Agenda – Council – May 26, 2022

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2022

Item No. 12 Subdivision and Rezoning – Southeast Corner of Kenaston Boulevard and Bison Drive (Waverley West Ward) File DASZ 10/2022 [c/r DAC 9/2021 and DAV 105488/2022D]

STANDING COMMITTEE RECOMMENDATION:

On May 18, 2022, 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 10/2022 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated April 19, 2022 and attached as Schedule "A" and with the Proposed By-law attached as Appendix "B" to this report 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 March 17, 2022 and attached as Schedule "B" to this report, with the following amendments:

        i. In Section I – Plan Considerations:

            a. Delete Condition 2) iii. in its entirety

            b. Delete Condition 2) iv. in its entirety

        ii. In Section III – Servicing Conditions:

            a. Amend Condition 9) b) by adding the word "Revised" immediately before "Schedule C"

            b. Delete Condition 9) c) in its entirety

            c. Delete Condition 16) in its entirety and replace with the following:

                "16) <u>Noise Attenuation/Rear-Yard Setback</u>

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2022

STANDING COMMITTEE RECOMMENDATION (continued):

a) All single-family and two-family residential lots backing onto Kenaston Boulevard shall be of sufficient depth to provide a minimum rear-yard setback which, together with a berm and a noise attenuation fence, achieves the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots.

   i. The Zoning Agreement covering those lots shall stipulate this minimum rear yard setback.

   ii. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Kenaston Boulevard 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.

b) All single-family and two-family residential lots backing onto Bison Drive shall be of sufficient depth to provide a minimum rear-yard setback which, together with a berm and a noise attenuation fence, achieves the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots.

   i. The Zoning Agreement covering those lots shall stipulate this minimum rear yard setback.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2022

STANDING COMMITTEE RECOMMENDATION (continued):

ii. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Bison Drive 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.

c) The Developer shall submit the noise analysis to the Public Works Department for review and approval prior to the Zoning Agreement being executed."

d. Add the following new Condition:

"27) Traffic Calming and Traffic/Pedestrian Control Devices

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 the proposed north-south collector, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct traffic calming devices, and all related works, on the north-south collector, as determined by and to the satisfaction of the Director of Public Works. Traffic calming devices shall be constructed concurrently with the pavements for which they serve."

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) District, "R1-M" Residential Single-Family (Medium) District, "R2" Residential Two-Family District, "RMF-S" Residential Multi-Family (Small) District, "RMF-M" Residential Multi-Family (Medium) District, "EI" Educational and Institutional District, and "PR1" Parks and Recreation (Neighbourhood) 1 District as shown on the map dated April 19, 2022, and attached as Schedule "A" to this report, subject to the following condition:

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2022

STANDING COMMITTEE RECOMMENDATION (continued):

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 any multi-family uses on those portions of the Owner's Land zoned "RMF-M" Residential Multi-Family (Medium) District, "RMF-S" Residential Multi-Family (Small) District, or "EI" Educational and Institutional District, the Owner must submit plans showing the location and design of any and all proposed:

a. Buildings
b. Accessory parking areas
c. Private approaches
d. Garbage enclosures
e. Fencing
f. Landscaping
g. 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.

ii. *Deleted*

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

A. a Development Agreement in accordance with recommendation 1; and

B. a Zoning Agreement in accordance with recommendation 2, and such other

agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2022

STANDING COMMITTEE RECOMMENDATION (continued):

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

5. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at the next available Council meeting.

6. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if a legal plan of subdivision (the "Plan"), prepared by the Manitoba Land Surveyor in accordance with Recommendations 1 and 6 of this Report, and all associated ancillary fees (the "Fees") are submitted to the City within 2 years after the By-law has been given first reading.

7. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Plan and all associated ancillary fees (the "Fees") are not submitted within 2 years after the By-law has been given first reading unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

8. That the subdivision section of the By-law will come into force when the Development Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

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

10. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendation 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2022

STANDING COMMITTEE RECOMMENDATION (continued):

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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 18, 2022, 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 May 9, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 27, 2022 the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, 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 I – Plan Considerations:

     a. Delete Condition 2) iii. in its entirety

     b. Delete Condition 2) iv. in its entirety

  ii. In Section III – Servicing Conditions:

     a. Amend Condition 9) b) by adding the word "Revised" immediately before "Schedule C"

     b. Delete Condition 9) c) in its entirety

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2022

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

c. Delete Condition 16) in its entirety and replace with the following:

"16) Noise Attenuation/Rear-Yard Setback

a) All single-family and two-family residential lots backing onto Kenaston Boulevard shall be of sufficient depth to provide a minimum rear-yard setback which, together with a berm and a noise attenuation fence, achieves the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots.

i. The Zoning Agreement covering those lots shall stipulate this minimum rear yard setback.

ii. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Kenaston Boulevard 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.

b) All single-family and two-family residential lots backing onto Bison Drive shall be of sufficient depth to provide a minimum rear-yard setback which, together with a berm and a noise attenuation fence, achieves the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots.

i. The Zoning Agreement covering those lots shall stipulate this minimum rear yard setback.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2022

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

ii. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Bison Drive 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.

c) The Developer shall submit the noise analysis to the Public Works Department for review and approval prior to the Zoning Agreement being executed."

d. Add the following new Condition:

"27) Traffic Calming and Traffic/Pedestrian Control Devices

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 the proposed north-south collector, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct traffic calming devices, and all related works, on the north-south collector, as determined by and to the satisfaction of the Director of Public Works. Traffic calming devices shall be constructed concurrently with the pavements for which they serve."

- Delete Recommendation 2.A.ii. in its entirety

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

PUBLIC HEARING SUMMARY

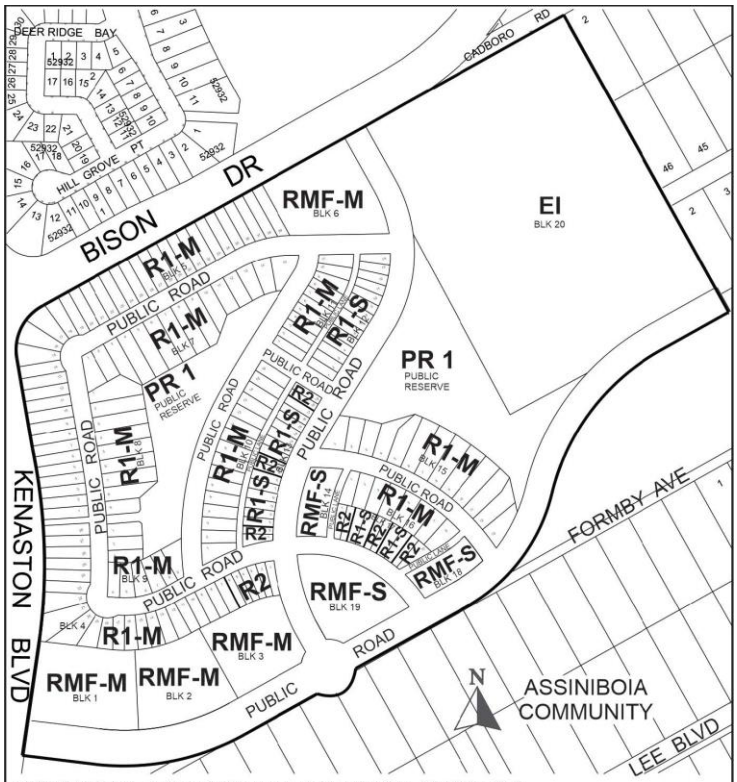
File: DASZ 10/2022

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

Public Hearing: April 27, 2022 (most recent date)
Council Building, 510 Main Street

Applicant: Landmark Planning and Design Inc. (Jeff Pratte)

Subject:



APPLICANT : Landmark Planning & Design Inc. (Jeff Pratte)
FILE : DASZ 10/2022
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "A" AGRICULTURAL DISTRICT to an "R1-S" and "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, an "R2" RESIDENTIAL TWO-FAMILY DISTRICT, an "RMF-S" and "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT, "EI" EDUCATIONAL AND INSTITUTIONAL DISTRICT and "PR1" PARKS AND RECREATION DISTRICT to facilitate the continuation of the Bison Run Neighbourhood (Waverley West Neighbourhood "B" Phase 2) by the creation of the lots, block plan, Public Reserve and public rights-of-way, for future development. **For information, phone Mr. R. Galston, Planner at 204-986-8645.**

Premises Affected: South East corner of Kenaston Boulevard at Bison Drive

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: April 28, 2022

Community Committee Recommendation:

On April 27, 2022, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the subdivision under Development Application No. DASZ 10/2022 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated April 19, 2022 and attached as Schedule "A" and with the Proposed By-law attached as Appendix "B" to this report 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 March 17, 2022 and attached as Schedule "B" to this report***, with the following amendments:***

        i. In Section I – Plan Considerations:

            a. Delete Condition 2) iii. in its entirety

            b. Delete Condition 2) iv. in its entirety

        ii. In Section III – Servicing Conditions:

            a. Amend Condition 9) b) by adding the word "Revised" immediately before "Schedule C"

            b. Delete Condition 9) c) in its entirety

            c. Delete Condition 16) in its entirety and replace with the following:

                "16) <u>Noise Attenuation/Rear-Yard Setback</u>

a) ***All single-family and two-family residential lots backing onto Kenaston Boulevard shall be of sufficient depth to provide a minimum rear-yard setback which, together with a berm and a noise attenuation fence, achieves the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots.***

i. ***The Zoning Agreement covering those lots shall stipulate this minimum rear yard setback.***

ii. ***The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Kenaston Boulevard 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.***

b) ***All single-family and two-family residential lots backing onto Bison Drive shall be of sufficient depth to provide a minimum rear-yard setback which, together with a berm and a noise attenuation fence, achieves the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots.***

i. ***The Zoning Agreement covering those lots shall stipulate this minimum rear yard setback.***

ii. ***The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Bison Drive 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.***

c) ***The Developer shall submit the noise analysis to the Public Works Department for review and approval prior to the Zoning Agreement being executed."***

d. Add the following new Condition:

"27) <u>Traffic Calming and Traffic/Pedestrian Control Devices</u>

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 the proposed north-south collector, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct traffic calming devices, and all related works, on the north-south collector, as determined by and to the satisfaction of the Director of Public Works. Traffic calming devices shall be constructed concurrently with the pavements for which they serve."

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) District, "R1-M" Residential Single-Family (Medium) District, "R2" Residential Two-Family District, "RMF-S" Residential Multi-Family (Small) District, "RMF-M" Residential Multi-Family (Medium) District, "EI" Educational and Institutional District, and "PR1" Parks and Recreation (Neighbourhood) 1 District as shown on the map dated April 19, 2022, and attached as Schedule "A" to this report, subject to the following condition:

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 any multi-family uses on those portions of the Owner's Land zoned "RMF-M" Residential Multi-Family (Medium) District, "RMF-S" Residential Multi-Family (Small) District, or "EI" Educational and Institutional District, the Owner must submit plans showing the location and design of any and all proposed:

a. Buildings
b. Accessory parking areas
c. Private approaches
d. Garbage enclosures
e. Fencing
f. Landscaping
g. 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.

~~***ii. For any multi-family uses on proposed Blocks 1-3 and 6, the developer shall provide and maintain along the abutting single-family lots a landscaped setback of a minimum 7.62 metres (25 feet), to the satisfaction of the Director of Planning, Property and Development.***~~

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, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at the next available Council meeting.

6. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if a legal plan of subdivision (the "Plan"), prepared by the Manitoba Land Surveyor in accordance with Recommendations 1 and 6 of this Report, and all associated ancillary fees (the "Fees") are submitted to the City within 2 years after the By-law has been given first reading.

7. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Plan and all associated ancillary fees (the "Fees") are not submitted within 2 years after the By-law has been given first reading unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

8. That the subdivision section of the By-law will come into force when the Development Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

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

10. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendation 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.

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

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

1. This is virtually the plan that we set out when we started the whole Waverley West B planning process.

2. It brings great density, it brings a great mixture of houses.

Objections under the Charter:

Total number of **v**alid objections as per section 125(2) – 5

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

Exhibits Filed:

1. Application dated February 25, 2022
2. Notification of Public Hearing dated March 30, 2022
3. Manitoba Status of Titles 2370232/1, 2710819/1, 2710820/1, 2876863/1, 2876867/1, 2876875/1, 2876876/1, 2876880/1, 2957814/1, 2959786/1, 2990139/1, 3037575/1, 3047284/1, 3047285/1 and 3043206/1
4. City of Winnipeg By-law No. 875/75
5. Letter of authorization dated September 23, 2021 from City of Winnipeg to Qualico / Southeast Lands Corp.
6. Letter of authorization dated December 14, 2021 from Pembina Trails School Division (Ted Fransen) to Qualico Developments (Winnipeg) Ltd. and Landmark Planning and Design
7. Letter of authorization dated December 15, 2021 from Southeast Lands Corp. (David Jopling) to Landmark Planning and Design
8. Title Plot Sketch Showing Bison Run Phase 2 within Waverley West Neighbourhood B dated December 6, 2021
9. Bison Run Phase 2: Application Drawing
10. Waverley West B Secondary Plan: Land Use and Transportation Concept
11. Land Area Summary – Lots, Blocks, Public Reserves and Streets
12. Plans (3 pages)
13. Report from the Urban Planning Division dated April 19, 2022
14. Inspection Report
15. Communication dated April 22, 2022 from Phillip Dunphy in opposition to the application
16. Communication dated April 24, 2022 from Thi Kim Anh Pham in opposition to the application
17. Communication dated April 24, 2022 from Peter Banman in opposition to the application
18. Communication dated April 24, 2022 from Eddy Penner in opposition to the application
19. Communication dated April 24, 2022 from Mikhail Geyman in opposition to the application
20. Communication dated April 24, 2022 from Janelle Dueck in opposition to the application
21. Communication dated April 24, 2022 from Roy Penner in opposition to the application

Exhibits Filed (continued):

22. Communication dated April 24, 2022 from Hilary Bodrug in opposition to the application
23. Communication dated April 24, 2022 from Lucy Reimer in opposition to the application
24. Communication dated April 24, 2022 from Marlene Cook in opposition to the application
25. Communication dated April 24, 2022 from Andres Dueck in opposition to the application
26. Communication dated April 24, 2022 from Jisung Jang in opposition to the application
27. Communication dated April 24, 2022 from Geyman Angelika in opposition to the application
28. Communication dated April 24, 2022 from Kwabena Asiamah-Yeboah in opposition to the application
29. Communication dated April 24, 2022 from Gieraldine Banman in opposition to the application
30. Communication dated April 24, 2022 from Suhjin Kang in opposition to the application
31. Communication dated April 24, 2022 from Lyle Dueck in opposition to the application
32. Communication dated April 24, 2022 from Poon Wai Kit in opposition to the application
33. Communication dated April 24, 2022 from Hui Yin Ping in opposition to the application
34. Communication dated April 24, 2022 from Nathan Bodrug in opposition to the application
35. Communication dated April 24, 2022 from Elizabeth Koop in opposition to the application
36. Communication dated April 24, 2022 from Chris Poon in opposition to the application
37. Communication dated April 24, 2022 from Aldous Poon in opposition to the application
38. Communication dated April 24, 2022 from Katie Gupta in opposition to the application
39. Communication dated April 24, 2022 from Timothy Cook in opposition to the application
40. Communication dated April 24, 2022 from Sean Gupta in opposition to the application
41. Communication dated April, 2022 from Rosella Penner in opposition to the application
42. Communication dated April, 2022 from Susie Shelting in opposition to the application
43. Communication titled “DASZ 10/2022 Public Hearing: Requested Changes to Administrative Report” submitted by the applicant in support of the application

Exhibits Filed (continued):

44. Presentation titled “Waverley West Neighbourhood B Bison Run Phase 2” dated April 27, 2022 submitted by the applicant in support of the application
45. Presentation titled “DASZ 10/2022 & DAV 22-105488/D Public Hearing” dated April 27, 2022 from John Scott Wintrup in opposition to the application
46. Recording of Representations

REPRESENTATIONS:

In Support:

Robert Kurylko
Dan Mages
Jeff Pratte
Bryan Ward

In Opposition:

Geyman Angelika
Thi Kim Anh Pham
Kwabena Asiamah-Yeboah
Gieraldine Banman
Peter Banman
Hilary Bodrug
Nathan Bodrug
Marlene Cook
Timothy Cook
Andres Dueck
Janelle Dueck
Lyle Dueck
Phillip Dunphy
Mikhail Geyman
Christopher Gibson
Ray Grewal
Katie Gupta
Sean Gupta
Jisung Jang
Suhjin Kang
Elizabeth Koop
Brody Osadick
Eddy Penner
Rosella Penner
Roy Penner
Hui Yin Ping

Aldous Poon
Chris Poon
Lucy Reimer
Susie Shelting
Poon Wai Kit
John Scott Wintrup

For Information:

Nil

For the City:

C. Desjardine, Traffic Assessment Engineer, Public Works Department
R. Galston, Planner, Planning, Property and Development Department
D. Patman, Manager of Transportation, Public Works Department
D. Trenchard, Land Development Engineer, Planning, Property and Development Department

Exhibit "13" referred to in File DASZ 10/2022

ADMINISTRATIVE REPORT

Title: DASZ 10/2022 – Southeast corner of Kenaston Boulevard and Bison Drive

Issue: For consideration at the public hearing for a subdivision and rezoning to: create 191 residential lots, eight (8) blocks, and public reserve areas; rezone the land to a mix of residential, educational and institutional, and public reserve zoning districts.

Critical Path: Assiniboia 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. Galston, MCP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 10/2022 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated April 19, 2022 and attached as Schedule "A" and with the Proposed By-law attached as Appendix "B" to this report 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 March 17, 2022 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) District, "R1-M" Residential Single-Family (Medium) District, "R2" Residential Two-Family District, "RMF-S" Residential Multi-Family (Small) District, "RMF-M" Residential Multi-Family (Medium) District, "EI" Educational and Institutional District, and "PR1" Parks and Recreation (Neighbourhood) 1 District as shown on the map dated April 19, 2022, and attached as Schedule "A" to this report, subject to the following condition:

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 any multi-family uses on those portions of the Owner's Land zoned "RMF-M" Residential Multi-Family (Medium) District, "RMF-S" Residential Multi-Family (Small) District, or "EI" Educational and Institutional District, the Owner must submit plans showing the location and design of any and all proposed:

a. Buildings;

b. Accessory parking areas;

c. Private approaches;

d. Garbage enclosures;

e. Fencing;

f. Landscaping: and,

g. 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.

i. For any multi-family uses on proposed Blocks 1-3 and 6, the developer shall provide and maintain along the abutting single-family lots a landscaped setback of a minimum 7.62 metres (25 feet), to the satisfaction of the Director of Planning, Property and Development.

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, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at the next available Council meeting.

6. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if a legal plan of subdivision (the "Plan"), prepared by the Manitoba Land Surveyor in accordance with Recommendations 1 and 6 of this Report, and all associated ancillary fees (the "Fees") are submitted to the City within 2 years after the By-law has been given first reading.

7. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Plan and all associated ancillary fees (the "Fees") are not submitted within 2 years after the By-law has been given first reading unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

8. That the subdivision section of the By-law will come into force when the Development Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

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

10. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendation 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 Urban Planning Division 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: N/A

OURWINNIPEG POLICY ALIGNMENT

The proposed development aligns with *OurWinnipeg* Section 01, Direction 3: *"Promote Compact Urban Form and Manage the Extension of Municipal Services for New Growth."*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposed development aligns with the following Key Direction in the Winnipeg Climate Action Plan: *"Ensure New Areas of Growth are Designed According to the Principles of Complete Communities."*

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

HISTORY

Waverley West Neighbourhood 'B' Secondary Plan

On June 20, 2019, Council adopted the *Waverley West Neighbourhood 'B' Secondary Plan* (By-law No. 1/2019).

CONSULTATION

Relevant City of Winnipeg departments per the Administrative Coordinating Group.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Robert Galston, MCP
Date:	April 19, 2022
File No.	DASZ 10/2022

List of Schedules and Attachments

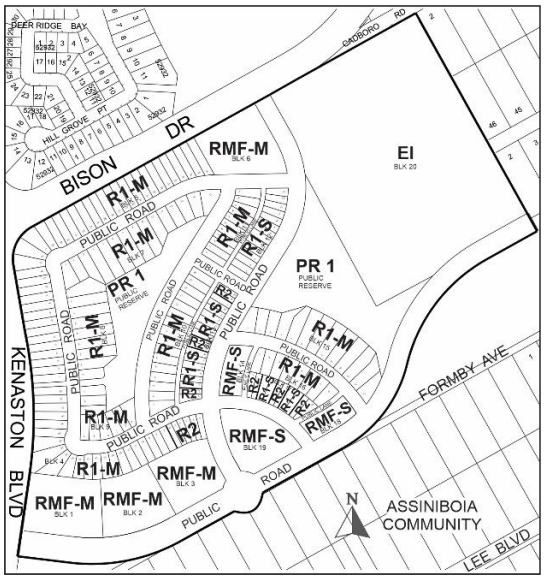
1. Appendix “A” — Planning Discussion
2. Schedule “A” — File No. DASZ 10/2022, Assiniboia Community Committee, Dated April 19, 2022
3. Schedule “B” — Report of the Administrative Coordinating Group Re: Proposed Subdivision and Rezoning of Land Located East of Kenaston Boulevard, South of Bison Drive and North of Lee Boulevard (Bison Run II), Dated March 17, 2022

APPENDIX 'A'

DATE: April 19, 2022
FILE: **DASZ 10/2022**
RELATED FILES: DAV 22-105488/D
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.681 (Waverley West 'B')

SUBJECT: For consideration at the public hearing for a subdivision and rezoning to: create 191 residential lots, eight (8) blocks, and public reserve areas; rezone the land to a mix of residential, educational and institutional, and public reserve zoning districts.

LOCATION: Southeast corner of Kenaston Boulevard and Bison Drive
LEGAL DESCRIPTION:



APPLICANT: Landmark Planning & Design Inc. (Jeff Pratte)
298 Waterfront Drive
Winnipeg, Manitoba R3B 0G5

OWNERS: Southeast Lands Corporation
1 Dr. David Friesen Drive.
Winnipeg, Manitoba R3X 0G8

The City of Winnipeg
510 Main Street
Winnipeg, MB R3B 1B9

Pembina Trails School Division
181 Henlow Bay
Winnipeg, MB R3Y 1M7

Her Majesty the Queen in Right the Province of Manitoba

405 Broadway (7th Floor)
Winnipeg, MB R3C 3L6

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject site encompasses an area east of Kenaston Boulevard, between an unimproved right-of-way named Formby Avenue, and a future extension of Bison Drive (identified as Cadboro Road in Figures 1 and 2, below). It is in the Waverley West 'B' Neighbourhood of the Waverley West Ward.
- The subject site has a total land area of approximately 77 acres, which includes lands owned by the Southeast Lands Corporation, the Pembina Trails School Division, and the City of Winnipeg, as well as an unimproved right-of-way (Formby Avenue).
- The subject site is currently zoned "A" Agricultural.
- The subject site is located within the Areas of Stability – Recent Communities policy area of the *Complete Communities Direction Strategy* Urban Structure Map. The site also falls within the *Waverley West Neighbourhood 'B' Secondary Plan.*



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

- To the north of the subject site is a public right-of-way (Cadboro Road) which is to be developed as a future extension of Bison Drive. To the north of this future extension is residential land in the Bridgwater Forest Neighbourhood zoned "R1-M" Residential Single-Family (Medium) and "PR1" Parks and Recreation (Neighbourhood) 1.
- To the west of the subject site is Kenaston Boulevard, then the Bridgwater Centre Neighbourhood, which contains a mix of residential and commercial uses.
- To the east of the subject site is a portion of the Waverley West B Neighbourhood which will contain a mix of residential uses and public schools to serve the Waverley West area, but is currently vacant and zoned "A" Agricultural.

- To the south of the subject site is vacant land in the Waverley West B Neighbourhood currently 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 12 lots on the subject site and create a total of eight (8) blocks, 191 lots, three (3) public reserves, and public streets and lanes.
- The predominant use of land on the subject site is proposed to be residential. This will include a mix of single-family, two-family, and multi-family residential dwellings.
- Of the proposed eight (8) blocks, there will be:
    - Four (4) lots zoned “RMF-M” Residential Multi-Family (Medium).
    - Three (3) lots zoned “RMF-S” Residential Multi-Family (Small).
- Of the proposed 191 residential lots, there will be:
    - 18 lots zoned “R2” Residential Two-Family.
    - 142 lots zoned “R1-M” Residential Single-Family (Medium).
    - 31 lots zoned “R1-S” Residential Single-Family (Small).
- In addition to these residential blocks, the proposed development includes a block with an area of approximately 18.6 acres, which will be zoned “EI” Educational and Institutional and will accommodate a future recreation centre. This proposed lot is located to the south of the future Bison Drive extension.
- No building plans or design drawings have been submitted with this application.

Public Reserves and Active Transportation Network

- The applicant proposes to create two (2) public reserves, which will have a total area of approximately 7.8 acres. This will include two (2) stormwater retention ponds.
- Portions of the public reserve lands will include space for active transportation (AT) pathways which will provide links for pedestrians and cyclists within the subject site, provide the opportunity to connect to future AT pathways within the Waverley West 'B' Neighbourhood, and to connect with existing AT networks within the broader Waverley West area.

Public Streets

- A total of seven (7) public streets are proposed to be created in the subject site. This includes short extensions of streets that will be extended into future phases of the Waverley West 'B' Neighbourhood outside of the subject site. These extensions will occur through future Subdivision and Rezoning applications.
- Of these proposed public streets, two (2) will function as collector streets. This includes:
    - An east-west extension of Joe Keeper Way, which will run along the southern boundary of the subject site, and will intersect with Kenaston Boulevard and align with the existing South Town Road in the Bridgwater Centre Neighbourhood.
    - A north-south collector street which will connect the above-noted extension of Joe Keeper Way to the future extension of Bison Drive at the northern boundary of the subject site.
- The remaining five (5) public streets are to be local streets. Four (4) of these local streets will have a width of approximately 59 feet, while one (1) short local street will have a width of approximately 65 feet.

Public Lanes

- A total of four (4) blocks are proposed to be serviced by rear public lanes. These rear lanes will provide access to:
    - Proposed townhouse blocks ("RMF-S")
    - Proposed single-family and two-family blocks fronting on a collector street ("R1" and "R2")
    - Proposed single-family blocks ("R1")
- Each of the proposed public lanes are to have widths ranging between approximately 20 and 24 feet.
- Please see Figure 3, which shows the proposed lots, zoning districts, and public streets and lanes.

Associated Street Closing (DAC) and Variance (DAV) Applications

- **The proposed development includes the closing of two (2) separate portions of an unimproved right-of-way (Formby Avenue). This closing requires a Closing (DAC) application to the City of Winnipeg.**
- **The proposed development is also the subject of an associated Variance (DAV) application concerning lot areas and building setbacks. Please refer to the Administrative Report under file no. DAV 22-105488/D for more information.**



Figure 3: Surveyor's Plan showing proposed lots and public roads on the subject site.

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*, the city's long-range development plan, 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.*
- *Provide opportunities to increase multi-modal connectivity when redevelopment occurs.*

WAVERLERY WEST NEIGHBOURHOOD 'B' SECONDARY PLAN (By-law No. 1/2019)

Under the *Waverley West Neighbourhood 'B' Secondary Plan*, the subject lands are located in both the Medium Density Policy Area and the Lower Density Policy Area.

Medium Density Residential

- *Medium Density Residential areas provide opportunities for a range of multi-family residential development types that will serve to increase the overall density of the Plan Area and offer a range of housing options in terms of size, form and tenure.*

3.2.2 POLICIES

1. *Multi-family dwellings such as row dwellings, townhomes and multi-storey residential buildings, shall be the predominant style of development in the Medium Density Residential areas.*
2. *Single-family dwellings shall not be allowed.*
3. *Residential development within the Medium Density Residential areas should achieve a minimum density of 15.0 dwelling units per Net Developable Acre.*
4. *Higher-density multi-family residential dwellings should abut a collector road.*
5. *New Institutional and public uses, such as places of worship, daycares and recreational uses may be allowed within the Medium Density Residential area, where determined to be compatible and appropriate. Such uses shall be located on and have access to a collector road and shall mitigate any negative impacts of the use on any adjacent residential uses.*
6. *Existing institutional uses within the Medium Density Residential areas may only expand if they are: a. located on and have access to a collector or arterial road; and b. serviced by a full range of municipal services.*
7. *Ground entry and street oriented multi-family dwellings should take exclusive access from a back lane, unless a design solution can be provided, to the satisfaction of the Director of Public Works, that can address the following design considerations:*
    a. *the availability of front yard areas for landscaping and tree growth;*
    b. *adequate snow storage areas;*
    c. *on-street parking capacity;*

d. *provision of utilities; and*

e. *pedestrian safety.*

8. *Multi-family residential development is subject to the following design and siting criteria:*

    a. *where a building abuts a street, the building shall provide a clear common entrance oriented to the street, unless street access is provided from all individual ground floor units facing the street;*

    b. *where a building does not abut a street, the site design shall provide clear pedestrian connections to the building entrances and any off-street parking areas;*

    c. *off-street parking areas shall be located either underground, to the side or behind buildings;*

    d. *landscaping, including trees, around the perimeter of the lot and between rows of surface parking stalls, shall be provided;*

    e. *where off-street parking areas are visible from the public road, a landscaped buffer shall be provided to visually screen the off-street parking areas from the public road;*

    f. *large expanses of blank walls shall be discouraged; and*

    g. *balconies, windows, architectural details and façade treatments shall be used to provide visual interest.*

9. *Where a multi-family residential use is located abutting a single-family residential use, the design and siting of the multi-family dwelling shall mitigate any negative impacts on the single-family residential use. Mitigative solutions that may be considered include, but are not limited to, the following:*

    a. *the placement of off-street parking areas or internal roadways to buffer and reduce visual impacts of the multi-family residential use on an adjacent single-family residential use;*

    b. *the placement of landscaping, berming and/or fencing to reduce visual impacts of the multi-family residential building(s), drive aisles and parking areas on an abutting single-family residential dwelling;*

    c. *locating and massing the building(s) on the portion of the site immediately adjacent to the single-family residential uses in a manner that respects the adjacent residential scale and character through lower building height and/or increased set back*

Lower Density Residential

- *Lower Density Residential areas provide primarily for the development of single-family dwellings and opportunities for two-family dwellings and certain styles of multi-family dwellings, where appropriate, as outlined in the policies that follow.*

3.1.2 Policies

1. *Single-family and two-family dwellings shall be the predominant use of land, with ground-entry multi-family dwellings allowed in appropriate locations as determined by the City.*

2. *New public and institutional uses, such as places of worship, daycares and non-regional recreational uses may be allowed within the Lower Density Residential area, where*

determined by the City to be compatible and appropriate. Such uses shall be located adjacent to collector roads and the design of the site shall mitigate any negative impacts of the use on adjacent lower density residential uses.

3. *Existing institutional uses within the Lower Density Residential areas may only expand if they are: a. located on and have access to a collector or arterial road; and b. serviced by a full range of municipal services.*
4. *Any residential development application for lands within a Lower Density Residential area should achieve a minimum density of 7.0 dwelling units per Net Developable Acre.*
5. *Higher density development shall be directed along collector roads within sub-areas 1 and 2.*
6. *Single-family dwellings shall not back onto an internal collector road.*
7. *Single-family dwellings on lots with less than 12.19 metres (40 feet) of frontage should take exclusive access from a back lane, unless a design solution can be provided, to the satisfaction of the Director of Public Works, that can address the following design considerations: a. the availability of front yard areas for landscaping and tree growth; b. adequate snow storage areas; c. on-street parking capacity; and d. the provision of utilities.*
8. *A pair of semi-detached dwellings or a two-family dwelling on lots less than 15.24 metres (50 feet) of frontage should take exclusive access from a back lane, unless a design solution can be provided, to the satisfaction of the Director of Public Works, that can address the following design considerations:*
    a. *the availability of front yard areas for landscaping and tree growth;*
    b. *adequate snow storage areas;*
    c. *on-street parking capacity;*
    d. *the provision of utilities; and e. pedestrian safety.*
9. *Multi-family dwellings may be allowed within the Lower Density Residential along collector roads within subareas 1 and 2 as shown in Appendix B, under the following conditions: a. multi-family dwellings shall take exclusive access from a back lane; and b. the design of multi-family dwellings shall be street oriented and ground-entry.*
10. *Multi-family dwellings may be allowed within the Lower Density Residential along collector roads within subarea 3 as shown in Appendix B and along local roads throughout the Plan Area, under the following conditions: a. multi-family dwellings shall take exclusive access from a back lane; b. the design of multi-family dwelling shall be street oriented and ground-entry; and c. should be limited to approximately six dwelling units per building.*
11. *Live-work style development may be allowed along collector roads in the Lower Density Residential areas within sub-areas 1 and 2 as shown on Appendix B.*
12. *Despite other policies in this section, only single-family dwellings shall be permitted on lots abutting the southerly edge of the Plan Area located within the Lower Density Residential areas.*
13. *Parks, open spaces and an integrated pathway network shall be provided in Lower Density Residential areas to meet the active and passive recreational needs of residents and visitors.*

14. *Properties zoned "A" Agricultural shall be required to rezone prior to the establishment of new principal buildings or uses.*

SUBDIVISION

- As noted above, the subject site is currently made up of 12 lots. Subdivision is required in order to establish a total of eight (8) blocks, 191 zoning lots, two (2) public reserves, seven (7) public streets, and four (4) public lanes.

Street Network

- As noted above, the primary point of access to the subject site is to be from a proposed east-west collector street, which is to be a westward extension of Joe Keeper Way, and will align with the intersection of Kenaston Boulevard and South Town Road in the Bridgwater Centre Neighbourhood.
- A second collector street is proposed to run in a north-south direction through the subject site. This second collector street will run from the above-mentioned extension of Joe Keeper Way, and will intersect with the future extension of Bison Drive.

Parks and Active Transportation

- This provision of public reserves as proposed helps to establish an active transportation (AT) system that connects the subject site to future amenities within the Waverley West 'B' Neighbourhood, and to future community active transportation routes.

REZONING

- As noted above, the subject site is currently zoned "A" Agricultural. The Agricultural zoning district is intended for general agricultural activities.
- The applicant is proposing to rezone the land from 'A' Agricultural to the following districts:
    - "RMF-M" Residential Multi-Family (Medium)
    - "RMF-S" Residential Multi-Family (Small)
    - "R2" Residential Two-Family
    - "R1-M" Residential Single-Family (Medium)
    - "R1-S" Residential Single-Family (Small)
    - "PR1" Parks and Recreation 1 (Neighbourhood)

"RMF" Residential Multi-Family

- The RMF districts are intended to accommodate the development of multi-family units in areas with medium to high residential densities.

"R2" Residential Two-Family and "R1" Residential Single-Family

- The R2 district is intended to accommodate the development of single- and two-family units and, where appropriate, limited multi-family units in lower-density areas.
- The R1 districts are intended to accommodate primarily single-family residential development in lower-density areas.

"PR1" Parks and Recreation (Neighbourhood) 1

- The Parks and Recreation (Neighbourhood) 1 zoning district is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas, and natural areas.

CONSISTENCY WITH AREA SECONDARY PLAN

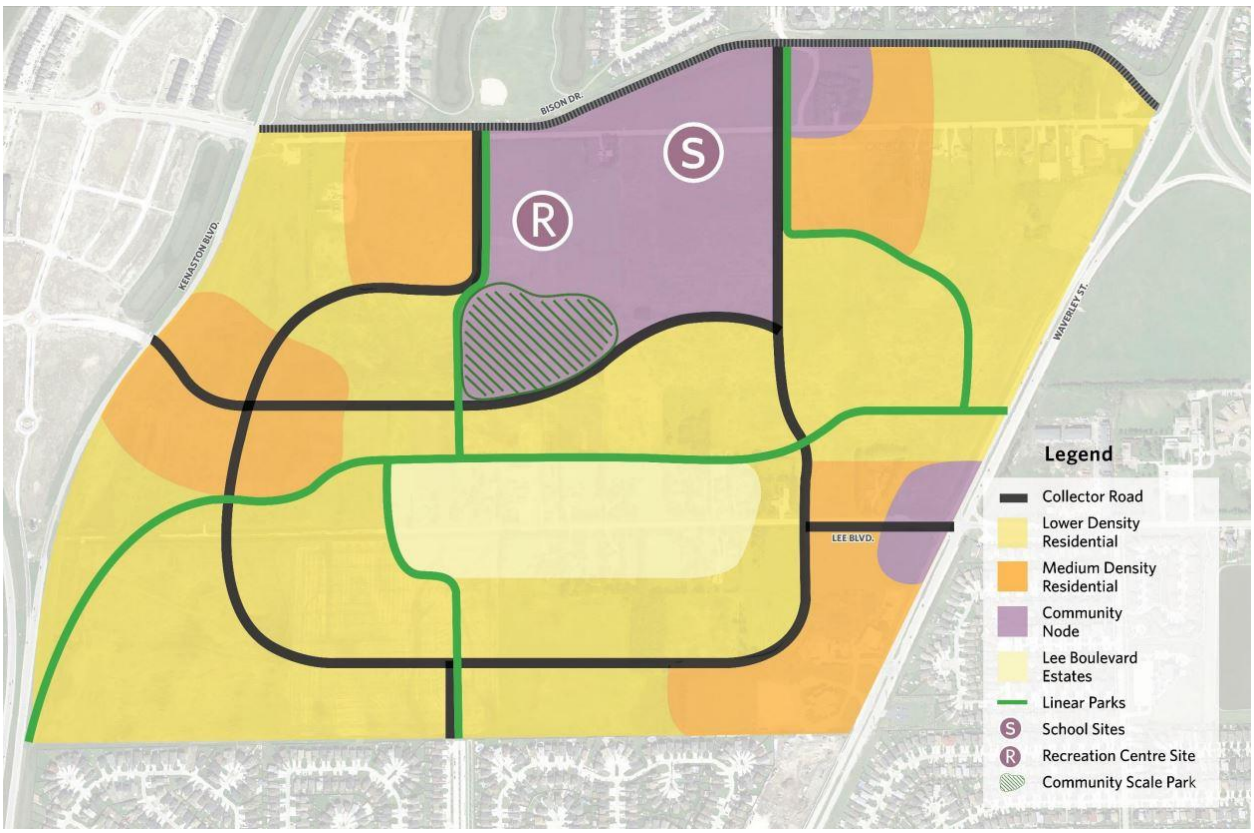


Figure 4: Land Use and Transportation Concept Plan as per the *Waverley West Neighbourhood 'B' Secondary Plan*

Medium Density Residential

- The proposed residential multi-family uses are located in the Medium Density policy areas of the Secondary Plan (Figure 4).
- The proposed multi-family zoning districts are configured so the highest density districts (ie, "RMF-M" and "RMF-S") are located directly on at least one of the proposed collector streets, while the lower density two-family ("R2") residential uses are located on or near these collector streets. This configuration provides a gradual transition of residential uses and buildings, from taller and higher-density multi-family buildings along the collector streets, to low-rise single-family detached buildings on local streets located further away from the collector street.
- This transition is consistent with policies for Medium Density Residential areas in the Secondary Plan.

Lower Density Residential

- The proposed “R2,” “R1-M,” and “R1-S” zoning districts are compatible with the Lower Density Residential policy area of the Secondary Plan, in that single-family and two-family dwellings are to be the predominant use within the Lower Density Policy area.

Parks and Open Space

- The proposed parks and open space, including active transportation (AT) pathways are generally consistent with the policies for the Waverley West ‘B’ Neighbourhood. However, the Winnipeg Public Service recommends some changes to the design of the parks and pathways. These changes are discussed in Schedule ‘B’ of this report.
- Of note is the recommended reconfiguration of the southwesterly portion of the large public reserve (identified as ‘Open Area 1’ in Figure 3 of this report). This is because, per park policies in the Secondary Plan, the Public Service expects that this park space be a minimum of one (1) acre and should be configured to be a functional park space for the use of the neighbourhood. Please refer to Section I of Schedule ‘B’ of this report for greater discussion.

COMPATIBILITY WITH SURROUNDING AREA

- In addition to the proposed development is generally consistent with the Waverley West Neighbourhood ‘B’ Secondary Plan, it is compatible with and is not likely to have an adverse impact on future development within the broader Waverley West ‘B’ Neighbouhood.
- Additionally, it is compatible with the overall vision for the broader Waverley West area, as discussed in the *Waverley West Area Structure Plan.*
- Additionally, the proposed layout of streets and public reserve lands does not limit the potential for future connections to active transportation routes in adjacent neighbourhoods.

PUBLIC CONSULTATION

- From 2017 to 2018, a substantial effort was undertaken with area landowners and the public, in preparation of the *Waverley West Neighbourhood ‘B’ Secondary Plan*. This consultation was undertaken by the City of Winnipeg and a planning consultant hired by the City of Winnipeg.
- In addition to this, the applicant undertook a public consultation program for the subject application consisting of the following components:
    - Focused stakeholder meetings with residents of Lee Boulevard and adjacent landowners. This includes four (4) meetings held in the Fall of 2021. The applicant notes that approximately 12-20 persons attended each of these meetings.
    - A public open house event, which was open to anyone in the Waverley West area, was held in November, 2021. The applicant notes that approximately 60 persons attended this open house event.

CONDITIONS OF APPROVAL

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 and infrastructure in the Waverley West 'B' Neighbourhood. These issues are discussed in the Report of the Administrative Coordinating Group (ACG), which is attached to this report as Schedule "B."

Zoning Agreement

Plan Approval

- In order to ensure future development within the subject site is consistent with the Secondary Plan, and compatible with the surrounding area, the Urban Planning Division is recommending that Plan Approval by the Director of Planning, Property and Development, and by the Assiniboia Community Committee be required for any development on the lands to be zoned "RMF-M" Residential Multi-Family (Medium) and "RMF-S" Residential Multi-Family (Small).
- Future Plan Approval applications should be evaluated by the guidelines for Architectural and Neighbourhood Design set forth in the *Waverley West Neighbourhood 'B' Secondary Plan.*

Landscaped Setback

- The Urban Planning Division is recommending a condition that will require the provision of a landscaped setback of a minimum of 7.62 metres (25 feet) along the proposed "RMF-M" districts that abuts a single-family residential use. This landscaped setback will help to buffer abutting single-family properties from any adjacent multi-family buildings and associated parking areas, drive aisles, and garbage collection areas.
- This setback is consistent with policies in the Secondary Plan, which supports measures to mitigate negative effects on adjacent single-family residential properties.
- It should be noted that this condition would apply to the proposed "RMF-M" districts in Blocks 1, 2, 3, and 6.

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.
- With respect to this subdivision and rezoning application, land dedication is discussed in the report of the Administrative Coordinating Group, attached as Schedule "B".

RECOMMENDATION

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

- The subdivision and rezoning, subject to the recommended conditions, complies with policies for Recent Communities under the *Complete Communities Direction Strategy*, and with policies in the *Waverley West 'B' Neighbourhood Secondary Plan*.

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

Report Prepared by: Robert Galston, MCP
PPD File #: DASZ 10/2022

Schedule "A" for File DASZ 10/2022, Assiniboia Community Committee, dated April 19, 2022

By-Law No. _____

File No. **DASZ 10/2022**

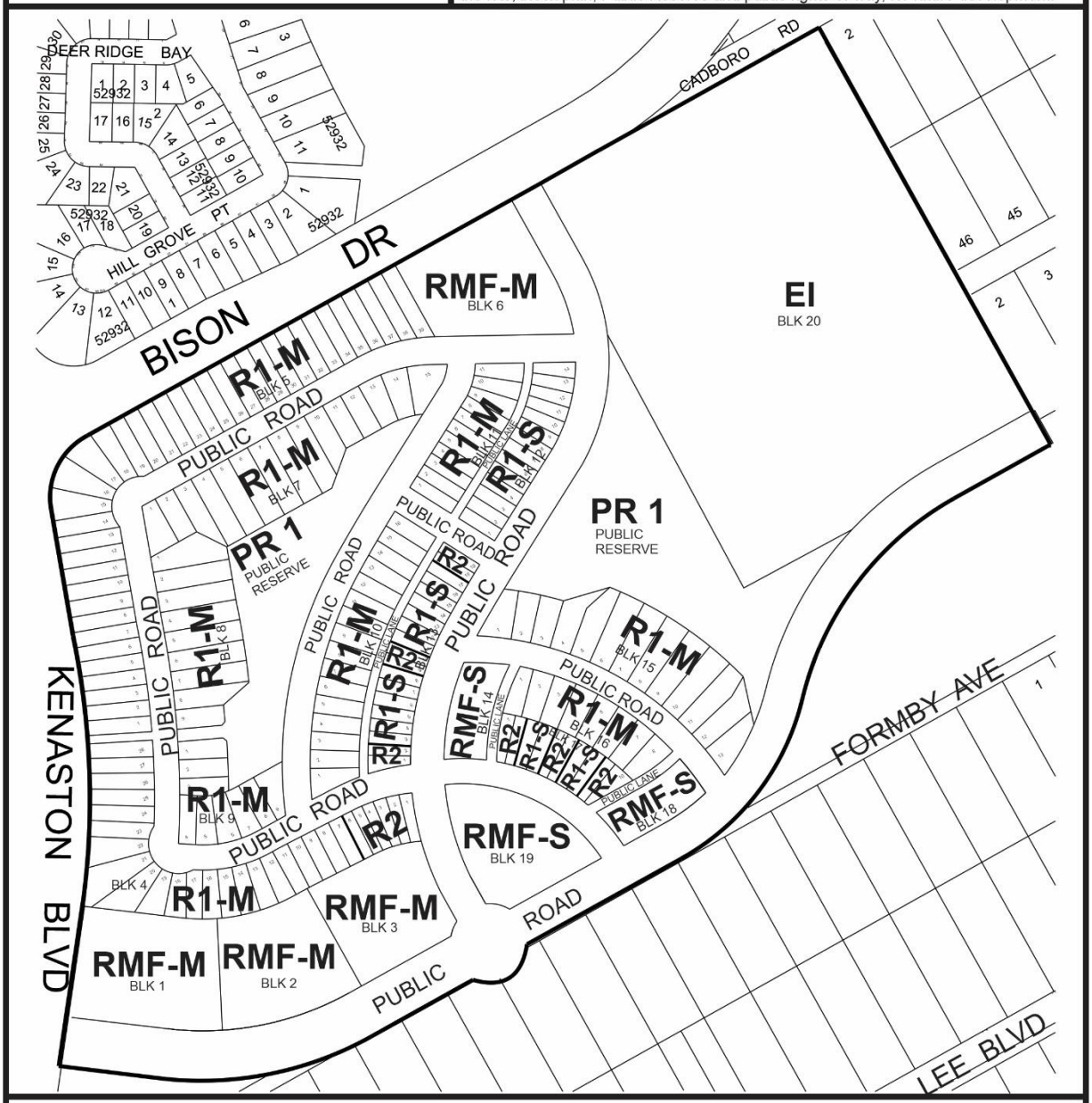
Atlas Sheet No. **AM21**

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 the land located east of Kenaston Boulevard, south of Bison Drive from an "A" AGRICULTURAL DISTRICT to an "R1-S" and "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, an "R2" RESIDENTIAL TWO-FAMILY DISTRICT, an "RMF-S" and "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT, "EI" EDUCATIONAL AND INSTITUTIONAL DISTRICT and "PR1" PARKS AND RECREATION DISTRICT to facilitate the continuation of the Bison Run Neighbourhood (Waverley West Neighbourhood "B" Phase 2) by the creation of the lots, block plan, Public Reserve and public rights-of-way, for future development.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED EAST OF KENASTON BOULEVARD, SOUTH OF BISON DRIVE AND NORTH OF LEE BOULEVARD (BISON RUN PHASE II)

It is recommended that approval of DASZ 10/2022, if granted, be subject to the applicant entering into a Development Agreement containing the following conditions:

Section I – Plan Considerations

1) The easterly stormwater retention basin (SRB) shall be located such that the available Community Park space can accommodate the requirements for two full-sized sports fields, per the Park Policy of the Waverley West Neighbourhood B Secondary Plan.

   i. The Developer acknowledges that the final location and configuration of the easterly SRB shall be subject to approval by the Director of Public Works, the Director of Planning Property and Development, and the Director of Water & Waste, prior to the commencement of any construction.

   ii. The City and Developer acknowledge that the required City portion of the easterly SRB may be located entirely within the land dedicated as Public Reserve, and that the Developer will receive dedication credit for said land that would otherwise be dedicated Public Reserve.

2) Per the Park Policy of the Waverley West Neighbourhood B Secondary Plan, the southwest park is considered a stand-alone neighbourhood scale park, as it is not integrated into a linear park network. Accordingly, this neighbourhood scale park should be a minimum of 1 acre. The proposed configuration of the Public Reserve, which fragments dedication areas, does not optimize the available functional park space to achieve the intent of a 1-acre park. The Developer shall ensure that the neighbourhood-scale park maximizes the amount of available dedication as a cohesive park, in order to ensure there is an appropriate amount of space for amenities, pathways and multi-use activities, with adequate area to buffer between uses.

   The Public Reserve, residential lots and stormwater retention basin (SRB) in this location be adjusted as follows:

i. Residential Lots 10-15 of Block 7, at the north limit of the SRB, be adjusted, to the extent possible, to include a greater portion of what is currently proposed Public Reserve, in order to reduce the amount of dedication land north of the SRB.

ii. The area of Public Reserve land between the SRB and road be minimized to reduce the amount of Public Reserve dedication land that is primarily serving stormwater retention purposes.

iii. The southern portion of the neighbourhood park be increased by the addition of Lots 1, 2 and 3 of Block 9, in order to achieve a cohesive neighbourhood scale park of approximately 1 acre.

iv. In order to minimize over-dedication in this phase and to ensure adequate park space in future phases, the recommendation is that clauses 2 i. to iii be done in concert.

All to the satisfaction of the Director of Planning, Property & Development.

3) The Developer shall, at no expense to the City, legally open property required for appropriate corner cuts in the northeast and southeast corners at the intersection of Kenaston Boulevard and the proposed extension of South Town Road, as determined by and to the satisfaction of the Director of Public Works.

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

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

6) The Developer shall, at no expense to the City, dedicate and legally open property for right-of-way corner cuts measuring 2.0m x 2.0m at each corner of the intersection of two streets measuring 22.0m in width or greater, to the satisfaction of the Director of Public Works.

7) The Developer shall, at no expense to the City, dedicate and legally open property for right-of-way corner cuts measuring 3.0m x 3.0m at each corner of any intersection where the angle is less than 80°, to the satisfaction of the Director of Public Works.

8) Public Walks are to be established with a minimum right-of-way width of 6.0m, as determined by and to the satisfaction of the Director of Public Works.

9) Public Lanes are to be established with a right-of-way width of 6.25m in Public Lanes serving single or two-family residential development and a right-of-way width of 7.25m in Public Lanes serving multi-family residential and commercial development, as determined by and to the satisfaction of the Director of Public Works.

10) 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.

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

Section II – Engineering Studies

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

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

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

Section III - Servicing Conditions

1) Water Mains

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 pay to the City, in cash, on demand, their share of the water main oversizing installed by others in Waverley West Area B, as determined by and to the satisfaction of the Director of Water and Waste.

c) The Developer shall pay to the City, in cash, prior to release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the water main installed by others in Waverley Street, as determined by and to the satisfaction of the Director of Water and Waste.

d) The Developer shall construct, at no expense to the City, the water main in Bison Drive, if required, and/or pay to the City, in cash, on demand, their share of the cost to construct (if required), as determined by and to the satisfaction of the Director of Water and Waste.

2) Wastewater Sewers

a) 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.

b) In accordance with the City's Development Agreement Parameters, the City shall endeavour to recover from the benefitting owners and reimburse the Developer for the costs of oversizing wastewater sewers to provide capacity for adjacent lands within Neighbourhood B, as determined by and to the satisfaction of the Director of Water and Waste.

c) The Developer shall pay to the City, in cash, on demand, their share of the wastewater sewer oversizing installed by others in Waverley West Area B, as determined by and to the satisfaction of the Director of Water and Waste.

d) The Developer shall pay to the City, in cash, on demand, their share of the Waverley Street Oversized Wastewater Sewer ("WSOWWS") Charge as determined by the Director of Water and Waste.

3) Land Drainage Sewers

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

b) The Developer shall pay to the City, in cash, prior to release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the cost of land drainage lateral sewer oversizing (if applicable), as determined by and to the satisfaction of the Director of Water and Waste.

c) In accordance with the City's Development Agreement Parameters, the City shall endeavour to recover from the benefitting owners and reimburse the Developer for the costs of oversizing land drainage sewers to provide capacity for adjacent lands within Neighbourhood B, as determined by and to the satisfaction of the Director of Water and Waste.

4) Lot Line 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.

5) 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, and construct all drainage works necessitated by the lot grading plan of record to the satisfaction of the Director of Water and Waste.

b) 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.

c) 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.

6) 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, 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.

7) <u>Waverley West Neighourhood B Area Charges</u>

a) The Developer shall pay to the City, in cash, on demand, their share of the Waverley West Neighbourhood B ("WWNBA") Area Charge as determined by and to the satisfaction of the Director of Public Works. The rate at the time of payment will apply.

b) The Waverley West Neighbourhood B Area Charge shall include the following:

i. Bison Drive – one lane of pavement between Kenaston Boulevard and Waverley Street, and all related works on the south side of Bison Drive, including but not limited to an Active Transportation pathway, street lighting, boulevard landscaping, land drainage sewer and water main looping (as applicable);

ii. a new intersection to be located between Kenaston Boulevard and North Town Road;

iii. Waverley Street – one lane of pavement between Bison Drive and Lee Boulevard, and all related works on the west side, including but not limited to an Active Transportation pathway, street lighting, boulevard landscaping and land drainage sewer;

iv. Intersection modifications to add a fourth leg at Kenaston Boulevard and South Town Road;

v. Intersection modifications to add a fourth leg at Waverley Street and Lee Boulevard;

vi. Active Transportation path on the east side of Kenaston Boulevard;

vii. Internal collector roads and all related works;

viii. Additional land for collector roadways;

ix. Land at the southwest corner for intersection modifications at Bison and Waverley Street.

c) Where the Developer constructs and/or pays for regional transportation facilities as being cost shared or paid out of, or from, the WWNBA Charge, that amount shall be credited towards the Developer's share of the WWNBA Charge. Where the Developer's work in total exceeds the amount of the levy payable to the City, the City shall reimburse the Developer as monies are collected from benefitting lands, at cost plus interest as defined in the WWNBA Charge, in accordance with the Development Agreement Parameters.

d) The Developer shall pay to the City, in cash, on demand, their share of the Waverley West Neighbourhood B Boundary ("WWNBBA") Area Charge, as determined by and to the satisfaction of the Director of Public Works. The rate at the time of payment will apply.

e) The Waverley West Neighbourhood B Boundary Area Charge shall include the following:

i. Intersection modifications to add a fourth leg at Bison Drive and Kenaston Boulevard, and all related works

ii. Intersection modifications at Bison Drive and North Town Road.

iii. Intersection modifications of Bison Drive and Waverley Street (based on proportionate traffic volume expected at the west leg of the intersection, based on evidence-based parameters (traffic))

f) Where the Developer constructs and/or pays for regional transportation facilities as being cost shared or paid out of, or from, the WWNBBA Charge, that amount shall be credited towards the Developer's share of the WWNBBA Charge. Where the Developer's work in total exceeds the amount of the levy payable to the City, the City shall reimburse the Developer as monies are collected from benefitting lands, at cost plus interest as defined in the WWNBBA Charge, in accordance with the Development Agreement Parameters.

8) 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.

(These items shall be considered as part of the Area Charge(s), as applicable)

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.

9) Sidewalks/Multi-use Pathways

a) The Developer shall, at no expense to the City, construct 1.5m wide by 100mm thick Portland cement concrete sidewalks, multi-use pathways and/or bike lanes and all related works, 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.

(These items shall be considered as part of the Area Charge(s), as applicable)

b) The Developer shall, at no expense to the City, construct a 1.5m and/or 1.8m wide by 100mm thick Portland cement concrete sidewalks and 3.5m asphalt multi-use paths, including but not limited to a multi-use path on the east side of Kenaston Boulevard, all on the standard alignment, 0.3m from the property line, and/or an alignment as determined by the Public Works Department, conceptually shown on the attached Schedule "C", all as determined by and to the satisfaction of the Director of Public Works.

(These items shall be considered as part of the Area Charge(s), as applicable)

c) The Developer shall grant to the City, 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 sidewalks concurrently with the pavements with which they share the right-of-way, as determined by and to the satisfaction of the Director of Public Works.

10) Public Walks

a) The Developer shall, at no expense to the City, construct 1.5m wide by 100mm thick Portland cement concrete sidewalks 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 flanking property lines; and,

iii) bollards, with appropriate sidewalk openings 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.

11) Winnipeg Transit Platforms

The Developer shall, at no expense to the City, construct three pairs (for a total of six) of transit platforms. Each platform includes sidewalk extensions from the public sidewalk to the back of curb and paved boarding area, parallel to the curb, in accordance with the City of Winnipeg Accessibility Design Standard. The platforms are to accommodate future bus stops within the Collector roadway network within the Planned Area, the final location of which shall be determined during the detailed design process and shown on the construction drawing(s) submitted to the City's Underground Structures Branch for review, all as determined by and to the satisfaction of the Director of Public Works and the Director of Winnipeg Transit.

12) Intersection Improvements

The Developer shall, at no expense to the City, construct and install the intersection works at and in the vicinity of:

i. Kenaston Boulevard (northbound) and South Town Road, to provide the 4th leg; and,

ii. The proposed north-south Collector and Bison Drive,

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

(These items shall be considered as part of the Area Charge(s))

13) Roundabout

The Developer shall, at no expense to the City, construct the proposed roundabout within the Planned Area, and all related works, all as determined by and to the satisfaction of the Director of Public Works.
(this item shall be considered as part of the Area Charge(s))

14) Traffic/Pedestrian Control Devices

The Developer shall pay to the City, in cash, on demand, the cost of appropriate traffic control device(s)/pedestrian crossing control, and all related works, at the intersection of Bison Drive and the proposed north-south Collector, as determined by and to the satisfaction of the Director of Public Works.

(These items shall be considered as part of the Area Charge(s), as applicable)

15) 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.

16) Noise Attenuation/Rear-Yard Setback

a) The Developer shall, at no expense to the City, construct within the rear yards of all one and two-family lots abutting Kenaston Boulevard, a uniform noise attenuation fence, 2.0m in height, complete with a berm minimum of 1.55m in height, centered on the property line of the residential lots, as determined by and to the satisfaction of the Director of Public Works.

    i. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Kenaston Boulevard 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.

b) All single-family and two-family residential lots backing onto Kenaston Boulevard shall be of sufficient depth to provide a minimum rear-yard setback which, together with a berm and a noise attenuation fence, achieves the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots.

    i. The Zoning Agreement covering those lots shall stipulate this minimum rear yard setback.

c) The Developer shall, at no expense to the City, construct within the rear yards of all one and two-family lots abutting Bison Drive, a wooden or uniform noise attenuation fence, 2.0m in height, complete with a berm minimum of 1.55m in height, centered on the property line of the residential lots, as determined by and to the satisfaction of the Director of Public Works.

i. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Bison Drive 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.

d) All single-family and two-family residential lots backing onto Bison Drive shall be of sufficient depth to provide a minimum rear-yard setback which, together with a berm and a noise attenuation fence, achieves the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots. The Zoning Agreement covering those lots shall stipulate this minimum rear yard setback.

e) The Developer shall submit the noise analysis to the Public Works Department for review and approval prior to the Zoning Agreement being executed.

17) Private Approaches

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

b) There shall be no private approaches serving single family or two-family residential development off Bison Drive.

c) There shall be no private approaches off Kenaston Boulevard

d) Private approaches serving R2 lots without a Public Lane shall be joint use (or a suitable alternative), 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, multiple family sites, commercial sites, collector and arterial streets, Kenaston Boulevard, Waverley Street, and the future Bison Drive, 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 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.

21) 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.

22) Two Means of Vehicle Access

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

23) 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.

24) 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.

25) 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.

26) Public Reserve

a) The Developer shall dedicate as Public Reserve at least 8% of the land contained within the overall development area and shall, at no expense to the City, undertake landscape improvements and pay its share of the cost of services in streets abutting the dedicated land all in accordance with plans and specifications approved by the Director of Public Works and the Director of Planning, Property and Development.

b) If the Developer is unable to dedicate a full 8% of the land, or if they are over-dedicated in this phase, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Planning, Property, and Development, and shall either:

i) Compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the prevailing rate at the time of construction, by payment of cash, or, by the provision of an equivalent value of additional site amenities in the Public Reserve(s) within the Planned Area, as approved by the Director of Public Works and the Director of Planning, Property and Development; or,

ii) Accrue dedication from this Planned Area with dedication of Public Reserves within the Waverley West Neighbourhood B area, as approved by the Director of Public Works and the Director of Planning, Property and Development.

c) 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 paths conceptually shown in Schedule C.

i) If the City deems that the provision of servicing, landscape improvements and/or irrigation or water service to the Public Reserve is not required, the Developer shall provide compensation in site amenities at an equivalent value.

ii) 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 park paths shall be as determined through the park design review process. If it is advisable to have any or all of the path construction deferred to a later date, so as to establish the path on adjacent City lands, the Developer shall pay to the City, the cost to construct the deferred sections of path works (based on the value of the works at the time park landscaping commences), as determined by and to the satisfaction of the Director of Public Works.

iii) The easterly Public Reserve area shall be designed and graded to accommodate amenities required by the City, including but not limited to athletic fields, which are to be located within the Community Park, to the satisfaction of the Director of Public Works.

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

d) The Developer shall, at no cost to the City, supply and install fencing for the Public Reserve lands as follows:

i) uniform continuous fencing, the style of which shall be determined through the plan approval process, along all private properties abutting the Public Reserve green space areas. Said fencing shall be located on private property and established by caveat to be the responsibility thereafter of the private property owner to retain, repair and maintain.

ii) fencing along the west and east limits of the westerly Public Reserve, adjacent to the roadway, the style and location of which shall be determined through the park design review process.

e) The Developer shall assume responsibility for all Public Reserve sites until they are developed, and throughout the maintenance period until Final Acceptance Certificate for Parks has been issued by the Director of Public Works.

f) The Developer shall, at no expense to the City, maintain the public open space improvements for a period of two years, in accordance with specifications approved by the Director of Public Works. Commencement of the maintenance period will correspond with the issuance of Construction Completion for Parks and shall be deemed concluded by the issuance of a Final Acceptance Certificate for Parks. 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 development.

g) Public Reserve development 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.

h) Securities for Public Reserve improvements may be reduced following the issuance of a Construction Completion Certificate and site inspection and approval by the City, but shall not be released in full until 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.

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

3) Administration Fees

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

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 10/2022
March 17, 2022

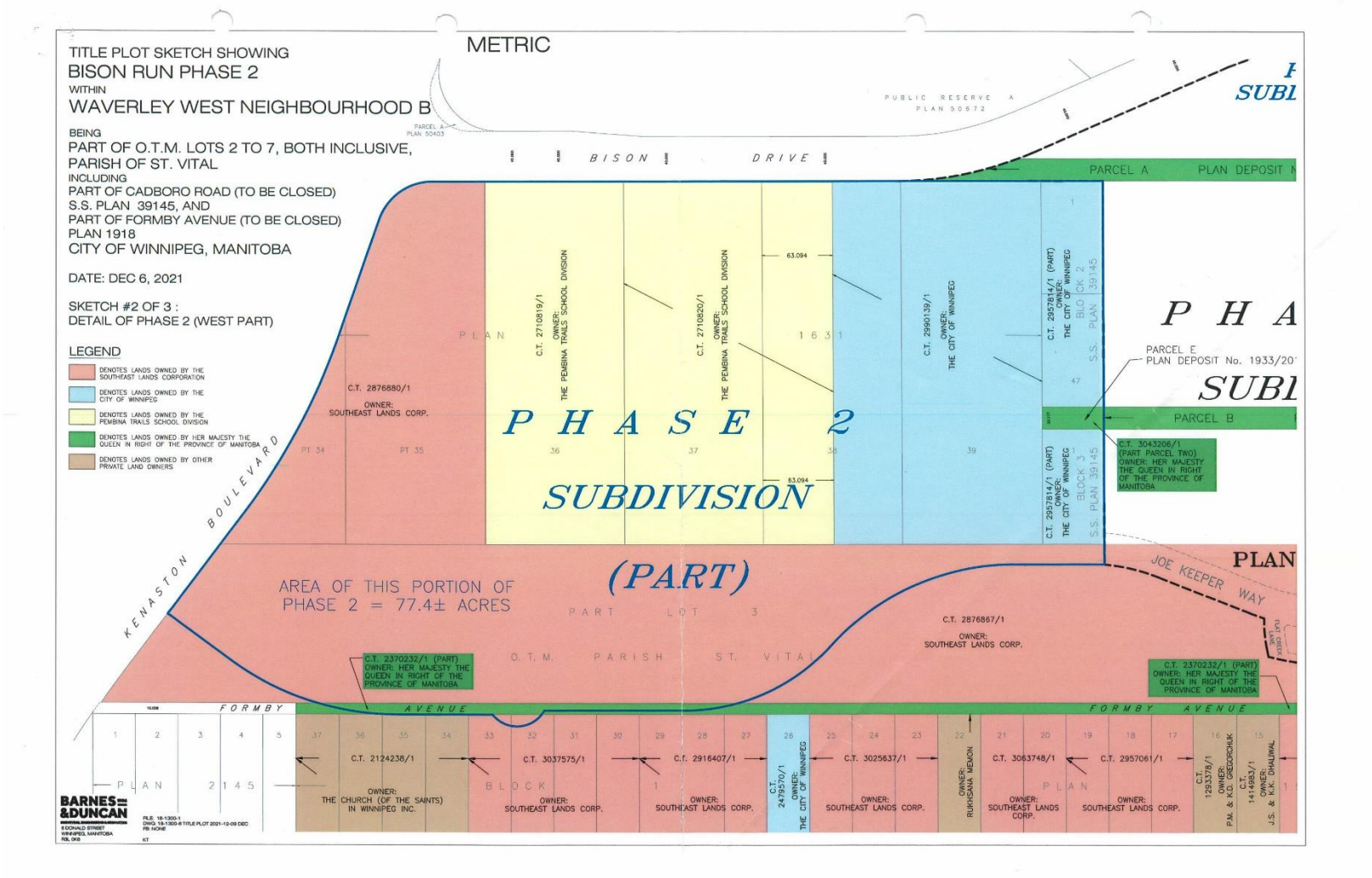
"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

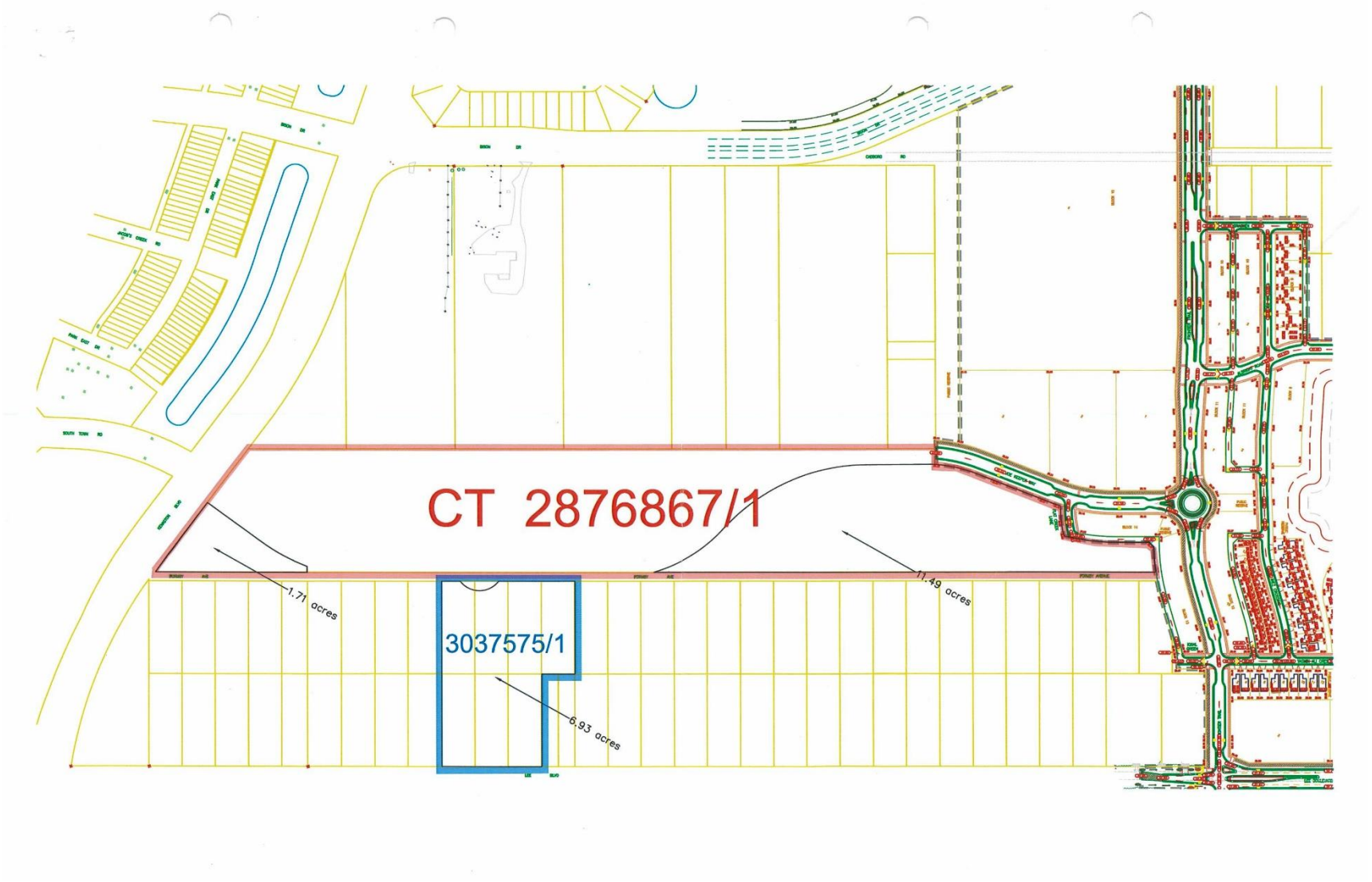
"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

"*Original Signed by S. Whitehouse"*
S. Whitehouse, 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

Exhibit “12” referred to in File DASZ 10/2022




CT 2876867/1
3037575/1
1.71 acres
11.49 acres
6.93 acres


Legend
Limit of Phase 2 Development
Lower Density Single Family (R1)
Duplexes (R2)
Townhomes (RMF-S)
Multifamily (RMF-M)
Public Roads & Lanes
Educational & Institutional (EI)
Open Area (PR1)
NWL Pond
Impoundment Area
BLOCK 5
BLOCK 6 RMF-M 1.60Ac.
BLOCK 7
BLOCK 8
BLOCK 9
BLOCK 10
BLOCK 11
BLOCK 12
BLOCK 13
BLOCK 14
BLOCK 15
BLOCK 16
BLOCK 17
BLOCK 18
BLOCK 19 RMF-S 1.63Ac.
BLOCK 20 EI 15.64Ac.
OPEN AREA 2
BLOCK 1 RMF-M 2.80Ac.
BLOCK 2 RMF-M 1.72Ac.
BLOCK 3 RMF-M 1.60Ac.
Variance Legend
Block 13, Lots 1,2,9,10,18 and 19
•15ft front yard setback instead of 20ft
Blocks 14 and 18:
•15ft front yard setback instead of 20ft front yard
•10ft rear yard setback instead of 25ft.
Please note: Variances for remnant parcels detailed on separate plan