Minutes – Council – March 21, 2024

Minute No. 217
Report – Standing Policy Committee on Property and Development – March 7, 2024

Item No. 8 **Subdivision and Rezoning – Southeast Corner of McPhillips Street and Murray Avenue**
(Old Kildonan Ward)
File DASZ 31/2023 [c/r DAV 230633/2023D]

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 31/2023 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 February 15, 2024, and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions.

    A. That the developer be required to enter into a 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 February 14, 2024 and attached as Schedule "B" to this report, with the following amendments:

        i. In the paragraph immediately prior to Section 1 – Engineering Studies, delete the words "Development Agreement" and replace with "Servicing Agreement"

        ii. On the last page of Schedule B, delete the word "DAZ 31/2023" and replace with "DASZ 31/2023"

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 in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated February 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:

Report – Standing Policy Committee on Property and Development – March 7, 2024

COUNCIL DECISION (continued):

i. That for those portions of the Owner's Land zoned "C4" Commercial Regional, and "RMF-L" Residential Multi-Family (Large) 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. lighting
h. free-standing signage

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

ii. That, excluding projections permitted under the Winnipeg Zoning By-Law, the maximum height of any building on the land shall not exceed 60 feet or 18.29 metres for Lots 2 and 3.

iii. That, excluding projections permitted under the Winnipeg Zoning By-Law, the maximum height of any building on the land shall not exceed 90 feet or 27.43 metres for Lot 4.

iv. *Deleted*.

v. That the Developer and all successors in title to the lots shall enter into, and register and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, private cross-access agreements with the owners of other lots so as to ensure vehicular and pedestrian access to every lot at all times, via streets or internal roads. The instrument(s) must contain the substance of the following terms:

Report – Standing Policy Committee on Property and Development – March 7, 2024

COUNCIL DECISION (continued):

"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.

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 North Point Boulevard, McPhillips Street, and Murray Avenue 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.

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.

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 ensure to the benefit of every Owner and, without limiting the generality of the foregoing, shall ensure 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.

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

   A. a Servicing Agreement in accordance with Recommendation 1;

Report – Standing Policy Committee on Property and Development – March 7, 2024

COUNCIL DECISION (continued):

B. and a Zoning Agreement in accordance with Recommendation 2

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

4. That authority be delegated to the Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

5. That Caveat No. 4784817/1 be discharged as it affects Lot 1, Block 2, Plan 60581, Lot 2, Block 2, Plan 60581, Parcel A, Plan 70046.

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 31/2023 (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 31/2023 will be deemed to be concluded and all approvals in connection with this matter 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 the 2 year period and Council approves the extension.

Report – Standing Policy Committee on Property and Development – March 7, 2024

COUNCIL DECISION (continued):

10. 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.

11. That the zoning section of the By-law will come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

12. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and 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 the 1-year period and Council approves the extension.

13. That Development Application No. DASZ 31/2023 will be deemed to be concluded and all approvals in connection with this matter will expire if the developer fails to secure all necessary Plan approval signatures on behalf of the City within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

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

15. That the Variance Order for File DAV 230633/2023D 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 31/2023.

Report – Standing Policy Committee on Property and Development – March 7, 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

His Worship Mayor Gillingham and Councillor Chambers were absent from the vote on the above motion.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 12, 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 March 7, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 27, 2024, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

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

  “, with the following amendments:

  i. In the paragraph immediately prior to Section 1 – Engineering Studies, delete the words “Development Agreement” and replace with “Servicing Agreement”

  ii. On the last page of Schedule B, delete the word “DAZ 31/2023” and replace with “DASZ 31/2023”

- Add the following new Recommendation 2.A.i.g. and renumber the remaining recommendation accordingly:

Report – Standing Policy Committee on Property and Development – March 7, 2024

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

"g. lighting"

- Delete Recommendation 2.A.iv. in its entirety
- In Recommendation 2.A.v., delete the words "Sage Creek Boulevard and Boulevard Des Hivernants" and replace with "North Point Boulevard, McPhillips Street, and Murray Avenue"

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

PUBLIC HEARING SUMMARY

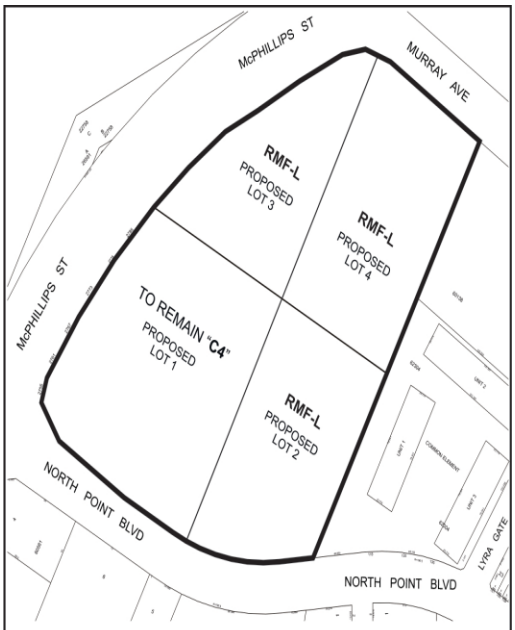
File: DASZ 31/2023

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

Public Hearing: February 27, 2024
Council Building, 510 Main Street

Applicant: Landmark Planning and Design Inc. (Brendan Salakoh)

Subject:



APPLICANT: Landmark Planning & Design Inc. (Brendan Salakoh)
FILE: DASZ 31/2023
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 a "C4" COMMERCIAL REGIONAL DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to facilitate the establishment of lots and the future construction of multi-family dwellings. **For information, phone S. Jerez Planner at 204-986-7175**

Premises Affected: Southeast Corner of McPhillips Street and Murray Avenue

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

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

Report date: February 28, 2024

Community Committee Recommendation:

On February 27, 2024, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, and recommended to the Standing Policy Committee on Property and Development:

1. That the subdivision proposed under Development Application No. DASZ 31/2023 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 February 15, 2024, and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions.

    A. That the developer be required to enter into a 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 February 14, 2024 and attached as Schedule "B" to this report***, with the following amendments:***

        i. In the paragraph immediately prior to Section 1 – Engineering Studies, delete the words "Development Agreement" and replace with "Servicing Agreement"

        ii. On the last page of Schedule B, delete the word "DAZ 31/2023" and replace with "DASZ 31/2023"

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 in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated February 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. That for those portions of the Owner's Land zoned "C4" Commercial Regional, and "RMF-L" Residential Multi-Family (Large) 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. lighting
h. free-standing signage

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

ii. That, excluding projections permitted under the Winnipeg Zoning By-Law, the maximum height of any building on the land shall not exceed 60 feet or 18.29 metres for Lots 2 and 3.

iii. That, excluding projections permitted under the Winnipeg Zoning By-Law, the maximum height of any building on the land shall not exceed 90 feet or 27.43 metres for Lot 4.

~~***iv. That pedestrian scale lighting shall be installed along at least one (1) side of the Pedestrian Connections required under section 206.1 of the City of Winnipeg Zoning By-law (no. 200/2006) to the satisfaction of the Director of Planning, Property and Development, and shall thereafter be maintained to the satisfaction of the Director of Planning, Property and Development.***~~

v**.** That the Developer and all successors in title to the lots shall enter into, and register and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, private cross-access agreements with the owners of other lots so as to ensure vehicular and pedestrian access to every lot at all times, via streets or internal roads. The instrument(s) must contain the substance of the following terms:

"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.

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 ~~***Sage Creek Boulevard and Boulevard Des Hivernants***~~ ***North Point Boulevard, McPhillips Street, and Murray Avenue*** 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.

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.

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 ensure to the benefit of every Owner and, without limiting the generality of the foregoing, shall ensure 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.

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

   A. a Servicing Agreement in accordance with Recommendation 1;

   B. and a Zoning Agreement in accordance with recommendation 2

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

4. That authority be delegated to the Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

5. That Caveat No. 4784817/1 be discharged as it affects Lot 1, Block 2, Plan 60581, Lot 2, Block 2, Plan 60581, Parcel A, Plan 70046.

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 31/2023 (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 31/2023 will be deemed to be concluded and all approvals in connection with this matter 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 the 2 year period and Council approves the extension.

10. 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.

11. That the zoning section of the By-law will come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

12. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and 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 the 1-year period and Council approves the extension.

13. That Development Application No. DASZ 31/2023 will be deemed to be concluded and all approvals in connection with this matter will expire if the developer fails to secure all necessary Plan approval signatures on behalf of the City within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

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

15. That the Variance Order for File DAV 230633/2023D 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 31/2023.

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

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

1. I really excited about this net phase of development, we've heard an excellent summary today from Landmark Planning and actually from the developers themselves, Whiteland had joined us and I think the trends have changed, there's housing crisis I'll use that word, in our city and across the country, there's a shortage, Mr. Chair of housing and northwest Winnipeg is very sought after in terms of a place to live and join your family when you're immigrating from various countries here to our City of Winnipeg. We've heard from Landmark Planning that it was a very thoughtful community consultation process that took place over several years and I heard from residents that they had connected with them and given their feedback and they heard how they've addressed that feedback they've heard from the community. So overall, this proposed subdivision and rezoning would promote development that aligns Mr. Chair, with the Complete Communities Direction Strategy 2.0 and Precinct F. North Point Village local plan as you noted earlier Northwest Winnipeg is experiencing tremendous growth and I believe that the developer here Whiteland Services is demonstrating that this application will add to the diversity of housing in the area which is much needed. They've shared a desire to build a site with high quality materials, pedestrian connectivity, and amenity space for the residents that will call this area home. The conceptual proposal shows a good transition from McPhillips Street with the existing residential area east of the site in the future we know that future high frequency transit will be available located directly adjacent to the commercial amenities on law one which is currently in construction.

2. I want to congratulate Whiteland today and I'm pleased to approve this application and have it go through the Council system for further approval. I look forward to seeing the detailed drawings come together, addressing all the finer points that make this a multifamily development this size and scale, its over 760 units that are much needed and I think the residents in the area are very excited by the proposal in front of us.

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 November 6, 2023
2. Notification of Public Hearing dated January 17, 2024
3. Manitoba Status of Title(s) 3168938/1, 3168939/1 and 3186816/1
4. Letter of authorization dated July 7, 2023 from Whiteland Services Inc. to Landmark Planning & Design Inc.
5. Caveat 4784817/1 and Caveat 4784819/1
6. Easement Agreement between 1910588 Alberta Ltd. of the First Part, and the City of Winnipeg of the Second Part, effective the 29th day of September 2016.
7. Zoning Agreement No. DASZ 40/2015 between The City of Winnipeg of the First Part, and 1910588 Alberta Ltd. of the Second Part, effective the 27th day of January 2016.
8. Title Plot (McPhillips Street and North Point Boulevard) Titles 3168938/1, 3168939/1 and 3186816/1
9. Drawings of subject property (Polaris Place) (9 pages)
10. Shadow Study dated July 25, 2023 (A.17)
11. Concept Plans dated July 25, 2023: Street Level (A1.1) & Elevated Courtyard Level (A1.2) and Site Plans dated July 25, 2023: Roof Level (A1.3), Street Level (A1.4), Elevated Courtyard Level (A1.5), Underground Parking (A1.6)
12. Report from the Urban Planning Division dated February 15, 2024
13. Inspection Report
14. Presentation dated February 27, 2024, in support of the application submitted by the Applicant at the public hearing

REPRESENTATIONS:

In Support:

Brendan Salakoh
Carolina Herrera
Shabnam Sachdeva
Baljit Kaur
Manpreet Singh Sekhon
Navneet Kaur
Satpal Sidhu

In Opposition:

Nil

For Information:

Nil

For the City:

S. Jerez, Planner, Planning, Property and Development Department
K. Kowalyk, Land Development Engineer, Planning, Property and Development Department

Exhibit "12" referred to in File DASZ 31/2023

ADMINISTRATIVE REPORT

Title: DASZ 31 2023 – Southeast Corner McPhillips and Murray

Issue: For consideration at the public hearing to subdivide and rezone approximately 11.3 acres to "RMF-L" Residential Multi-Family Large for future construction of residential multi-family buildings.

Critical Path: Lord Selkirk - West Kildonan 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
S. Jerez, MCP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision proposed under Development Application No. DASZ 31/2023 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 February 15, 2024, and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions.

    A. That the developer be required to enter into a 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 February 14, 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 in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated February 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. That for those portions of the Owner's Land zoned "C4" Commercial Regional, and "RMF-L" Residential Multi-Family (Large) the Owner must submit plans showing the location and design of any and all proposed:

            (a) buildings;

(b) accessory parking areas;

(c) private approaches;

(d) garbage enclosures;

(e) fencing;

(f) landscaping; and

(g) free-standing signage

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

ii. That, excluding projections permitted under the Winnipeg Zoning By-Law, the maximum height of any building on the land shall not exceed 60 feet or 18.29 metres for Lots 2 and 3.

iii. That, excluding projections permitted under the Winnipeg Zoning By-Law, the maximum height of any building on the land shall not exceed 90 feet or 27.43 metres for Lot 4.

iv. That pedestrian scale lighting shall be installed along **at least one (1) side of the** Pedestrian Connections required under section 206.1 of the City of Winnipeg Zoning By-law (no. 200/2006) to the satisfaction of the Director of Planning, Property and Development, and shall thereafter be maintained to the satisfaction of the Director of Planning, Property and Development.

v. That the Developer and all successors in title to the lots shall enter into, and register and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, private cross-access agreements with the owners of other lots so as to ensure vehicular and pedestrian access to every lot at all times, via streets or internal roads. The instrument(s) must contain the substance of the following terms:

"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.

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 Sage Creek Boulevard and Boulevard Des

Hivernants 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.

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.

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 ensure to the benefit of every Owner and, without limiting the generality of the foregoing, shall ensure 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.

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

   A. a Servicing Agreement in accordance with recommendation 1;

   B. and a Zoning Agreement in accordance with recommendation 2

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

4. That authority be delegated to the Director of Planning, Property and Development (the “Director”) to negotiate and approve the terms and conditions of the Servicing Agreement, the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

5. That Caveat No. 4784817/1 be discharged as it affects Lot 1, Block 2, Plan 60581, Lot 2, Block 2, Plan 60581, Parcel A, Plan 70046.

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 31/2023 (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 31/2023 will be deemed to be concluded and all approvals in connection with this matter 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 the 2 year period and Council approves the extension.

10. 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.

11. That the zoning section of the By-law will come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

12. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and 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 the 1-year period and Council approves the extension.

13. That Development Application No. DASZ 31/2023 will be deemed to be concluded and all approvals in connection with this matter will expire if the developer fails to secure all necessary Plan approval signatures on behalf of the City within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

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

15. That the Variance order for File No. DAV 23-230633/D shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 31/2023.

REASON FOR THE REPORT

- The applicant intends to subdivide and rezone approximately 11.3 acres of land in Precinct ‘F’ in order to establish 3 multi-family residential lots.
- Rezoning applications require a public hearing as per the Development Procedures By-law and The City of Winnipeg Charter.
- The Report is being submitted for the Committee’s consideration of the development application at the Public Hearing.

OURWINNIPEG 2045 POLICY ALIGNMENT

City Building Objective 1: Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan’s sustainable development goals. Facilitate growth and change strategically within Winnipeg’s unique Transformative Areas and Established Neighbourhoods.

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

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	S. Jerez, MCP
Date:	February 15, 2024
File No.	DASZ 31/2022

List of Schedules and Attachments

- **Appendix "A," Planning Discussion.**
- **Schedule "A," of File 31**/2023**,** Lord Selkirk - West Kildonan **Community Committee, dated** February 15, 2024**.**
- **Schedule "B," Report of the Administrative Co-ordinating group, RE:** Proposed Rezoning of Land Located on the Southeast Corner of McPhillips Street and Murray Avenue **dated** February 14, 2024.

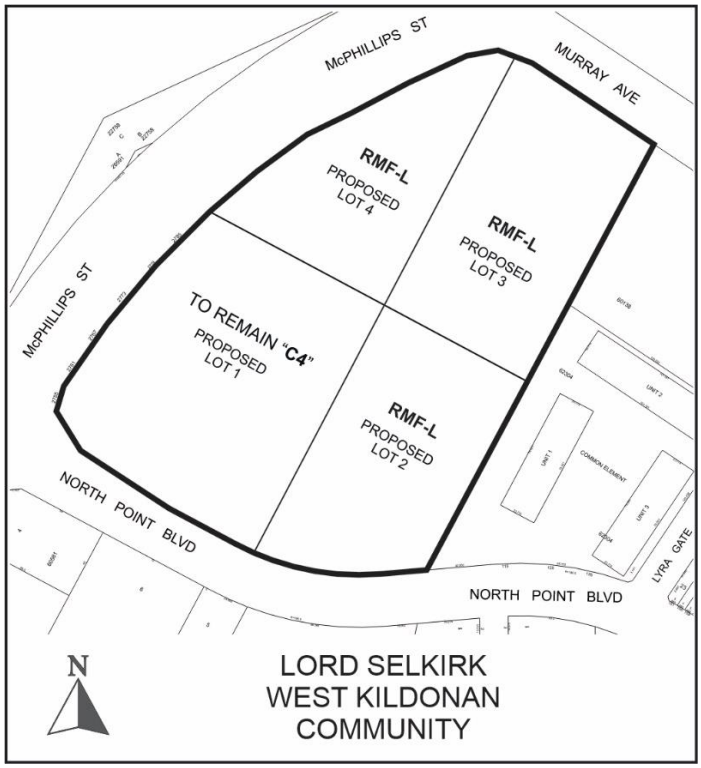
APPENDIX 'A'

DATE:	February 15, 2024
FILE:	**DASZ 31/2022**
RELATED FILES:	DAV 23-230633\D
COMMUNITY:	Lord Selkirk-West Kildonan Community
NEIGHBOURHOOD #:	3.333 (West Kildonan Industrial)

SUBJECT: For consideration at the public hearing to subdivide and rezone approximately 11.3 acres to "RMF-L" Residential Multi-Family Large for future construction of residential multi-family buildings.

LOCATION: McPhillips Street

LEGAL DESCRIPTION: LOT 1/2 BLOCK 2 PLAN 60581 24/26 K



APPLICANT: Brendan Salakoh (Landmark Planning & Design Inc.)
298 Waterfront Dr
Winnipeg, MB R3B 0G5

OWNERS: 1910588 ALBERTA LTD.
11504 170 St NW
Edmonton, AB T5S 1J7

RECOMMENDATION: Approval with conditions

HISTORY

Precinct F Secondary Plan By-law No. 67/2010

- On March 26, 2014, the Precinct F Secondary Plan (North Point Village Precinct Plan; SP 04/2013) received third reading and was approved by Council to allow for the development of commercial uses and a mix of residential uses.

DASZ 40/2015

- On April 27, 2016, Council approved the rezoning of the subject land from "A" Agriculture to an "C4" Commercial Regional District as part of DASZ 40/15 (By-law 57/2016).
- Approval of DASZ 40/2015 included a Zoning Agreement requiring that any proposed development, including plan approval per Clause 2, as follows:

  For those portions of the Owner's Land zoned "RMF-M" or "RMF-L" or "C4", the Owner must submit plans showing the location and design of any and all proposed buildings (including articulation and exterior materials and finishes), the accessory parking areas, bicycle parking, pedestrian pathways and sidewalks, private approaches, garbage enclosures, loading areas, fencing, landscaping, light and freestanding signage ("Works") to the City's Director of Planning, Property and Development ("Director") and the City's Lord Selkirk-West Kildonan Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct and maintain the Works to the satisfaction of the Director."

- A Sightline Easement is also caveated to all lots on the subject site, restricting the placement of buildings, structures, fences, and landscaping along the most southerly property line, along North Point Boulevard.

DASSF 554/2016

- The land was further subdivided under former plan of subdivision, File No. DASSF 554/2016, to create Block 2, Plan 60581.

DISCUSSION

SITE DESCRIPTION

- The subject property is located on the west side of McPhillips Street between Murray Avenue (north) and North Point Boulevard (south), in the West Kildonan Industrial neighbourhood of the Old Kildonan ward.
- Per DASZ 10/2019, the site was rezoned from “A” Agricultural to “C4” Commercial (Regional).
- The overall “C4” parcel (spanning from North Point Boulevard to Murray Avenue) is approximately 18 acres in size. However, the portion of the site proposed for development under this application consists of +/-11.3 acres of land with frontage along McPhillips Street Murray Avenue, and North Point Boulevard.
- The site is designated “Recent Community” under the Complete Communities Direction Strategy 2.0 (CCDS 2.0) and designated “Commercial Mixed-Use” under the North Point Village Local Area Plan (Precinct ‘F’).



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2023)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Murray Avenue, then agricultural uses split zoned “C2” Commercial Community and “A” Agricultural District.

South: North Point Boulevard, then vacant lands zoned “C4” Commercial Regional.

East: Mid-rise multi-family residential development zoned “RMF-L” Residential Multi-family Large.

West: McPhillips Street, then agricultural uses zoned “A” Agricultural District.

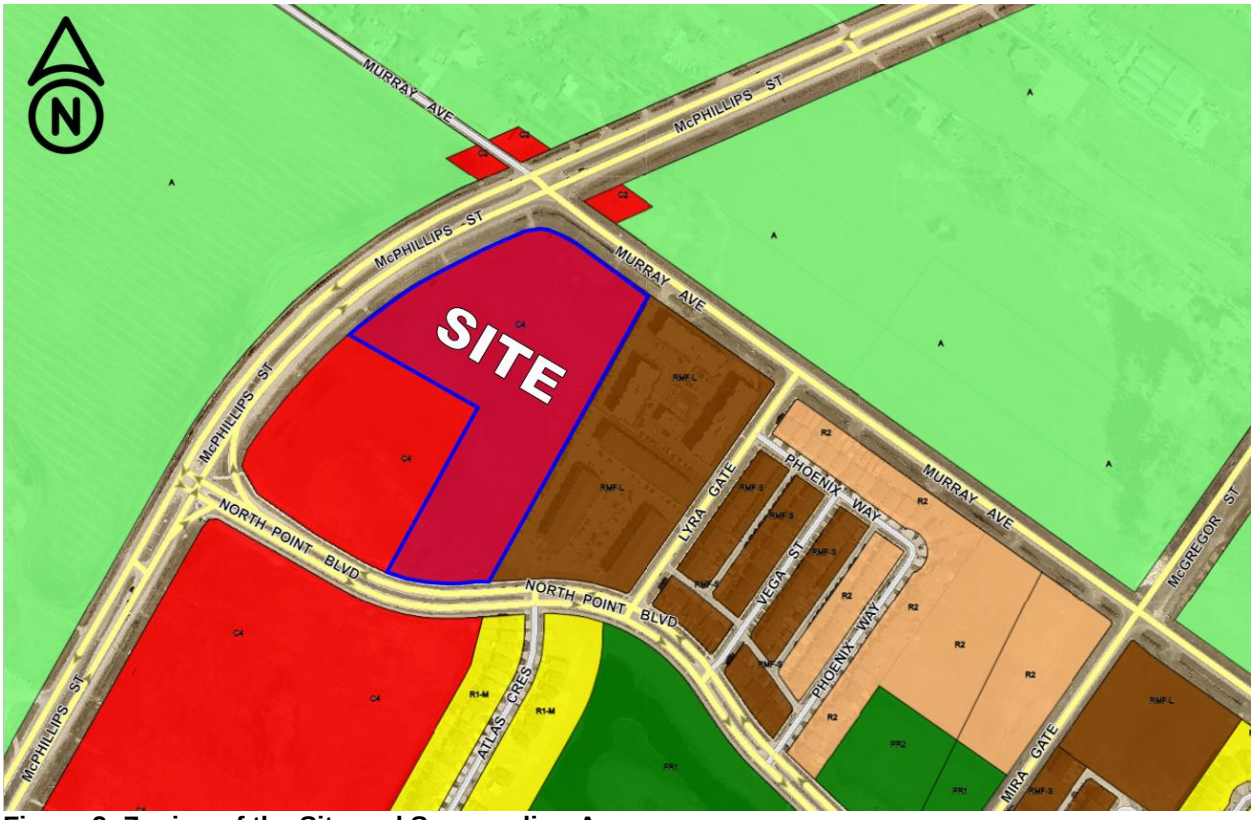


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the subject property into three (3) lots and rezone proposed Lot 2, Lot 3 and Lot 4 from a "C4" Commercial Regional District to an “RMF-L” Residential Multi-Family (Large) District to facilitate the establishment of a multi-family dwelling development with up to 760 multi-family residential units.
- Lot 1, which is to remain zoned “C4” Commercial Regional District, is currently under development to accommodate six (6) commercial buildings with the goal to attract various retail and service-oriented uses. A strip of land along the southeast of the existing commercial site will be subdivided and consolidated with Proposed Lot 2.
- Schematic plans of development have been submitted at this time, to provide a high-level impression of buildings, green spaces, parking areas and roads in order to illustrate how the site could be developed, including 760 multi-family dwelling units divided amongst six (6) multi-family dwellings. Two (2) five storey buildings are shown on each of Proposed Lots 2 and 3 along the east side of the site. Schematic plans for Proposed Lot 4, located along the west (McPhillips Street) property line, include two (2) eight storey buildings.
- The intention of the subject application is to subdivide and rezone the property to for future development therefore the proposed design is intended to be conceptual, and to address

only the location of parcels, roads and accessible pedestrian connections. The applicant has included a statement in their letter of intent that future development would minimize variances and adhere to requirements for landscaping, bicycle parking, and storage of containers for waste collection.

- The site plan provided shows an internal road network and pedestrian pathways, including primary pedestrian access points to the site from McPhillips Street, North Point Boulevard, and Murray Avenue.
- Vehicle access to the site is proposed from three locations, including approaches on the east side of McPhillips Street (a right in / right out exit between North Point Boulevard and Murray Avenue), the north side of North Point Boulevard (an all movement stop controlled intersection), and the south side of Murray Avenue (a three-directional access limited to left-in, and right-in / right out movements). These approaches would lead to internal private roads that connect to accessory parking areas associated with the existing commercial development as well as those for future development phases. The proposed design concept has been aligned to facilitate vehicle access between parcels.
- A traffic study has been completed by Stantec with recommendations to mitigate traffic impacts, and has been submitted as part of the subject application.
- In addition to the proposed subdivision and rezoning, the applicant has a concurrent Variance application to permit lots without direct access from a street or public right of way (DAV 23-230633/D). Instead access will be facilitated via an internal road network between adjacent lots. Please refer to the Planner's report for analysis on the proposed Variances.

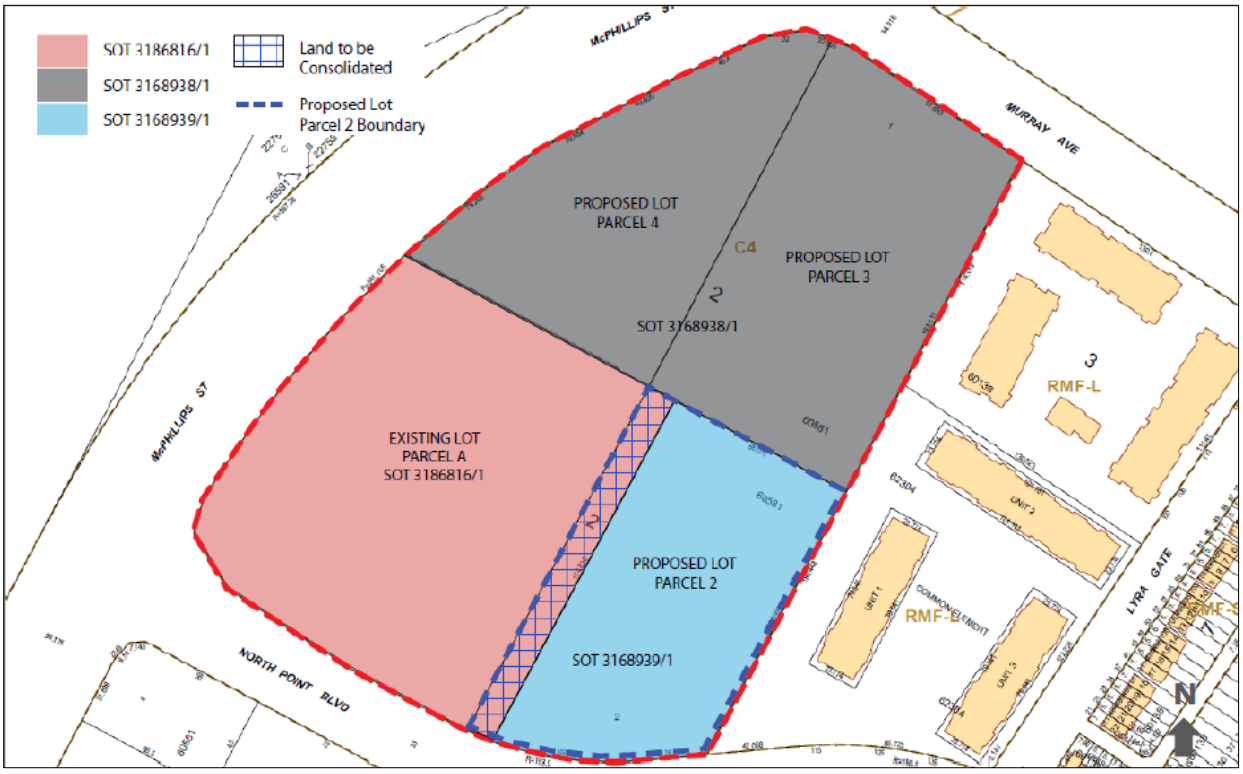


Figure 3: Proposed Plan of Subdivision and Rezoning

COLLABORATIVE PLANNING

- The applicant has worked collaboratively with the Public Service to provide a mutually agreeable proposal, as has agreed to incorporate additional feedback in subsequent Plan Approval applications for development on the subject site.
- The applicant indicates they also consulted with the surrounding community. The project team met with directly adjacent and nearby residents, and stakeholder groups, those most likely to be potentially impacted by this proposal, across four meetings from December 2021 to June 2023. Feedback was obtained from stakeholders using virtual open houses, meeting minutes, online surveys, phone conversations, and email correspondence.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The *Complete Communities Direction Strategy 2.0* (*CCDS 2.0*) is one of four direction strategies supporting *OurWinnipeg*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is located in an "Established Neighbourhoods – Recent Communities" policy area as outlined in *CCDS 2.0*. The Vision for Established Neighbourhoods is to continue to evolve as complete communities to increase the diversity of housing choices, improve housing affordability, and more efficiently use land, infrastructure and services.
- With regard to this proposal, the key goal and policies guiding the development of Established Neighbourhoods include:

  1.0 Encourage compatible residential development within Established Neighbourhoods to build more Complete Communities and align with the City's residential intensification target.

  1.1 Encourage residential development that positively contributes to neighbourhood character while expanding housing options for residents in a manner that is sensitive and complementary to existing development.

  2.0 Design new development in Established Neighbourhoods to a high standard of urban design and construction to ensure new development adds value to public and private urban spaces to create a sense of place and civic pride.

  2.4 Encourage the use of high-quality, energy efficient, and durable exterior building facade materials.

  2.5 Encourage a variety of architectural styles.

  2.6 Encourage building design to include a range of architectural features that create visual interest and positively contribute to the visual aesthetics of the street and neighbourhood.

  2.9 Buildings with multi unit residential uses should be designed to support pedestrian activity and reinforce the public realm through thoughtful use of architectural features which may include, but are not limited to, the following:

  a) Window placement that supports passive surveillance;

  b) Unit entrances with direct access to the street;

c) *Front porches;*

d) *Balconies;*

e) *Awnings;*

f) *Lighting; and*

g) *Height of primary entrances*

2.10 Discourage building designs that orient the back of the building to the street.

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

2.13 Where appropriate, taller buildings should use step backs and roof design to mitigate negative impacts on adjacent properties and provide a more comfortable pedestrian environment.

2.14 Avoid buildings that create long blank walls facing public streets.

2.15 Encourage the use of architectural features to articulate building walls in order to mitigate the impact of new building mass.

2.17 Where motor vehicle parking must be accessed from a front street, it should be effectively screened or incorporated into the building in a manner that positively contributes to the attractiveness of the streetscape.

2.18 Where loading areas require access from a street, they should be discreet and incorporated into the building in a manner that contributes to the attractiveness of the streetscape.

2.21 Site 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.

PRECINCT ‘F’ LOCAL AREA PLAN - NORTH POINT VILLAGE

- Key applicable policies under the Commercial Mixed-use policy designation include the following:
  - *The final design of the Commercial Mixed-Use Area shall be determined through the Development Application process and may be implemented through the use of a variety of methods including plan approval, development agreement, or a planned development overlay.*
  - *The following guidelines will inform the design of the Commercial Mixed-Use Area:*
    - *Building articulation, glazing, a variety of materials and finishes, and landscaping should be used to create a unique and appealing commercial character.*

- *Sites and buildings should be designed such that their use will not significantly compromise the privacy of residential uses in or near the Commercial Mixed-Use Area.*
- *Sites and buildings should be designed to minimize any potential adverse effects of lighting or sound on adjacent residential uses, which may include (but not be limited to) establishing landscaping such as plantings and fencing.*
- *Exterior lighting should be shielded to minimize any potential light trespass into adjacent dwellings.*
- *Pedestrian-oriented lighting may be provided on pedestrian routes in the Commercial Mixed-Use Areas.*
- *On-site parking area landscaping should include trees and should be designed and maintained such that pedestrian – motorist sight-lines are not compromised.*

CITY OF WINNIPEG ZONING BY-LAW 200/2006

"RMF-L" Residential Multi-Family Large

- The applicant is proposing to rezone the property to an "RMF-L" – Residential Multi-Family Large District to permit a lot area per dwelling unit of 400 square feet per dwelling unit for future multi-family residential development.
- The dimensional standards for multi-family structures in the 'RMF-L' zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum interior side yard of 8 feet (where the building is more than one storey in height the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet), a minimum corner side yard of 20 feet and, a maximum building height of 150 feet. The minimum lot area is 20,000 square feet and the minimum lot area per dwelling unit is 400 square feet.

COMPATIBILITY WITH THE SURROUNDING AREA

- The proposed height and density of the proposed development transitions well from up to eight storeys along McPhillips Street tapering to five storeys along Murray Avenue, North Point Boulevard and the east property line abutting mid-rise (four- to five-storey) "RMF-L" zoned multi-family developments east of the subject site.
- The *Transit Master Plan* identifies the interrelated nature of land use and transit use. It promotes multimodal connections with land use that better enable people to choose to live without a car or drive less (p.28). While the site is currently not serviced by Winnipeg Transit, the *Transit Master Plan* identifies McPhillips Street as part of the Primary Transit Network. The portion of McPhillips Street adjacent to the subject site is designated as Frequent Line "I" in the Transit Master Plan; once established, service is expected every 10 to 15 minutes, and the site falls within 400-metres walking distance to high-quality transit.
- In addition to having access to high quality transit service, the site will be located directly adjacent to commercial amenities located on Lot 1, currently under development.
- After review, subject to the recommended conditions of approval, the proposed subdivision and rezoning would be consistent with the applicable goals and policies of the *Complete Communities Direction Strategy 2.0* and the *Precinct 'F' (North Point Village) Local Area Plan.*

RECOMMENDED ZONING AGREEMENT

Plan Approval

- The site plans and landscaping plans for each lot and the building elevations provided with the subject application are conceptual. The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Lord Selkirk – West Kildonan Community Committee for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division and the Lord Selkirk – West Kildonan Community Committee to review final plans before development takes place for the proposed development and for any future developments on the site.

Building Height

- To limit the potential shadowing of the neighbouring properties by the proposed development and recognizing the maximum building height permitted in the 'RMF-L' zone is 150 feet, the Public Service is recommending that the maximum height of any building on proposed Lots 2 and 3 be restricted to 60 feet, and that the maximum height of any building on proposed Lot 4 be restricted to 90 feet.

Pedestrian Scale Lighting:

- **The subject site will be serviced by a private road network, extending far from the abutting public rights-of way (McPhillips Street, North Point Boulevard, and Murray Avenue). The internal streetscape should be the focal point for pedestrian activity and vibrancy.**
- **Although the proposed site plan shows high quality and accessible walkways along the proposed road network, and conceptual pathways connecting the proposed buildings with one another, with private roads, and with the public street, it is recommended that pedestrian scale lighting be installed along at least one (1) side of the required pedestrian connection for safety.**
- **Lighting will be required to comply with the General Standards for lighting under Part 5 of the City of Winnipeg Zoning By-law (no. 200/2006).**

Cross Access Agreement

Noting that vehicular and pedestrian access to the properties is proposed by way of three shared approaches and internal roads, the Urban Planning Division is recommending that a cross access agreement be registered as a caveat on Lots 1, 2, 3 and 4 as to ensure access to every lot at all times via streets or internal roads, by vehicles and pedestrians.

Servicing Agreement

- A servicing agreement is recommended as a condition of approval and is attached as Schedule B to this report.

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 park purposes. The amount of land is not less than 10 percent. In the case of this proposed rezoning, the

Planning, Property and Development Department is recommending that the developer provide cash in lieu of a dedication of land for the increased value of the subject site as a result of the subdivision and rezoning.

RECOMMENDATION

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

- The subdivision and rezoning application would generally comply with the *Complete Communities Direction Strategy 2.0,* and with the *Precinct 'F' (North Point Village) Local Area Plan*, and would be compatible with the surrounding area.

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

Report Prepared by: S. Jerez, MCP
PPD File #: DASZ 31/2023

Schedule "A" for File DASZ 31/2023
Lord Selkirk West Kildonan Community Committee, dated February 15, 2024

By-Law No. _____

File No. **DASZ 31/2023**

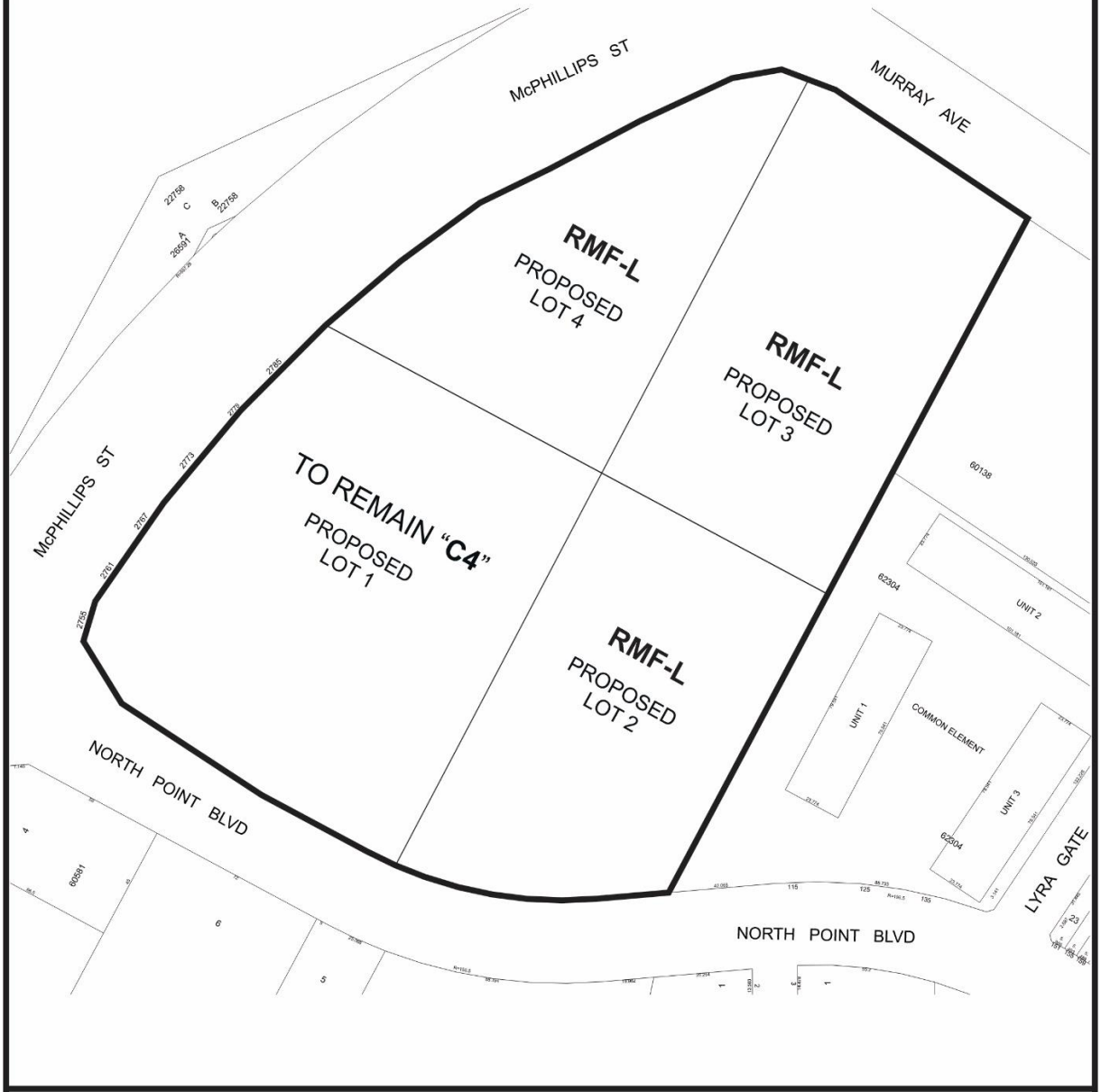
Atlas Sheet No. **R25**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at the southeast corner of McPhillips Street and Murray Avenue from a "C4" COMMERCIAL REGIONAL DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to facilitate the establishment of lots and the future construction of multi-family dwellings.



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 SOUTHEAST CORNER OF MCPHILLIPS STREET AND MURRAY AVENUE

It is recommended that approval of DASZ 31/2023, if granted, be subject to the applicant entering into a Development Agreement containing the following conditions:

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 II - Servicing Conditions

1) Joint Servicing

The applicant shall, at no expense to the City, enter into, and register and maintain in perpetuity by way of caveat against the Titles to all lots within the Planned Area which are to be serviced jointly (the "Lots") an appropriate joint services agreement or private easement agreement with all owners of the 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 indemnify the City from and against any costs or responsibility for the private joint services.

2) 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.

3) 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 where North Point Boulevard intersects with the proposed private access, 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.

4) North Point Boulevard

a) The Developer shall, at no expense to the City, construct, and/or pay on demand the costs of, left turn lanes on North Point Boulevard where it intersects with the proposed private accesses, and all related works, 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.

5) McPhillips Street and North Point Boulevard

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 the following:

i) A second west to south turn lane on North Point Boulevard at McPhillips Street and all related works including but not limited to oversized signage,

ii) An additional (or extending) southbound left turn lane on McPhillips Street at North Point Boulevard and all related works including but not limited to a cantilever overhead sign structure,

at the intersection of North Point Boulevard and McPhillips Street, all as determined by and to the satisfaction of the Director of Public Works.

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

6) Murray Avenue

The Developer shall, at no expense to the City construct, and/or pay on demand the costs to construct, a median opening and westbound left turn lane on Murray Avenue at the proposed private access, and all related works, if warranted when Murray Avenue is twinned, all as determined by and to the satisfaction of the Director of Public Works.

7) 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.

8) 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.

9) 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.

10) 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 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:

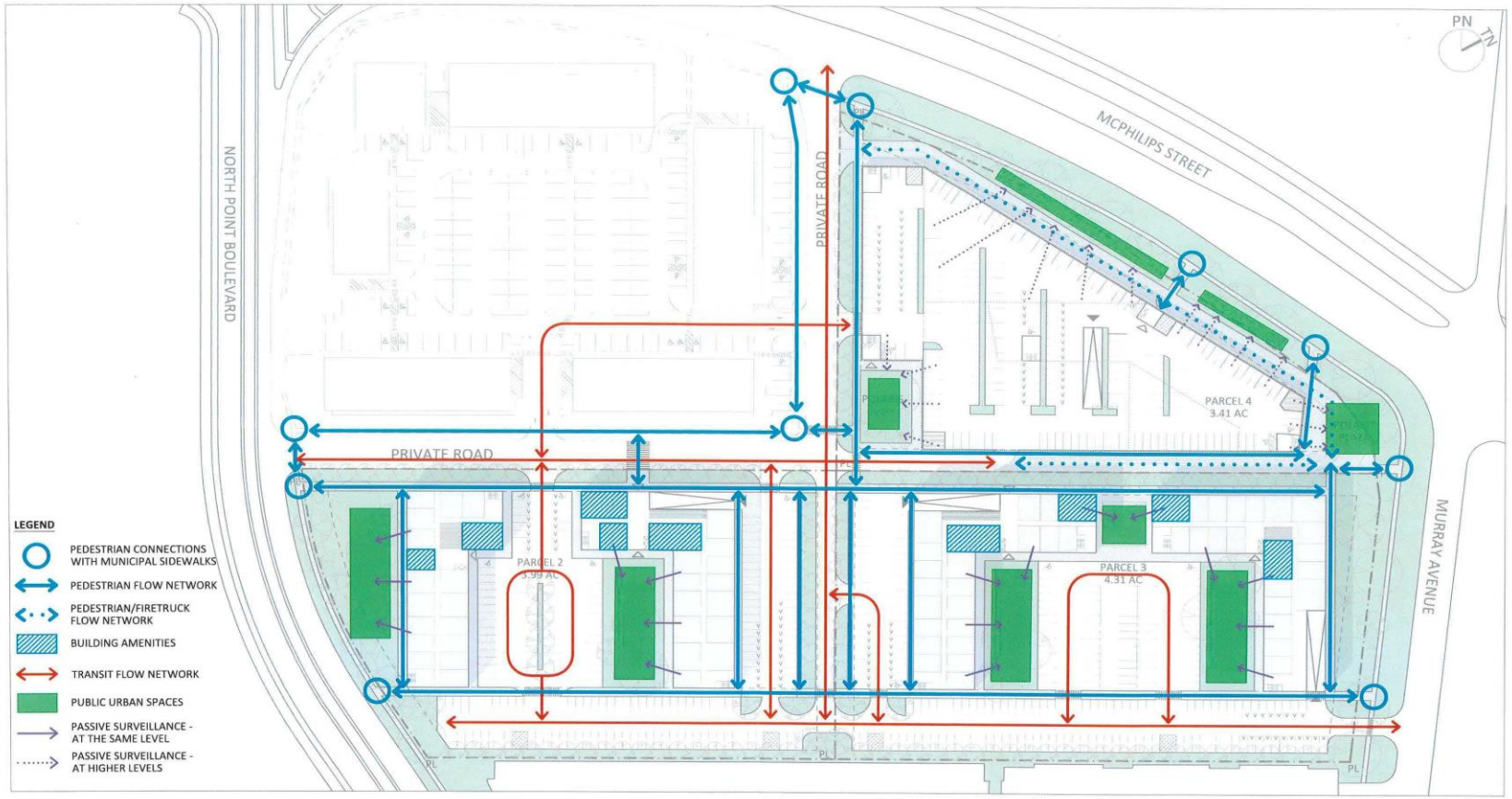
Administrative Co-ordinating Group
File No. DAZ 31/2023
February 14, 2024

"*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 “11” referred to in File DASZ 31/2023



Amphora

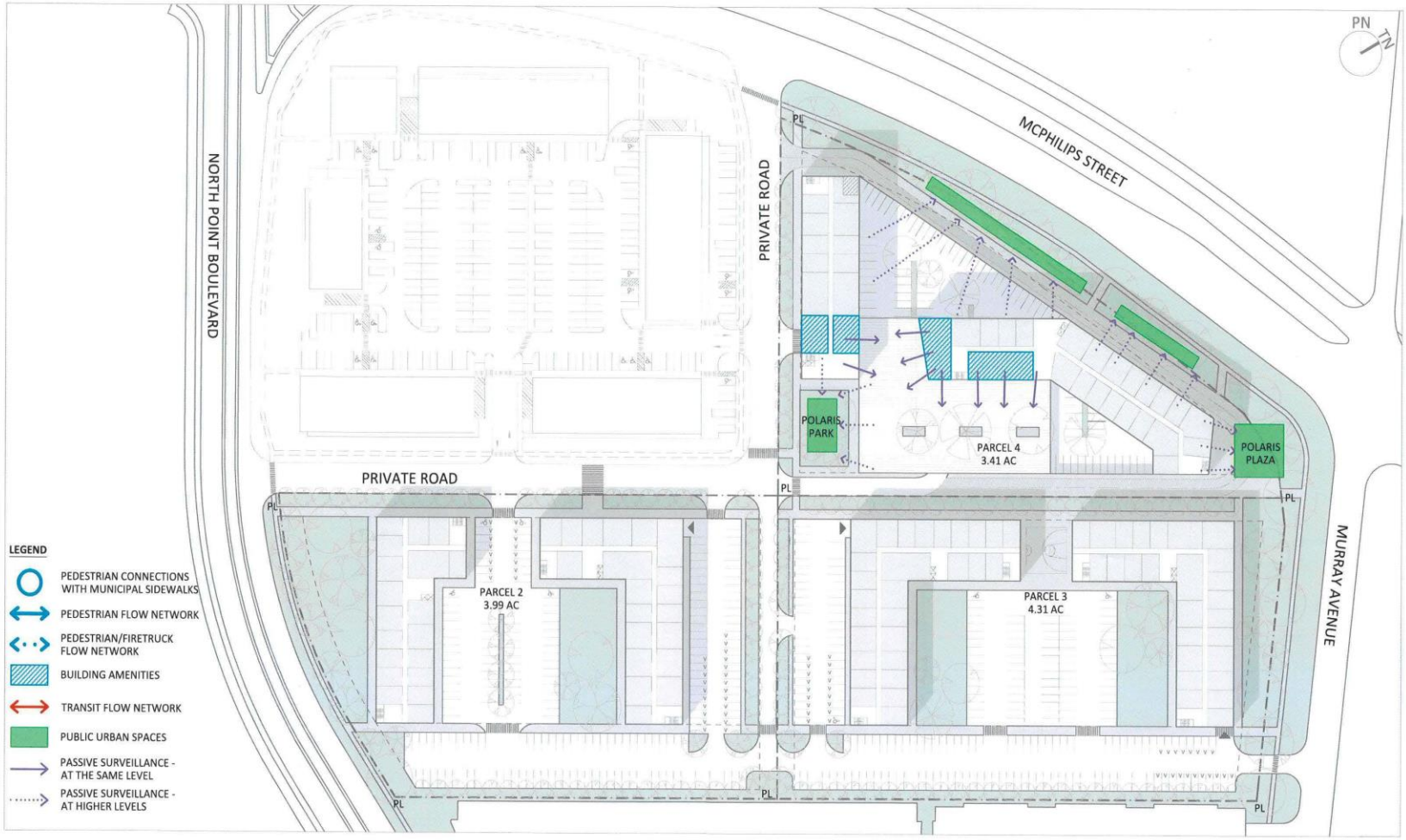
POLARIS PLACE, WINNIPEG, MB

CONCEPT PLAN - STREET LEVEL

DATE: July 25, 2023

SCALE: NTS

A1.1



Amphora

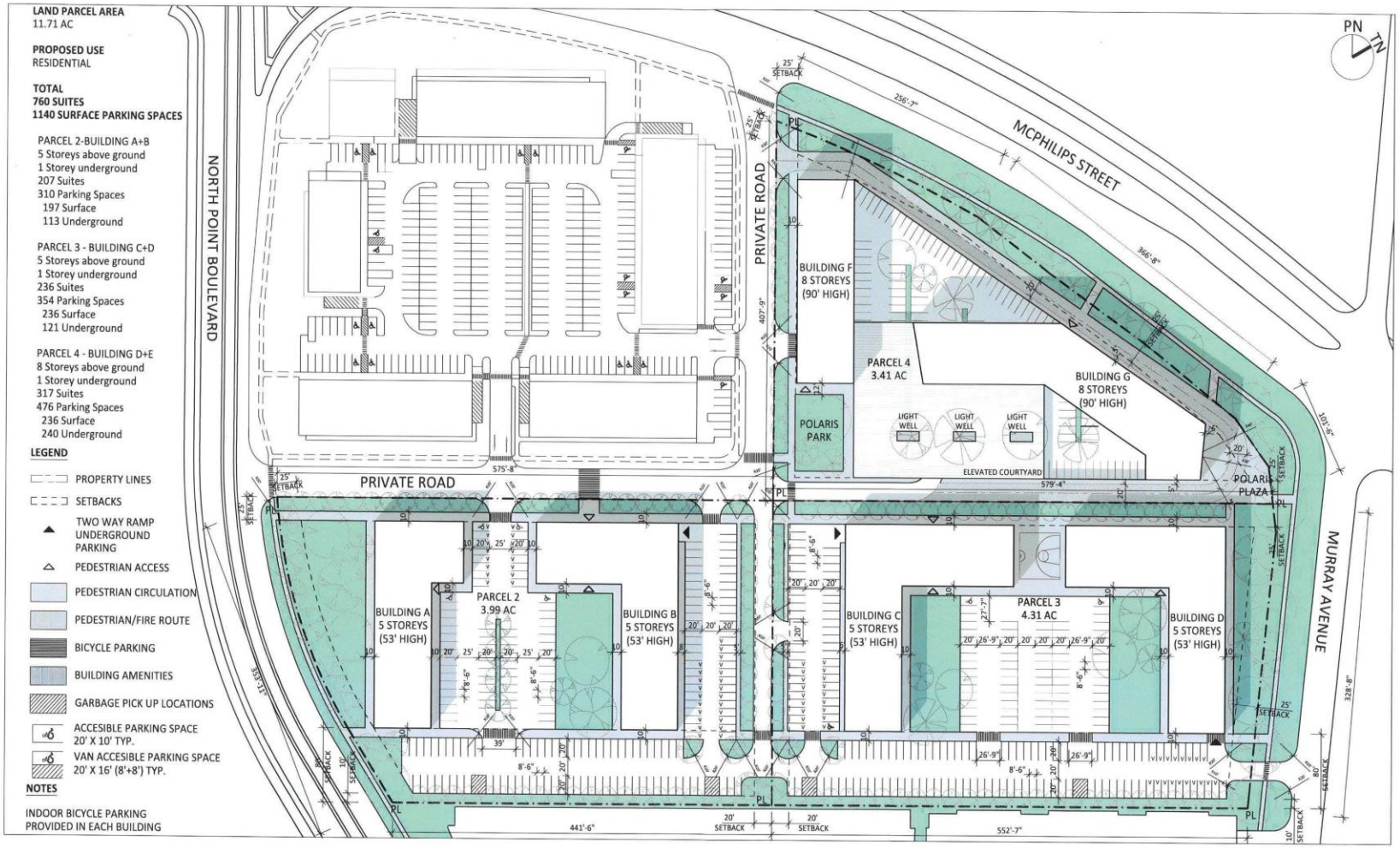
POLARIS PLACE, WINNIPEG, MB

CONCEPT PLAN - ELEVATED COURTYARD LEVEL

DATE: July 25, 2023

SCALE: NTS

A1.2



Amphora

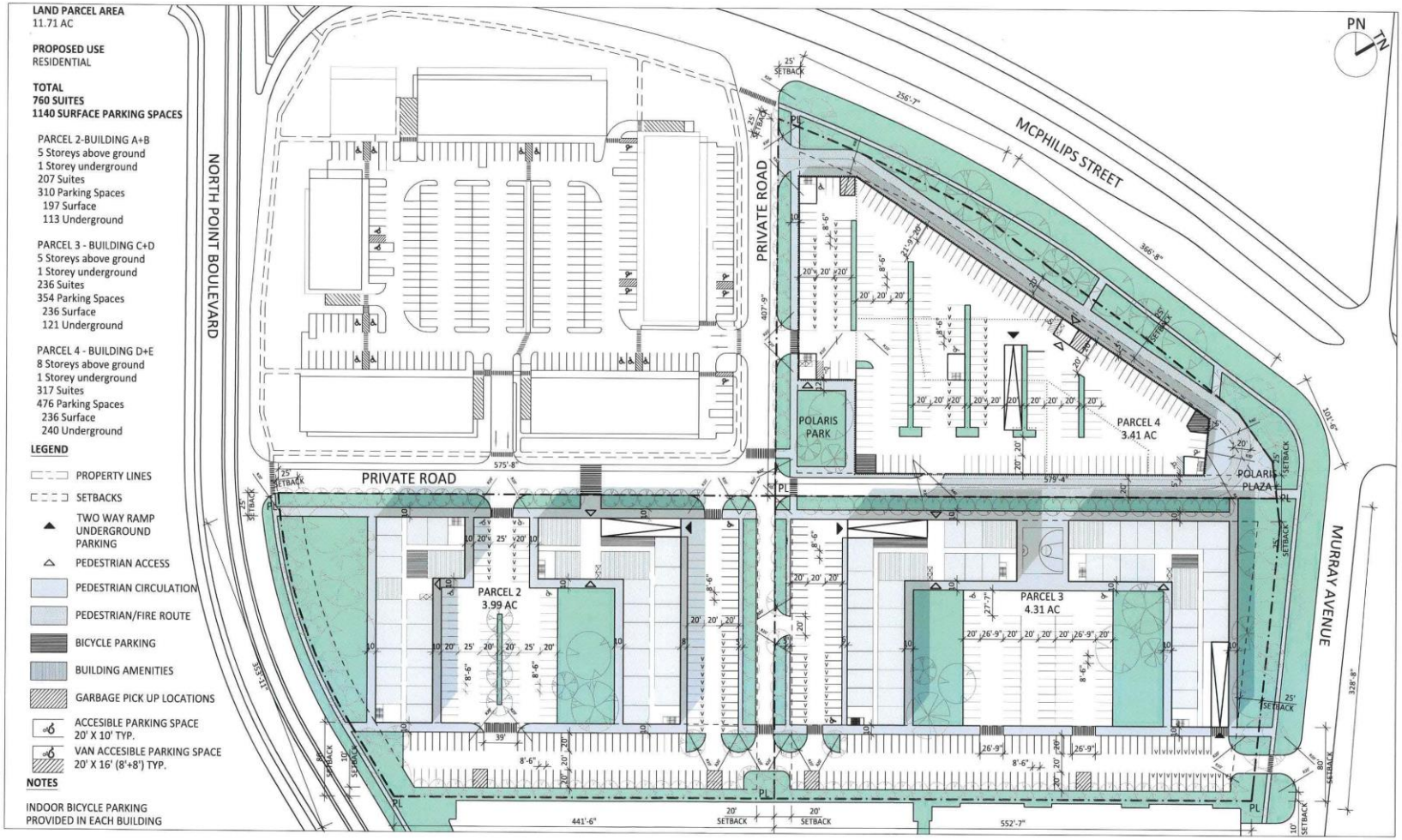
POLARIS PLACE, WINNIPEG, MB

SITE PLAN - ROOF LEVEL

DATE: July 25, 2023

SCALE: NTS

A1.3



Amphora

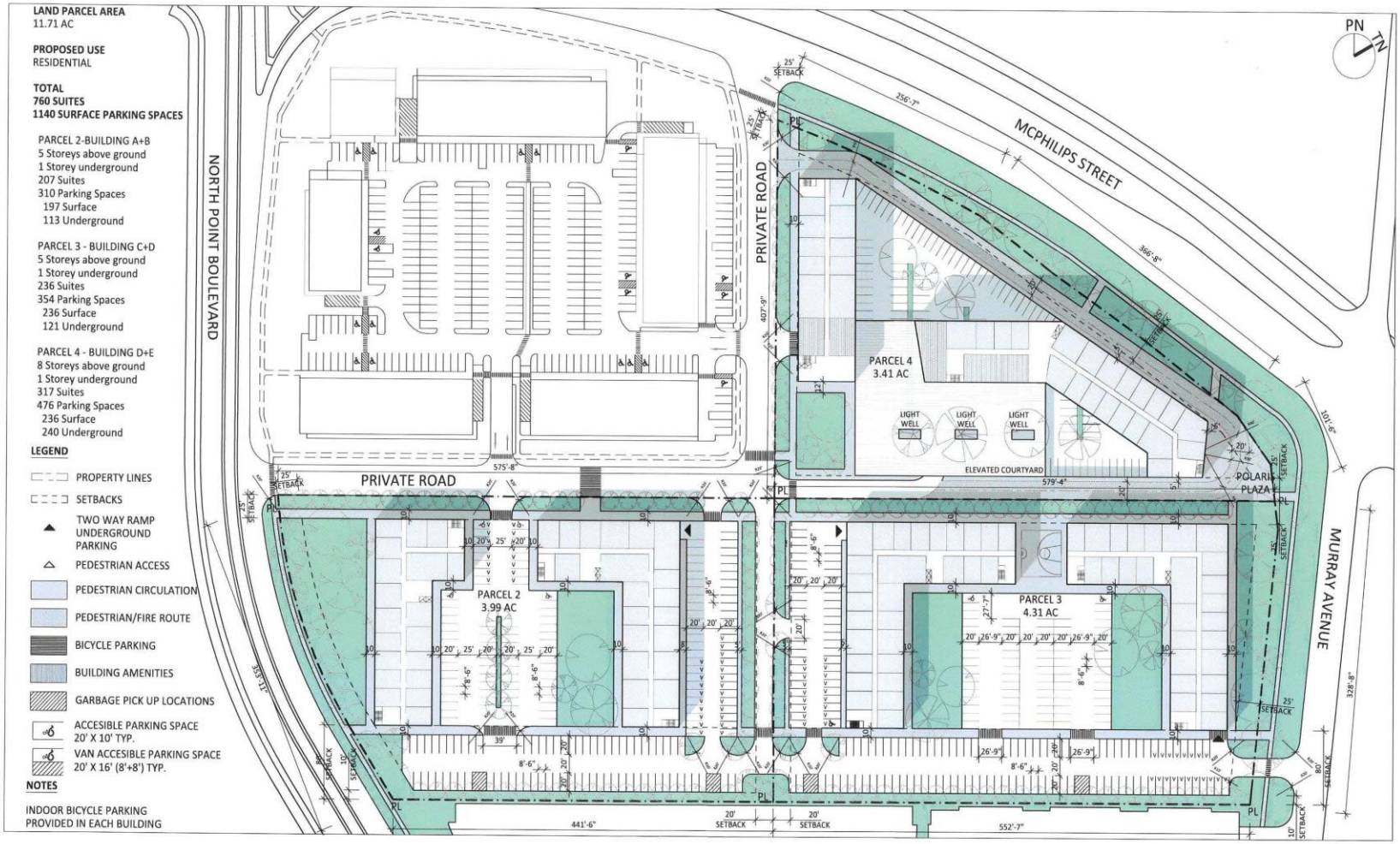
POLARIS PLACE, WINNIPEG, MB

SITE PLAN - STREET LEVEL

DATE: July 25, 2023

SCALE: NTS

A1.4



Amphora

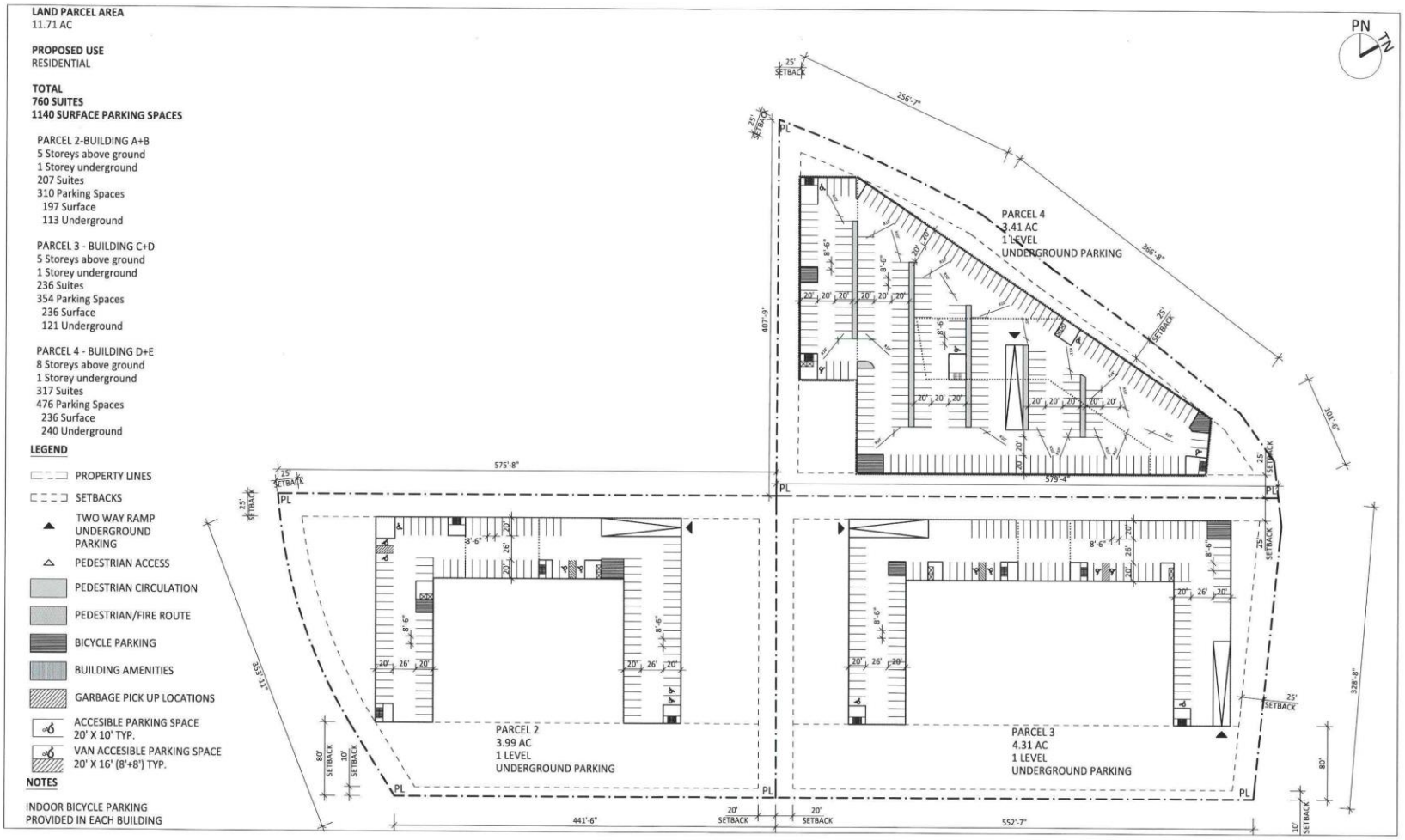
POLARIS PLACE, WINNIPEG, MB

SITE PLAN - ELEVATED COURTYARD LEVEL

DATE: July 25, 2023

SCALE: NTS

A1.5



Amphora

POLARIS PLACE, WINNIPEG, MB

UNDERGROUND PARKING

DATE: July 25, 2023

SCALE: NTS

A1.6