Agenda – Council – July 16, 2014

Report – Standing Policy Committee on Property and Development – July 8, 2014

Item No. 3 Subdivision and Rezoning – Parcel A, Plan 107449 and LOT 1, Plan 12012, 1501 and 1525 Dawson Road South
(St. Boniface Ward)
File DASZ 52/2013 [c/r DAC 19/2013, DAOC 1/2013, SP 5/2013 DCU 115142/2014D and DAV 176079/2013D]

STANDING COMMITTEE RECOMMENDATION:

On July 9, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, as amended, and submitted the following to Council:

1. That the plan of subdivision under File DASZ 52/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 52/2013 dated April 23, 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 April 28, 2014 which is Schedule "B" of this report, with the following amendment:

        i. Add the following new condition 23:

            23. <u>Funding For Multi-use/Community Facility</u>

            That the developer shall make a $300,000.00 contribution to a multi-use/indoor community facility to be constructed east of Lagimodiere Boulevard and South of Fermor at the determination of the City of Winnipeg."

Agenda – Council – July 16, 2014

Report – Standing Policy Committee on Property and Development – July 8, 2014

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 52/2013 dated April 23, 2014 to a "C3" Commercial Corridor District, a "CMU" Commercial Mixed Use District, an "RMF-M" Residential Multi-Family District, 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. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "C3" Commercial Corridor, "CMU" Commercial Mixed Use, and "RMF-M" Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That, the Developer and all successors in title to Lots 1 to 20 and 23 and 24 of Block 3 in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

        iii. That, the Developer and all successors in title to Lots 1-3 of Block 1 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.

iv. That, for the lands zoned “C3” and “CMU”, 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/her 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.

v. That, for the lands zoned “C3” and “CMU”, 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.

vi. That, the address number of every building on the “C3” and “CMU” Commercial-zoned properties (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject 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, as determined by and to the satisfaction of the Chief of WFPS.

vii. That, for the lands zoned C3, no more than a total four (4) free-standing signs shall be permitted within fifty (50) feet of southern limit of the Fermor Avenue right-of-way.

viii. That, no more than a total of six (6) free-standing signs shall be permitted on the lands zoned C3.

ix. That, for any lot zoned C3 that does not abut Fermor Avenue right-of-way, the maximum height of a free-standing sign shall not exceed twenty (20) feet.

x. That, there shall be no digital moving copy billboards, poster billboards, mobile signs, inflatable signs, or A-board signs on the properties zoned C3 or CMU.

xi. That, the Developer shall, at no expense to the City, provide continuous fencing for properties abutting public reserve land to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Said fencing shall be located within private property and future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

xii. That, for the lands zoned "C3", 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;

xiii. That the required or voluntary yards of the lots zoned "C3" and "CMU" that abut Fermor Avenue shall contain a minimum of one deciduous tree or coniferous tree for each 15 feet of linear street frontage along Fermor Avenue, plus 3 shrubs for every 10 feet of linear street frontage along Fermor Avenue. Required trees and shrubs may be clustered to provide visual interest.

3. That Caveat 229158/1 be withdrawn as it affects Parcel A, Plan 10749 and Parcel 1, Plan 12012 in Lot 190 of the Roman Catholic Mission Property.

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

Report – Standing Policy Committee on Property and Development – July 8, 2014

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within three (3) 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 three (3)-year period and Council approves the extension.

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

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

8. That the zoning section of the by-law shall come into force for each lot when:

   A. The plan of subdivision is registered in the Winnipeg Land Titles Office
   B. The Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands
   C. The City of Winnipeg issues a Building Permit for that lot; or that lot is sold or leased; or 10 years from the passage of the bylaw, whichever comes first.

9. 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.

10. 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.

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

12. That the eastern most tract of park land rezoned PR-1 will be named and dedicated after World Champion Curler, and Windsor Park resident, Jennifer Jones.

Report – Standing Policy Committee on Property and Development – July 8, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, with the following amendment:

- Delete Recommendation 8 in its entirety and replace with the following:

  "8. That the zoning section of the by-law shall come into force for each lot when:

  A. The plan of subdivision is registered in the Winnipeg Land Titles Office
  B. The Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands
  C. The City of Winnipeg issues a Building Permit for that lot; or that lot is sold or leased; or 10 years from the passage of the bylaw, whichever comes first."

and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 8, 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 June 16, 2014, the Riel Community Committee concurred in the recommendation of the recommendation of the Winnipeg Public Service be concurred in, with the following amendments:

- That recommendation 1. A. be amended by adding the following after the words "Schedule "B" of this report":

  ", with the following amendment:

  i. Add the following new condition 23:

Report - Standing Policy Committee on Property and Development – July 8, 2014

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

23. Funding For Multi-use/Community Facility

That the developer shall make a $300,000.00 contribution to a multi-use/indoor community facility to be constructed east of Lagimodiere Boulevard and South of Fermor at the determination of the City of Winnipeg."

- Add the following new recommendation 2.A.xiii.

"2.A.xiii. That the required or voluntary yards of the lots zoned "C3" and "CMU" that abut Fermor Avenue shall contain a minimum of one deciduous tree or coniferous tree for each 15 feet of linear street frontage along Fermor Avenue, plus 3 shrubs for every 10 feet of linear street frontage along Fermor Avenue. Required trees and shrubs may be clustered to provide visual interest."

- Amend recommendation 5 by deleting "two (2) years", and replacing it with "three (3) years", in both instances.

- Add the following new recommendations:

"12. That the eastern most tract of park land rezoned PR-1 will be named and dedicated after World Champion Curler, and Windsor Park resident, Jennifer Jones.

13. That the City of Winnipeg re-affirm its commitment to major transportation improvement, such as the Marion – Archibald improvements and others, in the South-east quadrant section of Winnipeg, to coincide and accommodate increased traffic from significant developments, such as the Dawson Trail development."

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

Report - Standing Policy Committee on Property and Development – July 8, 2014

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

On June 2, 2014, the Riel Community Committee adjourned the public hearing to its Special Meeting on June 16, 2014 at 9:30 a.m. in the Council Building, 510 Main Street.

On May 5, 2014, the Riel Community Committee concluded public representation on the application and adjourned the public hearing to its meeting on June 2, 2014 at 5:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – Parcel A, Plan 107449 and LOT 1, Plan 12012, 1501 and 1525 Dawson Road South**
(St. Boniface Ward)
File DASZ 52/2013 [c/r DAC 19/2013, DAOC 1/2013, SP 5/2013 DCU 115142/2014D and DAV 176079/2013D]

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

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

Report date: **June 17, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 5, 2014, the Riel 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 52/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 52/2013 dated April 23, 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 April 28, 2014 which is Schedule "B" of this report***, with the following amendment:***

    i. Add the following new condition 23:

    23. <u>Funding For Multi-use/Community Facility</u>

    That the developer shall make a $300,000.00 contribution to a multi-use/indoor community facility to be constructed east of Lagimodiere Boulevard and South of Fermor at the determination of the City of Winnipeg."

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 52/2013 dated April 23, 2014 to a "C3" Commercial Corridor District, a "CMU" Commercial Mixed Use District, an "RMF-M" Residential Multi-Family District, 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. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned “C3” Commercial Corridor, “CMU” Commercial Mixed Use, and “RMF-M” Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That, the Developer and all successors in title to Lots 1 to 20 and 23 and 24 of Block 3 in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iii. That, the Developer and all successors in title to Lots 1-3 of Block 1 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.

iv. That, for the lands zoned “C3” and “CMU”, 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/her 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.

v. That, for the lands zoned "C3" and "CMU", 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.

vi. That, the address number of every building on the "C3" and "CMU" Commercial-zoned properties (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject 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, as determined by and to the satisfaction of the Chief of WFPS.

vii. That, for the lands zoned C3, no more than a total four (4) free-standing signs shall be permitted within fifty (50) feet of southern limit of the Fermor Avenue right-of-way.

viii. That, no more than a total of six (6) free-standing signs shall be permitted on the lands zoned C3.

ix. That, for any lot zoned C3 that does not abut Fermor Avenue right-of-way, the maximum height of a free-standing sign shall not exceed twenty (20) feet.

x. That, there shall be no digital moving copy billboards, poster billboards, mobile signs, inflatable signs, or A-board signs on the properties zoned C3 or CMU.

xi. That, the Developer shall, at no expense to the City, provide continuous fencing for properties abutting public reserve land to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Said fencing shall be located within private property and future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

xii. That, for the lands zoned "C3", 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;

xiii. That the required or voluntary yards of the lots zoned C3 and CMU that abut Fermor Avenue shall contain a minimum of one deciduous tree or coniferous tree for each 15 feet of linear street frontage along Fermor Avenue, plus 3 shrubs for every 10 feet of linear street frontage along Fermor Avenue. Required trees and shrubs may be clustered to provide visual interest.

3. That Caveat 229158/1 be withdrawn as it affects Parcel A, Plan 10749 and Parcel 1, Plan 12012 in Lot 190 of the Roman Catholic Mission Property.

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

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

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

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

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

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (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.

10. 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.

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

12. That the eastern most tract of park land rezoned PR-1 will be named and dedicated after World Champion Curler, and Windsor Park resident, Jennifer Jones.

13. That the City of Winnipeg re-affirm its commitment to major transportation improvement, such as the Marion – Archibald improvements and others, in the South-east quadrant section of Winnipeg, to coincide and accommodate increased traffic from significant developments, such as the Dawson Trail development.

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

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

1. There has been a lot of work put into this through the Precinct Planning Process.
2. There is a significant Administrative Coordinating Group Report, where there is an Area Transportation Charge that is to be negotiated and settled upon before this moves forward.
3. There is a Fermor Reconstruction Agreement that is to be discussed, negotiated and agreed upon before this goes forward, so there is a lot of work to do.
4. This is something that is going to add value to the City of Winnipeg.
5. The challenge that we're going to have is because this is one of two major redevelopments coming forward, is to improve major transportation infrastructure in this quadrant of the City.
6. The City has been growing significantly, and we will have to continue to prepare for that growth, in terms of our transportation infrastructure.

PUBLIC HEARING SUMMARY

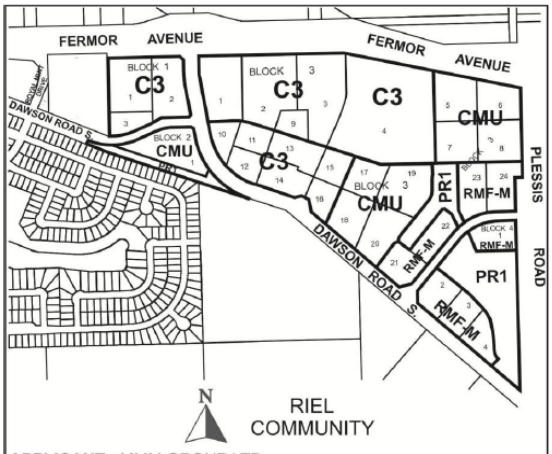
File: DASZ 52/2013

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Swandel
Councillor Vandal

Public Hearing: June 16, 2014
June 2, 2014
Council Building, 510 Main Street

Applicant: MMM Group Ltd. (Brock Feenstra)

Subject:



APPLICANT : MMM GROUP LTD.
FILE : DASZ 52/13
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 an "M1" MANUFACTURING LIGHT DISTRICT to a "C3" COMMERCIAL CORRIDOR DISTRICT, a "CMU" COMMERCIAL MIXED USE DISTRICT, an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT, and a "PR1" PARKS AND RECREATION 1 DISTRICT and to withdraw caveat 229158/1 that restricts the uses on Parcel "A" Plan 10749 and Parcel "1" Plan 12012 in order to facilitate development in Precinct "J" through the establishment of public right-of-ways and the creation of the lot plan for future commercial and residential development. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : MMM GROUP LTD.
N° DE RÉFÉRENCE : DALZ 52/13
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 des catégories RR5 (secteur résidentiel en milieu rural 5) et M1 (secteur manufacturier léger) aux catégories C3 (secteur de couloir commercial), CMU (secteur commercial polyvalent), RMF-M (secteur d'habitations multifamiliales moyennes) et PR1 (secteur des parcs et des loisirs 1), et visant à retirer l'opposition 229158/1 qui limite les utilisations sur la parcelle A du plan 10749 et la parcelle 1 du plan 12012, afin de faciliter l'aménagement de la précinction J par la création d'emprises publiques et d'un plan parcellaire à des fins d'aménagement commercial et résidentiel futur.. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: Parcel A, Plan 10749 and Lot 1, Plan 12012, 1501 and 1525 Dawson Road South

Exhibits Filed:

1. Application dated December 9, 2013
2. Notification of Public Hearing dated April 3, 2014
3. Manitoba Status of Titles 2109715/1, 2604174/1 and 2345830/1
4. Letter of authorization dated April 26, 2013 from 5086109 Manitoba Ltd., 5086095 Manitoba Ltd., 5154635 Manitoba Ltd., 5154643 Manitoba Ltd. and 5444480 Manitoba Ltd. to MMM Group Limited
5. Caveat 229158 dated January 10, 1974
6. Plans (4 pages)
7. Report from the Urban Planning Division dated April 23, 2014
8. Inspection Report
9. Communication from Paul McNeil with respect to the application, submitted at the public hearing
10. Communication from Barrie Ottenbreit with respect to the application, submitted at the public hearing
11. Notice of Adjournment dated May 9, 2014
12. Notice of Adjournment dated June 3, 2014

REPRESENTATIONS:

In Support:

Mike Armstrong
Brent Bellamy
Frank Buetti
Vince Buetti
Derrick Chartier
Paul McNeil
Barrie Ottenbreit
Kenn Rosin
Frank Spezzano
Sam Spezzano
Tony Spezzano
Eric Vogan
Bryan Ward

In Opposition:

Bob Bodnaruk

For Information:

Ben Bredo
Marcel Dagesse
Syl Desilets
Dan Novak
Adam Lukow

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mr. G. Doney, Planner, Planning, Property and Development Department
Mr. R. Mahé, Planner, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 52/2013

ADMINISTRATIVE REPORT

Title: DASZ 52/2013 – 1525 Dawson Road South Public Hearing

Issue: An application for consideration at the Public Hearing to subdivide and rezone approximately 117 acres of land in Precinct J

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 52/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 52/2013 dated April 23, 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 April 28, 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 52/2013 dated April 23, 2014 to a "C3" Commercial Corridor District, a "CMU" Commercial Mixed Use District, an "RMF-M" Residential Multi-Family District, 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) That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "C3" Commercial Corridor, "CMU" Commercial Mixed Use, and "RMF-M" Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to

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

ii) That, the Developer and all successors in title to Lots 1 to 20 and 23 and 24 of Block 3 in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iii) That, the Developer and all successors in title to Lots 1-3 of Block 1 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.

iv) That, for the lands zoned “C3” and “CMU”, 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/her 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.

v) That, for the lands zoned “C3” and “CMU”, 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.

vi) That, the address number of every building on the “C3” and “CMU” Commercial-zoned properties (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject 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, as determined by and to the satisfaction of the Chief of WFPS.

vii) That, for the lands zoned C3, no more than a total four (4) free-standing signs shall be permitted within fifty (50) feet of southern limit of the Fermor Avenue right-of-way.

viii) That, no more than a total of six (6) free-standing signs shall be permitted on the lands zoned C3.

ix) That, for any lot zoned C3 that does not abut Fermor Avenue right-of-way, the maximum height of a free-standing sign shall not exceed twenty (20) feet.

x) That, there shall be no digital moving copy billboards, poster billboards, mobile signs, inflatable signs, or A-board signs on the properties zoned C3 or CMU.

xi) That, the Developer shall, at no expense to the City, provide continuous fencing for properties abutting public reserve land to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Said fencing shall be located within private property and future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

xii) That, for the lands zoned "C3", 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 Caveat 229158/1 be withdrawn as it affects Parcel A, Plan 10749 and Parcel 1, Plan 12012 in Lot 190 of the Roman Catholic Mission Property.

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

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

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

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

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

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (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.

10. 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.

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.

REASON FOR THE REPORT

- In conjunction with the Precinct Plan submitted for Precinct J (see SP 5/2013), the applicant is applying to subdivide and rezone the subject site from RR5 and M1 to C3, CMU, RMF-M, and PR-1.
- 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

- The subject site is located within lands that were previously designated as a Neighbourhood Policy Area under Plan Winnipeg. Through the adoption of OurWinnipeg and the Complete Communities Direction Strategy, the lands are now located within Precinct J and require a planning process prior to intensification (see SP 5/2013).

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:	April 23, 2014
File No.	DASZ 52/2013

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 52/2013 Riel Community Committee, dated April 23, 2014
3. Schedule “B” — Report of the Administrative Coordinating Group

APPENDIX 'A'

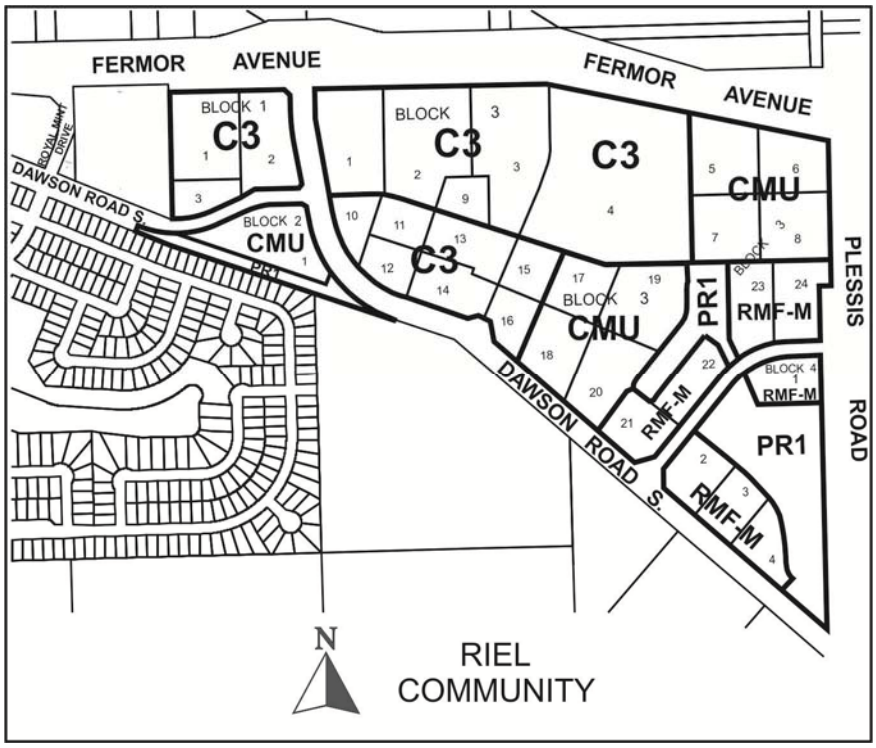
DATE: April 23, 2014

FILE: DASZ 52/2013
RELATED FILES: SP 5/2013 (c/r), DCU 14-115142/D, DAV 13-176079/D, DAOC 1/2013, DAC 19/2013.

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.542

SUBJECT: An application to subdivide approximately 117 acres of land in Precinct J and rezone the land from RR5 and M1 to C3, CMU, RMF-M, and PR-1.

LOCATION: 1525 Dawson Road South and adjacent lands (see map below)



APPLICANT: MMM Group
93 LOMBARD AVE SUITE 111
WINNIPEG MB R3B 3B1

OWNER: 5086109 MANITOBA LTD.
330 ST MARY AVE UNIT 1000
WINNIPEG MB R3C 3Z5

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject plan area is located between Fermor Avenue, Plessis Road, and Dawson Road South in the Southland Park neighbourhood of the St. Boniface Ward.
- The plan area is predominantly vacant and approximately **117 acres in area.**
- The site is zoned "RR5" Rural Residential 5 and "M1" Manufacturing Light and is located within Precinct J under the Complete Communities Direction Strategy (see corresponding application SP 5/2013).

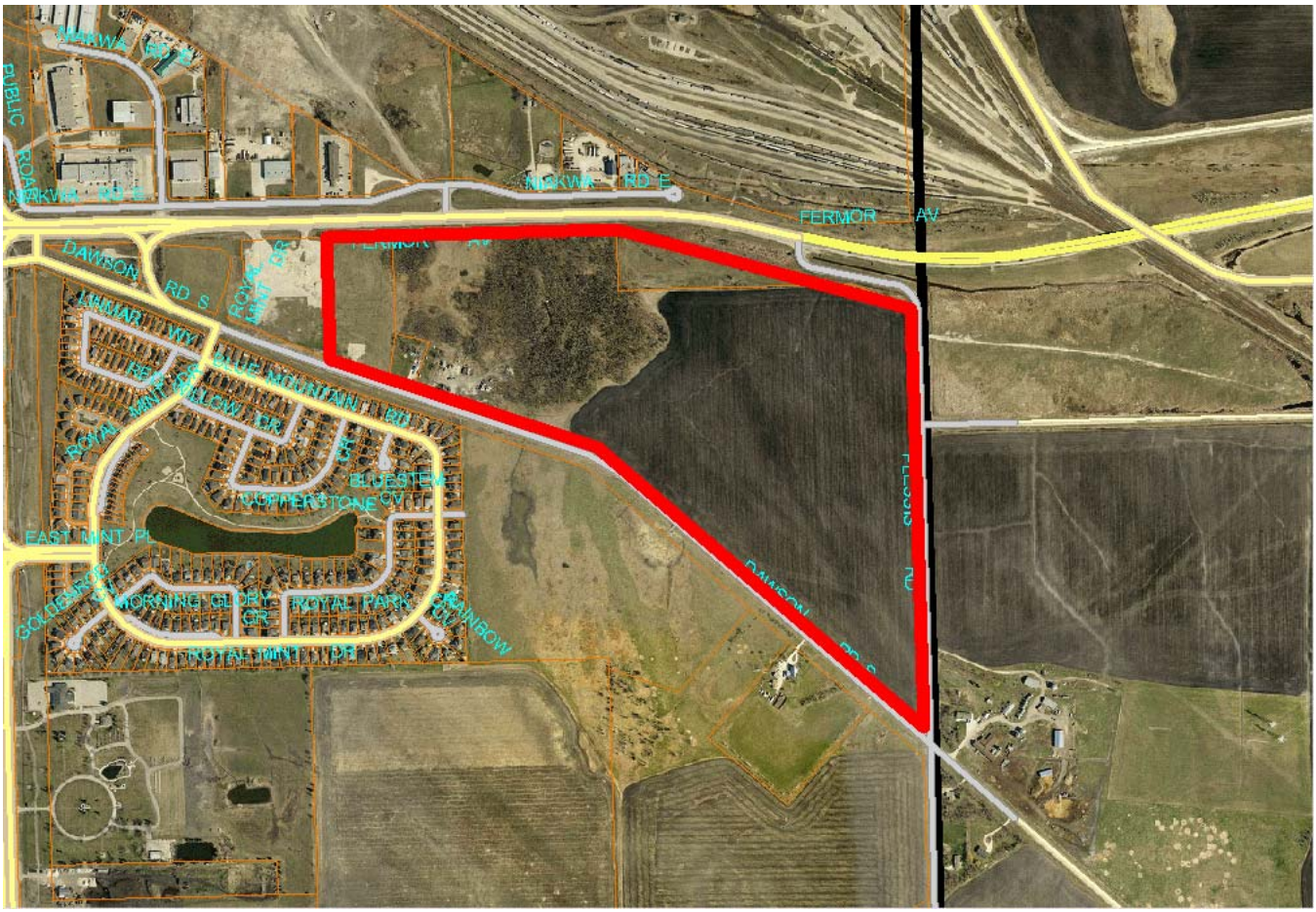


Figure 1: Aerial photograph showing approximate area of the subject site (2012)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Fermor Avenue then Symington Yards (zoned M3) and various uses zoned M1.

South: Predominantly vacant land zoned RR5 and Southland Park, which is primarily made-up of detached single-family homes zoned R1-M.

East: Plessis Road, which marks the City of Winnipeg boundary.

West: Vacant land zoned C3.

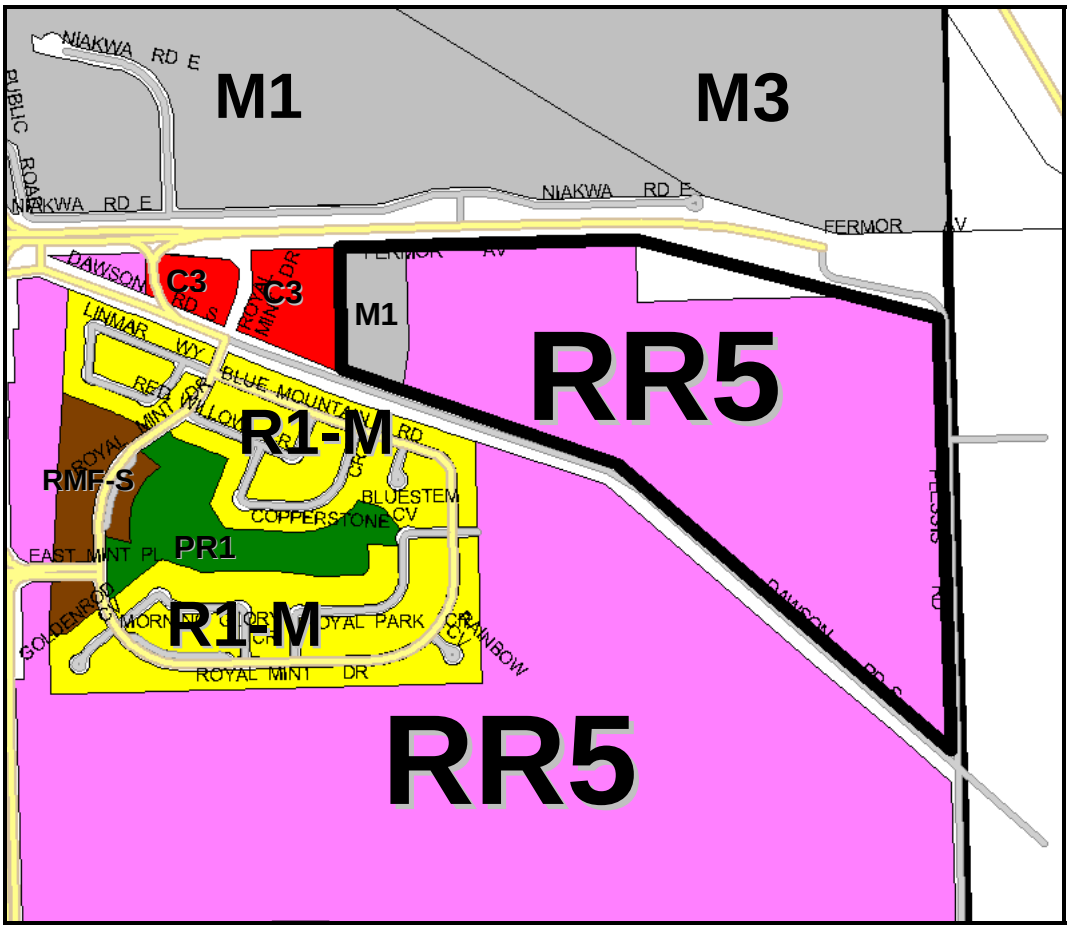


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- In conjunction with the Precinct Plan submitted for Precinct J (see SP 5/2013), the applicant is applying to subdivide and rezone the subject site from RR5 and M1 to C3, CMU, RMF-M, and PR-1.
- The total net acres requested per proposed zoning district and percentage of the +/-115 net acre site are as follows:
    - "C3" Commercial Corridor = 58.4 acres (50.8%)
    - "CMU" Commercial Mixed Use = 27.22 acres (23.7%)
    - "RMF-M" Residential Multi-Family Medium = 14.9 acres (13%)
    - "PR1" Parks and Recreation 1 = 14.44 acres (12.5%)[1]
- Within the plan, Dawson Road South is realigned to connect with Fermor Avenue near the northwest corner of the site. The realignment is facilitated through the associated closing application DAC 19/2013. Within this closing application, Dawson Road South is closed in the vicinity of 1501 Dawson Road South. The northern half of the existing street right-of-way (ROW) is proposed to be rezoned to CMU (Block 2, Lot 1), while the southern half of the ROW included

[1] It should be noted that retention ponds account for 5.35 acres, or 37% of the PR1 zoned land.

- in the closing application is proposed to be rezoned to PR1 to help facilitate the future development of a multi-use pathway. A collector standard roadway north of the CMU site in proposed Block 2 is intended to connect the newly realigned Dawson Road South with the existing Dawson Road South to the west of the site.
- A road closing and opening application (see DAOC 1/2013) has also been submitted. This application results in the opening of the Fermor Avenue ROW in northwestern portion of the subject site and the closing of an undeveloped portion of Fermor Avenue and the Plessis Road connection in the northeastern portion of the site. The portion of the site involved in the closing is proposed to be rezoned to C3 and CMU.
- The concept plan submitted encompasses all of the land requested to be rezoned to C3. Within this concept, a large-format retail store that is 170,000 square feet in area is shown with other commercial development that is primarily connected via a private internal road. The private internal road links to the realigned Dawson Road South and the collector designed north of proposed Block 2 of the DASZ. The total square footage of retail space shown in the concept is approximately 510,000 square feet.
- Approximately 42 acres of land has been requested to be rezoned to CMU and RMF-M. Although a concept has not been provided for these lands, it should be noted that nearly 2,300 multi-family dwelling units could be accommodated within the proposed CMU and RMF-M lands. However, the associated Precinct Plan for Precinct J states that the target number of multi-family dwelling units in all of Precinct J is to range between 1,250 – 1,750 dwelling units. Any new development must ultimately conform to the adopted Precinct Plan for Precinct J.
- The applicant has applied for an associated conditional use (DCU 14-115142/D) for the establishment of a retail sales use in the C3 zone exceeding 120,000 square feet in area. A variance application (DAV 13-176079/D) has also been submitted for the establishment of lots that do not have frontage on a public street, and to increase free-standing sign heights and surface areas by up to five times the size permitted under the Zoning By-law.

ANALYSIS AND ISSUES

OURWINNIPEG AND THE COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under *OurWinnipeg* and the *Complete Communities Direction Strategy* the proposed development is located within the New Communities policy area and is identified as Precinct ”J.” Section 03-4 of *Complete Communities*, and Section 01 A of *OurWinnipeg* (the City’s development plan) state: “New Communities are large undeveloped land areas identified for future urban development and are not currently served by a full range of municipal services.”
- As per *OurWinnipeg* and the *Complete Communities Direction Strategy,* New Communities and Precincts require an approved planning process to be implemented prior to intensification and development of the Precinct.
- Among the key directions guiding the development of Precincts is the notion of developing complete communities that provide the opportunity to live, work, learn and play in the same neighbourhood.

PRECINCT J – DAWSON TRAILS PRECINCT PLAN (see SP 5/2013)

- As previously discussed, the applicant has submitted a Precinct Plan for Precinct "J" that will be used to guide the future development of the Precinct. This plan will be reviewed under SP 5/2013.
- Within the plan submitted for Precinct J, the policy areas guiding development of the subject DASZ are the Commercial Mixed-Use Area and the Multi-Family Residential area.
- All of the lands that are proposed to be rezoned to C3 or CMU are included in the Commercial Mixed-Use Area. Proposed policies guiding development in the Commercial Mixed-Use area are as follows:

  4.1.1 Land Use

  1) Commercial uses will be the predominant land use within the Commercial Mixed Use Area.

  2) Commercial uses, at a regional scale and intensity of use, may be allowed provided the overall scale and intensity of use of the Commercial Mixed-use Area will be that of a community mixed-use centre of *Complete Communities.*

  3) Multi-family residential uses are encouraged within the Commercial Mixed Use Area.

  4) Institutional uses, recreational uses, public uses, and other similar and accessory uses to the above, are allowed within the Commercial Mixed Use Area, where determined to be compatible and appropriate.

- All of the lands that are proposed to be rezoned to RMF-M are included in the Multi-Family Residential area. Proposed policies guiding development in the Multi-Family Residential area are:

  4.2.1 Land Use

  1) Multi-family uses, such as townhouses and apartment-style buildings, shall be the predominant land use.

  2) Higher density multi-family development should be directed to areas adjacent to or abutting commercial land uses and/or collector roads.

  3) Institutional uses, recreational uses, day care, public uses and other similar and accessory uses to the above, may be allowed within the Multi-Family Residential Area where determined to be compatible and appropriate.

  4) Parks shall be provided by the developer, within the Multi-Family Residential Area, to contribute to the active and passive recreational needs of residents.

  5) Where appropriate, access to higher density residential development should be provided by collector streets to minimize the impact on local streets.

Design guidelines have also been incorporated into the Precinct Plan for the Commercial Mixed-Use Area and Multi-Family Residential area under sections 4.1.2 and 4.2.2 respectively.

CURRENT ZONING DISTRICTS:

"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%.

"M1" Manufacturing Light District

- The M1 district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage. There is a minimum front yard of 25 feet; and maximum building height of 50 feet.

PROPOSED ZONING DISTRICTS:

"C3" Commercial Corridor District

- The C3 district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic. These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. C3 districts are generally located along portions of arterial streets where lot depths are 200 feet or greater, or at arterial/arterial intersections.

"CMU" Commercial Mixed-Use District

- The CMU district is intended to provide for community-serving mixed use development at a higher scale than is appropriate for neighbourhood locations. The CMU district is intended for use along selected corridors and at important nodes in the city. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support surrounding neighbourhoods and the community at-large. Although the area, site, or building should have a predominantly commercial character, multi-family housing may be incorporated within the district, and development should facilitate pedestrian connections between residential and nonresidential uses. There is no front or side yard requirement and maximum building height is 60 feet. The maximum floor area ratio is 3.0 and the minimum rear yard is 25 feet. Multi-family residential structures in the CMU district must meet the requirements of the RMF-M zoning.

“RMF-M” Residential Multi-Family Medium

- The RMF-M zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-M zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum side yard of 8 feet (where the 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) and, a maximum building height of 60 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 800 square feet.

“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.

LAND USE BY-LAW

Rezoning

- The RR5 zoning district is intended for large-lot (5 acre minimum) rural development while the M1 zone is intended for the development of light industrial uses. The applicant is proposing to rezone the land from RR5 and M1 to C3, CMU, RMF-M, and PR1 in order to create a fully-serviced commercial area as part of the development of Precinct J.

Conditional Use (see DCU 14-115142/D)

- Retail sales uses are restricted by a use specific standard in the C3 zone, which limits the gross floor area for retail sales to 120,000 square feet. The applicant is proposing to develop a retail use beyond 120,000 square feet and therefore requires a conditional use application.

Variance (see DAV 13-176079/D)

- Under the subject DASZ, the applicant is proposing to create several lots that do not have frontage on a public street. Section 132(6) of the Zoning By-law requires all lots to have frontage along a public street and therefore a variance is required.
- The applicant is also proposing to erected free-standing signs with heights and surface areas five times higher than permitted under the Zoning By-law. As such, a variance is required for the proposed signs.

ANALYSIS OF THE DASZ

Commercial Development

- The most notable aspect of the proposed subdivision and rezoning is the inclusion of a substantial amount of commercially-designated lands. In total, nearly 86 acres of land will be created for commercial development from this application. The C3 portion alone accounts for 58 acres.
- Higher intensity commercial development with C3 zoning is found along Fermor Avenue, most notably at the Southdale Shopping Centre between Lakewood Boulevard and Beaverhill Drive and at the St. Anne's Road/Fermor Avenue intersection. The Southdale Shopping Centre contains approximately 47 acres of land zoned C3, while there is about 19 acres of land zoned C4 and C3 at the northeast and southeast corners of the St. Anne's Road/Fermor Avenue intersection. There are even two smaller properties to the west of the subject site that are undeveloped and zoned C3 as well. Combined, these two parcels are approximately 10 acres in area.
- As per *OurWinnipeg*, the *Complete Communities Direction Strategy*, and the *Precinct J – Dawson Trails Precinct Plan,* the commercial development portion of the site is not to be developed to the scale of a Regional Mixed-Use Centre, but will be consistent in scale and size with a Community Mixed-Use Centre. Within the Complete Communities Direction Strategy, Regional Mixed-Use Centres are described as large sites typically 100 acres or more that are City-wide or regional destinations and connected by Regional or Community Corridors. Community Mixed-Use Centres are described as destinations that serve multiple communities and contain commercial development that supports the local neighbourhood and greater community.
- Although the applicant is requesting to develop a retail store that will be over 120,000 square feet in gross floor area and will likely be regional in nature, the vast majority of commercial development on the site will align with a Community Mixed-Use Centre. More than one retail sales use with a gross floor area beyond 120,000 square feet on the subject site may be deemed in excess of the nature and function of a Community Mixed-Use Centre. Such a proposal for the site could require an amendment to *OurWinnipeg* and the *Complete Communities Direction Strategy* to add the subject site to the list of Regional Mixed-Use Centres.
- There are only two Regional Mixed-Use Centres east of the Red River: the Regent and Lagimodiere Area and the St. Vital Centre Area. By comparison, the St. Vital Centre Area includes approximately 68 acres of C4 zoned land and 24 acres of C3 zoned land, plus multiple C2-zoned sites in the vicinity of the Centre. The Regent and Lagimodiere Area has over 133 acres of C4 zoned land alone and many sites zoned C3 within the vicinity.
- When comparing the subject proposal to the Regional Mixed-Use Centres mentioned above, the scale and intensity of commercial development is more consistent with other Community Mixed-Use Centres, such as the Southdale Shopping Centre, than the Regional Mixed-Use Centres. Approximately 58 acres of the subject site will be zoned C3, which is relatively comparable to the 47 acres of C3 zoned land in the Southdale Centre. An additional 27 acres of land is to be rezoned to CMU in the subject proposal. The CMU district is mainly similar to the C2 district, but permits multi-family development. As such, although the proposed commercial development is similar in size to the St. Vital Centre Area, it is scaled-back in terms of zoning and the intensity of commercial development allowable on the site. The subject proposal is also significantly smaller than the C4 portion alone within the Regent and Lagimodiere Area.

At the request of the Public Service, the consultant provided a report that was intended to speak to the potential impact of the proposed commercial development on existing commercial developments in the general area. The Public Service requested the report in order to review the Precinct Plan and DASZ proposal with respect to the Commercial Areas policies of the *Complete Communities Direction Strategy*. The report submitted by the consultant looked at comparable, established commercial areas in southeast Winnipeg (i.e. south of Mission Industrial and Symington Yards, east of the Red River, north of the Perimeter Highway, and west of Plessis Road). Established commercial areas reviewed included: the Southdale Shopping Centre and surrounding area; the Southglen Shopping Centre; St. Vital Festival; St. Vital Centre and surrounding area; commercial lands in the vicinity of the St. Anne's Road/Fermor Avenue intersection; and, Riverpark Village (Dakota/Warde). Two emerging commercial sites were also reviewed at Sage Creek Village Centre and the vacant land zoned C3, west of the subject site.

- With regard to impact on existing commercial in the study area, the report focused on current vacancy noting that a 5% vacancy rate is considered healthy for commercial development. All of the established commercial areas had a current vacancy rate of less than 1%. The two emerging commercial sites both have capacity for retail as they are predominantly undeveloped. The northern portion of the Sage Creek Village Centre has approximately 17 acres available for commercial development, while the parcels west of the subject are approximately 10 acres in area.
- The study concludes that with continued and anticipated growth in Sage Creek and Precincts J and K, approximately 11,500 dwelling units will be added to the study area. Given this growth and the current commercial vacancy rates in the study area, the report concludes that there is a need for additional commercial capacity in southeast Winnipeg.
- The inclusion of commercial development within Precinct J helps establish a complete community in Precinct J and the adjacent Southland Park, which is currently not serviced with any commercial development.

Multi-Family Development

- Most of the potential multi-family development is located in the eastern portion of the subject site in around the planned park area. As previously mentioned, nearly 2,300 multi-family dwelling units could be accommodated within the proposed CMU and RMF-M lands. However, the associated Precinct Plan for Precinct J states that the target number of multi-family dwelling units in all of Precinct J is to range between 1,250 – 1,750 dwelling units.
- The multi-family area in the eastern portion of the site will be serviced by a collector standard road that will connect to Plessis Road and Dawson Road South.
- The inclusion of the multi-family component adjacent to the commercial area is encouraged in the *Complete Communities Direction Strategy*. Inclusion of multi-family development also helps create a variety of housing options in Precinct J, which is also encouraged within the *Complete Communities Direction Strategy*.

Transit

- With respect to public transit, the site is located near Lagimodiere Boulevard, which is identified as “Potential Quality Corridor” under the City of Winnipeg Transportation Master Plan (TMP). Under the TMP, Fermor Avenue is identified as a “Potential Regional Connection” in front of the subject site. Currently Transit service is provided through Southland Park (Routes 50 & 96). Routes 50 & 96 also have stops near the Lagimodiere and Fermor intersection.

Parks

- Park land is included in the location of the closing of Dawson Road South and at the eastern extent of the site. The park land in the closing location helps create a natural buffer between the proposed development and Southland Park. The park land included in the closing application is intended to accommodate a multi-use pathway in the future, while active park space is allotted for in the eastern portion of the site.

Compatibility With Existing Development

- Access to the site will be accommodated primarily from the realignment of Dawson Road South to Fermor Avenue and should not have a major impact in terms of traffic on Southland Park.
- Considering the +/- 20 metre park buffer resulting from the closing and the realignment of Dawson Road South, development will be adequately set back from the single-family homes in Southland Park.
- The neighbouring properties to the west of the site are already zoned C3 and intended for higher intensity commercial development. The eastern extent of the site forms the City of Winnipeg boundary.
- Properties zoned M1 and the Symington Yards, which is zoned M3, are north of the site. These properties are separated from the subject plan area by the Fermor Avenue ROW, which is at least 75 metres wide along the frontage of the subject site.
- Development south of the site, which is included in the Precinct Plan, must conform to the policies of the Precinct Plan for Precinct J.

REMOVAL OF CAVEAT NO. 229158/1

- Parcel A Plan 10749 and Parcel 1 Plan 12012, which are contiguous and form the M1 zoned portion of the site, include a zoning agreement caveat that restricts the use of the land to a farm supply centre. The Public Service is recommending the removal of this caveat as it is no longer relevant to site with the rezoning.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- Only a concept plan showing the potential lay-out of the commercial development was provided in the subject application at this time. The Public Service is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Public Service and the Riel Community Committee to review final plans before development takes place for the proposed development and for any future developments on the site.
- Design guidelines for approval for both the multi-family residential sites and the commercial sites are included in the Precinct Plan for Precinct J (section 4.1.2 & 4.2.2). Individual site plans will be evaluated using the design guidelines provided in the Precinct J Plan. Considering the requests for signage and the associated recommended conditions of the zoning agreement and variance, the applicant should provide a master signage plan for the planned area as well.

Cross Access Agreement

- A number of proposed lots will not have access to an improved public street and will require cross access agreements. Further, the commercial development with the private road connections proposed will require cross access agreements for vehicular traffic through the site. As such, the Public Service is recommending that cross access agreements be registered as recommended in the zoning agreement.

Master Plan Information and Addressing for WFPS

- The Public Service has included clauses that are intended to make addressing clearer and more visible for the public and for emergency response situations.

Lighting

- A condition has been added to the zoning agreement to address lighting and potential light trespass from the C3 portion of the site. This condition has been fairly standard for more major commercial developments; DASZ 4/2013 and DASZ 54/2013 are recent examples.

Signage

- Conditions have been added to restrict free-standing signage on the site in a manner consistent with the recommendations for the associated variance (see DAV 13-176079/D). The intent of these conditions is to help ensure that the site is not overwhelmed with free-standing signage and to ensure compatibility with the adjacent planned and existing residential lands.
- As this site is located along an Image Route and a Community Mixed-Use Corridor, the Division is recommending restrictions on signage, namely billboards (third-party) and mobile signs, in order to reduce clutter. This restriction is consistent with the Division's recommendations for other development applications along Image Routes.

Fencing

- A clause has been included in the zoning agreement to implement section C.18.(a) of the Report of the ACG (see Schedule B).

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 subject subdivision and rezoning is consistent with the policies of the associated Precinct Plan for Precinct J, which is being supported by the Public Service, subject to recommended amendments.
- As per *OurWinnipeg*, the *Complete Communities Direction Strategy*, and the *Precinct J – Dawson Trails Precinct Plan,* the commercial development portion of the site is not to be developed to the scale of a Regional Mixed-Use Centre, but will be consistent in scale and size with a Community Mixed-Use Centre.
- Considering commercial vacancy rates and residential growth there appears to be capacity for additional commercial development in southeast Winnipeg.
- The inclusion of the multi-family component adjacent to the commercial area is encouraged in the *Complete Communities Direction Strategy*. Inclusion of multi-family development also helps create a variety of housing options in Precinct J, which is also encouraged within the *Complete Communities Direction Strategy*.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 52/2013

Schedule "A" for File No. DASZ 52/2013, Riel Community Committee, dated April 23, 2014

By-Law No. _____

File No. **DASZ 52/13**

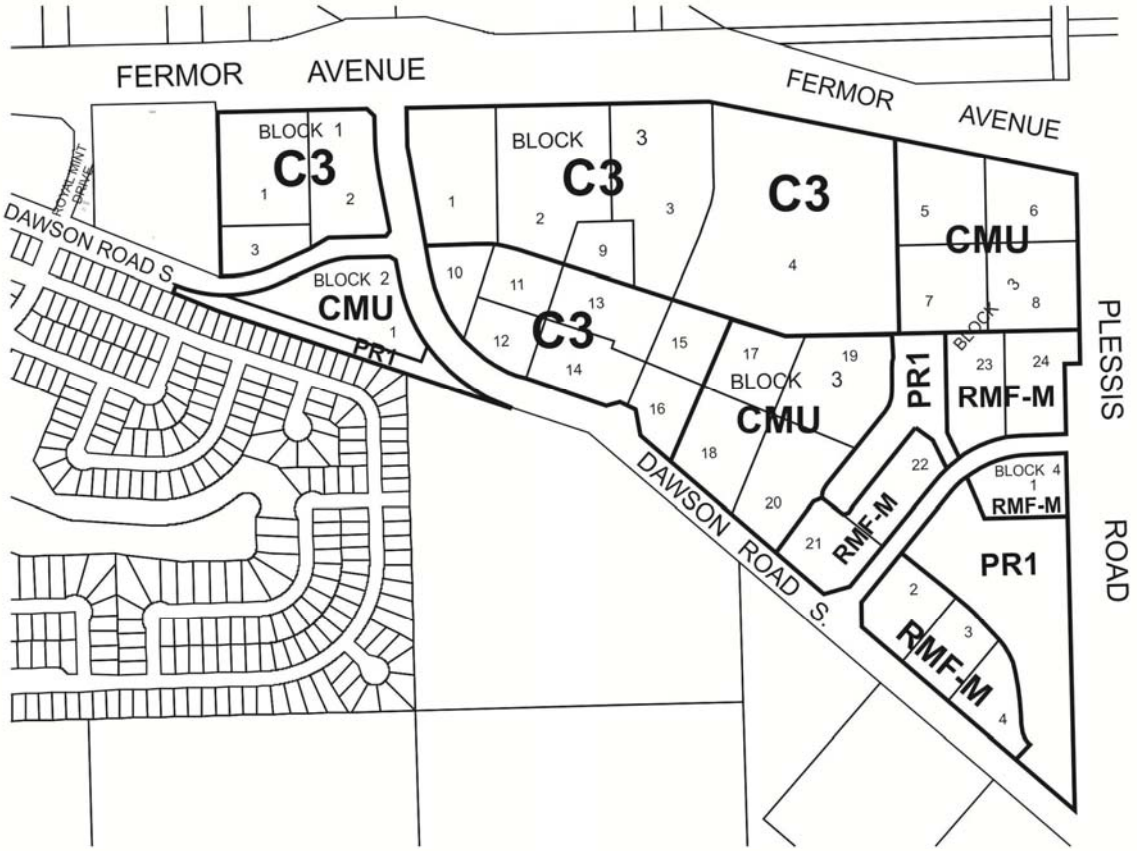
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COMMUNITY

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 at south of Fermor Avenue, north of Dawson Road South including 1501 & 1525 Dawson Road South from an "RR5" RURAL RESIDENTIAL 5 DISTRICT and an "M1" MANUFACTURING LIGHT DISTRICT to a "C3" COMMERCIAL CORRIDOR DISTRICT, a "CMU" COMMERCIAL MIXED USE DISTRICT, an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT, and a "PR1" PARKS AND RECREATION 1 DISTRICT and to withdraw caveat 229158/1 that restricts the uses on Parcel "A" Plan 10749 and Parcel "1" Plan 12012 in order to facilitate development in Precinct "J" through the establishment of public right-of-ways and the creation of the lot plan for future commercial and residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – April 28, 2014

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE SOUTH SIDE OF FERMOR AVENUE, NORTH OF DAWSON ROAD (SP 5/13, DAV 13-176079/D, DCU 14-115142/D, DASZ 58/73) – DASZ 52/2013

It is recommended that the approval of DASZ 52/2013, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. Plan Considerations

1) The Developer shall transfer and legally open property for a right-of-way corner cut, as required, in the north-west corner of the intersection of Plessis Road and Dawson Road South, as determined by and to the satisfaction of the Director of Public Works.

2) The Developer shall transfer 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.

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) The Developer shall transfer and legally open, at no expense to the City, property required for a 5.942m widening to the Plessis Road right-of-way along the full length of the Planned Area abutting Plessis Road, south of Symington Road West, as determined by and to the satisfaction of the Director of Public Works.

5) The Developer shall dedicate and legally open property required for the two proposed roundabouts at intersections within the Planned Area, all as determined by and to the satisfaction of the Director of Public Works.

B. ENGINEERING REPORTS AND SERVICING CRITERIA

1. The Developer shall, at no expense to the City, provide 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 servicing criteria sheets for water, wastewater, and land drainage facilities, including plans showing the current and ultimate service areas.

3. The Developer shall, at no expense to the City, provide cost details, as set out by the Director of Public Works, for the Transportation Area Charge, to be assigned to Precinct "J" Planned Area. The Transportation Area Charge shall be established prior to the execution of the Development Agreement for DASZ 52/2013.

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 determined by and 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 determined by and to the satisfaction of the Director of Water and Waste.

3. 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 pay their share of the regional land drainage system.

   c) The regional land drainage facilities constructed by the developer (including the value of the land for the stormwater retention basins) shall be credited against the Developer's share of the regional drainage system.

4. Pavement

   a) The Developer shall, at no expense to the City, construct Portland cement concrete pavements to widths of 6.5m 7.5m, 8.0m and 10.0m and thickness of 150mm and 200mm respectively in all streets within the proposed subdivision, and all related works including, but not necessarily limited to ornamental street lighting, boulevard landscaping and land drainage sewer, as determined by and to the satisfaction of the Director of Public Works.

   b) The Developer shall, at no expense to the City, construct the two proposed roundabouts at the intersections within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

5. Sidewalks

   The Developer shall, at no expense to the City:

   a) construct a 1.5m wide by 100mm thick Portland cement concrete sidewalks or a combination of a 1.5m wide by 100mm thick Portland cement sidewalks and a 1.5m wide asphaltic concrete bicycle lane on a standard alignment 0.3m from the property line, on both sides of all streets with a right-of-way width of 22.0m or greater, except where multi-use pathways are constructed, as determined by and to the satisfaction of the Director of Public Works;

b) construct all sidewalks concurrently with the pavements with which they share a right-of-way; and

c) construct pedestrian and cycling facilities along the proposed north-south major collector and Dawson Road South,

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

6. Fermor Avenue Front Ending Agreement

a) The Developer shall finance and reconstruct, Fermor Avenue as a four-lane divided roadway between Lagimodiere Boulevard and the Canadian National overpass, as determined by and to the satisfaction of the Director of Public Works.

b) The City's share of the cost of this work shall be as determined in a Front-Ending Agreement supplementary to the Development Agreement.

c) The City shall reimburse the Developer for its share of the cost such that there is no net cost to the Developer for this additional work, all as determined by the Director of Public Works in accordance with the terms and conditions of the Front-Ending Agreement.

d) The Chief Administrative Officer and Chief Financial Officer shall be delegated the authority to negotiate the terms and conditions of the Front-Ending agreement and report back to council.

7. Transportation Area Charge

a) The Developer shall pay to the City, on demand, its share of the Transportation Area Charge for cost shared work within the Precinct "J" Planned Area. The Transportation Area Charge shall be established prior to the execution of the Development Agreement for DAZ 52/2013.

b) Where the Developer constructs and/or pays for transportation improvements as being cost shared or the responsibility of the Transportation Area Charge, that amount shall be credited towards the Developers share of the Transportation Area Charge. Where the Developer's work in total exceeds the amount of the Transportation Area Charge payable to the City, the City shall reimburse the Developer as monies are collected from benefitting lands.

8. Fermor Avenue Improvements

a) The Developer shall, at no expense to the City, construct an eastbound activity lane on Fermor Avenue from the end of the existing right turn cutoff east of Lagimodiere Boulevard to the proposed north-south major Collector, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct a westbound activity lane on Fermor Avenue from the proposed north-south major Collector to the existing right turn lane east of Lagimodiere Boulevard, as determined by and to the satisfaction of the Director of Public Works.

c) The Developer shall, pay to the City, in cash, on demand, its share of Regional Street charges for the following works in Fermor Avenue, along the full length of the subject property:

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 south boulevard;
d. landscaping in the south boulevard,

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

d) This work shall be considered as part of the proposed Transportation Area Charge

9. Dawson Road South and the North-South Collector Road

a) The Developer shall, at no expense to the City, construct and/or pay to the City in cash, on demand, its share of the costs to construct Dawson Road South and the proposed north-south Collector in Portland cement concrete and all related works, including but not limited to sidewalks, multi-use pathways, and/or pedestrian/cycling facilities, street lighting, and landscaping along the full length of the subject property of Dawson Road South, of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

b) This shall be considered as part of the proposed Transportation Area Charge

10. Plessis Road

a) The Developer shall, at no expense to the City, pay to the City in cash, on demand, its share of the costs to construct 5.0m in width by 200mm in thickness Portland cement concrete pavement and all related works, including but not limited to sidewalks, multi-use pathways, and/or pedestrian/cycling facilities, street lighting, and landscaping along the full length of the subject property abutting the west side of Plessis Road, of the Planned Area, all as determined by and to the satisfaction of the Director of Public Works.

b) This shall be considered as part of the proposed Transportation Area Charge

11. Traffic Control Signals

a) 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, countdown and audible pedestrian signals at the intersection of the proposed 40.0m right-of-way connecting to Fermor Avenue and the proposed public road connecting to Dawson Road South, when and as determined by and to the satisfaction of the Director of Public Works.

b) This shall be considered as part of the proposed Transportation Area Charge.

Temporary Dead-End Street

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.

12. Boulevards

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

b) The Developer shall, at no expense to the City, maintain the 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.

13. Private Approaches

There are to be no private approaches serving single or two family residential development off residential collector streets (i.e. rights-of-way measuring 22.0m or greater in width).

14. 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.

15. Construction Traffic

The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

16. Signage

Prior to construction, the Developer shall, at no expense to the City, obtain the approval of and install, 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, and multiple family sites, commercial sites, collector and arterial streets, Fermor Avenue and Plessis Road; all with the approval of, and to the satisfaction of, the Director of Planning, Property and Development.

17. 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 intersection within or adjacent to the Planned area, as determined by the Director of Public works.

18. Fencing

a) The Developer shall, at no expense to the City, provide continuous fencing for properties abutting public reserve land. The fencing shall be located within private property and established by caveat to be the responsibility thereafter of the private property owner.

b) A permanent opening shall be provided within the fence segment at the North West limit the Public Reserve land abutting the Commercial land in order to allow for pedestrian access. The location and width of the opening shall be determined in consultation with the adjacent property owner and the Director of Public Works.

19. 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 landscape improvements and pay its share of the cost of services in streets abutting the dedicated land all in accordance with plans and specifications approved by the Director of Public Works. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property, Planning & Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash, or, by the provision of an equivalent value of additional site amenities in the Public Reserves within the Planned Area, as approved by the Directors of Public Works and Planning Property and Development.

b) It is acknowledged that the former Dawson Road lands being closed as right-of-way and established as public reserve will not count toward the Public Reserve dedication, given that this is existing City land.

c) Landscape improvements of the Public Reserve lands shall be done in accordance with plans and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Public Works. The scope of landscaping shall include grading, sodding, land drainage, irrigation and construction of paths. 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.

d) The Developer shall at no expense to the City provide landscaping, including leveling, sodding, land drainage, within the Dawson Road Lands as indicated in clause

20b), given that these lands will be used to provide servicing to the development. Concurrent with those works, the Developer shall also install a pathway along the length, and other landscape improvements, such as tree planting, as determined by and to the satisfaction of the Director of Public works, for which the City shall be reimburse the Developer 100% of the cost.

e) The Developer shall ensure the larger Public Reserve area flanking the easterly pond, shall be configured to accommodate at least one full size athletic field (e.g. soccer or baseball) complete with appropriate buffers and grading; pathways and landscaping; and the ability to accommodate on-site parking for 10 cars, if on street parking is not permitted on the road immediately adjacent to the site, as determined and approved by the Director of Public Works.

f) The Developer shall assume responsibility for all Public Reserve sites until they are developed, and throughout the maintenance period until Final Acceptance Certificate for Parks has been issued by the Director of Public Works.

g) 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 the issuance of a Construction Completion Certificate. 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.

h) Securities for Public Reserve improvements may be reduced following the issuance of a Construction Completion Certificate and site inspection and approval by the City, 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.

20. 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.

21. 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.

22. 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 to the City in cash, on the Planned Area, its share of the Transportation Area Charge to be established prior to the execution of the Development Agreement for DASZ 52/13, for the developments within the Precinct "J" Plan area, as determined and approved by the Director of Public Works.

   b) The Developer shall, pay to the City in cash, its share of the cost of consulting fees for the preparation of Precinct Plan "J", as determined and approved by the Director of Property and Development.

   c) 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;

   d) 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 52/2013
April 28, 2014

Original Signed by G.V. Jasper

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