Agenda - Executive Policy Committee – September 15, 2010

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Report - Standing Policy Committee on Property and Development – September 14, 2010

Item No. 25 Rezoning – 2501 Ferrier Street
(Old Kildonan Ward)
File DAZ 202/2010

STANDING COMMITTEE RECOMMENDATION:

Due to a tie vote, the Standing Policy Committee on Property and Development submits the matter to the Executive Policy Committee and Council without recommendation.

Report - Standing Policy Committee on Property and Development – September 14, 2010

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

Due to a tie vote, the Standing Policy Committee on Property and Development submits the matter to the Executive Policy Committee and Council without recommendation.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 7, 2010, the Lord Selkirk - West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments to the report of the Administrative Coordinating Group dated June 22, 2010, as it relates to the Servicing Agreement, namely:

- Delete Conditions 1 to 3 inclusive.

- Add new Condition 1:
  "1. The City shall initiate and advertise the petitioning of Local Improvements for a full range of services, including a sidewalk, in Ferrier Street, from Beecher Avenue to the north limit of the Planned Area."

- Renumber Condition 4 to Condition 2.

- Delete Conditions 5 and 6.

- Renumber Condition 7 to Condition 3, and add the following words at the beginning thereof, namely, "Should the Local Improvement petition for the sidewalk not be successful,".

- Add new Condition 4:
  "4. Should the Developer be required to front end the sidewalk, the City will endeavour, within the limits of its powers, to make recoveries from other lands benefiting from the construction of the sidewalk as identified in Condition 3 (above) for payback to the Developer."

  - Renumber Conditions 8 to 11 inclusive, to Conditions 5 to 8 inclusive.

Report - Standing Policy Committee on Property and Development – September 14, 2010

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Amend Renumbered Condition 8 (formally Condition 11) by deleting the words "including across the end of the Beecher Avenue right-of-way," after the words "CPR Winnipeg Beach Subdivision", and before the words "a uniform fence".

- Delete Condition 12, and renumber Condition 13 to Condition 9.

- Delete Condition 14, and renumber Conditions 15 and 16 to Condition 10 and 11,

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

RE: **Rezoning – 2501 Ferrier Street**
File DAZ 202/2010

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

Prepared by: **Inga Slundberg, Committee Clerk**
Lord Selkirk - West Kildonan Community Committee

Report date: **September 8, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 7, 2010, the Lord Selkirk - West Kildonan 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 202/2010 dated August 31, 2010, to PR2 Parks and Recreation 2 (Community) District 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 Schedule B, the report of the Administrative Coordinating Group dated June 22, 2010 ***with the following amendments to the Servicing Agreement, namely:***

        i. Delete Conditions 1 to 3 inclusive.

        ii. Add new Condition 1:
        "1. The City shall initiate and advertise the petitioning of Local Improvements for a full range of services, including a sidewalk, in Ferrier Street, from Beecher Avenue to the north limit of the Planned Area."

        iii. Renumber Condition 4 to Condition 2.

        iv. Delete Conditions 5 and 6.

        v. Renumber Condition 7 to Condition 3, and add the following words at the beginning thereof, namely, "Should the Local Improvement petition for the sidewalk not be successful,".

vi. Add new Condition 4:

"4. Should the Developer be required to front end the sidewalk, the City will endeavour, within the limits of its powers, to make recoveries from other lands benefiting from the construction of the sidewalk as identified in Condition 3 (above) for payback to the Developer."

vii. Renumber Conditions 8 to 11 inclusive, to Conditions 5 to 8 inclusive.

viii. Amend Renumbered Condition 8 (formally Condition 11) by deleting the words "including across the end of the Beecher Avenue right-of-way," after the words "CPR Winnipeg Beach Subdivision", and before the words "a uniform fence".

ix. Delete Condition 12, and renumber Condition 13 to Condition 9.

x. Delete Condition 14, and renumber Conditions 15 and 16 to Conditions 10 and 11.

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

i. That, for the development of any building, accessory parking area, private approach, garbage enclosure, fencing, landscaping, lighting or signage, plans, showing the locations and designs of buildings, accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting and signage, shall be submitted to the Director of Planning, Property and Development and the Lord Selkirk – West Kildonan Community Committee for approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That no building shall be less than 49.2 feet (15 metres) from the eastern limit of the planned area.

iii. That there shall be a minimum front yard of 25 feet.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional lots.

3. 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.

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

5. 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.

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

7. That the Director of Legal Services be requested to do all thing 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 Lord Selkirk - West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The existing permitted uses of the area are no longer compatible with the neighbourhood which is currently transitioning from industrial to more residential and associated support uses.

2. The intent of the proposed amendments to the servicing agreement ensures that the community who benefit from the improvements pay for them, not just the school.

PUBLIC HEARING SUMMARY

File: DAZ 202/2010

Before: Lord Selkirk - West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor O'Shaughnessy

Public Hearing: September 7, 2010
Council Chamber
Council Building, 510 Main Street

Applicant: Ross Mitchell, MMM Group Limited

Subject:



Premises Affected: 2501 Ferrier Street

Exhibits Filed:

1. Application dated February 25, 2010
2. Notification of Public Hearing dated June 21, 2010
3. Manitoba Status of Title 2280098
4. Letter of authorization dated January 19, 2010 from Director and Treasurer, Immaculate Heart of Mary School Inc., Director to MMM Group Limited
5. Site Plan
6. Plan
7. Plans (3 pages) and School Program Analysis
8. Report from the Planning and Land Use Division dated August 31, 2010

9. Communication dated August 27, 2010, from Dan Talbot in support of the application
10. Inspection Report
11. Proposed Amendments to Schedule B, the report of the Administrative Coordinating Group dated June 22, 2010 submitted by Paul McNeil, MMM Group Limited, at the public hearing
12. Plan of the proposed development submitted by Paul McNeil, MMM Group Limited, at the public hearing
13. Audio Recording of representations of public hearing held on September 7, 2010

REPRESENTATIONS:

In Support:

Thomas Bodie
Jason Brennan
Brock Feenstra
Mark Galarnyk
Ann Gay
Mark Karpa
Spencer, Olga and William Katerywuk
Larry Kimacovich
Wendell Kolsun
Jane McCarvill
Ross Mitchell & Paul McNeil, MMM Group Limited
Emile Picklyk
Rod Picklyk
Anne Pidskalny
Barbara Pawlyshyn
Myron Radawetz
Joan Sikorsky
Randal Skromeda
Theresa Anne Slota
Glenn Solar
Christina Synotyusky
Dan Talbot
Dean Tokariwski
Slawomir Waplak
Brent Wynnyk
Remi Zbaraszewski

In Opposition

Eva Goldfeld

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Ms S. Matile, Land Development Engineer, Planning, Property and Development Department

Exhibit "8" referred to in File DAZ 202/2010

ADMINISTRATIVE REPORT

Title: DAZ 202/2010 – 2501 Ferrier Street

Issue: For consideration at the Public Hearing for a rezoning to allow the construction of a Private School.

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	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 "A" for File DAZ 202/2010 dated August 31, 2010, to PR1 Parks and Recreation 1 (Neighbourhood) District 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 Schedule B, the report of the Administrative Coordinating Group dated June 22, 2010.

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

      i. That, for the development of any building, accessory parking area, private approach, garbage enclosure, fencing, landscaping, lighting or signage, plans, showing the locations and designs of buildings, accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting and signage, shall be submitted to the Director of Planning, Property and Development and the Lord Selkirk – West Kildonan Community Committee for approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That no building shall be less than 49.2 feet (15 metres) from the eastern limit of the planned area.

iii. That there shall be a minimum front yard of 25 feet.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional lots.

3. 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.

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

5. 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.

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

7. That the Director of Legal Services be requested to do all thing necessary for implementation in accordance with the terms of The City of Winnipeg Charter

REASON FOR THE REPORT

- The subject property is 6.8 acres located on the east side of Ferrier Street between Beecher and the Bergen Cutoff and the CPR rail line right-of-way in the Templeton - Sinclair neighbourhood of the Old Kildonan ward.
- The Land Owner intends to construct a 42, 991 square feet private school with 75 parking stalls for staff and the general public.
- A full range of municipal services will be extended into the planned area along Ferrier

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, a private school will be allowed for construction on the lands.

HISTORY

History of Templeton / Sinclair Area (see Figure 1 below)

1. **November 25, 2009** – PW 2/2007 & DASZ 4/2009, 455 Templeton Plan Winnipeg Amendment, City of Winnipeg Council approves the amendment of *Plan Winnipeg 2020* from Industrial Policy to Neighbourhood Policy;
    - Logical and orderly extension of residential, characterized as infill
    - Offset the City's tight residential land supply in NW quadrant of Winnipeg
    - ELS indicates these lands are no longer strategic / logical industrial lands

2. **March 2008** - Employment Lands Strategy; Altus Clayton, MMM Group: recommending that the Templeton / Sinclair Industrial Policy Area be eliminated due the land's non-strategic location for industrial lands and due to encroachment of residential development;

3. **February 22, 2006** – DASZ 40/2004, lands north of Beecher: Subdivision and rezoning to allow 20 single family lots;

4. **December 6, 2006** – PW 1/2005 & DASZ 53/2004, lands south of Bergen Cut-off: Subdivision, Rezoning and amendment to *Plan Winnipeg 2020* from Industrial Policy to Neighbourhood Policy to allow 117 single family lots;

5. **March 23, 2005** –DASZ 29/2004, North of Templeton, south of Beecher: Subdivision and rezoning to allow 34 single family lots;

6. **February 25, 2004** – DASZ 28/2003, 2425 Ferrier subdivided and rezoned: from 'A' Agricultural to 'M2' Industrial, to allow further industrial development and an existing residential dwelling to remain;

7. **September 24, 2003** –DASZ 28/2002, North of Beecher: Subdivision and rezoning to allow 18 single family lots;

8. **1993** – Lands south of Bergen Cut-off, north of Templeton Avenue east of original McGregor Street extension and west of Ferrier Street were re-designated from Industrial Policy to Neighbourhood Policy allowing the infill of residential housing;

9. **November 21, 1990** – Council approves the re-alignment of the McGregor Street extension to a more direct north south route connecting with Ferrier Street at the Bergen Cut-off intersection.

10. **June 9, 2010** - The Executive Policy Committee heard an appeal from the Land Owner regarding the rejection of the rezoning application by the Public Service as being not consistent with *Plan Winnipeg 2020,* and allowed the appeal and cancelled the decision of the Zoning and Permits Administrator, Planning, Property and Development Department dated June 3, 2010, regarding provisions of Plan Winnipeg By-law No. 7630/2000 for the remises located at 2501 Ferrier Street.

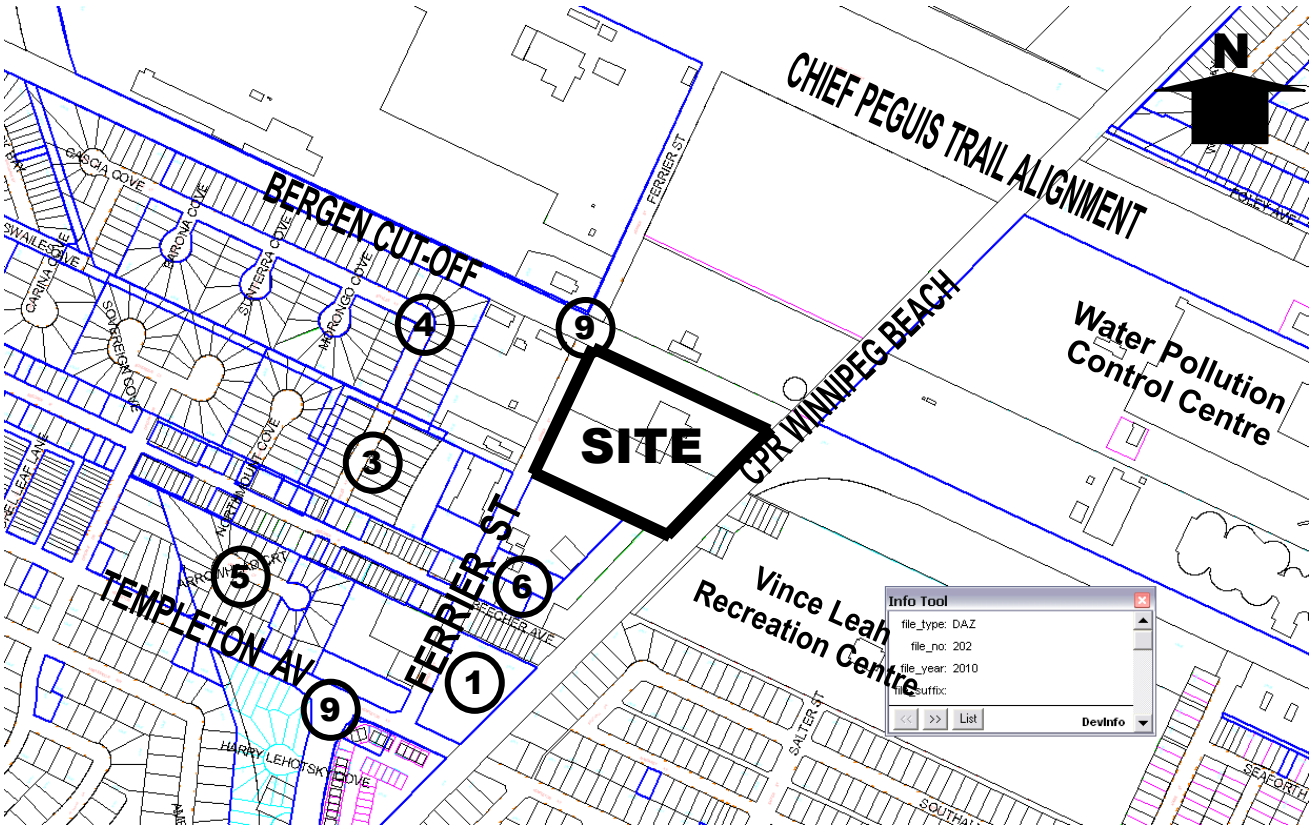


Figure 1: History Context: Previous Applications

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	*John Wintrup*
Date:	*August 31, 2010*
File No.	*DAZ 202/10*

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 202/2010
3. Schedule B – Report of the Administrative Coordinating Group

APPENDIX 'A'

DATE: August 31, 2010
FILE: DAZ 202/10
RELATED FILES:
COMMUNITY: Templeton - Sinclair
NEIGHBOURHOOD #: 3.324

SUBJECT: Rezoning to allow the construction of a Private School.

LOCATION: 2501 Ferrier Street



APPLICANT: MMM Group Limited
111-93 Lombard Avenue
WINNIPEG MB

OWNER: Immaculate Heart of Mary School Inc.

RECOMMENDATION: Approval

REPORT SUMMARY

- The subject property is 6.8 acres located on the east side of Ferrier Street between Beecher and the Bergen Cutoff and the CPR rail line right-of-way in the Templeton - Sinclair neighbourhood of the Old Kildonan ward.
- The Land Owner intends to construct a 42, 991 square feet private school with 75 parking stalls for staff and the general public.
- A full range of municipal services will be extended into the planned area along Ferrier.

SURROUNDING LAND USES AND ZONING

- The subject property is 6.8 acres located on the east side of Ferrier Street between Beecher and the Bergen Cutoff and the CPR rail line right-of-way in the Templeton - Sinclair neighbourhood of the Old Kildonan ward.
- The site is zoned **M2 Manufacturing General District.**
- Adjacent properties are lands zoned 'M2' to the south that is a mixed use, residential / contractor's establishment.
- Surrounding properties include to the immediate west across Ferrier, lands zoned 'M1' ; and to the north zoned 'M2' that have a variety of industrial uses such as contractor's establishment and cabinet manufacturing.

BACKGROUND

The applicant under DAZ 202/2010 intended to rezone the subject site from 'M2' Manufacturing – General to 'PR2' Parks and Recreation (Community). The purpose of the rezoning was to allow the establishment of a Kindergarten to Grade 8 Private School with an accessory daycare use.

The Public Service refused without a hearing the application, writing a letter to the applicant informing him that under Section 275(2) (a) of the City of Winnipeg Charter, an application to rezone land allowing the introduction of non-industrial uses into Industrial Policy areas must be rejected as it is contrary to *Plan Winnipeg 2020.*

The Applicant filed an appeal of the Public Service decision with City Clerks.

The Executive Policy Committee, who is delegated the authority to hear and decide on appeals of decisions of the Public Service related to *Plan Winnipeg 2020,* did not concur with the recommendation of the Public Service.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The Land Owner intends to construct a 42, 991 square feet private school with 75 parking stalls for staff and the general public.
- The school will be located along the west property line with playing fields located towards the eastern half of the planned area.

ANALYSIS AND ISSUES

ZONING (BY-LAW 200/2006)

- **PR2 Parks and Recreation 2 (Community) District** is intended for sites that include community recreation facilities and parks that are accessed by a mix of pedestrian and vehicular traffic.
    - These sites may provide active programs and activities, including community centres, hockey pens, arenas, indoor soccer, wading pools, spray parks, skateboard parks and athletic fields.
    - Parking facilities ranging from 10 to 100 stalls may be associated with these uses.
    - These parks and facilities typically occur along collector streets.
    - There is a minimum front yard of 20 feet.

- **M2 Manufacturing General District** is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage.
    - There is a minimum front yard of 25 feet; and maximum building height of 100 feet.

MUNICIPAL SERVICES
The Developer will be required to extend a full ranged of municipal services (sewer, water, land drainage, concrete road) in Ferrier to service the Planned Area. A concrete sidewalk will also be required to be constructed along the east side of Ferrier Street.

SITE PLAN
CPR Branch Line
That a right-of-way, within which is a CPR branch rail, is adjacent to the planned area is a significant concern in terms of safety, noise and vibration.

Proximity Guidelines and Best Practices is a 2006 research report prepared for The Railway Association of Canada and The Federation of Canadian Municipalities.

This research report recommends "best practices" for: protecting dwellings from train derailments or other rail incidents; and reducing the amount of noise and vibration from trains affecting dwellings.

The report recommends for:

- buildings be setback 15 metres (49.2 feet) from a branch line right-of-way (which is the type of rail line alongside the planned area);
- a berm to be built alongside the rail line right-of-way and that the berm should be two metres (6.6 feet) high and at a slope of no more than approximately 22 degrees; and
- a 1.38-metre (4.5 feet) high chain link fence at the edge of the right-of-way and a three-metre high acoustical fence on the top of the berm; and
- a front yard of 25 feet to be consistent with the required setback established along Ferrier for all the "M2" zoned properties.

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.
- If dedication is 'cash in lieu' of land, then the developer is required to pay the City its share of the costs of landscaping and services that it would have expended had a dedication of the land been made, which will equal 10 %.
- 'Cash in lieu' of land will be required under this development application.

RECOMMENDATIONS

The Planning and Land-Use Division supports rezoning the property to allow the construction of a private school.

The Templeton / Sinclair Industrial Policy Area under consideration has been under considerable pressure over the last few decades to transition into residential and associated support uses, (see the History section in this report). The Industrial Policy boundaries have consistently been shrinking since the re-alignment of the future McGregor Street extension in 1990. As the Templeton / Sinclair industrial lands are now surrounded on three sides by Residential Policy as well as the Employment Land Strategy findings now suggest it makes good planning sense to re-designate the remaining Industrial Policy area south of the Bergen Cut-off for residential and associated compatible uses, and to rezone the property to all for the construction of a private school.

This Report Submitted by: John Wintrup
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by:
PPD File # DAZ 202/10

Schedule “A” for File No. DAZ 202/2010, Lord Selkirk – West Kildonan Community Committee, dated August 31, 2010 .

By-Law No. _____

File No. **DAZ 202/10**

Atlas Sheet No. **T26**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 2501 Ferrier Street from an “M2” MANUFACTURING GENERAL DISTRICT to “PR2” PARKS AND RECREATION 2 (COMMUNITY) DISTRICT to allow for the construction of a school (K-8) with a daycare centre as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – JULY 30, 2010

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT 2501 FERRIER STREET - DAZ 202/10

It is recommended that the approval of DAZ 202/10 be subject to the following:

1. Engineering Servicing Report

The applicant providing, to the satisfaction of the Director of Water and Waste, a comprehensive servicing report, prepared by a qualified municipal engineer, demonstrating the ability of the proposed watermain(s) to provide adequate fire-protection flows for the proposed school.

2. Servicing Agreement

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

1. The Developer shall, at no expense to the City, install a wastewater sewer in Ferrier Street, from its existing terminus to service the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

2. The Developer shall, at no expense to the City, install a watermain in Ferrier Street, from its existing terminus to service the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

3. The Developer shall, at no expense to the City, install a land drainage sewer in Ferrier Street, from its existing terminus to service the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

4. The Developer shall pay its share of the regional land drainage system (2010 Rate = $17,968.50/acre).

5. The Developer shall, at no expense to the City, construct in Ferrier Street, from Beecher Avenue to a point approximately 200 m north, a10.0-m-wide, 200-mm-thick portland cement concrete pavement and all related works, including, but not limited to, boulevard landscaping, ornamental street lighting, and drainage works, all as determined by, and to the satisfaction of the Director of Public Works.

6. The City will endeavour, within the limits of its powers, to make recoveries from other privately owned lands benefiting from the improvements identified in 5 (above) for

payback to the Developer either a) through subsequent agreements or b) in response to a request from the Developer to endeavour to enact a Local Improvement By-Law for these improvements.

7. The Developer shall, at no expense to the City, construct a 1.5-m-wide by 100-mm-thick portland cement concrete sidewalk on the east side of Ferrier Street, from Beecher Avenue to the north limit of the Planned Area, and all related works, all as determined by, and to the satisfaction of, the Director of Public Works.

8. 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.

9. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works as being Main Street to Leila Avenue to McGregor Street to Templeton Avenue to Ferrier Street; 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.

10. 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.

11. To ensure that pedestrian trespass to the railway tracks does not become a consequence of this development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the railway line, the Developer shall, at no expense to the City, construct, within the Planned Area abutting the CPR Winnipeg Beach Subdivision, including across the end of the Beecher Avenue right-of-way, a uniform fence, 2.0 m in height, as determined by, and to the satisfaction of, the Director of Public Works; and the Developer shall permit the City to file caveats against the titles of the proposed lots abutting the CPR Winnipeg Beach Subdivision, 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.

12. The Developer shall, at no expense to the City, maintain the boulevard improvements (sod and trees) identified in Paragraph 5 above for one year, in accordance with specifications approved by the Director of Public Works.

13. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Are 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 and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

14. In lieu of dedication of land for public open space, the Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, 8% of the appraised increase in value of the land plus the cost of landscaping and services which it would have contributed to the City if public open space had been dedicated.

15. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings by March 31 of the year following substantial performance showing, the services required to serve the Planned Area.

16. 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 the Planned Area (minimum $1,650.00) 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. DAZ 202/10
July 30, 2010

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

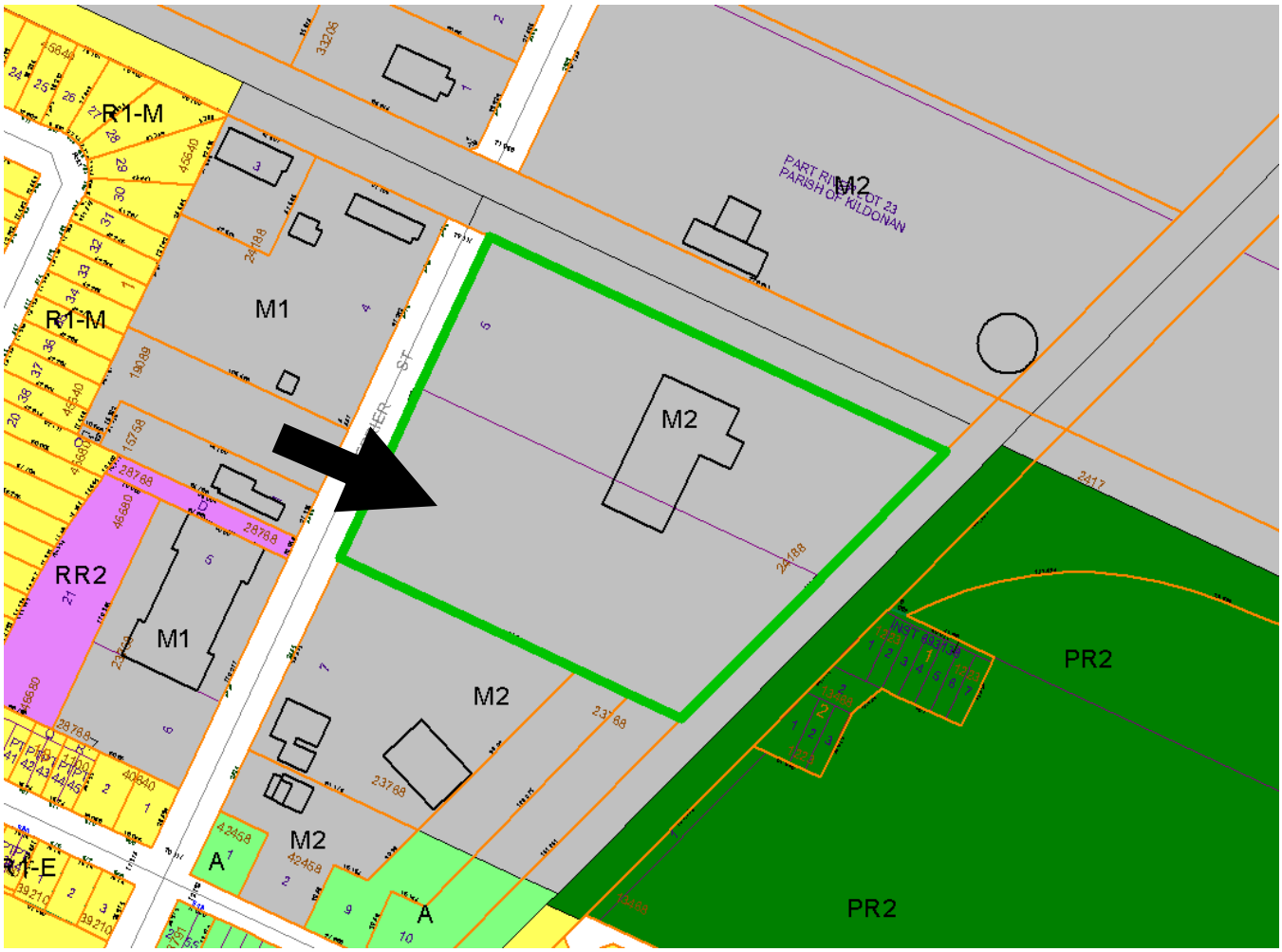


Figure 2: Existing Zoning for subject property and Surrounding Area.



Figure 3: Existing Land-Uses for subject property and Surrounding Area.