Minutes – Executive Policy Committee – July 5, 2023

Report – Standing Policy Committee on Property and Development – June 27, 2023

Item No. 14 Subdivision – 329 McIvor Avenue
(North Kildonan Ward)
File DAS 9/2023 [c/r DAV 117892/2023D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

Due to a lost vote, the Executive Policy Committee submitted the matter to Council without recommendation.

Minutes – Executive Policy Committee – July 5, 2023

Report – Standing Policy Committee on Property and Development – June 27, 2023

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than four business days preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

The motion was put and in view of a tie vote, was declared lost in accordance with Rule 54 of The Procedure By–law No. 50/2007.

Councillors Browaty, Lukes and Mayes asked to be recorded as having voted against the above motion, in accordance with Rule 47(7) of The Procedure By-law No. 50/2007.

STANDING COMMITTEE RECOMMENDATION:

On June 27, 2023, the Standing Policy Committee on Property and Development did not concur in the recommendation of the East Kildonan-Transcona Community Committee, concurred in the recommendation of the Winnipeg Public Service and submitted the following to the Executive Policy Committee and Council:

1. That the subdivision proposed under Development Application No. DAS 9/2023 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 "B" to this report and as shown on the map dated May 23, 2023 and attached as Schedule "C" 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 April 21, 2023 and attached as Schedule "B" to this report.

Report – Standing Policy Committee on Property and Development – June 27, 2023

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

B. That the City enter into, execute and deliver with the developer a Development Agreement in accordance with recommendation 1.A., 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").

C. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Development 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.

2. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DAS 9/2023 (the “Dedication Fee”), as determined by the Director of Planning, Property and Development.

3. 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.

4. 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. 256.1 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.

5. That the variance order shall come into force and effect upon the coming into force and effect of the by-law for the subject land under File DAS 9/2023.

6. That Development Application No. DAS 9/2023 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.

Report – Standing Policy Committee on Property and Development – June 27, 2023

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

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

8. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Plan is not registered in accordance with recommendation 7, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

9. That Development Application No. DAS 9/2023 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.

10. 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 27, 2023

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On June 20, 2023, the East Kildonan-Transcona Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That the application for subdivision under File DAS 9/2023 [c/r DAV 117892/2023D] be rejected.

2. That in accordance with Subsection 281(2) of The City of Winnipeg Charter, the supporting reasons of the hearing body, be adopted.

    A. North Kildonan has developed in a very piecemeal way. There's been a lot of fractured development with fractured ownership of properties over the years where various times original proposals have changed over time. We've had sections of Headmaster where there were going to be no driveways backing onto it, and we ended up getting driveways onto it.

    B. This is an area that has developed more orderly and as a result I don't think it's appropriate at this time to allow for disorderly development in this little piece that would leave this portion of land effectively landlocked, I know not the legal definition of landlocked, in that you know to develop the rear portion of it would require the removal of what we would assume is a viable housing unit.

3. That the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

On May 23, 2023, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on June 20, 2023, at 9:30 a.m. in the Council Building at 510 Main Street.

PUBLIC HEARING SUMMARY

File: DAS 9/2023

Before: East Kildonan-Transcona Community Committee
Councillor Browaty, Chairperson
Councillor Wyatt

Public Hearing: June 20, 2023
May 23, 2023
Council Building, 510 Main Street

Applicant: McGowan Russell Group (Vincent Hosein)

Subject:



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

Prepared by: K. McMillan, Senior Committee Clerk
East Kildonan-Transcona Community Committee

Report date: June 20, 2023

Community Committee Recommendation:

On June 20, 2023, the East Kildonan-Transcona Community did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That the application for subdivision under File DAS 9/2023 [c/r DAV 117892/2023D] be rejected.

2. That in accordance with Subsection 281(2) of The City of Winnipeg Charter, the supporting reasons of the hearing body, be adopted.

3. That the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. North Kildonan has developed in a very piecemeal way. There's been a lot of fractured development with fractured ownership of properties over the years where various times original proposals have changed over time. We've had sections of Headmaster where there were going to be no driveways backing onto it, and we ended up getting driveways onto it.

2. This is an area that has developed more orderly and as a result I don't think it's appropriate at this time to allow for disorderly development in this little piece that would leave this portion of land effectively landlocked, I know not the legal definition of landlocked, in that you know to develop the rear portion of it would require the removal of what we would assume is a viable housing unit.

Objections under the Charter:	Total number of **v**alid objections as per section 125(2) – 2 In accordance with section 236.1(1), the threshold for sufficient objection has not been met.
Premises Affected:	329 McIvor Avenue
Exhibits Filed:	1. Application dated February 23, 2023 2. Notification of Public Hearing dated April 14, 2023 3. Manitoba Status of Title 1935181/1 4. Letter of authorization dated February 10, 2023, from Jason Arlt, Arlt Homes, to McGowan Russell Group 5. Public Engagement Report 6. Arborist and Tree Preservation Report 7. Sketch of Proposed Subdivision 8. Schedule of Site Width and Area Calculations 9. Conceptual Site Plan (1 page) 10. Report from the Urban Planning Division dated May 11, 2023 11. Inspection Report 12. Presentation dated May 23, 2023, in support of the application submitted by the Applicant 13. Communication dated May 19, 2023, from Grant Mandrick in support of the application 14. Recording of Representations of public hearing held on May 23, 2023 15. Notice of Adjournment dated May 24, 2023 16. Presentation dated June 20, 2023, in support of the application submitted by the Applicant 17. Presentation in opposition to the application submitted by Kaethe Rahn at the public hearing 18. Communication in opposition to the application submitted by John Pauls at the public hearing 19. Recording of Representations

REPRESENTATIONS:

In Support:

Karn Gill
Paul Gill
Vincent Hosein
Grant Mandrick
Kelly Rempel
Jackie Wilkie

In Opposition:

Hardy (Heinz) Rahn
Kaethe Rahn
John Pauls

For Information:

Nil

For the City:

D. Chyz-Lund, Planner, Planning, Property and Development Department
D. Harris, Planner, Planning, Property and Development Department
K. Kowalyk, Land Development Engineer, Planning, Property and Development Department

Exhibit “10” referred to in File DAS 9/2023

ADMINISTRATIVE REPORT

Title: DAS 9/2023 at 329 McIvor Avenue

Issue: For consideration at the public hearing to subdivide one existing “R1-L” Residential Single-Family Large lot and establish ten “R1-L” Residential Single-Family Large lots.

Critical Path: East Kildonan – Transcona Community Committee > Standing Policy Committee
on Property and Development > Executive Policy Committee > Council

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Dylan Chyz-Lund, MCP	n/a	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision proposed under Development Application No. DAS 9/2023 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 “B” to this report and as shown on the map dated May 23, 2023 and attached as Schedule “C” 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 April 21, 2023 and attached as Schedule “B” to this report.

    B. That the City enter into, execute and deliver with the developer a Development Agreement in accordance with recommendation 1.A., 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").

    C. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Development 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.

2. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DAS 9/2023 (the "Dedication Fee"), as determined by the Director of Planning, Property and Development.

3. 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.

4. 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. 256.1 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

5. That the variance order shall come into force and effect upon the coming into force and effect of the by-law for the subject land under File DAS 9/2023;

6. That Development Application No. DAS 9/2023 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.

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

8. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Plan is not registered in accordance with recommendation 7, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

9. That Development Application No. DAS 9/2023 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.

10. 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 wishes to subdivide one (1) existing lot zoned "R1-L" Residential Single-Family – Large District into 10 "R1-L" Residential Single-Family – Large lots and open a public right of way for the purpose of constructing single-family dwellings on each lot.
- Subdivision applications that open a public right of way require a public hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*

- The Report is being submitted for the Committee's consideration of the development application at the public hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning and Design Division are concurred in, the proposed plan of subdivision **can** proceed in accordance with Schedule "C" to this report.

CONSULTATION

In preparing this report there was consultation with:

- Land Development Branch

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

- **Key Direction 4.2:** Ensure new areas of growth are designed according to the principles of Complete Communities.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the Poverty Reduction Strategy (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
Prepared By:	Dylan Chyz-Lund, MCP
Date:	May 11, 2023
File No.	DAS 9/2023

List of Schedules and Attachments:

- Schedule A: Planning Discussion
- Schedule B: Report of the Administrative Co-ordinating group, RE: Proposed Subdivision of land Located at 329 McIvor Avenue, dated April 21, 2023
- Schedule "C" of File No. DAS 9/2023, East Kildonan – Transcona Community Committee, dated May 23, 2023

- Appendix B: Draft by-law
- Appendix C: Public Engagement Report
- Appendix D: Arborist Report

SCHEDULE A

DATE: May 11, 2023

FILE: **DAS 9/ 2023**

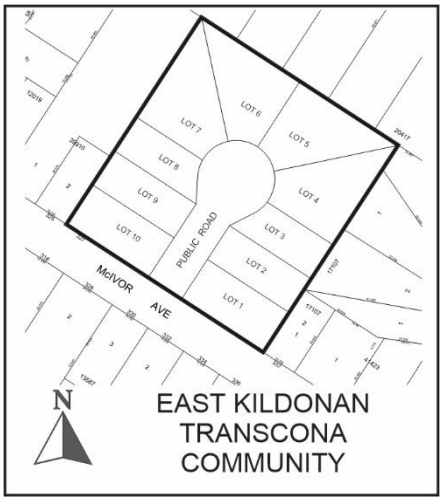
RELATED FILES: DAV 23-117892/D

COMMUNITY: East Kildonan – Transcona

NEIGHBOURHOOD #: 418 – River East

SUBJECT: DAS - Plan of subdivision to subdivide an existing lot zoned “R1-L” - Residential Single-Family – Large into 10 lots for the construction of single-family dwellings on each lot.

LOCATION: 329 McIvor Avenue



LEGAL DESCRIPTION: LOT 19 PLAN 20417 WLTO IN RL 45 AND 46 PARISH OF KILDONAN

APPLICANT: McGowan Russell Group Inc. (Vincent Hosein)
298 Waterfront Dr
Winnipeg, MB R3B 0G5

OWNER: ARLT Homes
2141 B Henderson Highway
Winnipeg, MB R2G 1P8

RECOMMENDATION: **Approval**

SITE DESCRIPTION

The subject site is located on the north side of McIvor Avenue between Placid Cove and Cranlea Path in the River East neighbourhood of the North Kildonan ward.

The subject property is currently zoned “R1-L” Residential Single-Family – Large District.

The subject property is located in an “Established Neighbourhood – Recent Community” policy area as designated in *Complete Communities 2.0*.

The subject property is 127,521 square feet in assessed area.

The subject property is currently vacant.

There are a substantial number of trees on the subject site, with the majority located along the east and north property lines. The applicant has submitted an arborist report that details the health of the trees, which trees should be protected during construction, and steps to preserve the trees during construction.



Figure 1: Subject site and surrounding area (flown 2021).

SURROUNDING LAND USE AND ZONING (See Figure 2)

The subject area is characterized primarily by single-family residential uses.

North: Single-family dwellings zoned “R1-L” Residential Single-Family – Large District.

South: McIvor Avenue, then single-family dwellings zoned “R1-L” Residential Single-Family – Large District.

East: Single-family dwellings zoned “R1-L” Residential Single-Family – Large District.

West: Single-family dwellings zoned “R1-L” Residential Single-Family – Large District.

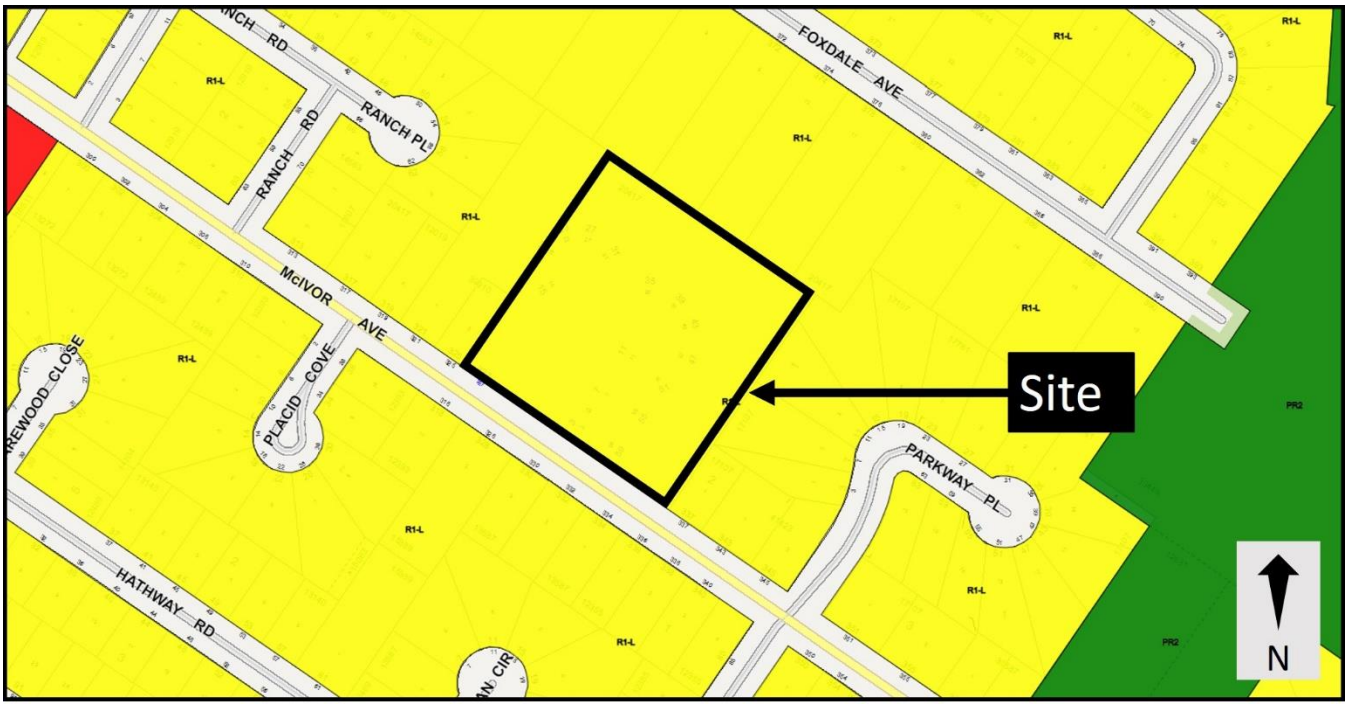


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant wishes to subdivide the existing “R1-L” Residential Single-Family – Large lot into 10 lots for the purpose of constructing single-family dwellings at a future time.
- The proposed lots range in size from 7689 square feet (714.3 square metres) to 14,208 square feet (1319.9 square metres).
- The proposed lots will take access from a proposed public road that will be a cul-de-sac in the centre of the site.
- The applicant is not proposing a rezoning with this application.

REASON FOR APPLICATION

- The subject property is currently a single parcel. The applicant wishes to subdivide the existing parcel and construct a public right of way, which requires Council Approval.
- In order to subdivide the lot and open a public right of way, a subdivision application is required.
- Additional variances for the lot area and lot widths are required. Please see the corresponding planners report for file DAV 23-117892\D.

Collaboration with the Public Service:

- In December 2021, the applicant submitted a Pre-Application, and revised their plans based on feedback from the Public Service. Specifically, the Public Service expressed concerns about the number of proposed driveways that would access McIvor Avenue, lack of internal pedestrian pathways on the site, and the need for greater front and side yard setbacks.
- Following the initial revisions, the applicant again revised their plans to be exclusively single-family residential buildings, which the Public Service is supportive of.

ANALYSIS AND ISSUES

OURWINNIPEG

OurWinnipeg is the City of Winnipeg’s long-range development plan. Applicable Policies for Recent Communities include the following:

6.1 Sustainable Urban Growth

- *The City must accommodate physical development that reflects this Plan’s goals, and achieves a continuum of complete and connected communities over the lifecycle of the Plan.*

6.6 Intensification Target

- *Achieve the intensification target by making development in intensification target areas easier and more desirable and predictable, as directed by Complete Communities.*

6.16 Established Neighbourhoods

- *Designate Established Neighbourhoods within the Urban Structure, representing lands that will accommodate additional growth in a context-sensitive manner, while promoting the efficient use of land, cost-effective municipal servicing, enhanced housing choice and affordability, and conservation of green infrastructure and heritage resources and districts, as defined in Complete Communities.*

The proposed development application **aligns** with *OurWinnipeg* because the design of the site and proposed use are context-sensitive development to the neighbourhood they are proposed for for the following reasons:

- The proposed single-family lots will maintain their existing zoning – "R1-L" – which is consistent with the zoning of surrounding properties.
- The smallest proposed lots will still be larger than some of the existing "R1-L" lots located along McIvor Avenue.

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The *Complete Communities Direction* Strategy 2.0 (*CCDS 2.0*) is one of four direction strategies supporting *OurWinnipeg*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject site is located in an "Established Neighbourhood – Recent Communities" policy area of *CCDS 2.0*. Certain goals and policies of CCDS 2.0 apply to the proposal.
- Goal 1 - *Encourage compatible residential development within Established Neighbourhoods to build more Complete Communities and align with the City's residential intensification target.*
    - *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.*
    - *1.3 The subdivision of land or the consolidation of land may occur when it is done in a context-sensitive manner, and only when in compliance with policy section 9.1 of the Strategic Infrastructure and Resources section.*
    - *1.5 Support up to mid-rise residential development in Established Neighbourhoods that is compatible with neighbourhood context.*
    - *1.6 In the absence of a secondary plan guiding the local development of an Established Neighbourhood, intensification should be guided by a number of factors to ensure compatible development, including:*
        a. *Applicable City-endorsed policies or guidelines;*
        b. *Existing zoning of the property and adjacent properties;*
        c. *Characteristics of the immediately surrounding built form including building mass, height, lot coverage, setbacks, and layout;*
        d. *Surrounding uses and their characteristics including residential density and the intensity of commercial and other non-residential uses;*
        e. *Characteristics of the lot, including whether it is a corner lot, a larger lot than is typical for the neighbourhood, or the shape of the lot;*

f. *Proximity to Downtown, Mixed Use Centres, Major Redevelopment Sites and Mixed Use Corridors;*

g. *The supporting street network (ex. local, collector, or arterial streets) and the street network's ability to support proposed development;*

h. *The supporting transit, pedestrian and active transportation network; and*

i. *The supporting water, wastewater, and land drainage infrastructure and capacity to accommodate a proposed development or ability to make the required upgrades necessary to accommodate a proposed development.*

- *1.17 Single-family residential uses will generally be directed to locate on collector streets and local streets.*

- Goal 3 - *Ensure all communities provide a diversity of housing options and meet resident life-cycle housing needs.*
  - *Encourage a variety of housing types and tenures within Established Neighbourhoods to meet life-cycle housing needs and affordability ranges.*

The Urban Planning and Design Division recommends **approval** of the subject proposal because it is consistent with the applicable policies for the following reasons:

- The proposed development would enable 10 "R1-L" Residential Single-Family Large lots to be created, with the purpose of constructing single-family dwellings on the lots at a future date. This would expand housing options for residents in a manner that is complimentary to existing development.
- The proposed lot sizes are similar to many existing lots in the area, and larger than some existing "R1-L" Residential Single-Family Large lots in the area.
- The proposal is compatible with the neighbourhood context in that abutting the subject site to the north, east, and west there are "R1-L" Residential Single-Family Large lots with single-family dwellings, and on the opposite side of McIvor Avenue there are also "R1-L" Residential Single-Family Large lots with single-family dwellings.

Based on these considerations, the Urban Planning Division **is supportive** of the application.

ADDITIONAL CONSIDERATIONS

Variances

- Additional variances for the lot area and lot widths are required. Please see the corresponding planners report for file DAV 23-117892\D.

CONDITIONS OF APPROVAL

- The Urban Planning & Design Division is recommending standard subdivision conditions, including that a development agreement be entered into.

SUMMARY

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

- The subdivision and rezoning will result in the establishment of additional single-family lots with single-family dwellings that is consistent with policies in *OurWinnipeg 2045, Complete Communities 2.0,* and the area context.
- The proposed development will increase residential density in the River East neighbourhood, thereby increasing housing options for the area.

RECOMMENDATION

The Urban Planning Division recommends this application be **approved** and the subject property be subdivided.

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

Report Prepared by: Dylan Chyz-Lund, MCP
PPD File # DAS 9/2023

SCHEDULE "C" OF FILE DAS 9/2023, East Kildonan – Transcona Community Committee, dated May 23, 2023

By-Law No. _____

File No. **DAS 9/2023**

Explanation

An application for the approval of the plan of subdivision shownoutlined below on the land located at 329 McIvor Avenue for the opening of a right-of-way and the establishment of residential zoning lots.

Atlas Sheet No. **T30**

N

EAST KILDONAN TRANSCONA COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP – April 21, 2023

RE: PROPOSED SUBDIVISION OF LAND LOCATED AT 329 MCIVOR AVENUE

It is recommended that the approval of DAS 09/2023, if granted, be subject to the applicant entering into a Development Agreement and address the following items where applicable:

Plan Considerations

1) The Developer shall, at no expense to the City, legally open right-of-way to accommodate the proposed cul-de-sac turnaround consistent with the dimensions, as per the City's Transportation Standards Manual.
2) The proposed public road is to be established with an 18.0m right-of-way (20.0m if the land drainage sewer is 525mm in diameter or greater), as determined by and to the satisfaction of the Director of Public Works.

3) The proposed cul-de-sac street shall not exceed a length of 105m.

Servicing Conditions

1) Wastewater Sewers

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

2) Water Mains

   The Developer shall, at no expense to the City, construct and install all water mains required to serve the Planned Area as determined by and to the satisfaction of the Director of Water and Waste.

3) Land Drainage

   The Developer shall, at no expense to the City, construct and install all land drainage sewers to serve the Planned Area as determined by and to the satisfaction of the Director of Water and Waste.

4) Lot Grading

   a) The Developer shall, at no expense to the City and prior to the 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.

5) Pavement

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

b) The Developer shall, at no expense to the City, construct the proposed cul-de-sac as per the City's Transportation Standards Manual, as determined by and to the satisfaction of the Director of Public Works.

6) McIvor Ave

a) 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 by others in McIvor Avenue, including but not limited to:

i. 7.5 m Portland cement concrete pavement,

ii. sidewalk on the north side of McIvor Avenue,

iii. boulevard landscaping

iv. ornamental street lighting

v. land drainage sewer

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

7) 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.

8) 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, to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense tot eh 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.

9) Construction Traffic

The Developer shall, at no expense to the City

a) ensure that construction traffic uses access routes determined by the Director of Public Works;

b) maintain those access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and

c) undertake the regular cleaning, including, but not limited to scraping and sweeping, of those access routes and all streets within the Planned Area, until building construction, including landscaping, is complete,

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

10) Street Name Signs

The Developer shall, at no expense to the City, cause to be installed standard reflectorized, permanent street name signs at each new intersection within or adjacent to the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

11) 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 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.

12) Litter and Refuse Control and Clean-up

The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse related to construction and development of the Planned Area, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

13) Survey Monuments

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

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

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. DAS 09/2023
April 21, 2023

"*Original Signed by K. Kowalyk*"
K. Kowalyk, P. Eng.,
Land Development Branch

"*Original Signed by M. Gajda*"
M. Gajda, P. Eng.
Water & Waste Department

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

Exhibit “9” referred to in File DAS 9/2023

