Minute No. 429
Report - Standing Policy Committee on Property and Development – June 7, 2011

Item No. 8 **Subdivision and Rezoning – Land west of St. Anne's Road and north of PTH 100 (St. Vital Ward) File DASZ 9/2011**

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 9/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2011 dated May 9, 2011 (with such minor changes as may be required) and registration in phases in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer enter into a Development Agreement with the City for each phase of the development, which Agreement shall contain the applicable conditions outlined in the report of the Administrative Coordinating Group dated May 12, 2011 attached as Schedule "C" to this report, with the following amendments, namely:

        i. Delete Recommendations 6 and 7 under Section A - Plan Considerations in their entirety.

        ii. Amend Recommendation 10 under Section B - Seven Development Agreements by inserting the words "and except along the west side of Paddington Road where in lieu of a sidewalk, the Developer shall construct a trail" after the words "where frontage roads are constructed".

        iii. Amend Recommendation 11 under Section B - Seven Development Agreements by adding the following to the end thereof:

        "with the exception of the east side of Paddington Road where sidewalk construction shall be delayed until house construction is complete."

Report - Standing Policy Committee on Property and Development – June 7, 2011

COUNCIL DECISION (continued):

iv. Delete Recommendations 29 to 33 under Section B - Seven Development Agreements in their entirety and replace with the following:

"29. The Developer shall dedicate to the City, as public reserve, at least 8% of the land contained within the Planned Area, and pay its share of the cost of services in streets abutting the dedicated land, all 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 public reserve configuration shall be almost entirely linear, completing the pathway network initiated within the development to the north.

30. If, as expected, the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate the amount of land satisfactory to the Directors of Public Works and Property, Planning and Development. The shortfall shall be valued by calculating 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. The value of the shortfall shall be used for undertaking improvements to the dedicated park, including trails, or other works acceptable to and according to plans and specifications approved by the Riel Community Committee. The Developer acknowledges that no credit for public reserve will be sought for reserve land created for noise attenuation berms."

and renumber the remaining Recommendations accordingly.

2 That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 9/2011 dated May 9, 2011 to "R1-S" and "R1-M" Single Family Districts and a "PR1" Parks and Recreational District, with the exception of the slivers of land located directly south of both Elsey Road and Twickenham and the most southerly 50m of the sliver between Scammel and Tilstone, which shall remain RR5 Rural Residential 5 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 for each phase of the development, which Agreement shall contain the following condition:

Report - Standing Policy Committee on Property and Development – June 7, 2011

COUNCIL DECISION (continued):

i. The Developer must ensure that every single-family residential lot backing onto St. Mary's Road, St. Anne's Road, Dakota Street or the Perimeter Highway has at all times a minimum rear yard which, together with other sound attenuation measures provided and maintained by the Developer on the lot such as a berm or noise attenuation fence, achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA as measured in the typical outdoor recreation area of the lot. The Developer will be responsible for conducting the noise measurements and providing the written results to the Director of Public Works. The size of the rear yard and the specifics of other sound attenuation measures which the Developer must provide on the lot (such as dimensions and materials) are to be approved by the Director of Public Works and stated in the Zoning Agreement. The owner of each lot will be responsible for maintaining any sound attenuation measures to the satisfaction of the Director of Public Works.

3. That Council declare the City owned property shown in broken outline and identified as "Subject City Property" shown on Misc. Plan No. 14022 as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the transfer of the "Subject City Property" as shown in broken outline on Misc. Plan No. 14022, to River Park South Developments Inc. 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 matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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

Report - Standing Policy Committee on Property and Development – June 7, 2011

COUNCIL DECISION (continued):

8. That the subdivision section of the by-law shall come into force and effect for each phase upon execution by the City of Winnipeg of the Development Agreement for that phase.

9. That the zoning section of the by-law shall come into force and effect for each phase when:

   A. The block plan of subdivision for that phase and the lot plan of subdivision for that phase are both registered in the Winnipeg Land Titles Office; and

   B. The Zoning Agreement for that phase is registered in the Winnipeg Land Titles Office by caveat against the subject land,

   provided that the said effective date occurs within ten (10) years from the date the by-law is passed.

10. That all block plans of subdivision and all lot plans of subdivision:

    A. May be approved and signed by the Director of Planning, Property and Development within ten (10) years from the date the by-law is passed;

    and

    B. May be registered in the Winnipeg Land Titles Office within ten (10) years from the date the by-law is passed,

    failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the ten (10)-year period and Council approves the extension.

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.

Report - Standing Policy Committee on Property and Development – June 7, 2011

DECISION MAKING HISTORY:

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 15, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 7, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, with the following amendments:

- Amend recommendation 1. A. i. by deleting the words:

  "and replace with the following:

  "6 The Applicant will revise the advertised plan by removing the connections to the Perimeter including south of Elsey; between Scammel and Tilstone, and off Twickenham.""

- Amend Recommendation 2. by adding the following after the words "Recreational District" and before the words "subject to":

  "with the exception of the slivers of land located directly south of both Elsey Road and Twickenham and the most southerly 50m of the sliver between Scammel and Tilstone, which shall remain RR5 Rural Residential 5 District"

and forwarded to the Executive Policy Committee and Council.

Report - Standing Policy Committee on Property and Development – June 7, 2011

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On May 16, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Amend Recommendation 1 by deleting the words "Schedule "B"" and replacing same with the words "Schedule "A"";

- Amend Recommendation 1. A. by adding the following to the end of the Recommendation:

  "with the following amendments, namely:

  i. Delete Recommendations 6 and 7 under Section A - Plan Considerations in their entirety and replace with the following:

     "6. The Applicant will revise the advertised plan by removing the connections to the Perimeter including south of Elsey; between Scammel and Tilstone, and off Twickenham."

  ii. Amend Recommendation 10 under Section B - Seven Development Agreements by inserting the words "and except along the west side of Paddington Road where in lieu of a sidewalk, the Developer shall construct a trail" after the words "where frontage roads are constructed".

  iii. Amend Recommendation 11 under Section B - Seven Development Agreements by adding the following to the end thereof:

     "with the exception of the east side of Paddington Road where sidewalk construction shall be delayed until house construction is complete."

Report - Standing Policy Committee on Property and Development – June 7, 2011

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

iv. Delete Recommendations 29 to 33 under Section B - Seven Development Agreements in their entirety and replace with the following:

"29. The Developer shall dedicate to the City, as public reserve, at least 8% of the land contained within the Planned Area, and pay its share of the cost of services in streets abutting the dedicated land, all 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 public reserve configuration shall be almost entirely linear, completing the pathway network initiated within the development to the north.

30. If, as expected, the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate the amount of land satisfactory to the Directors of Public Works and Property, Planning and Development. The shortfall shall be valued by calculating 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. The value of the shortfall shall be used for undertaking improvements to the dedicated park, including trails, or other works acceptable to and according to plans and specifications approved by the Riel Community Committee. The Developer acknowledges that no credit for public reserve will be sought for reserve land created for noise attenuation berms."

and renumber the remaining Recommendations accordingly.

- Amend Recommendation 2 by deleting the words "Schedule "B" and replacing same with the words "Schedule "A",

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

RE: **Subdivision and Rezoning – Land west of St. Anne's Road and north of PTH 100**
File DASZ 9/2011

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

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

Report date: **May 17, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 16, 2011, 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 9/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with ~~***Schedule "B"***~~ ***Schedule "A"*** for File DASZ 9/2011 dated May 9, 2011 (with such minor changes as may be required) and registration in phases in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer enter into a Development Agreement with the City for each phase of the development, which Agreement shall contain the applicable conditions outlined in the report of the Administrative Coordinating Group dated May 12, 2011 attached as Schedule "C" to this report, ***with the following amendments, namely:***

        i. Delete Recommendations 6 and 7 under Section A - Plan Considerations in their entirety and replace with the following:

            "6 The Applicant will revise the advertised plan by removing the connections to the Perimeter including south of Elsey; between Scammel and Tilstone, and off Twickenham."

        ii. Amend Recommendation 10 under Section B - Seven Development Agreements by inserting the words "and except along the west side of Paddington Road where in lieu of a sidewalk, the Developer shall construct a trail" after the words "where frontage roads are constructed".

iii. Amend Recommendation 11 under Section B - Seven Development Agreements by adding the following to the end thereof:

"with the exception of the east side of Paddington Road where sidewalk construction shall be delayed until house construction is complete."

iv. Delete Recommendations 29 to 33 under Section B - Seven Development Agreements in their entirety and replace with the following:

"29. The Developer shall dedicate to the City, as public reserve, at least 8% of the land contained within the Planned Area, and pay its share of the cost of services in streets abutting the dedicated land, all 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 public reserve configuration shall be almost entirely linear, completing the pathway network initiated within the development to the north.

30. If, as expected, the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate the amount of land satisfactory to the Directors of Public Works and Property, Planning and Development. The shortfall shall be valued by calculating 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. The value of the shortfall shall be used for undertaking improvements to the dedicated park, including trails, or other works acceptable to and according to plans and specifications approved by the Riel Community Committee. The Developer acknowledges that no credit for public reserve will be sought for reserve land created for noise attenuation berms."

and renumber the remaining Recommendations accordingly.

2 That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on ~~***Schedule "B"***~~ ***Schedule "A"*** for File DASZ 9/2011 dated May 9, 2011 to "R1-S" and "R1-M" Single Family Districts and a "PR1" Parks and Recreational 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 for each phase of the development, which Agreement shall contain the following condition:

i. The Developer must ensure that every single-family residential lot backing onto St. Mary's Road, St. Anne's Road, Dakota Street or the Perimeter Highway has at all times a minimum rear yard which, together with other sound attenuation measures provided and maintained by the Developer on the lot such as a berm or noise attenuation fence, achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA as measured in the typical outdoor recreation area of the lot. The Developer will be responsible for conducting the noise measurements and providing the written results to the Director of Public Works. The size of the rear yard and the specifics of other sound attenuation measures which the Developer must provide on the lot (such as dimensions and materials) are to be approved by the Director of Public Works and stated in the Zoning Agreement. The owner of each lot will be responsible for maintaining any sound attenuation measures to the satisfaction of the Director of Public Works.

3. That Council declare the City owned property shown in broken outline and identified as "Subject City Property" shown on Misc. Plan No. 14022 as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the transfer of the "Subject City Property" as shown in broken outline on Misc. Plan No. 14022, to River Park South Developments Inc. 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 matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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 for each phase upon execution by the City of Winnipeg of the Development Agreement for that phase.

9. That the zoning section of the by-law shall come into force and effect for each phase when:

   A. the block plan of subdivision for that phase and the lot plan of subdivision for that phase are both registered in the Winnipeg Land Titles Office; and

   B. the Zoning Agreement for that phase is registered in the Winnipeg Land Titles Office by caveat against the subject land,

   provided that the said effective date occurs within ten (10) years from the date the by-law is passed.

10. That all block plans of subdivision and all lot plans of subdivision:

   A. may be approved and signed by the Director of Planning, Property and Development within ten (10) years from the date the by-law is passed;

   and

   B. may be registered in the Winnipeg Land Titles Office within ten (10) years from the date the by-law is passed,

   failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the ten (10)-year period and Council approves the extension.

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 proposal is consistent with the existing development to the north and substantively completes the community known as River Park South.

PUBLIC HEARING SUMMARY

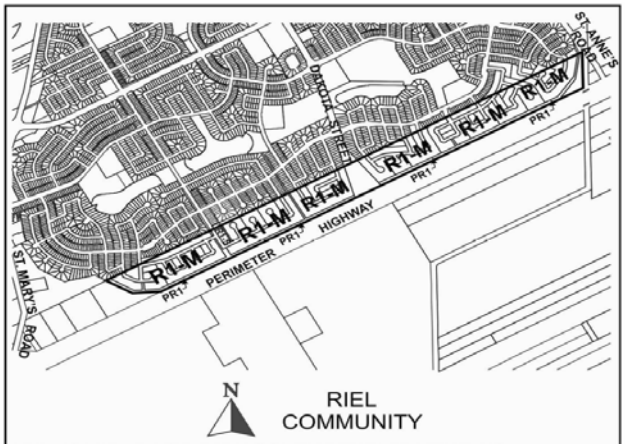
File: DASZ 9/2011

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

Public Hearing: May 16, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: River Park South Development Inc. (Lyne Jones)

Subject:



APPLICANT : RIVER PARK SOUTH DEVELOPMENT INC.
FILE : DASZ 9/11
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 to an "R1-S" & "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICTS and a "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the continuation of the River Park South Neighbourhood lands located to the north by the creation of the block plan and public right-of-ways for future residential development. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
DEMANDEUR : RIVER PARK SOUTH DEVELOPMENT INC.
N° DE RÉFÉRENCE : DALZ 9/11
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 RR5 (SECTEUR RÉSIDENTIEL EN MILIEU RURAL 5) à la catégorie R1-S (SECTEUR DE PETITES HABITATIONS UNIFAMILIALES), à la catégorie RI-M (SECTEUR D'HABITATIONS UNIFAMILIALES MOYENNES), et à la catégorie PR1 (SECTEUR DE PARCS ET DE LOISIRS 1 [QUARTIER]) afin de faciliter la continuation de l'aménagement des sols du quartier River Park South situés au nord par la création du plan de quartier et d'emprises publiques en vue de l'aménagement de sites domiciliaires futurs. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: Land west of St. Anne's Road and north of PTH 100

Exhibits Filed:

1. Application dated March 25, 2011
2. Notification of Public Hearing dated March 30, 2011
3. Manitoba Status of Titles 2313308 and 2426615
4. Letter of authorization dated March 25, 2011 from The Winnipeg of Winnipeg to River Park South Developments Inc.
5. Plan
6. Report from the Planning and Land Use Division dated May 9, 2011
7. Inspection Report
8. Supporting documentation submitted by Eric Vogan at the Public Hearing
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Mike Armstrong
Mark Cohoe
Gregg Davey
Lyne Jones
Bob Hinkelman
Eric Vogan

In Opposition

Nil

For Information:

Robert Bisson
Linda Bisson
Dean Favoni
Robert Fudge
Marvin Namaka
Bonnie Siemens

For the City:

Ms. S. Matille, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mr. J. Kiernan, Coordinator, Parks, Riverbanks and Community Initiatives, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 9/2011

ADMINISTRATIVE REPORT

Title: DASZ 9/2011 – West of St. Anne's Road (North of Perimeter) Public Hearing

Issue: For consideration at the Public Hearing for a subdivision and rezoning of 138 acres of land from RR5 to R1-S, R1-M, and PR1.

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 9/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 9/2011 dated May 9, 2011 (with such minor changes as may be required) and registration in phases in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer enter into a Development Agreement with the City for each phase of the development, which Agreement shall contain the applicable conditions outlined in the report of the Administrative Coordinating Group dated May 12, 2011 attached as Schedule "C" to this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 9/2011 dated May 9, 2011 to "R1-S" and "R1-M" Single Family Districts and a "PR1" Parks and Recreational 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 for each phase of the development, which Agreement shall contain the following condition:

i) The Developer must ensure that every single-family residential lot backing onto St. Mary's Road, St. Anne's Road, Dakota Street or the Perimeter Highway has at all times a minimum rear yard which, together with other sound attenuation measures provided and maintained by the Developer on the lot such as a berm or noise attenuation fence, achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA as measured in the typical outdoor recreation area of the lot. The Developer will be responsible for conducting the noise measurements and providing the written results to the Director of Public Works. The size of the rear yard and the specifics of other sound attenuation measures which the Developer must provide on the lot (such as dimensions and materials) are to be approved by the Director of Public Works and stated in the Zoning Agreement. The owner of each lot will be responsible for maintaining any sound attenuation measures to the satisfaction of the Director of Public Works.

3. That Council declare the City owned property shown in broken outline and identified as "Subject City Property" shown on Misc. Plan No. 14022 as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the transfer of the "Subject City Property" as shown in broken outline on Misc. Plan No. 14022, to River Park South Developments Inc. 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 matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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 for each phase upon execution by the City of Winnipeg of the Development Agreement for that phase.

9. That the zoning section of the by-law shall come into force and effect for each phase when:

   (a) the block plan of subdivision for that phase and the lot plan of subdivision for that phase are both registered in the Winnipeg Land Titles Office; and

   (b) the Zoning Agreement for that phase is registered in the Winnipeg Land Titles Office by caveat against the subject land,

provided that the said effective date occurs within ten (10) years from the date the by-law is passed.

10. That all block plans of subdivision and all lot plans of subdivision

    (a) may be approved and signed by the Director of Planning, Property and Development within ten (10) years from the date the by-law is passed;

    and

    (b) may be registered in the Winnipeg Land Titles Office within ten (10) years from the date the by-law is passed,

    failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the ten (10)-year period and Council approves the extension.

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.

REASON FOR THE REPORT

- The applicant is proposing to subdivide and rezone the subject 138 acre property from RR5 to blocks zoned R1-M, R1-S, and PR1 in order to make a single-family residential subdivision that conforms with the neighbouring lands to the north.
- The subdivision will include road extensions or connections from existing streets to provide for vehicular access to the proposed blocks. A significant amount of land will also be opened for the Dakota Street right-of-way.
- The applicant is proposing to develop the lands in several phases over a ten (10)-year period. Over that ten (10)-year period, the applicant proposes to develop approximately 633 single-family residential lots.
- The applicant still needs to resolve how noise attenuation and park dedication will be addressed.
- Subdivisions which create streets 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 138 acre site will be subdivided and rezoned from RR5 to R1-S, R1-M, and PR1 in phases (likely seven) over a period not longer than ten (10) years.
- If the Riel Community Committee, and ultimately Council, concurs with these conditions, Council would then pass one by-law which would approve the plan of subdivision (in accordance with the mylars submitted for the entire planned area) and rezone all lands in the entire planned area. The by-law would state that the rezoning comes into force in phases, within ten (10) years, upon the applicant's registration of block plans and lotting plans (each for a portion of the entire planned area) at the Winnipeg Land Titles Office (WLTO) and the zoning agreement caveats.

HISTORY

- Qualico Developments (Winnipeg) Ltd. and the City of Winnipeg have had ongoing discussions over the last 10 years regarding the joint development of approximately 138 acres of land adjacent to the existing community of River Park South. These lands are located within the area bounded by the community of River Park South to the north, the Perimeter Highway to the south, St. Anne's Road to the east, and St. Mary's road to the west and form the subject application.

- The City of Winnipeg has now entered into a joint venture with Qualico Developments in order to develop the subject site in accordance with the terms agreed upon by Council and described in the meeting minutes of the January 26, 2011 Council meeting (Minute No. 150, Item No. 12: http://winnipeg.ca/CLKDMIS/ViewDoc.asp?DocId=10733&SectionId=268658&InitUrl=/CLKDMIS/Documents/c/2011/m10733/pd%2001%2011%20no.%2012.pdf).

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:	May 9, 2011
File No.	DASZ 9/11

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” Advertised Subdivision and Rezoning for Planned Area
3. Schedule “B” Recommended File No. DASZ 9/11, Riel Community Committee, dated May 9, 2011
4. Schedule “C” Report of the Administrative Coordinating Group
5. Schedule “D” Miscellaneous Plan No. 14022
6. Schedule “E” Proposed Phasing Plan for DASZ 9/11

APPENDIX 'A'

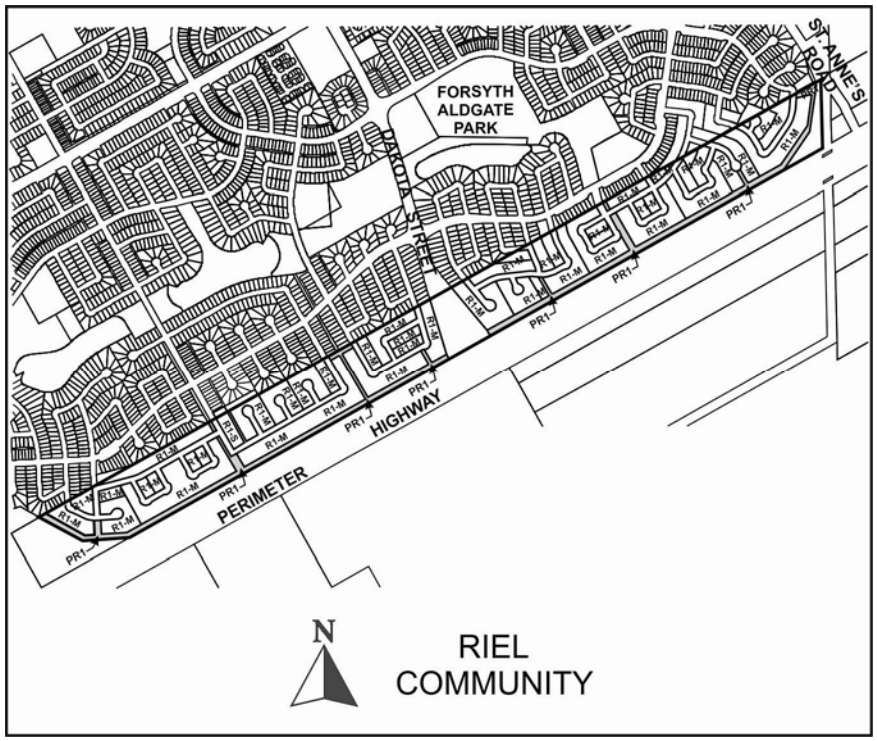
DATE: May 9, 2011

FILE: DASZ 9/11
RELATED FILES: DASZ 12/82, DASZ 31/84, DASZ 21/01, DASZ 6/02, DASZ 43/03, DAS 5/08

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.529 and 5.530

SUBJECT: An application for the subdivision and rezoning of 138 acres of land from "RR5" Rural Residential 5, to "R1-S" Residential Single-Family Small, "R1-M" Residential Single-Family Medium, and "PR1" Parks and Recreation 1 (Neighbourhood).

LOCATION: West of St. Anne's Road, North of the Perimeter Highway
LEGAL DESCRIPTION: Parcels A & B Plan 47654 and Parcel F Plan 15545



APPLICANT: River Park South Developments Inc. (Lyne Jones)
One Dr. David Friesen Drive
Winnipeg, MB R3X 0G8

OWNER: City of Winnipeg

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The applicant is proposing to subdivide and rezone the subject 138 acre property from RR5 to blocks zoned R1-M, R1-S, and PR1 in order to make a single-family residential subdivision that conforms with the neighbouring lands to the north.
- The subdivision will include road extensions or connections from existing streets to provide for vehicular access to the proposed blocks. A significant amount of land will also be opened for the Dakota Street right-of-way.
- The applicant is proposing to develop the lands in several phases over a ten (10) year period. Over that ten-year period, the applicant proposes to develop approximately 633 single-family residential lots.
- The applicant still needs to resolve how noise attenuation and park dedication will be addressed.
- The Planning and Land Use Division recommends supporting this subdivision and rezoning application.

SITE DESCRIPTION

- The subject site is located north of the Perimeter Highway, between EB Claydon Drive and St. Anne's Road in the River Park South and Dakota Crossings neighbourhoods of the St. Norbert and St. Vital Wards.
- The property is vacant and approximately **138 acres (55.85 hectares) in area**.
- The property is currently owned by the City of Winnipeg.
- The City of Winnipeg Real Estate Department has provided a letter of authorization to include the subject land in the application.
- The site is within Plan Winnipeg 2020's Neighbourhood Land Use Policy Area and within the Areas of Stability – Recent Communities Policy Area under the *Draft* Complete Communities Direction Strategy.

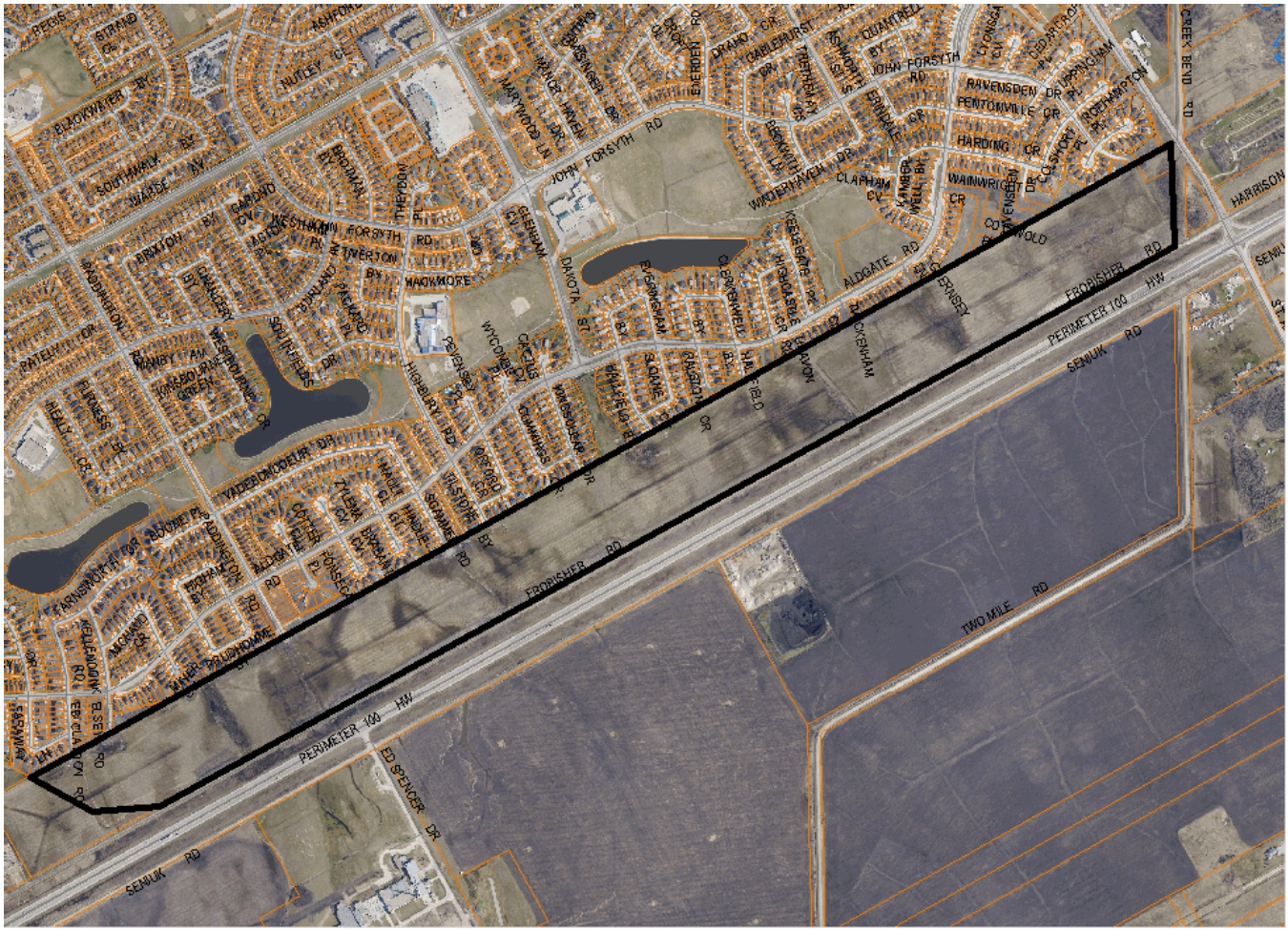


Figure 1: Aerial photograph showing approximate area of subject property (flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Predominantly detached single-family homes zoned “R1-M” Residential Single-Family Medium, with some park land zoned “PR1” Parks and Recreation 1 (Neighbourhood).

South: The Perimeter Highway.

East: St. Anne’s Road.

West: Vacant City-owned land zoned “RR5” Rural Residential 5.

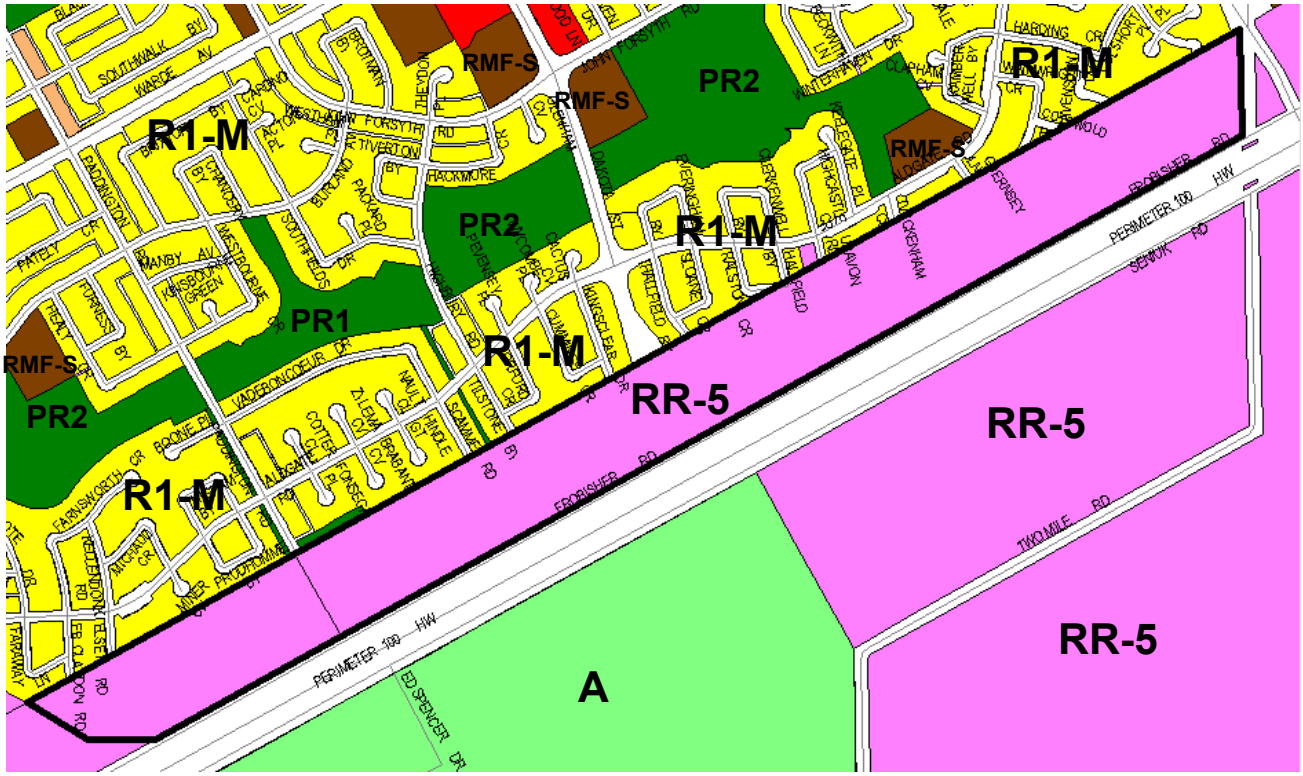


Figure 2: Zoning of the site and surrounding area.

BACKGROUND

- The City of Winnipeg has entered into a joint venture with Qualico Developments in order to develop the subject site in accordance with the terms agreed upon by Council and described in the meeting minutes of the January 26, 2011 Council meeting (Minute No. 150, Item No. 12: http://winnipeg.ca/CLKDMIS/ViewDoc.asp?DocId=10733&SectionId=268658&InitUrl=/CLKDMIS/Documents/c/2011/m10733/pd%2001%2011%20no.%2012.pdf).
- The name of the joint venture will be River Park South Developments Inc.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide and rezone the subject property from RR5 to blocks zoned R1-M, R1-S, and PR1 in order to make a single-family residential subdivision that conforms with the neighbouring lands to the north.
- The subdivision will include road extensions or connections from existing streets to provide for vehicular access to the proposed blocks. A significant amount of land will also be opened for the Dakota Street right-of-way.

- The applicant is proposing to develop the lands in seven phases over a ten (10)-year period (see Schedule "E" Proposed Phasing Plan for DASZ 9/11).
- In total, the applicant anticipates that the following number of single-family lots will be created per phase:

Phase	Approximate Number of Acres	Approximate Number of Lots
1	28.65	125
2	22.62	115
3	15.51	84
4	19.48	94
5	17.46	89
6	13.76	69
7	14.20	57
TOTAL	**131.68***	**633**

* Does not include the 6 acres required for the Dakota Street right-of-way

- Park land is proposed along the southern extent of the site with some linear parkway connections leading to existing linear parkway to the north. However, the applicant has not resolved how the park dedication will be addressed.
- It should also be noted that the un-zoned land in the southeast corner of site (between the proposed linear parkway and the southeastern edge of the site) is intended to be opened as right-of-way for the future grade separated interchange at the intersection of St. Anne's and the Perimeter Highway.

ANALYSIS AND ISSUES

PLAN WINNIPEG

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

DRAFT COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Draft Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.

- Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.
- In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
- Provide opportunities to increase multi-modal connectivity when redevelopment occurs.
- Support a mix of commercial services and employment uses that serve the local community.
- Ensure that existing public open spaces meet the neighbourhood's current and future requirements.

ZONING

"RR5" Rural Residential 5 District

- The RR5 district is intended to provide areas for large-lot rural residential development along with limited agricultural uses. The RR5 district requires: a minimum lot width of 25 feet, a minimum lot area of 5 acres, side yards of 25 feet, a front yard of 25 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30%.

"R1-S" Residential Single-Family Small District

- The R1-S district requires: a minimum lot width of 25 feet, a minimum lot area of 2,500 square feet, side yards of 3 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

"R1-M" Residential Single-Family Medium District

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area 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 and the maximum lot coverage is 45%.

"PR1" Parks and Recreation 1 (Neighbourhood) District

- The PR1 district 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, no parking facilities are 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 RR5 zoning district is intended for large-lot (5 acre minimum) rural development. The applicant is proposing to rezone the land from RR5 to R1-S, R1-M, and PR1 in order to create a fully-serviced residential subdivision that logically connects to the River Park South neighbourhood.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The proposed subdivision and rezoning has been anticipated for some time. This application integrates the subject site into the already developed River Park South neighbourhood that is complete with municipal and community infrastructure and services.
- The proposed development is exclusively intended for single-family development, with the exception of some linear park connections. The Planning and Land Use Division believes that predominantly single-family housing is appropriate for the site because the land ultimately dead-ends at the Perimeter Highway, is bound to the north by single-family developments, and has limited access to higher capacity roads or arterials. Higher density and higher intensity developments would be better serviced by or along higher capacity roads or arterials that are well-connected with the rest of the community.

EAST-WEST LINEAR PARK CORRIDOR

- Among the other greatest concerns with the development of the site is regarding the development of the linear parkway at the southernmost extent of the planned area. At this point, the exact details regarding the size and location of connection points have not been worked out for the Public Reserve (zoned PR1) because in order to define appropriate Public Reserve land and specifications for fencing, berm and trail, the developer must first resolve:
    - Berm and slope issues;
    - Land drainage;
    - Municipal jurisdiction over the service road (see related points below);
    - Potential power line relocation;
    - Trail specification; and most importantly,
    - Amount of land to be dedicated (including the declaration of PR land south of Fonseca Place as surplus to the City's needs) and priorities for improvements in lieu of land
- Although there are these outstanding concerns related to the east-west linear parkway, the City wants to work with the developer in order to help the developer achieve their vision for this pathway as stated in a concept provided to the City in April 2011 (Concept Map dated May 15, 2009):

- *The early trails of River Park South were designed to engage the community in physical activity and promote social interaction. The proposed new trails will add to this legacy and extend the pathways into a natural loop system through a low maintenance landscape. The extension will maximize the use of the sound attenuation barrier berm parallel to Highway 100 and provide active recreational opportunities for people of all ages.*
- *In addition to the structured sound attenuation berm parallel to Highway 100, granular and paved pathways will wind, climb and ascend the landscape. Vegetative cover will be low maintenance in character and sympathetic to our Prairie environment.*
- *The extension of the trails will provide a looped system, which allows for outings of various lengths, times and outings.*

- A key aspect affecting the final location and design of the east-west park corridor is that the exact mechanism to be employed in order to meet the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA has not been determined by the developer (ex. exact rear yard setbacks, type of fencing, berming etc.). If berming is used as a noise attenuation measure, then it is likely that more land will be needed to accommodate the 3.5 metre wide active transportation pathway at the southern extent of the proposed development. The City identifies in the Report of the ACG that the City is willing to have some berming (must at least be a 1:4 slope) in the PR land, but must also have an associated 3.5 metre wide asphalt pathway to meet dedication requirements.
- The developer has proposed shifting the proposed southerly east-west pathway corridor onto the current service road to the south, beyond the planned area, as this service road may no longer be required in the future. If this proposal is undertaken, then it would be likely that the developer would be looking to include a sound attenuation measure, such as a berm, within at least some of the PR zoned land that is intended for a trail corridor. Final approvals of this concept are required from Manitoba Infrastructure and Transportation (MIT). MIT would need to confirm that this proposal will not impact any long-term plans for the expansion of the Perimeter Highway.
- The City is willing to consider this as the alternative pathway location (along the service road) to provide and develop the pathway and linear corridor. However, if the City is to approve the shifting of the east-west pathways and corridor to adjacent lands (and give up the park land necessary to accommodate it otherwise within the planned area), MIT must assure the right to use this space as a permanent park corridor.

SITE DESIGN – OTHER LINEAR PARK CONNECTIONS

- As captured above, there are aspects of the east-west public reserve connections that are outstanding and still need to be resolved. Another key concern with the proposed plan is the lack of north/south park and pathway connections leading from the east-west linear parkway into the existing neighbourhood to the north.
- To address this issue, a slightly modified plan has been proposed in order to increase connectivity and reduce the distance between access points to the major east-west

corridor. The recommended plan has been provided to ensure the larger city goals of improved walkability and connectivity to active transportation networks are being met.

- Proposed changes are reflected in Schedule "B", which is the plan that the administration is recommending to approve instead of the plan shown on Schedule "A", which is the original plan submitted and advertised.
- Given the previously stated unknowns, the City intends that there will be enough flexibility in the process (ex. through future DASSF applications) to permit the shifting of the proposed connecting PR walkways. The recommended plan helps provide some clarity and certainty for those reviewing the plans as to the level of connectivity being anticipated. The City understands that there may be some moderate changes to future site plans, which may result in moderate changes to the exact location of the PR walkway connections. The City will work with the developer to ensure that the same number of north/south connections are provided within any new plans submitted.
- The key reason for the City including the added north/south connections is to ensure that the access points to/from the southerly east-west corridor occur at 500 metre intervals or less. Secondly, given the isolated nature of this trail behind the berm, the City would like to ensure that there are trail connections within a 400 metre walking distance from any home in the vicinity of the active transportation corridor for safety reasons.
- Design guidelines for the park land and associated pathway development include:
    - A maximum distance between access points into the development from the southerly east-west trail of 500 metres;
    - Minimum 6 metre wide park corridors to facilitate buffer plantings initially and potentially the widening of the pathways in the future if active transportation demand necessitates it;
    - Maximum distance between access/egress points to the 6 metre wide walkways to be 100 linear metres (approx. 300 linear feet);
    - Strive for 400 metre walking distance to/from any park lands, including walkway corridors which connect to major active transportation corridors from homes in the vicinity;
    - To provide improved visibility between intersecting trails by either providing widened park parcels or flaring the ends where smaller trail networks connect to the southerly east-west corridor;
    - Maintain minimal street crossings and on-road pedestrian requirements;
    - Locate walkway corridors opposite an approaching street for best visibility (where possible); and,
    - Place linkages in consideration of shortening access for the residential properties beyond the Planned Area.

REMNANT PARK LAND

- Under DASZ 6/02, a small parcel of park land (located outside of the application area) was created based on an initial Development Master Plan that proposed a school and a larger adjacent park space.
- When the School Division determined it no longer needed the school parcel the land was subdivided for residential lots, leaving a small strip of PR1 zoned land (also see DAS 5/08).
- It was anticipated, at that time, that there would be no need for this additional park space without the presence of the school and that the remnant parcel would be incorporated into a residential block in the subject application adjacent and to the south.
- To facilitate the developer proceeding with that plan, the City is proposing to declare the lands identified on Miscellaneous Plan No. 14022 as surplus to Parks requirements.
- The City is recommending that the Director of Planning, Property and Development be authorized to negotiate and approve the transfer the land shown on Miscellaneous Plan No. 14022, to River Park South Developments Inc. on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services.
- If these lands are to be included for residential development as generally shown in both Schedules “A” and “B” (albeit with the Miscellaneous Plan No. 14022 property outside of the planned area), a public hearing for the rezoning and subdivision will be required.

PHASING

- Although the applicant has submitted one plan of subdivision and rezoning application for review at the Public Hearing for the entire site, it is intended that the rezoning of each individual phase of the subdivision will come into force and effect when the block plans and lot plans are registered at the Winnipeg Land Titles Office via short-form subdivision (DASSF) applications through the City for each phase over a period not longer than ten (10)-years. A development agreement and zoning agreement would then be registered against the land for each phase to enable the rezoning and lot subdivisions to occur.
- The zoning of the subject land would remain RR5 until block plans and lot plans are registered at the Winnipeg Land Titles Office.
- The recommended conditions of approval listed at the beginning of this report reflect the above points. If the Riel Community Committee, and ultimately Council, concurs with these conditions, Council would then pass one by-law which would approve the plan of subdivision (in accordance with the mylars submitted for the entire planned area) and rezone all lands in the entire planned area. The by-law would state that the rezoning comes into force in phases, within ten (10) years, upon the applicant’s registration of block plans and lotting plans (each for a portion of the entire planned area) at the Winnipeg Land Titles Office (WLTO) and the zoning agreement caveats.
- This approach is different from how the majority of plans of subdivision and rezoning applications are processed by the City. In most cases and within most recommended conditions of approval, the City of Winnipeg would require the applicant to have the entire planned area rezoned and subdivided, and the rezoning would come into force

and effect for the entire planned area at once, not for specific pieces over phases. Secondly, the City of Winnipeg would also typically require that the rezoning would come into force and effect after the plan of subdivision and zoning agreement caveats (if required) have been registered at the WLTO. This would normally need to occur within one (1) year after Council adopts the rezoning by-law for the site. However, for this application, the administration is recommending that the applicant have ten (10) years to register all of the block and lot plans at the WLTO and ten (10) years to rezone the entire planned area through a phased approach.

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.
- The City is requesting land for this application in accordance with the conditions identified in the Report of the ACG (Section 28, Schedule C).

RECOMMENDATION

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

- The plan, as shown on Schedule "B", represents an orderly extension of the existing development north of the site.
- The predominantly single-family housing is appropriate for the site because the land ultimately dead-ends at the Perimeter Highway, is bound to the north by single-family developments, and has limited access to higher capacity roads or arterials.
- The proposal is consistent with the policies of Plan Winnipeg and the Draft Complete Communities Direction Strategy.

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

Report Prepared By: Robert Kostiuk
PPD File # DASZ 9/11

Schedule "A" Advertised Subdivision and Rezoning for Planned Area

By-Law No. _____

File No. **DASZ 9/11**

Atlas Sheet No.

N

AL27
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 between St. Mary's Road and St. Anne's Road, north of the Perimeter Highway, south of Aldgate Road from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-S" & "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICTS and a "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the continuation of the River Park South Neighbourhood lands located to the north by the creation of the block plan and public right-of-ways for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" for File No. DASZ 9/2011, Riel Community Committee, dated May 9, 2011

By-Law No. _____

File No. **DASZ 9/11**

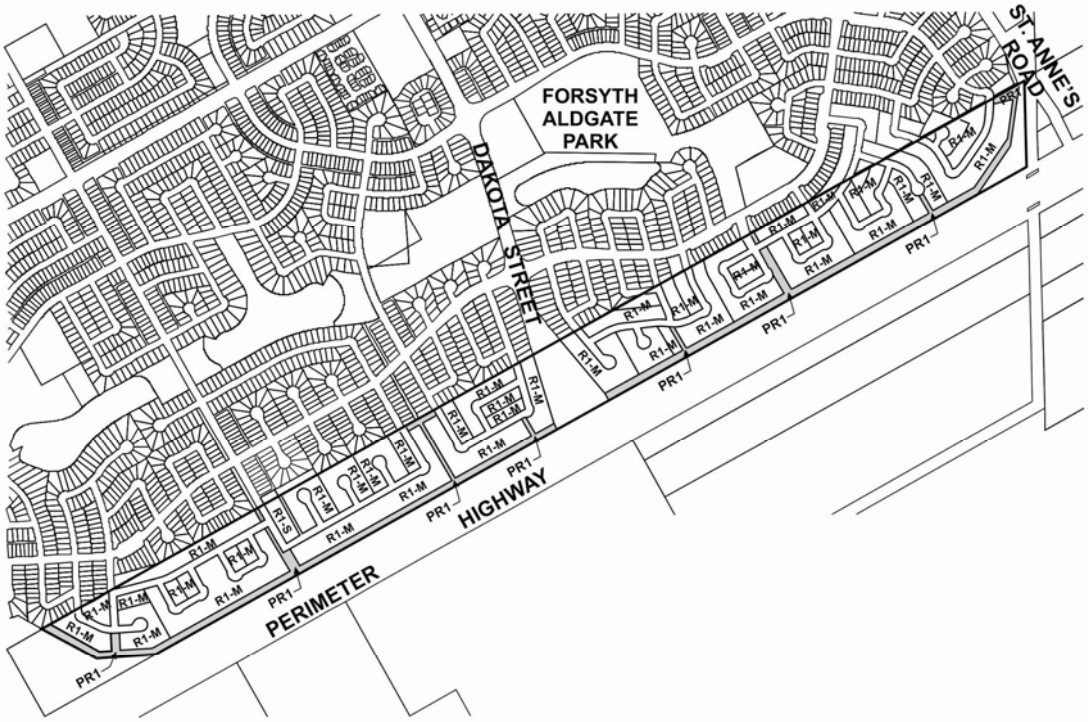
Atlas Sheet No.

N

AL27
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 between St. Mary's Road and St. Anne's Road, north of the Perimeter Highway, south of Aldgate Road from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-S" & "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICTS and a "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the continuation of the River Park South Neighbourhood lands located to the north by the creation of the block plan and public right-of-ways for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "C" Report of the Administrative Coordinating Group dated May 12, 2011

SCHEDULE C

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – REVISED MAY 12, 2011

RE: PROPOSED SUBDIVISION AND REZONING OF LAND BETWEEN ST. MARY'S ROAD AND ST. ANNE'S ROAD, NORTH OF THE PERIMETER HIGHWAY, SOUTH OF ALDGATE ROAD – RIVER PARK SOUTH DEVELOPMENT INC. (RIVER PARK SOUTH EXTENSION) - DASZ 9/11

It is recommended that the approval of DASZ 9/11 be subject to the following:

A. Plan Considerations

1. The Applicant providing and legally opening property required for Dakota Street between the north limit of the Planned Area and the South Perimeter Highway, as determined by, and to the satisfaction of, the Director of Public Works.

2. The Applicant 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.

3. The Applicant ensuring that, in intersections of local streets within the Planned Area, the angle of intersection is no less than 70º, as measured in the quadrant with the acute angle.

4. The Applicant ensuring that no cul-de-sac street exceeds 105 m in length.

5. The Applicant providing a utility corridor/right of way for the existing wastewater interceptor sewer and watermain that traverse the Planned Area.

6. The Applicant providing additional pathway connections, in accordance with Schedule B, to ensure the following:
   i) contiguous off-road (via PR lands or sidewalk) connection within Phase 5 from the north limit of the Planned Area to the east-west pathway corridor at the south limit of the Planned Area, to connect as directly as possible to the pathway within Forsythe Aldgate Park;
   ii) access points to and from the southerly east-west pathway corridor at maximum 500-m intervals;

iii) additional means of access/egress for 6-m-wide rear-yard park corridors greater than 100 m in length;
iv) a connection, at the northeast limit of the Planned Area, to St. Anne's Road, unless accommodation is made within lands immediately north of the Planned Area.

7. The Applicant providing either a wider PR parcel (greater than 6 m) or a flared area, to ensure adequate visibility at the intersections of the easternmost and westernmost local pathways to the southerly east–west pathway, to the satisfaction of the Director of Planning, Property and Development.

B. Seven Development Agreements

The Applicant entering into seven **Development Agreements** with the City of Winnipeg - one for each of the proposed seven phases of development (as identified in Schedule "E" - Proposed Phasing Plan for DASZ 9/11) - containing all of the following conditions applicable to each of the respective phases:

1. 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.

2. 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.

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

    i. 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.
    ii. 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 hereby indemnifies 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.
    iii. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. The Developer shall pay the Seine River Waterway Land acquisition charge ($145.00/acre) for Phases 6 and 7 of the development.

9. The Developer shall, at no expense to the City, construct 200-mm- and 150-mm-thick portland cement concrete pavements to widths of 10.0 m and 7.5 m, and all related works, including, but not limited to, drainage facilities, in all streets within the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

10. The Developer shall, at no expense to the City, construct 1.5-m-wide by 100-mm-thick portland cement concrete sidewalks on the standard alignment (0.3 m to 1.8 m inside the property line) along both sides of all streets within the Planned Area with rights-of-way 22.0 m or greater in width, except where frontage roads are constructed, as determined by, and to the satisfaction of, the Director of Public Works.

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

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

13. The Developer shall, at no expense to the City,
    - i) remove the existing connection to the North Service Road (Frobisher Road) along the South Perimeter Highway at St. Anne's Road,
    - ii) restore the ditch along St. Anne's Road in this vicinity,
    - iii) dead-end the service road at the east limit of the Manitoba Hydro Substation and tower, approximately 530 m east of St. Mary's Road, by constructing a temporary cul-de-sac turnaround to a standard similar to that of the existing service road, and
    - iv) erect barricades and signing across the full width of the dead-ended roadway,

    all as determined by, and to the satisfaction of, the Director of Public Works.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. The Developer shall, at no expense to the City:
    i) ensure that construction traffic uses access routes determined by the Director of Public Works;
    ii) maintain those access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and
    iii) 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.

20. 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.

21. 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, St. Mary's and St. Anne's Roads, the future Dakota Street and the South Perimeter Highway, all proposed collector streets, public lanes, sidewalks, and active transportation facilities, any natural tree stands, any proposed school sites, and all proposed parks, and proposed community mail-box sites

- all with the approval of, and to the satisfaction of, the Director of Planning, Property and Development.

22. 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.

23. 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.

24. 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.

25. The Developer shall, at no expense to the City, construct, within the rear yards of all single-family or two-family lots abutting St. Mary's Road, St. Anne's Road, the future Dakota Street, and the South Perimeter Highway, a uniform, 2.0-m-high noise-attenuation fence, as determined by, and to the satisfaction of, the Director of Public Works, and permit the City to file a caveat against the title of each such lot, requiring the owner(s) to maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

26. All single-family and two-family residential lots backing onto St. Mary's Road, St. Anne's Road, the future Dakota Street, and the South Perimeter Highway, shall be of sufficient depth to provide a minimum rear-yard set back which, together with other sound attenuation measures such as a berm and/or noise-attenuation fence, achieves the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65dBA in the typical outdoor recreation area of those lots, and the Zoning Agreement covering those lots shall stipulate this minimum rear yard.

27. The Developer shall pay its share of the cost of traffic-control signals to be installed, in the future, at the intersections of Dakota Street with John Forsythe Road and Aldgate Road, when, and as determined by, 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. The Developer shall dedicate to the City, as Public Reserve, at least 8% of the land contained within the Planned Area, and pay its share of the cost of services in streets abutting the dedicated land, all 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 Public Reserve configuration shall be almost entirely linear,

completing the pathway network initiated within the development to the north, and shall include an east-west corridor along the south limit of the Planned Area and strategically placed walkways, linking to this east-west corridor, which align with existing trail networks to the north, and providing connections to each phase of this development. The dedication of Public Reserve will be tabulated for the entire Planned Area and accrued through each phase of development, with final compensation tabulated, as necessary, within the last phase of development.

30. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property, Planning and Development, and make up the shortfall by:
    a) undertaking enhanced improvements to the dedicated park and/or trail areas, which may include tree plantings, site furnishings, lighting, etc., in accordance with plans and specification approved by the Director of Planning Property and Development; or
    b) paying 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, or
    c) alternatively, and subject to all approvals being obtained, improving a southerly east-west path corridor, and extensions of the north-south connections to it, within the Provincial right-of-way adjacent to the Planned Area,

    all with the understanding that park land dedication credits will be determined based on usable green-space area, by the Director of Planning, Property and Development, such that land set aside for noise-attenuation berms or any other significantly sloped land (1:4 or higher), which limits usability, will not be credited as public reserve.

31. The Developer shall, at no expense to the City, landscape the public reserve/pathway areas in accordance with plans and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Planning, Property and Development. Above and beyond the required grading, levelling, sodding, and provision of land drainage and water service, the scope of landscaping shall include:
    a) the construction of a minimum 3.5-m-wide, asphaltic concrete pathway within the southerly east-west corridor, to comply with the latest Active Transportation standards;
    b) the construction of all other paths, a minimum 2.0 m wide, in asphaltic concrete.

32. All trails and landscaping shall be in accordance with Universal Design Standards.

33. If the City determines that the provision of water service to the public reserves is not required, the Developer shall provide compensation either in site amenities of equivalent value or in accrued credit.

34. The Developer shall assume responsibility for the maintenance of all park sites and trails, until they are developed, as-built drawings have been provided, and they are turned over to the City for maintenance.

35. The Developer shall, at no expense to the City, maintain the public open space and pathway improvements for a period of two years, in accordance with specifications approved by the Director of Public Works**.** The City also reserves the right to impose longer maintenance terms for amenities and features, such as naturalized areas, that the Director of Public Works deems to be beyond their standard scope of development.

36. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within each phase 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.

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 by March 31 of the year following substantial performance showing, the services required to serve the Planned Area for each phase of the development.

38. The Developer shall pay to the City, prior to the release of the subdivision mylars, for each phase, for registration in the Land Titles Office, $1,200.00 plus GST per acre of the Planned Area of that phase, to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement for that phase.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 9/11
Revised May 12, 2011

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

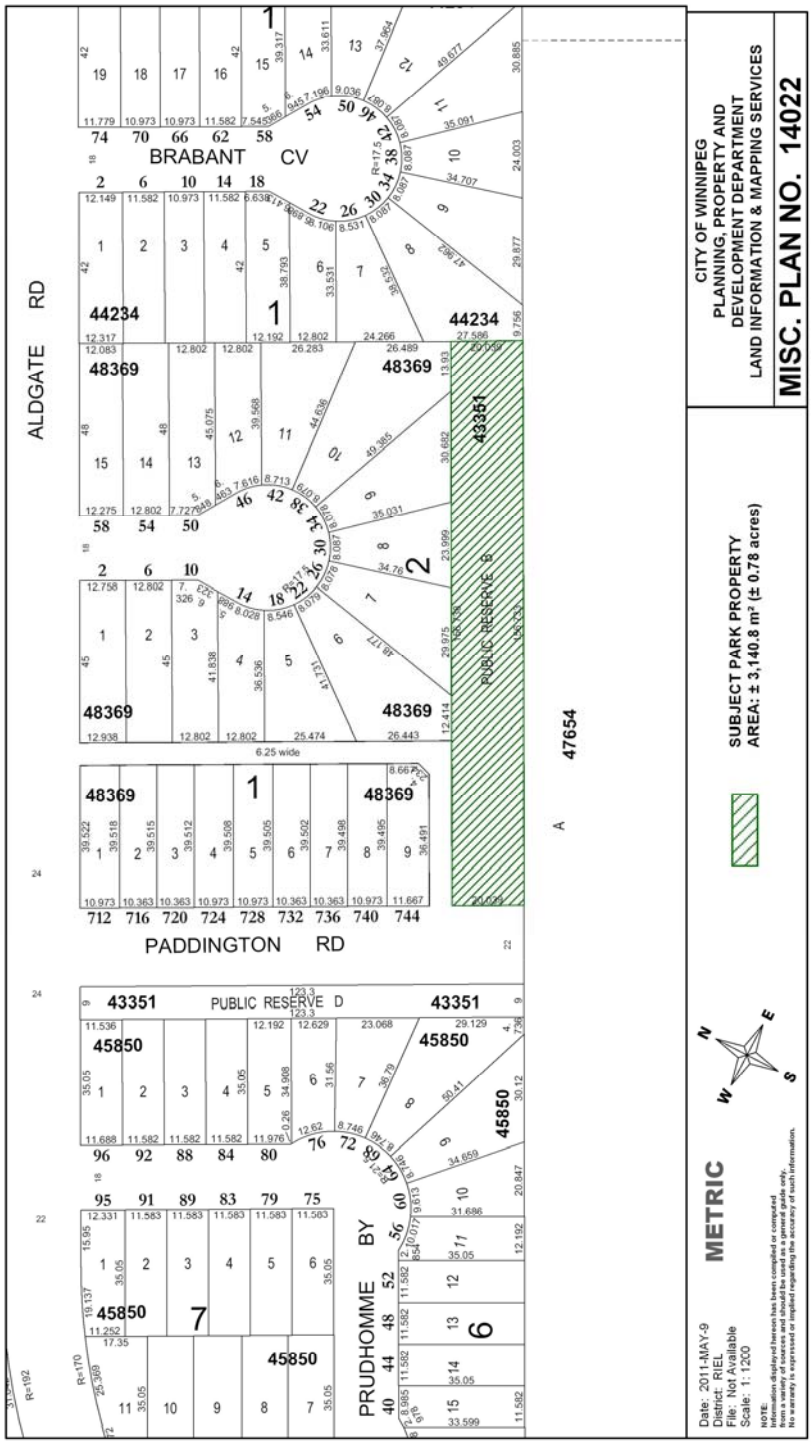
"original signed by R.J. Hartmann, P. Eng."
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"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

/sm

Schedule "D" Miscellaneous Plan No. 14022



Schedule "E" Proposed Phasing Plan for DASZ 9/11

