Minute No. 460
Report - Standing Policy Committee on Property and Development - June 26, 2007

Item No. 12 **Subdivision and Rezoning - south side of Pandora Avenue West, east of Bournais Drive and Sims Crescent, west of 1000 Pandora Avenue West**
(Transcona Ward)
File DASZ 18/2007

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 under File DASZ 18/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with revised Schedule "A" for File DASZ 18/2007 dated June 18, 2007, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 11, 2007, with the following amendments:

        i. That Recommendations 14 to 16 be renumbered to 15 to 17.

        ii. That a new Recommendation 14 be added as follows:

            "14. The Developer shall, at no expense to the City, construct within the rear yards of all single family lots abutting the public lane a uniform wood fence 2.0m in height, 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 of these proposed lots 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 and also advising that no vehicular access will be permitted to these proposed lots via the public lane."

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on revised Schedule "A" for File DASZ 18/2007 dated June 18, 2007, to a "R1-3.5" Single Family Residential District and "PR-1" Parks and Recreation District subject to the following:

Report - Standing Policy Committee on Property and Development - June 26, 2007

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

i. That the Developer shall erect a uniform wood fence abutting (2.0 metres in height) Pandora Avenue to the satisfaction of the Director of Planning, Property and Development. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development.

3. 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 and the creation of additional lots.

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

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

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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 - June 26, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 26, 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 COMMITTTEE RECOMMENDATION:

On June 18, 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 be amended by adding the word "revised" in front of the words "Schedule A" and change the date of the Schedule to "June 18, 2007".

- That Recommendation 2 be amended by adding the word "revised" in front of the words "Schedule A" and change the date of the Schedule to "June 18, 2007".

- That Recommendations 3 to 10 be renumbers to Recommendations 4 to 11

- That a new Recommendation 3 be added as follows:

    "3. 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 and the creation of additional lots."

Report - Standing Policy Committee on Property and Development - June 26, 2007

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTTEE RECOMMENDATION (continued):

Report of the Administrative Coordinating Group

- That Recommendations 14 to 16 be renumbered to 15 to 17.

- That a new Recommendation 14 be added as follows:

  "14. The Developer shall, at no expense to the City, construct within the rear yards of all single family lots abutting the public lane, a uniform wood fence, 2.0m in height, 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 of these proposed lots 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 and also advising that no vehicular access will be permitted to these proposed lots via the public lane."

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

RE: Subdivision and Rezoning - south side of Pandora Avenue West, east of Bournais Drive and Sims Crescent, west of 1000 Pandora Avenue West
File DASZ 18/2007

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

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

Report date: June 20, 2007

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 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 18/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with ***revised*** Schedule "A" for File DASZ 18/2007 dated ***June 18, 2007***, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 11, 2007, ***with the following amendments:***

        i. That Recommendations 14 to 16 be renumbered to 15 to 17.

        ii. That a new Recommendation 14 be added as follows:

            "14. The Developer shall, at no expense to the City, construct within the rear yards of all single family lots abutting the public lane, a uniform wood fence, 2.0m in height, 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 of these proposed lots 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 and also advising that no vehicular access will be permitted to these proposed lots via the public lane."

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on ***revised*** Schedule "A" for File DASZ 18/2007 dated ***June 18, 2007***, to a "R1-3.5" Single Family Residential District and "PR-1" Parks and Recreation District subject to the following:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

i. That the Developer shall erect a uniform wood fence abutting (2.0 metres in height) Pandora Avenue to the satisfaction of the Director of Planning, Property and Development. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development.

3. ***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 and the creation of additional lots.***

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

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development 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 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 subject property was previously designated as the North-South Transportation Corridor roadway, and in the future could have potentially been developed as a commercial property.

2. The subject application is consistent with Mission Gardens and maintains the integrity of a residential neighbourhood.

PUBLIC HEARING SUMMARY

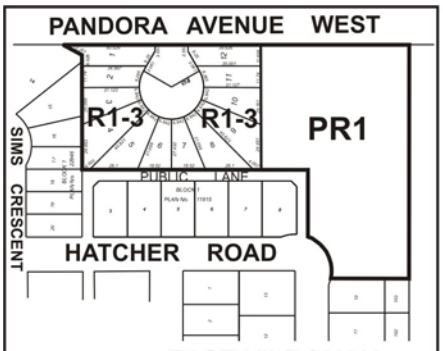
File: DASZ 18/2007

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

Public Hearing: June 18, 2007
Community Committee Chambers, 755 Henderson Highway

Applicant: Global Homes Ltd.
(Julie Cote)

Subject:



APPLICANT : GLOBAL HOMES
FILE : DASZ 18/07
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 a "C2" COMMERCIAL DISTRICT and an "M1" INDUSTRIAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT and an "R1-3" RESIDENTIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: south side of Pandora Avenue West, east of Bournais Drive and Sims Crescent, west of 1000 Pandora Avenue West

Exhibits Filed: 1. Application dated May 3, 2007
4168

2. Notification of Public Hearing dated May 23, 2007
3. Manitoba Status of Titles 1203804 and 1301940
4. Letter of authorization dated May 2, 2007, from the Manager of Real Estate, City of Winnipeg, to Global Homes Ltd.
5. Plans (3 pages)
6. Report from the Planning and Land Use Division dated June 5, 2007
7. Report from the Administrative Coordinating Group dated June 11, 2007
8. Inspection Report

REPRESENTATIONS:

In Support:

Julie Coté, Global Homes Ltd.
Bernhard Goertzen, Global Homes Ltd.
Perry McDonald

In Opposition

Mike Hurd
Jennifer Liskie

For Information:

Andrew Hretzay

For the City:

Kim Raban, Land Development Administrator, Planning, Property and Development Department
John Wintrup, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Bernhard Goertzen, Global Homes Ltd., appeared in support of the application for a 12 cul-de-sac subdivision and indicated concurrence in the recommendations contained in the administrative report from the Manager of Planning and Land Use dated June 5, 2007 and the Administrative Coordinating Group Report dated June 11, 2007.

Jennifer Liskie appeared in opposition to the application and advised that she likes living with an empty field behind her home as opposed to a proposed residential development. She expressed concern regarding the neighbourhood being crowded if it were developed and also expressed concern regarding traffic.

In rebuttal, Bernhard Goertzen indicated that they wish to develop 12 lots and advised that the neighbours will not be allowed to use the backlane as an access.

Councillor Wyatt suggested that the same quality of fence be constructed along the back lane as will be required along Pandora Avenue West. In addition, he indicated that although the subject property was advertised as being rezoned to "R1-3" Residential District, he questioned if the applicant would be willing to rezone the property instead to "R1-3.5" and develop only 11 lots as opposed to 12 lots.

Bernhard Goertzen responded that he has no objection to rezoning the property to an "R1-3.5" Residential District; however he does object to the development of 11 lots. In this connection, he indicated that developing 12 lots as originally proposed is consistent with the area.

Councillor Wyatt questioned if the applicant would be willing to pay land dedication in light of the fact that the existing neighbouring park will become larger, to which Bernhard Goertzen responded that he would not object to the addition of a condition requiring land dedication.

Exhibit "6" referred to in File DASZ 18/2007

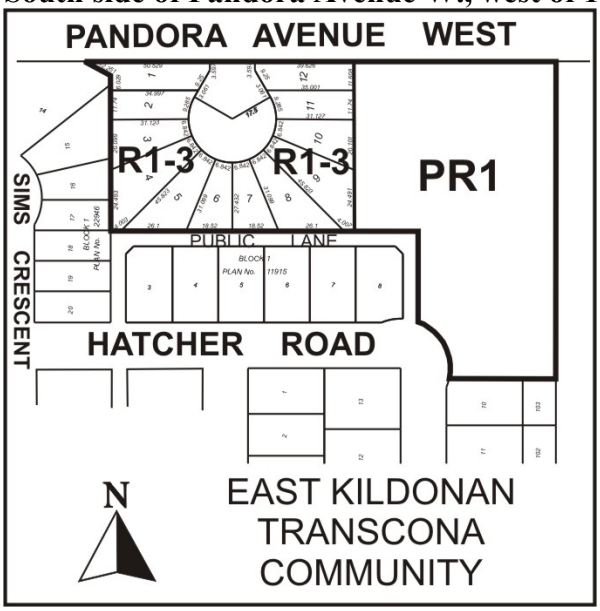
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **June 5, 2007**
File: **DASZ 18/07**
Related Files: **DASZ 39/06**
Subject: **Rezone and subdivide property into residential lots.**

Location: **South side of Pandora Avenue W., west of 1000 Pandora**



Applicant: **Global Homes**
Owner: **City of Winnipeg**

Recommendation: **Approval**
Report Summary:

- The subject land was part of the Bradley Street alignment previously designated for the North – South Transportation Corridor.
- The applicant intends to rezone and subdivide the 71,655 sq.ft of vacant land to facilitate the construction of **12 single family** residential dwellings.
- Access to Pandora Avenue is restrictive due to traffic volumes.
- 91,278 square feet of land will be zoned 'PR-1" Parks and Recreation District.

Site Description

The subject property is **162,933 sq.ft.** located on the south side of Pandora Avenue W, east of Bournais and west of 1000 Pandora Avenue in the Mission Gardens neighbourhood of the Transcona Ward. The site is zoned "M1" Industrial Districts, "C2" Commercial and "PR1" Parks and Recreation. Adjacent properties include residential dwellings to the west zoned "R1-4" Single Family; to the south zoned "R2" Two Family Residential; and to the east DASZ 39/2006 with approved zoning for "R1-3.5" Single Family Dwellings.

Background

Plan Winnipeg Amendment: North South Transcona Route (PW 4/2004)

- The **North-South Transcona Route** is an eastern section of the Inner Ring Route, serving as a connection between Chief Peguis Trail, the Trans-Canada Highway and Bishop Grandin Boulevard.
- In 1992 the Streets and Transportation Department and the Parks and Recreation Department jointly prepared a review of alignment alternatives for the Committee of Works and Operations and the Committee of Protection, Parks and Culture.
- The report recommended that the route remain on a straight north-south alignment through the City-owned land that had been acquired directly adjacent to Bradley Street. In June of 1993 the above-described alignment was shown on the Recommended Transportation System Plate of Plan Winnipeg Toward 2010.
- On December 12, 2001 in Plan Winnipeg 2020 Vision, the portion of the route south of Ravelston Avenue West was eliminated and the route was redirected eastward to Plessis Road via Ravelston Avenue West. A review of the transportation impacts of this revised alignment was not completed.
- On July 17, 2002 Council adopted the following recommendations of the Standing Policy Committee on Public Works:
    - That the portion of the Transcona North-South Route south of Ravelston Avenue West be cancelled.
    - That the properties acquired and/or retained for the Transcona North-South Route south of Ravelston Avenue West be designated as follows:
        - Ravelston Avenue West, south to Regent Avenue be declared Parks and Open Space.
        - Regent Avenue, south to Pandora Avenue be declared surplus.
- On March 11, 2003 the Standing Policy Committee on Public Works requested a review of the North South Transcona Route Alignment.

- In January 2004, EPC recommended that the route be realigned to the **Bradley Street Alignment** and that Plan Winnipeg be amended to reflect the revised alignment (**Figure 4**).
- The **Bradley Street Alignment is preferred** based on route location and efficiency; neighbourhood impact; environmental impact; safety; property requirements and capital costs.
- On November 25th, 2004, the Executive Policy Committee (EPC) held a public hearing to give consideration to realigning the North-South Transcona Route from Plessis Road to Bradley Street.
    - Several residents of the Mission Gardens area made representation at the hearing requesting adjournment to provide for a more comprehensive public dialogue on the impacts of the proposed realignment.
- EPC adjourned the hearing directing Public Works to conduct a more thorough traffic and cost analysis of route options prior to consideration being given to reconvening the hearing.
- Council on February 22, 2006 moved that the **Plan Winnipeg Amendment** for the **Bradley Street Alignment** not be proceeded with at this time.
- Waterside Development Corporation was authorized to make application on October 6, 2006 by the City of Winnipeg for a single family residential development for the Bradley Street alignment lands, south of Pandora Avenue.
- The **North-South Transcona Route** in Plan Winnipeg 2020's *Policy Plate C - Transportation Concept Plan* is currently aligned along Ravelston Avenue West, joining Plessis Rd at the intersection of Plessis Rd and Ravelston Ave.

Description of the Proposed Development

The applicant intends to rezone and subdivide the subject property to facilitate the construction of **12 single family** residential dwellings on a cul-de-sac with access from Pandora Avenue. An open space of 91,278 square feet will be zoned Parks and Recreation.

Analysis

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

ZONING
- **"PR-1" Parks and Recreation District** is intended to regulate local publicly-owned parks and recreation sites in a manner consistent with their neighbourhood location. It allows 10 permitted uses, and 17 conditional uses. The minimum front yard is 20 feet, rear yard 25 feet and maximum building height of 30 feet.

- **"R1-3.5" Single Family Residential District** will require a minimum lot size of 3,500 square feet and minimum lot width of 35 feet.
- **"R1-4" Single Family Residential District** permits single family dwellings with a minimum lot size of 4,000 square feet and lot width of 40 feet.
- **"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.
- **"C2" Commercial District** has 104 Permitted Uses and 47 Conditional Uses that are generally orientated to a community wide market. There is no front yard requirement and the maximum building height is 45 feet.
- **"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.

LAND USE BY-LAW ISSUES

The proposed zoning categories are consistent with a number of residential subdivisions in Winnipeg such as Eaglemere, Amber Trails, Canterbury Park, Whyte Ridge and Riverbend South. A number of developers have stated today's main market is willing to purchase the 35 - 48 foot wide lots, and a minority of the market is willing to purchase 50 foot wide lots. There are a large number of 50 foot wide lots in the Transcona area and there is also a large number of 35 - 45 foot wide lots. The range of lot sizes will permit the construction of a variety of new single family dwellings that will diversify the housing stock and provide residents with different housing options.

TRANSPORTATION AND SITE ACCESS

Public Works has indicated that Pandora Avenue is a residential collector street: private approaches will not be allowed. The subject lands can only be developed with access to the rear public lanes, a service road and/or a cove/cul-de-sac configuration.

LAND DEDICATION

Finally, it should be noted that dedication of land for public open space or payment of cash-in-lieu thereof is not applicable. This requirement was fully satisfied for the subject site: B.A.C.M. Ltd pursuant to the terms of the Mission Gardens Development Agreement AG 9/73 had fully satisfied the 10% public open space dedication requirement which agreement AG 9/73 included the lands now covered under DASZ 18/07.

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- Residential housing is the best land-use for the subject property.
- The proposal is compatible with the adjacent surrounding residential neighbourhood.
- The development represents a logical completion of the Mission Gardens community.

The Division is recommending that wood fence be constructed abutting Pandora Avenue to provide sound attenuation for the single family residential dwellings.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 18/2007 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/2007 dated June 05, 2007, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 11, 2007.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 18/2007 dated June 05, 2007, to a "R1-3.5" Single Family Residential District and "PR1" Parks and Recreation District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That the Developer shall erect a uniform wood fence abutting (2.0 metre in height) Pandora Avenue to the satisfaction of the Director of Planning, Property and Development. Future owners of the individual building lots along this fencing shall be responsible for maintaining this fencing to the satisfaction of the Director of Planning, Property and Development.

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

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

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

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 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.

9. 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.

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.

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

Report Prepared by: John Wintrup
PPD File # DASZ 18/2007

Revised Schedule "A" to the report of the East Kildonan - Transcona Community Committee for File No. DASZ 18/2007, dated June 18, 2007

By-Law No. _____

File No. **DASZ 18/07**

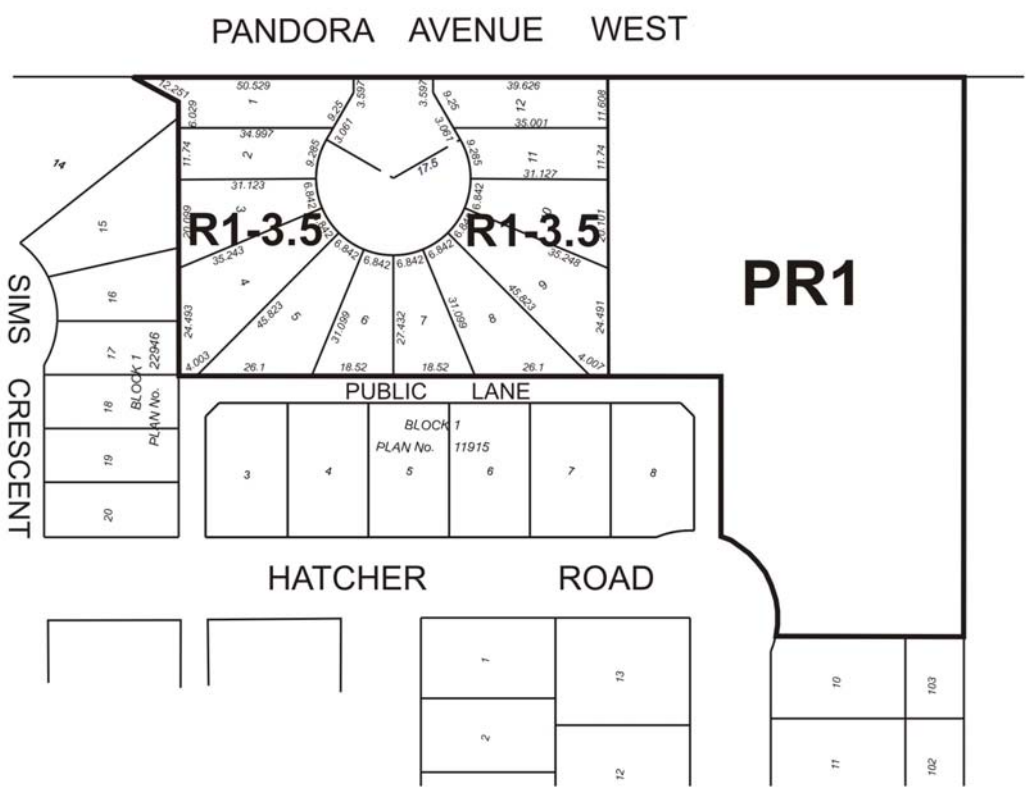
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N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located on the south side of Pandora Avenue West, east of Sims Crescent from a "C2" COMMERCIAL DISTRICT and an "M1" INDUSTRIAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT and an "R1-3.5" RESIDENTIAL DISTRICT, as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File DASZ 18/2007, dated June 5, 2007.

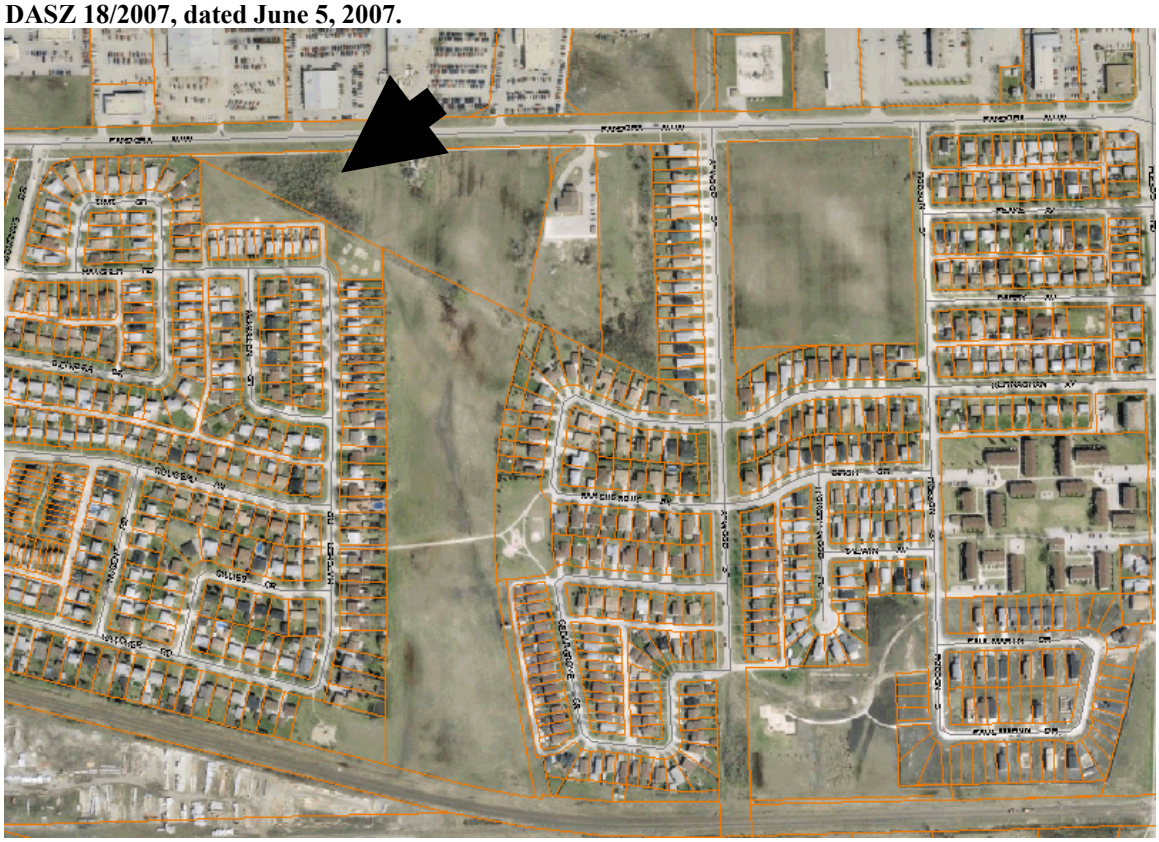


Figure 2: Existing Land-Uses for subject property and Surrounding Area.

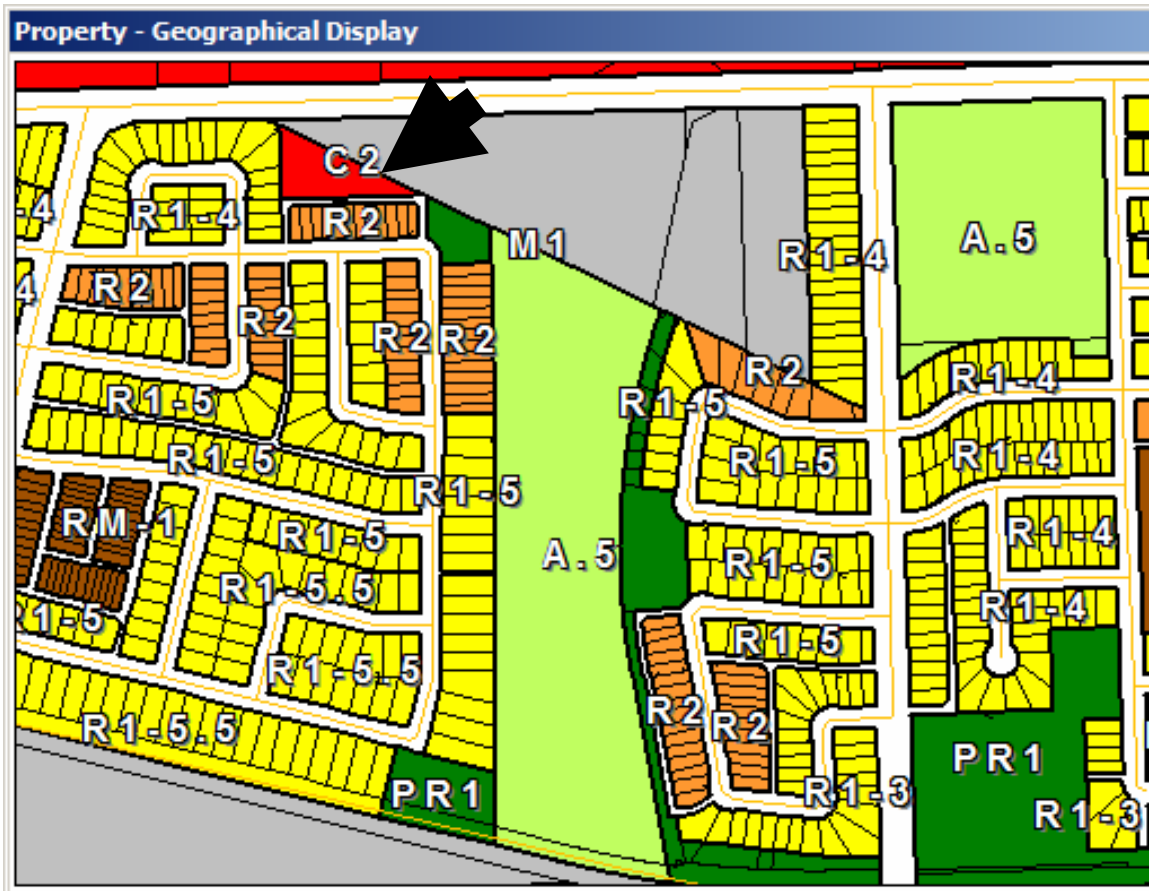


Figure 3: Existing Zoning for subject property and Surrounding Area.

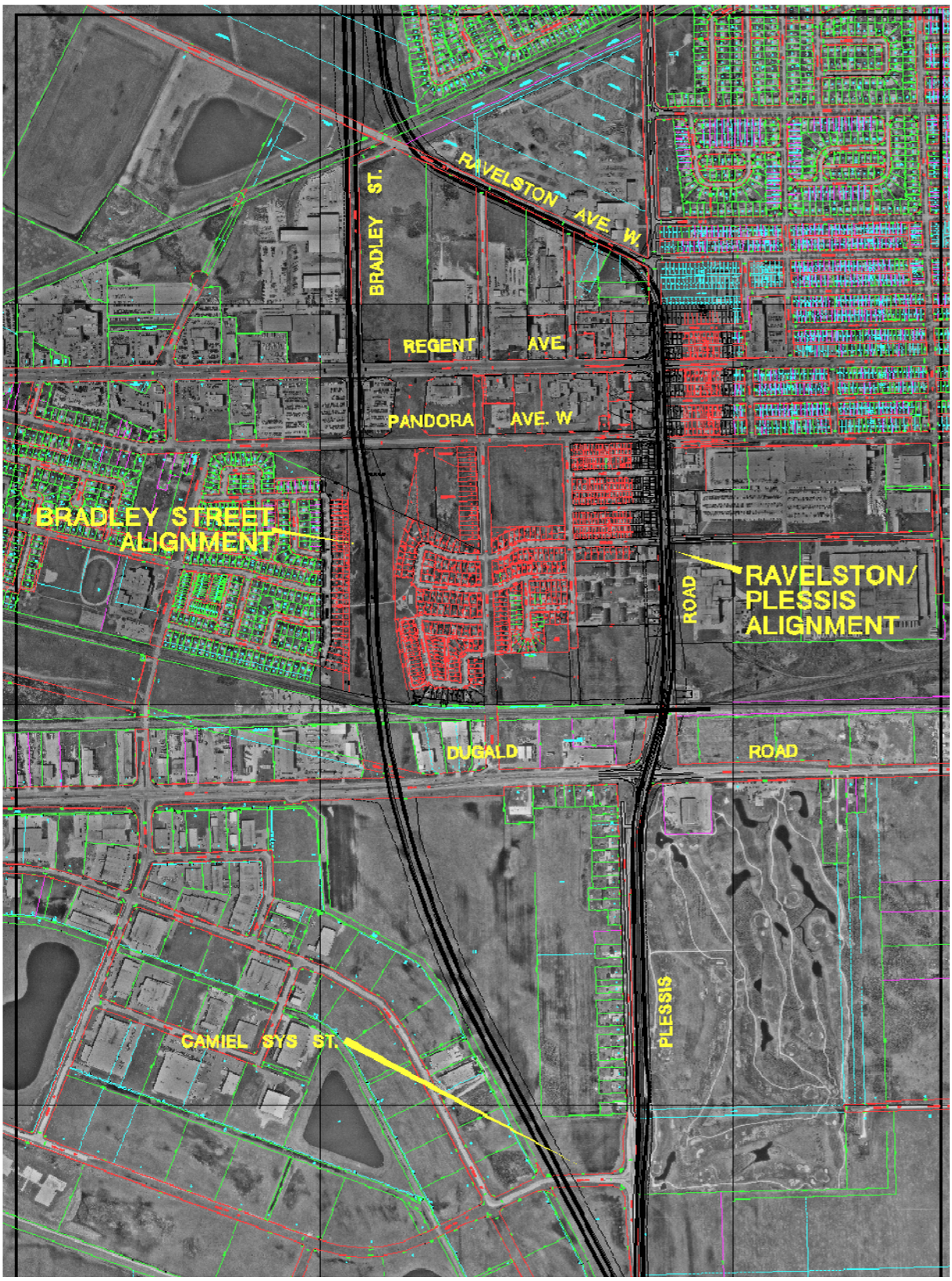


Figure 4: North South Transportation Corridor Route Alignment Options.

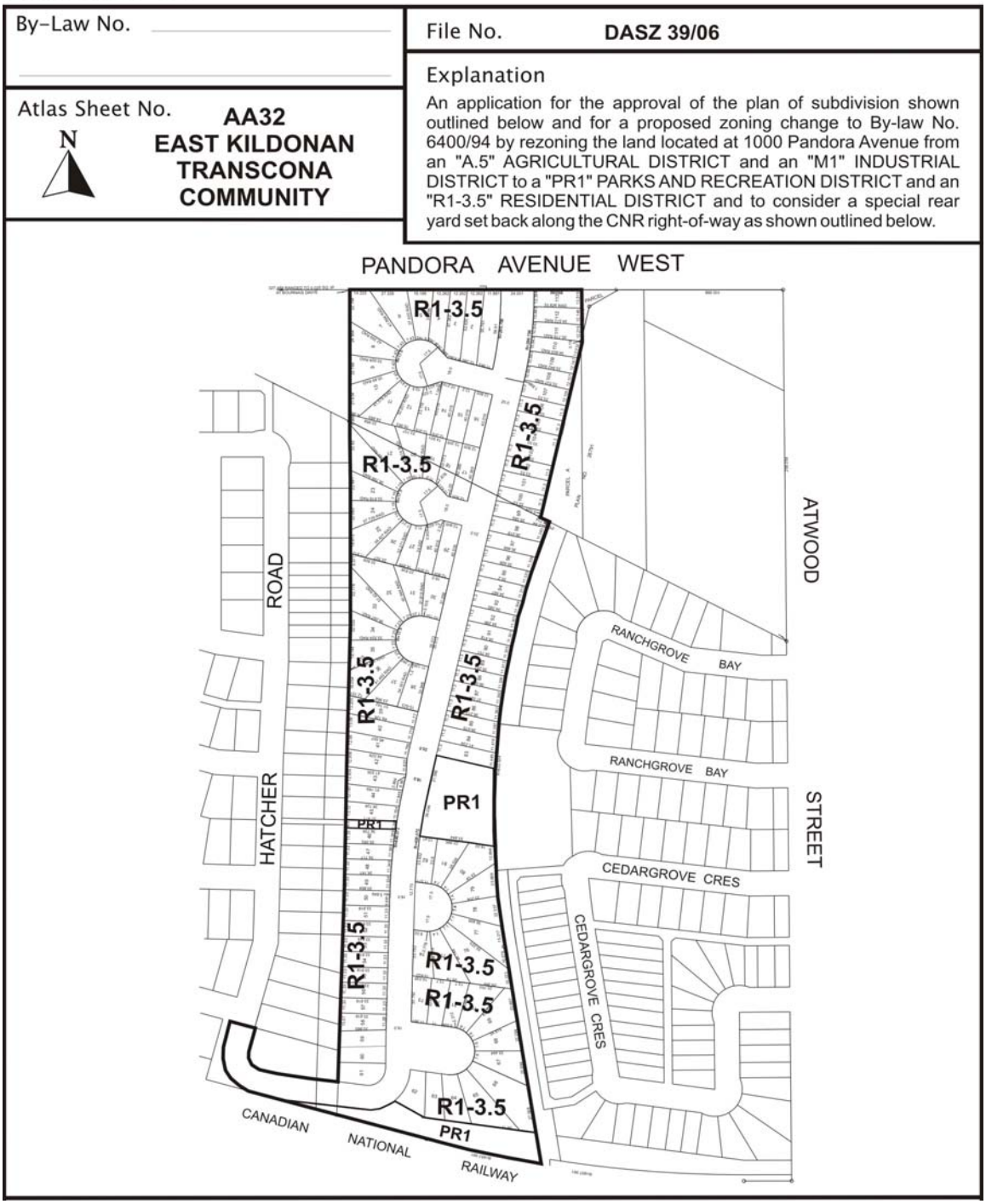


Figure 5: DASZ 39/2006 – 1000 Pandora Avenue approved plan of subdivision.

Exhibit "7" referred to in File DASZ 18/2007

Re: Proposed subdivision and rezoning on land located on the south side of Pandora Avenue West, east of Sims Crescent - DASZ 18/07

An application has been submitted by Global Homes Ltd. to subdivide and rezone land located on the south side of Pandora Avenue West, east of Sims Crescent

It is recommended that approval of this application be subject to the Developer entering into a Development Agreement as follows:

1) The developer shall construct, at no expense to the City, all watermains wastewater sewers and land drainage sewers required to service the proposed subdivision.

2) The developer shall provide a lot grading plan prepared by a municipal engineer, shall grant any easements and, if required, shall construct, at no expense to the City, any catchbasins and leads as may be necessitated by the design.

3) The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

4) The Developer is to pay all cost 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.

5) 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 of the satisfaction to the Director of Public Works.

6) 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.

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

8) The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.5m and radius of 10.5m, and a thickness of 150mm respectively in the street within the proposed subdivision, and all related works including, but not necessarily limited to boulevard and cul-de-sac island landscaping, ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

9) Right of way to accommodate the cul-de-sac turnaround is to be consistent with the dimensions illustrated on Streets and Transportation Drawing ST-90 (revised) or ST-90-A.

10) The Developer shall, at no expense to the City, install boulevard sod and trees within the street right of way within the proposed subdivision in accordance with construction specifications and plans approved, prior to installation, by the Director of Public Works.

11) The Developer shall, at no expense to the City, maintain the boulevard improvements for a period of one year in accordance with specifications of the Director of Public Works.

12) The Developer shall, at no expense to the City, construct within the side yards of all single family lots abutting Pandora Avenue West, a uniform sound attenuation fence 2.0m in height, 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 of these proposed lots 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.

13) The Developer shall, at no expense to the City, construct within the rear yards of all single family lots abutting the PR1 land, a uniform chain link fence, 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 of these proposed lots 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.

14) The Developer shall permit the City to file a caveat against the title of each of the proposed lots with sideyards abutting Pandora Avenue West advising that no private approaches serving single family residential development will be permitted off Pandora Avenue West.

15) The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required under this Agreement.

16) The Developer shall pay $1200.00/acre to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 18/07
June 11, 2007

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Land Development Engineer

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Water and Waste Department

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Public Works Department