Agenda – Council – December 16, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 2, 2021

Item No. 13 Subdivision and Rezoning – East of Fernbank Avenue and McGregor Street (Highland Pointe, Phases 2 and 3)
(Old Kildonan Ward)
File DASZ 40/2021 [c/r DAV 200722/2021D]

STANDING COMMITTEE RECOMMENDATION:

On December 8, 2021, 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 40/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated November 29, 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 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 November 5, 2021 and attached as Schedule "B" to this report, with the following amendments:

        i. In Section III-Servicing Conditions:

            a. Amend Condition 10)a) by adding the word "Revised" immediately before "Schedule "C""

            b. Add the following new Condition:

                "24) <u>Traffic Calming Devices</u>

                The Developer shall, at no expense to the City, construct and/or pay their share of the cost to construct, traffic calming devices, and all related works, on Fernbank Avenue, Ferrier Street and within the Planned Area, as determined by and to the satisfaction of the Director of Public Works, including consultation with the Ward Councillor."

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 2, 2021

STANDING COMMITTEE RECOMMENDATION (continued):

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R1-S" Residential Single-Family (Small); "R1-M" Residential Single-Family (Medium); "R2" Residential Two-Family; "RMF-S" Residential Multi-Family (Small); "RMF-M" Residential Multi-Family (Medium); and "PR-1" Parks and Recreation 1 District as shown on the map dated November 29, 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* to include the following conditions:

        i. That, for the development of any building on Lot 2 Block 16 zoned "RMF-M" Residential Multi-Family (Medium), the following shall apply:

            a. 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.

            b. That no building within 45 feet of an adjacent "R1" zoning district boundary shall be greater than 35 feet in height, excluding any projections permitted under the Zoning By-law.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 2, 2021

STANDING COMMITTEE RECOMMENDATION (continued):

c. That a privacy fence at least 6-feet in height be constructed along any side or rear lot line that abuts the side or rear lot line of an "R1" zoning district.

d. That a landscaped buffer at least ten (10) feet wide be constructed along any side or rear lot line that abuts the side or rear lot line of an "R1" zoning district.

ii. That the minimum net density for residential development on Block 19 zoned "RMF-S" Residential Multi-Family (Small) and Lot 2 Block 16 zoned "RMF-M" Residential Multi-Family (Medium) shall be 15 dwelling units per acre.

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 approvals in connection with this matter will expire if the plan of subdivision (the "Plan") as prepared by the Manitoba Land Surveyor in accordance with Recommendation 1 is not submitted to the City for preparation of a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 2, 2021

STANDING COMMITTEE RECOMMENDATION (continued):

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.

12. That the variance order for File No. DAV 21-200722\D shall not come into force and effect until the coming into force and effect of the zoning by-law for the subject land under File DASZ 40/2021.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 2, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 8, 2021, 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 December 2, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 29, 2021, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

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

  ", with the following amendments:

  i. In Section III-Servicing Conditions:

  a. Amend Condition 10)a) by adding the word "Revised" immediately before "Schedule "C""

  b. Add the following new Condition:

  "24) Traffic Calming Devices

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 2, 2021

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

> The Developer shall, at no expense to the City, construct and/or pay their share of the cost to construct, traffic calming devices, and all related works, on Fernbank Avenue, Ferrier Street and within the Planned Area, as determined by and to the satisfaction of the Director of Public Works, including consultation with the Ward Councillor."

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

PUBLIC HEARING SUMMARY

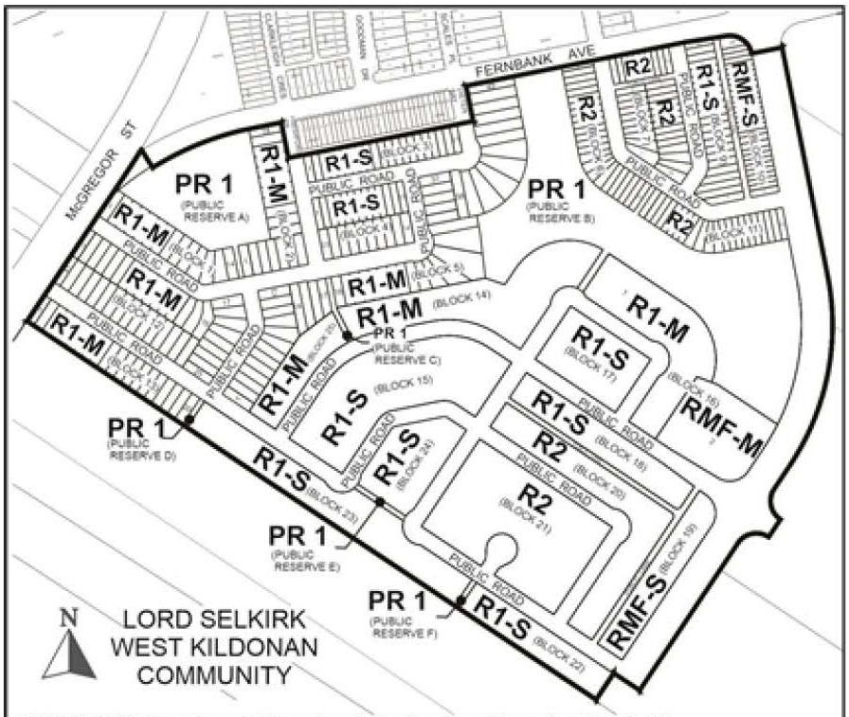
File: DASZ 40/2021

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

Public Hearing: November 29, 2021
Council Building, 510 Main Street

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

Subject:



APPLICANT : Landmark Planning & Design Inc. (Brendan Salakoh)
FILE : DASZ 40/2021
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "A" AGRICULTURAL DISTRICT to an "R1-S" and "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, "R2" RESIDENTIAL TWO-FAMILY DISTRICT, "RMF-S" and "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICTS and "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the continuation of the Highland Pointe Neighbourhood plan Phases 2 and 3 by the creation of lots, block plans, public reserve lands and public rights-of-ways for future residential development. **For information, phone Mr. R. Hayer, Planner at 204-986-7168.**

Premises Affected:	Lands east of Fernbank Avenue/McGregor Street and west of Canadian Pacific Railway (roll #s 05009425135, 05003650000, 05003640000 & 05003590100)
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:	November 30, 2021

Community Committee Recommendation:

On November 29, 2021, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the subdivision under Development Application No. DASZ 40/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated November 29, 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 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 November 5, 2021 and attached as Schedule "B" to this report***, with the following amendments:***

        i. In Section III-Servicing Conditions:

            a. Amend Condition 10)a) by adding the word "Revised" immediately before "Schedule "C"

            b. Add the following new Condition:

                "24) Traffic Calming Devices

                The Developer shall, at no expense to the City, construct and/or pay their share of the cost to construct, traffic calming devices, and all related works, on Fernbank Avenue, Ferrier Street and within the Planned Area, as determined by and to the satisfaction of the Director of Public Works, including consultation with the Ward Councillor."

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R1-S" Residential Single-Family (Small); "R1-M" Residential Single-Family (Medium); "R2" Residential Two-Family; "RMF-S" Residential Multi-Family (Small); "RMF-M" Residential Multi-Family (Medium); and "PR-1" Parks and Recreation 1 District as shown on the map dated November 29, 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* to include the following conditions:

      i. That, for the development of any building on Lot 2 Block 16 zoned "RMF-M" Residential Multi-Family (Medium), the following shall apply:

         a. 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.

         b. That no building within 45 feet of an adjacent "R1" zoning district boundary shall be greater than 35 feet in height, excluding any projections permitted under the Zoning By-law.

c. That a privacy fence at least 6-feet in height be constructed along any side or rear lot line that abuts the side or rear lot line of an "R1" zoning district.

d. That a landscaped buffer at least ten (10) feet wide be constructed along any side or rear lot line that abuts the side or rear lot line of an "R1" zoning district.

ii. That the minimum net density for residential development on Block 19 zoned "RMF-S" Residential Multi-Family (Small) and Lot 2 Block 16 zoned "RMF-M" Residential Multi-Family (Medium) shall be 15 dwelling units per acre.

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 approvals in connection with this matter will expire if the plan of subdivision (the "Plan") as prepared by the Manitoba Land Surveyor in accordance with Recommendation 1 is not submitted to the City for preparation of a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

6. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment 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.

12. That the variance order for File No. DAV 21-200722\D shall not come into force and effect until the coming into force and effect of the zoning by-law for the subject land under File DASZ 40/2021.

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. I'm excited about this development that is going to provide new housing that families are looking for as we grow in northwest Winnipeg, a variety of housing stock and the reputation of Ladco is putting forward exceptional neighbourhoods and I'm really happy to work with them on this file and appreciate the collaboration we also had with our City Staff. Collaboration with City staff.

Exhibits Filed:

1. Application dated August 26, 2021
2. Notification of Public Hearing dated October 20, 2021
3. Manitoba Status of Titles 3125667/1, 3105120/1, 3105122/1, 3105124/1
4. Letter of authorization dated March 3, 2021 from LCLSUB Fernbank Inc. to Landmark Planning & Design Inc.
5. Surveyor's Building Location Certificate and sketch dated between March 29, 2018 to January 13, 2020
6. Statutory Easements 5289632/1, 5289640/1, 5289631/1
7. Site Plan (2 pages)
8. Surveyor's Sketch (2 pages)
9. Potential Driveway/Parking Layout
10. Plan of Easement for Land Drainage Purposes
11. Title Plot – Highland Pointe Phase 2 and Phase 3 Subdivision
12. Schedule of Builder Width and Area Calculations Ladco Company Ltd. – Highland Pointe Stage 2 dated July 28, 2021 (5 pages)
13. Title Information
14. Plans (5 pages)
15. Report from the Urban Planning Division dated November, 18, 2021
16. Inspection Report
17. Presentation titled "Highland Pointe Phases 2 and 3" dated November 29, 2021, in support of the application submitted by the Applicant at the public hearing
18. Recording of Representations of public hearing

REPRESENTATIONS:

In Support:

Brendan Salakoh
Michael Carruthers

In Opposition:

Nil

For Information:

Nil

For the City:

R. Hayer, Planner, Planning, Property and Development Department
D. Trenchard, Land Development Engineer, Property and Development Department

Exhibit "15" referred to in File DASZ 40/2021

ADMINISTRATIVE REPORT

Title: DASZ 40/2021 – East of Fernbank Avenue and McGregor Street (Highland Pointe, Phases 2 and 3).

Issue: For consideration at the Public Hearing to Subdivide and Rezone approximately 102 acres of land in Precinct 'G'.

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, RPP, MCIP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 40/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated November 29, 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 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 November 5, 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 "R1-S" Residential Single-Family (Small); "R1-M" Residential Single-Family (Medium); "R2" Residential Two-Family; "RMF-S" Residential Multi-Family (Small); "RMF-M" Residential Multi-Family (Medium); and "PR-1" Parks and Recreation 1 District as shown on the map dated November 29, 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* to include the following conditions:

        i. That, for the development of any building on Lot 2 Block 16 zoned "RMF-M" Residential Multi-Family (Medium), the following shall apply:

a. 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.

b. That no building within 45 feet of an adjacent "R1" zoning district boundary shall be greater than 35 feet in height, excluding any projections permitted under the Zoning By-law.

c. That a privacy fence at least 6-feet in height be constructed along any side or rear lot line that abuts the side or rear lot line of an "R1" zoning district.

d. That a landscaped buffer at least ten (10) feet wide be constructed along any side or rear lot line that abuts the side or rear lot line of an "R1" zoning district.

ii. That the minimum net density for residential development on Block 19 zoned "RMF-S" Residential Multi-Family (Small) and Lot 2 Block 16 zoned "RMF-M" Residential Multi-Family (Medium) shall be 15 dwelling units per acre.

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 approvals in connection with this matter will expire if the plan of subdivision (the "Plan") as prepared by the Manitoba Land

Surveyor in accordance with Recommendation 1 is not submitted to the City for preparation of a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

6. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment 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.
12. That the variance order for File No. DAV 21-200722\D shall not come into force and effect until the coming into force and effect of the zoning by-law for the subject land under File DASZ 40/2021.

REASON FOR THE REPORT

- The applicant intends to subdivide and rezone approximately 102.5 acres of land in Precinct 'G' in order to create lots, block plans, public reserve lands, and public right-of-ways to accommodate future residential development.
- The subject application represents phases 2 and 3 of the Highland Pointe community, which is located east of McPhillips Street in Precinct G. Phase 1 of Highland Pointe was established under former application File No. DASZ 24/2019.
- 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.

OURWINNIPEG POLICY ALIGNMENT

01-1a OurWinnipeg Approach to City Building: Promote compact urban form and manage the extension of municipal services for new growth. Support new developments that are contiguous with existing developments to minimize the spatial use of land and the extension of services.

01-1c Key Directions for Specific Areas –Areas of Stability: Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	R. Hayer, RPP, MCIP
Date:	November, 18, 2021
File No.	DASZ 40/2021

List of Schedules and Attachments

- Appendix "A," Planning Discussion.
- Schedule "A," of File 40/2021**,** Lord Selkirk - West Kildonan Community Committee, dated November 29, 2021**.**
- Schedule "B," Report of the Administrative Co-ordinating group, RE: Proposed Subdivision and Rezoning of Land Located East of Fernbank Avenue and McGregor Street, West of the Canadian Pacific Railway (Highland Pointe Neighbourhood Phases 2 and 3) dated November 5, 2021.

APPENDIX 'A'

DATE:	November 18, 2021
FILE:	**DASZ 40/2021**
RELATED FILES:	DAV 21-200722\D
COMMUNITY:	Lord Selkirk-West Kildonan Community
NEIGHBOURHOOD #:	3.335 (Rosser-Old Kildonan)
SUBJECT:	To subdivide and rezone approximately 102 acres of land in Precinct 'G'.
LOCATION:	East of Fernbank Avenue and McGregor Street.
LEGAL DESCRIPTION:	NLY 66.67 FEET PERP OF RL 29 AND ALL THOSE PORTIONS OF RL 30 PARISH OF KILDONAN WHICH LIE BETWEEN A LINE DRAWN SLY AT RIGHT ANGLES TO THE NORTHERN LIMIT OF SAID RL 30, THROUGH A POINT IN THE SAME DISTANT WLY THEREON 2781 FEET FROM THE WESTERN LIMIT OF RIGHT-OF-WAY ON RLY PLAN 379 WLTO AND A LINE DRAWN NLY AT RIGHT ANGLES TO THE NORTHERN LIMIT OF SLY 45 FEET OF RL 27 OF SAID PARISH THROUGH A POINT IN THE SAME DISTANT ELY THEREON 2154 FEEL FROM THE WESTERN LIMIT OF SAID RL 27 EXC ALL THAT PORTION TAKEN FOR THE EXTENSION OF MCGREGOR STREET SHOWN PINK ON PLAN 8396 WLTO TOETHER WITH A RIGHT-OF-WAY FOR ALL PURPOSES AND AS APPURTENANT TO THE LAND ABOVE DESCRIBED, OVER AND UPON ALL THAT PORTION OF SLY 9.9 FEET OF NLY 76.56 FEET OF SAID RL 29 WHICH LIES WEST OF THE SAID EXTENSION OF MCGREGOR STREET EXC OUT OF SAID RIGHT-OF-WAY, ROAD PLAN 23660 WLTO; and ALL THOSE PORTIONS OF RL 30 AND NLY 66.66 FEET OF RL 29, PARISH OF KILDONAN LYING WEST OF RLY RIGHT-OF-WAY PLAN 379 WLTO, WHICH LIES EAST OF A LINE DRAWN SLY AT RIGHT ANGLES TO NORTHERN LIMIT OF SAID RL 30 THROUGH A POINT IN THE SAME DISTANT WLY THEREON 2781 FEET FROM WESTERN LIMIT OF SAID RLY PLAN.



APPLICANT: Brendan Salakoh (Landmark Planning & Design Inc.)
298 Waterfront Dr
Winnipeg, MB R3B 0G5

OWNERS: LCLSUB FERNBANK INC.
200-40 Lakewood BLVD
Winnipeg, MB R2J 2M7

RECOMMENDATION: Approval with conditions.

DISCUSSION

SITE DESCRIPTION

- The subject site is located east of Fernbank Avenue and McGregor Street, south of the Fernbank Avenue and Ferrier Street intersection that was established under file DASZ 24/2019, in the Rosser-Old Kildonan Neighbourhood and the Old Kildonan Ward.
- The portion of McGregor Street abutting the subject site is an undeveloped right-of-way that runs along the west limit of the subject planned area.
- The subject site is +/- 102.5 acres in lot area and zoned “A” Agricultural District.
- Under *OurWinnipeg* and *Complete Communities*, the property is within the “Transformative Areas – New Communities” policy area and located in Precinct ‘G’.
- Under the *Precinct ‘G’ Secondary Plan By-law*, the property is within the “Medium Density Residential” and “Low Density Residential” policy areas.
- Also, of note, the subject site is south of the Highland Pointe phase 1 community, which was approved under file DASZ 24/2019. Highland Pointe is a new community development which is located east of McPhillips Street in Precinct ‘G’ and was initiated by Ladco Company limited.



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

SITE CONTEX SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Fernbank Avenue; then residential uses in Highland Pointe phase 1.

South: Undeveloped land zoned "A" Agricultural District and located within the Precinct 'G' policy area of the *Complete Communities Direction Strategy*.

East: Undeveloped land zoned "A" Agricultural District and located within the Precinct 'G' policy area of the *Complete Communities Direction Strategy*.

West: The undeveloped McGregor Street right-of-way; then agricultural uses fronting on to McPhillips Street and zoned "A" Agricultural District.



Figure 2: Zoning of the Site and Surrounding Area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant is proposing to subdivide and rezone approximately +/- 102.5 acres of land. The subject application represents phases 2 and 3 of the Highland Pointe community as follows:

- Proposed phase 2 would result in the creation of 318 residential lots.
- Proposed phase 3 is anticipated to result in 435 dwelling units at full build-out.

The related Variance File No. DAV 21-200722/D deals with the proposed "R2" Dimensional Standards of Zoning By-Law 200/2006 for the construction of two-family dwellings (phase 2) to permit substandard side yards and lot areas. Please refer to the Planner's report for analysis on the proposed variances.

Proposed Subdivision and Rezoning:

Phase 2 (51.9 acres) proposes to establish the following:

- 5 blocks with 142 lots zoned as “R1-M” Residential Single-Family (Medium).
- 3 blocks with 67 lots zoned as “R1-S” Residential Single-Family (Small).
- 4 blocks with 80 lots zoned as “R2” Residential Two-Family.
- 1 block with 29 lots zoned as “RMF-S” Residential Multi-Family (Small).

Phase 3 (50.6 acres) proposes to establish the following:

- 2 blocks zoned as “R1-M” Residential Single-Family (Medium).
- 6 blocks zoned as “R1-S” Residential Single-Family (Small).
- 2 blocks zoned as “R2” Residential Two-Family.
- 1 lot zoned as “RMF-M” Residential Multi-Family (Medium).

COLLABORATIVE PLANNING:

- The applicant engaged in discussions with the Urban Planning and Design Division as early as 2019, when the previous DASZ 24/2019 was being finalized.
- The applicant submitted a pre-application 2021 to formally obtain comments from the Winnipeg Public Service in response to the proposed subdivision and rezoning.
- Following the pre-application, the applicant engaged in a number of discussions with the Planning, Property and Development Department.
- Changes to the proposed plan in response to feedback from the Public Service, include the following:
    - Adding additional east-west pedestrian connectivity.
    - Increasing the size of Public Reserve ‘A’ by +/- 9,496 sq. ft. (0.218 acres). This results in a +/- 3.79-acre public reserve area zoned “PR1” Parks and Recreation, which would be created under phase 1.
    - Adding a 1.0-acre park (Public Reserve D) near the south limit of the planned area. This results in the creation of a neighbourhood scale small park, serving future residents near the south east portion of the proposed development area.
- The increase to the size of Public Reserve ‘A’ and addition of Public Reserve ‘D’ were both changes that were made after the subject application was filed with the City of Winnipeg.
- The applicant also collaborated with the Urban Planning & Design Division to discuss zoning agreement clauses recommended as conditions of approval in this report.
- Figure 3 on the following page shows the proposed plan of subdivision and rezoning as submitted with the subject application, and Figure 4 shows the proposed plan as provided by the applicant following the filing of the subject application, to reflect the changes made by the applicant as a result of the collaborative planning process.

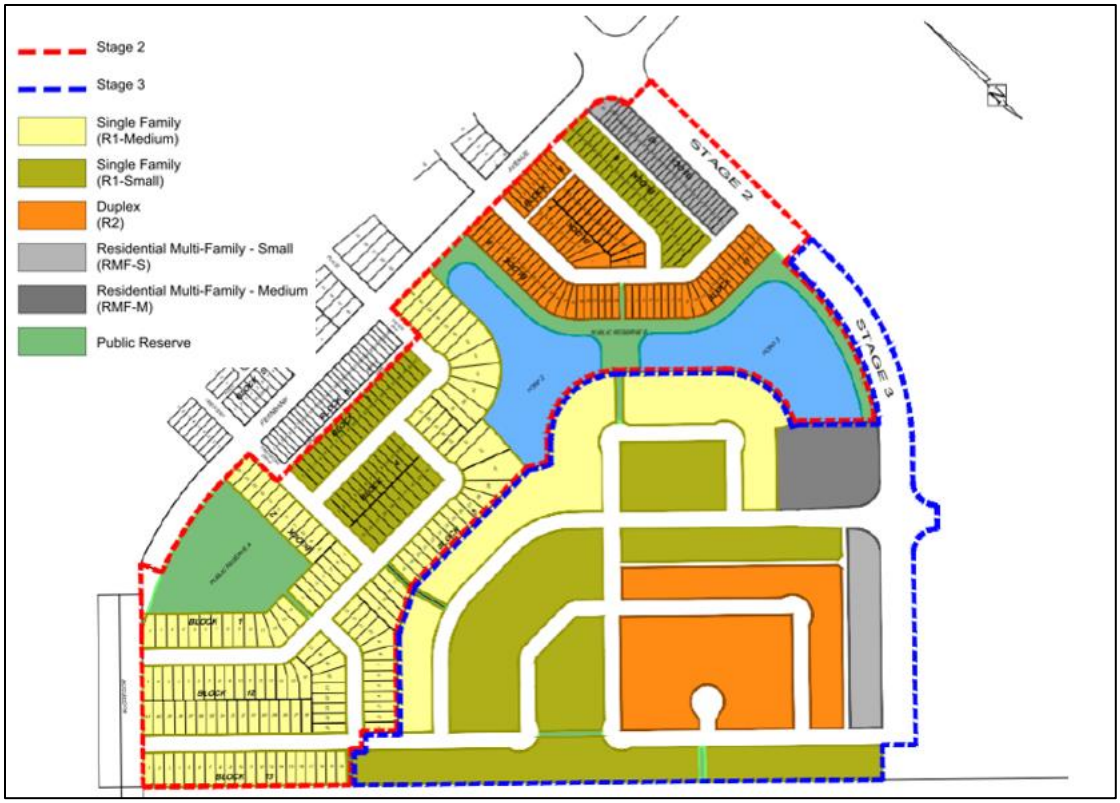


Figure 3: Proposed plan of subdivision and rezoning, submitted with application.

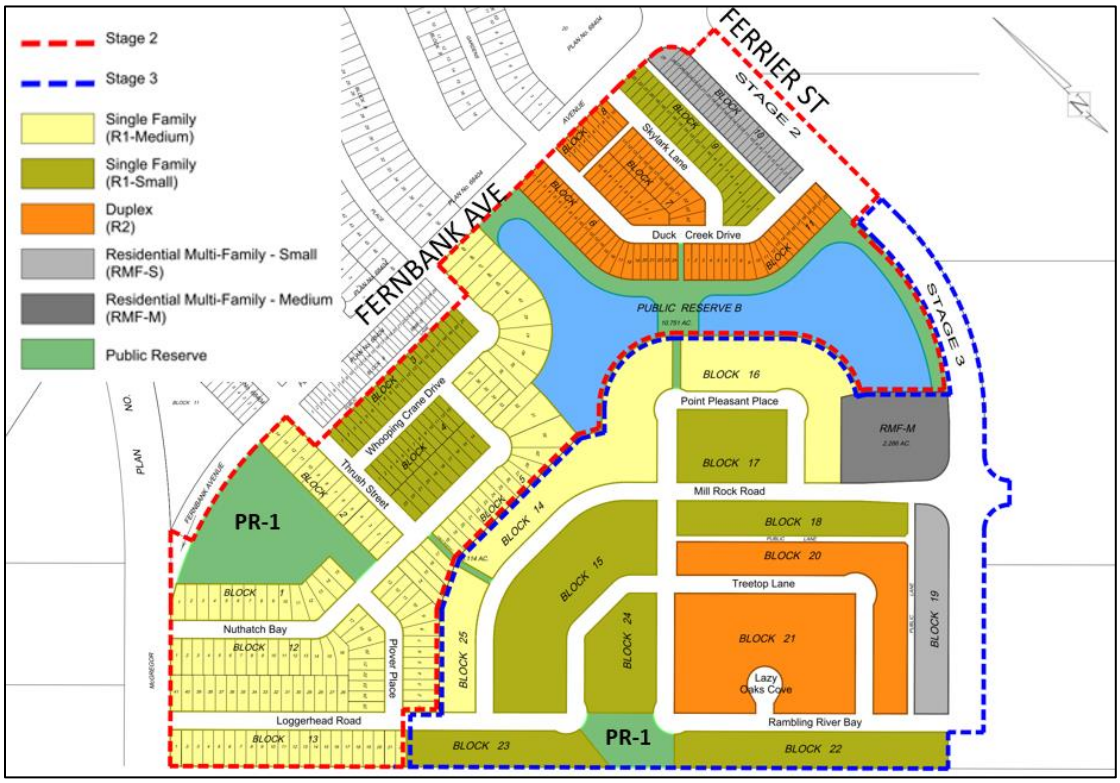


Figure 4: Plan of subdivision and rezoning, prepared after the application was filed, to reflect additional Public Reserve land as recommended by the Public Service.

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 'G') where the following policy applies:

- *The development of New Communities will be supported by a planning process and organized within planning precincts.*

A Planning Process has occurred and the *Precinct 'G' Secondary Plan By-law* has been adopted by Council as By-law 5/2018.

PRECINCT 'G' SECONDARY PLAN BY-LAW:

The land use concept under the Precinct 'G' Plan is shown on Figure 5. Key policies include:

- *Low Density Residential Policy Areas:*
    - *Single-family dwellings, two-family dwellings, and ground-oriented townhouses shall be the predominant use of land.*
    - *The minimum net density should be 7 units per acre over the entirety of the Low-Density Residential Policy Areas.*
- *Medium Density Residential Policy Areas:*
    - *Multi-family and two-family residential developments shall be the predominant use of land.*
    - *Medium Density Neighbourhood Policy Areas shall achieve a minimum net density of 15 units per acre.*
    - *Single-Family housing is discouraged but may be accommodated when it has been demonstrated that a net density of 15 units per acre can be achieved.*
- *Parks and Open Space:*
    - *Parks and Open Space areas are appropriate in any land use policy area. The location, size, and configuration of the parks and open spaces will be determined at the Development Application stage in accordance with the following:*
        - *A minimum of one neighbourhood-scale small park (0.50-acre minimum) should be provided per sub-area and a minimum of one large (15 or more acres) or two smaller (7 or more acres) community-scale park(s) shall be provided for organized sports; Size, orientation, configuration and location of parks shall be appropriate for the intended use; Parks should be distributed to achieve a 400 metre walking distance to most residences.*
    - *Community-scale parks should generally be located on a collector street and Neighbourhood parks should generally be located on local streets.*
    - *Subdivision designs within the Precinct should integrate and capitalize on park placement as a network itself and as part of the continuous and integrated walking and cycling network to enhance connectivity between key features (including but not limited to schools, commercial areas, existing walking and cycling paths) within and beyond the precinct.*

The proposed subdivision and rezoning would achieve the Precinct Plan policy requirements for net density targets for each policy area and would be generally consistent with the Secondary Plan.

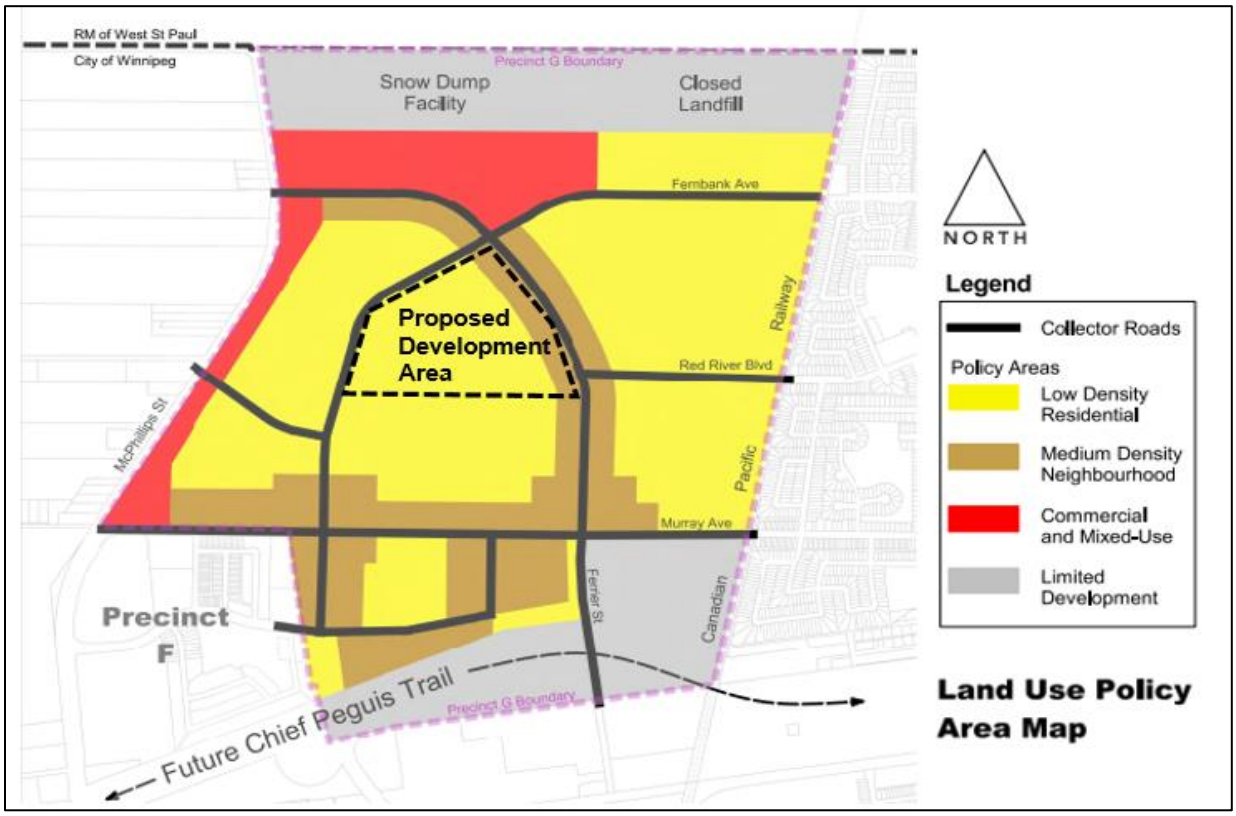


Figure 5: Precinct 'G' Land Use Policy Area Map with proposed development site shown.

CITY OF WINNIPEG ZONING BY-LAW 200/2006:

The applicant is proposing to subdivide the subject site and rezone lands to the following zoning districts:

- The "R1-S" and "R1-M Residential Single-Family Districts are intended to accommodate primarily single-family residential development in lower-density neighbourhoods.
- The "R2" Residential Two-Family District is intended to accommodate the development of single and two-family, limited multi-family units in lower density neighbourhoods units.
- The "RMF-S" and "RMF-M" Residential Multi-Family Districts are intended to accommodate the development of multi-family units in neighbourhoods of various densities.
- The "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.

Collectively, the above zoning districts provide a wide range of housing types that are important to help meet the lifecycle needs of Winnipeg residents. The zoning districts will accommodate single family homes, duplexes, row houses and apartments. The proposed zoning districts also enable the development within the precinct to meet the residential density targets identified in the Precinct Plan.

COMPATIBILITY WITH THE SURROUNDING AREA

In terms of compatibility with the area surrounding the proposed development area:

- Lands to the north of the subject planned area are within the Precinct ‘G’ Plan and have been approved for development of residential uses in accordance with the Precinct G Plan (DASZ 24/2019).
- Lands to the south, east and west of the subject planned area within Precinct ‘G’ and future development will be evaluated under the relevant policies of the Precinct Plan.
- The applicant has shared preliminary concept plans for development of the lands to the east of the subject planned area. Discussions regarding future phases are ongoing however generally the proposed subdivision under this application would not be incompatible with conceptual plans being considered for future phases east of the subject site.

CONDITIONS OF APPROVAL

To ensure development is consistent with the Precinct ‘G’ Secondary Plan and is compatible with the area, a few conditions of approval are recommended:

- A Zoning Agreement is recommended as follows:
    - Development of buildings on the proposed “RMF-M” lot would require a Plan Approval application (approval via the Lord Selkirk-West Kildonan Community Committee).
    - To ensure an appropriate transition between future multi-family uses and single-family dwellings, it is recommended that development on the proposed “RMF-M” lot be subject to the following:
        - Buildings within 45 feet of an “R1” lot be limited to 35 feet in height.
        - A 10-foot-wide landscape buffer and privacy fence at least 6-feet in height be constructed along the western lot line of the “RMF-M” zoned lot, where it abuts “R1” properties.
    - Both of the above clauses are similar to the recommended and ultimately approved conditions of approval that applied to lands zoned “RMF-M” under file DASZ 24/2019, approving the phase 1 Highland Pointe development. These clauses will ensure an appropriate transition between lower density and higher density uses, and ultimately promote a more compatible form of residential development.
    - A minimum net density of 15 units per acre is recommended for future residential development on Block 19 (zoned RMF-S) and Lot 2 Block 16 (zoned RMF-M).

Parks Considerations:

- The applicant is proposing Public Reserve “A” in phase 2 and this public reserve would to be located on the south side of Fernbank Avenue (near the north west limit of the planned area). In order to improve the street presence and access to the proposed Public Reserve A park space, it is recommended the south portion of the park be widened.
- The applicant is proposing a Public Reserve “E” in phase 3, which would be a an east-west public walkway near the south limit of the subject planned area. In order to meet

park provisioning requirements for a neighbourhood-scale park within 400-metre walking distance of the residents, it is recommended that proposed Public Reserve E be expanded into a 0.50 to 0.90-acre neighbourhood scale park space (south of Block 24).

- The applicant is proposing two (2) other north/south public walkways (Public Reserve "D" and "F") which would be located at the south limit of the planned area, however the Public Service recommends these public walks be deleted in consideration of an expanded Public Reserve "E" as described previously.

RECOMMENDATION

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

- The subdivision and rezoning application would comply with the *Complete Communities Direction Strategy,* and with the *Precinct 'G' Secondary Plan By-law,* subject to conditions of approval, and would be compatible with the surrounding area.

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

Report Prepared by: R. Hayer, RPP, MCIP
PPD File #: DASZ 40/2021

Schedule "A" for File DASZ 40/2021, Lord Selkirk West Kildonan Community Committee, dated November 29, 2021

By-Law No. _____

File No. **DASZ 40/2021**

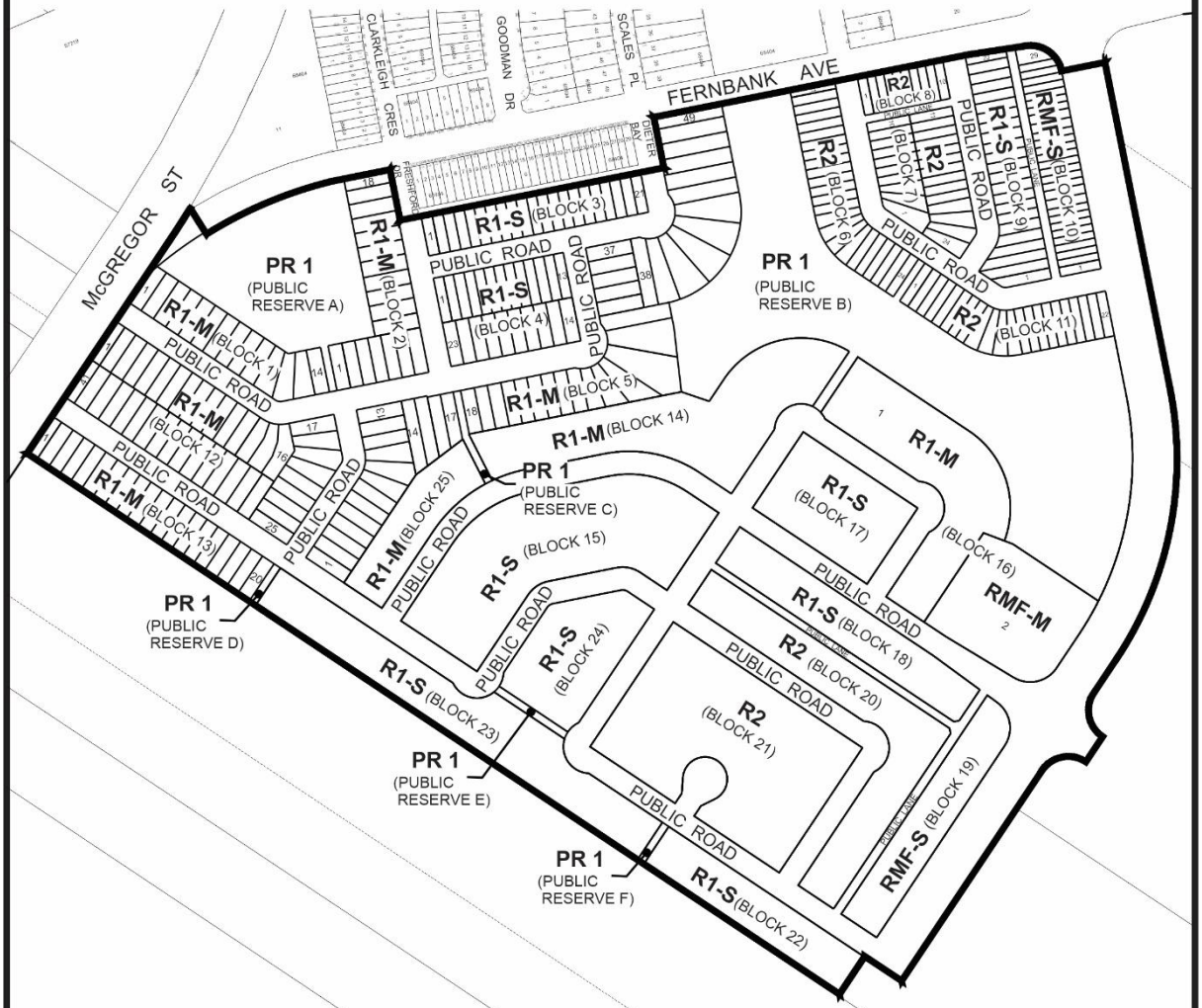
Atlas Sheet No. **R27**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on the lands east of Fernbank Avenue and McGregor Street, West of the Canadian Pacific Railway from an "A" AGRICULTURAL DISTRICT to an "R1-S" and "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, "R2" RESIDENTIAL TWO-FAMILY DISTRICT, "RMF-S" and "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICTS and "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the continuation of the Highland Pointe Neighbourhood plan Phases 2 and 3 by the creation of lots, block plans, public reserve lands and public rights-of-ways for future residential development.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE LANDS EAST OF FERNBANK AVENUE AND MCGREGOR STREET, WEST OF THE CANADIAN PACIFIC RAILWAY (HIGHLAND POINTE NEIGHBOURHOOD PHASES 2 AND 3)

It is recommended that approval of DASZ 40/2021, if granted, be subject to the applicant entering into a Development Agreement containing the following conditions:

Section I – Plan Considerations

1) Public Lanes serving single- or two-family residential development are to be accommodated with a right-of-way width of 6.25m; Public Lanes serving multi-family residential and commercial development are to be accommodated with a right-of-way width of 7.25m, to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, legally open property required for a 3.0m x 3.0m corner cuts where two Public Lanes intersect serving single and two-family residential and 5.0m x 5.0m corner cuts where two Public Lanes intersect serving multi-family residential or commercial development, to the satisfaction of the Director of Public Works.

3) Intersections of local streets within the Planned Area are to be designed such that the angle of intersection is no less than 70° as measured in the quadrant with the acute angle.

4) 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. Right-of-way corner cuts measuring 3.0m by 3.0m are to be provided at each corner of any intersection where the angle is less than 80°, to the satisfaction of the Director of Public Works.

5) The Developer shall, at no expense to the City, legally open property required to accommodate the roundabout at the intersection of the proposed Public Road and Red River Boulevard, to the satisfaction of the Director of Public Works.

6) Additional right-of-way may be required to accommodate sidewalks and/or pathways, as determined by and to the satisfaction of the Director of Public Works.

7) The Developer shall, at no expense to the City, expand Public Reserve “E” to establish a neighborhood scale park (to a minimum of 0.5 acre and maximum of 1.0 acre), to the satisfaction of the Director of Public Works.

a. The Public Reserve should extend from the north limit of propose Public Reserve "E" to the southern limit of the Planned Area (Block 23), such that the east limit of the Public Reserve aligns with the sidewalk on the west side Block 21 and that a future pathway connection can be made to the Planned Area from the future development to the south.

8) The Developer shall remove Public Reserves "D" and "F" in consideration of Plan Consideration 7 above, as determined by and to the satisfaction of the Director of Public Works.

9) The Developer shall, at no expense to the City, reconfigure Public Reserve "A" such that the window from the Public Road is widened to generally include Block 2, Lots 1 and 2 to establish a greater park street presence and access from the Planned Area, to the satisfaction of the Director of Public Works.

10) All 6.0m walkways shown as Public Reserve and supporting street to street connections (Public Reserve "C") shall be re-designated as Public Walkway right-of-way connections and will not be accrued towards Public Reserve dedication.

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

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 an updated 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

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

b) The Developer shall enter into an amended subdivision agreement with the City, prior to construction, to address the increased maintenance requirements for the additional water mains to be installed servicing the Planned Area, as determined by and 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

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.

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.

b) 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.

c) The Developer shall pay its share of the cost of the said naturalized regional stormwater management facilities (including future offsite regional land drainage costs, as required), as determined by the Director of Water and Waste.

d) The Developer's share of the stormwater management facilities owing under this agreement shall be credited against the cost of the facilities to be constructed or previously constructed by the Developer.

e) 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.

f) 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.

g) 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.

h) 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.

i) 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.

j) 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.

k) 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.

l) 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) <u>Lot Line Service Connections</u>

a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewers and water mains to service all single-family and two-family lots within the Planned Area, as determined by and to the satisfaction of the Director of Water and Waste.

b) The Developer shall ensure that the private sewer service for each single- family and two-family lot remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the private sewer service pipe may be connected to the wastewater system, and the Developer will indemnify the City against all actions, claims, demands, damages, losses and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

c) The Developer shall replace or repair, to the satisfaction of the Director of Water and Waste, any water service pipe or private sewer service pipe determined by the Director of Water and Waste to be defective within one year following the date the water to the lot serviced by that water service pipe or private sewer service pipe is turned on by the City for domestic use, and shall pay to the City any and all costs incurred by the City associated with any such defect.

6) Lot Grading

a) The Developer shall, at no expense to the City and prior to the issuance of any building permit in respect of the Planned Area, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, to the satisfaction of the Director of Water and Waste.

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

c) Prior to the issuance of any building permits in respect of the Planned Area, the Developer shall, at no expense to the City, construct all swales, catchbasins and leads required to provide lot drainage within the Planned Area.

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

7) Pavements

a) The Developer shall, at no expense to the City, construct 150mm and 200mm thick Portland cement concrete pavements, 7.5m, 8.0m, and 10.0m in width, and all related works, including but not limited to ornamental street lighting, boulevard landscaping and land drainage facilities, in all streets within the Planned Area, 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 150mm thick Portland cement concrete pavements, 5.0m in width in all Public Lanes serving single or two family residential development, and 6.0m in width in all Public Lanes serving multi-family residential and commercial development, and all related works, including but not limited to land drainage facilities, in all Public Lanes within the Planned Area, all as determined by and to the satisfaction of the Director of Public Works.

8) Roundabout

The Developer shall, at no expense to the City, construct the roundabout and all related works, at the intersection of Public Road and Red River Boulevard, as determined by and to the satisfaction of the Director of Public Works.

9) Traffic/Pedestrian Control Devices

The Developer shall pay to the City, in cash, on demand, the costs of the appropriate traffic control device/pedestrian crossing control, and all related works within the Planned Area and on Fernbank Avenue, abutting the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

10) Sidewalks/Multi-use Pathways

a) The Developer shall, at no expense to the City, construct 1.5m and/or 1.8m wide by 100mm thick Portland cement concrete sidewalks, or multi-use pathways and all related works, on the standard alignment, 0.3m from the property line, and/or on an alignment as determined by the Public Works Department, to the satisfaction of the Director Public Works, as conceptually shown on the attached Schedule "C".

b) The Developer shall, at no expense to the City construct a 1.5m wide by 100mm thick Portland cement concrete sidewalks and/or a multi-use pathway on the standard alignment, 0.3m from the property line, along both sides of all streets within the Planned area with rights-of-way measuring 22.0m in width, as determined by and to the satisfaction of the Director of Public Works;

c) The Developer shall grant, at no expense to the City, any snow storage easements as may be necessitated by the sidewalk alignment, as determined by and to the satisfaction of the Director of Public Works.

d) The Developer shall construct all sidewalks concurrently with the pavements with which they share the right-of-way.

11) Public Walks

a) The Developer shall, at no expense to the City, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk within the Public Walks, and landscape the remainder to include:

i) Sodding on both sides of the sidewalk;

ii) Fencing within private property, along the side property lines;

iii) Bollards with appropriate sidewalk opening at both street ends of the Public Walk;

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

b) The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the Public Walk requiring the owners to maintain and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

12) Private Approaches

a) There shall be no private approaches serving single family or two-family residential development off residential collector streets (i.e. rights-of-way measuring 22.0m or greater in width).

b) Private approaches serving R2 and RMF-S lots without a Public Lane shall be joint use and there shall be 6.1 metres between the edge of the private approach flares between lots, measured at the curb, as determined by and to the satisfaction of the Director of Public Works.

13) Traffic Control Signals – McPhillips Street and Murray Avenue

The Developer shall pay to the City, in cash, on demand, their share of 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 McPhillips Street and Murray Avenue, as determined by and to the satisfaction of the Director of Public Works.

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) Two Means of Vehicle Access

a) 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.

b) The Developer shall, at no expense to the City, construct temporary paved roadways and provide easements or rights-of-way in respect of clause a) above, as determined by and to the satisfaction of the Director of Public Works.

16) Temporary Dead-End Streets

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

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

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) 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, multi-family sites, commercial sites, collector and arterial streets, McPhillips Street, Murray Avenue, Ferrier Street and the future Chief Peguis Trail;, 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.

19) 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.

20) Utilities

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

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

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

21) 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.

22) Survey Monuments

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

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

23) 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, pathway construction, 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.

   i) No credit will be granted for the portion of Public Reserve “B” located between the retention pond and the fronting Public Road at the eastern limit of the Public Reserve. This area is supporting the requirements of the stormwater retention basin impoundment area and is not functional park space.

b) If the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate an amount of land satisfactory to the Director of Public Works and the Director of Planning, Property and Development.

c) The Developer shall 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 provisions of an equivalent value of additional site amenities in the Public Reserve, as approved by the Director of Public Works and the Direct of Planning, Property and Development.

   i) Alternatively, the Developer may choose to accrue the dedication from this phase with dedication of Public Reserves for future phases of the development.

   ii) The Developer shall notify the Urban Planning Division in writing of their intentions to accrue dedication, prior to the submission of Parks plans for the Planned Area for review and approval.

d) Both parties hereby acknowledge that the City will not compensate the Developer for the provision of excess services frontage beyond what they are required to provide.

e) Public Reserve “A” contains existing forest and natural area(s); the Developer shall consult with the City Naturalist to determine what, if any, portion of the natural area should be retained.

f) If the City Naturalist determines that existing natural areas within Public Reserve “A” are to be protected and preserved in accordance with the following:

   i) protective fencing, located approximately 3.0m beyond the limits of the natural area to be preserved, shall be installed for the duration of construction to ensure protection of the root zone and to prevent accidental encroachment in the natural area;

   ii) any re-grading of land or changes in drainage patterns due to development must ensure that there is a neutral effect on the moisture regime of the natural area (ie: there shall be no run-off directed into nor any drainage directed out of the natural area); and,

   iii) if only nominal or no improvements are required within the preserved natural area, the value of the site improvements outlined in the Development Agreement Parameters shall be tabulated at the then-current rates and paid by the Developer to the City or applied to improvements within the Public Reserves contained within the Planned Area.

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

g) 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 pathways.

h) 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.

i) The Developer shall construct, and/or pay their share of the cost to construct, the paths as determined by the Director of Public Works. The specific location of the paths shall be as determined through the Park plan approval process, with the width consistent with the path established by the development to the northwest of this development.

   i) If the City determines it is preferable to have any or all of the path construction deferred to a later date, the Developer shall pay to the City, in cash, on demand, the cost estimated to construct the deferred sections of path as determined by and to the satisfaction of the Director of Public Works.

j) The Developer shall ensure that appropriate grading can be achieved for all walkways (including Public Walks, pathways, park paths and sidewalks) without the need for retaining walls or retained embankments within or on the property line of the Public Reserve and/or Public Walkway right-of-way.

   i) No “walkout” basements will be permitted in the residential lots immediately adjacent to walkway corridors, unless the Developer can demonstrate that lot grading can be addressed with no impact on Public Reserve lands, subject to the following:

      a. No retaining walls will be permitted on Public Reserve(s)/Public Walkway(s); retaining walls on private property must have sufficient setbacks to accommodate infrastructure and maintenance.

      b. The Developer shall permit the City to file a caveat, registered against the impacted property, absolving the City of any responsibility for such walls.

k) The Developer shall, at no expense to the City, erect continuous fencing on all properties abutting Public Reserve(s):

   ii) fencing is to located on private property and future owners of the individual building lots along this fencing shall be responsible to maintain the fencing; and

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

   all as determined by and to the satisfaction of the Director of Public Works

l) 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.

m) 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.

n) 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.

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

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

3) Administration Fees

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

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 40/2021
November 5, 2021

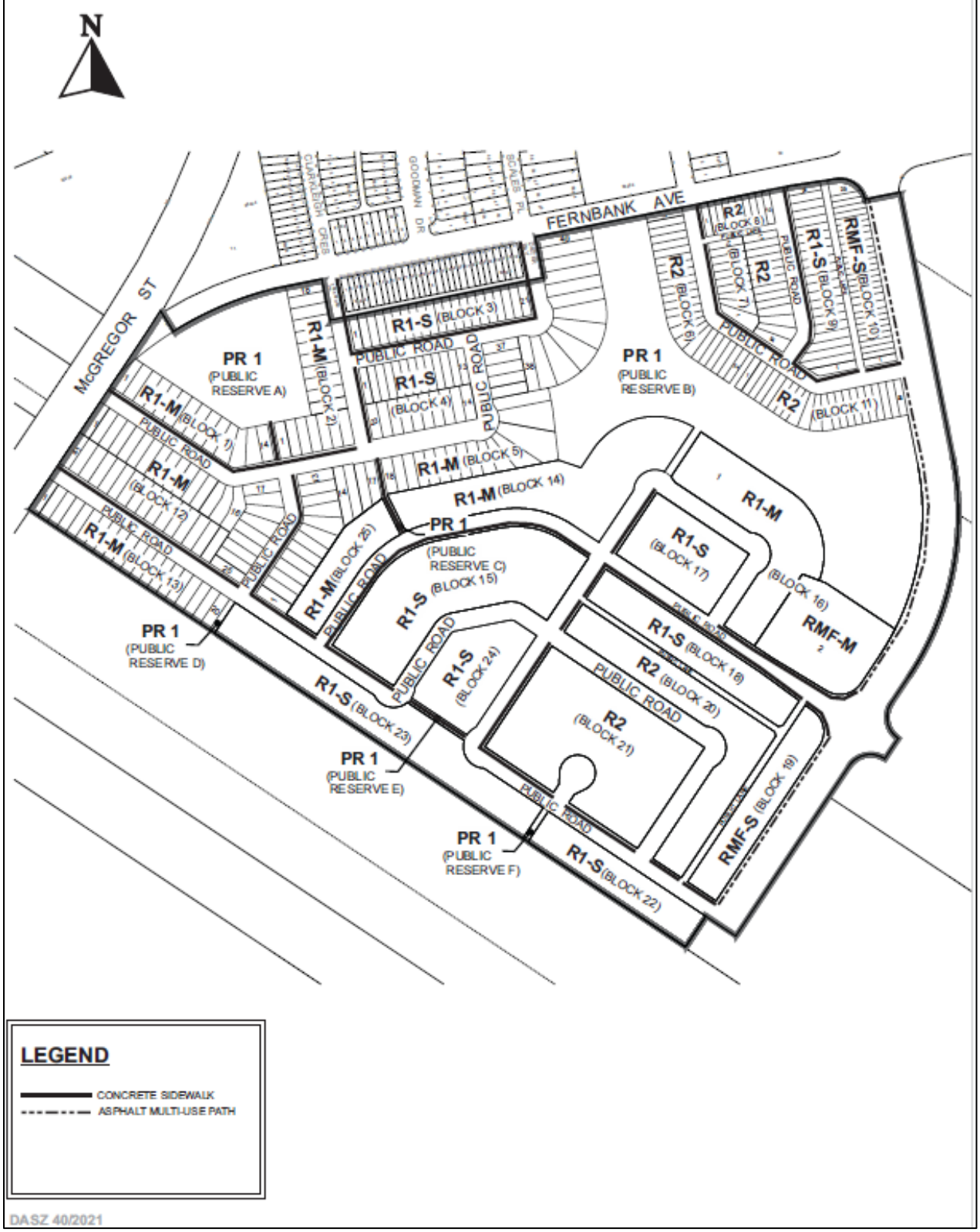
"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

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

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

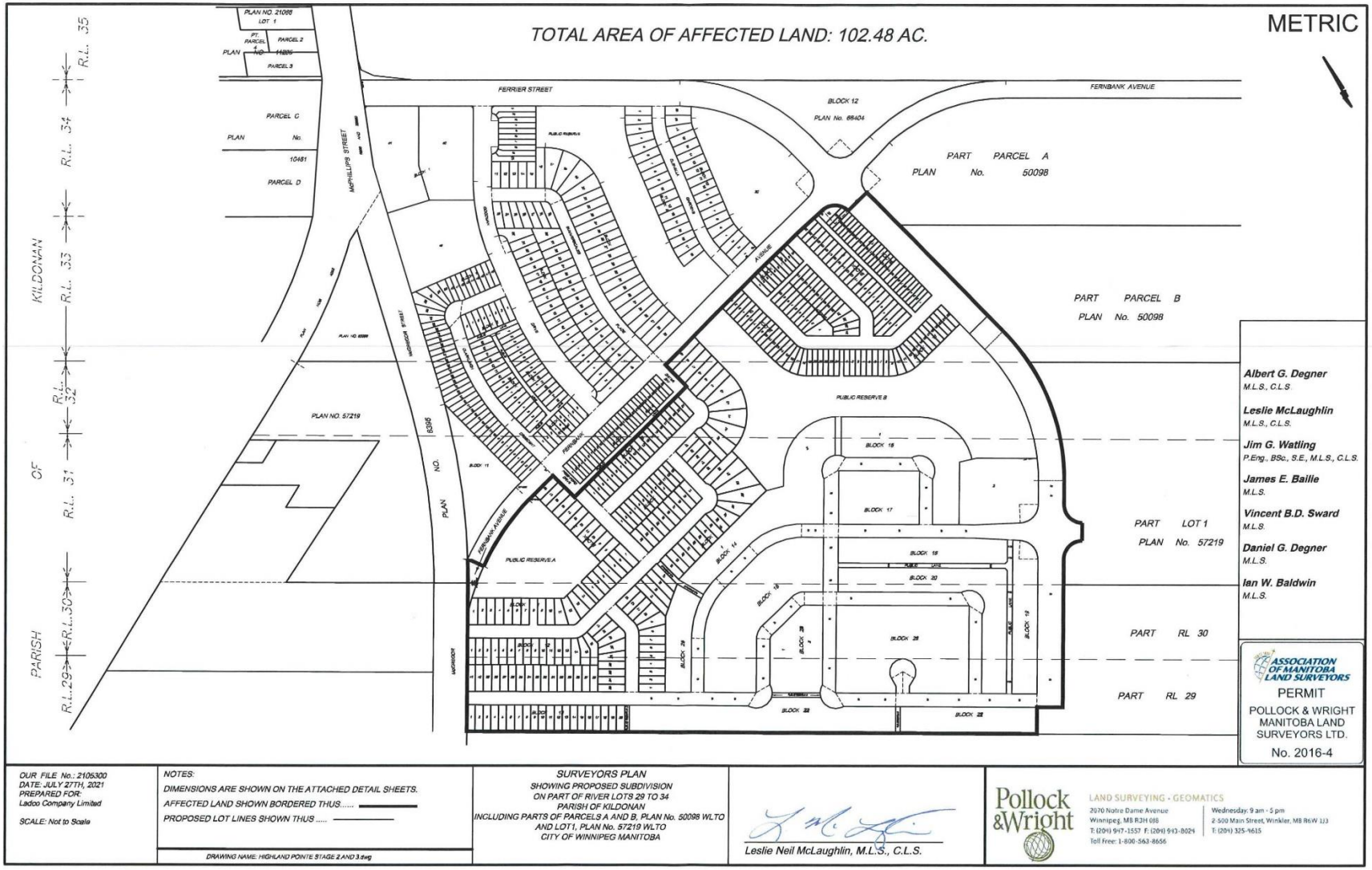
"*Original Signed by C. Desjardine"*
C. Desjardine, M. Sc., P. Eng.
Transportation Division
Public Works Department

SCHEDULE 'C'

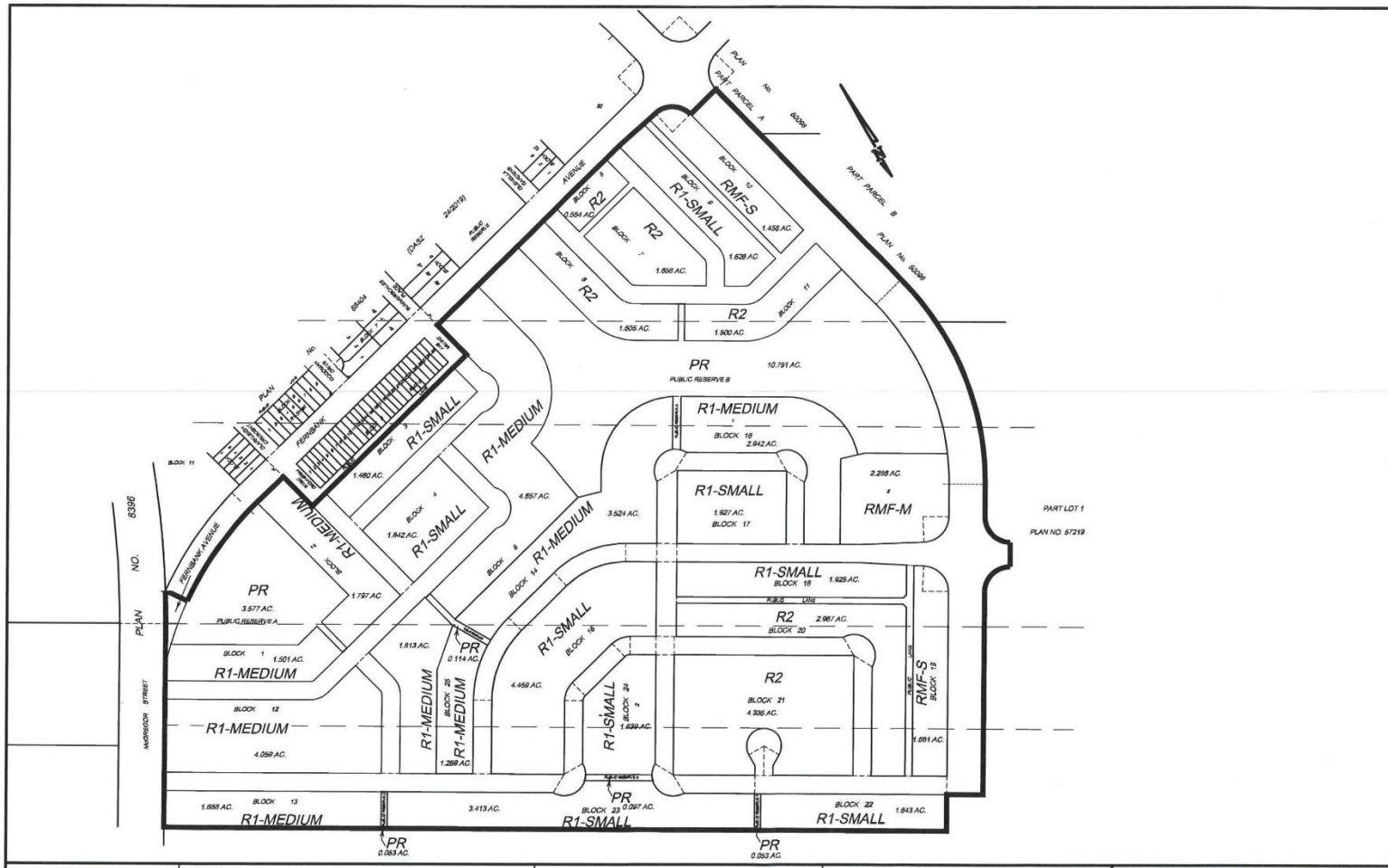


DA.SZ 40/2021

Exhibit “14” referred to in File DASZ 40/2021



METRIC



Albert G. Degner
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Leslie McLaughlin
M.L.S., C.L.S.

Jim G. Watling
P.Eng., BSc., S.E., M.L.S., C.L.S.

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Daniel G. Degner
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Ian W. Baldwin
M.L.S.

ASSOCIATION OF MANITOBA LAND SURVEYORS
PERMIT
POLLOCK & WRIGHT MANITOBA LAND SURVEYORS LTD.
No. 2016-4

OUR FILE No.: 202009091
DATE: JULY 27, 2021
PREPARED FOR:
Ladco Company Limited

SCALE: Not to Scale

NOTES:
DIMENSIONS ARE SHOWN IN METRES AND DECIMALS THEREOF.
PROPOSED SUBDIVISION SHOWN SHADED HEREON

DRAWING NAME: LADCO PRAIRIE POINTE STAGE 5 CONCEPT LOTTING.dwg

PROPOSED ZONING
LADCO HIGHLAND POINTE
STAGE 2 AND 3
CITY OF WINNIPEG MANITOBA

Leslie Neil McLaughlin, M.L.S., C.L.S.

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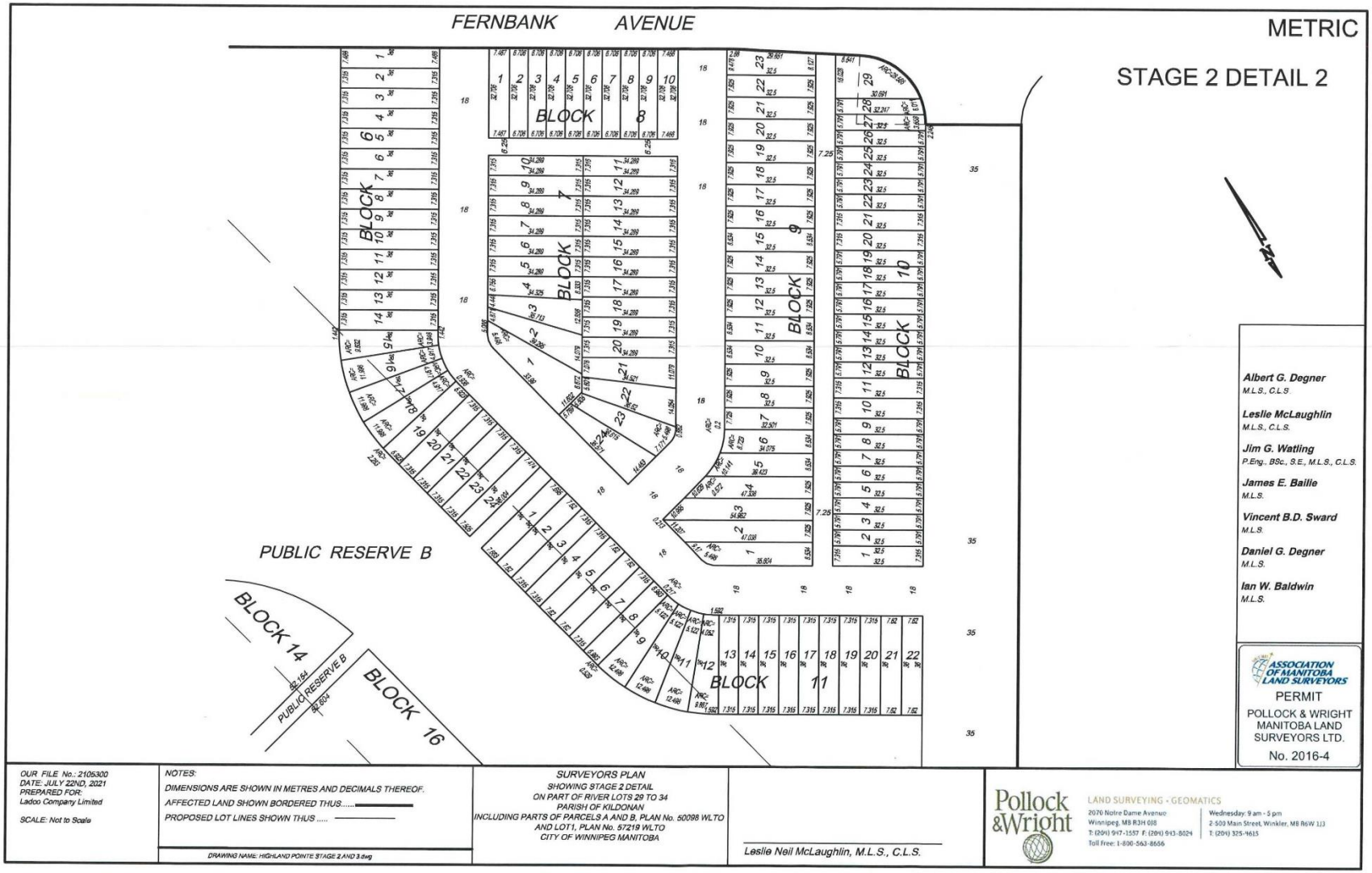
FERNBANK AVENUE
METRIC
STAGE 2 DETAIL 2
BLOCK 8
BLOCK 7
BLOCK 9
BLOCK 10
BLOCK 11
BLOCK 14
BLOCK 16
PUBLIC RESERVE B
PUBLIC RESERVE B
Albert G. Degner
M.L.S., C.L.S.
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Jim G. Watling
P.Eng., BSc., S.E., M.L.S., C.L.S.
James E. Bailie
M.L.S.
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M.L.S.
Daniel G. Degner
M.L.S.
Ian W. Baldwin
M.L.S.
ASSOCIATION OF MANITOBA LAND SURVEYORS
PERMIT
POLLOCK & WRIGHT MANITOBA LAND SURVEYORS LTD.
No. 2016-4
OUR FILE No.: 2105300
DATE: JULY 22ND, 2021
PREPARED FOR:
Ladco Company Limited
SCALE: Not to Scale
NOTES:
DIMENSIONS ARE SHOWN IN METRES AND DECIMALS THEREOF.
AFFECTED LAND SHOWN BORDERED THUS.....
PROPOSED LOT LINES SHOWN THUS .....
DRAWING NAME: HIGHLAND POINTE STAGE 2 AND 3.dwg
SURVEYORS PLAN
SHOWING STAGE 2 DETAIL
ON PART OF RIVER LOTS 29 TO 34
PARISH OF KILDONAN
INCLUDING PARTS OF PARCELS A AND B, PLAN No. 50098 WLTO
AND LOT1, PLAN No. 57219 WLTO
CITY OF WINNIPEG MANITOBA
Leslie Neil McLaughlin, M.L.S., C.L.S.
Pollock & Wright
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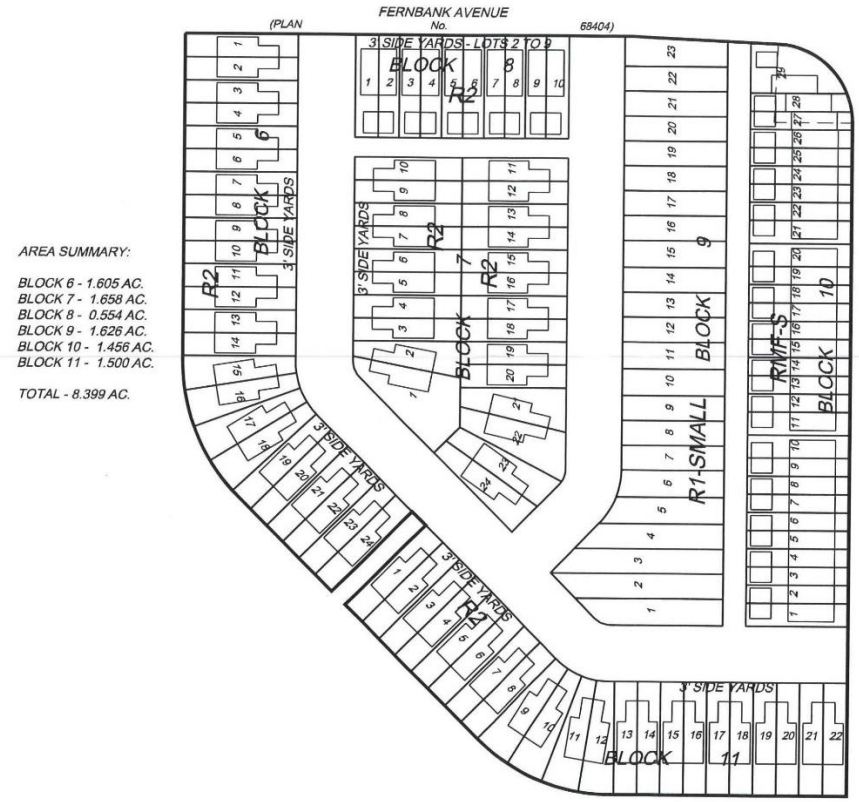
2-500 Main Street, Winkler, MB R6W 1J3
T: (204) 325-4615



AREA SUMMARY:

BLOCK 6 - 1.605 AC.
BLOCK 7 - 1.658 AC.
BLOCK 8 - 0.554 AC.
BLOCK 9 - 1.626 AC.
BLOCK 10 - 1.456 AC.
BLOCK 11 - 1.500 AC.

TOTAL - 8.399 AC.

OUR FILE:210300
PREPARED FOR:
LADCO COMPANY LTD.

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Leslie McLaughlin
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Jim G. Watling
P.Eng., BSc., S.E., M.L.S., C.L.S.
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NOTES:
DISTANCES SHOWN ARE IN METRES AND DECIMALS THEREOF.
BUILDINGS SHOWN HEREON ARE FOR CONCEPTUAL PLANNING PURPOSES. ACTUAL CONSTRUCTION MAY DIFFER FROM WHAT IS SHOWN.
NOT TO SCALE

SURVEYOR'S PLAN
OF PROPOSED DEVELOPMENT OF
PROPOSED BLOCKS 6 TO 11
PART OF RIVER LOTS 29 TO 34 PARISH OF KILDONAN

L.N. McLAUGHLIN, M.L.S., C.L.S.
DATED: JULY 28TH, 2021

Pollock & Wright
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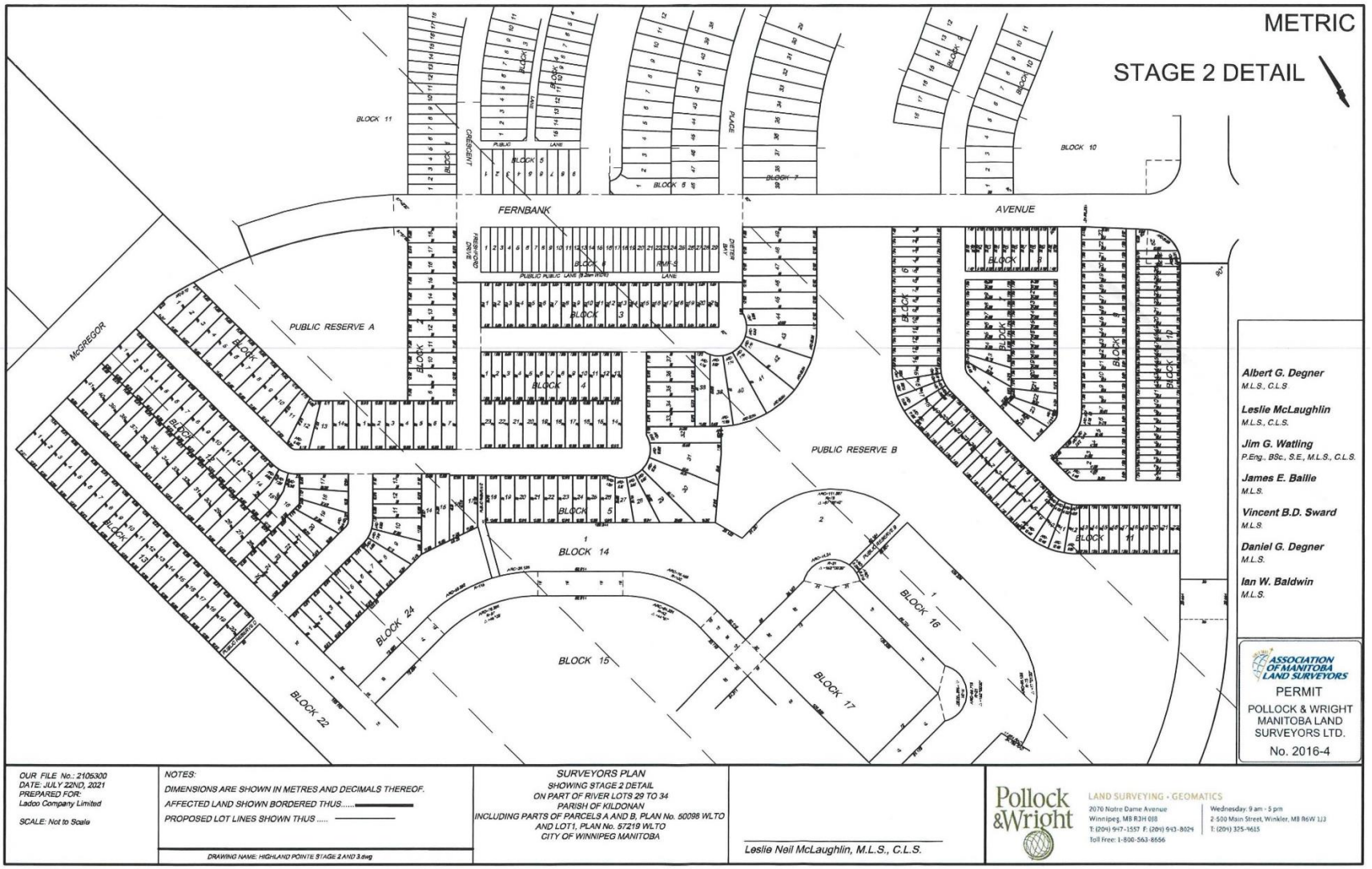
METRIC
STAGE 2 DETAIL
FERNBANK
AVENUE
PUBLIC RESERVE A
PUBLIC RESERVE B
McGREGOR
BLOCK 1
BLOCK 2
BLOCK 3
BLOCK 4
BLOCK 5
BLOCK 6
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BLOCK 11
BLOCK 12
BLOCK 13
BLOCK 14
BLOCK 15
BLOCK 16
BLOCK 17
BLOCK 22
BLOCK 24
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No. 2016-4
OUR FILE No.: 2105300
DATE: JULY 22ND, 2021
PREPARED FOR:
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