**Minute No. 164**
**Report – Standing Policy Committee on Property and Development – January 15, 2013**

**Item No. 7 Subdivision and Rezoning– 1201 St. Anne's Road**
**(St. Vital Ward)**
**File DASZ 25/2012 [c/r DAV 165544/2012D]**

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 25/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2012 dated November 20, 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 Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 22, 2012 which is Schedule "B" of this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 25/2012 dated November 20, 2012 to an "RMF-S" Multi-Family Small District and a "PR1" Parks and Recreation 1 District, subject to the following:

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

        i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-S" Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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

COUNCIL DECISION (continued):

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 Servicing 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.

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

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 23, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

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 be concurred in and forwarded to the Standing Policy Committee on Property and Development.

**RE:** **Subdivision and Rezoning – 1201 St. Anne's Road**
**File DASZ 25/2012 [c/r DAV 165544/2012D]**

**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 December 3, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 25/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2012 dated November 20, 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 Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 22, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 25/2012 dated November 20, 2012 to an "RMF-S" Multi-Family Small District and a "PR1" Parks and Recreation 1 District, subject to the following:

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

        i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-S" Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or

development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 Servicing 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.

The Riel Community Committee provided the following supporting reasons 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 20, 2012.

2. This development is a gain for the community; it will provide the opportunity to complete the Seine River Trail.

## PUBLIC HEARING SUMMARY

File: DASZ 25/2012

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

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

Applicant: Parkfield Ventures Inc. (Lisa Dyer)

Subject:




Premises Affected: 1201 St. Anne's Road

Exhibits Filed:

1. Application dated September 21, 2012
2. Notification of Public Hearing dated October 15, 2012
3. Manitoba Status of Title 2327441/1
4. Letter of authorization dated June 12, 2012 from Jose Hernan Valdes and Gilma Sonia Valdes to Parkfield Ventures Inc.
5. Surveyor's Building Location Certificate and sketch dated June 12, 2012
6. Plans (5 pages)
7. Report from the Planning and Land Use Division dated November 20, 2012
8. Inspection Report
9. Audio Recording of representations of public hearing held on December 3, 2012

REPRESENTATIONS:

In Support:

Paul Warkentin, Parkfield Ventures
Tod Niblock
Jose Valdes
Jeremy Wiebe

In Opposition:

Russel Carlson
Robert and Irene Memka
Terry and Evelyn Morrison
Bernard and Doreen Penner
Richard M. Zurba

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 "7" referred to in File DASZ 25/2012

# ADMINISTRATIVE REPORT

**Title:** DASZ 25/2012 – 1201 St. Anne's Road Drive Public Hearing

**Issue:** An application for consideration at the Public Hearing to subdivide the site into two (2) lots and rezone the land from RR5 to RMF-S 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 25/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2012 dated November 20, 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 Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 22, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 25/2012 dated November 20, 2012 to an "RMF-S" Multi-Family Small District and a "PR1" Parks and Recreation 1 District, subject to the following:

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

      i) That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-S" Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 Servicing 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 the site into two (2) lots and rezone the property from “RR5” Rural Residential 5 to “RMF-S” Residential Multi-Family Small and “PR1” Parks and Recreation 1 (Neighbourhood).
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the Public Hearing.

## IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be subdivided into two (2) lots and rezoned from RR5 to RMF-S and PR1.

## HISTORY

- N/A

## 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 20, 2012 |
| File No. | DASZ 25/2012 |

**List of Schedules and Attachments**

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 25/2012 Riel Community Committee, dated November 20, 2012
3. Schedule “B” — Report of the Administrative Coordinating Group
4. Appendix “B” — Plan Approval Design Guidelines for DASZ 25/2012

**APPENDIX 'A'**

**DATE:** November 20, 2012

**FILE:** DASZ 25/2012
**RELATED FILES:** DAV 12-165544/D

**COMMUNITY:** Riel
**NEIGHBOURHOOD #:** 5.530

**SUBJECT:** An application to subdivide the site into two (2) lots and rezone the site from RR5 to RMF-S and PR1.

**LOCATION:** 1201 St. Anne's Road
**LEGAL DESCRIPTION:** LOT 20 PLAN 20519 125/142 ST N




**APPLICANT:** Parkfield Ventures Inc. (Lisa Dyer)
BOX 1139, NIVERVILLE
WINNIPEG MB R0A 1E0

**OWNER:** Jose and Gilma Valdes
1201 St. Anne's Rd.
Winnipeg, MB R2N 4G4

**RECOMMENDATION:** Approval with Conditions

**REPORT SUMMARY**

- The applicant is proposing to subdivide the site into two (2) lots and rezone the property from “RR5” Rural Residential 5 to “RMF-S” Residential Multi-Family Small and “PR1” Parks and Recreation 1 (Neighbourhood).
- The Urban Planning Division recommends supporting this application.

**SITE DESCRIPTION**

- The subject site is located on the east side of St. Anne’s Road, south of the Aldgate/St. Anne’s Road intersection in the Dakota Crossings neighbourhood of the St. Vital Ward.
- The property is approximately **43,560 square feet (1 acre) in area** and contains a one storey detached single-family home that has a living area of 1,372 square feet. This home was built in 1964.
- The City of Winnipeg Natural Services Branch identifies that the eastern extent of the site (along the Seine River) is comprised of Grade B Riverbottom Forest.
- The site is located along a Regional Mixed Use Corridor (St. Anne’s Road) under the Complete Communities Direction Strategy and is zoned “RR5” Rural Residential 5.




**Figure 1: Aerial photograph showing the location of the subject site and surrounding area (2012)**

**SURROUNDING LAND USES AND ZONING (See Figure 2)**

**North:** Attached single storey duplexes zoned RMF-S.

**South:** A four storey multi-family development zoned RMF-M.

**East:** The Seine River.

**West:** St. Anne's Road and three storey townhomes zoned RMF-S.

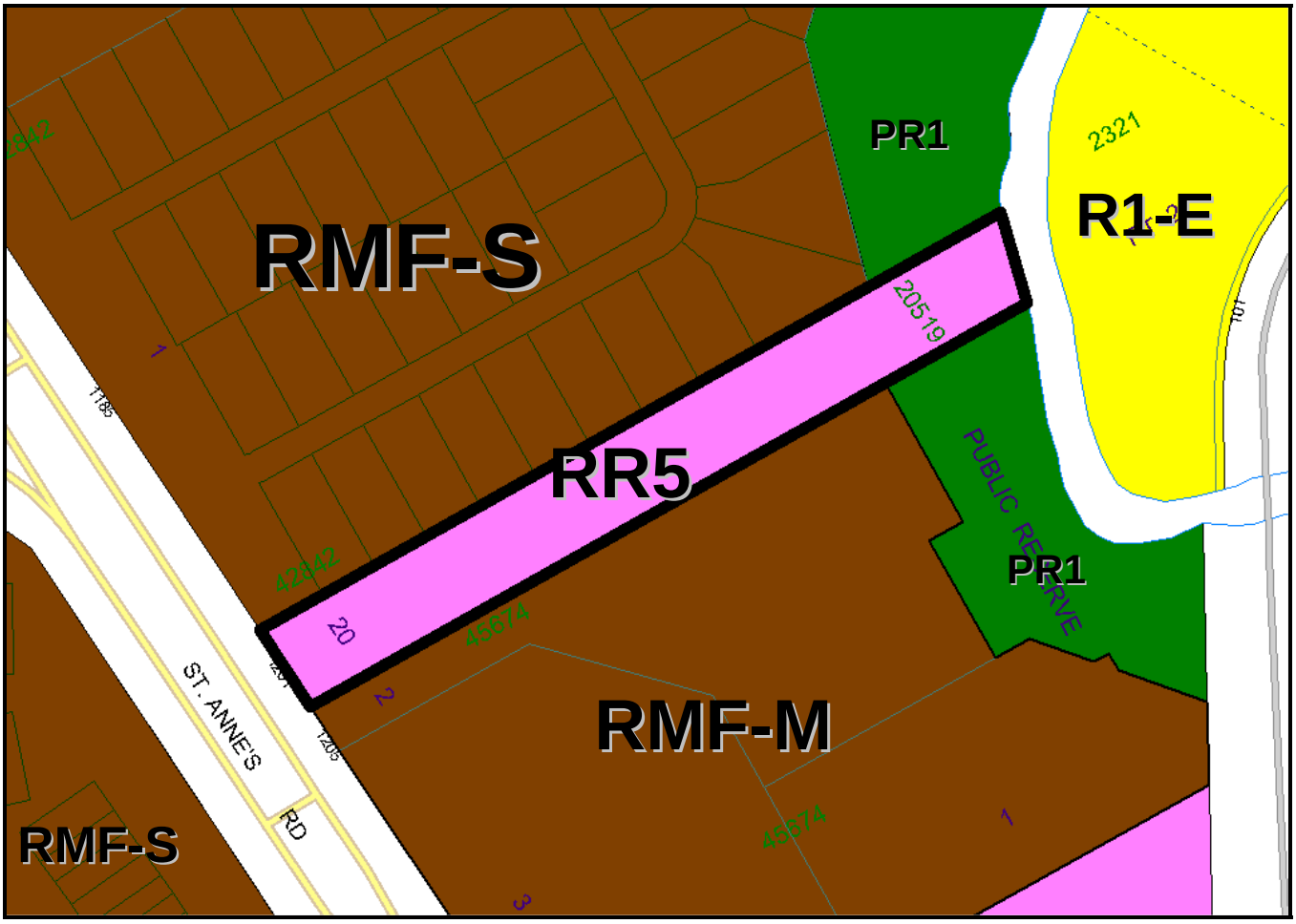



**Figure 2: Zoning of the site and surrounding area.**

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- The applicant is proposing to subdivide the site into two (2) lots and rezone the property from "RR5" Rural Residential 5 to "RMF-S" Residential Multi-Family Small and "PR1" Parks and Recreation 1 (Neighbourhood).
- The RMF-S zoned lot will be 32,234 square feet (0.74 acres) in area and will contain two, six-unit attached townhouse units for a total of twelve dwelling units on the land. The proposed townhouses will be two-storeys in height (25 feet tall). The townhouses will be orientated towards the drive aisle, which will be located at the northern extent of

the site. Parking will be located behind the dwelling units towards the eastern part of the site.

- The proposed PR1-zoned lot is 6,970 square feet in area (0.16 acres) and will be transferred to the City of Winnipeg for the continued development of the Seine River Parkway.
- A variance application (DAV 12-165544/D) is required for the front yard setback, a north side yard setback for the proposed parking aisle, and for proposed buffering at the northern extent of the property.

**ANALYSIS AND ISSUES**

- Under the Complete Communities Direction Strategy the proposed development is located along a Mixed-Use Corridor (St. Anne's Road). Key relevant policies guiding development along Mixed Use Corridors include:
    - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
    - Support a range of housing opportunities in terms of type, tenure, unit size.
    - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
    - Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments.
    - Promote high-quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community.
    - Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.
    - Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.

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%.

*"RMF-S" Residential Multi-Family Small*

- The RMF-S zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1,250 square feet.

*"PR1" Parks and Recreation 1 (Neighbourhood) District*

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

LAND USE BY-LAW

*Rezoning*

- The RR5 zoning district is intended for rural, single-family residential development with a minimum lot area of five acres. The applicant is proposing to rezone the land from RR5 to RMF-S to allow for the development multi-family buildings and to PR1 in order to allow for the continued development of the Seine River Parkway.

*Variances*

1) A front yard building alignment is conducted by the Public Service for proposed residential developments that have front yards that are not consistent with the front yards of the majority of the block. In this case the Public Service determined that the required front yard alignment is 56 feet. The applicant is proposing a 19.5 foot front yard for the multi-family development.

2(a) The minimum side yard setback in the RMF-S zone is 4 feet. The applicant is proposing to have a 1 foot north side yard setback for the proposed parking aisle.

2(b) The applicant is not complying with the buffering requirements for parking areas and drive aisles under section 190(7) of the Zoning By-law. Under the Zoning By-law the maximum horizontal length for fences is 48 feet. At the end of each 48 foot section a landscaped strip that is 16 feet in length and 4 feet in width is required. The applicant is proposing to rely on the existing fence located to the north to screen the drive aisle.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Complete Communities Direction Strategy encourages the intensification of land uses along major corridors such as St. Anne's Road.
- The rezoning to RMF-S is consistent and compatible with the surrounding properties, which are already zoned for multi-family development. The property to the south was rezoned from RR5 to RMF-M in 2005 under DASZ 13/2005, and the property to the north was rezoned from RR5 to RMF-S in 2001 under DASZ 25/2001.
- St. Anne's Road is a high capacity arterial that can appropriately support higher intensity uses, which is part of the reason why the Complete Communities Direction Strategy encourages intensification along these Mixed-Use Corridors.
- It should be noted that, if rezoned to RMF-S, the lot could accommodate up to 25 dwelling units. However, developing the site to its full capacity would require the

construction of a building that is no taller than 35 feet and a site plan that could accommodate all of the required parking. Any building taller than the allowable 35 feet and/or associated parking with less than the Zoning By-law requirement would require a variance application.

- The subdivision and rezoning of the property allows for the creation of the PR1 zoned lot that will facilitate the continuation of the Seine River Parkway trail in this location. This particular property has been a key missing link for the trail.

RECOMMENDED ZONING AGREEMENT

*Plan Approval*

- The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the lot to be zoned RMF-S. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans before development takes place for the proposed development and for any future developments on the site. Design guidelines for future development have been included in Appendix “B”.

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 B, Section 4).

**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.
- The rezoning to RMF-S is consistent and compatible with the surrounding properties, which are already zoned for multi-family development.
- The subdivision and rezoning of the property allows for the creation of the PR1 zoned lot that will facilitate the continuation of the Seine River Parkway trail in this location.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 25/2012

**Schedule "A" for File No. DASZ 25/2012, Riel Community Committee, dated November 20, 2012**

By-Law No. _____

File No. **DASZ 25/12**

Atlas Sheet No.

N

**AJ29**
**RIEL**
**COMMUNITY**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1201 St. Anne's Road from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT and a "PR1" PARK AND RECREATION 1 DISTRICT to allow for the construction of multiple family dwellings as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

## SCHEDULE B

## REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – NOVEMBER 22, 2012

**RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 1201 ST. ANNE'S ROAD - DASZ 25/2012**

It is recommended that the approval of DASZ 25/2012, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions;

1. The Developer shall retain the services of a Manitoba Land Surveyor to prepare a Plan of Subdivision, for inclusion in the Servicing Agreement, delineating the geodetic elevation 230.5 m contour, and identifying the areas of the property above and below this contour.

2. The Developer shall sell to the City, for Seine River Waterway purposes, at a price not to exceed $15,000.00 per acre, the land lying to the east of the 230.5-m contour, in accordance with the City's Seine River Waterway policy. This land shall be identified as Public Reserve.

3. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City the Seine River Waterway Land-Acquisition-Study Charge ($145.00 per acre) attributable to that portion of the Planned Area above geodetic elevation 230.5 m.

4. The Developer shall dedicate 10% of the land within the Planned Area, above and adjacent to the 230.5m elevation contour, as Public Reserve, the specific configuration of which shall be as determined by the Director of Planning, Property and Development and as necessary to preserve and protect the greatest extent of existing riverbank habitat (thereby necessitating as little landscape redevelopment as possible) and, where possible, to provide pathway development outside of flood prone areas, to connect both north and south.

5. The Developer shall, prior to the issuance of final occupancy permits, at no expense to the City, prepare and provide construction drawings for, and construct, a multi-use, granular-surfaced public pathway - the "Seine River Trail"- and associated grading and landscaping, within the dedicated Public Reserve, to connect and align with existing trail segments north and south of this site, in accordance with plans and specifications approved by the Director of Planning Property and Development,

6. Following the completion of the trail, the Developer shall grant easements to the City for all purposes with respect to the trail, to the satisfaction of the Director of Planning, Property and Development.

7. The Developer shall erect an information sign at the front of the property which highlights the Seine River Greenway and future trail, and maintain the sign until the trail is constructed. The Developer's site plan shall show the proposed Seine River Greenway and future Trail, and signs shall be installed at the location of the proposed trail identifying the location as "Proposed Seine River Trail", all to the satisfaction of the Director of Planning, Property and Development.

8. As applicable, the Developer shall submit, to the City, a copy of the condominium agreement for the development, which shall include a description of the proposed Seine River Trail and identify that this trail is to be accessible to the public.

9. 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.

10. 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.

11. The Developer shall, prior to the release of subdivision mylars pay its share of the regional land drainage system (2012 Rate = $18,999.00/acre).

12. The Developer shall, prior to release of the subdivision mylars, pay its share of the cost of the following improvements installed by others in St. Anne's Road along the full length of the subject property abutting St. Anne's Road:

    a. A 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and related works;
    b. Street lighting in the east boulevard;
    c. Landscaping in the east boulevard;
    d. A 1.5m in width by 100mm in thickness portland cement concrete sidewalk;
    e. Land drainage sewer laterals

    All as determined by the Directors of Public Works and Water and Waste. (2012 Rate = $483.00/frontage foot x 66.2 frontage feet).

13. 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 & Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

14. 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 (minimum $1,650.00) 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 25/2012
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## APPENDIX 'B' Design Guidelines

Plan Approval Design Guidelines for DASZ 25/2012 – 1201 St. Anne's Road

### 1. Site Planning

1.1 The site layout and building orientation should ensure that the buildings relate appropriately to the street (St. Anne's Road) 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.

### 2. Building Orientation and Design

2.1 The building façade facing the 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 streetfront of the development (i.e. along St. Anne's Road or Creek Bend Road) and along the side and rear yards. It is preferred that existing trees be preserved as much as possible.

### 4. Fencing

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