Minutes – Executive Policy Committee – January 6, 2010

REPORTS

Minute No. 93 Rezoning – 701 St. Anne's Road
(St. Vital Ward)
File DAZ 216/2009

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Riel Community Committee and recommends to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "B" for File DAZ 216/2009 dated November 20, 2009 to a "RMF-M" Residential Multi-Family Medium and "PR1" Parks and Recreation 1 (Neighbourhood), subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "C" the Report of the Administrative Coordinating Group, dated November 20, 2009.

    B. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 240(1) of the City of Winnipeg Charter to provide for the following:

        i. That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing and landscaping to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter to be maintained to the satisfaction of the Director of Planning, Property and Development.

2. 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.

3. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

4. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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

6. 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.

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That the recommendation of the Riel Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On December 7, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Rezoning – 701 St. Anne's Road**
File DAZ 216/2009 [c/r DEMO 155476/2009]

For submission to: **Executive Policy Committee**

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

Report date: **December 8, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 7, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "B" for File DAZ 216/2009 dated November 20, 2009 to a "RMF-M" Residential Multi-Family Medium and "PR1" Parks and Recreation 1 (Neighbourhood), subject to the following:

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

6. 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.

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 of the Planning and Land Use Division dated November 20, 2009.

PUBLIC HEARING SUMMARY

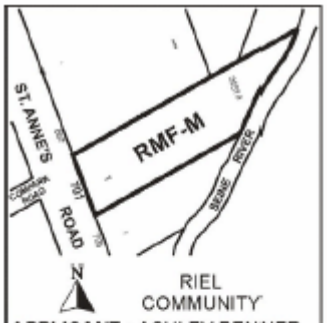
File: DAZ 216/2009 [c/r DEMO 155476/2009]

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Steeves

Public Hearing: December 7, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: Ashley Penner

Subject:



APPLICANT : ASHLEY PENNER
FILE: DAZ 216/09
PROPOSAL: To rezone the land shown outlined above from a "C2" COMMERCIAL COMMUNITY DISTRICT and "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of two (2) multiple family dwellings (36 units). **For information, phone Mr. J. Wintrup, Planner at 986-5102.**
DEMANDEUR : ASHLEY PENNER
N° DE RÉFÉRENCE : DAZ 216/09
PROJET : Rezonage du bien-fonds délinée ci-dessus de sorte qu'il passe des catégories C2 (SECTEUR COMMERCIAL) et RR5 (SECTEUR RÉSIDENTIEL 5 EN MILIEU RURAL) à la catégorie RMF-M (SECTEUR D'HABITATIONS MULTIFAMILIALES) afin de permettre la construction de deux habitations multifamiliales de 36 unités. **Pour obtenir des renseignements, veuillez communiquer avec M. J. Wintrup, urbaniste, au 986-5102.**

Premises Affected: 701 St. Anne's Road

Exhibits Filed:

1. Application dated October 7, 2009
2. Notification of Public Hearing dated October l9, 2009
3. Manitoba Status of Title 2397193
4. Letter of authorization from Bruce Warkentin and Ashley Penner, 5847495 Manitoba Ltd.
5. Plans (3 pages)
6. Report from the Planning and Land Use Division dated November 20, 2009
7. Inspection Report
8. Audio Recording of representations of public hearing held on December 7, 2009

REPRESENTATIONS:

In Support:

Ashley Penner
Bruce Warkentin
Paul Warkentin

In Opposition

Nil

For Information:

Nil

For the City:

Ms. S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiak, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DAZ 216/2009 [c/r DEMO 155476/2009]

ADMINISTRATIVE REPORT

ISSUE: DAZ 216/09 701 St. Anne's Road Public Hearing

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "B" for File DAZ 216/2009 dated November 20, 2009 to a "RMF-M" Residential Multi-Family Medium and "PR1" Parks and Recreation 1 (Neighbourhood), subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule "C" the Report of the Administrative Coordinating Group, dated November 20, 2009.

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2. 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.

3. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

4. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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

6. 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.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a development permit can be issued after a Site Plan is approved by the Riel Community Committee.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Robert Kostiuk
Date:	November 20, 2009
File No.	DAZ 216/09

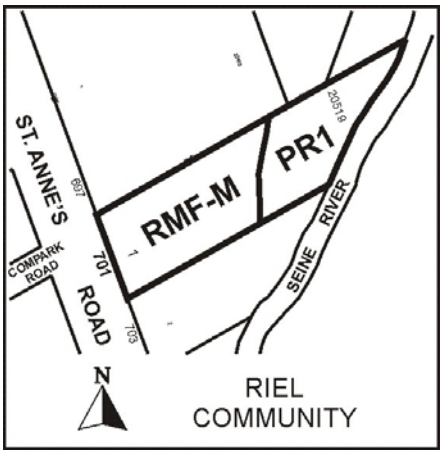
Appendix A	Administrative Report
Appendix B	Design Guidelines
Appendix C	Schedule “A”
Appendix D	Schedule “B”
Appendix E	Schedule “C” Report of the Administrative Coordinating Group

APPENDIX 'A'

DATE: November 20, 2009
FILE: DAZ 216/09
RELATED FILES: DEMO 09-155476
DAV 04-122777/C
DCU 92-203/C
DCU 91-31
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.530

SUBJECT: **To rezone the land to allow for the development of two (2) multi-family dwellings totaling thirty-six (36) units and to create approximately 0.68 acres of open space.**

LOCATION: 701 St. Anne's Road
LEGAL DESCRIPTION: SP Lot 1 Plan 20519



APPLICANT: Ashley Penner

OWNER: 5847495 Manitoba Ltd. (Ashley Penner)

RECOMMENDATION: Approval with conditions

REPORT SUMMARY:

- The applicant would like to construct two (2) eighteen (18) unit multi-family dwellings totaling thirty-six (36) units on the site. Each proposed building is 45 feet and three (3) stories in height, and approximately 7,605 square feet (706.5 square metres) in area.
- Notable features of the site include a 125 foot tall communications tower, and Riverbottom forest and Grade "C" habitat along the eastern extent of the site near the Seine River.

- Flood protection, drainage outlet protection, and the development of the Seine River Parkway are important development considerations along the Seine River.
- Since the 1980's, the City of Winnipeg has, as a matter of policy, purchased land (through development or servicing agreements included in subdivisions and/or rezonings) along the west side of the Seine River below the Flood Protection Level to help form the Seine River Parkway and to provide for a long-term economical drainage outlet for the City's southeast quadrant (see Minutes of City Council, January 19th, 1983 Report of the Executive Policy Committee: Seine River Park Study File PR-7.21).
- The land dedication and land purchased by the City forming the waterway requirement is to be zoned "PR1" Parks and Recreation 1 and is to form part of the Seine River Parkway.
- The subject property was not advertised showing the land to be zoned "PR1" Parks and Recreation 1 (see Schedule "A"). However, the City of Winnipeg can designate land at a lower intensity zoning (down-zone) if required, but can not designate land at a higher intensity zoning (up-zone) than advertised. The Division is recommending that Schedule "B", which shows the land to be rezoned as "PR1" Parks and Recreation 1, be approved.
- As a condition of approval, Planning, Property and Development requires the applicant to subdivide the lands forming the land dedication and the waterway requirement (described in Schedule "C" Report of the Administrative Coordinating Group).
- The Planning and Land Use Division supports the proposed rezoning subject to the applicant entering into a servicing agreement and zoning agreement with the City.

SITE DESCRIPTION:

- The subject property is approximately **1.52 acres** located on the east side of St. Anne's Road between St. Anne's Road and the Seine River, and south of Compark Road in the Dakota Crossing neighbourhood of the St. Vital Ward.
- The site is zoned "C2" Commercial Community along the western portion of the property and "RR5" Rural Residential 5 along the eastern portion of the property.
- Buildings and structures on the subject property include: a single-family detached home and detached garage, an MTS cellular tower and associated accessory building.
- The eastern portion of the site – measuring approximately 80-100 feet from the eastern edge of the property (along the Seine River) – contains Riverbottom forest that is identified by the City of Winnipeg Naturalist Services Branch as Grade "C" habitat.



Figure 1: Air photo (flown 2009) of the subject property and surrounding area

SURROUNDING ZONING & USES (See Figure 2)

North: Several three-storey multi-family dwellings on two separate properties zoned “RMF-S” Residential Multi-Family Small and park space along the Seine River zoned “PR1” Parks and Recreation 1 (Neighbourhood). The park space along the western side of the Seine River is approximately 100 feet (30.5 metres) wide.

South: A commercial business (Fern’s Heating) zoned “C2” Commercial Community and “RR5” Rural Residential 5.

East: The Seine River and vacant park space (east of the Seine) zoned “PR1” Parks and Recreation 1 (Neighbourhood). This area is noted as Grade “A” quality habitat and Riverbottom forest by the City of Winnipeg Naturalist Services Branch.

West: St. Anne’s Road and commercial businesses zoned “C2” Commercial Community, “C3” Commercial Corridor, and “C4” Commercial Regional.

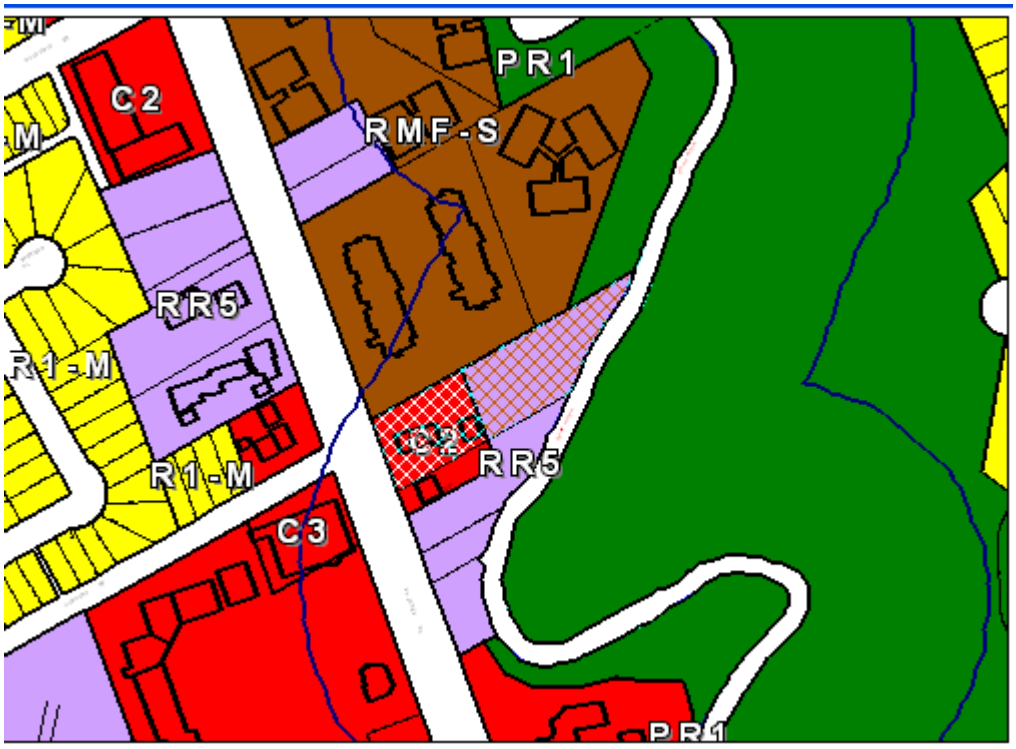


Figure 2: Zoning of the subject property and surrounding area

BACKGROUND

- DAV 04-122777/C permits a cellular communications tower with a height of 125 feet (38.1 metres) and a rear yard of 6 feet (1.83 metres) on the subject property.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant would like to construct two (2) eighteen (18) unit multi-family dwellings totaling thirty-six (36) units on the site.
- Each proposed building is 45 feet and three (3) stories in height and approximately 7,605 square feet (706.5 square metres) in area.
- The draft site plans for the development show that the two buildings would be developed on either side of the existing MTS cellular tower (east and west of the tower) with parking along the north side of the property.
- The proposed setback from the Seine River is approximately 100 feet (30.5 metres) and the proposed setback from St. Anne's Road is 25.5 feet (7.8 metres).
- The side yards are 4 feet (1.2 metres) along the north side of the property and 12 feet (3.7 metres) along the south side of the property.
- An old fence along the south side of the property is proposed to be replaced with a new fence. Green space and a sitting area are proposed along the rear of the property.

ANALYSIS

PLAN WINNIPEG COMPLIANCE

- The proposed rezoning complies with *Plan Winnipeg 2020.*

ZONING

- **"C2" Commercial Community District** is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. "C2" districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots. The maximum building height in the "C2" zone is 49 feet.
- **"RR 5" Rural Residential District** minimum lot sizes of 5 acres are required. Side yards of 25 feet are required. Front yard requirements are 100 feet; rear yards are 25 feet. Maximum building height is 35 feet.
- **"RMF- M" Residential Multi-Family District – Medium** is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.
    - The front and rear yard requirements are 25 feet, however, where a multi-family dwelling is proposed within a street block and the front yard required is inconsistent with the existing front yards of a majority of principal buildings on the block, the new structure must be developed with a front yard consistent with the average of the existing front yards within that block or portion of a block.
    - The maximum building height is 60 feet.
    - The minimum lot width is 25 feet and lot area 9,000 square feet (800 square feet per dwelling unit).
    - The minimum interior side yard is 8 feet; however, where a building is more than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet.
- **"PR1" Parks and Recreation 1 (Neighbourhood) Distric**t is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. The proposed park meets these criteria.
    - These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas.
    - Generally, no parking facilities are associated with these uses.
    - These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

LAND USE BY-LAW ISSUES

- 'Multi-family dwellings' are conditional uses in the "C2" zoning district and not permitted in the "RR5" zoning district.
- 'Multi-family dwellings' are permitted in the "RMF-M" zoning district.
- The minimum interior side yard is 12 feet for a three storey building in the "RMF-M" zoning district.

NEIGHBOURHOOD COMPATIBILITY

- The subject property is surrounded by a mix of commercial and residential land uses, including “RMF-S” Residential Multi Family - Small immediately north of the site. As such, the proposed “RMF-M” zoning for this area is compatible with the neighbourhood.
- Over the past fifteen years, a number of applications have been approved for multi-family development between St. Anne’s Road and the Seine River north and south of the subject property (see DASZ 19/95 - 919 St. Anne’s Road; DAZ 220/98 - 677 St. Anne’s Road; DASZ 13/05 - 1205, 1215, 1225 St. Anne’s Road; DASZ 36/05 - 715 St. Anne’s Road; DASZ 52/05 - SP Lot 23 Plan 20519 (St. Anne’s Road and Creek Bend Road); DASZ 410/05 - 1167 St. Anne’s Road; and DASZ 8/07 - SP Lot 11, Plan 20519).
- Portions of these aforementioned properties along the Seine River have been dedicated as park space in an effort to develop a green corridor along the Seine River (in conjunction with the Seine River Parkway Plan and related studies).

SITE DESIGN ISSUES

- The subject property has a 125 foot high MTS cellular tower on site.
- The northern portion of the street front side of the property faces Compark Road.
- The draft site plan demonstrated that the side of the proposed development would face St. Anne’s Road and would not contribute to providing an attractive streetscape.
- The original draft site plans submitted by the applicant are subject to change due to amount of land required for the waterway requirement and land dedication (described below). These original site plans did not meet the expectations of the Planning and Land Use Division. As a result, the Planning and Land Use Division recommends plan approval for this application.
- The applicant has proposed developing buildings that are three stories and 45 feet high, which is 15 feet lower than the maximum height permitted in the “RMF-M” Residential Multi-Family Medium zone. The applicant is in the process of redesigning the site. If the property is rezoned to “RMF-M” Residential Multi-Family Medium, the applicant has the ability to develop the building to a maximum of 60 feet high as of right. The Planning and Land Use Division believes that the maximum allowable height of 60 feet is consistent with the neighbourhood and should not be restricted.
- As identified in Schedule “C” Report of the Administrative Coordinating Group, the developer is to pre-pay to the City the current construction value of a 3-metre wide granular trail for future construction, as part of the Seine River Trail, by the City.
- The developer is to erect information signs at the north and south limits of the future Seine River Corridor Trail, identifying the trail as "Future Seine River Trail", and maintain the signs until the trail is constructed (see Schedule “C” Report of the Administrative Coordinating Group).

- The developer is to accommodate public access to the Seine River Trail through the site (see Schedule “C” Report of the Administrative Coordinating Group).

FLOOD PROTECTION & WATERWAY REQUIREMENT

- Any new development in the Floodway or Floodway Fringe area is regulated by *The City of Winnipeg Charter Designated Floodway Fringe Area Regulation 266/91*.
- The subject property is outside the Primary Line of Defense (which is St. Anne's Road) and must be developed at or above Flood Protection Level as described in 266/91.
- The City of Winnipeg Water and Waste Department has determined the Flood Protection Level to be the 230.1 metre contour along the eastern portion of the property.
- This development will require a Waterways Permit from the Director of Planning, Property, & Development.
- As outlined in the Schedule "C" Report of the Administrative Coordinating Group, the developer is to submit a plan of subdivision showing the location of the 230.1 metre contour and sell all land below this contour to the City. The land purchased by the City is to be zoned "PR1" Parks and Recreation 1 to help form the Seine River Parkway.
- Since the 1980's, the City of Winnipeg has, as a matter of policy, purchased land (most often through development or servicing agreements included in subdivisions and/or rezonings) below the Flood Protection Level to help form the Seine River Parkway and to provide for a long-term economical drainage outlet for the City's southeast quadrant (see Minutes of City Council, January 19th, 1983 Report of the Executive Policy Committee: Seine River Park Study File PR-7.21).
- Purchasing land for drainage flow is also consistent with the City of Winnipeg Development Agreement Parameters (Section 22: Rivers and Creeks).

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of lands is not less than 10%.
- The developer will provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- As this land forms part of the Seine River Parkway, Planning, Property and Development will request the majority of the land dedication, not 'cash in lieu.'
- The land dedication is to be made in accordance with the Report of the Administrative Coordinating Group (Schedule "C") and is taken above the waterway requirement (i.e. above the 230.1 metre contour).
- The subject property was not advertised showing the land to be zoned "PR1" Parks and Recreation 1 (see Schedule "A"). However, the City of Winnipeg can designate land at a lower intensity zoning (down-zone) if required, but can not designate land at a higher intensity zoning (up-zone) than advertised. The Division is recommending that Schedule "B," which shows the land to be rezoned as "PR1" Parks and Recreation 1, be approved.

- As a condition of approval, Planning, Property and Development requires the applicant to subdivide the lands forming the land dedication the waterway requirement (described in Schedule “C” Report of the Administrative Coordinating Group).

RECOMMENDATION

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

- The proposed development and rezoning conforms with the surrounding neighbourhood.
- The proposed development and rezoning is consistent with the trend towards multiple-family developments along the Seine River north and south of the subject property.
- The rezoning is consistent with Plan Winnipeg policy to provide infill housing at appropriate locations and helps facilitate the development of the Seine River Parkway system.

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

Report Prepared by: Robert Kostiuk
PPD File # DAZ 216/09

APPENDIX 'B'

Design Guidelines for Final Plan Approval for DAZ 216/09 701 St. Anne's Road.

Site and Building Development

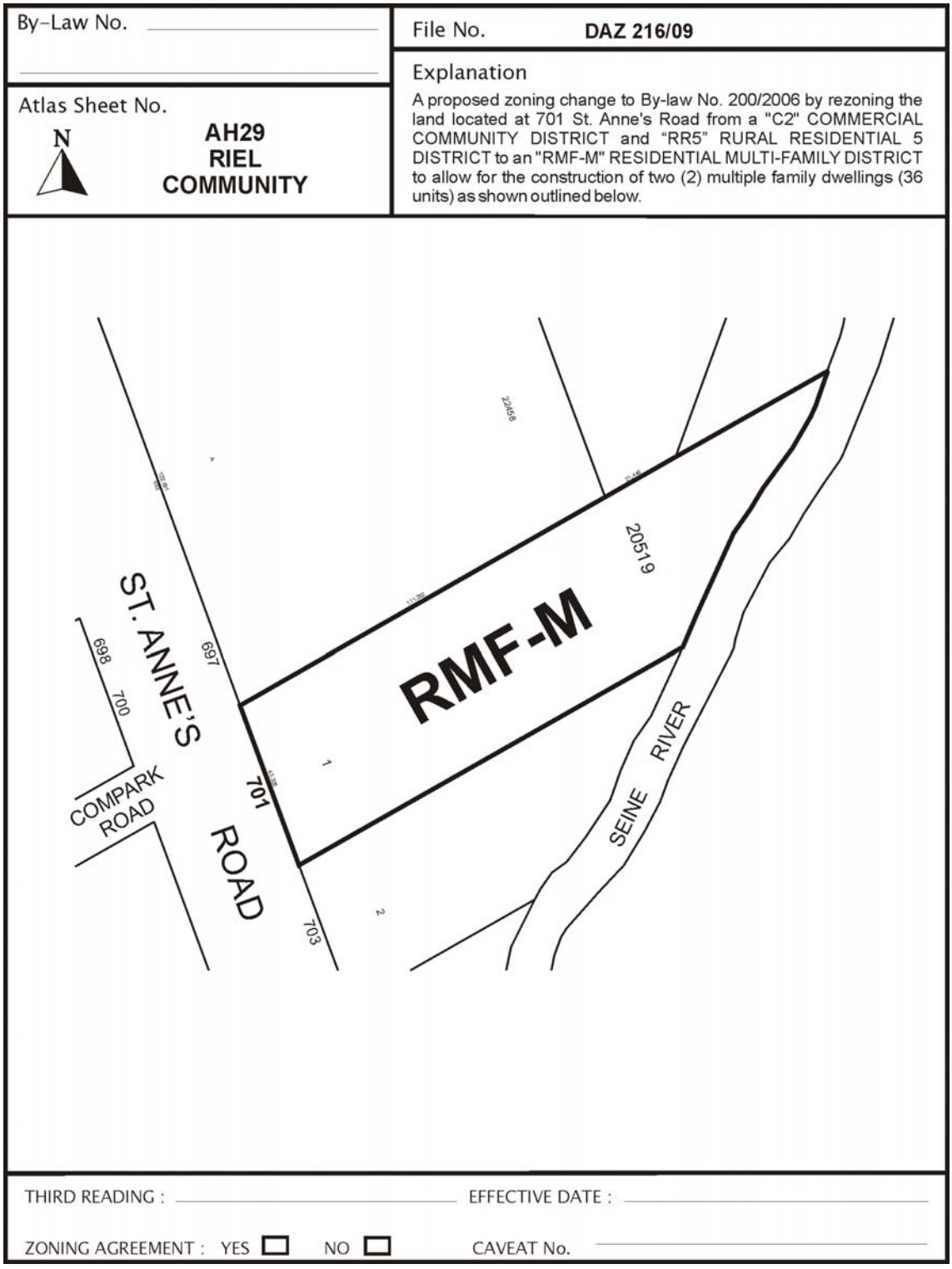
- To reduce issues raised by glare from oncoming vehicle lights, buildings developed on the site should either not face Compark Road, or provide alternative means to reduce the potential impact (such as landscaping or berming).
- The developer is to accommodate public access to the Seine River Trail through the site.
- Adequate access to the communications tower should be retained. MTS should be consulted in conjunction with the site development.
- Efforts should be made to conceal the communications tower with the new development as much as possible.
- The proposed apartments should be developed in a manner consistent with the existing character of multiple-family dwellings in the area.
- New development should not negatively impact existing development surrounding the subject property.
- Materials used should be of high-quality.
- Façade treatments and variations in exterior features such as porches, rooflines, and windows should be used to provide for visual interest (i.e. blank walls or walls with few windows are not recommended). Particular attention must be paid towards any side of the building(s), (1) orientated towards St. Anne's Road, and (2) visible from St. Anne's Road.

Landscaping

- Landscaping plans are required for "RMF" applications as per the Zoning By-Law section 188.
- High-quality landscaping is required along the front of the development (i.e. along St. Anne's Road) and along the side yards. It is preferred that existing trees along the front and side yards be preserved as much as possible and that the remaining required plantings of trees be of a similar species.
- Efforts should be made to conceal the communications tower with the front (if applicable) and side yard landscaping.
- In general, the existing natural vegetation on the site should be retained as much as possible.

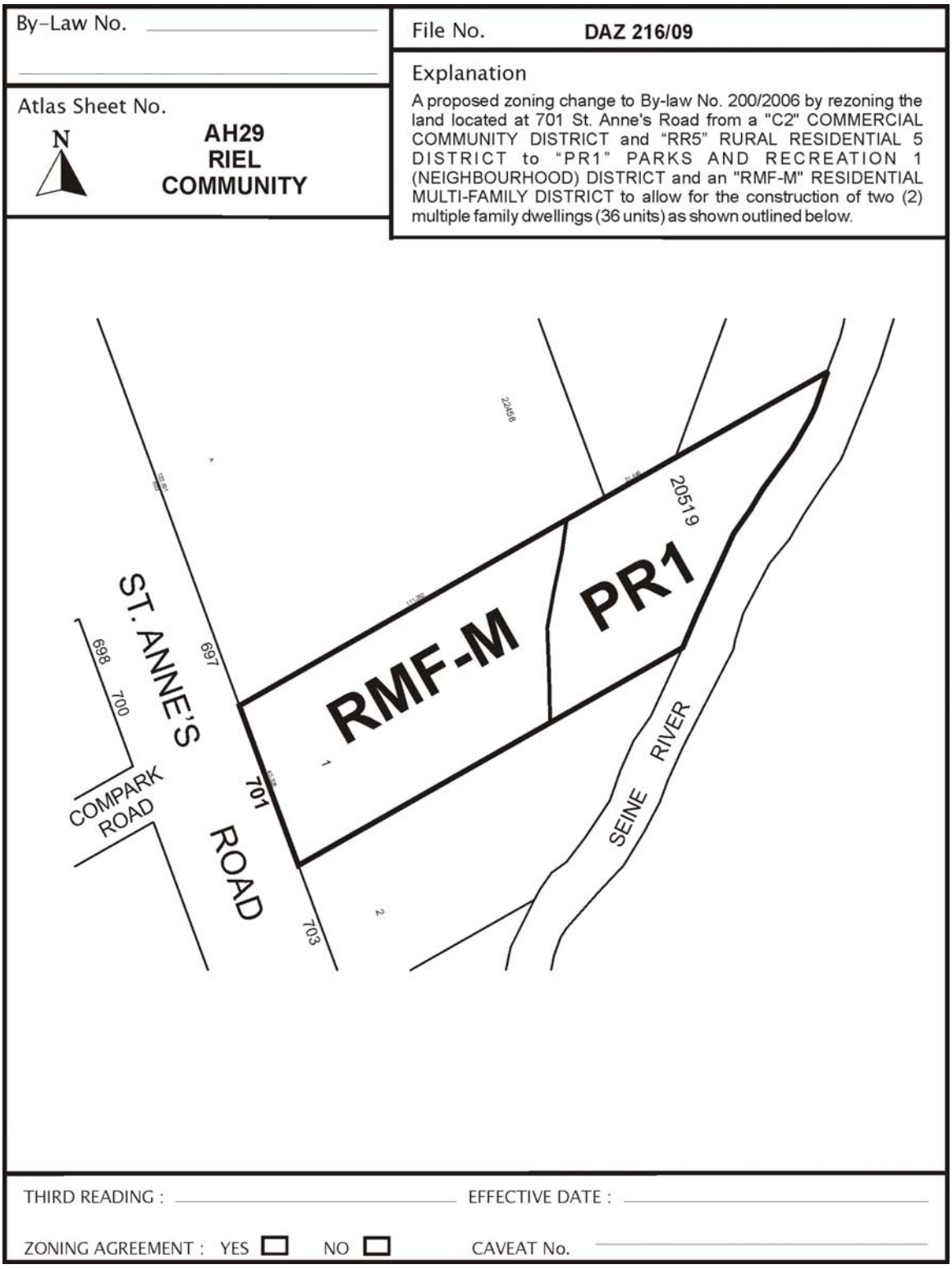
APPENDIX 'C'

Schedule "**A**" for File No. DAZ 216/09, Riel Community Committee, dated November 20, 2009.



APPENDIX 'D'

Schedule "**B**" for File No. DAZ 216/09, Riel Community Committee, dated November 20, 2009.



APPENDIX 'E'

Schedule "**C**" Report of the Administrative Coordinating Group regarding the Proposed Rezoning of Land at 701 St. Anne's Road, dated November 20, 2009.

SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED REZONING OF LAND AT 701 ST. ANNE'S ROAD - DAZ 216/09

Because this property is within 350 feet of the Seine River, the Applicant will require a Waterways Permit from the Director of Planning, Property, & Development. This permit will only be issued when the impact of the proposed development on the riverbank has been addressed and, if necessary, mitigated to the satisfaction of the Riverbank Management Engineer.

In addition, it is recommended that the approval of DAZ 216/09 be subject to the Applicant entering into a **Servicing Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City its share of the cost of the land drainage lateral sewer installed by others in St. Anne's Road, on the basis of Local Improvement rates prevailing at the time payment is received.

2. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City the St. Anne's Road/Novavista Drive System Trunk Service Rate (2009 rate = $15,535/acre).

3. The Developer shall retain the services of a Manitoba Land Surveyor to prepare a Plan of Subdivision of the Planned Area delineating the 230.1-m contour and identifying the area of the site below this contour.

4. The Developer shall sell to the City, for Seine River Waterway purposes, at a price not to exceed $15,000.00 per acre, all land within the Planned Area lying below geodetic elevation 230.1 m, in accordance with the City's Seine River Waterway policy.

5. The Developer shall pay the Seine River Waterway Land Acquisition Charge ($145.00/acre) for all land within the Planned Area above geodetic elevation 230.1 m.

6. The Developer shall dedicate, to the City, 10% of the land within the Planned Area, above and adjacent to the 230.1-m elevation contour, as public open space, as determined by the Director of Planning, Property & Development.

7. The Developer shall pay all the costs associated with the subdivision of the land required to enable the dedication of the public open space to the City.

8. Rather than construct a disconnected 3-m-wide granular trail across the width of the property, the Developer shall, prior to the release of the subdivision mylars for

registration in the Land Titles Office, pre-pay to the City the current construction value of such a trail, for future construction, as part of the Seine River Trail, by the City.

9. The Developer shall indicate, in all applicable site plans, the intended construction, by the City, of the future Seine River Trail within the PR-designated lands.

10. The Developer shall erect information signs at the north and south limits of the future Seine River Corridor Trail, identifying the trail as "Future Seine River Trail", and maintain the signs until the trail is constructed.

11. If the proposed Development should include condominiums, The Developer shall include in the condominium agreements a description of the proposed Seine River Trail, and the requirement that the trail is to be accessible to the general public, and shall provide the City with a copy of the condominium agreement.

12. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property & Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

13. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings showing, all services required to serve the Planned Area.

14. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 per acre of Planned Area (minimum $1,650.00) plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

"original signed by S.M. Matile"
S. M. Matile, P. Eng., Chair
Land Development Branch

"original signed by R.J. Hartmann"
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by F. Mazur"
F. Mazur, P. Eng.
Water & Waste Department

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