**Minutes – Council – February 22, 2024**

**Minute No. 184**
**Report – Standing Policy Committee on Property and Development – February 1, 2024**

**Item No. 6** **Subdivision and Rezoning – Southwest Corner of Waverley Street and Kenaston Boulevard**
**(Waverley West Ward)**
**File DASZ 29/2023**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the subdivision proposed under Development Application No. DASZ 29/2023 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 January 15, 2024 and attached as Schedule "A" 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 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 January 15, 2024 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 "RMF-L" Residential Multi-Family (Large) District, "RMF-S" Residential Multi-Family (Small) District, an "R2" Residential Two-Family District, and an "R1-S" Residential Single-Family (Small) District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated January 15, 2024, and attached as Schedule "A" 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. For any multi-family uses on those portions of the Owner's Land zoned "RMF-L" Residential Multi-Family (Large) District, the Owner must submit plans showing the location and design of any and all proposed:

**Report – Standing Policy Committee on Property and Development – February 1, 2024**

COUNCIL DECISION (continued):

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

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

ii. That no building erected on Block 1 and 7, DASZ 29/2023, zoned "RMF-L" Residential Multi-Family (Large), shall be greater than 24.4 metres (80 feet) in height.

iii. The Developer shall, at no expense to the City, construct within the rear yards of all single and two-family lots abutting Waverley Street and Kenaston Boulevard, a uniform fence 2.0m in height, to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works.

iv. That, where single-family or two-family residential lots back onto Waverley Street, the said lots shall be established with minimum rear yards of 15.24 metres (50 feet).

v. That, the Developer shall ensure that single-family and two-family residential lots which back onto Kenaston Boulevard are of sufficient depth to provide a minimum rear yard to achieve the City's Motor Vehicle Noise Policies and Guidelines sound level limit of 65dBA in the typical outdoor recreation area of those lots.

**Report – Standing Policy Committee on Property and Development – February 1, 2024**

COUNCIL DECISION (continued):

vi. That, the Developer shall, at no expense to the City, erect uniform continuous fencing for properties backing onto park space, or where trails or play equipment is anticipated to be within 10 feet of residential property line to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Said fence shall be located within private property and future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

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

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

B. a Zoning Agreement in accordance with Recommendation 2, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

4. That Caveat No. 5449740/1 be discharged from Lots 1, 2, 3, 4, 5, 6, and 7, Block 3, Plan 58258 and Lots 1 and 2, Block 2, Plan 58257.

5. 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.

6. 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 29/2023 (the "Dedication Fee"), as determined by the Director of Planning, Property and Development.

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.

**Report – Standing Policy Committee on Property and Development – February 1, 2024**

COUNCIL DECISION (continued):

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 29/2023 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 Development 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 after 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 29/2023 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 – February 1, 2024**

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

Councillor Wyatt was absent from the vote on the above motion.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 13, 2024, 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 February 1, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 23, 2024, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- In Recommendation 2.A.i, delete the words “or “RMF-S” Residential Multi-Family (Small) District”

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

## PUBLIC HEARING SUMMARY

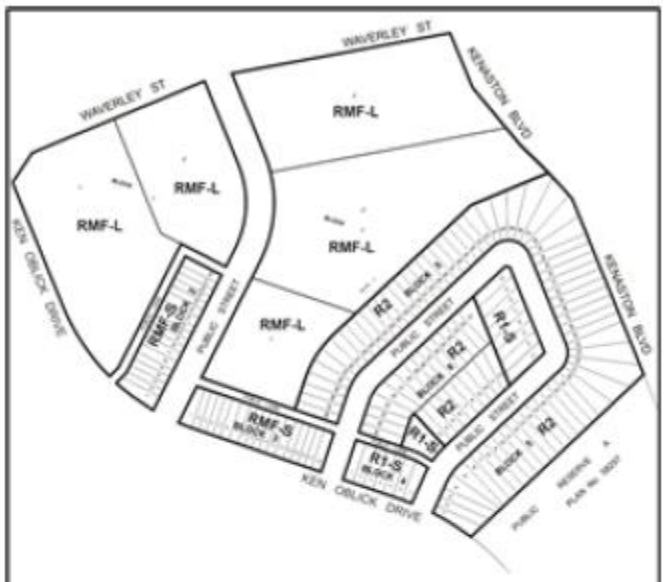
**File:** DASZ 29/2023

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

**Public Hearing:** January 23, 2024
Council Building, 510 Main Street

**Applicant:** Landmark Planning & Design Inc. (Brendan Salakoh)

**Subject:**




**APPLICANT:** Landmark Planning & Design Inc. (Brendan Salakoh)
**FILE:** DASZ 29/2023
**PROPOSAL:** An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT and a "C3" COMMERCIAL CORRIDOR DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT, an "R2" RESIDENTIAL TWO-FAMILY DISTRICT, an "RMF-S" RESIDENTIAL MULTI-FAMLY (SMALL) DISTRICT and an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to facilitate the continuation of the Prairie Pointe Neighbourhood by the creation of lots and block plans and public rights-of-way. **For information, phone D. Clark Planner at 204-986-5684**

**Premises Affected:** Southwest corner of Waverley Street and Kenaston Boulevard

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

**Prepared by:** Leah Cowan, Senior Committee Clerk
Assiniboia Community Committee

**Report date:** January 23, 2024

**Community Committee Recommendation:**

On January 23, 2024, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the subdivision proposed under Development Application No. DASZ 29/2023 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 January 15, 2024 and attached as Schedule "A" 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 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 January 15, 2024 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 "RMF-L" Residential Multi-Family (Large) District, "RMF-S" Residential Multi-Family (Small) District, an "R2" Residential Two-Family District, and an "R1-S" Residential Single-Family (Small) District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated January 15, 2024, and attached as Schedule "A" 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. For any multi-family uses on those portions of the Owner's Land zoned "RMF-L" Residential Multi-Family (Large) District ~~***or "RMF-S" Residential Multi-Family (Small) District***~~, the Owner must submit plans showing the location and design of any and all proposed:

            a. Buildings
            b. Accessory parking areas
            c. Private approaches

d. Garbage enclosures
e. Fencing
f. Landscaping
g. Free-standing signage

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

ii. That no building erected on Block 1 and 7, DASZ 29/2023, zoned "RMF-L" Residential Multi-Family (Large), shall be greater than 24.4 metres (80 feet) in height.

iii. The Developer shall, at no expense to the City, construct within the rear yards of all single and two-family lots abutting Waverley Street and Kenaston Boulevard, a uniform fence 2.0m in height, to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works.

iv. That, where single-family or two-family residential lots back onto Waverley Street, the said lots shall be established with minimum rear yards of 15.24 metres (50 feet).

v. That, the Developer shall ensure that single-family and two-family residential lots which back onto Kenaston Boulevard are of sufficient depth to provide a minimum rear yard to achieve the City's Motor Vehicle Noise Policies and Guidelines sound level limit of 65dBA in the typical outdoor recreation area of those lots.

vi. That, the Developer shall, at no expense to the City, erect uniform continuous fencing for properties backing onto park space, or where trails or play equipment is anticipated to be within 10 feet of residential property line to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Said fence shall be located within private property and future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development.

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

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

B. a Zoning Agreement in accordance with Recommendation 2, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

4. That Caveat No. 5449740/1 be discharged from Lots 1, 2, 3, 4, 5, 6, and 7, Block 3, Plan 58258 and Lots 1 and 2, Block 2, Plan 58257.

5. 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.

6. 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 29/2023 (the "Dedication Fee"), as determined by the Director of Planning, Property and Development.

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 29/2023 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.

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

1. I'm supporting the subdivision and rezoning on the south west corner of Waverley Street and Kenaston Boulevard to support the needs of our growing city by switching it, essentially, from commercial to residential.

2. This provides an opportunity for a multitude of new homes to be built, and especially the capacity is there, so plans fit in with the neighbourhood.

**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 September 27, 2023
2. Notification of Public Hearing dated December 15, 2023
3. Manitoba Status of Titles 2811449/1, 2811484/1, 2811473/1, 2811481/1, 2811479/1, 2811478/1, 2811488/1, 2811448/1, 2811489/1
4. Letter of authorization dated August 29, 2023 from Ladco Company Limited (Michael Carruthers) to Landmark Planning and Design Inc.
5. Caveats 4665166/1, 4665168/1, 5449740/1, 5147643/1, 5143693/1, 5177049/1
6. Site Plan
7. Schedule of Zoning Site Width and Area Calculations dated August 10, 2023
8. Proposed parking layout dated July 19, 2023
9. Plans (5 pages)
10. Report from the Urban Planning Division dated January 12, 2024
11. Inspection Report
12. Communication dated January 3, 2024 from Sean Gallagher in support of the application
13. Communication dated January 3, 2024 from Tyler Smith in support of the application
14. Communication dated January 3, 2024 from Michael Carruthers in support of the application
15. Communication dated January 23, 2024 from Brendan Salakoh in support of the application
16. Recording of Representations

REPRESENTATIONS:

In Support:

Michael Carruthers
Sean Gallagher
Brennan Johnson
Brendan Salakoh
Tyler Smith

In Opposition:

Nil

For Information:

Nil

For the City:

R. Galston, Urban Planner, Planning, Property and Development Department
K. Kowalyk, Land Development Engineer, Planning, Property and Development Department

Exhibit "10" referred to in File DASZ 29/2023

# ADMINISTRATIVE REPORT

**Title:** DASZ 29/2023 – Southwest corner of Waverley Street and Kenaston Boulevard

**Issue:** For consideration at the public hearing for an application to subdivide and rezone the subject property to create 152 residential zoning lots and public rights-of-way

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

## AUTHORIZATION

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

## RECOMMENDATIONS

1. That the subdivision proposed under Development Application No. DASZ 29/2023 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 January 15, 2024 and attached as Schedule "A" to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office, subject to the following conditions:

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    a. Buildings;

    b. Accessory parking areas;

    c. Private approaches;

    d. Garbage enclosures;

    e. Fencing;

    f. Landscaping: and,

    g. Free-standing signage.

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

ii. That no building erected on Block 1 and 7, DASZ 29/2023, zoned "RMF-L" Residential Multi-Family (Large), shall be greater than 24.4 metres (80 feet) in height.

iii. The Developer shall, at no expense to the City, construct within the rear yards of all single and two-family lots abutting Waverley Street and Kenaston Boulevard, a uniform fence 2.0m in height, to the satisfaction of the Director of Public Works. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works;

iv. That, where single-family or two-family residential lots back onto Waverley Street, the said lots shall be established with minimum rear yards of 15.24 metres (50 feet);

v. That, the Developer shall ensure that single-family and two-family residential lots which back onto Kenaston Boulevard are of sufficient depth to provide a minimum rear yard to achieve the City's Motor Vehicle Noise Policies and Guidelines sound level limit of 65dBA in the typical outdoor recreation area of those lots;

vi. That, the Developer shall, at no expense to the City, erect uniform continuous fencing for properties backing onto park space, or where trails or play equipment is anticipated to be within 10 feet of residential property line to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development. Said fence shall be located within private property and future owners of the individual building lots along this

fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Public Works and the Director of Planning, Property and Development;

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

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

   B. a Zoning Agreement in accordance with recommendation 2,

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

4. That Caveat No. 5449740/1 be discharged from Lots 1, 2, 3, 4, 5, 6, and 7, Block 3, Plan 58258 and Lots 1 and 2, Block 2, Plan 58257.

5. 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.

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13. That Development Application No. DASZ 29/2023 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.

## 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: | January 15, 2024 |
| File No. | DASZ 29/2023 |

**List of Schedules and Appendices**

| | |
|---|---|
| Appendix A | Planning Discussion |
| Scheduled A | Recommended File No. DASZ 29/2023 Assiniboia Community Committee, dated January 15, 2024 |
| Schedule B | Report of the Administrative Coordinating Group Re: Proposed Subdivision and Rezoning on land located on the south side of Waverley Street, east side of Ken Oblik Drive, dated January 12, 2024 |
| Appendix B | Proposed By-law |

**APPENDIX 'A'**

| | |
|---|---|
| **FILE:** | **DASZ 29/2023** |
| **RELATED FILES:** | Na |
| **COMMUNITY:** | Assiniboia Committee |
| **NEIGHBOURHOOD #:** | 2.683 (Prairie Pointe) |
| **SUBJECT:** | To subdivide and rezone the subject property to create 152 residential lots and public rights-of-way |
| **LOCATION:** | Southwest corner of Waverley Street and Kenaston Boulevard |
| **LEGAL DESCRIPTION:** | LOT 1 BLOCK 2 PLAN 58257 WLTO IN OTM LOTS 102 TO 108 AND 115 ST NORBERT<br>LOT 2 BLOCK 2 PLAN 58257 WLTO IN OTM LOTS 102 TO 108 AND 115 ST NORBERT<br>LOT 1 BLOCK 3 PLAN 58258 WLTO IN OTM LOT 108 AND 116 TO 119 ST NORBERT<br>LOT 2 BLOCK 3 PLAN 58258 WLTO IN OTM LOT 108 AND 116 TO 119 ST NORBERT<br>LOT 3 BLOCK 3 PLAN 58258 WLTO IN OTM LOT 108 AND 116 TO 119 ST NORBERT<br>LOT 4 BLOCK 3 PLAN 58258 WLTO IN OTM LOT 108 AND 116 TO 119 ST NORBERT<br>LOT 5 BLOCK 3 PLAN 58258 WLTO IN OTM LOT 108 AND 116 TO 119 ST NORBERT<br>LOT 6 BLOCK 3 PLAN 58258 WLTO IN OTM LOT 108 AND 116 TO 119 ST NORBERT<br>LOT 7 BLOCK 3 PLAN 58258 WLTO IN OTM LOT 108 AND 116 TO 119 ST NORBERT |



| | |
|---|---|
| **APPLICANT:** | Brendan Salakoh (Landmark Planning & Design, Inc.)<br>298 Waterfront Drive<br>Winnipeg, Manitoba R3B 0G5 |
| **OWNERS:** | Ladco Company, Ltd.<br>40 Lakewood Boulevard, Unit 200.<br>Winnipeg, Manitoba R2J 2M7 |
| **RECOMMENDATION:** | Approval with conditions |

**SITE DESCRIPTION**

- The subject property is located at the southwest corner of Waverley Street and Kenaston Boulevard. It is in the Prairie Pointe Neighbourhood of the Waverley West Ward. The property also has frontage on Ken Oblik Drive, a collector street on the west side of the site.
- The subject property is currently comprised of nine (9) separate lots, and has a total area of approximately 29.8 acres. It is currently vacant.
- The subject property is located in the Established Neighbourhoods – Recent Communities Policy area under the *Complete Communities Direction Strategy 2.0* Urban Structure Map. It is also within the Primary Commercial policy area under the *Waverley West Southeast Neighbourhood Area Structure Plan*.
- The property is currently zoned a mix of “C3” Commercial Corridor and “RMF-M” Residential Multi-Family (Medium).




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

**SURROUNDING LAND USE AND ZONING (See Figure 2)**

**North:** Waverley Street, then vacant land zoned “A” Agricultural.

**South:** Public reserve land zoned “PR1” Parks and Recreation 1 (Neighbourhood).

**East:** Kenaston Boulevard, then a mix of residential uses and vacant land zoned “RMF-M” Residential Multi-Family (Medium) and “A” Agricultural.

**West:** Ken Oblik Drive, then a mix of residential uses zoned “RMF-M” Residential Multi-Family (Medium), “RMF-S” Residential Multi-Family (Small), and “R2” Residential Two-Family.

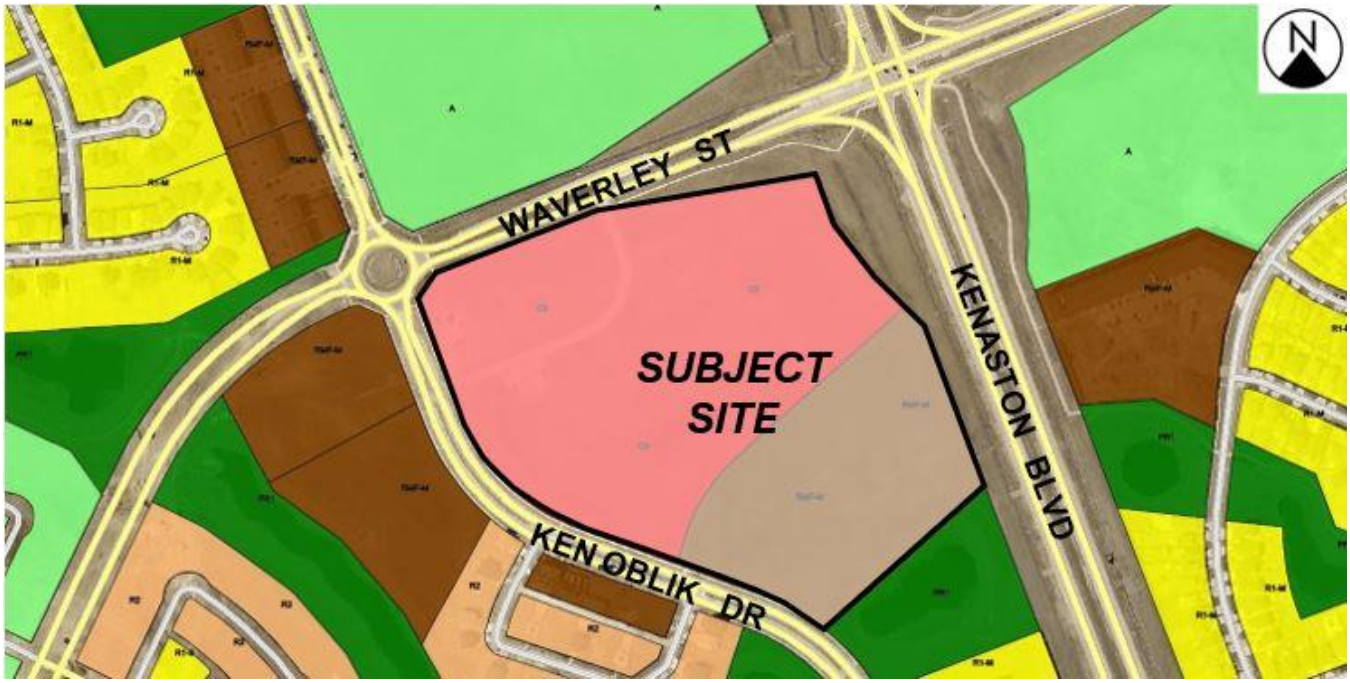



**Figure 2: Zoning of the site and surrounding area.**

## DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to reconfigure and subdivide the existing nine (9) lots on the subject site, creating a total of 152 residential lots, two (2) public streets and two (2) rear public lanes.
- Of the proposed 152 residential lots, there will be:
    - Five (5) lots zoned “RMF-L” Residential Multi-Family (Large), to accommodate multi-family dwellings.
    - 36 lots zoned “RMF-S” Residential Multi-Family (Small), to accommodate townhouse dwellings.
    - 94 lots zoned “R2” Residential Two-Family, to accommodate side-by-side duplex dwellings.
    - 17 lots zoned “R1-S” Residential Single-Family (Small), to accommodate single-family dwellings.
- No building plans have been submitted with this application.

*Public Rights-of-Way*

- As noted above, two (2) public streets are proposed to be created in the subject site, and two (2) public lanes.
- This includes:
    - An east-west street which will connect Waverley Street to Ken Oblik Drive. This street will provide access to four of the proposed "RMF-L" lots.
    - A looped street with two intersections with Ken Oblik Drive. This street will provide access to the proposed "R2" and "R1-S" lots.
- Additionally, the two (2) public lanes will provide rear vehicular access to:
    - All proposed "RMF-S" lots.
    - Eight (8) of the 17 "R1-S" lots.
- Each of the proposed public lanes are to have widths ranging between approximately 20 and 23 feet.
- Please see Figure 3, which shows the proposed lots, zoning districts, and public streets and lanes.

**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 Transformative Area – Regional Mixed Use Centre. The policy for mixed used centres states:

    *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.

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 Neighbourhoods – Recent Communities policy area under *Complete Communities 2.0*. Key policies include:

    *D1. Established Neighbourhoods*

    *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.*

*1.5 Support up to mid-rise residential development in Established Neighbourhoods that is compatible with neighbourhood context.*

*1.14Mid-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.*

*1.15Low-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 served with transit and local commercial amenities, and in consideration of the factors listed in Policy section 1.6.*

*1.16Small-scale residential uses, not including single-family, may be accommodated on collector roads and local streets with a public lane, where compatible with adjacent land uses, and in consideration of the factors listed in Policy section 1.6.*

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

*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.*

*2.12New development should respect and complement the existing character of the built form of surrounding properties.*

*2.21Site design should take cues from the character of the neighbourhood or street and should mitigate the potential for land use conflict with adjacent properties that have different scales, densities and uses. Parking location (motor vehicle and bicycle), vehicular access, servicing elements, building placement and landscaping treatment will be important design elements to ensure context-sensitive design.*

*2.22 Create or reinforce compact, pedestrian-oriented urban development patterns by ensuring the siting, form and scale of new development has a strong relationship to the street, public spaces and amenities in a way that is consistent with neighbourhood context.*

*3.1 Encourage a variety of housing types and tenures within Established Neighbourhoods to meet life-cycle housing needs and affordability ranges.*

*3.2 Encourage a mix of types, tenures and unit sizes within residential developments. Make provisions for unit sizes that can accommodate varying family sizes and multi-generational households.*

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

- The proposed subdivision and rezoning accommodate a mix of residential housing types, include multi-family (“RMF-L”), townhouse (“RMF-S”), duplex (“R2”), and single-family detached (“R1-S”).

- The proposed multi-family zoning districts are configured so the highest density districts (i.e., “RMF-M” and “RMF-S”) are located directly on either Ken Oblik Drive (a collector street) or on the proposed east-west street that will exclusively provide access to multi-family lots, while the lower density two-family (“R2”) residential uses are located further from Waverley Street. This configuration provides a gradual transition of residential uses and buildings, from taller and higher-density multi-family buildings along the collector streets, to low-rise single-family and two-family buildings located further away from the collector streets.
- The subject site is adjacent to a located within 33 metres (108 feet) from eastbound and westbound transit stops on Waverley Street. Transit service at these stops feature two (2) regular daily transit routes, 671 and 672, each of which have connections to the University of Manitoba Fort Garry Campus, Pembina Highway and the Southwest Rapid Transit Corridor. Winnipeg Transit expects that future transit routes will service Ken Oblik Drive on the west side of the subject site.
- Further, policies in the area secondary plan (as outlined below) support a minimum amount of future commercial uses in this area. Given this, it is expect that a mix of amenities in close proximity of the subject site.
- The surrounding area is generally characterized by a mix of established uses, including multi-family residential, and commercial uses zoned “C3” Commercial Corridor. As well, nearby vacant land zoned “A” Agricultural can accommodate a similar range of uses per the *Waverley West Southeast Neighbourhood Area Structure Plan.*
- Given this surrounding context, the creation of a mix of residential zoning districts on the subject site is considered compatible with the surrounding area, and will not have an adverse effect on existing and future development in the surrounding area.

WAVERLEY WEST SOUTHEAST NEIGHBOURHOOD AREA STRUCTURE PLAN (By-law No. 140/2007)

- Under the *Waverley West Southwest Neighbourhood Area Structure Plan*, the subject property is located in the Primary Commercial Area. The Primary Commercial Area permits and may include a variety of community-scale commercial, local commercial, office, institutional, residential and mixed uses. This area may be integrated with higher density multi-family residential and various community facilities.
- The design of the Primary Commercial Area will include convenient vehicle, transit, and pedestrian connections to the surrounding area, including connections to Waverley Street, the collector street network, and active transportation networks. Commercial uses will be integrated with residential areas through appropriate buffering, landscaping, and setbacks.
- Policies guiding development in the Primary Commercial Area include:

*Composition*

*5.4.1 Composition*

*(1) Community-scale commercial shall be the predominant land use.*

*(2) Local commercial, office, non-retail commercial, residential, lodging, institutional, recreational, and other compatible uses that complement the primary commercial area shall be permitted.*

*5.4.3 Size*

*The primary commercial area west of Kenaston Boulevard shall comprise a minimum of 8.1 hectares (20 acres) and a maximum of 24.3 hectares (60 acres), as shown on Map 2.*

*5.4.4 Design*

*Design of the primary commercial area should take into consideration and provide for the following:*

*i. Minimizing the intermixing of commercial and residential traffic on internal roads within the adjacent residential areas;*

*ii. A visually appealing site layout and landscape treatment particularly where visible from roads with higher traffic volumes;*

*iii. Incorporate appropriate buffering measures where commercial uses abut residential areas through the use of landscaping, screening, and building setbacks;*

*iv. Suitable integration with any residential, institutional, or recreational uses within or adjacent to the area;*

*v. Convenient access with connections to pedestrian trails;*

*vi. An efficient road, pedestrian, and trail network; and,*

*vii. Parking areas designed to maximize direct access to adjacent uses while not visually overwhelming the landscape. Methods by which this may implemented include:*

*a. Landscape through earth berms, tree/shrub plant, and/or fencing;*

*b. On-street parking along John Agnus Drive; and,*

*c. Parking areas between buildings.*

The proposed development application is generally consistent with the *Waverley West Southeast Neighbourhood Area Structure Plan.* Key supporting reasons are as follows:

- While policies support community-oriented commercial uses being the predominant land use in the Primary Commercial Area, policy 5.4.3 allows the commercial area west of Kenaston Boulevard to comprise an area of a minimum of 20 acres. Given that there is approximately 29 acres of undeveloped land at the northwest corner of Kenaston Boulevard and Waverley Street available for future commercial development, the proposed residential development on the subject site would be consistent with the Secondary Plan.
- The proposed multi-family zoning districts are configured so the highest density districts (i.e., “RMF-M” and “RMF-S”) are located nearest Waverley Street (which features transit service as discussed above) to the north and Ken Oblik Drive to the west. Each of these are collector streets with existing sidewalks.
- Design details for future multi-family development on the subject site will be evaluated through Plan Approval applications, in order to ensure development aligns with policy 5.4.4 of the Secondary Plan.

SUBDIVISION

- As noted above, the subject site is currently made up of nine (9) separate parcels. Subdivision is required in order to create a total of 152 residential lots. Please refer to Figure 3, below.

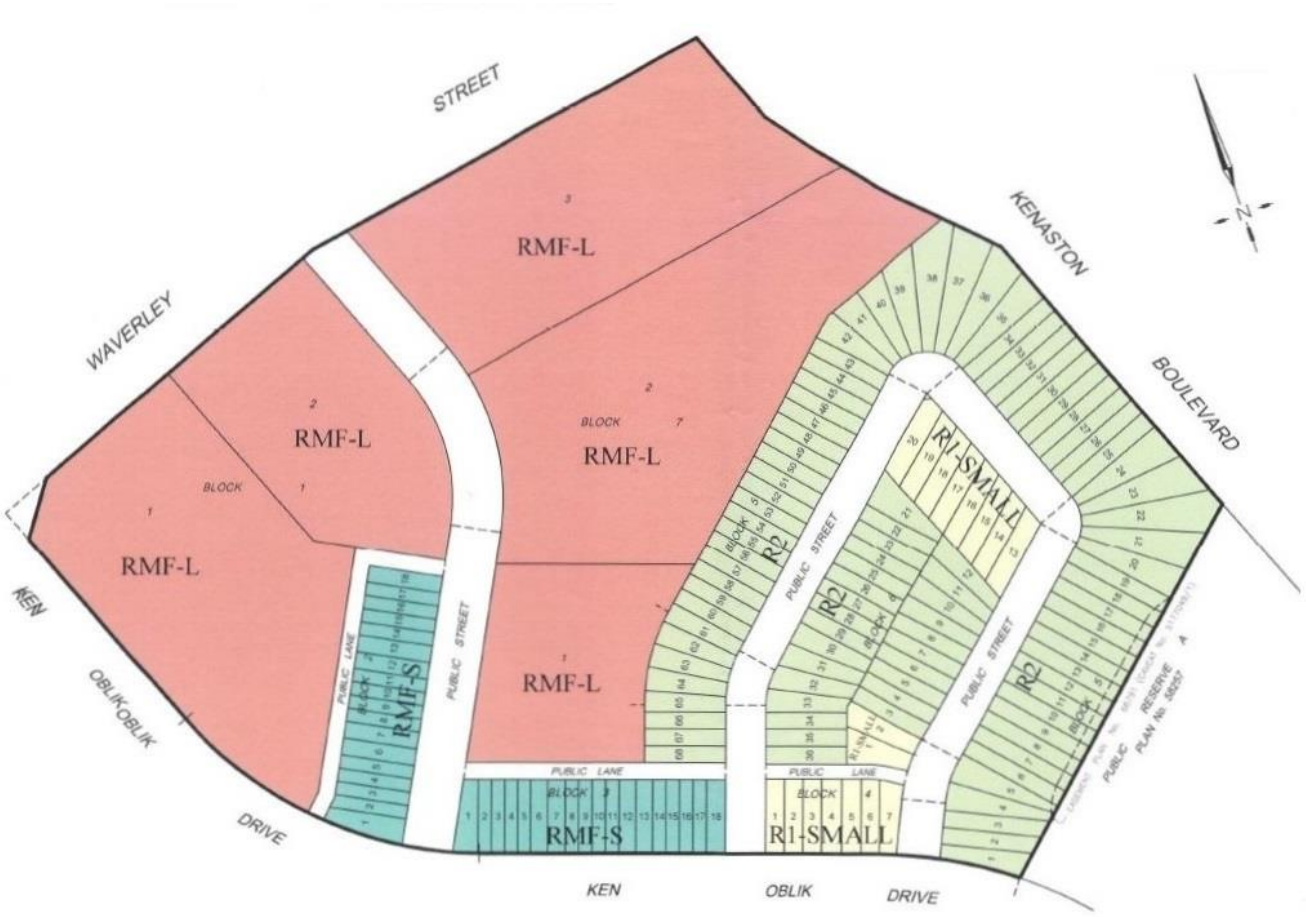



**Figure 3: Plan of proposed zoning lots. (Submitted by the applicant)**

REZONING

- As noted above, the subject site is currently zoned “C3” Commercial Corridor District and “RMF-M” Residential Multi-Family (Medium).
- The applicant is proposing to rezone the land to the following districts:
    - “RMF-L” Residential Multi-Family (Large)
    - “RMF-S” Residential Multi-Family (Small)
    - “R2” Residential Two-Family
    - “R1-S” Residential Single-Family (Small)

  Please refer to Figure 3, above, showing the proposed zoning districts.

*“RMF” Residential Multi-Family*

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

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

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

CONDITIONS OF APPROVAL

*Development Agreement*

- The Winnipeg Public Service recommends that the developer enter into a Development Agreement with the City of Winnipeg, in order to address a number of issues relating to municipal services and infrastructure in the Waverley West 'B' Neighbourhood. These issues are discussed in the Report of the Administrative Coordinating Group (ACG), which is attached to this report as Schedule "B."

*Zoning Agreement*

Plan Approval

- In order to ensure future development within the subject site is consistent with the Secondary Plan and compatible with the surrounding area, the Urban Planning Division is recommending that Plan Approval by the Director of Planning, Property and Development and the Assiniboia Community Committee be required for any development on the lands to be zoned "RMF-L" Residential Multi-Family (Large) and "RMF-S" Residential Multi-Family (Small).
- As discussed above, future Plan Approval applications should be evaluated with the policy 5.4.4 concerning site design, set forth in the *Waverley West Southeast Neighbourhood Area Structure Plan.*

Height Limit

- For buildings on Blocks 1 and 7 (proposed to be zoned "RMF-L") a height limit of 80 feet is recommended. This is to ensure compatible development consistent with policies in the area secondary plan, *Complete Communities Direction Strategy 2.0,* which support mid-rise development on sites that are conveniently serviced by transit and local communities. Additionally, the height limit will ensure buildings do not create adverse effects on adjacent properties.

Setbacks from Waverley Street, Kenaston Boulevard, Public Reserve

- Recommended conditions iii, iv, v, and vi of the Zoning Agreement are carried over from the previous Zoning Agreement for file no. DASZ 33/2012. These conditions apply to any single- or two-family lots that may back onto Waverley Street or Kenaston Boulevard, and the erection and maintenance of fencing abutting Waverley Street, Kenaston, and any public reserve space.

*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 subdivision and rezoning is consistent with policies guiding development in Established Neighbourhoods – Recent Communities under the *Complete Communities Direction Strategy 2.0,* which support a mix of housing types in a manner that is compatible with the surrounding area.
- The subdivision and rezoning is consistent with policies in the *Waverley West Southeast Neighbourhood Area Structure Plan,* which supports a mix of uses, including multi-family residential uses.
- The proposed multi-family zoning districts are located nearest Waverley Street and Ken Oblik Drive, which are each collector streets with sidewalks and transit service.
- The surrounding area is characterized by a mix of uses, including existing multi-family residential uses.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division

Report Prepared by: Robert Galston, MCP
PPD File #: DASZ 29/2023

**Schedule "A" for File DASZ 29/2023, Assiniboia Community Committee, dated January 15, 2024**

By-Law No. _____

File No. **DASZ 29/2023**

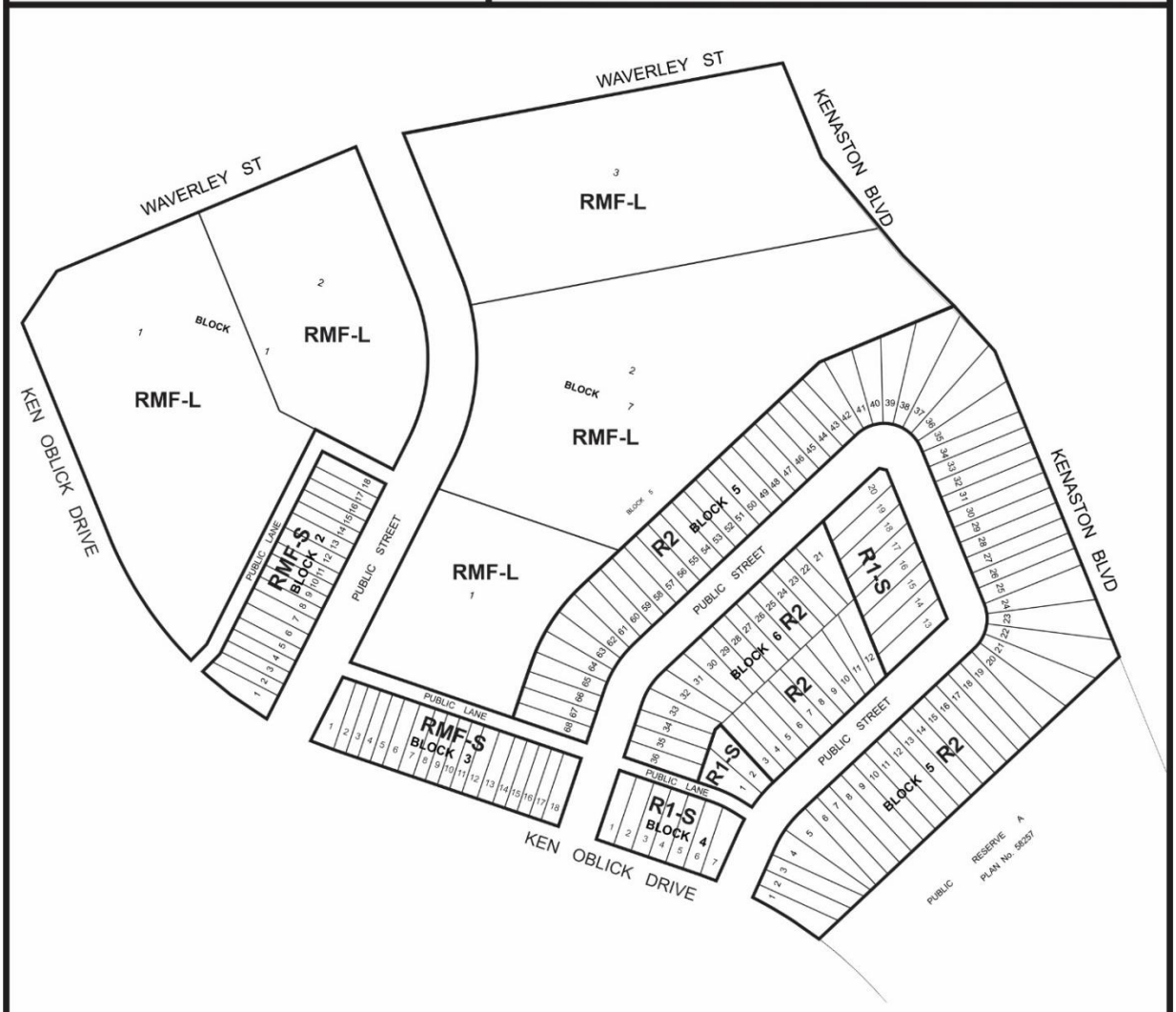
Atlas Sheet No. **AO19**

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**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 on the south side of Waverley Street and the east side of Ken Oblik Drive from an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT and a "C3" COMMERCIAL CORRIDOR DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT, an "R2" RESIDENTIAL TWO-FAMILY DISTRICT, an "RMF-S" RESIDENTIAL MULTI-FAMLY (SMALL) DISTRICT and an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to facilitate the continuation of the Prairie Pointe Neighbourhood by the creation of lots and block plans and public rights-of-way.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

## SCHEDULE B

## REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

**RE: PROPOSED REZONING OF LAND LOCATED ON THE SOUTH SIDE OF WAVERLEY STREET, EAST SIDE OF KEN OBLIK DRIVE**

It is recommended that approval of DASZ 29/2023, 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 cut where Public Lanes intersect, to the satisfaction of the Director of Public Works.

3) Intersections of local streets within the Planned Area are to be designed such that the angle of intersection is no less than 75° as measured in the quadrant with the acute angle.

4) The Developer shall dedicate and legally open property for right-of-way corner cuts measuring 2.0m by 2.0m in each corner of the intersection of two streets measuring 22.0m in width or greater. Right-of-way corner cuts measuring 3.0m by 3.0m are to be provided at each corner of any intersection where the angle is less than 80°, to the satisfaction of the Director of Public Works.

### Section I – Engineering Studies

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

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

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

## Section IV - Servicing Conditions

1) Wastewater Sewers

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

3) Lot Line Connections

a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and water main, 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.

4) Land Drainage Sewers

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

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 plan of 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) Pavements

The Developer shall, at no expense to the City, construct Portland cement concrete pavements:

a) 7.5m and 10.0m wide by 150mm and 200mm thick and all related works including, but not necessarily limited to street lighting, boulevard landscaping and land drainage sewer within all streets; and

b) 5.0m wide by 150mm thick within the proposed public lanes within the Planned Area serving single or two-family residential development, and 6.0-m-wide by 150-mm-thick within the proposed public lanes within the Planned Area serving multi-family residential and commercial development, as determined by, and to the satisfaction of, the Director of Public Works.

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

7) Intersection Modifications and New Intersection Construction

a) The Developer shall, at no expense to the City construct, and/or pay on demand the costs of, all required modifications and all related works including but not limited to construction of an additional (or extending) northbound left turn lane on Kenaston Boulevard at Waverley Street and all related works including but not limited to an overhead sign structure at the intersection of Kenaston Boulevard and Waverley Street, all as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct all pavement works required at the new proposed intersection on Waverley Street and all related works, as determined by and to the satisfaction of the Director of Public Works.

8) Sidewalks

a) The Developer shall, at no expense to the City, construct 1.5m wide by 100mm thick Portland cement concrete sidewalks on the standard alignment, 0.3m from the property line, along both sides of the proposed street within the Planned Area with a right-of-way measuring 22.0m in width or greater, all as determined by and to the satisfaction of the Director of Public Works.

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

9) Traffic Control Signals

a) The Developer shall pay to the City, in cash, on demand, full 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 proposed intersection of Waverley Street and the proposed Collector, when and 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 development agreements.

10) Fencing

The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting Kenaston Boulevard, a 2.0m high noise attenuation fence, as determined by, and to the satisfaction of, the Director of Public Works, and permit the City to file a caveat against the title of each such lot, requiring the owner(s) to maintain and/or repair the fence as originally constructed, to the satisfaction of the Director of Public Works.

11) Lot Setbacks

All single-family and two-family residential lots backing onto Kenaston Boulevard, shall be of sufficient depth to provide a minimum rear-yard set back which together with other sound attenuation measures such as a berm and/or noise attenuation fence achieve the City's Motor Vehicle Noise Policies and Guidelines sound-level limit of 65 dBA in the typical outdoor recreation area of those lots, and the Zoning Agreement covering those lots shall stipulate this minimum rear yard.

12) 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 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.

13) Boulevards

a) The Developer shall, at no expense to the City, sod and plant trees on all boulevards within and fronting on the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to and approved by the Director of Public Works, to the satisfaction of 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 trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

14) Private Approaches

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

b) There shall be no private approaches off of Kenaston Boulevard.

15) Two Means of Vehicle Access

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

b) The Developer shall, at no expense to the City, construct temporary paved roadways, and provide easements or rights-of-way in respect of same, as required to satisfy the Developer's obligation under clause (a).

16) Street Name Signs

The Developer shall, at no expense whatsoever 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.

17) Utilities

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

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

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

18) 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.

19) 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.

20) 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.

**Section V – 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. DAZ 29/2023
January 12, 2024

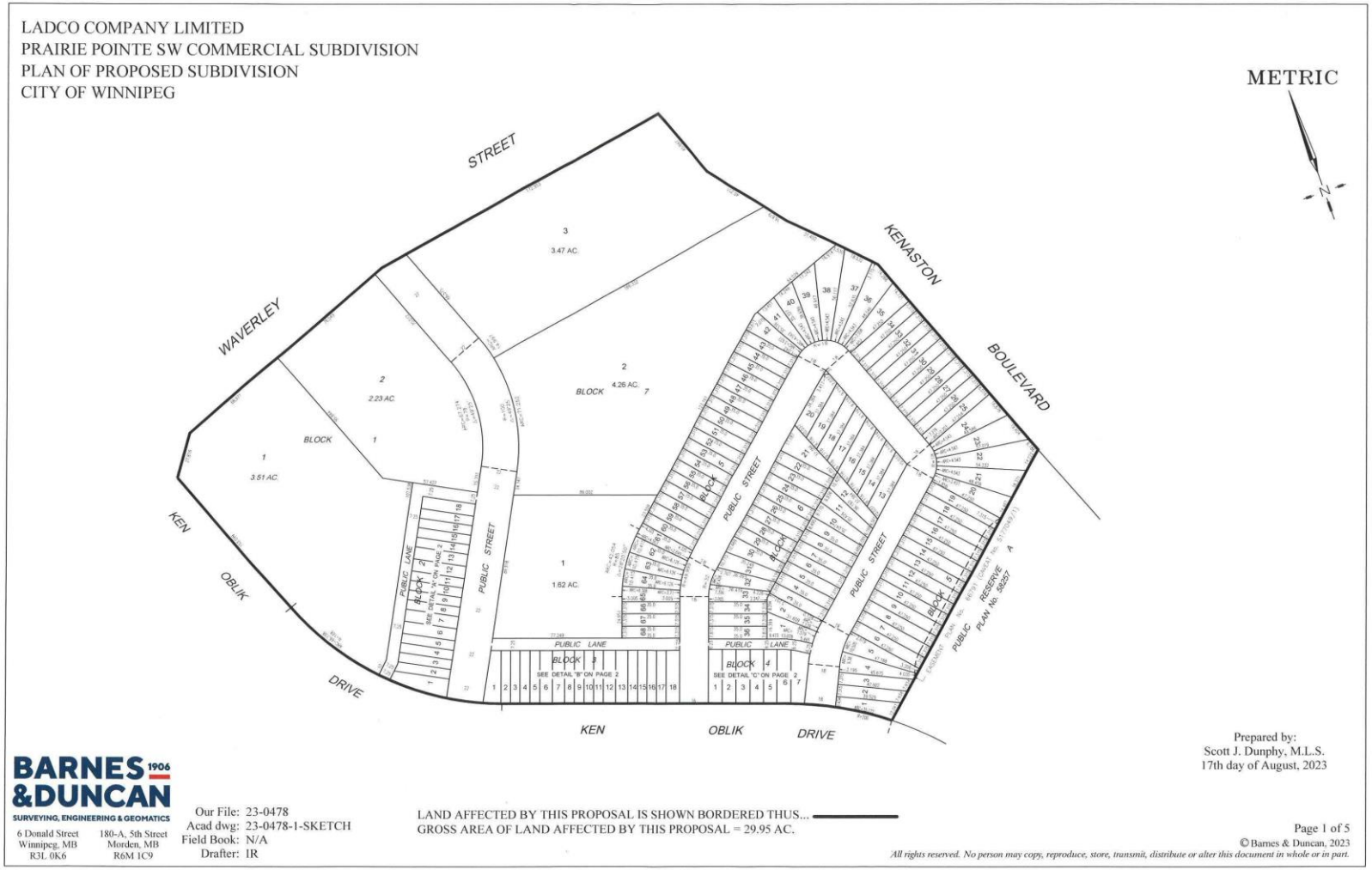
"*Original Signed by K.Kowalyk"*
K. Kowalyk, P. Eng.
Land Development Branch

Planning, Property and Development Department

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

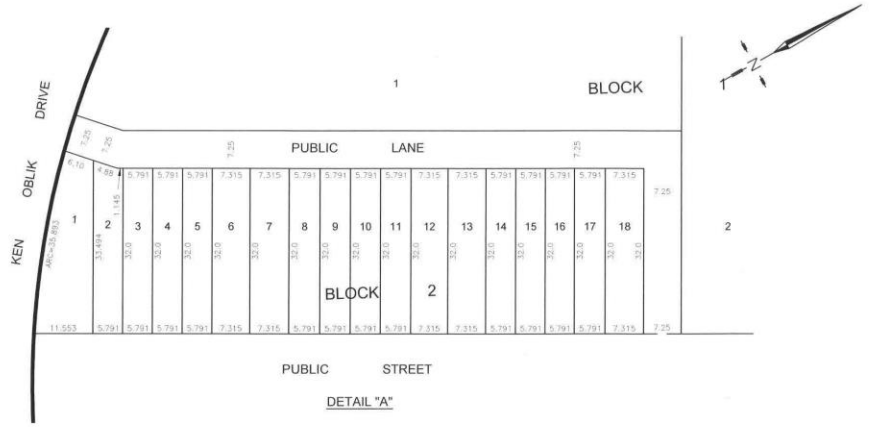
"*Original Signed by C. Desjardine"*
C. Desjardine, M. Sc., P. Eng.
Transportation Division
Public Works Department

Exhibit “9” referred to in File DASZ 29/2023

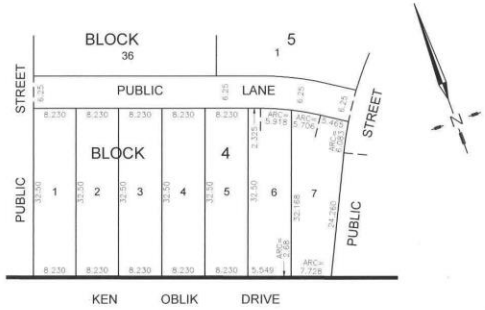


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PLAN OF PROPOSED SUBDIVISION SHOWING DETAIL FOR BLOCKS 2, 3 AND 4
CITY OF WINNIPEG

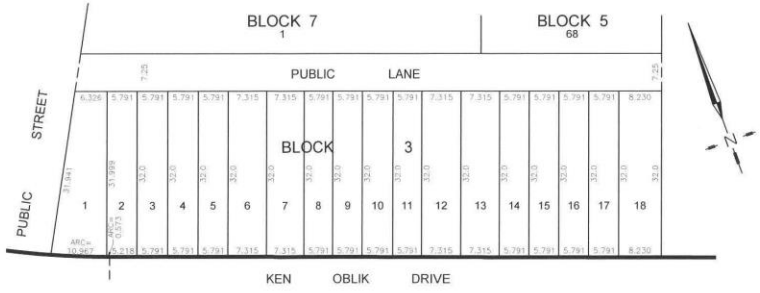
METRIC




DETAIL "A"




DETAIL "C"




DETAIL "B"

Prepared by:
Scott J. Dunphy, M.L.S.
17th day of August, 2023


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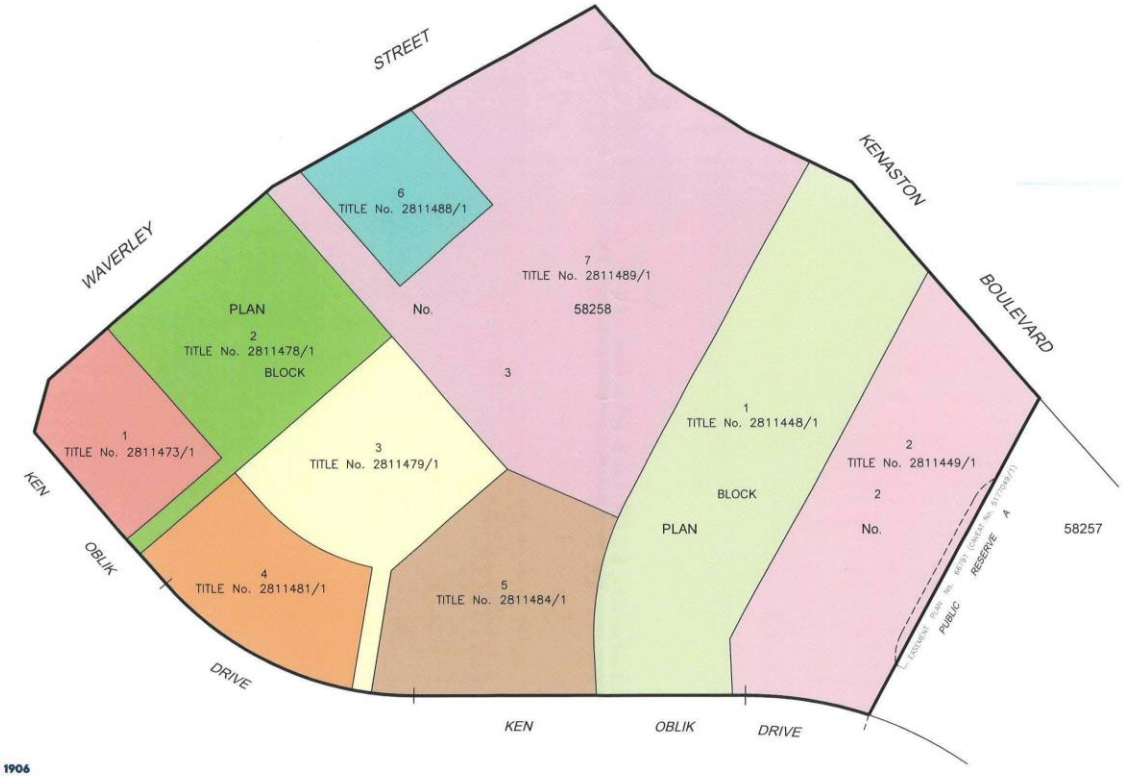

Our File: 23-0478
Acad dwg: 23-0478-1-SKETCH
Field Book: N/A
Drafter: IR

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TITLE PLOT
CITY OF WINNIPEG

METRIC




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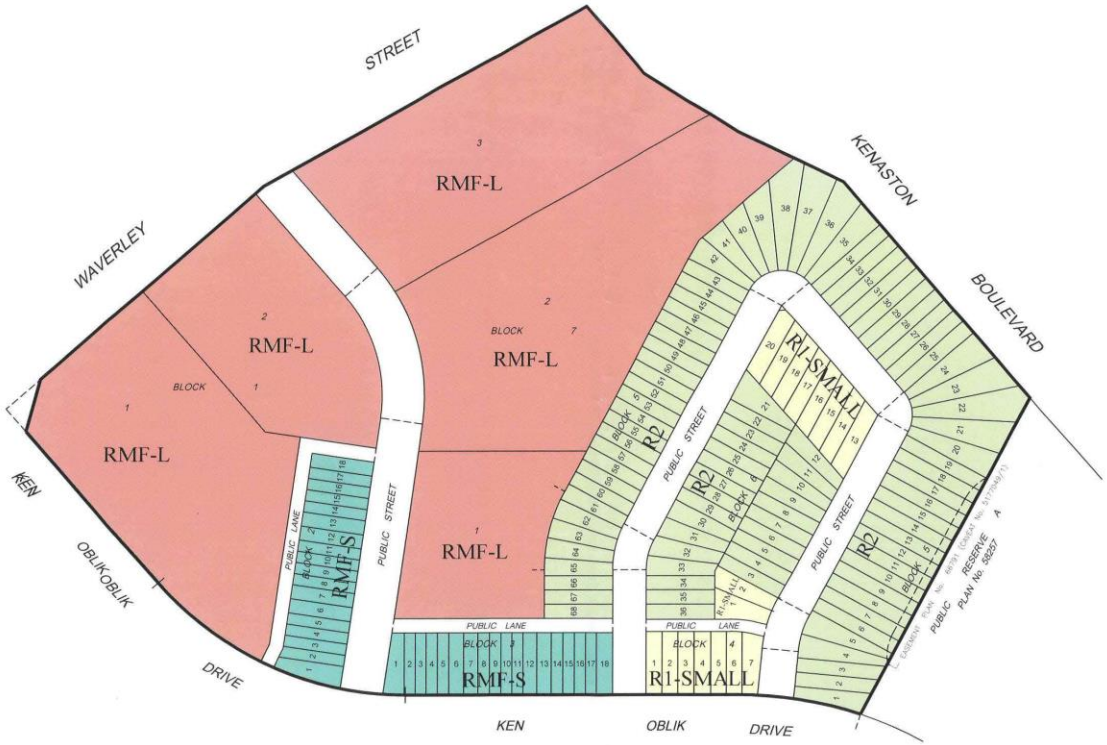
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PLAN OF PROPOSED ZONING
CITY OF WINNIPEG

METRIC




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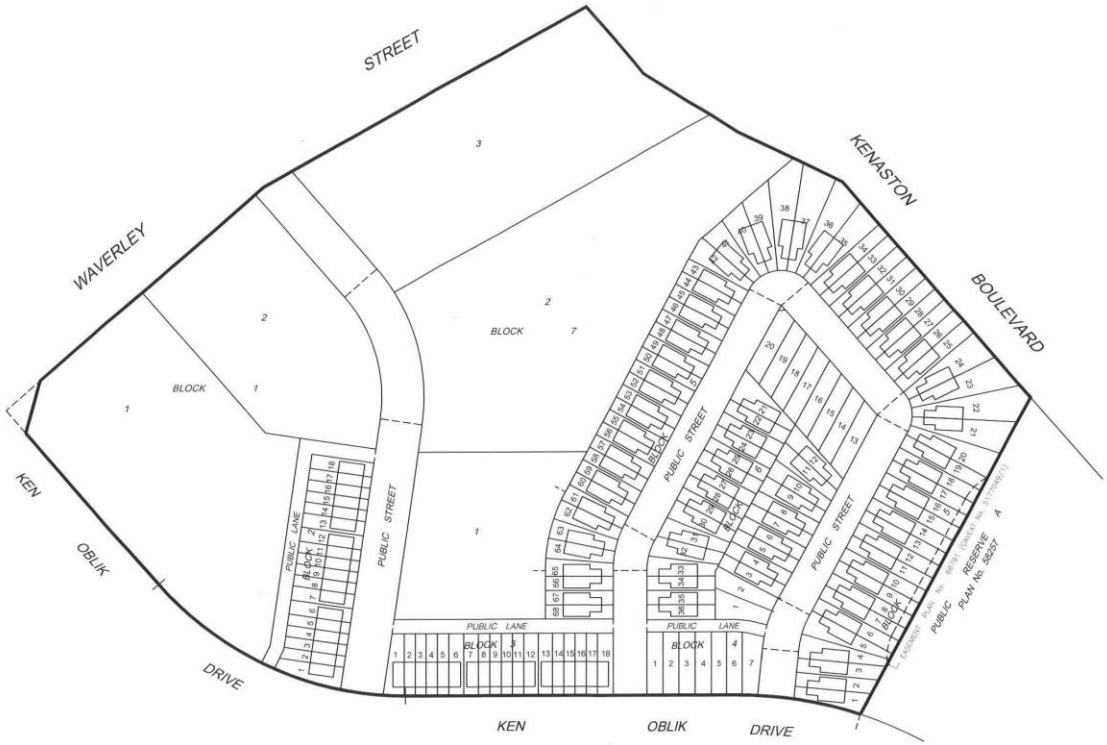
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PLAN SHOWING PROPOSED DWELLINGS ON RMF-S AND R2 ZONES
CITY OF WINNIPEG

METRIC




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Scott J. Dunphy, M.L.S.
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