Agenda – Executive Policy Committee – May 22, 2020

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 21, 2020

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Item No. 16 Subdivision and Rezoning – North east corner of Hurst Way between Asquith Avenue and CN Railway (Parker Lands)
(River Heights – Fort Garry Ward)
File DASZ 12/2018 [c/r SP 1/2018]

STANDING COMMITTEE RECOMMENDATION:

On May 21, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the following to Council:

1. That Development Application No. DASZ 12/2018 for the subdivision and rezoning of land located northeast of Hurst Way between Asquith Avenue and the CN rail line be rejected**.**

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

Agenda – Executive Policy Committee – May 22, 2020

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 21, 2020

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On May 21, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

On January 7, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid over the matter indefinitely.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 13, 2018, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Subdivision and Rezoning – North east corner of Hurst Way between Asquith Avenue and CN Railway (Parker Lands)**
File DAZ 12/2018

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

Prepared by: **Kate McMillan, Senior Committee Clerk**
City Centre Community Committee

Report date: **November 15, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 13, 2018, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development that the application for subdivision and rezoning under File DASZ 12/2018 [c/r SP 1/2018] be rejected.

The City Centre Community Committee provided the following supporting reasons for its recommendation:

1. One of the areas why I'll be supporting the administration's recommendation is collaboration – the applicant has mentioned they've had some issues collaborating with the City. I won't speak for the City, I think they've had some challenges of their own, but again collaboration with the neighborhood. I believe the fact that we wanted to have a secondary plan in place first, primarily that was simply because we wanted to ensure that neighborhood had the opportunity to have their input heard.

2. They did have their input heard and as we look at the consultation report, big issues such as retaining the forest – people were quite happy about that and it made people go away and it was very accommodating, however, in October they decided, which legally they're allowed to just for FYI, to remove that forest. I'm not sure who decided to do that in October, but again it shows a disregard for the public consultation process, in my opinion. That should have been presented to the public at the time of the pre-application stage so they could have had their way in and they could have talked about it and we could have had the opportunity of everybody talking about it. That was not afforded to the public, nor to the area Councillor because of the way the process worked out.

3. The other problem I'm having right now is that I hear there's some good information out there that we should be incorporating in here. That information came two days prior to the report being written and as I've heard even some information just arrived recently, but again we can't have that information because it's not here in front of me so I can't say that I agree with it or not agree with, all I know is that I don't have it so that's a problem.

4. I've also heard today that there's some concerns from the administration and from the applicant that there's definitely some confusion about, is it the concept plan has the weight in that don't worry about it just look at the concept plan, but the administration has brought up points that here this could happen or that could happen. You may disagree with the interpretation but I have read that line that does state they can put density anywhere they want so again that's a big departure from the initial pre-application stage that had those zones, which provided a little more assurance on how we are going to regulate this future development and how it goes forward. That got removed. They put a concept plan in place but the PDO and some other areas are not all connecting properly. That's the administration's opinion and I've seen that too in some of the reports I've read.

5. The parking requirement – I know we want to say well we just won't give people parking and therefore they'll take the bus. That's nice but again I don't think I can just rely on that. I think the parking that they're asking for is low for the whole site, not just for the TOD section, which would be around the station, it's low for the whole area so that raises concerns. If we had more of these development zones it would be a little bit easier to maybe put that 25% into the compact area and maybe even the 400 medium density area but we have it for the whole site I've read.

6. What I'd really want to happen, which I'm now stuck on process problems. What I'd love to have happen, which won't happen would be for both Gem and the administration to go away, you've heard each other's comments, and go hammer this out and come back with the application, however the changing of any application I was informed by the Clerks may require a reapplication. The dry ponds that may also trigger an application because it's not in the plans right now.

7. We're looking at what we've got in front of us. We're here today because the court order told us to be here today, and that's fair. The subdivision and rezoning is almost there but it's not there yet. I think the parties can get together and make this happen. I support this happening, however there are some significant issues that I've heard from both sides that need to be clarified before I can properly make a decision. Until those clarifications are made I'll be voting to reject the application.

PUBLIC HEARING SUMMARY

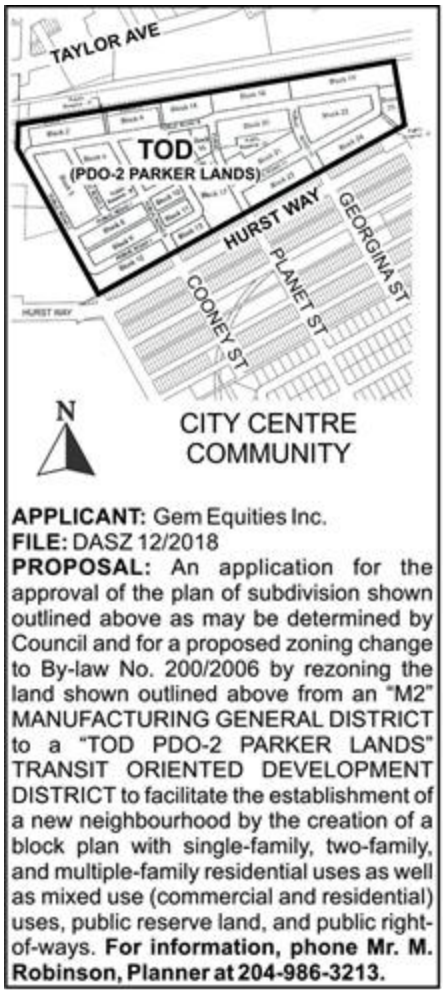
File: DAZ 12/2018

Before: City Centre Community Committee
Councillor Gilroy, Chairperson
Councillor Orlikow
Councillor Rollins

Public Hearing: November 13, 2018
Council Building, 510 Main Street

Applicant: Gem Equities Inc. (Andrew Marquess)

Subject:



APPLICANT: Gem Equities Inc.
FILE: DASZ 12/2018
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "M2" MANUFACTURING GENERAL DISTRICT to a "TOD PDO-2 PARKER LANDS" TRANSIT ORIENTED DEVELOPMENT DISTRICT to facilitate the establishment of a new neighbourhood by the creation of a block plan with single-family, two-family, and multiple-family residential uses as well as mixed use (commercial and residential) uses, public reserve land, and public right-of-ways. **For information, phone Mr. M. Robinson, Planner at 204-986-3213.**

Premises Affected: North east corner of Hurst Way between Asquith Avenue and CN Railway (Parker Lands)

Exhibits Filed:

1. Application dated August 27, 2018
2. Notification of Public Hearing dated October 11, 2018
3. Manitoba Status of Titles 2455472/1, 2791220/1, 2791222/1, 2791231/1, 2791353/1, 2791354/1, 2826981/1 and 2901851/1
4. Letter of authorization dated February 9, 2018 from Moray Tawse, 7138793 Manitoba Ltd. to Andrew Marquess
5. Letter of authorization dated February 9, 2018 from 6165347 Manitoba Inc. to Andrew Marquess
6. Letter of authorization dated June 13, 2018 from the Director of Planning, Property and Development, the City of Winnipeg to Andrew Marquess
7. Draft Schedule Y – PDO-2 Parker Lands
8. Caveats 171986 and 3894195
9. Drawing of subject property
10. Plans (10 pages)
11. Supporting documentation submitted by the Applicant on October 31, 2018.
12. Report from the Urban Planning Division dated November 1, 2018
13. Inspection Report
14. Communication dated November 8, 2018, from Jasmine Thomas in opposition to the application
15. Communication dated November 8, 2018, from Riley McMurray in opposition to the application
16. Communication dated November 8, 2018, from Lois, Marlie and Ginny Melville in opposition to the application
17. Communication dated November 9, 2018, from Siegfried and Gertrude Klueppel in opposition to the application
18. Communication dated November 11, 2018, from Patricia Robertson in opposition to the application
19. Communication dated November 13, 2018, from Valerie Metcalfe in opposition to the application
20. Communication dated November 9, 2018, from Jean A Paterson in opposition to the application
21. Communication dated November 13, 2018, from Karen Eggertson in opposition to the application
22. Communication dated November 13, 2018, from Dylan Grymonpre in opposition to the application
23. Presentation in opposition to the application submitted by Michelle Kading at the public hearing
24. Presentation with respect to the application submitted by Michael Robinson, Planning, Property and Development Department at the public hearing
25. Recording of Representations

REPRESENTATIONS:

In Support:

Andres Baez
Lawrence Bird
David Borley
Ken Douma
Jennifer Keesmat
Andrew Marquess
Peter Norman
Michelle Richard
Dave Stusek
John Wintrup

In Opposition

Thor Aitkenhead
Karen Eggertson
Dylan Grymonpre
Cheryl Hobbs
Michele Kading
Gertrude Klueppel
Siegfried Klueppel
Riley McMurray
Ginny Melville
Lois Melville
Marlie Melville
Valerie Metcalfe
Jean A Paterson
Laura Pearson
Joel Penner
Patricia Robertson
Jasmine Thomas
Nancy Thomas

For Information:

Stefan Hodges
Braydin Huynen
Kate Moir

For the City:

G. Jasper, Land Development Administrator, Planning, Property and Development Department
J. Veitch, Principal Planner, Planning, Property and Development Department
M. Robinson, Senior Planner, Planning, Property and Development Department
D. Beaton, Landscape Architect, Planning, Property and Development Department
A. Ross, Planner, Planning, Property and Development Department
D. Patman, Manager of Transportation Planning, Public Works Department
C. Desjardine, Traffic Assessment Engineer, Public Works Department

ADMINISTRATIVE REPORT

THERE ARE REVISIONS TO THE ORIGINAL REPORT CONTAINED WITHIN THE HISTORY SECTION. THE REVISIONS PROVIDE AN UPDATE TO KEY EVENTS AND DATES PERTAINING TO THIS APPLICATION

Title: DASZ 12/18 Parker Lands (Northeast corner of Hurst Way b/t Asquith Avenue and the CN Railway

Issue: For consideration at the public hearing to rezone and subdivide the subject property to "TOD" Transit Oriented Development District for future development of single-family, two-family, and multiple-family residential uses as well as mixed use (commercial and residential) uses and park uses.

Included with the rezoning is a proposed Planned Development Overlay 2 (PDO-2 Parker Lands) – which modifies the proposed "TOD" zone

Critical Path: City Centre Community Committee ->Standing Policy Committee on Property and Development, Heritage and Downtown Development->Executive Policy Committee ->Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Robinson (RPP)	n/a	n/a	

RECOMMENDATIONS

1. That Development Application No. DASZ 12/2018 for the subdivision and rezoning of land located northeast of Hurst Way between Asquith Avenue and the CN rail line be **rejected.**
2. 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

- The applicant is proposing to rezone the subject property from an "M2" Manufacturing General District to a "TOD" Transit Oriented Development District in order to establish a new development with single-family, two-family, and multiple-family residential uses as well as mixed use (commercial and residential) uses and park uses.
- Subdivision rezoning 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 land **will not be** subdivided and rezoned.

CONSULTATION

In preparing this report there was consultation with:

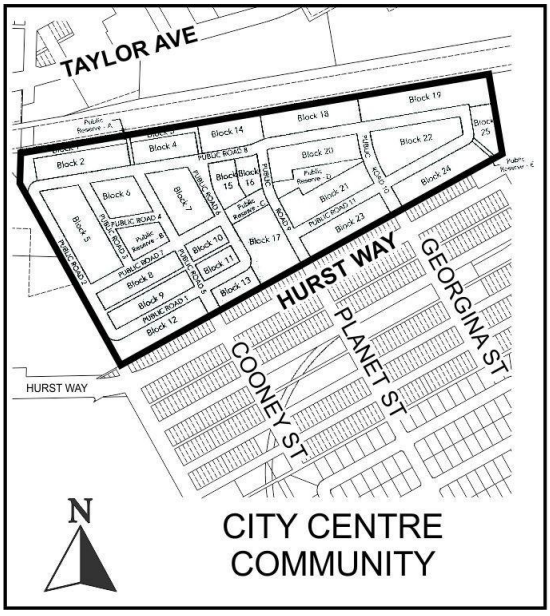
- Administrative Coordinating Group (ACG)
- Legal Services (as to legal issues)

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By:	Michael Robinson RPP, MCIP
Date:	May 1, 2020
File No.	DASZ 12/18

APPENDIX 'A'

DATE:	May 1, 2020
FILE:	**DASZ 12/18**
RELATED FILES:	SP 1/2018
COMMUNITY:	City Centre Committee
NEIGHBOURHOOD #:	1.654 Parker
SUBJECT:	To rezone the subject land from "M2" Manufacturing General District to "TOD" Transit Oriented Development District to permit the establishment of a new development with single-family, two-family, and multiple-family residential uses as well as mixed use (commercial and residential) uses and park uses.
LOCATION:	Northeast corner of Hurst Way between Asquith Avenue and the CN Railway



LEGAL DESCRIPTION: See application

APPLICANT: Andrew Marquess – Gem Equities

OWNER: 7138793 Manitoba Ltd., 6165347 Manitoba Ltd, City of Winnipeg

RECOMMENDATION: Rejection

HISTORY:

- On July 13, 2009, City Council approved a land exchange with Gem Equities (the "Applicant") for the Parker Lands, which includes the subject site. The Council motion included the following condition:

  3) "That upon the approval of recommendations 1 and 2, the City of Winnipeg Public Service be directed to ***prepare a developer led secondary plan*** *for the Fort Rouge lands and the* ***Parker Lands****, which secondary planning process shall incorporate appropriate public consultations."*

- In 2013, GEM Equities began the development of a proposed secondary plan with supporting engineering studies for the Parker Lands in consultation with the Public Service.
- A number of draft versions of the Plan were produced by GEM Equities between 2013 and 2017, with ongoing feedback from the Public Service.
- The arrangement of land uses and residential densities presented in each version of the Plan evolved as new information and ideas became evident. Refinements made to the Plan over time included clarification as to which portion of the remaining high quality forest was be protected. The subject forest has since been removed.
- GEM Equities hosted Public Open House events in February 2016 and August 2016.
- In **March 2017**, a pre-application for a DASZ for the subject property was applied for. On **May 5, 2017**, the City sent written feedback on the pre-application. The feedback included feedback regarding preservation of forest, recommended zoning, density, back lanes, and engineering requirements.
- In **December 2017**, GEM Equities informed the Public Service of their intention to alter the Plan to allow for higher residential densities than described in previous versions of the Plan that had been submitted to the Public Service for comment and to forgo the preservation of a portion of the forest that had been included in previous versions of the Plan and presented at the Open House events.
- On **January 12, 2018**, GEM Equities submitted Development Application No. SP 1/2018 ("SP 1/2018") to have the Parker Lands Secondary Plan adopted by Council as a secondary plan by-law.
- On **January 19, 2018**, GEM Equities informed the Public Service of their intention to conduct an online public engagement exercise.
- In **February 2018**, GEM Equities initiated Development Application No. DASZ 12/2018 for the subdivision and rezoning of ~47 acres of land in the Parker Lands ("DASZ 12/2018"). The last

piece of documentation required to complete this application was not received by the City until six months later on **August 24, 2018.**

- On **June 8, 2018**, the Applicant filed an Application with the Court of Queen's Bench for a writ of mandamus to compel the City to hear the Applicant's development applications.

- On **September 4, 2018**, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service to lay over consideration of the Plan indefinitely and submitted the matter to the Executive Policy Committee and Council.

- On **September 12, 2018**, 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.

- On **September 19, 2018**, Justice Grammond issued a decision granting the Applicant's writ of mandamus.

- On **September 20, 2018**, Council concurred in the recommendation of Executive Policy Committee and *laid over the matter indefinitely.*

- In **October 2018**, the proponent cleared the remainder of the forest on their property precluding the City from acquiring a portion of the forest in fulfilment of the 10% land dedication.

- On **October 15, 2018**, Justice Grammond issued an Order (the "Mandamus Order") which ordered the following:
    - that the City Centre Community Committee ("CC") hold a public meeting in respect of SP 1/2018 and a public hearing in respect of DASZ 12/2018; and
    - that the Public Service do all things necessary to have the required materials in relation to the applications available to CC for its consideration.

- On **October 29, 2018**, approximately two weeks prior to the public hearing held by CC, the Applicant dropped off new documentation pertaining to this file. Specifically, they dropped off a revised site plan (dated September 2018) and a revised PDO-2, with their updated proposed customized zoning regulations for the site (the "New Documents").

  Because the New Documents were received by the Public Service so close to the date of the public hearing, the Public Service was not able to review or respond to this material prior to the public hearing. The applicant was informed of this by the Public Service in writing prior to the public hearing and City Centre Community Committee was informed of this verbally at the public hearing.

  Following the public hearing, the Public Service raised concerns related to the New Documents with the Applicant. To date, the Applicant has not responded to those concerns. The New Documents also include changes to the plans that would typically require a re-advertisement.

As the New Documents did not form part of the public hearing, it constitutes new information and, as such, the Public Service is unable to offer comment on the New Documents.

- In **November 2018**, City Centre Community Committee held a public meeting in respect of SP 1/2018 and a public hearing in respect of DASZ 12/2018 (the "November Meeting").

- On **December 14, 2018**, the Applicant filed a motion with the Court of Queen's Bench requesting that the City be held in contempt of the Mandamus Order, alleging that the City failed to adhere to the Mandamus Order in three respects:

    - that SP 1/2018 was considered using a by-law approach as opposed to a non-statutory approach;

    - that DASZ 12/2018 was rejected on the basis that there was no secondary plan; and

    - that the Public Service failed to provide to the Community Committee all documents submitted by the Applicant.

- In **August 2019**, Justice Grammond found the City in contempt for failing to process the applicants' secondary plan application as a non-statutory (policy) plan, but declined to find the City in contempt on the other two grounds raised by the Applicant (the "Contempt Decision"). As a result of her finding, Justice Grammond set aside the recommendations of the Community Committee on both the secondary plan and the DASZ applications and directed the City to purge its contempt by holding a new meeting on a non-statutory (policy) plan followed by the DASZ application, at Community Committee.

- In response, the City file a motion with the Court of Queen's Bench to have the finding of contempt reconsidered (the "Reconsideration Motion"), which motion was heard by Justice Grammond during the penalty phase of the contempt proceedings.

- On **December 12, 2019**, the Public Service provided the Applicant, through the Applicant's counsel, with a list of 9 significant issues (not including the approximately 200 minor issues) with SP 1/2018 and DASZ 12/2018 that would need to be addressed before the Public Service would be able to support the applications. As of May 1, 2020, the Public Service has not received any form of response to this correspondence.

- On **March 30, 2020,** Justice Grammond delivered her decision on the Reconsideration Motion and the penalty phase of the contempt proceedings. In the March Decision, Justice Grammond declined to reconsider her finding of contempt, but, importantly, **declined to impose any penalty whatsoever on the City** for the alleged contempt. Justice Grammond ordered that SP 1/2018 and DASZ 12/2018 be referred directly to SPC for consideration, and that SP 1/2018 be considered as policy only and not as a by-law.

- As of **April 30, 2020**, no court order in respect of Justice Grammond's March 30, 2020 Decision has been signed. It is important to note that the City has not exhausted all avenues of appeal, and should the City elect to appeal the Contempt Decision, such an appeal will need to be filed with the Courts within 30 days following the signing of an order in respect of the March Decision.

SITE DESCRIPTION
The subject site is located north of Hurst Way and south of the CNR Rivers rail line, in the Parker neighbourhood of the River Heights-Fort Garry ward.

The subject site is located within the Major Redevelopment Area Policy Area in the *Complete Communities Direction Strategy*.

The subject site is 47.35 acres in area and is currently zoned “M2” Manufacturing General District

Currently, the land is undeveloped and unserviced.

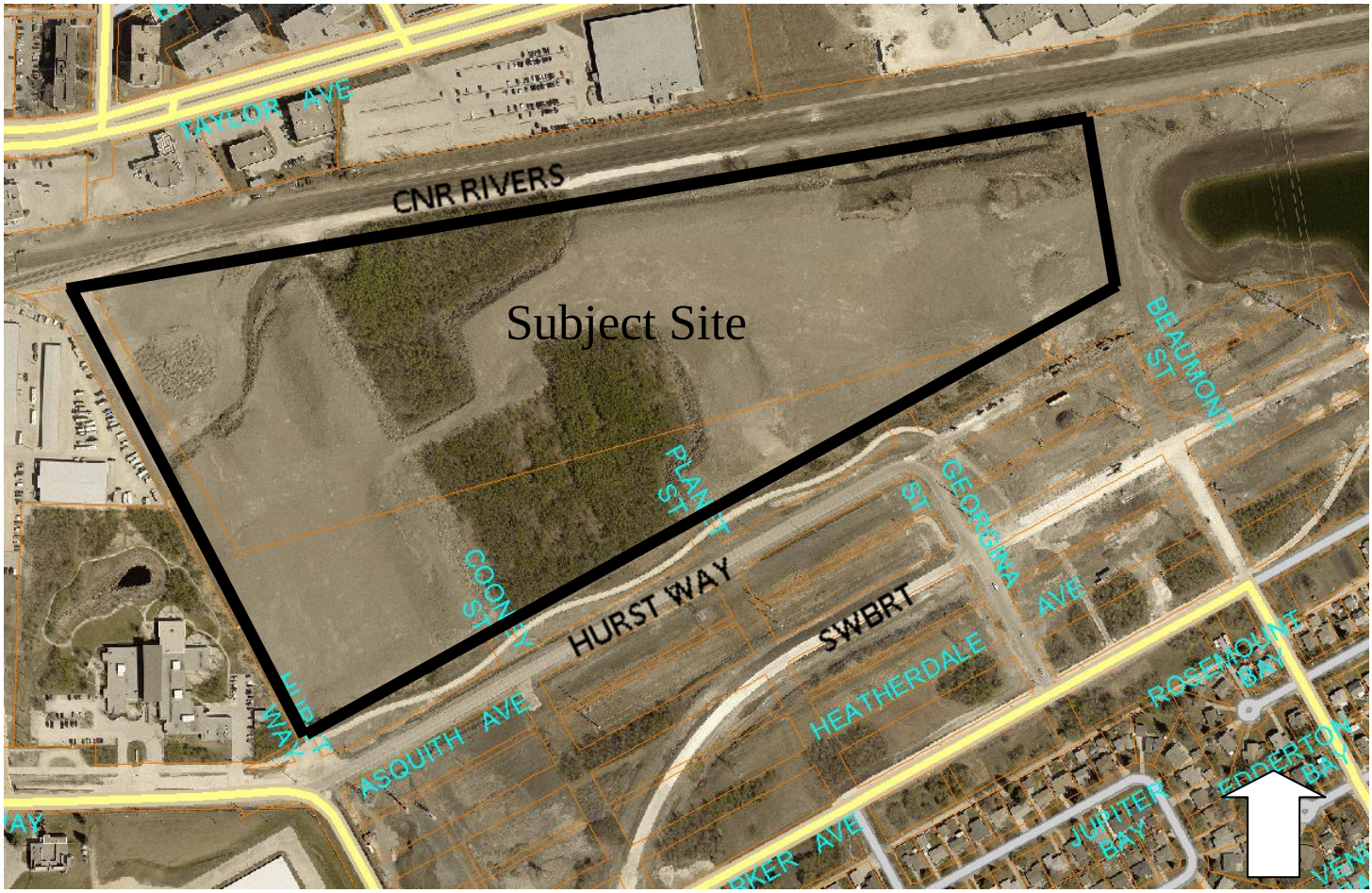


Figure 1: Aerial Photo of Subject Site and Surrounding Uses (Flown in 2018)

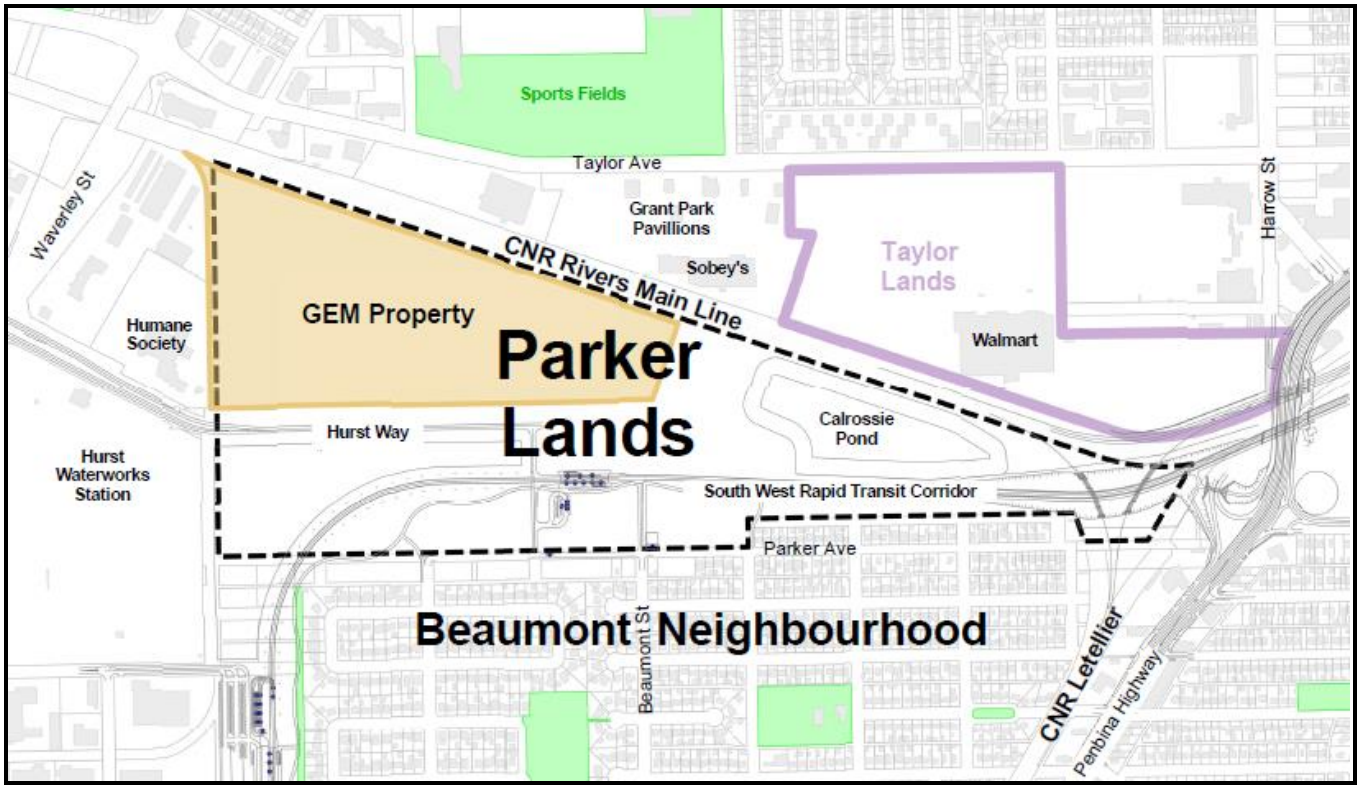


Figure 2: Map of the Parker Lands Major Redevelopment Site

SURROUNDING LAND USE AND ZONING

North: Immediately north is the CNR Rivers rail line. North of the rail line is a substantial amount of commercial/office development. This includes the 'Taylor Festival Site' which currently includes a Walmart, and the 'Grant Park Pavilions' site which includes a Sobey's grocery store. Apartment buildings, recreation facilities (i.e. Pan Am Pool, Charles A. Barbour 'Grant Park' Arena), and schools (ie. Grant Park High School and Harrow School) are located north of the commercial developments.

South: Immediately south are hydro lines and an active transportation pathway, then Hurst Way. Further to the south is the Beaumont Neighbourhood. This residential neighbourhood contains ~950 dwellings, over 90% of which are single-family detached. The neighbourhood also includes General Byng School, Fort Garry Community Centre Victoria site, several parks and play areas, a large industrial facility (CG Powers Systems Canada) and a funeral home with an accessory cemetery.

East: Calrossie water retention pond.

West: A multi-tenant strip mall, a storage locker facility and the Winnipeg Humane Society.

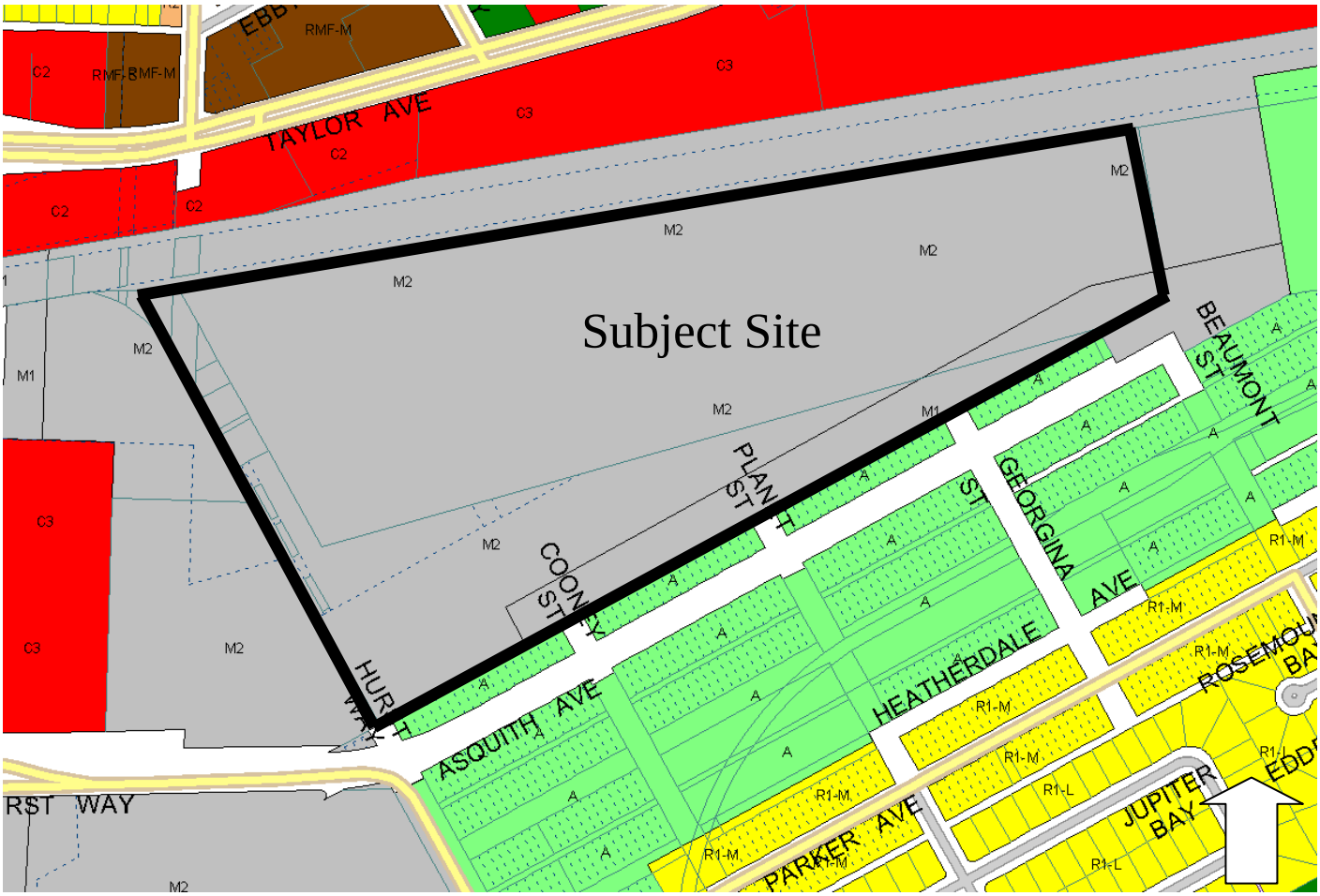


Figure 3: Zoning of the site and surrounding area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant seeks approval to rezone and subdivide the subject lands. The applicant also seeks approval for a Planned Development Overlay (PDO-2), which modifies the proposed underlying zoning district.

The subject parcel is 47.35 acres in size and is proposed to be subdivided into 30 blocks (25 developable blocks and 5 lots for public reserve). Some of these will be further subdivided into smaller lots at a later stage.

The rezoning and subdivision is intended to accommodate a variety of uses including single-family, two-family, and multiple-family residential uses (triplexes, fourplexes, townhomes, and apartment buildings), mixed use buildings with commercial and residential uses, and public reserve land.

As the subject lands are designated as a Major Redevelopment Site in the *Complete Communities Direction Strategy*, "*a proactive and collaborative planning process is required*" to guide the development of these lands. (Direction 1, Major Redevelopment Sites). As such, the applicant has submitted an associated Parker Lands Secondary Plan (the "Plan") (see SP 1/2018), which provides

the developer's vision and objectives for the site and policies for the Plan area. The Plan guides the DASZ application and provides the policy framework that the City uses to evaluate future development proposals for the Plan area.

Also, Part 3, Section 54 (9) of the Winnipeg Zoning By-law states the following regarding the TOD zoning district.

The Transit Oriented Development (TOD) district is intended to facilitate mixed use development at a scale and density exceeding all other districts. These sites are intended to be adjacent to rapid transit stations ***with a Council endorsed local area plan in place to guide development.*** *Site design should fulfill the objectives of the Transit Oriented Development Handbook.*

For these reasons, an approved Secondary Plan must be in place for this application to proceed.

A. Development concept

The conceptual site development plan provided by the applicant indicates that the development will consist of a High Density Residential Area on the eastern half of the site and a Lower Density Residential Area on the western half of the site.

High Density Residential Area

The images provided by the developer for the eastern portion of the site indicate that there will be 22 apartment style buildings within this area. The heights will range from 4 storeys to 13 storeys and the overall density proposed for this area is 1,610 units.

Six of the buildings, which flank a new north/south commercial street that will provide access to this area, will be mixed use, with commercial uses on the ground floor and residential above.

In the images submitted as part of the application, parking is primarily located below grade, with the ground level consisting of green space. In addition, a 1 acre public reserve is proposed, which would contain an east/west pathway connecting the eastern and western portions of the development.

The developer's rendering of the proposal for the High Density Residential Area is provided in Attachment 1.

Lower Density Residential Area

The images provided by the developer for the western portion of the site indicate that there will be a mix of townhomes, fourplexes, triplexes, duplexes, and single-family homes. The heights will not exceed 3 storeys and the overall density proposed for this area is 303 units.

The townhomes will include a combination of underground and surface parking. The triplexes, duplexes, and single-family homes contain a mix of back lane and front drive access.

Two public reserves are shown. One public reserve, which is .5 acres, is proposed through the centre of the townhome area, continuing the east/west pathway to the High Density Residential Area. A second public reserve, which is .8 acres, is proposed in the centre of the lower density area. The developer describes it as a Neighbourhood Park and it is shown in the drawings as having playground equipment.

The developer's rendering of the proposal for the Lower Density Residential Area is provided in Attachment 2.

Urban Design and Streetscaping
The images and letter of intent from the applicant indicate that the development will provide a high quality design of both private and public spaces and that the design will support and encourage pedestrian and bicycle connections to the AT paths and the future bus rapid transit station.

Guidelines for residential development in proximity to railway operations
The figure below, taken from the Federation of Canadian Municipalities (FCM) proximity guidelines, is a standard model for mitigating safety, noise and vibration issues associated with residential development adjacent to rail lines.

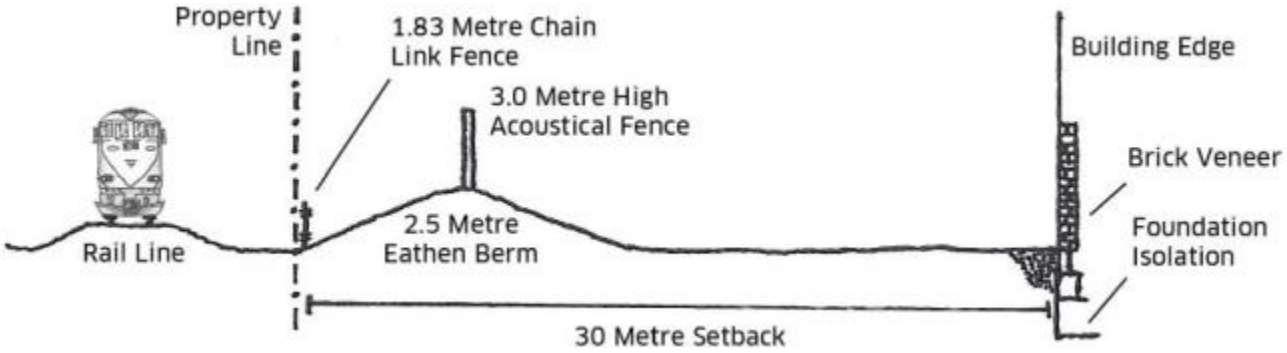


Figure 4: Standard model for rail line mitigation

These guidelines represent a standard that was developed by the FCM in consultation with the rail companies and municipalities, and has been applied by the City of Winnipeg to new development along rail lines, as part of zoning approvals, for several years.

The guidelines state that alternative design measures may also be considered in order to achieve the goals of safety and sound attenuation.

In this specific case, the developer is proposing a crash wall for the buildings in the High Density Residential Area and a berm/sound wall combination for the buildings in the Lower Density Area.

B. Zoning
The applicant has applied to rezone the entire site to the “TOD” Transit Oriented Development District. The subject application also includes a PDO-2 Planned Development Overlay District, prepared by the applicant, which permits the proposed underlying zoning to be modified.

Some of the key modifications to the underlying zoning district include:

- The principal and accessory use tables are expanded to allow for a broader range of uses.
- Reduction in the setback requirements for buildings.
- A minimum setback to habitable rooms or spaces of 80 feet (24.4 metres) to the CNR Rivers rail line.
- A Parking and Bicycle Parking Management Plan, which must be approved by the Director of Planning, Property, and Development, which replaces the parking and bicycle parking requirements

in the Winnipeg Zoning By-law. The parking is reduced to .75 stalls per unit for multiple-family residential and to 75% of the By-law minimum for commercial uses.

- A requirement for community committee plan approval for multiple-family residential development (excluding triplexes and fourplexes) and mixed use development.

- A minimum and maximum dwelling unit density for the entire site.

The developer's proposed PDO-2 is attached in Attachment 4.

C. Streets

Connections to the site

Planned vehicular site access to Hurst Way is provided from three points:

1. A north/south road intersecting with Hurst Way and servicing primarily the Lower Density Residential Area. This road is ±500 feet from the western boundary of the site.

2. A north/south road intersecting with Hurst Way and servicing both the Lower Density and High Density Area. This road is roughly halfway between the eastern and western boundaries of the site.

3. A north/south road intersecting with Hurst Way and Georgina Street and servicing primarily the High Density Area. This road would also serve as the commercial street for the development. This road is just north and slightly west of the future Parker Bus Rapid Transit (BRT) Station.

Internal roads

The internal public road system includes several local roads. Images provided by the developer of the proposed road network are shown in Attachments 1-3.

Back lanes

The applicant is proposing that two blocks within the Lower Density Area will have back lanes. The rest of the development is proposed to have access via front approaches.

Hurst Way

Hurst Way is currently a two lane roadway with ditches. The traffic study submitted by the applicant proposes modifications to Hurst Way at the proposed new intersections in conjunction with this application.

Pedestrian network

The development includes a pedestrian and cycling network.

Key highlights of the pedestrian network include:

- Sidewalks on both sides of all streets – excepting the west side of the street that forms the boundary with the Humane Society
- Recreation pathway from the Lower Density Residential Area to the High Density Residential Area
- Linkages to the AT path (on Hydro land to the south), the future dog park, and the future Parker BRT station

D. Underground services
The subject development, based on City of Winnipeg servicing policies, is required to be serviced to an urban standard with land drainage, water, and wastewater sewer.

Wastewater sewer
The site grade will need to be raised approximately 14 feet on the west side and the grade gradually lowered from west to east, to accommodate sanitary sewer, which is a gravity based system.

Land Drainage
In addition, on site retention of stormwater will be required for this site. This has not been accommodated on the plans submitted for this application. It will have to be addressed and approved by the Public Service prior to development proceeding on the site.

E. Transit
The site will have access to the future Parker BRT Station, which is anticipated to open in 2020. As part of this application, Transit is requesting bus stops on Parker Avenue, for buses heading westbound or eastbound on Hurst Way.

F. Open Space
The City of Winnipeg was seeking to protect valuable forest habitat on this site through land dedication. The City had communicated this position to the developer for the past several years. However, in October 2018, the developer removed all remaining forest habitat on site. As a replacement for the forest, as previously mentioned, they are proposing the following public reserves:

High Density Residential Area
A 1 acre public reserve is proposed, containing an east/west pathway connecting the eastern and western portions of the development.

Lower Density Residential Area
One public reserve, which is 0.5 acres, is proposed through the centre of the townhomes, continuing the east/west pathway to the High Density Residential Area. A second public reserve, which is 0.80 acres, is proposed in the centre of the lower density area. It is described as a Neighbourhood Park and shown in the drawings as having playground equipment.

G. Public Consultation
The public consultation process consisted of two public open houses as well as an online engagement process. The developer has submitted a public consultation summary report.

Public Open House #1
A public open house was held on February 10, 2016. According to the developer, approximately 80-100 people were in attendance, with another 10-15 from various media outlets. A total of 69 people filled in questionnaires to voice their opinions.

Public Open House #2
A second public open house was held on August 22, 2016. According to the developer, approximately 70 people were in attendance. A total of 29 people responded to the questionnaire.

Online engagement
According to the developer, this process was intended to solicit online feedback from a website (www.fultongrove.ca) advertised through the following:

- Mail-outs distributed to around 1100 homes in the Beaumont region on before January 24th, 2018
- Flyers distributed at a TOD Event held by the applicant at the University of Manitoba on January 23rd, 2018
- Newspaper ads on January 24th, 2018 with additional ads every 2 to 3 weeks to keep driving traffic to the website.
- Twitter account updates

A more detailed discussion of the public engagement is included in the associated Secondary Plan report (SP 1/2018).

REASON FOR APPLICATION
The subject site is currently zoned "M2" Manufacturing General District, which enables primarily industrial type development. The proposed mix of land uses requires a rezoning to accommodate residential and mixed uses.

In addition, the applicant wishes to subdivide the property and establish developable lots, public rights-of-way and public reserve land throughout the site. This requires subdivision of the land.

ANALYSIS AND ISSUES
A. Policies
OurWinnipeg/Complete Communities
The subject property is identified as a Major Redevelopment Site in *Complete Communities*, the City's blueprint for development. *Complete Communities* describes the characteristics of Major Redevelopment Sites as follows:

- Large, functionally obsolete or under-utilized lands, such as former industrial areas.
- Located within the existing urban framework, often along rail lines, major corridors or rapid transit.
- Often serviced by some level of existing infrastructure.
- Present opportunities for transformative and strategic mixed use infill and intensification.
- May present challenges to redevelopment, such as inadequate infrastructure capacity and contamination.
- Site area typically 15 acres or more.

It provides direction that Major Redevelopment Sites should: *Provide for Complete Communities with significant levels of mixed use, high density development, with strong urban design and attractive parks, places, and open spaces.*

Complete Communities requires that landowners and other stakeholders establish local goals and objectives for a Major Redevelopment Site while taking into account its relationship to OurWinnipeg, Sustainable Transportation Direction Strategy, Downtown, Redevelopment Areas, Corridors and other Centres. This could include minimum and maximum density and employment targets.

A more detailed analysis of *Our Winnipeg* and *Complete Communities* policies relating to this development is included within the associated Secondary Plan administrative report (SP 1/2018).

TOD Handbook

The Winnipeg Transit Oriented Development Handbook (the "TOD" Handbook) was endorsed as Council Policy (TR-006) on February 22, 2012. Section 2A of the TOD Handbook provides the following definition of TOD:

Moderate to higher density compact mixed-use development, located within an easy five to ten minute (approximately 400m to 800m) walk of a major transit stop. TOD involves high quality urban development with a mix of residential, employment and shopping opportunities, designed in a pedestrian oriented manner without excluding the automobile. TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate the use of convenient and sustainable modes of transportation, including public transit and Active Transportation.

TOD Typology

Not every TOD area is developed in the same manner. For instance, the TOD Handbook indicates that *the size of the TOD is dependent on the general scale or intensity of development appropriate for that station based on the function of the station and the* ***accessibility of the TOD from the adjacent neighbourhoods.*** (TOD Handbook Section 2.B).

Section 2B of the TOD Handbook characterizes six (6) TOD Types as reproduced in Figure 3 – TOD Types (*TOD Handbook*).

Figure 5 – TOD Types (*TOD Handbook*)

TOD Zones:

TOD TYPE	Urban Centre	Urban Neighbourhood	Town Centre	Neighbourhood Medium Density	Neighbourhood Low Density	High Frequency Transit Corridor
Land Use Mix	Office Centre Urban Entertainment Multiple Family Retail	Residential Retail Class B Commercial	Office Centre Urban Entertainment Multiple Family Retail	Residential Neighourhood Retail Local Office	Residential Neighourhood Retail	Office Centre Urban Entertainment Multiple Family Retail
Net Housing Density*	124-371 units per hectare (50-150 units per acre)	99-247 units per hectare (40-100 units per acre)	86-247 units per hectare (35-100 units per acre)	49-124 units per hectare (20-50 units per acre)	25-49 units per hectare (10-20 units per acre)	62-148 units per hectare (25-60 units per acre)
Regional Connectivity	High, Hub of regional system	Medium access to downtown, Sub regional hub	High access to downtown, Sub regional hub	Medium access to suburban centre, Access to downtown	Low	High access to downtown, Sub regional hub
Frequencies	5 - 15 minutes	5 - 15 minutes	5 - 15 minutes	15 - 30 minutes	20 - 30 minutes	5 - 15 minutes

The six (6) TOD Types described by the TOD Handbook range from 'Urban Centre', with the highest density and significant mix of uses, to 'Low Density' TOD Types, which are predominantly residential with local commercial uses. Section 4.E. of the TOD Handbook provides further detail on the characteristics of each TOD Type relevant to this discussion. (see Attachment 6)

The overall residential density proposed in the concept plan is 1,913 dwelling units. This calculates to an overall net density of 61 units per acre. This density is within the range of the Urban Neighbourhood typology (40-100 units per net acre).

As discussed in detail in the associated Secondary Plan report (SPA 1/2018 – Issue #1), the subject site does not meet the criteria for 'Urban Neighbourhood' TOD Type development due to limited potential land use mix and lack of access to other adjacent amenities and neigbourhoods.

Development throughout the Parker Lands should be more consistent with the 'Neighbourhood – Medium Density' TOD as characterized in the *TOD Handbook.*

The density range for this typology is between 20-50 dwelling units per net acre. At this range, the site would accommodate approximately 650 to 1,600 dwelling units – not the 1,913 dwelling units shown in the concept plan.

Neighbourhood Medium Density TOD is characterized by 2-5 storey buildings. The Public Service recognizes that residential and mixed use buildings closest to the Parker BRT station should exceed 5 storeys and will have a net density higher than 50 units per acre. Such development could still be accommodated within a Neighbourhood Medium Density Typology by accomodating lower densities on sites further away from the Parker BRT station.

B. Zoning

The applicant has submitted a Planned Development Overlay 2 (PDO-2) that modifies the proposed underlying "TOD" zoning district. Given that PDO's form part of the City of Winnipeg Zoning By-law 200/2006, they must only be included in the By-law when necessary to address a unique or special circumstance and they must properly align with the By-law.

In addition, the zoning district(s) that are selected for the site must also have a logical relationship to what is being proposed and when there is a PDO-2, the Winnipeg Zoning By-law states that the modifications must apply to the closest conventional zoning district and must be relatively minor. (See criteria in Appendix 5)

In this instance, the applicant has drafted a PDO-2 and selected the zoning without consultation with the Winnipeg Public Service. This PDO-2 has a number of errors, both in its application as well as its alignment with the Winnipeg Zoning By-law, which make it unsuitable for adoption as part of the Winnipeg Zoning By-law.

The zoning proposed is also unsuitable for the entire site, given the height and density that are allowable. The "TOD" District, as stated in the Winnipeg Zoning By-law, is only intended for the building sites closest to the BRT station – not for an entire 47 acre site.

Below, a few of the major issues with the PDO-2 are highlighted. A complete list of all the errors and omissions in the developer's proposed PDO-2 are highlighted in Appendix 5.

Content issues

Zoning District

The applicant has applied to rezone the entire site to the "TOD" Transit Oriented Development District. This District, as stated in the Winnipeg Zoning By-law, is "*intended to facilitate mixed use development at a scale and density exceeding all other districts, These sites are intended to be adjacent to rapid transit stations with a Council endorsed local area plan in place to guide development. Site design should fulfill objectives of the Transit Oriented Development Handbook*."

Height and Density
The "TOD" District permits a height of 200 feet (± 20 stories) and a residential density of 218 dwelling units per acre (net density).

When applied across the entire site, the "TOD" zoning district could yield a total residential density of **6,970 dwelling units.**

The PDO-2 reduces the residential density to a maximum of 100 dwelling units per net acre.[1] This lowers the density somewhat, but it still greatly exceeds what they are proposing in their concept plans.

TOD District	Permitted by Zoning	Permitted by PDO-2	Proposed in Concept Plan
Height	200 feet	200 feet	13 stories (±130-150 feet)
Density	6,970 units	3,162 units	1,910 units

The Public Service created the image below to conceptually model what can be constructed with the proposed "TOD" zoning across the entire site.

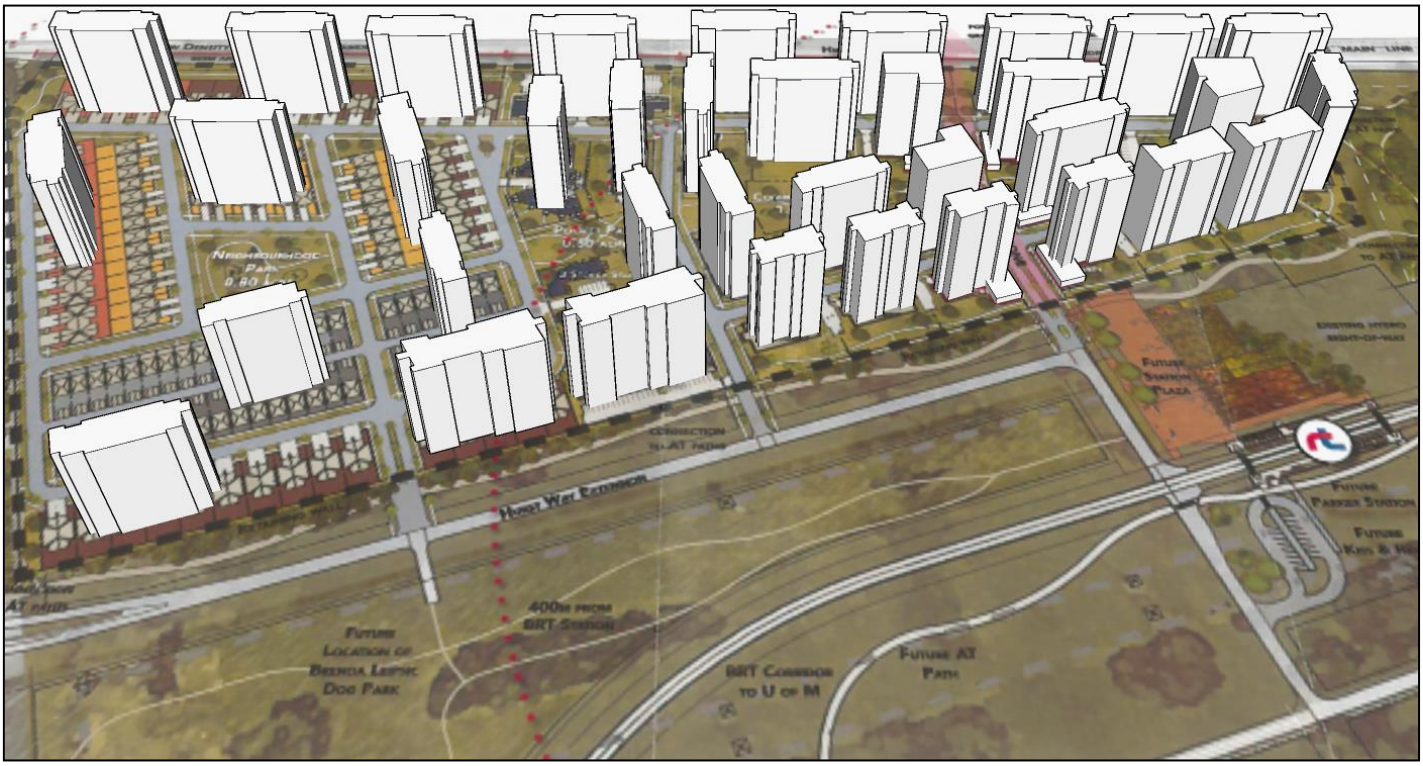


Figure 6: Conceptual model of what can be built with "TOD" zoning

[1] Density limits set out in a PDO-2 can be exceeded through an approved variance application.

Land Use
Commercial uses
The TOD District permits a number of commercial uses. A partial list of permitted uses in the "TOD" District is as follows:

Use Category/Type	TOD District
Commercial School	Permitted
Amusement enterprise/indoor	Permitted
Auditorium/concert hall/theatre/cinema	Permitted
Hotel or motel	Permitted
Drinking establishment	Permitted
Restaurant	Permitted
Call centre	Permitted
Office	Permitted
Personal services	Permitted
Retail sales	Permitted
Supermarket	Permitted
Auto/light truck/motorcycle, repair and service	Permitted

The accompanying PDO states that commercial uses are limited to streets with a right-of-way width of 72 feet or greater. While the intent of this provision is to limit commercial uses to the commercial zone only, any provision of a PDO can be varied; effectively opening the door to commercial uses anywhere on the Parker Lands site.

Residential uses
The applicant's plans indicate that the area on the east side of the site will be developed as a High Density Residential Area. They indicate that there will be a total of 1,610 dwelling units in this area. However, the PDO-2 which they have submitted modifies the underlying TOD zoning district to allow single-family and two-family residential development anywhere on the site, including within the High Density Residential Area.

PDO-2	Permitted by Zoning	Proposed in Concept Plan
Single-Family Residential	Anywhere on the site	Only within the Lower Density Residential Area
Two-Family Residential	Anywhere on the site	Only within the Lower Density Residential Area

Within the High Density Residential Area, which is the area closest to the BRT station, the City wants to ensure that the regulatory framework provides some assurance that higher densities will be achieved closest to the BRT station. The PDO does the opposite of this by allowing single-family and two-family housing throughout this entire area.

As a point of comparison, other PDO's for Transit Oriented Development in the Winnipeg Zoning By-law, such as The Yards at Fort Rouge (Schedule P) and Bishop Grandin Crossing (Schedule U) prohibit single-family and two-family development, where otherwise permitted.

Parking
The applicant is proposing a parking ratio of .75 per unit for multiple-family residential development. For comparison, other Transit Oriented Developments that have been approved have the following parking ratios:

Yards at Fort Rouge – 1.2 stalls per dwelling unit[2]
Bishop Grandin Crossing - .9 stalls per dwelling unit

The applicant has not provided any rationale as to why they are proposing a lower ratio than what has been previously approved and why the subject site warrants a lower base parking requirement.

Given that the site is a 2.6 km walk from the closest full service grocery store, there is a high likelihood that many people will choose to own a car if they are living in this development. For that reason, a higher parking ratio is warranted – to reflect expected demand and to be consistent with past approvals for TOD development.

Commercial uses at grade
In the "TOD" District, dwelling units must not be located on the first storey of any principal building. (USS 67.1)

This provision requires multiple-family buildings in the TOD District to be mixed use.

Consequently, under the developer's proposal, every multi-family building proposed on the subject site which is not mixed use (20 + buildings) will require a conditional use approval, which requires a public hearing, to permit a building without commercial on the ground floor.

Setbacks
Interior side yards
The concept plans show large setbacks between apartment buildings with ample open space between them. However, the PDO-2 requires a **maximum** interior side yard setback of 10 feet for all buildings between 1-4 storeys and a **maximum** setback of 20 feet for buildings over 5 storeys.

Based on the plans submitted, it appears as if every apartment building and townhouse building will require a variance because they will not meet these setbacks.

Both of the above are examples of the proposed regulations not reflecting what the developer has indicated that they are planning to build.

Summary
The examples noted above, as well as in Attachment 4, highlight that the proposed zoning district does not fit the development proposal and the proposed PDO-2 does not properly align with either the plan or the Winnipeg Zoning By-law.

The issues are numerous and of serious consequence to the implementation of the plan, the build out of the site, and for the protection of future landowners within the development.

Prior to submittal of a new application in the future, it is recommended that the applicant work closely with the Public Service on the selection of the appropriate zoning district(s) for the site and if a PDO is

[2] These parking ratios can be further reduced through an approved parking management plan

required, that they work with the Public Service on the preparation of a PDO to reflect best practices and to ensure alignment with all applicable By-laws.

The Winnipeg Public Service recommended approach for zoning the site in a future application involves applying zoning districts that reflect what is actually being proposed (a combination of mixed use and residential districts) in addition to a PDO-1, which provides for minor modifications to the base zoning districts. The PDO-1 would be similar to others that have been approved for the Yards at Fort Rouge and Bishop Grandin Crossing – which are both TOD sites on the Southwest BRT corridor.

Residential Density
Over and above the inconsistency in density between the proposed zoning district (6,970 units), the proposed PDO (3,162 units), and the proposed development plan (1,910 units), is a concern about the appropriateness of any of these densities at this location because of the site's lack of connectivity to amenities north of the railway line and the adjacent neighbourhood development south of the Hydro and SWBRT corridors.

As previously mentioned, discussed in detail in the associated Secondary Plan report (SPA 1/2018 – Issue #1), is how the site does not meet the criteria for 'Urban Neighbourhood' TOD Type development due to limited potential land use mix and lack of access to other amenities as well as adjacent neigbourhoods.

Development throughout the Parker Lands should be consistent with the 'Neighbourhood – Medium Density' TOD as characterized in the *TOD Handbook.*

The residential density range for this typology is between 20-50 dwelling units per net acre. At this range, the site would accommodate approximately 650 to 1,600 units.

This density would, in accordance with the Transit Oriented Development (TOD) Handbook principles, be highest immediately adjacent to the future BRT station and then taper down as the distance from the station increases.

The density proposed by the applicant may be supportable if the site was connected by a pedestrian/cycling bridge to adjacent amenities to the north. With that said, the developer has not formally proposed a connection nor provided any indication of the feasibility of this connection with this application. Such a connection would have to be investigated by the developer and the City for feasibility before it could be formally proposed as a solution to improve connectivity to the site.

Streets
Back lanes
As mentioned earlier, the concept plan shows one block with back lanes. The Winnipeg Public Service is recommending that all blocks in the Lower Density Area have back lanes, with the exception of the blocks that back onto the railroad tracks on the north and Hurst Way on the south. The reason for this in threefold:

Snow clearing
The Public Works Department has indicated that front driveways with the proposed density (the width of the lots proportional to the number of driveways per lot) will create snow storage issues.

Walkability
The applicant is proposing a TOD neighbourhood – of which walkability is one of the key principles. The requested parking reduction and the assumptions in the traffic study[3] speak to the expectation for a higher pedestrian mode shift. The design, however, which incorporates mostly front driveways, will fragment the sidewalk and negatively impact the quality of the pedestrian environment. This issue is heightened due to the increased number of driveways per block, and the increased number of pedestrians, because of the higher density.

For instance, on the block with fourplexes (Block 5 at the western edge of the development), each lot – which is 92' wide, will have four driveways. The block, which is 599 feet long, will have a total of 23 driveways –one driveway every 26 feet.

On the block with duplexes (Block 16, on the east side of the Lower Density Area) each lot, which is 50 feet wide, will have two driveways. The block, which is 320 feet long, will have a total of 12 driveways – one driveway every 26.66 feet.

This number of curb cuts decreases safety, reduces pedestrian comfort, and limits accessibility for all individuals to utilize the pedestrian environment as fully as possible.

Aesthetics
The streetscape is the key element in the urban design of a neighbourhood. A high quality streetscape, which includes the street and sidewalk, boulevard trees, the façades of the houses, and utilities is an important consideration for every neighbourhood – but is an especially critical component for TOD neighbourhoods, which are intended to achieve a high quality, pedestrian oriented environment.

The image below (Figure 7) was taken in Waverley West Town Centre on Park Drive West. It shows a street with front drives on one side and back lane lots on the other side.

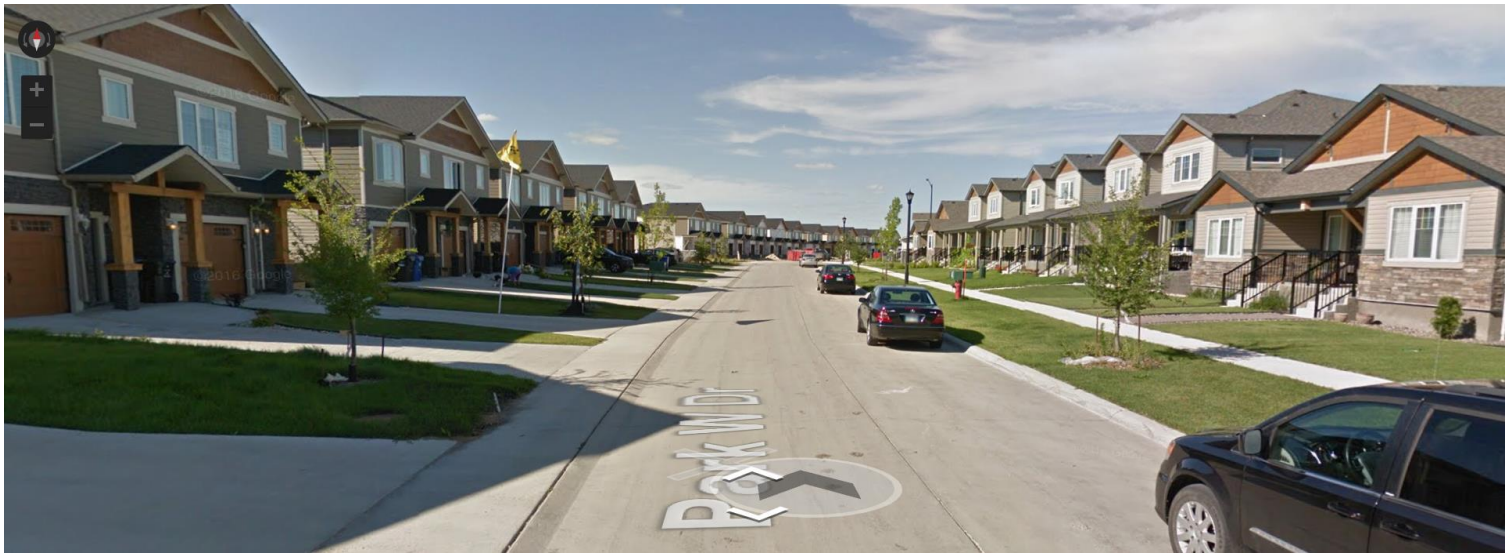


Figure 7: Park West Drive

[3] The traffic study submitted by the applicant assumes 25% less vehicular traffic for all dwelling units in the development within 400 metres of the Parker BRT station and a 10% less vehicular traffic for all dwelling units within the development over 400 metres from the Parking BRT station.

Some key differences between the two streetscapes are the boulevard and the size of the planting area for street trees, the location and fragmentation of the sidewalk, the space for snow storage, the space for on street parking, and the appearance of the building facades (garage vs. no garage).

Summary
For the above reasons, the Public Service does not support this proposal, as it does not include back lanes for all blocks in the Lower Density Area, with the exception of the blocks that back onto the railroad tracks on the north and Hurst Way on the south.

Hurst Way
Public Works has indicated that Hurst Way is not required to be upgraded to a four lane divided roadway, based upon the traffic volumes anticipated with the development. However, the developer will be responsible for upgrading intersections into the development that intersect with Hurst Way.

D. Underground services
The Water and Waste Department has indicated that on site retention of stormwater will be required for this site. This has not been accounted for on the plans that were submitted with this application. A modification to the plans will be required to accommodate on site storage, to the satisfaction of the Public Service.

F. Open Space
As previously mentioned, the City of Winnipeg was seeking to protect valuable forest habitat through land dedication. The City had communicated this position to the developer for the past several years. However, in October 2018, the developer removed all remaining forest habitat on site.

Consequently, given that the forest habitat has been removed, the Public Service is recommending that one centrally located site be dedicated as public reserve.

Given that the site is somewhat cut off from surrounding residential areas and amenities, it is best served with a single space that is large enough to accommodate varied uses. Additionally a more centrally located site achieves the goal of providing park within 400 m walking distance of all residents of the Parker Lands development.

It is recommended that the park be provided in the general location illustrated in the image below (Figure 8).



Figure 8: Winnipeg Public Service preferred park location

Proposed Public Reserve
One centrally located site is being recommended by the Public Service, instead of the “linear park network” and “neighbourhood park” proposed by the applicant.

What the concept plan identifies as a “linear park network”, is really a series of quasi connected small green pathways. For a system to have the designation of linear, is should be contiguous for a long stretch and not require street crossings every block or rely on a stretch that diverts you onto a sidewalk. This could possibly be defined as ‘pedestrian oriented’, but not a linear park. It should be noted that many of these street crossing locations will not have a high enough traffic warrant to justify installation of controlled pedestrian crossings, so this becomes more of a safety concern.

Also, given that there is a major AT path at the south limit of the site and presumably sidewalks along the East-West roadways, this is a development where, given the wedge shape configuration, trying to fit in an East-West linear park is not as important as it may be in other more spread out neighbourhoods. Furthermore, what’s shown as ‘community’ park would be hard to define/differentiate from private lands, making it harder to manage and maintain. It should also be noted that the 1 acre park space identified as ‘Community’ would not fit the City’s ‘community park’ classification based on both size and capacity of possible use; it’s function is more as a semi private space that should be part of the yards supporting the mid-rise development.

SUMMARY

The Planning and Land Use Division recommend rejection of the subject DASZ application for the following reasons:

- As per the Council motion in 2009, the *Complete Communities Direction Strategy*, and the Winnipeg Zoning By-law, an approved Secondary Plan is needed prior to this application proceeding. The Public Service is recommending that the Secondary Plan, as submitted, should not be approved. Consequently, the DASZ application should be rejected.
- The proposed zoning district and PDO-2 do not align with the associated concept plans and allow for development rights far in excess of what the area can support.
- The proposed public reserve lands do not provide enough functional active space. The Public Service is recommending one centrally located park that is large enough to accommodate a variety of uses.
- The Lower Density Area does not meet higher expectations for walkability in a TOD development. All streets in the Lower Density Residential Area, with the exception of blocks that back onto the rail line or Hurst Way, should provide back lane access.
- On site retention of storm water is not currently accommodated in the plan. The Water and Waste Department has indicated that this is needed to meet city requirements.

RECOMMENDATIONS

The Urban Planning Division recommends this application be **rejected**

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

Report Prepared by: Michael Robinson RPP, MCIP
PPD File # DASZ 12/18

Schedule "A" for File DASZ 12/2018, City Centre Community Committee, November 1, 2018

By-Law No. _____

File No. **DASZ 12/2018**

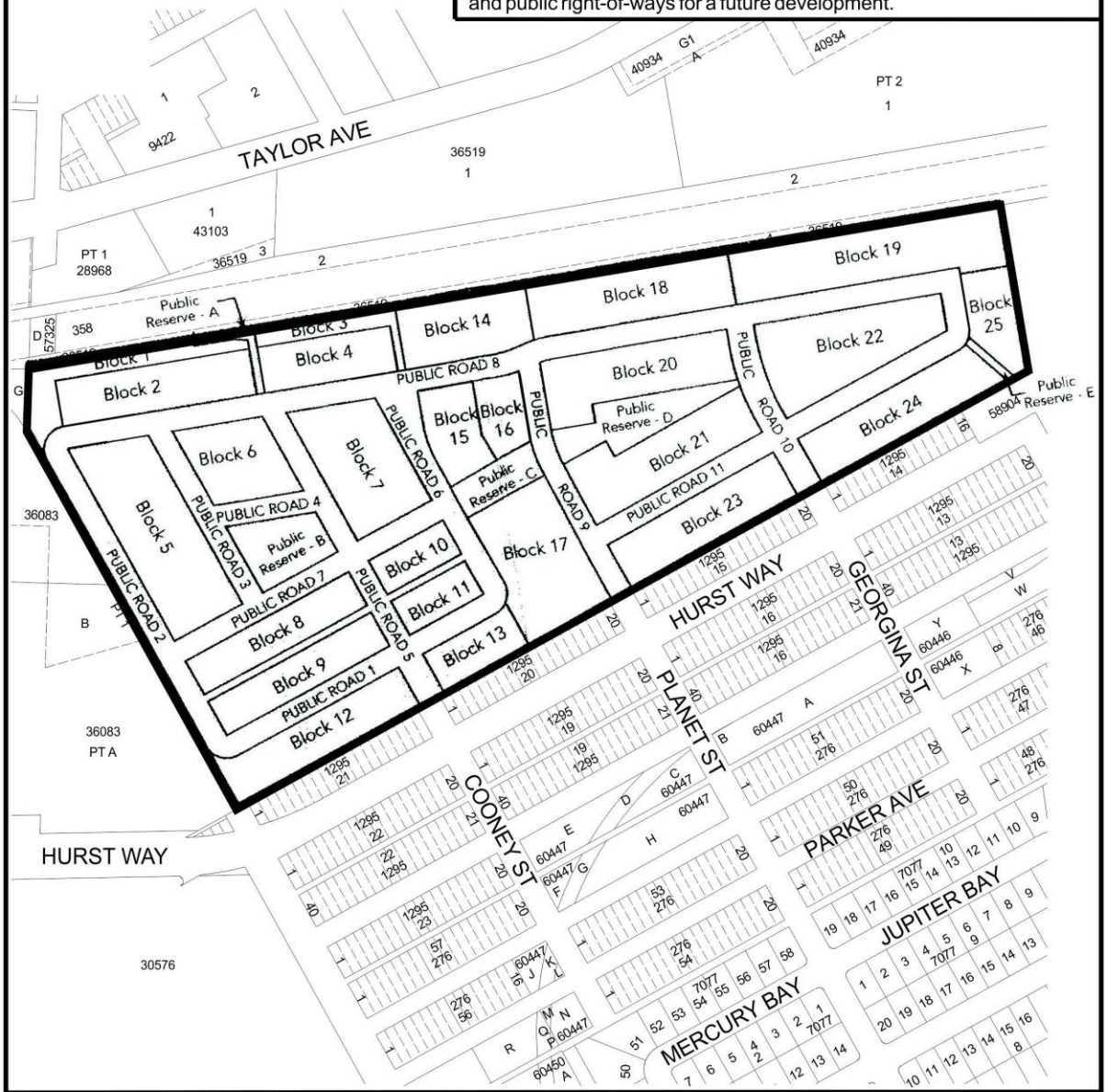
Atlas Sheet No. **AE22**

N

CITY CENTRE COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located north of Hurst Way, south of the CNR Rivers Mainline from an "M2" MANUFACTURING GENERAL DISTRICT to a "TOD PDO-2 PARKER LANDS" TRANSIT ORIENTED DEVELOPMENT DISTRICT to facilitate the establishment of the Fulton Grove Neighbourhood by the creation of the block plan, public reserve and public right-of-ways for a future development.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – September 26, 2018

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED NORTH OF HURST WAY BETWEEN ASQUITH AVENUE AND CNR RIVERS MAINLINE – DASZ 12/2018

A meeting was held by the Administrative Co-ordinating Group (ACG) to review the servicing requirements for DASZ 12/2018. A number of concerns were brought forward and highlighted as follows:

1) Location of Public Reserves (park space)

   The plan submitted indicates a series of small public reserve areas throughout the site. The public Service does not support the park configuration as proposed as it does not meet the required dedication amount, or the needs of the community. It is recommended that the plan be revised to provide a larger centrally located park.

2) Land Drainage

   There is a controlled amount of runoff allowed from the area which requires on site stormwater management. The applicant has proposed the use of dry ponds for this purpose. A dry pond is a stormwater detention area that is normally dry but during rain events flood to certain levels that have been determined through the design process. The plan should be amended to include the proposed location of the storage area(s). Dry ponds within park areas are not allowed.

3) Placement of Fill Material

   There are high levels of fill material proposed for the site. The engineering consultant retained by applicant estimated up to approximately 14 feet of fill material is to be added to the site (November 2017). Fill has been added to date, but it has not been reported to what extent or how the fill has been placed and compacted. It is anticipated that water mains and sewer mains will be located in the fill material. The Water and Waste Department is concerned about risk of damage to the infrastructure and its operation under changing ground conditions. As a result, the Developer will be required to provide a geotechnical report as outlined in clause 4), Engineering reports and servicing criteria in this report.

4) Upgrades to Hurst Way

   According to the Traffic Study submitted by the Developer, Hurst Way can accommodate the projected traffic generation from the area and beyond, with the exception of the intersections which will require upgrading. It is recommended in this report that the Traffic Study be updated to reflect actual traffic volumes as development of the site proceeds and when requested to do so by the Director of Public Works. The Developer may be required, at no expense to the City, provide additional upgrades to Hurst Way if determined by the Director of Public Works.

It is recommended that the approval of DASZ 12/2018, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. Plan Considerations

Plan Considerations

1) The plan of subdivision should be updated to outline the stormwater management facilities and to increase Public Reserve “E” to a width of 9.0m.

2) Rights-of-ways shall be widened an additional 2m in width to accommodate any large diameter land drainage sewers (larger than 525mm diameter) where required.

3) An easement is required for any city owned water mains crossing the proposed subdivision that are not relocated to a proposed right-of-way. The existing water main easement may be partially discharged when the development water distribution system has been completed.

4) The Developer shall provide a single, centrally located Public Reserve to serve as a neighbourhood park in the vicinity of Block 13 and Block 17, as determined by and to the satisfaction of the Director of Public works.

5) Public Reserve B and C shall relocated and included into the centrally located Public Reserve as noted above

6) Public Reserve A, D and E shall not be considered in determining the required land dedication area.

7) The Developer shall, legally open property for public lanes to access lots within Block 5, Block 6 and Block 7, to the satisfaction of the Director of Public Works.

8) Public lanes are to be established with right-of-way widths of 6.25m for each public lane serving single or two-family residential development, and 7.25m for each public lane serving multi-family residential and commercial development, to the satisfaction of the Director of Public Works.

9) Rights-of-ways are to be widened, as necessary, to accommodate land drainage sewer and/or multi-use pathways, as determined by and to the satisfaction of the Director of Public Works.

10) If additional right-of-way is required along Hurst Way, the Developer shall be responsible for their share of the costs.

11) The Developer shall, at no expense to the City, legally open property for right-of-way corner cuts measuring 2.0m by 2.0m in each corner of the intersection of two streets measuring 22.0m in width or greater. Right-of-way corner cuts measuring 3.0m by 3.0m are to be provided at each corner of any intersection where the angle is less than 80°, to the satisfaction of the Director of Public Works.

12) Intersections of local streets within the Planned Area are to be designed such that the angle of intersection is no less than 70° as measured in the quadrant with the acute angle.

13) Where two local residential streets intersect with a residential collector street on opposite sides

of said collector, the centerlines of the local streets are to be aligned to be coincident with one another at their intersection with the collector or be offset by a minimum of 45.0m along the collector.

14) Where local residential streets are aligned to curve within 20.0m of their intersection with a residential collector street, such curves are to have a minimum centerline radius of 60.0m.

15) The Draft Legal Plan in its entirety shall be reviewed and approved by the Public Works Department prior to submitting to Winnipeg Land Titles Office.

B. 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.

1) 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.

2) The Developer shall submit a geotechnical report for use and reliance on by City, to the satisfaction of the Director of Water and Waste. The report shall outline the geotechnical investigation of the current geotechnical conditions, and provide recommendations including but not limited to:

    a) Fill locations, types and variations in material and thickness
    b) Expected settlement and rate/timeframe
    c) Compaction standards
    d) Mitigation of existing fill as needed
    e) Right-of-way requirements for municipal services (including water and wastewater sewer specifically) such as lag time before installations
    f) Foundation considerations
    g) Boundary treatment of the fill area and outlining the transition to existing elevations
    h) Third party review of the geotechnical report may be required at the applicant's expense if geotechnical failure could result in significant harm to public safety or infrastructure or if proper review is beyond the capability of the City. The City will resolve any differences between the geotechnical report and the third party review report.

    Additional conditions of development may be applicable as required by the accepted geotechnical report as determined by the Director of Water and Waste.

3) The Developer shall provide updated traffic studies as required by the Director of Public Works to evaluate the traffic volumes on Hurst Way as development progresses. The traffic studies shall be used to determine when upgrades along Hurst Way may be required.

C. AGREEMENT CONDITIONS

SECTION I – SERVICING

1. Wastewater Sewers

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

2. Watermains

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

3. Lot Line Servicing

   a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

   b) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby agrees to indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

   c) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

4. Land Drainage

   a) The Developer shall, at no expense to the City, construct and install land drainage sewers and stormwater retention facilities (including a piped outfall) required to serve the Planned Area and adjacent lands, as determined by and to the satisfaction of the Director of Water and Waste.

   b) The Developer shall dedicate all land and provide all easements necessary to accommodate the required stormwater retention and land drainage facilities, as determined by the Director of Water and Waste, in accordance with the City's Development Agreements Parameters.

   c) The Developer shall pay its share of the cost of the regional land drainage system for the Planned Area as determined by the Director of Water and Waste.

5. Lot Grading

   a) Upon registration of the approved plan of subdivision mylars in the Land Titles Office, the Developer shall, at no expense to the City, provide to the City all easements the City considers

necessary with respect to the installation, construction, maintenance, and replacement of swales, catchbasins, and leads for drainage of the Planned Area.

b) Prior to the issuance of building permits, the Developer shall, at no expense to the City:

i. Submit to the City, for approval, a lot grading plan for the Planned Area, prepared by a municipal engineer; and
ii. Construct all swales, catchbasins, and leads necessitated by the approved lot grading plan

6. Pavement

a) The Developer shall, at no expense to the City, construct Portland cement concrete pavement, 7.5m, 8.0m, 10.0m wide by 150mm, 200mm thick in all streets within the Planned Area and connecting to Hurst Way, and all related works including, but not necessarily limited to ornamental street lighting, boulevard landscaping and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct, within the proposed public lanes within the Planned Area serving single or two-family residential development, 5.0m wide by 150mm thick Portland cement concrete pavements, and, within the proposed public lanes within the Planned Area serving multi-family residential and commercial development, 6.0-m-wide by 150-mm-thick Portland cement concrete pavements, as determined by and to the satisfaction of, the Director of Public Works

7. Hurst Way intersections

The Developer shall,

a) pay to the City, in cash, on demand, all costs associated with construction of intersection treatments on Hurst Way at each proposed public street, and all related works, or

b) construct intersection treatments on Hurst Way at each proposed public street, and all related works,

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

8. Multi-use Pathways/Sidewalks

a) The Developer shall, at no expense to the City,

i. construct a 1.8m wide by 100mm thick Portland cement concrete sidewalks, on a standard alignment 0.3m from the property line, on both sides of all streets within the East Side Block Plan and connecting to Hurst Way;
ii. construct a 1.5m wide by 100mm thick Portland cement concrete sidewalks, on a standard alignment 0.3m from the property line, on both sides of all streets within the West Side Block Plan and connecting to Hurst Way;
iii. in place of the sidewalk, construct a 3.5m wide asphalt multi-use pathway on the east side of Public Road 10 between the proposed east-west multi-use pathway and the existing multi-use pathway south of the Planned Area;

iv. in place of the sidewalk, construct a 3.5m wide asphalt multi-use pathway on the north side of Public Road 7 between Public Reserve C and Public Road 2 and on the west side of Public Road 2 between Public Road 7 and the existing multi-use pathway south of the Planned Area; and

v. in place of the sidewalk, construct a 3.5m wide asphalt multi-use pathway on one side of Public Road 11 between the proposed multi-use pathway within Public Reserve E and Public Road 10,

as to the satisfaction of the Director of Public Works.

b) In the event that the multi use pathway cannot be constructed in the locations described above, the pathways may be relocated as determined by the Director of Public Works.

c) The Developer shall, at no expense to the City, construct all sidewalks concurrently with the pavements with which they share the right-of-way.

9. Private Approaches

a) There are to be no private approaches serving single or two family residential development off rights-of-way measuring 22.0m or greater in width.

b) Private approaches serving all lots within Blocks 2, 4, 12 and 13 and all other duplexes and single-detached multi-family houses shall be joint use

c) There shall be a minimum of 6.1 metres between the edge of the private approach flares between lots, measured at the curb, to the satisfaction of the Director of Public Works.

10. Traffic Control Signal

The Developer shall, at no expense to the City, pay to the City, in cash, on demand, their share of the costs associated with the installation of traffic control signals and all related works including, but not limited to, pedestrian and vehicular actuation and interconnection to adjacent traffic-control signals, countdown and audible pedestrian signals at the intersection of McGillivray Boulevard and Beaumont Street, as determined by and to the satisfaction of the Director of Public Works.

11. Fencing

The Developer shall, at no expense to the City, construct within the Planned Area abutting the Canadian National Railway Rivers Subdivision, a uniform fence 2.0m in height, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of the proposed lot abutting the Canadian National Railway Rivers Subdivision requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works. Said fence is intended to ensure that “pedestrian trespass, to the tracks does not become a consequence of the subject development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

12. Temporary Dead-End Streets

a) The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle

turnaround at the terminus of each temporarily dead-ended street within the Planned Area, and provide to the City any rights-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

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

13. 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.

14. 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.

15. Two Means of Vehicle Access

The Developer shall, at no expense to the City, ensure that two means of paved vehicular access are available at all times to each stage of development of the Planned Area, to the satisfaction of the Director of Public Works. This may require the construction of temporary paved roadways by the Developer and the provision of easements or rights-of-way by the Developer to the City.

16. Construction Traffic

The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

17. Development Information Signs

Prior to construction, the Developer shall, at no expense to the City, obtain approval of and install, and subsequently maintain, at the entrances to the Community, development information signs, containing no advertising, and showing the Planned Area, zoning information, a north directional arrow, Southwest Bus Rapid Transit Corridor, Hurst Way, Waverley Street, Pembina Highway,

Canadian National Railway Rivers Subdivision, all proposed arterial and collector streets, sidewalks, public walks, active transportation facilities, all proposed parks, storm water retention facilities and all proposed community mailbox sites, all with the approval of and to the satisfaction of the Director of Planning, Property and Development.

18. 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.

19. 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.

20. 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.

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 to the City, undertake landscape improvements and pay its share of the cost of services in streets abutting the dedicated land all in accordance with plans and specifications approved by the Director of Public Works. If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of

land satisfactory to the Directors of Public Works and Property, Planning & Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash, or, by the provision of an equivalent value of additional site amenities in the Public Reserves within the Planned Area, subject to approval 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 the construction of at least one east-west path, and N-S path, as necessary to best connect the park space to the residential areas of the development and the AT path, south of the planned area. Paths shall be a min of 2.4 m and the surfacing of the path shall be as determined though the site plans approval process. If the City deems that the provision of irrigation to the public reserve is not required, the Developer shall provide compensation in the form of site amenities of pre-determined equivalent value, subject to approval by the Director of Public Works.

c) Any paths that must cross over a berm or traverse an elevated area shall be designed to ensure that the grading accommodates the path while still complying with Universal Design Standards.

d) The Developer shall, at no expense to the City, provide continuous fencing for properties abutting Public Reserve land used for park purposes. The fencing shall be located within private property and established by caveat to be the responsibility thereafter of the private property owner.

e) Park space development should be undertaken within 1 year of the first issued building permit and completed within 1 year of that date, unless an extension of time has been previously approved, in writing, by the Director of Public Works.

f) 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.

g) 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.

h) 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 as-built drawings have been received and accepted as complete by the Director of Public Works and the Final Acceptance has been issued.

SECTION II – COSTS AND FEES

1. By-laws and Approvals

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

2. Professional Fees

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

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

3. Administration Fees

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

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 12/2018
Prepared October 30, 2018

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

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

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

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

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

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

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

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

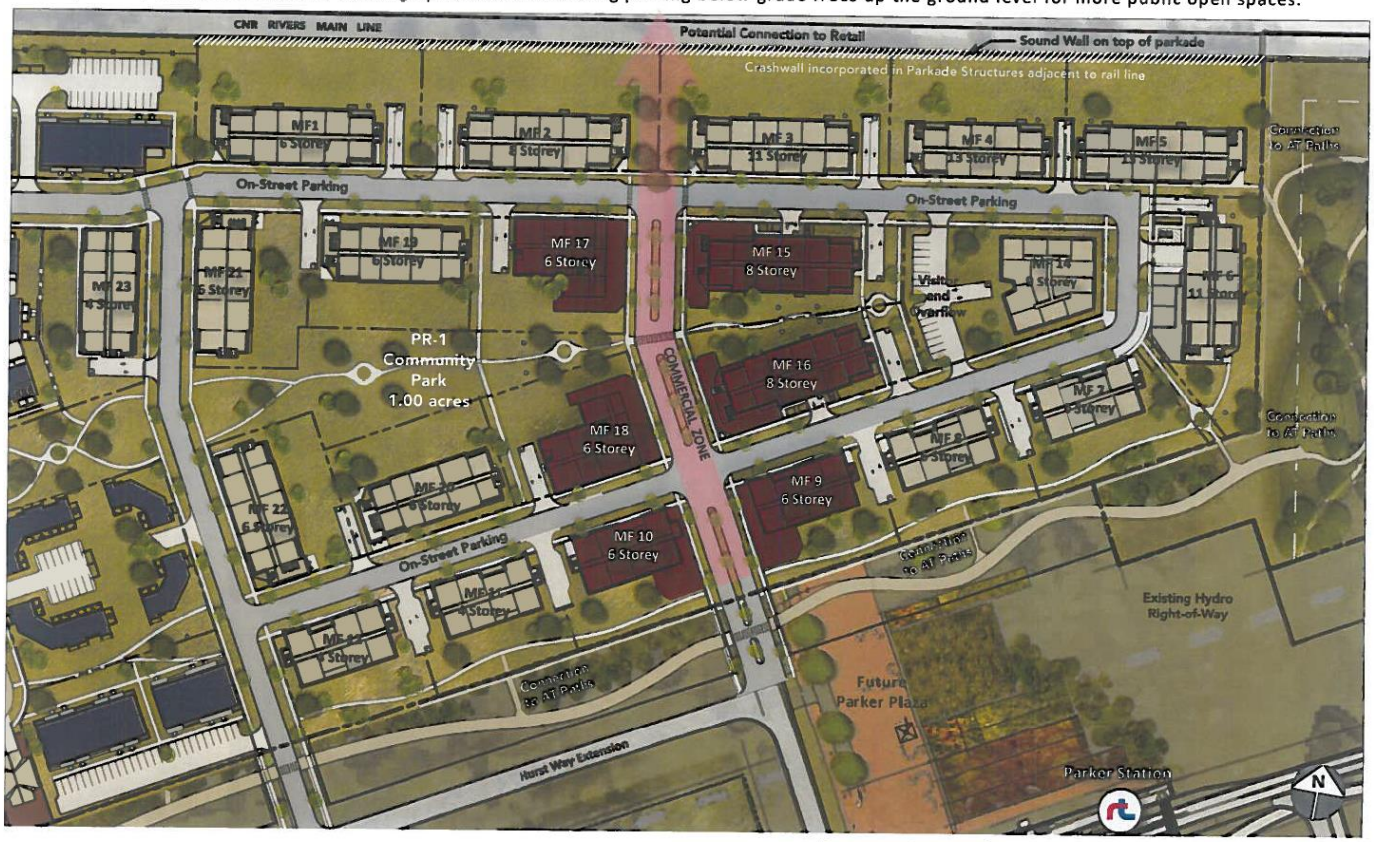
GJ/gj

Attachment 1
High Density Residential Area

DEVELOPMENT PLAN 4

HIGH DENSITY RESIDENTIAL AREA

The Eastern portion of the site utilizes compact urban design featuring multi-family mixed use and high density residential buildings with a majority of the private parking below grade. Building upward and containing parking below grade frees up the ground level for more public open spaces.



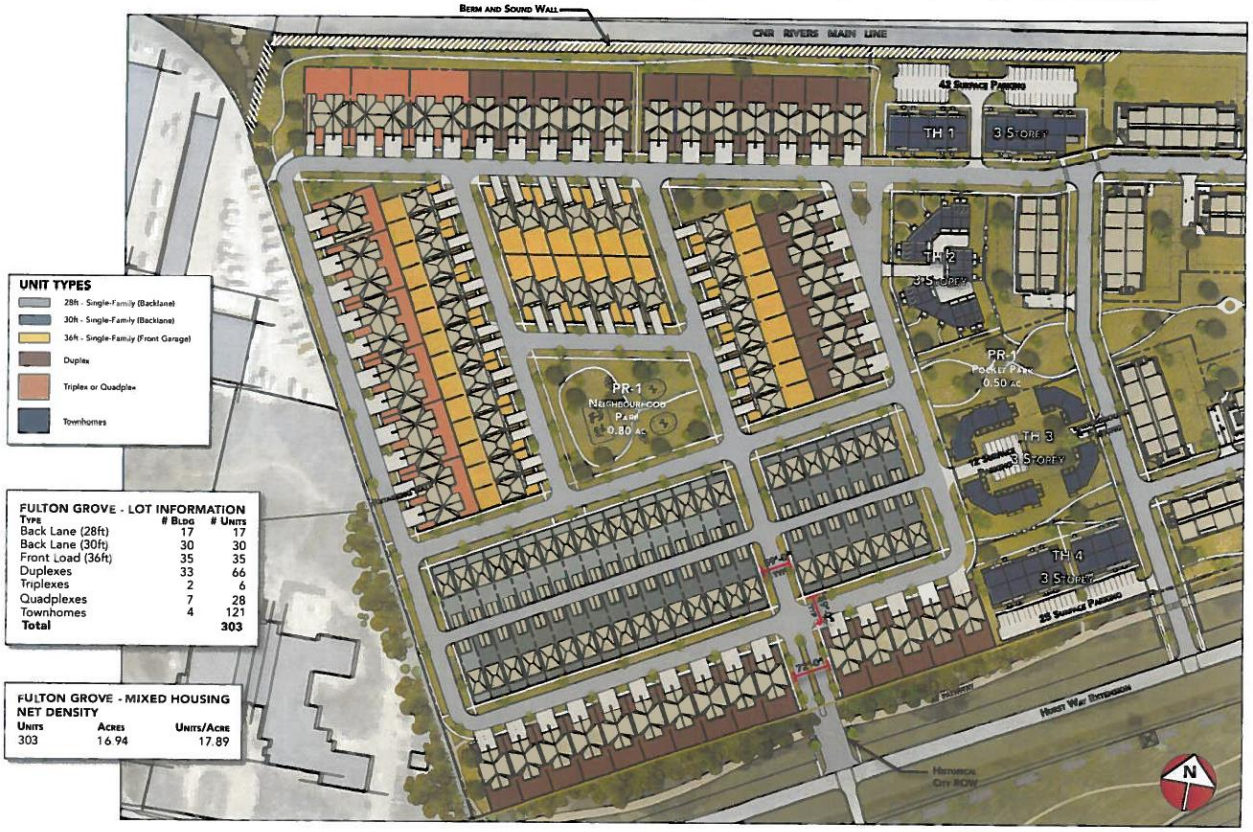
FULTON GROVE | A TRANSIT ORIENTED DEVELOPMENT 7

Attachment 2
Lower Density Residential Area

DEVELOPMENT PLAN 4

LOWER DENSITY RESIDENTIAL AREA

The Western portion of the site will feature a mix of small lot single-family homes, duplexes, triplexes, quadplexes, and townhomes for families starting out who are looking to live closer to established neighbourhoods with strong links to existing services, amenities and shopping.



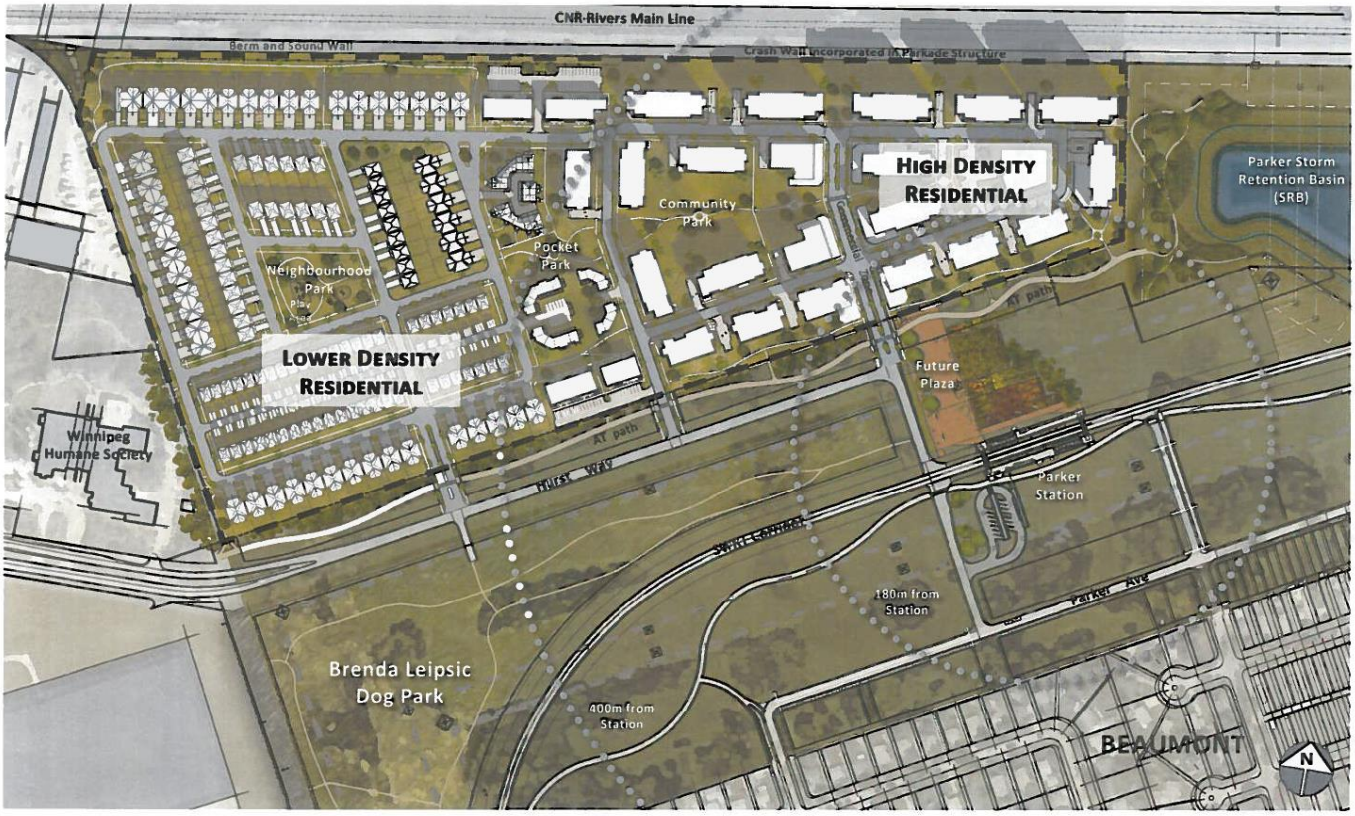
FULTON GROVE | A TRANSIT ORIENTED DEVELOPMENT 8

Attachment 3
Entire Plan Area

DEVELOPMENT PLAN 4

CONCEPTUAL SITE DEVELOPMENT PLAN

Fulton Grove will consist of a Lower density residential area and a High density mixed-use/residential area connected by green spaces that are central to the community all within a short walking distance of the rapid transit station.



FULTON GROVE | A TRANSIT ORIENTED DEVELOPMENT 6

Attachment 4
Proposed Planned Development Overlay 2 (PDO-2) submitted by applicant

SCHEDULE Y

added TBD

PARKER LANDS PLANNED DEVELOPMENT OVERLAY 2 (PDO-2 – PARKER LANDS)

Purpose

(1) The purpose of this overlay is to support the redevelopment of the planned area as a 'Major Redevelopment Site' in a manner consistent with Parker Lands Secondary Plan and Transit-Orientated Development (TOD) Principles as an 'Urban Neighbourhood' with an underlying TOD Zone.

Applicability

(2) The PDO-2 PARKER LANDS Overlay District is shown as the Planned Area in attached Map 1 Principal Overlay Map.

Development Standards

(3) Except to the extent modified by the standards in this overlay, all standards of the Zoning Bylaw 200/2006 apply within the boundaries shown on the Principal Overlay Map (Map 1).

(4) The regulations provided in the PDO-2 district shall be substituted for the specified regulations of the underlying Zoning Bylaw 200/2006. Where there is a conflict between the provisions of the PDO-2 district and those of the underlying Zoning Bylaw 200/2006, the provisions of the PDO-2 govern.

Land Locked Parcels Permitted

(5) Notwithstanding other provisions in the Winnipeg Zoning By-law 200/2006, a use permitted under this By-law in the PDO-2 PARKER LANDS within the Overlay District may be established, erected, or constructed if the parcel of land on which it is located, in addition to complying with all other requirements of this By-law:

(a) does not abut a public street; or

(b) does not abut an unimproved street which, under an Agreement with the City, is to be improved to serve that lot; or

(c) is not deemed to abut a public street pursuant to the non-conformity provisions of this By-law.

Subject to the following conditions:

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

Plan Approval, Exterior Site and Building Designs

(6) Within the boundaries shown on the Principal Overlay Map, the Owner must submit plans showing the location and design of any and all proposed

(1) buildings,
(2) accessory parking areas,
(3) garbage enclosures,
(4) fencing,
(5) landscaping
(6) signage; and
(7) exterior lighting

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the City Centre Community Committee for approval prior to the issuance of any building or development permit (except a permit related to lot grading), and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

(7) Notwithstanding the above, the following land-uses do not require the Plan Approval review and approval:

(1) Temporary construction trailer or building;
(2) Temporary structures (for events not exceeding 14 days);
(3) Transit station;
(4) Construction sign;
(5) Real estate sales offices and model sales homes;
(6) Single, Two, Three and Four family dwellings;
(7) Secondary Suites; Attached;
(8) Home Occupations;
(9) Structures accessory to Single, Two, Three and Four Family Dwellings.

(8) The City Centre Community Committee or Director may not deny approval of a Plan Approval application without first giving the applicant in writing notice of the date, time, and location of a meeting to hear representation from the applicant concerning the application. If the applicant has not been so notified within 45 days of the Plan Approval application being submitted in full, the applicant may submit a letter requesting such notification to the Standing Policy Committee on Property and Development Heritage and Downtown Development. Upon receiving such letter, the Standing Policy Committee on Property and Development, Heritage and Downtown Development shall instruct the City Centre Community Committee or the Director to approve or deny the Plan Approval application within a specified period of time.

(9) An applicant may, in accordance with The City of Winnipeg Charter, appeal a decision to deny plan approval, to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

Plan Approval Considerations

(10) In making decisions on Plan Approval applications, the City Centre Community Committee and Director shall consider any requirements in this section and any urban design guidelines, standards or criteria approved by Council.

Plan Approval Design Standards

(11) Notwithstanding other provisions of this By-law, in the PDO-2 PARKER LANDS, development must comply with the design standards listed below.

Shadows and Wind

(1) For a proposed building exceeding 100 feet in height, the applicant shall submit, at the time of Plan Approval, a study on the impact of the proposed building on shadow and wind, prepared by a qualified architect or design professional

Building Facades

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

Parking, Bicycle Parking and Loading

(12) Parking, Bicycle Parking and Loading Management Plan

(1) If a property does not comply with the required amount of parking or bicycle parking, or loading the property owner may propose to the Director a Parking,

Bicycle Parking and Loading Management Plan prepared by a professional traffic engineer or parking consultant documenting that the amount of off-street parking and/or bicycle parking, and/or loading is adequate to meet the needs of the proposed use or combination of uses and to prevent traffic and parking congestion on surrounding streets or public lanes.

(2) If the Director concludes that the proposed Parking, Bicycle Parking and Loading Management Plan will provide off-street parking and/or bicycle parking and/or loading adequate to meet the needs of the proposed use or combination of uses and to prevent traffic congestion on surrounding streets and public lanes, the Director may approve the Parking, Bicycle Parking and Loading Management Plan and may reduce or increase the amount of parking and/or bicycle parking and/or loading to conform with the approved plan.

(3) Once a Parking, Bicycle Parking and Loading Management Plan is approved, that owner shall provide parking spaces, bicycle parking spaces, and loading spaces in accordance with the Parking, Bicycle Parking and Loading management plan which has been approved by the Director.

(4) Any owner of land in the PDO-2 PARKER LANDS may, in accordance with this overlay and this By-law, submit to the Director for approval:

(a) A Parking, Bicycle Parking and Loading Management Plan for the overlay district; or,
(b) an amended Parking, Bicycle Parking and Loading Management Plan for the overlay district.

(13) An applicant may, in accordance with The City of Winnipeg Charter, appeal a decision by the Director to deny approval of Parking, Bicycle Parking and Loading Management Plan, to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

Parking Minimum and Maximums

(14) The minimum total number of parking spaces for residential uses including un-assigned guest parking and handicap parking required within the Planned Area of PDO-2 PARKER LANDS shall be 50 percent of 1.5 parking stalls per unit.

(15) The maximum number of parking spaces for residential uses including un-assigned guest parking required within the entire Planned Area of PDO-2 PARKER LANDS shall not exceed 75 percent of 1.5 parking stalls per unit.

(16) The minimum number of required off-street parking spaces for Public and Institutional, Cultural and Entertainment, Commercial Sales and Service, and Private Motor Vehicle Related land-uses designated in Table 4-1 shall be reduced to 75 percent of the minimum number shown in Table 5-9.

(17) The maximum number of required off-street parking spaces for Public and Institutional, Cultural and Entertainment, Commercial Sales and Service Private Motor Vehicle Related, designated in Table 4-1 shall not exceed 80 percent of the minimum number shown in Table 5-9.

Net Density Minimum and Maximums

(18) Notwithstanding other provisions of this By-law, Density shall be calculated for the entire Planned Area of PDO-2 PARKER LANDS rather than building by building, block by block, or lot by lot.

(19) Net densities for the entire Planned Area of PDO-2 PARKER LANDS shall mean the buildable area after the street rights-of-ways and public open spaces have been subtracted.

(20) The minimum Net Area Density for the entire Planned Area of PDO-2 PARKER LANDS shall be 40 units per acre.

(21) The maximum Net Area Density for the entire Planned Area of PDO-2 PARKER LANDS shall be 100 units per acre.

Use Tables

(22) Notwithstanding other provisions of this By-law, in the PDO-2 PARKER LANDS, the following principal uses shall be permitted in addition to the permitted and conditional uses of the underlying TOD zoning district:

(1) Dwelling, Single Family detached
(2) Dwelling, Two-Family
(3) Community Gardens

(23) Notwithstanding other provisions of this By-law, in the PDO-2 PARKER LANDS, the following accessory uses shall be permitted in addition to the permitted and conditional uses of the underlying TOD zoning district:

(1) Apiary
(2) Parking, Shared
(3) Secondary Suite, Attached.
(4) Secondary Suite, Detached

Dimensional Standards

(24) Single-family residential structures must meet the requirements of the R1-Small zoning district.

(25) Two-family residential structures must meet the requirements of the R2 zoning district.

(26) Notwithstanding other provisions of this By-Law, buildings with multiple family dwellings (+4 units), and multiple family and other uses [mixed land-uses] with more than four units shall meet the following:

(1) Rear yard shall be a minimum of 5 feet;

(2) Interior side yards shall be a maximum of 10 feet for 1 storey to 4 storey; and 20 feet for 5 storey and above; as no interior side yard is required when no doors, windows, or other openings are provided in the wall of the adjacent property except up to 50% of the length of the ground floor façade of any building, to a maximum continuous length of 50 feet, may have a maximum yard of 15 feet for the purpose of accommodating an otherwise approved public space, plaza, outdoor dining/drinking area or other pedestrian amenity

(3) Maximum corner side yard shall be 5 feet except up to 50% of the length of the ground floor façade of any building, to a maximum continuous length of 50 feet, may have a maximum yard of 15 feet for the purpose of accommodating an otherwise approved public space, plaza, outdoor dining/drinking area or other pedestrian amenity

(4) Maximum front yard shall be 10 feet except up to 50% of the length of the ground floor façade of any building, to a maximum continuous length of 50 feet, may have a maximum yard of 15 feet for the purpose of accommodating an otherwise approved public space, plaza, outdoor dining/drinking area or other pedestrian amenity

(27) No portion of a habitable room or space shall be within 80 feet of the CNR Rivers rail lines.

Splitting Two-Family and Row Dwelling Lots

(28) Notwithstanding other provisions of this By-Law, the owner of a lot that has a two-family dwelling, or a multiple family row dwelling type located on it may split the lot with each dwelling unit located on a separate lot with property lines aligned with the common party walls (see **Illustration 1**) provided that:

(1) The new lot line must be a straight line between the front and rear lot lines, located in such a manner that the party wall of the dwelling units and any applicable

accessory structure must form part of the new lot line, and where the new lot line is unable to form a straight line due to the irregular shape of the lot or the structure, the location of that new lot line must be determined by the conditions of any subdivision approval issued.

(2) Each of the lots created must have frontage on a street.

(3) The permitted use of each lot created must be for a dwelling unit and permitted accessory uses only.

(4) Each lot created must provide one parking space with access to this required parking space being directly from either a street, public lane or a private lane; and not in front of the principal building entrance.

(5) Each lot created must provide yards not less than the R2 zoning district minimum yard requirements; except that the minimum side yard along the new lot line may be zero feet in width.

(6) Each end unit in a grouping of single-family attached dwellings must meet the minimum side yard or corner yard requirement, as applicable, of a two-family structure in the same zoning district.

(7) Each interior lot created may allow for a minimum lot width of 21 feet whereas the corner lots shall have a minimum lot width of 25 feet and a lot area of 2,100 sq. ft.

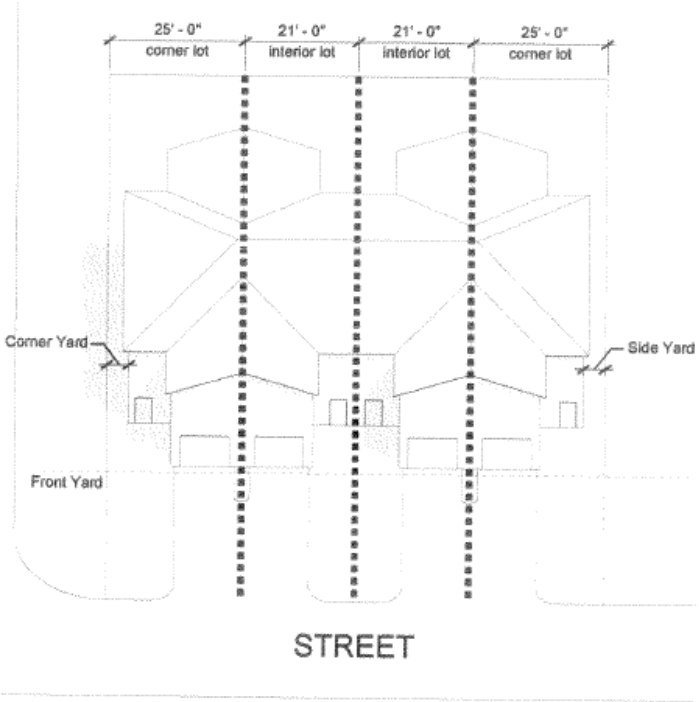


Illustration 1: Splitting Row Dwelling Lots

Use Specific Standards

(29) Notwithstanding other provisions of this By-Law, a secondary suite may be created accessory to a single or two family dwelling; or town house style multiple family dwelling units subject to the Use Specific Standards of the Zoning By-law as well as the following standards:

(1) The maximum size of a secondary suite that is contained wholly within a residential dwelling's designated basement area shall not have a restriction on floor area size.

(30) Notwithstanding other provisions of this By-law, parking, loading and garbage enclosures shall be permitted in side yards of principal buildings to a maximum of one side yard per lot with the following standards:

(1) Landscaping and fencing treatments no higher than 4 feet in height (deciduous and coniferous trees may be taller than 4 feet) shall be implemented to screen the parking, loading and/or garbage enclosure but shall not apply across a driveway or pathway used to access the parking, loading and/or garbage enclosure.

(2) The total maximum width of a parking, loading and/or garbage enclosure in a side yard shall not exceed 60 feet of the total lot frontage.

(31) Notwithstanding other provisions of this By-law, parking, loading and garbage enclosures shall be permitted in rear yards of buildings with the following standards:

(1) Landscaping and fencing treatments no higher than 6 feet in height (deciduous and coniferous trees may be taller than 6 feet) shall be implemented to screen the parking, loading and/or garbage enclosure but shall not apply across a driveway or pathway used to access the parking, loading and/or garbage enclosure.

(32) Notwithstanding other provisions of this By-law, indoor parking shall not be permitted below the second storey of a principal building and above grade of a principal building except with the following standards:

(1) Any indoor parking facility located below the second storey of a principal building and above grade must be screened in its entirety from all adjacent public rights-of-way by a use such as:

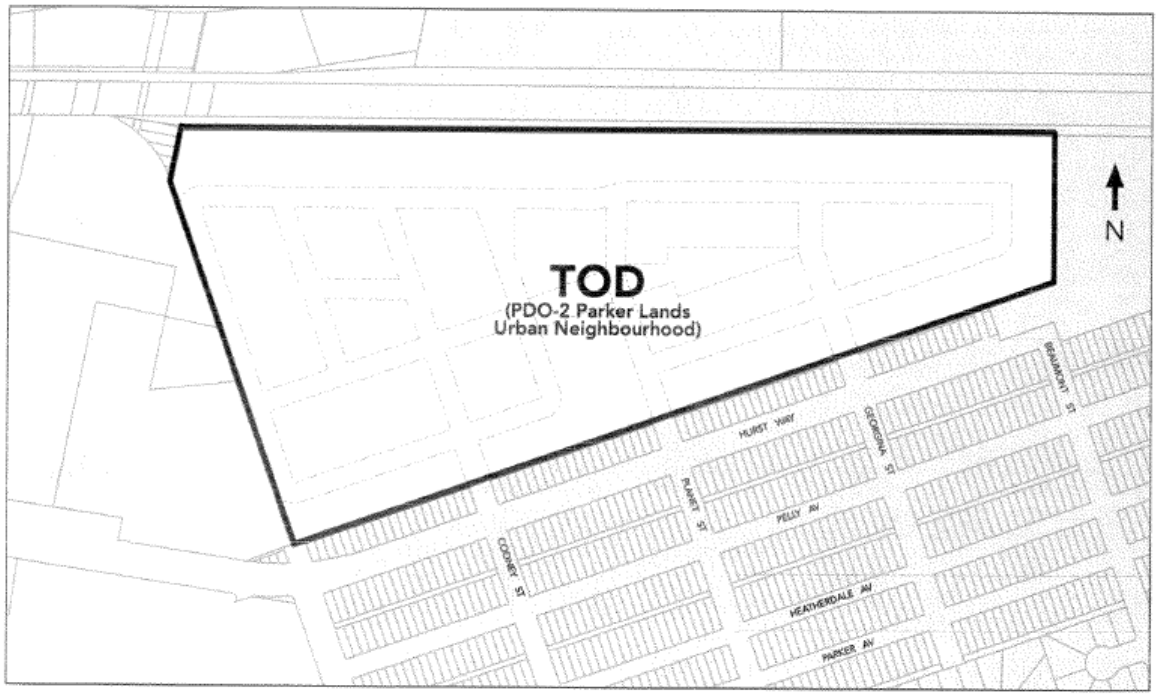
(a) Residential and Residential Related;
(b) Public and Institutional;
(c) Cultural and Entertainment; and
(d) Commercial Sales and Service, except the Billboard Signs use sub-category.

(33) Notwithstanding other provisions of this By-law, Public and Institutional, Cultural and Entertainment, Commercial Sales and Services, Private Motor Vehicle Related [excluding Parking, Surface and Parking, Structured] land-uses that are 'conditional' or 'permitted' in

the TOD Zone shall only be allowed as 'conditional' or 'permitted' along public rights-of-ways with widths of 70 feet or greater.

Map 1 PDO-2 PARKER LANDS Principal Overlay Map

MAP 1



Proposed Rezoning

Attachment 5
Errors and omissions in the applicant's proposed PDO-2

The list below includes a summary of the errors and omissions in the applicant's proposed PDO-2, in the order they are found in the PDO-2. The key below aids in understanding the type of deficiency for each item.

Key:

Misalignment – Not properly aligned with Zoning By-law 200/2006 or Development Procedures By-law

Missing – Missing information to ensure proper regulation/implementation of the development proposal

Not required - Is already covered in existing regulation.

Other

Schedule Y
Parker Lands Planned Development Overlay 2 (PDO-2 Parker Lands)

Other

1. Purpose (1):
   It is not an "urban neighbourhood" typology and the entire site is not a TOD zone. This section should be rewritten to be more general. "The purpose of this overlay is to support the phased development of the Parker Lands as a Major Redevelopment Site (MRS) and implement the development concept of the Parker Lands Area Master Plan (AMP)."

Not Required

2. Development Standards:
   (4) This statement is not required because it is already included in Zoning By-law 200/20006.

Not Required

3. Land Locked Parcels Permitted

   (5) This modification is not required because there are no land-locked parcels proposed within this development.

Misalignment

4. Plan Approval, Exterior Site and Building Design
   (7) The Winnipeg Public Service does not agree that triplexes and fourplexes should be exempt from plan approval.
   (8) This is procedural language that is already covered in the Development Procedures By-law.
   (9) This is procedural language that is already covered in the Development Procedures By-law.

Misalignment

5. Plan approval considerations

This wording excludes the consideration of any urban design guidelines that are only **endorsed** by Council.

Not Required

6. Plan approval design standards

(1) This is already in the Winnipeg Zoning By-law.

Not Required

7. Parking, Bicycle Parking, and Loading

(13) There is already a process in place for redress of a rejection of a Parking Management Plan. It requires a variance.

Misalignment

8. Net Density Minimums and Maximums

(19) The City already uses net density to determine density
(20) The Winnipeg Zoning By-law calculates density as “lot area per dwelling unit”
(21) The Winnipeg Zoning By-law calculates density as “lot area per dwelling unit”

Not Required and Misalignment

9. Use tables

(22) This is not necessary if zoning districts are selected that match the land uses proposed in the plan
(23) Same comment as (22). In addition, a new land use (“shared parking”) cannot be introduced without defining what it is.
(26) Discussed within the Public Service report. Will trigger variances.
(27) The FCM proximity guidelines, which the City uses to regulate setbacks along rail lines, recommend a setback of 30 metres (±98.5 feet) to a main line.

Misalignment

10. Use specific standards

(28) Secondary suites cannot be accessory to a two family or multi-family dwelling. They are defined in Zoning By-law 200/2006 as being accessory only to single-family, detached. A land use that is already defined in the Zoning By-law cannot be changed through a PDO.

(32) This can be varied to allow commercial development on any parcel within the development. Restrictions on land use are best applied through zoning that matches the land uses proposed in the plan.

Other comments about the PDO-2

Misalignment issues

11. In the TOD District, dwelling units must not be located on the first storey of any principal building (USS 67.1). Every building in the plan area, excepting mixed use buildings, will require a conditional use because this is not addressed in the PDO-2.

12. The TOD District has a minimum height of 30 feet. All multiple-family buildings, including the proposed triplexes and fourplexes, will require a variance if they are less than 30 feet in height.

13. The TOD District has a maximum front yard of 10 feet. All multiple-family buildings that are setback more than 10 feet will require a variance, including the triplexes and fourplexes.

14. The Winnipeg Zoning By-law includes the following criteria for applying a PDO-2

Part 3 Section 57 (11)
The purpose of the Planned Development Overlay 2 (PDO-2) overlay district is to provide for site-specific control over an individual proposed development, in unique or special circumstances, ***where any other zone would be inappropriate or inadequate.***

Part 3 Section 57 (12)
This PDO-2 overlay must only be applied to a site to regulate a specific proposed development under the following circumstances:

- ***(a) The proposed development exceeds the development provisions of the closest conventional zoning district***
- *(b) The proposed development requires specific regulations to ensure land use conflicts with neighbouring properties are minimized*
- *(c) The site for the proposed development has unique characteristics that require specific regulations*
- *(d) The ongoing operation of the proposed development requires specific regulations*

Part 3 Section 57 (13)
The PDO-2 must meet criteria in subsection 57(11) and:

- *(a) The proposed development rules are intended to apply to a contiguous area of land in single ownership and control, or under multiple ownership and control if each of the ownership units has requested to be subject to the proposed development rules; and*
- *(b) The proposed development rules are unique to the proposed development area, and are not likely to be used in other areas of the City without significant changes*
- ***(c) The proposed development rules contain relatively minor changes to the permitted and conditional uses in the underlying zoning district and/or minor changes to permitted dimensional standards applicable to the underlying zoning district***

The proposed PDO does not meet any of the criteria that are bolded.

i. As stated previously, applying zoning districts that reflect what is actually being proposed (a combination of mixed use and residential districts) in addition to a PDO-1, that provides for minor modifications to the base zoning districts is appropriate.
ii. The “TOD” District is not the closest conventional zoning district for most of the buildings that are being proposed.

iii. The PDO-2 does not contain relatively minor changes. Changes, such as allowing single-family and two-family residential in a TOD District, and reducing the density from 6,970 units to 3,162 units are significant.

Missing information

15. Transit Oriented Development PDO's generally contain more design criteria, than what is proposed in the PDO, to guide future development proposals and to codify design intent. Design concepts that are specific in nature (location of entrances, % of glazing, step backs, etc.) should be included in the PDO.

Attachment 6
TOD Typologies

‘Urban Centre’

- 4-30 storey buildings
- Horizontal and vertical mix of uses that include office or residential above retail spaces with continuous facades that align to the build-to-line.
- Office centre, retail, commercial, urban entertainment, and civic/cultural uses. Regional oriented, destination-retail opportunity; need for local-serving and community serving retail.
- 5 - 7 metres (14 -18 feet) wide sidewalks, convenient connections, and other amenities.

‘Urban Neighbourhood’

- *Urban Neighbourhoods have the same land uses as the urban centre, but at a slightly lower density*.
- 3 to 12 storey buildings
- Predominantly residential district with diversity of housing types. Good access to other regional and sub-regional centres.
- Mid-rise residential, condos, ground-related units, and mixed-use structures, with ground floor retail or office use required.
- Minimum ground floor height of 4.8 metres (16’).
- Office centre, retail, commercial, and urban entertainment. Primarily local serving retail; need for some community-serving retail.

‘Town Centre’

- *High Density Town Centres serve as a transition between the higher density urban centres and neighbourhoods and the lower density, primarily residential uses.*
- *Generally aligned with the Regional and Community Mixed Use Centres, and Major Redevelopment Sites identified in the Complete Communities Direction Strategy.*
- 2 to 20 storey buildings
- Regional-serving destination retail opportunity; need for local-serving and community serving retail.

- Mid-rise to low density residential. Mixed-use structures with a minimum ground floor height of 4.8 metres (16'). Multi-family in some areas; with the majority being single family, duplexes, accessory dwelling units, and ground-related units

'Neighbourhood – Medium Density'

- *Primarily residential, with some neighbourhood serving retail and local office uses, medium density suburban development scales down the density in a TOD to begin the transition to the adjacent, non-TOD land uses.*
- 2 to 5 storey buildings
- Residential district organized around transit station. Convenience retail (e.g. coffee shops, dry cleaners, etc.) located on ground floor.
- Mid-rise to low density residential. Mixed-use structures with a minimum ground floor height of 3.7 metres (12'). Limited multifamily, with the majority of residential being single family, duplexes, accessory dwelling

'Neighbourhood – Low Density'

- *Primarily residential, with some neighbourhood serving retail and local office uses, medium density suburban development scales down the density in a TOD to begin the transition to the adjacent, non-TOD land uses.*
- 1 to 3 storey buildings
- The low density neighbourhood land use type provides a transition to the adjacent non-TOD land uses. The residential and neighbourhood retail land uses are likely the same as those located outside the TOD.