Minute No. 636
Report - Standing Policy Committee on Property and Development – September 14, 2010

Item No. 26 Subdivision and Rezoning - 60 Bison Drive
(St. Norbert Ward)
File DASZ 20/2010

COUNCIL DECISION:

Council concurred in the recommendations of the Standing Policy Committee on Property and Development, as amended, and adopted the following:

1. That the plan of subdivision proposed under File DASZ 20/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2010 dated August 13, 2010, 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 Servicing Agreement with the City containing all the conditions outlined in Schedule "B" the report of the Administrative Coordinating Group dated August 13, 2010, with the following amendments, namely:

        i. Delete the words "2.562 m" and "(to the standard 5.0 m)" in the second line of the Recommendation under Section A. Plan Considerations.

        ii. Delete Recommendation 1 under Section C. Servicing Agreement in its entirety.

        iii. Delete Recommendation 3 under Section C. Servicing Agreement in its entirety, and renumber the remaining recommendations accordingly.

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 20/2010 dated August 13, 2010, to a "C3" Commercial District and an "RMU" Residential Mixed Use District subject to the following:

Report - Standing Policy Committee on Property and Development – September 14, 2010

COUNCIL DECISION (continued):

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 within the lands zoned "C3" Commercial Corridor and "RMU" Residential Mixed Use, 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, walkways, 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 a 40 foot natural landscaped buffer shall be maintained along the entire south property line of the proposed lots or any future proposed lot(s) to the satisfaction of the Director of Planning, Property and Development.

iii. That the maximum height of any building on Lot 2 shall be no greater than 55 feet;

iv. That the maximum height of any building on Lot 3 shall be no greater than 75 feet;

v. That the Developer and all successors in title to the lots in the rezoning and subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owner of Lot 1 Plan 36194 so as to ensure access to the subject lands at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

Report - Standing Policy Committee on Property and Development – September 14, 2010

COUNCIL DECISION (continued):

vi. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution;

vii. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located, and;

viii. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS.

ix. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the land;

x. That the east-west facing portion of Building B on proposed lot 3 identified on the conceptual plans filed as Exhibit 7 shall be set back at least 54.5 metres from the east property line, as measured from the south property line to a point of 30.48 metres south of the north property line.

xi. That construction of Building B on proposed lot 3 identified on the conceptual plans filed as Exhibit 7 not begin until the construction of Building A on proposed lot 2 is substantially complete.

Report - Standing Policy Committee on Property and Development – September 14, 2010

COUNCIL DECISION (continued):

3. That Caveats #2297246 and #2644715 be withdrawn as they affect Lot 2, Plan 36194.

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

5. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

6. 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.

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 Servicing 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 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.

10. 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.

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 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.

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.

Report - Standing Policy Committee on Property and Development – September 14, 2010

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 15, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and the recommendation of the Riel Community Committee as amended, with the following amendment:

- Amend Recommendation 1. A. by adding the following

  iii. Delete Recommendation 3 under Section C. Servicing Agreement in its entirety, and renumber the recommendations accordingly,

STANDING COMMITTEE RECOMMENDATION:

On September 14, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee with the following amendments, namely:

- Amend Recommendation 2. A. x. by adding the words ", as measured from the south property line to a point of 30.48 metres south of the north property line." after the words "east property line"

- Add the following Recommendation 5. and renumber the subsequent recommendations accordingly:

  "5. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land,"

and submitted the matter to the Executive Policy Committee and Council.

Report - Standing Policy Committee on Property and Development – September 14, 2010

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On September 7, 2010, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments, namely:

- Amend Recommendation 1. A. by adding the following words after the words "dated August 13, 2010", namely:

  "with the following amendments, namely:

  i. Delete the words "2.562 m" and "(to the standard 5.0 m)" in the second line of the Recommendation under Section A. Plan Considerations.

  ii. Delete Recommendation 1 under Section C. Servicing Agreement in its entirety and renumber the remaining Recommendations accordingly."

- Amend Recommendation 2.A.i by adding the word "walkways" after the word "fencing" in the fifth line thereof;

- Add the following new Recommendations:

  "2.A.x. That the east-west facing portion of Building B on proposed lot 3 identified on the conceptual plans filed as Exhibit 7 shall be set back at least 54.5 metres from the east property line.

  2.A.xi. That construction of Building B on proposed lot 3 identified on the conceptual plans filed as Exhibit 7 not begin until the construction of Building A on proposed lot 2 is substantially complete."

- Delete Recommendation 5 in its entirety and renumber the remaining Recommendations accordingly,

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

RE: **Subdivision and Rezoning - 60 Bison Drive**
File DASZ 20/2010 [c/r DAV 143980/2010D]

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

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

Report date: **September 8, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 7, 2010, 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 20/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2010 dated August 13, 2010, 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 Servicing Agreement with the City containing all the conditions outlined in Schedule "B" the report of the Administrative Coordinating Group dated August 13, 2010, ***with the following amendments, namely:***

        i. Delete the words "2.562 m" and "(to the standard 5.0 m)" in the second line of the Recommendation under Section A. Plan Considerations.

        ii. Delete Recommendation 1 under Section C. Servicing Agreement in its entirety and renumber the remaining Recommendations accordingly.

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 20/2010 dated August 13, 2010, to a "C3" Commercial District and an "RMU" Residential Mixed Use 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 within the lands zoned "C3" Commercial Corridor and "RMU" Residential Mixed Use, 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, ***walkways***, 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 a 40 foot natural landscaped buffer shall be maintained along the entire south property line of the proposed lots or any future proposed lot(s) to the satisfaction of the Director of Planning, Property and Development.

iii. That the maximum height of any building on Lot 2 shall be no greater than 55 feet;

iv. That the maximum height of any building on Lot 3 shall be no greater than 75 feet;

v. That the Developer and all successors in title to the lots in the rezoning and subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owner of Lot 1 Plan 36194 so as to ensure access to the subject lands at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

vi. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution;

vii. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located, and;

viii. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS.

ix. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the land;

x. That the east-west facing portion of Building B on proposed lot 3 identified on the conceptual plans filed as Exhibit 7 shall be set back at least 54.5 metres from the east property line.

xi. That construction of Building B on proposed lot 3 identified on the conceptual plans filed as Exhibit 7 not begin until the construction of Building A on proposed lot 2 is substantially complete.

3. That Caveats #2297246 and #2644715 be withdrawn as they affect Lot 2, Plan 36194.

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

~~***5. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.***~~

~~***6.***~~5. 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.

~~*7.*~~6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

~~*8.*~~7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

~~*9.*~~8. 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.

~~*10.*~~9. 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.

~~*11.*~~10. 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 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.

~~*12.*~~11. 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.

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 administrative comments contained in the report of the Planning and Land Use Division dated August 13, 2010.

PUBLIC HEARING SUMMARY

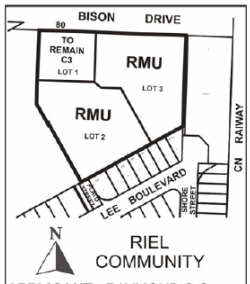
File: DASZ 20/2010 [c/r DAV 143980/2010D]

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

Public Hearing: September 7, 2010
Council Chamber
Council Building, 510 Main Street

Applicant: Raymond S.C. Wan Architect (Ray Wan)

Subject:



APPLICANT : RAYMOND S.C. WAN, ARCHITECT
FILE : DASZ 20/10
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 a "C3" COMMERCIAL DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to allow for the construction of multiple family dwellings. **For information, phone Mr. R. Kostiuk, Planner, at 986-7367.**
DEMANDEUR : RAYMOND S.C. WAN, ARCHITECT
N° DE RÉFÉRENCE : DALZ 20/10
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 de la catégorie C3 (SECTEUR DE COULOIR COMMERCIAL) à la catégorie RMU (SECTEUR RÉSIDENTIEL POLYVALENT) afin de permettre la construction d'habitations multifamiliales. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: 60 Bison Drive

Exhibits Filed:

1. Application dated July 22, 2010
2. Notification of Public Hearing dated July 26, 2010
3. Manitoba Status of Title 2356837
4. Letter of authorization dated July 22, 2010 from Cambrian Credit Union to Raymond S.C. Wan Architect

5a. Caveats 2297246
5b. Caveats 2297247
5c. Caveats 2644715

6. Surveyor's Building Location Certificate and sketch dated August 31, 2009
7. Plans (3 pages)
8. Report from the Planning and Land Use Division dated August 13, 2010
9. Inspection Report
10. Communication dated September 1, 2010, from Clay Kemp in opposition to the application
11. Communication from Brian Hanson, in opposition to the application
12. Communication dated August 28, 2010, from P. Attwood, in opposition to the application
13. Communication dated September 3, 2010, from John and Aline Kehler, in opposition to the application
14. Communication dated September 6, 2010, from Desiree Ranger, in opposition to the application
15. Communication dated September 3, 2010, from Tony Wong, in opposition
16. Communication dated September 6, 2010, from Anthony and Karen Sidley, in opposition to the application
17. Communication dated September 3, 2010, from J. Low, in opposition to the application.

18 Audio Recording of representations of public hearing

REPRESENTATIONS:

In Support:

Bob Antymniuk
Allan Borodkin, The Dynasty Group
Susan Russell
Ray Wan, Raymond S.C. Wan Architect

In Opposition

Arsenio Bernardo
P. Attwood
Vince Bucci
Connie Dame
Sally Downes
Jerrod Falk
Eric Funk
Angad Singh Gill
Brian Hanson
Evan Hanson
Harmeet Kaur
John and Aline Kehler
Carol and Clay Kemp
Kitty Leong
Charles Littman
Janice Low
Matthew Low
David Low
Kurtis Michaluk
Cynthia Nickerson
Ajith Rajamanthri
Desiree Ranger
Anthony and Karen Sidley
Louis Yeung
Tony Wong (on behalf of Maureen Chan)

For Information:

Jonathan Cooper
Lyne Morissette

For the City:

Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 20/2010] [c/r DAV 143980/2010D]

ADMINISTRATIVE REPORT

Title: DASZ 20/2010 – 60 Bison Drive Public Hearing

Issue: For consideration at the Public Hearing for a subdivision and rezoning to create a C3 lot and two RMU lots that would accommodate 240 multi-family housing units.

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
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 20/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2010 dated August 13, 2010, 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 Servicing Agreement with the City containing all the conditions outlined in Schedule "B" the report of the Administrative Coordinating Group dated August 13, 2010.

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 20/2010 dated August 13, 2010, to a "C3" Commercial District and an "RMU" Residential Mixed Use 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 within the lands zoned “C3” Commercial Corridor and “RMU” Residential Mixed Use, 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 a 40 foot natural landscaped buffer shall be maintained along the entire south property line of the proposed lots or any future proposed lot(s) to the satisfaction of the Director of Planning, Property and Development.

(iii) That the maximum height of any building on Lot 2 shall be no greater than 55 feet;

(iv) That the maximum height of any building on Lot 3 shall be no greater than 75 feet;

(v) That the Developer and all successors in title to the lots in the rezoning and subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owner of Lot 1 Plan 36194 so as to ensure access to the subject lands at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

(vi) That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution;

(vii) That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located, and;

(viii) Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS.

(ix) That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the land;

3. That Caveats #2297246 and #2644715 be withdrawn as they affect Lot 2, Plan 36194.

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

5. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

6. 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.

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 Servicing 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 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.

10. 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.

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 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.

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 would like to subdivide and rezone 6.3 acres of land at 60 Bison Drive to create a C3 lot and two RMU lots that would accommodate 240 multi-family housing units.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Planning and Land Use Division are concurred in, the land will be subdivided into three (3) lots. Proposed Lot 1 will continue to be zoned "C3" Commercial Corridor. Proposed Lots 2 and 3 will be rezoned from C3 to "RMU" Residential Mixed Use, which will allow for multi-family development to be constructed on these lots.

HISTORY

- On June 24, 1998, the City of Winnipeg enacted Zoning By-Law No. 7247/98 (DASZ 2/98) to approve a plan of subdivision for the creation of two lots and rezone the lands on the south side of Bison Drive between Barnes Street and Shore Street from an "A5" Agricultural District to a "C2" Commercial District (now "C3" Commercial Corridor under Zoning By-Law 200/2006).
- Lot 1 was used to develop a large-scale grocery store (Superstore) and fuel sales kiosk, while Lot 2 (the subject property for this application) has remained undeveloped until the recent construction of the foundation for a bank (Cambrian Credit Union). It should be noted that in conjunction with DASZ 2/98 a conditional use was granted under DCU 38/98D to permit the fuel sales kiosk on Lot 1.
- A zoning agreement was placed on the properties as a condition of the subdivision and rezoning approval. This zoning agreement restricts: uses, gross leasable areas, mobile signage, and incorporates a 40 foot wide landscaped buffer along the south property line between Barnes Street and Shore Street. The zoning agreement also requires Plan Approval from the Director prior to the issuance of building permits.
- On July 18, 2001 the zoning agreement was amended under file ZAA 10/01 as Clause 4 of the agreement was deleted and substituted with the following:

  No more than 150,000 square feet of gross leasable area shall be developed on Lot 1 of the land and no more than 215,000 square feet of gross leasable area in total shall be developed on the land.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

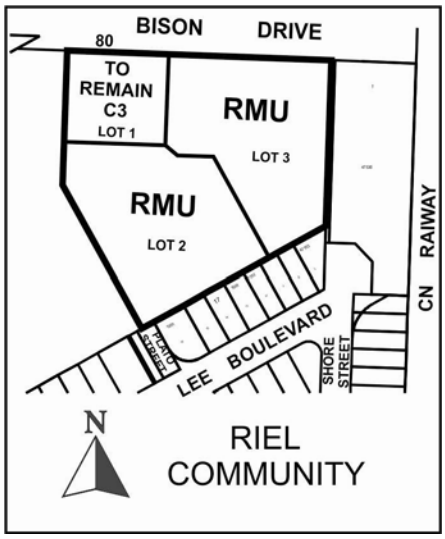
Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by:	Robert Kostiuk
Date:	August 13, 2010
File No.	DASZ 20/10

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DASZ 20/10
3. Schedule “B” – Report of the Administrative Coordinating Group
4. Appendix B – Design Guidelines

APPENDIX 'A'

DATE:	August 13, 2010
FILE:	DASZ 20/10
RELATED FILES:	DAV 10-143980/D (c/r), DASZ 2/98, DCU 38/98D
COMMUNITY:	Riel
NEIGHBOURHOOD #:	5.637
SUBJECT:	To rezone and subdivide the subject land from one "C3" Commercial Corridor lot into two "RMU" Residential Mixed Use lots and one "C3" lot to allow for the development of multi-family buildings and a commercial development.
LOCATION:	60 Bison Drive
LEGAL DESCRIPTION:	Lot 2 Plan 36194



APPLICANT:	Raymond S.C. Wan Architect (Ray Wan) 1-1250 Waverley Street Winnipeg, MB R3T 6C6
OWNER:	Cambrian Credit Union Limited (Jim Grapentine) 225 Broadway Winnipeg, MB R3C 5R4
RECOMMENDATION:	Approval with conditions

REPORT SUMMARY

- The applicant is proposing to subdivide the land into three (3) lots. Proposed Lot 1 will remain zoned "C3," while proposed Lots 2 and 3 will be rezoned from "C3" to "RMU".
- Proposed Lot 1 will contain a bank (Cambrian Credit Union) and will be approximately one acre in area.
- On Proposed Lot 2, the applicant intends to develop a 55 foot tall (4 storey) multi-family residential building with 96 units. Proposed Lot 2 would be 2.6 acres in area and would contain a total of 207 parking stalls (111 surface stalls and 96 stalls contained within the building).
- On Proposed Lot 3, the applicant intends to develop a 75 foot tall (6 storey) multi-family residential building with 144 units. Proposed Lot 3 would be 2.7 acres in area and would contain a total of 241 parking stalls (97 surface stalls and 144 stalls contained within the building).
- The Planning and Land Use Division recommends supporting this application because:
    - The proposed development is located along a high-capacity arterial (Bison Drive), which is a sufficient location for commercial and multiple-family development;
    - The site will be accessed by a private road with an existing signalized intersection at Bison Drive, which means that local or neighbourhood streets will not be impacted by the traffic generated from the proposed development;
    - The 75 foot tall building proposed on Lot 3 is near Bison Drive and is consistent in terms of height and form with the existing six/seven storey complex at 40 and 60 Shore Street.
    - Potential impact on neighbouring single-family residential lots created by the 55 foot tall building on Proposed Lot 2 can be mitigated through the required 40 foot landscaped buffer along the south property line and through the required plan approval.

SITE DESCRIPTION

- The subject property is located on the south side of Bison Drive, between Barnes Street and Pembina Highway in the Fairfield Park neighbourhood of the St. Norbert Ward.
- The property is zoned "C3" Commercial Corridor and is approximately **6.3 acres in area**.
- The subject property is predominantly vacant; however, foundation construction for a Cambrian Credit Union has begun on Proposed Lot 1.
- The southern extent of the property contains a large (approximately one acre) forested area. The City of Winnipeg Natural Services Branch has identified this area as Grade "B/C" habitat that is predominantly comprised of aspen forest. The rest of the property is comprised of grassland that has been identified as Grade "D" habitat by the City of Winnipeg Natural Services Branch.



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

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Bison Drive and detached single-family residential homes zoned “R1-M” Residential Single-Family Medium.

South: Single-family homes zoned R1-M” Residential Single-Family Medium.

East: A six/seven storey multi-family dwelling zoned “RMF-L” Residential Multi-Family Large.

West: The Real Canadian Superstore zoned “C3” Commercial Corridor.

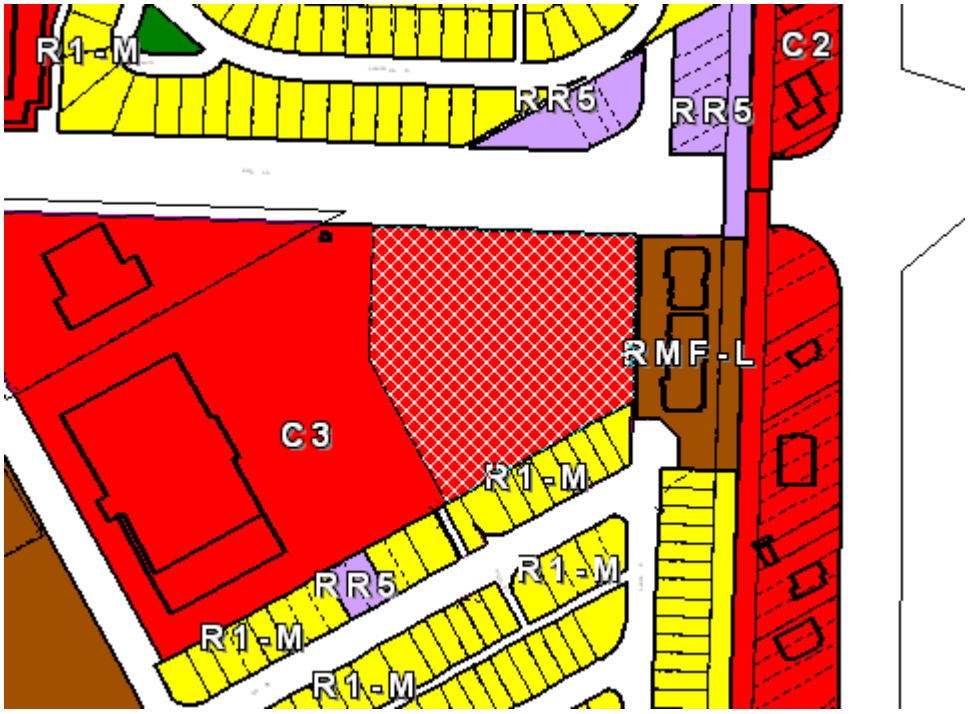


Figure 2: Zoning of the site and surrounding area.

BACKGROUND

- As previously discussed within the History Section, the subject property was subdivided and rezoned in 1998 under file DASZ 2/98. A zoning agreement was placed on the properties as a condition of the subdivision and rezoning approval. Key restrictions of the zoning agreement are as follows:

  2. The following uses shall be prohibited on the land:

  - amusement enterprise, outdoor
  - automobile, including motorcycle: cleaning
  - automobile, including motorcycle: repair, service, installation of supplies/parts
  - automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies/parts
  - banquet hall, dance hall
  - boat: sales, service
  - boat docking/launching, boat rental, marina
  - cabaret
  - club, including licensed premises
  - contractors establishment

- exterminator
- flea market; outdoor only
- machinery/heavy equipment supplies and parts: sales, installation, service
- mobile home park
- motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental, sales, service
- pawnshop
- sign, advertising
- taxidermist

3. No building(s), structure(s) or works shall be erected or located on the land and no building permit issued for construction on the land unless and until construction plans indicating the design and location of the proposed building(s), including elevations and details of exterior finishing materials, accessory parking and loading areas, vehicular access to the site and traffic circulation, fencing, landscaping, freestanding and fascia signage and garbage enclosures are submitted to and approved by the Chief Administrative Officer, or her designate, under the designation "Schedule "A" to Zoning Agreement DASZ 2/98, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to this agreement.
4. No more than 135,000 square feet of gross leasable area shall be developed on the proposed lot 1, and no more than 215,000 square feet of gross leasable area in total shall be developed on the lands.
5. Mobile signs shall be prohibited on the lands except for a period of fourteen (14) days following issuance of a new occupancy permit.
6. The Owner shall maintain a minimum forty (40) foot landscaped buffer along the south property line, between Barnes Street and Shore Street.

- On July 18, 2001 the zoning agreement was amended under file ZAA 10/01 as Clause 4 of the agreement was deleted and substituted with the following:

  No more than 150,000 square feet of gross leasable area shall be developed on Lot 1 of the land and no more than 215,000 square feet of gross leasable area in total shall be developed on the land.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the land into three (3) lots. Proposed Lot 1 will remain zoned "C3," while proposed Lots 2 and 3 will be rezoned from "C3" to "RMU".
- Proposed Lot 1 will contain a bank (Cambrian Credit Union) and will be approximately one acre in area.

- On Proposed Lot 2, the applicant intends to develop a 55 foot tall (4 storey) multi-family residential building with 96 units. Proposed Lot 2 would be 2.6 acres in area and would contain a total of 207 parking stalls (111 surface stalls and 96 stalls contained within the building).
- On Proposed Lot 3, the applicant intends to develop a 75 foot tall (6 storey) multi-family residential building with 144 units. Proposed Lot 3 would be 2.7 acres in area and would contain a total of 241 parking stalls (97 surface stalls and 144 stalls contained within the building).
- The applicant has explained to the Planning and Land Use Division that there is a chance that the submitted plans may change and that commercial development may be proposed on either Proposed Lot 2 or Proposed Lot 3. Under the Zoning By-law, small-scale commercial development is permitted in the RMU zone.
- Access to the lots will be from a private road that currently services Superstore. As such, a cross access agreement is required.
- Variances are required to allow for the establishment of a zoning lot without frontage on an improved street. The applicant has also requested several other yard variances.
- The applicant is requesting that the existing zoning agreement be discharged and replaced with a new agreement to accommodate the proposed development. The applicant is not proposing to incorporate the full 40 foot setback along the south property line, but instead is proposing a 25 foot setback for this area.

ANALYSIS AND ISSUES

PLAN WINNIPEG

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

ZONING

"C3" Commercial Corridor

- The C3 zone is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic. These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. C3 districts are generally located along portions of arterial streets where lot depths are 200 feet or greater, or at arterial/arterial intersections. Non-residential structures in the C3 zone require the following dimensional standards: a minimum front yard and rear yard of 25 feet, a minimum interior side yard of 0 feet, and a minimum corner side yard of 25 feet. The maximum building height is 49 feet and the maximum Floor Area Ratio is 1.5.

"RMU" Residential Mixed-Use

- The RMU zone is intended to facilitate the development of primarily medium to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The dimensional standards for multi-family structures in the RMU zone are: a minimum lot area of 9,000 square feet; minimum front yard of 20 feet; a minimum rear yard of 25 feet; and, a maximum building height of 100 feet. The minimum required side yard is 5 feet; however, for buildings greater than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet.

LAND USE BY-LAW

Rezoning

- The rezoning is only required for Proposed Lots 2 and 3. The applicant is proposing to develop multi-family residential buildings on these lots. Multi-family dwellings are not permitted in the C3 zone; however, multi-family dwellings are permitted in the RMU zone.

Variances – Proposed Lot 2

- Section 132(6) of Zoning By-law 200/2006 requires all zoning lots to have frontage on an improved public street. The applicant is proposing to develop this lot with access from a private road in conjunction with a cross access agreement.
- The required side yards for a four storey building in the RMU zone are 11 feet. The applicant is proposing an east side yard of 9.5 feet.
- The minimum side yard required for an accessory parking lot in the RMU zone is 5 feet. The applicant is proposing an east side yard of 0 feet and a west side yard of 3 feet.
- Section 172(3)(a) of the Zoning By-law requires accessory off-street parking areas to have driveway access from a public street or lane. The applicant is proposing to access the parking area from a private road in conjunction with a cross access agreement.

Variances – Proposed Lot 3

- The required side yard for a six storey building in the RMU zone is 15 feet. The applicant is proposing a west side yard of 9.5 feet.
- The minimum side yard required for an accessory parking lot in the RMU zone is 5 feet. The applicant is proposing an east side yard of 1.9 feet and a west side yard of 0 feet.
- Section 172(3) (a) of the Zoning By-law requires accessory off-street parking areas to have driveway access from a public street or lane. The applicant is proposing to access the parking area from a private road in conjunction with a cross access agreement.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The proposed development is located along a high-capacity arterial (Bison Drive), which is a sufficient location for commercial and multiple-family development.
- The site will be accessed by a private road with an existing signalized intersection at Bison Drive. As such, local or neighbourhood streets will not be impacted by the traffic generated from the proposed development. Furthermore, traffic generated for the RMU sites is likely to be much less than the traffic that could be generated by a "C3" Commercial Corridor use (as the site is currently zoned).
- The proposed density for Lots 2 and 3 is lower than what is permitted in the RMU zone. Within the RMU zone, the minimum lot area per dwelling unit is 500 square feet, which if applied to its maximum extent could equate to 227 units on Proposed Lot 2 and 235 units on Proposed Lot 3. However, the proposed lot area per dwelling unit for Lot 2 is 1,180 square feet and for Lot 3 is 817 square feet. This level of density would be suitable in the "RMF-M" Residential Multi-Family Medium zone where the minimum lot area per dwelling unit is 800 square feet. Comparatively, the multi-family dwellings located at 40 and 60 Shore Street (east of the proposed development) have an average lot area per dwelling unit of 705 square feet.
- If a commercial development is proposed on either of Lots 2 or 3, this development would be less intense than commercial development permitted in the C3 zone due to the commercial restrictions in the RMU zone. However, the applicant could apply to vary some of these restrictions, which would require a public hearing.
- Proposed Lot 1 is consistent with the existing zoning (C3).
- The 75 foot tall building proposed on Lot 3 is near Bison Drive and is consistent in terms of height and form with the existing six/seven storey development at 40 and 60 Shore Street. The 55 foot tall building on Proposed Lot 2 is located nearest to existing single-family residential development. It should be noted that if the zoning were to remain "C3" for the site, the maximum permitted building height would be 49 feet.

SITE DESIGN

- The proposed site design shows a logical internal road and sidewalk connection between all of the lots.
- At its nearest point, the proposed building on Lot 3 would be approximately 100 feet away from the seven storey building located at 40 and 60 Shore Street. However, the section of the building with units that would face the existing seven storey building would be approximately 150 feet away. These proposed distances are predominantly greater than the distances between large multi-family buildings in more urbanized neighbourhoods, such as Osborne Village, where the separation distance between buildings facing each other along the streetfront are commonly in the range of approximately 65 feet. Along Henderson Highway near the Chief Peguis Trail there are a series of multi-family development that have similar setbacks as the ones proposed (see Figure 3).

- The proposed 55 foot tall building on Lot 2 is approximately 70 feet away from the nearest single-family residential buildings. However, the section of the building with units that would face the existing single-family residences would be approximately 175 feet away.
- The separation distances result from the proposed design of the site and the existing siting of the multi-family dwelling east of the subject property and the single-family residential buildings that are located to the south. Adhering to the minimum required setbacks for the RMU zone would result in a reduction to these separation distances. However, the distances between any future development on the site and the nearest single-family homes and the nearest existing multi-family building would not would be significantly different than the minimum separation distances proposed.
- The applicant will be required to provide the following pedestrian/trail connection improvements as described in the Servicing Agreement (Schedule B):
    - A concrete pathway connection from the site through the Plato right-of-way, and;
    - An asphaltic concrete widening to the existing multi-use pathway in the public right-of-way abutting the east side of the Planned Area.
- The developers are also required to pay their share, based on its Bison Drive frontage, of the cost of the 3.0-m-wide asphaltic concrete bicycle pathway being constructed by the City along Bison Drive.
- The Planning and Land Use Division has provided a set of design guidelines for the subject site (see Appendix B). These guidelines will be used to evaluate the final proposed design(s).

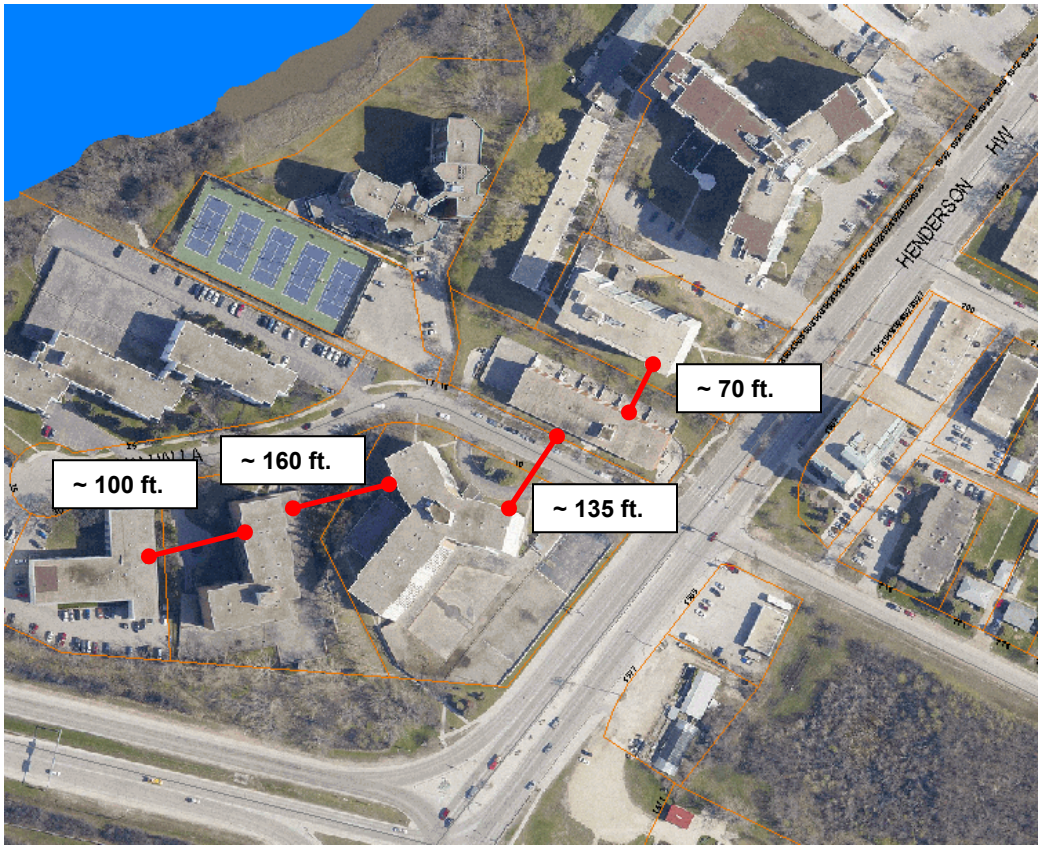


Figure 3: Approximate distances between multi-family buildings near the Henderson/Chief Peguis intersection

TRANSIT ACCESSIBILTY

- The nearest bus stop to the site at the Pembina Highway/Bison Drive intersection is located approximately 800 feet away from the site. The 62 Richmond Express and 70 Richmond buses service these stops.

ZONING AGREEMENT

- As previously discussed, the applicant wishes to discharge the existing zoning agreement, including the required 40 foot setback from the south property line.
- While the Planning and Land Use Division agrees that the existing zoning agreement should be discharged and replaced with a new zoning agreement, the Planning and Land Use Division does not support the reduction of the 40 foot setback to a 25 foot setback along the south property line. It is noted within the Planner's report for DASZ 2/98 that the residents of Lee Boulevard were concerned about the loss of natural vegetation on the site and the level of buffering between the commercial and residential uses. To mitigate these concerns, the applicant at the time proposed to leave a 40 foot landscaped buffer along the south side of the property and erect an 8 foot high cedar fence. The Planning and Land Use Division feels that the residents had a reasonable

expectation to believe that this 40 foot setback would continue to exist no matter what type of development is proposed on the site. The applicant has also stated that the site plans may change to accommodate commercial development. As such, it is unclear to the Planning and Land Use Division as to why a 15 foot reduction to the 40 setback is required. Further, the 15 foot difference represents a minor change that could be accommodated in the site plans as proposed.

- It should also be noted that the quality of the existing natural vegetative buffer appears to have deteriorated over the past ten or more years. Although neighbouring property owners originally raised concerns about the loss of the natural vegetation due to development, it appears that some of the deterioration of the buffer has resulted from neighbouring residents clearing the buffer for their own purposes.
- The Planning and Land Use Division recommends removing the existing zoning agreement and replacing it with a new zoning agreement that:
    - retains the 40 foot natural vegetative buffer that is to be preserved as an unmodified/untouched natural area;
    - restricts the height of future development and provides a plan approval requirement to help ensure that the form of development is compatible with the neighbourhood;
    - includes the appropriate cross access agreements;
    - restricts signage, and;
    - requires clearly visible addressing, namely for emergency services.
- The Division does not recommend restricting the residential density as the zoning requirement (a minimum lot area per dwelling unit of 500 square feet) and height restrictions – as recommended in the zoning agreement – can satisfactorily restrict the density in a manner that will not result in any traffic concerns for the site.

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.
- For this application, the City is requesting cash in lieu.

RECOMMENDATION

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

- The proposed development is located along a high-capacity arterial (Bison Drive), which is a sufficient location for commercial and multiple-family development.
- The site will be accessed by a private road with an existing signalized intersection at Bison Drive, which means that neighbourhood streets will not be impacted by the traffic generated from the proposed development.
- The 75 foot tall building proposed on Lot 3 is near Bison Drive and is consistent in terms of height and form with the existing six/seven storey development at 40 and 60 Shore Street.
- Potential impact on neighbouring single-family residential lots created by the 55 foot tall building on Proposed Lot 2 can be mitigated through the required 40 foot landscaped buffer along the south property line and through the required plan approval.

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

Report Prepared by: Robert Kostiuk
PPD File # DASZ 20/10

Schedule "A" for File No. DASZ 20/2010, Riel Community Committee, dated August 13, 2010.

By-Law No.

File No. **DASZ 20/10**

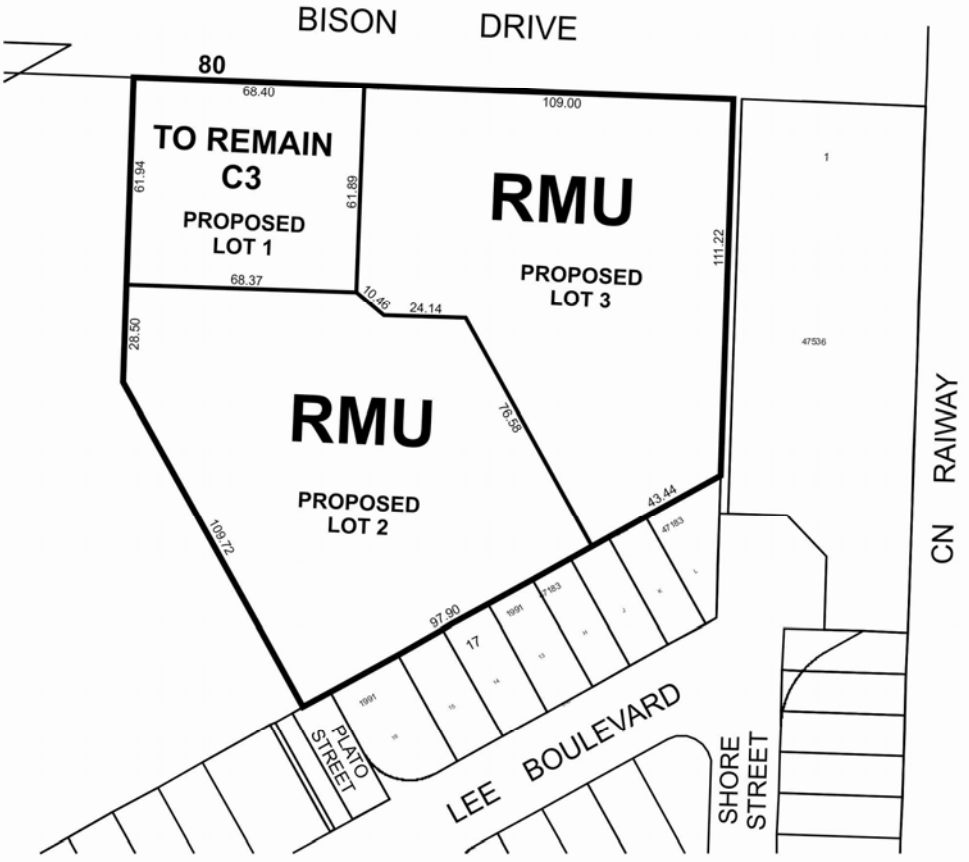
Atlas Sheet No.

N

AL23 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 60 Bison Drive from a "C3" COMMERCIAL DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to allow for the construction of multiple family dwellings as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" Report of the Administrative Coordinating Group dated August 13, 2010

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – AUGUST 13, 2010

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT 60 BISON DRIVE – DASZ 20/10

It is recommended that the approval of DASZ 20/10 be subject to the following:

A. Plan Considerations

The Developer providing and legally opening, at no cost to the City, property required for the ~~2.562 m widening (to the standard 5.0 m)~~ widening of the public walkway right-of-way abutting the east side of the Planned Area, connecting Shore Street with Bison Drive, along the full length of the Planned Area abutting the public walkway right-of-way, all to the satisfaction of the Director of Public Works.

B. Engineering Report

1. The applicant providing, to the satisfaction of the Director of Water and Waste, a comprehensive report, prepared by a qualified municipal engineer, that
   a) demonstrates that the existing services are adequate for the proposed higher-density development,
   b) identifies the reduction in development density required to render the existing services adequate, and/or
   c) identifies any system upgrades required.

2. The applicant constructing all system upgrades identified, in the Engineering Report, as being required, at its cost, and all to the satisfaction of the Director of Water and Waste.

C. Servicing Agreement

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

1. The Developer shall, at no expense to the City, construct an asphaltic concrete widening to the existing multi-use pathway in the public right-of-way abutting the east side of the Planned Area, from the south limit of the Planned Area to the existing sidewalk within he Bison Drive right-of-way adjacent to the north limit of the Planned Area, to result in a final completed pathway width of 3.5 m, all as determined by, and to the satisfaction of, the Director of Public Works.

2. The Developer shall pay its share, based on its Bison Drive frontage, of the cost of the 3.0-m-wide asphaltic concrete bicycle pathway being constructed by the City along Bison Drive, as determined by the Director of Public Works.

The Developer shall pay its share of the 3.0-m-wide asphaltic concrete bicycle pathway being constructed by the City along Bison Drive, from the westerly limit of lot 3 to the easterly limit of lot 3, as determined by the Director of Public Works.

3. The Developer shall, at no expense to the City, undertake improvements, in association with the servicing works, within the Plato Street right-of-way, to provide a pathway connection from the Planned Area to the residential properties to the south. The improvements shall include construction of a 1.5-m-wide concrete pathway, landscaping of the balance of the right-of-way with sod, shrubs and trees, and grading and land drainage associated with these improvements, all in accordance with drawings submitted for approval by, and to the satisfaction of, the Director of Public Works.

4. 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.

5. The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

6. The Developer shall, at no expense to the City:
   a) ensure that construction traffic uses access routes determined by the Director of Public Works;
   b) maintain those access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and
   c) undertake the regular cleaning, including, but not limited to, scraping and sweeping, of those access routes and all streets within the Planned Area;

   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, 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.

8. The Developer shall execute, to the satisfaction of the Director of Water and Waste, a joint services agreement which shall obligate all current and future owners of the proposed lots to be jointly responsible for the proper use, maintenance, repair, and replacement of the shared water, wastewater, and land drainage services.

9. The Developer shall execute, and register against the title of each lot, to the satisfaction of the Director of Public Works, the appropriate cross-access easement agreement(s) to replace the existing cross-access agreement in place between the Westfair property to the west and the Planned Area, to guarantee access for the proposed lots 1, 2, and 3 to/from Bison Drive via the existing private approach on the Westfair Property immediately west of the Planned Area.

10. There shall be no private approaches to/from any of the proposed lots off Bison Drive, and this condition shall be registered as a caveat against each of those lots.

11. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Are 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 and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

12. 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 by March 31 of the year following substantial performance showing, the services required to serve the Planned Area.

13. 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 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 20/10
August 13, 2010

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

"original signed by R.J. Hartmann, P. Eng."
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by F. C. Mazur, P. Eng."
F. C. Mazur, P. Eng.
Water & Waste Department

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

APPENDIX 'B' **Design Guidelines**

Design Guidelines for Final Plan Approval for DASZ 20/10 – 60 Bison Drive

1. Site Planning

1.1 An area of common open space that can be easily accessed by residents and that provides a focal point for community recreation and interaction and adds to the overall quality of life for residents should be provided. It should be purposefully integrated into the overall design of the development and not merely residual areas left over after the buildings and parking lot are sited. Common open space can include gardens, courtyards, recreation, or play areas and may include some of the following features:

- Seasonal planting areas
- Large, flowering trees
- Seating
- Pedestrian scaled lighting
- Gazebos or other decorative shelters
- Play structures for children
- On-site community recreation amenities

1.2 A minimum of one safe, well defined and universally accessible walkway or internal sidewalk system shall be incorporated into the proposed development. A logical connection from the sidewalk developed for the Bison Drive Cambrian Credit Union should be created.

1.3 A minimum of one pedestrian connection from the internal sidewalk system to the external sidewalk system should be provided.

1.4 The site layout and building orientation should ensure that the buildings relate appropriately to surrounding developments and to the street and create a cohesive visual identity for the neighbourhood.

1.5 Future development should minimize shadow impact and should be reasonably separated from existing development. Where the proposed building is taller than the maximum allowable height for the adjacent zoning district, an appropriate rear/side yard setback to the adjacent residential property can be achieved by setting the building back so that it does not project into a 45 degree angular plane measured from the adjacent residential property line (starting at a six foot height above grade) to the top of the proposed development.

1.6 The Planning and Land Use Division may require a shadow impact study (if deemed necessary) that demonstrates how or if adjacent properties are impacted by development on the subject site.

1.7 Front and rear yard setbacks should be consistent with the established neighbourhood.

1.8 Site design should consider opportunities for enhancing personal security and safety by incorporating Crime Prevention Through Environmental Design Principles (CPTED).

2. Building Orientation and Design

2.1 The main building façade should be oriented to face the public street.

2.2 Main building entries should be clearly identifiable, visible and accessible.

2.3 The overall design should be made up of a distinctive, quality, architectural character and style that avoids monotonous and featureless building massing and design.

3. Landscaping

3.1 Landscaping shall be provided to enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways.

4. Fencing

4.1 Proposed fencing should be composed of high quality materials and should include multiple openings to allow for pedestrian ingress/egress.