Agenda - Council – November 21, 2007

Report - Standing Policy Committee on Property and Development – October 30, 2007

Item No. 7 Subdivision and Rezoning - Sage Creek - Phase III
(St. Boniface Ward)
File DASZ 32/2007

STANDING COMMITTEE RECOMMENDATION:

On November 14, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 32/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 32/2007 dated August 14, 2007, for registration in the Winnipeg Land Titles Office subject to the following conditions:

    A. That the Developer be required to enter into an Addendum to Servicing Agreement AG 51/2005 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 1, 2007.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 32/2007 dated August 14, 2007, to an "RM-6" Multiple Family District and a "PR-1" Parks and Recreation District subject to the following:

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

        i. That prior to the development of the subject "RM-6" Multiple Family site, detailed plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permits, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

Report - Standing Policy Committee on Property and Development – October 30, 2007

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

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of Addendum to the Servicing Agreement.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development – October 30, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 14, 2007, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 30, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 9, 2007, the Riel Community Committee concurred in the recommendations of the Winnipeg Public Service, with the following amendments, namely:

- Amend Recommendation 1. by substituting the words “Schedule “A” with the words “Schedule “B”” and changing the date of the Schedule to “August 14, 2007”.

- Amend Recommendation 2. by substituting the words “Schedule “A” with the words “Schedule “B”” and changing the date of the Schedule to “August 14, 2007”,

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - Sage Creek - Phase III**
(St. Boniface Ward)
File DASZ 32/2007

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

Prepared by: **Marc Pittet, Senior Committee Clerk**
Riel Community Committee

Report date: **October 10, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 9, 2007, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 32/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with ~~***Schedule "A"***~~ ***Schedule "B"*** for File DASZ 32/2007 dated ~~***October 2, 2007***~~ ***August 14, 2007***, for registration in the Winnipeg Land Titles Office subject to the following conditions:

    B. That the Developer be required to enter into an Addendum to Servicing Agreement AG 51/2005 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 1, 2007.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on ~~***Schedule "A"***~~ ***Schedule "B"*** for File DASZ 32/2007 dated ~~***October 2, 2007***~~ ***August 14, 2007***, to an "RM-6" Multiple Family District and a "PR-1" Parks and Recreation District subject to the following:

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

        i. That prior to the development of the subject "RM-6" Multiple Family site, detailed plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permits, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

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

5. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of Addendum to the Servicing Agreement.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the comments of the Winnipeg Public Service contained in the report from the Planning and Land Use Division dated October 9, 2007 and in the report from the Administrative Coordinating Group dated October 1, 2007.

PUBLIC HEARING SUMMARY

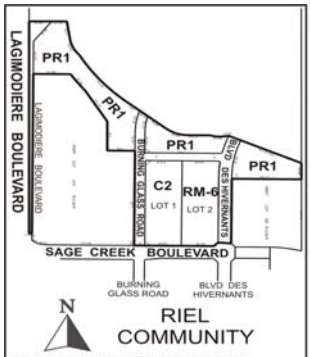
File: DASZ 32/2007

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Steeves
Councillor Vandal

Public Hearing: October 9, 2007
Council Chambers, Council Building, 510 Main Street

Applicant: Sage Creek Development Corporation (Lyne Jones)

Subject:



APPLICANT : SAGE CREEK DEVELOPMENT CORPORATION
FILE: DASZ 32/07
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. 6400/94 by rezoning the land shown outlined above from an "A.5" AGRICULTURAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT, an "RM-6" MULTIPLE-FAMILY DISTRICT and a "C2" COMMERCIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : SAGE CREEK DEVELOPMENT CORPORATION
N° DE RÉFÉRENCE : DALZ 32/07
PROJET : Demande visant à faire approuver par le Conseil le plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal sur le zonage no 6400/94 visant à faire changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie A.5 (SECTEUR AGRICOLE) à la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS), à la catégorie RM-6 (SECTEUR D'HABITATIONS MULTIFAMILIALES) et à la catégorie C2 (SECTEUR COMMERCIAL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: Sage Creek - Phase III

2196

Exhibits Filed:

1. Application dated August 20, 2007
2. Notification of Public Hearing dated September 12, 2007
3. Manitoba Status of Title 2206193
4. Report from the Planning and Land Use Division dated October 9, 2007
5. Report from the Administrative Coordinating Group dated October 1, 2007
6. Inspection Report
7. Revised schedule dated August 14, 2007, submitted by Eric Vogan

REPRESENTATIONS:

In Support:

Eric Vogan

In Opposition

Nil

For the City:

Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department
Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Eric Vogan appeared in support of the application. Mr. Vogan submitted a revised schedule indicating a "hitch" in the line that demarcates the "RM-6" Multiple Family and "C2" Commercial Districts, filed as Exhibit 7. Mr. Vogan explained that the "hitch" of approximately 17.5 metres is necessary to accommodate parking for a proposed office building on the "C2" site.

Exhibit "4" referred to in File DASZ 32/2007

Planning, Property and Development Department Report

To the Riel Community Committee

Date: October 9, 2007
File: DASZ 32/07
Related Files: DASZ 51/2005, DASZ 21/2007, DASZ 24/2007

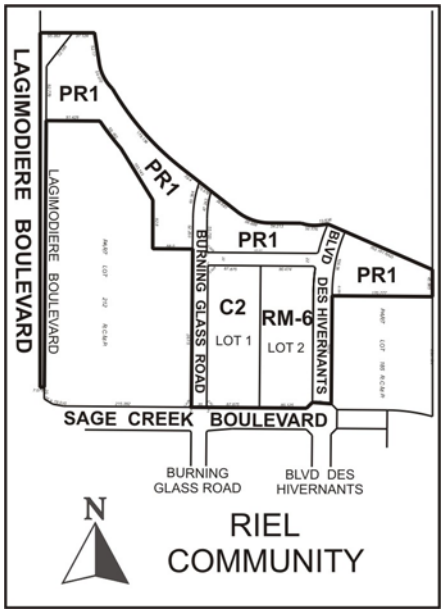
Subject: The purpose of the subject application is to identify and rezone three water storage and public open space areas to a "PR" Public Reserve category and also establish a 5.38 acre "RM-6" Multiple Family site. Phase III of Sage Creek is situated north of Sage Creek Blvd. and west of the Manitoba Hydro Transmission Line.

Location: North of Sage Creek Blvd., East of Lagimodiere Blvd**.**

Legal Description:
PARCEL 1: LOTS 182, 183, 184, 185, 186, 212, 213 AND 214 PLAN 433 WLTO
EXC OUT OF SAID LOTS 182 AND 214, PLAN 41547 WLTO
EXC OUT OF SAID LOTS 183, 184, 212, 213 AND 214, PLAN 45829 WLTO
EXC OUT OF SAID LOT 186, RIGHT OF WAY OF CITY OF WINNIPEG
TRANSMISSION LINE, PLAN 3364 WLTO AND FURTHER
EXC OUT OF SAID LOTS 182, 183, 184, 185 AND 186, RIGHT OF WAY OF
MANITOBA HYDRO POWER TRANSMISSION LINE, PLAN 8986 WLTO
IN THE ROMAN CATHOLIC MISSION PROPERTY.

PARCEL 2: LOT 211 PLAN 433 WLTO
EXC OUT OF SAID PARCEL 2, FIRSTLY: RIGHT OF WAY OF CITY OF WINNIPEG
TRANSMISSION LINE, PLAN 3364 WLTO, AND
SECONDLY: ALL THAT PORTION CONTAINED WITHIN THE FOLLOWING LIMITS:
COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHERN LIMIT OF THE
RIGHT OF WAY OF CITY OF WINNIPEG POWER TRANSMISSION LINE,
PLAN 3364 WLTO, WITH THE WESTERN LIMIT OF SAID LOT,
THENCE ELY, ALONG SAID SOUTHERN LIMIT, 580.8 FEET
THENCE SLY, PARALLEL WITH SAID WESTERN LIMIT, 450 FEET
THENCE WLY, PARALLEL WITH SAID SOUTHERN LIMIT, TO SAID WESTERN LIMIT,
THENCE NLY, ALONG SAID WESTERN LIMIT, TO THE POINT OF COMMENCEMENT;

IN THE ROMAN CATHOLIC MISSION PROPERTY.



Applicant: Sage Creek Development Corporation

Owner: Same as above

Recommendation: Approval with conditions

Site Description:

Surrounding Land Use:

North: To the north is the future Bishop Grandin r.o.w. extension and open agricultural lands, zoned "A-5" Agricultural and set aside for future phasing of the Sage Creek Development.
South: To the immediate south is a zoned "C2" Commercial area which will constitute the proposed 18.4 acre Village Centre of the first phase of development .
West: To the west is Lagimodiere Boulevard and the Island Lakes residential neighbourhood zoned "R1-5" single family residential.
East: To the east is the Manitobe Hydro Transmission Line and large undeveloped open areas zoned " A-5" Agricultural and set aside under the Area Structure Plan for future phases of development.

Existing Zoning

The subject parcel is currently vacant and zoned " A-5" Agricultural. An existing 5.3 acre "C2" Commercial parcel currently exists adjoining the proposed "RM-6" site which was rezoned "C2" under DASZ 24/2007.

Background:

In April 2005, the Standing Policy Committee on Property and Development identified the South St. Boniface Area Structure Plan as a priority project within the Planning, Property and Development Department's 2005 Secondary Plan Work Program.

The department implemented a collaborative planning process in partnership with Qualico Developments and their consulting team to prepare the area structure plan. This process also included close consultation with all affected City departments to address any issues related to the development of the subject lands and to ensure that the City's requirements were incorporated into the plan's policies.

On September 28, 2005, Council gave first reading to By-law 158/05 to adopt the South St. Boniface Area Structure Plan as a Secondary Plan and directed that the Riel Community Committee conduct a public hearing respecting the proposed by-law and plan. It was ultimately passed by Council November 23/05. In the early part of 2006, City Council endorsed the 1st phase of Sage Creek (DASZ 51/05) , which encompasses 103 acres overall and lies to the immediate south of Sage Creek Boulevard. In the spring of 2007, Riel Community Committee endorsed the second phase of Sage Creek under application DASZ 21/2007.

Description of the Proposed Development:

As previously outlined, the 5.3 acre commercial site has already been approved for a future office structure for the Qualico Corporate offices. Immediately adjacent, the applicants are proposing a 5.38 acre " RM-6" Multiple Family site which will accommodate, at some time in the future , upwards of 300 dwelling units.The northern boundary of Phase III is essentially comprised of of 4.49 acres of lineal public reserve and three water storage areas , which have an overall total of 7.4 acres . All three water storage or impoundment areas are linked by the proposed public reserve allowances. Three new streets will access the new phase; the largest of which is the extension north of Boulevards des Hivernants which is 32m wide. Burning Glass Road is to be also extended to connect with Dr. David Frieson Drive. There are no specific details as of yet regarding the development of the proposed multiple family site.

Analysis:

There are two primary reasons for advocating support for the latest phase. The establishment of the proposed drainage systems and impoundment areas, over the next year, will likely facilitate development of the Phase II subdivision area currently underway immediately to the southeast. The drainage areas in Phase III are also linked to proposed drainage systems proposed for those areas directly north of Phase II which will be coming on track in the near future. The current phase also makes provision for a widening of Lagimodiere Blvd. at the n.w. corner of the site which will facilitate a future connection to the Bishop Grandin Blvd. extension.

Recommendation:

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The proposed use is consistent with the overall plans approved under the Area Structure Plan

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 32/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2007 dated October 2, 2007, for registration in the Winnipeg Land Titles Office subject to the following conditions:

    A. That the Developer be required to enter into an Addendum to Servicing Agreement AG 51/2005 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 1, 2007.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 32 /2007 dated October 2/2007, to a "RM-6" Multiple Family District and a "PR-1" Parks and Recreation District subject to the following:

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

        i. That prior to the development of the subject "RM-6" Multiple Family site, detailed plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the **Riel** Community Committee for plan approval prior to the issuance of any building or development permits, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

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

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6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of Addendum to the Servicing Agreement.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: (Kevin Lalor)
PPD File # (.526)

Schedule "A"

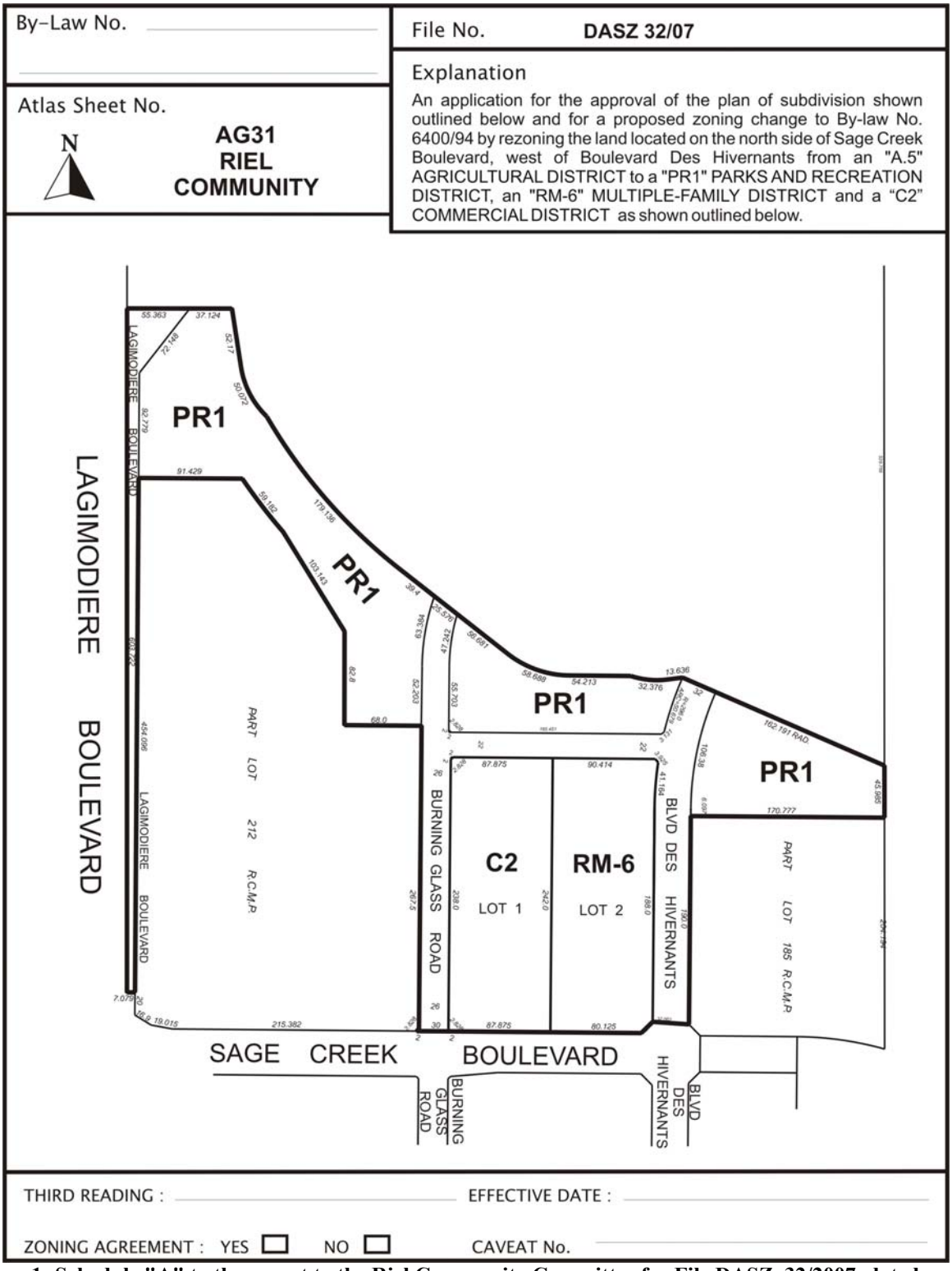
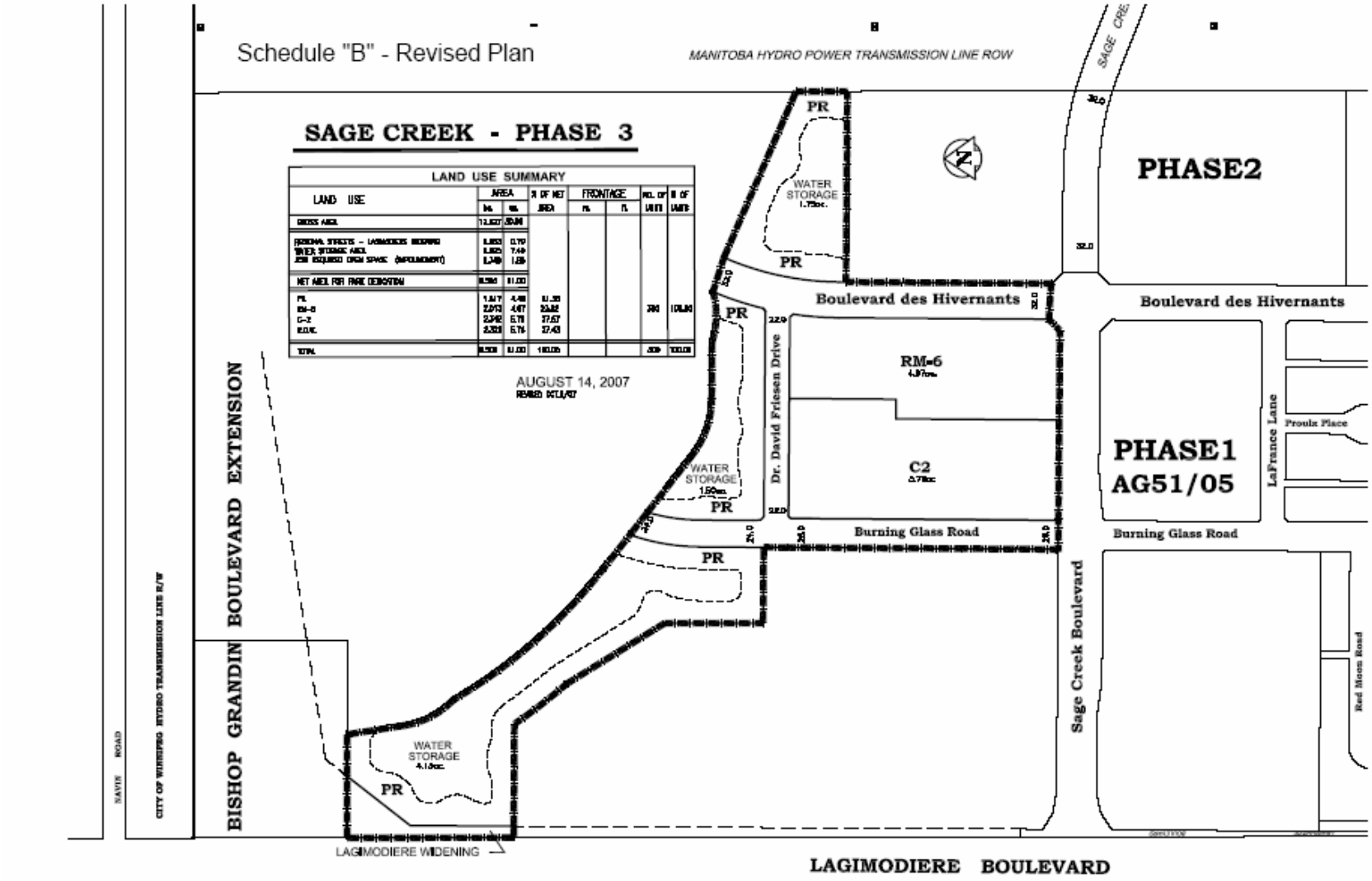


Figure 1: Schedule "A" to the report to the Riel Community Committee for File DASZ 32/2007, dated October 2, 2007.

Schedule “B”



2204

Exhibit "5" referred to in File DASZ 32/2007

RE: PROPOSED SUBDIVSION AND REZONING OF LAND LOCATED NORTH OF SAGE CREEK BOULEVARD, BETWEEN LAGIMODIERE BOULEVARD AND THE MANITOBA HYDRO TRANSMISSION LINE – DASZ 32/07

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE RIEL COMMUNITY COMMITTEE

_____

E.L. Carrière, P. Eng.,
Chairman
Administrative Coordinating Group

October 1, 2007

RE: Proposed subdivision and rezoning of land located north of Sage Creek Boulevard, between Lagimodiere Boulevard and the Manitoba Hydro Transmission Line – DASZ 32/07

An application has been submitted by Sage Creek Development Corporation to subdivide land located north of Sage Creek Boulevard, between Lagimodiere Boulevard and the Manitoba Hydro Transmission Line. It is recommended that approval of DASZ 32/07 be subject to the Developer entering into an Addendum to Development Agreement AG 51/05 as follows:

1. By adding to AG 51/05 a copy of the plan of subdivision approved under DASZ 32/07;

2. By adding to AG 51/05 a copy of a drawing showing the specific requirements to provide services within DASZ 32/07 and also showing the land drainage regional facilities proposed within DASZ 32/07.

3. By adding clauses making the land within DASZ 32/07 subject to all the cost-sharing, open space dedication, administration, etc. provisions of AG 51/05.

"original signed by E.L. Carriere"
Land Development Department

"original signed by Diana Emerson"
Public Works Department
Transportation Division

"original signed by Terry Josephson"
Water and Waste Department

2206