Agenda – Council – June 17, 2015

Report – Standing Policy Committee on Property and Development – June 2, 2015

Item No. 1 Subdivision and Rezoning – North of Templeton Avenue, East of Pipeline Road – Precinct E (Old Kildonan Ward) File DASZ 37/2014

STANDING COMMITTEE RECOMMENDATION:

On June 10, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the plan of subdivision under File DASZ 37/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2014 dated January 8, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 11, 2015 which is Schedule "B" of this report, with the following amendments:

        C. AGREEMENT CONDITIONS, SECTION 1 – SERVICING

            i. Delete Condition 7.a) in its entirety and replace with the following:

                "7.a) Construct 1.5m wide by 100mm thick Portland cement concrete sidewalks either on the standard alignment or adjacent to the curb, on at least one side of each street (if possible on the opposite side of the parking), and 2.5m wide Active Transportation Pathways, as tentatively shown in revised Schedule "C" dated April 21, 2015, all as determined by and to the satisfaction of the Director of Public Works."

            ii. Amend Condition 8 by deleting in the 1st paragraph "The Developer shall, at no expense to the City", and replacing with "The Developer shall pay to the City, on demand, the cost to construct it's share calculated on an area basis (for the amount attributable to the planned area out of the total Precinct "E" area) of the cost to".

iii. Amend Condition 18. a) by deleting "berming 2.0m in height" and replacing with "berming 1.2m in height".

iv. Amend Condition 18.b) by deleting "berming 2.0m in height" and replacing with "berming 1.2m in height".

v. Delete Condition 20.b) in its entirety.

vi. Delete Condition 21.a) in its entirety.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area shown on Schedule "A" for File DASZ 37/2014 dated January 8, 2015 to: "R1-M" Residential Single-Family District, "R2" Residential Two-Family District, "RMF-L" Residential Multi-Family District, and "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 any development on the lands zoned "RMF-L" the following conditions shall apply:

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

b. That for any proposed building on Lot 1, Block 4 more than 35 feet in height, the following shall apply:

Report – Standing Policy Committee on Property and Development – June 2, 2015

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

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

c. That for any proposed building on Lots 1 and 2, Block 2 the following shall apply:

1. No building erected on the subject lands shall be greater than 75 feet in height.

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

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

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.

Report – Standing Policy Committee on Property and Development – June 2, 2015

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

7. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

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.

Report – Standing Policy Committee on Property and Development – June 2, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 10, 2015, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 2, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

On May 12, 2015, the Standing Policy Committee on Property and Development laid over the matter to its meeting on June 2, 2015 to allow the Public Works Department to comment on the implications of the amendments made to berm heights and the deletion of Condition 20. b).

COMMUNITY COMMITTEE RECOMMENDATION:

On April 21, 2015, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Amend Recommendation 1.A. be adding the following at the end thereof, "with the following amendments:"

    C. AGREEMENT CONDITIONS, SECTION 1 – SERVICING

        i. Delete Condition 7.a) in its entirety and replace with the following:

            "7.a) Construct 1.5m wide by 100mm thick Portland cement concrete sidewalks either on the standard alignment or adjacent to the curb, on at least one side of each street (if possible on the opposite side of the parking), and 2.5m wide Active Transportation Pathways, as tentatively shown in revised Schedule "C" dated April 21, 2015, all as determined by and to the satisfaction of the Director of Public Works."

Report – Standing Policy Committee on Property and Development – June 2, 2015

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

ii. Amend Condition 8 by deleting in the 1st paragraph "The Developer shall, at no expense to the City", and replacing with "The Developer shall pay to the City, on demand, the cost to construct it's share, calculated on an area basis (for the amount attributable to the planned area out of the total Precinct "E" area) of the cost to".

iii. Amend Condition 18. a) by deleting "berming 2.0m in height" and replacing with "berming 1.2m in height".

iv. Amend Condition 18.b) by deleting "berming 2.0m in height" and replacing with "berming 1.2m in height".

v. Delete Condition 20.b) in its entirety.

vi. Delete Condition 21.a) in its entirety.

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

On March 17, 2015, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on April 21, 2015 at 5:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning - North of Templeton Avenue, East of Pipeline Road – Precinct E**
File DASZ 37/2014

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

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

Report date: **April 24, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 21, 2015, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 37/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 37/2014 dated January 8, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 11, 2015 which is Schedule "B" of this report, ***with the following amendments:***

        C. AGREEMENT CONDITIONS, SECTION 1 – SERVICING

        i. Delete Condition 7.a) in its entirety and replace with the following:

        "7.a) Construct 1.5m wide by 100mm thick Portland cement concrete sidewalks either on the standard alignment or adjacent to the curb, on at least one side of each street (if possible on the opposite side of the parking), and 2.5m wide Active Transportation Pathways, as tentatively shown in revised Schedule "C" dated April 21, 2015, all as determined by and to the satisfaction of the Director of Public Works."

ii. Amend Condition 8 by deleting in the 1st paragraph "The Developer shall, at no expense to the City", and replacing with "The Developer shall pay to the City, on demand, the cost to construct it's share calculated on an area basis (for the amount attributable to the planned area out of the total Precinct "E" area) of the cost to".

iii. Amend Condition 18. a) by deleting "berming 2.0m in height" and replacing with "berming 1.2m in height".

iv. Amend Condition 18.b) by deleting "berming 2.0m in height" and replacing with "berming 1.2m in height".

v. Delete Condition 20.b) in its entirety.

vi. Delete Condition 21.a) in its entirety.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area shown on Schedule "A" for File DASZ 37/2014 dated January 8, 2015 to: "R1-M" Residential Single-Family District, "R2" Residential Two-Family District, "RMF-L" Residential Multi-Family District, and "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 any development on the lands zoned "RMF-L" the following conditions shall apply:

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

         b. That for any proposed building on Lot 1, Block 4 more than 35 feet in height, the following shall apply:

1. That no building shall be less than twenty (20) feet from any “R1” or “R2” zoning district boundary, and that this setback shall increase by one foot for each additional one foot of height proposed for that portion of the building taller than 35 feet.

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

c. That for any proposed building on Lots 1 and 2, Block 2 the following shall apply:

1. No building erected on the subject lands shall be greater than 75 feet in height.

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

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

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

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

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

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

7. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

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

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

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

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

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason(s) for its recommendation:

1. The subject application is a continuation of urban development that we have already enjoyed in Amber Trails.

2. The proposal is consistent with the Precinct Plan that was approved by Council last year.

3. The residents in this future development wil enjoy the amenities that already exist in the area.

4. These lands were also designated as a residential policy area back in Plan Winnipeg.

PUBLIC HEARING SUMMARY

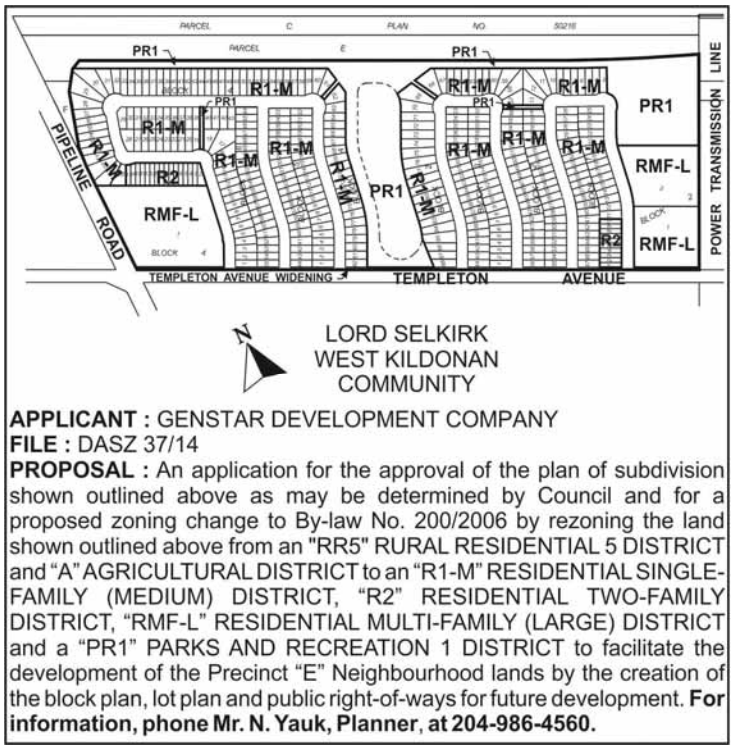
File: DASZ 37/2014

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

Public Hearing: April 21, 2015
March 17, 2015
Council Building, 510 Main Street

Applicant: Genstar Development Company (Marc Brown)

Subject:



APPLICANT : GENSTAR DEVELOPMENT COMPANY
FILE : DASZ 37/14
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 "A" AGRICULTURAL DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT, "R2" RESIDENTIAL TWO-FAMILY DISTRICT, "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the development of the Precinct "E" Neighbourhood lands by the creation of the block plan, lot plan and public right-of-ways for future development. **For information, phone Mr. N. Yauk, Planner, at 204-986-4560.**

Premises Affected: North of Templeton Avenue, East of Pipeline Road

Exhibits Filed:

1. Application dated January 2, 2015
2. Notification of Public Hearing dated January 22, 2015
3. Manitoba Status of Title 2559694/1
4. Letter of authorization dated December 11, 2014 from Jerry C. Klein, Templeton North Developments Ltd. to Genstar Development Company
5. Plans (2 pages)

6. Report from the Urban Planning Division dated March 10, 2015
7. Inspection Report
8. Communication dated March 16, 2015, from Marc Brown, Genstar Development Company requesting that the application be adjourned to April 21, 2015
9. Notice of Adjournment dated March 20, 2015
10. PowerPoint Presentation submitted by Marc Brown, Genstar Development Company, Applicant, at the public hearing
11. Proposed Amendments to the Report of the Administrative Coordinating Group, submitted by Marc Brown, Genstar Development Company, Applicant, at the public hearing
12. Revised Schedule "C" dated April 21, 2015 submitted at the public hearing
13. Recording of Representations

REPRESENTATIONS:

In Support:

Marc Brown, Genstar Development Company
Dave Bules, Genstar Development Company
Jerry Klein, Genstar Development Company

In Opposition

Nil

For Information:

Michael Falk, Terracon Development Ltd.
Matt Glavin, Terracon Development Ltd.
Brian O'Leary, Seven Oaks School Division

For the City:

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

Exhibit “6” referred to in File DASZ 37/2014

ADMINISTRATIVE REPORT

Title: DASZ 37/2014 – Templeton – Pipeline

Issue: For consideration at the Public Hearing to rezone land from “RR5” Rural Residential District and “A” Agricultural District to an “R1-M” Residential Single-Family (Medium) District, “R2” Residential Two-Family District, “RMF-L” Residential Multi-Family (Large) District, and “PR1” Parks and Recreation District.

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

AUTHORIZATION

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

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 37/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 37/2014 dated January 8, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 11, 2015 which is Schedule “B” of this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area shown on Schedule “A” for File DASZ 37/2014 dated January 8, 2015 to: “R1-M” Residential Single-Family District, “R2” Residential Two-Family District, “RMF-L” Residential Multi-Family District, and “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 any development on the lands zoned “RMF-L” the following conditions shall apply:

         a. That for the development of any building (except single and two-family dwellings), and/or accessory parking area within these lands, plans shall be submitted showing the location and design of the proposed buildings (including articulation and exterior materials and finishes), the location and design of accessory parking areas, bicycle parking, pedestrian

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

b. That for any proposed building on Lot 1, Block 4 more than 35 feet in height, the following shall apply:

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

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

c. That for any proposed building on Lots 1 and 2, Block 2 the following shall apply:

1. No building erected on the subject lands shall be greater than 75 feet in height.

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

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

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

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

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

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

7. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

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

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

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

REASON FOR THE REPORT

- The applicant intends to rezone the property to the following zoning districts:
  - "R1-M" Residential District
  - "R2" Residential Two-Family District
  - "RMF-L" Residential Multiple Family District
  - "PR1" Parks and Recreation District
- The proposed rezonings are in accordance with the policies of the approved Precinct E Plan and are meant to accommodate residential development.
- The intended use of the land requires a rezoning and subsequent Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The report is being submitted for the Committee's consideration of the development application at the Public Hearing.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein.

IMPLICATIONS OF THE RECOMMENDATIONS

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

CONSULTATION

In preparing this report there was consultation with:

The Administrative Coordinating Group of the City of Winnipeg

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By	Noah Yauk
Date:	March 10, 2015
File No.	DASZ 37/14

List of Attachments:

- APPENDIX 'A': Planners Report
- SCHEDULE "A" FOR FILE NO. DASZ 37/14, LSWK COMMUNITY COMMITTEE, DATED JAN. 8, 2015
- SCHEDULE B: REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – Dated February 8, 2014
- APPENDIX B: Design Guidelines for Plan Approval for DASZ 37/14

APPENDIX 'A
DATE: March 10, 2015

FILE: **DASZ 37/14**

COMMUNITY: Lord Selkirk / West Kildonan
NEIGHBOURHOOD #: Leila North

SUBJECT: For consideration at the Public Hearing to rezone the subject property to an "R1-M" Residential District, "R2" Residential Two-Family District, "RMF-L" Residential Multiple Family District and "PR1" Parks and Recreation District.

LOCATION: Lands Located north of Templeton and east of Pipeline.

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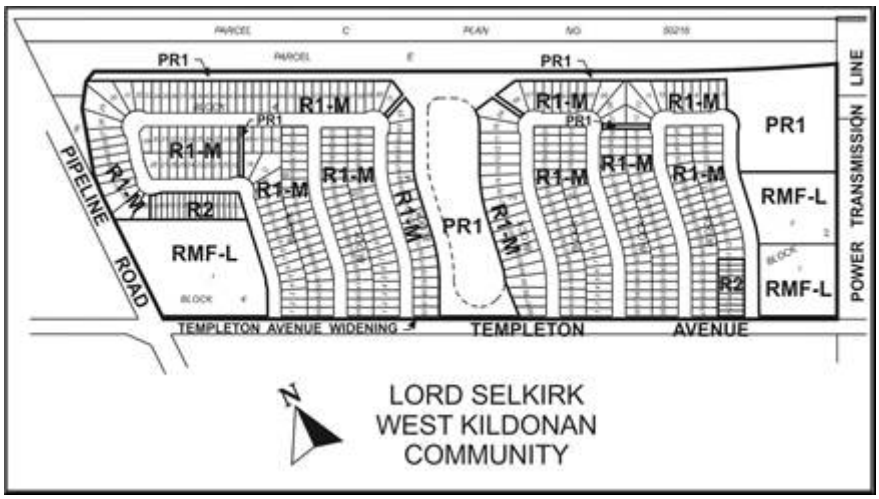


APPLICANT: Genstar Development Corporation (Marc Brown)
320 – 530 Kenaston BV
Wpg., MB R3N 1Z4

OWNER: Templeton North Developments
320 – 530 Kenaston BV
Wpg., MB R3N 1Z4

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant intends to rezone the property to the following zoning districts:
  - "R1-M" Residential District
  - "R2" Residential Two-Family District
  - "RMF-L" Residential Multiple Family District
  - "PR1" Parks and Recreation District
- The proposed rezonings are in accordance with the policies of the approved Precinct E Plan and are meant to accommodate large format commercial uses and a variety of housing types.

- The intended use of the land requires a rezoning and subsequent Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The report is being submitted for the Committee's consideration of the development application at the Public Hearing.
- The Public Service recommends the rezoning be approved subject to any conditions specified herein.

SITE DESCRIPTION

Land Use and Zoning

- The subject lands fall within "Precinct E" in *Complete Communities* and are located north of Templeton and east of Pipeline Road. The subject lands do not comprise all of the lands within the precinct, but the lands owned by Templeton North Developments.

- The north limit of the subject lands abut the planned extension of Chief Peguis Trail, Templeton to the south, Pipleline to the west, and a Manitoba Hydro Electric Corridor to the east. The lands directly west of the subject site are the final phase of Amber Trails. Essentially the proposed development is an eastward extension of Amber Trails across Pipeline Road.

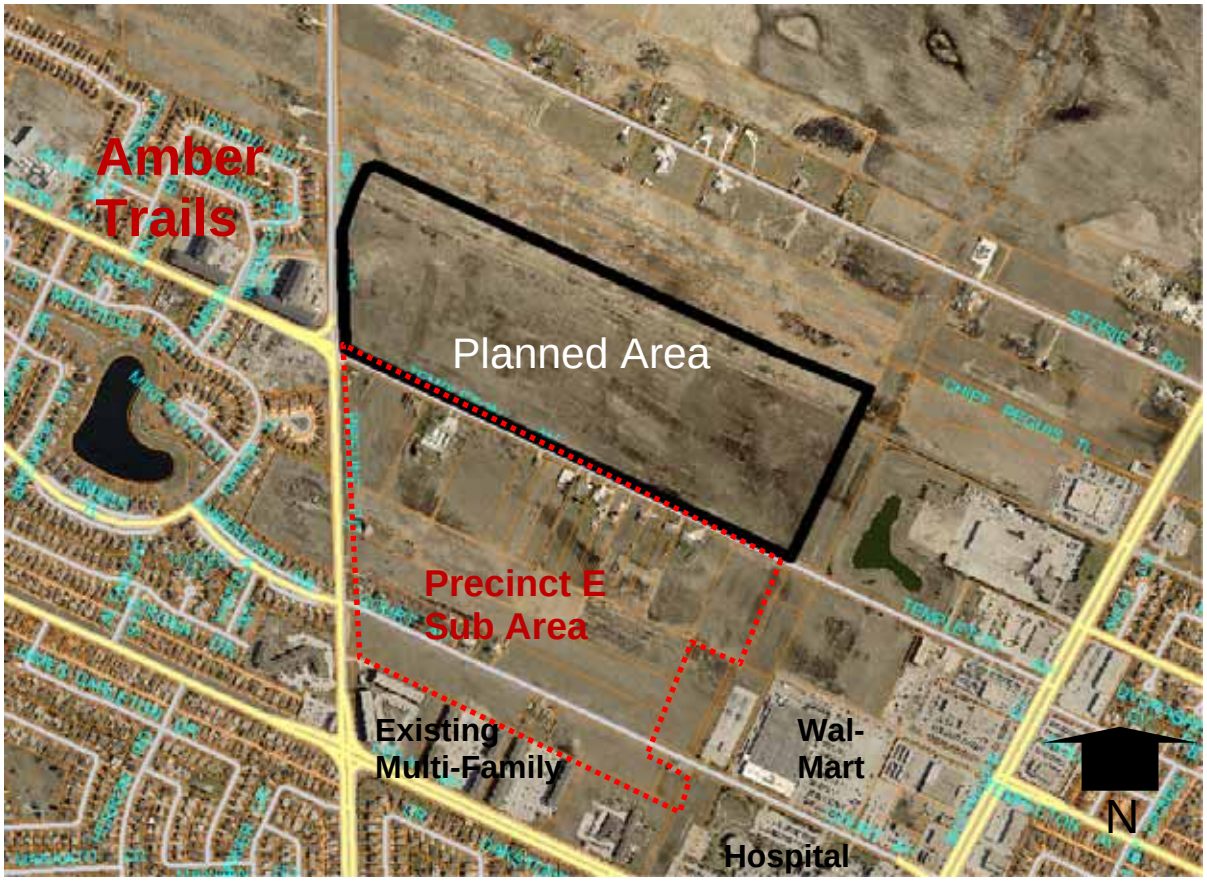


Figure 1: Approximate Boundary of the Subject Site (Aerial Flown 2012)

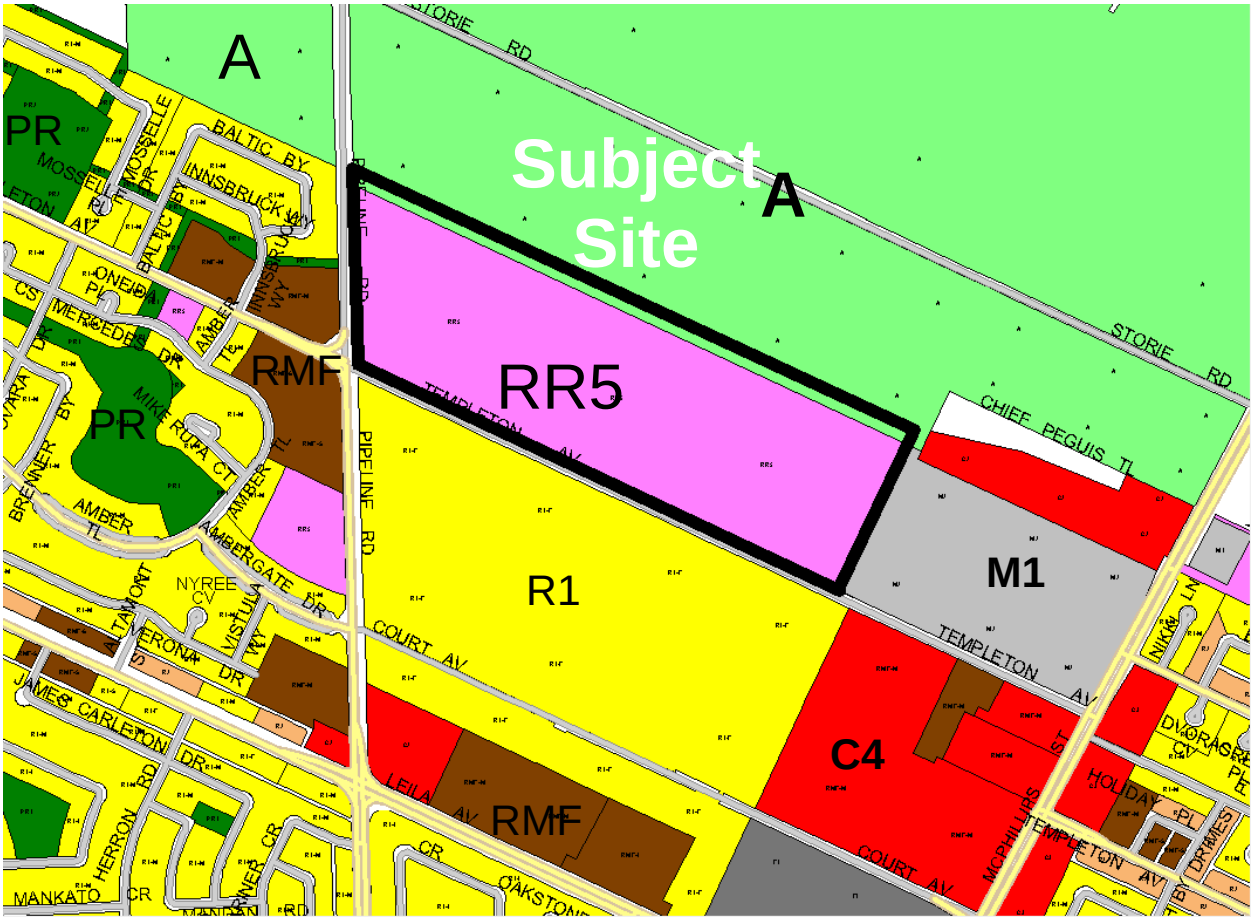


Figure 2: Current Zoning of the Subject Lands and Surrounding Area.

DESCRIPTION OF THE PROPOSAL

- The applicant intends to rezone the subject lands to a variety of zoning districts that are appropriate in facilitating development consistent with the proposed Precinct Plan.
- The applicant is proposing to rezone the subject lands to the following Districts:
  - "R1-M" Residential District
  - "R2" Residential Two-Family District
  - "RMF-L" Residential Multiple Family District
  - "PR1" Parks and Recreation District
- Combined, the proposed zoning districts will provide for commercial opportunities as well as a range of housing types.
- The development will provide approximately 340 single-family lots, 26 two-family lots and 3 multi-family lots. The density maximum of the proposed "RMF-L" zoning for the multi-family lands would yield as many as 1100 dwelling units. However, building height restrictions proposed in the zoning agreement are expected to temper the maximum achievable density.

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the New Communities Policy Area. Any subdivision or rezoning requires that a Precinct Plan be adopted by Council or a designated committee of Council. A Precinct Plan for the area known as Precinct E has been approved by Council. The policies of the Precinct plan will form the basis of review for the proposed subdivision and rezoning application.

PRECINCT PLAN POLICIES

The following section summarizes the main land use policies of the Precinct Plan. The Urban Planning Division identifies the proposed DASZ application to be consistent with the policies of the Precinct E Plan.

3.2 Planning Goals

Planning goals for the proposed the Court Avenue Precinct are:

General

- To provide a sustainable and efficient planning framework to accommodate city growth and function.

Community Development

- To create a viable and cohesive community by integrating new development into the existing surrounding community fabric.
- To foster a sense of neighbourhood.
- To promote compatibility and connectivity with existing and future neighbourhoods.

Residential

- To accommodate existing and anticipated demand for urban housing.
- To provide a framework for the creation of a planned neighbourhood that fulfills market demands and needs.
- To accommodate a diversity of housing types.
- To ensure that residential development occurs within an acceptable density range in order to reduce land consumption and servicing costs, and promote transit use.

Recreation

- To meet active and passive recreational needs of residents.
- To provide a linear greenway network linking focal points where land drainage systems, pedestrian trails, parks and open spaces can be created in shared corridors.

Infrastructure

- To accommodate and enhance essential community services.
- To encourage the use of energy efficient design and alternative energy technologies.
- To supply the necessary utility infrastructure.

Transportation and Transit

- To create an interconnected and efficient road network that promotes alternative modes of choice.
- To promote the use of public transit.
- To encourage active transportation including walking and cycling.

5 Land Use Policies

5.1 Lower Density Residential Development Policies

a) Single family and two family homes shall be the predominant use of land within the low density residential areas.
b) It is expected that these areas will develop to approximately 7.4 units per gross developable hectare (3.0 units per gross developable acre) or greater.
c) Variances should not be allowed where they will compromise the density range noted above.
d) Alternative housing forms including special needs housing, institutional uses, recreational uses, public uses, local commercial uses, and other similar and accessory uses may be allowed subject to zoning regulations.
e) A school site may be located within this policy area subject to the policies of Section 5.5.

5.2 Medium Density Residential Development Policies

a) Two family housing and townhouses (three storeys or less) shall be the predominant use of land within the lower density multi-family residential areas.
b) Single family housing may be allowed subject to any required City of Winnipeg zoning by-laws and policies.
c) It is expected that these areas will develop to approximately 10.0 units per gross developable hectare (4.0 units per gross developable acre) or greater.
d) Each building design and site plan should address the issue of privacy for immediate neighbours through measures such as building mass, building orientation and landscaping.
e) Multi-family housing units should be located to allow for transit servicing to be provided at a walking distance of no more than 200 meters.
f) A school site may be located within this policy area subject to the policies of Section 5.5.

5.3 Higher Density Residential Development Policies

a) Two family housing, townhouses and low rise apartments shall be the predominant use of land within this policy area.
b) It is expected that these areas will develop to approximately 24.7 units per gross developable hectare (10.0 units per gross developable acre) or greater.
c) Local scale commercial uses should be permitted on the main of floor buildings within this policy area.
d) Each building design and site plan should address the issue of privacy for immediate neighbours through measures such as building mass, building orientation and landscaping.
e) On-site amenity features such as benches, walking paths, and treed areas should be provided to meet active and passive recreation/leisure needs of residents.
f) Convenient pedestrian connections to all land uses on the site as well as off-site connections shall be provided.
g) Multi-family housing units should be located to allow for transit servicing to be provided at a walking distance of no more than 200 meters.
h) A school site may be located within this policy area subject to the policies of Section 5.5.

5.4 Park Policies

The following policies provide direction for the strategic siting of parcels of land intended to provide for the leisure and recreational needs of the community. The following elements are especially important contextual considerations around which park provisions should consider:

- Proximity to the future Chief Peguis corridor and anticipated active transportation path;
- Extensive linear park network through Amber Trails to the west;
- The Manitoba Hydro corridor to the east; and
- Lack of existing active space within in close proximity to the subject lands.

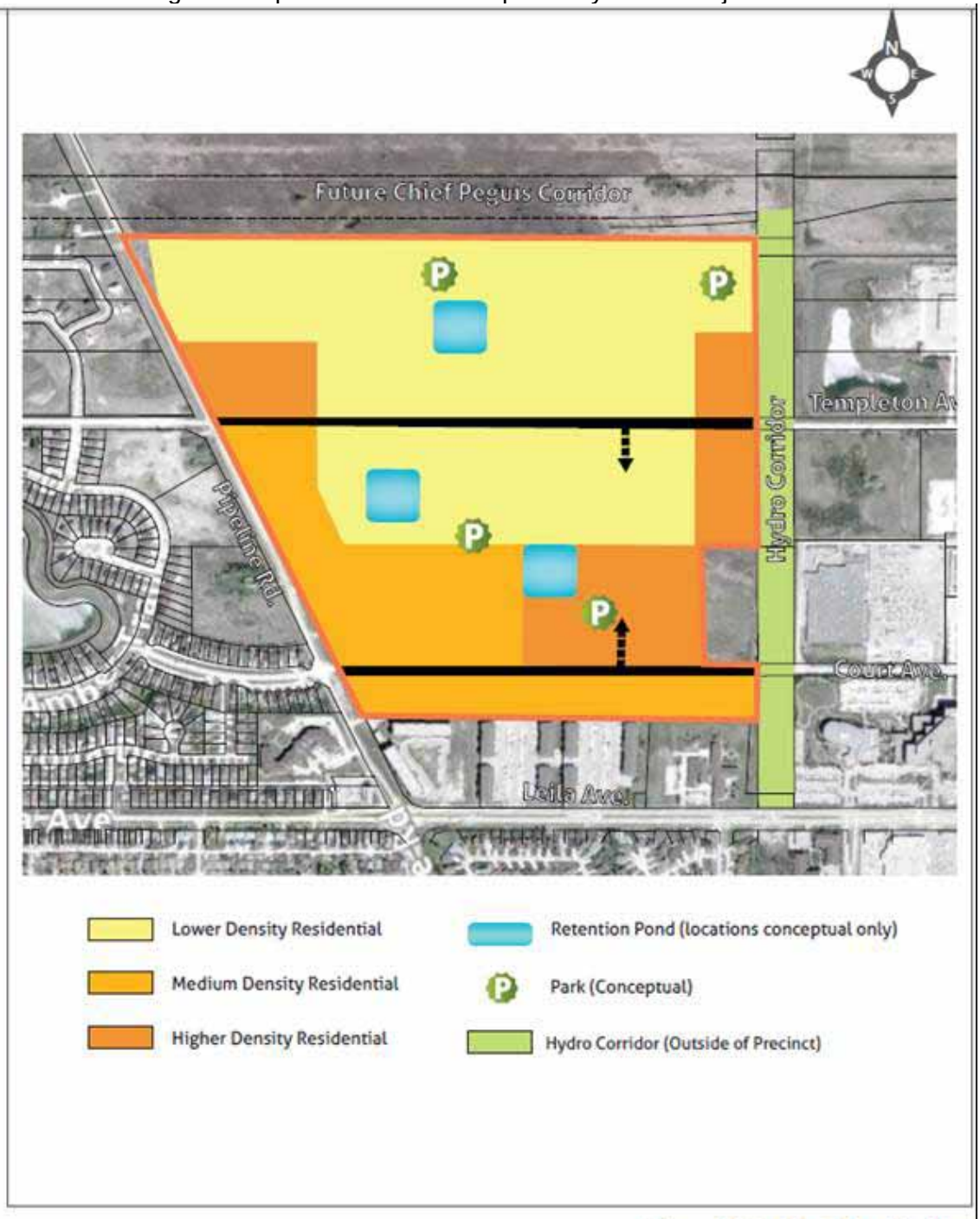


Figure 6.0: Precinct E Land Use Plan

ZONING

Zoning By-Law 200/2006: Proposed Zoning Districts

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

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

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

- **"RMF-L" (Large) Residential Multi-Family District**
  These districts are intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.

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

Figure 4: Dimensional Standards for the Multiple Family District

Zoning District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Principal Building Separation (Ft.) [Note a]	Max Building Height (ft)
R1-M	7,500	2a	15 (Note d)	25	4	35	45
RMF-L	20,000	400	25	25	8 [Note b]	8	150
R2	5,000 (2,500)per dwelling unit for two-family;800 per unit for multi-family	25	20	25	4	35	N/A

Note a: For buildings taller than 35 feet, the principal building separation distance must be 50% of the height of the taller building to a maximum of 25 feet.
Note b: Where a building is more than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet.
Note b: Where the width of the lot is less than 40 feet, the side yards may be reduced to 10% of the width of the lot but must not be less than 3 feet.
Note d: If the house has rear access to a public lane and does not have a driveway providing access from the public street to a garage or carport, the minimum front yard is 10 ft, unless the provisions of subsection 140(3) Loop Lanes, apply.

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

COMPATIBILITY WITH EXISITNG DEVELOPMENT

The subject lands are currently vacant. Directly to the west of the subject lands (across Pipeline Road) is the last phase of Amber Trails. The proposed development for all intents and purposes is the eastward extension of Amber Trails. The eastern boundary of the subject lands (and Precinct E) is a Manitoba hydro corridor. Further east are lands designated as Areas of Stability – Recent Community in Complete Communities and include a variety of commercial and residential uses as well as vacant lands. The south boundary of the subject site is Templeton Avenue and the lands south of that to Court Avenue (between Pipeline and the hydro Corridor) are also within Precinct E and are designated as a special planning area in the Precinct E Plan and will also be developed in accordance with the policies of the Precinct Plan. The lands to the north of the subject lands represent the location of the planned extension of Chief Peguis Trail which is currently in its functional design stage. Chief Peguis Trail currently goes as far west as Main St and terminates there. The planned extension includes two segments - one between Main Street and McPhillips St and the second between McPhillips St and Brookside BV. The Chief Pequis Trail extension was advanced by Council from a mid-term (by 2021) project to a short term (by 2016) project in the Transportation Master Plan and has been added to the City's 5 year capital budget. The Public Works Department is in the process of designing the roadway and consulting with the public and stakeholders. Figure 3 below illustrates the approximate location of the expressway.

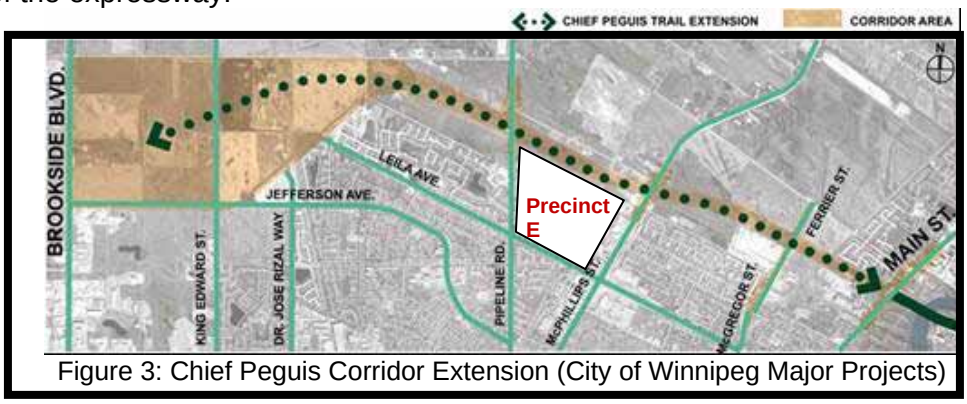


Figure 3: Chief Peguis Corridor Extension (City of Winnipeg Major Projects)

KEY COMMENT PROVIDED BY OTHER CIVIC DEPARTMENTS

It is noted that the subject DASZ application (37/2014) has been reviewed by civic departments through the Administrative Coordinating Group (ACG). The role of this review process is to determine developer obligations such as servicing requirements, land dedication and other. The ACG Report, the contents of which will make up the servicing/ development agreement can be found in Schedule B of this report.

<u>Proposed Park at the northeast corner of the planned area and pathways to Public Reserve</u>

One recommendation of the ACG report, under Plan Considerations, is to slightly increase the size of internal pathways leading to public reserve lands and reduce the size of the "PR" lands at the northeast corner of the planned area by an equivalent amount.

<u>Upgrading of Templeton Avenue</u>

It is noted that Templeton Avenue will serve as an important collector providing access to the planned area connecting to Pipeline Road to the west and McPhillips Street to the east. Since Templeton is currently not improved, it must be improved to City standards to provide access to the planned area. The ACG report recommends that the roadway be addressed through either the initiation of a local improvement or be constructed by the developer with payback considerations from future benefitting land owners.

Sidewalks

The ACG report is also recommending the developer construct sidewalks on select street to provide good connectivity to active and passive park spaces planned within the precinct (see Schedule C of the ACG report for a map of the sidewalk locations).

ZONING AGREEMENT CONSIDERATIONS:

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

Building Setbacks to Future Chief Peguis Trail

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

Building heights and setbacks for multi-family development

The applicant is proposing a mix of residential zoning districts, some of which would provide for building heights as high as 150 feet. While the applicant has chosen these districts more for the development density they afford than the height, the zoning agreement proposes that buildings in excess of 35 feet in height and abutting single and two family homes should provide more generous building setbacks and that the setback should increase as the building height increases. The clause proposes a minimum setback of 20 feet in this scenario plus an additional one foot setback for each additional one foot of increased height beyond 35 feet. For the two remaining multi-family zoning districts at the east end of the planned area the zoning agreement recommends a maximum height of 75 feet as the site is separated from single and two-family lots by a 20 metre right of way. These proposed zoning agreement conditions are meant to protect from land use conflicts in cases where “RMF-L” is adjacent to or abuts an “R1-M”or “R2” zoning district. These conditions have been applied to similar contexts such as Precinct F. It is noted that existing multi-family development within Amber Trails would easily comply with these recommended conditions.

Plan Approval

The purpose of plan approval is to review any proposed commercial and multi-family development on the subject lands, prior to any permits being issued, to ensure the proposed development meets the policies and intent of the Precinct Plan. Typically the LSWK Community recommends that Plan Approval be added as a clause in the Zoning Agreement for most multi-family developments so the Committee has some control over the design of the site. For the above reasons, the Public Service is, therefore, recommending plan approval as a condition of the zoning agreement to allow the LSWK Community Committee and the Urban Planning Division the opportunity to review and approve the design of future multi-family and commercial developments. APPENDIX B: Design Guidelines for Plan Approval DASZ 37/14 will be used by the Urban Planning Division for the purposes of plan approval.

RECOMMENDATION

The Urban Planning Division recommends approval for the following reasons:

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

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Prepared by N. Yauk
PPD File # DASZ 37/14
SCHEDULE “A” FOR FILE NO. DASZ 37/2014, LORD SELKIRK WEST KILDONAN COMMUNITY COMMITTEE, DATED JANUARY 8, 2015.

By-Law No. _____

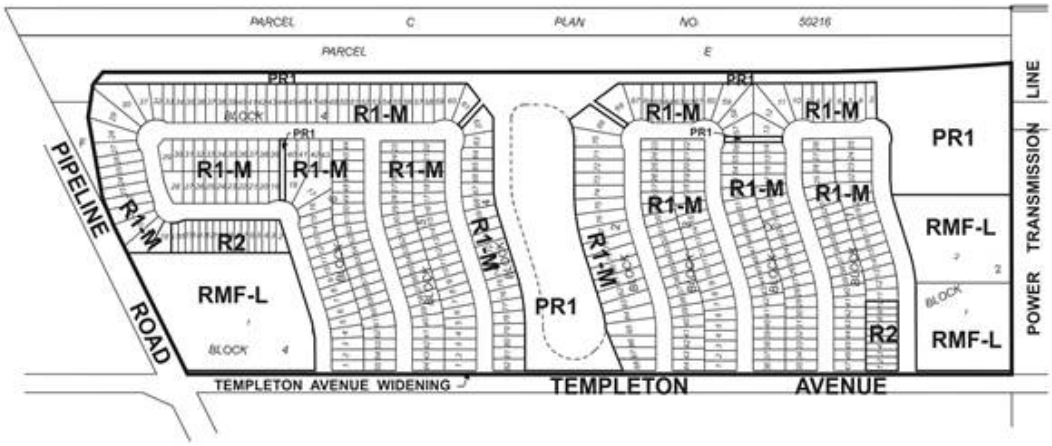
File No. **DASZ 37/14**

Atlas Sheet No. **R23**

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on lands north of Templeton Avenue, East of Pipeline Road – Precinct "E" Amber Gates from an "RR5" RURAL RESIDENTIAL 5 DISTRICT and "A" AGRICULTURAL DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT, "R2" RESIDENTIAL TWO-FAMILY DISTRICT, "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the development of the Precinct "E" Neighbourhood lands by the creation of the block plan, 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

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – February 11, 2015

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED NORTH OF TEMPLETON AVENUE AND EAST OF PIPELINE ROAD – DASZ 37/2014

It is recommended that the approval of DASZ 37/2014, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. Plan Considerations

1. The Developer shall, at no expense to the City, transfer and legally open, property required for a 2.825m widening of the Pipeline Road right-of-way abutting the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall, at no expense to the City, transfer and legally open, property required for a 3.883m widening of the Templeton Avenue right-of-way abutting the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

3. The Developer shall, at no expense to the City, transfer and legally open, property required for a corner cut in the north-east quadrant of Pipeline and Templeton. This is to be determined by the Developer and submitted for review and approval to the Public Works Department prior to submission of the Legal Plans, to the satisfaction of the Director of Public Works.

4. The proposed public streets are to be established with an 18.0m right-of-way (20.0m if the land drainage sewer is 525mm in diameter or greater), as determined by and to the satisfaction of the Director of Public Works.

5. The two public walks identified as PR1, are to be opened as public right-of-way with a right-of-way width of 6.00m to the satisfaction of the Director of Public Works.

6. The Developer shall enlarge the North-West access to the public reserve lands that flank the retention pond by the addition of 2 residential lots, and reduce the larger park parcel at the north east corner of the development by an equivalent amount.

B. ENGINEERING REPORTS AND SERVICING CRITERIA

1. The Developer shall, provide, to the satisfaction of the Director of Water and Waste, a comprehensive servicing report, prepared by a qualified municipal engineer which will

outline the provision of underground services for the proposed subdivision and adjacent lands. The report shall include an engineer's estimate of the cost to construct the regional stormwater management facilities in order to determine the trunk service rate.

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

C. AGREEMENT CONDITIONS

SECTION I – SERVICING

1. Wastewater Sewers

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

2. Watermains

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

3. Lot Line Servicing

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

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

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

4. Land Drainage

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

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

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

d) The Developer shall pay to the City, the Leila Trunk User Charge at a rate of $612.00/acre.

5. Lot Grading

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

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

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

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

6. Pavement

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

7. Sidewalks

The Developer shall, at no expense to the City:

a) Construct 1.5m wide by 100mm thick Portland cement concrete sidewalks on the standard alignment and Active Transportation Pathways, as shown in Schedule "C".

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

i. Sodding on both sides of the sidewalk and

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

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

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

8. Pipeline Road Improvements

The Developer shall, at no expense to the City, construct Portland cement concrete pavement, 8.3m wide by 200mm thick in Pipeline Road between Leila Avenue and Court Avenue including median treatment, northbound left turn storage lane, northbound right-turn cutoff, and an appropriate transition north of Court Avenue, and all related works including, but not necessarily limited to boulevard landscaping, ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

The City will endeavor, within the limits of its powers, to make recoveries from other benefiting privately owned lands through subsequent agreements.

9. Templeton Avenue Improvements

a) The Developer shall, at no expense to the City, construct Portland cement concrete pavement, 10.0m wide by 200mm thick in Templeton Avenue between the existing urban cross-section and Pipeline Road, and all related works including, but not necessarily limited to sidewalks on both sides, boulevard landscaping, ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

b) The City will endeavor, within the limits of its powers, to make recoveries from other benefiting privately owned lands through subsequent agreements, or alternatively the Developer may request the City to endeavor to enact a Local Improvement By-Law for the above-referenced improvements.

10. Pipeline Road and Templeton Avenue Intersection

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

a) a median in Templeton Avenue, east of Pipeline Road, to accommodate a future westbound left turn lane with 35m storage,

b) a westbound right turn cut-off lane with 20m storage in Templeton Avenue, east of Pipeline Road,

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

11. Temporary Dead-End Streets

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

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

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:

a) servicing single or two family residential on Templeton Avenue.

b) servicing single or two family residential on Pipeline Road.

a) off of the future Chief Peguis Trail.

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 and install signs, 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, the future Chief Peguis Trail, 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 to be installed at all new street intersections being created as a result of the subdivision.

18. Fencing and Berm

a) The Developer shall, at no expense to the City, construct within the rear or side yards of all single or two family residential lots abutting the future Chief Pequis Trail, a uniform noise attenuation fence 2.0m in height complete with berming 2.0m in height, centered on the property line of the residential lots, as determined by and 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 the proposed lots abutting future Chief Pequis Trail 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 Public Reserve areas abutting the future Chief Peguis Trail, a uniform noise attenuation fence 2.0m in height complete with berming 2.0m in height, as determined by and to the satisfaction of the Director of Public Works

c) For the segments of berm abutting the two Public Reserve areas, the Developer shall be responsible to grade, level and sod the south side, including the top of the berm. Security will be held under the same processes as for Park land.

d) For the north facing side of the berm, the Developer shall be responsible to turn over to the City a graded, leveled berm, free of debris. A security will be held until the City accepts the berm as determined by the Director of Public Works.

e) Grading of the berm shall be designed to accommodate future pathway crossings.

19. Lot Setbacks

All single-family and two-family residential lots backing onto the future Chief Pequis Trail 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.

20. 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 (per clause d below), 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) In consideration of the limited use associated with the sloped gradient, the Developer shall be granted only a partial dedication credit of 50%, for the linear park parcel along retention pond.

c) It is acknowledged that the PR strip along the northerly extent is provided in lieu of a road opening, to accommodate sound attenuation requirements, and therefor shall not be considered as dedicated public reserve (park) land.

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 Public Reserve lands, including connections to the street at park entry/walkway access points and shall accommodate at least one berm crossing from each of the two larger public reserves to the lands north, in anticipation of an regional Active Transportation Network and/ or other future development, all in consideration of the Developer's and City's commitment to pedestrian connectivity, and to the satisfaction of the Director of Public Works. Where a path is expected to cross over a berm the Developer shall ensure the berm grading is designed to accommodate the pathway and still comply with Universal Design all

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 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, which includes as-built drawings having been received and accepted as complete by the Director of Public Works.

21. <u>Utilities</u>

a) The Developer shall, pay the full cost to convert existing overhead services in Templeton Avenue to underground, to the satisfaction of the Director of Public Works. If appropriate, this may be considered as part of the Local Improvement By-law.

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

c) 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.

22. 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.

23. Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the City, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the City, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

SECTION II – COSTS AND FEES

1. By-laws and Approvals

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

2. Professional Fees

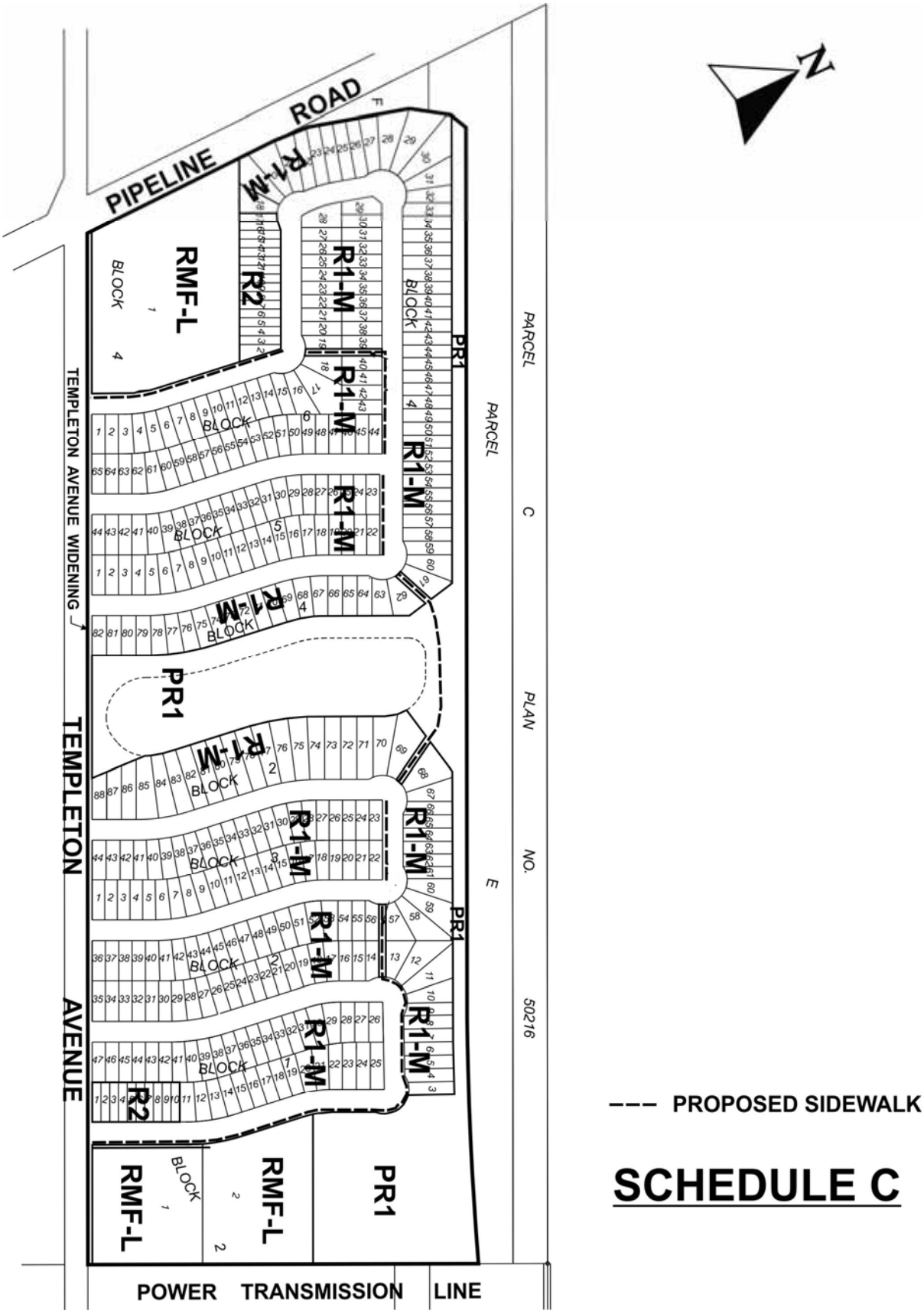
   a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

   b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

   c) The Developer shall provide a summary of all costs incurred for the preparation of Precinct Plan "E" in order to establish an Area Charge for the Precinct Plan, as determined by 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.

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.



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--- PROPOSED SIDEWALK

SCHEDULE C

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 37/2014
March 3, 2015

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

G.V. Jasper P. Eng.,
Property and Planning, Land Development Branch

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

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

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

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

"Original signed by D. Beaton M.L.Arch"

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

GJ/gj

APPENDIX B: Design Guidelines for Plan Approval for DASZ 37/2014

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

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

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

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

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

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

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

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

A. General Design Principles and Detailed Design Guidelines

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

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

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

General Design Guidelines:

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

Detailed Design Considerations:

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

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

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

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

- Lighting

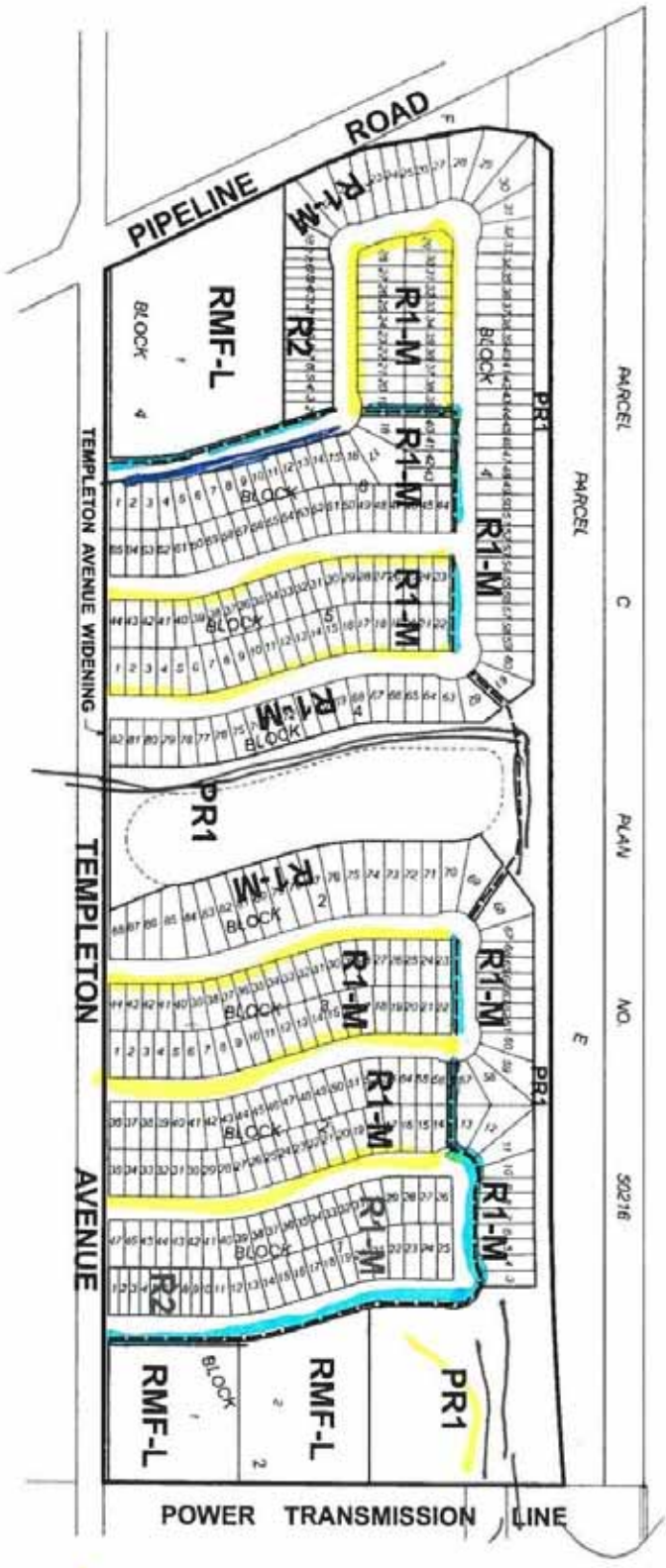
- Select different luminaries with a coordinated appearance to light pedestrian pathways, parking spaces, drive aisles, building and site entrances and other relevant parking lot features.
- Install lighting that is appropriately scaled to its purpose, i.e. avoid over lighting.
- Consider providing pedestrian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

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

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

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

Exhibit “12” referred to in File DASZ 37/2014



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(2.5m)
— AT PATH

--- PROPOSED SIDEWALK

REVISED

SCHEDULE C