Minute No. 417
Report – Standing Policy Committee on Property and Development – May 7, 2013

Item No. 8 **Rezoning – 543 Elmhurst Road**
(Charleswood-Tuxedo Ward)
File DAZ 204/2013 [c/r DAV 107416/2013D]

COUNCIL DECISION:

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

1. That the application for rezoning under File DAZ 204/2013 be rejected.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development – May 7, 2013

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 May 15, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 7, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 9, 2013, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning – 543 Elmhurst Road**
File DAZ 204/2013 [c/r DAV 107416/2013D]

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

Prepared by: **Danielle Caron, Committee Clerk**
Assiniboia Community Committee

Report date: **April 10, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 9, 2013, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for rezoning under File DAZ 204/2013 [c/r DAV 107416/2013D] be rejected.

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

1. The majority of the neighbourhood needs to be on board with the project.
2. The project needs to be a fit with the existing community.
3. There is an existing plan to preserve the specific land use and future planning needs of the community.
4. This decision is consistent with past decisions made recently.

PUBLIC HEARING SUMMARY

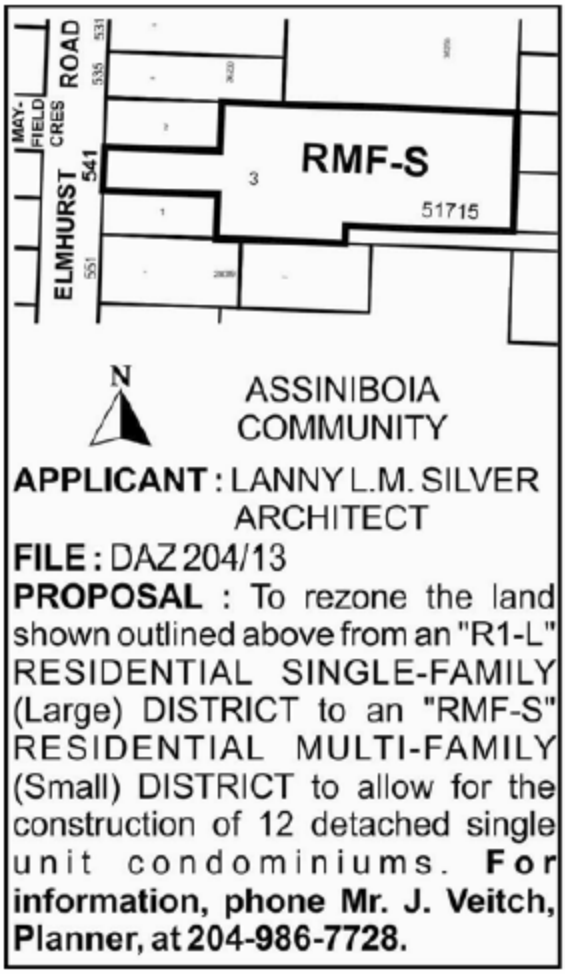
File: DAZ 204/2013

Before: Assiniboia Community Committee
Councillor Havixbeck, Chairperson
Councillor Nordman

Public Hearing: April 9, 2013
Council Building, 510 Main Street

Applicant: Lanny L. M. Silver Architect

Subject:



Premises Affected: 543 Elmhurst Road

Exhibits Filed:

1. Application dated February 12, 2013
2. Notification of Public Hearing dated February 21, 2013
3. Manitoba Status of Title 2610999/1
4. Caveat 4106577
5. Easement Agreement for File No. DASSF 507/2010 between Pump-Worx Inc. and The City of Winnipeg
6. Letter of authorization dated July 12, 2012 from Nicolae and Sumi Pavel to Architect Lanny Silver
7. Plan
8. Report from the Planning and Land Use Division dated March 25, 2013
9. Communication dated April 1, 2013, from David Dawson in support of the application, submitted by Nick Pavel
10. Communication dated April 3, 2013, from Nick Pavel with respect to the application
11. Communication received April 2, 2013, from Dalida Cesario in opposition to the application
12. Communication received April 2, 2013, from Maurizio Cesario in opposition to the application
13. Communication received April 2, 2013, from Steini Hibbert in opposition to the application
14. Communication received April 3, 2013, from Brenna Fry in opposition to the application
15. Petition in opposition to the application purporting to contain the signatures of 37 area residents, submitted by Alexa Richardson
16. Petition in opposition to the application purporting to contain the signatures of 4 area residents, submitted by Shelley Bates
17. Communication received April 4, 2013, from Catherine O'Donnell in opposition to the application
18. Communication dated April 3, 2013, from Lloyd Dueck in support of the application, submitted by Nick Pavel
19. Communication dated April 1, 2013, from Jack and Leila Goods in support of the application, submitted by Nick Pavel
20. Communication dated April 1, 2013, from Gloria Kelly in support of the application, submitted by Nick Pavel
21. Communication dated March 30, 2013, from Donald C. Johnston in support of the application, submitted by Nick Pavel

22. Communication dated March 30, 2013, from Chuck and Bernie McIntosh in support of the application, submitted by Nick Pavel
23. Communication received April 4, 2013, from Brian Telfer in opposition to the application
24. Communication received April 4, 2013, from Penny Telfer in opposition to the application
25. Communication dated April 4, 2013, from Dave Zeemel in support of the application, submitted by Nick Pavel
26. Communication dated April 1, 2013, from Leslie Dawson in support of the application, submitted by Nick Pavel
27. Inspection Report
28. Communication received April 8, 2013, from Gail Hibbert in opposition to the application
29. Communication dated April 5, 2013, from Paul Moore in support of the application, submitted by Nick Pavel
30. Communication dated April 5, 2013, from Kyu Taek Cho and Sun Rae Cho in support of the application, submitted by Nick Pavel
31. Communication dated April 7, 2013, from Betty Woodman in support of the application, submitted by Nick Pavel
32. Communication dated April 7, 2013, from Henry Salcedo in opposition to the application
33. Communication dated April 7, 2013, from Lori Salcedo in opposition to the application
34. Communication dated April 7, 2013, from Garnet Woodman in support of the application, submitted by Nick Pavel
35. Communication dated April 8, 2013, from Deb Ashe in support of the application, submitted by Nick Pavel
36. Communication dated April 8, 2013, from John Rinella in support of the application, submitted by Nick Pavel
37. Communication dated April 8, 2013, from Laura Woodman in support of the application, submitted by Nick Pavel
38. Communication dated April 8, 2013, from Crystal Norman in opposition to the application
39. Communication dated April 8, 2013, from D. Greg Lalier Norman in opposition to the application
40. Communication dated April 8, 2013, from Judy Nichol in opposition to the application
41. Petition in opposition to the application purporting to contain the signatures of 53 residents of Charleswood

Terraces, submitted by the Board of Directors, Charleswood Terraces

42. Communication received April 9, 2013, from Bill Reburn in opposition to the application
43. Communication received April 9, 2013, from Kyle Braun in opposition to the application
44. Communication received April 9, 2013, from Marley Robson in opposition to the application, submitted by Alexa Richardson
45. Communication received April 9, 2013, from Kent Petersen in opposition to the application, submitted by Alexa Richardson
46. Communication received April 9, 2013, from Michelle Smith in opposition to the application, submitted by Alexa Richardson
47. Communication received April 9, 2013, from Cathy Smith in opposition to the application, submitted by Alexa Richardson
48. Communication received April 9, 2013, from Shannon Smith in opposition to the application, submitted by Alexa Richardson
49. Communication received April 9, 2013, from Dave Smith in opposition to the application, submitted by Alexa Richardson
50. Communication dated April 8, 2013, from Joel Masniuk in opposition to the application
51. Petition in opposition to the application purporting to contain the signatures of 33 area residents, submitted by Laurie Lywak
52. Communication dated April 8, 2013, from G. Johnson in support of the application, submitted by Nick Pavel
53. Communication dated April 8, 2013, from Kelly Thompson in support of the application, submitted by Nick Pavel
54. Communication dated April 8, 2013, from Douglas Nichol in support of the application, submitted by Nick Pavel
55. Communication dated April 8, 2013, from Brett Woodman in support of the application, submitted by Nick Pavel
56. Communication dated April 9, 2013, from Chantelle Nault in support of the application, submitted by Nick Pavel
57. Communication received April 9, 2013, from Shane Leighton in opposition to the application
58. Communication received April 9, 2013, from Jeffrey Minuk in opposition to the application

59. Communication received April 9, 2013, from Paul Huntington in opposition to the application
60. Communication received April 9, 2013, from Corey Burgess in opposition to the application
61. Communication received April 9, 2013, from Derrick Stamm in opposition to the application
62. Communication received April 9, 2013, from Louis Roy in opposition to the application
63. Communication received April 9, 2013, from Bill Towers in opposition to the application
64. Communication received April 9, 2013, from Joy Hildebrand in opposition to the application
65. Communication received April 9, 2013, from Andrew Glassco in opposition to the application
66. Communication received April 9, 2013, from Kristin Braun in opposition to the application
67. Communication dated April 9, 2013, from Hazel DeVriendt in support of the application, submitted by Nick Pavel
68. Communication dated April 9, 2013, from Mike Amyot in support of the application, submitted by Nick Pavel
69. Communication dated April 9, 2013, from Perry and Donna Warrener in support of the application, submitted by Nick Pavel
70. Communication dated April 9, 2013, from Marie-Anne Pajala in support of the application, submitted by Nick Pavel
71. Communication received April 9, 2013, from Susan Plueschow in opposition to the application
72. Communication received April 9, 2013, from Mark Hanson in opposition to the application, submitted by Sylvana Hanson
73. Communication received April 9, 2013, from Rocco Curatolo in opposition to the application, submitted by Silvana Hanson
74. Communication received April 9, 2013, from Rosaria Curatolo in opposition to the application, submitted by Silvana Hanson
75. Communication received April 9, 2013, from Inge Barrett in opposition to the application
76. Communication received April 9, 2013, from Debra McKenzie in opposition to the application
77. Communication received April 9, 2013, from Susan Barrett in opposition to the application

78. Communication received April 9, 2013, from Thora Petursson in opposition to the application
79. Communication received April 9, 2013, from Helen Petursson in opposition to the application
80. Audio Recording of representations

REPRESENTATIONS:

In Support:

Mike Amyot
Deb Ashe
John Cha
Kum Sook Cho
Kyo Hyon Cho
Kyu Taek Cho
Sun Rae Cho
Jason Cook
Robert Cress
David Dawson
Leslie Dawson
Hazel DeVriendt
Lloyd Dueck
Jack Goods
Leila Goods
Chris Gregoire
Sunghoon Jang
G. Johnson
Donald C. Johnston
Nayoung Jung
Hae Mun Jung
Gloria Kelly
Insun Kim
Sang Kim
Jae Hong Lee
Soon Ok Lee
Soon Rah Lee
Chuck McIntosh
Berni McIntosh
Paul Moore
Adrian Morgan
Chantelle Nault
Douglas Nichol
Ryo Mawn Ong
Marie-Anne Pajala
Shinae Park
Shinjung Park
Nick Pavel, Nisum Development
Sumi Pavel
Gordon Peary
Bradley Prance
John Rinella
John Rodrigues
Bruce Seman
Lanny L. M. Silver, Lanny L. M. Silver Architect
Ernie Smith
Kelly Thompson
Perry Warrener
Donna Warrener
Betty Woodman
Brett Woodman
Garnet Woodman
Laura Woodman
Jakub Zalud
Dave Zeemel

In Opposition:

Reid Anderson
Inge Barrett
Susan Barrett
ShelleyBates
June Bell
Jim Bell
Travis Berry
Alex Bilesky
Charlie Blair
Don Bowles
Kristin Braun
Kyle Braun
Debbie Buckingham
Ken Buckingham
Corey Burgess
Patricia Campbell
Barb Cannons
Jim Cannons
Dalida Cesario
Maurizio Cesario
C. L. Chappell
Board of Directors, Charleswood Terraces
Jamie Clarkson
Rocco Curatolo
Rosaria Curatolo
Frank DeLuca
John Devlan
Candace Ellis
Judy Fowler
Thomas Fred
Brenna Fry
Mike Gartner
Jeff Gerwing
Andrew Glassco
Mark Hanson
Silvana Hanson
Karyn Heidrick
Wendy Heidrick
Colleen Heinrichs
Gail Hibbert
Steini Hibbert
Joy Hildebrand
Paul Huntington
Dean Keating
Debbie Keating
John King
D. Greg Lalier
Shane Leighton
Wayne Lucas
Laurie Lywak
Carly Mabon
Ryan Mabon
Joel Masniuk
Debra McKenzie
Joan McLean
Vern McLean
Jeff Minuk
Judy Nichol
Colin Nichols
Crystal Norman
Blake O'Donnell
Catherine O'Donnell
Brian Parker
Brad Parkes
Kent Petersen
Marley Robson
Helen Petursson
Thora Petursson
Susan Plueschow
Geraldine Ramsay
Bill Reburn
Alexa Richardson
Geoff Richardson
Buff Richardson
Linda Richardson
Buff Richardson
Louis Roy
Henry Salcedo
Lori Salcedo
Kelly B. Simes
Cathy Smith
Dave Smith

Michelle Smith
Shannon Smith
Jeff Smithson
Derrick Stamm
Brian Telfer
Penny Telfer
Bill Towers
Kevin Turner
Kris Turner
Darlene Wilson
Ken Wilson
Linda Young

For Information:

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. J. Veitch, Acting Principal Planner Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DAZ 204/2013

ADMINISTRATIVE REPORT

Title: DAZ 204/13 – 543 Elmhurst Road

Issue: For consideration at the public hearing for a Rezoning to 'RMF-S' Residential Multi-Family Small to allow the development of 12 single detached, two storey condominiums on the subject site.

Critical Path: Assiniboia Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	n/a	n/a	

RECOMMENDATIONS

That the application be **rejected.**

REASON FOR THE REPORT

- The applicant is proposing to rezone the subject site, 543 Elmhurst from 'R1-L' Residential Single Family to 'RMF-S' Residential Multiple Family in order to allow the development of 12 single unit detached two-storey condominiums.
- The applicant has applied for an associated Variance application, (DAV 13-107416/D) to allow a relaxed rear yard requirements and the removal of a condition restricting development on the subject site.
- Rezoning applications including associated variances and conditional uses require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the property will not be rezoned.

HISTORY

DAV 10-107609/C (c/r DASSF 507/2010)

- March 10, 2010 the Board of Adjustment approved a variance to create 3, (three) lots originally addressed as 541 Elmhurst Road.
- The Variance Order included two conditions:
    - *1. That if any Variance granted by the Order is not established within two (2) years of the date thereof, the Order, in respect of that Variance shall terminate;*
    - *2. That the development of any and all permanent structures on Lot 3 shall be kept entirely within the westerly 100 feet (30.48 metres) of said lot.*
- May 20, 2010 Appeal Hearing, the variance approval was appealed by the Ward Councillor of the time, the appeal was denied.

PRE-APPLICATION 12-162167

- September 2012 the current applicant applied for a pre-application for 541 Elmhurst Road to solicit city department feedback on a proposed 3-storey, 29 unit condominium.
- City department review comments forwarded to the applicant included:
    - *'The Division has been consistent when dealing with enquiries on this land that single family lots would be the best form of development…'*
    - *'Compromising by building a cul-de-sac at the north end of Apex allowing the creation of additional single family lots could work…, however the applicant may not be willing to give up enough land to make it work.'*

CONSULTATION

In preparing this Report there was consultation with:
N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	James Veitch
Date:	March 25, 2013
File No.	DAZ 204/2013

List of Schedules and Attachments

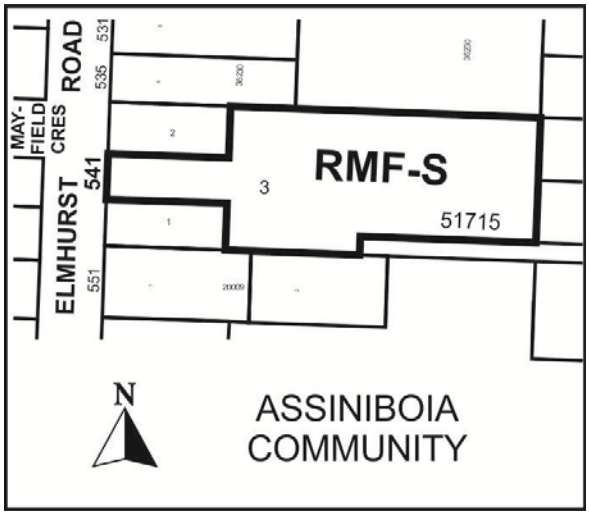
1. Appendix ‘A’ - Planning Discussion
2. Appendix ‘B’ - Schedule “A” for File No. DAZ 204/2013
3. Appendix ‘C’ – Misc. Plan No. 14452

APPENDIX 'A'

DATE: March 25, 2013
FILE: **DAZ 204/2013**
RELATED FILES: DAV 13-107416/D
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.636 (Elmhurst)

SUBJECT: To rezone the subject land from an "R1-L" Residential Single Family Large District to an "RMF-S" Residential Multiple Family Small District

LOCATION: 543 Elmhurst Road
LEGAL DESCRIPTION: Lot 3 Plan 51715



APPLICANT: Lanny LM Silver Architect
437 Assiniboine Avenue
Winnipeg, MB.
R3C 0Y5

OWNER: Nicolae & Sumi Pavel
214 Bertrand Street
Winnipeg, MB.
R2H 0N6

RECOMMENDATION: Rejection

SITE DESCRIPTION

The approximately 1.1 acre subject site is zoned 'R1-L' Single Family Residential Large district and located the Elmhurst neighbourhood of the Charleswood-Tuxedo Ward. The area is within an Area of Stability - Recent Community designation of the City's Development Plan, *OurWinnipeg/Complete Communities.*



Figure 1: Subject Site, 543 Elmhurst Road and Surrounding Land Uses

Existing Land Use and Zoning

North: 'R1-L' Single Family Residential Large fronting Elmhurst Road and 'RMF-S' Multiple Family Residential Small, (62 unit two-storey condo fronting Grant Avenue).

South: 'R1-L' Single Family Residential Large fronting Elmhurst Road, including 3 (three) vacant landlocked parcels, then temporary termination of Apex Street.

East: 'R1-L' Single Family Residential Large fronting Cathcart Street.

West: Elmhurst Road, then 'R1-L' Single Family Residential Large.

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant wishes to rezone the subject site to 'RMF-S' Residential Multiple Family and develop 12 (twelve) detached two-storey condo units with an internal private road. The development will include limited surface parking, landscaping, fencing, identification signage and a communal garbage enclosure.

An associated Variance application, (DAV 13-107416/D) has also been applied for to allow reduced side yard setbacks, as well as the removal of a condition not allowing development on the site beyond the first 100 feet from Elmhurst Road.

ANALYSIS AND ISSUES
While the overall land use and density pattern outlined in the development proposal is generally supported by the urban Planning Division, the Division is not supportive of the rezoning application as filed; the current rezoning proposal does not address the vacant lands to the south and their ability to develop without impediment in the future.

The Division is committed to pursuing a solution that will work for all the stakeholders including the developers, vacant landowners, immediate neighbours, the City of Winnipeg and others.

We have previously facilitated discussions between the developer and the landowners of the adjacent vacant lands to the south and we will continue to work towards formulating a joint development proposal that can reasonably work for all those affected.

COMPLETE COMMUNITIES DIRECTION STRATEGY
- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. With regard to this proposal, the key policies guiding the development of Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD
The Urban Planning Division has two main concerns with the subject development proposal as submitted for 543 Elmhurst Road;

1. Development fit, architectural scale and form sensitive to the existing community context, and
2. Future orderly development of the vacant lands to the south requiring the affordable completion of Apex Street and the associated services such as sewer, water and land drainage.

Development Fit
04 Areas of Stability further stipulates:

- *'When new development occurs in Areas of Stability, it should be contextually suitable and enhance and celebrate what makes them unique. To that point, intensification should be accommodated within existing communities in a* ***sensitive manner which recognizes the existing form and the character of its location****.'* (page 78, Complete Communities Direction Strategy)

While overall it can be argued that the proposed development is consistent with some of the policies outlined in the *Complete Communities Direction Strategy*, which promote a mix of housing types and tenure in the Recent Communities Policy Area, The proposed development may indeed conflict with *Complete Communities* policies that clearly specify that the scale, character and built form must be compatible with the existing context.

Specifically the associated variance application which is requesting a reduction to the required 25 foot rear yard setback of 20 feet to a 5 foot setback which will be adjacent to a rear yard serving an existing single family dwelling.

Future Orderly Development
Compatibility with the existing community can also be measured in terms of future orderly development, Direction 1 - Areas of Stability states; *'Support the* ***Completion*** *of Areas of Stability'* (page 80, Complete Communities Direction Strategy)

City of Winnipeg Shadow Plans for Charleswood illustrate how the various undeveloped vacant back lands can be subdivided into single family lots including open rights of ways and potential parks. The shadow plan for the immediate context shows the completion of Apex Street connecting to Cathcart Street.

The development as proposed, excluding the vacant lands to the south may preclude the extension of Apex Street, the subdivision of additional single family lots and thus the completion of these lands within this 'Area of Stability'.

Charleswood Shadow Plans

- In the late 1980's Planning, Property and Development created numerous 'Shadow Plans' for the undeveloped lands in the Charleswood area.
- The 'Shadow Plan' for the lands in the immediate context outlines a single family lot subdivision design with the completion of Apex Street north then west to Cathcart, a portion of that right of way currently exists at Cathcart Street, (see figure 2 below).
- 1998, the approval of the multiple family project to the north of the subject site removed a portion of the single family lot subdivision shown on the original 'Shadow Plan'.

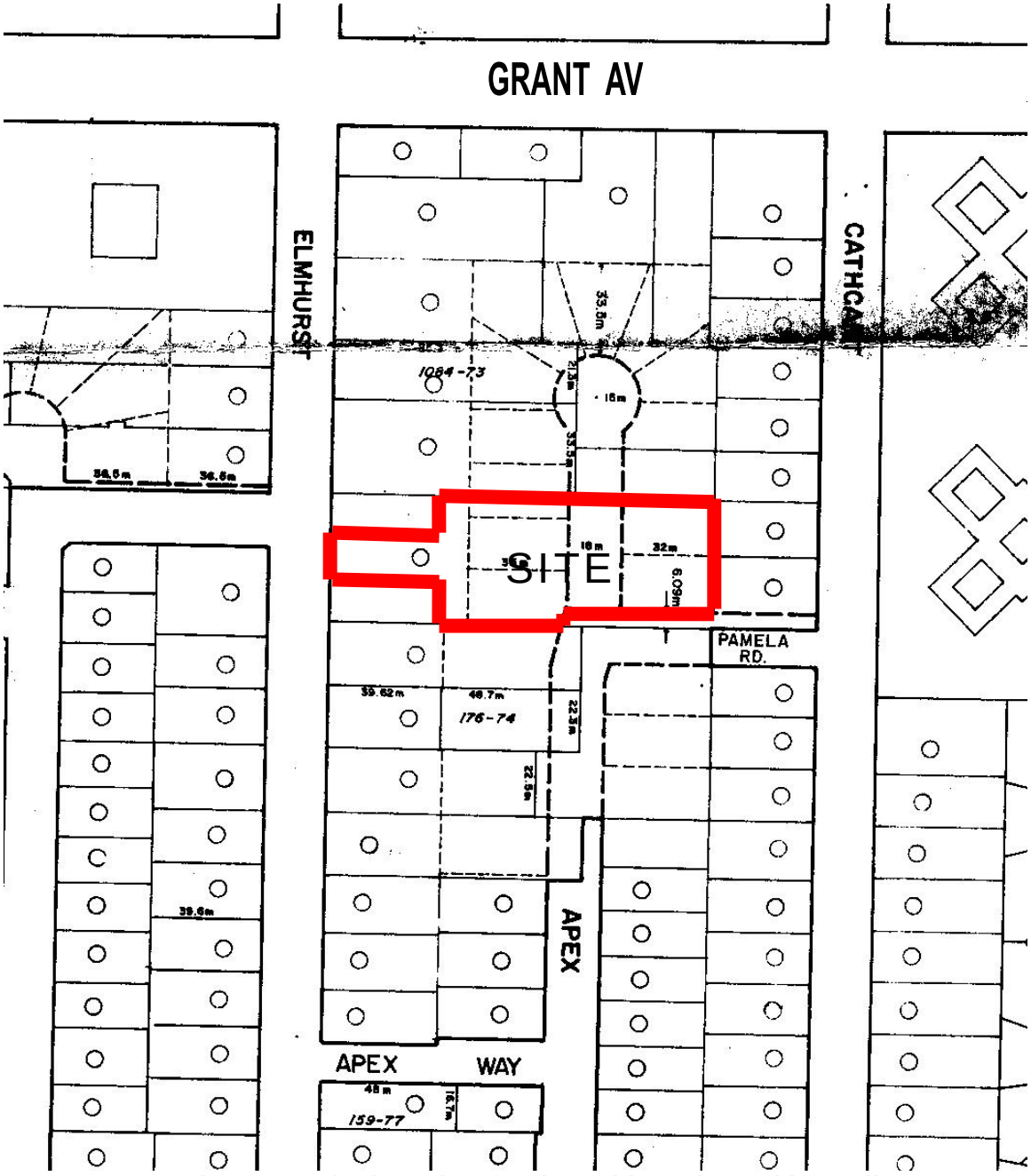


Figure 2: 'Shadow Plan' for the Subject Site and immediate context

- The Shadow Plan was modified to illustrate how the completion of Apex Street could still be achieved after the Multiple Family development to the north was approved, (see figure 3 below).

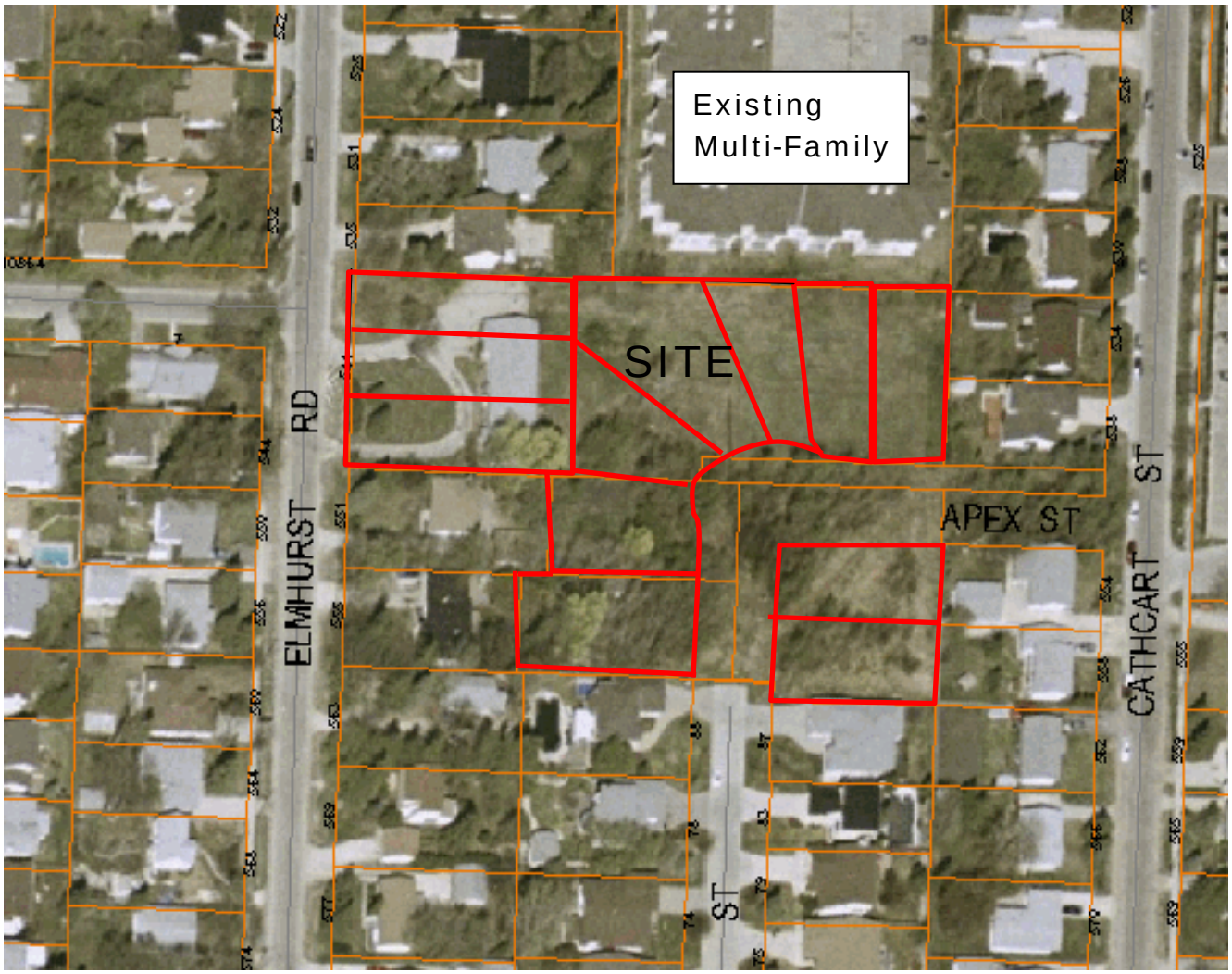


Figure 3: Revised 'Shadow Plan' for the Subject Site and immediate context

The completion of Apex Street including the installation of the required services such as sewer, water and land drainage is the responsibility of the developers of the adjacent vacant lands. The economic formula to pay for the infrastructure is directly connected to the number of lots that can be created. If more lots can be created and thus eventually marketed the initial investment in the infrastructure can be offset, making the development economically viable.

If lands that were to contribute to the infrastructure formula were removed, such as 543 Elmhurst, then the opportunity to develop the remaining vacant back lands may be lost. The City of Winnipeg must endeavour to protect the future orderly development of all lands within the city.

***541 Elmhurst Pre-Application* 12-162167**

- September 2012 the current applicant applied for a pre-application for 541 Elmhurst Road to solicit city department feedback on a proposed 3-storey, 29 unit condominium.
- City department review comments forwarded to the applicant included:
    - *'The Division has been consistent when dealing with enquiries on this land that single family lots would be the best form of development…'*
    - *'Compromising by building a cul-de-sac at the north end of Apex allowing the creation of additional single family lots could work from my point of view, however the applicant may not be willing to give up enough land to make it work.'*
- The engineers at the City of Winnipeg Public Works, Water & Waste and Land Development shared Urban Planning's concerns regarding the future development of the vacant lands to the south that depend on the extension of Apex Street..

Landowners Meeting

- March 14, 2013 - the Urban Planning Division hosted a meeting with the applicant and their client representing 543 Elmhurst, the two owners of the vacant lands to the south, including City engineers from the Public Works and Land Development departments.
- The purpose of the meeting was to facilitate a face-to-face discussion potentially allowing the three landowners to work together on the future orderly development of the associated vacant lands.
- The City presented the cul-de-sac design, (Figure 4 below) illustrating how single family development could be accommodated in-keeping with the 'Shadow Plan' and pre-application comments from a year ago.
- Unfortunately the applicant and owner of 543 Elmhurst were not interested in the single family development option at that time.
- The Urban planning Division is committed to working with all landowners to facilitate the future orderly development of the Elmhurst, Cathcart and Apex lands that makes sense for all.

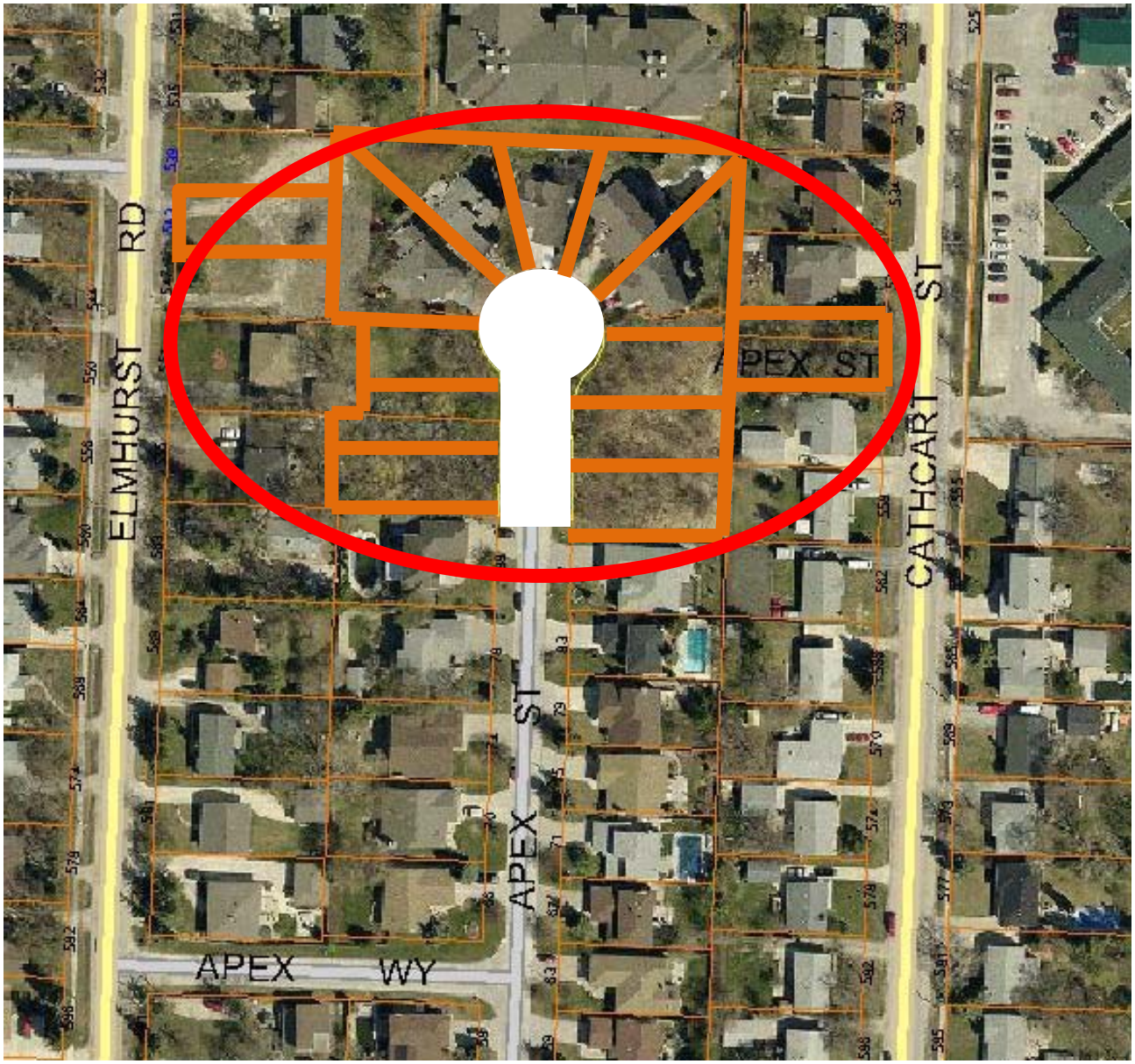


Figure 4: Photo-Simulation showing Single Family Lot development option

RECOMMENDATION
The Winnipeg Public Service recommends that the application be **rejected**.

However, if the Committee wishes to approve the application, the following conditions should be included:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule “A” for File DAZ 208/2012 dated May 31, 2012 to an “RMF-S” Residential Multi-Family 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 condition(s):

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, 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.

2. That an easement for land drainage purposes in favour of the Developer over a portion of the City-owned land identified on Misc. Plan No. 14452 which forms DAZ 204/2013, be approved by Council.
3. That the Chief Administrative Officer be delegated the authority to finalize the terms and conditions of any necessary Easement Agreements, and any other terms and conditions deemed necessary by the Director of Legal Services and City Solicitor in order to protect the interests of the City.
4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.
5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.
6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.
7. That the zoning section of the by-law comes into force when 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 by-law is passed.
8. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.
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.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.

- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application.

LAND DRAINAGE SYSTEM

- The Water & Waste Department has indicated that if the proposed development was to proceed as per the subject rezoning application then among other obligations, the developer must install the engineered land drainage infrastructure connecting to Cathcart Street.
- In order to make the connection from the subject site, (543 Elmhurst Road) eastward to Cathcart Street the land drainage would be required to be installed within the existing strip of City owned land highlighted on Appendix 'C' - Misc. Plan 14452.
- The Developer would have to enter into an easement agreement with the City of Winnipeg, recommended conditions #2 & #3 above will allow for that process to be initiated.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared by: James Veitch
PPD File # DAZ 204/2013

APPENDIX "B"
Schedule "A" for File No. DAZ 204/2013, Assiniboia Community Committee, dated March 25, 2013

By-Law No. _____

File No. **DAZ 204/13**

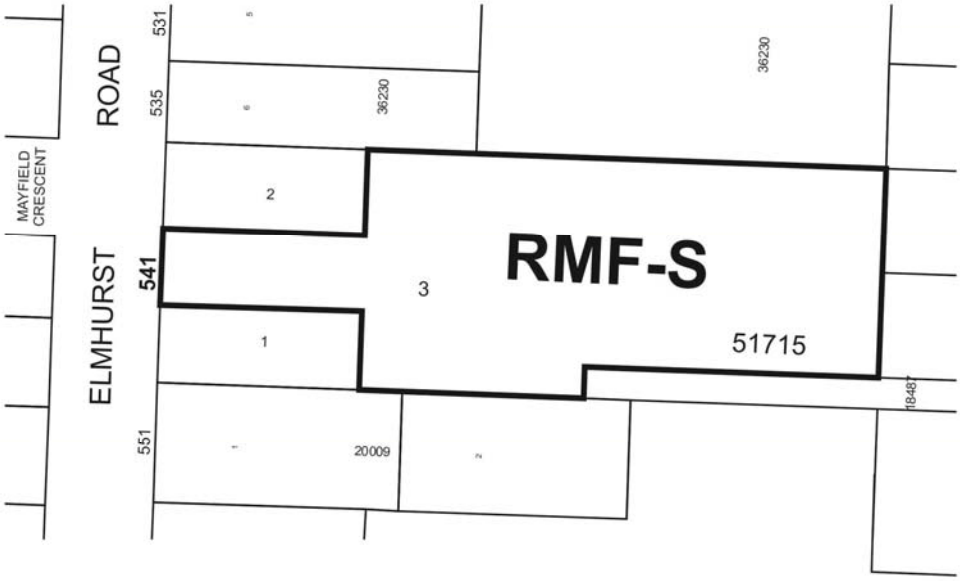
Atlas Sheet No.

N

AD16 ASSINIBOIA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 543 Elmhurst Road from an "R1-L" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT to allow for the construction of 12 detached single unit condominiums as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "C"
Misc. Plan No. 14452

