Minutes – Executive Policy Committee – June 18, 2020

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 16, 2020

Item No. 14 Subdivision and Rezoning – Part Lots 184 and 185 Roman Catholic Mission Property (northeast corner of Sage Creek Boulevard and boulevard des Hivernants)
(St. Vital Ward)
File DASZ 2/2020

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the subdivision under Development Application No. DASZ 2/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated April 14th, 2020 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMF-M" Residential Multi Family (Medium) District as shown on the map dated April 14, 2020 and attached as Schedule "A" to this report, subject to the following conditions:

    A. That the developer enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

        i. On Proposed Lot 1, the Owner must submit plans showing the location and design of any and all proposed:

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 16, 2020

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

a. buildings
b. accessory parking areas
c. private approaches
d. pedestrian routes
e garbage enclosures
f. fencing
g. landscaping and
h. free-standing signage

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

ii. On Proposed Lots 2 and 3, the Owner must submit plans showing the location and design of any and all proposed:

a. buildings
b. accessory parking areas
c. private approaches
d. pedestrian routes
e garbage enclosures
f. fencing
g. landscaping and
h. free-standing signage

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 16, 2020

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

iii. That the Developer and all successors in title to the lots shall enter into, and register and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, private cross-access agreements with the owners of other lots so as to ensure vehicular and pedestrian access to every lot at all times, via streets or internal roads. The instrument(s) must contain the substance of the following terms:

"User" means and includes any Owner and the tenants of any Owner and, with the permission or consent (expressed or implied) of any Owner, each and all of their respective agents, employees, customers, licensees, invitees, suppliers, contractors, servants or workmen, and any other occupier for the time being on the land of any Owner; and the term "Users" shall have the same meaning as the context permits or requires, mutatis mutandis.

Declarant, for itself and its successors and assigns, hereby irrevocably agrees and declares that from and after the date of registration of this Declaration in the Winnipeg Land Titles Office an easement and right of way is hereby created over the Lands for the purposes of ingress and egress that shall permit common usage of driveways, vehicular passageways, entrances and exits leading to one or more private approaches on and from Sage Creek Boulevard and Boulevard Des Hivernants as they may exist from time to time to ensure access (but for no other purpose whatsoever) to every such lot on the Lands at all times by Users and vehicles.

The rights, liberties and easements herein granted shall be construed as running with the Lands and shall attach to and run with each and every part to which the Lands or any part thereof as may hereafter be subdivided, but no part of the Lands shall pass to or be vested in any other Owner simply by virtue of these presents.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 16, 2020

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

As it is the intent that the burden of all rights, liberties and easements declared herein shall run with the Lands, it is declared that the rights, liberties and easements hereby declared shall ensure to the benefit of every Owner and, without limiting the generality of the foregoing, shall ensure to the benefit of the successors and/or assigns of any part or parts of the Lands and shall bind the successors in title of Declarant, and each of their respective successors in title, and the owners or occupiers for the time being of the Lands or any part or parts thereof.

B. That the City enter into, execute and deliver with the developer a Zoning Agreement in accordance with recommendation 2.A., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

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

3. That the Developer shall satisfy dedication requirements for this application of Sage Creek which shall be accrued with the overall dedication requirements for Sage Creek as determined and to the satisfaction of the Directors of Public Works and Planning, Property and Development.

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

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

6. That the subdivision section of the by-law shall come into force when the Plan is registered in the Winnipeg Land Titles Office.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 16, 2020

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

7. That the zoning section of the by-law shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

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

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 16, 2020

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

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.

Carried

Moved by Councillor Mayes,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 16, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 5, 2019, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- In Recommendation 1.A.i, add the words "On Proposed Lot 1," immediately prior to "the Owner must submit" and delete the words "Riel Community Committee" and replace with "Ward Councillor"

- Add the following new Recommendation 1.A.ii and renumber the remaining recommendation accordingly:

  "ii. On Proposed Lots 2 and 3, the Owner must submit plans showing the location and design of any and all proposed:

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 16, 2020

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

a. buildings
b. accessory parking areas
c. private approaches
d. pedestrian routes
e garbage enclosures
f. fencing
g. landscaping and
h. free-standing signage

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

- Delete Recommendation 3 and replace with the following:

"3. That the Developer shall satisfy dedication requirements for this application of Sage Creek which shall be accrued with the overall dedication requirements for Sage Creek as determined and to the satisfaction of the Directors of Public Works and Planning, Property and Development."

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

PUBLIC HEARING SUMMARY

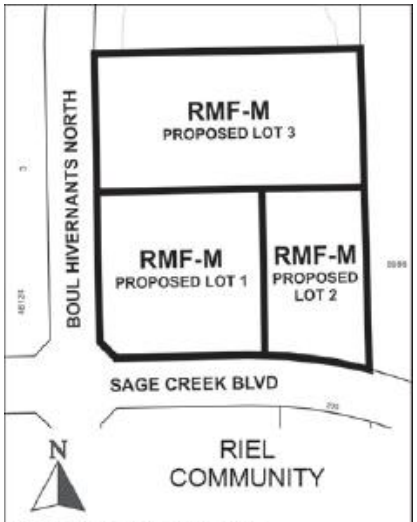
File: DASZ 2/2020

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

Public Hearing: June 5, 2020
Council Building, 510 Main Street

Applicant: Sage Creek Development Corporation

Subject:



APPLICANT: Sage Creek Development Corporation
FILE: DASZ 2/2020
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 "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to facilitate the establishment of lots and the establishment of multi-family development. **For information, phone Ms. E. Finnigan, Planner at 204-986-8602.**
DEMANDEUR: Sage Creek Development Corporation
N° DE DOSSIER: DALZ 2/2020
PROJET: Demande d'approbation par le conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Zoning By-law No. 200/2006 (règlement municipal sur le zonage) visant à changer le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie RR5 (secteur résidentiel en milieu rural 5) à la catégorie RMF-M (secteur d'habitations multifamiliales moyennes) en vue de faciliter le lotissement et l'établissement d'une habitation multifamiliale. **Pour plus de renseignements, veuillez communiquer avec Mme E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: Part Lots 184 and 185 Roman Catholic Mission Property (northeast corner of Sage Creek Boulevard and Boulevard des Hivernants)

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

Prepared by: Rebecca Ford, Committee Clerk
Riel Community Committee

Report date: June 8, 2020

Community Committee Recommendation:

On June 5, 2020, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the subdivision under Development Application No. DASZ 2/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated April 14th, 2020 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMF-M" Residential Multi Family (Medium) District as shown on the map dated April 14, 2020 and attached as Schedule "A" to this report, subject to the following conditions:

    A. That the developer enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

        i. ***On Proposed Lot 1***, the Owner must submit plans showing the location and design of any and all proposed:

            a. buildings
            b. accessory parking areas
            c. private approaches
            d. pedestrian routes
            e garbage enclosures
            f. fencing
            g. landscaping and
            h. free-standing signage

            on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the ***Ward Councillor ~~Riel Community Committee~~*** for approval prior to the issuance of any building

or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

ii. ***On Proposed Lots 2 and 3, the Owner must submit plans showing the location and design of any and all proposed:***

a. buildings
b. accessory parking areas
c. private approaches
d. pedestrian routes
e garbage enclosures
f. fencing
g. landscaping and
h. free-standing signage

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

iii ~~ii~~. That the Developer and all successors in title to the lots shall enter into, and register and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, private cross-access agreements with the owners of other lots so as to ensure vehicular and pedestrian access to every lot at all times, via streets or internal roads. The instrument(s) must contain the substance of the following terms:

"User" means and includes any Owner and the tenants of any Owner and, with the permission or consent (expressed or implied) of any Owner, each and all of their respective agents, employees, customers, licensees, invitees, suppliers, contractors, servants or workmen, and any other occupier for the time being on the land of any Owner; and the term "Users" shall have the same meaning as the context permits or requires, mutatis mutandis.
Declarant, for itself and its successors and assigns, hereby irrevocably agrees and declares that from and after the date of registration of this Declaration in the Winnipeg Land Titles Office an easement and right of way is hereby created over the Lands for the purposes of ingress and egress that shall permit common usage of driveways, vehicular passageways, entrances and exits leading to one or more private approaches on and from Sage Creek Boulevard and Boulevard Des Hivernants as they may exist from time to time to ensure access (but for no other purpose whatsoever) to every such lot on the Lands at all times by Users and vehicles.

The rights, liberties and easements herein granted shall be construed as running with the Lands and shall attach to and run with each and every part to which the Lands or any part thereof as may hereafter be subdivided, but no part of the Lands shall pass to or be vested in any other Owner simply by virtue of these presents.

As it is the intent that the burden of all rights, liberties and easements declared herein shall run with the Lands, it is declared that the rights, liberties and easements hereby declared shall ensure to the benefit of every Owner and, without limiting the generality of the foregoing, shall ensure to the benefit of the successors and/or assigns of any part or parts of the Lands and shall bind the successors in title of Declarant, and each of their respective successors in title, and the owners or occupiers for the time being of the Lands or any part or parts thereof.

B. That the City enter into, execute and deliver with the developer a Zoning Agreement in accordance with recommendation 2.A., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

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

~~***3. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application No. DASZ 2/2020, as determined by the City's Director of Planning, Property and Development.***~~

3. That the Developer shall satisfy dedication requirements for this application of Sage Creek which shall be accrued with the overall dedication requirements for Sage Creek as determined and to the satisfaction of the Directors of Public Works and Planning, Property and Development.

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

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

6. That the subdivision section of the by-law shall come into force when the Plan is registered in the Winnipeg Land Titles Office.

7. That the zoning section of the by-law shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

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

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

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

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

1. It is odd that we have to do this –just the title of it, the Roman Catholic Mission property and its zoned rural and it's the middle of Sage Creek. We've developed through Councillor Allard and Councillor Vandal and before him. I mean, the neighbourhood has densified. There are thousands of doors in there now and a pretty big commercial operation so… It's kind of odd it doesn't get done when you're doing the South St. Boniface Plan, or the area plan, but so be it. We need to do it now. I certainly hope to see shovelling ground on the proposal for lot one.

2. I was given a tour of building, diagonally across the street. I think they are committed to the neighbourhood. I liked the building; I'm pleased to see them wanting to continue. Not the biggest fans of the Impact Fee that I've ever met, but that's the price to develop in Sage Creek, so they'll be obliged to pay that in as any other developer would. I would like to see this move forward with the re-zoning, and if there are issues with the Plan Approval, I'll certainly want to be on top of that. I would like to see this get moving this fall if possible.

3. My supporting reasons are; it's part of what Councillor Allard tried to do, and Councillor Vandal in Sage Creek, which is once you've started in these suburban developments, you should try… these newer developments are trying I think. There's an attempt to densify, we've got something a block west of this. We've got there two, so it makes transit more viable. It makes hopefully to get some improved transit there. Also, there's a lot of different bike paths. There are different walking paths in the Sage Creek neighbourhood. So I think this is a planned development, this is more of a complete community than some of the developments that were approved back in the eighties, maybe the early nineties, so I this is going in the right direction to try to densify Sage Creek. And we'll have the tennis and pickle ball courts funded by the city nearby by 2021.

Exhibits Filed:

1. Application dated January 17, 2020
2. Revised Application dated January 31, 2020
3. Notification of Public Hearing dated February 18, 2020
4. Manitoba Status of Title 2979891/1
5. Surveyor's Building Location Certificate and sketch dated July 18, 2019
6. Caveat 4610043/1
7. Draft Servicing Report for Watermains, Wastewater, and Land Drainage Sewers Phase 3E Sage Creek Development dated November, 2019
8. Plans (4 pages)
9. Report from the Urban Planning Division dated April 14, 2020
10. Inspection Report

REPRESENTATIONS:

In Support:

Bryan Ward

In Opposition:

Nil

For Information:

Nil

For the City:

E. Finnigan, Planner, Planning Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department
D. Trenchard, Land Development Engineer, Planning, Property and Development

Exhibit "9" referred to in File DASZ 2/2020

ADMINISTRATIVE REPORT

Title: DASZ 2/2020 – Sage Creek Blvd/Des Hivernants Blvd

Issue: An application for consideration at the Public Hearing to subdivide and rezone approximately 8.279 acres of land in the Sage Creek Village Centre

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
E. Finnigan, MCP	N/A	N/A	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 2/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated April 14th, 2020 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to an "RMF-M" Residential Multi Family (Medium) District as shown on the map dated April 14, 2020 and attached as Schedule "A" to this report, subject to the following conditions:

   A. That the developer enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

      i. The Owner must submit plans showing the location and design of any and all proposed:

         (a) buildings;

         (b) accessory parking areas;

         (c) private approaches;

(d) pedestrian routes;

(e) garbage enclosures;

(f) fencing;

(g) landscaping; and

(h) free-standing signage

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

ii. That the Developer and all successors in title to the lots shall enter into, and register and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, private cross-access agreements with the owners of other lots so as to ensure vehicular and pedestrian access to every lot at all times, via streets or internal roads. The instrument(s) must contain the substance of the following terms:

"User" means and includes any Owner and the tenants of any Owner and, with the permission or consent (expressed or implied) of any Owner, each and all of their respective agents, employees, customers, licensees, invitees, suppliers, contractors, servants or workmen, and any other occupier for the time being on the land of any Owner; and the term "Users" shall have the same meaning as the context permits or requires, mutatis mutandis.

Declarant, for itself and its successors and assigns, hereby irrevocably agrees and declares that from and after the date of registration of this Declaration in the Winnipeg Land Titles Office an easement and right of way is hereby created over the Lands for the purposes of ingress and egress that shall permit common usage of driveways, vehicular passageways, entrances and exits leading to one or more private approaches on and from Sage Creek Boulevard and Boulevard Des Hivernants as they may exist from time to time to ensure access (but for no other purpose whatsoever) to every such lot on the Lands at all times by Users and vehicles.

The rights, liberties and easements herein granted shall be construed as running with the Lands and shall attach to and run with each and every part to which the Lands or any part thereof as may hereafter be subdivided, but no part of the Lands shall pass to or be vested in any other Owner simply by virtue of these presents.

As it is the intent that the burden of all rights, liberties and easements declared herein shall run with the Lands, it is declared that the rights,

liberties and easements hereby declared shall ensure to the benefit of every Owner and, without limiting the generality of the foregoing, shall ensure to the benefit of the successors and/or assigns of any part or parts of the Lands and shall bind the successors in title of Declarant, and each of their respective successors in title, and the owners or occupiers for the time being of the Lands or any part or parts thereof.

B. That the City enter into, execute and deliver with the developer a Zoning Agreement in accordance with recommendation 2.A., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

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

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of the Development Application No. DASZ 2/2020, as determined by the City's Director of Planning, Property and Development.

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

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

6. That the subdivision section of the by-law shall come into force when the Plan is registered in the Winnipeg Land Titles Office.

7. That the zoning section of the by-law shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

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

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

10. 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 subdivide the subject 8.279 acre site into three lots and rezone from “RR5” Rural Residential 5 to “RMF-M” Residential Multi-Family Medium.
- Subdivisions and rezonings 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 subject site will be subdivided and rezoned consistent with the map provided in Schedule “A” of this report.

HISTORY

Summary of Major By-laws and Subdivision and Rezonings Relevant to the Subject Application

- In April 2005, the Standing Policy Committee on Property and Development identified the South St. Boniface Area Structure Plan as a priority project within the Planning, Property and Development Department’s 2005 Secondary Plan Work Program. The department implemented a collaborative planning process in partnership with Qualico Developments and their consulting team to prepare the area structure plan. This process also included close consultation with all affected City departments to address any issues related to the development of the subject lands and to ensure that the City’s requirements were incorporated into the plan’s policies.
- On September 28, 2005, Council gave first reading to By-law 158/05 to adopt the South St. Boniface Area Structure Plan as a Secondary Plan for 918 acres of land bounded by the Bishop Grandin Boulevard extension to the north, Lagimodiere Boulevard and the Island Lakes residential community to the west, the Perimeter Highway to the south and Plessis Road (the City Boundary) to the east; and directed that the Riel Community Committee conduct a public hearing respecting the proposed by-law and plan. It was ultimately passed by Council November 23, 2005.
- On October 21, 2007, Council adopted the plan of subdivision proposed under DASZ 32/2007, which was considered Phase 3 of the Sage Creek development. The application involved the subdivision and rezoning of approximately 18 acres of land north of Sage Creek Boulevard and west of Boulevard Des Hivernants.

CONSULTATION

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

OURWINNIPEG POLICY ALIGNMENT

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

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Elise Finnigan, MA Planning
Date:	April 14th, 2020
File No.	DASZ 2/2020

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule "A" — Recommended File No. DASZ 2/2020 Riel Community Committee, dated April 14, 2020

APPENDIX 'A'

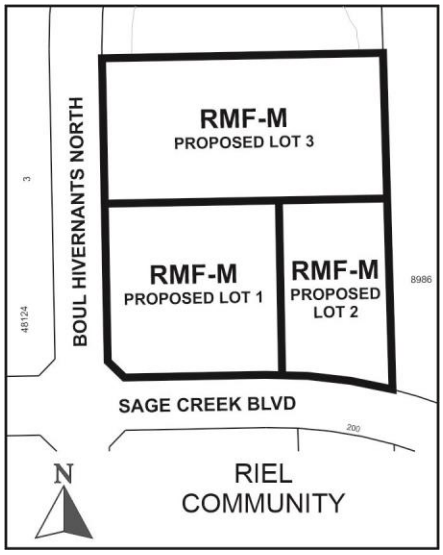
DATE: April 14th, 2020

FILE: **DASZ 2/2020**
RELATED FILES: By-law 158/05, DASZ 51/2005, DASZ 32/2007

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.553 (Sage Creek)

SUBJECT: An application to subdivide and rezone approximately 8.279 acres of land in the Sage Creek Village Centre

LOCATION: North of Sage Creek Boulevard, Between Boulevard Des Hivernants and Manitoba Hydro transmission corridor (see map below)



APPLICANT: Sage Creek Development Corporation (Tara Reid)
1 Dr. David Friesen Drive
Winnipeg, MB R3X 0G8

OWNER: Sage Creek Development Corporation
1 Dr. David Friesen Drive
Winnipeg, MB R3X 0G8

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject plan area is located on the north side of Sage Creek Boulevard between Boulevard Des Hivernants and the Manitoba Hydro transmission corridor in the Sage Creek neighbourhood of the St. Vital ward.
- The plan area is vacant and approximately **8.279 acres in area.**
- The site is zoned “RR5” Rural Residential 5 and is located within the Areas of Stability – Recent Communities Policy Area under the *Complete Communities Direction Strategy*.
- The site is also located within the Village Centre Policy Area and includes a Neighbourhood Node under the South St. Boniface Secondary Plan (Secondary Plan – see By-law 158/2005).

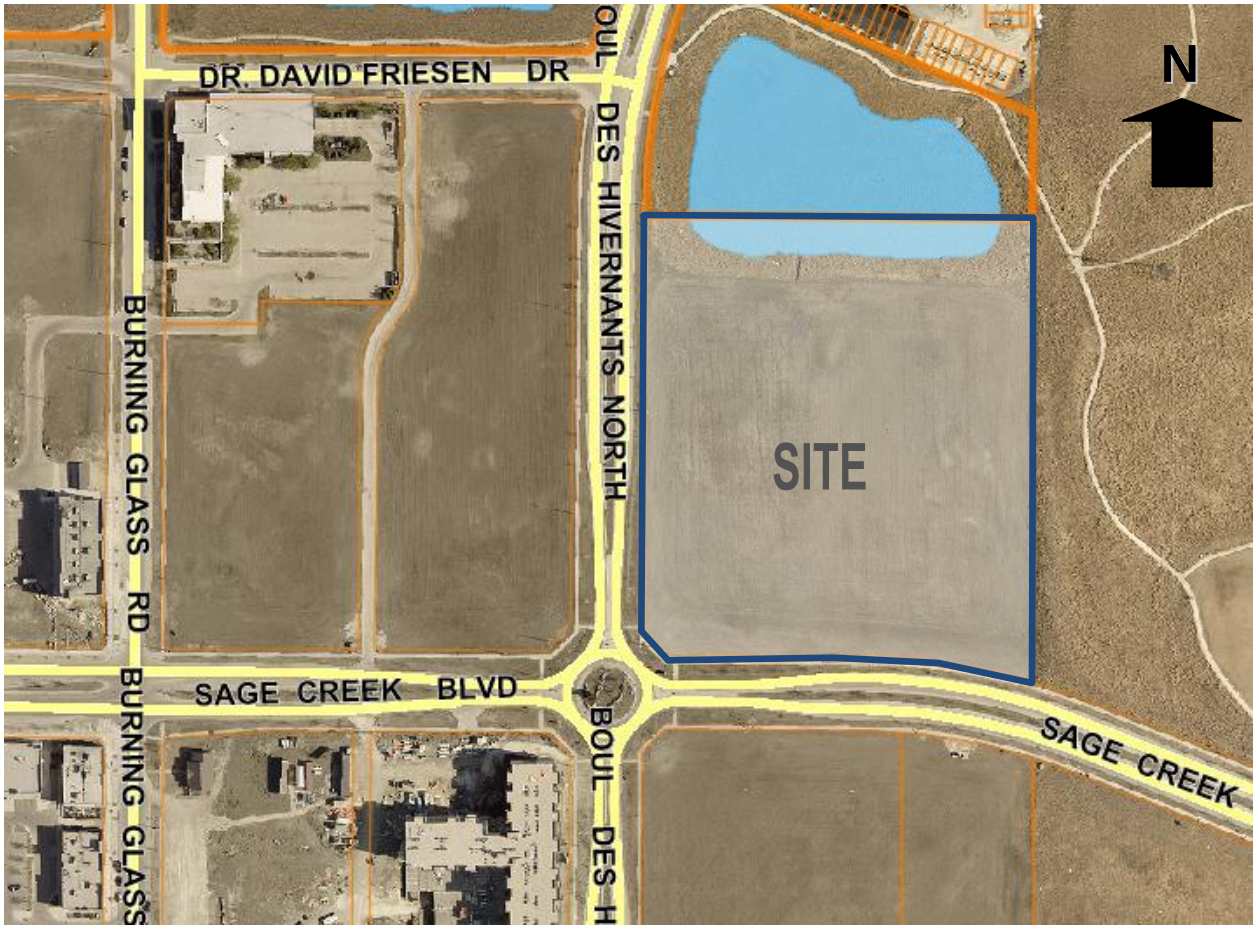


Figure 1: Aerial photograph showing approximate area of the subject site (2018)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Drainage retention pond and park land zoned Parks and Recreation 1 (Neighbourhood) “PR1”.

South: Sage Creek Boulevard; then vacant land zoned Residential Multi-Family Large “RMF-L” and Residential Multi-Family Medium “RMF-M”.

East: Manitoba Hydro transmission corridor including active transportation trails zoned Rural Residential 5 “RR5”.

West: Boulevard Des Hivernants North; then apartment blocks under construction zoned Residential Multi-Family Large “RMF-L”.

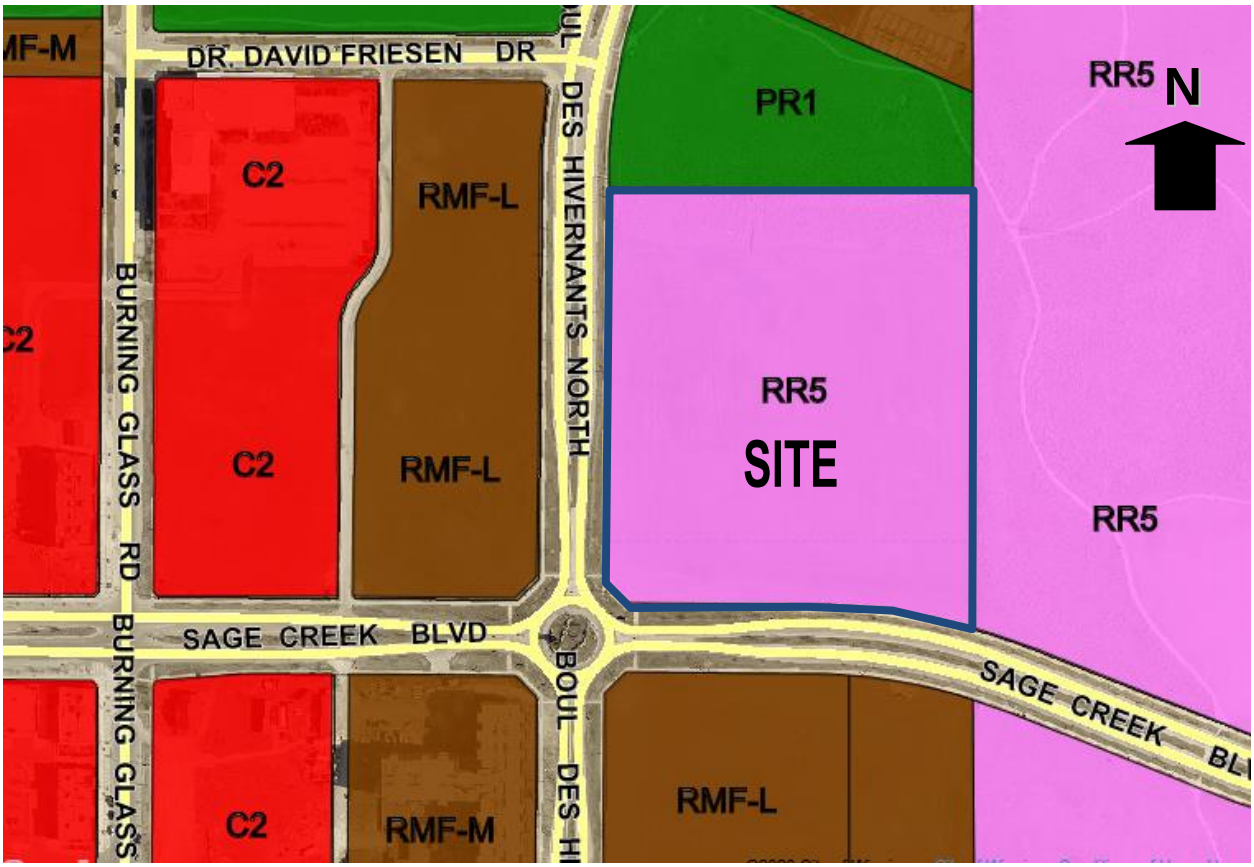


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the subject 8.279 acre site into three lots and rezone from “RR5” Rural Residential 5 to Residential Multi-Family Medium “RMF-M” in order to create the next residential development phase for the Sage Creek Village Centre.
- This subdivision is the last parcel to be rezoned as part of Phase 3 (DASZ 32/2007) of the Sage Creek development.

- Proposed Lot 1 will be approximately 2.7 acres, proposed Lot 2 will be approximately 1.8 acres, and proposed Lot 3 will be approximately 3.7 acres.
- The applicant proposes no new public rights-of-way be created through this application.
- Access to the properties is proposed by way of two shared approaches. One approach will be accessed from Sage Creek Boulevard and shared by proposed Lots 1 and 2. A second approach will be accessed from Boulevard Des Hivernants and shared by proposed Lots 1 and 3.
- Development plans were not included with the subject application. The applicant intends to sell the lots for future multi-family residential development.

ANALYSIS AND ISSUES

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
    - Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
    - Provide opportunities to increase multi-modal connectivity when redevelopment occurs.
    - Support a mix of commercial services and employment uses that serve the local community.
    - Ensure that existing public open spaces meet the neighbourhood's current and future requirements.

SOUTH ST. BONIFACE AREA STRUCTURE PLAN (SECONDARY PLAN)

- The subject site is located within the Village Centre Policy Area of the South St. Boniface Secondary Plan and includes a Neighbourhood Node as identified in the Plan. Relevant policies to this application include:

    5.1.2 Village Centre Area Policies

    1) Composition of the Village Centre

    (a) Subject to the policies of this Plan,

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

(ii) in order to create a cohesive shopping, living and leisure environment within the Village Centre

(A) institutional, office, recreational or public uses that complement and support the Village Centre may be allowed, and

(B) multi-unit residential shall be required and, subject to adequate demand, it is the intent to be the predominant residential housing form,

(iii) a site for a retail food store of no greater than 5,110 square metres (55,000 square feet) shall be allowed within the Village Centre.

(2) Transit Service in the Village Centre

(a) The Village Centre shall be served by public transit.

(b) Public transit service shall be centrally located adjacent to the arterial road.

(c) The Village Centre shall contain convenient and well-defined pedestrian connections to public transit service.

(3) Size of the Village Centre

(a) The Village Centre as shown generally on the Land Use Concept map shall comprise a minimum of 20.2 net developable hectares (50 net developable acres) and a maximum of 36.4 net developable hectares (90 net developable acres).

(b) Subject to subsection (3)(a), the size of the commercial component shall be compatible with community-scale commercial.

(4) Design of the Village Centre

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

(i) A highly visible and accessible location,

(ii) Internal pedestrian routes to buildings and amenities,

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

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

(b) In conjunction with the initial Development Application in the Village Centre, a design concept for the entire site shall be submitted showing the overall design in relation to subsection 4(a).

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

(a) The Village Centre Design Concept should

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

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

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

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

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

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

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

(A) Appropriate landscaping through earth berms, tree/shrub planting, and/or fencing,
(B) On-street parking,
(C) Parking areas between buildings

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

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

5.2.2 Neighbourhood Node Policies

1) Composition of Neighbourhood Nodes

(a) Subject to the policies of this plan, a Neighbourhood Node

(i) shall contain

(A) one or more transit stops, and

(B) a concentration of housing which may include multi-unit residential,

3) Density of Neighbourhood Nodes

(a) A Neighbourhood Node shall contain a minimum of 1.6 net developable hectares (4.0 net developable acres) of residential land developed at a minimum density of 24.7 units per hectare (10 units per acre) located immediately adjacent to the transit stop(s).

(b) At the Development Application stage, detailed information shall be submitted addressing the boundaries and zoning of the residential development within the Neighbourhood Node.

ZONING

"RR5" Rural Residential 5 District

- The RR5 district is intended to provide areas for large-lot rural residential development along with limited agricultural uses. The RR5 district requires: a minimum lot width of 25 feet, a minimum lot area of 5 acres, side yards of 25 feet, a front yard of 25 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30%.

"RMF-M" Residential Multi-Family Medium District

- The RMF-M district requires: a minimum lot area of 9,000 square feet, minimum lot area per dwelling unit of 800 square feet, minimum front yard of 25 feet, a minimum rear yard of 25 feet, a minimum interior side yard of 8 feet that increases by 2 feet for every storey above 1 feet and to a maximum of 20 feet, and a minimum corner side yard of 20 feet. The principle building separation is 8 feet, but where a building is taller than 35 feet, the principal building separation distance must be 50% of the height of the taller building to a maximum of 25 feet. The maximum building height is 60 feet.

LAND USE BY-LAW

Rezoning

- The RR5 zoning district is intended for large-lot (5 acre minimum) rural development. The applicant is proposing to rezone from "RR5" Rural Residential 5 to Residential Multi-Family Medium "RMF-M" in order to create a fully-serviced residential subdivision that is part of the Sage Creek Village Centre.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The proposed subdivision and rezoning conforms to the *South St. Boniface Area Structure Plan* and the *Complete Communities Direction Strategy*.
- The proposed subdivision and rezoning represents a logical connection to existing approved subdivision and rezonings within Sage Creek, notably the surrounding portions of Phase 2 (DASZ 21/2007) and Phase 3.
- The subject planned area contains a Neighbourhood Node. The minimum density requirements for the Neighbourhood Node have already been satisfied through existing

development. Future development for the Neighbourhood Node must comply with the Neighbourhood Node policies of the South St. Boniface Area Structure Plan.

RECOMMENDED ZONING AGREEMENT

- *Building elevations and landscaping plans were not included in the subject application. The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans before development takes place for the proposed development and for any future developments on the site.*
- *In addition to the design guidelines provided in the Village Centre policies and the Neighbourhood Node policies within the south St. Boniface Secondary Plan, the following guidelines should also be used for future developments proposed on the properties:*
    - *The site layout and building orientation should ensure that the buildings relate appropriately to the street and surrounding developments and create a cohesive visual identity for the neighbourhood.*
    - *Parking areas should be located behind or beside principal buildings and should be well-screened with landscaping*
    - *Universally accessible connections should be linked to the existing sidewalk(s).*
    - *Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.*
    - *The overall design should be made up of a distinctive, quality, architectural character and style that also avoids monotonous and featureless building massing and design.*
    - *Landscaping should enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways.*
- Noting vehicular and pedestrian access to the properties is proposed by way of two shared approaches and internal roads, the Urban Planning Division is recommending that a cross access agreement be registered as a caveat on Lots 1, 2, and 3 as to ensure access to every lot at all times via streets or internal roads, by vehicles and pedestrians.

LAND DEDICATION

- *When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.*
- *As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.*
- *The amount of land is not less than 10%.*
- *The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.*

RECOMMENDATION

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

- The proposed development is consistent with the policies of *the Complete Communities Direction Strategy* and *the South St. Boniface Secondary Plan.*
- The proposed subdivision and rezoning represents a logical connection to existing approved subdivisions within Sage Creek.

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

Report Prepared By: Elise Finnigan, MA Planning
PPD File # DASZ 2/2020

Schedule "A" for File No. DASZ 2/2020, Riel Community Committee, dated April 14, 2020

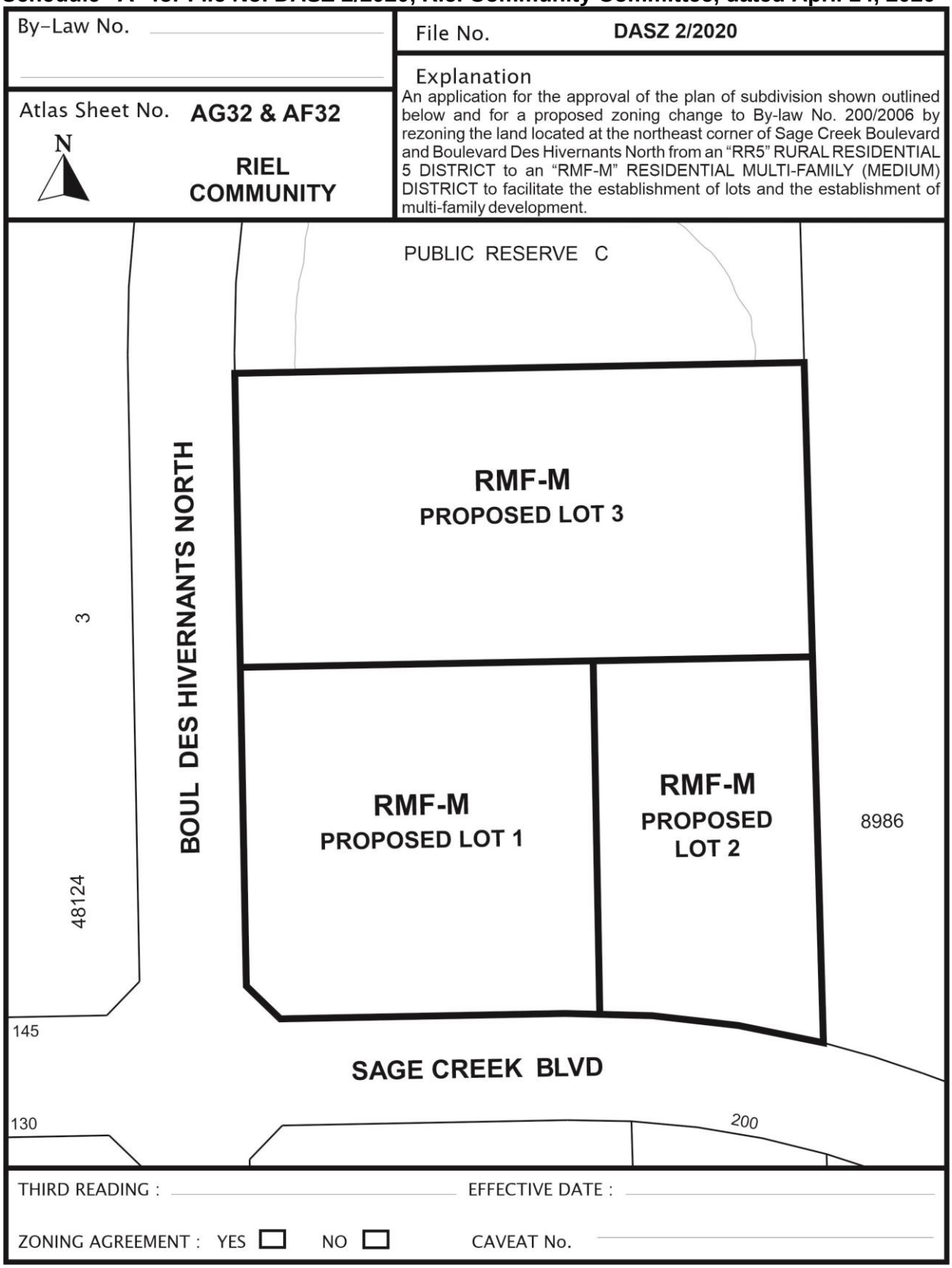
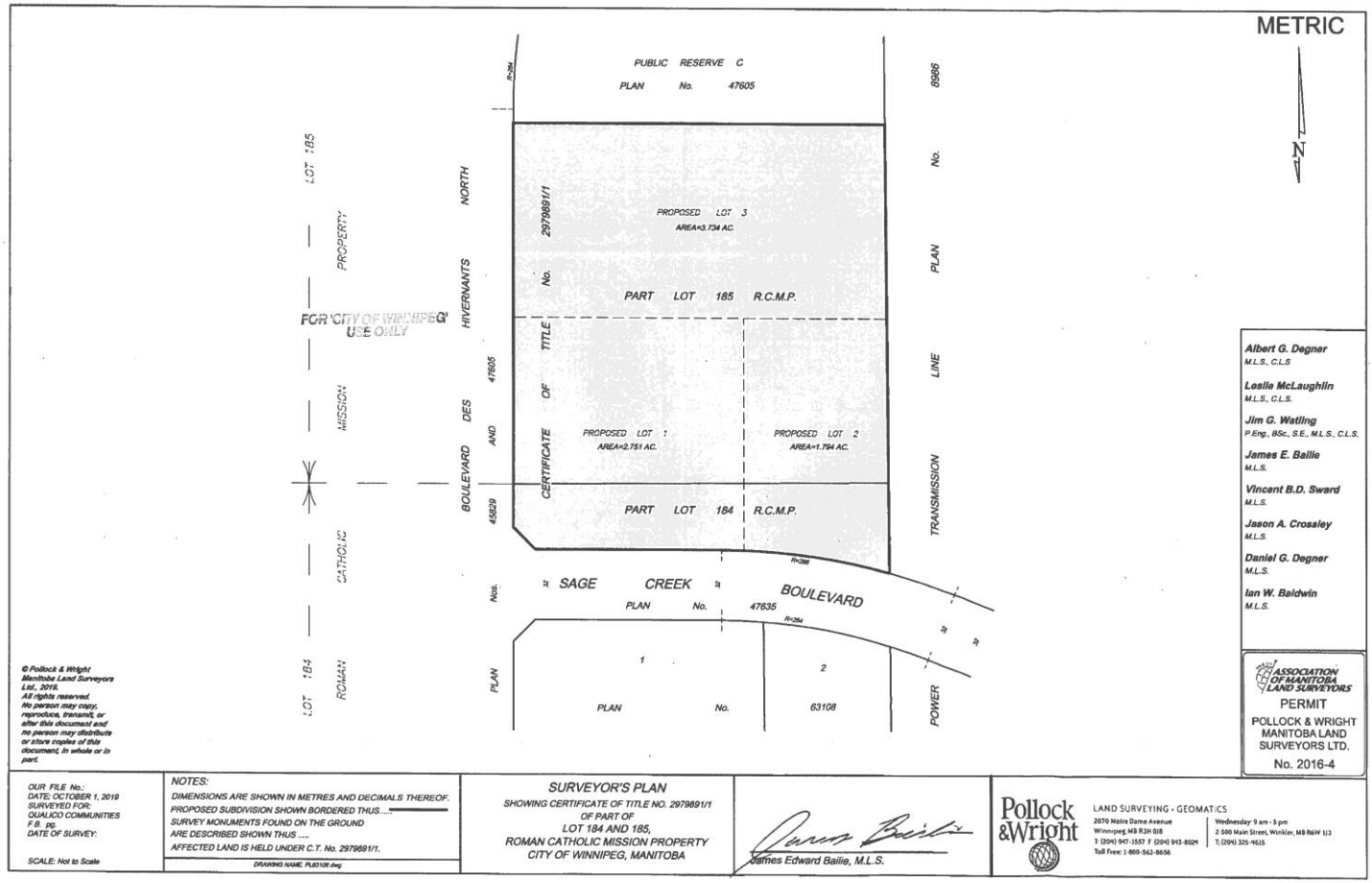
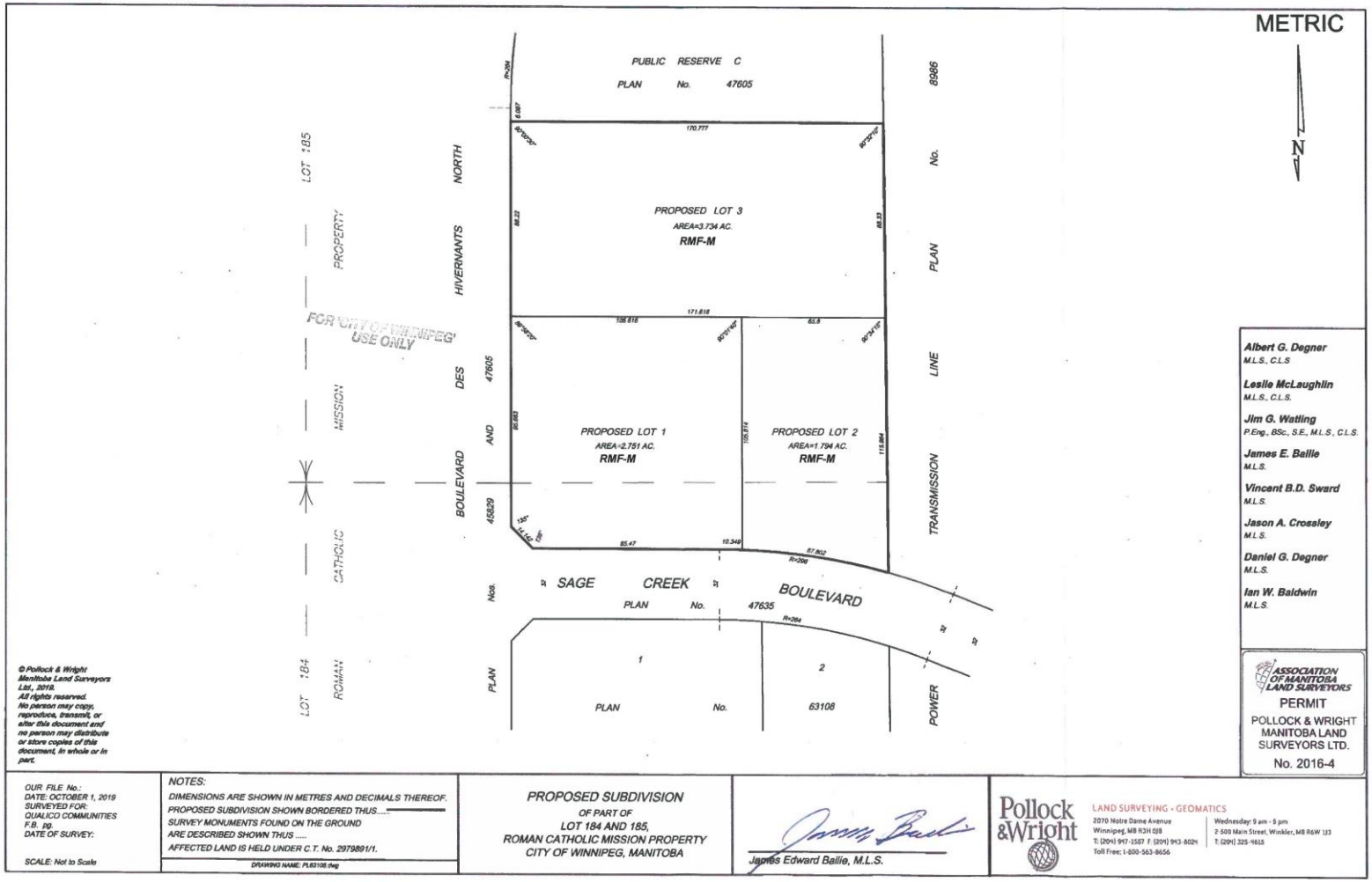


Exhibit “8” referred to in File DASZ 2/2020





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OUR FILE No.:
DATE: OCTOBER 1, 2019
SURVEYED FOR: QUALICO COMMUNITIES
F.B. pg.
DATE OF SURVEY:

SCALE: Not to Scale

NOTES:
DIMENSIONS ARE SHOWN IN METRES AND DECIMALS THEREOF.
PROPOSED SUBDIVISION SHOWN BORDERED THUS.....
SURVEY MONUMENTS FOUND ON THE GROUND ARE DESCRIBED SHOWN THUS .....
AFFECTED LAND IS HELD UNDER C.T. No. 2979891/1.

DRAWING NAME: PL63108.dwg

PROPOSED SUBDIVISION
OF PART OF
LOT 184 AND 185,
ROMAN CATHOLIC MISSION PROPERTY
CITY OF WINNIPEG, MANITOBA

James Edward Bailie, M.L.S.

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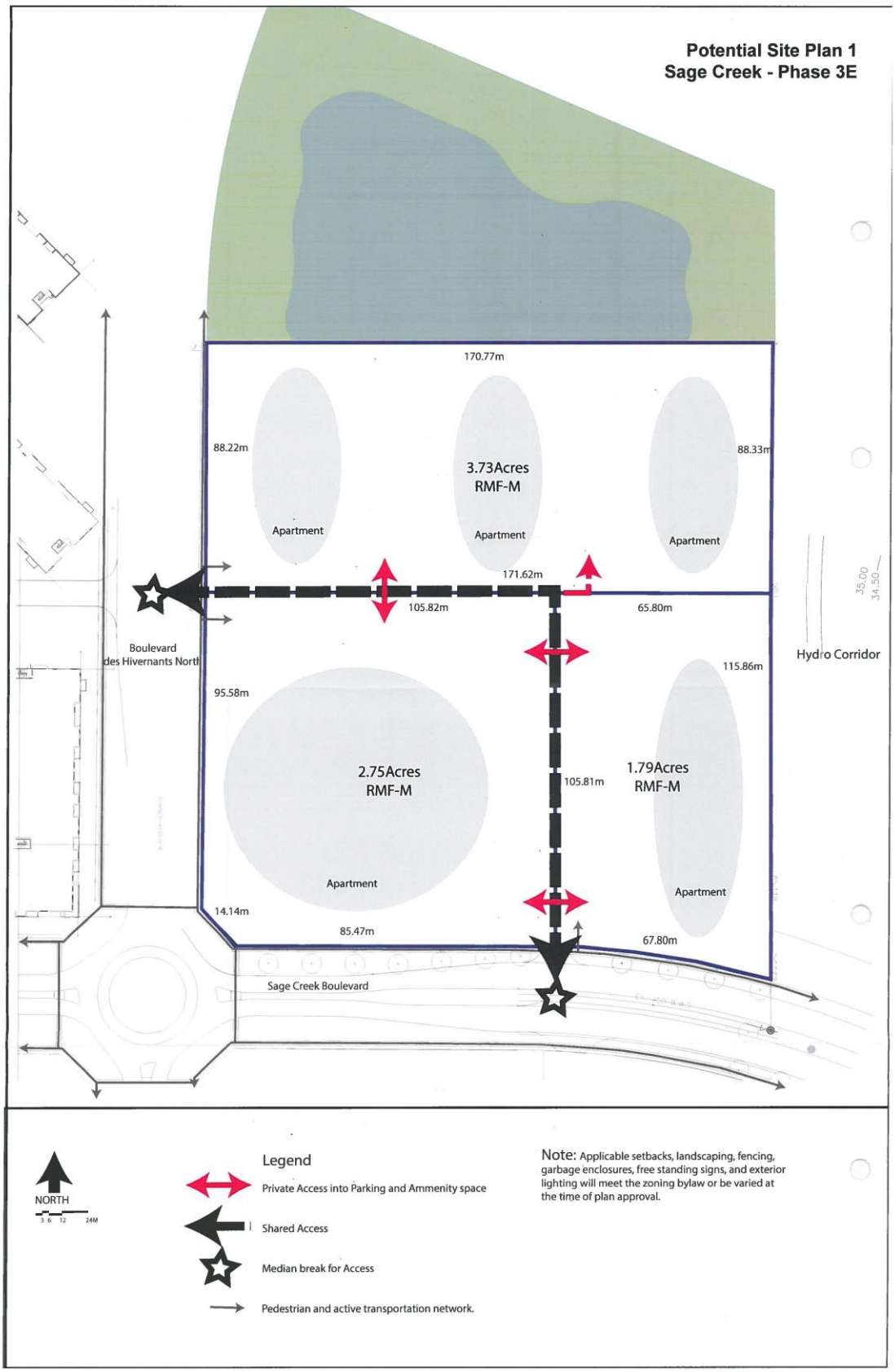
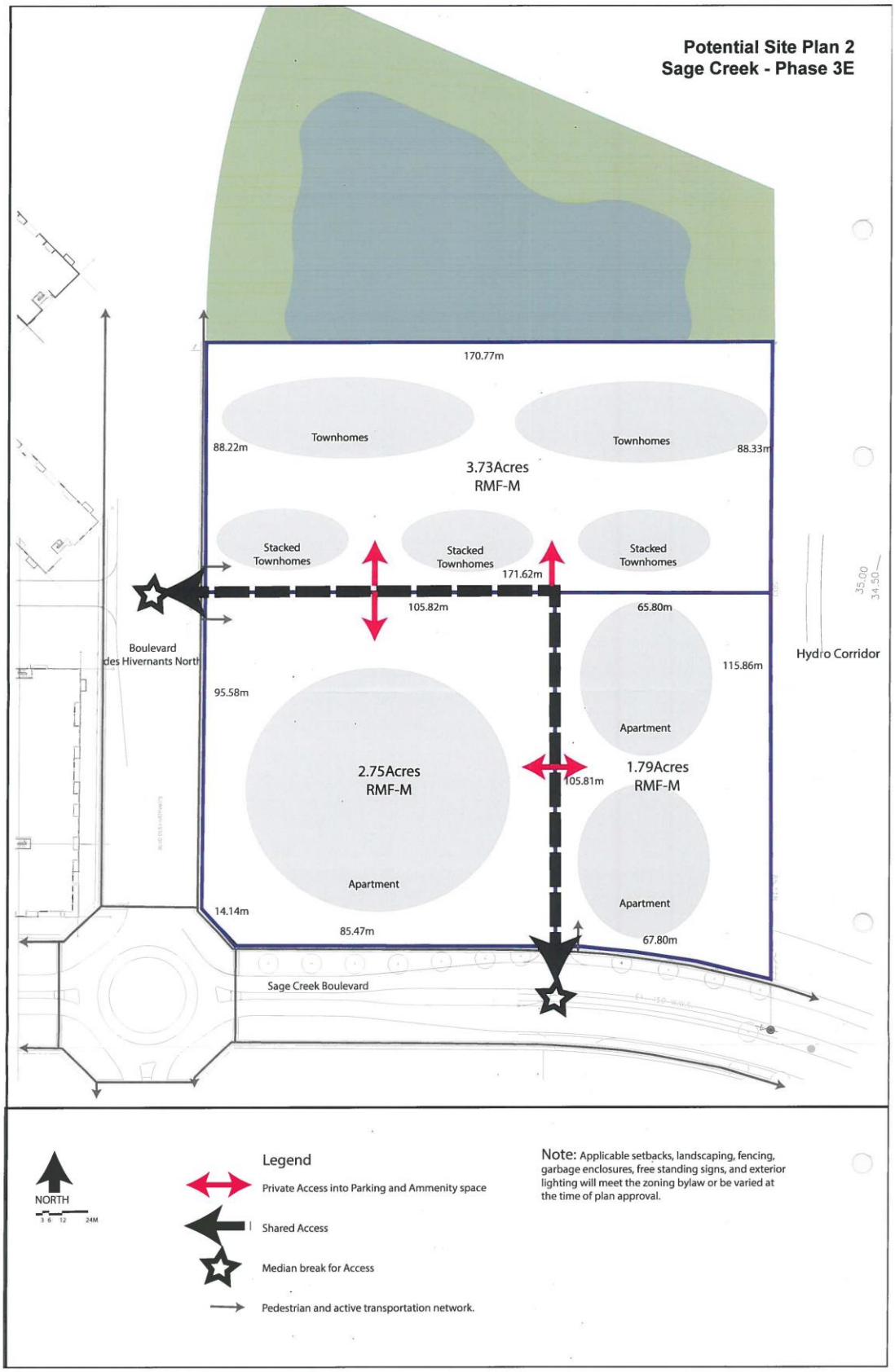

Potential Site Plan 1
Sage Creek - Phase 3E
170.77m
88.22m
3.73Acres
RMF-M
88.33m
Apartment
Apartment
Apartment
171.62m
105.82m
65.80m
35.00
34.50
Hydro Corridor
Boulevard
des Hivernants North
115.86m
95.58m
2.75Acres
RMF-M
105.81m
1.79Acres
RMF-M
Apartment
Apartment
14.14m
85.47m
67.80m
Sage Creek Boulevard
NORTH
Legend
Private Access into Parking and Ammenity space
Shared Access
Median break for Access
Pedestrian and active transportation network.
Note: Applicable setbacks, landscaping, fencing, garbage enclosures, free standing signs, and exterior lighting will meet the zoning bylaw or be varied at the time of plan approval.


Potential Site Plan 2
Sage Creek - Phase 3E
170.77m
Townhomes
Townhomes
88.22m
88.33m
3.73Acres
RMF-M
Stacked Townhomes
Stacked Townhomes
Stacked Townhomes
171.62m
105.82m
65.80m
Boulevard des Hivernants North
115.86m
Hydro Corridor
35.00
34.50
95.58m
Apartment
2.75Acres
RMF-M
105.81m
1.79Acres
RMF-M
Apartment
Apartment
14.14m
85.47m
67.80m
Sage Creek Boulevard
NORTH
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Private Access into Parking and Ammenity space
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Median break for Access
Pedestrian and active transportation network.
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