Agenda – Council – July 21, 2022

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 4, 2022

Item No. 12 Subdivision – 45/55/100 Daman Farm Road and 2974 St. Mary's Road (St. Norbert-Seine River Ward)
File DAS 24/2022

STANDING COMMITTEE RECOMMENDATION:

On July 13, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the subdivision under Development Application No. DAS 24/2022 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated June 6, 2022 and attached as Schedule "A" and with the Proposed By-law attached as Appendix "B" to this report, with such changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the Developer be required to enter into a Development Agreement with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated June 10th, 2022 and attached as Schedule "B" to this report.

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

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

2. That 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. DAS 24/2022, as determined by the City's Director of Planning, Property and Development.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 4, 2022

STANDING COMMITTEE RECOMMENDATION (continued):

3. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at the next available Council meeting.

4. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if a legal plan of subdivision (the "Plan"), prepared by the Manitoba Land Surveyor in accordance with recommendations 1 and 3 of this Report, and all associated ancillary fees (the "Fees") are submitted to the City within 2 years after the By-law has been given first reading.

5. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Plan and all associated ancillary fees (the "Fees") are not submitted within 2 years after the By-law has been given first reading unless the Developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

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

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

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

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – July 4, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 13, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 4, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 22, 2022, the Riel Community Committee concurred in concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

PUBLIC HEARING SUMMARY

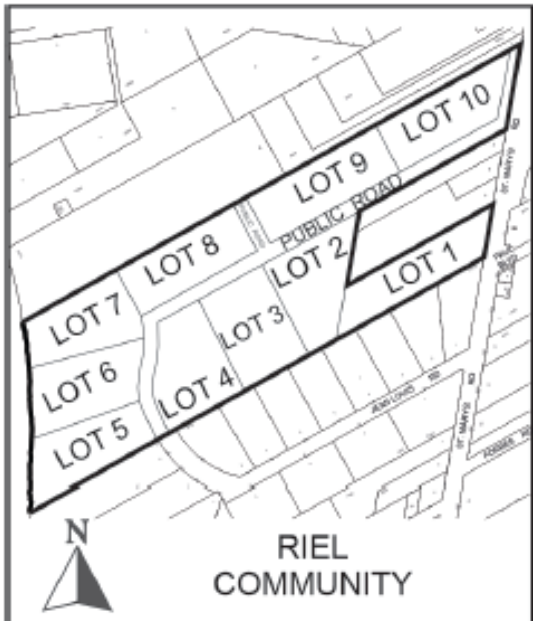
File: DAS 24/2022

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

Public Hearing: June 22, 2022
Council Building, 510 Main Street

Applicant: Landmark Planning & Design Inc. (Jeff Pratte)

Subject:



APPLICANT : Landmark Planning & Design Inc. (Jeff Pratte)
FILE : DAS 24/2022
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council to facilitate the establishment of public rights-of-way and the creation of residential lots for future development. **For information, phone E. Finnigan, Planner at 204-986-8602.**
DEMANDEUR : Landmark Planning & Design Inc. (Jeff Pratte)
N° DE DOSSIER : DAL 24/2022
PROJET : Demande d'approbation par le conseil municipal du plan de lotissement indiqué ci-dessus visant à faciliter l'aménagement d'emprises publiques et la création de lots résidentiels en vue d'un aménagement futur. **Pour obtenir des renseignements, veuillez appeler E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: 45/55/100 Daman Farm Road and 2974 St. Mary's 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: June 23, 2022

Community Committee Recommendation:

On June 22, 2022, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the subdivision under Development Application No. DAS 24/2022 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated June 6th, 2022 and attached as Schedule "A" and with the Proposed By-law attached as Appendix "B" to this report, with such changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the Developer be required to enter into a Development Agreement with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated June 10th, 2022 and attached as Schedule "B" to this report.

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

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

2. That 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. DAS 24/2022, as determined by the City's Director of Planning, Property and Development.

3. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at the next available Council meeting.

4. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if a legal plan of subdivision (the "Plan"), prepared by the Manitoba Land Surveyor in accordance with recommendations 1 and 3 of this Report, and all associated ancillary fees (the "Fees") are submitted to the City within 2 years after the By-law has been given first reading

5. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Plan and all associated ancillary fees (the "Fees") are not submitted within 2 years after the By-law has been given first reading unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

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

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

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

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

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

1. This was a contentious hearing when it came on some months ago with the multiple lots. I think the applicant having lost-out there has come back with the five-acre lots.

2. If you now say "No, that's not even good enough, any additional well is not permitted." Then really, we're acting in bad faith by even letting people go through the process. If our line is "you can't add a single new well." Then we have a lot of people holding worthless property on Christie Road and some other places.

3. That isn't our line. We haven't said no to wells period. We're not even the wells people, the Province is in control of wells and the granting of well licenses

4. I appreciate the comments and concerns made about the aquifer. We don't have the folks who appeared last time appearing today. I think this was the compromise.

5. I've knocked on doors out there on some of those streets, Olafson and Jean-Louis and there are five-acre parcels. That's the nature of how its been developed. To turn around and say we shouldn't have any development at all, I think there would be some legal implications arising from that I would certainly submit. So, I'm in favour of the five-acre lot proposal.
6. As I said before, if land was just left out there, we have this situation elsewhere. We've got it I think on Paul and Forbes where there's just some random lot, and we for sure have it at Courage Place over in the Ramblewood area, where we've just got land sitting there for 30 years and we don't do anything with it. People don't know it's a park, there's no signage saying it's a park. What's the benefit to that?

7. Even in the long term, I don't think that would be part of a larger strategy. I'd rather see the money, and we don't get as much LDR as we used to, I'd rather see the money be taken and used to benefit the public, the community. I support that aspect of the proposal.

Objections under the Charter:	Total number of **v**alid objections as per section 125(2) – 2 In accordance with section 236.1(1), the threshold for sufficient objection has not been met.
Exhibits Filed:	1. Application dated April 8, 2022 2. Notification of Public Hearing dated May 19, 2022 3. Manitoba Status of Titles 3139811/1, 3139809/1 & 1068067/1 4. Letter of authorization from Frank Spezzano to Landmark Planning & Design Inc. 5. Title Plot 6. Site Plan dated March 15, 2022 7. Plans (2 pages) 8. Report from the Urban Planning Division dated June 6, 2022 9. Inspection Report 10. Presentation titled Daman Farm – Rural Residential 5-Acre Lots from Donovan Toews, Landmark Planning & Design Inc., in support of the application 11. Communication dated June 22, 2022, from Shelley Sweeney in opposition to the application 12. Communication dated June 22, 2022, from Pam Lucenkiw, Co-Chair, OURS-Winnipeg, in opposition to the application 13. Recording of Representations

REPRESENTATIONS:

In Support:

Donovan Toews

In Opposition:

Pam Lucinkiw
Shelley Sweeney

For Information:

Nil

For the City:

E. Finnigan, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department
S. Prociuk, Project Manager, Planning, Property and Development Department

Exhibit “8” referred to in File DAS 24/2022

ADMINISTRATIVE REPORT

Title: DAS 24/2022 – Daman Farm Rd – St. Mary’s Rd

Issue: An application for consideration at the public hearing for a subdivision to create a total of ten, new rural residential lots and a road right-of-way extension.

Critical Path: Riel Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
E. Finnigan, MCP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DAS 24/2022 be approved for preparation as a plan of subdivision (the “Plan”) by a Manitoba Land Surveyor in accordance with the map dated June 6th, 2022 and attached as Schedule “A” and with the Proposed By-law attached as Appendix “B” to this report, with such changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the developer be required to enter into a Development Agreement with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated June 10th, 2022 and attached as Schedule “B” to this report.

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

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

2. That, 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. DAS 24/2022, as determined by the City's Director of Planning, Property and Development.

3. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at the next available Council meeting.

4. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if a legal plan of subdivision (the "Plan"), prepared by the Manitoba Land Surveyor in accordance with Recommendations 1 and 4 of this Report, and all associated ancillary fees (the "Fees") are submitted to the City within 2 years after the By-law has been given first reading

5. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Plan and all associated ancillary fees (the "Fees") are not submitted within 2 years after the By-law has been given first reading unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

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

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

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

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

REASON FOR THE REPORT

- The applicant is proposing to subdivide 2 existing rural residential lots into a total of 10 rural residential lots. The proposal includes the extension of Jean Louis Road resulting in a public right-of-way opening.
- Subdivision and 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 subject site will be subdivided into 10 rural residential-zoned lots and the public right-of-way will be extended consistent with the map provided in Schedule "A" of this report.

HISTORY

DASZ 29/2020

- On May 27th, 2021 Council rejected the application proposing to subdivide and rezone the subject land from Rural Residential 5 ('RR5') to Rural Residential 2 ('RR2') in order to create 23 rural residential lots ranging in size from 3.3 acres to 1.9 acres and extend the Jean Louis Road right-of-way.

CONSULTATION

In preparing this report there was internal consultation with:

- Administrative Coordinating Group (ACG).

OURWINNIPEG POLICY ALIGNMENT

City Building: Rural and Agricultural Areas policy 6.32: Designate Rural and Agricultural Areas within the Urban Structure, as non-urbanized lands suitable for agriculture, specialized agriculture, Indigenous land-based practices where possible, and supportive uses, as well as rural living that is permitted under existing, adopted secondary plans, and does not require a full range of municipal services.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Elise Finnigan, MA Planning
Date:	June 6th, 2022
File No.	DAS 24/2022

List of Schedules and Attachments

1. Appendix A Planning Discussion.

2. Appendix B — Proposed By-law.
3. Schedule 'A' — Recommended File No. DAS 24/2022 Riel Community Committee,

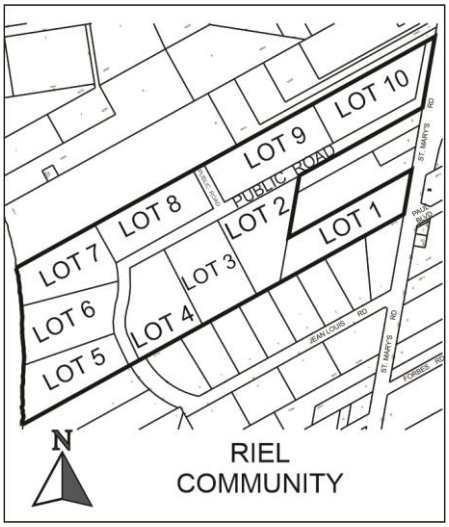
   dated June 6th, 2022.
4. Schedule 'B' — Report of the Administrative Coordinating Group – June 10th, 2022.

APPENDIX 'A'

FILE: **DAS 24/2022**
RELATED FILES:
COMMUNITY: Riel Committee
NEIGHBOURHOOD #: 5.543 - St. Vital Perimeter South neighbourhood

SUBJECT: To subdivide the land to facilitate the creation of 10 rural residential lots and the extension of the Jean Louis Road right-of-way.

LOCATION: 45 Daman Farm RD & 2974 St. Mary's RD (see map below)



APPLICANT: Jeff Pratte (Landmark Planning & Design Inc.)
298 Waterfront Dr
Winnipeg, MB R3B0G5

OWNER: A&S Construction Ltd.
300 – 900 Lorimer Blvd
Winnipeg, MB R3P 2V4

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject site is located on the west side of St. Mary's Road in the St. Vital Perimeter South neighbourhood of the St. Norbert – Seine River Ward.
- The site is approximately **57 acres in area** and comprises two separate rural residential lots zoned Rural Residential 5 ('RR5').
- The subject site is within the Rural and Agricultural Areas under *OurWinnipeg 2045* and the *Complete Communities Direction Strategy 2.0.* The site also falls under the *St. Vital Perimeter South Secondary Plan*.

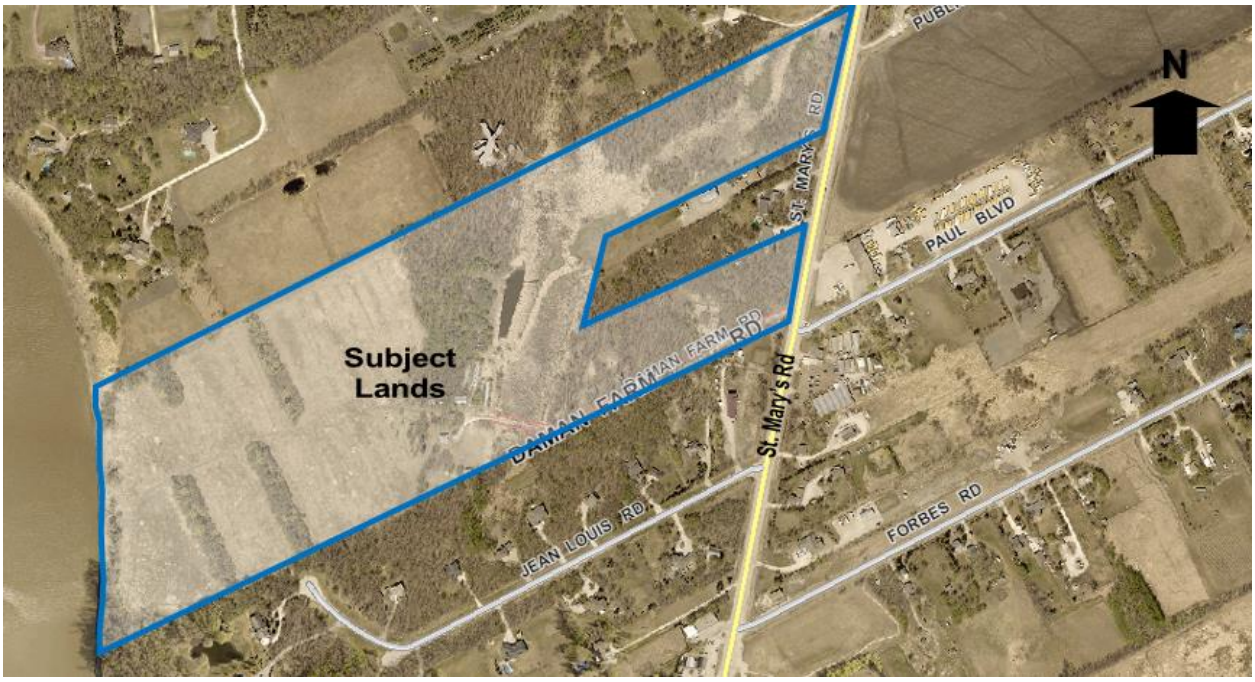


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING

North: Rural residential properties zoned Rural Residential 5 ('RR5').

South: Rural residential properties zoned Rural Residential 2 ('RR2'), and Jean Louis Road.

East: St. Mary's Road, then rural residential properties zoned Rural Residential 5 ('RR5').

West: The Red River.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the land in order to create 10 rural residential lots ranging in size from 5.0 acres to 5.6 acres. The proposal includes the extension of Jean Louis Road.
- A road stub is proposed to accommodate a future connection to the lands located to the north.
- The proposal also includes a widening of the St. Mary's Road right-of-way in order to accommodate a connection to the new alignment of PR 200 as proposed under the St. Mary's Road/Perimeter Highway Interchange project.

COLLABORATION

With the Public Service

- The Public Service has been in communication with the applicant about the proposed development since an initial pre-application submission beginning around November 2019 as well as via subsequent emails and meetings.
- Through the pre-application, the Public Service indicated that it would not be supportive of lot sizes smaller than 5 acres due to serious concerns identified in the *St. Vital – Perimeter South Hydrogeological Assessment Report* from 2004 about the sustainability of the aquifers in the area and the potential of saline contamination resulting from additional development.
- Following the pre-application and with full knowledge of the Public Service's position, the applicant proceeded with DASZ 29/2020 which proposed to subdivide and rezone the subject land from Rural Residential 5 ('RR5') to Rural Residential 2 ('RR2') in order to create 23 rural residential lots ranging in size from 3.3 acres to 1.9 acres as well as extend the Jean Louis Road right-of-way. DASZ 29/2020 was rejected by Council on May 27th, 2021.
- Following the rejection of DASZ 29/2020, the applicant approached the Public Service with the subject proposal. The Public Service indicated support of the proposal noting all of the proposed lot sizes are 5 acres or larger.

With the Public

- The applicant undertook a public engagement process including meetings with residents living in the St. Vital Perimeter South neighbourhood.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0:

- The *Complete Communities Direction Strategy 2.0* (*CCDS 2.0*) is a citywide secondary plan that guides growth, development, and land use in the city of Winnipeg.
- The subject property is located in a "Rural and Agricultural" Policy Area in Complete Communities' Urban Structure map. Rural and Agricultural areas are large tracts of undeveloped land that currently support a mix of agricultural and rural residential uses within city limits.

- With regard to this proposal, the key policy guiding the development of Rural and Agricultural areas includes*:*

  Policy 2.1: *Require a minimum site area of 16 hectares (40 acres) except where an applicable statutory plan allows a smaller site, or to facilitate the consolidation or reconfiguration of land into larger holdings.*

  Policy 2.2: *Subdivision in areas not covered by an applicable statutory plan shall not result in an increase in the number of buildable lots.*

ST. VITAL PERIMETER SOUTH SECONDARY PLAN

- The subject site falls under the *St. Vital Perimeter South Secondary Plan By-law No. 1735/77*.
- The *St Vital Perimeter South Secondary Plan* allows for the subdivision of land in unserviced areas and establishes minimum parcel sizes, and appropriate servicing criteria, with the exception of lands located in “Hazard Areas.” “Hazard Areas” include lands that are “subject to hazardous conditions like flooding or transitional areas between bodies of saline and potable water” (Section 3). Specifically, section 3.2 (a) states:

  3.2 Groundwater

  (a) To protect the potable groundwater resources in the Action Area by not approving development which may cause appreciable adverse effects upon the quality or quantity of potable groundwater and by limiting groundwater withdrawal through the arrangement and maintenance of appropriate development densities.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

ZONING

- The lands are zoned Rural Residential 5 ('RR5'). The RR5 district is intended to provide areas for large-lot rural residential development, along with limited agricultural uses. The RR5 district requires: a minimum lot width of 300 feet, a minimum lot area of 5 acres, side yards of 25 feet, a front yard of 25 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30%.

Reason for the Subdivision

The applicant is proposing to subdivide the land in order to create 10 rural residential lots ranging in size from 5.0 acres to 5.6 acres as well as extend the Jean Louis Road right-of-way into the new subdivision.

COMPATIBILITY WITH SECONDARY PLAN AND SURROUNDING NEIGHBOURHOOD

- The City's Water and Waste Department provided the following comments on the proposal submitted under DASZ 29/2020:

  'Due to the sensitive nature of the ground water aquifer, especially in the area between St. Mary's Road and the Red River, our department recommends that lot sizes be restricted to 5 acres or larger and used only for residential purposes. Water and Waste would not support 2 acre lot configurations.'

- Concerns regarding the groundwater in the area were originally addressed in the *St. Vital – Perimeter South Hydrogeological Assessment Report* from 2004 (the Report) which identified concerns about the sustainability of the aquifers in the area and the potential of saline contamination resulting from additional development. To prevent the risk of salt water infiltration in the aquifers, the Report recommended lot sizes be restricted to 5 acres or larger. The larger lot sizes are recommended to limit the number of private wells drawing water from the aquifer.

- When the *St. Vital Perimeter South Secondary Plan* was originally adopted the subject lands were identified as being located under the Medium Density Rural Residential Policy Area where minimum lot sizes of 2 acres and minimum lot widths of 180 feet are permitted. With the concerns identified in the Report and by the Water and Waste Department, the direction provided under the Hazard Areas Policy Area under the Secondary Plan applies which allows for the restriction of development in order to protect potable groundwater resources.

- The lot sizes proposed under the subject application are all 5 acres or larger. As such, the proposal is consistent with the recommendation as outlined in the *St. Vital – Perimeter South Hydrogeological Assessment Report* and by the City's Water and Waste Department. For this reason, the Public Service is recommending approval of the subject application.

SERVICING AND ACCESS

- Servicing requirements must be developed in accordance with the attached Report of the Administrative Working Group (see Schedule 'B').

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg. As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes. The amount of land is not less than 10%. The developer is to provide land or 'cash in lieu' as determined by the Public Service.
- Parks is seeking cash-in-lieu for this application. Parks assessed proposed park land dedication for the subject site on two previous occasions as well as under the current application. Cash-in-lieu has been recommended for all applications with the expectation that funds can be used to enhance parks in the vicinity to the benefit of these residents as well as the residents in the greater area. A recent assessment of the natural area was conducted and the overall grade is considered B/C, with some areas in better condition than others. While this overall grade is considered good, by City standards, several factors have informed Parks' recommendation to seek cash-in-lieu:
- A Pre-Application was received in 2019, which proposed to dedicate Public Reserve lands running the length of riverbank with no public access. Parks determined that the proposed dedication was not a priority as there is no expectation of a linear park network in this location and the proposed Public Reserve was not serving the greater community. Additionally, with limited Parks staff access to riverbank Public Reserve, for monitoring and maintenance purposes, there was concern the land would become subject to encroachment by adjacent properties.
- Parks considered other park dedication configurations for the application area, including setting aside land with natural features and/or providing a riverbank window park at the north limit of the site, with public road access and with consideration to the potential for connectivity to the north should that area be developed at a future date. However, Parks did not foresee the demand for a dedicated neighbourhood park at this location. Mountbatten Park is within 400m of the east limit of Daman Farm Road and provides over 4 acres of open park space for residents in the area. Given the large residential lots sizes, it was anticipated that residents would also have access to natural features and open space within their own properties. As well, disturbance and fragmentation of the existing natural areas within the subject site, due to the subdivision of the lots and construction of the access road, reduces and impacts what could actually be preserved.

RECOMMENDATION

The Public Service recommends **approval with conditions** for the following reasons:

- The proposal is consistent with the direction provided in the Hazard Areas Policy Area under the *St. Vital Perimeter South Secondary Plan* which allows for the restriction of development in order to protect potable groundwater resources. To protect the groundwater aquifer, the *St. Vital – Perimeter South Hydrogeological Assessment Report* and by the City's Water and Waste Department recommend that lot sizes be restricted to 5 acres or larger. The proposed lot sizes are 5 acres or larger which is consistent with this recommendation.

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

Schedule “A” for File No. DAS 24/2022, Riel Community Committee, dated June 6th, 2022.

By-Law No. _____

File No. **DAS 24/2022**

Atlas Sheet No. **AO25**

N

RIEL COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below on the land located at 45/55/100 Daman Farm Road and 2974 St. Mary's Road to facilitate the establishment of public rights-of-way and the creation of residential lots for future development.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION OF LAND LOCATED AT 45, 55 AND 100 DAMAN FARM ROAD AND 2974 ST. MARY'S ROAD

It is recommended that approval of DAS 24/2022, if granted, be subject to the applicant entering into a Development Agreement containing the following conditions:

Section I – Plan Considerations

1) The Developer shall, at no expense to the City, legally open property required for a minimum 24.0m wide right-of-way in the proposed Public Roads within the Planned Area, with a possible transition and/or centered between the existing property lines of Jean Louis Road, including but not limited to corner cuts, if required, and slight adjustments to the proposed rights-of-way, all to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, legally open the existing 0.3m control strip separating the Planned Area from Jean Louis Road for the length of the Planned Area abutting Jean Louis Road.

3) The DRAFT Legal Plan must be submitted to the Public Works Department with the appropriate construction details for review and approval by the Public Works Department, prior to the registration of Mylars.

Section II – 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 Developer shall provide a technical memorandum, prepared by a qualified municipal engineer, which shall outline the provision of ditches, including an outfall, for land drainage servicing of the Planned Area and adjacent lands, as determined by and to the satisfaction of the Director of Water and Waste.

Section III - Servicing Conditions

1) Lot Servicing

The water and wastewater sewer services for the Planned Area shall be private. The City shall not extend, and the Developer shall not ask the City to extend, municipal wastewater sewers or water mains to service the Planned Area.

2) Lot Grading

a) The Developer shall, at no expense to the City and prior to the execution of the servicing agreement, provide a lot grading plan for the Planned Area, prepared by a municipal engineer, to the satisfaction of the Director of Water and Waste.

b) The Developer shall, at no expense to the City, construct all drainage works necessitated by the lot grading plan of record to the satisfaction of the Director of Water and Waste.

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

3) Flood Proofing

All construction works must be in accordance with flood proofing criteria, to the satisfaction of the Director of Water and Waste.

4) Remove and Restore

a) The Developer shall, at no expense to the City, remove and restore the existing turnaround at the north limit of Jean Louis Road, and all related works, including but not limited to realigning the existing ditch, reconnecting existing private approaches and restoration of the existing boulevard areas, all as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, extend Jean Louis Road and all related works, as required outside the Planned Area to connect to Jean Louis Road, as determined by and to the satisfaction of the Director of Public Works.

c) The Developer shall, at no expense to the City, construct (or pay the costs to construct) the required roadworks and all related works, including but not limited to removal of required infrastructure within St. Mary's Road to tie into the St. Mary's Road project being undertaken by Manitoba Transportation and Infrastructure, street lighting, boulevard landscaping, and land drainage sewer, if required, all as determined by and to the satisfaction of the Director of Public Works.

5) Public Roads

a) The Developer shall, at no expense to the City, construct rural cross-section asphaltic concrete roadways, in the proposed public roads within the proposed subdivision, and all related works, including but not limited to street lighting and boulevard landscaping, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct ditches in accordance with the accepted technical memorandum, to the satisfaction of the Director of Water and Waste and the Director of Public Works.

c) The Developer shall, at no expense to the City, construct an outfall in accordance with the accepted technical memorandum, to the satisfaction of the Director of Water and Waste.

d) The Developer shall grant to the City, at no expense to the City, any easements deemed necessary in respect of the ditches and outfall, as determined by and to the satisfaction of the Director of Water and Waste.

6) Caveat

The Developer shall be required for itself, its successors and assigns to covenant with the City to cut and maintain all areas within the landscaped street right-of-way adjacent to each lot between the travelled road surface and the property line to the satisfaction of the Director of Public Works, which covenant shall be registered in the Land Titles Office by caveat against each lot within the proposed subdivision.

7) Temporary Dead-End Street

a) The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of each temporarily dead-ended street within the Planned Area, and provide to the City any rights-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

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

8) Two Means of Vehicle Access

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

9) Street Name Signs

The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs to be installed at all new street intersections being created as a result of the subdivision.

10) Utilities

a) The Developer shall, at no expense to the City, cause to be installed ornamental street lights in all streets within the Planned Area, to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the 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.

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

11) Construction Traffic

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

12) 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.

13) 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 Winnipeg Land Titles Office.

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.

Section IV – 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. DAS 24/2022
June 10, 2022

"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.

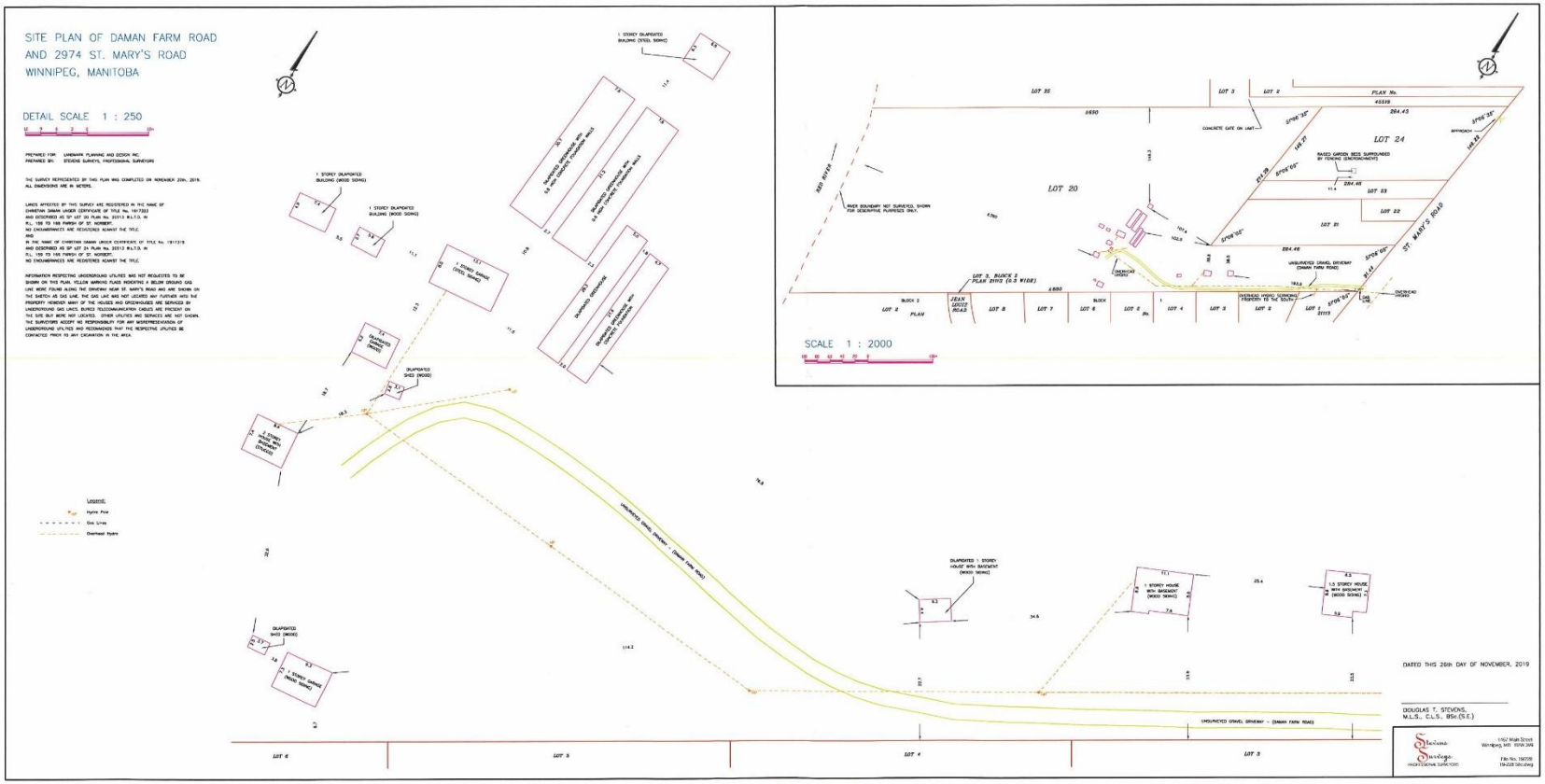
Land Development Branch
Planning, Property and Development Department

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

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

Exhibit “7” referred to in File DAS 24/2022




SITE PLAN OF DAMAN FARM ROAD
AND 2974 ST. MARY'S ROAD
WINNIPEG, MANITOBA
DETAIL SCALE 1 : 250
SCALE 1 : 2000
LOT 20
LOT 24
ST. MARY'S ROAD
DATED THIS 26th DAY OF NOVEMBER, 2019
DOUGLAS T. STEVENS,
M.L.S., C.L.S., BSc.(S.E.)