Minutes – Executive Policy Committee – April 16, 2024

Report – Standing Policy Committee on Property and Development – April 11, 2024

Item No. 14 Subdivision and Rezoning – Southeast Corner of Bison Drive and Frontier Trail
(Waverley West Ward)
File DASZ 5/2024 [c/r DAC 3/2023 and DAV 156518/2023D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the subdivision proposed under Development Application No. DASZ 5/2024 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 March 26, 2024 and attached as Schedule "B" to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the developer be required to enter into a Development Agreement with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated March 19, 2024 and attached as Schedule "C" to this report, with the following amendments:

        i. In Section II – Servicing Conditions:

            a. Amend Condition 5) b) ii. by adding the words "Bison Drive –" before the words "a new intersection"

            b. Amend Condition 5) b) x. be deleting the words "Bison Drive and North town Road;"

            c. Add the following new Condition:

                "5) e) iv. Traffic or pedestrian control signals and all related works including, but not necessarily limited to, pedestrian and vehicular actuation and interconnection to adjacent traffic-control signals, countdown and audible pedestrian signals at the intersection of Bison Drive and North Town Road."

Report – Standing Policy Committee on Property and Development – April 11, 2024

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "C2" Community Commercial zoning district, in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated March 26, 2024, and attached as Schedule "B" 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 those portions of the Owner's Land zoned "C2" Community Commercial, 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 for approval by the Director of Planning, Property and Development ("Director") 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. *Deleted*

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").

Report – Standing Policy Committee on Property and Development – April 11, 2024

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

4. That authority be delegated to the City's 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.

5. 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.

6. 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 to Council by way of communication for second and third reading.

7. That Development Application No. DASZ 5/2024 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 the 2 year period and Council approves the extension.

8. 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.

9. 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.

10. 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 8 and 9 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

Report – Standing Policy Committee on Property and Development – April 11, 2024

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

11. That Development Application No. DASZ 5/2024 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 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.

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

13. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 5/2024;

Report – Standing Policy Committee on Property and Development – April 11, 2024

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

Moved by Councillor Rollins,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 11, 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 April 5, 2024, the Assiniboia 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 “C” to this report” and replace with the following:

  “, with the following amendments:

  i. In Section II – Servicing Conditions:

     a. Amend Condition 5) b) ii. by adding the words “Bison Drive –” before the words “a new intersection”

     b. Amend Condition 5) b) x. be deleting the words “Bison Drive and North town Road;”

Report – Standing Policy Committee on Property and Development – April 11, 2024

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

c. Add the following new Condition:

"5) e) iv. Traffic or pedestrian control signals and all related works including, but not necessarily limited to, pedestrian and vehicular actuation and interconnection to adjacent traffic-control signals, countdown and audible pedestrian signals at the intersection of Bison Drive and North Town Road."

- Delete Recommendation 2.A.ii. in its entirety

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

PUBLIC HEARING SUMMARY

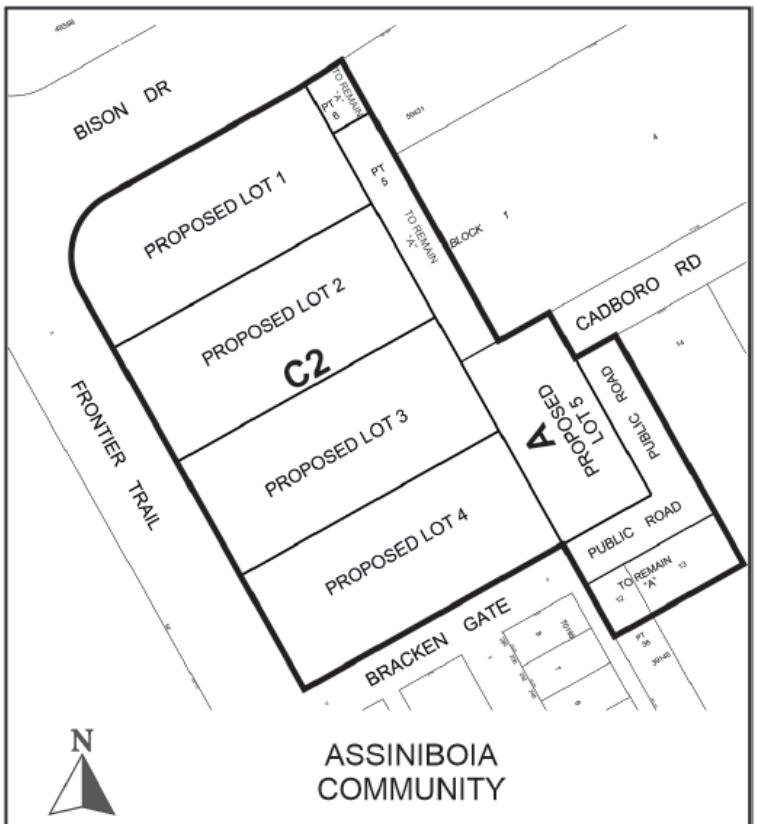
File: DASZ 5/2024

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

Public Hearing: April 5, 2024
Council Building, 510 Main Street

Applicant: Landmark Planning & Design Inc. (Jeff Pratte)

Subject:



APPLICANT: Landmark Planning & Design Inc. (Jeff Pratte)
FILE: DASZ 5/2024
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 a portion of the land shown outlined above from an "A" AGRICULTURAL DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to facilitate the establishment of lots and the extension of a right-of-way. **For information, phone D. Clark Planner at 204-986-5684**

Premises Affected: Southeast Corner of Bison Drive and Frontier Trail

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

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

Report date: April 5, 2024

Community Committee Recommendation:

On April 5, 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 5/2024 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 March 26, 2024 and attached as Schedule "B" to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the developer be required to enter into a Development Agreement with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated March 19, 2024 and attached as Schedule "C" to this report***, with the following amendments:***

        i. In Section II – Servicing Conditions:

            a. Amend Condition 5) b) ii. by adding the words "Bison Drive –" before the words "a new intersection"

            b. Amend Condition 5) b) x. be deleting the words "Bison Drive and North town Road;"

            c. Add the following new Condition:

                "5) e) iv. Traffic or pedestrian control signals and all related works including, but not necessarily limited to, pedestrian and vehicular actuation and interconnection to adjacent traffic-control signals, countdown and audible pedestrian signals at the intersection of Bison Drive and North Town Road."

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "C2" Community Commercial zoning district, in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated March 26, 2024, and attached as Schedule "B" 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 those portions of the Owner's Land zoned "C2" Community Commercial, 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 for approval by the Director of Planning, Property and Development ("Director") 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. Deleted

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 authority be delegated to the City's 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.

5. 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.

6. 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 to Council by way of communication for second and third reading.

7. That Development Application No. DASZ 5/2024 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 the 2 year period and Council approves the extension.

8. 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.

9. 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.

10. 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 8 and 9 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

11. That Development Application No. DASZ 5/2024 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 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.

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

13. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 5/2024;

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. For the first one that we spoke of, the concerns will be covered in the Plan Approval.

2. The second one is more of an accuracy adjustment on behalf of the public service.

Objections under the Charter:

Total number of **v**alid objections as per section 125(2) – 0

In accordance with section 236.1(1), the threshold for sufficient objection has not been met.

Exhibits Filed:

1. Application dated February 14, 2024
2. Notification of Public Hearing dated February 23, 2024
3. Manitoba Status of Titles 3193158/1, 3205045/1, 3197568/1, 3197566/1, 3197352/1, 3197351/1, 3017242/1, 2959786/1
4. Letter of authorization dated March 27, 2023 from Southeast Lands Corp. (Veronica Eno) to Landmark Planning and Design
5. Sketch of Proposed Road Closing dated December 5, 2023
6. Title Plot Sketch Showing the Bison Run Subdivision Development, Sketch 5 of 6, dated December 7, 2023
7. Title Plot Sketch Showing the Bison Run Subdivision Development, Sketch 6 of 6, dated December 7, 2023
8. Caveat 2564287/1
9. Plans (1 page)
10. Report from the Urban Planning Division dated March 26, 2024
11. Inspection Report
12. Presentation in support of the application, submitted by Brennan Johnson on April 1, 2024

REPRESENTATIONS:

In Support:

Veronica Eno
Brennan Johnson
Bryan Ward

In Opposition:

Nil

For Information:

Nil

For the City:

D. Clark, Urban Planner, Planning, Property and Development Department
C. Gagnon, Real Property Officer, Planning, Property and Development Department
K. Kowalyk, Land Development Engineer Planning, Property and Development Department

Exhibit "10" referred to in File DASZ 5/2024

ADMINISTRATIVE REPORT

Title: DASZ 5/2024 – Southeast corner of Bison Drive and Frontier Trail

Issue: For consideration at the public hearing for a subdivision and rezoning to: create four (4) lots and rezone the land to the "C2" Commercial Community District, and one (1) lot to remain zoned under the "A" Agricultural District.

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
D. Clark MCIP, RPP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision proposed under Development Application No. DASZ 5/2024 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 March 26, 2024 and attached as Schedule "B" to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office, subject to the following conditions:

   A. That the developer be required to enter into a Development Agreement with the City pursuant to subsection 259(1) of The City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated March 19, 2024 and attached as Schedule "C" to this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to a "C2" Community Commercial zoning district, in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated March 26, 2024, and attached as Schedule "B" 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 those portions of the Owner's Land zoned "C2" Community Commercial, 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") 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 any building with a commercial use greater than 10,000 square feet shall require conditional use approval.

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 authority be delegated to the City's 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.

5. 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.

6. 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 to Council by way of communication for second and third reading

7. That Development Application No. DASZ 5/2024 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 the 2 year period and Council approves the extension.

8. 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.

9. 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.

10. 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 8 and 9 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

11. That Development Application No. DASZ 5/2024 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 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.

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

13. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 5/2024;

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 Urban Planning Division are concurred in, the subject property may be subdivided and rezoned consistent with the map provided in Schedule "A" of this report.

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg 2045 Goal – City Building

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.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

4.2 Ensure New Areas of Growth are Designed According to the Principles of Complete Communities (Primary Responsibility: Planning, Property and Development Department)

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

HISTORY

Waverley West Neighbourhood 'B' Secondary Plan

On June 20, 2019, Council adopted the *Waverley West Neighbourhood 'B' Secondary Plan* (By-law No. 1/2019).

CONSULTATION

Relevant City of Winnipeg departments per the Administrative Coordinating Group.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Devin Clark, RPP, MCIP
Date:	March 26, 2024
File No.	DASZ 5/2024

List of Schedules and Attachments

1. Appendix “A” Planning Discussion
2. Appendix “B” Proposed By-law
3. Schedule “A” File No. DASZ 5/2024, Assiniboia Community Committee, Dated March 26, 2024
4. Schedule “B” Report of the Administrative Coordinating Group Re: Proposed subdivision and rezoning of land located at the southeast corner of Bison Drive and Frontier Trail, dated March 19, 2024

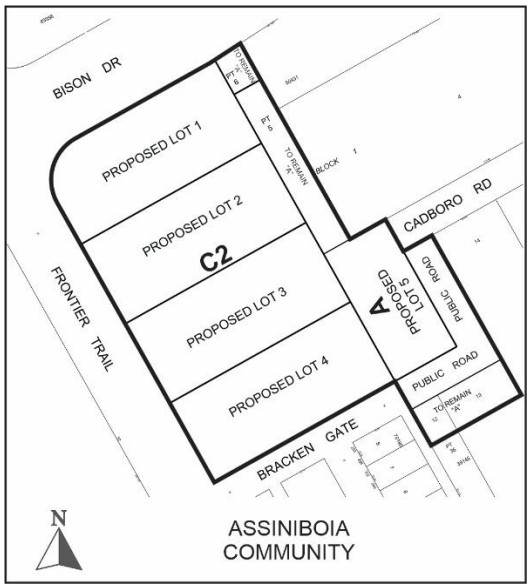
APPENDIX 'A'

DATE:	March 26, 2024
FILE:	**DASZ 5/2024**
RELATED FILES:	DAV 23-156518/D
COMMUNITY:	Assiniboia Community
NEIGHBOURHOOD #:	2.681 (Waverley West 'B')

SUBJECT: For consideration at the public hearing for a subdivision and rezoning to create four (4) lots and rezone the land to the "C2" Commercial Community District, and one (1) lot to remain zoned under the "A" Agricultural District.

LOCATION: Southeast corner of Bison Drive and Frontier Trail

LEGAL DESCRIPTION: PART OF OTM LOTS 1 TO 7 BOTH INCLUSIVE, PARISH OF ST VITAL
PART OF OTM LOTS 122 TO 124 BOTH INCLUSIVE, PARISH OF ST NORBERT



APPLICANT: Jeff Pratte (Landmark Planning & Design, Inc.)
298 Waterfront Drive
Winnipeg, Manitoba R3B 0G5

OWNERS: Southeast Lands Corporation
1 Dr. David Friesen Drive
Winnipeg, Manitoba R3X 0G8

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject site is located at the southeast corner of Frontier Trail and a future extension of Bison Drive. It is in the Waverley West 'B' Neighbourhood of the Waverley West Ward.
- The subject site has a total land area of approximately 7.8 acres and is currently comprised of eight (8) lots. This land is currently vacant.
- The subject site is currently zoned "A" Agricultural.
- The subject site is located within the Established Neighbourhoods – Recent Communities policy area of the *Complete Communities Direction Strategy 2.0's* Urban Structure Map. The site also falls within the *Waverley West Neighbourhood 'B' Secondary Plan.*



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

- To the north of the subject site is public right-of-way that will accommodate a future Bison Drive extension, then a mix of single- and multi-family residential uses.
- To the west of the subject site is Frontier Trail, then educational uses.
- To the east of the subject site is vacant land zoned "A" Agricultural.
- To the south of the subject site is Bracken Gate, then land to be developed as townhouse and two-family residential uses.

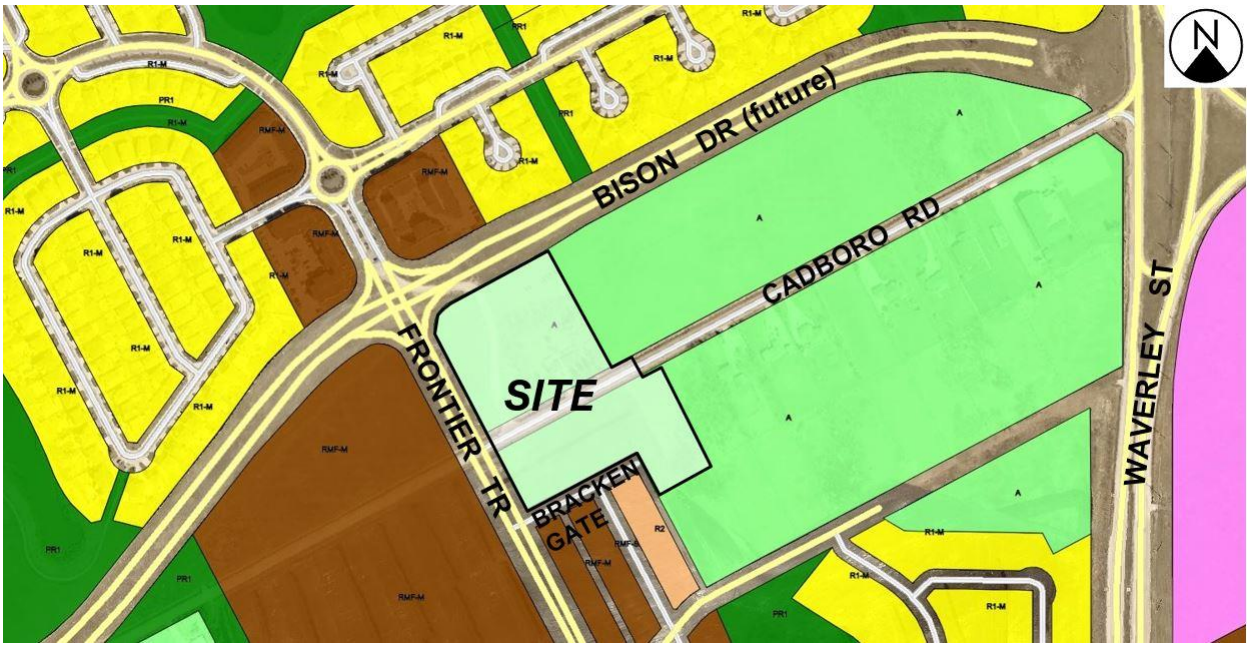


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the existing lots on the subject site and create a total of five (5) new lots, including four (4) lots to be zoned “C2” Commercial Community, and one (1) lot to remain “A” Agricultural. (Please refer to Figure 3, below.)
- The proposed four (4) “C2” lots will range in size from 1.4 to 1.44 acres, with lot widths of approximately 164 feet each. These lots will be oriented toward Frontier Drive.
- No site plans or building elevation drawings have been submitted with this application.

Cadboro Road Closure

- A portion of Cadboro Road on the subject site is proposed to be closed in order to accommodate commercial development. This closure of a portion of Cadboro Road is the subject of a Closing application (DAC) under file no. DAC 3/2023.
- One (1) local street, an extension of Bracken Gate, is proposed to connect Frontier Trail to a remaining portion of Cadboro Road, to the east of the subject site. This local street will be located to the south and east of the proposed “C2” Commercial Community lots, and will provide road access to properties on Cadboro Road east of the site.
- Please refer to Figure 3, below, which shows the proposed public road connection between Cadboro Road and Bracken Gate.

Associated Variance Application (DAV)

- The proposed development is also the subject of an associated Variance application (DAV) concerning the proposed residual lots, which would have lot widths and lot areas less than the dimensional requirements for the “A” Agricultural district. Please refer to the Administrative Report under file no. DAV 23-156518/D for more information.

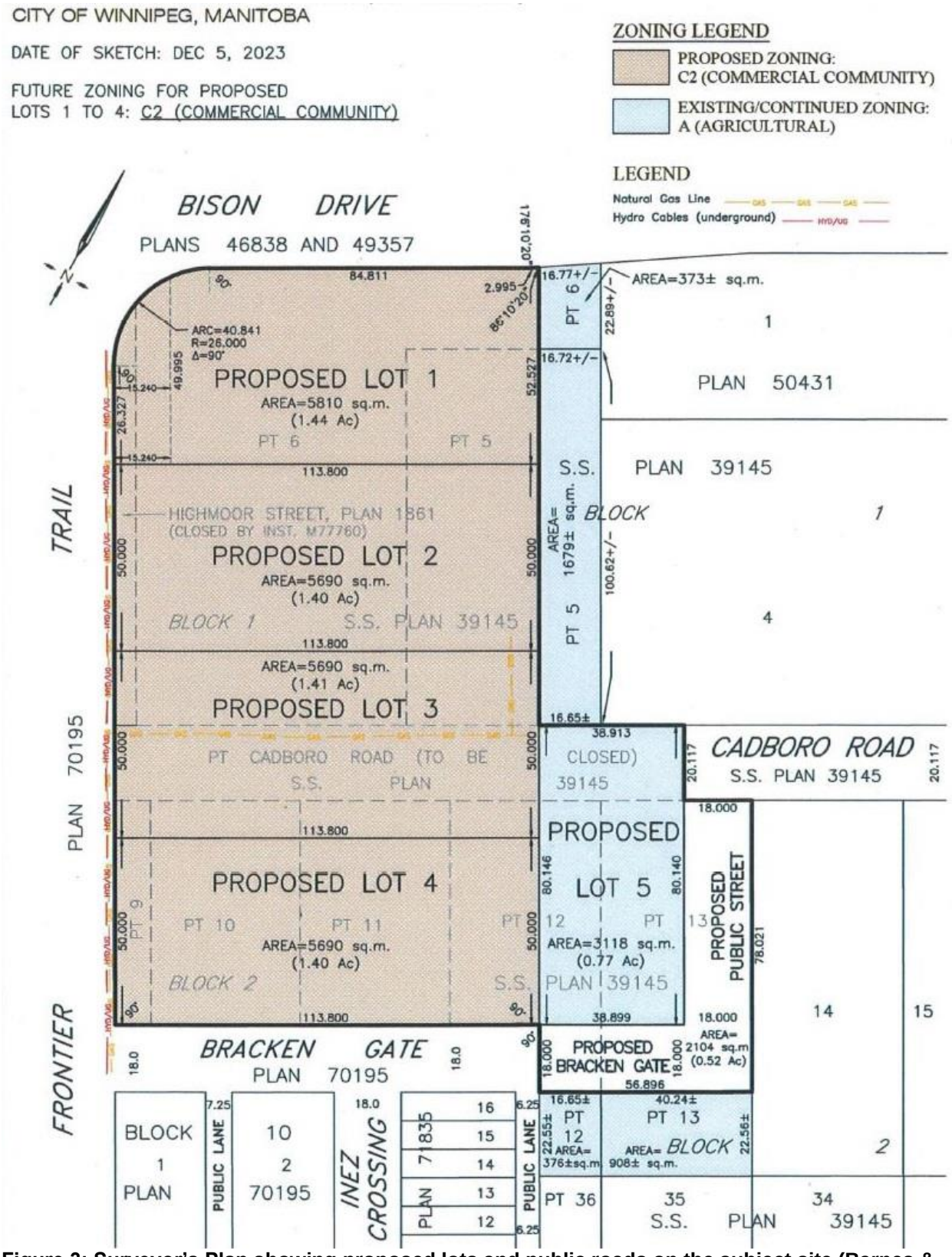


Figure 3: Surveyor's Plan showing proposed lots and public roads on the subject site (Barnes & Duncan, 2023)

ANALYSIS AND ISSUES

OURWINNIPEG 2045

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

6.16 Established Neighbourhoods

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

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The *Complete Communities Direction Strategy 2.0* supports *OurWinnipeg 2045*, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- As noted above, the subject property is classified as an Established Neighbourhood – Recent Community under *Complete Communities 2.0*. Key policies for Established Neighbourhoods include:

Goal 4 4.0

Ensure neighbourhoods accommodate a range of commercial services and amenities within walking distance to meet daily needs.

General policies

4.1 Support commercial development where residential neighbourhoods are not well served by local and community commercial amenities.

4.2 In order to protect the vitality and viability of existing commercial areas, encourage the redevelopment and infill of existing commercial areas as the preferred method of accommodating new commercial development.

4.3 Only approve new locations for commercial development where existing commercial areas cannot accommodate expansion and where the location of new commercial uses are in close proximity to transit.

4.4 New commercial development should be complementary and context sensitive to nearby uses.

4.5 New Major Retail uses will be permitted as per applicable policies in the Commercial Areas and Mixed Use Centres section.

4.6 Vertical commercial/residential mixed-use development is generally supported where local commercial development currently exists, where there is the presence of a public lane, or where the site is large enough to accommodate the proposed development where a public lane is not present.

4.7 Encourage commercial areas to transition into mixed-use, pedestrian-oriented and transit- supported developments, where feasible.

4.8 Commercial signage should be pedestrian-oriented and contextually sensitive to adjacent uses.

4.9 Encourage the establishment of home-based businesses that provide small scale, low impact amenities in neighbourhoods where more intensive commercially zoned uses are not appropriate and provided any potential impacts (noise, parking, servicing) can be mitigated.

WAVERLEY WEST AREA STRUCTURE PLAN

The Waverley West Area Structure Plan guides all neighbourhoods located within Waverley West.

6.3 Neighbourhood Commercial Areas

Intent

To create neighbourhood commercial areas that provide retail goods and services to the surrounding neighbourhoods.

6.3.1 Local Commercial uses may be permitted within the neighbourhood commercial areas at neighbourhood focal points.

6.3.2 The location of any neighbourhood commercial areas uses shall be addressed in the applicable Neighbourhood Area Structure Plan and the development application processes.

WAVERLERY WEST NEIGHBOURHOOD 'B' SECONDARY PLAN (By-law No. 1/2019)

Under the *Waverley West Neighbourhood 'B' Secondary Plan*, the subject lands are located in both a Community Node Policy Area.

Community Node

- *The Community Node area provides for public and institutional uses, including the site for two schools and a recreation centre, limited commercial and multi-family residential, where appropriate. The Community Node area will contain a regional recreational and educational hub.*

3.4.2 Policies

1. *Public and institutional uses shall be allowed within the Community Node area. A site for two schools and a site for a recreation centre have been identified within the Community Node area.*
2. *Small-scale, local commercial uses may be allowed within the Community Node area, where determined to be compatible and appropriate. Such uses shall be located adjacent to a collector road and support the development of the Community Node area as a regional recreational and educational hub by providing amenities and complementary services for the users of the public and institutional uses and residents of the Plan Area.*
3. *Multi-family uses such as row dwellings, townhomes and multi-storey residential building may be allowed within the Community Node area, where determined by the City to be compatible and appropriate. Such uses shall be subject to the policies of the Medium Density Residential area.*
4. *Single-family dwellings shall not be allowed.*
5. *The school and recreation sites shall:*

a. *have at least one property boundary fronting on a collector road to provide safe and convenient access;*

b. *be accessible by a variety of transportation modes including walking, cycling, transit and automobiles;*

c. *accommodate space for safe pick up and drop off zones, staff and visitor parking and bus loops within the school site; and*

d. *provide convenient connections to the neighbourhood, to each other and to the Community Scale Park.*

6. *Throughout the Community Node area, commercial uses may be located in mixed-use buildings, such as the ground floor of a residential building or within the recreational complex.*

7. *Stand-alone commercial development may be located within the Community Node areas located on the east side of the collector road at Bison Drive and at Waverley Street and Lee Boulevard as identified in Appendix A.*

8. *Stand-alone commercial development within the Community Node on the east side of the collector road at Bison Drive shall be limited to neighbourhood commercial uses which have a local or neighbourhood orientation.*

9. *Stand-alone commercial development within the Community Node at Waverley Street and Lee Boulevard should be limited to neighbourhood commercial uses; however, may include fuel sales and/or drive-ins or drivethroughs more typically associated with community commercial uses.*

10. *The following design and siting considerations shall be made for any stand-alone commercial development within the Community Node area:*

    a. *where a building abuts a street, the building shall provide a clear common entrance oriented to the street, unless street access is provided from all individual ground floor units facing the street;*

    b. *where a building does not abut a street, the site design shall provide clear pedestrian connections to the building entrances and any off-street parking areas;*

    c. *off-street parking areas shall be located either underground, to the side or behind buildings;*

    d. *landscaping, including trees, around the perimeter of the lot and between rows of surface parking stalls, shall be provided;*

    e. *where off-street parking areas are visible from the public road, a landscaped buffer shall be provided to visually screen the off-street parking areas from the public road;*

    f. *large expanses of blank walls are discouraged; and g. windows, architectural details and façade treatments shall be used to provide visual interest.*

11. *Parks, open spaces, linear parks, outdoor plazas, or other similar types of amenities should be provided in the Community Node area to meet the active and passive recreational needs of residents and visitors.*

12. *Properties zoned "A" Agricultural shall be required to rezone prior to the establishment of new principal buildings or uses.*

5.2 CONCEPT PLANS

1. *Applications to re-zone and/or subdivide land in the planning area should, at the discretion of the Director, be accompanied by a concept plan for the sub-area it is within. The concept plan must demonstrate the following:*
    a. *Compatibility with the land use designations and policies of this plan;*
    b. *Alignment with any existing development;*
    c. *Alignment of the collector road network, as presented generally in Appendix A;*
    d. *The provision and alignment of local roads;*
    e. *General arrangement of blocks of lots;*
    f. *Compatibility of intended and existing uses;*
    g. *The location of any public facilities, neighbourhood scale parks and linear parkways, as required; and*
    h. *The general location and size of stormwater retention ponds.*
2. *Developers are required to consult impacted landowners prior to submitting their concept plan and are required to demonstrate that best efforts have been utilized to consult with impacted landowners.*

    Per the secondary plan, the subject property is located in Sub-Area 1. The applicant has submitted two (2) concept plans for the remaining areas of Sub-Area 1 in relation to the proposed development.

    With respect to consultation with landowners, the applicant indicated that consultation with surrounding landowners was undertaken. Please see the “Public Consultation” section below.



2023 Concept Plan A



2023 Concept Plan B

Figure 4: Concept Plans for subject lands and surrounding area

5.3 ARCHITECTURAL AND NEIGHBOURHOOD DESIGN

The following policies are relevant to the subject site and should be taken into consideration when formal plans are submitted for development.

5. *Road patterns and land uses at the entrances to the Plan Area shall be designed to create a sense of arrival. This could include, but is not limited to, elements such as:*

    a. enhanced landscaping;

    b. unique building design;

    c. amenity spaces; and

    d. public art.

7. *The design of buildings at key intersections should be considered as focal points, where significant design elements, such as windows and doors, should be directed toward the road, and materials and colours, selected to provide an appealing aesthetic.*

8. *Encourage a safe community through the use of lighting, visible public spaces, opportunities for passive surveillance of public spaces from buildings, ensure doors to buildings are clearly visible from the road and ensure boundaries between public and private spaces are well defined through visual cues.*

9. *Pedestrian safety shall be considered as part of all development applications. Consideration of pedestrian safety may include, but is not limited to, the following:*

    a. presence of a designated pathway, such as a sidewalk;

    b. presence of a buffer between the road and pedestrian areas (i.e.: curb and landscaped area);

    c. pedestrian refuge opportunities; and/or

    d. design and elements of the transportation network.

SUBDIVISION

- The subject site is currently made up of eight (8) lots and a portion of a public right-of-way, Cadboro Road. Subdivision is required in order to establish five (5) separate lots.
- The portion of the Cadboro Road right-of-way located within the subject site is proposed to be closed under associated file DAC 3/2023.
- The proposed right-of-way is to be an extension of a local street, Bracken Gate. This proposed local street extension connects Frontier Trail and Cadboro Road.

REZONING

- The subject site is currently zoned “A” Agricultural. The Agricultural zoning district is intended for general agricultural activities.
- The applicant is proposing to rezone the land to the “C2” Commercial Community district. *The “C2” district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, limited residential and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.*

CONSISTENCY WITH AREA SECONDARY PLAN



Figure 5: Approximate subject site area in relation to the Land Use and Transportation Concept Plan as per the *Waverley West Neighbourhood 'B' Secondary Plan*

Background for the Community Node – East side of collector at Bison Drive

- Policy 6.3.1 of the Waverley West ASP, to which the Waverley West B Secondary Plan must conform, states local Commercial uses may be permitted within neighbourhood commercial areas at neighbourhood focal points. The Plan allows for local commercial uses at what the Waverley West ASP characterizes as 'neighbourhood focal points'.
- The Waverley West ASP includes clarification on the difference between 'Local' and 'Community Scale' commercial development by providing the following definitions:
    - Local Commercial uses: Means the use of land, buildings or structures for the purpose of providing retail goods and services to primarily employees and residents in the surrounding neighbourhood.
    - Community Scale Commercial Development: Means commercial development which provides a wide variety of goods and services to an area beyond the immediate neighbourhoods and which may include office and other non-commercial uses.
- The definitions provided in the Waverley West ASP are consistent with the 'neighbourhood commercial' and 'community commercial' zoning districts of Winnipeg Zoning By-law 200/2006, which provides the following descriptions:

- The "C1" Commercial Neighbourhood zoning district *is intended to accommodate small, compact commercial uses within or surrounded by residential areas that are attractive and compatible in scale and character with surrounding residential uses, to serve the convenience needs of the surrounding neighbourhood. This district is not intended to accommodate businesses sized or designed to serve a trade area more than one-half mile from the business. C1 districts are generally located in Neighbourhood or Community mixed use centres or along Neighbourhood or Community mixed use corridors.*
- The "C2" Commercial Community zoning district *is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, limited residential and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.*

- At the time of the secondary plan approval, policies were proposed to include a restriction of 10,000 square feet of floor area for commercial space within the Bison and North Town Road commercial node.
- The 10,000 square feet was ultimately removed from the policy as it was recognized that restricting the square footage of stand-along commercial uses at this location has the potential to limit some local or neighbourhood scale commercial uses which would be appropriate at this location, such as pharmacies.
- It was also recognized that commercial development at this location will be limited by the size of the Community Node area identified in the Concept Plan. As such, it was recommended that policy 3.4 (8) be reworded to: Stand-alone commercial development within the Community Node on the east side of the collector road (North Town Road) at Bison Drive shall be limited to neighbourhood commercial uses which have a local or neighbourhood orientation.

Proposal for the Community Node – East side of collector at Bison Drive

- The applicant is proposing to rezone 4 lots to the "C2" Commercial Community district. These lots are located in a Community Node policy area on the east side of the collector at Bison Drive. The proposed four (4) "C2" lots will range in size from 1.4 to 1.44 acres, with lot widths of approximately 164 feet each. These lots will be oriented toward Frontier Drive.
- Given the policy direction for Commercial Nodes, a "C2" zoning district at this location is generally considered to be acceptable as it allows for a variety of commercial uses, as well as multi family residential in accordance with the plan policies. However, there are some permitted uses that may be considered excessively large, which could draw from a larger catchment area than the local neighbourhood. For example:
    - Supermarkets would be allowed up to 55,000 square feet; and,
    - Personal Service uses are up to 25,000 square feet;
- The intent behind the policies within the Waverley West Area Structure Plan and Waverley West B Neighbourhood secondary plan are to establish context appropriate commercial uses and generally protect and encourage the ongoing viability of more intensive Commercial uses within the Town Centre area and Kenaston/Waverley node

(The Urban Planning Division recognizes the latter area was subject to a recent rezoning from Commercial to Multi Family).

- Having a set limit on square footage for commercial uses within the secondary plan would have meant a secondary plan amendment was required for any use exceeding that 10,000 square feet. The Urban Planning Division recognized that appropriate uses could still be over 10,000 square feet and ultimately was amenable to removing it from the plan and allowing the review to be handled at the subdivision and rezoning stage.
- Without having a specific development proposal to consider as part of this application, the Urban Planning Division is maintaining a cautious approach and recommends a condition be included in the zoning agreement that requires a conditional use approval for any building with a commercial use that exceeds 10,000 square feet

COMPATIBILITY WITH SURROUNDING AREA

- The proposed subdivision and rezoning is considered to be compatible with the broader Waverley West 'B' Neighbourhood and particular details with respect to the commercial uses that are ultimately established would be subject to the conditions of plan approval and conditional use approval for any proposed stand-alone commercial use that exceeds 10,000 square feet.
- Additionally, the proposed extension of Bracken Gate, which connects to Cadboro Road accommodates and does not limit the potential for future connections to undeveloped adjacent lands to the east of the subject site.

PUBLIC CONSULTATION

- From 2017 to 2018, a substantial effort was undertaken with area landowners and the public, in preparation of the *Waverley West Neighbourhood 'B' Secondary Plan*. This consultation was undertaken by the City of Winnipeg and a planning consultant hired by the City of Winnipeg.
- The applicant states that additional public consultation regarding the proposed development was undertaken in the Fall of 2021. At that time, the applicant intended to included the subject lands in an application under file no. DASZ 10/2022.
- The public consultation at that time included:
    - Focused stakeholder meetings with residents of Lee Boulevard and adjacent landowners. This includes four (4) meetings held in the Fall of 2021. The applicant notes that approximately 12-20 persons attended each of these meetings.
    - A public open house event, which was open to anyone in the Waverley West area, was held in November, 2021. The applicant notes that approximately 60 persons attended this open house event.
- In addition to this, the applicant states that direct notification was sent to landowners on Cadboro Road in Summer, 2023, notifying them of the application and invite them to contact the applicant if they have any questions or concerns.

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 municipal services and infrastructure requirements 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 by the Assiniboia Community Committee be required for any development on the lands to be zoned "C2" Commercial Community.
- Future Plan Approval applications should be evaluated by the guidelines for Architectural and Neighbourhood Design set forth in the *Waverley West Neighbourhood 'B' Secondary Plan.*
- Conditional use approval for any proposed building with a commercial use that exceeds 10,000 square feet.

RECOMMENDATION

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

- The subdivision and rezoning complies with policies for Recent Communities under the *Complete Communities Direction Strategy 2.0*, and with policies in the *Waverley West 'B' Neighbourhood Secondary Plan*.
- The proposed development is compatible with and not likely to have an adverse impact on existing or future development within the surrounding Waverley West 'B' Neighbouhood.
- That a condition which requires conditional use approval for any building with a commercial use above 10,000 square feet in accordance with plans that seek neighbourhood focused commercial uses.

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

Report Prepared by: Devin Clark, RPP, MCIP
PPD File #: DASZ 5/2024

Schedule "A" for File DASZ 5/2024, Assiniboia Community Committee, dated March 26, 2024

By-Law No. _____

File No. **DASZ 19/2023**

Atlas Sheet No. **AL21**

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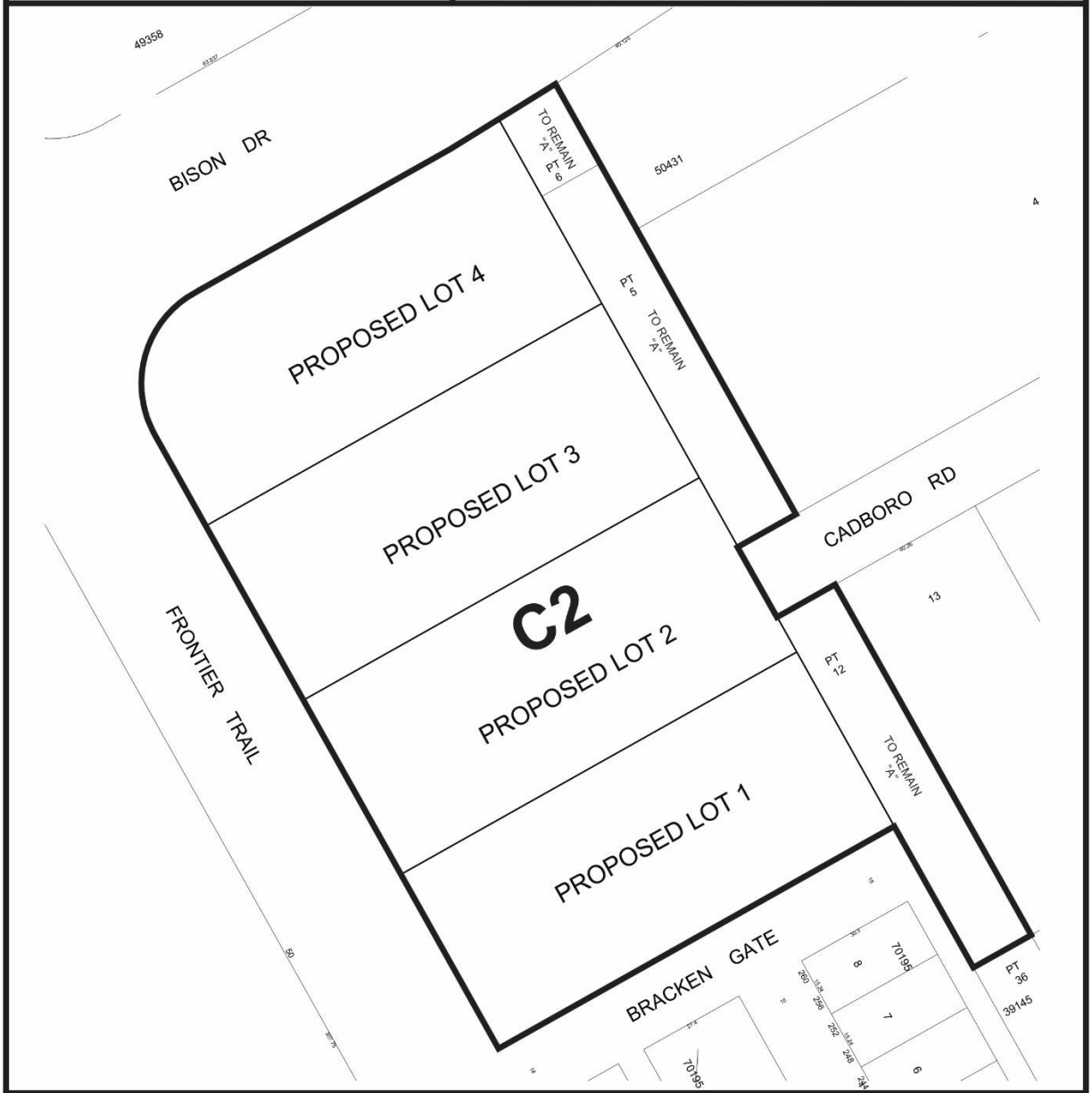
ASSINIBOIA COMMUNITY

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 at the southeast corner of Frontier Trail and Bison Drive from an "A" AGRICULTURAL DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT to facilitate the establishment of four (4) commercial lots.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED REZONING OF LAND LOCATED AT THE SOUTHEAST CORNER OF BISON DRIVE AND FRONTIER TRAIL

It is recommended that approval of DASZ 5/2024, if granted, be subject to the applicant entering into a Development Agreement containing the following conditions:

Section I – Plan Considerations

1) The Developer 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) If required for the installation of the Cadboro Road turnaround that we understand PW will be requiring the developer to install, the applicant will construct and install land drainage sewer to maintain drainage on Cadboro Road and grant any easements as required by the design.

Section II - Servicing Conditions

1) Water mains

The Developer shall pay to the City, in cash, on demand, their share of the water main oversizing installed by others in Waverley West Area B, as determined by and to the satisfaction of the Director of Water and Waste.

2) Wastewater Sewers

a) The Developer shall pay to the City, in cash, on demand, their share of the wastewater sewer oversizing installed by others in Waverley West Area B, as determined by and to the satisfaction of the Director of Water and Waste.

b) The Developer shall pay to the City, in cash, on demand, their share of the Waverley Street Oversized Wastewater Sewer ("WSOWWS") Charge as determined by the Director of Water and Waste.

3) Land Drainage Sewers

The Developer shall pay to the City, in cash, on demand, their share of the cost of land drainage lateral sewer oversizing (if applicable), as determined by and to the satisfaction of the Director of Water and Waste.

4) Regional Land Drainage System

The Developer shall pay to the City, in cash, on demand, their share of the cost of the regional land drainage system, as determined by and to the satisfaction of the Director of Water and Waste.

5) Waverley West Neighbourhood B Area Charges

a) The Developer shall pay to the City, in cash, on demand, their share of the Waverley West Neighbourhood B ("WWNBA") Area Charge as determined by and to the satisfaction of the Director of Public Works. The rate at the time of payment will apply.

b) The Waverley West Neighbourhood B Area Charge shall include the following:

i. Bison Drive – one lane of pavement between Kenaston Boulevard and Waverley Street, and all related works on the south side of Bison Drive, including but not limited to an Active Transportation pathway, street lighting, boulevard landscaping, land drainage sewer and water main looping (as applicable);

ii. a new intersection to be located between Kenaston Boulevard and North Town Road;

iii. Waverley Street – one lane of pavement between Bison Drive and the south limit of the Waverley West Neighbourhood "B" Planning Area, and all related works on the west side, including but not limited to an Active Transportation pathway, street lighting, boulevard landscaping and land drainage sewer;

iv. Intersection modifications to add a fourth leg at Kenaston Boulevard and South Town Road;

v. Intersection modifications to add a fourth leg at Waverley Street and Lee Boulevard;

vi. Active Transportation path on the east side of Kenaston Boulevard;

vii. Internal collector roads and all related works;

viii. Additional land for collector roadways;

ix. Land at the southwest corner for intersection modifications at Bison and Waverley Street;

x. Traffic or pedestrian control signals and all related works including, but not necessarily limited to, pedestrian and vehicular actuation and interconnection to adjacent traffic-control signals, countdown and audible pedestrian signals at the intersections of: Bison Drive and North Town Road; Waverley Street and Lee Boulevard; and Bison Drive and Ruth Crossing.

c) Where the Developer constructs and/or pays for regional transportation facilities as being cost shared or paid out of, or from, the WWNBA Charge, that amount shall be credited towards the Developer's share of the WWNBA Charge. Where the Developer's work in total exceeds the amount of the levy payable to the City, the City shall reimburse the Developer as monies are collected from benefitting lands, at cost plus interest as defined in the WWNBA Charge, in accordance with the Development Agreement Parameters.

d) The Developer shall pay to the City, in cash, on demand, their share of the Waverley West Neighbourhood B Boundary ("WWNBBA") Area Charge, as determined by and to the satisfaction of the Director of Public Works. The rate at the time of payment will apply.

e) The Waverley West Neighbourhood B Boundary Area Charge shall include the following:

i. Intersection modifications to add a fourth leg at Bison Drive and Kenaston Boulevard, and all related works

ii. Intersection modifications at Bison Drive and North Town Road.

iii. Intersection modifications of Bison Drive and Waverley Street

f) Where the Developer constructs and/or pays for regional transportation facilities as being cost shared or paid out of, or from, the WWNBBA Charge, that amount shall be credited towards the Developer's share of the WWNBBA Charge. Where the Developer's work in total exceeds the amount of the levy payable to the City, the City shall reimburse the Developer as monies are collected from benefitting lands, at cost plus interest as defined in the WWNBBA Charge, in accordance with the Development Agreement Parameters.

6) Temporary Dead-End Streets

The Developer shall, at no expense to the City, construct a temporary cul-de-sac-style vehicle turnaround at the west terminus of Cadboro Road, 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.

7) Private Approaches

There shall be no private approaches off of Bison Drive.

8) Utilities

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

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

9) 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.

10) 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.

11) 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.

12) Public Reserve

a) The Developer shall dedicate, as Public Reserve, at least 8% of the land contained within the Planned Area and shall, at no expense to the City, undertake landscaping and improvements and pay its share of the cost of services in streets abutting the dedicated land all in accordance with plans and specifications approved by the Director of Public Works and the Director of Planning, Property and Development.

b) If land is not dedicated in this phase, the Developer shall accrue dedication of public reserve with subsequent phases of development within the overall Waverley West Neighbourhood B area, as approved by the Director of Public Works and the Director of Planning, Property and Development. The Developer shall inform the City of their final phase of development within Waverley West Neighbourhood B area, at which time accrual shall be tabulated and the Developer shall compensate the City for any shortfalls in the amount of land, servicing and improvements, at the then current values, by payment of cash, or, by the provision of an equivalent value of additional site amenities in the Public Reserve, as approved by the Directors of Public Works and Planning Property and Development.

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.

c) The Developer shall pay to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the cost of consulting fees for the preparation of the Waverley West Neighbourhood B Precinct Plan, as determined by and to the satisfaction of the Director of Planning, Property and Development.

3) Administration Fees

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

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 5/2024
March 19, 2024

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Planning, Property and Development Department

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Urban Planning and Design Division
Planning, Property and Development Department

Exhibit “9” referred to in File DASZ 5/2024

