Minute No. 597
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 17, 2020

Item No. 6 **Subdivision and Rezoning – Area around Warde Avenue / Robert Bockstael Drive / MB Power Transmission (St. Vital Ward) File DASZ 9/2020**

COUNCIL DECISION:

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

1. That the subdivision under Development Application No. DASZ 9/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated July 14, 2020 and attached as Schedule 'A' to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the developer be required to enter into a Development Agreement amendment with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated June 6, 2020 and attached as Schedule 'B' to this report with the following amendments:

        i. Amend Conditions 1 and 2 under Section II – Agreement Conditions, by deleting instances of "Public Walks" and replacing with "Public Walk"

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

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 17, 2020

COUNCIL DECISION (continued):

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an 'R1-M' Residential Single-Family Medium district, an 'R1-S' Residential Single-Family Small district, and an 'R2' Residential Two-Family district as shown on the map dated July 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. That for every single or two-family residential lot that abuts onto Warde Avenue, the Owner must:

         a. Construct at no expense to the City, a uniform 2.0-metre-high noise attenuation fence in the rear yard; and

         b. Maintain and/or repair and/or replace the fence as originally constructed, installed or erected.

      ii. That the Developer shall, at no expense whatsoever to the City, construct a uniform fence on all lots abutting the Public Walk and Public Reserve "C" (Lot 22, Block 1; Lots 1 and 25, Block 2; Lot 1 Block 3), along the property line for the subject lots and shall permit the City to file a caveat against the title of each of these proposed lots abutting the Public Walk/Public Reserve requiring the owner(s) to maintain and/or replace the fence as originally constructed, as determined by and to the satisfaction of the Director of Public Works.

   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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 17, 2020

COUNCIL DECISION (continued):

3. That the City enter into, execute and deliver with the Developer:

   A. A Development Agreement amendment in accordance with Recommendation 1; and

   B. A Zoning Agreement in accordance with Recommendation 2, 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").

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Development Agreement amendment, 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.

5. 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 Development Application No. DASZ 9/2020, as determined by the City's Director of Planning, Property and Development.

6. 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.

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

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

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 17, 2020

COUNCIL DECISION (continued):

10. 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 8 and 9 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

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

12. 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 – September 17, 2020

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 20, 2020, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

On September 21, 2020, the Executive Policy Committee laid the matter over to its meeting on October 20, 2020.

STANDING COMMITTEE RECOMMENDATION:

On September 17, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee with the following amendment:

- Delete Recommendation 1.A.ii. in its entirety

and submitted the matter to the Executive Policy Committee and Council.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 17, 2020

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On September 2, 2020, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

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

  ", with the following amendments:

  i. Amend Conditions 1 and 2 under Section II – Agreement Conditions, by deleting instances of "Public Walks" and replacing with "Public Walk"

  ii. Add the following new Condition:

  "Section III – Public Reserve

  1. Should the Developer choose to install recreational amenities above and beyond the obligations normally imposed in a Development Agreement, including possible playground elements within Phase 9 or Phase10 of Sage Creek, the City of Winnipeg shall reimburse the developer at 50% of the costs of material and installation up to a maximum of $50,000.00."

- Delete Recommendation 2.A.ii in its entirety and replace with the following:

  ii. That the Developer shall, at no expense whatsoever to the City, construct a uniform fence on all lots abutting the Public Walk and Public Reserve "C" (Lot 22, Block 1; Lots 1 and 25, Block 2; Lot 1 Block 3), along the property line for the subject lots and shall permit the City to file a caveat against the title of each of these proposed lots abutting the Public Walk/Public Reserve requiring the owner(s) to maintain and/or replace the fence as originally constructed, as determined by and to the satisfaction of the Director of Public Works.

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

PUBLIC HEARING SUMMARY

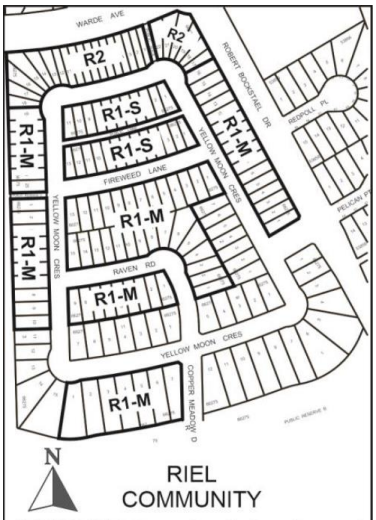
File: DASZ 9/2020

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

Public Hearing: September 2, 2020
Council Building, 510 Main Street

Applicant: Sage Creek Development Corp. (Tara Reid)

Subject:



APPLICANT: Sage Creek Development Corporation (Tara Reid)
FILE: DASZ 9/2020
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 "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT, an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT and an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to facilitate the establishment of residential building lots and the creation a public lane and a public walkway. **For information, phone Ms. E. Finnigan, Planner at 204-986-8602.**
DEMANDEUR: Sage Creek Development Corporation (Tara Reid)
N° DE DOSSIER: DASZ 9/2020
PROJET: Demande d'approbation par le conseil municipal 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 modifier le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES faciliter l'aménagement de lots résidentiels à bâtir et la création d'une voie publique et d'une voie piétonnière publique. **Pour plus de renseignements, communiquez avec Mme E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected:	Area around Warde Avenue/Robert Bockstael Drive/MB Power Transmission
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:	September 4, 2020

Community Committee Recommendation:

On September 2, 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 9/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated July 14, 2020 and attached as Schedule 'A' to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the developer be required to enter into a Development Agreement amendment with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated June 6, 2020 and attached as Schedule 'B' to this report***, with the following amendments:***

        i. Amend Conditions 1 and 2 under Section II – Agreement Conditions, by deleting instances of "Public Walks" and replacing with "Public Walk"

        ii. Add the following new Condition:

        "Section III – Public Reserve

        1. Should the Developer choose to install recreational amenities above and beyond the obligations normally imposed in a Development Agreement, including possible playground elements within Phase 9 or Phase10 of Sage Creek, the City of Winnipeg shall reimburse the developer at 50% of the costs of material and installation up to a maximum of $50,000.00."

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

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

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an 'R1-M' Residential Single-Family Medium district, an 'R1-S' Residential Single-Family Small district, and an 'R2' Residential Two-Family district as shown on the map dated July 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. That for every single or two-family residential lot that abuts onto Warde Avenue, the Owner must:

a. Construct at no expense to the City, a uniform 2.0-metre-high noise attenuation fence in the rear yard; and

b. Maintain and/or repair and/or replace the fence as originally constructed, installed or erected.

~~***ii. That the Developer shall, at no expense whatsoever to the City, construct a uniform fence on all lots abutting the Public Walks (Lot 22, Block 1; Lots 1 and 25, Block 2; Lot 1, Block 3), along the property line for the subject lots and shall permit the City to file a caveat against the title of each of these proposed lots abutting the Public Walk requiring the owner(s) to maintain and/or replace the fence as originally constructed, as determined by and to the satisfaction of the Director of Public Works.***~~

ii. That the Developer shall, at no expense whatsoever to the City, construct a uniform fence on all lots abutting the Public Walk and Public Reserve "C" (Lot 22, Block 1; Lots 1 and 25, Block 2; Lot 1 Block 3), along the property line for the subject lots and shall permit the City to file a caveat against the title of each of these proposed lots abutting the Public Walk/Public Reserve requiring the owner(s) to maintain and/or replace the fence as originally constructed, as determined by and to the satisfaction of the Director of Public Works.

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 City enter into, execute and deliver with the Developer:

A. A Development Agreement amendment in accordance with Recommendation 1; and

B. A Zoning Agreement in accordance with Recommendation 2, 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").

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Development Agreement amendment, 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.

5. 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 Development Application No. DASZ 9/2020, as determined by the City's Director of Planning, Property and Development.

6. 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.

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

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

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

10. 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 8 and 9 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

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

12. 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. As Councillor Allard once observed in one of these matters, and we saw the juxtaposition yesterday, how to do this in some of the green field areas. Its one of the ironies of the City building and City planning. I left at the nine-hour mark of Appeals Committee yesterday and it went for another five hours Ms. Finnigan I think? The debate on this neighbourhood was well summarized I though, in a recent discussion where people were demeaning/denouncing the Deveraux, and the other proposal, the Jansen buildings, that are going in "Its still not density if its out there" and my response was "So we should start bulldozing? Or just leave the thing half-built?". "No, no, no, don't do that. The problem is that you approved it in the first place.". None of us were around when this development was approved in the first place. Whether we think that was a good decision or not, the thing to do is to densify where we've started in, so we continue to try and densify. This rezoning tries to densify a little more. Hopefully the second school will be going in just west of here.

2. The areas is continuing to grow, people seem quite happy to live there. They seem quite happy with the community that's been developed. As somebody said, "I like it because you could stagger home from the bar here without a car. You could do a lot of things in your neighbourhood without having to go outside the neighbourhood. This is, I think, an evolution in city planning, and city development that's positive as compared to some of those of 30 or 40 years ago. We have a town centre here. We have a bar. We have a grocery store. We have other services that are in the neighbourhood. It isn't just 2,500 doors dropped-in at the end of the city.

3. This continues to densify, which I think is good. People might not like the idea, but we've started-in here, so to make Transit viable, to make some other services viable, we should be trying to densify. When we did the ground-breaking at the Deveraux apartments, the head of Deveraux said "I'm helping you get the bus out here", or words to that affect. Which is true, we're densifying. In keeping with that, I'm supportive of this application from Qualico.

4. We've moved on other developments to start subsidizing recreational amenities and Qualico's been very good to work with here so, the hope is to get more play elements in place, and for the city to do its part as we've done in other areas and share the cost of that recreation.

Exhibits Filed:

1. Application dated May 6, 2020
2. Notification of Public Hearing dated July 30, 2020
3. Caveats 5145455/1, 5152057/1, 5145460/1, 5152061/1, 5145462/1, 5152063/1
4. Title Plot dated April 6, 2020
5. Schedule of City of Winnipeg Planning Lot Width and Area Calculations dated March 12, 2020
6. The City of Winnipeg By-law No. 73/2014
7. Plans (3 pages)
8. Report from the Urban Planning Division dated August 20, 2020
9. Inspection Report
10. Plans from the applicant in support of the application dated August 28, 2020
11. Recording of Representations

REPRESENTATIONS:

In Support:

Bryan Ward

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "8" referred to in File DASZ 9/2020

ADMINISTRATIVE REPORT

Title: DASZ 9/2020 – Warde Avenue / Robert Bockstael Drive

Issue: For consideration at the public hearing for a subdivision and rezoning from an 'R1-M' Residential Single-Family Medium District into 'R1-M,' 'R1-S' Residential Single-Family Small, and 'R2' Residential Two-Family districts; and from 104 lots to 125 lots.

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
J. Hildebrand	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 9/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated July 14, 2020 and attached as Schedule 'A' to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

   A. That the developer be required to enter into a Development Agreement amendment with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated June 6, 2020 and attached as Schedule 'B' to this report.

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

   C. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Development Agreement amendment, and any Ancillary Agreements, in accordance with this

report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to an ‘R1-M’ Residential Single-Family Medium district, an ‘R1-S’ Residential Single-Family Small district, and an ‘R2’ Residential Two-Family district as shown on the map dated July 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. That for every single or two-family residential lot that abuts onto Warde Avenue, the Owner must:

         a. construct, at no expense to the City, a uniform 2.0-metre-high noise attenuation fence in the rear yard; and

         b. maintain and/or repair and/or replace the fence as originally constructed, installed or erected.

      ii. That the Developer shall, at no expense whatsoever to the City, construct a uniform fence on all lots abutting the Public Walks (Lot 22, Block 1; Lots 1 and 25, Block 2; Lot 1, Block 3), along the property line for the subject lots and shall permit the City to file a caveat against the title of each of these proposed lots abutting the Public Walk requiring the owner(s) to maintain and/or replace the fence as originally constructed, as determined by and to the satisfaction of the Director of Public Works.

   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 City enter into, execute and deliver with the Developer

   A. a Development Agreement amendment in accordance with recommendation 1; and

   B. a Zoning Agreement in accordance with recommendation 2,

   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").

4. That authority be delegated to the City’s Director of Planning, Property and Development (the “Director”) to negotiate and approve the terms and conditions of the Development Agreement amendment, 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.

5. 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 Development Application No. DASZ 9/2020, as determined by the City's Director of Planning, Property and Development.

6. 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.

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

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

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

10. 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 8 and 9 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

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

REASON FOR THE REPORT

- This report provides information and makes recommendations regarding the subject application's compliance with The City of Winnipeg Charter.
- 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 property may be rezoned and subdivided, subject to conditions.

HISTORY

South St. Boniface Area Structure Plan

- On November 23, 2005, Council passed By-law 158/2005, known as the *South St. Boniface Area Structure Plan*. The plan guides development within this area of the city, and the subject properties fall within the boundaries of the plan.

DASZ 45/2013

- On April 30, 2014, Council recommended approval for the subdivision and rezoning of the subject site in Sage Creek from 'RR5' and 'R1-M' to blocks zoned R1-S, R1-M, and PR1 under file DASZ 45/13. This subdivision is considered Phase 9A of the Sage Creek development and connects to Phases 2 and 6, which are located to the north and east.

CONSULTATION

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

OURWINNIPEG POLICY ALIGNMENT

01-1a OurWinnipeg's Approach to City Building

- **Direction 3: Promote compact urban form and manage the extension of municipal services for new growth:**
    - Support new developments that are contiguous with existing developments to minimize the spatial use of land and the extension of services.

01-1c Key Directions for Specific Areas – Areas of Stability

- **Key Direction:** Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.
- **Key Direction:** Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.
- **Key Direction:** Support the completion of Areas of Stability.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

- **Key Direction 4.2:** Ensure new areas of growth are designed according to the principles of Complete Communities.

SUBMITTED BY

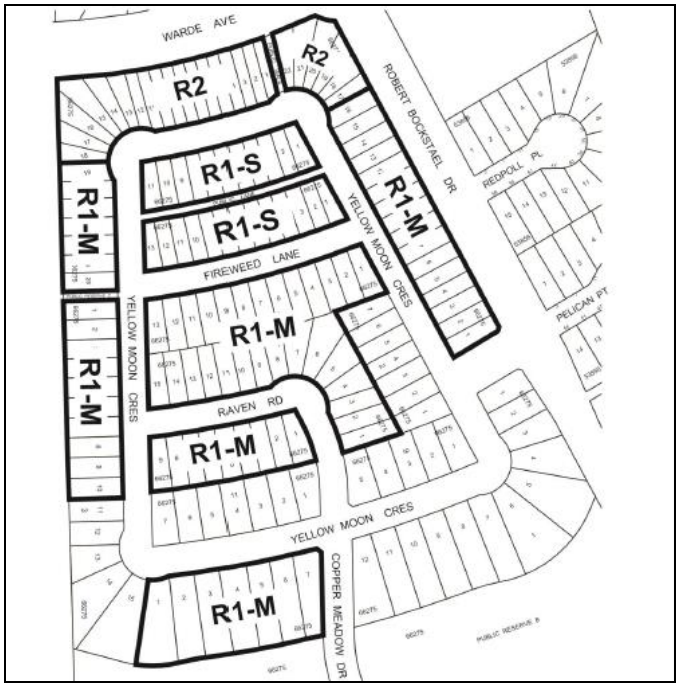
Department	Planning, Property and Development
Division	Urban Planning & Design
Prepared by	Jonathan Hildebrand MCIP, RPP
Date:	August 20, 2020
File No.	DASZ 9/2020

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 9/2020 Riel Community Committee, dated July 14, 2020
3. Schedule “B” — Report of the Administrative Working Group – June 6, 2020

APPENDIX 'A'

DATE:	August 20, 2020
FILE:	**DASZ 9/2020**
RELATED FILES:	DASZ 45/2013
COMMUNITY:	Riel Community
NEIGHBOURHOOD #:	5.553 (Sage Creek)
SUBJECT:	To subdivide and rezone the subject lands from an 'R1-M' Residential Single-Family Medium District into 'R1-M,' 'R1-S' Residential Single-Family Small, and 'R2' Residential Two-Family districts; and from 104 lots to 125 lots.
LOCATION:	Warde Avenue / Robert Bockstael Drive
LEGAL DESCRIPTION:	LOTS 178 AND 179, RCMP AND R.L. 122, PARISH OF ST. BONIFACE BEING LOTS 1 TO 36, BLOCK 1; LOTS 1 TO 10 AND LOTS 16 TO 22, BLOCK 2; LOTS 1 TO 8, BLOCK 4; LOTS 1 TO 10, BLOCK 5; LOTS 1 TO 12, BLOCK 6; LOTS 1 TO 13, BLOCK 7 AND LOTS 1 TO 8, BLOCK 10; PLAN NO. 66275



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

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

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property is located at the southwest corner of the Warde Avenue / Robert Bockstael Drive intersection, in the Sage Creek neighborhood of the St. Vital ward.
- The site is approximately 12.923 acres in area and is currently undeveloped.
- A new transit stop is to be installed on the south side of Warde Avenue, to the west of the Warde/Bockstael intersection.
- The site falls within the boundaries of the *South St. Boniface Area Structure Plan*. It is located within the 'Neighbourhood Node' and 'Residential Area' policy areas of the Plan.
- The site is currently zoned 'R1-M' Residential Single-Family Medium.

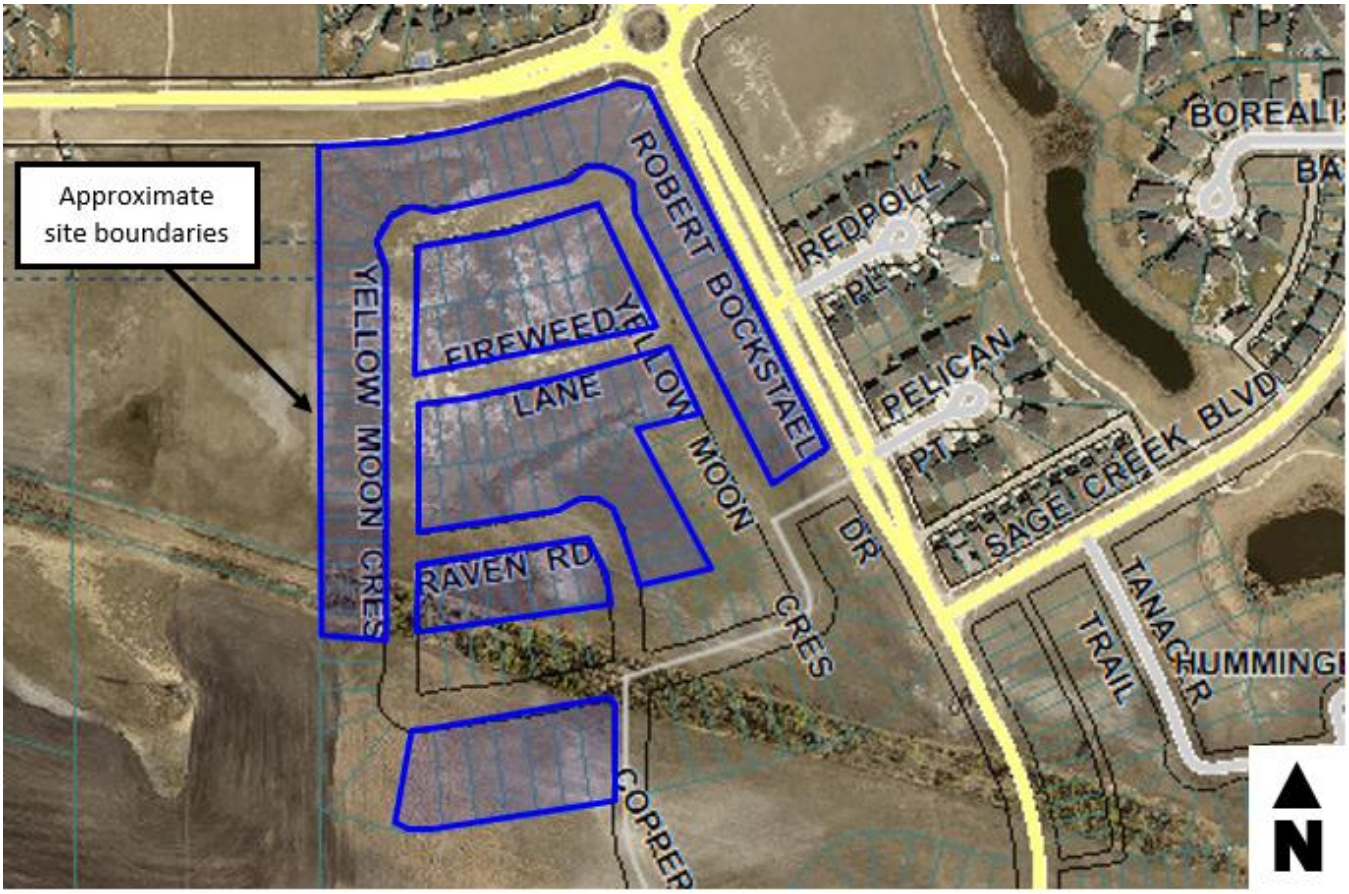


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Warde Avenue, then residential uses zoned 'R1-M' Residential Single-Family Medium.

South: Residential uses zoned 'RR5' Rural Residential 5.

East: Uses zoned 'R1-M' Residential Single-Family Medium, 'R1-S' Residential Single-Family Small, and 'RMF-S' Residential Single-Family Small, and 'PR1' Parks and Recreation 1 (Neighbourhood).

West: Manitoba Hydro transmission line right-of-way (zoned 'RR5' Rural Residential 5).

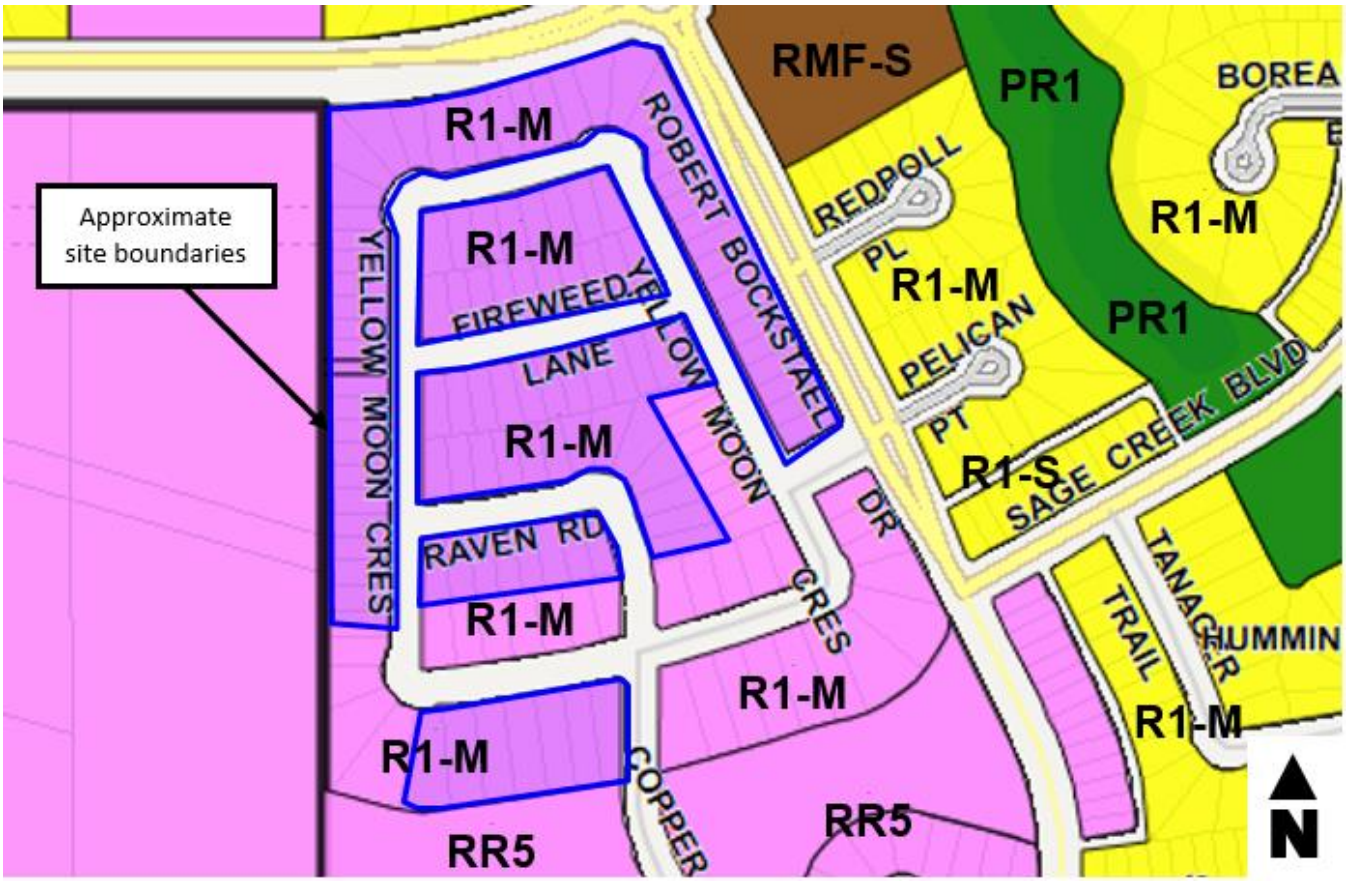


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing a subdivision and rezoning in order to change some elements of the initial subdivision and rezoning that was approved for this site in 2013 under File No. DASZ 45/13. Specifically, they are proposing to subdivide and rezone 104 'R1-M' lots into 83 'R1-M' lots, 18 'R1-S' lots, and 24 'R2' lots, for a new total of 125 lots. Several narrower lots will also be introduced under this proposal.
- In terms of rezoning, the lots along Warde Avenue, at the Warde-Bockstael corner, and at the Warde - Hydro transmission line corner, are all proposed to be rezoned to 'R2.' The interior block bordered by Yellow Moon Crescent and Fireweed Lane is proposed to be

rezoned to ‘R1-S’ and will include a new rear lane running east-west through the centre of the block.

- Also proposed is an additional pedestrian walkway to Warde Avenue in the northeast portion of the site.
- In order to meet the ‘Neighbourhood Node’ density requirements of the *South St. Boniface Area Structure Plan* (which stipulate 10 units per acre immediately adjacent to a transit stop), the applicant is proposing, within the proposed ‘R2’ and ‘R1-S’ portions near the transit stop on Warde Avenue, a total of 48 units over 4 acres, for a density of 12 units per acre (see Figure 3 for a plan showing the Neighbourhood Node concept with proposed densities).

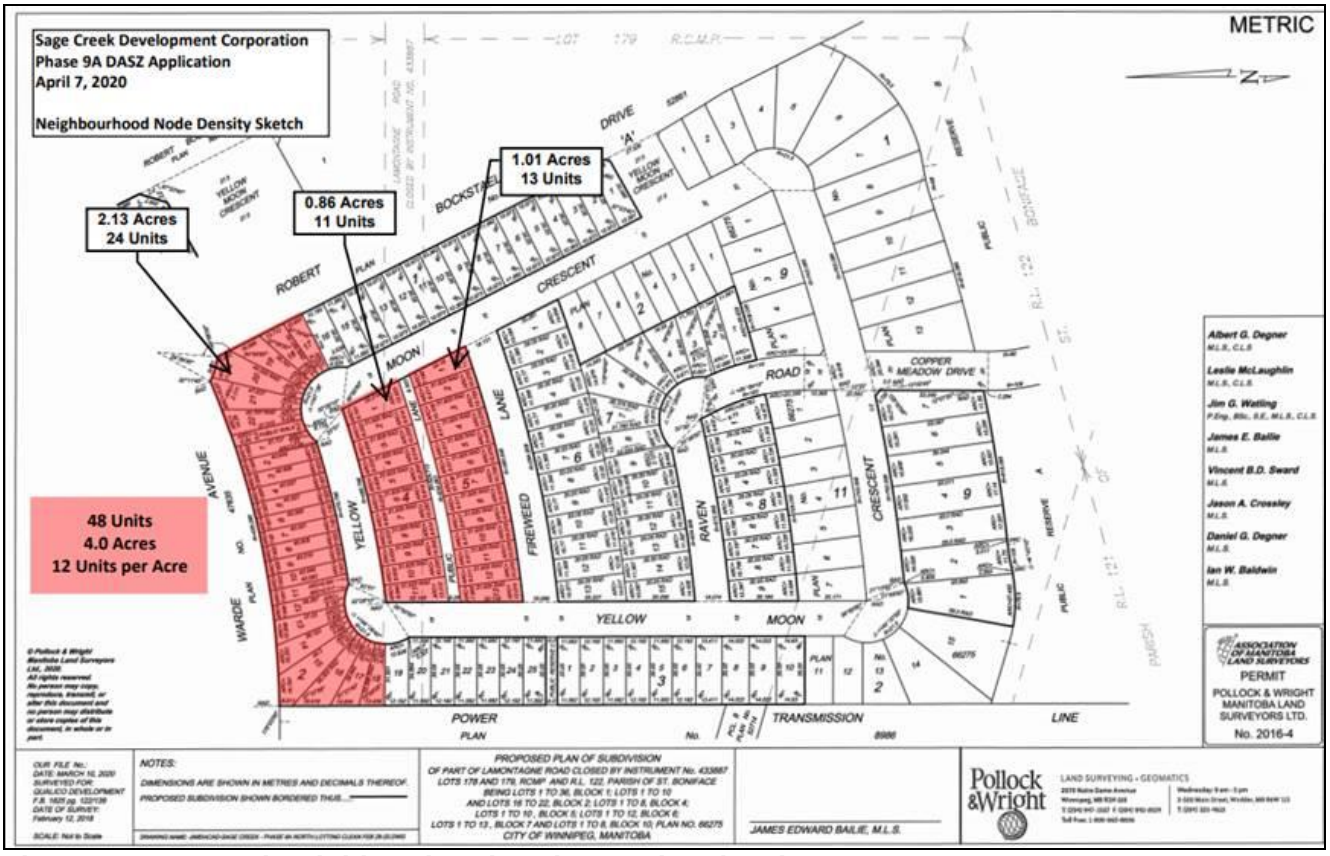


Figure 3: Proposed Neighbourhood Node Density Sketch

COLLABORATION

- The applicant has engaged in discussion and dialog with the Public Service to arrive at the proposed submission.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under *OurWinnipeg* and the *Complete Communities Direction Strategy*, the subject land is designated as an 'Area of Stability – Recent Community.' 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

- The subject site is located within the 'Residential Area' and 'Neighbourhood Node' policy areas of the plan; the Warde/Bockstael intersection being the centre of the Neighbourhood Node. Policies relevant to this application include:

    5.1.2 Residential Area Policies

    1. Composition of Residential Areas
        a. Subject to the policies of this Plan,
            i. Single family and two family residential uses shall be the predominant use of land within the Residential Area
            ii. Alternative housing forms, including multi-unit and special needs housing, institutional uses, recreational uses, public uses, and local commercial sites, and other similar and accessory uses to the above, may be allowed within the Residential Area where determined to be compatible and appropriate, and
            iii. Open space shall be provided throughout the Residential Area to meet the active and passive recreational needs of residents.

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.
5. Connections to Neighbourhood Nodes
    a. A Neighbourhood Node should be located
        i. Along a collector road system in the general vicinity of the area shown on the Land Use Concept map, and
        ii. In an appropriate location relative to the surrounding neighbourhood.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- The 'R1-M' Residential Single-Family Medium district requires a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.
- The 'R1-S' Residential Single-Family Small district requires a minimum lot width of 25 feet, a minimum lot area of 2,500 square feet, side yards of 3 feet (or 2 and 4 feet), a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.
- The 'R2' Residential Two-Family district requires a minimum lot width of 25 feet, a minimum lot area of 5,000 square feet, side yards of 4 feet, a front yard of 20 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The proposal addresses 'Areas of Stability' policies in the *Complete Communities Direction Strategy* related to neighbourhood compatibility, in particular:
    - As the proposal consists of single-and-two-family dwellings within a 'Residential Area' policy area of the applicable secondary plan, it supports low-to-moderate change in a low-density neighbourhood through development that complements the existing context.

- The inclusion of two-family dwellings contributes to a diverse range of housing options.

- The proposed housing types align with the 'Residential Area' policies of the *South St. Boniface Area Structure Plan*, in particular that single-and-two-family dwellings be the predominant housing type. It also responds to 'Neighbourhood Node' policies in the Plan, in particular by concentrating density nearer to the node itself.

RECOMMENDATION

The Urban Planning Division recommends **approval** as the subject rezoning and subdivision is consistent with the 'Area of Stability' policies in the *Complete Communities Direction Strategy*, as well as the 'Residential Area' and 'Neighbourhood Node' policies of the *South St. Boniface Area Structure Plan*.

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

Report Prepared by: Jonathan Hildebrand MCIP, RPP
PPD File #: DASZ 9/2020

Schedule "A" for File No. DASZ 9/2020, Riel Committee, dated July 14, 2020

By-Law No. _____

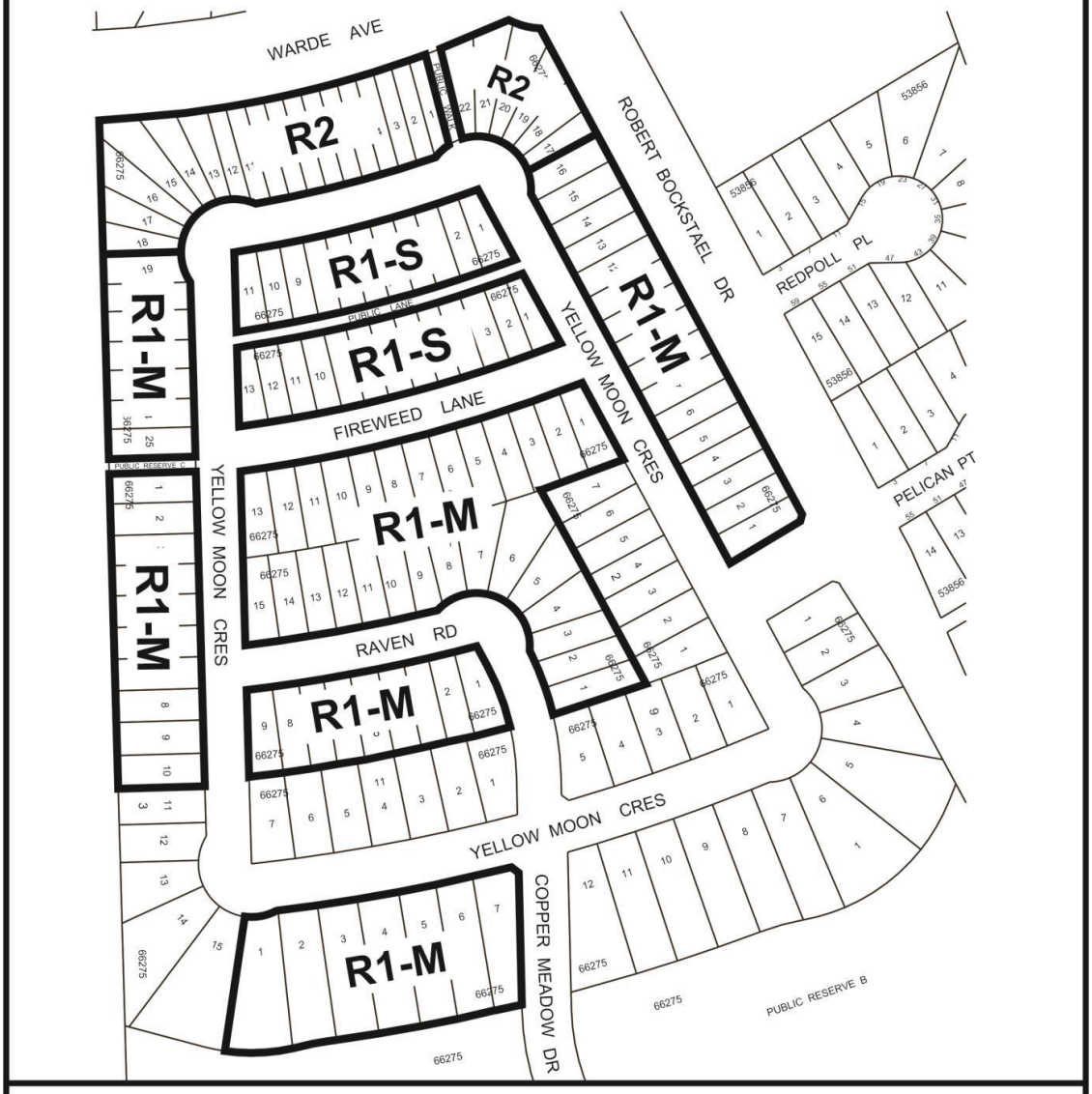
File No. **DASZ 9/2020**

Atlas Sheet No. **AH32 RIEL COMMUNITY**

N

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 on Fireweed Lane, Yellow Moon Crescent and Raven Road from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R1-S" and an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to facilitate the establishment of residential building lots and the creation of a public lane and a public walkway.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – June 6, 2020

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED ON FIREWEED LANE, YELLOW MOON CRESCENT AND RAVEN ROAD – SAGE CREEK PHASE 9A

The above noted application was reviewed by the ACG Group on June 6, 2020. The application was determined to be within the Planned Area of the Sage Creek Phase 9A lands under development (DASZ 45/2013) and therefore this application is subject to the terms and conditions as outlined in the Development Agreement for AG 45/2013.

It is recommended that the approval of DASZ 9/2020, if granted, be subject to the applicant entering into a Development Agreement amendment to AG 45/2013 addressing the following items:

Section I - Plan Considerations

Public Walks are to be established with a right-of-way width of 6.0m, as determined by and to the satisfaction of the Director of Public Works.

Section II - Agreement Conditions

1. Sidewalks

   The Developer shall, at no expense whatsoever to the City, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk, and all related works, including but not limited to landscaping (including sodding on both sides of the sidewalk) and bollards with appropriate sidewalk opening at both street ends of the Public Walks, within all of the Public Walks within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

2. Fencing

   The Developer shall, at no expense whatsoever to the City, construct a uniform fence on all lots abutting the Public Walks, along the property line for the subject lots, and shall permit the City to file a caveat against the title of each of these proposed lots abutting the Public Walk requiring the owner(s) to maintain and/or replace the fence as originally constructed, as determined by and to the satisfaction of the Director of Public Works.

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

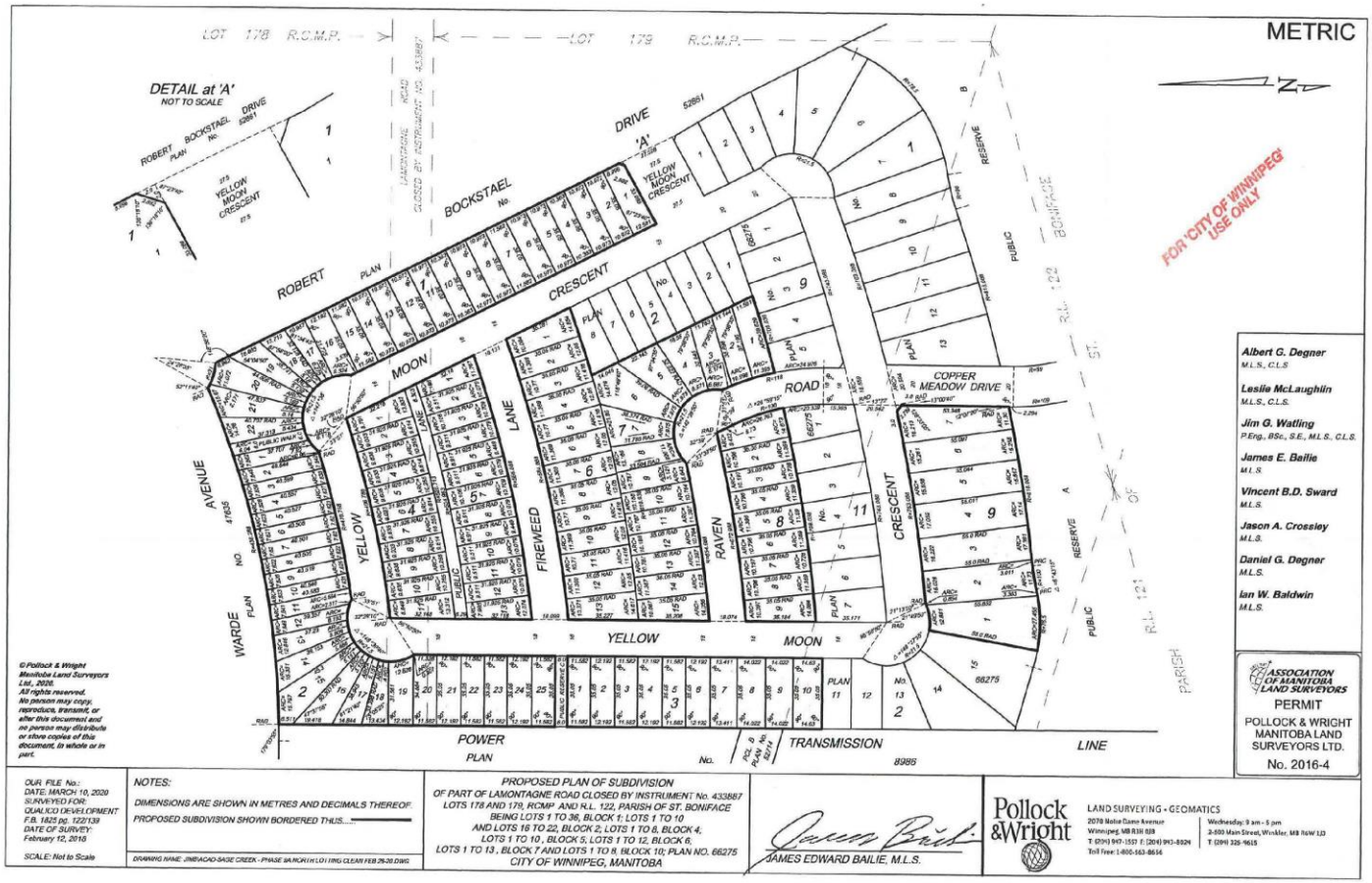
THIS REPORT SUBMITTED BY:

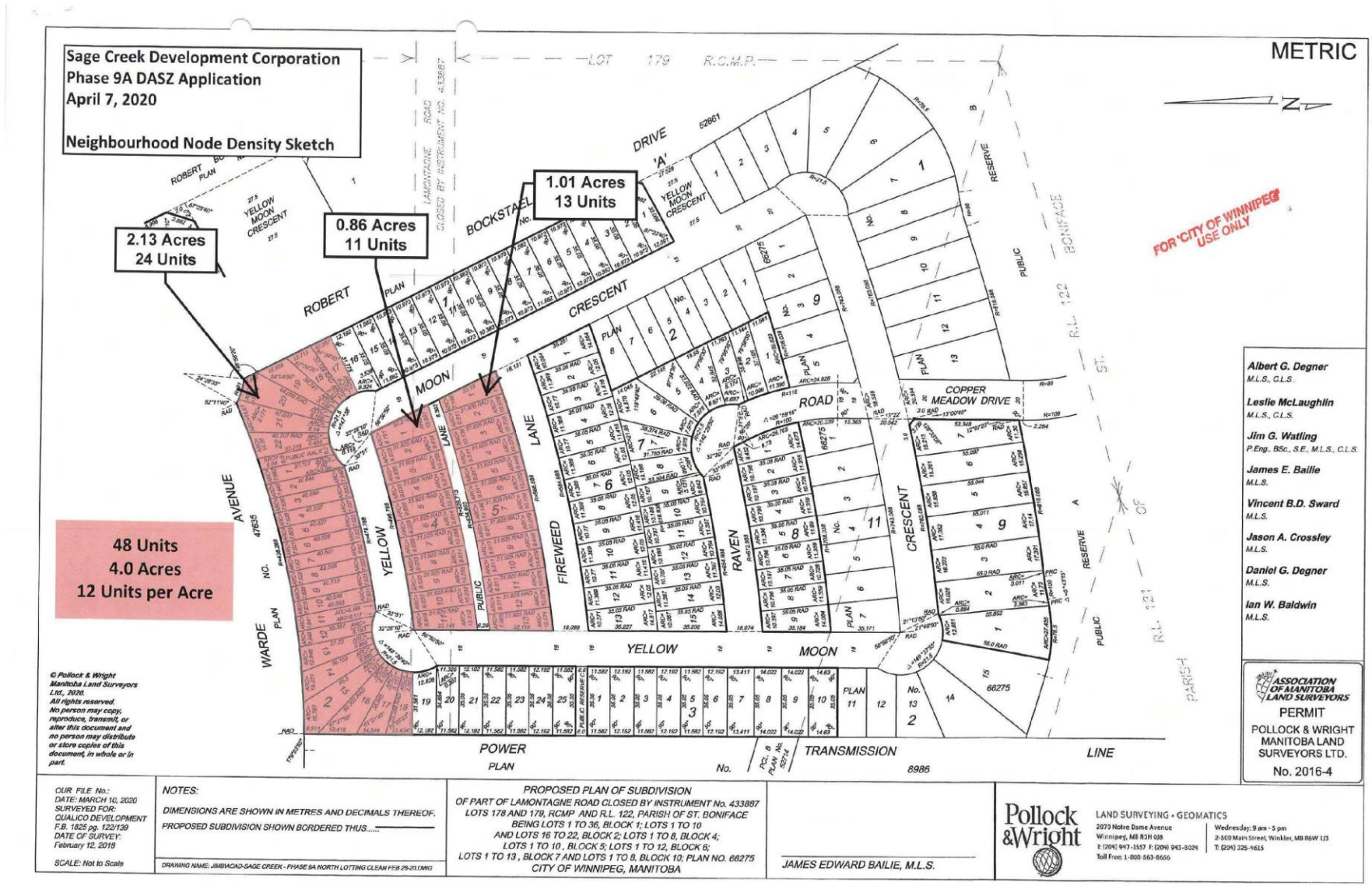
Administrative Co-ordinating Group
File No. DASZ 9/2020
August 11, 2020

"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

"*Original Signed by C. Desjardine"*
C. Desjardine, M. Sc., P. Eng.
Engineering Division
Public Works Department

Exhibit "7" referred to in File DASZ 9/2020




Sage Creek Development Corporation
Phase 9A DASZ Application
April 7, 2020
Neighbourhood Node Density Sketch
METRIC
2.13 Acres
24 Units
0.86 Acres
11 Units
1.01 Acres
13 Units
48 Units
4.0 Acres
12 Units per Acre
FOR CITY OF WINNIPEG USE ONLY
ROBERT BOCKSTAEL DRIVE
YELLOW MOON CRESCENT
FIREWEED LANE
RAVEN ROAD
COPPER MEADOW DRIVE
WARDE AVENUE
POWER TRANSMISSION LINE
Albert G. Degner M.L.S., C.L.S.
Leslie McLaughlin M.L.S., C.L.S.
Jim G. Watling P.Eng., BSc., S.E., M.L.S., C.L.S.
James E. Baillie M.L.S.
Vincent B.D. Sward M.L.S.
Jason A. Crossley M.L.S.
Daniel G. Degner M.L.S.
Ian W. Baldwin M.L.S.
ASSOCIATION OF MANITOBA LAND SURVEYORS
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OUR FILE No.:
DATE: MARCH 10, 2020
SURVEYED FOR: QUALICO DEVELOPMENT
F.B. 1825 pg. 122/139
DATE OF SURVEY: February 12, 2018
SCALE: Not to Scale
NOTES:
DIMENSIONS ARE SHOWN IN METRES AND DECIMALS THEREOF.
PROPOSED SUBDIVISION SHOWN BORDERED THUS.....
DRAWING NAME: JIMB\ACAD-SAGE CREEK - PHASE 9A NORTH LOTTING CLEAN FEB 28-20.DWG
PROPOSED PLAN OF SUBDIVISION
OF PART OF LAMONTAGNE ROAD CLOSED BY INSTRUMENT No. 433887
LOTS 178 AND 179, RCMP AND R.L. 122, PARISH OF ST. BONIFACE
BEING LOTS 1 TO 36, BLOCK 1; LOTS 1 TO 10
AND LOTS 16 TO 22, BLOCK 2; LOTS 1 TO 8, BLOCK 4;
LOTS 1 TO 10 , BLOCK 5; LOTS 1 TO 12, BLOCK 6;
LOTS 1 TO 13 , BLOCK 7 AND LOTS 1 TO 8, BLOCK 10; PLAN NO. 66275
CITY OF WINNIPEG, MANITOBA
JAMES EDWARD BAILIE, M.L.S.
Pollock & Wright
LAND SURVEYING • GEOMATICS
2070 Notre Dame Avenue
Winnipeg, MB R3H 0J8
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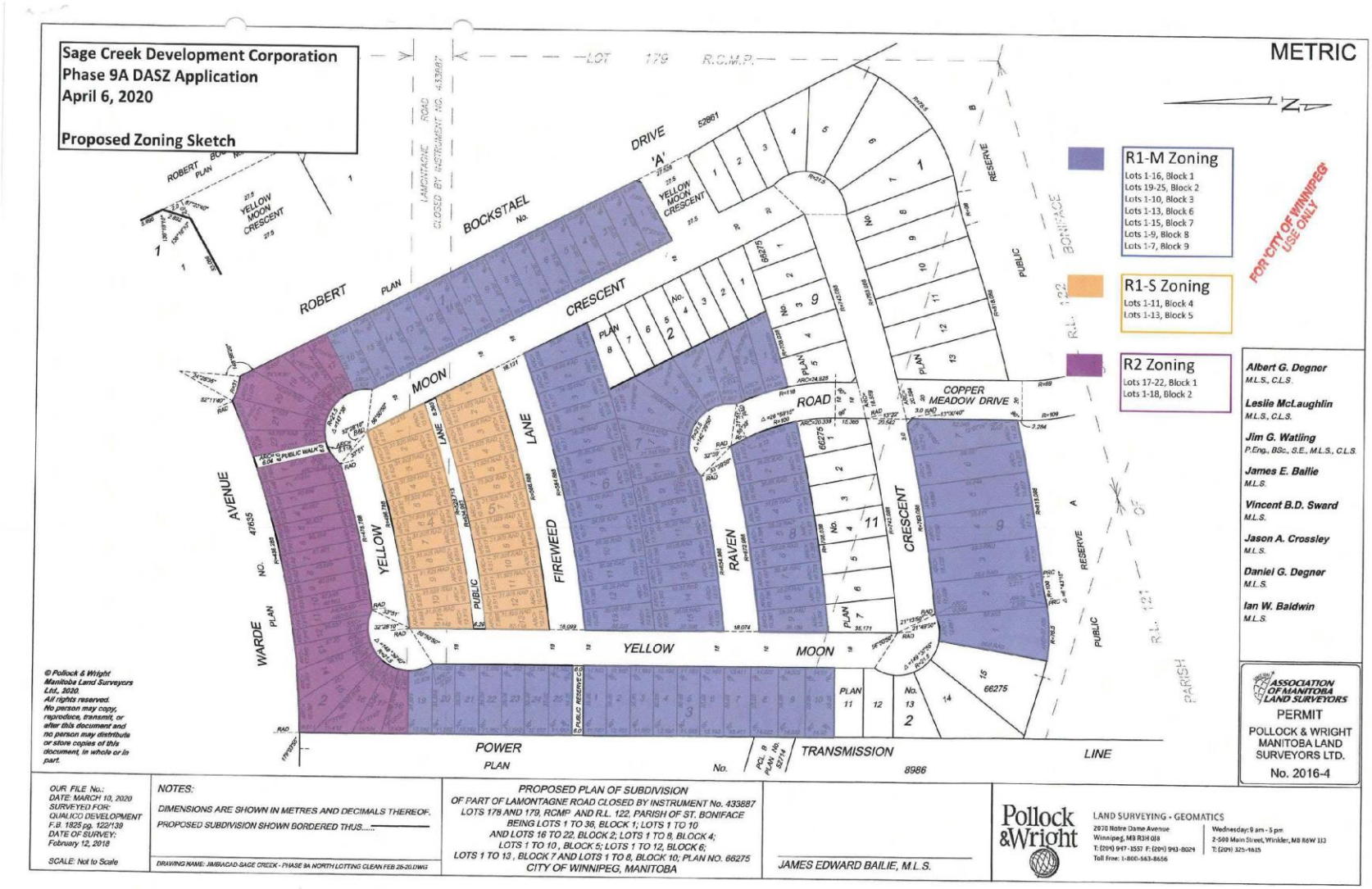
Toll Free: 1-800-563-8656
Wednesday: 9 am - 5 pm
2-500 Main Street, Winkler, MB R6W 1J3
T: (204) 325-4615


Sage Creek Development Corporation
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April 6, 2020
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Lots 19-25, Block 2
Lots 1-10, Block 3
Lots 1-13, Block 6
Lots 1-15, Block 7
Lots 1-9, Block 8
Lots 1-7, Block 9
R1-S Zoning
Lots 1-11, Block 4
Lots 1-13, Block 5
R2 Zoning
Lots 17-22, Block 1
Lots 1-18, Block 2
FOR CITY OF WINNIPEG USE ONLY
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LOT 179 R.C.M.P.
LAMONTAGNE ROAD CLOSED BY INSTRUMENT NO. 433887
ROBERT PLAN
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YELLOW MOON CRESCENT
DRIVE 'A'
52861
MOON
ROAD
COPPER MEADOW DRIVE
LANE
FIREWEED
RAVEN
CRESCENT
AVENUE
WARDE
PLAN 47655
YELLOW
MOON
PUBLIC WALK
PUBLIC RESERVE
RESERVE
PUBLIC
BONIFACE
R.L. 122
R.L. 121
PARISH OF ST.
POWER
TRANSMISSION
LINE
PLAN No. PCL B PLAN NO. 52714
8986
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