Minute No. 530
Report – Standing Policy Committee on Property and Development – July 2, 2013

Item No. 8 **Subdivision and Rezoning – 1745 Henderson Highway and land locked parcel behind**
(North Kildonan Ward)
File DASZ 17/2013 [c/r SPA 5/2012 and DAV 112811/2013D]

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 17/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/2013 dated June 11, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 15, 2013, with the following amendments:

        2. The Developer shall, at no expense to the City, construct an extension to the Henderson Highway median and all associated works including required signage; to the satisfaction of the Director of Public Works.

        3. The Developer shall at no expense to the City, construct a new conforming private approach to Henderson Highway, near the south limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

        10. The Developer shall, at no expense to the City, construct in Portland cement concrete pavement a median opening including a southbound left turn lane and upstream transitions and all associated works on Henderson Highway, to access the south private approach, all to the satisfaction of the Director of Public Works.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 17/2013 dated June 11, 2013, to an "RMF-L" Residential Multifamily district subject to the following:

Report – Standing Policy Committee on Property and Development – July 2, 2013

COUNCIL DECISION (continued):

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, accessory parking areas, garbage enclosures, fencing, landscaping, potential shadow impacts, and bicycle parking to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, an agreement with the owner of the lot directly to the north to provide sufficient drive aisle width to access Lot 3, including but not limited to City emergency service vehicles and transit buses, to the satisfaction of the Chief of the Winnipeg Fire and Paramedic Services. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iv. That the address number of every building on the subject property (and the name of the building, if applicable) shall be posted at the front of Lot 1 so as to be clearly visible from Henderson Hwy to the satisfaction of the Director of Planning, Property, and Development and the Chief of the Winnipeg Fire and Paramedic Services.

Report – Standing Policy Committee on Property and Development – July 2, 2013

COUNCIL DECISION (continued):

v. That a 6 foot composite ornamental screen fence shall be erected along the south property line of proposed Lot 3 to prohibit vehicular access to the public lane north of Fortier Avenue to the satisfaction of the Director of Planning, Property, and Development.

vi. That the maximum building height on Lot 3 shall be limited to 60 feet.

vii. That all development on Lot 3 shall be fully contained within lines drawn at 45 degree angles beginning at a point 6 feet above the south and east property lines of Lot 3 rising upwards towards any future building only allowing for very minor intrusions as determined by the Director of Planning, Property, and Development.

viii. That a landscaped strip with a minimum continuous width of 10 feet shall be provided along the south and east property lines of Lot 3.

ix. That a minimum building setback of 25 feet shall be provided to the south and east property lines of Lot 3.

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

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two-year period and Council approves the extension.

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

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

Report – Standing Policy Committee on Property and Development – July 2, 2013

COUNCIL DECISION (continued):

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

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

Report – Standing Policy Committee on Property and Development – July 2, 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 July 10, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 2, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2013, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

Planner's Report

- Delete Recommendation 2.A.v in its entirety

- Recommendation 2.A.vi:
  Delete the word "wood" and replace with the words "composite ornamental"
  Delete the words "Lots 2 and 3" and replace with the words "Lot 2"

- Renumber all remaining recommendations accordingly

Administrative Coordinating Group's Report

- Delete Recommendation 2 in its entirety and replace with the following

Report – Standing Policy Committee on Property and Development – July 2, 2013

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

"2. The Developer shall, at no expense to the City, construct an extension to the Henderson Highway median and all associated works including required signage; to the satisfaction of the Director of Public Works"

- Delete Recommendation 3 in its entirety and replace with the following

"3. The Developer shall at no expense to the City, construct a new conforming private approach to Henderson Highway, near the south limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works."

- Add a new recommendation

"10. The Developer shall, at no expense to the City, construct in Portland cement concrete pavement a median opening including a southbound left turn lane and upstream transitions and all associated works on Henderson Highway, to access the south private approach, all and to the satisfaction of the Director of Public Works.",

and forwarded to Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 1745 Henderson Highway and land locked parcel behind**
File DASZ 17/2013

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

Prepared by: **Josie Marques, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **June 21, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2013, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 17/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/2013 dated June 11, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 15, 2013, ***with the following amendments:***

        2. ***~~The Developer shall, at no expense to the City, construct a new private approach approximately 6.0 metres north of the south limit of the Planned Area as determined by and to the satisfaction of the Director of Public Works.~~ The Developer shall, at no expense to the City, construct an extension to the Henderson Highway median and all associated works including required signage; to the satisfaction of the Director of Public Works.***

        3. ***~~In lieu of items 1 and 2 above the Developer shall, at no expense to the City, construct an extension to the Henderson Highway median including required signage; all of the above as determined by and to the satisfaction of the Director of Public Works.~~ The Developer shall at no expense to the City, construct a new conforming private approach to Henderson Highway, near the south limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.***

        10. ***The Developer shall, at no expense to the City, construct in Portland cement concrete pavement a median opening including a southbound left turn lane and***

upstream transitions and all associated works on Henderson Highway, to access the south private approach, all to the satisfaction of the Director of Public Works.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 17/2013 dated June 11, 2013, to an "RMF-L" Residential Multifamily district subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

      i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, accessory parking areas, garbage enclosures, fencing, landscaping, potential shadow impacts, and bicycle parking to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

      ii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

      iii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, an agreement with the owner of the lot directly to the north to provide sufficient drive aisle width to access Lot 3, including but not limited to City emergency service vehicles and transit buses, to the satisfaction of the Chief of the Winnipeg Fire and Paramedic Services. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

      iv. That the address number of every building on the subject property (and the name of the building, if applicable) shall be posted at the front of Lot 1 so as to be clearly visible from Henderson Hwy to the satisfaction of the Director of Planning, Property, and Development and the Chief of the Winnipeg Fire and Paramedic Services.

~~***v. That no vehicular access shall be permitted from the site to the public lane north of Fortier Avenue.***~~

~~vi.~~ v. That a 6 foot ***~~wood~~ composite ornamental*** screen fence shall be erected along the south property line of proposed ***~~Lots 2 and 3~~ Lot 3*** to prohibit vehicular access to the public lane north of Fortier Avenue to the satisfaction of the Director of Planning, Property, and Development.

~~vii.~~ vi. That the maximum building height on Lot 3 shall be limited to 60 feet.

~~viii.~~ vii. That all development on Lot 3 shall be fully contained within lines drawn at 45 degree angles beginning at a point 6 feet above the south and east property lines of Lot 3 rising upwards towards any future building only allowing for very minor intrusions as determined by the Director of Planning, Property, and Development.

~~ix.~~ viii. That a landscaped strip with a minimum continuous width of 10 feet shall be provided along the south and east property lines of Lot 3.

~~x.~~ ix. That a minimum building setback of 25 feet shall be provided to the south and east property lines of Lot 3.

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

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two-year period and Council approves the extension.

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

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

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.
10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

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

1. Density along Henderson has been encouraged.

2. The application is for something we can support.

PUBLIC HEARING SUMMARY

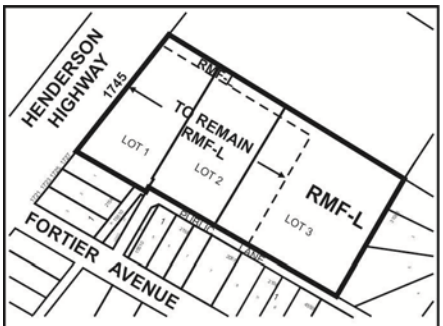
File: DASZ 17/2013

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

Public Hearing: June 18, 2013
Council Building, 510 Main Street

Applicant: J. Wintrup Consulting Ltd. (John Wintrup)

Subject:



N

EAST KILDONAN TRANSCONA COMMUNITY

APPLICANT : J. WINTRUP CONSULTING LTD.

FILE : DASZ 17/13

PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT and to create three lots from two to facilitate the construction of multiple family dwellings. **For information, phone Mr. M. Pyl, Planner, at 204-986-5595.**

Premises Affected: 1745 Henderson Highway and land locked parcel behind

Exhibits Filed:

1. Application dated March 21, 2013
2. Notification of Public Hearing dated May 10, 2013
3. Manitoba Status of Titles 2076215/1, 2575637/1 and 2575638/1
4. Letter of authorization dated November 15, 2012 from Winnipeg Condominium Corporation No. 775 to John Wintrup
5. Letter of authorization dated November 15, 2012 from Gauthier Ventures Ltd. to Sunrex Property Services Ltd.
6. Letter of authorization dated January 10, 2013 from Sunrex Property Services Ltd. to J. Wintrup Consulting Ltd.
7. Surveyor's Building Location Certificate and sketch dated November 15, 2012
8. Plans (3 pages)
9. Report from the Planning and Land Use Division dated June 11, 2013
10. Communication dated June 2, 2013, from Craig Sigurdson in opposition to the application
11. Communication dated June 14, 2013, from Jason Martino in opposition to the application
12. Communication dated June 17, 2013, from Glen and Nicole McCrank in opposition to the application
13. Inspection Report
14. Presentation from John Wintrup in support of the application
15. Communication dated June 18, 2013, from John Wintrup in support of the application
16. Communication undated, from Shirley Coughlan, in support of the application submitted by John Wintrup at the public hearing
17. Copy of Right-of-Way Easement Agreement between 5982856 Manitoba Ltd and Winnipeg Condominium Corporation No. 775 and Gauthier Ventures Ltd., in support of the application, submitted by John Wintrup at the public hearing
18. Communication dated June 18, 2013, from Jason and Lise Kozyra, in support of the application, submitted by John Wintrup at the public hearing
19. Presentation from Craig Sigurdson in opposition to the application

REPRESENTATIONS:

In Support:

Jason Bryk
John Bryk
Shirley Coughlan
Phil McAmmond
Colin Neufeld
John Wintrup, J. Wintrup Consulting Ltd.

In Opposition:

Wally Arndt
Lorraine Barnett
Jason and Lise Kozyra
Anita Mann
Michelle Martin
Jason Martino
Glen and Nicole McCrank
Gary Milne
Chris and Lori Schellenberg
Craig Sigurdson
Robert and Barbara Stephen
Lena Stroet

For Information:

Charlotte Kaisaris and Mike Quinn
Leigh Merrells
Don and Olga Onyschuk
Michael and Joanne Peterson
Marge Starr
Debbie Talling

For the City:

Mr. M. Pittet, Manager of Land Development, Geomatics, and Land Information Services, Planning, Property and Development Department
Mr. M. Pyl, Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Ms D. Beaton, Park Strategic Planner, Planning, Property and Development Department
Ms C. Desjardine, Community Traffic Engineer, Public Works Department

Exhibit "11" referred to in File DASZ 17/2013

ADMINISTRATIVE REPORT

Title: DASZ 17/13 – 1745 Henderson Hwy

Issue: For consideration at the public hearing to create three multifamily residential building lots from two and to rezone the balance of the site to "RMF-L" Residential Multifamily district

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

AUTHORIZATION

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

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 39/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 39/2012 dated June 11, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 15, 2013.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 17/2013 dated June 11, 2013, to an "RMF-L" Residential Multifamily district subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

      i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, accessory parking areas, garbage enclosures, fencing, landscaping, potential shadow impacts, and bicycle parking to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for

plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, an agreement with the owner of the lot directly to the north to provide sufficient drive aisle width to access Lot 3, including but not limited to City emergency service vehicles and transit buses, to the satisfaction of the Chief of the Winnipeg Fire and Paramedic Services. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iv. That the address number of every building on the subject property (and the name of the building, if applicable) shall be posted at the front of Lot 1 so as to be clearly visible from Henderson Hwy to the satisfaction of the Director of Planning, Property, and Development and the Chief of the Winnipeg Fire and Paramedic Services.

v. That no vehicular access shall be permitted from the site to the public lane north of Fortier Avenue.

vi. That a 6 foot wood screen fence shall be erected along the south property line of proposed Lots 2 and 3 to prohibit vehicular access to the public lane north of Fortier Avenue to the satisfaction of the Director of Planning, Property, and Development.

vii. That the maximum building height on Lot 3 shall be limited to 60 feet.

viii. That all development on Lot 3 shall be fully contained within lines drawn at 45 degree angles beginning at a point 6 feet above the south and east property lines of Lot 3 rising upwards towards any future building only allowing for very minor intrusions as determined by the Director of Planning, Property, and Development.

ix. That a landscaped strip with a minimum continuous width of 10 feet shall be provided along the south and east property lines of Lot 3.

x. That a minimum building setback of 25 feet shall be provided to the south and east property lines of Lot 3.

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

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two-year period and Council approves the extension.

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

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

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

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

REASON FOR THE REPORT

- The applicant intends to subdivide the two existing properties to create three multifamily residential lots all zoned “RMF-L” Residential Multifamily district.
- Based on conceptual plans submitted with his application, the applicant intends to build two four-storey buildings with a combined 50 units on proposed Lot 1, maintain the existing 12-storey, 110 unit apartment building on proposed Lot 2, and build a seven storey, 100 unit building on proposed Lot 3 that will step down in height towards the west and south property lines.
- The applicant is proposing that vehicles will enter the site via the existing Henderson approach at the north end of the site and will access proposed Lot 3 between the north property line and the north building wall of the existing apartment. An easement from the property to the north will be required to provide the balance of the necessary width.

IMPLICATIONS OF THE RECOMMENDATIONS

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

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	June 11, 2013
File No.	DASZ 17/13

APPENDIX 'A'

DATE: June 11, 2013
FILE: DASZ 17/13
RELATED FILES: SPA 5/12, DAV 13-112811D
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.418

SUBJECT: For consideration at the public hearing to create three multifamily residential building lots from two and to rezone the balance of the site to "RMF-L" Residential Multifamily district

LOCATION: 1745 Henderson Hwy and Lot 4, Plan 20574



LEGAL DESCRIPTION: Lot 1, Plan 11316 and Lot 4, Plan 20574

APPLICANT: John Wintrup Consulting Ltd.
301-139 Roslyn Rd
Winnipeg MB R3L 0G7

OWNER: Winnipeg Condominium Corporation No. 775 and Gauthier Ventures Ltd.

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to subdivide the two existing properties to create three multifamily residential lots all zoned “RMF-L” Residential Multifamily district.
- Based on conceptual plans submitted with his application, the applicant intends to build two four-storey buildings with a combined 50 units on proposed Lot 1, maintain the existing 12-storey, 110 unit apartment building on proposed Lot 2, and build a seven storey, 100 unit building on proposed Lot 3 that will step down in height towards the west and south property lines.
- The applicant is proposing that vehicles will enter the site via the existing Henderson approach at the north end of the site and will access proposed Lot 3 between the north property line and the north building wall of the existing apartment. An easement from the property to the north will be required to provide the balance of the necessary width.

SITE DESCRIPTION

- The subject property is located on the east side of Henderson Hwy between Fortier Av and McIvor Av in the River East neighbourhood of the North Kildonan ward.
- The site is comprised of 1745 Henderson and the lot adjacent to the east, which is legally defined as Lot 4, Plan 20574. The former property is occupied by an existing 12 storey, 110 unit multifamily building and accessory surface parking zoned “RMF-L” Residential Multi-Family district (with the exception of a 24 ft. wide strip of land at the north portion of the property zoned “RMF-S”) while the latter property is currently vacant and is zoned “RMF-S”. In total, the site is 105,991 sq. ft. in area with 240 ft. of frontage along Henderson.
- Adjacent properties include a hotel use to the north zoned “C3” Commercial Corridor district, a commercial strip mall to the south zoned “C2” Commercial Community district, a residential multifamily complex to the west across Henderson zoned “RMF-M” Residential Multi Family district, and single family dwellings to the east zoned “R1-M” Residential Single Family district.

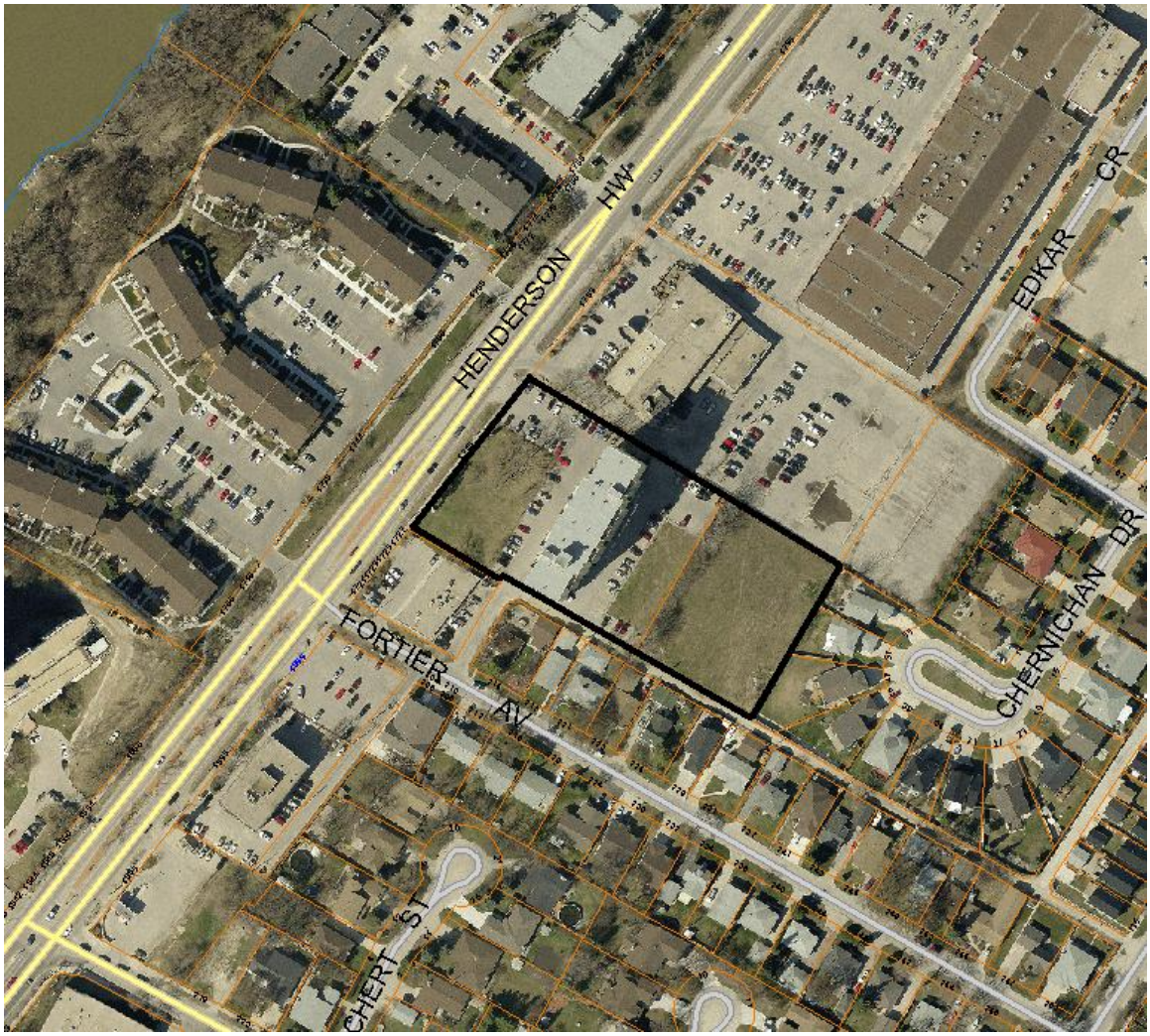


Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to subdivide the two existing properties to create three multifamily residential lots all zoned “RMF-L” Residential Multifamily district.
- Proposed Lot 1, the westernmost lot with frontage onto Henderson, is proposed to be 26,643 sq. ft. in area, proposed Lot 2, the middle lot, is proposed to be 27,868 sq. ft., and proposed Lot 3, the easternmost lot, is proposed to be 49,900 sq. ft. (1.15 acres) in area.
- This subdivision will see a relatively minor shift in the existing lot line separating 1745 Henderson from existing Lot 4, Plan 20574. Currently, the latter lot is approximately 165 ft. deep; as per the proposed subdivision, proposed Lot 3 is proposed to be approximately 224 ft. deep.
- The applicant submitted a conceptual plan with his application. This conceptual site plan shows two four-storey buildings with a combined 50 units on proposed Lot 1, the maintenance of the existing 12-storey, 110-unit apartment building on proposed Lot 2, and a seven-storey, 100-unit

building on proposed Lot 3. It is proposed that this latter building will be L-shaped and will be tallest in the northwest corner of the site. The building's massing will then step down towards the west and south property lines approaching the adjacent single family dwellings.

- It is important to note, however, that due to the conceptual nature of these plans, the Zoning and Permits Division has not processed variances on these buildings.

- The applicant is proposing that vehicles will enter the site via the existing Henderson approach at the north end of the site and will access proposed Lot 3 between the north property line and the north building wall of the existing apartment. An easement from the property to the north will be required to provide the balance of the necessary width.

BACKGROUND

SPA 5/12

- In order to accommodate the proposed development, the applicant has applied to amend the North Henderson Highway Secondary Plan to redesignate existing Lot 4, Plan 20574 from "Low Density Residential" land use to "High Density Residential" land use.
- The SPA application is proceeding in concurrence with this DASZ application.
- Council gave the SPA application first reading on February 27, 2013, and designated the East Kildonan-Transcona Community Committee as the public hearing body.

DAV 13-112811D

- The proposed development also requires a number of variances (DAV 13-112811D) relating to the creation of the proposed lots. These include:
  - The establishment of two lots to permit no frontage on a public street.
  - The maintenance of a multiple family dwelling on proposed Lot 2 to permit:
    - A lot area per dwelling unit of 253.7 sq. ft. instead of 400 sq. ft.
    - The reduction of 54 parking stalls.

DAV 963/94C (c/r DASSF 552/93)

- In October 1994, the Board of Adjustment approved a variance on existing Lot 4, Plan 20574, to allow for the construction of a 30-unit multifamily dwelling in the "RM-1" district of the East Kildonan-Transcona Zoning By-law No. 4440/86 to permit:
  - A lot area of 1,579 sq. ft. instead of 2,000 sq. ft.
  - A lot width of 27 ft. instead of 70 ft.
  - The establishment of an accessory parking area to provide no west side yard instead of 8 ft., a north side yard of 1 ft. instead of 8 ft., and no landscaping and fencing as required.
- The intent of this application was to transfer the southernmost 27 ft. of the property adjacent to the north to the existing Lot 4, Plan 20574 to provide access to it. This subdivision would have created a flag lot.

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and has gained statutory authority as a secondary plan. The strategy serves as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- According to the Complete Communities Urban Structure Map, Henderson Hwy is designated as a "Regional Mixed Use Corridor". While corridors such as Henderson serve as major transportation routes, they serve the additional purpose of accommodating a mix of uses, functioning as vibrant urban places for Winnipeggers to live, work, and play. By offering high frequency and direct transit service to major Centres and the Downtown, Regional Mixed Use Corridors have sufficient opportunities to support long-term expansion through comprehensively planned intensification. Supporting Direction and Enabling Strategies include:
    - Focus a broad mix of residential, employment, and retail development within strategic locations along corridors.
        - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential, and mixed use development are appropriate.
    - Where appropriate, develop corridors in accordance with transit-oriented development principles.

North Henderson Highway Secondary Plan

- Existing Lot 4, Plan 20574 is designated as "Low Density Residential" in the North Henderson Highway District Plan. This designation limits any development to a maximum density of 12 units per acre. Based on an existing lot area of 36,295 sq. ft., a maximum of 10 units are currently permitted.
- In order to accommodate the proposed development, Proposed Lot 3 will need to be re-designated to "High Density Residential". This category has no density restriction. The "Medium Density Residential" designation allows between 13 and 30 units per acre. Based on a proposed lot area of 49,933 sq. ft., a maximum of 34 units would be permitted on this designation.
- The balance of the site (1745 Henderson) is currently designated "High Density Residential".

Transit-Oriented Development Handbook

- The Complete Communities Direction Strategy advises that corridors should be developed in accordance with transit-oriented development principles.
- The City of Winnipeg has a Transit Oriented Development Handbook to guide such development. It was endorsed in principle by Council on February 22, 2012.
- The TOD Handbook is a high-level framework document that guides and facilitates mixed-use, pedestrian-oriented infill development along rapid transit corridors and high frequency transit corridors.
- While the bulk of the Handbook deals with higher-level issues, there are a number of Principles that can be applied at a site-specific level such as the proposed development. Specifically, it highlights six:
    1. Medium to high density development that is greater than the community average.

2. A mix of uses.
3. Compact, high quality pedestrian-oriented environment.
4. An active, defined centre.
5. Innovative parking strategies.
6. Public leadership.

- As the Handbook relates to the proposed development, its direction relating to site design is important to consider. Characteristics of Principle no. 3 include:
    - Entrances oriented to be easily accessible from the public sidewalk.
    - Centrally located, secure, and convenient bicycle parking.
    - Street trees to soften the urban environment by blending natural features with built features.
    - Pedestrian-scale lighting to enhance visibility and safety.
    - High-quality architectural design and detail conveying a sense of place and relating to the street and the pedestrian environment, including active first floor storefront with windows, awnings, architectural features, lighting, and landscaping.

Zoning

- The Residential Multi-Family (RMF) district is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.

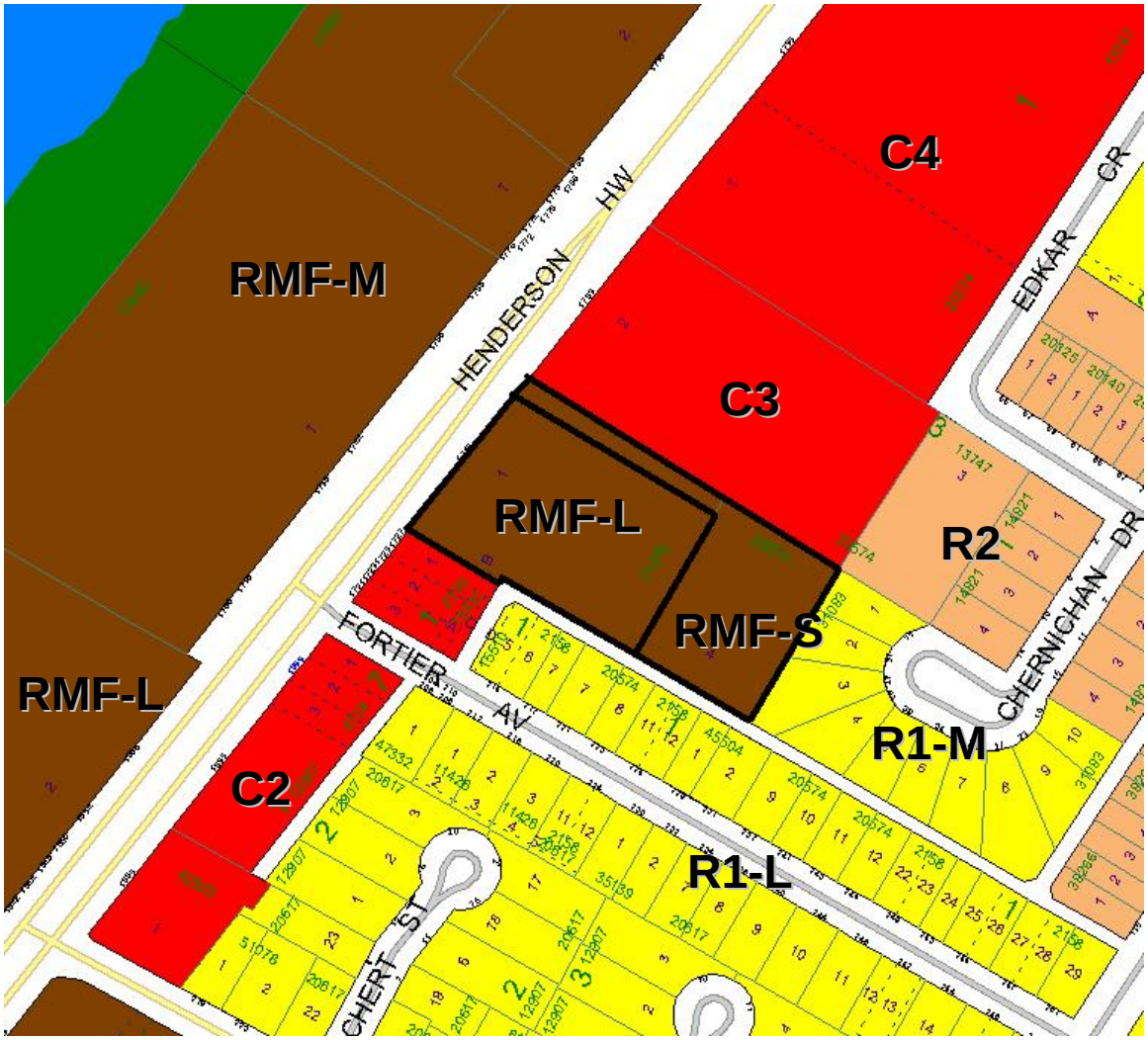


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 132(6) requires that no permitted use shall be established, erected, or constructed unless the parcel of land on which it is located, in addition to complying with all other requirements of the zoning by-law, abuts a public street.
- Section 143 of the zoning by-law prescribes the following dimensional standards for the "RMF-M" and "RMF-L" districts:

	Min. Lot Area (sq. ft.)	Min. Lot Area Per Dwelling Unit (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Interior Side Yard (ft.)	Min. Corner Side Yard (ft.)	Principal Building Separation (ft.)	Max. Building Height (ft.)

RMF-S	9,000	1,250	20	25	4	5	8	35
RMF-M	9,000	800	25	25	8*	20	8	60
RMF-L	20,000	400	25	25	8*	20	8	150
* - In the RMF-M and RMF-L zoning districts, where a building is more than one storey in height, the required interior side yard increased by 2 feet for each storey above the ground floor to a maximum of 20 feet.								

Figure 3: Dimensional standards for the "RMF" zoning districts

- Section 161 of the zoning by-law prescribes minimum parking space requirements for each land use. Multifamily residential developments are required to provide 1.5 parking spaces per dwelling unit.
    - Ten percent of the required parking spaces must be unassigned guest parking.
    - Section 169 requires that 1 lockable bicycle space must be provided for every 10 required automobile parking spaces.

Public consultation

- According to an email received by the Urban Planning Division on May 26, 2013, the applicant distributed letters along both sides of Fortier Av between Henderson Hwy and Pentland St, all of the dwellings on Chernichan Dr, and the first four dwellings on the north side of Edkar Cr that have a direct view of the subject lands. The email also expressed an intent to distribute a similar letter to all residents in the existing building on the subject property in the near future.
- A copy of this letter was distributed to the Urban Planning Division. In it, the applicant writes, "J. Wintrup Consulting Ltd. and the landowner of 1745 Henderson wish to engage the community for feedback on our proposal to construct new multiple family dwellings, which requires approval by the City of Winnipeg at a public hearing on June 18, 6pm at City Hall (510 Main St)". It expresses a desire to engage the site's neighbours, soliciting concerns, issues, and opinions on the proposal, and concludes by providing the applicant's contact information.
- This letter did not provide any additional information on the applicant's proposal, only to say that there was a proposal for multifamily development. There was indication of the development's scale, no sense of approximate building locations, and no mention of potential zoning rights that were applied for.

Site access considerations

- As per DAV 13-112811D, the applicant is proposing to create two landlocked parcels, which does not comply with Section 132(6) of the zoning by-law.
- In order to guarantee access to Proposed Lots 2 and 3, the Urban Planning Division is recommending that a cross-access agreement be established to provide access across the entire site.
- The applicant is proposing that the rear of Proposed Lot 2 and the entire Lot 3 will be accessed via a vehicular drive aisle sited along the north property line. However, the space between the existing north building wall and the north property line is not wide enough to meet building code requirements; at its narrowest point this space is 17 ft. (5.3m) wide.

  - Fire and Paramedic Services had indicated that a minimum drive aisle width of 24.6 ft. (7.5m) would be required to properly access Lot 3.
  - The minimum fire lane width as per the Manitoba Building Code is 19.7 ft. (6m). However, extra width is being recommended. As per standards developed by the National Fire Protection Agency, this development would require two access routes (note: rear lanes are not considered access routes). The extra 1.5m width is requested to compensate for the inability to provide an additional access route.
  - The applicant has proposed to establish a 5 ft. 3 inch easement on the property adjacent to the north to widen this drive aisle; this would have to be increased an extra 2 ft. 9 inches to satisfy Fire and Paramedic Services. If this extra width can be provided, the Urban Planning Division is amenable to this easement solution provided its provision can be guaranteed in perpetuity.
- The Public Works Department has requested a restriction on vehicular access from the site to the existing back lane behind Fortier Av. This request is recommended as a condition of the zoning agreement. To reinforce this condition, it is recommended that a 6 ft. wood screen fence be erected along the south property line.
- The proposed conceptual site plan for Lot 3 does not allow for the appropriate circulation of emergency vehicles, as larger turning radii would need to be provided. It is expected that this will be addressed through the plan approval process.

Other emergency service considerations

- In addition to the aforementioned concerns about site access, Fire and Paramedic Services also expressed concern about the lack of visibility of proposed Lot 3 from Henderson Hwy. As a result, it is recommended that the address and name of every building on the subject property be posted at the front of Lot 1 so as to be clearly visible from Henderson.

Compatibility with the surrounding neighbourhood

- The Urban Planning Division is broadly supportive of intensification along corridors such as Henderson Hwy for a number of reasons:
  - A mix of housing types encourage people to stay in the same community as their housing needs change.
  - More efficient use of existing infrastructure and community facilities.
  - Reduced expense on new infrastructure and transit systems.
  - Lower energy requirements for transportation due to reduced automobile travel and more opportunities for public transport, walking, and cycling.
  - Reduced rate of encroachment on undeveloped areas.
- This support is further articulated and strengthened by Council policy most strongly in the form of the Complete Communities Direction Strategy, as well as the Transit Oriented Development Handbook.
- This being said, the Division has strong concerns about the potential compatibility of this development based on the zoning rights that have been applied for. While it is supportive of the proposed application, it is conditional upon a number of recommended restrictions that will restrain any future built form. These considerations are further articulated in the sections below.

Design issues

- The Urban Planning Division is strongly concerned about the blunt application of an "RMF-L" rezoning as its unencumbered entitlements could produce development that would not be compatible with the surrounding neighbourhood. Under the "RMF-L" district:
    - Buildings could be built to a maximum height of 150 ft.
    - Maximum densities of 400 sq. ft. of lot area per dwelling unit would be permitted. This would allow for a maximum of 66 units on Proposed Lot 1 and a maximum of 124 units on Proposed Lot 3.
- Given its proximity to adjacent single family dwellings, the Urban Planning Division is generally more concerned about Proposed Lot 3 than Proposed Lot 1.
- In order to feel comfortable with this proposal, the Division is raising a number of issues that should be addressed, mostly through a zoning agreement. Together, these recommended conditions will refine the zoning by-law regulations to create a built form that will be more compatible with its neighbours. These considerations are broken down into two categories: *Building massing* and *Additional plan approval considerations*.
- The application of the following considerations, such as the limiting of building height and massing and the requirement for landscaped areas will, in part, reduce the maximum permitted density on Lot 3. The other part of this is vehicular parking. As per the zoning by-law, the applicant will be required to provide 1.5 parking spaces per dwelling unit. While the Urban Planning Division may entertain a proposal to provide fewer spaces via a variance process, the applicant will still be expected to provide a reasonable amount of vehicular parking. This will be addressed once more concrete development plans have been developed.

Building massing

- A maximum building height of 150 ft. would be inappropriate on Proposed Lot 3. A multifamily building on this property should serve as a transition between the existing 12 storey building and the single family dwellings along Chernichan and Fortier. As a starting point, the Urban Planning Division recommends a maximum building height of 60 ft.; this aligns with the maximum building height for the "RMF-M" district.
- The conceptual plans for Proposed Lot 3 submitted by the applicant indicate that the building will be contained within 45 degree angular planes rising upwards from the south and east property lines. This is an important design consideration that will help reduce the sense of the building's massing to adjacent neighbours.
    - In many cases, the Urban Planning Division would be supportive of this requirement's application as a design guideline that would inform plan approval review. However, given the surrounding single family context, the massing of any future development should be considered very carefully. This requirement is important enough that it should be required as a condition in the zoning agreement.
    - The wording of the recommended zoning agreement condition allows for "very minor intrusions as determined by the Director of Planning, Property, and Development. The intent of this language is to avoid future zoning agreement amendment applications should minor intrusions such as portions of balcony railings project slightly into the 45 degree angular plane. Otherwise, this requirement should be applied quite stringently.

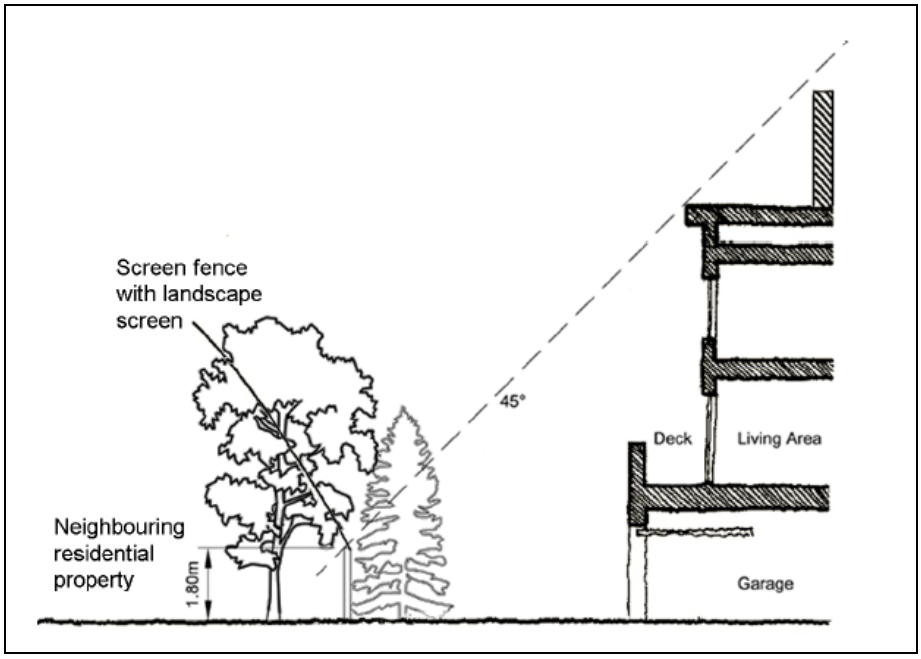


Figure 4: Development on Lot 3 should be contained within a 45 degree angular plane, as illustrated above

- As part of the plan approval process, it is recommended that the applicant illustrate potential shadow impacts of any future development on adjacent single family development. This study should not demonstrate excessive amounts of shadowing on both the dwellings themselves and their backyard amenity areas.
    - This shadow study should provide shadow details at 10am, 12pm, 3pm, and 5pm on March 21, June 21, and December 21.
- Other building massing considerations on Lot 3 include:
    - Landscaped strips with a minimum continuous width of 10 feet should be provided along the south and east property lines of Lot 3. Through the plan approval process, the Urban Planning Division will expect a dense row of landscaping to screen future development from neighbouring dwellings. A large portion of this landscaping should include coniferous trees. The recommended width of this landscaped strip was determined through consultation with a City of Winnipeg landscape architect, who advised that this was the minimum width that would allow a dense row of spruce trees to grow in a healthy manner.
    - A minimum 25 ft. setback should be provided from the building wall to the south and east property lines of Lot 3. These setbacks are consistent with the minimum required rear yard setback required of the zoning by-law.
        - It should be noted that the south yard would likely be considered an Interior Side Yard whereby the required yard increases by 2 ft. for each storey above the ground floor (from a minimum of 8 ft.) to a maximum of 20 ft. in the “RMF-L” district. As a result, the zoning by-law would require an 18 ft. south side yard based on a six storey building. Given that single family dwellings back onto this

property line, the Urban Planning Division argues that this should be treated as a rear yard.

Additional plan approval considerations

- The Urban Planning Division is recommending that final site and building plans be approved by both the East Kildonan-Transcona Community Committee and the Director of Planning, Property, and Development prior to the issuance of final building permits. In addition to the above-noted considerations, final plans should address the following:
    - Well-designed, safe, and universally accessible pedestrian pathways providing routes throughout the site should be provided. Of particular importance is a pathway connecting Lot 3 to Henderson Hwy. These pedestrian pathways should be raised and/or delineated with a distinct pavement texture, such as stamped concrete or the use of paving stones along the edges of the sidewalk. They should also be defined with landscaping.
    - An internal vehicular circulation system that meets all building code requirements for fire access should be illustrated.
    - A detailed landscaping plan, including a plant list, should be provided. A mix of both coniferous and deciduous landscaping should be provided to minimize the potential effects of disease and to provide year-round greenery to the site.
    - The provision of an attractive Henderson Hwy streetscape is very important. This can be achieved through both landscaping and building design.
    - Interior parking lot landscaping should be provided.
    - Overall building design should be made up of a distinctive, quality, architectural character and style that avoids monotonous and featureless building massing and design. Blank walls should be minimized – landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, etc. can be used to break up tracts of continuous blank walls.
    - An area of common open space should be provided as a focal point for community interaction and/or recreation. It should be purposefully integrated into the overall design of the development and not merely residual areas left over after the buildings and parking lot are sited. Common open space can include gardens, courtyards, recreation, or play areas and may include some of the following features:
        - Seasonal planting areas
        - Large, flowering trees
        - Seating areas
        - Pedestrian-scaled lighting
        - On-site community recreation amenities
    - Refuse storage areas and other building services should be located internal to the building or screened from view with appropriate fencing/landscaping.
    - Any proposed fencing should be composed of high quality materials and design.
    - The provision of long-term bicycle parking facilities is strongly encouraged. The Urban Planning Division recognizes a distinction between short term and long term parking; short term bicycle parking should emphasize convenience and, in a residential use, should be used for visitors. It should be located in the front yard. Long term bicycle parking, in contrast, is intended for residents. Therefore, it should be much more secure, fully enclosed, and weather protected; residents should feel comfortable leaving their bicycles in the facility without fear of theft or weather-induced damage for weeks or

months at a time. These facilities could be accommodated in a parking garage or in a separate enclosed facility. The Association of Pedestrian and Bicycle Professionals recommends a minimum of 0.5 spaces per unit for a multifamily residential building.

RECOMMENDATION

A multifamily residential use is arguably the only potential use for this site, so the Urban Planning Division is broadly supportive of a rezoning to accommodate this. However, this site is a very tricky site to develop with a number of constraints.

The first and most pressing issue with this application relates to accessing Lot 3. The existing 17 ft. width between the north building wall of the existing apartment building and the north property line does not provide sufficient access to proposed Lot 3. The applicant has proposed an easement on the property adjacent to the north to widen this aisle. Fire and Paramedic Services has communicated that they need to see a width of 25 ft. (7.5m) to support the proposal and to mitigate against any life safety concerns.

Assuming the access issue can be resolved, the next issue is building massing and its compatibility with nearby single family dwellings, particularly on proposed Lot 3. An unencumbered "RMF-L" rezoning of this lot is a very blunt application of the zoning by-law that would be problematic on its own. While the Urban Planning Division is supportive of the proposed application, it is only when done so carefully; the regulatory framework pertaining to this property should be expanded upon. The following building restrictions are recommended:

- A maximum permitted building height of 60 feet. This is one storey less than the applicant indicated on their conceptual plans, but it aligns with the maximum permitted height of the "RMF-M" district. Given that the existing building at 1745 Henderson is already zoned "RMF-L", it is thought that an "RMF-M" building height would be an appropriate transition to adjacent single family zoning districts.
- That all development be contained within a 45 degree angular plane rising upward from the south and east property lines. This will also help provide an appropriate transition for medium-density building heights to adjacent single family development.

Related to this, the provision of 10 ft. landscaped strips along the south and east property lines will allow for the provision of a dense row of landscaping to help screen future development, while required building setbacks will further help reduce its impact.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 17/13

APPENDIX 'B'

Schedule "A" for File No. DASZ 17/13, East Kildonan-Transcona Community Committee, dated June 11, 2013.

By-Law No. _____

File No. **DASZ 17/13**

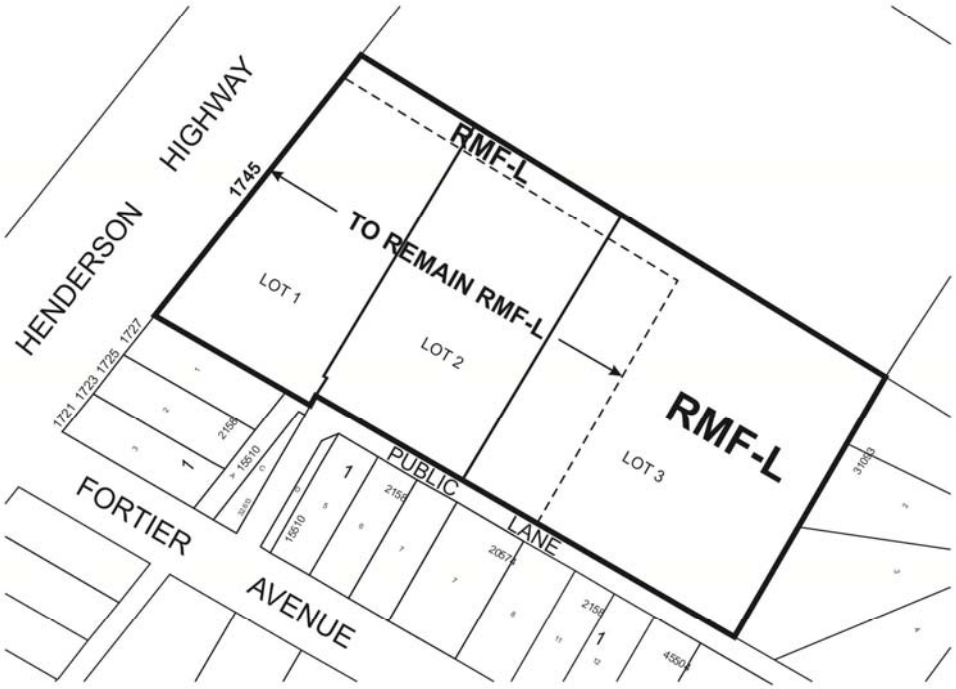
Atlas Sheet No. **T29**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1745 Henderson Highway from an "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT and to create three lots from two to facilitate the construction of multiple family dwellings as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – MAY 15, 2013

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 1745 HENDERSON HIGHWAY - DASZ 17/2013

Your Committee is advised that further development on this property will result in an increase number of vehicles entering the property and egressing to/from Henderson Highway. The existing private approach is located within a transitional divided to undivided section of Henderson Highway which presents traffic operation and safety issues with the current access and egress from this property. The relocation of the private approach or alternatively the extension of the median is considered necessary.

It is therefore recommended that the approval of DASZ 17/2013, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items;

1. The Developer shall, at no expense to the City, remove the existing private approach including restoring the concrete curb, sidewalk and boulevard (sod) as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall, at no expense to the City, construct a new private approach approximately 6.0 metres north of the south limit of the Planned Area as determined by and to the satisfaction of the Director of Public Works.

3. In lieu of items 1 and 2 above the Developer shall, at no expense to the City, construct an extension to the Henderson Highway median including required signage; all of the above as determined by and to the satisfaction of the Director of Public Works.

4. 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 works, which are required by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

5. The Developer shall be responsible to control and to initiate the clean up 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 substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

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

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

8. 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.

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

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 17/2013
May 15, 2013

"Original signed by R.R. Deighton, P.Eng."
R.R. Deighton, P. Eng.
Land Development Branch

"Original signed by C. Desjardine, P.Eng."
C. Desjardine, P. Eng.
Public Works Department, Transportation Division