Agenda – Council – November 20, 2013

Report – Executive Policy Committee – October 2, 2013

Item No. 3 Subdivision and Rezoning – Southwest corner of Jefferson Avenue and King Edward Street, North of Commercial Avenue (Old Kildonan Ward) File DASZ 30/2013 [c/r SPA 1/2013]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 30, 2013, the Executive Policy Committee amended its recommendation of October 2, 2013, and submitted the following to Council:

1. That the plan of subdivision proposed under File DASZ 30/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2013 dated May 14, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 26, 2013 which is Schedule "B" of this report, with the following amendments:

        A. Plan Considerations

        i. Delete Condition 1

        ii. Delete Condition 2

        iii. Delete Condition 11

        iv. Delete Condition 13

        v. Delete Condition 14 and replace with the following:

        "14. That the Developer pay to the City the cash value for the installation of berming and other appropriate noise attenuation measures that would be required where single and two family residential lots back onto Jefferson Avenue (Chief Peguis Trail), and in the interim, a fence be erected until such time Chief Peguis Trail extension has been built."

vi. Delete Condition 15

vii. Renumber Conditions accordingly.

C. Agreement Conditions

i. Delete Condition 13 and replace with the following:

"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, commencing east of Hazelton Drive 0.3m off of the property line on the entire north side of Hillbrook Drive and continuing easterly along the south side of Castlebury Drive, and then southerly along the west side of Castlebury Drive, ending at Coatstone Drive, as determined by and to the satisfaction of the Director of Public Works.

ii. Delete Condition 16

iii. Delete Condition 18

iv. Delete Condition 20

v. Delete Condition 21

vi. Add the following Condition:
"That the Developer dedicate to the City the portion of lands extending from the western terminus of Hillbrook Drive between Phase 1 and 2 of the multiple family parcels extending westerly to the terminus of the planned area, as well as the cash value of said of 2 lane collectors so as to accommodate the future extension of Hillbrook Drive."

vii. Add the following Condition:
"That the Developer at no cost to the city shall construct four (4) raised pedestrian crossings where the linear pathway intersects Castlebury Drive (north), Squire Place, Hillbrook Drive and Castlebury Drive (south)."

Report – Executive Policy Committee – October 2, 2013

viii. Add the following Condition:
"The multi-family site shall be restricted until Commercial Avenue is constructed as a Collector Road. The Developer shall be responsible for 50% of the following upgrades for Commercial Avenue and the portion of Hazelton Drive not located within the planned area, and 100% of the costs for the portion of Hazelton and Hillbrook Drives located within the planned area, to be Collector Roads,:

a. 2.5 metres of concrete pavement 50mm in thickness
b. Sidewalks – required on Collectors
c. Difference in providing street lighting on Collector Roads."

ix. Renumber Conditions accordingly

2. That Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 30/2013 dated May 14, 2013 to "R1-S" Residential District, "R1-M" Residential District, "R2" Residential Two-Family District, "RMF-M" Residential Multiple Family District, and "PR1" Parks and Recreation District, subject to the following:

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

i. That for the development of any lands zoned "RMF-M", plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and signage to the Lord Selkirk West Kildonan Community Committee and Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That a landscape plan for the public reserve areas (parks) and linear pathways shall be submitted to the Lord Selkirk West Kildonan Community Committee and Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

iii. That no habitable room shall be located within 50 feet of the west limit of the planned area on the land zoned "RMF-M". The Developer shall construct a landscaped buffer a minimum of 30 feet wide along the entire length of the western limit of the lands zoned "RMF-M", to include a landscaped berm that is no less than a minimum of 3 feet in height, with a rise to run ratio not exceeding 1:3 and is constructed and maintained to the satisfaction of the Director of Planning Property and Development. The landscaped berm shall include at least one deciduous or coniferous tree per every linear 35 feet of lot line and three shrubs for every 20 linear feet of lot line.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

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

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

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

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

Report – Executive Policy Committee – October 2, 2013

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

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

Report – Executive Policy Committee – October 2, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 30, 2013, the Executive Policy Committee amended its recommendation of October 2, 2013, as follows:

Report from the Urban Planning Division

- Delete Recommendations 2.A.iv. and 2.A.v.

Report of the Administrative Coordinating Group

- Move Recommendation 1 under **A. Plan Considerations** to **C. Agreement Conditions**, namely:

  "The multi-family site shall be restricted until Commercial Avenue is constructed as a Collector Road. The Developer shall be responsible for 50% of the following upgrades for Commercial Avenue and the portion of Hazelton Drive not located within the planned area, and 100% of the costs for the portion of Hazelton and Hillbrook Drives located within the planned area, to be Collector Roads,:
  a. 2.5 metres of concrete pavement 50mm in thickness
  b. Sidewalks – required on Collectors
  c. Difference in providing street lighting on Collector Roads."

- Amend Recommendation 13 under **C. Agreement Conditions** by deleting the word "south" in the fifth line thereof and replacing same with the word "north"

- Delete Recommendation 16 under **C. Agreement Conditions**

and submitted the matter to Council.

COUNCIL DECISION:

On October 23, 2013, Council referred the matter back to the Executive Policy Committee.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 2, 2013, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

Report – Executive Policy Committee – October 2, 2013

DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

Report from the Urban Planning Division

- Add the following new Recommendation 2. A. ii and renumber the remaining Recommendations accordingly:
  "2.A.ii. That a landscape plan for the public reserve areas (parks) and linear pathways shall be submitted to the Lord Selkirk West Kildonan Community Committee and Director of Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development."

- Delete Recommendation 2.A.ii. (new Recommendation 2. A. iii) and replace with the following:
  "2.A.iii. That no habitable room shall be located within 50 feet of the west limit of the planned area on the land zoned "RMF-M". The Developer shall construct a landscaped buffer a minimum of 30 feet wide along the entire length of the western limit of the lands zoned "RMF-M", to include a landscaped berm that is no less than a minimum of 3 feet in height, with a rise to run ratio not exceeding 1:3 and is constructed and maintained to the satisfaction of the Director of Planning Property and Development. The landscaped berm shall include at least one deciduous or coniferous tree per every linear 35 feet of lot line and three shrubs for every 20 linear feet of lot line."

Report of the Administrative Coordinating Group

A. Plan Considerations

- Delete Condition 1 and replace with the following:
  "1. The multi-family site shall be restricted until Commercial Avenue is constructed as a Collector Road. The Developer shall be responsible for 50% of the following upgrades for Commercial Avenue and the portion of Hazelton Drive not located within the planned area, and 100% of the costs for the portion of Hazelton and Hillbrook Drives located within the planned area, to be Collector Roads,:

  a. 2.5 metres of concrete pavement 50mm in thickness
  b. Sidewalks – required on Collectors
  c. Difference in providing street lighting on Collector Roads."

Report – Executive Policy Committee – October 2, 2013

DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

- Delete Condition 2
- Delete Condition 11
- Delete Condition 13
- Delete Condition 14 and replace with the following:
  "14. That the Developer pay to the City the cash value for the installation of berming and other appropriate noise attenuation measures that would be required where single and two family residential lots back onto Jefferson Avenue (Chief Peguis Trail), and in the interim, a fence be erected until such time Chief Peguis Trail extension has been built."
- Delete Condition 15
- Renumber Conditions accordingly

C. Agreement Conditions

- Delete Condition 13 and replace with the following Condition:
  "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, commencing east of Hazelton Drive 0.3m off of the property line on the entire south side of Hillbrook Drive and continuing easterly along the south side of Castlebury Drive, and then southerly along the west side of Castlebury Drive, ending at Coatstone Drive, as determined by and to the satisfaction of the Director of Public Works.
- Delete Condition 18
- Delete Condition 20
- Delete Condition 21

Report – Executive Policy Committee – October 2, 2013

- Add the following Condition:
  "That the Developer at no cost to the city shall construct four (4) raised pedestrian crossings where the linear pathway intersects Castlebury Drive (north), Squire Place, Hillbrook Drive and Castlebury Drive (south)."

- Renumber Conditions accordingly,

and submitted the matter to Council.

Further on October 2, 2013, the Executive Policy Committee provided the following supporting reasons:

1. The 600 + units that will be created will meet a growing demand for housing in the Northwest area of Winnipeg.

2. The selection and affordability of housing will be a positive addition for the City.

3. The applicant has a clear vision for the area and has worked closely with the Winnipeg Public Service.

On September 18, 2013, the Executive Policy Committee did not hear any representation on the application and adjourned the public hearing to its meeting on October 2, 2013 at 9:00 a.m. in the Council Building, 510 Main Street.

PUBLIC HEARING SUMMARY

File: DASZ 30/2013

Before: Executive Policy Committee
His Worship Mayor Katz, Chairperson
Deputy Mayor Wyatt
Councillor Browaty
Councillor Mayes
Councillor Pagtakhan
Councillor Vandal

Public Hearing: October 2, 2013
September 18, 2013
Council Building, 510 Main Street

Applicant: Terracon Development Ltd.
(Matt Glavin)

Subject:



APPLICANT : TERRACON DEVELOPMENT LTD.
FILE : DASZ 30/13
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 shown outlined above from an "A" AGRICULTURAL PDO AIRPORT VICINITY DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (SMALL) PDO AIRPORT VICINITY DISTRICT, "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) PDO AIRPORT VICINITY DISTRICT, "R2" RESIDENTIAL TWO-FAMILY PDO AIRPORT VICINITY DISTRICT, "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) PDO AIRPORT VICINITY DISTRICT and "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) PDO AIRPORT VICINITY DISTRICT to facilitate the establishment of lots, blocks, public reserve and public right-of-ways for future residential development. **For information, phone Mr. N. Yauk, Planner, at 204-986-4560.**

Premises Affected: Southwest corner of Jefferson Avenue and King Edward Street, North of Commercial Avenue

Exhibits Filed:

1. Application dated May 14, 2013
2. Notification of Public Hearing dated August 20, 2013
3. Manitoba Status of Titles 2611180/1 and 2653459/1
4a. Letter of authorization dated February 1, 2013 from 6460527 Manitoba Ltd. to Terracon Development Ltd.
4b. Letter of authorization dated March 28, 2013 from Northwest Farms Ltd. to Terracon Development Ltd.
5a. Surveyor's Building Location Certificate and sketch dated May 2, 2013
5b. Surveyor's Building Location Certificate and sketch dated May 3, 2013
6. Zoning Development Information
7. Report from the Urban Planning Division dated August 27, 2013
8. Inspection Report
9. Notice of Adjournment dated September 19, 2013
10. Communication dated October 2, 2013 from Michael Falk, Terracon Development Ltd., with respect to the application, including proposed amendments to the Report of the Administrative Coordinating Group, submitted at the public hearing held on October 2, 2013
11. Plan submitted by David Palubeski at the public hearing held on October 2, 2013
12. Audio Recording of representations of public hearing held on October 2, 2013

REPRESENTATIONS:

In Support:

Marc Brown
Michael Falk, Terracon Development Ltd.
Jeff Fontaine, Terracon Development Ltd.
Matt Glavin, Terracon Development Ltd.
Darshan Kaila
Mike O'Shaughnessy
David Palubeski, Lombard North Group Ltd.
Maurice Steele

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. L. Escobar, Manager of Transportation, Public Works Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. J. Kiernan, Manager of Urban Design, Planning, Property and Development Department
Mr. M. Pittet, Manager of Land Development, Geomatics and Land Information Services, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. B. Shenback, Principal Planner, Planning, Property and Development Department
Mr. B. Smith, Chief Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 30/2013

ADMINISTRATIVE REPORT

Title: DASZ 30/13 – Southwest Corner of Jefferson and King Edward, North of Commercial

Issue: For consideration at the Public Hearing to rezone land from "A" Agricultural PDO Airport Vicinity District to "R1-S" Residential Single-Family Small PDO Airport Vicinity District, "R1-M" Residential Single-Family PDO Airport Vicinity District, "R2" Residential Two-Family PDO Airport Vicinity District, "RMF-M" Residential Multi-Family PDO Airport Vicinity District, and "PR1" Parks and Recreation District (Neighbourhood) PDO Airport Vicinity District.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	B. Thorgrimson	N/A	D. Joshi

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 30/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2013 dated May 14, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 26, 2013 which is Schedule "B" of this report.

2. That Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 30/2013 dated May 14, 2013 to "R1-S" Residential District, "R1-M" Residential District, "R2" Residential Two-Family District, "RMF-M" Residential Multiple Family District, and "PR1" Parks and Recreation District, subject to the following:

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

        i) That, for the development of any lands zoned "RMF-M", plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Lord Selkirk West Kildonan Community Committee and Director of

Planning, Property and Development for approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii) That any lands zoned which are zoned “RMF-M” and abut lands zoned “M2” General Manufacturing District shall have a minimum west yard setback of 50 feet.

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

iv) Where single and two family residential lots back onto King Edward Street along the length of King Edward Street, abutting the Planned Area, south of the proposed collector street entering the Planned Area, the said lots are to be established with a minimum depth to provide a minimum rear yard setback of 16.0m.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

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

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

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

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

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

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

REASON FOR THE REPORT

- The applicant intends to rezone the property to the following zoning districts:
  - "R1-S" Residential District
  - "R1-M" Residential District
  - "R2" Residential Two-Family District
  - "RMF-M" Residential Multiple Family District
  - "PR1" Parks and Recreation District
- As per the requirements of OurWinnipeg, Complete Communities, the applicant has submitted a concurrent Precinct Plan for these lands located within the New Communities Policy Area known as Precinct T.
- The proposed rezonings are in accordance with the policies and are meant to accommodate a variety of housing types.
- The intended use of the land requires a rezoning and subsequent Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The report is being submitted for the Committee's consideration of the development application at the Public Hearing.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein. Conditions of the attached ACG report aim to address issues identified by other civic departments with respect to the subdivision plan, such as the absence of a collector road through the development and the inability for the proposed development to be served by public transit.

IMPLICATIONS OF THE RECOMMENDATIONS

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

FINANCIAL IMPACT STATEMENT

Financial Impact Statement Date: August 26, 2013

Project Name:
DASZ 30/13 – Southwest Corner of Jefferson and King Edward, North of Commercial

COMMENTS:

There are no financial implications associated with this report.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

The Administrative Coordinating Group of the City of Winnipeg

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Date:	August 27, 2013
File No.	O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2013 Reports\DASZ 30_2013 Precinct T.doc

UD2013-097

List of Attachments:

- APPENDIX 'A': Planners Report
- SCHEDULE "A" FOR FILE NO. DASZ 30/2013, EXECUTIVE POLICY COMMITTEE, DATED MAY 14, 2013
- SCHEDULE B: REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – Dated August 26, 2013

APPENDIX 'A

DATE: August 26, 2012

FILE: **DASZ 30/13**
RELATED FILES:

COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: 3.316

SUBJECT: For consideration at the Public Hearing to rezone the subject property "R1-S" Residential Single-Family Small PDO Airport Vicinity District, "R1-M" Residential Single-Family PDO Airport Vicinity District, "R2" Residential Two-Family PDO Airport Vicinity District, "RMF-M" Residential Multi-Family PDO Airport Vicinity District, and "PR1" Parks and Recreation District (Neighbourhood) PDO Airport Vicinity District.

LOCATION: Lands Located at the Southwest Corner of Jefferson and King Edward, North of Commercial Avenue.

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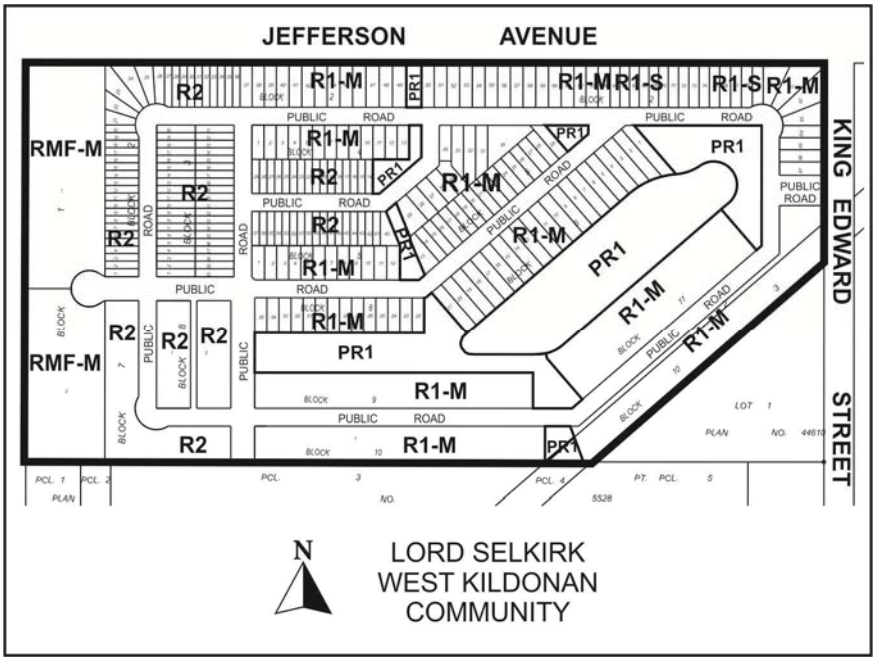
LEGAL DESCRIPTION: N ½ of NE ¼ 26-11-2E EVC PLAN 44610



APPLICANT: Terracon Development Ltd
1 Terracon Place
Wpg., MB R2J 4B3

OWNER: 6460527 MB LTD and NORTHWEST FARMS LTD

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant intends to rezone the property to the following zoning districts:
  - "R1-S" Residential PDO Airport Vicinity District
  - "R1-M" Residential PDO Airport Vicinity District
  - "R2" Residential Two-Family PDO Airport Vicinity District
  - "RMF-M" Residential Multiple Family PDO Airport Vicinity District
  - "PR1" Parks and Recreation PDO Airport Vicinity District
- As per the requirements of OurWinnipeg and Complete Communities, the applicant has submitted a concurrent Precinct Plan for these lands located within the New Communities Policy Area as identified as Precinct T.
- The proposed rezonings are in accordance with the policies and are meant to accommodate a variety of housing types.
- The intended use of the land requires a rezoning and subsequent Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The report is being submitted for the Committee's consideration of the development application at the Public Hearing.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein.
- The Public Service recommends the rezoning be approved subject to any conditions specified in the attached ACG report. Conditions of the ACG report aim to address issues identified by other civic departments with respect to the subdivision plan, such as the absence of a collector road through the development and the inability for the proposed development to be served by public transit.

SITE DESCRIPTION

Land Use and Zoning

- The subject lands are located at the southwest corner of King Edward Street and Jefferson Avenue (Future Chief Peguis Trail) and extend southward to include the C.P.R. lands as well as all lands approximately 660 feet north of Commercial Avenue. The western boundary of the planned area is the eastern terminus of the industrially zoned lands that front onto Meridian Drive which are part of the North Inkster Industrial Area (see Figure 1).

- The subject rezoning application includes approximately 2/3 of the lands within precinct "T" as it excludes the lands intervening to Commercial Avenue.

- The site is approximately 74 acres in size.

- Should approval of SPA 1/13 be successful, the lands will be designated as a New Community and identified as Precinct T under the Complete *Communities Direction Strategy*.

- The subject report is written in the context of the lands being designated as New Community. Upon successful re-designation these lands will be compatible with *OurWinnipeg* and *Complete Communities* in terms of general policy designation.

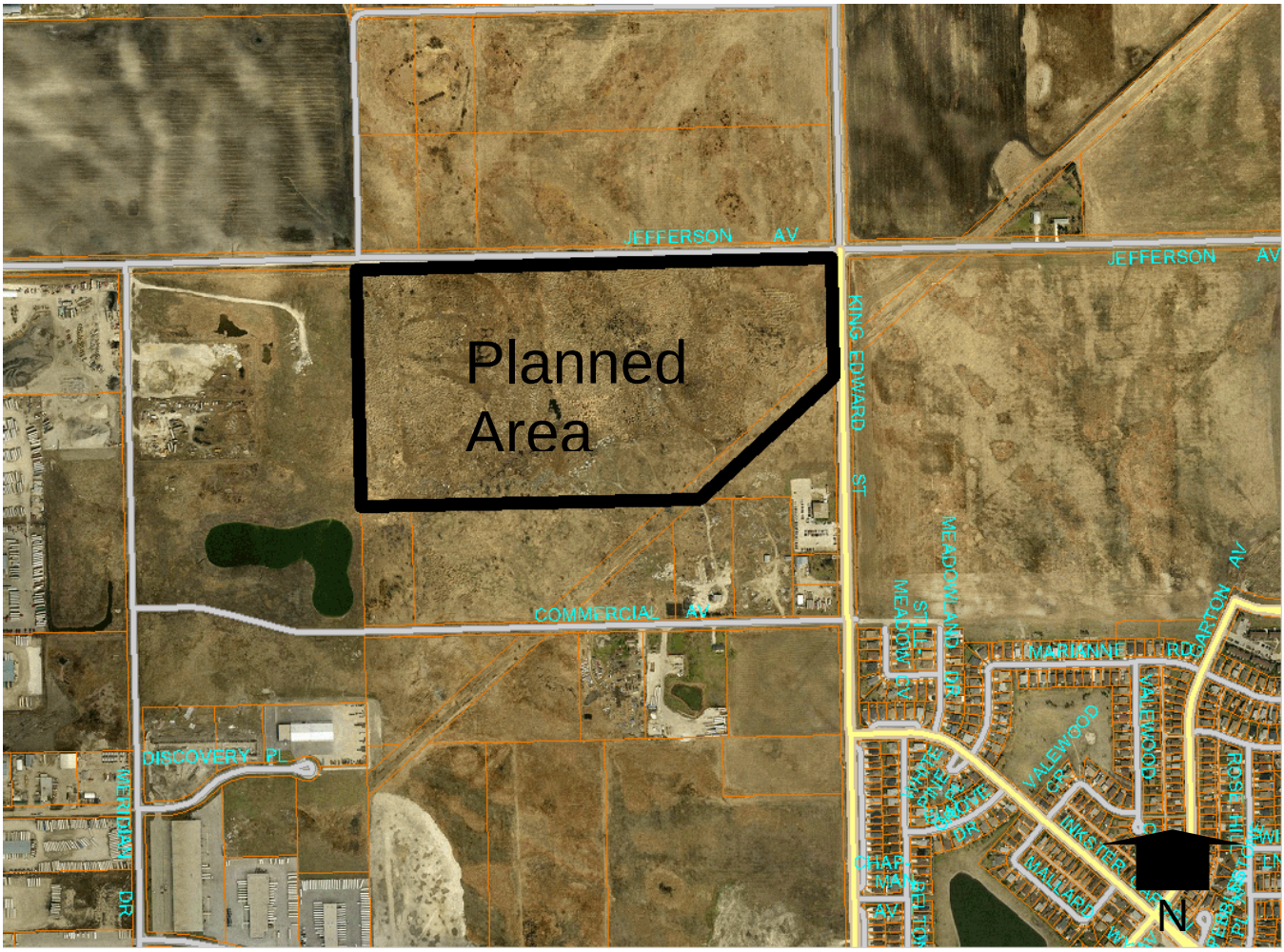


Figure 1: Approximate Boundary of the Subject Site (Aerial Flown 2012)

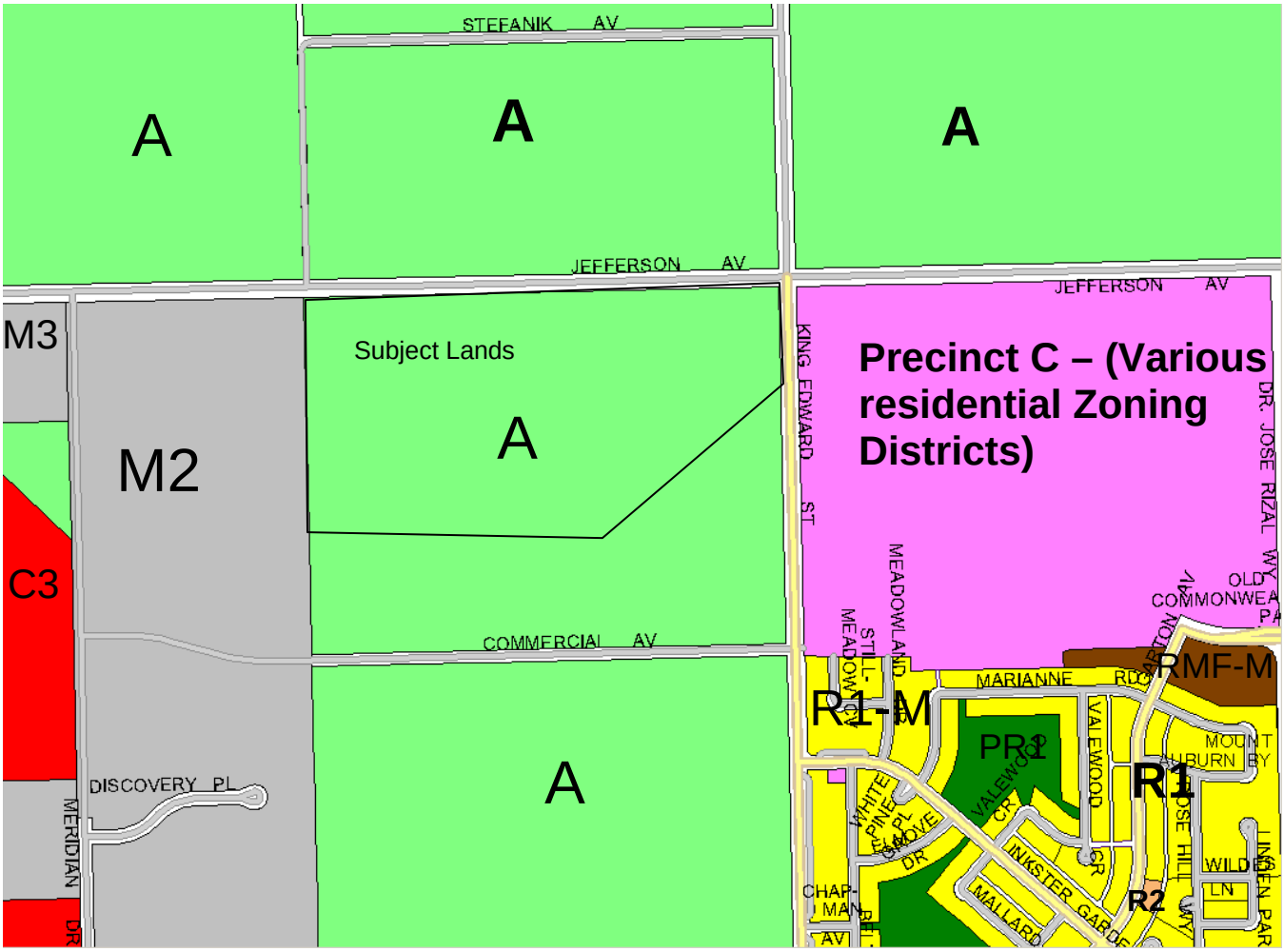


Figure 2: Current Zoning of the Subject Lands and Surrounding Area.

DESCRIPTION OF THE PROPOSAL

- The applicant intends to rezone the subject lands to a variety of zoning districts that are appropriate in facilitating development consistent with the proposed Precinct Plan.
- As per the concurrent Precinct Plan application, the proposed development is consistent with the policies of *OurWinnipeg* and *Complete Communities.*
- The applicant is proposing to rezone the subject lands to the following Districts:
  - "R1-M" Residential PDO Airport Vicinity District
  - "R1-S" Residential PDO Airport Vicinity District
  - "R2" Residential Two-Family PDO Airport Vicinity District
  - "RMF-M" Residential Multiple PDO Airport Vicinity Family District
  - "PR1" Parks and Recreation PDO Airport Vicinity District
- Combined, the proposed zoning districts will provide for a range of housing types. It is noted that proposed zoning districts are consistent with the zoning districts in the adjacent, planned neighbourhood of Waterford Green (Precinct C) which has been approved for development, but has not been built out as of yet.
- The development, at build out, is expected to yield approximately 613 dwelling units – 417single and two family lots and approximately 196 multi-family units.

- Phase I of the development will consist of approximately 138 single-family lots, 110 two-family lots and one multi-family lot which is estimated to house 126 dwelling units.

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the New Communities Policy Area (subject to approval of SPA 1/13). The report for SPA 1/13 provides discussion on relevant policies of the New Communities Policy designation and how proposed Precinct "T" relates to those policies.

PRECINCT PLAN POLICIES

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

Precinct Plan "T" encourages the following:

- Ensure that the Inkster West community remains a desirable community with an appropriate balance and transition from employment lands to residential uses;
- Create a more sustainable complete community with a diverse range of housing types and choices to meet the needs of varying income groups and lifestyles;
- Increase opportunities for healthy living with attention to local residents' access and use of greenspaces, walking trails and active transportation corridors with a focus on creating a sense of place and providing linkages to the surrounding neighbourhoods;
- Encourage residential development designs which increase open space and decrease negative impacts on the visual and natural environment;
- Encourage a socially inclusive community that provides a livable environment;
- Encourage walking and cycling as alternative methods of transportation within the
- neighbourhood;
- Promote the use of public transit through compact neighbourhood design and provide easy and convenient pedestrian linkages to transit stops within the neighbourhood; and
- Encourage all development within Precinct "T" to address the recreation needs of the neighbourhood.

Precinct Plan Residential Policies

General Residential Policies include encouraging:

- a range of housing styles and options within the neighbourhood
- development to respect the character, streetscape and design pattern of the neighbourhoods immediately surrounding Precinct "T".

Precinct T also contains policy area respecting Low Density Residential, Medium Density Residential, and High Density Residential Area.

The Low Density Residential Areas accommodate:
i. single-family dwellings;
ii. two-family dwellings;
iii. townhouses;
iv. parks and open space and active transportation networks.

The Medium Density Residential Areas accommodate:
i. two-family dwellings;
ii. townhouses;
iii. multi-family dwellings;
iv. parks and open space and active transportation networks.

The High Density Residential Areas accommodate:
i. multi-family dwellings
ii. parks and open space and active transportation networks.

Precinct Plan Parks and Open Space Policies

The Precinct Plan recognizes the primary purpose of the parks/open space areas is to provide areas for recreational and leisure activities in a safe and inviting way to serve both the neighbourhood, but also function as part of the city wide parks network.

Some of the important policies of the Precinct Plan are as follows:

- Parks/open space areas and pathways shall be provided throughout the neighbourhood to address the recreational needs of neighbouring residents and surrounding community.
- A pathway shall be provided to link the surrounding employment lands with the residential areas of Precinct "T".
- The parks/open spaces areas of *Precinct Plan "T"* may provide residents and visitors of this neighbourhood and of adjacent and nearby neighbourhoods with:
    - i) recreation opportunities, such as sports fields;
    - ii) passive recreation and leisure opportunities such as places to play, sit, enjoy nature, garden, learn, walk, cycle or ski; and
    - iii) land in which pathways and active transportation corridors may be located.

Precinct Plan Transportation Policies

The precinct plan recognizes the purpose of the Transportation Policies is to guide the development of *Precinct Plan "T"* transportation system so that it will accommodate a wide range of forms of
transportation, including, but not limited to, the pedestrian and the cyclist (active transportation user), the private motor-vehicle driver/passenger and the public transit user.

Active Transportation; active transportation network may consist of pathways or sidewalks for pedestrians, cyclists and similar modes.

Precinct Plan Public Transportation Policies

Important policies include:

- Transit routes should be located on collector streets, with routes on local roads only when required.
- Bus stops should be located within a walkable distance (400m) from most homes in the neighbourhood.

ZONING

Zoning By-Law 200/2006: Proposed Zoning Districts

The zoning districts proposed for the development include a variety of residential districts that accommodate single-family dwellings, duplexes, town houses and multi-family development such as apartments. The bullets below summarize the intent of each zoning district as defined in Zoning By-law 200/2006. Figures 3 -5 (below) provides the dimensional standards for the proposed zoning districts.

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

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

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

- **"PR1" Parks and Recreation 1 (Neighbourhood) District**
  This district is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas. Generally, there are no parking facilities associated with these uses. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

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

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

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

Figure 4: Dimensional Standards for the Multiple Family District

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

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

- Collectively, the above zoning districts provide a wide range of housing types important to help meet the lifecycle needs of Winnipeg residents. The zoning districts will accommodate single family homes, duplexes, row houses and even apartments.
- The proposed zoning districts also enable the development within the precinct to meet and exceed the residential density targets identified in the precinct plan.
    - The average overall density target for the low density residential areas is a minimum of 6 dwelling units per gross acre and a maximum of 12 dwelling units per gross acre.
    - The minimum density target for the medium density residential area is a minimum of 7.5 units per gross acre and maximum of 15 units per gross acre.

- The maximum density target for the high density residential area is 35 units per gross acre. This maximum density is consistent with the Airport Vicinity Protection Area Secondary Plan (see next heading).

Airport Vicinity Protection Area Secondary Plan and Planned Development Overlay (PDO-1 Airport Vicinity)

All of the lands within Precinct T are located within the Council adopted Airport Vicinity Protection Area Secondary Plan. An Overlay district is also included in Zoning By-law 200/2006 to regulate development as per the Airport Vicinity Protection Area Secondary Plan. Anecdotally, the subject lands used to be designated as Neighbourhood Policy Area, but were re-designated to Industrial Policy Area because of proximity to the airport.

The purpose of the Airport Vicinity Protection Area Secondary Plan is to minimize exposure of residential and other sensitive land uses to aircraft and their potential impacts, namely noise. The intent is also to protect the 24-hour operation of the international airport. The protection area consists of Area I and Area II where restrictions on development are placed to achieve the Overlay's intent. It is noted that the subject site is located within the least restrictive of these zones (Area II), where multi-family development may occur at a maximum density of 35 units per acre. Within Area I of the Airport Vicinity Protection Area, no new residential development is permitted (only existing residential development can be replaced, not exceed the existing number of units).

In an effort to address noise exposure, the City of Winnipeg drafted and adopted a by-law called the AIRPORT VICINITY ACOUSTIC INSULATION BY-LAW No. 6419/94. The by-law requires increased performance standards for new residential construction located within the Airport Vicinity Protection Area. The main emphasis on building standards is increased insulation.

COMPATIBILITY WITH EXISITNG DEVELOPMENT

Currently, most of the lands adjacent to Precinct T are vacant. This includes lands designated as General Manufacturing Policy Area to the north, south and west. The lands to the north are further designated as New Community and will be separated from the proposed development by the future extension of Chief Peguis Trail westward. The lands to the east, across King Edward Street have been approved for development through the Precinct C planning process. Once Precinct C (also referred to as Waterford Green) builds out there will be neighbourhood development on one side of the planned area. It is noted that the industrial lands adjacent to the west and the south can be developed, subject to a full range of services and necessary development approvals, given that these lands are within a General Manufacturing Policy Area. The lands to the west are zoned "M2" to accommodate industrial uses.

Adjacent General Manufacturing Lands

The adjacent General Manufacturing lands to the west can accommodate a wide range of industrial uses. There are many situations in the City of Winnipeg where residential development is within close proximity to industrial uses. To avoid potential conflicts the precinct plan encourages a *"transition between differing land uses, particularly the adjacent employment lands that encompasses Inksbrook Industrial Park"* (C-3.4 b).

It is also important to recognize the effect that residentially zoned properties will have on the zoning rights of abutting "M2" properties. One impact is that a landscape buffer will be required for any proposed industrial development that shares a side or rear property line abutting a

residential district (Zoning By-law 200/2006, Section 190). Another impact on the existing, abutting “M2” properties by the introduction of residential land uses is that any permitted outside storage will instead need to be contained within an enclosed building or effectively screened as per the provisions of Section 197, Zoning By-law 200/2006.

COMMUNITY INPUT

Community input relating to the transition of lands from General Manufacturing Policy to New Communities and details of a draft precinct plan involved 2 separate open houses:

- June 28th, 2012 at Meadows West School
    - This Open House was held by the City of Winnipeg to identify public interest in the conversion of the subject lands (Precinct T), as well as the lands continuing further south to Inkster BV (Identified as Precinct S).
    - The open house provided poster boards discussing the process of amending the official development plan, *Our Winnipeg, Complete Communities*. Staff was on hand to answer questions.
    - Approximately 30 people attended the public open house.
    - An exit survey was also on hand, of which about 15 people completed.
    - Though the sample is quite small, the majority of survey respondents were supportive of the lands being designated to New Community from General Manufacturing. Most of the respondent identified themselves as living in the neighbourhoods of Garden Grove, Meadows West and Inkster gardens.

- January 24, 2013 at the Immanuel Lutheran Church
    - This Open House was held by Terracon Development Ltd. with the objective of displaying the Precinct Plan to date and gaining feedback.
    - The open house provided poster boards to illustrate the components of the plan.
    - 11 people attended.
    - According to the applicant most attendees were supportive of adding residential growth to the area.
    - The applicant provided an exit survey at the open house. However, only two were completed and included general comments related to traffic and residential development in and around industrial lands.

HOUSING OPPORTUNITIES

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

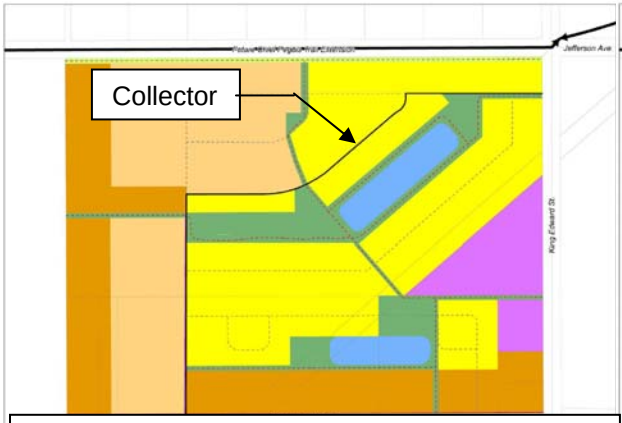
KEY COMMENT PROVIDED BY OTHER CIVIC DEPARTMENTS

It is noted that the subject DASZ application (30/2013) has been reviewed by civic departments through the Administrative Coordinating Group (ACG). While the Urban Planning Division is generally supportive of the concept of development on the subject lands, it should be noted that important issues have been raised by other City departments. Addressing these issues, which form the conditions of the ACG report, will strengthen the development by bringing it into

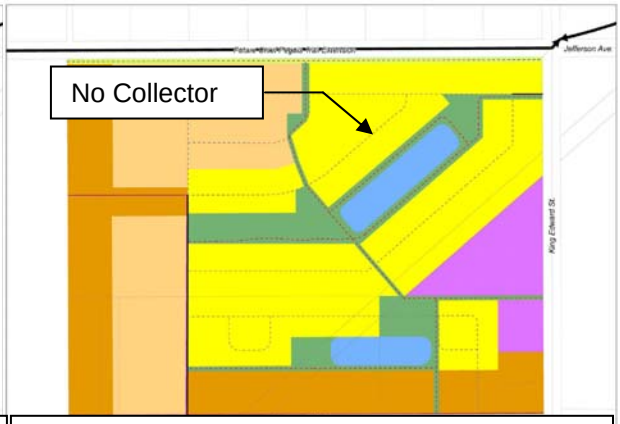
conformance with the policies of Complete Communities as well as the applicant's submitted Precinct Plan.

Public Works

The main issue identified by Public Works is the absence of a collector road that runs through the development. It is noted that an earlier version of the Precinct Plan did illustrate a collector running through the development. The maps below show collector roads as a black line. The December 2012 map illustrates a continuous collector within the development that begins at King Edward Street, travels west and then south to Commercial Avenue. This collector is not included in the most recent Precinct Plan that was submitted formally to the City and subsequently is not included in this DASZ application. In its place is a residential street proposing single-family homes with front approaches, except for small portions of roadway at the eastern and southern terminus of the planned area where the proposed road is designed as a collector. Public Works also requires the development to have two means of access. It is noted that the proposed north/south collector in the Precinct Plan goes south of the lands included in the DASZ application to intersect with Commercial Avenue and that these lands are under different ownership.



Land Use Concept Map (December 2012)



Land Use Concept Map (April 2013)

Transit

An important consideration with respect to the development of new neighbourhoods is that they are designed in such a manner to be accessed by public transit. It is noted that the subject application has been reviewed by the ACG. The concern raised by the Transit Department is that the proposed neighbourhood is not designed in a manner that supports public transit. Access to transit is a key goal of the developer. As the Precinct Plan states, "bus stops should be located within a walkable distance (400m) from most homes in the neighbourhood" (C-6.2 b). In order for public transit to serve the development it needs to be designed so as to accommodate transit, not preclude it. As is the case with Public Works, Transit requires a collector road through the development. The collector should connect to Old Commonwealth Path in adjacent Precinct "C". Without that connection, Winnipeg Transit has indicated that efficient transit service will be difficult.

Precinct Plan "T", Section C-5.2 *Public Transportation*, states:

a) Transit routes should be located on collector streets, with routes on local roads only when required.

Active Transportation
Active Transportation is another important aspect to the development of a new neighbourhood. The DASZ application has been reviewed by the Administrative Coordinating Group with an eye on how the proposed development will connect to existing and planned multi-use pathways within our City. The ACG report recommends multi-use pathways be added along King Edward Street and Jefferson Avenue. AT paths that appear in the Precinct Plan are absent from the DASZ application.

Precinct Plan "T", Section C-1, Goals for the Neighbourhood, states:

> *Increase opportunities for healthy living with attention to local residents' access and use of greenspaces, walking trails and active transportation corridors with a focus on creating a sense of place and providing linkages to surrounding neighbourhoods.*

Parks
The provision of adequate park space is another important ingredient to a new community. The ACG has reviewed the DASZ application and have noted that the lands provided, based on the size and configuration shown, do not accommodate active sports fields for this neighbourhood – and the path connections fail to provide ease of connection to any recreation space in the adjacent neighbourhoods.

Precinct Plan "T", Section B-4 states:

> *…greenspace and walking trails will be provided within the neighbourhood that will serve as a local recreational amenity for the neighbourhood and provide linkages to the surrounding neighbhourhood parks, greenspace and recreational amenities.*

Precinct Plan "T", Section C-4.1 states:

> *c) The parks/open spaces areas of Precinct Plan 'T' may provide residents and visitors of this neighbourhood and of adjacent and nearby neighbourhoods with:*
>
> *i. recreation opportunities, such as sports fields*

ZONING AGREEMENT CONSIDERATIONS:
The following is to provide context for the proposed zoning agreement conditions.

<u>Building Setbacks to Future Chief Peguis Trail</u>
A number of proposed residential properties (zoned R2, R1-S, and R1-M) are located at the north boundary of the precinct and will back onto the future extension of Chief Peguis Trail. Generally, the Public Works Dept. requires noise attenuation treatments such as increased setbacks, berming, fencing or a combination thereof. In cases such as this the ACG report recommends a clause be added to the zoning agreement to ensure noise attenuation is properly considered.

<u>Building Setbacks to Future Chief Peguis Trail</u>
A number of proposed residential properties zoned R1-M back onto King Edward Avenue. The Public Works Dept. requires that these properties have a 16.0 M setback to King Edward Street and have requested this be a condition of the Zoning Agreement.

Plan Approval

The subject lands are located within the Lord Selkirk/ West Kildonan (LSWK) Community Committee. Typically the LSWK Community Committee would be the public hearing body for a proposed DASZ application. This, however, is not the case with a proposed amendment to Complete Communities as per the Development Procedures by-law. A recommended condition of the zoning agreement is to allow the LSWK Community Committee the opportunity to review and approve the design of future multi-family development. The LSWK committee members typically request this clause be included in most rezoning applications involving multi-family development.

Setback to "M2" properties

This clause is meant to address the fact that the proposed "RMF-M" Residential Multi-Family lands share a boundary with lands zoned "M2" General Manufacturing District. While the precinct plan acknowledges the need for a "planned transition between…adjacent employment lands" it does not provide a numeric definition of what the said setback should be. A recommended condition of the zoning agreement is that any multi-family buildings be set back a minimum of 50 feet from the lands zoned "M2".

RECOMMENDATION

The Urban Planning Division recommends approval for the following reasons:

- The zoning districts are consistent with the New Community Policy Area of *Our Winnipeg, Complete Communities.*

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
PPD File # DASZ 30/13

SCHEDULE “A” FOR FILE NO. DASZ 30/2013, EXECUTIVE POLICY COMMITTEE, DATED MAY 14, 2013

By–Law No. _____

Atlas Sheet No. **T26**

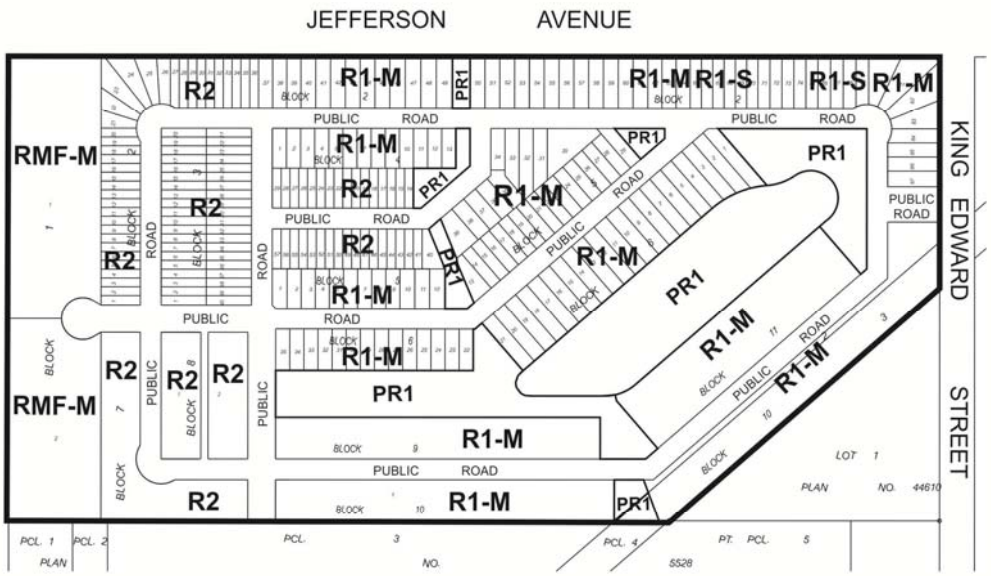
N

LORD SELKIRK WEST KILDONAN COMMUNITY

File No. **DASZ 30/13**

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 at the southwest corner of Jefferson Avenue & King Edward Street, north of Commercial Avenue from an "A" AGRICULTURAL PDO AIRPORT VICINITY DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (SMALL) PDO AIRPORT VICINITY DISTRICT, “R1-M” RESIDENTIAL SINGLE-FAMILY (MEDIUM) PDO AIRPORT VICINITY DISTRICT, “R2” RESIDENTIAL TWO-FAMILY PDO AIRPORT VICINITY DISTRICT, "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) PDO AIRPORT VICINITY DISTRICT and “PR1” PARKS AND RECREATION 1 (NEIGHBOURHOOD) PDO AIRPORT VICINITY DISTRICT to facilitate the establishment of lots, blocks, public reserve and public right-of-ways for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – August 26,2013

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED NORTH OF COMMERCIAL AVENUE, WEST OF KING EDWARD STREET AND SOUTH OF JEFFERSON AVENUE - DASZ 30/2013

It is recommended that the approval of DASZ 30/2013, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. Plan Considerations

1. The Developer shall amend the plan to provide a standard residential collector street, complete with frontage roads, where required, to serve fronting single or two family residential development, from King Edward Street westerly and southerly connect to the proposed collector street intended to connect to Commercial Avenue through adjacent lands to the south of 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 required for a 1.825m widening of the King Edward Street right-of-way as determined by and to the satisfaction of the Director of Public Works.

3. The Developer shall dedicate and legally open, property for a right-of-way corner cut in the south-west corner of King Edward Street and the proposed collector street entering the planned area, as determined by and to the satisfaction of the Director of Public Works.

4. The Developer shall dedicate and legally open property for right-of-way corner cuts measuring 3.0m by 3.0m in each corner of any intersection where the angle is less than 80°, 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. Proposed Frontage Roads, where required, are to be accommodated with a minimum right-of-way width of 9.0m. and the terminus points of the frontage roads are to be located and designed to the satisfaction of the Director of Public Works.

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

10. Cul-de-sac streets are not to exceed a length of 105m.

11. The right-of-ray to accommodate each residential cul-de-sac turnaround is to be consistent with the dimensions as illustrated in Streets and Transportation Drawing ST-90 (revised) or ST-90-A, and ST-91 in the case of the cul-de-sac at the west terminus of the collector street serving the proposed multi-family development.

12. 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.

13. Where single and two family residential lots back onto King Edward Street along the length of King Edward Street, abutting the Planned Area, south of the proposed collector street entering the Planned Area, the said lots are to be established with a minimum depth to provide a minimum rear yard setback of 16.0m. The Zoning Agreement covering these lots is to stipulate a minimum rear yard of 16.0m.

14. Where single and two family residential lots back onto Jefferson Avenue (Chief Peguis Trail) the said lots are to be established with a minimum depth to provide a minimum rear yard setback to achieve the City's Motor Vehicle Noise Policies and Guidelines sound level limit of 65 dBA in the typical outdoor recreation area of said residential lots in conjunction with other appropriate noise attenuation measures as verified by a Traffic Noise Study carried out by a qualified engineering consultant to the satisfaction of the Director of Public Works. The Zoning Agreement covering these lots is to stipulate this minimum rear yard.

15. That Public Reserve between the public roads shall be narrowed to 6m wide and changed to a Street right-of-way, in keeping with standard process for street-to-street pedestrian connections.

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 which will outline the provision of underground services for the proposed subdivision and adjacent lands.

2. The Developer shall submit, to the satisfaction of the Director of Water and Waste, servicing criteria sheets for water, wastewater, and land drainage facilities, including plans showing the 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 (including a piped outfall) 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 portland cement concrete pavements to a width of 6.0m by 150mm in thickness within the proposed frontage roads within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

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 frontage roads are constructed as determined by and to the satisfaction of the Director of Public Works.

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

15. The Developer shall, at no expense to the City, construct a four lane divided roadway, within a 32.0m right-of-way, consisting of two lanes of portland cement concrete pavement to a width of 8.0m by 200mm in thickness at the entrance to the planned area off King Edward Street, as determined by and to the satisfaction of the Director of Public Works.

16. The Developer shall, pay to the City, pay to the City in cash, on demand, its share of the cost of the following services to be installed in Commercial Avenue along the full length

of Precinct “T” abutting the north side of Commercial Avenue, on an area basis for the total area of Precinct “T”:

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

all as determined by the Director of Public Works.

17. The Developer shall pay to the City in cash, shall, pay to the City in cash, on demand, the cost of the following services to be installed in King Edward Street along the length of King Edward Street, abutting the Planned Area, south of the proposed collector street entering the Planned Area, abutting the west side of King Edward Street:

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

all as determined by the Director of Public Works.

18. The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services to be installed in King Edward Street between Commercial Avenue and Inkster Boulevard, on an area basis for the total area of Precincts “S” and “T”:

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

all as determined by the Director of Public Works.

19. The Developer shall pay 50% of the cost of constructing a 3.5m in width asphalt Active Transportation Pathway in King Edward Street from Commercial Avenue to Jefferson Avenue (Chief Peguis Trail) as determined by the Director of Public Works.

20. The developer shall pay 50% of the cost of constructing a 3.5m in width asphalt Active Transportation Pathway on the south side of Jefferson Avenue (Chief Peguis Trails) abutting the Planned Area as determined by and to the satisfaction of the Director of Public Works.

21. The Developer shall, pay to the City in cash, on demand, 50% of the cost of abandoning King Edward Street from the proposed collector street entering the Planned Area to Jefferson Avenue (Chief Peguis Trail) as determined by the Director of Public Works.

    a.) The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk along one side the internal east-west street to ensure pedestrian continuity from the proposed multi family sites to King Edward Street, as determined by, and to the satisfaction of the Director of Public Works.

22. There shall 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.

23. Proposed lots measuring 10.0m in width or less are to be limited to a maximum width of 3.0m for front private approaches. The City may register this condition as a caveat on the subject lots.

24. 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, multiple family sites, and the Future Chief Peguis Trail.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

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

34. 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.

35. 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.

36. 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 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.

37. It is acknowledged that no dedication credit shall be granted for land considered as walkway right-of-ways.

38. In tabulating public reserve dedication, only partial credit (50%) shall be granted for the portion of park are flanking retention ponds (where the sloped grade limits multi-use

options), calculation of which shall be to the satisfaction of the Director of Planning, Property and Development

39. 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.

40. The Developer acknowledges that the City will not compensate the developer for the Developer's provision of serviced frontages which are in excess of the standard 100 feet per acre.

41. Landscape improvements of the public reserve lands, buffers, and walkways right of ways, shall be in accordance with plans and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Public Works. The scope of landscaping shall include grading, levelling + sodding, land drainage, irrigation, and construction of asphalt paths

42. The Developer shall, at no expense to the City, install bollard fencing along the public frontage for the Public Reserve located north of the retention pond, to satisfaction of the Director of Public Works.

43. 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.

44. 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.

45. The developer shall, assume responsibility for all Public Reserve sites until they are developed and throughout the maintenance period.

46. The Developer shall, at no expense to the City, maintain the public open space improvements, including buffers and walkway right-of-ways 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.

47. 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.

48. The Developer shall, in compliance with the Area Master Plan, provide for a continuous pathway network installed to connect the future Chief Peguis Trail at the north limit of

the Planned area, through to the south limit, as determined by, and to the satisfaction of, the Directors of Public Works.

49. 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.

50. 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.

51. 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.

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

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 30/2013
August 25, 2013

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