Minutes – Council – October 24, 2024

Minute No. 510
Report – Standing Policy Committee on Property and Development – October 3, 2024

Item No. 4 **Subdivision and Rezoning – East of Kenaston Boulevard and South of Joe Keeper Way**
(Waverley West Ward)
File DASZ 35/2024 [c/r DAC 3/2024 and DAV 175792/2024D]

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 35/2024 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor for registration in the Winnipeg Land Titles Office in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated September 18, 2024 and attached as Schedule "E" to this report, with such minor changes as may be required, subject to the following conditions:

    A. That the "Plan" be amended in accordance with Section II of the report of the Administrative Coordinating Group dated September 18, 2024 and attached as Schedule "B" to this Report;

    B. 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 September 18, 2024 and attached as Schedule "B" to this report, and with the following amendments:

        i. In Section II – Plan Considerations, add the following new Condition:

            "15. The Developer may, at no expense to the City, dedicate and legally open property for Public Lanes between Blocks 24 - Lots 1 and 2; and Block 15 - Lots 1 and 2, to the satisfaction of the Director of Public Works."

        ii. In Section IV – Servicing Conditions:

            a. Amend Condition 10.b) by adding the word "Revised" before the words "Schedule D"

Report – Standing Policy Committee on Property and Development – October 3, 2024

COUNCIL DECISION (continued):

b. Amend Condition 13.a) by deleting the period after the words "or greater in width)" and replacing with ", excepting the east end of Block 14 to a maximum of 60 metres."

c. Add the following new Condition 13.d):

"13.d) The future lots in Block 15- Lot 2 shall be permitted to have front drives."

d. Delete Condition 16.a) in its entirety and replace with the following:

"16.a) The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting Kenaston Boulevard, a berm with a minimum height as per the approved noise study, centered on the property line of the residential lots, as determined by and to the satisfaction of the Director of Public Works."

e. Delete Condition 16.b) in its entirety and replace with the following:

"16.b) All single-family and two-family residential lots backing onto Kenaston Boulevard shall contain a minimum rear-yard setback as per the approved noise study of 15.24m for rectangular lots and 10.7m for pie shaped lots. The Zoning Agreement covering those lots shall stipulate this minimum rear yard setback."

f. Add the following new Condition 16.c):

"16.c) The Developer shall, at no expense to the City, provide continuous fencing for all single-family and two-family lots backing onto Kenaston Boulevard. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Kenaston Boulevard requiring the owner(s) to maintain and /or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works."

Report – Standing Policy Committee on Property and Development – October 3, 2024

COUNCIL DECISION (continued):

g. Add the following new Condition 24.d) vi):

"24.d) vi) Provide two shade structures that can accommodate a minimum of ten people each."

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to an "R1-S" Residential Single-Family (Small) District, "R1-M" Residential Single-Family (Medium) District, "R1-E" Residential Single-Family (Estate) District, "R2" Residential Two-Family District, "RMF-S" Residential Multi-Family (Small) District, "RMF-M" Residential Multi-Family (Medium) District, "EI" Educational and Institutional District, and "PR1" Parks and Recreation 1 (Neighbourhood) District in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated September 18, 2024 and attached as Schedule "E" to this report, subject to the following conditions:

A. That the Developer enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

i. For any multi-family uses on those portions of the Owner's Land zoned "RMF-M" Residential Multi-Family (Medium) District, "RMF-S" Residential Multi-Family (Small) District, or "EI" Educational and Institutional District, the Owner must submit plans showing the location and design of any and all proposed:

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

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

Report – Standing Policy Committee on Property and Development – October 3, 2024

COUNCIL DECISION (continued):

ii. All single-family and two-family residential lots backing onto Kenaston Boulevard shall contain a minimum rear-yard setback of 15.24m for rectangular lots and 10.7m for pie shaped lots.

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 recommendations 1 and 2 (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 Fee 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 communication for second and third reading

7. That Development Application No. DASZ 35/2024 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 the Fees within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

Report – Standing Policy Committee on Property and Development – October 3, 2024

COUNCIL DECISION (continued):

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 recommendation 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 35/2024 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 following 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 No. DASZ 35/2024.

Report – Standing Policy Committee on Property and Development – October 3, 2024

DECISION MAKING HISTORY:

Moved by Councillor Duncan,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 16, 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 October 3, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee, with the following amendment:

- In Recommendation 1.B.i., delete the words “Blocks 11” and replace with “Blocks 24”

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 27, 2024, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

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

  “, and with the following amendments:

  i. In Section II – Plan Considerations, add the following new Condition:

  “15. The Developer may, at no expense to the City, dedicate and legally open property for Public Lanes between Blocks 11 - Lots 1 and 2; and Block 15 - Lots 1 and 2, to the satisfaction of the Director of Public Works.”

Report – Standing Policy Committee on Property and Development – October 3, 2024

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

ii. In Section IV – Servicing Conditions:

a. Amend Condition 10.b) by adding the word "Revised" before the words "Schedule D"

b. Amend Condition 13.a) by deleting the period after the words "or greater in width)" and replacing with ", excepting the east end of Block 14 to a maximum of 60 metres."

c. Add the following new Condition 13.d):

"13.d) The future lots in Block 15- Lot 2 shall be permitted to have front drives."

d. Delete Condition 16.a) in its entirety and replace with the following:

"16.a) The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting Kenaston Boulevard, a berm with a minimum height as per the approved noise study, centered on the property line of the residential lots, as determined by and to the satisfaction of the Director of Public Works."

e. Delete Condition 16.b) in its entirety and replace with the following:

"16.b) All single-family and two-family residential lots backing onto Kenaston Boulevard shall contain a minimum rear-yard setback as per the approved noise study of 15.24m for rectangular lots and 10.7m for pie shaped lots. The Zoning Agreement covering those lots shall stipulate this minimum rear yard setback."

Report – Standing Policy Committee on Property and Development – October 3, 2024

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

f. Add the following new Condition 16.c):

"16.c) The Developer shall, at no expense to the City, provide continuous fencing for all single-family and two-family lots backing onto Kenaston Boulevard. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Kenaston Boulevard requiring the owner(s) to maintain and /or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works."

g. Add the following new Condition 24.d) vi):

"24.d) vi) Provide two shade structures that can accommodate a minimum of ten people each."

- Add the following new Recommendation 2.A.ii:

"2.A.ii All single-family and two-family residential lots backing onto Kenaston Boulevard shall contain a minimum rear-yard setback of 15.24m for rectangular lots and 10.7m for pie shaped lots."

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

PUBLIC HEARING SUMMARY

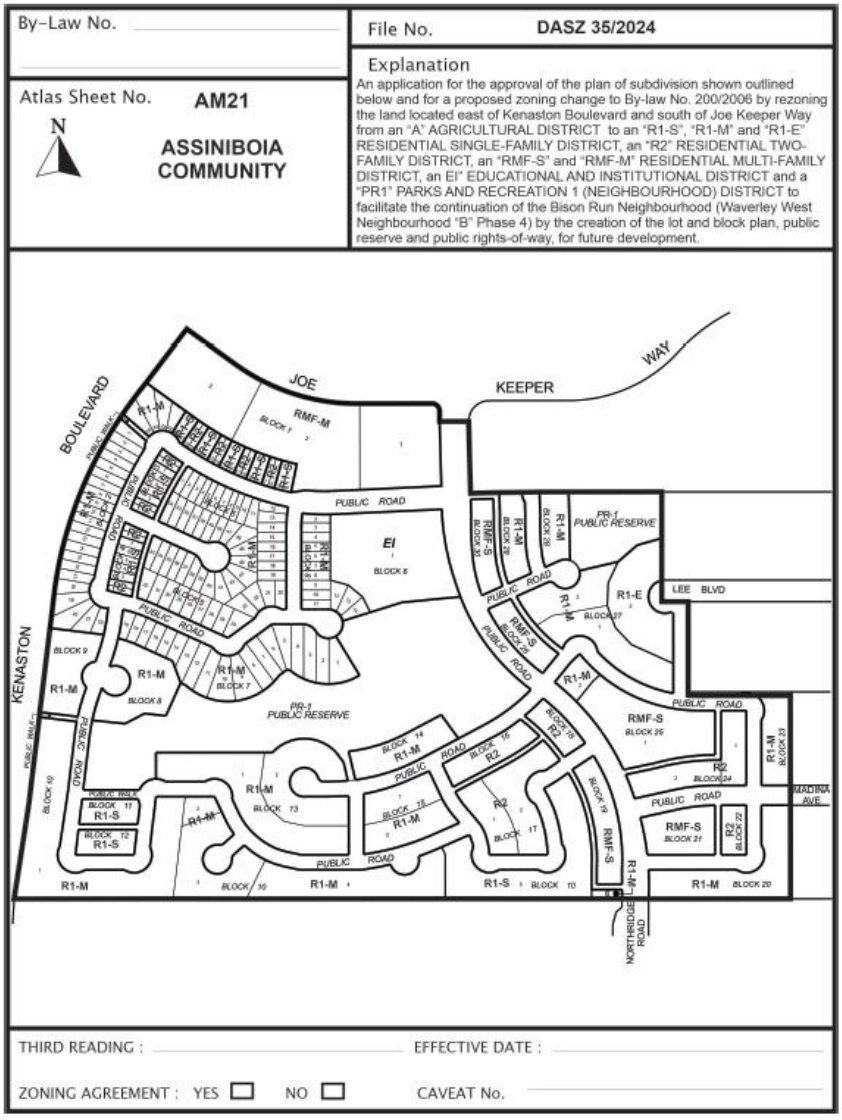
File: DASZ 35/2024

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

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

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

Subject:



Premises Affected: Southeast corner of Kenaston Boulevard and Joe Keeper Way

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

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

Report date: September 27, 2024

Community Committee Recommendation:

On September 27, 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 35/2024 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor for registration in the Winnipeg Land Titles Office in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated September 18, 2024 and attached as Schedule "E" to this report, with such minor changes as may be required, subject to the following conditions:

    A. That the "Plan" be amended in accordance with Section II of the report of the Administrative Coordinating Group dated September 18, 2024 and attached as Schedule "B" to this Report;

    B. 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 September 18, 2024 and attached as Schedule "B" to this report***, and with the following amendments:***

        i. In Section II – Plan Considerations, add the following new Condition:

            "15. The Developer may, at no expense to the City, dedicate and legally open property for Public Lanes between Blocks 11 - Lots 1 and 2; and Block 15 - Lots 1 and 2, to the satisfaction of the Director of Public Works."

        ii. In Section IV – Servicing Conditions:

            a. Amend Condition 10.b) by adding the word "Revised" before the words "Schedule D"

b. ***Amend Condition 13.a) by deleting the period after the words "or greater in width)" and replacing with ", excepting the east end of Block 14 to a maximum of 60 metres."***

c. ***Add the following new Condition 13.d):***

"13.d) The future lots in Block 15- Lot 2 shall be permitted to have front drives."

d. ***Delete Condition 16.a) in its entirety and replace with the following:***

"16.a) The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting Kenaston Boulevard, a berm with a minimum height as per the approved noise study, centered on the property line of the residential lots, as determined by and to the satisfaction of the Director of Public Works."

e. ***Delete Condition 16.b) in its entirety and replace with the following:***

"16.b) All single-family and two-family residential lots backing onto Kenaston Boulevard shall contain a minimum rear-yard setback as per the approved noise study of 15.24m for rectangular lots and 10.7m for pie shaped lots. The Zoning Agreement covering those lots shall stipulate this minimum rear yard setback."

f. ***Add the following new Condition 16.c):***

"16.c) The Developer shall, at no expense to the City, provide continuous fencing for all single-family and two-family lots backing onto Kenaston Boulevard. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Kenaston Boulevard requiring the owner(s) to maintain and /or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works."

g. ***Add the following new Condition 24.d) vi):***

"24.d) vi) Provide two shade structures that can accommodate a minimum of ten people each."

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to an "R1-S" Residential Single-Family (Small) District, "R1-M" Residential Single-Family (Medium) District, "R1-E" Residential Single-Family (Estate) District, "R2" Residential Two-Family District, "RMF-S" Residential Multi-Family (Small) District, "RMF-M" Residential Multi-Family (Medium) District, "EI" Educational and Institutional District, and "PR1" Parks and Recreation 1 (Neighbourhood) District in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated September 18, 2024 and attached as Schedule "E" to this report, subject to the following conditions:

   A. That the Developer enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

      i. For any multi-family uses on those portions of the Owner's Land zoned "RMF-M" Residential Multi-Family (Medium) District, "RMF-S" Residential Multi-Family (Small) District, or "EI" Educational and Institutional District, the Owner must submit plans showing the location and design of any and all proposed:

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

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

      ii. All single-family and two-family residential lots backing onto Kenaston Boulevard shall contain a minimum rear-yard setback of 15.24m for rectangular lots and 10.7m for pie shaped lots.

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 recommendations 1 and 2 (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 Fee 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 communication for second and third reading

7. That Development Application No. DASZ 35/2024 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 the Fees within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

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 recommendation 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 35/2024 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 following 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 No. DASZ 35/2024.

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. This is the next phase of development of Bison Run.

2. I just want to clarify that it is the intent of the committee that Block 15, Lot 1, we are supportive of smaller lot sizes due to the back lane, and further clarification of core amenities is what was provided in for Condition 24.d) vi.

3. This is a continuation on of a very, very positive development for the community.

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 June 28, 2024
2. Notification of Public Hearing dated August 29, 2024
3. Manitoba Status of Titles 2124238/1, 2124251/1, 2512715/1, 2723647/1, 2723648/1, 2862784/1, 2723640/1, 3271095/1, 2876869/1, 2876886/1, 2876887/1, 2916407/1, 2959771/1, 2959775/1, 2959793/1, 2991347/1, 3271397/1, 3271398/1
4. Letter of authorization dated March 20, 2024 from The Church (of the Saints) in Winnipeg Inc. (Timothy Cook and Wai Kik Poon) to Southeast Lands Corp and Landmark Planning
5. Letter of authorization dated April 15, 2024 from First Wireless Inc. to Southeast Lands Corp and Landmark Planning
6. Letter of authorization dated May 1, 2024 from Southeast Lands Corp to Landmark Planning and Design
7. Letter of authorization dated June 7, 2024 from The City of Winnipeg to Qualico (Veronica Eno)
8. Caveat 5587594/1
9. Conceptual renderings
10. Title plot sketch dated May 13, 2024
11. Sketch of proposed road closing dated May 13, 2024
12. Sketch showing areas of residual parcels dated June 19, 2024
13. Plans (2 pages)
14. Revised Application dated June 28, 2024
15. Revised plans (3 pages)
16. Report from the Urban Planning Division dated September 18, 2024
17. Inspection Report
18. Communication dated September 23, 2024 from Kate Moir with respect to the application
19. Communication dated September 27, 2024 from Jeff Pratte in support of the application
20. Communication dated September 26, 2024 from Timothy Cook in support of the application
21. Communication dated September 27, 2024, submitted by the Applicant at the public hearing
22. Communication titled “Revised Schedule D” submitted by the Applicant at the public hearing
23. Recording of Representations

REPRESENTATIONS:

In Support:

Timothy Cook
Veronica Eno
Brennan Johnson
Kerra Mruss
Jeff Pratte
Bryan Ward

In Opposition:

Nil

For Information:

Kate Moir

For the City:

K. Kowalyk, Land Development Engineer, Planning, Property and Development Department
S. Nuttall, Urban Planner, Planning, Property and Development Department
S. Prociuk, Project Manager, Planning, Property and Development Department
M. Robinson, Principle Planner, Planning, Property and Development Department
S. Whitehouse, Senior Urban Designer, Planning, Property and Development Department

Exhibit "16" referred to in File DASZ 35/2024

ADMINISTRATIVE REPORT

Title: DASZ 35/2024 – East of Kenaston Boulevard and south of Joe Keeper Way

Issue: For consideration at the public hearing for a subdivision and rezoning to: create new residential lots, blocks, and public reserve areas; rezone the land to a mix of residential, educational and institutional, and public reserve zoning districts.

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

AUTHORIZATION

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

RECOMMENDATIONS

1. That the subdivision proposed under Development Application No. DASZ 35/2024 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor for registration in the Winnipeg Land Titles Office in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated September 18, 2024 and attached as Schedule "E" to this report, with such minor changes as may be required, subject to the following conditions:

    A. That the "Plan" be amended in accordance with Section II of the report of the Administrative Coordinating Group dated September 18, 2024 and attached as Schedule "B" to this Report;

    B. 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 September 18, 2024 and attached as Schedule "B" to this report.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land to an "R1-S" Residential Single-Family (Small) District, "R1-M" Residential Single-Family (Medium) District, "R1-E" Residential Single-Family (Estate) District, "R2" Residential Two-Family District, "RMF-S" Residential Multi-Family (Small) District, "RMF-M" Residential Multi-Family (Medium) District, "EI" Educational and Institutional District, and

"PR1" Parks and Recreation 1 (Neighbourhood) District in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated September 18, 2024 and attached as Schedule "E" to this report, subject to the following conditions:

A. That the Developer enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

i. For any multi-family uses on those portions of the Owner's Land zoned "RMF-M" Residential Multi-Family (Medium) District, "RMF-S" Residential Multi-Family (Small) District, or "EI" Educational and Institutional District, the Owner must submit plans showing the location and design of any and all proposed:

a. Buildings;

b. Accessory parking areas;

c. Private approaches;

d. Garbage enclosures;

e. Fencing;

f. Landscaping: and,

g. Free-standing signage.

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

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

recommendations 1 and 2 (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 Fee 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 communication for second and third reading

7. That Development Application No. DASZ 35/2024 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 the Fees within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

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 recommendation 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 35/2024 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 following 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 No. DASZ 35/2024.

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.

CONSULTATION

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

OURWINNIPEG POLICY ALIGNMENT

The proposed development aligns with the *OurWinnipeg 2045* policy for 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

The proposed development aligns with the following Key Direction in the Winnipeg Climate Action Plan: *"Ensure New Areas of Growth are Designed According to the Principles of Complete Communities."*

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the 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	Robert Galston, MCP
Date:	September 18, 2024
File No.	DASZ 35/2024

List of Schedules and Attachments

Schedule A	Planning Discussion

Schedule B	Report of the Administrative Coordinating Group Re: Proposed Subdivision and Rezoning of Land Located east of Kenaston Boulevard, south of Joe Keeper Way (Bison Run Phase 4), September 18, 2024
Schedule C	Collector Streets as Identified in the Transportation Impact Study
Schedule D	Conceptual Plan for Sidewalks/Pathways
Schedule E	File No. DASZ 35/2024, Assiniboia Community Committee, Dated September 18, 2024
Appendix A	Proposed By-law

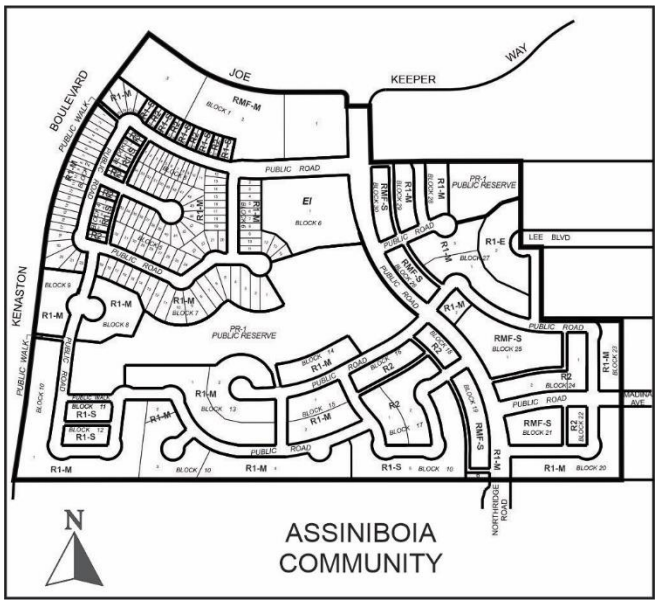
APPENDIX 'A'

DATE:	September 18, 2024
FILE:	**DASZ 35/2024**
RELATED FILES:	DAV 24-175792/D
COMMUNITY:	Assiniboia Community
NEIGHBOURHOOD #:	2.681 (Waverley West 'B')

SUBJECT: For consideration at the public hearing for a subdivision and rezoning to: create new residential lots, blocks, and public reserve areas; rezone the land to a mix of residential, educational and institutional, and public reserve zoning districts.

LOCATION: East of Kenaston Boulevard and south of Joe Keeper Way

LEGAL DESCRIPTION: LOT 39 BLOCK 1 1/2 ST VITAL*; EXC DRAIN PL 6714 LOT 27 1/2 ST VITAL LOT 23/26,28/36; LOT 37/38; EXC PL 52290 & 55770 LOT 39; LOT 40/50,83/96 BLOCK 2 PLAN 1918 1/2 ST VITAL*



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

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

The City of Winnipeg
510 Main Street
Winnipeg, MB R3B 1B9

The Church (of the Saints) in Winnipeg, Inc.
PO BOX 34120 RPO Fort
Winnipeg, MB R3T 5T5

His Majesty the King in Right the Province of Manitoba
405 Broadway (7th Floor)
Winnipeg, MB R3C 3L6

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject site encompasses an area of land east of Kenaston Boulevard and south of Joe Keeper Way. It is in the Waverley West 'B' Neighbourhood of the Waverley West Ward.
- The subject site has a total land area of approximately 114.4 acres, which includes lands owned by the Southeast Lands Corporation, and the City of Winnipeg, Church of the Saints (a local religious organization), as well as portions of unimproved right-of-ways (Formby Avenue, Lee Boulevard, and Madina Avenue).
- The subject site is currently zoned "A" Agricultural.
- The subject site is located within the Areas of Stability – Recent Communities policy area of the *Complete Communities Direction Strategy* Urban Structure Map. The site also falls within the *Waverley West Neighbourhood 'B' Secondary Plan.*

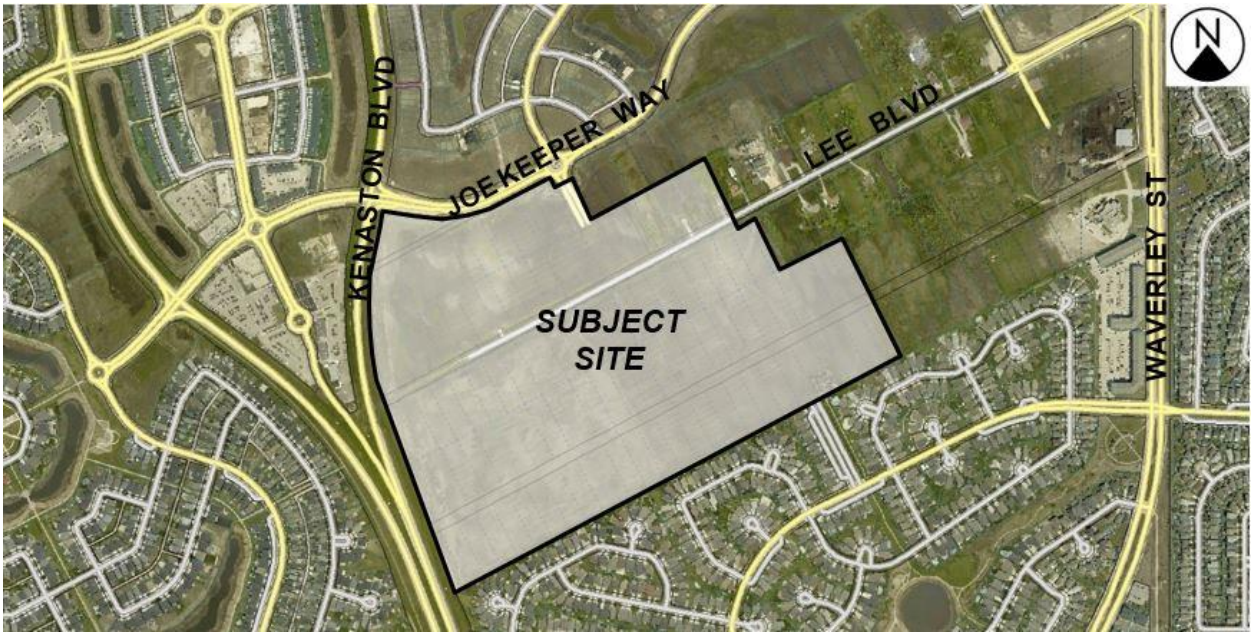


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2024)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

- To the north of the subject site is a collector street, Joe Keeper Way, then to the north of Joe Keeper Way is an earlier phase of residential land in the Waverley West B

Neighbourhood zoned “RMF-M” Residential Multi-Family (Medium), “R2” Residential Two-Family, and “R1-M” Residential Single-Family (Medium), as well as park space zoned “PR1” Parks and Recreation 1 (Neighbourhood).

- To the west of the subject site is Kenaston Boulevard, then the Bridgwater Centre Neighbourhood, which contains a mix of residential and commercial uses.
- To the east of the subject site is a portion of the Waverley West B Neighbourhood which will contain a mix of established rural-residential uses along Lee Boulevard and vacant land zoned “A” Agricultural.
- To the south of the subject site is residential uses zoned “R1-M” Residential Single-Family (Medium) in the South Pointe Neighbourhood.

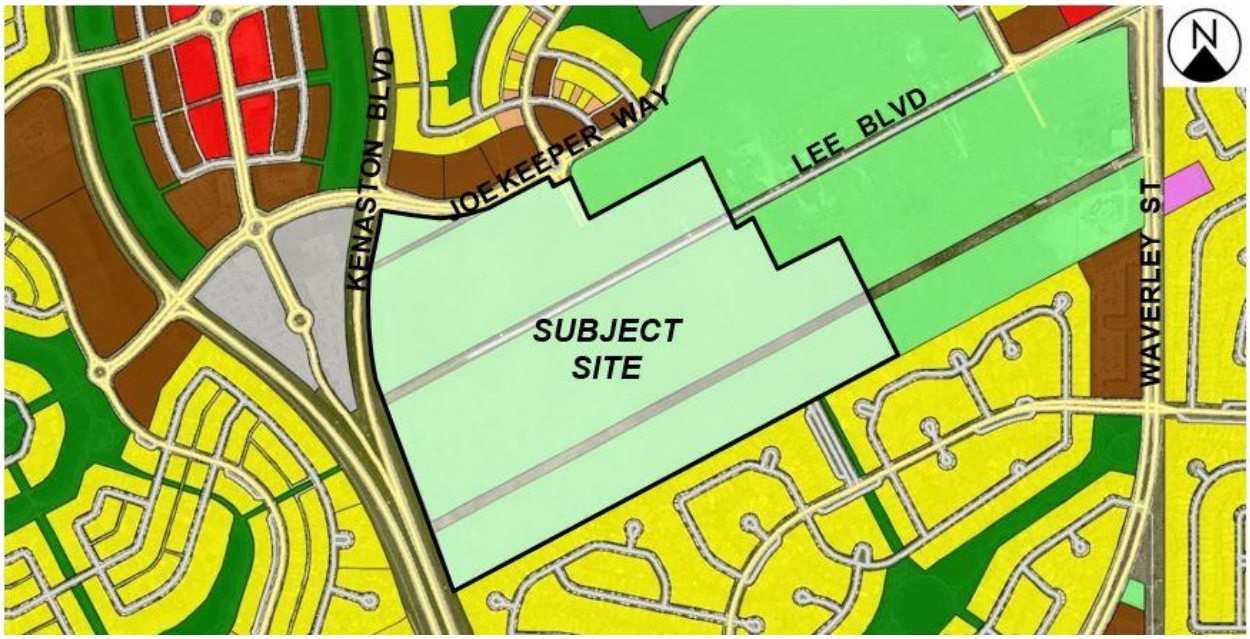


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the existing lots on the subject site and create a total of 18 blocks, 155 lots, two (2) public reserves, and new public streets and lanes.
- Phase 4A (52.95 acres)
    - 27 lots to be zoned “R1-S”
    - 101 lots to be zoned “R1-M”
    - 20 lots to be zoned “R2”
    - One (1) lot to be zoned “EI”
    - Three (3) lots to be zoned “RMF-M”
    - Two (2) lots to be zoned “RMF-S”
    - One (1) lot to be zoned “PR1”
- Phase 4B (38.66 acres)

    - Two (2) blocks to be zoned “R1-S”
    - Five (5) blocks to be zoned “R1-M”. Included in these blocks are nine (9) “R1-M” lots
    - Three (3) blocks to be zoned “R2”. Included in these blocks are two (2) “R2” lots.
    - One (1) block to be zoned “RMF-S”
- Phase 4C (22.79 acres)
    - Four (4) blocks to be zoned “R1-M”, plus an additional three (3) “R1-M” lots;
    - Two (2) blocks to be zoned “R2”. Included in these blocks are two (2) “R2” lots;
    - One (1) block to be zoned “RMF-S”, plus an additional one (1) “RMF-S” lot;
    - One (1) lot to be zoned “R1-E”
    - One (1) lot to be zoned “PR1”
- It is anticipated that residential lots in phases 4B and 4C will be the subject of future subdivision applications in order to create separate lots to accommodate residential development.
- The predominant use of land on the subject site is proposed to be residential. This will include a mix of single-family, two-family, multi-family residential dwellings.
- Additionally, the proposed “EI” Educational and Institutional lot, which is approximately 3.7 acres in size, is intended to accommodate a future place of worship use.
- Of the proposed eight (8) blocks, there will be:
    - Four (4) lots zoned “RMF-M” Residential Multi-Family (Medium).
    - Three (3) lots zoned “RMF-S” Residential Multi-Family (Small).
- Of the proposed 191 residential lots, there will be:
    - 18 lots zoned “R2” Residential Two-Family.
    - 142 lots zoned “R1-M” Residential Single-Family (Medium).
    - 31 lots zoned “R1-S” Residential Single-Family (Small).
- No building plans or design drawings have been submitted with this application.

Public Reserves and Active Transportation Network

- The applicant proposes to create two (2) public reserves, which will have a total area of approximately 8.65 acres. This will include one (1) stormwater retention pond.
- Portions of the public reserve lands will include space for active transportation (AT) pathways which will provide links for pedestrians and cyclists within the subject site, provide the opportunity to connect to future AT pathways within the Waverley West ‘B’ Neighbourhood, and to connect with existing and future AT networks within the broader Waverley West area.
- As shown in Figure 3, below, this includes two (2) connection points that will connect local AT routes with future pathways on Kenaston Boulevard, to the west of the subject site.

Public Streets

- The proposal includes an extension of Ruth Cross, a collector street built to the north of the subject site in an earlier phase of development in the Waverley West B Neighbourhood. This extension of Ruth Cross will connect to Northridge Road to the south, which is in the South Pointe Neighbourhood.

Public Lanes

- A total of four (4) blocks are proposed to be serviced by rear public lanes. These rear lanes will provide access to:
    - Proposed “R1-S” lots (Blocks 3, 4, 11, 120;
    - Proposed “R1-M” lots (Block 28)
    - Proposed “R2” lots (Blocks 3, 4, 12, 15, 16, 21, 23);
    - All proposed “RMF-S” lots (Blocks 18, 20, 24, 25, 29);
- Properties without lane access include:
    - The proposed “RMF-M” blocks (Block 1);
    - The proposed “R1-M” blocks (excluding 28);
    - The proposed “EI” block;
    - “R1-S” lots in Blocks 1, 5, 9, 10;
    - “R2” lots in Blocks 1 and 5
- Please refer to Figure 3, below, which shows the proposed lots, zoning districts, and public streets and lanes.

Associated Street Closing (DAC) and Variance (DAV) Applications

- **The proposed development includes the closing of three (3) separate portions of a unimproved right-of-ways known as Formby Avenue, Lee Boulevard, and Madina Avenue. This closing requires a Closing (DAC) application to the City of Winnipeg under file no. DAC 3/2024.**
- **The proposed development is also the subject of an associated Variance (DAV) application concerning lot areas and building setbacks. Please refer to the Administrative Report under file no. DAV 24-175792/D for more information.**

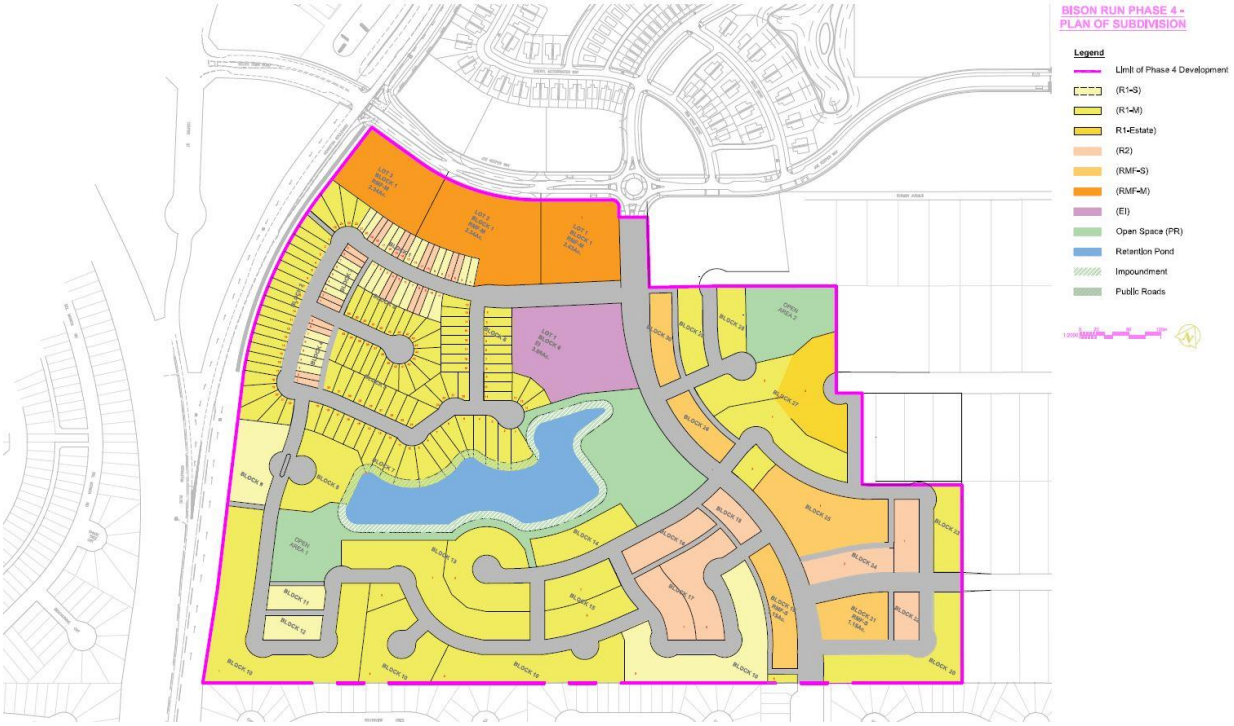


Figure 3: Surveyor's Plan showing proposed lots and public roads on the subject site.

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 Community. The policy for this area states:

  6.16 Established Neighbourhoods

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

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The *Complete Communities Direction Strategy 2.0* supports *OurWinnipeg 2045*, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.

- As noted above, the subject property is classified as an Established Neighbourhoods – Recent Communities policy area under *Complete Communities 2.0*. Key policies include:

  Goal 1

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

General Policies

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.

Goal 5

5.0 Ensure Established Neighbourhoods accommodate a variety of public and institutional uses to meet a broad range of community needs.

General Policies

4.1 Support public and institutional uses where residential neighbourhoods are not well served by these amenities or are areas of higher need. These uses may include day cares, places of worship, elementary schools, libraries, community centres, public parks, and recreation facilities.

Goal 6

6.0 Ensure Neighbourhoods and communities are well served by parks, open spaces, and recreational facilities that contribute to sustainability, wellness and active living.

General Policies

6.4 Where significant intensification of housing occurs within a neighbourhood, ensure parks, open spaces, and community facilities respond to community needs through strategic investment.

6.6 Ensure a variety of public spaces, facilities, parks, and other community amenities are provided in Established Neighbourhoods to support well-being, inclusiveness, and the social fabric of the community.

- The proposed rezoning application is consistent with the *Complete Communities Direction Strategy 2.0.* Specifically, the proposed rezoning will accommodate future community amenities to serve the Waverley West "B" Neighbourhood as well as surrounding neighbourhoods in the wider Waverley West area.

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 the Medium Density Policy Area, Lower Density Policy Area, and the Lee Boulevard Estates policy area.

Medium Density Residential

- *Medium Density Residential areas provide opportunities for a range of multi-family residential development types that will serve to increase the overall density of the Plan Area and offer a range of housing options in terms of size, form and tenure.*

3.2.2 POLICIES

1. *Multi-family dwellings such as row dwellings, townhomes and multi-storey residential buildings, shall be the predominant style of development in the Medium Density Residential areas.*
2. *Single-family dwellings shall not be allowed.*
3. *Residential development within the Medium Density Residential areas should achieve a minimum density of 15.0 dwelling units per Net Developable Acre.*

4. *Higher-density multi-family residential dwellings should abut a collector road.*
5. *New Institutional and public uses, such as places of worship, daycares and recreational uses may be allowed within the Medium Density Residential area, where determined to be compatible and appropriate. Such uses shall be located on and have access to a collector road and shall mitigate any negative impacts of the use on any adjacent residential uses.*
6. *Existing institutional uses within the Medium Density Residential areas may only expand if they are: a. located on and have access to a collector or arterial road; and b. serviced by a full range of municipal services.*
7. *Ground entry and street oriented multi-family dwellings should take exclusive access from a back lane, unless a design solution can be provided, to the satisfaction of the Director of Public Works, that can address the following design considerations:*
    a. *the availability of front yard areas for landscaping and tree growth;*
    b. *adequate snow storage areas;*
    c. *on-street parking capacity;*
    d. *provision of utilities; and*
    e. *pedestrian safety.*
8. *Multi-family residential development is subject to the following design and siting criteria:*
    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 shall be discouraged; and*
    g. *balconies, windows, architectural details and façade treatments shall be used to provide visual interest.*
9. *Where a multi-family residential use is located abutting a single-family residential use, the design and siting of the multi-family dwelling shall mitigate any negative impacts on the single-family residential use. Mitigative solutions that may be considered include, but are not limited to, the following:*
    a. *the placement of off-street parking areas or internal roadways to buffer and reduce visual impacts of the multi-family residential use on an adjacent single-family residential use;*

b. *the placement of landscaping, berming and/or fencing to reduce visual impacts of the multi-family residential building(s), drive aisles and parking areas on an abutting single-family residential dwelling;*

c. *locating and massing the building(s) on the portion of the site immediately adjacent to the single-family residential uses in a manner that respects the adjacent residential scale and character through lower building height and/or increased set back*

Lower Density Residential

- *Lower Density Residential areas provide primarily for the development of single-family dwellings and opportunities for two-family dwellings and certain styles of multi-family dwellings, where appropriate, as outlined in the policies that follow.*

3.1.2 Policies

1. *Single-family and two-family dwellings shall be the predominant use of land, with ground-entry multi-family dwellings allowed in appropriate locations as determined by the City.*
2. *New public and institutional uses, such as places of worship, daycares and non-regional recreational uses may be allowed within the Lower Density Residential area, where determined by the City to be compatible and appropriate. Such uses shall be located adjacent to collector roads and the design of the site shall mitigate any negative impacts of the use on adjacent lower density residential uses.*
3. *Existing institutional uses within the Lower Density Residential areas may only expand if they are: a. located on and have access to a collector or arterial road; and b. serviced by a full range of municipal services.*
4. *Any residential development application for lands within a Lower Density Residential area should achieve a minimum density of 7.0 dwelling units per Net Developable Acre.*
5. *Higher density development shall be directed along collector roads within sub-areas 1 and 2.*
6. *Single-family dwellings shall not back onto an internal collector road.*
7. *Single-family dwellings on lots with less than 12.19 metres (40 feet) of frontage should take exclusive access from a back lane, unless a design solution can be provided, to the satisfaction of the Director of Public Works, that can address the following design considerations: a. the availability of front yard areas for landscaping and tree growth; b. adequate snow storage areas; c. on-street parking capacity; and d. the provision of utilities.*
8. *A pair of semi-detached dwellings or a two-family dwelling on lots less than 15.24 metres (50 feet) of frontage should take exclusive access from a back lane, unless a design solution can be provided, to the satisfaction of the Director of Public Works, that can address the following design considerations:*

    a. *the availability of front yard areas for landscaping and tree growth;*

    b. *adequate snow storage areas;*

    c. *on-street parking capacity;*

    d. *the provision of utilities; and e. pedestrian safety.*

9. *Multi-family dwellings may be allowed within the Lower Density Residential along collector roads within subareas 1 and 2 as shown in Appendix B, under the following*

conditions: a. multi-family dwellings shall take exclusive access from a back lane; and b. the design of multi-family dwellings shall be street oriented and ground-entry.

10. *Multi-family dwellings may be allowed within the Lower Density Residential along collector roads within subarea 3 as shown in Appendix B and along local roads throughout the Plan Area, under the following conditions: a. multi-family dwellings shall take exclusive access from a back lane; b. the design of multi-family dwelling shall be street oriented and ground-entry; and c. should be limited to approximately six dwelling units per building.*
11. *Live-work style development may be allowed along collector roads in the Lower Density Residential areas within sub-areas 1 and 2 as shown on Appendix B.*
12. *Despite other policies in this section, only single-family dwellings shall be permitted on lots abutting the southerly edge of the Plan Area located within the Lower Density Residential areas.*
13. *Parks, open spaces and an integrated pathway network shall be provided in Lower Density Residential areas to meet the active and passive recreational needs of residents and visitors.*
14. *Properties zoned "A" Agricultural shall be required to rezone prior to the establishment of new principal buildings or uses.*

Lee Boulevard Estates

The Lee Boulevard Estates policy area provides limited opportunities for new large-lot, single-family residential development. Policies are intended to:

- Assist transition from the existing rural residential character along Lee Boulevard to large-lot urban residential with a full range of municipal services;
- Preserve established trees in the area, where possible; and
- Connect the area to active and passive recreational opportunities through the pathway network.

3.3.2 POLICIES

1. *Development in Lee Boulevard Estates shall be limited to single-family dwellings and accessory uses.*
2. *The expansion of existing commercial uses, accessory or otherwise, shall not be permitted.*
3. *Alternative development patterns, such as residential Bare Land Condominium style development, being auto courts, loop lane and flag lots as per the Zoning By-law, may be permitted as a means to support the transition of the Lee Boulevard Estates area to large-lot urban residential. Such development remains subject to other policies within the Lee Boulevard Estates designation.*
4. *The subdivision of land and new residential development in the Lee Boulevard Estates area shall meet the minimum lot area requirements of the "R1–Estate" dimensional standards under the Zoning By-law.*
5. *New residential development in the Lee Boulevard Estates areas that abuts a lot(s) with an existing residential use shall provide a minimum front yard setback calculated based on the average of the "R1-Estate" zoning requirements and the front yard setback provided on the abutting residential lot(s).*

6. *The subdivision of land and new residential uses may only be established within the Lee Boulevard Estates area if they are serviced by municipal sewer and water services.*
7. *The portion of Lee Boulevard, that is located within the Lee Boulevard Estates area, shall be developed as a local road. Future road connections should be designed to discourage vehicle traffic from using Lee Boulevard to cut through the area.*
8. *Where possible, new development should minimize impact on established tree cover.*
9. *The Lee Boulevard Estates area shall be connected to surrounding areas by the linear pathway network to meet the active and passive recreational needs of residents.*
10. *Within Lee Boulevard Estates, the back of an existing lot may subdivided without triggering the requirement for services, provided the purpose of the subdivision is to provide for development within the Lower Density Residential area and the subdivision does not create a new lot that requires access from Lee Boulevard.*

SUBDIVISION

- As noted above, the subject site is currently made up of approximately 106 lots. Subdivision is required in order to establish a total of 18 blocks, 155 zoning lots, two (2) public reserves, as well as public streets and lanes.

REZONING

- As noted above, 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 from ‘A’ Agricultural to the following districts:
    - “RMF-M” Residential Multi-Family (Medium)
    - “RMF-S” Residential Multi-Family (Small)
    - “R2” Residential Two-Family
    - “R1-E” Residential Single-Family (Estate)
    - “R1-M” Residential Single-Family (Medium)
    - “R1-S” Residential Single-Family (Small)
    - “EI” Educational and Institutional
    - “PR1” Parks and Recreation 1 (Neighbourhood)

“RMF” Residential Multi-Family

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

“R2” Residential Two-Family and “R1” Residential Single-Family

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

"EI" Educational and Institutional

- The Educational and Institutional district is intended to provide areas for the development and significant, multi-building, public, quasi-public, or private facilities of a non-commercial character that may have significant impacts on the surrounding areas.
- Typical uses may include places of worship, schools, colleges and universities, libraries, cultural facilities, hospitals, and large research facilities as well as supporting residential uses.
- Attractive campus-style development is encouraged within this district.

"PR1" Parks and Recreation 1 (Neighbourhood)

- The Parks and Recreation 1 (Neighbourhood) zoning district is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas, and natural areas.

CONSISTENCY WITH AREA SECONDARY PLAN

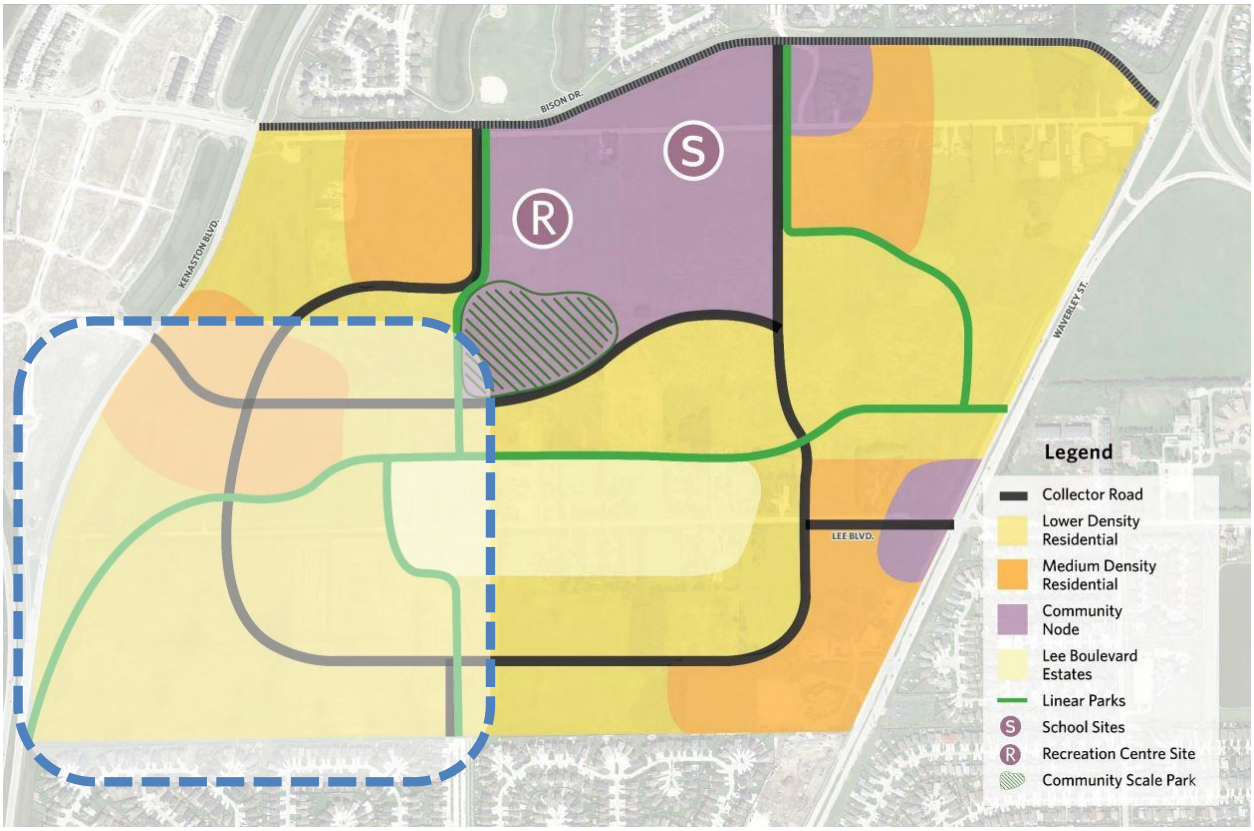


Figure 4: Land Use and Transportation Concept Plan as per the *Waverley West Neighbourhood 'B' Secondary Plan.* The approximate location of the subject area is highlighted.

Medium Density Residential

- A portion of the proposed residential multi-family uses are located in the Medium Density policy areas of the Secondary Plan (Figure 4).

- The proposed zoning districts within this policy area, located on the south side of Joe Keeper Way near Kenaston Boulevard, are “RMF-M” and are intended to accommodate future multi-family uses.
- Within this Medium Density Residential policy area, the “RMF-M” lots are located directly on Joe Keeper Way, an east-west collector street on the northern boundary of the subject site.
- As discussed below, plan approval is recommended for the proposed residential multi-family districts. This will enable final development plans for multi-family sites to be reviewed to ensure adequate setbacks and buffering from adjacent residential properties, per the policies of the Secondary Plan.

Lower Density Residential

- The proposed “RMF-S”, “R2”, “R1-M”, and “R1-S” zoning districts are compatible with the Lower Density Residential policy area of the Secondary Plan, in that single-family and two-family dwellings are to be the predominant use within the Lower Density Policy area.
- With respect to the proposed “RMF-S” lots, it should be noted that these are located on the proposed north-south collector street, and the blocks are configured to accommodate ground-oriented development that has access to a rear public lane and flanking local streets.
- The proposed lower density two-family (“R2”) residential uses are located on or near these collector streets. This configuration provides a gradual transition of residential uses and buildings, from taller and higher-density multi-family buildings along the collector streets, to low-rise single-family detached buildings on local streets located further away from the collector street.
- This transition is consistent with policies for both the Low Density Residential areas in the Secondary Plan.
- With respect to the proposed “EI” zoning district, this is accommodated under the Secondary Plan given that it is intended to accommodate a place of worship use, and is located on the proposed north-south collector street.
- Similar to the proposed multi-family districts, the Public Service recommends that future development of this “EI” district be subject to plan approval. This will ensure final design of the proposed place of worship provides sufficient setbacks and buffering from adjacent residential areas.

Lee Boulevard Estates

- The proposed development within the Lee Boulevard Estates policy area is for single-large single-family lots zoned “R1-E” Residential Single-Family (Estate). This is consistent with the Secondary Plan, which requires new residential development to meet the minimum lot requirements of the “R1-E” district in order to be generally compatible with the established rural-residential character of Lee Boulevard. Per the Winnipeg Zoning By-law, the “R1-E” minimum lot requirements are 20,000 square feet.
- Additionally, the proposed local street that will connect to the proposed western end of Lee Boulevard is a local street that will provide a second point of access to Lee Boulevard that is not likely to encourage ‘cut-through’ traffic from using Lee Boulevard.

Parks and Open Space

- The proposed parks and open space, including active transportation (AT) pathways are generally consistent with the policies for the Waverley West 'B' Neighbourhood, which direct AT pathways that link the neighbourhood together and connect to the regional network. Please refer to Schedule "D", below, to view the conceptual plan for sidewalks/pathways as recommended in the report of the Administrative Coordinating Group (Scheduled "B").

COMPATIBILITY WITH SURROUNDING AREA

- In addition to the proposed development is generally consistent with the Waverley West Neighbourhood 'B' Secondary Plan, it is compatible with and is not likely to have an adverse impact on future development within the broader Waverley West 'B' Neighbourhood, including established rural-residential uses on Lee Boulevard.
- Additionally, it is compatible with the overall vision for the broader Waverley West area, as discussed in the *Waverley West Area Structure Plan.*
- Additionally, the proposed layout of streets and public reserve lands does not limit the potential for future connections to active transportation routes in adjacent neighbourhoods.

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.
- In addition to this, the applicant undertook a public consultation program for the subject application. This included a public open house in May, 2024. This open house was open to the general public, but was directed primarily at residents of the Waverley West area. As part of this open house even, a separate session was held with land owners and residents in the immediate vicinity of the proposed Phase 4.
- A total of 40 persons attended the open house.
- The applicant sent letters to land owners in the vicinity, emailed residents and owners who had attended previous consultation events in the Waverley West B Neighbourhood, and placed an ad in the *Winnipeg Free Press.*

CONDITIONS OF APPROVAL

Development Agreement

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

Zoning Agreement

Plan Approval

- In order to ensure future development within the subject site is consistent with the Secondary Plan, and compatible with the surrounding area, the Urban Planning Division is recommending that Plan Approval by the Director of Planning, Property and Development, and by the Assiniboia Community Committee be required for any development on the lands to be zoned “RMF-M” Residential Multi-Family (Medium), “RMF-S” Residential Multi-Family (Small), “EI” Educational and Institutional.
- 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.*
- Consideration during the future Plan Approval applications will include ensuring the multi-family developments provide sufficient landscaped setbacks and buffering adjacent to existing and future single-family residential uses. These landscaped setbacks will help to buffer abutting single-family properties from any adjacent multi-family buildings and associated parking areas, drive aisles, and garbage collection areas.

LAND DEDICATION

- As a condition of rezoning or subdivision of a parcel of land, a developer is required to contribute a portion of the land to be developed to the City of Winnipeg for parks purposes. The amount of land is not less than 10 percent.
- With respect to this subdivision and rezoning application, land dedication is discussed in the report of the Administrative Coordinating Group, attached as Schedule “B”.

RECOMMENDATION

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

- The subdivision and rezoning, subject to the recommended conditions, 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*.

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

Report Prepared by: Robert Galston, MCP
PPD File #: DASZ 35/2024

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED REZONING OF LAND LOCATED EAST OF KENASTON BOULEVARD, SOUTH OF JOE KEEPER WAY (BISON RUN PHASE 4)

It is recommended that approval of DASZ 35/2024, if granted, be subject to the applicant entering into a Development Agreement containing the following conditions:

Section I – General Comments

1. Regional Wastewater Advisory

   Water and Waste (WWD) advises that:

   i) If the project proceeds further in the future instead of in the short term, there is a risk that it will have to pause because of limits in wastewater treatment capacity.

   ii) WWD assigns capacity in the wastewater system to a project when a permit application for the development proposal is accepted.

   iii) If capacity of the wastewater system is reached, proposals to discharge additional wastewater into the City's wastewater system will be rejected.

2. Street Classification

   The Transportation Impact Study (TIS) for the proposed development provided projected daily traffic volumes on the proposed residential streets. This is common practice to determine the classification of streets. Attached Schedule C from the applicant's TIS, shows two east-west roadways as Collectors, however the development application does not include the second east-west roadway south of Joe Keeper Way as a Collector. Public Works expects future citizen concerns if the second east-west roadway south of Joe Keeper Way (identified as E-W ROADWAY #2 below) is not classified as a residential collector and contains access single family homes.

3. Cross Access Easement Agreement

   a) The Developer and all successors in title to Block 1, Lots 1 and 2 shall enter into, and register at the Winnipeg Land Titles Office (WLTO) under Section 76 of the Real Property Act, and maintain in perpetuity by way of instrument (right-of-way agreement, easement agreement or declaration) against the titles to the lots, a private cross-access agreement with the owners of the other lots so as to ensure vehicular access to every lot at all times, via streets or internal roads.

   b) The Developer and all successors in title to Block 1, Lots 2 and 3 shall enter into, and register at the Winnipeg Land Titles Office (WLTO) under Section 76 of the Real Property Act, and maintain in perpetuity by way of instrument (right-of-way agreement, easement agreement or declaration) against the titles to the lots, a private cross-access

agreement with the owners of the other lots so as to ensure vehicular access to every lot at all times, via streets or internal roads.

Section II – Plan Considerations

1. The second east-west Public Road south of Joe Keeper Way shall be established as a residential collector street with a right-of-way width of 22.0m (or 24.0m if LDS is greater than 525mm).

2. The Developer shall, at no expense to the City, legally open property required for appropriate corner cuts in the southwest corner of the intersection of Joe Keeper Way and the proposed Public Road, as determined by and to the satisfaction of the Director of Public Works.

3. The Developer shall, at no expense to the City, legally open property required for a 3.0m x 3.0m corner cut where public lanes intersection/turn serving single or two family residential development, and 5.0m x 5.0m corner cut where public lanes intersect/turn serving multi-family residential and commercial development, as determined by and to the satisfaction of the Director of Public Works.

4. The Developer shall, at no expense to the City, dedicate and legally open property for right-of-way corner cuts measuring 2.0m x 2.0m at each corner of the intersection of two streets measuring 22.0m in width or greater, to the satisfaction of the Director of Public Works.

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

6. The Developer shall, at no expense to the City, dedicate and legally open property for right-of-way corner cuts measuring 3.0m x 3.0m at each corner of any intersection where the angle is less than 80°, to the satisfaction of the Director of Public Works.

7. Public Lanes are to be established with a right-of-way width of 6.25m in Public Lanes serving single or two family residential development and a right-of-way width of 7.25m in Public Lanes serving multi-family residential and commercial development, as determined by and to the satisfaction of the Director of Public Works.

8. The Developer shall, at no expense to the City, legally open right-of-way to accommodate proposed cul-de-sac turnarounds consistent with the dimensions, as per the City's Transportation Standards Manual.

9. Proposed cul-de-sac streets shall not exceed a length of 105m.

10. Where two local residential streets intersect with a residential collector street on opposite sides of said collector, the centerlines of the local streets are to be aligned to be coincident with one another at their intersection with the collector or be offset by a minimum of 45.0m along the collector.

11. Where local residential streets are aligned to curve within 20.0m of their intersection with a residential collector street, such curves are to have a minimum centerline radius of 60.0m.

12. Public Walks containing a sidewalk are to be established with a right-of-way width of 6.0m, as determined by and to the satisfaction of the Director of Public Works.

13. Public Walks containing a pathway are to be established with a right-of-way width of 8.0m, as determined by and to the satisfaction of the Director of Public Works.

14. The draft Legal Plan must be submitted to the Public Works Department with appropriate construction details for review and approval by the Public Works Department, prior to the submission of subdivision Mylars to the City.

Section III – Engineering Studies

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

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

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

Section IV - Servicing Conditions

1. Water mains

a) The Developer shall, at no expense to the City, construct and install all water mains required to serve the Planned Area and adjacent lands as indicated by the accepted servicing report, 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 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, at no expense to the City, construct and install all wastewater sewers required to serve the Planned Area and adjacent lands as indicated by the accepted servicing report, 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 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.

c) 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

a) The Developer shall, at no expense to the City, construct and install all land drainage sewers required to serve the Planned Area and adjacent lands as indicated by the accepted servicing report, 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 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. Stormwater Retention Facilities

a) The Developer shall construct, and bridge-finance the cost of constructing, naturalized regional stormwater management facilities and associated works, including but not limited to land drainage pumping station if required, to serve the Planned Area and adjacent lands, in accordance with the "Criteria for Stormwater Management" (adopted by City Council on April 25, 2001) and the accepted servicing report, as determined by and to the satisfaction of the Director of Water and Waste.

b) The Developer shall dedicate to the City any land, and shall provide to the City all easements, required to accommodate the naturalized regional stormwater management facilities, as determined by and to the satisfaction of the Director of Water and Waste in accordance with the City's Development Agreement Parameters.

c) The Developer shall pay its share of the cost of the said regional stormwater management facilities, as determined by the Director of Water and Waste.

d) The Developer's share of the stormwater management facilities owing under this agreement shall be credited against the cost of the facilities to be constructed or previously constructed by the Developer.

e) If the Developer's share of the cost of constructing the said regional stormwater management facilities in accordance with Clause a) is greater than the Developer's share of that cost determined under Clause c), the City shall reimburse the Developer for the amount of the difference, as and when the amount of the difference is determined by the Director of Water and Waste, subject to approval by City Council of capital funding for that reimbursement and availability of funds recovered from third parties in

accordance with this Agreement. Interest, calculated in accordance with the Development Agreement Parameters, will be added to the amount of the difference calculated from the date of the first anniversary of substantial completion of construction for the naturalized regional stormwater management facilities.

f) The Developer shall, prior to construction, provide to the City a separate Letter of Credit in an amount equal to 15% of the construction cost of the naturalized regional stormwater management facilities and associated works, as determined by and to the satisfaction of the Director of Water and Waste. The City shall release this separate Letter of Credit to the Developer upon issuance of the Final Acceptance Certificate.

g) Despite anything else in this Agreement, the Developer shall maintain all stormwater retention basins within the Planned Area, including naturalized channels, as determined by and to the satisfaction of the Director of Water and Waste and the Director of Public Works, as follows:

   i. 2 years (following the date of Substantial Performance) for the physical construction of the stormwater retention basins including excavation and hard infrastructure; and

   ii. 5 years (following the date of Substantial Performance) for the vegetation planting.

h) The Developer shall enter into an agreement to caveat all private lots abutting any stormwater retention basin within the Planned Area, outlining the special conditions for the maintenance of the vegetated areas at the rear of the private lots as determined by and to the satisfaction of the Director of Public Works.

i) The Developers shall at no expense to the City:

   i. develop and provide to the City a performance specification document of the stormwater retention basins that establishes the minimum acceptable performance of the upland and wetland vegetation; and

   ii. for a period of 5 years following the date of Substantial Performance, conduct routine vegetation assessments to determine whether the upland and wetland vegetation is meeting the performance specifications and perform remedial action as required.

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

j) As a condition of issuance of a Final Acceptance Certificate by the Director of Public Works, the Developer shall, at no expense to the City, prepare an operation manual for the storm water retention basins that will ensure the long-term viability of the wetland by maximizing ecological benefits and minimizing maintenance, to the satisfaction of the Director of Public Works.

6. <u>Lot Line Connections</u>

a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewers and water mains to service all single-family and two-family lots within the Planned Area, as determined by and to the satisfaction of the Director of Water and Waste.

b) The Developer shall ensure that the private sewer service for each single- family and two-family lot remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the private sewer service pipe may be connected to the wastewater system, and the Developer will indemnify the City against all actions, claims, demands, damages, losses and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

c) The Developer shall replace or repair, to the satisfaction of the Director of Water and Waste, any water service pipe or private sewer service pipe determined by the Director of Water and Waste to be defective within one year following the date the water to the lot serviced by that water service pipe or private sewer service pipe is turned on by the City for domestic use, and shall pay to the City any and all costs incurred by the City associated with any such defect.

7. Lot Grading

a) The Developer shall, at no expense to the City and prior to the issuance of any building permit in respect of the Planned Area, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the lot grading plan of record to the satisfaction of the Director of Water and Waste.

b) Prior to the issuance of any building permits in respect of the Planned Area, the Developer shall, at no expense to the City, construct all swales, catch basins and leads required to provide lot drainage within the Planned Area.

c) Upon registration of the approved plan of subdivision mylars in the Land Titles Office, the Developer shall, at no expense to the City, grant to the City and register easements in respect of all swales, catch basins and leads for lot drainage within the Planned Area.

8. 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) Bison Drive - 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 as identified on the secondary plan and all related works;

viii) Additional land for collector roadways as identified on the secondary plan;

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

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: 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; and

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.

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.

9. Pavements

a) The Developer shall, at no expense to the City, construct 150mm and 200mm thick Portland cement concrete pavements, 7.5m, 8.0m, and 10.0m in width, and all related works, including but not limited to ornamental street lighting, boulevard landscaping and land drainage facilities, in all streets within the Planned Area, all as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct Portland cement concrete pavements, 5.0m in width in all Public Lanes serving single or two family residential development, and 6.0m in width in all Public Lanes serving multi-family residential and commercial development, and all related works, including but not limited to land drainage facilities, in all Public Lanes within the Planned Area, all as determined by and to the satisfaction of the Director of Public Works.

10. Sidewalks/Pathways

a) The Developer shall, at no expense to the City, construct 1.5m wide by Portland cement concrete sidewalks or 3.5 m asphalt multi-use pathways and all related works, on the standard alignment, 0.3m from the property line or an alignment as determined by the Public Works Department, along both sides of all streets within the Planned Area with rights-of-way measuring 22.0m in width, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct a 1.5m and/or 1.8m wide by Portland cement concrete sidewalks and 3.5m asphalt multi-use paths, including but not limited to a multi-use path on the east side of Kenaston Boulevard, all on the standard alignment, 0.3m from the property line, or an alignment as determined by the Public Works Department, conceptually shown on the attached Schedule D, all as determined by and to the satisfaction of the Director of Public Works.

c) The Developer shall grant to the City, at no expense to the City, any snow storage easements as may be necessitated by the sidewalk alignment, as determined by and to the satisfaction of the Director of Public Works.

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

11. Public Walks

a) The Developer shall, at no expense to the City, construct a 1.5m wide Portland cement concrete sidewalk or a 3.5m wide asphalt path within the Public Walks, and landscape the remainder to include:

i) Sodding on both sides of the sidewalk or path;

ii) Fencing within private property, along the side property lines;

iii) Bollards with appropriate opening at both street ends of the Public Walk;

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

b) The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting the Public Walk requiring the owners to maintain and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

12. Temporary Dead-End Streets

a) The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of each temporarily dead-ended street within the Planned Area, and provide any rights-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, erect and maintain barricades and signage across the full width of any streets which are temporarily dead-ended due to phasing of development immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

13. Private Approaches

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

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

c) Private approaches serving R2 without a public lane shall be designed with joint use approaches, or a suitable alternative, all to the satisfaction of the Director of Public Works.

14. Fencing Requirement

a) The Developer shall, at no expense to the City, provide continuous fencing within the Developer-Owned Land for properties abutting the Public Reserve land(s), as determined by and to the satisfaction of the Director of Public Works. The Developer shall permit the City to file a caveat against the title of each such lot, requiring the property owner(s) to maintain and/or repair/replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

b) The Developer shall install fencing for all properties abutting the Public Reserve land(s) prior to occupancy.

15. Boulevards

a) The Developer shall, at no expense to the City, sod and plant trees on all boulevards within and fronting on the Planned Area, all in accordance with City specifications and

guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

b) The Developer shall, at no expense to the City, maintain the sod for a period of one year and the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

16. Noise Attenuation/Rear-Yard Setback

a) The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting Kenaston Boulevard, a uniform noise attenuation fence, 2.0m in height, complete with a berm minimum height as per the approved noise study, centered on the property line of the residential lots, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Kenaston Boulevard requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

b) All single-family and two-family residential lots backing onto Kenaston Boulevard shall contain a minimum rear-yard setback of 15.24m. The Zoning Agreement covering those lots shall stipulate this minimum rear yard setback.

17. Two Means of Vehicle Access

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

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

18. Signage

a) Prior to construction, the Developer shall, at no expense to the City, obtain approval of and install, and subsequently maintain, at the entrances to the Planned Area, development information signs, containing no advertising, and showing the Planned Area, zoning information, a north directional arrow, all proposed arterial and collector streets, sidewalks, public walks, active transportation facilities, all proposed parks, storm water retention facilities, existing, natural tree stands, multiple family sites, commercial sites, Kenaston Boulevard, Waverley Street, the future Bison Drive and all proposed community mailbox sites, all with the approval of and to the satisfaction of the Director of Planning, Property and Development.

b) The Developer shall, at no expense to the City, supply and install trail network signage and trail related traffic signage, on pathways and active transportation corridors, consistent with standards and specifications applied to similar citywide networks, or an alternative standard proposed by the Developer, as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, and Development.

19. Street Name Signs

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

20. 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.

21. 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.

22. 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.

23. 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.

24. Public Reserve

a) The Developer shall dedicate a minimum of 10% of the net area for public park purposes; or shall dedicate a minimum of 8% of the net area for public park purposes with the remaining required dedication deemed to have been satisfied by the provision of Landscaping and improvements to the public parks. The Developer shall undertake, at no expense to the City, 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.

b) If the Developer is unable to dedicate a full amount of the land (including by accrual of dedication from previous phases), the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property & Development, and 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 Reserves within the Planned Area, subject to approval by the Directors of Public Works and Planning Property and Development.

c) Landscaping and improvements of the Public Reserve lands shall be done in accordance with plans and specifications provided by the Developer and approved by the Director of Public Works, through the Park Design Review Process, prior to the commencement of construction.

d) The Developer shall install, at no expense to the City, the following standard landscaping and improvements within the Public Reserve(s), in accordance with Park Development Guidelines, Park Standards and plans and specifications, all as approved by the Directors of Public Works and Planning Property and Development:

   i) Grade, level and vegetate;
   ii) Install appropriate water service;
   iii) Construct primary pathways;
   iv) Provide tree plantings; and
   v) Provide and install core amenities, including a playground, picnic and seating areas, and multi-use open space (where appropriate) within each of the two public reserves.

e) The Developer shall ensure that the lot grading plan for the area is designed such that land drainage from adjacent properties has no negative impacts on the public reserve. Limited land drainage flow may be directed to the public reserve if approved by the Director of Public Works.

f) The Developer shall, at no expense to the City, install continuous fencing (eg: bollards) on the Public Reserve lands abutting the collector road (excluding at access way(s)), to the satisfaction of the Directors of Public Works and Planning Property and Development.

g) The Developer shall, at no expense to the City, maintain the Public Open Space improvements and amenities for a period of two years or longer, in accordance with the Parks Maintenance Guidelines and specifications approved by the Director of Public Works. The said maintenance period shall begin on the date of issuance of a Construction Completion for Parks and shall conclude on the date of the issuance of a Final Acceptance Certificate for Parks. The City reserves the right to impose longer maintenance periods for amenities and features that the Director of Public Works deems to be beyond the standard scope of development.

h) The Developer agrees to undertake the required improvements to the Public Open Spaces before build out has reached 80% and to complete the said improvements before build out has reached 100%, unless an extension of time has been previously approved, in writing, by the Director of Public Works.

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 35/2024
September 18, 2024

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Public Works Department

"*Original Signed by S. Whitehouse"*
S. Whitehouse, M.L. Arch.
Urban Planning and Design Division
Planning, Property and Development Department

SCHEDULE C

COLLECTOR STREETS AS IDENTIFED IN THE TRANSPORTATION IMPACT STUDY

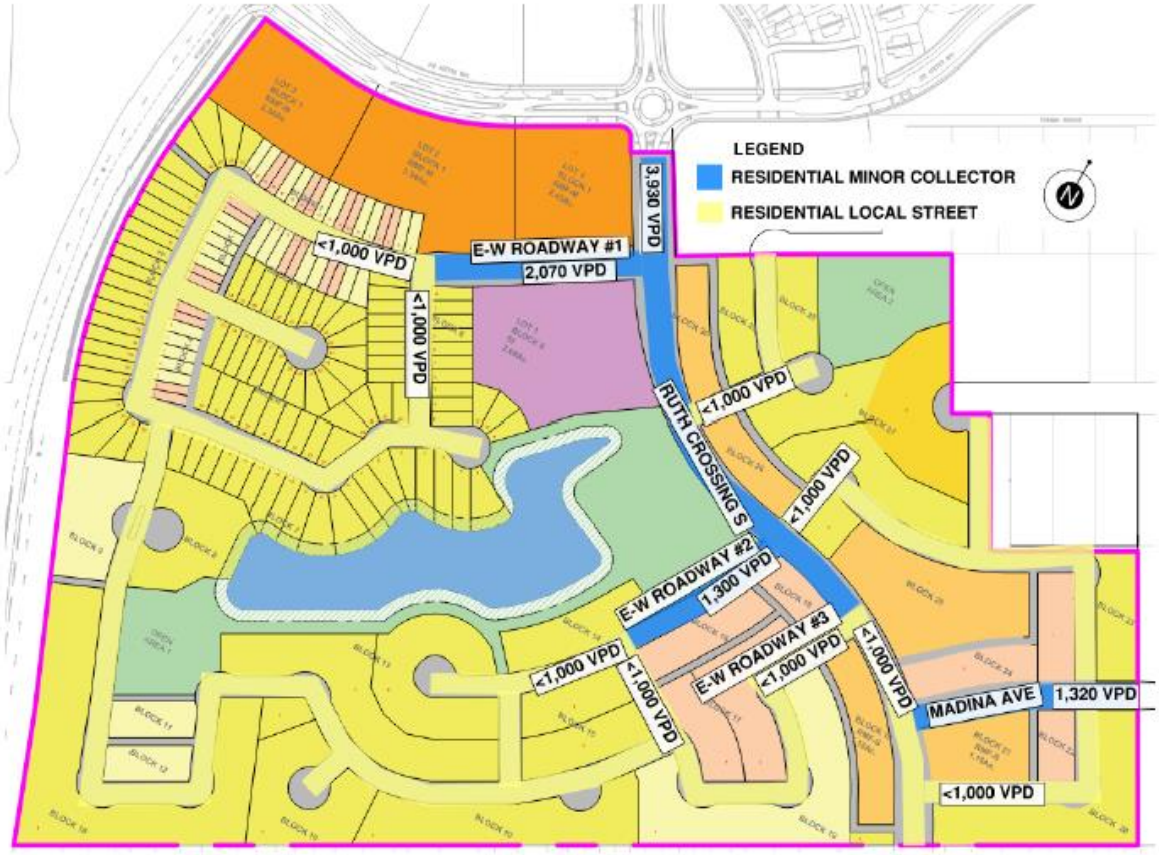
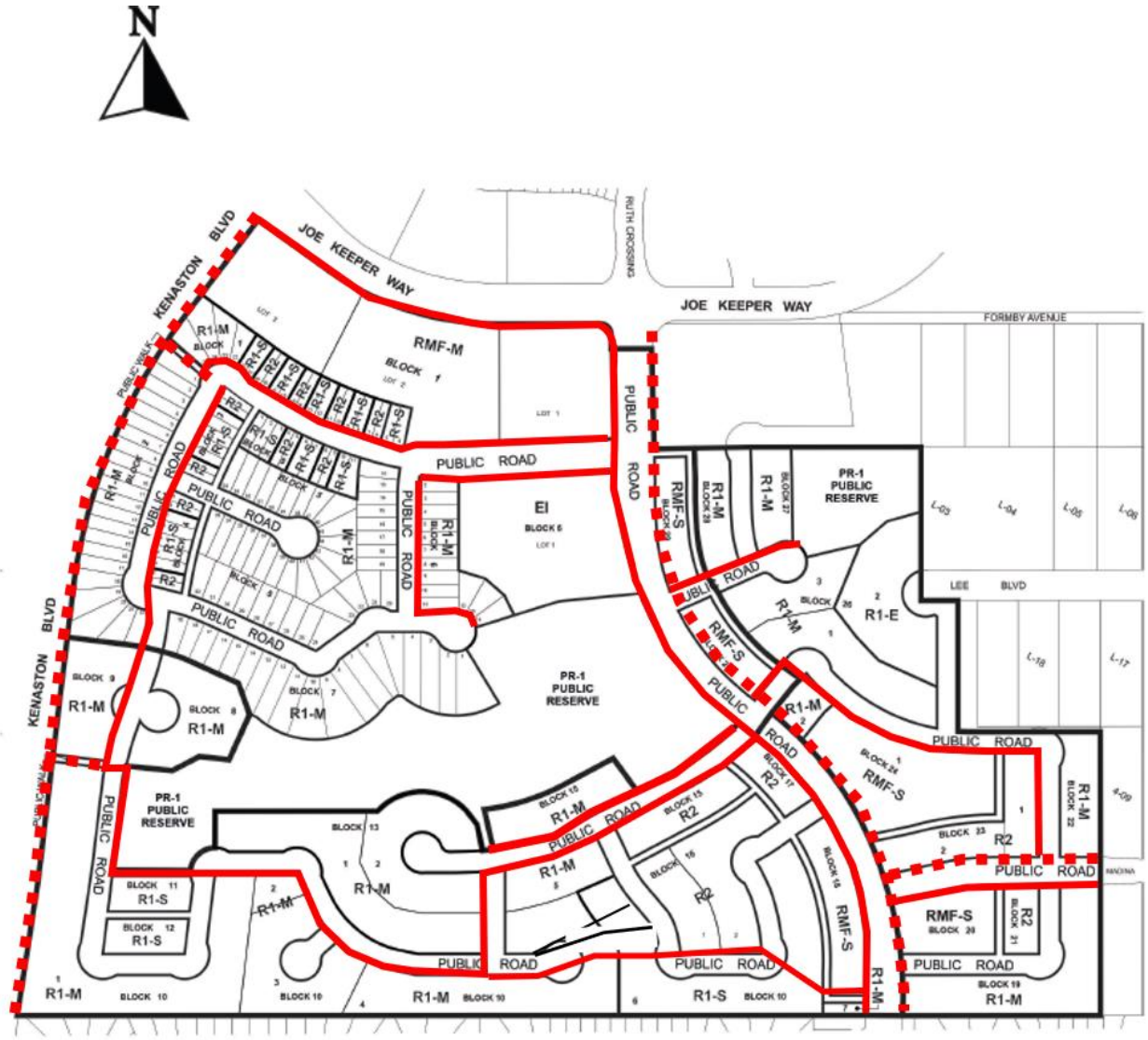


Figure 3.1: 2041 Weekday 2-Way Link Traffic Volumes and Street Classifications

SCHEDULE D

CONCEPTUAL PLAN FOR SIDEWALKS/PATHWAYS



DASZ 35/2024 MAP 2

Schedule "E" for File DASZ 35/2024, Assiniboia Community Committee, dated September 18, 2024

By-Law No. ____________

Atlas Sheet No. **AM21**

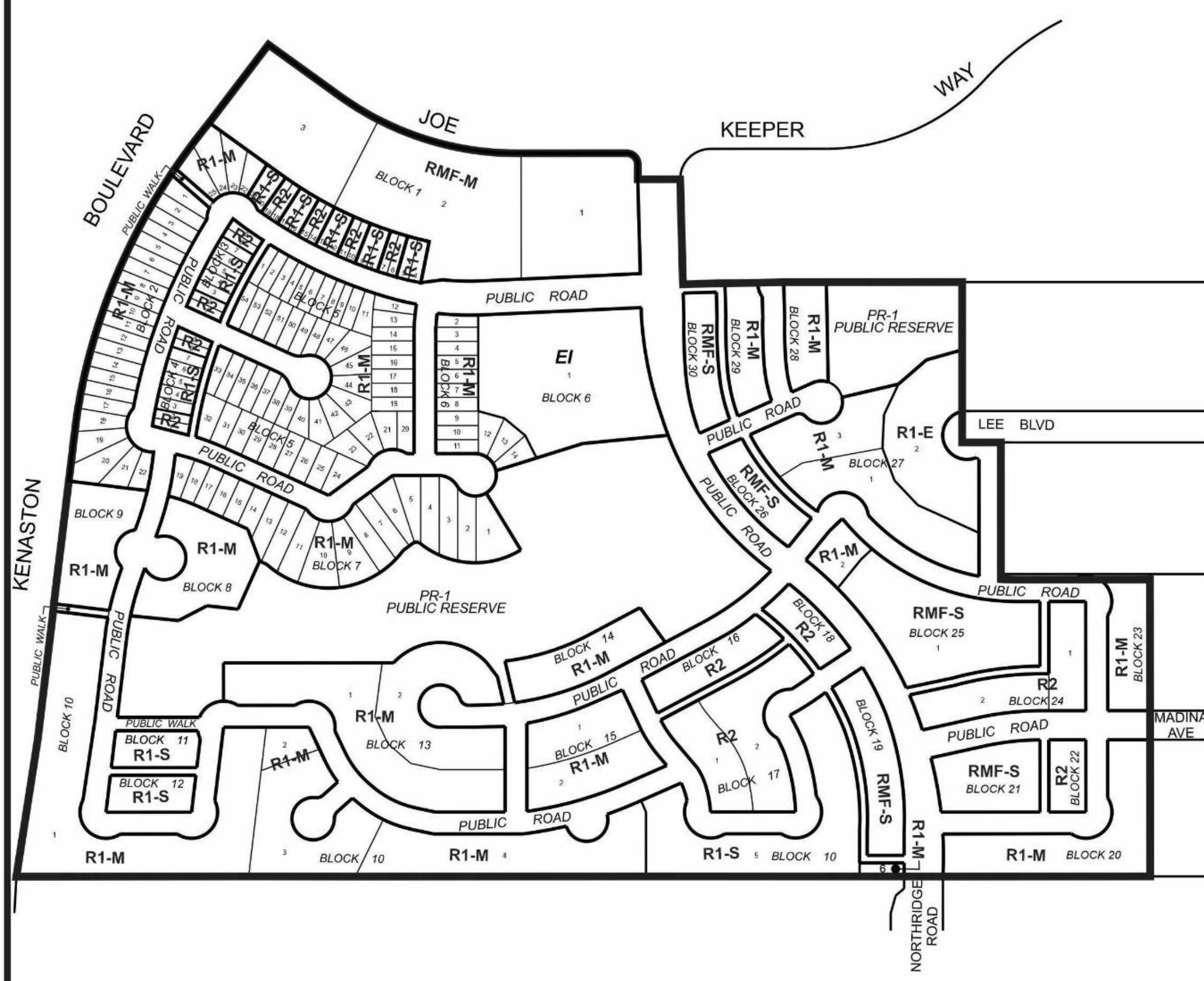
N

ASSINIBOIA COMMUNITY

File No. **DASZ 35/2024**

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 east of Kenaston Boulevard and south of Joe Keeper Way from an "A" AGRICULTURAL DISTRICT to an "R1-S", "R1-M" and "R1-E" RESIDENTIAL SINGLE-FAMILY DISTRICT, an "R2" RESIDENTIAL TWO-FAMILY DISTRICT, an "RMF-S" and "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT, an EI" EDUCATIONAL AND INSTITUTIONAL DISTRICT and a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to facilitate the continuation of the Bison Run Neighbourhood (Waverley West Neighbourhood "B" Phase 4) by the creation of the lot and block plan, public reserve and public rights-of-way, for future development.

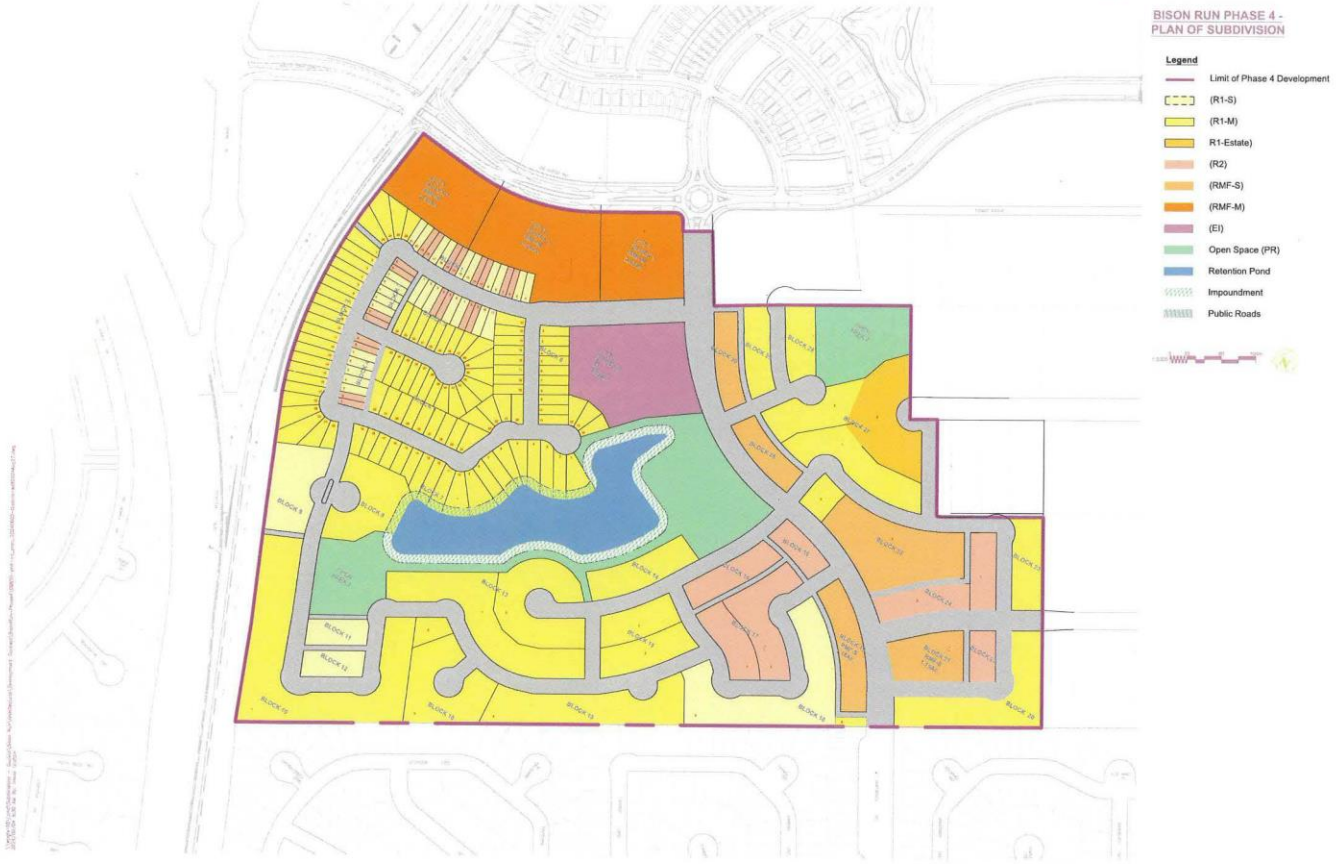


THIRD READING : ____________ EFFECTIVE DATE : ____________

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. ____________

Exhibit “15” referred to in File DASZ 35/2024

DELIVERED SEP 0 4 2024




BISON RUN PHASE 4A
PLAN OF SUBDIVISION
Legend
Limit of Phase 4 Development
(R1-S)
(R1-M)
R1-Estate)
(R2)
(RMF-S)
(RMF-M)
(EI)
Open Space (PR)
Retention Pond
Impoundment
Public Roads
BLOCK 1
BLOCK 2
BLOCK 3
BLOCK 4
BLOCK 5
BLOCK 6
BLOCK 7
BLOCK 8
BLOCK 9
BLOCK 13
BLOCK 14
BLOCK 16
BLOCK 18
BLOCK 26
BLOCK 28
BLOCK 29
BLOCK 30
OPEN AREA 1


BISON RUN PHASE 4A
PLAN OF SUBDIVISION
DETAILS - VARIANCES AND DUPLEXES
Legend
Limit of Phase 4 Development
Duplex Footprint
(15ft front yard variance)
(Lake Walkout variances)
15' Front Yard Variance
LOT 3 BLOCK 1 RMF-M 2.34Ac.
LOT 2 BLOCK 1 RMF-M 3.34Ac.
LOT 1 BLOCK 1 RMF-M 2.43Ac.
LOT 1 BLOCK 6 EI 3.69Ac.
BLOCK 1
BLOCK 2
BLOCK 3
BLOCK 4
BLOCK 5
BLOCK 6
BLOCK 7
BLOCK 8
BLOCK 9
BLOCK 13
BLOCK 14
BLOCK 16
BLOCK 18
BLOCK 23
BLOCK 26
BLOCK 28
BLOCK 30
4A
15' Front Yard Variance
80.2' Rear Yard Setback to house.
65' Rear Yard Setback to deck.
50' Rear Yard Setback to pool or accessory structure
OPEN AREA 1