**Agenda – Council – March 20, 2020**

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2020**

**Item No. 8 Subdivision and Rezoning –1206 Templeton Avenue and Lot 12 Plan 3708 (Old Kildonan Ward) File DASZ 38/2019**

STANDING COMMITTEE RECOMMENDATION:

On March 10, 2020, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the subdivision under Development Application No. DASZ 28/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated February 7, 2020, and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions.

    A. That the developer be required to enter into a Development Agreement 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 December 11, 2019 and attached as Schedule "B" to this report, with the following amendments:

        i. Amend Condition 1)b. under 'Wastewater Sewers' by deleting "prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office", and replacing with "in cash on demand"

        ii. Amend Condition 2)b. under 'Water Mains' by deleting "prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office", and replacing with "in cash on demand"

        iii. Amend Condition 3)c. under 'Land Drainage Sewers' by deleting "prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office", and replacing with "in cash on demand"

        iv. Amend Condition 3)d. under 'Land Drainage Sewers' by deleting "prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office", and replacing with "in cash on demand"

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2020**

STANDING COMMITTEE RECOMMENDATION (continued):

v. Amend Condition 4) under 'Pavements' by renumbering the Condition 4)a.

vi. Amend Condition 4)a. by adding "between Templeton Avenue and the most southerly entrance to the proposed RMF-L lands" after "in the proposed collector street,"

vii. Add the following new Condition under 'Pavements':

"4)b. The Developer shall, at no expense whatsoever to the City, construct and/or pay their share of the cost to construct, on demand, 200mm thick Portland cement concrete pavements, 10.0m in width, and all related works, including but not limited to sidewalks on both sides, ornamental street lighting, boulevard landscaping and land drainage facilities, in the balance of the proposed collector street within the Planned Area, all as determined by and to the satisfaction of the Director of Public Works."

viii. Amend Condition 5) under 'Templeton Avenue' by deleting "prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office", and replacing with "in cash on demand"

ix. Delete Condition 8 under 'Signage', in its entirety

x. Amend Condition 13)(b)i. under 'Public Reserve' by adding the words "and landscape improvements" after "paths"

xi. Add the following new Condition under 'Public Reserve':

"13)(b)ii. Should the Developer pay their share of the cost of items noted in (b)i. above, clauses (c), (e), (f), (g) and (h) will not apply."

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMF-L" Residential Multi-Family (Large) District and a "PR1" Parks and Recreation 1 District as shown on the map dated February 7, 2020 and attached as Schedule "A" to this report, subject to the following conditions:

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2020**

STANDING COMMITTEE RECOMMENDATION (continued):

A. That the developer enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

i. That for the development of any building (except single-family and two-family dwellings) on Lot 1 and Lot 2 of Schedule "A" under file DASZ 38/2019 zoned "RMF-L" the following shall apply:

a. That no building shall be greater than 75 feet in height.

b. That the owner must submit plans showing the location and design of any and all proposed:

1. buildings
2. accessory parking areas
3. private approaches
4. garbage enclosures
5. lighting
6. fencing
7. landscaping, and
8. free-standing signage

on the Owner's land ("Works) to the City's Director of Planning, Property and Development ("Director") and the Lord Selkirk - West Kildonan 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.

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 Director of Legal Services and City Solicitor to implement the intent of the foregoing (the "Ancillary Agreements").

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2020**

STANDING COMMITTEE RECOMMENDATION (continued):

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

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

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

7. 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.

8. 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.

9. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 7 and 8 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

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

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2020**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 10, 2020, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 2, 2020, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, with the following amendment:

- Delete Recommendation 1.A.x. in its entirety and replace with the following:

  "1.A.x. Amend Condition 13)(b)i. under 'Public Reserve' by adding the words "and landscape improvements" after "paths"

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

COMMUNITY COMMITTEE RECOMMENDATION:

On February 18, 2020, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

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

  ", with the following amendments:

  i. Amend Condition 1)b. under 'Wastewater Sewers' by deleting "prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office", and replacing with "in cash on demand"

  ii. Amend Condition 2)b. under 'Water Mains' by deleting "prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office", and replacing with "in cash on demand"

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2020**

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

iii. Amend Condition 3)c. under 'Land Drainage Sewers' by deleting "prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office", and replacing with "in cash on demand"

iv. Amend Condition 3)d. under 'Land Drainage Sewers' by deleting "prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office", and replacing with "in cash on demand"

v. Amend Condition 4) under 'Pavements' by renumbering the Condition 4)a.

vi. Amend Condition 4)a. by adding "between Templeton Avenue and the most southerly entrance to the proposed RMF-L lands" after "in the proposed collector street,"

vii. Add the following new Condition under 'Pavements':

"4)b. The Developer shall, at no expense whatsoever to the City, construct and/or pay their share of the cost to construct, on demand, 200mm thick Portland cement concrete pavements, 10.0m in width, and all related works, including but not limited to sidewalks on both sides, ornamental street lighting, boulevard landscaping and land drainage facilities, in the balance of the proposed collector street within the Planned Area, all as determined by and to the satisfaction of the Director of Public Works."

viii. Amend Condition 5) under 'Templeton Avenue' by deleting "prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office", and replacing with "in cash on demand"

ix. Delete Condition 8 under 'Signage', in its entirety

x. Amend Condition 13)(b)i. under 'Public Reserve' by deleting the word "paths" and replacing with "landscape improvements"

xi. Add the following new Condition under 'Public Reserve':

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2020**

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

> "13)(b)ii. Should the Developer pay their share of the cost of items noted in (b)i. above, clauses (c), (e), (f), (g) and (h) will not apply."

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

## PUBLIC HEARING SUMMARY

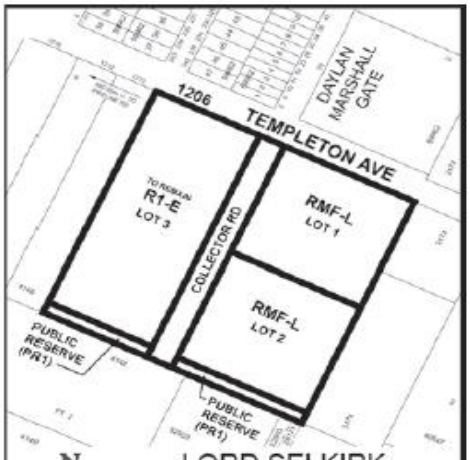
**File:** DASZ 38/2019

**Before:** Lord Selkirk-West Kildonan Community Committee
Councillor Eadie, Chairperson
Councillor Santos
Councillor Sharma

**Public Hearing:** February 18, 2020
Council Building, 510 Main Street

**Applicant**: McGowan Russell
(Susan Russell)

**Subject**:




**APPLICANT**: McGowan Russell Group Inc.
**FILE:** DASZ 38/2019
**PROPOSAL:** An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R1-E" RESIDENTIAL SINGLE-FAMILY (ESTATE) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT and "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to facilitate the creation of lots, the establishment of a right-of-way and the establishment of public reserve for future residential development. **For information, phone Mr. R. Hayer, Planner at 204-986-7168.**

**Premises Affected:** 1206 Templeton Avenue and Lot 12 Plan 3708

**For submission to:** The Standing Policy Committee on Property and Development, Heritage and Downtown Development

**Prepared by:** P. Prinsloo, Senior Committee Clerk
Lord Selkirk-West Kildonan Community Committee

**Report date:** February 18, 2020

**Community Committee Recommendation:**

On February 18, 2020, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and, recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the subdivision under Development Application No. DASZ 28/2019 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated February 7, 2020, and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions.

    A. That the developer be required to enter into a Development Agreement 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 December 11, 2019 and attached as Schedule "B" to this report~~.~~ ***, with the following amendments:***

        ***i. Amend Condition 1)b. under 'Wastewater Sewers' by deleting "prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office", and replacing with "in cash on demand"***

        ***ii. Amend Condition 2)b. under 'Water Mains' by deleting "prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office", and replacing with "in cash on demand"***

        ***iii. Amend Condition 3)c. under 'Land Drainage Sewers' by deleting "prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office", and replacing with "in cash on demand"***

        ***iv. Amend Condition 3)d. under 'Land Drainage Sewers' by deleting "prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office", and replacing with "in cash on demand"***

***v. Amend Condition 4) under 'Pavements' by renumbering the Condition 4)a.***

***vi. Amend Condition 4)a. by adding "between Templeton Avenue and the most southerly entrance to the proposed RMF-L lands" after "in the proposed collector street,"***

***vii. Add the following new Condition under 'Pavements':***

***"4)b. The Developer shall, at no expense whatsoever to the City, construct and/or pay their share of the cost to construct, on demand, 200mm thick Portland cement concrete pavements, 10.0m in width, and all related works, including but not limited to sidewalks on both sides, ornamental street lighting, boulevard landscaping and land drainage facilities, in the balance of the proposed collector street within the Planned Area, all as determined by and to the satisfaction of the Director of Public Works."***

***viii. Amend Condition 5) under 'Templeton Avenue' by deleting "prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office", and replacing with "in cash on demand"***

***ix. Delete Condition 8 under 'Signage', in its entirety***

***x. Amend Condition 13)(b)i. under 'Public Reserve' by deleting the word "paths" and replacing with "landscape improvements"***

***xi. Add the following new Condition under 'Public Reserve':***

***"13)(b)ii. Should the Developer pay their share of the cost of items noted in (b)i. above, clauses (c), (e), (f), (g) and (h) will not apply."***

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMF-L" Residential Multi-Family (Large) District and a "PR1" Parks and Recreation 1 District as shown on the map dated February 7, 2020 and attached as Schedule "A" to this report, subject to the following conditions:

   A. That the developer enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

      i. That for the development of any building (except single-family and two-family dwellings) on Lot 1 and Lot 2 of Schedule "A" under file DASZ 38/2019 zoned "RMF-L" the following shall apply:

a. That no building shall be greater than 75 feet in height.

b. That the owner must submit plans showing the location and design of any and all proposed:

1. buildings
2. accessory parking areas
3. private approaches
4. garbage enclosures
5. lighting
6. fencing
7. landscaping, and
8. free-standing signage

on the Owner's land ("Works) to the City's Director of Planning, Property and Development ("Director") and the Lord Selkirk - West Kildonan 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.

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 Director of Legal Services and City Solicitor to implement the intent of the foregoing (the "Ancillary Agreements").

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

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

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

7. 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.

8. 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.

9. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 7 and 8 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

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

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

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The proposed plans that we see for this subdivision and rezoning application are consistent with the Precinct E plan that this committee has dealt with before.

**Exhibits Filed**:

1. Application dated November 27, 2019
2. Notification of Public Hearing dated January 16, 2020
3. Manitoba Status of Titles 2931722/1 and 2931468/1
4. Letter of authorization dated October 28, 2019, from River Pointe Development Corp. to McGowan Russell
5. Plans (6 pages)
6. Report from the Urban Planning Division dated February 7, 2020
7. Inspection Report
8. Documentation undated, with respect to the application submitted by the Applicant at the public hearing

REPRESENTATIONS:

In Support:

Bradley Muller
Sam Sidhu
Jackie Wilkie

In Opposition:

Nil

For Information:

Manuel Costa
Maria Costa

For the City:

G. Doney, Senior Planner, Planning, Property and Development Department
G. Jasper, Land Development Administrator, Planning, Property and Development Department
D. Trenchard, Land Development Engineer, Planning, Property and Development

Exhibit “6” referred to in File DASZ 38/2019

# ADMINISTRATIVE REPORT

**Title:** DASZ 38/2019 – 1206 Templeton Avenue

**Issue:** For consideration at the Public Hearing to subdivide and rezone the land from "R1-E" Residential Single-Family (Estate) to “RMF-L” Residential Multi-Family (Large) and “PR1” Parks and Recreation 1 to create residential zoning lots, public reserve, and a public right-of-way

**Critical Path:** Lord Selkirk - West Kildonan Community Committee → Standing Policy Committee on Property and Development, Heritage and Downtown Development → Executive Policy Committee → Council as per the Development Procedures By-law and *The City of Winnipeg Charter.*

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| R. Hayer, MCP | n/a | n/a | |

## RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 28/2019 be approved for preparation as a plan of subdivision (the “Plan”) by a Manitoba Land Surveyor in accordance with the map dated February 7, 2020, and attached as Schedule “A” to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions.

    A. That the developer be required to enter into a Development Agreement 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 December 11, 2019 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-L” Residential Multi-Family (Large) District and a “PR1” Parks And Recreation 1 District as shown on the map dated February 7, 2020 and attached as Schedule “A” to this report, subject to the following conditions:

    A. That, the developer enter into a Zoning Agreement with the City pursuant to Section 240 (1) of *The City of Winnipeg Charter* to include the following conditions:

        i. That, for the development of any building (except single-family and two-family dwellings) on Lot 1 and Lot 2 of Schedule “A” under file DASZ 38/2019 zoned “RMF-L” the following shall apply:

            a. That, no building shall be greater than 75 feet in height.

            b. That, the owner must submit plans showing the location and design of any and all proposed:

                i. buildings;

ii. accessory parking areas;

iii. private approaches;

iv. garbage enclosures;

v. lighting;

vi. fencing;

vii. landscaping; and

viii. free-standing signage

on the Owner's land ("Works) to the City's Director of Planning, Property and Development ("Director") and the Lord Selkirk - West Kildonan 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.

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 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.

5. 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.

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

7. 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.

8. 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.

9. That, the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 7 and 8 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. That, this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer

applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

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

## REASON FOR THE REPORT

This report is required because a proposed plan of subdivision and rezoning requires a public hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

## IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning and Design Division are concurred in, the proposal can proceed.

## CONSULTATION

The City's Administrative Coordinating Group was consulted in the preparation of this report.

## SUBMITTED BY

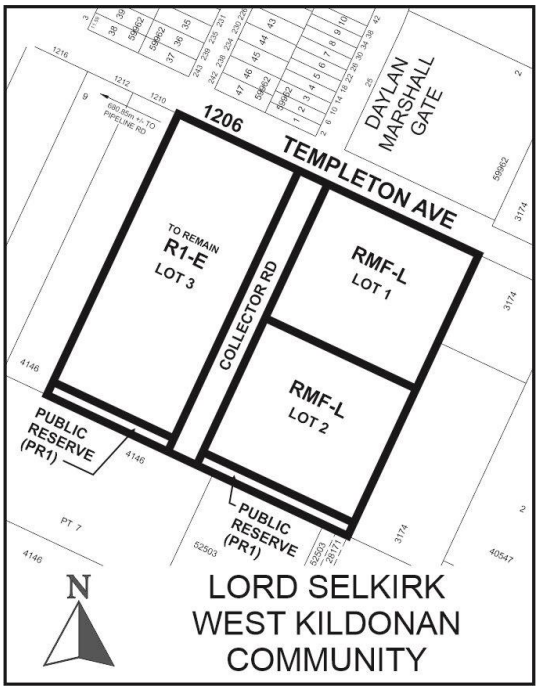
| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Prepared by: | R. Hayer MCP |
| Date: | February 7, 2020 |
| File No. | DASZ 38/2019 |

**Attachments**

- Appendix "A," Planning Discussion
- Schedule "A," of File DASZ 38/2019**,** Lord Selkirk - West Kildonan Community Committee, dated February 7, 2020**.**
- Schedule "B," Report of the Administrative Co-ordinating group, dated December 11, 2019 RE: Proposed Subdivision and Rezoning on Land Located at 1206 Templeton and Abutting Property to the East.

**Appendix "A," Planning Discussion**

| | |
|---|---|
| **DATE:** | February 7, 2020 |
| **FILE:** | DASZ 38/2019 |
| **RELATED FILE:** | |
| **COMMUNITY:** | Lord Selkirk - West Kildonan |
| **NEIGHBOURHOOD #:** | 3.326 (Leila North) |
| **SUBJECT:** | Proposed plan of subdivision and rezoning from "R1-E" Residential Single-Family (Estate) to "RMF-L" Residential Multi-Family (Large) and "PR1" Parks and Recreation 1 to create residential zoning lots, public reserve, and a public right-of-way |
| **LOCATION:** | 1206 Templeton Avenue and Lot 12 Plan 3708 |
| **LEGAL DESCRIPTION:** | LOT 11 AND LOT 12 PLAN 3708 19 K OTM |




| | |
|---|---|
| **APPLICANT:** | McGowan Russell Group Inc. (Susan Russell)<br>825 St. Joseph Street<br>Winnipeg, MB<br>R2H 3A8 |
| **OWNER:** | River Pointe Development Corp.<br>3605 Roblin Boulevard<br>Winnipeg, MB<br>R3R 0C6 |
| **RECOMMENDATION:** | Approval with Conditions |

**SITE DESCRIPTION**

The subject site, identified on Figures 1 and 2:

- is located at 1206 Templeton Avenue, immediately south of Daylan Marshall Gate, in the Leila North neighbourhood and the Old Kildonan Ward;
- consists of Lot 11 and Lot 12, Plan 3708, which have 678 ft. frontage along Templeton Avenue and a total lot area of 435,609 square feet (10 acres);
- contains a single-family dwelling constructed in 1960 with attached garage and gravel front driveway;
- is zoned “R1-E” Residential Single-Family (Estate);
- is in a “New Community” policy area under the *Complete Communities Direction Strategy* of *OurWinnipeg*, identified as Precinct “E”; and
- is within the “Lower Density Residential” and “Higher Density Residential” policy areas under the Precinct ‘E’ Secondary Plan By-law 97/2014.




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

**SITE CONTEXT SURROUNDING LAND USE AND ZONING (See Figure 2)**

**North:** Templeton Avenue; then two- family dwellings zoned “R2” Residential Two-Family, and a multi-family building containing 179 dwelling units currently under construction on land zoned “RMF-L” Residential Multi-Family (Large).

**South:** Undeveloped land zoned “R1-E” Residential Single-Family (estate).

**East:** Manitoba Hydro Corridor zoned ““R1-E” Residential Single-Family (estate).

**West:** Single-family dwellings zoned “R1-E” Residential Single-Family (estate).

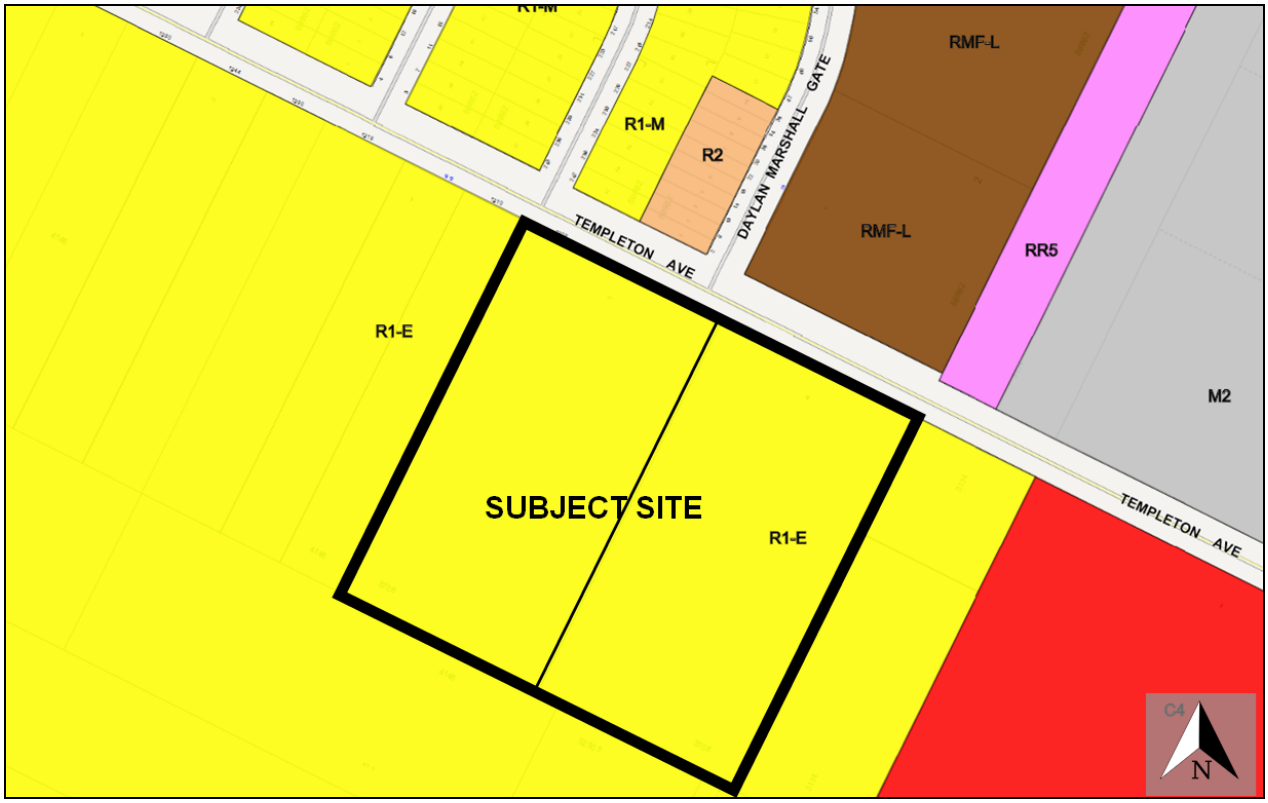



**Figure 2: Existing zoning of the subject site and surrounding area.**

**DESCRIPTION OF THE PROPOSED SUBDIVISION AND REZONING**

The subdivision and rezoning involves extending a proposed right-of-way collector street south of Templeton Avenue and creating 3 lots as follows:

- Lot 1 and Lot 2 (east of the proposed street) would be rezoned to “RMF-L” to accommodate future multi-family development. Both lots would be approximately 104,000 sq. ft. (2.40 acres) in lot area. Both lots would have approximately 300 ft. of frontage along the proposed new collector street.
- Lot 3 (west of the proposed street) would remain zoned “R1” Single-Family (Estate). The proposed lot would be approximately 217,000 sq.ft. in lot area (5.0 acres).
- A public reserve is proposed along the south side of proposed Lot 2 and Lot 3. Combined, the public reserve lands are approximately 18,000 sq. ft. in lot area (0.42 acres).
- Plans of development were not submitted with the application. The proposed plan of subdivision is shown on Figure 3.

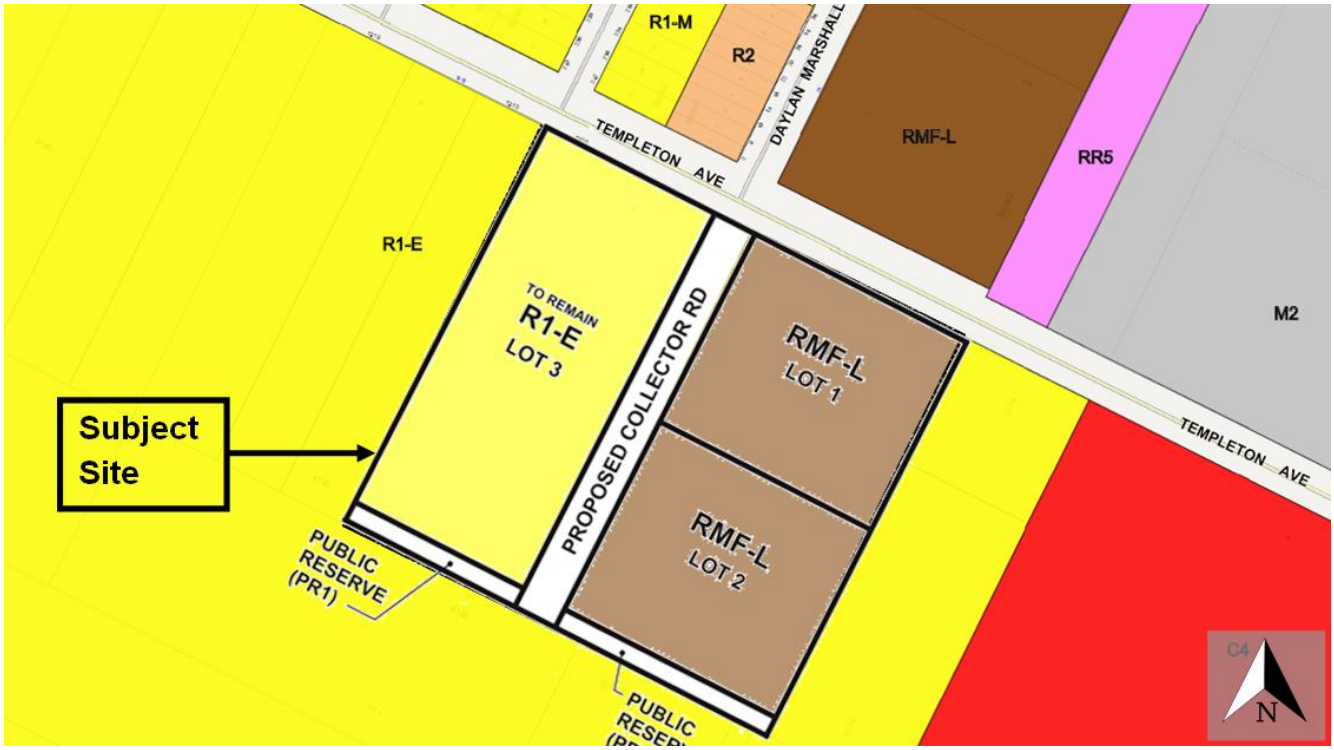



**Figure 3: Proposed plan of subdivision and rezoning with surrounding zoning context shown.**

**Collaboration:**

The applicant held a public consultation event on October 17, 2019 and has submitted a summary of the public engagement. They also consulted the Urban Planning Division prior to submitting the subject proposal. Preliminary concepts for subdivision of lands west of the proposed new collector road have also been shared with the Division.

**ANALYSIS AND ISSUES**

**OurWinnipeg and the Complete Communities Direction Strategy:**

Under *OurWinnipeg* and *Complete Communities* the proposed development is within the "New Communities" Policy Area (Precinct 'E'). Per *OurWinnipeg,* the Key Direction for New Communities is the following:

- *New Communities will continue to play an important role in accommodating the city's projected population growth. These communities will be planned as complete from the outset and will continue to achieve a high standard of sustainability in planning, design, construction and management.*

Per *Complete Communities,* key policies include the following:

- *New Communities will be established through a planning process.*
- *New Communities will be developed with complete streets, enabling safe and convenient spaces for pedestrians, bicyclists, public transit ridership and motorists to promote physical activity, health and active transportation.*

A Planning Process has occurred and the Precinct 'E' Secondary Plan has been adopted as Council By-law. Furthermore, the proposed plan of subdivision, which complies with the Precinct 'E' Plan, would also be consistent with *Complete Communities* policies for 'New Communities'.

**Precinct 'E' Secondary Plan:**

The Precinct "E" Secondary Plan designates the subject site as "Low Density Residential" and "High Density Residential" policy areas. The following policies are relevant to the subject proposal:

**Low Density Residential:**

- *Single family and two family homes shall be the predominant use of land within the low density residential areas.*
- *It is expected that these areas will develop to approximately 7.4 units per gross developable hectare (3.0 units per gross developable acre) or greater.*
- *Residential densities may vary throughout the Lower Density Residential area provided that the density range noted above is not compromised.*

**High Density Residential**

- *Two family housing, townhouses and low rise apartments shall be the predominant use of land within this policy area.*
- *It is expected that these areas will develop to approximately 24.7 units per gross developable hectare (10.0 units per gross developable acre) or greater.*
- *Local scale commercial uses should be permitted on the main floor of buildings within this policy area.*
- *Each building design and site plan should address the issue of privacy for immediate neighbours through measures such as building mass, building orientation and landscaping.*
- *On-site amenity features such as benches, walking paths, and treed areas should be provided to meet active and passive recreation/leisure needs of residents.*
- *Convenient pedestrian connections to all land uses on the site as well as off-site connections shall be provided.*
- *Multi-family housing units should be located to allow for transit servicing to be provided at a walking distance of no more than 200 meters.*

**Special Planning Area:**

- Section 4.2 of the Plan further identifies a "Special Planning Area" between Templeton Avenue and Court Avenue and provides the following policy:
    - *Applications to rezone and/or subdivide land in the area between Templeton Avenue and Court Avenue cannot be considered until a concept plan… has been approved by the Community Committee.*
- A concept plan has been endorsed by the Lord Selkirk – West Kildonan Community Committee.
- The proposed subdivision and rezoning would be consistent with the *Precinct 'E' Secondary Plan* and the Concept Plan submitted for the Special Planning Area.

**City of Winnipeg Zoning By-Law 200/2006:**

The following zoning districts are proposed:

- **"RMF-L" Residential Multi-Family (Large)** district is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities..
- **"PR1" Parks and Recreation 1 (Neighbourhood) District** is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access.

| Zoning District and Designation | Minimum Lot Area (Sq. Ft.) | Minimum Lot Area Per Dwelling Unit (Sq. Ft.) | Minimum/ Maximum Front Yard (Ft.) | Minimum Rear Yard (Ft.) | Minimum Interior Side Yard (Ft.) | Minimum/ Maximum Corner Side Yard (Ft.) | Principal Building Separation (Ft.) [note a] | Minimum/ Maximum Building Height (Ft.) |
|---|---|---|---|---|---|---|---|---|
| **Multi-Family Residential Structures** | | | | | | | | |
| RMF-L | 20,000 | 400 | 25 / NA | 25 | 8 [note b] | 20 / NA | 8 | NA / 150 |

**NOTES:**
**a.** For buildings taller than 35 ft, the principal building separation distance must be 50% of the height of the taller building to a maximum of 25 feet.
**b.** In the RMF-M, RMF-L, and RMU zoning districts, where a building is more than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet.
**c.** In the TOD zoning district, up to 50% of the length of the ground floor façade of any building, to a maximum continuous length of 25 feet, may have a maximum yard of 15 feet for the purpose of accommodating an otherwise approved public space, plaza, outdoor dining/drinking area or other pedestrian amenity.

**Table 2: Multi-Family Large Zoning District Dimensional Standards.**

**Compatibility with the Surrounding Area**

*North:*

- Lands to the north fall within the Precinct 'E' Plan (Amber Gates) and are designated under the same policy areas as the subject lands (Low Density and High Density residential).
- The proposed subdivision and rezoning would generally accommodate the same or similar development as across the street on Templeton Avenue.

*South:*

- Lands to the south are partly within the Precinct 'E' Plan and partly outside of the Secondary Plan boundary.
- Immediately south of proposed Lot 1 and Lot 2 is an unaddressed parcel fronting onto Court Avenue. Council approved rezoning of this parcel to "RMF-M" Residential Multi-Family (Medium) under file DAZ 203/2013. In November 2019, the Lord Selkirk-West Kildonan Community Committee approved a Plan Approval to accommodate a proposed development of 147 dwelling units.
- To the south west of the subject site are undeveloped lands designated Higher Density Residential under the Precinct 'E' Secondary Plan.
- The proposed subdivision and rezoning would accommodate development that is similar or generally compatible with approved and envisioned future development south of the subject site.

*East:*

- East of the site is a hydro corridor which falls outside of the Precinct 'E' boundary.
- The Precinct 'E' Secondary Plan envisions a potential future AT pathway in the Hydro Corridor.
- The proposed subdivision and rezoning would concentrate density in a location where future residents could take advantage of proximity to any future AT paths in the Hydro corridor area.
- The proposed public reserve along the south of the planned area would also tie into the future AT pathways.

*West:*

- West of the site are single-family dwellings designated Lower Density Residential policy area under the Precinct 'E' Secondary Plan.
- Future applications will be necessary to accommodate the requisite densities identified in the Precinct 'E' plan.
- Conditions of approval limiting height and requiring Plan Approval are included to ensure any future development on the proposed RMF-L lots will be compatible with future development in the Lower Density Residential policy areas.

The proposed plan of subdivision and rezoning would be compatible with the surrounding area because it is consistent with the Precinct 'E' Secondary Plan (Figure 4) and also the endorsed Concept Plan (Figure 5) in terms of land use and layout.

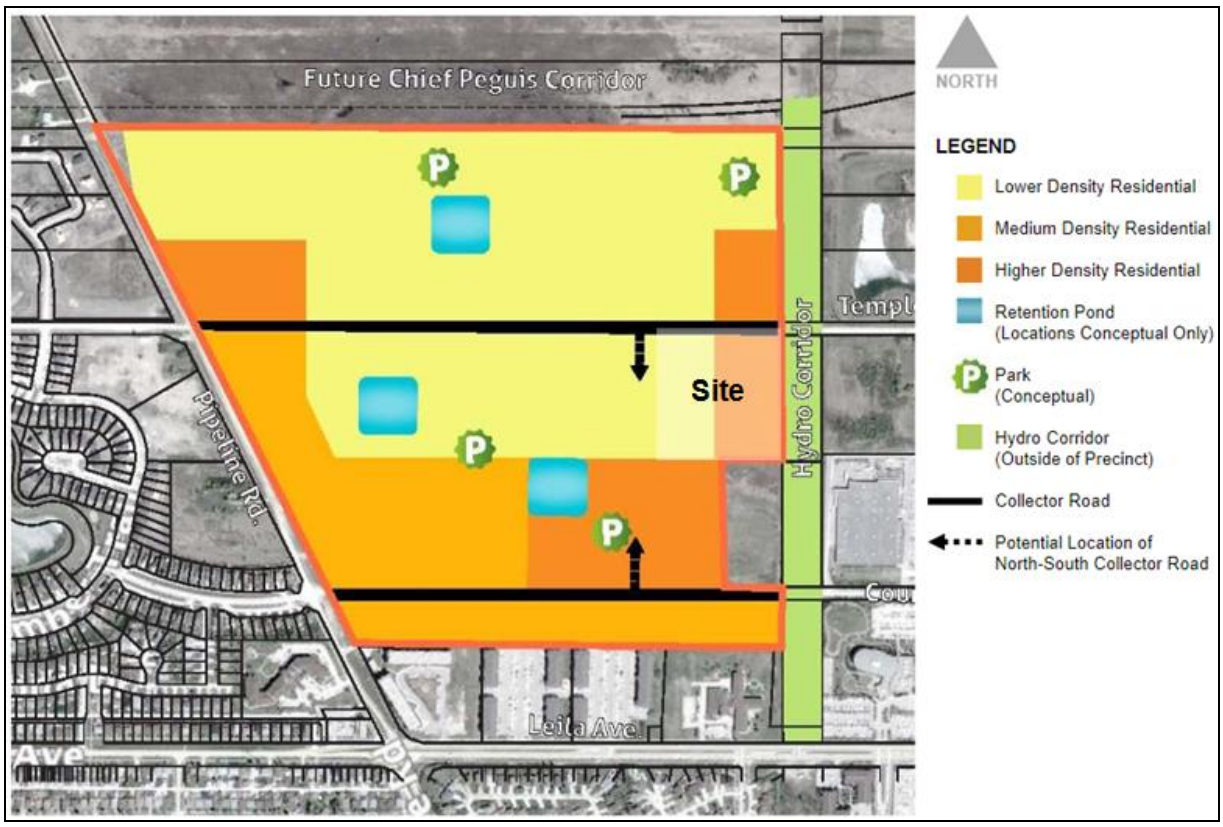



**Figure 4: Precinct 'E' Land Use Plan (By-law 97/2014).**

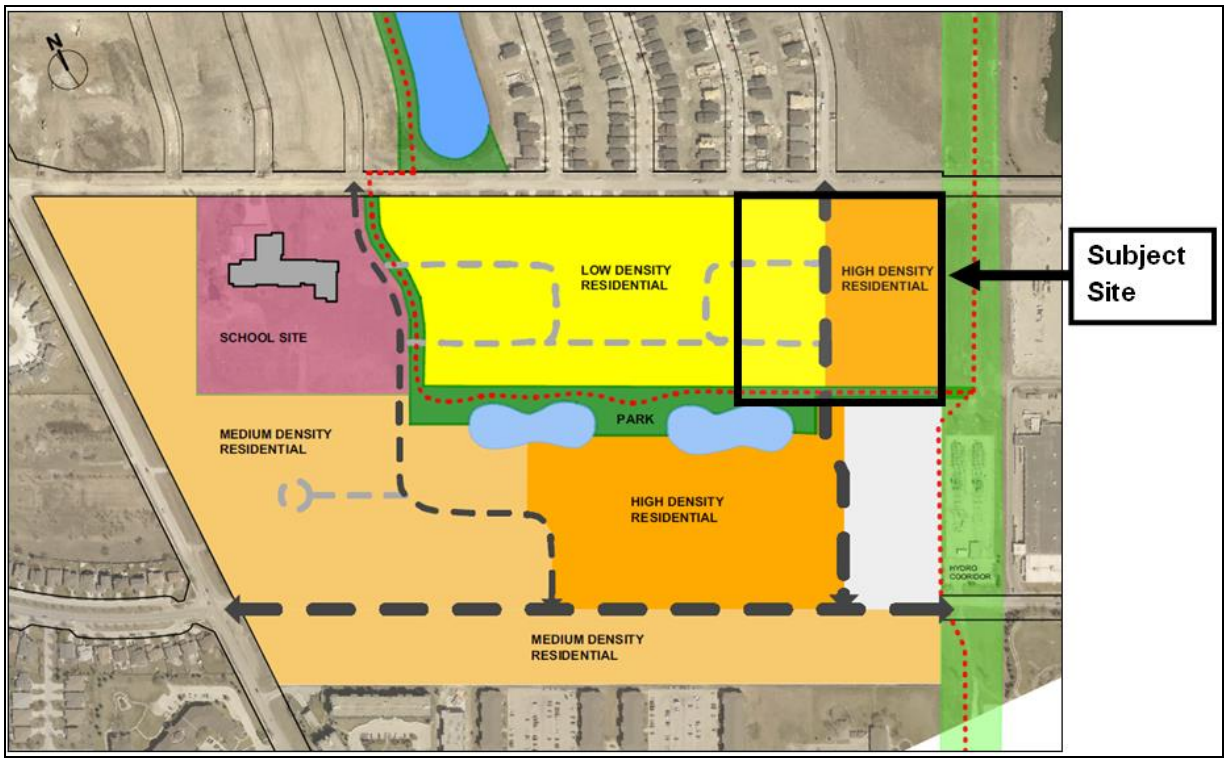



**Figure 5: Precinct 'E' Special Planning Area Concept Plan, endorsed by the Lord Selkirk – West Kildonan Community Committee.**

## Zoning Agreement Considerations:

The following sections describe the recommended Zoning Agreement conditions. These conditions are to implement the Precinct 'E' Secondary Plan policies.

*Building Heights for Multi-Family Development:*

- The proposed lots would be rezoned to the "RMF-L" district which would typically allow for a height of 150 ft.
- To address the issue of privacy and ensure suitable transitions, the Administration recommends a maximum height limit of 75 feet for any future multi-family development on Lot 1 and Lot 2.
- Please note that the same height limit applies to lands across the street on the north side of Templeton Avenue, east of Daylan Marshall Gate.

*Plan Approval*

- The Administration recommends that final plans be submitted to the Director of Planning, Property and Development and Lord Selkirk - West Kildonan Community Committee for review prior to the issuance of a development permit on the site.
- Plan Approval would apply to Lot 1 and Lot 2, which are proposed for rezoning to "RMF-L" Residential Multi-Family (Large).
- In order to ensure future development is consistent with the Precinct Plan Vision and Goals and the policies for New Communities under *Complete Communities,* Plan Approvals should be guided by the following:

- Ensure that the pedestrian and cycling environment is safe, accessible, comfortable, convenient and attractive.
- Ensure the vehicular environment for both public and private transportation is well integrated with the pedestrian environment.
- Respect the existing context, including current uses, scale and functions of adjacent land-uses and streets.
- Strengthen the continuity of the Planned Area and the site's development by using elements and/or adding new elements that unify and connect individual areas and buildings.
- Utilize the architectural elements of the building(s) in a sensitive and cohesive manner (i.e.: facades, roofs, entrances, landscaping, signage, and lighting) to enhance the development.
- Create a safe and comfortable pedestrian environment:
    - Apply Universal Design Guidelines.
    - Promote Active Transportation.
    - Ensure the principles of Crime Prevention Through Environmental Design (CPTED) are applied.
    - Ensure safe and convenient access to transit facilities.
    - Protect pedestrians from adverse environmental elements.
- Sidewalks:
    - Create direct, comfortable and safe pedestrian routes leading to front entrances of buildings from parking areas, transit stops, public sidewalks, and other pedestrian destinations.
    - Sidewalks need to impart a sense of permanence. They should be lined by trees, high-quality landscaping, and high-quality materials.
- Parking lots:
    - Ensure the parking lot design program includes pedestrian safety, comfort and amenity as key priorities.
    - Provide a pedestrian route between main buildings and the public sidewalk that is uninterrupted by surface parking and driveways.
    - Provide shade and high-quality landscaping in surface parking areas.
    - Divide large surface parking areas both visually and functionally into smaller parking courts through the use of landscaped islands and protected pedestrian pathways.
    - Edge treatments along public streets and other public spaces should visually screen parked vehicles but not completely obstruct views into and out of the parking lot for the purpose of supporting pedestrian safety and security.
- Pedestrian Crossings:
    - Consider installing 'tables' (rolled curbs bordering slightly elevated crossings) at major internal pedestrian routes across drive aisles to serve as a traffic calming feature and provide uninterrupted pedestrian connection.

        - Where pedestrian routes cross street access driveways and other major drive aisles, clearly mark crossings and provide unobstructed sight distance for pedestrians and vehicles.
    - Lighting:
        - Select different luminaries with a coordinated appearance to light pedestrian pathways, parking spaces, drive aisles, building and site entrances and other relevant parking lot features.
        - Install lighting that is appropriately scaled to its purpose, i.e. avoid over lighting.
        - Consider providing pedestrian scale lighting, such as bollards or lower scale pole fixtures, along pedestrian routes.
    - Building Design – as it impacts the pedestrian environment:
        - Preliminary thought should be given to locating potential uses with associated outdoor areas (such as balconies or patios) where they will receive maximum exposure to sunshine and protection from wind.
        - Encourage open and inviting building facades at street and 2nd storey level to enhance the convenience, comfort and enjoyment of pedestrian experiences and enhance interactions between public and private space.
        - Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.
        - Provide direct access to buildings from street level.
    - Universal Design:
        - Ensure the City of Winnipeg Universal Design Standard is used to guide barrier free design on public lands and encourage application of these standards on private exterior and interior spaces.
- Please note the above guidelines are not intended to be included within the Zoning Agreement, rather they are included in this report to articulate design expectations for all stakeholders.

**Key Comments Provided by Other Civic Departments**

- It is noted that the subject DASZ application (38/2019) has been reviewed by civic departments through the Administrative Coordinating Group (ACG).
- This review process is used to determine developer obligations such as servicing requirements, land dedication and other considerations.
- Full comments are provided in the ACG Report can be found in Schedule B, the contents of which will make up the development agreement.

**REASONS FOR THE RECOMMENDATIONS**

The Urban Planning Division recommends approval because the proposed plan of subdivision and rezoning are consistent with *OurWinnipeg* and *Complete Communities*, and with the Precinct ‘T’ Area Structure Plan.

## OURWINNIPEG POLICY ALIGNMENT

**01-1a OurWinnipeg Approach to City Building**

- Direction 3: Promote compact urban form and manage the extension of municipal services for new growth.

## WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

- Ensure new areas of growth are designed according to the principles of Complete Communities

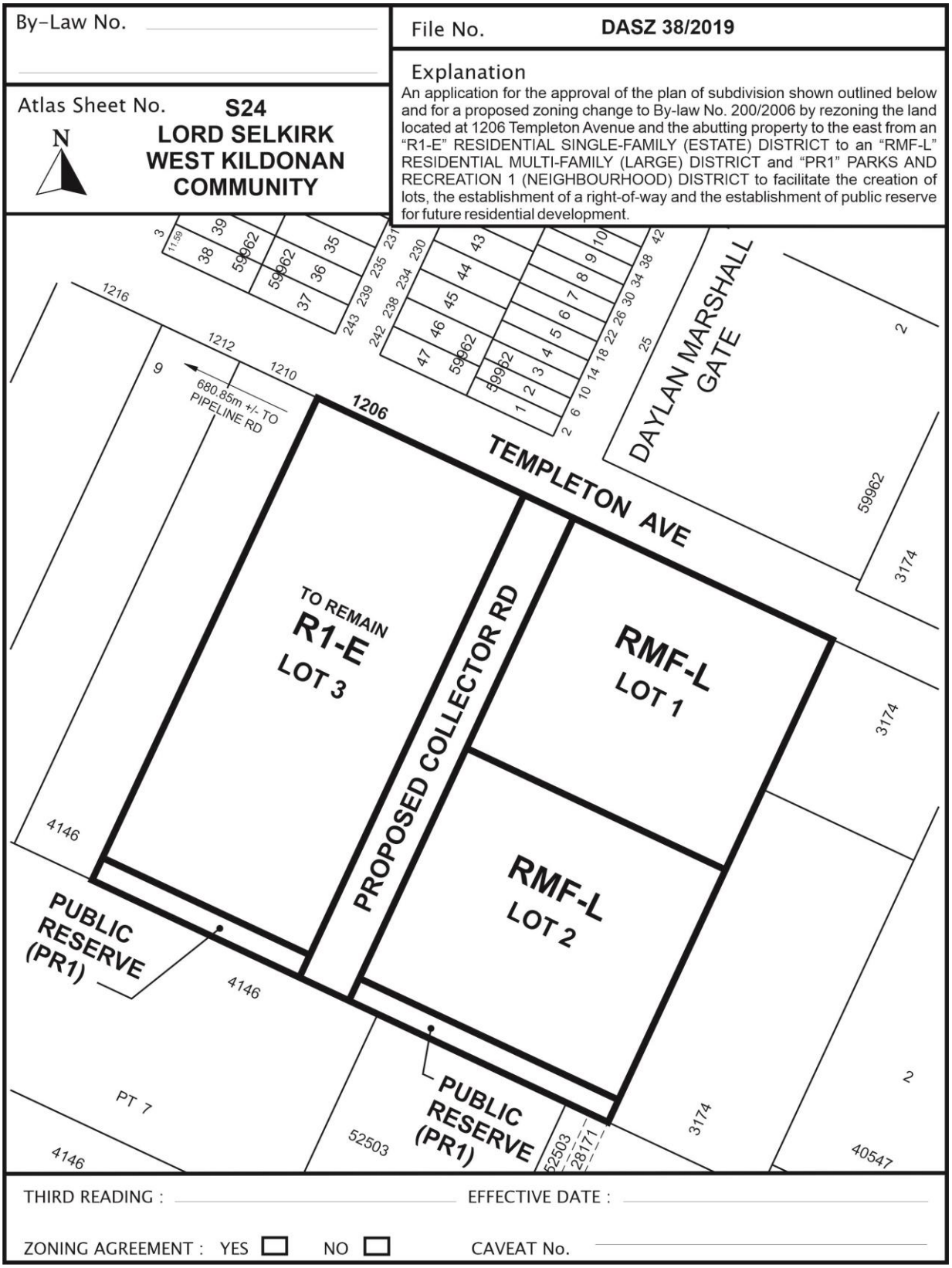
This Report Submitted by:
Planning, Property and Development Department
Urban Planning and Design Division

Report Prepared by:
R. Hayer, MCP

PPD File #:
DASZ 38/2019

**Schedule "A" of File DASZ 38/2019, Lord Selkirk - West Kildonan Community Committee,**

February 7, 2020



## SCHEDULE B

## REPORT OF THE ADMINISTRATIVE COORDINATING GROUP – December 11, 2019

**RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 1206 TEMPLETON AND ABUTTING PROPERTY TO THE EAST**

It is recommended that approval of DASZ 38/2019, if granted, be subject to the applicant entering into a Development Agreement and address the following items, where applicable:

**Plan Considerations**

1) The proposed collector street is to be established with a 22.0m right-of-way (24.0m if the land drainage sewer is 525mm in diameter or greater), as determined by and to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, legally open property for right-of-way corner cuts measuring 2.0m by 2.0m in each corner of the intersection of the proposed collector street and Templeton Avenue.

3) The centerlines of the proposed collector street and Daylan Marshall Gate shall be coincident, as determined by and to the satisfaction of the Director of Public Works.

4) A corner cut is required from the south-east corner of proposed Lot 2, to be added to the Public Reserve lands, to accommodate a future pathway connection, as determined by and to the satisfaction of the Director of Public Works.

5) The southern terminus of the east property line of the proposed N-S right-of-way shall coincide with the east lot line of the existing lot south of the Planned Area.

**Engineering Reports and Servicing Criteria**

1) The Developer shall submit a comprehensive servicing report, prepared by a qualified municipal engineer, outlining the provision of underground services for the Planned Area and adjacent lands.

2) The Developer shall submit, to the satisfaction of the Director of Water and Waste, servicing criteria sheets for water, wastewater and land drainage facilities, including plans showing the current and ultimate service areas.

**Servicing Conditions**

1) Wastewater Sewers

   a. The Developer shall, at no expense whatsoever to the City, construct and install all wastewater sewers required to service 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 to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the wastewater sewer installed by others in Templeton Avenue, as determined by and to the satisfaction of the Director of Water and Waste.

2) Water Mains

a. The Developer shall, at no expense whatsoever to the City, construct and install all water mains required to service 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 to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the water mains installed by others in Templeton Avenue, as determined by and to the satisfaction of the Director of Water and Waste.

3) Land Drainage Sewers

a. Development of the land under this application relies on the stormwater retention basin (SRB) and outfall trunk sewer to be constructed in adjacent properties to the south in Precinct “E”. This proposed development cannot proceed until this infrastructure has been constructed, or this Developer constructs, at no expense whatsoever to the City, alternative infrastructure designed by a qualified municipal engineer to the satisfaction of the Director of Water and Waste.

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

c. The Developer shall pay to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the land drainage lateral sewers installed by others in Templeton Avenue, as determined by and to the satisfaction of the Director of Water and Waste.

d. The Developer shall pay to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the regional land drainage system (TSR and Leila Trunk User Charge), as determined by and to the satisfaction of the Director of Water and Waste.

4) Pavements

The Developer shall, at no expense whatsoever to the City, construct 200mm thick Portland cement concrete pavements, 10.0m in width, and all related works, including but not limited to sidewalks on both sides, ornamental street lighting, boulevard landscaping and land drainage facilities, in the proposed collector street within the Planned Area, all as determined by and to the satisfaction of the Director of Public Works.

5) Templeton Avenue

The Developer shall pay to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, , their share of the cost of services previously installed or to be installed by others in Templeton Avenue, including but not necessarily limited to intersection works at Pipeline Road, sidewalk on the south side of Templeton Avenue, boulevard landscaping, ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public

Works.

6) Temporary Dead-End Streets

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

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

7) Boulevards

a. The Developer shall, at no expense whatsoever 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, to the satisfaction of the Director of Public Works.

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

8) Signage

a. Prior to construction, the Developer shall, at no expense whatsoever to the City, obtain approval of and install, 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, sidewalks, public walks, active transportation facilities, community mailbox sites, all proposed parks, storm water retention facilities, natural tree stands, multiple-family site, collector and arterial streets, Pipeline Road, McPhillips Street and the future Chief Peguis Trail, all with the approval of and to the satisfaction of the Director of Planning, Property and Development.

b. The Developer shall, at no expense whatsoever to the City, 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.

9) Street Name Signs

The Developer shall, at no expense whatsoever to the City, cause to be installed standard, reflectorized, permanent street name signs at each new intersection within or adjacent to the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

10) Utilities

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

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

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

11) Construction Traffic

a. The Developer shall, at no expense whatsoever to the City, ensure that construction traffic uses access routes determined by the Director of Public Works.

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

12) Litter and Refuse Control and Clean-Up

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

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

13) 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. 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 the provision of an equivalent value of additional site amenities in the Public Reserves within the Planned Area, as approved by the Directors of Public Works and Planning Property and Development. Alternatively, if future development phases are anticipated, the developer may choose to accrue the dedication from this phase with dedication of Public Reserves for future phases of the development, with compensation tabulated, as necessary, within the final phase of development. The Developer shall notify the Planning, Property and Development Department in writing of their intentions to accrue dedication, prior to the submission of subject Planned Area Parks plans for review and approval.

(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 construction of a continuous E-W park path, including the appropriate curb ramps at the street crossing, in accordance with City standards.

i. The Developer shall construct and/or pay their share of the cost to construct the paths at the discretion of 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 whatsoever to the City, provide continuous fencing for properties abutting Public Reserve land. The fencing shall be located within private property and established by caveat to be the responsibility thereafter of the private property owner.

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

(f) 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.

(g) 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.

(h) 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.

14) 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 restored as required 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. Where the Director of Planning, Property and Development determines that all the survey monuments within the Planned Area have been found or restored to their original positions, the Director of Planning, Property and Development may waive the requirements for Plan of Survey Perpetuating Certain Monuments under clause (a).

## Costs and Fees

1) By-laws and Approvals

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

2) Professional Fees

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

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

c) The Developer shall, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, pay to the City its share of the cost of consulting fees for the preparation of the Precinct Plan as determined by the Director of Planning, Property and Development.

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 38/2019
January 20, 2020

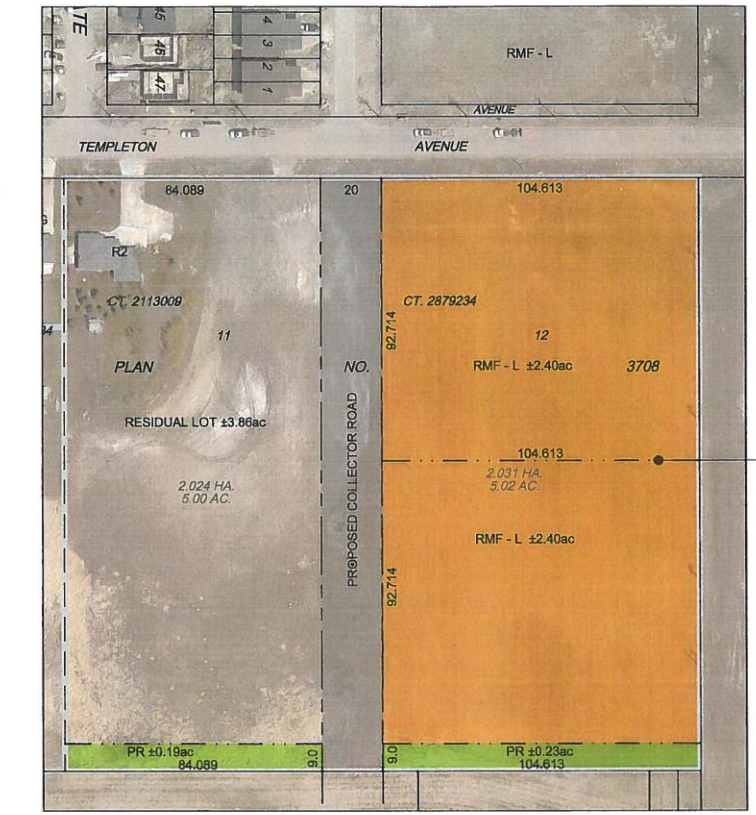
"*Original Signed by D. Trenchard*"
D. Trenchard, P. Eng.,
Land Development Branch

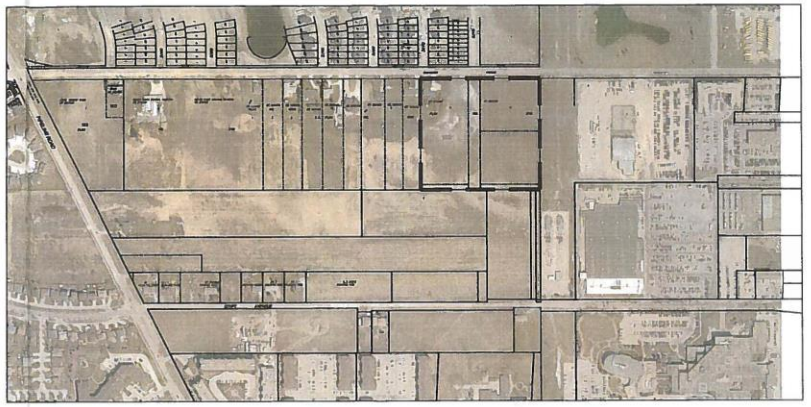
"*Original Signed by M. Gajda*"
M. Gajda, P. Eng.
Water & Waste Department

"*Original Signed by D. Beaton*"
D. Beaton, M.L.Arch.
Parks & Urban Design Division

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

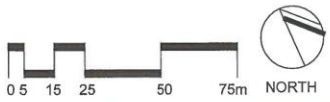
Exhibit “5” referred to in File DASZ 38/2019

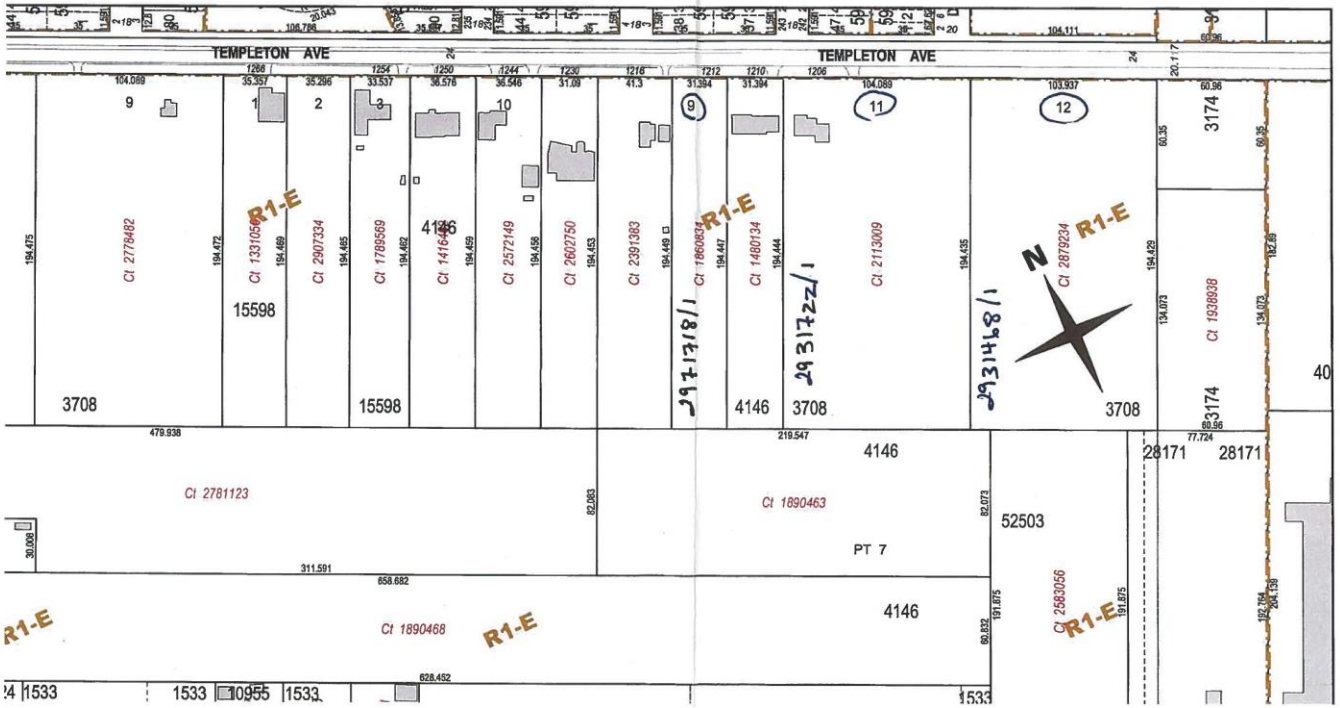


AREA DESIGNATED HIGHER DENSITY RESIDENTIAL IN PRECINCT E LAND USE PLAN

WATERSIDE DEVELOPMENT CORP.
TEMPLETON AVENUE
PROPOSED PLAN OF SUBDIVISION AND REZONING
OCTOBER 28, 2019
SCALE 1:1250

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TEMPLETON AVE
R1-E
R1-E
R1-E
R1-E
R1-E
R1-E
N
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Ct 1331056
Ct 2907334
Ct 1789569
Ct 1416486
Ct 2572149
Ct 2602750
Ct 2391383
Ct 1860834
Ct 1480134
Ct 2113009
Ct 2879234
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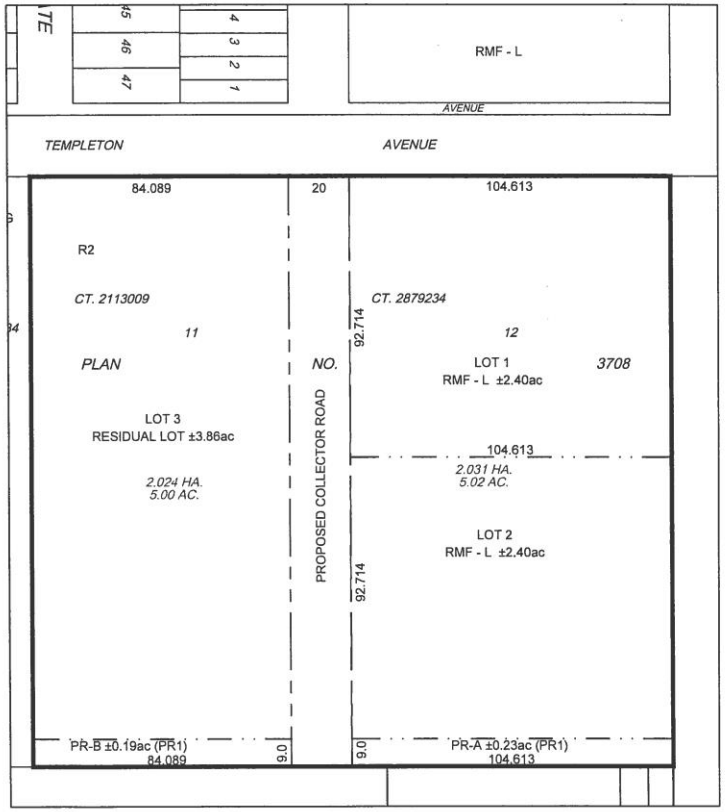
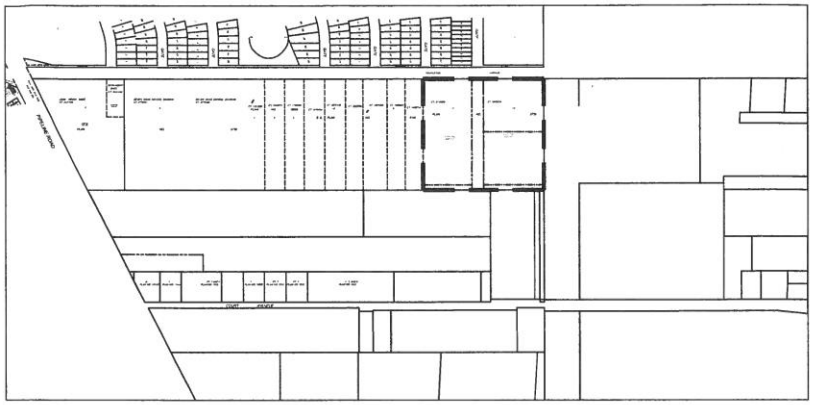
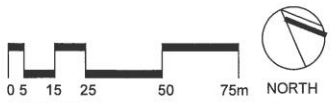
DASZ 38/2019

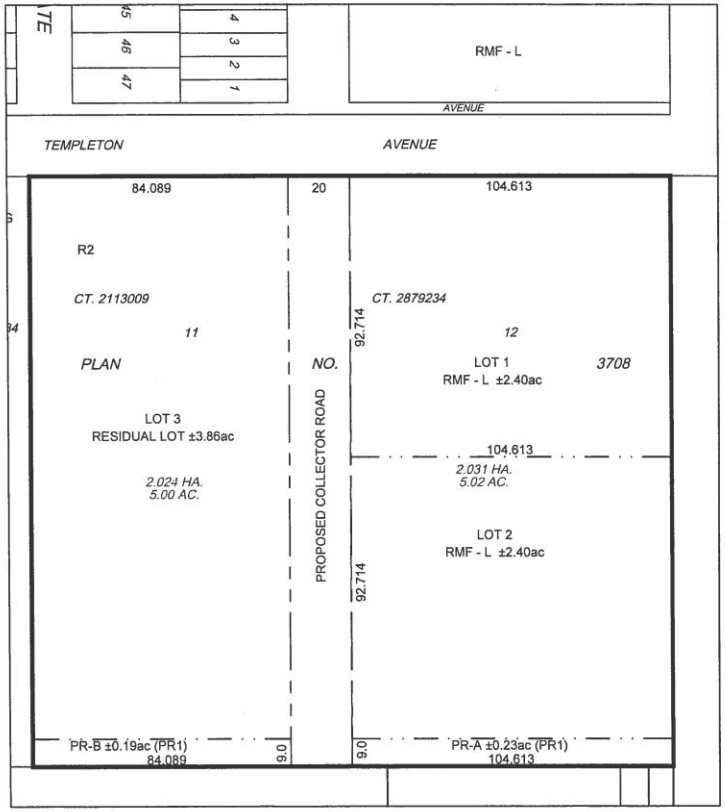


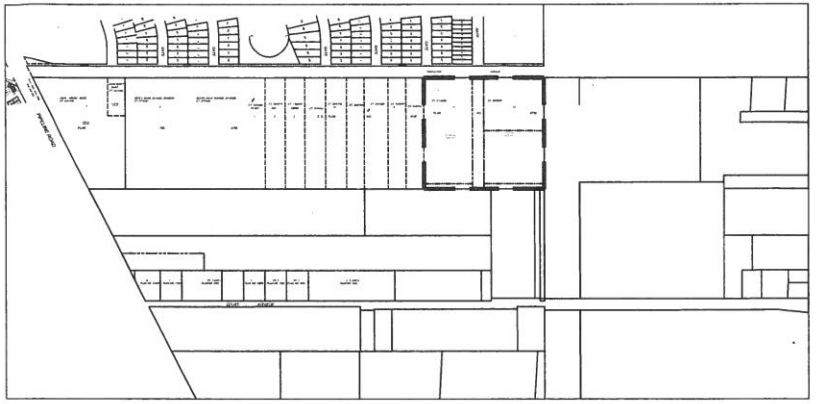



| LOT NO. | FRONTAGE | DEPTH | AREA |
|---|---|---|---|
| 1 | 92.714 | 104.613 | 2.40ac |
| 2 | 92.714 | 104.613 | 2.40ac |
| 3 | 185.428 | 84.089 | 3.86ac |

WATERSIDE DEVELOPMENT CORP.
TEMPLETON AVENUE
PROPOSED PLAN OF SUBDIVISION AND REZONING
OCTOBER 28, 2019
SCALE 1:1250





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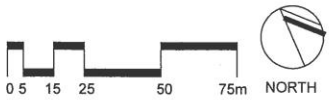

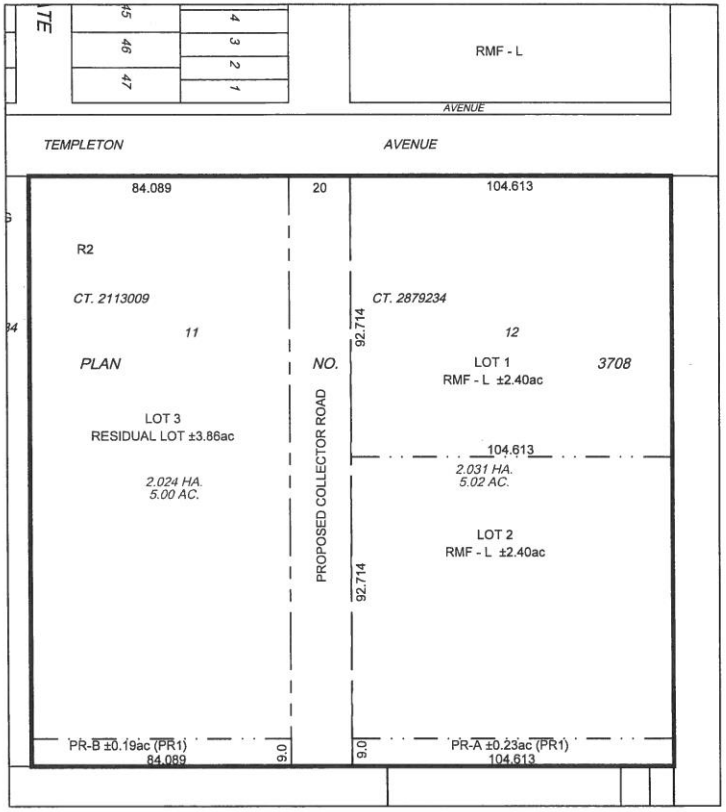


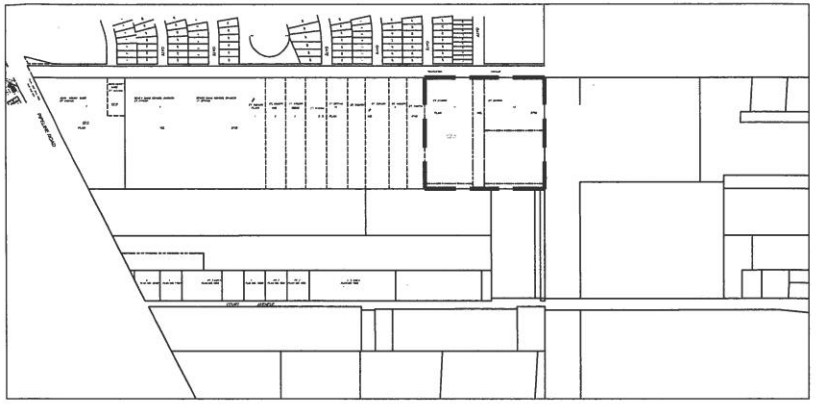

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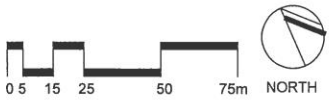

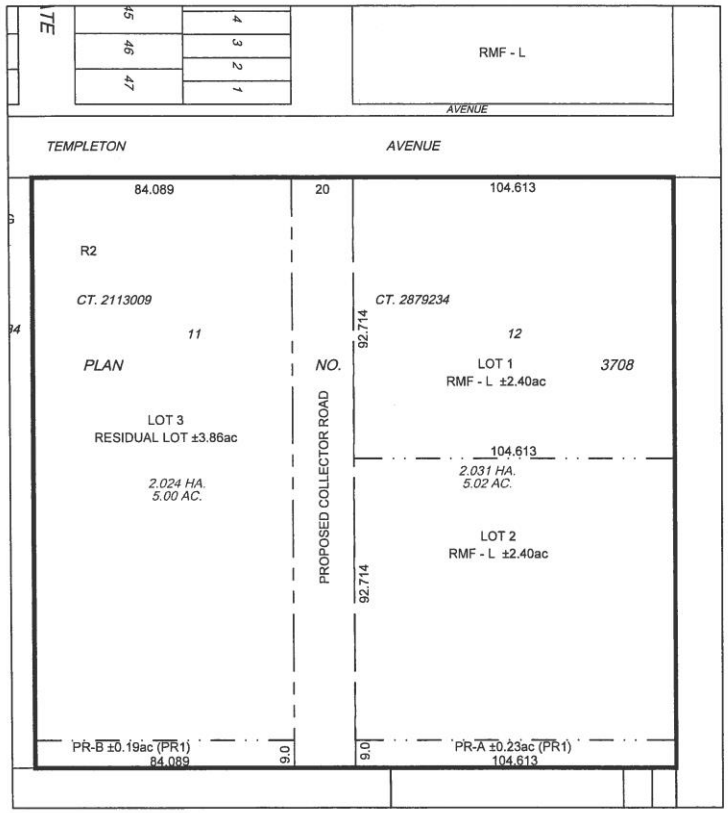


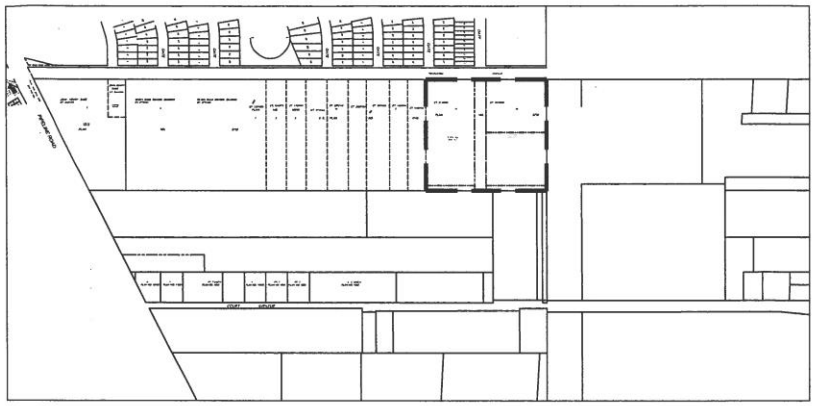

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