Agenda – Executive Policy Committee – July 9, 2019

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 24, 2019

Item No. 14 Subdivision – 40 Scholberg Lane & 2 Gwynne Road (St. Boniface Ward) File DAS 4/2019 [c/r DAC 2/2019]

STANDING COMMITTEE RECOMMENDATION:

On June 24, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That the plan of subdivision under Development Application No. DAS 4/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated May 27, 2019 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following condition:

    A. That the Developer be required to amend the Development Agreement to File No. DASZ 21/2014 (AG 21/2014) with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated February 27, 2019, with the following amendments:

        i. Under Agreement Conditions, add the following new conditions:

            "14. That the Developer shall, at no expense to the City, construct speed bumps on the newly constructed portion of Scholberg Lane, to the satisfaction of the Director of Public Works."

            "15. It is acknowledged that warranty, maintenance and securities for services on Scholberg Lane fronting proposed lots 1 to 7 and lots 1 to 3 , as shown in schedule "A", is the responsibility of others."

2. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Development Agreement Amendment and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 24, 2019

STANDING COMMITTEE RECOMMENDATION (continued):

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application No. DAS 4/2019, as determined by the City's Director of Planning, Property and Development.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law) is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

5. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

6. That the subdivision section of the by-law shall come into force when the amendment to the Development Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

7. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 6 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

8. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 24, 2019

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On June 24, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 4, 2019, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Amend recommendation 1.A. by adding the following after "February 27, 2019":

  ", with the following amendments:

  i. Under Agreement Conditions, add the following new conditions:

     14. That the Developer shall, at no expense to the City, construct speed bumps on the newly constructed portion of Scholberg Lane, to the satisfaction of the Director of Public Works.

     15. It is acknowledged that warranty, maintenance and securities for services on Scholberg Lane fronting proposed lots 1 to 7 and lots 1 to 3 , as shown in schedule "A", is the responsibility of others."

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

On May 6, 2019, the Riel Community Committee did not hear any representation on the application, and adjourned the public hearing to its meeting on June 4, 2019, at 5:30 p.m. in the Council Building at 510 Main Street, due to improper posting.

PUBLIC HEARING SUMMARY

File: DAS 4/2019

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

Public Hearing: June 4, 2019
May 6, 2019
Council Building, 510 Main Street

Applicant: Genstar Development Company (Marc Brown)

Subject:



APPLICANT: Genstar Development Company
FILE: DAS 4/2019
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above for the creation of residential building lots and the extension of Scholberg Lane to Crestmont Drive. **For information, phone Ms. S. Jerez, Planner at 204-986-7175.**
DEMANDEUR: Genstar Development Company
N° DE DOSSIER: DAL 4/2019
PROJET: Demande d'approbation du plan de lotissement délinéé ci-dessus visant à permettre la création de lots résidentiels et le prolongement de Scholberg Lane jusqu'à la promenade Crestmont. **Pour plus de renseignements, veuillez communiquer avec Mme S. Jerez, urbaniste, au 204-986-7175.**

Premises Affected: 40 Scholberg Lane & 2 Gwynne Road

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

Prepared by: Rochelle Viray, Committee Clerk
Riel Community Committee

Report date: June 6, 2019

COMMUNITY COMMITTEE RECOMMENDATION:

On June 4, 2019, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the plan of subdivision under Development Application No. DAS 4/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated May 27, 2019 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following condition:

    A. That the Developer be required to amend the Development Agreement to File No. DASZ 21/2014 (AG 21/2014) with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated February 27, 2019***, with the following amendments:***

        i. Under Agreement Conditions, add the following new conditions:

            "14. That the Developer shall, at no expense to the City, construct speed bumps on the newly constructed portion of Scholberg Lane, to the satisfaction of the Director of Public Works."

            "15. It is acknowledged that warranty, maintenance and securities for services on Scholberg Lane fronting proposed lots 1 to 7 and lots 1 to 3 , as shown in schedule "A", is the responsibility of others."

2. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Development Agreement Amendment and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application No. DAS 4/2019, as determined by the City's Director of Planning, Property and Development.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law) is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

5. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

6. That the subdivision section of the by-law shall come into force when the amendment to the Development Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

7. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 6 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

8. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

9. That the proper officers 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 Riel Community Committee provided the following supporting reasons for its recommendation:

1. This subdivision is an opportunity to construct much needed secondary access to the community for emergency vehicle services.

2. This is consistent with OurWinnipeg, Complete Communities, and other secondary plans; houses should go here, and they shouldn't be empty lots.

Exhibits Filed:

1. Application dated January 28, 2019
2. Notification of Public Hearing dated March 13, 2019
3. Manitoba Status of Titles 2821558/1, 2144518/1, 2144579/1
4. Letter of authorization dated November 6, 2018 from Novamet Development Corporation to Genstar Development Company
5. Caveats 4683952/1, 4683954/1, 4683953/1, 4683955/1
6. Plans (3 pages)
7. Report from the Urban Planning Division dated April 29, 2019
8. Notice of adjournment dated May 10, 2019
9. Communication dated May 27, 2019 and photos from Diann Dunbar in opposition to the application
10. Communication dated May 28, 2019 from Kim Williamson in opposition to the application
11. Revised Report from the Urban Planning Division dated May 27, 2019
12. Inspection Report
13. Communication dated June 3, 2019 from Natasha Sookermany and Garett Heuchert in opposition to the application

REPRESENTATIONS:

In Support:

Dave Boles
Marc Brown

In Opposition:

Sarah Chan
Mark Eagles
Garett Heuchert
Gary Roberts
Angela Schellenberg
Natasha Sookermany
Rheanne Unryn

For Information:

Wayne Lymburner
Lindsey Wilson

For the City:

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

Exhibit "11" Referred to in File DAS 4/2019

ADMINISTRATIVE REPORT

Title: DAS 4/2019 – 40 Scholberg Lane & 2 Gwynne Road

Issue: For consideration at the public hearing for a subdivision for the establishment of 10 single-family residential zoning lots and the extension of Scholberg Lane to Crestmont Drive.

Critical Path: Riel Community Committee as per the Development Procedures By-law and
The City of Winnipeg Charter

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith, RPP	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision under Development Application No. DAS 4/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated May 27, 2019 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following condition:

   A. That the Developer be required to amend the Development Agreement to File No. DASZ 21/2014 (AG 21/2014) with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated February 27, 2019.

2. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Development Agreement Amendment and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law) is not enacted within 2 years after the date on which this report is approved by Council unless the developer

applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

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9. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- This report provides information and makes recommendations regarding the subject application's compliance with The City of Winnipeg Charter.
- Subdivision applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

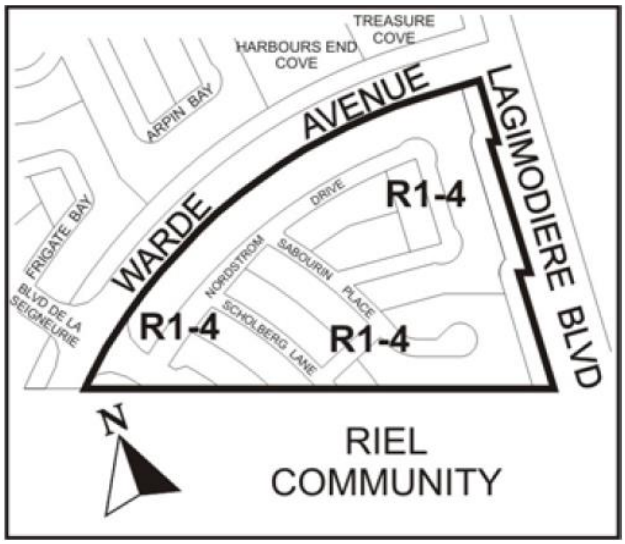
IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the property may be subdivided, subject to a Development Agreement amendment to AG 21/2014.

HISTORY

DASZ 36/2004

- In December 2004, Council approved an application by Novamet Development Corporation (Qualico Communities) to rezone 24.34 acre subject site from an "A-5" Agricultural District to "R1-4" Residential District and approve a plan of subdivision to allow for the creation of 150 single family lots.



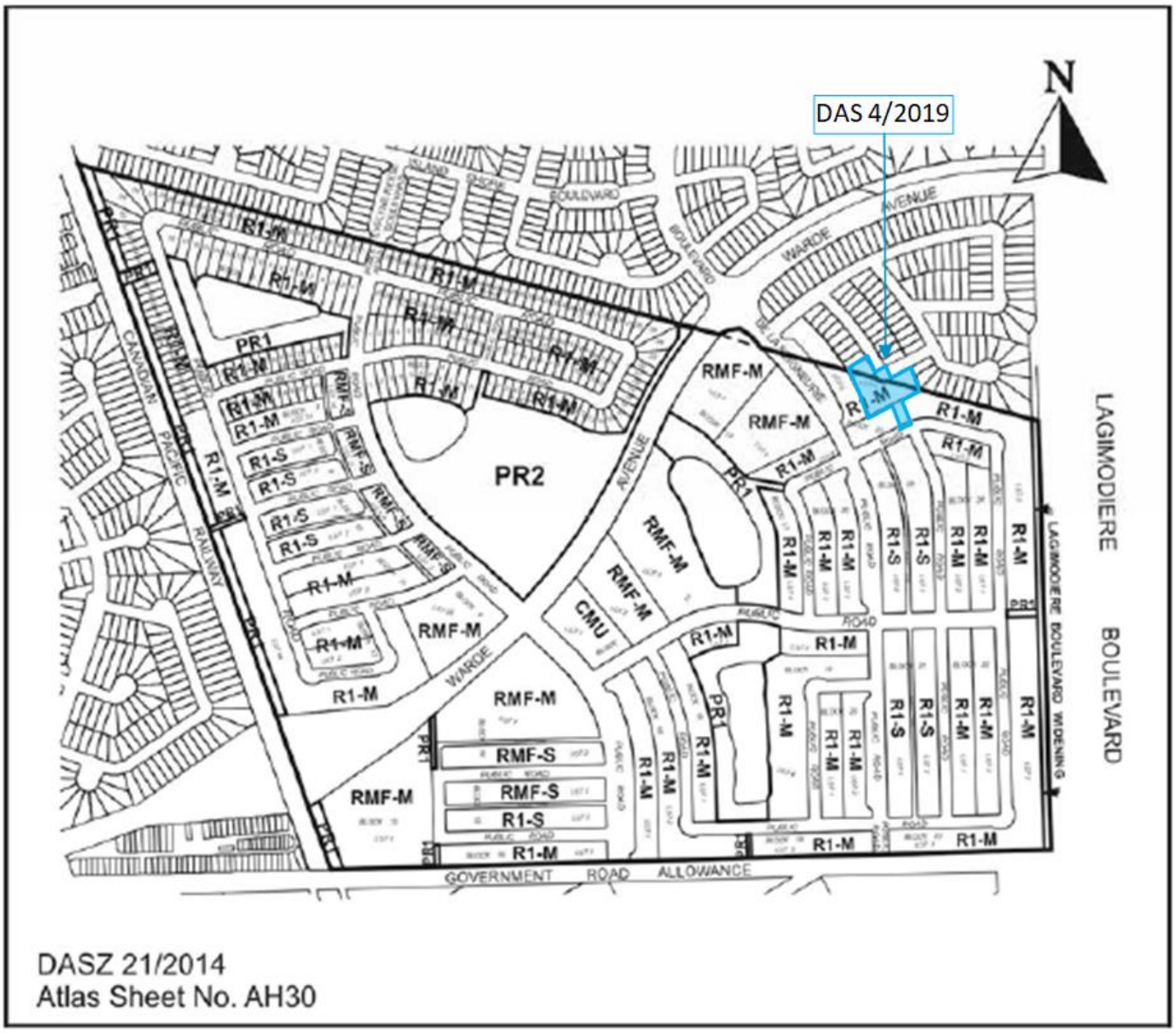
- The applicant was required to extend the proposed Scholberg Lane to provide a secondary means of access to the dwellings in this area, however was unable to do so at the time as the lands south of the proposed development were owned by the Manitoba Housing and Renewal Corporation. Qualico provided a gravel trail to address this requirement on an interim basis.

Precinct K – Precinct Plan (By-Law 48/2014)

- On July 16, 2014, Council passed By-law 48/2014 adopting a Secondary Plan for the area identified as Precinct K under the *Complete Communities Direction Strategy*. The plan guides development in the Precinct K area.

DASZ 21/2014 (By-law 67/2015)

- Under DASZ 21/2014 (By-law 67/2015), approximately 243.31 acres of land located at the northwest corner of Melnick Road, Lagimodiere Boulevard and Four Mile Road was rezoned from “RR5” Rural Residential 5 and “R1-M” Residential Single-Family Medium to “R1-S” Residential Single-Family Small; “R1-M”; “RMF-S” Residential Multi-Family Small; “RMF-M” Residential Multi-Family Medium; “CMU” Commercial Mixed-Use; “PR1” Parks and Recreation 1 (Neighbourhood); and “PR2” Parks and Recreation 2 (Community). By-law 67/2015 regarding the subdivision and rezoning was passed by Council on June 17, 2015.



DASSF 506/19

- On May 16, 2019, Council approved DASSF 506/19 to permit the establishment of 102 "R1-M" Residential Single-family Medium lots along Crestmont Drive and Maligne Way

CONSULTATION

In preparing this Report there was internal consultation with: Advisory Coordinating Group (Land Development, Public Works, Water and Waste).

SUBMITTED BY

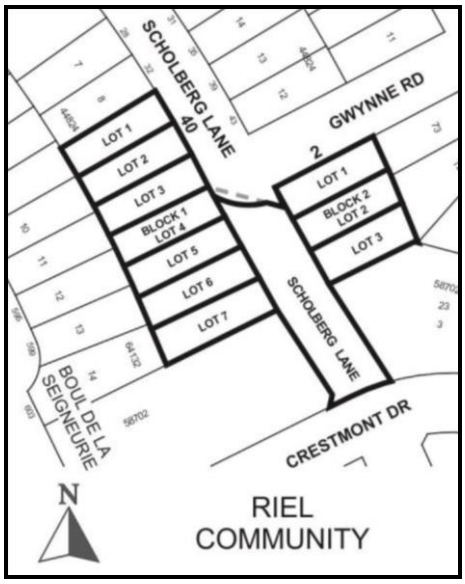
Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Simi Jerez
Date:	May 27, 2019
File No.	DAS 4/2019

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DAS 4/2019 Riel Community Committee, dated May 27, 2019
3. Schedule “B” — Report of the Administrative Working Group – February 27, 2019

APPENDIX ‘A’

DATE:	May 27, 2019
FILE:	**DAS 4/2019**
RELATED FILES:	DAC 2/2019, DASSF 506/19
COMMUNITY:	Riel Community
NEIGHBOURHOOD #:	5.557 (Fraipont Neighbourhood) & 5.556 (Island Lakes)
SUBJECT:	To subdivide the land hearing for a subdivision to establish 10 single-family residential zoning lots and to extend Scholberg Lane to Crestmont Drive.
LOCATION:	40 Scholberg Lane, 2 Gwynne Road and South Corner of Scholberg Lane at Gwynne Road
LEGAL DESCRIPTION:	LOT 74 BLOCK 1 PLAN 44824 WLTO IN RL 121 AND 122 PARISH OF ST. BONIFACE AND IN LOT 218 ROMAN CATHOLIC MISSION PROPERTY LOT 9 BLOCK 4 PLAN 44824 WLTO IN RL 121 AND 122 PARISH OF ST. BONIFACE AND IN LOT 218 ROMAN CATHOLIC MISSION PROPERTY LOT 4, BLOCK 23 PLAN 58702 WLTO IN RL 216, 217, AND 252 ROMAN CATHOLIC MISSION PROPERTY



APPLICANT: Genstar Development Company (Marc Brown)
320-530 Kenaston Boulevard
Winnipeg , Manitoba R3N 1Z4

OWNER: Genstar Development Company
320-530 Kenaston Boulevard
Winnipeg , Manitoba R3N 1Z4

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject site is at Scholberg Lane and Gwynne Road, straddling the Fraipont neighbourhood (of the St. Vital Ward) and Island Lakes neighbourhood (of the St. Boniface Ward).
- The subject site 46,600 square feet (1.07 acres), including a portion of Scholberg Lane, and is currently undeveloped.
- The site of the proposed residential lots is currently zoned “R1-M” Residential Single-family Medium and is located within the New Communities policy area under the *Complete Communities Direction Strategy*.
- The site is within the Lower Density Residential policy area under the Precinct K Secondary Plan.

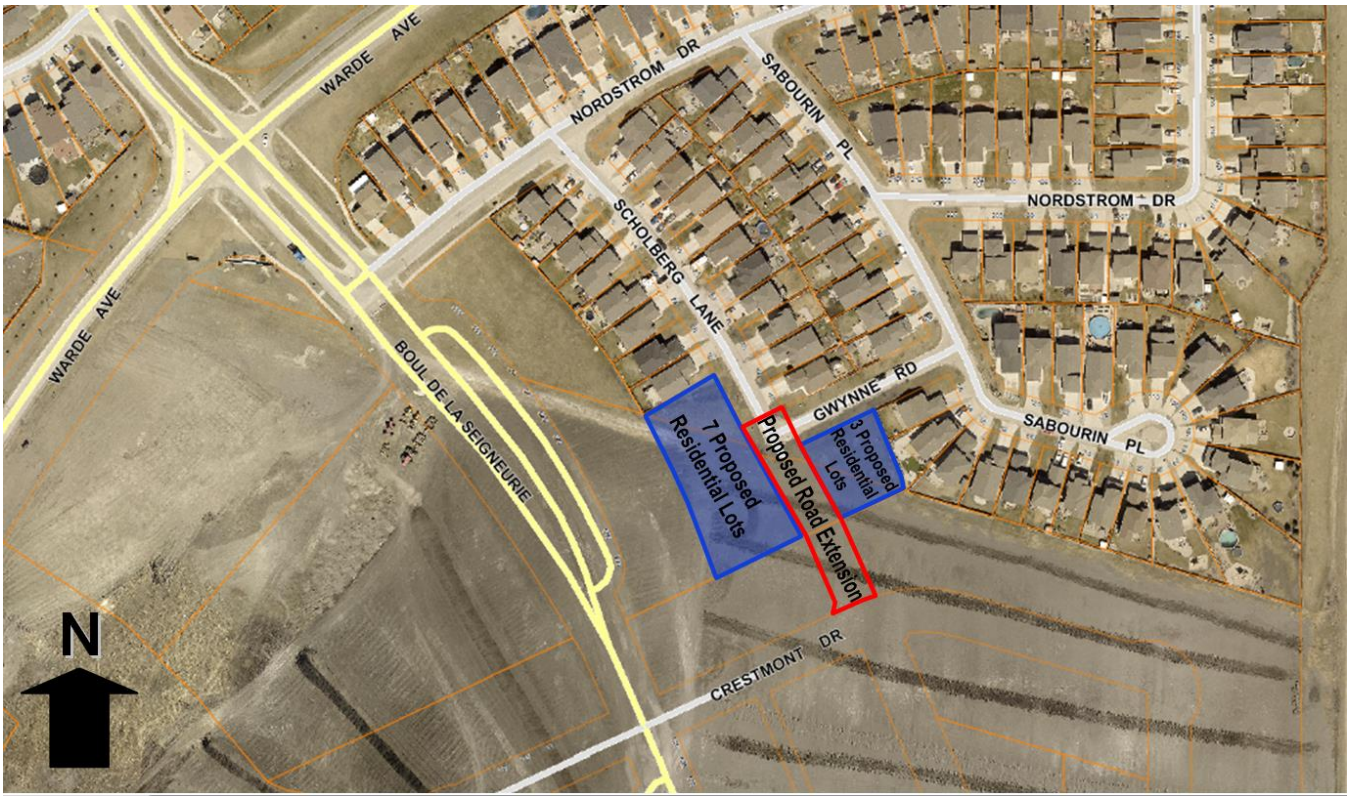


Figure 1: Air photo of the location of subject property and surrounding area (2018)

North: Single family dwellings zoned "R1-M" Residential Single-family Medium.

South: Vacant land zoned "R1-M" Residential Single-family Medium; then Crestmont Drive.

East: Single family dwellings and vacant land zoned "R1-M" Residential Single-family Medium.

West: Vacant land zoned "R1-M" Residential Single-family Medium; then Boulevard De La Seigneurie.

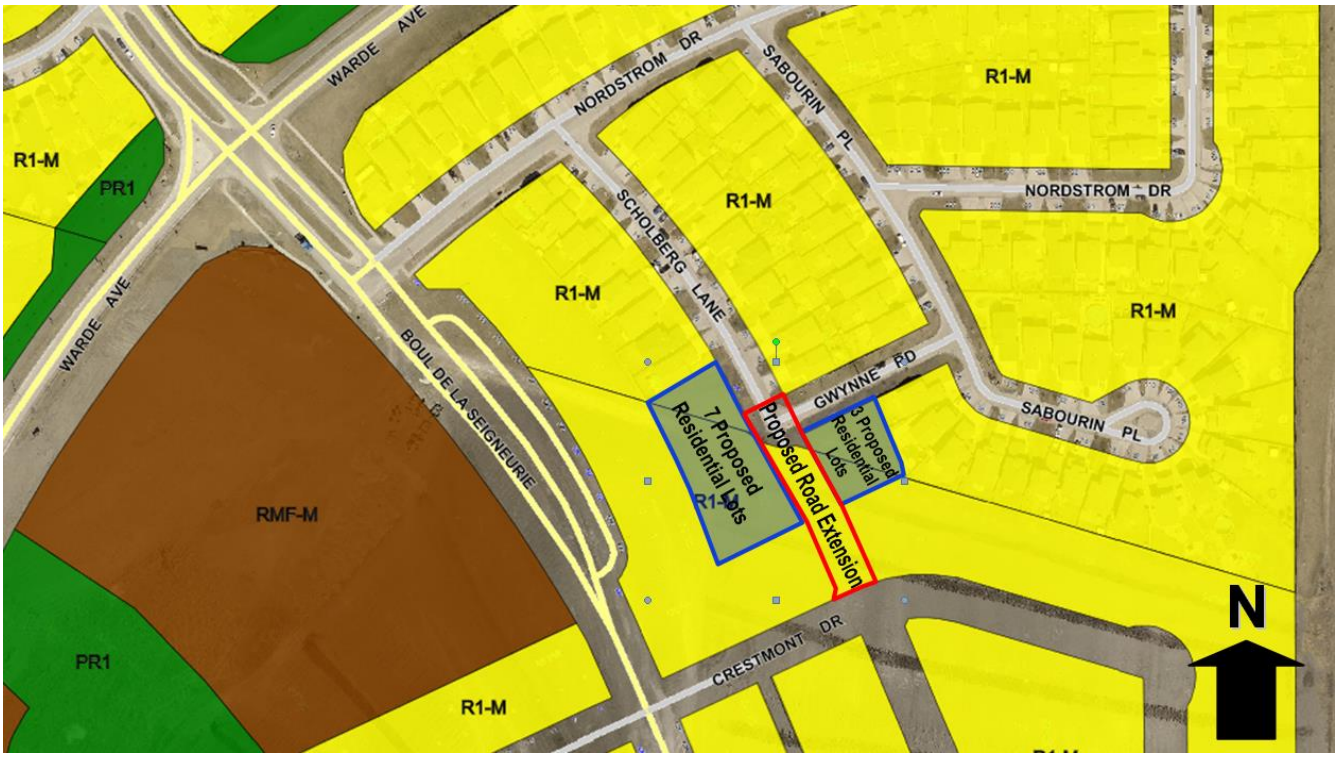


Figure 2: Zoning Context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the subject site to extend Scholberg Lane between Gwynne Road and Crestmont Drive to provide an additional means of access to the Fraipoint neighbourhood, and to establish ten (10) “R1-M” Residential Single-family Medium lots.
- The applicant has a concurrent application (DAC 2/2019) to close portions of the road no longer required at the corner of Scholberg Lane and Gwynne Road due to the proposed extension of Scholberg Lane (DAS 4/19).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under *OurWinnipeg* and the *Complete Communities Direction Strategy* the proposed development is located within the New Communities policy area that is identified as Precinct “K.” Section 03-4 of Complete Communities, and Section 01 A of OurWinnipeg (the City’s development plan) state: “New Communities are large undeveloped land areas identified for future urban development and are not currently served by a full range of municipal services.”
- As per *OurWinnipeg* and the *Complete Communities Direction Strategy*, New Communities and Precincts require an approved planning process to be implemented prior to intensification and development of the Precinct.
- Key directions and policies guiding the development of New Communities are as follows:
    - New Communities will be developed in a sustainable manner.

    - Support new development that is adjacent to, and compatible with, existing development and which is designed to minimize the spatial use of land.
  - Encourage greater choices in housing type, density, style and tenure.
    - New Communities will be developed with Complete Streets (See Sustainable Transportation), enabling safe and convenient spaces for pedestrians, bicyclists, public transit ridership and motorists to promote physical activity, health and active transportation.
  - New Communities will increase opportunities to live, work, learn and play in the same neighbourhood.
    - Promote the design of all streets to maximize connectivity, visual appeal, amenity space and safety where practical and cost effective.

PRECINCT K SECONDARY PLAN (By-Law 48/2014)

- A secondary plan was adopted by Council for Precinct K on July 16, 2014 under By-law 48/2014.
- Key aspects of the vision and guiding principles of the Precinct K Secondary Plan that are most relevant to the subject site include:
  - Create a unique character and sense of place when designing new neighbourhoods.
  - Universal accessibility principles and guidelines should be considered in the design of all public, commercial, and multi-family buildings and any publically accessible outdoor spaces.
- The General Objective guiding development in the Residential policy areas reads as follows:
- The residential policy areas are intended to provide a mix of housing types, reflecting *Complete Communities* policy which encourages "…greater choices in housing type, density, style and tenure." A combination of sidewalks adjacent to collector roadways, active transportation routes, public walkways and pathways within linear parks will be provided in the residential areas to provide opportunities for recreational activity and connectivity.
- To support connectivity, one of the General Policies for the Residential policy area addresses visual connection to the street as follows:
  - Incorporate Crime Prevention Through Environmental Design (CPTED) principles into subdivision design. Ensure a safe community through adequate lighting, visible public spaces, opportunities for passive surveillance of public space from buildings, ensure doors to buildings are clearly visible from the street, and ensure boundaries between public and private space are well defined through visual cues.
- The subject site is guided by the following Lower Density Residential land use policy designation under the Precinct K Secondary Plan (section 3.1.3). The objective of this policy area is to provide for lower density residential style of development including single-family homes, duplexes and townhomes. Consequently, the proposed project meets the land use policies of the secondary plan.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- The "R1-M" Residential Single-Family Medium district requires a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet,

and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- Single family homes in this location are compatible with the other existing uses in close proximity, as well as those proposed along Crestmont Drive south of the subject site. The proposed subdivision is consistent with existing uses in the area.

- The proposed extension of Scholberg Lane between Gwynne Road and Crestmont Drive will provide an additional means of access between Island Lakes and the Fraipoint neighbourhood, ensuring community safety and supporting active transportation within the neighbourhood.
- Under DASZ 36/2004, Novamet Development Corporation (Qualico Communities) was required to eventually extend Scholberg Lane to provide a secondary means of access for the 150 lots created through this plan of subdivision. Without this access, dwellings on the subject site would be limited to only one emergency vehicular access taken from Nordstrom Drive at Warde Avenue. At the time the Manitoba Housing and Renewal Corporation owned the lands south of the subject site. This was an important condition of approval for this subdivision and always intended to be developed. As it was not possible at that time, the developer provided a gravel trail as an interim means of emergency access.
- Genstar purchased the lands previously under MHRC ownership and applied under DASZ 21/2014 to subdivide and rezone the Fraipont neighbourhood (or Bonavista development) for future development. The extension of Scholberg Lane was not mapped under DASZ 21/2014, as it was part of the Novament application DASZ 36/2004. Once the application for development along Crestmont Drive was proposed (DASZ 36/2004), the requirement for the Scholberg Lane extension was revisited.

RECOMMENDATION

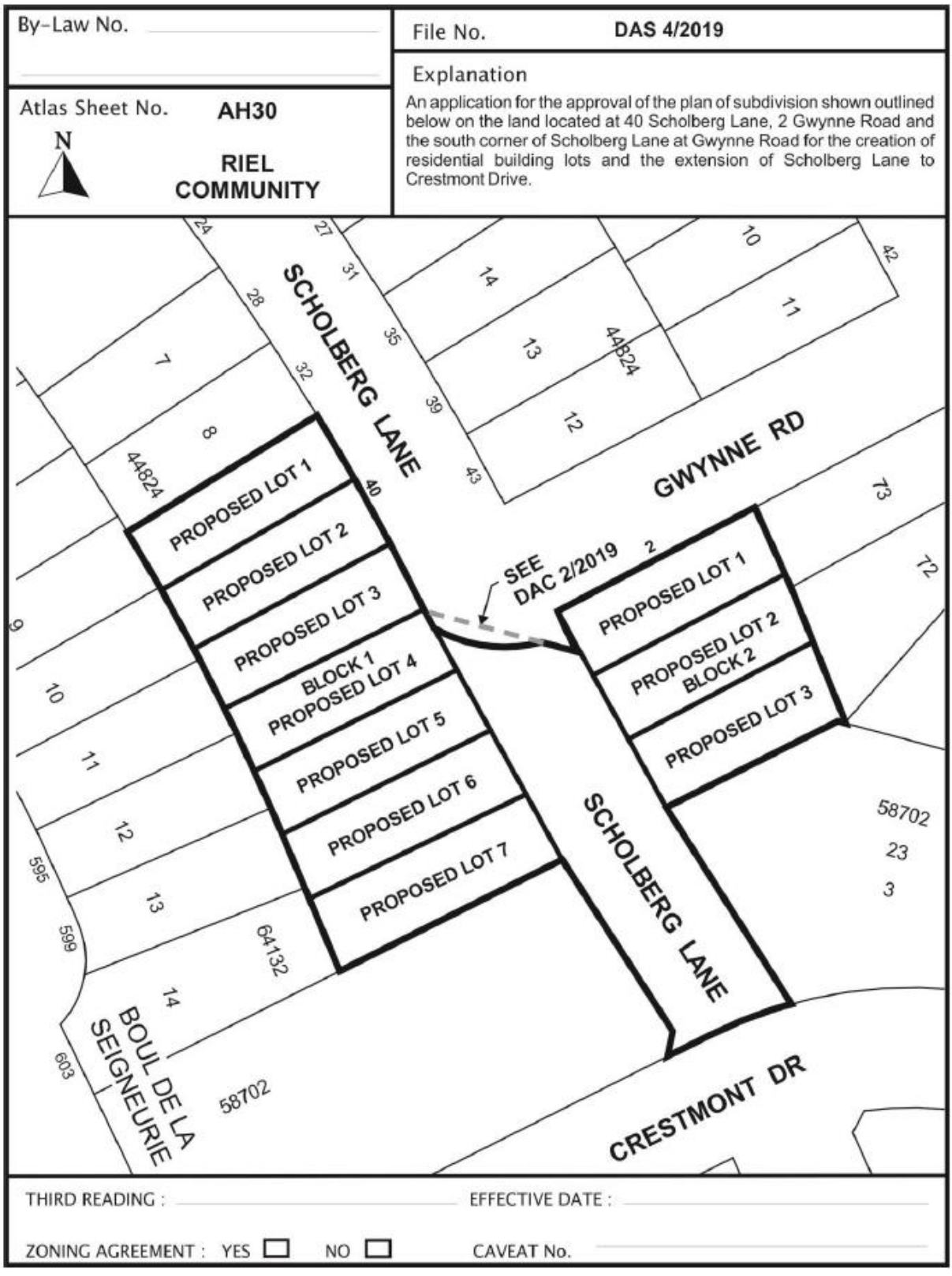
The Urban Planning Division recommends **approval** for the following reasons:

- The subject subdivision complies with the residential land use policies of the *Precinct K Secondary Plan*.
- The proposed development is compatible with land uses in the vicinity of the proposed lots.
- The proposed extension of Scholberg Lane is critical in ensuring safety and timely access for emergency services.

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

Report Prepared by: Simi Jerez
PPD File #: DASZ 4/2019

Schedule "A" for File No. DASZ 13/2017, Riel Committee, dated May 27, 2019



SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – February 27, 2019

RE: PROPOSED PLAN OF SUBDIVISION ON LAND LOCATED AT 40 SCHOLBERG LANE, 2 GWYNNE ROAD AND THE SOUTH CORNER OF SCHOLBERG LANE AT GWYNNE ROAD

The above noted application was reviewed by the ACG Group on February 27, 2019. The application was determined to be within the Planned Area of the Bonavista lands under development (DASZ 21/2014) and therefore this application is subject to the terms and conditions as outlined in the Development Agreement for AG 21/2014.

It is recommended that the approval of DAS 4/2019, if granted, be subject to the applicant entering into a Development Agreement amendment to AG 21/2014 addressing the following items:

Agreement Conditions

1. Watermains

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

2. Wastewater Sewers

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

3. Land Drainage

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

4. 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.

5. Lot Grading

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

b) Prior to the issuance of building permits, the Developer shall, at no expense to the City:
   i. Submit to the City, for approval, a lot grading plan for the Planned Area, prepared by a municipal engineer; and
   ii. Construct all swales, catchbasins, and leads necessitated by the approved lot grading plan

6. Pavement

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

7. Boulevards

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.

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.

8. 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.

9. 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.

10. Street Name Signs

    The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at each new intersection within or adjacent to the Planned Area, as determined by the Director of Public Works.

11. Utilities

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

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

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

12. 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.

13. 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.

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, the administration fee plus applicable GST, to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAS 4/2019
April 18, 2019

"*Original Signed by D. Trenchard"*

D. Trenchard, P. Eng.
Land Development Branch

"*Original Signed by M. Gajda"*

M. Gajda, P. Eng.

Water & Waste Department

"Original Signed By C.J. Desjardine"

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

Exhibit "7" referred to in File DAS 4/2019

ADMINISTRATIVE REPORT

Title: DAS 4/2019 – 40 Scholberg Lane & 2 Gwynne Road

Issue: For consideration at the public hearing for a subdivision for the establishment of 10 single-family residential zoning lots and the extension of Scholberg Lane to Crestmont Drive.

Critical Path: Riel Community Committee as per the Development Procedures By-law and The City of Winnipeg Charter

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith, RPP	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends adjournment of the application for a subdivision under Zoning By-Law No. 200/2006 to the June 4th Riel Community Committee meeting due to improper posting of the proposed subdivision.

REASON FOR THE REPORT

- This report provides information and makes recommendations regarding the subject application's compliance with The City of Winnipeg Charter.
- Subdivision applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, this item will be adjourned.

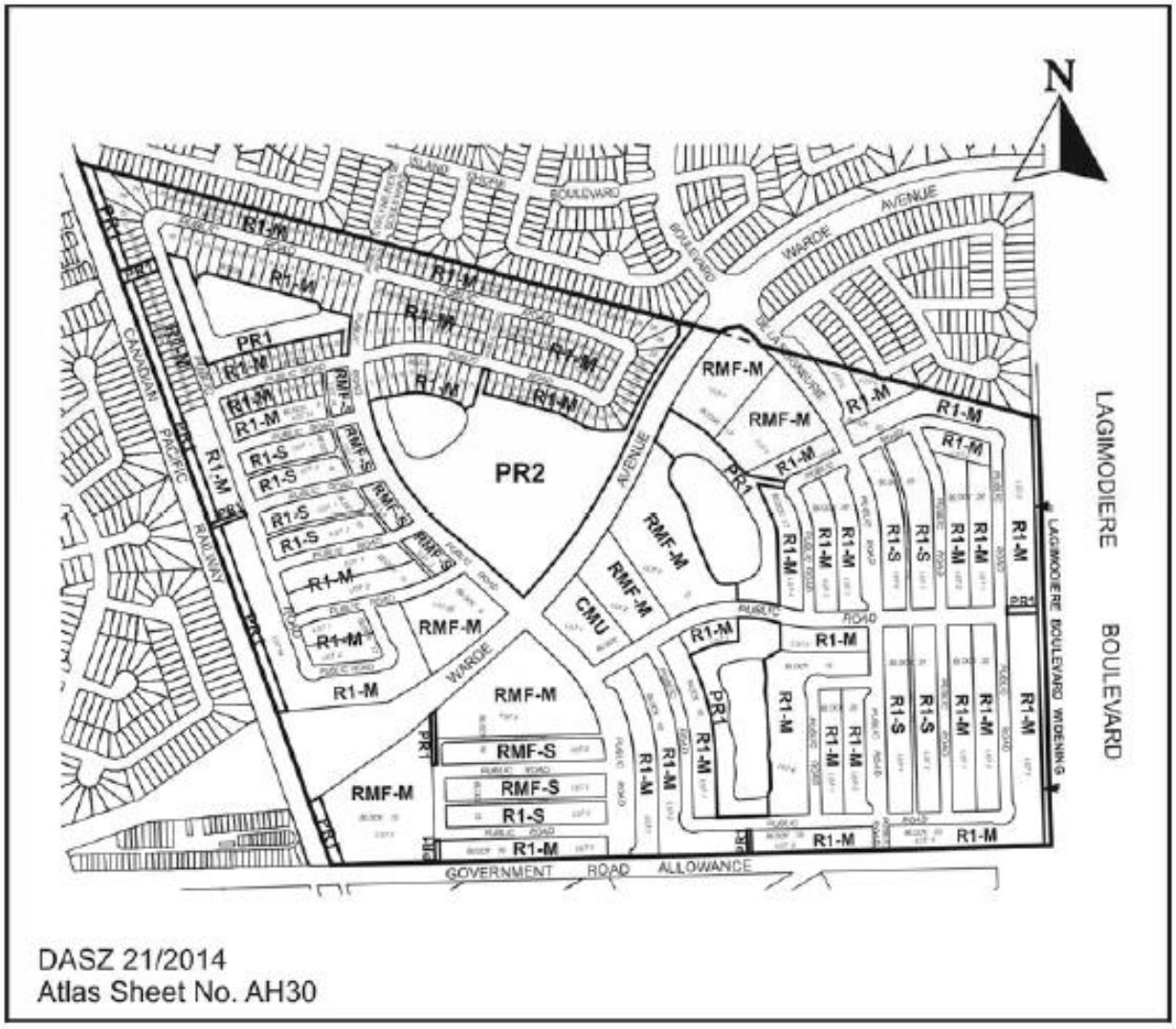
HISTORY

Precinct K – Precinct Plan (By-Law 48/2014)

- On July 16, 2014, Council passed By-law 48/2014 adopting a Secondary Plan for the area identified as Precinct K under the *Complete Communities Direction Strategy*. The plan guides development in the Precinct K area.

DASZ 21/2014 (By-law 67/2015)

- Under DASZ 21/2014 (By-law 67/2015), approximately 243.31 acres of land located at the northwest corner of Melnick Road, Lagimodiere Boulevard and Four Mile Road was rezoned from “RR5” Rural Residential 5 and “R1-M” Residential Single-Family Medium to “R1-S” Residential Single-Family Small; “R1-M”; “RMF-S” Residential Multi-Family Small; “RMF-M” Residential Multi-Family Medium; “CMU” Commercial Mixed-Use; “PR1” Parks and Recreation 1 (Neighbourhood); and “PR2” Parks and Recreation 2 (Community). By-law 67/2015 regarding the subdivision and rezoning was passed by Council on June 17, 2015.



- A zoning agreement was included as a condition of approval for DASZ 21/2014. Among the conditions included was the requirement for plan approval for the multi-family zoned lands:
    - *That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-S" Residential Multi-Family Small, "RMF-M" Residential Multi-Family Medium, or "CMU" Commercial Mixed Use, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.*

CONSULTATION

In preparing this Report there was internal consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Simi Jerez
Date:	April 29, 2019
File No.	DAS 4/2019

List of Schedules and Attachments

4.	Appendix A	Planning Discussion
5.	Schedule "A"	Recommended File No. DAS 4/2019 Riel Community Committee, dated April 29, 2019

APPENDIX 'A'

DATE:	April 29, 2019
FILE:	**DAS 4/2019**
RELATED FILES:	DASSF 506/19
COMMUNITY:	Riel Community
NEIGHBOURHOOD #:	5.557 (Fraipont Neighbourhood) & 5.556 (Island Lakes)
SUBJECT:	To subdivide the land hearing for a subdivision to establish 10 single-family residential zoning lots and to extend Scholberg Lane to Crestmont Drive.
LOCATION:	40 Scholberg Lane, 2 Gwynne Road and South Corner of Scholberg ane at Gwynne Road
LEGAL DESCRIPTION:	LOT 74 BLOCK 1 PLAN 44824 WLTO IN RL 121 AND 122

PARISH OF ST. BONIFACE AND IN LOT 218 ROMAN CATHOLIC MISSION PROPERTY

LOT 9 BLOCK 4 PLAN 44824 WLTO IN RL 121 AND 122 PARISH OF ST. BONIFACE AND IN LOT 218 ROMAN CATHOLIC MISSION PROPERTY

LOT 4, BLOCK 23 PLAN 58702 WLTO IN RL 216, 217, AND 252 ROMAN CATHOLIC MISSION PROPERTY



APPLICANT: Genstar Development Company (Marc Brown)
320-530 Kenaston Boulevard
Winnipeg , Manitoba R3N 1Z4

OWNER: Genstar Development Company
320-530 Kenaston Boulevard
Winnipeg , Manitoba R3N 1Z4

RECOMMENDATION: Adjournment

SITE DESCRIPTION

- The subject site is at Scholberg Lane and Gwynne Road, straddling the Fraipont neighbourhood (of the St. Vital Ward) and Island Lakes neighbourhood (of the St. Boniface Ward).
- The subject site 46,600 square feet (1.07 acres), including a portion of Scholberg Lane, and is currently undeveloped.
- The site of the proposed residential lots is currently zoned “R1-M” Residential Single-family Medium and is located within the New Communities policy area under the *Complete Communities Direction Strategy*. The site is within the Lower Density Residential policy area under the Precinct K Secondary Plan.

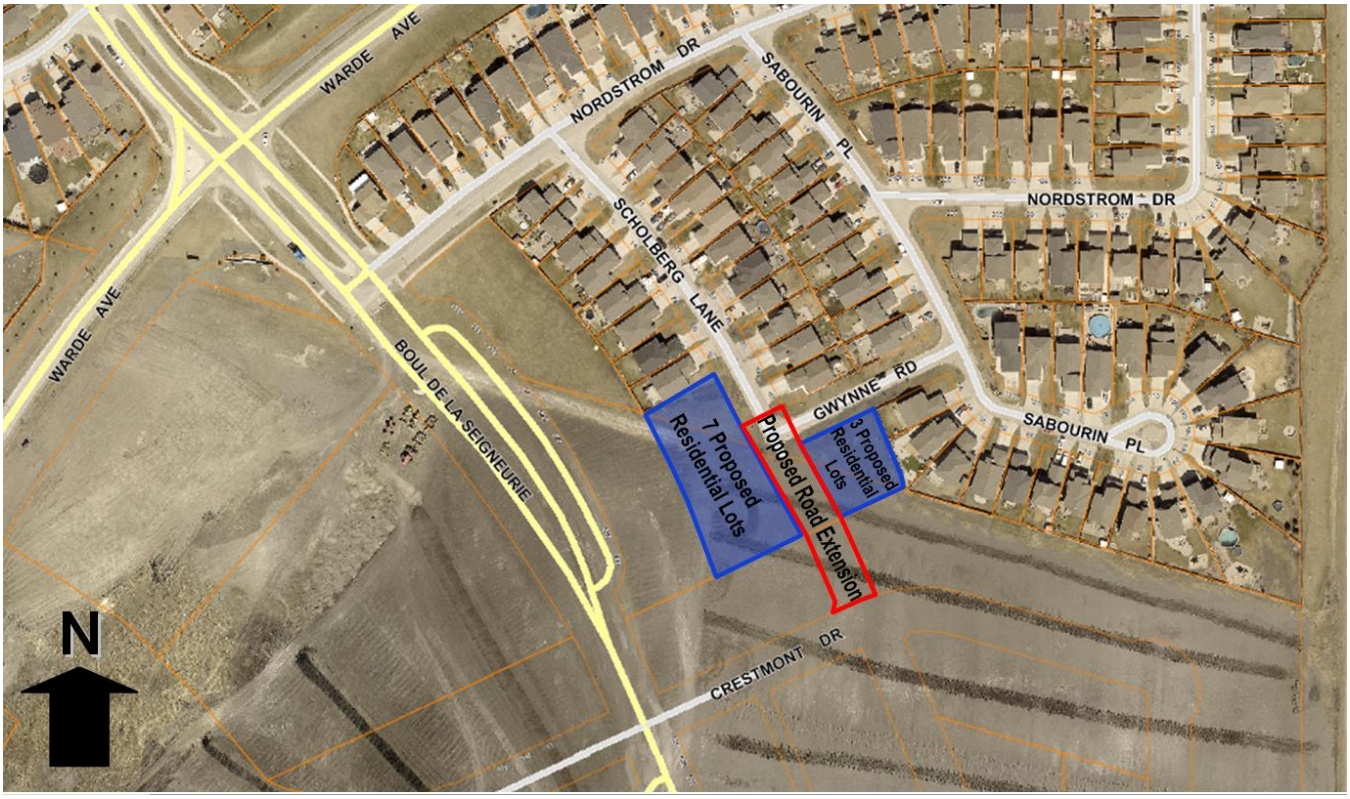


Figure 1: Air photo of the location of subject property and surrounding area (2018)

North: Single family dwellings zoned "R1-M" Residential Single-family Medium.

South: Vacant land zoned "R1-M" Residential Single-family Medium; then Crestmont Drive.

East: Single family dwellings and vacant land zoned "R1-M" Residential Single-family Medium.

West: Vacant land zoned "R1-M" Residential Single-family Medium; then Boulevard De La Seigneurie.

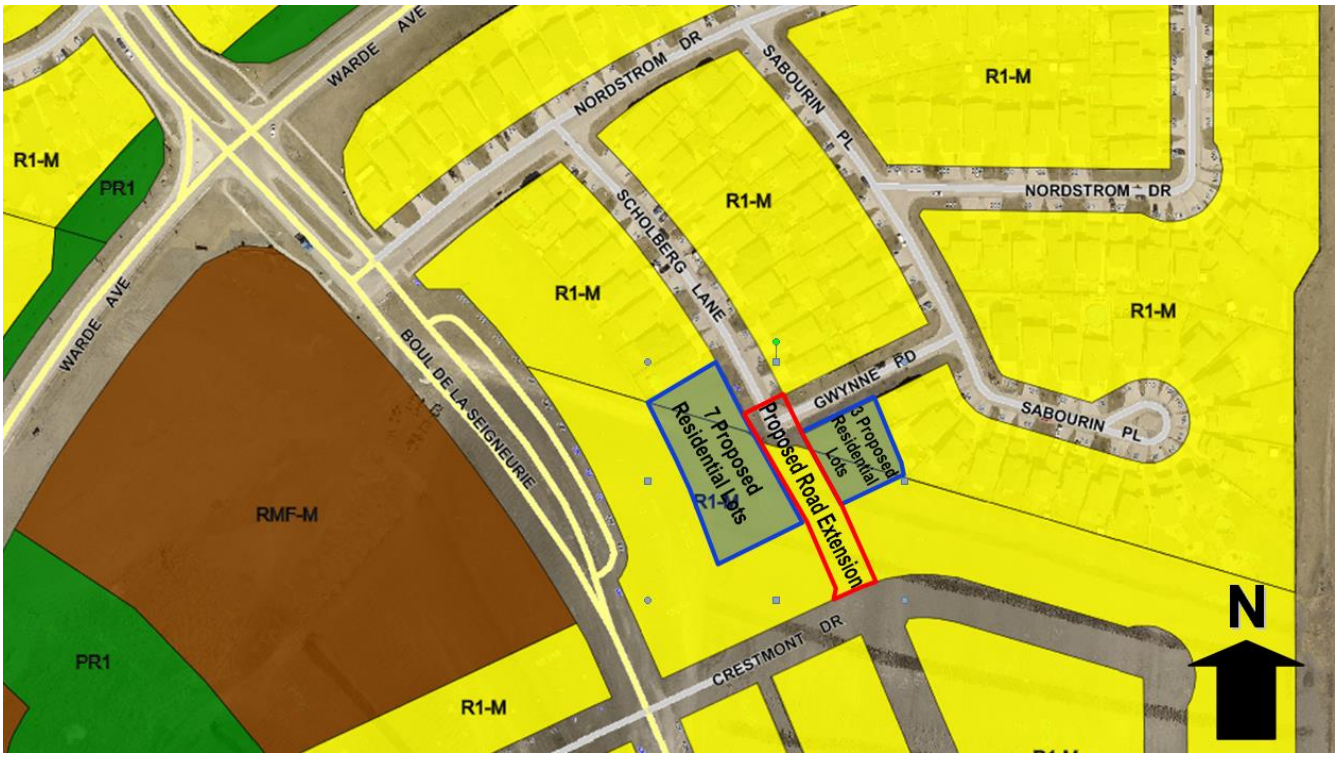


Figure 2: Zoning Context

RECOMMENDATION

In the context of Section 247(3), the Urban Planning Division recommends **adjournment** due to improper posting of the proposed subdivision.

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

Report Prepared by: Simi Jerez
PPD File #: DASZ 4/2019

Schedule "A" for File No. DASZ 13/2017, Riel Committee, dated August 25, 2017

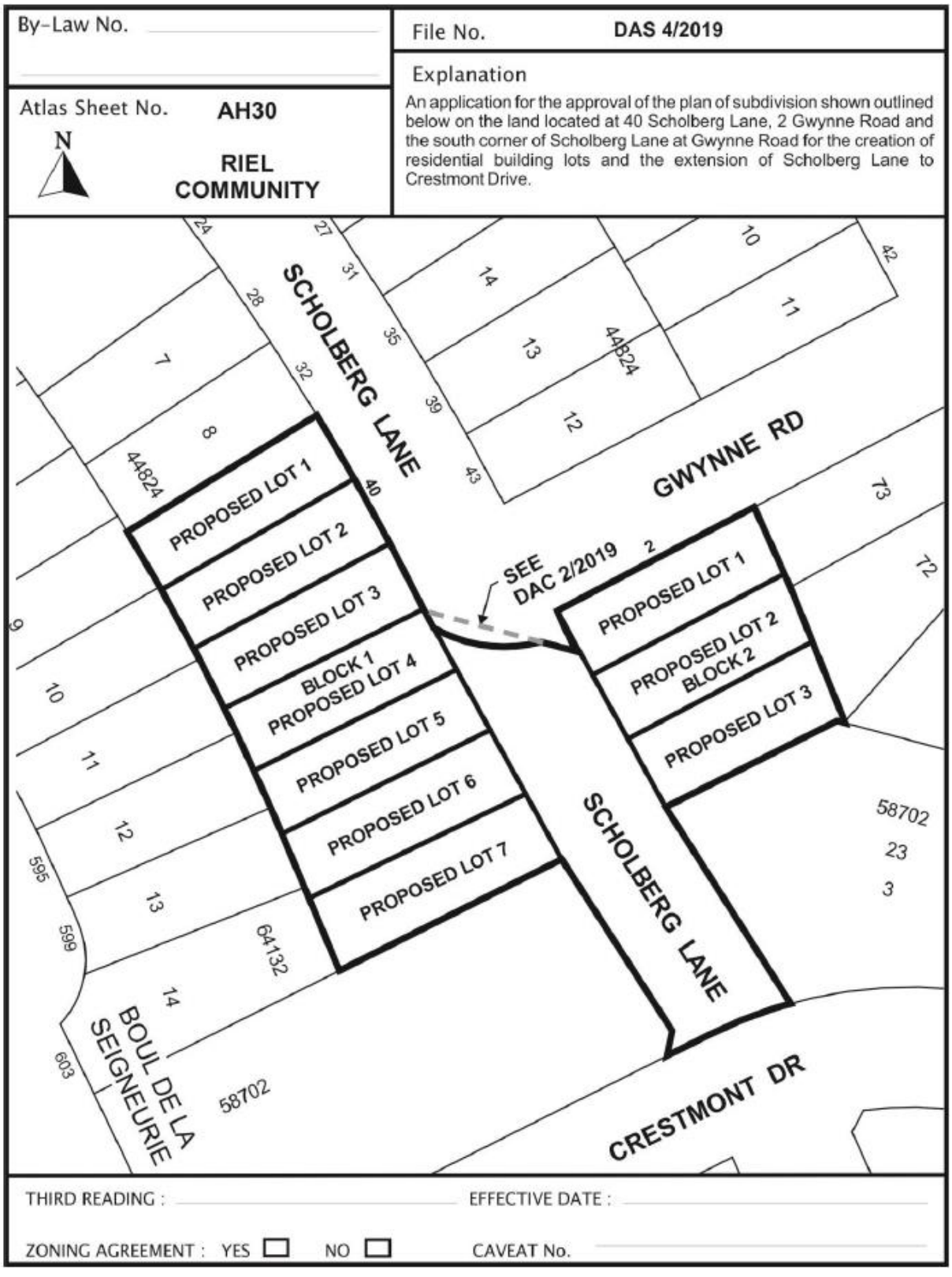
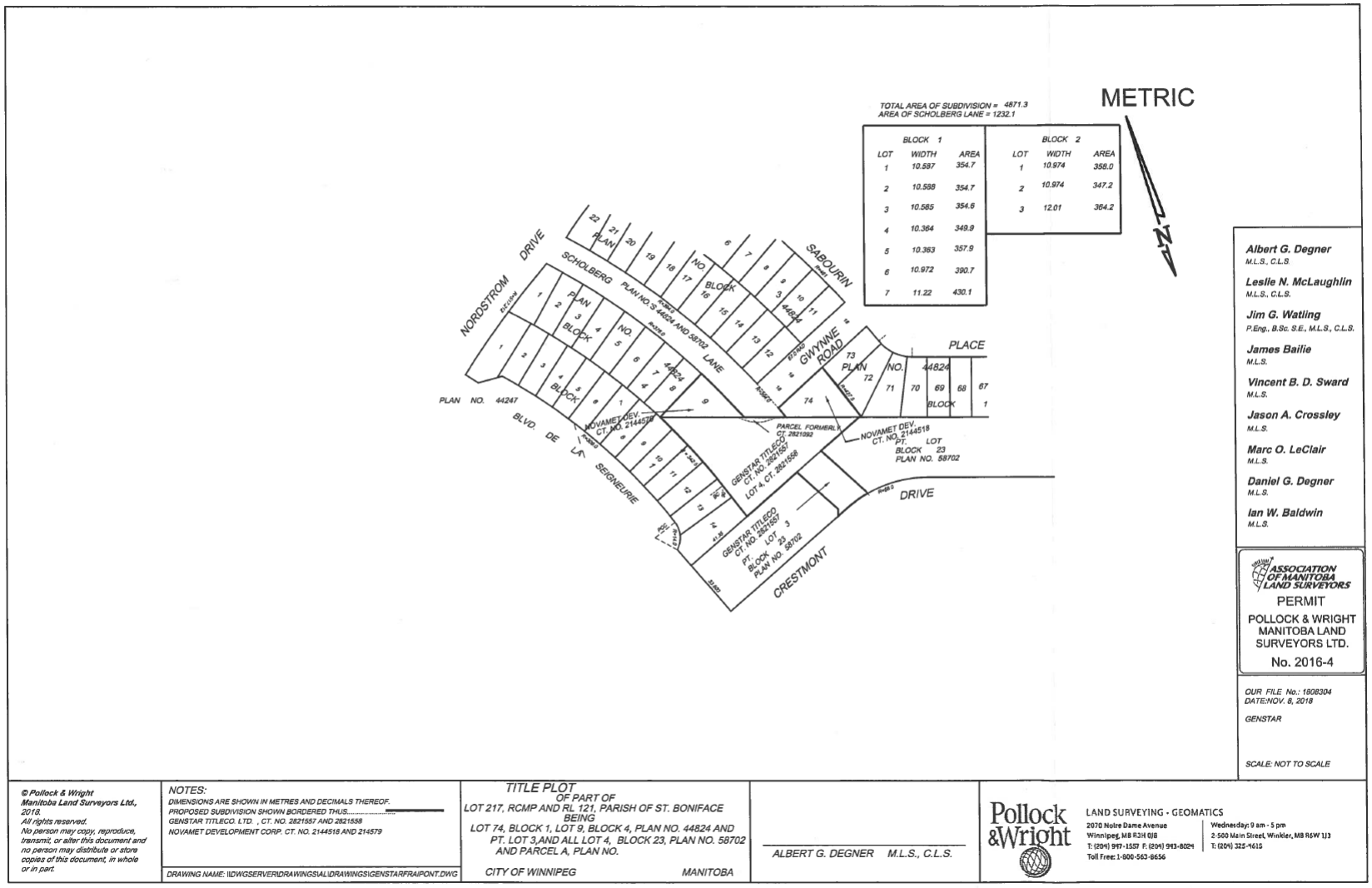


Exhibit “6” referred to in File DAS 4/2019



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Jason A. Crossley M.L.S.
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Ian W. Baldwin M.L.S.

ASSOCIATION OF MANITOBA LAND SURVEYORS
PERMIT
POLLOCK & WRIGHT MANITOBA LAND SURVEYORS LTD.
No. 2016-4

OUR FILE No.: 1808304
DATE:NOV. 8, 2018
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SCALE: NOT TO SCALE

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NOVAMET DEVELOPMENT CORP. CT. NO. 2144518 AND 214579

DRAWING NAME: \\DWGSERVER\DRAWINGS\ALL\DRAWINGS\GENSTARFRAIPONT.DWG

TITLE PLOT
OF PART OF
LOT 217, RCMP AND RL 121, PARISH OF ST. BONIFACE
BEING
LOT 74, BLOCK 1, LOT 9, BLOCK 4, PLAN NO. 44824 AND PT. LOT 3,AND ALL LOT 4, BLOCK 23, PLAN NO. 58702 AND PARCEL A, PLAN NO.
CITY OF WINNIPEG MANITOBA

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2-500 Main Street, Winkler, MB R6W 1J3
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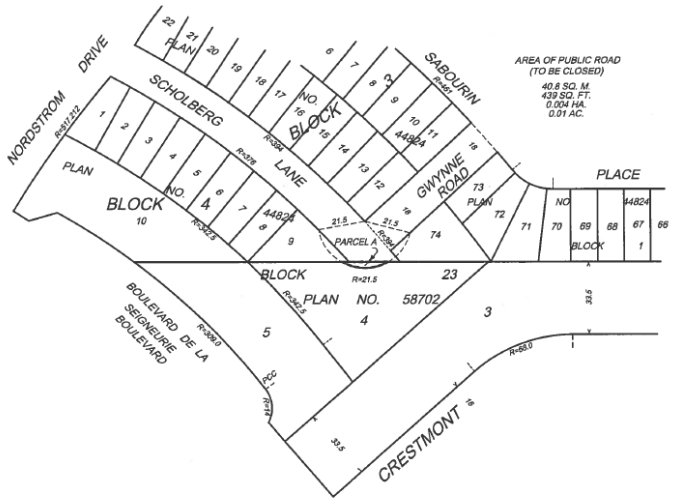
METRIC



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HMQ (MANITOBA) CT. NO. 2821092

DRAWING NAME: \\DWGSERVER\DRAWINGS\AL\DRAWINGS\GENSTARFRAIPONT.DWG

PROPOSED ROAD CLOSING
IN PART OF LOT 217, RCMP
BEING
PUBLIC ROAD, PLAN NO. 58702

CITY OF WINNIPEG MANITOBA

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Toll Free: 1-800-563-8656
Wednesday: 9 am - 5 pm
2-500 Main Street, Winkler, MB R6W 1J3
T: (204) 325-4615

TOTAL AREA OF SUBDIVISION = 4871.3
AREA OF SCHOLBERG LANE = 1232.1

METRIC

BLOCK 1		
LOT	WIDTH	AREA
1	10.587	354.7
2	10.588	354.7
3	10.585	354.6
4	10.364	349.9
5	10.363	357.9
6	10.972	390.7
7	11.22	430.1

BLOCK 2		
LOT	WIDTH	AREA
1	10.974	358.0
2	10.974	347.2
3	12.01	364.2



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