Minute No. 435
Report – Standing Policy Committee on Property and Development – April 15, 2014

Item No. 2 Subdivision and Rezoning – 1044 Wilkes Avenue
(River Heights-Fort Garry Ward)
File DASZ 59/2013 [c/r DAC 1/2014, DAV 101186/2014D]

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 59/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 59/2013 dated March 4, 2014 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 Schedule 'B' the report of the Administrative Coordinating Group dated February 21, 2014, with the following amendment:

      Agreement Conditions
      Section 1 - Servicing

      i) Add the following condition:

         "9. <u>Fencing</u>

         The Developer shall, at no expense to the City, construct on the east property line a 6 ½ foot high solid wood fence to the satisfaction of the Director of Planning, Property and Development."

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 59/2013 dated March 4, 2014 to an "RMF-M" Residential Multi-Family District, subject to the following conditions:

   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:

Report – Standing Policy Committee on Property and Development – April 15, 2014

COUNCIL DECISION (continued):

i. That for the development of any building or structure, plans showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, landscaping, pathways, seating, bicycle parking, signage, and site lighting shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the maximum density shall be 120 dwelling units.

iii. That the developer shall maintain in perpetuity, the 6 ½ foot high solid wood fence, to be constructed on the east property line, 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 and that the City Centre Community Committee's portion of all the funds from the cash-in-lieu of land for open space, park and recreational use, be specifically allocated toward the enhancement of future anticipated public reserve lands within the Brockville neighbourhood.

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

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

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

Report – Standing Policy Committee on Property and Development – April 15, 2014

COUNCIL DECISION (continued):

8. 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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) 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 in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

12. 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 – April 15, 2014

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 April 23, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 15, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee with the following amendment:

- Add the following new recommendation:

  "2. A. iii. That the developer shall maintain in perpetuity, the 6 ½ foot high solid wood fence, to be constructed on the east property line, to the satisfaction of the Director of Planning, Property and Development."

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 11, 2014, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

Report from the Urban Planning Division

- Amend Recommendation 3 by adding the following at the end of the recommendation:

  "and that the City Centre Community Committee's portion of all the funds from the cash-in-lieu of land for open space, park and recreational use, be specifically allocated toward the enhancement of future anticipated public reserve lands within the Brockville neighbourhood".

Report – Standing Policy Committee on Property and Development – April 15, 2014

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

Administrative Coordinating Group Report
AGREEMENT CONDITIONS
SECTION 1 - SERVICING

- Add the following condition:

"9. Fencing

The Developer shall, at no expense to the City, construct on the east property line a 6 ½ foot high solid wood fence to the satisfaction of the Director of Planning, Property and Development. "

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

RE: **Subdivision and Rezoning – 1044 Wilkes Avenue**
File DASZ 59/2013

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

Prepared by: **D. Watt, Committee Clerk**
City Centre Community Committee

Report date: **March 14, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 11, 2014, the City Centre 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 plan of subdivision proposed under File DASZ 59/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 59/2013 dated March 4, 2014 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 Schedule 'B' the report of the Administrative Coordinating Group dated February 21, 2014, ***with the following amendment:***

    Agreement Conditions
    Section 1 - Servicing

    i) Add the following condition:

    "9. <u>Fencing</u>

    The Developer shall, at no expense to the City, construct on the east property line a 6 ½ foot high solid wood fence to the satisfaction of the Director of Planning, Property and Development."

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 59/2013 dated March 4, 2014 to an "RMF-M" Residential Multi-Family District, subject to the following conditions:

    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 or structure, plans showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, landscaping, pathways, seating, bicycle parking, signage, and site lighting shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the maximum density shall be 120 dwelling units.

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 ***and that the City Centre Community Committee's portion of all the funds from the cash-in-lieu of land for open space, park and recreational use, be specifically allocated toward the enhancement of future anticipated public reserve lands within the Brockville neighbourhood.***

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

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

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. 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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) 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 in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

12. 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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The development is in line with the shadow plan for area.
2. Provides infill housing, with existing servicing, for a neighbourhood that is in need of new housing.
3. The project will enhance the area.

PUBLIC HEARING SUMMARY

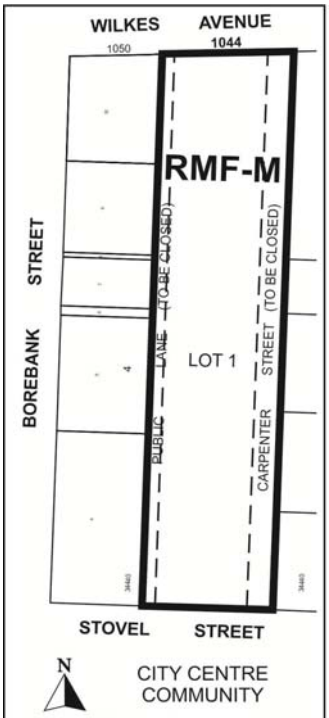
File: DASZ 59/2013

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Gerbasi
Councillor Smith

Public Hearing: March 11, 2014
Council Building, 510 Main Street

Applicant: Donovan Toews (Landmark Planning & Design Inc.)

Subject:



APPLICANT : LANDMARK PLANNING & DESIGN INC.
FILE : DASZ 59/13
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 "A" AGRICULTURAL DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the redevelopment of land by the construction of multi-family dwellings. **For information, phone Mr. M. Robinson, Planner, at 204-986-3213.**

Premises Affected: 1044 Wilkes Avenue

Exhibits Filed:

1. Application dated January 8, 2014
2. Notification of Public Hearing dated January 21, 2014
3. Manitoba Status of Titles 1668932/1, 2014825/1,
4. Letter of authorization dated May 15, 2013 from Brian Anseeuw, Douglas Andseeuw, Lawrence Anseeuw to East Regina Holdings Inc.
5. Letter of authorization dated December 16, 2013 from Anupam Kothari, East Regina Holdings Inc. to Landmark Planning and Design Inc.
6. Surveyor's Building Location Certificate and sketch dated July 8, 2003
7. Drawing of subject property
8. Plans (6 pages)
9. Report from the Planning and Land Use Division dated March 4, 2014
10. Inspection Report
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Donovan Toews, Landmark Planning and Design Inc.
Anupam Kothari
Eugene Heirichs
Brian Anseeuw
Doug Anseeuw
Azim Kabani
Rennie Zegalski

In Opposition

James Guttanecht
Cherie Reid

For Information:

Nil

For the City:

Mr. M. Robinson, Senior Planner, 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
Mr. D. Clark, Planner, Urban Planning Division, Property and Development Department

Exhibit "9" referred to in File DASZ 59/2013

ADMINISTRATIVE REPORT

Title: DASZ 59/2013 – 1044 Wilkes Avenue

Issue: For consideration at the public hearing for a Rezoning and Subdivision for DASZ 59/2013 – 1044 Wilkes Avenue

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

AUTHORIZATION

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

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 59/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 59/2013 dated March 4, 2014 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 Schedule 'B' the report of the Administrative Coordinating Group dated February 21, 2014.

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 59/2013 dated March 4, 2014 to an "RMF-M" Residential Multi-Family District, subject to the following conditions:

    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 or structure, plans showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, landscaping, pathways, seating, bicycle parking, signage, and site lighting shall be submitted to the City Centre Community Committee and the Director of Planning, Property and Development for plan approval prior to the

issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the maximum density shall be 120 dwelling units

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

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

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. 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.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) 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 in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

12. 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 Report is being submitted for the Committee's consideration of the development application at the
Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

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

CONSULTATION

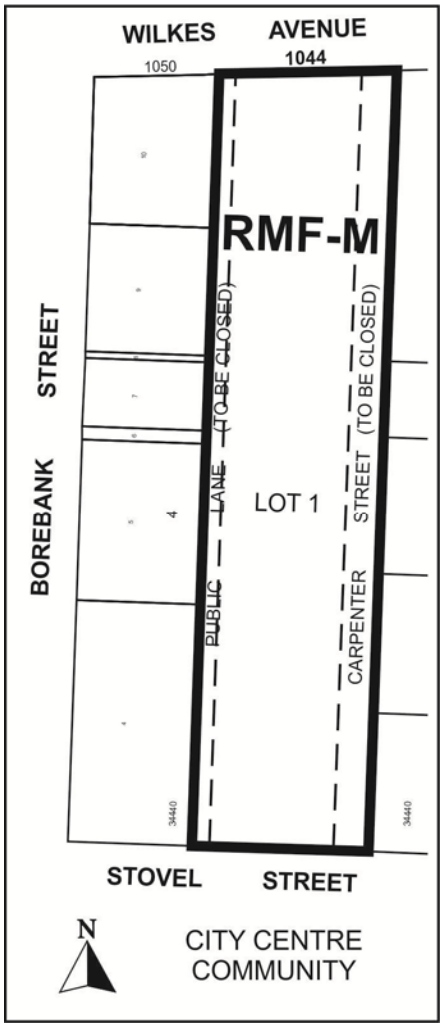
In preparing this Report there was consultation with:
N/A

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP, MCIP
Date:	March 4, 2014
File No.	DASZ 59/2013

APPENDIX 'A'

DATE:	March 4, 2014
FILE:	DASZ 59/2013
RELATED FILES:	DAV 14-101186/D
COMMUNITY:	City Centre Community
NEIGHBOURHOOD #:	1.667
SUBJECT:	To rezone the subject land from an "A" Agricultural District to an "RMF-M" Residential Multi-Family District for the construction of a 120 unit multi-family residential building
LOCATION:	1044 Wilkes Avenue
LEGAL DESCRIPTION:	Lot 1/3 Block 4 Plan 34440



APPLICANT: Landmark Planning and Design Inc. (Donovan Toews)

OWNER: Brian, Raymond, Douglas, and Lawrence Anseeuw

RECOMMENDATION: Approval, with conditions

SITE DESCRIPTION
The subject property, which is currently zoned "A" Agricultural District, is located west of Brockville Street, between Wilkes Avenue and Stovel Street, in the Brockville neighbourhood of the River Heights-Fort Garry ward.

North: Wilkes Avenue, then Caboto Centre zoned "M2" Manufacturing District
South: Multi-family use zoned "RMF-L" Residential Multi-Family District
East: Properties zoned "A" Agricultural District
West: Commercial and residential uses zoned "A" Agricultural District and "RMF-M" Residential Multi- Family District

BACKGROUND
On July 19, 2009, the City Centre Community Committee endorsed an Area Structure Concept Plan for the area bounded by Brockville Street (east), Wilkes Avenue (north), Sterling Lyon Parkway (south), and the railroad tracks (west).

This concept plan laid out a framework for future land use, densities, road network, and parks. It recommended that the subject lands be designated for future multi-family residential development.

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to rezone the subject lands in order to construct a 120 unit, 4 storey multi-family building.

The development will be comprised of two, 60 unit buildings connected by a one storey passageway. The buildings will be situated towards the western half of the property, with parking located both at grade (in front of and on the sides of the buildings) and underground. There will be access to the property from both Stovel Street and Wilkes Avenue.

The development will include a walkway from Stovel Street to Wilkes Avenue, in front of the building, and will have access to a future pathway that is proposed to be built from the subject property west to Paget Street, as outlined in the Area Concept Plan.

Landscape buffers are proposed on both the east and west sides of the property.

ANALYSIS AND ISSUES

OurWinnipeg/Complete Communities
A. Policies
i. OurWinnipeg (Complete Communities Direction Strategy)

The subject property is located in Areas of Stability/Recent Communities in the Complete Communities Direction Strategy. Policies for this area include the following:

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, and townhomes.

B. Context

The area is also located with the Area Structure Concept Plan for the area bounded by Brockville Street (east), Wilkes Avenue (north), Sterling Lyon Parkway (south), and the railroad tracks (west). The plan recommended that the subject lands be designated for future multi-family residential development.

This area has been slowly transitioning to a multi-family residential precinct and the proposed development is consistent with that transformation.

C. Urban Design

Pathways

Given the large parcels sizes in the area and the higher than average residential densities in this neighbourhood, it is critical to ensure that pedestrian connections are available. The proposed development will be responsible for building future sidewalks on Stovel Street and Wilkes Avenue, as well as providing a north/south pedestrian connection through the development.

The building will incorporate an outdoor activity area that will connect to a future that is proposed to be built from the subject property west to Paget Street, as outlined in the Area Concept Plan.

Initially, the City requested that the applicant extend the proposed pathway through the subject property. However, after further analysis undertaken by the applicant (see Appendix 'C'), it was determined that the proposed design solution is satisfactory.

Building location

The proposed building locations provide a setback of approximately 50' from the properties to the east and approximately 20' from the properties to the west.

The properties to the east are a mix of residential and commercial and the property to the west is primarily commercial/manufacturing.

These setbacks are appropriate for the context.

Building design

The applicant is proposing to break up the horizontal form of the building in the following ways

1. There are two separate buildings joined by a one storey breezeway.
2. There will be different aesthetic treatments to each of the two buildings

3. The buildings will incorporate articulation, such as projecting balconies, and a varied roofline, to create visual interest and a vertical break in the horizontal line of the building.

Landscaping
The applicant is proposing landscaping to act as a buffer and to provide visual interest on both the east and west sides of the property.

D. Conditions
Plan Approval
Typically, plan approval is required for rezonings to review and approve the final design prior to the issuance of building permits.

Density
The wastewater sewer in the area has limited capacity. For that reason, it is recommended that the density be limited to a maximum of 120 dwelling units.

E. Public Consultation
The applicant indicated that he met with adjacent residents prior to the public hearing to notify them of the development proposal.

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

- The rezoning is consistent with OurWinnipeg and Complete Communities Direction Strategy
- The rezoning is consistent with the Area Structure Concept Plan, which was endorsed by City Centre Community Committee

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DASZ 59/2013

APPENDIX 'B'
Schedule "A" for File No. DASZ 59/2013, City Centre Community Committee, dated March 4, 2014

By–Law No.

File No. **DASZ 59/13**

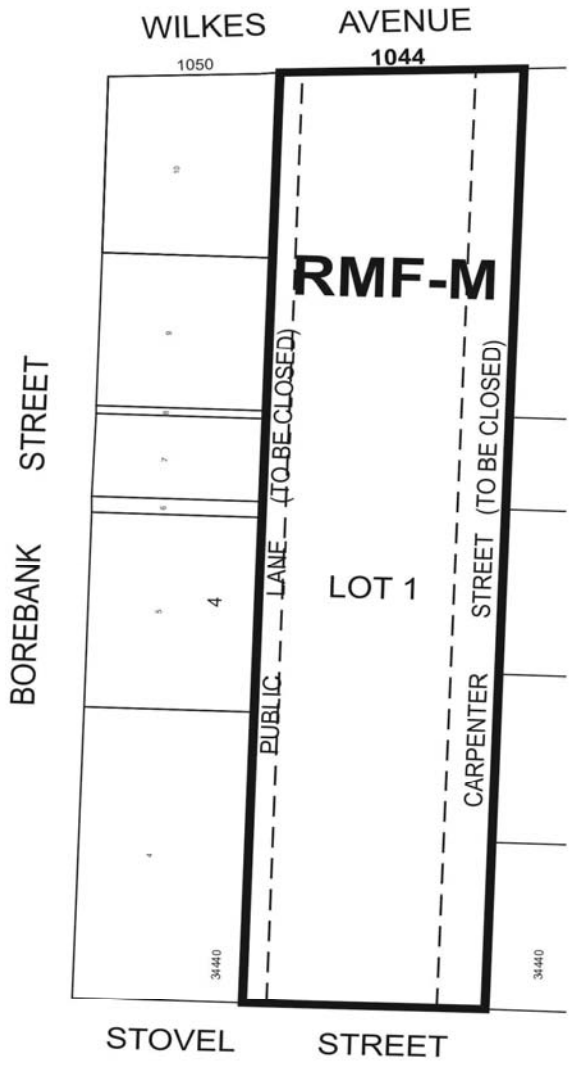
Atlas Sheet No.

N

AF20
CITY CENTRE
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 1044 Wilkes Avenue & Carpenter Street from an "A" AGRICULTURAL DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the redevelopment of land by the construction of multi-family dwellings as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.



Figure 1: Aerial Photo (Flown in 2013)

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – February 21, 2014

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE SOUTH SIDE OF WILKES AVENUE AND THE NORTH SIDE OF STOVEL STREET, WEST OF BROCKVILLE STREET, 1044 WILKES AVENUE – DASZ 59/2013

It is recommended that the approval of DASZ 59/2013, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

AGREEMENT CONDITIONS

SECTION I – SERVICING

1. Services on Stovel Street

The Developer shall, at no expense to the City, construct all watermains, wastewater sewers, and land drainage sewers in Stovel Street from their existing termini at Paget to the east limit of the proposed development, all to the satisfaction of the Director of Water and Waste.

2. Sewer Trunk Charges

The Developer shall pay to the City, prior to the release of mylars the following Sewer Trunk Charges:

a) the Wilkes North TSR (2014 Rate = $9,286/acre);
b) the Somerville Trunk User Charge ($251.80/acre); and
c) the Lindenwoods Trunk User Charge of ($616.26/acre)

as determined by and to the satisfaction of the Director of Water and Waste.

3. Stovel Street Surface Works

The Developer shall, at no expense to the City construct a full range of services in Stovel Street, from Paget Street to the east limit of the Planned Area, including, but not necessarily limited to:

a) a Portland cement concrete pavement;

b) Portland cement concrete sidewalks on both sides;

c) ornamental street lighting;

d) boulevard landscaping on both sides; and

e) land drainage sewers,

all as determined by and to the satisfaction of the Director of Public Works.

4. Sterling Lyon Parkway Improvements

The Developer shall, pay to the City in cash, its share of the cost of construction of the Strerling Lyon Parkway, on an area basis, as determined by the Director of Public Works.

5. Wilkes Avenue Improvements

The Developer shall, pay to the city in cash, its share of the cost of a full range of services in Wilkes Avenue abutting the Planned area, including, but not necessarily limited to:

a) a Portland cement concrete pavement;

b) Portland cement concrete sidewalks;

c) ornamental street lighting;

d) boulevard landscaping; and

e) land drainage sewers,

all as determined by and to the satisfaction of the Director of Public Works.

6. 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.

7. Utilities

a) 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.

b) The Developer shall pay all costs associated with the 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.

8. Litter and Refuse Control and Clean-Up

a) 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.

b) 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.

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 (minimum $1,650.00) of the planned area to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 59/2013
February 26, 2014

"Original signed by G. Jasper, P.Eng."

G.V. Jasper, P.Eng.
Land Development Branch

"Original signed by F. Mazur, P.Eng."

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

"Original signed by C. Desjardine, P.Eng."

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Appendix 'C'
Analysis of pedestrian connections for the proposed rezoning

1044 Wilkes Avenue – Memo to City of Winnipeg District Planner

1.0 Background

The subject of this memo is a rezoning and subdivision application proposed for 1044 Wilkes Avenue, Winnipeg. In reviewing the application materials, the City of Winnipeg – Planning, Property and Development Department has indicated support for the plan as submitted, with two exceptions voiced as concerns:

- The department indicated a concern that the proposed structure is quite long and narrow and would like to either see the building separated into two buildings or at minimum, provided architectural details (e.g. building articulation, varying materials, etc.) that will serve to reduce the bulk appearance of the building from an aesthetic perspective; and
- The department would like to see an east-west pedestrian connection through the approximate mid-point of the site;

The purpose of this memo is to provide a reasonable argument towards addressing these two concerns so as to support the proponent's design of a single building, not requiring an east-west pedestrian connection.

The Sterling Lyon Area Structure Concept Plan document serves as a reference point for the rationale herein.

2.0 Sterling Lyon Area Structure Concept Plan

The Sterling Lyon Area Structure Concept Plan provides policies that guide development in the area surrounding the subject site. Figure 1.0 illustrates the general land use plan and anticipated street layout at the time the plan was written.

The subject building is located such that it crosses the un-named east-west roadway located between Wilkes Avenue and Stovel Street. However, the district planner advised this un-named east-west roadway has since been deleted from the plan. This is one important consideration with respect to the arguments presented in this memo.

There are several factors that support no requirement for an east-west pedestrian pathway bisecting the subject site, and thus also support the proposed building as a single building rather than two buildings.

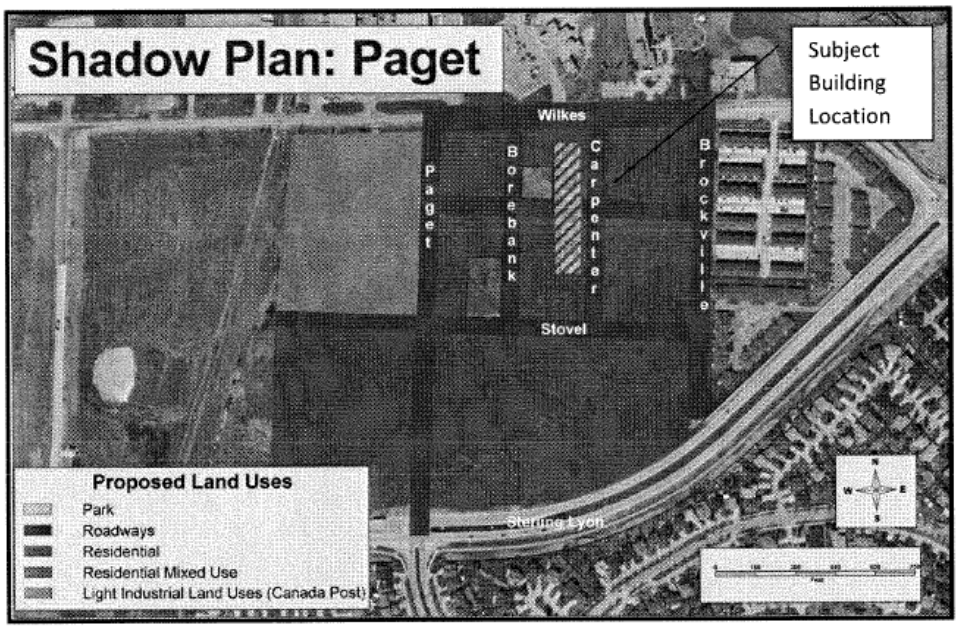
These include:

- The Development Areas within the Sterling Lyon plan area are large and of the appropriate scale to accommodate a building with proportions as proposed;
- The proposed building fits within the context of the scale of buildings constructed to date within and adjacent to the Sterling Lyon plan area;

- A single building (versus two separate buildings) has significant advantages from a user perspective, while two separate buildings would have significant disadvantages;
- Any negative impacts of a single building can be mitigated; and
- The street layout as provided for in the Sterling Lyon plan area anticipate pedestrian amenities along every frontage along the perimeter of each planning area, but not midway through each planning area.

The following sections explain each of these factors in a little more detail.

Figure 1.0 Sterling Lyon Area Structure Concept Plan – Land Use and Street Layout



3.0 Neighbourhood Development Areas

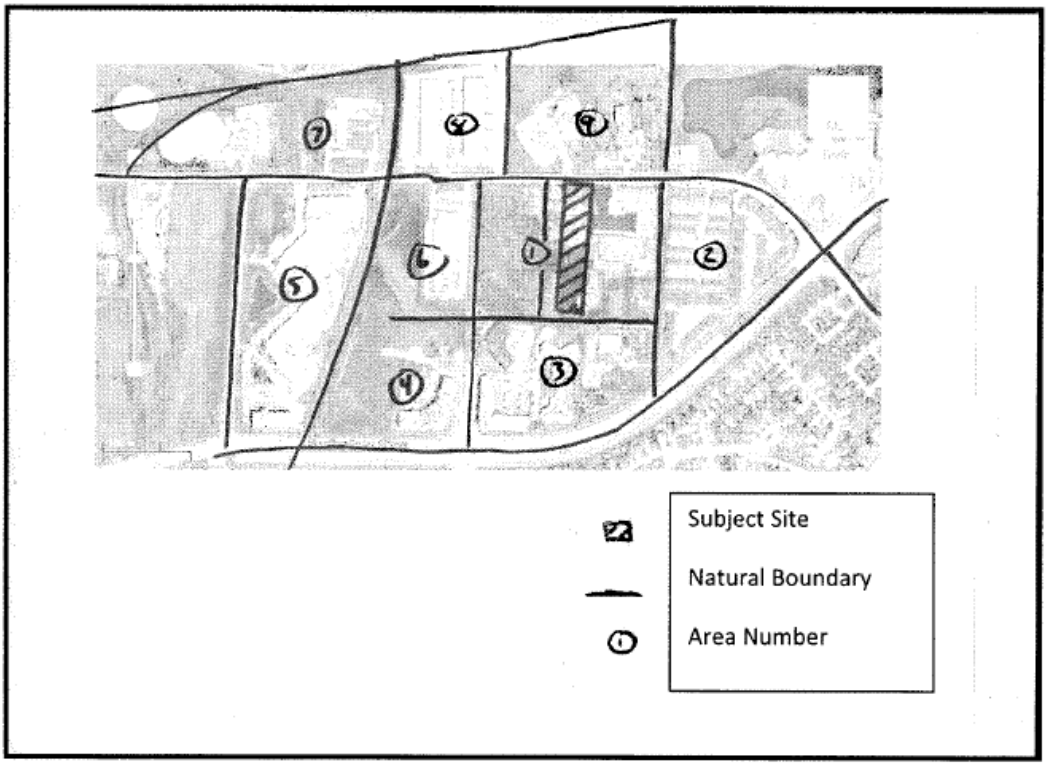
Figure 2.0 illustrates the natural boundaries within and adjacent to the plan area. The boundaries of each area are co-incident with one of the following:

- an existing railway
- an existing or planned roadway
- a property line between large-scale existing uses

The size of these areas within the Sterling Lyon planning area is noteworthy as they are all roughly equivalent in order-of-magnitude size. In our opinion, these areas represent the logical *planning units* within the plan area.

The subject building is located with Development Area 1. While there is an additional legal right-of-way located within Area 1 (Borebank Avenue), this right-of-way is not constructed and there is a strong likelihood that, similar to both Carpenter Avenue and the unnamed east-west street identified in the Sterling Lyon Concept Plan, it will not be constructed given the existing street structure already provided. It is more likely that the development patterns evidenced within the area to date will continue, rendering this street unneeded.

Figure 2.0 Sterling Lyon Development Areas



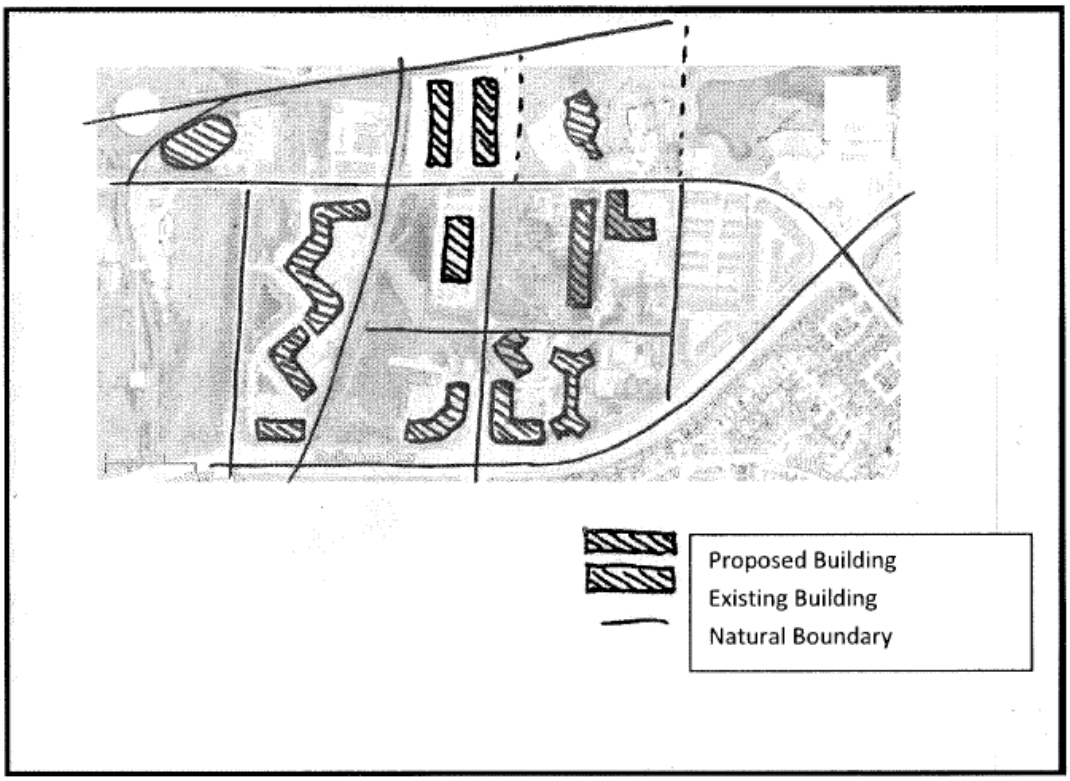
4.0 Building Scale

Figure 3.0 illustrates that the scale of the proposed building, is roughly in keeping with the scale of other existing buildings within the Sterling Lyon plan area. While there are existing buildings smaller than the proposed building, there are also existing buildings *larger* than the proposed building. The scale of large

buildings evidenced to date is likely indicative of the relative size of the development areas within Sterling Lyon plan area.

The size of the subject site development parcel is somewhat long and narrow which lends itself to the construction of a long and narrow building. With the demonstrated scale of the development areas, it is our opinion that the proportions of the building are appropriate.

Figure 3.0 Building Scale



5.0 Single Building Advantages and Disadvantages

The following are a series of arguments that suggest that one building is more appropriate than two buildings in this particular instance:

The lot configuration is narrow from a design point of view such that any thought of a pathway through the centre of the site would substantially affect the length of the two buildings and ultimately the number of suites. This narrow lot configuration actually mitigates the normal aesthetic disadvantage of

having a relatively long and narrow building, since the public view of these buildings will be from the north and south ends of the building (along Wilkes Avenue and Stovel Street).

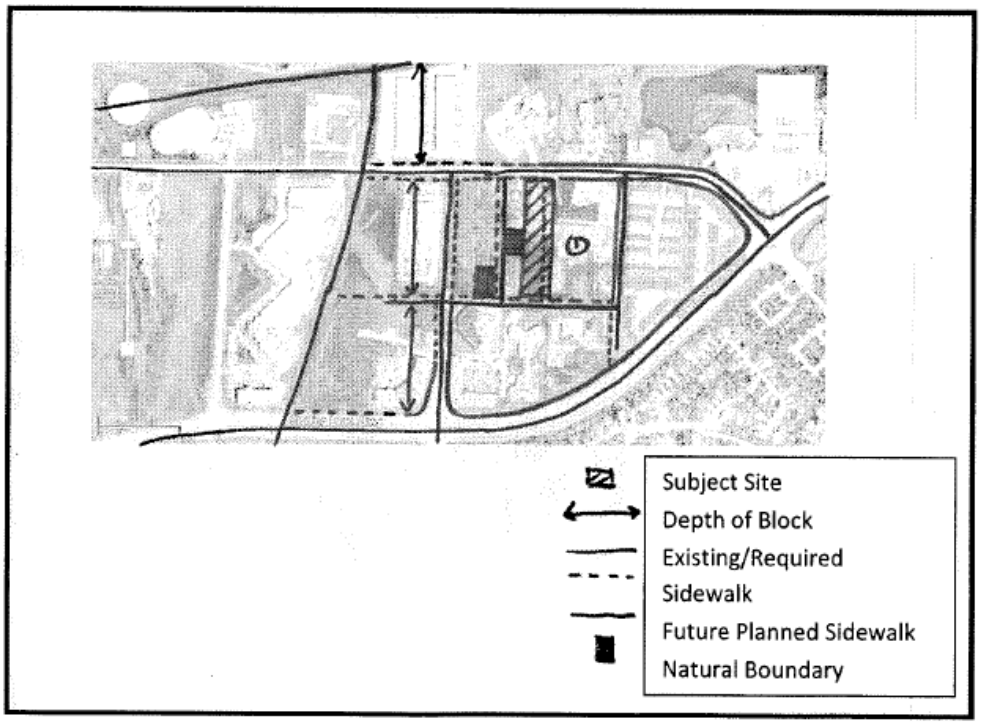
The architect has already identified other means of mitigating the potential disadvantage of a long elevation, through the introduction of building articulation and the use of a variety materials, that together will serve to differentiate the two sections of the building.

The common area proposed at the centre of the structures will serve to further link the two sections of the building. From a social perspective, we would anticipate a greater community and social interaction among tenants if the buildings are tied together rather than expecting interaction between buildings via the underground parkade or solely on an outdoor basis.

6.0 Pedestrian/Sidewalk Connections

Figure 4.0 illustrates the existing and planned pedestrian/sidewalk connections within the Sterling Lyon plan area. It is clear from this figure that the pedestrian amenities generally occur around the perimeter of each development area and do not bisect them. Exceptions to this occur in only two places within the plan, both of which occur in Development Area 1.

Figure 4.0 Pedestrian/Sidewalk Connections



In both of these cases the likelihood of a public pathway occurring is low. The more easterly sidewalk located along the Carpenter Avenue right-of-way will be eliminated with the anticipated closing of Carpenter Avenue (as supported by City of Winnipeg administration).

In this case the developer will provide a private amenity to ensure pedestrian flow across the property from north to south. The more westerly sidewalk located along Borebank Avenue, as indicated earlier, is, in our opinion unlikely to be developed. The more likely scenarios are that the adjacent lands will be assembled and consolidated or developed with frontages along Stovel Street and Wilkes Avenue, similar to the subject property. In either case, it is our opinion that both the *need* and the *likelihood* of a continuous east-west pathway in this section of the Sterling Lyon planned area is low, and should not be required.

Since pedestrian sidewalks will be provided on every frontage of Development Area 1 (Paget Street, Brockville Street, Stovel Avenue and Wilkes Avenue), and each of these sidewalks will form effective connections to each of the adjacent Development Areas, meeting one of the assumed intents of the plan to provide adequate pedestrian amenity within the plan area.

Beyond the planning rationale cited here, we are of the opinion that pathways intended for public use should generally not be located on private property, since there is a strong potential for security, maintenance, privacy and liability issues to arise.