Minute No. 125
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 2, 2021

Item No. 9 Subdivision and Rezoning – 620 Oxbow Bend Road (Charleswood-Tuxedo-Westwood Ward) File DASZ 6/2021 [c/r DCU 231531/2020D & DAV 231548/2020D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and adopted the following:

1. That the subdivision and rezoning under Development Application No. DASZ 6/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated September 22, 2021 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the developer 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 Coordination Group dated July 28, 2021 and attached as Schedule "B" to this report, with the following amendments:

        i. In Section IV – Servicing Conditions:

            a. Delete Condition 8 in its entirety and replace with the following:

                "8) <u>Oxbow Bend Road</u>

                a) The Developer shall, at no expense to the City, upgrade Oxbow Bend Road to an asphalt surface, 7.5m wide at a thickness determined by the Director of Public Works, and all related works, from Oak Forest Crescent to Augier Avenue, all as determined by and to the satisfaction of the Director of Public Works.

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

COUNCIL DECISION (continued):

b) The Developer shall, at no expense to the City, construct cul-de-sac type vehicle turnarounds at the west end of Oxbow Bend Road (east-west portion east of McCarthy Street), on both sides of the proposed gate/alternative treatment and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

c) The Developer shall, at no expense to the City, install a gate or alternative treatment between the two proposed cul-de-sacs as above, as determined by and to the satisfaction of the Director of Public Works."

b. Add the following new Conditions:

"19) Sidewalk

a) The Developer shall, at no expense to the City, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk, and all related works, on the standard alignment, 0.3m from the property line, and/or on an alternate alignment determined by the Director of Public Works, on the east and north sides of Oak Forest Crescent, from the terminus of the existing granular pathway to the east limit of the Planned Area, all as determined by and to the satisfaction of the Director of Public Works.

20) Pedestrian Crossing Control

a) 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, on Oak Forest Crescent, as determined by and to the satisfaction of the Director of Public Works.

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

COUNCIL DECISION (continued):

21) Signage

a) The Developer shall, at no expense to the City, cause to be installed left turn only signage facing southbound motorists on the new Public Roadway at Oak Forest Crescent, as determined by and to the satisfaction of the Director of Public Works."

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "R2" Residential Two-Family District as shown on the map dated September 22, 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 subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

i. For those portions of the Owner's Land zoned "R2" Residential Two-Family , the Owner must submit plans showing the location and design of any and all proposed:

a. buildings
b. private approaches
c. landscaping
d. free-standing signage

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Assiniboia 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,

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

COUNCIL DECISION (continued):

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 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 in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 6/2021 as determined by the City's Director of Planning, Property and Development.

6. That this matter will be deemed to be concluded and all 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.

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

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

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

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

COUNCIL DECISION (continued):

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

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

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

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DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

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 Assiniboia Community Committee, with the following amendments:

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

  ", with the following amendments:

  i. In Section IV – Servicing Conditions:

     a. Delete Condition 8 in its entirety and replace with the following:

        "8) <u>Oxbow Bend Road</u>

           a) The Developer shall, at no expense to the City, upgrade Oxbow Bend Road to an asphalt surface, 7.5m wide at a thickness determined by the Director of Public Works, and all related works, from Oak Forest Crescent to Augier Avenue, all as determined by and to the satisfaction of the Director of Public Works.

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

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

b) The Developer shall, at no expense to the City, construct cul-de-sac type vehicle turnarounds at the west end of Oxbow Bend Road (east-west portion east of McCarthy Street), on both sides of the proposed gate/alternative treatment and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

c) The Developer shall, at no expense to the City, install a gate or alternative treatment between the two proposed cul-de-sacs as above, as determined by and to the satisfaction of the Director of Public Works.

b. Add the following new Conditions:

"19) Sidewalk

a) The Developer shall, at no expense to the City, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk, and all related works, on the standard alignment, 0.3m from the property line, and/or on an alternate alignment determined by the Director of Public Works, on the east and north sides of Oak Forest Crescent, from the terminus of the existing granular pathway to the east limit of the Planned Area, all as determined by and to the satisfaction of the Director of Public Works.

20) Pedestrian Crossing Control

a) 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, on Oak Forest Crescent, as determined by and to the satisfaction of the Director of Public Works.

b)

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

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

21) Signage

a) The Developer shall, at no expense to the City, cause to be installed left turn only signage facing southbound motorists on the new Public Roadway at Oak Forest Crescent, as determined by and to the satisfaction of the Director of Public Works."

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

COMMUNITY COMMITTEE RECOMMENDATION:

On November 24, 2021, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

On October 5, 2021, the Assiniboia Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on November 24, 2021 at 10:30 a.m. in the Council Building at 510 Main Street.

On September 2, 2021, due to a required re-posting of the public hearing notice, the Assiniboia Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on October 5, 2021 at 10:30 a.m. in the Council Building at 510 Main Street.

PUBLIC HEARING SUMMARY

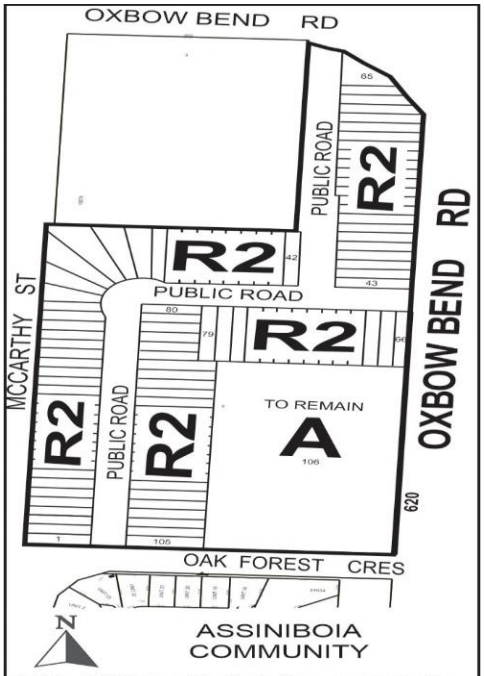
File: DASZ 6/2021

Before: Assiniboia Community Committee
Councillor Gillingham, Chairperson
Councillor Klein
Councillor Lukes

Public Hearing: November 24, 2021
October 5, 2021
September 2, 2021
Council Building, 510 Main Street

Applicant: Serhal Consulting Inc. (Daniel Serhal)

Subject:



APPLICANT : Serhal Consulting Inc. (Daniel Serhal)
FILE : DASZ 6/2021
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 a portion of the land shown outlined above from an "A" AGRICULTURAL DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow the maintenance of a Place of Worship use and to facilitate the establishment of residential lots and rights-of-way. **For information, phone D. Clark, Planner at 204-986-5684.**

Premises Affected:	620 Oxbow Bend Road
For submission to:	The Standing Policy Committee on Property and Development, Heritage and Downtown Development
Prepared by:	L. Cowan, Senior Committee Clerk Assiniboia Community Committee
Report date:	November 25, 2021

Community Committee Recommendation:

On November 24, 2021, the Assiniboia 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 and rezoning under Development Application No. DASZ 6/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated September 22, 2021 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the developer 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 Coordination Group dated July 28, 2021 and attached as Schedule "B" to this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "R2" Residential Two-Family District as shown on the map dated September 22, 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 subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

        i. For those portions of the Owner's Land zoned "R2" Residential Two-Family , the Owner must submit plans showing the location and design of any and all proposed:

            a. buildings
            b. private approaches
            c. landscaping
            d. free-standing signage

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Assiniboia 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 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, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 6/2021 as determined by the City's Director of Planning, Property and Development.

6. That this matter will be deemed to be concluded and all 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.

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

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

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

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

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

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

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

1. This is in keeping with OurWininnipeg, the policies that are set out on growth for our City and this represents gentle growth in the neighbourhood.

Exhibits Filed:

1. Application dated August 23, 2021
2. Notification of Public Hearing dated July 26, 2021
3. Manitoba Status of Title 2212714/1
4. Letter of authorization dated September 4, 2020 from Canadian Midwest District of the Christian and Missionary Alliance to Daniel Serhal
5. Surveyor's Building Location Certificate and sketch dated September 28, 2020
6. Renderings of subject property (4 pages)
7. Site plan and floor plans (5 pages)
8. Report from the Urban Planning Division dated August 24, 2021
9. Inspection Report
10. Notice of adjournment dated September 3, 2021
11. Communication dated September 7, 2021 in opposition to the application submitted by Corinne Hildebrand
12. Communication dated September 9, 2021 in opposition to the application submitted by Philip Swart
13. Communication dated September 9, 2021 in opposition to the application submitted by Kathy McPhail
14. Revised Report from the Urban Planning Division dated September 22, 2021
15. Communication dated September 2, 2021 in opposition to the application submitted by Patrick Careen
16. Communication dated September 12, 2021 in opposition to the application submitted by Mary-Alex Willer
17. Communication dated October 4, 2021 in opposition to the application submitted by Robert and Margaretmary Puchniak
18. Communication dated October 5, 2021 in opposition to the application submitted by Janine Turnbull
19. Communication dated October 5, 2021 in opposition to the application submitted by Kim Strednosky Campbell
20. Communication dated October 5, 2021 in support of the application submitted by Timothy Brown
21. Communication dated October 5, 2021 in opposition to the application submitted by Amanda Husson
22. Notice of Adjournment dated October 7, 2021
23. Communication dated October 5, 2021 in support of the application submitted by Abe Friesen
24. Communication dated October 5, 2021 in support of the application submitted by Monty Sidhu

Exhibits Filed (continued):

25. Communication dated October 5, 2021 in support of the application submitted by J. Vigfusson
26. Communication dated October 21, 2021 with respect to the application submitted by Tracy Sass, Cushman & Wakefield Stevenson
27. Communication dated November 10, 2021 in opposition to the application submitted by Ray Vosper
28. Communication dated November 14, 2021 in opposition to the application submitted by William and Judith Davis
29. Communication dated November 12, 2021 in opposition to the application submitted by Kathy McPhail
30. Communication dated November 14, 2021 in opposition to the application submitted by Karen Neal
31. Communication dated November 15, 2021 in opposition to the application submitted by Glenn Ferguson
32. Communication dated November 18, 2021 in opposition to the application submitted by Bruce Nahorny
33. Communication dated November 18, 2021 in opposition to the application submitted by Carole and Jeff MacKenzie
34. Communication dated November 19, 2021 in opposition to the application submitted by Lorraine Maciboric and Rick Litinsky
35. Communication dated November 19, 2021 in opposition to the application submitted by Lonnie and Kim Usick
36. Communication dated November 21, 2021, in opposition to the application submitted by Judy Mobberley
37. Communication dated November 22, 2021, in opposition to the application submitted by Joanne and Cindy Kaston-Radford
38. Communication dated November 22, 2021, in opposition to the application submitted by Philip Swart
39. Communication dated November 22, 2021, in support of the application submitted by Abe Friesen
40. Communication dated November 22, 2021, in opposition to the application submitted by Peter Vandenberg
41. Communication dated November 22, 2021, in opposition to the application submitted by Teresa Smith
42. Communication dated November 23, 2021, in opposition to the application submitted by Paul Sigurdson
43. Communication dated November 23, 2021 in support of the application submitted by Jodene Vigfusson
44. Communication dated November 23, 2021 in opposition to the application submitted by Bob Puchniak

Exhibits Filed (continued):

45. Communication dated November 23, 2021 in support of the application submitted by Cathy Gardiner
46. Communication dated November 23, 2021 in opposition to the application submitted by Mark Krueger
47. Communication dated November 23, 2021 in opposition to the application submitted by Jim and Lynda Johnston
48. Communication dated November 23, 2021 in opposition to the application submitted by Mary-Alex and Lance Willer
49. Communication dated November 23, 2021 in support of the application submitted by Stephanie McConnell
50. Communication dated November 23, 2021 in opposition to the application submitted by Paul and Corinne Hildebrand
51. Communication dated November 24, 2021 in opposition to the application submitted by Gregg Hanson
52. Recording of Representations

REPRESENTATIONS:

In Support:

Timothy Brown
Abe Friesen
Cathy Gardiner
Stephanie McConnell
Daniel Serhal
Kris Sidhu
Monty Sidhu
Christopher Smith
Jodene Vigfusson

In Opposition:

Patrick Careen
Ken Cranston
Fatma Davis
Judith Davis
William Davis
Glenn Ferguson
Darrell Girardin
Gregg Hanson
Corinne Hildebrand
Paul Hildebrand
Amanda Husson
Jim Johnston
Lynda Johnston
Cindy Kaston-Radford
Joanne Kaston-Radford
Mark Krueger
Rick Litinsky
Lorraine Maciboric
Mike Machel
Carole MacKenzie
Jeff MacKenzie
Kathy McPhail
Judy Mobberley
Bruce Nahorny
Karen Neal
Bob Puchniak

REPRESENTATIONS (continued):

Margaretmary Puchniak
Paul Sigurdson
Teresa Smith
Kim Strednosky Campbell
Philip Swart
Janine Turnbull
Kim Usick
Lonnie Usick
Peter Vandenberg
Ray Vosper
Lance Willer
Mary-Alex Willer

For Information:

Steve Boulton
Jeoff Chipman
Tracy Sass

For the City:

D. Clark, Urban Planner, Planning, Property and Development Department
R. Galston, Urban Planner, Planning, Property and Development Department
D. Trenchard, Land Development Engineer, Planning, Property and Development Department

Exhibit "14" referred to in File DASZ 6/2021

REVISED ADMINISTRATIVE REPORT

Title: DASZ 6/2021 – 620 Oxbow Bend Road

Issue: For consideration at the public hearing for a Subdivision and Rezoning to subdivide the subject property, and to rezone a portion of the land to a mix of "R2" Residential Two-Family zoning district and "A" Agricultural zoning district.

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and 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. Galston, MCP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 6/2021 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated September 22, 2021 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the developer 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 Coordination Group dated July 28, 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 a "R2" Residential Two-Family District as shown on the map dated September 22, 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 subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

i. For those portions of the Owner's Land zoned "R2" Residential Two-Family , the Owner must submit plans showing the location and design of any and all proposed:

(a) buildings;

(b) private approaches;

(c) landscaping; and

(d) free-standing signage

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Assiniboia 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 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, in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 6/2021 as determined by the City's Director of Planning, Property and Development.

6. That this matter will be deemed to be concluded and all 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.

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

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

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

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

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

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

REASON FOR THE REPORT

- Subdivision and Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Winnipeg Public Service are concurred in, the subject property may be subdivided and rezoned consistent with the map provided in Schedule "A" of this report.

CONSULTATION

In preparing this Report there was consultation with:

- Public Works
- Fire and Paramedic Services
- Parks Planning

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	Robert Galston, MCP
Date:	September 22, 2021
File No.	DASZ 6/2021

List of Schedules and Attachments

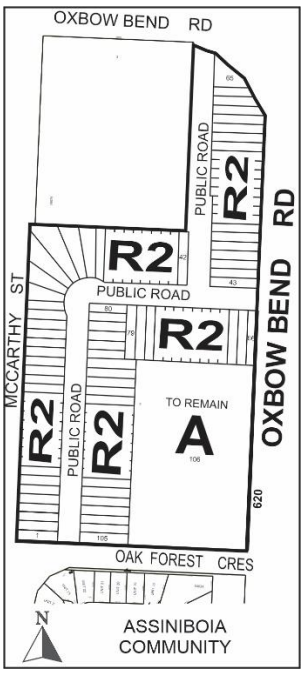
1. Appendix "A" — Planning Discussion
2. Schedule "A" — File No. DASZ 6/2021, Assiniboia Community Committee, Dated September 22, 2021
3. Schedule "B" — Report of the Administrative Coordinating Group Re: Proposed Subdivision and Rezoning of Land Located at 620 Oxbow Bend Road, Dated July 28, 2021

APPENDIX 'A'

DATE:	September 22, 2021
FILE:	**DASZ 6/2021**
RELATED FILES:	DAV 20-231548/D **DCU 20-231531/D**
COMMUNITY:	Assiniboia Community
NEIGHBOURHOOD #:	2.227 (Assiniboia Downs)

SUBJECT: For consideration at the public hearing for a Subdivision and Rezoning to subdivide the subject property, and to rezone a portion of the land to a mix of "R2" Residential Two-Family zoning district and "A" Agricultural zoning district.

LOCATION: 620 Oxbow Bend Road
LEGAL DESCRIPTION: BLOCK 6 PLAN 45952 IN RL 89 TO 93 PARISH OF ST CHARLES



APPLICANT: Serhal Consulting (Daniel Serhal)
47 Highland Creek Road
Winnipeg, MB R3Y 0E1

OWNERS: Canadian Midwest District of the Christian and Missionary Alliance
2950 Arens Road
Regina SK, S4V 1N8

RECOMMENDATION: Approval

HISTORY

NA

DISCUSSION

SITE DESCRIPTION

- The subject site is located on the west side of Oxbow Bend Road, and to the west of the Perimeter Highway (PTH 100). It is located in the Assiniboia Downs Neighbourhood of the Charleswood – Westwood - Tuxedo Ward.
- The subject site has a total lot area of 14.5 acres and is made up of one (1) lot. It is currently zoned “A” Agricultural District.
- A place of worship use and accessory parking area is currently located on the subject property. This place of worship use has operated at this location for more than 20 years.
- The subject site is located within the Areas of Stability – Recent Communities Policy Area under the *Complete Communities Direction Strategy.*



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Vacant land zoned “RR5” Rural Residential 5, then Portage Avenue (TCH 1).

South: Oak Forest Crescent, then bare land condominium dwellings zoned “RMF-M” Residential Multi-Family (Medium).

East: Oxbow Bend Road and Perimeter Highway (PTH 100), then trailer park residential uses zoned “C3” Commercial Corridor.

West: Undeveloped right-of-way (McCarthy Street), then a cemetery use zoned “A” Agricultural.

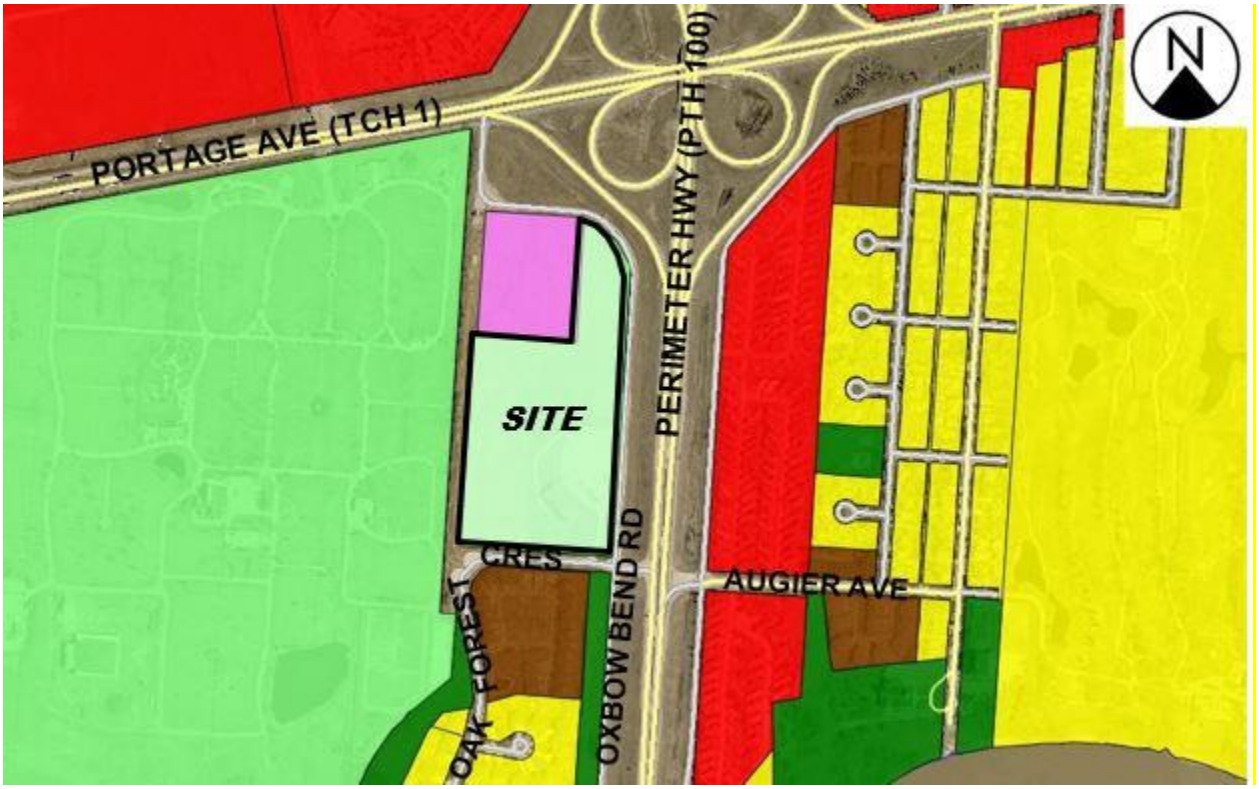


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the existing lots into a total of 106 lots, and rezone a portion of the land from the “A” Agricultural District to the “R2” Residential Two-Family” District.
- Of the proposed 106 lots, the applicant proposes that 105 lots will be zoned “R2,” to accommodate side-by-side dwellings (duplexes) on separate titles. The remaining one (1) lot will retain the existing “A” zoning district, and will contain the existing place of worship use on the subject property.

Site and Building Design

- **Preliminary plans of development have been submitted with the subject application; including site plan and building floor plans and renders.**
- The proposed residential development will be made up of duplex dwellings that will be a mix of one and two storeys in height.
- Vehicular access to the proposed duplex dwellings will be taken from the proposed new street. The proposed new street will have connections to Oak Forest Crescent and Oxbow Bend Road.

Associated Variance and Conditional Use Applications

- **The proposed development is the subject of a concurrent Variance and Conditional Use applications under files DAV 20-231548/D and DCU 20-231531/D, respectively.**
- **The Variance application (DAV 20-231548/D) concerns the establishment of an "A" lot that is less than 40 acres in size, and a side yard on one (1) of the proposed "R2" lots.**
- **The Conditional Use application (DCU 20-231531/D) concerns the maintenance of the place of worship use on the proposed "A" lot.**
- **Please refer to the Administrative Reports for file DAV 20-231548/D and DCU 20-231531/D for discussion of these Variance and Conditional Use applications.**

COLLABORATION WITH THE PUBLIC SERVICE

- **The applicant engaged in conversations with the Winnipeg Public Service in early 2017, and applied for a Pre-Application in July, 2017, in order to identify any significant issues, concerns, and design considerations the Public Service may have. Subsequent conversations between the applicant and the Winnipeg Public Service were undertaken.**

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- *OurWinnipeg* is the City's long-range development plan. The Key Direction of *OurWinnipeg* regarding Areas of Stability states:
    - *Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.*
- The *Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg* and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- As noted above, the subject property is classified as an "Area of Stability – Recent Community" in *Complete Communities*' Urban Structure map. Areas of Stability will accommodate low to moderate density infill development to support more efficient use of

land, infrastructure, and services as well as enhance housing choice and affordability. With regard to this proposal, the key policies guiding the development of Areas of Stability include:

- *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form.*
- *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*
- *Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.*
- *Encourage intensification to occur at centres and along corridors.*
- *Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.*
- *Support Complete Communities by ensuring diverse and high quality housing stock.*
- *In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.*

SUBDIVISION

- As noted above, the subject property is currently made up of one (1) lot. Subdivision is required in order to subdivide this one (1) lot into a total of 106 lots.
- Of these proposed 106 lots, there will be:
  - 105 residential lots; and,
  - one (1) lot which will contain the existing place of worship building and accessory parking area.

REZONING

- As noted above, the subject property is currently zoned “A” Agricultural District. The applicant is proposing to rezone the property from “A” Agricultural to a mix of “R2” Residential Two-Family District, and “A” Agricultural District. This proposed rezoning is to accommodate residential development on the proposed “R2” lots, and retain the place of worship, which has been located on the subject site for more than 20 years.
- In general, “R2” zoning districts are intended to facilitate the development of primarily two-family dwellings (duplexes), and, where appropriate, limited multi-family development in lower-density areas.
- The proposal to rezone the property to the “R2” zoning district aligns with policy under the *Complete Communities Direction Strategy* for Areas of Stability to provide a variety of housing types (side-by-side duplexes).
- Per the Winnipeg Zoning By-law, the Dimensional Standards for “R2” districts include the

following:

- A minimum lot size of 5,000 square feet (2,500 square feet per dwelling unit);
- A minimum front yard of 20 feet;
- A minimum rear yard of 25 feet;
- A minimum side yard, including a reserve corner side yard, of four (4) feet; and,
- A maximum building height of 35 feet.

- The proposed two-family development meets these dimensional standards for "R2" districts, with the exception of two (2) of the proposed "R2" lots, which require Variances for reduced side yard setbacks. Please refer to the associated Administrative Report for file no. **DAV 20-231548/D for further discussion of this requested Variance.**
- With respect to the proposed lot that will contain the existing place of worship use, to be zoned "A" Agricultural, this proposed lot meets the dimensional standards for "A" districts, with the exception of the proposed lot being less than the minimum lot size of 40 acres. The applicant has applied for a Variance to allow this. Please refer to the aforementioned Administrative Report for file no. DAV 20-231548/D for further discussion.
- Additionally, it should be noted that place of worship uses are conditional in the "A" Agricultural district. The applicant has applied for a Conditional Use to maintain this place of worship use. Please refer to the Administrative Report for file no. **DCU 20-231531/D for further discussion.**

CONSISTENCY WITH OURWINNIPEG

- As noted above, the subject site is situated within the Areas of Stability – Recent Communities policy area under the *Complete Communities Direction Strategy.*
- The proposal is to subdivide the land and rezone to accommodate the development of 105 residential dwellings and maintain the existing place of worship. This is consistent with policies for Areas of Stability – Recent Communities under the *Complete Communities Direction Strategy*, notably:
  - Two-family residential dwellings are considered a moderate change to the current use of the subject land
  - Residential duplex dwellings provide a greater mix of housing types in the Assiniboia Downs Neighbourhood
  - The layout and design of the proposed development is sensitive to the surrounding context, which is characterized by a similarly-scaled residential development located to the south of the subject property.

COMPATIBILITY WITH SURROUNDING AREA

- Given the surrounding context, which is characterized by detached bare land condominium dwellings zoned "RFM-M" Residential Multi-Family (Medium) to the south,

the proposed one- and two-storey duplexes with “R2” zoning district are considered an appropriate use for the subject site.

- The property to the north and west of the subject property currently contains a funeral home, cemetery and vacant land owned by the same owner. To the east of the site is the Perimeter Highway (PTH 100) and to the north is Portage Avenue (TCH 1)

PUBLIC CONSULTATION

- The applicant has communicated that they engaged in discussions with the board of the condominium corporation for the existing bare land condominium development located to the south of the property.
- The applicant notes that the board raised concerns related to greenspace and setback of new residential properties on the southern edge of the subject property. The applicant states a response to both concerns were provided and that there was not general opposition to the proposed development.

TRAFFIC AND ACCESS

- Through conversations with the City’s Public Works Department and the Provincial Highways Department, access to the site will be required from both Oxbow Bend Road, and Camp Manitou Road, the latter of which connects to Oak Forest Crescent. The Province indicated that access to the subject property via McCarthy Street will not be permitted as the intent is to close this approach to personal vehicle access from Portage Avenue (TCH 1).
- Given the recent establishment of a pumping station at this location, the McCarthy Street approach will remain open to vehicles accessing the pumping station. In addition to this, emergency vehicles will also have access to the subject property via McCarthy Street. Private vehicles will be restricted access to the subject property from McCarthy Street, as a gate will be installed per the Development Agreement.
- Further details regarding this are discussed in the report of the Administrative Coordinating Group dated July 28, 2021, which is attached to this report as Schedule “B.”
- The Public Works Department did not request a traffic impact assessment for the proposed development; however, the applicant has engaged a transportation consulting firm to provide some analysis of changes to traffic volumes resulting from the proposed development.
- The technical memorandum included the following activities:
    - Completing an intersection count at Oak Forest Crescent and Oxbow Bend Road during the AM and PM peak hours and project those volumes to a daily count.
    - Estimating AM and PM peak hour and daily traffic generated by the development.
    - Comparing future post-development traffic volumes to guideline volume levels for residential collector streets.

  - Comparing weekday duplex volumes with the adjacent church volumes on a Sunday using ITE rates.

- Some highlights from the analysis include:
  - Oak Forest Crescent at the development location is currently estimated to have 565 vehicles per day for 2021 existing conditions. This existing volume is expected to drop to 205 vehicles per day with McCarthy Street and Perimeter Highway accesses closed and then increase to 1,100 vehicles per day post development.
  - The development itself is expected to generate 888 weekday trips. Half the new development trips are expected to travel via Oak Forest Crescent to and from the west and half via Oxbow Bend Road to and from the east.
  - The projected volumes post development equate to a vehicle every 45 seconds in the AM peak hour versus the current 90 seconds and a vehicle every 35 seconds in the PM peak hour versus the current 70 seconds.
  - The post-development volume is roughly double the 2021 unadjusted volumes on Oak Forest Crescent; however, it remains well below the 5,000 vehicle per day guideline that the City of Winnipeg employs as a volume threshold for two lane collector streets.
  - The PM peak hour post development volume is expected to be approximately 60 to 80 percent of the Bridge Church peak volume on a given Sunday.
- At the time of submitting this report, the results of this analysis have not been confirmed by the City of Winnipeg's Public Works Department.

CONDITIONS OF APPROVAL

Zoning Agreement

- The Winnipeg Public Service recommends that the developer enter into a Zoning Agreement with the City of Winnipeg, in order to ensure that any final plans of development are approved by the Assiniboia Community Committee and the Director of Planning, Property and Development.
- The intent of this Plan Approval is to allow a review of the final plans with respect to site and building design before building permits are issued. Particular elements of the proposal that will be reviewed at Plan Approval include:
  - Building elevations and façade design
  - Landscaping throughout the subject site
  - Private approaches
  - Traffic circulation within the subject site
- The Urban Planning Division encourages variations in design of the dwellings to enhance visual interest and avoid monotony along the street facing edges of the development. Further, landscaping within the front yards will contribute to the visual interest along the street.

Development Agreement

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

Land Dedication

- As a condition of rezoning or subdivision of a parcel of land, a developer is required to contribute a portion of the land to be developed to the City of Winnipeg for parks purposes. The amount of land is not less than 10 percent.
- In the case of the subject proposed subdivision and rezoning, the Planning, Property and Development Department is recommending that the developer provide 'cash in lieu' of a dedication of land for the appraised value of the subject site.

RECOMMENDATION

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

- The subject subdivision and rezoning application meets policies for Areas of Stability under the *Complete Communities Direction Strategy*, in that it allows a moderate change and adds to the mix of housing options in the area.
- The proposed development is unlikely to have a substantial adverse effect on the surrounding neighbourhood, including on bare land condominium units to the south of the subject site.

This Report Submitted by: Robert Galston, MCP
Planning, Property and Development Department
Urban Planning Division

PPD File #: DASZ 6/2021

Schedule "A" for File DASZ 6/2021, Assiniboia Community Committee, dated September 22, 2021

By–Law No. _____

File No. **DASZ 6/2021**

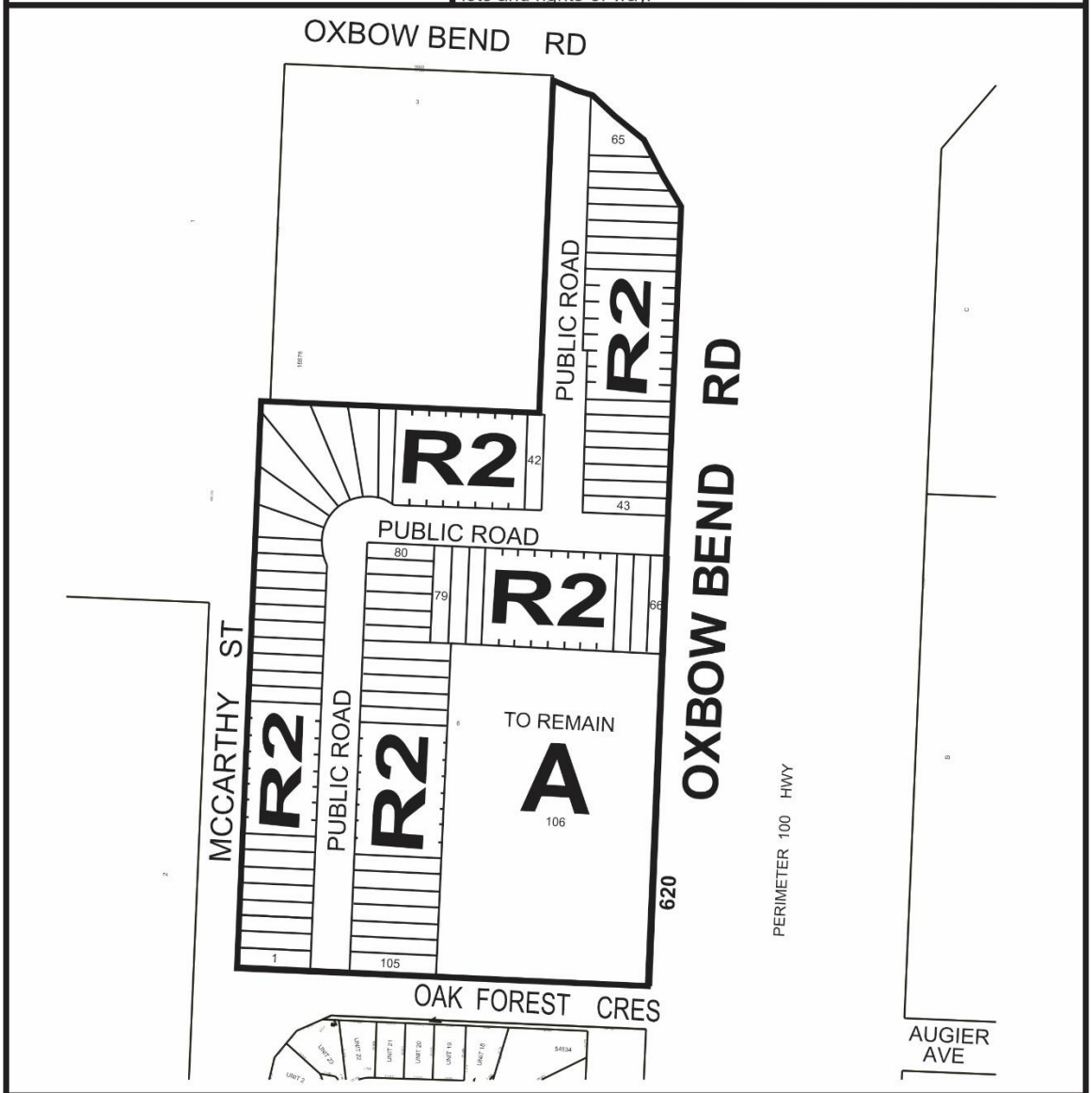
Atlas Sheet No. **AB11**

N

ASSINIBOIA 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 a portion of the land located at 620 Oxbow Bend Road from an "A" AGRICULTURAL DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow the maintenance of a Place of Worship use and to facilitate the establishment of residential lots and rights-of-way.



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 AT 620 OXBOW BEND ROAD

It is recommended that approval of DASZ 6/2021, if granted, be subject to the applicant entering into a Development Agreement containing the following conditions:

Section I – General Comments

1) The Water and Waste Department has advised that lands to be used for the storage of land drainage runoff have not been outlined in the Plan of Subdivision. Preliminary analysis indicates that there is no land drainage capacity in the surrounding City infrastructure and this development will likely require the design and construction of sufficient storage and a new outfall to the Assiniboine River or, potentially, to the PTH 100 ditch (subject to approval by Manitoba Infrastructure).

2) The Public Works Department has advised that there will be no private approaches permitted off of Oxbow Bend Road (the west service road of PTH 100) to serve the Planned Area.

3) The proposed development will require two permanent means of access for resident safety and emergency access. Manitoba Infrastructure has advised that they intend to remove the existing access from Oxbow Bend Road/Augier Avenue to PTH 100. Camp Manitou Road is under the jurisdiction of the R.M. of Headingley and the City has no direct control over its maintenance and accessibility. Oxbow Bend Road (PTH 100 service road) is under City jurisdiction but is not considered a secondary means of access for emergency services as the vertical clearance under PTH 100 prevents it's use by fire apparatuses and ambulances.

4) Emergency Services will need to rely on access to McCarthy Street and ultimately, Portage Avenue for their second means of access. Manitoba Infrastructure will not allow area residents to utilize the McCarthy Street access to Portage Avenue due to safety concerns associated with turning movements at the intersection.

5) The Developer will be required to provide a gate or alternative treatment to restrict use of this access to emergency vehicles.

6) Residents will need to rely on Camp Manitou Road and Oxbow Bend Road for their two means of access.

Section II – Plan Considerations

1) The DRAFT Legal Plan shall be submitted to the Public Works Department, with the appropriate construction details for review and approval, prior to preliminary review by the Winnipeg Land Titles Office.

Section III – Engineering Studies

1) The Developer shall, at no expense to the City, conduct geotechnical investigations in accordance with the City's "Guidelines for Site Investigation Requirements for Public Works Street Projects" and develop pavement designs, all to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, retain an engineering consulting firm to review the existing and future traffic volumes on Oxbow Bend Road and submit a report to the Public Works Department to determine the Developer's responsibility of surface type.

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

4) 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 IV - 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 accepted servicing report, to the satisfaction of the Director of Water and Waste.

b) The Developer shall pay to the City, prior to registration of subdivision mylars at the Winnipeg Land Titles Office, their share of water mains installed by others in Oak Forest Crescent and McCarthy Street, 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 accepted 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 and stormwater retention facilities (including a piped outfall) required to serve the Planned Area and adjacent lands, as outlined by the accepted servicing report, to the satisfaction of the Director of Water and Waste.

4) Lot Grading

a) The Developer shall, at no expense to the City and prior to the execution of the servicing agreement, provide a lot grading plan, 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, catch basins 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 whatsoever to the City, grant to the City and register easements in respect of all swales, catch basins and leads for lot drainage within the Planned Area.

5) Lot Line Service Connections

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) Pavements

The Developer shall, at no expense to the City, construct Portland cement concrete pavements, 7.5m wide by 150mm thick, and all related works including, but not limited to boulevard landscaping, ornamental street lighting and land drainage sewer, in all streets within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

7) Oak Forest Crescent

The Developer shall, at no expense to the City, remove the existing cul-de-sac(s) on Oak Forest Crescent and all related works and reconstruct Oak Forest Crescent in a material as determined by the Director of Public Works, to the proposed street within the Planned Area and all related works including but not limited to boulevard landscaping, ornamental street lighting and land drainage sewer (if required), and an appropriate transition, all as determined by and to the satisfaction of the Director of Public Works.

8) Oxbow Bend Road

a) The Developer shall, at no expense to the City, upgrade Oxbow Bend Road and all related works, in a material and within limits to be determined by the Director of Public Works; all as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct cul-de-sac type vehicle turnarounds at the west end of Oxbow Bend Road (east-west portion east of McCarthy Street), on both sides of the proposed gate/alternative treatment and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

c) The Developer shall, at no expense to the City, install a gate or alternative treatment between the two proposed cul-de-sacs as above, as determined by and to the satisfaction of the Director of Public Works.

9) 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.

10) Fencing

a) The Developer shall, at no expense to the City, construct within the rear or side yards of those lots abutting Oxbow bend Road, a uniform wooden/noise attenuation fence 2.0m in height, 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 the proposed lots abutting Oxbow Bend Road requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

11) 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.

12) 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.

13) Two Means of Access

The Developer shall ensure that two paved means of vehicular access are available at all times through all stages of development of the Planned Area to the satisfaction of the Director of Public Works. This may require the construction of temporary roadways and the provision of easements or right-of-way therefore.

14) Signage

The Developer shall, at no expense to the City, obtain approval of and install, prior to construction, and subsequently maintain, at the entrances to the Planned Area, development information signs, containing no advertising, and showing the Planned Area, zoning information, a north directional arrow, proposed sidewalks, walkways, active transportation facilities, community mail boxes, parks, land drainage retention facilities, natural tree stands, multiple family sites, commercial sites, collector and arterial streets, the Perimeter Highway (PTH 100), Portage Avenue (PTH 1), all with the approval of, and to the satisfaction of, the Director of Planning, Property and Development.

15) 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.

16) Utilities

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

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

17) 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.

18) Survey Monuments

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

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

Section V – Costs and Fees

1) By-laws and Approvals

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

2) Professional Fees

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

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

3) Administration Fees

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

THIS REPORT SUBMITTED BY:

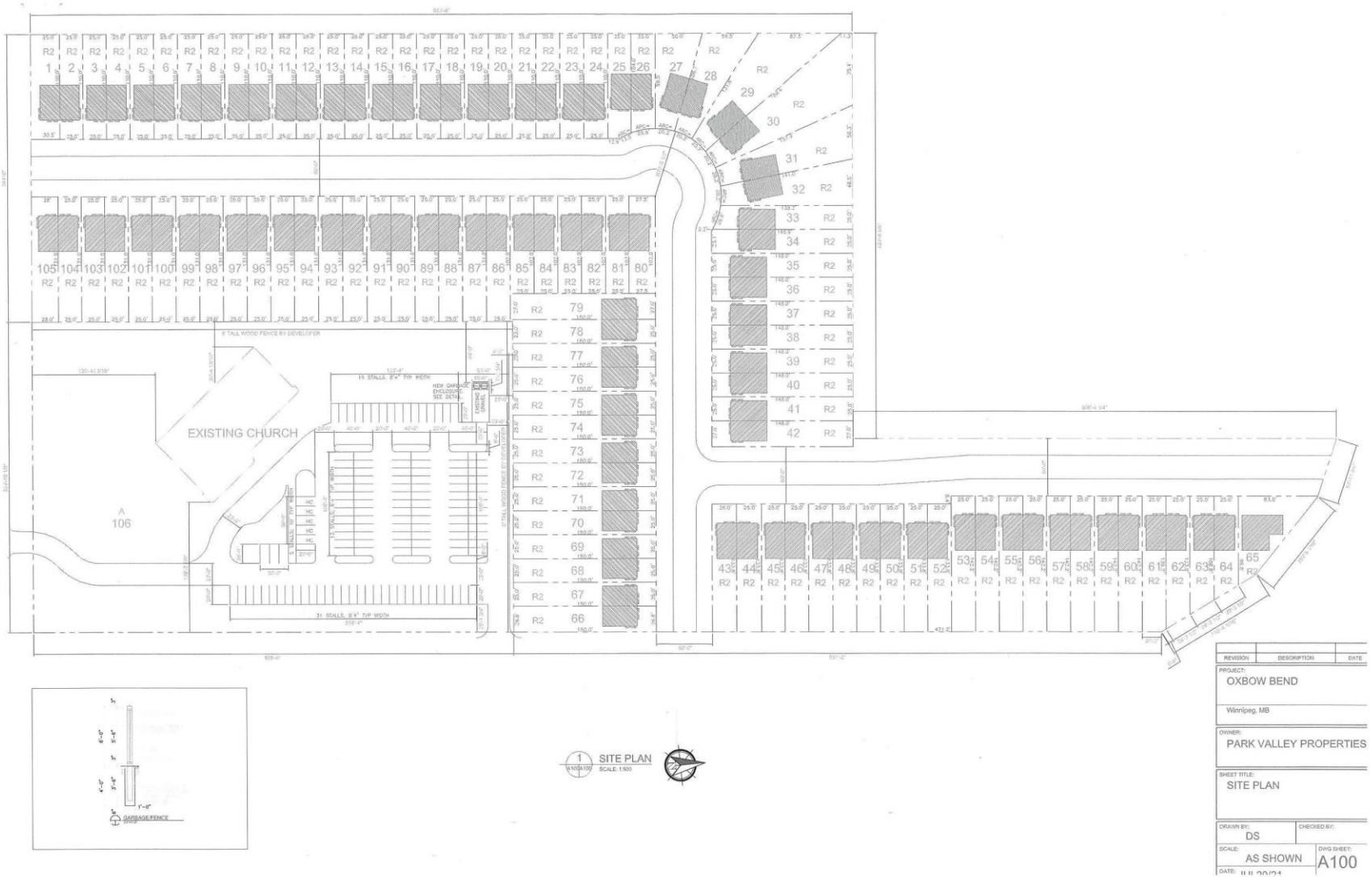
Administrative Co-ordinating Group
File No. DASZ 6/2021
July 28, 2021

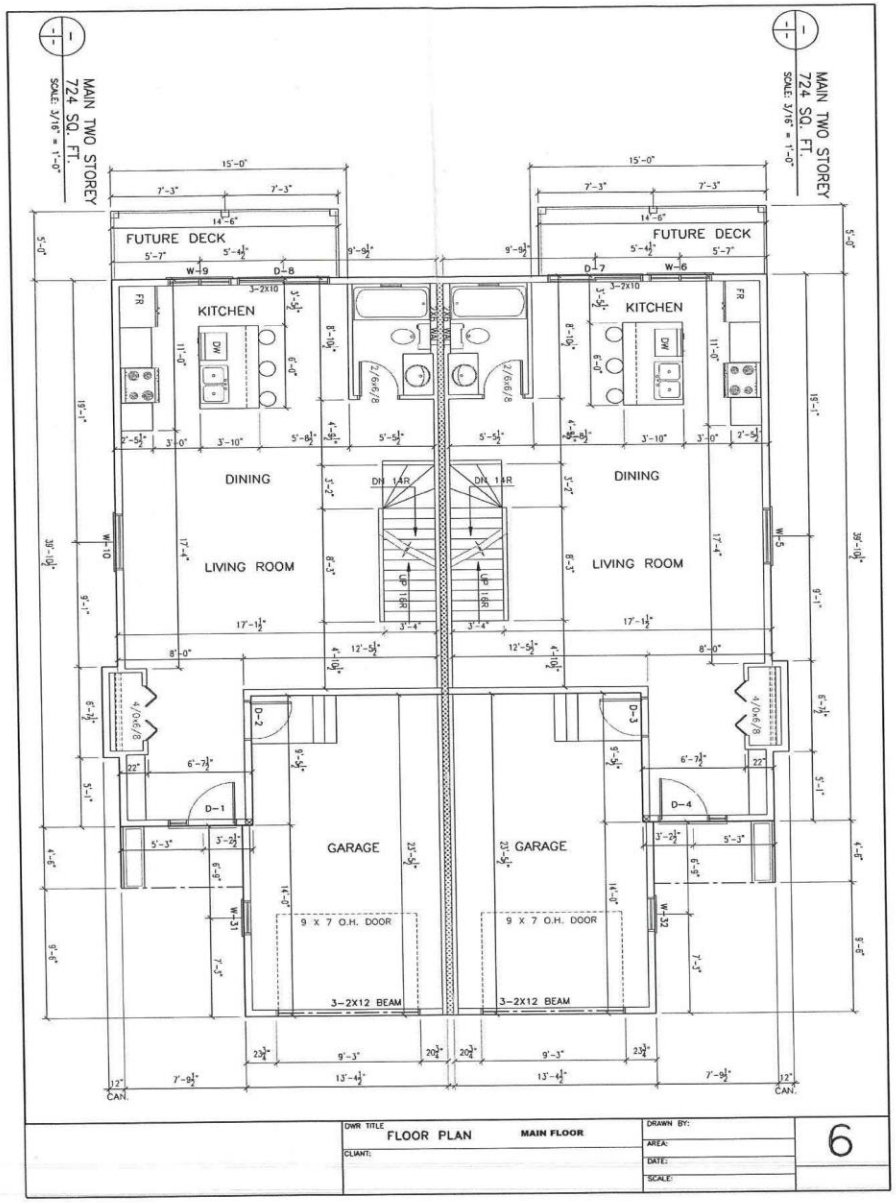
"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

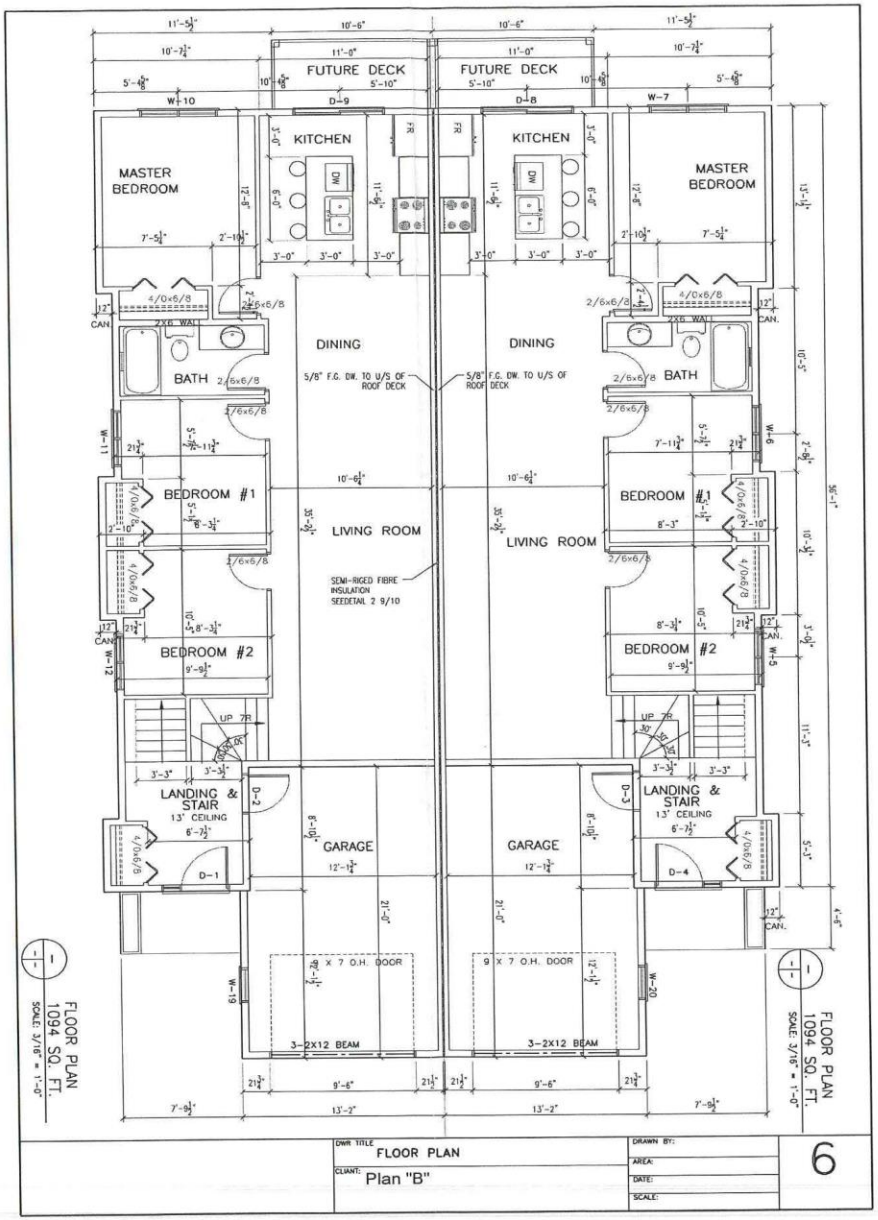
"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

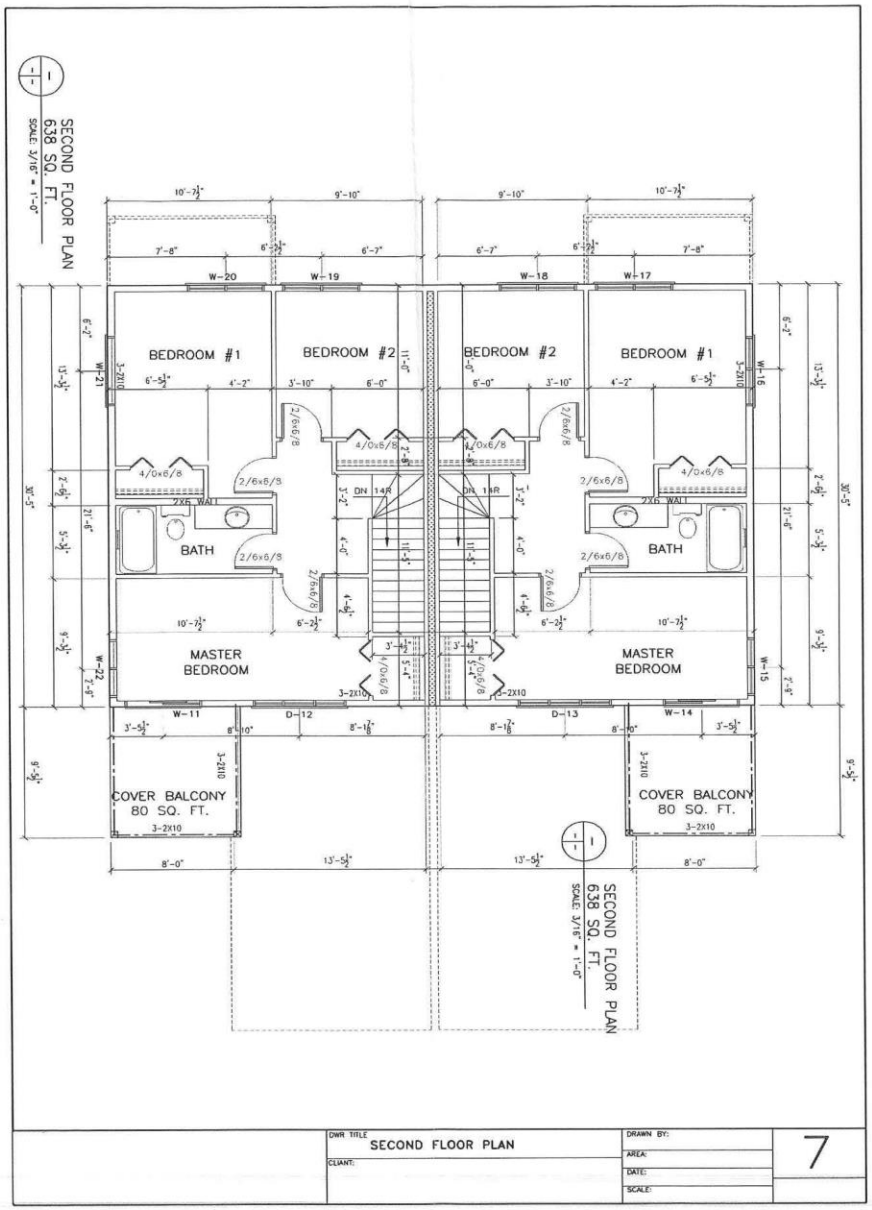
"*Original Signed by C. Desjardine"*
C. Desjardine, M. Sc., P. Eng.
Transportation Division
Public Works Department

Exhibit "7" referred to in File DASZ 6/2021




MAIN TWO STOREY
724 SQ. FT.
SCALE: 3/16" = 1'-0"
MAIN TWO STOREY
724 SQ. FT.
SCALE: 3/16" = 1'-0"
FUTURE DECK
FUTURE DECK
KITCHEN
KITCHEN
DINING
LIVING ROOM
DINING
LIVING ROOM
GARAGE
GARAGE
9 X 7 O.H. DOOR
9 X 7 O.H. DOOR
3-2X12 BEAM
3-2X12 BEAM
FLOOR PLAN
MAIN FLOOR
6


FUTURE DECK
FUTURE DECK
KITCHEN
KITCHEN
MASTER BEDROOM
MASTER BEDROOM
DINING
DINING
BATH
BATH
BEDROOM #1
BEDROOM #1
LIVING ROOM
LIVING ROOM
BEDROOM #2
BEDROOM #2
LANDING & STAIR
LANDING & STAIR
GARAGE
GARAGE
9 X 7 O.H. DOOR
9 X 7 O.H. DOOR
3-2X12 BEAM
3-2X12 BEAM
FLOOR PLAN 1094 SQ. FT.
FLOOR PLAN 1094 SQ. FT.
FLOOR PLAN
Plan "B"
6


SECOND FLOOR PLAN
638 SQ. FT.
SCALE: 3/16" = 1'-0"
BEDROOM #1
BEDROOM #2
BEDROOM #2
BEDROOM #1
BATH
BATH
MASTER BEDROOM
MASTER BEDROOM
COVER BALCONY 80 SQ. FT.
COVER BALCONY 80 SQ. FT.
SECOND FLOOR PLAN
638 SQ. FT.
SCALE: 3/16" = 1'-0"
DWR TITLE
SECOND FLOOR PLAN
CLIENT:
DRAWN BY:
AREA:
DATE:
SCALE:
7