Minute No. 64
Report - Standing Policy Committee on Property and Development - November 28, 2006

Item No. 2 **Subdivision and Rezoning - lands west of Waverley Street to Kenaston Boulevard between Bishop Grandin Boulevard and Cadboro Road**
File DASZ 1/2006 [c/r SP 5/2005]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision under File DASZ 1/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2006 dated November 7, 2006, 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 October 27, 2006, with the following amendments:

        i. Delete Recommendation C (Alternative Stormwater Management) in its entirety.

        ii. Amend Recommendation D (Development Agreement Conditions) as follows:

            a. Delete Recommendation 7 in its entirety and replace with the following:

                "7. The Developer shall, at no expense to the City, construct and/or pay on demand the full cost of the following works on Waverley Street and on Collector "C" in the vicinity of their intersection with Lake Crest Road:

Report - Standing Policy Committee on Property and Development - November 28, 2006

COUNCIL DECISION (continued):

a) auxiliary lanes, transitions, median opening modifications, channelization and all related works including traffic control measures as outlined in either Options 1 or 2 as presented by ND Lea Inc. at the Public Hearing on November 14, 2006 and filed as Exhibit 13 to File DASZ 1/2006.

b) traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals;

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

b. Amend Recommendation 17 by inserting the words "and intersection costs" after the word "pavement" in the second line thereof.

c. Amend Recommendation 32 by deleting the words "7.2 acres" in the third line thereof and substituting the words "7.0 acres".

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 1/2006 dated November 7, 2006, to an "R1-4" and "R1-3" Single Family District, "RM-3"Multiple Family District and "PR-1" Parks and Recreational 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 condition:

A. That final plans for the "RM-3" Multiple Family District lands showing the location, design and materials of the proposed buildings, the location and design of any accessory parking areas, internal walkways, private approaches, garbage enclosures, fencing, landscaping and signage be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of building permits for said multiple family development.

Report - Standing Policy Committee on Property and Development - November 28, 2006

COUNCIL DECISION (continued):

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

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 - November 28, 2006

DECISION MAKING HISTORY:

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 29, 2006, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 28, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, with the following amendments, namely:

- That Recommendation No. 1. A. i. b. be deleted in its entirety.

- That the report of the Administrative Coordinating Group dated October 27, 2006, be further amended as follows:

    1. Delete Recommendation C (Alternative Stormwater Management) in its entirety.

    2. Amend Recommendation D (Development Agreement Conditions) as follows:

        A. Amend Recommendation 17 by inserting the words “and intersection costs” after the word “pavement” in the second line thereof.

        B. Amend Recommendation 32 by deleting the words “7.2 acres” and substituting the words “7.0 acres”,

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

Report - Standing Policy Committee on Property and Development - November 28, 2006

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On November 14, 2006, the Riel Community Committee concurred in the revised administrative recommendation with the following amendments, namely:

- That the report of the Administrative Coordinating Group dated October 27, 2006, be amended as follows:

    1. Amend Recommendation D (Development Agreement Conditions) as follows:

        A. Delete Recommendation 7 in its entirety and replace with the following:

            "7. The Developer shall, at no expense to the City, construct and/or pay on demand the full cost of the following works on Waverley Street and on Collector "C" in the vicinity of their intersection with Lake Crest Road:

                a) auxiliary lanes, transitions, median opening modifications, channelization and all related works including traffic control measures as outlined in either Options 1 or 2 as presented by ND Lea Inc. at the Public Hearing on November 14, 2006 and filed as Exhibit 13 to File DASZ 1/2006.

                b) traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals;

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

Report - Standing Policy Committee on Property and Development - November 28, 2006

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

B. Delete Recommendation 10 in its entirety and replace with the following:

"10. Development within the Planned Area is to be limited to Phases 1 and 2 as shown in Figure 4 of the Northeast Neighbourhood Area Structure Plan until Kenaston Boulevard has been extended to its intersection with the north-south collector street identified as Collector "A" 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 - lands west of Waverley Street to Kenaston Boulevard between Bishop Grandin Boulevard and Cadboro Road**
File DASZ 1/2006 [c/r DAV 113824/2006D and SP 5/2005]

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **November 24, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 14, 2006, the Riel Community Committee concurred in the revised 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 1/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/2006, dated November 7, 2006, 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 October 27, 2006, ***with the following amendments:***

        i. Amend Recommendation D (Development Agreement Conditions) as follows:

            a. Delete Recommendation 7 in its entirety and replace with the following:

                "7. The Developer shall, at no expense to the City, construct and/or pay on demand the full cost of the following works on Waverley Street and on Collector "C" in the vicinity of their intersection with Lake Crest Road:

                    a) auxiliary lanes, transitions, median opening modifications, channelization and all related works including traffic control measures as outlined in either Options 1 or 2 as presented by

ND Lea Inc. at the Public Hearing on November 14, 2006 and filed as Exhibit 13 to File DASZ 1/2006.

b) traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals;

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

b. Delete Recommendation 10 in its entirety and replace with the following:

"10. Development within the Planned Area is to be limited to Phases 1 and 2 as shown in Figure 4 of the Northeast Neighbourhood Area Structure Plan until Kenaston Boulevard has been extended to its intersection with the north-south collector street identified as Collector "A" to the satisfaction of the Director of Public Works."

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 1/2006, dated November 7, 2006, to an "R1-4" and "R1-3" Single Family District, "RM-3"Multiple Family District, and "PR-1" Parks and Recreational 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 condition:

A. That final plans for the "RM-3" Multiple Family District lands, showing the location, design and materials of the proposed buildings, the location and design of any accessory parking areas, internal walkways, private approaches, garbage enclosures, fencing, landscaping and signage be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of building permits for said multiple family 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 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 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.

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

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.

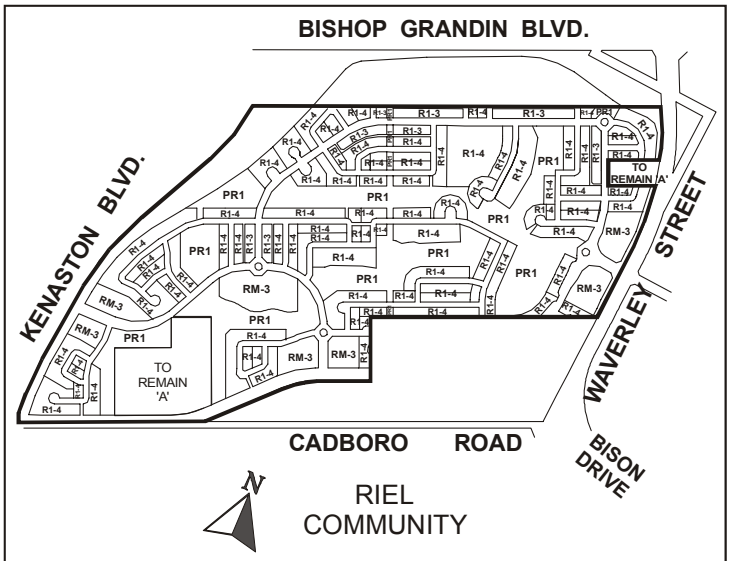
The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated November 8, 2006 and in the report from the Administrative Coordinating Group dated October 27, 2006.

PUBLIC HEARING SUMMARY

File:	DASZ 1/2006 [c/r DAV 113824/2006D and SP 5/2005]
Before:	Riel Community Committee Councillor Steeves, Chairperson Councillor Swandel Councillor Vandal
Public Hearing:	November 14, 2006 Council Building, 510 Main Street
Applicant:	ND Lea Inc.

Subject:



APPLICANT : ND LEA ENGINEERS & PLANNERS
FILE: DASZ 1/06
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 "A.5" AGRICULTURAL DISTRICT to an "R1-3" RESIDENTIAL DISTRICT, an "R1-4" RESIDENTIAL DISTRICT, an "RM-3" MULTIPLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : ND LEA ENGINEERS & PLANNERS
N° DE RÉFÉRENCE : DALZ 1/06
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passerait de la catégorie A (SECTEUR AGRICOLE) aux catégories R1-3 (SECTEUR RÉSIDENTIEL), R1-4 (SECTEUR RÉSIDENTIEL), RM-3 (SECTEUR D'HABITATIONS MULTIFAMILIALES) et PR1 (SECTEUR DES PARCS ET DES LOISIRS). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: Lands west of Waverley Street to Kenaston Boulevard between Bishop Grandin Boulevard and Cadboro Road

Exhibits Filed:

1. Application dated February 21, 2005
2. Notification of Public Hearing dated October 19, 2006
3. Manitoba Certificate of Titles C 66684; C 66687, C 73416; C 80439 and C 84704
4. Manitoba Status of Titles 1924005; 1932816; 1965160; 2073806 and 2090780
5. Letter of authorization dated December 16, 2005 from Linda McFadyen to ND Lea
6. Site Plans (2 pages)

7. Waverley West Plan "B" Revised (5 pages)
8. Report from the Planning and Land Use Division dated November 7, 2006
9. Report from the Administrative Coordinating Group dated October 27, 2006
10. Inspection Report
11 Revised Report from the Planning and Land Use Division dated November 8, 2006
12. Presentation dated November 14, 2006 in support of the application submitted by Mr. J. McNairnay, Coordinator of Urban Neighbourhood Planning, Planning, Property and Development Department at the public hearing
13. PowerPoint presentation dated November 14, 2006, in support of the application submitted by ND Lea Inc. at the public hearing
14. Presentation dated November 14, 2006, in support of the application submitted by Craig M. Stahlke, Secretary-Treasurer, Pembina Trails School Division, at the public hearing
15. Presentation in opposition to the application submitted by Gareth Simons at the public hearing
16. Presentation dated November 14, 2006, in opposition to the application submitted by Phyllis Watson, Chair of Urban Issues, The Council of Women of Winnipeg, at the public hearing
17. Presentation dated November 14, 2006, with respect to the application submitted by Tim Hunt at the public hearing
18. Communication dated November 14, 2006, from Garth Steek, Manitoba Home Builders' Association in support of the application
19. Communication dated November 14, 2006, from Katy Walsh, Planners Network Manitoba, with respect to the application

REPRESENTATIONS:

In Support:
Alan Borger
Ted Fransen
James Gallagher
Laureen Goodridge
Veronica Hicks, ND Lea Inc.
Janice Lukes, Winnipeg Trails Association

Lawrence Lussier
Dan Mases
Paul McNeil, ND Lea Inc.
Roger Petursson, ND Lea Inc.
Jerry Pilipowicz, ND Lea Inc..
Craig Stahlke, Pembina Trails School Division
Garth Steek, Manitoba Home Builders' Association
Robert Swan
Richard Tebinka
Marilyn Thomas

In Opposition:
David Friedman
Gareth Simons
Phyllis Watson

For Information:
Ernest Arnason
Tim Hunt
Jean A. Paterson
Paul Sunderland
Glenn Swift
Katy Walsh, Planners Network Manitoba

For the City:
Mr. J. McNairnay, Coordinator of Urban Neighbourhood Planning, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. K. Lalor, Senior Planner, Planning, Property and Development Department
Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department
Mr. R. Hartman, Traffic Assessment Engineer, Public Works Department
Mr. W. Stovel, Solicitor, Legal Services Division, Corporate Services Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE COMBINED PUBLIC HEARING FOR THE WAVERLEY WEST NORTHEAST NEIGHBOURHOOD AREA STRUCTURE PLAN FILE SP 5/2005 AND SUBDIVISION / REZONING FILE DASZ 1/2006

John McNairnay, Coordinator of Urban Neighbourhood Planning, Planning, Property and Development Department, appeared in support of the application and provided an overview of the Waverley West Northeast Neighbourhood Area Structure Plan by way of a presentation, filed as Exhibit 12. Mr. McNairnay introduced Kim Raban, Land Development Administrator, Planning, Property and Development Department, Kevin Lalor, Senior Planner, Planning, Property and Development Department, Ernest Carriere, Land Development Engineer, Planning, Property and Development Department, and Roy Hartman, Traffic Assessment Engineer, Public Works Department, members of the City of Winnipeg Administration appearing in support of the application.

Paul McNeil, ND Lea Inc., appeared in support of the application and provided an overview of the proposal by way of a PowerPoint presentation, filed as Exhibit 13.

With respect to the Subdivision/Rezoning application, Mr. McNeil indicated concurrence in the revised report from the Planning and Land Use Division dated November 8, 2006, with the following exceptions:

- The Developer proposes to install sidewalks on both sides of all residential streets within the proposed development but is opposed to the requirement to provide the City with an upfront lump sum payment to cover on-going operating/maintenance costs and the cost of replacement referenced in Recommendation 1 of the "Sidewalks on Local Residential Streets" section of the report.

- The Developer is willing to comply with including highly restrictive snow storage easements on all residential properties fronting a sidewalk on local residential streets to include an indemnity provision whereby the developer agrees to assume all costs of litigation and any costs following should such an easement be legally challenged, but indicated that this would send the wrong message to other developers who would likely not be willing to install sidewalks in future developments.

Mr. McNeil indicated concurred in the Report from the Administrative Coordinating Group dated October 27, 2006, with the following exceptions:

- Delete Recommendation C (Alternative Stormwater Management) in its entirety;

- Amend Recommendation D (Development Agreement Conditions) by incorporating the following in the preamble:

"Primary access to the development at the build-out proposed under DASZ 1/06 will be provided via a collector street off Waverley Street opposite Lakecrest Boulevard and also via Kenaston Boulevard from Bishop Grandin Boulevard to the main collector into the subdivision (Scenario 1) or via Bison Drive from Waverley Street to the main collector into the subdivision (Scenario 2). Depending on which scenario is implemented, certain development agreement conditions included in this report are not immediately necessary to provide access to this neighbourhood. These development conditions may not be required to be fulfilled until additional neighbourhoods are developed however they have been recommended as development conditions for this neighbourhood as they are either to serve this neighbourhood or are within or adjacent to this neighbourhood. The timing of implementation of these development conditions is to be when and as determined by the Director of Public Works."

- Amend Condition 17 contained in Recommendation D (Development Agreement Conditions) by inserting the words "and intersection costs" after the word "pavement" in the second line thereof;

- Amend Condition 32 under Recommendation D (Development Agreement Conditions) by deleting the words "of approximately 7.2 acres" and replacing with the words "7.0 acres" and by adding the words "All parties will endeavour to protect as much of the existing significant tree cover as is practical";

Discussion ensued with respect to the following: the lineal drainage system, access to Waverley Street adjacent to Lake Crest Road, geothermal heating, phasing of the infrastructure, back lanes, neighbouring landowners, timeline for the construction of the first commercial node, density per acre and density flexibility, traffic flow and the preservation of existing trees.

Craig M. Stahlke, Secretary-Treasurer, Pembina Trails School Division, appeared in support of the application and read from a presentation, filed as Exhibit 14. Mr. Stahlke indicated that access to Waverley Heights via Lake Crest Road from Waverley West would be crucial for students. In response to questions from the Committee, Mr. Stahlke responded:

- The Pembina Trails School Division does plan to construct a school in the Waverley West area and have submitted a proposal for said school to the Public Schools Finance Board;

- The Pembina Trails School Division does envision the eventual construction a high school in the northwest quadrant of Waverley West.

Alan Borger, President, Ladco Company Ltd, appeared in support of the application. Mr. Borger stated that there is a shortage of buildable lots in Winnipeg and should this development not be initiated expeditiously, lot prices will escalate substantially.

Robert Swan, President, Huntington Homes, appeared in support of the application. Mr. Swan reiterated concerns raised by Alan Borger regarding the shortage of lots in Winnipeg.

Janice Lukes, Winnipeg Trails Association, appeared in support of the application. Ms. Lukes stated that the proposed development has great trail connectivity but asked how trails within Waverley West will connect to outside trail systems.

Gareth Simons appeared in opposition to the application and read from a presentation, filed as Exhibit 15.

Phyllis Watson appeared in opposition to the application and read from a presentation, filed as Exhibit 16.

Tim Hunt appeared for informational purposes and submitted supporting documentation, filed as Exhibit 17. Mr. Hunt stated that he would like to see a transportation plan for the area that would include dedicated bike lanes, reduced speed limits, more bike paths and enhanced traffic calming measures.

Paul McNeil returned in rebuttal. Mr. McNeil and Richard Tebinka, ND Lea Inc., provided four (4) options to address ingress/egress to the proposed development adjacent to Lake Crest Road which are included in the PowerPoint presentation, filed as Exhibit 13. Discussion ensued with respect to adding a condition that would limit the construction to certain phases until a school is constructed.

Exhibit "11" referred to in File DASZ 1/2006 [c/r DAV 113824/2006D and SP 5/2005]

Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: November 8/06 (REVISED)
File: DASZ 1 /06
Related Files: DAV 06 113824 /D

Subject: The purpose of the subject application is to rezone and subdivide the said lands from an "A" Agricultural District to " RM-3" Multiple Family Districts, to "R1-3" and " R1-4" Single Family Districts and " PR-1" Parks and Recreational Districts.

Location: Generally defined as the lands south of Bishop Grandin Boulevard, east of the Kenaston Boulevard Extension , west of Waverley Street and north of Cadboro Road. Some private lands immediately adjoining and to the south of Bishop Grandin Boulevard and other properties situated at the N.W. corner of Cadboro Road and Waverley Street are excluded from the subject application.

Legal Description: Cert. No. C84704 Lots 1 to 7, both inclusive, Lots 10, 11, 12 and the most Easterly 81 and 65 one hundredths feet in width of Lot 13, all of Lot 14, excepting out of said Lot 14, the most Easterly 172 and Three-tenths feet in width of the most Southerly 750 feet in depth thereof, the most Northerly 316 and Four-tenths feet in width of Lot 15, Lots 21 to 21, both inclusive, Lots 30, 31, 32 and 33, which lots are shown on a plan of survey of part of Lots 4 to 7 of the Parish of Saint Vital, in Manitoba, registered in the Winnipeg Land Titles Office as No. 1631, excepting out of said Lots 21 to 24, both inclusive, all those portions thereof contained within the limits of Parcel Lettered "A" as same are shown on a plan filed in the said office as No. 11494 **.**

Cert. No. C66684 Lot 33, which lot is shown on a plan of survey of part of Lots 6 and 7 of the Parish of Saint Vital, in Manitoba, registered in the Winnipeg Land Titles Office, as No. 1861.

Cert. No. C66687 Lots 12 to 32 both inclusive, which lots are shown on a plan of survey of part of Lots 6 and 7 of the Parish of Saint Vital, in Manitoba, registered in the Winnipeg Land Titles Office as No. 1861.

Cert. No. C73416 Lots 3, 4, 9 and 10, which lots are shown on a plan of survey of part of Lots 6 and 7 of the Parish of Saint Vital, in Manitoba, registered in the Winnipeg Land Titles office as No. 1861.

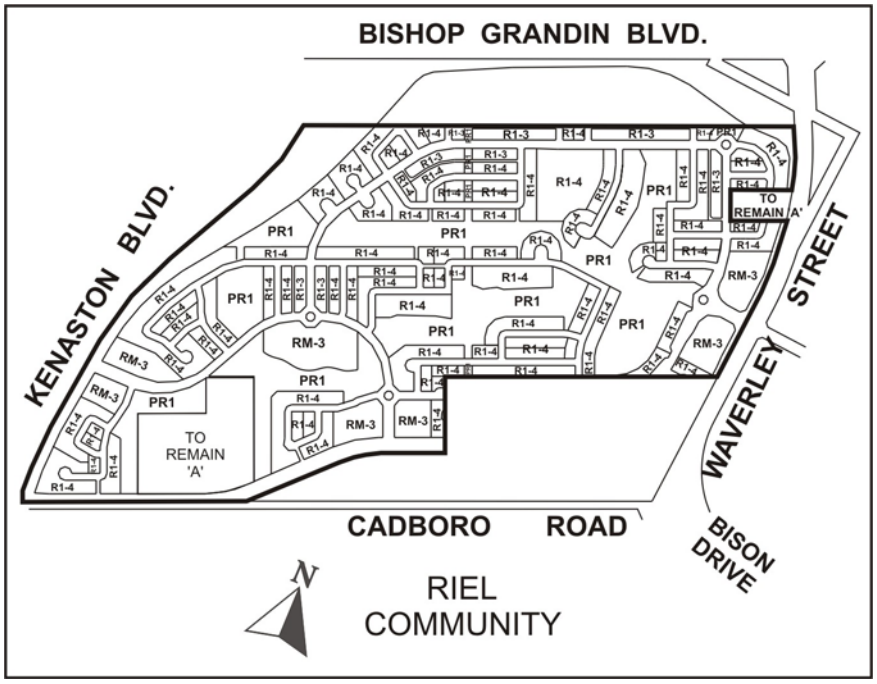
Cert. No. C80439 All that portion of Lot 13 in the outer Two miles of the Parish of Saint Vital, in Manitoba, which lies to the West of the Western limit of Waverley Street as same is shown on a plan registered in the Winnipeg Land Titles Office as No. 8956, excepting there out of the most southerly 198 feet in perpendicular width and the most Northerly 236 and Six tenths feet in perpendicular width thereof.

Cert. No. 1924005 Lots 11, 34, 35 and 36, Plan 1861, WLTO EXC out of said Lot 35 and 36, all mines and minerals vested in the Crown (Manitoba) by the Real Property Act in OTM Lots 6 and 7, Parish of St. Vital

Cert. No. 2090780 All that portion of OTM Lot 12, Parish of St. Vital which lies between 2 lines drawn NNWLY at right angles to the southern limit of said Lot through points in the same distant SWLY thereon 590.4 feet and 2234.9 feet respectively from the eastern limit of said Lot together with a right-of-way for all purposes and as appurtenant to the above described land over and upon that portion of said Lot lying to the south of a line drawn north of parallel with perp distant 20 feet from the southern limit of said Lot which lies to the east of the eastern limit of the above described land. EXC Waverley Street Plan 8956 WLTO subject to a right-of-way for all purposes and appurtenant to the balance of said Lot EXC Waverley Street and additional land on said Plan 8956 WLTO over and upon that portion of the above described land which lies to the south of a line drawn north of parallel with and perp distant 20 feet from the southern limit of said Lot.

Cert. No. 2073806

- Parcel 1: All that portion of OTM Lot 12, parish of St. Vital which lies to the west of a straight line drawn NLY at right angles to the southern limit of said lot through a point in the same distant WLY thereon 2234.9 feet from the eastern limit of said Lot together with a right-of-way for all purposes as appurtenant to the land above described over and upon all that portion of said Lot lying to the south of a straight line drawn north of parallel with and perp distant 20 feet from the southern limit of said Lot which lies to the east of the eastern limit of the herein described parcel of land EXC out of said right-of-way Waverley Street, Plan 8956 WLTO
- Parcel 2: OTM Lots 8, 9.10 and 11, Parish of St. Vital EXC out of said Lots 10 and 11 Waverley Street, Plan 8956 WLTO
- Parcel 3: SLY 198 Feet of OTM Lot 13, Parish of St. Vital EXC out of said Lot 13 firstly: Waverley Street, Plan 8956 WLTO and secondly: all that portion taken for additional land shown brown on Plan 8956 WLTO.



Applicant: ND LEA Engineers & Planners

Owner: The Manitoba Housing and Renewal Corporation

Recommendation: Approved with Conditions

Site Description

The land being rezoned and subdivided is part of a Neighbourhood Area Structure Plan that totals approximately 360 acres in the northeast corner of Waverley West. The area is bounded on the north by the Manitoba Hydro right-of-way and private lands zoned "A" Agricultural and Bishop Grandin Boulevard. To the east is Waverley Street and an established residential neighbourhood area (Waverley Heights) generally zoned for R1-5.5 and R1-5 single family housing. To the west is the future extension of Kenaston Boulevard, and to the south is Cadboro Road along which a mix of developed and undeveloped private holdings, all currently zoned "A" Agricultural.



As indicated on the illustration below, the Waverley West North East Neighbourhood is the first of a projected total of seven overall neighbourhood planning areas which make up Waverley West, in its entirety.

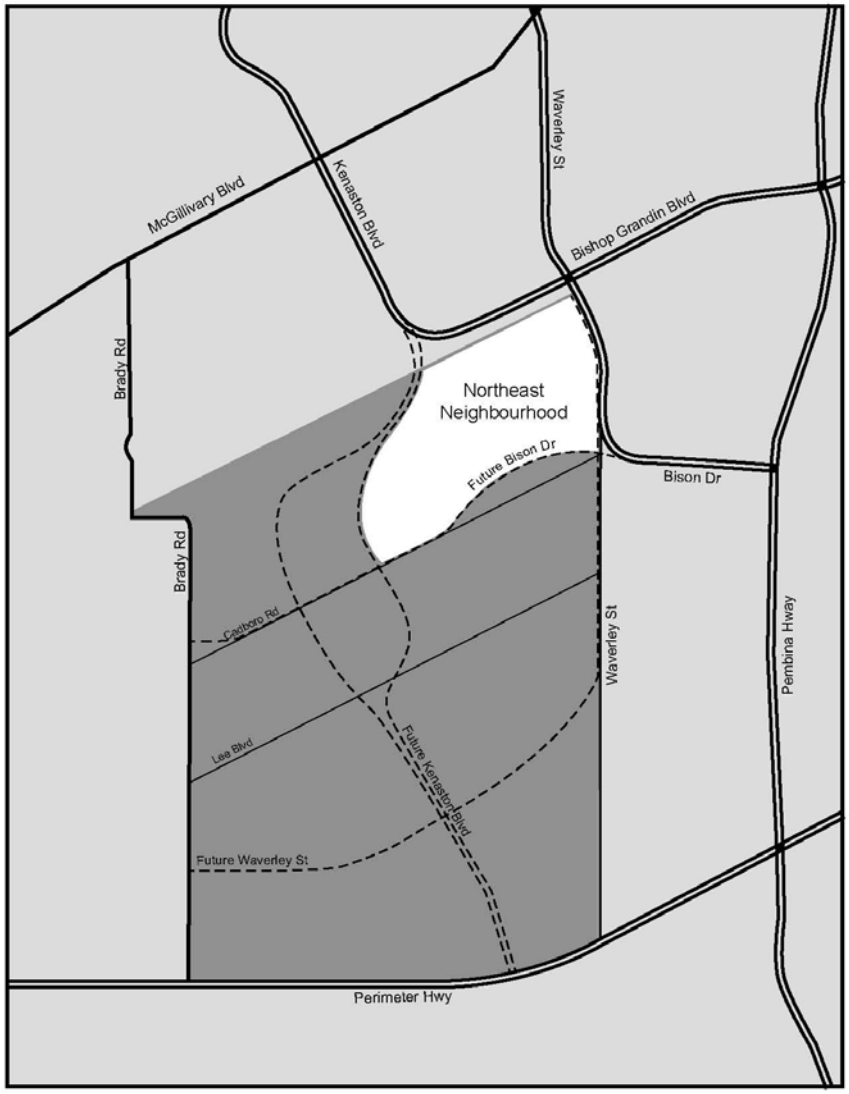


Figure 2 : Northeast Neighbourhood Location Plan

Background

In 2005 Council adopted an amendment to Plan Winnipeg to designate the entire Waverley West area (west of Waverley and south of Bishop Grandin) as a Neighbourhood Policy Area.
On July 26, 2006 Council adopted the Waverley West Area Structure Plan. That plan identifies seven Neighbourhood Plan Areas that define "the logical extension of community access networks (primarily roadways)". Under that plan the first land to be developed (Neighbourhood A) is the MHRC land that is the subject of both the accompanying Neighbourhood Area Structure Plan and the subject subdivision and rezoning application.
The department has worked closely with MHRC and their consulting team to prepare the area structure plan. This process also included close consultation with all affected City departments to address any issues related to the development of the subject lands and to ensure that the City's requirements were incorporated into the plan's policies.
On September 27, 2006 Council gave first reading to By-law 210/2006 to adopt the Waverley West Northeast Neighbourhood Area Structure Plan as a Secondary Plan and directed that the Riel Community Committee conduct a public hearing respecting the proposed by-law and plan.

Simultaneous with the processing of the afore noted Structure Plan, a rezoning and subdivision application was initiated by ND LEA Engineers & Planners (on behalf of MHRC) , specifically for the Waverley West Northeast Neighbourhood. That application, DASZ 1/06 was made on January 12 /2006.

Description of the Proposed Development

Residential Areas:

The Northeast Neighbourhood Structure Plan provides for the development of a residential neighbourhood at predominantly low densities with limited higher density residential on the east, next to the Waverley Street access point and on the west periphery of the subdivision adjoining what will be the Kenaston Blvd. extension and the designated future Town Center zone. The projected number of single family housing lots totals 795 approximately and the majority of those housing lots will be zoned " R1-4" Single Family. A smaller number of lots that front onto collector streets are to be zoned "R1-3" Single Family but they will not be appreciably smaller in area or width than those lots proposed to be zoned to an " R1-4" category. Rear lanes will serve all the zoned "R1-3" sites. The overall area of low density housing, not including the church site , encompasses an area of approximately 193.2 acres. It should be noted that all proposed single family lots having flankage along Waverley Street, the future Kenaston Boulevard extension or the future Bison Drive extension will be protected by noise attenuation setbacks and at least 2, and in some cases, 3 meter high fence barriers.

There are also seven (7) small sites, spread throughout the plan area, which have been set aside for low to medium density multiple family housing. They range in size from 1.5 acres to 7 acres

for a total overall of 23.4 acres. At approximately 10 dwelling units per acre, there is provision, in the long term, for 232 units. There is no clear indication at this time, whether those units will all be condos or a mix of rental and condo development. It should be noted that while the Neighbourhood Area Structure Plan encompasses several large adjacent private holdings to the immediate north, east and south, the subject DASZ does not. The subject rezoning and subdivision application is delineated strictly by those lands owned by the Province of Manitoba, specifically MHRC. However there are shadow plans (as outlined in the following plan) which do make provision for accessing the aforementioned private parcels when and if they are developed for residential purposes.

School Sites:

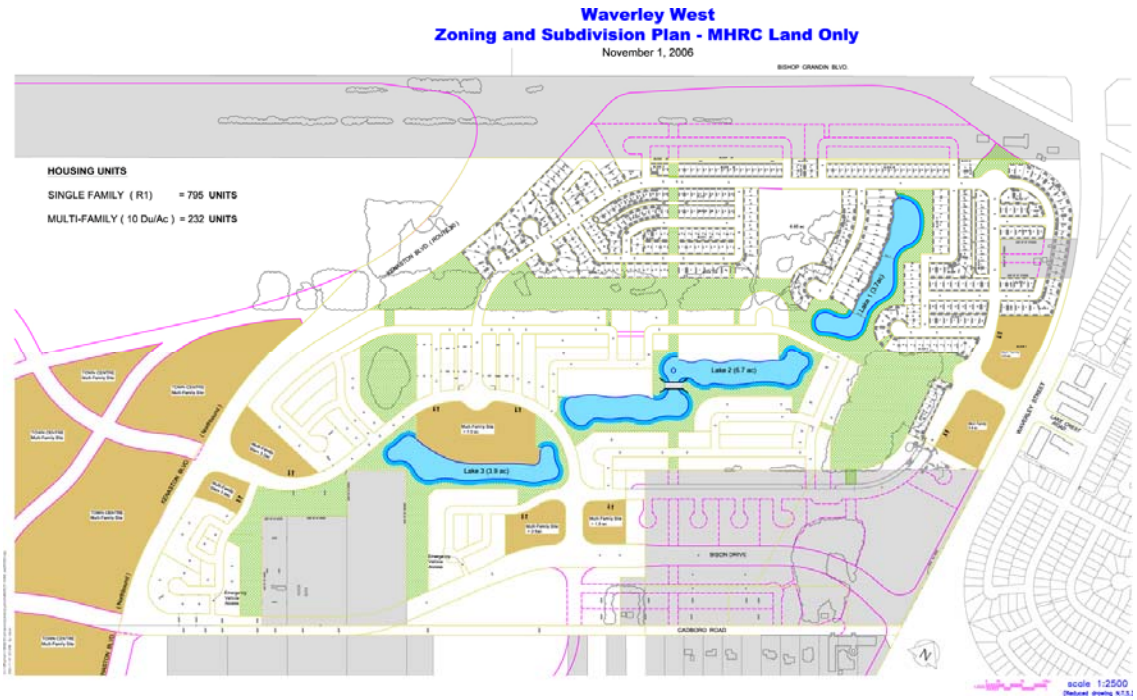
The purpose of the school reserves is to provide locations for required schools central to the neighbourhood and with connections to recreational areas. Through consultation with the Pembina Trails School Division a proposed location for an elementary/middle years school has been identified (see Figure 3 – Land Use Concept Plan). The designated school site is 7.2 acres in size and is located central to both the 1st and 2nd phases of the proposed new neighbourhood. It lies adjacent to and has direct access to the lineal green space and pathway system. As is customary, it has been zoned to a residential category, which in this case, is " R1-4" Single Family Residential.

Open Space:

The plan provides for an overall total of 50 acres of open space, twenty six (26) of which is for the preservation of sensitive treed areas. The remaining twenty four (24) acres are, by in large, devoted to a connective system of walkways and trails which are intended to link all of the proposed residential neighbourhoods with the naturalized land drainage corridors, the propose school site and eventually the Town Center proposed immediately to the west of the subject development. There is currently little in the way of active open space (i.e. soccer and/or baseball fields etc.) provided in the development plan. However a large parcel in the south portion of the neighbourhood may be suitable for active recreational use. That area is approximately 12 acres in size and lies adjacent to an old City landfill site. A more detailed discussion of these open space issues follows on page 13 under Parks and Open Space.

Sidewalks:

In keeping with its goal of creating a walk-able, healthy Smart Growth community, the Developer, MHRC, is proposing to construct pedestrian sidewalks on all residential streets (excluding cul-de-sacs). This will be conducted as a pilot project and ultimately will result in the construction of 12.8 kilometers of sidewalk beyond typical City standards. Customarily, sidewalks are only constructed on major thoroughfares and not on regular residential streets. A more detailed discussion of this innovative component of the plan follows on page 11 under Sidewalks on Local Residential Streets.



Analysis

Plan Winnipeg Compliance:

The Waverley West Northeast Neighbourhood Area Structure Plan is located in the Northeast corner of Waverley West, just south of Bishop Grandin Blvd. and west of Waverley Street. It comprises approximately 145 hectares (360 acres) of land. The area is designated Neighbourhood Policy Area by Plan Winnipeg 2020 Vision which allows for a "residential mix together with a variety of educational, recreational, institutional, commercial and possibly industrial uses, at a scale and density compatible with each other."

Section 3B-02 of Plan Winnipeg 2020 Vision requires that the development of new residential areas designated as Neighbourhood Policy area must be guided by the preparation of Secondary Plans. The Waverley West Area Structure Plan reinforces this by requiring secondary plans for each of the seven neighbourhoods defined in that area.

The Waverley West Northeast Neighbourhood Area Structure Plan covers the first neighbourhood and was prepared in order to comply with this requirement and as a means to implement the broader strategic policy directions expressed through the policies of the Waverley West Area Structure Plan and Plan Winnipeg 2020 Vision.

This Neighbourhood Area Structure Plan represents the continuing efforts toward building an integrated hierarchy of plans within the City of Winnipeg.

Secondary Plans

On September 27, 2006 Council gave first reading to By-law 210/2006 to adopt the Waverley West Northeast Neighbourhood Area Structure Plan as a Secondary Plan and directed that the Riel Community Committee conduct a public hearing respecting the proposed by-law and plan.

Transportation and Site Access

The Northeast Neighbourhood includes hierarchy of streets that include expressways, arterial streets, collectors and local streets as illustrated in the accompanying Figure 3 – Land Use Concept Plan. Detailed alignment of collector and local streets are identified in the subject rezoning and subdivision application. The external road rights-of-way, and the related interchange areas, shall also be generally located as illustrated on Figure 3 - Land Use Concept Plan. The primary access to the first phase of development will be via an entrance midway along Waverley Street directly opposite Lake Crest Blvd. Public Works is of the view that all projected 1st phase traffic can be handled by way of the proposed approach at Waverley Street. However, the final phases of development will be contingent upon the construction of at least a portion of the Kenaston Boulevard extension or all or a portion of the extension of Bison Drive. Either of the two options will necessitate the further acquisition of existing private lands.

Public transit routes and stops have been identified in cooperation with the City of Winnipeg Transit department. The following features were taken into consideration:

i) Transit stops are to be located in close proximity to neighbourhood facilities including schools, libraries, community centers etc.;

ii) Transit nodes should be easily accessible from all higher density residential areas.

iii) And most housing are to be within 400 meters of a City Transit route.

The Northeast Neighbourhood proposal also calls for the establishment of at least four (4) traffic roundabouts which is a type of road junction (or traffic calming device) at which traffic streams around a central island, after first yielding to the circulating traffic. Roundabouts are statistically safer than both traffic circles and traditional intersections , but are designs for primarily collector streets, and not major thoroughfares.

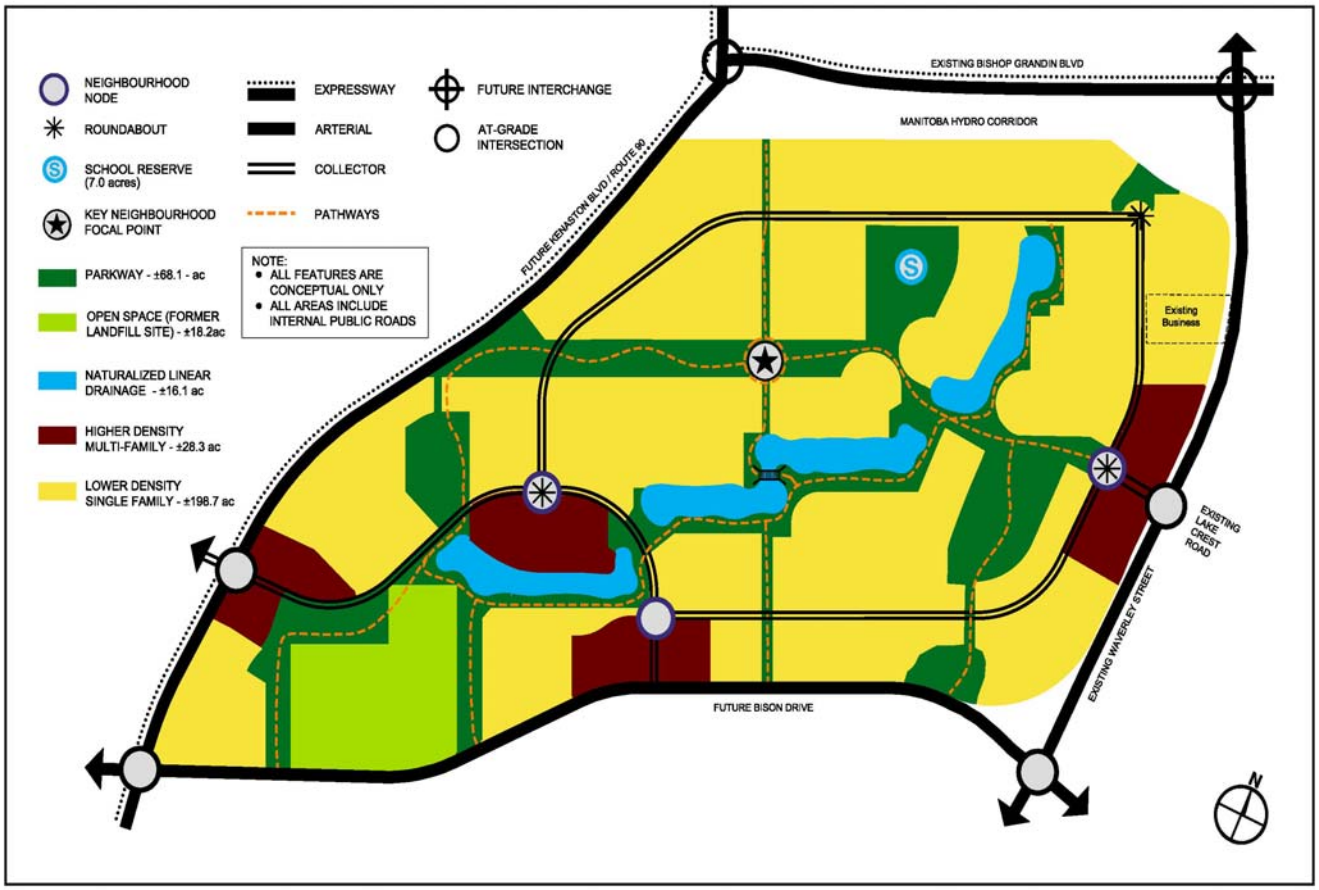


Figure 3 : Land Use Concept Plan
August 29, 2006

Servicing

Existing sewer, water and land drainage services are located adjacent to the plan area and will be extended to service the proposed development. Policies within this section require the submission of detailed engineering reports and servicing criteria for water and sewer services in conjunction with the initial development applications.

The NASP and the more detailed rezoning and subdivision plan identifies phasing for development of this neighbourhood moving from east (Waverley Street) to west (Kenaston Blvd.). However, market and other forces will determine the precise timing and details of this phasing. The proposed land drainage system is based upon principles that advocate the use of low impact designs using naturalized wetlands for stormwater retention incorporated into a series of linear greenspaces.

Healthy Communities:

All phases of Waverley West are intended to be green, walk-able communities accessible to a range of incomes and families, from those with young children to seniors. There will be a broad mix of housing options, in accordance with the spirit and intent of the land use policies outlined in the Area Structure Plan and the Northeast Neighbourhood Area Structure Plan. Healthy communities, by definition, aspire to improve the social, economic and physical well –being of the people occupying those communities and their natural environments.

It is the position of the City's Planning, Property and Development Department that the subject application fulfills many of the aforementioned goals of a healthy community by: 1) creating a network of safe interconnected trails, sidewalks and walkways; 2) providing a balance of shopping, educational and recreational opportunities; 3) offering transportation options that hopefully reduce auto use and make transit use convenient; 4) supporting diverse housing choices for all ages, incomes and families and finally; and 5) by providing a walk-able, sustainable and human scaled development.

MHRC has created a neighbourhood development that works toward principles of smart growth and environmental stewardship, Smart Growth communities, those that are compact with a mix of land uses, well connected street and sidewalk networks and a supportive pedestrian environment, can help to achieve various health objectives primarily by affecting people's travel behavior. In essence, communities designed along these principles, provide convenient pedestrian, cycling and transit options for community members who otherwise might be inclined to travel via private automobile for most utilitarian trips.

Phased Development:

MHRC proposes to register this development in phases with phase 1 beginning immediately. The plan of subdivision and zoning for each phase will be registered following approval by the City.

Sidewalks on Local Residential Streets:

In the interest of establishing a new suburban subdivision in Winnipeg with an enhanced pedestrian environment, MHRC has expressed an interest in installing sidewalks on both sides of all local residential streets of the subject subdivision. In order to avoid the common challenges associated with sidewalk construction (i.e. ensuring appropriate lawn and driveway grades while minimizing damage during home construction), MHRC is further proposing to install sidewalks immediately adjacent to the curb, at the time of road and curb construction, and to a higher level of standard than normal such that the sidewalks can withstand the impact of construction vehicles/equipment during home construction.

While Addendum 1 provides a more detailed description of the developer's proposal, how it differs from the City's current approach to sidewalks on local residential streets in new subdivision, the impact analysis and the rationale for the Administrative recommendations, it can be summarized that there are significant financial implications associated with the installation, maintenance and ultimate replacement of the sidewalk and that there are a range of advantages and disadvantages associated with sidewalk placement at the property line and at the curb.

In light of the Administration's review and consideration of the issues identified in Addendum 1, the Administration recommends the following:

1. That the sidewalk proposal be approved on a pilot basis, allowing construction of sidewalks on residential streets on the condition that the developer cover the cost of installation, and provide the City with an upfront lump sum payment sufficient to cover on-going operating/maintenance costs (except for costs associated with snow hauling) and the cost of replacement anticipated in 60 years;
2. That the estimated snow hauling costs associated with this proposal be omitted from MHRC's obligation to cover on-going operating/maintenance costs (as per recommendation 1); and that instead, highly restrictive snow storage easements are established on all residential properties fronting a sidewalk on local residential streets, and that these easements include an indemnity provision whereby the developer agrees to assume all costs of litigation and any costs following from judicial decisions, should such an easement be legally challenged.
3. That for the purpose of this pilot initiative, and based on the easements described above, the sidewalk shall be located at the curb;
4. If sidewalks are to be constructed at the curb, that at a minimum, the City's current standard Construction Specification for Concrete Residential Approaches with Lip Curb will be required, and that prior to finalizing the construction specifications for this pilot, the developer consult with the Administration to collectively consider how scheduling and construction specifications are finalized to avoid unnecessary installation and replacement costs and/or challenges.
5. That the advantages and disadvantages identified in the table "Summary of Advantages/Disadvantages of Sidewalk Placement on Local Residential Streets" should form the basis for evaluating this pilot initiative five years following substantial completion of the neighbourhood.

Public Consultation:

The Northeast Neighbourhood Area Structure Plan was developed in consultation with a wide range of stakeholders including the landowners, existing residents, adjacent neighbourhoods, and interested citizens from throughout Winnipeg. A series of public workshops were held in conjunction with the development of the Area Structure Plan, which ultimately resulted in the detailed subdivision and zoning proposal outlined under DASZ 1/06.

Consultation Summary

ND LEA and MHRC hosted the following meetings in preparation for both the Neighbourhood Plan and the rezoning and subdivision application.

January 5, 2006

- Meeting with Landowners in the Northeast Neighbourhood Plan area and the City of Winnipeg.

- A draft land use plan, shadow plans, Bison Drive extension etc. was presented.

January 5, 2006

- A Stakeholders meeting was held.
- Those present included representatives of the Waverley West Residents Association, the Waverley Heights Resident's Association, and a Fort Whyte Centre representative.
- A draft land use plan, shadow plans, Bison Drive extension etc. was presented.

January 11, 2006

- A meeting was held with Lee Blvd. and Cadboro Road residents.
- There were approximately 17 attendees including a City representative.

January 19, 2006

- A Public Open House was held with approx. 100 attendees.

Ongoing discussions in the months following with individuals and City Departments including :

- Manitoba Hydro
- Arnason's Golf Course
- Public Works, Planning, Parks (numerous meetings with respect to right-of-way widths, parks dedication, sidewalks etc.)

Parks & Open Space

Introduction

Analysis of the proposed development indicates that the developers are proposing approximately 50 acres of land be dedicated as Park space. This amounts to approximately 16% land dedication in comparison to the 8% (22 acres) specified in the Development Agreement Parameters (DAP). Approximately 26 of these acres are land in which valuable tree stands are located. This is approximately 53% of the total natural lands existing on the site. There are approximately 24 acres of open space proposed that provide linear "green" connections through the site.

Lack of Active Sport Recreation Facilities

Initially there was a complete lack of active recreation space proposed within this neighbourhood. The intent of the 8% open space dedication required by the Development Agreement Parameters was to ensure that each neighbourhood would at least have a centrally located active recreation space. By active recreation space we are referring to active sports facilities like soccer fields and baseball diamonds. It is recognized that current sports requirements for children over approximately 9 years of age and adults are met by regional sports facilities which participants must travel to by car. However, there is always a requirement to satisfy the sports needs of younger children within their neighbourhood as well as the requirement for informal recreation, such as pick up games and kite flying, for the immediate neighbourhood residents.

The developer has proposed that the land adjacent to the City owned Landfill, Bridgewater Park, could be utilized for active sports fields. This area comprises approximately 12 acres adjacent to but not part of the landfill. Most of this area is encompassed within the 45 meter control zone around the landfill. There is no reason that athletic fields could not be installed within this control zone and the City Administration agrees that this will help to mitigate the lack of active sports facilities in the northeast neighbourhood.

The developer has commissioned a study to investigate the possibility of using the two City owned landfill sites within Waverley West, Bridgewater Park and the landfill on the southeast corner of Cadboro Road and Brady Road for athletic field development. If appropriate, some of Bridgewater Park could be used to add athletic fields that would serve the active recreation needs of the northeast neighbourhood and further resolve the issue of the lack of active sports facilities in this neighbourhood.

Over dedication of land

The City acknowledges that, based on Development Agreement Parameter requirements, there is an over-dedication of open space in this Northeast Neighbourhood. This is due principally to the dedication of natural forested areas. However, it should also be noted that this open space is principally in the form of narrow linear strips along the proposed drainage system or encompassing the forested areas. While this open space configuration contributes to the “green” connectivity anticipated between Waverley West Neighbourhoods and no doubt enhances the value of the residential lots being developed, it does not, as noted above, fully address the need for central, active recreation lands.

If the two landfill sites are found to be appropriate for active sport purposes a further approximately 46 acres of open space, already owned by the City, would be available. This can help address the need for active recreation space.

The developer has stated that if the landfill sites are appropriate for athletic uses they should be given an open space dedication credit in their future neighbourhoods. They have suggested they are willing to commit to at least 6% land dedication in the remaining land they own in Waverley West.

Over dedication of landscaping and services

The Development Agreement Parameters specify that land dedicated for the purpose of parks and open space must be appropriately landscaped by the developer. In addition, the developer must install services in road allowances located adjacent to public park reserves. Because of the large amount of land dedicated and its configuration in the northeast neighbourhood the developer will end up contributing development, specifically landscaping and serviced frontage, beyond what is called for by the formulas specified in the DAP.

Past Practice

It has been common practice in the case of developments with large land holdings that require several development applications over a number of years for the City to allow under or over dedications of parkland in development applications to be made up in subsequent development applications.

Conclusion

While the Administration acknowledges an over-dedication of open space in this first Waverley West Neighbourhood it does not support a commitment to only 6% dedication in future neighbourhoods. Rather, the Administration recommends that the over-dedication of open space in this first neighbourhood be considered in the dedication of land by MHRC in future neighbourhoods.

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

- The development plan provides for a cohesive and diverse neighbourhood.
- There is provision for a safe, efficient and functional transportation system including a hierarchy of public streets, provision of public transit and a community pedestrian network.
- The plan provides for a linear greenway network linking the neighbourhoods of Waverley West to one another and beyond, where naturalized land drainage systems, pedestrian trails, parks, and open spaces can be created in shared corridors.
- There is provision for a system of pathways that effectively integrates the neighbourhoods and amenities.
- Existing natural areas are protected and incorporated into the plan.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 1/ 2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 1/2006, attached hereto and dated November 7/2006, 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 October 27/2006.

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 1/2006, attached hereto and dated November 7/2006, to "R1-4" and "R1-3" Single Family Districts and "RM-3"Multiple Family Districts and "PR-1" Parks and Recreational Districts, 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 for the " RM-3" Multiple Family lands, showing the location, design and materials of the proposed buildings, the location and design of any accessory parking areas, internal walkways, private approaches, garbage enclosures, fencing, landscaping and signage be submitted to and approved by the Director of Planning, Property and Development and the Riel Community Committee prior to the issuance of building permits for said multiple family development.

IV. 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.

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

VI. 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.

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. 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.

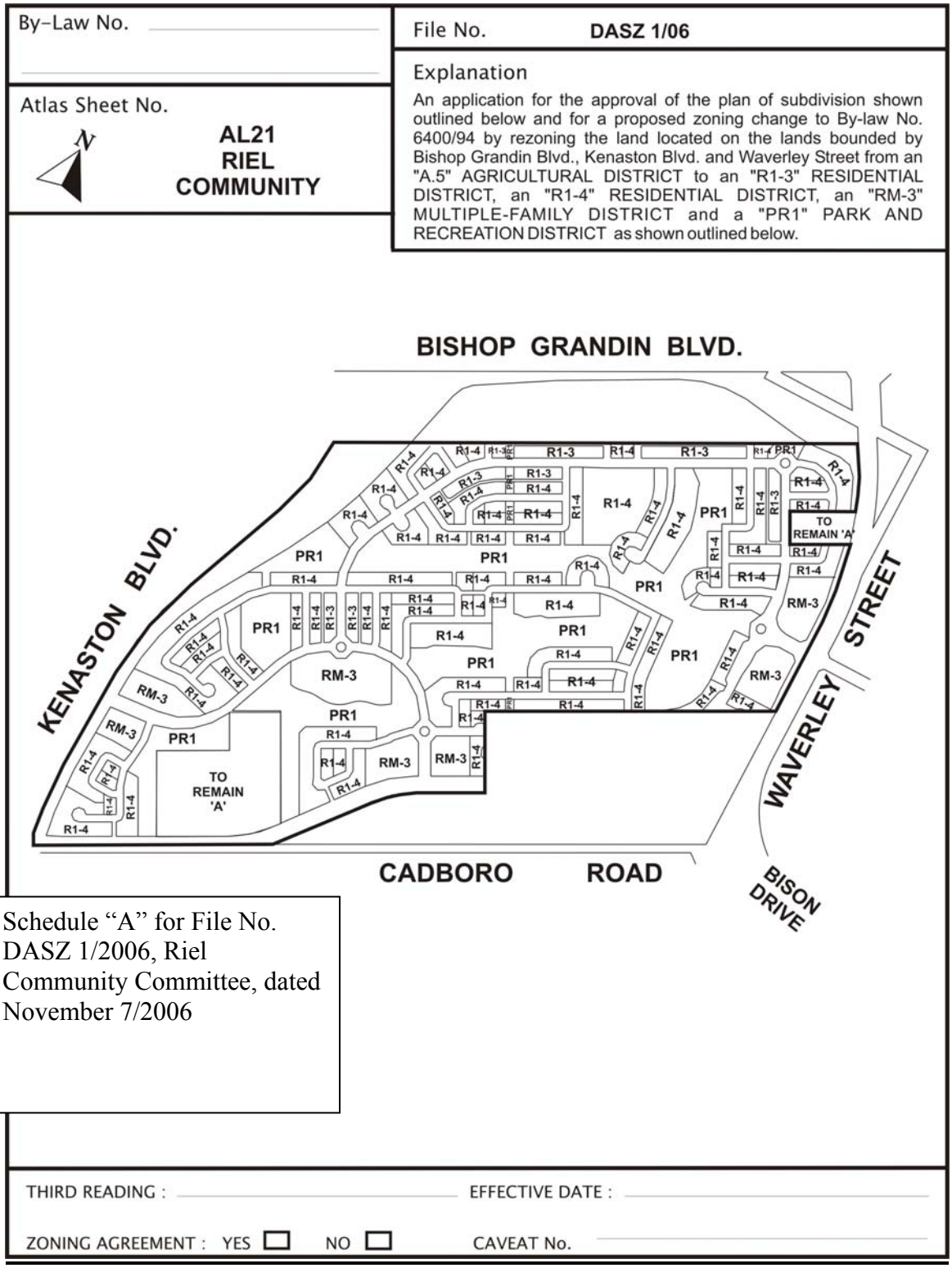
IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

XI. 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: Kevin Lalor
PPD File # 5651



Addendum 1: Sidewalks on Local Residential Streets

Proposal in relation to current practice:
In the interest of establishing a supportive pedestrian environment, MHRC has expressed a desire to install sidewalks on all residential streets within this proposed subdivision.

As per the City's Transportation Standards Manual, the City requires that sidewalks are provided on one or both sides of streets classified as "local" if any one of the following warrants is met:

1. Land uses adjacent to the street are expected to generate high pedestrian and vehicular volumes; e.g. schools, commercial areas, multiple family dwellings, recreational areas, etc.
2. There is a potential accident or safety problem(s) related to pedestrians
3. There is a need for sidewalk(s) to provide sidewalk continuity, safe routes to schools, commercial areas, transit routes, etc.

While the manual does not specify sidewalk location within the local residential street ROW, it has been general practice to locate these sidewalks 0.3 m (1 ft.) from the private property line. This location is consistent with sidewalk placement on collector roadways and minimizes the cost of initial installation and long term maintenance, avoids proximity conflicts with underground services and accommodates operational needs associated with snow clearing.

Where the warrants for sidewalk installations are not met, developers have not expressed an interest in installing sidewalks on local streets. Given the relatively low traffic volumes experienced on these streets, it has also been deemed acceptable by the City and local developers, since the late 1960's/early 1970's, to facilitate pedestrian, bicycle and recreational activity on the street pavement in new subdivision development.

In MHRC's interest to establish an enhanced pedestrian environment over what is typically being provided on new local residential streets in Winnipeg, we understand that MHRC's approach to sidewalks on residential streets deviates from the City's current practice in the following ways:

1. **Larger network of sidewalks than normally installed:** the developer seeks to install sidewalks on both sides of all local residential streets, not just on those where warrants are met (except adjacent properties located at the bulb of cul-de-sacs)
2. **Sidewalk placement within the right-of way:** While MHRC has expressed openness to placing the sidewalk at the standard location adjacent to the property line, they indicate a preference to install the proposed sidewalks immediately adjacent to the curb (on local residential streets only), such that they can be constructed at the same time as the streets. This approach is desired to avoid the common challenges encountered in sidewalk construction (i.e. ensuring appropriate lawn and driveway grades while minimizing damage during home construction)

3. **Construction Detail:** while retaining the current 1.5 m standard width, MHRC proposes to vary the construction standard if approval is granted to install sidewalks at the curb:
    a. Sidewalk construction is proposed to a higher level of standard to allow the sidewalks to withstand the impact of equipment used during home construction
    b. Consistent use of lip curb with sidewalk construction to eliminate the need to confirm exact driveway location prior to construction of street, curb and sidewalk

Implications of proposal:

General Implications:

Over the course of discussions with the developer about this proposal, consideration was given to the general advantages and disadvantages associated with sidewalk placement at the curb versus at the property line. The advantages and disadvantages were considered from the perspectives of pedestrian experience, safety (perception/reality), universal access, snow clearance, construction, maintenance and replacement, trees, and urban design. The following is a summary table of these considerations.

Summary of Advantages/Disadvantages of Sidewalk Placement on Local Residential Streets

	Attached sidewalks (sidewalks which are attached to the curb of the street, with lights/trees located between sidewalk and private property (i.e. no vertical elements between pedestrian and vehicles)		**Sidewalks at property line** (sidewalk is typically placed 0.3 m (1 ft.) from the property line, with grassed boulevard, containing light standards and trees separating street and sidewalk)	
	Advantage	**Disadvantage**	**Advantage**	**Disadvantage**
Pedestrian experience	▪ Provides a defined pedestrian space in the ROW	▪ The defined pedestrian space can be compromised by o Opening doors of parked vehicles, o vehicles partially parked on the sidewalk, o garbage and recycling bins placed on the sidewalk on pick up days ▪ Pedestrians may be subject to spray from passing cars when the streets are wet ▪ During the winter months, when there is snow build up on the street, the lip curb may not be noticeable, and the sidewalk could appear as a widened roadbed.	▪ Creates a spatial buffer between pedestrians and motorized vehicles using the public right of way. ▪ Breaks up the visual monotony of a vast width of concrete (variety of colors, textures, vertical and horizontal elements, etc.) ▪ Tree canopies shade a higher percentage of the pavement when trees located between the roadway and the sidewalk, (lower temperatures) ▪ Provides an opportunity to provide a visually pleasing environment	▪ Parked vehicles in driveways may extend over sidewalk
Safety (Perception/Reality)	▪ Provides a designated and defined pedestrian space that may enhance some users' perception of safety	▪ The appearance of an expanded pavement width (lip curb with sidewalk may visually appear to be more of a street with paved shoulders). The better-defined pedestrian corridor may entice drivers to operate with less caution (and faster speeds) than where pedestrians share the	▪ A grassed boulevard between the sidewalk and roadway is an excellent safety buffer (and landing strip) for children using the sidewalk as an area to learn how to walk, ride and use various modes of active transportation and as a play	

	Attached sidewalks (sidewalks which are attached to the curb of the street, with lights/trees located between sidewalk and private property (i.e. no vertical elements between pedestrian and vehicles)		**Sidewalks at property line** (sidewalk is typically placed 0.3 m (1 ft.) from the property line, with grassed boulevard, containing light standards and trees separating street and sidewalk)	
	Advantage	**Disadvantage**	**Advantage**	**Disadvantage**
		roadway with vehicles.	area. ▪ A boulevard provides opportunity to include vertical elements in the streetscape which can have a "slowing" effect on vehicular traffic.	
Universal Access	▪ Convenient transfer of persons from vehicles directly onto sidewalk ▪ Good clearance for opening doors and exiting vehicles on passenger side during the winter months ▪ Provides a physically, defined corridor for pedestrian travel (as opposed to no sidewalk at all) This is important both to people depending on mobility aids (wheelchairs, walkers, etc) and for people with visibility impairments as this corridor provides meaningful sensory guidance points.	▪ The defined pedestrian/navigational space can be compromised by o Opening doors of parked vehicles, o vehicles partially parked on the sidewalk, (especially in winter months when delineation of the pedestrian area is less clear) o garbage and recycling bins placed on the sidewalk on pick up days	▪ Provides a physically, defined corridor for pedestrian travel (as opposed to no sidewalk at all) This is important both to people depending on mobility aids (wheelchairs, walkers, etc) and for people with visibility impairments as this corridor provides meaningful sensory guidance points.	▪ Possibility of vehicles parked across sidewalks
Snow Clearance	▪ Provides an opportunity to partially clear sidewalks with wing-plow while clearing the street (note: does not meet current level of service as identified in policy) ▪ Better visibility for vehicles	▪ Requires that snow is pushed further towards private property. Although the sidewalk structure is at a higher level, heavy snow removal equipment may damage the sidewalk. ▪ Snow will need to be plowed	▪ Allows for snow storage on boulevard – sidewalk in fact delineates the boundary of this storage space – and can assist in keeping snow storage clear of private property	▪ The combination of sidewalks and front drives, reduces snow storage space and will increase the frequency of needing to haul away snow (estimated cost: $5,500/km annually)

	Attached sidewalks (sidewalks which are attached to the curb of the street, with lights/trees located between sidewalk and private property (i.e. no vertical elements between pedestrian and vehicles)		**Sidewalks at property line** (sidewalk is typically placed 0.3 m (1 ft.) from the property line, with grassed boulevard, containing light standards and trees separating street and sidewalk)	
	Advantage	**Disadvantage**	**Advantage**	**Disadvantage**
	backing out of driveways	further onto the boulevard – increased chance of damage to trees, light post and fire hydrants ▪ The combination of sidewalks and front drives, reduces snow storage space and will increase the frequency of needing to haul away snow (estimated cost: $8,250/km annually) ▪ Due to increased need to haul snow, there will also be a higher likelihood of sod damage		
Construction	▪ Sidewalk and road construction can take place at same time ▪ No damage to sidewalk during construction of homes	▪ Higher construction cost as a 150mm pavement thickness is required to accommodate vehicular loading (A normal sidewalk is 100mm thick. The entire sidewalk would have to be built to the thicker standard)	▪ Lower construction costs ▪ Only those sections of the sidewalk that need to bear vehicle loading will be reconstructed to this standard	▪ Scheduling sidewalk construction in relation to home construction is challenging – leading to increased enforcement requirements to ensure consistent grades, etc.
Maintenance and Replacement	▪	▪ When streets are repaired sidewalks may need to be rebuilt also ▪ Sidewalk removal and replacement will be required to safely access watermains and/or sewers located in the boulevard below that are in close proximity to the sidewalk. (replacement costs at this location are greater than at the property line because of the	▪ As an independent structure, these sidewalks are not impacted by the condition/movement/re-construction/etc. of the roadway structure ▪ Any sidewalk reconstruction following excavations related to watermain and/or sewer repairs would be less costly (lesser construction	▪ Sidewalk removal and replacement will be required to safely access watermains and/or sewers located in the boulevard below/ that are in close proximity to the sidewalk.

	Attached sidewalks (sidewalks which are attached to the curb of the street, with lights/trees located between sidewalk and private property (i.e. no vertical elements between pedestrian and vehicles)		**Sidewalks at property line** (sidewalk is typically placed 0.3 m (1 ft.) from the property line, with grassed boulevard, containing light standards and trees separating street and sidewalk)	
	Advantage	**Disadvantage**	**Advantage**	**Disadvantage**
		higher level of construction required at this location)	standard)	
Trees	▪ Provides a larger area for soil volume and tree growth ▪ Better distance from snow plow damage and deicing salts ▪ Perception that the tree belongs to the property owner not the city (watering of trees would be enhanced).	▪ Perception that the tree belongs to the property owner not the city (illegal for property owner to prune trees).	▪ Provide a higher level of shading of the paved ROW surface (climatic and aesthetic benefits) ▪ Perception of pedestrian safety ▪ Aesthetically more appealing	▪ Closer proximity of trees to roadway will lead to more sap/bird droppings on parked cars. ▪ More snow plow damage and impact of de-icing salts. ▪ Higher possibility of sidewalk heaving as a result of root growth
Urban Design	▪	▪ Perception that the public realm (right of way) has been reduced.	▪	▪

More Specific Implications:
Through a more detailed analysis of the proposal, the following more specific implications were also identified:

a) There would be an increase of 12.8 linear km of sidewalk, over and above the sidewalks that would be required as per the warrants outlined in the City's Transportation Standards Manual.
b) These additional sidewalks result in an estimated increased total capital cost for sidewalk installation on local residential streets within the subdivision of $1,088,000 if installed at the property line, or $1,728,000, if installed at the curb.[1]
c) Additional maintenance and operational costs are estimated by Public Works as follows:
    i. Annual sidewalk maintenance: $400/ linear km[2]
    ii. Annual spring clean up: $200/ linear km[3]
    iii. Annual snow clearing: $1,000 /linear km[4]
    iv. Annual snow hauling $8,250/ linear km (at curb)
    $5,500/linear km (at property line)

The Snow Hauling Cost Implication:
The estimated snow hauling cost is clearly the most significant operational cost associated with the developer's sidewalk proposal. Current estimates for snow hauling ($8,250/linear km where sidewalks are located at curb, $5,500/linear km where sidewalks are located at property line) are based on having to routinely haul snow following a residential street plowing operation where there is insufficient snow storage available on the boulevard as a result of the introduction of sidewalks (i.e. with the introduction of sidewalks on all local residential streets, the amount of pavement requiring snow clearing increases by 40% while the available snow storage space in the public right of way is reduced by 40%).

In the analysis of possible snow clearing/hauling costs associated with the sidewalk proposal, the Administration assumes for each of the alternative sidewalk locations that the snow plowed during the initial snow clearing operation of the winter could be stored within the public ROW. In the case of sidewalks at property line, there would be inadequate space for storage with the next plowing operation, therefore requiring the snow to be hauled. At that time, the snow previously stored plus the new snow would be hauled away, thereby re-establishing adequate space for the next (third) snow plowing operation.

The snow removal strategy would be different for sidewalks located at curb line. The initial plowing operation of the winter would again be stored on the boulevard. However, during each subsequent plow, the snow windrows resulting from the street snow clearing operations would be stored at the edge of roadway and hauled away shortly after the plowing had been completed. Any sidewalk plowing that was required outside of the major street plowing events would

[1] These amounts are based on a 2006 cost estimate of $85,000/ linear km for sidewalks constructed at property line and $135,000/linear km for sidewalks constructed at the curb.
[2] This is the estimated cost based on current sidewalk maintenance practices.
[3] It is anticipated that sidewalks located at the curb will require debris and sand clean up in the spring.
[4] This represents an estimated cost of current snow clearing practices.

continue to be stored on the boulevard. The estimates provided were based on the assumption that snow clearing may be required/called for on four occasions during the winter season, and that snow hauling would therefore be required two or three times, depending on the location of the sidewalk.

While there is no scientific basis for this assumption, the Administration is of the opinion that this estimate would cover the potential costs associated with snow hauling requirements and thereby reasonably reflect any potential financial risk to the City.

The Snow Hauling Cost Concern:

The developer has expressed concern about the validity and the significance of the snow hauling cost estimates. While it is acknowledged in the previous section, that the estimates provided are not based on the measurement of actual snow hauling experience, it is the Administration's opinion that the estimates would cover the potential costs associated with snow hauling requirements and thereby eliminate any financial risk to the City. However, consideration has been given to:

1. Approaches that might eliminate the need to haul snow; and
2. Ways in which the developer's financial obligation related to snow hauling could be based on actual costs rather than estimated cost.

In terms of eliminating the need to haul snow, consideration was given to widening the public ROW for local residential streets in this subdivision from 18 m to 21m, essentially to establish the required snow storage capacity on both sides of the street. While this option provided a means to eliminate the need for either the City or MHRC to assume the potential costs/risk associated with snow hauling, we understand that this option provides a number of challenges to the developer and therefore is not deemed to be feasible.

Consideration was also given to facilitating MHRC's payment of actual snow hauling costs via provision of letters of credit for the initial 5 years, and then using the collective understanding of actual snow hauling costs as the basis for establishing a NPV payment for the remaining 55 years. This option would also have protected the City from any financial risk.

The Snow Storage Easement Solution:

Finally, it appears that the solution which is most acceptable to both MHRC and the Administration in addressing the developer's snow hauling cost concerns and the Administration's concerns to mitigate financial risk to the City is through the establishment of a snow storage easement on private property. The details of this solution are as follows:

A fronting 1.5 m wide easement could be established on all lots where sidewalks are installed within the adjacent ROW frontage. The said easements would be required to impose significant restrictions in terms of the private property owner's use of those lands (i.e. no installation of planting material (other than lawn), fencing, sprinkler system, "for sale" signage or any other physical objects) to limit potential conflict with snow clearing operations and potential related

damage to private property within the easement area. Due to the overlap of this proposed easement with the shallow utility easement, details of the terms of conditions of the easement would need to involve consultation with the shallow utility providers.

Establishing such easement agreements is only recommended with the condition that an Indemnity provision is included in the Easement agreements whereby the developer agrees to assume all costs of litigation and any additional costs following from judicial decision, should such easements be legally challenged.

Under this scenario, it would be the Administration's preference for the sidewalk to be located at the curb to support the practicality of maneuvering and storing snow in a contiguous snow storage space.

Cautionary Notes:

1. While the above description attempts to provide a general overview of the Administration's recommendation, final terms and conditions of both the easement and the Indemnity Agreement will have to be defined and agreed to by both parties.
2. While an easement with Indemnity provision provides a legal mechanism for eliminating the snow hauling costs from the developer's recommended financial obligation associated with their proposal, and mitigates associated legal risks to the City, there may be future complaints from private property owns which may require staff and/or Council attention.

Administrative Recommendation:

Sidewalks on all local residential streets

While it is current practice in the City of Winnipeg to install sidewalks on local residential streets only where defined warrants are met, and then typically at the property line, the Administration does not oppose consideration of this proposal on a pilot basis. From a pedestrian perception perspective, it can be argued that establishment of a dedicated pedestrian space in a public ROW can enhance the pedestrian environment within that ROW. Although it can be further argued, from a pedestrian experience perspective, that a sidewalk located at the property line is considered more desirable than one which is located at the curb, there are a number of potential advantages associated with the curb-side location from a range of other perspective (see above table).

Recommendation:

As such, the Administration is prepared to support sidewalk installation in this subdivision on a pilot basis. However, given the significant financial implications associated with this proposal, the following items are recommended:

1. That the sidewalk proposal be approved on a pilot basis, allowing construction of sidewalks on residential streets on the condition that the developer provide the City with an upfront lump sum payment sufficient to cover on-going operating/maintenance costs

(except for costs associated with snow hauling) and the cost of replacement anticipated in 60 years;

2. That the estimated snow hauling costs associated with this proposal be omitted from MHRC's obligation to cover on-going operating/maintenance costs (as per recommendation 1); and that instead, highly restrictive snow storage easements are established on all residential properties fronting a sidewalk on local residential streets, and that these easements include an indemnity provision whereby the developer agrees to assume all costs of litigation and any costs following from judicial decisions, should such an easement be legally challenged.
3. That for the purpose of this pilot initiative, and based on the easements described above, the sidewalk shall be located at the curb;
4. If sidewalks are to be constructed at the curb, that at a minimum, the City's current standard Construction Specification for Concrete Residential Approaches with Lip Curb will be required, and that prior to finalizing the construction specifications for this pilot, the developer consult with the Administration to collectively consider how scheduling and construction specifications are finalized to avoid unnecessary installation and replacement costs and/or challenges.
5. That the advantages and disadvantages identified in the table "Summary of Advantages/Disadvantages of Sidewalk Placement on Local Residential Streets" should form the basis for evaluating this pilot initiative five years following substantial completion of the neighbourhood.

Exhibit "9" referred to in File DASZ 1/2006 [c/r DAV 113824/2006D and SP 5/2005]

Re: Proposed subdivision and rezoning of land bounded by Bishop Grandin Boulevard, Kenaston Boulevard and Waverley Street – DASZ 1/06

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE RIEL COMMUNITY COMMITTEE

["Original signed by E.L. Carriere"]
E.L. Carrière
Chairman
Administrative Coordinating Group

October 27, 2006

Re: Proposed subdivision and rezoning of land bounded by Bishop Grandin Boulevard, Kenaston Boulevard and Waverley Street – DASZ 1/06

An application has been submitted by ND Lea Engineers and Planners on behalf of Manitoba Housing and Renewal Corporation (MHRC) to subdivide and rezone land bounded by Bishop Grandin Boulevard, Kenaston Boulevard and Waverley Street.

Recommendation A: (Plan Amendments)

It is recommended that the plan be amended as follows:

1. The Developer shall dedicate and legally open property for right-of-way corner cuts in the southwest and northwest corners of the intersection of Collector "C"*: with Waverley Street, as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall dedicate and legally open property for right-of-way corner cuts in the northwest and northeast corners of Collector "A"* with Bison Drive, and the southeast and northeast corners of the intersection of Collector "A" with Kenaston Boulevard as determined by and to the satisfaction of the Director of Public Works.

3. The Developer shall dedicate and legally open property for right-of-way corner cuts measuring 2.0m by 2.0m in each corner of the intersection of two streets measuring 22.0m in width or greater. Right-of-way corner cuts measuring 3.0m by 3.0m are to be provided at each corner of any intersection where the angle is less than 80° to the satisfaction of the Director of Public Works.

4. Intersections of local streets within the Planned Area are to be designed such that the angle of intersection is no less than 70° as measured in the quadrant with the acute angle.

5. Where single and two family residential lots back onto Waverley Street and Kenaston Boulevard the said lots are to be established with a minimum depth to provide a minimum rear yard set back to achieve the City's Motor Vehicle Noise Policies and Guidelines sound level limit of 65 dBA in the typical outdoor recreation area of said residential lots. The Zoning Agreement covering these lots is to stipulate this minimum rear yard.

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

7. The entrances and exits to/from proposed frontage roads along the collector streets

are to be located such that they are coincident with intersections on the opposite side of the collector street or are offset by a minimum of 20.0m from the intersections of the opposite side of the collector street, to the satisfaction of the Director of Public Works.

8. The Developer shall dedicate and legally open property required for the four proposed roundabouts at the intersections of collector streets within the Planned Area all as determined by and to the satisfaction of the Director of Public Works.

***** Schedule "A" attached to this report identifies the collector streets within DASZ 1/06.

Recommendation B: (Servicing Reports)

It is recommended that the Developer:

1. Provide a comprehensive servicing report, prepared by a qualified municipal engineer, which will outline the provision of underground services for the planned area and adjacent lands.

2. Submit Servicing Criteria sheets for water, wastewater and land drainage facilities including plans showing the ultimate service areas.

3. Provide a report, prepared by a qualified engineer, dealing with the matter of how Bison Drive will be constructed through the landfill, including, but not limited to, safety measures to be employed during construction, any required long term mitigative measures and how any excavated refuse materials are to be disposed of.

Recommendation C: (Alternative Stormwater Management)

It is recommended that this application be subject to review by the Joint UDI – City Advisory Committee for alternative stormwater management.

Recommendation D: (Development Agreement Conditions)

It is recommended that approval of the plan of subdivision amended in accordance with Recommendation A above be subject to the Developer entering into a Development Agreement with the City containing the following:

1. a) The Developer shall, at no expense to the City, construct all watermains, wastewater sewers, land drainage sewers and stormwater retention facilities to serve the proposed subdivision and adjacent land as determined by and to the satisfaction of the Director of Water and Waste.

b) The City shall reimburse the Developer for the cost of off-site watermains and wastewater sewers benefiting privately-owned adjacent land as determined by the Director of Water and Waste when that land is developed.

2. a) The Developer shall pay its share of the cost of the regional land drainage system as determined by the Director of Water and Waste.

b) The cost of the regional land drainage facilities constructed by the Developer plus the value of the land required for the stormwater retention basins shall be credited against the Developer's share of the cost of the regional system.

c) The City shall reimburse the Developer for the difference between a) and b) above when the City collects from the benefiting property owners.

3. The Developer shall, at no expense to the City, construct portland cement concrete pavements to widths of 7.5m, 8.0m and 10.0m, by 150mm and 200mm in thickness in all streets within the Planned Area and all related works including, but not necessarily limited to street lighting, boulevard landscaping and land drainage sewer all as determined by and to the satisfaction of the Director of Public Works.

4. a) The Developer shall, at no expense to the City, construct portland cement concrete pavements to a width of 6.0m by 150mm in thickness within the proposed frontage roads within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct portland cement concrete pavements to a width of 5.0m by 150mm in thickness within the proposed lanes within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

5. The Developer shall, at no expense to the City, construct the four proposed roundabouts at the intersections of collector streets and provide any property required for right-of-way necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

6. a) The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk along both sides of all streets within the Planned Area with rights-of-way measuring 22.0m in width or greater except where frontage roads are constructed, within the Planned Area as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall construct sidewalks on other streets in accordance with the terms and conditions of a pilot project to be approved by the City.

7. The Developer shall, at no expense to the City, construct and/or pay on demand the full cost of the following works on Waverley Street at and in the vicinity of its intersection Collector "C"/Lake Crest Road:

   a) auxiliary lanes, transitions, median opening modifications, channelization and all related works;

   b) traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals;

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

8. The Developer shall, at no expense to the City, finance and reconstruct the intersection of Bison Drive and Waverley Street, including the construction of Bision Drive west thereof to the collector street identified as Collector "A" and all related works, and provide any property required for right-of-way necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

9. The Developer shall finance and construct Kenaston Boulevard from its intersection with Bishop Grandin Boulevard to its intersection with Bison Drive, including the reconstruction of the intersection of Kenaston Boulevard and Bishop Grandin Boulevard, in accordance with terms and conditions as have been previously negotiated between the City and the Province, all as determined by and to the satisfaction of the Director of Public Works.

10. Development within the Planned Area is to be limited to Phase 1 generally as shown in Section 9 of the Northeast Neighbourhood Area Structure Plan until Bison Drive or Kenaston Boulevard has been extended to its intersection with the north-south collector street identified as Collector "A" to the satisfaction of the Director of Public Works.

11. The Developer shall, at no expense to the City, construct a temporary transit bus loop i.e. gravel base at the end of Collector "B" during Phase 1 as determined by and to the satisfaction of the Director of Transit.

12. The Developer shall, pay to the City on an area basis in cash, on demand, its share of the cost of the following services to be installed in Waverley Street along the full length of the subject property abutting the east side of Waverley Street:

   a) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works;

b) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk;
c) street lighting in the west boulevard;
d) landscaping in the west boulevard;

all as determined by the Director of Public Works.

13. The Developer shall, at no expense to the City, construct and/or pay on demand the full cost of the following temporary and permanent works on Kenaston Boulevard at and in the vicinity of its intersection with Collector "A":

a) auxiliary lanes, transitions, median opening modifications, channelization and all related works;
b) traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals;

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

14. The Developer shall, at no expense to the City, construct and/or pay on demand the full cost of the following temporary and permanent works on Kenaston Boulevard at and in the vicinity of its intersection with Bison Drive:

a) auxiliary lanes, transitions, median opening modifications, channelization and all related works;
b) traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals;

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

15. The Developer shall, pay to the City in cash, on demand, the cost of constructing in portland cement concrete pavement, an eastbound left turn storage lane, upstream transition and median opening on Bison Drive at its intersection with Collector "A": as determined by the Director of Public Works.

16. The Developer shall, pay to the City in cash, the cost of the installation of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals at the intersection of Bison Drive with Collector "A" as determined by the Director of Public Works.

17. The City shall endeavour to collect a proportionate share of the cost of arterial street pavement including land costs, traffic control signals and related items and also a proportionate share of the cost of internal collector street pavement financed or

constructed by the Developer from the owners of privately owned benefiting properties when those properties are developed as determined by the Director of Public Works.

18. The Developer shall, at no expense to the City, construct the proposed pedestrian bridge structure crossing the lineal land drainage retention facilities in accordance with plans and specifications as determined by and to the satisfaction of the Director of Public Works.

19. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs to be installed at all new street intersections being created as a result of the subdivision.

20. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.

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

22. The Developer is to provide two means of vehicular access to each stage of development within the Planned Area at all times, to the satisfaction of the Director of Public Works. This may require the construction of temporary streets and the provision of right-of-way or easements therefore.

23. The Developer is to construct cul-de-sac vehicular turnarounds at the terminus of each temporarily dead-ended street and provide any necessary right-of-way or easements therefore, all as determined by and to the satisfaction of the Director of Public Works.

24. The Developer shall, at no expense to the City, 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 houses, until 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 all costs in remedying the situation to the satisfaction of the Director of Public Works.

25. The Developer shall, at no expense to the City, ensure that construction traffic uses 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 condition, free of

dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

26. The Developer shall, at no expense to the City, construct within the rear yards of all one and two family lots abutting Bison Drive, Waverley Street and Kenaston Boulevard, a uniform fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of these proposed lots abutting Bison Drive, Waverley Street and Kenaston Boulevard requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

27. There are to be no private approaches servicing single or two family residential development off residential collector streets (i.e. rights-of-way measuring 22.0m or greater in width) except where frontage roads are provided. The subdivision is to be designed accordingly. No private approaches serving single and two family residential development will be permitted off Bison Drive. No private approaches will be permitted off Kenaston Boulevard and Waverley Street.

28. The Developer shall install signs at the entrances to the subdivision, upon which is displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, community mail boxes, parks, land drainage retention facilities, natural tree stands, school sites and multiple family sites, collector and arterial streets and Kenaston and Bishop Grandin Boulevards.

29. 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 to serve the proposed subdivision.

30. The Developer shall pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

31. The Developer shall dedicate the public open space shown on the plan, the area of which is greater than 8% of the land contained within the proposed subdivision. The Developer shall, at no expense to the City, landscape portions of the public open space as determined by and to the satisfaction of the Director of Public Works and the Director of Property, Planning and Development. The City acknowledges the overdedication of land, including landscaping and the provision of serviced frontage within DASZ 1/06 and the City shall take this overdedication into consideration when open space requirements for future Developer neighbourhoods are being determined.

32. The Developer shall grant an option to the City for $1.00 which option shall be fully assignable to the Pembina Trails School Division, to purchase a site of approximately 7.2 acres for possible school purposes which option shall include but not be limited to the following terms and conditions:

    i) The option shall be for ten (10) years,
    ii) The land cost shall be based on the City's standard value for acquisition of land for public use as determined and set from time to time by the City *,
    iii) The cost of services including land drainage trunk facilities benefiting the school site shall be calculated based on the City's uniform or pooled rates for Local Improvements for the year in which the services were constructed or the actual cost of construction, whichever is the lesser as determined by the City.

    * The rate for 2006 is $25,000.00/acre.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 1/06
October 27th, 2006

Enclosure

["Original signed by E.L. Carriere"]
E.L. Carrière, P.Eng.
Land Development Engineer

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

["Original signed by T.S. Josephson"]
Water and Waste Department

SCHEDULE A
COLLECTOR ROADS

