Agenda - Executive Policy Committee – December 4, 2013

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Report - Standing Policy Committee on Property and Development – December 3, 2013

Item No. 2 Subdivision and Rezoning – Lots 2 and 3, Plan 45753, Peguis Street and Reenders Drive (Transcona Ward) File DASZ 33/2013 [c/r DAV 137683/2013D]

STANDING COMMITTEE RECOMMENDATION:

On December 3, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, as amended and submitted the following to Council:

1. That the plan of subdivision under File DASZ 33/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2013 dated July 9, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the future 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 June 20, 2013, as amended:

        A. Plan Considerations

            1. The Developer shall, at no expense to the City, transfer to the City and legally open property required to widen the Reenders Drive right-of-way to a width of 27.0m, as illustrated on Public Works Department Drawing No. PR13-12R1 (attached as Exhibit 20 to File DASZ 33/2013). All as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall, at no expense to the City, transfer to the City and legally open additional property required for a right-of-way corner cut in the northwest corner of the intersection of Reenders Drive and Peguis Street as determined by and to the satisfaction of the Director of Public Works.

B. Engineering Reports and Servicing Criteria

1. The Developer shall submit a Traffic Impact Study that will make recommendations regarding geometric design considerations for channelization and turning lanes to address predicted local traffic movements at public street intersections and private access locations along Reenders Drive to the Public Works Department, prior to the application proceeding to Standing Policy Committee for their consideration and shall, at no expense to the City, construct any upgrades to the street system, as recommended by the approved, by the Public Works Department, Traffic Impact Study and all as determined by and to the satisfaction of the Director of Public Works.

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 pay its share of the existing watermain in Reenders Drive installed by others.

4. The Developer shall, at no expense to the City, construct all land drainage sewers required to serve the Planned Area and adjacent lands fronting on Reenders Drive. The land drainage sewer shall be designed to provide capacity for the existing temporary land drainage systems west of Stapon Road, all as determined by, and to the satisfaction of, the Director of Water and Waste. Consistent with the Development Agreement Parameters the City shall endeavor to recover a cost share of the above land drainage works that are deemed to benefit adjacent privately-owned lands, as a condition of approval of a subdivision or rezoning application on those lands

5. 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.

6. The Developer shall;

    a) pay, upon demand its share of the cost of land drainage sewer oversizing constructed by others within the lands to the east of Reenders Drive that will provide capacity for the subject property and the lands to the west or;

    b) in the event that downstream land drainage facilities are not yet constructed, obtain permission from, and construct a stormwater retention basin and related land drainage works within the lands to the east of Reenders Drive in order to provide downstream outlet land drainage sewer capacity for the subject property and the lands to the west.

7. The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services to be installed in Peguis Street along the full length of the subject property abutting the west side of Peguis Street;

    a) an 8.3m in width by 200mm in thickness portland cement concrete pavement and all related works;

    b) a 3.5m in width asphaltic concrete active transportation path 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. This payment will be used to reimburse others that are required, by Agreement with the City, to install these services to the benefit of the subject lands.

8. The Developer shall, pay to the City, in Cash, on demand 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, pedestrian countdown signals (if required), and retiming existing adjacent traffic control signals to accommodate the new traffic control signal, at the following intersections:

-Reenders Drive and Peguis Street,

-Reenders Drive and the proposed private approach aligned with the north-south roadway of which the developer shall be 50% responsible. If the developer goes forward he shall be 100% responsible with a repayment in the future.

No superstructure permit will be granted until all roadworks are done and completed in terms of this application, in terms of Reenders including but not limited to the traffic light installations at Peguis and Reenders and at Reenders and the north-south roadway.

9. The Developer shall, at no expense to the City, construct, or pay on demand, the full cost of the following permanent works as determined by the approved, by the Public Works Department, Traffic Impact Study;

a) new auxiliary lanes, auxiliary lane extensions, transitions, transition modifications, median openings, median opening modifications, channelization, channelization modifications and all related works including improvements on Reenders Drive, boulevard landscaping, ornamental lighting, land drainage and including realigning the existing temporary connection and north-south private roadway to tie into Reenders Drive at a right angle as determined by the Director of Public Works;

b) signals and all related works;

at the following locations:

a) Stapon Road and Reenders Drive,

b) Peguis Street, and

c) at the three proposed access points to the proposed development.

The traffic signals must be installed concurrently with the roadworks. Both signals at both locations.

10. The Developer shall, at no expense to the City, construct a four lane divided roadway in Reenders Drive from Stapon Road to Peguis Street consisting of two 8.3m in width by 200mm in thickness portland cement concrete pavements and all related works including, but not necessarily limited to right-turn cut-offs in the northwest and southwest corners of the intersection of Reenders Drive and Peguis Street, boulevard landscaping, ornamental street lighting and land drainage sewer, and including realigning the existing temporary connection and the north-south private roadway to tie into Reenders Drive at a right angle, 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 a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the south side of Reenders Drive from the existing terminus of the concrete sidewalk approximately 400m east of Stapon Road to Peguis Street as determined by and to the satisfaction of the Director of Public Works.

12. The Developer shall, at no expense to the City, construct an asphaltic concrete active transportation path to a width of 3.5m on the north side of Reenders Drive from the existing terminus of the concrete sidewalk at Stapon Road to Peguis Street as determined by and to the satisfaction of the Director of Public Works.

13. The Developer shall construct the sidewalks and active transportation path concurrently with the pavements with which they share the right-of-way.

14. The Developer shall provide an easement necessary to accommodate the active transportation path, snow storage and underground utilities, on the north side of Reenders Drive as illustrated on Public Works Department Drawing No. PR13-12R1 (attached as Exhibit 20 to File DASZ 33/2013) as determined by and to the satisfaction of the Director of Public Works.

15. The City shall reimburse the Developer for a share of the works identified in Clauses B1, C8, C9, C10, C11 and C12 above as and when it collects from other benefitting lands in accordance with the City's Development Agreement Parameters prevailing at the time of reimbursement.

    The City will within 6 years through the City of Winnipeg Capital Budget refund the developer the non-developer's responsible share of the said improvements in Reenders Drive and said traffic lights unless paid for or refunded by other parties.

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

20. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

21. 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 required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

22. 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.

23. 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.

24. 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.

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25. 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;

26. 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.

27. 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.

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 33/2013 dated June 20, 2013, to a “C4” Commercial Regional district, subject to the following conditions:

   A. That the future developer 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, private approaches, accessory parking areas, garbage enclosures, fencing, lighting, landscaping, bicycle parking, and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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ii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, a private cross-access agreement with the owner of Lot 5, Plan 45753 so as to ensure access to this lot at all times via streets or internal roads by vehicles, including but not limited to City emergency service vehicles. The Developer and owners must submit the agreement or easement to the Director of Legal Services and City Solicitor for approval prior to execution. Alternatively, the Developer shall submit evidence indicating the existence of an existing agreement to the Director of Legal Services and City Solicitor for approval prior to execution, to the satisfaction of the Director of Legal Services and City Solicitor.

iv. That the most northerly 20 feet of proposed Lots 1 and 3 adjacent to a non-commercial use shall be established and maintained for a minimum 1.5 foot berm and a minimum 8 foot fence for a total height of not less than 9.5 feet and no other use.

v. That one private approach shall align with the intersection of Reenders Drive and the north-south private road bisecting the Kildonan Place property, to the satisfaction of the Director of Public Works.

vi. That the maximum building height on proposed Lots 1 and 3 shall be limited to 25 feet, excluding architectural enhancements, where said buildings are located within 150 feet of the north property line.

vii. That no illuminated signage be erected on the north sides of any buildings within 80 feet of the north property line.

viii. That there shall be no mobile signs on the entire site.

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

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

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

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

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

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

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

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

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Report - Standing Policy Committee on Property and Development – December 3, 2013

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On December 3, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendments:

- Delete the following from Recommendation 1. A. C. 8.:

  > "The City shall endeavor to recover a share of the cost of the traffic signals that are deemed to benefit adjacent privately-owned lands, as a condition of approval of future subdivision or rezoning applications on those benefitting lands.
  >
  > The City will within 6 years through the City of Winnipeg Capital Budget refund the developer the non-developer's responsible share of the said improvements in Reenders Drive and said traffic lights unless paid for or refunded by other parties."

- Delete the following from Recommendation 1. A. C. 9.:

  > "The City shall endeavor to recover a share of the cost of the above works that are deemed to benefit adjacent privately-owned lands as a condition of approval of a future subdivision or rezoning application on those benefiting lands."

- Delete the following from Recommendation 1. A. C. 10.:

  > "The City shall endeavor to recover a share of the cost of the above works that are deemed to benefit adjacent privately-owned lands, as a condition of approval of future subdivision or rezoning applications on those benefitting lands."

- Add the following new paragraph to Recommendation 1. A. C. 15.:

  > "The City will within 6 years through the City of Winnipeg Capital Budget refund the developer the non-developer's responsible share of the said improvements in Reenders Drive and said traffic lights unless paid for or refunded by other parties."

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

Agenda - Executive Policy Committee – December 4, 2013

Report - Standing Policy Committee on Property and Development – December 3, 2013

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION: (continued)

On November 5, 2013, the Standing Policy Committee on Property and Development laid over the matter to its meeting on December 3, 2013.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 15, 2013, the East Kildonan-Transcona Community Committee concurred in the revised recommendation dated July 9, 2013, of the Winnipeg Public Service with the following amendments:

Planner's Report

- Recommendation 2.A. iv.
  Delete the words "25 feet" and replace with the words "20 feet",
  Delete the words "3 foot" and replace with the words "1.5 foot",
  Delete the words "6.5 foot" and replace with the words "8 foot".

- Delete Recommendation 2.A.v. in its entirety and replace it with the following:
  "v. That one private approach shall align with the intersection of Reenders Drive and the north-south private road bisecting the Kildonan Place property, to the satisfaction of the Director of Public Works."

- Add the following as a new recommendation 2.A.vi
  "vi. That the maximum building height of the subject property shall be limited to 20 feet. "

- Renumber the remaining recommendations accordingly.

Administrative Co-ordinating Group Report

- Recommendation A1
  Delete the words "for the full length of the Planned Area abutting Reenders Drive" and replace with the words "as illustrated on Public Works Department Drawing No. PR13-12R1 (attached as Exhibit 20 to File DASZ 33/2013)."
  After the word "All" add the words "as determined by and"

Agenda - Executive Policy Committee – December 4, 2013

Report - Standing Policy Committee on Property and Development – December 3, 2013

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Recommendation B1
  After the words "The Developer shall submit a Traffic Impact Study" add the words "that will make recommendations regarding geometric design considerations for channelization and turning lanes to address predicted local traffic movements at public street intersections and private access locations along Reenders Drive"

- Recommendation C4
  After the words "Planned Area and Adjacent lands" add the words "fronting on Reenders Drive"
  After the words "the Director of Water and Waste" add the words "Consistent with the Development Agreement Parameters the City shall endeavor to recover a cost share of the above land drainage works that are deemed to benefit adjacent privately-owned lands, as a condition of approval of a subdivision or rezoning application on those lands."

- Recommendation C8
  Delete Recommendation C8 in its entirety and replace with the following:
  "8. The Developer shall, pay to the City, in Cash, on demand 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, pedestrian countdown signals (if required), and retiming existing adjacent traffic control signals to accommodate the new traffic control signal, at the following intersections:

  -Reenders Drive and Peguis Street,
  -Reenders Drive and the proposed private approach aligned with the north-south roadway of which the developer shall be 50% responsible. If the developer goes forward he shall be 100% responsible with a repayment in the future.

  No superstructure permit will be granted until all roadworks are done and completed in terms of this application, in terms of Reenders including but not limited to the traffic light installations at Peguis and Reenders and at Reenders and the north-south roadway.

Report - Standing Policy Committee on Property and Development – December 3, 2013

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

The City shall endeavor to recover a share of the cost of the traffic signals that are deemed to benefit adjacent privately-owned lands, as a condition of approval of future subdivision or rezoning applications on those benefitting lands.

The City will within 6 years through the City of Winnipeg Capital Budget refund the developer the non-developer's responsible share of the said improvements in Reenders Drive and said traffic lights unless paid for or refunded by other parties."

- Recommendation C9
  Delete Recommendation C9 in its entirety and replace with the following:

  "9. The Developer shall, at no expense to the City, construct, or pay on demand, the full cost of the following permanent works as determined by the approved, by the Public Works Department, Traffic Impact Study;

  a) new auxiliary lanes, auxiliary lane extensions, transitions, transition modifications, median openings, median opening modifications, channelization, channelization modifications and all related works including improvements on Reenders Drive, boulevard landscaping, ornamental lighting, land drainage and including realigning the existing temporary connection and north-south private roadway to tie into Reenders Drive at a right angle as determined by the Director of Public Works;

  b) signals and all related works;

  at the following locations:

  a) Stapon Road and Reenders Drive,
  b) Peguis Street, and
  c) at the three proposed access points to the proposed development.

  The traffic signals must be installed concurrently with the roadworks. Both signals at both locations.

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

> The City shall endeavor to recover a share of the cost of the above works that are deemed to benefit adjacent privately-owned lands as a condition of approval of a future subdivision or rezoning application on those benefiting lands.

- Recommendation C10
  After the words "ornamental street lighting and land drainage sewer" add the words "and including realigning the existing temporary connection and the north-south private roadway to tie into Reenders Drive at a right angle",
  After the words " all as determined by and to the satisfaction of the Director of Public Works" add the words "The City shall endeavor to recover a share of the cost of the above works that are deemed to benefit adjacent privately-owned lands, as a condition of approval of future subdivision or rezoning applications on those benefitting lands."

- Recommendation C12
  Delete the words "in thickness"

- Recommendation C14
  Delete the words "all easements" and replace with the words "an easement",
  Delete the word " sidewalk" and replace with the words "active transportation path, snow storage",
  After the words " and underground utilities" add the words "on the north side of Reenders Drive as illustrated on Public Works Department Drawing No. PR13-12R1 (attached as Exhibit 20 to File DASZ 33/2013)",

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

On September 17, 2013, the East Kildonan-Transcona Community Committee further adjourned the public hearing to its meeting on October 15, 2013 at 6:00 p.m. in the Council Building, 510 Main Street.

On July 16, 2013, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on September 17, 2013 at 6:00 p.m. in the Council Building, 510 Main Street.

Agenda - Executive Policy Committee – December 4, 2013

Report - Standing Policy Committee on Property and Development – December 3, 2013

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

On June 27, 2013, in accordance with Rule 8(6) of The Procedure By-law No. 50/2007, the Special Meeting of the East Kildonan-Transcona Community Committee scheduled to be held on this day at 5:30 p.m. stood adjourned, due to lack of a quorum.

RE: **Subdivision and Rezoning - Lots 2 and 3, Plan 45753, Peguis Street and Reenders Drive**
File DASZ 33/2013

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: **October 16, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 15, 2013, The East Kildonan-Transcona Community Committee concurred in the revised recommendation of the Winnipeg Public Service dated July 9, 2013, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 33/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 33/2013 dated July 9, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the future 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 June 20, 2013, ***as amended:***

        A. Plan Considerations

            1. The Developer shall, at no expense to the City, transfer to the City and legally open property required to widen the Reenders Drive right-of-way to a width of 27.0m, ~~***for the full length of the Planned Area abutting Reenders Drive***~~ ***as illustrated on Public Works Department Drawing No. PR13-12R1 (attached as Exhibit 20 to File DASZ 33/2013).*** All ***as determined by and*** to the satisfaction of the Director of Public Works.

            2. The Developer shall, at no expense to the City, transfer to the City and legally open additional property required for a right-of-way corner cut in the northwest corner of the intersection of Reenders Drive and Peguis Street as determined by and to the satisfaction of the Director of Public Works.

        B. Engineering Reports and Servicing Criteria

1. The Developer shall submit a Traffic Impact Study ***that will make recommendations regarding geometric design considerations for channelization and turning lanes to address predicted local traffic movements at public street intersections and private access locations along Reenders Drive*** to the Public Works Department, prior to the application proceeding to Standing Policy Committee for their consideration and shall, at no expense to the City, construct any upgrades to the street system, as recommended by the approved, by the Public Works Department, Traffic Impact Study and all as determined by and to the satisfaction of the Director of Public Works.

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 pay its share of the existing watermain in Reenders Drive installed by others.

4. The Developer shall, at no expense to the City, construct all land drainage sewers required to serve the Planned Area and adjacent lands ***fronting on Reenders Drive***. The land drainage sewer shall be designed to provide capacity for the existing temporary land drainage systems west of Stapon Road, all as determined by, and to the satisfaction of, the Director of Water and Waste. ***Consistent with the Development Agreement Parameters the City shall endeavor to recover a cost share of the above land drainage works that are deemed to benefit adjacent privately-owned lands, as a condition of approval of a subdivision or rezoning application on those lands***

5. 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.

6. The Developer shall;

   a) pay, upon demand its share of the cost of land drainage sewer oversizing constructed by others within the lands to

the east of Reenders Drive that will provide capacity for the subject property and the lands to the west or;

b) in the event that downstream land drainage facilities are not yet constructed, obtain permission from, and construct a stormwater retention basin and related land drainage works within the lands to the east of Reenders Drive in order to provide downstream outlet land drainage sewer capacity for the subject property and the lands to the west.

7. The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services to be installed in Peguis Street along the full length of the subject property abutting the west side of Peguis Street;

a) an 8.3m in width by 200mm in thickness portland cement concrete pavement and all related works;
b) a 3.5m in width asphaltic concrete active transportation path 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. This payment will be used to reimburse others that are required, by Agreement with the City, to install these services to the benefit of the subject lands.

8. The Developer shall, pay to the City, in Cash, on demand 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 Reenders Drive and Peguis Street as determined by and to the satisfaction of the Director of Public Works.***~~ ***pedestrian countdown signals (if required), and retiming existing adjacent traffic control signals to accommodate the new traffic control signal, at the following intersections:***

-Reenders Drive and Peguis Street,
-Reenders Drive and the proposed private approach aligned with the north-south roadway

The traffic control signals and related works shall be constructed concurrently with the roadway improvements described in Clause 10 below, all as determined by and to the satisfaction of the Director of Public Works.

The City shall endeavor to recover a 50% cost share of the cost of the traffic signals and related works that are deemed to benefit adjacent privately-owned lands, as a condition of approval of future subdivision or rezoning applications on those benefitting lands, and reimburse the developer accordingly. It is further acknowledged that, subject to approval of Capital funding, the City will reimburse the Developer a 50% cost share of the above the traffic signals and related works within 6 years of the date of execution of the Development Agreement unless prior payment has been made.

In the event that the above traffic control signals and related works are constructed by others, the developer shall pay, on demand a 50% cost share of the above traffic control signals and related works.

9. The Developer shall, at no expense to the City, construct, or pay on demand, the full cost of the following permanent works as determined by the approved, by the Public Works Department, Traffic Impact Study;

   a) new auxiliary lanes, auxiliary lane extensions, transitions, transition modifications, median openings, median opening modifications, channelization, channelization modifications and all related works;
   b) signals and all related works;

   at the following locations:

   ~~***a) at the signalized intersection of Stapon Road and Reenders Drive,***~~
   ~~***b) at the three proposed access points to the proposed development.***~~

   a) Stapon Road and Reenders Drive,
   b) Peguis Street, and
   c) at the three proposed access points to the proposed development.

10. The Developer shall, at no expense to the City, construct a four lane divided roadway in Reenders Drive from Stapon Road to Peguis Street consisting of two 8.3m in width by 200mm in thickness portland cement concrete pavements and all related works including, but not necessarily limited to right-turn cut-offs in the northwest and southwest corners of the intersection of Reenders Drive and Peguis Street, boulevard landscaping, ornamental street lighting and land drainage sewer, ***and including***

realigning the existing temporary connection and the north-south private roadway to tie into Reenders Drive at a right angle, all as determined by and to the satisfaction of the Director of Public Works. ***The City shall endeavor to recover a share of the cost of the above works that are deemed to benefit adjacent privately-owned lands, as a condition of approval of future subdivision or rezoning applications on those benefitting lands.***

11. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the south side of Reenders Drive from the existing terminus of the concrete sidewalk approximately 400m east of Stapon Road to Peguis Street as determined by and to the satisfaction of the Director of Public Works.

12. The Developer shall, at no expense to the City, construct an asphaltic concrete active transportation path to a width of 3.5m ~~***in thickness***~~ on the north side of Reenders Drive from the existing terminus of the concrete sidewalk at Stapon Road to Peguis Street as determined by and to the satisfaction of the Director of Public Works.

13. The Developer shall construct the sidewalks and active transportation path concurrently with the pavements with which they share the right-of-way.

14. The Developer shall provide ~~***all easements***~~ ***an easement*** necessary to accommodate the ~~***sidewalk***~~ ***active transportation path, snow storage*** and underground utilities, ***on the north side of Reenders Drive as illustrated on Public Works Department Drawing No. PR13-12R1 (attached as Exhibit 20 to File DASZ 33/2013)*** as determined by and to the satisfaction of the Director of Public Works.

15. The City shall reimburse the Developer for a share of the works identified in Clauses B1, C8, C9, C10, C11 and C12 above as and when it collects from other benefitting lands in accordance with the City's Development Agreement Parameters prevailing at the time of reimbursement.

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

20. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the

proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

21. 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 required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

22. 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.

23. 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.

24. 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.

25. 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;

26. 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.

27. 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.

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 33/2013 dated June 20, 2013, to a "C4" Commercial Regional district, subject to the following conditions:

A. That the future developer 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, ***private approaches,*** accessory parking areas, garbage enclosures, fencing, lighting, landscaping, bicycle parking, and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, a private cross-access agreement with the owner of Lot 5, Plan 45753 so as to ensure access to this lot at all times via streets or internal roads by

vehicles, including but not limited to City emergency service vehicles. The Developer and owners must submit the agreement or easement to the Director of Legal Services and City Solicitor for approval prior to execution. Alternatively, the Developer shall submit evidence indicating the existence of an existing agreement to the Director of Legal Services and City Solicitor for approval prior to execution, to the satisfaction of the Director of Legal Services and City Solicitor.

iv. That the most northerly ~~***25 feet***~~ ***20 feet*** of proposed Lots 1 and 3 adjacent to a non-commercial use shall be established and maintained for a minimum ~~***3 foot***~~ ***1.5 foot*** berm and a minimum ~~***6.5 foot***~~ ***8 foot*** fence for a total height of not less than 9.5 feet and no other use.

~~***v. That a minimum 10 foot wide landscaped strip shall be developed and maintained along the south limit of the property fronting onto Reenders Drive.***~~

v. That one private approach shall align with the intersection of Reenders Drive and the north-south private road bisecting the Kildonan Place property, to the satisfaction of the Director of Public Works.

vi. ~~***That the maximum building height of the subject property shall be limited to 20 feet.***~~ ***That the maximum building height on proposed Lots 1 and 3 shall be limited to 25 feet, excluding architectural enhancements, where said buildings are located within 150 feet of the north property line.***

~~***vi.***~~***vii.*** That no illuminated signage be erected on the north sides of any buildings within 80 feet of the north property line.

~~***vii.***~~***viii.*** That there shall be no mobile signs on the entire site.

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

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

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

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

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

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

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

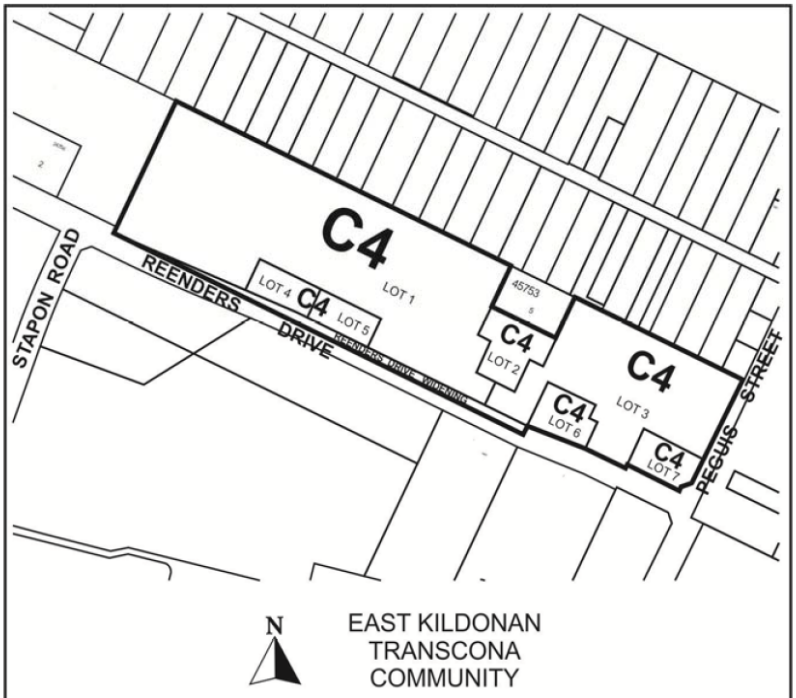
10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

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

1. We are trying to meet the developer halfway in terms of payback and height of the development.
2. Nothing can be done with the right-of-way with easement.
3. Landscaping was deleted.
4. We are trying to be as fair and equal in terms of obligations coming forward.
5. The application is consistent with the Transcona West Area Structure Plan and other developments in the area that are happening.
6. The permanent road will be there to benefit the community.

PUBLIC HEARING SUMMARY

File:	DASZ 33/2013
Before:	East Kildonan-Transcona Community Committee Councillor Browaty, Chairperson Councillor Steen Councillor Wyatt
Public Hearing:	October 15, 2013 Council Building, 510 Main Street
Applicant:	2514109 Manitoba Ltd. (Shindico) (Justin Zarnowski)
Subject:	 **APPLICANT :** 2514109 MANITOBA LTD. (SHINDICO) **FILE :** DASZ 33/13 **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 "RR5" RURAL RESIDENTIAL 5 DISTRICT to a "C4" COMMERCIAL REGIONAL DISTRICT and by creating lots to allow for future commercial sales & services uses. **For information, phone Mr. M. Pyl, Planner, at 204-986-5595.**
Premises Affected:	Lots 2 and 3, Plan 45753, Peguis Street and Reenders Drive

Exhibits Filed:

1. Application dated May 17, 2013
2. Notification of Public Hearing dated June 11, 2013
3. Manitoba Status of Titles 2244011/1 and 2244012/1
4. Surveyor's Building Location Certificate and sketch dated July 8, 2005
5. Plans (3 pages)
6. Report from the Urban Planning Division dated June 20, 2013
7. Inspection Report
8. Notice of Adjournment dated June 28, 2013
9. Revised Report Urban Planning Division dated July 9, 2013
10. Notice of Adjournment dated July 19, 2013
11. Presentation titled Shops of Kildonan Mile Retail Development submitted by the applicant at the public hearing
12. Communication spelling out requested amendments to the Winnipeg Public Service recommendation submitted by the applicant at the public hearing
13. Typical Road Section Plan, submitted by the applicant at the public hearing
14. Communication, undated, in opposition to the application submitted by David Coleman at the public hearing
15. Area photograph, with respect to the application, submitted by Paul McNeil, MMM Group Limited at the public hearing
16. Audio Recording of representations of public hearing held on September 17, 2013
17. Notice of Adjournment dated September 19, 2013
18. Communication dated October 14, 2013, from David and Renee Coleman in opposition to the application
19. Presentation in support of the application submitted by Justin Zarnowski at the public hearing
20. Public Works Department Drawing No. PR13-12R1
21. Audio Recording of representations of public hearing held on October 15, 2013

REPRESENTATIONS:

In Support:

Dave Boles
Kaleigh Baumgart
Peter Havens
Michael Stronger
John Wintrup
Justin Zarnowski

In Opposition:

David Coleman
Christine Piotrowski

For Information:

Devon Goolieff
Paul McNeil
Graeme Silvera

For the City:

Mr. M. Pyl, Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department

Exhibit “6” referred to in File DASZ 33/2013

ADMINISTRATIVE REPORT

Title: DASZ 33/13 – (Lot 2 and 3, Plan 45753) Peguis St REVISED

Issue: To rezone the subject property from “RR5” Rural Residential 5 district to “C4” Commercial Regional district and to subdivide it to allow for future commercial sales and services uses

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 33/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 33/2013 dated July 9, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

A. That the future 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 June 20, 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 33/2013 dated June 20, 2013, to a “C4” Commercial Regional district, subject to the following conditions:

A. That the future developer 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, lighting, landscaping, bicycle parking, and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, a private cross-access agreement with the owner of Lot 5, Plan 45753 so as to ensure access to this lot at all times via streets or internal roads by vehicles, including but not limited to City emergency service vehicles. The Developer and owners must submit the agreement or easement to the City Solicitor for approval prior to execution. Alternatively, the Developer shall submit evidence indicating the existence of an existing agreement to the City Solicitor for approval prior to execution, to the satisfaction of the City Solicitor.

iv. That the most northerly twenty-five (25) feet of proposed Lots 1 and 3 adjacent to a non-commercial use shall be established and maintained for a minimum 3 foot berm and a minimum 6.5 foot fence for a total height of not less than 9.5 feet and no other use.

v. That a minimum ten (10) foot wide landscaped strip shall be developed and maintained along the south limit of the property fronting onto Reenders Drive.

vi. That no illuminated signage be erected on the north sides of any buildings within eighty (80) feet of the north property line.

vii. That there shall be no mobile signs on the entire site.

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

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

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

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

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

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

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

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

REASON FOR THE REPORT

- The applicant intends to subdivide the subject property in order to facilitate the development of a retail shopping centre. This will require rezoning the subject property from an "RR5" Rural Residential 5 district to a "C4" Commercial Regional district. Seven lots are proposed to be created.
- The subject property falls within the boundaries of the Transcona West Area Structure Plan.

IMPLICATIONS OF THE RECOMMENDATIONS

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

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

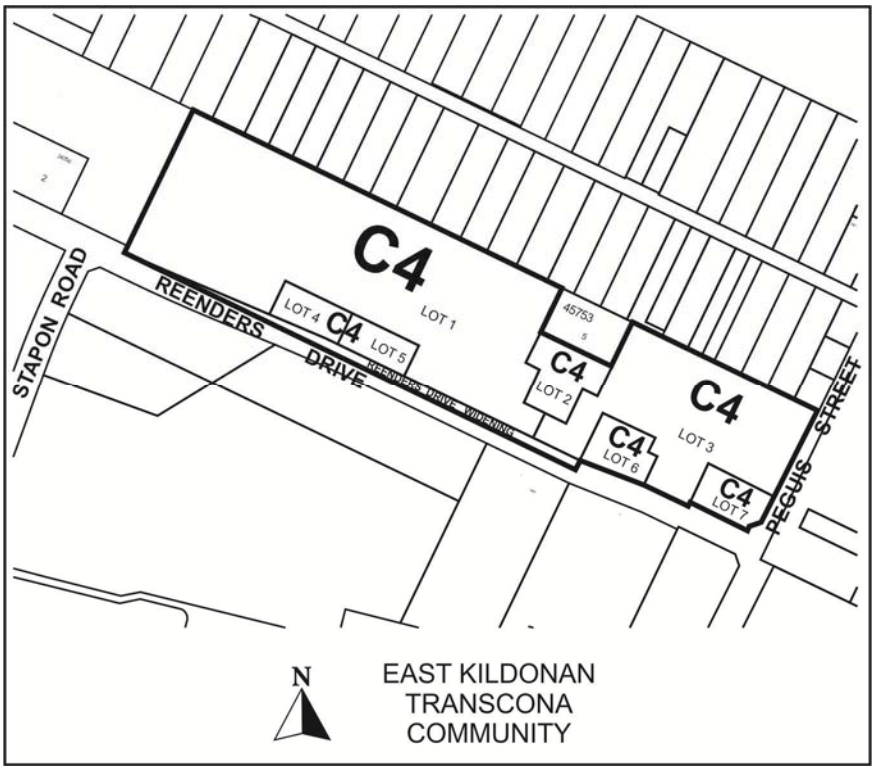
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	July 9, 2013
File No.	DASZ 33/13

APPENDIX 'A'

DATE: July 9, 2013
FILE: DASZ 33/13
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4. 417

SUBJECT: To rezone the subject property from "RR5" Rural Residential 5 district to "C4" Commercial Regional district and to subdivide it to allow for future commercial sales and services uses

LOCATION: (Lots 2 and 3, Plan 45753) Peguis St



APPLICANT: Justin Zarnowski
2514109 Manitoba Ltd. (Shindico)
200-135 Taylor Av
Winnipeg MB R3M 3Y9

OWNER: 2514109 Manitoba Ltd. (Shindico)
200-135 Taylor Av
Winnipeg MB R3M 3Y9

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to subdivide the subject property in order to facilitate the development of a retail shopping centre. This will require rezoning the subject property from an “RR5” Rural Residential 5 district to a “C4” Commercial Regional district. Seven lots are proposed to be created.
- The subject property falls within the boundaries of the Transcona West Area Structure Plan.

SITE DESCRIPTION

- The subject property is located on the north side of Reenders Av between Stapon Rd and Peguis St in the Peguis neighbourhood of the Transcona ward.
- The entire site is 25 acres in area and is zoned “RR5” Rural Residential 5 district. It is currently vacant.
- Adjacent properties include Kildonan Place Mall to the south zoned “C4” Commercial Regional district, a self-storage facility to the west zoned “C3” Commercial Corridor district, single family dwellings to the north split-zoned “RR5” and “R1-L” Residential Single Family district, and vacant land to the east across Peguis zoned “RR5”. There is also a cemetery located at the rear of the site between two existing lots. It is also zoned “RR5”.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to subdivide the subject property in order to facilitate the development of a retail shopping centre. This will require rezoning the subject property to a “C4” Commercial Regional district.
- The applicant is proposing to create seven lots. Proposed Lot 1 will be located in the northwest corner of the site and will be 15.09 acres in area, proposed Lot 3 will be located in the northeast corner of the site and will be 6.29 acres in area, and proposed Lot 2 will sit in between the other two and will be 1.17 acres. This lot will be planned around an existing cemetery. Proposed Lots 4 through 7 will range in area from 0.66 acres to 0.85 acres and will serve as pad sites along Reenders.
- A basic site plan was also included in this application. This site plan includes six commercial units on proposed Lot 1 with floor areas ranging from 26,481 sq. ft. to 58,462 sq. ft., a 17,159 sq. ft. commercial unit on proposed Lot 2, a 84,777 sq. ft. commercial unit on proposed Lot 3, and 5,000 sq. ft. pad sites on proposed Lots 4-7 along Reenders.

- Additional site plan details indicating design elements such as pedestrian pathways and landscaping were not included as part of this application.
- The applicant has not submitted an application for building permits; therefore, their proposed development may still require variances, which would necessitate an additional public hearing.

BACKGROUND

DAV 13-137683D

- In concurrence with this application, the applicant has also applied to vary the proposed "C4" dimensional standards of Zoning By-law No. 200/06 as follows:
    - For the establishment of zoning lots having no frontage on an improved street.
    - On Proposed Lot 1 to permit the following:
        - A rear yard of 30 feet (9.144 metres) instead of 125 feet (38.1 metres) to a residential zoning district;
        - An east side yard of 43 feet (13.11 metres) instead of 125 feet (38.1 metres) to a residential zoning district;
    - On Proposed Lot 2 having a rear yard of 23 feet (7.01 metres) instead of 25 feet (7.62 metres);
    - On proposed Lot 3 as follows:
        - A rear yard of 40 feet (12.2 metres) instead of 125 feet (38.1 metres) to a residential zoning district;
        - An east corner side yard of 76 feet (23.2 metres) instead of 125 feet (38.1 metres) to a residential zoning district;
        - A west side yard of 57 feet (17.4 metres) instead of 125 feet (38.1 metres) to a residential zoning district;
    - On Proposed Lot 4 having no rear yard instead of 25 feet (7.62 metres);
    - On Proposed Lot 5 having no rear yard instead of 25 feet (7.62 metres);
    - On Proposed Lot 7 having an east corner side yard of 12 feet (3.66 metres) instead of 25 feet (7.62 metres).
    - 70 bicycle parking stalls instead of 109 stalls.
- Note that this application was originally made only to account for the establishment of zoning lots having no frontage on an improved street. However, as the applicant requested additional variances, this application was expanded.

DASZ 35/05

- On February 22, 2006, Council approved a subdivision and rezoning application that subdivided off 123 Reenders as a "C3"-zoned parcel from the subject property. This lot, 123 Reenders, was eventually developed as a self-storage facility.
- This application was approved subject to the applicant entering into a Zoning Agreement with the City requiring the following:
    - 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, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

- That the maximum height of any building on the subject property shall be limited to thirty (30) feet.
- That free standing signs shall be permitted on the land provided that the maximum height of any free standing sign shall be thirty-five (35) feet above grade.
- That there shall be no advertising signs, mobile signs, poster signs and A-frame signs are strictly prohibited on land or upon any building or structure including fencing, except that one mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.
- That no illuminated signage be erected on the north sides of any buildings within eighty (80) feet of the north property line.
- That prior to the issuance of any permits all garbage containers be fully enclosed by a brick/concrete and/or wood barrier fence that is at least six (6) inches above the top of the garbage containers and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.
- That vehicular access to Lagimodière Blvd and Ravelston Avenue West shall not be permitted.
- That the most northerly twenty-five (25) feet of the proposed lots that are adjacent to a non-commercial use shall be established and maintained for a minimum three (3) foot berm and a minimum eight (8) foot fence for a total height of not less than eleven (11) feet and no other use (with the exception of the Stapon Road terminus).
- That fencing, consisting of brick pillars with vertical style wood boards at least eight (8) feet in height, shall be constructed along the north property line of any lot abutting a non-commercial use.
- That alternating deciduous and coniferous trees be planted in pairs on both sides of the berm and fence that is parallel to the north property line and identified as the most northerly twenty-five (25) feet of all the subject lots abutting a noncommercial use.
- That any HVAC equipment shall be located a minimum of eighty (80) feet from any abutting non-commercial district boundary.
- That no exterior public announcement and ordering systems and other similar sound systems shall be permitted on the subject lots.
- That a minimum ten (10) foot wide landscaped strip shall be developed and maintained along the south limit of the property fronting onto Reenders Drive and the western limit fronting on Lagimodière Boulevard.
- That all lighting shall, upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices as required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity.

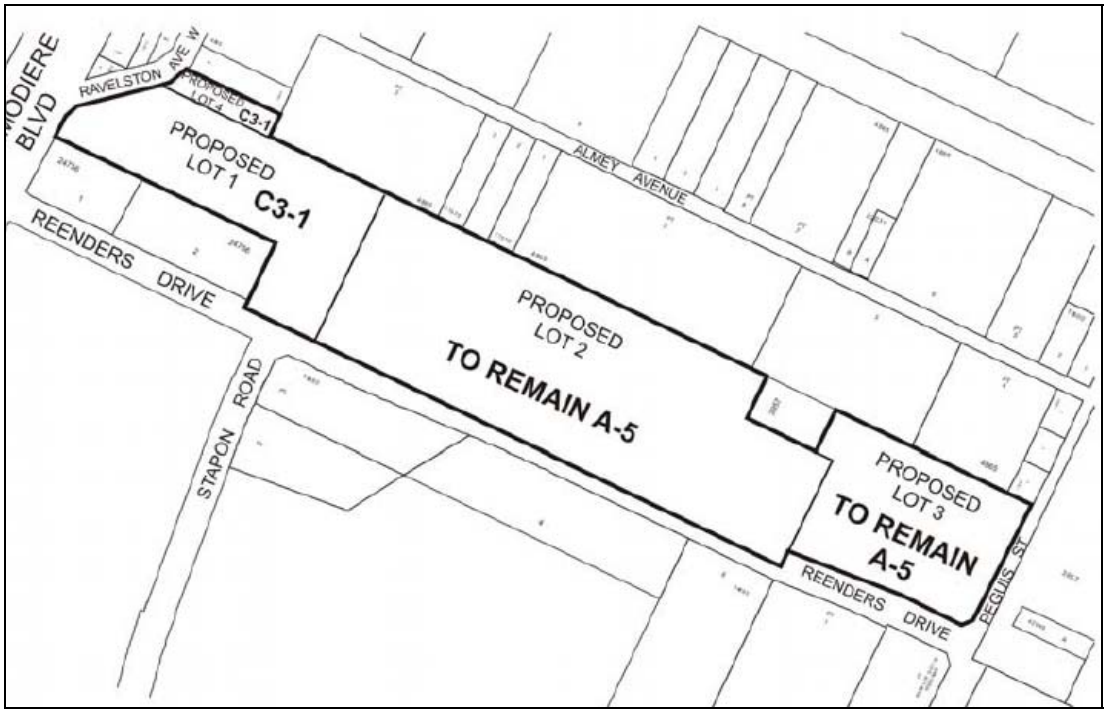


Figure 2: Advertisement schedule approved as per DASZ 35/05

DASZ 3/98

- In 1998, an application was considered to rezone 123 Reenders and the west portion of the subject property to accommodate a commercial development that would have included a Home Depot.
- This application would eventually be withdrawn due to neighbourhood opposition.

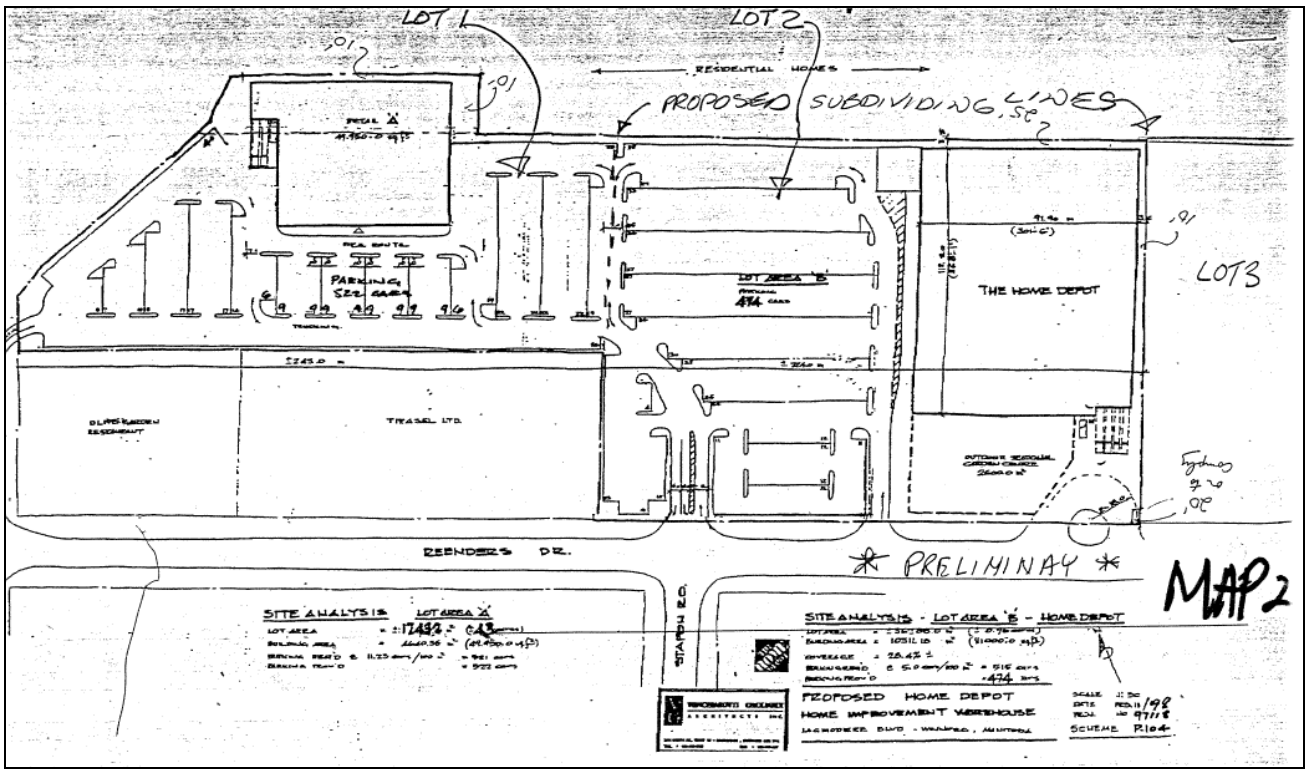


Figure 3: Proposed site plan as per DASZ 3/98

Other nearby development applications

- This application has been made within a similar timeframe of other development applications in the Transcona West area.

DASZs 10/13, 11/13, and 12/13

- Genstar Development Company has made three separate applications to subdivide and rezone land on the east side of Peguis St between the CPR main line and the CEMR Pine Falls rail line, west of the future Ed Schreyer Parkway right-of-way, primarily for residential development they have titled “Devonshire Village” and “Devonshire Park”. This development will include approximately 1,400 single family residential lots, 13 blocks for townhouse or duplex development, seven multifamily residential sites, one residential mixed use site, and two small commercial sites.
- The East Kildonan-Transcona Community Committee recommended approval of these applications on June 18, 2013. However, at the time that this report was submitted, they had not yet made it to Council for final approval.

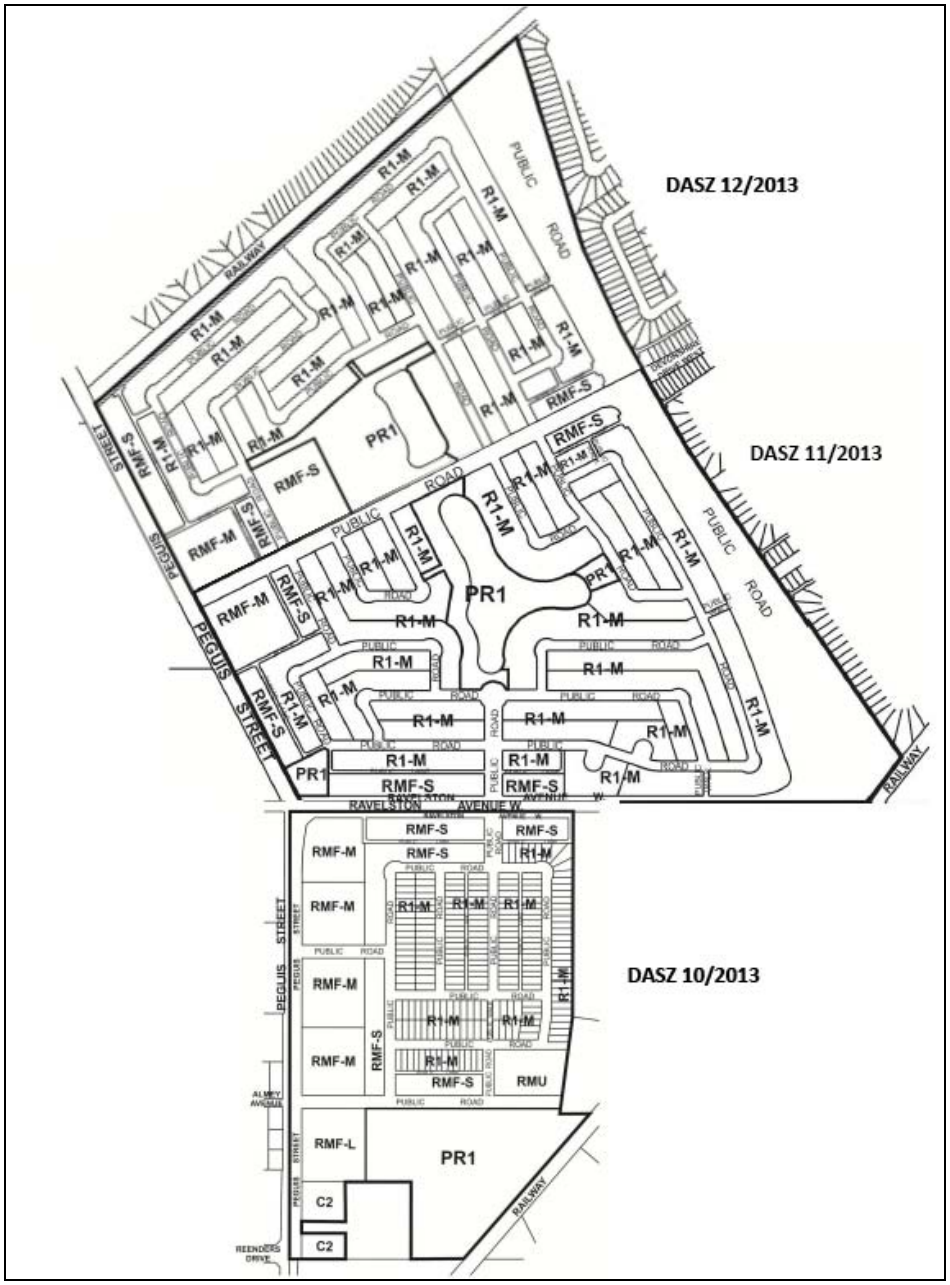


Figure 4: Compilation of proposed plans for DASZs 10, 11, and 12 of 2013

DASZ 15/13

- An application was made to subdivide and rezone 68 acres of land west of Peguis St, north of Ravelston Av W to accommodate 208 single family lots, 52 lots for duplex or townhome development zoned “R2”, two lots for residential multifamily development with a proposed “RMF-L” zoning, as well as public reserve lands and public rights-of-way.
- The East Kildonan-Transcona Community Committee recommended approval of this application on June 18, 2013. However, at the time that this report was submitted, it had not yet made it to Council for final approval.

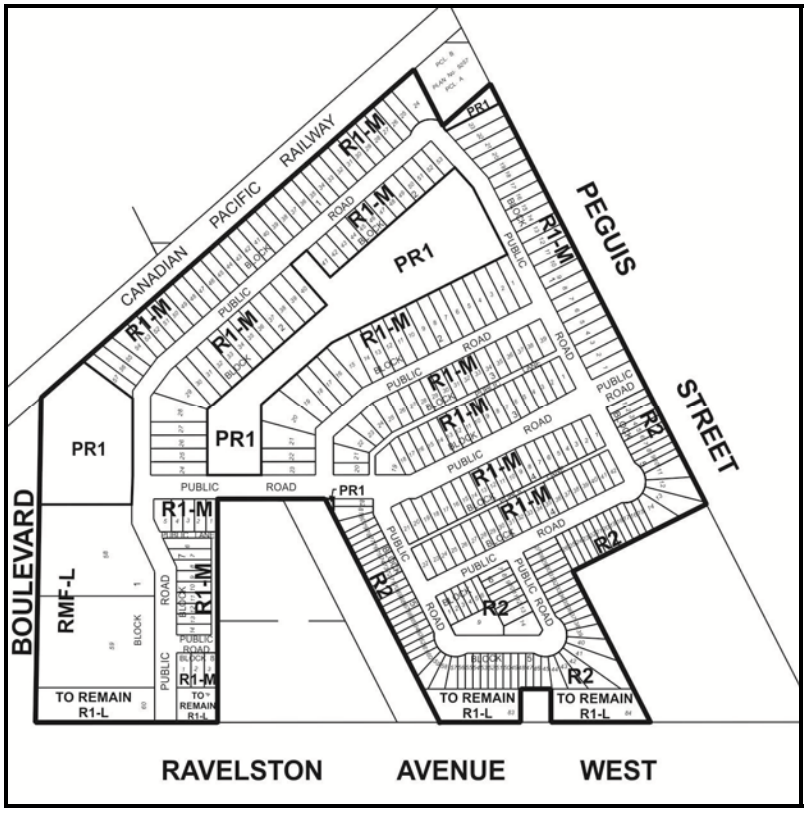


Figure 5: Proposed plan of subdivision for DASZ 15/13

DASZ 11/11

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

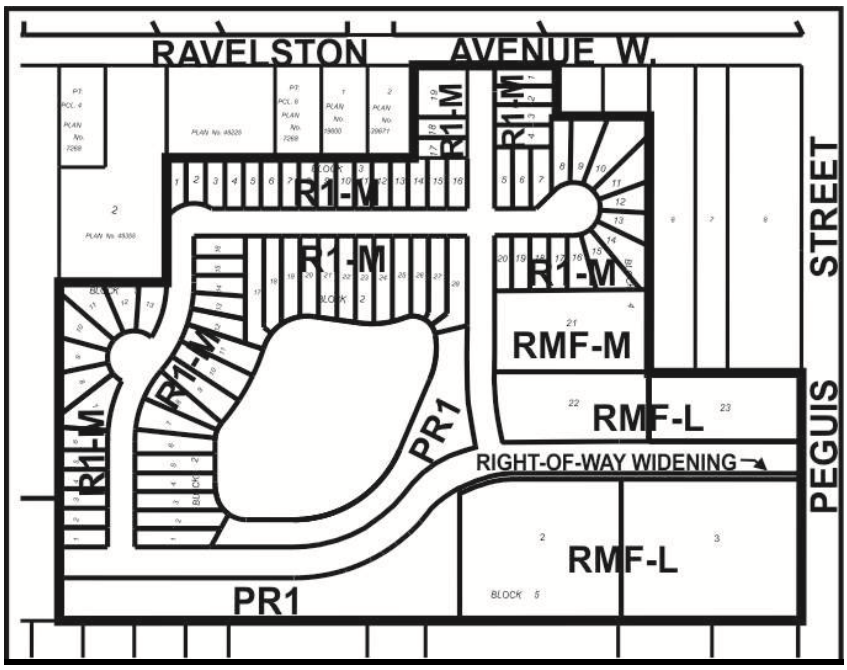


Figure 6: Approved plan of subdivision for DASZ 11/11

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- According to the Complete Communities Urban Structure Map, the Transcona West area is designated as a “Recent Community”. This section of the plan accounts for neighbourhoods that are still under development, dubbed “Emerging Communities”. It is noted that these areas should reflect the principles of Complete Communities, such as a focus on compact development, a mix of uses, a diversity of housing types, the promotion of public transit, the encouragement of active transportation and community connectivity. Supporting Direction and Enabling Strategies include:
    - Within Recent Communities, intense and diverse development will be encouraged in centres and corridors.
        - Improve the sustainability of recent residential neighbourhoods by promoting better walking, cycling, and transit access to retail, employment, and community facilities.
    - Support opportunities to enhance Complete Communities objectives in Emerging Communities.
- The Regent and Lagimodiere area is designated as a “Regional Mixed Use Centre” in Complete Communities. Currently these type of areas contain predominantly single-use commercial development, and while these uses will continue to anchor many of these centres, the opportunity exists to introduce a mix of different uses over time. These centres have the potential to accommodate both the greatest number of people and the greatest density and mix of uses outside of Downtown. This makes it especially important that their development creates a high quality street environment and is attractive to residents and visitors alike. Supporting Direction and Enabling Strategies include:
    - Support high-frequency transit service by encouraging higher density residential and higher intensity commercial and mixed uses within the centre of the development. These will be focused on major transit stops.

- Create strong, multi-modal and transportation linkages from each Regional Mixed Use Centre to Downtown, other Centres, Corridors, Parks, and major attractions.

Transcona West Area Structure Plan

- The subject property is designated as “Proposed Commercial” in the Transcona West Area Structure Plan. The purpose of these areas is to permit and include a variety of retail, commercial, office, and institutional uses including regional commercial uses.
- Section 5.3.2(1) speaks to the composition of Commercial areas. It states that a significant use of land within Commercial Use Areas will be regional commercial, retail commercial, service commercial, and community scale commercial uses where:
    - Institutional, office, recreational, or public uses that complement and support the area may be allowed,
    - Industrial uses that are compatible with regional commercial and service commercial uses may also be allowed, and
    - Regional commercial uses that are permitted only in the area identified in Plan Winnipeg as Areas of Regional Commercial and Mixed Use Concentration.
- Regional commercial uses shall be serviced by public transit, and commercial areas shall contain convenient and well-defined pedestrian connections to public transit service.
- Subsections (3) and (4) of Section 5.3.2 speaks to the design of commercial areas. These areas should have a well-defined pedestrian-oriented component that emphasizes a highly visible and accessible location, internal pedestrian routes to buildings and amenities, and safe and accessible pedestrian connections to other uses on the site. It provides suggested criteria for commercial use area design concepts:
    - Minimize the intermixing of commercial traffic with local residential traffic on the internal roads within an adjacent residential area.
    - Contain a visually appealing site design and landscape treatment particularly when visible from roads with higher volumes of traffic.
    - Establish a thematic identity distinct to each regional commercial use, through building, site, and identification signage designs.
    - Suitably incorporate appropriate sound attenuation measures of landscaping and fencing to screen against any residential uses adjacent to the site.
    - Connect to local pedestrian trails, and be conveniently and directly accessible to alternate modes of transportations both within and adjacent to the site.
    - Ensure convenient and efficient transportation connections with the surrounding residential areas.
    - Contain parking areas that are designed to maximize direct access to adjacent uses while not visually overwhelming the landscape. Methods by which this can be implemented include, but are not limited to, the following:
        - Appropriate landscaping through earth berms, tree/shrub planting, and/or fencing, and
        - Parking areas between or behind buildings.
    - Locate identification signage that reduces the impact on the adjacent residential areas.

Zoning

- The Commercial Regional (C4) district is intended to accommodate the development of large-scale, distinctive and attractive regional centres containing a mix of concentrated land uses. These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled

traffic movement. The centre should provide commercial, office, institutional, and residential uses and structures at higher intensities than surrounding areas. The area may also contain concentrations of medium- to high-density office development, as well as a broad mix of complementary uses, which may include major civic and public facilities and parks. The district may contain multi-family housing, and development should facilitate and encourage pedestrian travel between residential and nonresidential uses. These areas are generally associated with the Areas of Regional Commercial and Mixed Use Concentration identified in Plan Winnipeg.

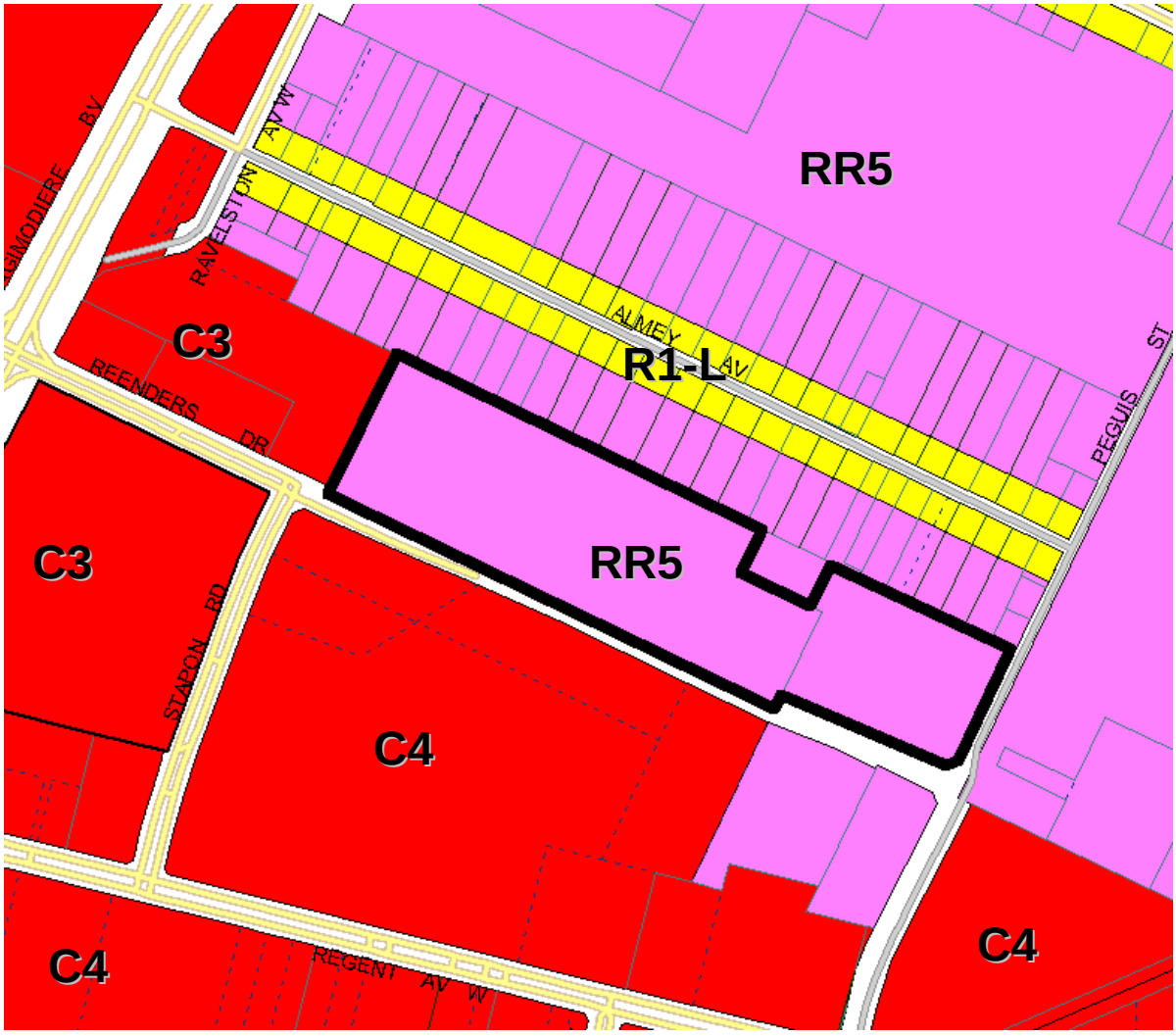


Figure 7: Zoning map of subject property and surrounding neighbourhood

- Section 132(6) requires that no permitted use shall be established, erected, or constructed unless the parcel of land on which it is located, in addition to complying with all other requirements of the zoning by-law, abuts a public street.
- Section 148 of the zoning by-law prescribes dimensional standards for the "C3" district.

	Min/Max Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Interior Side	Min. Corner Side	Max. Height of	Max. Floor Area

			Yard (ft.) **	Yard (ft.)	Building (ft.)	Ratio
C3	25 / NA	25	0	25	49	1.5
C4	* / NA	50	*	*	NA	5.0

* - Principal buildings must be located 125 feet from the zoning district boundary of any residential zoning district, and 50 feet from any other zoning district boundary. Secondary "liner" or "pad site" buildings that are not the principal building on a site must comply with yards applicable to the C3 district. Fuel sales kiosks must be located at least 50 feet from each property boundary.

** - Where a side or rear lot line in a commercial or institutional zoning district abuts a side or rear lot line of an R1 or R2 zoning district, a yard of 10 feet must be provided along the side or rear lot line in the commercial or institutional zoning district. The 10 foot side yard must be landscaped pursuant to sections 188 through 193 and must not be used for parking or loading areas, storage of refuse or materials, or commercial activities of any kind.

Figure 8: Dimensional standards for the "C3" and "C4" districts

Area rode improvements

- This development is being proposed within the context of larger, area-wide improvements to the road network. The City will endeavor to collect money through recent development applications (DASZs 10, 11, 12, and 15 of 2013) wherever possible and appropriate.
- The improvements described below are recommendations put forward by the Administrative Coordinating Group in the above-noted applications. Because these applications have not yet been approved, the specifics of these recommendations do not reflect the will of Council, although their generalities are espoused in the Council-adopted Transcona West Area Structure Plan.
    - Peguis St from Regent Av to the CPR rail right-of-way and both Devonshire and Ravelston from Peguis to the future Ed Schreyer Parkway will all be built as four-lane urban standard roadways.
    - The existing Devonshire Dr will be extended across the future Edward Schreyer Parkway to connect with Peguis.
    - It is recommended as part of this application that the City endeavor to collect money to extend Reenders Dr to Peguis St as a permanent, four-lane concrete road. Should there be a delay in the proposed development, Genstar has proposed to extend Reenders as a temporary, two-lane, asphalt road as per DASZ 10/13.
    - Once Reenders connects with Peguis, the Almey Av connection to Lagimodiere Blvd will be severed as per DAC 6/13.
    - The Edward Schreyer Parkway will eventually be constructed by the City. The City of Winnipeg Transportation Master Plan identifies its construction as a Long Term (by 2031) priority based on travel demand analysis.

Cemetery access

- The proposed development surrounds an existing, landlocked cemetery located directly behind proposed Lot 2 and in between proposed Lots 1 and 3.
- This cemetery is one acre in area.
- This cemetery is a remnant parcel of Lot Q, Plan 3957, an early plan of subdivision from 1938 that primarily created long, river-style lots east of Bird's Hill Rd (now known as Molson St). It became landlocked as other lots on surrounding land were created. It adopted the legal address of Lot 5, Plan 45753 as per DASZ 35/05.
- This cemetery is managed by the Shaarey Zedek Congregation. According to Ian Staniloff, Executive Director of Shaarey Zedek, it is the oldest Jewish cemetery in Winnipeg.

    - It is no longer “active” in that there are no new burials on the site. The site is only accessed four-to-five times a year for maintenance purposes.
    - According to Mr. Staniloff, Shaarey Zedek has no concerns with the proposed development, nor do they any concerns about ensuring access to the site. He noted there is an existing agreement with the applicant. However, this agreement has not been verified by the Public Service.
- Nevertheless, while Shaarey Zedek may currently be satisfied with the access arrangement, the Urban Planning Division wants to ensure that this remains in perpetuity. As a result, it is recommending as a condition of approval that the applicant provide documentation indicating as much to the City Solicitor.

Other site access considerations

- As per DAV 13-137683D, the applicant is proposing that proposed Lot 2 will be a landlocked parcel, which does not comply with Section 132(6) of the zoning by-law.
- In order to guarantee access to this lot, the Urban Planning Division is recommending that a cross-access agreement be established to provide access across the entire site.

Active Transportation

- The Administrative Coordinating Group is recommending the construction of a sidewalk on the south side of an extended Reenders Dr from the terminus of the existing sidewalk approximately 400m east of Stapon Rd to Peguis St. It is also recommending the construction of an AT path along the north side of Reenders from the terminus of the existing sidewalk to Peguis St.

Transit

- Winnipeg Transit has indicated that Reenders Dr will likely become a transit route.
- As per the Transcona West Area Structure Plan, a future rapid transit station will be sited in relatively close proximity to the proposed development, adjacent to the existing CEMR Pine Falls rail line and Transcona Trail AT pathway south of the existing deep water pond.

Site design considerations

- DASZ 35/05 was approved next door at the Storageville self-storage facility subject to a number of conditions relating to site design. These conditions include:
    - That the northernmost 25 ft. of the subject property be dedicated for the establishment of a minimum 3 ft. berm and a minimum 8 ft. fence.
    - That this fence consists of brick pillars with vertical style wood boards.
    - That alternating deciduous and coniferous trees be planted in pairs on both sides of the berm and fence.
    - That a minimum 10 ft. wide landscaped strip shall be developed and maintained along the south limit of the property fronting Reenders Dr.
    - That all lighting shall, upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices as required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity.

- The Urban Planning Division recommends that the intent of these conditions be carried forward into a zoning agreement for the subject property, noting the following considerations:
    - It is already recommended that fencing and landscaping be subject to plan approval, so the design of rear property line landscaping and fencing can be addressed through this process. The Urban Planning Division will be looking for something compatible with what is currently being provided.
    - These conditions were approved under the previous Zoning By-law No. 6400/94. The current zoning by-law, no. 200/06, does not allow for 8 ft. tall fences so the above-noted condition has been altered accordingly.
    - The lighting standards noted above were incorporated into the new zoning by-law so including them in a zoning agreement would be redundant.
    - The Urban Planning Division will not require the 25 ft. wide berm and fence treatment to be applied to the rear of Lot 2 adjacent to the existing cemetery, although at minimum it will require consistent fencing.
- As a condition of approval, the Urban Planning Division is recommending that plan approval to the Director of Planning, Property, and Development and the East Kildonan-Transcona Community Committee be applied.
- The Urban Planning Division's future review of any site plans will be informed by the design guidelines included in this report as Schedule "C". These guidelines were developed for and have been applied to other similar development proposals in the past.
- The plans submitted by the applicant indicate little in the way of the design considerations noted in Schedule "C". The Urban Planning Division will expect that revisions be made to the plan prior to the applicant obtaining its support.

RECOMMENDATION

The proposed development is consistent with the Transcona West Area Structure Plan. Provided the above-noted design considerations are addressed through the recommended plan approval process, the Urban Planning Division has no concerns about its compatibility with the surrounding neighbourhood.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 33/2013

APPENDIX 'B'

Schedule "A" for File No. DASZ 33/13, East Kildonan-Transcona Community Committee, dated July 9, 2013.

By-Law No. _____

File No. **DASZ 33/13**

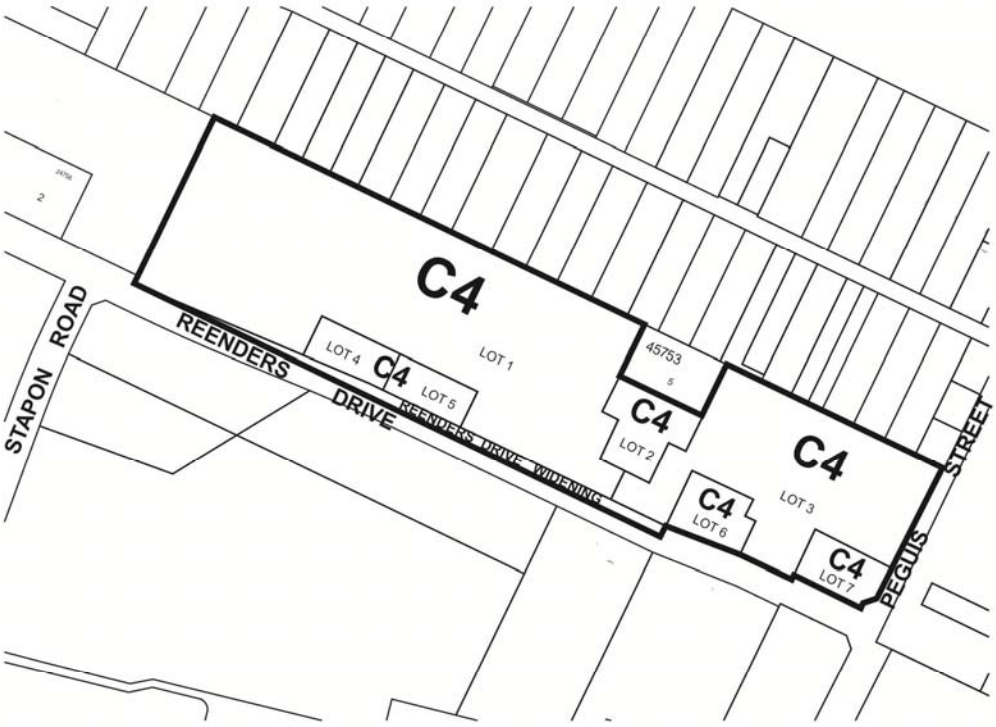
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EAST KILDONAN TRANSCONA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on lot 2 & 3 Plan 45753 Peguis Street & Reenders Road from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to a "C4" COMMERCIAL REGIONAL DISTRICT and by creating lots to allow for future commercial sales & services uses as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule “B”

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – June 20, 2013

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE NORTH SIDE OF REENDERS DRIVE, BETWEEN STAPON ROAD AND PEGUIS STREET - DASZ 33/2013

It is recommended that the approval of DASZ 33/2013, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. Plan Considerations

1. The Developer shall, at no expense to the City, transfer to the City and legally open property required to widen the Reenders Drive right-of-way to a width of 27.0m for the full length of the Planned Area abutting Reenders Drive. All to the satisfaction of the Director of Public Works.

2. The Developer shall, at no expense to the City, transfer to the City and legally open additional property required for a right-of-way corner cut in the northwest corner of the intersection of Reenders Drive and Peguis Street as determined by and to the satisfaction of the Director of Public Works.

B. Engineering Reports and Servicing Criteria

1. The Developer shall submit a Traffic Impact Study, to the Public Works Department, prior to the application proceeding to Standing Policy Committee for their consideration and shall, at no expense to the City, construct any upgrades to the street system, as recommended by the approved, by the Public Works Department, Traffic Impact Study and all as determined by and to the satisfaction of the Director of Public Works.

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 pay its share of the existing watermain in Reenders Drive installed by others.

4. The Developer shall, at no expense to the City, construct all land drainage sewers required to serve the Planned Area and adjacent lands. The land drainage sewer shall be designed to provide capacity for the existing temporary land drainage systems west of Stapon Road, all as determined by, and to the satisfaction of, the Director of Water and Waste.

5. 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.

6. The Developer shall;

    a) pay, upon demand its share of the cost of land drainage sewer oversizing constructed by others within the lands to the east of Reenders Drive that will provide capacity for the subject property and the lands to the west or;

    b) in the event that downstream land drainage facilities are not yet constructed, obtain permission from, and construct a stormwater retention basin and related land drainage works within the lands to the east of Reenders Drive in order to provide downstream outlet land drainage sewer capacity for the subject property and the lands to the west.

7. The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services to be installed in Peguis Street along the full length of the subject property abutting the west side of Peguis Street;

    a.) an 8.3m in width by 200mm in thickness portland cement concrete pavement and all related works;
    b.) a 3.5m in width asphaltic concrete active transportation path 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. This payment will be used to reimburse others that are required, by Agreement with the City, to install these services to the benefit of the subject lands.

8. The Developer shall, pay to the City, in Cash, on demand 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 Reenders Drive and Peguis Street, as determined by and to the satisfaction of the Director of Public Works

9. The Developer shall, at no expense to the City, construct, or pay on demand, the full cost of the following permanent works as determined by the approved, by the Public Works Department, Traffic Impact Study;

    a) new auxiliary lanes, auxiliary lane extensions, transitions, transition modifications, median openings, median opening modifications, channelization, channelization modifications and all related works;
    b) signals and all related works;

at the following locations:

a) at the signalized intersection of Stapon Road and Reenders Drive,
b) at the three proposed access points to the proposed development.

10. The Developer shall, at no expense to the City, construct a four lane divided roadway in Reenders Drive from Stapon Road to Peguis Street consisting of two 8.3m in width by 200mm in thickness portland cement concrete pavements and all related works including, but not necessarily limited to right-turn cut-offs in the northwest and southwest corners of the intersection of Reenders Drive and Peguis Street, boulevard landscaping, ornamental street lighting 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 a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the south side of Reenders Drive from the existing terminus of the concrete sidewalk approximately 400m east of Stapon Road to Peguis Street as determined by and to the satisfaction of the Director of Public Works.

12. The Developer shall, at no expense to the City, construct an asphaltic concrete active transportation path to a width of 3.5m in thickness on the north side of Reenders Drive from the existing terminus of the concrete sidewalk at Stapon Road to Peguis Street as determined by and to the satisfaction of the Director of Public Works.

13. The Developer shall construct the sidewalks and active transportation path concurrently with the pavements with which they share the right-of-way.

14. The Developer shall provide all easements necessary to accommodate the sidewalk and underground utilities, as determined by and to the satisfaction of the Director of Public Works.

15. The City shall reimburse the Developer for a share of the works identified in Clauses B1, C8, C9, C10, C11 and C12 above as and when it collects from other benefitting lands in accordance with the City's Development Agreement Parameters prevailing at the time of reimbursement.

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

20. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

21. 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 required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

22. 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.

23. 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.

24. 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.

25. 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;

26. 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.

27. 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 33/2013
June 20, 2013

[Original signed by K.T. Raban, P.Eng.]
K.T. Raban, P. Eng.,
Land Development Branch

[Original signed by C. Desjardine, P.Eng.]
C. Desjardine P. Eng.
Public Works Department, Transportation Division

[Original signed by F.C. Mazur, P.Eng.]
F. C. Mazur, P. Eng.
Water & Waste Department

Schedule “C”

Design Guidelines for Commercial Centres

The purpose of this section is to provide design performance guidelines in the review process that are based upon sound land use planning principles and best practices, relying on the positive experience in other North American cities, to assess the site designs for new commercial developments in Community and Regional centres.

The intent of using Site Plan Guidelines and Review in the approval process is to promote, encourage, and develop the positive aspects of a project while ensuring the negative impacts are sufficiently mitigated. The site plan review and approval process provides proponents the opportunity to show how public space interacts with the private development, and to demonstrate how the proposal achieves or exceeds the following goals:

- Ensure the vehicular environment for both public and private transportation is well integrated with the pedestrian environment;
- Ensure that the pedestrian and cycling environment is safe, accessible, comfortable, convenient and attractive;
- Respect the existing context, including current uses, scale and functions of adjacent land-uses and streets;
- Strengthen the continuity of the Planned Area and the site’s development by using elements and/or adding new elements that unify and connect individual areas and buildings;
- Utilize the architectural elements of the building(s) in a sensitive and cohesive manner (i.e.: facades, roofs, entrances, landscaping, signage, and lighting) to enhance the development.

The Director of Planning, Property and Development will use the design principles and guidelines to assess site design when reviewing the final plan submitted as required under the Zoning Agreement for the Planned Area.

General Design Principles embody the values and goals a redevelopment scheme should strive for in its urban design. The General Design Principles are the ‘broad brush’, large scale conceptual recommendations made for guiding major commercial developments. The Detailed Design Guidelines and Considerations provide more specific recommendations and strategies.

The principles, guidelines and considerations are anchored to several *OurWinnipeg policies.* These policies essentially strive to ensure that major commercial developments are designed to address the needs of its users in a sustainable manner.

Principle 1: Enhance Pedestrian Comfort, Safety & Accessibility

General Design Guidelines

- Create a safe and comfortable pedestrian environment.
- Apply Universal Design Guidelines.
- Promote Active Transportation.
- Ensure the principles of Crime Prevention Through Environmental Design (CPTED) are applied.
- Ensure safe and convenient access to transit facilities.
- Protect pedestrians from adverse environmental elements.

Detailed Design Considerations

- Sidewalks
    - Size according to their intended use and place in the overall scheme: Wide sidewalks where restaurants and outdoor dining will be concentrated; narrower sidewalks on less intensively used streets.
    - Create direct, comfortable and safe pedestrian routes leading to front entrances of stores from parking areas, transit stops, public sidewalks, other stores, and other pedestrian destinations.
    - Sidewalks need to impart a sense of permanence. They should be lined by trees, high-quality landscaping, and high-quality materials.\
- Parking lots
    - Ensure the parking lot design program includes pedestrian safety, comfort and amenity as key priorities.
    - Provide a pedestrian route between main buildings and the public sidewalk that is uninterrupted by surface parking and driveways.
    - Provide shade and high-quality landscaping in surface parking areas.
    - Position parking rows perpendicular to main building entrances to assist safe pedestrian movement toward the building.
    - Limit the length of parking rows to a maximum of 20-30 contiguous spaces. Longer rows should include landscaped breaks, e.g. islands with shade trees for all season to ensure pedestrian safety.
    - Divide large surface parking areas both visually and functionally into smaller parking courts through the use of landscaped islands and protected pedestrian pathways.
    - Edge treatments along public streets and other public spaces should visually screen parked vehicles but not completely obstruct views into and out of the parking lot for the purpose of supporting pedestrian safety and security.
- Pedestrian Crossings
    - Consider installing ‘tables’ (rolled curbs bordering slightly elevated crossings) at major internal pedestrian routes across drive aisles to serve as a traffic calming feature and provide uninterrupted pedestrian connection.
    - Where pedestrian routes cross street access driveways and other major drive aisles, clearly mark crossings and provide unobstructed sight distance for pedestrians and vehicles.
- Signage
    - Use thematic signage in a consistent way finding system to direct pedestrians to different buildings.
- Lighting
    - Select different luminaries with a coordinated appearance to light pedestrian pathways, parking spaces, drive aisles, building and site entrances and other relevant parking lot features.
    - Install lighting that is appropriately scaled to its purpose, i.e. avoid over lighting.
    - Consider providing pedestrian scale lighting, such as bollards or lower scale pole fixtures, along pedestrian routes.
- Transit
    - Ensure transit facilities are near and relate to building exits and entrances, and key on-site pedestrian routes.
    - Explore opportunities for incorporating transit stops into buildings for the purpose of creating weather protection for transit users.
- Building Design – as it impacts the pedestrian environment:

    - Preliminary thought should be given to locating potential uses with associated outdoor areas (such as cafeteria/café/restaurant) where they will receive maximum exposure to sunshine and protection from wind.
    - Buildings and streets should be oriented to provide maximum protection from prevailing winds (streets oriented east/west, buildings situated to buffer wind) and maximum exposure to sunshine in winter to improve pedestrian comfort.
    - Encourage open and inviting building facades at street and 2nd storey level to enhance the convenience, comfort and enjoyment of pedestrian experiences and enhance interactions between the public space and business operations.
    - Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.
    - Direct access to be provided to retailers, service providers and customer service areas from street level.
- Universal Design
    - Ensure the City of Winnipeg Universal Design Standard is used to guide barrier free design on public lands and encourage application of these standards on private exterior and interior spaces.
    - In particular, ensure all pedestrian routes (interior and exterior) are inclusive and incorporate a consistent way finding system through:
        - signage and site design (i.e. zoned sidewalk concept - furniture zone at back of curb, pedestrian circulation zone/clear path of travel, building frontage zone); and
        - sidewalks that utilize colour and textural contrasting bands defining pedestrian circulation zone and building entries.

Principle 2: Create Identifiable Central Features & People Places Where Appropriate to the Overall Site Context

General Design Guidelines

- Layout the site to clearly define open spaces for people to gather.
- Provide continuity within and through the public environment through such cues as a theme or character to the development.
- Integrate art and aesthetics into all aspects of the project (signage, street furniture, planting, lighting, etc).
- Arrange buildings such that complementary uses are close to each other to minimize walking distances and the need to lock/unlock bicycles or drive personal vehicles for multiple stops.

Detailed Design Considerations

- Create “outdoor rooms” and gathering places
    - Provide comfortable places with amenities such as seating areas that provide opportunity for people to rest and observe surrounding activity; this includes creating places people want to be, be seen, and/or meet others.
- Use amenities such as water features, clock towers, public art and/or architectural features throughout the site plan as landmarks to guide people to different areas of the development.
    - Not all buildings and spaces must be landmark statements: it is equally important for non-landmark buildings to be well designed as “background buildings” and/or to define spaces on the site”.
    -

- Use central features and safe pedestrian routes from parking to building entrances to break up large parking areas into smaller parking courts.
- Open space should be designed positively with clear definition and enclosure. Each outdoor space should have a clear function, character and shape and clear boundaries through the positioning of adjacent buildings, walls, fences, trees and plantings.
- Consider using public art to provide identity to the development and use as a tool to give a distinct theme / character to the development.
    - Explore opportunities for public art early in the planning process.
    - Encourage a public art strategy - identify locations and types of work and provide a framework for commissioning artists and seeking funding.

Principle 3: Respect The Tradition Of Streets And Streetscapes.

General Design Guidelines

- Site layout should provide clear obvious, direct and convenient linkages to site destinations (building entrances, etc.).
- Provide a highly connected roadway system that encourages slow and safe vehicular movement while supporting non-vehicular travel modes with short direct routes.
- Use landscaping features as design elements to create or strengthen a sense of street/connection.

Detailed Design Considerations

- Establish a site layout that is easily understood and provides visual cues so as to minimize the need for signs, especially those concerned with traffic direction and control.
- Create identifiable streets that provide the framework or “mental map” that orients people as to where they are within the development.
    - Provide spatial definition by orienting buildings to the street to support walking, pedestrian accessibility, active transportation and social contact.
    - Visually link the interior with pedestrian streets (CPTED).
- Promote local street connectivity to the adjacent communities by creating an interconnected system that encourages walking, cycling and transit use.
- Encourage an interconnected internal roadway pattern to accommodate the development of “town” centre feeling.
- Lay out internal roadway to reduce excessive motor vehicle traffic across primary on-site pedestrian routes.
- Configure internal roads to minimize the number of potential conflicts with walking and cycling routes.
- Parking lot edges along public streets should consist of continuous planting, alone or in combination with low decorative fence / wall or a landscaped berm.
    - Provide a variety of deciduous and coniferous vegetation in plantings for yearround interest, texture, shape, and screening.
- Make main entrances on the primary street visible and highly identifiable with landscaping features, public art and/or architectural features.
- Connect the internal transportation network to external bike routes passing the site. These connections should provide a seamless interface between the internal and external road systems.

Principle 4: Celebrate & Build On The Best Features Of The Surrounding Context

General Design Guidelines

- Reinforce the notion of place, character and identity in all aspects the project.
- Celebrate Winnipeg as a winter city, and prairie city through appropriate site planning and design.

Detailed Design Considerations

- Open space planning should take its cue from the patterns of local natural landscape, particularly the density and composition of existing forested areas.
- Ensure active transportation linkages with adjacent, complimentary land uses.
- Ensure site planning respects the local winter conditions and prairie environment through: use of colour, light; sun and wind protection, plant selection, etc.
    - Use native species that are hardy and resistant to stresses of weather exposure;
    - Avoiding monocultures and non-native species that can be susceptible to disease.
    - Consider impacts of snow glare on people and plants.
    - Celebrate and take advantage of seasonal changes.
    - Incorporate mix of deciduous and coniferous plant species to provide year round colour.

Principle 5: Strive For Quality & Character in the Interface between Private and Public Space

General Design Guidelines

- Ensure detailed design supports the identity and quality of the place through good design; quality, sustainable materials; and commitment to long-term maintenance.
- Encourage variety in architectural expression to create richness and diversity and to strengthen local identity; architecture should appear rich at every scale from a range of viewing distances.
- Provide high quality design and construction attending to human scale, function and sensory experience.
- Design for refinement and integration.

Detailed Design Considerations

- Manage Massing of Buildings and Their Scale
    - Detailed design should create high quality urban space within the building line and three-dimensional mass that helps create the character of streets and squares.
    - Carefully consider the interface between the design of buildings and the public space that surrounds them: including but not limited to surface treatment and articulation of building elevations; fenestration; entrances style, scale and location and perimeter landscaping.
    - Minimize blank walls – use landscaping, aesthetic characters (such as reveals, projecting ribs, offsets), change in cladding material, glass, etc. to break up tracts of continuous blank walls.
    - Locate loading, service and garbage zones in areas not visible from the public streets.
    - Scale building elevations and cross sections to support and reinforce public spaces; to foster a sense of urbanism so that streets, squares and green space are defined by appropriately scaled buildings or trees fronting onto them.
    - Wrap the perimeter of big box stores with small units to establish a fine-grained setting, externalize active uses (cafes and boutiques) and increase their links to the street.
    - Ensure building animation on pedestrian streets, with ground level retail activity, transparent windows, window displays and active uses.

- Use building materials that promote permanence, quality and integrated design.
- Provide a coordinated signage strategy for the overall complex.
    - Signage is expected to enhance visibility, identity, enable orientation and to contribute to the image of a vibrant pedestrian oriented place.
- Encourage measures to enhance visibility and accessibility of building entrances.
    - Make frontages 'active' to add interest, life and vitality to the public realm by providing multiple entry points, window openings, few blank walls, narrow frontage buildings, giving vertical rhythm to the street, articulation of facades, with projections such as bays and porches and lively internal uses visible from the outside or extending onto to the street (e.g. sidewalk café, etc.).
- Provide a comprehensive lighting plan for the development complex.
    - Select different luminaries with a coordinated appearance to light pedestrian routes, parking spaces, drive aisles, building and site entrances and other relevant site features.
    - Lighting should create an identity for parking areas, enhance adjacent streets / pedestrian environments and be appropriate to the location, context and scale of the areas being lit.

Principle 6: Practice Sustainable Design

General Design Guidelines

- Incorporate sustainable materials and technologies and practices.
- Promote sustainable forms of transportation.
- Implement practices that protect and preserve our natural features and resources.

Detailed Design Considerations

- When appropriate, use site grading to enhance the screening of parking lots.
- Mitigate the urban heat island effect of surface parking lots.
    - Retain natural landscape, minimize pavement and promote natural infiltration; explore feasibility of impervious alternatives. If alternatives are not feasible, surface parking lots should be carefully designed to enhance urban design and environmental conditions.
    - Maximize tree canopy coverage by protecting existing trees and by planting large street trees with wide spreading canopies that are long-lived.
    - Select plant material to encourage sustainable landscapes; strive for maximum species diversity.
- Manage storm water quality and quantity on site.
    - Treat storm water as an environmental process (tree canopy intercept precipitation, encourage infiltration into the ground as quickly as possible).
    - Consider incorporating an oil and gas separator into the parking lot land drainage system to capture and remove these products from entering into the storm water retention pond).
    - Provide a site grading plan compatible with the storm water management approach selected for the site.
- Organize parking spaces and rows to provide consolidated soft landscaped areas and opportunity for on-site storm water management.
- If development is phased, ensure a phasing plan to identify all current and future parking requirements. Parking areas constructed incrementally should match land use build-out schedules. Areas not required for parking should be landscaped.

- Balance the need for safety and security with the reduction of energy consumption and light pollution. Avoid “over lighting”, light spillage on adjacent properties, streets and open spaces, use energy-efficient fixtures and bulbs, incorporate opportunities for offgrid power generation, e.g. solar, wind.
- Integrate bicycle parking into the design and layout of the parking facilities.
- Incorporate transit stops into building design and internal roadway design to provide easy and convenient access for its users.
- Organize and layout the site and provide site infrastructure and amenities to promote safe and convenient pedestrian, bicycle, and transit circulation to and within the site.