Minute No. 135
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 15, 2016

Item No. 1 Subdivision and Rezoning – Southwest corner of McPhillips Street and Murray Avenue (Precinct "F")
(Old Kildonan Ward)
File DASZ 40/2015

COUNCIL DECISION:

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

1. That the plan of subdivision proposed under File DASZ 40/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "D" for File DASZ 40/2015 dated January 5, 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 a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 4, 2015 which is Schedule "B" of this report, with the following amendments:

      C. AGREEMENT CONDITIONS, SECTION I - SERVICING:

         i. Amend Condition 23 Public Reserve by adding the words "and the Lord Selkirk-West Kildonan Community Committee" at the end of each sentence.

         ii. Add the following Condition:
         "27. Playground Structure and Park Site Amenities
            a) The Developer shall at no expense to the City install a playground structure and park site amenities in accordance with plans and specifications approved by the Director of Public Works and the Lord Selkirk-West Kildonan Community Committee.

            b) The playground structure shall be installed during the 2017 construction season unless otherwise agreed upon by the Lord Selkirk-West Kildonan Community Committee."

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COUNCIL DECISION (continued):

B. 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 "C4", "RMF-M" and "RMF-L" the following conditions shall apply:

a. That for the development of any building, 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.

ii. That the maximum height of any building on lands zoned "RMF-L" shall not exceed 65 feet.

iii. That, the developer, at no expense to the City, shall construct a landscape buffer along the entire length of the most easterly "C4" lands no less than 25 feet in width and must include a minimum of one tree for every 20 lineal feet.

iv. That, 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.

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COUNCIL DECISION (continued):

v. 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.

2. That prior to the issuance of the first permit for single, two family and town houses within the planned area, the developer must submit a sample of elevations to be approved by the Lord Selkirk-West Kildonan Community Committee.

3. That the following shall apply to development on the "C4" lands:

A. That prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service ("WFPS"), the Developer shall install and erect, at his own expense and at no cost to the City, signs depicting the Master Plan of development on the subject property as it exists from time to time. Such signs shall clearly show the location of all existing buildings, accessory parking areas, private approaches, garbage enclosures, internal roads, building addresses and/or unit numbers, and building names, and must be posted at outside locations near the public right-of-way and internal roads on the subject property. The location, quantity, size and illumination of such signs will be determined by the Chief of WFPS. The Developer shall maintain all such signs to the satisfaction of the Chief of the WFPS;

B. That copies of the current Master Plan be provided to the Chief of WFPS prior to the issuance of any new occupancy permit and/or upon the request of the Chief of WFPS;

C. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

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COUNCIL DECISION (continued):

D. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

E. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

F. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

G. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

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

I. That all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices as required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity;

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COUNCIL DECISION (continued):

4. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 10571/2 (Schedule C) as surplus to the City's needs.

5. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 10571/2 (Schedule C), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

7. 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.

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

9. 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.

10. 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.'

11. 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 15, 2016

COUNCIL DECISION (continued):

12. 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.

13. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

14. 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.

15. That the Proper Officer of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 15, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 12, 2016, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

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

  C. AGREEMENT CONDITIONS, SECTION I - SERVICING:

  i. Amend Condition 23 Public Reserve by adding the words "and the Lord Selkirk-West Kildonan Community Committee" at the end of each sentence.

  ii. Add the following Condition:
  "27. Playground Structure and Park Site Amenities

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DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

a) The Developer shall at no expense to the City install a playground structure and park site amenities in accordance with plans and specifications approved by the Director of Public Works and the Lord Selkirk-West Kildonan Community Committee.

b) The playground structure shall be installed during the 2017 construction season unless otherwise agreed upon by the Lord Selkirk-West Kildonan Community Committee."

- Add the following new recommendation:

  "2. That prior to the issuance of the first permit for single, two family and town houses within the planned area, the developer must submit a sample of elevations to be approved by the Lord Selkirk-West Kildonan Community Committee."

- Renumber the balance of recommendations accordingly.

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

On December 8, 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 January 12, 2016 at 5:00 p.m. in the Council Building at 510 Main Street.

RE: **Subdivision and Rezoning – Southwest corner of McPhillips Street and Murray Avenue (Precinct "F")**
File DASZ 40/2015

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

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

Report date: **January 13, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 12, 2016, 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, Heritage and Downtown Development:

1. That the plan of subdivision proposed under File DASZ 40/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "D" for File DASZ 40/2015 dated January 5, 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 a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 4, 2015 which is Schedule "B" of this report, ***with the following amendments:***

        C. AGREEMENT CONDITIONS, SECTION I - SERVICING:

            i. Amend Condition 23 <u>Public Reserve</u> by adding the words "and the Lord Selkirk-West Kildonan Community Committee" at the end of each sentence.

            ii. Add the following Condition:
            "27. <u>Playground Structure and Park Site Amenities</u>
            a) The Developer shall at no expense to the City install a playground structure and park site amenities in accordance with plans and specifications approved by the Director of Public Works and the Lord Selkirk-West Kildonan Community Committee.

b) The playground structure shall be installed during the 2017 construction season unless otherwise agreed upon by the Lord Selkirk-West Kildonan Community Committee."

B. 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 "C4", "RMF-M" and "RMF-L" the following conditions shall apply:

a. That for the development of any building, 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.

ii. That the maximum height of any building on lands zoned "RMF-L" shall not exceed 65 feet.

iii. That, the developer, at no expense to the City, shall construct a landscape buffer along the entire length of the most easterly "C4" lands no less than 25 feet in width and must include a minimum of one tree for every 20 lineal feet.

iv. That, 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.

v. 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.

2. That prior to the issuance of the first permit for single, two family and town houses within the planned area, the developer must submit a sample of elevations to be approved by the Lord Selkirk-West Kildonan Community Committee.

3. That the following shall apply to development on the "C4" lands:

A. That prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service ("WFPS"), the Developer shall install and erect, at his own expense and at no cost to the City, signs depicting the Master Plan of development on the subject property as it exists from time to time. Such signs shall clearly show the location of all existing buildings, accessory parking areas, private approaches, garbage enclosures, internal roads, building addresses and/or unit numbers, and building names, and must be posted at outside locations near the public right-of-way and internal roads on the subject property. The location, quantity, size and illumination of such signs will be determined by the Chief of WFPS. The Developer shall maintain all such signs to the satisfaction of the Chief of the WFPS;

B. That copies of the current Master Plan be provided to the Chief of WFPS prior to the issuance of any new occupancy permit and/or upon the request of the Chief of WFPS;

C. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

D. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the

street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

E. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

F. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

G. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

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

I. That all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices as required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity;

4. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 10571/2 (Schedule C) as surplus to the City's needs.

5. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 10571/2 (Schedule C), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

7. 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.

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

9. 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.

10. 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.'

11. 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.

12. 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.

13. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

14. 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.

15. That the Proper Officer of the City be authorized to do all things necessary to implement the intent of the foregoing.

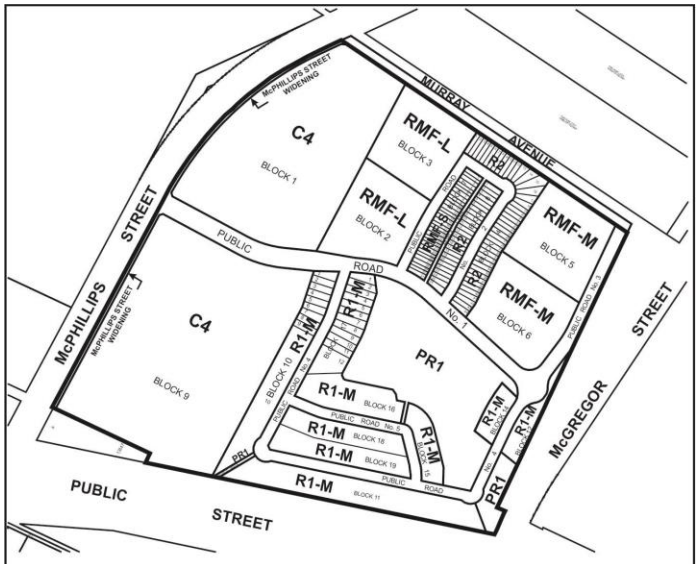
Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. This plan is consistent with Complete Communities, and the Precinct Plan that has been adopted by Council.

PUBLIC HEARING SUMMARY

File:	DASZ 40/2015
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Pagtakhan, Chairperson Councillor Eadie Councillor Sharma
Public Hearing:	January 12, 2016 December 8, 2015 Council Building, 510 Main Street
Applicant:	Richard Wintrup & Associates (John Wintrup)
Subject:	



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LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : RICHARD WINTRUP & ASSOCIATES
FILE : DASZ 40/15
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 "A" AGRICULTURAL DISTRICT, "C2" COMMERCIAL COMMUNITY DISTRICT and "M1" MANUFACTURING LIGHT DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT, "R2" RESIDENTIAL TWO-FAMILY DISTRICT, "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT, "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT, "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT, "C4" COMMERCIAL REGIONAL DISTRICT, "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to facilitate the future commercial and residential development area known as North Point Village (Precinct F) block and lot plan which includes the establishment of public right-of-ways.
For information, phone Mr. N. Yauk, Planner, at 204-986-4560.

Premises Affected: Southeast corner of McPhillips Street and Murray Avenue

Exhibits Filed:

1. Application dated October 14, 2015
2. Notification of Public Hearing dated November 2, 2015
3. Manitoba Status of Titles 2715459/1, 2714952/1, 2720997/1, 2714945/1, 2714948/1, 2720996/1, 1667267/1, 1288596/1 and 2714950/1

4a. Letter of authorization dated October 9, 2015 from Phil McAmmond, North Point Developments Ltd. to Richard Wintrup & Associates

4b. Letter of authorization dated December 7, 2015 from the City of Winnipeg, to Richard Wintrup & Associates

5a. Phase 2 Plans, including Lot information (9 pages)

5b. Plans (3 pages)

6. Report from the Urban Planning Division dated December 1, 2015
7. Inspection Report
8. Notice of Adjournment dated December 10, 2015
9. Revised Report from the Urban Planning Division dated January 5, 2016
10. Concept Plan submitted by John Wintrup, Richard Wintrup & Associates, at the public hearing
11. Schedule "A" and Schedule "D" submitted by John Wintrup, Richard Wintrup & Associates, at the public hearing
12. Recording of Representations of public hearing held on January 12, 2016

REPRESENTATIONS:

In Support:

Jason M.J. Bryk
Phil McAmmond
Paul Moroz
Wayne Okaluk
John Wintrup, Richard Wintrup & Associates
Ross Yaremko

In Opposition

Nil

For Information:

J. Manness

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. F. Ojo, Planner, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "9" referred to in File DASZ 40/2015

ADMINISTRATIVE REPORT

Title: DASZ 40/2015 – South East Corner of McPhillips Street and Murray Avenue

Issue: For consideration at the Public Hearing to rezone land from "A" Agricultural District, "C2" Commercial Community District, and "M1" Light Manufacturing District to an "R1-M" Residential Single-Family Medium District, "R2" Residential Two-Family District, "RMF-S" Residential Multi-Family Small District, "RMF-M" Residential Multi-Family Medium District, "RMF-L" Residential Multi-Family Large District, and "PR1" Parks and Recreation District (Neighbourhood) 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	J. Kiernan	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 40/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "D" for File DASZ 40/2015 dated January 5, 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 a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 4, 2015 which is Schedule "B" of this report.

   B. 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 "C4", "RMF-M" and "RMF-L" the following conditions shall apply:

         a. That for the development of any building, 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.

ii. That the maximum height of any building on lands zoned “RMF-L” shall not exceed 65 feet.

iii. That, the developer, at no expense to the City, shall construct a landscape buffer along the entire length of the most easterly “C4” lands no less than 25 feet in width and must include a minimum of one tree for every 20 lineal feet.

iv. That, 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.

v. 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.

2. That the following shall apply to development on the “C4” lands:

i) That prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service ("WFPS"), the Developer shall install and erect, at his own expense and at no cost to the City, signs depicting the Master Plan of development on the subject property as it exists from time to time. Such signs shall clearly show the location of all existing buildings, accessory parking areas, private approaches, garbage enclosures, internal roads, building addresses and/or unit numbers, and building names, and must be posted at outside locations near the public right-of-way and internal roads on the subject property. The location, quantity, size and illumination of such signs will be determined by the Chief of WFPS. The Developer shall maintain all such signs to the satisfaction of the Chief of the WFPS;

ii) That copies of the current Master Plan be provided to the Chief of WFPS prior to the issuance of any new occupancy permit and/or upon the request of the Chief of WFPS;

iii) That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so

as to be clearly visible from the street or internal road on which the building is located;

iv) Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

v) That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

vi) That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

vii) That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

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

ix) That all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices as required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity;

3. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 10571/2 (Schedule C) as surplus to the City's needs.

4. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 10571/2 (Schedule C), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

6. 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.

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

8. 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.

9. 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.'

10. 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.

11. 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.

12. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

13. 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.

14. That the Proper Officer of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- 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.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject application will be approved with conditions, including modifications to the submitted Schedule A.

HISTORY

- A rezoning on the subject site was approved by Council on April 30, 2014.
- The site is also governed by a Precinct Plan (Precinct F, North Point Village). As per Complete Communities any proposed development must be consistent a Precinct Plan.
- The applicant is proposing changes to the development as approved and has submitted a new DASZ application.
- A Precinct Plan amendment had accompanied the subject application but has been withdrawn as it is no longer necessary.

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:	January 5, 2016
File No.	DASZ 40/2015

List of Attachments:

- APPENDIX 'A': Planners Report

- SCHEDULE “A” FOR FILE NO. DASZ 40/2015, LSWK COMMUNITY COMMITTEE, DATED Oct.8, 2015
- SCHEDULE B: REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – Dated November 4, 2015
- Schedule C: Misc. Plan No. 10571/2
- Schedule “D” FOR FILE NO. DASZ 40/2015, LSWK COMMUNITY COMMITTEE, DATED Jan. 5, 2015.
- APPENDIX B: Design Guidelines for Plan Approval for DASZ 40/2015

APPENDIX ‘A

DATE:	January 5, 2016
FILE:	**DASZ 40/15**
RELATED FILES:	
COMMUNITY:	Lord Selkirk / West Kildonan
NEIGHBOURHOOD #:	West Kildonan Industrial
SUBJECT:	For consideration at the Public Hearing to rezone land from “A” Agricultural District, “C2” Commercial Community District, and “M1” Light Manufacturing District to an “R1-M” Residential Single-Family Medium District, “R2” Residential Two-Family District, “RMF-S” Residential Multi-Family Small District, “RMF-M” Residential Multi-Family Medium District, “RMF-L” Residential Multi-Family Large District, “C4” Commercial District and “PR1” Parks and Recreation District (Neighbourhood) District
LOCATION:	Lands Located at the Southeast Corner of McPhillips Street and Murray Avenue.

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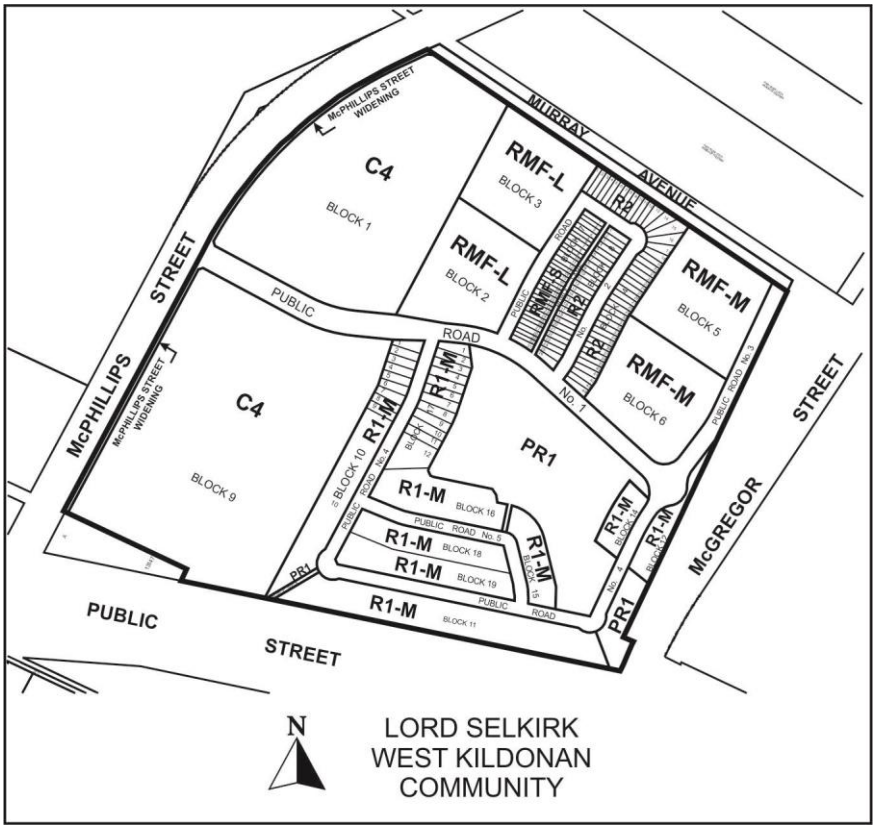


APPLICANT: Richard Wintrup & Associates (John Wintrup)
29 Benson BV
Oak Bluff, MB R4G 0A2

OWNER: North Point Developments
1209 – 91 Roslyn RD
Wpg., MB R3L 2S8

City of Winnipeg (See Misc. Plan)
510 Main St
Wpg, MB R3B 1B9

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-S" Residential Multiple Family District

- "RMF-M" Residential Multiple Family District
- "RMF-L" Residential Multiple Family District
- "C4" Commercial District
- "PR1" Parks and Recreation District

- As per the requirements of OurWinnipeg and Complete Communities, a Precinct Plan was endorsed by Council on April 30, 2014. The Precinct Plan is non-statutory plan and is therefore not a Council By-law.
- The proposed zoning districts are generally in accordance with the policies of the Precinct Plan and are meant to accommodate large format commercial uses and a variety of housing types. Where there are a few potential inconsistencies between the proposed zoning districts and the Precinct Plan policies, consistency can be maintained through the contents of the recommended zoning agreement.
- It is noted that the subject lands were successfully rezoned under DASZ 54, 2013. However, the applicant has made some modifications to the approved rezoning which has necessitated a new DASZ application.
- 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 identified as "Precinct F" in *Complete Communities* are located at the southeast corner of McPhillips Street and Murray Avenue and represent a total land area of approximately 122 acres (see Figure 1).

- It is noted that the boundary of Precinct F was modified by the Director Planning Property and Development which resulted in the removal of lands on the west side of McPhillips Street that were formerly part of Precinct F and the addition of those lands within the adjacent Precinct D.

- The subject lands are bound on three sides by vacant lands and separated from urban development to the south by the future extension of the Chief Peguis Trail.

- The subject lands are guided by the policies of Precinct F.



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

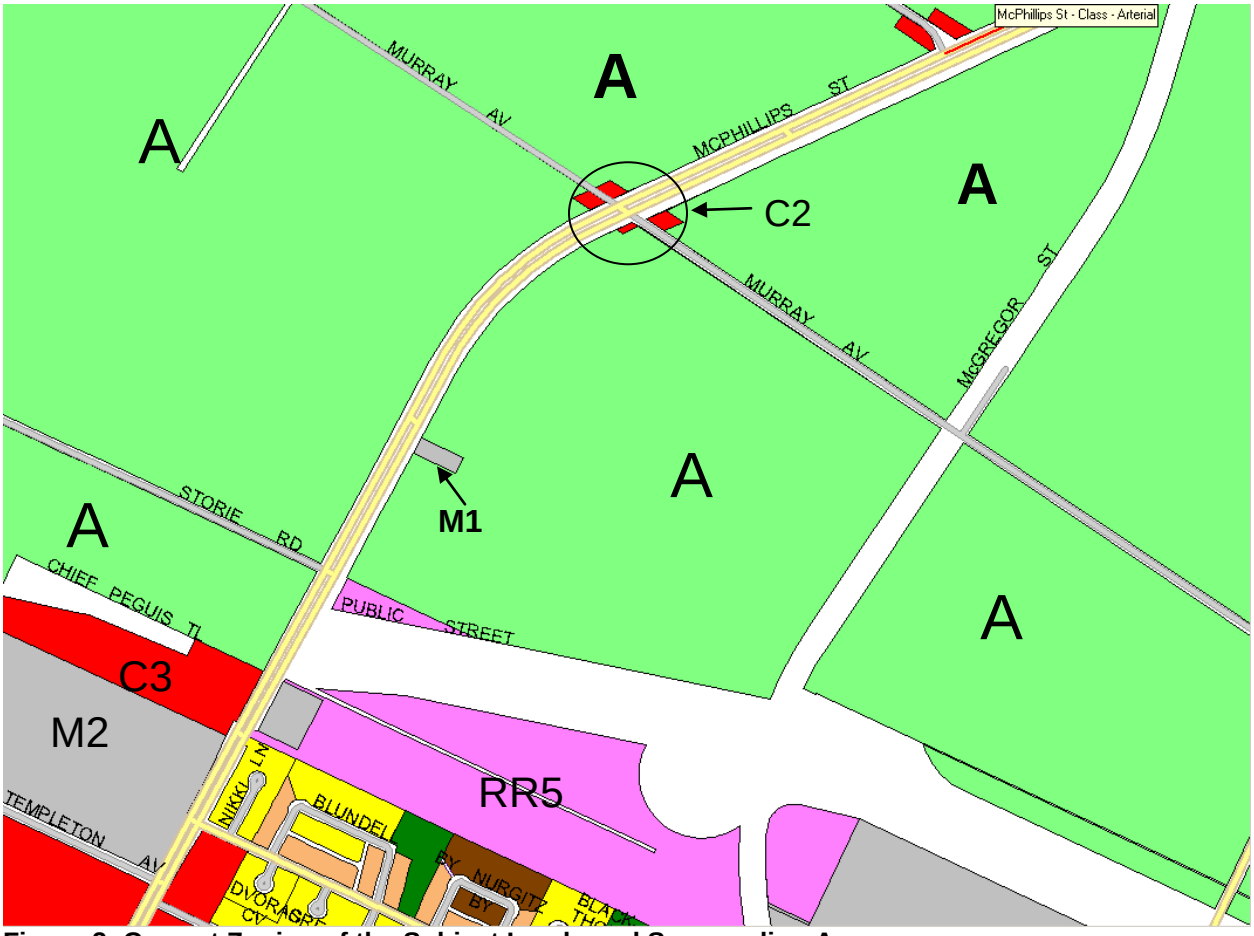


Figure 2: Current Zoning of the Subject Lands and Surrounding Area.

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.
- As per the endorsed Precinct F Plan, the proposed development is consistent with the policies of *OurWinnipeg* and *Complete Communities.*
- The applicant is proposing to rezone the subject lands to the following Districts:

    - "R1-M" Residential District
    - "R2" Residential Two-Family District
    - "RMF-S" Residential Multiple Family District
    - "RMF-M" Residential Multiple Family District
    - "RMF-L" Residential Multiple Family District
    - "C4" Commercial District
    - "PR1" Parks and Recreation District

- Combined, the proposed zoning districts will provide for commercial opportunities as well as a range of housing types.

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the New Communities Policy Area (Precinct F). Any subdivision or rezoning requires that the proposal is consistent with the policies of the Precinct Plan.

PRECINCT PLAN POLICIES

The applicant has submitted a precinct plan concurrent with this DASZ application. The following section summarizes the main land use policies of the Precinct Plan.

Precinct Plan "F" is focused on the following goals:

- Neighbourhood Focus: to encourage a sense of community by creating welcoming and inviting public spaces.

- Housing Diversity: to accommodate a diversity of housing types and tenures to meet the needs of varying income groups, lifestyles, and families. Residential development includes single-family homes, townhouses, multi-plexes and apartment buildings, including affordable housing and rental units.

- Market Demand: to respond to the market demand for a variety of housing types and tenures.

- Compact Development: to provide a mix of land uses in an efficient way to achieve a walkable community and a transit supportive population density.

- Employment Opportunities: to provide a variety of employment opportunities in close proximity to the residential neighbourhood.

- Transportation: to create an interconnected, safe and efficient transportation network that balances the needs of pedestrians, cyclists, public transit users, and motorists.

- Public Transit: to promote the use of public transit through efficient and convenient transit routing that aims to locate a transit route within 400m of every residence.

- Park Space: to provide outdoor spaces that become gathering places and support active and healthy lifestyles by providing opportunities for both active and passive recreation.

- Contribute to Municipal City Building Objectives: to implement OurWinnipeg by creating a complete community, support the extension of Chief Peguis Trail, and add to municipal and school revenues.

Land Use Policies

The general land use policies of the Precinct plan are centered around accommodating commercial uses, a variety of residential uses, parks and pathways, stormwater retention facilities and potentially a school. Precinct F also contains more detailed policies with respect to the different types of development accommodated within the Plan. Amongst others this includes policies for Low Density Residential development, Medium Density Residential development, High Density Residential development, commercial development as well as Parks and Open Space.

The Low Density Residential Areas accommodate:

i) i. single-family dwellings;
ii) ii. two-family dwellings;
iii) iii. townhouses;
iv) iv. parks and open space and active transportation networks.

The Medium Density Residential Areas accommodate:

i) i. two-family dwellings;
ii) ii. townhouses;
iii) iii. multi-family dwellings;
iv) iv. parks and open space and active transportation networks.

The High Density Residential Areas accommodate:

i) i. multi-family dwellings
ii) ii. parks and open space and active transportation networks.

In combination, the residential policy areas of the precinct plan target an overall residential density range of 13 - 30 units per gross acre. This includes a target of 6 - 8 units per gross acre in the lower density residential area and as much as 25 - 65 units per gross acre in the higher density residential area.

Commercial Mixed Use Area accommodates:

i) A range of uses from the community to regional scale
ii) Community and neighbourhood scale institutional uses compatible with commercial uses
iii) higher density residential development
iv) Passive recreation and parks

Precinct Plan Parks and Open Space Policies

The Precinct Plan recognizes the primary purpose of the parks/open space areas is to provide areas for recreational and leisure activities in a safe and inviting way to serve both the neighbourhood, but also function as part of the city wide parks network. The variety of parks in North Point Village shall provide residents and visitors with:

i) active recreation opportunities – sports fields;
ii) passive recreation and leisure opportunities such as places for unstructured recreation, natural areas, places to sit, paths for walking or cycling and trails for skiing; and

iii) active transportation (AT) paths.

Precinct Plan Transportation Policies include:

i) Motor-vehicle parking areas, bicycle parking areas, transit stops, sidewalks, paths and local roads, and other sources of pedestrian traffic on private property and on abutting public lands should be connected to destinations in a Commercial Mixed Use Area by at least one route that safely and efficiently accommodates pedestrians.
ii) Paths and roads that accommodate cyclists, and other sources of cycling traffic on private property and on abutting public lands should be connected to at least one bicycle parking area on private land in a Commercial Mixed Use Area by at least one route that safely and efficiently accommodates cyclists.
iii) Infrastructure on private land, that accommodates public transit buses or public transit users, shall be provided to the satisfaction of Winnipeg Transit.

Precinct Plan: Potential School

The Seven Oaks School Division has identified a need for a school at or near the northeast corner of Precinct F. This location may become the approximate centre of a future catchment area, which would include future residential uses north and east of North Point Village. Should a school be established, it is to be guided by the following policies:

i) A school site should be abutting at least three public roads, where at least two are collectors.
ii) School sites should be accessible by sidewalks or paths, from at least two directions.
iii) Buildings shall be designed and developed [to be] compatible with abutting and nearby uses, existing and anticipated
iv) A proposed school site may be co-located with active park space.
v) Any use or development of the potential school site shall be consistent with all of the policies of the Lower Density Residential Area section and the precinct-wide polices goals and vision.

Minor Inconsistencies with the Precinct F Plan

From a planning perspective there are a few areas where the proposed development is inconsistent with specific policies of the Precinct Plan. One of these inconsistencies is with respect to placing the most intensive commercial zoning district, “C4” against a single-family residential zoning district, “R1-M”. Section 4.1 of the Plan, Land Use and Development states the following:

> *Multi-family development, consisting of a mix of higher density apartments and ground oriented units, will provide an appropriate transition from the commercial development to the single-family dwellings further east.*

Locating an “R1” zone to abut the C4 lands does not address this land use transition and sets up the potential for land use conflicts. A condition within the recommended zoning agreement attempts to minimize potential land use conflicts by requiring a landscape buffer on the C4 lands.

Another area where the proposed DASZ application does not align with the Precinct T Plan is with respect to the proposed “RMF-M” Multi-Family zoning districts at the north east corner of the planned area. The zoning of these sites is not consistent with the Precinct Plan because

the lands are within a Low Density Policy Area. This policy area is meant to accommodate single-family, two-family, and townhouses. The “RMF-M” zoning district goes beyond the policy intent because it allows for multi-family development including apartments, as of right. A more suitable zoning district is the “R2” Residential Two-Family district which allows for single and two-family development as a permitted use and townhomes as a Conditional Use. A recommendation of this report is that those lands instead be rezoned to “R2” instead of “RMF-M”. The “R2” zoning designation also accommodates a school use, which may potentially be located at the north east limit of the planned area in conjunction with a future consolidation of lands between that subject lot and future McGregor Street.

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**
  This district is 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-S” (Small), “RMF-M” (Medium) and “RMF-L” (Large) Residential Multi-Family Districts**
  These districts are intended to accommodate the development of multi-family units in neighbourhoods of various densities ranging from .

- **“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.

- **“PR2” Parks and Recreation 2 (Community) District** The Parks and Recreation 2 (PR2) district is intended for sites that include community recreation facilities and parks that are accessed by a mix of pedestrian and vehicular traffic. These sites may provide active programs and activities, including community centres, hockey pens, arenas,

indoor soccer, wading pools, spray parks, skateboard parks and athletic fields. Parking facilities ranging from 10 to 100 stalls may be associated with these uses. These parks and facilities typically occur along collector streets.

Figure 3: Dimensional Standards for Proposed Single and Two Family Districts

Zoning District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Side Yard (Ft.)[Note b]	Max Building Height (ft)	Maximum Lot Coverage (%)
R1-S	2,500	25	15 (Note d)	25	3 each or 2 & 4	35	45
R1-M	3,500	25	15 (Note d)	25		35	45
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 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

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)
RMF-M	9,000	800	25	25	8 [Note b]	8	60
RMF-L	20,000	400	25	25	8 [Note b]	8	150

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.

- 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 will accommodate single family homes, duplexes, row houses and even 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
Currently, the lands adjacent to Precinct F are vacant. As is Precinct F, the lands to the north, west and east are also designated as New Community in the Complete Communities Direction Strategy and will require the adoption of a Precinct Plan in order for future urban development to occur. The lands just south of the precinct include lands set aside for the future extension of Chief Peguis trail which currently terminates at Main Street. The lands south of the future Chief Peguis Trail are designated as Recent Community in the Complete Communities Direction Strategy. These lands are built out for the most part with some pockets of undeveloped and underutilized lands. Lands designated as Recent Community do not require a precinct planning process as they are identified as areas that are already developed or planned for. It is expected that Precinct F will have little connectivity to the existing development beyond the planned extension of Chief Peguis Trail as this roadway will function as a limited access expressway. It is noted that the westward extension of Chief Peguis Trail from its current terminus at Main Street has been added to the City's Capital Budget. The extension was advanced from a mid-term (by 2021) project to a short term (by 2016) project in the Transportation Master Plan and has therefore been added to the City's 5 year capital budget.

Though there is no urban development adjacent to the planned area for Precinct F to plug into the developer expects that this development will help facilitate the planning of neighbouring precincts and that the development will be contiguous to existing development as those lands around it develop. From a location perspective these lands are not that far from existing neighbourhoods and will provide large format commercial opportunities for residents in northwest quadrant of Winnipeg as well as convenient access to those who live outside the City but rely on the City for shopping opportunities that cannot be sustained in smaller communities. The applicant has noted there is not much land left on McPhillips with good commercial exposure. It is hoped that the proposed commercial development will draw more people to the McPhillips area with the effect of rejuvenating existing fully serviced commercial lands south of the subject site.

Community Input – Public Information Sessions
In the preparation of the precinct plan and original rezoning application (DASZ 54/13), the applicant had held 2 separate open houses and provided the following information (this information is being included as it was included in the previous planners report):

Wednesday, October 2, 2013 at Canad Inns on McPhillips and Jefferson.

- 50 people signed in as attendees.
- Presentation Boards were on display and staff of the MMM group were available to answer questions
- As compiled by the applicant, The most frequent comments and issues regarding the proposed Precinct Plan included:
    - An interest in future residential development in the northwest quadrant of Winnipeg.
    - Some attendees indicated preference towards lower density residential on larger lots with fewer townhouses and condominiums.

- Some attendees indicated no desire for higher-density residential.
- A need and desire for future commercial development (specifically Costco and other large-scale retail stores).
- Preference towards buildings no higher than six stories.
- A need for access to adequate public transportation throughout the study area.
- Concerns that future development will increase traffic congestion and disrupt traffic flow along McPhillips Street, particularly during peak hours.
- Concerns that neighbouring properties will be negatively impacted by increased overland flooding as a result of development. Drainage issues must be addressed before development commences.
- Opportunity highlighted for future greenspace provision adjacent to the study area (this area is currently used by nearby residents with all-terrain vehicles and dirt bikes).
- A desire to be kept informed on future planning and designs for the area.

Tuesday, February 4, 2014 at Canad Inns on McPhillips and Jefferson.

- 40 people signed in as attendees.
- Presentation Boards were on display and staff of the MMM group were available to answer questions
- As compiled by the applicant, the most frequent comments and issues regarding the proposed Precinct Plan included:
    - An interest in bus routes and access as well as a concern regarding the interruption of traffic flow on McPhillips particularly due to heightened commercial development.
    - A desire to preserve native wildlife and species as well as the incorporation more trails and greenspace (into this part of Winnipeg).
    - Some attendees wondered whether big box stores would be part of the commercial development, particularly Costco.
    - Some attendees wondered if there were current plans to extend development to Precinct G.
    - Some attendees want the plan to ensure that future development plans for the area consider businesses that presently use Murray and Ferrier – the plant, *Conforce* was specifically named. One attendee expressed that residents have had many years of debate with local businesses regarding access to their facilities without damaging homes in the area.
    - A number of attendees felt that the plan was good and that it was time that the City of Winnipeg focused on development within this area.

- One comment expressed that the plan did not express orderly development and that it was too premature. It was stated that the land between McGregor and the CPR Winnipeg Beach Line should be developed first.
- One comment expressed that the drainage and wastewater plan was too vague due to the number of multi-family residential proposed.

KEY COMMENT PROVIDED BY OTHER CIVIC DEPARTMENTS

It is noted that the subject DASZ application (40/2015) has been reviewed by civic departments through the Administrative Coordinating Group (ACG). This review process is used to determine developer obligations such as servicing requirements, land dedication and other considerations. The ACG Report, the contents of which will make up the development agreement can be found in Schedule B. It is noted that the Public Service is recommended some changes to the applicant's submitted Schedule "A". One consideration is to rezone Block 6 to "PR2" Parks and Recreation District to allow for active park space in the planned area. Schedule D, appended to this report, is meant to replace the submitted Schedule A.

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 area of those properties not to be subjected to sound-level limits greater than 65 dBA.

Building heights for multi-family development

The applicant is proposing a mix of residential zoning districts, some of which 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 the maximum height of buildings on lands zoned "RMF-L" do not exceed 65 feet.

Landscape Buffer Strip Requirement on C4 Lands

It is noted that the proposed "C4" zoning district requires a setback of 125 feet between any proposed building and residential zone. This rule is stated in zoning by-law200/2006. Given that the C4 lands share a boundary with lands zoned for single-family homes, the Public Service is recommending that a landscape buffer be installed within the most easterly 25 feet of the C4 lands.

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 commercial and multi-family developments so that the ward Councillor and members of the committee can have 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.

RECOMMENDATION

The Urban Planning Division recommends approval for the following reasons:

- The zoning districts along with conditions of approval are consistent with the Precinct F Plan.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Prepared by N. Yauk
PPD File # DASZ 40/15

SCHEDULE "A" FOR FILE NO. DASZ 40/2015, LSWK COMMUNITY COMMITTEE, DATED Oct.8, 2015

By-Law No. _____

File No. **DASZ 40/15**

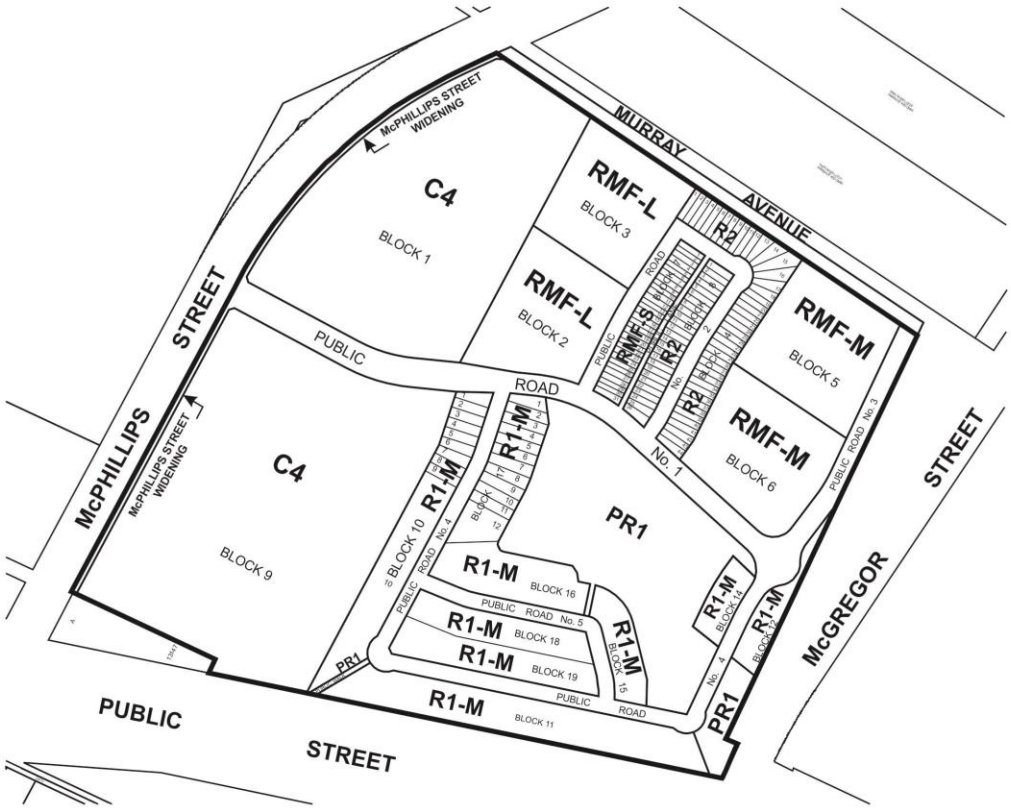
Atlas Sheet No. **R25**

N

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 at the southeast corner of McPhillips Street & Murray Avenue, Precinct "F" from an "A" AGRICULTURAL DISTRICT, "C2" COMMERCIAL COMMUNITY DISTRICT and "M1" MANUFACTURING LIGHT DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT, "R2" RESIDENTIAL TWO-FAMILY DISTRICT, "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT, "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT, "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT, "C4" COMMERCIAL REGIONAL DISTRICT, "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to facilitate the future commercial and residential development area known as North Point Village (Precinct F) block and lot plan which includes the establishment of public right-of-ways as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – November 4, 2015

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE SOUTHEAST CORNER OF MCPHILLIPS STREET AND MURRAY AVANUE – DASZ 40/2015

It is recommended that the approval of DASZ 40/2015, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. Plan Considerations

1. The Developer shall transfer and legally open, at no expense to the City, property required for a 6.0m widening to the McPhillips Street right-of-way along the full length of the Planned Area abutting McPhillips Street, as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall transfer and legally open, at no expense to the City, property required for right turn channelization and associated works in the southeast corner of the intersection of McPhillips Street and Murray Avenue, as determined by and to the satisfaction of the Director of Public Works. The Developer shall submit the proposed Legal Plan to the Public Works Department for review and approval prior to the release of mylars.

3. The Developer shall transfer and legally open, at no expense to the City, property required for right turn channelization and associated works in the northeast and southeast corners of McPhillips Street and proposed Public Road No. 1, as determined by and to the satisfaction of the Director of Public Works. The Developer shall submit the proposed Legal Plan to the Public Works Department for review and approval prior to the release of mylars.

4. The Developer shall extend the west leg of Public Road No. 2 to connect with Murray Avenue, as determined by and to the satisfaction of the Director of Public Works.

5. No public lane connections to Public Road No.1.

6. The Developer shall transfer and legally open, at no expense to the City, property required for proposed Public Road No. 1 to be a four lane divided roadway within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

7. The Developer shall transfer and legally open, at no expense to the City, property required for a 3.0m x3.0m corner cut at public lane intersections, as determined by and to the satisfaction of the Director of Public Works.

8. Public walks are to be established with a right-of-way width of 6.00m, as determined by and to the satisfaction of the Director of Public Works.

9. Proposed public lanes are to be established with a 7.25m right-of-way, as determined by and to the satisfaction of the Director of Public Works.

10. 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

11. The Developer shall dedicate and legally open property for right-of-way corner cuts measuring 2.0m by 2.0m in each corner of the intersection of two streets measuring 22.0m in width or greater. Right-of-way corner cuts measuring 3.0m by 3.0m are to be provided at each corner of any intersection where the angle is less than 80°, to the satisfaction of the Director of Public Works.

12. The proposed Public Walk is to be accommodated with a right-of-way width of 6.00m to the satisfaction of the Director of Public Works.

13. That the proposed subdivision plan as per Schedule A be replaced with a revised subdivision plan as per Schedule D to further reflect the plan considerations noted above.

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 land drainage 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.

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

a) The Developer shall, at no expense to the City, construct Portland cement concrete pavements:

   i. to widths of 7.5m, 8.0m and 10.0m, by 150mm and 200mm in thickness and all related works including, but not necessarily limited to street lighting, boulevard landscaping and land drainage sewer within all streets; and

   ii. 6.0m wide by 150mm thick in public lanes within the Planned Area,

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

7. Sidewalks

a) The Developer shall, at no expense to the City construct a 1.5m wide by 100mm thick Portland cement concrete sidewalks and/or a multi-use pathway on the standard alignment, 0.3m from the property line, along both sides of all streets within the Planned area with rights-of-way measuring 22.0m in width or greater, as determined by and to the satisfaction of the Director of Public Works;

b) The Developer shall, at no expense to the City construct a 1.5m wide by 100mm thick Portland cement concrete sidewalks on the standard alignment, 0.3m from the property line, along one side of all other public roads, as determined by and to the satisfaction of the Director of Public Works.

c) The Developer shall, at no expense to the City, construct the following works within the public walkways:

   i. a 1.5m wide by 100mm thick Portland cement concrete sidewalk

   ii. Sodding on both sides of the sidewalk and

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

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

d) The Developer shall 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. McPhillips Street Intersection Improvements

The Developer shall, at no expense to the City, construct portland cement concrete pavements including:

a) an 80.0m southbound left-turn storage lane and upstream transition;

b) an 80.0m northbound right-turn deceleration lane and upstream transition,

c) northbound right-turn acceleration lane and downstream transition;

d) median opening;

e) right-turn channelization in the southeast and northeast corners of the intersection of McPhillips Street and proposed “Public Road 1”; and

all related works on McPhillips Street at and in the vicinity of its intersection with proposed “Public Road 1” and on proposed “Public Road 1” at and in the vicinity of its intersection with McPhillips Street, all as determined by and to the satisfaction of the Director of Public Works.

9. McPhillips Street and Murray Avenue Intersection Improvements

a) The Developer shall, at no expense to the City, construct in portland cement concrete pavement an 80.0m northbound right-turn deceleration lane and upstream transition and all related works on McPhillips Street at its intersection with Murray Avenue, as determined by and to the satisfaction of the Director of Public Works.

b) The City will endeavor to recover and reimburse the Developer, subject to recovery by the City, a share of the cost of the deceleration lane benefitting other lands under future development agreements.

10. Removal of Median Openings and Private Approaches

The Developer shall, at no expense to the City;

a) remove existing median openings on McPhillips Street located approximately 100m and 300m north of Storie Road and associated storage lanes, and restore the centre median; and

b) remove existing private approaches serving the Planned Area and restore the east ditch in those locations;

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

11. Traffic Control Signals

The Developer shall, pay to the City, in cash, on demand the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals, pedestrian countdown signals (if required) at the intersections of

a) McPhillips Street and proposed "Public Road 1"; and

b) McPhillips Street and Murray Avenue

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

The City will endeavor to recover and reimburse the Developer, subject to recovery by the City, a share of the cost of the traffic control signals benefitting other lands under future development agreements.

12. Share of Future Improvments on McPhillips Street

The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services to be installed in McPhillips Street along the full length of the subject property abutting the east side of McPhillips Street, or alternatively, at the City's option, construct an equivalent length of concrete pavement and all related works in McPhillips Street along the full length of the subject property abutting the east side of McPhillips Street:

a) 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works;

b) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk;

c) street lighting in the east boulevard; and

d) landscaping in the east boulevard;

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

13. Share of Future Improvements on Murray Avenue

The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services to be installed in Murray Avenue along the full length of the subject property abutting the south side of Murray Avenue, and/or, at the City's option, construct the

following and all related works in Murray Avenue along the full length of the subject property abutting the south side of Murray Avenue:

a) an 8.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works;

b) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk;

c) street lighting in the south boulevard;

d) landscaping in the south boulevard;

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

14. 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.

15. 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.

16. Private Approaches

There are to be no private approaches :

a) serving single or two family residential development off residential collector streets (i.e. rights-of-way measuring 22.0m or greater in width); and

b) off of the future Chief Peguis Trail.

c) Motor vehicle access to McPhillips Street shall be limited to the east-west the collector road shown on 'Figure 4 - North Point Village Land Use and Transportation Policy Map'.

Right-in / right-out private approaches may be approved by the appropriate City authority. The design, including location, of these roads and private approaches shall take into account the plan for a future interchange at McPhillips and Chief Peguis Trail and the existing context.

17. 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.

18. 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.

19. Signage

The Developer shall, at no expense to the City,

a) obtain approval of and install, prior to construction, 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, multiple family sites, commercial sites, collector and arterial streets, McPhillips Street, Murray Avenue and the future Chief Peguis Trail; all with the approval of, and to the satisfaction of, the Director of Planning, Property and Development.

b) supply and install trail network signage and trail related traffic signage, on pathways and Active Transportation corridors, consistent with standards and specifications applied to similar citywide networks, or an alternative standard proposed by the developer, as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, and Development.

20. 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.

21. Fencing

The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting the future Chief Peguis Trail, a 2.0m high noise attenuation fence, as determined by, and to the satisfaction of, the Director of Public Works, and permit the City to file a caveat against the title of each such lot, requiring the owner(s) to maintain and/or repair the fence as originally constructed, to the satisfaction of the Director of Public Works.

22. Lot Setbacks

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, and the Zoning Agreement covering those lots shall stipulate this minimum rear yard.

23. Public Reserve

a) The Developer shall dedicate as Public Reserve at least 8% of the land contained within the overall development area and shall, at no expense to the City, undertake landscape improvements and pay its share of the cost of services in streets abutting the dedicated land all in accordance with plans and specifications approved by the Director of Public Works. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property, Planning & Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash, or, by the provision of an equivalent value of additional site amenities in the Public Reserves within the Planned Area, as approved by the Directors of Public Works and Planning Property and Development.

b) Partial Credit (50%) only shall be granted for the Public Reserve areas along the north and east limit of the retention pond, given that: the narrow width and sloped grade limits multi-use opportunities; and the configuration of the pond makes for more pond embankment abutting Park space than is typically supported by Park Services (City has supported only one side of a pond as Public Reserve).

c) Landscape improvements of the Public Reserve lands shall be done in accordance with plans and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Public Works. The scope of landscaping shall include grading, sodding, land drainage, irrigation and construction of 2.4 m paths, (which may be narrowed through the forest area at the discretion of the City Naturalist), to provide at least one continuous connected pathway through and between the public reserve areas.

d) Site grading for the northerly Public Reserve shall be done to support athletic fields.

e) If the City deems that the provision of irrigation or water service to the Public Reserve is not required, the Developer shall provide compensation in the form of site amenities of

predetermined equivalent value. The value of this may be considered fulfilled by inclusion of naturalization treatments.

f) It is understood that the existing natural areas within the Public Reserve lands, shall be protected and preserved in accordance with the following:

   a. Proposed improvements, further to Clause c), including but not limited to the provision of pathways, shall be determined in consultation with the City Naturalist.
   b. Protective fencing shall be installed for the duration of the construction. Said fencing shall be located approx. 3 m beyond the limits of the intended natural area to be preserved, to ensure protection of root zone and to prevent accidental encroachment into the natural area.
   c. Any re-grading of land, or changes in drainage patterns due to development, must ensure there is a neutral effect on the moisture regime of the natural area: there should be no run-off directed into the natural area, nor drainage directed out of natural areas.
   d. if only nominal or no improvements are required within the preserved natural area, the value of the Development Agreement Parameter governed site improvements that would have normally been necessary, shall be tabulated at the then 'landscaping rate' and paid by the developer to the City or applied to improvements within the development, to the discretion and satisfaction of the Director of Public Works.

g) Both parties acknowledge that the City will not compensate the Developer for the provision of excess serviced frontage beyond what they were required to provide.

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

i) Public Reserve development should be undertaken by the time the build out has reached 80% and completed before reaching 100%, unless an extension of time has been previously approved, in writing, by the Director of Public Works.

j) 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.

k) 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.

l) Securities for Public Reserve improvements may be reduced following the issuance of a Construction Completion Certificate and site inspection and approval by the City, but shall not be released in full until and as-built drawings have been received and accepted as complete by the Director of Public Works and Final Acceptance for Parks has been issued.

24. 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.

25. 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.

26. 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.

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.

3. Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1200.00/acre of the planned area to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 40/2015

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

G.V. Jasper P. Eng.,
Land Development Branch

"Original signed by M. Gajda, P.Eng."

M. Gajda, P. Eng.
Water & Waste Department

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

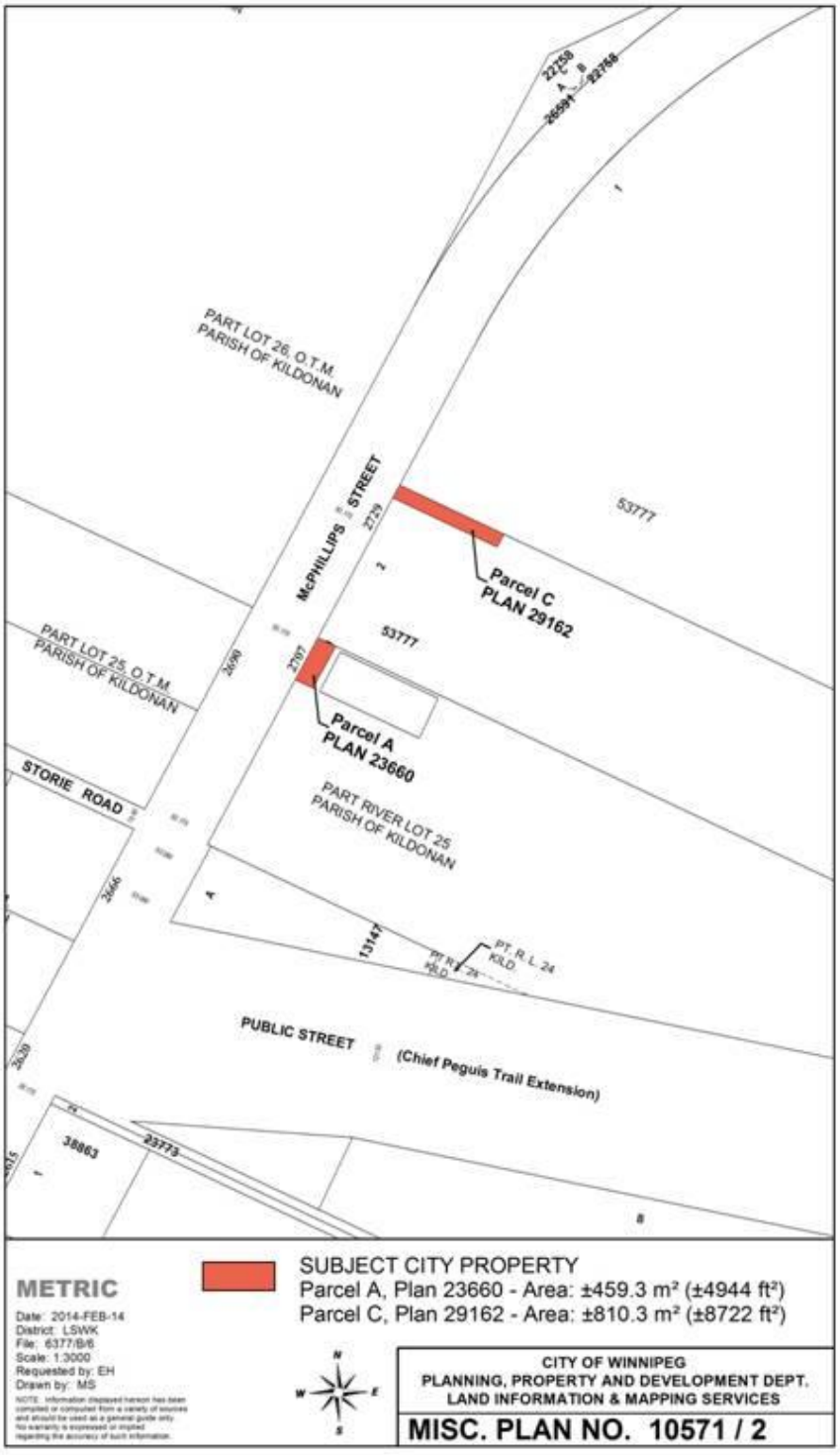
C.J. Desjardine P. Eng.
Public Works Department, Transportation Division

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

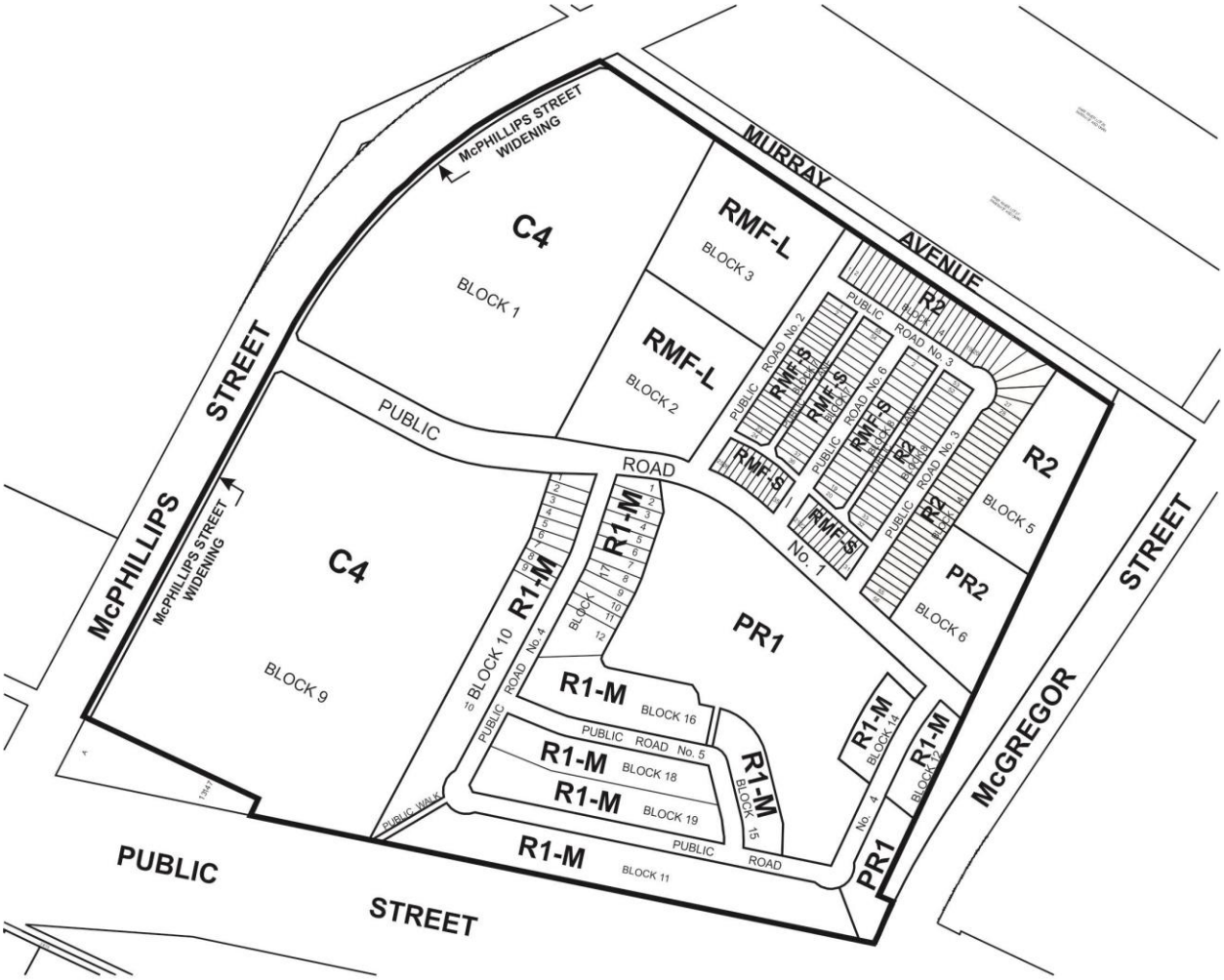
D. Beaton M.L.Arch
Parks and Urban Design, Property and Planning

GJ/gj

Schedule C: Misc. Plan No. 10571/2



Schedule D: For File No. DASZ 40/2015 dated January 5, 2016



DASZ 40/15 MAP 2

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PROPOSED SUBDIVISION

SCHEDULE D

APPENDIX B: Design Guidelines for Plan Approval for DASZ 40/2015

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.