Agenda - Council - March 21, 2007

Report - Standing Policy Committee on Property and Development - February 27, 2007

Item No. 16 Subdivision and Rezoning - Melrose Avenue West and 215 Pandora Avenue West
File DASZ 4/2007

STANDING COMMITTEE RECOMMENDATION:

On March 14, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 4/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 04/2007 dated February 8, 2007, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Plan of Subdivision be amended by providing property required for a 0.577m (1.89ft.) widening to both sides of the Public Lane right-of-way for the full length of the proposed subdivision. The described widenings are to be dedicated at no expense to the City.

    B. 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 February 9, 2007.

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 4/2007 dated February 8, 2007, to a "R2" Residential District and "RM-5" Multiple Family 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 for the lands zoned "RM-5" Multiple Family Residential District:

Report - Standing Policy Committee on Property and Development - February 27, 2007

i. That for the development of any building and/or accessory parking area and/or signage plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

ii. That the Developer shall install "right-turn only" signs at all egresses along the public lane from proposed Lot 10, and thereafter maintained to the satisfaction of the Director of Public Works.

4. 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.

5. 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.

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

Report - Standing Policy Committee on Property and Development - February 27, 2007

10. 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.

11. 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 - February 27, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 14, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 27, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 19, 2007, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendments, namely:

Report from the Planning and Land Use Division

- That Recommendation 1.A. be renumbered to Recommendation 1.B.

- That a new Recommendation 1.A. be added as follows:

  "1.A. That the Plan of Subdivision be amended by providing property required for a 0.577m (1.89ft.) widening to both sides of the Public Lane right-of-way for the full length of the proposed subdivision. The described widenings are to be dedicated at no expense to the City."

- That Recommendation 3.A.ii. be added as follows:

  "3.A.ii. That the Developer shall install "right-turn only" signs at all egresses along the public lane from proposed Lot 10; and thereafter maintained to the satisfaction of the Director of Public Works."

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

RE: **Subdivision and Rezoning - Melrose Avenue West and 215 Pandora Avenue West**
File DASZ 4/2007 [c/r DAV 110448/2007D]

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

Prepared by: **Inga K. Skundberg, Clerk,**
East Kildonan-Transcona Community Committee

Report date: **February 21, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 19, 2007, the East Kildonan-Transcona 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 4/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 04/2007 dated February 8, 2007, for registration in the Winnipeg Land Titles Office subject to the following:

   A. ***That the Plan of Subdivision be amended by providing property required for a 0.577m (1.89ft.) widening to both sides of the Public Lane right-of-way for the full length of the proposed subdivision. The described widenings are to be dedicated at no expense to the City.***

   B. 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 February 9, 2007.

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 4/2007 dated February 8, 2007 to a "R2" Residential District and "RM-5" Multiple Family 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 for the lands zoned "RM-5" Multiple Family Residential District:

      i. That for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking

areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That the Developer shall install "right-turn only" signs at all egresses along the public lane from proposed Lot 10; and thereafter maintained to the satisfaction of the Director of Public Works.

4. 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.

5. 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.

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. 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.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. 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.

11. 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 East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. The application to rezone the subject property to allow for residential development is more compatible with the area than the current zoning which allows a number of industrial uses, and is more compatible with the Transcona Yards Industrial Neighbourhood Area Plan adopted by Council which allows phased-in zonings.

2. The proposal addresses parking and satisfies a demand for both housing options of residential and multiple-family, and will help keep the neighbourhood safe and its vibrancy alive.

PUBLIC HEARING SUMMARY

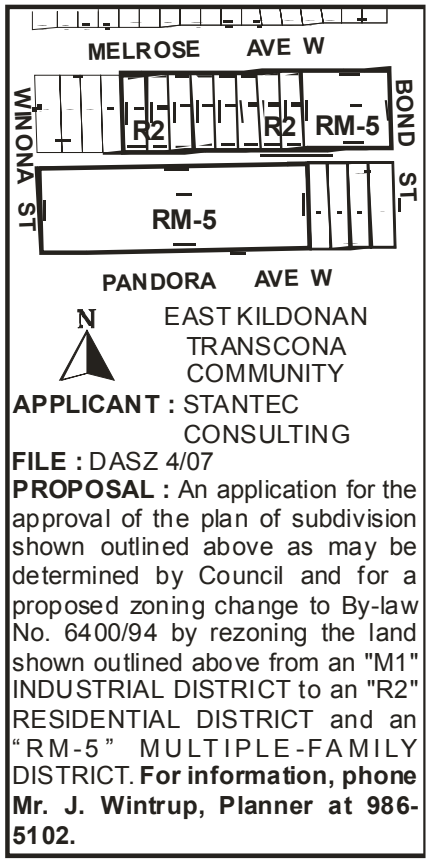
File: DASZ 4/2007 [c/r DAV 110448/2007D]

Before: East Kildonan-Transcona Community Committee
Councillor Thomas, Chairperson
Councillor Browaty
Councillor Wyatt

Public Hearing: February 19, 2007
Community Committee Chambers, 755 Henderson Highway

Applicant: Stantec Consulting
(Verne Reimer and Barry Yanchyshyn)

Subject:



Premises Affected: Melrose Avenue West and 215 Pandora Avenue West

Exhibits Filed:
1. Application dated January 26, 2007
2. Notification of Public Hearing dated January 29, 2007

3. Manitoba Status of Titles 2021160 and 2016980
4. Letter of authorization dated January 18, 2007, from 4405609 Manitoba Ltd., to NVR Holdings Ltd./Stantec Consulting
5. Surveyor's Building Location Certificate and sketch dated January 18, 2007
6. Title Plot
7. Proposed Plan of Subdivision
8. Vicinity Map
9. Drawing of subject property
10. Plans (3 pages)
11. Report from the Planning and Land Use Division dated February 8, 2007
12. Report from the Administrative Coordinating Group dated January 31, 2007
13. Inspection Report

REPRESENTATIONS:

In Support:

Deb Goodfellow
Verne Reimer, Stantec Consulting

In Opposition

Wendy Baxter

For Information:

Nil

For the City:

Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Verne Reimer, Stantec Consulting, appeared in support of the application and provided a brief overview of the proposal. He advised that the subject property is vacant and is currently zoned an "M1" Industrial District which allows for different uses than what is being proposed. He further advised that the proposal is for a mixture of residential and multiple-family dwellings and expressed his opinion that it is suitable in density and use to that of the existing neighbourhood, and will provide sufficient parking for the site. Verne Reimer indicated that the neighbourhood was contacted regarding the plans for the proposal in early February 2007, including the Scout Hall located at the southeast corner of Melrose Avenue and Winona Street, and in this connection, has elected to leave the existing lane for vehicular access.

Deb Goodfellow appeared in support of the application, and advised that she works in the real estate industry. She indicated that at some point development will occur at the subject site, and expressed her opinion that residential housing would be preferred rather that an industrial development. In this connection, she indicated that there is a shortage of housing in Transcona and in the city as a whole, and that the subject application will help fulfil the housing need. She commented that the type of housing proposed is complimentary and will not detract from the area.

Wendy Baxter appeared in opposition to the application, and advised that she is the group chairperson at the Scout Hall, which has been in existence in the area for over 50 years. She indicated that children as well as a number of other groups utilize the Scout Hall building, and in this connection, expressed concern regarding the amount of traffic that will be accessing the backlane. She also expressed concern regarding parking, and commented that parking is already limited on Melrose Avenue West and Winona Street. She indicated that she hopes some of the Scout Hall's issues will be addressed and that she is happy that something is being developed on the subject property.

In rebuttal, Verne Reimer referred to a rendering to address concerns regarding access and parking. He expressed his opinion that the traffic impact from a residential development such as the one being proposed is minimal as the development will cater mostly to the housing needs of seniors. In addition, he commented that the development should assist the neighbourhood in becoming a safer one.

Councillor Wyatt questioned if the applicant would be opposed to a "right-turn only" restriction off the lane, to which the applicant responded in the negative.

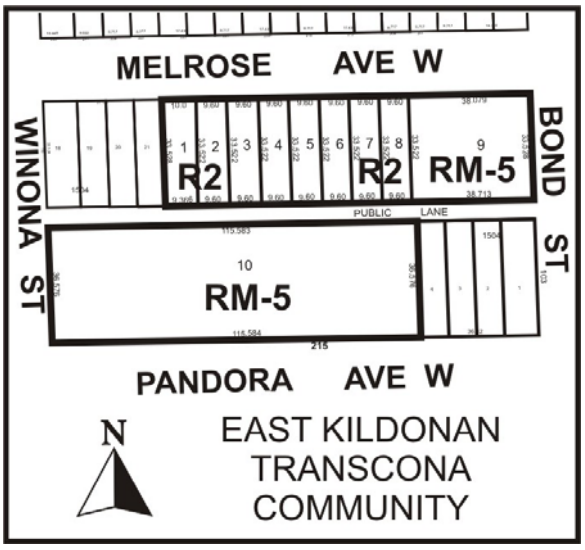
Exhibit "11" referred to in File DASZ 4/2007 [c/r DAV 110448/2007D]

Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **February 8, 2007**
File: **DASZ 04/07**
Related Files: **DASZ 41/03; DAV 07-110448/D**
Subject: **Rezone and subdivide property for a residential use.**
Location: **Melrose and Pandora Avenue btw Winona and Bond Sts.**



Applicant: Stantec Consulting – Verne Reimer
Owner: 4405609 MANITOBA LTD

Recommendation: **Approve with Conditions**

Report Summary:

- The applicant has applied to rezone **87,106 square feet** to construct two (2) multiple family buildings zoned "RM-5", and four (4) two-family dwellings zoned "R2".
- There is no public sidewalk along Melrose Avenue West southside from Winona to Bond Street (500 feet in length).
- The multiple family buildings will be 48 feet in height (4 stories).

Site Description

The subject property is **87,106 square feet (1.99 acres)** located along **378.19 feet** of the south side of Melrose Avenue, and along **379.19 feet** along the north side of Pandora Avenue between Winona and Bond Streets in the Melrose neighbourhood of the Transcona Ward. The sites are zoned "M1" Industrial District. Adjacent properties include the Pandora Inn at the northwest corner of Bond and Pandora Avenue, and Scouts Hall at the southeast corner of Winona and Melrose. Surrounding lands to the north include single family resident and to the south CN Rail Yards.

Background

DAZ 225/03
A previous application for **45,504 square feet** of the southern portion of the subject lands along Pandora Avenue was made. The applicant had proposed to rezone the property in order to construct a Health Access Centre for the Winnipeg Regional Health Authority. The lands along Melrose Avenue would have been used for the parking area. The applicant required a number of variances for yards, parking, and insufficient landscaping (**DAV 04-120916D**).

Description of the Proposed Development

The applicant has applied to rezone **87,106 square feet** to construct two (2) multiple family buildings zoned "RM-5", and four (4) two-family dwellings zoned "R2".

The four (4) two-family dwelling "R2" lots will be Lots 1-8 in the plan of subdivision. These lots are situated along the southside of Melrose Avenue between Scout Hall and a "RM-5" lot proposed at the southwest corner of Melrose and Bond Street. The "R2" lots are 110 feet in depth and will front Melrose with access only to the rear public lane where attached garages will be orientated.

One of the multiple family buildings will be on proposed Lot 9 at the southwest corner of Melrose and Bond Street. This lot will be a **13,742.421 square feet** zoned "RM-5". The applicant is proposing a four story (**48 feet**) building with parking on the ground floor and three (3) floors of six (6) units for a total of **18 units**. The building's entry will be orientated towards the northeast corner of the lot. The garage, with 12 parking stalls, will have access from the rear public lane. There will be 12 parking stalls on an outside surface lot with direct access from the rear public lane for a total of **24 parking stalls**.

A multiple family dwelling will be on proposed Lot 10 along Pandora Avenue. This lot will be **45,504 square** feet zoned "RM-5". The applicant is proposing a four story (**48 feet)** building with parking on the ground floor and three (3) floors of 18 units for a total of **54 units**. The building's entry will be fronting Pandora Avenue. The garage access will be from the parking area on the east side of the lot and a new ingress/egress on Winona Street. There will be 49 parking stall under the building with an additional 19 parking stalls on the surface lot for a total

of **68 parking stalls**. The surface lot will abut the Pandora Inn, have access to the rear public lane and a new ingress/egress along Pandora Avenue.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

ZONING

- The **"R2" Two Family Residential District** permits two family dwellings to a maximum height of 35 feet with a minimum lot size of **5,000 square feet** and a minimum lot width of **50 feet**.
- The **"RM-5" Multiple Family Residential District** will allow multiple family dwellings to a maximum height of 70 feet.
- The **"M1" Industrial District** allows for higher standard industrial operations with all operations contained in an enclosed building with 137 Permitted Uses and 28 Conditional Uses. There is only a front yard requirement of 25 feet and a building height restricted to 50 feet.

LAND USE BYLAW ISSUES
DAV 07-110448/D

- 'Multiple Family' and 'Two Family' residential uses are not permitted in the **"M1" Industrial District.**
- The applicant has made application for a 'use' variance to temporarily allow these uses.
- Section 247(4) of the City of Winnipeg Charter restricts the Committee from extending a variance for use beyond 5 years.
- The applicant must make an application to rezone the property to permanently permit these uses.
- The variance, if granted, will allow the applicant to begin construction of the building prior to a rezoning being approved by Council.
- The variance may be appealed to the Appeals Committee for an additional public hearing, whereas the recommendation by the Community Committee for a rezoning proceeds to Council without an additional public hearing.
- The applicant also has a number of variances for substandard yards and parking, which can be appealed.

TRANSPORTATION AND SITE ACCESS

- The "R2" lots will front Melrose with access only to the rear public lane where attached garages will be orientated.
- The multiple family dwelling on proposed Lot 9 will have vehicle access only from the rear public lane.
- The multiple family dwelling on proposed Lot 10 will have vehicle access from the rear public lane, Pandora Avenue and Winona Street.

- There is no public sidewalk along Melrose Avenue West southside from Winona to Bond Street (500 feet in length).

SITE DESIGN ISSUES
A preliminary site plan of the buildings and parking areas has been submitted. A more detailed site plan will need to be put forward as part of plan approval: a site plan submitted to the Community Committee prior to a development permit being issued. The site plan will contain the necessary design elements to integrate the structure and function of the proposed land-use into the surrounding community.

- The final site plan will need to include detailed designs for the fencing, vegetation and buildings.
- Deciduous and coniferous trees should be used in combination to screen the parking areas and enhance the building.
- Sidewalk locations on the lots should orient and allow pedestrians easy and as-direct-as-possible access to public side walks and nearby bus stops.
- The front entrances of the buildings should be distinguished by a distinct design to highlight the prominence of the entrance with higher quality building materials, canopies, portico, windows, lighting, etc.
- Outside garbage containers should be fully enclosed and screened with fencing and/or vegetation; and located away from public rights-of-way and adjacent residential dwellings.
- Parking area's will need to be screened with fencing and/or vegetation but provide adequate pedestrian access to entrances and sidewalks.

Recommendation

The Planning and Land-Use Division supports rezoning the property to facilitate this development. The existing "M1" Industrial District currently allows industrial operations such as 'brewery' and commercial users such as 'hotel'. The proposed land-uses will act as a buffer between the existing "M3" rail yards to the south and the residential dwellings to the north. The development will not commercialize Pandora Avenue whose characteristics along the north side are mainly residential in nature. And the transition of the land-uses and heights will blend the higher density buildings along high traffic corridors (Pandora and Bond Street) down to the single family dwellings along the local streets.
A clause to require the final site plan to be reviewed by the EKTCC is necessary to ensure the landscaping, fencing, building, etc addresses the concerns of the adjacent neighbours.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 04/07** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 04/07,** attached hereto and dated **February 8, 2007**, 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 **February 9, 2007.**

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 No. **DASZ 04/07** attached hereto and dated **February 8, 2007** to a **"R2" Residential District and "RM-5" Multiple Family 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 for the lands zoned "RM-5" Multiple Family Residential District:

        i. That for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the **Director of Planning, Property and Development** and **the East Kildonan - Transcona Community Committee** for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

4. 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.

5. That a 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.

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. 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**.

9. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. 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.

11. 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: John S. Wintrup
PPD File # DASZ 04/07

Schedule "A"

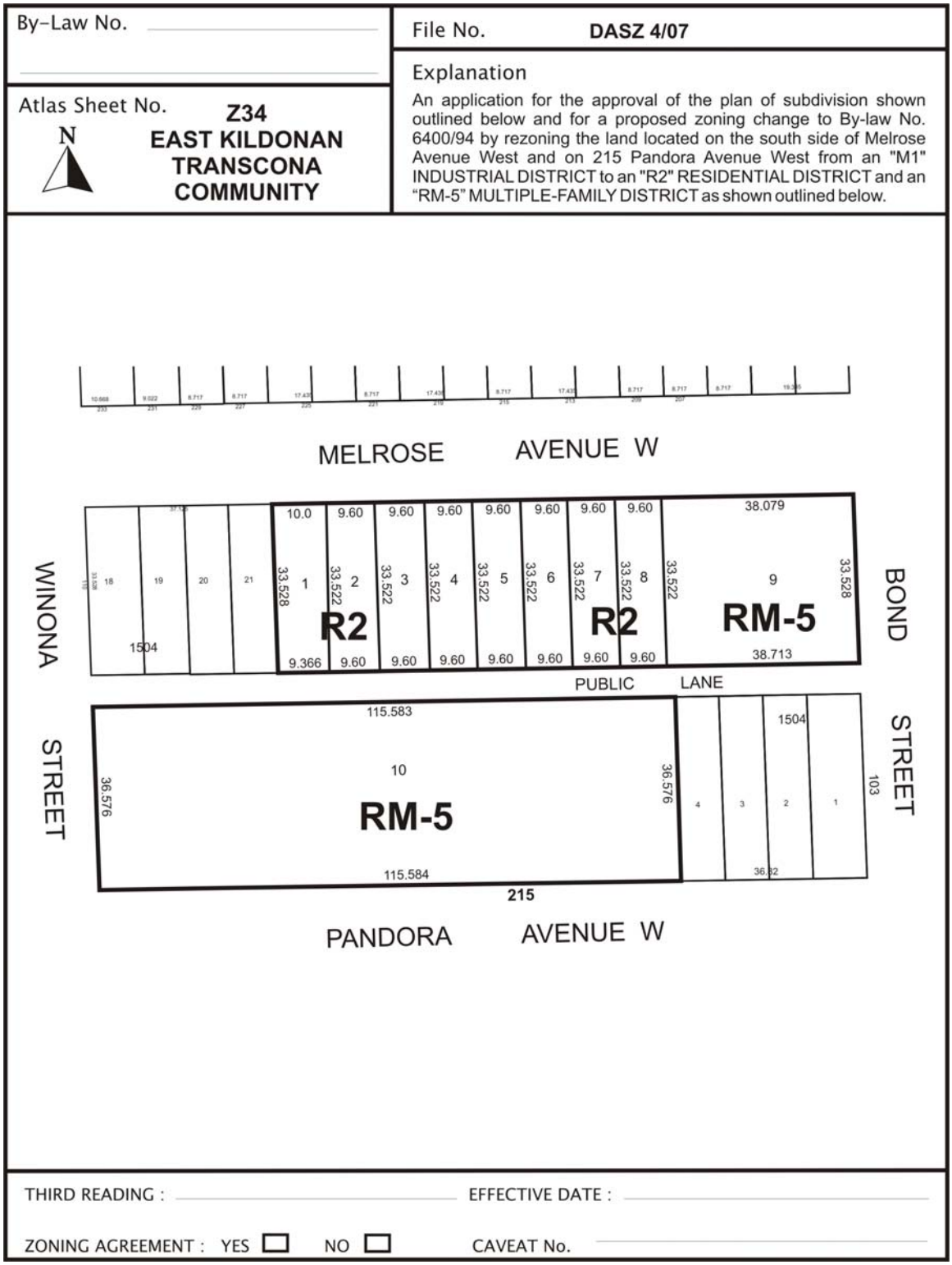


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 04/07, dated February 8, 2007.

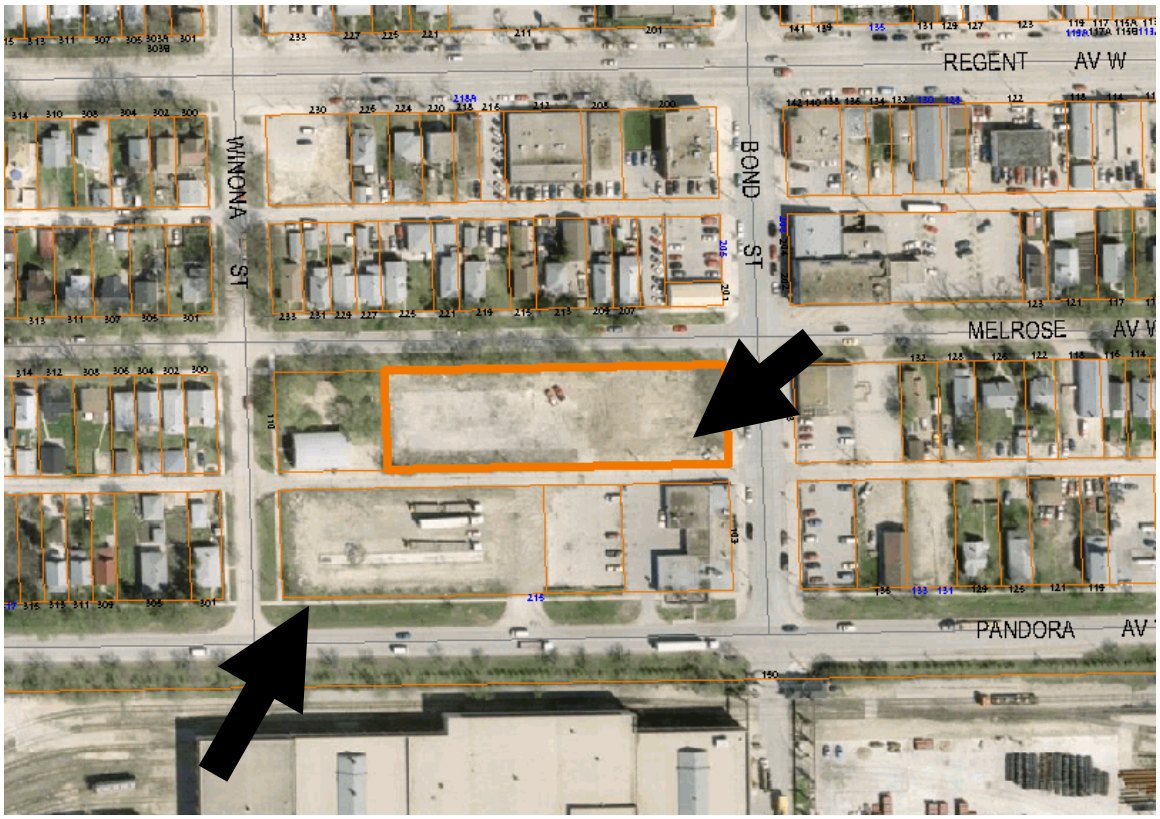


Figure 2: Existing Land-Uses for subject property and Surrounding Area.

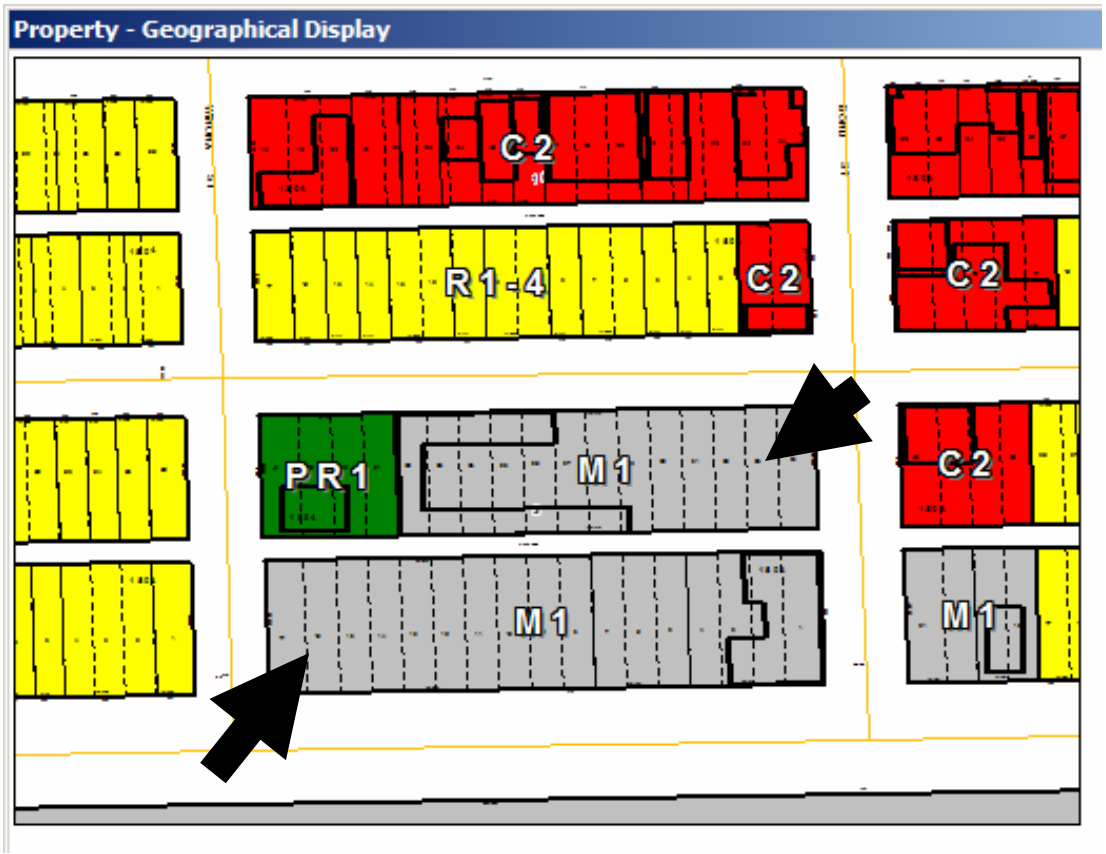


Figure 3: Existing Zoning for subject property and Surrounding Area.

Exhibit "12" referred to in File DASZ 4/2007 [c/r DAV 110448/2007D]

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED ON THE SOUTH SIDE OF MELROSE AVENUE WEST AND AT 215 PANDORA AVENUE WEST - DASZ 4/07

An application has been submitted by Stantec Consulting to subdivide and rezone land located on the south side of Melrose Avenue West and at 215 Pandora Avenue West.

It is recommended that the Applicant amend the plan of subdivision by providing property required for a 0.577m (1.89ft.) widening to both sides of the Public Lane right-of-way for the full length of the proposed subdivision. The above described widenings are to be dedicated at no expense to the City.

It is recommended that approval of the amended plan of subdivision be subject to the Developer entering into a Servicing Agreement containing the following:

1. The Developer shall, at no expense to the City, extend the existing sewers in Pandora Avenue West and in Melrose Avenue West, if required, by and to the satisfaction of the Director of Water and Waste to serve the proposed RM-5 development.

2. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the south side of Melrose Avenue West from Winona Street to Bond Street all as determined by and to the satisfaction of the Director of Public Works.

3. The Developer is to pay all costs associated with the installation and/or 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. The Developer shall, at no expense to the City, close all unused private approaches serving the Planned Area and restore the curb, boulevard and sidewalk as determined by and to the satisfaction of the Director of Public Works.

7. The Developer shall pay the full cost of engineering services provided by or an behalf of the City in connection with the installation of services required to serve the proposed subdivision.

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

It is further recommended that the Developer provide a servicing report prepared by a qualified engineer. Specifically, this report shall provide a water network flow analysis, examine the fire flow requirements for their development and shall recommend any required upgrading of the existing systems to meet minimum fire flow requirements. Also, this report shall estimate the wastewater flow generation and shall demonstrate that the receiving wastewater conveyance system can accommodate the flows and/or shall outline any required upgrading of the existing wastewater sewer system. If there is any required upgrading of the existing water and/or wastewater systems, any upgrades shall be included in the above described Servicing Agreement and constructed by the Developer at no expense to the City.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 4/07
January 31, 2007

(original signed by K.T. Raban)

Land Development Engineer

(original signed by R.J. Hartmann)

Public Works Department
Transportation Division

(original signed by T.S. Josephson)

Water and Waste Department