Minute No. 799
Report – Standing Policy Committee on Property and Development – September 16, 2014

Item No. 22 **Subdivision and Rezoning– Northwest Corner of Melnick Road and Four Mile Road (Precinct K)**
(St. Boniface Ward)
File DASZ 21/2014 (c/r DAOC 2/2014 and DAV 144009/2014D)

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision under File DASZ 21/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 21/2014 dated August 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 August 26, 2014 which is Schedule "C" of this report, with the following amendments:

        i. Delete clause A.6. in its entirety, and replace it with the following new A.6.:

            "A.6. The Developer shall provide right-of-way widths of 6.25m for each public lane serving single or two-family residential development and RMF-S lands where abutting single and two-family residential development, and 7.25m for each public lane serving all other multi-family residential and commercial development, to the satisfaction of the Director of Public Works."

        ii. Delete clause C.5.b) in its entirety, and replace it with the following new C.5.b):

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COUNCIL DECISION (continued):

"C.5.b) The Developer shall, at no expense to the City, construct, within the proposed public lanes within the Planned Area serving single or two-family residential development and RMF-S lands where abutting single and two-family residential development, 5.0m wide by 150mm thick Portland cement concrete pavements, and, within the proposed public lanes within the Planned Area serving multi-family residential and commercial development, 6.0-m-wide by 150-mm-thick Portland cement concrete pavements, as determined by, and to the satisfaction of, the Director of Public Works."

iii. Add the following new clause C.5.d):

"C.5.d) The developer shall install the 2 easterly lanes of Evelyne Reese boulevard south of Public Road 11 as required to serve the planned area. The developer shall provide right of way only to accommodate the additional, future westerly 2 lanes."

iv. Add the following new clause C.7.a) viii.:

"C.7.a) viii. The area charge calculation shall include provisions for financing and interest."

v. Amend clause C.7.c) to add the following after "benefitting lands": "plus interest for carrying costs,"

vi. Amend C.20.a) by replacing "17.5m" with "16m" in both instances.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 21/2014 dated August 25, 2014 to: "R1-S" and "R1-M" Residential Single-Family Districts; "RMF-S" and "RMF-M" Residential Multi-Family Districts; a "CMU" Commercial Mixed Use District; and, "PR1" and "PR2" Parks and Recreation Districts, 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:

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COUNCIL DECISION (continued):

i. That, for any multi-family or commercial development, and/or accessory parking area and/or signage within the lands zoned "RMF-S" Residential Multi-Family Small, "RMF-M" Residential Multi-Family Medium, or "CMU" Commercial Mixed Use, 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 shall, at no expense to the City, construct a 2.0 metre in height berm centered along the rear property line with a 2.0 metre in height uniform noise attenuation fence on the property line, of the lots that abut Public Reserve land located immediately east of the CPR Emerson Subdivision to the satisfaction of the Director of Planning, Property, and Development and the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining and/or repairing and/or replacing this fencing as originally constructed to the satisfaction of the Director of Public Works.

iii. That, for any lot that abuts the Public Reserve land located immediately east of the CPR Emerson Subdivision, no portion of a habitable room or space within a building shall be located less than 30 metres from the easternmost property line of the CPR Emerson Subdivision.

iv. That, where single-family or two-family residential lots back onto Warde Avenue, the said lots shall be established with minimum rear yards of 16 metres;

v. That, where single-family or two-family residential lots back onto Lagimodiere Boulevard, the said lots shall be established with minimum rear yards of 15 metres;

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COUNCIL DECISION (continued):

vi. That, the Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting Warde Avenue, a uniform noise attenuation fence 2.0 metres in height, to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining and/or repairing and/or replacing this fencing as originally constructed to the satisfaction of the Director of Public Works;

vii. That, the Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting Lagimodiere Boulevard, a uniform noise attenuation fence 2.0 metres in height, to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining and/or repairing and/or replacing this fencing as originally constructed to the satisfaction of the Director of Public Works;

viii. That, the Developer shall, at no expense to the City, provide continuous chain link or other approved type of fencing along all properties abutting public reserve land. Future owners of the individual building lots along this fencing shall be responsible for maintaining and/or repairing and/or replacing this fencing 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.

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COUNCIL DECISION (continued):

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.

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DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

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

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

  ", with the following amendments:

  i. Delete clause A.6. in its entirety, and replace it with the following new A.6.:

  "A.6. The Developer shall provide right-of-way widths of 6.25m for each public lane serving single or two-family residential development and RMF-S lands where abutting single and two-family residential development, and 7.25m for each public lane serving all other multi-family residential and commercial development, to the satisfaction of the Director of Public Works."

Report - Standing Policy Committee on Property and Development – September 16, 2014

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

ii. Delete clause C.5.b) in its entirety, and replace it with the following new C.5.b):

"C.5.b) The Developer shall, at no expense to the City, construct, within the proposed public lanes within the Planned Area serving single or two-family residential development and RMF-S lands where abutting single and two-family residential development, 5.0m wide by 150mm thick Portland cement concrete pavements, and, within the proposed public lanes within the Planned Area serving multi-family residential and commercial development, 6.0-m-wide by 150-mm-thick Portland cement concrete pavements, as determined by, and to the satisfaction of, the Director of Public Works."

iii. Add the following new clause C.5.d):

"C.5.d) The developer shall install the 2 easterly lanes of Evelyne Reese boulevard south of Public Road 11 as required to serve the planned area. The developer shall provide right of way only to accommodate the additional, future westerly 2 lanes."

iv. Add the following new clause C.7.a) viii.:

"C.7.a) viii. The area charge calculation shall include provisions for financing and interest."

v. Amend clause C.7.c) to add the following after "benefitting lands": "plus interest for carrying costs,"

vi. Amend C.20.a) by replacing "17.5m" with "16m" in both instances.

- Amend recommendation 2.A.i. by deleting "for the development of any building,", and replacing with "for any multi-family or commercial development,"

- Amend recommendation 2.A.iv. by deleting "17.5" and replacing with "16"

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

RE: **Subdivision and Rezoning– Northwest Corner of Melnick Road and Four Mile Road (Precinct K)**
File DASZ 21/2014

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

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

Report date: **September 9, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 8, 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 21/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 21/2014 dated August 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 August 26, 2014 which is Schedule "C" of this report***, with the following amendments:***

      i. Delete clause A.6. in its entirety, and replace it with the following new A.6.:

         "A.6. The Developer shall provide right-of-way widths of 6.25m for each public lane serving single or two-family residential development and RMF-S lands where abutting single and two-family residential development, and 7.25m for each public lane serving all other multi-family residential and commercial development, to the satisfaction of the Director of Public Works."

      ii. Delete clause C.5.b) in its entirety, and replace it with the following new C.5.b):

         "C.5.b) The Developer shall, at no expense to the City, construct, within the proposed public lanes within the Planned Area serving single

or two-family residential development and RMF-S lands where abutting single and two-family residential development, 5.0m wide by 150mm thick Portland cement concrete pavements, and, within the proposed public lanes within the Planned Area serving multi-family residential and commercial development, 6.0-m-wide by 150-mm-thick Portland cement concrete pavements, as determined by, and to the satisfaction of, the Director of Public Works."

iii. Add the following new clause C.5.d):

"C.5.d) The developer shall install the 2 easterly lanes of Evelyne Reese boulevard south of Public Road 11 as required to serve the planned area. The developer shall provide right of way only to accommodate the additional, future westerly 2 lanes."

iv. Add the following new clause C.7.a) viii.:

"C.7.a) viii. The area charge calculation shall include provisions for financing and interest."

v. Amend clause C.7.c) to add the following after "benefitting lands": "plus interest for carrying costs,"

vi. Amend C.20.a) by replacing "17.5m" with "16m" in both instances.

- ***Amend recommendation 2.A.i. by deleting "for the development of any building,", and replacing with "for any multi-family or commercial development,"***

- ***Amend recommendation 2.A.iv. by deleting "17.5" and replacing with "16".***

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 21/2014 dated August 25, 2014 to: "R1-S" and "R1-M" Residential Single-Family Districts; "RMF-S" and "RMF-M" Residential Multi-Family Districts; a "CMU" Commercial Mixed Use District; and, "PR1" and "PR2" Parks and Recreation Districts, 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 any multi-family or commercial development,*** ~~***for the development of any building,***~~ and/or accessory parking area and/or signage within the lands zoned "RMF-S" Residential Multi-Family Small, "RMF-M" Residential Multi-Family Medium, or "CMU" Commercial Mixed Use, 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 shall, at no expense to the City, construct a 2.0 metre in height berm centered along the rear property line with a 2.0 metre in height uniform noise attenuation fence on the property line, of the lots that abut Public Reserve land located immediately east of the CPR Emerson Subdivision to the satisfaction of the Director of Planning, Property, and Development and the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining and/or repairing and/or replacing this fencing as originally constructed to the satisfaction of the Director of Public Works.

iii. That, for any lot that abuts the Public Reserve land located immediately east of the CPR Emerson Subdivision, no portion of a habitable room or space within a building shall be located less than 30 metres from the easternmost property line of the CPR Emerson Subdivision.

iv. That, where single-family or two-family residential lots back onto Warde Avenue, the said lots shall be established with minimum rear yards of ***16*** ~~***17.5***~~ metres;

v. That, where single-family or two-family residential lots back onto Lagimodiere Boulevard, the said lots shall be established with minimum rear yards of 15 metres;

vi. That, the Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting Warde Avenue, a uniform noise attenuation fence 2.0 metres in height, to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining and/or repairing and/or replacing this fencing as originally constructed to the satisfaction of the Director of Public Works;

vii. That, the Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting Lagimodiere Boulevard, a uniform noise attenuation fence 2.0 metres in height, to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining and/or repairing and/or replacing this fencing as originally constructed to the satisfaction of the Director of Public Works;

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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.

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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.

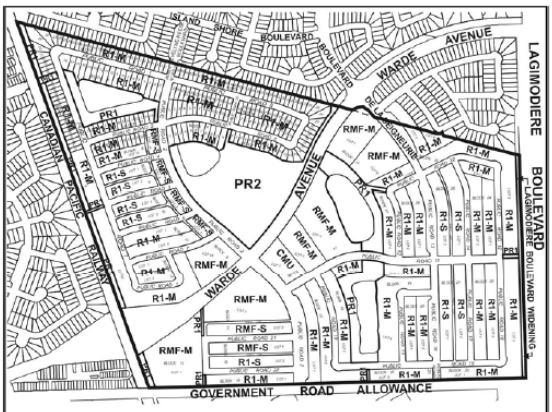
The Riel Community Committee provided the following supporting reasons for its recommendation:

1. Heard the Precinct K plan in June, and this is continuous orderly development very similar in style to what surrounds it; North in Island Lakes, and West in Royalwood.

2. This will be an attractive neighbourhood once fully completed.

PUBLIC HEARING SUMMARY

File:	DASZ 21/2014
Before:	Riel Community Committee Councillor Mayes, Chairperson Councillor Swandel Councillor Vandal
Public Hearing:	September 8, 2014 Council Building, 510 Main Street
Applicant:	Genstar Development Company (Marc Brown)
Subject:	



APPLICANT : GENSTAR DEVELOPMENT COMPANY
FILE : DASZ 21/14
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 the following zoning districts: "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT, "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT, "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT, "RMF-M" MULTI-FAMILY (Medium) DISTRICT, "CMU" COMMERCIAL MIXED USE DISTRICT, "PR1" PARKS AND RECREATION 1 DISTRICT, and "PR2" PARKS AND RECREATION 2 DISTRICT to facilitate the continuation of the Island Lakes Neighbourhood by the creation of the block plan, Phase 1 lot plan and public right-of-ways for future development. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : GENSTAR DEVELOPMENT COMPANY
N° DE RÉFÉRENCE : DALZ 21/14
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 R1-M (secteur d'habitations unifamiliales moyennes) aux catégories R1-S (secteur de petites habitations unifamiliales), R1-M (secteur d'habitations unifamiliales moyennes), RMF-S (secteur de petites habitations multifamiliales), RMF-M (secteur d'habitations multifamiliales moyennes), CMU (secteur commercial polyvalent), PR1 (secteur des parcs et des loisirs 1) et PR2 (secteur des parcs et des loisirs 2) afin de faciliter la continuation de l'aménagement du quartier Island Lakes par la création de l'étape 1 du plan de masse 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: Northwest corner of Melnick Road and Four Mile Road, East of Rail Lines

Exhibits Filed:

1. Application dated August 18, 2014
2. Notification of Public Hearing dated August 8, 2014
3. Manitoba Status of Titles 2106490/1, 2661999/1, 2662003/1, 2662006/1, 2662007/1, 2662009/1 and 2662010/1
4. Letter of authorization dated July 8, 2014 from Marc Brown, Genstar Titleco Limited to Marc Brown
5. Letter of Authorization dated July 23, 2014, from Lyne Jones, Development Manager, Novamet Development

Corporation, Qualico Communities, to Genstar Development Corporation
6. Surveyor's Building Location Certificate and sketch dated July 14, 2014
7. Plan (1 page)
8. Report from the Urban Planning Division dated August 25, 2014
9. Inspection Report
10. 2 presentations submitted at the Public Hearing by Bryan Ward and MMM Group
11. Presentation submitted at the Public Hearing by Denis Gautron
12. Presentation submitted at the Public Hearing by Michele Kading

REPRESENTATIONS:

In Support:

Dave Boles
Marc Brown
Jerry Klein
Bob Kurylko
Dan Mages
Paul Sunderland
Bryan Ward

In Opposition:

Denis Gautron
Michele Kading

For Information:

Jason Salamandyk
Wilma Sotas
Lindsey Wilson

For the City:

Ms. D. Beaton, Park Strategic Planner, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. L. Escobar, Manager of Transportation, Public Works Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 21/2014

ADMINISTRATIVE REPORT

Title: DASZ 21/2014 – Northwest Corner of Melnick Road and Four Mile Road (Precinct K) Public Hearing

Issue: An application for consideration at the public hearing to subdivide and rezone approximately 245 acres of land in the northern extent of Precinct K

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 21/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 21/2014 dated August 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 August 26, 2014 which is Schedule "C" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 21/2014 dated August 25, 2014 to: "R1-S" and "R1-M" Residential Single-Family Districts; "RMF-S" and "RMF-M" Residential Multi-Family Districts; a "CMU" Commercial Mixed Use District; and, "PR1" and "PR2" Parks and Recreation Districts, subject to the following:

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iii) That, for any lot that abuts the Public Reserve land located immediately east of the CPR Emerson Subdivision, no portion of a habitable room or space within a building shall be located less than 30 metres from the easternmost property line of the CPR Emerson Subdivision.

iv) That, where single-family or two-family residential lots back onto Warde Avenue, the said lots shall be established with minimum rear yards of 17.5 metres;

v) That, where single-family or two-family residential lots back onto Lagimodiere Boulevard, the said lots shall be established with minimum rear yards of 15 metres;

vi) That, the Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting Warde Avenue, a uniform noise attenuation fence 2.0 metres in height, to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining and/or repairing and/or replacing this fencing as originally constructed to the satisfaction of the Director of Public Works;

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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.

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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 northern extent of Precinct K in order to initiate the first phase of development within that precinct.

- In total, the DASZ application encompasses 243.31 acres of land that will be rezoned from RR5 and R1-M to R1-S, R1-M, RMF-S, RMF-M, CMU, PR1, and PR2. A single-family residential lot plan is included in the northwest corner of the site that extends from Evelyne Reese Boulevard. This portion of the subdivision will result in the creation of 205 R1-M zoned lots. The remainder of the subdivision will create blocks, public reserve land, and the road openings for future development.
- 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 "B" of this report.

HISTORY

By-Law 48/2014 – Secondary Plan for Precinct K of the Complete Communities Direction Strategy

- On July 16, 2014, Council passed By-law 48/2014 adopting a Secondary Plan for Precinct K of the Complete Communities Direction Strategy.

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:	August 25, 2014
File No.	DASZ 21/2014

List of Schedules and Attachments

1. Appendix A Planning Discussion
2. Schedule "A" Advertised Subdivision and Rezoning for DASZ 21/2014

3. Schedule “B” Recommended File No. DASZ 21/2014 Riel Community Committee, dated August 25, 2014
4. Schedule “C” Report of the Administrative Coordinating Group

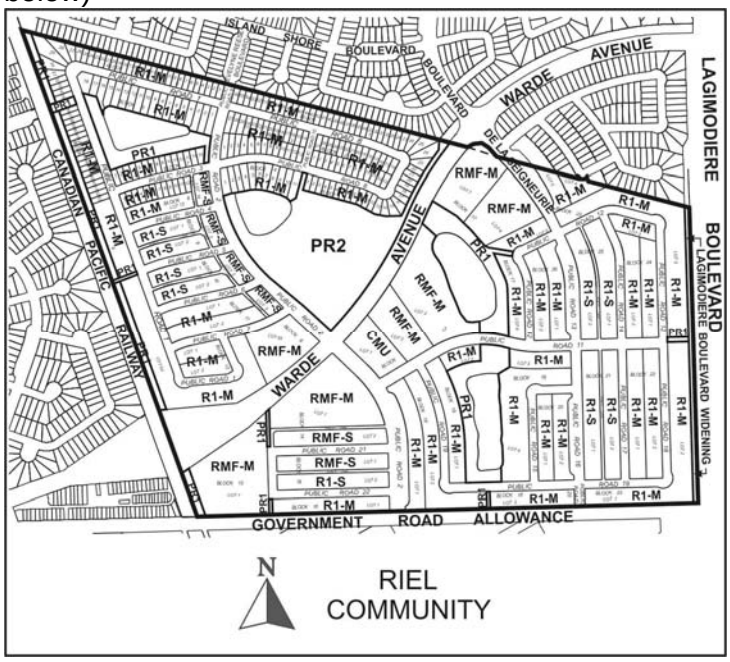
APPENDIX 'A'

DATE: August 25, 2014

FILE: DASZ 21/2014
RELATED FILES: SP 3/2014, DAV 14-144009/D (c/r), DAOC 2/2014 (c/r)
COMMUNITY: Riel
NEIGHBOURHOOD #: 5.556

SUBJECT: An application to subdivide approximately 245 acres of land in Precinct K and rezone the land from RR5 and R1-M to R1-S, R1-M, RMF-S, RMF-M, CMU, PR1, and PR2.

LOCATION: Northwest corner of Melnick Road and Four Mile Road (see map below)



APPLICANT: Marc Brown - Genstar Development
530 KENASTON BLVD SUITE 320
WINNIPEG MB R3N 1Z4

OWNERS: Genstar Titleco Limited
530 KENASTON BLVD SUITE 320
WINNIPEG MB R3N 1Z4

Novamet Development Corporation
30 SPEERS RD
WINNIPEG MB R2J 1L9

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject plan area is located south of the Island Lakes neighbourhood, between Lagiodiere Boulevard (and Melnick Road), Four Mile Road, and the CP Emerson Subdivision in the Island Lakes neighbourhood of the St. Boniface Ward.
- The plan area is vacant and approximately **245 acres in area.**
- The plan area is zoned “RR5” Rural Residential 5 and “R1-M” Residential Single-Family Medium and is located within Precinct K under the Complete Communities Direction Strategy (see corresponding By-law 48/2014). The Precinct K Secondary Plan identifies multiple policy designations for the subject site, including: Lower Density Residential, Higher Density Residential, and a Mixed Use Node.



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

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Detached single-family homes in the Island Lakes neighbourhood zoned R1-M.

South: Four Mile Road (Government Road Allowance) and predominantly vacant land zoned RR5.

East: Lagimodiere Boulevard (and Melnick Road), and the southern extent of Sage Creek neighbourhood, which is currently undeveloped and zoned RR5.

West: The CP Emerson line and the Royalwood neighbourhood, which is predominantly zoned R1.

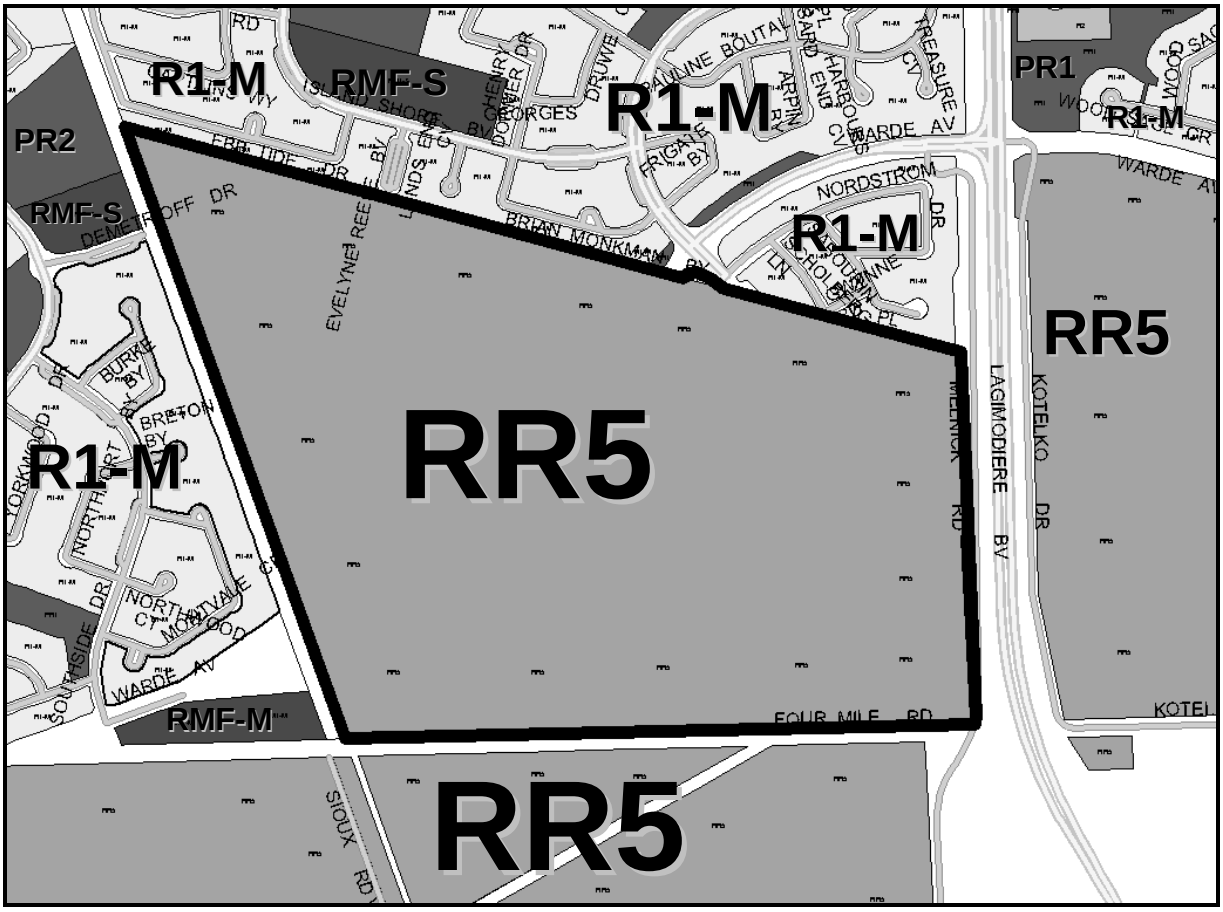


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide and rezone the northern extent of Precinct K in order to initiate the first phase of development within that precinct.
- In total, the DASZ application encompasses 243.31 acres of land that will be rezoned from RR5 and R1-M to R1-S, R1-M, RMF-S, RMF-M, CMU, PR1, and PR2. A single-family residential lot plan is included in the northwest corner of the site that extends from Evelyne Reese Boulevard. This portion of the subdivision will result in the creation of 205 R1-M zoned lots. The remainder of the subdivision will create blocks, public reserve land, and the road openings for future development.
- Excluding land required for roads, the total acreage of the site is +/- 182 acres. A breakdown of the total acres per zoning district is included below.
    - "R1-S" Residential Single-Family Small = 16.28 acres
    - "R1-M" Residential Single-Family Medium = 90.55 acres
    - "CMU" Commercial Mixed Use = 2 acres
    - "RMF-S" Residential Multi-Family Small = 6.3 acres

- "RMF-M" Residential Multi-Family Medium = 29.35 acres
- "PR1" Parks and Recreation 1 = 21.78 acres[1]
- "PR2" Parks and Recreation 2 = 16.2 acres[2]

- Within the plan, Warde Avenue is proposed to be opened from the CP Emerson Subdivision at the western extent of the DASZ to Warde's existing developed right-of-way in the northeast at the Boulevard De La Seigneurie intersection. Evelyne Reese Boulevard and Boulevard De la Seigneurie are proposed to be extended southward to Four Mile Road. These three roads comprise the major arterials and collectors connecting the planned area to Island Lakes, Royalwood, and future development to the south of the planned area within Precinct K.
- Virtually all of the multi-family zoned lots and the one commercially zoned lot front onto either Warde Avenue or one of the collectors. The rest of the road network is comprised of local roads that will primarily support detached single-family development zoned R1-S or R1-M.
- The majority of the parks space is located in the vicinity of the centre of the subdivision, with a primary linear connection that leads from the south to the northwest. A significant portion of the park space is dedicated to a site at the northeast corner of Warde Avenue and Evelyne Reese Boulevard. This site has been identified as the location for a community centre with adjacent sports fields.
- An associated road opening and closing application has been submitted in conjunction with the subject DASZ (see DAOC 2/2014). This opening and closing will open and close lands adjacent to the DASZ planned area at Scholberg Lane and Gwynne Road to accommodate 21.5 metre radius corner cut at this intersection.
- A variance application has also been submitted under file number DAV 14-144009/D. The variance applies to an existing 7,840 square foot lot currently zoned R1-M at the southwest corner of Warde Avenue and Boulevard De La Seigneurie. The applicant has included the subject lot in the planned area of the DASZ and is proposing to rezone the lot to RMF-M to align the zoning with the proposed zoning to the immediate southwest, but not consolidate the lot at this time. As such, a variance is required for a lot area of 7,840 square feet instead of the required 9,000 square feet in the RMF-M zone. It is anticipated that the 7,840 square foot lot will be consolidated with the land to the southwest a future date through a short-form subdivision (DASSF).

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 that is identified as Precinct "K." Section 03-4 of *Complete Communities*, and Section 01 A of *OurWinnipeg* (the City's development plan) state: "New Communities are large undeveloped land

[1] Retention ponds account for 8.9 acres of the PR1 zoned land in this calculation.
[2] Retention ponds account for 2.0 acres of the PR2 zoned land in this calculation.

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 K SECONDARY PLAN (By-Law 48/2014)

- A secondary plan was adopted by Council for Precinct K on July 16, 2014 under By-law 48/2014.
- As discussed in the administrative report for Precinct K (see SP3/2014), the secondary plan is consistent (SP 3/2014) with OurWinnipeg and the Complete Communities Direction Strategy.
- Key aspects of the vision and guiding principles of the Precinct K Secondary Plan that are most relevant to the subject DASZ include:
    - Building on the established neighbourhoods surrounding the Precinct, and to ensure that the development connects to the surrounding neighbourhoods by pathways, sidewalks, and roads.
    - Providing for a wide range of housing and transportation options for people of all ages and abilities in a community that encourages a healthy lifestyle and a high quality of life.
    - Promoting a complete community by providing for a variety of land uses organized around higher density nodes that are located strategically in parts of the Precinct.
    - Minimize environmental impacts of new development by encouraging energy efficiency, water conservation, reduction of stormwater run-off, beneficial orientation and sustainable landscaping in the design of new neighbourhoods, sites, and buildings.
    - Encourage new neighbourhoods that are walkable, interconnected and accessible to promote active lifestyles.
    - Locate higher density development along primary roadways or in nodes accessible by transit.
    - Ensure a potential school site and/or potential community centre are located in different parts of the precinct to ensure convenient access to these facilities and associated active parks.
    - Create a unique character and sense of place when designing new neighbourhoods.

- The land included in the subject DASZ is guided by the following land use policy designations under the Precinct K Secondary Plan: Lower Density Residential and Higher Density Residential areas (section 3.1); Mixed Use areas (section 3.2); and, Parks (section 3.7).

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%.

"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%.

PROPOSED ZONING DISTRICTS:

"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%.

"RMF-S" Residential Multi-Family Small

- The RMF-S 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-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1,250 square feet.

"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.

"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.

"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.

"PR2" Parks and Recreation 2 (Community) District

- The PR2 district is intended for sites that include community recreation facilities and parks that area accessed by a mix of pedestrian and vehicular traffic. These sites may provide active programs and activities, including community centres, hockey rinks, arenas, indoor soccer, wading pools, spray parks, skateboard parks, and athletic fields. These parks and facilities typically occur along collector streets.

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, RMF-S, RMF-M, CMU, PR1, and PR2 in order to create a fully-serviced community as part of the development of Precinct K.
- A block at the southwest corner of the Boulevard De La Seigneurie/Warde Avenue intersection (Block 5 Plan 44247) is also being rezoned from R1-M to RMF-M as part of the DASZ.

Variance (see DAV 14-144009/D)

- The block mentioned in the sentence above requires a variance for lot area. The minimum lot area in the RMF-M zone is 9,000 square feet. Block 5 Plan 44247 is 7,840 square feet in area and therefore requires a variance.

ANALYSIS OF THE DASZ

Block Structure

- Among the most noticeable aspects of the plan is the block structure, which does not include a single cul-de-sac. As a result, the street blocks are well-connected and can accommodate a variety of transportation modes making the proposed DASZ meet several guiding principles of the Precinct K Secondary Plan, including the notion of encouraging walkability and interconnectivity to promote active lifestyles in new neighbourhoods.
- Though the proposed DASZ is more "grid-like" in terms of its composition, the plan does not present a significant departure from the surrounding neighbourhoods of Island Lakes and Royalwood. Instead, the proposed subdivision presents a logical extension of Islands Lakes via Warde Avenue, Boulevard De La Seigneurie, and Evelyne Reese Boulevard but at the same time provides a different feel and/or neighbourhood character.

Residential Development

- The majority of the developable area of the site will be rezoned to a single-family or multi-family designation. Virtually all of the proposed single or multi-family zoning districts fall under the Lower Density or Higher Density policy areas of the Precinct K Secondary Plan.
- Under the Precinct K Secondary Plan, development in the Lower or Higher Density Residential areas is guided by both the General Policies for residential areas (see section 3.1.2) and specific policies for the Lower and Higher Density Residential areas (see sections 3.1.3.2 and 3.1.4.2 respectively). The proposed rezoning to R1-S, R1-M, and RMF-S in the Lower Density Residential policy area is consistent with the General Policies and the Lower Density Residential policies of the Precinct K Secondary Plan. The proposed rezoning to RMF-S and RMF-M is also consistent with the General Policies and Higher Density Residential policies of the Precinct K Secondary Plan.

Number of Dwelling Units

- Using the minimum lot area requirements of the R1-S and R1-M zones, the maximum number of detached single-family dwelling units that may be developed in the subject DASZ planned area is about 1,380 (+/-280 in the R1-S zone and +/-1,100 in the R1-M zone).
- Using the maximum lot area per dwelling unit requirements of the RMF-S and RMF-M zones, the maximum number of multi-family dwelling units that may be developed in the subject DASZ is about 1,760 (+/- 215 in the RMF-S zone and +/-1,550 in the RMF-M zone).

- The Residential Density policy of the Precinct K Secondary Plan states that "…the overall density of the precinct should be supportive of public transit (approximately 7 dwelling units per net acre)." Given the maximum number of multi-family and residential dwellings stated above – which would equate to approximately 22 dwelling units per net acre (i.e. excluding public reserve land and land allocated for streets) – the proposed development will be on target to be developed at a density of at least 7 dwelling units per net acre and supportive of public transit.
- Consistent with the Precinct K Secondary Plan, the higher density zoning districts are focused along the large and more active streets that may be part of the transit network.

Commercial Mixed-Use Area

- A parcel is being proposed to be rezoned to CMU adjacent to the Warde Avenue/Evelyne Reese Boulevard allowing for a commercial development or a mix of commercial and residential development to be constructed on this site. This proposal is consistent with the Precinct K Secondary Plan.

Parks

- Linear park connectivity is facilitated through a central, linear park corridor that leads from the south of the planned area to the northwest. This main linear park corridor connects the proposed development to the large active park space that is sized to accommodate a community centre at the northeast corner of Warde Avenue and Evelyne Reese Boulevard.
- Although the exact programming requirements are not determined at this time, the active park space at the northeast corner of Warde Avenue and Evelyne Reese Boulevard will be able to accommodate a community centre and should be able to accommodate two full-sized sports fields. Locating a community centre on the park space at the northeast corner of Warde Avenue and Evelyne Reese Boulevard is consistent with the Precinct K Secondary Plan policies, which request that a community center site be located on an arterial or collector street(s) that support a variety of transportation modes.
- The proposed linear park corridor is also consistent with the Precinct K Secondary Plan as pathway connectivity is provided from the subject site, south towards future development in Precinct K. In fact, pathway connectivity to the south is accommodated in a total of three locations, including the main central corridor.
- Per the requirements of the Report of the Administrative Coordinating Committee (ACG), park land is being provided to the City along the east side of the CPR Emerson Subdivision without dedication due to the Hydro easement on these lands. Adding the public reserve land, which is 50 feet in width, provides additional space for the Southeast Rapid Transit Corridor (which is planned along this rail line beyond 2031 within the City of Winnipeg's Transportation Master Plan) and will help accommodate the planned north/south active transportation corridor along this line within the long-term future.

Transit and Roadways

- The proposed development is consistent with the Transit policies within the Precinct K Secondary Plan. As mentioned above, land is also being provided to the City without

dedication credit that can help facilitate the development of the Southeast Rapid Transit Corridor beyond 2013.

- Again, among the most noticeable aspects of the subdivision is the fact that there are no cul-de-sacs, which helps accommodate better connectivity for a variety of transportation modes. This street pattern is consistent with section 4.6.2 of the Precinct K Secondary Plan, which requires interconnected streets with a minimal number of cul-de-sacs, shorter blocks, and a number of intersections. Standard conditions with respect to sidewalks and pathways are included in the Report of the Administrative Coordinating Group.
- It should be noted that the land required for the rail crossing at Warde is accommodated in the DASZ. Specific requirements for the development of Warde Avenue and the requirement for a transportation area charge are included in the Report of the Administrative Coordinating Group. It should be noted that the requirement for a transportation area charge is consistent with the cost sharing policies included in section 6.3.2 of the Precinct K Secondary Plan.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- Building elevations and landscaping plans were not included in the subject application for the multi-family or commercially-zoned land. The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for the RMF-S, RMF-M and CMU zoned lots for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division 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.
- Policies regarding the design of both the multi-family residential sites and the commercial sites are included in the Precinct K Secondary Plan (see sections 3.1.4.2 & 3.2.2). Individual site plans will be evaluated using the policies included in the relevant sections of the plan.

Berm & Fencing Along the CPR Emerson Subdivision

- Since 2008/2009, the Urban Planning Division has been recommending setbacks from rail right-of-ways that are consistent with those identified in *The Proximity Guidelines and Best Practices* (updated in 2013) report, which was prepared for the Federation of Canadian Municipalities and the Railway Association of Canada.
- The report lists measures to reduce issues and potential issues associated with rail uses that may impact neighbouring developments. Specifically, the report lists ways to try and reduce the potential impact of derailments, noise, vibration, and safety issues associated with rail use predominantly through setbacks, berming, and fencing.

- Recommended setbacks are associated with the type of rail line neighbouring the development. In this case, the neighbouring CPR Emerson Subdivision, which has between 5-10 trains per day, is considered a secondary main line. The recommended setback from secondary main lines is 30 metres (98.4 feet).
- *The Proximity Guidelines and Best Practices* report also recommends that a 2.0 metre tall acoustical fence be constructed on top of a 2.0 metre berm located within the private residential lands.
- The Division is recommending that no portion of a habitable room or space within a building shall be less than 30 metres (98.4 feet) from the east property line of the CPR Emerson Subdivision (habitable room or space is defined within Zoning By-Law 200/2006). The recommended setback will allow for portions of developments, such as stairwells, sheds, garages, pools, decks, gazebos, etc. to be within the setback.
- The Division is also recommending that the developer erect and maintain a uniform 2.0 metre tall fence located on top of a 2.0 metre height berm. The berm will be shared between the PR1 land adjacent to the CPR Emerson Rail Line and the private residential lots abutting the PR1 lands. The 2.0 metre tall fence will be located along the property line between the residential lots and the PR1 immediately east of the CPR Emerson Line.

Setbacks & Fencing Along Major Streets and Parks

- Clauses have been included in the zoning agreement to implement setback and fencing requirements along major streets and parks as indicated in the Report of the ACG.

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.

PLAN CONSIDERATION

- The Public Service is recommending that “Schedule B” be approved rather than Schedule “A”. The only difference between the two Schedules is that the corner cut Scholberg Lane and Gwynne Road in association with DAOC 2/2014 is better represented in Schedule “B”.

RECOMMENDATION

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

- The subject subdivision and rezoning is consistent with the policies of the Precinct K Secondary Plan.
- The proposed street blocks are well-connected and can accommodate a variety of transportation modes making the proposed DASZ meet several guiding principles of the Precinct K Secondary Plan, including the notion of encouraging walkability and interconnectivity to promote active lifestyles in new neighbourhoods.
- The proposed development will have enough density to support Transit service.
- The proposed development includes a full complement of uses, including a park site that can accommodate a Community Centre in the middle of the planned area.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 21/2014

Schedule "A" Advertised Subdivision and Rezoning for DASZ 21/2014

By-Law No. _____

Atlas Sheet No.

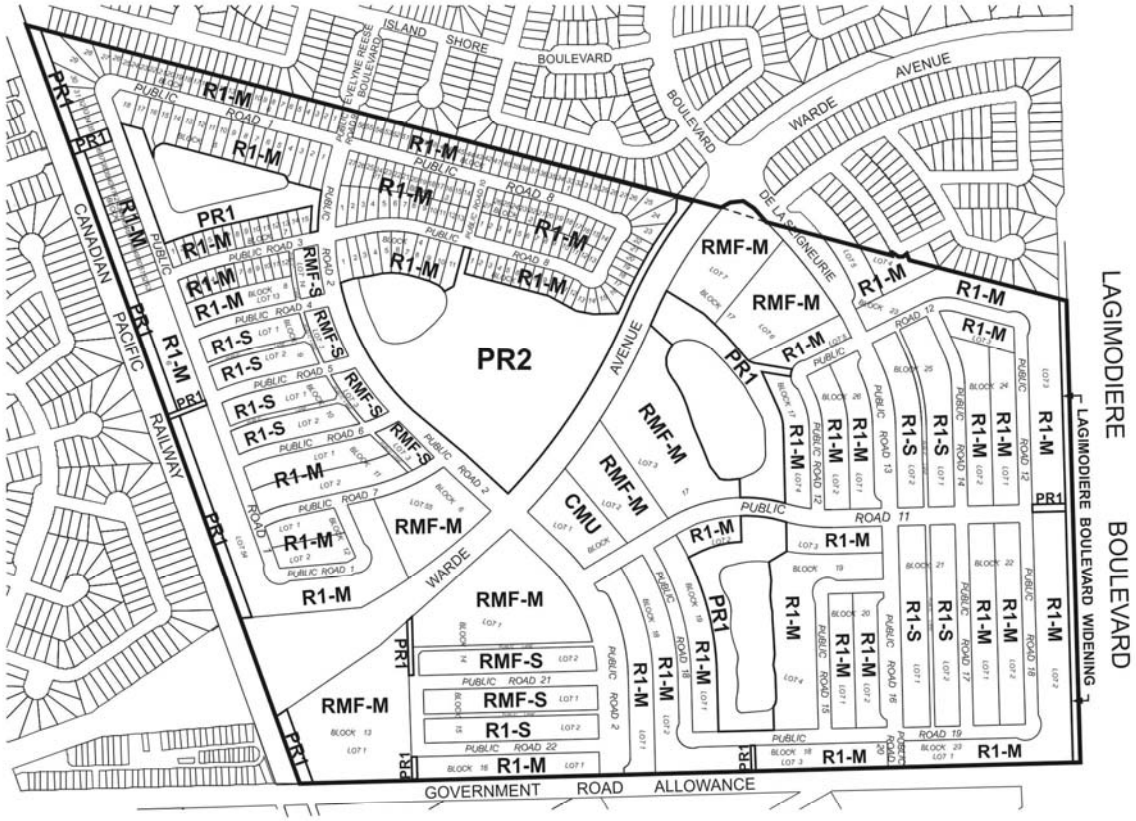
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AH30
RIEL
COMMUNITY

File No. **DASZ 21/14**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on the northwest corner of Melnick Road & Four Mile Road, east of Rail lines from an "RR5" RURAL RESIDENTIAL 5 DISTRICT and "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to the following zoning districts: "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT, "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT, "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT, "RMF-M" MULTI-FAMILY (Medium) DISTRICT, "CMU" COMMERCIAL MIXED USE DISTRICT, "PR1" PARKS AND RECREATION 1 DISTRICT, and "PR2" PARKS AND RECREATION 2 DISTRICT to facilitate the continuation of the Island Lakes Neighbourhood by the creation of the block plan, Phase 1 lot plan and public right-of-ways for future development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" for File No. DASZ 21/2014, Riel Community Committee, dated August 25, 2014

By-Law No. _____

Atlas Sheet No.

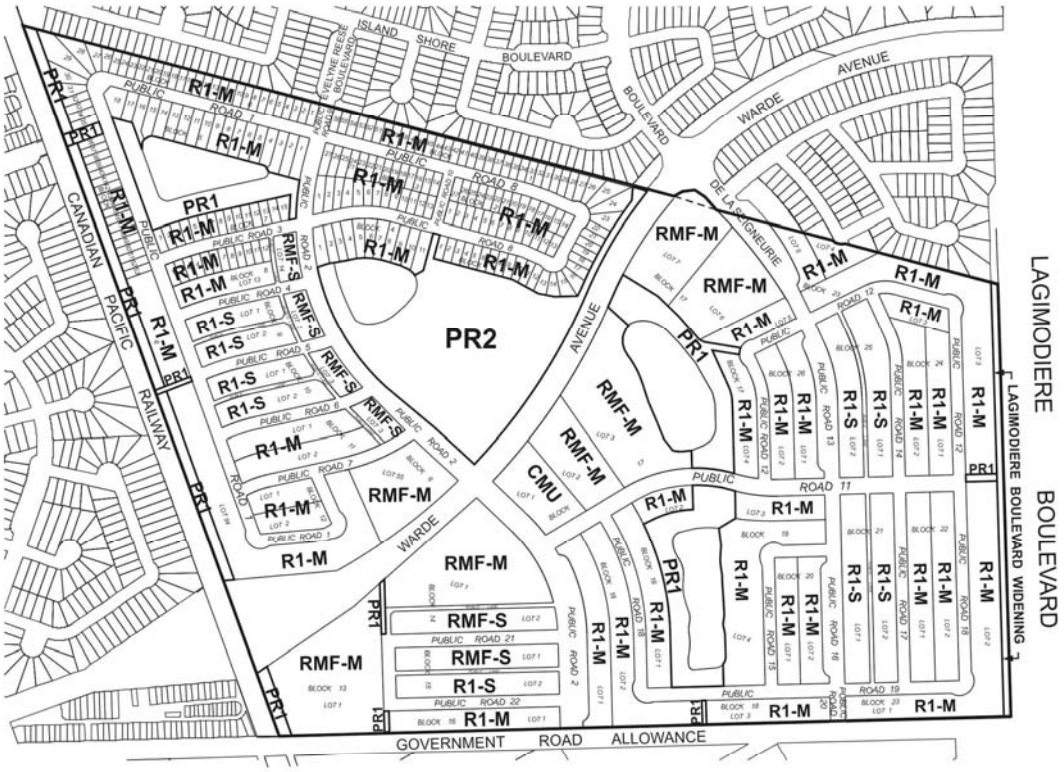
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File No. **DASZ 21/14**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on the northwest corner of Melnick Road & Four Mile Road, east of Rail lines from an "RR5" RURAL RESIDENTIAL 5 DISTRICT and "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to the following zoning districts: "R1-S" RESIDENTIAL SINGLE-FAMILY (Small) DISTRICT, "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT, "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT, "RMF-M" MULTI-FAMILY (Medium) DISTRICT, "CMU" COMMERCIAL MIXED USE DISTRICT, "PR1" PARKS AND RECREATION 1 DISTRICT, and "PR2" PARKS AND RECREATION 2 DISTRICT to facilitate the continuation of the Island Lakes Neighbourhood by the creation of the block plan, Phase 1 lot plan and public right-of-ways for future development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE C

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – August 26,2014

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT THE ISLAND LAKES NEIGHBOURHOOD EXTENSION, NORTHWEST CORNER OF MELNICK ROAD AND FOUR MILE ROAD, EAST OF RAIL LINES – DASZ 21/2014

It is recommended that the approval of DASZ 21/2014, 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 required for Warde Avenue within the Planned Area, including right-of-way corner cuts where Warde Avenue intersects with the extension of Evelyn Reese Boulevard, as determined by and to the satisfaction of the Director of Public Works.

2. The City shall reimburse the Developer for the additional property required on Warde Avenue, east of the CPR Emerson subdivision, required for a future grade separation, in accordance with the Development Agreement Parameters, as determined by and to the satisfaction of the Director of Public Works.

3. The Developer shall transfer and legally open, at no expense to the City, property required for an 10.0m widening to the Lagimodiere Boulevard (Melnick Road) right-of-way along the full length of the Planned Area, as determined by and to the satisfaction of the Director of Public Works. Alternatively, if the Developer cannot secure the road widening, the Developer shall provide a 10.0m wide Public Reserve along Lagimodiere Boulevard (Melnick Road) along the full length of the Planned Area.

4. 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.

5. The Developer shall provide minimum right-of-way widths of 9.0m for all proposed frontage roads, with frontage-road terminus points to be located and designed to the satisfaction of the Director of Public Works.

6. The Developer shall provide right-of-way widths of 6.25m for each public lane serving single or two-family residential development, and 7.25m for each public lane serving multi-family residential and commercial development, to the satisfaction of the Director of Public Works.

7. 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.

8. The Developer shall ensure that, where two local residential streets intersect with a residential collector street on opposite sides of the collector, the centerlines of the local streets either coincide with one another at their intersection with the collector, or are offset by a minimum of 45.0m along the collector.

9. The Developer shall ensure that, where any local residential street is aligned to curve within 20.0m of its intersection with a residential collector street, that curve have a minimum centerline radius of 60.0m.

10. The Developer shall ensure that entrances and exits to/from proposed frontage roads along any collector street are coincident with, or a minimum of 20.0m from, intersections on the opposite side of the collector street, 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 for works to be completed on Warde Avenue between Lagimodiere Boulevard and St. Anne's Road, including an at-grade railway crossing, bridge structure over the Seine River and off site intersection improvements, to be assigned to the Precinct "K" Planned Area. The Transportation Area Charge shall be established prior to the execution of the Development Agreement for DASZ 21/2014.

C. AGREEMENT CONDITIONS

SECTION I – SERVICING

1. Wastewater Sewers

a) 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.

b) If the Developer wishes to proceed prior to the installation of the Warde Avenue wastewater sewer extension to be installed by others, the Developer may construct and install the Warde Avenue wastewater Sewer extension as approved by the Director of Water and Waste.

c) The City shall reimburse the Developer the costs to construct and install the Warde Avenue wastewater sewer extension, if constructed by the Developer, in accordance with the Development Agreement Parameters when Capital funding is approved by Council.

d) The City shall reimburse the Developer the costs to oversize the wastewater sewer to serve areas outside of the Planned Area in accordance with the Development Agreement Parameters when Capital funding is approved by Council, or when the oversizing costs are collected from other benefitting properties under the terms of future development agreements.

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. Lot Line Servicing

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 one and two family lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

4. Land Drainage

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

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

b) The Developer shall pay for their share of the regional land drainage system. The regional land drainage facilities constructed by the developer (including the value of the land for the stormwater retention basins) shall be credited against this charge.

c) The Developer shall pay the Seine River Waterway Land Acquisition Charge (2014 rate = $145.00/acre).

5. 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 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, within the proposed public lanes within the Planned Area serving single or two-family residential development, 5.0m wide by 150mm thick Portland cement concrete pavements, and, within the proposed public lanes within the Planned Area serving multi-family residential and commercial development, 6.0-m-wide by 150-mm-thick Portland cement concrete pavements, as determined by, and to the satisfaction of, the Director of Public Works

c) The Developer shall, at no expense to the City, construct 150-mm-thick Portland cement concrete pavements to widths of 6.0m within the proposed frontage roads within the Planned Area and all related works including, but not limited to, boulevard landscaping and drainage works, all as determined by, and to the satisfaction of, the Director of Public Works.

6. Sidewalks

The Developer shall, at no expense to the City:

a) construct a 1.5m wide by 100mm thick Portland cement concrete sidewalks, on a standard alignment 0.3m from the property line, on both sides of all collector streets, except where multi-use pathways are constructed, as determined by and to the satisfaction of the Director of Public Works;

b) construct a 1.5m wide by 100mm thick Portland cement concrete sidewalks, on a standard alignment 0.3m from the property line, on the east side of the first north-

south public street, east of CPR Emerson subdivision between the Public Reserve park path and the last east-west public street which connects to the extension of Evelyne Reese Boulevard.

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

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

7. Transportation Area Charge

a) Prior to the execution of the Development Agreement, a Transportation Area charge shall be established for the Precinct "K' Planned Area, which would include the costs to construct the following works on Warde Avenue between Lagimodiere Boulevard and St. Anne's Road:

i. an two-lane, at-grade railway crossing at the CRP Emerson subdivision;
ii. a two-lane bridge structure over the Seine River;
iii. two lanes of Warde Avenue between Lagimodiere Boulevard and St. Anne's Road (where Warde Avenue does not exist);
iv. Intersection Improvements at Warde Avenue and Lagimodiere Boulevard;
v. Intersection Improvements at Lagimodiere Boulevard and Bishop Grandin Boulevard;
vi. Proportionate Share of Traffic Control signals and all related works including, but not limited to, pedestrian and vehicular actuation and interconnection to adjacent traffic-control signals, countdown and audible pedestrian signals at the intersections of Warde Avenue with extension of Evelyne Reese Boulevard, Boulevard De La Seigneurie and Lagimodiere Boulevard; and
vii. All related works all as determined by the Director of Public Works.

b) The Developer shall, pay their share of the Transportation Area Charge. The work constructed by the Developer related to the Transportation Area Charge shall be shall be credited against this charge, as determined by the Director of Public Works.

c) 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, as determined by the Director of Public Works.

8. Warde Avenue Pavement
The Developer shall construct the following works related to the transportation Area Charge on Warde Avenue from Boulevard De La Seigneurie to west limit of the Planned Area:

a) An 8.0m in width by 200mm in thickness Portland cement concrete pavement and all related works including an appropriate cul-de-sac turnaround;
b) a 1.5m in width by 100mm in thickness Portland cement concrete sidewalk or multi-use path;
c) street lighting;
d) landscaping,

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

9. Warde Avenue Upgrading

a) The Developer shall, at no expense to the City, construct an additional 8.0m in width by 200mm in thickness Portland Cement Concrete pavement from Lagimodiere Boulevard to the extension of Evelyne Reese Boulevard, as determined by the Director of Public Works.

b) The City shall reimburse the Developer for all costs associated with the additional pavement in accordance with the Development Parameters and on approval of capital funding, as determined by the Director of Public Works.

10. Warde Avenue Intersection Improvements
The Developer shall construct the following works related to the Transportation Area Charge at the intersection of Warde Avenue and Lagimodiere Boulevard:

a) two left turn lanes, one through lane, and right turn channelization for the eastbound direction, including an overhead sign structure;

b) a southbound right-turn cutoff with 200m storage plus an appropriate taper (north of Warde Avenue);

c) a 240m southbound acceleration lane added to the existing eastbound right-turn cutoff (south of Warde Avenue);

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

11. Lagimodiere Boulevard Improvements

The Developer shall construct the following works related to the Transportation area Charge at the intersection of Lagimodiere Boulevard and Bishop Grandin Boulevard:

a) An additional northbound left-turn lane with 190m of storage plus an appropriate taper as determined by and to the satisfaction of the Director of Public Works; and
b) Traffic Signal modifications if required

As determined by the Director of Public Works

12. 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.

13. 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.

14. Private Approaches

a) There are to be no private approaches serving single or two family residential development off residential collector streets.

b) There are to be no private approaches serving single and two family residential developments off of Warde Avenue.

c) There are to be no private approaches off of Lagimodiere Boulevard/Melnick Road.

15. 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.

16. 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.

17. 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, CPR Emerson subdivision, collector and arterial streets, Warde Avenue and Lagimodiere Avenue; all with the approval of, and to the satisfaction of, the Director of Planning, Property and Development.

18. 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.

19. Berm/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, a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. 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 or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct within the Planned Area abutting the CPR Emerson subdivision, a uniform chain link fence 2.0m in height, as determined by and to the satisfaction of the Director of Public Works. Said fence is intended to ensure that "pedestrian trespass" to the tracks does not become a consequence of the subject development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

c) The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting Lagimodiere Blvd., a uniform noise attenuation fence 2.0m in height to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Lagimodiere Boulevard requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

d) Where residential development is proposed to back onto or abut Lagimodiere Boulevard (Melnick Road), the Developer shall, at no expense to the City, construct a continuous berm at a height to the satisfaction of the Director of Public Works, centered along the property line, but to remain within the widened portion of the right-of-way, and all related works including but not limited to sodding (including hydro seeding) in accordance with plans approved by the Director of Public Works, all as determined by and to the satisfaction of the Director of Public Works.

e) The Developer shall, at no expense to the City construct a 2.0m in height berm centered along the rear property line with a 2.0m in height wooden fence on the property line, of the lots along the western leg of Public Road 1 abutting the Public Reserve area. The Developer is to permit the City to file a caveat against the title of each of these proposed lots requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

f) The Developer shall, at no expense to the City, provide continuous chain link or other approved type of fencing along all properties abutting public reserve land. The Developer is to permit the City to file a caveat against the title of each of these proposed lots requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

20. Lot Setbacks

a) Where single and two family residential lots back onto Warde Avenue, the said lots are to be established with a minimum depth to provide a minimum rear yard setback of 17.5m. The Zoning Agreement covering these lots is to stipulate a minimum rear yard of 17.5m. Lots that back onto the proposed 10 meter buffer along Warde Avenue do not require this criteria for rear yard setbacks.

b) Where single and two family residential lots back onto Lagimodiere Boulevard, the said lots are to be established with a minimum depth to provide a minimum rear yard setback of 15.0m. The Zoning Agreement covering these lots is to stipulate a minimum rear yard of 15.0m.

21. 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) Given that the PR lands along the westerly extent, parallel and flanking the rail line are encumbered by a Hydro easement, these lands are being designed as Public Reserve but with no dedication credit.

c) Both parties acknowledge an anticipated over dedication of Public Reserve land and further acknowledge the Developer's wiliness to proceed with this plan with no additional cash compensation expected from the City, so long as no other contributions or compensations to parks amenities or facilities within the Planned area or balance of Precinct "K" are expected of the Developer.

d) 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, and irrigation in accordance with the Development Agreement Parameters. If the City deems the provision of irrigation is not required, the Developer shall not be

required to provide any form of compensation to the City.

e) The Developer shall provide, at no expense to the City, a continuous path through the development and at walkway connections in consideration of the Developer's commitment to linear parks as determined by the Director of Public Works.

f) The Developer shall, at no expense to the City, provide ground cover in the form of an approved seed mix (preferably natural species in consultation with the City Naturalist) for the Public Reserve lands abutting the CPR railway right of way to the approval and satisfaction of the Director of Public Works.

g) The Developer shall, at no expense to the City, ensure that during the construction period, measures are taken to preserve and protect the natural vegetation south of development within Government Road. This includes but is not limited to tree protection and ensuring land drainage for the development does not alter existing drainage as determined by and to the satisfaction of the Director of Public Works.

h) In circumstances where a path is intended to cross over a berm the Developer shall ensure the grading is designed to accommodate the pathway and still comply with Universal Design requirements.

i) 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.

j) 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.

k) Securities for Public Reserve improvements shall 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 certificate for parks has been issued and as-built drawings have been received and accepted as complete by the Director of Public Works.

22. 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.

23. 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.

24. 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 provide a summary of all costs incurred for the preparation of Precinct Plan "K" in order to establish an Area Charge for the Precinct Plan, as determined and approved by the Director of Property, Planning and Development. The City shall reimburse the Developer the amount in excess of the Developer's Area Charge as monies are collected from benefitting lands.

b) 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;

c) 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 the implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:
Administrative Co-ordinating Group
File No. DASZ 21/2014
August 28, 2014

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