Agenda - Council - July 21, 2010

Report - Executive Policy Committee - June 30, 2010

Item No. 5 Subdivision and Rezoning- South side of Dugald Road, West of Plessis Road (St. Boniface Ward) File DASZ 7/2010

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 30, 2010, the Executive Policy Committee concurred in recommendation of the Riel Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision under File DASZ 7/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" dated June 7, 2010, with such minor changes as may be required, and 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 Schedule "C" the report of the Administrative Coordinating Group dated June 7, 2010, incorporating the following amendments:

        i. In Condition 13 delete the words "clause 13" and replace with "clause 12"
        ii. In Condition 38 delete the words "for DASZ 8/10 and DASSF 504/10".

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 7/2010 dated June 7, 2010, to an "R1-M" Residential Single-Family District, and a "PR1" Parks and Recreation District.

3. That the City owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 13475/2 be declared as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property to be Opened" as shown in broken outline on Misc. Plan No. 13475/2, to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

Report - Executive Policy Committee - June 30, 2010

6. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) 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 twelve (12) month period and the extension is subsequently approved by Council.

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

8. 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.

9. 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.

10. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within twelve (12) months of the date of passage of the aforementioned by-law.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

Report - Executive Policy Committee - June 30, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 30, 2010, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee with the following amendments:

- That Schedule C, Report of the Administrative Coordinating Group dated June 7, 2010, section B. Development Agreement, be amended by:

    i. In Condition 13 delete the words "clause 13" and replace with "clause 12"

    ii. In Condition 38 delete the words "for DASZ 8/10 and DASSF 504/10",

and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 15, 2010, the Riel 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.

RE: **Subdivision and Rezoning– South side of Dugald Road, West of Plessis Road**
File DASZ 7/2010

For submission to: **Executive Policy Committee**

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

Report date: **June 16, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 15, 2010, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 7/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" dated June 7, 2010, with such minor changes as may be required, and 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 Schedule "C", the report of the Administrative Coordinating Group dated June 7, 2010.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 7/2010 dated June 7, 2010, to an "R1-M" Residential Single-Family District, and a "PR1" Parks and Recreation District.

3. That Council declare the City owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 13475/2 as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property to be Opened" as shown in broken outline on Misc. Plan No. 13475/2, to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

6. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) 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 twelve (12) month period and the extension is subsequently approved by Council.

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

8. 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.

9. 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.

10. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within twelve (12) months of the date of passage of the aforementioned by-law.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

The Riel Community Committee provided the following supporting reason 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 June 7, 2010.

PUBLIC HEARING SUMMARY

File: DASZ 7/2010

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

Public Hearing: June 15, 2010
Council Chamber
Council Building, 510 Main Street

Applicant: Waterside Development Corporation (Bill McGarry)

Subject:



APPLICANT : WATERSIDE DEVELOPMENT CORP.
FILE : DASZ 7/10
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 5 DISTRICT, an "M1" MANUFACTURING LIGHT DISTRICT and an "M2" MANUFACTURING GENERAL DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT including a new public right-of-way to allow for future residential development. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
DEMANDEUR : WATERSIDE DEVELOPMENT CORP.
N° DE RÉFÉRENCE : DALZ 7/10
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal n° 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient des catégories RR5 (SECTEUR RÉSIDENTIEL RURAL 5), M1 (SECTEUR MANUFACTURIER LÉGER) et M2 (SECTEUR MANUFACTURIER GÉNÉRAL) à la catégorie R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES) y compris une nouvelle emprise publique afin de permettre l'aménagement résidentiel futur. **Pour obtenir des renseignements, veuillez communiquer avec Mr. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: South side of Dugald Road, West of Plessis Road

Exhibits Filed:

1. Application dated April 7, 2010
2. Notification of Public Hearing dated May 13, 2010
3. Manitoba Status of Title 2399416
4. Certificate of Title E80267
5. Plan
6. Report from the Planning and Land Use Division dated June 7, 2010
7. Inspection Report
8. Audio Recording of Representations

REPRESENTATIONS:

In Support:

Bill McGarry
Donna Thordarson

In Opposition

Nil

For the City:

Ms. S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit “6” referred to in File DASZ 7/2010

ADMINISTRATIVE REPORT

Title: DASZ 7/10 – South Side of Dugald Road, West of Plessis Public Hearing

Issue: For consideration at the Public Hearing for a proposed rezoning and subdivision of approximately 32.3 acres of land.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision under File DASZ 7/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “B” dated June 7, 2010, 2010, with such minor changes as may be required, and 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 Schedule “C” the report of the Administrative Coordinating Group dated June 7, 2010.

2. That the City of Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule “B” for File DASZ 7/2010 dated June 7, 2010, to an “R1-M” Residential Single-Family District, and a “PR1” Parks and Recreation District.

3. That Council declare the City owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 13475/2 as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property to be Opened" as shown in broken outline on Misc. Plan No. 13475/2, to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

6. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) 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 twelve (12) month period and the extension is subsequently approved by Council.

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

8. 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.

9. 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.

10. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within twelve (12) months of the date of passage of the aforementioned by-law.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

REASON FOR THE REPORT

- The applicant is proposing to create 45 single-family lots zoned R1-M and zone other blocks R1-M in order to create future single-family lots. Park space will also be created in the planned area and zoned PR1. This application would complete the development concept originated for the area by DASZ 20/2008 and DASZ 33/2008.
- The Public Service is recommending that the City-owned land shown in Miscellaneous Plan No. 13475/2 be declared surplus and transferred to the developer as part of the subdivision.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Planning and Land Use Division are concurred in, the land will be rezoned from “M1”, “M2”, and “RR5” zoning districts to R1-M and PR1 zoning districts.
- Road right-of-ways will be opened, and 45 single-family lots will be created through the subdivision.

- The developer is also proposing to rezone blocks of land to R1-M. Future single-family residential lots can be created within these blocks through a short-form subdivision application process (DASSF). The DASSF process does not require a public hearing.

HISTORY

- The lands were City-owned properties acquired in 1979 for the North/South Transportation Corridor Project.
- The lands were intended to accommodate the Bradley Street Alignment – the eastern leg of the Inner Ring/Loop Route connecting Chief Peguis Trail to the north and the Trans-Canada Highway and Bishop Grandin Boulevard to the south – as shown on the Recommended Transportation System Plate of *Plan Winnipeg Towards 2010.*
- The Bradley Street Alignment was altered in 2001 as part of the Plan Winnipeg process, shifting the Inner Ring / Loop Route onto Plessis Road and *Plan Winnipeg 2020* Policy Plate C (Transportation Concept Plan) was adopted illustrating the revised alignment.
- On April 26, 2006, Council adopted the recommendation of the Executive Policy Committee declaring that all the land south of Pandora Ave West that formed part of the North/South Transportation Corridor be surplus to the City's requirements
- On May 2, 2006, the Standing Policy Committee on Property and Development directed the Planning, Property and Development Department to proceed to tender/sell the City-owned properties outlined in *Schedule D - Misc. Plan No. 13179*.
- On June 20, 2008, Waterside Development Corporation was authorized to make application by the City of Winnipeg for development of the Bradley Street alignment lands, south of Dugald Road, north of Camiel Sys Street.
- On October 10, 2008, Waterside Development Corporation made concurrent rezoning applications (DASZ 20/08, DASZ 33/08) as the first two phases to permit the establishment of a residential/commercial development of the triangular area of City lands south of Dugald, north of Camiel Sys Street and west of Plessis Road.
- DASZ 33/2008 is for approximately nine (9) acres of the land along Dugald Road, just east of the new Winnipeg Police Service's Station, zoned M1 and designated Industrial Policy Area under Plan Winnipeg to be rezoned RMU. These lands are included in a Plan Winnipeg amendment to re-designate from the current Industrial Policy Area to a Neighbourhood Policy Area to facilitate residential development (PW 5/08).
- DASZ 20/2008 did not require the Plan Winnipeg amendment as these lands were designated Neighbourhood Policy Area. However, it is contemplated that the entire portion of City lands be developed as an aggregate – a comprehensive planned neighbourhood – the Plan Winnipeg Amendment will facilitate this application as well.

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	Robert Kostiuk
Date:	June 7, 2010
File No.	DASZ 7/10
Appendix A	Administrative Report
Schedule “A”	Advertised Subdivision and Rezoning for Planned Area
Schedule “B”	Recommended File No. DASZ 7/10, Riel Community Committee, dated June 7, 2010.
Schedule “C”	Report of the Administrative Coordinating Group
Schedule “D”	Miscellaneous Plan No. 13179 City Lands Declared Surplus, 2006
Schedule “E”	Miscellaneous Plan No. 13475/2

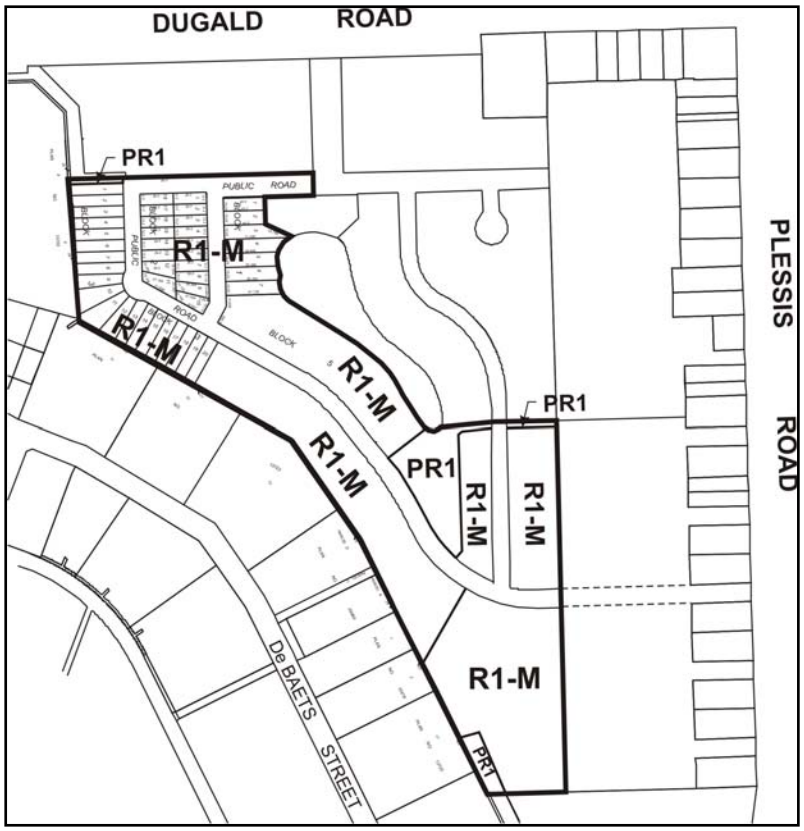
APPENDIX 'A'

DATE: June 7, 2010
FILE: DASZ 7/10
RELATED FILES: PW 5/08, DASZ 20/08, DASZ 33/08
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.537

SUBJECT: To subdivide and rezone the land from "M1", "M2", and "RR5" zoning districts to R1-M and PR1 to allow for the development of park space and single-family blocks and lots.

LOCATION: South side of Dugald Road, west of Plessis Road

LEGAL DESCRIPTION: Block 10 Plan 13723 and Public Reserve Plan 13723



APPLICANT: Waterside Development Corporation
80 Southmoor Road
WINNIPEG MB R2J 2D4

OWNER: Waterside Development Corporation
City of Winnipeg

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The property is zoned “M1” Manufacturing Light, “M2” Manufacturing General, and “RR5” Rural Residential 5 and is approximately 32.3 acres in area.
- The applicant is proposing to create 45 single-family lots zoned R1-M and zone other blocks R1-M in order to create future single-family lots. Park space will also be created in the planned area and zoned PR1. This application would complete the development concept originated for the area by DASZ 20/2008 and DASZ 33/2008.
- The Public Service is recommending that the City-owned land shown in Miscellaneous Plan No. 13475/2 be declared surplus and transferred to the developer as part of the subdivision.
- The Planning and Land Use Division recommends supporting this application because:
    - The proposed development is consistent with the development concept proposed as part of DASZ 20/2008 and DASZ 33/2008. In essence, this application completes the proposed concept and as such, it is compatible with the surrounding neighbourhood.

SITE DESCRIPTION

- The subject property is located south of Dugald Road, west of Plessis Road in the St. Boniface Industrial Park neighbourhood of the St. Boniface Ward.
- The property is zoned “M1” Manufacturing Light, “M2” Manufacturing General, and “RR5” Rural Residential 5 and is approximately 32.3 acres in area.
- The subject property is currently vacant.
- The planned area includes a 50-foot wide strip of City-owned land (Plan 13723).

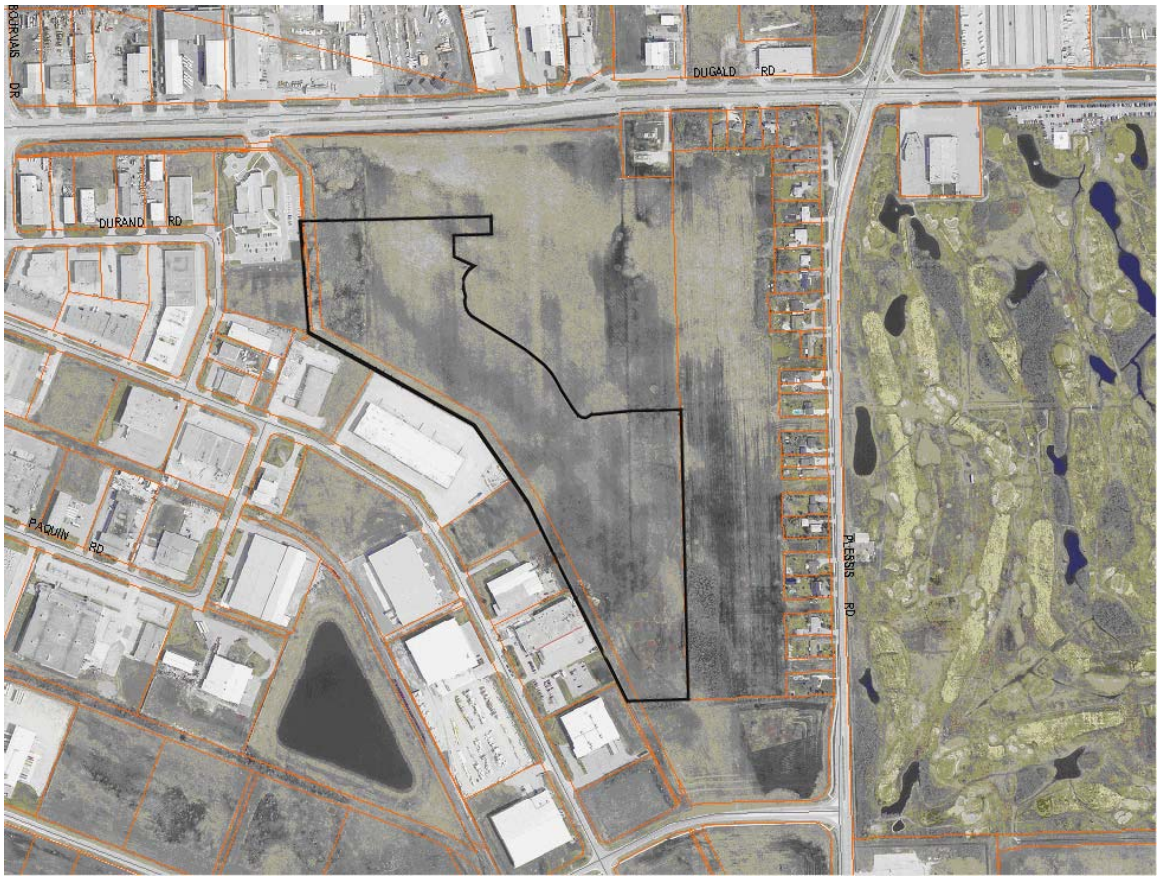


Figure 1: Aerial photograph showing approximate area of subject property (flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Vacant land in the process of being rezoned from “M1” Manufacturing Light to “PR1” Parks and Recreation 1 (Neighbourhood) and “RMU” Residential Mixed-Use. This land is owned by the applicant and forms part of the overall development concept for the area (see DASZ 33/2008).

South: Industrial properties within the St. Boniface Industrial Park zoned “M2” Manufacturing General and vacant land currently zoned “RR5” Rural Residential 5 that is in the process of being rezoned to “RMF-S” Residential Multi-Family Small. This land is also owned by the applicant and forms part of the overall development concept for the area (see DASZ 20/2008).

East: Vacant land “R1-E” Residential Single-Family Estate.

West: The St. Boniface Industrial Park zoned “M2” Manufacturing General.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to create 45 single-family lots zoned R1-M and zone other blocks R1-M in order to create future single-family lots. Park space will also be created in the planned area and zoned PR1.
- Future single-family residential lots can be created in these blocks through a short-form subdivision application process (DASSF). The DASSF process does not require a public hearing.
- The Public Service is recommending that the City-owned land shown in Miscellaneous Plan No. 13475/2 be declared surplus and transferred to the developer as part of the subdivision.
- The subdivision will result in the creation of road right-of-ways that will link to the road right-of-ways that were created under DASZ 20/2008.
- Although park space was not originally advertised for this development application, park space zoned PR1 will be included as shown in Schedule “B”.

ANALYSIS AND ISSUES

PLAN WINNIPEG

- The proposed development is within the Neighbourhood Policy Area and complies with *Plan Winnipeg 2020*.

ZONING

Existing Zoning

“M1” Manufacturing Light District

- The M1 zone is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage. There is a minimum front yard of 25 feet; and maximum building height of 50 feet.

“M2” Manufacturing General District

- The M2 zone is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage. There is a minimum front yard of 25 feet; and maximum building height of 100 feet.

“RR5” Rural Residential District

- The RR5 district requires: minimum lot sizes of 5 acres are required. Side yards of 25 feet are required. Front yard requirements are 100 feet; rear yards are 25 feet. Maximum building height is 35 feet.

Proposed Zoning

“R1-M” Residential Single-Family Medium District

- The R1-M district requires: a minimum lot width of 25 feet, minimum lot areas of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.

“PR1” Parks and Recreation 1 (Neighbourhood) District

- The PR1 zone is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas. Generally, there are no parking facilities associated with these uses. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

LAND USE BY-LAW

- The applicant is proposing to develop an urban residential neighbourhood, complete with a full range of municipal services. Detached single-family homes are not permitted in the manufacturing zones, and the RR5 zoning district is intended for rural single-family developments in fringe areas of the City that do not have a full range of municipal services.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The proposed development is consistent with the development concept proposed as part of DASZ 20/2008 and DASZ 33/2008. In essence, this application completes the proposed concept and as such, it is compatible with the surrounding neighbourhood.
- It should be noted that the developer originally proposed to zone the lands near the southern extent of this application "R2" Residential Two-Family. Another application will be required to create a road right-of-way to the southern extent of the planned area. The applicant explains that this may happen in conjunction with the potential application to rezone the land to R2. The Planning and Land Use Division is supportive of incorporating a range of housing-types in larger-scale subdivision applications in an effort to help create more dynamic and complete communities.

SALE OF CITY-OWNED LAND

- Within DASZ 20/2008, the Public Service recommended that a 50-foot wide strip of land the City of Winnipeg owns between the proposed single family dwellings and the St. Boniface Industrial Park be declared surplus and incorporated into the developer's subdivision. The Public Service noted that only a small section on the north and a small section on the south end of this 50-foot wide strip were required for a pathway. The stretch of 50-foot wide lands behind all the single-family lots was not wanted/needed because:
    - The configuration of the 50-foot wide strip land will not allow active use;
    - It will be costly to maintain;
    - Retaining this strip would create a safety hazard as it would be an in-accessible corridor located behind industrial buildings and residential back yards;
    - The lands can be incorporated into the single family lots to provide a buffer against the Industrial Park with deeper rear yards than the standard requirement of 25 feet.
- Although it was the City's intention to declare the 50-foot wide strip of City-owned land surplus and sell the land to the developer within DASZ 20/2008, the proposed planned area did not include this City-owned land, and therefore could not be declared surplus and transferred.
- The land is now included within the planned area of this application and the Public Service is recommending that this land be transferred to the developer for the same reasons noted in DASZ 20/2008.
- A portion of the City-owned land will be included in the park space (zoned PR1) near the southern extent of the proposal and will remain City-owned. This City-owned land will not be included in the park dedication calculation.

PARK SPACE

- The subject property was not advertised showing the land to be zoned "PR1" Parks and Recreation 1 (see Schedule "A"). However, it was always intended by the developer and

the City that park space would be included in the development concept. The intended park space is accurately incorporated in Schedule “B”.

- The City of Winnipeg can designate land at a lower intensity zoning (down-zone) if required, but can not designate land at a higher intensity zoning (up-zone) than advertised. The Planning and Land Use Division is recommending that Schedule “B,” which shows the land to be rezoned as “PR1” Parks and Recreation 1, be approved.
- The strip of City-owned land in the southern extent of the proposed subdivision is intended to help create a pedestrian/active transportation link from this subdivision to Camiel Sys Street and the RMF-S lands located south of the planned area. Future subdivision applications for this area should purposefully integrate this park space in a manner that helps create such a pedestrian/active transportation connection.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or ‘cash in lieu’ as determined by the Planning, Property and Development Department.
- Planning, Property and Development are requesting land for this application: the surplus City of Winnipeg lands identified on Miscellaneous Plan No. 13475/2 will not be included in the aggregate total of which the Land Dedication calculation will be based on nor will it be considered as satisfying the Land Dedication should any part of this land be used/zoned for open space.

RECOMMENDATION

The Planning and Land Use Division recommends **approval** for the following reason:

- The proposed development is consistent with the development concept proposed as part of DASZ 20/2008 and DASZ 33/2008. In essence, this application completes the proposed concept and as such, it is compatible with the surrounding neighbourhood.

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

Report Prepared by: Robert Kostiuk
PPD File # DASZ 7/10

Schedule "A" Advertised Subdivision and Rezoning for Planned Area

By-Law No. _____

File No. **DASZ 7/10**

Atlas Sheet No.

N

AB32
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 on the south side of Dugald Road, west of Plessis Road from an "RR5" RURAL RESIDENTIAL 5 DISTRICT, an "M1" MANUFACTURING LIGHT DISTRICT and an "M2" MANUFACTURING GENERAL DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT including a new public right-of-way to allow for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" for File No. DASZ 7/2010, Riel Community Committee, dated June 7, 2010.

By-Law No. _____

File No. **DASZ 7/10**

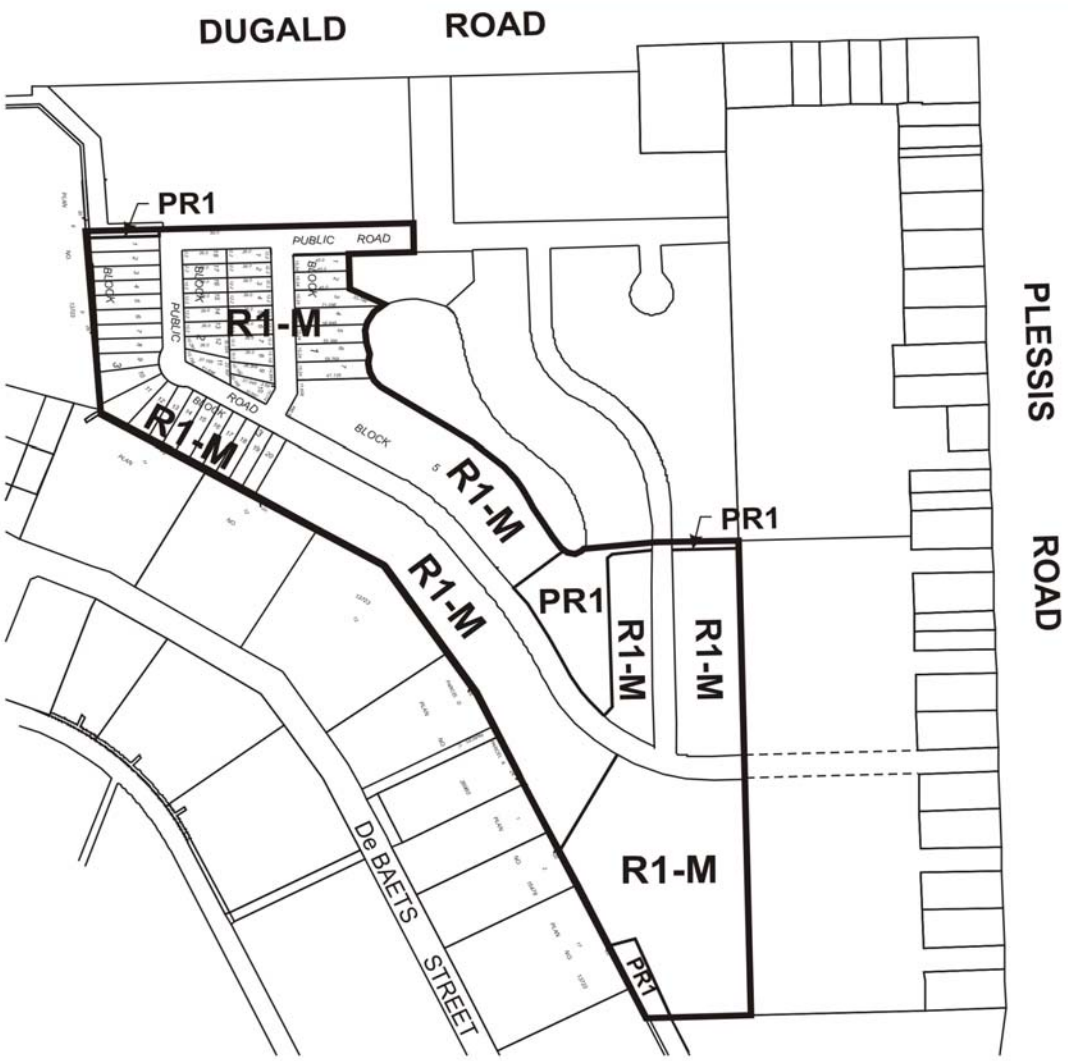
Atlas Sheet No.

N

AB32
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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 on the south side of Dugald Road, west of Plessis Road from an "RR5" RURAL RESIDENTIAL 5 DISTRICT, an "M1" MANUFACTURING LIGHT DISTRICT and an "M2" MANUFACTURING GENERAL DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT including a new public right-of-way to allow for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE C

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – JUNE 7, 2010

RE: PROPOSED SUBDIVISION AND REZONING OF LAND ON THE SOUTH SIDE OF DUGALD ROAD, WEST OF PLESSIS ROAD – WATERSIDE DEVELOPMENT PHASE 3 - DASZ 7/10

It is recommended that the approval of DASZ 7/10 be subject to the following:

A. Plan Considerations

1. The Developer designing intersections of local streets within the Planned Area such that the angle of intersection is no less that 70º as measured in the quadrant with the acute angle.

2. The Developer ensuring that no cul-de-sac street exceeds 105m in length.

3. The Developer providing right-of-way to accommodate each cul-de-sac turnaround consistent with the dimensions shown on Streets and Transportation Drawing ST-90 (revised) or ST-90-A.

4. The Developer dedicating and legally opening property for right-of-way corner cuts: a) 3.0m by 3.0m in *all* streets where the angle of intersection is less than 80º, and b) 2.0m by 2.0m in each corner of all other intersections of two streets 22.0m wide or greater - all to the satisfaction of the Director of Public Works.

5. The Developer revising the plan to: provide a minimum 6.0-m-wide public reserve parcel at the Northwest limit of the planned area; incorporate corner cuts on properties adjacent to the walkway into the larger, centrally located open space; and remove from the Planned Area a portion of the City-owned public reserve lands at the southwest limit of the planned area.

B. Development Agreement

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

1. Should development of the Planned Area under DASZ 7/10 precede the development of the lands previously approved under applications DASZ 20/08 and DASZ 33/08, the Developer shall construct the stormwater retention pond, complete with land drainage outfall, required under Development Agreement AG 20B/08.

2. Should development of the Planned Area under DASZ 7/10 precede the development of the lands previously approved under applications DASZ 20/08 and DASZ 33/08, the Developer shall construct the watermain loop required under Development Agreement AG 20B/08.

3. The Developer shall, at no expense to the City, install all wastewater sewers required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

4. The Developer shall, at no expense to the City, install all watermains required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

5. The Developer shall install lot line services to service all lots within the Planned Area as follows:

   a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.
   b) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer shall indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so prior to the issuance of a Final Acceptance Certificate certifying completion of all work under this Agreement.
   c) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

6. The Developer shall, at no expense to the City, install all land drainage sewers required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

7. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design.

8. The Developer shall, at no expense to the City, construct all swales, catchbasins, and leads required to provide lot drainage prior to the issuance of building permits.

9. The Developer shall, at no expense to the City, provide all easements with respect to the installation, maintenance, and replacement of swales, catchbasins, and leads for lot drainage upon registration of the approved subdivision mylars in the Land Titles Office.

10. Should development of the Planned Area under DASZ 7/10 precede the development of the lands previously approved under applications DASZ 20/08 and DASZ 33/08, the Developer shall finance and construct all works associated with the new intersection of Dugald Road and the north-south roadway in the Planned Area for DASZ 20/08 and DASZ 33/08, including eastbound and westbound turning lanes, channelization, and a median opening.

11. Should development of the Planned Area under DASZ 7/10 precede the development of the lands previously approved under applications DASZ 20/08 and DASZ 33/08, the Developer shall pay all costs associated with the installation of traffic-control signals at the intersection of Dugald Road and the new north-south roadway in the Planned Area for DASZ 20/08 and DASZ 33/08, and all related works, including, but not necessarily limited to, pedestrian and vehicle actuation and interconnection with the adjacent signalized intersections.

12. Should development of the Planned Area under DASZ 7/10 precede the development of the lands previously approved under applications DASZ 20/08 and DASZ 33/08, the Developer shall, at no expense to the City, construct, in the proposed north-south roadway which intersects with Dugald Road, two 8.0-m-wide by 200-mm-thick portland cement concrete pavements and all related works, including, but not limited to, sidewalks on both sides, ornamental street lighting, boulevard landscaping, and drainage works.

13. The Developer shall, at no expense to the City, construct, in the east-west roadway south of Dugald Road west of the roadway to be constructed under clause 13 above, a 10.0-m-wide by 200-mm-thick portland cement concrete pavement and all related works, including, but not limited to, sidewalks on both sides, ornamental street lighting, boulevard landscaping, and drainage works, to the west limit of the first north-south street in the Planned Area, and transition westward to a 7.5-m-wide by 150-mm-thick portland cement concrete pavement and all related works, including, but not necessarily limited to, a 1.5-m-wide by 150-mm-thick portland cement concrete sidewalk on the north side of the street to the west limit of the east-west roadway, boulevard landscaping, ornamental street lighting, and drainage works.

14. The Developer shall, at no expense to the City, construct 150-mm-thick portland cement concrete pavements to widths of 7.5m, and all related works, including, but not limited to, boulevard landscaping and drainage facilities, in all other streets within the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

15. The Developer shall construct all sidewalks concurrently with the pavements with which they share the right-of-way.

16. The City may file appropriate caveats in the Land Titles Office, notifying prospective homeowners of the proposed sidewalk locations.

17. The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of each temporarily paved dead-ended

street and provide any rights-of-way or easements necessary to accommodate same, all as determined by, and to the satisfaction of, the Director of Public Works.

18. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by, and to the satisfaction of, the Director of Public Works.

19. The Developer shall, at no expense to the City, sod boulevards and plant trees on all streets within the Planned Area, all in accordance with drawings and specifications to be prepared by the Developer and submitted to, and approved by, the Director of Public Works.

20. The Developer shall, at no expense to the City, maintain the boulevard improvements for one year, in accordance with specifications approved by the Director of Public Works.

21. The Developer shall, at no expense to the City, ensure that two means of paved vehicular access are available at all times to each stage of development of the Planned Area, to the satisfaction of the Director of Public Works. This may require the construction of temporary paved roadways and the provision of easements or rights-of-way.

22. The Developer shall, at no expense to the City, cause to be installed standard, reflectorized, permanent street-name signs at each new intersection within or adjacent to the Planned Area, as determined by the Director of Public Works.

23. Prior to construction, the Developer shall, at no expense to the City, obtain approval of and install, and subsequently maintain, at the entrances to the Planned Area, development information signs, containing no advertising, and showing the Planned Area, zoning information, a north directional arrow, all proposed collector streets, sidewalks, and active transportation facilities, and all proposed community mail-box sites - all with the approval of, and to the satisfaction of, the Director of Planning, Property & Development.

24. The Developer shall, at no expense to the City, cause to be installed ornamental street lights in all streets within the Planned Area, to the satisfaction of the Director of Public Works.

25. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, and any existing overhead services within the Planned Area to be converted to underground, to the satisfaction of the Director of Public Works.

26. 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.

27. 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.

28. 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.

29. 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.

30. The Developer shall dedicate to the City, as public open space, at least 8% of the land contained within the overall development area, and pay its share of the cost of services in streets abutting the dedicated land, in accordance with City policy, and as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property and Development. The dedication, landscaping, and servicing of public reserve for this application shall be accrued with the dedication, landscaping, and servicing of public reserve under applications DASZ 20/08 and DASZ 33/08. If the Developer is ultimately 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 Property, Planning & Development, pay to the City the value of the difference between 8% of the land and the land actually dedicated, the value of the servicing of the land not dedicated, and the value of the landscaping of the land not dedicated.

31. The Developer shall grade, level, sod, provide land drainage and, where designated under the approved plan, construct asphaltic concrete paths and associated landscaping within the dedicated public reserve land, all in accordance with plans and specifications approved by the Directors of Public Works and Planning, Property and Development. Except as identified under paragraph 34, below, the city shall reimburse the Developer the value of the asphaltic concrete pavements and landscaping when 80% of the residential lots are developed, subject to the approval of capital funding.

32. The Developer acknowledges that it is required to dedicate Public Reserve lands as necessary to connect the future right-of-way at the south limit of the planned

area to the Public Reserve land retained by the City adjacent to the southwest limit of the planned area. Further to Paragraph 10, Schedule D, AG 20A/08, the Developer shall, at no expense to the City, landscape and construct a minimum 1.8-m-wide asphaltic path through the public open space lands to provide pedestrian access through to the paved sidewalk on Camiel Sys Street.

33. The Developer shall, at no expense to the City, construct a minimum 1.8-m-wide asphaltic concrete pathway within all public reserve lands measuring 6.0 m or less in width with the primary function of walkway corridor (i.e. the northwest PR parcel, the walkway at the east limit of the larger park space, the walkway corridor opposite the latter, at the east limit of the Planned Area), as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, and Development

34. The Developer shall, at no expense to the City, maintain the public open space improvements for a period of two years in accordance with specifications approved by the Director of Public Works.

35. The Developer shall assume responsibility for the maintenance of all park sites until they are developed and accepted by the City for maintenance.

36. 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.

37. 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 within three months of substantial performance showing, the services required to serve the Planned Area.

38. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre of the Planned Area for DASZ 8/10 and DASSF 504/10 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. DASZ 7/10
June 7, 2010

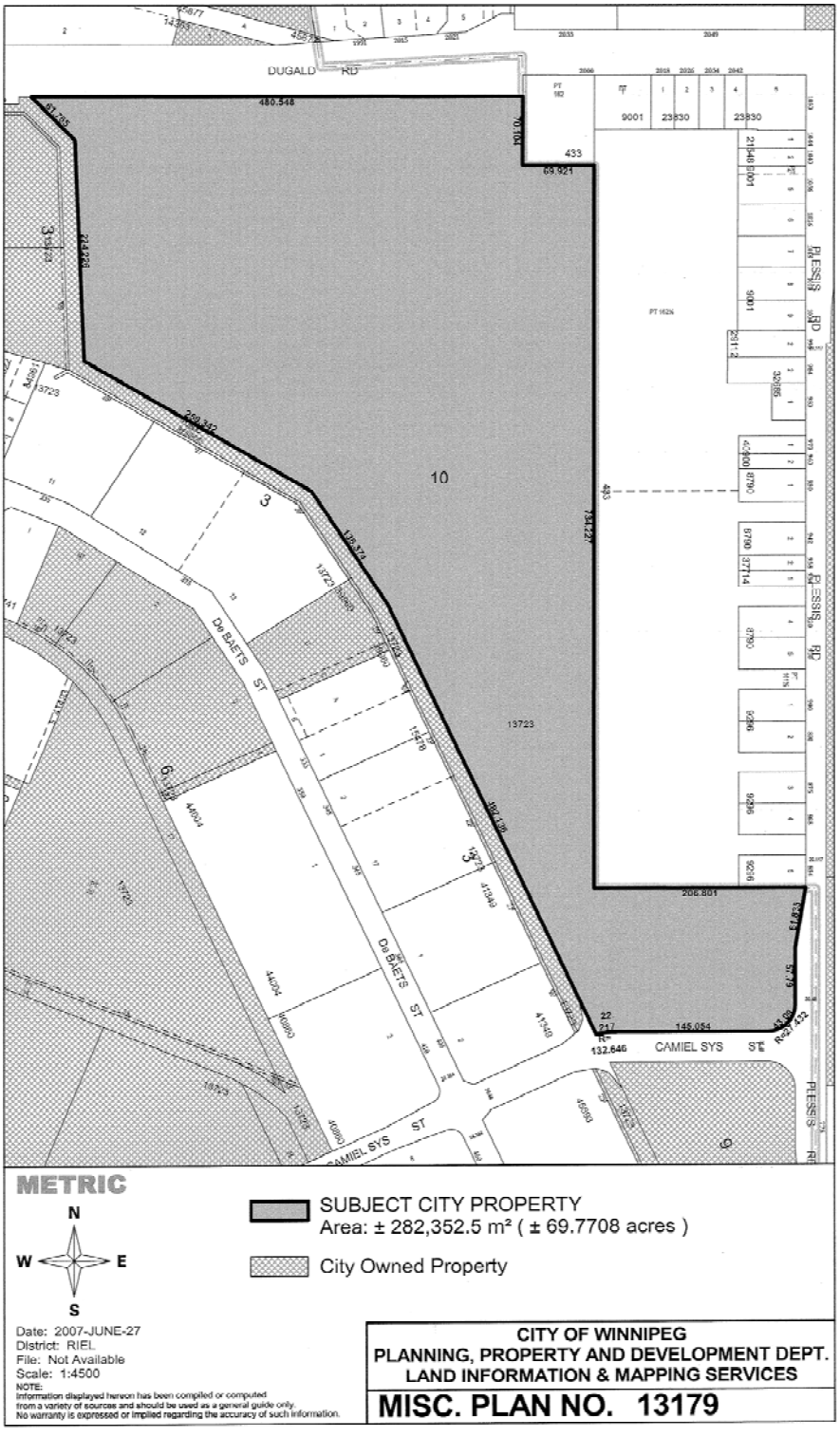
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S. M. Matile, P. Eng., Chair
Land Development Branch

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Public Works Department, Transportation Division

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F. C. Mazur, P. Eng.
Water & Waste Department

"original signed by D. Beaton, MLArch."
D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

Schedule "D" **Miscellaneous Plan No. 13179**



Schedule "E" **Miscellaneous Plan No. 13475/2**

