Minute No. 499
Report – Executive Policy Committee – June 16, 2021

Item No. 12 Subdivision and Rezoning – 2762 King Edward Street (Old Kildonan Ward) File DASZ 5/2021

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the subdivision under Development Application No. DASZ 5/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated June 1, 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 Development 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 May 17**,** 2019 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 "EI PDO-1 AIRPORT VICINITY" Educational and Institutional District and a "PR1 PDO-1 AIRPORT VICINITY" Parks and Recreation 1 District as shown on the map dated June 1, 2021 and attached as Schedule "A" to this report, subject to the following conditions:

    A. That, the developer 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 those portions of the Owner's Land zoned "EI PDO-1 AIRPORT VICINITY" Educational and Institutional District the following shall apply:

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

Report – Executive Policy Committee – June 16, 2021

COUNCIL DECISION (continued):

1. buildings
2. accessory parking areas
3. private approaches
4. garbage enclosures
5. lighting
6. fencing
7. landscaping; and
8. 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. That the following principal uses shall not be permitted:

1. Jail/detention Centre.
2. Sports or entertainment arena/stadium, indoor.
3. Bus depot.
4. Recycling Collection Centre.

c. That, for any proposed building that is more than 35 feet in height, the following shall apply:

1. That, no building shall be less than thirty-five (35) feet from any adjacent "R1" or "R2" zoning district boundary, and this setback shall increase by one (1) foot for each additional one (1) foot of height proposed for that portion of the building taller than 35 feet.

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

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

Report – Executive Policy Committee – June 16, 2021

COUNCIL DECISION (continued):

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").

4. 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 Development 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.

5. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if 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.

6. 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.

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

8. 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.

9. 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 7 and 8 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

Report – Executive Policy Committee – June 16, 2021

COUNCIL DECISION (continued):

10. 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.

11. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – June 16, 2021

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2021, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

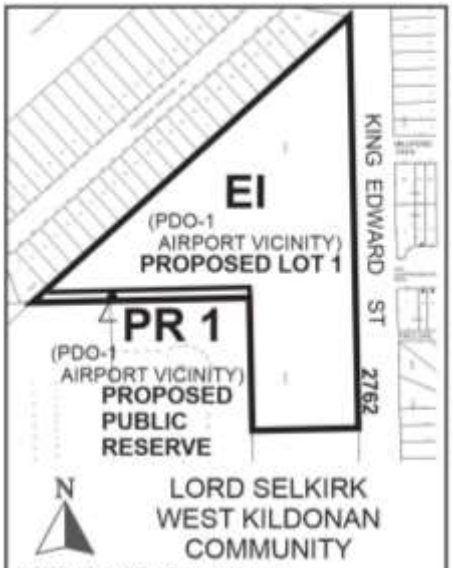
COMMUNITY COMMITTEE RECOMMENDATION:

On June 1, 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.

PUBLIC HEARING SUMMARY

File:	DASZ 5/2021
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Santos, Chairperson Councillor Eadie Councillor Sharma
Public Hearing:	June 1, 2021 Council Building, 510 Main Street
Applicant:	Terry Kozak

Subject:



APPLICANT : Terry Kozak
FILE : DASZ 5/2021
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "A PDO-1 AIRPORT VICINITY" AGRICULTURAL DISTRICT to an "EI PDO-1 AIRPORT VICINITY" EDUCATIONAL AND INSTITUTIONAL DISTRICT and a "PR1 PDO-1 AIRPORT VICINITY" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to facilitate the establishment of Public Reserve, to accommodate a multi-use pathway, and to allow the expansion of a Place of Worship use. **For information, phone R. Hayer, Planner at 204-986-7168.**

Premises Affected: 2762 King Edward Street

For submission to: Executive Policy Committee

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

Report date: June 1, 2021

Community Committee Recommendation:

On June 1, 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 5/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated June 1, 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 Development 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 May 17**,** 2019 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 "EI PDO-1 AIRPORT VICINITY" Educational and Institutional District and a "PR1 PDO-1 AIRPORT VICINITY" Parks and Recreation 1 District as shown on the map dated June 1, 2021 and attached as Schedule "A" to this report, subject to the following conditions:

    A. That, the developer 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 those portions of the Owner's Land zoned "EI PDO-1 AIRPORT VICINITY" Educational and Institutional District the following shall apply:

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

1. buildings;
2. accessory parking areas;
3. private approaches;
4. garbage enclosures;
5. lighting;
6. fencing;
7. landscaping; and
8. 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. That the following principal uses shall not be permitted:

1. Jail/detention Centre.
2. Sports or entertainment arena/stadium, indoor.
3. Bus depot.
4. Recycling Collection Centre.

c. That, for any proposed building that is more than 35 feet in height, the following shall apply:

1. That, no building shall be less than thirty-five (35) feet from any adjacent "R1" or "R2" zoning district boundary, and this setback shall increase by one (1) foot for each additional one (1) foot of height proposed for that portion of the building taller than 35 feet.

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

A. a Development 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").

4. 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 Development 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.

5. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if 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.

6. 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.

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

8. 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.

9. 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 7 and 8 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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11. 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. The community is growing and the need for this expansion has been on the table for the last number of years and I think the board has been able to get their plans together in consultation with the community and have come forward and worked diligently with the planner, and certainly with my office and it is really important to expand the building communities growing and they are also welcoming to all families across Winnipeg and also that live in this neighbourhood.

2. There are some exciting things that will be done inside the building but outside on the greenspace and I look forward to that and working further with the group.

Exhibits Filed:

1. Application dated March 12, 2021
2. Notification of Public Hearing dated April 26, 2021
3. Manitoba Status of Title 2134526/1
4. Letter of authorization dated May 22, 2021 from Ravinder Paul Sandhu, Gurpal Bhullar, Nirmaz Singh Dhaziwal, and Pritam Singh Brar, Gurdwara Kalgidhar Darbar Inc., to Terry Kozak
5. Surveyor's Building Location Certificate and sketch dated October 18, 2019
6. Caveat 3238541/1
7. Site Analysis
8. Plans (8 pages)
9. Report from the Urban Planning Division dated May 18, 2021
10. Inspection Report
11. Petition in support of to the application purporting to contain the signatures of 135 area residents, submitted by the Applicant
12. Presentation in support of the application submitted by the Applicant
13. Recording of Representations

REPRESENTATIONS:

In Support:

Terry Kozak
Gurpal Singh Bhullar
Hardam Singh Dhillon

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 "9" referred to in File DASZ 5/2021

ADMINISTRATIVE REPORT

Title: DASZ 5/2021 – 2762 King Edward Street

Issue: For consideration at the Public Hearing for a proposed plan of subdivision and to rezone the subject site to an "EI PDO-1 AIRPORT VICINITY" Educational and Institutional District and a "PR1 PDO-1 AIRPORT VICINITY" Parks and Recreation 1 (Neighbourhood) District, in order to expand a Place of Worship and facilitate the establishment of a Public Reserve.

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 5/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated June 1, 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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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.

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(iii) Bus depot.

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11. 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 subdivide and rezone the subject property in order to expand a Place of Worship and facilitate the establishment of a Public Reserve.
- 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:	May, 18, 2021
File No.	DASZ 5/2021

List of Schedules and Attachments

- Appendix "A," Planning Discussion.
- Schedule "A," of File 5/2021**,** Lord Selkirk - West Kildonan Community Committee, dated June 1, 2021**.**
- Schedule "B," Report of the Administrative Co-ordinating group, RE: Proposed Subdivision and Rezoning of Land Located at 2762 King Edward Street, dated May 17, 2021

APPENDIX 'A'

DATE: May 18, 2021
FILE: **DASZ 5/2021**
RELATED FILES:
COMMUNITY: Lord Selkirk-West Kildonan Community
NEIGHBOURHOOD #: 3.327 (North Inkster Industrial)

SUBJECT: For consideration at the Public Hearing for a proposed plan of subdivision and to rezone the subject site to an "EI PDO-1 AIRPORT VICINITY" Educational and Institutional District and a "PR1 PDO-1 AIRPORT VICINITY" Parks and Recreation 1 (Neighbourhood) District in order to expand a Place of Worship and facilitate the establishment of a Public Reserve.

LOCATION: 2762 King Edward Street
LEGAL DESCRIPTION: LOT 1 PLAN 44610 NE 26 11 2E



APPLICANT: Terry Kozak
3 East Springs Cove
Winnipeg, MB R2G 4C3

OWNERS: Gurdwara Kalgidhar Darbar INC.
2762 King Edward Street
Winnipeg, MB R2R 2Y8

RECOMMENDATION: Approval

DISCUSSION

SITE DESCRIPTION

- The subject site is located on the west side of King Edward Street in the North Inkster Industrial neighbourhood and the Old Kildonan Ward.
- Currently on the site is an existing Place of Worship and accessory parking area that takes vehicular access from an existing private approach on King Edward Street.
- The subject site is approximately 333,496 square feet in lot area (7.65 acres) and has +/- 977 feet of frontage along King Edward Street.
- 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) under the Winnipeg Zoning Bylaw.
- 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 “Institutional” policy area.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Single- Family dwellings zoned "R1-M PDO-1 AIRPORT VICINITY" Residential Single-Family (Medium) District.

South: Agricultural uses zoned "A PDO-1 AIRPORT VICINITY" Agricultural District.

East: King Edward Street; then a mix of two-family dwellings zoned "R2" Residential Two-Family District; multi-family dwellings (town home) zoned "RMF-S" Residential Multi-Family (Small) District; and single-family dwellings zoned "R1-S" Residential Single-Family (Small) District.

West: Single-family dwellings zoned "R1-M PDO-1 AIRPORT VICINITY" Residential Single-Family (Medium) District; and undeveloped land approved for rezoning under DASZ 30/2019 to an "R2 PDO-1 AIRPORT VICINITY" Residential Two-Family District.

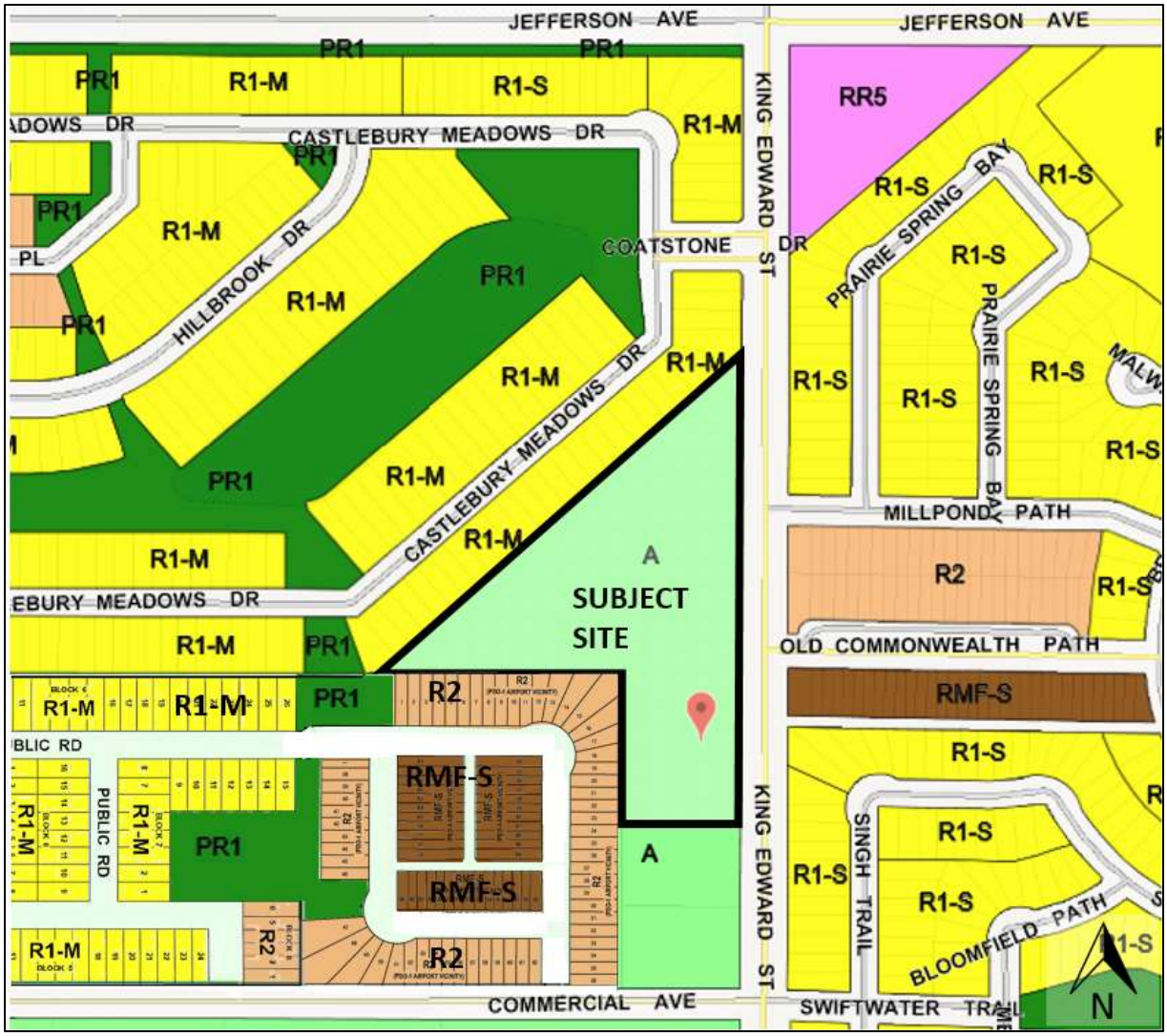


Figure 2: Zoning of the Site and Surrounding Area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The proposed development involves expansion of the existing Place of Worship (a Gurudwara, which is a Sikh place of worship) by the construction of a second 21,172 sq. ft. temple that would be in addition to the existing 7,832 sq. ft. temple currently on the subject site.
- Plans submitted with the subject application show the following:
    - The proposed new temple would be three-storeys in height (+/- 40 ft).
    - The main level would contain a hall for congregational worship and prayer.
    - The second level would contain an accessory caretaker's residence and additional prayer rooms for the attending congregation.
    - The lower level would contain washrooms, a kitchen for congregation, an open hall/dining area, and storage areas.
    - Accessory parking areas containing a total of 259 parking spaces are proposed, with vehicular access from King Edward Street.
- To proceed, the applicant is proposing to rezone the site to an "EI PDO-1 AIRPORT VICINITY" Educational and Institutional District and a "PR1 PDO-1 AIRPORT VICINITY" Parks and Recreation 1 (Neighbourhood) District. No variances are required to accommodate the proposed development.

COLLABORATIVE PLANNING

- In 2019, the applicant submitted a Pre-Application in order to obtain feedback from the Winnipeg Public Service.
- The Urban Planning and Design Division advised the applicant that a rezoning to "EI PDO-1 AIRPORT VICINITY" Educational and Institutional District would be necessary to proceed with the proposed development.
- The Parks Planner advised that land would be required from the subject property in order to accommodate an east-west multi-use pathway.
- The Public Works Department advised that property would be required to accommodate a right-of-way opening along King Edward Street.
- The applicant has adjusted the proposed plan in order to align the development proposal with the comments provided by the Public Service.
- The applicant was also advised to consult with the neighbourhood residents and has submitted a list of signatures of support.

ANALYSIS AND ISSUES

OURWINNIPEG AND THE COMPLETE COMMUNITIES DIRECTION STRATEGY:

- Under *OurWinnipeg* and *Complete Communities* **t**he 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 subject site is designated as 'Institutional' policy area.
- Applicable land use policies include the following:
  - *Located within Precinct T is the Gurdwara Kalgidhar Darbar, which serves as a unique community node. Precinct Plan "T" aims to recognize its importance to the community and ensure future development within Precinct "T" provides linkages to the Gurdwara Kalgidhar Darbar.*
  - *Institutional areas, which may include, but are not limited to, the expansion or establishment of religious institutions, community facilities, public facilities and educational facilities.*
  - *The Institutional area of Precinct "T" shall function as a community node and be linked to the adjoining areas by the active transportation network pathway system, as outlined in Map 4 - Precinct "T" Land Use Concept Plan.*

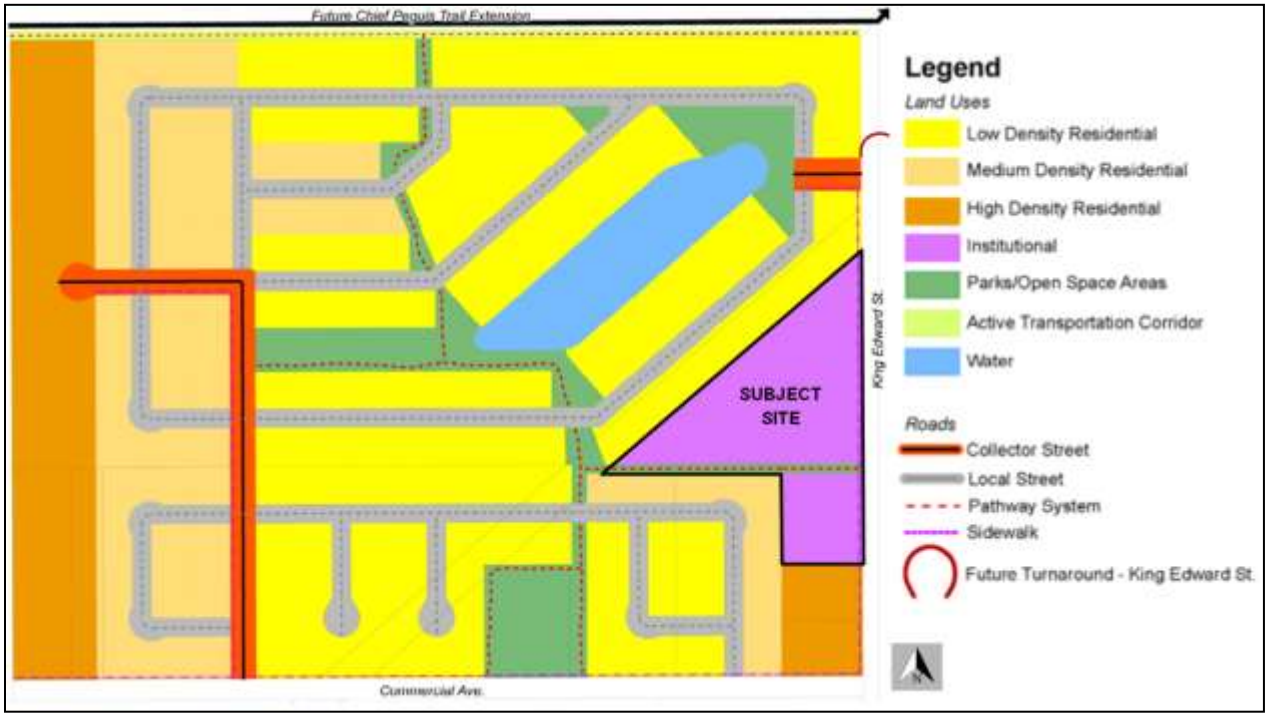


Figure 3: Precinct 'T' Land Use and Transportation Policy Map.

Parks and Open Space Policies:

- The Precinct 'T' Land Use and Transportation Policy Map shows an east-west Parks/Open Space pathway bisecting the subject lands. Relevant policies under the Parks/Open Space section of the *Precinct 'T' Area Structure Plan* include:
    - *Parks/open space areas and pathways shall be provided throughout the neighbourhood to address the recreational needs of neighbouring residents and surrounding community.*
    - *A pathway shall be provided to link the surrounding employment lands with the residential areas of Precinct "T".*
    - *The parks/open spaces areas of Precinct Plan "T" may provide residents and visitors of this neighbourhood and of adjacent and nearby neighbourhoods with recreation opportunities, such as sports fields; passive recreation and leisure opportunities such as places to play, sit, enjoy nature, garden, learn, walk, cycle or ski; and land in which pathways and active transportation corridors may be located.*
    - *Linear pathways and those parks having a primary purpose of accommodating a path that is part of an active transportation network should be designed to minimize the number of street crossings and to connect key elements within the precinct or adjacent neighbourhoods.*
    - *Pathway surfacing should be appropriate to the context and determined in consideration of City guidelines and standards at the development approval stage.*
    - *Principles of CPTED (Crime Prevention Through Environmental Design) and Universal Design shall apply.*
    - *The active transportation network shall provide pedestrian and cyclist linkages to parks, transit stops and other hubs of activity, such as High-Density Residential Areas, and Institutional Areas within Precinct "T".*
    - *The active transportation network shall provide pedestrian and cyclist connectivity to adjacent residential and employment areas and to existing and planned active transportation infrastructure.*
    - *The active transportation network system should connect with the collector streets located within Precinct "T" and the expressways and arterials that abut the defined precinct area.*

WINNIPEG ZONING BY-LAW (200/2006):

- The applicant is proposing to rezone the site to an "EI PDO-1 AIRPORT VICINITY" Educational and Institutional District.
- The Educational and Institutional (EI) district is intended to provide areas for the development of large and significant, multi-building, public, quasi-public, or private facilities of a non-commercial character that may have significant impacts on the surrounding areas. Typical uses may include places of worship, schools, colleges and universities, libraries, cultural facilities, hospitals, and large research facilities as well as supporting residential uses. Attractive, campus-style development is encouraged within this district.

- Prior to the approval of any development application and/or construction of a building on land within an "EI" district, the Winnipeg Zoning Bylaw requires the Owner to prepare and deposit a Master Plan to the City.
- The applicant has deposited a master plan with the City of Winnipeg's Zoning & Permits Branch.
- This plan includes information regarding the location and use of proposed buildings, the approximate size and location of entrances to existing and proposed buildings; location of access points to parking areas; location of pedestrian walks and open areas; and the types of surfacing to be used at the various locations.
- Table 1 shows applicable Dimensional Standards under the Winnipeg Zoning Bylaw.

Zoning District	Minimum/ Maximum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum Corner Side Yard (Ft.)	Maximum Height of Building. (Ft.)	Maximum Floor Area Ratio
Non-Residential Structures						
EI	25 / NA	25	0	25	100	3.0
Single-family residential structures must meet the requirements of the R1-M zoning district						
Two-family residential structures must meet the requirements of the R2 zoning district						
Multi-family residential structures in the C1 district must meet the requirements of the RMF-S zoning district; Multi-family residential structures in the C2, CMU or EI districts must meet the requirements of the RMF-M zoning district.						

Table 1: Dimensional Standards for the proposed "EI" Educational and Institutional District.

PROPOSED REZONING:

Alignment with Precinct 'T' Area Structure Plan:

- The applicable policies under the *Precinct 'T' Area Structure Plan* accommodate the proposed rezoning to an "EI PDO-1 AIRPORT VICINITY" Educational and Institutional District. Therefore, the proposed rezoning would align with the Precinct 'T' Land Use and Transportation Policy Map.
- The applicant has adjusted the proposed plan in order to accommodate the east-west multi-use pathway as shown on under the Precinct 'T' Land Use and Transportation Policy Map. A portion of the pathway would be dedicated as Public Reserve and a portion would be accommodated through an easement agreement.
- Accommodating a portion of the east-west multi-use pathway through an easement is supportable and was recommended by the Public Service because requiring land dedication for the full pathway would have resulted in the pathway bisecting and severing the subject property through the middle.
- After review, the proposed rezoning would be consistent with the *Complete Communities Direction Strategy* and the *Precinct "T" Area Structure Plan*.

Compatibility with the Surrounding Area:

- The proposed development would support the establishment of a community node that would be linked to the adjoining areas by the active transportation network pathway system.
- The proposed development and multi-use pathway would provide pedestrian and cyclist connectivity to adjacent residential and employment areas.
- Given the above, and considering the proposed rezoning complies with the *Complete Communities Direction Strategy* and the *Precinct 'T" Area Structure Plan,* the Urban Planning and Design Division would consider the proposed development to be compatible with the surrounding area.

Recommended Zoning Agreement:

- To ensure future development on the lands does not become incompatible with the surrounding area, a Zoning Agreement is recommended as a condition of approval.
- 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.
- A land use restriction prohibiting certain uses that would be incompatible with the surrounding residential neighbourhood are also recommended as a condition of approval.
- A requirement for greater setbacks to accommodate taller buildings is included to ensure that any future development on the subject property does not create an adverse effect on the adjacent low-density neighbourhood in terms of building massing.

RECOMMENDATION

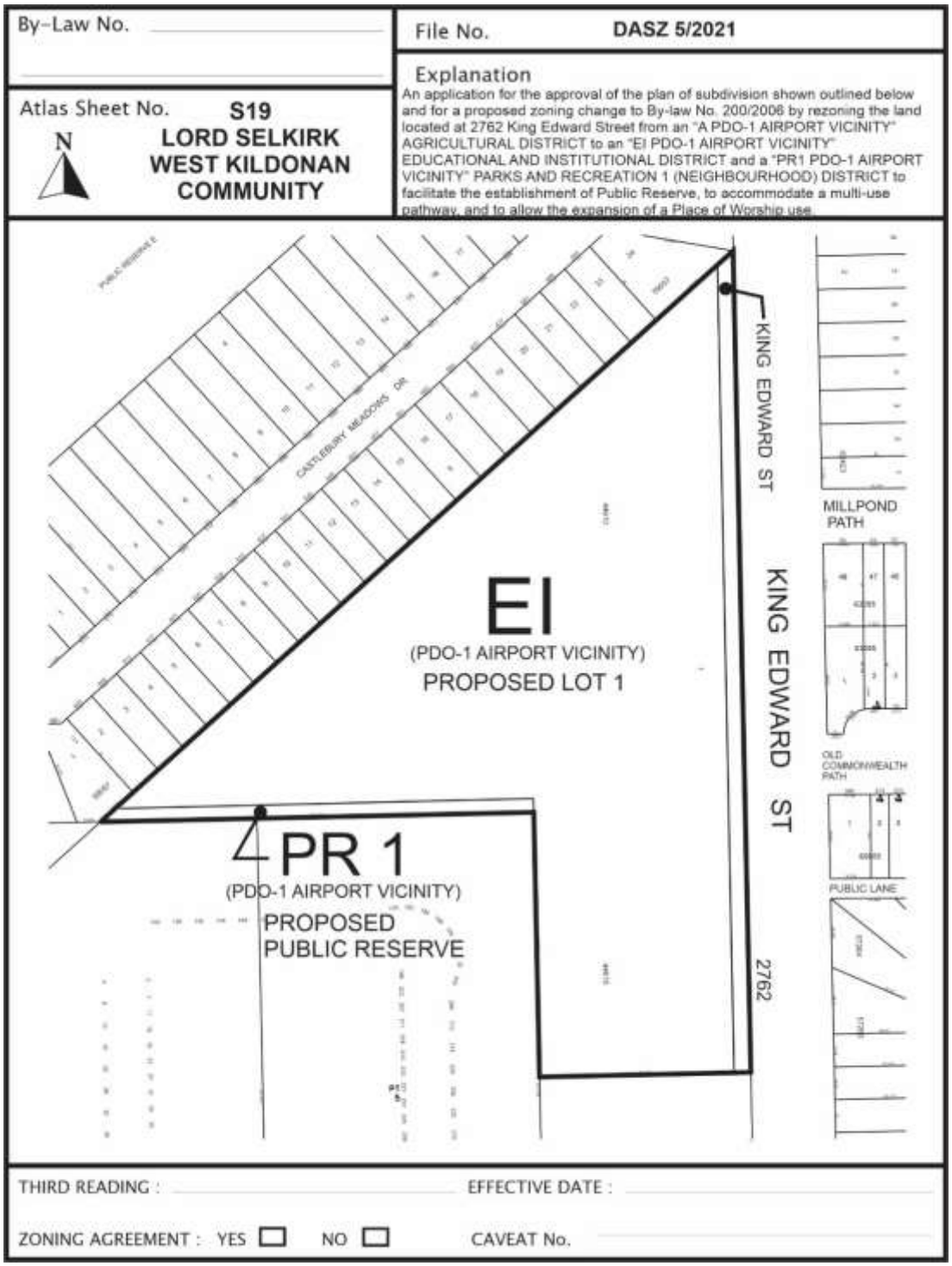
The Urban Planning Division recommends **approval** for the following reasons:

- 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 5/2021

Schedule "A" for File DASZ 5/2021, Lord Selkirk West Kildonan Community Committee, dated June 1, 2021



SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 2762 KING EDWARD STREET

It is recommended that approval of DASZ 5/2021, if granted, be subject to the applicant entering into a Development Agreement containing the following conditions:

Section I – General Comments

1) The Public Works Department has advised that private approaches require separate application to their Department. Please note that the Public Works Department could not confirm whether the new proposed private approach is conforming or non-conforming under the Private Access By-Law. Please contact Public Works at PWDPrivateAccess@winnipeg.ca to discuss further.

2) The Water and Waste Department has advised that there is adequate servicing for the proposed development based on the provided development plans. Additional review will be required by their Department should the plan of development change during the design process.

Section II – Plan Considerations

1) The Developer shall, at no expense to the City, legally open property required for a 4.57m widening to the west side of King Edward Street, abutting the Planned Area, to the satisfaction of the Director of Public Works.

2) The Developer shall grant to the City a 6.0m wide easement within the Planned Area to accommodate an asphalt multi-use pathway, as determined by and to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

Section III - Servicing Conditions

1) King Edward Street

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 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.

2) Traffic Control

a) 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.

3) Multi-Use Pathway

a) The Developer shall, at no expense to the City, construct and install an asphalt multi-use pathway, and all related works, in the Public Reserve land and adjacent easement area(s), as determined by and to the satisfaction of the Director of Public Works.

b) The specific location of the pathway and end point alignments shall be as determined by and to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. The pathway is to be constructed for the full extent of the Public Reserve and shall connect seamlessly to the pathway within the easement area(s). The western limit of the pathway within the Public Reserve shall connect seamlessly to the pathway in the Public Reserve southwest of the property.

c) The Developer shall pay to the City, in cash, on demand, their share of the cost of any pathway section(s) deferred to be constructed concurrently with paths on adjacent Public Reserve(s) and/or within the King Edward Street right-of-way, as determined by and to the satisfaction of the Director of Public Works.

4) 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.

5) 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.

6) 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.

7) 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.

8) Public Reserve

a) The Developer shall dedicate as Public Reserve at least 8% of the land contained within the overall development area and shall, at no expense to the City, undertake landscape improvements and pay its share of the cost of services in streets abutting the dedicated land all in accordance with plans and specifications approved by the Director of Public Works and the Director of Planning, Property and Development.

b) If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Planning, Property, and Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash, or, by the provision of an equivalent value of additional site amenities in the Public Reserve(s), as approved by the Directors of Public Works and Planning Property and Development.

c) Landscape improvements of the Public Reserve lands shall be done in accordance with plans and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Public Works. The scope of landscaping shall include grading, sodding, land drainage, irrigation and construction of multi-use pathways in accordance with City standards and determined through the design review process, to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

d) If the City deems that the provision of irrigation or water service to the Public Reserve is not required, the Developer shall provide compensation in the form of site amenities of predetermined equivalent value.

e) The Developer shall, at no expense to the City, supply and install property line delineation (ie: fencing or bollards), the specific style of which is at the discretion of the Developer, for the property line abutting the Public Reserve and pathway easement area(s), to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

i) Any fencing that abuts Public Reserve is to be located within private property and is to be established by caveat to be the responsibility (maintenance, repair and replacement) of the property owner thereafter.

f) The Developer shall assume responsibility for all Public Reserve sites until they are developed, and throughout the maintenance period until Final Acceptance Certificate for Parks has been issued by the Director of Public Works.

g) The Developer shall, at no expense to the City, maintain Public Reserve improvements, in accordance with specifications approved by the Director of Public Works, for a period of two years following the issuance of a Construction Completion Certificate. The City reserves the right to impose longer maintenance terms for amenities and features, such as naturalized areas, that the Director of Public Works deems to be beyond the standard scope of Public Reserve improvements.

h) Securities for Public Reserve improvements may be reduced following the issuance of a Construction Completion Certificate and site inspection and approval by the City, but shall not be released in full until and as-built drawings have been received and accepted as complete by the Director of Public Works and Final Acceptance for Parks has been issued.

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 5/2021
May 17, 2021

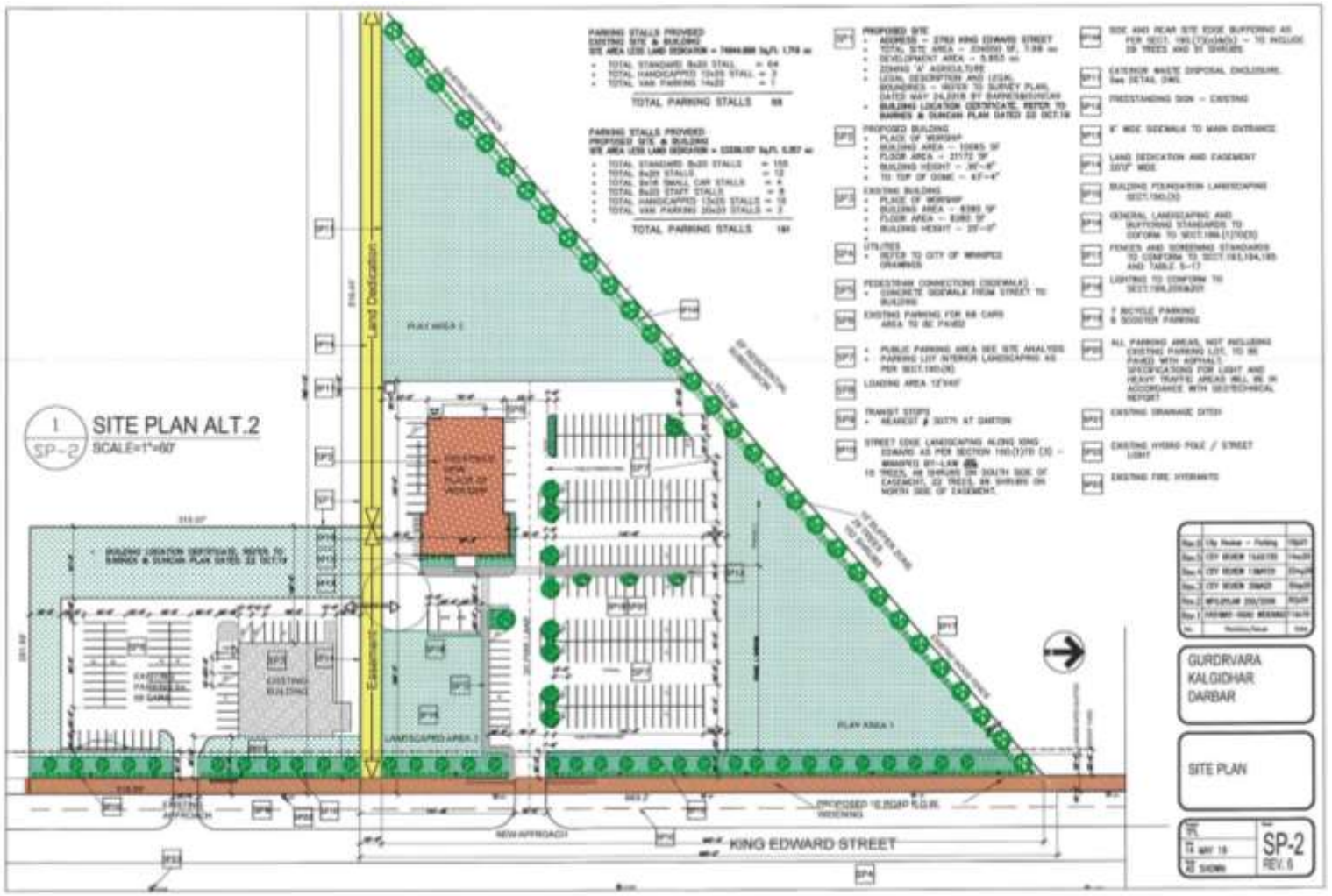
"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

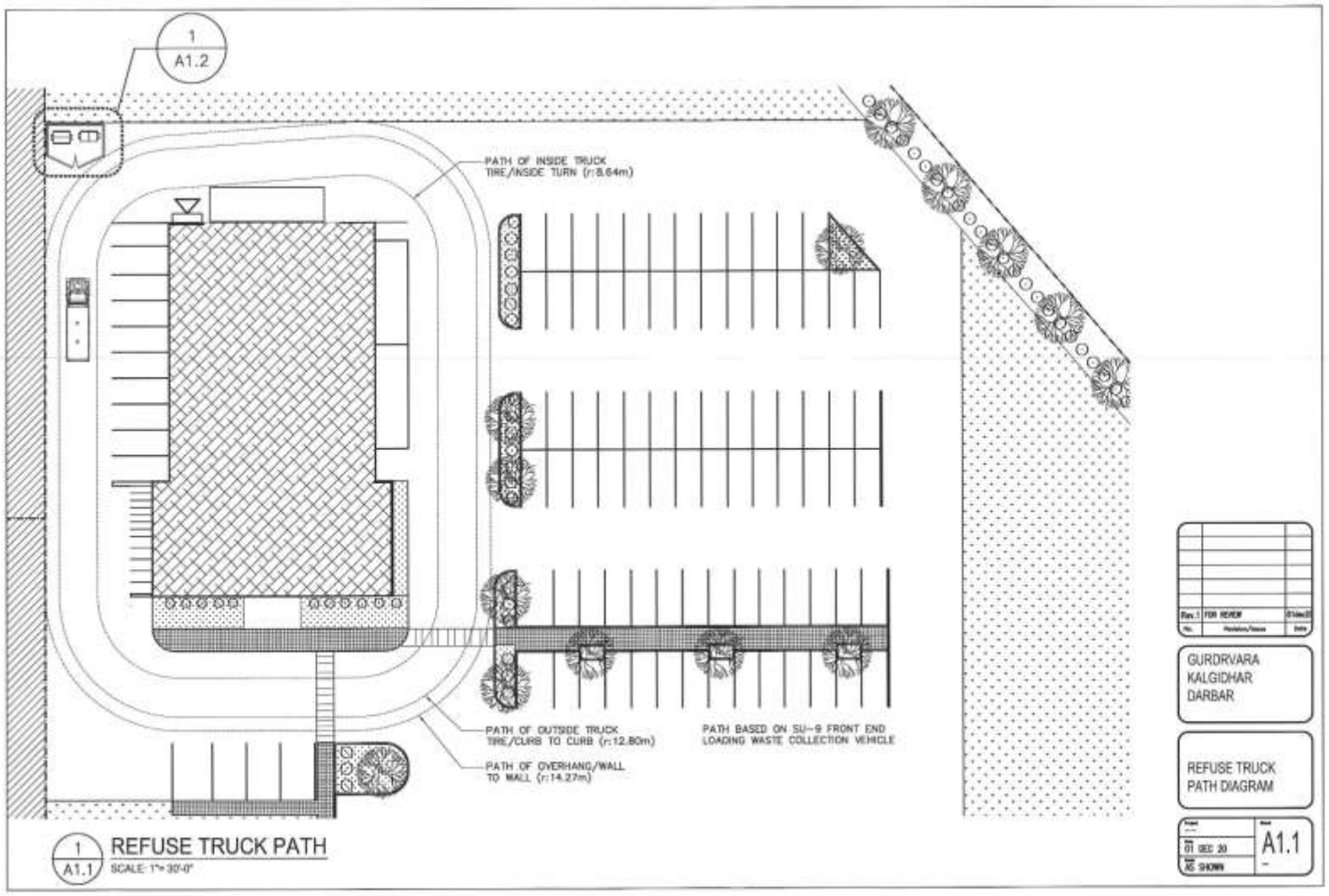
"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

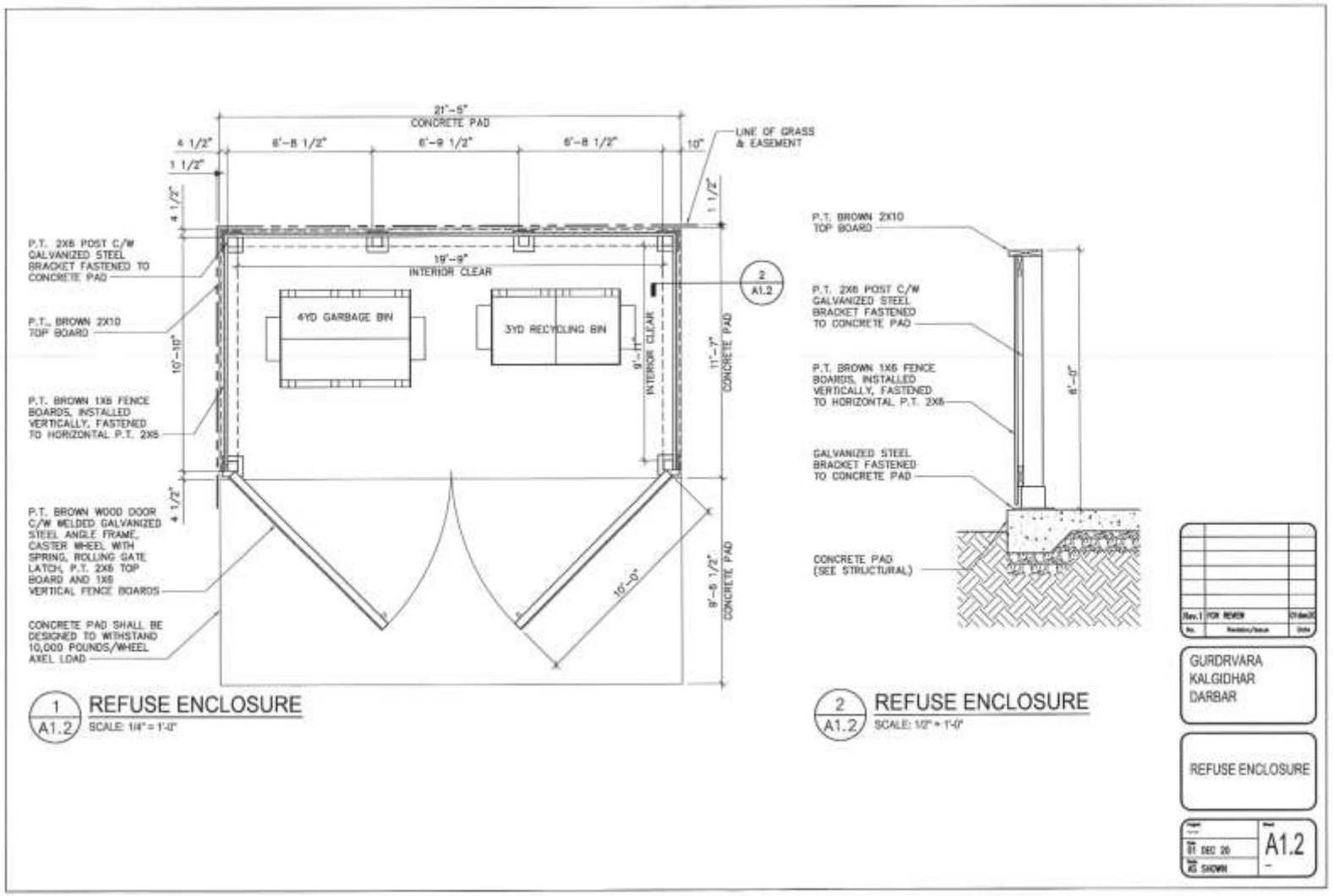
"*Original Signed by D. Beaton"*
D. Beaton, M.L. Arch.
Urban Planning and Design Division
Planning, Property and Development Department

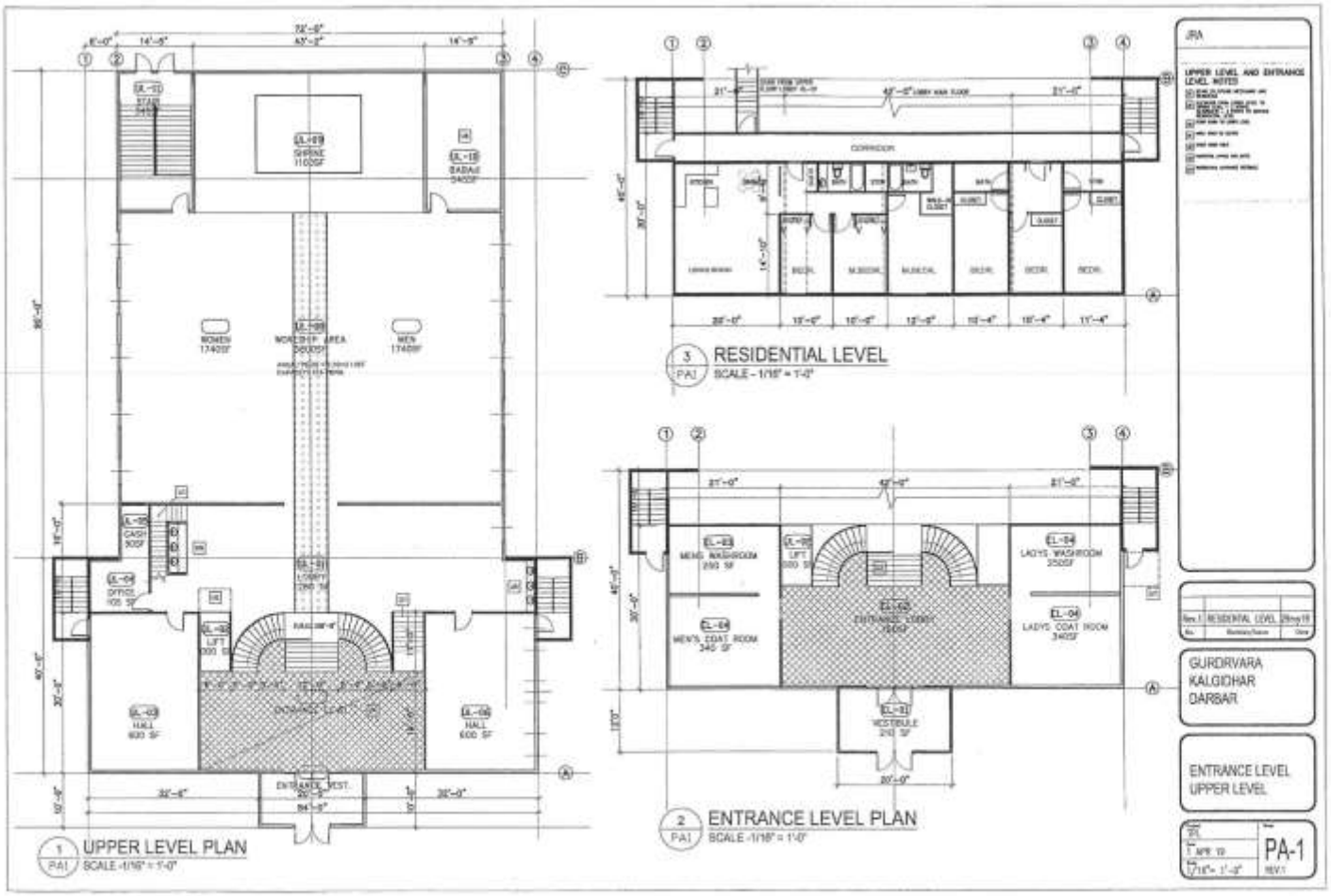
"*Original Signed by C. Desjardine"*
C. Desjardine, M. Sc., P. Eng.
Transportation Division
Public Works Department

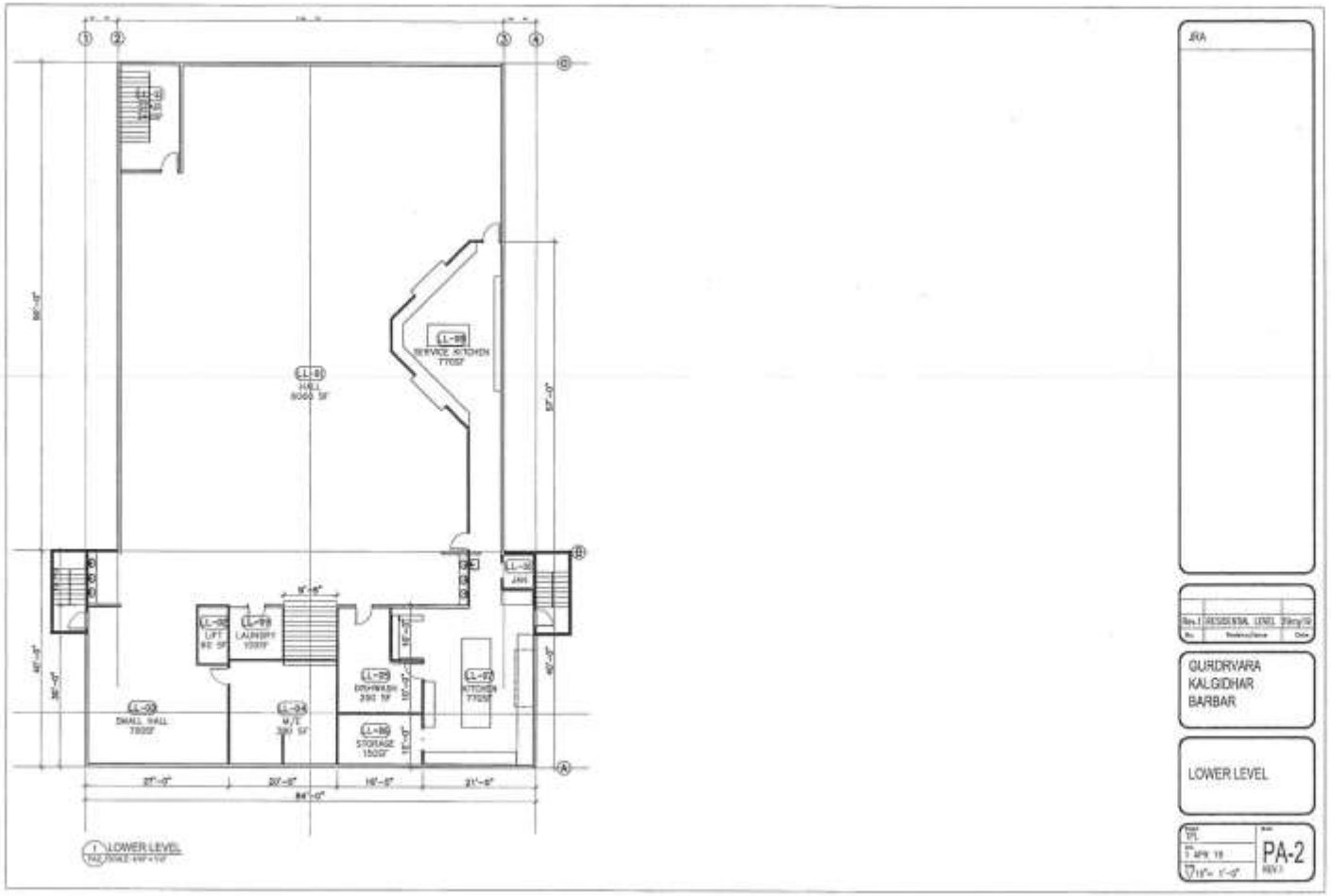
Exhibit "8" referred to in File DASZ 5/2021

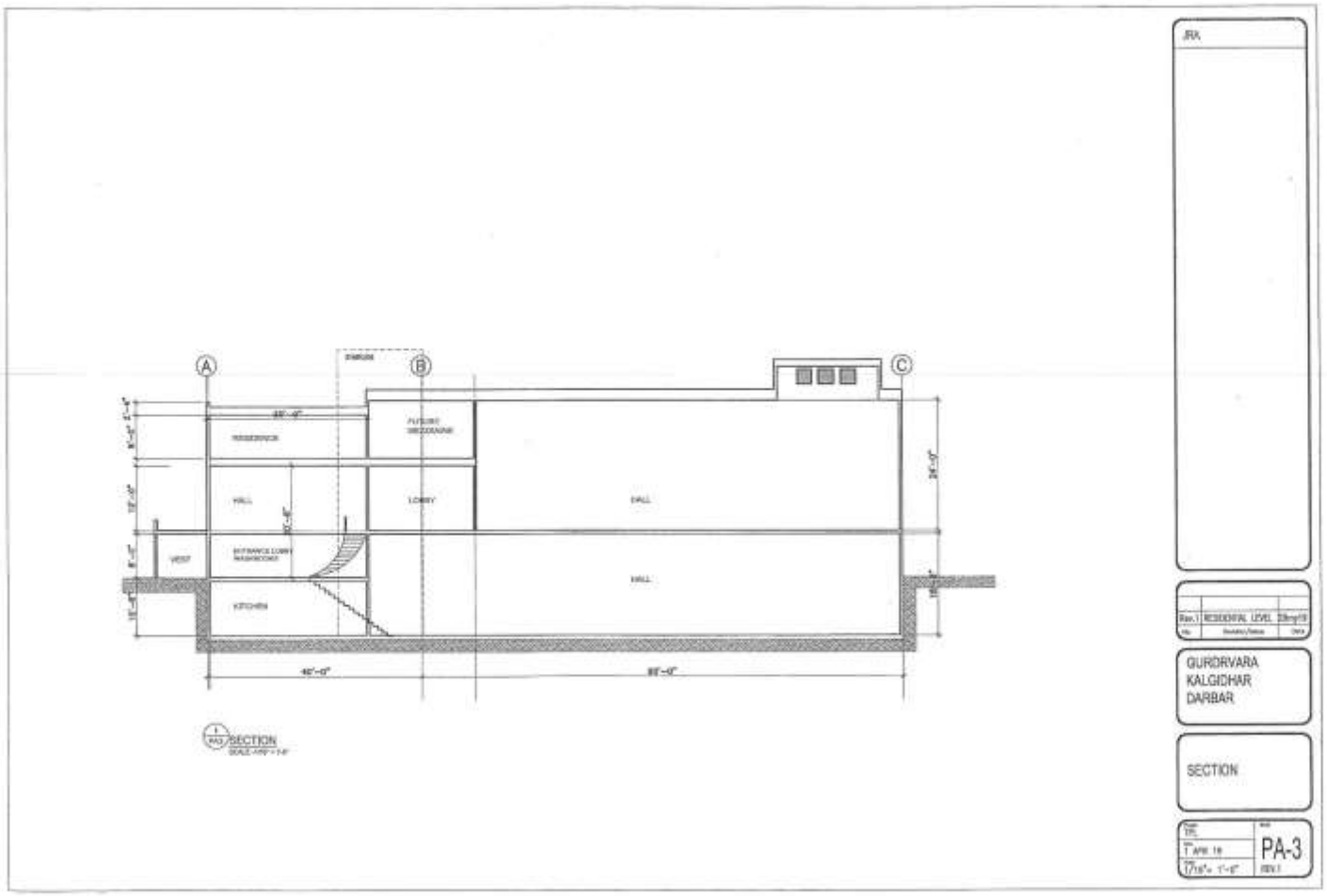


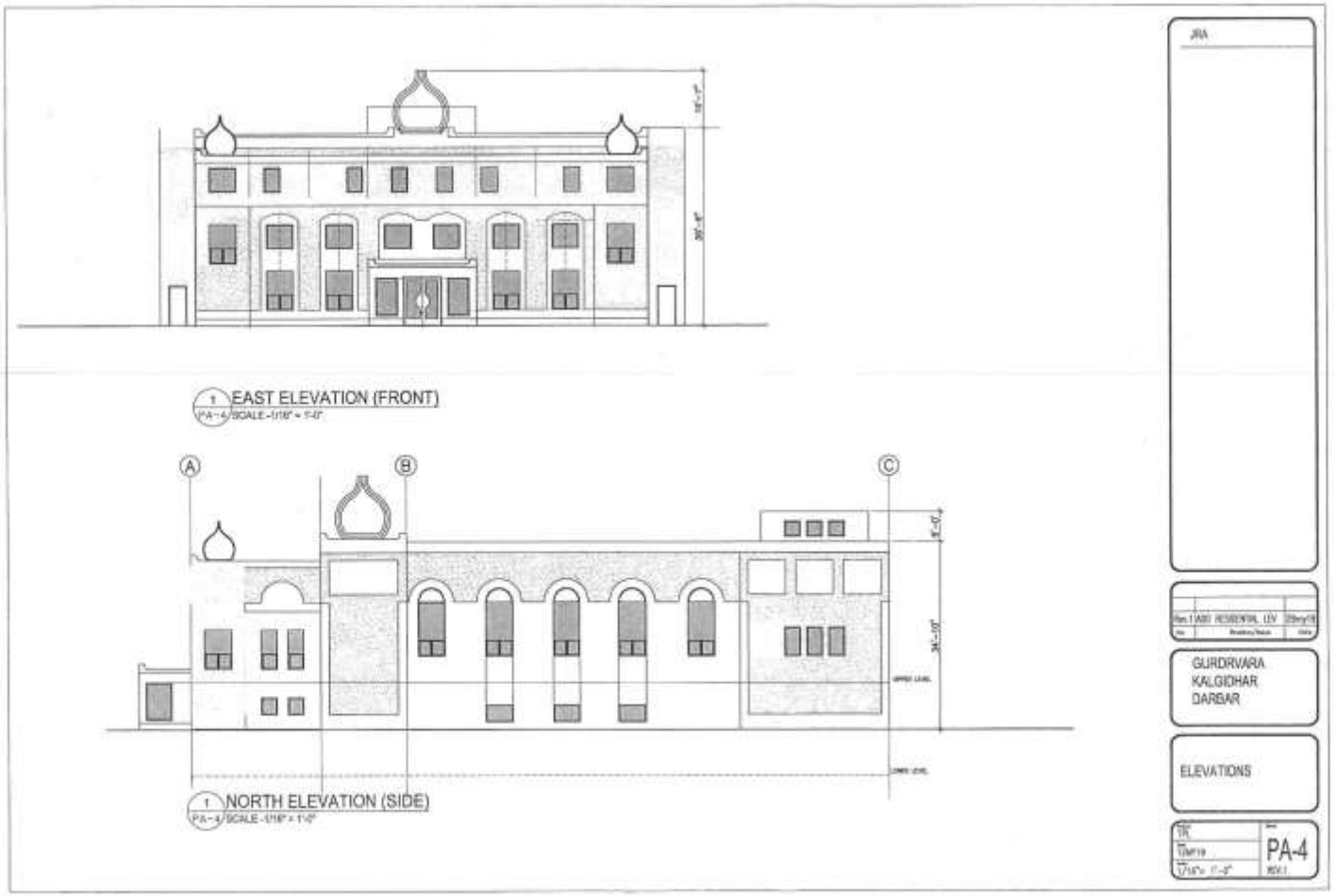

1
A1.2
PATH OF INSIDE TRUCK
TIRE/INSIDE TURN (r:8.64m)
PATH OF OUTSIDE TRUCK
TIRE/CURB TO CURB (r:12.80m)
PATH OF OVERHANG/WALL
TO WALL (r:14.27m)
PATH BASED ON SU-9 FRONT END
LOADING WASTE COLLECTION VEHICLE
GURDRVARA
KALGIDHAR
DARBAR
REFUSE TRUCK
PATH DIAGRAM
A1.1
1
A1.1
REFUSE TRUCK PATH
SCALE: 1"= 30'-0"

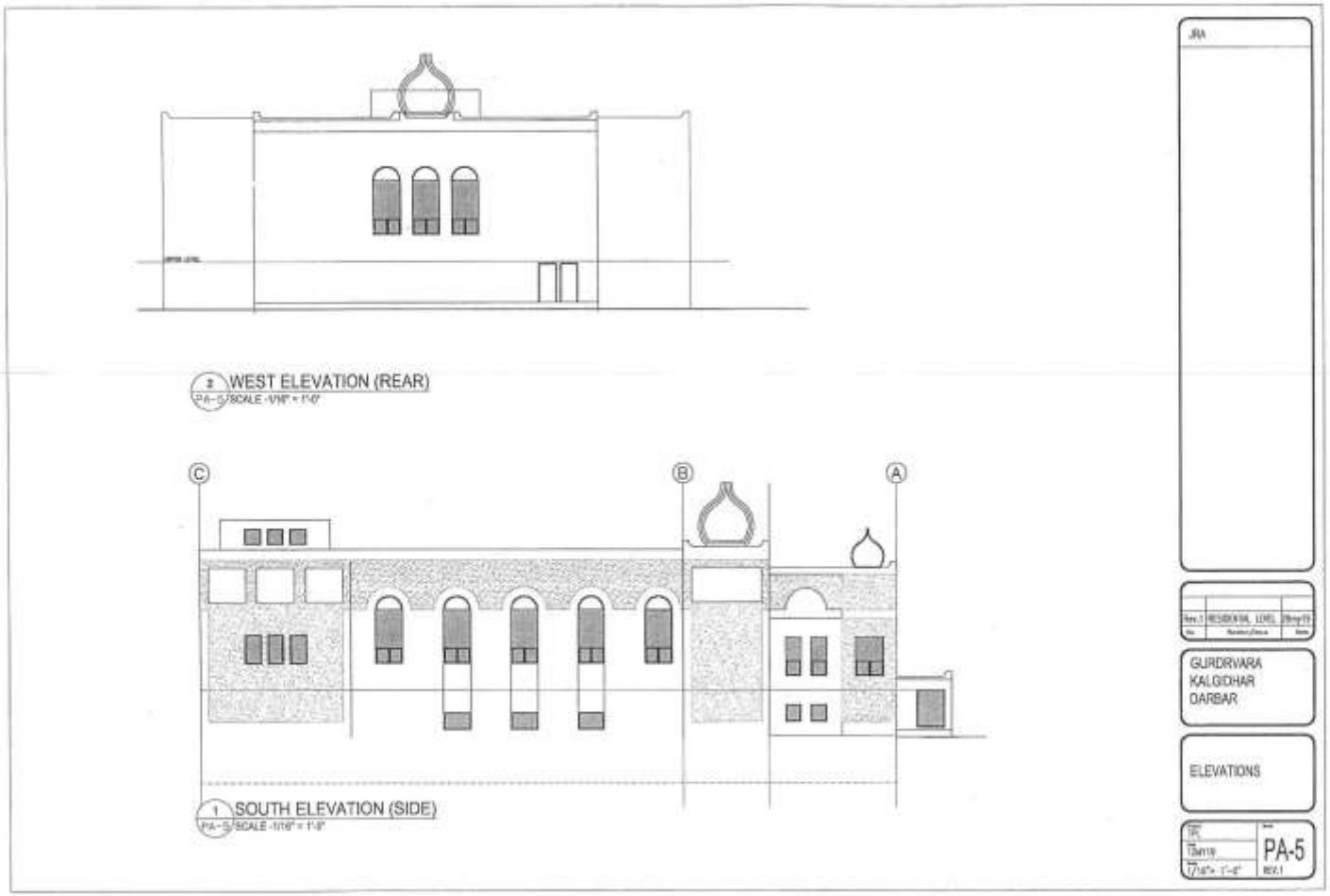

21'-5"
CONCRETE PAD
4 1/2"
6'-8 1/2"
6'-9 1/2"
6'-8 1/2"
10"
LINE OF GRASS & EASEMENT
1 1/2"
4 1/2"
P.T. 2X8 POST C/W GALVANIZED STEEL BRACKET FASTENED TO CONCRETE PAD
P.T., BROWN 2X10 TOP BOARD
P.T. BROWN 1X8 FENCE BOARDS, INSTALLED VERTICALLY, FASTENED TO HORIZONTAL P.T. 2X8
4 1/2"
P.T. BROWN WOOD DOOR C/W WELDED GALVANIZED STEEL ANGLE FRAME, CASTER WHEEL WITH SPRING, ROLLING GATE LATCH, P.T. 2X6 TOP BOARD AND 1X6 VERTICAL FENCE BOARDS
CONCRETE PAD SHALL BE DESIGNED TO WITHSTAND 10,000 POUNDS/WHEEL AXEL LOAD
10'-10"
19'-9"
INTERIOR CLEAR
6YD GARBAGE BIN
3YD RECYCLING BIN
9'-11"
INTERIOR CLEAR
11'-7"
CONCRETE PAD
8'-6 1/2"
CONCRETE PAD
16'-0"
2
A1.2
1
A1.2
REFUSE ENCLOSURE
SCALE: 1/4" = 1'-0"
P.T. BROWN 2X10 TOP BOARD
P.T. 2X8 POST C/W GALVANIZED STEEL BRACKET FASTENED TO CONCRETE PAD
P.T. BROWN 1X6 FENCE BOARDS, INSTALLED VERTICALLY, FASTENED TO HORIZONTAL P.T. 2X8
GALVANIZED STEEL BRACKET FASTENED TO CONCRETE PAD
CONCRETE PAD (SEE STRUCTURAL)
6'-0"
2
A1.2
REFUSE ENCLOSURE
SCALE: 1/2" = 1'-0"
Rev.1 FOR REVIEW
GURDRVARA KALGIDHAR DARBAR
REFUSE ENCLOSURE
01 DEC 20
AS SHOWN
A1.2


UPPER LEVEL AND ENTRANCE LEVEL NOTES
RESIDENTIAL LEVEL
SCALE - 1/16" = 1'-0"
ENTRANCE LEVEL PLAN
SCALE -1/16" = 1'-0"
UPPER LEVEL PLAN
SCALE -1/16" = 1'-0"
GURDIRVARA KALGIDHAR DARBAR
ENTRANCE LEVEL UPPER LEVEL
PA-1


JRA
GURDRVARA
KALGIDHAR
BARBAR
LOWER LEVEL
PA-2
LOWER LEVEL


JRA
GURDRVARA
KALGIDHAR
DARBAR
SECTION
PA-3
SECTION


EAST ELEVATION (FRONT)
NORTH ELEVATION (SIDE)
A
B
C
GURDRVARA
KALGIDHAR
DARBAR
ELEVATIONS
PA-4


WEST ELEVATION (REAR)
SCALE -1/16" = 1'-0"
C
B
A
SOUTH ELEVATION (SIDE)
SCALE -1/16" = 1'-0"
JRA
GURDIRVARA
KALGIDHAR
DARBAR
ELEVATIONS
PA-5