Minutes - Executive Policy Committee – July 10, 2013

Minute No. 390
Report - Standing Policy Committee on Property and Development – July 2, 2013

Item No. 11 Subdivision and Rezoning – northeast corner of existing Nelson Avenue and Peguis Street (east limit at existing Angela Street) (Transcona Ward)
File DASZ 12/2013 [c/r DAC 5/2013]

STANDING COMMITTEE RECOMMENDATION:

On July 2, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, both as amended, and submitted the following to Council:

1. That the plan of subdivision under File DASZ 12/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 12/2013 dated May 14, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer enter into a Development Agreement with the City of Winnipeg containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 9, 2013, as amended:

        A. Plan Considerations

        1. The Developer shall dedicate and legally open, property required for a 0.912m widening of the Peguis Street right-of-way along the full length of Peguis Street abutting the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

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

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

4. The Developer shall provide right-of-way widths of 6.25m for each public lane serving single or two-family residential development, and 7.25m for each public lane serving multi-family residential and commercial development, to the satisfaction of the Director of Public Works.

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

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

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

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

B. Engineering Report and Servicing Criteria

1. The Developer shall, provide, to the satisfaction of the Director of Water and Waste, a comprehensive servicing report, prepared by a qualified municipal engineer outlining the provision of underground services for the proposed subdivision and adjacent lands. The report shall include an engineer’s estimate of the cost to construct the regional land drainage facilities in order to determine the trunk service rate.

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

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C. Agreement Conditions

1. The Developer shall construct, at no expense to the City, 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 construct, at no expense to the City, 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 construct, at no expense to the City, lot line services to service all lots within the Planned Area, as follows:

    a. The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

    b. The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby agrees to indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

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

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

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

6. The Developer shall pay its share of the cost of the regional land drainage system for the Planned Area as determined by the Director of Water and Waste and, the cost of regional land drainage facilities constructed by the Developer (including the value of the land for the stormwater retention basins) shall be credited against this charge.

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

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

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

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

11. The Developer shall, at no expense to the City, construct two lanes of portland cement concrete pavement to a width of 8.0m by 200mm in thickness on the two easterly lanes of Peguis Street from Devonshire Drive to the CPR Keewatin Subdivision, as determined by and to the satisfaction of the Director of Public Works.

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

13. The Developer shall, prior to the release of the subdivision mylars for said development and that of DASZ 10/2013 and DASZ 11/2013, post a Letter of Credit in the amount of $900,000.00 toward the cost of making a down payment on a new soccer dome at the Park City West Community Centre and that said letter can be drawn upon as and when determined by the East-Kildonan Transcona Community Committee.

14. The Developer shall, pay to the City, in cash, 25% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals at the intersection of Peguis Street and Concordia Avenue East, as determined by and to the satisfaction of the Director of Public Works.

15. Subject to the registration of the plan of subdivision, and no sooner than January 1st, 2015 and no later than June 30, 2015, the City shall pay the Developer for the right of way land required for the future Edward Schreyer Parkway in accordance with the Land Value section of the Development Agreement Parameters. (2013 Rate = $45,000/acre, plus GST). In the event payment is not made interest in interest shall be granted at the standard capital boring rate. The Developer will construct a 2.5m in width asphalt AT path in the future Edward Schreyer Parkway alignment between Devonshire Drive West and connecting to the first east-west public pedestrian pathway north of Devonshire Drive that exits out on to the future Edward Schreyer Parkway.

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16. The Developer shall, at no expense to the City, construct within the Planned Area abutting the CPR Keewatin Subdivision, a 1.2 metre berm in height, with a uniform fence 2.0m in height, as determined by and to the satisfaction of the Director of Public Works and the East Kildonan-Transcona Community Committee. The Developer is to permit the City to file a caveat against the title of the proposed lot abutting the CPR Keewatin Subdivision requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works. Said fence is intended to ensure that "pedestrian trespass, to the tracks does not become a consequence of the subject development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

17. The Developer shall, pay to the City, in cash, all costs of a Pedestrian Half Signal (push-button activated) and shall construct all related works including required boulevard, pavement and sidewalk works, across Devonshire Drive at the multiuse pathway, as determined by and to the satisfaction of the Director of Public Works and prior to the issuance of any building permits in DASZ 12/13.

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

19. Private Approaches:

    a) There are to be no private approaches serving single or two family residential development off residential collector streets (i.e. rights-of-way measuring 22.0m or greater in width. The subdivision is to be designed accordingly.

    b) No private approaches will be permitted off the future Edward Schreyer Parkway.

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20. The Developer shall install signs at the entrances to the subdivision, upon which is displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, public lanes, active transportation facilities, community mail boxes, parks, land drainage retention facilities, natural tree stands, and multiple family sites, collector and arterial streets and the future Edward Schreyer Parkway.

21. The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting the future Edward Schreyer Parkway, a 1.2m berm in height with a uniform wooden fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the future Edward Schreyer Parkway 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.

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

23. 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.

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

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

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

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

28. The Developer shall, at no expense to the City, be responsible to control and to initiate the clean-up of litter and refuse from the contractors and builders for this development, both on-site and off- site, during the installation of services and construction of houses, until completion of all construction. The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.

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

30. The Developer shall, at no expense to the City, sod, and plant trees on, all boulevards within and fronting on the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

31. 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.

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32. The Developer shall dedicate as public reserve at least 8% of the land contained within the overall development area and shall, at no expense to the City, undertake site improvements, landscaping and construct paths within the public reserves subject to Plan Approval by the East Kildonan-Transcona Community Committee, and pay its share of the cost of services in streets abutting the dedicated land all in accordance with plans and specifications approved by the Director of Public Works. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property, Planning & Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash, or, by the provision of and equivalent value of additional site amenities in the public reserves within the planned area, as approved by the Directors of Public Works and Planning Property and Development.

33. 100% credit shall be granted for linear parks along retention ponds where the sloped grade limits multi-use options

34. If deemed mutually agreeable by the City and the Developer, the dedication credits may be accrued between the subject development, DASZ 10/13 and DASZ 11/13, the determination of which must be confirmed prior to issuance of Total Performance for Parks, for the first completed planned area.

35. The developer shall, at no cost to the city, provide continuous black chain-link fencing for properties with side or rear yards abutting public reserve land, or where trails or play equipment is anticipated to be within 10’ of residential property line. Said fence to be located within private property and established by caveat to be the responsibility thereafter of the private property owner.

36. Park space development should be undertaken by the time the build out has reached 80% and completed prior to 100% build out, within that phase of the development, unless an extension of time has been previously approved by the Director of Public Works.

37. The developer shall, assume responsibility for all public reserve sites until they are developed and throughout the maintenance period.

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38. 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 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. Commencement of the maintenance period will correspond with the issuance of Total Performance for Parks and shall be deemed complete by the issuance of a Final Acceptance Certificate for Parks.

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

40. The Developer shall, as deemed necessary by, and at no expense to, the City, supply and install trail network signage and trail related traffic signage, on pathways and Active Transportation corridors, consistent with standards and specifications applied to similar citywide networks, and as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, and Development.

41. 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.

42. 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;

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43. 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.

44. 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.

45. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalks on the standard alignment, 0.3m off the property line and 3.5m in width asphalt multi-use pathways along specific streets/public right aways as shown on the Sidewalk/AT Schedule attached hereto as Exhibit 14 to File DASZ 12/2013 as determined by and to the satisfaction of the Director of Public Works.

46. The Development Agreement will delete all references to the requirement for any area charge in this application with the exception of the funds that have been collected to date in the Concordia/Peguis Area Charge which shall now be dedicated to the construction of a standard four lane cross-section collector street road to be constructed on Peguis Street, including continuing the AT path on the west side of Peguis Street and the sidewalk on the east side of Peguis Street, from the terminus of the Developer’s obligation in Peguis Street at a point just south of the CPR Mainline and up to the Concordia Avenue East and Peguis Street intersection or to a point as near as possible to the Concordia Avenue East and Peguis Street intersection, as funds may allow, including the necessary works for the rail line crossing, and to be constructed by the City no later than the 2014 construction season, as determined by and to the satisfaction of the Director of Public Works.

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47. Delete Figure 1, Concordia/Peguis Area Charge, dated May 10, 2013.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 12/2013 dated May 14, 2013 to a "R1-M", "RMF-S", "RMF-M", and "PR1" zoning 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" and "RMF-M" Residential Multifamily, plans shall be submitted showing the location and design of the proposed buildings, potential shadow impacts, 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 East Kildonan-Transcona 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.

ii. The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting the future Edward Schreyer Parkway, a 1.2m berm in height with a uniform wooden fence 2.0m in height, to the satisfaction of the Director of Public Works and the East Kildonan-Transcona Community Committee. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the future Edward Schreyer Parkway 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.

iii. That, the Developer shall ensure that single-family and two-family residential lots which back onto the future Edward Schreyer Parkway 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.

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iv. The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting the CPR rail right-of-way, a 1.2m berm in height with a uniform wooden fence 2.0m in height, to the satisfaction of the Director of Planning, Property, and Development and the East Kildonan-Transcona Community Committee. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the CPR rail right-of-way requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

v. That a minimum rear yard of 15m shall be provided within the rear yards of the single family lots and the north side yard of the lot zoned "RMF-S" abutting the CPR rail right-of-way measured from the southern boundary of the existing right-of-way (Plan 1042) to the nearest wall of any principal building.

vi. That, the Developer shall, at no expense to the City, erect uniform continuous black chain-link fencing for properties backing onto park space, or where trails or play equipment is anticipated to be within 10 feet of residential property line to the satisfaction of the Director of Public Works, the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee. Said fence shall be located within private property and future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

vii. That the Developer shall erect two 4 foot by 8 foot signs on the vacant subject property indicating the location and zoning of the "RMF-S" and "RMF-M" Residential Multifamily properties within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or a building permit issued for development.

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3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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-year period and Council approves the extension.

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

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

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

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That 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.

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DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee be concurred in, with the following amendments:

Administrative Coordinating Group Report:

C. Agreement Conditions

- Conditions 16
  Delete the first sentence and replace with the following:
  "The Developer shall, at no expense to the City, construct within the Planned Area abutting the CPR Keewatin Subdivision, a 1.2 metre berm in height, with a uniform fence 2.0m in height, as determined by and to the satisfaction of the Director of Public Works and the East Kildonan-Transcona Community Committee"

and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On July 2, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2013, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

Planner's Report

- Recommendation 2.A.ii
  After the words "a 1.2m berm in height with a uniform wooden fence 2.0m in height, to the satisfaction of the Director of Public Works" add the words "and the East Kildonan-Transcona Community Committee"

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DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Recommendation 2.A.iv
  After the words "a 1.2m berm in height with a uniform wooden fence 2.0m in height, to the satisfaction of the Director of Planning, Property, and Development" add the words "and the East Kildonan-Transcona Community Committee"

- Recommendation 2.A.vi
  After the word "continuous" add the words "black chain-link"
  After the words "within 10 feet of residential property line to the satisfaction of the Director of Public Works, the Director of Planning, Property and Development" add the words "and the East Kildonan-Transcona Community Committee"

- Recommendation 2A.vii
  After the words "signs showing their location and design shall be submitted to Director of Planning, Property and Development" add the words "and the East Kildonan-Transcona Community Committee"

Administrative Coordinating Group's Report

C. Agreement Conditions

- Recommendation 11
  After the words "to a width of 8.0m by 200mm in thickness on" add the words "the two easterly lanes of"

- Delete Recommendations 13, 14, 15, 16, and 17 in their entirety

- Delete Recommendation 19 in its entirety and replace with the following

  "19. The Developer shall, prior to the release of the subdivision mylars for said development and that of DASZ 10/2013 and DASZ 11/2013, post a Letter of Credit in the amount of $900,000.00 toward the cost of making a down payment on a new soccer dome at the Park City West Community Centre and that said letter can be drawn upon as and when determined by the East-Kildonan Transcona Community Committee."

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DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Delete Recommendation 20 in its entirety and replace with the following
  20. The Developer shall, pay to the City, in cash, 25% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals at the intersection of Peguis Street and Concordia Avenue East, as determined by and to the satisfaction of the Director of Public Works.

- Delete Recommendation 21 in its entirety and replace with the following
  21. Subject to the registration of the plan of subdivision, and no sooner than January 1st, 2015 and no later than June 30,2015, the City shall pay the Developer for the right of way land required for the future Edward Schreyer Parkway in accordance with the Land Value section of the Development Agreement Parameters. (2013 Rate = $45,000/acre, plus GST). In the event payment is not made interest in interest shall be granted at the standard capital boring rate. The Developer will construct a 2.5m in width asphalt AT path in the future Edward Schreyer Parkway alignment between Devonshire Drive West and connecting to the first east-west public pedestrian pathway north of Devonshire Drive that exits out on to the future Edward Schreyer Parkway.

- Delete Recommendation 23 in its entirety and replace with the following:
  23. The Developer shall, pay to the City, in cash, all costs of a Pedestrian Half Signal (push-button activated) and shall construct all related works including required boulevard, pavement and sidewalk works, across Devonshire Drive at the multiuse pathway, as determined by and to the satisfaction of the Director of Public Works and prior to the issuance of any building permits in DASZ 12/13.

- Recommendation 38
  After the words “at no expense to the City, undertake site improvements” add the word “landscaping”
  After the words “and construct paths within the public reserves” add the words “subject to Plan Approval by the East Kildonan-Transcona Community Committee

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DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Delete Recommendation 39 in its entirety and replace with the following
  "39. 100% credit shall be granted for linear parks along retention ponds where the sloped grade limits multi-use options"

- Delete recommendation 40 in its entirety

- Delete Recommendation 42 and 43 in their entirety

- Recommendation 44
  After the words "provide continuous" add the words "black chain-link"

- Add the following new recommendations

  54. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalks on the standard alignment, 0.3m off the property line and 3.5m in width asphalt multi-use pathways along specific streets/public right aways as shown on the Sidewalk/AT Schedule attached hereto as Exhibit 14 to File DASZ 12/2013 as determined by and to the satisfaction of the Director of Public Works.
  55. The Development Agreement will delete all references to the requirement for any area charge in this application with the exception of the funds that have been collected to date in the Concordia/Peguis Area Charge which shall now be dedicated to the construction of a standard four lane cross-section collector street road to be constructed on Peguis Street, including continuing the AT path on the west side of Peguis Street and the sidewalk on the east side of Peguis Street, from the terminus of the Developer's obligation in Peguis Street at a point just south of the CPR Mainline and up to the Concordia Avenue East and Peguis Street intersection or to a point as near as possible to the Concordia Avenue East and Peguis Street intersection, as funds may allow, including the necessary works for the rail line crossing, and to be constructed by the City no later than the 2014 construction season, as determined by and to the satisfaction of the Director of Public Works.

Report - Standing Policy Committee on Property and Development – July 2, 2013

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

56. Delete Figure 1, Concordia/Peguis Area Charge, dated May 10, 2013, and forwarded to Standing Policy Committee on Property and Development.

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

On May 21, 2013, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on June 18, 2013, at 6:00 p.m., in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – northeast corner of existing Nelson Avenue and Peguis Street (east limit at existing Angela Street) File DASZ 12/2013 [c/r DAC 5/2013]**

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

Prepared by: **Josie Marques, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **June 25, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2013, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 12/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 12/2013 dated May 14, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer enter into a Development Agreement with the City of Winnipeg containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 9, 2013, ***as amended:***

        A. Plan Considerations

        1. The Developer shall dedicate and legally open, property required for a 0.912m widening of the Peguis Street right-of-way along the full length of Peguis Street abutting the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

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

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

4. The Developer shall provide right-of-way widths of 6.25m for each public lane serving single or two-family residential development, and 7.25m for each public lane serving multi-family residential and commercial development, to the satisfaction of the Director of Public Works.

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

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

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

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

B. Engineering Report and Servicing Criteria

1. The Developer shall, provide, to the satisfaction of the Director of Water and Waste, a comprehensive servicing report, prepared by a qualified municipal engineer outlining the provision of underground services for the proposed subdivision and adjacent lands. The report shall include an engineer's estimate of the cost to construct the regional land drainage facilities in order to determine the trunk service rate.

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

C. Agreement Conditions

1. The Developer shall construct, at no expense to the City, 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 construct, at no expense to the City, 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 construct, at no expense to the City, lot line services to service all lots within the Planned Area, as follows:

    a. The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

    b. The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby agrees to indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

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

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

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

6. The Developer shall pay its share of the cost of the regional land drainage system for the Planned Area as determined by the Director of Water and Waste and, the cost of regional land drainage facilities constructed by the Developer (including the value of the land for the stormwater retention basins) shall be credited against this charge.

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

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

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

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

11. The Developer shall, at no expense to the City, construct two lanes of portland cement concrete pavement to a width of 8.0m by 200mm in thickness on ***the two easterly lanes of*** Peguis Street from Devonshire Drive to the CPR Keewatin Subdivision, as determined by and to the satisfaction of the Director of Public Works.

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

~~***13. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk on the standard alignment, 0.3m off of the property line, along both sides of all streets within the Planned Area with rights-of-way measuring 22.0m in width or greater except where multi-use pathways are constructed, as determined by and to the satisfaction of the Director of Public Works.***~~

~~***14. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk on the standard alignment, 0.3m off of the property line on the east side of Peguis Street from Devonshire Drive to the CPR Keewatin Subdivision.***~~

~~***15. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk on the standard alignment, 0.3m off of the property line on one side of all north-south local streets between Devonshire Drive and the multi-use pathway to the north.***~~

~~*16. The Developer shall pay its share of the cost of the following improvements in Concordia Avenue East on an area basis, for the area as illustrated on the attached Figure 1, as determined by the Director of Public Works:*~~

~~*a) an 8.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works in Concordia Avenue East between the existing Lagimodiere/Concordia interchange and the east limit of the existing Peguis Street, including a temporary asphaltic concrete transition section to the existing gravel roadway in Peguis Street north of Concordia Avenue East;*~~

~~*b) 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the north and south boulevards of Concordia Avenue East:*~~

~~*c) street lighting in the north boulevard of Concordia Avenue East;*~~

~~*d) landscaping in the north boulevard of Concordia Avenue East;*~~

~~*e) modifications to the existing Lagimodiere/Concordia interchange to accommodate the connection of Concordia Avenue East to the interchange, , including, but not necessarily limited to through lanes, turning lanes, channelization, medians, asphalt transitions, land drainage works, street lighting, boulevard landscaping, sidewalks, median hazard markers and all related works.*~~

~~*17. The Developer shall pay its share of the cost of the following improvements in Peguis Street on an area basis, for the area as illustrated on the attached Figure 1, as determined by the Director of Public Works:*~~

~~*a. two 8.0m in width by 200mm in thickness portland cement concrete lanes of pavement and all related works in Peguis Street, between Concordia Avenue East and the CPR Molson Subdivision including a temporary asphaltic concrete transition section to the existing gravel roadway in Peguis Street south of the CPR Molson Subdivision;*~~

~~*b. 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the east and west boulevards of Peguis Street;*~~

~~c. street lighting in both the east and west boulevards of Peguis Street;~~

~~d. landscaping in both the east and west boulevards of Peguis Street;~~

~~e. modifications to the existing railway crossing and the existing crossing protection at Peguis Street and the CPR Molson Subdivision as may be required by Transport Canada and/or Canadian Pacific Railway (CPR).~~

~~19.~~13. ~~The Developer's share of the cost of the works described in items 17. and 18. above is $10,892/acre (2013 rate).~~ The Developer shall, prior to the release of the subdivision mylars for said development and that of DASZ 10/2013 and DASZ 11/2013, post a Letter of Credit in the amount of $900,000.00 toward the cost of making a down payment on a new soccer dome at the Park City West Community Centre and that said letter can be drawn upon as and when determined by the East-Kildonan Transcona Community Committee.

~~20.~~14. ~~The Developer shall, pay to the City, in cash, on demand 25% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals at the intersection of Peguis Street and Concordia Avenue East, as determined by and to the satisfaction of the Director of Public Works.~~ The Developer shall, pay to the City, in cash, 25% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals at the intersection of Peguis Street and Concordia Avenue East, as determined by and to the satisfaction of the Director of Public Works.

~~21.~~15. ~~The City shall pay the Developer for the right of way land required for the future Edward Schreyer Parkway in accordance with the Land Value section of the Development Agreement Parameters. (2013 Rate = $45,000/acre).~~ Subject to the registration of the plan of subdivision, and no sooner than January 1st, 2015 and no later than June 30,2015, the City shall pay the Developer for the right of way land required for the future Edward Schreyer Parkway in accordance with the Land Value section of the Development Agreement Parameters. (2013 Rate = $45,000/acre, plus GST). In the event payment is not made interest in interest shall be granted at the standard capital boring rate. The Developer will construct a 2.5m in width asphalt AT path in the future

Edward Schreyer Parkway alignment between Devonshire Drive West and connecting to the first east-west public pedestrian pathway north of Devonshire Drive that exits out on to the future Edward Schreyer Parkway.

~~22~~. 16. The Developer shall, at no expense to the City, construct within the Planned Area abutting the CPR Keewatin Subdivision, a uniform fence 2.0m in height, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of the proposed lot abutting the CPR Keewatin Subdivision requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works. Said fence is intended to ensure that "pedestrian trespass, to the tracks does not become a consequence of the subject development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

~~23~~. 17. ~~The Developer shall, pay to the City, in cash, on demand, all costs of a pedestrian corridor (push-button activated with overhead flashing lights) and related works including required boulevard, pavement and sidewalk works, across Devonshire Drive at the multi-use pathway, as determined by and to the satisfaction of the Director of Public Works~~. The Developer shall, pay to the City, in cash, all costs of a Pedestrian Half Signal (push-button activated) and shall construct all related works including required boulevard, pavement and sidewalk works, across Devonshire Drive at the multiuse pathway, as determined by and to the satisfaction of the Director of Public Works and prior to the issuance of any building permits in DASZ 12/13.

~~24~~. 18. Where single and two family residential lots back onto the future Edward Schreyer Parkway, the said lots are to be established with a minimum depth to provide a minimum rear yard setback to achieve the City's Motor Vehicle Noise Policies and Guidelines sound level limit of 65 dBA in the typical outdoor recreation area of said residential lots. The Zoning Agreement covering these lots is to stipulate this minimum rear yard.

~~25~~. 19. Private Approaches:

a) There are to be no private approaches serving single or two family residential development off residential collector streets (i.e. rights-of-way measuring 22.0m or greater in width. The subdivision is to be designed accordingly.

b) No private approaches will be permitted off the future Edward Schreyer Parkway.

~~***26***~~. ***20***. The Developer shall install signs at the entrances to the subdivision, upon which is displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, public lanes, active transportation facilities, community mail boxes, parks, land drainage retention facilities, natural tree stands, and multiple family sites, collector and arterial streets and the future Edward Schreyer Parkway.

~~***27***~~. ***21***. The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting the future Edward Schreyer Parkway, a 1.2m berm in height with a uniform wooden fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the future Edward Schreyer Parkway 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.

~~***28***~~. ***22***. The Developer is to provide two paved means of vehicular access to each stage of development within the Planned Area at all times, to the satisfaction of the Director of Public Works. This may require the construction of temporary paved streets and the provision of right-of-way or easements therefore.

~~***29***~~. ***23***. 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.

~~***30***~~. ***24***. The Developer shall construct paved cul-de-sac vehicular turnarounds at the terminus of each temporarily dead-ended street and provide any necessary right-of-way or easements therefore, all as determined by and to the satisfaction of the Director of Public Works.

~~***31.***~~ ***25***. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs to be installed at all new street intersections being created as a result of the subdivision.

~~***32***~~. ***26***. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.

~~***33***~~. ***27***. The Developer shall pay all costs associated with the relocation of streetlights and other utilities made necessary as a result of or required to

accommodate works, which are to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

~~34~~. ***28***. The Developer shall, at no expense to the City, be responsible to control and to initiate the clean-up of litter and refuse from the contractors and builders for this development, both on-site and off- site, during the installation of services and construction of houses, until completion of all construction. The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.

~~35~~. ***29***. The Developer shall, at no expense to the City, ensure that construction traffic uses routes as determined by the Director of Public works. The Developer shall maintain, at no expense to the City, the access routes in a clean dust free condition, free of dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

~~36~~. ***30***. The Developer shall, at no expense to the City, sod, and plant trees on, all boulevards within and fronting on the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

~~37~~. ***31***. 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.

~~38~~. ***32***. The Developer shall dedicate as public reserve at least 8% of the land contained within the overall development area and shall, at no expense to the City, undertake site improvements, ***landscaping*** and construct paths within the public reserves ***subject to Plan Approval by the East Kildonan-Transcona Community Committee***, and pay its share of the cost of services in streets abutting the dedicated land all in accordance with plans and specifications approved by the Director of Public Works. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property, Planning & Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash, or, by the provision of and equivalent value of additional site amenities in the public reserves within the planned area, as approved by the Directors of Public Works and

Planning Property and Development.

~~*39*~~. *33*. ~~*Partial credit only shall be granted for linear parks along retention ponds where the sloped grade limits multi-use options, the determination of which shall be to the satisfaction of the Director of Planning, Property and Development*~~. ***100% credit shall be granted for linear parks along retention ponds where the sloped grade limits multi-use options***

~~*40. If the City deems that the provision of irrigation or water service to the public reserve is not required, the Developer shall provide compensation in the form of site amenities of predetermined equivalent value.*~~

~~*41*~~. *34*. If deemed mutually agreeable by the City and the Developer, the dedication credits may be accrued between the subject development, DASZ 10/13 and DASZ 11/13, the determination of which must be confirmed prior to issuance of Total Performance for Parks, for the first completed planned area.

~~*42. . The Developer acknowledges that the City will not expect compensation from the Developer for the Developer's provision of serviced frontages which are in less than the standard 100 feet per acre.*~~

~~*43. For the Public Walkway leading to the future Edward Schreyer Parkway, if the City determines that the provision of a pathway connection should not occur at the time of development, the equivalent value for that work shall be tabulated and added to the cash-in-lieu payment or applied to other park improvement, to the satisfaction of the Director of Public Works. Site grading, however, shall be designed to accommodate a future path that complies with universal design standards.*~~

~~*44*~~. *35*. The developer shall, at no cost to the city, provide continuous ***black chain-link*** fencing for properties with side or rear yards abutting public reserve land, or where trails or play equipment is anticipated to be within 10' of residential property line. Said fence to be located within private property and established by caveat to be the responsibility thereafter of the private property owner.

~~*45*~~. *36*. Park space development should be undertaken by the time the build out has reached 80% and completed prior to 100% build out, within that phase of the development, unless an extension of time has been previously approved by the Director of Public Works.

~~*46*~~. *37*. The developer shall, assume responsibility for all public reserve sites until they are developed and throughout the maintenance period.

***~~47~~*. *38*.** 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 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. Commencement of the maintenance period will correspond with the issuance of Total Performance for Parks and shall be deemed complete by the issuance of a Final Acceptance Certificate for Parks.

***~~48~~*. *39*.** Securities for Public reserve improvements shall not be released in full until Final Acceptance has been issued and as-built drawings have been received and accepted as complete by the Director of Public Works.

***~~49~~*. *40*.** The Developer shall, as deemed necessary by, and at no expense to, the City, supply and install trail network signage and trail related traffic signage, on pathways and Active Transportation corridors, consistent with standards and specifications applied to similar citywide networks, and as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, and Development.

***~~50~~*. *41*.** 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.

***~~51~~*. *42*.** 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;

***~~52~~*. *43*.** 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.

~~*53*~~. *44*. 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.

~~*54*~~. *45. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalks on the standard alignment, 0.3m off the property line and 3.5m in width asphalt multi-use pathways along specific streets/public right aways as shown on the Sidewalk/AT Schedule attached hereto as Exhibit 14 to File DASZ 12/2013 as determined by and to the satisfaction of the Director of Public Works.*

~~*55*~~. *46. The Development Agreement will delete all references to the requirement for any area charge in this application with the exception of the funds that have been collected to date in the Concordia/Peguis Area Charge which shall now be dedicated to the construction of a standard four lane cross-section collector street road to be constructed on Peguis Street, including continuing the AT path on the west side of Peguis Street and the sidewalk on the east side of Peguis Street, from the terminus of the Developer's obligation in Peguis Street at a point just south of the CPR Mainline and up to the Concordia Avenue East and Peguis Street intersection or to a point as near as possible to the Concordia Avenue East and Peguis Street intersection, as funds may allow, including the necessary works for the rail line crossing, and to be constructed by the City no later than the 2014 construction season, as determined by and to the satisfaction of the Director of Public Works.*

~~*56.*~~ *47. Delete Figure 1, Concordia/Peguis Area Charge, dated May 10, 2013.*

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 12/2013 dated May 14, 2013 to a "R1-M", "RMF-S", "RMF-M", and "PR1" zoning 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" and "RMF-M" Residential Multifamily, plans shall be submitted showing the location and design of the proposed buildings, potential shadow impacts, 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 East Kildonan-Transcona 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.

ii. The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting the future Edward Schreyer Parkway, a 1.2m berm in height with a uniform wooden fence 2.0m in height, to the satisfaction of the Director of Public Works ***and the East Kildonan-Transcona Community Committee***. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the future Edward Schreyer Parkway 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.

iii. That, the Developer shall ensure that single-family and two-family residential lots which back onto the future Edward Schreyer Parkway 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, at no expense to the City, construct within the rear yards of all one and two family lots abutting the CPR rail right-of-way, a 1.2m berm in height with a uniform wooden fence 2.0m in height, to the satisfaction of the Director of Planning, Property, and Development ***and the East Kildonan-Transcona Community Committee***. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the CPR rail right-of-way requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

v. That a minimum rear yard of 15m shall be provided within the rear yards of the single family lots and the north side yard of the lot zoned "RMF-S" abutting the CPR rail right-of-way measured from the southern boundary of the existing right-of-way (Plan 1042) to the nearest wall of any principal building.

vi. That, the Developer shall, at no expense to the City, erect uniform continuous ***black chain-link*** fencing for properties backing onto park space, or where trails or play equipment is anticipated to be within 10 feet of residential property line to the satisfaction of the Director of Public Works, the Director of Planning, Property and Development ***and the East Kildonan-Transcona Community Committee***. Said fence shall be located within private property and future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the

satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

vii. That the Developer shall erect two 4 foot by 8 foot signs on the vacant subject property indicating the location and zoning of the "RMF-S" and "RMF-M" Residential Multifamily properties within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to Director of Planning, Property and Development ***and the East Kildonan-Transcona Community Committee*** for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or a building permit issued for development.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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-year period and Council approves the extension.

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

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

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

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That 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 East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

1. This facilitates the connection of Reenders to Peguis, and the closing at Almay..
2. This addresses a lot of the traffic concerns in the neighbourhood and growth in the area.
3. The road upgrades will be tremendous.
4. The developer will have to build a connection to Kildare which is a major east-west connection for the community.
5. The development will have positive impact on Winnipeg's economic situation.
6. There is a demand and need in the area for multiple-family development.
7. The area has an existing community club with more activity than before.
8. There is a plan for a future school in the area.
9. The application is consistence with Transcona area plan and OurWinnipeg.

PUBLIC HEARING SUMMARY

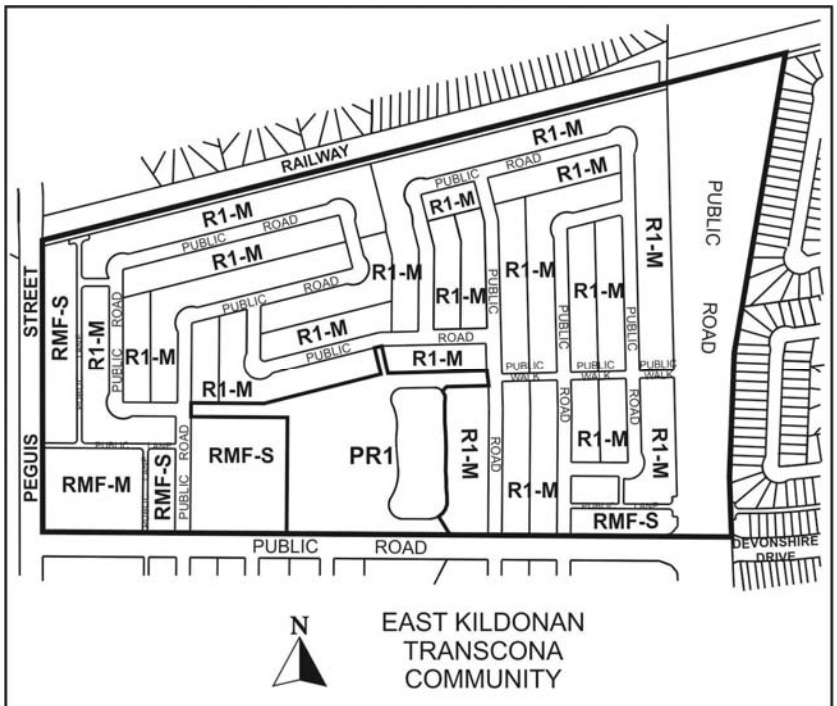
File: DASZ 12/2013

Before: East Kildonan-Transcona Community Committee
Councillor Browaty, Chairperson
Councillor Steen
Councillor Wyatt

Public Hearing: May 21, 2013
June 18, 2013
Council Building, 510 Main Street

Applicant: Genstar Development Company (Dave Boles)

Subject:



APPLICANT : GENSTAR DEVELOPMENT COMPANY
FILE : DASZ 12/13
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 located on the northeast corner of Nelson Ave and Peguis St (east limit of Angela St) shown outlined above from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, "RMF-S and "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICTS and a "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the development of the Devonshire Park (north) development, which will include lands for single family, townhouse, and multifamily development.
For information, phone Mr. M. Pyl, Planner, at 204-986-5595.

Premises Affected:	northeast corner of existing Nelson Avenue and Peguis Street (east limit at existing Angela Street)

Exhibits Filed:

1. Application dated February 26, 2013
2. Notification of Public Hearing dated April 12, 2013
3. Manitoba Status of Titles 1697199/1 and 2259226/1
4. Letter of authorization dated February 26, 2013 from the City of Winnipeg to Genstar Development Company
5. Surveyor's Building Location Certificates and sketches dated November 25, 2012 and November 27, 2012
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated May 14, 2013
8. Inspection Report
9. Communication dated May 14, 2013, from Mike Malyk in opposition to the application
10. Presentation in support of the application, submitted by the applicant at the public hearing
11. Notice of Adjournment dated May 28, 2013
12. Presentation in support of the application, submitted by the applicant at the public hearing
13. Concept Plan (1 page) submitted by the applicant at the public hearing
14. Sidewalk/AT Schedule

REPRESENTATIONS:

In Support:

Dave Boles and Jerry Klein, Genstar Development Company
Marc Brown
Nathan Janzen
Vic Janzen
Lilita Klavins

In Opposition

Noni Bodnar
Stan and Judith Burym
George Hartwig
Troy Hildebrand and Melody Rogan
Chris Howells
Faye and Michael Lozinski

Mike Malyk
Christine Piotrowski
Peter and Judy Pshednovak

For Information:

Heather Bell
Troy Hildebrand
Ted Nestor

For the City:

Mr. M. Pittet, Manager of Land Development, Geomatics, and Land Information Services, Planning, Property and Development Department
Mr. M. Pyl, Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Ms D. Beaton, Park Strategic Planner, Planning, Property and Development Department
Ms C. Desjardine, Community Traffic Engineer, Public Works Department

Exhibit "7" referred to in File DASZ 12/2013

ADMINISTRATIVE REPORT

Title: DASZ 12/13 – NE Peguis at Nelson

Issue: For consideration at the public hearing to facilitate the development of Phase 2 of Devonshire Park through the creation of approximately 500 single family lots, one "RMF-M" residential multifamily site, and hree blocks for duplex or townhouse development, as well as public reserve lands and public right-of-ways

Critical Path: East Kildonan-Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 12/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 12/2013 dated May 14, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer enter into a Development Agreement with the City of Winnipeg containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 9, 2013.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 12/2013 dated May 14, 2013 to a "R1-M", "RMF-S", "RMF-M", and "PR1" zoning 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" and "RMF-M" Residential Multifamily, plans shall be submitted showing the location and design of the proposed buildings, potential shadow impacts, 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 East Kildonan-Transcona 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.

ii. The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting the future Edward Schreyer Parkway, a 1.2m berm in height with a uniform wooden fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the future Edward Schreyer Parkway 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.

iii. That, the Developer shall ensure that single-family and two-family residential lots which back onto the future Edward Schreyer Parkway 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, at no expense to the City, construct within the rear yards of all one and two family lots abutting the CPR rail right-of-way, a 1.2m berm in height with a uniform wooden fence 2.0m in height, to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the CPR rail right-of-way requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

v. That a minimum rear yard of 15m shall be provided within the rear yards of the single family lots and the north side yard of the lot zoned "RMF-S" abutting the CPR rail right-of-way measured from the southern boundary of the existing right-of-way (Plan 1042) to the nearest wall of any principal building.

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

vii. That the Developer shall erect two 4 foot by 8 foot signs on the vacant subject property indicating the location and zoning of the "RMF-S" and "RMF-M" Residential Multifamily properties within twelve (12) months from the date that the said rezoning by-law is adopted by Council; and plans for the signs showing their location and design shall be submitted to Director of Planning, Property and Development for approval; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or a building permit issued for development.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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-year period and Council approves the extension.

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

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

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

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant intends to subdivide and rezone the subject property into approximately 500 single family lots, one “RMF-M” Residential Multifamily site, and three blocks for duplex or townhouse units. This development will comprise the second phase of “Devonshire Park”.
- In concurrence with this application, the applicant has also applied for two other subdivision and rezoning applications. This application will be preceded by both Devonshire Village (DASZ 10/13), located south of Ravelston, as well as the first phase of Devonshire Park (DASZ 11/13), located north of Ravelston.
- This development is occurring within the context of larger, area-wide improvements to the road network. As per the recommendations of the Administrative Coordinating Group, this includes the upgrading of Peguis St, Devonshire Dr, and Ravelston Av W, and the extension of Reenders Dr. A concurrent road closing application will also see the severing of Almey Av at Lagimodiere Blvd.
- The subject property falls within the boundaries of the Transcona West Area Structure Plan.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject property will be subdivided and rezoned.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

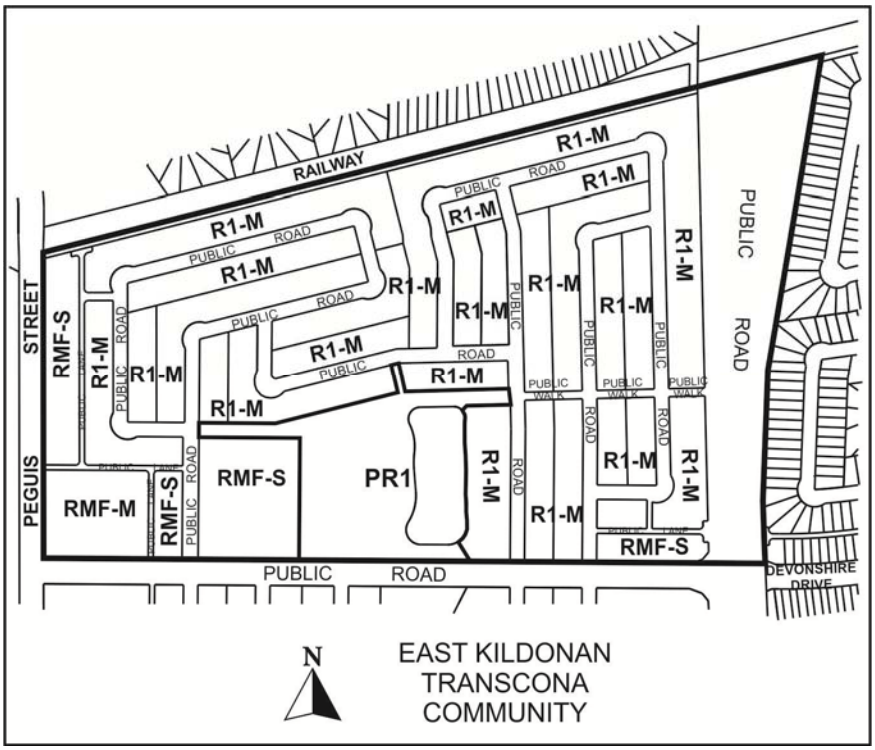
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	May 14, 2013
File No.	DASZ 12/13

APPENDIX 'A'

DATE: May 14, 2013
FILE: DASZ 12/13
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.417

SUBJECT: To establish approximately 500 single family lots, three blocks for duplex or townhome development, and one "RMF-M" residential multifamily site, as well as public reserve lands and public rights-of-way.

LOCATION: Northeast corner of Ravelston Av W and Nelson St



APPLICANT: Dave Boles
Genstar Development Company
320-530 Kenaston Blvd
Winnipeg MB R3N 1Z4

OWNER: Genstar Title Co. Ltd.
320-530 Kenaston Blvd
Winnipeg MB R3N 1Z4

And

The City of Winnipeg
3rd Floor, 65 Garry St
Winnipeg MB R3C 4K4

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to subdivide and rezone the subject property into approximately 500 single family lots, one “RMF-M” Residential Multifamily site, and three blocks for duplex or townhouse units. This development will comprise the second phase of “Devonshire Park”.
- In concurrence with this application, the applicant has also applied for two other subdivision and rezoning applications. This application will be preceded by both Devonshire Village (DASZ 10/13), located south of Ravelston, as well as the first phase of Devonshire Park (DASZ 11/13), located north of Ravelston.
- This development is occurring within the context of larger, area-wide improvements to the road network. As per the recommendations of the Administrative Coordinating Group, this includes the upgrading of Peguis St, Devonshire Dr, and Ravelston Av W, and the extension of Reenders Dr. A concurrent road closing application will also see the severing of Almey Av at Lagimodiere Blvd.
- The subject property falls within the boundaries of the Transcona West Area Structure Plan.

SITE DESCRIPTION

- The subject property is located on the east side of Peguis St north of Nelson Av, south of the CPR mainline, and west of the limit of the existing Kildonan Green development in the Peguis neighbourhood of the Transcona ward.
- The subject property is zoned “RR5” Rural Residential 5 district and is currently vacant. It is 115 acres in area.
- Adjacent properties include the CPR mainline to the north, and beyond, residential development zoned “R1-M”, “RMF-M”, and “RMF-L”, undeveloped land to the west zoned “RR5”, undeveloped land to the south zoned “RR5”, and the existing Kildonan Green development zoned primarily for single family residential development.

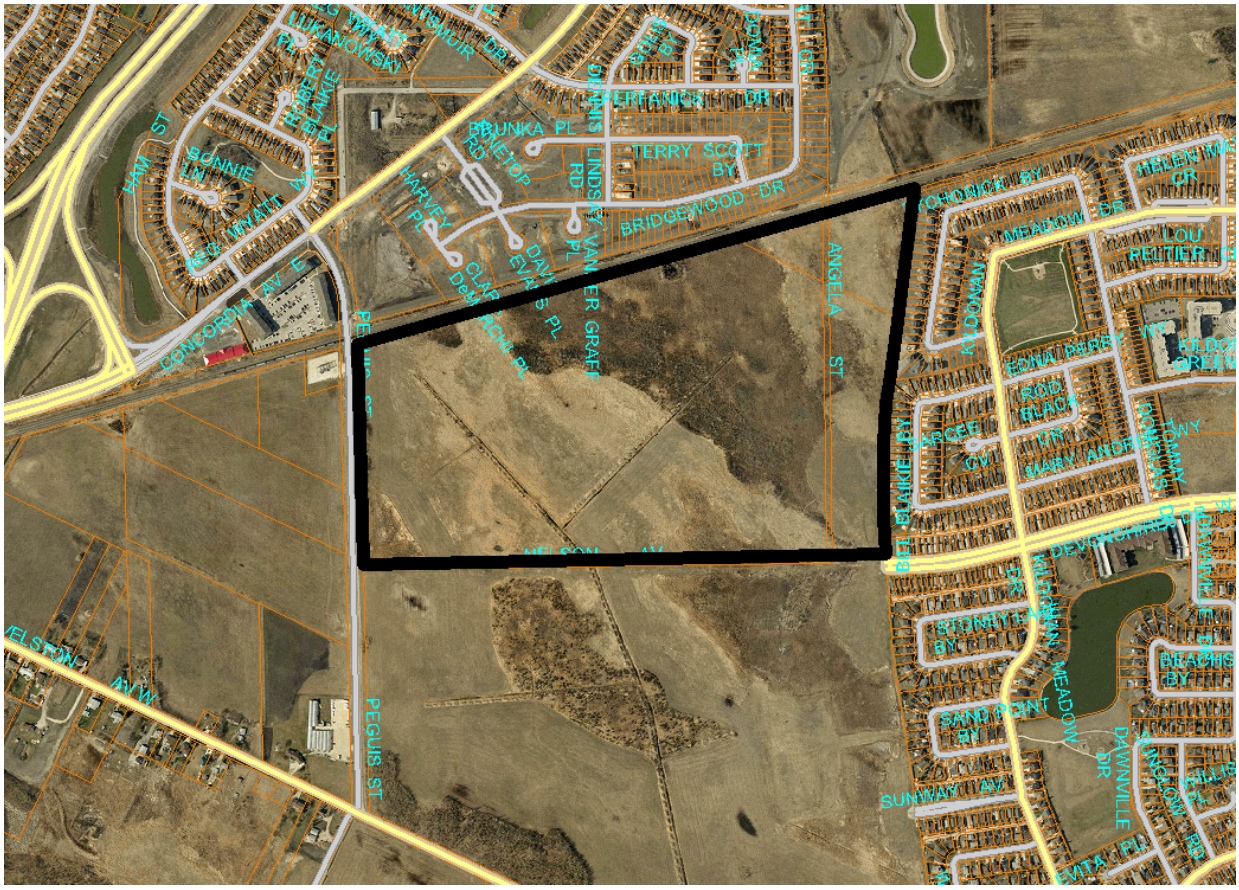


Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to develop the subject property into Phase 2 of a development called “Devonshire Park”.
- This development phase will accommodate approximately 500 single family lots, one “RMF-M” Residential Multifamily site, and three blocks for duplex or townhouse units. The higher density multifamily residential sites will be located primarily on the east side of Peguis St and the north side of an extended Devonshire Dr, with one additional “RMF-S” site located in the southeast corner of the site adjacent to the future Edward Schreyer Parkway. Parks will be located central to the site adjacent to a potential future school site.
- The River East-Transcona School Division has requested an option on a 4.7 acre property adjacent to the park. The proposed underlying zoning of this property is “RMF-S” should the school division ultimately choose not to exercise their option.
- The applicant has not submitted building plans with this application; it only establishes land for future development. He has also not submitted plans indicating individual building lots. These will be created from larger block plans at a later date.

- In consideration of the two other applications the applicant has made (DASZs 10 and 11 of 2013), it is intended that this application will be built third; it will be preceded by both Devonshire Village (DASZ 10/13), located south of Ravelston, and the first phase of Devonshire Park (DASZ 12/13), located north of an extended Devonshire Dr.

BACKGROUND

DASZ 10/13 and DASZ 11/13

- In concurrence with this application, the applicant has also applied for two other subdivision and rezoning applications.
- DASZ 10/13 refers to the land south of Ravelston Av W. It will be developed as “Devonshire Village” and is intended to be developed as the first phase of the applicant’s lands.
- DASZ 11/13 refers to the land north of Ravelston Av W. It will be developed as the first phase of “Devonshire Park”.

DAC 5/2013

- In concurrence with this application, the applicant has also applied to close the existing Nelson Av and Angela St right-of-ways. Land from the Nelson Av closing is to be incorporated into this development application whereas land from the Angela St closing is to be incorporated into DASZ 12/13.
- Figure 2 below illustrates the specifications of this proposed closing.



Figure 2: Proposed closing of Nelson Av and Angela St as per DAC 5/2013

- In concurrence with this application, the applicant has also applied to close a portion of Almey Av as per Figure 3 below. This closing is being considered in conjunction with the applicant's proposal to extend Reenders Av to Peguis St with a temporary, two-lane asphalt road.
- The northernmost 3.24m (10 ft.) of the right-of-way is to remain open for pedestrian access.
- This proposed closing is consistent with the Transcona West Area Structure Plan.



Figure 3: Proposed closing of Almey Av as per DAC 6/2013

DASZ 11/11

- On March 21, 2012, Council approved a subdivision and rezoning application for 32 acres of land west of the subject area across Peguis St, between Almey Av and Ravelston Av W. The development includes 104 single family lots and 8.6 acres of multifamily-zoned lands.

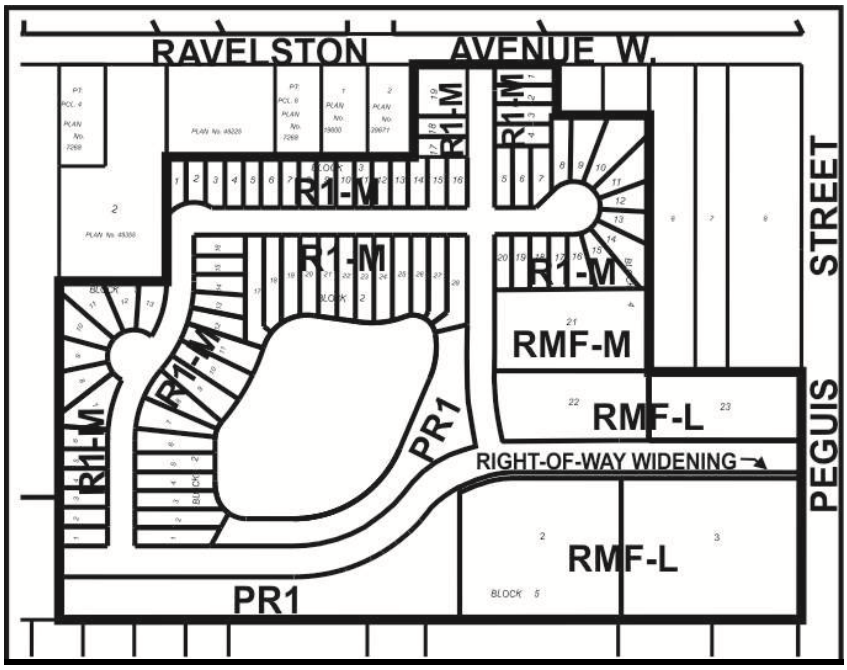


Figure 4: Adcut for DASZ 11/11

- A similar application (DASZ 10/10) was made in late 2010. The applicant withdrew the application after the East Kildonan-Transcona Community Committee recommended rejection on December 15, 2010. Community Committee cited the need to resolve outstanding transportation issues in the Transcona West area before any new development should be approved.

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and has gained statutory authority as a secondary plan. The strategy serves as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- According to the Complete Communities Urban Structure Map, the Transcona West area is designated as a "Recent Community". This section of the plan accounts for neighbourhoods that are still under development, named "Emerging Communities". It is noted that these areas should reflect the principles of Complete Communities, such as a focus on compact development, a mix of uses, a diversity of housing types, the promotion of public transit, the encouragement of active transportation and community connectivity. Supporting Direction and Enabling Strategies include:
    - Within Recent Communities, intense and diverse development will be encouraged in centres and corridors.

        - Improve the sustainability of recent residential neighbourhoods by promoting better walking, cycling, and transit access to retail, employment, and community facilities.
    - Support opportunities to enhance Complete Communities objectives in Emerging Communities.
- Because it is considered more of an infill situation with an existing plan governing its development, the Transcona West area would not technically be considered a “New Community” as per Complete Communities. That being said, it inarguably shares many similar characteristics given its large, undeveloped state. Supporting Direction and Enabling Strategies for New Communities include:
    - New Communities will increase opportunities to live, work, learn, and play in the same neighbourhood.
        - Encourage higher residential density in areas adjacent to commercial and employment lands, especially where the area is served by transit, services, and other community amenities.
        - Encourage New Communities to include a mixture of residential, commercial, employment, and institutional uses that are supported by multiple transportation options for residents.
        - Encourage greater choices in housing type, density, style, and tenure.
        - Provide parks at the neighbourhood and community level that address both active and passive requirements for recreation, sport, and leisure and that promote connectivity and walkability between park sites and neighbourhood features.

Zoning

- Existing zoning:
    - The Rural Residential 5 (RR5) district is intended to provide areas for large-lot rural residential development, along with limited agricultural uses.
- Proposed zoning:
    - The “R1” Residential Single Family district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.
    - The Residential Multi-Family (RMF) district is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.
    - The Parks and Recreation 1 (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, there are no parking facilities associated with these uses. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

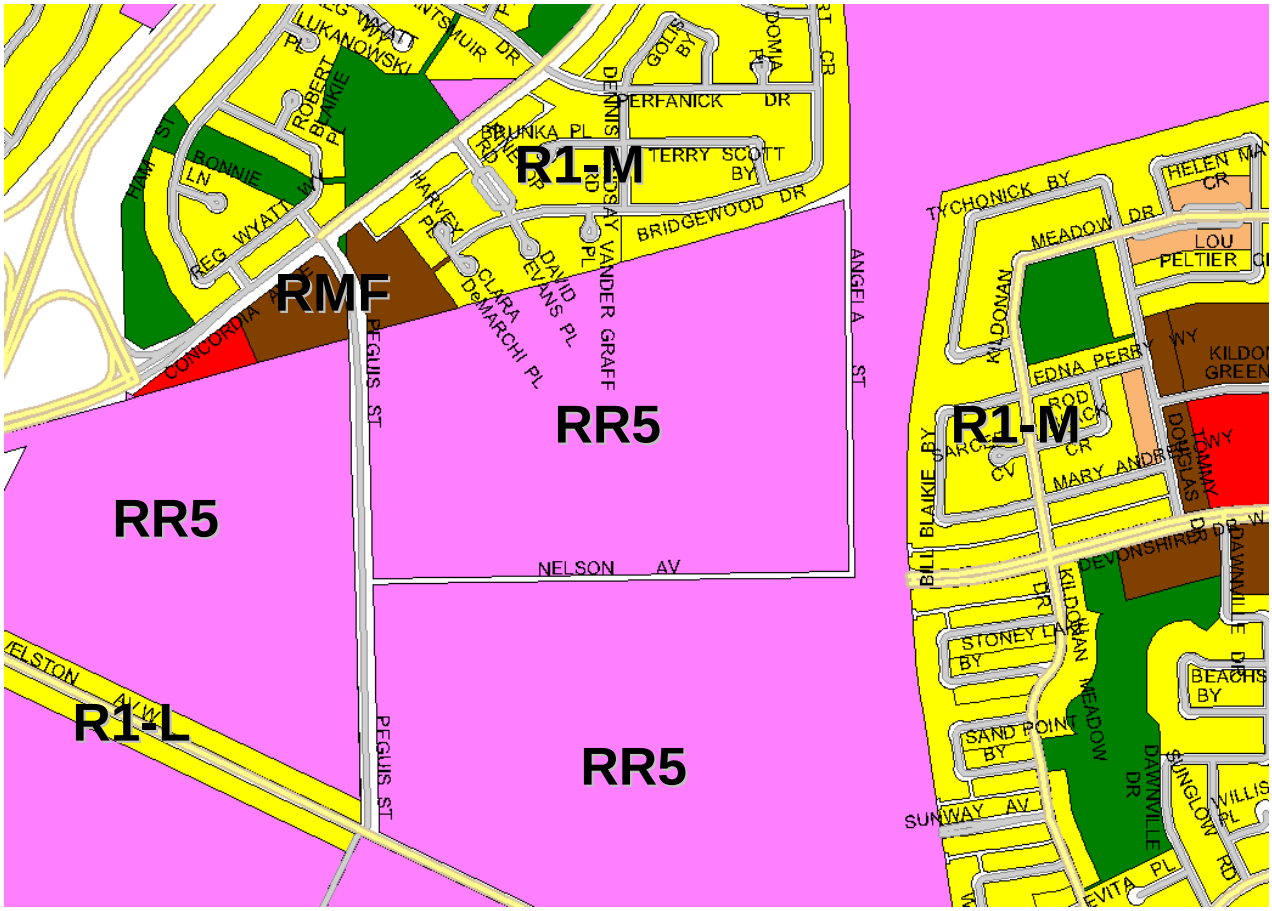


Figure 5: Existing zoning map of subject property and surrounding neighbourhood

- Section 137 of Zoning By-law No. 200/06 prescribes the following dimensional standards for the "R1-M" districts:

Min. Lot Area (sq. ft.)	Min. Lot Width (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Side Yard (ft.)	Min. Reverse Corner Street Side Yard	Max. Height of Building (ft.)	Max. Lot Coverage (%)
3,500	25	15*	25	4**	4	35	45
* - If the house has rear access to a public lane and does not have a driveway providing access from the public street to a garage or carport, the minimum front yard is 10 ft. ** - Where the lot width is less than 40 feet, the side yards may be reduced to 10% of the width of the lot but must not be less than 3 feet.							

Figure 6: Dimensional standards for the "R1-M" districts

- Section 143 of the zoning by-law prescribes the following dimensional standards for different "RMF" and "RMU" zoning districts:

	Min. Lot Area (sq. ft.)	Min. Lot Area Per Dwelling Unit (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Interior Side Yard (ft.)	Min. Corner Side Yard (ft.)	Principal Building Separation (ft.)*	Max. Building Height (ft.)
RMF-S	9,000	1,250	20	25	4	5	8	35
RMF-M	9,000	800	25	25	8**	20	8	60

* - For buildings taller than 35 ft., the principal building separation distance must be 50% of the height of the taller building to a maximum of 25 feet.
** - In the RMF-M, RMF-L, and RMU zoning districts, where a building is more than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet.

Figure 7: Dimensional standards for "RMF" zoning districts

Transcona West Area Structure Plan

- The subject property falls within the boundaries of the Transcona West Area Structure Plan, which was adopted by Council on July 16, 2008.
- The Devonshire Park area is designated as "Proposed Residential Low Density Residential" in this plan.
    - The purpose of the Residential Area is to provide for low density residential development. In addition, compatible and complementary higher density residential uses are allowed within this area at locations shown on the Land Use Map. Institutional, recreational, and local commercial uses may also be located within residential areas. Public parks will be interspersed throughout the Residential Area as a complement to a linear open space or pathway system to serve the recreational needs of residents.
        - This purpose is further articulated in policies for "Proposed Residential Areas", which state that single family and two family residential uses shall be the predominant use of land in these areas with higher density multifamily residential uses located as per the Land Use Map. This map illustrates medium density residential in an amorphous shape at the intersection of Peguis St and an extended Devonshire Dr.
    - Section 5.1.2(4) provides design considerations for the development of multiple family residential areas.
    - Section 5.1.2(6) states that residential development adjacent to major arterial roads and expressways shall incorporate appropriate sound attenuation measures as outlined in the Development Application process.
- Section 7 of the plan speaks to Transportation Policies:
    - These policies identify Peguis, Ravelston, and Kildare as "major collector roads".
    - Map 6 of the plan identifies future pathways in the subject property with both an east-west and a north-south orientation connecting to a future school site north of Devonshire.
    - The Edward Schreyer Parkway shall provide a green space to allow for a multiuse path and sound attenuation buffer for area residents, as opportunities arise.

City of Winnipeg/Genstar Joint Venture

- The City of Winnipeg owns a small 8.2 acre triangle of land in the northeast corner of the subject property. Both this land as well as the balance of the property owned by Genstar is managed by a Joint Venture Agreement.
- This agreement was approved by Council on December 15, 2004, between the City of Winnipeg and the Genstar Development Company, these two organizations being the two major landholders in the area. The Joint Venture recognized that both City and Genstar-owned lands are equally and mutually dependent upon cooperative planning and servicing to effect timely, efficient, and economical development of the area.
- In addition to land within the subject property area, the Joint Venture also included City-owned land along Rougeau and land in the area that became Kildonan Green (see Figure 7 below).
- These lands are currently managed by a management committee consisting of two member of Council and two Genstar representatives (with one alternate each).

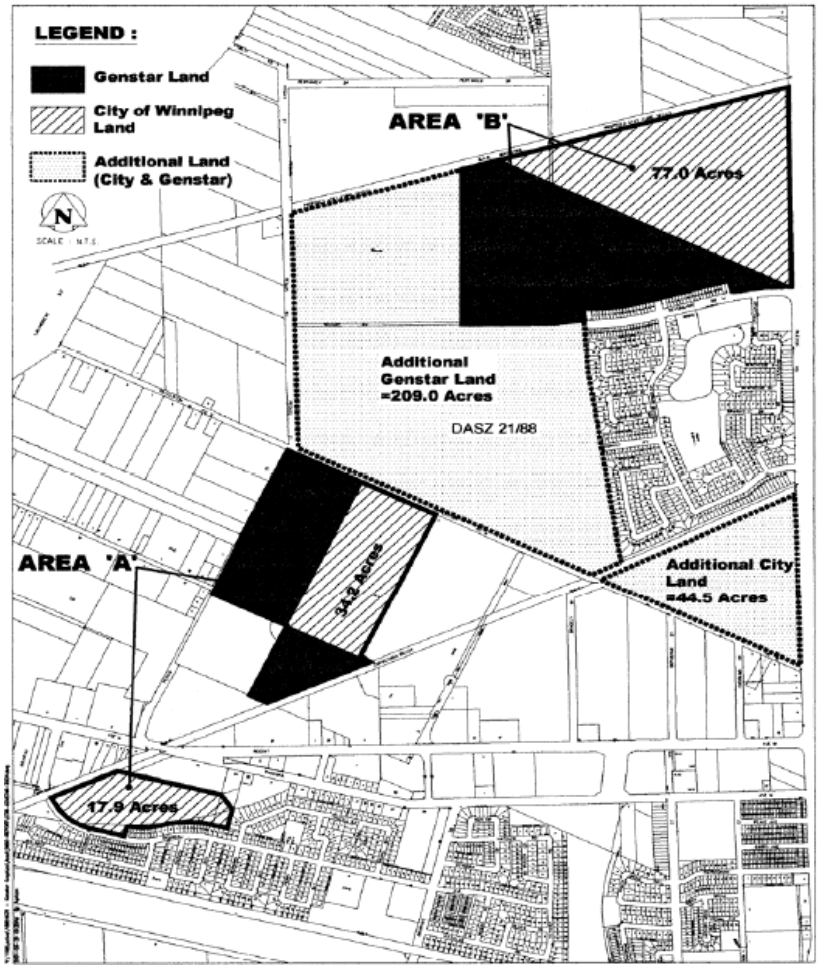


Figure 8: Original City of Wininpeg/Genstar Joint Venture lands as per December 2004

Public consultation

- On February 27, 2013, the applicant held an open house at the CanadInns Destination Centre Transcona, 826 Regent Av W, from 5pm to 8pm. This open house addressed plans for both Devonshire Village as well as Devonshire Park.
- This open house was advertised by running ads in both the Winnipeg Free Press and the Canstar community newspaper for two weeks prior. Individual households on Almey and Ravelston Avs received a copy of the notice via Canada Post.
- There were fifty signatures on the sign-in sheet located at the front entrance. However, the applicant estimates that there were at least twice as many people who attended.

Area road improvements

- This development is occurring within the context of larger, area-wide improvements to the road network.
    - The Administrative Coordination Group is recommending that Peguis St from Regent Av to the CPR rail right-of-way and Devonshire and Ravelston Av W from Peguis St to the future Edward Schreyer Parkway right-of-way will be built as four-lane urban standard roadways. Note that it is recommended, however, that the applicant should only be responsible for constructing two lanes of Peguis St.
    - The proposed Devonshire Rd will connect with the existing Devonshire Rd across the future Edward Schreyer Parkway. Through the right-of-way it will be built as a temporary, two-lane asphalt roadway. When Edward Schreyer Parkway is built, it will be constructed as a permanent, signalized intersection.
    - The applicant is proposing to extend Reenders Dr as a temporary, two-lane asphalt road to connect with Peguis St. The City will endeavor to collect money to upgrade this portion of Reenders to a permanent, four-lane concrete road in future development applications.
    - Once Reenders connects with Peguis, the Almey Av connection to Lagimodiere Blvd will be severed as per DAC 6/13.
    - The applicant will not be responsible for constructing the Edward Schreyer Parkway. This will eventually be constructed by the City. The City of Winnipeg Transportation Master Plan identifies its construction as a Long Term (by 2031) priority based on travel demand analysis. The City will be purchasing land from the applicant to accommodate this future roadway.
    - These improvements are consistent with the Transcona West Area Structure Plan.

Transit

- Winnipeg Transit will likely not begin operating in the area until Peguis St is upgraded from Concordia Av E down to Regent. Routing-wise, buses will likely operate south down Peguis to Regent from either Concordia, Devonshire, or Kildare.
- Transit will likely not be routing buses through local streets of this development.

Parks

- The applicant is proposing 6.9[1] acres of park towards the middle of the site adjacent to an extended Devonshire Dr. In addition, 1.75 acres of sloped land will be provided adjacent to the pond. Pathways will connect outward east-west to connect with the surrounding neighbourhood. This park will help anchor the linear park system through Phase 1 (DASZ 11/13) and will provide active recreation space for the north end of the Devonshire Park development.
- Administration has concerns about the small size of the school site given that other recent developments have requested much larger parcels. However, the school division has indicated that the size of the proposed school site is acceptable. Administration has emphasized to the school division that if there is a requirement to enlarge the school site, the City will not entertain giving up any park space.

Schools

- The Urban Planning Division has consulted with the River East-Transcona School Division and they expressed a need for a school in the proposed development.
- The applicant is proposing a 4.7 acre site adjacent to 6.9 acres of park.
- The River East-Transcona School Division indicated this is sufficient to meet their needs.
- The location of this school is consistent with the Transcona West Area Structure Plan.

Active Transportation

- The map below comprehensively illustrates the active transportation infrastructure recommended by the Administrative Coordinating Group not only for this particular application but for the two other concurrent Genstar applications as well.
- The red lines denote sidewalks and the green lines denote AT pathways.

[1] All numbers approximate.

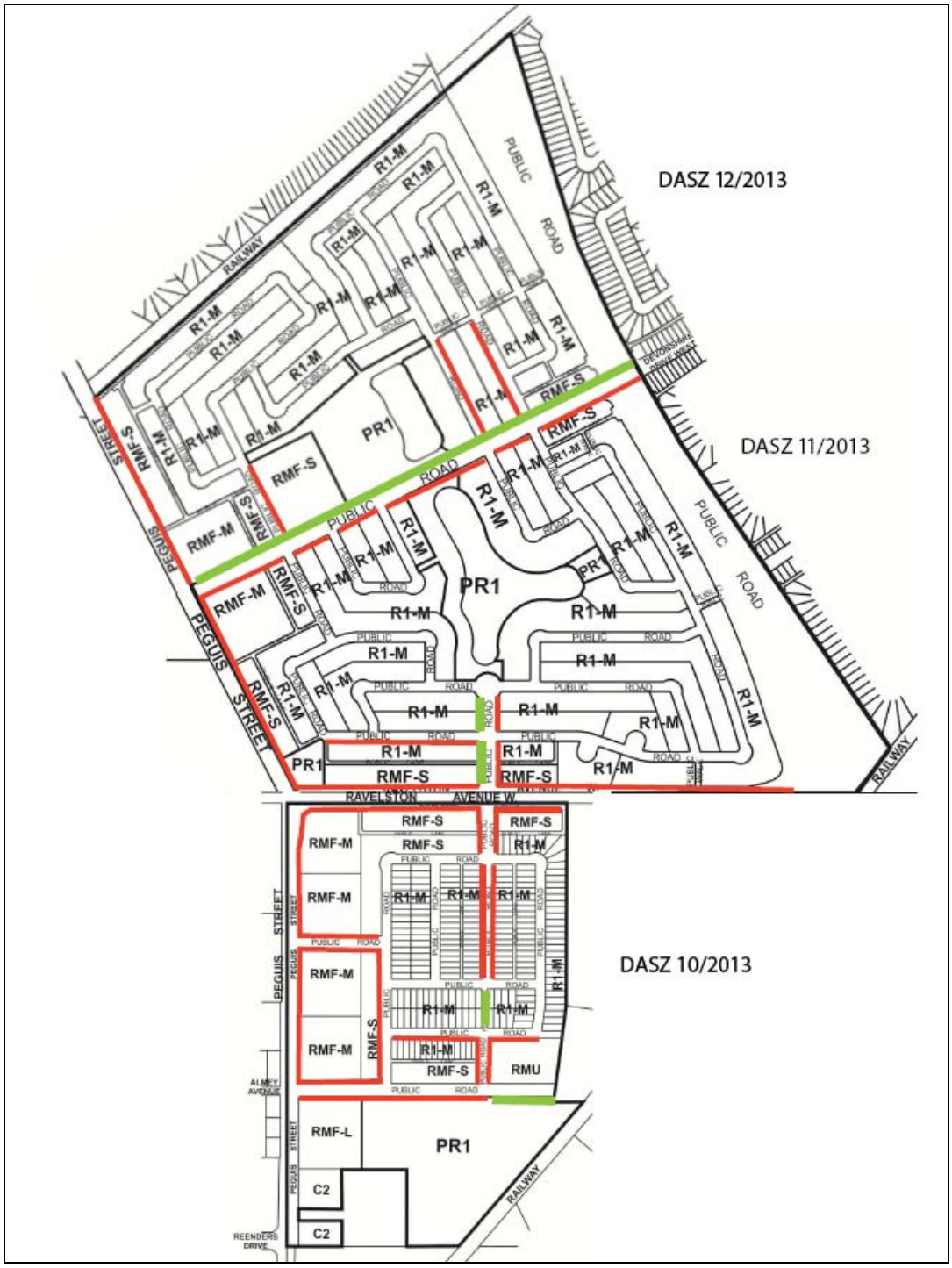


Figure 8: Map of recommended active transportation infrastructure for DASZs 10, 11, and 12 of 2013

Sound attenuation

- Administration expressed concern over the proximity of residential dwellings adjacent to both the future Edward Schreyer Parkway and the existing CPR rail right-of-way.
- In the report of the Administrative Coordinating Group, it is recommended that lots backing onto the Parkway are established with a minimum depth to provide a minimum rear yard setback to achieve the City's Motor Vehicle Noise Policies and Guidelines sound level limit of 65 dBA in the typical outdoor recreation area of said residential lots.
- In the zoning agreement, it is recommended that lots backing onto the rail right-of-way provide a minimum rear yard of 15m (49 ft.) (and, in the case of one "RMF-S" lot, a minimum side yard) measured from the existing southern boundary of the rail ROW (Plan 1042) to the rear building wall of the principal dwelling.
    - Note that this condition is not intended to apply to attached accessory structures such as decks and sunrooms; structures like these can be built within this rear yard.
- Further to these setbacks, it is proposed in the zoning agreement that the developer will be responsible for constructing a 1.2m berm with a uniform wooden 2m (6.5 ft.) fence on the rear of these lots.

Design Guidelines

- As a condition of approval, it is recommended that the City enter into a Zoning Agreement with the applicant whereby plan approval would be required of the properties zoned "RMF-S", and "RMF-M". It is recommended that site plans be approved by both the Director of Planning, Property, and Development and the East Kildonan-Transcona Community Committee.
- Section 5.1.2(4) of the Transcona West Area Structure Plan outlines criteria for the design of multiple family developments in Proposed Residential Areas.
    - Emphasize opportunities for providing buffering and landscaping to integrate the parking area into the surrounding neighbourhood.
    - Mitigate the impact of the building's mass and density and address the issue of privacy for the immediate neighbours.
    - Strive for distinct design elements to differentiate each building.
    - Provide for linkages for residents to access adjacent communities through roadway, walkway, pathway, and bikeway connections.
    - Be served by a network of streets, sidewalks, and paths that provides pedestrian access to transit stops that may be within 200m of all multiple family residential dwellings.
- In further articulation of these goals, the applicant and the Urban Planning Division collaborated on design guidelines. These design guidelines are included in this report as Schedule "C" and apply not only to this application but Devonshire Village (DASZ 10/13) as well as the first phase of Devonshire Park (DASZ 11/13).
- The vision of these design guidelines are two-fold:
    - Over both the Devonshire Village and Devonshire Park areas, to promote high quality, pedestrian-oriented development in support of the Complete Communities Direction Strategy, which encourages neighbourhoods that both offer and support a variety of lifestyle choices, providing opportunities for people of all ages and abilities to live, work, shop, learn, and play in close proximity to one another.
    - To encourage more compact, urban-style development and design in close proximity to the future rapid transit station in accordance with the City of Winnipeg Transit-Oriented Development Handbook.
- It is intended that these design guidelines will be used to inform the plan approval process, providing additional clarity as to the expectations of the Urban Planning Division.

RECOMMENDATION

The Urban Planning Division recommends approval of the proposed development, as it is consistent with the Transcona West Area Structure Plan and promotes the policies articulated for Recent and New Communities in the Complete Communities Direction Strategy.

Concurrent upgrades to existing infrastructure and transportation network, including the upgrading of Peguis, Devonshire, and Ravelston, the closing of Almey Av at Lagimodiere, and the extension of Reenders, will ensure it will be compatible with the surrounding community.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 12/2013

APPENDIX 'B'

Schedule "A" for File No. DASZ 12/13, East Kildonan-Transcona Community Committee, dated May 14, 2013.

By–Law No. _____

File No. **DASZ 12/13**

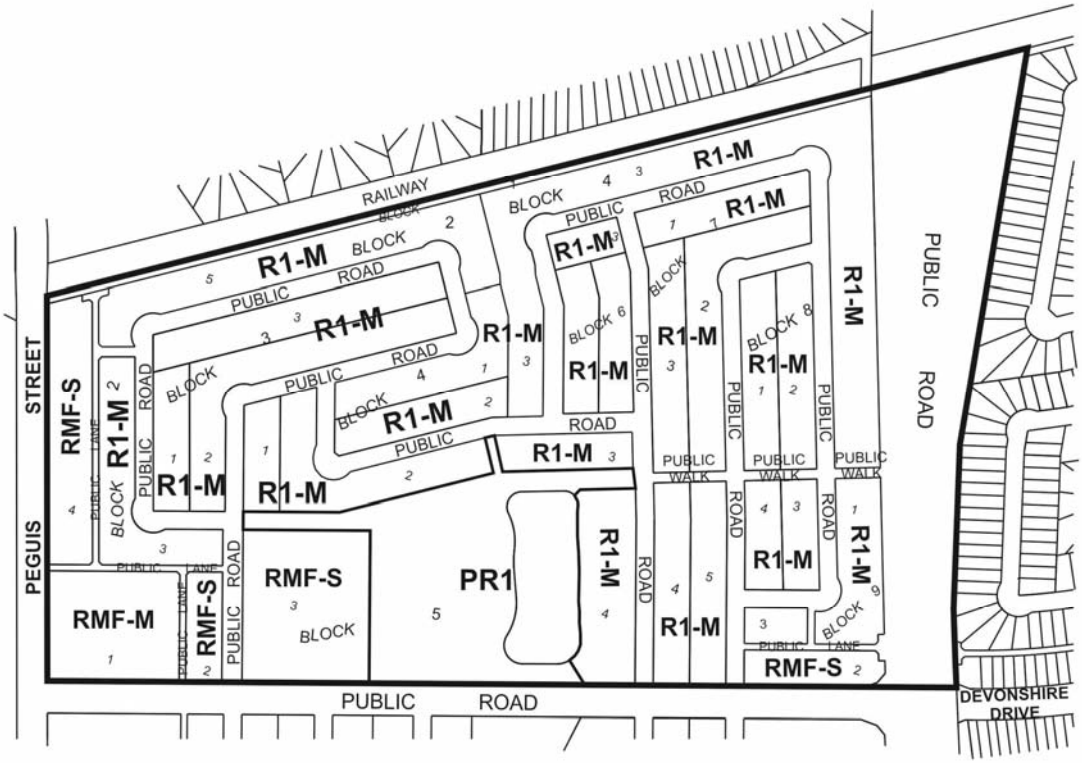
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on the northeast corner of Nelson Ave and Peguis St (east limit of Angela St) from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, "RMF-S and "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICTS and a "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the development of the Devonshire Park (north) development, which will include lands for single family, townhouse, and multifamily development as shown outlined below.

Atlas Sheet No. **Y32**

N

EAST KILDONAN TRANSCONA COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule “B”

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – May 9, 2013

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT THE NORTH EAST CORNER OF NELSON AVENUE AND PEGUIS STREET (EAST LIMIT OF ANGELA STREET) - DASZ 12/2013

It is recommended that the approval of DASZ 12/2013, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. Plan Considerations

1. The Developer shall dedicate and legally open, property required for a 0.912m widening of the Peguis Street right-of-way along the full length of Peguis Street abutting the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

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

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

4. The Developer shall provide right-of-way widths of 6.25m for each public lane serving single or two-family residential development, and 7.25m for each public lane serving multi-family residential and commercial development, to the satisfaction of the Director of Public Works.

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

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

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

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

B. Engineering Report and Servicing Criteria

1. The Developer shall, provide, to the satisfaction of the Director of Water and Waste, a comprehensive servicing report, prepared by a qualified municipal engineer outlining the provision of underground services for the proposed subdivision and adjacent lands. The report shall include an engineer's estimate of the cost to construct the regional land drainage facilities in order to determine the trunk service rate.

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

C. Agreement Conditions

1. The Developer shall construct, at no expense to the City, 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 construct, at no expense to the City, 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 construct, at no expense to the City, lot line services to service all lots within the Planned Area, as follows:

    a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

    b) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby agrees to indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

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

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

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

6. The Developer shall pay its share of the cost of the regional land drainage system for the Planned Area as determined by the Director of Water and Waste and, the cost of regional land drainage facilities constructed by the Developer (including the value of the land for the stormwater retention basins) shall be credited against this charge.

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

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

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

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

11. The Developer shall, at no expense to the City, construct two lanes of portland cement concrete pavement to a width of 8.0m by 200mm in thickness on Peguis Street from Devonshire Drive to the CPR Keewatin Subdivision, as determined by and to the satisfaction of the Director of Public Works.

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

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

14. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk on the standard alignment, 0.3m off of the property line on the east side of Peguis Street from Devonshire Drive to the CPR Keewatin Subdivision.

15. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk on the standard alignment, 0.3m off of the property line on one side of all north-south local streets between Devonshire Drive and the multi-use pathway to the north.

16. The Developer shall pay its share of the cost of the following improvements in Concordia Avenue East on an area basis, for the area as illustrated on the attached Figure 1, as determined by the Director of Public Works:

    f) an 8.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works in Concordia Avenue East between the existing Lagimodiere/Concordia interchange and the east limit of the existing Peguis Street, including a temporary asphaltic concrete transition section to the existing gravel roadway in Peguis Street north of Concordia Avenue East;

    g) 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the north and south boulevards of Concordia Avenue East:

    h) street lighting in the north boulevard of Concordia Avenue East;

    i) landscaping in the north boulevard of Concordia Avenue East;

    j) modifications to the existing Lagimodiere/Concordia interchange to accommodate the connection of Concordia Avenue East to the interchange, , including, but not necessarily limited to through lanes, turning lanes, channelization, medians, asphalt transitions, land drainage works, street lighting, boulevard landscaping, sidewalks, median hazard markers and all related works.

17. The Developer shall pay its share of the cost of the following improvements in Peguis Street on an area basis, for the area as illustrated on the attached Figure 1, as determined by the Director of Public Works:

    a. two 8.0m in width by 200mm in thickness portland cement concrete lanes of pavement and all related works in Peguis Street, between Concordia Avenue East and the CPR Molson Subdivision including a temporary asphaltic concrete transition section to the existing gravel roadway in Peguis Street south of the CPR Molson Subdivision;

    b. 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the east and west boulevards of Peguis Street;

    c. street lighting in both the east and west boulevards of Peguis Street;

    d. landscaping in both the east and west boulevards of Peguis Street;

    e. modifications to the existing railway crossing and the existing crossing protection at Peguis Street and the CPR Molson Subdivision as may be required by Transport Canada and/or Canadian Pacific Railway (CPR).

19. The Developer's share of the cost of the works described in items 17. and 18. above is $10,892/acre (2013 rate).

20. The Developer shall, pay to the City, in cash, on demand 25% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals at the intersection of Peguis Street and Concordia Avenue East, as determined by and to the satisfaction of the Director of Public Works.

21. The City shall pay the Developer for the right of way land required for the future Edward Schreyer Parkway in accordance with the Land Value section of the Development Agreement Parameters. (2013 Rate = $45,000/acre).

22. The Developer shall, at no expense to the City, construct within the Planned Area abutting the CPR Keewatin Subdivision, a uniform fence 2.0m in height, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of the proposed lot abutting the CPR Keewatin Subdivision requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works. Said fence is intended to ensure that "pedestrian trespass, to the tracks does not become a consequence of the subject development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

23. The Developer shall, pay to the City, in cash, on demand, all costs of a pedestrian corridor (push-button activated with overhead flashing lights) and related works including required boulevard, pavement and sidewalk works, across Devonshire Drive at the multi-use pathway, as determined by and to the satisfaction of the Director of Public Works.

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

25. Private Approaches:

    c) There are to be no private approaches serving single or two family residential development off residential collector streets (i.e. rights-of-way measuring 22.0m or greater in width. The subdivision is to be designed accordingly.

    d) No private approaches will be permitted off the future Edward Schreyer Parkway.

26. The Developer shall install signs at the entrances to the subdivision, upon which is displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, public lanes, active transportation facilities, community mail boxes, parks, land drainage retention facilities, natural tree stands, and multiple family sites, collector and arterial streets and the future Edward Schreyer Parkway.

27. The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting the future Edward Schreyer Parkway, a 1.2m berm in height with a uniform wooden fence 2.0m in height, to the satisfaction of the Director of Public

Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the future Edward Schreyer Parkway 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.

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

29. 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.

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

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

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

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

34. The Developer shall, at no expense to the City, be responsible to control and to initiate the clean-up of litter and refuse from the contractors and builders for this development, both on-site and off- site, during the installation of services and construction of houses, until completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.

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

36. The Developer shall, at no expense to the City, sod, and plant trees on, all boulevards within and fronting on the Planned Area, all in accordance with City specifications and

guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

37. 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.

38. The Developer shall dedicate as public reserve at least 8% of the land contained within the overall development area and shall, at no expense to the City, undertake site improvements and construct paths within the public reserves, and pay its share of the cost of services in streets abutting the dedicated land all in accordance with plans and specifications approved by the Director of Public Works. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property, Planning & Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash, or, by the provision of and equivalent value of additional site amenities in the public reserves within the planned area, as approved by the Directors of Public Works and Planning Property and Development.

39. Partial credit only shall be granted for linear parks along retention ponds where the sloped grade limits multi-use options, the determination of which shall be to the satisfaction of the Director of Planning, Property and Development.

40. If the City deems that the provision of irrigation or water service to the public reserve is not required, the Developer shall provide compensation in the form of site amenities of predetermined equivalent value.

41. If deemed mutually agreeable by the City and the Developer, the dedication credits may be accrued between the subject development, DASZ 10/13 and DASZ 11/13, the determination of which must be confirmed prior to issuance of Total Performance for Parks, for the first completed planned area.

42. The Developer acknowledges that the City will not expect compensation from the Developer for the Developer's provision of serviced frontages which are in less than the standard 100 feet per acre.

43. For the Public Walkway leading to the future Edward Schreyer Parkway, if the City determines that the provision of a pathway connection should not occur at the time of development, the equivalent value for that work shall be tabulated and added to the cash-in-lieu payment or applied to other park improvement, to the satisfaction of the Director of Public Works. Site grading, however, shall be designed to accommodate a future path that complies with universal design standards.

44. The developer shall, at no cost to the city, provide continuous fencing for properties with side or rear yards abutting public reserve land, or where trails or play equipment is anticipated to be within 10' of residential property line. Said fence to be located within private property and established by caveat to be the responsibility thereafter of the private property owner.

45. Park space development should be undertaken by the time the build out has reached 80% and completed prior to 100% build out, within that phase of the development,

unless an extension of time has been previously approved by the Director of Public Works.

46. The developer shall, assume responsibility for all public reserve sites until they are developed and throughout the maintenance period.

47. 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 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. Commencement of the maintenance period will correspond with the issuance of Total Performance for Parks and shall be deemed complete by the issuance of a Final Acceptance Certificate for Parks.

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

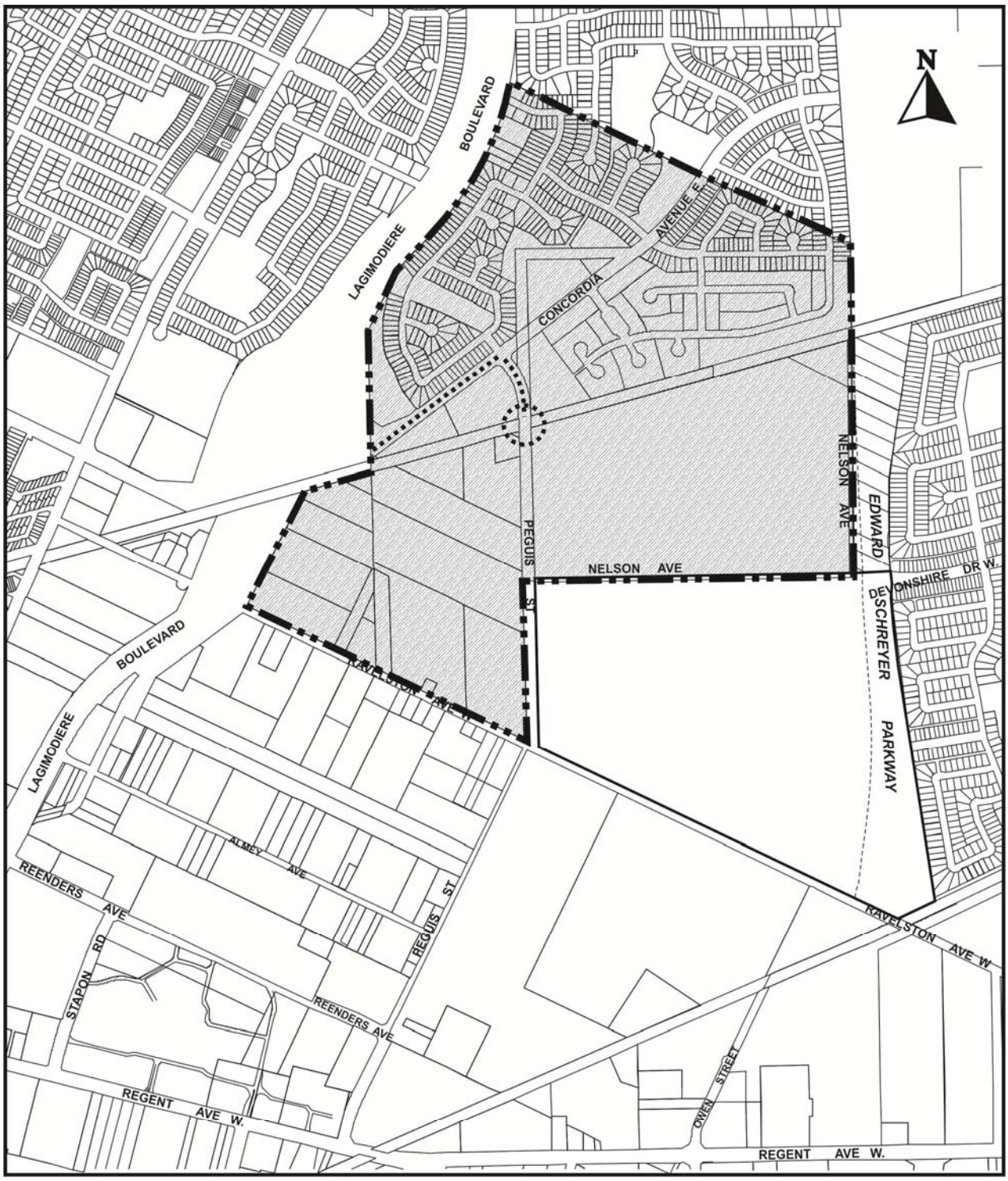
49. The Developer shall, as deemed necessary by, and at no expense to, the City, supply and install trail network signage and trail related traffic signage, on pathways and Active Transportation corridors, consistent with standards and specifications applied to similar citywide networks, and as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, and Development.

50. 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.

51. 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;

52. 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.

53. 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.



CONCORDIA / PEGUIS AREA CHARGE **FIGURE 1**

DATE : May 10, 2013

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 12/2013
May 9, 2013

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

Original Signed by C. Desjardine, P.Eng.
L. Escobar, P.Eng.
Public Works Department, Transportation Division

Original Signed by F.C. Mazur, P.Eng.
F. C. Mazur, P. Eng.
Water & Waste Department

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

Schedule “C”

Design Guidelines for DASZs 10, 11, and 12

Vision

- To promote high quality, pedestrian-oriented development in support of the Complete Communities Direction Strategy, which encourages neighbourhoods that both offer and support a variety of lifestyle choices, providing opportunities for people of all ages and abilities to live, work, shop, learn, and play in close proximity to one another.
- To encourage more compact, urban-style development and design in close proximity to the future rapid transit station in accordance with the City of Winnipeg Transit-Oriented Development Handbook.

Objective

- To provide clarity in expectations for the review of development applications as per DASZs 10, 11, and 12 of 2013.

Built form guidelines

- Building facades should be oriented to face the public street to provide an attractive pedestrian environment and to encourage opportunities for informal surveillance. These front facades should be enhanced with prominent front entrances and windows, and may also include awnings, architectural features, lighting, and landscaping. Active ground floor uses such as townhouses or commercial units are encouraged on the “RMU” site.
- Multi-family residential and mixed use buildings should be sited close to the street, particularly in close proximity to the future rapid transit station. Small setbacks can provide room for landscaping, seating areas, etc.
- Building facades should be visually interesting and do not create long, blank walls. Periodic breaks in the street wall or minor variations in building setback and alignment can be used to add interest to the streetscape.
- Multiple-family apartment buildings located on a corner lot should maintain the pedestrian focus of both streets.

Massing of RMF-M, RMF-L, and RMU sites

- Ensure compatibility of multifamily buildings where the “RMF-M”, “RMF-L”, and “RMU” sites back onto adjacent single family development. Strategies to accomplish this include:
    - Any multifamily building should be contained within a 45 degree angular plane rising upwards from a point starting at a six foot height above the single family property line to the top of the proposed building (see below).

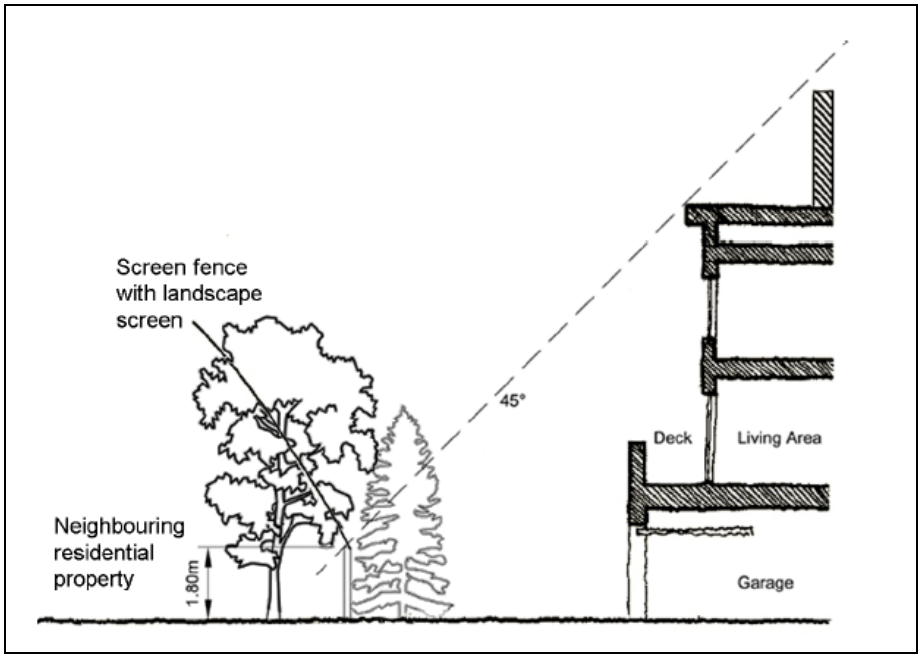


Figure 1: Containing development within a 45 degree angular plane ensures an appropriate combination of building height and setback in relation to neighbouring properties

  - Opportunities to protect the privacy of adjacent single family dwelling should be pursued through the strategic siting and screening of windows and balconies.
  - The strategic use of landscaping may be used to help screen development.
  - The use of building step-backs are encouraged to help reduce the perception of height and massing. They also help articulate building massing and reduce shadow impacts within the public realm.
- For buildings taller than four storeys, the applicant may be asked to demonstrate how the shadow impacts of the development on adjacent properties will be minimized, particularly on backyard amenity areas but also including parks, plazas, and other open spaces.
- The “RMU” site can allow for taller building heights on the south portion of the “RMU” site and then taper down to a height more compatible with the single family dwellings adjacent to the north.

Signage guidelines

- Accessory signage should be pedestrian-oriented and should be consistent with the dimensional standards for signage in the zoning by-law.
- Free-standing signage on the “RMU” site is discouraged. Identification signage should be pedestrian-oriented fascia signage.

Parking guidelines

- Parking and servicing should be directed internally within the site to strengthen the relationship between the street and buildings, creating active street frontages and a more pedestrian oriented environment.
- If any surface parking lots cannot be shielded from public streets with a building, they should be screened with landscaping and ornamental fencing.

- The number and width of vehicular access points to sites should be limited to minimize the impact on the pedestrian environment and to promote pedestrian safety, while still providing for appropriate vehicular ingress/egress.
- Landscaping can be used to help define the development's pedestrian and vehicle entry ways, walkways, and driveways.
- Short term bicycle parking should emphasize convenience and, in a residential use, should be used for visitors. It should be located in a highly visible location in close proximity to main entrances.
- The provision of long term bicycle parking facilities is encouraged. Because long term bicycle parking facilities are intended for residents, they should be much more secure, fully enclosed, and weather protected; residents should feel comfortable leaving their bicycles in the facility without fear of theft or weather-induced damage for weeks or months at a time. These types of facilities can be located in a parking garage or in a separate facility.

Exhibit “14” referred to in File DASZ 12/2013

