Agenda - Executive Policy Committee – January 23, 2013

Report - Standing Policy Committee on Property and Development – January 15, 2013

Item No. 9 **Subdivision and Rezoning – Sage Creek Phase 7 – North and East of Edward Turner / East of Hydro Lines / North of Dragonfly / South future Bishop Grandin to East City Limit**
(St. Boniface Ward)
File DASZ 30/2012

STANDING COMMITTEE RECOMMENDATION:

On January 15, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 30/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 30/2012 dated November 19, 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 revised report of the Administrative Coordinating Group dated November 23, 2012 which is Schedule "D", shown as Exhibit 8, with the following amendment:

    Plan Considerations

    i. Delete Section A. 1. in its entirety and replace with the following:

    "1. The Developer shall transfer to the City and legally open the property required for the right-of-way for Bishop Grandin Boulevard to the satisfaction of the Director of Public Works.

    ii. Add the following new Condition 2.

    "2. The City may also negotiate with the Developer for extra right-of-way provisions according to the land value section of the Development Agreement Parameters."

    and renumber the remaining conditions accordingly.

Agenda - Executive Policy Committee – January 23, 2013

Report - Standing Policy Committee on Property and Development – January 15, 2013

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 30/2012 dated November 19, 2012 to an "R1-M" Single-Family District and a "PR1" Parks and Recreation District subject to the following:

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

        i. The Developer shall construct within the rear yards of all single and two-family lots abutting Plessis Road, a uniform, 2.0-metre-high noise-attenuation fence, to the satisfaction of the Director of Public Works. All future owner(s) of these single and two-family lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

        ii. That, the Developer shall ensure that single-family and two-family residential lots which back onto Bishop Grandin Boulevard are of sufficient depth to provide a minimum rear yard to achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65dBA in the typical outdoor recreation area of those lots.

        iii. The Developer shall construct within the rear yards of all single and two-family lots abutting Bishop Grandin Boulevard, a uniform, 2.0-metre-high noise-attenuation fence on top of the required berm, to the satisfaction of the Director of Public Works. All future owner(s) of these single and two-family lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

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.

Report - Standing Policy Committee on Property and Development – January 15, 2013

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.

Agenda - Executive Policy Committee – January 23, 2013

Report - Standing Policy Committee on Property and Development – January 15, 2013

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On January 15, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 3, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Amend Recommendation 1. A. as follows:

  Add the word "revised" before the word "report"

  Delete the words "Schedule "C" of this report" and replace with "Schedule "D", shown as Exhibit 8, with the following amendments:

  Plan Considerations

  i. Delete Section A. 1. in its entirety and replace with the following:

     "1. The Developer shall transfer to the City and legally open the property required for the right-of-way for Bishop Grandin Boulevard to the satisfaction of the Director of Public Works.

  ii. Add the following new Condition 2.

     "2. The City may also negotiate with the Developer for extra right-of-way provisions according to the land value section of the Development Agreement Parameters."

     and renumber the remaining conditions accordingly."

- Delete Recommendation 2.A.i in its entirety and renumber the remaining recommendations accordingly,

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

RE: **Subdivision and Rezoning – Sage Creek Phase 7 – North and East of Edward Turner / East of Hydro Lines / North of Dragonfly / South future Bishop Grandin to East City Limit**
File DASZ 30/2012

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

Prepared by: **Visa Hutter, Senior Committee Clerk**
Riel Community Committee

Report date: **December 4, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On Riel, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 30/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 30/2012 dated November 19, 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 ***revised*** report of the Administrative Coordinating Group dated November 23, 2012 which is ~~***Schedule "C" of this report.***~~ ***Schedule "D", shown as Exhibit 8, with the following amendment:***

    Plan Considerations

    i. Delete Section A. 1. in its entirety and replace with the following:

    "1. The Developer shall transfer to the City and legally open the property required for the right-of-way for Bishop Grandin Boulevard to the satisfaction of the Director of Public Works.

    ii. Add the following new Condition 2.

    "2. The City may also negotiate with the Developer for extra right-of-way provisions according to the land value section of the Development Agreement Parameters."

    and renumber the remaining conditions accordingly.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 30/2012 dated November 19, 2012 to an "R1-M" Single-Family District and a "PR1" Parks and Recreation District subject to the following:

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

      ~~***i. Where proposed single and two family residential lots back onto Plessis Road, the said lots are to be established with minimum rear yards of sixteen (16) metres.***~~

      i. The Developer shall construct within the rear yards of all single and two-family lots abutting Plessis Road, a uniform, 2.0-metre-high noise-attenuation fence, to the satisfaction of the Director of Public Works. All future owner(s) of these single and two-family lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

      ii. That, the Developer shall ensure that single-family and two-family residential lots which back onto Bishop Grandin Boulevard are of sufficient depth to provide a minimum rear yard to achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65dBA in the typical outdoor recreation area of those lots.

      iii. The Developer shall construct within the rear yards of all single and two-family lots abutting Bishop Grandin Boulevard, a uniform, 2.0-metre-high noise-attenuation fence on top of the required berm, to the satisfaction of the Director of Public Works. All future owner(s) of these single and two-family lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Riel Community Committee provided the following supporting reason(s) for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated November 19, 2012.

2. This is an orderly development of an existing neighbourhood.

PUBLIC HEARING SUMMARY

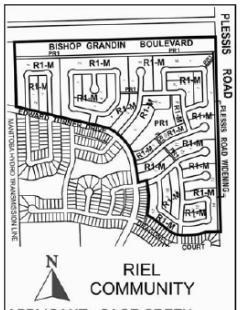
File: DASZ 30/2012

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

Public Hearing: December 3, 2012
Council Building, 510 Main Street

Applicant: Sage Creek Development Corporation (Jeff Pratte)

Subject:



APPLICANT : SAGE CREEK DEVELOPMENT CORPORATION
FILE : DASZ 30/12
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 "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the continuation of the Sage Creek Neighbourhood Development lands by the creation of the block plan and public right-of-ways for future residential development. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : SAGE CREEK DEVELOPMENT CORPORATION
N° DE RÉFÉRENCE : DALZ 30/12
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie RR5 (SECTEUR RÉSIDENTIEL EN MILIEU RURAL 5) à la catégorie R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES MOYENNES) et à la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS 1) afin de faciliter la continuation de l'aménagement des sols du quartier Sage Creek par la création du plan de quartier et des emprises publiques en vue de l'aménagement de sites domiciliaires. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected:	North and East of Edward Turner / East of Hydro Lines / North of Dragonfly / South future Bishop Grandin to East City Limit

Exhibits Filed:

1. Application dated October 10, 2012
2. Notification of Public Hearing dated October 29, 2012
3. Manitoba Status of Title 2605305/1
4. Plans (2 pages)
5. Report from the Planning and Land Use Division dated November 19, 2012
6. Inspection Report
7. Preliminary Master Plan of Sage Creek dated July 2012, submitted at the public hearing by Eric Vogan in support of the application
8. Schedule D – Revised Report of the Administrative Co-Ordinating Group – November 23, 2012
9. Audio Recording of representations of public hearing held on December 3, 2012

REPRESENTATIONS:

In Support:

Lyne Jones
Jeff Pratte
Eric Vogan, Qualico Communities

In Opposition:

Trevor and Jennifer Hay

For Information:

Nil

For the City:

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

Exhibit "8" referred to in File DASZ 30/2012

SCHEDULE D

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – NOVEMBER 23, 2012

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT SAGE CREEK PHASE 7 (NORTH AND EAST OF EDWARD TURNER / EAST OF HYDRO LINES / NORTH OF DRAGONFLY / SOUTH OF FUTURE BISHOP GRANDIN EXTENSION - DASZ 30/2012

It is recommended that the approval of DASZ 30/2012, if granted, be subject to the applicant entering into a Development Agreement containing the following conditions;

A. Plan Considerations

1. The Developer shall transfer to the City and legally open, at no expense to the City, property required for a 70.0 metre right-of-way for Bishop Grandin Boulevard along the full length of the Planned Area abutting Bishop Grandin Boulevard.

2. The Developer shall transfer to the City and legally open property for a 5.942m widening to the Plessis Road right-of-way for the full length of the Planned Area abutting Plessis Road.

3. The Developer shall transfer to the City and legally open property for a right-of-way corner cut in the southwest corner of the intersection of Bishop Grandin Boulevard and Plessis Road.

4. The Developer shall transfer to the City 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 3.0m by 3.0m are to be provided at each corner of any intersection where the angle is less than 80^{o}.

5. The Developer shall provide right-of-way to accommodate each cul-de-sac turnaround consistent with the dimensions illustrated on Streets and Transportation Drawing ST-90 (revised) or St-90-A as a minimum.

6. The Developer ensuring that Diamond Dust Drive contains no more than 24 lots, and no other cul-de-sac street exceeds a length of 105 metres.

7. Proposed Public Walks and Public Reserve entryways are to be accommodated with a minimum right-of-way width of 6.00 metres.

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

B. SERVICING CONDITIONS AND PAYMENTS

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

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

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

    i) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.
    ii) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby 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.
    iii) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

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

5. The Developer shall install regional stormwater management facilities to serve the Planned Area.

6. The Developer's share of the cost of stormwater management facilities owing under this agreement shall be credited against the cost of the facilities to be constructed or previously constructed by the developer.

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, 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.

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

10. The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services to be installed in Bishop Grandin Boulevard along the full length of the subject property abutting the south side of Bishop Grandin Boulevard, or alternatively construct an equivalent length of concrete pavement and all related works in Bishop Grandin Boulevard to the west of this application:

    i) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and all
    ii) related works;
    iii) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk;
    iv) street lighting in the south boulevard;
    v) landscaping in the south boulevard;

    all as determined by the Director of Public Works.

11. The Developer shall, at no expense to the City, construct within the proposed Public Walks the following works:

    i) a 1.5m in width by 100mm Portland cement concrete sidewalk;
    ii) Developer installed fence along the side property lines
    iii) bollards, with appropriate sidewalk opening, at both street ends of the Public Walk;

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

12. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on both sides of streets with a right-of-way width of 22.0m or greater, except for that portion of Diamond Dust Drive from Edward Turner Drive to John Pelland Road which will require sidewalk on the south side of the street only, as determined by and to the satisfaction of the Director of Public Works.

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

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

15. The Developer shall, at no expense to the City, maintain the boulevard improvements

for one year, in accordance with specifications approved by the Director of Public Works.

16. Where single and two family residential lots back onto Plessis Road the said lots are to be established with a minimum depth to provide a minimum rear yard set back consistent with the setbacks previously established in Phases 4 and 6 of Sage Creek. The Zoning Agreement covering these lots is to stipulate a minimum rear yard consistent with the setbacks previously established in Phases 4 and 6 of Sage Creek.

17. The Developer shall, at no expense to the City;

    i) construct, within the rear yards of all one and two family lots abutting Plessis Road, a uniform noise attenuation fence 2.0m in height and,
    ii) permit the City to file a caveat against the title of each of these proposed lots abutting Plessis Road requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed.

    all to the satisfaction of the Director of Public Works.

18. All single-family and two-family residential lots backing onto Bishop Grandin Boulevard shall be of sufficient depth to provide a minimum rear-yard setback which together with other sound attenuation measures such as a berm and/or noise-attenuation fence achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65dBA in the typical outdoor recreation area of those lots, and the Zoning Agreement covering those lots shall stipulate this minimum rear yard.

19. The Developer shall, at no expense to the City, construct within the 10.0m public reserve widening along Bishop Grandin Boulevard abutting the proposed residential lots and within the rear 10.0m of those proposed lot, a continuous berm, centred on the proposed property line, and all related works, including but not necessarily limited to sodding and landscaping in accordance with plans approved by the Director of Public Works, all as determined by and to the satisfaction of the Director of Public Works.

20. The Developer shall, at no expense to the City, construct within the rear yards, on top of the berm to be constructed under Clause 21 above, of the proposed lots abutting Bishop Grandin Boulevard, a uniform noise attenuation 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 Bishop Grandin Boulevard 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.

21. The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of each temporarily dead-ended paved street and provide any rights-of-way or easements necessary to accommodate same, all as determined by, and to the satisfaction of, the Director of Public Works.

22. 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.

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

24. The Developer shall, at no expense to the City:

    i) ensure that construction traffic uses access routes determined by the Director of Public Works;
    ii) maintain those access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and
    iii) undertake the regular cleaning, including, but not limited to, scraping and sweeping, of those access routes and all streets within the Planned Area, until building construction, including landscaping, is complete

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

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

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

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

28. The Developer shall, at no expense to the City;

    i) provide underground electrical and telephone services to serve the proposed subdivision
    ii) pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

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

30. There shall be no private approaches permitted:

    i) to serve single-family or two-family residential development off residential collector streets (i.e. rights-of-way 22.0 m or wider), except where frontage roads are provided and except for that portion of the north side of Diamond Dust Drive from Edward Turner Drive to John Pelland Road where private approaches will be permitted to allow for front attached garage homes;
    ii) off Bishop Grandin Boulevard; or
    iii) serving residential development off Plessis Road.

31. The Developer shall initiate and control 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 buildings, until substantial 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 any costs in remedying the situation to the satisfaction of the Director of Public Works.

32. The Developer shall dedicate to the City, as public reserve, at least 8% of the land contained within the entire Sage Creek Development, and pay its share of the cost of services in streets abutting the dedicated land - all in accordance with City policy, and as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, and Development. The dedication of public reserve for this phase of the development shall be accrued with the dedication of public reserve for all other phases, including the credit provided for improvements installed by the Developer within the Hydro Corridor as detailed in AG 12/10, with compensation tabulated, as necessary, within the final phase of development.

33. The Developer shall, at no expense to the City, landscape the public open space to a standard consistent with the level of development established in previous phases of Sage Creek development, all in accordance with plans and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Planning, Property and Development. Where the Developer is providing naturalized landscaping in lieu of traditional sodding, the scope of landscaping shall include pathway development, naturalized areas, and a site drainage proposal that minimizes runoff across the path system.

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

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

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

37. 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;

38. 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.

39. 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 30/2012
November 23, 2012

"original signed by K.T. Raban, P. Eng."
K.T. Raban, P. Eng.,
Land Development Branch

R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

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

D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

Exhibit "5" referred to in File DASZ 30/2012

ADMINISTRATIVE REPORT

Title: DASZ 30/2012 – Sage Creek Phase 7 Public Hearing

Issue: An application for consideration at the Public Hearing for a subdivision and rezoning of a 99.4 acre site in Sage Creek from RR5 to blocks zoned R1-M and PR1.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

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

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 30/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 30/2012 dated November 19, 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 November 23, 2012 which is Schedule "C" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 30/2012 dated November 19, 2012 to an "R1-M" Single-Family District and a "PR1" Parks and Recreation District subject to the following:

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

      i) Where proposed single and two family residential lots back onto Plessis Road, the said lots are to be established with minimum rear yards of sixteen (16) metres.

      ii) The Developer shall construct within the rear yards of all single and two-family lots abutting Plessis Road, a uniform, 2.0-metre-high noise-attenuation fence, to the satisfaction of the Director of Public Works. All future owner(s) of these single and two-family lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

iii) That, the Developer shall ensure that single-family and two-family residential lots which back onto Bishop Grandin Boulevard are of sufficient depth to provide a minimum rear yard to achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65dBA in the typical outdoor recreation area of those lots.

iv) The Developer shall construct within the rear yards of all single and two-family lots abutting Bishop Grandin Boulevard, a uniform, 2.0-metre-high noise-attenuation fence on top of the required berm, to the satisfaction of the Director of Public Works. All future owner(s) of these single and two-family lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

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 is proposing to subdivide and rezone the subject 99.4 acre site from "RR5" Rural Residential 5 to blocks zoned "R1-M" Residential Single-Family Medium and "PR1" Parks and Recreation 1 (Neighbourhood) in order to create the next residential development phase for Sage Creek.

- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be subdivided and rezoned from RR5 to R1-M and PR1.

HISTORY

- In April 2005, the Standing Policy Committee on Property and Development identified the South St. Boniface Area Structure Plan as a priority project within the Planning, Property and Development Department's 2005 Secondary Plan Work Program. The department implemented a collaborative planning process in partnership with Qualico Developments and their consulting team to prepare the area structure plan. This process also included close consultation with all affected City departments to address any issues related to the development of the subject lands and to ensure that the City's requirements were incorporated into the plan's policies.
- On September 28, 2005, Council gave first reading to By-law 158/05 to adopt the South St. Boniface Area Structure Plan as a Secondary Plan for 918 acres of land bounded by the Bishop Grandin Boulevard extension to the north, Lagimodiere Boulevard and the Island Lakes residential community to the west, the Perimeter Highway to the south and Plessis Road (the City Boundary) to the east; and directed that the Riel Community Committee conduct a public hearing respecting the proposed by-law and plan. It was ultimately passed by Council November 23, 2005.
- On February 22, 2006, Council adopted the plan of subdivision proposed under File DASZ 51/2005 Phase 1 Sage Creek to rezone and subdivide 103 acres and is situated at the N.E. corner of the future Warde Avenue extension and Lagimodiere Blvd. It is bounded on the east by the Manitoba Hydro Power Transmission Line. The northernmost periphery of the Phase I plan area adjacent to the intersection of Lagimodiere and Sage Creek Boulevards was identified as the Village Centre of 18.4 acres. A small portion of this area will be zoned to a Multiple Family category while the remainder (approx.16 acres) will be zoned C2 Commercial.
- On July 11, 2007, Executive Policy Committee recommended the filing of the plan of subdivision proposed under File DASZ 10/2007 to rezone and subdivide a 3.12 acre parcel on the north side of Sage Creek Boulevard just east of Lagimodiere Blvd. The primary purpose of the rezoning is to accommodate the establishment of an office building, essentially the corporate head office of Qualico Developments. On May 15, 2007, the Riel Community Committee concurred in the administrative recommendation to create a 3.12 acre (1.26 hectare) lot and rezone it to "C2" Commercial category in order to facilitate development of an office building.
- On September 26, 2007 Council adopted the plan of subdivision proposed under DASZ 21/2007 Phase 2 Sage Creek to rezone and subdivide 79.2 acres of land east of the Manitoba Hydro right-of-way to extend Sage Creek Blvd and Warde Avenue to construct over 213 single family units and 118 multiple family dwelling units.

- On November 21, 2007 Council adopted the plan of subdivision proposed under DASZ 32/2007 Phase 3 north of Sage Creek Blvd. and west of the Manitoba Hydro Transmission Line to rezone and subdivide 4.49 acres of linear public reserve and three water storage areas, which total of 7.4 acres. Boulevard des Hivernants and Burning Glass Road were extended north of Burning Glass Road in order to connect with Dr. David Friesen Drive being constructed in between.
- On July 16, 2008 Council adopted the plan of subdivision proposed under File DAS 17/2008 Phase 3 Sage Creek to subdivide the existing "C2" Commercial site (created under DASZ 24/2007) on the west side of Burning Glass Road and North Side of Sage Creek, into two commercial parcels, and separate these parcels with a public lane against a multiple family parcel of 5.3 acres. The C2 Commercial sites have an area of 2.38 acres, and 3.18 acres, with Qualico's corporate offices established on the most northerly commercial parcel.
- On June 24, 2009 Council adopted the plan of subdivision proposed under File DASZ 12/2009 to rezone the northern half of an approximately twenty four (24) acre parcel north of Sage Creek boulevard between Lagimodiere Boulevard and Burning Glass Road from its current "RR-5" Rural Residential category to an "RMF-M" Multiple Family category and a "PR-1" Parks and Recreation category. Lot 1 the 9.44 acre "RMF-M" site was to facilitate development of an approximately 300 unit multiple family housing complex. The proposed .60 acre "PR-1" lands are to be set aside as a green space buffer strip adjacent to Lagimodiere Boulevard. Lot 2 was the remaining thirteen (13) acres adjoining to the south that remain vacant and retain its "RR-5" Rural Residential zoning.
- On February 24, 2010, Council adopted the plan of subdivision proposed under File DASZ 35/2009 Phase 4 Sage Creek to rezone and subdivide 39.9 gross acres of land situated at the N.E. corner of Warde Avenue and Sage Creek Boulevard to construct approximately 40 multiple family units and 179 single family units.
- On April 28, 2010, Council approved File DASZ 3/2010 for the subdivision and rezoning of the northwest corner of Burning Glass Road and Sage Creek Boulevard (27 Sage Creek Boulevard) to a "C2" Commercial Community District, subject to the developer providing an addendum to the existing development agreement for the site (AG 51/05) and a entering into a zoning agreement with the City.
- On September 22, 2010, Council approved the subdivision and rezoning proposed under File DASZ 12/2010, which was Phase 5 of the Sage Creek Development. Phase 5 is situated immediately east of the Manitoba Hydro Power Transmission Line and is accessed via Boulevard Des Hivernants and Sage Creek Boulevard. It encompasses an area of approximately 64.5 acres. The land was rezoned from RR5 to RMF-S, R1-M, R1-S, and PR1 in order to facilitate new parks areas, a future school site and single family residential development in Phase 5 of the South St. Boniface Area Structure Plan for Sage Creek. Phase 5 will provide for the development of approximately 200 single-family housing lots.
- On December 15, 2010, Council approved File SPA 2/2010 to amend the South St. Boniface Area Structure Plan (Secondary Plan) in order to relocate proposed school sites within the plan.
- On June 22, 2011, Council recommended approval for the subdivision and rezoning of a 71 acre site in Sage Creek from RR5 to blocks zoned R1-M, R1-S, RMF-S, and PR1

under file DASZ 3/11. This subdivision is considered Phase 6 of the Sage Creek development and connects to Phases 2 and 4, which are located to the north and west.

- On July 20, 2011, Council approved file DAS 13/11, which created a cul-de-sac and allowed for the subdivision of an existing RMF-S zoned site into twenty-three (23) single-family lots.
- On May 30, 2012, Council approved DASZ 30/2012, which was an application to subdivide a 240,000 acre parcel on the southeast corner of the Des Hiverants Boulevard and Edward Turner Drive intersection into three (3) lots and rezone the site from RR5 to C1 (Lot 1) and RMF-S (Lots 2 and 3).

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk, MCIP
Date:	November 19, 2012
File No.	DASZ 30/2012

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Advertised Subdivision and Rezoning for DASZ 30/2012
3. Schedule “B” — Recommended File No. DASZ 30/2012 Riel Community Committee, dated November 19, 2012
4. Schedule “C” — Report of the Administrative Coordinating Group

APPENDIX 'A'

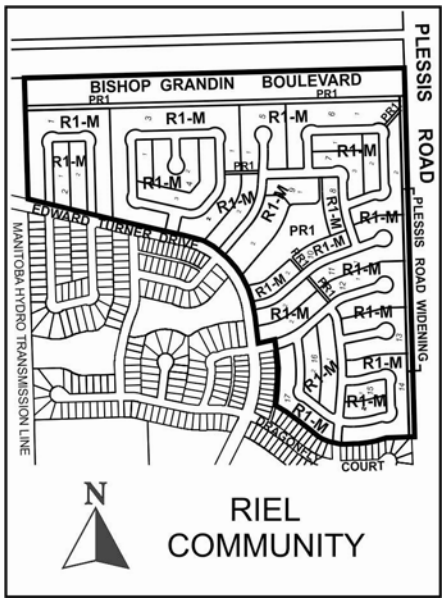
DATE: November 19, 2012

FILE: DASZ 30/2012
RELATED FILES: DASZ 5/2012, DASZ 3/2011, DAS 3/2011, SPA 2/2010, DASZ 12/2010, DASZ 3/2010, DASZ 35/2009, DASZ 12/2009, DAS 17/2008, DASZ 32/2007, DASZ 21/2007, DASZ 10/2007, DASZ 51/2005, By-law 158/05

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.553

SUBJECT: An application to subdivide the 99.4 acre site in Sage Creek from RR5 to blocks zoned R1-M and PR1.

LOCATION: NE Side of Edward Turner Drive to Plessis Road



APPLICANT: Sage Creek Development Corporation (Jeff Pratte)
1 Dr. David Friesen Drive
Winnipeg, MB R3X 0G8

OWNER: Sage Creek Development Corporation
1 Dr. David Friesen Drive
Winnipeg, MB R3X 0G8

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to subdivide and rezone the subject 99.4 acre site from “RR5” Rural Residential 5 to blocks zoned “R1-M” Residential Single-Family Medium and “PR1” Parks and Recreation 1 (Neighbourhood) in order to create the next residential development phase for Sage Creek.
- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject site is located in the northeast corner of Sage Creek, north of Edward Turner Drive and west of Plessis Road in the Sage Creek neighbourhood of the St. Boniface Ward.
- The site is vacant and approximately **99.4 acres in area.**
- The site is zoned “RR5” Rural Residential 5 and is within the Areas of Stability – Recent Communities Policy Area under the Complete Communities Direction Strategy.
- The site is also located within the Residential Policy Area under the South St. Boniface Secondary Plan.



Figure 1: Aerial photograph showing approximate area of the subject site (2012)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: The future location of the Bishop Grandin Extension that is currently zoned RR5.

South: Edward Turner Drive and detached single-family homes zoned R1-M and R1-S that were created under DASZ 35/2009 and DASZ 12/2010 (Phases 4 and 5 of the Sage Creek development).

East: Plessis Road, which forms the eastern border of the City of Winnipeg in this location.

West: A Manitoba Hydro transmission corridor zoned RR5.

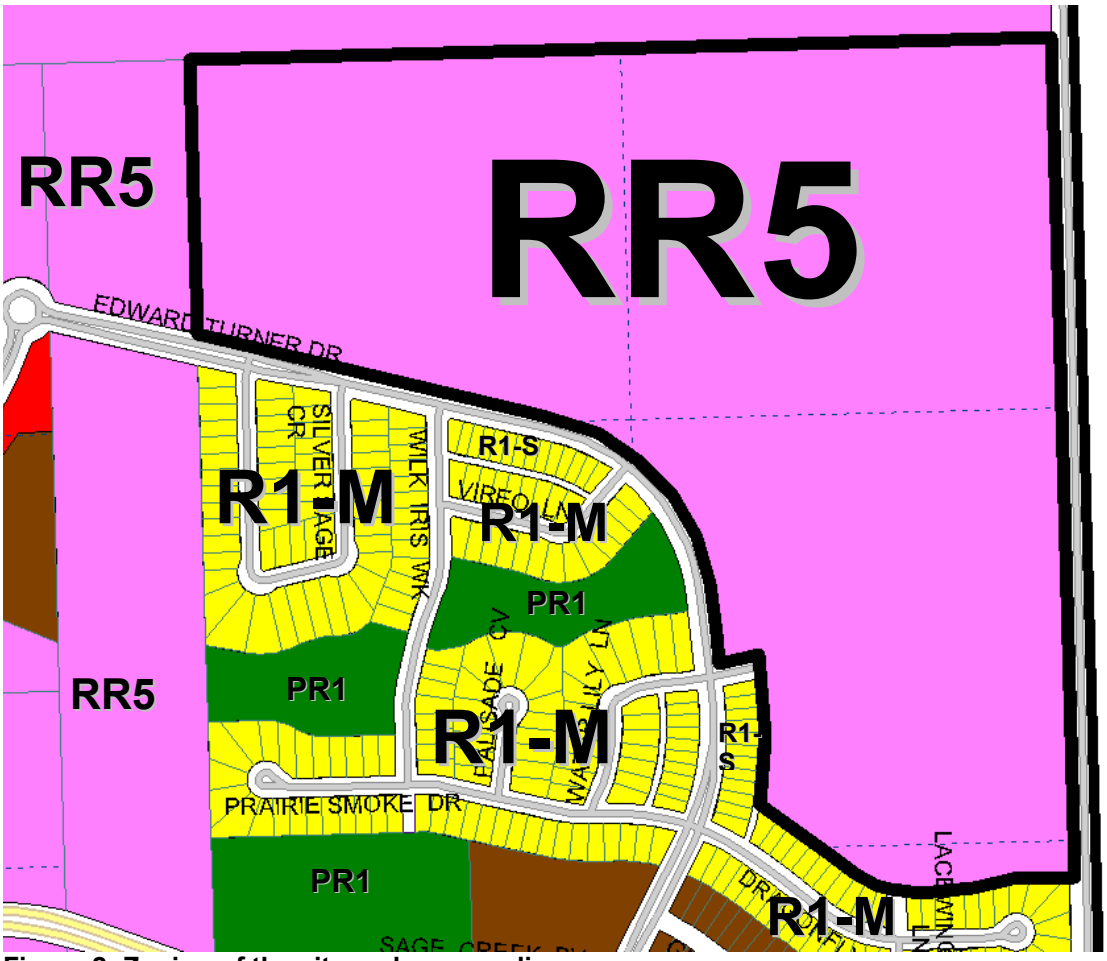


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide and rezone the subject 99.4 acre site from “RR5” Rural Residential 5 to blocks zoned “R1-M” Residential Single-Family Medium and “PR1” Parks and Recreation 1 (Neighbourhood) in order to create the next residential development phase for Sage Creek.
- This subdivision is considered Phase 7 of the Sage Creek development and will connect to Phases 4 and 5, which are located to the southwest and south.

- The applicant is proposing that approximately 63 acres or about 63% of the gross area of the site will be used for the development of 465 single-family lots/homes that will be zoned R1-M.
- Approximately 1 acre or about 1% of the gross area of the site will be used for park land zoned PR1.
- The remainder of the site will be used for street right-of-ways that include the Plessis Road widening and the eventual extension of Bishop Grandin Boulevard (approximately 31 acres or 31% of the gross area) and a water storage and impoundment area (approximately 2.5 acres or 2.5% of the gross area).
- Vehicular access to the R1-M blocks will be from local roads that connect to Edward Turner Drive.

ANALYSIS AND ISSUES

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
    - Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
    - Provide opportunities to increase multi-modal connectivity when redevelopment occurs.
    - Support a mix of commercial services and employment uses that serve the local community.
    - Ensure that existing public open spaces meet the neighbourhood's current and future requirements.

SOUTH ST. BONIFACE AREA STRUCTURE PLAN (SECONDARY PLAN)

- The subject site is located within the Residential Policy Area of the South St. Boniface Secondary Plan. Relevant policies to this application include:

    5.1.2 Residential Area Policies

    1) Composition of Residential Area

(a) Subject to the policies of this Plan,

(i) single family and two family residential uses shall be the predominant use of land within the Residential Area

(ii) alternative housing forms, including multi-unit and special needs housing, institutional uses, recreational uses, public uses, and local commercial sites, and other similar and accessory uses to the above, may be allowed within the Residential Area where determined to be compatible and appropriate, and

(iii) open space shall be provided throughout the Residential Area to meet the active and passive recreational needs of residents.

2) Transit Service to the Residential Area

The Residential Area shall:

(i) be served by public transit, and

(ii) contain transit bus stops within a five-minute (400-metre) walking distance from most homes.

3) Design of Residential Area

(a) The design of the Residential Area shall:

(i) be determined through the Development Application process,

(ii) emphasize opportunities for distinct neighbourhoods that comprise unifying elements to create a cohesive community, and

(iii) provide for residents to access adjacent communities and the Village Centre area through roadway, walkway, pathway, and bikeway connections.

5.5.2 Parks and Open Space Policies

1) Linear Parkway

(a) The linear parkway system shall contain a pathway alignment along at least one side of the stormwater management facilities.

(b) The linear parkway system shall consist of, but not be limited to, wetland vegetation and appropriate upland native grasses.

(c) Pathways shall be pervious within naturalized areas.

ZONING

"RR5" Rural Residential 5 District

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

"PR1" Parks and Recreation 1 (Neighbourhood) District

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

"R1-M" Residential Single-Family Medium District

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

LAND USE BY-LAW

Rezoning

- The RR5 zoning district is intended for large-lot (5 acre minimum) rural development. The applicant is proposing to rezone the land from RR5 to R1-M and PR1 in order to create a fully-serviced residential subdivision that is part of the Sage Creek development.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subdivision and rezoning conforms to the South St. Boniface Area Structure Plan and the Complete Communities Direction Strategy.
- The proposed subdivision and rezoning represents a logical connection to existing approved subdivisions within Sage Creek, notably Phases 4 and 5, which are located to the southwest and south files (see files DASZ 35/2009 and DASZ 12/2010 respectively).
- The proposed subdivision and rezoning includes the continuation of linear greenspace from the southwest. Additional public walkways are accommodated within the residential blocks to facilitate better pedestrian access from the residential blocks to the main greenspace and the associated greenway corridor.
- It should be noted that the land dedication for Sage Creek is being looked at for the development as a whole, not per individual application.
- Consistent with other similar phases of development (ex. DASZ 3/2011 and DASZ 35/2009) the Public Service is recommending that the developer enter into a zoning agreement with the City of Winnipeg in order to include a clause for the construction and maintenance of a noise attenuation fence for single-family and two-family lots abutting Plessis Road and the future Bishop Grandin extension.

CHANGES TO THE PLANNED AREA AFTER ADVERTISEMENT

- After the subject planned area was advertised, the Public Service noticed a small error on the posting regarding the proposed public walkways.
- In instances where walkways connect from street to street, these walkways typically form part of a public right-of-way or opening. In instances where walkways connect to a park or from park to park, the walkways are zoned PR1.

- The original advertisement showed that three of the four walkways within the planned area were identified as PR1 even though these walkways were street to street connections and should have been left as road openings
- The Public Service has corrected this error in Schedule “B” and is recommending that Schedule “B” be approved.
- This proposed change does not result in an intensification of land.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or ‘cash in lieu’ as determined by the Planning, Property and Development Department.
- Land dedication for this application is identified in the Report of the ACG (see Schedule C, Section 33).

RECOMMENDATION

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

- The proposed development is consistent with the policies of the Complete Communities Direction Strategy and the South St. Boniface Secondary Plan.
- The proposed subdivision and rezoning represents a logical connection to existing approved subdivisions within Sage Creek.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 30/2012

Schedule "A" Advertised Subdivision and Rezoning for DASZ 30/2012

By-Law No. _____

File No. **DASZ 30/12**

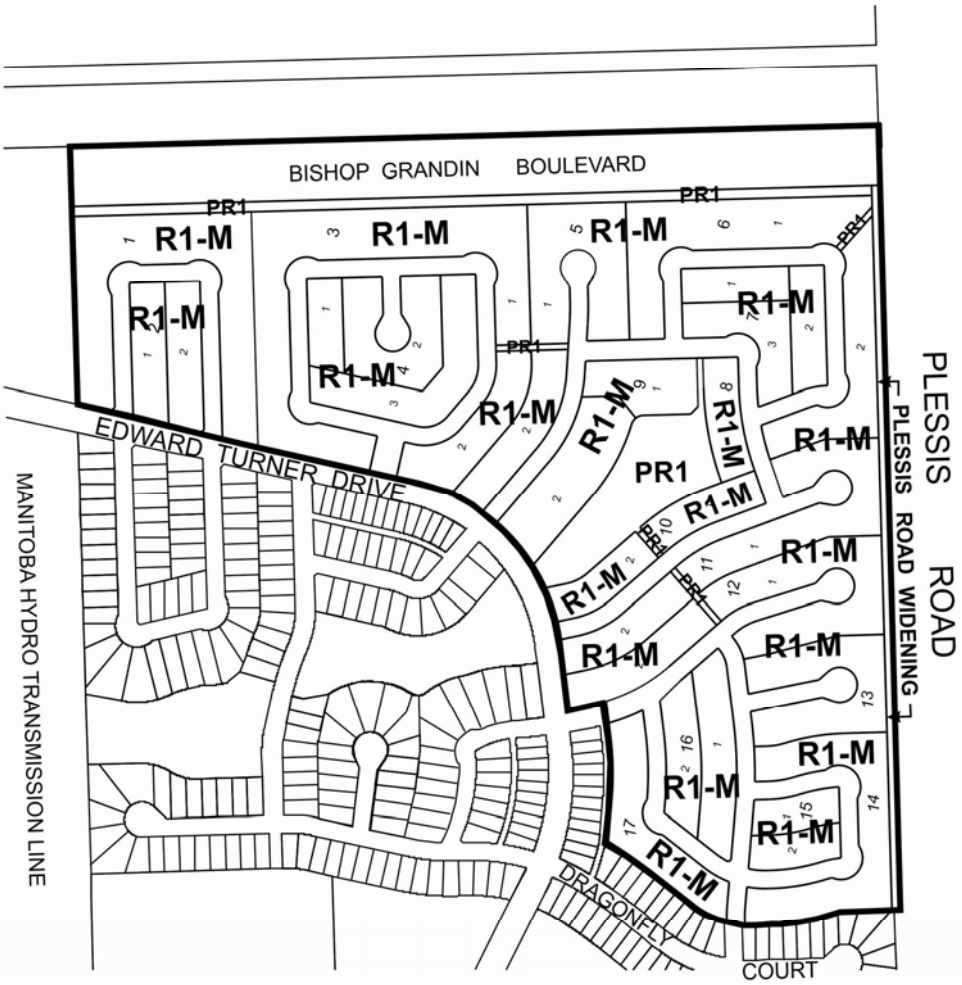
Atlas Sheet No.

N

AF32
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located in Sage Creek, NE of Edward Turner, E. of Hydro Lines, N. of Dragonfly & S. of future Bishop Grandin Extension from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the continuation of the Sage Creek Neighbourhood Development lands by the creation of the block plan and public right-of-ways for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" for File No. DASZ 30/2012, Riel Community Committee, dated November 19, 2012

By-Law No. _____

File No. **DASZ 30/12**

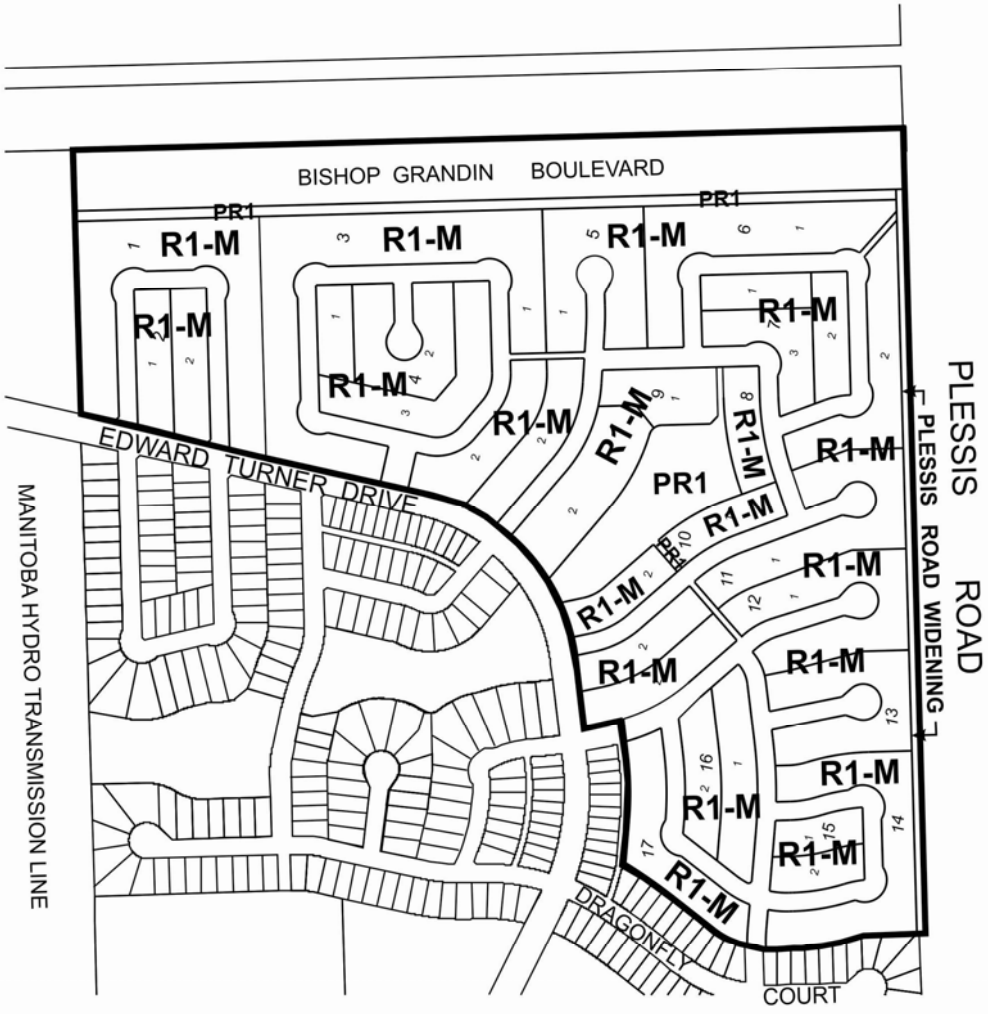
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THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE C

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – NOVEMBER 23, 2012

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT SAGE CREEK PHASE 7 (NORTH AND EAST OF EDWARD TURNER / EAST OF HYDRO LINES / NORTH OF DRAGONFLY / SOUTH OF FUTURE BISHOP GRANDIN EXTENSION - DASZ 30/2012

It is recommended that the approval of DASZ 30/2012, if granted, be subject to the applicant entering into a Development Agreement containing the following conditions;

C. Plan Considerations

8. The Developer shall transfer to the City and legally open, at no expense to the City, property required for a 70.0 metre right-of-way for Bishop Grandin Boulevard along the full length of the Planned Area abutting Bishop Grandin Boulevard.

9. The Developer shall transfer to the City and legally open property for a 5.942m widening to the Plessis Road right-of-way for the full length of the Planned Area abutting Plessis Road.

10. The Developer shall transfer to the City and legally open property for a right-of-way corner cut in the southwest corner of the intersection of Bishop Grandin Boulevard and Plessis Road.

11. The Developer shall transfer to the City 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 3.0m by 3.0m are to be provided at each corner of any intersection where the angle is less than 80^{o}.

12. The Developer shall provide right-of-way to accommodate each cul-de-sac turnaround consistent with the dimensions illustrated on Streets and Transportation Drawing ST-90 (revised) or St-90-A as a minimum.

13. Cul-de-sac streets are not to exceed a length of 105 metres.

14. Proposed Public Walks and Public Reserve entryways are to be accommodated with a minimum right-of-way width of 6.00 metres.

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

D. SERVICING CONDITIONS AND PAYMENTS

40. 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.

41. 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.

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

    i) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.
    ii) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby 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.
    iii) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

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

44. The Developer shall install regional stormwater management facilities to serve the Planned Area.

45. The Developer's share of the cost of stormwater management facilities owing under this agreement shall be credited against the cost of the facilities to be constructed or previously constructed by the developer.

46. 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.

47. 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.

48. The Developer shall, at no expense to the City, construct portland cement concrete pavement to widths of 7.5m, 8.0m and 10.0m and thicknesses of 150mm and 200mm respectively in all streets within the proposed subdivision, and all related works including, but not necessarily limited to boulevard landscaping, ornamental street

lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

49. The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services to be installed in Bishop Grandin Boulevard along the full length of the subject property abutting the south side of Bishop Grandin Boulevard, or alternatively construct an equivalent length of concrete pavement and all related works in Bishop Grandin Boulevard to the west of this application:

    i) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and all
    ii) related works;
    iii) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk;
    iv) street lighting in the south boulevard;
    v) landscaping in the south boulevard;

    all as determined by the Director of Public Works.

50. The Developer shall, at no expense to the City, construct within the proposed Public Walks the following works:

    i) a 1.5m in width by 100mm Portland cement concrete sidewalk;
    ii) asphaltic concrete surfacing on both sides of the sidewalk to the side property lines;
    iii) chain link fence along the side property lines
    iv) post and chain fencing, with appropriate sidewalk opening, at both street ends of the Public Walk;

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

51. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the both sides of all streets with a right-of-way width of 22.0m or greater as determined by and to the satisfaction of the Director of Public Works.

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

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

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

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

56. Where single and two family residential lots back onto Plessis Road 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 16.0 metres.

57. The Developer shall, at no expense to the City;

    i) construct, within the rear yards of all one and two family lots abutting Plessis Road, a uniform noise attenuation fence 2.0m in height and,
    ii) permit the City to file a caveat against the title of each of these proposed lots abutting Plessis Road requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed.

    all to the satisfaction of the Director of Public Works.

58. All single-family and two-family residential lots backing onto Bishop Grandin Boulevard shall be of sufficient depth to provide a minimum rear-yard setback which together with other sound attenuation measures such as a berm and/or noise-attenuation fence achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65dBA in the typical outdoor recreation area of those lots, and the Zoning Agreement covering those lots shall stipulate this minimum rear yard.

59. The Developer shall, at no expense to the City, construct within the 10.0m public reserve widening along Bishop Grandin Boulevard abutting the proposed residential lots and within the rear 10.0m of those proposed lot, a continuous berm, centred on the proposed property line, and all related works, including but not necessarily limited to sodding and landscaping in accordance with plans approved by the Director of Public Works, all as determined by and to the satisfaction of the Director of Public Works.

60. The Developer shall, at no expense to the City, construct within the rear yards, on top of the berm to be constructed under Clause 21 above, of the proposed lots abutting Bishop Grandin Boulevard, a uniform noise attenuation 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 Bishop Grandin Boulevard 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.

61. The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of each temporarily dead-ended paved street and provide any rights-of-way or easements necessary to accommodate same, all as determined by, and to the satisfaction of, the Director of Public Works.

62. 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.

63. The Developer shall, at no expense to the City, ensure that two means of paved

vehicular access are available at all times to each stage of development of the Planned Area, to the satisfaction of the Director of Public Works. This may require the construction of temporary paved roadways and the provision of easements or rights-of-way.

64. The Developer shall, at no expense to the City:

    i) ensure that construction traffic uses access routes determined by the Director of Public Works;
    ii) maintain those access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and
    iii) undertake the regular cleaning, including, but not limited to, scraping and sweeping, of those access routes and all streets within the Planned Area, until building construction, including landscaping, is complete

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

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

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

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

68. The Developer shall, at no expense to the City;

    i) provide underground electrical and telephone services to serve the proposed subdivision
    ii) pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

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

70. There shall be no private approaches permitted:

    i) to serve single-family or two-family residential development off residential collector streets (i.e. rights-of-way 22.0 m or wider), except where frontage

roads are provided;

ii) off Bishop Grandin Boulevard; or

iii) serving residential development off Plessis Road.

71. The Developer shall initiate and control 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 buildings, until substantial 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 any costs in remedying the situation to the satisfaction of the Director of Public Works.

72. The Developer shall dedicate to the City, as public reserve, at least 8% of the land contained within the entire Sage Creek Development, and pay its share of the cost of services in streets abutting the dedicated land - all in accordance with City policy, and as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, and Development. The dedication of public reserve for this phase of the development shall be accrued with the dedication of public reserve for all other phases, including the credit provided for improvements installed by the Developer within the Hydro Corridor as detailed in AG 12/10, with compensation tabulated, as necessary, within the final phase of development.

73. The Developer shall, at no expense to the City, landscape the public open space to a standard consistent with the level of development established in previous phases of Sage Creek development, all in accordance with plans and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Planning, Property and Development. Where the Developer is providing naturalized landscaping in lieu of traditional sodding, the scope of landscaping shall include pathway development, naturalized areas, and a site drainage proposal that minimizes runoff across the path system.

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

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

76. 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.

77. 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;

78. 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.

79. 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 30/2012
November 23, 2012

"original signed by K.T. Raban, P. Eng."
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