Agenda – Council – September 27, 2017

Report – Executive Policy Committee – September 20, 2017

Item No. 10 Subdivision – 107 Burning Glass Road and 130 Sage Creek Boulevard (St. Boniface Ward)
File DAS 20/2017

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 20, 2017, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That the plan of subdivision under File DAS 20/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 20/2017 dated August 29th, 2017 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 June 14th, 2017, which is Schedule "B" of this report.

2. 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:

    A. That, no private vehicular approaches shall be permitted Lot 3 along the Sage Creek Boulevard frontage.

3. That, in lieu of land, the Developer shall provide a cash payment representing ten percent (10%) of the appraised value of the Development Application, as determined by the City.

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

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

Report – Executive Policy Committee – September 20, 2017

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution of the City of the Development Agreement.

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 this 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 – Executive Policy Committee – September 20, 2017

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 20, 2017, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 11, 2017, 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 – 107 Burning Glass Road and 130 Sage Creek Boulevard File DAS 20/2017**

For submission to: **Executive Policy Committee**

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

Report date: **September 13, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 11, 2017, 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 under File DAS 20/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 20/2017 dated August 29th, 2017 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 June 14th, 2017, which is Schedule "B" of this report.

2. 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:

    A. That, no private vehicular approaches shall be permitted Lot 3 along the Sage Creek Boulevard frontage.

3. That, in lieu of land, the Developer shall provide a cash payment representing ten percent (10%) of the appraised value of the Development Application, as determined by the City.

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution of the City of the Development Agreement.

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 this 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 for its recommendation:

1. This concurs with Plan Winnipeg.

PUBLIC HEARING SUMMARY

File:	DAS 20/2017
Before:	Riel Community Committee Councillor Mayes, Chairperson Councillor Allard Councillor Lukes
Public Hearing:	September 11, 2017 Council Building, 510 Main Street
Applicant:	Qualico Developments (Winnipeg) Ltd. and Sage Creek Development Corporation (Jordan Sodomsky)
Subject:	
Premises Affected:	107 Burning Glass Road and 130 Sage Creek Boulevard

Exhibits Filed:

1. Application dated June 22, 2017
2. Notification of Public Hearing dated July 21, 2017
3. Manitoba Status of Titles 2878592/1 and 2891090/1
4. Letter of authorization from Sage Creek Apartments Inc. to Sage Creek Development Corporation and Qualico Developments (Winnipeg) Ltd.
5. Surveyor's Building Location Certificate and sketches dated between September 21, 2016 and October 27, 2016
6. Zoning Agreement for File DASSF 581/2007 dated February 22, 2006 between The City of Winnipeg and Sage Creek Development Corporation
7. Zoning Agreement for File DASZ 32/2007 dated November 21, 2007 between The City of Winnipeg and Sage Creek Development Corporation
8. Caveats 3409256 and 3643162
9. Report from the Urban Planning Division dated August 29, 2017
10. Inspection Report

REPRESENTATIONS:

In Support:

Trevor Grafton
Lyne Jones
Jordan Sodomsky
Eric Vogan

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

Exhibit "9" referred to in File DAS 20/2017

ADMINISTRATIVE REPORT

Title: DAS 20/2017 – 107 Burning Glass & 130 Sage Creek Cr

Issue: An application for consideration at the public hearing for a subdivision to create three lots and a public lane.

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 under File DAS 20/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 20/2017 dated August 29th, 2017 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 June 14th, 2017, which is Schedule "B" of this report.

2. 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:

   A) That, no private vehicular approaches shall be permitted Lot 3 along the Sage Creek Boulevard frontage.

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applied for prior to the expiry of the two (2)-year period and Council approves the extension.

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

REASON FOR THE REPORT

- The applicant intends to create three (3) lots and a public lane. This proposal requires a DAS subdivision application given the proposed development includes the opening of a public lane.
- Subdivisions that include public road openings 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 Public Service are concurred in, the subject property will be subdivided as proposed and a public right-of-way will be opened.

HISTORY

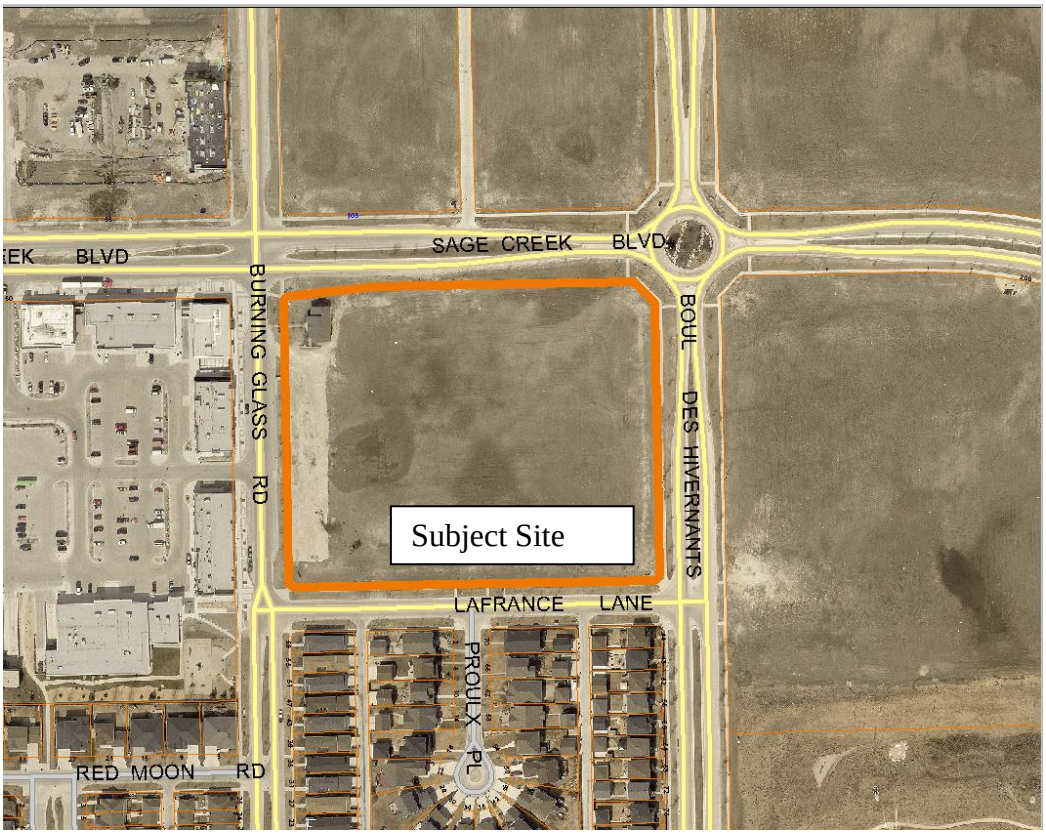
Plan Approval

- The Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and approved the plans for southwest corner of Sage Creek Boulevard at Des Hivernants Boulevard, subject to the following condition:
  - That the principal building be designed to minimize the setback to Sage Creek Boulevard in order to reflect the Village Centre design policies of the South St. Boniface Secondary Plan, all to the satisfaction of the Director of Planning, Property and Development.

DAS 48/2016 (withdrawn January 3, 2017)

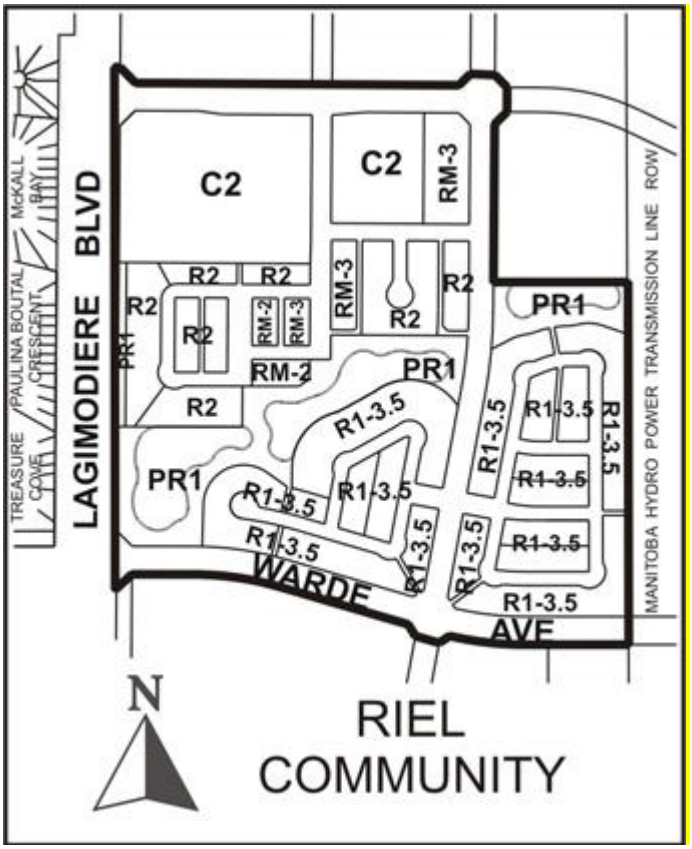
DASSF 581/2007

- This short form subdivision splits the lands shown below in a manner that reflects the subdivision of the land on the north side of the street directly opposite of this site. Finalizing the DASSF allows for the current DAS application to create new lots and a public lane.



DASZ 51/2005

- On February 22, 2006, Council approved a subdivision and rezoning application that created the first phase of the Sage Creek neighbourhood. The subject property was created and zoned “C2” Commercial Community.
- As per the zoning agreement, final site plans for the “C2” Commercial district as well as the multi-family district sites specifically outlining building location and building profile details, parking areas, approaches, signage, exterior lighting, landscaping, fencing, garbage enclosures, etc. be approved by the Director of Planning, Property and Development and the Riel Community Committee.
- The planner’s report made reference to the Village Centre area, noting that “the design of the Village Centre will include strong and convenient vehicle and pedestrian connections within the site and to the surrounding area. It is also apparent that the applicants have endeavored to minimize building setbacks along the major roadways such as Sage Creek Boulevard and Boulevard des Hivernants in order to create an urban setting to encourage a strong pedestrian environment”.



South St. Boniface Area Structure Plan (By-law 158/05)

- On November 23, 2005, Council adopted the *South St. Boniface Area Structure Plan* (By-law 158/05) 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.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Richard Mahé
Date:	August 29th, 2017
File No.	DAS 207/2017

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — File No. DAS 20/2017 Riel Community Committee, dated June 14th, 2017
3. Schedule “B” — Report of the Administrative Coordinating Group (ACG)

APPENDIX 'A'

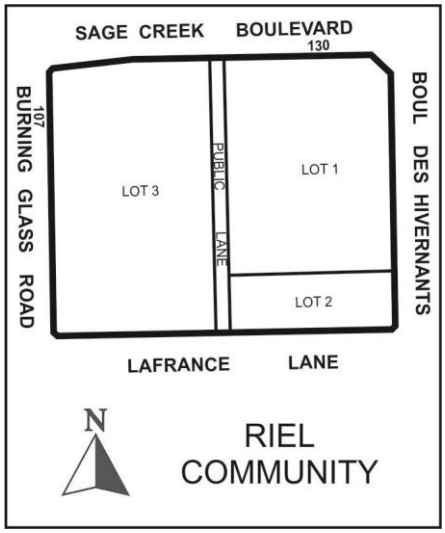
DATE: August 29, 2017

FILE: DAS 20/2017
RELATED FILES: DASSF 581/2007; DASZ 51/2005; DAS 48/2016 (withdrawn January 3, 2017)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.553 – Sage Creek

SUBJECT: An application for consideration at the public hearing for a subdivision to create three (3) lots and open a right-of-way.

LOCATION: 107 Burning Glass & 130 Sage Creek Cr
LEGAL DESCRIPTION: LOT 1 AND 2 PLAN 60370 WLTO INLOTS 184 AND 213 OF THE ROMAN CATHOLIC MISSION PROPERTY



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 site is located on the south side of Sage Creek BLVD between Boulevard des Hivernants and Burning Glass Rd in the Sage Creek neighbourhood of the St Boniface ward.
- Both existing sites are currently vacant and consist of the following:
  - 130 Sage Creek Boulevard is approximately 3.1 acres and is zoned RMF-M (Multi-family Medium).
  - 107 Burning Glass is approximately 3.3 acres and is zoned C2 – Commercial Community.
- The properties are located in the middle of the area designated as “Village Centre” under the South St. Boniface Area Structure Plan.



Figure 1: Aerial photograph showing the location of the subject site and surrounding area (2016)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Vacant lands zoned Commercial Community (C2) and RMF-M – Residential Multi-Family Medium (RMF-M).

South: La France Lane; then single-family homes zoned Residential Two-Family (R2).

East: Vacant lands zoned Rural Residential 5.

West: Commercial lands zoned Commercial Community (C2).

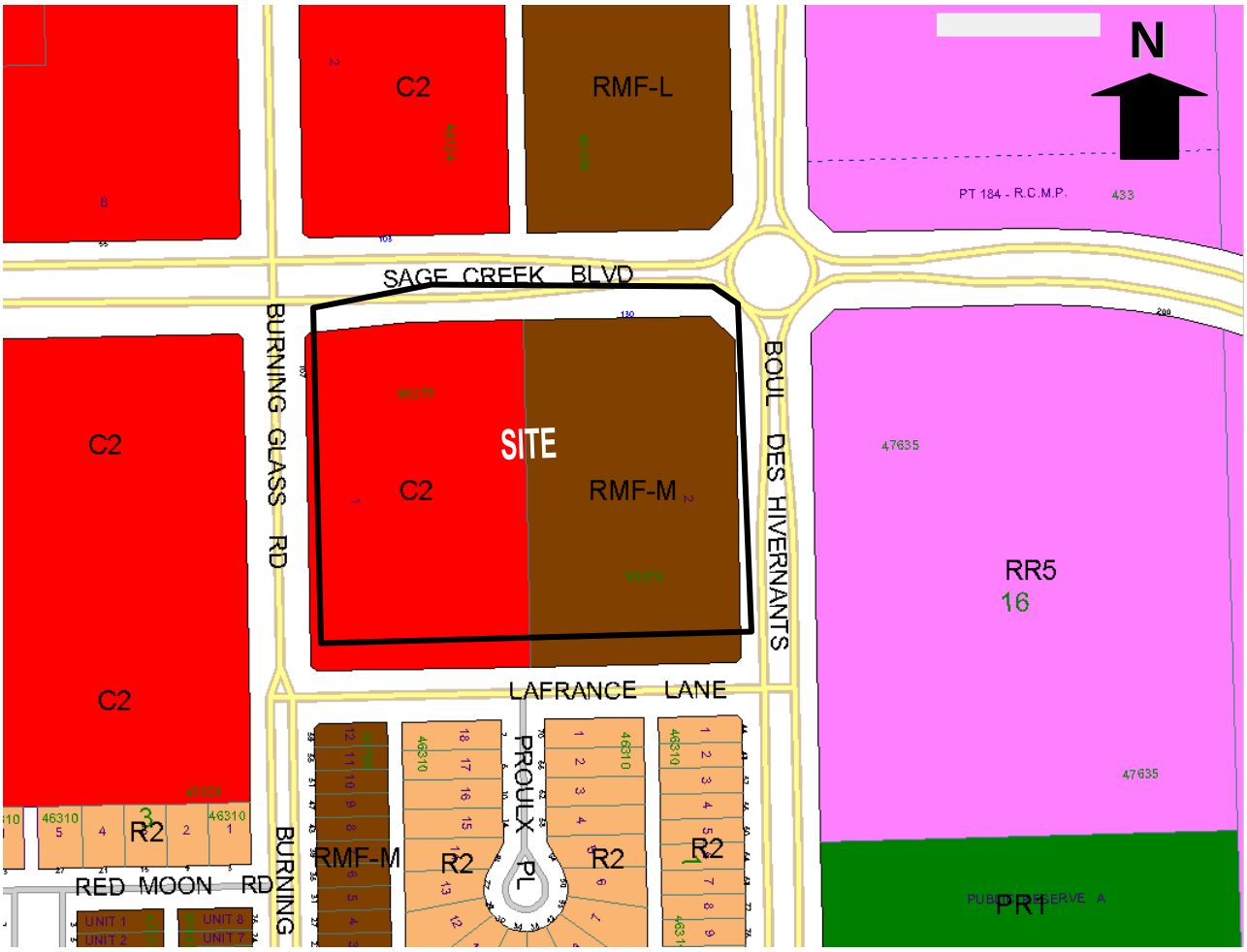


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the subject property into three (3) lots and create a new north south public lane from La France Lane to Sage Creek Boulevard.
- This proposal requires a long form subdivision application (DAS) given the proposed development includes the opening of a public right-of-way.

ANALYSIS AND ISSUES

SOUTH ST. BONIFACE AREA STRUCTURE PLAN (SECONDARY PLAN)

- The subject site is located within the Village Centre policy area under the South St. Boniface Area Structure Plan (Secondary Plan). Relevant policies to this application include:

5.3.2 Village Centre Policies

1) Composition of the Village Centre

(a)(i) a significant use of land within the Village Centre shall be retail and service commercial uses located within a comprehensively planned Village Centre.

4) Design of the Village Centre

(a) The Village Centre shall contain as part of its design a well-defined pedestrian-oriented component.

(i) A highly visible and accessible location,

(ii) Internal pedestrian routes to buildings and amenities,

(iii) A pedestrian precinct that integrates mixed use buildings (commercial and residential) with adjacent related uses and includes walking, entertainment, and meeting areas,

(v) Strong and convenient pedestrian connections to other uses on the site

5) Suggested Criteria for a Design Concept of the Village Centre

(a) The Village Centre Design Concept should:

(i) Provide for the compatible interface treatment with adjacent development,

(ii) Minimize the intermixing of commercial and residential traffic on internal roads within an adjacent residential area,

(iii) Contain a visually appealing site design and landscape treatment particularly when visible from roads with higher volumes of traffic,

(iv) Be suitably integrated with any residential, institutional, recreational, and public uses within or adjacent to the site,

(v) Connect to local pedestrian trails, and be conveniently and directly accessible to pedestrians both within and adjacent to the site

vi) Ensure convenient and efficient road, pedestrian, and pathway connections that converge on the Village Centre from the surrounding residential areas are provided.

vii) Contain parking areas that are designed to maximize direct access to adjacent uses while not to visually overwhelm the landscape. Methods by which this can be implemented include, but are not limited to the following:

A) Appropriate landscaping through earth berms, tree/shrub planting, and/or fencing,

B) On-street parking,

C) Parking areas between buildings

viii) Minimize building setbacks along major roadways in order to create an “urban setting” to encourage a strong pedestrian environment. The facades of these buildings should be made attractive through various methods including appropriate articulation, glazing, and use of a variety of building materials.

ix) Illustrate and locate the various categories of uses within the Village Centre.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- Under the South St. Boniface Area Structure Plan, these lands are located in the Village Centre Policy Area. The design intent for the Village Centre is to create a well-defined pedestrian-oriented environment. Though site designs are not being provided with this application, the Winnipeg Public Service (WPS) wants to ensure that what is being approved does not preclude creating that kind of pedestrian-oriented environment in the future. It is the opinion of the WPS that the location of the north south public lane will not compromise the future potential of realizing the design objectives of the Village Centre policies.
- Of particular interest, is how the lands will be designed to reflect those policies in the Area Structure Plan. Qualico has committed to revising their Village Centre Concept and present it to the October 2nd, 2017 Riel Community Committee for endorsement. The original concept for the Village Centre was presented to the Riel Community Committee at the Public Hearing for DASZ 51/05 on January 17, 2006, as required by Clause 5.3.2 4(b) of the South St. Boniface Area Structure Plan (see Figure 3 below). This original concept was provided as part of their phase 1 subdivision application DASZ 51/2005.

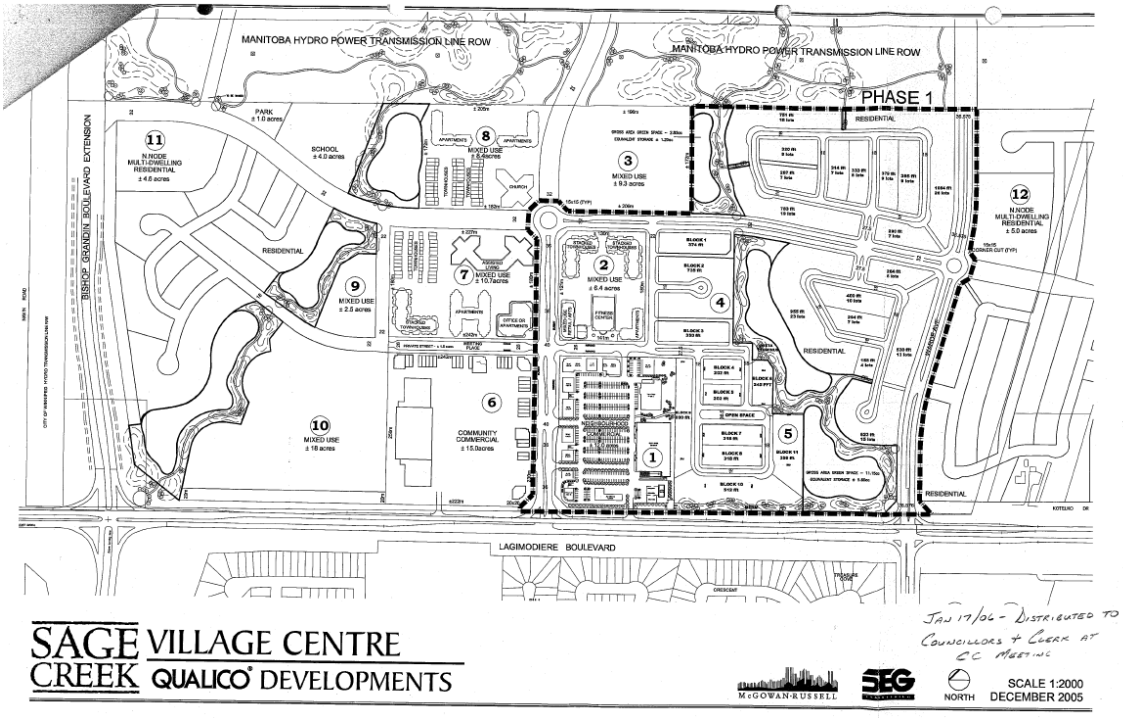


Figure 3: Village Centre Concept (2006)

RECOMMENDED CONDITIONS OF APPROVAL

- Given that a north south public lane is being created to serve these three lots, the Winnipeg Public Service (WPS) recommends limiting access to proposed lots 2 and 3 as follows:
    - For proposed Lot 3, the WPS recommends no additional approaches onto Sage Creek Boulevard. The north south public lane is intended to operate as that approach. Additional approaches will only disrupt traffic flow further on Sage Creek Boulevard and create another point of conflict with pedestrians. Burning Glass Road should only have one (1) means of vehicular access, preferably opposite the access to the commercial centre to the west. Further, access to La France should be limited to the proposed back lane.
    - For proposed Lot 2, the WPS recommends no additional approaches onto La France or Boulevard des Hivernants. Given the size of the lot, the north south back lane should be able to accommodate site access. It is important to note, that direct vehicular access from front access driveways to a townhouse product will be strongly discouraged given that both Boulevard des Hivernants and La France Lane are collector streets.
- It should be noted that these access recommendations are consistent with the original concept for the Village Centre that Qualico provided to the Riel Community Committee in 2006.

RECOMMENDATION

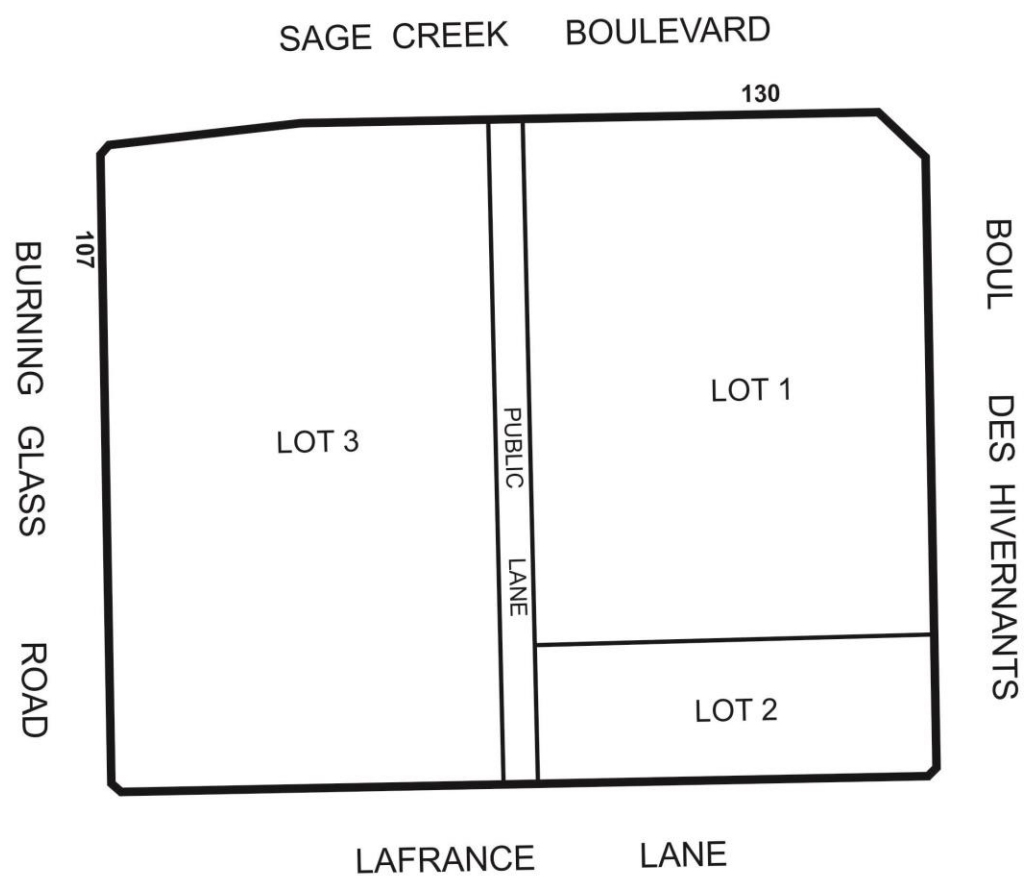
The Urban Planning Division recommends approval with conditions for the following reasons:

- The proposal is consistent with the policies of *OurWinnipeg* and the *Complete Communities Direction Strategy* which supports context sensitive infill development that addresses the transition between new and existing development.
- The proposal to create a lane at this location conforms to the South St. Boniface Secondary Plan.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Richard Mahé
PPD File # DAS 20/2017

Schedule "A" for File No. DAS 20/2017, Riel Community Committee, dated August 29th, 2017

By-Law No.	File No. **DAS 20/17**
Atlas Sheet No. N **AG31 RIEL COMMUNITY**	Explanation: An application for the approval of the plan of subdivision shown outlined below on the land located at 107 Burning Glass Road and 130 Sage Creek Boulevard for the establishment of a north-south public lane right-of-way and to facilitate the creation of lots for future development.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – June 14, 2017

RE: PROPOSED SUBDIVISION ON LAND LOCATED AT 107 BURNING GLASS ROAD AND 130 SAGE CREEK BOULEVARD – DAS 20/2017

It is recommended that the approval of DAS 20/2017, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

A. PLAN CONSIDERATIONS

The proposed public lane is to be established with a 7.25m wide right-of-way, to the satisfaction of the Director of Public Works.

B. SERVICING

1) Pavement

The Developer shall, at no expense to the City, construct Portland cement concrete pavements, 6.0m wide by 150mm thick in the proposed public lane within the Planned Area, and all related works, as determined by and to the satisfaction of the Director of Public Works.

2) 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.

3) Utilities

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

b) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

4) 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.

5) 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. DAS 20/2017
November September 5, 2017

"*Original Signed by G. Jasper"*
G.V. Jasper P. Eng.,
Land Development Branch

"*Original Signed by C. Desjardine"*
C.J. Desjardine P. Eng.
Public Works Department

GJ/gj