1 for approval, it is recommended that that the approval of DASZ 15/11- Option 1 be subject to the following:

A. Plan and Property Considerations

1. *The Applicant providing right-of-way to accommodate the proposed cul-de-sac turnaround at the proposed terminus of Beecher Avenue consistent with the dimensions shown on Streets and Transportation Drawing ST-90 (revised) or ST-90-A.*

2. *The Applicant transferring and legally opening property required for a 2.447-m widening to the Beecher Avenue right-of-way abutting the north limit of the Planned Area, to the proposed turnaround, to the satisfaction of the Director of Public Works.*

3. *The Applicant making application to legally close 4.942 m of the existing Beecher Avenue right-of-way, thereby creating the maximum allowable 7.25-m Public Lane right-of-way, and purchasing the portion of closed right-of-way from the City, to the satisfaction of the Director of Public Works.*

B. Development Agreement

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

4. The Developer shall, at no expense to the City, install a wastewater sewer in Beecher Avenue, abutting the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

5. *The Developer shall, at no expense to the City, install a watermain in Beecher Avenue, abutting the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.*

6. *The Developer shall, at no expense to the City, install a land drainage sewer in Beecher Avenue, abutting the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.*

7. *The Developer shall pay its share of the regional land drainage system (2010 Rate = $17,968.50/acre).*

8. The Developer shall pay its share ($40.00/ft) of the lateral land drainage sewers installed in Ferrier Street.

9. The Developer shall be credited for the land drainage local improvement levies previously paid for the Templeton Avenue frontage.

10. 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, all to the satisfaction of the Director of Water and Waste.

11. 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.

12. 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.

13. The Developer shall, at no expense to the City, construct, in Beecher Avenue abutting the Planned Area, 150-mm-thick portland cement concrete pavement, to a width of 7.5 m and radius of 10.5 m, and all related works, including, but not limited to, street lighting, boulevard landscaping, sidewalk on the south side, and drainage works, all as determined by, and to the satisfaction of, the Director of Public Works.

14. The City will endeavour, within the limits of its powers, to make recoveries from other privately owned lands benefiting from the improvements identified in 10 (above) for payback to the Developer either a) through subsequent agreements or b) in response to a request from the Developer to endeavour to enact a Local Improvement By-Law for these improvements.

15. The Developer shall, at no expense to the City, construct, in the proposed Public Lane from the turnaround at the proposed terminus of Beecher Avenue to the CPR Winnipeg Beach Subdivision, 150-mm-thick portland cement concrete pavement, to a width of 6.0 m, and all related works including, but not limited to, land drainage sewer, all as determined by, and to the satisfaction of, the Director of Public Works.

16. The City will endeavour, within the limits of its powers, to make recoveries from other privately owned lands benefiting from the improvements identified in 12 (above) for payback to the Developer either a) through subsequent agreements or b) in response to a request from the Developer to endeavour to enact a Local Improvement By-Law for these improvements.

17. The Developer shall, at no expense to the City, construct in Ferrier Street, from Templeton Avenue to Beecher Avenue, portland cement concrete pavement to a width of 10.0 m and a thickness of 200 mm, and all related works including, but not limited to, boulevard landscaping, ornamental street lighting, and drainage works, all as determined by, and to the satisfaction of, the Director of Public Works.

18. The City will endeavour, within the limits of its powers, to make recoveries from other privately owned lands benefiting from the improvements identified in 12 (above) for payback to the Developer either a) through subsequent agreements or b) in response to a request from the Developer to endeavour to enact a Local Improvement By-Law for these improvements.

19. The Developer shall, at no expense to the City, construct 1.5-m-wide by 100-mm-thick portland cement concrete sidewalks on the east side of Ferrier Street, from Templeton Avenue to Beecher Avenue, and on the north side of Templeton Avenue, from the existing terminus of the sidewalk (approximately 25 m east of the CPR Winnipeg Beach Subdivision) to Ferrier Street, including a crossing of the CPR Winnipeg Beach Subdivision, and all related works, all as determined by, and to the satisfaction of, the Director of Public Works.

20. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, and any existing overhead services within the Planned Area to be converted to underground, all to the satisfaction of the Director of Public Works.

21. The Developer shall pay all costs associated with the installation and/or 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.

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

    ensure that construction traffic uses access routes determined by the Director of Public Works as being Main Street to Leila Avenue to McGregor Street to Templeton Avenue to Ferrier Street;

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

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

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

23. 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.

24. The Developer shall pay its share of the cost of services previously installed by the City and/or others in Templeton Avenue, if applicable, as determined by the Directors of Public Works and Water and Waste.

25. To ensure that pedestrian trespass to the railway tracks does not become a consequence of this development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the railway line, the Developer shall, at no expense to the City, construct, within the Planned Area abutting the CPR Winnipeg Beach Subdivision, including across the end of the Beecher Avenue right-of-way, a uniform fence, 2.0 m in height, as determined by, and to the satisfaction of, the Director of Public Works; and the Developer shall permit the City to file caveats against the titles of the proposed lots abutting the CPR Winnipeg Beach Subdivision, requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

26. To maximize its separation from the CPR Winnipeg Beach Subdivision, any private approach to proposed Lot 3 from Templeton Avenue shall be located immediately adjacent to the west property line of that lot.

27. The Developer shall, at no expense to the City, maintain the boulevard improvements identified in Paragraphs 10 and 14 above (sod and trees) for one year, in accordance with specifications approved by the Director of Public Works.

28. 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.

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

30. 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.

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

THIS REPORT SUBMITTED BY:

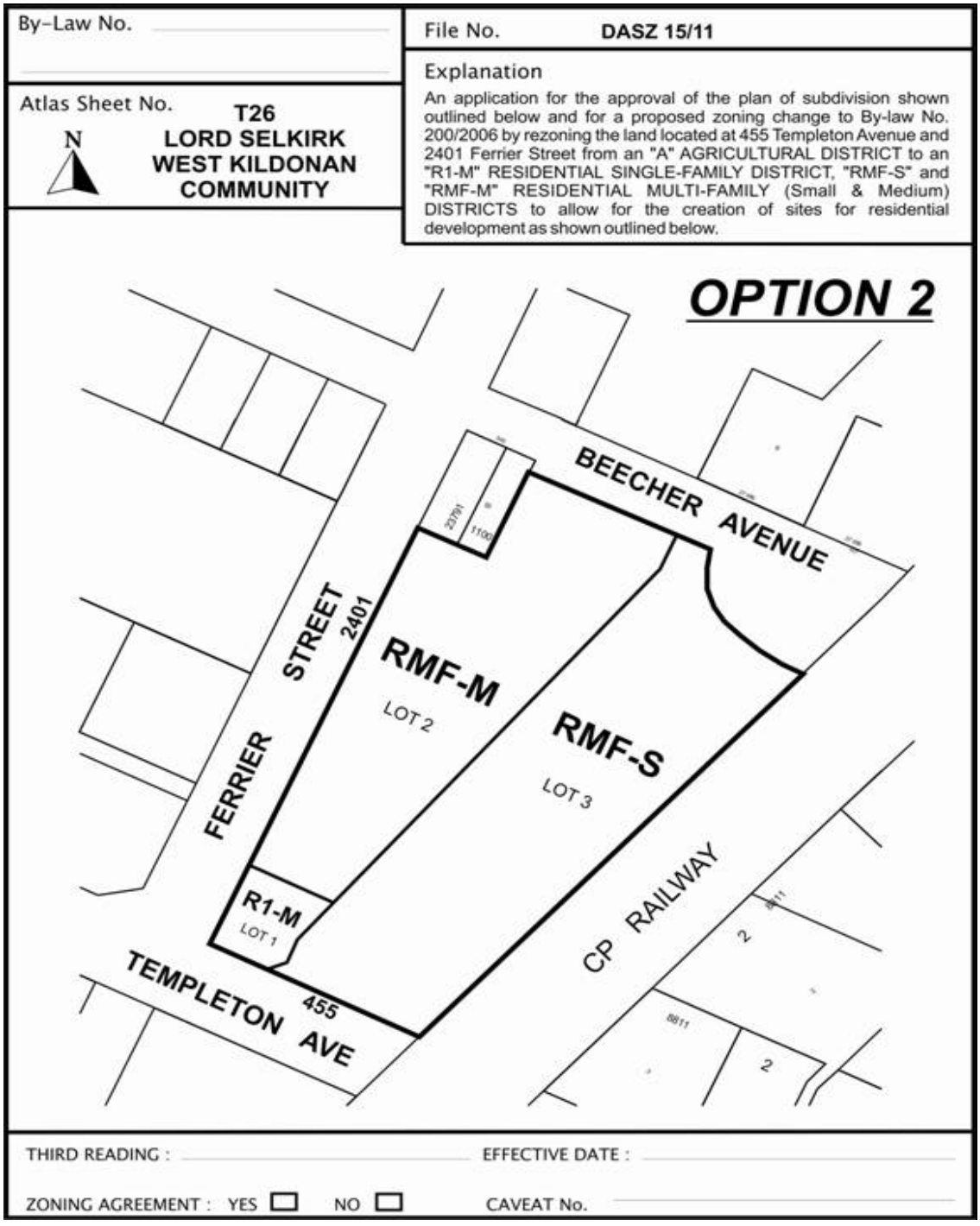
Administrative Co-ordinating Group
File No. DASZ 15/11
May 13, 2011

"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

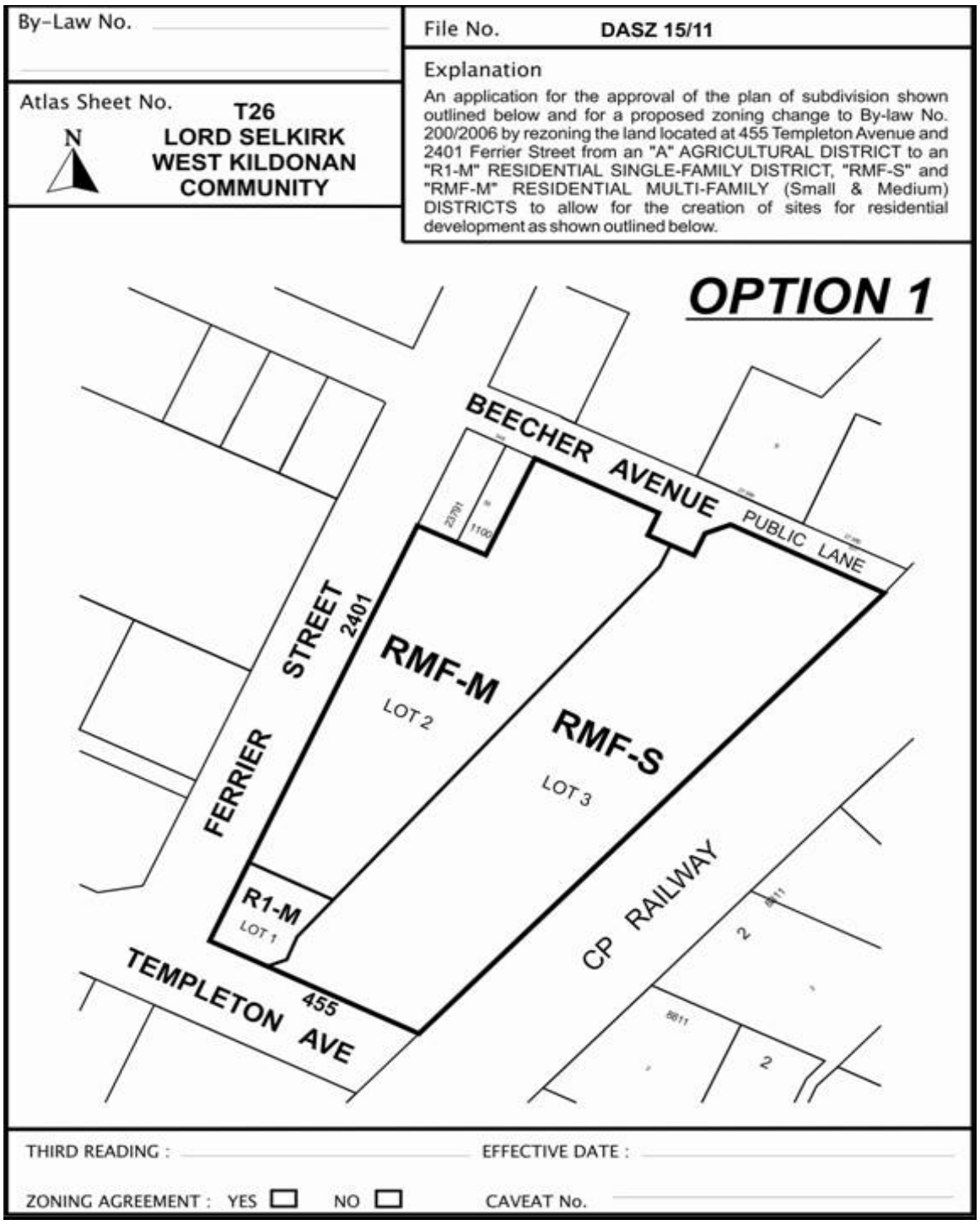
"original signed by F. C. Mazur, P. Eng."
F. C. Mazur, P. Eng.
Water & Waste Department

Schedule "C" – Recommended Plan of Subdivision and Rezoning, Option 2



Schedule "C" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 15/2011, dated May 31, 2011

Schedule "D" – Proposed Plan of Subdivision and Rezoning, Option 1



Schedule "D" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 15/2011, dated May 31, 2011