**Agenda - Executive Policy Committee – October 31, 2012**

**Report - Standing Policy Committee on Property and Development – October 16, 2012**

**Item No. 2** **Subdivision and Rezoning – Rosser, Old Kildonan bounded by Jefferson and CPR, Inkster Gardens Neighbourhood bounded by Jefferson Avenue, King Edward Street and CNR line – Waterford Green**
**(Old Kildonan and Point Douglas Wards)**
**File DASZ 15/2012**

STANDING COMMITTEE RECOMMENDATION:

On October 16, 2012, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 15/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2012 dated August 1, 2012, amended to include the addition of:

   (1) a public lane between the proposed RMF-S and RMF-M lands located immediately east of the proposed PR1 land to the south, and the west of the proposed extension of Old Commonwealth Path, and with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office;

   (2) a right of way corner cut at the north west corner of Dr. Jose Rizal Way and Old Commonwealth Path, of suitable dimension to accommodate the bronze sculpture identified herein within the public right of way, as determined by and to the satisfaction of the Director of Public Works,

   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 September 4, 2012 which is Schedule "B" of this report, with the following amendments, namely:

      C. Agreement Conditions

         i. Delete Condition No. 12

         ii. Delete Condition No. 18 in its entirety and replace with the following:

**Report - Standing Policy Committee on Property and Development – October 16, 2012**

"18. The Developer shall, at no expense to the City construct 1.5m in width by 100mm in thickness portland cement concrete sidewalks;

a) on the standard alignment, 0.3m off of the property line, along both sides of all streets within the Planned Area with rights-of-way measuring 22.0m in width or greater except where frontage roads are constructed and,

b) in all streets which are less than 22 m wide at the locations shown on Schedule "D", filed as Exhibit 14, amended by relocating the proposed sidewalk on the east side of the north-south street east of the proposed extension of Dr. Jose Rizal Way and north of Jefferson Avenue, to the west side of the street,

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

iii. Delete Condition No. 22

iv. Amend Condition No. 31 by deleting b), and renumbering c) and d) to b) and c), and by adding the following words at the end of the Condition:

"That if the development on the west side of King Edward Street does not require King Edward Street to be extended north of Old Commonwealth Path, then the Developer's payment under this Clause shall be calculated based on their frontage from Old Commonwealth Path to Commercial Avenue."

v. Amend Condition No. 33 by deleting the word "2000mm" and substituting the word with "200mm", and by adding the following words at the end of the Condition:

"The City shall reimburse the Developer 50% of the cost of the works installed east of Dr. Jose Rizal Way"

**Report - Standing Policy Committee on Property and Development – October 16, 2012**

vi. Amend Condition No. 35 by deleting the words "the full" and substituting the word "75%" after the words "on demand," and before the words "cost of"

vii. Delete Condition No. 36

viii. Amend Condition No. 37 by deleting the words "the full" and substituting the word "50%" after the words "on demand," and before the words "cost of"

ix. Amend Condition No. 38 by deleting the words "the full" and substituting the words "75%" after the words on demand," and before the words "cost of"

x. Amend Condition No. 40 by adding the following words at the end of the Condition:

"The City will reimburse the Developer for the cost of works in items described in b), c) and d) above on the east side, south of Jefferson Avenue to Dzogan Cove."

xi. Delete Condition No. 43 in its entirety and replace with the following:

"43. The Developer shall, at no expense to the City, construct in portland cement concrete pavement, right-turn channelization in the southwest and northwest corners of the intersections of Old Commonwealth Path with Dr. Jose Rizal Way, as determined by and to the satisfaction of the Director of Public Works."

xii. Amend Condition No. 46 by deleting the words "the future Chief Peguis Trail" and substituting the words "Old Commonwealth Path"

xiii. Delete Condition No. 48 in its entirety and replace with the following:

"48. In tabulating public reserve dedication, only 50% credit shall be granted for linear parks along retention ponds (where the sloped grade limits multi-use options), the specific application of which shall be to the satisfaction of the Director of Planning, Property and Development."

xiv. Delete Condition No. 51 in its entirety and replace with the following:

"51. That Developer shall, at no expense to the City, erect or cause to have erected a uniform continuous fence within the private property when a pathway or play equipment is within 10 feet of a property line to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development and authorize the City to file a caveat requiring future property owners to maintain the fence."

xv. Amend Condition No. 54 by adding the following words:

"which may reasonably considered and released on a phase by phase basis"

xvi. Renumber any Conditions accordingly

xvii. Add the following new Conditions:

"59. That the Developer shall finance and construct the twinning of Keewatin Street and Dr. Jose Rizal Way, from Inkster Boulevard to the first intersection north of Jefferson Avenue to the satisfaction of the Director of the Public Works.

60. That the Developer shall pay, upon demand, 50% of the cost of traffic signals, if required, at the proposed intersection of King Edward Street and Old Commonwealth Path as determined by and to the satisfaction of the Director of Public Works.

**Report - Standing Policy Committee on Property and Development – October 16, 2012**

61. That the developer shall be required to supply and install a bronze sculpture of Dr. Jose Rizal, at a height of not less than 7 feet, installed on a tyndall stone cenotaph with a base of not less than 8 feet in diameter tapering to a diameter of 4 feet at a total height of 5 feet. Further, the sculpture shall be formed and installed by a Manitoba bronze sculpture artist. Final design is to be approved by Lord Selkirk-West Kildonan Community Committee before installation.

62. That at such time, as determined by the Director of Planning, Property and Development, that development begins north of Jefferson Avenue, a closure and turnaround be constructed, to the satisfaction of the Director of Public Works, at the future westerly terminus of Jefferson Avenue, east of the future Chief Peguis Trail, unless a road is constructed and subdivision takes place on the adjacent R1-S lands south of Jefferson Avenue establishing a secondary access to the south."

2. That Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 15/2012 dated August 1, 2012 to "R1-M" and "R1-S" Residential Districts, "R2" Residential Two-Family District, "RMF-S" and "RMF-M" Residential Multiple Family Districts, a "CMU" Commercial Mixed Use District and "PR1" Parks and Recreation Districts subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

**Report - Standing Policy Committee on Property and Development – October 16, 2012**

i. That, for the development of any building, and/or accessory parking area within these lands zoned "RMF-M" or "CMU", plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage, and the art sculpture to the Lord Selkirk West Kildonan Community Committee and Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development. The Plan Approval application shall include a letter of intent illustrating how the proposed development meets the goals and objectives of the Precinct Plan.

ii. A special rear yard setback of 18 feet shall apply to all accessory structures on lots that have frontage on Dr. Jose Rizal Way, or share the special back lane with houses that have frontage on Dr Jose Rizal Way, as illustrated in the attached Schedule C.

iii. That the following conditions shall apply to all lands zoned "CMU" Commercial Mixed Use District:

a. Ground floor residential uses shall require conditional use approval.

b. There shall be no parking in any required or voluntary yard with the understanding the "CMU" Commercial Mixed Use parking is to be contained in the interior rear and side yards formed by creating an active street frontage where buildings are oriented around the street perimeter of the "CMU" Commercial Mixed Use site.

c. The following uses shall not be permitted on the land
   (1) Kennel;
   (2) Drive-in or Drive through;
   (3) Advertising Sign;

**Report - Standing Policy Committee on Property and Development – October 16, 2012**

iv. That the following conditions shall apply to all properties zoned "RMF-S" and "R2":

a. Each unit must have its own direct access to the outdoors.

v. That, north of Jefferson Avenue, no habitable room or space, bathroom, water closet compartment, or recreation room or space shall be less than 49.2 feet (15 metres) from the eastern limit of the planned area.

vi. Where single and two family residential lots back onto Chief Peguis Trail the said lots are to be established with a minimum depth to provide a minimum rear yard setback to achieve the City's Motor Vehicle Noise Policies and Guidelines sound level limit of 65 dBA in the typical outdoor recreation area of said residential lots.

3. That the developer be required to pay to the City 10% of the value of the statue of Dr. Jose Rizal and enter into a maintenance agreement with the City of Winnipeg for the maintenance of the public art feature.

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

5. 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.

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

7. 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.

8. 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 and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

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9. 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.

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

11. 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.

12. 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 and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

13. 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.

14. 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.

15. 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.

**Agenda - Executive Policy Committee – October 31, 2012**

**Report - Standing Policy Committee on Property and Development – October 16, 2012**

DECISION MAKING HISTORY:

On October 16, 2012, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, with the following amendments:

- Recommendation 1 after the words “August 1, 2012” add the following:

  “amended to include the addition of:

  (1) a public lane between the proposed RMF-S and RMF-M lands located immediately east of the proposed PR1 land to the south, and the west of the proposed extension of Old Commonwealth Path, and with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office;

  (2) a right of way corner cut at the north west corner of Dr. Jose Rizal Way and Old Commonwealth path, of suitable dimension to accommodate the bronze sculpture identified herein within the public right of way, as determined by and to the satisfaction of the Director of Public Works,”

- Delete Recommendation 1. A. ii. 18. b) in its entirety and replace with the following:

  “1. A. ii. 18. b) in all streets which are less than 22 m wide at the locations shown on Schedule "D", filed as Exhibit 14, amended by relocating the proposed sidewalk on the east side of the north-south street east of the proposed extension of Dr. Jose Rizal Way and north of Jefferson Avenue, to the west side of the street,”

- Delete Recommendation 1. A. xii., amending Condition 45 of the Administrative Co-ordinating Group Report.

- Delete Recommendation 1. A. xviii. in its entirety.

- Renumber all recommendations accordingly

**Report - Standing Policy Committee on Property and Development – October 16, 2012**

DECISION MAKING HISTORY (continued):

- Recommendation 1. A. xvii., add the following new Conditions:

    "59. The Developer shall finance and construct the twinning of Keewatin Street and Dr. Jose Rizal Way, from Inkster Boulevard to the first intersection north of Jefferson Avenue to the satisfaction of the Director of the Public Works.

    60. That the Developer shall pay upon demand 50% of the cost of traffic signals, if required, at the proposed intersection of King Edward Street and Old Commonwealth Path as determined by and to the satisfaction of the Director of Public Works.

    61. That the developer shall be required to supply and install a bronze sculpture of Dr. Jose Rizal, at a height of not less than 7 feet, installed on a tyndall stone cenotaph with a base of not less than 8 feet in diameter tapering to a diameter of 4 feet at a total height of 5 feet. Further, the sculpture shall be formed and installed by a Manitoba bronze sculpture artist. Final design is to be approved by Lord Selkirk-West Kildonan Community Committee before installation.

    62. That at such time, as determined by the Director of Planning, Property and Development, that development begins north of Jefferson Avenue, a closure and turnaround be constructed, to the satisfaction of the Director of Public Works, at the future westerly terminus of Jefferson Avenue, east of the future Chief Peguis Trail, unless a road is constructed and subdivision takes place on the adjacent R1-S lands south of Jefferson Avenue establishing a secondary access to the south."

- Delete Recommendation 3 in its entirety and replace it with the following:

    "3. That the developer be required to pay to the City 10% of the value of the statue of Dr. Jose Rizal and enter into a maintenance agreement with the City of Winnipeg for the maintenance of the public art feature.",

and forwarded to the Executive Policy Committee and Council.

STANDING COMMITTEE RECOMMENDATION:

On October 9, 2012, the Standing Policy Committee on Property and Development laid over the matter to a special meeting to be held on October 16, 2012.

**Report - Standing Policy Committee on Property and Development – October 16, 2012**

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On September 11, 2012, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service be concurred in with following amendments:

Report from the Planning and Land Use Division

- Amend Recommendation 2.A.i. by adding the words "and the art sculpture" after the words "landscape and signage", and before the words "to the Lord Selkirk-West Kildonan Community Committee"

- Amend Recommendation 2.A.iii.b. by adding the words at the end thereof, "with the understanding the "CMU" Commercial Mixed Use parking is to be contained in the interior rear and side yards formed by creating an active street frontage where buildings are oriented around the street perimeter of the "CMU" Commercial Mixed Use site"

- Delete Recommendation 2.A.vi

- Renumber Recommendation 2.A.vii to 2.A.vi

- Renumber Recommendations 3 to 10 inclusive, to Recommendations 4 to 11 inclusive

- Add the following Recommendation:
  "3. That the developer shall pay for a public art feature that shall be a bronze sculpture of Dr. Jose Rizal, at a height of not less than 7ft, installed on a tyndall stone cenotaph with a base of not less than 8 feet in diameter tapering to diameter of 4 feet at a total height of 5'. Further, the sculpture shall be shall be formed and installed by a Manitoba bronze sculpture artist. Final design is to be approved by community committee before installation.

Report of the Administrative Coordinating Group

C. Agreement Conditions

- Delete Condition No. 12

- Delete Condition No. 18 in its entirety and replace with the following:
  "18. The Developer shall, at no expense to the City construct 1.5m in width by 100mm in thickness portland cement concrete sidewalks;

**Report - Standing Policy Committee on Property and Development – October 16, 2012**

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

a) on the standard alignment, 0.3m off of the property line, along both sides of all streets within the Planned Area with rights-of-way measuring 22.0m in width or greater except where frontage roads are constructed and

b) in all streets which are less than 22 m wide at the locations shown on Schedule "D", filed as Exhibit 14.

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

- Delete Condition No. 22

- Amend Condition No. 31 by deleting b), and renumbering c) and d) to b) and c), and by adding the following words at the end of the Condition,
"That if the development on the west side of King Edward Street does not require King Edward Street to be extended north of Old Commonwealth Path, then the Developer's payment under this Clause shall be calculated based on their frontage from Old Commonwealth Path to Commercial Avenue"

- Amend Condition No. 33 by deleting the word "2000mm" and substituting the word with "200mm", and by adding the following words at the end of the Condition, "The City shall reimburse the Developer 50% of the cost of the works installed east of Dr. Jose Rizal Way"

- Amend Condition No. 35 by deleting the words "the full" and substituting the word "75%" after the words "on demand," and before the words "cost of"

- Delete Condition No. 36

- Amend Condition No. 37 by deleting the words "the full" and substituting the word "50%" after the words "on demand," and before the words "cost of"

- Amend Condition No. 38 by deleting the words "the full" and substituting the words "75%" after the words on demand," and before the words "cost of"

**Report - Standing Policy Committee on Property and Development – October 16, 2012**

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- Amend Condition No. 40 by adding the following words at the end thereof,

  "The City will reimburse the Developer for the cost of works in items described in b), c) and d) above on the east side, south of Jefferson Avenue to Dzogan Cove

- Delete Condition No. 43 in its entirety and replace with the following:
  "43. The Developer shall, at no expense to the City, construct in portland cement concrete pavement, right-turn channelization in the southwest and northwest corners of the intersections of Old Commonwealth Path with Dr. Jose Rizal Way, as determined by and to the satisfaction of the Director of Public Works."

- Amend Condition No. 45 by deleting the words "at no expense to the City" after the words "The Developer shall", and by adding the following words at the end of the Condition, "The City shall reimburse the Developer 50% of the said cost of the above work."

- Amend Condition No. 46 by deleting the words "the future Chief Peguis Trail" and substituting the words "Old Commonwealth Path"

- Delete Condition No. 48 in its entirety and replace with the following:
  "48. In tabulating public reserve dedication, only 50% credit shall be granted for linear parks along retention ponds (where the sloped grade limits multi-use options), the specific application of which shall be to the satisfaction of the Director of Planning, Property and Development."

- Delete Condition No. 51 in its entirety and replace with the following:
  "51. That Developer shall, at no expense to the City, erect or cause to have erected a uniform continuous fence within the private property when a pathway or play equipment is within 10 feet of a property line to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development and authorize the City to file a caveat requiring future property owners to maintain the fence."

- Amend Condition No. 54 by adding the following words at the end thereof,
  ", which may reasonably considered and released on a phase by phase basis"

**Report - Standing Policy Committee on Property and Development – October 16, 2012**

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- Renumber any Conditions accordingly

- Add the following new Condition:
  "The Developer shall finance and construct the twinning of Keewatin Street and Dr. Jose Rizal Way, from Inkster Boulevard to the intersection north of Jefferson Avenue, as determined by and to the satisfaction of the Director of Public Works. The City's share of the cost of this work shall be as determined in a Front-Ending Agreement supplementary to the Development Agreement and the City shall reimburse the Developer for its share of the cost such that there is no net cost to the Developer for this additional work, all as determined by the Director of Public Works in accordance with the terms and conditions of the Front-Ending Agreement. The Chief Administrative Officer and the Chief Financial Officer shall be delegated the authority to negotiate the terms and conditions of the Front-Ending Agreement and report back to Council.",

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

**RE:** **Subdivision and Rezoning - Rosser, Old Kildonan bounded by Jefferson and CPR, Inkster Gardens Neighbourhood bounded by Jefferson Avenue, King Edward Street and CNR line – Waterford Green**
**File DASZ 15/2012**

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

**Prepared by:** **Inga Skundberg, Committee Clerk**
**Lord Selkirk-West Kildonan Community Committee**

**Report date:** **September 14, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 11, 2011, the :Lord Selkirk-West Kildonan 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 15/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2012 dated August 1, 2012 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 September 4, 2012 which is Schedule "B" of this report, ***with the following amendments, namely:***

        ***C. Agreement Conditions***

            ***i. Delete Condition No. 12***

            ***ii. Delete Condition No. 18 in its entirety and replace with the following:***
            ***"18. The Developer shall, at no expense to the City construct 1.5m in width by 100mm in thickness portland cement concrete sidewalks;***
            ***a) on the standard alignment, 0.3m off of the property line, along both sides of all streets within the Planned Area with rights-of-way measuring 22.0m in width or greater except where frontage roads are constructed and***

***b) in all streets which are less than 22 m wide at the locations shown on Schedule "D", filed as Exhibit 14 all as determined by and to the satisfaction of the Director of Public Works."***

***iii. Delete Condition No. 22***

***iv. Amend Condition No. 31 by deleting b), and renumbering c) and d) to b) and c), and by adding the following words at the end of the Condition,***
***"That if the development on the west side of King Edward Street does not require King Edward Street to be extended north of Old Commonwealth Path, then the Developer's payment under this Clause shall be calculated based on their frontage from Old Commonwealth Path to Commercial Avenue."***

***v. Amend Condition No. 33 by deleting the word "2000mm" and substituting the word with "200mm", and by adding the following words at the end of the Condition, "The City shall reimburse the Developer 50% of the cost of the works installed east of Dr. Jose Rizal Way"***

***vi. Amend Condition No. 35 by deleting the words "the full" and substituting the word "75%" after the words "on demand," and before the words "cost of"***

***vii. Delete Condition No. 36***

***viii. Amend Condition No. 37 by deleting the words "the full" and substituting the word "50%" after the words "on demand," and before the words "cost of"***

***ix. Amend Condition No. 38 by deleting the words "the full" and substituting the words "75%" after the words on demand," and before the words "cost of"***

***x. Amend Condition No. 40 by adding the following words at the end thereof, "The City will reimburse the Developer for the cost of works in items described in b), c) and d) above on the east side, south of Jefferson Avenue to Dzogan Cove."***

*xi.* ***Delete Condition No. 43 in its entirety and replace with the following:***
***"43.The Developer shall, at no expense to the City, construct in portland cement concrete pavement, right-turn channelization in the southwest and northwest corners of the intersections of Old Commonwealth Path with Dr. Jose Rizal Way, as determined by and to the satisfaction of the Director of Public Works."***

*xii.* ***Amend Condition No. 45 by deleting the words "at no expense to the City" after the words "The Developer shall", and by adding the following words at the end of the Condition, "The City shall reimburse the Developer 50% of the said cost of the above work."***

*xiii.* ***Amend Condition No. 46 by deleting the words "the future Chief Peguis Trail" and substituting the words "Old Commonwealth Path"***

*xiv.* ***Delete Condition No. 48 in its entirety and replace with the following:***
***"48.In tabulating public reserve dedication, only 50% credit shall be granted for linear parks along retention ponds (where the sloped grade limits multi-use options), the specific application of which shall be to the satisfaction of the Director of Planning, Property and Development."***

*xv.* ***Delete Condition No. 51 in its entirety and replace with the following:***
***"51. That Developer shall, at no expense to the City, erect or cause to have erected a uniform continuous fence within the private property when a pathway or play equipment is within 10 feet of a property line to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development and authorize the City to file a caveat requiring future property owners to maintain the fence."***

*xvi.* ***Amend Condition No. 54 by adding the following words at the end thereof, "which may reasonably considered and released on a phase by phase basis"***

*xvii.* ***Renumber any Conditions accordingly***

***xviii. Add the following new Condition:***
***"The Developer shall finance and construct the twinning of Keewatin Street and Dr. Jose Rizal Way, from Inkster Boulevard to the intersection north of Jefferson Avenue, as determined by and to the satisfaction of the Director of Public Works. The City's share of the cost of this work shall be as determined in a Front-Ending Agreement supplementary to the Development Agreement and the City shall reimburse the Developer for it's share of the cost such that there is no net cost to the Developer for this additional work, all as determined by the Director of Public Works in accordance with the terms and conditions of the Front-Ending Agreement. The Chief Administrative Officer and the Chief Financial Officer shall be delegated the authority to negotiate the terms and conditions of the Front-Ending Agreement and report back to Council."***

2. That Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 15/2012 dated August 1, 2012 to "R1-M" and "R1-S" Residential Districts, "R2" Residential Two-Family District, "RMF-S" and "RMF-M" Residential Multiple Family Districts, a "CMU" Commercial Mixed Use District and "PR1" Parks and Recreation Districts subject to the following:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

i. That, for the development of any building, and/or accessory parking area within these lands zoned "RMF-M" or "CMU", plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage, ***and the art sculpture*** to the Lord Selkirk West Kildonan Community Committee and Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development. The Plan Approval application shall include a letter of intent illustrating how the proposed development meets the goals and objectives of the Precinct Plan.

ii. A special rear yard setback of 18 feet shall apply to all accessory structures on lots that have frontage on Dr. Jose Rizal Way, or share the special back lane with houses that have frontage on Dr Jose Rizal Way, as illustrated in the attached Schedule C.

iii. That the following conditions shall apply to all lands zoned "CMU" Commercial Mixed Use District:

a. Ground floor residential uses shall require conditional use approval.

b. There shall be no parking in any required or voluntary yard ***with the understanding the "CMU" Commercial Mixed Use parking is to be contained in the interior rear and side yards formed by creating an active street frontage where buildings are oriented around the street perimeter of the "CMU" Commercial Mixed Use site***

c. The following uses shall not be permitted on the land
(4) Kennel;
(5) Drive-in or Drive through;
(6) Advertising Sign;

iv. That the following conditions shall apply to all properties zoned "RMF-S" and "R2":

a. Each unit must have its own direct access to the outdoors.

v. That, north of Jefferson Avenue, no habitable room or space, bathroom, water closet compartment, or recreation room or space shall be less than 49.2 feet (15 metres) from the eastern limit of the planned area.

~~***vi) Where single and two family residential lots back onto Dr. Jose Rizal Way the said lots are to be established with a minimum depth to provide a minimum rear yard setback of 16.0m.***~~

***vi.*** Where single and two family residential lots back onto Chief Peguis Trail the said lots are to be established with a minimum depth to provide a minimum rear yard setback to achieve the City's Motor Vehicle Noise Policies and Guidelines sound level limit of 65 dBA in the typical outdoor recreation area of said residential lots.

***3. That the developer shall pay for a public art feature that shall be a bronze sculpture of Dr. Jose Rizal, at a height of not less than 7ft, installed on a tyndall stone cenotaph with a base of not less than 8 feet in diameter tapering to diameter of 4 feet at a total height of 5'. Further, the sculpture shall be shall be formed and installed by a Manitoba bronze sculpture artist. Final design is to be approved by community committee before installation.***

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

5. 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.

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

7. 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.

8. 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 and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

9. 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.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. Waterford Green is an excellent proposal that is unique and exciting.

2. Significant public consultation was undertaken, and the Winnipeg Public Service in collaboration with the Developer is to be congratulated.

3. Several amendments to the project have been discussed at length and have resulted in the subject recommendations being forwarded to the Standing Policy Committee on Property and Development.

**PUBLIC HEARING SUMMARY**

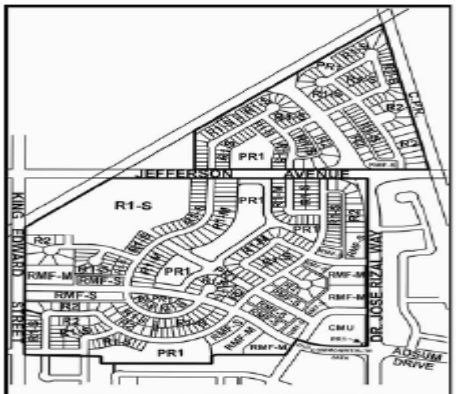
File: DASZ 15/2012

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Sharma, Chairperson
Councillor Eadie
Councillor Pagtakhan

Public Hearing: September 11, 2012
North Committee Room
Council Building, 510 Main Street

Applicant: Lombard North Group (David Palubeski)

Subject:




LORD SELKIRK WEST KILDONAN COMMUNITY

**APPLICANT :** LOMBARD NORTH GROUP

**FILE :** DASZ 15/12

**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 "A" AGRICULTURAL DISTRICT and "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" & "R1-S" RESIDENTIAL SINGLE-FAMILY DISTRICTS, "R2" RESIDENTIAL TWO-FAMILY DISTRICT, "RMF-S" & "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICTS, "CMU" COMMERCIAL MIXED USE DISTRICT and "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the continuation of the Rosser North Kildonan & Inkster Gardens Neighbourhood Plans by the creation of the block & lot plans with public right-of-ways for future residential development. **For information, phone Mr. N. Yauk, Planner, at 204-986-4560.**

| | |
|---|---|
| Premises Affected: | Rosser, Old Kildonan bounded by Jefferson and CPR, Inkster Gardens Neighbourhood bounded by Jefferson Avenue, King Edward Street and CNR line – Waterford Green |

Exhibits Filed:

1. Application dated June 19, 2012
2. Notification of Public Hearing dated July 31, 2012
3. Manitoba Status of Titles 2315268/1 and 2575453/1
4. Letter of authorization dated April 26, 2012, 2012 from Terrascape Developments Inc. and SGS Properties Ltd. (co-owners) to Lombard North Group
5. Surveyor's Building Location Certificate and sketch dated June 15, 1977
6. Caveat No. 258681
7. Plans (3 pages)
8. Report from the Planning and Land Use Division dated September 4, 2012
9. Inspection Report
10. Communication dated September 11, 2012 from the Park Strategic Planner, Planning, Property and Development Departmen, proposing amendments to the Report of the Administrative Coordinating Group
11. Power Point Presentation with respect to the application submitted by David Palubeski, Lombard North Group at the public hearing
12. Communication dated September 11, 2012 from David Palubeski, Lombard North Group proposing amendments to the recommendation of the Winnipeg Public Service, submitted at the public hearing
13. Communication from Gord Steeves, D'Arcy & Deacon LLP, in support of Conditions 10 and 44 of the Report of the Administrative Coordinating Group, submitted at the public hearing
14. Schedule "D" showing location of sidewalks submitted by Richard Mahé, Lombard North Group at the public hearing
15. Audio Recording of representations

REPRESENTATIONS:

In Support:

Richard Mahé, Lombard North Group
David Palubeski, Lombard North Group
Gurdish Boparai
Kuljit S. Ghuman
Gurpreet Singh Gill
Jaswinder Singh Gill
George Heath
Darshan Kaila
Moni Kaila
Jas Kalar
Patricia Lacey
Manjit Panesar
Iqbal Singh Panesar
Narinder Sharma
Gursher Singh
Manpreet Singh
Navdeep Singh
Gord Steeves, D'Arcy & Deacon LLP

In Opposition

Joan Hayter-Smith
Glenn Maskiw
Robert A. Wiebe

For Information:

Donna Anderson
Kathi Bryan
Kyle Bryan
Catherine Collins
Brent Corrigan
Felino de Jesus
Ervin Dieter
Matt Glavin

For the City:

Ms D. Beaton, Park Strategic Planner, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. R. Hartmann, Traffic Assessment Engineer, Public Works Department
Mr. D. Marsh, Principal Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 15/2012

# ADMINISTRATIVE REPORT

**Title:** DASZ 15/12 –land located at Rosser North Kildonan, Bounded by Jefferson & CPR/CNR previous lines Inkster Gardens Neighbourhood bounded by Jefferson & King Edward.

**Issue:** For consideration at the Public Hearing to rezone land from "RR5" Rural Residential District and "A" Agricultural District to "R1-M" and "R1-S" Residential Districts, "R2" Residential Two-Family District, "RMF-S" and "RMF-M" Residential Multiple Family Districts, "RMU" Residential Mixed Use District and a "PR1" Parks and Recreation District.

**Critical Path:** Lord Selkirk – West Kildonan 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 15/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2012 dated August 1, 2012 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 September 4, 2012 which is Schedule "B" of this report.

2. That Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 15/2012 dated August 1, 2012 to "R1-M" and "R1-S" Residential Districts, "R2" Residential Two-Family District, "RMF-S" and "RMF-M" Residential Multiple Family Districts, a "CMU" Commercial Mixed Use District and "PR1" Parks and Recreation Districts subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

i) That, for the development of any building, and/or accessory parking area within these lands zoned “RMF-M” or “CMU”, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Lord Selkirk West Kildonan Community Committee and Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development. The Plan Approval application shall include a letter of intent illustrating how the proposed development meets the goals and objectives of the Precinct Plan.

ii) A special rear yard setback of 18 feet shall apply to all accessory structures on lots that have frontage on Dr. Jose Rizal Way, or share the special back lane with houses that have frontage on Dr Jose Rizal Way, as illustrated in the attached Schedule C.

iii) That the following conditions shall apply to all lands zoned “CMU” Commercial Mixed Use District:

a. Ground floor residential uses shall require conditional use approval.

b. There shall be no parking in any required or voluntary yard:

c. The following uses shall not be permitted on the land

(1) Kennel;
(2) Drive-in or Drive through;
(3) Advertising Sign;

iv) That the following conditions shall apply to all properties zoned “RMF-S” and “R2”:

a. Each unit must have its own direct access to the outdoors.

v) That, north of Jefferson Avenue, no habitable room or space, bathroom, water closet compartment, or recreation room or space shall be less than 49.2 feet (15 metres) from the eastern limit of the planned area.

vi) Where single and two family residential lots back onto Dr. Jose Rizal Way the said lots are to be established with a minimum depth to provide a minimum rear yard setback of 16.0m.

vii) Where single and two family residential lots back onto Chief Peguis Trail the said lots are to be established with a minimum depth to provide a minimum rear yard setback to achieve the City’s Motor Vehicle Noise Policies and Guidelines sound level limit of 65 dBA in the typical outdoor recreation area of said residential lots.

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

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

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

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

7. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within 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.

9. 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.

10. 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 intends to rezone the property to the following zoning districts:
  - “R1-S” Residential District
  - “R1-M” Residential District
  - “R2” Residential Two-Family District
  - “RMF-S” Residential Multiple Family District
  - “RMF-M” Residential Multiple Family District
  - “CMU” Commercial Mixed Use District
  - “PR1” Parks and Recreation District
- As per the requirements of OurWinnipeg, Complete Communities, the applicant has submitted a concurrent Precinct Plan for these lands located within the New Communities Policy Area as identified as Precinct C.
- The proposed rezonings are in accordance with the policies and are meant to accommodate a variety of housing types.
- The intended use of the land requires a rezoning and subsequent 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.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein.

## IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the property can be rezoned to the proposed zoning districts.

## CONSULTATION

In preparing this report there was consultation with:

The Administrative Coordinating Group of the City of Winnipeg

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Date: | September 4, 2012 |
| File No. | DASZ 15/12 |

**List of Attachments:**

- APPENDIX 'A': Planners Report
- SCHEDULE "A" FOR FILE NO. DASZ 15/2012, LSWK COMMUNITY COMMITTEE, DATED AUGUST 1, 2012
- SCHEDULE B: REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – Dated September 4, 2012
- SCHEDULE C: Special Lanes
- APPENDIX B: General Plan Approval Design Guidelines

**APPENDIX 'A**

**DATE:** September 4, 2012

**FILE:** **DASZ 15/12**
**RELATED FILES:**

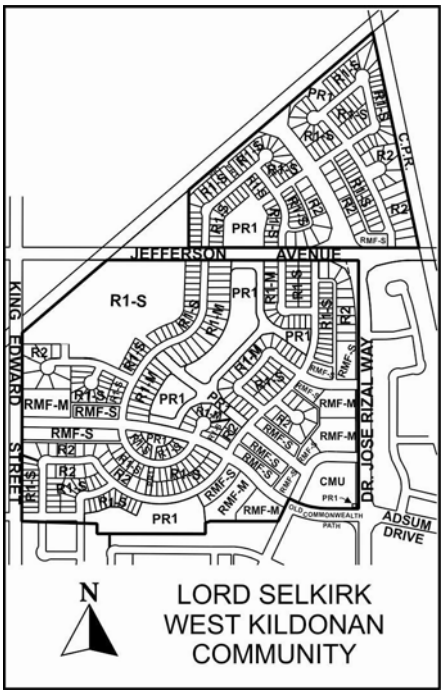
**COMMUNITY:** Lord Selkirk / West Kildonan
**NEIGHBOURHOOD #:** 3.316

**SUBJECT:** For consideration at the Public Hearing to rezone the subject property to an "RMF-M" Residential Multiple- Family District to "R1-M" and "R1-S" Residential Districts, "R2" Residential Two-Family District, "RMF-S" and "RMF-M" Residential Multiple Family Districts, "CMU" Commercial Mixed Use District and a "PR1" Parks and Recreation District.

**LOCATION:** Land located at Rosser North Kildonan, Bounded by Jefferson & CPR/CNR previous lines Inkster Gardens Neighbourhood

bounded by Jefferson & King Edward.

**LEGAL DESCRIPTION:** Lot 2, Plan 29233/ PCLA & CPL 13338 &NW ¼ section 25-11-2




**APPLICANT:** Lombard North Group / David Palubeski
505-93 Lombard Avenue
Wpg., MB R3B 3B1

**OWNER:** SGS Properties

**RECOMMENDATION:** Approval with Conditions

**REPORT SUMMARY**

- The applicant intends to rezone the property to the following zoning districts:
  - "R1-S" Residential District
  - "R1-M" Residential District
  - "R2" Residential Two-Family District
  - "RMF-S" Residential Multiple Family District
  - "RMF-M" Residential Multiple Family District
  - "CMU" Commercial Mixed Use District
  - "PR1" Parks and Recreation District
- As per the requirements of OurWinnipeg, Complete Communities, the applicant has submitted a concurrent Precinct Plan for these lands located within the New Communities Policy Area as identified as Precinct C.
- The proposed rezonings are in accordance with the policies and are meant to accommodate a variety of housing types.
- The intended use of the land requires a rezoning and subsequent 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.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein.

**SITE DESCRIPTION**

Land Use and Zoning

- The subject site is located directly north of the built out portion of the Inkster Gardens neighbourhood and is directly adjacent to the western limits of the Manadaly West neighbourhood. The site also includes lands north of Jefferson Avenue between the CPR land and the Bergen cut-off.

- The site is approximately 166 acres in size.

- The area is designated as a New Community and identified as Precinct C under the Complete Communities Direction Strategy.

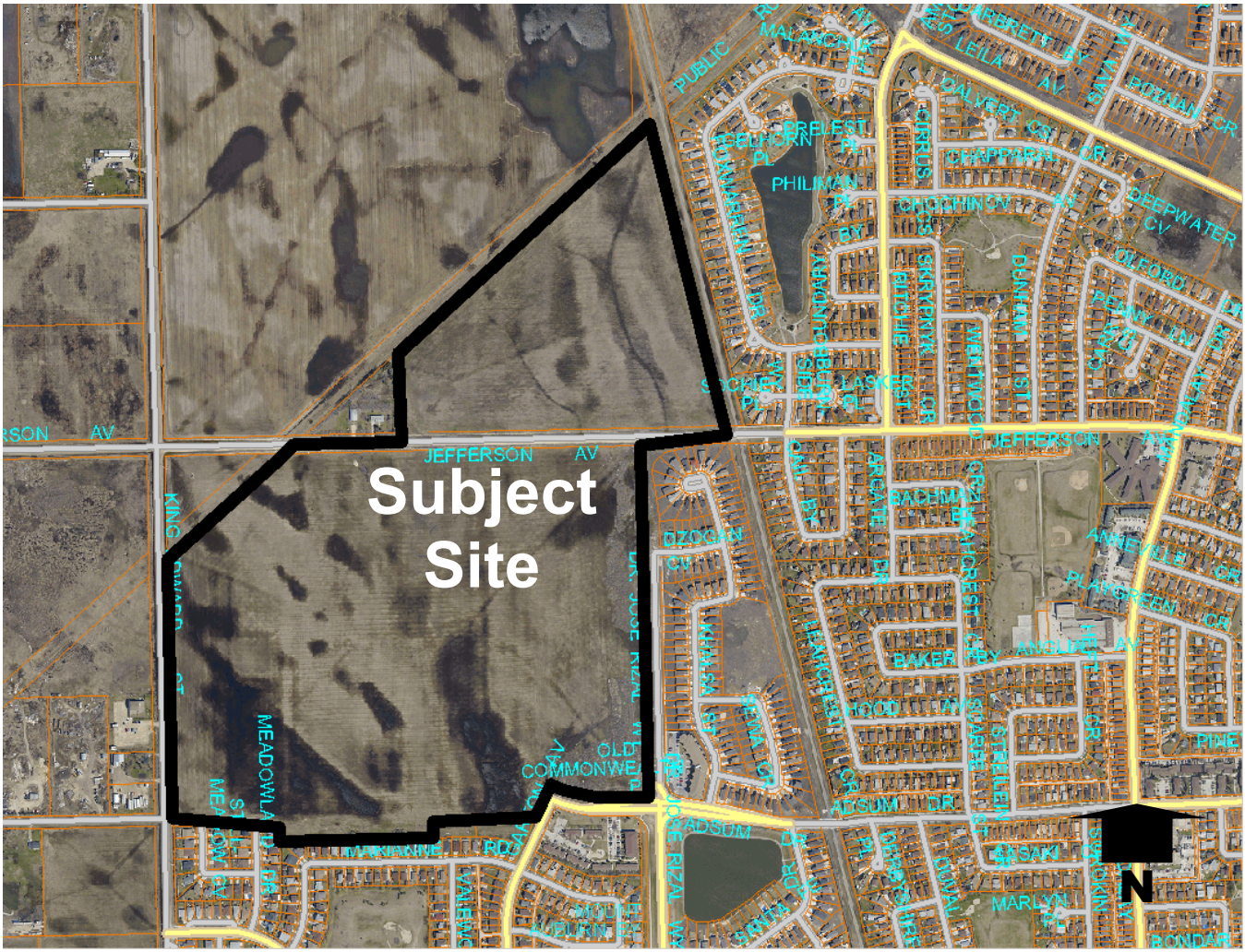



**Figure 1: Approximate Boundary of the Subject Site (Aerial Flown 2009)**

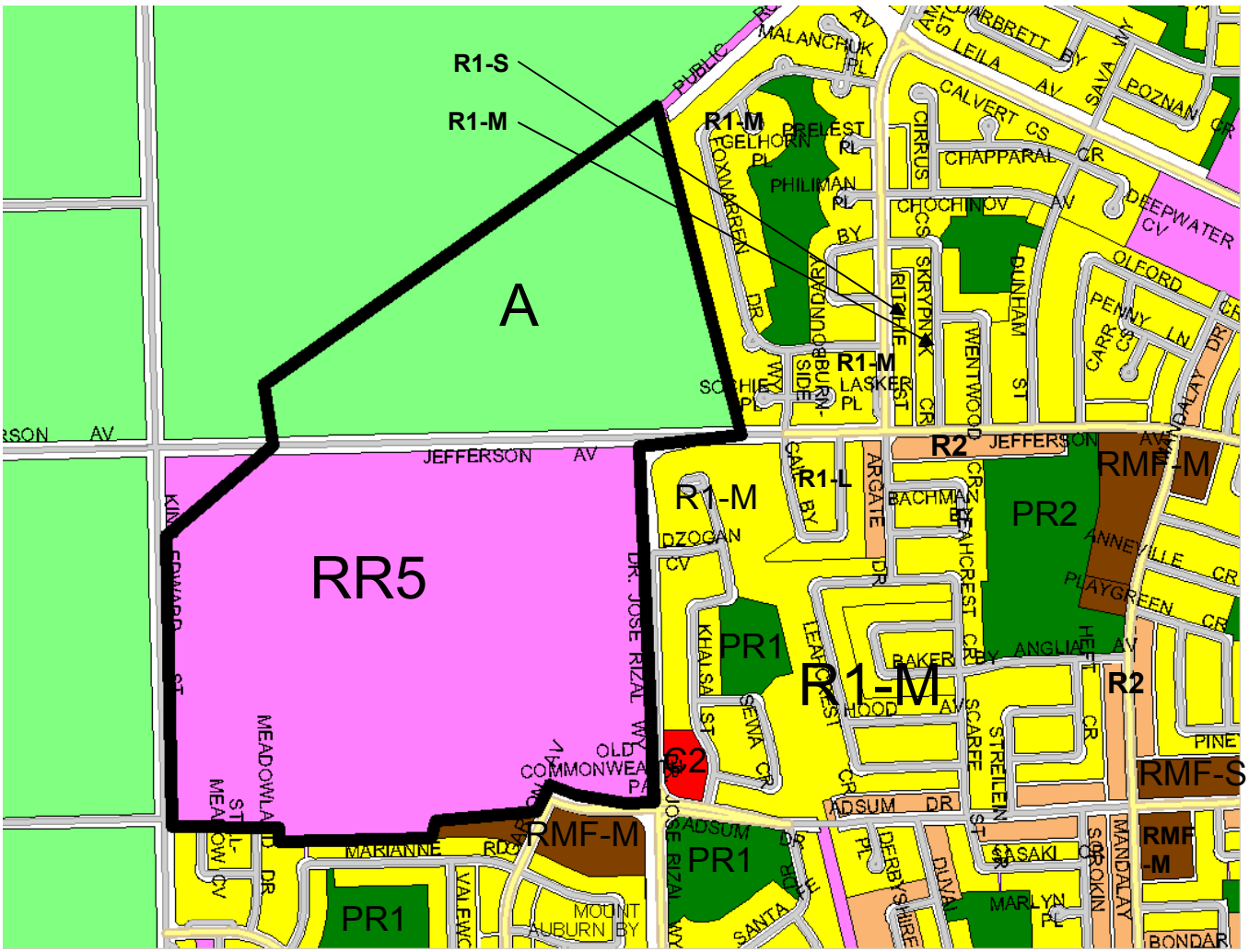



**Figure 2: Current Zoning of the Subject Lands and Surrounding Area.**

## DESCRIPTION OF THE PROPOSAL

- The applicant intends to rezone the subject lands to a variety of zoning districts that are appropriate in facilitating development consistent with the proposed Precinct Plan.
- As per the concurrent Precinct Plan application, the proposed development is consistent with the policies of Our Winnipeg, Complete Communities.
- The applicant is proposing to rezone the subject lands to the following Districts:
  - "R1-M" Residential District
  - "R1-S" Residential District
  - "R2" Residential Two-Family District
  - "RMF-S" Residential Multiple Family District
  - "RMF-M" Residential Multiple Family District
  - "CMU" Commercial Mixed Use District
  - "PR1" Parks and Recreation District
- Combined, the proposed zoning districts will provide for a wide range of housing types. It is noted that proposed zoning districts are consistent with the zoning districts in adjacent, abutting neighbourhoods.

**COMPLETE COMMUNITIES DIRECTION STRATEGY**

- Under the *Complete Communities Direction Strategy* the proposed development is within the New 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.
    - 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.
    - Ensure that existing public open spaces meet the neighbourhood's current and future requirements.

    It is noted that the applicant has met the intent of *OurWinnipeg Complete Communities* by fulfilling all requirements of a Precinct Plan Process

**PRECINCT PLAN POLICIES**

The applicant has submitted a precinct plan concurrent with this DASZ application. The following section summarizes the main policies of the Precinct Plan.

The Plan is designed to reflect the vision of *OurWinnipeg* and its supporting documents and to meet the changing socio-demographic profile of the area, including the needs of community residents. The proposed Land Use and Development Policies are focused around creating a liveable community with a pedestrian focused environment, facilitating connectivity to recreational and commercial amenities nearby, creating an efficient active transportation system, providing convenient access to public transit. The plan also strives to provide a variety of housing choices and affordability options to meet the differing lifestyle needs of community residents as well as provide quality open spaces and recreational amenities for residents.

The precinct plan notes the following key objectives as guiding the build-out of Waterford Green:

- *Provide high quality living environment*.
- *Invest in recreational amenities.*
- *Design with nature.*
- *Provide choice of travel.*
- *Focus on public transit.*
- *Create places for people.*
- *Design for diversity*
- *Make connections*

Urban Design policies are intended to ensure high quality design in the neighbourhood. The plan provides general policies to guide development overall as well as more detailed policies to guide development in the three distinct policy areas of the plan: *Low Density Residential Areas, Medium Density Residential Areas* and the *Neighbourhood Mixed Use Centre*.

The general policies of the precinct plan are as follows:

- ***Public Realm that Places People First***: This includes sidewalks on most streets to strengthen connectivity; connected greenspaces, and public realm elements such as street furniture and public art.
- ***Active Frontages***: Orienting buildings to the street to encourage a pedestrian oriented streetscape.
- ***Consistent Setbacks and Minimal Variations in Building Frontage***: Creating a uniform street edge for a more intimate and comfortable pedestrian environment.
- ***Strong Corners***: utilizing corner sites as landmarks to create a prominent street edge.
- ***Foster Places for People to Gather***: Encourage social interaction and community through the creation of community nodes, community connectivity, landscaping and public realm improvement.
- ***Sustainable landscapes***: Promoting sustainability by fostering a relationship between human activity and the landscape.
- ***Built Form Compatibility***: Ensuring compatibility between different types of development.
- ***Gateways and view corridors***: Incorporate gateways and view corridors to help define a unique sense of place.
- ***Visual & physical connections***: Integration with existing communities.

**Low Density Residential Urban Design Policies**

This policy area encourages diversity and uniqueness in the character and style of houses. Housing types accommodated within this policy area range from single family homes to townhouses. An aim of the plan with respect to townhouses and side-by-sides are reduced front yard setbacks to foster a more pedestrian oriented streetscape. The developer will employ their own set of design guidelines to ensure variations in façade articulation, roof pitches, exterior building materials and colours to avoid repetitive design.

Two-family and townhouse homes that front Dr. Jose Rizal Way or share the back lane with homes that front Dr. Jose Rizal Way, will have enhanced back lanes designed to compensate for the expected loss of on-street parking on Dr. Jose Rizal Way in the future. The enhanced setback will also provide opportunities to enliven the lane with pedestrian scale lighting and tree plantings

**Medium Density Residential Urban Design Policies**

This policy area accommodates medium density multi-family housing such as apartment type buildings. These are located where there is convenient access to collector and arterial streets, such as at the corner of Dr. Jose Rizal Way and the extension of Old Commonwealth Path. These sites provide opportunities to create nodes of activity while being sensitive to lower density development through appropriate development transition. A recommended condition of the rezoning is a plan approval clause under the zoning agreement for the subject properties ensure the following design elements are considered:

a. That building facades are visually interesting and do not create long, blank walls;

b. Design is at a pedestrian scale and oriented to the street with front entrances and windows;

c. Multiple-family apartment buildings located on a corner lot shall maintain the pedestrian focus of both streets.

d. Corner buildings should include interesting architectural details (balconies, public art

e. Multiple-family building design and site plans should address issues such as sunpath and shadows, wind and protection from prevailing prairie winds and preserve important views and vistas of natural, public and commercial spaces.

f. Outdoor patio spaces for multiple-unit residential buildings that face the street shall provide sufficient landscape elements to ensure privacy and clear definition between public and private space.

g. The following Access and Parking considerations should be considered for multi-family buildings:

    - Parking should be located at the rear of the building;
    - Vehicular access and egress should be directed to collector and arterial streets to prevent traffic infiltration on local residential streets;
    - The number of vehicular access points should be limited to create a more pedestrian oriented environment and to reduce the potential for vehicle/pedestrian conflicts;
    - Screen surface parking from public streets with natural landscaping techniques and ornamental fencing.

h. The following **Landscaping** considerations should be considered for multi-family buildings:
    - landscaping should be treated as quality usable space and not as left over portions of the site;

- landscaping and ornamental fencing should be used to define walkways, entry points, portals, and to screen the development's paved areas.

**Neighbourhood Mixed Use Centre Urban Design Policies** are intended to provide a walkable, pedestrian focused environment where people can gather and meet in a public place, including residents from surrounding neighbourhoods.

Pedestrian Focused Policies

1. well-designed streetscape that is pedestrian focused and may include boulevard trees, landscaping, pedestrian scale lighting, and street furniture that contribute to a comfortable environment for people.

2. The Neighbourhood mixed use centre will be connected by a pedestrian boulevard to the neighbourhood trail system and the site being considered for a school.

3. The neighbourhood mixed use centre will strive to integrate public transit and cycling infrastructure into the commercial centre with a focus on convenience and ease of access

Parking Policies

1. Parking and servicing shall be directed internally within the site to strengthen the relationship between the street and buildings, creating active street frontages and a more pedestrian orientated environment.
   - It is noted that a recommended condition of the Zoning agreement is a clause that restricts parking within any required yard. This is to help ensure the developer's intent of having buildings define the street rather than surface parking.

2. Encourage on-site parking supply to be managed effectively by promoting shared parking agreements.

Design and Access Policies

1. Building façades be orientated to face the public street to provide an attractive pedestrian environment.

2. Building entries should be clearly identifiable, visible and accessible from the public street.

3. Building setbacks from the street should be minimal, unless to accommodate a public use such as seating space, patios, etc.

Gateways and View Corridors Policies

The precinct plan recognizes the intersection of Dr. Jose Rizal Way and Old Commonwealth Path as an important focal point to the community and a major gateway. The development of the Neighbourhood Mixed Use Centre shall preserve and maintain the view corridor from Old Commonwealth Path to the retention basin.

Signage Policies

Commercial signage is intended to be at a pedestrian scale and not orientated towards vehicles. Signage should be made of durable materials, not block window space, and not obstruct architectural details

## ZONING

**Zoning By-Law 200/2006: Proposed Zoning Districts**

The zoning districts proposed for the development include a variety of residential districts that accommodate single-family dwellings, duplexes, town houses and apartments as well as a zoning district that accommodates a mix of residential and commercial uses. Figures 3 -5 (below) provides the dimensional standards for the proposed residential and commercial zoning districts.

- **"R1-S" and "R1-M" Residential Single-Family District**
  These districts are intended to accommodate primarily single-family residential development in lower-density neighbourhoods.

- **"R2" Residential Two-Family District**
  The R2 zoning district is intended to accommodate the development of single and two-family limited multi-family units in lower density neighbourhoods units.

- **"RMF-S" and "RMF-M" Residential Multi-Family District**
  These districts are intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.

- **"CMU" Commercial Mixed Use District**
  The CMU zone is intended to provide for community-serving mixed use development at a higher scale than is appropriate for neighbourhood locations. The CMU district is intended for use along selected corridors and at important nodes in the city. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support surrounding neighbourhoods and the community at-large. Although the area, site, or building should have a predominantly commercial character, multi-family housing may be incorporated within the district, and development should facilitate pedestrian connections between residential and non-residential uses.

- **"PR1" Parks and Recreation 1 (Neighbourhood) District**
  This 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, there are no parking facilities associated with these uses. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

**Figure 3: Dimensional Standards for Proposed Single and Two Family Districts**

| Zoning District | Minimum Lot Area (Sq. Ft.) | Minimum Lot Width (Ft.) | Minimum Front Yard (Ft.) | Minimum Rear Yard (Ft.) | Minimum Side Yard (Ft.)[Note b] | Max Building Height (ft) | Maximum Lot Coverage (%) |
|---|---|---|---|---|---|---|---|
| R1-S | 2,500 | 25 | 15 (Note d) | 25 | 3 each or 2 & 4 | 35 | 45 |
| R1-M | 3,500 | 25 | 15 (Note d) | 25 | | 35 | 45 |
| R2 | 5,000 (2,500 )per dwelling unit for two-family;800 per unit for multi-family | 25 | 20 | 25 | 4 | 35 | N/A |

Note b: Where the width of the lot is less than 40 feet, the side yards may be reduced to 10% of the width of the lot but must not be less than 3 feet.
Note d: If the house has rear access to a public lane and does not have a driveway providing access from the public street to a garage or carport, the minimum front yard is 10 ft, unless the provisions of subsection 140(3) Loop Lanes, apply

**Figure 4: Dimensional Standards for Multiple Family Districts**

| Zoning District | Minimum Lot Area (Sq. Ft.) | Minimum Lot Area Per Dwelling Unit (Sq. Ft.) | Minimum Front Yard (Ft.) | Minimum Rear Yard (Ft.) | Minimum Interior Side Yard (Ft.) | Principal Building Separation (Ft.) [Note a] | Max Building Height (ft) |
|---|---|---|---|---|---|---|---|
| RMF-S | 9,000 | 1,250 | 20 | 25 | 4 | 8 | 35 |
| RMF-M | 9,000 | 800 | 25 | 25 | 8 [Note b] | 8 | 60 |

Note a: For buildings taller than 35 feet, the principal building separation distance must be 50% of the height of the taller building to a maximum of 25 feet.
Note b: Where a building is more than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet.

**Figure 5: Dimensional Standards for Proposed Commercial Mixed Use Zoning District**

| Zoning District | Minimum Front Yard [Note a] | Minimum Rear Yard (Ft.) [Note b] | Minimum Interior Side Yard (Ft.) [Note b] | Minimum Rear Yard (Ft.) | Maximum Floor Area Ratio | Max Building Height (ft) |
|---|---|---|---|---|---|---|
| CMU | 0 | 25 | 0 | 25 | 3.0 | 60 |

Note b: Where a building is more than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet.

- Collectively, the above zoning districts provided a wide range of housing types important to help meet the lifecycle needs of Winnipeg residents. The zoning districts will accommodate single family homes, duplexes, row houses and even apartments. The "CMU" Commercial Mixed Use district also provides an opportunity for mixed use building with commercial uses at grade and residential above. This can help to create a small commercial node with the existing C2 property on the east side of Old Commonwealth Rd.
- The proposed zoning districts also enable the development within the precinct to meet and exceed the residential density targets identified in the precinct plan. The average overall density target is a minimum of 6 dwelling units per gross acre. The minimum density target for the low density residential area is 5 units per gross acre and the minimum density target for the medium density residential area is 10 units per gross acre. It is noted that in the low density area, the proposed number of dwelling units (696) yields a density of 5.4 dwelling units per acre. While the exact number of dwelling units in the medium density area may vary, the maximum number of units that could be generated is 54 units per acre. The lands zoned "CMU" can also accommodate a maximum of 54 units per acre. Given the capabilities of the zoning districts, the average density of 6 units per acre appears more than realistic.

**COMPATIBILITY WITH EXISITNG DEVELOPMENT**

It would be hard to argue that the proposed development is not consistent with the existing development in adjacent neighbourhoods such as Mandalay West and Inkster Gardens. In fact the proposed development can connect seamlessly to those existing neighbourhoods expanding paths of travel and access to existing services as well as any new services provided on the subject lands.

**TRAFFIC**

Public Works has reviewed a traffic impact assessment for the proposed development and are satisfied that the traffic generated by the development can be accommodated. A servicing agreement between the developer and the City of Winnipeg will ensure all necessary works are carried out to the satisfaction of Public Works. The proposed roadway network consists of collector and residential roads with the main road into the development being Dr Jose Rizal Way. Some of the residential properties (i.e. all fronting Dr Jose Rizal Way) will take access from rear lanes. Public Works has indicated that Dr Jose Rizal Way may be widened in the future. As part of this application, the developer is obligated to legally open a right-of-way width that is sufficient in size to accommodate a future widening. It is noted, that as a long term transportation plan, Public Works expects Dr Jose Rizal Way will connect to Chief Peguis Trail. The extension of Chief Peguis Trail is at the discretion of Council.

**ACCESS TO TRANSIT**

An important consideration with respect to the development of new neighbourhoods is that they are designed in such a manner to be accessed by public transit. Public Transit has reviewed the proposed application and has no concerns regarding Transit's ability to service the subdivision in the future. It is anticipated that transit service will eventually be available on Dr Jose Rizal Way and Old Commonwealth Drive, but the timing will depend on how the development of this precinct proceeds and on the development of adjacent areas. In the meantime public transit will

only be available through the current service of routes #31 and #77 which intersect the southeast edge of the Precinct C at Garton Avenue and Old Commonwealth Path.

**ACTIVE TRANSPORTATION**

The City of Winnipeg's Active Transportation Coordinator has reviewed the proposed rezoning and subdivision application and recommends that the following improvements be required as specified through the ACG report:

1. That the developer be responsible to construct an Active Transportation Pathway on the west side of Dr. Jose Rizal Way from Adsum Drive to the future Chief Peguis Trail
2. That the developer be responsible to construct an Active Transportation Pathway on the east side of King Edward St from Commercial Ave to the future Chief Peguis Trail

**BUILDING HEIGHT AND SETBACKS**

Most of the proposed zoning districts provide maximum building heights of 35 feet. This common height provision ensures compatibility of built form. A few of the proposed zoning districts provide for building heights of 60 feet ("CMU", "RMF-M"). While these differing maximum building heights are not incompatible with each other, best practices for the siting of apartment style buildings adjacent to low density ground oriented residences suggest there be appropriate setback established between the two.

- One noted best practice to determine an appropriate setback is a specific distance test that adheres to the following formula:
  - A 45 degree line is drawn upward from the edge of the nearest neighboring property line (beginning at a height of six feet) toward the proposed building. If the proposed building falls below this line, the minimum test is satisfied. Essentially, this means that for every foot of building height, a foot of separation is provided. According to this calculation a 60 foot building should be set back at least 54 feet from an adjacent property line (60 feet minus the 6 foot starting point) housing a low density residential use.

**PEDESTRIAN ORIENTED DEVELOPMENT**

The applicant's Precinct Plan identifies an attempt to make the development as pedestrian focused as possible by orienting the buildings toward front streets. One intent of the plan is to encourage reduced front yard setbacks along Dr Jose Rizal Way so as to create a connection between the residential dwellings and the street. At the same time, the front yards will be more ceremonial in nature and any reduced setbacks will provide that much more functional space in the rear yard. For the reduced yards to be effective, building setbacks should be consistent. While from a planning perspective, pedestrian oriented development is a positive goal, a concern has been raised by the Public Works Department that the future widening of Dr Jose Rizal Way could create a conflict in the future when the homes being built today become much closer to the widened street. As a result, the Public Works Department is recommending a minimum setback to single and two-family residences along Dr Jose Rizal Way of 15 meters. This recommendation forms part of the recommended zoning agreement. The intent is to minimize traffic-related problems to people that will live along Dr Jose Rizal Way. In particular, those problems associated with traffic noise and traffic vibration along Dr Jose Rizal Way, which is, according to the development design, a road that will function as the main arterial--estimated by the Developer to carry near or around 15,000 vehicles per day when connecting to Chief Peguis Trail.

The proposed development will also contain a neighbourhood mixed use area intended as an important community node to provide opportunities for public gathering. The pedestrian focus of the precinct plan will also be accomplished through a trail system linking to existing neighbourhoods and a proposed school site.

**COMMUNITY INPUT**

Community input involved the following 4 open houses:

- January 26th 2012 at Meadows West School
  - Over 100 attendees
  - Topics of discussion included: Winnipeg demographic trends; projected demand for housing and housing types within the area; relationships between the planning area and adjacent neighbourhoods, visual preference survey.

- February 1st 2012 at Meadows West School
  - Over 100 attendees
  - The objective of the open house was to present a general layout and design of the Precinct to illicit feedback.
  - Topics of discussion included: land use, housing and overall design of the Precinct.

- April 4, 2012 at Meadows West School
  - Over 200 attendees
  - The objective of the open house was to provide the community with an opportunity to review and comment on draft neighbourhood plans illustrating the allocation of land use, density, residential lots, street and green space linkages and the proposed location of a K-8 school site within Precinct C.
- August 30, 2012 at Meadows West School
  - The objective of the open house was to reveal the refined plan scheduled for public hearing at the Lord Selkirk West Kildonan Community Committee.

## HOUSING OPPORTUNITIES

The proposed development provides opportunities for a rich mix of housing types ranging from single family homes, to duplexes, to town houses, to multiple family and mixed use multiple family development. A mix of housing types is a key goal of the City municipal development plan.

## OTHER CONSIDERATIONS

### Plan Approval

It is noted that the proposed zones are to accommodate development in the precinct plan area consistent with the policies of the plan. While the zoning by-law provides general standards for development, there needs to be a mechanism to ensure development within certain zones is consistent with the policies of the plan. With respect to this, it is recommended in precinct plan and in this report that the properties zoned RMF-M and CMU require that plans for development be reviewed for consistency with the policies of the plan prior to any building permits being issued. There are many internal components of a site plan such as lighting, landscaping, garbage enclosures, fencing, pedestrian access and circulation, building setbacks, and building elevations, which are important to the success of any proposed development and need to be reviewed on a case by case basis. This scrutiny is important to the success of the precinct plan's intent. This will also provide an opportunity for the Public Service to review and advise from a multi-departmental perspective on proposed site plan design details. As part of the plan approval process, the applicant will be required to submit a letter of intent demonstrating how their proposed development meets the goals and objectives of the plan.

Appendix "B", attached to this report, provides basic site planning consideration which will also be used in the review process for future plan approval applications.

### Proximity Guidelines for development near the CPR Arborg Rail Line

The existence of a CPR branch line is noted along the eastern edge of the planned area north of Jefferson Avenue. A number of proposed residential properties (zoned R2 and R1-S) share the property boundary to the west side of the rail line. This proximity to a rail line brings inherent concerns with respect to safety, noise and vibration.

*A Proximity Guidelines and Best Practices* research report prepared for The Railway Association of Canada and The Federation of Canadian Municipalities (2006) recommends "best practices" for: protecting dwellings from train derailments or other rail incidents; and reducing the amount of noise and vibration from trains affecting dwellings.
The report recommends for the following:

- Dwellings to be setback 15 metres (49.2 feet) from a branch line right-of-way (which is the type of rail line alongside the planned area);
- A two metre (6.6 foot) high berm, with a side slope no more than a rise of one and a run of 2.5, be built alongside the rail line right-of-way; and
- A 1.38-metre (4.5 feet) high chain link fence be built at the edge of the right-of-way and a three-metre high acoustical fence be built on the top of the berm.

The Urban Planning Division has been consistent in recommending that new residential dwellings adjacent to rail branch lines meet the minimum separation distance recommended by

the *Proximity Guidelines and Best Practices.* This is a recommended condition of the proposed zoning agreement.

**RECOMMENDATION**

The Urban Planning Division recommends approval for the following reasons:

- The subdivision and rezoning proposal is consistent with *OurWinnipeg* and the *Complete Communities Direction Strategy*.
- The applicant is proposing to create lots intended for the development of multiple-family residences and an assisted living facility.
- The proposed development is compatible with the surrounding neighbourhood context, which includes multi-family development and a senior's facility.
- The size and location of the subject property can accommodate the proposed development. Situated adjacent to Main Street it is an ideal location for multi-family development. The expected residential addition will help strengthen the existing commercial properties along Main Street as well as those currently being constructed.

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

Report Prepared By: Noah Yauk
PPD File # DASZ 15/12

**Schedule "A" for File No. DASZ 15/2012, LSWK Community Committee, dated August 1, 2012**

By-Law No. _____

File No. **DASZ 15/12**

Atlas Sheet No. **S20**

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**LORD SELKIRK WEST KILDONAN 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 Rosser North Kildonan bounded by Jefferson & CPR & CNR previous lines, Inkster Gardens bounded by Jefferson & King Edward from an "A" AGRICULTURAL DISTRICT and "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" & "R1-S" RESIDENTIAL SINGLE-FAMILY DISTRICTS, "R2" RESIDENTIAL TWO-FAMILY DISTRICT, "RMF-S" & "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICTS, "CMU" COMMERCIAL MIXED USE DISTRICT and "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the continuation of the Rosser North Kildonan & Inkster Gardens Neighbourhood Plans by the creation of the block & lot plans with public right-of-ways for future residential development as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

## SCHEDULE B

## REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP –September 4, 2012

**RE: PROPOSED SUBDIVISION AND REZONING OF LAND BOUNDED BY JEFFERSON AVENUE, KING EDWARD STREET & CPR/CNR PREVIOUS LINES INKSTER GARDEN NEIGHBOURHOOD - DASZ 15/2012**

It is recommended that the approval of DASZ 15/2012, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

**A. Plan Considerations**

1. The Developer shall dedicate and legally open, property required for right-of-way for Dr. Jose Rizal Way to be extended to Chief Peguis Trail, as determined by and to the satisfaction of the Director of Public Works. The right-of-way is to be 37.0m in width immediately north of Jefferson Avenue and thereafter transition to a width of 45.5m as it approaches Chief Peguis Trail.

2. The Developer shall dedicate and legally open, property required for a right-of-way corner cut in the northwest corner of the intersection of Dr.Jose Rizal Way and Old Commonwealth Path, as determined by and to the satisfaction of the Director of Public Works.

3. The Developer shall dedicate and legally open, property required for a 6.825m widening of the Dr. Jose Rizal Way right-of-way along the full length of existing Dr. Jose Rizal Way abutting the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

4. The Developer shall dedicate and legally open, property required for right-of-way corner cuts in the northwest, northeast and southwest corners of the intersection of Dr. Jose Rizal Way and Jefferson Avenue, as determined by and to the satisfaction of the Director of Public Works.

5. The Developer shall dedicate and legally open property for right-of-way corner cuts in the southwest and southeast corners of the intersection of Dr. Jose Rizal Way and Chief Peguis Trail, as determined by and to the satisfaction of the Director of Public Works.

6. The Developer shall dedicate and legally open, property required for a right-of-way corner cuts in the southeast and northeast corners of the intersection of

King Edward Street and Old Commonwealth Path, as determined by and to the satisfaction of the Director of Public Works.

7. The Developer shall dedicate and legally open property for right-of-way corner cuts measuring 2.0m by 2.0m in each corner of the intersection of two streets measuring 22.0m in width or greater. Right-of-way corner cuts measuring 3.0 m by 3.0m are to be provided at each corner of any intersection where the angle is less than 80o, to the satisfaction of the Director of Public Works.

8. Proposed frontage roads are to be accommodated with a minimum right-of-way width of 9.0m and the terminus points of the frontage roads are to be located and designed, to the satisfaction of the Director of Public Works.

9. Right-of-way to accommodate each cul-de-sac turnaround is to be consistent with the dimensions illustrated on Streets and Transportation Drawing ST-90 (revised) or St-90-A.

10. Proposed public lanes serving single or two family residential development are to be accommodated with a right-of-way width of 6.25m; proposed public lanes serving multi-family residential and commercial development are to be accommodated with a right-of-way width of 7.25m, to the satisfaction of the Director of Public Works.

11. Intersections of local streets within the Planned Area are to be designed such that the angle of intersection is no less than $70^0$ as measured in the quadrant with the acute angle.

12. Where two local residential streets intersect with a residential collector street on opposite sides of said collector, the centerlines of the local streets are to be aligned to be coincident with one another at their intersection with the collector or be offset by a minimum of 45.0m along the collector.

13. Where local residential streets are aligned to curve within 20.0m of their intersection with a residential collector street, such curves are to have a minimum centerline radius of 60.0.

14. Cul-de-sac streets are not to exceed a length of 105m. The plan is to be designed accordingly.

15. The entrances and exits to/from proposed frontage roads along the collector streets are to be located such that they are coincident with intersections on the opposite side of the collector street or are offset by a minimum of 20.0m from the intersections on the opposite side of the collector street, to the satisfaction of the Director of Public Works.

## B. Engineering Report and Servicing Criteria

1. The Developer shall provide, to the satisfaction of the Director of Water and Waste, a comprehensive servicing report, prepared by a qualified municipal engineer, outlining the provision of underground services for the planned area and adjacent lands.

2. The Developer shall submit, to the satisfaction of the Director of Water and Waste, servicing criteria sheets for water, wastewater, and land drainage facilities, including plans showing the ultimate service areas.

## C. Agreement Conditions

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:

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

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

5. The Developer shall pay its share of the regional land drainage system (2012 Rate: $13,218/acre) The regional land drainage facilities constructed by the

applicant (including the value of the land for the stormwater retention basins) shall be credited against the charge

6. The Developer shall dedicate all land and provide all easements necessary to accommodate the required stormwater retention and land drainage facilities, as determined by the Director of Water and Waste, in accordance with the City's Development Agreements Parameters.

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

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

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

10. The Developer shall pay for their share of services constructed by others in Dr. Jose Rizal Way, as determined by, and to the satisfaction of, the Director of Water and Waste.

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11. The Developer shall, at no expense to the City, construct portland cement concrete pavements to a width of 5.0m by 150mm in thickness, in public lanes serving single or two family residential development and 6.0m by 150mm in thickness serving in public lanes multi-family residential and commercial development, within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

12. Where single and two family residential lots back onto Dr. Jose Rizal Way the said lots are to be established with a minimum depth to provide a minimum rear yard set back of 16.0m. The Zoning Agreement covering these lots is to stipulate a minimum rear yard of 16.0m.

13. Where single and two family residential lots back onto Chief Peguis Trail the said lots are to be established with a minimum depth to provide a minimum rear yard set back to achieve the City's Motor Vehicle Noise Policies and Guidelines sound level limit of 65 dBA in the typical outdoor recreation area of said residential lots. The Zoning Agreement covering these lots is to stipulate this minimum rear yard.

14. There are to be no private approaches serving single or two family residential development off residential collector streets (i.e. rights-of-way measuring 22.0m or greater in width) except where frontage roads are provided. The subdivision is to be designed accordingly. No private approaches serving single and two family residential development will be permitted off Dr. Jose Rizal Way and King Edward Street. No private approaches will be permitted off Chief Peguis Trail.

15. The Developer is to provide two paved means of vehicular access to each stage of development within the Planned Area at all times, to the satisfaction of the Director of Public Works. This may require the construction of temporary paved streets and the provision of right-of-way or easements therefore.

16. 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 .

17. The Developer is to construct paved cul-de-sac vehicular turnarounds at the terminus of each temporarily dead-ended street and provide any necessary right-of-way or easements therefore, all as determined by and to the satisfaction of the Director of Public Works.

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

19. The Developer shall, at no expense to the City, construct portland cement concrete pavements to widths of 7.5m, 8.0m and 10.0m, by 150mm and 200mm in thickness in all streets within the Planned Area and all related works including, but not necessarily limited to street lighting, boulevard landscaping and land drainage sewer all as determined by and to the satisfaction of the Director of Public Works.

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

21. The Developer shall, at no expense to the City, construct portland cement concrete pavements to a width of 6.0m by 150mm in thickness within the proposed frontage roads within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

22. The Developer shall, pay to the City in cash, on demand, 50% of the cost of constructing in portland cement concrete pavement, a westbound left turn storage lane, upstream transition and median opening on Chief Peguis Trail and an eastbound right turn deceleration lane and upstream transition on Chief Peguis Trail and right-turn channelization in the southeast and southwest corners all at and in the vicinity of the intersection of Chief Peguis Trail with Dr. Jose Rizal Way, as determined by the Director of Public Works.

23. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs to be installed at all new street intersections being created as a result of the subdivision.

24. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.

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

26. The Developer shall, at no expense to the City, be responsible to control and to initiate the clean-up 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 houses, until completion of all construction. The clean-up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.

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

28. The Developer shall install signs at the entrances to the subdivision, upon which is displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, public lanes, active transportation facilities, community mail boxes, parks, land drainage retention facilities, natural tree stands, school sites, commercial sites and multiple family sites, collector and arterial streets and Chief Peguis Trail, Dr. Jose Rizal Way and King Edward Street.

29. The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting King Edward Street, Dr. Jose Rizal Way and Chief Peguis Street, a uniform fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting King Edward Street, Dr. Jose Rizal Way and Chief Peguis Street requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

30. The Developer shall, at no expense to the City, construct within the rear yards of all lots abutting the CPR Arborg Subdivision, a uniform fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the CPR Arborg Subdivision requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works. Said fence is intended to ensure that “pedestrian trespass” to the tracks does not become a consequence of the subject development, thereby jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

31. The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services to be installed in King Edward Street along the full length of the subject property abutting the east side of King Edward Street:

a) a 5.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works;
b) 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the east boulevard;
c) street lighting in the east boulevard;
d) landscaping in the east boulevard;

all as determined by the Director of Public Works.

32. The Developer shall, at no expense to the City, construct portland cement concrete pavements to widths of 8.0m and 10.0m, by 200mm in thickness in Old Commonwealth Path between the terminus of the existing concrete pavement west of Dr. Jose Rizal Way to King Edward Street and all related works including, but not necessarily limited to sidewalks on both sides of Old Commonwealth Path, median, street lighting, boulevard landscaping and land drainage sewer all as determined by and to the satisfaction of the Director of Public Works.

33. The Developer shall, at no expense to the City, construct portland cement concrete pavements to widths of 8.0m and 10.0m, by 2000mm in thickness in Jefferson Avenue between the terminus of the existing concrete pavement east of the CPR Arborg Subdivision and the rear lot line of those lots fronting onto the west side of the proposed local residential street approximately 380m west of Dr. Jose Rizal Way and a 60m asphalt transition beyond and all related works including, but not necessarily limited to sidewalks on both sides of Jefferson Avenue, median, street lighting, boulevard landscaping, land drainage sewer and the railway crossing all as determined by and to the satisfaction of the Director of Public Works.

34. The Developer shall pay to the City, in cash, on demand, 25% of the cost of the installation of traffic control signals and all related works, including, but not necessarily limited to pedestrian and vehicular actuation, interconnection to adjacent traffic control signals and railway crossing protection and audible pedestrian signals at the intersection of Old Commonwealth Path and Dr. Jose Rizal Way, when and as determined by the Director of Public Works.

35. The Developer shall pay to the City, in cash, on demand, the full of the cost of the installation of traffic control signals and all related works, including, but not necessarily limited to pedestrian and vehicular actuation, interconnection to adjacent traffic control signals and railway crossing protection and audible pedestrian signals at the intersection of Jefferson Avenue and Dr. Jose Rizal Way, when and as determined by the Director of Public Works.

36. The Developer shall pay to the City, in cash, on demand, 25% of the cost of the installation of traffic control signals and all related works, including, but not necessarily limited to pedestrian and vehicular actuation, interconnection to

adjacent traffic control signals and audible pedestrian signals at the intersection of Chief Peguis Trail and Dr. Jose Rizal Way, when and as determined by the Director of Public Works.

37. The Developer shall, pay to the City, in cash, on demand, the full of the cost of the installation of automatic railway crossing protection at the Jefferson Avenue crossing of the CPR Arborg Subdivision, as determined by the Director of Public Works.

38. The Developer shall, pay to the City in cash, on demand, the full cost of constructing in portland cement concrete pavement, a southbound and northbound left turn storage lanes, upstream transitions, and median openings on Dr. Jose Rizal Way at Jefferson Avenue as determined by the Director of Public Works.

39. The Developer shall, pay to the City in cash, on demand, the full cost of constructing in portland cement concrete pavement, northbound left turn storage lanes, upstream transitions, and median opening on Dr. Jose Rizal Way at Old Commonwealth Path and the two collector streets entering the subdivision approximately 120m and 250m north of Old Commonwealth Path as determined by the Director of Public Works.

40. The Developer shall, at no expense to the City, construct the following works in Dr. Jose Rizal Way between a point approximately 425m north of Adsum Drive and its intersection with the residential street approximately 200m north of Jefferson Avenue;

    a) an 8.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works;
    b) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the east and west boulevards;
    c) street lighting in the east boulevard;
    d) landscaping in the east boulevard;

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

41. The Developer shall, pay to the City in cash, on demand, the full cost of constructing the following works in Dr. Jose Rizal Way between a point approximately 200m north of Jefferson Avenue and Chief Peguis Trail;

    a) an 8.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works;
    b) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk in the east and west boulevards;
    c) street lighting in the east boulevard;
    d) landscaping in the east boulevard;

42. The Developer shall, pay to the City in cash, on demand, the cost of constructing in portland cement concrete pavement, right-turn channelization in the northwest

and southwest corners of the intersections of Jefferson Avenue and Old Commonwealth Path with Dr. Jose Rizal Way, as determined by the Director of Public Works.

43. The Developer shall, at no expense to the City, construct in portland cement concrete pavement, right-turn channelization in the southeast and northeast corners of the intersections of Jefferson Avenue and Old Commonwealth Path with Dr. Jose Rizal Way, as determined by and to the satisfaction of the Director of Public Works.

44. The Developer shall, pay to the City in cash, on demand, his share of the cost of works previously constructed by others, in Dr. Jose Rizal Way abutting the Planned Area as determined by the Director of Public Works.

45. The Developer shall, at no expense to the City, construct a 3.0 metre wide asphalt Active Transportation Pathway on the west side of Dr. Jose Rizal Way from Adsum Drive to the future Chief Peguis Trail, all as determined by and to the satisfaction of the Director of Public Works."

46. The Developer shall, at no expense to the City, construct a 3.5 metre wide asphalt Active Transportation Pathway on the east side of King Edward St from Commercial Ave to the future Chief Peguis Trail, all as determined by and to the satisfaction of the Director of Public Works.

47. That the Developer shall dedicate to the City as public reserve at least 8% of the land contained within the overall development area, landscape the dedicated land, and pay its share of the cost of services in streets abutting the dedicated land, in accordance with City policy, and as determined by, and to the satisfaction of, the Directors of Public Works and Property, Planning & Development. 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 & Development, pay to the City the value of the difference between 8% of the land and the land actually dedicated, the value of the servicing of the land not dedicated, and the value of the landscaping of the land not dedicated.

48. In tabulating public reserve dedication, only partial credit shall be granted for linear parks along retention ponds (where the sloped grade limits multi-use options), the specifics calculation of which shall be to the satisfaction of the Director of Planning, Property and Development.

49. Landscape improvements of the public reserve lands shall be in accordance with plans and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Public Works. The scope of landscaping shall include grading, levelling + sodding, land drainage, irrigation, and construction of asphalt paths. Provision of additional elements such as planting, site furnishings, play equipment and 1 athletic field will be encouraged, subject to plan approval by the director.

50. If the City deems that the provision of irrigation or water service to the public

reserve is not require, the Developer shall provide compensation in site amenities at an equivalent value.

51. That, the Developer shall, at no expense to the City, erect uniform continuous fencing for properties backing onto park space, or where park paths or play equipment are anticipated to be within 10 feet of the residential property line, to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Said fence is to be located within private property and future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development;

52. The developer shall undertake public reserve improvements by the time 80% of the homes have been built, and complete these works prior to 100% build out, within that phase of the development, unless an extension of time has been previously approved by the Director of Public Works.

53. The developer shall, at no expense to the City, assume responsibility for all public reserve sites until they are developed and Total Performance has been issued, and thereafter, shall maintain the public reserve improvements for a period of two years, the conclusion of which shall be by issuance of a Final Acceptance Certificate, all to the satisfaction of the Director of Public Works. The City 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 the standard scope of development.

54. Securities for public reserve improvements shall not be released until Final Acceptance Certificate has been issued, and as-built drawings have been received and accepted as complete by the Director of Public Works.

55. 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.

56. The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consultants approved by the City, for the design of the municipal services, parklands, parkways and associated works required to serve the Planned Area;

57. The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other consulting services related to the installation and acceptance of municipal services, and all

associated works to serve the Planned Area.

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

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 15/2012
September 4, 2012

*Original Signed by K.T. Raban, P.Eng.*
K.T. Raban, P. Eng.,
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*_____
D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

## APPENDIX B: General Plan Approval Design Guidelines

### 1. Site Planning

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

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

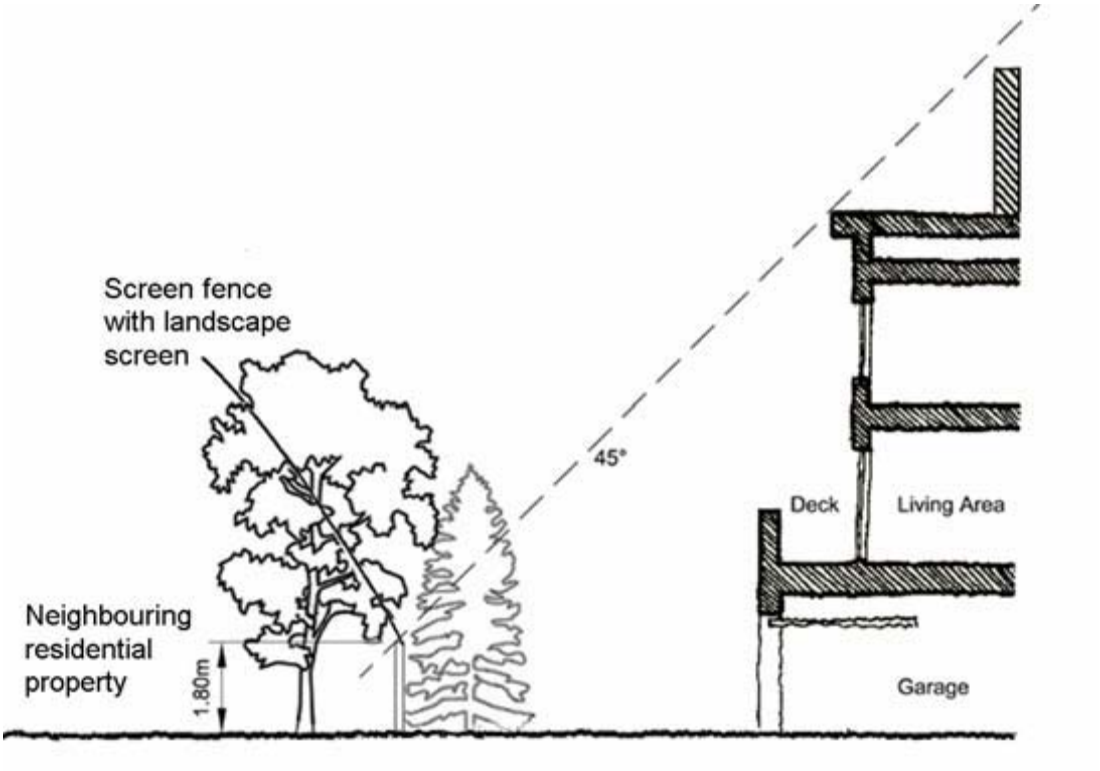
1.3 Parking areas should be well-screened with landscaping or an active development along the street-front.

1.4 Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.

1.5 Provide easy, universally accessible and direct access to public sidewalks.

1.6 Locate walkways to minimize potential conflict with vehicular and services areas.

1.7 Site plans for new development should consider the shading, light, view and privacy of adjacent buildings and lands. An example of how such matters may be addressed is by setting back the upper storeys of buildings in the new developments that are taller than neighbouring developments (see diagram below).



## 2. Building Orientation and Design

2.1 The building façades facing public right-of-ways should be well-articulated and should avoid featureless building massing.

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

2.3 Ensure detailed design supports the identity and quality of the place through good design; quality building materials, sustainable materials; and commitment to long-term maintenance.

2.4 Minimize blank walls – use landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, etc. to break up tracts of continuous blank walls.

2.5 Reduce the perception of mass and height through the balanced use of colour, texture and materials.

## 3. Landscaping

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

3.2 High-quality landscaping is required along the street front of the development (i.e. along Dr. Jose Rizal Way).

## 4. Fencing

4.1 Any proposed fencing should be composed of high quality materials.

## SCHEDULE C: Special Rear Lanes



Exhibit “14” referred to in File DASZ 15/2012

