Agenda – Council – June 22, 2023

Report – Standing Policy Committee on Property and Development – June 1, 2023

Item No. 7 Subdivision and Rezoning – South of Templeton Avenue, west of Degrave Street and east of Numeracy Lane (Old Kildonan Ward) File DASZ 3/2023

STANDING COMMITTEE RECOMMENDATION:

On June 12, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the subdivision proposed under Development Application No. DASZ 3/2023 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated May 4, 2023 and attached as Schedule "D" to this report, with such minor changes as may be required, for 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 May 10, 2023 and attached as Schedule "B" to this report, with the following amendments:

        i. In Section III - Servicing Conditions:

            a. Amend Condition 25) d) by adding the words "and the Lord Selkirk- West Kildonan Community Committee." at the end of the paragraph.

            b. Add the following new Condition:

                25) i) The Developer shall at no expense to the City submit a park site amenities plan with specifications approved by the Director of Public Works and the Lord Selkirk-West Kildonan Community Committee.

Report – Standing Policy Committee on Property and Development – June 1, 2023

STANDING COMMITTEE RECOMMENDATION (continued):

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R1-S" Residential Single Family (Small); "R1-M" Residential Single Family (Medium); "R2" Residential Two Family District; "RMF-M" Residential Multi-Family (Medium); and "PR1" Parks and Recreation (Neighbourhood) District in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated May 4, 2023, and attached as Schedule "D" to this report, subject to the following conditions:

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

        i. That the developer shall submit architectural design guidelines for all single- and two- family dwellings in the planned area, which shall be subject to Plan Approval by the Lord Selkirk-West Kildonan Community Committee and the Director of Planning, Property and Development, and shall address, at minimum, the following elements:

            a. building height
            b. roof pitch
            c. building elevation design
            d. parking areas
            e. façade materials and architectural features and
            f. location of entrances.

        ii. That prior to the issuance of any building or development permit for construction of any single- or two-family building in the planned area, the applicant shall submit a signed statement confirming that the building plans adhere to the approved design guidelines referenced in Clause 2.A.i of the Zoning Agreement for file DASZ 3/2023, with the statement to be submitted to the Director of Planning, Property and Development and including, at minimum, the following additional information:

            a. name and contact information of the applicant and design professional(s)

            b. address of the proposed building and

Report – Standing Policy Committee on Property and Development – June 1, 2023

STANDING COMMITTEE RECOMMENDATION (continued):

c. description of the proposed building, including but not limited to the number of storeys, the type of building (single-family or two-family), and the exterior finishes.

iii. That the owner must surface all parking areas and driveways accessory to all single- and two- family dwellings in the planned area with asphalt, concrete, paving stones, or other surface approved by the Director of Planning, Property and Development.

iv. That for those portions of the Owner's Land zoned "RMF-M" Residential Multi-Family (Medium), 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 for approval by the Director of Planning, Property and Development ("Director") and the Lord Selkirk-West Kildonan Community Committee 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.

v. That for those portions of the Owner's Land zoned "RMF-M" Residential Multi-Family (Medium), the following shall apply:

a. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

b. That no illuminated signage be erected on any building.

Report – Standing Policy Committee on Property and Development – June 1, 2023

STANDING COMMITTEE RECOMMENDATION (continued):

c. That any proposed building that is more than 35 feet in height shall be set back at least twenty (20) feet from any "R1" or "R2" zoning district boundary, and this setback shall increase by one foot for each additional one foot of height proposed for that portion of the building taller than 35 feet.

3. That Caveat No. 81-13775/1 be discharged as it affects Lots 1, 2 and 3, Plan 15598, upon the release of the plan of subdivision mylars.

4. That the Zoning Agreement registered under DASZ 38/2019, Caveat No. 5274904/1, be discharged as it affects Lot 2 Plan 68057.

5. 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").

6. That authority be delegated to the 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.

7. 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 (the "By-law") and bring same directly to Council by way of communication for first reading.

8. That upon instruction from the Director of Planning, Property and Development that the Developer has submitted the Plan in accordance with recommendation 1 and has paid the Dedication and all other associated ancillary fees (the "Fees"), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.

Report – Standing Policy Committee on Property and Development – June 1, 2023

STANDING COMMITTEE RECOMMENDATION (continued):

9. That Development Application No. DASZ 3/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not submitted the Plan and paid all associated ancillary fees (the "Fees") within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

10. 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.

11. 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.

12. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 10 and 11, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

13. That Development Application No. DASZ 3/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer fails to secure all necessary Plan approval signatures on behalf of the City within 1 year following the date on which the By-law is enacted, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

14. 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 – June 1, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 12, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 1, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 18, 2023, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

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

  ", with the following amendments:

  i. In Section III - Servicing Conditions:

     a. Amend Condition 25) d) by adding the words "and the Lord Selkirk- West Kildonan Community Committee." at the end of the paragraph.

     b. Add the following new Condition:

        25) i) The Developer shall at no expense to the City submit a park site amenities plan with specifications approved by the Director of Public Works and the Lord Selkirk-West Kildonan Community Committee.

and forwarded to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File: DASZ 3/2023

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

Public Hearing: May 18, 2023
Council Building, 510 Main Street

Applicant: McGowan Russell Group Inc. (Jackie Wilkie)

Subject:



Premises Affected: South of Templeton Avenue, west of Degrave Street and east of Numeracy Lane

For submission to: The Standing Policy Committee on Property and Development

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

Report date: May 19, 2023

Community Committee Recommendation:

On May 18, 2023, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, and recommended to the Standing Policy Committee on Property and Development:

1. That the subdivision proposed under Development Application No. DASZ 3/2023 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated May 4, 2023 and attached as Schedule "D" to this report, with such minor changes as may be required, for 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 May 10, 2023 and attached as Schedule "B" to this report***, with the following amendments:***

        i. In Section III - Servicing Conditions:

            a. Amend Condition 25) d) by adding the words "and the Lord Selkirk- West Kildonan Community Committee." at the end of the paragraph.

            b. Add the following new Condition:

                25) i) The Developer shall at no expense to the City submit a park site amenities plan with specifications approved by the Director of Public Works and the Lord Selkirk-West Kildonan Community Committee.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R1-S" Residential Single Family (Small); "R1-M" Residential Single Family (Medium); "R2" Residential Two Family District; "RMF-M" Residential Multi-Family (Medium); and "PR1" Parks and Recreation (Neighbourhood) District in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated May 4, 2023, and attached as Schedule "D" to this report, subject to the following conditions:

B. 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 the developer shall submit architectural design guidelines for all single- and two- family dwellings in the planned area, which shall be subject to Plan Approval by the Lord Selkirk-West Kildonan Community Committee and the Director of Planning, Property and Development, and shall address, at minimum, the following elements:

a. building height
b. roof pitch
c. building elevation design
d. parking areas
e. façade materials and architectural features and
f. location of entrances.

ii. That prior to the issuance of any building or development permit for construction of any single- or two-family building in the planned area, the applicant shall submit a signed statement confirming that the building plans adhere to the approved design guidelines referenced in Clause 2.A.i of the Zoning Agreement for file DASZ 3/2023, with the statement to be submitted to the Director of Planning, Property and Development and including, at minimum, the following additional information:

a. name and contact information of the applicant and design professional(s)
b. address of the proposed building and
c. description of the proposed building, including but not limited to the number of storeys, the type of building (single-family or two-family), and the exterior finishes.

iii. That the owner must surface all parking areas and driveways accessory to all single- and two- family dwellings in the planned area with asphalt, concrete, paving stones, or other surface approved by the Director of Planning, Property and Development.

iv. That for those portions of the Owner's Land zoned "RMF-M" Residential Multi-Family (Medium), 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 for approval by the Director of Planning, Property and Development ("Director") and the Lord Selkirk-West Kildonan Community Committee 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.

v. That for those portions of the Owner's Land zoned "RMF-M" Residential Multi-Family (Medium), the following shall apply:

a. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

b. That no illuminated signage be erected on any building.

c. That any proposed building that is more than 35 feet in height shall be set back at least twenty (20) feet from any "R1" or "R2" zoning district boundary, and this setback shall increase by one foot for each additional one foot of height proposed for that portion of the building taller than 35 feet.

3. That Caveat No. 81-13775/1 be discharged as it affects Lots 1, 2 and 3, Plan 15598, upon the release of the plan of subdivision mylars.

4. That the Zoning Agreement registered under DASZ 38/2019, Caveat No. 5274904/1, be discharged as it affects Lot 2 Plan 68057.

5. 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").

6. That authority be delegated to the 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.

7. 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 (the "By-law") and bring same directly to Council by way of communication for first reading.

8. That upon instruction from the Director of Planning, Property and Development that the Developer has submitted the Plan in accordance with recommendation 1 and has paid the Dedication and all other associated ancillary fees (the "Fees"), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.

9. That Development Application No. DASZ 3/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not submitted the Plan and paid all associated ancillary fees (the "Fees") within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

10. 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.

11. 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.

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

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

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

1. I couldn't agree more, we heard from Donna, the developer, and Bill McGarry, they collective have put together this project and we've heard from their consultants today, and this is going to be an incredible opportunity for our community as we grow, Madame Chair, as new housing that families are seeking.

2. The application before us embodies the core principles of Complete Communities and Precinct E, and offers a diverse range of housing options from single family to multi-family homes and just reflecting what our community is looking for; I am congratulating them today, McGowan Russel, the consultants have done a tremendous job here with their presentation and the work going on for quite a long time now on this project.

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 February 8, 2023
2. Notification of Public Hearing dated April 5, 2023
3. Manitoba Status of Title(s), 1480134/1, 2907334/1, 2971718/1, 3024858/1, 3025307/1, 3036270/1, 3037791/1, 3084583/1, 3112052/1 and 3124749/1
4. Letter of authorization dated December 18, 2018 from Gary Thomas Karpyshin and Cherry Elizabeth Karpyshin to Waterside Development Corporation
5. Letter of authorization dated August 3, 2022 from Seven Oaks School Division to Waterside Development Corporation
6. Letter of authorization dated August 17, 2022 from Waterside Development Corporation to McGowan Russell Group Inc.
7. Letter of authorization dated September 7, 2022 from River Pointe Development Corporation to McGowan Russell Group Inc.
8. Surveyor's Building Location Certificate and sketch dated September 22, 2022
9. Caveat(s) 81-13775 and 5274904/1
10. Zoning Agreement Development Agreement (rezoning) The City of Winnipeg Charter Sections 240(1) and (2) between The City of Winnipeg ("City") of the First Part, and River Pointe Development Corp ("Owner") of the Second Part

Exhibits Filed (continued):

11. Statutory Easement (Temporary Snow Storage) File No. DASZ 38/2019 between River Pointe Development Corp., ("Owner") of the First Part, and The City of Winnipeg ("City") of the Second Part
12. Statutory Easement (Temporary Snow Storage) File No. DASZ 16/2018 between The Seven Oaks School Division, of the First Part, and The City of Winnipeg ("city") of the Second Part
13. Templeton South Subdivision Municipal Servicing Brief dated December 10, 2021 prepared by Stantec Consulting Ltd.
14. Plans (2 pages)
15. Report from the Urban Planning Division dated May 4, 2023
16. Inspection Report
17. Presentation dated May 18, 2023, in support of the application submitted by the Applicant at the public hearing
18. Recording of Representations

REPRESENTATIONS:

In Support:

Jackie Wilkie
Susan Russell
Jeff Pratte
Bill McGarry
Nathan Mehling
Donna Thordarson

In Opposition:

Nil

For Information:

David Boles

For the City:

R. Hayer, Planner, Planning, Property and Development Department
K. Kowalyk, Development Engineer, Planning, Property and Development Department

Exhibit “15” referred to in File DASZ 3/2023

ADMINISTRATIVE REPORT

Title: DASZ 3/2023 – South of Templeton Avenue, west of Degrave Street and east of Numeracy Lane

Issue: Proposed Subdivision and Rezoning to facilitate the establishment of residential lots, public reserve and public rights-of-way

Critical Path: Lord Selkirk-West Kildonan Community Committee > Standing Policy Committee on Property and Development > Executive Policy Committee > Council

AUTHORIZATION

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

RECOMMENDATIONS

1. That the subdivision proposed under Development Application No. DASZ 3/2023 be approved for preparation as a plan of subdivision (the “Plan”) by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix “A” to this report and as shown on the map dated May 4, 2023 and attached as Schedule “D” to this report, with such minor changes as may be required, for 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 May 10, 2023 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); “R2” Residential Two Family District; “RMF-M” Residential Multi-Family (Medium); and “PR1” Parks and Recreation (Neighbourhood) District in accordance with the proposed by-law attached as Appendix “A” to this report and as shown on the map dated May 4, 2023, and attached as Schedule “D” to this report, subject to the following conditions:

    C. 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:

vi. That the developer shall submit architectural design guidelines for all single- and two- family dwellings in the planned area, which shall be subject to Plan Approval by the Lord Selkirk-West Kildonan Community Committee and the Director of Planning, Property and Development, and shall address, at minimum, the following elements:

(a) building height;

(b) roof pitch;

(c) building elevation design;

(d) parking areas;

(e) façade materials and architectural features; and

(f) location of entrances.

vii. That prior to the issuance of any building or development permit for construction of any single- or two-family building in the planned area, the applicant shall submit a signed statement confirming that the building plans adhere to the approved design guidelines referenced in Clause 2.A.i of the Zoning Agreement for file DASZ 3/2023, with the statement to be submitted to the Director of Planning, Property and Development and including, at minimum, the following additional information:

(a) name and contact information of the applicant and design professional(s);

(b) address of the proposed building; and

(c) description of the proposed building, including but not limited to the number of storeys, the type of building (single-family or two-family), and the exterior finishes.

viii. That the owner must surface all parking areas and driveways accessory to all single- and two- family dwellings in the planned area with asphalt, concrete, paving stones, or other surface approved by the Director of Planning, Property and Development.

ix. That for those portions of the Owner's Land zoned "RMF-M" Residential Multi-Family (Medium), the Owner must submit plans showing the location and design of any and all proposed:

(a) buildings;

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(c) private approaches;

(d) garbage enclosures;

(e) fencing;

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(g) free-standing signage

on the Owner's Land ("Works") to the City for approval by the Director of Planning, Property and Development ("Director") and the Lord Selkirk-West Kildonan Community Committee 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.

x. That for those portions of the Owner's Land zoned "RMF-M" Residential Multi-Family (Medium), the following shall apply:

(a) That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

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(c) That any proposed building that is more than 35 feet in height shall be set back at least twenty (20) feet from any "R1" or "R2" zoning district boundary, and this setback shall increase by one foot for each additional one foot of height proposed for that portion of the building taller than 35 feet.

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extension of time before the expiration of that 2 year period and Council approves the extension.

10. 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.

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14. 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

- The applicant is proposing a subdivision and rezoning of the subject lands to facilitate the establishment of residential lots, Public Reserve and public rights-of-way.
- Rezoning applications require a public hearing as per the Development Procedures Bylaw 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 contained within this report are concurred in, the proposal can proceed.

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

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

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 is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design
Prepared by: R. Hayer, RPP, MCIP
Date: May 4, 2023
File No: DASZ 3/2023

List of Schedules and Appendices

Schedule A – Planning Discussion
Schedule B – Report of the Administrative Coordinating Group Re: Proposed Subdivision and Rezoning on land located south of Templeton Avenue, west of Degrave Street and east of Numeracy Lane May 10, 2023
Schedule C – Proposed Sidewalks/Pathways, DASZ 3/2023.
Schedule D – File No. DASZ 3/2023, Lord Selkirk Community Committee, May 4, 2023.
Appendix A – Proposed By-law

SCHEDULE 'A'

DATE:	May 4, 2023
FILE:	**DASZ 3/2023**
RELATED FILES:	
COMMUNITY:	Lord Selkirk – West Kildonan Committee
NEIGHBOURHOOD #:	3.326 (Leila North)
SUBJECT:	For subdivision and rezoning to facilitate the establishment of residential lots, Public Reserve and public rights-of-way.
LOCATION	South of Templeton Avenue, west of Degrave Street and east of Numeracy Lane.
LEGAL DESCRIPTION	THE ELY 103 FEET OF LOT 9 PLAN 4146 WLTO, IN OTM LOTS 17 TO 19 PARISH OF KILDONAN; LOT 2 PLAN 68057 WLTO, IN OTM 19 PARISH OF KILDONAN; LOT 2 PLAN 65907 WLTO, IN OTM LOT 19 PARISH OF KILDONAN; LOT 2 PLAN 15598 WLTO, IN OTM LOT 19 PARISH OF KILDONAN; THE WLY 103 FEET OF THE ELY 206 FEET OF LOT 9 PLAN 4146 WLTO IN OTM LOTS 17 TO 19 PARISH OF KILDONAN; LOT 10

PLAN 4146 WLTO, EXC FIRSTLY: WLY 120 FEET AND SECONDLY: ELY 102 FEET, IN OTM LOTS 17 TO 19 PARISH OF KILDONAN; LOT 9 PLAN 4146 WLTO, EXC THE ELY 206 FEET, IN OTM LOTS 17 TO 19 PARISH OF KILDONAN; LOT 1 PLAN 15598 WLTO, IN OTM LOT 19 PARISH OF KILDONAN; LOT 3 PLAN 15598 WLTO, IN OTM LOT 19 PARISH OF KILDONAN; WLY 120 FEET OF LOT 10 PLAN 4146 WLTO, IN OTM LOTS 17 TO 19 PARISH OF KILDONAN



APPLICANT: McGowan Russell Group Inc.
825 St. Joseph Street,
Winnipeg, MB, R2H 3A8

OWNER: Title No: 1480134/1: Gary Thomas Karpyshin and Cherry Elizabeth Karpyshin
Winnipeg, Manitoba

Title No: 3112052/1: River Pointe Development Corp
Winnipeg, Manitoba

Title No: 3036270/1: The Seven Oaks School Division
Winnipeg, Manitoba

Title Nos: 2907334/1; 2971718/1; 3024858/1; 3025307/1; 3037791/1; 3084583/1; 3124749/1; Waterside Development Corp

SITE DESCRIPTION

- The subject lands consist of ten (10) existing zoning lots, all of which are situated south of Templeton Avenue, west of Degrave Street, and east of Numeracy Lane, in the Leila North neighborhood of the Old Kildonan Ward.
- These subject lands are also located to the north, east, and west of other lands that are the subject of a proposed development under DASZ 4/2023.
- Spanning an area of approximately 17.50 acres, the subject lands are currently zoned "R1-E" Residential Single-Family (Estate) District and "R1-S" Residential Single-Family (Small) District.
- Some of the lands contain existing dwellings and accessory structures, but most of the lands are vacant and undeveloped.
- As per the *Complete Communities Direction Strategy 2.0*, the subject lands fall within a “Recent Community” policy area.
- Under the Precinct "E" - Precinct Plan, lands under this application are is designated under the “Lower Density Residential”, “Medium Density Residential”, and “Higher Density Residential” policy areas.

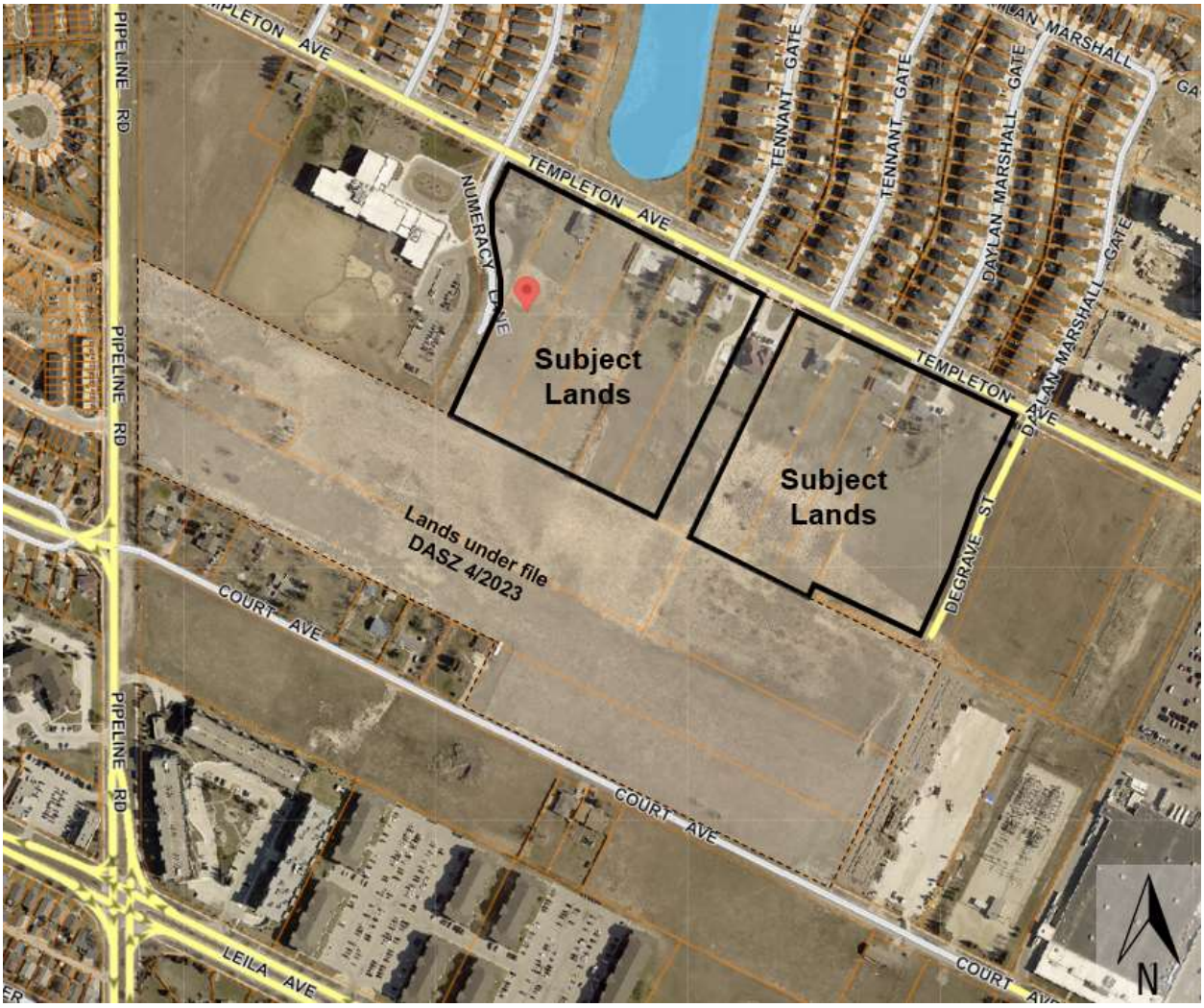


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2021)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Templeton Ave, then residential uses zoned “R1-M” Residential Single-Family (Medium); and a stormwater retention basin zoned “PR-1” Parks and Recreation (Neighbourhood).

South: Vacant land zoned “R1-E” Residential Single-Family (Estate).

East: Degrave Street; then residential uses zoned “RMF-L” Residential Multi-Family Large.

West: Degrave Street; then an elementary school zoned “R1-S” Residential Single-Family (Small).

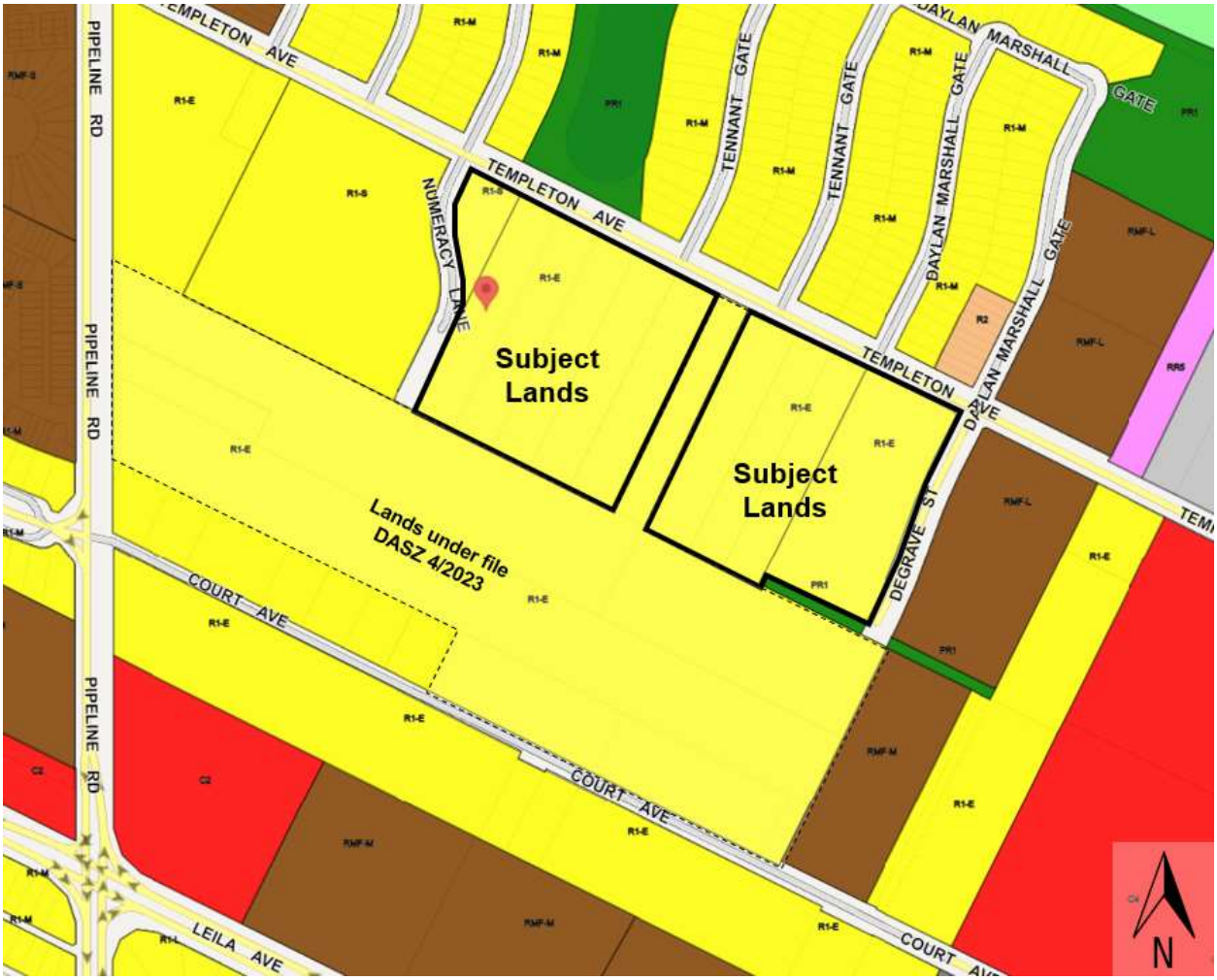


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The proposed development includes a subdivision and rezoning, with the intent to establish lots, public reserve, and public rights-of-way for future residential development.
- Specifically, the applicant is proposing to establish:
    - three (3) lots to be zoned “R1-S” Residential Single-Family (Small) District;
    - 29 lots zoned “R1-M” Residential Single-Family (Medium) District;

    - 76 lots to be zoned “R2” Residential Two-Family District;
    - two (2) lots to be zoned “RMF-M” Residential Multi-Family (Medium) District; and
    - a Public Reserve.
- The existing dwellings at 1210 and 1266 Templeton Avenue are intended to remain in place.
- The existing septic field for 1210 Templeton Avenue will be removed.
- The proposal involves the southerly extension of Numeracy Lane (local) and Degrave Street (collector) which are proposed to connect with Court Avenue via the adjacent development to the south (DASZ 4/2022).
- A new east-west local road is proposed to link the aforementioned southerly street extensions.
- An east-west public lane is proposed to provide access to new lots that would front onto Templeton Avenue as well as the aforementioned east-west local road connection between Numeracy and Degrave.
- The subject application is being submitted concurrently with another application for lands to the south (DASZ 4/2022).
- Both developments (DASZ 3/2023 and DASZ 4/2023) propose to share a stormwater retention facility and park system.
- The proposed new lots fronting on Templeton Avenue would all be serviced with a rear public lane and have widths ranging between 25 feet to 30 feet.
- The lots to the south of the aforementioned lane would be similar in size and have frontage on a proposed new east-west local street.
- Some larger lots on Templeton are also proposed, where existing dwellings are being maintained.
- The proposed lots that would be backing onto the SRB would range between +/- 34-36 ft. in width.
- The “RMF-M” lots proposed at the south west corner of Templeton Avenue and Degrave Street would be +/-1.42 acres, and the other “RMF-M” lot proposed on the west side of Degrave Street (north of the park) would be +/- 1.52 acres in area.
- A conceptual drawing is on Figure 3, showing the proposed rezoning under the subject lands as well as under DASZ 4/2023 for the lands to the south.

COLLABORATION

- The applicant initially submitted a pre-application under file number PA 21-182483, which was a joint pre-application submitted alongside the developer lands to the south, which are the subject of DASZ 4/2023.
- The applicant has also engaged with the public, including an online virtual open house in 2022 and an in-person open house at the Seven Oaks Arena in 2023.

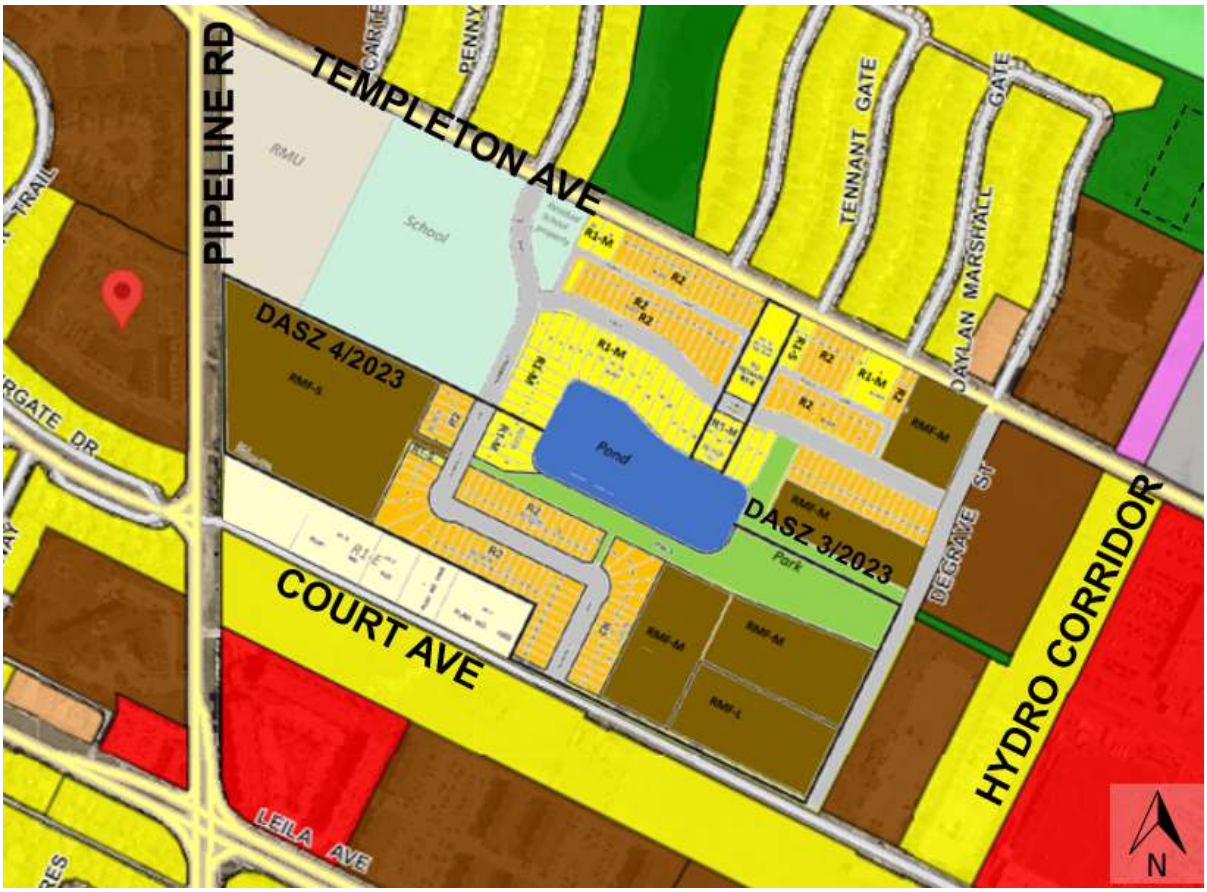


Figure 3: Proposed Rezoning in context of the zoning of the surrounding area.

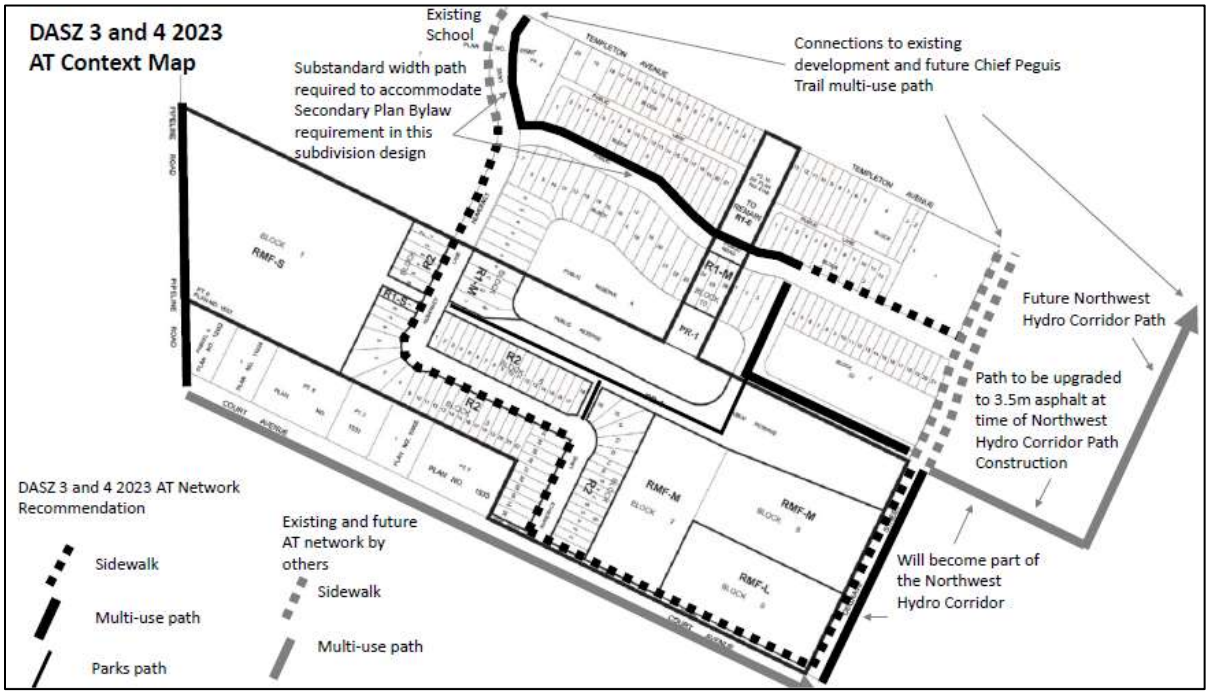


Figure 4: Overview of the recommended AT network, per DASZ 3/2023 and DASZ 4/2023.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0:

- The property is designated an “Established Neighbourhood - Recent Community” policy area under the Complete Communities Direction Strategy 2.0 (CCDS 2.0). Key relevant policies include the following:
    - *1.1: Encourage residential development that positively contributes to neighbourhood character while expanding housing options for residents in a manner that is sensitive and complementary to existing development.*
    - *1.14 Mid-rise residential uses will generally be accommodated on arterial roads where compatible with adjacent land uses and where they can be conveniently served with transit and local commercial amenities, and in consideration of the factors listed in Policy section 1.6.*
    - *1.5 Support up to mid-rise residential development in Established Neighbourhoods that is compatible with neighbourhood context.*
    - *1.15: Low-rise residential uses will generally be encouraged to locate on arterial roads and collector roads where compatible with adjacent land uses and where they can be conveniently serviced with transit and local commercial amenities, and in consideration of the factors listed in Policy section 1.6.*
    - *2.3: Encourage, where contextually suitable, the location of multi-family buildings at or near the front and corner side property lines to create a pedestrian orientation that is respectful of the area context. Use setbacks to provide landscaping, front courtyards for individual units or other amenities that support the pedestrian environment, building design and relationship to the street.*
- Per Servicing policy 1.1 of CCDS 2.0, the proposed development will require a full range of municipal services and will be required to comply with applicable servicing requirements, per the recommendations of the ACG report attached as Schedule “B” to this report.

PRECINCT ‘E’ PRECINCT PLAN:

- The site is also located within an area covered by the *Precinct ‘E’ Precinct Plan* which designates the property as a “Lower Density Residential”, “Medium Density Residential” and “Higher Density Residential” policy areas.
- The *Precinct Plan* also identifies a “Special Planning Area” which is a specific area that requires a slightly greater level of planning detail, and includes the areas between Templeton Avenue and Court Avenue. A key applicable policy is the requirement for a concept plan covering the Special Planning Area must be approved by the Lord Selkirk-West Kildonan Community Committee prior to any applications to rezone and/or subdivide land. The Committee approved the required concept plan at a regular scheduled public meeting in December of 2018.
- Key policies include the following:
    - *5.1 Lower Density Residential Development Policies:*
        a. *Single family and two-family homes shall be the predominant use of land within the low-density residential areas.*

b. *It is expected that these areas will develop to approximately 7.4 units per gross developable hectare (3.0 units per gross developable acre) or greater.*

c. *Residential densities may vary throughout the Lower Density Residential area provided that the density range noted above is not compromised.*

d. *Alternative housing forms including special needs housing, institutional uses, recreational uses, public uses, local commercial uses, and other similar and accessory uses may be allowed subject to zoning regulations.*

e. *A school site may be located within this policy area subject to the policies of Section 5.5*

- *5.2 Medium Density Residential Development Policies:*

  a. *Two family housing and townhouses (three storeys or less) shall be the predominant use of land within the medium density residential areas.*

  b. *Single family housing may be allowed subject to any required City of Winnipeg zoning by-laws and policies*

  c. *It is expected that these areas will develop to approximately 10.0 units per gross developable hectare (4.0 units per gross developable acre) or greater.*

  d. *Each building design and site plan should address the issue of privacy for immediate neighbours through measures such as building mass, building orientation and landscaping.*

  e. *multi-family housing units should be located to allow for transit servicing to be provided at a walking distance of no more than 200 meters.*

- *5.3 Higher Density Residential Development Policies*

  a. *Two family housing, townhouses, low rise apartments (four storeys or less), and mid-rise apartments (generally six storeys or less) shall be the predominant use of land within this policy area.*

     - *a.1. 1: Mid-rise apartment uses up to a maximum of eight storeys may be considered through the development application process provided the scale and design of the proposed development is compatible with surrounding existing and planned land uses, and there is existing or planned infrastructure to accommodate the proposed use.*

  b. *It is expected that these areas will develop to approximately 24.7 units per gross developable hectare (10.0 units per gross developable acre) or greater.*

  c. *Local scale commercial uses should be permitted on the main of floor buildings within this policy area.*

  d. *Each building design and site plan should address the issue of privacy for immediate neighbours through measures such as building mass, building orientation and landscaping.*

e. *On-site amenity features such as benches, walking paths, and treed areas should be provided to meet active and passive recreation/leisure needs of residents.*

f. *Convenient pedestrian connections to all land uses on the site as well as off-site connections shall be provided.*

g. *Multi-family housing units should be located to allow for transit servicing to be provided at a walking distance of no more than 200 meters.*

CONCLUSION:

The proposed development application is generally consistent with the *Complete Communities Direction Strategy 2.0* and the *Precinct 'E' Precinct Plan*. Key supporting reasons are as follows:

- The proposal contributes positively to the neighborhood character by providing a diverse mix of housing types, including single-family, two-family, and multi-family units, in accordance with the CCDS 2.0 policy 1.1. This expands housing options for residents and promotes a balanced and inclusive community.
- The proposed multi-family lots would be situated on collector roads and adjacent to other multi-family developments and similarly zoned lands, ensuring compatibility with adjacent land uses and convenient access to transit and local commercial amenities, in line with policies 1.14 and 1.15 of CCDS 2.0 and the *Precinct 'E' Precinct Plan* policies 5.2.e and 5.3.g.
- The proposed development adheres to the density requirements of the *Precinct 'E' Precinct Plan's* applicable policy areas, supporting a range of housing options and promoting efficient land use.
- Conditions of approval are included in the recommended zoning agreement (as described further below in this report) to ensure development addresses privacy concerns for immediate neighbors through thoughtful building design, massing, orientation, and landscaping, as required by the *Precinct 'E' Precinct Plan* policies 5.2.d and 5.3.d.
- The Public Reserve spaces and shared stormwater retention facility contribute to a connected park system, enhancing recreational opportunities for residents and ensuring efficient management of stormwater.
- The proposal aligns with the approved concept plan for the Special Planning Area, demonstrating an alignment with the approved planning concept for the area and integration with the broader precinct context.
- The development is designed to be serviced with a full range of municipal services, in accordance with the recommendations of the ACG report attached as Schedule B to this report, and the applicable servicing policies under *OurWinnipeg* and CCDS 2.0.

In summary, the proposed development is supportable and consistent with the applicable land use policies, as it provides a diverse range of housing options, ensures compatibility with the surrounding neighborhood, promotes efficient land use, and adheres to relevant planning policies and guidelines.

CONDITIONS OF APPROVAL:

Zoning Agreement:

A Zoning Agreement is recommended as a condition of approval, which would require the following:

Conditions for Single- and Two- Family Lands:

- The developer submits architectural design guidelines for all single- and two-family dwellings in the planned area, subject to Plan Approval by the Lord Selkirk-West Kildonan Community Committee and the Director of Planning, Property, and Development.
- Some preliminary parameters to consider as part of drafting the design guidelines are provided below.
- These parameters are provided to serve as a starting point for further discussions and refinement by the developer.
- The emphasis should be on compatibility and good design, with the understanding that final details will be determined through an iterative process.:
    - Overall building heights, main floor heights, and number of storeys for single-family and two-family dwellings should be compatible with the surrounding neighborhood context and consistent throughout the planned area, emphasizing a cohesive and visually appealing streetscape. Roof pitches for single-family and two-family homes should also be consistent and contribute to a harmonious streetscape aesthetic.
    - Building elevations should present visually appealing and well-balanced facades with a mix of materials and textures. A generous amount of glazing on the front elevation is encouraged to promote natural light and visual connectivity with the streetscape. A selection of high-quality, durable, and low-maintenance materials should be used on all facades. Incorporating a mix of complementary materials, such as brick, stone, wood, or fiber cement siding, is suggested to enhance visual interest and texture.
    - Adequate off parking should be provided for each dwelling unit. For single- and two-family homes, garages should be designed to complement the architectural style and materials of the main dwelling. Detached garages should be located at the rear or side of the property, while attached garages should not protrude significantly from the main facade and be designed to minimize their visual impact. Front-facing garages should be designed to blend seamlessly with the overall facade, incorporating features and architectural detailing to create a cohesive appearance with the primary dwelling.
    - The inclusion of architectural features, such as porches, balconies, gables, dormers, and bay windows, is encouraged to create a unique character for each dwelling and contribute to a diverse streetscape.
    - Main entrances should be oriented towards the street to foster interaction with the neighborhood and create a welcoming façade. Secondary entrances, such as those for accessory dwelling units, may be located on the side or rear of the building.

- Additionally, driveways and parking areas for single- and two- family lands must be surfaced with asphalt, concrete, paving stones, or other surface approved by the Director of Planning, Property and Development.
- The above recommendation is supported by applicable policy in CCDS 2.0, specifically Goal 2 under section D1. Established Neighbourhoods and Goal 4 under section G6. Urban Design.

Conditions for Multi-Family Lands:

- For portions of the Owner's Land zoned "RMF-M" Residential Multi-Family (Medium), the Owner must submit a Plan Approval application for approval by the Director of Planning, Property and Development and the Lord Selkirk-West Kildonan Community Committee before the issuance of any building or development permit.
- For portions of the Owner's Land zoned "RMF-M" Residential Multi-Family (Medium), advertising signs, mobile signs, poster signs, and A-frame signs are not allowed, except for a 30-day mobile sign associated with a new occupancy permit. Illuminated signage on buildings is prohibited, and buildings taller than 35 feet must adhere to specified setbacks from "R1" or "R2" zoning district boundaries.

Development Agreement

A Development Agreement is recommended as a condition of approval and is attached as Schedule “B” to this report. A high-level summary of some key aspects of the agreement are provided below, please refer to the ACG report for the complete list of recommended conditions:

- The proposed stormwater retention facility is located on private land associated with a separate development application (DASZ 4/2023). The Developer must either relocate it within their project area or establish an agreement with neighbouring developers and the City (tripartite agreement) to facilitate its construction and cost management.
- In the event the Developer opts for the agreement, it must encompass hiring a municipal engineer, equitable distribution of construction costs, completion of the facility irrespective of developer default, and exclusion of the City from disputes between developers. Additional terms may be incorporated as necessary and as described in more detail in the ACG report.
- The Developer is responsible for constructing sidewalks and multi-use pathways in the designated area, in compliance with the map attached to this report as Schedule “C", as well as extending and improving adjacent right-of ways (Numeracy Lane, Degrave Street) as described in more detail in the ACG report.
- The Developer must allocate a minimum of 8% of the development area for public reserve land, enhance it, and provide any required services as detailed in the ACG report.
- If the full 8% dedication is unattainable, the Developer must supply an acceptable amount of land and compensate the City for any deficiencies through monetary payments or supplementary site amenities.
- Continuous fencing on properties adjacent to the public reserve land must also be provided by the Developer.

- The Developer is obligated to engage a landscape architect to supervise park design and construction until formal acceptance.

REASONS FOR RECOMMENDATIONS

The Urban Planning Division supports the subdivision and rezoning for the following reasons:

- The proposed subdivision and rezoning will facilitate orderly development in the surrounding neighborhood
- The proposal adheres to the applicable policies advocating for various housing types and densities, parks and open spaces, and a well-connected and walkable community by providing a mix of single-family, two-family, and multi-family residential lots, along with Public Reserve spaces.

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 3/2023

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED SOUTH OF TEMPLETON AVENUE, WEST OF DEGRAVE STREET AND EAST OF NUMERACY LANE

It is recommended that approval of DASZ 3/2023, 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, legal open property required for a 3.0m x 3.0m corner cuts where two Public Lanes intersect serving single and two family residential and 5.0m x 5.0m corner cuts where two Public Lanes intersect serving multi-family residential or commercial development, to the satisfaction of the Director of Public Works.

3) The required stormwater management facilities (the "SMF") as proposed are located partially within the land affected by DASZ 4/2023 and outside of the control of the Developer or the City. The Developer shall either:

   a) Locate the SMF entirely within the Developer's land under DASZ 3/2023 requiring new development application(s);

   or

   b) Enter into a tripartite agreement with the adjacent Developer(s) under DASZ 4/2023 and the City for the construction of joint SMF to service both developments and adjacent lands, which shall include provisions for the following:
      i) Acknowledgement that no development permits shall be issued prior to the transfer of all lands containing the SMF to the City from both developments;
      ii) Retention of the services of a single, qualified municipal engineer for design services, construction supervision services, and as the project manager to coordinate the SMF;
      iii) The Developers shall construct, and bridge-finance the cost of constructing, naturalized stormwater management facility 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;

iv) Each Developer shall be jointly and severally responsible for the construction, maintenance and warranty of the entirety of the SMF, and, for such purposes, each Developer shall grant the right of access to the other Developer to enter on the other's land;

v) The Developers shall, prior to construction, provide to the City a Performance Security in an amount equal to 15% of the construction cost of the SMF and associated works, as determined by and to the satisfaction of the Director of Water and Waste. The City shall release this separate Performance Security to the Developers upon issuance of the Final Acceptance Certificate;

vi) The Developers 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 stormwater retention basins within the Planned Area prior to beginning construction of same.

vii) The Developers shall, at no expense whatsoever to the City, grade, level, and vegetate all public land components of the stormwater retention basin in accordance with approved construction plans and specifications to the satisfaction of the Director of Water and Waste and the Director of Public Works.

viii) Despite anything else in this Agreement, the Developers shall maintain the stormwater retention basin, 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 stormwater retention basin including excavation and hard infrastructure; and

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

ix) The Developers shall, at no expense to the City, develop and provide to the City a performance specification document for the stormwater retention basin within the Planned Area, to the satisfaction of the Director of Public Works, that assesses the constructed wetlands vegetative condition. The Developers 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 stormwater retention basin 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.

x) As a condition of issuance of a Final Acceptance Certificate by the Director of Public Works, the Developers shall, at no expense to the City, prepare an operation manual for the SMF 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;

xi) The latest version of the Standard Construction Specifications will apply to all materials supplied and all construction procedures related to the Developer's undertaking of the SMF, where applicable;

xii) The Computer Assisted Drafting (CAD)-Geographic Information System (GIS) Standards will apply to the drawing preparation related to Developer's undertaking of the SMF;

xiii) The Developers shall employ contractors licensed by the City for the construction of sewers, water mains, pavement and landscaping on City streets and lanes, and each contractor shall file with the City a Contractor's Liability Insurance policy to provide evidence of coverage in amount and form satisfactory to the City;

xiv) The Developers shall ensure that the Engineer:

i. inspects the SMF on behalf of the City while the SMF are being constructed and installed;

ii. provides the City with record drawings of SMF by March 31 of the year following the date of substantial completion of the stormwater management facility works; and

iii. provides all other engineering consulting services related to the installation and acceptance of the SMF.

xv) The Developers shall release, indemnify, defend and save harmless the City from and against all claims, demands, injuries, including death, actions, sums, liabilities, obligations, losses, or suits of any nature, whether at law or equity, arising from the development and SMF at any time during the currency of the development or out of any matter or obligation of the Developers.

xvi) Such other terms and conditions as the City Solicitor, Director of Legal Services, and the Director of Water and Waste deems necessary.

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 including the south area of Precinct "E", 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 installed by others in Templeton Ave, 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) The Developer shall pay to the City, in cash, on demand, their share of the wastewater sewer installed by others in Templeton Ave, as determined by and 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;

b) The Developer shall pay to the City, in cash, on demand, their share of the land drainage sewer installed by others in Templeton Ave, as determined by and to the satisfaction of the Director of Water and Waste;

c) For any oversizing of lateral land drainage sewers to serve lands within Precinct “E” beyond the Planned Area, the necessary calculations shall be made to the satisfaction of WWD to determine the cost of additional capacity to be provided by the Developer. The City shall reimburse the Developer for any such oversizing, subject to available funding or when funds are collected from the benefitting property owner(s), in accordance with the Development Agreement Parameters.

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, catch basins 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, catch basins and leads for lot drainage within the Planned Area.

6) Stormwater Management Facilities

a) 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 Leila Trunk User Charge, as determined by and 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 cost of the regional land drainage system, as determined by and to the satisfaction of the Director of Water and Waste.

c) If the Developer's share of the cost of constructing the said naturalized regional stormwater management facilities in accordance with Section I, Paragraph 3(b)(iii) is greater than the Developer's share of that cost determined under Clause b), 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.

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

e) The Developer shall enter into an agreement to caveat all private lots abutting the stormwater retention basin, 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.

7) Pavements

a) The Developer shall, at no expense to the City, construct 150mm thick Portland cement concrete pavements, 7.5m wide, 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. Alternatively, the Developer shall pay their share of the costs of these services.

b) The Developer shall, at no expense to the City, construct Portland cement concrete pavements, 5.0m wide in all Public Lanes serving single or two family residential development, and 6.0m wide 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. Alternatively, the Developer shall pay their share of the costs of these services.

8) Numeracy Lane

a) The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Land Titles Office, their share of the cost of services previously installed or to be installed by others in Numeracy lane, including but not necessarily limited to boulevard landscaping, ornamental street lighting and land drainage sewer, abutting 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, remove the existing turnaround at the south limit of Numeracy Lane and all related works, including but not limited to restoring the curb and boulevards, all as determined by and to the satisfaction of the Director of Public Works. Alternatively, the Developer shall pay their share of the costs of these services.

c) The Developer shall, at no expense to the City, construct a 150mm thick Portland cement concrete pavement, 7.5m wide, and all related works, including but not limited to a 1.5m Portland cement concrete sidewalk on the west side, ornamental street lighting, boulevard landscaping and land drainage facilities in Numeracy Lane from the existing pavement to the south limit of the Planned Area, all as determined by and to the satisfaction of the Director of Public Works. Alternatively, the Developer shall pay their share of the costs of these services.

9) Degrave Street

a) The Developer shall pay to the City, in cash, prior to the release of subdivision mylars for registration in the Land Titles Office, their share of the cost of services previously installed or to be installed by others in Degrave Street, including but not necessarily limited to sidewalk on the west side, boulevard landscaping, ornamental street lighting and land drainage sewer, abutting 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, remove the existing turnaround at the south limit of Degrave Street and all related works, including but not limited to restoring the curb and boulevards, all as determined by and to the satisfaction of the Director of Public Works. Alternatively, the Developer shall pay their share of the costs of these services.

c) The Developer shall, at no expense to the City, construct a 200mm thick Portland cement concrete pavement, 10.0 wide, and all related works, including but not limited to sidewalk and/or pathway on both sides, ornamental street lighting, boulevard landscaping and land drainage facilities in Degrave Street from the existing pavement to the south limit of the Planned Area, all as determined by and to the satisfaction of the Director of Public Works. Alternatively, the Developer shall pay their share of the costs of these services.

10) East-West Public Road

In the event that the portion of the proposed east-west Public Road not in the Planned Area is legally opened as right-of-way, but not constructed by others:

a) The Developer shall, at no expense to the City, construct 150mm thick Portland cement concrete pavements, 7.5m wide, and all related works, including but not limited to ornamental street lighting, boulevard landscaping and land drainage facilities, multi-use path on the north side, within the extension of proposed east-west Public Road not within the Planned Area, all as determined by and to the satisfaction of the Director of Public Works.

b) The City will endeavor, within the limits of its powers, to make recoveries from other benefiting privately owned land(s) through subsequent and existing development agreements.

11) Templeton Avenue

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

12) Pipeline Road Improvements

The Developer shall pay to the City, on demand, their share of the cost (on an area basis, for the amount attributable to the Planned Area out of the total Precinct "E" area), to construct:

i) An 8.3m wide by 200mm thick Portland cement concrete pavement in Pipeline Road between Leila Avenue and Templeton Avenue, including median treatment;

ii) Northbound left turn storage lane;

iii) Northbound right turn cutoff lane;

iv) An appropriate transition north of Court Avenue;

v) Ornamental street lighting;

vi) Boulevard landscaping; and

vii) Land drainage sewers.

All as determined by and to the satisfaction of the Director of Public Works. Alternatively, the City may choose the Developer construct some or all of the above works.

13) Sidewalks/Pathways

a) The Developer shall, at no expense to the City, construct 1.5m and/or 1.8m wide Portland cement concrete sidewalks, or 2.7m - 3.5m wide 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 shown in Schedule C. Alternatively the Developer shall pay their share of the costs of these services.

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

c) The City will endeavor, within the limits of its powers, to make recoveries from other benefiting privately owned land(s) through subsequent and existing development agreements.

14) Crosswalks

The Developer shall, pay to the City, in cash, on demand, the costs associated with the installation of pedestrian crossing control signals and all related works crossing Numeracy Lane at the proposed public road, when and as determined by and to the satisfaction of the Director of Public Works.

15) Traffic Control Signals

The Developer shall pay to the City, in cash, on demand, up to 25% 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 Pipeline Road and Templeton Avenue, when and as determined by and to the satisfaction of the Director of Public Works.

16) 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.

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, multiple family sites, commercial sites, collector and arterial streets, Pipeline Road, McPhillips Street, and the future Chief Peguis Trail, all with the approval of, and to the satisfaction of, the Director of Planning, Property and Development; 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 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.

20) 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.

21) 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.

22) 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.

23) 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.

24) 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.

25) 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, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Planning, Property, and Development, and shall 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) serving the Planned Area, as approved by the Director of Public Works and the Director of Planning, Property and Development. It is to be noted in the Development Agreement the dedication shortfall amount available for amenities.

c) Landscaping and 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 and improvements shall include grading, levelling, sodding, land drainage, irrigation, fencing, bollards, and construction of primary pathways, all in accordance with the following and to the satisfaction of the Director of Public Works:

i. The Developer shall construct, and/or pay their share of the cost to construct, all primary pathways within the public reserve lands and connect to adjacent and adjoining existing or future pathways. The specific locations of park pathways shall

be determined through the park plan approval process. The primary pathway that connects between the Public Road and Degrave Street, shall be constructed as 3.5m multi- asphalt. Adjacent and adjoining pathways shall be constructed as determined and approved by the Director of Public Works;

ii. The Developer shall install temporary fencing or bollards between public reserve areas under different ownership to delineate property line and to protect adjacent public reserve throughout the construction and warranty periods, and shall be responsible for fence removal at Final Acceptance;

iii. If it is advisable to have any or all of the pathway construction deferred to a later date, so as to establish the pathways on adjacent Public Reserve lands, the Developer shall pay to the City the cost to construct the deferred sections of pathway works (based on costs at the time of construction);

iv. The Developer shall ensure that all adjoining public reserve landscaping and pathways shall connect seamlessly with adjacent public reserve landscaping and pathways, so as to establish one cohesive, functional park space;

v. Where park to park pathways intersect with the vehicular roadway, curb ramps and tactile warning shall be provided to ensure the pathway, on either side of the roadway, connects seamlessly and meets with the City's accessibility design requirements; and

vi. If the City deems that the provision of irrigation or water service to the Public Reserve is not required, the Developer shall provide compensation in the form of site amenities of predetermined equivalent value.

All in accordance and to the satisfaction of the Director of Public Works.

d) The Developer shall, at no expense to the City, provide continuous fencing within the Developer-Owned Land for properties abutting the Public Reserve land(s), as determined by and to the satisfaction of the Director of Public Works. The Developer shall permit the City to file a caveat against the title of each such lot, requiring the property owner(s) to maintain and/or repair/replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

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 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.

h) Securities for Public Reserve improvements shall not be released until Final Acceptance has been issued and as-built drawings have been received and accepted as complete by the Director of Public Works.

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.

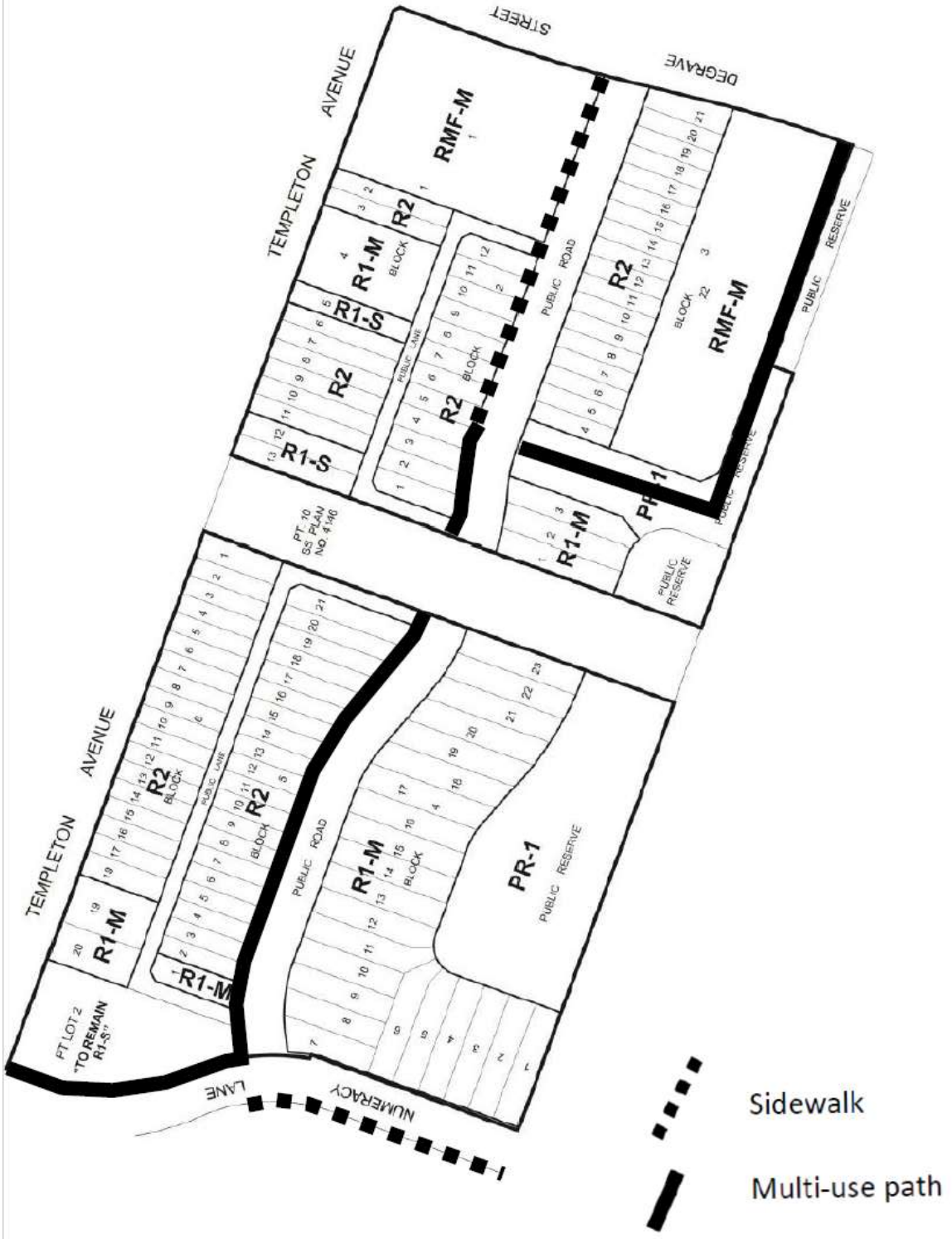
c) The Developer shall pay to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the cost of consulting fees for the preparation of the Court Avenue Precinct Plan (Precinct E), as determined by and to the satisfaction of the Director 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.

Schedule C

Proposed Sidewalks/Pathways



THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 3/2023
May 10th, 2023

"*Original Signed by K. Kowalyk"*
K. Kowalyk, 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

SCHEDULE "D" FOR FILE NO. DASZ 3/2023, LORD SELKIRK COMMUNITY COMMITTEE, MAY 4, 2023

By-Law No. _____

File No. **DASZ 3/2023**

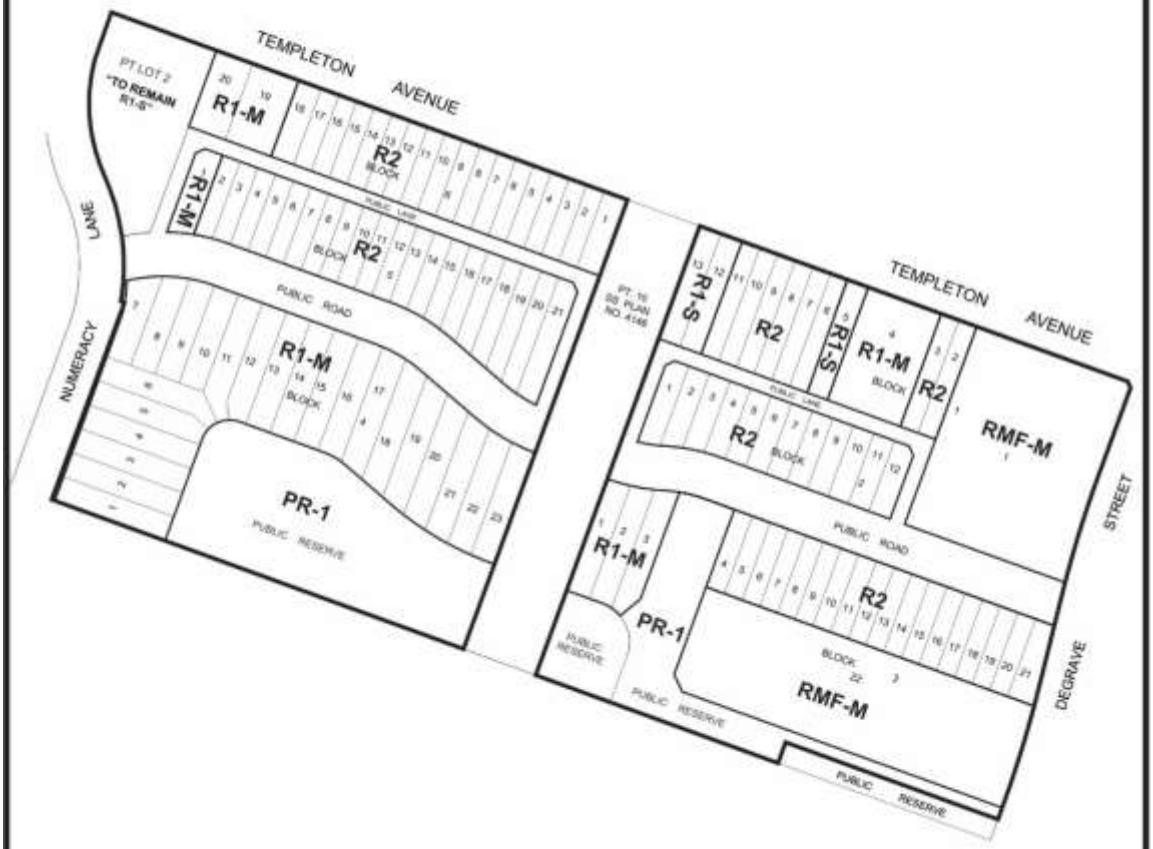
Atlas Sheet No.

N

R23, R24, S23, S24
LORD SELKIRK
WEST KILDONAN
COMMUNITY

Explanation

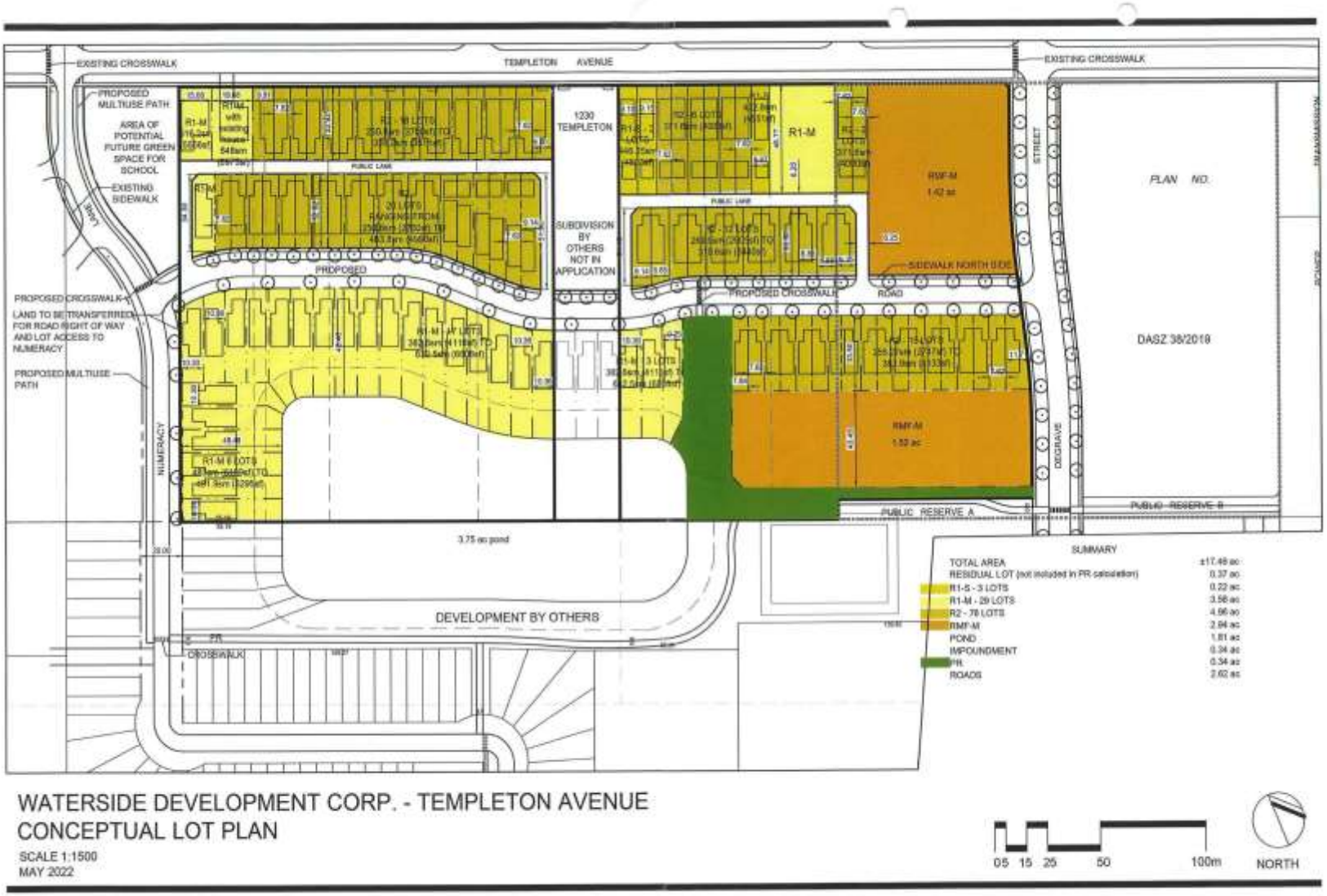
An application for the approval of the plan of subdivision shownoutlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located south of Templeton Avenue between Degrave Street and Numeracy Lane from an "R1-S" RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT and an "R1-E" RESIDENTIAL SINGLE-FAMILY (ESTATE) DISTRICT to an "R1-S" and "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICTS, an "R2" RESIDENTIAL TWO-FAMILY DISTRICT, an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT and a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to facilitate the establishment of residential lots, Public Reserve and public rights-of-way.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit “14” referred to in File DASZ 3/2023




TOTAL AREA EAST
TOTAL AREA WEST
BLOCK 1
BLOCK 2
BLOCK 3
BLOCK 4
BLOCK 5
BLOCK 6
PUBLIC RESERVE A
PUBLIC RESERVE B
PUBLIC RESERVE C
TEMPLETON
AVEN
PLAN NO. 65907
LANE
NUMERACY
PUBLIC LANE
ROAD
STREET
DEGRAVE