Minutes – Executive Policy Committee – April 23, 2014

Minute No. 306
Report – Standing Policy Committee on Property and Development – April 15, 2014

Item No. 19 **Subdivision and Rezoning – Sage Creek Phase 9A – Lands Located West of Plessis Road, Between Warde Avenue and PTH 100 (St. Boniface Ward) File DASZ 45/2013 [c/r SPA 3/2013]**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 under File DASZ 45/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 45/2013 dated March 25, 2014 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 March 12, 2014, which is Schedule "B" of this report, with the following amendment:

        C. AGREEMENT CONDITIONS

        SECTION I – SERVICING

        <u>17. Public Reserve</u>

        c) Delete "Certificate of Total Performance" and replace with "Substantial Performance"

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 45/2013 dated March 25, 2014 to "R1-S" and "R1-M" Single-Family Districts and a "PR1" Parks and Recreation District subject to the following:

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

i) The Developer shall construct within the rear yards of all single and two-family lots abutting Warde Avenue, a uniform, 2.0-metre-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.

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 Development Agreement.

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

Minutes – Executive Policy Committee – April 23, 2014

Report – Standing Policy Committee on Property and Development – April 15, 2014

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

Report – Standing Policy Committee on Property and Development – April 15, 2014

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 15, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 7, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Recommendation 1. A., add the following after the words "Schedule "B" of this report":

  ", with the following amendment:

  C. AGREEMENT CONDITIONS

  SECTION I – SERVICING

  <u>17. Public Reserve</u>

  c) Delete "Certificate of Total Performance" and replace with "Substantial Performance"

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

RE: **Subdivision and Rezoning – Sage Creek Phase 9A – Lands Located West of Plessis Road, Between Warde Avenue and PTH 100**
File DASZ 45/2013 [c/r SPA 3/2013]

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

Prepared by: **Rochelle Viray, Clerk**
Riel Community Committee

Report date: **April 9, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 7, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 45/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 45/2013 dated March 25, 2014 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 March 12, 2014 which is Schedule "B" of this report, ***with the following amendment:***

        C. AGREEMENT CONDITIONS

        SECTION I – SERVICING

        <u>17. Public Reserve</u>

        c) Delete "Certificate of Total Performance" and replace with "Substantial Performance"

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 45/2013 dated March 25, 2014 to "R1-S" and "R1-M" Single-Family Districts and a "PR1" Parks and Recreation District subject to the following:

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

i) The Developer shall construct within the rear yards of all single and two-family lots abutting Warde Avenue, a uniform, 2.0-metre-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.

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 Development Agreement.

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

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

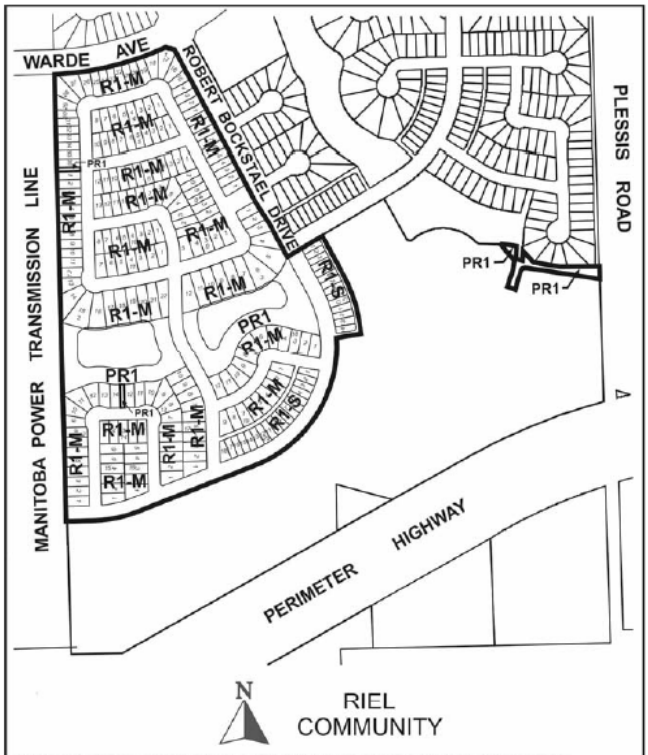
The Riel Community Committee provided the following supporting reason for its recommendation:

1. This is part of a phase of a secondary plan which was approved some time ago, and this is orderly development of a new area.

PUBLIC HEARING SUMMARY

File:	DASZ 45/2013
Before:	Riel Community Committee Councillor Swandel, Chairperson Councillor Mayes Councillor Vandal
Public Hearing:	April 7, 2014 Council Building, 510 Main Street
Applicant:	Sage Creek Development Corporation (Jeff Pratte)

Subject:



APPLICANT : SAGE CREEK DEVELOPMENT CORPORATION
FILE : DASZ 45/13
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "RR5" RURAL RESIDENTIAL 5 DISTRICT and "R1-M" RESIDENTIAL SINGLE FAMILY (Medium) DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT, an "R1-M" RESIDENTIAL SINGLE FAMILY (Medium) DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the continuation of the Sage Creek Neighbourhood lands by the creation of the Phase 9A Block Plan and includes residential building lots, public reserve areas and public rights-of-ways for future development. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : SAGE CREEK DEVELOPMENT CORPORATION
N° DE RÉFÉRENCE : DALZ 45/13
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie RR5 (secteur résidentiel en milieu rural 5) et à la catégorie R1-M (secteur d'habitations unifamiliales moyennes), à la catégorie R1-S (secteur de petites habitations unifamiliales), à la catégorie R1-M (secteur d'habitations unifamiliales moyennes) et à la catégorie PR1 (secteur des parcs et des loisirs 1) afin de faciliter la continuation de l'aménagement des sols du quartier Sage Creek par la création de l'étape 9A du plan de masse, qui inclut des lots résidentiels, des aires de réserve publique ainsi que des emprises publiques en vue de l'aménagement futur. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: Sage Creek Phase 9A - South of Warde Avenue, West of Plessis Road, North of Perimeter Highway (Kotelko)

Exhibits Filed:

1. Application dated February 6, 2014
2. Notification of Public Hearing dated March 12, 2014
3. Manitoba Status of Titles 2428334/1, 2543179/1, 2605305/1, 2633096/1 and 2691255/1
4. Letter of authorization dated October 9, 2013 from Qualico Developments (Winnipeg) Ltd. to Sage Creek Development Corporation
5. Caveat 4224942/1
6. Plans (4 pages)
7. Report from the Urban Planning Division dated March 25, 2014
8. Inspection Report
9. Audio Recording of representations of public hearing

REPRESENTATIONS:

In Support:

Mike Armstrong
Eric Vogan

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 45/2013

ADMINISTRATIVE REPORT

Title: DASZ 45/2013 – Sage Creek Phase 9(a) – Lands Located West of Plessis Road, Between Warde Avenue and PTH 100 Public Hearing

Issue: An application for consideration at the Public Hearing to subdivide and rezone approximately 53.5 acres of land in Sage Creek

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – 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	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 45/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 45/2013 dated March 25, 2014 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 March 12, 2014 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 45/2013 dated March 25, 2014 to "R1-S" and "R1-M" Single-Family Districts and a "PR1" Parks and Recreation District subject to the following:

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

      i) The Developer shall construct within the rear yards of all single and two-family lots abutting Warde Avenue, a uniform, 2.0-metre-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.

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 Development Agreement.

7. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (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 is proposing to subdivide and rezone the subject 53.61 acre site from “RR5” Rural Residential 5 and “R1-M” Residential Single-Family Medium to blocks zoned “R1-S” Residential Single-Family Small, “R1-M” Residential Single-Family Medium and “PR1” Parks and Recreation 1 (Neighbourhood) in order to create the next residential development phase for Sage Creek.
- Subdivisions and rezonings require a 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.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be subdivided and rezoned consistent with the map provided in Schedule “A” of this report.

HISTORY

Summary of Major By-laws and Subdivision and Rezonings Relevant to the Subject Application

- In April 2005, the Standing Policy Committee on Property and Development identified the South St. Boniface Area Structure Plan as a priority project within the Planning, Property and Development Department's 2005 Secondary Plan Work Program. The department implemented a collaborative planning process in partnership with Qualico Developments and their consulting team to prepare the area structure plan. This process also included close consultation with all affected City departments to address any issues related to the development of the subject lands and to ensure that the City's requirements were incorporated into the plan's policies.
- On September 28, 2005, Council gave first reading to By-law 158/05 to adopt the South St. Boniface Area Structure Plan as a Secondary Plan for 918 acres of land bounded by the Bishop Grandin Boulevard extension to the north, Lagimodiere Boulevard and the Island Lakes residential community to the west, the Perimeter Highway to the south and Plessis Road (the City Boundary) to the east; and directed that the Riel Community Committee conduct a public hearing respecting the proposed by-law and plan. It was ultimately passed by Council November 23, 2005.
- On September 26, 2007 Council adopted the plan of subdivision proposed under DASZ 21/2007, which was considered Phase 2 of the Sage Creek development. The application involved the subdivision and rezoning of 79.2 acres of land east of the Manitoba Hydro right-of-way and extended Sage Creek Blvd and Warde Avenue.
- On June 22, 2011, Council recommended approval for the subdivision and rezoning of a 71 acre site in Sage Creek from RR5 to blocks zoned R1-M, R1-S, RMF-S, and PR1 under file DASZ 3/11. This subdivision is considered Phase 6 of the Sage Creek development and connects to Phases 2 and 4, which are located to the north and west.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk, MCIP
Date:	March 25, 2014
File No.	DASZ 45/2013

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 45/2013 Riel Community Committee, dated March 25, 2014
3. Schedule “B” — Report of the Administrative Coordinating Group

APPENDIX 'A'

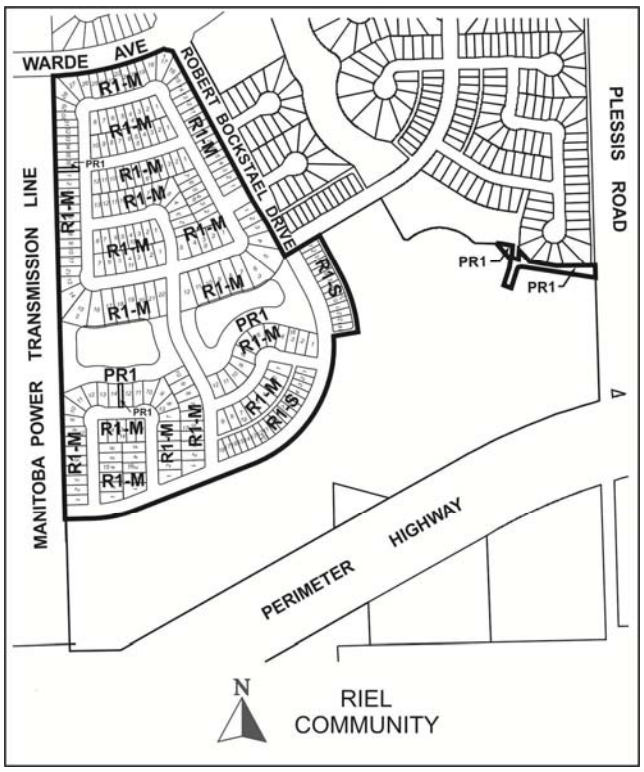
DATE: March 25, 2014

FILE: DASZ 45/2013
RELATED FILES: SP 8/2013 (c/r), DASZ 36/2012, DASZ 30/2012, DASZ 5/2012, DASZ 3/2011, DAS 3/2011, SPA 2/2010, DASZ 12/2010, DASZ 3/2010, DASZ 35/2009, DASZ 12/2009, DAS 17/2008, DASZ 32/2007, DASZ 21/2007, DASZ 10/2007, DASZ 51/2005,

COMMUNITY: Riel
NEIGHBOURHOOD #:5.553

SUBJECT: An application to subdivide the 53.61 acre site in Sage Creek from RR5 and R1-M to blocks zoned R1-S, R1-M, and PR1.

LOCATION: South of Warde Avenue and west of Plessis Road (see map below)



APPLICANT: Sage Creek Development Corporation (Jeff Pratte)
1 Dr. David Friesen Drive
Winnipeg, MB R3X 0G8

OWNER: Sage Creek Development Corporation
1 Dr. David Friesen Drive
Winnipeg, MB R3X 0G8

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject plan area is located south of Warde Avenue and west of Plessis Road in the Sage Creek neighbourhood of the St. Boniface Ward.
- The plan area is vacant and approximately **53.61 acres in area.**
- The site is zoned “RR5” Rural Residential 5 and “R1-M” Residential Single-Family Medium and is located within the Areas of Stability – Recent Communities Policy Area under the Complete Communities Direction Strategy.
- The site is also located within the Residential Policy Area under the South St. Boniface Secondary Plan.

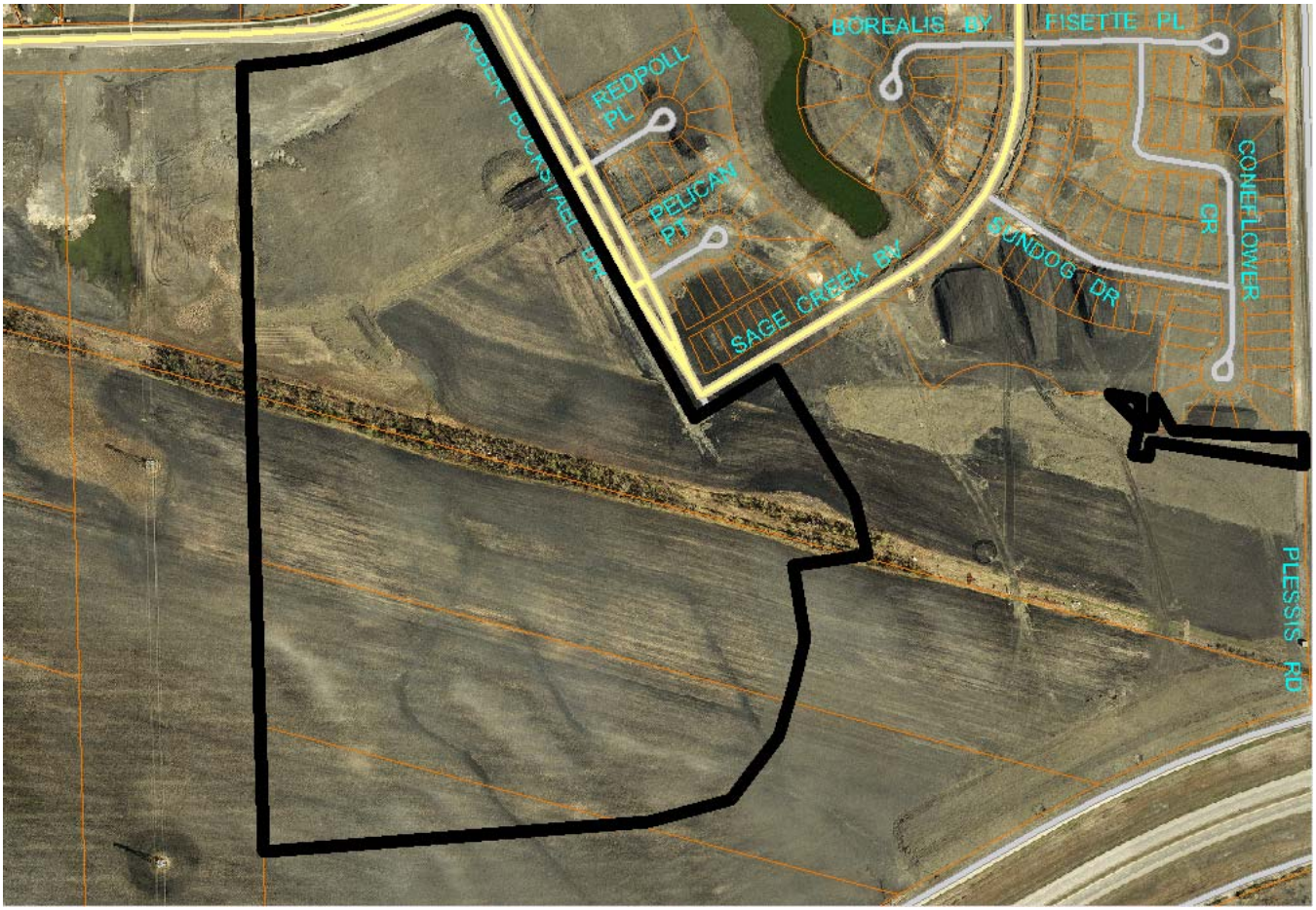


Figure 1: Aerial photograph showing approximate area of the subject site (2012)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Residential lots zoned R1-M.

South: Vacant land zoned RR5 and the Perimeter Highway (PTH 100).

East: Vacant land zoned RR5 and Plessis Road, which marks the City of Winnipeg boundary.

West: A Manitoba Hydro transmission corridor zoned RR5.

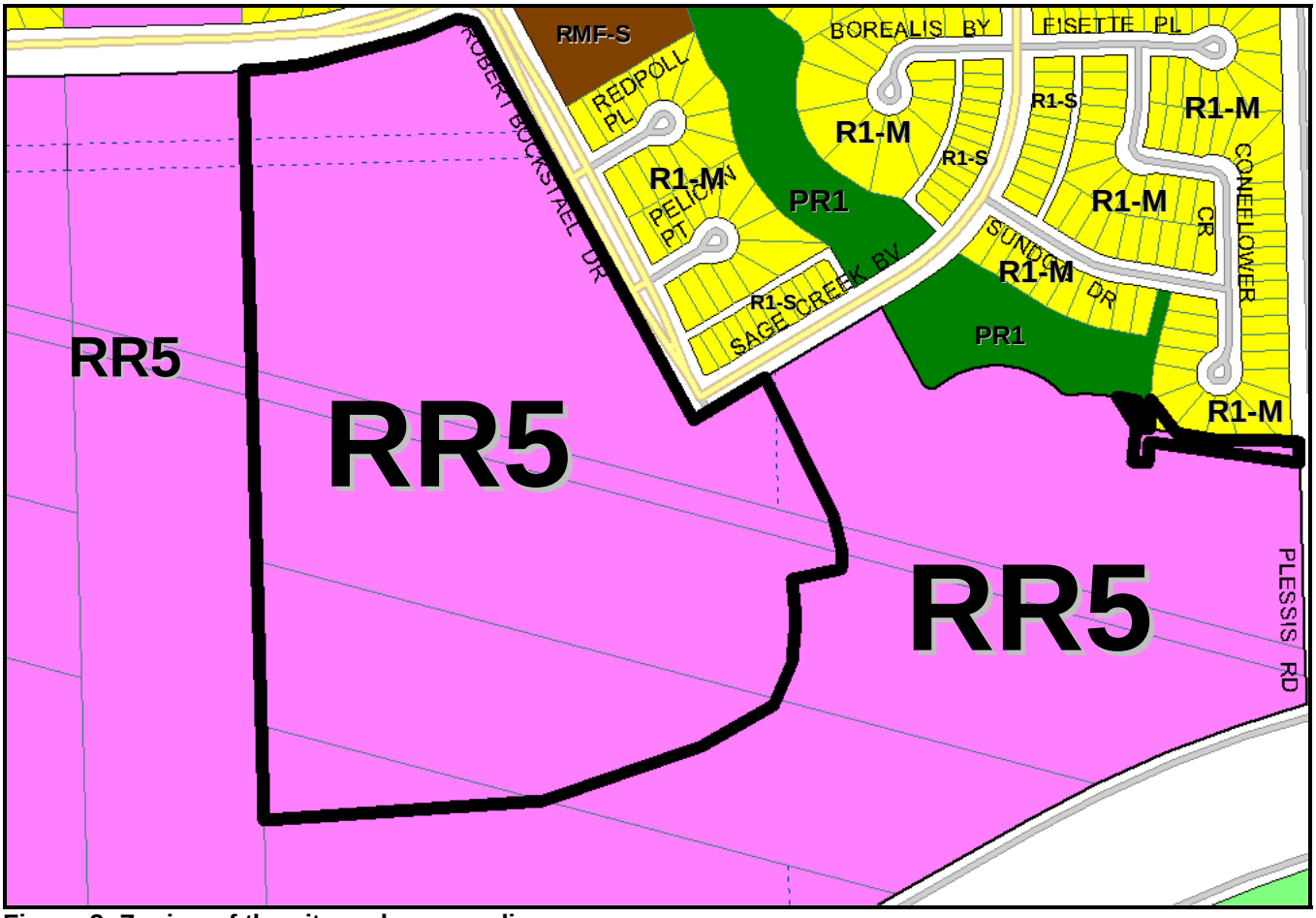


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide and rezone the subject 53.61 acre site from "RR5" Rural Residential 5 and "R1-M" Residential Single-Family Medium to blocks zoned "R1-S" Residential Single-Family Small, "R1-M" Residential Single-Family Medium and "PR1" Parks and Recreation 1 (Neighbourhood) in order to create the next residential development phase for Sage Creek.
- This subdivision is considered Phase 9A of the Sage Creek development and will connect to Phase 6 to the east (see DASZ 3/2011) and Phase 2 to the north (see DASZ 2/2007).

- The applicant is proposing that approximately 30.5 acres or about 57% of the gross area of the site will be used for the development of 241 single-family lots/homes that will be zoned either R1-M or R1-S.
- Approximately 4 acres or about 7% of the gross area of the site will be used for park land zoned PR1.
- The remainder of the site will be used for street right-of-ways that include the extension of Robert Bockstael Drive and a water storage and impoundment area.
- It should be noted that under SPA 8/2013 the applicant is requesting an amendment to the *South St. Boniface Area Structure Plan* (By-law No. 158/2005) that would eliminate one of the three school sites in the Plan area and relocate one of the remaining two. This amendment will be heard at the April 7, 2014 Riel Community Committee Public Meeting, which is the same public meeting date for the subject DASZ. The changes proposed under SPA 8/2013 are required in order for the subject DASZ to proceed as the applicant is proposing to develop single-family homes in what is currently designated as a two school sites within the South St. Boniface Area Structure Plan. The applicant has consulted the Louis Riel School Division about the proposed changes to the school sites in the South St. Boniface Area Structure Plan. The School Division is supportive of the proposed changes (see the planner's report for SPA 8/2013).

ANALYSIS AND ISSUES

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
    - Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
    - Provide opportunities to increase multi-modal connectivity when redevelopment occurs.
    - Support a mix of commercial services and employment uses that serve the local community.
    - Ensure that existing public open spaces meet the neighbourhood's current and future requirements.

SOUTH ST. BONIFACE AREA STRUCTURE PLAN (SECONDARY PLAN)

- The subject site is located within the Residential Policy Area of the South St. Boniface Secondary Plan and includes a Neighbourhood Node as identified in the Plan. Relevant policies to this application include:

5.1.2 Residential Area Policies

1) Composition of Residential Area

(a) Subject to the policies of this Plan,

(i) single family and two family residential uses shall be the predominant use of land within the Residential Area

(ii) alternative housing forms, including multi-unit and special needs housing, institutional uses, recreational uses, public uses, and local commercial sites, and other similar and accessory uses to the above, may be allowed within the Residential Area where determined to be compatible and appropriate, and

(iii) open space shall be provided throughout the Residential Area to meet the active and passive recreational needs of residents.

2) Transit Service to the Residential Area

The Residential Area shall:

(i) be served by public transit, and

(ii) contain transit bus stops within a five-minute (400-metre) walking distance from most homes.

5.2.2 Neighbourhood Node Policies

1) Composition of Neighbourhood Nodes

(a) Subject to the policies of this plan, a Neighbourhood Node

(i) shall contain

(A) one or more transit stops, and

(B) a concentration of housing which may include multi-unit residential,

3) Density of Neighbourhood Nodes

(a) A Neighbourhood Node shall contain a minimum of 1.6 net developable hectares (4.0 net developable acres) of residential land developed at a minimum density of 24.7 units per hectare (10 units per acre) located immediately adjacent to the transit stop(s).

(b) At the Development Application stage, detailed information shall be submitted addressing the boundaries and zoning of the residential development within the Neighbourhood Node.

5.5.2 Parks and Open Space Policies

1) Linear Parkway

(a) The linear parkway system shall contain a pathway alignment along at least one side of the stormwater management facilities.

(b) The linear parkway system shall consist of, but not be limited to, wetland vegetation and appropriate upland native grasses.

(c) Pathways shall be pervious within naturalized areas.

- As mentioned in the *Description of the Proposed Development* section, an amendment to the *South St. Boniface Area Structure Plan* (By-law No. 158/2005) is required for the subject application to proceed. The proposed amendment under application SPA 8/2013 would eliminate one of the three school sites in the Plan area and relocate one of the remaining two.

ZONING

"RR5" Rural Residential 5 District

- The RR5 district is intended to provide areas for large-lot rural residential development along with limited agricultural uses. The RR5 district requires: a minimum lot width of 25 feet, a minimum lot area of 5 acres, side yards of 25 feet, a front yard of 25 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30%.

"PR1" Parks and Recreation 1 (Neighbourhood) District

- The PR1 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, no parking facilities are 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.

"R1-S" Residential Single-Family Small District

- The R1-S district requires: a minimum lot width of 25 feet, a minimum lot area of 2,500 square feet, side yards of 3 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

"R1-M" Residential Single-Family Medium District

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

LAND USE BY-LAW

Rezoning

- The RR5 zoning district is intended for large-lot (5 acre minimum) rural development. The applicant is proposing to rezone the land from RR5 to R1-S, R1-M, and PR1 in

order to create a fully-serviced residential subdivision that is part of the Sage Creek development.

- It should be noted that the only a small portion of land located at the back of a lot on Coneflower Crescent needs to be rezoned from R1-M to PR1 in order to accommodate the park development.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- Subject to SPA 8/2013 being approved, the proposed subdivision and rezoning conforms to the South St. Boniface Area Structure Plan and the Complete Communities Direction Strategy.
- The proposed subdivision and rezoning represents a logical connection to existing approved subdivision and rezonings within Sage Creek, notably Phases 2 and 6, which are located to the north and east (see files DASZ 2/2007 and DASZ 3/2011 respectively).
- The PR1 land proposed in the eastern portion of the site is consistent with the South St. Boniface Area Structure Plan and facilitates the Public Service's requirements for maintaining unobstructed sightlines through the park space. The park space between the Hydro transmission corridor and Robert Bockstael Drive is also consistent with the parkway concept shown in the South St. Boniface Area Structure Plan.
- The subject planned area contains a Neighbourhood Node. The applicant has provided a concept that generally shows how the proposed development can meet the required minimum land area and density requirements of 5.2.2(3) of the South St. Boniface Area Structure Plan (see Figure 3 below). Future development for the Neighbourhood Node must comply with the Neighbourhood Node policies of the South St. Boniface Area Structure Plan.
- There is also a Neighbourhood Node at the Robert Bockstael Drive and Warde Avenue intersection. The applicant provided a concept for the development of this Node as well under DASZ 3/2011 (see planner's report for the concept). The development of the subject DASZ plan area will not impact the development of the Neighbourhood Node. However, the RMF-S zoned site located at the southeast corner of the Warde Avenue and Robert Bockstael intersection must be developed at about 11.5 units/net acre for at least 35 dwelling units on the site to comply with the Node Policies of the Secondary Plan.

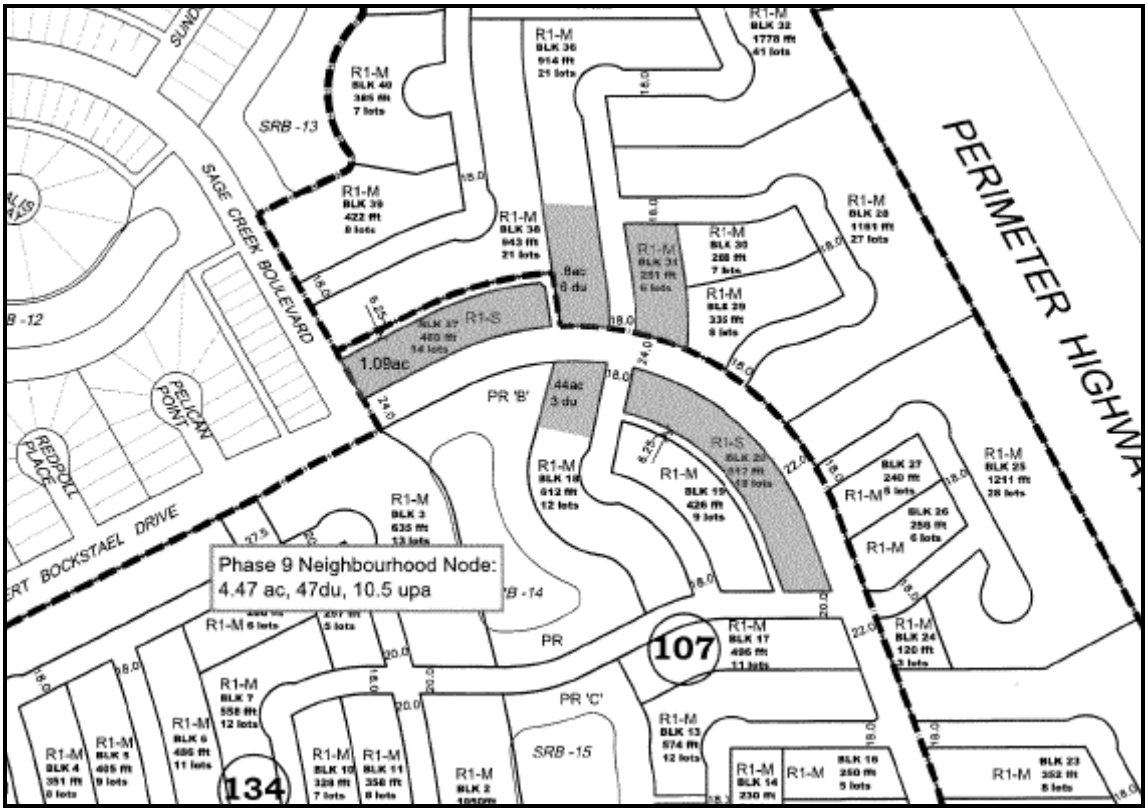


Figure 3: Proposed land area and density for Neighbourhood Node

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- Land dedication for this application is identified in the Report of the ACG.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The proposed development is consistent with the policies of the Complete Communities Direction Strategy and the South St. Boniface Secondary Plan.
- The proposed subdivision and rezoning represents a logical connection to existing approved subdivisions within Sage Creek.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 45/2013

Schedule "A" for File No. DASZ 45/2013, Riel Community Committee, dated March 25, 2014

By-Law No. _____

File No. **DASZ 45/13**

Atlas Sheet No.

N

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RIEL
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 south of Warde Avenue, west of Plessis Road, North of Perimeter (Kotelko) from an "RR5" RURAL RESIDENTIAL 5 DISTRICT and an "R1-M" RESIDENTIAL SINGLE FAMILY (Medium) DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT, an "R1-M" RESIDENTIAL SINGLE FAMILY (Medium) DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the continuation of the Sage Creek Neighbourhood lands by the creation of the Phase 9A Block Plan and includes residential building lots, public reserve areas and public rights-of-ways for future development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – March 12, 2014

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE SOUTH SIDE OF WARDE AVENUE, WEST OF PLESSIS ROAD, NORTH OF THE PERIMETER (KOTELKO), SAGE CREEK PHASE 9A – DASZ 45/2013

It is recommended that the approval of DASZ 45/2013, 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 provide right-of-way widths of 6.25m for each public lane serving multi-family residential and commercial development, to the satisfaction of the Director of Public Works.

3. 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.

4. Where two local residential streets intersect with a residential collector street on opposite sides of said collector, the centerlines of the local streets are to be aligned to be coincidental with one another at the intersection with the collector, or be offset by a minimum of 45.0 m along the collector.

5. Where local residential streets are aligned to curve within 20.0m of their intersection with a residential collector street, such curves are to have a minimum radius of 60.0m.

6. The Developer shall provide a right-of-way width of 6.00m to accommodate the proposed Public Walk, to the satisfaction of the Director of Public Works.

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.

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 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 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 required to serve the Planned Area , 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 land drainage sewers, as determined by the Director of Water and Waste, in accordance with the City's Development Agreements Parameters.

c) The Developer's share of the stormwater management facilities owing under this agreement shall be credited against the cost of the facilities to be constructed or previously constructed by the developer.

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

   a) 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; and

   b) To a width of 5.0m by 150mm in thickness in public lanes servicing single and two family residential development and 6.0m by 150mm in thickness in public lanes servicing multi-family residential and commercial development,

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

7. Sidewalks

   The Developer shall, at no expense to the City construct a 1.5m wide by 100mm thick Portland cement concrete sidewalks on the both sides of all streets with rights-of-way measuring 22.0m in width or greater except as determined by and to the satisfaction of the Director of Public Works.

8. Warde Avenue

   The Developer shall, at no expense to the City, pay its share of the costs of the works required in Warde Avenue, abutting the planned area and of the works required at and in the vicinity of the intersection of Warde Avenue and Lagimodiere Boulevard including the installation of traffic control signals, when and as determined by the Director of Public Works.

9. 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.

10. 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.

11. 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 Warde Avenue.

12. 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.

13. 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.

14. Signage

The Developer shall, at no expense to the City, install signs at the entrances to the subdivision showing thereon the locations of all proposed sidewalks, public walks, community mail boxes, parks, stormwater retention facilities, collector and arterial streets, and the Manitoba Hydro power transmission line, all with the approval of, and to the satisfaction of, the Director of Planning, Property and Development.

15. Street Name Signs

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

16. Fencing

a) The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting Warde Avenue, uniform 2.0m high noise attenuation fence, as determined by, and to the satisfaction of, the Director of Public Works.

b) The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Warde Avenue requiring the owner(s) to maintain and/or repair the fence as originally constructed, to the satisfaction of the Director of Public Works.

17. Public Reserve

a) The Developer shall dedicate to the City, as public reserve, at least 8% of the land contained within the entire Sage Creek Development, and pay its share of the cost of services in streets abutting the dedicated land - all in accordance with City policy, and as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, and Development. The dedication of public reserve for this phase of the development shall be accrued with the dedication of public reserve for all other phases, including the credit provided for improvements installed by the Developer within the Hydro Corridor as detailed in AG 12/10and AG 3/11, with compensation tabulated, as necessary, within the final phase of development.

b) The Developer shall, at no expense to the City, landscape the public open space to a standard consistent with the level of development established in previous phases of Sage Creek development, all in accordance with plans and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Planning, Property and Development. Where the Developer is providing naturalized landscaping in lieu of traditional sodding, the scope of landscaping shall include pathway development, naturalized areas, and a site drainage proposal that minimizes runoff across the path system. The Developer acknowledges that the landscaping for the public connection to Plessis Road will take into account Park's concerns regarding site lines into this area.

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

d) 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.

18. 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.

19. 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.

20. 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 45/2013
March 31, 2014

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

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

"Original signed by F, Mazur, P.Eng."

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 D. Beaton M.L.Arch"

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

GJ/gj