Agenda - Executive Policy Committee – November 13, 2013

Report - Standing Policy Committee on Property and Development – November 5, 2013

Item No. 2 Rezoning – Court Avenue (Lot 1, Plan 52503)
(Old Kildonan Ward)
File DAZ 203/2013

STANDING COMMITTEE RECOMMENDATION:

On November 5, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the following to Council:

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 203/2013 dated August 23, 2013 to an "RMF-M" Residential Multi-Family Medium District, 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 Schedule B, the report of the Administrative Coordinating Group dated September 27, 2013.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 203/2013 dated August 23, 2013 to an "RMF-M" Residential Multi-Family Medium 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 Lord Selkirk / West Kildonan Community Committee for 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.

3. 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.

Report - Standing Policy Committee on Property and Development – November 5, 2013

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

6. 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.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

8. 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.

Agenda - Executive Policy Committee – November 13, 2013

Report - Standing Policy Committee on Property and Development – November 5, 2013

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On November 5, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 8, 2013, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Rezoning - Court Avenue (Lot 1, Plan 52503)**
File DAZ 203/2013

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

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

Report date: **October 9, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 8, 2013, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

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 203/2013 dated August 23, 2013 to an "RMF-M" Residential Multi-Family Medium District, 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 Schedule B, the report of the Administrative Coordinating Group dated September 27, 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 DAZ 203/2013 dated August 23, 2013 to an "RMF-M" Residential Multi-Family Medium 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 Lord Selkirk / West Kildonan Community Committee for 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.

3. 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.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

6. 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.

7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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

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

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Urban Planning Division dated September 30, 2013.

2. The proposal is a great project which will help meet the needs of a growing community and its need for more development in northwest Winnipeg.

PUBLIC HEARING SUMMARY

File:	DAZ 203/2013
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Sharma, Chairperson Councillor Eadie Councillor Pagtakhan
Public Hearing:	October 8, 2013 Council Building, 510 Main Street
Applicant:	Scatliff + Miller + Murray Inc. (Erik Dickson)
Subject:	
Premises Affected:	Court Avenue (Lot 1, Plan 52503)

Exhibits Filed:

1. Application dated August 22, 2013
2. Notification of Public Hearing dated August 21, 2013
3. Manitoba Status of Title 2583056/1
4. Letter of authorization dated January 17, 2013 from 4293631 Manitoba Ltd. to Scatliff + Miller + Murray Inc.
5. Plans (2 pages)
6. Report from the Urban Planning Division dated September 30, 2013
7. Inspection Report
8. Plan submitted by Mike Scatliff, Scatliff + Miller + Murray Inc. at the public hearing
9. Communication dated September 24, 2013 from Violet Holubowich in support of the application submitted at the public hearing
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

Erik Dickson, Scatliff + Miller + Murray Inc.
Tim Friesen
Jay Lev
Violet Holubowich
Mike O'Shaughnessy
Mike Scatliff, Scatliff + Miller + Murray Inc.

In Opposition

Davis Nikkel
Katherine Short

For Information:

Nil

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit “6” referred to in File DAZ 203/2013

ADMINISTRATIVE REPORT

Title: DAZ 203/2013 – 0 Court Ave

Issue: For consideration at the public Hearing for a Rezoning, DAZ 23/2013 - 0 Court Ave.

Critical Path: Lord Selkirk West Kildonan Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

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

RECOMMENDATIONS

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 203/2013 dated August 23, 2013 to an “RMF-M” Residential Multi-Family Medium District, 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 Schedule B, the report of the Administrative Coordinating Group dated September 27, 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 DAZ 203/2013 dated August 23, 2013 to an “RMF-M” Residential Multi-Family Medium 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 Lord Selkirk / West Kildonan Community Committee for 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.

3. 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.
4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.
5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.
6. 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.
7. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.
8. 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 wishes to rezone the subject property to an “RMF-M” Residential Multi-Family District to construct 196 dwelling units within two 4 storey buildings.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, development permits can be issued for the development as proposed.

HISTORY

It is noted that an application to rezone this property was submitted in February of 2012. The rezoning application, however, could not be advanced because the development did not have sufficient frontage on Court Avenue. The applicant has since made application to address the frontage on Court Avenue through a street opening application to facilitate the appropriate right of way width required to service the property.

It is also noted that the subject property is located within Precinct E of Complete Communities. Complete Communities requires that a Precinct Plan be adopted by Council prior to the acceptance of a rezoning or subdivision application. In the case of the subject property, however a rezoning application can be processed because the property was removed from the precinct planning process by an interpretation made by the Director, Planning, Property and Development See Appendix B). As per Complete Communities, Section 03-4 “Planning may deviate from the precinct boundaries with the approval of the Director of Planning, Property and Development”.

CONSULTATION

In preparing this Report there was consultation with:

The Administrative Coordinating Group of the City of Winnipeg.

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Urban Planning*
Prepared by	Noah Yauk
Date:	September 30, 2013
File No.	DAZ 203/13

Attachments:

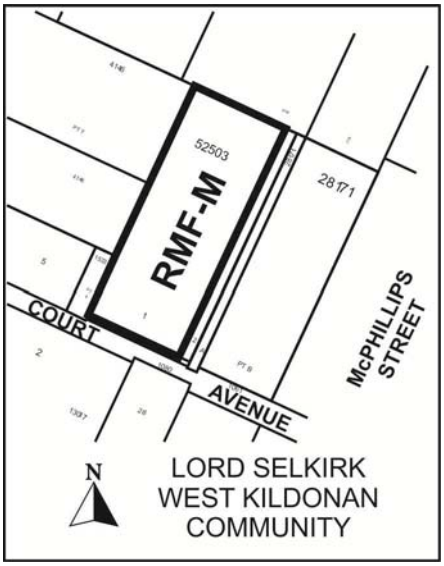
- **APPENDIX 'A': PLANNER'S REPORT**
- **SCHEDULE "A" FOR FILE NO. DAZ 203/2013, LORD SELKIRK / WEST KILDONAN COMMUNITY COMMITTEE, DATED SEPTEMBER 27, 2013**
- **SCHEDULE "B": ACG REPORT**
- **APPENDIX B: PRECINCT E BOUNDARY ADJUSTMENT**

APPENDIX 'A': PLANNER'S REPORT

DATE: September 30, 2013
FILE: DAZ 203/2013
RELATED FILES:
COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: 3.326 (Leila North)

SUBJECT: To rezone the subject land from an "R1-E" Residential Single-Family Estate District to an "RMF-M" Residential Multi-Family District.

LOCATION: 0 Court Avenue
LEGAL DESCRIPTION: Lot 1 Plan 52503 IN OTM Lot 18 Parish of Kildonan



APPLICANT: Erik Dickson (Scatliff + Miller + Murray)

OWNER: 4293631 Manitoba Ltd.

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

The Planning and Land Use Division recommends approval for the following reasons:

- The proposed development is consistent with *OurWinnipeg, Complete Communities* policies as the lands are located within a New Community Policy Area whose boundary has been adjusted so

as to exclude the subject land from the requirement of the Precinct Planning process of Complete Communities.

- The subject site is situated in close proximity to a variety of institutions and services including a Wal-Mart with a full grocery store.

SITE DESCRIPTION

The subject property, which is zoned "R1-E" Residential Single-Family Estate District is located on the north side of Court Avenue between McPhillips Street and Pipeline Road, in the Leila North neighbourhood of the Old Kildonan ward.

Existing Land Use and Zoning

North: Vacant lands zoned "R1-E" Residential Single-Family District.
South: Court Avenue, then a single family residence zoned "R1-E" Residential Single-Family District.
East: A hydro substation zoned "R1-E" Residential Single-Family District.
West: Vacant lands zoned "R1-E" Residential Single-Family District.

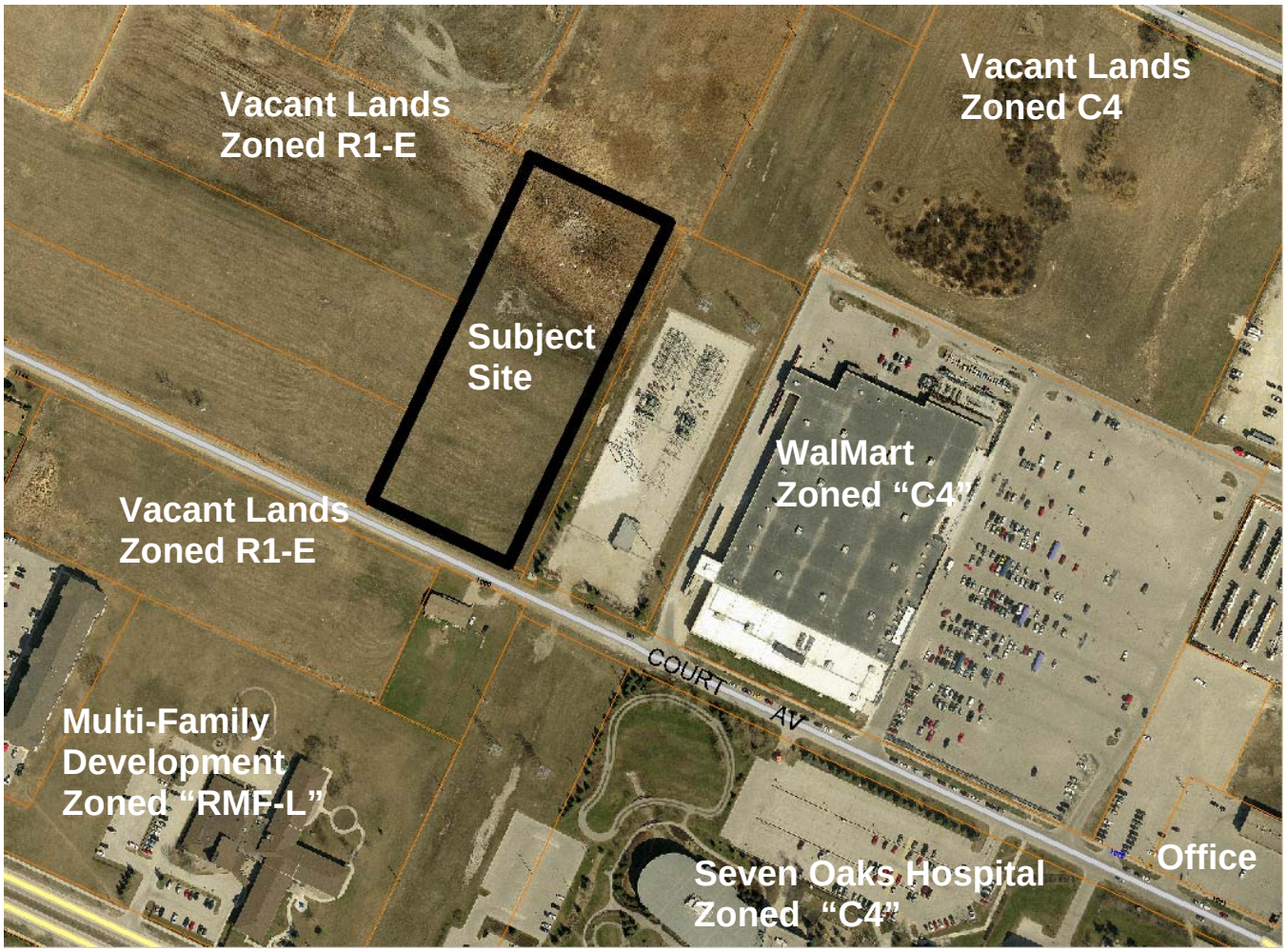


Figure 1: Subject Site and Surrounding Land uses (2012)

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant wishes to develop the 3.6 acre site with multi-family residential development consisting of 196 dwelling units in two buildings. The existing zoning, "R1-E" Residential Single-Family District does not accommodate multi-family development. The applicant is proposing to rezone the property to "RMF-M" Residential Multi-Family Medium to accommodate the proposed development. This requires Council approval.

Our Winnipeg, Complete Communities
The subject property is located within the New Community Policy Area of Complete Communities identified as Precinct E (See Figure 2). Typically no lands can be subdivided or rezoned when they are designated as New Community in the absence of a Precinct Plan that is adopted by Council. The Precinct Plan requirement is to ensure all lands within the precinct are developed in an orderly, coherent fashion. It is noted, however, that this particular site is exempt from the precinct plan requirements based on its removal form the precinct planning process by the Director, Planning, Property and Development (See Appendix B).



Figure 2: *OurWinnipeg* Policy Designation Map

Since the adjacent lands contiguous to the east and south are designated as Areas of Stability / Recent Community, it is important to consider these policies to evaluate the proposed development.

<u>04 Areas of Stability:</u>
'Infill in areas of stability will be supported with the intent of creating more complete communities.' P.78

'Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.' P.80

'Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.' P.80

'Support Complete Communities by ensuring diverse and high quality housing stock.' P.80

'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.' P.80

'Provide opportunities to increase multi-modal connectivity when redevelopment occurs.' P.80

'Where intensification/densification of housing occurs, ensure that the types of open space - passive, active, and plazas - respond to community needs.' P.81

'Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreation amenities. P.80

<u>04 Areas of Stability > Recent Communities:</u>
'Improve the sustainability of recent residential neighbourhoods by promoting better walking, cycling and transit access to retail, employment and community facilities.' P.89

Zoning
The site is currently zoned "R1-E" Residential District;

> *'The "R1-E" Residential District is intended to accommodate primarily residential development in lower-density neighbourhoods.'*

The proposed zoning district is "RMF-M" Residential Multi-Family:

> *The Residential Multi-Family (RMF) district is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.*
>
> The "RMF-M" permits residential development at a rate of 54 units per acre. Given that the site is 3.6 acres in size means that it can accommodate exactly 196 dwelling units. The applicant is proposing to construct 196 dwelling units.

It is noted that the applicant's site plan not been fully assessed by the Zoning department for compliance with the by-law. The applicant wishes to finalize the rezoning process first before directing resources to a full set of plans, including a landscape plan. The applicant has requested to proceed with the rezoning application and deal with the by-law requirements later. The applicant's conceptual site plan that was submitted with the application shows two L shaped buildings and appears to meet the by-law in terms of proposed building heights, setbacks and parking. However, some of the aspects of the site plan are not dimensioned and therefore, cannot be confirmed to comply with the zoning by-law. In order for permits to be issued, the applicant will have to submit a full set of architectural drawings including a landscape plan. The details of such will be reviewed against the zoning by-law at the Zoning Department. It is assumed that all requirements of the zoning by-law should be met without difficulty considering the size of the site.

Zoning By-Law 200/2006: Proposed "RMF-M" Zoning

Figure 3 Dimensional Standards for the RMF-M Zoning District					
Zoning District	**Minimum Lot Area Per Dwelling Unit (Sq. Ft.)**	**Minimum Front Yard (Ft.)**	**Minimum Rear Yard (Ft.)**	**Minimum Side Yard (Ft.)**	**Max Building Height (ft)**
RMF-M	**800**	**20**	**25**	**8**	**60**

The proposed development can be accommodated in the proposed "RMF-M" zoning designation:

- The proposed development is in keeping with the density requirements of the "RMF-M" zoning district.
    - The density standards for the "RMF-M" zoning district accommodate one dwelling unit for each 800 sq. ft. of lot area. Based on the size of the site, this would yield ~196 dwelling units.
- A full zoning analysis of any development plans on the subject site will be required to assess whether it meets all requirements of the Zoning By-Law for the "RMF-M" district.
- The "RMF-M" zoning district provides a maximum building height of 60 feet, which can accommodate as much as 6 stories. The proposed building is 4 stories in height.

Compatibility with Neighbouring Land Uses
Multiple-family development on the subject property does not seem unreasonable when considering it's proximity to existing services and amenities. This includes proximity to public transit service, the Seven Oaks Hospital and a Wal-Mart which includes a full grocery store.

Though the subject lands are surrounded by vacant lands on most sides, these large tracts of land will be guided by a future precinct planning process given that most of the adjacent lands are located within the New Community, Precinct E. There is also a grouping of lands to the east and north of the subject site that are designated as Regional Mixed Use Policy Area in Our Winnipeg, Complete Communities and are zoned "C4" accordingly. The "C4" zoning accommodates a variety of commercial uses that can relate to the proposed development. It is also noted that the lands at 2400 McPhillips Avenue, just north east of the existing Wal-Mart were recently rezoned from "C4" Commercial District to "RMF-M" Residential Multi-Family District to accommodate a development very similar to that being proposed. A mix of higher density residential development and commercial/retail services can support each other and strengthen the neighbourhood. A good existing example is the Wal-Mart, which has a full service grocery store – this will be but a short walk for the residents of the proposed building. In fact key policies associated with the Regional Mixed Use Policy Area are to promote this mixing of commercial and residential uses. The proposed development, being so close to the Regional Mixed Use Policy Area can be part of this land use mix.

Future development of the surrounding vacant lands zoned “C4” combined with the possibility of a Precinct Plan being developed for Precinct E present opportunity for a strong connection between residential and commercial development in this northwest quadrant of the city.

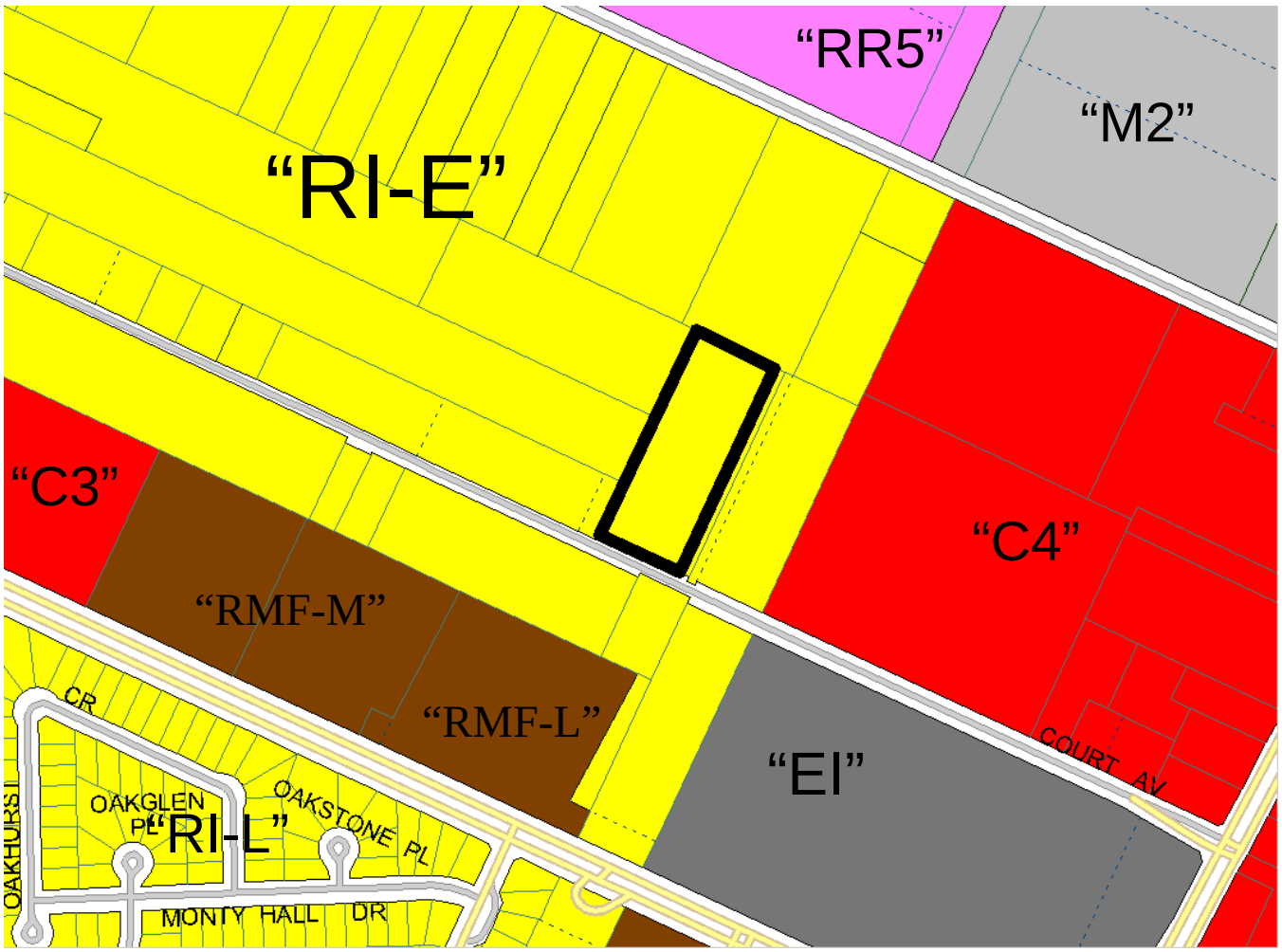


Figure 4:Zoning Map

Other:

Servicing

The Administrative Coordinating Group has reviewed the proposed development. The recommended conditions of the Servicing Agreement are attached to this report as Schedule B.

Zoning Agreement

It is recommended that a zoning agreement be caveated on the title that allows for the plans to be reviewed by the Urban Planning Division and the LSWK community committee prior to the issuance of permits.

The Planning and Land Use Division recommends approval for the following reasons:

- The proposed development is consistent with *OurWinnipeg, Complete Communities* policies as the lands are located within a New Community Policy Area whose boundary has been adjusted so as to exclude the subject land from the requirement of the Precinct Planning process of Complete Communities.
- The subject site is situated in close proximity to a variety of institutions and services including a Wal-Mart with a full grocery store.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Urban Planning Division recommends **approval** for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) is compatible with the area in which the property to be affected is situated.

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

Report Prepared by: Noah Yauk
PPD File # DAZ 203/2013
Schedule “A” for File No. DAZ 203/2013, Lord Selkirk / West Kildonan Community Committee, dated August 23, 2013

By-Law No. _____

File No. **DAZ 203/13**

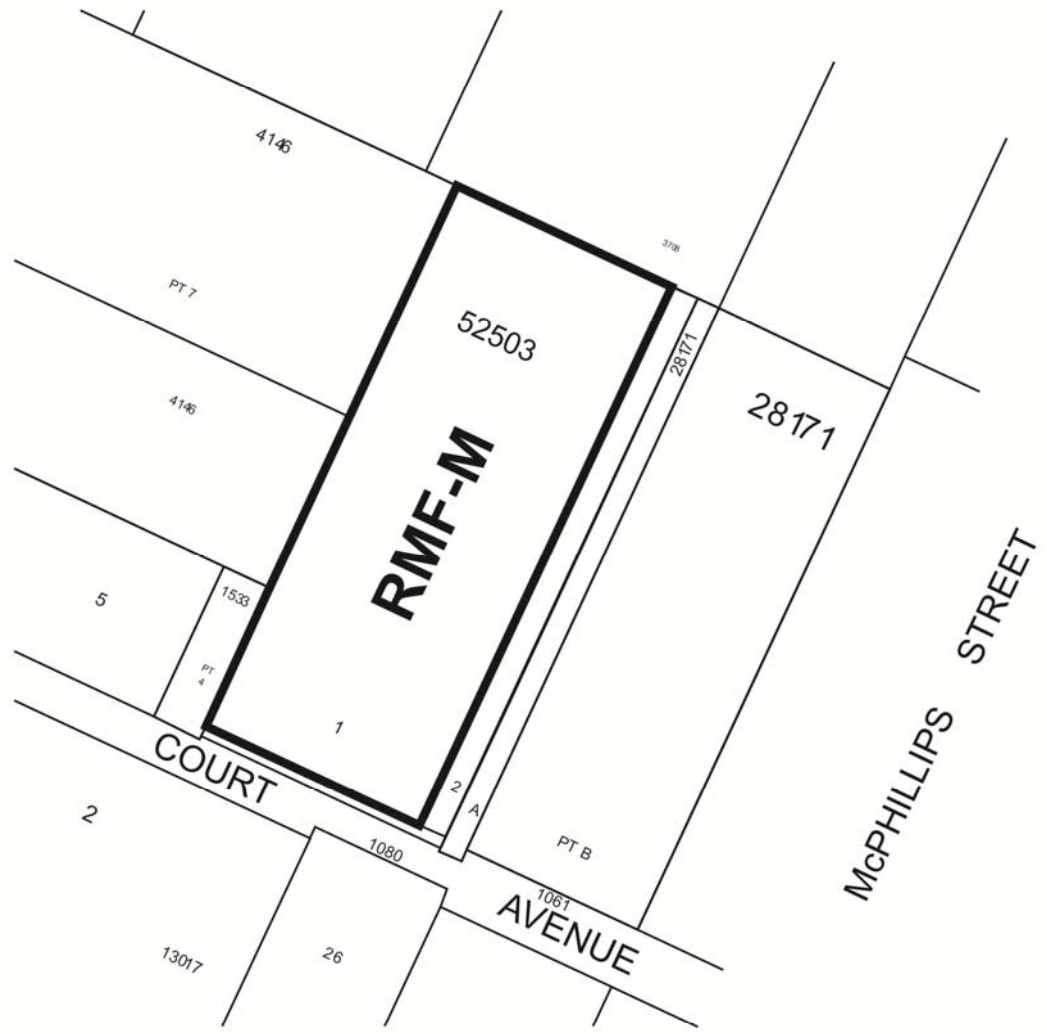
Atlas Sheet No. **S24**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located on Court Avenue (Lot 1, Plan 52503) from an "R1-E" RESIDENTIAL SINGLE-FAMILY (Estate) DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT to allow for the construction of a multiple family dwelling as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – SEPTEMBER 27, 2013

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED WEST OF 1061 COURT AVENUE (LOT 1, PLAN 52503) - DAZ 203/2013

It is recommended that the approval of DAZ 203/2013, if granted, be subject to;

1. Council passing a by-law pursuant to street opening application DAO 4/2013 to effect opening the North and South Sides of Court Avenue West of McPhillips Street.

2. The applicant entering into a Servicing Agreement addressing the following items:

A. ENGINEERING REPORTS AND SERVICING CRITERIA

1. The Developer shall provide a comprehensive servicing report, prepared by a qualified municipal engineer, which will outline the provision of underground services for this property. Specifically, this report shall examine the fire flow requirements for the development and whether any off-site upgrading of the existing City water distribution system will be required to achieve these flows. Also, this study shall estimate the wastewater flow generation and shall demonstrate that the receiving wastewater sewer system can accommodate the flows and/or shall outline any required upgrading of the existing wastewater system. Further, this study shall analyze the expected land drainage flows generated and shall restrict said flows and provide on-site storage as determined by and to the satisfaction of the Director of Water and Waste.

B. AGREEMENT CONDITIONS

SECTION I – SERVICING

1. Wastewater Sewers

   The Developer shall, at no expense to the City, construct and install wastewater sewers required to serve the Planned Area as indicated by the servicing report, all to the satisfaction of the Director of Water and Waste.

2. Watermains

   The Developer shall, at no expense to the City, construct and install watermains required to serve the Planned Area as indicated by the servicing report, all to the satisfaction of the Director of Water and Waste.

3. Land Drainage Sewers

   The Developer shall, at no expense to the City, construct and install land drainage sewers and storage facilities required to serve the Planned Area as indicated by the servicing report, all to the satisfaction of the Director of Water and Waste.

4. Land Drainage Trunk Charges

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of land drainage trunk facilities benefiting the Planned Area. 2013 rates are as follows;

i. Regional land drainage system (TSR) = $17,968.50/acre
ii. Leila Trunk User Charge = $612.00/acre.

5. Court Avenue Improvements

The Developer shall, at no expense to the City, construct:

a. Portland cement concrete pavement to a width of 10.0m by 200mm in thickness and all related works in Court Avenue from the terminus of the existing concrete pavement approximately 75m east of the subject property to the west limit of the subject property, including, but not necessarily limited to ornamental street lighting, boulevard sodding and trees in the north boulevard, boulevard sodding in the south boulevard and land drainage sewer.

b. Portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the North side of Court Avenue from the terminus of the existing sidewalk approximately 95m east of the subject property to the west limit of the subject property.

All as determined by and to the satisfaction of the Director of Public Works

6. Utilities

a. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

b. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.

7. Litter and Refuse Control and Clean-Up

The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

The cleanup 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.

8. Construction Traffic

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.

9. Survey Monuments

Following completion of all major construction works, the Developer shall at its cost have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated or destroyed, shall have them replaced by a Manitoba Land Surveyor. The Developer shall ensure that the Manitoba Land Surveyor provides the Director of Planning, Property and Development with a certificate stating that all survey monuments within the Planned Area have been verified and/or replaced, as the case may be.
.

SECTION II – COSTS AND FEES

1. By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2. Professional Fees

a. The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;
b. The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1200.00/acre of the planned area to help 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. DAZ 203/2013
September 27, 2013

[Original Signed by]

K.T. Raban, P. Eng.,
Land Development Branch

[Original Signed by]

C.J. Desjardine P. Eng.
Public Works Department, Transportation Division

[Original Signed by]

F. C. Mazur, P. Eng.
Water & Waste Department

Appendix B: Precinct E Boundary Adjustment

December 12, 2012

Complete Communities Interpretation

RE: Court Avenue

OurWinnipeg and the *Complete Communities Direction Strategy* received Third Reading at City Council on July 20, 2011. The plan came into effect on August 17, 2011, replacing Plan Winnipeg 2020 as the official development plan guiding growth and change for the city.

Within the *Complete Communities Direction Strategy (CCDS)*, is a map called the *Urban Structure Map (page 11)* – a spatial articulation of city building objectives. It guides the city's future realization, identifying and defining its physical components, not as they are today, but as they are envisioned. An urban structure differentiates between areas of the city based on their period of growth and descriptive characteristics. This approach recognizes the uniqueness of different neighbourhoods and areas of the city, providing the basis for accommodating growth and change in a way that is sensitive to context.

The Urban Planning Division has received a development proposal for 4 acres of land located on Court Avenue. The subject lands are currently designated *New Communities – Precinct "E"*, and are located along Court Avenue which is developed to an urban standard, and is adjacent to existing development along Court Avenue.

Plan Winnipeg 2020

The subject lands were designated as a "*Neighbourhood Policy Area*" under *Plan Winnipeg 2020.* With the adoption of *OurWinnipeg*, Plan Winnipeg was rendered redundant and the lands were designated as "*New Community*".

Complete Communities Direction Strategy – Section 03-4 New Communities

New Communities Direction 2 indicates that "New Communities will be established through a planning process", and further indicates what that process should be, including minimum plan elements. Direction 2 further states that "the development of New Communities will be supported by a planning process and organized within planning precincts."

Direction 2 later indicates that the boundaries of precincts generally follow public rights of way and lot lines and may be changes or deviated from when supported by a natural boundary or servicing limit:

"The boundaries of precincts are generally based on centre lines of streets, public lanes, footpaths, public walks, rivers, right of ways, lot or holding lines, railway or public utility

right or way, but should not be interpreted to precisely follow them. They do, however, follow City of Winnipeg municipal boundaries. When a natural boundary or servicing limit supports the change, planning may deviate from the precinct boundaries with the approval of the Director of Planning, Property and Development." (page 75, CCDS)

Interpretation

Based upon the above policies, the Director of Planning, Property and Development has the authority to alter a Precinct boundary based on *CCDS Section 03-4 New Communities, Direction 2.* As such, the Precinct Boundary for Precinct "E" is hereby revised as shown in Attachment A. Revision of the Precinct Boundary northward will follow existing or proposed public rights-of –way and lot lines, follow logical servicing limits, and allow for clarity by permitting the entire subject site to fall under a single designation. Revision of this boundary will remove the subject lands from *CCDS Section 03-4 New Communities.* The subject lands will take on the *Recent Communities* designation, consistent with the adjacent lands.

Should you have any questions or concerns on this matter, please feel free to contact me at (204)986-8165.

Yours truly,

Barry Thorgrimson, Director
Planning, Property and Development

Attachment:

A. Map indicating Precinct Boundary for *Precinct "E"* as shown in *Complete Communities Direction Strategy,* adopted July 20, 2011, and revised boundary

CC:
Manager, Urban Planning
Principal Planners, Urban Planning Division
District Planner, Lord Selkirk
File 217.37 *Complete Communities Direction Strategy*
File 217.90 Secondary Plan Interpretations
Complete Communities Direction Strategy Interpretation Manual