Agenda – Executive Policy Committee – December 8, 2021

REPORTS

Item No. 12 Subdivision and Rezoning – 2730-2750 King Edward Street (Old Kildonan Ward) File DASZ 27/2021

COMMUNITY COMMITTEE RECOMMENDATION:

On November 29, 2021, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the subdivision under Development Application No. DASZ 27/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated September 24, 2021, and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions.

    A. That the developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated September 17, 2021 and attached as Schedule "B" to this report.

2. That, the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to an "RMF-M PDO-1 AIRPORT VICINITY" Residential Multi-Family (Medium) District as shown on the map dated September 24, 2021 and attached as Schedule "A" to this report, subject to the following conditions:

    A. That, the developer enters 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 those portions of the Owner's Land zoned "RMF-M PDO-1 AIRPORT VICINITY" Residential Multi-Family (Medium) District the following shall apply:

            a. The Owner must submit plans showing the location and design of any and all proposed:

COMMUNITY COMMITTEE RECOMMENDATION (continued):

i. buildings
ii. accessory parking areas
iii. private approaches
iv. garbage enclosures
v. lighting
vi. fencing
vii. landscaping
viii. free-standing signage

on the Owner's land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Lord Selkirk - West Kildonan Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

b. A 6-foot-tall privacy fence shall be constructed and thereafter maintained along the western limit of the lot.

c. That, a landscaped buffer at least eight (8) feet wide be constructed and thereafter maintained along the western limit of the lot and include at least one (1) deciduous or coniferous tree planted for each thirty-five (35) linear feet of lot line.

3. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 27/2021, as determined by the City's Director of Planning, Property and Development.

4. That the City enter into, execute and deliver with the Developer:

A. a Servicing Agreement in accordance with recommendation 1; and

B. a Zoning Agreement in accordance with recommendation 2,

and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

COMMUNITY COMMITTEE RECOMMENDATION (continued):

5. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the plan of subdivision (the "Plan") as prepared by the Manitoba Land Surveyor in accordance with Recommendation 1 is not submitted to the City for preparation of a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

7. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

8. That, the subdivision section of the By-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

9. That, the zoning section of the By-law will come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

10. That, the By-law will be repealed without coming into force 1-year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 8 and 9 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

11. That, this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1-year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

12. That, the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On November 29, 2021, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

On November 1, 2021, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on November 29, 2021 at 10:30 a.m. in the Council Building at 510 Main Street.

On October 4, 2021, the Lord Selkirk-West Kildonan Community Committee did not hear any representations on the application and adjourned the public hearing to its meeting on November 1, 2021 at 10:30 a.m. in the Council Building at 510 Main Street, due to a required re-posting/re-advertisement of the public hearing notice.

PUBLIC HEARING SUMMARY

File: DASZ 27/2021

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Santos, Chairperson
Councillor Sharma

Public Hearing: November 29, 2021
Council Building, 510 Main Street

Applicant: Westlink Developments Ltd. (Anand Sharma)

Subject:



Premises Affected: 2730-2750 King Edward Street

For submission to: Executive Policy Committee

Prepared by: P. Prinsloo, Senior Committee Clerk
Lord Selkirk-West Kildonan Community Committee

Report date: November 30, 2021

Community Committee Recommendation:

On November 29, 2021, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the subdivision under Development Application No. DASZ 27/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated September 24, 2021, and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions.

    A. That the developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated September 17, 2021 and attached as Schedule "B" to this report.

2. That, the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to an "RMF-M PDO-1 AIRPORT VICINITY" Residential Multi-Family (Medium) District as shown on the map dated September 24, 2021 and attached as Schedule "A" to this report, subject to the following conditions:

    A. That, the developer enters 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 those portions of the Owner's Land zoned "RMF-M PDO-1 AIRPORT VICINITY" Residential Multi-Family (Medium) District the following shall apply:

            a. The Owner must submit plans showing the location and design of any and all proposed:

                i. buildings;
                ii. accessory parking areas;
                iii. private approaches;
                iv. garbage enclosures;

v. lighting;
vi. fencing;
vii. landscaping; and
viii. free-standing signage

on the Owner's land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Lord Selkirk - West Kildonan Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

b. A 6-foot-tall privacy fence shall be constructed and thereafter maintained along the western limit of the lot.

c. That, a landscaped buffer at least eight (8) feet wide be constructed and thereafter maintained along the western limit of the lot and include at least one (1) deciduous or coniferous tree planted for each thirty-five (35) linear feet of lot line.

3. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 27/2021, as determined by the City's Director of Planning, Property and Development.

4. That the City enter into, execute and deliver with the Developer:

A. a Servicing Agreement in accordance with recommendation 1; and

B. a Zoning Agreement in accordance with recommendation 2,

and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

5. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the plan of subdivision (the "Plan") as prepared by the Manitoba Land Surveyor in accordance with Recommendation 1 is not submitted to the City for preparation of a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

7. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

8. That, the subdivision section of the By-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

9. That, the zoning section of the By-law will come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

10. That, the By-law will be repealed without coming into force 1-year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 8 and 9 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

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12. That, the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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

1. I'm supportive of this application as Mr. Hayer pointed out it's the final site in this Precinct that's coming up for rezoning so wonderful neighbourhood, Northwest Farms; we've heard about their application recently and they have stared building in that area on Cheema Drive and other streets, so this is a continuation to complete the housing in that neighbourhood and this much needed housing we know that this area that just abuts on your area is very popular, north Winnipeg in general is very popular through immigration that is going to be starting up again, there has been a bit of a pause now with the pandemic but it's well sought after area.

2. I am happy to see new housing coming online and I'll be working with the administration and the Mr. Sharma when he plans his detailed drawings that he'll be sharing with us in the coming weeks.

Exhibits Filed:

1. Application dated July 8, 2021
2. Notification of Public Hearing dated August 12, 2021
3. Manitoba Status of Titles 1282087/1, 2812352/1
4. Letter of authorization dated January 19, 2021 from Dan Pakay, George Pakay, Daniel Pakay to Westlink Developments Ltd.
5. Site Plan - Overall
6. Plans (4 pages)
7. Report from the Urban Planning Division dated September 24, 2021
8. Recording of Representations of the adjourned public hearing held on October 4, 2021
9. Notice of Adjournment dated October 7, 2021
10. Recording of Representations of the adjourned public hearing held on November 1, 2021
11. Notice of Adjournment dated November 3, 2021
12. Recording of Representations of the adjourned public hearing held on November 29, 2021

REPRESENTATIONS:

In Support:

Anand Sharma

In Opposition:

Nil

For Information:

Nil

For the City:

R. Hayer, Planner, Planning, Property and Development Department
D. Trenchard, Land Development Engineer, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 27/2021

ADMINISTRATIVE REPORT

Title: DASZ 27/2021 – 2730-2750 King Edward Street

Issue: For consideration at the Public Hearing for a proposed Subdivision and Rezoning that would consolidate the subject site into one lot and rezone the lot to an "RMF-M PDO-1 AIRPORT VICINITY" Residential Multi-Family (Medium) District.

Critical Path: Lord Selkirk - West Kildonan 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
R. Hayer, MCP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 27/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated September 24, 2021, and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions.
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12. That, the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- The applicant is proposing to consolidate the subject properties into a proposed Lot 1 and rezone the land to an “RMF-M PDO-1 AIRPORT VICINITY” Residential Multi-Family (Medium) District. Rezoning applications 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.

OURWINNIPEG POLICY ALIGNMENT

01-1a OurWinnipeg Approach to City Building: Promote compact urban form and manage the extension of municipal services for new growth: Support new developments that are contiguous with existing developments to minimize the spatial use of land and the extension of services.

01-1c Key Directions for Specific Areas –Areas of Stability: Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg’s changing population.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	R. Hayer, MCP
Date:	September 24, 2021
File No.	DASZ 27/2021

List of Schedules and Attachments

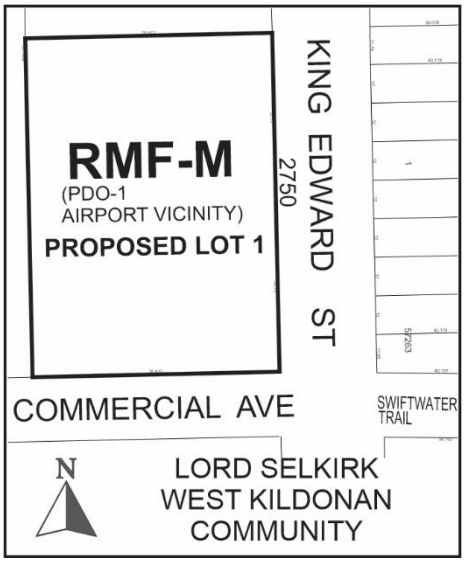
- Appendix “A,” Planning Discussion.
- Schedule “A,” of File DASZ 27/2021**,** Lord Selkirk - West Kildonan Community Committee, dated September 24, 2021.
- Schedule “B,” Report of the Administrative Co-ordinating group, RE: Proposed Subdivision and Rezoning of Land Located at 2730 and 2750 King Edward Street, dated September 17, 2021.

APPENDIX 'A'

DATE: September 24, 2021
FILE: **DASZ 27/2021**
RELATED FILES:
COMMUNITY: Lord Selkirk-West Kildonan Community
NEIGHBOURHOOD #: 3.327 (North Inkster Industrial)

SUBJECT: For consideration at the Public Hearing for a proposed Subdivision and Rezoning that would consolidate the subject site into one lot and rezone the lot to an "RMF-M PDO-1 AIRPORT VICINITY" Residential Multi-Family (Medium) District.

LOCATION: 2730-2750 King Edward Street
LEGAL DESCRIPTION: S 173F OF E 251.55F LOT 5 & N 173F OF S 346F OF E 251.55F LOT 5 PLAN 5528 NE 26 11 2E



APPLICANT: Westlink Developments Ltd. (Anand Sharma).
1027 McPhillips Street
Winnipeg, MB R2X 2K6

OWNERS: Daniel Gerald Pakay and George Phillip Pakay.
2730-2750 King Edward Street
Winnipeg, MB R2R 2Y8

RECOMMENDATION: Approval

DISCUSSION

SITE DESCRIPTION

- The subject site is located at the north west corner of King Edward Street and Commercial Avenue, in the North Inkster Industrial neighbourhood and the Old Kildonan Ward.
- Currently on the subject site are agricultural uses including a single-family dwelling and accessory farm/storage buildings.
- The subject site is comprised of 2730 and 2750 King Edward Street, which are on separate titles, however the existing site functions as a single-use property.
- The subject site is approximately 2.0 acres in lot area (+/- 87,036 square feet).
- The subject site has +/- 345 feet of frontage on King Edward Street to the east, and +/- 250 feet of frontage on Commercial Avenue to the south.
- The site is currently zoned “A PDO-1 AIRPORT VICINITY” Agricultural and is within Area 2 of the Airport Vicinity Protection Area Planned Development Overlay 1 (PDO-1 Airport Vicinity) Schedule “D” under the Winnipeg Zoning By-law.
- Under *OurWinnipeg* and the *Complete Communities Direction Strategy*, the subject site is within the “Transformative Areas-New Community” policy area and designated as Precinct ‘T’.
- Under the *Precinct ‘T’ Area Structure Plan,* the site is designated “High Density Residential” policy area.

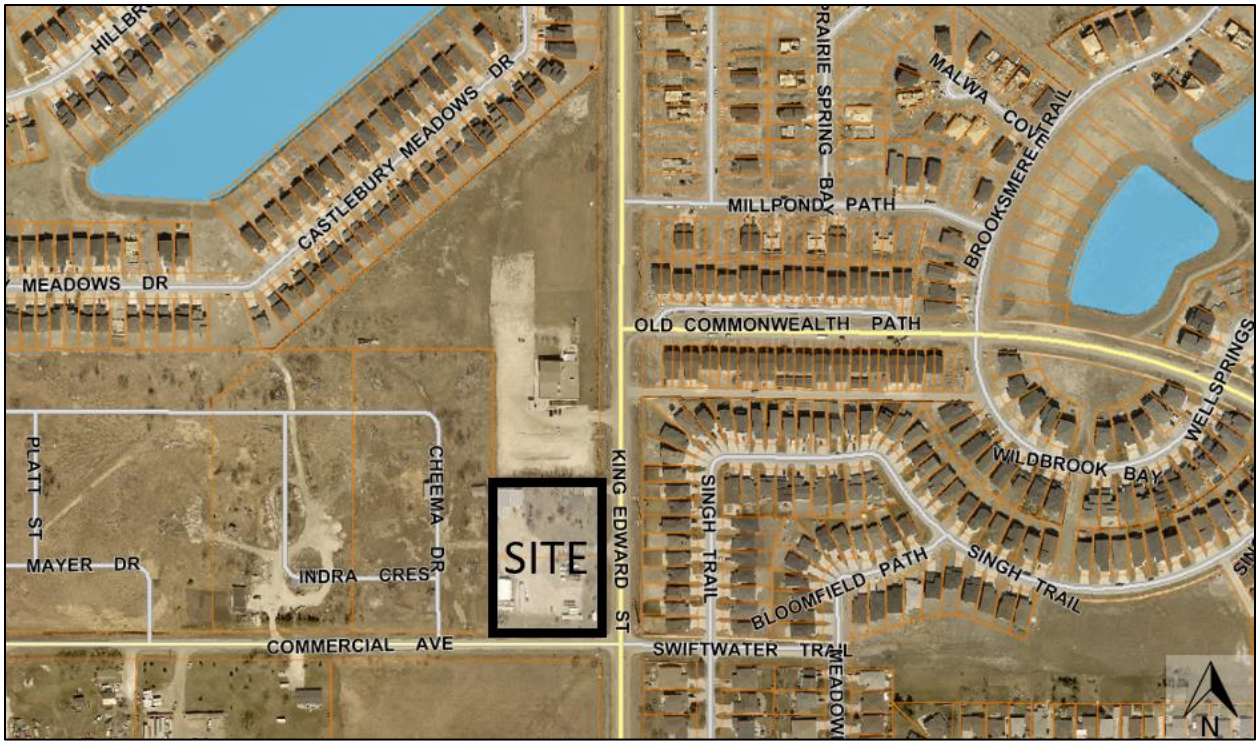


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018).*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Place of worship (Gurdwara Kalgidhar Darbar) approved for rezoning from "A PDO-1 AIRPORT VICINITY" Agricultural District to "EI PDO-1 AIRPORT VICINITY" Educational and Institutional District under file DASZ 5/2021.

South: Commercial Avenue; then vacant land approved for rezoning from "A PDO-1 AIRPORT VICINITY" Agricultural District to "M1-PDO-2 Inksbrook Employment Lands Planned Development Overlay" Manufacturing-Light under file DASZ 17/2018.

East: King Edward Street; then single-family dwellings zoned "R1-S" Residential Single-Family (Small) District.

West: Undeveloped land zoned "R2 PDO-1 AIRPORT VICINITY" Residential Two-Family District.

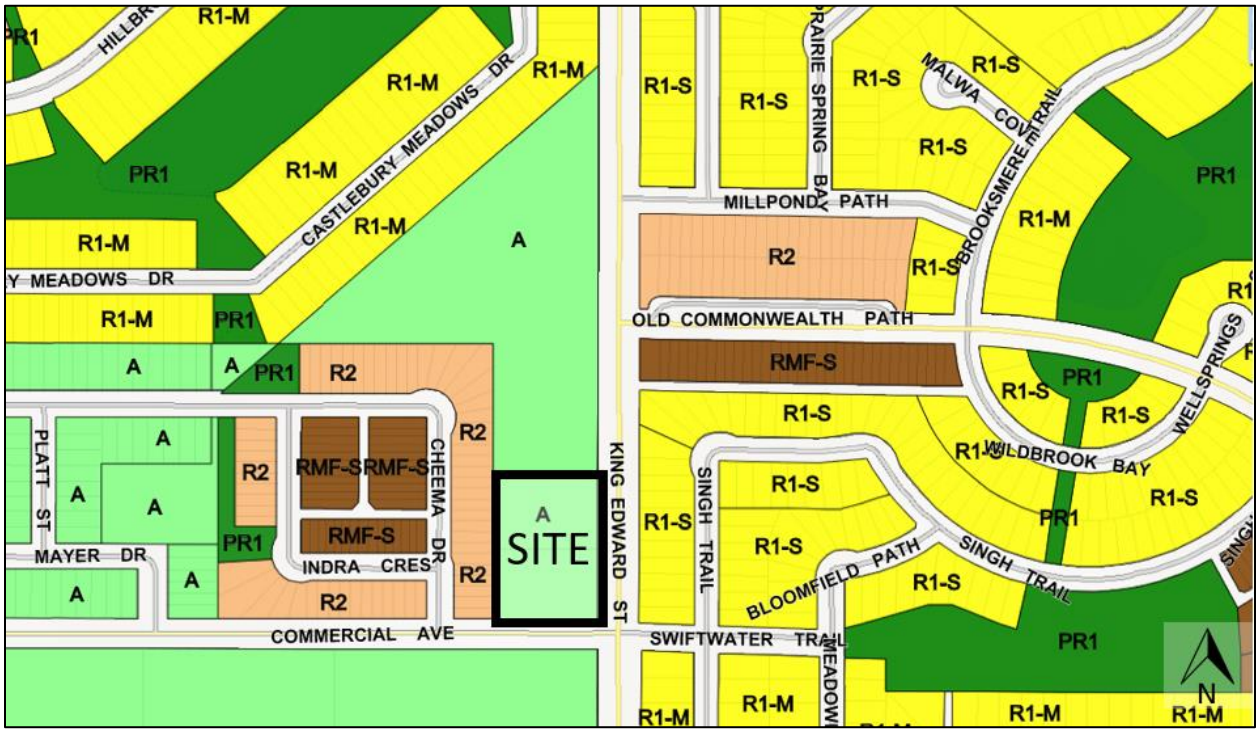


Figure 2: Zoning of the Site and Surrounding Area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate the subject properties into a proposed Lot 1 and rezone the land to an "RMF-M PDO-1 AIRPORT VICINITY" Residential Multi-Family (Medium) District.
- The applicant has submitted conceptual site and building plans. The proposed plans show a four (4) storey residential multi-family development with 69 dwelling units and 111 accessory parking spaces.
- The proposed site plan is shown on Figure 3 on the next page.

BACKGROUND AND COLLABORATIVE PLANNING

- The applicant engaged in preliminary discussions with the Urban Planning & Design Division prior to submitting the subject application.
- The Division indicated general support for the proposed rezoning and provided general comments to the applicant to ensure the proposed plan would be compatible with the area and not require any or minimal variances.

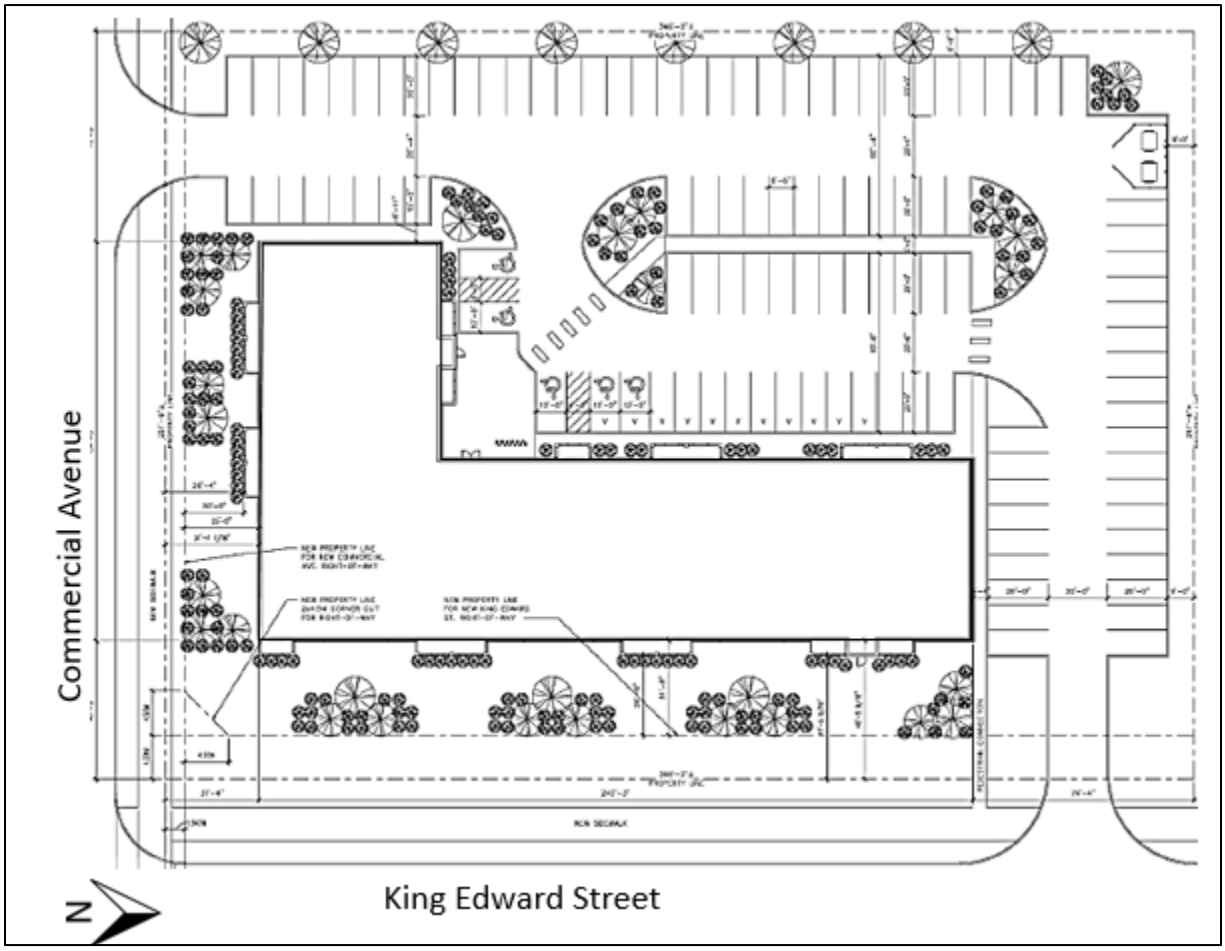


Figure 3: Proposed Site plan submitted with the subject application.

ANALYSIS AND ISSUES

OURWINNIPEG AND THE COMPLETE COMMUNITIES DIRECTION STRATEGY:

- Under *OurWinnipeg* and *Complete Communities* the subject site is within the "New Communities" Policy Area (Precinct 'T') where the following policy applies:
    - *The development of New Communities will be supported by a planning process and organized within planning precincts.*
- A Planning Process has occurred and the *Precinct 'T' Area Structure Plan* has been approved as Council Policy.

PRECINCT ‘T’ AREA STRUCTURE PLAN

- Under the Precinct ‘T’ Land Use and Transportation Policy Map (Figure 3), the lands north of Commercial Avenue are designated as “High Density Residential” policy area. Applicable land use policies include:
    - *High Density Residential Areas may include the following land uses: multi-family dwellings; parks and open space and active transportation networks.*
    - *Higher density residential areas, combined with appropriate landscaping along the edges of the Precinct “T” that abut adjacent employment land uses, should provide a planned transition between differing land uses, particularly the adjacent employment lands that encompasses Inksbrook Industrial Park and the surrounding CentrePort Canada lands.*
    - *High Density Residential Areas will be encouraged to locate in areas close to the adjoining employment land uses and Medium Density Residential Areas to provide a planned transition between areas of different development densities and scale, including but not limited to, setbacks and a reduction of heights towards Low Density Residential Areas and in a manner that minimizes shadow impacts on adjacent Low-Density Residential Areas.*
    - *For High Density Residential Uses and Institutional Uses, development applications should include site plans that show:*
        - *the relationship and fit of the development with adjoining land uses and future development areas;*
        - *how site uses and structures will be organized and located to ensure compatibility with adjoining land uses and transportation systems; and*
        - *design features for special purposes such as landscaping, buffers, open space, and pedestrian and vehicular accesses.*

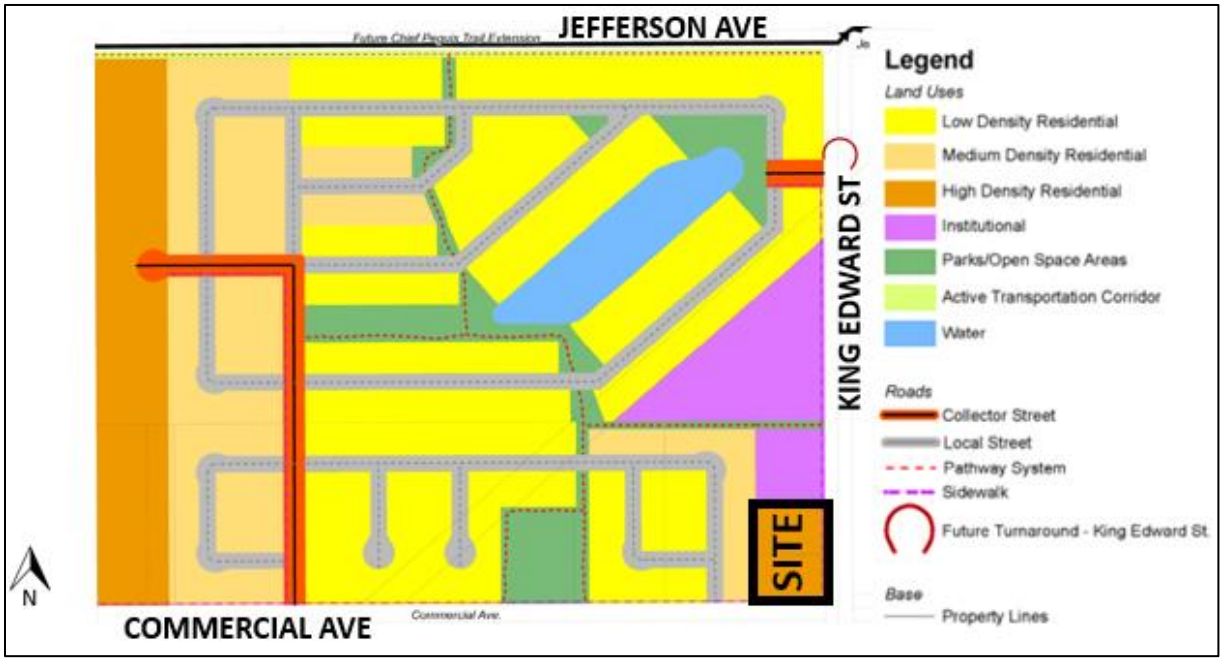


Figure 3: Precinct ‘T’ Land Use and Transportation Policy Map.

PROPOSED REZONING:

- The applicant is proposing to rezone proposed Lot 1 to an "RMF-M PDO-1 AIRPORT VICINITY" Residential Multi-Family (Medium) District. The "RMF-M" district is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.
- The proposed rezoning results in a multi-family site at the edge of a residential area, which provides for an appropriate transition between more intense land uses (to the north and south) and lower density residential uses (to the west). It also adds density along two collector streets and near future employment areas.
- The site directly to the north of the subject site is in the "Institutional" policy area of the Precinct 'T' Area Structure Plan and was approved for rezoning to "EI PDO-1 AIRPORT VICINITY" Educational and Institutional District under file DASZ 5/2021". The "EI PDO-1 AIRPORT VICINITY" Educational and Institutional District permits multi-family development to the same standards as the "RMF-M" Residential Multi-Family (Medium) District.
- Lands to the south were approved for rezoning to "M1-PDO-2 Inksbrook Employment Lands Planned Development Overlay" Manufacturing-Light under file DASZ 17/2018 and are anticipated to be developed with educational/institutional uses. The area to the south of the subject site is designated "Employment Lands – General Manufacturing" under the *Complete Communities Direction Strategy* of *OurWinnipeg*.
- Lands to the west are zoned "R2 PDO-1 AIRPORT VICINITY" Residential Two-Family District and permits for construction of two-unit side-by-side dwellings have been applied for and it is expected that the area to the west of the subject lands will develop with residential uses at low to medium densities.
- After review, the proposed rezoning would align with the *Precinct 'T' Area Structure Plan* and would be compatible with the surrounding area.

AIRPORT VICINITY PROTECTION AREA REGULATIONS:

- On August 12, 2021, the Province of Manitoba announced that it has adopted an *Airport Vicinity Protection Area Regulation*. The subject property is not mapped under the Regulations' Area 1 or Area 2.
- The current City of Winnipeg Airport Vicinity Protection Area Planned Development Overlay -1 (AVPA-PDO1) maps the subject property under Area 2 and limits new multi-family development to 35 units per acre.
- However, the new Provincial Regulation requires the City of Winnipeg to adopt zoning bylaws that are consistent with the Airport Vicinity Protection Area Regulation within 6 months of the coming into force of those Regulations.
- As a result of the *Airport Vicinity Protection Area Regulation*, the density limit would no longer apply to the subject lands because they would no longer be mapped under Area 2.

RECOMMENDED ZONING AGREEMENT:

- To ensure that future development of the subject lands is compatible with the surrounding area and does not create a substantial adverse effect, a few conditions in Zoning Agreement are recommended.
- It is recommended that a 6-foot-tall privacy fence and a landscaped buffer at least eight (8) feet wide be established along the western limit of the lot. This would ensure adequate buffering of the accessory parking area which would be adjacent to the rear lot lines of two-unit side-by-side dwellings on Cheema Drive (west of the subject lands).
- Within the landscape buffer recommended along the western limit of the subject site, it is further recommended that at least one (1) deciduous or coniferous tree planted for each thirty-five (35) linear feet of lot line. This results in approximately 10 trees being planted to buffer the subject development along the west limit.
- Plan Approval through the Lord Selkirk-West Kildonan Community Committee (LSWK-CC) and the Director of Planning, Property and Development is recommended in order to allow the Community Committee and Urban Planning & Design Division an opportunity to review final development plans prior to the issuance of permits. Final plans will need to take into consideration the requirements under the recommended Zoning Agreement and Servicing Agreement.

RECOMMENDATION

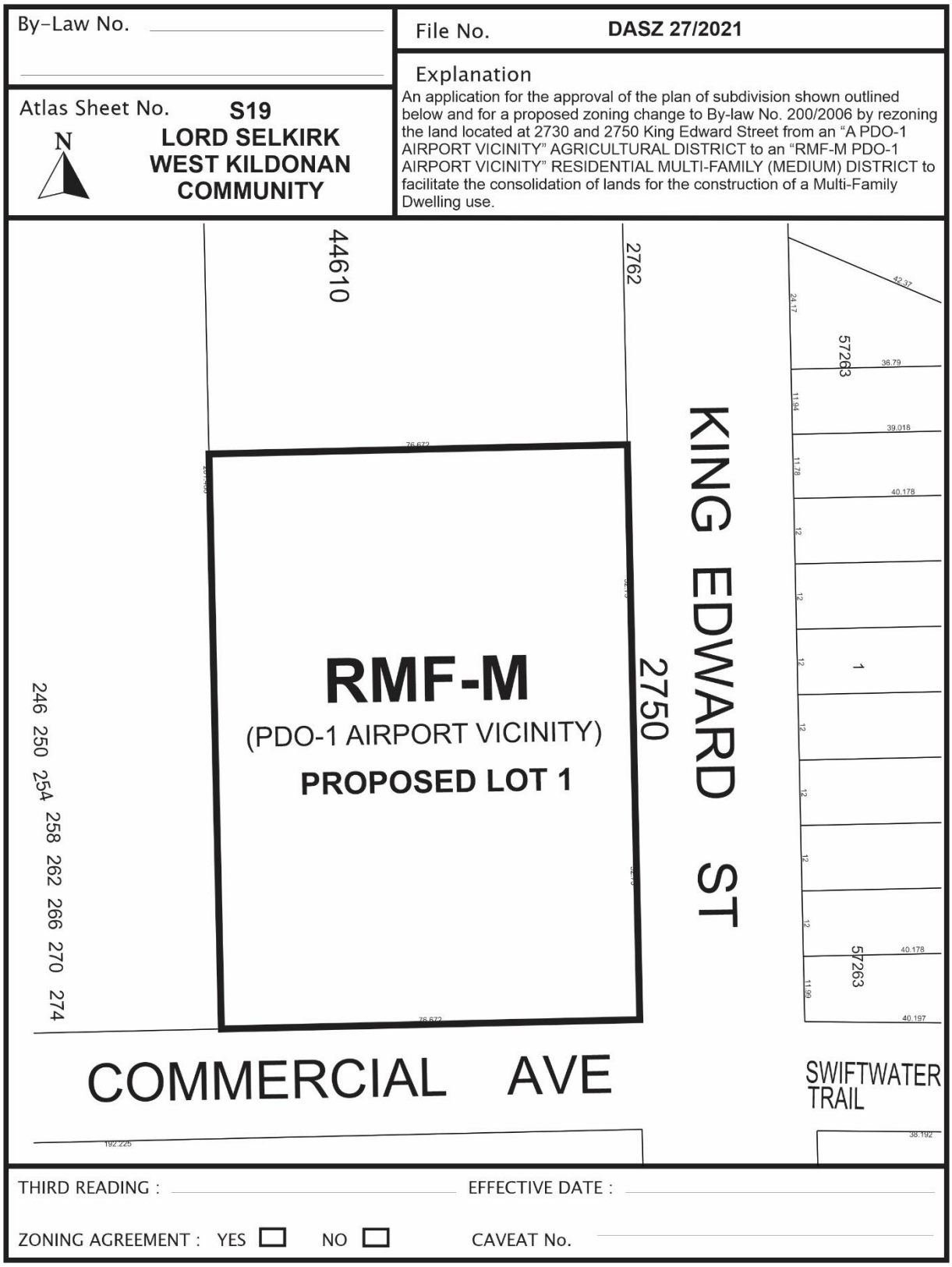
The Urban Planning Division recommends **approval** for the following reasons:

- The subdivision and rezoning application would comply with the *Complete Communities Direction Strategy,* and with the *Precinct 'T' Area Structure Plan*, and would be compatible with the surrounding area.

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

Report Prepared by: R. Hayer, MCP
PPD File #: DASZ 27/2021

Schedule "A" for File DASZ 27/2021, Lord Selkirk West Kildonan Community Committee, dated September 24, 2021



SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 2730 AND 2750 KING EDWARD STREET

It is recommended that approval of DASZ 27/2021, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions:

Section I – Plan Considerations

1) The Developer shall, at no expense to the City, legally open property required to widen the west side of the King Edward Street right-of-way by 4.572m, to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, legally open property required to widen the north side of the Commercial Avenue right-of-way by approximately 2.942m abutting the Planned Area, to the satisfaction of the Director of Public Works.

3) The Developer shall, at no expense to the City, legally open property required to accommodate a corner cut (from the proposed property lines above) from the southeast corner of the property. Corner cut to be determined based on approved construction drawings, as determined by and to the satisfaction of the Director of Public Works.

4) The Developer's Engineering Consultant shall review and confirm the above Plan Considerations with construction drawings for the infrastructure and Plan Considerations shall be adjusted as required to accommodate the infrastructure, to the satisfaction of the Director of Public Works.

5) The DRAFT Legal Plan must be submitted to the Public Works Department with the appropriate construction details for review and approval by the Public Works Department.

Section II – Engineering Studies

1) The Developer shall, at no expense to the City, conduct geotechnical investigations in accordance with the City's "Guidelines for Site Investigation Requirements for Public Works Street Projects" and develop pavement designs, all to the satisfaction of the Director of Public Works.

Section III - Servicing Conditions

1) Water Mains

The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the water mains installed by others in Commercial Avenue and King Edward Street, as determined by and to the satisfaction of the Director of Water and Waste.

2) Wastewater Sewers

The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the wastewater sewers installed by others in Commercial Avenue and King Edward Street, as determined by and to the satisfaction of the Director of Water and Waste.

3) Land Drainage Sewers

a) The Developer shall, at no expense to the City, construct and install, and/or pay their share of the cost to construct and install, all land drainage sewers required to serve the Planned Area and adjacent lands, in Commercial Avenue, as determined by and to the satisfaction of the Director of Water and Waste.

b) The Developer shall, The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the land drainage sewers installed by others in King Edward Street, as determined by and to the satisfaction of the Director of Water and Waste.

c) The Developer shall pay to the City, in cash, on demand, their share of the cost of land drainage sewer lateral oversizing installed by others to accommodate the Planned Area, as determined by and to the satisfaction of the Director of Water and Waste.

d) The Developer shall pay to the City, in cash, prior to release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the cost of the regional land drainage system, as determined by and to the satisfaction of the Director of Water and Waste.

4) Commercial Avenue

a) The Developer shall, at no expense to the City, construct and/or pay their share of the cost to construct, Portland cement concrete pavements, 200mm thick at a width as determined by the Director of Public Works, in Commercial Avenue abutting the Planned Area, and all related works, including but not limited to sidewalks and/or multi-use pathways, street lighting, boulevard landscaping and land drainage sewers, all as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct and/or pay their share of the cost to construct, the required intersection roadway improvements at the intersection of Commercial Avenue and King Edward Street, as determined by and to the satisfaction of the Director of Public Works.

5) King Edward Street

The Developer shall pay to the City, in cash, on demand, their share of the following services to be installed in King Edward Street along the full length of the Planned Area:

i) Portland cement concrete pavement and all related works;

ii) 2.5m multi-use pathway in the west boulevard

iii) ornamental street lighting in the west boulevard; and,

iv) landscaping in the west boulevard,

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

6) Boulevards

a) The Developer shall, at no expense to the City, sod, and plant trees on, all boulevards within and fronting on the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

b) The Developer shall, at no expense to the City, maintain the sod for a period of one year and the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

7) Traffic Control

The Developer shall pay to the City, in cash, on demand, their share of the costs to install the appropriate traffic control at the intersection of King Edward Street and Commercial Avenue, as determined by and to the satisfaction of the Director of Public Works.

8) Construction Traffic

a) The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works.

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

9) Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area and will pay the full cost to convert any existing overhead services within the Planned Area 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.

10) 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.

11) 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 Winnipeg Land Titles Office.

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.

Section IV – 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 this 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, parklands, parkways 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 pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, an administration fee plus applicable GST to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

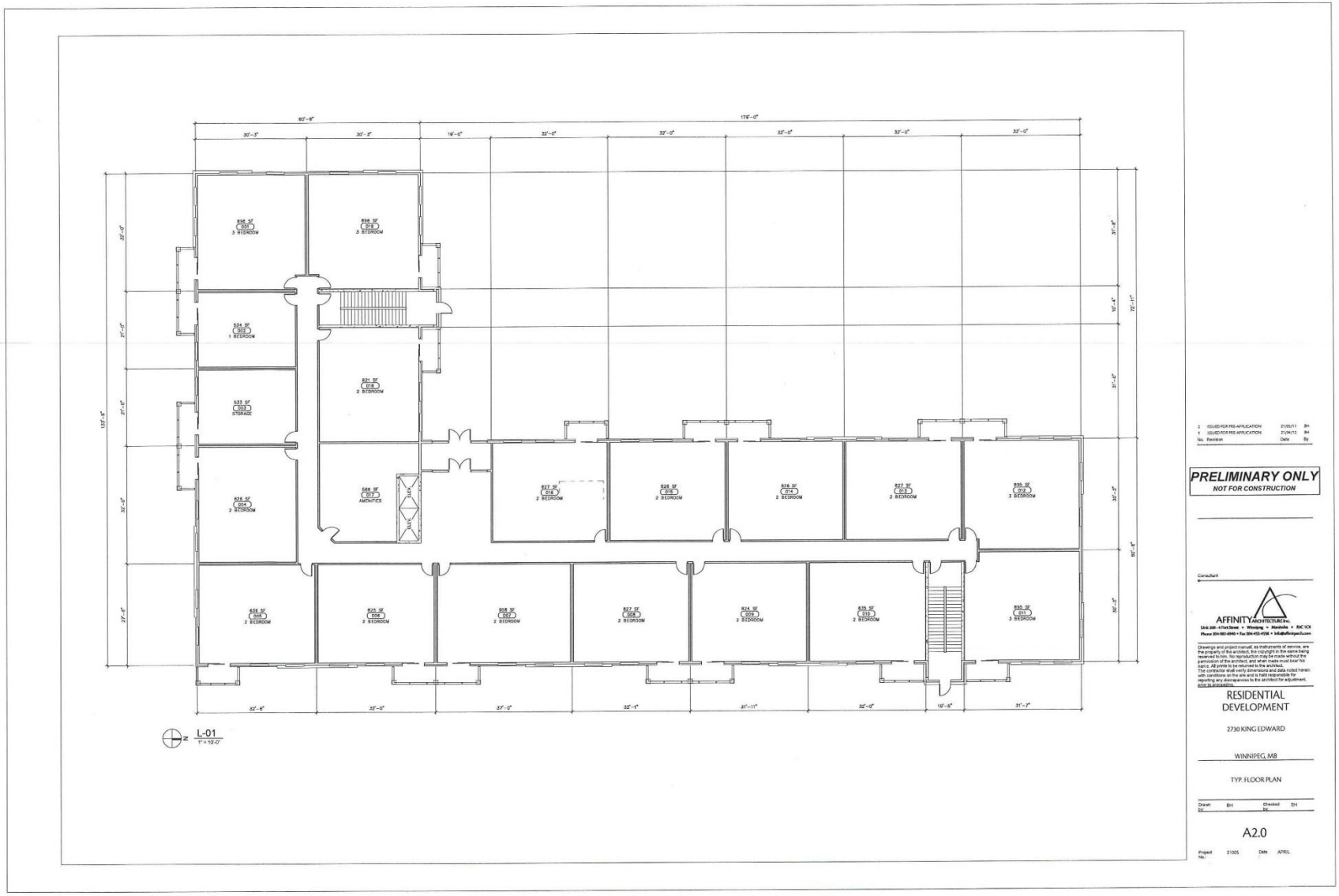
Administrative Co-ordinating Group
File No. DASZ 27/2021
September 17, 2021

"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

"*Original Signed by C. Desjardine"*
C. Desjardine, M. Sc., P. Eng.
Transportation Division
Public Works Department

Exhibit “6” referred to in File DASZ 27/2021





EXTERIOR BUILDING ELEVATION - WEST

1" = 20'-0"



EXTERIOR BUILDING ELEVATION - EAST

1" = 20'-0"

AFFINITY ARCHITECTURE Inc.
Unit 200 - 4 Fort Street • Winnipeg • Manitoba • R3C 1C4
Phone 204-982-6940 • Fax 204-453-4556 • info@affinityarch.com

Project:
2730 KING EDWARD

Drawing Title:
EXTERIOR ELEVATIONS

Designed: EH	Reference Drawing No.:
Drawn: BH	Sheet No.: A4.1
Date: 05/11/21	
Comm. No.: 21005	Scale: 1" = 20'-0"



EXTERIOR BUILDING ELEVATION - NORTH

1" = 20'-0"



EXTERIOR BUILDING ELEVATION - SOUTH

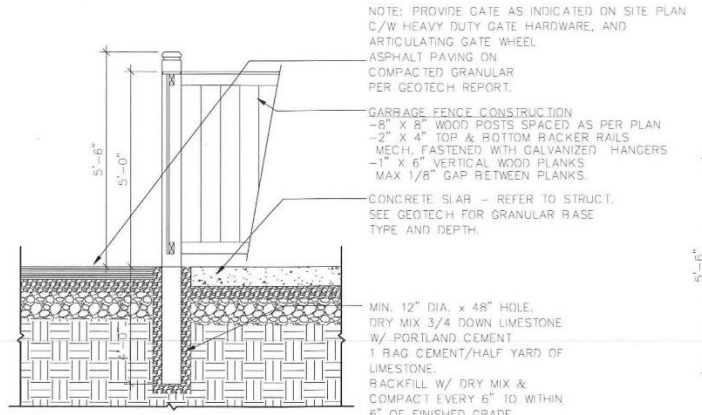
1" = 20'-0"

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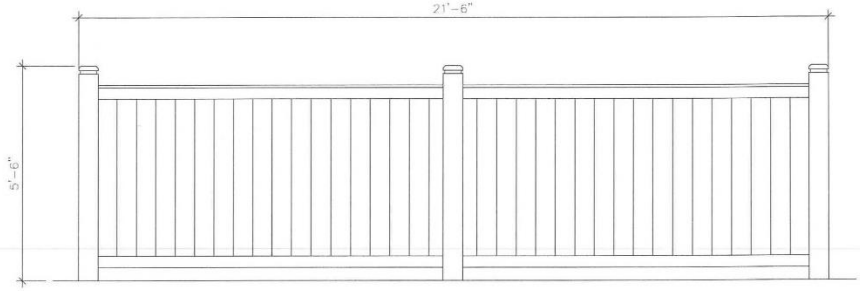
Project:
2730 KING EDWARD

Drawing Title:
EXTERIOR ELEVATIONS

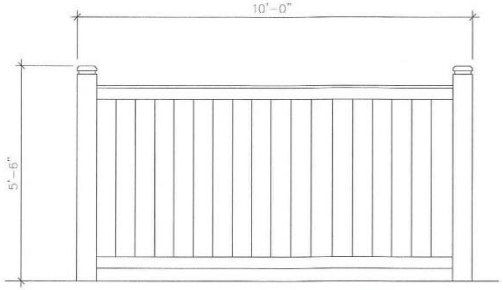
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Drawn: BH	Sheet No.: A4.2
Date: 05/11/21	
Comm. No.: 21005	Scale: 1" = 20'-0"



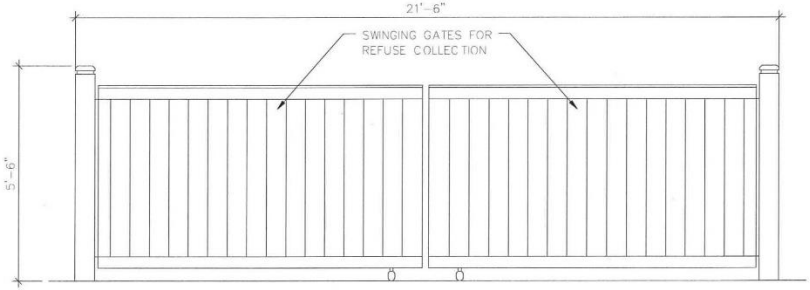
1 ENCLOSURE FENCE DETAIL
SCALE: 3/8" = 1'-0"



2 ENCLOSURE REAR ELEVATION
SCALE: 3/8" = 1'-0"



3 ENCLOSURE SIDE ELEVATION
SCALE: 3/8" = 1'-0"



4 ENCLOSURE FRONT ELEVATION
SCALE: 3/8" = 1'-0"

AFFINITY ARCHITECTURE Inc.
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Phone 204-982-6940 • Fax 204-453-4555 • info@affinityarch.com

Project: 2730 KING EDWARD
Drawing Title: FENCE DETAILS

Designed: EH	Reference Drawing No.:
Drawn: BH	Sheet No.: A4.3
Date: 05/11/21	
Comm. No.: 21005	Scale: 3/8" = 1'-0"