Minute No. 507
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 11, 2021

Item No. 8 **Subdivision and Rezoning – Lands bounded by Marion Street to the North, CN Railway and Speers Road to the East, CP/CN Railway to the South and CP Railway to the South and CP Railway to the West (St. Boniface Ward)**
File DASZ 30/2020

COUNCIL DECISION:

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

1. That the plan of subdivision under Development Application No. DASZ 30/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated March 19th, 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 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 March 1, 2021 and attached as Schedule "B" to this report, with the following amendments:

        i. Amend Condition 2 under 'Section I – Plan Considerations by adding "and the commercial development" immediately after "future culvert crossing" and "and the Director of Planning, Property and Development" immediately after "the Director of Public Works"

        ii. Delete Condition 3 under Section I – Plan Considerations in its entirety and replace it with the following:

            3. "The Developer shall provide easements to accommodate the Mission Combined Sewer Relief Works, as determined by and to the satisfaction of the Director of Water and Waste.

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COUNCIL DECISION (continued):

a. The proposed northernmost east-west 24.0m right-of-way shall provide a 20.5m temporary construction easement for the land drainage sewer along the south limit of the north abutting properties, which shall revert to a 11.0m permanent land drainage sewer easement for these same properties.

b. The proposed 35.0m right-of-way accessing Marion Street shall provide a 20.5m temporary construction easement for the land drainage sewer along the west limit of the east abutting properties, which shall revert to an 11.0m permanent land drainage sewer easement for these same properties.

c. Clause a & b shall be subject to change if alternate pipe alignment(s) and/or easement are mutually agreed upon by the Developer and the Director of Water and Waste.

d. No building or structure is permitted to be constructed, installed, erected, located or placed in, over, or upon the aforementioned easement areas without the prior written consent of the City. Save and except that parking, landscaping, signage, services to the buildings, site lighting, sidewalks, fencing and other site related features may be permitted within the easement areas subject to the provisions of zoning by-laws applicable to the Owner's Land.

iii. Under Section III – Servicing Conditions:

a. Amend Condition 7 by adding "and in accordance with the phasing specified in the accepted Traffic Impact Study" immediately after "at no expense to the City,"

b. Amend Condition 8) a) by adding "and in accordance with the phasing specified in the accepted Traffic Impact Study" immediately after "at no expense to the City,"

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COUNCIL DECISION (continued):

c. Amend Condition 9) b) by adding “and in accordance with the phasing specified in the accepted Traffic Impact Study” immediately after “at no expense to the City,”

d. Amend Condition 12) a) by adding “conceptually shown on the attached Schedule C” immediately after “on both sides of all streets within the Planned Area,”

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMF-M" Residential Multi-Family (Medium) District, “RMF-L” Residential Multi-Family (Large) District, “C2” Commercial Community District, “C3” Commercial Corridor District, “CMU” Commercial Mixed Use District, “M2” Manufacturing General District, “M1” Manufacturing Light District, “MMU” Manufacturing Mixed Use District, “PR1” Parks And Recreation 1 (Neighbourhood) District, and a “PR2” Parks and Recreation 2 (Community) District as shown on the map dated March 19th, 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 Section 240 (1) of The City of Winnipeg Charter in accordance with the following:

i. For those portions of the Owner’s Land zoned “RMF-M”, “RMF-L”, “C2”, “CMU”, “C3”, “M1”, “M2”, and “MMU” 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. lighting
f. fencing
g. landscaping
h. free-standing signage

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

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COUNCIL DECISION (continued):

ii. That excluding projections permitted under the Winnipeg Zoning By-Law, the maximum building height on Lot 2, Block 1 and Lot 3, Block 1 must not exceed ten storeys and 100 feet (30.48 metres).

iii. That excluding projections permitted under the Winnipeg Zoning By-Law, the maximum building height on Lot 1 and Lot 4, Block 1; Lots 2, 3, and 4, Block 2; and Lot 1, Block 4 must not exceed six storeys and 70 feet (21.34 metres).

iv. That for any building containing residential units the following shall apply:

a. That the building shall be designed and constructed as a sprinklered building as defined by the Manitoba Building Code, and in full conformance with the requirements for sprinklered buildings as per the Manitoba Building Code and the Manitoba Fire Code to the satisfaction of the Director of Planning, Property, and Development.

b. That the building shall contain central air conditioning.

v. That for any building containing residential units in the Level 3 and Level 4 noise areas as detailed in 'Exhibit 1- Rail Traffic Noise Control Measures' for File No. DASZ 30/2020 dated March 19th, 2021 the following shall apply:

a. Brick veneer facades, or an acoustical equivalent of Sound Transmission Class-54 ('STC-54'), should be provided for the non-glazing portion of the façades of the building most exposed to the rail line.

b. Upgraded glazing components should be provided on the façades of the building most exposed to the rail line specified as follows:

1. In the Level 3 noise area the building should incorporate Sleeping Quarters STC-31 and Living/Dining Rooms STC-30;

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COUNCIL DECISION (continued):

2. In the Level 4 noise area the building should incorporate Sleeping Quarters STC-34 and Living/Dining Rooms STC-33.

vi. That on Lot 4, Block 1 zoned RMF-M the following shall apply:

a. That the minimum setback to any portion of a habitable room or space within a building from the south property line shall not be less than 100 feet.

b. That a 6.5 foot tall opaque fence shall be constructed and maintained along the south property line.

c. That a landscaped buffer at least fifteen (15) feet wide be constructed and maintained along the south property line.

vii. That for any development containing residential units on Lots 2, 3, and 4, Block 2 the following shall apply:

a. That the minimum setback to any portion of a habitable room or space within a building from the north property line shall not be less than 50 feet.

b. That a 6.5 foot tall opaque fence shall be constructed and maintained along the north property line.

c. That a landscaped buffer at least ten (10) feet wide be constructed and maintained along the north property line.

viii. That on Lots 2, 3, and 4, Block 1, and for any residential development located on Lot 1, Block 1, the developer shall, at no expense to the City, provide safety measures from the CP Emerson Subdivision consisting of any one of the following two measures:

a. Berm, fencing, and setback:

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COUNCIL DECISION (continued):

1. A 2.0 metre in height berm, measured from grade at the property line, with side slopes not steeper than 2.5 to 1. The berm shall be constructed entirely within the developer's property along the entire mutual property line of the development site and the CP Emerson Subdivision. The berm should be compacted to 95% modified proctor. The berm shall be built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the berm as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

2. A 2.5 metre in height uniform noise attenuation fence built on top of the entire length of the berm referred to in condition 2.A.viii.a.1, and built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

3. A uniform fence 1.83 metres in height within private property along the entire west property line abutting the CP Emerson Subdivision and to the west of the berm referred to in condition 2.A.viii.a.1, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

4. A minimum setback of 30 metres to any portion of a habitable room or space within a building from the west property line abutting the CP Emerson Subdivision.

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COUNCIL DECISION (continued):

b. Crash wall and setback:

1. A minimum 2.13 metre in height crash wall, measured from the top of the rail elevation, that faces the CP Emerson Subdivision. The crash wall shall be constructed entirely within the developer's property along the entire length of the principal building facing the CP Emerson Subdivision. The crash wall shall be no less than 0.45 metres thick and shall be of solid, heavy construction.

2. The Developer shall build the crash wall to the satisfaction of the Director of Planning, Property, and Development. The Developer must proceed in accordance with section 3.6.1.3 of the FCM/RAC Guidelines for New Development in Proximity to Railway Operations (2013), including, without limitation, undertaking and submitting the detailed written study referred to in that section of the Guidelines for approval by the Director of Planning, Property and Development before building the crash wall.

3. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the crash wall as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

4. A minimum setback of 30 metres to any portion of a habitable room or space within a building from the west property line abutting the CP Emerson Line.

A. The minimum setback in 4. above may be measured as a combination of the horizontal and vertical distances equal to 30 metres if the crash wall is incorporated into the entire height of a low occupancy podium below a residential structure.

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COUNCIL DECISION (continued):

ix. That residential development shall be setback 300 metres (984.25 feet) from any "M3" Manufacturing Heavy zoning district outside the Public Markets Major Redevelopment Site "D" planning area, except for lands located directly across Marion Street to the north, where new residential development shall be setback 150 metres (492.13 feet) from any other Manufacturing zoned industrial lands. Setback distances shall be measured from the nearest property line to nearest property line.

x. That residential units shall not be permitted on Lot 1, Block 2 zoned C2.

xi. That row dwellings shall not have individual dwelling unit vehicular access to a collector road.

xii. That single-family dwellings and two-family dwellings shall not be permitted.

xiii. That the Developer shall, at no expense whatsoever to the City, construct a uniform fence on all lots abutting the land zoned "PR1" and "PR2" (Lot 4, Block 1; Lots 1, 2, and 4, Block 4; Lot 1, Block 5; and Lot 5, Block 3), along the property line for the subject lots and shall permit the City to file a caveat against the title of each of these proposed lots abutting the park land requiring the owner(s) to maintain and/or replace the fence as originally constructed, as determined by and to the satisfaction of the Director of Public Works.

xiv. That the Developer shall, at no expense whatsoever to the City, construct a uniform fence along the south property line of the park land zoned "PR2" abutting the CNR Paddington Yard as determined by and to the satisfaction of the Director of Public Works.

xv. That the Developer shall, at no expense whatsoever to the City, install notification signage in both English and French on Lot 2, Block 1, Lot 1, Block 4, and Lot 3, Block 5 informing the public of the potential odour and/or noise nuisance emanating from the existing industrial uses surrounding the planning area and shall permit the City to file a caveat against the title of each of these proposed lots requiring the owner(s) to maintain and/or replace the signage as originally erected, as determined by and to the satisfaction of the Director of Planning, Property, and Development.

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COUNCIL DECISION (continued):

xvi. That no development shall be permitted on the Lot zoned 'M2' abutting the most easterly public reserve land zoned 'PR1' and the cumulative total of residential dwelling units in the planning area shall not exceed 600 dwelling units until an at-grade emergency access road is constructed connecting the collector road in the Planned Area to Dawson Road to the satisfaction of the Director of Planning, Property, and Development.

xvii. That after the at-grade emergency access road is constructed connecting the collector road in the Planned Area to Dawson Road to the satisfaction of the Director of Planning, Property, and Development the maximum number of residential dwelling units in the planning area shall not exceed 1200 dwelling units.

xviii. That the Retail Sales Use shall not be permitted as a principal use on proposed Lots 3, 4, and 5, Block 3; Lots 2, 3, and 4, Block 4; and Lots 1, 2, and 3, Block 5.

xix. That on proposed Lot 1, Block 1 zoned 'C2' the following uses shall be deemed Conditional Uses:

a. Place of worship
b. Community/recreation centre
c. Social service facility
d. Day care centre

xx. That on proposed Lots 4 and 5, Block 3 zoned 'M2'; Lots 1 and 2, Block 5 zoned 'M1'; and Lot 3, Block 5 zoned 'M2' the following uses shall not be permitted:

a. Place of worship
b. Community/recreation centre
c. Social service facility
d. Day care centre

xxi. That the Hotel and Motel Use shall not be permitted on proposed Lots 3, 4, and 5, Block 3; Lots 2, 3, and 4, Block 4; and Lots 1, 2, 3, Block 5.

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COUNCIL DECISION (continued):

xxii. That on proposed Lots 1 and 2, Block 3 zoned ‘C3’ the Retail Sales use shall be limited to a maximum of 40,000 square feet of gross floor area and the Supermarket use shall be limited to a maximum of 55,000 square feet of gross floor area.

xxiii. Deleted

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

   A. A Development 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 Caveat No. 87-34546/1 be discharged.

5. That the Developer be responsible for all requirements set out as the responsibility of the City in an Agreement dated October 25, 1991 between The City of Winnipeg and The Public Markets, Limited, which Agreement was registered as Caveat No. 1481873 against the City’s title to the property on November 8, 1991.

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

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

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

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COUNCIL DECISION (continued):

9. 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.

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

11.. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 8 and 9 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

12.. 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.

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

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DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,
That the recommendation of the Executive Policy Committee be adopted.

In amendment,
Moved by Councillor Gilroy,
Seconded by Councillor Allard,

BE IT RESOLVED THAT Item 8 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated May 11, 2021 be amended as follows:

1. In Recommendation 2.A.vii.c., delete the word “fifteen” and replace with “ten”

The motion for the adoption of the amendment, was put and declared carried.

The motion for the adoption of the item, as amended, was put and declared carried.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2021, the Executive Policy Committee did not concur in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

On May 18, 2021, the Executive Policy Committee laid the matter over for 30 days.

STANDING COMMITTEE RECOMMENDATION:

On May 11, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee, with the following amendments:

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 11, 2021

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

- Delete Recommendations 1.A.ii.3.c. and d. and replace with the following:

  "c. The Developer shall grant a 14.5m temporary construction easement on the north limit of Lot 1 Block 1, which shall revert to a 4.0m permanent land drainage sewer easement for the same property.

  d. Clauses a & b shall be subject to change if alternate pipe alignment(s) and/or easement are mutually agreed upon by the Developer and the Director of Water and Waste.

  e. No building or structure is permitted to be constructed, installed, erected, located or placed in, over, or upon the aforementioned easement areas without the prior written consent of the City. Save and except that parking, landscaping, signage, services to the buildings, site lighting, sidewalks, fencing and other site related features may be permitted within the easement areas subject to the provisions of zoning by-laws applicable to the Owner's Land.

  f. Additional easements may be identified during detailed design of the Mission Combined Sewer Relief Works; the Developer shall grant such easements at no expense to the City, as determined by and to the satisfaction of the Director of Water and Waste."

- In Recommendation 2.A.vii.c., delete the word "fifteen" and replace with "ten"

- Add Recommendation 2.A.xxiii, namely:

  "xxiii. That, on proposed Lots 1 and 2, Block 1 no building shall be constructed in the area identified as 'Limited Development Area' detailed in 'Exhibit 2' for File No. DASZ 30/2020 dated March 19th, 2021."

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 11, 2021

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On April 27, 2021, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

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

  ", with the following amendments:

  i. Amend Condition 2 under 'Section I – Plan Considerations by adding "and the commercial development" immediately after "future culvert crossing" and "and the Director of Planning, Property and Development" immediately after "the Director of Public Works"

  ii. Delete Condition 3 under Section I – Plan Considerations in its entirety and replace it with the following:

    3. "The Developer shall provide easements to accommodate the Mission Combined Sewer Relief Works, as determined by and to the satisfaction of the Director of Water and Waste.

      a. The proposed northernmost east-west 24.0m right-of-way shall provide a 20.5m temporary construction easement for the land drainage sewer along the south limit of the north abutting properties, which shall revert to a 11.0m permanent land drainage sewer easement for these same properties.

      b. The proposed 35.0m right-of-way accessing Marion Street shall provide a 20.5m temporary construction easement for the land drainage sewer along the west limit of the east abutting properties, which shall revert to an 11.0m permanent land drainage sewer easement for these same properties.

      c. Clause a & b shall be subject to change if alternate pipe alignment(s) and/or easement are mutually agreed upon by the Developer and the Director of Water and Waste.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 11, 2021

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

d. No building or structure is permitted to be constructed, installed, erected, located or placed in, over, or upon the aforementioned easement areas without the prior written consent of the City. Save and except that parking, landscaping, signage, services to the buildings, site lighting, sidewalks, fencing and other site related features may be permitted within the easement areas subject to the provisions of zoning by-laws applicable to the Owner's Land.

iii. Under Section III – Servicing Conditions:

a. Amend Condition 7 by adding "and in accordance with the phasing specified in the accepted Traffic Impact Study" immediately after "at no expense to the City,"

b. Amend Condition 8) a) by adding "and in accordance with the phasing specified in the accepted Traffic Impact Study" immediately after "at no expense to the City,"

c. Amend Condition 9) b) by adding "and in accordance with the phasing specified in the accepted Traffic Impact Study" immediately after "at no expense to the City,"

d. Amend Condition 12) a) by adding "conceptually shown on the attached Schedule C" immediately after "on both sides of all streets within the Planned Area,"

- In Recommendation 2.A.ix, add the words "Public Markets Major Redevelopment Site "D"" immediately after "zoning district outside the"

- In Recommendation 2.A.xv, delete "Lot 3, Block 4" and replace with "Lot 3, Block 5"

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

"xix. That on proposed Lot 1, Block 1 zoned 'C2' the following uses shall be deemed Conditional Uses:

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DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

a. Place of worship
b. Community/recreation centre
c. Social service facility
d. Day care centre

- Add the following new Recommendation 2.A.xx. and renumber the remaining recommendations accordingly

  xx. That on proposed Lots 4 and 5, Block 3 zoned 'M2'; Lots 1 and 2, Block 5 zoned 'M1'; and Lot 3, Block 5 zoned 'M2' the following uses shall not be permitted:

  a. Place of worship
  b. Community/recreation centre
  c. Social service facility
  d. Day care centre"

- Delete Recommendation 2.A.xxii

- Add the following new Recommendation 5 and renumber the remaining recommendations accordingly:

  "5. That the Developer be responsible for all requirements set out as the responsibility of the City in an Agreement dated October 25, 1991 between The City of Winnipeg and The Public Markets, Limited, which Agreement was registered as Caveat No. 1481873 against the City's title to the property on November 8, 1991."

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

On April 6, 2021, the Riel Community Committee adjourned the public hearing to its meeting on April 27, 2021 at 10:30 a.m. in the Council Building at 510 Main Street.

PUBLIC HEARING SUMMARY

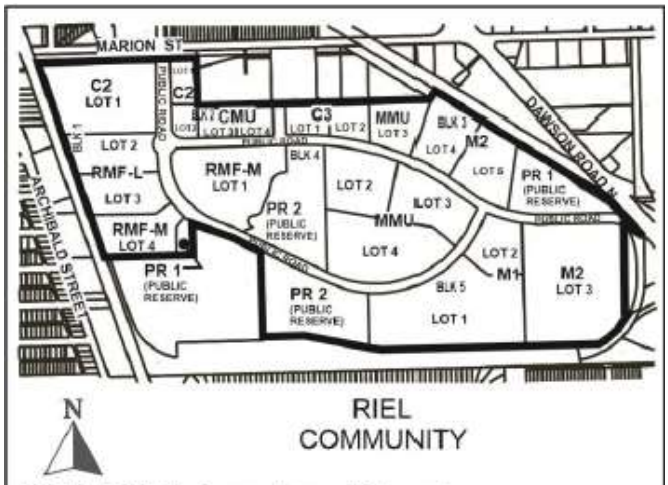
File: DASZ 30/2020

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

Public Hearing: April 27, 2021
April 6, 2021
Council Building, 510 Main Street

Applicant: McGowan Russell Group Inc. (Susan Russell)

Subject:



APPLICANT : McGowan Russell Group Inc.
FILE : DASZ 30/2020
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "M3" MANUFACTURING HEAVY DISTRICT to "RMF-M" and "RMF-L" RESIDENTIAL MULTI-FAMILY DISTRICTS, "C2", "C3" and "CMU" COMMERCIAL DISTRICTS, "M1", "M2" and "MMU" MANUFACTURING DISTRICTS, and "PR1" and "PR2" PARKS AND RECREATION DISTRICTS to facilitate the establishment of the Public Markets Neighbourhood by the establishment of lots/blocks, public reserves and public right-of-ways. **For information, phone E. Finnigan, Planner at 204-986-8602.**
DEMANDEUR : McGowan Russell Group Inc.
N° DE DOSSIER : DALZ 30/2020
PROJET : Demande d'approbation par le conseil 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 changer le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie M3 (secteur manufacturier lourd), aux catégories RMF-M et RMF-L (secteurs d'habitations multifamiliales), aux catégories C2, C3 et CMU (secteurs commerciaux), aux catégories M1, M2 et MMU (secteurs manufacturiers), et aux catégories PR1 et PR2 (secteurs des parcs et des loisirs), afin de faciliter l'établissement du quartier Public Markets par la création de lots ou blocs, de réserves publiques et d'emprises publiques. **Pour obtenir des renseignements, veuillez appeler E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: Lands bounded by Marion Street to the north, CN Railway and Speers Road to the east, CP/CN Railway to the south and CP Railway to the south and CP Railway to the West

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: April 29, 2021

Community Committee Recommendation:

On April 27, 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 30/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated March 19th, 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 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 March 1, 2021 and attached as Schedule "B" to this report, ***with the following amendments:***

        i. Amend Condition 2 under 'Section I – Plan Considerations by adding "and the commercial development" immediately after "future culvert crossing" and "and the Director of Planning, Property and Development" immediately after "the Director of Public Works"

        ii. Delete Condition 3 under Section I – Plan Considerations in its entirety and replace it with the following:

            3. "The Developer shall provide easements to accommodate the Mission Combined Sewer Relief Works, as determined by and to the satisfaction of the Director of Water and Waste.

                a. The proposed northernmost east-west 24.0m right-of-way shall provide a 20.5m temporary construction easement for the land drainage sewer along the south limit of the north abutting properties, which shall revert to a 11.0m permanent land drainage sewer easement for these same properties.

b. The proposed 35.0m right-of-way accessing Marion Street shall provide a 20.5m temporary construction easement for the land drainage sewer along the west limit of the east abutting properties, which shall revert to an 11.0m permanent land drainage sewer easement for these same properties.

c. Clause a & b shall be subject to change if alternate pipe alignment(s) and/or easement are mutually agreed upon by the Developer and the Director of Water and Waste.

d. No building or structure is permitted to be constructed, installed, erected, located or placed in, over, or upon the aforementioned easement areas without the prior written consent of the City. Save and except that parking, landscaping, signage, services to the buildings, site lighting, sidewalks, fencing and other site related features may be permitted within the easement areas subject to the provisions of zoning by-laws applicable to the Owner's Land.

iii. Under Section III – Servicing Conditions:

a. Amend Condition 7 by adding "and in accordance with the phasing specified in the accepted Traffic Impact Study" immediately after "at no expense to the City,"

b. Amend Condition 8) a) by adding "and in accordance with the phasing specified in the accepted Traffic Impact Study" immediately after "at no expense to the City,"

c. Amend Condition 9) b) by adding "and in accordance with the phasing specified in the accepted Traffic Impact Study" immediately after "at no expense to the City,"

d. Amend Condition 12) a) by adding "conceptually shown on the attached Schedule C" immediately after "on both sides of all streets within the Planned Area,"

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMF-M" Residential Multi-Family (Medium) District, "RMF-L" Residential Multi-Family (Large) District, "C2" Commercial Community District, "C3" Commercial Corridor District, "CMU" Commercial Mixed Use District, "M2" Manufacturing General District, "M1" Manufacturing Light District, "MMU" Manufacturing Mixed Use District, "PR1" Parks And Recreation 1 (Neighbourhood) District, and a "PR2" Parks and Recreation 2 (Community) District as shown on the map dated March 19th, 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 Section 240 (1) of The City of Winnipeg Charter in accordance with the following:

i. For those portions of the Owner's Land zoned "RMF-M", "RMF-L", "C2", "CMU", "C3", "M1", "M2", and "MMU" 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. lighting
f. fencing
g. landscaping
h. free-standing signage

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

ii. That excluding projections permitted under the Winnipeg Zoning By-Law, the maximum building height on Lot 2, Block 1 and Lot 3, Block 1 must not exceed ten storeys and100 feet (30.48 metres).

iii. That excluding projections permitted under the Winnipeg Zoning By-Law, the maximum building height on Lot 1 and Lot 4, Block 1; Lots 2, 3, and 4, Block 2; and Lot 1, Block 4 must not exceed six storeys and 70 feet (21.34 metres).

iv. That for any building containing residential units the following shall apply:

a. That the building shall be designed and constructed as a sprinklered building as defined by the Manitoba Building Code, and in full conformance with the requirements for sprinklered buildings as per the Manitoba Building Code and the Manitoba Fire Code to the satisfaction of the Director of Planning, Property, and Development.

b. That the building shall contain central air conditioning.

v. That for any building containing residential units in the Level 3 and Level 4 noise areas as detailed in 'Exhibit 1- Rail Traffic Noise Control Measures' for File No. DASZ 30/2020 dated March 19th, 2021 the following shall apply:

a. Brick veneer facades, or an acoustical equivalent of Sound Transmission Class-54 ('STC-54'), should be provided for the non-glazing portion of the façades of the building most exposed to the rail line.

b. Upgraded glazing components should be provided on the façades of the building most exposed to the rail line specified as follows:

1. In the Level 3 noise area the building should incorporate Sleeping Quarters STC-31 and Living/Dining Rooms STC-30;

2. In the Level 4 noise area the building should incorporate Sleeping Quarters STC-34 and Living/Dining Rooms STC-33.

vi. That on Lot 4, Block 1 zoned RMF-M the following shall apply:

a. That the minimum setback to any portion of a habitable room or space within a building from the south property line shall not be less than 100 feet.

b. That a 6.5 foot tall opaque fence shall be constructed and maintained along the south property line.

c. That a landscaped buffer at least fifteen (15) feet wide be constructed and maintained along the south property line.

vii. That for any development containing residential units on Lots 2, 3, and 4, Block 2 the following shall apply:

a. That the minimum setback to any portion of a habitable room or space within a building from the north property line shall not be less than 50 feet.

b. That a 6.5 foot tall opaque fence shall be constructed and maintained along the north property line.

c. That a landscaped buffer at least fifteen (10) feet wide be constructed and maintained along the north property line.

viii. That on Lots 2, 3, and 4, Block 1, and for any residential development located on Lot 1, Block 1, the developer shall, at no expense to the City, provide safety measures from the CP Emerson Subdivision consisting of any one of the following two measures:

a. Berm, fencing, and setback:

1. A 2.0 metre in height berm, measured from grade at the property line, with side slopes not steeper than 2.5 to 1. The berm shall be constructed entirely within the developer's property along the entire mutual property line of the development site and the CP Emerson Subdivision. The berm should be compacted to 95% modified proctor. The berm shall be built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the berm as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

2. A 2.5 metre in height uniform noise attenuation fence built on top of the entire length of the berm referred to in condition 2.A.viii.a.1, and built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

3. A uniform fence 1.83 metres in height within private property along the entire west property line abutting the CP Emerson Subdivision and to the west of the berm referred to in condition 2.A.viii.a.1, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

4. A minimum setback of 30 metres to any portion of a habitable room or space within a building from the west property line abutting the CP Emerson Subdivision.

b. Crash wall and setback:

1. A minimum 2.13 metre in height crash wall, measured from the top of the rail elevation, that faces the CP Emerson Subdivision. The crash wall shall be constructed entirely within the developer's property along the entire length of the principal building facing the CP Emerson Subdivision. The crash wall shall be no less than 0.45 metres thick and shall be of solid, heavy construction.

2. The Developer shall build the crash wall to the satisfaction of the Director of Planning, Property, and Development. The Developer must proceed in accordance with section 3.6.1.3 of the FCM/RAC Guidelines for New Development in Proximity to Railway Operations (2013), including, without limitation, undertaking and submitting the detailed written study referred to in that section of the Guidelines for approval by the Director of Planning, Property and Development before building the crash wall.

3. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the crash wall as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

4. A minimum setback of 30 metres to any portion of a habitable room or space within a building from the west property line abutting the CP Emerson Line.

A. The minimum setback in 4. above may be measured as a combination of the horizontal and vertical distances equal to 30 metres if the crash wall is incorporated into the entire height of a low occupancy podium below a residential structure.

ix. That residential development shall be setback 300 metres (984.25 feet) from any "M3" Manufacturing Heavy zoning district outside the ***Public Markets Major Redevelopment Site "D"*** planning area, except for lands located directly across Marion Street to the north, where new residential development shall be setback 150 metres (492.13 feet) from any other Manufacturing zoned industrial lands. Setback distances shall be measured from the nearest property line to nearest property line.

x. That residential units shall not be permitted on Lot 1, Block 2 zoned C2.

xi. That row dwellings shall not have individual dwelling unit vehicular access to a collector road.

xii. That single-family dwellings and two-family dwellings shall not be permitted.

xiii. That the Developer shall, at no expense whatsoever to the City, construct a uniform fence on all lots abutting the land zoned "PR1" and "PR2" (Lot 4, Block 1; Lots 1, 2, and 4, Block 4; Lot 1, Block 5; and Lot 5, Block 3), along the property line for the subject lots and shall permit the City to file a caveat against the title of each of these proposed lots abutting the park land requiring the owner(s) to maintain and/or replace the fence as originally constructed, as determined by and to the satisfaction of the Director of Public Works.

xiv. That the Developer shall, at no expense whatsoever to the City, construct a uniform fence along the south property line of the park land zoned "PR2" abutting the CNR Paddington Yard as determined by and to the satisfaction of the Director of Public Works.

xv. That the Developer shall, at no expense whatsoever to the City, install notification signage in both English and French on Lot 2, Block 1, Lot 1, Block 4, and ~~***Lot 3, Block 4***~~ ***Lot 3, Block 5*** informing the public of the potential odour and noise nuisance emanating from the existing industrial uses surrounding the planning area and shall permit the City to file a caveat against the title of each of these proposed lots requiring the owner(s) to maintain and/or replace the signage as originally erected, as determined by and to the satisfaction of the Director of Planning, Property, and Development.

xvi. That no development shall be permitted on the Lot zoned 'M2' abutting the most easterly public reserve land zoned 'PR1' and the cumulative total of residential dwelling units in the planning area shall not exceed 600 dwelling units until an at-grade emergency access road is constructed connecting the collector road in the Planned Area to Dawson Road to the satisfaction of the Director of Planning, Property, and Development.

xvii. That after the at-grade emergency access road is constructed connecting the collector road in the Planned Area to Dawson Road to the satisfaction of the Director of Planning, Property, and Development the maximum number of residential dwelling units in the planning area shall not exceed 1200 dwelling units.

xviii. That the Retail Sales Use shall not be permitted as a principal use on proposed Lots 3, 4, and 5, Block 3; Lots 2, 3, and 4, Block 4; and Lots 1, 2, and 3, Block 5.

~~***xix. That on proposed Lot 1, Block 1 zoned 'C2'; Lots 4 and 5, Block 3 zoned 'M2'; Lots 1 and 2, Block 5 zoned 'M1'; and Lot 3, Block 5 zoned 'M2' the following uses shall be deemed Conditional Uses:***~~

~~***a. Place of worship***~~
~~***b. Community/recreation centre***~~
~~***c. Social service facility***~~
~~***d. Day care centre.***~~

xix. That on proposed Lot 1, Block 1 zoned 'C2' the following uses shall be deemed Conditional Uses:

a. Place of worship
b. Community/recreation centre
c. Social service facility
d. Day care centre

xx. That on proposed Lots 4 and 5, Block 3 zoned 'M2'; Lots 1 and 2, Block 5 zoned 'M1'; and Lot 3, Block 5 zoned 'M2' the following uses shall not be permitted:

a. Place of worship
b. Community/recreation centre
c. Social service facility
d. Day care centre

xxi. ~~***xx***~~. That the Hotel and Motel Use shall not be permitted on proposed Lots 3, 4, and 5, Block 3; Lots 2, 3, and 4, Block 4; and Lots 1, 2, 3, Block 5.

xxii ~~***xxi.***~~That on proposed Lots 1 and 2, Block 3 zoned 'C3' the Retail Sales use shall be limited to a maximum of 40,000 square feet of gross floor area and the Supermarket use shall be limited to a maximum of 55,000 square feet of gross floor area.

~~***xxii. That on proposed Lots 1 and 2, Block 1 no building shall be constructed in the area identified as 'Limited Development Area' detailed in 'Exhibit 2' for File No. DASZ 30/2020 dated March 19th, 2021.***~~

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

A. A Development 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 Caveat No. 87-34546/1 be discharged.

5. That the Developer be responsible for all requirements set out as the responsibility of the City in an Agreement dated October 25, 1991 between The City of Winnipeg and The Public Markets, Limited, which Agreement was registered as Caveat No. 1481873 against the City's title to the property on November 8, 1991.

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

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

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

9. ~~***8.***~~ 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.

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

11. ~~***10.***~~ That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 8 and 9 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

13. ~~***12.***~~ That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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

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

1. This is a tremendous development for St. Boniface. It's restoring a brown field which has been vacant for many, many years. I've seen the proponent do a lot of work to get to this point. Many meetings with myself and the Public Service. I think we're almost there in terms of Council approvals, and I think in terms of what the Developer has provided the City already, I think they're giving more than their fair share of what a proponent is normally asked to give.

2. The changes they've requested in this hearing are reasonable. In particular I do not like that Clause D that basically says the City can do anything they want with this land forever in the future at no cost to the City, and I don't think that's reasonable at all to put a Caveat like that in the Development Agreement

Exhibits Filed:

1. Application dated November 27, 2020 (2 pages)
2. Revised Application
3. Notification of Public Hearing dated February 2, 2021
4. Manitoba Status of Titles 2835783/1, 2835770/1, 2835774/1, 2835778/1, 2835751/1, 2835756/1, 2835759/1 & 2835786/1
5. Letter of authorization dated August 12, 2020 from 7318928 Manitoba Ltd. (Robert Scarletta) to McGowan Russell Group Inc.
6. Caveat 87-24546 & 3464734
7. Development of MRS-D Traffic Impact Study Supporting Phase 1 Development Application and Internal Road Design
8. Plans (4 pages)
9. Report from the Urban Planning Division dated March 19, 2021
10. Inspection Report
11. Power Point Presentation by Jackie Wilkie, McGowan Russell Group with respect to the application
12. Recording of Representations of the adjourned public hearing held on April 6, 2021
13. Notice of Adjournment dated April 9, 2021
14. Presentation from Jackie Wilkie dated April 27, 2021 in support of the application
15. Communication from John Bayliss with respect to the application

REPRESENTATIONS:

In Support:

Susan Russell
Robert Scaletta
Jackie Wilkie

In Opposition:

Nil

For Information:

Ken Douma
John Bayliss

For the City:

E. Finnigan, Planner, Planning Property and Development Department
M. Gajda, Engineer, Water and Waste Department
T. Shanks, Manager of Engineering, Water and Waste Department
D. Trenchard, Land Development Engineer, Planning Property and Development Department

Exhibit "9" referred to in File DASZ 30/2020

ADMINISTRATIVE REPORT

Title: DASZ 30/2020 – Marion – Speers (Public Market Lands)

Issue: An application for consideration at the Public Hearing to Subdivide and Rezone approximately 165 acres of land in the Public Markets Major Redevelopment Site "D".

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 plan of subdivision under Development Application No. DASZ 30/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated March 19th, 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 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 March 1, 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 an "RMF-M" Residential Multi-Family (Medium) District, "RMF-L" Residential Multi-Family (Large) District, "C2" Commercial Community District, "C3" Commercial Corridor District, "CMU" Commercial Mixed Use District, "M2" Manufacturing General District, "M1" Manufacturing Light District, "MMU" Manufacturing Mixed Use District, "PR1" Parks And Recreation 1 (Neighbourhood) District, and a "PR2" Parks and Recreation 2 (Community) District as shown on the map dated March 19th, 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 Section 240 (1) of *The City of Winnipeg Charter* in accordance with the following:

i. For those portions of the Owner's Land zoned "RMF-M", "RMF-L", "C2", "CMU", "C3", "M1", "M2", and "MMU" 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. lighting;

f. fencing;

g. landscaping; and

h. free-standing signage

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

ii. That, excluding projections permitted under the Winnipeg Zoning By-Law, the maximum building height on Lot 2, Block 1 and Lot 3, Block 1 must not exceed ten storeys and100 feet (30.48 metres).

iii. That, excluding projections permitted under the Winnipeg Zoning By-Law, the maximum building height on Lot 1 and Lot 4, Block 1; Lots 2, 3, and 4, Block 2; and Lot 1, Block 4 must not exceed six storeys and 70 feet (21.34 metres).

iv. That, for any building containing residential units the following shall apply:

a. That, the building shall be designed and constructed as a *sprinklered building* as defined by the Manitoba Building Code, and in full conformance with the requirements for *sprinklered buildings* as per the Manitoba Building Code and the Manitoba Fire Code to the satisfaction of the Director of Planning, Property, and Development.

b. That, the building shall contain central air conditioning.

v. That, for any building containing residential units in the Level 3 and Level 4 noise areas as detailed in 'Exhibit 1- Rail Traffic Noise Control Measures' for File No. DASZ 30/2020 dated March 19th, 2021 the following shall apply:

a. Brick veneer facades, or an acoustical equivalent of Sound Transmission Class-54 ('STC-54'), should be provided for the non-glazing portion of the façades of the building most exposed to the rail line.

b. Upgraded glazing components should be provided on the façades of the building most exposed to the rail line specified as follows:

1. In the Level 3 noise area the building should incorporate Sleeping Quarters STC-31 and Living/Dining Rooms STC-30;
2. In the Level 4 noise area the building should incorporate Sleeping Quarters STC-34 and Living/Dining Rooms STC-33.

vi. That, on Lot 4, Block 1 zoned RMF-M the following shall apply:

a. That, the minimum setback to any portion of a habitable room or space within a building from the south property line shall not be less than 100 feet.

b. That, a 6.5 foot tall opaque fence shall be constructed and maintained along the south property line.

c. That, a landscaped buffer at least fifteen (15) feet wide be constructed and maintained along the south property line.

vii. That, for any development containing residential units on Lots 2, 3, and 4, Block 2 the following shall apply:

a. That, the minimum setback to any portion of a habitable room or space within a building from the north property line shall not be less than 50 feet.

b. That, a 6.5 foot tall opaque fence shall be constructed and maintained along the north property line.

c. That, a landscaped buffer at least fifteen (10) feet wide be constructed and maintained along the north property line.

viii. That on Lots 2, 3, and 4, Block 1, and for any residential development located on Lot 1, Block 1, the developer shall, at no expense to the City, provide safety measures from the CP Emerson Subdivision consisting of any one of the following two measures:

a. Berm, fencing, and setback:

1. A 2.0 metre in height berm, measured from grade at the property line, with side slopes not steeper than 2.5 to 1. The berm shall be constructed entirely within the developer's property along the entire mutual property line of the development site and the CP Emerson Subdivision. The berm should be compacted to 95% modified proctor. The berm shall be built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the berm as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

2. A 2.5 metre in height uniform noise attenuation fence built on top of the entire length of the berm referred to in condition 2.A.viii.a.1, and built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to

permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

3. A uniform fence 1.83 metres in height within private property along the entire west property line abutting the CP Emerson Subdivision and to the west of the berm referred to in condition 2.A.viii.a.1, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

4. A minimum setback of 30 metres to any portion of a habitable room or space within a building from the west property line abutting the CP Emerson Subdivision.

b. Crash wall and setback:

1. A minimum 2.13 metre in height crash wall, measured from the top of the rail elevation, that faces the CP Emerson Subdivision. The crash wall shall be constructed entirely within the developer's property along the entire length of the principal building facing the CP Emerson Subdivision. The crash wall shall be no less than 0.45 metres thick and shall be of solid, heavy construction.

2. The Developer shall build the crash wall to the satisfaction of the Director of Planning, Property, and Development. The Developer must proceed in accordance with section 3.6.1.3 of the FCM/RAC Guidelines for New Development in Proximity to Railway Operations (2013), including, without limitation, undertaking and submitting the detailed written study referred to in that section of the Guidelines for approval by the Director of Planning, Property and Development before building the crash wall.

3. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the crash wall as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

4. A minimum setback of 30 metres to any portion of a habitable room or space within a building from the west property line abutting the CP Emerson Line.

A. The minimum setback in 4. Above may be measured as a combination of the horizontal and vertical distances equal to 30 metres if the crash wall is incorporated into the entire height of a low occupancy podium below a residential structure.

ix. That, residential development shall be setback 300 metres (984.25 feet) from any “M3” Manufacturing Heavy zoning district outside the planning area, except for lands located directly across Marion Street to the north, where new residential development shall be setback 150 metres (492.13 feet) from any other Manufacturing zoned industrial lands. Setback distances shall be measured from the nearest property line to nearest property line.

x. That, residential units shall not be permitted on Lot 1, Block 2 zoned C2.

xi. That, row dwellings shall not have individual dwelling unit vehicular access to a collector road.

xii. That, single-family dwellings and two-family dwellings shall not be permitted.

xiii. That the Developer shall, at no expense whatsoever to the City, construct a uniform fence on all lots abutting the land zoned “PR1” and “PR2” (Lot 4, Block 1; Lots 1, 2, and 4, Block 4; Lot 1, Block 5; and Lot 5, Block 3), along the property line for the subject lots and shall permit the City to file a caveat against the title of each of these proposed lots abutting the park land requiring the owner(s) to maintain and/or replace the fence as originally constructed, as determined by and to the satisfaction of the Director of Public Works.

xiv. That the Developer shall, at no expense whatsoever to the City, construct a uniform fence along the south property line of the park land zoned “PR2” abutting the CNR Paddington Yard as determined by and to the satisfaction of the Director of Public Works.

xv. That the Developer shall, at no expense whatsoever to the City, install notification signage in both English and French on Lot 2, Block 1, Lot 1, Block 4, and Lot 3, Block 4 informing the public of the potential odour and noise nuisance emanating from the existing industrial uses surrounding the planning area and shall permit the City to file a caveat against the title of each of these proposed lots requiring the owner(s) to maintain and/or replace the signage as originally erected, as determined by and to the satisfaction of the Director of Planning, Property, and Development.

xvi. That, no development shall be permitted on the Lot zoned ‘M2’ abutting the most easterly public reserve land zoned ‘PR1’ and the cumulative total of residential dwelling units in the planning area shall not exceed 600 dwelling units until an at-grade emergency access road is constructed connecting the collector road in the Planned Area to Dawson Road to the satisfaction of the Director of Planning, Property, and Development.

xvii. That, after the at-grade emergency access road is constructed connecting the collector road in the Planned Area to Dawson Road to the satisfaction of the Director of Planning, Property, and Development the maximum

number of residential dwelling units in the planning area shall not exceed 1200 dwelling units.

xviii. That, the Retail Sales Use shall not be permitted as a principal use on proposed Lots 3, 4, and 5, Block 3; Lots 2, 3, and 4, Block 4; and Lots 1, 2, and 3, Block 5.

xix. That, on proposed Lot 1, Block 1 zoned ‘C2’; Lots 4 and 5, Block 3 zoned ‘M2’; Lots 1 and 2, Block 5 zoned ‘M1’; and Lot 3, Block 5 zoned ‘M2’ the following uses shall be deemed Conditional Uses:

a. Place of worship;

b. Community/recreation centre;

c. Social service facility;

d. Day care centre.

xx. That, the Hotel and Motel Use shall not be permitted on proposed Lots 3, 4, and 5, Block 3; Lots 2, 3, and 4, Block 4; and Lots 1, 2, 3, Block 5.

xxi. That, on proposed Lots 1 and 2, Block 3 zoned ‘C3’ the Retail Sales use shall be limited to a maximum of 40,000 square feet of gross floor area and the Supermarket use shall be limited to a maximum of 55,000 square feet of gross floor area.

xxii. That, on proposed Lots 1 and 2, Block 1 no building shall be constructed in the area identified as ‘Limited Development Area’ detailed in ‘Exhibit 2’ for File No. DASZ 30/2020 dated March 19th, 2021.

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

A. a Development 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 Caveat No. 87-34546/1 be discharged.

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

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

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

8. That, the subdivision section of the By-law will come into force when the Development

Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

9. That, the zoning section of the By-law will come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.
10. That, the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 8 and 9 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.
11. That, this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.
12. That, the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- The applicant is proposing to subdivide and rezone the subject 165 acre site from “M3” Manufacturing Heavy into 24 lots zoned "RMF-M" Residential Multi-Family (Medium) District, “RMF-L” Residential Multi-Family (Large) District, “C2” Commercial Community District, “CMU” Commercial Mixed Use District, “M2” Manufacturing General District, “M1” Manufacturing Light District, “MMU” Manufacturing Mixed Use District, “PR1” Parks And Recreation 1 (Neighbourhood) District, and a “PR2” Parks and Recreation 2 (Community) District. The application also includes opening two public right-of-ways and a widening of the Marion Street right-of-way.
- 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

- The subject site had been used for livestock related industries for most of the 1900’s.
- In the 1990’s, the City of Winnipeg acquired much of the subject site through direct acquisition and tax sale.
- In 2006, Council endorsed a concept plan for the site.

- In 2006, DASZ 15/2006 was approved by Council, but the application was not proceeded with and a by-law was not enacted.
- In 2007, lands owned by the City of Winnipeg on the Public Markets site were sold.
- In 2011, the subject site was designated as a Major Redevelopment Site under *OurWinnipeg* and the *Complete Communities Direction Strategy*.
- On July 23, 2020, Council passed By-law 47/2019 adopting a Secondary Plan for the area identified as the Public Markets Major Redevelopment Site "D" under the *Complete Communities Direction Strategy*. The plan guides development in the Plan Area which comprises approximately 222 acres and is bounded by Marion Street to the north, CN Sprague Rail Line to the east, the Stock Yards single-family residential neighbourhood to the south (along Promenade Brunet) and CP Emerson Rail Line to the west.

CONSULTATION

In preparing this report there was consultation with:

- Administrative Coordinating Group (ACG)

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposal would align with the following Key Direction in the Winnipeg Climate Action Plan:

4.2 Ensure New Areas of Growth are Designed According to the Principles of Complete Communities

4.4 Support Redevelopment of Former Commercial and Industrial Lands into Active Use

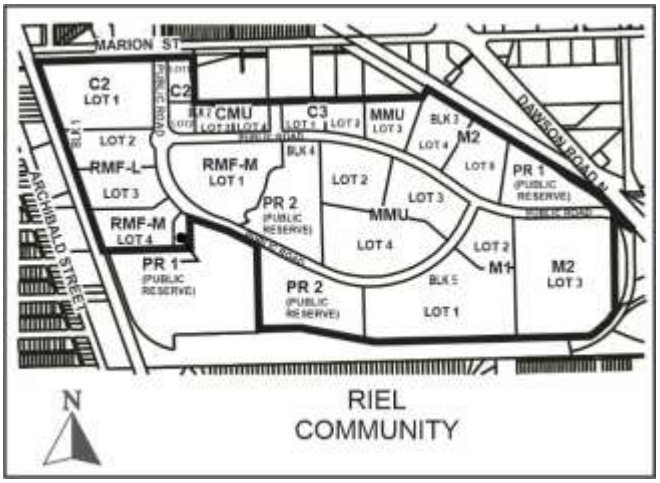
SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Elise Finnigan, MA Planning
Date:	March 19th, 2021
File No.	DASZ 30/2020

1. Appendix A — Planning Discussion.
2. Schedule "A" — Recommended File No. DASZ 30/2020 Riel Community Committee, dated March 19th, 2021.
3. Schedule "B" — Report of the Administrative Working Group – March 1, 2021.
4. Appendix B — "Exhibit 1 – Rail Traffic Noise Attenuation Measures".
5. Appendix C — "Exhibit 2 – Limited Development Area".
6. Appendix D — Rail Traffic Noise and Vibration Assessment

APPENDIX 'A'

FILE:	**DASZ 30/2020**
RELATED FILES:	
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	5.539 - Stock Yards Neighbourhood
SUBJECT:	To subdivide and rezone approximately 165 acres of land in the Public Markets Major Redevelopment Site "D".
LOCATION:	South of Marion Street between Speers Rd and the CP Emerson Rail Line



APPLICANT:	McGowan Russell Group Inc 825 St. Joseph Street Winnipeg, MB R2H 3A8
OWNER:	7319828 Manitoba Ltd. 1104 Baldwin Crescent SW Calgary, AB T2V 2B3

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject plan area is located south of Marion Street, west of the CN Sprague Rail Line, north of CN Paddington Yards and the CN/CP Autoyards, and east of the CP Emerson Rail Line in the Stock Yard neighbourhood of the St Boniface ward.
- The plan area is vacant and approximately **165 acres in area.**
- The site is zoned "M3" Manufacturing Heavy and is located within the Public Markets Major Redevelopment Site "D" under the *Complete Communities Direction Strategy*.
- The site is also located within the *Public Markets Major Redevelopment Site "D" Secondary Plan*.

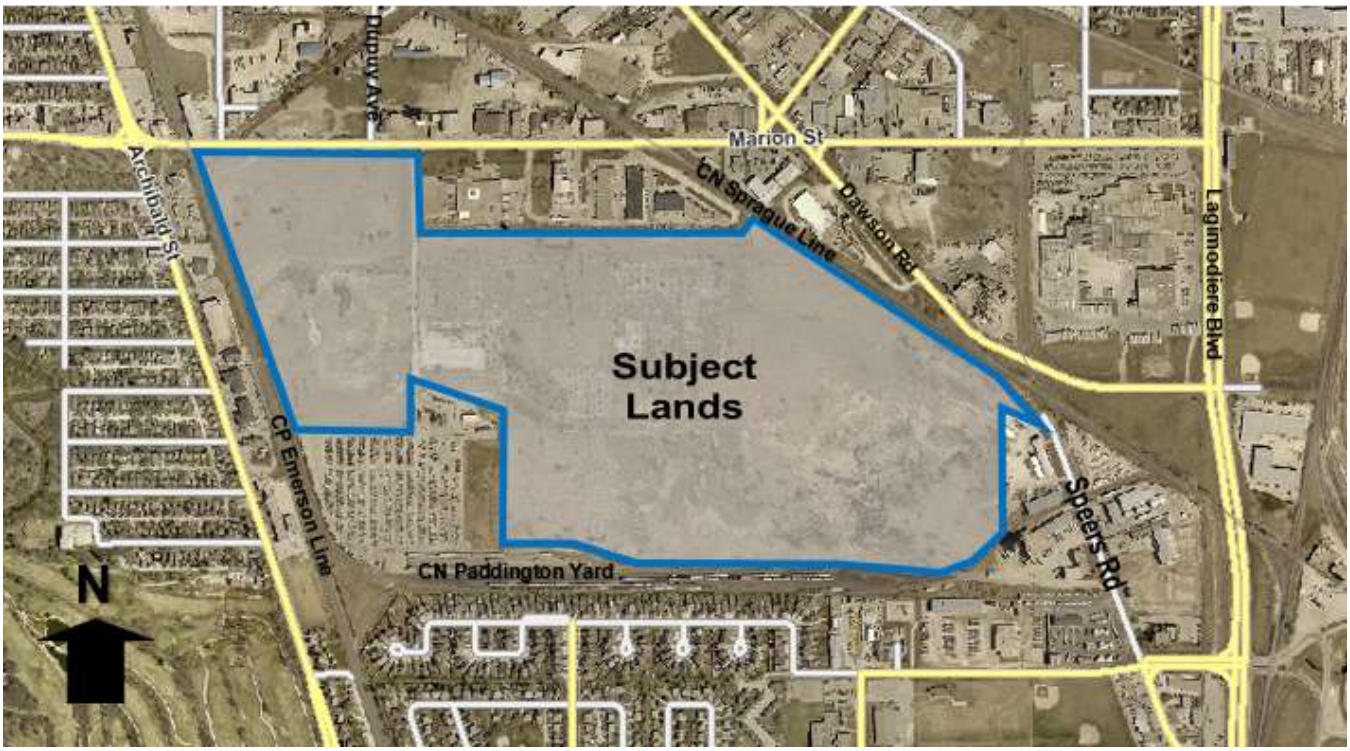


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Marion Street then industrial uses zoned Manufacturing Heavy ('M3').

South: CN Paddington Yards and the CN/CP Autoyards zoned Manufacturing Heavy ('M3') then single-family dwellings zoned Residential Single Family Medium ('R1-M).

East: CN Sprague Line and Speers Rd then industrial uses zoned Manufacturing Heavy ('M3') and Manufacturing General ('M2').

West: CP Emerson Line then commercial uses zoned Commercial Community ('C2') and Manufacturing Light ('M1'), a place of worship and a school zoned Residential Two-Family ('R2'), a curling club zoned Commercial Community ('C2'), and multi-family residential apartments zoned Commercial Mixed Use ('CMU').

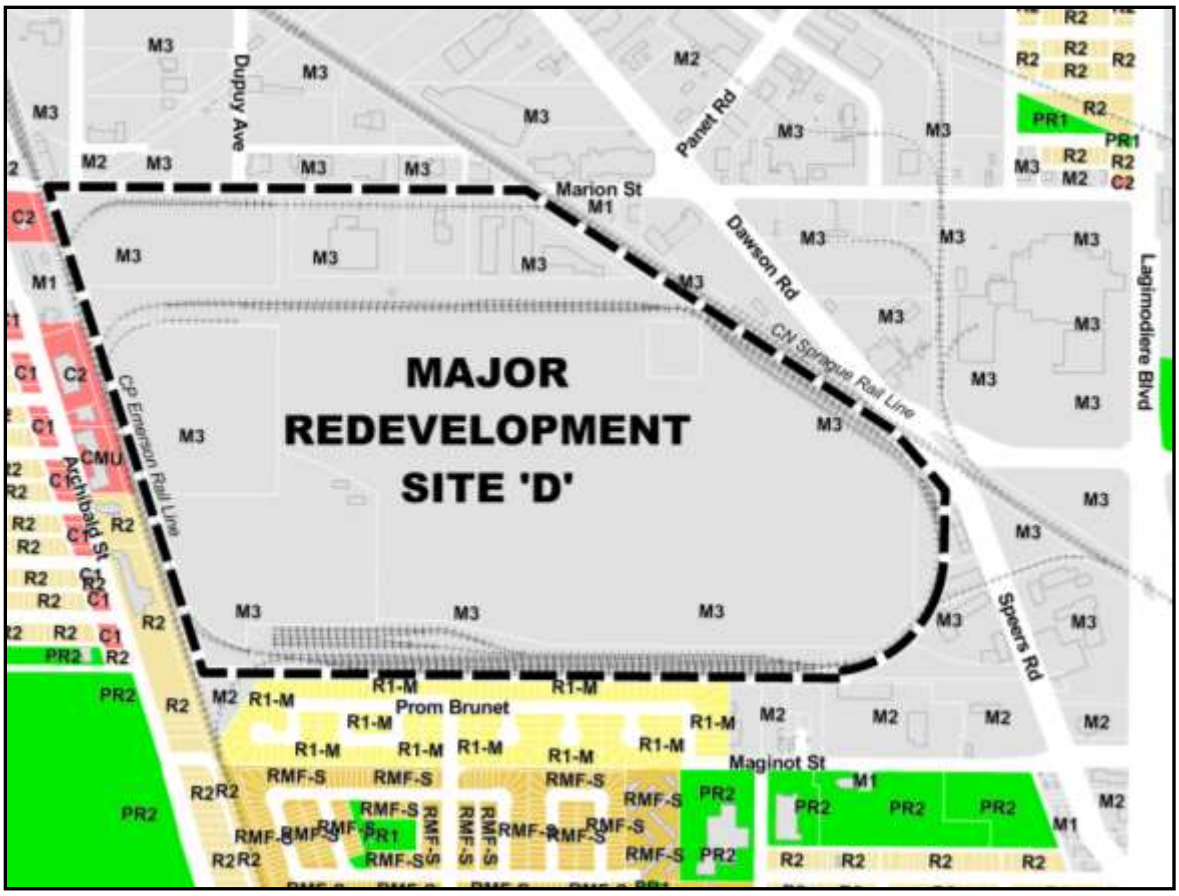


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide and rezone the subject 165 acre site from “M3” Manufacturing Heavy into 24 lots zoned "RMF-M" Residential Multi-Family (Medium) District, “RMF-L” Residential Multi-Family (Large) District, “C2” Commercial Community District, “CMU” Commercial Mixed Use District, “M2” Manufacturing General District, “M1” Manufacturing Light District, “MMU” Manufacturing Mixed Use District, “PR1” Parks And Recreation 1 (Neighbourhood) District, and a “PR2” Parks and Recreation 2 (Community) District.

- The vision for the Public Markets site as stated in the adopted Secondary Plan is:

  ‘The Public Markets will be developed as an employment hub, including industrial and commercial uses, complemented by medium to high density residential and recreational uses. A wide range of employment opportunities will be provided in a business park setting and the Public Markets will offer retail, institutional, active and passive recreation for employees, residents, and visitors.’

- Two main collector roads are proposed as part of the development with access to Marion Street and Speers Road. A road stub is proposed abutting 800 Marion Street. Once additional land is acquired this road is proposed to eventually provide a future access point from the development to Marion Street.

- Approximately 20 metres of the applicant’s property along Marion Street will be opened as right-of-way.

- Approximately 12.36 acres will be rezoned to 'PR-2' Parks and Recreation 2 (Community) and 'PR-1' Parks and Recreation 1 (Neighbourhood) and become publicly owned park space.
- Approximately 10 acres will be rezoned to 'PR-1' Parks and Recreation 1 (Neighbourhood) and will become City-owned land intended to accommodate a future stormwater retention basin associated with the Mission Combined Sewer District relief works. The conveyance of this land, at no cost to the City, was included as part of the original sales agreement when the City sold the land to the proponent and is caveated on title (Caveat Number 3464734).

COLLABORATION

With the Urban Planning and Design Division

- The Urban Planning Division has been in regular communication with the applicant since the initial submission of the subdivision and rezoning application in the fall 2020 in which the details of the proposal were discussed including the recommended conditions of approval.

With the Public

- The applicant undertook an extensive public engagement process as part of the secondary plan application consisting of the following components:
    - A total of eight focused stakeholder meetings (four meetings and four workshops) with various groups including residents associations, Norwood Grove BIZ, Enterprises Riel, St. Boniface Chamber of Commerce (Chambre de commerce francophone de Saint-Boniface) and Industrial Stakeholders.
    - Two public open house events in June 2018 and the second in October/November 2018.
- The applicant indicates that stakeholders were contacted again in March 2021 in relation to the Subdivision and Rezoning application to advise them of the Public Hearing date, review compliance of the proposed Subdivision and Rezoning with the policies in the approved Secondary Plan and answer questions.

ANALYSIS AND ISSUES

OurWinnipeg

The subject land is identified as a Major Redevelopment Site in figure 01a (Winnipeg's Urban Structure) of *OurWinnipeg.*

The Key Direction for Major Redevelopment Sites (Section 01-1c) is that they will *provide transformative opportunities for the development of complete communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites within the existing urban fabric.*

OurWinnipeg refers to section 03-3 of *Complete Communities* for additional detail.

Complete Communities Direction Strategy

The subject land is identified as Major Redevelopment Site 'D' in figure 03f of *Complete Communities*.

Complete Communities provides the following characteristics of a Major Redevelopment Site:

- Large, functionally obsolete or under-utilized lands, such as former industrial areas.
- Located within the existing urban framework, often along rail lines, major corridors or rapid transit corridors and adjacent to existing communities.
- Present opportunities for transformative and strategic mixed use infill and intensification.
- May present challenges to redevelopment, such as inadequate infrastructure capacity or contamination.

Section 03-3 Major Redevelopment Sites, states: *major redevelopment sites will provide transformative opportunities for the development of complete communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites within the existing urban fabric.*

Key Directions for 'Major Redevelopment Sites' (Section 03-3) include:

- Direction 1 - Promote development of Major Redevelopment Sites with proactive and collaborative planning process.
- Direction 2 - Capitalize on the proximity of Major Redevelopment Sites to rapid transit and high frequency transit and high frequency transit.
- Direction 4 - Major redevelopment sites will provide for complete communities with significant levels of mixed use, high density development, with strong urban design and attractive parks, places and open spaces.

Public Markets Major Redevelopment Site "D" Secondary Plan

- The subject site is located within the Employment, Commercial, and Higher Density policy areas of the Public Markets Major Redevelopment Site "D" Secondary Plan (the Secondary Plan) (see Figure 4).

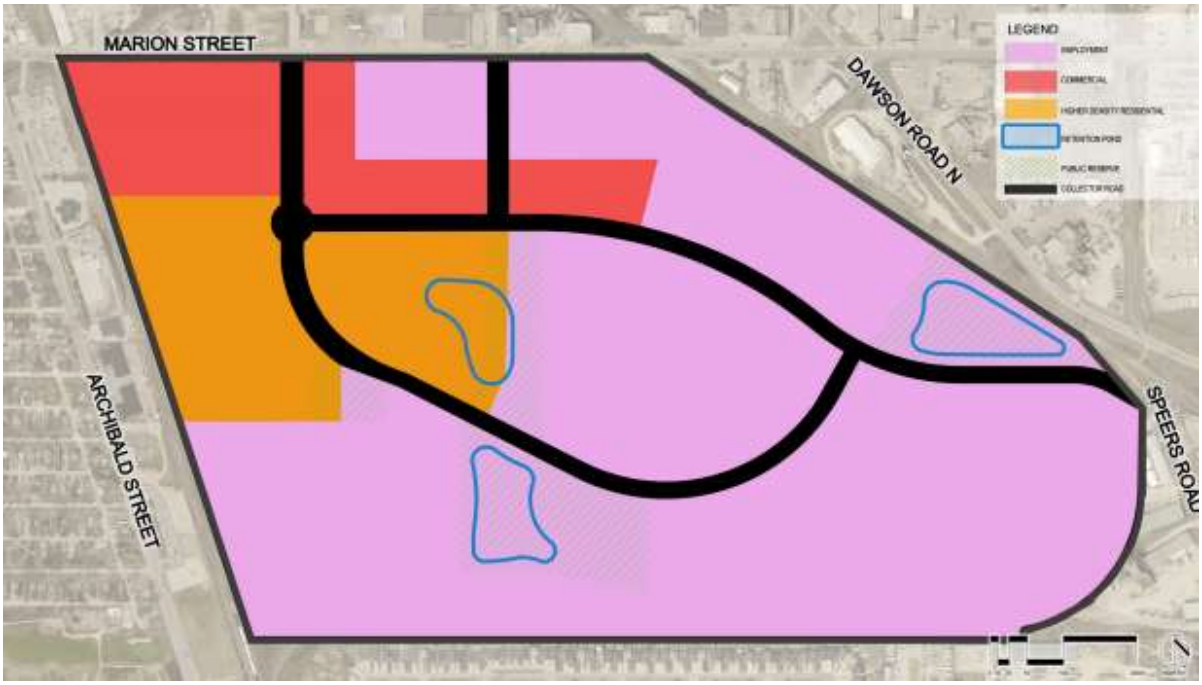


Figure 4: Land Use and Transportation Concept

- The Employment Policy Area is intended to predominantly accommodate light to general industrial uses. Other land uses such as institutional, recreational facilities, and parks and open space uses may be considered. The objectives and policies for the Employment Policy Area are found under Section 3.1 of the Secondary Plan.
- The Commercial Policy Areas is intended to primarily accommodate community-scale commercial development. Other uses such as multi-family residential, institutional, recreational and parks uses may be considered. The objectives and policies for the Commercial Policy Area are found under Section 3.2 of the Secondary Plan.
- The Higher Density Residential Policy Area is intended to primarily accommodate medium to high density multi-family residential uses such as row dwellings, townhomes and multi-storey residential buildings. The combined maximum number of dwelling units in the Higher Density Residential policy area and the Commercial policy area should be 1,200. The objectives and policies for the Higher Density Residential Policy Area are found under Section 3.3 of the Secondary Plan.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

CURRENT ZONING:

Currently, the lands are zoned Manufacturing Heavy ('M3'). The M3 zone is intended to provide for light to heavy industrial development, including heavy manufacturing, storage, major freight terminals, waste and salvage, resource extraction, processing, transportation, major utilities, and other related uses, particularly those that requires very large buildings, frequent heavy truck traffic for supplies or shipments, or that may require substantial mitigation to avoid noise and odour impacts to neighbouring properties.

PROPOSED ZONING:

The applicant is proposing to rezone the site to:

- *Residential Multi-Family Medium District ('RMF-M') and Residential Multi-Family Large District ('RMF-L')* - The RMF districts are intended to accommodate the development of multi-family units in areas with medium to high residential densities.
- *Commercial Community ('C2')* – The C2 zone is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, recreational, limited residential and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.
- *Commercial Mixed Use ('CMU')* – The CMU zone is intended to provide for community-serving mixed use development at a higher scale than is appropriate for neighbourhood locations. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support surrounding neighbourhoods and the community at-large. Although the area, site, or building should have a predominantly commercial character, multi-family housing may be incorporated within the district, and development should facilitate pedestrian connections between residential and non-residential uses.

- *Commercial Corridor ('C3')* - The C3 zoning district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic, but does not include regional shopping malls or regional shopping areas. C3 districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.
- *Parks and Recreation 1 (Neighbourhood) ('PR1')* - The PR1 zoning 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.
- *Parks and Recreation 2 (Community) ('PR2')* – The PR2 zoning district is intended for sites that include community recreation facilities and parks that are accessed by a mix of pedestrian and vehicular traffic. These sites may provide active programs and activities, including community centres, hockey pens, arenas, indoor soccer, wading pools, spray parks, skateboard parks and athletic fields. Parking facilities ranging from 10 to 100 stalls may be associated with these uses.
- *Manufacturing Mixed Use ('MMU')* – The MMU zoning is intended to provide linked commercial and industrial activities that are supportive of industrial functions and are compatible with surrounding industrial use areas, while allowing more flexibility of uses and requiring a higher standard of landscaping and design. Uses may include offices, wholesale and business service establishments, campus-style industrial or business parks, and limited retail/personal service storefronts. MMU zone districts should generally include at least thirty-five (35) acres of contiguous land, or land that would be contiguous except for intervening rights-of-way.
- *Manufacturing Light ('M1')* – The M1 district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage.
- *Manufacturing General ('M2')* – The M2 district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage.

Reason for the Subdivision and Rezoning

The applicant is proposing to rezone the land from M3 to various residential multi-family, commercial, parks, and manufacturing zoning districts in order to create a fully-serviced subdivision providing a wide range of employment opportunities complemented by medium to high density residential and recreational uses in a business park setting.

COMPATIBILITY WITH SECONDARY PLAN AND SURROUNDING NEIGHBOURHOOD

- The proposed location of the residential multi-family zoning, the commercial zoning, the manufacturing zoning, and the parks and recreation zoning aligns with the appropriate policy areas as defined under the *Public Markets Major Redevelopment Site 'D' Secondary Plan* (see Figure 4).
- To ensure the area is developed in accordance with the policies in the Secondary Plan, there are a number of conditions of approval recommended by the Public Service. These conditions are discussed in the following section.

RECOMMENDED CONDITIONS OF APPROVAL

The Public Service has worked closely with the applicants over the past two years in writing the Secondary Plan and designing the Rezoning and Subdivision proposal for the Public Markets Major Redevelopment Site 'D'. Throughout this entire process both parties have been made explicitly aware of the variety of development challenges that face the site including servicing, fire and life safety concerns, rail proximity and compatibility with existing heavy manufacturing uses. The following conditions have been discussed at length between both parties and have generally been agreed to prior to the submission of the subject Subdivision and Rezoning application.

Development Agreement

- The Public Service recommends that the developer enter into a Development Agreement with the City of Winnipeg, in order to address a number of issues relating to municipal services and infrastructure in the Public Markets site as well as the surrounding area. These issues are discussed in the Report of the Administrative Coordinating Group (ACG), which is attached to this report as Schedule "B."

Emergency Access Road and Phasing

- Section 8.2 of the Secondary Plan includes the following policies:
    - *'(2) **Up to 600 dwelling units** may be permitted within Phase I with collector road access to Marion Street, generally located across from Dupuy Avenue, and access at the northern terminus of and connected to Speers Road. Additional dwelling units may be permitted once emergency access can be established to the satisfaction of the Director of Planning, Property & Development in consultation with the Chief of the Winnipeg Fire Paramedic Service and Director of Public Works. A proposal to develop the emergency access should be supported by a study that demonstrates how target emergency response times to the planning area will be met.'*
    - *'(3) The third collector road located generally across from 765 Marion Street shall be established as part of Phase I or Phase 2* (see Figure 5 for Phasing map).'

- These policies were included in the Secondary Plan to address concerns raised by the Winnipeg Fire and Paramedic Service (WFPS) regarding life safety and emergency access to the site in relation to the total number of dwelling units.
- The subject application proposes to subdivide and rezone land located in all of the Phases without establishing a third collector road to Marion Street or accommodation for an emergency access road.
- Through discussions with the WFPS, they indicated a general preference for the emergency access road to be located in the area of Lot 5, Block 3 zoned 'M2'. To ensure the emergency access road is accommodated in future in this area, the Public Service is recommending that no development be permitted on this lot and that the cumulative total of residential dwelling units in the planning area not exceed 600 dwelling units until an at-grade emergency access road is constructed connecting the collector road in the Planned Area to Dawson Road per Policy 8.2.2.
- The Public Service is also recommending that once the emergency access road is constructed, the total number of residential dwelling units permitted across the entire 165 acre planning area be restricted to 1,200 units. This recommendation is consistent with the density maximums prescribed under Policy 3.3.2.6 of the Secondary Plan.

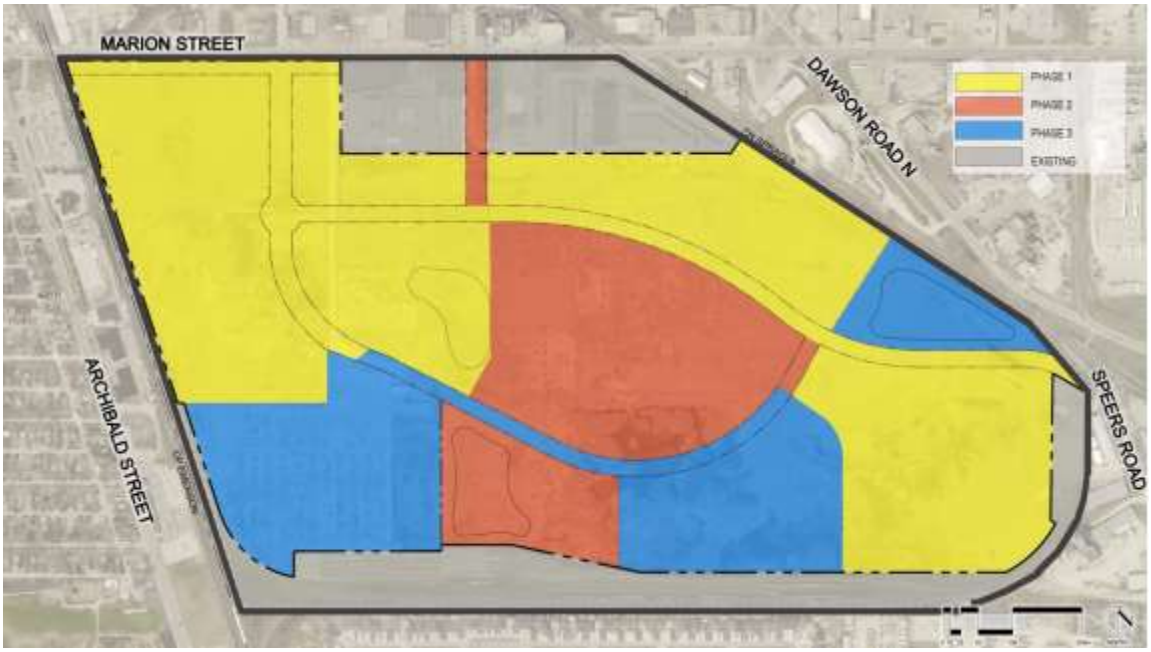


Figure 5: Phasing map from Secondary Plan

Sprinkler Requirement

- Per Policy 3.3.2.16, the Public Service is recommending that all residential buildings have a sprinkler system in order to ensure an added measure of safety.

Odour and Noise Mitigation Measures

- Per Policy 3.3.2.18, the Public Service is recommending that notification signage in both English and French be installed at all of the main entry points to the Plan Area (i.e., on Lot 2, Block 1; Lot 1, Block 4; and Lot 3, Block 4) informing the public of the potential odour and noise nuisance emanating from the existing industrial uses surrounding the planning area.
- Per Policy 3.3.2.17 and based on the *Rail Traffic Noise and Vibration Assessment* (see Appendix D), the Public Service is recommending that all buildings containing residential units have central air conditioning and for buildings located in the Level 3 and Level 4 noise areas as detailed in 'Exhibit 1- Rail Traffic Noise Control Measures' (see Appendix B) upgraded cladding and glazing treatments be incorporated into the design and construction.

Limitation of Uses in Policy Areas

- Per Policy 3.1.2.4 which states that residential, residential-related or accommodation uses shall not be permitted in the Employment Policy Area, the Public Service is recommending that the Hotel and motel use not be permitted on the lots located in the Employment Policy Area.
- Per Policy 3.1.2.5, the Public Service is recommending that the Retail Sales use not be permitted as a principal use on the lots located in the Employment Policy Area.
- Per Policies 3.1.2.13 and 3.2.2.2 which recommend an added measure of oversight for certain uses deemed to be more sensitive, the Public Service is recommending that on lots abutting the rail lines in the Commercial Policy Area and the Employment Policy Area the following uses be permitted as Conditional Uses:
    - Place of worship;

- Community/recreation centre;
- Social service facility;
- Day care centre.

- Per Policy 3.2.2.3 which states that Regional-scale commercial development is not permitted in the Commercial Policy Area, the Public Service is recommending that on the lots zoned Commercial Corridor ('C3'), the size of the Retail Sales use and the Supermarket use be restricted to the standards of the Commercial Community ('C2') zoning district.
- Per Policy 3.3.2.4, the Public Service is recommending that single-family and two-family dwellings not be permitted in the plan area.

Mitigation from Rail Operations

- Per Policies 3.2.2.8 and 3.3.2.13, the Public Service is recommending that for residential development located on the lots abutting the CP Emerson Line the development must incorporate the rail proximity mitigation requirements as identified in the *Federation of Canadian Municipalities & Railway Association of Canada Guidelines for New Development in Proximity to Railway Operations (May 2013).*
- Recommended setbacks are associated with the type of rail line neighbouring the development. In this case, the neighbouring CP Emerson Subdivision is a Secondary Main Line. The recommended setback from Secondary Main Lines is 30 metres (98.4 feet) including a 2.0 metre (6.5 feet) high berm and fence.
- An alternative mitigation measure to the standard berm, fencing, and setback is the incorporation of a crash wall into the building design as well as a 30 metre (98.4 foot) setback to any portion of a habitable room or space within a building.

Residential Setbacks from Heavy Manufacturing Uses

- Per Policies 3.2.2.9 and 3.3.2.14 which prescribe minimum setback requirements for residential development from existing 'M3' zoning, the Public Service is recommending residential development be setback a minimum of 300 metres (984.25 feet) from any "M3" Manufacturing Heavy zoning district outside the planning area, except for lands located directly across Marion Street to the north, where a minimum setback of 150 metres (492.13 feet) will be permitted. Setback distances shall be measured from the nearest property line to nearest property line (see Figure 6).
- Due to the setback requirements as demonstrated on Figure 6, residential development is not possible on Lot 1, Block 2 zoned 'C2'. As such, the Public Service is recommending a condition be included in the Zoning Agreement not permitting residential development on this particular lot.

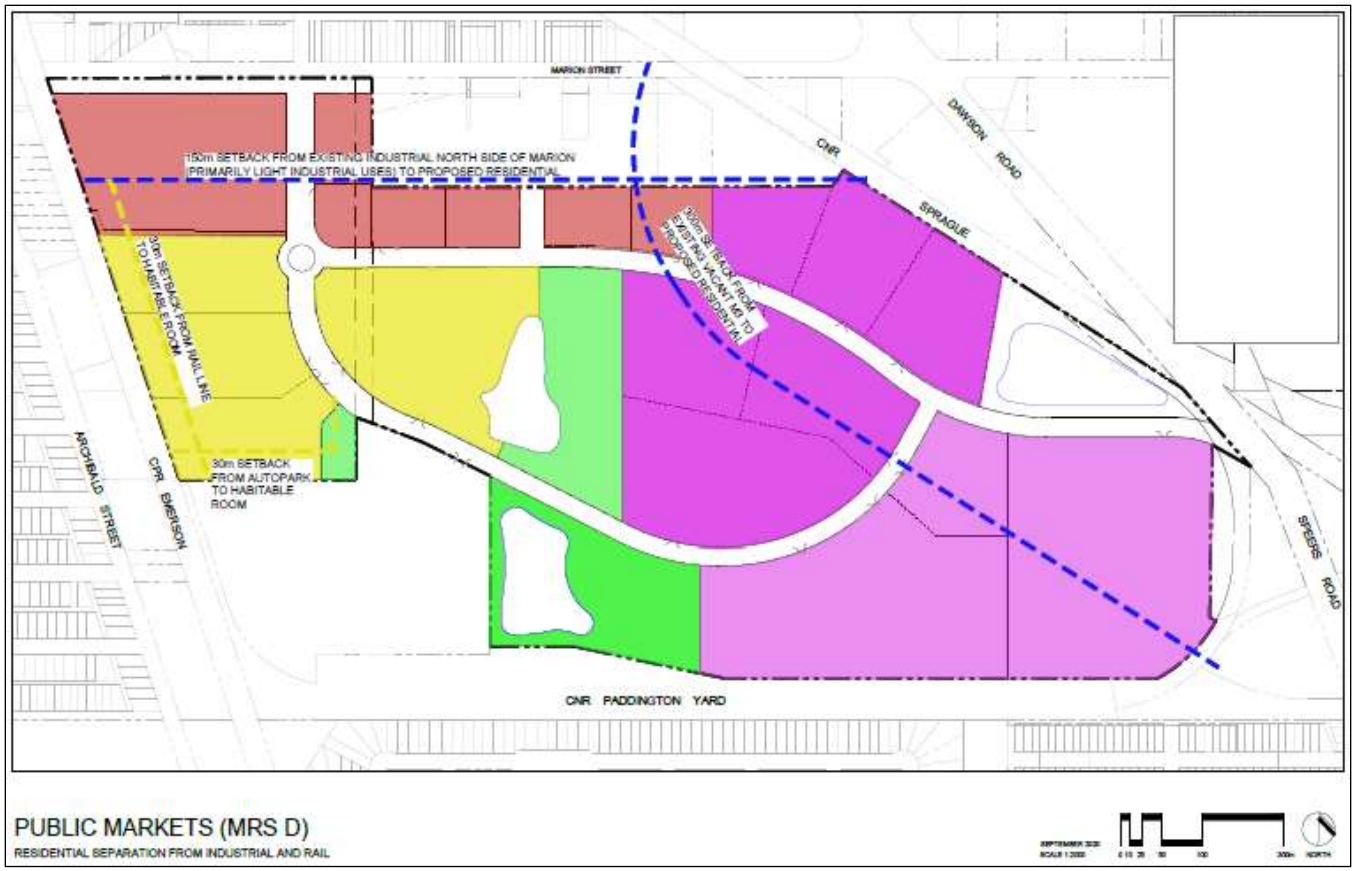


Figure 6: Residential separation from existing 'M3' industrial lands and rail lines.

- Policy 3.3.2.15 states that where residential development is established directly abutting an existing industrial use, the design and siting of the residential development shall mitigate any potential negative impacts on the existing industrial use. There are four lots in the plan area where residential development could be established abutting an existing industrial use. For these lots, the Public Service is recommending an increased setback be maintained to any portion of a habitable room or space, opaque fencing be installed along the shared property line as well as a landscape buffer.

Plan Approval

- In order to ensure future development within the subject site is consistent with the Secondary Plan, and compatible with the surrounding area, the Urban Planning Division is recommending that Plan Approval by the Director of Planning, Property and Development, and by the Riel Community Committee be required for any development on the lands.
- Future Plan Approval applications should be evaluated against the various design related policies in the Secondary Plan including Section 5.0 which provides policy direction for sustainable design elements.

Height

- The Public Service is recommending height restrictions for residential development that align with the policies restricting building height included in the Commercial Policy Area and the Higher Density Residential Policy Area.

- For residential development on the lots zoned ‘RMF-L’ in the Higher Density Residential Policy Area, the maximum building height permitted is ten storeys and100 feet (30.48 metres). For the other lots where residential development is permitted in the Commercial Policy Area and the Higher Density Residential Policy Area, the maximum building height permitted is six storeys and 70 feet (21.34 metres).

Vehicular approaches

- To help ensure the safety and comfort of pedestrians and cyclists is maintained on collector roads and to help ensure a more pedestrian-oriented built form, per Policy 3.3.2.11, the Public Service is recommending that row dwellings shall not have individual dwelling unit vehicular access to a collector road.

Limited Development Area

- As part of the Marion Street Corridor Improvements study, the City is exploring the feasibility of a future localized at grade realignment of the CPR Emerson subdivision rail line to improve safety and functionality of the Marion Street and Archibald Street intersection.
- ‘Exhibit 2’ included in Appendix C of this report, shows the necessary proposed property allowance within the Public Markets site. The Public Service is recommending no buildings be permitted within the area identified as the ‘Limited Development Area’ in ‘Exhibit 2’.
- Although not part of the current Marion Study mandate, the zoning restriction would also retain feasibility for a future study (not in conceivable foreseeable future) for an Underpass grade separation should it be deemed necessary by railway safety concerns and travel demand.

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 of Winnipeg for parks purposes. The amount of land is not less than 10 percent.
- In the case of the subject application, the amount of land being contributed for parks purposes is approximately 12.36 acres.

RECOMMENDATION

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

- The subdivision and rezoning, subject to the recommended conditions, complies with policies for Major Redevelopment Sites under the *Complete Communities Direction Strategy*, and with the policies in the *Public Markets Major Redevelopment Site ‘D’ Secondary Plan*.

This Report Submitted by: Elise Finnigan
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 30/2020

Schedule “A” for File No. DASZ 30/2020, Riel Community Committee, dated March 19th, 2021.

By-Law No.

File No. **DASZ 30/2020**

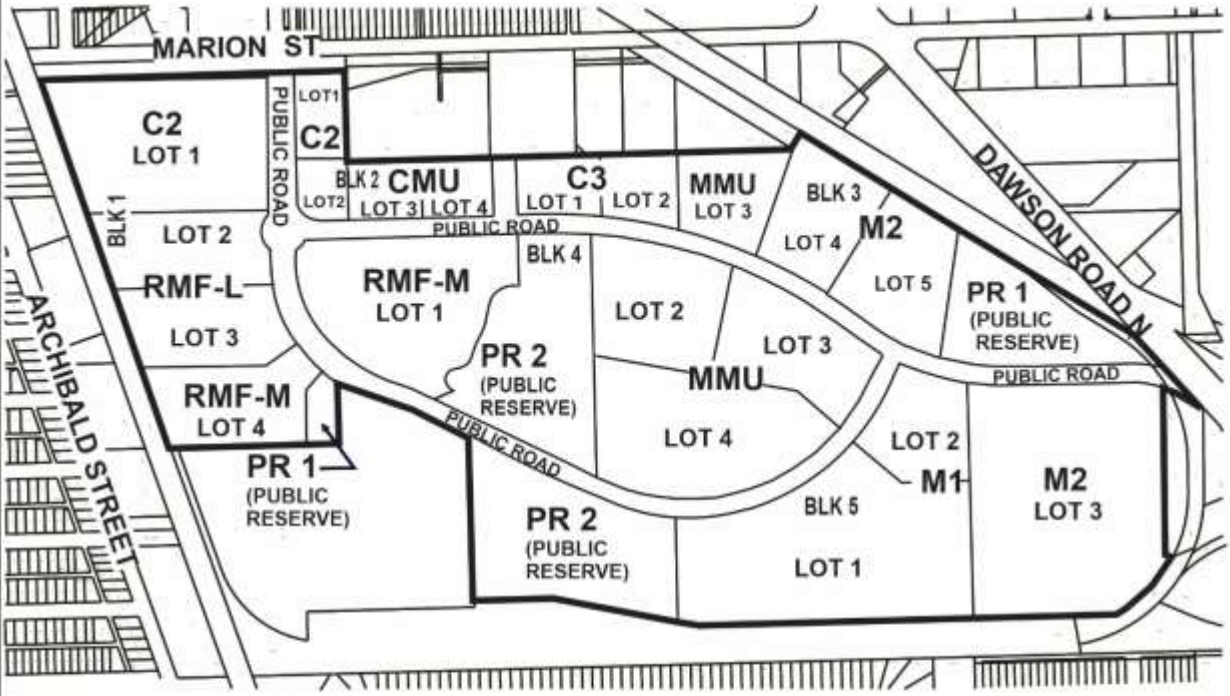
Atlas Sheet No. **AB28**

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 bounded by Marion St to the north, CN Railway and Speers Rd to the east, CP/CN Railway to the south and CP Railway to the west from an "M3" MANUFACTURING HEAVY DISTRICT to "RMF-M" and "RMF-L" RESIDENTIAL MULTI-FAMILY DISTRICTS, "C2", "C3" and "CMU" COMMERCIAL DISTRICTS, "M1", "M2" and "MMU" MANUFACTURING DISTRICTS, and "PR1" and "PR2" PARKS AND RECREATION DISTRICTS to facilitate the establishment of the Public Markets Neighbourhood by the establishment of lots/blocks, public reserves and public right-of-ways.



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 BOUNDED BY MARION STREET TO THE NORTH, CN RAILWAY AND SPEERS ROAD TO THE EAST, CP/CN RAILWAY TO THE SOUTH AND CP RAILWAY TO THE WEST (PUBLIC MARKETS MRS)

It is recommended that approval of DASZ 30/2020, if granted, be subject to the applicant entering into an 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 20.0m widening to the south side of Marion Street, abutting the Planned Area, to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, legal open property required for a 25.0m widening to the south side of Marion Street, abutting the west portion of the Planned Area, for a suitable length to accommodate a future culvert crossing, as determined by and to the satisfaction of the Director of Public Works.

3) All streets need to be established with right-of-way widths to accommodate the pavements, boulevards, sidewalks, multi-use paths, utilities and land drainage system (including the future Mission Combined Sewer District Relief Works), all to the satisfaction of the Directors of Public Works and Water and Waste.

    a. The proposed northernmost east-west 24.0m right-of-way shall be increased to 32.0m, with an additional 12.5m temporary construction easement for the land drainage sewer along the south limit of the north abutting properties, which shall revert to a 3.0m permanent land drainage sewer easement for these same properties

    b. The proposed 35.0m right-of-way accessing Marion Street shall be increased to 42.0m, with an additional 13.5m temporary construction easement for the land drainage sewer along the west limit of the east abutting properties, which shall revert to a 4.9m permanent land drainage sewer easement for these same properties

    c. The Developer shall grant a 14.5m temporary construction easement on the north limit of Lot 1 Block 1, which shall revert to a 4.0m permanent land drainage sewer easement for these same properties.

d. Additional easements may be identified during detailed design of the Mission Combined Sewer Relief Works; the Developer shall grant such easements at no expense to the City, as determined by and to the satisfaction of the Director of Water and Waste.

4) The Developer shall, at no expense to the City, legally open property required to accommodate the proposed roundabout within the Planned Area, to the satisfaction of the Director of Public Works.

5) The Developer shall legally open property for right-of-way corner cuts measuring a minimum of 2.0m by 2.0m in each corner of the intersection of two streets measuring 22.0m in width or greater, to the satisfaction of the Director of Public Works.

6) The Developer shall, at no expense to the City, grant a 12.0m land drainage sewer easement along the northerly 12.0m of proposed Lots 4 and 5, Block 3.

7) Pursuant to Caveat 3464734, the Developer shall convey to the City 10 acres of land, at their sole expense, for the purpose of a future stormwater retention basin associated with the Mission Combined Sewer District Relief Works.

8) The DRAFT Legal Plan must be submitted to the Public Works and Water and Waste Department with the appropriate construction details for review and approval by the Public Works Department and Water and Waste Department.

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 comprehensive servicing report, prepared by a qualified municipal engineer, which shall outline the provision of underground services required for the Planned Area and adjacent lands, as determined by and to the satisfaction of the Director of Water and Waste.

3) The Developer shall submit Servicing Criteria Sheets for water, wastewater and land drainage facilities, including plans showing the current and ultimate service areas, as determined by and to the satisfaction of the Director of Water and Waste.

Section III - Servicing Conditions

1) Water Mains

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 servicing report, to the satisfaction of the Director of Water and Waste.

2) Wastewater Sewers

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 servicing report, to the satisfaction of the Director of Water and Waste.

3) Land Drainage Sewers

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

b) The Developer shall pay their share of the cost of the regional land drainage system:

i. if the proposed land drainage outfall connects to the Mission Combined Sewer District, the Developer shall pay their share of the Mission Trunk Service Rate (TSR); or,

ii. if the proposed land drainage outfall connects to the Seine River, the Developer shall pay their share of the Seine River Waterway Land Acquisition Charge.

All as determined by and to the satisfaction of the Director of Water and Waste.

4) Stormwater Retention Facilities

a) The Developer shall construct, and bridge-finance the cost of constructing, naturalized regional stormwater management facilities and associated works to serve the Planned Area and adjacent lands, in accordance with the “Criteria for Stormwater Management” (adopted by City Council on April 25, 2001), as determined by and to the satisfaction of the Director of Water and Waste.

i. Further to Clause a) above, the Developer is not responsible for construction of the Mission Combined Sewer Relief Works stormwater retention basin to be located on Lot 6 Block 3.

a) The Developer shall dedicate to the City any land, and shall provide to the City all easements, required to accommodate the naturalized regional stormwater management facilities, as determined by and to the satisfaction of the Director of Water and Waste in accordance with the City’s Development Agreement Parameters.

b) The Developer shall pay its share of the cost of the said naturalized regional stormwater management facilities, as determined by the Director of Water and Waste.

c) If the Developer's share of the cost of constructing the said naturalized regional stormwater management facilities in accordance with Clause a) is greater than the Developer's share of that cost determined under Clause c), the City shall reimburse the Developer for the amount of the difference, as and when the amount of the difference is determined by the Director of Water and Waste, subject to approval by City Council of capital funding for that reimbursement and availability of funds recovered from third parties in accordance with this Agreement. Interest, calculated in accordance with the Development Agreement Parameters, will be added to the amount of the difference calculated from the date of the first anniversary of substantial completion of construction for the naturalized regional stormwater management facilities.

d) The Developer shall, prior to construction, provide to the City a separate Letter of Credit in an amount equal to 15% of the construction cost of the naturalized regional stormwater management facilities and associated works, as determined by and to the satisfaction of the Director of Water and Waste. The City shall release this separate Letter of Credit to the Developer upon issuance of the Final Acceptance Certificate.

e) The Developer shall submit to the Director of Water and Waste and to the Director of Public Works for their approval construction plans and specifications for grading, leveling and vegetating the public land components of any storm water retention basins within the Planned Area prior to beginning construction of same.

f) The Developer shall, at no expense to the City, grade, level, and vegetate all public land components of all storm water retention basins within the Planned Area in accordance with approved construction plans and specifications to the satisfaction of the Director of Water and Waste and the Director of Public Works.

g) Despite anything else in this Agreement, the Developer shall maintain all storm water retention basins within the Planned Area, including naturalized channels, as determined by and to the satisfaction of the Director of Water and Waste and the Director of Public Works, as follows:

    i) 2 years (following the date of Construction Completion) for the physical construction of the storm water retention basins including excavation and hard infrastructure; and

    ii) 5 years (following the date of Construction Completion) for the vegetation planting.

h) The Developer shall enter into an agreement to caveat all private lots abutting any storm water retention basin within the Planned Area, outlining the special conditions for the maintenance of the vegetated areas at the rear of the private lots as determined by and to the satisfaction of the Director of Public Works.

i) The Developer shall, at no expense to the City, develop and provide to the City a performance specification document for the storm water retention basins within the Planned Area, to the satisfaction of the Director of Public Works, that assesses the constructed wetlands vegetative condition. The Developer shall, at no expense to the City, develop and provide to the City a performance specification document for the wetland vegetation, to the satisfaction of the Director of Public Works, and shall conduct routine vegetation assessments for 5 years following construction of the storm water retention basins to determine whether the wetland vegetation is meeting the performance specification and shall take appropriate remedial action, where necessary, as determined by the Director of Public Works.

j) As a condition of issuance of a Final Acceptance Certificate by the Director of Public Works, the Developer shall, at no expense to the City, prepare an operation manual for the storm water retention basins that will ensure the long-term viability of the wetland by maximizing ecological benefits and minimizing maintenance, to the satisfaction of the Director of Public Works.

5) Pavements

The Developer shall, at no expense to the City, construct Portland cement concrete pavements, 10.0m and 8.0m wide by 200mm thick, in the proposed Public Roads within the Planned Area, and all related works including, but not necessarily limited to ornamental street lighting, boulevard landscaping and land drainage sewers, all as determined by and to the satisfaction of the Director of Public Works.

6) Intersection Works at Marion Street and Proposed Public Road/Dupuy Avenue

The Developer shall, at no expense to the City, construct, and/or pay to the City their share of the cost to construct, the required intersection works to accommodate the proposed development, at the intersection of Marion Street and the proposed Public Road/Dupuy Avenue, and all related works, including, but not limited to installation of a median, left turn lane, right turn lane, if required, all as determined by and to the satisfaction of the Director of Public Works.

7) Intersection Works at Maginot Street and Lagimodiere Boulevard

The Developer shall, at no expense to the City, construct a second northbound left turn lane on Lagimodiere Boulevard at Maginot Street, and all related works, as determined by and to the satisfaction of the Director of Public Works.

8) Speers Road

a) The Developer shall, at no expense to the City, construct, Portland cement concrete pavements in Speers Road, and all related works, including but not limited to sidewalks/multi-use pathways on both sides, boulevard landscaping, ornamental street lighting, and land drainage sewers, between the existing Speers Road within the Planned Area and Maginot Street, all as determined by and to the satisfaction of the Director of Public Works.

i) The Speers Road cross-section is to be determined in conjunction with the Public Works Department, to the satisfaction of the Direction of Public Works.

b) The City will endeavor, within the limits of its powers, to make recoveries from other benefiting privately owned lands through subsequent development agreements.

9) Roundabout

a) The Developer shall, at no expense to the City, construct the proposed roundabout within the Planned Area, and all related works, all as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct a roundabout at the intersection of Speers Road and Maginot Street, and all related works, including but not limited to sidewalks/multi-use pathways, all as determined by and to the satisfaction of the Director of Public Works.

c) The City will endeavor, within the limits of its powers, to make recoveries from other benefiting privately owned lands through subsequent development agreements.

10) Traffic Control Signals

The Developer shall, at no expense to the City, pay to the City, in cash, on demand, the costs associated with the installation of traffic control signals and all related works including, but not limited to, pedestrian and vehicular actuation and interconnection to adjacent traffic-control signals, countdown and audible pedestrian signals at the intersection of Marion Street and the proposed Public Road, as determined by and to the satisfaction of the Director of Public Works.

11) Pedestrian Crossing Control

The Developer shall pay to the City, in cash, on demand, the costs associated with the installation of the appropriate pedestrian crossing control and all related works, where the proposed pathway crosses the Public Road within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

12) Sidewalks/Multi-use Pathways

a) The Developer shall, at no expense to the City, construct 1.5m wide by 100mm thick Portland cement concrete sidewalks and/or multi-use pathways, and all related works, on the standard alignment, 0.3m from the property line or as determined by Public Works, on both sides of all streets within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct, or pay to the City their share of the cost to construct, 1.5m wide by 100mm thick Portland cement concrete sidewalks, and/or multi-use pathways, and all related works, on the standard alignment, 0.3m from the property line or as determined by Public Works, on the south side of Marion Street, abutting the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

13) Two Means of Vehicle Access

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

14) 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.

15) Signage

The Developer shall, at no expense to the City:

i) obtain approval of and install, prior to construction, and subsequently maintain, at the entrances to the Planned Area, development information signs, containing no advertising, and showing the Planned Area, zoning information, a north directional arrow, proposed sidewalks, walkways, active transportation facilities, community mail boxes, parks, land drainage retention facilities, natural tree stands, multiple family sites, commercial sites, collector and arterial streets, Lagimodiere Boulevard, Marion Street, all railway subdivisions, all with the approval of, and to the satisfaction of, the Director of Planning, Property and Development; and,

ii) supply and install trail network signage and trail related traffic signage, on pathways and Active Transportation corridors, consistent with standards and specifications applied to similar citywide networks, or an alternative standard proposed by the Developer, as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, and Development.

16) 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.

17) 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.

18) 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.

19) 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.

20) 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.

21) 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 pay its share of the cost of services in streets abutting the dedicated land all 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 8% of the land, 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, or, by the provision of an equivalent value of additional site amenities in the Public Reserve(s), as approved by the Directors of Public Works and Planning Property and Development.

   i) It is hereby acknowledged by the City and the Developer that the land comprising the 7:1 slope on the west and south side of the southwest stormwater retention basin, which provides no useable park space and is governed by Water and Waste, shall receive no park land dedication credit.

   ii) It is further acknowledged by the City and the Developer that the land associated with the easterly stormwater retention basin (identified as Lot 6, Block 3) is not considered park space and shall not be eligible for park land dedication credit.

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, sodding, land drainage, irrigation and a primary path running through the two central park locations:

   i) the primary path shall run from the north limit of the northerly Public Reserve site, through and crossing over to the southerly Public Reserve site, and shall continue through that site in a manner determined during the park planning and approval process. Where the path intersects or crosses the street, the path segments shall approach the street at right angles to the street, align directly across from each other or a continuing path or sidewalk and, shall include the standard curb ramps and detectable warning strips;

   ii) the Public Reserve(s) shall be graded to accommodate amenities required by the City, including but not limited to athletic fields and a potential future parking area, as determined by and to the satisfaction of the Director of Public Works;

   iii) athletic fields shall be constructed and graded to include appropriate runouts and accommodate an additional depth of soil, in accordance with the City's athletic field standards, with the City reimbursing the cost of additional soil, subject to review and approval of costs by the Director of Public Works; and,

   iv) The provision of additional elements such as plantings, site furnishing, play equipment and athletic field components will be encouraged, subject to approval of plans submitted and approved by the Director of Public Works.

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:

   i) construct uniform continuous fencing, the style of which shall be determined through the park planning and approval process, along all private properties abutting the Public Reserve(s). The fencing shall be located on private property and established by caveat to be the responsibility thereafter of the private property owner to retain, repair and maintain.

   ii) construct a 1.8m high chain link fence, in accordance with City standards, along the south property line of the Public Reserve abutting the CN/CP Railway. The fence shall, as best as possible, be tied into the existing fence running along the west edge of the Public Reserve and the future fence along the east limit described in clause i. above, so as to eliminate any opening onto the rail line. The fence shall become the responsibility of the City to maintain after completion of construction and the warranty period.

   iii) fencing described in clause i. and ii. shall be constructed concurrently to eliminate any possible rail crossing from the Public Reserve area; and,

   iv) construct a 1.2m high chain link fence (or approved open style barrier fence alternative) along the frontage of the small westerly Public Reserve area, complete with a pedestrian opening/gate and maintenance equipment access, all in accordance with City specifications.

   All as determined by and to the satisfaction of the Director of Public Works.

e) 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.

f) 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.

g) 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 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 provide a summary of all costs incurred for the preparation of the Public Markets Secondary Plan in order to establish an Area Charge for the Secondary Plan, as determined and approved by the Director of Property, Planning and Development. The City shall reimburse the Developer the amount in excess of the Developer's Area Charge as monies are collected from benefitting lands.

b) 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;

c) 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 30/2020
March 1, 2021

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Public Works Department

Appendix 'B' - "Exhibit 1 – Rail Traffic Noise Attenuation Measures".

Appendix 'C' - "Exhibit 2 – Limited Development Area".

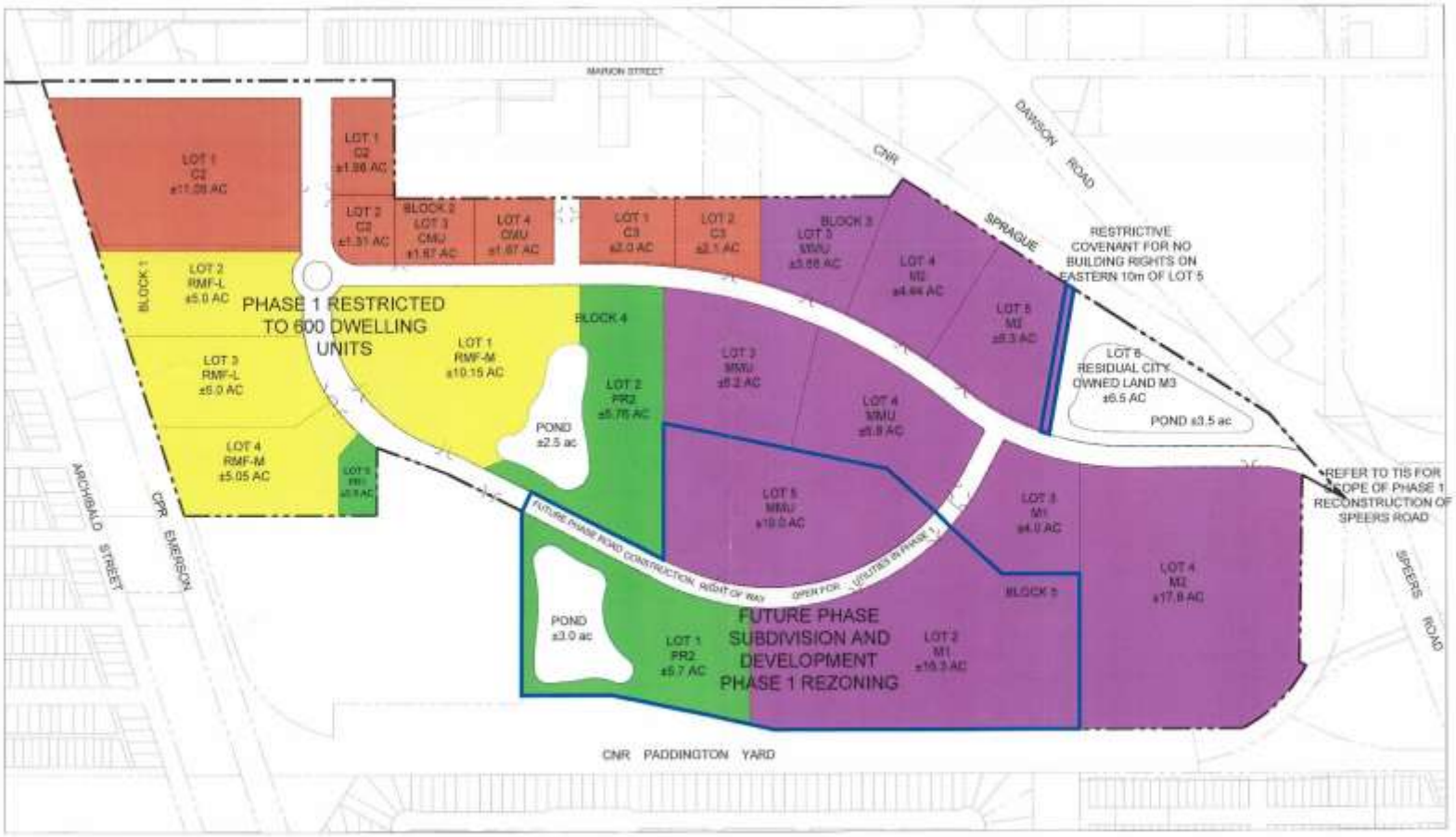
Appendix 'D' - Rail Traffic Noise and Vibration Assessment.

Exhibit "8" referred to in File DASZ 30/2020



PUBLIC MARKETS (MRS D)

CONCEPTUAL PLAN OF SUBDIVISION AND REZONING



PUBLIC MARKETS (MRS D)

PHASE 1 DEVELOPMENT PLAN



PUBLIC MARKETS (MRS D)

CONCEPTUAL SIGNAGE PLAN FOR SECTION 3.2.2 (17)



PUBLIC MARKETS (MRS D)

TITLE PLOT PLAN