Agenda – Executive Policy Committee – July 13, 2022

REPORTS

Item No. 12 Subdivision and Rezoning – North of Ferrier Street, west of CP Rail Winnipeg Beach line (Highland Pointe Phase 4)
(Old Kildonan Ward)
File DASZ 25/2022 [c/r DAV 133321/2022D]

COMMUNITY COMMITTEE RECOMMENDATION:

On June 21, 2022, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the subdivision under Development Application No. DASZ 25/2022 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated June 2, 2022, and attached as Schedule "A" and with the Proposed By-law attached as Appendix "B" to this report, with such 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 June 6, 2022 and attached as Schedule "B" to this report.

2. That, the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R1-S" Residential Single-Family (Small); "R1-M" Residential Single-Family (Medium); "C2" Commercial Community; "RMF-M" Residential Multi-Family (Medium); "PR-2" Parks and Recreation 2 (Community); and "PR-3" Parks and Recreation 3 (Regional) District as shown on the map dated June 2, 2022, and included within Schedule "A", subject to the following conditions:

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

        i. That on Block 1 zoned "C2" Commercial Community; Block 2 zoned "PR3" Parks and Recreation 3 (Regional); Block 3 zoned "PR2" Parks and

COMMUNITY COMMITTEE RECOMMENDATION (continued):

Recreation 2 (Community); and Lot 25 and Lot 26, Block 4, zoned "RMF-M" Residential Multi-Family (Medium), the following shall apply:

a. The Owner must submit plans showing the location and design of any and all proposed:

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

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

ii. That, for the construction of any building on Lot 25 and Lot 26, Block 4, zoned "RMF-M" Residential Multi-Family (Medium), the following shall apply:

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

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

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

d. That the minimum net density for residential development shall be 15 dwelling units per acre.

COMMUNITY COMMITTEE RECOMMENDATION (continued):

iii. That, for the construction of any building on Block 1, zoned "C2" Commercial Community, the following shall apply:

a. That no residential uses shall be permitted.

iv. The Developer shall install, at no expense to the City, uniform continuous fencing at the north limit of Blocks 1, 2 & 3, to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

a. Fencing on Blocks 1, 2 & 3 shall be located within private property and shall be established by caveat to be the responsibility thereafter of the property owner(s) requiring the owner(s) to maintain and/or repair and/or replace the fence as originally constructed to the satisfaction of the Director of Public Works and 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;

B. and 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.

COMMUNITY COMMITTEE RECOMMENDATION (continued):

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 shall 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 shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

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

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

12. That Caveat No. 5289629/1 from Block 12, Plan 68404 be discharged.

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

14. That the Variance Order under related File DAV 133321/2022D shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 25/2022.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On June 21, 2022, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

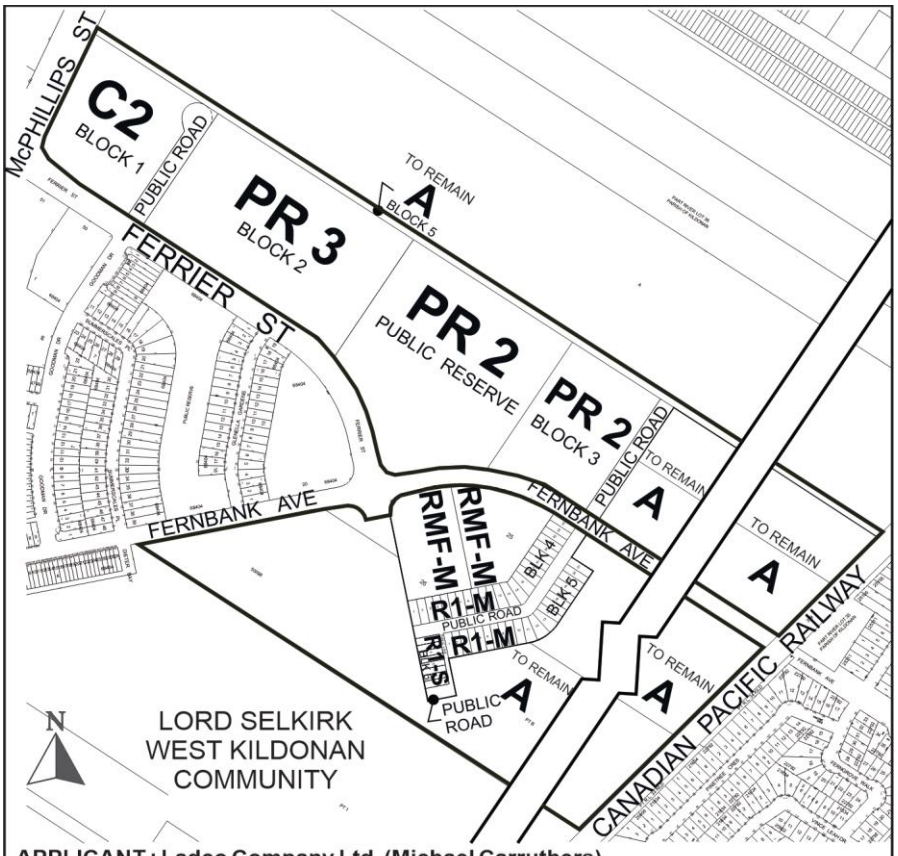
File: DASZ 25/2022

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

Public Hearing: June 21, 2022
Council Building, 510 Main Street

Applicant: Ladco Company Ltd. (Michael Carruthers)

Subject:



APPLICANT : Ladco Company Ltd. (Michael Carruthers)
FILE : DASZ 25/2022
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 an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, an "RMF-M" RESIDENTAL MULTI-FAMILY (MEDIUM) DISTRICT, a "C2" COMMERCIAL COMMUNITY DISTRICT and a "PR2" AND "PR3" PARKS AND RECREATION DISTRICT to facilitate the continuation of the Highland Pointe Neighbourhood by the creation of lots and block plans, Public Reserve and public rights-of-way. **For information, phone R. Hayer, Planner at 204-986-7168.**

Premises Affected: North of Ferrier Street, west of CP Rail Winnipeg Beach line (Highland Pointe Phase 4)

For submission to: Executive Policy Committee

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

Report date: June 22, 2022

Community Committee Recommendation:

On June 21, 2022, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the subdivision under Development Application No. DASZ 25/2022 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated June 2, 2022, and attached as Schedule "A" and with the Proposed By-law attached as Appendix "B" to this report, with such 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 June 6, 2022 and attached as Schedule "B" to this report.

2. That, the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R1-S" Residential Single-Family (Small); "R1-M" Residential Single-Family (Medium); "C2" Commercial Community; "RMF-M" Residential Multi-Family (Medium); "PR-2" Parks and Recreation 2 (Community); and "PR-3" Parks and Recreation 3 (Regional) District as shown on the map dated June 2, 2022, and included within Schedule "A", subject to the following conditions:

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

        i. That on Block 1 zoned "C2" Commercial Community; Block 2 zoned "PR3" Parks and Recreation 3 (Regional); Block 3 zoned "PR2" Parks and

Recreation 2 (Community); and Lot 25 and Lot 26, Block 4, zoned "RMF-M" Residential Multi-Family (Medium), the following shall apply:

a. The Owner must submit plans showing the location and design of any and all proposed:

1. buildings;

2. accessory parking areas;

3. private approaches;

4 garbage enclosures;

5. fencing;

6 landscaping; and

7. free-standing signage

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

ii. That, for the construction of any building on Lot 25 and Lot 26, Block 4, zoned "RMF-M" Residential Multi-Family (Medium), the following shall apply:

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

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

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

d. That the minimum net density for residential development shall be 15 dwelling units per acre.

iii. That, for the construction of any building on Block 1, zoned "C2" Commercial Community, the following shall apply:

a. That no residential uses shall be permitted.

iv. The Developer shall install, at no expense to the City, uniform continuous fencing at the north limit of Blocks 1, 2 & 3, to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

a. Fencing on Blocks 1, 2 & 3 shall be located within private property and shall be established by caveat to be the responsibility thereafter of the property owner(s) requiring the owner(s) to maintain and/or repair and/or replace the fence as originally constructed to the satisfaction of the Director of Public Works and 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;

B. and 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 shall 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 shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

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

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

12. That Caveat No. 5289629/1 from Block 12, Plan 68404 be discharged.

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

14. That the Variance Order under related File DAV 133321/2022D shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 25/2022.

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

1. This development represents the fourth phase of the Highland Pointe Community in the previous three phases, as we've heard, we approved development covering 165 acres of land, and this includes approving more than 500 new lots for residential development that we know is needed as Winnipeg is growing; it's a place that people want to live in and raise their family. We also approved many acres of multi-family land, neighbourhood parkland, commercial land, this fourth and latest phase will add additional amenities and services that are very necessary to support this future growing neighbourhood.

2. The location of the proposed park would tie into the walking and cycling network that is being planned, the new commercial areas, as well as the potential school sites will offer additional amenities and support the development of Highland Pointe as a complete community. As we've heard this is all consistent with the Precinct G Secondary Plan. Ladco has a dedicated and strong track record of collaboration with stakeholders and I applaud them for that. We hope they continue this collaboration and I know they will, as they plan their future development phases.

Objections under the Charter:

Total number of **v**alid objections as per section 125(2) – 0

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

Exhibits Filed:

1. Application dated April 29, 2022
2. Notification of Public Hearing dated May 26, 2022
3. Manitoba Status of Title(s) 2840008/1, 312563/1, 3125662/1 and 3125667/1
4. Letter of authorization dated March 30, 2022 from LCLSUB Fernbank Inc. & LCLBRNOM Fernbank North Ltd. to Michael Carruthers (Ladco Company)
5. Surveyor's Building Location Certificate and sketch dated January 15, 2021 (3 pages)
6. Caveat(s) 2523055 and 5289629/1
7. Schedule of Site Width and Area Calculations – Ladco Company Ltd. – Highland Pointe School Site DASZ dated March 10, 2022
8. Statutory Easement for File DASZ 24/2019 between LCLSUB Fernbank Inc and The City of Winnipeg, (Registration Nos. 5289631/1, 5289632/1, 5289636/1, 5289637/1, 5289638/1 and 5289640/1)
9. Drawings of subject property (3 pages)
10. Title Plot and Proposed Plans of Subdivision (3 pages)
11. Report from the Urban Planning Division dated June 7, 2022
12. Inspection Report
13. Documentation titled: Highland Pointe by Ladco Company Ltd., Phase 4 for DASZ 40/2021 dated June 21, 2022, submitted by the Applicant at the public hearing

REPRESENTATIONS:

In Support:

Michael Carruthers
Brendan Salakoh
Tyler Smith
Garrett Ireland
Maggie DeGagne

In Opposition:

Nil

For Information:

Nil

For the City:

R. Hayer, Planner, Planning, Property and Development Department

Exhibit "11" referred to in File DASZ 25/2022

ADMINISTRATIVE REPORT

Title: DASZ 25/2022 – North of Ferrier Street, west of CP Rail Winnipeg Beach line (Highland Pointe Phase 4).

Issue: For consideration at the Public Hearing to Subdivide and Rezone approximately 65 acres of land in Precinct 'G'.

Critical Path: Lord Selkirk-West Kildonan Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council.

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Hayer, RPP, MCIP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 25/2022 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated June 2, 2022, and attached as Schedule "A" and with the Proposed By-law attached as Appendix "B" to this report, with such 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 June 6, 2022 and attached as Schedule "B" to this report.

2. That, the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R1-S" Residential Single-Family (Small); "R1-M" Residential Single-Family (Medium); "C2" Commercial Community; "RMF-M" Residential Multi-Family (Medium); "PR-2" Parks and Recreation 2 (Community); and "PR-3" Parks and Recreation 3 (Regional) District as shown on the map dated June 2, 2022, and included within Schedule "A", subject to the following conditions:

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

      i. That on Block 1 zoned "C2" Commercial Community; Block 2 zoned "PR3" Parks and Recreation 3 (Regional); Block 3 zoned "PR2" Parks and

Recreation 2 (Community); and Lot 25 and Lot 26, Block 4, zoned “RMF-M” Residential Multi-Family (Medium), the following shall apply:

1. 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 Lord Selkirk-West Kildonan Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

ii. That, for the construction of any building on Lot 25 and Lot 26, Block 4, zoned “RMF-M” Residential Multi-Family (Medium), the following shall apply:

1. That no building within 45 feet of an adjacent “R1” zoning district boundary shall be greater than 35 feet in height, excluding any projections permitted under the Zoning By-law.
2. That a privacy fence at least 6-feet in height be constructed along any side or rear lot line that abuts the side or rear lot line of an “R1” zoning district.
3. That a landscaped buffer at least ten (10) feet wide be constructed along any side or rear lot line that abuts the side or rear lot line of an “R1” zoning district.
4. That the minimum net density for residential development shall be 15 dwelling units per acre.

iii. That, for the construction of any building on Block 1, zoned “C2” Commercial Community, the following shall apply:

1. That no residential uses shall be permitted.

iv. The Developer shall install, at no expense to the City, uniform continuous fencing at the north limit of Blocks 1, 2 & 3, to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

1. Fencing on Blocks 1, 2 & 3 shall be located within private property and shall be established by caveat to be the responsibility thereafter of the property owner(s) requiring the owner(s) to maintain and/or repair and/or replace the fence as originally constructed to the satisfaction of the Director of Public Works and 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;

   B. and 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 shall 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 shall come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

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

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

12. That Caveat No. 5289629/1 from Block 12, Plan 68404 be discharged.

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

14. That the variance order under related file No. DAV 22-133321\D shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 25/2022.

REASON FOR THE REPORT

- The applicant intends to subdivide and rezone approximately 65 acres of land in Precinct 'G' in order to create lots, block plans, public reserve lands, and public right-of-ways to accommodate phase 4 of the Highland Pointe community.
- Rezoning applications require a Public Hearing as per the Development Procedures By-law and *The City of Winnipeg Charter*.
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

OURWINNIPEG 2045 POLICY ALIGNMENT

OurWinnipeg Goal: City Building

Objective 1: *Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan's sustainable development goals.*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

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 does not apply to this specific report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning and Design
Prepared by	R. Hayer, RPP, MCIP
Date:	June 7, 2022
File No.	DASZ 25/2022

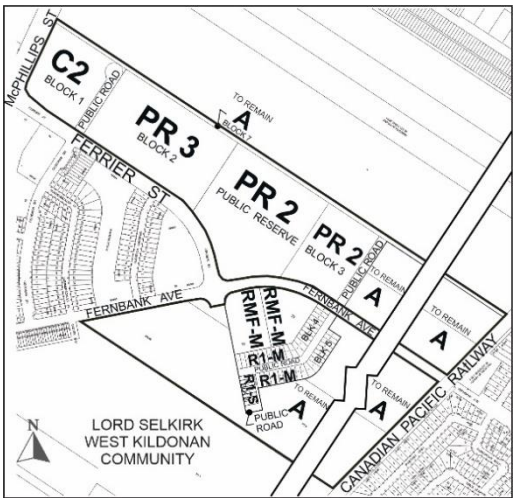
List of Schedules and Attachments

- **Appendix "A" – Planning Discussion.**
- **Schedule "A" of File No. DASZ 25/2022,** Lord Selkirk - West Kildonan **Community Committee, dated June 2, 2022.**

- **Schedule “B” Report of the Administrative Co-ordinating group, RE: Proposed Subdivision and Rezoning of Land Located North of Ferrier Street, West of CP Rail Winnipeg Beach Line (Highland Pointe Phase (IV), dated June 6, 2022.**
- **Schedule “C” - Sidewalks/Multi-use Pathways.**
- **Appendix “B” – Proposed By-law.**

APPENDIX 'A'

DATE:	**June 2, 2022**
FILE:	**DASZ 25/2022**
RELATED FILES:	DAV 22-133321\D
COMMUNITY:	Lord Selkirk – West Kildonan Committee
NEIGHBOURHOOD #:	3.335 (Rosser-Old Kildonan)
SUBJECT:	To subdivide and rezone approximately 65-acres of land in Precinct 'G'.
LOCATION:	North of Ferrier Street, west of CP Rail Winnipeg Beach line
LEGAL DESCRIPTION:	TITLE NO: 2840008/1: ALL THAT PORTION OF THE N 1/2 OF RL 35 PARISH OF KILDONAN WHICH LIES TO THE WEST OF THE WESTERN LIMIT OF THE LAND TAKEN FOR THE RIGHT-OF-WAY OF THE CANADIAN PACIFIC RAILWAY SHOWN ON PLAN NO. 379 WLTO EXC WLY 68.9 FEET PERP; TITLE NO: 3125636/1: BLOCK 12 PLAN 68404 WLTO IN RL 31 TO 35 BOTH INCLUSIVE PARISH OF KILDONAN; TITLE NO: 3125662/1: ALL THAT PORTION OF S1/2 OF RL 35 PARISH OF KILDONAN WHICH LIES TO THE WEST OF RLY PLAN 379 WLTO EXC FIRSTLY: PLAN 68404 WLTO AND SECONDLY: ROAD PLAN 23660 WLTO; TITLE NO: 3125667/1: FIRSTLY: PARCELS A AND B PLAN 50098 WLTO EXC PLAN 68404 WLTO IN RL 33 AND 34 PARISH OF KILDONAN SECONDLY: LOT 1 PLAN 57219 WLTO EXC PLAN 68404 WLTO IN RL 31 AND 32 PARISH OF KILDONAN



APPLICANT:	Ladco Company Ltd (c/o Michael Carruthers). 200-40 Lakewood BLVD Winnipeg, MB R2J 2M7
OWNER:	Same as applicant.

SITE DESCRIPTION

- The subject site is located east of McPhillips Street, north of Ferrier Street, and west of the CP Rail Winnipeg Beach line, in the Rosser-Old Kildonan Neighbourhood and the Old Kildonan Ward.
- The subject land consists of approximately 100 acres of land zoned “A” Agricultural District under the Winnipeg Zoning By-law, of which 65 acres are proposed for development under this application.
- Under the *Complete Communities Direction Strategy 2.0* (CCDS 2.0), the site is designated a “Recent Community” policy area and located in Precinct ‘G’.
- Under the *Precinct ‘G’ Secondary Plan By-law*, the property is within the Medium Density Residential; Low-Density Residential; and Commercial and Mixed-Use policy areas.
- Also, of note, the subject site is north of the Highland Pointe phases 1, 2 and 3, which were approved under files DASZ 24/2019 and DASZ 40/2021.



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

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

North: City of Winnipeg Snow Dump site, zoned “A” Agricultural.

South: Phases 1, 2 and 3 of Highland Pointe, zoned “R1-M” Residential Single-.

East: Undeveloped land zoned “A” Agricultural District and located within the Precinct ‘G’ policy area of the *Complete Communities Direction Strategy*.

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

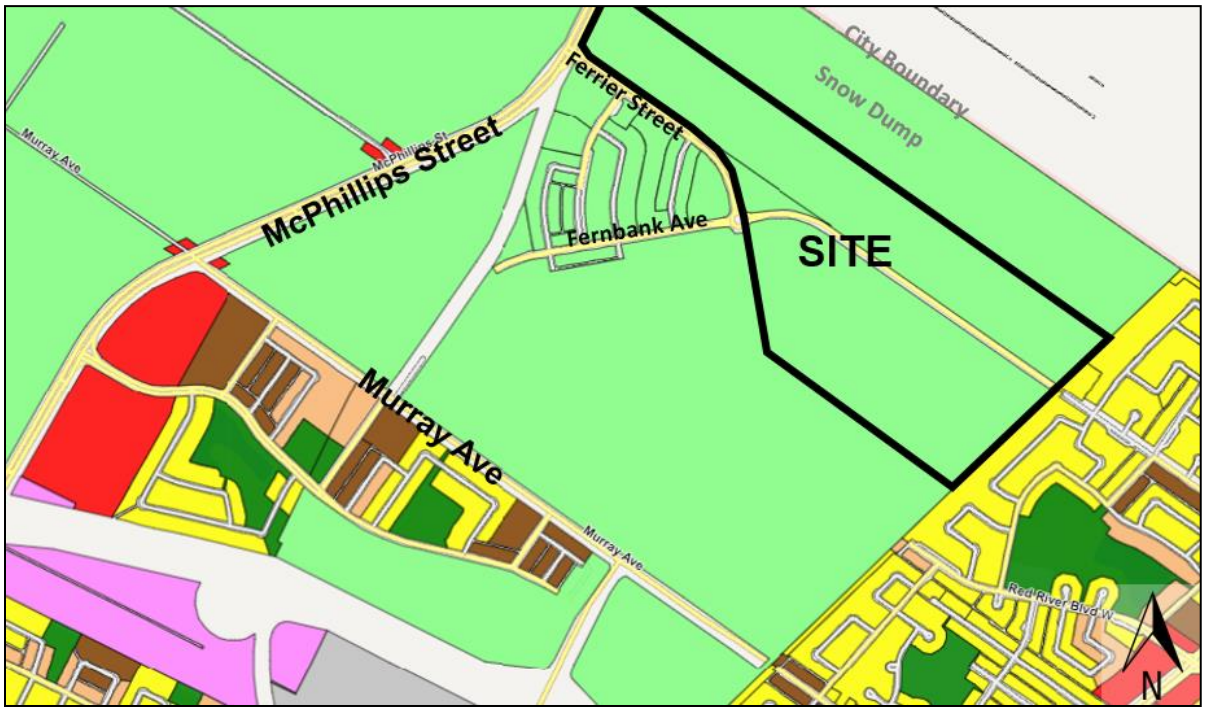


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant is proposing to subdivide and rezone approximately +/- 65 acres of land out of a larger +/- 100-acre property. The subject application represents phase 4 of the Highland Pointe community and proposes the following:

- 16-acre potential high-school site zoned “PR3” Parks and Recreation 3 (Regional);
- 16-acre public reserve site zoned “PR2” Parks and Recreation 2 (Community);
- 7-acre potential K-8 school site zoned “PR2” Parks and Recreation 2 (Community);
- 7.44-acre commercial site zoned “C2” Commercial Community.
- 6.63-acre multi-family sites (two lots) zoned “RMF-M” Residential Multi-family (Medium);
- 45 single-family lots zoned “R1-M” Residential Single-Family (Medium); and
- 8 single-family lots zoned “R1-S” Residential Single-Family (Small).
- Establishment of a 4.24-acre strip of land that accommodates a drainage ditch for the City’s Snow Dump Facility, to remain zoned “A” Agricultural and transferred to the City of Winnipeg.
- Opening and extending public right-of-ways.

The related Variance File No. DAV 21-200722/D deals with the proposed “A” Agricultural Dimensional Standards of Zoning By-Law 200/2006 for residual lands. Please refer to the related Planner’s report for an analysis of the proposed variances.



Figure 3: Proposed Development in the context of planned and potential future Highland Pointe development.

Collaborative Planning:

The applicant consulted with the Urban Planning & Design Division prior to submitting the subject application. The applicant modified proposed zoning districts after consultation with the Division, as well as engaged in discussions with other City of Winnipeg stakeholder Departments. A number of items were identified through these discussions including:

- Ensuring two points of access are provided to the elementary school site;
- Addressing the easement along the snow dump site;
- Coordinating with Parks Planning to ensure their needs are met;
- Addressing pedestrian connectivity;
- Addressing snow storage and on-street parking; and,
- Ensuring the two collector roads providing access to the school sites meet Public Works' requirements.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0:

The subject property is located in an Emerging Community, which is a subset of Recent Communities under the Established Neighbourhood policy designation of the *Complete*

Communities Direction Strategy 2.0. Key goals for Established Neighbourhoods that are relevant to the subject proposal include:

- *Goal 1: Encourage compatible residential development within Established Neighbourhoods to build more Complete Communities and align with the City's residential intensification target.*
- *Goal 3: Ensure all communities provide a diversity of housing options and meet resident life-cycle housing needs*
- *Goal 4: Ensure neighbourhoods accommodate a range of commercial services and amenities within walking distance to meet daily needs.*
- *Goal 5: Ensure Established Neighbourhoods accommodate a variety of public and institutional uses to meet a broad range of community needs.*
- *Goal 6: Ensure Neighbourhoods and communities are well served by parks, open spaces, and recreational facilities that contribute to sustainability, wellness and active living.*
- *Goal 7: Strategically encourage and guide growth within Established Neighbourhoods through the use of secondary plans.*

The proposed subdivision and rezoning generally align with the goals for Established Neighbourhoods.

PRECINCT 'G' SECONDARY PLAN BY-LAW:

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

- *Low Density Residential Policy Areas:*
    - *Single-family dwellings, two-family dwellings, and ground-oriented townhouses shall be the predominant use of land.*
    - *The minimum net density should be 7 units per acre over the entirety of the Low-Density Residential Policy Areas.*
- *Medium Density Residential Policy Areas:*
    - *Multi-family and two-family residential developments shall be the predominant use of land.*
    - *Medium Density Neighbourhood Policy Areas shall achieve a minimum net density of 15 units per acre.*
    - *Single-Family housing is discouraged but may be accommodated when it has been demonstrated that a net density of 15 units per acre can be achieved.*
- *Commercial and Mixed-Use Policy Areas:*
    - *Commercial, mixed-use, and multi-family developments shall be the predominant uses of land*
    - *Parking should be located behind or beside commercial, mixed-use, and multi-family developments along collector roads.*
    - *Institutional uses shall be permitted in Commercial and Mixed-Use Policy Areas.*
    - *Suitable buffers and/or design considerations shall be provided between Commercial and Mixed-Use Policy Areas and Low-Density Residential Policy*

Areas. Buffers and/or design considerations may include setbacks, building massing, landscaping or other mitigative measures.

- *Multi-modal transportation options, including walking, cycling, and transit shall be integrated in the design of each Commercial and Mixed-Use area.*
- *Industrial uses shall not be permitted in the Commercial and Mixed-Use Policy Area, except for office and light industrial uses which serve as a buffer between the City of Winnipeg snow dump and residential uses.*
- *New single-family dwellings shall not be permitted in the Commercial and Mixed-Use Policy Areas.*
- *Residential development located within 300 metres from the existing snow dump may be approved if: (a) it is set back a minimum of 200 metres from the existing snow dump; and (b) the developer constructs a 6-foot-tall wood sound attenuation fence on top of the existing berm along the southern perimeter of the City of Winnipeg McPhillips Snow Dump Site, at no expense to the City of Winnipeg, to the satisfaction of the Director of Public Works.*
- *3.3.9 Despite 3.3.8(a), residential development may be considered within 200 metres from the existing snow dump where the Director of Public Works and the Director of Planning, Property and Development have approved an impact study in respect of the proposed residential development. The Director of Planning, Property and Development and the Director of Public Works must not approve an impact study unless the study demonstrates that (a) operations at the snow dump will be adequately mitigated in order to not pose a nuisance to proposed residential development located less than 200 metres from the snow dump to the satisfaction of the Director of Planning, Property and Development and the Director of Public Works; (b) operational changes will not be required in respect of the snow dump in order to ensure that activity at the snow dump will not pose a nuisance to the proposed residential development; and (c) Any mitigation measures proposed by the impact study will be implemented at no cost to the City.*

- *Parks and Open Space:*
  - *Parks and Open Space areas are appropriate in any land use policy area. The location, size, and configuration of the parks and open spaces will be determined at the Development Application stage in accordance with the following:*
    - *A minimum of one neighbourhood-scale small park (0.50-acre minimum) should be provided per sub-area and a minimum of one large (15 or more acres) or two smaller (7 or more acres) community-scale park(s) shall be provided for organized sports; Size, orientation, configuration and location of parks shall be appropriate for the intended use; Parks should be distributed to achieve a 400 metre walking distance to most residences.*
  - *Community-scale parks should generally be located on a collector street and Neighbourhood parks should generally be located on local streets.*
  - *Subdivision designs within the Precinct should integrate and capitalize on park placement as a network itself and as part of the continuous and integrated walking and cycling network to enhance connectivity between key features (including but not limited to schools, commercial areas, existing walking and cycling paths) within and beyond the precinct.*

- *School Sites:*
    - *Schools are appropriate in all land use policy areas except for the Limited Development Policy Area.*
    - *Recreational and educational sites should be co-located where possible.*
    - *School site(s) selected for K to 8 schools (that may include daycare facilities) shall be of a size consistent with any required provincial legislation or City policy.*
    - *A school site shall have frontage on two streets (with at least one being a collector) in order to facilitate safe pick-up and drop-off zones, a school bus loop, and staff and visitor parking.*
    - *A school site location and its site plan design should be compatible with adjacent and nearby land uses.*
    - *A school site should be well-connected to the walking and cycling network.*

The proposed subdivision and rezoning would achieve the Precinct Plan policy requirements for net density targets for each policy area and would be generally consistent with the Secondary Plan. More information on the compatibility of the proposed development with the surrounding area is detailed further below in this report.

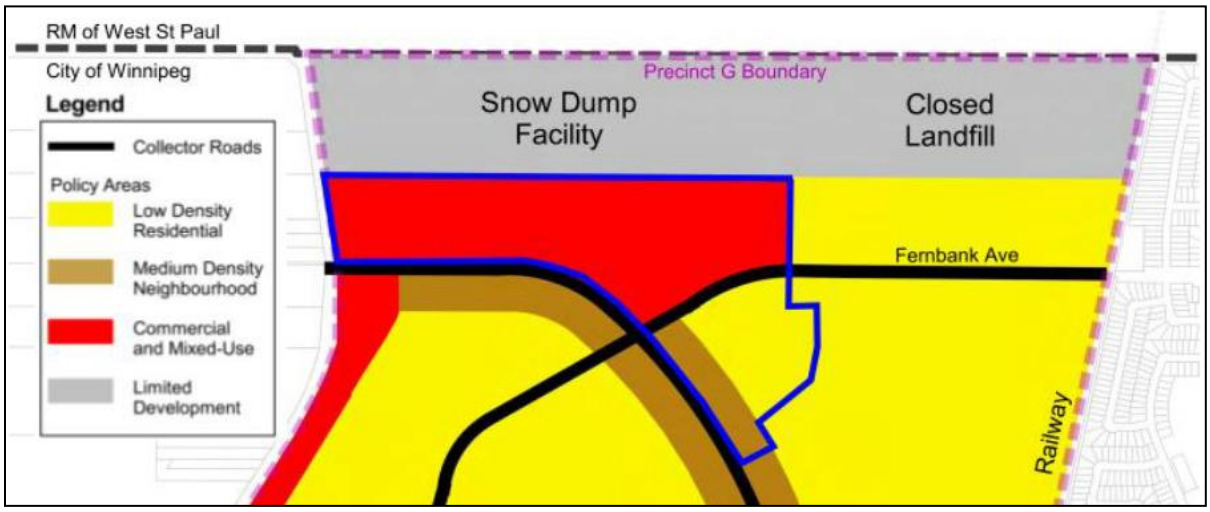


Figure 5: Precinct 'G' Land Use Policy Area Map with proposed development site shown.

PROPOSED SUBDIVISION AND REZONING REVIEW:

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

- The "C2" Commercial Community District is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and broader community.
- The "R1-S" and "R1-M Residential Single-Family Districts are intended to accommodate primarily single-family residential development in lower-density neighbourhoods.
- The "RMF-M" Residential Multi-Family District is intended to accommodate the development of multi-family units in neighbourhoods of various densities.

- The “PR-2” Parks and Recreation 2 (Community) District is intended for sites that include community recreation facilities and parks that are accessed by a mix of pedestrian and vehicular traffic. These sites may provide active programs and activities, including community centres, hockey pens, arenas, indoor soccer, wading pools, spray parks, skateboard parks and athletic fields.
- The “PR-3” Parks and Recreation 3 (Regional) district is intended for sites that include major recreation facilities and parks that are regional destinations. These sites may include major recreation facilities, aquatic leisure centres, regional parks, sports multiplexes and athletic field developments.

Collectively, the above zoning districts provide a wide range of land uses, including residential, commercial, parks and schools, all of which are important to support the development of Complete Communities. The proposed zoning districts also enable the development within the precinct to meet the residential density targets identified in the Precinct Plan, as well as requirements for a community park.

Proposed Commercial Site:

A commercial site is proposed to be established at the northeast corner of McPhillips Street and Ferrier Street. The proposed commercial site would be +/- 7.44 acres and rezoned to the “C2” Commercial Community District. The Urban Planning & Design Division supports the establishment of the proposed commercial site and considers it compatible with the surrounding area for the following reasons:

- The proposed commercial site would be at the entrance to the Highland Pointe Community at McPhillips Street and Ferrier Street. It falls entirely within the Commercial and Mixed-Use Policy Area and meets the Plan objectives of providing opportunities for commercial uses along arterial roads (McPhillips Street) while encouraging access to transit and pedestrian infrastructure.
- The proposed site matches the land use directly across Ferrier Street to the south (approved under DASZ 10/2019), creating a community commercial node and a gateway into Highland Pointe.
- To the north of the proposed commercial site is the existing Snow Dump Facility. To the east of the proposed commercial site is a proposed public right-of-way, and east of the proposed public right-of-way are potential school sites as well as the proposed community park. Therefore, the proposed commercial site (subject to conditions) would be compatible with the planned and existing surrounding area.

Recommended conditions of approval for the proposed commercial site include the following:

- Residential uses should not be permitted because the proposed commercial site is immediately abutting the Snow Dump Facility. Should a residential use be contemplated in the future, it is recommended the applicant/developer apply for a future zoning agreement amendment and submit impact studies (per the Precinct G policies noted previously).
- A uniform fence be constructed along the north side of the proposed commercial site, to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.
- Final development plans be submitted for Plan Approval via the Director of Planning Property and the Lord Selkirk-West Kildonan Community Committee prior to the issuance of any building or development permit.

After review, the proposed commercial site would be in an area where commercial uses are compatible with the area and consistent with the Precinct G Secondary Plan; and located in a manner that provides connectivity to the greater Highland Pointe community including planned and proposed residential areas, parks, and potential school sites.

Proposed Parks and Recreation Sites:

The applicant is proposing three (3) sites that would be rezoned to Parks and Recreation Districts. Proposed Lot 1 and Lot 3, Block 2 would be rezoned to “PR-3” Parks and Recreation 3(Regional) and “PR-2” Parks and Recreation 2 (Community) respectively, and the intent is for the proposed lots to accommodate potential future school development.

The third ‘Parks and Recreation’ zoned site would be dedicated as a public reserve, for the establishment of a community park.

The Urban Planning & Design Division supports the establishment of the proposed “PR-3” and “PR-2” sites and considers these compatible with the surrounding area for the following reasons:

- School site requirements were discussed during the planning process for the Precinct ‘G’ Secondary Plan, and there is expected to be a need for a high school site and elementary school site to service the growing residential population of Highland Pointe as well as of broader northwest Winnipeg.
- The applicant intends to establish these sites with the intent of creating “shovel-ready” school sites when the need arises and funding is approved.
- The proposed “PR-3” site would be at the northeast corner of a proposed new right-of-way and Ferrier Street (west of the new right-of-way would be the aforementioned proposed commercial site).
- The proposed “PR-2” site would be at the northeast corner of a proposed new right-of-way and Fernbank Avenue.
- The proposed sites would enable the co-location of educational and recreation sites, as they would be located on either side of a proposed +/- 16-acre community park, which is at the intersection of Fernbank Avenue and Ferrier Street, both of which are planned as collector streets.
- In this way, the proposed school sites would be in locations where they are accessible by multiple transportation modes, as they would be connected to the walking and cycling network and have frontage on two streets (including collector).
- The proposed “PR-2” and “PR-3” sites as would be consistent with the Precinct G Secondary Plan.

Conditions of approval include that final development plans be submitted for Plan Approval via the Director of Planning Property and the Lord Selkirk-West Kildonan Community Committee prior to the issuance of any building or development permit.

Proposed Public Reserve:

The applicant is proposing to dedicate +/- 16 acres of land as a public reserve, which would be rezoned to “PR-2” Parks and Recreation 2 (community) and proposed to be a new community park.

The Urban Planning & Design Division supports the proposed community park site and considers it compatible with the surrounding area because it would be located between the two school sites to provide a unique 38-acre community focal point with excellent transportation and pedestrian connections.

Conditions of approval for the proposed park are detailed within the ACG report attached as Schedule B to this report.

Proposed Multi-Family Sites:

The applicant proposes to establish two multi-family sites, both of which would be rezoned to “RMF-M” Residential Multi-Family (Medium) and have a cumulative area of +/- 6.6 acres.

The Urban Planning & Design Division supports the establishment of the proposed multi-family sites and considers these compatible with the surrounding area for the following reasons

- The proposed multi-family sites would be at the southeast corner of Fernbank Avenue and Ferrier Street and would match an approved multi-family site at the northwest corner of the same intersection (established under DASZ 10/2019).
- The proposed multi-family sites fit the land use designation under the Precinct G Secondary Plan.

The Urban Planning & Design Division supports the establishment of the proposed multi-family sites and recommends approval, subject to the following conditions:

- Development of buildings on the proposed “RMF-M” lot would require a Plan Approval application (approval via the Lord Selkirk-West Kildonan Community Committee).
- To ensure an appropriate transition between future multi-family uses and single-family dwellings, it is recommended that development on the proposed “RMF-M” lot be subject to the following:
    - Buildings within 45 feet of an “R1” lot be limited to 35 feet in height.
    - A 10-foot-wide landscape buffer and privacy fence at least 6-feet in height be constructed along the western lot line of the “RMF-M” zoned lot, where it abuts “R1” properties.
    - A minimum net density of 15 units per acre is recommended for future residential development on Block 19 (zoned RMF-S) and Lot 2 Block 16 (zoned RMF-M).

The above-noted conditions of approval are identical to the conditions that were recommended and ultimately adopted by Council for the approved multi-family site across the same intersection as the proposed multi-family site.

Proposed Single-Family Lots:

The applicant proposes to establish a total of 53 lots for single-family development. Of these, 45 lots would be zoned “R1-M” Residential Single-Family (medium) and accommodate construction of single-family dwellings with front driveways accessed from a proposed new local public right of way; and 8 lots would be zoned “R1-S” Residential Single-Family (small) and accommodate construction of single-family dwellings fronting onto Ferrier Street and supported by a rear public lane.

The Urban Planning & Design Division supports the establishment of the proposed multi-family sites and considers these compatible with the surrounding area for the following reasons:

- The proposed lots that would be developed with front driveways would have lot widths ranging between 34-43 feet.
- The proposed lot widths are adequate to ensure on-street parking, snow storage, and boulevard landscaping can be appropriately accommodated.
- To demonstrate this point, the applicant provided a preliminary driveway plan at the request of the Urban Planning & Design Division (Figure 6).
- The proposed lots that would front onto Ferrier Street would be supported by a public lane.
- The proposed residential lots would be consistent with the applicable policies under the Precinct G Secondary Plan.

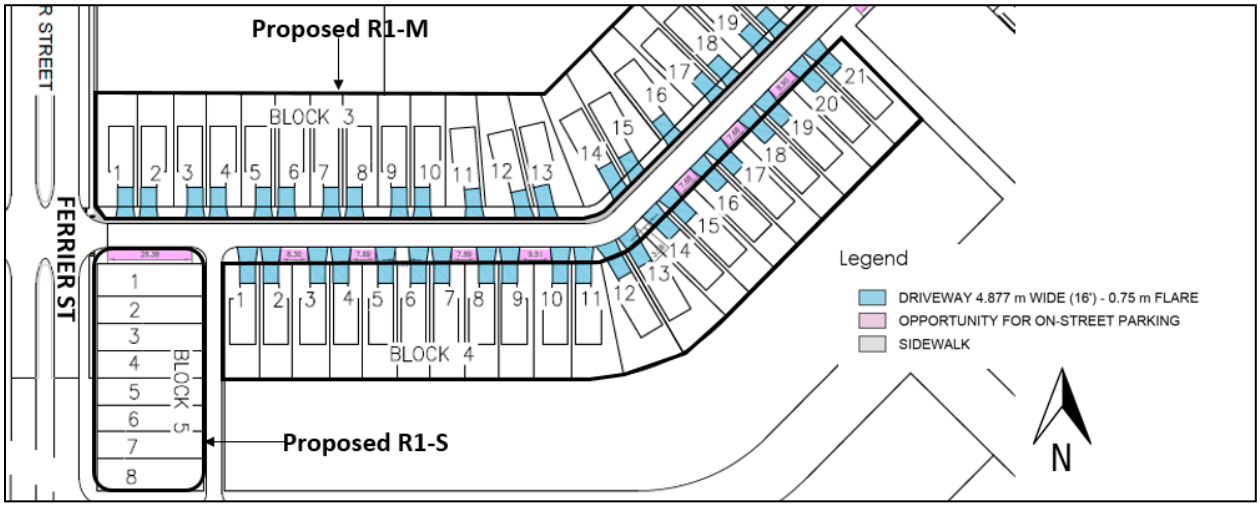


Figure 6: Proposed driveways plan for the proposed single-family lots.

Proposed Agricultural Lands:

As a result of the proposed subdivision and rezoning, two properties would retain the existing "A" Agricultural zoning as follows:

- The City of Winnipeg presently maintains a drainage easement (+/- 25 feet wide, with a total area of 4.24 acres) along the north boundary of the subject lands from McPhillips Street to the CP Rail line. The subject application proposes to formalize the drainage easement and create a proposed Block 7 that becomes City of Winnipeg property.
- This strip of land is currently owned by Ladco but used by the City for the Snow Dump's drainage. Upon subdivision and rezoning, it would be separated from the private land holding and not be rezoned or developed for any new building or structure.
- The residual lands to the south and east of the planned area comprise a +/- 34.7-acre property that would remain zoned "A" Agricultural. It is expected these residual lands will form part of future phases of Highland Pointe.

The proposed agricultural lands require variances to lot area which have been applied for concurrently under related file No. DAV 133321/D. Please refer to the related Planner's report for more information on the proposed Variance application.

Active Transportation and Connectivity:

The proposed development area would be connected with planned active transportation routes (including sidewalks and multi-use pathways) within the larger Highland Pointe Community. A map indicating the recommended location for sidewalks and multi-use pathways is attached as Schedule "C" to this report and generally aligns with the Precinct 'G' Secondary Plan.

RECOMMENDATION

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

- The subdivision and rezoning application would comply with the *Complete Communities Direction Strategy 2.0,* and with the *Precinct 'G' Secondary Plan By-law,* subject to conditions of approval, and would be compatible with the surrounding area.

This Report Submitted by:
Planning, Property and Development Department,
Urban Planning and Design Division.
Report Prepared by: R. Hayer, RPP, MCIP
DASZ File Number: DASZ 25/2022

SCHEDULE "A"

FOR FILE NO. DASZ 25/2022,
LORD SELKIRK-WEST KILDONAN COMMUNITY COMMITTEE, June 2, 2022

By-Law No. _____

File No. **DASZ 25/2022**

Atlas Sheet No. **Q27&R27**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located north of Ferrier Street, west of the CP Rail Winnipeg Beach line from an "A" AGRICULTURAL DISTRICT to an "R1-S" and an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, an "RMF-M" RESIDENTAL MULTI-FAMILY (MEDIUM) DISTRICT, a "C2" COMMERCIAL COMMUNITY DISTRICT and a "PR2" AND "PR3" PARKS AND RECREATION DISTRICT to facilitate the continuation of the Highland Pointe Neighbourhood by the creation of lots and block plans, Public Reserve and public rights-of-way.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED NORTH OF FERRIER STREET, WEST OF CP RAIL WINNIPEG BEACH LINE (HIGHLAND POINTE PHASE IV)

It is recommended that approval of DASZ 25/2022, if granted, be subject to the applicant entering into a Development Agreement containing the following conditions:

Section I – Plan Considerations

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

2) The Developer shall, at no expense to the City, legally open property required to accommodate the cul-de-sac turnaround consistent with the dimensions noted in the City's Transportation Standards Manual.

3) The Developer shall, at no expense to the City, convey Block 7 to the City for land drainage flow conveyance.

Section II – Engineering Studies

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

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

   The Water and Waste Department has advised that additional hydraulic modeling is required for any of Phase III and Phase IV to proceed. Additional land drainage storage and/or stormwater retention basins outside of the Phase IV area may be required to maintain an acceptable level of service for the Planned Area and throughout the drainage system.

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

Section III - Servicing Conditions

1) Water Mains

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

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

2) Wastewater Sewers

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

3) Land Drainage Sewers

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.

4) Stormwater Retention Facilities

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

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

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

c) 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.

d) 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.

e) 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.

f) 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.

g) 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.

h) 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

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

i) 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.

j) 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.

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

5) Lot Line Service Connections

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

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

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

6) Lot Grading

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

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

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

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

7) Regional Street Charges

The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the cost of the following services to be installed in McPhillips Street along the full length of proposed C2 lot within the Planned Area abutting the east side of McPhillips Street:

i) A 4.0m wide Portland cement concrete lane of pavement and all related works;

ii) A 1.5m Portland cement concrete sidewalk;

iii) Street lighting in the east boulevard;

iv) Landscaping in the east boulevard;

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

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 street lighting, boulevard landscaping and land drainage facilities, in all streets within the Planned Area, all as determined by and to the satisfaction of the Director of Public Works.

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

c) The Developer shall, at no expense to the City, construct Portland cement concrete pavements, and all related works, including but not limited to street lighting, boulevard landscaping and land drainage facilities, within the proposed permanent cul-de-sac, as determined by and to the satisfaction of the Director of Public Works.

9) Traffic/Pedestrian Control Devices

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

10) Sidewalks/Multi-use Pathways

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

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

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

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

11) Private Approaches

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

12) Traffic Control Signals – McPhillips Street and Murray Avenue

The Developer shall pay to the City, in cash, on demand, their share of the costs associated with the installation of traffic control signals and all related works (including but not limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals, countdown and audible pedestrian signals) at the intersection of McPhillips Street and Murray Avenue, as determined by and to the satisfaction of the Director of Public Works.

13) 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.

14) Two Means of Vehicle Access

a) The Developer shall, at no expense to the City, ensure that two paved means of vehicular access are available at all times through all stages of development of the Planned Area to the satisfaction of the Director of Public Works.

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

15) 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.

16) 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.

17) Signage

The Developer shall, at no expense to the City:

i) Obtain approval of and install, prior to construction, and subsequently maintain, at the entrances to the Planned Area, development information signs, containing no advertising, and showing the Planned Area, zoning information, a north directional arrow, proposed sidewalks, walkways, active transportation facilities, community mail boxes, parks, land drainage retention facilities, natural tree stands, multi-family sites, commercial sites, collector and arterial streets, McPhillips Street, Murray Avenue, Ferrier Street and the future Chief Peguis Trail;, all with the approval of, and to the satisfaction of the Director of Planning, Property and Development; and,

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

18) 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.

19) Utilities

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

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

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

20) 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.

21) 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.

22) Public Reserve

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

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

c) The Developer shall compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash, or by the provisions of an equivalent value of additional site amenities in the Public Reserve, as approved by the Director of Public Works and the Direct of Planning, Property and Development.

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

d) 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, levelling, sodding, land drainage, irrigation and construction of primary pathways.

    i) The Public Reserve shall be graded to accommodate amenities required by the City, including but not limited to athletic fields, as determined by and to the satisfaction of the Director of Public Works.

    ii) Athletic fields shall be constructed and graded to include appropriate runouts and accommodate an additional depth of soil, in accordance with the City's athletic field standards.

e) The Developer shall, at no expense to the City, erect continuous fencing at the north limit of Public Reserve A, to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

    i) Fencing on Public Reserve A shall be located within the Public Reserve and shall become the responsibility of the City once Final Acceptance has been issued. Installation of the fence shall be undertaken in accordance with the timeline stipulated under clause i) below, as determined by and to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

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

g) 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.

h) The Developer shall, at no expense to the City, maintain Public Reserve improvements, in accordance with specifications approved by the Director of Public Works, for a period of two years following the issuance of a Construction Completion Certificate. The City reserves the right to impose longer maintenance terms for amenities and features, such as naturalized areas, that the Director of Public Works deems to be beyond the standard scope of Public Reserve improvements.

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

j) Securities for Public Reserve improvements may be reduced following the issuance of a Construction Completion Certificate and site inspection and approval by the City, but shall not be released in full until and as-built drawings have been received and accepted as complete by the Director of Public Works and Final Acceptance for Parks has been issued.

Section IV – Costs and Fees

1) By-laws and Approvals

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

2) Professional Fees

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

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

3) Administration Fees

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

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 25/2022
June 6, 2022

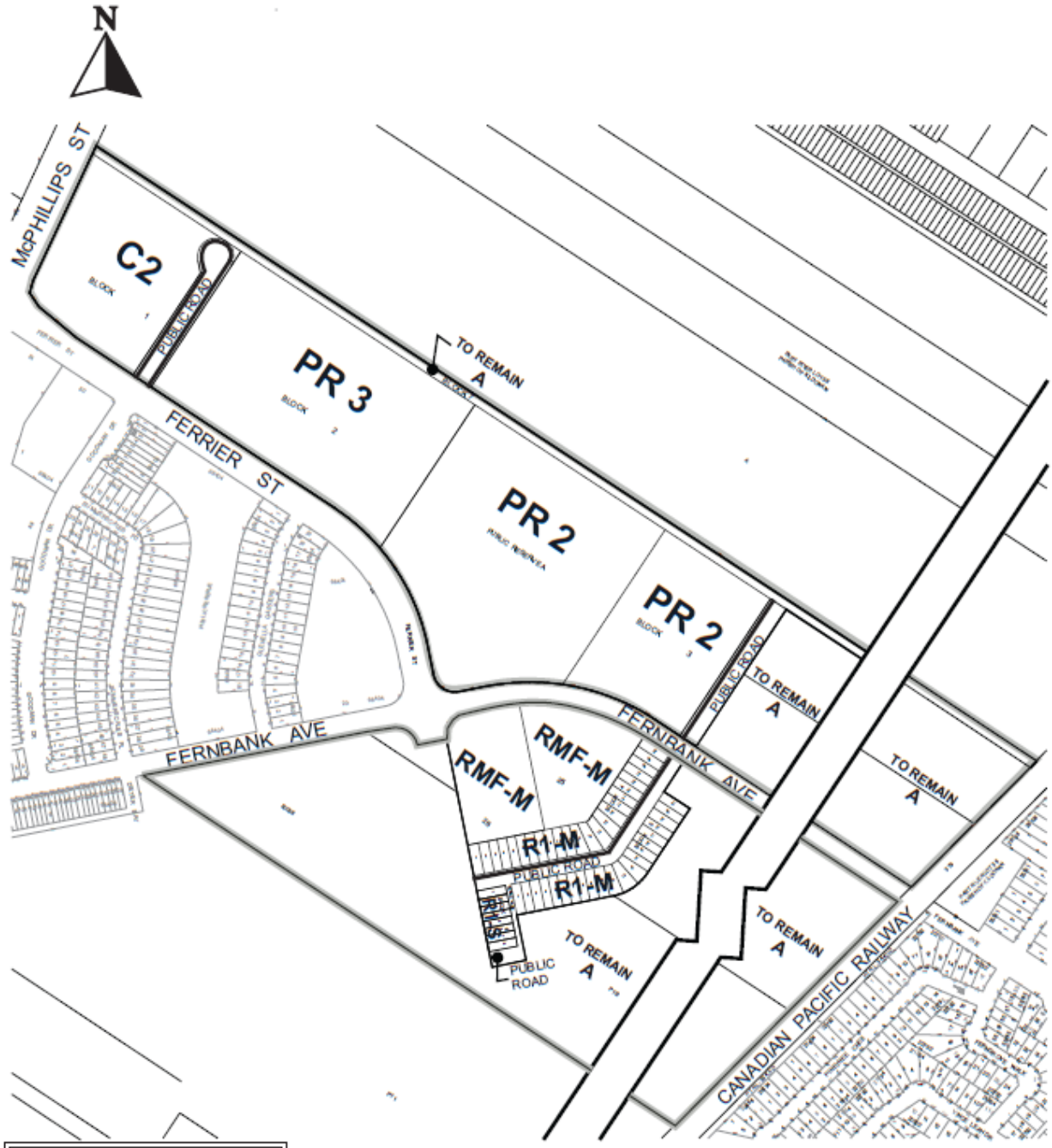
"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

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

"*Original Signed by S. Whitehouse"*
S. Whitehouse, M.C.P.
Urban Planning and Design Division
Planning, Property and Development Department

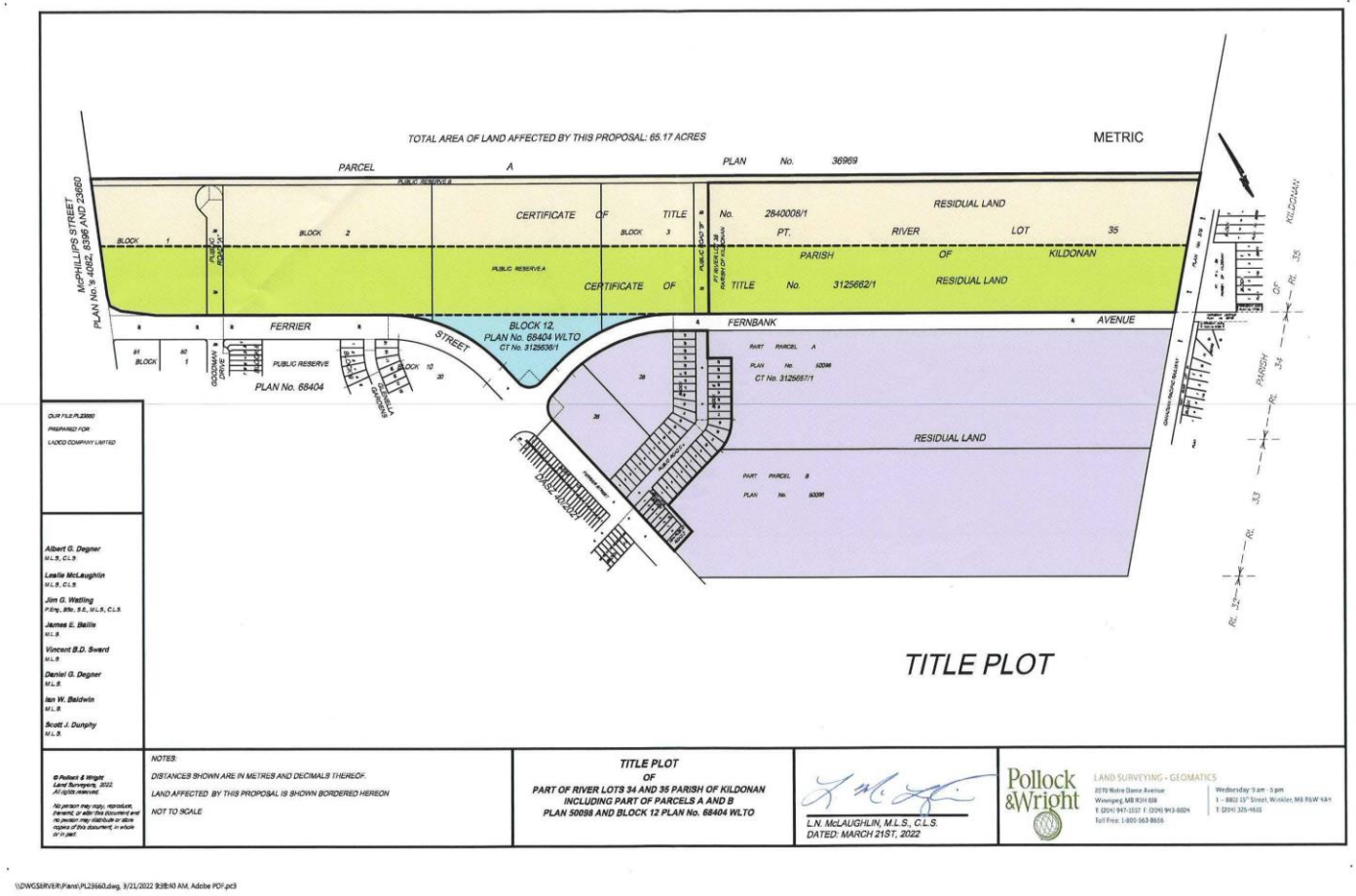
"*Original Signed by C. Desjardine"*
C. Desjardine, M. Sc., P. Eng.
Transportation Division
Public Works Department

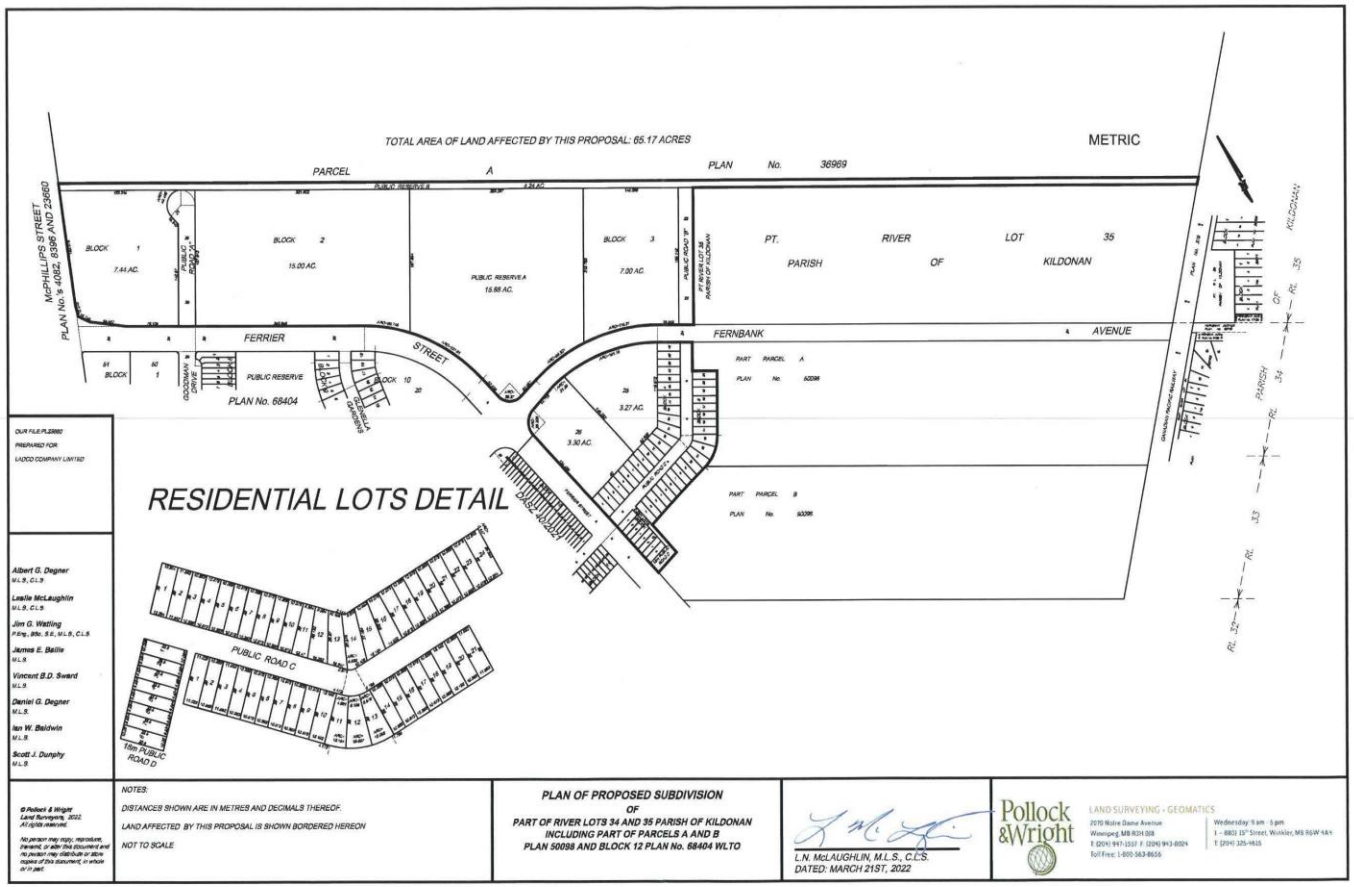
SCHEDULE "C"
SIDEWALKS/MULTI-USE PATHWAYS



DASZ 25/2022

Exhibit “10” referred to in File DASZ 25/2022





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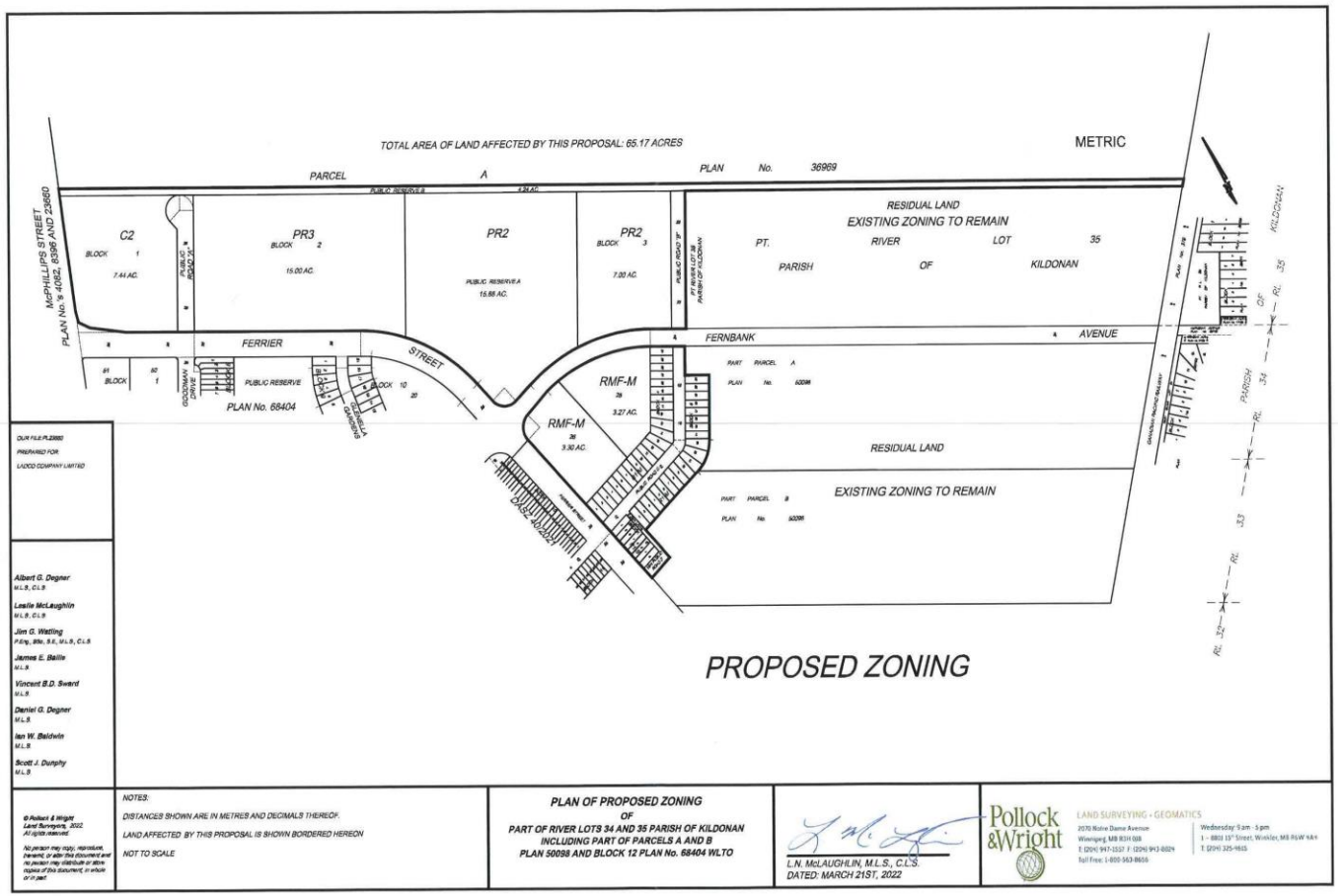

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