Minutes – Executive Policy Committee – November 17, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 10, 2021

Item No. 5 Subdivision and Rezoning – 180 Creek Bend Road (St. Norbert-Seine River Ward) File DASZ 12/2021

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 plan of subdivision under Development Application No. DASZ 12/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 18, 2021 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:

    A. That the Developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated August 9, 2021 and attached as Schedule "B" to this report, with the following amendments:

        i. In Section II – Servicing Conditions:

            a. Delete Condition 6) c) in its entirety.

            b. Delete Condition 7) in its entirety and replace it with the following:

                7) <u>Creek Bend Road Improvements</u>

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 10, 2021

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, $100,000.00 towards a westbound right turn lane on Creek Bend Road at St. Anne's Road, a southbound by-pass lane or southbound left turn lane (including transitions) on St. Anne's Road at Creek Bend Road, and a 1.5m Portland cement concrete sidewalk on Creek Bend Road from the Planned Area to the terminus of the existing sidewalk, all to the satisfaction of the Director of Public Works.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "RMF-M" Residential Multi-Family (Medium) District and "PR-1" Parks and Recreation 1 (Neighbourhood) as shown on the map dated August 18, 2021 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 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. garbage enclosures
         e. pedestrian pathways
         f. fencing
         g. landscaping

         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 – November 10, 2021

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

ii. That excluding projections permitted under the Zoning By-Law, the maximum building height on the subject property must not exceed five storeys and 55 feet.

iii. That the minimum setback to any principal building from the south property line shall not be less than 53 feet.

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

A. A Servicing Agreement 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 Servicing Agreement, 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 this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the plan of subdivision (the "Plan") as prepared by the Manitoba Land Surveyor in accordance with Recommendation 1 is not submitted to the City for preparation of 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.

6. 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.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 10, 2021

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

8. 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.

9. 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 7 and 8 unless the Developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

10. 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.

11. 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 – November 10, 2021

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 Gilroy,

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

Yea:	Bowman, Allard, Browaty, Gillingham, Gilroy, Mayes, Rollins	7
Nay:		0

Carried

STANDING COMMITTEE RECOMMENDATION:

On November 10, 2021, 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 October 26, 2021, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

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

  ", with the following amendments:

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 10, 2021

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

i. In Section II – Servicing Conditions:

a. Delete Condition 6) c) in its entirety.

b. Delete Condition 7) in its entirety and replace it with the following:

7) <u>Creek Bend Road Improvements</u>

The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, $100,000.00 towards a westbound right turn lane on Creek Bend Road at St. Anne's Road, a southbound by-pass lane or southbound left turn lane (including transitions) on St. Anne's Road at Creek Bend Road, and a 1.5m Portland cement concrete sidewalk on Creek Bend Road from the Planned Area to the terminus of the existing sidewalk, all 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.

On September 1, 2021, the Riel Community Committee did not hear any representations on the application and adjourned the public hearing to its meeting on Tuesday, October 26, 2021 at 10:30 a.m. in the Council Building at 510 Main Street.

PUBLIC HEARING SUMMARY

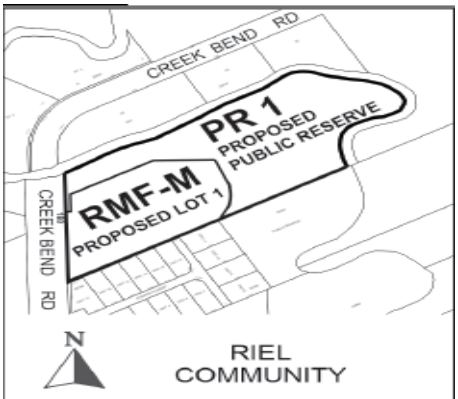
File: DASZ 12/2021

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

Public Hearing: October 26, 2021
September 1, 2021
Council Building, 510 Main Street

Applicant: Landmark Planning and Design Inc. (Brendan Salakoh)

Subject:



APPLICANT : Landmark Planning & Design Inc. (Brendan Salakoh)
FILE : DASZ 12/2021
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 and a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to facilitate the establishment of a lot, to allow the construction of a Multi-Family Dwelling use, and to facilitate the establishment of Public Reserve.
For information, phone E. Finnigan, Planner at 204-986-8602.
DEMANDEUR : Landmark Planning & Design Inc. (Brendan Salakoh)
N° DE DOSSIER : DALZ 12/2021
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 changer le zonage des sols délinéés ci-dessus pour qu'ils passent de la catégorie RR5 (secteur résidentiel en milieu rural 5) à la catégorie RMF-M (secteur d'habitations multifamiliales moyennes) et à la catégorie PR1 (secteur des parcs et des loisirs 1 [quartier]) afin de faciliter l'aménagement d'un lot, de permettre la construction d'une habitation multifamiliale et de faciliter l'aménagement d'une réserve publique.
Pour obtenir des renseignements, veuillez appeler E. Finnigan, urbaniste, au 204-986-8602.

Premises Affected: 180 Creek Bend Road

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: October 27, 2021

Community Committee Recommendation:

On October 26, 2021, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the plan of subdivision under Development Application No. DASZ 12/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 18, 2021 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:

    A. That the Developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated August 9, 2021 and attached as Schedule "B" to this report~~.~~ ***, with the following amendments:***

        i. In Section II – Servicing Conditions:

            a. Delete Condition 6) c) in its entirety.

            b. Delete Condition 7) in its entirety and replace it with the following:

                7) <u>Creek Bend Road Improvements</u>

                The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, $100,000.00 towards a westbound right turn lane on Creek Bend Road at St. Anne's Road, a southbound by-pass lane or southbound left turn lane (including transitions) on St. Anne's Road at Creek Bend Road, and a 1.5m Portland cement concrete sidewalk on Creek Bend Road from the Planned Area to the terminus of the existing sidewalk, all to the satisfaction of the Director of Public Works.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "RMF-M" Residential Multi-Family (Medium) District and "PR-1" Parks and Recreation 1 (Neighbourhood) as shown on the map dated August 18, 2021 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 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. garbage enclosures
            e. pedestrian pathways
            f. fencing
            g. landscaping

            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 excluding projections permitted under the Zoning By-Law, the maximum building height on the subject property must not exceed five storeys and 55 feet.

        iii. That the minimum setback to any principal building from the south property line shall not be less than 53 feet.

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

    A. A Servicing Agreement 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 Servicing Agreement, 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 this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the plan of subdivision (the "Plan") as prepared by the Manitoba Land Surveyor in accordance with Recommendation 1 is not submitted to the City for preparation of 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.

6. 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.

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

8. 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.

9. 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 7 and 8 unless the Developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. 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.

11. 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. The reason I'm moving this, is that I always like to have a bird in the hand. Save Our Seine framed this piece of land really well in their presentation. We're not buying the land, which is the preferred option. We all understand that.

2. Their second option is work with the developer because they are a good developer, and they're doing a lot of good stuff. They've addressed many of Save Our Seine's issues. They've also listened to many of the issues raised by the residents. They've done as good a job as they can with the set of cards they have with this piece of land.

3. If we bring in the ACG condition, I fear that this project will potentially be compromised and it will not go through due to business case reasons, which we don't have in front of us unfortunately. If it doesn't go through, then it goes back to the market and we end up with Save our Seine's worst option, which is, anybody could do anything to this site if they own it. We don't want to lose the park-like aspect of this land.

4. This development will ensure that there will be a park, and there will be a park for future generations. The park will be in the care and maintenance of the City of Winnipeg.

5. I'm moving this motion because it's a bird in the hand. If we do this, we secure the park for generations. If we don't do this, we might lose everything.

Exhibits Filed:

1. Application dated March 19, 2021
2. Revised Application dated June 2, 2021
3. Notification of Public Hearing dated July 15, 2021
4. Manitoba Status of Title 1187988/1
5. Letter of authorization dated June 17, 2020 from Michelle Marie Watts to Landmark Planning & Design Inc.
6. 180 Creek Bend Road – Title Plot
7. Plans (11 pages)
8. Report from the Urban Planning Division dated August 18, 2021
9. Inspection Report
10. Communication from David Watson with respect to the application
11. Communication from Mary Nemeth in opposition to the application
12. Communication from Eric Banks on behalf of the Creek Bend Residents Association in opposition to the application
13. Petition in opposition to the application purporting to contain 411 signatures, submitted by Rick Dobel
14. Recording of Representations of public hearing held on September 1, 2021
15. Notice of Adjournment dated September 3, 2021
16. Communication from Rick Dobel dated October 15, 2021 in opposition to the application
17. Communication from Eric Banks, on behalf of the Creek Bend Residents Association, dated October 26, 2021 in opposition to the application
18. Communication from Tom Millar dated October 25, 2021 in opposition to the application
19. Communication from Michele Kading, Executive Director, Save Our Seine dated October 26, 2021 with respect to the application
20. Communication from Ian Watts and Michelle Watts dated October 26, 2021 in support of the application
21. Presentation from Landmark Planning & Design titled 180 Creek Bend Road in support of the application
22. Recording of Representations of public hearing held on October 26, 2021

REPRESENTATIONS:

In Support:

Todd Labelle
Geoff Milnes
Adam Propanko
Rob Robson
Brendan Salakoh
Donovan Toews
Ian Watts
Michelle Watts
Nick Watts

In Opposition:

Peggy Albrecht
Eric Banks
Richard Dobel
Tom Millar
Mary Nemeth
Margaret Shum

For Information:

Michele Kading
David Watson

For the City:

E. Finnigan, Planner, Planning, Property and Development Department
D. Iskierski, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 12/2021

ADMINISTRATIVE REPORT

Title: DASZ 12/2021 – 180 Creek Bend Road

Issue: An application for consideration at the public hearing to subdivide a lot and rezone to 'RMF-M' Residential Multi-Family Medium and 'PR1' Parks and Recreation 1 (Neighbourhood) to allow for the construction of a multi-family development and to facilitate the establishment of Public Reserve.

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 plan of subdivision under Development Application No. DASZ 12/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 18, 2021 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:

    A. That the Developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated August 9, 2021 and attached as Schedule "B" to this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to a "RMF-M" Residential Multi-Family (Medium) District and "PR-1" Parks and Recreation 1 (Neighbourhood) as shown on the map dated August 18, 2021 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 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) garbage enclosures;

(e) pedestrian pathways;

(f) fencing; and

(g) landscaping.

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, excluding projections permitted under the Zoning By-Law, the maximum building height on the subject property must not exceed five storeys and 55 feet.

iii. That, the minimum setback to any principal building from the south property line shall not be less than 53 feet.

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

A. a Servicing Agreement 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 Servicing Agreement, 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 this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the plan of subdivision (the "Plan") as prepared by the Manitoba Land Surveyor in accordance with Recommendation 1 is not submitted to the City for preparation of 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.

6. 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.

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

8. 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.

9. 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 7 and 8 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. 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.

11. 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 property and rezone from 'RR5' (Rural Residential 5) to 'RMF-M' (Residential Multi-Family Medium) and 'PR-1' Parks and Recreation 1 (Neighbourhood) to allow for the construction of a multi-family development and to facilitate the establishment of Public Reserve.
- 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, the subject site will be subdivided and rezoned consistent with the map provided in Schedule "A" of this report.

HISTORY

N/A

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:**
    - Enable the intensification of land-uses through the development application process only when a full range of municipal services is provided.
    - 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 City 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.

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	Elise Finnigan, MA Planning
Date:	August 18, 2021
File No.	DASZ 12/2021

List of Schedules and Attachments

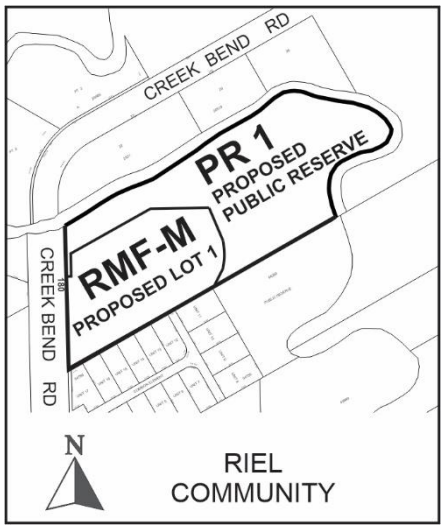
1. Appendix "A" — Planning Discussion
2. Schedule "A" Committee, — Recommended File No. DASZ 12/2021 Riel Community dated August 18, 2021.
3. Schedule "B" — Report of the Administrative Working Group – August 9, 2021
4. Appendix "B" — Plan Approval Design Guidelines

APPENDIX "A"

DATE: August 18, 2021
FILE: DASZ 12/2021
RELATED FILES:
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 530 (Dakota Crossing neighbourhood)

SUBJECT: To subdivide a lot and rezone to 'RMF-M' Residential Multi-Family Medium and 'PR1' Parks and Recreation 1 (Neighbourhood) to allow for the construction of a multi-family development and to facilitate the establishment of Public Reserve.

LOCATION: 180 Creek Bend Road
LEGAL DESCRIPTION: LOT 23 PLAN 2321 WLTOIN RL 139 TO 141 PARISH OF SAINT NOBERT



APPLICANT: Landmark Planning and Design Inc.(Brendan Salakoh)
298 Waterfront Drive
Winnipeg , Manitoba R3B 0G5

OWNER: Michelle Marie Watts
180 Creek Bend Road
Winnipeg , Manitoba R2M 4A3

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property is located on the east side of Creek Bend Road along the Seine River, in the Dakota Crossing neighbourhood of the St. Norbert - Seine River ward.

- The current site is approximately 6.4 acres in area, and currently contains a one-and-a-half-storey single-family dwelling built in 1937, with vehicular access taken from Creek Bend Road. Much of the easterly portion of the site toward the Seine River is forested.
- The site falls within the 'Areas of Stability – Recent Community' policy area within the *Complete Communities Direction Strategy*, and is zoned 'RR5' Rural Residential 5.
- The site is also adjacent to the boundary of the Precinct 'K' Precinct Plan, across the Seine River to the east. Under that plan, the policy area immediately to the east of the Seine River is designated 'Estate Residential' (intended to preserve the rural character of residential uses within that policy area).

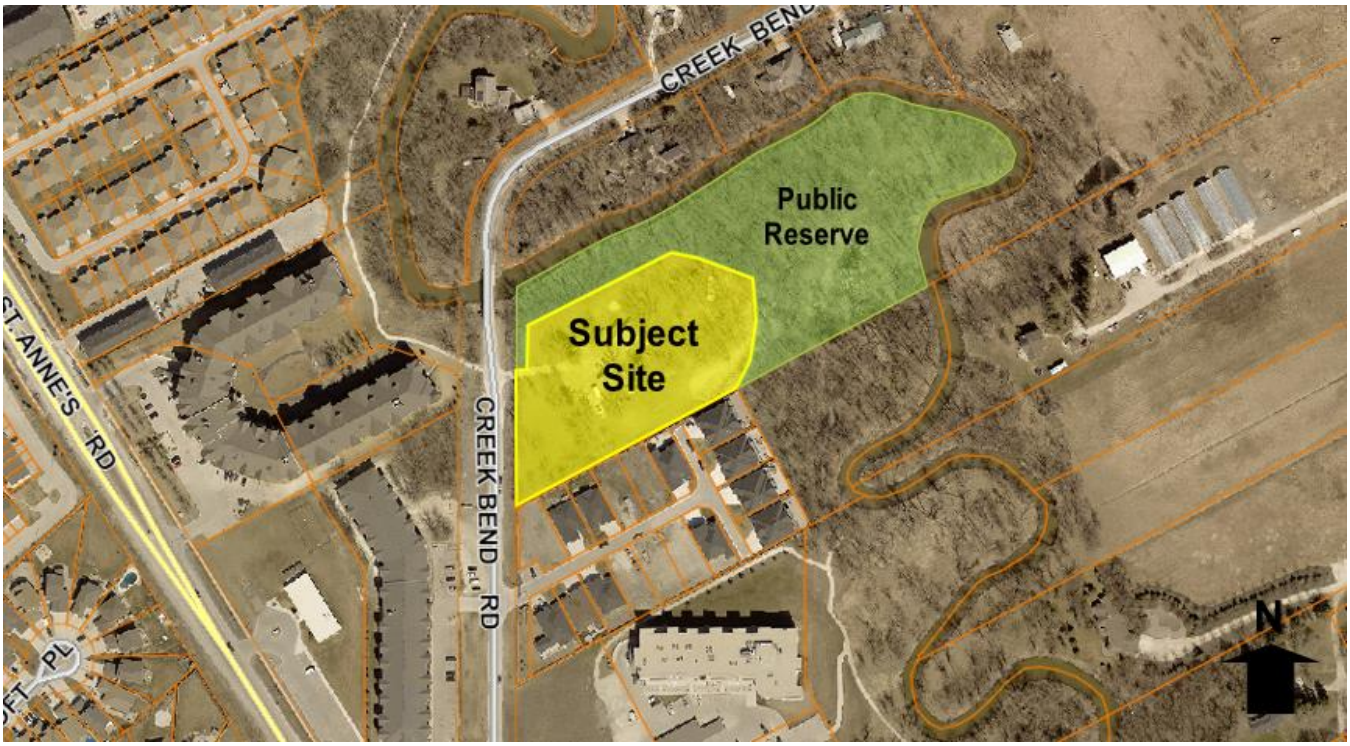


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Seine River, then residential uses zoned 'RR5' Rural Residential 5, then Creek Bend Road, then residential uses zoned 'RR5' Rural Residential 5 and 'R1-E' Residential Single-Family Estate.

South: Uses zoned 'RMF-M' Residential Multi-Family Medium and 'PR1' Parks and Recreation (Neighbourhood).

East: Seine River, then residential uses zoned 'RR5' Rural Residential 5.

West: Creek Bend Road; then uses zoned 'RMF-M' Residential Multi-Family Medium, 'RMF-S' Residential Multi-Family Small, 'PR1' Parks and Recreation 1 (Neighbourhood), and 'C2' Commercial Community; then St. Anne's Road.

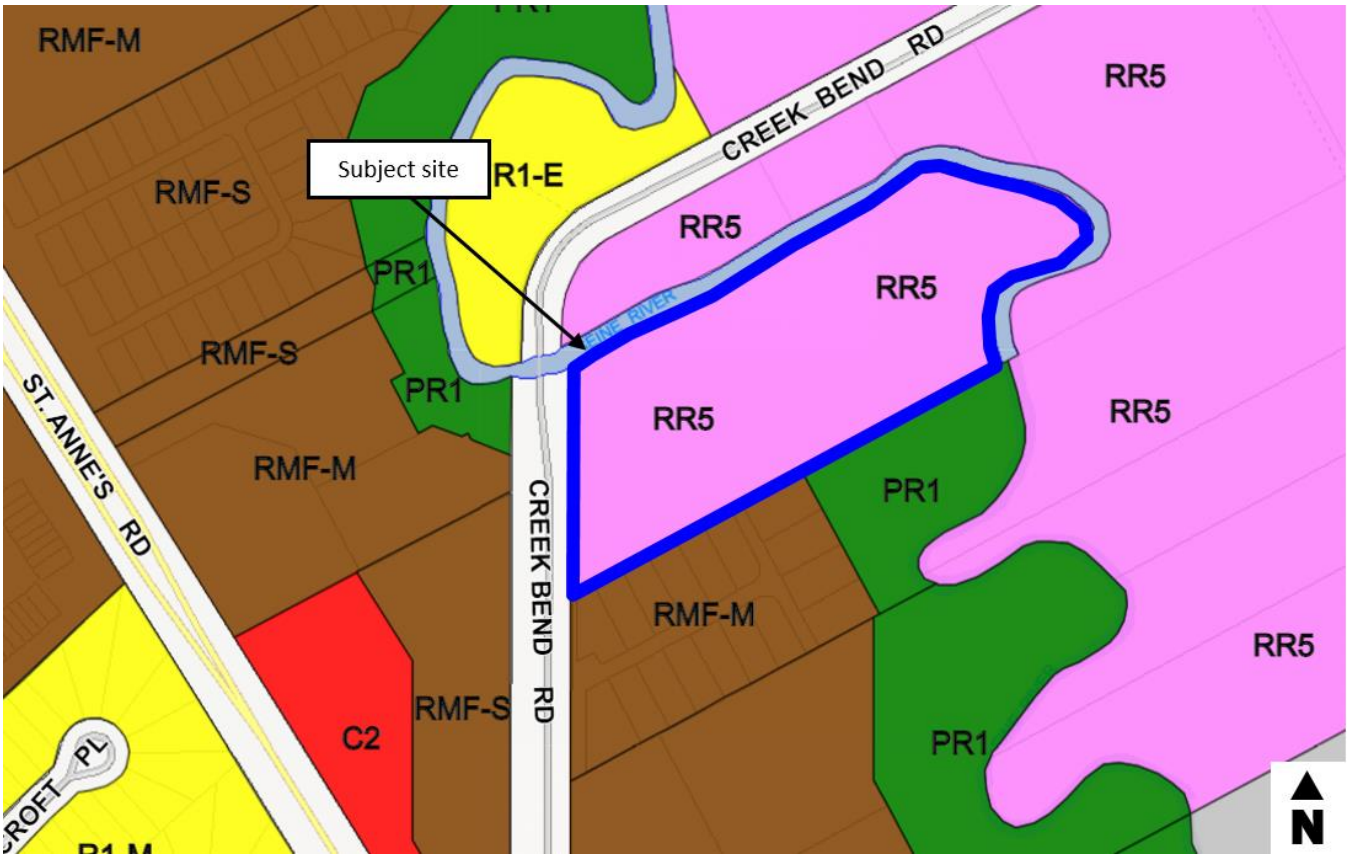


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the property and rezone approximately 2.8 acres of land from 'RR5' (Rural Residential 5) to 'RMF-M' (Residential Multi-Family Medium) for the purposes of constructing a 5-storey multi-family building containing 152 units. The building's footprint is in an approximate 'U' shape, with building façades facing west, north, and east, and wrapping around a surface parking area. The southerly ends of the structure step down to four storeys.
- Approximately 3.6 acres of land abutting the Seine River will be rezoned to 'PR-1' Parks and Recreation 1 (Neighbourhood) and become public reserve land. A new pedestrian and cycling pathway is proposed within this public reserve land east of the proposed new building, connecting to the existing multi-use path west of Creek Bend Road, immediately north-west of the subject site.
- Parking is provided via a surface parking lot, as well as an underground parkade. A total of 233 parking stalls are to be provided (77 outdoor and 156 indoor), and a total of 40 bicycle parking spaces are provided.
- As part of the 233 parking stalls, there will be 8 accessible parking stalls and 24 visitor parking stalls.
- Vehicular access is provided from Creek Bend Road at the southwest corner of the site, and a pedestrian connection is provided from Creek Bend Road along the southern property line.

- A landscaping plan is included, showing species of trees and shrubs to be planted around the building, in the front yard and along the street edge, within the surface parking area, and within the south side yard along the property line.

COLLABORATION

With the Urban Planning Division

- Prior to undertaking the subdivision and rezoning, the applicant submitted a Pre-Application to obtain feedback and comments on the proposed development from relevant City departments. At that time, the applicant was contemplating a proposal comprising a re-zoning to 'RMF-L' Residential Multi-Family Large, a higher number of units, and several variances. The Urban Planning Division was not supportive of the proposal, and indicated to the applicant that the Division would not be able to provide a supportive recommendation.
- Subsequently, through continual correspondence and several virtual meetings, the applicant worked with the Public Service on revising the application substantially, arriving at the subject proposal for rezoning to 'RMF-M' (which is more in line with the surrounding zoning districts), and revising the design to eliminate all Variances. The result is a revised application for which the Public Service is recommending support.

With the Public

- The applicant has indicated that a public consultation process, consisting of three phases, was undertaken with adjacent and nearby residents from June to December 2020. Hand-delivered notices and email notifications were used to inform stakeholders of meetings, and display materials were made available on the applicant's website, with hard copies mailed to those who requested them.
- The first phase consisted of three virtual Zoom meetings and an online comment form, to hear preliminary comments and concerns.
- The second phase contained three virtual Zoom meetings to present preliminary designs, share how feedback from the first round was considered, and note any resultant comments and concerns. This phases also included involvement from other stakeholder groups such as Bike Winnipeg and Save Our Seine.
- The third phase comprised two virtual Zoom meetings, where a preferred design concept was shared, along with how feedback from the first two phases was considered. Further feedback was also received.
- A detailed summary of the public engagement process is included in the applicant's letter of intent on page 3 to page 6.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- *The Complete Communities Direction Strategy* (CCDS) is one of four direction strategies supporting *OurWinnipeg*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.

- The subject property is classified as an “Area of Stability – Recent Community” in *Complete Communities’* Urban Structure map. Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.
- With regard to this proposal, the key policies guiding the development of 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 that address the transition between new and existing development.
    - 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.
    - Support Complete Communities by ensuring diverse and high quality housing stock.
    - Focus housing growth to areas that have municipal servicing capacity to support intensification in addition to commercial and recreational amenities.
    - Provide opportunities to increase multi-modal connectivity when redevelopment occurs.
- Infill development is discussed within the Recent Communities introduction under the *CCDS*, that states:
    - *Recent Communities can also accommodate some infill development to increase housing choice, increase options for aging in place, and to maximize the use of existing infrastructure.*
- The Parks, Places and Open Spaces section of *CCDS* also applies to the subject application as approximately 3.6 acres of land will become publicly owned park land and will accommodate an extension of the multi-use pathway. With regard to this proposal, the key policies guiding the development in regards to our Parks, Places and Open Spaces include:
    - Maintain our Ribbons of Green (riverbanks, urban street trees, green corridors) and provide a well-managed urban forest that contributes to air, water, environmental and aesthetic quality.
    - Protect and enhance public access to our riverbank and forest environments and expand ecological networks and linkages.
    - Provide safe and accessible park spaces and a continuous and integrated linear parkway network that connects neighbourhoods and communities to their parks and other major city attractions.
    - Continue to develop and improve pedestrian and bicycle friendly environments by expanding and enhancing the citywide multi-use path network.

PEDESTRIAN AND CYCLING STRATEGIES

- The Pedestrian and Cycling Strategies are intended to implement Winnipeg's walking and biking vision, including infrastructure investments. The Pedestrian and Cycling Strategies are ultimately intended to support and build on the vision and policy direction of several overarching documents: OurWinnipeg, Direction Strategies (including CCDS), and the City's Universal Design Policy, as well as the Transportation Master Plan
- This project will help meet the following Key Directions from the Pedestrian and Cycling Strategy:
    - One of the key directions from this strategy is to expand and enhance the pedestrian and bicycle network (Key Direction 1A & 1B).
    - 2B.v. Continue to look for opportunities to maximize connectivity between the pedestrian and bicycle networks and transit network.
    - 5A.x. Aim to achieve pedestrian and cycling connections from new development sites to surrounding existing and anticipated networks.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

PROPOSED ZONING DISTRICTS:

"RMF-M" Residential Multi-Family Medium District

The RMF-M zone is intended to accommodate the development of multi-family units in areas with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-M zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum interior side yard of 8 feet (where the building is more than one storey in height the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet), a minimum corner side yard of 20 feet and, a maximum building height of 60 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 800 square feet.

"PR1" Parks and Recreation 1 (Neighbourhood) District

The PR1 district is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas. Generally, no parking facilities are associated with these uses. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

Reason for the Subdivision and Rezoning

The applicant is proposing to subdivide the existing lot and rezone from 'RR5' (Rural Residential 5) to 'RMF-M' (Residential Multi-Family Medium) and 'PR-1' Parks and Recreation 1 (Neighbourhood) to allow for the construction of a multi-family building and to facilitate the establishment of Public Reserve.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The proposal addresses several 'Areas of Stability' policies within the *Complete Communities Direction Strategy*, namely:
    - The 'RMF-M' Residential Multi-Family Medium zoning district being proposed for the residential development is in line with the surrounding zoning context, which consists of properties zoned 'RMF-S' Residential Multi-Family Small, and 'RMF-M,' thereby maintaining a level of compatibility with surrounding residential uses.
    - The proposed building's height of five storeys is also comparable with the surrounding context; multi-family buildings in the immediately-surrounding area range from three to five stories in height. The exception to this are the existing single-family dwellings immediately adjacent to the south of the subject site. Given the proximity of these dwellings, the project proposes stepping down the two southern ends of the proposed building (facing the dwellings to the south) from five to four stories. As well, the south side yard facing these dwellings is proposed to be 53.33 feet from the building, and 40 feet from the surface parking lot.
    - Through the proposed 'PR1' land along the river, the project provides a degree of contribution to the public realm, through both the retention of natural forested area, and the inclusion of a multi-use path connecting to the existing path to the northwest.
    - As well, the multi-family character of the proposal contributes to a diverse and high-quality housing stock, and a further diversity of housing options.

RECOMMENDED ZONING AGREEMENT

Plan Approval

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 lot. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans and design details before any future development takes place on the site. Noting the amount of work that has been done on the design of the project in to-date, the expectation for the Plan Approval will be that the final plans are substantially consistent with those submitted as part of the DASZ application. Recommended design guidelines for approval are included in Appendix B to assist with any future plan approval review.

The Plan Approval application should include a report by a professional arborist detailing the health of the existing trees, which trees should/can be preserved, as well as the measures required to be employed before, during, and after construction to preserve/protect the trees.

Height

The maximum building height permitted in the RMF-M zone is 60 feet. To ensure the project is compatible with the existing heights of development in the surrounding area, the Public Service is recommending that the maximum height of any building on the site be restricted to five-storeys and 55 feet.

Setback

To ensure the proposed 53 foot south side yard setback is maintained, the Public Service is recommending a clause be included in the Zoning Agreement restricting this setback. This setback helps to ensure a level of compatibility between the existing single-family dwellings and the proposed development.

RECOMMENDATION

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

- The proposal is consistent with the policies guiding development in the *Areas of Stability – Recent Communities policy area* in the *Complete Communities Direction Strategy* which supports context sensitive infill development that addresses the transition between new and existing development and supports a mix of housing types in order to meet the full life-cycle of housing needs within the community.
- The development will result in the acquisition of strategic riverbank lands and the extension of the multi-use pathway.

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

Report Prepared by: Elise Finnigan, MA Planning
PPD File #: DASZ 12/2021

Schedule "A" for File No. DASZ 12/2021, Riel Committee, dated August 18, 2021

By-Law No. _____

File No. **DASZ 12/2021**

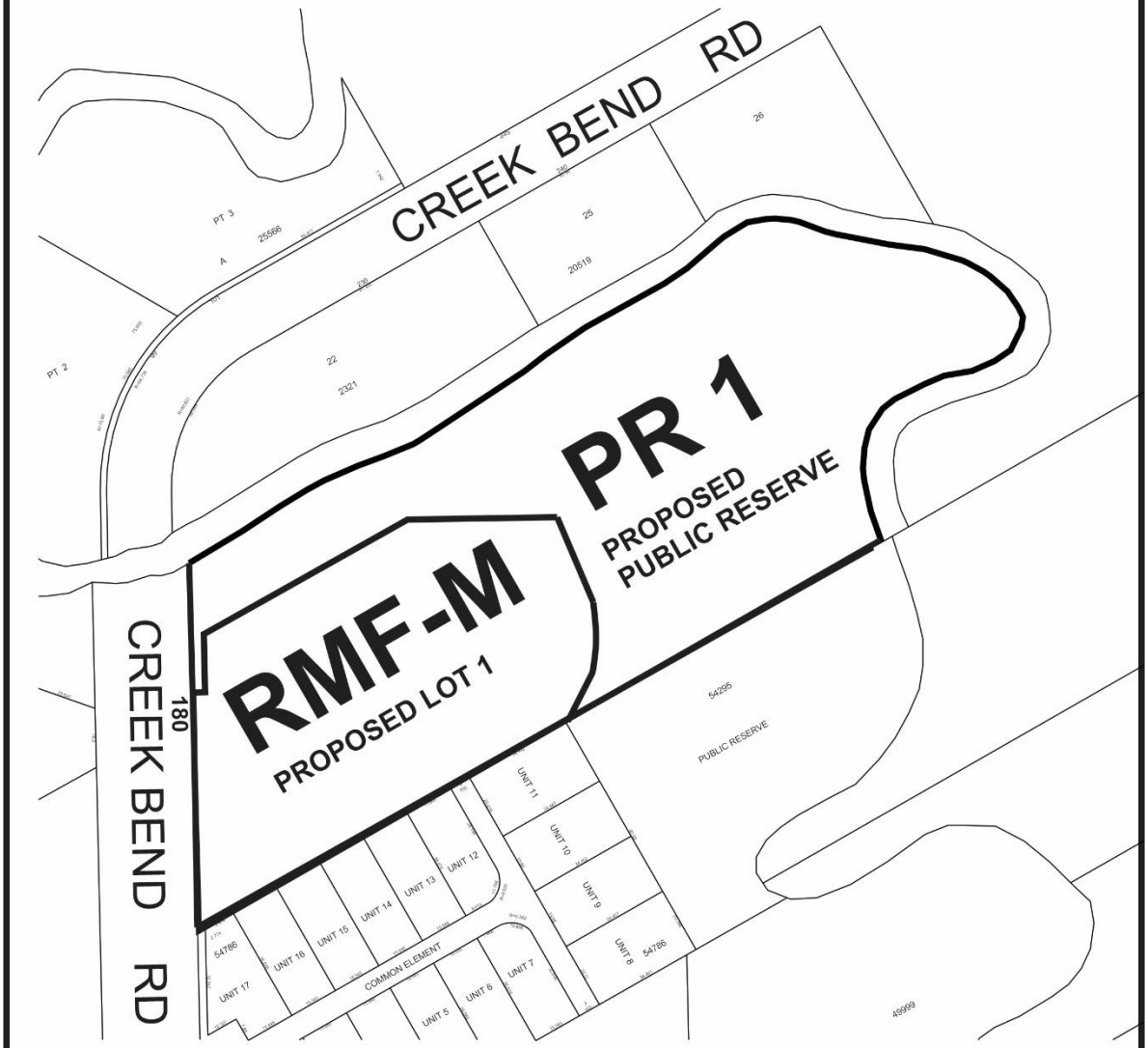
Atlas Sheet No. **AJ30**

N

RIEL COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 180 Creek Bend Road from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT and a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to facilitate the establishment of a lot, to allow the construction of a Multi-Family Dwelling use, and to facilitate the establishment of Public Reserve.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 180 CREEK BEND ROAD

It is recommended that approval of DASZ 12/2021, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions:

Section I – Engineering Studies

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

2) The Waterways Office will require a comprehensive geotechnical investigation and report that addresses riverbank stability in support of a Waterway Permit Application. The report should include a site assessment, analysis of the existing conditions and design recommendations that address any issues related to riverbank stability and riverbank erosion that may be relevant to the proposed development, ensuring the long term integrity of the proposed development with adequate protection from natural riverbank processes.

Section II - Servicing Conditions

1) Water Mains

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

b) The Developer shall pay to the City, prior to registration of subdivision mylars at the Winnipeg Land Titles Office, their share of water mains installed by others in Creek Bend Road, as determined by and to the satisfaction of the Director of Water and Waste.

2) Wastewater Sewers

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

b) The Developer shall pay to the City, prior to registration of subdivision mylars at the Winnipeg Land Titles Office, their share of wastewater sewers installed by others in Creek Bend Road, as determined by and to the satisfaction of the Director of Water and Waste.

3) Land Drainage Sewers

The Developer shall pay to the City, prior to registration of subdivision mylars at the Winnipeg Land Titles Office, their share of wastewater sewers installed by others in Creek Bend Road, as determined by and to the satisfaction of the Director of Water and Waste.

4) Seine River Waterway

a) The Developer has already retained the services of a Manitoba Land Surveyor to prepare a Plan of Subdivision for inclusion in the Servicing Agreement, which delineates the Public Reserve lands (as shown on attached Schedule C) based on the combined areas of the Seine River Acquisition lands and Park dedication, to the satisfaction of Directors of Water and Waste, Property Planning and Development, and Public Works. The Developer shall sell to the City, for Seine River Waterway purposes, at a price not to exceed $15,000.00 per acre, the land lying between the approved Seine River Acquisition property line and the Seine River, in accordance with the City's Seine River Waterway policy.

b) The Developer shall pay to the City, in cash, prior to the release of the subdivision mylars for registration in the Winnipeg Land Titles Office, the Seine River Waterway Land Acquisition Charge ($145.00 per acre) for the approved Seine River Waterway lands.

c) The Developer shall adhere to flood proofing criteria in accordance with Designated Floodway Fringe Regulations 266/91 and the City of Winnipeg Charter Act.

5) Waterways Regulated Area

a) The Developer acknowledges and agrees that a significant portion of the Planned Area is located within the regulated area under the Waterway By-law No. 5888/92 by virtue of being located within 107m (350 feet) of the Seine River.

b) The Developer shall, prior to the commencement of construction, obtain all permits and permissions required to satisfy any obligations incurred under this Agreement.

c) Should the recommendations of the geotechnical engineer's report require that work be done to stabilize or provide erosion protection for the riverbank within the Seine River Dedication Area, the Developer shall, in doing that work and in preparing any related engineering or geotechnical plans and reports, obtain requisite permissions (including easements) and take into account and make accommodations for the multi-use pathway, all as determined by and to the satisfaction of the Director of Public Works.

d) As there remains a significant volume of fill on the subject property that has not been approved under any Waterways Permit to date, the Developer shall apply for, and obtain a permit for, the maintenance, modification, or removal of these presently unauthorized works. The geotechnical engineer's report shall take this into consideration, and provide recommendations that address the potential adverse impacts of this fill.

6) Creek Bend Road

a) The Developer shall, at no expense to the City, reconstruct Creek Bend Road from the existing terminus of the Portland cement concrete pavement to the bridge across the Seine River, by constructing Portland cement concrete pavement, 7.5m wide by 150mm thick, and all related works including but not limited to boulevard landscaping, ornamental street lighting, and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the cost of services previously installed by others in Creek Bend Road and all related works, including but not necessarily limited to concrete pavements, boulevard landscaping, ornamental street lighting, and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

c) The Developer shall, at no expense to the City, construct a westbound right turn lane, and all related works, on Creek Bend Road at St. Anne's Road, if required, as determined by and to the satisfaction of the Director of Public Works.

7) St. Anne's Road

The Developer shall, at no expense to the City, construct a southbound by-pass lane or a southbound left turn lane, including transitions and all related works, on St. Anne's Road at Creek Bend Road, if required, as determined by and to the satisfaction of the Director of Public Works.

8) Boulevards

a) The Developer shall, at no expense to the City, sod, and plant trees on, all boulevards within and fronting on the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

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

9) Construction Traffic

a) The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works.

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

10) Utilities

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

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

11) Litter and Refuse Control and Clean-Up

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

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

12) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

13) Public Reserve

a) The Developer shall dedicate as Public Reserve at least 8% of the land contained within the overall development area and shall, at no expense to the City, undertake landscape improvements and pathway construction in accordance with plans and specifications approved by the Director of Public Works and the Director of Planning, Property and Development. If the Developer is unable to dedicate a full amount of required dedication of land as Public Reserve, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Planning, Property, and Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash.

   i) Dedication area shall be prioritized to facilitate enhanced setback from the River's edge along the north property line, and to preserve natural vegetation.

   ii) At the site's southern limit, the property line for the Public Reserve is expected to connect to the existing Public Reserve limit, in a manner that does not create a 90 degree corner or hidden and difficult to maintain area(s).

b) Landscape improvements of the Public Reserve lands shall be done in accordance with plans and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Public Works. The scope of landscaping shall include grading, ground cover, land drainage, irrigation and construction of one continuous primary pathway. Pathway construction shall consider the following:

   i) The space for the pathway should be situated such that it provides a minimum five-metre wide corridor beyond the 180 Creek Bend property, within which the pathway may be sited to the satisfaction of the Director (which is to be determined on site with the City's Landscape Architect and City Naturalist) and constructed in accordance with City standards for riverbank pathway construction;

   ii) The westerly access to the pathway shall align with the existing pathway on the west side of Creek Bend Road and shall transition from the northwest limit of the property connecting at or above the top-of-bank, and either following the top-of-bank or transitioning to a lower area of the bank at a location deemed appropriate by the City, without having to remove existing natural habitat to regrade the bank. The pathway is expected to connect seamlessly and gradually to the existing pathway south of the site, avoiding any 90 degree or hidden corners at fence lines, to the satisfaction of the Directors of Public Works and Planning, Property, and Development; and

iii) The alignment and construction of the pathway within the Seine River dedication area shall be such that the minimum calculated factors of safety with respect to slope stability at any point along the path are greater than 1.3 under normal conditions and greater than 1.1 under extreme short term conditions (considering river drawdown and conservatively assumed material parameters and groundwater conditions) based on the geotechnical Engineer's assessment, analysis and recommendations, to the satisfaction of the Director of the Planning Property and Development Department.

c) If the City deems that the provision of irrigation or water service to the Public Reserve is not required, the Developer shall provide compensation in the form of site amenities of predetermined equivalent value.

d) The Developer shall, at no expense to the City, erect uniform continuous fencing or bollards (at the discretion of the Developer) along the property line(s) abutting the Public Reserve:

i) fencing abutting the Public Reserve is to located on private property and future owners shall be responsible to maintain the fencing; and,

ii) the Developer shall permit the City to file a caveat against the title of the lot, requiring the owner(s) to maintain and/or replace the fence as originally constructed,

all as determined by and to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

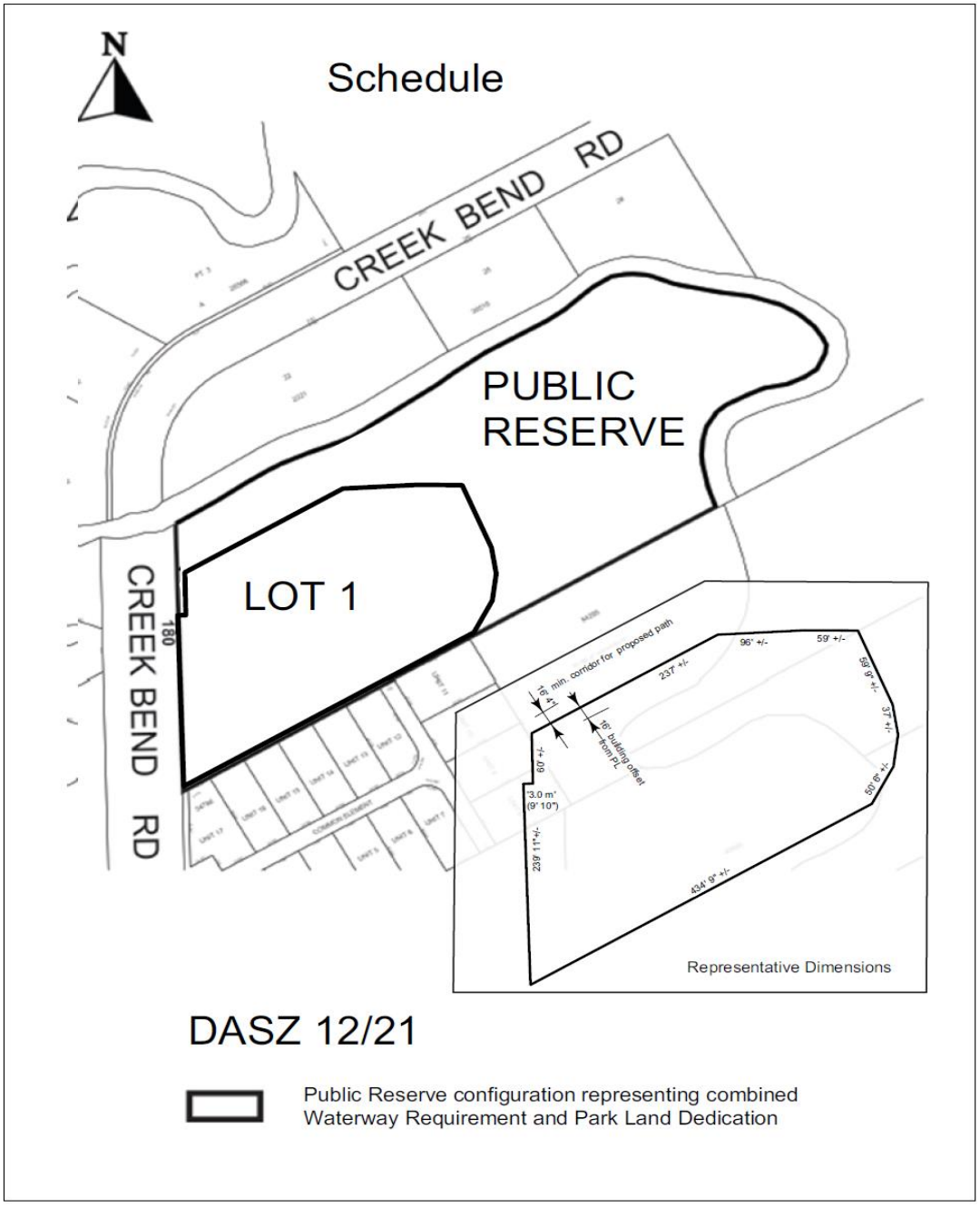
e) The Developer shall, in accordance with the City's Standard Tree Protection requirements, provide protective fencing to ensure the proposed dedicated land natural areas are not encroached upon or damaged during construction, as determined by and to the satisfaction of the Director of Public Works.

f) Public Reserve improvements should be undertaken by the time the build out has reached 80% and completed before reaching 100%, unless an extension of time has been previously approved, in writing, by the Director of Public Works.

g) The Developer shall assume responsibility for all Public Reserve sites until they are developed, and throughout the maintenance period until Final Acceptance Certificate for Parks has been issued by the Director of Public Works.

h) The Developer shall, at no expense to the City, maintain Public Reserve improvements, in accordance with specifications approved by the Director of Public Works, for a period of two years following the issuance of a Construction Completion Certificate. The City reserves the right to impose longer maintenance terms for amenities and features, such as naturalized areas, that the Director of Public Works deems to be beyond the standard scope of Public Reserve improvements.

i) Securities for Public Reserve improvements may be reduced following the issuance of a Construction Completion Certificate and site inspection and approval by the City, but shall not be released in full until and as-built drawings have been received and accepted as complete by the Director of Public Works and Final Acceptance for Parks has been issued.



Section III – Costs and Fees

1) By-laws and Approvals

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

2) Professional Fees

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

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

3) Administration Fees

The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, an administration fee plus applicable GST to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 12/2021
August 9, 2021

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

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

"*Original Signed by D. Beaton"*
D. Beaton, M.L. Arch.
Urban Planning and Design Division
Planning, Property and Development Department

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

APPENDIX 'B' Design Guidelines

Plan Approval Design Guidelines for DASZ 12/2021 – 180 Creek Bend Road

1. Site Planning

1.1 The site layout and building orientation should ensure that the building relates appropriately to the street and surrounding developments and creates a cohesive visual identity for the neighbourhood.

1.2 Site design should consider opportunities for enhancing personal security and safety by incorporating Crime Prevention Through Environmental Design (CPTED) principles.

1.3 Parking areas should be screened with landscaping or active uses.

1.4 Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.

2. Building Orientation and Design

2.1 The building façades should be well-articulated and should avoid featureless building massing.

2.2 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.

2.3 Minimize blank walls – use landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, balconies, etc. to break up tracts of continuous blank walls.

2.4 Ground floor residential units facing the street should include individual, private front entries and landscaped yards to help encourage a stronger connection with the street.

3. Landscaping

3.1 The existing mature trees should be preserved where possible.

3.2 High-quality landscaping should be provided along the street edge of the site.

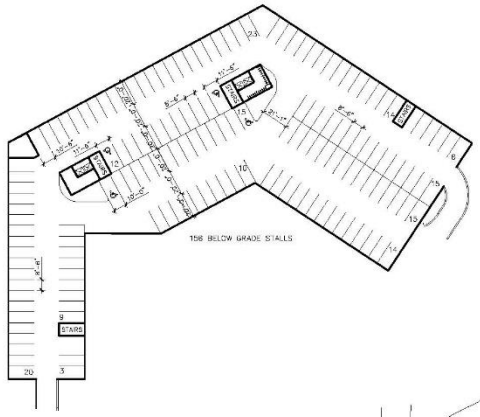
Exhibit “7” referred to in File DASZ 12/2021



AFFINITY ARCHITECTURE Inc.

180 CREEK BEND APARTMENTS
SCHEMATIC DESIGN - RENDERING
NOT TO SCALE
JUNE 4, 2021

PROGRESSIVE REAL ESTATE



UNDERGROUND PARKADE PLAN

BUILDING DESCRIPTION:

152 UNITS
5 RESIDENTIAL FLOORS
1 LEVEL OF UNDERGROUND PARKING

ZONING SUMMARY:

CURRENT ZONING DISTRICT: RR5
PROPOSED ZONING DISTRICT: RMF-M

	REQ'D	PROV'D
LOT AREA (LA):	–	±122,055 SF
DWELLING COUNT (DU):	152	153
LA/DU:	–	803
SETBACKS		
FRONT:	25'	25'
REAR:	25'	VARIES
SIDE:	16'	16'
BUILDING HEIGHT	60'	60'
PARKING COUNT	228	233
STALL/DU	1:1.5	1:1.53
ACCESSIBLE	7	8
VAN ACCESSIBLE	2	2
BICYCLE STALLS	23	24
VISITOR STALLS	24	24

LAND SUMMARY

	ACRES	S.F.
GROSS LOT AREA =	±6.439	±280,482
SEINE RIVER WATERWAY REQUIREMENT =	±3.549	±154,594

NET DEVELOPED DATA

PRE-DEDICATION =	±2.890	±125,888
DEDICATION AREA =	±0.2312(8%)	±10,071(8%)
DEDICATION CONTRIBUTION =	±0.088	±3833
PARCEL =	±2.802	±122,055
UNDER-DEDICATION PAYMENT =	±0.1432	±6,237

FLOOR	SUITE COUNT
1	31
2-4	31
5	28
TOTAL	152



180 CREEK BEND APARTMENTS

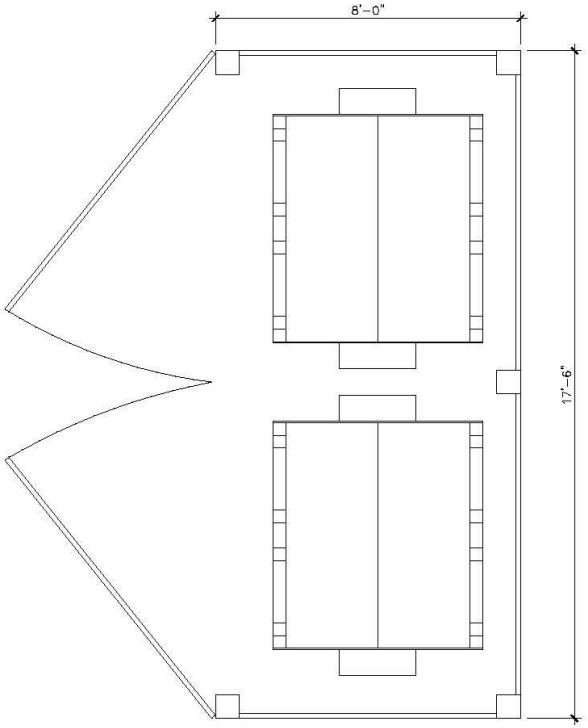
SCHEMATIC DESIGN - SITE PLAN

1" = 80'-0"

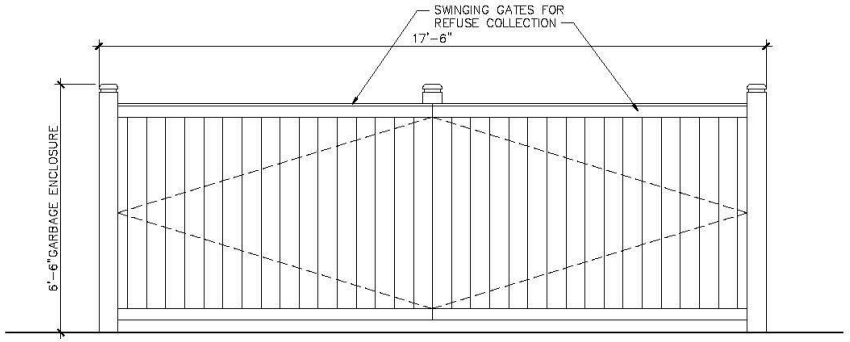
MAY 28, 2021

AFFINITY ARCHITECTURE Inc.

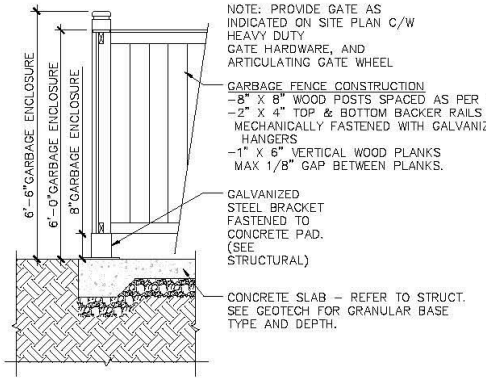
PROGRESSIVE REAL ESTATE



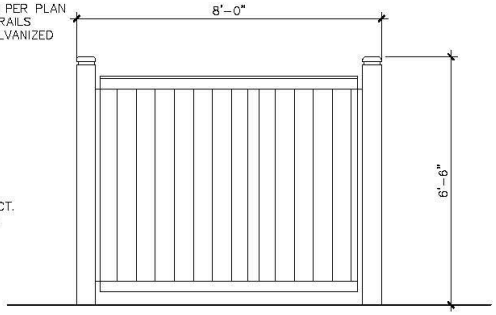
1 **ENCLOSURE PLAN**
SCALE: 3/8" = 1'-0"



2 **ENCLOSURE FRONT ELEVATION**
SCALE: 3/8" = 1'-0"



3 **ENCLOSURE FENCE DETAIL**
SCALE: 3/8" = 1'-0"



4 **ENCLOSURE TYP. SIDE ELEVATION**
SCALE: 3/8" = 1'-0"

AFFINITY ARCHITECTURE Inc
Unit 200 - 63rd Street • Winnipeg • Manitoba • R3C 1G4
Phone 204-982-6990 • info@affinityarch.com • www.affinityarch.com

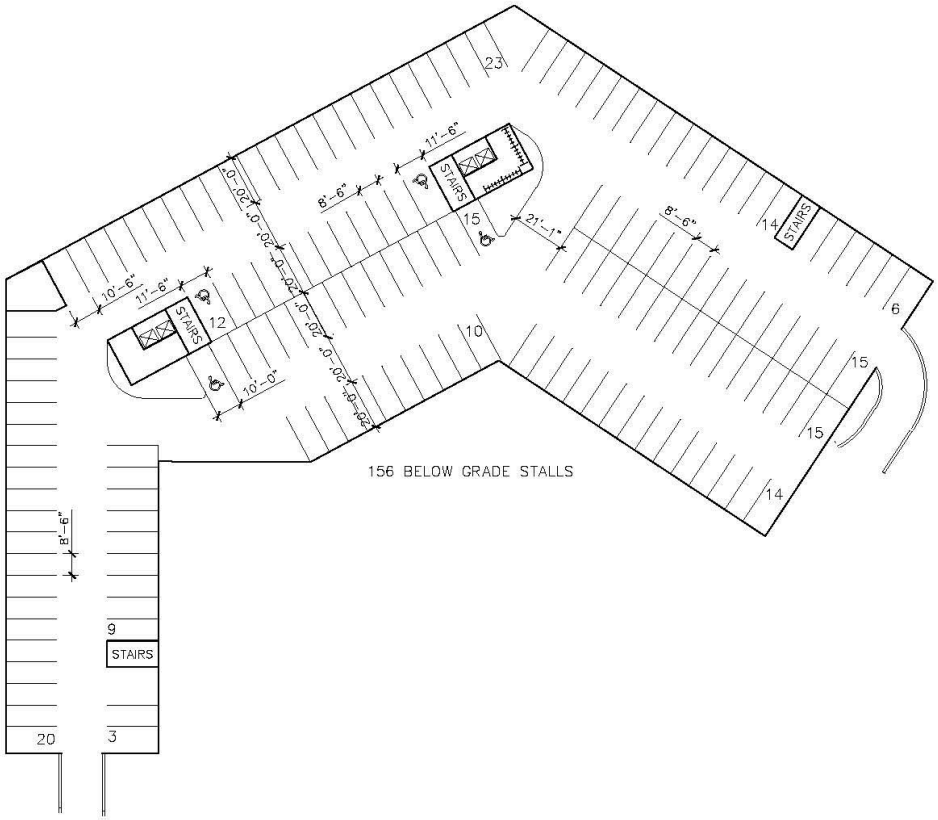
180 CREEK BEND APARTMENTS

SCHEMATIC DESIGN - GARBAGE ENCLOSURE DETAILS

3/8" = 1'-0"

MAY 27, 2021

PROGRESSIVE REAL ESTATE



AFFINITY ARCHITECTURE Inc.

180 CREEK BEND APARTMENTS

SCHEMATIC DESIGN - PARKADE PLAN

1" = 40'-0"

MAY 27, 2021

PROGRESSIVE REAL ESTATE



AFFINITY ARCHITECTURE Inc.

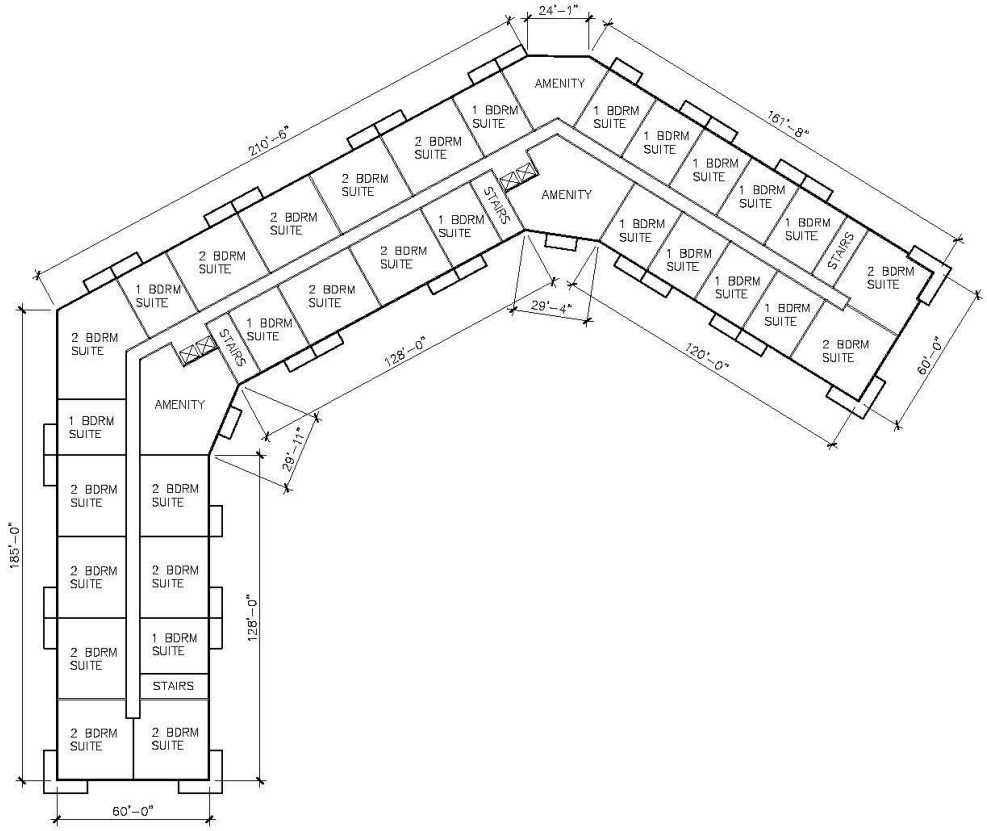
180 CREEK BEND APARTMENTS

SCHEMATIC DESIGN - FLOOR PLAN

1" = 40'-0"

MAY 28, 2021

PROGRESSIVE REAL ESTATE



AFFINITY ARCHITECTURE Inc.

180 CREEK BEND APARTMENTS

SCHEMATIC DESIGN - TYP. FLOOR PLAN

1" = 40'-0"

MAY 28, 2021

PROGRESSIVE REAL ESTATE



180 CREEK BEND APARTMENTS

SCHEMATIC DESIGN - 5TH FLOOR PLAN

1" = 40'-0"

MAY 28, 2021



NORTH



SOUTH



EAST

WEST

BUILDING FINISH LEGEND:

ACRYLIC STUCCO FINISH
- ASF-1: EIFS COLOUR 1
- ASF-2: EIFS COLOUR 2
- ASF-3: EIFS COLOUR 3 BRICKTEX PATTERN

CEMENTITIOUS SIDING FINISH
- CSF-1: WOOD-LOOK FIBRE CEMENT SIDING

PREFINISHED METAL FASCIA
- PMF-1: COLOUR & PRODUCT TBD

ALUMINUM FRAMED GLASS RAILING
- PRE-FINISHED BLACK PAINT

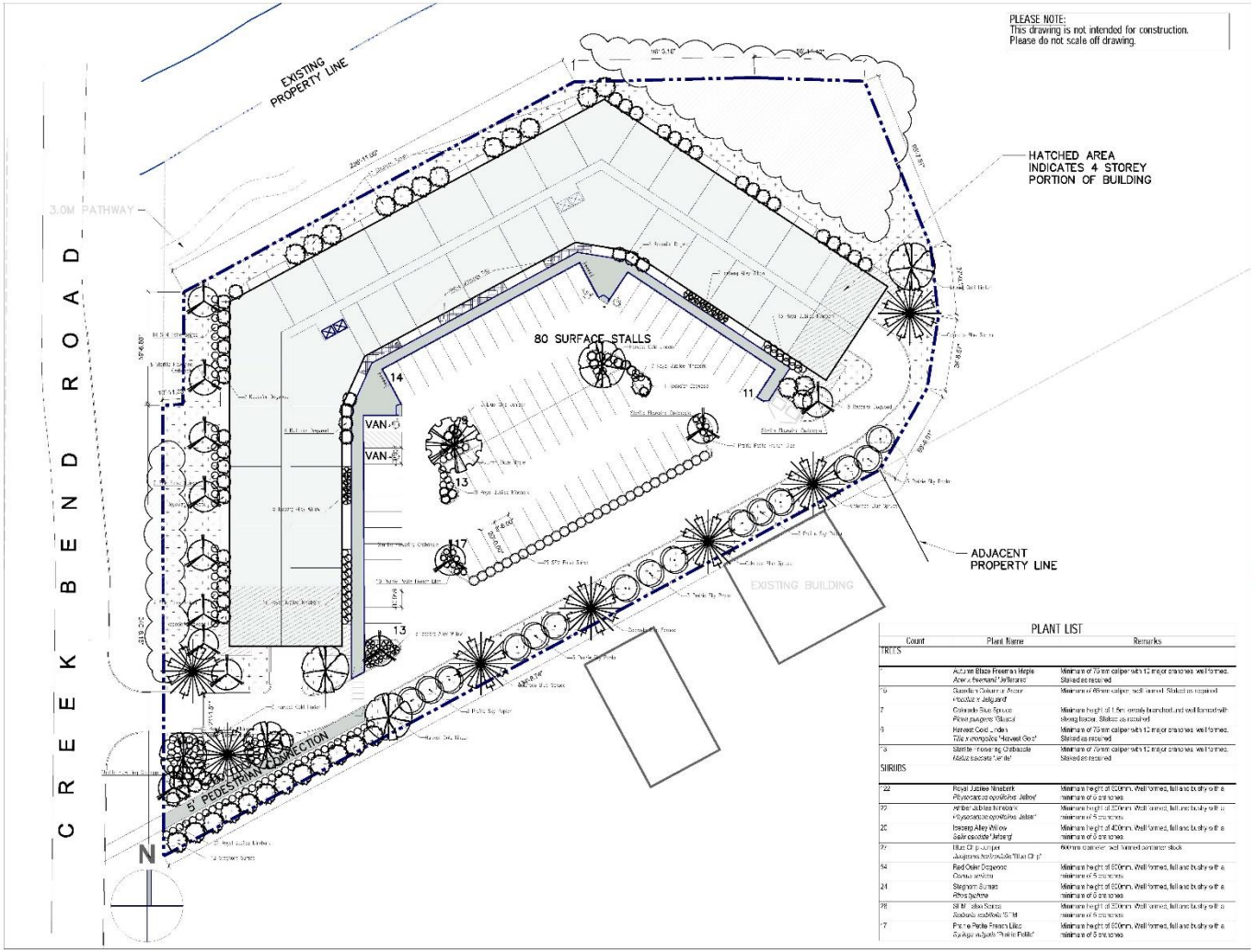
AFFINITY ARCHITECTURE Inc.
Unit 200 - 4 Fort Street • Winnipeg • Manitoba • R3C 1C4
Phone 204-982-6940 • Fax 204-453-4556 • info@affinityarch.com

Project: 180 CREEKBEND ROAD

Drawing Title: ELEVATION

Designed: BH
Drawn: BH
Date: 05/28/21
Comm. No.:

Reference Drawing No.:
Sheet No.: SK.01
Scale: As indicated



PLEASE NOTE:
This drawing is not intended for construction.
Please do not scale off drawing.

LANDSCAPING REQUIREMENTS

Street Edge Landscaping

a) 1 tree per 30 feet of frontage
b) 3 shrubs per 20 feet of frontage

Building Foundation Landscaping

c) 1 shrubs per 10 feet of frontage

All plant material to be No.1 Grade Nursery Stock, supplied and installed according to the latest edition of Canadian Nursery Landscape Association "Canadian Standards for Nursery Stock".

Minimum tree size: 1.75 inch caliper (deciduous)
6 feet (coniferous)
Minimum shrub size: 2 Gallon

Note: A number of trees are to be retained within the subject property. Exact caliper and location of trees to be preserved will be determined upon a successful DASZ application.

PLANT LIST

Count	Plant Name	Remarks
TREES		
	Autumn Blaze Freeman Maple *Acer x freemani "Jeffersred"*	Minimum of 75mm caliper with 12 major branches, well formed. Staked as required
16	Guardian Columnar Arbor *Pseudotsuga Jalgaard*	Minimum of 65mm caliper, well formed. Staked as required
7	Colorado Blue Spruce *Picea pungens "Glauca"*	Minimum height of 1.5m, evenly branched and well formed with strong leader. Staked as required
6	Harvest Gold Linden *Tilia x mongolica "Harvest Gold"*	Minimum of 75mm caliper with 12 major branches, well formed. Staked as required
13	Starlite Hawthorne Chiabacola *Malus baccata "Jerrie"*	Minimum of 75mm caliper with 12 major branches, well formed. Staked as required
SHRUBS		
22	Royal Jubilee Ninebark *Physocarpus opulifolius "Jefsey"*	Minimum height of 600mm, Well formed, full and bushy with a minimum of 5 branches
22	Amber Jubilee Ninebark *Physocarpus opulifolius "Jefsey"*	Minimum height of 300mm, Well formed, full and bushy with a minimum of 5 branches
20	Iceberg Alley Willow *Salix cascade "Jefsey"*	Minimum height of 400mm, Well formed, full and bushy with a minimum of 5 branches
27	Blue Chip Juniper *Juniperus horizontalis "Blue Chip"*	600mm diameter, well formed container stock
54	Red Osier Dogwood *Cornus sericea*	Minimum height of 600mm, Well formed, full and bushy with a minimum of 5 branches
24	Stagnum Sumac *Rhus typhina*	Minimum height of 600mm, Well formed, full and bushy with a minimum of 5 branches
28	Silver Jubilee Sumac *Sorbaria sorbifolia "Silver"*	Minimum height of 300mm, Well formed, full and bushy with a minimum of 5 branches
17	Prairie Petite Frasers Lilac *Syringa vulgaris "Prairie Petite"*	Minimum height of 600mm, Well formed, full and bushy with a minimum of 5 branches

Landmark
Planning & Design Inc.
298 Waterfront Drive
Winnipeg, Manitoba R3B 0G5
Ph: 204-453-8008

Client:
Progressive

Project Title:
180 Creek Bend

Drawing Title:
Concept Landscape Plan Rev2

Job No.: 19030	**Drawing No.:** --
Drawn: ME	**Date:** May 26, 2021
Checked:	**Scale(s):** 1" = 50' - 0"

Drawing status:
NOT FOR CONSTRUCTION

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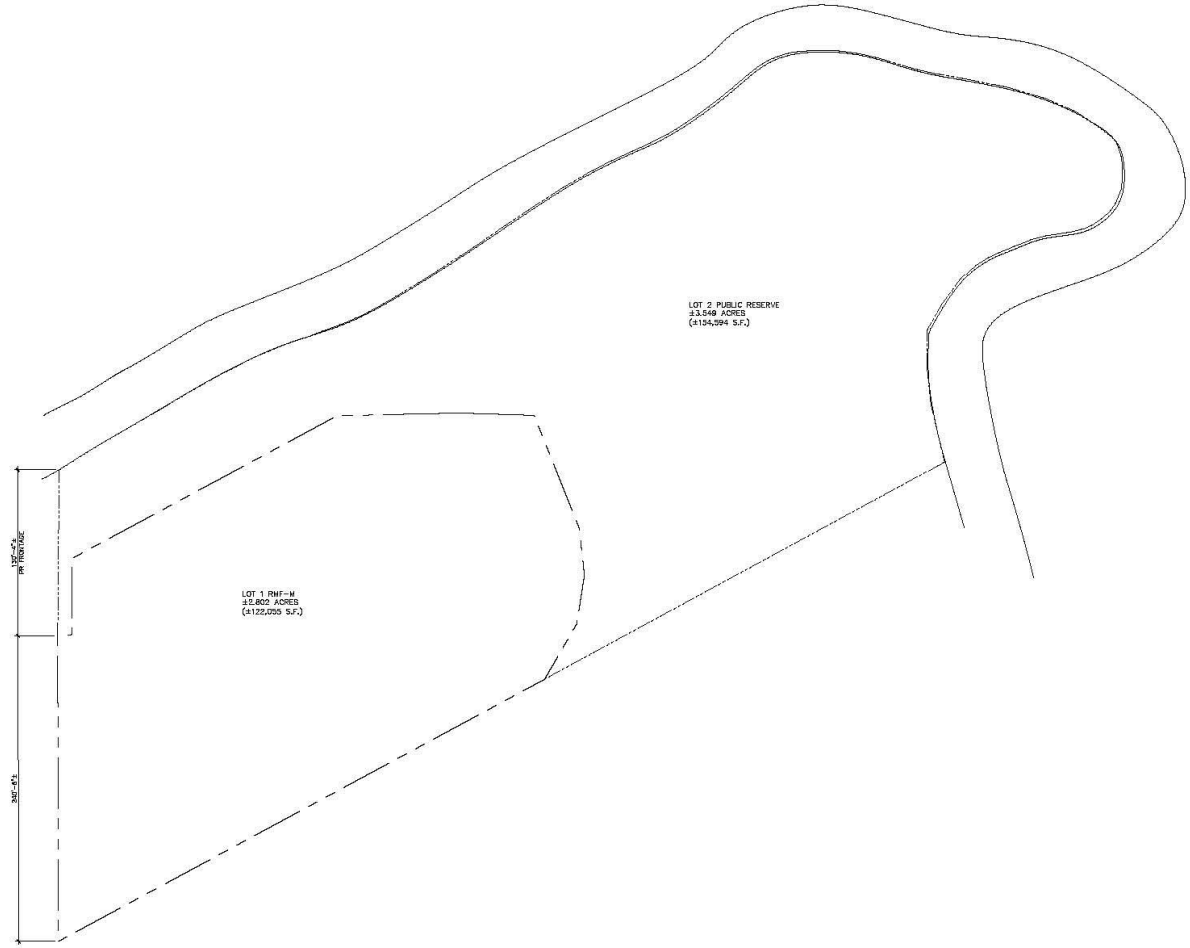
01



AFFINITY ARCHITECTURE Inc.

180 CREEK BEND APARTMENTS

SCHEMATIC DESIGN - SITE PLAN

1" = 80'-0"

MAY 21, 2021

PROGRESSIVE REAL ESTATE