

Minute No. 738

Report – Executive Policy Committee – October 17, 2023

**Item No. 9 Subdivision and Rezoning – 80, 84 and 88 Snow Street
 (Waverley West Ward)
 File DASZ 14/2023 [c/r DAV 151376/2023D]**

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the subdivision proposed under Development Application No. DASZ 14/2023 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 September 18, 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 Servicing 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 September 14, 2023 and attached as Schedule “B” to this report.
 - B. That the City enter into, execute and deliver with the developer a Servicing 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 Servicing 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 the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land on proposed Lot 1 to an “RMF-L” Residential Multi-Family (Large) District in accordance with the proposed by-law attached as Appendix “B” to this report and as shown on the map dated September 18, 2023, and attached as Schedule “C” to this report.

Report – Executive Policy Committee – October 17, 2023

COUNCIL DECISION (continued):

3. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 14/2023 (the “Dedication Fee”), as determined by the Director of Planning, Property and Development.
4. 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.
5. 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.
6. That Development Application No. DASZ 14/2023 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 Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.
8. That the zoning section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.
9. That the By-law will be repealed without coming into force 1 year after 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.

Report – Executive Policy Committee – October 17, 2023

COUNCIL DECISION (continued):

10. That Development Application No. DASZ 14/2023 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.
11. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing;
12. That the Variance Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 14/2023.

Report – Executive Policy Committee – October 17, 2023

DECISION MAKING HISTORY:

Moved by His Worship Mayor Gillingham,

That the recommendation of the Executive Policy Committee be adopted
by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 17, 2023, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 27, 2023, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

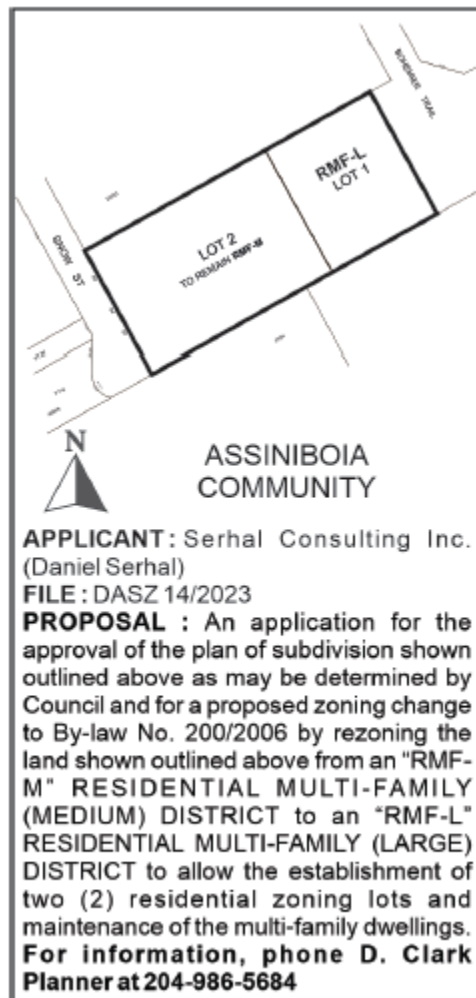
File: DASZ 14/2023

Before: Assiniboia Community Committee
Councillor Duncan, Chairperson
Councillor Dobson
Councillor Lukes

Public Hearing: September 27, 2023
Council Building, 510 Main Street

Applicant: Serhal Consulting Inc. (Daniel Serhal)

Subject:



Premises Affected: 80, 84 and 88 Snow Street

For submission to: The Executive Policy Committee

Prepared by: L. Cowan, Senior Committee Clerk
Assiniboia Community Committee

Report date: September 27, 2023

Community Committee Recommendation:

On September 27, 2023, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the subdivision proposed under Development Application No. DASZ 14/2023 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 September 18, 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 Servicing 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 September 14, 2023 and attached as Schedule “B” to this report.
 - B. That the City enter into, execute and deliver with the developer a Servicing 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 Servicing 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 the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land on proposed Lot 1 to an “RMF-L” Residential Multi-Family (Large) District in accordance with the proposed by-law attached as Appendix “B” to this report and as shown on the map dated September 18, 2023, and attached as Schedule “C” to this report.

3. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 14/2023 (the “Dedication Fee”), as determined by the Director of Planning, Property and Development.
4. 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.
5. 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.
6. That Development Application No. DASZ 14/2023 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 Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.
8. That the zoning section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.
9. That the By-law will be repealed without coming into force 1 year after 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.
10. That Development Application No. DASZ 14/2023 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.
11. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing;

12. That the Variance Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 14/2023.

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

1. Completely supportive of the Public Service's recommendations.

Objections under the Charter:

Total number of valid 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 July 13, 2023
2. Notification of Public Hearing dated August 29, 2023
3. Manitoba Status of Titles 3133438/1, 2457648/1, 3067970/1, 3067954/1, 2942006/1
4. Letter of authorization dated January 26, 2022 from Snow Street Apartments Ltd. (Antonino Spezzano) to Serhal Consulting Inc.
5. Letter of authorization dated June 13, 2022 from Winnipeg Condominium Corporation No. 564 to Serhal Consulting Inc.
6. Surveyor's Building Location Certificate and sketch dated July 20, 2010
7. Caveat 323296
8. Shared Use Plan dated February 14, 2022
9. Consent Order dated March 3, 2023
10. Plans (10 pages)
11. Report from the Urban Planning Division dated September 18, 2023
12. Inspection Report

REPRESENTATIONS:

In Support:

Daniel Serhal
Vince Spezzano

In Opposition:

Nil

For Information:

Nil

For the City:

R. Galston, Urban Planner, Planning, Property and Development Department

Exhibit “11” referred to in File DASZ 14/2023

ADMINISTRATIVE REPORT

Title: DASZ 14/2023 – 88 Snow Street

Issue: For consideration at the public hearing for an application to subdivide and rezone the subject property for the purpose of maintaining a multi-family residential dwelling on a new residential lot.

Critical Path: Assiniboia Community Committee → Standing Policy Committee on Property and Development, Heritage and Downtown Development → Executive Policy Committee → Council as per the Development Procedures By-law and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Galston, MCP	n/a	n/a	

RECOMMENDATIONS

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

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 the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land on proposed Lot 1 to an "RMF-L" Residential Multi-Family (Large) District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated September 18, 2023, and attached as Schedule "C" to this report.
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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.

11. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing;
12. That the Variance Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 14/2023.

REASON FOR THE REPORT

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

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Winnipeg Public Service are concurred in, the subject property may be subdivided and proposed Lot 1 rezoned to the "RMF-L" zoning district, subject to conditions.

HISTORY

N/A

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning and Design Division
Prepared by	Robert Galston, MCP
Date:	September 18, 2023
File No.	DASZ 14/2023

List of Schedules and Appendices

Schedule A	Planning Discussion
Schedule B	Report of the Administrative Working Group – September 14, 2023.
Schedule C	Recommended File No. DASZ 14/2023 Assiniboia Community
Committee, dated	September 18, 2023
Appendix B	Proposed By-law

SCHEDULE 'A'

FILE: DASZ 14/2023
RELATED FILES: DAV 23-151376/D
COMMUNITY: Assiniboia Committee
NEIGHBOURHOOD #: 2.640 (Montcalm)

SUBJECT: To subdivide and rezone the subject property from “RMF-M” Residential Multi-Family (Medium) to “RMF-L” Residential Multi-Family (Large) on proposed Lot 1

LOCATION: 88 Snow Street

LEGAL DESCRIPTION: LOT 3 PLAN 36623 WLTO IN RL 4 PARISH OF ST VITAL



APPLICANT: Daniel Serhal (Serhal Consulting, Inc.)
298 Waterfront Drive
Winnipeg, Manitoba R3B 0G5

OWNERS: Victoria General Hospital Foundation, Inc.
2340 Pembina Highway
Winnipeg, MB R3T 2E8

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject site is located on east side of Snow Street, south of Dartmouth Drive. It is in the Montcalm Neighbourhood of the Waverley West Ward.
- The subject site has a total land area of approximately 3.06 acres and contains a residential multi-family development. This multi-family building was constructed in three

(3) separate phases between 2006 and 2023. It contains a total of 210 dwelling units and is between four (4) and six (6) storeys in height.

- A total of 299 accessory parking stalls are currently located on the entire site, including a mix of surface and underground stalls.
- The subject site is currently zoned “RMF-M” Residential Multi-Family (Medium).
- The subject site is located within the Established Neighbourhoods – Recent Communities policy area of the *Complete Communities Direction Strategy 2.0’s* Urban Structure Map.

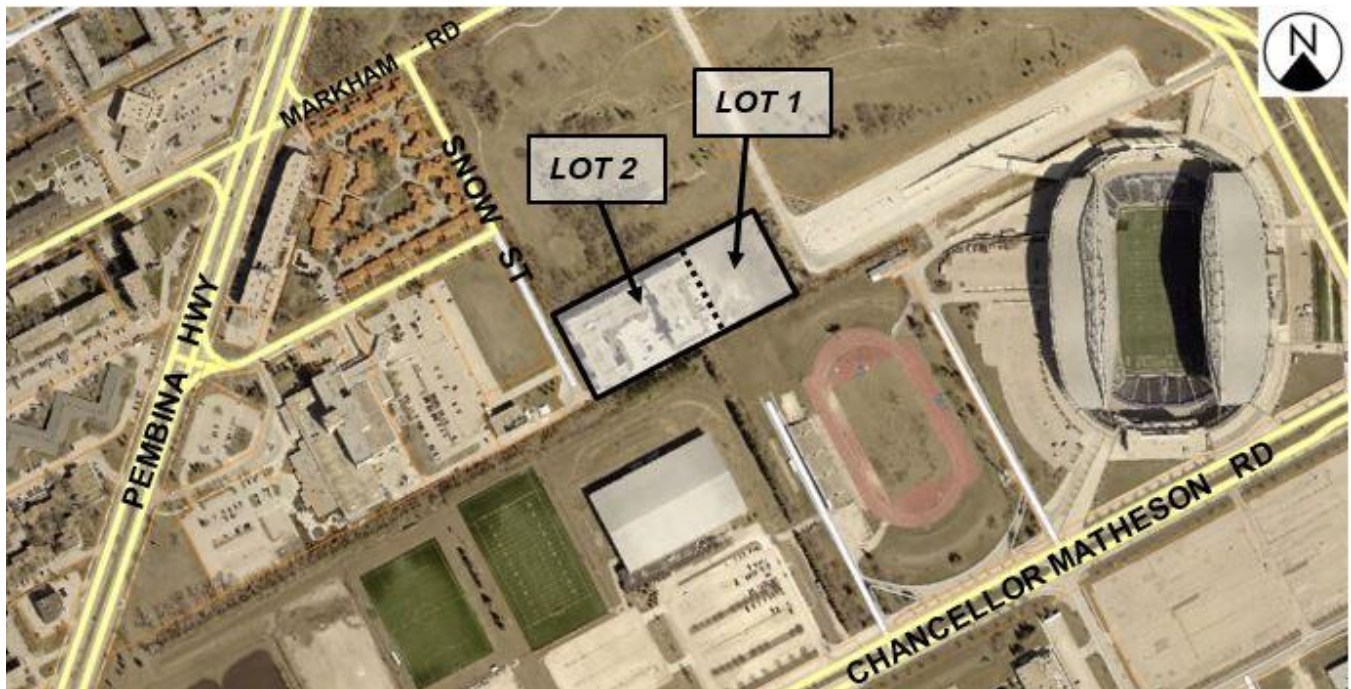


Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2021)

SURROUNDING LAND USE AND ZONING (See Figure 2)

- To the north of the subject site is vacant land zoned “RMU PDO-2 North Campus” Residential Mixed-Use. This land is part of the North Campus Planned Development Overlay (former Southwood Golf and Country Club land).
- To the east of the subject site is a portion of Bohemier Trail that functions as a rapid transit loop servicing Investors Group Field stadium and the University of Manitoba’s Fort Garry campus.
- To the south of the subject site are recreational uses zoned “EI” Educational and Institutional.
- To the west of the subject site is Snow Street, then Victoria Hospital, a large medical centre, zoned “EI” Educational and Institutional.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant proposes to subdivide the existing lot into two (2) separate lots, Lot 1 and Lot 2, and rezone the proposed Lot 1 to the “RMF-L” Residential Multi-Family (Large) district. This is to accommodate the rear portion of the existing multi-family residential building on a separate lot.
- No building expansion or changes to the overall site are proposed. The existing multi-family development located on the subject site would remain the same, but divided into two (2) separate lots, Lot 1 and Lot 2.
- Proposed Lot 1 would contain a portion of the building that is six (6) storeys in height, and contain a total of 111 dwelling units.
- Proposed Lot 2 would contain a portion of the building that ranges between four (4) and five (5) storeys in height, and contain a total of 99 dwelling units.
- Shared access between proposed Lots 1 and 2 would be enabled through a cross-access agreement between properties.
- In a letter of intent, the applicant states that the proposed subdivision is to allow for separate condominium corporations for the older phases (Lot 2) and new phase (Lot 1) of the development.
- The applicant is proposing to connect the driveways, surface and underground parking areas and building interiors on each of the proposed lots through a cross-access agreement. This will allow vehicles to access parking areas on either one of the proposed lots. In this manner, the proposed development will function as one large development on separate titles.

Associated Variance Application (DAV)

- The proposed development is also the subject of an associated Variance application (DAV) concerning variances caused by the property being subdivided into separate lots. Please refer to the Administrative Report under file no. DAV 23-151376/D for more information.

ANALYSIS AND ISSUES**OURWINNIPEG 2045**

- *OurWinnipeg 2045* is the City's long-range development plan. Per *OurWinnipeg 2045*, the subject site is identified as an Established Neighbourhood – Recent Communities policy states:

6.16 Established Neighbourhoods

- *Designate Established Neighbourhoods within the Urban Structure, representing land 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.*

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The *Complete Communities Direction Strategy 2.0* supports *OurWinnipeg 2045*, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- As noted above, the subject property is classified as an Established Neighbourhood – Recent Community under *Complete Communities 2.0*. Key policies for Established Neighbourhoods include:
 - 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.*
 - 1.2 Increase the population within Established Neighbourhoods to contribute to the physical renewal and revitalization of older neighbourhoods.*
 - 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.*
 - 1.4 Support opportunities for further residential intensification within approximately 400 metres of a rapid transit station, where appropriate and in accordance with the TOD Handbook.*
 - 1.5 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.*
- The proposed development aligns with these policies in that no changes to the existing development is proposed, and the existing multi-family use is located in an area with a mix of uses, including existing and future multi-family development and institutional uses.
 - Further, it is located within 310 metres from high-frequency transit service on Pembina Highway, and approximately 370 metres from stops at Markham and Pembina on the Southwest Rapid Transit Corridor.

SUBDIVISION

- The subject site is currently made up of one lot. Subdivision is required in order to create two (2) separate lots to allow separate portions of the existing building complex to exist on separate titles. Access to the proposed Lot 1 will be through a cross-access agreement.

REZONING

- The subject site is currently zoned "RMF-M" Residential Multi-Family (Medium) district.
- The applicant is proposing to rezone the proposed Lot 1 to the "RMF-L" Residential Multi-Family (Large) district.
- The purpose of the "RMF" zoning districts is to accommodate the development of multi-family units in areas with medium to high residential densities.
- The Winnipeg Zoning By-law has different dimensional standards between the "RMF-M" and "RMF-L," as shown in the table below. Generally, the "RMF-L" district allows taller buildings and greater residential densities than what is permitted in the "RMF-M" district. Please refer to Figure 4, below.

Zoning District and Designation	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum/Maximum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum/Maximum Corner Side Yard (Ft.)	Principal Building Separation (Ft.) [note a]	Minimum/Maximum Building Height (Ft.)
Multi-Family Residential Structures								
RMF-S	9,000	1,250	20 / NA	25	4	5 / NA	8	NA / 35
RMF-M	9,000	800	25 / NA	25	8 [note b]	20 / NA	8	NA / 60
RMF-L	20,000	400	25 / NA	25	8 [note b]	20 / NA	8	NA / 150
RMU	9,000	500	20 / NA	25	5 [note b]	20 / NA	8	NA / 100
TOD	NA	200	NA / 10 [note c]	25	5 [note b]	NA / 10 [note c]	8	30 / 200

Figure 4: Table 5-4 of the Winnipeg Zoning By-law showing dimensional standards for “RMF-M” and “RMF-L” districts.

Density (Lot 1)

- As noted above, a total of 111 dwelling units are proposed on Lot 1. This lot is to have an area of 61,875 square feet. This gives a lot area of 544 square feet per dwelling unit. This lot area per dwelling unit is a greater density than what is permitted in the existing “RMF-M” zoning district, which is no less than 800 square feet per dwelling unit. As such, a rezoning of the proposed Lot 1 is required, to change the zoning to the “RMF-L” district, which allows a density of 400 square feet per dwelling unit.

COMPATIBILITY WITH THE SURROUNDING AREA

- As noted above, the property is adjacent to the North Campus lands (former Southwood Golf and Country Club) to the north. This land falls under the North Campus Planned Development Overlay, approved by Council in 2022.
- Per the North Campus Planned Development Overlay, the immediately adjacent land to the north of the subject property is zoned “RMU PDO-2 North Campus,” which is a Residential Mixed Use district where mixed-use development up to eight (8) storeys in height is permitted.
- To the east is a transit loop, and to the south and west are a mix of institutional and recreational uses.
- Given this surrounding context, the creation of an “RMF-L” zoning district on proposed Lot 1 will be considered compatible with the surrounding area, and will not have an adverse effect on the future development of the North Campus lands to the north.

CONDITIONS OF APPROVAL*Servicing Agreement*

- The Public Service recommends that the developer enter into a Servicing Agreement with the City of Winnipeg in order to address items relating to municipal services and infrastructure. These items are discussed in the Report of the Administrative Coordinating Group (ACG), which is attached to this report as Schedule “B.”
- Items identified in the ACG report include, but are not limited to, the following:
 - A required private easement agreement between owners of the proposed lots to allow water and waste servicing on both lots;
 - A required cross-access agreement between owners of the proposed lots to allow vehicular access on both lots;
 - A required new sidewalk to be built on the east side of Snow Street from the subject property to Dartmouth Drive.

Please refer to Schedule “B” for further discussion.

Land Dedication

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

RECOMMENDATION

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

- The most recent phase of development was completed in 2022, and no changes to the subject site or any expansion of the building is proposed as part of this application.
- The subdivision and rezoning is consistent with policies guiding development in Established Neighbourhoods under the *Complete Communities Direction Strategy 2.0*, which support residential development that adds to the range of housing options in a manner that is sensitive and complementary to existing development.
- The surrounding area is characterized by a mix of uses and is immediately adjacent to vacant land where residential mixed-use development up to eight (8) storeys in height.
- The subject property is located within 400 metres of high-frequency transit service and stops on the Southwest Rapid Transit Corridor.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division

Report Prepared by: Robert Galston, MCP
PPD File #: DASZ 14/2023

SCHEDULE B**REPORT OF THE ADMINISTRATIVE COORDINATING GROUP****RE: PROPOSED SUBDIVISION ON LAND LOCATED AT 80, 84 AND 88 SNOW STREET**

It is recommended that approval of DASZ 14/2023, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions:

Section I – General Comments

- 1) The Water and Waste Department has advised that the Developer shall enter into, and register and maintain in perpetuity by way of caveat against the titles to the “affected lots” (all lots which are to be serviced jointly), an appropriate joint services agreement or private easement agreement with owners of the other affected lots to enable the joint servicing of lots in the Planned Area not fronting on streets with water, wastewater and land drainage services. Said agreement shall further absolve the City from any costs or responsibility for the private joint services.
- 2) The Public Works Department has advised that the Developer and all successors in title to the lots in the subdivision shall enter into, and register at the Winnipeg Land Titles Office (WLTO) under Section 76 of the Real Property Act and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, a private cross-access agreement with the owners of the other lots so as to ensure vehicular access to every lot at all times, via streets or internal roads.

The instrument must contain the substance of the following terms:

- i) “User” means and includes any Owner and the tenants of any Owner and, with the permission or consent (expressed or implied) of any Owner, each and all of their respective agents, employees, customers, licensees, invitees, suppliers, contractors, servants or workmen, and any other occupier for the time being on the land of any Owner; and the term “Users” shall have the same meaning as the context permits or requires, mutatis mutandis.
- ii) Declarant, for itself and its successors and assigns, hereby irrevocably agrees and declares that from and after the date of registration of this Declaration in the Winnipeg Land Titles Office an easement and right of way

is hereby created over the Lands for the purposes of ingress and egress that shall permit common usage of driveways, vehicular passageways, entrances and exits leading to one or more private approaches on and from Snow Street as they may exist from time to time to ensure access (but for no other purpose whatsoever) to every such lot on the Lands at all times by Users and vehicles.

- iii) The rights, liberties and easements herein granted shall be construed as running with the Lands and shall attach to and run with each and every part to which the Lands or any part thereof as may hereafter be subdivided, but no part of the Lands shall pass to or be vested in any other Owner simply by virtue of these presents.
- iv) As it is the intent that the burden of all rights, liberties and easements declared herein shall run with the Lands, it is declared that the rights, liberties and easements hereby declared shall enure to the benefit of every Owner and, without limiting the generality of the foregoing, shall enure to the benefit of the successors and/or assigns of any part or parts of the Lands and shall bind the successors in title of Declarant, and each of their respective successors in title, and the owners or occupiers for the time being of the Lands or any part or parts thereof.

The cross-access agreement shall be reviewed and approved by the Public Works Department prior to registration at WLTO.

Section II - Servicing Conditions

1) Sidewalk

The Developer shall, at no expense to the City, construct a 1.5m wide Portland cement concrete sidewalk and all related works, on the standard alignment, 0.3m from the property line, on the east side of Snow Street from the existing private approach at the south end of Snow Street to Dartmouth Drive, all as determined by and to the satisfaction of the Director of Public Works.

2) 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.

3) 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.

4) 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.

Section III – Costs and Fees

1) By-laws and Approvals

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

2) Professional Fees

- a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and

specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, parklands, parkways and associated works required to serve the Planned Area;

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

3) Administration Fees

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

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 14/2023
September 14, 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 C. Desjardine"

C. Desjardine, M. Sc., P. Eng.
Transportation Division
Public Works Department

**Schedule “B” for File DASZ 7/2023, Assiniboia Community Committee, dated
September 18, 2023**

By-Law No. _____ _____	File No. DASZ 14/2023
Atlas Sheet No. AK24 ASSINIBOIA COMMUNITY	Explanation An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 80, 84 and 88 Snow Street, as outlined below, from an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to allow the establishment of two (2) residential zoning lots and maintenance of the multi-family dwellings.
THIRD READING : _____ EFFECTIVE DATE : _____	
ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____	

Exhibit "10" referred to in File DASZ 14/2023

DEPOSITED, 2023

PLAN OF SUBDIVISION
 OF PART OF
 RIVER LOT 4
 PARISH OF ST. VITAL
 BEING
 PART LOT 3, PLAN 36623
 INCLUDING PART CONDOMINIUM PLAN 46930

CITY OF WINNIPEG
 MANITOBA
 SCALE 1 : 500

NOTES
 ALL DIMENSIONS ARE IN METRES AND MAY BE CONVERTED TO FEET BY MULTIPLYING BY 3.28084.
 LAND REFERRED BY THIS REGISTRATION OF THIS PLAN IS SHOWN BORDERED THUS:
 SURVEY MONUMENTS SHOWN ON THE GROUND ARE DESCRIBED AND SHOWN THUS:
 JOHN FOSTER, SURVEYOR & CERT. & 2780 WINNIPEG, M.B. HAS PLACED BY HIS INSTRUMENTS SHOWN THUS:
 ALL PLANS REFERRED TO ARE ON RECORD IN THE WINNIPEG LAND TITLES OFFICE.

AFFIDAVIT
 I, DONALD FREDERICK GORDON, OF THE CITY OF WINNIPEG, MANITOBA LAND SURVEYOR, MAKE OATH AND SAY THAT I DO PERSONALLY SUPERINTEND THE SURVEY REPRESENTED BY THIS PLAN, THAT THE SURVEY WAS MADE BETWEEN THE DATES OF MAY 30, 2023, AND AUGUST 18, 2023, AND THAT THE SURVEY AND PLAN ARE CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SHOWN TO BEFORE ME AT THE CITY OF WINNIPEG
 THIS DAY OF 2023
 WINNIPEG LAND SURVEYOR

A SURVEYOR APPROVED TO PRACTISE
 UNDER "THE LAND SURVEYORS ACT"

APPROVALS	OWNERSHIP (SIGNATURE OR PRINT NAME OF CORPORATION, FIRM, REGISTRATION)
APPROVED BY THE CITY OF WINNIPEG THIS DAY OF 2023 THIS APPROVAL EXPIRES 2023 UNLESS THE PLAN IS REGISTERED	(PRINT NAME) (SIGNATURE) (PRINT NAME) (SIGNATURE) (PRINT NAME) (SIGNATURE)
DIRECTOR OF PLANNING, PROPERTY AND DEVELOPMENT	THIS APPROVAL IS VALID FOR 60 DAYS UNLESS REGISTERED. APPROVED THIS DAY OF 2023 FOR REGISTRATION GENERAL RE-APPROVED THIS DAY OF 2023 FOR REGISTRATION GENERAL
REGISTERED SURVEYOR LAW DEVELOPMENT	THIS APPROVAL IS VALID FOR 12 MONTHS UNLESS REGISTERED. APPROVED THIS DAY OF 2023 AS PLAN NO. FOR SURVEY REGISTRATION REGISTERED NO. CHARTER OF SURVEY

BARNES & DUNCAN
 SURVEYORS & ENGINEERS
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

