Agenda - Executive Policy Committee – March 18, 2015

Report - Standing Policy Committee on Property and Development – March 10, 2015

Item No. 4 Subdivision and Rezoning – 780 Ravelston Avenue West (Transcona Ward)
File DASZ 36/2014 [c/r DAV 170156/2014D]

STANDING COMMITTEE RECOMMENDATION:

On March 10, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, as amended and submitted the following to Council:

1. That the plan of subdivision under File DASZ 36/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 36/2014 dated February 11, 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 of Winnipeg containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 21, 2014, with the following amendment:

        i. Delete Condition 1. of B. Agreement Conditions – Servicing, and replace it with the following:

            1. That the Developer shall pay to the City, on cash and on demand, the equivalent of 10% of the cost of the pedestrian half signal to be installed on Plessis Road, at the intersection of Ravelston Avenue West on the north side.

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 36/2014 dated February 11, 2014, to a "RMF-M" Residential 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:

Report - Standing Policy Committee on Property and Development – March 10, 2015

i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-M" Residential Multi-Family, 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, and landscaping 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 applicant shall enter into, and register and maintain in perpetuity by way of caveat against the titles to the "affected lots" (all lots which are to be services jointly), an appropriate joint services easement agreement with owners of the other affected lots to enable the joint servicing of lots in the Planned Area not fronting on streets with water, wastewater and land drainage services. Said agreement shall further absolve the City from any costs or responsibility for the private joint services.

iii. That no private accesses shall be permitted on Lot 1 along the Ravelston Avenue West frontage and that one private accesses shall be permitted on Lot 2 along the Ravelston Avenue West frontage.

iv. That, the Developer and all successors in title to Lots 1 and 2 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. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

3. That the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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

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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 request 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 execution 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 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 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 – March 18, 2015

Report - Standing Policy Committee on Property and Development – March 10, 2015

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On March 10, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendment:

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

    3. That the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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

COMMUNITY COMMITTEE RECOMMENDATION:

On February 19, 2015, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Amend Recommendation 1.A. by adding the following after "January 21, 2015":

    ", with the following amendment:

    i. Delete Condition 1. of B. Agreement Conditions – Servicing, and replace it with the following:

        1. That the Developer shall pay to the City, on cash and on demand, the equivalent of 10% of the cost of the pedestrian half signal to be installed on Plessis Road, at the intersection of Ravelston Avenue West on the north side."

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

    "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."

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

RE: **Subdivision and Rezoning – 780 Ravelston Avenue West**
File DASZ 36/2014

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

Prepared by: **Andrew Poitras, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **February 23, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 19, 2015, 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 under File DASZ 36/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 36/2014 dated February 11, 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 of Winnipeg containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 21, 2014***, with the following amendment:***

        i. Delete Condition 1. of B. Agreement Conditions – Servicing, and replace it with the following:

            1. That the Developer shall pay to the City, on cash and on demand, the equivalent of 10% of the cost of the pedestrian half signal to be installed on Plessis Road, at the intersection of Ravelston Avenue West on the north side.

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 36/2014 dated February 11, 2014, to a "RMF-M" Residential 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 within the lands zoned "RMF-M" Residential Multi-Family, 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, and landscaping 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 applicant shall enter into, and register and maintain in perpetuity by way of caveat against the titles to the "affected lots" (all lots which are to be services jointly), an appropriate joint services easement agreement with owners of the other affected lots to enable the joint servicing of lots in the Planned Area not fronting on streets with water, wastewater and land drainage services. Said agreement shall further absolve the City from any costs or responsibility for the private joint services.

iii. That no private accesses shall be permitted on Lot 1 along the Ravelston Avenue West frontage and that one private accesses shall be permitted on Lot 2 along the Ravelston Avenue West frontage.

iv. That, the Developer and all successors in title to Lots 1 and 2 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. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

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 request 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 execution 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 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 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. This is consistent with OurWinnipeg.
2. This site is quite interesting as it's the first site of the Gauthier family Studebaker site which makes it unique.
3. This site has grown tired and this is a great opportunity to improve the area.
4. There is a demand for housing in Transcona as vacancy rates are as low as zero in some cases.
5. This is consistent with other development taking place in the area.
6. The land is moving from industrial to residential.
7. The amenities provided and the track record of the developer will help improve the area.

8. This is a gateway into the community.
9. The contribution to the pedestrian half signal will be an added advantage to the community making it safer, more walkable and liveable.

PUBLIC HEARING SUMMARY

File:	DASZ 36/2014
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Browaty Councillor Schreyer
Public Hearing:	February 19, 2015 Council Building, 510 Main Street
Applicant:	Sunstone Resort Communities (Bill Coady)
Subject:	



Premises Affected: 780 Ravelston Avenue West

Exhibits Filed:

1. Application dated November 21, 2014
2. Notification of Public Hearing dated December 15, 2014
3. Manitoba Status of Title 1839786/1
4. Letter of authorization dated July 10, 2014 from Almey Auto Body Ltd. to Sunstone Resort Communities LP
5. Surveyor's Building Location Certificate and sketch dated November 7, 2014
6. Plans (15 pages)
7. Report from the Urban Planning Division dated February 11, 2015
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Bill Coady
Jason Coreau

In Opposition

Nil

For Information:

Nil

For the City:

Mr. R. Mahe, Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 36/2014

ADMINISTRATIVE REPORT

Title: DASZ 36/2014 – 780 Ravelston

Issue: An application for consideration at the Public Hearing to rezone from C3 to RMF-M and subdivide one lot into two lots

Critical Path: East Kildonan - Transcona 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	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 36/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 36/2014 dated February 11, 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 of Winnipeg containing all the conditions outlined in 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 36/2014 dated February 11, 2014, to a "RMF-M" Residential 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 within the lands zoned "RMF-M" Residential Multi-Family, 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, and landscaping 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 applicant shall enter into, and register and maintain in perpetuity by way of caveat against the titles to the "affected lots" (all lots which are to be services jointly), an appropriate joint services easement agreement with owners of the other affected lots to enable the joint servicing of lots in the Planned Area not fronting on streets with water, wastewater and land drainage services. Said agreement shall further absolve the City from any costs or responsibility for the private joint services.

iii. That no private accesses shall be permitted on Lot 1 along the Ravelston Avenue West frontage and that one private accesses shall be permitted on Lot 2 along the Ravelston Avenue West frontage.

iv. That, the Developer and all successors in title to Lots 1 and 2 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. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

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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 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 is proposing to rezone and subdivide one lot into two RMF-M lots for the construction of two multi-family dwellings.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be rezoned and subdivided consistent with the map provided in Schedule "A" of this report.

CONSULTATION

In preparing this report there was consultation with: Public Works, Parks and Water and Waste

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Richard Mahé, MCIP
Date:	February 11, 2014
File No.	DASZ 36/2014

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule "A" — Recommended File No. DASZ 36/2014 East Kildonan - Transcona Community Committee, dated February 11, 2014

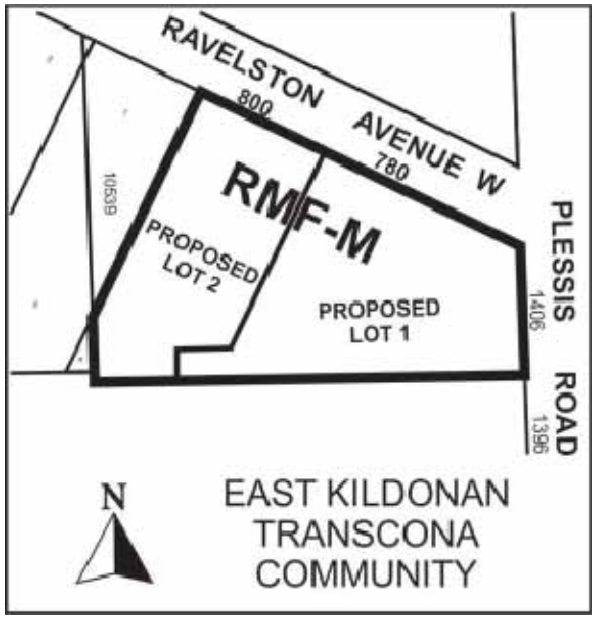
APPENDIX 'A'

DATE: February 11, 2014

FILE: DASZ 36/2014
RELATED FILES: DAV 14-170156/D
COMMUNITY: East Kildonan-Transcona Community
NEIGHBOURHOOD #: 4.413

SUBJECT: To rezone and subdivide one lot into two RMF-M lots for the construction of two multi-family dwellings

LOCATION: 780 Ravelston Av West (see map below)



APPLICANT: Bill Coady Sunstone Resort Communities LP
475 DOVERCOURT DR
WINNIPEG MB R3Y 1G4

OWNER: ALMEY AUTO BODY LTD
124 TOMMY DOUGLAS DR
WINNIPEG MB R3W 0C7

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject property is located on the southwest corner of Plessis and Ravelston Av W in the Regent neighbourhood of the Transcona ward.
- The site his currently zoned C3 - Commercial Corridor and is approximately 1.7 acres in size.



Figure 1: Site map of subject property and surrounding neighbourhood (2014

SURROUNDING LAND USES AND ZONING

North: City of Winnipeg Public Works Yard zoned M1.

South: Abundant Life Baptist Church zoned C3.

East: Plessis Road and park land zoned PR1.

West: Multi-family site zoned RMU.



Figure 2: Zoning (2015)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to build two (2) four storey multi-family residential dwellings with a total of approximately 78 units.
- Accompanying this rezoning and subdivision application is a variance application (DAV 14-170156D) for the following:

on Proposed Lot 1:

- for the construction of a multi-family dwelling to permit as follows:
  i. a front yard oof 28.8 feet (8.78 metres) instead of 38 feet (11.58 metres);
  ii. insufficient building foundation landscaping;
- for the establishment of a surface parking area to permit as follows:
  i. 59 parking stalls instead of 71 stalls;
  ii. a front yard of 14 feet (4.27 metres) instead of 38 feet (11.58 metres);
  iii. a north corner side yard of 17.5 feet (5.33 metres) instead of 20 feet (6.10 metres);
  iv. no south side yard instead of 8 feet (2.44 metres);
  v. aisle widths ranging from 0 feet (0 metres) to 9.5 feet (2.90 metres) instead of 20 feet (6.10 metres) (access to stalls will be by way of a cross-access agreement);

on Proposed Lot 2:

- for the construction of a multi-family dwelling to permit as follows:
  i. a front yard of 17 feet (5.18 metres) instead of 25feet (7.62 metres);
  ii. insufficient building foundation landscaping;
- for the establishment of a surface parking area to permit as follows:
  i. 31 parking stalls instead of 47 stalls;
  ii. a front yard of 15 feet (4.57 metres) instead of 25 feet (7.62 metres);
  iii. no east side yard instead of 8 feet (2.44 metres);
  iv. no west side yard instead of 8 feet (2.44 metres);
  v. for a fence buffering an abutting residential district having a continuous horizontal length of greater than 48 feet (14.63 metres);
  vi. aisle widths ranging from 10.8 feet (3.29 metres) to 19.3 feet (5.88 metres) instead of 20 feet (6.10 metres) (access to stalls will be by way of a cross-access agreement).

- The subdivision application is required to assist with the phasing of the project to address financing and recent changes to the Condominium Act. This subdivision creates much of the requirements for Variances as part of this application.

PARKING

- Overall, the applicant is looking to have 98 surface parking stalls instead of 118 stalls. This equates to a parking ratio of 1.2.
- The applicant is proposing to have 59 parking stalls on Proposed Lot 1 (47 dwelling units) instead of 71 stalls. This equates to 1.21 stalls per unit.
- The applicant is proposing to have 39 parking stalls on Proposed Lot 2 (31 dwelling units) instead of 47 stalls. This equates to 1.21 stalls per unit.
- It should also be noted that a cross access agreement is needed to facilitate vehicular access between the lots for access and parking.

GARBAGE/RECYCLING COLLLECTION

- The applicant has provided a garbage enclosure (8 feet x 20 feet) on both Proposed Lot 1 and Lot 2.

BUILDING DESIGN

- The applicant has provided building elevations for the project (see figures 4 and 5 below).

NON-CONFORMING APPROACH

- As a result of the proposed subdivision, there will be a non-conforming approach between Proposed Lot 1 and Proposed Lot 2. The Private Approaches By-law states that an approach must not exist within 3 metres of the lot line of the adjacent property.
- As a condition of approval, Public Works is requesting a zoning agreement be placed on Proposed Lot 1 to ensure that no additional approach be allowed onto Ravelston Avenue West and that only one approach be permitted on Lot 2 along the Ravelston West frontage.
- Further, the Standing Policy Committee on Infrastructure Renewal and Public Works is the authority for approval of the private approach. Plan approval should also be subject to the approval of the approaches as the site does not work if the approach is not approved.



Figure 3: Proposed Site Plan



Figure 4: Proposed Elevations

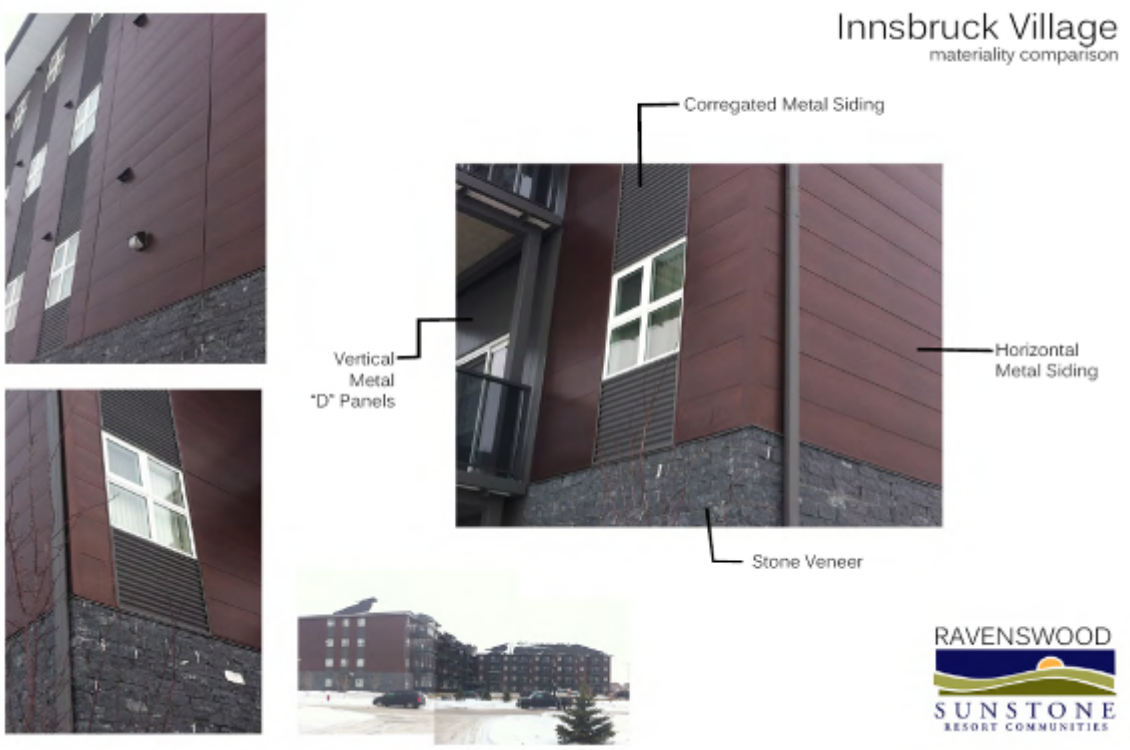


Figure 5: Proposed Materials Comparison

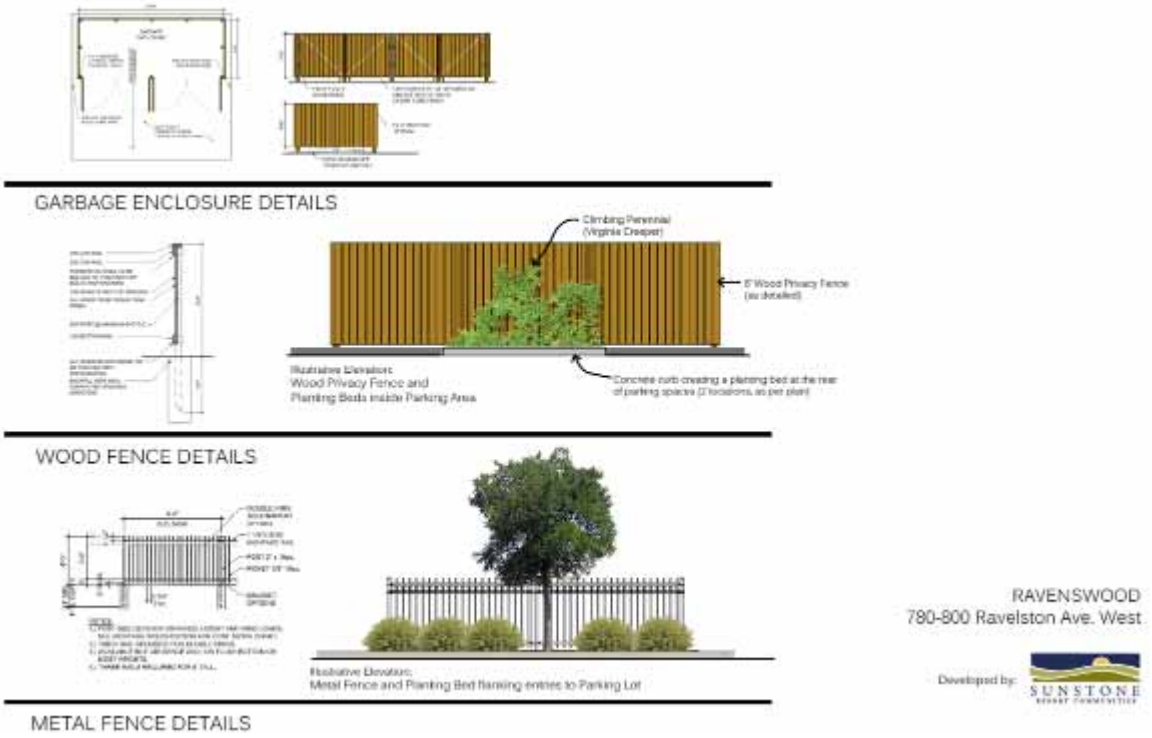


Figure 6: Proposed Garbage and Fencing Details

PLANT LEGEND

American Elm / Ulmus Americana

Amur Maple / Acer Ginnala

Colorado Blue Spruce / Picea Pungens Glauca

Pygmy Caragana / Caragana Pygmaea

Blizzard Mock Orange / Philadelphus Lewisii 'blizzard'

Gold Flame Spirea / Spirea x Bumalda Goldflame

Virginia Creeper / Parthenocissus Quinquefolia

LANDSCAPE SUMMARY

REQUIREMENT CATAGORY	AMOUNT REQUIRED	AMOUNT PROVIDED	% MORE THAN REQUIRED
1. STREET EDGE LANDSCAPING:			
a)Plessis Road (119.34')			
Trees (1/30')	4 Trees	4 Trees	0%
Shrubs (3/20')	18 Shrubs	37 Shrubs	105% more
b)Ravelston Ave (330')			
Trees (1/30')	11 Trees	12 Trees	9% more
Shrubs (3/20')	50 Shrubs	95 Shrubs	90% more
2. BUILDING FOUNDATION 'A' (243.5')			
Shrubs (1/10')	24 Shrubs	32 Shrubs	33% more
3. BUILDING FOUNDATION 'B' (193.25')			
Shrubs (1/10')	19 Shrubs	52 Shrubs	173% more
4. PARKING LOT INTERIOR LANDSCAPING:			
Area (sq.ft.): (39,595 x 5%)	1980 sq.ft.	6625 sq.ft.	234% more
5. PARKING LOT INTERIOR LANDSCAPING:			
Trees (1/300 sq.ft.)	7 Trees	20 Trees	185% more
Shrubs (1/100 sq.ft)	20 Shrubs	29 Shrubs	45% more

RAVENSWOOD
780-800 Ravelston Ave. West

Developed by: SUNSTONE

Figure 7: Proposed Landscaping Details

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
    - Provide opportunities to increase multi-modal connectivity when redevelopment occurs.

TRANSCONA WEST AREA STRUCTURE PLAN

- Under the *Transcona West Area Structure Plan* (By-law 215/2006) the proposed development is located within the existing Commercial policy area. Key relevant policies guiding development within the Commercial Areas include:
    - (3) Design of Commercial Use Areas
        - (a) These areas shall contain as part of their design, a well-defined pedestrian-oriented component that emphasizes the following components:
            - (ii) internal pedestrian routes to buildings and amenities
    - (4) Suggested Criteria for Commercial Use Areas Design Concepts
        - (a) The Commercial Use Area should:
            - (ii) contain a visually appealing site design and landscape treatment particularly when visible from roads with higher volumes of traffic
- Despite being located within the Commercial policy area, the rezoning and subdivision does not require a Plan Amendment as per Section 4.2 Application of Plan Policy, which states that:
    - *"Nothing in this Plan precludes the opportunity for the rezoning of uses shown on the Land Use Concept Map as "existing" to another category of land use".*
- Despite the applicant looking to change the use of the land from commercial to residential, the land use designation under the Transcona West Area Structure Plan still applies, where applicable. In particular, some of the design concepts within the Commercial Area can apply to multi-family residential dwellings projects.

LAND DEDICATION

- *The Public Service is requesting cash-in-lieu for this application.*

RECOMMENDED ZONING AGREEMENT

Cross Access Agreement

- As previously mentioned, Proposed Lots 1 and 2 require a cross access agreement. The Public Service is recommending that a cross access agreement (declaratory easement) be registered on the land title to ensure vehicular access to between the two proposed lots is facilitated.

Private Access onto Ravelston Avenue West

- The Public Service is recommending that because the proposed site plan shows a non-conforming approach, that no further private accesses be permitted on Proposed Lot 1 to ensure that the intent of the private access by-law be maintained. Further, the Public Service is recommending that only one (1) approach be permitted on Lot 2 along the Ravelston Avenue West frontage.

Plan Approval

- The Public Service is recommending that final plans be submitted to the Director of Planning, Property and Development and EKT Community Committee for review prior to the issuance of a development permit on the lot. The inclusion of this clause will allow the Urban Planning Division and the EKT Community Committee to review final plans before development takes place on the site.

Shared Servicing Agreements

- The Public Service is recommending that, the applicant enter into, and register and maintain in perpetuity by way of caveat against the titles to the “affected lots” (all lots which are to be services jointly), an appropriate joint services easement agreement with owners of the other affected lots to enable the joint servicing of lots in the Planned Area not fronting on streets with water, wastewater and land drainage services. Said agreement shall further absolve the City from any costs or responsibility for the private joint services.

RECOMMENDATION

The Urban Planning Division recommends approval for the following reasons:

- The proposed development is consistent with the policies of the Complete Communities Direction Strategy and the Transcona West Area Structure Plan.
- The proposed subdivision and rezoning represents a development that fits the character of the community, contributes to providing a variety of housing options within the community and will enhance an important intersection on Plessis Road.

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

Report Prepared By: Richard Mahé, MCIP

Schedule “A” for File No. DASZ 36/2014, East Kildonan - Transcona Community Committee, dated February 11, 2014

By-Law No. _____

File No. **DASZ 36/14**

Atlas Sheet No. **Z33**

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 780 Ravelston Avenue West from a "C3" COMMERCIAL CORRIDOR DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to allow for the construction of multiple family dwellings on each lot as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

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

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 780 RAVELSTON AVENUE WEST – DASZ 36/2014

It is recommended that the approval of DASZ 36/2014, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

A. PLAN CONSIDERATIONS

1. The applicant shall enter into, and register and maintain in perpetuity by way of caveat against the titles to the "affected lots" (all lots which are to be services jointly), an appropriate joint services easement agreement with owners of the other affected lots to enable the joint servicing of lots in the Planned Area not fronting on streets with water, wastewater and land drainage services. Said agreement shall further absolve the City from any costs or responsibility for the private joint services.

2. The Developer shall, at no expense to the City, enter into a cross-access agreement to guarantee access between proposed lot 1 and proposed lot 2.

B. AGREEMENT CONDITIONS – SERVICING

1. The Developer shall, pay to the City, in cash, on demand, the costs to construct a 1.5m in width asphaltic concrete bike path along the west side of Plessis Road abutting the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall, pay to the City, in cash, on demand, the costs to construct a 1.5m in width by 100mm in thickness Portland cement concrete sidewalk along the south side of Ravelston Avenue West abutting the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

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

   a) ensure that construction traffic uses access routes determined by the Director of Public Works;
   b) maintain those access routes in a clean dust-free condition, free of dropped and tracked-on mud; and
   c) undertake the regular cleaning of streets until building construction, including landscaping is complete,

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

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

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

6. 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.

C. AGREEMENT CONDITIONS – 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, $1650.00 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 36/2014
February 10, 2015

"*Original Signed by G. Jasper"*
G.V. Jasper P. Eng.,
Land Development Branch

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Water & Waste Department

"*Original Signed by C. Desjardine"*
C.J. Desjardine P. Eng.
Public Works Department

GJ/gj