Minute No. 267
Report – Standing Policy Committee on Property and Development – January 14, 2014

Item No. 4 Subdivision and Rezoning – 1500 Plessis Road (Transcona Ward) File DASZ 39/2013 [c/r DAC 13/2013 and SPA 3/2013]

COUNCIL DECISION:

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

1. That the plan of subdivision under File DASZ 39/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 39/2013 dated October 8, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

   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 October 1, 2013, as amended:

      A. PLAN CONSIDERATIONS

      1. The Developer shall dedicate and legally open property for the widening of the west side of Plessis Road as determined by and to the satisfaction of the Director of Public Works.

      2. The Developer shall dedicate and legally open property for right-of-way corner cuts on the north-west and south west corners, as required, at the intersection of Plessis Road and the Kildare Avenue extension, as determined by and to the satisfaction of the Director of Public Works.

      3. The Developer shall dedicate and legally open property for right-of-way corner cuts measuring 2.0m by 2.0m in each corner of the intersection of the Plessis Road and extension and the Bienvenu Street extension.

      4. The Developer shall grant easements for the existing Feedermain and land drainage sewer located within the Ravelston Avenue right-of-way proposed to be closed.

Report – Standing Policy Committee on Property and Development – January 14, 2014

COUNCIL DECISION (continued):

B. ENGINEERING REPORTS AND SERVICING CRITERIA

1. The Developer shall, provide, to the satisfaction of the Director of Water and Waste, a comprehensive servicing report, prepared by a qualified municipal engineer which will outline the provision of underground services for the proposed subdivision.

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

C. AGREEMENT CONDITIONS

SECTION I – SERVICING

1. Wastewater Sewers

The Developer shall, at no expense to the City, construct and install wastewater sewers required to serve the Planned Area as indicated by the servicing report, all to the satisfaction of the Director of Water and Waste.

2. Watermains

The Developer shall, at no expense to the City, construct and install watermains required to serve the Planned Area as indicated by the servicing report, all to the satisfaction of the Director of Water and Waste.

3. Land Drainage Sewers

The Developer shall, at no expense to the City, construct and install land drainage sewers required to serve the Planned Area as indicated by the servicing report, all to the satisfaction of the Director of Water and Waste.

4. Land Drainage Trunk Charges

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the Kildare Trunk User Charge benefiting the Planned Area. The 2013 rate is $559.30/acre.

Report – Standing Policy Committee on Property and Development – January 14, 2014

COUNCIL DECISION (continued):

5. Kildare Avenue Extension

The Developer shall, at no expense to the City, construct:

a. One-half of a four lane divided roadway consisting of two lanes of asphalt pavement to a width of 8.0m by 200mm in thickness in the Kildare Avenue West extension between Plessis Road and the eastern limit of the Subdivision and Rezoning lands under File DASZ 11/2013.

b. A roadway transition in concrete pavement in Kildare Avenue West, east of Plessis Road, from a four lane divided roadway west of Plessis Road to a two lane 10m roadway east of Plessis Road.

c. Concrete pavement, new and modifications to, auxiliary lanes, transitions, median opening, channelization and all related works on Kildare Avenue West and on Plessis Road, at and in the vicinity of its intersection with Kildare Avenue West

d. Asphalt pavement auxiliary lanes, transitions, median opening, channelization and all related works on the Kildare Avenue West extension at and in the vicinity of its intersection with Bienvenu Street;

e. and all related works including, but not necessarily limited to; boulevard landscaping, ornamental street lighting, and land drainage sewer

all as determined by and to the satisfaction of the Director of Public Works.

6. Bienvenu Street Extension

The Developer shall, at no expense to the City, construct a 10.0 wide by 200mm in thickness asphalt pavement from the intersection of Ravelston Avenue west, north to the future Kildare Avenue West extension and all related works, including, but not necessarily limited to; boulevard landscaping, ornamental street lighting, and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

Report – Standing Policy Committee on Property and Development – January 14, 2014

COUNCIL DECISION (continued):

7. Share of Traffic Control Signals

The Developer shall, pay to the City, in cash, on demand;

a. 50% of the costs of modifying the existing 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 railway crossing protection, and audible pedestrian signals at the intersection of Kildare Avenue West and Plessis Road, as a result of the road works identified in Clauses 5 above

b. 100% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation, and interconnection to adjacent traffic control signals and railway crossing protection, and audible pedestrian signals at the intersection of the Kildare Avenue West extension and Bienvenu Street;

when and as determined by and to the satisfaction of the Director of Public Works.

8. Sidewalks

The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness Portland cement concrete sidewalk on the standard alignment, 0.3m off of the property line, along:

a. the north side of the Kildare Avenue West extension between Plessis Road and the centerline of the future Edward Schreyer Parkway roadway, and;

b. both sides of the extension of Bienvenu Street from Ravelston to Kildare Avenue West;

as determined by and to the satisfaction of the Director of Public Works.

Report – Standing Policy Committee on Property and Development – January 14, 2014

COUNCIL DECISION (continued):

9. Railway Crossing Protection

The Developer shall, pay to the City, in cash, on demand, 50% of the cost of the installation of automatic railway crossing protection, including interconnection to adjacent traffic control signals at the Kildare Avenue West extension crossing of the Central Manitoba Railway, Pine Falls Subdivision, when and as determined by the Director of Public Works.

10. Boulevards

a. The Developer shall, at no expense to the City, sod, and plant trees on the north boulevard of the Kildare Avenue West extension and both sides of the Bienvene Street extension within on the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

b. The Developer shall, at no expense to the City, maintain the boulevard sod for a period of one year and the boulevard trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

11. Public Reserve

a. The Developer shall dedicate to the City as Public Reserve land equivalent to 8% of the developable planned area, (the developable planned area shall exclude the lands being zoned PR3) to provide for neighbourhood greenspace.

b. The Developer shall, at no expense to the City, undertake site improvements and pay its share of the cost of services in streets abutting the dedicated land all in accordance with plans and specifications approved by the Director of Public Works.

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COUNCIL DECISION (continued):

c. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property, Planning & Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash, or, by the provision of an equivalent value of additional site amenities in the public reserves, as approved by the Directors of Public Works and Planning Property and Development.

d. The location(s), size(s) and configuration(s) of the public park site(s) shall be subject to plan approval by the Director of Public Works and the Director of Planning Property and Development and the East Kildonan-Transcona Community Committee.

e. The Developer shall, at no cost to the city, install continuous fencing (including but not limited to chain link or bollard style) for properties with side or rear yards abutting public reserve land. Said fence to be located within private property and established by caveat to be the responsibility thereafter of the private property owner to maintain, and any chain link fencing installed be black style chain link fencing but with a preference for bollards, and be subject to approval by the East Kildonan-Transcona Community Committee.

f. The Developer shall, at no expense to the City, maintain public reserve improvements, in accordance with specifications approved by the Director of Public Works, for a period of two years following City issuance of a Certificate of Total Performance for those public reserve improvements undertaken in each phase of the development in the Planned Area. The City reserves the right to impose longer maintenance terms for amenities and features, such as naturalized areas, that the Director of Public Works deems to be beyond the standard scope of public reserve improvements.

g. The Developer is, at no expense to the City, responsible for all public reserve lands in each phase of the development in the Planned Area until the City has issued a Final Acceptance Certificate for those public reserve lands.

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COUNCIL DECISION (continued):

12. Signage

The Developer shall install signs at the entrances to the subdivision, upon which is displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, active transportation facilities, community mail boxes, parks, natural tree stands, multiple family sites, the Central Manitoba Railway Pine Falls Line, existing and proposed public streets, Plessis Road and the future Edward Schreyer Parkway, subject to approval by the East Kildonan-Transcona Community Committee.

13. Utilities

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

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

14. Litter and Refuse Control and Clean-Up

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

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 any costs in remedying the situation to the satisfaction of the Director of Public Works.

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COUNCIL DECISION (continued):

15. Construction Traffic

The Developer shall ensure that construction traffic uses access 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 and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

16. Survey Monuments

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, shall have them replaced by a Manitoba Land Surveyor. The Developer shall ensure that the Manitoba Land Surveyor provides the Director of Planning, Property and Development with a certificate stating that all survey monuments within the Planned Area have been verified and/or replaced, as the case may be.

17. The Winnipeg Fleet Management Agency (SOA) shall remove the underground gasoline and diesel storage tanks and any other infrastructure associated with the former fuelling area, including impacted soil one year upon execution of the agreement, all as determined by and to the satisfaction of the Director of Public Works.

18. The City shall develop an area charge to equitably distribute the costs of the following works:

a. The supply and installation of a pedestrian half signal to be installed on Pegius Street at Ravelston Avenue West.
b. That removal and remediation, including landscaping of the existing roadway on the potion of Ravelston Avenue West to be closed.
c. Other works as may be determined.

Report – Standing Policy Committee on Property and Development – January 14, 2014

COUNCIL DECISION (continued):

19. The Developer shall pay to the City, on demand, 100% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation, and interconnection to adjacent traffic control signals and audible pedestrian signals at the intersection of the Regent Avenue and Bienvenue Street. The City shall endeavour to install the traffic control signals at the intersection of Regent Avenue and Bienvenue Street prior to the completion of pavement works for Kildare Avenue as described in Recommendation 5 and Bienvenue Street as described in Condition 6.

SECTION II – COSTS AND FEES

1. By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2. Professional Fees

a. 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 Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

b. 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 engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

Report – Standing Policy Committee on Property and Development – January 14, 2014

COUNCIL DECISION (continued):

3. Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1200.00/acre of the planned area to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing 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 39/2013 dated October 8, 2013, to an "RMU" Residential Mixed Use district and a "PR3" Parks and Recreation 3 (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, parks, active transportation pads, sidewalks, playgrounds, 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 mobile signs shall not be permitted.

iii. That permitted principal uses on Lot 2,block 1, shall be limited to "Transit Station", notwithstanding all permitted accessory uses.

iv. That permitted principal uses on Lot 3, Block 1, shall be limited to a "Library" and a YM-YWCA recreation centre, notwithstanding all permitted accessory uses.

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

Report – Standing Policy Committee on Property and Development – January 14, 2014

COUNCIL DECISION (continued):

4. 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.

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

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

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

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

9. That the Council Decision of May 24, 2006, declaring surplus 1500 Plessis Road/849 Ravelston Avenue, be rescinded with respect to the PR3 land and Lot 2 of the RMU land.

10. That the Land Dedication fees payable to the East Kildonan-Transcona Community Committee be earmarked toward the remediation costs of any successful proponent(s).

11. 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.

12. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 19, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development**,** with the following amendment:

C. AGREEMENT CONDITIONS / SECTION I – SERVICING

- Delete Condition 8 in its entirety
- Renumber conditions accordingly.

and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 18, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendments to the Report of the Administrative Coordinating Group dated October 1, 2013:

- That original Condition 5. b., as amended, be reinserted as follows:

  "5.b. A roadway transition in concrete pavement in Kildare Avenue West, east of Plessis Road, from a four lane divided roadway west of Plessis Road to a two lane 10m roadway east of Plessis Road";

- That original Condition 5.c., as amended, be reinserted as follows:

  "5.c. Concrete pavement, new and modifications to, auxiliary lanes, transitions, median opening, channelization and all related works on Kildare Avenue West and on Plessis Road, at and in the vicinity of its intersection with Kildare Avenue West";

Report – Standing Policy Committee on Property and Development – January 14, 2014

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

- That original Condition 8.a., as amended, be reinserted as Condition 8 as follows:

  "8. Share of the Kildare Avenue West Extension Improvements

  The Developer shall, pay to the City in cash, on demand, 50% of the cost of one-half of a four lane divided roadway consisting of two lanes of concrete pavement and related works constructed by others to a width of 8.0m by 200mm in thickness in the Kildare Avenue West extension between Plessis Road and the centerline of the future Edward Schreyer Parkway roadway";

- That original Condition 9.a. as amended, be reinserted as Condition 7.a. as follows:

  "7.a. 50% of the costs of modifying the existing 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 railway crossing protection, and audible pedestrian signals at the intersection of Kildare Avenue West and Plessis Road, as a result of the road works identified in Clauses 5 above;

- That original Condition 10, as amended, be reinserted as follows:

  "10. Railway Crossing Protection

  The Developer shall, pay to the City, in cash, on demand, 50% of the cost of the installation of automatic railway crossing protection, including interconnection to adjacent traffic control signals at the Kildare Avenue West extension crossing of the Central Manitoba Railway, Pine Falls Subdivision, when and as determined by the Director of Public Works.";

- That Condition 16, added by the East Kildonan-Transcona Community Committee, be amended and renumbered to read as follows:

  "18. The Winnipeg Fleet Management Agency (SOA) shall remove the underground gasoline and diesel storage tanks and any other infrastructure associated with the former fuelling area, including impacted soil one year upon execution of the agreement, all as determined by and to the satisfaction of the Director of Public Works.";

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DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

- That Condition 18, added by the East Kildonan-Transcona Community Committee, be amended and renumbered to read as follows:

  "20. The Developer shall pay to the City, on demand, 100% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation, and interconnection to adjacent traffic control signals and audible pedestrian signals at the intersection of the Regent Avenue and Bienvenue Street. The City shall endeavour to install the traffic control signals at the intersection of Regent Avenue and Bienvenue Street prior to the completion of pavement works for Kildare Avenue as described in Recommendation 5 and Bienvenue Street as described in Condition 6."

- Renumber conditions accordingly.

and forwarded to the Executive Policy Committee and Council.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 22, 2014, the Executive Policy Committee referred the item back to the Standing Policy Committee on Property and Development.

STANDING COMMITTEE RECOMMENDATION:

On January 14, 2014, the Standing Policy Committee on Property and Development forwarded the matter without recommendation to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 10, 2013, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

Report – Standing Policy Committee on Property and Development – January 14, 2014

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

Planners Report

- Recommendation 2.A.i.
  After the words "garbage enclosures" add the words "parks, active transportation, pads, sidewalks, playgrounds"
- Recommendation 2.A. add the following new recommendations:

  "ii. That mobile signs shall not be permitted.
  iii. That permitted principal uses on Lot 2,block 1, shall be limited to "Transit Station", notwithstanding all permitted accessory uses.
  iv. That permitted principal uses on Lot 3, Block 1, shall be limited to a "Library" and a YM-YWCA recreation centre, notwithstanding all permitted accessory uses."

- Add the following new recommendations:

  "9. That the Council Decision of May 24, 2006, declaring surplus 1500 Plessis Road/849 Ravelston Avenue, be rescinded with respect to the PR3 land and Lot 2

  10. That the Land Dedication fees payable to the East Kildonan-Transcona Community Committee be earmarked toward the remediation costs of any successful proponent(s)."

- Renumber the remaining recommendation

Administrative Coordinating Group Report

Agreement Conditions/Section 1-Servicing

- Recommendation 5a
  Delete the words "Portland cement concrete" and replace with the word "asphalt".
  Delete the words "the centerline of the future Edward Schreyer Parkway roadway" and replace with the words "the eastern limit of the Subdivision and Rezoning lands under File DASZ 11/2013"

- Recommendation 5d
  Delete the words "Portland cement concrete" and replace with the word "asphalt"

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DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- Recommendation 6
  Delete the words "Portland cement concrete" and replace with the word "asphalt"

- Recommendation 9
  Delete recommendation a and c and renumber the remaining recommendation accordingly

- Recommendation 12a
  Delete the words "all boulevards" and replace with the words "the north boulevard of the Kildare Avenue West extension and both sides of the Bienvenue Street extension"
  Delete the words "and fronting"

- Recommendation 12b
  Delete the word "improvements" and replace with the words "sod for a period of"
  After the words "one year" add the words "and the boulevard trees for a period of two years"

- Recommendation 13e
  Add the following words "and the East Kildonan-Transcona Community Committee"

- Recommendation 13g
  Add the words "and any chain link fencing installed be black style chain link fencing but with a preference for bollards, and be subject to approval by the East Kildonan-Transcona Community Committee."

- Recommendation 14
  Add the words "subject to approval by the East Kildonan-Transcona Community Committee"

- Delete Recommendations 5b, 5c, 7, 8, 9a, 9c, 10, 13d, 13f, and13h in their entirety

- Renumber all recommendations accordingly

Report – Standing Policy Committee on Property and Development – January 14, 2014

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- Add the following new recommendations:

"16. The City shall remove the underground gasoline and diesel storage tanks and any other infrastructure associated with the former fuelling area, including impacted soil one year upon execution of the agreement, all as determined by and to the satisfaction of the Director of Public Works.

17. The City shall develop an area charge to equitably distribute the costs of the following works:

a. The supply and installation of a pedestrian half signal to be installed on Pegius Street at Ravelston Avenue West.

b. That removal and remediation, including landscaping of the existing roadway on the potion of Ravelston Avenue West to be closed.
c. Other works as may be determined.

18. The Developer shall pay to the City, on demand, 100% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation, and interconnection to adjacent traffic control signals and audible pedestrian signals at the intersection of the Regent Avenue and Bienvenue Street.",

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

On November 19, 2013, the East Kildonan-Transcona Community Committee did not hear any representation on the application and further adjourned the public hearing to its meeting on December 10, 2013 at 6:00 p.m. in the Council Building, 510 Main Street.

On October 15, 2013, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on November 19, 2013 at 6:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – 1500 Plessis Road**
File DASZ 39/2013

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: **December13, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 19, 2013, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, ***as amended***, and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 39/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 39/2013 dated October 8, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    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 October 1, 2013, ***as amended:***

        A. Plan Considerations

        1. The Developer shall dedicate and legally open property for the widening of the west side of Plessis Road as determined by and to the satisfaction of the Director of Public Works.

        2. The Developer shall dedicate and legally open property for right-of-way corner cuts on the north-west and south west corners, as required, at the intersection of Plessis Road and the Kildare Avenue extension, as determined by and to the satisfaction of the Director of Public Works.

        3. The Developer shall dedicate and legally open property for right-of-way corner cuts measuring 2.0m by 2.0m in each corner of the intersection of the Plessis Road and extension and the Bienvenu Street extension.

4. The Developer shall grant easements for the existing Feedermain and land drainage sewer located within the Ravelston Avenue right-of-way proposed to be closed.

B. ENGINEERING REPORTS AND SERVICING CRITERIA

1. The Developer shall, provide, to the satisfaction of the Director of Water and Waste, a comprehensive servicing report, prepared by a qualified municipal engineer which will outline the provision of underground services for the proposed subdivision.

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

C. AGREEMENT CONDITIONS

SECTION I – SERVICING

1. Wastewater Sewers

The Developer shall, at no expense to the City, construct and install wastewater sewers required to serve the Planned Area as indicated by the servicing report, all to the satisfaction of the Director of Water and Waste.

2. Watermains

The Developer shall, at no expense to the City, construct and install watermains required to serve the Planned Area as indicated by the servicing report, all to the satisfaction of the Director of Water and Waste.

3. Land Drainage Sewers

The Developer shall, at no expense to the City, construct and install land drainage sewers required to serve the Planned Area as indicated by the servicing report, all to the satisfaction of the Director of Water and Waste.

4. Land Drainage Trunk Charges

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the Kildare Trunk User Charge benefiting the Planned Area. The 2013 rate is $559.30/acre.

5. Kildare Avenue Extension

The Developer shall, at no expense to the City, construct:

a. One-half of a four lane divided roadway consisting of two lanes of ~~***Portland cement concrete***~~ ***ashphalt*** pavement to a width of 8.0m by 200mm in thickness in the Kildare Avenue West extension between Plessis Road and ~~***the centerline of the future Edward Schreyer Parkway roadway***~~ ***the eastern limit of the Subdivision and Rezoning lands under File DASZ 11/2013.***

~~***b. A roadway transition in Portland cement concrete pavement in Kildare Avenue West, east of Plessis Road, from a four lane divided roadway west of Plessis Road to a two lane 10m roadway east of Plessis Road;***~~

~~***c. Portland cement concrete pavement, new and modifications to, auxiliary lanes, transitions, median opening, channelization and all related works on Kildare Avenue West and on Plessis Road, at and in the vicinity of its intersection with Kildare Avenue West;***~~

b.~~d.~~ ~~***Portland cement concrete***~~ ***Ashphalt*** pavement auxiliary lanes, transitions, median opening, channelization and all related works on the Kildare Avenue West extension at and in the vicinity of its intersection with Bienvenu Street;

c. ~~e.~~ and all related works including, but not necessarily limited to; boulevard landscaping, ornamental street lighting, and land drainage sewer

all as determined by and to the satisfaction of the Director of Public Works.

6. Bienvenu Street Extension

The Developer shall, at no expense to the City, construct a 10.0 wide by 200mm in thickness ~~***Portland cement concrete***~~ ***asphalt*** pavement from the intersection of Ravelston Avenue west, north to the future Kildare Avenue West extension and all related works, including, but not necessarily limited to; boulevard landscaping, ornamental street lighting, and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

~~*7. Share of Edward Schreyer Parkway Improvements*~~

~~*The Developer shall, pay to the City in cash, on demand, the full cost of constructing in portland cement concrete pavement:*~~

~~*a. 100% of the cost of a southbound left turn storage lane and upstream transition on Edward Schreyer Parkway;*~~

~~*b. 100 % of the cost of a northbound right turn deceleration lane and upstream transition on Edward Schreyer Parkway;*~~

~~*c. 100% of the cost of a right-turn channelization in the southeast and northeast corners of the intersection of Edward Schreyer Parkway with Kildare Avenue West and;*~~

~~*d. 50% of the cost of the median opening on Edward Schreyer Parkway at the intersection of the Kildare Avenue West extension;*~~

~~*when and as determined by the Director of Public Works.*~~

~~*8. Share of the Kildare Avenue West Extension Improvements*~~

~~*a. The Developer shall, pay to the City in cash, on demand, the full cost of one-half of a four lane divided roadway consisting of two lanes of Portland cement concrete pavement and related works constructed by others to a width of 8.0m by 200mm in thickness in the Kildare Avenue West extension between Plessis Road and the centerline of the future Edward Schreyer Parkway roadway;*~~

~~*b. The Developer shall, pay to the City in cash, on demand, the full cost of constructing in portland cement concrete pavement, a westbound left turn storage lane and upstream transition on the Kildare Avenue West extension at its intersection with Edward Schreyer Parkway, when and as determined by the Director of Public Works.*~~

7. ~~***9.***~~ Share of Traffic Control Signals

The Developer shall, pay to the City, in cash, on demand;

~~***a. 100% of the costs of modifying the existing 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 railway crossing protection, and audible pedestrian signals at the intersection of Kildare Avenue West and Plessis Road, as a result of the road works identified in Clauses 5 above;***~~

a. ~~***b.***~~ 100% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation, and interconnection to adjacent traffic control signals and railway crossing protection, and audible pedestrian signals at the intersection of the Kildare Avenue West extension and Bienvenu Street;

~~***c. 50% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation, and interconnection to adjacent traffic control signals and railway crossing protection, and audible pedestrian signals at the intersection of the Kildare Avenue West extension and Edward Schreyer Parkway;***~~

when and as determined by and to the satisfaction of the Director of Public Works.

~~***10. Railway Crossing Protection***~~

~~***The Developer shall, pay to the City, in cash, on demand, the full of the cost of the installation of automatic railway crossing protection, including interconnection to adjacent traffic control signals at the Kildare Avenue West extension crossing of the Central Manitoba Railway, Pine Falls Subdivision, when and as determined by the Director of Public Works.***~~

8. ~~11.~~ Sidewalks

The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness Portland cement concrete sidewalk on the standard alignment, 0.3m off of the property line, along:

a. the north side of the Kildare Avenue West extension between Plessis Road and the centerline of the future Edward Schreyer Parkway roadway, and;

b. both sides of the extension of Bienvenu Street from Ravelston to Kildare Avenue West;

as determined by and to the satisfaction of the Director of Public Works.

9.~~12.~~ Boulevards

a. The Developer shall, at no expense to the City, sod, and plant trees on ***~~all boulevards~~ the north boulevard of the Kildare Avenue West extension and both sides of the Bienvene Street extension*** within ***~~and fronting~~*** on the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

b. The Developer shall, at no expense to the City, maintain the boulevard ***~~improvements~~ sod for a period of*** one year ***and the boulevard trees for a period of two years,*** in accordance with specifications approved by the Director of Public Works.

10.~~13.~~ Public Reserve

a. The Developer shall dedicate to the City as Public Reserve land equivalent to 8% of the developable planned area, (the developable planned area shall exclude the lands being zoned PR3) to provide for neighbourhood greenspace.

b. The Developer shall, at no expense to the City, undertake site improvements and pay its share of the cost of services in streets abutting the dedicated land all in accordance with plans and specifications approved by the Director of Public Works.

c. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property, Planning & Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash, or, by the provision of an equivalent value of additional site amenities in the public reserves, as approved by the Directors of Public Works and Planning Property and Development.

~~***d. The subject park parcel(s) shall be of a size and configuration appropriate for the intended use including the following characteristics:***~~

~~***i. Located within largest RMU site located in the south part of the Planned Area.***~~
~~***ii. comprised of 1 or 2 sites, with the smallest park no less than 0.5 acres;***~~
~~***iii. have frontage on a street***~~
~~***iv. include at least one park sized to accommodate an informal, small, active sport field***~~

d. ~~***e.***~~ The location(s), size(s) and configuration(s) of the public park site(s) shall be subject to plan approval by the Director of Public Works and the Director of Planning Property and Development ***and the East Kildonan-Transcona Community Committee***.

~~***f. It is acknowledged that if the PR3 development plans incorporate public green space or plaza, that the amount of land being dedicated per clause 13 a. above may be reduced in consideration of this additional provision, subject to the approval of the Director of Public Works.***~~

e. ~~***g.***~~ The Developer shall, at no cost to the city, install continuous fencing (including but not limited to chain link or bollard style) for properties with side or rear yards abutting public reserve land. Said fence to be located within private property and established by caveat to be the responsibility thereafter of the private property owner to maintain, ***and any chain link fencing installed be black style chain link fencing but with a preference for bollards, and be subject to approval by the East Kildonan-Transcona Community Committee.***

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

f. ~~***i.***~~ The Developer shall, at no expense to the City, maintain public reserve improvements, in accordance with specifications approved by the Director of Public Works, for a period of two years following City issuance of a Certificate of Total Performance for those public reserve improvements undertaken in each phase of the development in the Planned Area. The City reserves the right to impose longer maintenance terms for amenities and features, such as naturalized areas, that the Director of Public Works deems to be beyond the standard scope of public reserve improvements.

g. j. The Developer is, at no expense to the City, responsible for all public reserve lands in each phase of the development in the Planned Area until the City has issued a Final Acceptance Certificate for those public reserve lands.

11. ~~***14.***~~ Signage

The Developer shall install signs at the entrances to the subdivision, upon which is displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, active transportation facilities, community mail boxes, parks, natural tree stands, multiple family sites, the Central Manitoba Railway Pine Falls Line, existing and proposed public streets, Plessis Road and the future Edward Schreyer Parkway, ***subject to approval by the East Kildonan-Transcona Community Committee.***

12. ~~***15.***~~ Utilities

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

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

13.~~16.~~ Litter and Refuse Control and Clean-Up

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

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 any costs in remedying the situation to the satisfaction of the Director of Public Works.

14.~~17.~~ Construction Traffic

The Developer shall ensure that construction traffic uses access 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 and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

15.~~18.~~ Survey Monuments

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, shall have them replaced by a Manitoba Land Surveyor. The Developer shall ensure that the Manitoba Land Surveyor provides the Director of Planning, Property and Development with a certificate stating that all survey monuments within the Planned Area have been verified and/or replaced, as the case may be.

16. The City shall remove the underground gasoline and diesel storage tanks and any other infrastructure associated with the former fuelling area, including impacted soil one year upon execution of the agreement, all as determined by and to the satisfaction of the Director of Public Works.

17. The City shall develop an area charge to equitably distribute the costs of the following works:

- ***a. The supply and installation of a pedestrian half signal to be installed on Pegius Street at Ravelston Avenue West.***
- ***b. That removal and remediation, including landscaping of the existing roadway on the potion of Ravelston Avenue West to be closed.***
- ***c. Other works as may be determined.***

18. The Developer shall pay to the City, on demand, 100% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation, and interconnection to adjacent traffic control signals and audible pedestrian signals at the intersection of the Regent Avenue and Bienvenue Street.

SECTION II – COSTS AND FEES

1. By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2. Professional Fees

a. 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 Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

b. 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 engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1200.00/acre of the planned area to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing 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 39/2013 dated October 8, 2013, to an “RMU” Residential Mixed Use district and a “PR3” Parks and Recreation 3 (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, ***parks, active transportation pads, sidewalks, playgrounds,*** 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 mobile signs shall not be permitted.

iii. That permitted principal uses on Lot 2,block 1, shall be limited to "Transit Station", notwithstanding all permitted accessory uses.

iv. That permitted principal uses on Lot 3, Block 1, shall be limited to a "Library" and a YM-YWCA recreation centre, notwithstanding all permitted accessory uses.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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.

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

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

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

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

9. That the Council Decision of May 24, 2006, declaring surplus 1500 Plessis Road/849 Ravelston Avenue, be rescinded with respect to the PR3 land and Lot 2 of the RMU land.

10. That the Land Dedication fees payable to the East Kildonan-Transcona Community Committee be earmarked toward the remediation costs of any successful proponent(s)

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

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

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

1. This is property being vacated by the City, still needing remediation, we cannot leave it to be abandoned, needs to be made attractive and enhanced.
2. There is a need for housing.
3. The property will become very attractive.
4. The development transit oriented which very positive.
5. The land is being made available to the new Library and YM-YWCA recreation centre, creating a community hub in one location.
6. A road will be built that will connect Transcona to rest of city.

PUBLIC HEARING SUMMARY

File: DASZ 39/2013

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

Public Hearing: November 19, 2013
Council Building, 510 Main Street

Applicant: City of Winnipeg
(Director of Planning, Property and Development)

Subject:



Premises Affected: 1500 Plessis Road

Exhibits Filed:

1. Application dated August 27, 2013
2. Notification of Public Hearing dated September 10, 2013
3. Manitoba Status of Title 1877138/1
4. Letter of authorization dated July 25, 2013 from the City of Winnipeg to the Real Estate Division
5. Caveat 182465
6. Plans (2 pages)
7. Report from the Urban Planning Division dated October 8, 2013
8. Inspection Report
9. Communication dated October 15, 2013, from Sheri Grift in opposition to the application
10. Notice of Adjournment dated October 18, 2013
11. Notice of Adjournment dated November 22, 2013

REPRESENTATIONS:

In Support:

Mr. B. Lucyk, Supervisor of Sales and Acquisition, Planning, Property and Development Department
Mr. J. Zabudney, Manager of Real Estate, Planning, Property and Development Department

In Opposition:

Sheri Grift
Robert Nelson

For Information:

Susan Richardson

For the City:

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

Exhibit "7" referred to in File DASZ 39/2013

ADMINISTRATIVE REPORT

Title: DASZ 39/13 – 1500 Plessis Rd

Issue: To rezone the subject property to "RMU" Residential Mixed Use and "PR3" Parks and Recreation districts to enable a future mixed use, multifamily residential development

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

AUTHORIZATION

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

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 39/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 39/2013 dated October 8, 2013 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

   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 October 1, 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 39/2013 dated October 8, 2013, to an "RMU" Residential Mixed Use district and a "PR3" Parks and Recreation 3 (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.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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.

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

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

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

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

9. That 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, the City of Winnipeg, is intending to create five new lots on the subject property centered around a realigned Ravelston Av W with the intent of marketing this land for the future construction of a transit-oriented, residential mixed use neighbourhood with recreational and community amenities located in the northeast corner of the site.
- Lot 3 of proposed Block 1 will be zoned “PR3” Parks and Recreation 3 (Regional) district while the rest of the site will be zoned “RMU” Residential Mixed Use district. The entire site is currently zoned “M1” Manufacturing Light district.
- The City plans to retain ownership of Lots 2 and 3 of Block 1.
- 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

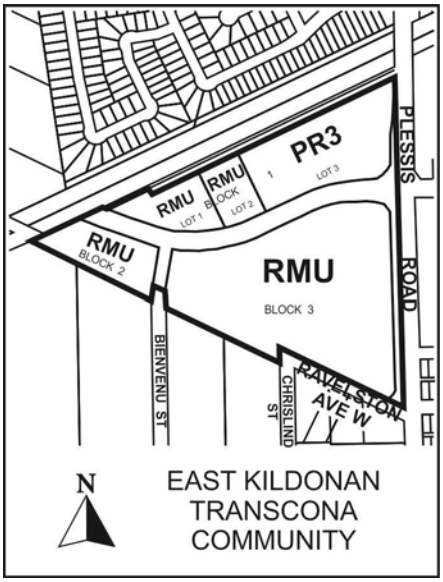
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	October 8, 2013
File No.	DASZ 39/13

APPENDIX 'A'

DATE: October 8, 2013
FILE: DASZ 39/13
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.433

SUBJECT: To rezone the subject property from "M1" Manufacturing Light district to an "RMU" Residential Mixed Use district and a "PR3" Parks and Recreation 3 (Regional) district to allow for the creation of lots and blocks for future residential development and other supportive uses.

LOCATION: 1500 Plessis Rd



APPLICANT: City of Winnipeg
Planning, Property, and Development, Real Estate Division
2nd floor, 65 Garry St
Winnipeg, MB R3C 4K4

OWNER: City of Winnipeg

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant, the City of Winnipeg, is intending to create five new lots on the subject property centered around a realigned Ravelston Av W with the intent of marketing this land for the future construction of a transit-oriented, residential mixed use neighbourhood with recreational and community amenities located in the northeast corner of the site.
- Lot 3 of proposed Block 1 will be zoned “PR3” Parks and Recreation 3 (Regional) district while the rest of the site will be zoned “RMU” Residential Mixed Use district. The entire site is currently zoned “M1” Manufacturing Light district.
- The City plans to retain ownership of Lots 2 and 3 of Block 1.
- The subject property falls within the boundaries of the Transcona West Area Structure Plan.

SITE DESCRIPTION

- The subject property is located on the west side of Plessis Rd north of Ravelston Av W in the Regent neighbourhood of the Transcona ward.
- The entire site is approximately 40 acres in area and is zoned “M1” Manufacturing Light district. The site is currently occupied by an existing City of Winnipeg Public Works yard that will be decommissioned in the near term.
- Adjacent properties include single family dwellings to the east across Plessis zoned “R1-L” and “R1-M” Residential Single Family districts, the Transcona Trail active transportation corridor and, beyond that, the CEMR Pine Falls rail line and single family dwellings zoned “R1-M” and “R1-L” to the north, primarily industrial properties zoned “M1” to the south in addition to a property recently rezoned “RMU” at the southeast corner of Ravelston and Chrislind and the Rotary Prairie Nature Park zoned “PR1” Parks and Recreation (Passive Neighbourhood/Community) district, and the future Edward Schreyer Parkway to the west and, beyond, future residential development currently zoned “RR5” Rural Residential 5 district.

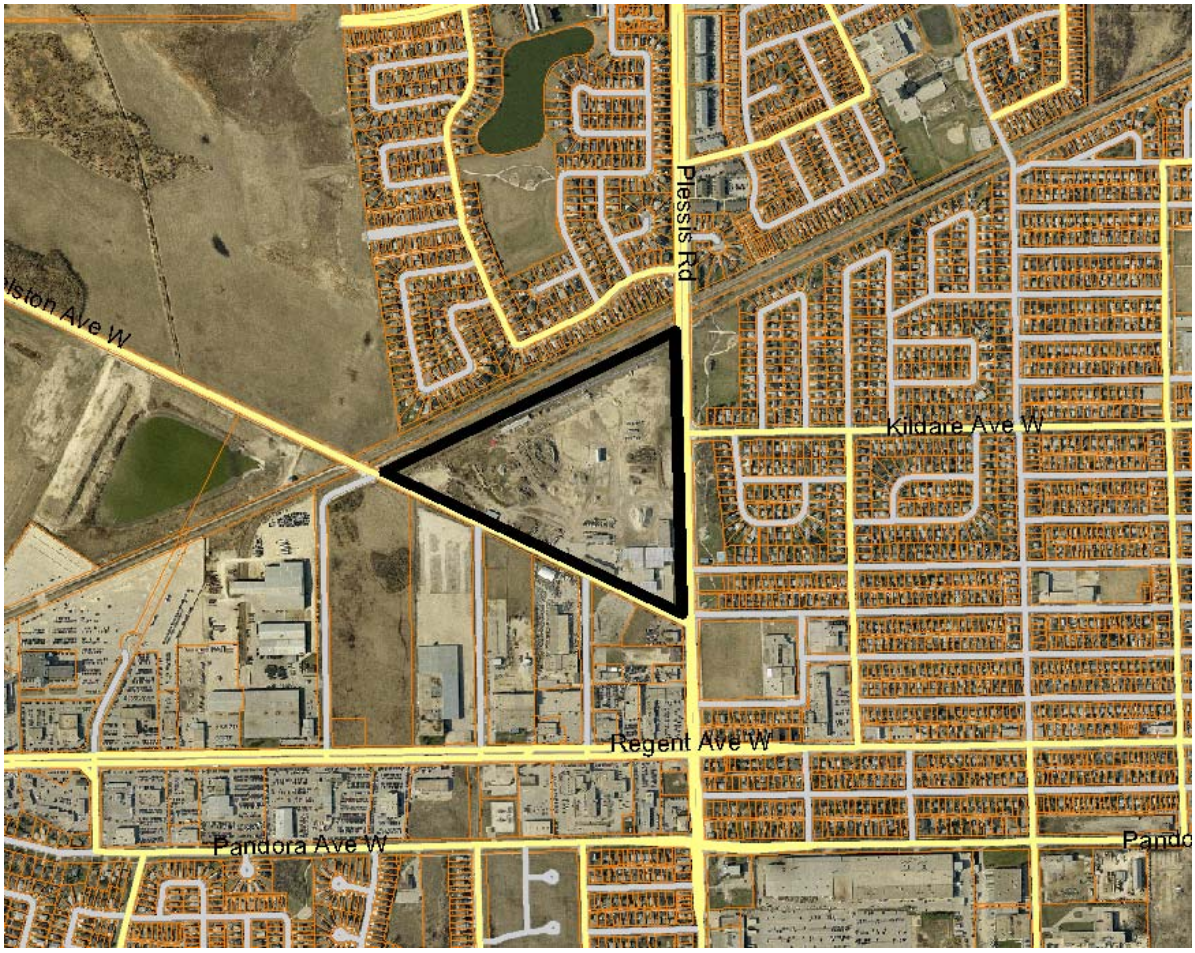


Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant, the City of Winnipeg, is intending to create five new lots on the subject property centered around a realigned Ravelston Av W with the intent of marketing this land for the future construction of a transit-oriented, residential mixed use neighbourhood with recreational and community amenities located in the northeast corner of the site.
- The land north of Ravelston will be subdivided into three lots within Block 1; Lot 1 will be 2.4 acres in area, Lot 2 will 1.8 acres in area, and Lot 3 will be 7.4 acres in area. The land south of Ravelston will be subdivided into Blocks 2 and 3; Block 2 will be 3.3 acres in area while Block 3 will be 19.6 acres in area.
- Lot 3 of proposed Block 1 will be zoned “PR3” Parks and Recreation 3 (Regional) district while the rest of the site will be zoned “RMU” Residential Mixed Use district.
- At this point, it is intended that Lot 3, Block 1 (located in the northeast corner of the site adjacent to Plessis) will accommodate a recreation centre, library, and shared accessory parking lot while Lot 2, Block 1 will accommodate a future rapid transit station. The rest of the site will be

developed in the future as residential mixed use development where specific plans will be determined by the land's eventual purchaser.

- The City plans to retain ownership of Lots 2 and 3 of Block 1.

BACKGROUND

SPA 3/13

- In concurrence with this application, an application has also been made to amend the Transcona West Area Structure Plan "Proposed Commercial" land use designation in the south portion of the subject property to a "Proposed Residential Mixed Use" land use designation. This is necessary in order to enable a development aligning with the vision of this rezoning and subdivision application.
- On September 25, 2013, Council approved first reading on this proposed amendment and directed the East Kildonan-Transcona Community Committee to conduct a public hearing on the matter.

DAC 13/13

- Also in concurrence with this application, an application has been made to close a portion of the Ravelston Av W public right-of-way on the south end of the subject property west of Chrislind St.

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. They were approved by Council on July 17, 2013.

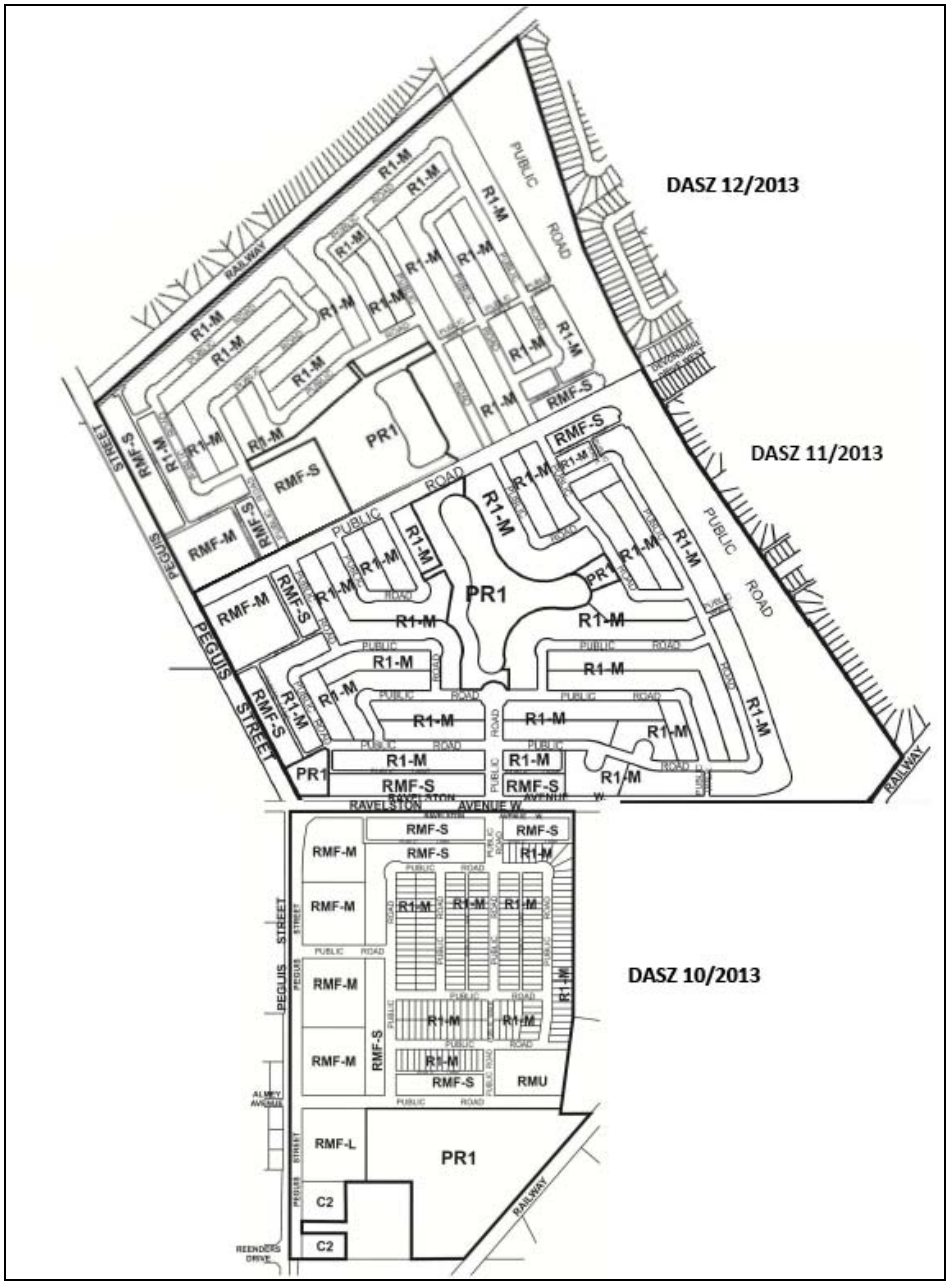


Figure 2: Compilation of proposed plans for DASZs 10, 11, and 12 of 2013

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. It was approved by Council on July 17, 2013.

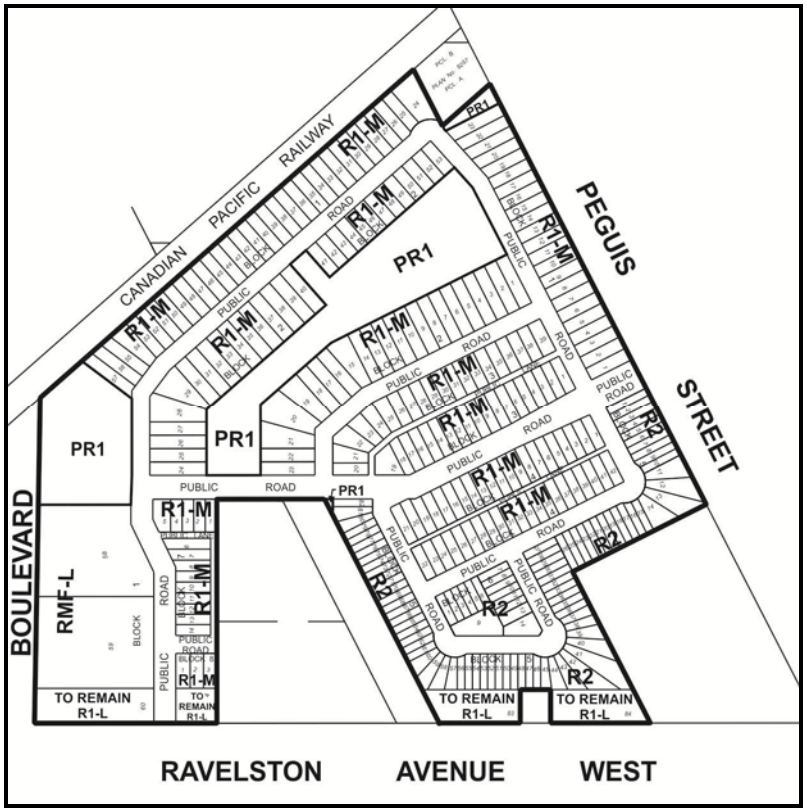


Figure 3: Proposed plan of subdivision for DASZ 15/13

DASZ 33/13

- An application has been made to seven lots for commercial development along the north side of Reenders. This application will see the extension of Reenders Av to Peguis St.
- This application was most recently scheduled for the September 17, 2013, East Kildonan-Transcona Community Committee but was adjourned until the October 15 meeting.

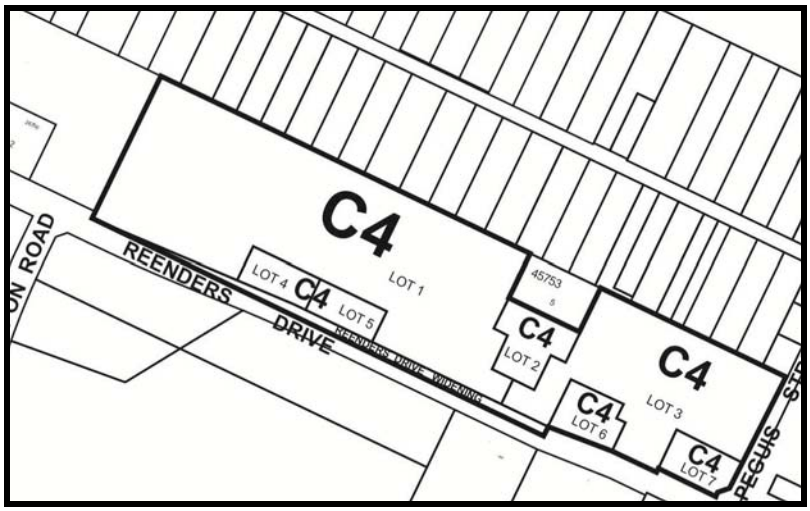


Figure 4: Proposed plan of subdivision for DASZ 33/13

ZAA 7/13

- An application has been made by Kildonan Place to amend an existing zoning agreement on the land. Primarily, this agreement restricts the amount of gross leasable floor area that can be developed on the site. This restriction was originally put in place due to an insufficient road network servicing the shopping centre. However, with the upgrading of Peguis St and Reenders Av that will be provided in other applications, as well as the severing of Almey Av to Lagimodiere Blvd, Public Works is now supportive of removing this restriction.
- This application was originally scheduled for public hearing at the East Kildonan-Transcona Community Committee on September 17, 2013, but was adjourned to the October 15 meeting.

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.

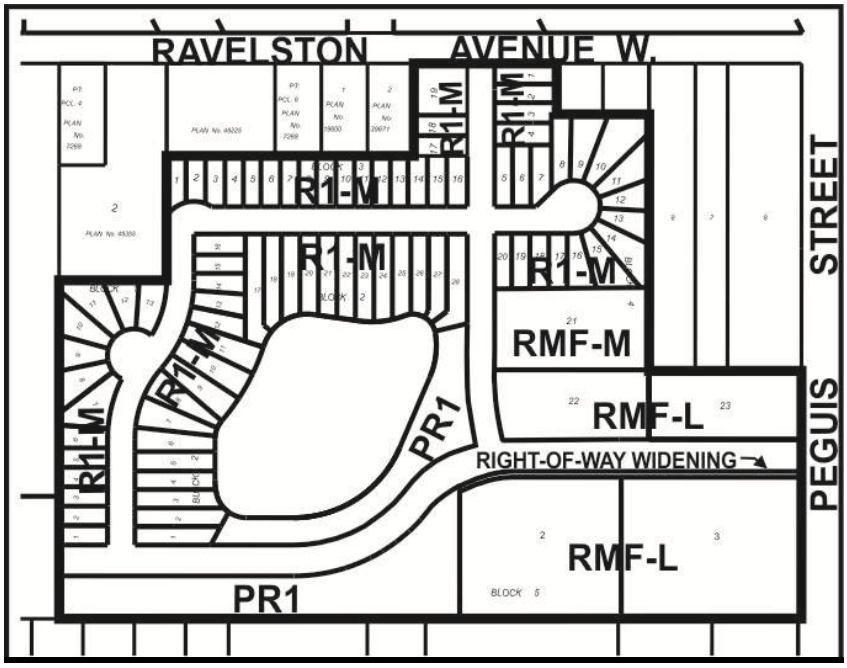


Figure 5: Approved plan of subdivision for DASZ 11/11

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- According to the Complete Communities Urban Structure Map, the subject property is designated as a Major Redevelopment Site. Major Redevelopment Sties are areas that will, "provide transformative opportunities for the development of Complete Communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites within the existing urban fabric". Supporting Direction and Enabling Strategies include:
    - Promote development of Major Redevelopment Sites with proactive and collaborative planning process.
        - Support rapid transit and high-frequency transit service by encouraging higher density residential and higher intensity commercial and mixed uses within the centre of the development.
        - Work with landowners and other stakeholders to establish local goals and objectives for each Major Redevelopment Site while taking into account its relationship to other Direction Strategies and elements of the urban structure.
    - Capitalize on the proximity of Major Redevelopment Sites to rapid transit and high frequency transit.
        - Promote development in accordance with Transit Oriented Development principles.

- Major Redevelopment Sites will provide for complete communities with significant levels of mixed use, high density development, with strong urban design and attractive parks, places, and open spaces.
    - Provide a mix of employment, high-density housing, retail, and service uses within Major Redevelopment Sites in a way that compliments the needs of adjacent communities.
    - Promote the use of minimum density standards for new development.
    - Promote high-quality plazas, parks, and streetscapes as focal points and networks that are connected to the greater community.
    - Incorporate pedestrian elements like street trees, street furniture, wide sidewalks, bicycle parking, and public art in new development.
    - Encourage the transition of development towards the outer edges of Major Redevelopment Sites that is sensitive to the scale, massing, height, form, and character of the surrounding area.
    - Mitigate any negative impacts new development may have on neighbouring streets, parks, and properties.
    - Support a range of different types, tenures, and unit sizes in housing opportunities.

Transcona West Area Structure Plan

- The subject property has a split designation as per the Transcona West Area Structure Plan. The area coloured orange in the map below is designated as “Proposed Residential Mixed Use” while the area coloured pink is designated as “Proposed Commercial”.

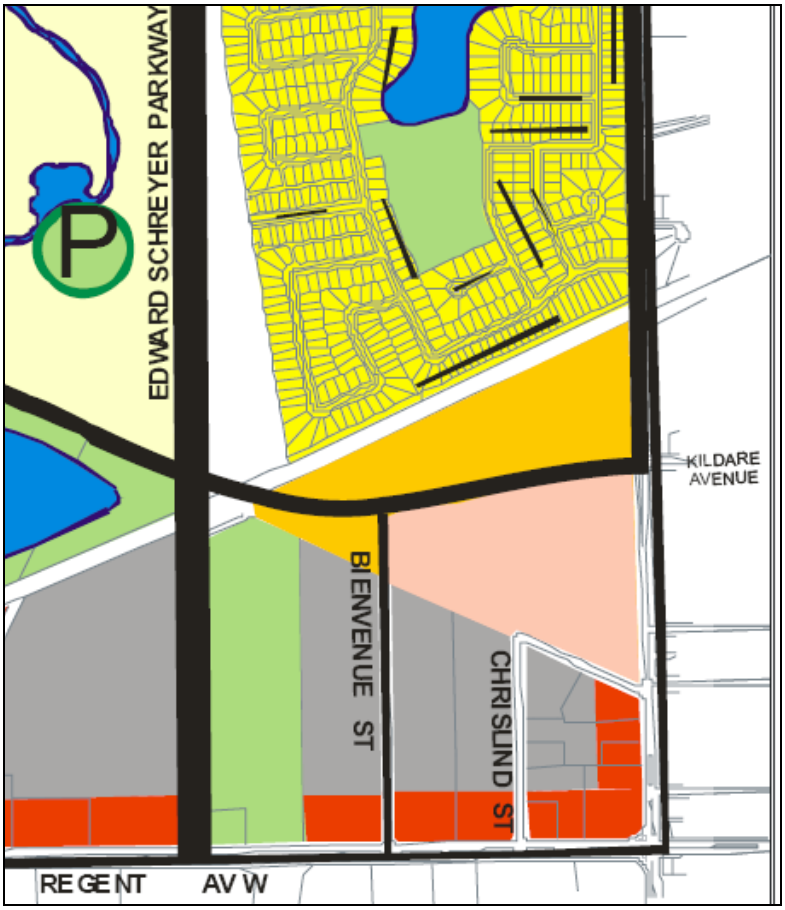


Figure 6: Area land use designation as per the Transcona West Area Structure Plan

- The purpose of residential mixed use areas in the plan is to create community focal points with mixed use development that is strategically located within the plan area adjacent to major roadways and transit services. They should contain a grouping of retail and/or service commercial uses integrated with complementary uses such as public open space, single, and multi-unit residential development. In addition, the design should include convenient vehicle and pedestrian connections within the site and to the surrounding area.
    - Section 5.4.2(1) states that, "a significant use of land within Residential Mixed Use Areas will incorporate low, medium, and higher density residential uses. Institutional, office, recreational, or public uses that complement and support the area may be allowed. Local, retail, or community-scale commercial uses and services that are compatible with higher residential densities may also be allowed.
    - Section 5.4.2(3) requires that, in conjunction with the initial Development Application in the Residential Mixed Use area, a design concept for the entire site shall be submitted showing how the proposal will achieve design criteria outlined in the plan.
    - Section 5.4.2(4) outlines suggested design criteria for Residential Mixed Use Areas Design Concepts:
        - Provide for the compatible interface treatment with adjacent developments;

- Minimize the intermixing of commercial and residential traffic on 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;
- Suitably incorporate appropriate sound attenuation measures of landscaping and fencing to screen against any low density residential uses adjacent to high density, commercial, institutional, office sites;
- Establish an identity distinct to each specific residential mixed use area through building, site, and identification signage designs;
- Be suitably integrated with any residential, institutional, recreational, and public uses within or adjacent to the site;
- Connect to local pedestrian trails and be conveniently and directly accessible to pedestrians both within and adjacent to the site;
- Ensure convenient and efficient road, pedestrian, and pathway connections that converge on the area from the surrounding residential areas are provided;
- Contain parking areas that are designed to maximize direct access to adjacent uses while not to visually overwhelm 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, on-street parking, and parking areas between or behind buildings.
- Locate identification signage that reduces the impact on the adjacent residential areas.
- Illustrate and locate the various categories of uses within the Residential Mixed Use Area.

- The purpose of the commercial uses in the plan are to permit and include a variety of retail, commercial, office, and institutional uses including regional commercial uses.
    - Section 5.3.2(1)(a) states that, “a significant use of land within Commercial Use Areas will be regional commercial, retail commercial, service commercial, and community scale commercial uses”. Institutional, office, recreational, or public uses that complement and support the area may be allowed.
    - Section 5.3.2(3)(b) requires that, in conjunction with the Development Application for Commercial Use areas, a design concept for the entire site shall be submitted demonstrating how the proposal will achieve design criteria outlined in the plan.
- Map 6 of the Transcona West Area Structure Plan identifies a future rapid transit station in the vicinity of Plessis and Kildare.

Transit-Oriented Development Handbook

- The Complete Communities Direction Strategy advises that development alongside rapid transit stations should be developed in accordance with transit oriented development principles.
- The Transcona West Area Structure Plan identifies a future rapid transit station in the vicinity of Plessis and Kildare.
- The City of Winnipeg has a Transit Oriented Development Handbook to guide such development. It was endorsed in principle by Council on February 22, 2012.
- The TOD Handbook is a high-level framework document that guides and facilitates mixed-use, pedestrian-oriented infill development along rapid transit corridors and high frequency transit corridors.

- While the bulk of the Handbook deals with higher-level issues, there are a number of Principles that can be applied at a site-specific level such as the proposed development. Specifically, it highlights six:
    1. Medium to high density development that is greater than the community average.
    2. A mix of uses.
    3. Compact, high quality pedestrian-oriented environment.
    4. An active, defined centre.
    5. Innovative parking strategies.
    6. Public leadership.
- Among these above-noted Principles, some key supporting points include:
    - Highest densities and heights near station - The immediate area around the station should generally contain the greatest intensity and mix of uses.
    - Ground floor active uses - A range of uses, conveniently located close to the station entrance, will promote activity within the station area. Higher intensity development with active ground floor uses (such as shops and/or restaurants), sensitively clustered within a short walk of station entries, will assist in promoting transit ridership and the creation of "18 hour places".
    - Make connections through urban form - The relationship between existing community elements (buildings, streets, sidewalks) and the new transit infrastructure should be assessed as part of the design process to determine if a linked series of spaces and available routes make it easy to access the station.
    - Design theme and details - High-quality architectural design and detail should be provided conveying a sense of place and relating to the street and the pedestrian environment, including active first floor storefront with windows, awnings, architectural features, lighting, and landscaping.
    - Urban parks and open space – Urban parks, gathering places and plazas, including public art.
    - Pedestrian oriented environment – Pedestrian oriented design to encourage walking and community interaction with ground floor uses and spaces.
    - Connections – Incorporation of connections between buildings, the station and the Active Transportation network to ease movement within the site and encourage cycling to mid-distance destinations.
    - Parking as urban form – Minimize surface parking and plan for parking on an area or district basis rather than building by building. Any surface parking should be balanced with structured and underground parking. Parking provided on-site should be located to the side or rear of buildings, rather than in the front yard. Any parking facilities should be integrated with the development theme and screened from adjacent land uses. Some short-term parking would be appropriate in front of ground floor retail uses. Bicycle parking should be provided at convenient locations in proximity to building entrances, but outside the path of pedestrian travel.

Zoning

- The Residential Mixed Use (RMU) district is intended to facilitate the development of primarily medium- to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The area, site, or building should retain a predominantly residential character.

Development in the RMU district should facilitate and encourage pedestrian travel between residential and nonresidential uses. This district is often adjacent and incidental to a town centre, neighbourhood commercial centre, or other type of mixed use or major employment centre.

- The Parks and Recreation 3 (PR3) district is intended for sites that include major recreation facilities and parks that are a regional destination.These sites may include major recreation facilities, aquatic leisure centres, regional parks, sport multi-plexes and athletic field developments. Parking facilities ranging from 100 to 300+ stalls may be associated with these uses. These facilities are typically found along major arterials.

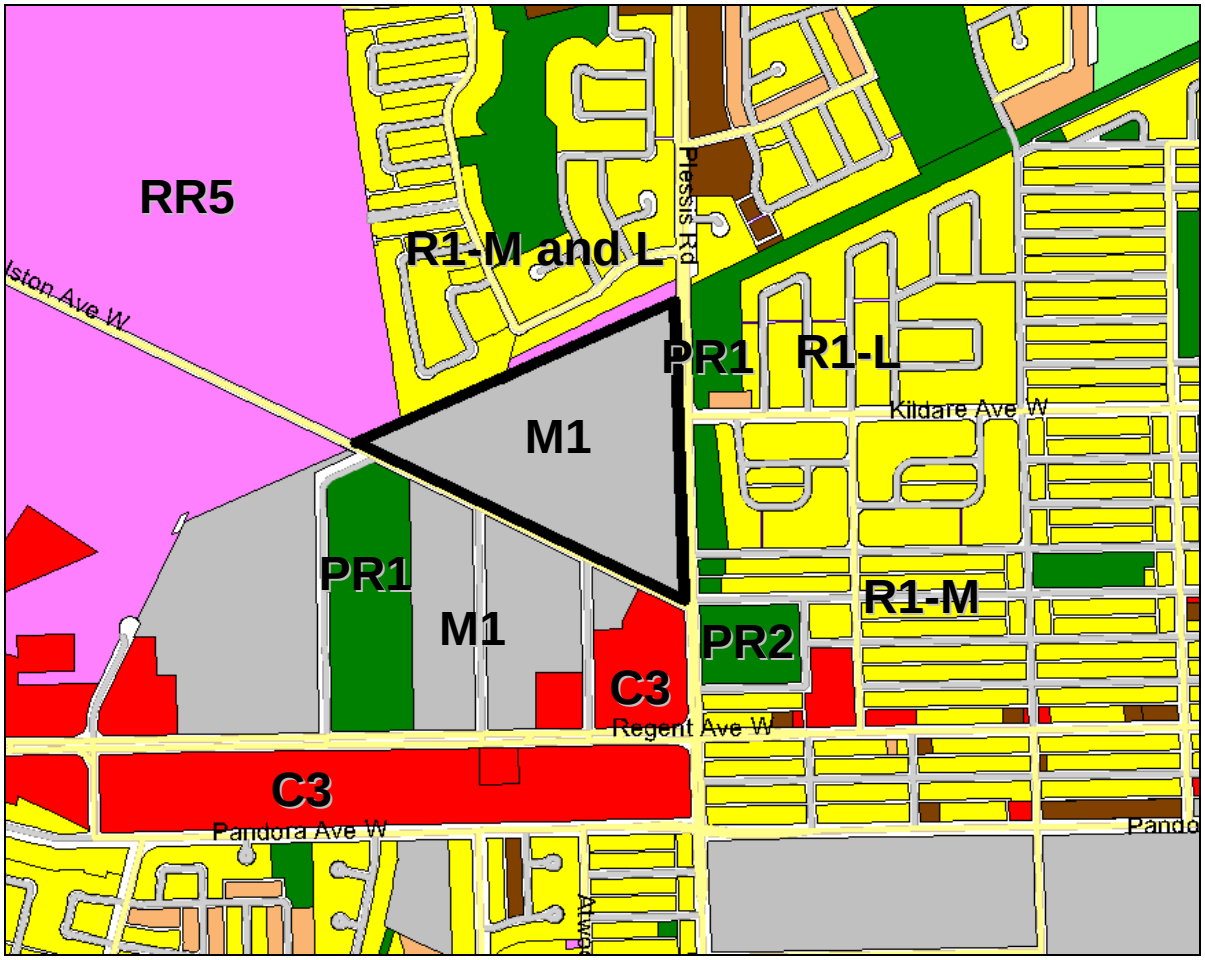


Figure 7: Zoning map of subject property and surrounding neighbourhood

- Section 62 of the zoning by-law prescribes all permitted and conditional uses in each zoning district.
    - In the “PR3” zoning district, permitted uses include “Community/recreation centre”, “Library”, “Community gardens”, “Park/plaza/square/playground”, “Day care centre”, “Gallery/museum”, “Auditorium/concert hall/theatre/cinema”, “Hall rental”, “Sports or entertainment arena/stadium, indoor”, “Sports or entertainment arena/stadium, outdoor”,

and “Restaurant”. Conditional uses include “Amusement enterprise, indoor”, “Private club, not licensed”, “Amusement enterprise, outdoor”, and “Drinking establishment”.

- In the “RMU” zoning district, permitted uses include “Dwelling, multi-family”, “Community/recreation centre”, “Library”, “Day care centre”, “Office”, “Personal services”, “Restaurant”, and “Retail sales”. Conditional uses include “Cultural centre”, “Drinking establishment”, and “Transit station”.

- Section 133 of the zoning by-law prescribes the following dimensional standards for principal buildings in the “PR3” district:

	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Side Yard (ft.)*	Max. Building Height (ft.)
PR3	NA	NA	20	25	10	NA
* - Side yard requirements do not apply when land is used for a permitted recreational use without a structure.						

Figure 8: Dimensional standards for the “PR3” district

- Section 143 of the zoning by-law prescribes the following dimensional standards for the “RMU” district:

	Min. Lot Area (sq. ft.)	Min. Lot Area Per Dwelling Unit (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Interior Side Yard (ft.)	Min. Corner Side Yard (ft.)	Principal Building Separation (ft.)	Max. Building Height (ft.)
RMU	9,000	500	20	25	5*	20	8	100
* - In the RMF-M, RMF-L, and RMU zoning districts, where a building is more than one storey in height, the required interior side yard increased by 2 feet for each storey above the ground floor to a maximum of 20 feet.								

Figure 9: Dimensional standards for the “RMU” district

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 other recent development applications (DASZs 10, 11, 12, 15, and 33 of 2013, as well as ZAA 7/13) wherever possible and appropriate. The generalities of these upgrades are espoused in the Transcona West Area Structure Plan.
    - Peguis St from Regent Av to the CPR rail right-of-way and Ravelston Av W from Peguis to the future Ed Schreyer Parkway will be built as four-lane urban standard roadways. Devonshire Dr between Peguis and Ed Schreyer will be built as a two-lane urban standard roadway.

- The existing Devonshire Dr will be extended across the future Edward Schreyer Parkway to connect with Peguis.
- Ravelston Av will be built as a four-lane urban standard roadway. Between Ed Schreyer and Plessis, the applicant for DASZs 10 and 11 of 2013 will construct the road, with the City paying them back within five years. The City will then seek to recover this cost from the future developer of the subject property.
- It is recommended by Administration in ZAA 7/13 and DASZ 33/13 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.

Soil Contamination

- Phase I and Phase II Environmental Site Assessments were conducted by AMEC Environment & Infrastructure in 2012. This report identified a number of areas in which remediation would be necessary. These include:
    - The soil impacts of salt storage.
    - Hydrocarbon impacts on the soil underneath two pump islands.
    - Hydrocarbon impacts of the soil associated with the hydraulic system and floor drains of an existing building.
- The remediation of the soil impacted by salt storage represents by far the greatest remediation expense.
- Contaminated sites and their remediation are regulated by Manitoba Conservation.
- The redevelopment of this site will require the future developer to satisfy provincial remediation requirements.

Active Transportation

- The proposed development sits adjacent to the existing Transcona Trail, a paved active transportation path that extends along the CEMR rail line from Regent Av W past the Rotary Tall Grass Prairie Nature Park and Plessis Rd up to a point east of the Transcona Community Bioreserve before following the Manitoba Hydro corridor east to the Perimeter Highway.

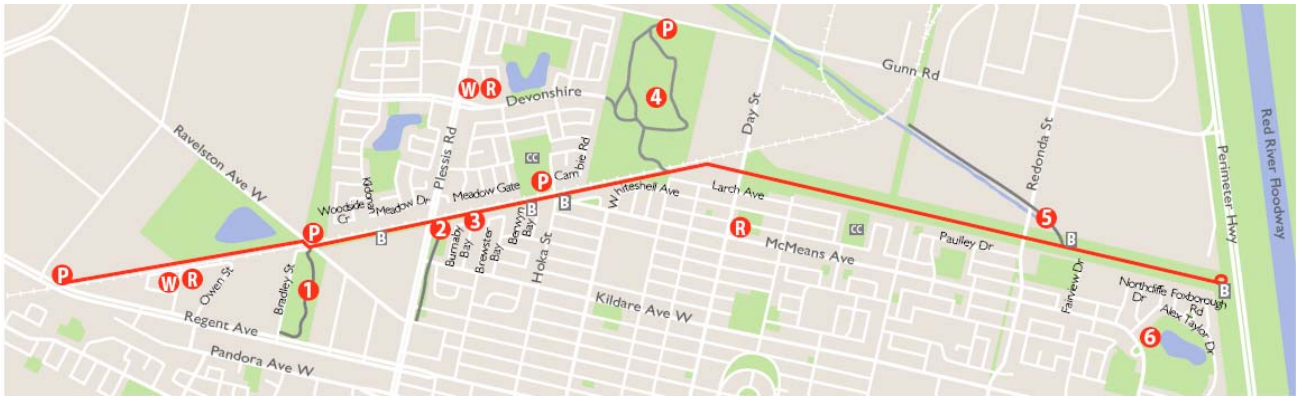


Figure 10: Map of the Transcona Trail (credit: WinnipegTrails.ca)

Parks

- Parks has expressed a desire for park land to be dedicated in the largest parcel of land in the south of the site, proposed Block 3, to serve the entire subject property.

Compatibility with the surrounding neighbourhood

- The Urban Planning Division is supportive of Residential Mixed Use zoning on the subject property as, above all else, this is the zoning district most consistent with the Major Redevelopment Site policies espoused in Complete Communities. This zoning district allows for high density multifamily residential development with supportive commercial amenities. Rezoning this land prior to its sale will help communicate to prospective buyers its intended future use.
- This Major Redevelopment Site is unique amongst all 11 other such designated sites because it is the only one that falls entirely within an area that has already been planned for by way of a Council-adopted secondary plan, the Transcona West Area Structure Plan. This plan provides the foundation for future planning work.
- Section 5.4.2(3) of the Area Structure Plan requires that a design concept for the entire site shall be submitted showing how the proposal will achieve design criteria outlined in the plan. It is expected that a future developer will provide this information in advance of or in conjunction with the first plan approval submission to inform this process. In addition to achieving the design criteria of the secondary plan, this design concept should also reflect the principles articulated in the Council-adopted Transit Oriented Development Handbook.

RECOMMENDATION

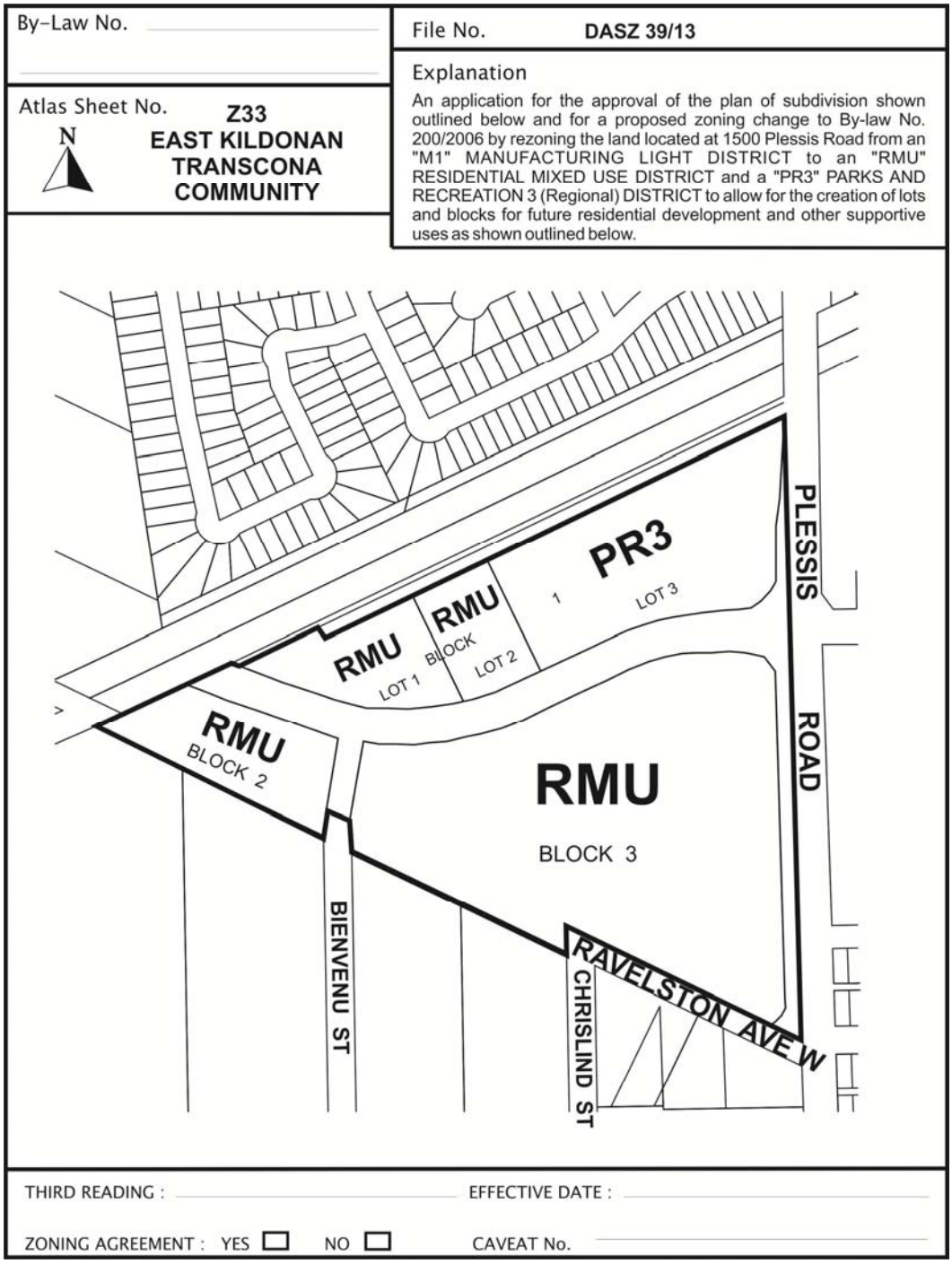
The Urban Planning Division is supportive of Residential Mixed Use zoning on the subject property as, above all else, this is the zoning district most consistent with the Major Redevelopment Site policies espoused in Complete Communities. This zoning district allows for high density multifamily residential development with supportive commercial amenities. Rezoning this land prior to its sale will help communicate to prospective buyers its intended future use.

As per Section 5.4.2(3) of the Transcona West Area Structure Plan, a design concept will need to be provided for the entire site in advance of or in conjunction with the first plan approval submission. This design concept should indicate how any proposed development will relate to other developments on both the same and neighbouring lots, and should be designed in accordance with both the design principles noted in the Residential Mixed Use section of the Area Structure Plan as well as the Transit Oriented Development Handbook.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 39/2013

APPENDIX 'B'

Schedule "A" for File No. DASZ 39/13, East Kildonan-Transcona Community Committee, dated October 8, 2013.



Schedule "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – October 1, 2013

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 1500 Plessis Road – DASZ 39/2013

It is recommended that the approval of DASZ 39/2013, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. Plan Considerations

1. The Developer shall dedicate and legally open property for the widening of the west side of Plessis Road as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall dedicate and legally open property for right-of-way corner cuts on the north-west and south west corners, as required, at the intersection of Plessis Road and the Kildare Avenue extension, as determined by and to the satisfaction of the Director of Public Works.

3. The Developer shall dedicate and legally open property for right-of-way corner cuts measuring 2.0m by 2.0m in each corner of the intersection of the Plessis Road and extension and the Bienvenu Street extension.

4. The Developer shall grant easements for the existing Feedermain and land drainage sewer located within the Ravelston Avenue right-of-way proposed to be closed.

B. ENGINEERING REPORTS AND SERVICING CRITERIA

1. The Developer shall, provide, to the satisfaction of the Director of Water and Waste, a comprehensive servicing report, prepared by a qualified municipal engineer which will outline the provision of underground services for the proposed subdivision.

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

C. AGREEMENT CONDITIONS

SECTION I – SERVICING

1. Wastewater Sewers

   The Developer shall, at no expense to the City, construct and install wastewater sewers required to serve the Planned Area as indicated by the servicing report, all to the satisfaction of the Director of Water and Waste.

2. Watermains

   The Developer shall, at no expense to the City, construct and install watermains required to serve the Planned Area as indicated by the servicing report, all to the satisfaction of the Director of Water and Waste.

3. Land Drainage Sewers

   The Developer shall, at no expense to the City, construct and install land drainage sewers required to serve the Planned Area as indicated by the servicing report, all to the satisfaction of the Director of Water and Waste.

4. Land Drainage Trunk Charges

   The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the Kildare Trunk User Charge benefiting the Planned Area. The 2013 rate is $559.30/acre.

5. Kildare Avenue Extension

   The Developer shall, at no expense to the City, construct:

   a. One-half of a four lane divided roadway consisting of two lanes of Portland cement concrete pavement to a width of 8.0m by 200mm in thickness in the Kildare Avenue West extension between Plessis Road and the centerline of the future Edward Schreyer Parkway roadway;

   b. A roadway transition in Portland cement concrete pavement in Kildare Avenue West, east of Plessis Road, from a four lane divided roadway west of Plessis Road to a two lane 10m roadway east of Plessis Road;

   c. Portland cement concrete pavement, new and modifications to, auxiliary lanes, transitions, median opening, channelization and all related works on Kildare Avenue West and on Plessis Road, at and in the vicinity of its intersection with Kildare Avenue West;

d. Portland cement concrete pavement auxiliary lanes, transitions, median opening, channelization and all related works on the Kildare Avenue West extension at and in the vicinity of its intersection with Bienvenu Street;

e. and all related works including, but not necessarily limited to; boulevard landscaping, ornamental street lighting, and land drainage sewer

all as determined by and to the satisfaction of the Director of Public Works.

6. Bienvenu Street Extension

The Developer shall, at no expense to the City, construct a 10.0 wide by 200mm in thickness Portland cement concrete pavement from the intersection of Ravelston Avenue west, north to the future Kildare Avenue West extension and all related works, including, but not necessarily limited to; boulevard landscaping, ornamental street lighting, and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

7. Share of Edward Schreyer Parkway Improvements

The Developer shall, pay to the City in cash, on demand, the full cost of constructing in portland cement concrete pavement:

a. 100% of the cost of a southbound left turn storage lane and upstream transition on Edward Schreyer Parkway;

b. 100 % of the cost of a northbound right turn deceleration lane and upstream transition on Edward Schreyer Parkway;

c. 100% of the cost of a right-turn channelization in the southeast and northeast corners of the intersection of Edward Schreyer Parkway with Kildare Avenue West and;

d. 50% of the cost of the median opening on Edward Schreyer Parkway at the intersection of the Kildare Avenue West extension;

when and as determined by the Director of Public Works.

8. Share of the Kildare Avenue West Extension Improvements

a. The Developer shall, pay to the City in cash, on demand, the full cost of one-half of a four lane divided roadway consisting of two lanes of Portland cement concrete pavement and related works constructed by others to a width of 8.0m by 200mm in thickness in the Kildare Avenue West extension between Plessis Road and the centerline of the future Edward Schreyer Parkway roadway;

b. The Developer shall, pay to the City in cash, on demand, the full cost of constructing in portland cement concrete pavement, a westbound left turn storage lane and upstream transition on the Kildare Avenue West extension at its intersection with Edward Schreyer Parkway, when and as determined by the Director of Public Works.

9. Share of Traffic Control Signals

The Developer shall, pay to the City, in cash, on demand;

a. 100% of the costs of modifying the existing 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 railway crossing protection, and audible pedestrian signals at the intersection of Kildare Avenue West and Plessis Road, as a result of the road works identified in Clauses 5 above;

b. 100% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation, and interconnection to adjacent traffic control signals and railway crossing protection, and audible pedestrian signals at the intersection of the Kildare Avenue West extension and Bienvenu Street;

c. 50% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation, and interconnection to adjacent traffic control signals and railway crossing protection, and audible pedestrian signals at the intersection of the Kildare Avenue West extension and Edward Schreyer Parkway;

when and as determined by and to the satisfaction of the Director of Public Works.

10. Railway Crossing Protection

The Developer shall, pay to the City, in cash, on demand, the full of the cost of the installation of automatic railway crossing protection, including interconnection to adjacent traffic control signals at the Kildare Avenue West extension crossing of the Central Manitoba Railway, Pine Falls Subdivision, when and as determined by the Director of Public Works.

11. Sidewalks

The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness Portland cement concrete sidewalk on the standard alignment, 0.3m off of the property line, along:

a. the north side of the Kildare Avenue West extension between Plessis Road and the centerline of the future Edward Schreyer Parkway roadway, and;

b. both sides of the extension of Bienvenu Street from Ravelston to Kildare Avenue West;

as determined by and to the satisfaction of the Director of Public Works.

12. Boulevards

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

b. The Developer shall, at no expense to the City, maintain the boulevard improvements for one year, in accordance with specifications approved by the Director of Public Works.

13. Public Reserve

a. The Developer shall dedicate to the City as Public Reserve land equivalent to 8% of the developable planned area, (the developable planned area shall exclude the lands being zoned PR3) to provide for neighbourhood greenspace.

b. The Developer shall, at no expense to the City, undertake site improvements and pay its share of the cost of services in streets abutting the dedicated land all in accordance with plans and specifications approved by the Director of Public Works.

c. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property, Planning & Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash, or, by the provision of an equivalent value of additional site amenities in the public reserves, as approved by the Directors of Public Works and Planning Property and Development.

d. The subject park parcel(s) shall be of a size and configuration appropriate for the intended use including the following characteristics:

    i. Located within largest RMU site located in the south part of the Planned Area.
    ii. comprised of 1 or 2 sites, with the smallest park no less than 0.5 acres;
    iii. have frontage on a street
    iv. include at least one park sized to accommodate an informal, small, active sport field

e. The location(s), size(s) and configuration(s) of the public park site(s) shall be subject to plan approval by the Director of Public Works and the Director of Planning Property and Development.

f. It is acknowledged that if the PR3 development plans incorporate public green space or plaza, that the amount of land being dedicated per clause 13 a. above may be reduced in consideration of this additional provision, subject to the approval of the Director of Public Works.

g. The Developer shall, at no cost to the city, install continuous fencing (including but not limited to chain link or bollard style) for properties with side or rear yards abutting public reserve land. Said fence to be located within private property and established by caveat to be the responsibility thereafter of the private property owner to maintain.

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

i. The Developer shall, at no expense to the City, maintain public reserve improvements, in accordance with specifications approved by the Director of Public Works, for a period of two years following City issuance of a Certificate of Total Performance for those public reserve improvements undertaken in each phase of the development in the Planned Area. The City reserves the right to impose longer maintenance terms for amenities and features, such as naturalized areas, that the Director of Public Works deems to be beyond the standard scope of public reserve improvements.

j. The Developer is, at no expense to the City, responsible for all public reserve lands in each phase of the development in the Planned Area until the City has issued a Final Acceptance Certificate for those public reserve lands.

14. Signage

The Developer shall install signs at the entrances to the subdivision, upon which is displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, active transportation facilities, community mail boxes, parks, natural tree stands, multiple family sites, the Central Manitoba Railway Pine Falls Line, existing and proposed public streets, Plessis Road and the future Edward Schreyer Parkway.

15. Utilities

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

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

16. Litter and Refuse Control and Clean-Up

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

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 any costs in remedying the situation to the satisfaction of the Director of Public Works.

17. Construction Traffic

The Developer shall ensure that construction traffic uses access 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 and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

18. Survey Monuments

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, shall have them replaced by a Manitoba Land Surveyor. The Developer shall ensure that the Manitoba Land Surveyor provides the Director of Planning, Property and Development with a certificate stating that all survey monuments within the Planned Area have been verified and/or replaced, as the case may be.

SECTION II – COSTS AND FEES

1. By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2. Professional Fees

   a. 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 Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

   b. 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 engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

   The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1200.00/acre of the planned area to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 39/2013
October 1, 2013

(Original Signed By)

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GJ/gj