Minute No. 750
Report – Executive Policy Committee – September 14, 2022

Item No. 25 **Subdivision and Rezoning – Southeast Corner of Robert Bockstael Drive and Warde Avenue**
(St. Vital Ward)
File DASZ 32/2022

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the subdivision under Development Application No. DASZ 32/2022 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 11, 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:

    A. That the Developer be required to enter into an addendum to Development Agreement File No. AG 3/11, 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 11, 2022 and attached as Schedule "B" to this report.

    B. That the City enter into, execute and deliver with the developer an addendum to Development Agreement File No. AG 3/11, 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 addendum to 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 the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R1-M" Residential Single-Family (Medium) District as shown on the map dated August 11, 2022 and included within Schedule "A".

Report – Executive Policy Committee – September 14, 2022

COUNCIL DECISION (continued):

3. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 32/2022, as determined by the City's Director of Planning, Property and Development.

4. 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.

5. 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

6. 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.

7. That the subdivision section of the By-law will come into force when the addendum to Development Agreement File No. AG 3/11, is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

8. That the zoning section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

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 is enacted unless the Developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

Report – Executive Policy Committee – September 14, 2022

COUNCIL DECISION (continued):

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

Report – Executive Policy Committee – September 14, 2022

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 14, 2022, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On August 30, 2022, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

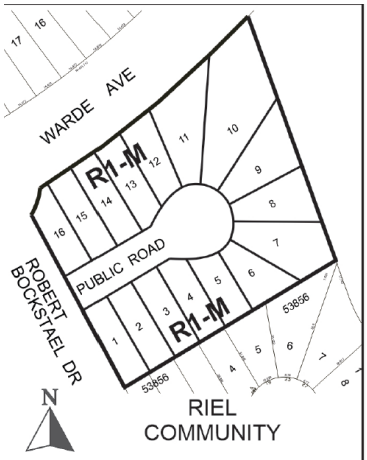
File: DASZ 32/2022

Before: Riel Community Committee
Councillor Chambers, Chairperson
Councillor Mayes

Public Hearing: August 30, 2022
Council Building, 510 Main Street

Applicant: Qualico Homes (Dave Jopling)

Subject:



APPLICANT : Qualico Communities (Dave Jopling)
FILE : DASZ 32/2022
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 "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to facilitate the establishment of residential lots and a public right-of-way. **For information, phone S. Jerez, Planner at (204)986-7175.**

DEMANDEUR : Qualico Communities (Dave Jopling)
N° DE DOSSIER : DALZ 32/2022
PROJET : Demande d'approbation par le conseil municipal du plan de lotissement délinéé ci-dessus et proposition de modification du *Zoning By-law No. 200/2006* (règlement municipal sur le zonage) visant à modifier le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie RMF-S (secteur de petites habitations multifamiliales) à la catégorie R1-M (secteur d'habitations unifamiliales moyennes) en vue de faciliter l'aménagement de lots résidentiels et d'une emprise publique. **Pour obtenir des renseignements, appelez S. Jerez, urbaniste, au 204-986-7175.**

Premises Affected: Southeast corner of Robert Bockstael Drive and Warde Avenue

For submission to: Executive Policy Committee

Prepared by: Rebecca Ford, Committee Clerk
Riel Community Committee

Report date: August 31, 2022

Community Committee Recommendation:

On August 30, 2022, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the subdivision under Development Application No. DASZ 32/2022 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 11, 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:

    A. That the Developer be required to enter into an addendum to Development Agreement File No. AG 3/11, 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 11, 2022 and attached as Schedule "B" to this report.

    B. That the City enter into, execute and deliver with the developer an addendum to Development Agreement File No. AG 3/11, 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 addendum to 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 the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R1-M" Residential Single-Family (Medium) District as shown on the map dated August 11, 2022 and included within Schedule "A".

3. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 32/2022, as determined by the City's Director of Planning, Property and Development.

4. 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.

5. 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

6. 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.

7. That the subdivision section of the By-law will come into force when the addendum to Development Agreement File No. AG 3/11, is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

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11. 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. I was frankly unaware of the sewage capacity issue. While the density might be slightly reduced on this package, if you go through the report its been increased on the west of Bockstael so it actually does hang-together a bit better the way its now going to be laid out.

2. If you could see south of what I'm hoping will be Jontz Cove here, there are two other very similar cul-de-sacs because it abuts in to the Hydro right-of-way corridor. You couldn't go through if you wanted to, these have to be cul-de-sacs.

3. A very creative way of frankly, creating a new street and some more density in an area we've had a lot of debates over in Sage Creek over the years trying to densify. This is what appears to be… not down-zoning, its not as dense as originally planned, that is true…but its because the area across the street more than compensates for that.

4. Its in keeping with the neighbourhood. This phase continues to grow so Sage Creek continues to evolve. As you saw earlier today, we've got a good mix of multi-family going in. In keeping with that, this is single-family, but I don't think that's out of line with the neighbourhood as a whole.

Objections under the Charter:

Total number of **v**alid objections as per section 125(2) – 0

In accordance with section 236.1(1), the threshold for sufficient objection has not been met.

Exhibits Filed:

1. Application dated May 20, 2022
2. Notification of Public Hearing dated July 19, 2022
3. Manitoba Status of Title 2598738/1
4. Caveat 4224942/1
5. Lot Width and Area Calculations dated May 5, 2022
6. Plans (1 page)
7. Report from the Urban Planning Division dated August 11, 2022
8. Inspection Report
9. Communication dated August 25, 2022 from Ben McGillivary in support of the application
10. Presentation titled Sage Creek – Phase 6C Subdivision and Rezoning DASZ 32-2022 from Bryan Ward in support of the application
11. Recording of representations

REPRESENTATIONS:

In Support:

Bryan Ward
Bob Hinkelman
Ben McGillivary

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit "7" referred to in File DASZ 32/2022

ADMINISTRATIVE REPORT

Title: DASZ 32/2022 – Southeast Corner Robert Bockstael & Warde Avenue

Issue: An application for consideration at the public hearing to subdivide and rezone 3.2 acres to establish sixteen (16) "R1-M" zoning lots in Sage Creek.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
S. Jerez, MCP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 32/2022 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated August 11, 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:

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2. That, the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R1-M" Residential Single-Family (Medium) District as shown on the map dated August 11, 2022 and included within Schedule "A".

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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 and rezone the subject 3.2 acre site to "R1-M" Residential Single-Family (Medium) District to facilitate the establishment of sixteen (16) residential building lots and a right-of-way cul-de-sac.

- 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 and rezoned consistent with the map provided in Schedule "A" of this report.

HISTORY

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

- In April 2005, the Standing Policy Committee on Property and Development identified the South St. Boniface Area Structure Plan as a priority project within the Planning, Property and Development Department's 2005 Secondary Plan Work Program. The department implemented a collaborative planning process in partnership with Qualico Developments and their consulting team to prepare the area structure plan. This process also included close consultation with all affected City departments to address any issues related to the development of the subject lands and to ensure that the City's requirements were incorporated into the plan's policies.
- On September 28, 2005, Council gave first reading to By-law 158/05 to adopt the South St. Boniface Area Structure Plan as a Secondary Plan for 918 acres of land bounded by the Bishop Grandin Boulevard extension to the north, Lagimodiere Boulevard and the Island Lakes residential community to the west, the Perimeter Highway to the south and Plessis Road (the City Boundary) to the east; and directed that the Riel Community Committee conduct a public hearing respecting the proposed by-law and plan. It was ultimately passed by Council November 23, 2005.
- On June 22, 2011, Council recommended approval for the subdivision and rezoning of a 71 acre site in Sage Creek from RR5 to blocks zoned R1-M, R1-S, RMF-S, and PR1 under file DASZ 3/2011 (Sage Creek Phase 6), under which the subject site was created.

CONSULTATION

In preparing this report there was internal consultation with:

- Administrative Coordinating Group (ACG)

OURWINNIPEG POLICY ALIGNMENT

01-1a OurWinnipeg's Approach to City Building

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

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.

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.

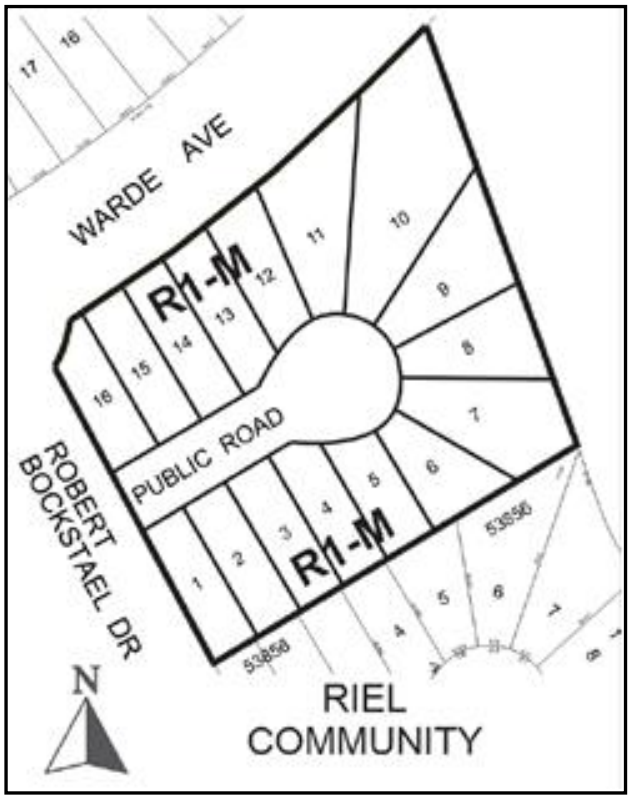
SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Simi Jerez, MCP
Date:	August 11, 2022
File No.	DASZ 32/2022

1. Appendix A — Planning Discussion.
2. Appendix B — Proposed By-law.
3. Schedule “A” — Recommended File No. DASZ 32/2022 Riel Community Committee, dated August 11, 2022.
4. Schedule “B” — Report of the Administrative Working Group – August 11, 2022.

APPENDIX 'A'

FILE:	**DASZ 32/2022**
RELATED FILES:	
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	5.553 – Sage Creek Neighbourhood
SUBJECT:	To subdivide and rezone 3.2 acres in Sage Creek to "R1-M" Residential Single-Family (Medium) District to facilitate the establishment of sixteen (16) residential building lots and a right-of-way cul-de-sac.
LOCATION:	Southeast Corner of Robert Bockstael Drive and Warde Avenue (see map below)



APPLICANT:	David Jopling (Sage Creek Development Corporation) 1 Dr. David Friesen Dr Winnipeg, MB R3X 0G8
OWNERS:	Sage Creek Development Corporation 1 Dr. David Friesen Dr Winnipeg, MB R3X 0G8

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject plan area is located at the southeast corner of Warde Avenue and Robert Bockstael Drive, in the Sage Creek neighbourhood of the St. Vital Ward.
- The 3.2 acre plan area is currently vacant.
- The site is zoned "RMF-S" Residential Multi-Family Small and is located within the Established Neighbourhoods – Recent Communities Policy Area under the *Complete Communities Direction Strategy 2.0*.
- The site is also located within the Residential Policy Area under the *South St. Boniface Secondary Plan*.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2021)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Warde Avenue and residential uses zoned Residential Single Family Medium ('R1-M').

South: Residential uses zoned Residential Single Family Medium ('R1-M') with frontage on Redpoll Place.

East: Park space and Active Transportation Corridor zoned “PR1” Parks and Recreation 1, then residential uses zoned Residential Single Family Medium (‘R1-M’).

West: Robert Bockstael Drive, then residential lots zoned Residential Single Family Medium (‘R1-M’) and Residential Two Family (‘R2’) .



Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the subject site from “RMF-S” Residential Multi-Family Small to “R1-M” Residential Single-family (Medium) to establish sixteen (16) single-family residential lots and a right-of-way cul-de-sac.

COLLABORATION

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

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The *Complete Communities Direction Strategy 2.0* (*CCDS 2.0*) 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 located in an "Established Neighbourhoods – Recent Communities" policy area as outlined in *CCDS 2.0*. The Vision for Established Neighbourhoods is for them to continue to evolve as complete communities to increase the diversity of housing choices, improve housing affordability, and more efficiently use land, infrastructure and services.
- With regard to this proposal, the key goals and policies guiding the development of Established Neighbourhoods include:

  1.0 Encourage compatible residential development within Established Neighbourhoods to build more Complete Communities and align with the City's residential intensification target.

  1.1 Encourage residential development that positively contributes to neighbourhood character while expanding housing options for residents in a manner that is sensitive and complementary to existing development.

  1.2 Increase the population within Established Neighbourhoods to contribute to the physical renewal and revitalization of older neighbourhoods.

  1.5 Support up to mid-rise residential development in Established Neighbourhoods that is compatible with neighbourhood context.

  2.0 Design new development in Established Neighbourhoods to a high standard of urban design and construction to ensure new development adds value to public and private urban spaces to create a sense of place and civic pride.

  2.1 Single-family buildings should have setbacks that respect existing building alignments on a street. Setbacks should provide adequate space for tree growth and open space.

  2.4 Encourage the use of high-quality, energy efficient, and durable exterior building facade materials.

  2.5 Encourage a variety of architectural styles.

  2.6 Encourage building design to include a range of architectural features that create visual interest and positively contribute to the visual aesthetics of the street and neighbourhood.

  2.7 Single-family buildings should relate to the street on which they are located through the use of design elements, which may include, but are not limited to, the following:

  a. Front doors facing the public street;

  b. Thoughtful window placement;

  c. Architectural features such as porches, awnings and dormers; and

  d. A variety of exterior building façade materials.

  2.9 Buildings with multi unit residential uses should be designed to support pedestrian activity and reinforce the public realm through thoughtful use of architectural features which may include, but are not limited to, the following:

  a) Window placement that supports passive surveillance;

  b) Unit entrances with direct access to the street;

  c) Front porches;

d) Balconies;

e) Awnings;

f) Lighting; and

g) Height of primary entrances

2.10 Discourage building designs that orient the back of the building to the street.

2.12 New development should respect and complement the existing character of the built form of surrounding properties.

2.13 Where appropriate, taller buildings should use step backs and roof design to mitigate negative impacts on adjacent properties and provide a more comfortable pedestrian environment.

2.14 Avoid buildings that create long blank walls facing public streets.

2.15 Encourage the use of architectural features to articulate building walls in order to mitigate the impact of new building mass.

2.21 Site design should take cues from the character of the neighbourhood or street and should mitigate the potential for land use conflict with adjacent properties that have different scales, densities and uses. Parking location (motor vehicle and bicycle), vehicular access, servicing elements, building placement and landscaping treatment will be important design elements to ensure context-sensitive design.

2.22 Create or reinforce compact, pedestrian-oriented urban development patterns by ensuring the siting, form and scale of new development has a strong relationship to the street, public spaces and amenities in a way that is consistent with neighbourhood context.

- The proposal to locate single-family housing on the subject site is consistent with the existing development.

SOUTH ST. BONIFACE AREA STRUCTURE PLAN (SECONDARY PLAN)

- The subject site is located within the Residential Policy Area of the *South St. Boniface Secondary Plan* as identified in the Plan. Relevant policies to this application include:

5.1.2 Residential Area Policies

1) Composition of Residential Area

(a) Subject to the policies of this Plan,

(i) single family and two family residential uses shall be the predominant use of land within the Residential Area

(ii) alternative housing forms, including multi-unit and special needs housing, institutional uses, recreational uses, public uses, and local commercial sites, and other similar and accessory uses to the above, may be allowed within the Residential Area where determined to be compatible and appropriate, and

(iii) open space shall be provided throughout the Residential Area to meet the active and passive recreational needs of residents.

2) Transit Service to the Residential Area

The Residential Area shall:

(i) be served by public transit, and

(ii) contain transit bus stops within a five-minute (400-metre) walking distance from most homes.

- Under the initial subdivision and rezoning approved for this site in 2011 (File No. DASZ 3/2011), the subject site was part of a neighbourhood node. Under DASZ 9/2020, the adjacent site west of Robert Bockstael was rezoned. In order to meet the 'Neighbourhood Node' density requirements of the *South St. Boniface Area Structure Plan* (which stipulate 10 units per acre immediately adjacent to a transit stop), the applicant provided, within the proposed 'R2' and 'R1-S' portions near the transit stop on Warde Avenue, a total of 48 units over 4 acres, for a density of 12 units per acre (see Figure 3 for a plan showing the Neighbourhood Node concept with proposed densities), satisfying the density requirement for the node. The subject site was removed from the node and is not considered in calculating the required node density.

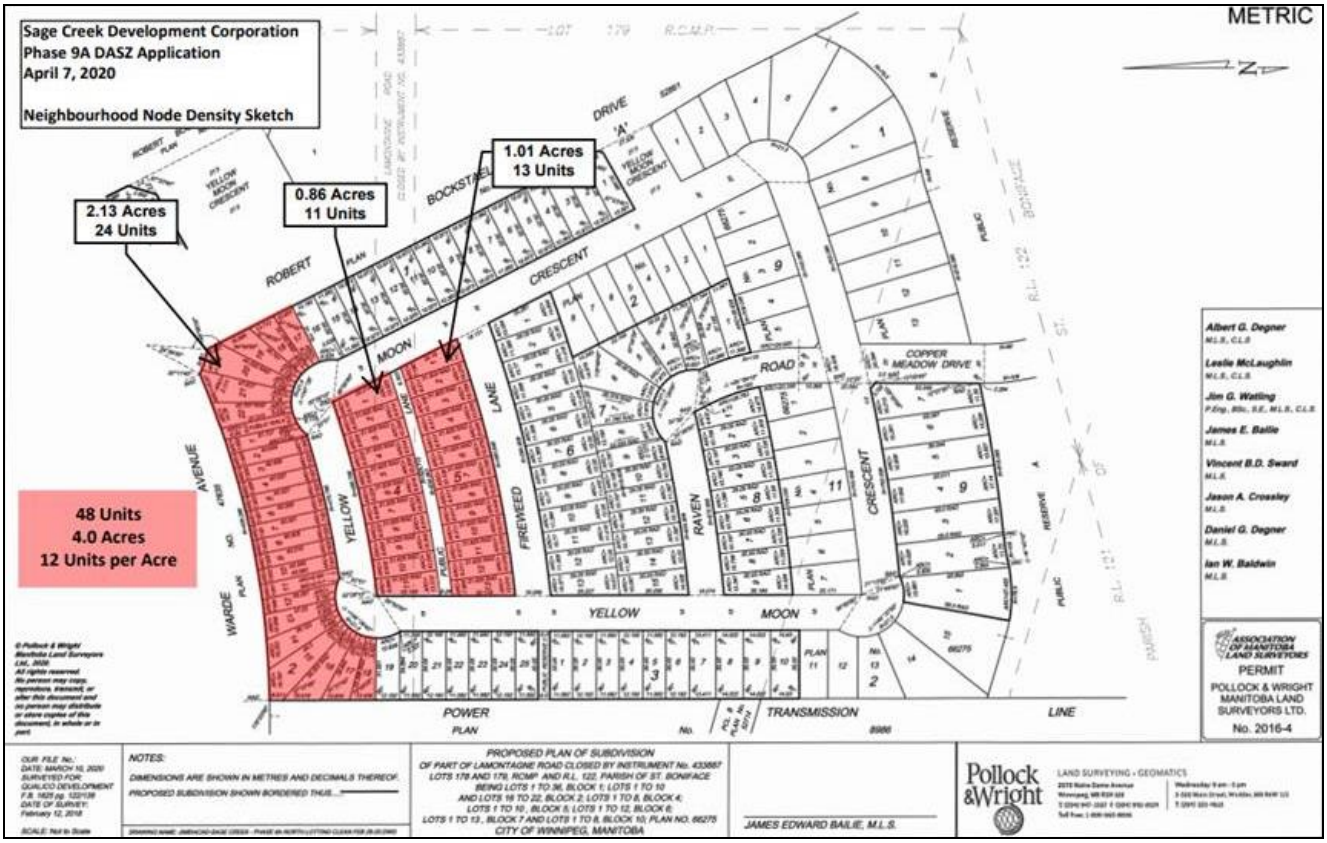


Figure 3: Proposed Neighbourhood Node Density Sketch

CITY OF WINNIPEG ZONING BY-LAW 200/2006

"RMF-S" Residential Multi-Family Small District

- The current "RMF-S" zoning district is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.
- The "RMF-S" district requires: a minimum lot area of 9,000 square feet, minimum lot area per dwelling unit of 1,250 square feet, minimum front yard of 20 feet, a minimum rear yard of 25 feet, a minimum interior side yard of 4 feet, and a minimum corner side yard of 5 feet. The maximum building height is 35 feet.

"R1-M" Residential Single-Family Medium District

- The intent of the proposed "R1-M" zoning district is to accommodate primarily single-family residential development in lower-density areas.
- The "R1-M" district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.

Reason for Rezoning and Subdivision

The applicant is required to undertake a subdivision and to rezone the site from "R1-E" to "R1-M" in order to develop sixteen (16) single-family residential lots, a new public street.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The proposed subdivision and rezoning represents a logical connection to existing approved subdivision and rezonings within Sage Creek, notably Phases 6 and 9A (see files DASZ 3/2011 and DASZ 45/2013 respectively).
- The proposal to develop single-family housing is consistent with the policies directing development under *the South St. Boniface Area Structure Plan*, and is compatible with the other uses abutting and within close proximity to the subject site.

RECOMMENDED CONDITIONS OF APPROVAL

Addendum to Development Agreement AG 3/11

- Per the report of the Administrative Coordination Group (Schedule "B" of this report), the Public Service is recommending that a median opening be constructed in Robert Bockstael Drive at the proposed public road.

Land Dedication

- As a condition of rezoning or subdivision of a parcel of land, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The Public Service is requesting cash in lieu for this application.

RECOMMENDATION

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

- The subject rezoning complies with the Residential Land Use policies of the South St. Boniface Area Structure Plan.
- The proposed development is compatible with land uses in the vicinity of the proposed lots.

This Report Submitted by: Simi Jerez, MCP
Planning, Property and Development Department
Urban Planning & Design Division
Report Prepared by: PPD File # DASZ 32/2022

Schedule "A" for File No. DASZ 32/2022, Riel Community Committee, dated August 11, 2022

By-Law No. _____

File No. **DASZ 32/2022**

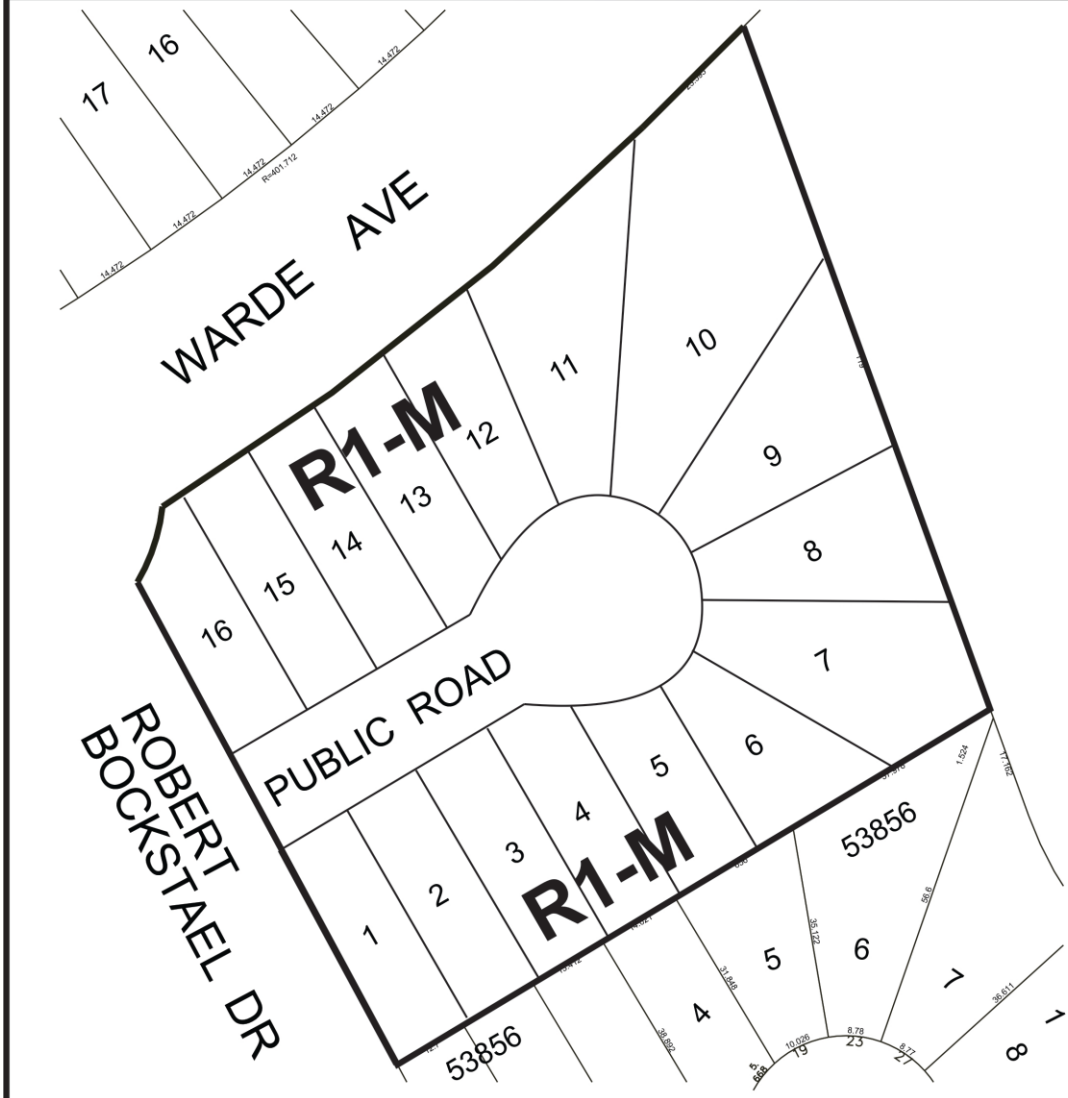
Explanation

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 the southeast corner of Robert Bockstael Drive and Warde Avenue from an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to facilitate the establishment of residential lots and a public right-of-way.

Atlas Sheet No. **K16B3**

N

RIEL COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT THE SOUTHEAST CORNER OF ROBERT BOCKSTAEL DRIVE AND WARDE AVENUE

The above noted application was reviewed by ACG and determined to be within the Planned Area of the Sage Creek Phase 6 lands under development (DASZ 3/2011). Therefore, this application is subject to the terms and conditions as outlined under Development Agreement AG 3/11.

It is recommended that approval of DASZ 32/2022 if granted, be subject to the applicant entering into an Addendum to Development Agreement AG 3/11 containing the following conditions:

Section I – General Comments

1) The Water and Waste Department wishes to advise that a lot grading plan should be submitted as soon as possible in order to determine if easements are required.

Section II – Plan Considerations

1) The Developer shall, at no expense to the City, provide right-of-way to accommodate the proposed cul-de-sac turnaround consistent with the dimensions in the City's Transportation Standards Manual, to the satisfaction of the Director of Public Works.

Section III – 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.

Section IV - Servicing Conditions

1) Robert Bockstael Drive

   a) The Developer shall, at no expense to the City, construct in Robert Bockstael Drive at the proposed Public Road, a median opening and all related works, to the satisfaction of the Director of Public Works.

Section V – 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 32/2022
August 11, 2022

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

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

Exhibit “6” referred to in File DASZ 32/2022

