Minutes – Executive Policy Committee – January 11, 2017

REPORTS

Item No. 2 Subdivision and Rezoning – Sage Creek Phase 9(b) – Lands Located West of Plessis Road, Between PTH 100 and Robert Bockstael Drive (St. Boniface Ward)
File DASZ 20/2016

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Riel Community Committee and recommended to Council:

1. That the plan of subdivision proposed under File DASZ 20/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 20/2016 dated November 28, 2016 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, execute and deliver a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 12th, 2016 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 20/2016 dated November 28, 2016 to a "R1-M" Residential Single-Family (Medium) District and a "PR1" Parks and Recreation District subject to the following:

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

i) The Developer must ensure all single-family and two-family residential lots backing onto the Perimeter Highway, shall be of sufficient depth to provide a minimum rear-yard setback which together with other sound attenuation measures such as a berm and/or noise attenuation fence achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots, and the Zoning Agreement covering those lots shall stipulate this minimum rear yard. Where the City has not received (from the Developer) and approved an analysis and recommendations for a berm and setback prior to the execution of the Zoning Agreement, the Zoning Agreement shall stipulate a minimum rear yard of 22.5 metres. The minimum berm height shall be determined by the Director of Public Works, all to the satisfaction of the Director of Public Works.

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

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

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

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

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

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

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

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

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

That the recommendation of the Riel Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On December 5, 2016, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – Sage Creek Phase 9(b) – Lands Located West of Plessis Road, Between PTH 100 and Robert Bockstael Drive Public Hearing**
File DASZ 20/2016

For submission to: **Executive Policy Committee**

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

Report date: **December 6, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 5, 2016, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 20/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 20/2016 dated November 28, 2016 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, execute and deliver a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 12th, 2016 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 20/2016 dated November 28, 2016 to a "R1-M" Residential Single-Family (Medium) District and a "PR1" Parks and Recreation District subject to the following:

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

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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.

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

1. We have a good project here; only matter of contention is the small stretch of sidewalk on Copper Meadow.

2. It fits the neighbourhood nicely.

PUBLIC HEARING SUMMARY

File: DASZ 20/2016

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Allard
Councillor Lukes

Public Hearing: December 5, 2016
Council Building, 510 Main Street

Applicant: Sage Creek Development Corporation (Elliott Hannam)

Subject:



APPLICANT : SAGE CREEK DEVELOPMENT CORPORATION
FILE : DASZ 20/16
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 to an "R1-M" RESIDENTIAL SINGLE FAMILY (MEDIUM) DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the continuation of the Sage Creek Neighbourhood Plan by the creation of lots, public reserve and public right-of-ways for future residential development.
For information, phone Ms. E. Finnigan, Planner, at 204-986-8602.
DEMANDEUR : SAGE CREEK DEVELOPMENT CORPORATION
N° DE DOSSIER : DALZ 20/16
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Zoning By-law No. 200/2006 (règlement municipal sur le zonage) visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie RR5 (secteur résidentiel en milieu rural 5) à la catégorie R1-M (secteur d'habitations unifamiliales moyennes) et à la catégorie PR1 (secteur des parcs et des loisirs 1) afin de faciliter la continuation du plan du quartier Sage Creek par la création des lots, de la réserve publique et des emprises publiques en vue d'un lotissement résidentiel futur. **Pour plus de renseignements, communiquez avec Mme E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected:	Sage Creek Phase 9(b) – Lands Located West of Plessis Road, Between PTH 100 and Robert Bockstael Drive Public Hearing

Exhibits Filed:

1. Application dated April 26, 2016
2. Notification of Public Hearing dated November 7, 2016
3. Manitoba Status of Titles 2829249/1, 2428334/1, 2691255/1, 2543179/1
4. Letter of authorization dated April 20, 2014 from Qualico Developments (Winnipeg) Ltd. to Sage Creek Development Corporation
5. Title plot highlighting the location of the Certificate of Title
6. Proposed plan of development
7. Sketch outlining the proposed development's location within Sage Creek
8. Lotting table showing proposed site width and areas for the proposed development
9. By-law No. 158/2005 the South St. Boniface Area Structure Plan, and By-law No. 2/2014 (amendment to by-law 158/2005)
10. Report from the Urban Planning Division dated November 28, 2016
11. Inspection Report
12. Plan in support of the application submitted by the Eric Vogan and Lyne Jones at the public hearing

REPRESENTATIONS:

In Support:

Eric Vogan
Lyne B. Jones
Trevor Grafton
Jordan Sodomsky

In Opposition

Nil

For Information:

Nil

For the City:

G. Jasper, Land Development Administrator, Planning, Property and Development Department
R. Mahé, Planner, Planning, Property and Development Department
E. Finnigan, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department
t

Exhibit "10" referred to in File DASZ 20/2016

ADMINISTRATIVE REPORT

Title: DASZ 20/2016 – Sage Creek Phase 9(b) – Lands Located West of Plessis Road, Between PTH 100 and Robert Bockstael Drive Public Hearing

Issue: An application for consideration at the Public Hearing to subdivide and rezone approximately 49.73 acres of land in Sage Creek.

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

AUTHORIZATION

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

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 20/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 20/2016 dated November 28, 2016 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

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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 20/2016 dated November 28, 2016 to a "R1-M" Residential Single-Family (Medium) District and a "PR1" Parks and Recreation District subject to the following:

   A. That the applicant enter into, execute and deliver 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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and/or noise attenuation fence achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots, and the Zoning Agreement covering those lots shall stipulate this minimum rear yard. Where the City has not received (from the Developer) and approved an analysis and recommendations for a berm and setback prior to the execution of the Zoning Agreement, the Zoning Agreement shall stipulate a minimum rear yard of 22.5 metres. The minimum berm height shall be determined by the Director of Public Works, all to the satisfaction of the Director of Public Works.

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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 subject 49.73 acre site from "RR5" Rural Residential 5 to blocks zoned "R1-M" Residential Single-Family Medium

and “PR1” Parks and Recreation 1 (Neighbourhood) in order to create the next residential development phase for Sage Creek.

- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

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

HISTORY

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

- In April 2005, the Standing Policy Committee on Property and Development identified the South St. Boniface Area Structure Plan as a priority project within the Planning, Property and Development Department’s 2005 Secondary Plan Work Program. The department implemented a collaborative planning process in partnership with Qualico Developments and their consulting team to prepare the area structure plan. This process also included close consultation with all affected City departments to address any issues related to the development of the subject lands and to ensure that the City’s requirements were incorporated into the plan’s policies.
- On September 28, 2005, Council gave first reading to By-law 158/05 to adopt the South St. Boniface Area Structure Plan as a Secondary Plan for 918 acres of land bounded by the Bishop Grandin Boulevard extension to the north, Lagimodiere Boulevard and the Island Lakes residential community to the west, the Perimeter Highway to the south and Plessis Road (the City Boundary) to the east; and directed that the Riel Community Committee conduct a public hearing respecting the proposed by-law and plan. It was ultimately passed by Council November 23, 2005.
- On September 26, 2007, Council adopted the plan of subdivision proposed under DASZ 21/2007, which was considered Phase 2 of the Sage Creek development. The application involved the subdivision and rezoning of 79.2 acres of land east of the Manitoba Hydro right-of-way and extended Sage Creek Blvd and Warde Avenue.
- On June 22, 2011, Council recommended approval for the subdivision and rezoning of a 71 acre site in Sage Creek from RR5 to blocks zoned R1-M, R1-S, RMF-S, and PR1 under file DASZ 3/11. This subdivision is considered Phase 6 of the Sage Creek development and connects to Phases 2 and 4, which are located to the north and west.
- On April 30, 2014, Council recommended approval for the subdivision and rezoning of a 53.61 acre site in Sage Creek from RR5 and R1-M to blocks zoned R1-S, R1-M, and PR1 under file DASZ 45/13. This subdivision is considered Phase 9A of the Sage Creek development and connects to Phases 2 and 6, which are located to the north and east.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Elise Finnigan, MA Planning
Date:	November 28, 2016
File No.	DASZ 20/2016

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Advertised Subdivision and Rezoning for DASZ 20/2016
3. Schedule “B” — Recommended File No. DASZ 20/2016 Riel Community Committee, dated November 28, 2016
4. Schedule “C” — Report of the Administrative Coordinating Group

APPENDIX 'A'

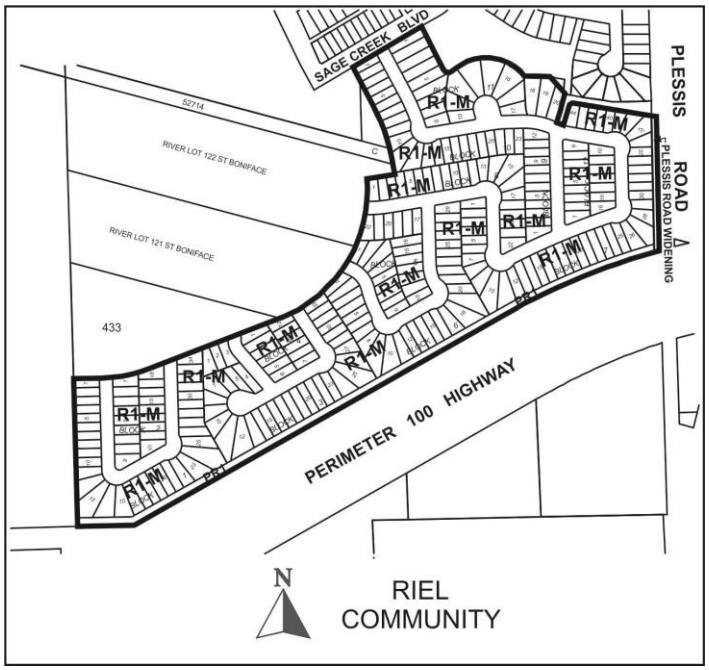
DATE: November 28, 2016

FILE: **DASZ 20/2016**
RELATED FILES: DASZ 45/2013, DASZ 36/2012, DASZ 30/2012, DASZ 5/2012, DASZ 3/2011, DAS 3/2011, SPA 2/2010, DASZ 12/2010, DASZ 3/2010, DASZ 35/2009, DASZ 12/2009, DAS 17/2008, DASZ 32/2007, DASZ 21/2007, DASZ 10/2007, DASZ 51/2005,

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.553

SUBJECT: An application to subdivide and rezone approximately 49.73 acres of land in Sage Creek from RR5 to blocks zoned R1-M and PR1.

LOCATION: West of Plessis Road, Between PTH 100 and Robert Bockstael Drive (see map below)



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

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

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject plan area is located south of Robert Bockstael Drive and west of Plessis Road in the Sage Creek neighbourhood of the St. Boniface Ward.
- The plan area is vacant and approximately **49.73 acres in area.**
- The site is zoned “RR5” Rural Residential 5 and is located within the Areas of Stability – Recent Communities Policy Area under the *Complete Communities Direction Strategy*.
- The site is also located within the Residential Policy Area under the *South St. Boniface Secondary Plan*.



Figure 1: Aerial photograph showing approximate area of the subject site (2016)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Residential lots zoned R1-S and R1-M created under DASZ 45/2013 and park land zoned PR1.

South: Kotelko Drive and the Perimeter Highway (PTH 100).

East: Plessis Road, which marks the City of Winnipeg boundary; then the RM of Springfield.

West: A Manitoba Hydro transmission corridor zoned RR5.

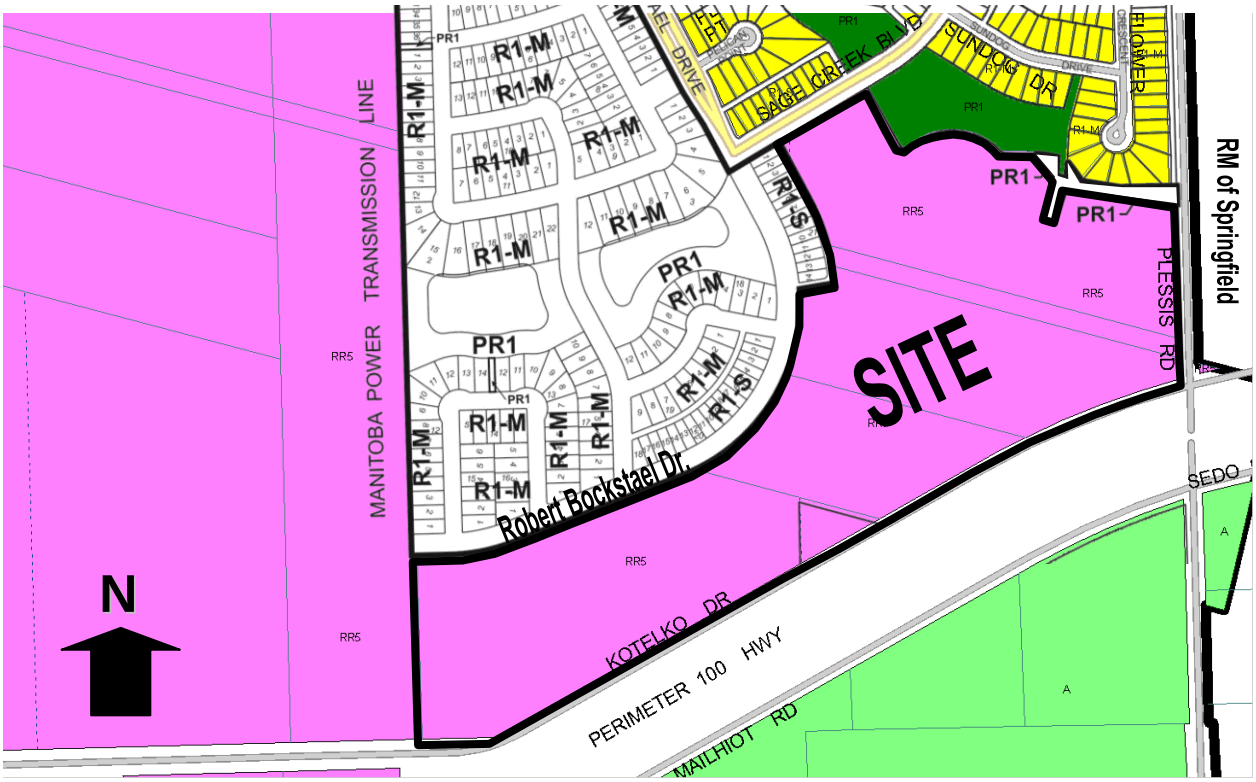


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide and rezone the subject 49.73 acre site from "RR5" Rural Residential 5 to blocks zoned "R1-M" Residential Single-Family Medium and "PR1" Parks and Recreation 1 (Neighbourhood) in order to create the next residential development phase for Sage Creek.
- This subdivision is considered Phase 9B of the Sage Creek development and will connect to Phase 9A to the north (see DASZ 45/2013) and Phase 6 to the northeast (see DASZ 3/2011).
- The applicant is proposing that approximately 37.48 acres or about 75% of the gross area of the site will be used for the development of 285 single-family lots/homes that will be zoned R1-M.

- Approximately 2.18 acres or about 4% of the gross area of the site will be used for public reserve zoned PR1.
- The remainder of the site will be used for street right-of-ways that include the widening of Plessis Road.

ANALYSIS AND ISSUES

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

SOUTH ST. BONIFACE AREA STRUCTURE PLAN (SECONDARY PLAN)

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

    5.1.2 Residential Area Policies

    1) Composition of Residential Area

    (a) Subject to the policies of this Plan,

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

    (ii) alternative housing forms, including multi-unit and special needs housing, institutional uses, recreational uses, public uses, and local commercial sites, and other similar and accessory uses to

the above, may be allowed within the Residential Area where determined to be compatible and appropriate, and

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

2) Transit Service to the Residential Area

The Residential Area shall:

(i) be served by public transit, and

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

5.2.2 Neighbourhood Node Policies

1) Composition of Neighbourhood Nodes

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

(i) shall contain

(A) one or more transit stops, and

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

3) Density of Neighbourhood Nodes

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

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

ZONING

"RR5" Rural Residential 5 District

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

"PR1" Parks and Recreation 1 (Neighbourhood) District

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

"R1-M" Residential Single-Family Medium District

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

LAND USE BY-LAW

Rezoning

- The RR5 zoning district is intended for large-lot (5 acre minimum) rural development. The applicant is proposing to rezone the land from RR5 to R1-M and PR1 in order to create a fully-serviced residential subdivision that is part of the Sage Creek development.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The proposed subdivision and rezoning represents a logical connection to existing approved subdivision and rezonings within Sage Creek, notably Phases 9A and 6, which are located to the north and northeast (see files DASZ 45/2013 and DASZ 3/2011 respectively). It should be noted that on May 12, 2015 Council granted Qualico a ten year extension to complete the registration of the rezoning and subdivision plan approved under DASZ 45/2013.
- The proposal to locate exclusively single-family housing in Phase 9B is consistent with the policies directing development under *the South St. Boniface Area Structure Plan* and is considered appropriate given the location of the site abutting the Perimeter Highway to the south and the City boundary to the east.
- The PR1 land located in the southern portion of the site abutting the Perimeter Highway is proposed to accommodate the sound attenuation measures required under the City's Motor Vehicle Noise Policies and Guidelines as noted under 2(A)(iv) of the recommended Zoning Agreement.
- The subject planned area contains a portion of a Neighbourhood Node. Under DASZ 45/2013 the applicant provided a concept demonstrating how the proposed development in combination with Phase 9A can meet the required minimum land area and density requirements of 5.2.2(3) of *the South St. Boniface Area Structure Plan* (see Figure 3 below). The subject application aligns with the proposed concept plan provided.

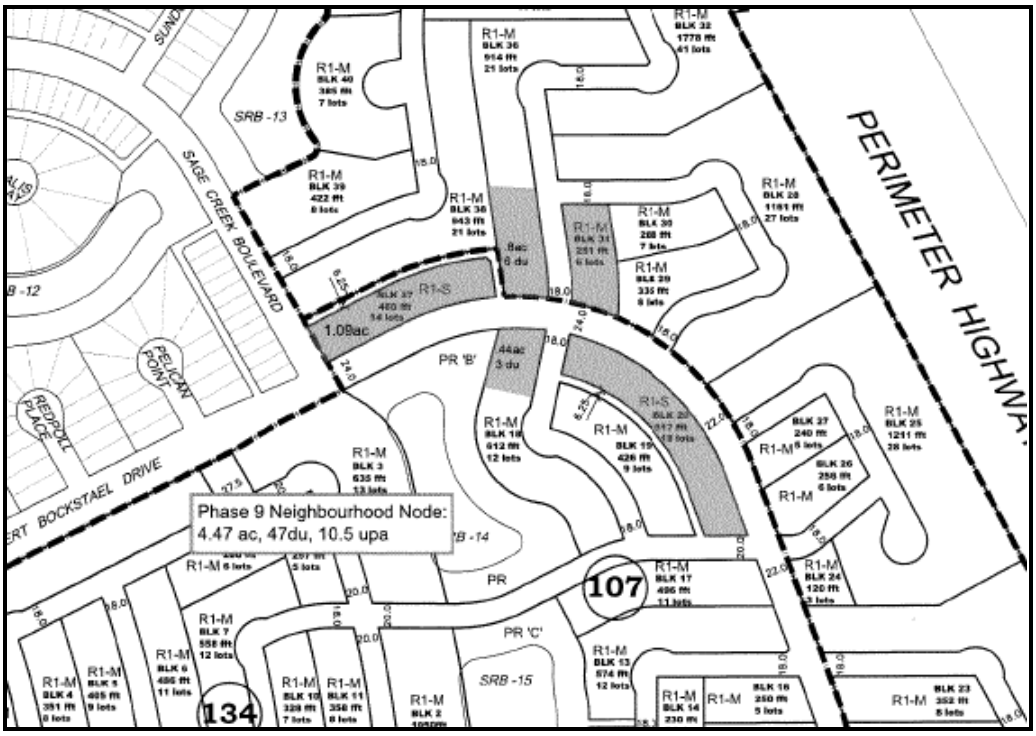


Figure 3: Proposed land area and density for Neighbourhood Node

SCHEDULE B – PATHWAY CONNECTIONS AND LOT ORIENTATION

- The Public Service is recommending two proposed changes to the original plan shown on Schedule “A” that are reflected in Schedule “B”. These changes include:
    - The addition of two Public Reserves (zoned PR1), in Block 3 and Block 7, that provide an opportunity for future pedestrian/cycling connections out to the service road consistent with the approach taken in the Riverpark South area (see DASZ 9/2011). These connections may also provide linkages to the off-street active transportation paths along Lagimodiere Boulevard and Plessis Road identified in *the Winnipeg Pedestrian and Cycling Strategies*.
    - Correcting the orientation of Lot 1, Lot 2, and Lot 3, Block 3 to front onto the local residential street instead of the collector street (i.e., Robert Bockstael Drive), as private approaches are prohibited off of collector streets.

LAND DEDICATION

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

RECOMMENDATION

The Urban Planning Division recommends **approval as modified in Schedule "B"** for the following reasons:

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

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

Report Prepared By: Elise Finnigan, MA Planning
PPD File # DASZ 20/2016

Schedule "A" Advertised Subdivision and Rezoning for Planned Area

By-Law No. _____

File No. **DASZ 20/16**

Atlas Sheet No.

N

AH32
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located in Sage Creek Phase 9B, Northwest Corner of Plessis Road & Perimeter Highway from a "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE FAMILY (MEDIUM) DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the continuation of the Sage Creek Neighbourhood Plan by the creation of lots, public reserve and public right-of-ways for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" for File No. DASZ 20/2016, Riel Community Committee, dated November 28, 2016

By-Law No. _____

Atlas Sheet No.

N

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File No. **DASZ 20/16**

Explanation

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THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE C

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – October 12, 2016

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT NW CORNER OF PLESSIS ROAD AND THE PERIMETER HWY. – SAGE CREEK PHASE 9B – DASZ 20/16

It is recommended that the approval of DASZ 20/2016, 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, legally open property required for a 5.942m widening to the Plessis Road right-of-way, along the full length of the Planned Area abutting Plessis Road, to the satisfaction of the Director of Public Works.
2) The Developer shall, at no expense to the City, legally open right-of-way to accommodate the proposed cul-de-sac turnaround consistent with the dimensions, as per the City's Transportation Standards Manual (M-10 or ST-90A).
3) The proposed cul-de-sac street shall not exceed a length of 105m.
4) The Developer shall, at no expense to the City, 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) 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.
6) Where two local residential streets intersect with a residential collector street on opposite sides of said collector, the centerlines of the local streets are to be aligned to be coincident with one another at their intersection with the collector or be offset by a minimum of 45.0m along the collector.
7) Where local residential streets are aligned to curve within 20.0m of their intersection with a residential collector street, such curves are to have a minimum centerline radius of 60.0m.
8) The Developer shall provide two walkways connecting to the Perimeter Highway as shown in Schedule "B".

B. SERVICING REPORTS

The Developer shall:

a) provide a comprehensive servicing report, prepared by a qualified municipal engineer, outlining the provision of underground services for the planned area and adjacent lands

b) submit Servicing Criteria sheets for water, wastewater and land drainage facilities including plans showing the current and ultimate service areas

C. SERVICING REQUIREMENTS

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 in 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 in the servicing report all to the satisfaction of the Director of Water and Waste.

3) Lot Line Services

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.

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.

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

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

5) Stormwater Management Facilities

The Developer's share of the stormwater management facilities owing under this agreement shall be credited against the cost of the facilities previously constructed by the Developer as determined by the Director of Water and Waste.

6) 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

7) Pavements

a) The Developer shall, at no expense to the City, construct 7.5m wide by 150mm thick Portland cement concrete pavements 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 sewer, all as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct the proposed cul-de-sac as per the City's Transportation Standards Manual (M-10 or ST-90A), as determined by and to the satisfaction of the Director of Public Works.

8) Sidewalks

It is recommended that the Developer, at no expense to the City, construct a 1.5m wide Portland cement concrete sidewalk and related works, on the standard alignment, 0.3m off of the property line, along the west side of the west leg of the second Bay east of the Manitoba Transmission Line, as determined by and to the satisfaction of the Director of Public Works.

9) Temporary Dead-End Street

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.

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

10) 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.

11) 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.

12) Private Approaches

a) No private approaches serving residential development will be permitted off of Plessis Road.

b) No private approaches off the Perimeter Highway

13) Fencing

The Developer shall, at no expense to the City:

a) construct within the rear yards of all one and two family lots abutting Plessis Road, a uniform noise fence 2.0m in height, to the satisfaction of the Director of Public Works.

b) construct within the rear yards of all one and two family lots abutting the Perimeter Highway (Provincial Trunk Highway 100), 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 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

14) Noise Attenuation and Setbacks

All single-family and two-family residential lots backing onto the Perimeter Highway, shall be of sufficient depth to provide a minimum rear-yard setback which together with other sound attenuation measures such as a berm and/or noise attenuation fence achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65

dBA in the typical outdoor recreation area of those lots, and the Zoning Agreement covering those lots shall stipulate this minimum rear yard. Where the City has not received (from the Developer) and approved an analysis and recommendations for a berm and setback prior to the execution of the Zoning Agreement, the Zoning Agreement shall stipulate a minimum rear yard of 22.5m. The minimum berm height shall be determined by the Director of Public Works, all to the satisfaction of the Director of Public Works.

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) Development Information Signs

Prior to construction, the Developer shall, at no expense to the City, obtain approval of and install, and subsequently maintain, at the entrances to the Community, development information signs, containing no advertising, and showing the Planned Area, zoning information, a north directional arrow, Plessis Road, the Perimeter Highway (Provincial Trunk Highway 100), all proposed arterial and collector streets, sidewalks, public walks, active transportation facilities, all proposed parks, storm water retention facilities and all proposed community mailbox sites, all with the approval of and to the satisfaction of the Director of Planning, Property and Development.

18) Land Dedication

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

b) The Developer shall, at no expense to the City, landscape the public reserves to a standard consistent with the level of development established in previous phases of the Sage Creek Development, all in accordance with plans and specification provide by the Developer and approved prior to the commencement of construction by the Director of Planning Property and Development. The scope of landscaping shall

include pathway development, naturalized areas (if determined appropriate), tree planting and site drainage that avoids or minimizes run off across the path system.

c) In circumstances where a path is intended to cross over a berm the Developer shall ensure the site and berm configuration and grading has been designed to accommodate the pathway and still comply with the City of Winnipeg Accessibility Design Standards.

d) 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 bermed portion of the Public Reserve lands abutting the future Perimeter Highway, to the approval and satisfaction of the Director of Public Works

e) 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.

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

g) Securities for Public Reserve improvements shall not be released until Final Acceptance has been issued and as-built drawings have been received and accepted as complete by the Director of Public Works.

19) Utilities

a) The Developer shall, at no expense to the City, cause to be installed ornamental street lights in all streets within the Planned Area, to the satisfaction of the Director of Public Works.

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.

20) 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.

21) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, 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 Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

C. COSTS AND FEES

1. By-laws and Approvals

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

2. Professional Fees

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

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

3. Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $2138.00/acre of the planned area to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 20/2016
November 25, 2016

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