Minute No. 169
Report "A" - Standing Policy Committee on Property and Development – December 3, 2009

Item No. 1 Subdivision and Rezoning – 1341 St. Anne's Road
(St. Vital Ward)
File DASZ 25/2009

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 25/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2009 dated October 26, 2009 with such minor changes as may be required, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 8, 2009.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25/2009 dated October 26, 2009, to a "C3" Commercial Corridor District and a " PR1" 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 for the development of any building and/or accessory parking area and/or signage, 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 permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That use of the land shall be restricted to :

Report "A" - Standing Policy Committee on Property and Development – December 3, 2009

COUNCIL DECISION (continued):

a. A mini-warehouse, self storage facility with accompanying office component.

iii. Free standing signs are permitted on the land provided that the maximum height of any free standing sign shall be thirty-five (35) feet above grade;

iv. That there shall be no advertising signs, mobile signs, poster signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

v. That no illuminated signage be erected on the north sides of any buildings or within 100 feet of the north property line.

vi. That prior to the issuance of any permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage containers, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

vii. That the most northerly 10 feet of the subject site (from the N.W. corner of the proposed storage facility extending to the N.E. corner of the proposed facility) shall be established and maintained for a minimum two metre high solid wood fence and landscaped buffer area.

viii. That alternating deciduous and coniferous trees (a minimum of six (6) feet in height and at eight foot intervals) be planted and maintained along the full length of the north property line within the aforementioned buffer area.

ix. That a minimum 10 foot wide landscaped strip shall be developed and maintained along the west property line of the property fronting onto St. Anne's Road and the south property line fronting onto the Perimeter Highway.

Report "A" - Standing Policy Committee on Property and Development – December 3, 2009

COUNCIL DECISION (continued):

x. That, all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity.

xi. That the hours of operation shall be limited from 9:00 AM to 6:00 PM Monday-Saturday; and noon to 5:00 P.M. Sundays.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 the Development Agreement.

7. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Report "A" - Standing Policy Committee on Property and Development – December 3, 2009

COUNCIL DECISION (continued):

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 "A" - Standing Policy Committee on Property and Development – December 3, 2009

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2010, 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 December 3, 2009, 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 November 2, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Amend Recommendation 2. a. vii. by deleting "20" and replacing same with "10" in the first line thereof,

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

RE: **Subdivision and Rezoning – 1341 St. Anne's Road**
File DASZ 25/2009

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

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

Report date: **November 3, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 2, 2009, 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 proposed under File DASZ 25/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2009 dated October 26, 2009 with such minor changes as may be required, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 8, 2009.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25/2009 dated October 26, 2009, to a "C3" Commercial Corridor District and a " PR1" 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 for the development of any building and/or accessory parking area and/or signage, 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 permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That use of the land shall be restricted to :

a. A mini-warehouse, self storage facility with accompanying office component.

iii. Free standing signs are permitted on the land provided that the maximum height of any free standing sign shall be thirty-five (35) feet above grade;

iv. That there shall be no advertising signs, mobile signs, poster signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

v. That no illuminated signage be erected on the north sides of any buildings or within 100 feet of the north property line.

vi. That prior to the issuance of any permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage containers, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

vii. That the most northerly ~~***20***~~ ***10*** feet of the subject site (from the N.W. corner of the proposed storage facility extending to the N.E. corner of the proposed facility) shall be established and maintained for a minimum two metre high solid wood fence and landscaped buffer area.

viii. That alternating deciduous and coniferous trees (a minimum of six (6) feet in height and at eight foot intervals) be planted and maintained along the full length of the north property line within the aforementioned buffer area.

ix. That a minimum 10 foot wide landscaped strip shall be developed and maintained along the west property line of the property fronting onto St. Anne's Road and the south property line fronting onto the Perimeter Highway.

x. That, all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices are required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity.

xi. That the hours of operation shall be limited from 9:00 AM to 6:00 PM Monday-Saturday; and noon to 5:00 P.M. Sundays.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 the Development Agreement.

7. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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 reasons for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated October 26, 2009.

2. The proposed development will ensure the extension of the public pedestrian pathway along the Seine River.

PUBLIC HEARING SUMMARY

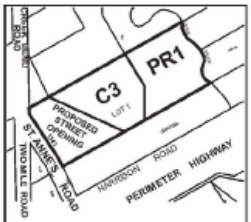
File: DASZ 25/2009

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

Public Hearing: November 2, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: Terracon Development Ltd. (Michael Falk)

Subject:



APPLICANT : TERRACON DEVELOPMENT LTD.
FILE : DASZ 25/09
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 "RR5" RURAL RESIDENTIAL DISTRICT to a "C3" COMMERCIAL CORRIDOR and "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICTS to allow for a self-storage facility, street widening and designate public reserve land. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**
DEMANDEUR : TERRACON DEVELOPMENT LTD.
N° DE RÉFÉRENCE : DALZ 25/09
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal sur le zonage no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie RR5 (SECTEUR RÉSIDENTIEL EN MILIEU RURAL) aux catégories C3 (CORRIDOR COMMERCIAL) et PR1 (SECTEUR DES PARCS ET DES LOISIRS 1 [QUARTIER]) afin de permettre un entreposage libre-service, l'élargissement de la rue et un terrain publique réservé. **Pour plus de renseignements, veuillez communiquer avec M. J. Wintrup, urbaniste, au 986-5102.**

Premises Affected: 1341 St. Anne's Road

Exhibits Filed:

1. Application dated September 3, 2009
2. Notification of Public Hearing dated September 17, 2009
3. Manitoba Status of Titles 1930912; 1930916; 1930927; 2044650; 2044660; 2044682
4. Caveat No. 214460
5. Letter of authorization dated August 19, 2009 from GPG Management Holdings Ltd. and Briman Management Ltd. to Michael Falk of Terracon Development Ltd.
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated October 26, 2009
8. Inspection Report
9. Communication with respect to the application dated November 2, 2009 from Ross Ransby submitted by Robin Lee at the Public Hearing
10. Communication in opposition to the application submitted by David Watson at the Public Hearing
11. Audio Recording of representations of public hearing held on November 2, 2009

REPRESENTATIONS:

In Support:
Bob Antymniuk
Michael Falk
Howard Haug
Robin Lee

In Opposition
David Watson

For Information:
Donna and Eric Hnatiuk

For the City:
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department
Ms. S. Matille, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 25/2009

ADMINISTRATIVE REPORT

ISSUE: DASZ 25/2009 1341 St. Anne's Road - Public Hearing

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 25/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2009 dated October 26, 2009 with such minor changes as may be required, for registration in the Winnipeg Land Titles Office subject to the following:

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2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 25 /2009 dated October 26, 2009, to a "C3" Commercial Corridor District and a " PR1" Parks & Recreation District subject to the following:

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vi. That prior to the issuance of any permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage containers, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

vii. That the most northerly 20 feet of the subject site (from the N.W. corner of the proposed storage facility extending to the N.E. corner of the proposed facility) shall be established and maintained for a minimum two metre high solid wood fence and landscaped buffer area.

viii. That alternating deciduous and coniferous trees (a minimum of six (6) feet in height and at eight foot intervals) be planted and maintained along the full length of the north property line within the aforementioned buffer area.

ix. That a minimum 10 foot wide landscaped strip shall be developed and maintained along the west property line of the property fronting onto St. Anne's Road and the south property line fronting onto the Perimeter Highway.

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11. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

12. 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.

13. 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.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, this will facilitate the construction of an indoor climate – controlled mini warehouse storage facility on the developable area, which will be 4.0 acres; 3.7 acres next to the Seine is Flood Plain and will become open green space; and 3.6 acres along St. Anne's Road is being provided to the Province of MB for the future Interchange at St. Anne's and the PTH 100.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Kevin Lalor
Date:	October 26, 2009
File No.	DASZ 25/2009

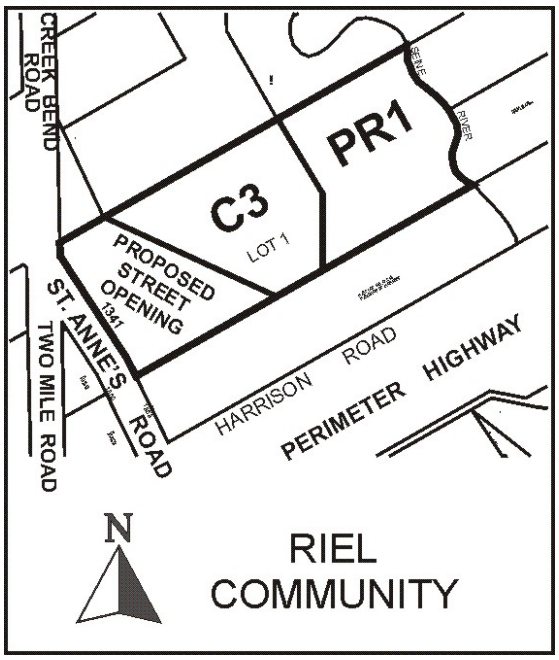
APPENDIX A

Date: October 26/2009
File: DASZ 25 /09
Related Files: N/A

Subject: The purpose of the subject application is to rezone property at the S.E. corner of the Perimeter Highway & St. Anne's Road from its current "RR5" Residential zoning to a " C3" Commercial Corridor category and a " PR1" Parks & Recreation category in order to permit the establishment of a self storage facility and a public reserve area along the Seine River. Provision for a street opening is also being addressed as part of the proposed subdivision plan.

Location: 1341 St. Anne's Road

Legal Description: Part OTM Lot 143, Parish of St. Norbert, Plan 3910



Applicant: Terracon Development Ltd.

Owner: Briman Management Holdings & G P S Management Holdings

Recommendation: Recommend approval with conditions

Site Description:



Existing Land Use & Zoning:

The subject vacant lands have a total area of 11.69 acres and are currently zoned “RR5” Rural Residential. The front half of the property was, for many years, occupied with an un-serviced trailer park facility which at peak times accommodated as many as fifty (50) units. There was a private approach from St. Anne’s Road to the site.

Surrounding Land Use & Zoning:

South: To the immediate south is a 200’ wide strip of Crown land adjoining the Perimeter South right-of-way. It is vacant and zoned “ RR5” Rural Residential.

West: To the west of St. Anne’s Road is a large vacant strip abutting the Perimeter Highway zoned “ RR5” Rural Residential. To the north of that land is an established residential subdivision zoned “ R1-M” Residential Single Family.

North: To the immediate north is a recently approved (but as yet undeveloped) 256 unit condominium project (DASZ 52/ 05). Four separate buildings are to be constructed over several

phases; each with 64 units and each four stories in height. It is anticipated that that project will begin construction in 2010.

East: To the immediate east is the Seine River and further to the east are various highway commercial and industrial businesses accessed via the Perimeter Highway and zoned " M2" General Industrial.

Description of the Proposed Development:

The Developer is proposing to construct an indoor climate – controlled mini warehouse storage facility on a portion of the subject site. There will be approximately 103,800 sq. ft. of indoor storage area in four separate one story building components. The exact number of individual units is unknown at this time. There will be a small office component but **no** outdoor storage permitted anywhere on the site. As indicated earlier, the overall site area is approximately 11.6 acres, only 4.03 acres of which be used for storage purposes. Approximately 4.5 acres adjoining the Seine River will be either acquired by the City of Winnipeg or dedicated to the City for Public Reserve purposes; 3.7 acres of the aforementioned 4.7 acres is classified as flood plain. A further 3.16 acres at the west end of the property adjoining St. Anne's Road is to be transferred to the City of Winnipeg in order to facilitate the southerly extension of Creek Bend Road extension; all costs of the street construction and related works are to be borne by the Developer. The Developer will also be required to remove any existing approaches to the subject property off of St. Anne's Road. The entire site is expected to be enclosed by at least two metre high fencing , for security purposes, but details of the fencing and landscaping are as yet not available for review. It is anticipated that a particularly high level of landscaping and fencing will be provided along the north boundary of the property to act as a buffer between the proposed storage facility and future multiple family condominium housing planned for the adjacent property.

Analysis:

For several years, developers in the business of private storage lockers, have inquired about the feasibility of converting the subject property from an un-serviced residential trailer park into a serviced mini- warehouse storage facility. From a land use standpoint, the City's Planning & Land Use Division, has always been of the view, that the subject location would be suitable for a private storage facility, primarily because of its proximity to the Perimeter Highway. However, it is acknowledged that before the proposed redevelopment of 1341 St. Anne's Road can take place, the following events/procedures have to occur:

- Redevelopment of the subject site at 1341 St. Anne's Road is contingent upon the adjacent property owners to the immediate north (under the conditions outlined in DASZ 52/05) constructing their portion of an extended Creek Bend Road in a southerly direction , in addition to all of the necessary underground infrastructure (wastewater, water etc.) This is imperative given that all current approaches to the subject lands from St. Anne's Road have to be removed prior to development taking place. It is anticipated that development of the multiple family condominium site and the installation of the new road and Creek Bend intersection will begin in February/March of 2010.

- The subject rezoning/subdivision application will have to be submitted to and recommended for approval by the Riel Community Committee in accordance with all conditions identified in the accompanying Development & Zoning Agreements. .

- Final detailed site plans will, at some point, have to be submitted to the City of Winnipeg and the Riel Community Committee for review and approval prior to the issuance of development or building permits. Those plans will be expected to reflect all of the conditions related to landscaping/fencing details , lighting, signage, building enclosure details etc. outlined in the final recommendations of the Riel Community Committee at the Public Hearing on November 2/2009.

- It is important to note that the Developer will be required to obtain Manitoba Highway Traffic Board permits prior to constructing his portion of the new Creek Bend road right-of –way, given that his portion of the road connection falls within Provincial Highway jurisdiction.

As indicated, the Planning Department fully endorses the proposed rezoning and subdivision and the eventual establishment of an indoor climate controlled storage facility on the site. However, because of the plans underway to establish a high end condominium complex immediately adjacent to the north (The Oxbow On The Seine) , the City in conjunction with the Developer is making every effort to ensure that the two proposed projects, when completed, will be compatible with each other. It is imperative that an adequate buffer area is constructed and maintained along the north boundary line of the site and that external lighting fixtures are aligned and located such that impact on the adjoining future residential properties is minimized. Procedurally, the level of detail required to protect the interests of both the Developer and the neighboring property owners will be achieved through the final Plan Approval process.

Recommendation:

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

- The proposed use requires a " C3" Commercial Corridor zoning classification which is intended primarily for uses that provide services to residents of the community in areas that are dependant on good automobile and truck access. These types of commercial uses are subject to frequent view by the public and visitors to Winnipeg and therefore should provide an attractive appearance with a higher level of landscaping , good access and modified signage. The subject site is deemed to be an appropriate location for the identified use.

- The Developer, in question, is an experienced operator who, on other local projects has demonstrated his willingness to i) comply with recommended conditions of approval and ii) to work with adjoining property owners in addressing their concerns about the specifics of the project.

- The subject application affords the City the opportunity to acquire one of the last remaining riverbank frontages along the Seine River, in accordance with the mandated objectives of the Seine River Greenway Management Plan. The acquired area along the Seine River will allow for the extension of the public pedestrian pathway systems already currently underway further to the north.

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

Report Prepared by: Kevin Lalor
PPD File # .533

Schedule "A" for File No. DASZ 25/09, Riel Community Committee, dated October 26 2009.

By-Law No. _____

File No. **DASZ 25/09**

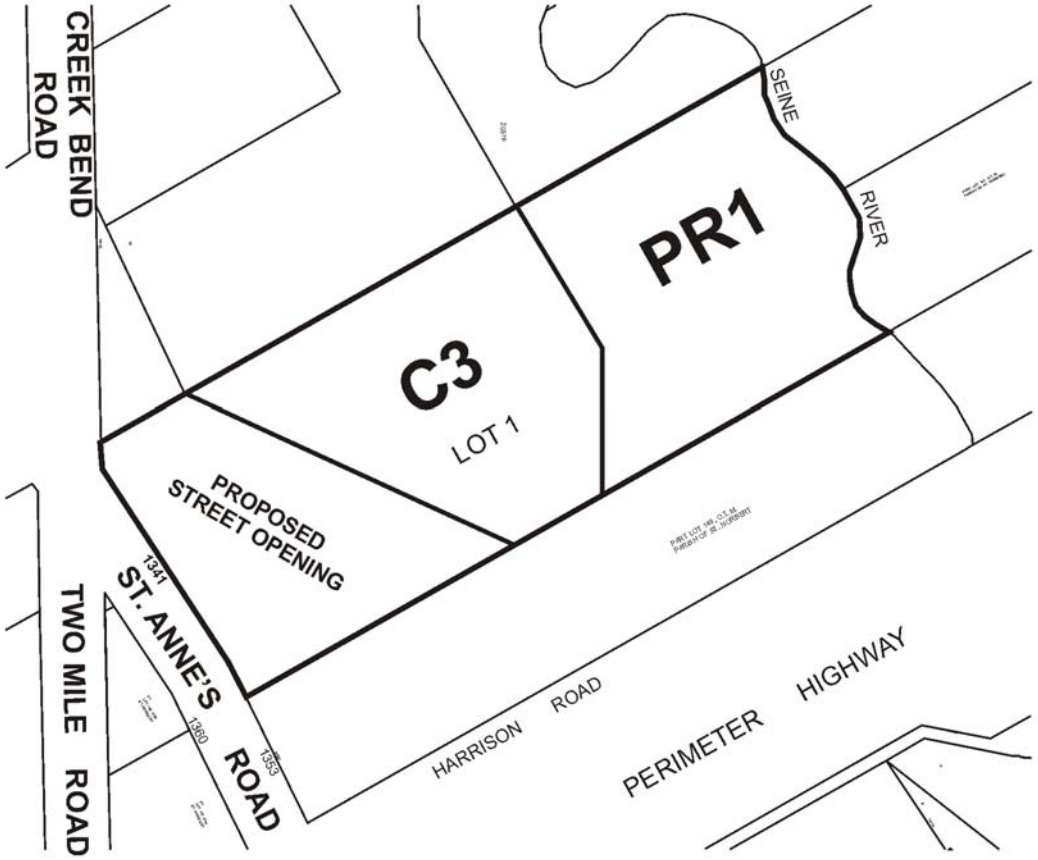
Atlas Sheet No.

N

AJ30
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1341 St. Anne's Road from an "RR5" RURAL RESIDENTIAL DISTRICT to a "C3" COMMERCIAL CORRIDOR and "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICTS to allow for a self-storage facility, street widening and designate public reserve land as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED SUBDIVISION OF LAND AT 1341 ST. ANNE'S ROAD - DAZ 25/09

It is recommended that the approval of DAZ 25/09 be subject to the following:

A. Plan Considerations

The Applicant, at no expense to the City, transferring and legally opening property required for the future road needs identified in the South Perimeter Highway Study, as determined by, and to the satisfaction of, the Director of Public Works.

B. Development Agreement

The Applicant entering into a **Development Agreement** with the City of Winnipeg, containing the following conditions:

1. The development of this site may not proceed until the land drainage sewer and outfall proposed under Development Agreement AG 52/05 have been constructed.

2. The Developer shall, at no expense to the City, construct all wastewater sewers, land drainage sewers, and watermains required to service the proposed development.

3. The Developer shall pay its share of the oversized land drainage sewer and outfall to be constructed by others under Development Agreement AG 52/05.

4. The Developer shall, at no expense to the City, construct, in Portland cement concrete pavement, the southerly extension of Creek Bend Road (which is to be constructed by others to the north limit of the Planned Area under AG 52/05), adjacent to, and to the south limit of, the Planned Area, and all related works, including a temporary asphaltic concrete cul-de-sac turnaround at the south limit of the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

5. The Developer shall, at no expense to the City, remove the two existing private approaches off St. Anne's Road to the Planned Area, and restore the east ditch of St. Anne's Road, all when and as determined by, and to the satisfaction of, the Director of Public Works. No direct access from development within the Planned Area shall be permitted to/from St. Anne's Road. All access to the development shall be from the southerly extension of Creek Bend Road.

6. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust-free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets – all until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

7. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, to the satisfaction of the Director of Public Works, and pay the full cost of converting any existing overhead services within the proposed subdivision to underground.

8. The Developer shall pay all costs associated with the installation and/or 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.

9. The Developer shall, at no expense to the City, 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 completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

10. The Developer shall retain the services of a Manitoba Land Surveyor to prepare a Plan of Subdivision of the Planned Area delineating the 230.5-m contour.

11. The Developer shall sell to the City, for Seine River Waterway purposes, at a price not to exceed $15,000.00 per acre, all land within the Planned Area lying below geodetic elevation 230.5 m, in accordance with the City's Seine River Waterway policy.

12. The Developer shall pay the Seine River Waterway Land Acquisition Charge ($145.00/acre) for all land within the Planned Area above geodetic elevation 230.5 m.

13. The Developer shall dedicate, to the City, 10% of the land within the Planned Area, above and adjacent to the 230.5-m elevation contour, as public open space, as determined by the Director of Planning, Property & Development.

14. The Developer shall, at no expense to the City, construct the Seine River Trail within the dedicated public open space, in accordance with drawings and specifications approved by the Director of Planning, Property & Development. Prior to the issuance of a Development Permit.

15. Following the completion of the trail, the Developer shall grant easements to the City for all purposes with respect to the trail, to the satisfaction of the Director of Planning, Property & Development.

16. The Developer shall erect an information sign at the front of the property which highlights the proposed Seine River Corridor Trail, and maintain the sign until the trail is constructed. The Developer's site plan shall show the proposed Seine River Trail, and signs shall be installed at the location of the proposed trail identifying the trail as "Proposed Seine River Trail".

17. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property & Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

18. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings showing, all services required to serve the Planned Area.

19. The Developer shall pay to the City $1,200.00 plus GST per acre to 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. DAZ 25/09
October 8, 2009

"original signed by S.M. Matile"
S. M. Matile, P. Eng., Chair
Land Development Branch

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/sm