Minute No. 606
Report – Standing Policy Committee on Property and Development – September 10, 2013

Item No. 5 Subdivision and Rezoning – 90 Lexington Park (North Kildonan Ward) File DASZ 21/2013

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 21/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2013 dated July 9, 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 be required to enter into an Addendum to Servicing Agreement AG 222/96 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 4, 2013, with the following amendments:

        i. Add the following to the end of Condition 1:

        In the event that the City sells to the Developer all or a portion of the Springfield Road right of way, the rates payable under item i.) and ii.) above shall be adjusted as necessary.

        ii. Add the following new Condition 2. e):

        2. e) In the event that the City sells to the Developer all or a portion of the Springfield Road right of way with terms and conditions agreeable by the City and the Developer the following amendments, as necessary, are applicable;

        Delete above clauses 2 a) items i), ii), iii), respectively, delete clauses 2 b), 2 c) and 2 d) respectively and further add the following;

Report – Standing Policy Committee on Property and Development – September 10, 2013

COUNCIL DECISION (continued):

The Developer shall, at no expense to the City:

a. Construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the south side of Springfield Road from the terminus of the concrete sidewalk to be constructed by others to the first north-south pathway intersecting Springfield Road;

b. Construct an asphaltic concrete bike path to a width of 3.0m on the north side of Springfield Road from Gateway Road to Dunits Drive.

c. Construct an asphaltic concrete multi-use path to a width of 3.5m on the north side of Springfield Road from Dunits Drive to Chief Peguis Trail;

d. The specific location of the above shall be determined by the Director of Planning, Property & Development and the Director of Public Works in consultation with the Developer, and will be based upon safety-of-access considerations, design requirements, Universal Design standards and minimizing the impact on private property.

e. The Developer shall, provide the City with easements, including liability and maintenance agreements, as applicable, for the above reference pathways and sidewalks to the satisfaction of the Director of Planning, Property & Development and the Director of Public Works.

iii. Delete Condition 7 in its entirety and replace it with the following:

7. The Developer shall dedicate to the City as Public Reserve a percentage of land within the Planned Area, landscape the dedicated land, be fully responsible for the cost of serviced frontage in accordance with the Development Agreement Parameters and consistent with the policies outlined in the Palliser Major Redevelopment Site Area Master Plan, all to the satisfaction of, the Directors of Public Works and Planning, Property and Development. The Developer shall compensate the City for any

Report – Standing Policy Committee on Property and Development – September 10, 2013

COUNCIL DECISION (continued):

shortfalls in the amount of land, servicing and landscaping improvements not provided in accordance with the Development Agreement Parameters, at the then current values, by payment of cash, or, by the provision of an equivalent value of additional site amenities first in the dedicated Public Reserves of future development phases within Palliser's Site Area Master Plan and subsequently within nearby parks, as determined and approved by the Directors of Public Works and Planning Property and Development.

iv. Add the following to the end of Condition 8:

Notwithstanding the above, if the next phase does not proceed within 5 years of the execution of this agreement, the Developer shall pay to the City, the public reserve obligations for this application (DASZ 21/2013) as per the Development Agreement Parameters at that time.

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 21/2013 dated July 9, 2013, to an "RMU" Residential Mixed Use 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, plans shall be submitted showing the location and design of the proposed buildings, accessory parking areas, garbage enclosures, fencing, landscaping, potential shadow impacts, lot grading plan, signage, and bicycle parking 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.

Report – Standing Policy Committee on Property and Development – September 10, 2013

COUNCIL DECISION (continued):

ii. That all development shall be fully contained within lines drawn at 45 degree angles beginning at a point 6 feet above the east property line rising upwards towards any future building only allowing for very minor intrusions as determined by the Director of Planning, Property, and Development.

iii. That a landscaped buffer shall be established along the entirety of the east property line to a minimum width of 25 feet.

3. That the Developer shall submit to the City, for the approval of Winnipeg Transit and Winnipeg Fire Paramedic Service, a conceptual site plan, showing the proposed internal roadways, bus route, and bus stops through the larger Palliser Major Redevelopment Site area.

4. The Developer shall provide conceptual plans indicating a general idea of the internal roadways to be used by emergency and transit vehicles to include sufficient access, clearances, lane widths, turning radii, vehicle loads, etc. to accommodate emergency and transit vehicles. The location and design of internal roadways shall be subject to approval by the Winnipeg Fire Paramedic Service and Winnipeg Transit.

5. The Developer shall provide bus stop locations, where necessary to the satisfaction of the Director of Winnipeg Transit, with sufficient space for Winnipeg Transit amenities (shelters, signage, benches, and a stop area with sufficient length to accommodate at least two stopped 40-ft buses with front bike carriers). Taper lanes shall also be provided, where necessary.

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

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

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

Report – Standing Policy Committee on Property and Development – September 10, 2013

COUNCIL DECISION (continued):

9. That the subdivision section of the by-law shall come into force and effect upon registration by the City of Winnipeg of the Servicing Agreement.

10. 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.

11. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within two years 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 two-year period and Council approves the extension.

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

Report – Standing Policy Committee on Property and Development – September 10, 2013

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

In Amendment,

Moved by Councillor Browaty,
Seconded by His Worship Mayor Katz,

THAT Recommendations 7 and 11 of Item 5 of the Report of the Standing Policy Committee on Property and Development dated September 10, 2013 be amended as follows:

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

*11. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within **two** ~~one~~ year**s** 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 **two** ~~one~~-year period and Council approves the extension.*

Carried

‘

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 18, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submitted the matter to Council.

Report – Standing Policy Committee on Property and Development – September 10, 2013

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION:

On September 10, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, with the following amendments:

- Recommendation 1. A.: Add the following after the words "July 4, 2013":

  ", with the following amendments:

  i. Add the following to the end of Condition 1:

     In the event that the City sells to the Developer all or a portion of the Springfield Road right of way, the rates payable under item i.) and ii.) above shall be adjusted as necessary.

  ii. Add the following new Condition 2. e):

     e) In the event that the City sells to the Developer all or a portion of the Springfield Road right of way with terms and conditions agreeable by the City and the Developer the following amendments, as necessary, are applicable;

        Delete above clauses 2 a) items i), ii), iii), respectively, delete clauses 2 b), 2 c) and 2 d) respectively and further add the following;

Report – Standing Policy Committee on Property and Development – September 10, 2013

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

The Developer shall, at no expense to the City:

a. Construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the south side of Springfield Road from the terminus of the concrete sidewalk to be constructed by others to the first north-south pathway intersecting Springfield Road;

b. Construct an asphaltic concrete bike path to a width of 3.0m on the north side of Springfield Road from Gateway Road to Dunits Drive.

c. Construct an asphaltic concrete multi-use path to a width of 3.5m on the north side of Springfield Road from Dunits Drive to Chief Peguis Trail;

d. The specific location of the above shall be determined by the Director of Planning, Property & Development and the Director of Public Works in consultation with the Developer, and will be based upon safety-of-access considerations, design requirements, Universal Design standards and minimizing the impact on private property.

e. The Developer shall, provide the City with easements, including liability and maintenance agreements, as applicable, for the above reference pathways and sidewalks to the satisfaction of the Director of Planning, Property & Development and the Director of Public Works.

iii. Delete Condition 7 in its entirety and replace it with the following:

Report – Standing Policy Committee on Property and Development – September 10, 2013

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

7. The Developer shall dedicate to the City as Public Reserve a percentage of land within the Planned Area, landscape the dedicated land, be fully responsible for the cost of serviced frontage in accordance with the Development Agreement Parameters and consistent with the policies outlined in the Palliser Major Redevelopment Site Area Master Plan, all to the satisfaction of, the Directors of Public Works and Planning, Property and Development. The Developer shall compensate the City for any shortfalls in the amount of land, servicing and landscaping improvements not provided in accordance with the Development Agreement Parameters, at the then current values, by payment of cash, or, by the provision of an equivalent value of additional site amenities first in the dedicated Public Reserves of future development phases within Palliser's Site Area Master Plan and subsequently within nearby parks, as determined and approved by the Directors of Public Works and Planning Property and Development.

iv. Add the following to the end of Condition 8:

Notwithstanding the above, if the next phase does not proceed within 5 years of the execution of this agreement, the Developer shall pay to the City, the public reserve obligations for this application (DASZ 21/2013) as per the Development Agreement Parameters at that time."

- Recommendation 4.: Delete the words "The Developer shall design" and replace it with the words "The Developer shall provide conceptual plans indicating a general idea of".

- Delete Recommendation 5 in its entirety and replace it with the following:

Report – Standing Policy Committee on Property and Development – September 10, 2013

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

"5. The Developer shall provide bus stop locations, where necessary to the satisfaction of the Director of Winnipeg Transit, with sufficient space for Winnipeg Transit amenities (shelters, signage, benches, and a stop area with sufficient length to accommodate at least two stopped 40-ft buses with front bike carriers). Taper lanes shall also be provided, where necessary."

- Delete Recommendation 6 in its entirety and renumber the remaining Recommendations accordingly,

and forwarded the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 16, 2013, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Delete Recommendation 7 in its entirety and renumber the remaining recommendations accordingly,

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

RE: **Subdivision and Rezoning – 90 Lexington Park**
File DASZ 21/2013

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: **July 17, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 16, 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 under File DASZ 21/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2013 dated July 9, 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 be required to enter into an Addendum to Servicing Agreement AG 222/96 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 4, 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 21/2013 dated July 9, 2013, to an "RMU" Residential Mixed Use 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, plans shall be submitted showing the location and design of the proposed buildings, accessory parking areas, garbage enclosures, fencing, landscaping, potential shadow impacts, lot grading plan, signage, and bicycle parking 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. That all development shall be fully contained within lines drawn at 45 degree angles beginning at a point 6 feet above the east property line rising upwards towards any future building only allowing for very minor intrusions as determined by the Director of Planning, Property, and Development.

iii. That a landscaped buffer shall be established along the entirety of the east property line to a minimum width of 25 feet.

3. That the Developer shall submit to the City, for the approval of Winnipeg Transit and Winnipeg Fire Paramedic Service, a conceptual site plan, showing the proposed internal roadways, bus route, and bus stops through the larger Palliser Major Redevelopment Site area.

4. The Developer shall design the internal roadways to be used by emergency and transit vehicles to include sufficient access, clearances, lane widths, turning radii, vehicle loads, etc. to accommodate emergency and transit vehicles. The location and design of internal roadways shall be subject to approval by the Winnipeg Fire Paramedic Service and Winnipeg Transit.

5. The Developer shall provide sufficient space at bus stop locations for Winnipeg Transit amenities (shelters, signage, benches, and a stop area with sufficient length to accommodate at least two stopped 40-ft buses with front bike carriers). Taper lanes shall also be provided, where necessary.

6. 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.

~~***7. That Caveat 2229705 be withdrawn as it affects the subject property.***~~

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

9. 8. 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.

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

~~***11.***~~ ***10***. That the subdivision section of the by-law shall come into force and effect upon registration by the City of Winnipeg of the Servicing Agreement.

~~***12.***~~ ***11***. 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.

~~***13.***~~ ***12***. 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.

~~***14.***~~ ***13***. 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 is an exciting development.
2. A lot of time and energy was spent to get community understanding of the project.
3. Amendment was made to ensure report is forwarded to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File: DASZ 21/2013

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

Public Hearing: July 16, 2013
Council Building, 510 Main Street

Applicant: McGowan Russell Group Inc. (Susan Russell)

Subject:



Premises Affected: 90 Lexington Park

Exhibits Filed:

1. Application dated April 29, 2013
2. Notification of Public Hearing dated May 23, 2013
3. Manitoba Status of Titles 2426232/1 and 2426291/1 Caveats 2229705 and 2229706
4. Letter of authorization dated April 18, 2013 from Palliser Furniture (Canada) Corporation to McGowan Russell Group Inc.
5. Copy of Caveat 2229705
6. Copy of Caveat 2229706
7. Plans (2 pages)
8. Report from the Urban Planning Division dated July 9, 2013
9. Inspection Report
10. Communication dated July 16, 2013, submitted by the applicant at the public hearing, in support of the application
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Wayne Byczek
Diane Dawiskiba
James DeFehr
Herbert Enns
Aaron Hirota
Susan Russell, McGowan Russell Group Inc.

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. G. Jasper, Land Development Engineer, 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. G. Doney, Senior Planner, Planning, Property and Development Department
Ms D. Beaton, Park Strategic Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 21/2013

ADMINISTRATIVE REPORT

Title: DASZ 21/13 – 90 Lexington Park

Issue: For consideration at the public hearing to create one new lot to be rezoned from "M1" Manufacturing Light district to "RMU" Residential Mixed Use district to allow for future residential mixed use development.

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 21/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2013 dated July 9, 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 be required to enter into an Addendum to Servicing Agreement AG 222/96 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 4, 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 21/2013 dated July 9, 2013, to an "RMU" Residential Mixed Use 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, plans shall be submitted showing the location and design of the proposed buildings, accessory parking areas, garbage enclosures, fencing, landscaping, potential shadow impacts, lot grading plan, signage, and bicycle parking 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. That all development shall be fully contained within lines drawn at 45 degree angles beginning at a point 6 feet above the east property line rising upwards towards any future building only allowing for very minor intrusions as determined by the Director of Planning, Property, and Development.

iii. That a landscaped buffer shall be established along the entirety of the east property line to a minimum width of 25 feet.

3. That the Developer shall submit to the City, for the approval of Winnipeg Transit and Winnipeg Fire Paramedic Service, a conceptual site plan, showing the proposed internal roadways, bus route, and bus stops through the larger Palliser Major Redevelopment Site area.

4. The Developer shall design the internal roadways to be used by emergency and transit vehicles to include sufficient access, clearances, lane widths, turning radii, vehicle loads, etc. to accommodate emergency and transit vehicles. The location and design of internal roadways shall be subject to approval by the Winnipeg Fire Paramedic Service and Winnipeg Transit.

5. The Developer shall provide sufficient space at bus stop locations for Winnipeg Transit amenities (shelters, signage, benches, and a stop area with sufficient length to accommodate at least two stopped 40-ft buses with front bike carriers). Taper lanes shall also be provided, where necessary.

6. 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.

7. That Caveat 2229705 be withdrawn as it affects the subject property.

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

9. 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.

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

11. That the subdivision section of the by-law shall come into force and effect upon registration by the City of Winnipeg of the Servicing Agreement.

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

Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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

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

REASON FOR THE REPORT

- The applicant intends to rezone the subject property from "M1" Manufacturing Light district to "RMU" Residential Mixed Use district to accommodate the construction of primarily multifamily residential development.
- As part of this development, the applicant is proposing two clusters of four-storey townhouses and two 8-10 storey residential mixed use buildings.
- This application represents the first phase of the redevelopment of the larger Palliser site, which is to be developed in accordance with an area master plan submitted in concurrence with this DASZ application.

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

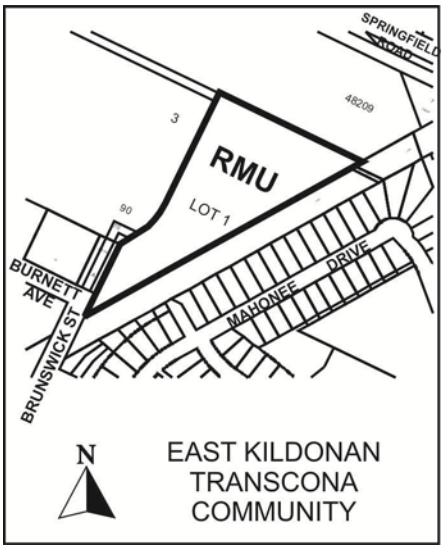
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	July 9, 2013
File No.	DASZ 21/13

APPENDIX 'A'

DATE: July 9, 2013
FILE: DASZ 21/13
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.420

SUBJECT: For consideration at the public hearing to create one new lot to be rezoned from "M1" Manufacturing Light district to "RMU" Residential Mixed Use district to allow for future residential mixed use development.

LOCATION: 90 Lexington Park



LEGAL DESCRIPTION: Lots 11 and 12, Plan 20592, and Part of Lot 3, Plan 48209

APPLICANT: Susan Russell
McGowan Russell Group
825 St Joseph St.
Winnipeg MB R2H 3A8

OWNER: Palliser Furniture (Canada) Ltd.

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to rezone the subject property from “M1” Manufacturing Light district to “RMU” Residential Mixed Use district to accommodate the construction of primarily multifamily residential development.
- As part of this development, the applicant is proposing two clusters of four-storey townhouses and two 8-10 storey residential mixed use buildings.
- This application represents the first phase of the redevelopment of the larger Palliser site, which is to be developed in accordance with an area master plan submitted in concurrence with this DASZ application.

SITE DESCRIPTION

- The subject property is located at the northeast corner of Burnett Av and Brunswick St in the Springfield South neighbourhood of the North Kildonan ward.
- The site is triangular in shape and sits immediately to the east of the existing Palliser furniture warehouse. The subject property itself is 6.2 acres in area and is currently vacant, with the exception of a portion of the existing surface parking lot located on the east side of the existing building. It is zoned “M1” Manufacturing Light district.
- The subject property falls within a larger Palliser Furniture landholding 44 acres in area. Other than the warehouse, this land is vacant. In combination with an 8.5 acre church site at Springfield and Gateway, a 6.3 acre Manitoba Public Insurance building off Lexington Park (a private road), and a narrow strip of land owned by Canadian Pacific Railway along Springfield, this site comprises a Major Redevelopment Site as identified in the Complete Communities Direction Strategy.
- Other nearby land uses include single family dwellings to the north across Springfield Rd zoned “R1-M” Residential Single Family district, single family dwellings to the east across a Manitoba Hydro corridor zoned “R1-L” Residential Single Family district, industrial uses to the south zoned “M2” Manufacturing General district, and the Northeast Pioneers Greenway to the west between Gateway Rd and Raleigh St and, beyond that, single family dwellings zoned “R1-L”.

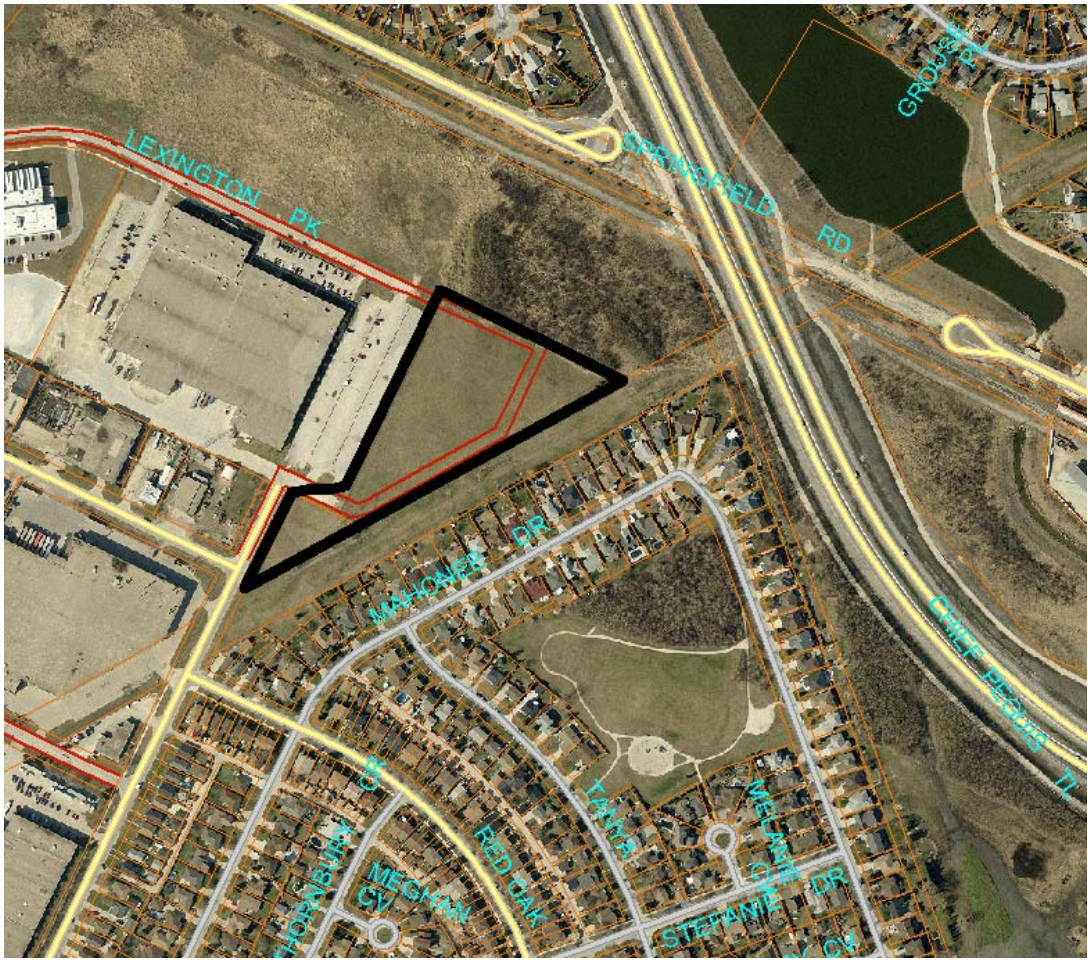


Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to rezone the subject property to “RMU” Residential Mixed Use district to accommodate the construction of primarily multifamily residential development. This application is intending to serve as the first phase of the redevelopment of the larger Palliser site.
- According to a conceptual plan of development submitted with the application, the applicant is proposing four storey townhouse buildings running parallel along the east property line. One cluster of townhouses, located in the south corner of the site, will be accessed via an access route off Brunswick (which, north of Burnett Av, is a private road). Vehicular driveways facing Brunswick will service these units. The other cluster will be located in the northeast corner of the site and will be accessed via an existing, reconfigured surface parking located on the east side of the existing Palliser warehouse building. A drive aisle in this parking lot will serve to connect Brunswick with Lexington Park.
- A 25 ft. wide landscaped buffer is being proposed along the east property line.
- Between the north cluster of townhouses and the existing warehouse building, the applicant is proposing two L-shaped eight-to-ten storey apartment buildings that will be sited up to a sidewalk

running alongside the existing parking lot. The applicant intends to create a strong pedestrian-oriented "urban edge" along here with ground floor shops located along a boardwalk.
    - The applicant has indicated a desire to establish an outdoor market in the parking lot between these buildings and the existing warehouse.
- Private parks will fill in a lot of the gaps behind the proposed apartment buildings.

BACKGROUND

DAZ 211/89

- On July 12, 1989, Council rezoned the subject property, as well as other land extending as far east as the transmission line corridor, from an "M2" Industrial district to an "RM-1" Multiple-Family district and a "C2" General Commercial district to allow for a planned commercial and residential development.
- As a condition of approval, a zoning agreement was placed on the property. It required that:
    - On the "RM-1" land, there shall be no more than 230 dwelling units, and multiple-family dwellings shall not exceed seven storeys in height.
    - On the "C2" land, no multiple-family dwellings shall exceed seven storeys in height, no building for retail or service uses shall exceed 40 ft. in height, that the total gross leasable floor area for retail and service uses shall no exceed 160,000 sq. ft., that the maximum gross leasable floor area at ground or main level of any building shall not exceed 100,000 sq. ft., and the gross leasable floor area above the ground or main level of a building or buildings shall be used only for "offices".
    - Plan approval for building location and design, exterior materials and elevations, accessory parking and loading areas, landscaping and fencing, points of egress, signs, and garbage enclosures to the East Kildonan-Transcona Community Committee and the Director of Planning, Property, and Development.
- This application was heard in concurrence with a Plan Winnipeg Amendment to designate the lands from "Industrial" policy area to a "Suburban Residential Neighbourhood" policy area. Council gave third reading to this by-law on January 4, 1989.
- When Council passed this rezoning as By-law No. 5441/90, it contained a provision that it would not come into force and effect until the zoning agreement was registered. This zoning agreement was never registered. As a result, this by-law was repealed by Council in February, 2002.

DAZ 222/96

- In 1997, Council rezoned the subject property, as well as other land extending as far east as the transmission line corridor, from "M2" Industrial district to "M1-B" Industrial district.
- The property was divided into Site #1 and Site #2. Site #1, comprising the current subject property, was intended to accommodate either a commercial retail/service shopping centre or industrial type development, and that prior to being developed, would be developed as a recreation centre consisting of outdoor sports fields. Site #2 was intended to accommodate up to six industrial buildings to facilitate the expansion of Palliser Furniture's manufacturing and assembly capabilities.
- As a condition of approval, a zoning agreement was placed on the property. The specific wording can be found in Schedule "C". Broadly, it prescribes:

  - Permitted and conditional uses on both Sites #1 and #2. Of note is that these uses do not currently allow residential development.
  - A maximum building height on Site #1 of 30 ft.
  - A minimum 10 ft. landscaped yard along the full length of the Gateway Rd frontage of Site #1.
  - All lands north of the CPR right-of-way along Springfield Rd shall be established and maintained as a landscaped area only, and no other uses (including signs) shall be permitted on the land.
  - No private approach or vehicular access onto or from Springfield Rd shall be permitted.
  - All free-standing signs shall be limited to a maximum of 25 ft. in height.
  - Billboards, mobile signs, mobile poster signs, A-Frames, or similar temporary signs shall not be permitted.
  - Plan approval for buildings, signs, fences, private approaches, parking, loading areas, and landscaped areas to the East Kildonan-Transcona Community Committee and the Director of Planning, Property, and Development.
- This application was heard in concurrence with a Plan Winnipeg Amendment to re-designate the lands from “Neighbourhood” policy area to “Industrial” area. Council gave third reading to this by-law on March 26, 1997, and came into effect when the zoning agreement for DAZ 222/96 was registered at the Winnipeg Land Titles Office.

ZAA 11/99

- On November 17, 1999, Council approved an amendment to the DAZ 222/96 zoning agreement to allow for a 45 ft. tall church with a 70 ft. tall clock tower where all development was originally limited to a height of 30 ft.
- The zoning agreement amendment also allowed for one 20 ft. free-standing sign accessory to a church in the lands north of the CPR right-of-way along Springfield, where it was previously restricted.
- This ZAA was heard in concurrence with a variance (DAV 421/99D) to permit the construction of the church with no south side yard to the accessory parking area instead of 15 ft. This was approved subject to two conditions:
  - That the applicant shall provide interior parking lot landscaping (in addition to the landscaping in the Gateway Rd frontage required as per DAZ 222/96), subject to plans approved by the East Kildonan-Transcona Community Committee.
  - Two years to establish.

DASZ 21/10

- On January 26, 2011, Council approved a DASZ for future commercial development with frontage onto Gateway south of Lexington Park.

DAZ 224/11

- On January 17, 2012, the East Kildonan-Transcona Community Committee recommended approval of a proposal to develop an 11 storey, 180-unit multifamily dwelling along the east side of the property owned by the North Kildonan Mennonite Brethren Church.

- As a condition of its approval, it is recommended that the applicant enter into a zoning agreement that:
    - All development be contained within an upward line drawn at a 45 degree angle northward beginning at a point 6 ft. above the northern boundary of the Springfield Rd ROW and rising towards the proposed building.
    - That the church's existing approaches onto Gateway shall be closed once an approach to Lexington Park becomes available.
- It was approved in concurrence with a variance (DAV 11-164349D) to permit a height of 112 ft. instead of 100 and 193 parking spaces instead of 270.

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 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 subject property falls within a portion of the land designated as Major Redevelopment Site "A" (Palliser). Major Redevelopment Sties are areas that will, "provide transformative opportunities for the development of Complete Communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites within the existing urban fabric". Supporting Direction and Enabling Strategies include:
    - Promote development of Major Redevelopment Sites with proactive and collaborative planning process.
        - Support rapid transit and high-frequency transit service by encouraging higher density residential and higher intensity commercial and mixed uses within the centre of the development.
        - Work with landowners and other stakeholders to establish local goals and objectives for each Major Redevelopment Site while taking into account its relationship to other Direction Strategies and elements of the urban structure.
    - Capitalize on the proximity of Major Redevelopment Sites to rapid transit and high frequency transit.
        - Promote development in accordance with Transit Oriented Development principles.
    - Major Redevelopment Sites will provide for complete communities with significant levels of mixed use, high density development, with strong urban design and attractive parks, places, and open spaces.
        - Provide a mix of employment, high-density housing, retail, and service uses within Major Redevelopment Sites in a way that compliments the needs of adjacent communities.
        - Promote the use of minimum density standards for new development.
        - Promote high-quality plazas, parks, and streetscapes as focal points and networks that are connected to the greater community.

  - Incorporate pedestrian elements like street trees, street furniture, wide sidewalks, bicycle parking, and public art in new development.
  - Encourage the transition of development towards the outer edges of Major Redevelopment Sites that is sensitive to the scale, massing, height, form, and character of the surrounding area.
  - Mitigate any negative impacts new development may have on neighbouring streets, parks, and properties.
  - Support a range of different types, tenures, and unit sizes in housing opportunities.
- The subject property also falls within land that is designated "General Manufacturing" in the Employment Lands section of Complete Communities. Page 93 of Complete Communities describes the differences between the various types of Employment Lands. While Business Park and Institutional Campus employment lands allow for residential development in, at minimum, a moderate level of mixed use, General Manufacturing lands do not. However, page 10 outlines the hierarchy of the Complete Communities urban structure that provide for clarification where policies may conflict. In this case, the policies of Major Redevelopment Sites that encourage residential mixed use development take precedence over the General Manufacturing Employment Land policies that do not.

Transit-Oriented Development Handbook

- The Complete Communities Direction Strategy advises that Major Redevelopment Sites should be developed in accordance with transit-oriented development principles.
- The City of Winnipeg has a Transit Oriented Development Handbook to guide such development. It was endorsed by Council on February 22, 2012.
- The TOD Handbook is a high-level framework document that guides and facilitates mixed-use, pedestrian-oriented infill development along rapid transit corridors and high frequency transit corridors.
- While the bulk of the Handbook deals with higher-level issues, there are a number of Principles that can be applied at a site-specific level such as the proposed development. Specifically, it highlights six:
  1. Medium to high density development that is greater than the community average.
  2. A mix of uses.
  3. Compact, high quality pedestrian-oriented environment.
  4. An active, defined centre.
  5. Innovative parking strategies.
  6. Public leadership.
- As the Handbook relates to the proposed development, its direction relating to site design is important to consider. Supporting points relating to these Principles include:
  - A range of uses, conveniently located close to the station entrance, will promote activity within the station area. Higher intensity development with active ground floor uses (such as shops and/or restaurants), sensitively clustered within a short walk of station entries, will assist in promoting transit ridership and the creation of "18 hour places".
  - High-quality architectural design and detail conveying a sense of place and relating to the street and the pedestrian environment, including active first floor storefront with windows, awnings, architectural features, lighting, and landscaping.

- Incorporation of connections between buildings, the station and the Active Transportation network to ease movement within the site and encourage cycling to mid-distance destinations.
- Entrances oriented to be easily accessible from the public sidewalk.
- Centrally located, secure, and convenient bicycle parking.
- Street trees to soften the urban environment by blending natural features with built features.
- Urban parks, including gathering places and plazas, should be provided.
- Pedestrian-scale lighting to enhance visibility and safety.

Transportation Master Plan

- On November 16, 2011, Council approved the City's Transportation Master Plan (TMP). The purpose of the Transportation Master Plan is to present a long term strategy to guide the planning, development, renewal, and maintenance of a multi-modal transportation system in a manner that is consistent with projected needs, and aligned with the City's growth and the overall vision for a sustainable Winnipeg and region.
- This plan identifies the Gateway/Raleigh/Northeast Pioneers Greenway as a future Rapid Transit Corridor to enhance transit service for Elmwood, East Kildonan, North Kildonan, and possibly the RM of East St. Paul. This corridor is considered a longer term (beyond 2031) initiative.

Palliser Major Redevelopment Site Area Master Plan

- In order to ensure development on the entirety of the Palliser site is carried through in a coherent and consistent manner, the applicant has prepared an area master plan submitted for consideration in concurrence with this application. This plan will inform the evaluation of development applications on the entire Palliser site.
- The vision of for the redevelopment of the Palliser Major Redevelopment Site is two-fold: To create a pedestrian-oriented medium to high density residential community and, to become a Town Centre providing goods and services to the neighbourhoods in northeast Winnipeg at a scale that is supportive of a pedestrian-oriented environment. This vision is further guided by eight objectives:
    1. Create a central gathering place
    2. Create a mixed use community that will be at a human scale that is pedestrian-oriented and supported by public transit
    3. Provide a wide range of housing choices
    4. Establish a community identity
    5. Provide an efficient internal transportation network
    6. Passive and Active Recreation
    7. Compatibility with Surrounding Area
    8. Be state-of-the-art in design, construction, and operation
- The majority of the subject property is designated as "Medium Density Residential" on the proposed Land Use and Transportation Policy Map. Apart from this designation, a landscaped buffer is identified along the Hydro transmission corridor and a "Potential Extension of Mixed Use Town Centre" is shown amorphously on a portion of the east side of Brunswick St extended to connect to Lexington Park.
- Medium Density Residential areas may be comprised of the following land uses:

  - Townhouses and mid-rise multifamily buildings.
  - Land uses that are compatible with residential uses, such as parks, open spaces, and day cares.
  - Active uses, typically small scale, pedestrian-oriented, low intensity ground floor commercial and institutional uses adjacent to the market square.
- Typical building heights are expected to range from two to eleven storeys to allow flexibility to transition between areas of different development densities and scale.
- The proposed Area Master Plan provides a fairly robust set of design guidelines that largely serve to support the pedestrian orientation of the site. These guidelines will be used to inform design reviews of proposed developments.

Zoning

- The Residential Mixed Use (RMU) district is intended to facilitate the development of primarily medium- to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The area, site, or building should retain a predominantly residential character. Development in the RMU district should facilitate and encourage pedestrian travel between residential and nonresidential uses. This district is often adjacent and incidental to a town centre, neighbourhood commercial centre, or other type of mixed use or major employment centre.

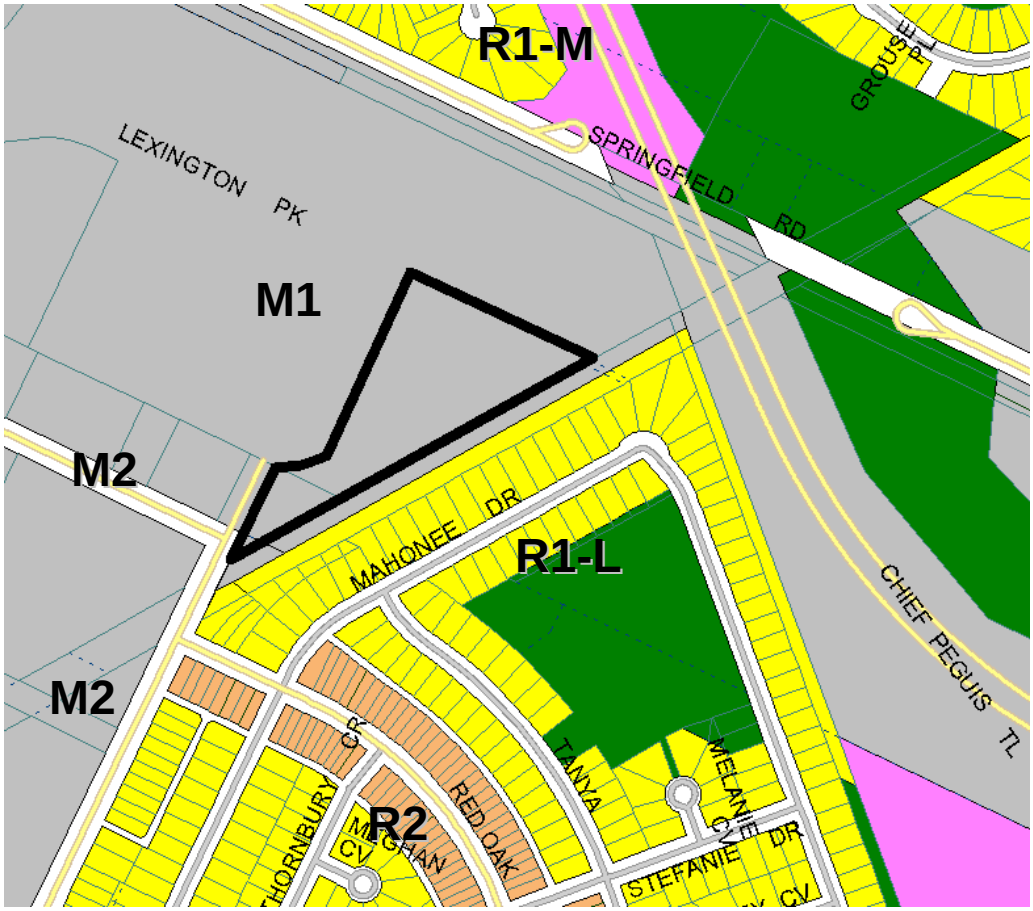


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 61 of the zoning by-law prescribes all permitted and conditional uses in each zoning district. Permitted uses in the “RMU” district include “Dwelling, multi-family”, “Dwelling, two-family”, “Community/recreation centre”, “Community garden”, “Restaurant”, “Office”, “Personal services”, and “Retail Sales”.
- Section 143 of the zoning by-law prescribes the following dimensional standards for the “RMU” zoning district:

	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.)
RMU	9,000	500	20	25	5	20	8*	100
* - 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 ft.								

Figure 3: Dimensional standards for the "RMU" zoning district

- Section 161 of the zoning by-law prescribes minimum parking space requirements for each land use. Multifamily residential developments are required to provide 1.5 parking spaces per dwelling unit.
    - Ten percent of the required parking spaces must be unassigned guest parking.
    - Section 169 requires that 1 lockable bicycle space must be provided for every 10 required automobile parking spaces.

Public consultation

- As discussed in Section A-3.2 of the Area Master Plan, two open houses were staged for area residents. The scope of both open houses related to the entire Palliser site, not just this proposed DASZ application.
- The first open house was held on August 30, 2012, at the Palliser Furniture warehouse at 90 Lexington Park Rd.
    - This open house began with a presentation demonstrating design and development principles, visioning process to date, development issues, opportunities and constraints, and the conceptual plan drafted at that point. Participants were then divided into groups and, using blocks, explored building massing opportunities.
    - This event was attended by 65 participants.
- The second open house was held on October 3, 2012 at the same location.
    - The applicant noted that the most important planning issues identified at this meeting were the relationship of tall buildings to nearby single family dwellings, traffic, density, green space, and transit.
    - In response to concerns voiced at the first open house, the applicant commissioned a study titled, "Study on the Effect of Rezoning from Industrial Use to Multifamily Use on Surrounding Residential Property Values", presenting the findings at this open house.
    - This open house also provided residents an opportunity to review the most recent draft plan – this plan illustrated the allocation of land use, density, approximate building heights, parks, and the proposed repurposing of the existing industrial building.
    - The applicant notes that an exit survey documented strong support (less than 15% opposed) for most of the items presented.

- Information from the two open houses as well as the subject application has been made available by the applicant on Palliser Furniture's website at: http://www.palliser.com/furniture/AboutUs/major-redevelopment-site.html.

Active transportation

- The City of Winnipeg Active Transportation Map 2011 identifies the Hydro corridor adjacent to the east as a Future Route where no infrastructure currently exists in these areas. This is also identified in the Transportation Master Plan.
- In the report of the Administrative Coordinating Group, it is recommended that the applicant construct an AT path along the north side of Springfield Rd.
- Because the roads internal to the site are proposed to be private, sidewalks along them can be required via the plan approval process (and informed by the area master plan).

Provision of public transit

- Both the applicant and the City intend to have public transit run through this site at some point. However, the fact that the applicant intends for the internal road system to be private complicates these matters to a certain extent.
- As a result, a number of conditions are recommended to ensure these roads are built to specifications that can accommodate this.

Parks planning

- For this particular DASZ application, administration is seeking cash-in-lieu of land dedication for parks. However, it will be seeking public park land as the rest of the Palliser site redevelops. As per Section C-7.1 of the proposed area master plan, the location, size, and configuration of the public park sites must be finalized before development plans for the Palliser site can be accepted for consideration for Phase 2 (or any areas extending beyond 25% build out, whichever happens first).
- This future park space should be designed to be consistent with Section C-7 of the area master plan.

Land use by-law issues

- There is currently an active zoning agreement still effective on the entire Palliser site as per DAZ 222/96. The details of this zoning agreement can be found in Schedule "C" of this report.
- It is recommended that this zoning agreement be removed and replaced with a new one. However, it is acknowledged that it can only be removed only the land subject to this application. The balance of this zoning agreement will have to be removed in subsequent subdivision and rezoning applications on the Palliser site.

Compatibility with the surrounding neighbourhood

- The proposed area master plan references five key criteria to evaluate the development's compatibility with the surrounding neighbourhood. This section will now go through these five criteria and address how the proposed development will address them.
- Massing:
    - The proposed area master plan states that all development should be contained within a 45 degree angular plane extending upwards in a 45 degree angle from a point six feet above an adjacent residential property line.
    - The applicant has sited its smallest buildings, the four storey townhouses, adjacent to the single family dwellings along Mahonee Dr. Larger buildings will be placed more internal to the site.
    - The 45 degree angular plane guideline is a Best Practice guideline in regards to building massing used in jurisdictions across North America. Compliance with this guideline helps reduce the sense of a building's massing to adjacent neighbours. Diagrams included in the area master plan indicate that the proposed development will easily achieve this requirement.
    - It is recommended that this 45 degree angular plane be legally entrenched in a zoning agreement for the site.
        - The wording of the recommended zoning agreement condition allows for "very minor intrusions as determined by the Director of Planning, Property, and Development. The intent of this language is to avoid future zoning agreement amendment applications should minor intrusions such as portions of balcony railings project slightly into the 45 degree angular plane. Otherwise, it is intended that this requirement be applied quite stringently.
- Privacy:
    - The proposed plan states that balconies on all buildings should be set back, oriented away, or screened, from residential neighbourhoods outside the Major Redevelopment Site.
    - On their conceptual plan, the applicant has placed the townhouses whereby its balconies on an angle where they do not directly face the nearest single family dwellings.
    - Plan approval for the location and design of all buildings is recommended as a condition of approval. Through this process, methods for balcony screening can be explored.
- Shadows:
    - The proposed plan requires that the applicant minimize all shadow impacts on adjacent single family neighbourhoods.
    - It is recommended in this report that this information be provided through the plan approval process.
    - Shadow impacts should be illustrated for 10am, 12pm, 3pm, and 5pm on March 21, June 21, and December 21. Particular attention should be given to the minimization of shadows on backyard amenity areas, especially in March and June.
- Buffering:
    - The applicant notes the existence of a 25 ft. berm along the entirety of the east boundary of the Major Redevelopment Site. They proposed to maintain this berm and to landscape it to provide a buffer to the adjacent single family dwellings across the Hydro corridor.

  - The Urban Planning Division is recommending that this berm be maintained in perpetuity via a zoning agreement.
- Parking:
  - The applicant has not indicated any deficiency in required vehicular parking. If this is requested at some point, the Urban Planning Division would evaluate it in the context of the larger Palliser site.

Site design issues

- The proposed Area Master Plan provides a fairly robust set of design guidelines that largely serve to support the pedestrian orientation of the site. These guidelines will be used to inform design reviews of proposed developments.
- The Urban Planning Division has reviewed the conceptual site plan submitted with the application. Based on the design guidelines of the plan, and in addition to more conventional requirements such as building elevations, landscaping plans, bicycle parking, and garbage enclosure details, it has preliminarily identified a number of specific design items that should be given further consideration:
  - Additional consideration should be given to enhancing the pedestrian orientation of the southern cluster of townhouses. Siting all its driveways along Burnett detracts from a pedestrian environment. Ideally, the townhouses should be oriented facing Burnett.
  - Opportunities to reduce the number of approaches onto Burnett may be possible and should be explored.
  - The applicant should consider the inclusion of a pedestrian pathway internal to the site.
- In his review of the larger area master plan, the City Naturalist identified a small portion of “B/C” quality habitat identified by the City Naturalist adjacent to the Chief Peguis Trail. The “B/C” quality habitat has a reasonably good composition of native plants mixed with non-natives. Eventual preservation of some of this area as the larger Palliser site eventually redevelops is encouraged.
  - In relation to this application, Administration would like to ensure that the grading of this site may not compromise future preservation efforts. As a result, a lot grading plan has been added to the list of required plan approval items.

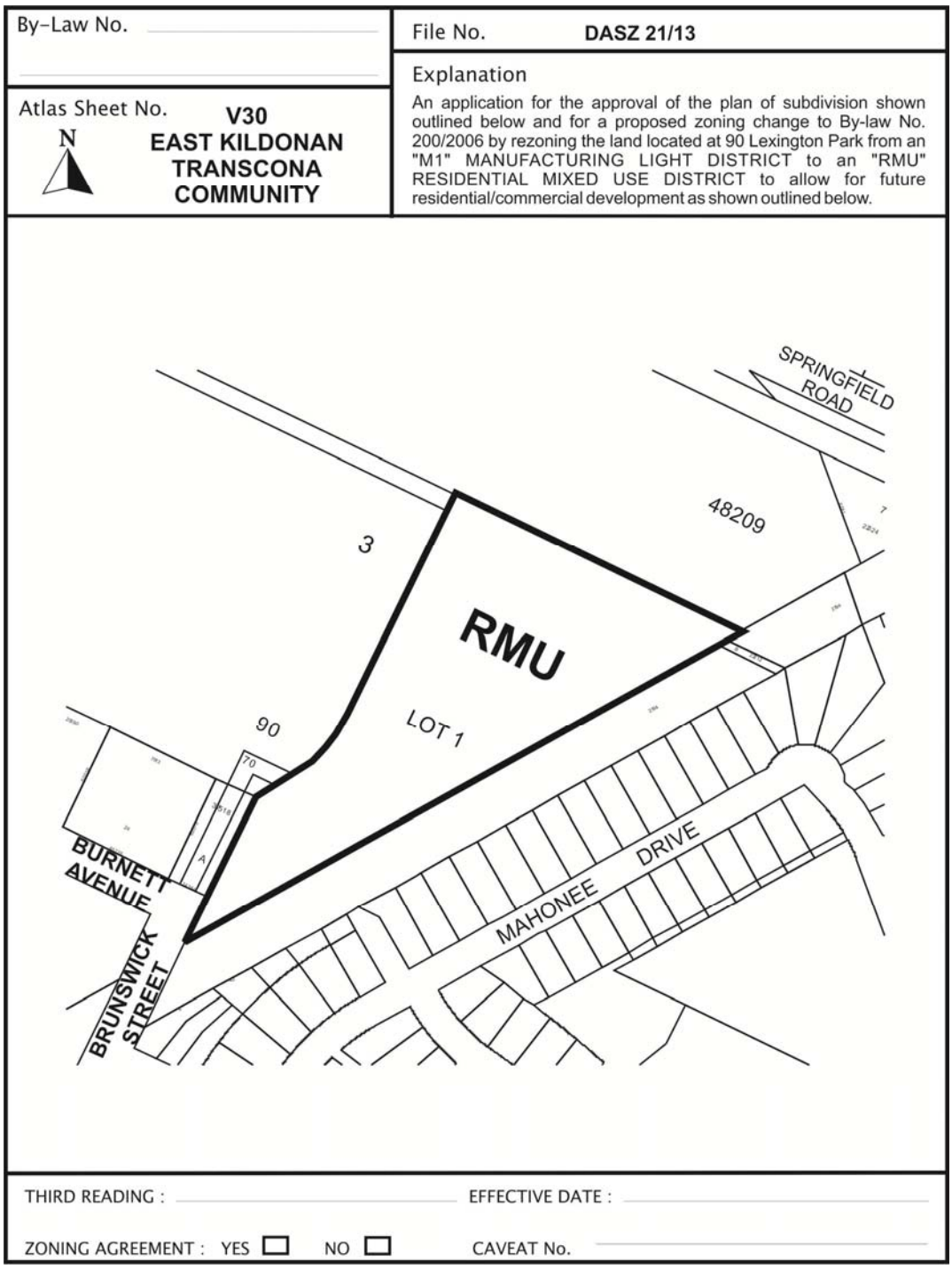
RECOMMENDATION

The Urban Planning Division is supportive of the proposed development, as it complies with the policies for Major Redevelopment Sites as articulated in the Complete Communities Direction Strategy as well as the proposed Area Master Plan.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 21/13

APPENDIX 'B'

Schedule "A" for File No. DASZ 21/13, East Kildonan-Transcona Community Committee, dated July 9, 2013.



Schedule "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – July 4, 2013

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 90 LEXINGTON PARK - DASZ 21/2013

The Developer has made an application to proceed with Phase 1 of their proposed Major Redevelopment Site Area Master Plan. The land forms part of the Planned Area under Servicing Agreement AG 222/96 and amendments thereto between the City of Winnipeg and Palliser Furniture Ltd.

As information the Developer has made a concurrent request to further amend Servicing Agreement AG 222/96 to allow outstanding land drainage charges and existing servicing costs to be apportioned on an area basis payable prior to the release of subdivision mylars for future development phasing within the lands proposed for development under Palliser's Major Redevelopment Site Area Master Plan. This application DASZ 21/2013 is the first phase within the master plan area.

It is recommended that the approval of DASZ 21/2013, if granted, be subject to the applicant entering into Servicing Agreement Addendum AG 21/2013 – a second addendum to Servicing Agreement AG 222/96 to incorporate the above amendment as required, and containing the following conditions:

1. The Developer shall, prior to the release of subdivision mylars, pay its share of the following outstanding servicing payments required by Servicing Agreement AG 222/96 and amendments thereto, on a pro-rated area basis using the area of the subject Planned Area (approximately 6.21 acres) proportioned against the total area for future development within Palliser's Lexington Village lands, as determined by the Directors of Public Works and Water and Waste;

    i.) Land Drainage Trunk Charges (approx. $264,731 based upon 2013 Rates)
    ii.) Services in Springfield Road – pavement, ornamental lighting and land drainage sewer laterals (approx. $171,862 based upon 2013 Rates)
    iii.) Services in Gateway Road – watermain, land drainage sewer laterals and ornamental lighting (approx. $68,196 based upon 2013 Rates)

2. a) The Developer shall pay its share of the cost of the following improvements on a pro-rated area basis using the area of the subject Planned Area (approximately 6.21 acres proportioned against the total area for future development within Palliser's Lexington Village lands, as determined by the Director of Public Works:

    i.) a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the south side of Springfield Road from the terminus of the concrete sidewalk to be constructed by others to Chief Peguis Trail;

    ii.) an asphaltic concrete bike path to a width of 3.0m on the north side of Springfield Road from Gateway Road to Dunits Drive.

    iii.) an asphaltic concrete multi-use path to a width of 3.5m on the north side of

Springfield Road from Dunits Drive to Chief Peguis Trail;

iv.) the full cost of the installation 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 Gateway Road and Lexington Park, when and as determined by and to the satisfaction of the Director of Public Works.

v.) the following permanent roadworks at the intersection of Gateway Road and Lexington Park Road; a southbound by-pass lane on Gateway Road from Springfield Road to south of Lexington Park Road, including transition; northbound right-turn lane on Gateway Road, including transition, and all related works; all when and as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall finance and construct a bike path to a width of 3.0m on the north side of Springfield Road from Gateway Road to Dunits Drive as determined by and to the satisfaction of the Director of Public Works.

c) The Developer shall finance and construct an asphaltic concrete multi-use path to a width of 3.5m on the north side of Springfield Road from Dunits Drive to Chief Peguis Trail as determined by and to the satisfaction of the Director of Public Works.

d) The Developer's share of the cost of improvements as determined in a) above shall be off-set against the cost of services to be constructed pursuant to b) and c) above as certified by the Director of Public Works.

3. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area and pay the full cost to convert any existing overhead services to underground, to the satisfaction of the Director of Public Works.

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

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

6. The Developer shall, at no expense to the City, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

7. The Developer shall dedicate to the City as Public Reserve at least 8% of the land within the Planned Area, landscape the dedicated land, and pay its share of the cost of serviced frontage in accordance with the Development Agreement Parameters and consistent with the policies outlined in the Palliser Major Redevelopment Site Area Master Plan, all to the satisfaction of, the Directors of Public Works and Planning, Property and Development. If the Developer is unable to dedicate the required land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Planning, Property and Development, and compensate the City for any shortfalls in the amount of land, servicing and landscaping improvements not provided, at the then current values, by payment of cash, or, by the provision of an equivalent value of additional site amenities in the dedicated Public Reserves of future development phases within Palliser's Site Area Master Plan, as approved by the Directors of Public Works and Planning Property and Development.

8. It is acknowledged that the current phase of development under this application DASZ 21/2013 (approximately 6.21 acres) does not propose any Public Reserve lands, landscaping or services, therefore it is recommended that dedication of this phase of development shall be accrued with the dedication of Public Reserve for all other phases (approximately 41.79 acres) within the Palliser Major Redevelopment Site Area Master Plan and compensation tabulated, as necessary, within the final phase of development.

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

10. 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 Addendum Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 21/2013
July 4, 2013

"original signed by R.R. Deighton, P. Eng."
R.R. Deighton, P. Eng.
Land Development Branch

"original signed by C.Desjardine, P.Eng."
C.J. Desjardine, M.Sc.,P. Eng.
Public Works Department, Transportation Division

"original signed by F.Mazur, P.Eng."
F. C. Mazur, P. Eng.
Water & Waste Department

"original signed by D.Beaton, M.L.Arch"
D. Beaton, M.L.Arch.
Parks, Riverbanks, & Community Initiatives Branch

/rd

Schedule “C”

EXISTING ZONING AGREEMENT REQUIREMENTS AS PER DAZ 222/96

As per the conditions above, it is recommended that an existing zoning agreement be deleted and replaced. Below are the details of the existing zoning agreement.

- Within the land there shall be established, for the purpose of this agreement, two sites, hereinafter referred to as “Site 1” and “Site 2”. Attached hereto and marked as Schedule “A” to this agreement is a sketch of the land, setting out the location of Site 1 and Site 2.
- The land and any building or structure on it shall not be used for, and no building or structure shall be erected, placed, altered, or enlarged on the land for any use except as follows:

Permitted Uses

Site 1:

- Any use permitted on Site No. 2
- Animal hospital, veterinary clinic
- Appliances, including major appliances: Rental; sale; service
- Art/Crafts/Hobby: Instruction, including beer and wine making supplies and equipment sales
- Audio/Video recordings: rental, sale
- Automobile, including motorcycle, supplies/parts: Sales (no installation or repair permitted to vehicles on site)
- Bank; Credit Union; or similar financial service
- Banking/Teller Machines, automated
- Barber shop; Beauty Salon; or similar grooming service
- Bicycle: Rental, sale, service
- Book: sales
- Building materials; Hardward; Home Improvement Supplies or Equipment: Sales (max. 20,000 sq. ft. floor area)
- Church; Synagogue: or similar place of worship
- Clothing, including hats, shoes, other wearing apparel and accessories: - alteration; repair; sales
- Driving School
- Dry-cleaning; Pressing; Dyeing, including accessory depot; unlimited solvents
- Florist
- Furnishings, Household or Office, including carpet and furniture: Rental; Sales
- Gift Store
- Grocery: Confectionary; including baked goods, candy, meats, soft drinks, or other specialties: Sales, including incidental food preparation (max. 60,000 sq. ft. floor area)
- Jeweller; Watchmaker, including custom manufacturer
- Laboratory: Medical, Dental, Optical
- Luggage: Rental; Sale; Service
- Medical, Dental, Optical, Counselling, or other health or therapeutic clinic

- Medical, Dental, Optical or other Precision Instruments; Prosethetics: Rental; Sale; Service
- Musical Instruments: Rental; Sale; Service; Music Instruction
- Office
- Pet Sales; Pet Supplies; Pet Grooming
- Photographic Developing/Printing
- Printing, Photocopying; or similar service
- Recreation Centre, including indoor or outdoor courts, ranges, rinks, tracks, or similar sports or fitness facility (the location and design of which shall be subject to the approval of the East Kildonan-Transcona Community Committee and shall be developed and maintained in accordance with approved plans)
- Reducing Salon, Health Spa, Tanning Salon, or similar facility (not including steam bath)
- Restaurant (max. floor area of 2,500 sq. ft.)
- Sporting Goods: Rental; Sale; Service; Trophy Sales, including incidental assembly and engraving
- Stationery Sales
- Toy: Sales

Site 2:

- Day Care Centre for the children of employees, or tenants, on the same zoning lot
- Furnishings, Household or Office, including carpet and furniture: Manufacture
- Glass Products: Manufacture from finished glass
- Leather; Hides; Fur; Bone; Hair Products: Manufacture from finished materials
- Office
- Plastic Products: Manufacture from finished plastic
- Upholstering, custom
- Wholesale Establishment, furniture only including offices and showrooms
- Wood Products: Manufacture from finished wood, including a cabinet shop
- Accessory uses: parking and loading areas; Permitted Signs; Showroom

Conditional Uses

Site 1:

- Day Care Centre
- Fuel: Sales: kiosk
- Motors or Machines, Recreational or Utility, including power toboggans, outdoor motors, lawn mowers: Rental, Sale: Service (no outside storage or display)
- Restaurant (exceeding a floor area of 2,500 sq. ft.)
- Restaurant: Drive-Through

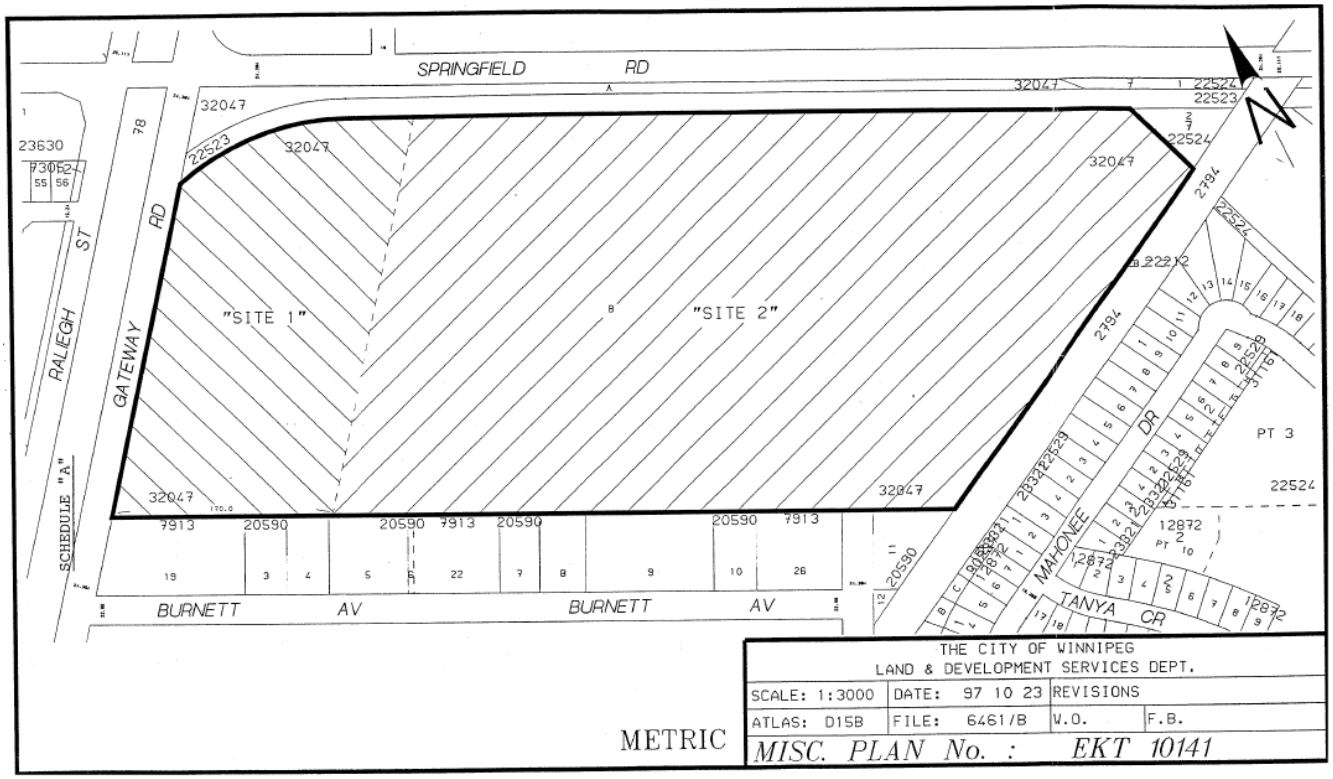
Variance

Site 1:

- Drug Store

- Electronic Equipment, including audio-visual, communication, copying, data processing, security and similar equipment, excluding satellite dishes and radio towers. Rental, Sales, Service.

- For purposes of Zoning By-law No. 6400/94, the front lot line shall be established as that property line abutting Gateway Rd.
- The maximum building height on Site No. 1 shall be limited to 9.144 metres (30 feet) and on Site 2 shall be limited to 15.24 metres (50 feet).
- With the exception of any approved private approaches, a minimum 3.048 metre (10 feet) in depth landscaped yard shall be established and maintained by the Owner along the full length of the Gateway Rd frontage of Site 1.
- All lands lying north of the CPR right-of-way along Springfield Road shall be established and maintained as a landscaped area only, and no other uses (including signs) shall be permitted on the land, said landscaping to be completed by the Owner to the satisfaction of the Director of Community Services prior to the issuance of any development permits for Site 2.
- The Owner shall establish appropriate signage on the lands, to the satisfaction of the Director of Community Services and the Director of Streets and Transportation. The signage shall direct that access by commercial vehicular traffic (trucks) to the lands shall be via Burnett Avenue and Brunswick Street (north of Burnett Avenue) or via an approved private approach from Gateway Road.
- No private approach or vehicular access onto or from Springfield Road shall be permitted.
- All free-standing signs shall be limited to a maximum of 25 ft. in height.
- Billboards, mobile signs, mobile poster signs, A-frames or similar temporary signs shall not be permitted on the land.
- No buildings, structures or works, signs, fences, private approaches, parking, loading areas, and landscaped areas shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing location, design, type and colour of exterior materials are submitted to and approved by the East Kildonan-Transcona Community Committee and the Commissioner of Planning and Community Services and thereafter identified by the signature of that Commissioner under the designation “Schedule B” to Zoning Agreement DAZ 222/96, and no buildings, structure, or works shall be erected or located on the land except in accordance with that Schedule “B” to this agreement.


SPRINGFIELD RD
"SITE 1"
"SITE 2"
GATEWAY RD
RALEIGH ST
SCHEDULE "A"
BURNETT AV
BURNETT AV
MAHONEE DR
TANYA CR
PT 3
THE CITY OF WINNIPEG
LAND & DEVELOPMENT SERVICES DEPT.
SCALE: 1:3000
DATE: 97 10 23
REVISIONS
ATLAS: D15B
FILE: 6461/B
W.O.
F.B.
MISC. PLAN No. : EKT 10141
METRIC