**Agenda – Council – January 25, 2012**

**Report – Executive Policy Committee – January 18, 2012**

**Item No. 1 Subdivision and Rezoning – La Porte Drive – east properties (St. Norbert Ward) File DASZ 27/2011 [c/r DAC 18/2011]**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2012, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and recommends to Council:

1. That the plan of subdivision under File DASZ 27/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 27/2011 dated November 16, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 28, 2011 which is Schedule "C" of 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 27/2011 dated November 16, 2011 to an "R1-M" Residential Single Family District and a "PR1" Parks and Recreation District.

3. That the City-owned property shown in outline and identified as "Subject City Property" on Misc. Plan No. 13194/12 (Schedule D) be declared as surplus to the City's needs.

4. That subject to the approval of Recommendation No.3, the Chief Administrative Officer be delegated the authority to approve the terms and conditions of an Exchange Agreement, wherein the Applicant receives the "Subject City Property" for inclusion in their DASZ 27/2011, and the City receives the "Applicant's Property", as shown on Schedule D.

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

**Report – Executive Policy Committee – January 18, 2012**

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 upon execution by the City of Winnipeg of the Development Agreement.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year 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 one-year period and Council approves the extension.

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 – Executive Policy Committee – January 18, 2012**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2012, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 5, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee

**RE:** **Subdivision and Rezoning – La Porte Drive – east properties**
**File DASZ 27/2011 [c/r DAC 18/2011]**

**For submission to:** **Executive Policy Committee**

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

**Report date:** **December 6, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 5, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 27/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 27/2011 dated November 16, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 28, 2011 which is Schedule "C" of 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 27/2011 dated November 16, 2011 to an "R1-M" Residential Single Family District and a "PR1" Parks and Recreation District.

3. That the City-owned property shown in outline and identified as "Subject City Property" on Misc. Plan No. 13194/12 (Schedule D) be declared as surplus to the City's needs.

4. That subject to the approval of Recommendation No.3, the Chief Administrative Officer be delegated the authority to approve the terms and conditions of an Exchange Agreement, wherein the Applicant receives the "Subject City Property" for inclusion in their DASZ 27/2011, and the City receives the "Applicant's Property", as shown on Schedule D.

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 upon execution by the City of Winnipeg of the Development Agreement.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year 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 one-year period and Council approves the extension.

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.

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 November 16, 2011.

## PUBLIC HEARING SUMMARY

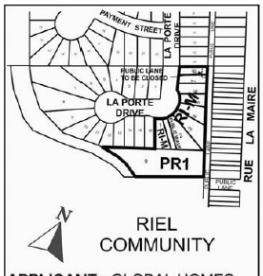
File: DASZ 27/2011

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Vandal

Public Hearing: December 5, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: Global Homes (Josh Smith)

Subject:




**APPLICANT :** GLOBAL HOMES
**FILE:** DASZ 27/11
**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 "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, an "A" AGRICULTURAL DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to allow for the creation of residential lots for future development and facilitate exchange of lands with the City of Winnipeg. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
**DEMANDEUR :** GLOBAL HOMES
**N° DE RÉFÉRENCE :** DALZ 27/11
**PROJET :** Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés ci-dessus et proposition de modification du Règlement municipal n° 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient des catégories R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES), A (SECTEUR AGRICOLE) et PR1 (SECTEUR DES PARCS ET DES LOISIRS 1) aux catégories R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES) et PR1 (SECTEUR DES PARCS ET DES LOISIRS) en vue de permettre la création de lots résidentiels à bâtir et de faciliter l'échange de terrains avec la ville de Winnipeg. **Pour obtenir des renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: La Porte Drive – east properties

Exhibits Filed:

1. Application dated July 15, 2011, 2011
2. Notification of Public Hearing dated October 19, 2011
3. Manitoba Status of Titles 1004946, 2394855, 2394858, 2394859, 2394860, 2394861, 2394862
4. Letter of authorization dated October 27, 2011 from Josh Smith, Global Homes Ltd. to Global Homes Ltd. and 4713096 Manitoba Ltd.
5. Plan (1 page)
6. Report from the Planning and Land Use Division dated November 16, 2011
7. Inspection Report
8. Audio Recording of representations of public hearing held on December 5, 2011

REPRESENTATIONS:

In Support:

Mike O'Shaughnessy
Josh Smith

In Opposition:

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit “6” referred to in File DASZ 27/2011

# ADMINISTRATIVE REPORT

**Title:** DASZ 27/2011 – La Porte Dr. East Properties Public Hearing

**Issue:** For consideration at the Public Hearing for the creation of seven (7) single-family residential lots zoned “R1-M” Residential Single-Family Medium and the creation of parkland zoned “PR1” Parks and Recreation 1.

**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 27/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “B” for File DASZ 27/2011 dated November 16, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 28, 2011 which is Schedule “C” of 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 27/2011 dated November 16, 2011 to an “R1-M” Residential Single Family District, and a “PR1” Parks and Recreation District.

3. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 13194/12 (Schedule D) as surplus to the City's needs.

4. That subject to the approval of recommendation No.3, Council delegate the Chief Administrative Officer with the authority to approve the terms and conditions of an Exchange Agreement, wherein the Applicant receives the "Subject City Property" for inclusion in their DASZ 27/2011, and the City receives the "Applicant's Property", as shown on Schedule D.

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 upon execution by the City of Winnipeg of the Development Agreement.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year 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 one-year period and Council approves the extension.

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 original proposed development involved reorientation of Lots 17-21 of Plan 49118 in way that would allow for the development of eight (8) single-family lots zoned R1-M and the creation of parkland zoned PR1 through the subject rezoning and subdivision application.
- This application will facilitate the exchange of land between the City and the developer as shown in the attached Miscellaneous Plan 13194/12. The City of Winnipeg Real Estate Department has provided a letter of authorization to include the subject land in the application.
- When advertising the site (see Schedule “A”), the Public Service overlooked the fact that both proposed lots 7 and 8 required variances for lot width and lot area.
- In order to allow the application to proceed in a more orderly fashion, the Public Service is recommending that Schedule “B” be approved, which shows a total of seven (7) residential lots that would all conform to the Zoning By-Law instead of eight (8) as originally proposed.
- 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 Urban Planning Division are concurred in, the subject site will be subdivided into seven (7) residential lots zoned R1-M and one (1) lot zoned PR1.

- The recommendations of the Urban Planning and Land Use Division will also facilitate the exchange of City-owned land and the applicant's land as shown on Misc. Plan No. 13194/12 (Schedule D).

## HISTORY

*DASZ 7/2007 – 3348 Waverley Street*

- On July 18, 2007, Council approved DASZ 7/2007, which resulted in the extension of La Porte Drive and the creation of 20 residential lots zoned R1-3.5, or R1-M under the current Zoning By-Law 200/2006. However, lots 18-20 of this subdivision were not buildable because a zoning agreement was placed on the land restricting development of these lots. The zoning for this application was enacted under By-Law 94/2009.

*DAV 07-112394/D*

- On June 12, 2007, the Riel Community Committee approved variance DAV 07-112394/D, which permitted a lot area of 28.8 acres instead of 40 acres for a parcel zoned "A" Agricultural. This variance was approved in conjunction with the subdivision and rezoning file DASZ 7/2007. The subdivision and rezoning occurred at the eastern extent of 3348 Waverley Street (east of Grandmont Creek), which created the remnant 28.8 acre Agricultural parcel bound by Grandmont Creek to the east and Waverley Street to the West.

*DASZ 11/2009*

- On May 25, 2009, the Riel Community Committee rejected the application to subdivide and rezone 5.67 acres of land at the southern extent of La Porte Drive. The application included all of the land in DASZ 7/07 plus City-owned land to the eastern extent of the site, a public lane, and land owned by the developer that was to be swapped with the City for parks purposes. The application was rejected by the Committee because the Committee believed that issues related to the greenspace adjacent to the proposed development needed to be dealt with in an orderly fashion before development of portions of the subject property could be proceeded with. The applicant later withdrew the application and the item was filed.

## CONSULTATION

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

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Prepared by: | Robert Kostiuk |
| Date: | November 16, 2011 |
| File No. | DASZ 27/2011 |

**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 27/2011 Riel Community Committee, dated November 16, 2011.
4. Schedule “C” Report of the Administrative Coordinating Group
5. Schedule “D” Miscellaneous Plan No. 13194/12

**APPENDIX 'A'**

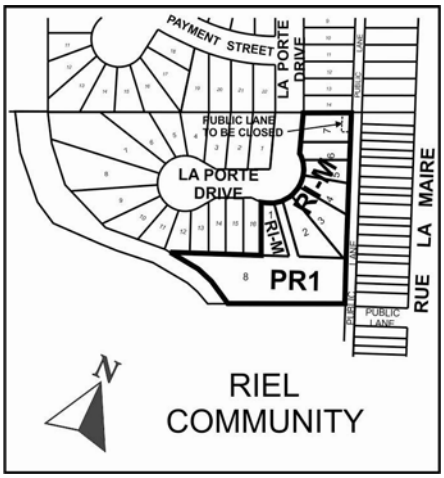
**DATE:** November 16, 2011

**FILE:** DASZ 27/2011
**RELATED FILES:** DAC 18/11 (c/r), DASZ 11/2009, DASZ 7/2007

**COMMUNITY:** Riel
**NEIGHBOURHOOD #:** 5.670

**SUBJECT:** To rezone the land from "PR1" Parks and Recreation 1 to "R1-M" Residential Single-Family Medium and from "A" Agricultural to "PR1" Parks and Recreation 1 in order to create seven (7) detached residential lots and parkland that includes a pathway connection from La Porte Drive.

**LOCATION:** Lot 1 Plan 22310
Lots 17-22 Plan 49118




**APPLICANT:** Global Homes (Josh Smith)
230-1695 Henderson Highway
Winnipeg MB R2G 1P1

**OWNERS:** 4713096 Manitoba Ltd.
230-1695 Henderson Highway
Winnipeg MB R2G 1P1

City of Winnipeg

**RECOMMENDATION:** Approval with Conditions

**REPORT SUMMARY**

- The original proposed development involved reorientation of Lots 17-21 of Plan 49118 in way that would allow for the development of eight (8) single-family lots zoned R1-M and the creation of parkland zoned PR1 through the subject rezoning and subdivision application.
- This application will facilitate the exchange of land between the City and the developer as shown in the attached Miscellaneous Plan 13194/12.
- When advertising the site (see Schedule “A”), the Public Service overlooked the fact that both proposed lots 7 and 8 required variances for lot width and lot area.
- In order to allow the application to proceed in a more orderly fashion, the Public Service is recommending that Schedule “B” be approved, which shows a total of seven (7) residential lots that would all conform to the Zoning By-Law instead of eight (8) as originally proposed.

**SITE DESCRIPTION**

- The subject site is located near the southern extent of La Porte Drive in the Parc La Salle neighbourhood of the St. Norbert Ward.
- The site is vacant and is approximately **69,100 square feet (1.58 acres) in area.**
- The proposed subdivision and rezoning is comprised of a portion of a public lane that is to be closed under the associated closing application (DAC 18/11), City-owned land that is zoned PR1, and the applicant/developer’s land.
- The City of Winnipeg Real Estate Department has provided a letter of authorization to include the City-owned land in the application.
- The site is located within the Areas of Stability – Recent Communities Policy Area under the Complete Communities Direction Strategy and is zoned “R1-M” Residential Single-Family Medium, “PR1” Parks and Recreation 1 (Neighbourhood), and “A” Agricultural.




**Figure 1: Aerial photograph showing approximate area of the subject site and surrounding area (2009)**

**SURROUNDING ZONING (See Figure 2)**

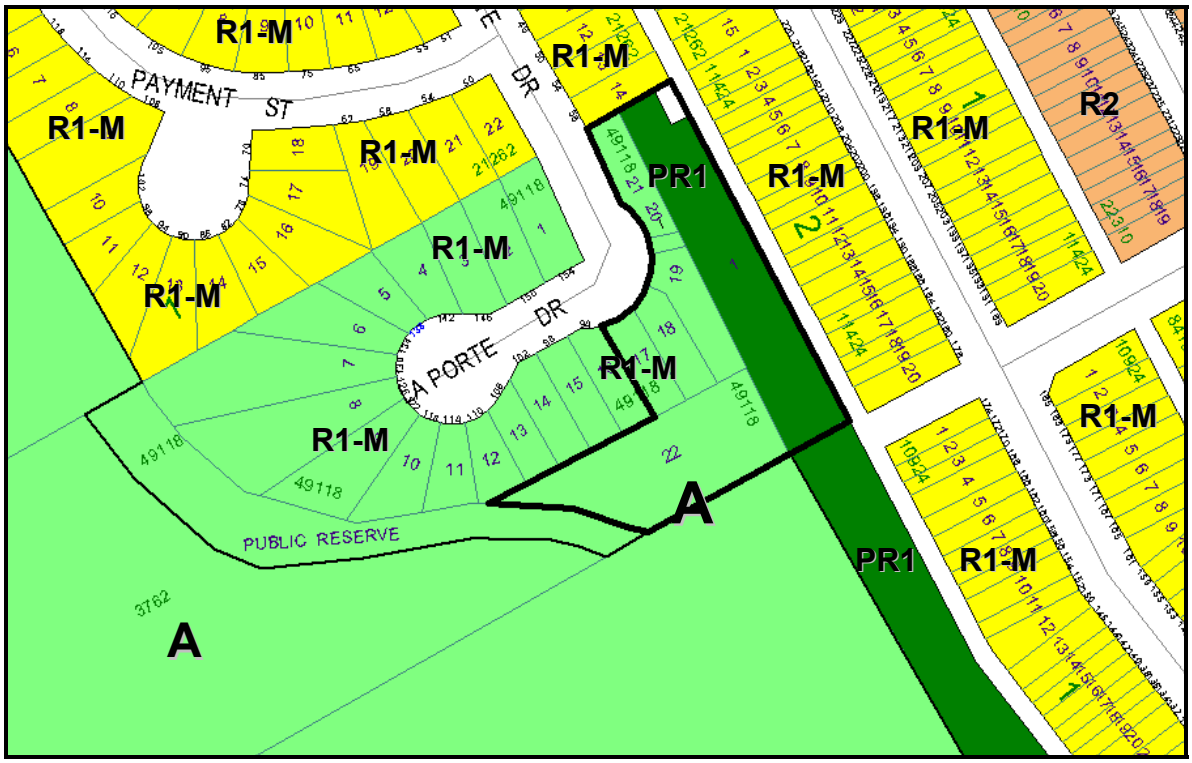



**Figure 2: Zoning of the lands and surrounding area.**

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- The applicant is proposing to develop the site in a manner that is quite similar to DASZ 11/2009.
- The original proposed development involves reorientation of Lots 17-21 of Plan 49118 in way that would allow for the development of eight (8) single-family lots zoned R1-M through the subject rezoning and subdivision application.
- Proposed Lots 2-8 would all require the inclusion of City-owned land to the east that is currently zoned PR1. Proposed Lots 7 and 8 would also require the inclusion of the existing public lane, which is under application to be closed (see file DAC 18/11).
- Most of the City-owned land (including the lane closing portion) will be incorporated into the proposed lots. This portion of the City-owned land is approximately 20,000 square feet in area.
- In exchange for the City-owned land, the applicant will be transferring their land, which is located south of the proposed subdivision (Lot 22 Plan 41198) to the City (see Miscellaneous Plan 13194/12). This land is approximately 22,900 square feet in area and will be consolidated with the remnant City-owned land that is located south of proposed lot 2 and rezoned to PR1.
- The eight (8) proposed lots range from 30 to 39.5 feet in width and from about 3,000 square feet to 6,000 square feet in area.
- It should be noted that when advertising the site, the Public Service overlooked the fact that both proposed lots 7 and 8 required variances for lot width and lot area.

**ANALYSIS AND ISSUES**

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *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.
    - Ensure that existing public open spaces meet the neighbourhood's current and future requirements.

ZONING

*"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%.

*"A" Agricultural District*

- The A district is intended for agricultural activities. The A district requires: a minimum lot width of 300 feet, a minimum lot area of 40 acres, 25 foot side yards, a front yard of 100 feet, and a rear yard of 25 feet. The maximum building height is 30 feet.

*"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

*Rezoning*

- The applicant is proposing to develop detached single-family homes on land that is predominantly zoned PR1. The PR1 zone does not permit the development of single-family homes. To accommodate the development, the developer is applying to rezone the PR1 zoned land to R1-M to allow for the creation of the single-family lots. In exchange for the PR1 land, the developer is providing to the City a parcel that is approximately 23,000 square feet in area that will be rezoned from "A" Agricultural to PR1 for parks purposes.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The applicant is proposing to create lots for future detached single-family homes on a street that is entirely comprised of lots zoned R1-M and intended for detached single-family homes.
- The land-locked City of Winnipeg parcel that is currently zoned PR1 is disconnected and not ideal for public use. Transferring this land to the applicant in exchange for the developer's land to the south will provide a better parks linkage to Grandmont Creek, which has Public Reserve lands immediately east of the creek.
- Existing lots 18-20 are not buildable and can not be developed without the adjacent City-owned land that is currently zoned PR1.
- The applicant has provided a 6 metre wide pathway that will facilitate pedestrian access to the proposed parkland south of the residential lots and will act as a turnaround space for a fire apparatus.
- The applicant proposed a similar subdivision and rezoning application under file DASZ 11/2009, which the Public Service supported.
- The proposed subdivision represents the logical completion of La Porte Drive in an orderly manner.

LAND EXCHANGE

- As previously described, this application will facilitate the exchange of land between the City and the developer as shown in the attached Miscellaneous Plan 13194/12.

RECOMMENDED SUBDIVISION AND REZONING

- When advertising the site (see Schedule “A”), the Public Service overlooked the fact that both proposed lots 7 and 8 required variances for lot width and lot area.
- In order to allow the application to proceed in a more orderly fashion, the Public Service is recommending that Schedule “B” be approved, which shows a total of seven (7) residential lots that would all conform to the Zoning By-Law instead of eight (8) as originally proposed.
- The Public Service can recommend changes to subdivision applications from what was originally advertised as long as it is deemed that the changes do not result in an intensification of the land and/or land use. In this case, the Public Service is recommending that seven (7) lots be approved instead of eight (8).
- This recommended approach will allow the developer to proceed with the rezoning and subdivide most of the lots as proposed. If the developer chooses to further subdivide lot 7 (as shown in Schedule “B”) to lots 7 and 8 as shown in the original advertisement (see Schedule “A”), then he will need to apply for a variance and short-form subdivision. As per the Development Procedures By-Law, this variance would be heard in front of the Riel Community Committee.
- Another minor change in Schedule “B” that should be mentioned is that the proposed walkway will be zoned PR1, which was not shown in the original advertisement.

LANE CLOSING

- The subject DASZ application is being heard concurrently with the lane closing application DAC 18/11.
- If the lane closing application is approved the lane will be zoned R1-M and be included in the subject subdivision.

LAND DEDICATION

- Land dedication for this application is identified in the Report of the ACG (see Schedule C, Section 13).

**RECOMMENDATION**

The Urban Planning Division recommends **approval** for the following reasons:

- The proposed rezoning and subdivision application is consistent with the Complete Communities Direction Strategy.
- The applicant is proposing to create lots for future detached single-family homes on a street that is entirely comprised of lots zoned R1-M and intended for detached single-family homes.

- The land-locked City of Winnipeg parcel that is currently zoned PR1 is disconnected and not ideal for public use. Transferring this land to the applicant in exchange for the developer's land to the south will provide a better parks linkage to Grandmont Creek, which includes Public Reserve lands immediately east of the creek.
- The proposed subdivision represents the logical completion of La Porte Drive in an orderly manner.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 27/2011

**Schedule "A" Advertised Subdivision and Rezoning for Planned Area**

By-Law No. _____

File No. **DASZ 27/11**

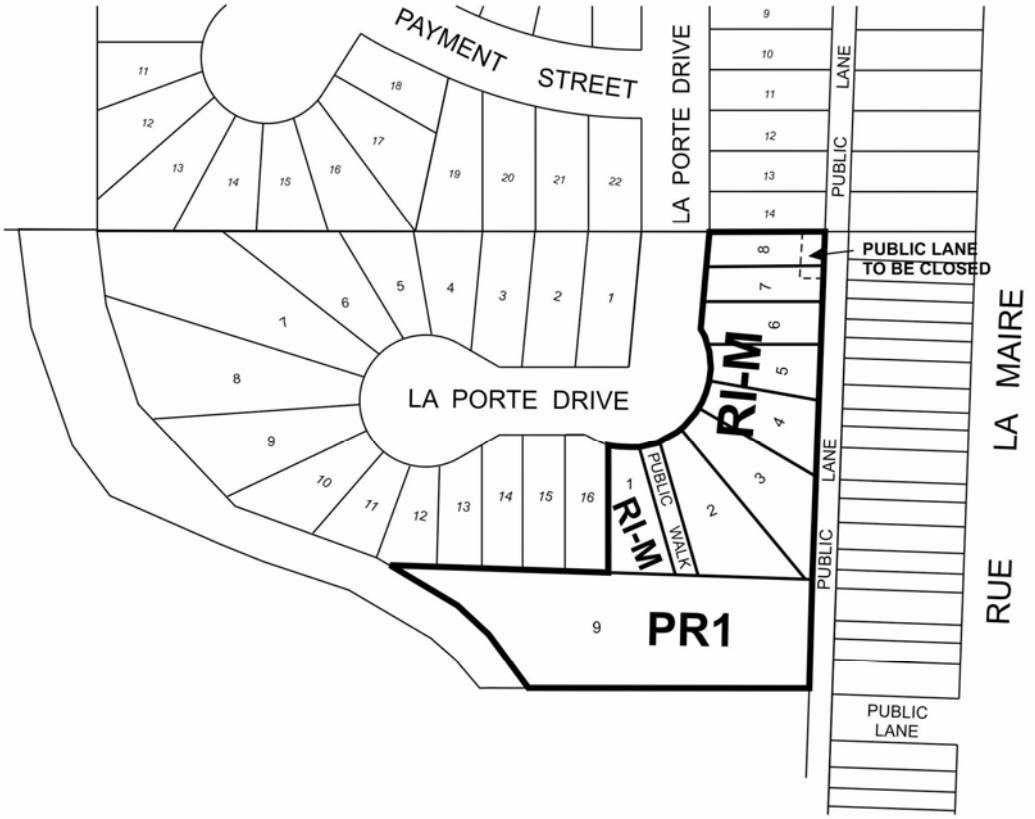
Atlas Sheet No.

N

**AP22**
**RIEL**
**COMMUNITY**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on La Porte Drive from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, an "A" AGRICULTURAL DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to allow for the creation of residential lots for future development and facilitate exchange of lands with the City of Winnipeg as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

**Schedule "B" for File No. DASZ 27/2011, Riel Community Committee, dated November 16, 2011**

By-Law No. _____

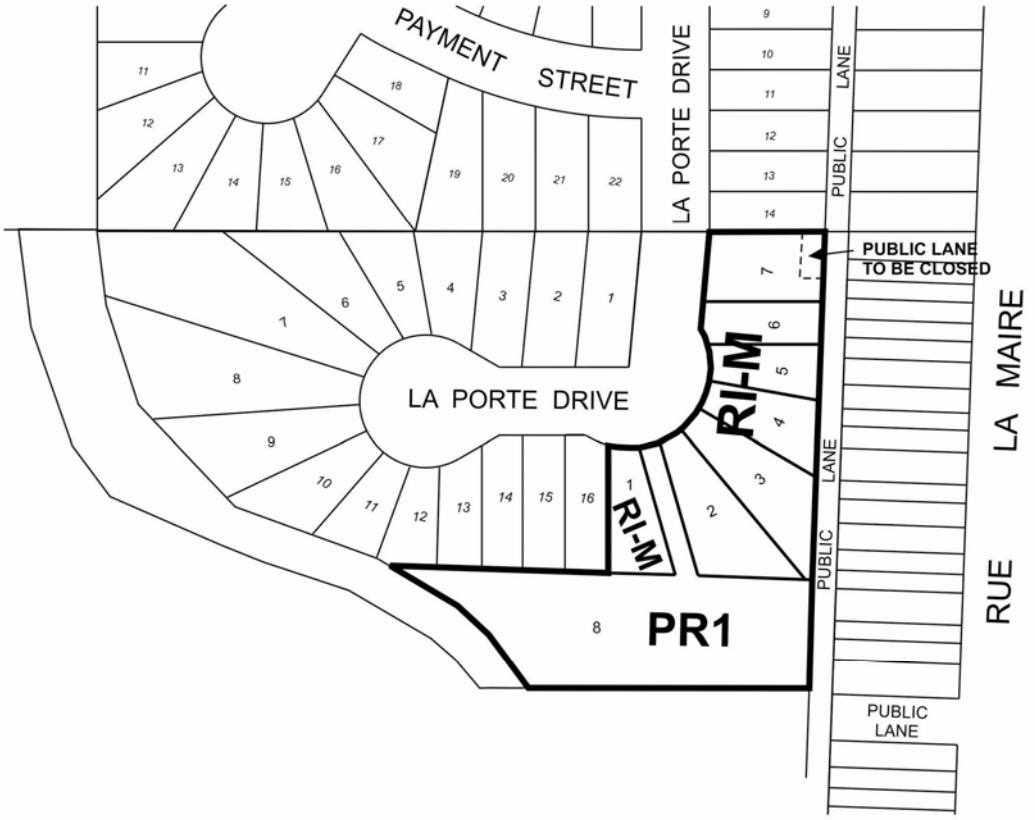
File No. **DASZ 27/11**

Atlas Sheet No.

**AP22**
**RIEL**
**COMMUNITY**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on La Porte Drive from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, an "A" AGRICULTURAL DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to allow for the creation of residential lots for future development and facilitate exchange of lands with the City of Winnipeg as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

## SCHEDULE C

## REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – November 28, 2011

**RE: PROPOSED SUBDIVISION AND REZONING OF LAND ON LA PORTE DRIVE, SOUTH OF PAYMENT STREET - DASZ 27/2011**

It is recommended that the approval of DASZ 27/2011, if granted, be subject to the applicant entering into a Development Agreement with the City of Winnipeg, containing the following conditions:

1. The Developer shall pay its share of the regional land drainage system for Lot 1, Plan 22310. The 2011 rate is $10,812.00/acre.

2. 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.

    a) 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.

    b) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the waters is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

3. 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.

4. 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.

5. 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.

6. The Developer shall, at no expense to the City, construct a hammerhead style turnaround with a minimum 12 metre centre-line radius and minimum 15 metres in length from back of curb, to accommodate Fire Department apparatus turning movements within the proposed 6 metre wide public walk. The turnaround shall be designed to

support the expected loads imposed by firefighting equipment and be surfaced with concrete, asphalt, or other material designed to permit accessibility under all climatic conditions, all to the satisfaction of the Fire Paramedic Service and the Director of Public Works.,

7. The Developer shall, at no expense to the City, install boulevard sod and trees within the street right of way within the proposed subdivision in accordance with construction specifications and plans approved, prior to installation, by the Director of Public Works.

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

9. 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.

10. 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.

11. 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.

12. 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 Planed Area, until building construction, including landscaping, is complete all as determined by, and to the satisfaction of, the Director of Public Works.

    d) 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.

13. The Developer shall dedicate to the City, as Public Reserve, at least 8% of the land contained within the Planned Area; landscape the dedicated land; and pay its share of the cost of services in streets abutting the dedicated land - all in accordance with City policy, and site design plans and specifications approved, by the Directors of Public Works and Planning, Property, and Development.

    a) It is acknowledged that land dedication requirements under Development Agreement AG

7/07 have been deemed to be fulfilled, in that the City accepted an over dedication of land as compensation for not providing serviced frontage, and subject to the landscaping requirements as outline in that Agreement.

b) The provision of land for the walkway, beyond the area required for the hammer head turnaround, leading into the larger park area is deemed to satisfy the 8% land dedication for this development. (The larger park parcel is being established through a proposed land swap between the City and the Developer under this application and will result in a net positive gain of land being transferred to the City for Parks purposes).

c) The developer shall at no expense to the City, grade, level, and install land drainage for all of the PR designated lands and install bollards across the width of the walkway, at the south limit of the proposed hammerhead turnaround.

d) The Developer shall also install a 2.4 m wide asphalt walkway from the south limit of the hammerhead turnaround out to the lane, sod the balance of the PR lands, and install standard park bollards (SCD 105BR) along the lane, with the City responsible to reimburse the value of the works undertaken within the larger parks parcel.

e) It is further understood, that if landscaping is not required for some of the lands dedicated under AG 7/07 (due to preservation of natural areas), then the equivalent value of work may instead be applied to improvements within the walkway or the larger PR lands associated with this application.

All of the above shall be in accordance with plans and specifications and cost reviewed and approved to the satisfaction of the Director of Planning, Property and Development.

14. The Developer, in accordance with the City's Development Agreement Parameters, is required to provide irrigation to the site. If the City determines that the provision of irrigation to the public open space is not required, the Developer shall provide compensation either in site amenities of equivalent value or in accrued credit.

15. The Developer shall assume responsibility for the maintenance of all the lands, until they are developed and accepted by the City as having reached Total Performance, and as-built drawings have been provided and approved as complete.

16. The Developer shall, at no expense to the City, maintain all of the public open space improvements for a period of two years in accordance with specifications approved by the Director of Public Works, with the City providing compensation for maintenance provide for the larger park parcel, subject to the City approving, in advance, the scope of maintenance requirements and costs. The City also reserves the right to impose longer maintenance terms for amenities and features which the Director of Public Works considers to be beyond the standard scope of development.

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

18. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area.

19. 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 Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 27/2011
November 28, 2011

*[Original Signed by K.T. Raban, P.Eng.]*
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Land Development Branch

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

*[Original Signed by D. Beaton]*
D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

**Schedule "D"** **Misc. Plan No. 13194/12**

