**Agenda – Council – March 26, 2014**

**Report – Standing Policy Committee on Property and Development – March 11, 2014**

**Item No. 8 Subdivision and Rezoning – Southeast Corner of McPhillips Street and Murray Avenue (Old Kildonan Ward) File DASZ 54/2013**

STANDING COMMITTEE RECOMMENDATION:

On March 19, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the plan of subdivision proposed under File DASZ 54/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 54/2013 dated December 20, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 8, 2014 which is Schedule "B" of this report, with the following amendments to C. Agreement Conditions, Section 1 – Servicing:

        i. Add the following new Condition:

            "4.d) Where services installed by the Developer directly benefit others, the City will endeavor to collect a cost recovery for the Developer as determined by the Director of Public Works."

        ii. Delete Condition 7 a) and replace with the following new Condition:

            "7.a) construct 1.5m wide by 100mm thick Portland cement concrete sidewalks on the standard alignment and Active Transportation Pathways, as shown in Schedule "D" for File DASZ 54/2013 dated February 18, 2014."

**Report - Standing Policy Committee on Property and Development – March 11, 2014**

iii. Add the following Condition:

School Division
"The Developer shall, prior to the release of subdivision mylars for registration in land titles, provide satisfactory evidence that they have entered into an option with the Seven Oaks School Division regarding the acquisition of a school site or a letter from the School Division stating that they are no longer interested in securing a school site under this subdivision application."

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

i. That for any development on the lands zoned "C4", "RMF-M" and "RMF-L" the following conditions shall apply:

a. That for the development of any building, and/or accessory parking area within these lands, plans shall be submitted showing the location and design of the proposed buildings (including articulation and exterior materials and finishes), the location and design of accessory parking areas, bicycle parking, pedestrian pathways and sidewalks, private approaches, garbage enclosures, loading areas, fencing, landscaping, lighting, and free standing signage to the Lord Selkirk West Kildonan Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be developed and maintained in accordance with the approved plans to the satisfaction of the Director of Planning, Property and Development.

ii. That, in the "C4" district, no building shall be less than 30 feet from a residential zoning district.

iii. That for any building proposed to be more than 35 feet in height in the "RMF-L" and "RMF-M" zoning districts, the following shall apply:

a. That no building shall be less than 20 feet from any "R1" or "R2" zoning district boundary, and that this setback shall increase by one foot for each additional one foot of height proposed for any portion of the building in excess of 35 feet.

b. No building shall be erected on the subject lands greater than 65 feet in height.

iv. That the minimum width of any lot zoned "R1-S" that is not served by a public lane shall be 33 feet.

v. The Developer, at no expense to the City, shall construct within the rear yards of all single and two family lots abutting the future Chief Peguis Trail, a uniform 2.0m high noise attenuation fence, to the satisfaction of, the Director of Public Works. All future owner(s) of these single and two-family lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

vi. All single-family and two-family residential lots backing onto the future Chief Peguis Trail, shall be of sufficient depth to provide a minimum rear-yard set back which together with other sound attenuation measures such as a berm and/or noise attenuation fence achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots.

2. That the following shall apply to development on the "C4" lands:

i. That prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service ("WFPS"), the Developer shall install and erect, at his own expense and at no cost to the City, signs depicting the Master Plan of development on the subject property as it exists from time to time. Such signs shall clearly show the location of all existing buildings, accessory parking areas, private approaches, garbage enclosures, internal roads, building addresses and/or unit numbers, and building names, and must be posted at outside locations near the public right-of-way and internal roads on the subject property. The location, quantity, size and illumination of such signs will be determined by the Chief of WFPS. The Developer shall maintain all such signs to the satisfaction of the Chief of the WFPS;

ii. That copies of the current Master Plan be provided to the Chief of WFPS prior to the issuance of any new occupancy permit and/or upon the request of the Chief of WFPS;

**Report - Standing Policy Committee on Property and Development – March 11, 2014**

iii. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

iv. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

v. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

vi. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

vii. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

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

**Report - Standing Policy Committee on Property and Development – March 11, 2014**

ix. That all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices as required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity;

3. That Council declare the City-owned property identified as "Subject City Property" shown on Misc. Plan No. 10571/2 (Schedule C for File DASZ 54/2013 dated February 18, 2014) as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 10571/2 (Schedule C for File DASZ 54/2013 dated February 18, 2014) to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

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

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

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

9. That the zoning section of the by-law shall come into force and effect for each phase when:

a. the block plan of subdivision for that phase and the lot plan of subdivision for that phase are both registered in the Winnipeg Land Titles Office; and
b. the Zoning Agreement for is registered in the Winnipeg Land Titles Office by caveat against the subject land, provided that the said effective date occurs within ten (10) years from the date the by-law is passed.

**Report - Standing Policy Committee on Property and Development – March 11, 2014**

10. That all block plans of subdivision and all lot plans of subdivision

    a. may be approved and signed by the Director of Planning, Property and Development within ten (10) years from the date the by-law is passed;
    and
    b. may be registered in the Winnipeg Land Titles Office within ten (10) years from the date the by-law is passed,

    failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the ten (10)-year period and Council approves the extension."

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.

**Report - Standing Policy Committee on Property and Development – March 11, 2014**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 19, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 11, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 18, 2014, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

Report from the Urban Planning Division

- Delete Recommendation 1.B.iii. and replace with the following new Recommendation:

  "1.B.iii.a. That no building shall be less than 20 feet from any "R1" or "R2" zoning district boundary, and that this setback shall increase by one foot for each additional one foot of height proposed for any portion of the building in excess of 35 feet."

- Add the following Recommendations after Recommendation No. 2:

  "3. That Council declare the City-owned property identified as "Subject City Property" shown on Misc. Plan No. 10571/2 (Schedule C for File DASZ 54/2013 dated February 18, 2014) as surplus to the City's needs.

**Report - Standing Policy Committee on Property and Development – March 11, 2014**

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

"4. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 10571/2 (Schedule C for File DASZ 54/2013 dated February 18, 2014) to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development."

- Delete Recommendations 7, 8, and 9
- Renumber Recommendations accordingly
- Add the following new Recommendations:

"9. That the zoning section of the by-law shall come into force and effect for each phase when:

a. the block plan of subdivision for that phase and the lot plan of subdivision for that phase are both registered in the Winnipeg Land Titles Office; and
b. the Zoning Agreement for is registered in the Winnipeg Land Titles Office by caveat against the subject land,

provided that the said effective date occurs within ten (10) years from the date the by-law is passed.

10. That all block plans of subdivision and all lot plans of subdivision

a. may be approved and signed by the Director of Planning, Property and Development within ten (10) years from the date the by-law is passed; and
b. may be registered in the Winnipeg Land Titles Office within ten (10) years from the date the by-law is passed,

failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the ten (10)-year period and Council approves the extension."

**Report - Standing Policy Committee on Property and Development – March 11, 2014**

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Renumber the final Recommendation as No. 11

Administrative Coordinating Group Report
C. AGREEMENT CONDITIONS
SECTION 1 – SERVICING

- Add the following new Condition:

  "4.d) Where services installed by the Developer directly benefit others, the City will endeavor to collect a cost recovery for the Developer as determined by the Director of Public Works."

- Delete Condition 7 a) and replace with the following new Condition:

  "7.a) construct 1.5m wide by 100mm thick Portland cement concrete sidewalks on the standard alignment and Active Transportation Pathways, as shown in Schedule "D" for File DASZ 54/2013 dated February 18, 2014."

- Add the following Condition:

  <u>School Division</u>
  "The Developer shall, prior to the release of subdivision mylars for registration in land titles, provide satisfactory evidence that they have entered into an option with the Seven Oaks School Division regarding the acquisition of a school site or a letter from the School Division stating that they are no longer interested in securing a school site under this subdivision application."

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

**RE:** **Subdivision and Rezoning – Southeast Corner of McPhillips Street and Murray Avenue**

**File DASZ 54/2013**

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

**Prepared by:** **Inga Skundberg, Clerk**
**Lord Selkirk-West Kildonan Community Committee**

**Report date:** **February 21, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 18, 2014, the Lord Selkirk-West Kildonan 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 54/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 54/2013 dated December 20, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 8, 2014 which is Schedule "B" of this report, ***with the following amendments to C. Agreement Conditions, Section 1 – Servicing:***

        ***iv. Add the following new Condition:***

            ***"4.d) Where services installed by the Developer directly benefit others, the City will endeavor to collect a cost recovery for the Developer as determined by the Director of Public Works."***

        ***v. Delete Condition 7 a) and replace with the following new Condition:***

            ***"7.a) construct 1.5m wide by 100mm thick Portland cement concrete sidewalks on the standard alignment and Active Transportation Pathways, as shown in Schedule "D" for File DASZ 54/2013 dated February 18, 2014."***

***vi. Add the following Condition:***

***<u>School Division</u>***
***"The Developer shall, prior to the release of subdivision mylars for registration in land titles, provide satisfactory evidence that they have entered into an option with the Seven Oaks School Division regarding the acquisition of a school site or a letter from the School Division stating that they are no longer interested in securing a school site under this subdivision application."***

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

i. That for any development on the lands zoned "C4", "RMF-M" and "RMF-L" the following conditions shall apply:

a. That for the development of any building, and/or accessory parking area within these lands, plans shall be submitted showing the location and design of the proposed buildings (including articulation and exterior materials and finishes), the location and design of accessory parking areas, bicycle parking, pedestrian pathways and sidewalks, private approaches, garbage enclosures, loading areas, fencing, landscaping, lighting, and free standing signage to the Lord Selkirk West Kildonan Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be developed and maintained in accordance with the approved plans to the satisfaction of the Director of Planning, Property and Development.

ii. That, in the "C4" district, no building shall be less than 30 feet from a residential zoning district.

iii. That for any building proposed to be more than 35 feet in height in the "RMF-L" and "RMF-M" zoning districts, the following shall apply:

~~***a. That no building shall be less than 30 feet from any "R1" or "R2" zoning district boundary, and that this setback shall increase by one foot for each additional one foot of height proposed for any building.***~~

***b. That no building shall be less than 20 feet from any "R1" or "R2" zoning district boundary, and that this setback shall***

***increase by one foot for each additional one foot of height proposed for any portion of the building in excess of 35 feet.***

b. No building shall be erected on the subject lands greater than 65 feet in height.

iv. That the minimum width of any lot zoned "R1-S" that is not served by a public lane shall be 33 feet.

v. The Developer, at no expense to the City, shall construct within the rear yards of all single and two family lots abutting the future Chief Peguis Trail, a uniform 2.0m high noise attenuation fence, to the satisfaction of, the Director of Public Works. All future owner(s) of these single and two-family lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

vi. All single-family and two-family residential lots backing onto the future Chief Peguis Trail, shall be of sufficient depth to provide a minimum rear-yard set back which together with other sound attenuation measures such as a berm and/or noise attenuation fence achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots.

2. That the following shall apply to development on the "C4" lands:

i. That prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service ("WFPS"), the Developer shall install and erect, at his own expense and at no cost to the City, signs depicting the Master Plan of development on the subject property as it exists from time to time. Such signs shall clearly show the location of all existing buildings, accessory parking areas, private approaches, garbage enclosures, internal roads, building addresses and/or unit numbers, and building names, and must be posted at outside locations near the public right-of-way and internal roads on the subject property. The location, quantity, size and illumination of such signs will be determined by the Chief of WFPS. The Developer shall maintain all such signs to the satisfaction of the Chief of the WFPS;

ii. That copies of the current Master Plan be provided to the Chief of WFPS prior to the issuance of any new occupancy permit and/or upon the request of the Chief of WFPS;

iii. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

iv. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

v. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

vi. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

vii. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

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

ix. That all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices as required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity;

***3.*** ***That Council declare the City-owned property identified as "Subject City Property" shown on Misc. Plan No. 10571/2 (Schedule C for File DASZ 54/2013 dated February 18, 2014) as surplus to the City's needs.***

***4.*** ***That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 10571/2 (Schedule C for File DASZ 54/2013 dated February 18, 2014) to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.***

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

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

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

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

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

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

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

***9. That the zoning section of the by-law shall come into force and effect for each phase when:***

***a. the block plan of subdivision for that phase and the lot plan of subdivision for that phase are both registered in the Winnipeg Land Titles Office; and***
***b. the Zoning Agreement for is registered in the Winnipeg Land Titles Office by caveat against the subject land,***

***provided that the said effective date occurs within ten (10) years from the date the by-law is passed.***

***10. That all block plans of subdivision and all lot plans of subdivision***

***a. may be approved and signed by the Director of Planning, Property and Development within ten (10) years from the date the by-law is passed;***
***and***
***b. may be registered in the Winnipeg Land Titles Office within ten (10) years from the date the by-law is passed,***

***failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the ten (10)-year period and Council approves the extension."***

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

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

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The subject proposal is a wonderful mixed used development for our neighbourhood and will add much needed commercial and employment opportunities.

2. We need good anchor commercial tenants, which I see this development bringing to the neighbourhood.

## PUBLIC HEARING SUMMARY

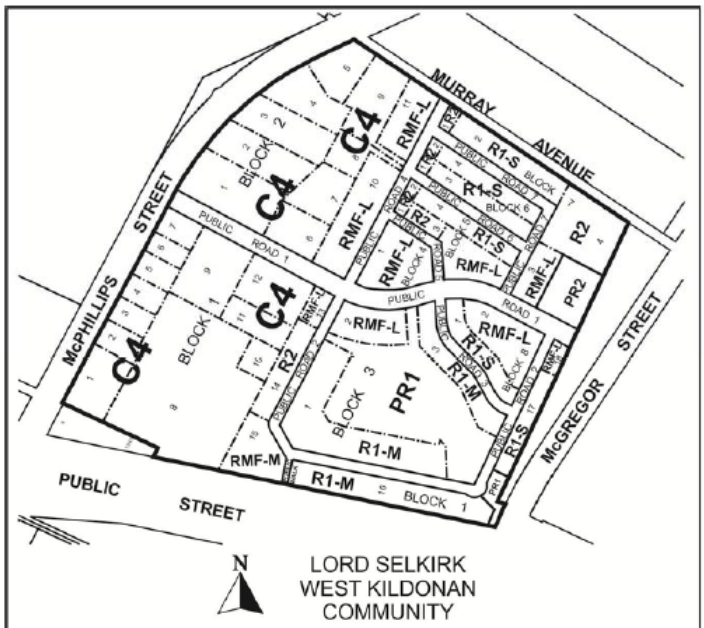
File: DASZ 54/2013

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Eadie
Councillor Sharma

Public Hearing: February 18, 2014
Council Building, 510 Main Street

Applicant: MMM Group Ltd. (Bryan Ward)

Subject:




**APPLICANT :** MMM GROUP LTD.
**FILE :** DASZ 54/13
**PROPOSAL :** An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an from an "A" AGRICULTURAL DISTRICT, "C2" COMMERCIAL COMMUNITY DISTRICT and "M1" MANUFACTURING LIGHT DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT, "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT, "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT, "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT, "R2" RESIDENTIAL TWO-FAMILY DISTRICT, "C4" COMMERCIAL REGIONAL DISTRICT, "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT and "PR2" PARKS AND RECREATION 2 (Community) DISTRICT to facilitate the future commercial and residential development area known as North Point Village which includes the establishment of public right-of-ways. **For information, phone Mr. N. Yauk, Planner, at 204-986-4560.**

Premises Affected: Southeast Corner of McPhillips Street and Murray Avenue

Exhibits Filed:

1. Application dated December 18, 2013
2. Notification of Public Hearing dated January 20, 2014
3a. Manitoba Status of Titles 2377047/1, 2377049/1, 2377052/1, 2377053/1, 2643872/1 and 2643885/1
3b. Certificate of Title 800768
4a. Letter of authorization dated September 4, 2013, from Brendie Enterprises Ltd. to Sunrex Property Services Ltd.
4b. Letter of authorization dated September 20, 2013 from Ann Defoort to Sunrex Property Services Ltd.
4c. Letter of authorization dated October 1, 2013 from 5896836 Manitoba Ltd. to Sunrex Property Services Ltd.
4d. Letter of authorization dated October 3, 2013, from Sunrex Property Services Ltd. to MMM Group Limited
5. Surveyor's Building Location Certificate and sketches dated October 4, 2013
6. Plans (6 pages)
7. Report from the Urban Planning Division dated February 11, 2014
8. Inspection Report
9. PowerPoint Presentation dated February 18, 2014, in support of the application, submitted by Bryan Ward, MMM Group Inc. at the public hearing
10. Binder for North Point Village comprising of a boundary change letter, Open House Summary, Transportation Impact Study, Transportation Review, Servicing Report, and a Cost Benefit Analysis, submitted by Bryan Ward, MMM Group Inc. at the public hearing
11. Communication dated February 14, 2014, from Brian O'Leary, Superintendent, Seven Oaks School Division, with respect to the application submitted at the public hearing
12. Schedule "C" Misc. Plan 10571/2 submitted by the Urban Planning Division
13. Schedule "D" showing sidewalks/AT Paths submitted by the Land Development, Geomatics & Land Information Services Division
14. Audio Recording of representations

REPRESENTATIONS:

In Support:

Bryan Ward, MMM Group
David Jopling, MMM Group
Kerra Mruss, MMM Group
Rob Borody, MMM Group
John Wintrup
Jason Bryk
Richard Mahe
Brian O'Leary, Seven Oaks School Division
Chris Macsymic

In Opposition

Michele Kading

For Information:

Allan Wise, Central Neighbourhoods Development Corporation
Eileen Kafka
Allan and Martha Haberman
William Reinisch

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 54/2013

# ADMINISTRATIVE REPORT

**Title:** DASZ 54/2013 – South East Corner of McPhillips Street and Murray Avenue

**Issue:** For consideration at the Public Hearing to rezone land from "A" Agricultural District, "C2" Commercial Community District, and "M1" Light Manufacturing District to an "R1-S" Residential Single-Family Small District, "R1-M" Residential Single-Family Medium District, "R2" Residential Two-Family District, "RMF-M" Residential Multi-Family Medium District, "RMF-L" Residential Multi-Family Large District, "PR1" Parks and Recreation District (Neighbourhood)District, and "PR2" Parks and Recreation District (Community) District.

.

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

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| B. Smith | B. Thorgrimson | N/A | |

## RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 54/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 54/2013 dated December 20, 2013 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 8, 2014 which is Schedule "B" of this report.

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

      i. That for any development on the lands zoned "C4", "RMF-M" and "RMF-L" the following conditions shall apply:

         a. That for the development of any building, and/or accessory parking area within these lands, plans shall be submitted showing the location and design of the proposed buildings (including articulation and exterior materials and finishes), the location and design of accessory parking areas, bicycle parking, pedestrian pathways and sidewalks, private approaches, garbage enclosures, loading areas, fencing, landscaping,

lighting, and free standing signage to the Lord Selkirk West Kildonan Community Committee and the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be developed and maintained in accordance with the approved plans to the satisfaction of the Director of Planning, Property and Development.

ii. That, in the "C4" district, no building shall be less than 30 feet from a residential zoning district.

iii. That for any building proposed to be more than 35 feet in height in the "RMF-L" and "RMF-M" zoning districts, the following shall apply:

a. That no building shall be less than 30 feet from any "R1" or "R2" zoning district boundary, and that this setback shall increase by one foot for each additional one foot of height proposed for any building.

b. No building shall be erected on the subject lands greater than 65 feet in height.

iv. That the minimum width of any lot zoned "R1-S" that is not served by a public lane shall be 33 feet.

v. The Developer, at no expense to the City, shall construct within the rear yards of all single and two family lots abutting the future Chief Peguis Trail, a uniform 2.0m high noise attenuation fence, to the satisfaction of, the Director of Public Works. All future owner(s) of these single and two-family lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

vi. All single-family and two-family residential lots backing onto the future Chief Peguis Trail, shall be of sufficient depth to provide a minimum rear-yard set back which together with other sound attenuation measures such as a berm and/or noise attenuation fence achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots.

2. That the following shall apply to development on the "C4" lands:

i) That prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service ("WFPS"), the Developer shall install and erect, at his own expense and at no cost to the City, signs depicting the Master Plan of development on the subject property as it exists from time to time. Such signs shall clearly show the location of all existing buildings, accessory parking areas, private approaches, garbage enclosures, internal roads, building addresses and/or unit numbers, and building names, and must be posted at outside locations near the public right-of-way and internal roads on the subject property. The location, quantity, size and illumination of such signs will be determined by the Chief of WFPS. The Developer shall maintain all such signs to the satisfaction of the Chief of the WFPS;

ii) That copies of the current Master Plan be provided to the Chief of WFPS prior to the issuance of any new occupancy permit and/or upon the request of the Chief of WFPS;

iii) That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

iv) Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

v) That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

vi) That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

vii) That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

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

ix) That all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices as required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity;

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

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

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

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

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

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

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

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

## REASON FOR THE REPORT

- The applicant intends to rezone the property to the following zoning districts:
  - “R1-S” Residential District
  - “R1-M” Residential District
  - “R2” Residential Two-Family District
  - “RMF-M” Residential Multiple Family District
  - “RMF-L” Residential Multiple Family District
  - “PR1” Parks and Recreation District
  - “PR2” Parks and Recreation District
- As per the requirements of OurWinnipeg, Complete Communities, the applicant has submitted a concurrent Precinct Plan for these lands located within the New Communities Policy Area known as Precinct F.
- The proposed rezonings are in accordance with the policies of the Precinct Plan and are meant to accommodate large format commercial uses and a variety of housing types.
- The intended use of the land requires a rezoning and subsequent Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*

- The report is being submitted for the Committee's consideration of the development application at the Public Hearing.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein.

## IMPLICATIONS OF THE RECOMMENDATIONS

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

## CONSULTATION

In preparing this report there was consultation with:

The Administrative Coordinating Group of the City of Winnipeg

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Prepared By | Noah Yauk |
| Date: | February 11, 2014 |
| File No. | DASZ 54/2013 |

**List of Attachments:**

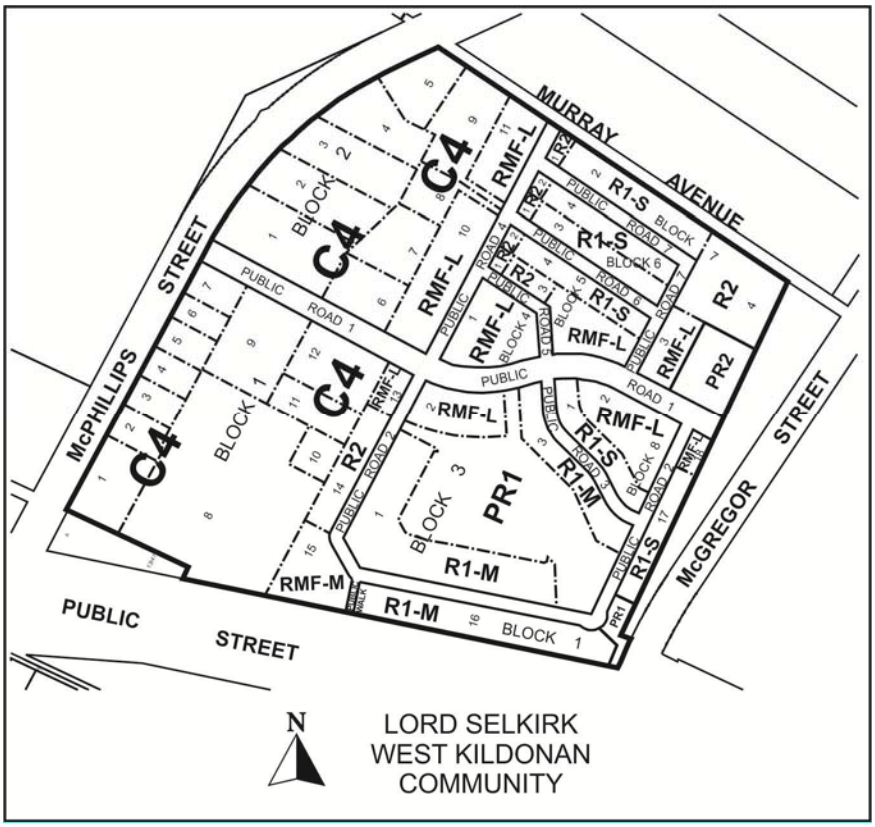
- APPENDIX 'A': Planners Report
- SCHEDULE "A" FOR FILE NO. DASZ 54/2013, LSWK COMMUNITY COMMITTEE, DATED DEC. 20, 2013

- SCHEDULE B: REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – Dated February 8, 2014
- APPENDIX B: Design Guidelines for Plan Approval for DASZ 54/2013

**APPENDIX 'A**

| | |
|---|---|
| **DATE:** | February 11, 2014 |
| **FILE:** | **DASZ 54/13** |
| **RELATED FILES:** | **DAV 13-178640D** |
| **COMMUNITY:** | Lord Selkirk / West Kildonan |
| **NEIGHBOURHOOD #:** | West Kildonan Industrial |
| **SUBJECT:** | For consideration at the Public Hearing to rezone the subject property to "C4" Commercial Regional District, "R1-S" Residential District, "R1-M" Residential District, "R2" Residential Two-Family District, "RMF-M" Residential Multiple Family District, "RMF-L" Residential Multiple Family District, "PR1" Parks and Recreation District, and "PR2" Parks and Recreation District. |
| **LOCATION:** | Lands Located at the Southeast Corner of McPhillips Street and Murray Avenue. |

.




**APPLICANT:** MMM Group (Bryan Ward)
111 – 93 Lombard Ave
Wpg., MB R3B 3B1

**OWNER:** Marcel and Ann Defort
Brendie Enterprises
Malado Enterprises
5896836 Manitoba Ltd

**RECOMMENDATION:** Approval with Conditions

**REPORT SUMMARY**

- The applicant intends to rezone the property to the following zoning districts:
  - "R1-S" Residential District
  - "R1-M" Residential District
  - "R2" Residential Two-Family District
  - "RMF-M" Residential Multiple Family District
  - "RMF-L" Residential Multiple Family District

- "C4" Commercial District
- "PR1" Parks and Recreation District
- "PR2" Parks and Recreation District

- As per the requirements of OurWinnipeg and Complete Communities, the applicant has submitted a concurrent Precinct Plan for these lands located within the New Communities Policy Area as identified as Precinct F.
- The proposed rezonings are in accordance with the policies and are meant to accommodate large format commercial uses and a variety of housing types.
- The intended use of the land requires a rezoning and subsequent Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The report is being submitted for the Committee's consideration of the development application at the Public Hearing.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein.

**SITE DESCRIPTION**

Land Use and Zoning

- The subject lands identified as "Precinct F" in *Complete Communities* are located at the southeast corner of McPhillips Street and Murray Avenue and represent a total land area of approximately 122 acres (see Figure 1).

- It is noted that the boundary of Precinct F was modified by the Director Planning Property and Development which resulted in the removal of lands on the west side of McPhillips Street that were formerly part of Precinct F and the addition of those lands within the adjacent Precinct D.

- The subject lands are bound on three sides by vacant lands and separated from urban development to the south by the future extension of the Chief Peguis Trail.

- It is noted that subject rezoning application is dependent upon the approval of a Precinct Plan as per the requirements of the Complete *Communities Direction Strategy*. The DASZ report is written in the context of the plan being approved.

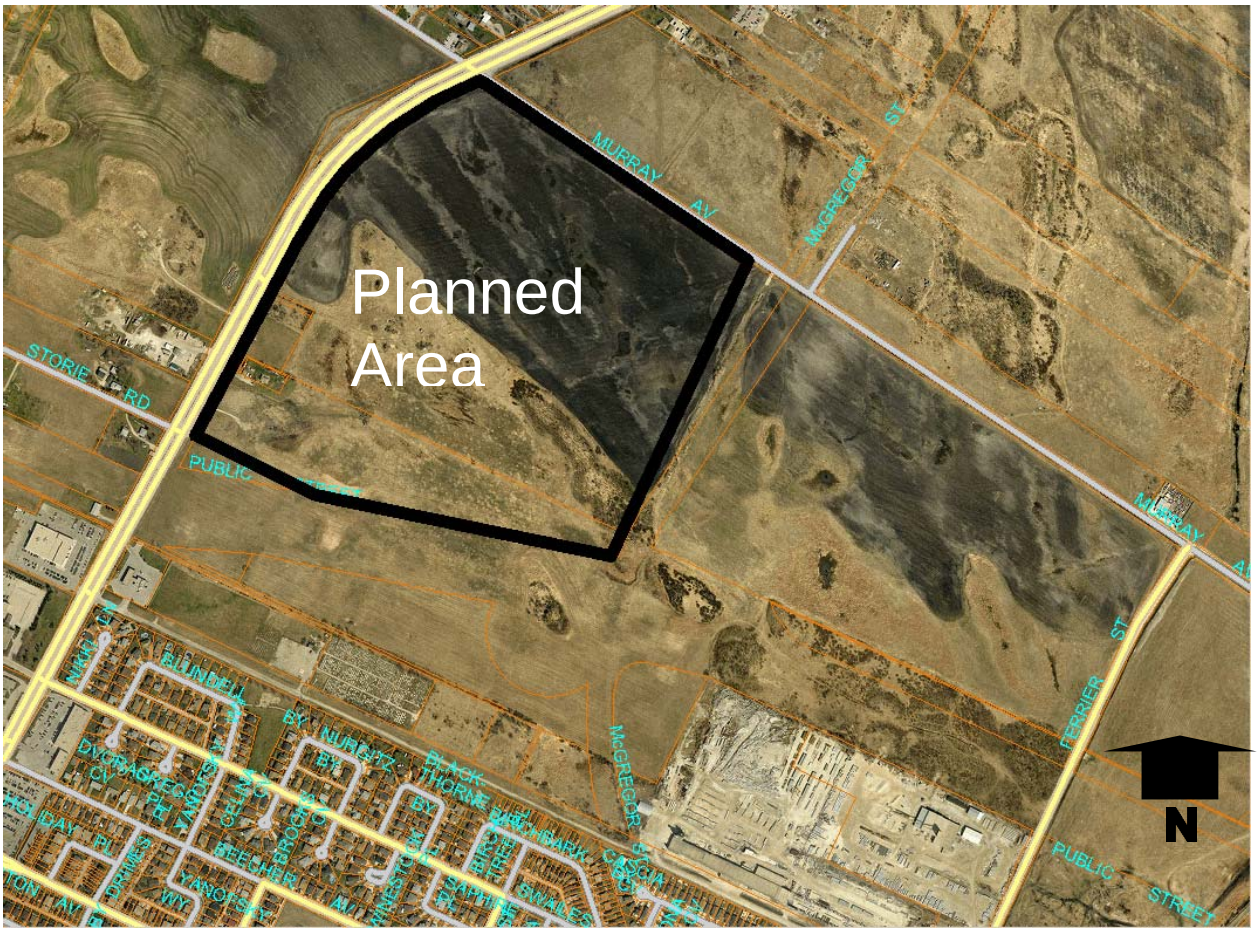



**Figure 1: Approximate Boundary of the Subject Site (Aerial Flown 2012)**

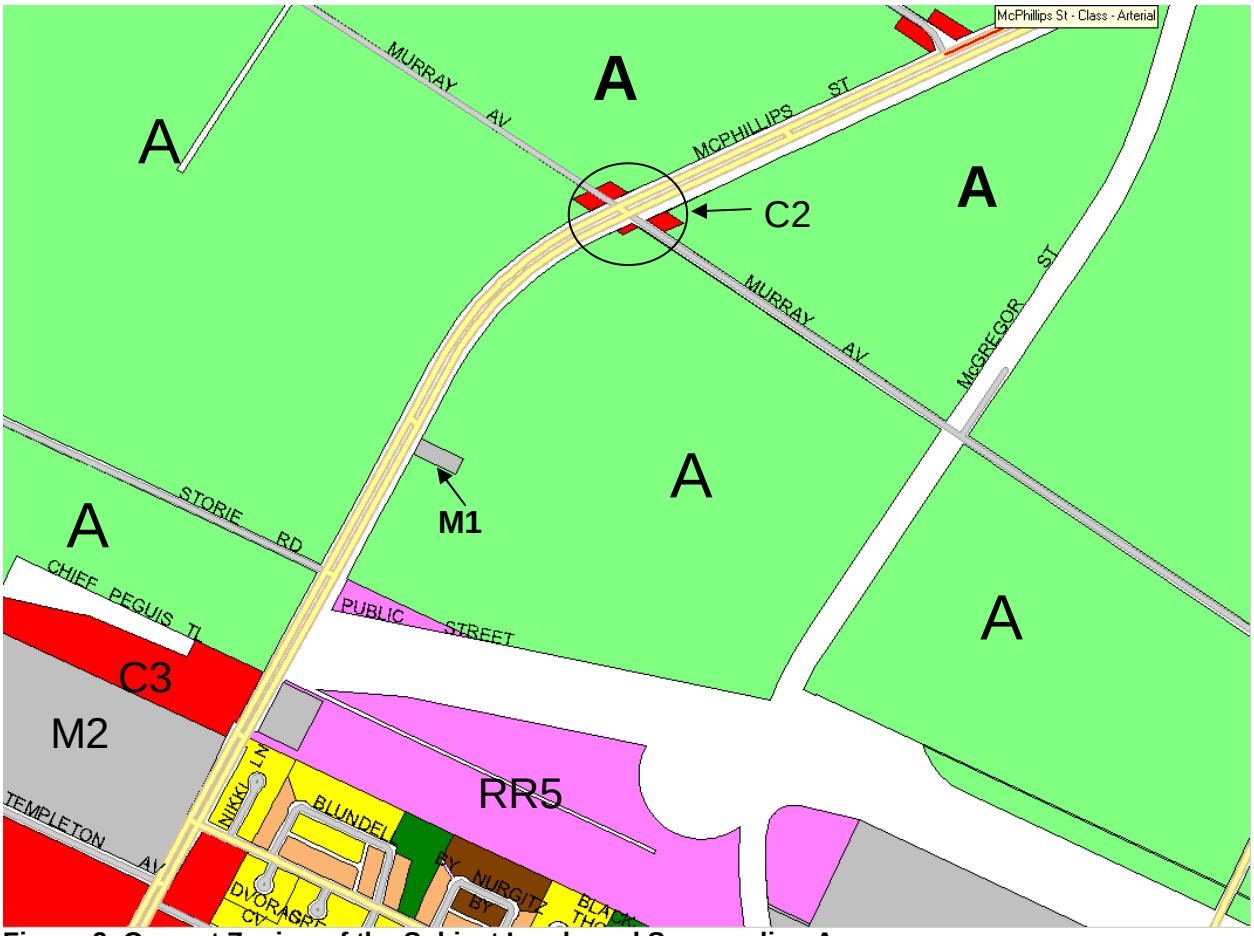


**Figure 2: Current Zoning of the Subject Lands and Surrounding Area.**

**DESCRIPTION OF THE PROPOSAL**

- The applicant intends to rezone the subject lands to a variety of zoning districts that are appropriate in facilitating development consistent with the proposed Precinct Plan.
- As per the concurrent Precinct Plan application, the proposed development is consistent with the policies of *OurWinnipeg* and *Complete Communities.*
- The applicant is proposing to rezone the subject lands to the following Districts:
  - "R1-S" Residential District
  - "R1-M" Residential District
  - "R2" Residential Two-Family District
  - "RMF-M" Residential Multiple Family District
  - "RMF-L" Residential Multiple Family District
  - "C4" Commercial District
  - "PR1" Parks and Recreation District
  - "PR2" Parks and Recreation District
- Combined, the proposed zoning districts will provide for commercial opportunities as well as a range of housing types.
- The development, at build out, is expected to yield as much as 500, 000 sq ft of commercial space and as many as 2, 300 dwelling units.

**COMPLETE COMMUNITIES DIRECTION STRATEGY**

- Under the *Complete Communities Direction Strategy* the proposed development is within the New Communities Policy Area. Any subdivision or rezoning requires that a Precinct Plan be adopted by Council or a designated committee of Council. Once approved, the Precinct Plan policies form the basis of review for any proposed subdivision and rezoning applications on the said land.

**PRECINCT PLAN POLICIES**

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

*Precinct Plan "F"* is focused on the following goals:

- Neighbourhood Focus: to encourage a sense of community by creating welcoming and inviting public spaces.

- Housing Diversity: to accommodate a diversity of housing types and tenures to meet the needs of varying income groups, lifestyles, and families. Residential development includes single-family homes, townhouses, multi-plexes and apartment buildings, including affordable housing and rental units.

- Market Demand: to respond to the market demand for a variety of housing types and tenures.

- Compact Development: to provide a mix of land uses in an efficient way to achieve a walkable community and a transit supportive population density.

- Employment Opportunities: to provide a variety of employment opportunities in close proximity to the residential neighbourhood.

- Transportation: to create an interconnected, safe and efficient transportation network that balances the needs of pedestrians, cyclists, public transit users, and motorists.

- Public Transit: to promote the use of public transit through efficient and convenient transit routing that aims to locate a transit route within 400m of every residence.

- Park Space: to provide outdoor spaces that become gathering places and support active and healthy lifestyles by providing opportunities for both active and passive recreation.

- Contribute to Municipal City Building Objectives: to implement OurWinnipeg by creating a complete community, support the extension of Chief Peguis Trail, and add to municipal and school revenues.

## Land Use Policies

The general land use policies of the Precinct plan are centered around accommodating commercial uses, a variety of residential uses, parks and pathways, stormwater retention facilities and potentially a school. Precinct F also contains more detailed policies with respect to the different types of development accommodated within the Plan. Amongst others this includes policies for Low Density Residential development, Medium Density Residential development, High Density Residential development, commercial development as well as Parks and Open Space.

The Low Density Residential Areas accommodate:

i) i. single-family dwellings;
ii) ii. two-family dwellings;
iii) iii. townhouses;
iv) iv. parks and open space and active transportation networks.

The Medium Density Residential Areas accommodate:

i) i. two-family dwellings;
ii) ii. townhouses;
iii) iii. multi-family dwellings;
iv) iv. parks and open space and active transportation networks.

The High Density Residential Areas accommodate:

i) i. multi-family dwellings
ii) ii. parks and open space and active transportation networks.

In combination, the residential policy areas of the precinct plan target an overall residential density range of 13 - 30 units per gross acre. This includes a target of 6 - 8 units per gross acre in the lower density residential area and as much as 25 - 65 units per gross acre in the higher density residential area.

Commercial Mixed Use Area accommodates:

i) A range of uses from the community to regional scale
ii) Community and neighbourhood scale institutional uses compatible with commercial uses
iii) higher density residential development
iv) Passive recreation and parks

Precinct Plan Parks and Open Space Policies

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

i) active recreation opportunities – sports fields;
ii) passive recreation and leisure opportunities such as places for unstructured recreation, natural areas, places to sit, paths for walking or cycling and trails for skiing; and
iii) active transportation (AT) paths.

Precinct Plan Transportation Policies include:

i) Motor-vehicle parking areas, bicycle parking areas, transit stops, sidewalks, paths and local roads, and other sources of pedestrian traffic on private property and on abutting public lands should be connected to destinations in a Commercial Mixed Use Area by at least one route that safely and efficiently accommodates pedestrians.
ii) Paths and roads that accommodate cyclists, and other sources of cycling traffic on private property and on abutting public lands should be connected to at least one bicycle parking area on private land in a Commercial Mixed Use Area by at least one route that safely and efficiently accommodates cyclists.
iii) Infrastructure on private land, that accommodates public transit buses or public transit users, shall be provided to the satisfaction of Winnipeg Transit.

Precinct Plan: Potential School

The Seven Oaks School Division has identified a need for a school at or near the northeast corner of Precinct F. This location may become the approximate centre of a future catchment area, which would include future residential uses north and east of North Point Village. Should a school be established, it is to be guided by the following policies:

i) A school site should be abutting at least three public roads, where at least two are collectors.
ii) School sites should be accessible by sidewalks or paths, from at least two directions.
iii) Buildings shall be designed and developed [to be] compatible with abutting and nearby uses, existing and anticipated
iv) A proposed school site may be co-located with active park space.
v) Any use or development of the potential school site shall be consistent with all of the policies of the Lower Density Residential Area section and the precinct-wide polices goals and vision.

## ZONING

### Zoning By-Law 200/2006: Proposed Zoning Districts

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

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

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

- **"RMF-M" (Medium) and "RMF-L" (Large) Residential Multi-Family District**

These districts are intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.

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

- **"PR2" Parks and Recreation 2 (Community) District** The Parks and Recreation 2 (PR2) district is intended for sites that include community recreation facilities and parks that are accessed by a mix of pedestrian and vehicular traffic. These sites may provide active programs and activities, including community centres, hockey pens, arenas, indoor soccer, wading pools, spray parks, skateboard parks and athletic fields. Parking facilities ranging from 10 to 100 stalls may be associated with these uses. These parks and facilities typically occur along collector streets.

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

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

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

| Figure 4: Dimensional Standards for the Multiple Family District | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Zoning District** | **Minimum Lot Area (Sq. Ft.)** | **Minimum Lot Area Per Dwelling Unit (Sq. Ft.)** | **Minimum Front Yard (Ft.)** | **Minimum Rear Yard (Ft.)** | **Minimum Interior Side Yard (Ft.)** | **Principal Building Separation (Ft.) [Note a]** | **Max Building Height (ft)** |
| **RMF-M** | **9,000** | **800** | **25** | **25** | **8 [Note b]** | **8** | **60** |
| **RMF-L** | **20,000** | **400** | **25** | **25** | **8 [Note b]** | **8** | **150** |
| Note a: For buildings taller than 35 feet, the principal building separation distance must be 50% of the height of the taller building to a maximum of 25 feet.<br>Note b: Where a building is more than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet. | | | | | | | |

- Collectively, the above zoning districts provide a wide range of housing types important to help meet the lifecycle needs of Winnipeg residents. The zoning districts will accommodate single family homes, duplexes, row houses and even apartments.
- The proposed zoning districts also enable the development within the precinct to meet the residential density targets identified in the precinct plan.

**COMPATIBILITY WITH EXISITNG DEVELOPMENT**

Currently, the lands adjacent to Precinct F are vacant. As is Precinct F, the lands to the north, west and east are also designated as New Community in the Complete Communities Direction Strategy and will require the adoption of a Precinct Plan in order for future urban development to occur. The lands just south of the precinct include lands set aside for the future extension of Chief Peguis trail which currently terminates at Main Street. The lands south of the future Chief Peguis Trail are designated as Recent Community in the Complete Communities Direction Strategy. These lands are built out for the most part with some pockets of undeveloped and underutilized lands. Lands designated as Recent Community do not require a precinct planning process as they are identified as areas that are already developed or planned for. It is expected that Precinct F will have little connectivity to the existing development beyond the planned extension of Chief Peguis Trail as this roadway will function as a limited access expressway. It is noted that the westward extension of Chief Peguis Trail from its current terminus at Main Street has been added to the City's Capital Budget. The extension was advanced from a mid-term (by 2021) project to a short term (by 2016) project in the Transportation Master Plan and has therefore been added to the City's 5 year capital budget.

Though there is no urban development adjacent to the planned area for Precinct F to plug into the developer expects that this development will help facilitate the planning of neighbouring precincts and that the development will be contiguous to existing development as those lands around it develop. From a location perspective these lands are not that far from existing neighbourhoods and will provide large format commercial opportunities for residents in northwest quadrant of Winnipeg as well as convenient access to those who live outside the City but rely on the City for shopping opportunities that cannot be sustained in smaller communities. The applicant has noted there is not much land left on McPhillips with good commercial exposure. It is hoped that the proposed commercial development will draw more people to the McPhillips area with the effect of rejuvenating existing fully serviced commercial lands south of the subject site.

**Community Input – Public Information Sessions**

In the preparation of the precinct plan and associated rezoning application, the applicant has held 2 separate open houses:

**Wednesday, October 2, 2013 at Canad Inns on McPhillips and Jefferson.**

- 50 people signed in as attendees.
- Presentation Boards were on display and staff of the MMM group were available to answer questions
- As compiled by the applicant, The most frequent comments and issues regarding the proposed Precinct Plan included:
    - An interest in future residential development in the northwest quadrant of Winnipeg.
    - Some attendees indicated preference towards lower density residential on larger lots with fewer townhouses and condominiums.
    - Some attendees indicated no desire for higher-density residential.
    - A need and desire for future commercial development (specifically Costco and other large-scale retail stores).
    - Preference towards buildings no higher than six stories.
    - A need for access to adequate public transportation throughout the study area.
    - Concerns that future development will increase traffic congestion and disrupt traffic flow along McPhillips Street, particularly during peak hours.
    - Concerns that neighbouring properties will be negatively impacted by increased overland flooding as a result of development. Drainage issues must be addressed before development commences.
    - Opportunity highlighted for future greenspace provision adjacent to the study area (this area is currently used by nearby residents with all-terrain vehicles and dirt bikes).
    - A desire to be kept informed on future planning and designs for the area.

**Tuesday, February 4, 2014 at Canad Inns on McPhillips and Jefferson.**

- 40 people signed in as attendees.
- Presentation Boards were on display and staff of the MMM group were available to answer questions
- As compiled by the applicant, the most frequent comments and issues regarding the proposed Precinct Plan included:
    - An interest in bus routes and access as well as a concern regarding the interruption of traffic flow on McPhillips particularly due to heightened commercial development.
    - A desire to preserve native wildlife and species as well as the incorporation more trails and greenspace (into this part of Winnipeg).

- Some attendees wondered whether big box stores would be part of the commercial development, particularly Costco.
- Some attendees wondered if there were current plans to extend development to Precinct G.
- Some attendees want the plan to ensure that future development plans for the area consider businesses that presently use Murray and Ferrier – the plant, *Conforce* was specifically named. One attendee expressed that residents have had many years of debate with local businesses regarding access to their facilities without damaging homes in the area.
- A number of attendees felt that the plan was good and that it was time that the City of Winnipeg focused on development within this area.
- One comment expressed that the plan did not express orderly development and that it was too premature. It was stated that the land between McGregor and the CPR Winnipeg Beach Line should be developed first.
- One comment expressed that the drainage and wastewater plan was too vague due to the number of multi-family residential proposed.

**KEY COMMENT PROVIDED BY OTHER CIVIC DEPARTMENTS**

It is noted that the subject DASZ application (54/2013) has been reviewed by civic departments through the Administrative Coordinating Group (ACG). This review process is to determine developer obligations such as servicing requirements, land dedication and other. The ACG Report, the contents of which will make up the development agreement can be found in Schedule B.

**ZONING AGREEMENT CONSIDERATIONS:**

The following is to provide context for the proposed zoning agreement conditions.

Building Setbacks to Future Chief Peguis Trail

A number of proposed single-family residential properties will back onto the future extension of Chief Peguis Trail. Public Works Dept., through conditions of approval, requires that these properties provide, in combination, an adequate yard setback to the facility as well as other noise attenuation provisions to keep the effect of traffic noise to a minimum on those properties. This provision requires the typical outdoor recreation area of those are not subject to sound-level limits greater than 65 dBA.

Building heights for multi-family development

The applicant is proposing a mix of residential zoning districts, some of which provide for building heights as high as 150 feet. While the applicant has chosen these districts more for the development density they afford than the height, the zoning agreement proposes that buildings in excess of 35 feet in height and adjacent to single and two family homes should provide more generous building setbacks and that the setback should increase as the building height increases. The clause proposes a minimum setback of 30 feet in this scenario plus an additional one foot setback for each additional one foot of increased height beyond 35 feet.

Setbacks of Commercial Buildings adjacent to residential Zoning Districts

It is noted that the proposed "C4" zoning district requires a setback of 125 feet between any proposed building and residential zone. While the applicant has requested this requirement to be varied, it is appropriate for there to be some separation between commercial buildings and the residential properties to the east. The zoning agreement proposes a minimum setback of 30 feet to these residential property lines. Because the residential and commercial development are part of the same development, the interface between the two can be addressed proactively and can form part of the Plan Approval process. However, some setback space should be provided between commercial buildings and the residential property line.

"R1-S" Lots without Public Lanes

The applicant is proposing to create lots zoned "R1-S" without access to a public lane. While the minimum lot size for the "R1-S" zoning district is 25 feet, these lots widths are arguably too narrow to accommodate front approaches. Typically, the Urban Planning Division does not support subdivisions that create 25 foot wide lots without access from a public lane. The zoning agreement clause, therefore, applies a minim lot width of 35 so that the properties zoned "R1-S' are wide enough to accommodate a front approach.

Plan Approval

The purpose of plan approval is to review any proposed commercial and multi-family development on the subject lands, prior to any permits being issued, to ensure the proposed development meets the policies and intent of the Precinct Plan. Typically the LSWK Community recommends that Plan Approval be added as a clause in the Zoning Agreement for most commercial and multi-family developments so that the ward Councillor and members of the committee can have some control over the design of the site. For the above reasons, the Public Service is, therefore, recommending plan approval as a condition of the zoning agreement to allow the LSWK Community Committee and the Urban Planning Division the opportunity to review and approve the design of future multi-family and commercial developments.

**RECOMMENDATION**

The Urban Planning Division recommends approval for the following reasons:

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

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Prepared by N. Yauk
PPD File # DASZ 54/13

SCHEDULE “A” FOR FILE NO. DASZ 54/2013, LORD SELKIRK WEST KILDONAN COMMUNITY COMMITTEE, DATED DEC. 20, 2013

By-Law No. _____

File No. **DASZ 54/13**

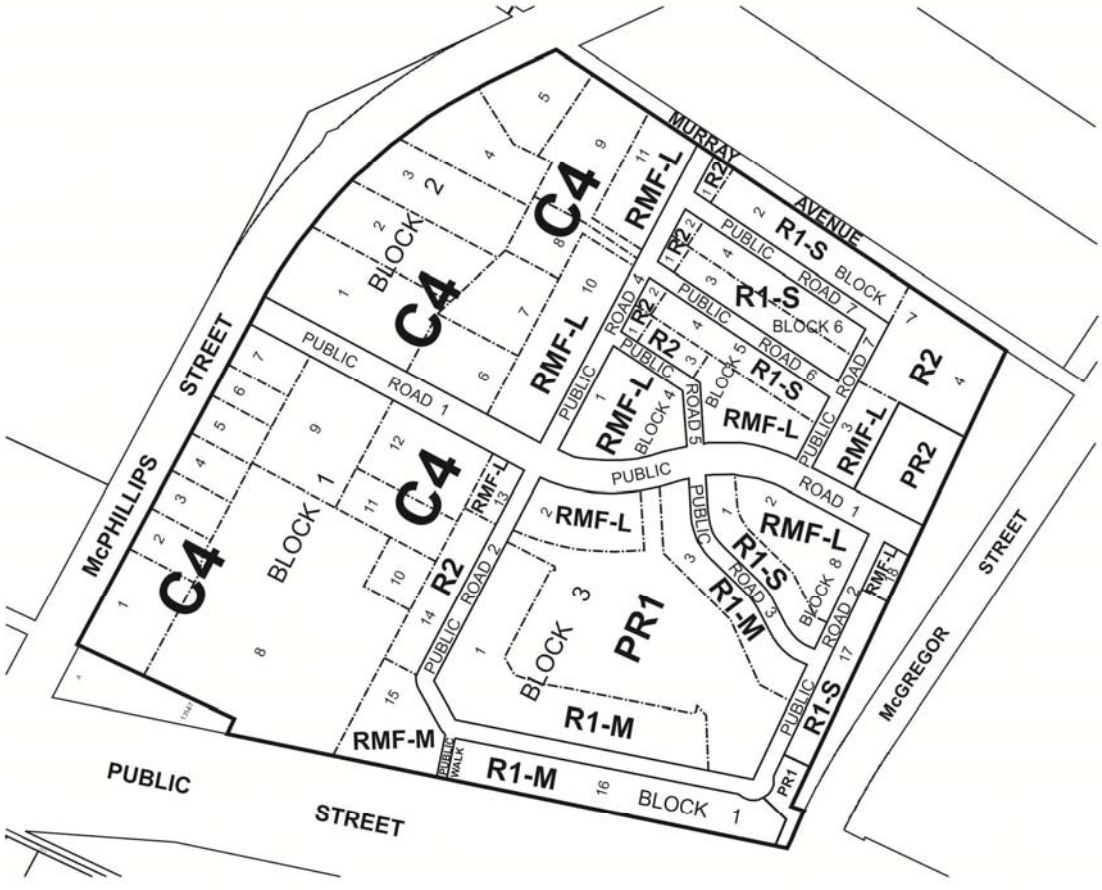
Atlas Sheet No. **R25**

N

**LORD SELKIRK WEST KILDONAN COMMUNITY**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on the southeast corner of McPhillips Street & Murray Avenue from an "A" AGRICULTURAL DISTRICT, “C2” COMMERCIAL COMMUNITY DISTRICT and “M1” MANUFACTURING LIGHT DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT, “R1-M” RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT, “RMF-M” RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT, “RMF-L” RESIDENTIAL MULTI-FAMILY (Large) DISTRICT, “C4” COMMERCIAL REGIONAL DISTRICT, “PR1” PARKS AND RECREATION 1 (Neighbourhood) DISTRICT and “PR2” PARKS AND RECREATION 2 (Community) DISTRICT to facilitate the future commercial and residential development area known as North Point Village which includes the establishment of public right-of-ways as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

## SCHEDULE B

## REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – February 8, 2014

**RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE SOUTHEAST CORNER OF MCPHILLIPS STREET AND MURRAY AVANUE – DASZ 54/2013**

It is recommended that the approval of DASZ 54/2013, 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 right-of-way corner cuts measuring 2.0m by 2.0m in each corner of the intersection of two streets measuring 22.0m in width or greater. Right-of-way corner cuts measuring 3.0m by 3.0m are to be provided at each corner of any intersection where the angle is less than 80°, to the satisfaction of the Director of Public Works.

2) The Developer shall transfer and legally open, at no expense to the City, property required for a 6.0m widening to the McPhillips Street right-of-way along the full length of the Planned Area abutting McPhillips Street, as determined by and to the satisfaction of the Director of Public Works.

3) The Developer shall transfer and legally open, at no expense to the City, property required for a right turn cut-off in the southeast corner of the intersection of McPhillips Street and Murray Avenue, as determined by and to the satisfaction of the Director of Public Works.

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

5) The proposed street identified as “Public Road 4” is to be established as a residential collector road with a 22.0m right-of-way (24.0m if the land drainage sewer is 525mm in diameter or greater), 10.0m concrete pavement and all related works, all as determined by and to the satisfaction of the Director of Public Works.

6) The centerlines of proposed streets identified as “Public Road 2” and “Public Road 4” are to be coincident.

7) The proposed Public Walk is to be accommodated with a right-of-way width of 6.00m to the satisfaction of the Director of Public Works.

8) Widen the northerly window into the larger park by the retention pond – to make this more suited to a structured play area, and to make the presence of parks more prominent and possibly a vista from the entry into the development from McPhillips.

9) Reconfigure the property line for the SE park-walkway connection to Chief Peguis, to remove the jog in the property line and make it straight – to eliminate a hidden corner (improve site lines into the park).

## 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 and adjacent lands. The report shall include an engineer's estimate of the cost to construct the regional land drainage facilities in order to determine the trunk service rate.

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

## C. AGREEMENT CONDITIONS

### 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. Lot Line Servicing

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

b) The Developer shall ensure that each sewer service remains plugged from installation

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

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

4. Land Drainage

a) The Developer shall, at no expense to the City, construct and install land drainage sewers and naturalized stormwater retention facilities (including a piped outfall) required to serve the Planned Area and adjacent lands, as determined by and to the satisfaction of the Director of Water and Waste.

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

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

5. Lot Grading

a) Upon registration of the approved plan of subdivision mylars in the Land Titles Office, the Developer shall, at no expense to the City, provide to the City all easements the City considers necessary with respect to the installation, construction, maintenance, and replacement of swales, catchbasins, and leads for drainage of the Planned Area.

b) Prior to the issuance of building permits, the Developer shall, at no expense to the City:

i. Submit to the City, for approval, a lot grading plan for the Planned Area, prepared by a municipal engineer; and

ii. Construct all swales, catchbasins, and leads necessitated by the approved lot grading plan

6. Pavement

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

7. Sidewalks

The Developer shall, at no expense to the City:

a) construct a 1.5m wide by 100mm thick Portland cement concrete sidewalks and a 1.5m wide asphaltic concrete bicycle path on the standard alignment, 0.3m from the property line, along both sides of all streets within the Planned area with rights-of-way measuring 22.0m in width or greater except where multi-use pathways are to be constructed; and

b) construct within the proposed Public Walk a 1.5m wide by 100mm thick Portland cement concrete sidewalk and landscape the remainder to include:

    i. Sodding on both sides of the sidewalk and

    ii. fencing along the side property lines and at both street ends of the Public Walk with an appropriate sidewalk opening;

c) construct sidewalks concurrently with the pavements with which they share the right-of-way;

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

8. McPhillips Street Intersection Improvements

The Developer shall, at no expense to the City, construct portland cement concrete pavements including:

a) an 80.0m southbound left-turn storage lane and upstream transition;

b) an 80.0m northbound right-turn deceleration lane and upstream transition,

c) northbound right-turn acceleration lane and downstream transition;

d) median opening;

e) right-turn channelization in the southeast and northeast corners of the intersection of McPhillips Street and proposed “Public Road 1”; and

all related works on McPhillips Street at and in the vicinity of its intersection with proposed “Public Road 1” and on proposed “Public Road 1” at and in the vicinity of its intersection with McPhillips Street, all as determined by and to the satisfaction of the Director of Public Works.

9. McPhillips Street and Murray Avenue Intersection Improvements

The Developer shall, at no expense to the City, construct in portland cement concrete pavement an 80.0m northbound right-turn deceleration lane and upstream transition and all related works on McPhillips Street at its intersection with Murray Avenue, as determined by and to the satisfaction of the Director of Public Works.

The City will endeavor to recover and reimburse the Developer, subject to recovery by the City, a share of the cost of the deceleration lane benefitting other lands under future development agreements.

10. Removal of Median Openings and Private Approaches

The Developer shall, at no expense to the City;

a) remove existing median openings on McPhillips Street located approximately 100m and 300m north of Storie Road and associated storage lanes, and restore the centre median; and

b) remove existing private approaches serving the Planned Area and restore the east ditch in those locations;

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

11. Traffic Control Signals

The Developer shall, pay to the City, in cash, on demand 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, pedestrian countdown signals (if required) at the intersections of

a) McPhillips Street and proposed “Public Road 1”; and

b) McPhillips Street and Murray Avenue

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

The City will endeavor to recover and reimburse the Developer, subject to recovery by the City, a share of the cost of the traffic control signals benefitting other lands under future development agreements.

12. Share of Future Improvments on McPhillips Street

The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services to be installed in McPhillips Street along the full length of the subject property abutting the east side of McPhillips Street, or alternatively, at the City’s option, construct an equivalent length of concrete pavement and all related works in McPhillips Street along the full length of the subject property abutting the east side of McPhillips Street:

a) 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works;

b) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk;

c) street lighting in the east boulevard; and

d) landscaping in the east boulevard;

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

13. Share of Future Improvements on Murray Avenue

The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services to be installed in Murray Avenue along the full length of the subject property abutting the south side of Murray Avenue, and/or, at the City's option, construct the following and all related works in Murray Avenue along the full length of the subject property abutting the south side of Murray Avenue:

a) an 8.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works;

b) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk;

c) street lighting in the south boulevard;

d) landscaping in the south boulevard;

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

14. Temporary Dead-End Streets

a) The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of each temporarily dead-ended street within the Planned Area, and provide to the City any rights-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, erect and maintain barricades and signage, across the full width of any streets which are temporarily dead-ended due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

15. 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 sod for a period of one year and the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

16. Private Approaches

There are to be no private approaches :

a) serving single or two family residential development off residential collector streets (i.e. rights-of-way measuring 22.0m or greater in width); and

b) off of the future Chief Peguis Trail.

17. Two Means of Vehicle Access

The Developer shall, at no expense to the City, ensure that two means of paved vehicular access are available at all times to each stage of development of the Planned Area, to the satisfaction of the Director of Public Works. This may require the construction of temporary paved roadways by the Developer and the provision of easements or rights-of-way by the Developer to the City.

18. 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.

19. Signage

The Developer shall, at no expense to the City,

a) obtain approval of and install, prior to construction, and subsequently maintain, at the entrances to the Planned Area, development information signs, containing no advertising, and showing the Planned Area, zoning information, a north directional arrow, proposed sidewalks, walkways, active transportation facilities, community mail boxes, parks, land drainage retention facilities, natural tree stands, multiple family sites, commercial sites, collector and arterial streets, McPhillips Street, Murray Avenue and the future Chief Peguis Trail; all with the approval of, and to the satisfaction of, the Director of Planning, Property and Development.

b) supply and install trail network signage and trail related traffic signage, on pathways and Active Transportation corridors, consistent with standards and specifications applied to similar citywide networks, or an alternative standard proposed by the developer, as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, and Development.

20. Street Name Signs

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

21. Fencing

The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting the future Chief Peguis Trail, a 2.0m high noise attenuation fence, as determined by, and to the satisfaction of, the Director of Public Works, and permit the City to file a caveat against the title of each such lot, requiring the owner(s) to maintain and/or repair the fence as originally constructed, to the satisfaction of the Director of Public Works.

22. Lot Setbacks

All single-family and two-family residential lots backing onto the future Chief Peguis Trail, shall be of sufficient depth to provide a minimum rear-yard set back which together with other sound attenuation measures such as a berm and/or noise attenuation fence achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots, and the Zoning Agreement covering those lots shall stipulate this minimum rear yard.

23. Public Reserve

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

b). The Developer shall provide, at no cost to the City, 2.4m paths, the surfacing of which shall be determined through the site plan approval process, within the public reserves where the primary function of the area is to provide pedestrian and/or bicycle connectivity, all to the satisfaction of and approval by the Director of Public Works.

c). It is understood that the existing natural areas within the Public Reserve lands, shall be protected and preserved in accordance with the following:

i. Proposed improvements, including but not limited to the provision of pathways, shall be determined in consultation with the City Naturalist, and in accordance with plans and specifications approved by the Director of Public Works.

ii. Protective fencing shall be installed for the duration of construction along the limits of the preserved natural areas, to ensure no accidental encroachment into that area during construction.

iii. Any re-grading of land or changes in drainage patterns due to development must ensure there is no run off directed into the natural area, but shall be handled internal to that property. Drainage patterns of water out of natural areas must

also be accounted for by providing drainage where necessary to maintain a neutral effect on the moisture regime.

iv. If only nominal or no improvements are required within the preserved natural areas, the value of Development Agreement Parameter governed site improvements at the then 'landscaping' rate, that would have normally been necessary, shall be tabulated and paid by the developer to the City or applied to improvements within the development, to the discretion and satisfaction of the Director of Public Works.

d). Partial credit (approx. 50%) only shall be granted for linear parks along retention ponds where the width and sloped grade restricts multi-use opportunities, the determination of which shall be to the satisfaction of the Director of Planning, Property and Development.

e). If the City deems that the provision of irrigation or water service to the public reserve is not required, the Developer shall provide compensation in the form of site amenities of predetermined equivalent value. Given the degree of naturalizations occurring, it has been determined that irrigation is not required and the value has been offset by the natural area establishment.

f). The City will not compensate the Developer for the Developer's provision of serviced frontages which flank the south east end of the stormwater retention basin, as these are deemed to be in excess of Park requirements.

g). The Developer shall, at no cost to the city, provide continuous fencing, or, fencing in accordance with a fencing plan, prepared by the developer in conjunction with the Urban Design Division and Parks, and subject to the review and approval of the Director of Public Works, for properties with side or rear yards abutting public reserve land. Any said fence shall to be located within private property and established by caveat to be the responsibility thereafter of the private property owner.

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

i). The Developer shall assume responsibility for all public reserve sites until they are developed and throughout the maintenance period.

j). The Developer shall, at no expense to the City, maintain the public open space improvements for a period of two years in accordance with specifications approved by the Director of Public Works. The City reserves the right to impose longer maintenance terms for amenities and features, such as naturalized areas, that the Director of Public Works deems to be beyond the standard scope of development. Commencement of the maintenance period will correspond with the issuance of Total Performance for Parks and shall be deemed complete by the issuance of a Final Acceptance Certificate for Parks.

k). Securities for public reserve improvements will be reduced following issuance of Total Performance, but shall not be released in full until Final Acceptance has been issued

and as-built drawings have been received and accepted as complete by the Director of Public Works.

24. Utilities

a) 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.

b) The Developer shall pay all costs associated with the 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.

25. Litter and Refuse Control and Clean-Up

a) 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.

b) 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.

26. 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 Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 54/2013
February 10, 2014

*"Original signed by G. Jasper, P.Eng."*

G.V. Jasper P. Eng.,
Land Development Branch

*"Original signed by Z. Bodiroga, P.Eng."* on behalf of

F. C. Mazur, P. Eng.
Water & Waste Department

*"Original signed by C. Desjardine, P.Eng."*

C.J. Desjardine P. Eng.
Public Works Department, Transportation Division

*"Original signed by K. McKim M.L.Arch"* on behalf of

D. Beaton M.L.Arch
Parks and Urban Design, Property and Planning

GJ/gj

## APPENDIX B: Design Guidelines for Plan Approval for DASZ 54/2013

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

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

- Ensure that the pedestrian and cycling environment is safe, accessible, comfortable, convenient and attractive;

- Ensure the vehicular environment for both public and private transportation is well integrated with the pedestrian environment;

- Respect the existing context, including current uses, scale and functions of adjacent land-uses and streets;

- Strengthen the continuity of the Planned Area and the site's development by using elements and/or adding new elements that unify and connect individual areas and buildings;

- Utilize the architectural elements of the building(s) in a sensitive and cohesive manner (i.e.: facades, roofs, entrances, landscaping, signage, and lighting) to enhance the development. .

The Design Principles and General Design Guidelines identified below provide guidance on achieving these goals. These design principles and guidelines will be used when reviewing the final site plans as part of the approval process for Development Applications as required as a condition under the Zoning Agreement.

### A. General Design Principles and Detailed Design Guidelines

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

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

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

**General Design Guidelines:**

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

**Detailed Design Considerations:**

- Sidewalks
  - Size according to their intended use and place in the overall scheme: Wide sidewalks where restaurants and outdoor dining will be concentrated; narrower sidewalks on less intensively used streets.
  - Create direct, comfortable and safe pedestrian routes leading to front entrances of stores from parking areas, transit stops, public sidewalks, other stores, and other pedestrian destinations.
  - Sidewalks need to impart a sense of permanence. They should be lined by trees, high-quality landscaping, and high-quality materials.

- Parking lots
  - Ensure the parking lot design program includes pedestrian safety, comfort and amenity as key priorities.
  - Provide a pedestrian route between main buildings and the public sidewalk that is uninterrupted by surface parking and driveways.
  - Provide shade and high-quality landscaping in surface parking areas.
  - Position parking rows perpendicular to main building entrances to assist safe pedestrian movement toward the building.
  - Limit the length of parking rows to a maximum of 20-30 contiguous spaces. Longer rows should include landscaped breaks, e.g. islands with shade trees for all season to ensure pedestrian safety.
  - Divide large surface parking areas both visually and functionally into smaller parking courts through the use of landscaped islands and protected pedestrian pathways.
  - Edge treatments along public streets and other public spaces should visually screen parked vehicles but not completely obstruct views into and out of the parking lot for the purpose of supporting pedestrian safety and security.

- Pedestrian Crossings
  - Consider installing ‘tables’ (rolled curbs bordering slightly elevated crossings) at major internal pedestrian routes across drive aisles to serve as a traffic calming feature and provide uninterrupted pedestrian connection.
  - Where pedestrian routes cross street access driveways and other major drive aisles, clearly mark crossings and provide unobstructed sight distance for pedestrians and vehicles.

- Signage

- Use thematic signage in a consistent way finding system to direct pedestrians to different buildings.

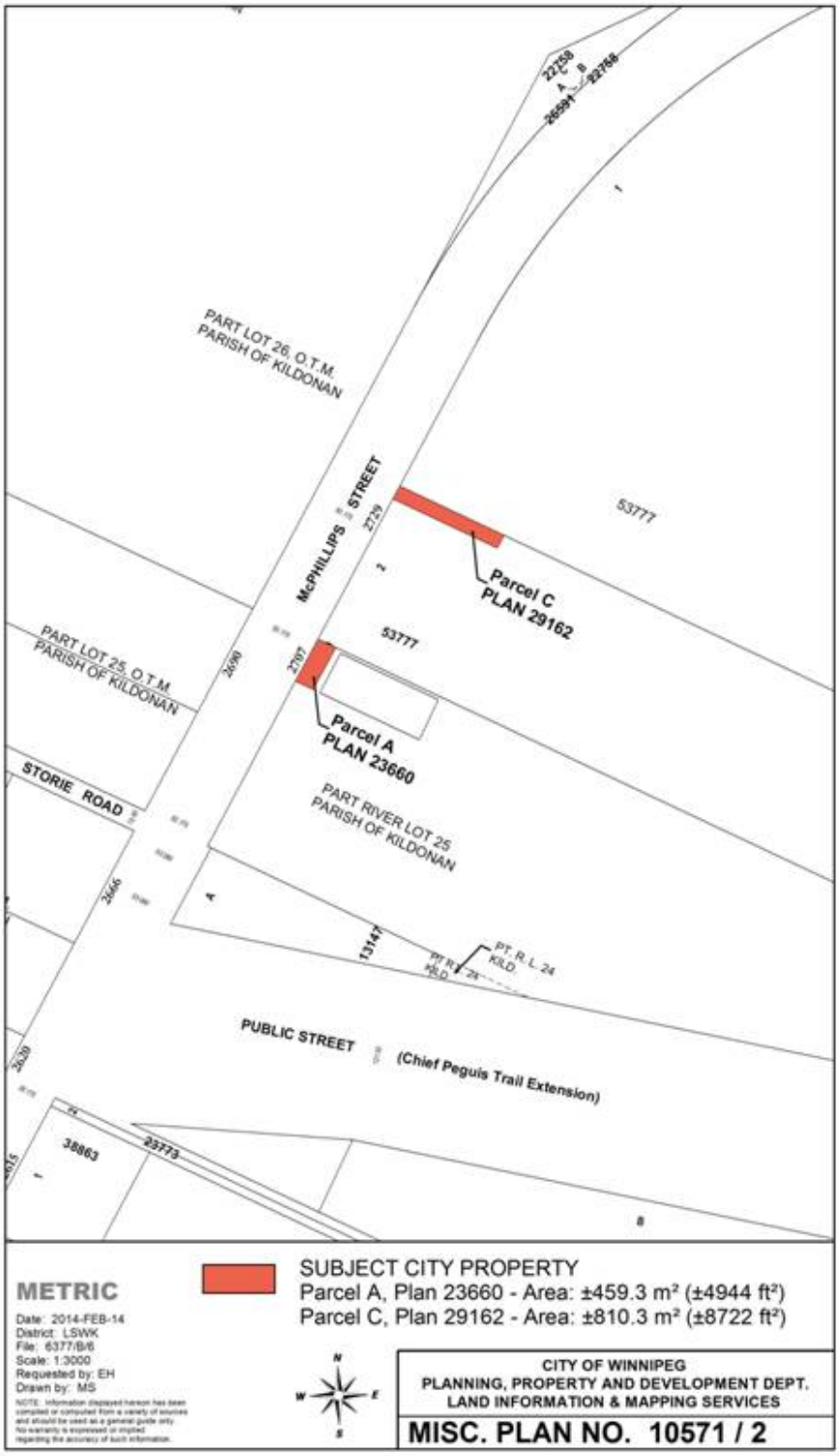
- Lighting
  - Select different luminaries with a coordinated appearance to light pedestrian pathways, parking spaces, drive aisles, building and site entrances and other relevant parking lot features.
  - Install lighting that is appropriately scaled to its purpose, i.e. avoid over lighting.
  - Consider providing pedestrian scale lighting, such as bollards or lower scale pole fixtures, along pedestrian routes.

- Transit
  - Ensure transit facilities are near and relate to building exits and entrances, and key on-site pedestrian routes.
  - Explore opportunities for incorporating transit stops into buildings for the purpose of creating weather protection for transit users.

- Building Design – as it impacts the pedestrian environment:
  - Preliminary thought should be given to locating potential uses with associated outdoor areas (such as cafeteria/café/restaurant) where they will receive maximum exposure to sunshine and protection from wind.
  - Buildings and streets should be oriented to provide maximum protection from prevailing winds (streets oriented east/west, buildings situated to buffer wind) and maximum exposure to sunshine in winter to improve pedestrian comfort.
  - Encourage open and inviting building facades at street and 2nd storey level to enhance the convenience, comfort and enjoyment of pedestrian experiences and enhance interactions between the public space and business operations.
  - Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.
  - Direct access to be provided to retailers, service providers and customer service areas from street level.

- Universal Design
  - Ensure the City of Winnipeg Universal Design Standard is used to guide barrier free design on public lands and encourage application of these standards on private exterior and interior spaces.
  - In particular, ensure all pedestrian routes (interior and exterior) are inclusive and incorporate a consistent way finding system through
    - signage and site design (i.e. zoned sidewalk concept - furniture zone at back of curb, pedestrian circulation zone/clear path of travel, building frontage zone); and
    - sidewalks that utilize colour and textural contrasting bands defining pedestrian circulation zone and building entries.

**Schedule "C" for File DASZ 54/2013 dated February 18, 2014**



**Schedule “D” for File DASZ 54/2013 dated February 18, 2014**

