Agenda – Council – January 31, 2019

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 7, 2019

Item No. 7 Subdivision and Rezoning – South Side of El Tassi Drive, 389 & 395 Almey Avenue (Transcona Ward) File DASZ 14/2018 [c/r DAV 150093/2018D]

STANDING COMMITTEE RECOMMENDATION:

On January 22, 2019, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the plan of subdivision proposed under File DASZ 14/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 14/2018 dated September 17, 2018 with such minor changes as may be required, and for 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 August 15, 2018.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land shown on Schedule "A" of File DASZ 14/2018 dated September 17, 2018, to an "R2" Residential Two-Family District subject to the following:

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

        i. That, for the development of any building, parking area, private approach, walkway, plaza garbage enclosure, fencing and other landscaping, exterior lighting, bicycle parking and exterior signage on proposed Lots 1 through 8 inclusive (of Schedule "B" for File DASZ 14/2018), plans, showing the location and appearance of these aspects of the development, shall be submitted to the Director of Planning, Property and Development and the East Kildonan - Transcona Community Committee for approval prior to the issuance of any building or development permit, and thereafter all to be developed in substantial conformance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 7, 2019

STANDING COMMITTEE RECOMMENDATION (continued):

ii. That a privacy fence, at least six feet in height, shall be erected on Proposed Lots 1 through 8 of Schedule "B" for File DASZ 14/2018 alongside the southern limit of said proposed Lots 1through 8 and from a point at the southwestern corner of said proposed Lot 1 to a point at the southeastern corner of LOT 20 BLOCK 3 PLAN 60480.

3. That, in lieu of the dedication of land, 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.

5. That, in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2) year period and Council approves the extension.

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution by of 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 (1) year of 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 7, 2019

STANDING COMMITTEE RECOMMENDATION (continued):

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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 7, 2019

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 22, 2019, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 7, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, with the following amendment:

- Delete Recommendation 2.A.ii in its entirety and replace it with the following:

    "ii. That a privacy fence, at least six feet in height, shall be erected on Proposed Lots 1 through 8 of Schedule "B" for File DASZ 14/2018 alongside the southern limit of said proposed Lots 1through 8 and from a point at the southwestern corner of said proposed Lot 1 to a point at the southeastern corner of LOT 20 BLOCK 3 PLAN 60480."

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

COMMUNITY COMMITTEE RECOMMENDATION:

On September 17, 2018, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Subdivision and Rezoning – South Side of El Tassi Drive, 389 & 395 Almey Avenue**
File DASZ 14/2018

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

Prepared by: **Leah Cowan, Assistant Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **September 18, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 17, 2018, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the plan of subdivision proposed under File DASZ 14/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 14/2018 dated September 17, 2018 with such minor changes as may be required, and for 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 August 15, 2018.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land shown on Schedule "A" of File DASZ 14/2018 dated September 17, 2018, to an "R2" Residential Two-Family District subject to the following:

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

        i. That, for the development of any building, parking area, private approach, walkway, plaza garbage enclosure, fencing and other landscaping, exterior lighting, bicycle parking and exterior signage on proposed Lots 1 through 8 inclusive (of Schedule "B" for File DASZ 14/2018), plans, showing the location and appearance of these aspects of the development, shall be submitted to the Director of Planning, Property and Development and the East Kildonan - Transcona Community Committee for approval prior to the issuance of any building or development permit, and thereafter all to be developed in substantial conformance with the approved plans and

maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That a privacy fence, at least six feet in height, shall be erected alongside the southern limit of proposed Lots 1 through 8 and from a point at the southwestern limit of proposed Lot 1 (Schedule "B" for File DASZ 14/2018) up to a point at the southeastern limit of LOT 20 BLOCK 3 PLAN 60480.

3. That, in lieu of the dedication of land, 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.

5. That, in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2) year period and Council approves the extension.

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution by of 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 (1) year of 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.

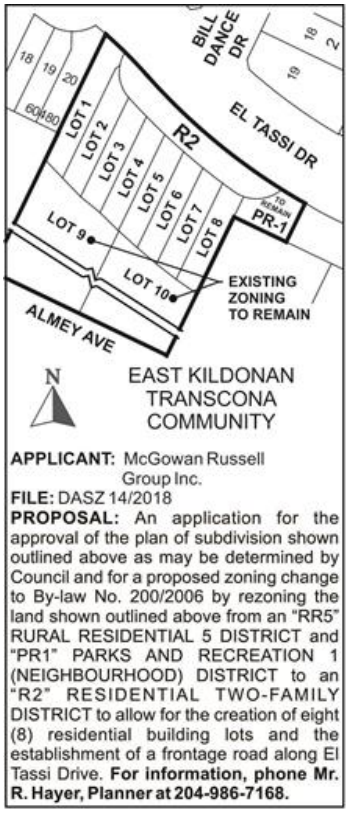
10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this 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.

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. This is consistent with the neighborhood, it's modest density in terms of the existing homes in the area.
2. It's consistent with that side of the street being zoned R-2on the other side.
3. It's consistent with neighborhood overall and the Transcona West Area Structure Plan.
4. It is now re-zoning lands on the northern half of Almey Avenue which was part of the original vision as well of the area structure plan.
5. The existing street is in place, the service road is being provided for, active transportation is being accommodated, fencing is being included.
6. Land Dedication is being applied on the balance of the lands as per Council policy.
7. In terms of the overall density of the area, the area was expected to continue to grow and densify, it is planned that way.
8. The lands to the south of the area the residents were concerned about, it was pointed out that that was not part of this subdivision before us today.
9. This will provide new tax base to the City and revenues, new Land Dedication fees which will assist with future parks in the area and their development.

PUBLIC HEARING SUMMARY

File:	DASZ 14/2018
Before:	East Kildonan-Transcona Community Committee Councillor Schreyer, Chairperson Councillor Browaty Councillor Wyatt
Public Hearing:	September 17, 2018 Council Building, 510 Main Street
Applicant:	Susan Russell, McGowan Russell Group Inc.
Subject:	
Premises Affected:	0 El Tassi Drive
Exhibits Filed:	1. Application dated July 4, 2018 2. Notification of Public Hearing dated August 13, 2018 3. Manitoba Status of Titles 1518290/1, 2192994/1, 2883192/1 4. Letter of authorization dated December 18, 2017 from Waterside Development Corp. to McGowan Russell

5. Letter of authorization dated June 12, 2018 from Karie L. Bush and Jeffrey A. Cooke to Waterside Development Corp.
6. Letter of authorization dated June 13, 2018 from Anthony Proske to Waterside Development Corp.
7. Caveats 4808932/1, 4808933/1
8. Plans (1 page)
9. Revised Plans (1 page)
10. Report from the Urban Planning Division dated August 21, 2018
11. Inspection Report
12. Recording of Representations
13. Submission in support of the application submitted by the Susan Russell at the public hearing

The Winnipeg Public Service to advise that all statutory requirements with respect to this application have been complied with.

REPRESENTATIONS:

In Support:

Puneet Guatam
Yuriy Gural
Zoya Gural
Bill McGarry
Susan Russell
Wes Schollenberg
Donna Thordarson

In Opposition:

Kanwar Gautam

For Information:

Dmitry Protopopov

For the City:

G. Doney, Senior Planner, Planning, Property and Development Department
R. Hayer, Planner, Planning, Property and Development Department

Exhibit "10" referred to in File DASZ 14/2018

ADMINISTRATIVE REPORT

Title: DASZ 14/2018 – South Side of El Tassi Drive, 395 Almey Avenue, 389 Almey Avenue.

Issue: Proposed Plan of Subdivision and Rezoning that would:

- create ten lots;
- rezone lots 1 through 8 from "PR1" Parks and Recreation Neighbourhood district to "R2" Residential Two-family district; and
- maintain lots 9 and 10 as partly in a "RR5" Rural Residential 5 district and partly in a "R1-L" Residential Single-family Large district.

Critical Path: East Kildonan – Transcona Community Committee → Standing Policy Committee on Property and Development, Heritage and Downtown 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 14/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 14/2018 dated September 17, 2018 with such minor changes as may be required, and for 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 August 15, 2018.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land shown on Schedule "A" of File DASZ 14/2018 dated September 17, 2018, to an "R2" Residential Two-Family District subject to the following:

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

i. That, for the development of any building, parking area, private approach, walkway, plaza garbage enclosure, fencing and other landscaping, exterior lighting, bicycle parking and exterior signage on proposed Lots 1 through 8 inclusive (of Schedule “B” for File DASZ 14/2018), plans, showing the location and appearance of these aspects of the development, shall be submitted to the Director of Planning, Property and Development and the East Kildonan - Transcona Community Committee for approval prior to the issuance of any building or development permit, and thereafter all to be developed in substantial conformance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That a privacy fence, at least six feet in height, shall be erected alongside the southern limit of proposed Lots 1 through 8 and from a point at the southwestern limit of proposed Lot 1 (Schedule “B” for File DASZ 14/2018) up to a point at the southeastern limit of LOT 20 BLOCK 3 PLAN 60480.

3. That, in lieu of the dedication of land, 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.

5. That, in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) 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 (2) year period and Council approves the extension.

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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 and execution by of the City of Winnipeg of the Servicing Agreement.

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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

- This report provides information, and makes recommendations, regarding the subject application (DASZ 14/2018) in terms of compliance with *OurWinnipeg*, the *Complete Communities Direction Strategy* and the *Transcona West Area Structure Plan.*
- This report is available to the public, City Council and committees of Council.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in the proposal can proceed.

CONSULTATION

The City's Administrative Coordinating Group was consulted in the preparation of this report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Rakvinder Hayer, MCP
Date:	August 21, 2018
File No.	DASZ 14/2018

Attachments

- Appendix "A," Planning Discussion
- Schedule "A," of File DASZ 14/2018, East Kildonan – Transcona Community Committee, dated September 17, 2018.
- Schedule "B," Report of the Administrative Co-ordinating group, dated August 15, 2018, Re: proposed subdivision and rezoning of land next to southern limit of El Tassi Drive at Bill Dance Drive, DASZ 14/2018

- **Appendix "A," Planning Discussion**

DATE: August 21, 2018

FILE: **DASZ 14/2018**

RELATED FILE: DAV 18-150093\D

COMMUNITY: East Kildonan - Transcona

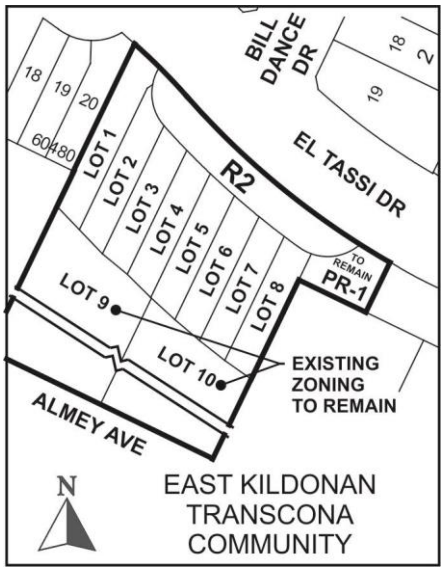
NEIGHBOURHOOD #: 4.417 (Peguis)

SUBJECT: proposed plan of subdivision and proposed rezoning to:

- create 10 lots;
- rezone lots 1 through 8 from "PR1" Parks and Recreation neighbourhood district to "R2" Residential Two-family district; and
- maintain lots 9 and 10 as partly in an "RR5" Rural Residential 5 district and partly in an "R1-L" Residential Single-family Large district.

LOCATION: South side of El Tassi Drive, 395 Almey Avenue, 389 Almey Avenue

LEGAL DESCRIPTION: LOT 21, BLOCK 3, PLAN 60480 WLTO IN OTM LOTS 91 TO 93 AND PARK LOT "P" PARISH OF KILDONAN; EASTERLY 100 FEET OF LOT 9, PLAN 4865 WLTO IN OTM LOTS 94 AND 95 PARISH OF KILDONAN; WESTERLY 100 FEET OF EASTERLY 200 FEET OF LOT 9, PLAN 4865 WLTO IN OTM LOTS 94 AND 95 PARISH OF KILDONAN



APPLICANT: Susan Russell, McGowan Russell Group Inc.
825 ST Joseph ST
Winnipeg, MB
R2H 3A8

OWNER: Waterside Development Corp. (Title no. 2883192/1)

Jeffrey Allan Cookie and Karie Lynn Bush (Title no. 1518290/1)

Anthony Wayne Proske (Title no. 2192994/1)

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

The subject site is comprised of three (3) lots in the Peguis Neighbourhood and the Transcona Ward.

- Lot 21 PLAN 60480, which is located on the south side of El Tassi Drive, and is unaddressed land zoned “PR1” Parks and Recreation Neighbourhood district and privately owned by Waterside Development Corp.
- 389 Almey Avenue and 395 Almey Avenue, which are located on the north side of Almey Avenue and encompass existing single-family dwellings, and are partly in a “RR5” Rural Residential 5 district and partly in an “R1-L” Residential Single-family Large district.

The total site area is approximately 121,000 square feet (+/- 2.7 acres).

The subject site is in the Almey – Ravelston Special Planning Area and a Residential Mixed Use policy area of the *Transcona West Plan*; and in a Recent Communities Area, which is a type of Areas of Stability policy area of *OurWinnipeg* and *Complete Communities*.

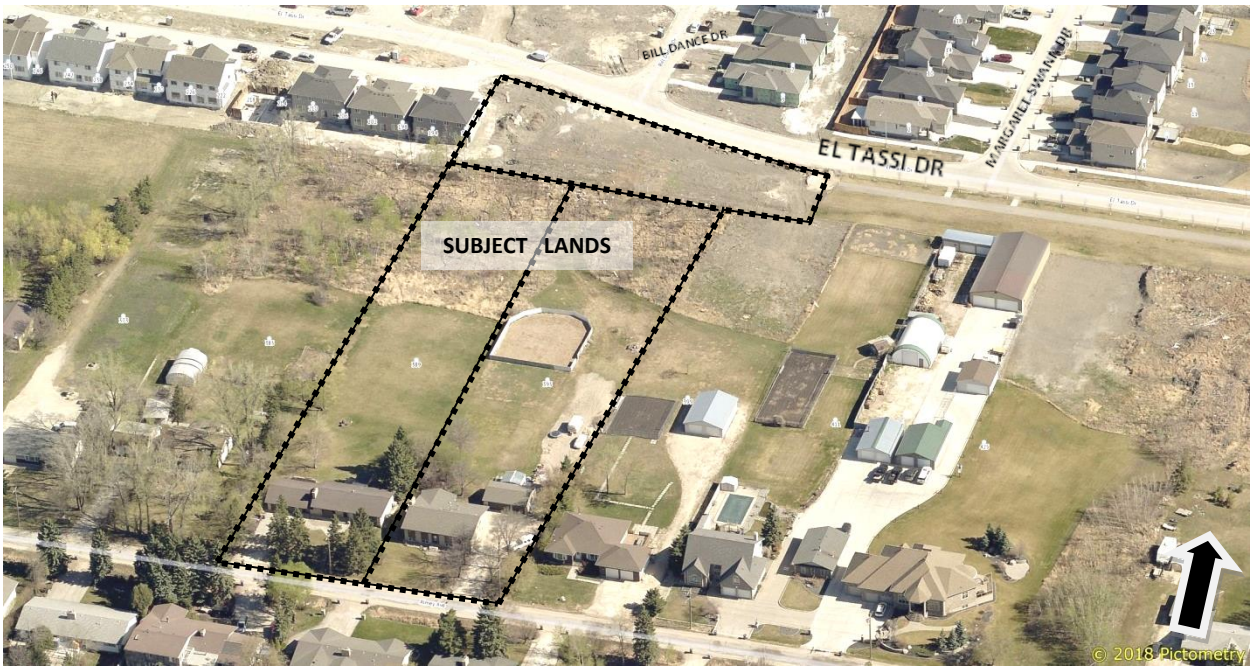


Figure 1: Looking North. Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: El Tassi Drive; and lands zoned “R1-M” Residential Single-family (medium) and Public Reserve land zoned “PR1” Parks and Recreation Neighbourhood district.

South: Almey Avenue; then residential dwellings that are partly in an “R1-L” Residential Single-family Large district, and partly in an “RR5” Rural Residential 5 district and partly in an “R1-L” Residential Single-family Large district of *Zoning By-law 200/2006*.

East: Public reserve lands zoned “PR1” Parks and Recreation Neighbourhood district.

West: Two-family residential dwellings zoned “R2” Residential Two-family.

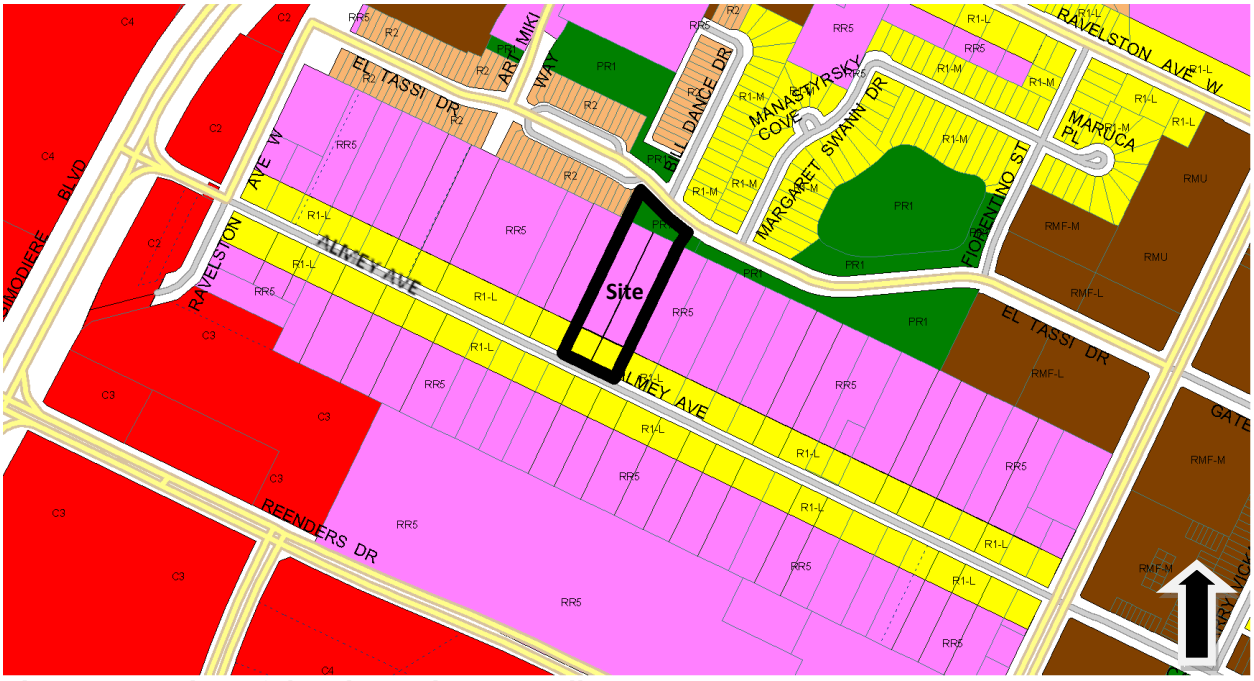


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal is to subdivide and rezone the subject lands to allow for the creation of ten lots (see Figure 3).

On proposed Lots 1 through 8:

- The land would be zoned to an “R2” Residential Two-family district.
- Eight (8) paired lots that would be developed with four (4) two-family dwellings (side-by-side) are proposed.
- A frontage road would be established along El Tassi Drive.
- The residual land zoned “PR-1” Parks and Recreation Neighbourhood district located at the easterly edge of the subject site and on the south side of El Tassi Drive would remain in private ownership, and identified for potential future development in the letter of intent.

On proposed Lots 9 and 10:

- The existing single-family dwellings at 389 and 395 Almey Avenue would be maintained.
- The existing “RR5” and “R1-L” zoning would remain.

Variances are required to establish proposed lots 9 and 10. Application for approval of these variances has been made under File DAV 17-109188/D and a report on this application has been submitted for consideration by the East Kildonan – Transcona Community Committee.

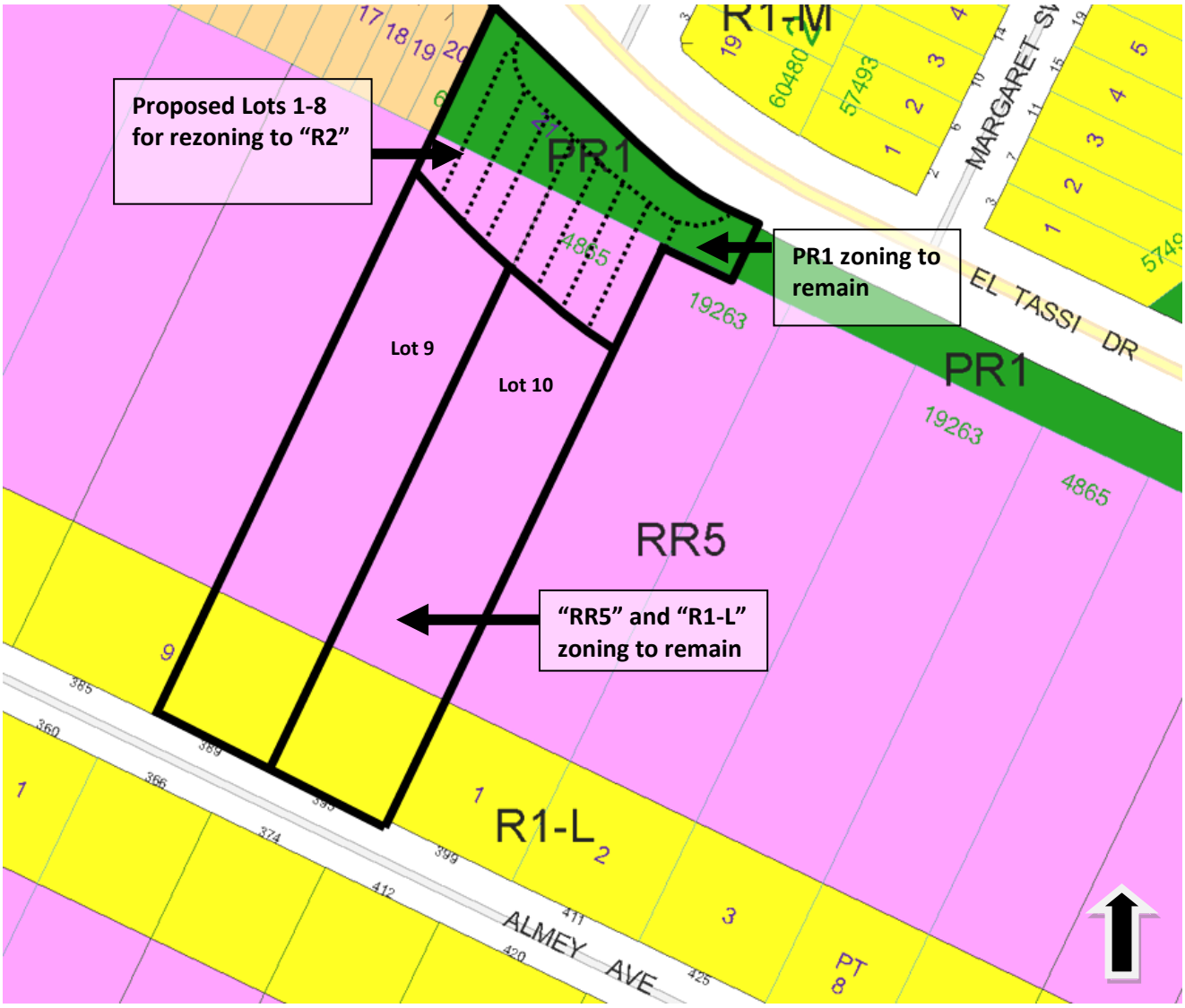


Figure 3: Proposed subdivision & rezoning and existing zoning context.

ANALYSIS AND ISSUES

OurWinnipeg and *Complete Communities*

OurWinnipeg is the City's development plan and *Complete Communities* is a "Direction Strategy" of *OurWinnipeg* that provides additional directions and policies on land use and development in the city.

Direction 3 of Section 01.A of *OurWinnipeg* requires "*piped water, piped wastewater, piped land drainage and an urban standard roadway*" (or an equivalent alternative approved by the City) be provided in areas where the "intensification of land-uses" is proposed. The recommended conditions stated in Schedule "B" to this report would ensure the development's compliance with this Direction.

The Key Direction of *OurWinnipeg* and *Complete Communities* that applies to the Areas of Stability policy area states:

> *Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.*

The proposed plan of subdivision and rezoning would facilitate two-family developments, which would result in eight (8) new residences being added to the area and a more efficient use of existing and future infrastructure. Therefore, the proposed plan of subdivision and rezoning comply with the aforementioned Key Direction.

The first and third policies of Direction 1 of Section 04 of *Complete Communities* state, respectively:

> *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary 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.*

The proposed subdivision plan and rezoning are consistent with these policies because they would enable the development of two-family dwellings, which is a typical land use in the immediate area in which the site is located.

Transcona West Area Structure Plan

Section 5.2.2(2) requires that the rezoning and subdivision of land within the Special Planning Area will be considered by the Community Committee through the Development Application process in accordance with the following:

> *Any application for subdivision shall be accompanied by a concept plan that demonstrates how the subdivision may be integrated into the re-subdivision of adjacent and surrounding parcels in order to ensure that the future potential for adjacent subdivision is not compromised.*

A concept plan was not deemed to be necessary for the proposed subdivision plan and rezoning because, if the lands south of the subject site were to be developed, motor-vehicle access to those lands may be provided through a future public right-of-way extending from Art Miki Way.

Sub-subsection 5.4.2 of the *Transcona West Plan* states:

> *A significant use of land within Residential Mixed Use Areas will incorporate low, medium and higher density residential uses*.

The proposed “R2” Residential Two-Family lots are consistent with this policy (and with the *Transcona West Plan* in general).

Surrounding Context and Compatibility

The proposed development would be generally compatible with the surrounding context because

- Nearby, the north and south sides of El Tassi Drive and the west side of Bill Dance Drive are zoned “R2” Residential Two-family district and are developed with two-family dwellings. The proposed development would be a continuation of the existing built form and scale of development on the south side of El Tassi Drive. No new lots would be created fronting on Almey Avenue. Therefore the proposed rezoning and proposed development would be consistent with the adjacent context.
- The recommended Zoning Agreement including the condition that final plans be submitted to the East Kildonan – Transcona Community Committee and the Director of Planning, Property and Development, would further ensure that future development on the proposed lots is context sensitive. In addition, it is recommended that a privacy fence at least six feet in height be provided along the south boundary of proposed Lots 1 through 8. This fencing would be an acknowledgment of the community context and address the transition between new and existing developments.

REASONS FOR THE RECOMMENDATIONS

The Urban Planning Division recommends approval because the proposed plan of subdivision and rezoning are consistent with *OurWinnipeg*, *Complete Communities* and the *Transcona West Area Structure Plan.*

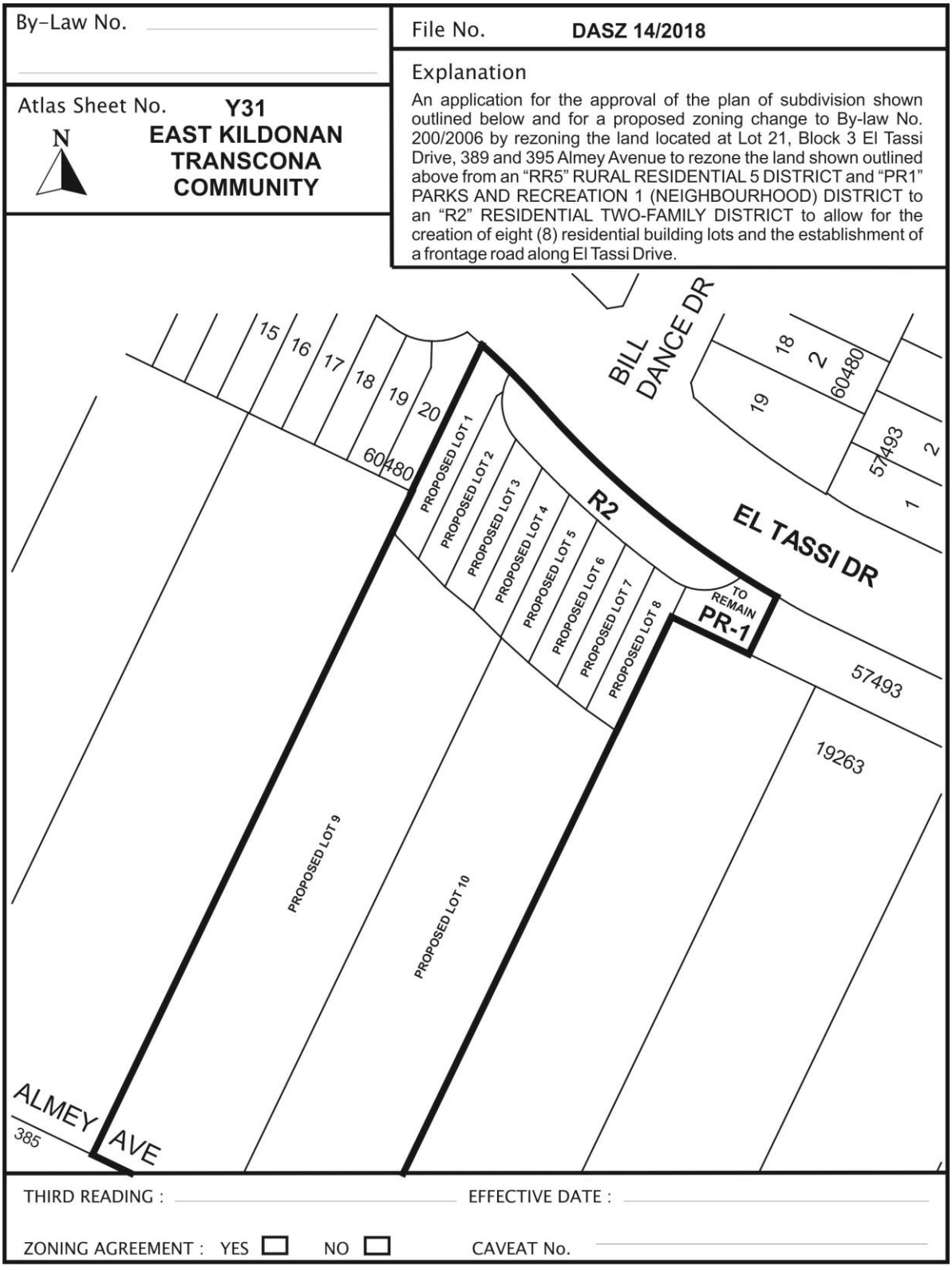
This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by:
Rakvinder Hayer

PPD File #:
DASZ 14/2018

Schedule "A" of File DASZ 14/2018, East Kildonan – Transcona Community Committee,

September 17, 2018



SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – August 15, 2018

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE SOUTH SIDE OF EL TASSI DRIVE ACROSS FROM BILL DANCE DRIVE – DASZ 14/2018

It is recommended that the approval of DASZ 14/2018, if granted, be subject to the applicant entering into a Servicing Agreement and address the following items where applicable:

Plan Considerations

The proposed frontage road is to be accommodated with a minimum right-of-way width of 9.0m and the terminus points of the frontage road are to be located and designed to the satisfaction of the Director of Public Works.

Servicing Conditions

1) Lot Grading

The Developer shall, at no expense to the City:

a) provide a lot grading plan, prepared by a municipal engineer;

b) grant any easements as required by the engineer's design; and

c) construct any catchbasins and leads as required by the design

all to the satisfaction of the Director of Water and Waste

2) Service Connections

The Developer shall, at no expense to the City, construct all lot line service connections required to service the proposed subdivision and adjacent lands as determined by and to the satisfaction of the Director of Water and Waste.

3) Regional Land Drainage Charges

The Developer shall, prior to the release of mylars, pay their share of:

a) The Transcona West Trunk Service Charge(TSR);and

b) The Kildare Trunk Service Charge

As determined by the Director of Water and Waste.

4) Pavement

The Developer shall, at no expense to the City, construct 150-mm-thick Portland cement concrete pavements to widths of 6.0m within the proposed frontage road within the Planned Area and all related works including, but not limited to, boulevard landscaping and drainage works, all as determined by, and to the satisfaction of, the Director of Public Works.

5) 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.

6) 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 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.

7) 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.

8) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of

Survey Perpetuating Certain Monuments may be waived.

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, the administration fee plus applicable GST, 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. DASZ 14/2018
September 6, 2018

"*Original Signed by G. Jasper"*

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

"*Original Signed by M. Gadja"*

M. Gadja, P. Eng.
Water & Waste Department

"Original Signed By C.J. Desjardine"

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

GJ/gj

Exhibit “9” referred to in File DASZ 14/2018

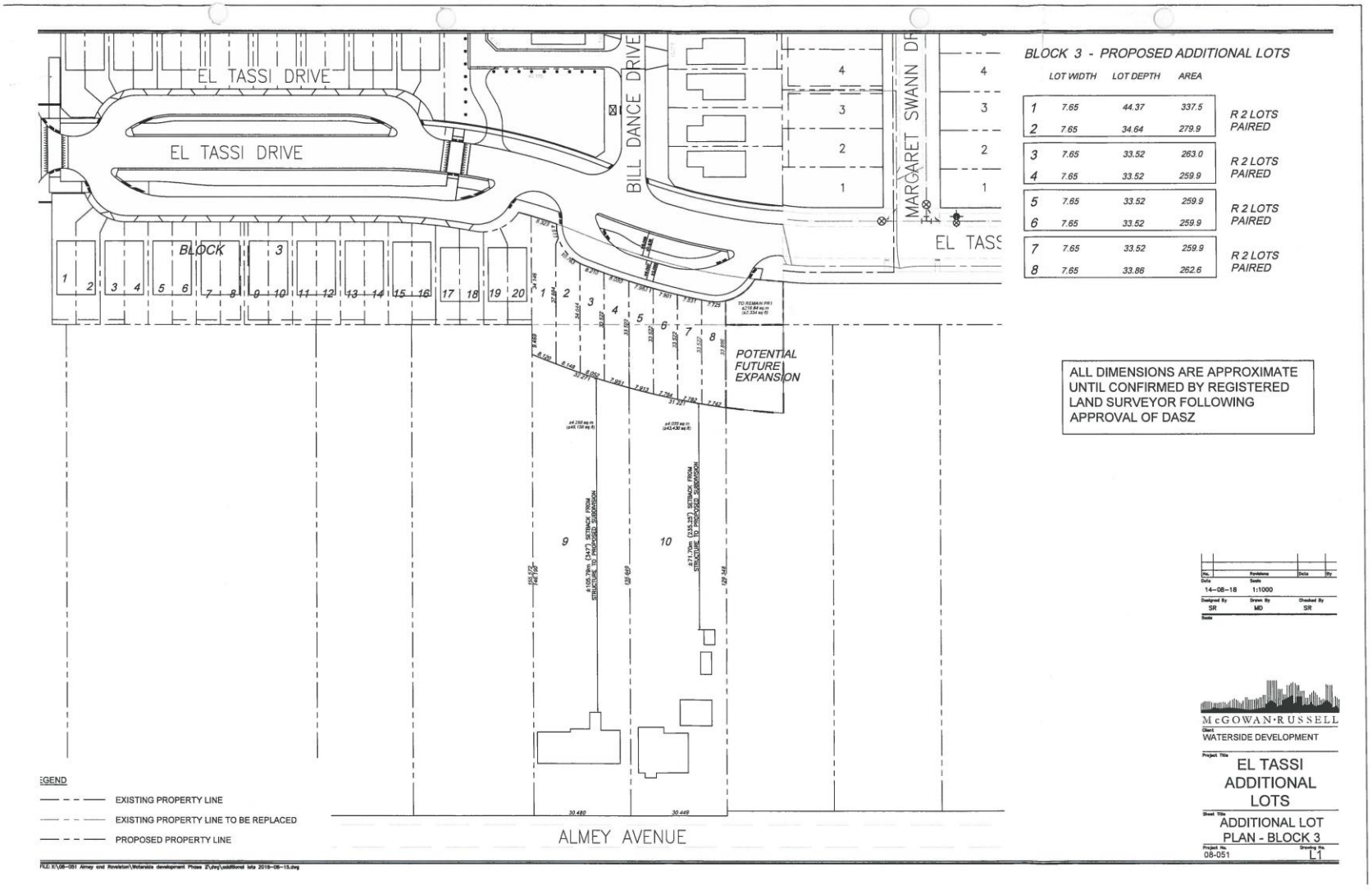


Exhibit “8” referred to in File DASZ 14/2018

