Agenda - Council - October 26, 2005

Report - Standing Policy Committee on Property and Development - October 4, 2005

Item No. 12 Subdivision and Rezoning - 635 Pembina Highway
File DASZ 26/2005

STANDING COMMITTEE RECOMMENDATION:

On October 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 26/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2005 dated August 19, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 11, 2005.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3 That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 26/2005 dated August 19, 2005, to a "C2" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That final plans showing the location and details of landscaping, fencing, signage, and garbage enclosures shall be submitted to the Director of Planning, Property and Development for approval prior to the issuing of any development or building permits and shall be maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

    B. That all proposed outdoor lighting on the subject site, both on the buildings and in the parking lot, be specified with downward directed 'Full Cut-Off' fixtures not to exceed 0.1-foot candles at the property lines.

Report - Standing Policy Committee on Property and Development - October 4, 2005

C. That there shall be no advertising signs, mobile signs, a-frames, poster signs, balloon signs, buntings and streamers and similar types of attention getting devices on the lands and/or upon the buildings or structures thereon, except thirty (30) days before and thirty (30) days after the official opening for a maximum total of sixty (60) consecutive days.

D. That banners, as defined by and conforming to The City of Winnipeg Zoning By-law, No. 6400/94, shall be allowed facing Pembina Highway only upon the east and south elevations of the buildings.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

9. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

10. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of the City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development - October 4, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 6, 2005, the City Centre Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That the word "Banners" be deleted from Recommendation 3C

- That a new recommendation be added, namely:

  "3.D. That banners, as defined by and conforming to The City of Winnipeg Zoning By-law No. 6400/94, shall be allowed facing Pembina Highway only upon the east and south elevations of the buildings."

and submitted its recommendation to the Standing Policy Committee on Property and Development.

Carried

RE: **Subdivision and Rezoning - 635 Pembina Highway**
File DASZ 26/2005 [c/r DAV 135431/2005D and DCU 135422/2005D]

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **September 9, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 6, 2005, the City Centre Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 26/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2005, dated August 19, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 11, 2005.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3 That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 26/2005, dated August 19, 2005, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

    A. That final plans, showing the location and details of landscaping, fencing, signage, and garbage enclosures, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuing of any development or building permits; and shall be maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

    B. That all proposed outdoor lighting on the subject site, both on the buildings and in the parking lot be specified with downward directed 'Full Cut-Off' fixtures not to exceed 0.1-foot candles at the property lines.

C. That there shall be no Advertising Signs, Mobile Signs, A-frames, Poster Signs, Balloon Signs, ~~***Banners***~~, Buntings and Streamers and similar types of attention getting devises on the lands and/or upon the buildings or structures there on, except 30 days before and 30 days after the official opening for a maximum total of 60 consecutive days.

D. That Banners as defined by and conforming to the City of Winnipeg Zoning By-law, shall be allowed facing Pembina Highway only, upon the east and south elevations of the buildings.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

9. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

10. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of the City of Winnipeg Charter.

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

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The development is a positive improvement to neighbourhood.

PUBLIC HEARING SUMMARY

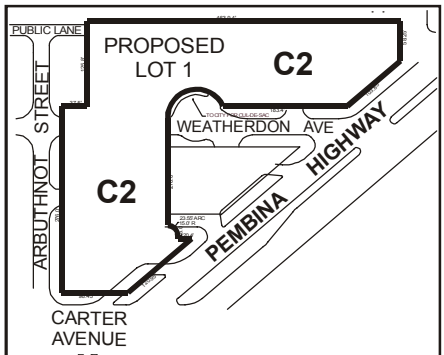
File: File DASZ 26/2005
[c/r DAV 135431/2005D and DCU 135422/2005D]

Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Benham
Councillor Smith

Public Hearing: West Committee Room
Council Building, 510 Main Street

Applicant: Thomas Design Builders Ltd. (Arne Volkmar)

Subject:



CITY CENTRE
COMMUNITY

APPLICANT : THOMAS DESIGN BUILDERS LTD.
FILE : DASZ 26/05
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "R1-3.5" RESIDENTIAL DISTRICT and a "C1.5" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT.
For information, phone Mr. J. Veitch, Planner at 986-7728.

Premises Affected: 635 Pembina Highway, including 9 residential lots, lying north of Weatherdon Avenue, known as 699 Weatherdon Avenue East

Exhibits Filed:

1. Application dated June 15, 2005
2. Notification of Public Hearing dated June 21, 2005
3. Manitoba Status of Titles 2053769, 2053770, 2053771, 2053772, 2053773, 2053774, 2053775, 2053777, 3053778, 2053779 and 2053780
4. Letter of authorization dated April 14, 2005 from MLS Management to Thomas Design Builders Ltd.
5. Drawing of subject property (2 pages)
6. Plan (1 page)
7. Report from the Manager of Planning and Land Use dated August 19, 2005
8. Report from the Administrative Coordinating Group dated August 11, 2005
9. Inspection Report
10. Site Plan and Photographs submitted by the application at the public hearing.

REPRESENTATIONS:

In Support:

Mike Sapozhnik
Morse Silden
Bill Thomas, Thomas Design Builders Ltd.

In Opposition

Nil

For Information:

Deborah Campbell
Kathy Horkoff

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, Bill Thomas, Thomas Design Builders Ltd., accompanied by Mike Sapozhnik gave a brief overview of the development. Mr. Thomas stated concurrence with the report of the Manager of Planning and Land Use dated August 11, 2005, with the exception of recommendation 3C . He requested that recommendation 3D be deleted as the property is located on a major artery of the city and would place the business in a disadvantage to existing businesses. In response to committees questions, Mr. Thomas sated that the intent was to incorporate the trees in existence into the planned landscaping. He clarified that the hotel expansion was for the rooms, pool and a slide. He also stated that the exit onto Arbuthnot Street was critical for access to the parking lot and that the development would improve traffic flow in the neighbourhood. Mr. Thomas submitted a site plan and photographs which were placed on filed as Exhibit 10.

Deborah Campbell appeared for information. Ms Campbell inquired as to the access onto Arbuthnot Street and parking.

Kathy Horkoff appeared for information. Ms Horkoff inquired as to the minimum required parking stalls, lighting of the parking lot, and the turn-off for traffic driving north.

The planner stated that the development was three (3) spaces short of the requirement and a variance was required.

In rebuttal, Mr. Thomas stated that the lighting regulations were covered in the administrative report. He also stated that the improvements to parking lot should encourage less on street parking. He further stated that there currently exists a median for traffic heading north to turn onto the site. He also further stated that they would agree to signage on Pembina Highway only.

Mike Sapozhnik stated that most of the traffic for the site was for the beer store which the development was moving to a better location on the site.

The Planner advised that the signage condition restrictions were important as the department was focusing on clearing identification signs that were being used for advertisement purposes. He also stated that amendments could be make for a reader board and banners facing Pembina Highway. He further suggested upgrading of the current signage.

Exhibit "7" referred to in File DASZ 26/2005 [c/r DAV 135431/2005D and DCU 135422/2005D]

Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: August 19, 2005

File: **DASZ 26/05**

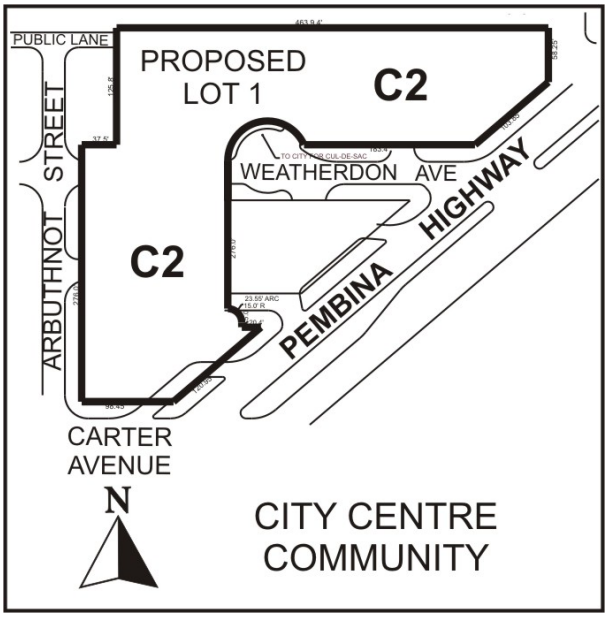
Related Files: [DAV 05-135431/D & DCU 135422/D]

Subject: Plan of subdivision to consolidate 19 lots and 1 parcel into proposed Lot 1. Rezone the said lots from 'R1-3.5' Residential District and 'C1.5' Commercial District to a 'C2' Commercial District in conjunction with the expansion of an existing hotel and construction of a beer store.

Location: 635 Pembina Highway (including 9 residential lots lying north of Weatherdon Avenue.)

Legal Description: C/T 2053769
Parcel 1, Plan 11674, WLTO in RL 26, Parish of St. Boniface
C/T 2053770
Firstly: SP Lots 23 and 43, Plan 28003, WLTO in RL 26 and 27, Parish of St. Boniface
Secondly: Lots 6 to 13, Block 12, Plan 1606, WLTO in RL 25 to 27, Parish of St. Boniface
C/T 2053771
SP Lot 21, Plan 28003, WLTO in RL 26 and 27, Parish of St. Boniface
C/T 2053772
SP Lot 20, Plan 28003, WLTO in RL 26 and 27, Parish of St. Boniface
C/T 2053773
SP Lot 19, Plan 28003, WLTO in RL 26 and 27, Parish of St. Boniface
C/T 2053774
SP Lot 18, Plan 28003, WLTO in RL 26 and 27, Parish of St. Boniface

C/T 2053775
SP Lot 17, Plan 28003, WLTO in RL 26 and 27, Parish of St. Boniface
C/T 2053777
SP Lot 16, Plan 28003, WLTO in RL 26 and 27 Parish of St. Boniface
C/T 2053778
SP Lot 15, Plan 28003, WLTO in RL 26 and 27 Parish of St. Boniface
C/T 2053779
SP Lot 14, Plan 28003, WLTO in RL 26 and 27 Parish of St. Boniface
C/T 2053780
Lot 14, Block 11, Plan 1606, WLTO in RL 25 to 27, Parish of St. Boniface



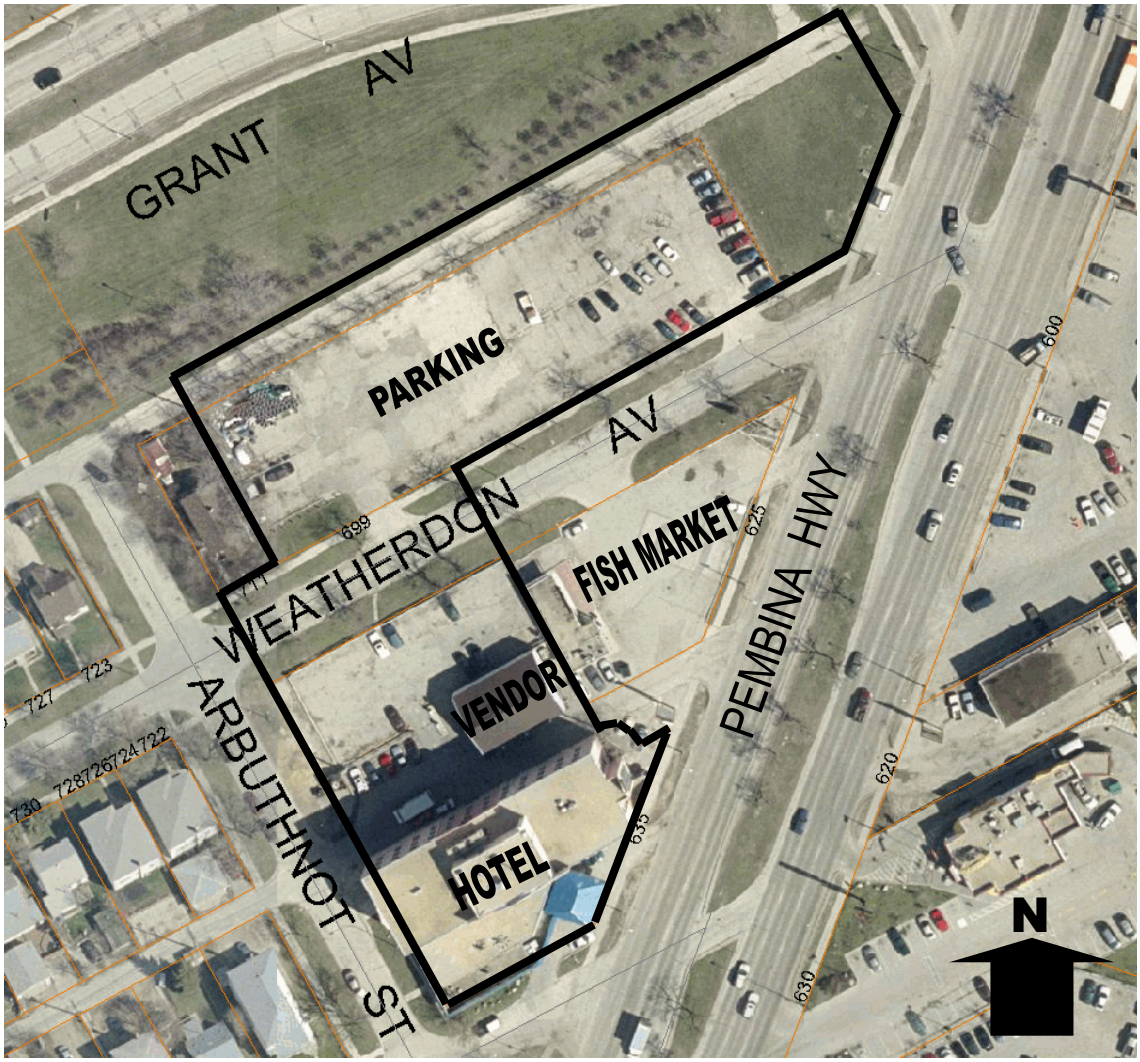
Applicant: Thomas Design Builders (Arne Volkmar)
Owner: MLS Management Ltd.

Recommendation: Approved with Conditions

Site Description

Existing Land Use and Zoning

The application includes the consolidation of 19 lots and 1 parcel into 1 lot of approximately 1.7 acres (6,880 square metres). The two largest lots in this application are; the Quality Inn Hotel parcel, bounded by Pembina Highway, Arbuthnot Street and Weatherdon Avenue is zoned 'C1.5' Commercial, also containing a beer store and surface parking. North of Weatherdon Avenue is the hotel's accessory surface parking area and is zoned 'R1-3' Residential.



Surrounding Land Use and Zoning

North: Grant Avenue then 'R1-3' Residential, 'C1' and 'C2' Commercial
South: Carter Avenue / Pembina Highway 'C1.5' and 'C2' Commercial
East: Pembina Highway then 'C2' Commercial
West: Arbuthnot Street then 'R1-3.5' Residential

Background

File DAC 2/2005 regarding the closing and sale of a portion of Weatherdon Avenue was approved in May 2005, providing the hotel's ownership with the land required for the proposed expansion and redevelopment.

Description of the Proposed Development

The Quality Inn is planning to expand it present facility, relocate the existing beer vendor and upgrade the site's surface parking. The owner intends to add a pool and waterslide to the hotel with additional rooms to be added at a later date. The existing beer vendor will be moved to the north of the property and the surface parking will be expanded, resurfaced and landscaped.

Analysis

Plan Winnipeg Compliance

The subject site is designated 'Neighbourhood' under Plan Winnipeg 2020. Policy 3A-01 Promote Orderly Development supports a mix of uses including residential with commercial, institutional and recreational at a scale and density compatible with each other. The hotel has existed on this site for many years, this redevelopment is not as much an increase in density as it is an improvement / upgrade to the existing use and site. The hotel fronts onto Pembina Highway, providing a buffer between the residential community to the east and the heavily traveled Pembina Highway. The redevelopment of the site parking area and circulation will direct the clientele to arrive and depart from Pembina Highway instead of traveling through the neighbourhood. In terms of upgrading the aesthetics, the applicant will be providing a high standard of landscaping and screening within the site and around its perimeter benefiting the hotel and its patrons as well as the surrounding neighbourhood. Other Plan Winnipeg policies which support the project are; policy 3B-01 Promote Vibrant Neighbourhoods which encourages compatible mixed uses and policy 3B-05 Promote Commercial Densification consistent with the commitment to compact urban form by encouraging the redevelopment of existing commercial areas.

Compatibility with existing neighbourhood and surrounding uses

The subject site is separated from the adjacent residential district by the streets bounding its perimeter. As discussed above, the hotel fronts onto Pembina Highway and fits well with the commercial uses on both sides of the street. The potential for incompatibility comes from the close proximity to the residential neighbourhood to the west. Historically there had been some issues with the use of the subject site due to the fact that patrons would often use a 'back route' to access the hotel and beer vendor from Weatherdon Street driving through the neighbourhood. It appears that with the closing of Weatherdon patron traffic will be redirected to Pembina Highway out of the adjacent neighbourhood.

One residence, 711 Weatherdon, remains immediately adjacent to the subject site. During the road closing process the City of Winnipeg Real Estate Department contacted the owner of the

single family house to elicit their comments / concerns regarding the project, inviting them to the public hearing for the road closing. The owner of 711 Weatherdon did not attend that hearing.

Servicing
The Administrative Coordinating Group in their report dated August 11, 2005 has recommended that the developer enter into a Servicing Agreement. Their report, ACG 26/06 outlines the proposed conditions.

Existing Conditions
Most of the asphalt surface on the subject site is in poor condition and will benefit immensely from this redevelopment. The addition of new lightproof fencing and increased landscaping will improve the appearance of the site both for the passer-by and the patrons of the hotel and vendor.

The traffic circulation on the site and presumably within the surrounding neighbourhood will also improve because of this redevelopment. Presently the existing beer vendor is located next to the north side of the hotel. Vehicles use the existing back lane to access the existing beer vendor, circulation becomes somewhat congested at peak times. The relocation of the vendor will provide ample room for the drive through and car stacking alleviating this existing problem.

There are approximately 8 to 10 mature boulevard trees existing along Weatherdon between Arbuthnot Street to Pembina Highway, specifically 3 large Bur Oak, 1 large American Elm and 4 Green Ash trees. City Policy C-222 will protect the trees that will remain on the public portion of Weatherdon Avenue, however 4 of the most valuable trees will be unprotected within the closed portion of Weatherdon. The Division has discussed saving these 4 trees with the applicant as well as providing more tree planting within the parking lot. The applicant has indicated that he is willing to work with the Planning and Land Use Division on this issue and will investigate solutions to save the trees in question and increase the amount of new trees planted in the project.

Comments from other Departments
The City of Winnipeg Public Works Department and the City of Winnipeg Real Estate Division were involved in the application by the owner of the subject site to close Weatherdon Avenue. Public Works has further provided a set of conditions, which will be a part of a servicing agreement prepared by the City of Winnipeg Land Development Branch, which the applicant will be required to enter into.

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

- The rezoning to 'C2' Commercial is consistent with the land uses along Pembina Highway
- The use has co-existed with the surrounding context for many years; the redevelopment will improve the current situation rather than intensify it.
- The re-organization of the parking area and beer vendor will improve on site circulation, restrict patron access to the neighbourhood and improve the aesthetics of the subject site.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 26/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 26/05, attached hereto and dated August 19, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 11, 2005;

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 26/05, attached hereto and dated August 19, 2005, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

A. That final plans, showing the location and details of landscaping, fencing, signage, and garbage enclosures, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuing of any development or building permits; and shall be maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

B. That all proposed outdoor lighting on the subject site, both on the buildings and in the parking lot be specified with downward directed 'Full Cut-Off' fixtures not to exceed 0.1-foot candles at the property lines.

C. That there shall be no Advertising Signs, Mobile Signs, A-frames, Poster Signs, Balloon Signs, Banners, Buntings and Streamers and similar types of attention getting devises on the lands and/or upon the buildings or structures there on,

except 30 days before and 30 days after the official opening for a maximum total of 60 consecutive days.

IV. That a ten (10) percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

V. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

VI. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.**

VIII. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IX. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

X. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of the City of Winnipeg Charter.

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

Report Prepared by: James Veitch
PPD File # DASZ 26/05

Schedule "A"

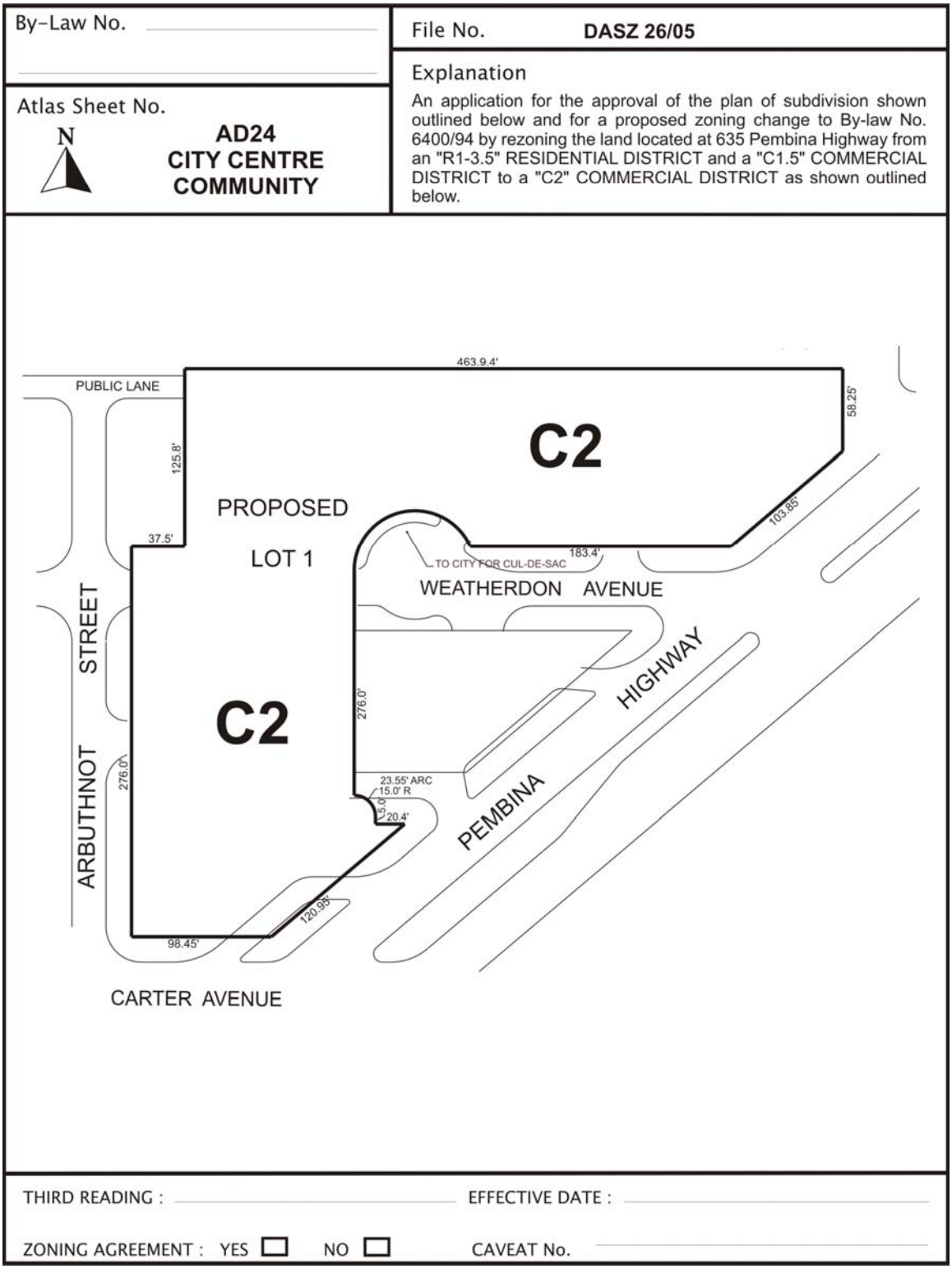


Figure 1: Schedule "A" to the report to the City Centre Community Committee for File No. DASZ 26/2005, dated August 19, 2005.

Exhibit "8" referred to in File DASZ 26/2005

Re: Proposed subdivision and rezoning of land located at 635 Pembina Highway - DASZ 26/05

An application has been submitted by Thomas Design Builders Ltd. to subdivide and rezone land located at 635 Pembina Highway.

The closing of the streets and lanes contained within the limits of the proposed subdivision was approved by Council on May 18, 2005 under DAC 2/2005. It is proposed that the new turnaround at the west terminus of Weatherdon Avenue be registered and constructed as a condition of approval of this application, DASZ 26/05.

It is recommended that approval of DASZ 26/05 be subject to the Developer providing and legally opening, at no expense to the City, property required for an off-set residential type cul-de-sac turnaround as generally illustrated on attached Drawing No. ST-90-A, but with a minimum right-of-way radius of 13.0m, at the proposed westerly terminus of Weatherdon Avenue, to the satisfaction of the Director of Public Works.

It is also recommended that the Developer enter into a Servicing Agreement as follows:

1. The Developer shall, at no expense to the City, construct in portland cement concrete pavement an offset residential type cul-de-sac turnaround, as generally illustrated on Drawing No. ST-90-A, at the westerly terminus of Weatherdon Avenue and all related works including, but not necessarily limited to boulevard landscaping and necessary modifications to ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

2 At the westerly limit of the closure of Weatherdon Avenue, at the east limit of Arbuthnot Street, the Developer shall be responsible for the removal of the existing Weatherdon Avenue street turnout and the restoration of the curb and boulevard; and the removal/relocation of the existing street light on the south side of Weatherdon Avenue approximately 2.0m east of the east limit of Arbuthnot Street all as determined by and to the satisfaction of the Director of Public Works.

3 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 works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

4 The Developer shall be responsible to control and to initiate the clean up 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. The clean up 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.

5 The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. 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.

6 a) The Developer shall grant easements for the existing watermain and combined sewer within the portion of Weatherdon Avenue being closed as determined by the Director of Water and Waste.

6 b) Ownership and responsibility for the existing combined sewer within the portion of Pembina Highway north of Weatherdon Avenue being closed will transfer from the City to the Developer since only the Developer's property will benefit from this sewer.

7. The Developer shall, at no expense to the City, relocate the existing fire hydrant from the portion of Weatherdon Avenue being closed to Arbuthnot Street as determined by and to the satisfaction of the Director of Water and Waste.

8. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the construction of the work described above.

9. The Developer shall pay $1,650.00 in lieu of the City's administration and related costs associated with the preparation and implementation of the servicing agreement

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 26/06
August 11, 2005

"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division