Minute No. 221
Report - Standing Policy Committee on Property and Development – February 2, 2010

Item No. 7 **Subdivision and Rezoning– Phase 4 Sage Creek**
(St. Boniface Ward)
File DASZ 35/2009

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 proposed under File DASZ 35/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2009 dated January 11, 2010, 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 December 23, 2009, with the following amendments:

        i. That Section A (Plan Considerations) be amended by deleting Recommendation 8.

        ii. That Section B (Development Agreement) be amended as follows:

            a. Amend Recommendation 3 a) by deleting the words "from the wastewater sewer and watermain to approximately five meters inside the property line".

            b. Delete Recommendation 12 in its entirety.

            c. Amend Recommendation 14 d) by deleting the words "post and chain".

            d. Delete Recommendations 14 b), 14 c) and 14 e) in their entirety and renumber the remaining Recommendations accordingly.

            e. Amend Recommendation 25 by adding the following after the words "Director of Public Works", namely:

Report - Standing Policy Committee on Property and Development – February 2, 2010

COUNCIL DECISION (continued):

"The City shall endeavour to recover and reimburse the Developer the costs expended by the Developer for all major roadway pavements benefiting others (as per the South St. Boniface Area Structure Plan Section 7.2.2(3))"

f. Delete Recommendation 30 in its entirety

g. Amend Recommendation 35 by deleting the words "within three months of" and replacing with the words "by March 31 of the year following".

and renumbering the Recommendations accordingly."

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 35/2009 dated January 11, 2010, to an "RMF-S" Multiple Family District, an " R1-S" Single Family District and a " R1-M" Single Family District subject to the following:

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

i. That for any development in the proposed "RMF-S" Multiple Family areas, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, site lighting, garbage enclosures, fencing, landscaping and signage 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 all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. The Developer shall construct within the rear yards of all single and two-family lots abutting Warde Avenue and Plessis Road, a uniform, 2.0-metre-high noise-attenuation fence, to the satisfaction of the Director of Public Works. All future owner(s) of these single and two-family lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

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

Report - Standing Policy Committee on Property and Development – February 2, 2010

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

Report - Standing Policy Committee on Property and Development – February 2, 2010

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 2, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 18, 2010, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

- Amend Recommendation 1. A. by adding the following after the words "dated December 23, 2009", namely:

  "with the following amendments:

  i. That Section A (Plan Considerations) be amended by deleting Recommendation 8.

  ii. That Section B (Development Agreement) be amended as follows:

  a. Amend Recommendation 3 a) by deleting the words "from the wastewater sewer and watermain to approximately five meters inside the property line".

Report - Standing Policy Committee on Property and Development – February 2, 2010

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

b. Delete Recommendation 12 in its entirety.

c. Amend Recommendation 14 d) by deleting the words "post and chain".

d. Delete Recommendations 14 b), 14 c) and 14 e) in their entirety and renumber the remaining Recommendations accordingly.

e. Amend Recommendation 25 by adding the following after the words "Director of Public Works", namely:

"The City shall endeavour to recover and reimburse the Developer the costs expended by the Developer for all major roadway pavements benefiting others (as per the South St. Boniface Area Structure Plan Section 7.2.2(3))"

f. Delete Recommendation 30 in its entirety

g. Amend Recommendation 35 by deleting the words "within three months of" and replacing with the words "by March 31 of the year following".

and renumbering the Recommendations accordingly."

- Delete Recommendation 2. A. ii. in its entirety and renumber the remaining Recommendation accordingly.

and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning– Phase 4 Sage Creek**
File DASZ 35/2009

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

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

Report date: **January 19, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 18, 2010, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 35/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2009 dated January 11, 2010, 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 December 23, 2009***, with the following amendments:***

        i. That Section A (Plan Considerations) be amended by deleting Recommendation 8.

        ii. That Section B (Development Agreement) be amended as follows:

            a. Amend Recommendation 3 a) by deleting the words "from the wastewater sewer and watermain to approximately five meters inside the property line".

            b. Delete Recommendation 12 in its entirety.

            c. Amend Recommendation 14 d) by deleting the words "post and chain".

            d. Delete Recommendations 14 b), 14 c) and 14 e) in their entirety and renumber the remaining Recommendations accordingly.

e. Amend Recommendation 25 by adding the following after the words "Director of Public Works", namely:

"The City shall endeavour to recover and reimburse the Developer the costs expended by the Developer for all major roadway pavements benefiting others (as per the South St. Boniface Area Structure Plan Section 7.2.2(3))"

f. Delete Recommendation 30 in its entirety

g. Amend Recommendation 35 by deleting the words "within three months of" and replacing with the words "by March 31 of the year following".

and renumbering the Recommendations accordingly."

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 35/2009 dated January 11, 2010, to an "RMF-S" Multiple Family District, an " R1-S" Single Family District and a " R1-M" Single Family District subject to the following:

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

i. That for any development in the proposed "RMF-S" Multiple Family areas, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, site lighting, garbage enclosures, fencing, landscaping and signage 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 all to be maintained to the satisfaction of the Director of Planning, Property and Development.

~~***ii. Where proposed single and two family residential lots back onto Warde Avenue and Plessis Road, the said lots are to be established with minimum rear yards of sixteen (16) metres.***~~

iii. The Developer shall construct within the rear yards of all single and two-family lots abutting Warde Avenue and Plessis Road, a uniform, 2.0-metre-high noise-attenuation fence, to the satisfaction of the Director of Public Works. All future owner(s) of these single and two-family lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

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

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

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

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

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

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

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

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

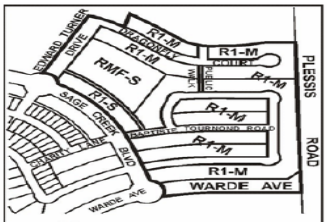
Note: The wording in bold and italics denotes amendments made by the Community Committee.

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 of the Planning and Land Use Division dated January 11, 2010.

PUBLIC HEARING SUMMARY

File:	DASZ 35/2009
Before:	Riel Community Committee Councillor Steeves, Chairperson Councillor Swandel Councillor Vandal
Public Hearing:	January 18, 2010 Council Chamber Council Building, 510 Main Street
Applicant:	Sage Creek Development Corporation (Glenn Halldorson)
Subject:	



APPLICANT : SAGE CREEK DEVELOPMENT CORPORATION
FILE : DASZ 35/09
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. 200/2006 by rezoning the land shown outlined above from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT, an "R1-S" RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT and an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT which includes the widening of Plessis Road, extension of Warde Avenue and the opening of new public rights-of-ways to allow for future residential development (Phase 4). **For information, phone Mr. J. Wintrup, Planner at 986-5102.**
DEMANDEUR : SAGE CREEK DEVELOPMENT CORPORATION
N° DE RÉFÉRENCE : DALZ 35/09
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal sur le zonage no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie RR5 (SECTEUR RÉSIDENTIEL EN MILIEU RURAL 5) aux catégories R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES MOYENNES), R1-S (SECTEUR DE PETITES HABITATIONS UNIFAMILIALES) et RMF-S (SECTEUR D'HABITATIONS MULTIFAMILIALES), ce qui comprend l'élargissement du chemin Plessis, l'expansion de l'avenue Warde et l'aménagement de nouveaux droits de passage publics afin de permettre un futur lotissement résidentiel (phase 4). **Pour obtenir des renseignements, veuillez communiquer avec M. J. Wintrup, urbaniste, au 986-5102.**

Premises Affected: Phase 4 Sage Creek

Exhibits Filed:

1. Application dated November 6, 2009
2. Notification of Public Hearing dated November 23, 2009
3. Manitoba Status of Title 2334789
4. Plan dated November 5, 2009
5. Report from the Planning and Land Use Division dated January 11, 2010
6. Inspection Report
7. Communication in opposition to the application submitted by Gabriel Hurley at the Public Hearing

REPRESENTATIONS:

In Support:
Eric Vogan
Mike Armstrong

In Opposition
Gabriel Hurley

For Information:
Al Sedo

For the City:
Ms. S. Matille, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "5" referred to in File DASZ 35/2009

ADMINISTRATIVE REPORT

ISSUE: **DASZ 35/09** Sage Creek – Phase 4 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*.

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AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 35/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2009 dated January 11/2010, 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 December 23/2009.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 35/2009 dated January 11/2010, to an "RMF-S" Multiple Family District, an " R1-S" Single Family District and a " R1-M" Single Family District subject to the following:

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

i. That for any development in the proposed “RMF-S” Multiple Family areas, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, site lighting, garbage enclosures, fencing, landscaping and signage 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 all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. Where proposed single and two family residential lots back onto Warde Avenue and Plessis Road, the said lots are to be established with minimum rear yards of sixteen (16) metres.

iii. The Developer shall construct within the rear yards of all single and two-family lots abutting Warde Avenue and Plessis Road, a uniform, 2.0-metre-high noise-attenuation fence, to the satisfaction of the Director of Public Works. All future owner(s) of these single and two-family lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

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

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

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

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

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

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

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, this will facilitate the rezoning and subdivision of Phase 4 of Sage Creek, allowing development permits to be issued for the single family lots and eventually for the multiple family parcel once the Site Plan of the multiple family development 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	Kevin Lalor
Date:	January 11, 2010
File No.	DASZ 35/09

Appendix A	Administrative Report
Appendix B	Schedule “A”
Appendix C	Schedule “B” Report of the Administrative Coordinating Group

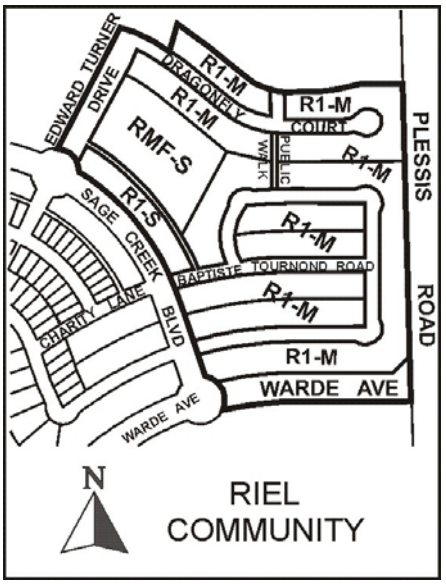
APPENDIX 'A'

DATE: **January 11, 2010**
FILE: **DASZ 35/09**
RELATED FILES: DASZ 51/05, DASZ 21/07, DASZ 24/07, DASZ 32/07

COMMUNITY: Riel Community
Neighbourhood: 5.553

SUBJECT: To rezone and subdivide the subject lands from the existing "RR-5" Rural Residential category to an "RMF-S" Multiple Family District and "R1-M & R1-S" Single Family Districts in order to facilitate new multiple family and single family residential development in Stage 4 of the South St. Boniface Area Structure Plan for Sage Creek.

LOCATION: N.E. Corner of Warde Avenue & Sage Creek Boulevard



APPLICANT: Sage Creek Development Corporation

OWNER: Same as above

RECOMMENDATION: Approval with conditions

REPORT SUMMARY:

- Sage Creek Development Corporation has submitted its proposed Stage 4 Residential Development Plan for that area adjoining Plessis Road, east of the Hydro right-of-way.
- It is estimated, that upon completion, an additional 229 residential housing units (multiple & single) will have been added to the Sage Creek housing inventory.
- The proposed new neighborhood has been reviewed by the Planning Department and is deemed to be in compliance with the overall objectives of the South St. Boniface Area Structure Plan.
- The Planning Department therefore recommends, with conditions, approval of the application as submitted.

BACKGROUND

In April 2005, the Standing Policy Committee on Property and Development identified the South St. Boniface Area Structure Plan as a priority project within the Planning, Property and Development Department's 2005 Secondary Plan Work Program.

The department implemented a collaborative planning process in partnership with Qualico Developments 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 28, 2005, Council gave first reading to By-law 158/05 to adopt the South St. Boniface 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. It was ultimately passed by Council November 23/05. Shortly thereafter, the details of the first phase of the overall plan were submitted to and assessed by various City Departments including Public Works, Water and Waste and the Planning and Land Use Division. The application outlining details of the first phase of residential and commercial development were approved by Riel Community Committee on January 17th/2006. Since 2006, several new phases (one predominantly commercial and one residential) have been ratified by the Riel Community Committee and City Council.

SITE DESCRIPTION

The subject lands have an overall area of 39.9 gross acres and are situated at the N.E. corner of Warde Avenue and Sage Creek Boulevard. Phase 4 lies adjacent to Plessis Road which is the City's boundary with Springfield Municipality. Lands to the north and south remain vacant and are zoned " RR-5" Rural Residential. To the immediate east is the R. M. of Springfield and to the west lies the Phase 2 Sage Creek housing development with over 345 multi family and single family dwelling units currently under construction.

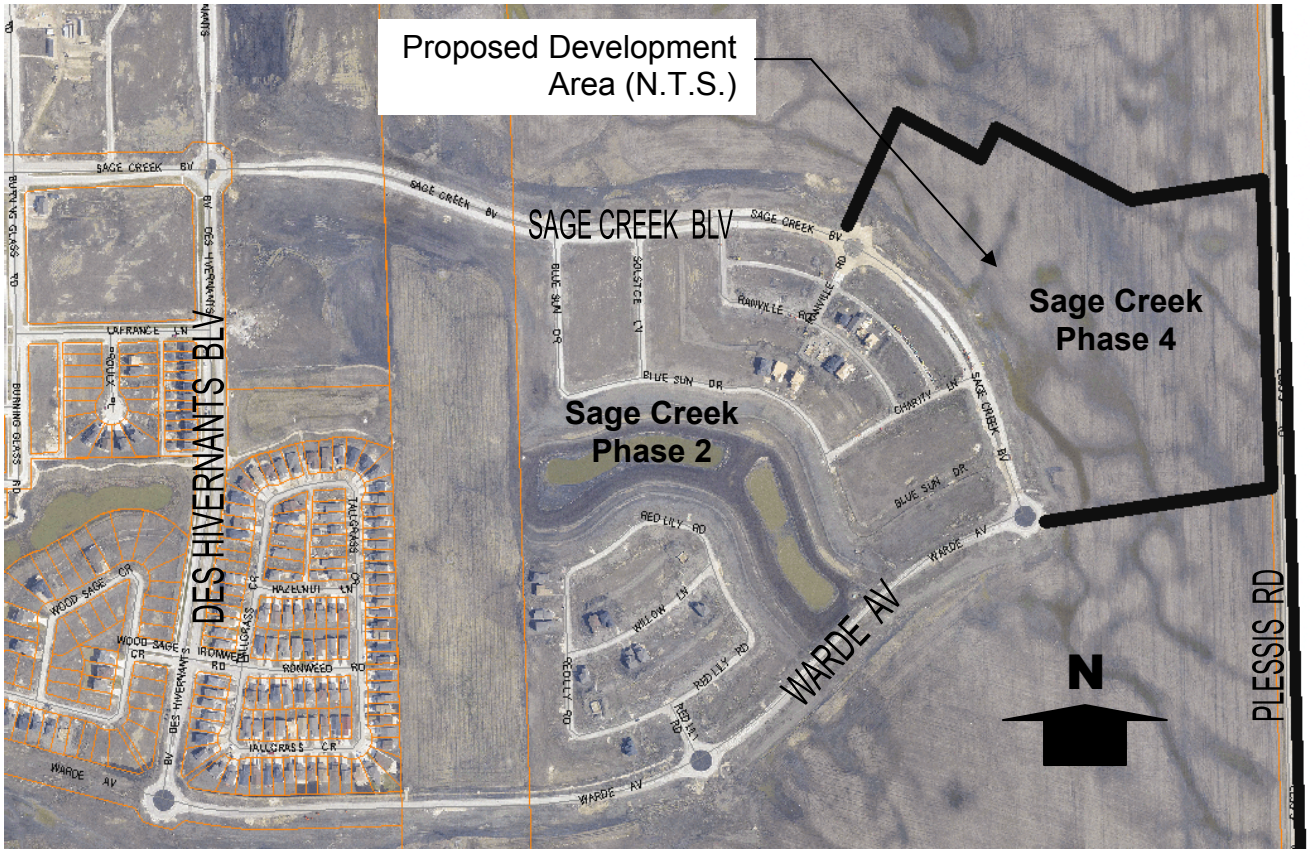


Figure 1: Subject Area and adjacent context, (Aerial Photo Flown 2009) (development area not shown to scale)

DESCRIPTION OF THE PROPOSED DEVELOPMENT

Phase 4 is similar in many respects to Phase 2 which is currently underway on the west side of Sage Creek Boulevard. However, it is expected that there will be fewer multiple family units (40) and fewer single family units (179) in Phase 4 than are projected for Phase 2. In the immediate time frame, primary access to the proposed housing lots will be via Sage Creek Boulevard and Warde Avenue. However, as outlined in the accompanying addendum to Development Agreement AG 51/05, land within the subdivision along Plessis Road is being set aside for the future widening of that right-of-way.

ANALYSIS

The Area Structure plan provided a framework that included a vision of the proposed new community and identified a series of policies that were designed to collectively achieve that objective. Several of the more noteworthy goals outlined were as follows: 1) to create a viable and cohesive community, 2) to develop a vital core commercial centre , 3) accommodate a diversity of housing types, 4) foster a sense of neighborhood and 5) create an interconnected and efficient road and pedestrian network throughout the proposed community. It is the view of the Planning and Land Use Division that the proposed 4th Phase of the Sage Creek Development outlined in the subject application clearly continues to embody many of the aforementioned goals and policies contained in the Area Structure Plan. The proposed concept

promotes a community development that is compatible with and a logical extension to the adjoining second phase earlier approved in 2007. It should be noted that no land dedication for future park reserve is necessary under this application, as it has been addressed under previous applications. It is recommended that your Committee endorse the proposal as submitted subject to all condition outlined in this report and the report of the Administrative Coordinating Group.

RECOMMENDATION

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

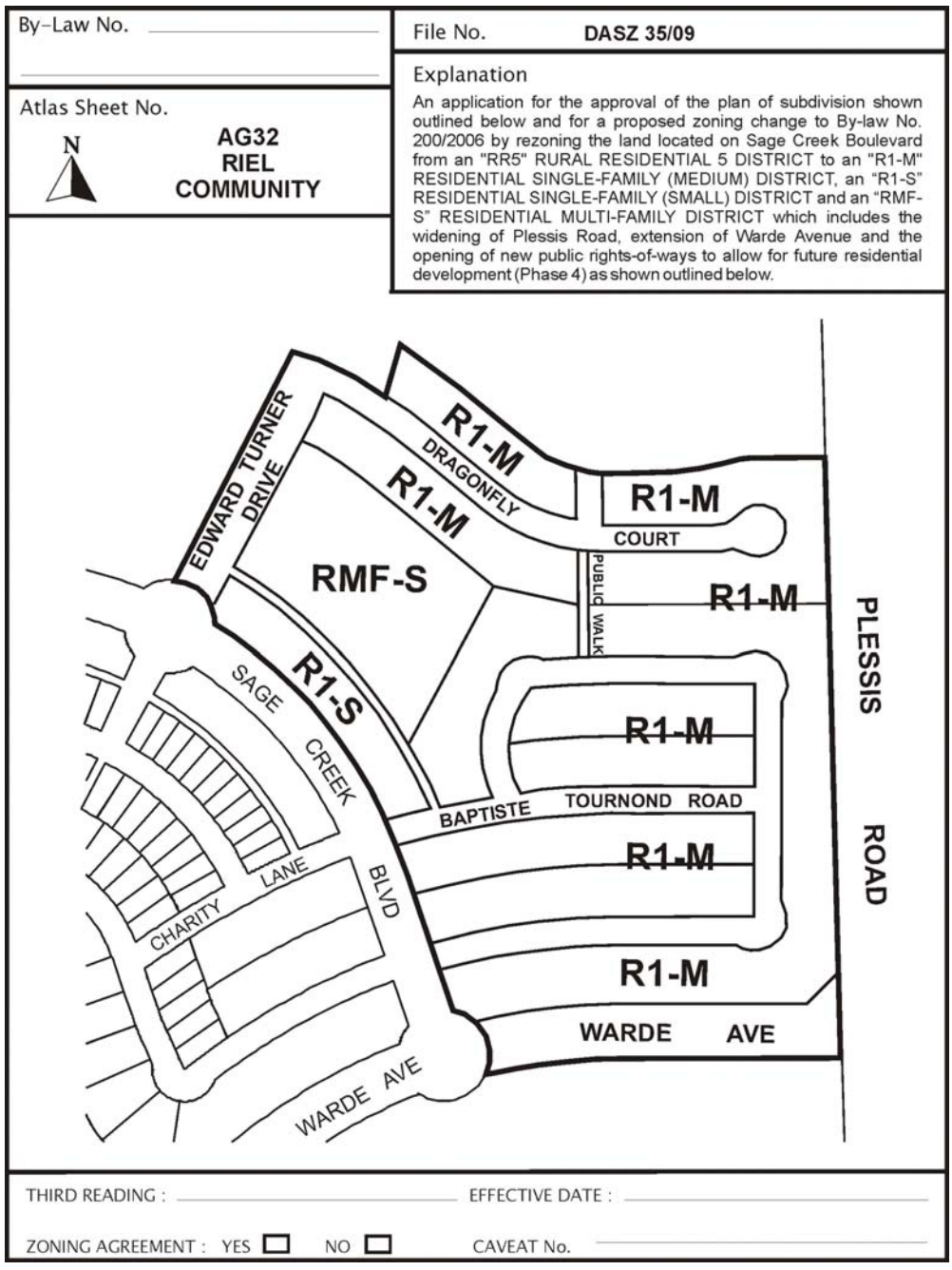
- The proposed rezoning and plan of subdivision complies with the goals and policies outlined in the Area Structure Plan.
- The proposal, as submitted, is an orderly extension of the adjoining plan of subdivision, identified as Phase 2 under DASZ 21/2007.

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

Report Prepared by: Kevin Lalor
PPD File # DASZ 35/09

APPENDIX 'B'

Schedule "**A**" for File No. DASZ 35/09, Riel Community Committee, dated January 11, 2010.



APPENDIX 'C'

Schedule "**B**" Report of the Administrative Coordinating Group regarding the Proposed Subdivision and Rezoning of Land for Sage Creek - Phase 4, dated December 23, 2009.

SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND EAST OF SAGE CREEK BOULEVARD, WEST OF PLESSIS ROAD – SAGE CREEK PHASE 4 - DASZ 35/09

It is recommended that the approval of DASZ 35/09 be subject to the following:

A. Plan Considerations

1. The Developer shall transfer to the City and legally open property for a 5.942-m widening to the Plessis Road right-of-way for the full length of the Planned Area abutting Plessis Road, to the satisfaction of the Director of Public Works.

2. Proposed Public Lanes shall be accommodated with right-of-way widths of 6.25 m, to the satisfaction of the Director of Public Works.

3. The Plan shall be designed such that cul-de-sac streets do not exceed 105 m in length.

4. Right-of-way to accommodate each cul-de-sac turnaround shall be consistent with the dimensions illustrated on Streets and Transportation Drawing ST-90 (revised) or St-90-A as a minimum.

5. The Developer shall transfer to the City and legally open property for right-of-way corner cuts in the northwest corner of the intersection of Warde Avenue and Plessis Road, as determined by, and to the satisfaction of, the Director of Public Works.

6. The Developer shall transfer to the City and legally open property for right-of-way corner cuts:
   a) measuring 2.0 m by 2.0 m in each corner of each intersection of two streets
   22.0 m in width or greater; and
   b) measuring 3.0 m by 3.0 in each corner of each intersection where the angle is
   less than 80^{o},
   to the satisfaction of the Director of Public Works.

7. The proposed Public Walk shall be accommodated with a right-of-way width of 6.00 m to the satisfaction of the Director of Public Works.

8. Single- and two-family residential lots backing onto Warde Avenue and Plessis Road shall be of sufficient depth to provide a minimum rear-yard set back of 16.0 m.

B. Development Agreement

The applicant entering into a **Development Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall, at no expense to the City, install all wastewater sewers required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water & Waste.

2. The Developer shall, at no expense to the City, install all watermains required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water & Waste.

3. The Developer shall install lot line services to service all lots within the Planned Area, as follows:

    a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain to approximately five metres inside the property line, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water & Waste.
    b) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer shall indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so prior to the issuance of a Final Acceptance Certificate certifying completion of all work under this Agreement.
    c) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

4. The Developer shall, at no expense to the City, install all land drainage sewers required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water & Waste.

5. The Developer's share of the regional stormwater management facilities owing for the Planned Area under this agreement, as determined by the Director of Water & Waste, shall be deducted from any amounts owed to the Developer for facilities previously constructed by the Developer under Development Agreement AG 51/05 and Addending Development Agreements AG 32/07 and AG 21/07.

6. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design.

7. The Developer shall, at no expense to the City, construct all swales, catchbasins, and leads required to provide lot drainage prior to the issuance of Building Permits.

8. The Developer shall, at no expense to the City, provide all easements with respect to the installation, maintenance, and replacement of swales, catchbasins, and leads for lot drainage upon registration of the approved subdivision mylars in the Land Titles Office.

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

10. The Developer shall, at no expense to the City, construct 150-millimetre-thick portland cement concrete pavements to widths of 5.0 metres, and all related works, including drainage facilities, within the proposed public lanes within the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

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

12. The Developer shall construct all sidewalks concurrently with the pavements with which they share the right-of-way.

13. The City may file appropriate caveats in the Land Titles Office, notifying prospective homeowners of the proposed sidewalk locations.

14. The Developer shall, at no expense to the City, construct, within the proposed Public Walk, the following works:
    a) a 1.5-m-wide by 100-mm-thick Portland cement concrete sidewalk;
    b) asphaltic concrete surfacing on both sides of the sidewalk to the side property lines;
    c) chain link fencing along the side property lines;

d) post and chain fencing, with appropriate sidewalk opening, at both street ends of the Public Walk; and
e) safety/security lighting in the proposed public walkway, at approximately the rear property lines of the proposed lots,

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

15. The Developer shall, at no expense to the City, construct a cul-de-sac-style vehicle turnaround at the terminus of each temporarily dead-ended street and provide any rights-of-way or easements necessary to accommodate same, all as determined by, and to the satisfaction of, the Director of Public Works.

16. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by, and to the satisfaction of, the Director of Public Works.

17. The Developer shall, at no expense to the City, sod boulevards and plant trees on the streets within the Planned Area, all in accordance with drawings and specifications to be prepared by the Developer and submitted to, and approved by, the Director of Public Works.

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

19. The Developer shall, at no expense to the City, ensure that two means of vehicular access are available at all times to each stage of development of the Planned Area to the satisfaction of the Director of Public Works. This may require the construction of temporary roadways and the provision of easements or rights-of-way.

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

21. The Developer shall, at no expense to the City, obtain approval of and install, prior to construction, and subsequently maintain, at the entrances to the subdivision, development information signs, containing no advertising, and showing the Planned Area, zoning information, a north directional arrow, Plessis Road, and all proposed public streets, sidewalks, public walkways, stormwater retention facilities, and community mail-box sites - all in accordance with, and to the satisfaction of, the Director of Planning, Property & Development.

22. The Developer shall, at no expense to the City, cause to be installed ornamental street lights in all streets within the Planned Area, to the satisfaction of the Director of Public Works.

23. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, and any existing overhead services within the Planned Area to be converted to underground, to the satisfaction of the Director of Public Works.

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

25. The Developer shall, upon demand, pay its share of the future costs of the works required in Warde Avenue, abutting the Planned Area, and at and in the vicinity of the intersection of Warde Avenue and Lagimodiere Boulevard, including the installation of traffic-control signals, when and as determined by the Director of Public Works.

26. There shall be no private approaches serving single- or two-family residential development off streets with right-of-way width 22.0 m or greater.

27. There shall be no private approaches serving single- or two-family residential development off Warde Avenue.

28. There shall be no private approaches serving residential development off Plessis Road.

29. The Developer shall, at no expense to the City, construct, within the rear yards of all single- and two-family lots abutting Warde Avenue and Plessis Road, a uniform, 2.0-metre-high noise-attenuation fence, to the satisfaction of the Director of Public Works, and permit the City to file a caveat against the title of each such lot, requiring the owner(s) to maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

30. All single-family residential lots backing onto Warde Avenue and Plessis Road shall be of sufficient depth to provide a minimum rear-yard set-back of 16.0 m, and the Zoning Agreement covering these lots shall stipulate a minimum rear yard of 16.0 m.

31. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust-free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets – all until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

32. The Developer shall, at no expense to the City, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

33. Notwithstanding that no land is being dedicated for public open space under this application (DASZ 35/09 - Phase 4), the Developer's dedication of land for public open space within the overall Sage Creek development shall be in accordance with City Policy, and shall continue to be accrued with each successive Development Agreement.

34. 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.

35. 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 within three months of substantial performance showing, the services required to serve the Planned Area.

36. 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 plus GST per acre of Planned Area to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 35/09
December 31, 2009

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

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

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