**Minute No. 169**
**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 3, 2020**

**Item No. 1** **Subdivision and Rezoning – Parcels 3, 4, and 5, Plan 5528 on Commercial Avenue**
**(Old Kildonan Ward)**
**File DASZ 35/2019**

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 subdivision under Development Application No. DASZ 35/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated January 14, 2020, 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 conditions.

    A. That the developer be required to enter into a Development Agreement with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated November 20, 2019 and attached as Schedule "B" to this report, with the following amendments:

        i. In Clause 1) under 'Plan Considerations' replace "2.942m" with "1.942m."

        ii. In Clause 3) b. under 'Servicing Conditions', add "and land drainage lateral sewer oversizing" after "drainage system,".

        iii. Add the following new clause under 'Servicing Conditions':

            "3) c. The City shall reimburse the Developer for land drainage sewer oversizing, in accordance with the Development Agreement parameters."

        iv. In Clause 9) a. under 'Servicing Conditions' add "Revised" before "Schedule "C"."

        v. In Clause 11) under 'Servicing Conditions' add "(to a maximum of 15%)" after "of the costs".

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 3, 2020**

COUNCIL DECISION (continued):

vi. In Clause 21) a. under 'Servicing Conditions' add "or near" after "in the Public Reserves within".

B. That the City enter into, execute and deliver with the developer a Development Agreement in accordance with recommendation 1.A. and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

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

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R1-M" Residential Single-Family (Medium), "R2" Residential Two-Family, and a "PR1" Parks and Recreation 1 District as shown on the map dated January 14, 2020 and attached as Schedule "A" to this report.

3. 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.

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

5. That the subdivision section of the By-law will come into force when the Development Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

6. That the zoning section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 3, 2020**

COUNCIL DECISION (continued):

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 4 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 – February 3, 2020**

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 11, 2020, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 3, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development 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 21, 2020, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- In Recommendation 1.A., delete the period after "Schedule "B" of this report", and replace with the following:

  ", with the following amendments:

  i. In Clause 1) under 'Plan Considerations' replace "2.942m" with "1.942m."

  ii. In Clause 3) b. under 'Servicing Conditions', add "and land drainage lateral sewer oversizing" after "drainage system,".

  iii. Add the following new clause under 'Servicing Conditions':

  "3) c. The City shall reimburse the Developer for land drainage sewer oversizing, in accordance with the Development Agreement parameters."

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 3, 2020**

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

iv. In Clause 9) a. under 'Servicing Conditions' add "Revised" before "Schedule "C"."

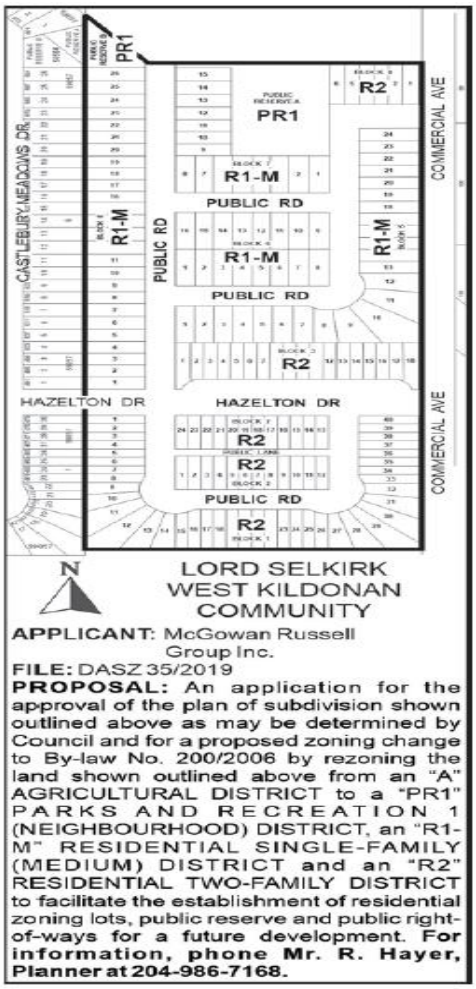
v. In Clause 11) under 'Servicing Conditions' add "(to a maximum of 15%)" after "of the costs".

vi. In Clause 21) a. under 'Servicing Conditions' add "or near" after "in the Public Reserves within".

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

## PUBLIC HEARING SUMMARY

| | |
|---|---|
| **File:** | DASZ 35/2019 |
| **Before:** | Lord Selkirk-West Kildonan Community Committee<br>Councillor Eadie, Chairperson<br>Councillor Santos<br>Councillor Sharma |
| **Public Hearing:** | January 21, 2020<br>Council Building, 510 Main Street |
| File: | DASZ 35/2019 |
| Applicant: | McGowan Russell Group<br>(Jackie Wilkie) |
| Subject: | |




Premises Affected: Parcels 3, 4 and 5, Plan 5528 on Commercial Avenue

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

**Prepared by:** Pieter Prinsloo, Senior Committee Clerk
Lord Selkirk-West Kildonan Community Committee

**Report date:** January 22, 2020

**Community Committee Recommendation:**

On January 21, 2020, 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 subdivision under Development Application No. DASZ 35/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated January 14, 2020, 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 conditions.

   A. That the developer be required to enter into a Development Agreement with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated November 20, 2019 and attached as Schedule "B" to this report~~.~~***, with the following amendments:***

      ***i. In Clause 1) under 'Plan Considerations' replace "2.942m" with "1.942m."***

      ***ii. In Clause 3) b. under 'Servicing Conditions', add "and land drainage lateral sewer oversizing" after "drainage system,".***

      ***iii. Add the following new clause under 'Servicing Conditions':***

         ***"3) c. The City shall reimburse the Developer for land drainage sewer oversizing, in accordance with the Development Agreement parameters."***

      ***iv. In Clause 9) a. under 'Servicing Conditions' add "Revised" before "Schedule "C"."***

      ***v. In Clause 11) under 'Servicing Conditions' add "(to a maximum of 15%)" after "of the costs".***

      ***vi. In Clause 21) a. under 'Servicing Conditions' add "or near" after "in the Public Reserves within".***

   B. That the City enter into, execute and deliver with the developer a Development Agreement in accordance with recommendation 1.A. and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

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

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to an "R1-M" Residential Single-Family (Medium), "R2" Residential Two-Family, and a "PR1" Parks And Recreation 1 District as shown on the map dated January 14, 2020 and attached as Schedule "A" to this report.

3. 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.

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

5. That the subdivision section of the By-law will come into force when the Development Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

6. That the zoning section of the By-law will come into force when 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 4 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. Northwest Winnipeg is a highly desirable area to live in and I'm very pleased that this land is being developed, there are schools that will be coming online, a place where families want to live; I really appreciate the collaboration of the developer and landscape architect, not with my office, but with the administration, I really appreciate it.

2. They have contacted me ahead of time when we went through and we had several meetings on this topic and just worked very closely with the administration which makes it so much easier at this stage; I really do appreciate that.

Exhibits Filed:

1. Application dated October 16, 2019
2. Notification of Public Hearing dated December 4, 2019
3. Manitoba Status of Title 3004419/1
4. Letter of authorization dated September 9, 2019, from PSB Group Inc. (Pardeep Bhullar, President) to McGowan Russell Group
5. Surveyor's Building Location Certificate and sketch dated November 26 and December 5, 2019
6. Caveat 4541158/1
7. Plans (4 pages)
8. Report from the Urban Planning Division dated January 14, 2020
9. Inspection Report
10 Revised Schedule "C"
11. Recording of Representations

REPRESENTATIONS:

In Support:

Pardeep Bhullar
Brian Charles
Susan Russell

In Opposition:

Nil

For Information:

Matt Glavin

For the City:

R. Hayer, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 35/2019

# ADMINISTRATIVE REPORT

**Title:** DASZ 35/2019 – North of Commercial Avenue, West of King Edward Street

**Issue:** For consideration at the Public Hearing to subdivide and rezone the land from "A" Agricultural District to "R1-M" Residential Single-Family (Medium), "R2" Residential Two-Family, and "PR1" Parks And Recreation 1

**Critical Path:** Lord Selkirk - West Kildonan Community Committee → Standing Policy Committee on Property and Development, Heritage and Downtown Development → Executive Policy Committee → Council as per the Development Procedures By-law and *The City of Winnipeg Charter.*

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| R. Hayer, MCP | n/a | n/a | |

## RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 35/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated January 14, 2020, 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 conditions.

    A. That the developer be required to enter into a Development Agreement with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated November 20, 2019 and attached as Schedule "B" to this report.

    B. That the City enter into, execute and deliver with the developer a Development Agreement in accordance with recommendation 1.A. and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

    C. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Development Agreement, 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.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to an "R1-M" Residential Single-Family (Medium), "R2" Residential Two-Family, and a "PR1" Parks And Recreation 1 District as shown on the map dated January 14, 2020 and attached as Schedule "A" to this report.
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4. 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.
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6. That the zoning section of the By-law will come into force when 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 4 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.

## REASON FOR THE REPORT

This report provides information, and makes recommendations, regarding the subject application (DASZ 35/2019) in terms of compliance with *OurWinnipeg*, the *Complete Communities Direction Strategy*, and the *Precinct 'T' Local Area Plan*.

The subject application involves a subdivision and rezoning of land located north of Commercial Avenue and west of King Edward Street. The proposal includes the establishment of residential building lots, public reserves and public right-of-ways for future residential development. The applicant intends to rezone the land to the following zoning districts:

- "R1-M" Residential Single-Family (Medium) District.
- "R2" Residential Two-Family District.
- "PR-1" Parks and Recreation District.

The proposal would accommodate a residential development including single- and two- family dwellings, neighbourhood streets, and parks. The intended subdivision and rezoning of the land requires a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*

The Public Service recommends that the rezoning be approved subject to any conditions specified herein. This report is available to the public, City Council and committees of Council.

## IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning and Design Division are concurred in, the proposal can proceed.

## CONSULTATION

The City's Administrative Coordinating Group was consulted in the preparation of this report.

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Prepared by: | R. Hayer MCP |
| Date: | January 14, 2020 |
| File No. | DASZ 35/2019 |

**Attachments**

- Appendix "A," Planning Discussion
- Schedule "A," of File DASZ 35/2019**,** Lord Selkirk - West Kildonan Community Committee, dated January 14, 2020**.**
- Schedule "B," Report of the Administrative Co-ordinating group, dated November 20, 2019, Re: Proposed Subdivision and Rezoning of Land Located on the North Side of Commercial Avenue, West of King Edward Street.

**Appendix "A," Planning Discussion**

**DATE:** January 14, 2020

**FILE:** DASZ 35/2019

**RELATED FILE:**

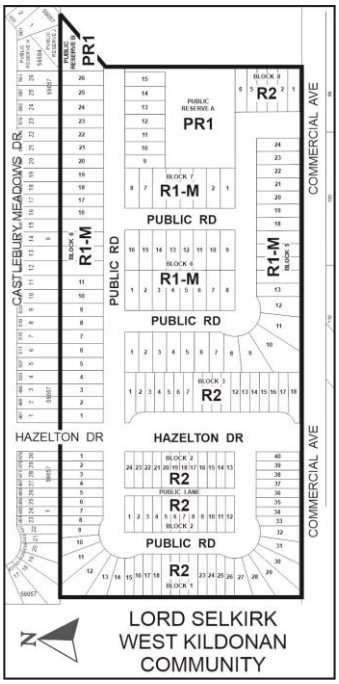
**COMMUNITY:** Lord Selkirk - West Kildonan

**NEIGHBOURHOOD #:** 3.327 (North Inkster Industrial)

**SUBJECT:** Proposed plan of subdivision and rezoning from "A" Agricultural District to "R1-M" Residential Single-Family (Medium), "R2" Residential Two-Family, and "PR1" Parks And Recreation 1

**LOCATION:** North of Commercial Avenue, West of King Edward Street

**LEGAL DESCRIPTION:** ALL THAT PORTION OF PARCEL 5 WHICH LIES W OF A LINE DRAWN NLY AT RIGHT ANGLES TO THE SOUTHERN LIMIT OF SAID PARCEL 5 AND FROM A POINT IN SAME DISTANT WLY THEREON 910.56F FROM THE EASTER LIMIT OF SAID PARCEL 5




**APPLICANT:** McGowan Russell Group Inc. (Jackie Wilkie)
825 St. Joseph Street
Winnipeg, MB
R2H 3A8

**OWNER:** PSB GROUP INC.
66 Nihal Bay
Winnipeg, MB
R2P 1R1

**RECOMMENDATION:** Approval with Conditions

**SITE DESCRIPTION**

The subject site is located along the north side of Commercial Avenue, west of King Edward Street, in the North Inkster Neighbourhood and the Old Kildonan Ward.

The property falls within a “New Community” policy area under the *Complete Communities Direction Strategy* of *OurWinnipeg* and is identified as Precinct “T”. Under the Precinct Policies, the subject site falls within the “Low Density Residential” and “Medium Density Residential” policy areas.

The total site area is 966,545 square feet (22 acres).

The land is currently vacant and zoned “A” Agricultural district under the City of Winnipeg Zoning By-law (no. 200/06).




**Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)***

**SITE CONTEXT SURROUNDING LAND USE AND ZONING (See Figure 2)**

**North:** Single- and two- family dwellings zoned “R1-M” Residential Single-Family (Medium) and “R2” Residential Two-Family .

**South:** Commercial Avenue; then vacant land zoned “A” Agricultural .

**East:** Undeveloped land zoned "A" Agricultural and being used for various agricultural related activities.

**West:** Vacant land zoned "A" Agricultural district; then undeveloped land zoned "M2" Manufacturing General.




**Figure 2: Existing zoning of the subject site and surrounding area.**

## DESCRIPTION OF THE PROPOSED SUBDIVISION AND REZONING

The applicant intends to rezone the property to the following zoning districts:

- "R1-M" Residential Single-Family (Medium) District.
- "R2" Residential Two-Family District.
- "PR-1" Parks and Recreation District.

Combined, the proposed development would provide a mix of Single-Family and Semi-Detached dwellings, and Parks. In total, the application proposes the establishment of:

- 87 Single-Family lots; and
- 82 Two-Family lots.

Two public reserve sites for future park use are also proposed. These would provide opportunities for passive recreation and pathways connected to the greater Castlebury Meadows neighbourhood to the north.

Road openings are proposed for the extension of Hazelton Drive to Commercial Avenue, as well as other local roads and public lanes.

The proposed plan of subdivision is shown on Figure 3.

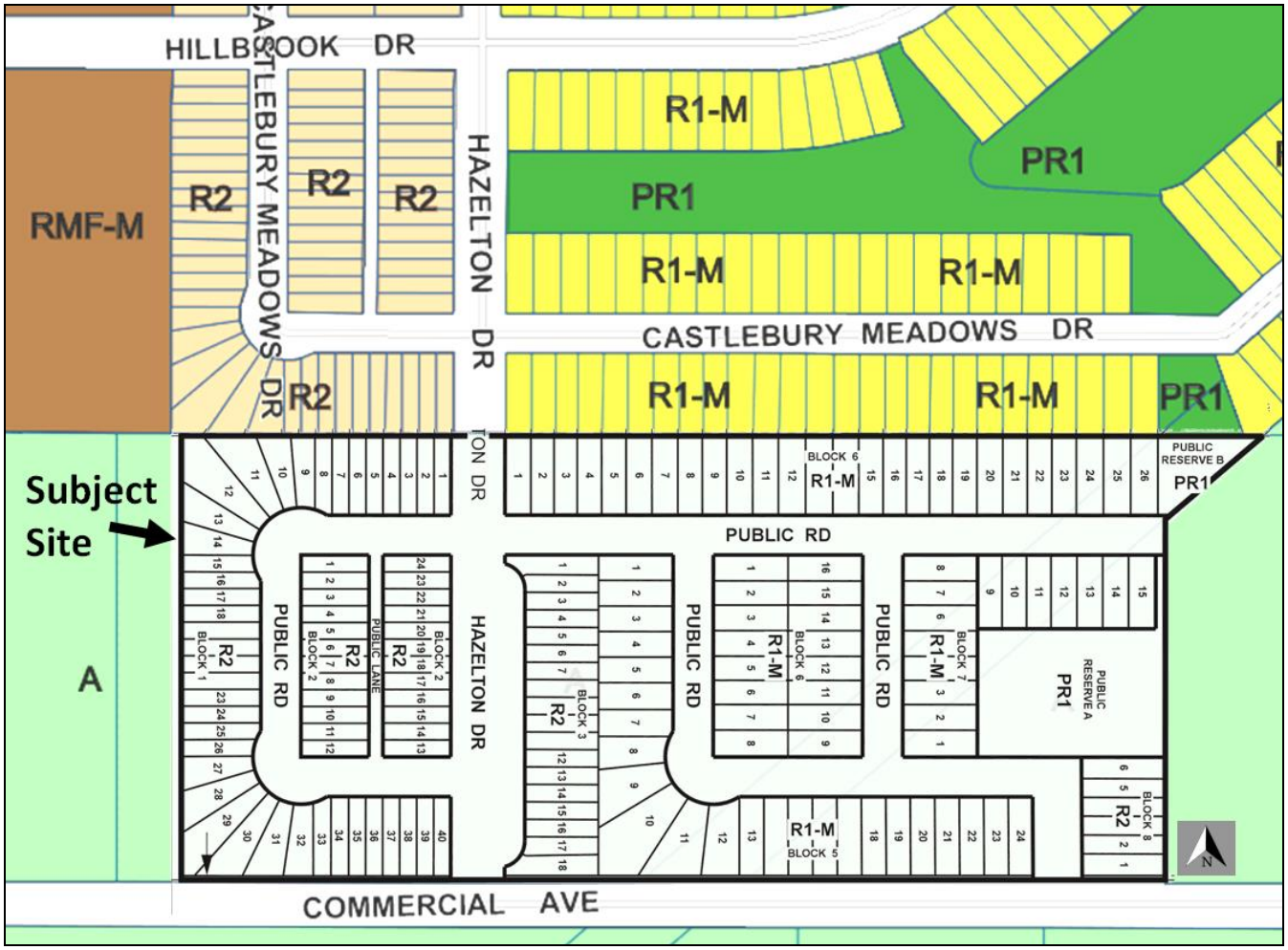



**Figure 3: Proposed plan of subdivision and rezoning with surrounding zoning context shown.**

**Collaboration:**

Prior to filing the subject application, the proponent submitted a Pre-Application to solicit feedback from all City Departments. In response to feedback from the Public Service, the applicant made the following adjustments to the plan:

- The Public Reserve space was initially proposed to be located along the west side of the southerly extension of Hazelton Drive. The applicant has relocated the park to the easterly edge of the planned area in order to facilitate a pathway connection to other parks in the Castlebury Meadows neighbourhood to the north.
- The applicant also added a public lane to provide motor vehicle access to Lots 1 through 24, on Block 2, whereas previously lots with front driveway access were proposed.

**ANALYSIS AND ISSUES**

**OurWinnipeg and the Complete Communities Direction Strategy:**

Under *OurWinnipeg* and *Complete Communities* the proposed development is within the "New Communities" Policy Area (Precinct 'T'). Per *OurWinnipeg,* the Key Direction for New Communities is the following:

- *New Communities will continue to play an important role in accommodating the city's projected population growth. These communities will be planned as complete from the outset and will continue to achieve a high standard of sustainability in planning, design, construction and management.*

Per *Complete Communities,* key policies include the following:

- *New Communities will be established through a planning process.*
- *New Communities will be developed with complete streets, enabling safe and convenient spaces for pedestrians, bicyclists, public transit ridership and motorists to promote physical activity, health and active transportation.*

A Planning Process has occurred and the Precinct 'T' Area Structure Plan has been adopted as Council policy. Furthermore, the proposed plan of subdivision, which complies with the Precinct 'T' Plan, would also be consistent with *Complete Communities* policies for 'New Communities'.

**Precinct 'T' Secondary Plan:**

The Precinct "T" (Castlebury Meadows) Area Structure plan was endorsed by Council in November, 2013. Under the Area Structure plan, the property is within the "Low Density Residential", "Medium Density Residential", and "Parks/Open Space" policy areas.

The following density ranges are provided for the Low Density Residential and Medium Density Residential areas:

- Low Density Residential
    - Low Density Residential Area densities within Precinct "T" should strive for a minimum target of 6 units per net developable acre and a maximum target of 12 units per net developable acre.
- Medium Density Residential
    - Medium Density Residential Area densities within Precinct "T" should strive for a minimum target of 7.5 units per net developable acre and a maximum target of 15 units per net developable acre

The proposal includes a density of 6.5 units per acre in the Low Density policy areas, and 10 units per acre in the Medium Density policy areas.

The proposal is also generally consistent with the Precinct 'T' Area Structure Plan in terms of land use and location of collector streets. Minor changes to the street layout are supportable because the location of local roads are subject to review at the development application stage. The proposed park space is also consistent with the Precinct 'T' plan.

The Precinct 'T' Land use and Transportation Policy map is shown on Figure 4.

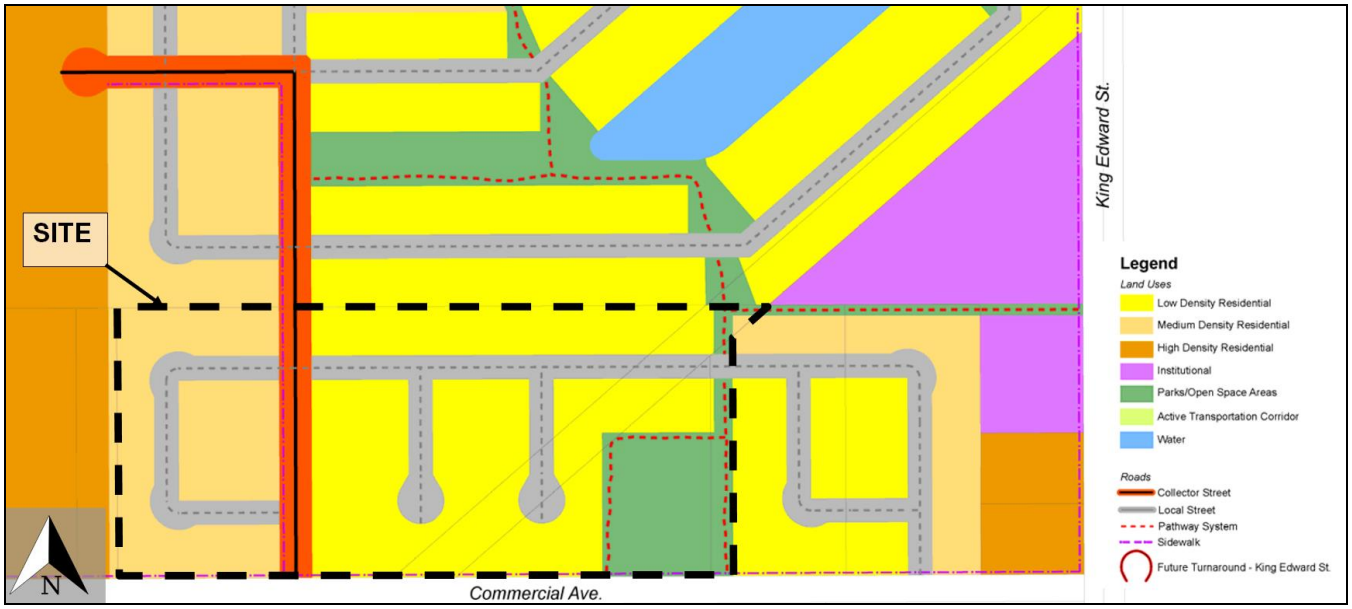



**Figure 4: Precinct 'G' Land Use and Transportation Policy Map.**

**City of Winnipeg Zoning By-Law 200/2006:**

The following zoning districts are proposed, which would accommodate single family homes, duplexes, row houses, apartments, commercial uses, and parks:

- **" "R1-M" (Medium) Residential Single-Family Districts** is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.
- **"R2" Residential Two-Family District** is intended to accommodate the development of single and two-family, limited multi-family units in lower density neighbourhoods units.
- **"PR1" Parks and Recreation 1 (Neighbourhood) District** is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access.

| Zoning District and Designation | Minimum Lot Area (Sq. Ft.) | Minimum Lot Width (Ft.) | Minimum Front Yard (Ft.) | Minimum Rear Yard (Ft.) | Minimum Side Yard (Ft.) | Minimum Reverse Corner Street Side Yard (Ft.) | Maximum Height of Bldg. (Ft.) | Maximum Lot Coverage (%) |
|---|---|---|---|---|---|---|---|---|
| **Principal Residential Structure** | | | | | | | | |
| **R1-Medium** | 3,500 | 25 | 15 | 25 | 4 | 4 | 35 | 45 |
| **R2** | 5,000 (2,500 per dwelling unit for two-family; 800 per dwelling unit for multi-family) | 25 | 20 | 25 | 4 | 10 | 35 | NA |

**Table 1: Single- and Two Family Zoning District Dimensional Standards.**

### Compatibility with the Surrounding Area

*North:*

- Lands to the north fall within the Precinct 'T' Plan and comprise the Castlebury Meadows neighbourhood.
- The area to the north has been mostly developed with single- and two- family dwellings.

*South:*

- The lands south of the precinct are designated 'General Manufacturing' policy area under the *Complete Communities Direction Strategy.*
- Although the lands currently contain single-family dwellings on land zoned 'A' Agricultural District, it is anticipated that long term the area will transition to an employment related use consistent with applicable land use policies.
- Although no proposed lots in the subject planned area would front onto Commercial Avenue, it is recommended that a 6.5 ft. tall wooden fence be constructed along the side and rear yards of proposed lots. This requirement is noted in the ACG report under Schedule 'B' to this report.

*East and West:*

- The lands both to the east and west of the subject area also fall within the Precinct 'T' Plan and will be subject to a future DASZ application (approval through City Council).

The proposed plan of subdivision and rezoning would be compatible with the surrounding area because it is consistent with the Precinct 'T' Area Structure Plan in terms of land use and layout.

### Key Comments Provided by Other Civic Departments

- It is noted that the subject DASZ application (35/2019) 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.

*Sidewalks and Paths:*

- The location of recommended sidewalks and/or multi-use pathways is described in the ACG report and would be required to be constructed to the satisfaction of the Director of Public Works.
- Schedule C shows the location of recommend sidewalks and multi-use paths.

**REASONS FOR THE RECOMMENDATIONS**

The Urban Planning Division recommends approval because the proposed plan of subdivision and rezoning are consistent with *OurWinnipeg* and *Complete Communities*, and with the Precinct 'T' Area Structure Plan.

## OURWINNIPEG POLICY ALIGNMENT

The propose development aligns with *OurWinnipeg* Section 01, Direction 3: *"Promote Compact Urban Form and Manage the Extension of Municipal Services for New Growth."*

## WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposed development would align with the following Key Direction in the Winnipeg Climate Action Plan: *"Ensure New Areas of Growth are Designed According to the Principles of Complete Communities."*

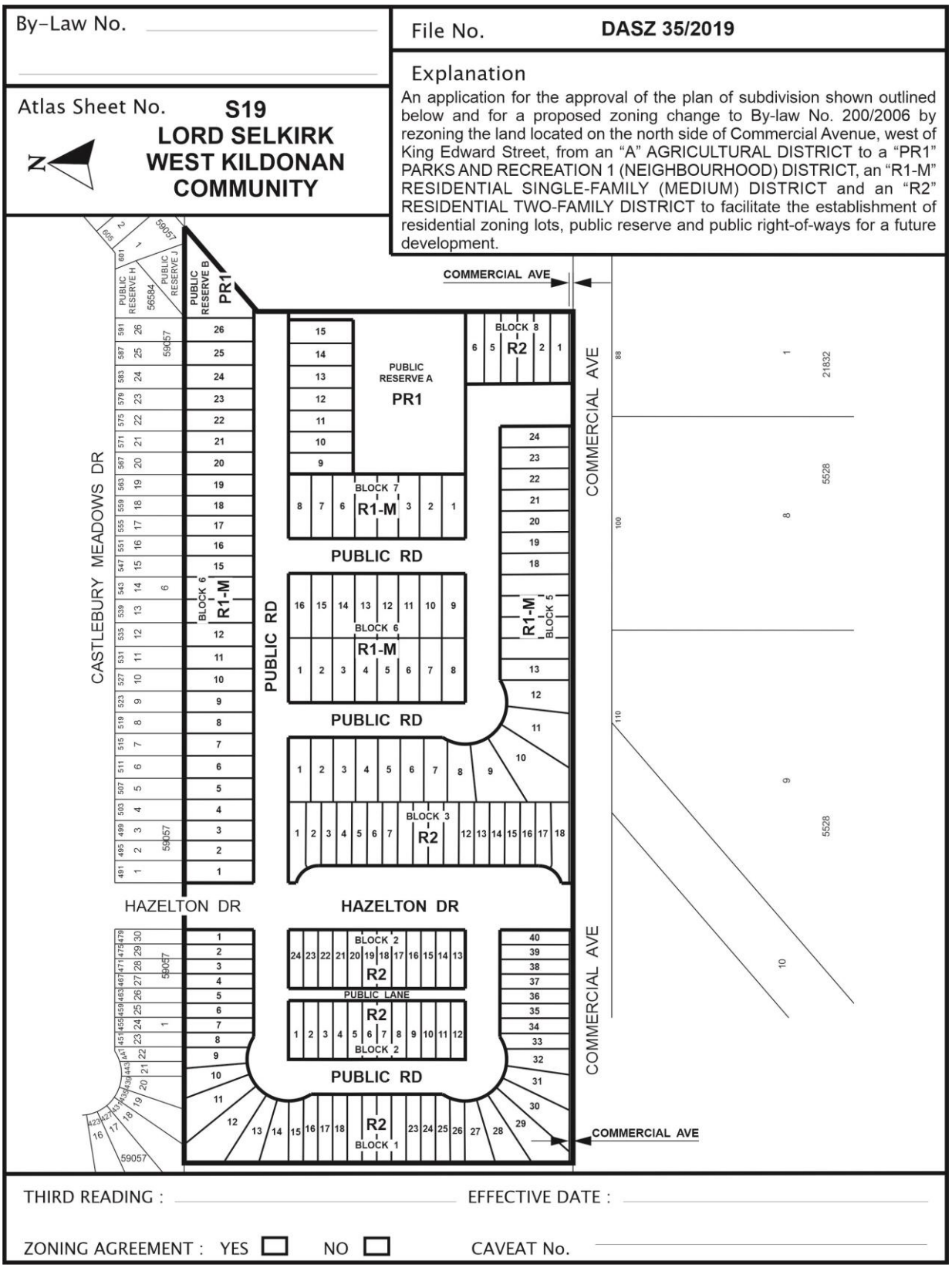
This Report Submitted by:
Planning, Property and Development Department
Urban Planning and Design Division

Report Prepared by:
R. Hayer, MCP

PPD File #:
DASZ 35/2019

**Schedule "A" of File DASZ 35/2019, Lord Selkirk - West Kildonan Community Committee,**

January 14, 2020



## SCHEDULE B

## REPORT OF THE ADMINISTRATIVE COORDINATING GROUP – November 20, 2019

**RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE NORTH SIDE OF COMMERCIAL AVENUE, WEST OF KING EDWARD STREET**

It is recommended that approval of DASZ 35/2019, if granted, be subject to the applicant entering into a Development Agreement and address the following items, where applicable:

**Plan Considerations**

1) The Developer shall, at no expense to the City, legally open property required to widen the north side of the Commercial Avenue right-of-way by approximately 0.942m (2.942m if the land drainage sewer is over 525mm), to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, provide a minimum right-of-way width of 9.0m for the proposed frontage road, with the frontage road terminus points to be located and designed to the satisfaction of the Director of Public Works.

3) Proposed public lanes are to be established with a 6.25m right-of-way width in public lanes serving single or two-family residential development, to the satisfaction of the Director of Public Works.

**Engineering Reports and Servicing Criteria**

1) The Developer shall submit a comprehensive servicing report, prepared by a qualified municipal engineer, outlining the provision of underground services for the Planned Area and adjacent lands.

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.

3) The Developer shall, at no expense whatsoever to the City, conduct geotechnical investigations in accordance with the City's "Guidelines for Site Investigation Requirements for Public Works Street Projects" and develop pavement designs for all proposed public streets and lanes, all to the satisfaction of the Director of Public Works.

**Servicing Conditions**

1) Wastewater Sewers

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

b. The Developer shall pay to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the wastewater sewer installed by others in Commercial Avenue, as determined by and to the satisfaction of the Director of Water and Waste.

2) Water Mains

a. The Developer shall, at no expense whatsoever to the City, construct and install all water mains required to service the Planned Area and adjacent lands as indicated by the servicing report, to the satisfaction of the Director of Water and Waste.

b. The Developer shall pay to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the water mains installed by others in Commercial Avenue and the proposed Hazelton Drive extension, as determined by and to the satisfaction of the Director of Water and Waste.

3) Land Drainage Sewers

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

b. The Developer shall pay to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the regional land drainage system, as determined by and to the satisfaction of the Director of Water and Waste.

4) Lot Line Service Connections

a. The Developer shall, at no expense whatsoever to the City, construct and install wastewater and water building services from the wastewater sewers and water mains to service all single-family and two-family 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 the private sewer service for each single- family and two-family lot remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the private sewer service pipe may be connected to the wastewater system, and the Developer will 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, to the satisfaction of the Director of Water and Waste, any water service pipe or private sewer service pipe determined by the Director of Water and Waste to be defective within one year following the date the water to the lot serviced by that water service pipe or private sewer

service pipe is turned on by the City for domestic use, and shall pay to the City any and all costs incurred by the City associated with any such defect.

5) Lot Grading

a. The Developer shall, at no expense whatsoever to the City and prior to the issuance of any building permit in respect of the Planned Area, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the lot grading plan of record to the satisfaction of the Director of Water and Waste.

b. Prior to the issuance of any building permits in respect of the Planned Area, the Developer shall, at no expense whatsoever to the City, construct all swales, catchbasins and leads required to provide lot drainage within the Planned Area.

c. Upon registration of the approved subdivision mylars in the Land Titles Office, the Developer shall, at no expense whatsoever to the City, grant to the City and register easements in respect of all swales, catchbasins and leads for lot drainage within the Planned Area.

6) Pavements

a. The Developer shall, at no expense whatsoever to the City, construct 150mm thick Portland cement concrete pavements, 7.5m in width, and all related works, including but not limited to ornamental street lighting, boulevard landscaping and land drainage facilities, in Public Roads 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 whatsoever to the City, construct 150mm thick Portland cement concrete pavements, 6.0m in width, and all related works, including but not limited to ornamental street lighting, boulevard landscaping and land drainage facilities, in the proposed frontage road within the Planned Area, all as determined by and to the satisfaction of the Director of Public Works.

c. The Developer shall, at no expense whatsoever to the City, construct 150mm thick Portland cement concrete pavements, 5.0m in width, and all related works, including but not limited to land drainage facilities, in all Public Lanes within the Planned Area, all as determined by and to the satisfaction of the Director of Public Works.

7) Hazelton Drive

a. The Developer shall, at no expense whatsoever to the City, construct 200mm thick Portland cement concrete pavements, 10.0m in width, and all related works, including but not limited to land drainage facilities, in Hazelton Drive to Commercial Avenue, to the satisfaction of the Director of Public Works.

8) Commercial Avenue

a. The Developer shall, at no expense whatsoever to the City, construct and/or pay to the City, 200mm thick Portland cement concrete pavements, 10.0m in width, and all related works, including but not limited to land drainage facilities, for the full length of Commercial Avenue abutting the Planned Area, including a temporary asphaltic transition to the existing roadway surface, all as determined by and to the satisfaction of the Director of Public Works.

b. The Developer shall pay to the City, in cash, on demand, their share of the costs of the required intersection roadway improvements at the intersection of King Edward Street and Commercial Avenue, as determined by and to the satisfaction of the Director of Public Works.

9) Sidewalks/Multi-use Pathways

a. The Developer shall, at no expense whatsoever to the City, construct 3.5m wide asphalt multi-use pathways and 1.5m wide by 100mm thick Portland cement concrete sidewalks and all related works, on the standard alignment, 0.3m from the property line unless otherwise stated, as shown in Schedule “C” attached hereto, all to the satisfaction of the Director of Public Works.

b. The Developer shall construct sidewalks/multi-use pathways 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.

10) Fencing

a. The Developer shall, at no expense whatsoever to the City, construct within the Planned Area abutting Commercial Avenue, a uniform wooden fence, 2.0m in height, as determined by and to the satisfaction of the Director of Public Works.

b. The Developer is to permit the City to file a caveat against the title(s) of each lot abutting Commercial Avenue requiring the owner to maintain and/or replace the fence as constructed, to the satisfaction of the Director of Public Works.

11) Traffic Control

The Developer shall pay to the City, in cash, on demand, their share of the costs to install the appropriate traffic control at the intersection of King Edward Street and Commercial Avenue, to the satisfaction of the Director of Public Works.

12) Private Approaches

a. There shall be no private approaches serving single family or two family residential development off residential collector streets (i.e. rights-of-way measuring 22.0m or greater in width).

b. Private approaches serving R2 and RMF-S lots without a public lane shall be joint use and there shall be 6.1m between the edge of the private approach flares between lots, measured at the curb, as determined by and to the satisfaction of the Director of Public Works.

13) Temporary Dead-End Streets

a. The Developer shall, at no expense whatsoever 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 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 whatsoever 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.

14) Two Means of Vehicle Access

a. The Developer shall, at no expense whatsoever 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.

b. The Developer shall, at no expense whatsoever to the City, construct temporary paved roadways, and provide easements or rights-of-way in respect of same, as required to satisfy the Developer's obligation under clause (a).

15) Boulevards

a. The Developer shall, at no expense whatsoever 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, to the satisfaction of the Director of Public Works.

b. The Developer shall, at no expense whatsoever to the City, maintain the sod for a period of one year and trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

16) Signage

a. Prior to construction, the Developer shall, at no expense whatsoever to the City, obtain approval of and install, 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, sidewalks, public walks, active transportation facilities, community mailbox sites, all proposed parks, storm water retention facilities, natural tree stands, collector and arterial streets, and King Edward Street, all with the approval of and to the satisfaction of the Director of Planning, Property and Development.

b. The Developer shall, at no expense whatsoever to the City, 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.

17) Street Name Signs

The Developer shall, at no expense whatsoever 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 and to the satisfaction of the Director of Public Works.

18) Utilities

a. The Developer shall, at no expense whatsoever 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 whatsoever to the City, cause underground electrical and telephone services to be installed to serve the Planned Area and pay the full cost to convert any existing overhead services within the Planned Area 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.

19) Construction Traffic

a. The Developer shall, at no expense whatsoever to the City, ensure that construction traffic uses access routes determined by the Director of Public Works.

b. The Developer shall, at no expense whatsoever to the City, maintain the said access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and shall undertake the regular cleaning, scraping and sweeping of those access routes and all streets until building construction within the Planned Area, including landscaping, is complete, all as determined by and to the satisfaction of the Director of Public Works.

20) Litter and Refuse Control and Clean-Up

a. The Developer shall, at no expense whatsoever to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b. The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

21) 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 whatsoever 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 Planning, Property, and 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. 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 paths in accordance with Schedule C.

i. The Developer shall construct, and/or pay their share of the cost to construct the paths as determined by the Director of Public Works. The specific location of the park paths shall be as determined through the park plan approval process, with the width consistent with the north-south paths established by the development to the north (DASZ 30/2013). If it is advisable to have any or all of the path construction deferred to a later date, so as to establish the path on adjacent future Public Reserve lands, the Developer shall pay to the City, the cost to construct the deferred sections of path works (based on the value of the works at the time park landscaping commences), as determined by and to the satisfaction of the Director of Public Works.

ii. The cost of the path for the section marked “cost-shared” on Schedule C shall be cost shared with the Developer of the proposed development immediately to the east. Whichever Developer commences park improvements first shall construct the path with the understanding that the future Developer shall be required to reimburse their share of the cost of construction, prior to the City issuing “Construction Completion Certificate for Park Improvements” for the future Developer’s Public Reserve lands, all as determined by and to the satisfaction of the Director of Public Works.

c. 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.

d. 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.

e. The Developer shall, at no expense whatsoever 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.

f. 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.

g. 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.

h. 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.

i. 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.

22) 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 restored as required 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. Where the Director of Planning, Property and Development determines that all the survey monuments within the Planned Area have been found or restored to their original positions, the Director of Planning, Property and Development may waive the requirements for Plan of Survey Perpetuating Certain Monuments under clause (a).

**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 this 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, parklands, parkways and associated works required to serve the Planned Area;

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

c) The Developer shall pay to the City its share of the cost of Consulting Fees for the Preparation of Precinct G, as determined and approved by the Director of Property and Development.

3) Administration Fees

The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, an administration fee plus applicable GST 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 35/2019
January 13, 2020

"*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 D. Beaton*"
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Public Works Department, Transportation Division

## SCHEDULE C

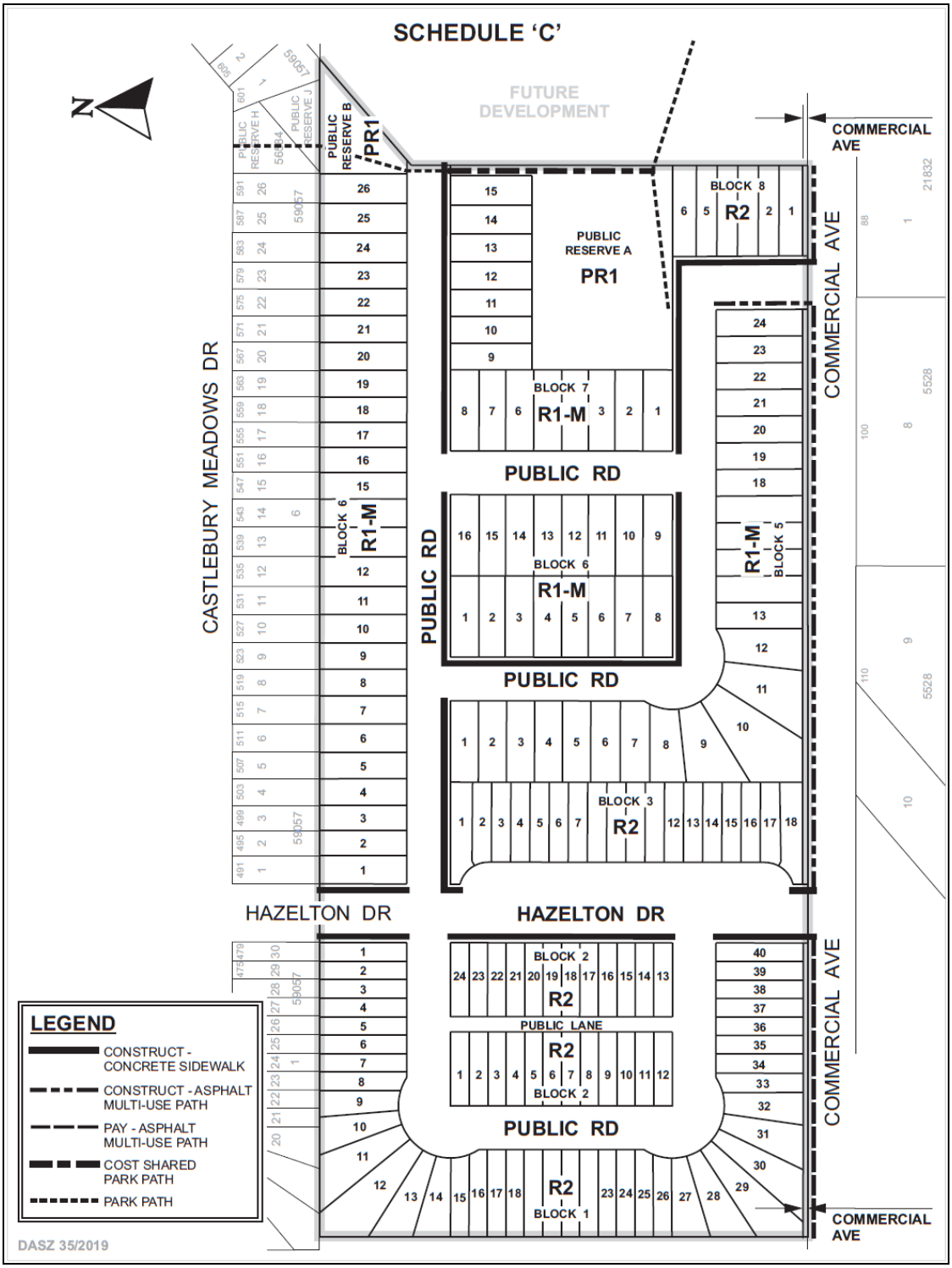
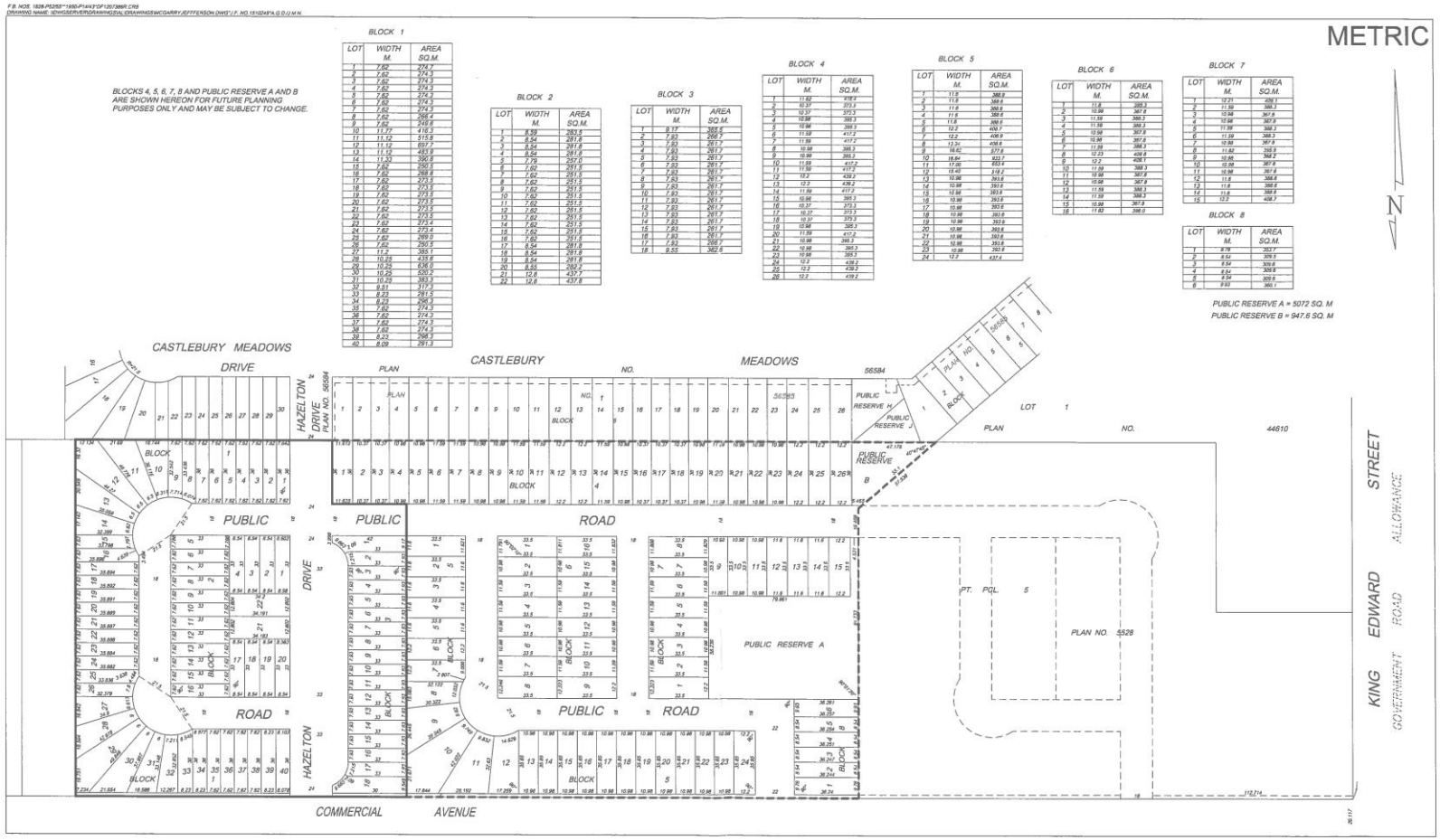
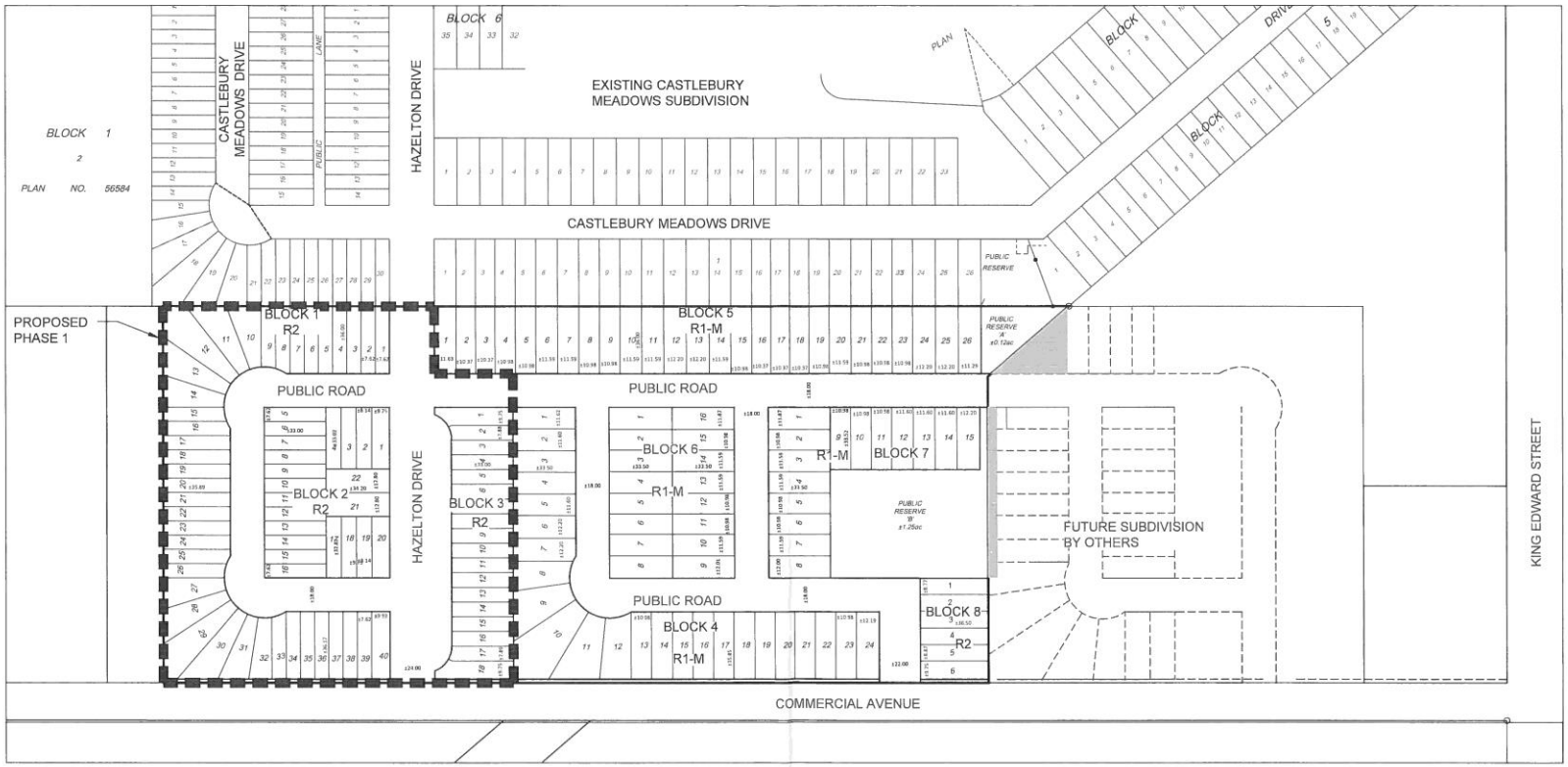

SCHEDULE 'C'
FUTURE DEVELOPMENT
COMMERCIAL AVE
PUBLIC RESERVE B
PR1
PUBLIC RESERVE A
PR1
BLOCK 8
R2
BLOCK 7
R1-M
PUBLIC RD
CASTLEBURY MEADOWS DR
BLOCK 6
R1-M
BLOCK 5
R1-M
BLOCK 3
R2
HAZELTON DR
BLOCK 2
R2
PUBLIC LANE
BLOCK 1
R2
LEGEND
CONSTRUCT - CONCRETE SIDEWALK
CONSTRUCT - ASPHALT MULTI-USE PATH
PAY - ASPHALT MULTI-USE PATH
COST SHARED PARK PATH
PARK PATH
DASZ 35/2019

Exhibit "7" referred to in File DASZ 35/2019

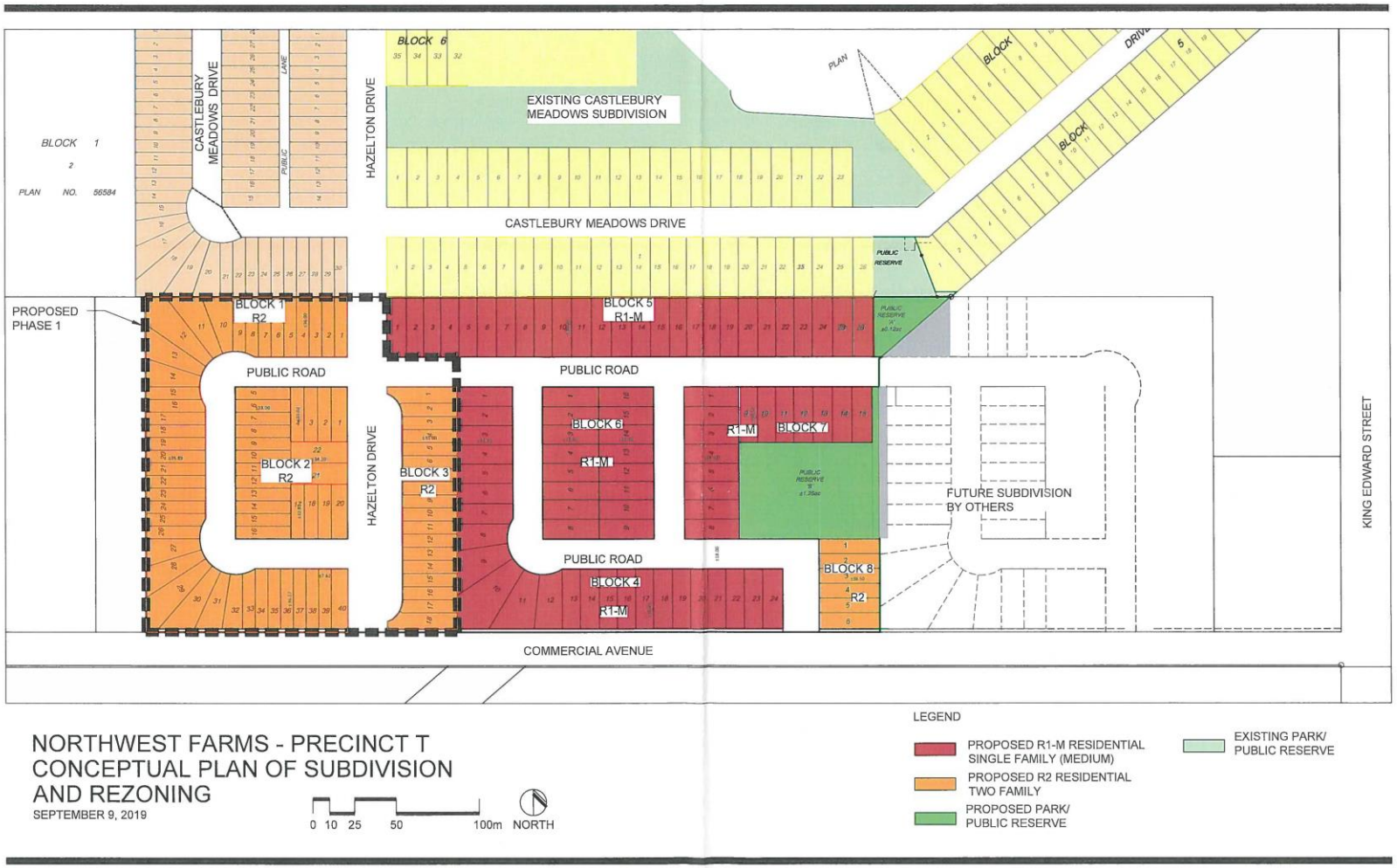


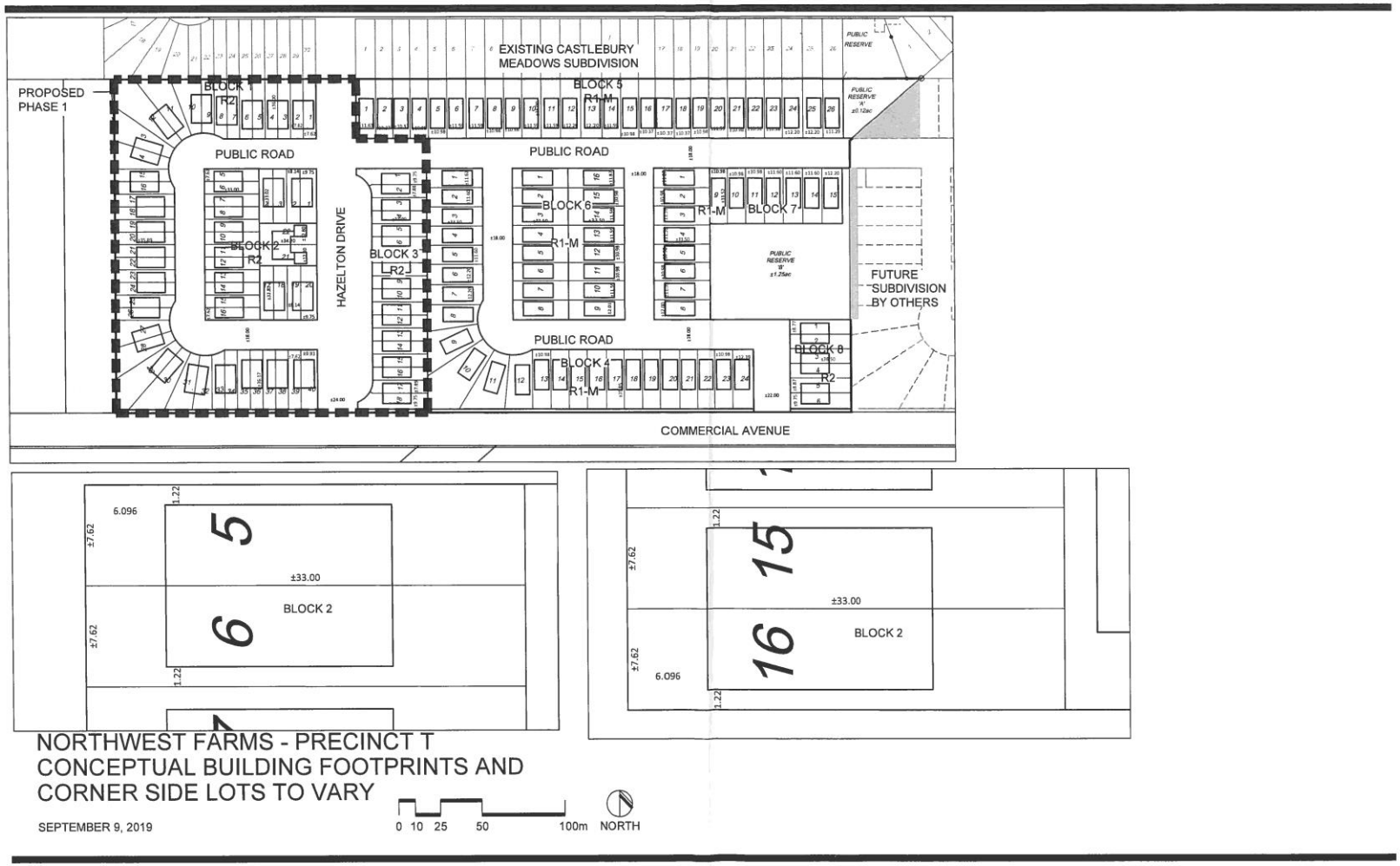



NORTHWEST FARMS - PRECINCT T
CONCEPTUAL LOT SIZES

SEPTEMBER 9, 2019

0 10 25 50 100m NORTH


BLOCK 6
EXISTING CASTLEBURY MEADOWS SUBDIVISION
CASTLEBURY MEADOWS DRIVE
HAZELTON DRIVE
BLOCK 1
PLAN NO. 56584
CASTLEBURY MEADOWS DRIVE
PUBLIC RESERVE
PROPOSED PHASE 1
BLOCK 1
R2
BLOCK 5
R1-M
PUBLIC ROAD
PUBLIC ROAD
BLOCK 2
R2
HAZELTON DRIVE
BLOCK 3
R2
BLOCK 6
R1-M
R1-M
BLOCK 7
PUBLIC RESERVE
FUTURE SUBDIVISION BY OTHERS
KING EDWARD STREET
PUBLIC ROAD
BLOCK 4
R1-M
BLOCK 8
R2
COMMERCIAL AVENUE
NORTHWEST FARMS - PRECINCT T
CONCEPTUAL PLAN OF SUBDIVISION
AND REZONING
SEPTEMBER 9, 2019
0 10 25 50 100m NORTH
LEGEND
PROPOSED R1-M RESIDENTIAL SINGLE FAMILY (MEDIUM)
PROPOSED R2 RESIDENTIAL TWO FAMILY
PROPOSED PARK/ PUBLIC RESERVE
EXISTING PARK/ PUBLIC RESERVE


EXISTING CASTLEBURY MEADOWS SUBDIVISION
PROPOSED PHASE 1
BLOCK 1 R2
BLOCK 5 R1-M
PUBLIC RESERVE
PUBLIC RESERVE 'A' ±0.12ac
PUBLIC ROAD
PUBLIC ROAD
BLOCK 6 R1-M
BLOCK 7 R1-M
BLOCK 2 R2
HAZELTON DRIVE
BLOCK 3 R2
PUBLIC RESERVE 'B' ±1.25ac
FUTURE SUBDIVISION BY OTHERS
PUBLIC ROAD
BLOCK 4 R1-M
BLOCK 8 R2
COMMERCIAL AVENUE
6.096
1.22
±7.62
5
±33.00
BLOCK 2
6
±7.62
1.22
15
±7.62
1.22
±33.00
BLOCK 2
16
±7.62
6.096
1.22
NORTHWEST FARMS - PRECINCT T
CONCEPTUAL BUILDING FOOTPRINTS AND
CORNER SIDE LOTS TO VARY
SEPTEMBER 9, 2019
0 10 25 50 100m
NORTH