Minutes – Executive Policy Committee – September 15, 2010

Minute No. 517
Report – Standing Policy Committee on Property and Development – September 14, 2010

Item No. 23 Subdivision and Rezoning – 157 Pipeline Road (Old Kildonan Ward) File DASZ 14/2010

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 14/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2010 dated August 25, 2010 with such minor changes as may be required, and 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 Schedule "B" of this report – the report of the Administrative Coordinating Group dated July 30, 2010, with the following amendments, namely:

      Plan Consideration

      i. Amend Condition 1 by deleting the words "9.0 m", and substituting the words "6.0 m" after the words "right-of-way width of" and before the words "for the proposed frontage road" .

      Development Agreement

      ii. Amend Condition 6 by deleting the words "6.0-m-wide", and substituting the words "5.0-m-wide" after the words "proposed frontage road," and before the words "by 150—mm-thick".

      iii. Delete Condition 18.

      iv. Renumber Conditions 19 and 20 to Conditions 18 and 19.

Minutes – Executive Policy Committee – September 15, 2010

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

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 14/2010 dated August 25, 2010, to an "R1-M" Residential Single-Family District.

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

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

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

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

Minutes – Executive Policy Committee – September 15, 2010

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

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

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.

Carried

Moved by Councillor Steeves,

That the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, as amended, be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 14, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk - West Kildonan Community Committee with the following amendment, namely:

- Delete Recommendations 1. A. iii. in its entirety and renumber the remaining Recommendations accordingly,

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

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 July 30, 2010, namely:

Plan Consideration

- Amend Condition 1 by deleting the words “9.0 m”, and substituting the words “6.0 m” after the words “right-of-way width of” and before the words “for the proposed frontage road”.

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

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

Development Agreement

- Amend Condition 6 by deleting the words "6.0-m-wide", and substituting the words "5.0-m-wide" after the words "proposed frontage road," and before the words "by 150—mm-thick".

- Amend Condition 12 by deleting the words "Planned Area" and substituting the words "two (2) new lots being created" after the words "full length of the" and before the words "abutting Simkin Drive."

- Delete Condition 18.

- Renumber Conditions 19 and 20 to Conditions 18 and 19,

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

RE: **Subdivision and Rezoning – 157 Pipeline Road**
File DASZ 14/2010 [c/r DAV 129202/2010D]

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

Prepared by: **Inga Skundberg, 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 plan of subdivision proposed under File DASZ 14/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2010 dated August 25, 2010 with such minor changes as may be required, and 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 Schedule "B" of this report – the report of the Administrative Coordinating Group dated July 30, 2010, ***with the following amendments, namely:***

      Plan Consideration

      i. Amend Condition 1 by deleting the words "9.0 m", and substituting the words "6.0 m" after the words "right-of-way width of" and before the words "for the proposed frontage road".

      Development Agreement

      ii. Amend Condition 6 by deleting the words "6.0-m-wide", and substituting the words "5.0-m-wide" after the words "proposed frontage road," and before the words "by 150—mm-thick".

      iii. Amend Condition 12 by deleting the words "Planned Area" and substituting the words "two (2) new lots being created" after the words "full length of the" and before the words "abutting Simkin Drive."

      iv. Delete Condition 18.

      v. Renumber Conditions 19 and 20 to Conditions 18 and 19,

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 14/2010 dated August 25, 2010, to an "R1-M" Residential Single-Family District.

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

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

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

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor 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 Lord Selkirk - West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee recommended that the previous application regarding the subject premises for six (6) lots be rejected and subsequently the applicant, modified the project to less lots, to which there is no opposition.

PUBLIC HEARING SUMMARY

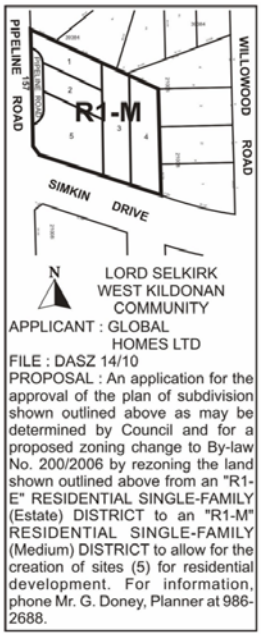
File: DASZ 14/2010 [c/r DAV 129202/2010D]

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: Global Homes Ltd. (Perry McDonald)

Subject:



Premises Affected: 157 Pipeline Road

Exhibits Filed:

1. Application dated May 28, 2010
2. Notification of Public Hearing dated June 21, 2010
3. Manitoba Status of Titles 1066031 and 2367025

4a. Letter of authorization dated May 12, 2010 from Global Homes Ltd., to Perry McDonald

4b. Letter of authorization dated August 30, 2010 from the City of Winnipeg to Global Homes Ltd.

5. Plans (2 pages)

6. Report from the Planning and Land Use Division dated August 31, 2010
7. Inspection Report
8. Audio Recording of representations of public hearing held on September 7, 2010

REPRESENTATIONS:

In Support:

Bernhard Goertzen, Global Homes Ltd.
Matthew Nicolas

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "6" referred to in File DASZ 14/2010

ADMINISTRATIVE REPORT

Title: Subdivision and Rezoning Application File DASZ 14/10, 35,000 square foot site at the northeast corner of Pipeline Road and Simkin Drive

Issue: Subdivision and rezoning to create one Public Street, to be a frontage road alongside Pipeline Road, and five lots, one of which would encompass an existing single-family dwelling and the others of which would each be developed with a single-family dwelling.

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development (only if opposition or if recommendation differs from the report of the Public Service) → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
Patti Regan	n/a	n/a	n/a

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 14/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2010 dated August 25, 2010 with such minor changes as may be required, and 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 Schedule "B" of this report – the report of the Administrative Coordinating Group dated July 30, 2010.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 14/2010 dated August 25, 2010, to an "R1-M" Residential Single-Family District.

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

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

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

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

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

REASON FOR THE REPORT

This report is for consideration of File DASZ 14/2010, an application to subdivide and rezone a 35,000 square foot site at the northeast corner of Pipeline Road and Simkin Drive to create:

- one Public Street, to be a frontage road alongside Pipeline Road; and
- five lots, one of which would encompass an existing single-family dwelling and the others of which would each be developed with a single-family dwelling.

This report recommends that the proposed plan of subdivision and rezoning be approved as per Schedule “A” and Schedule “B” of this report because:

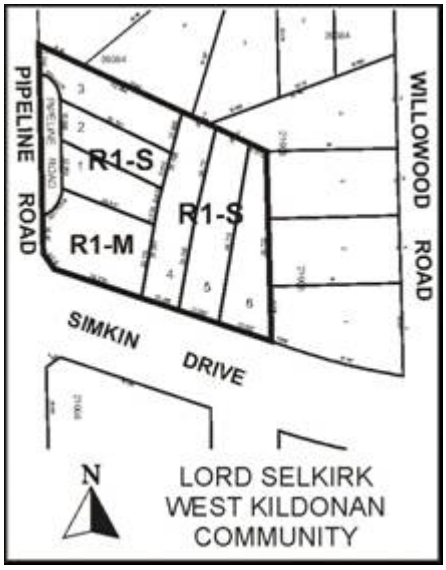
- the proposed development would make much better use of vacant land that is adjacent to a full-range of municipal infrastructure and a Winnipeg Transit bus route; and
- the proposed development is compatible with the neighbourhood.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations are implemented, the planned area can be subdivided, rezoned and developed with single-family dwellings. As well, infrastructure would be constructed as per Schedule “B” of this report.

HISTORY

The illustration to the right shows an earlier Global Homes' application to subdivide and rezone the planned area that was made under File DASZ 7/2009.



This application was for approval of a plan of subdivision and rezoning that would have created:

- a five- metre wide frontage road to be part of a Public Street – Pipeline Road;
- one single-family dwelling lot in an "R1-M" District that would have encompassed an existing single-family dwelling; and
- six lots in an "R1-S" District that were to be developed with single family dwellings.

The Public Service recommended that the frontage road be nine metres wide.

On February 9, 2010, the Lord Selkirk-West Kildonan Community Committee did not concur in the recommendation of the Public Service and rejected the application for subdivision and rezoning under File DASZ 7/2009, and forwarded the matter to the Standing Policy Committee on Property and Development.

The Lord Selkirk – West Kildonan Community Committee provided the following supporting reasons for its recommendation:

- A different configuration for the development than what has been proposed may have resulted if the developer and neighbouring residents had an opportunity for consultation; and
- The residents have indicated that they are not opposed to development, and would favour one that is somewhat consistent with the neighbourbood.

On April 6, 2010, the Standing Policy Committee on Property and Development did not concur in the recommendation of the Lord Selkirk-West Kildonan Community Committee and concurred in the recommendation of the Winnipeg Public Service with the following amendments, namely:

- Amend Recommendation 1. by deleting the following:

  "in accordance with Schedule "A" for File DASZ 7/2009 dated November 25, 2009"; and
- Delete Recommendation 1. B. in its entirety and replace with the following:
  "B. That the Plan of Subdivision be amended by providing only two (2) lots of 13.716metres and 15.24 metres in width fronting Simkin Road; and three (3) lots fronting Pipeline Road."

On April 21, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

On April 28, 2010, the application was withdrawn by the applicant during Council's meeting.

CONSULTATION

In preparing this report there was consultation with the Water and Waste and Public Works Departments, as indicated in Schedule “B” of this report.

SUBMITTED BY

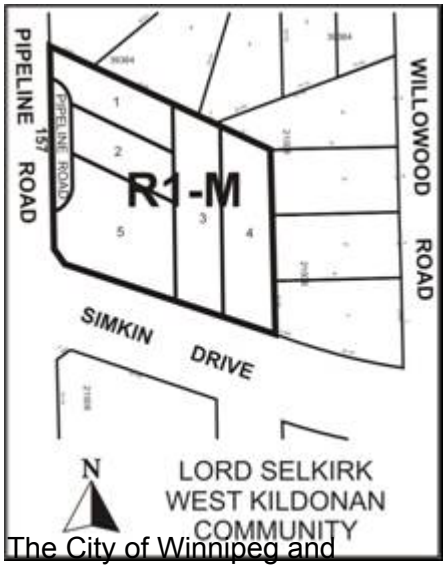
Department: Planning, Property and Development
Division: Planning and Land Use
Prepared by: J. Glen Doney
Date: August 31, 2010
File No. DASZ 14/2010

Attachments and Schedules

1. Attachment 1 – Planning Discussion
2. Schedule “A”
3. Schedule “B”

ATTACHMENT 1 – PLANNING DISCUSSION

Date	August 31, 2010
File	DASZ 14/2010
Related File	DAV 10-129202D
Subject	plan of subdivision and rezoning application to create one frontage road and five lots and to rezone the proposed lots to "R1-M" Residential Single Family District
Location	157 Pipeline Road and adjacent land immediately NE of Pipeline Road and Simkin Drive



Applicant	Global Homes
Owners	The City of Winnipeg and Global Homes
Recommendation	Approval as modified

THE PLANNED AREA (THE SITE)

The planned area is approximately 35,000 square feet and is at the northeast corner of Pipeline Road and Simkin Drive. It is in the Leila – McPhillips Triangle Neighbourhood and the Old Kildonan Ward. The planned area consists of one lot of approximately 31,502 square feet and one block that is approximately 3,833 square feet. The block is owned by the City of Winnipeg and is being sold to the developer.

A single-family dwelling is on the aforementioned lot and a garage that is accessory to the dwelling is on the abutting block. Two-family dwellings are west of the planned area and are on lots of approximately 6,000 square feet or more. Single-family dwellings are north, east and south of said land. Seven single-family dwelling lots are abutting the planned area and have an average area of 7,700 square feet. A single-family dwelling is across Simkin Drive from the planned area. It is on a lot that is approximately 11,000 square feet.

Figure 1 of this attachment is 2009 aerial photography showing the planned area and vicinity.

The planned area is in an “R1-E” Residential Single-Family District and is abutting an “R1-L” District. It is near other “R1-L” Districts and an “R2” Residential Two-Family District.

The planned area is in a Neighbourhood policy area of *Plan Winnipeg 2020 Vision.*

Figure 2 of this attachment shows existing zoning.

There are private approaches from Simkin Drive to single-family dwellings east of the planned area but not south of if. There are no private approaches from Pipeline Road in the vicinity of the planned area. A Winnipeg Transit bus route is on Pipeline Road and alongside the planned area. Simkin Drive is one of the few Public Streets near the planned area that connects with Pipeline Road from the east.

PROPOSED DEVELOPMENT

The proposal is to subdivide and rezone a 35,000 square foot site at the northeast corner of Pipeline Road and Simkin Drive to create:

- one Public Street widening, to be a frontage road alongside Pipeline Road; and
- five lots, one of which would encompass an existing single-family dwelling and a garage and the others of which would each be developed with a single-family dwelling.

The proposed Public Street widening would widen a portion of Pipeline Road by 16.4 feet (five metres). The proposed lot that is to encompass the existing dwelling and garage is proposed to be approximately 9500 square feet. The other two proposed lots that are to front on the proposed frontage road would be 4100 and 4500 square feet. The two proposed lots that are to front on Simkin Avenue are to be 7400 and 8000 square feet. All of the proposed lots would be at least 40 feet wide.

ANALYSIS

PLAN WINNIPEG

Policy 3A-02, Promote Compact Urban Form, of *Plan Winnipeg 2020 Vision* states:

> The City shall promote compact urban form in support of sustainability by… encouraging infilling of vacant lands and the revitalization of existing neighbourhoods to maximize the use of existing infrastructure; and… supporting new development which is adjacent to, and compatible with, existing development and which is designed to minimize the spatial use of land.

Given that only five single-family dwellings are to be in the planned area, that much of the planned area is undeveloped and that it is near municipal infrastructure and public transit, the proposal conforms to Plan Winnipeg.

COMPATIBILITY WITH THE NEIGHBORHOOD

As stated in the preceding subsection, the proposed development is compatible with the neighbourhood. The following subsection explains why the proposed rezoning is compatible with the neighbourhood.

ZONING

The following table shows the minimum lot area requirements of the existing and proposed zoning.

	existing zoning district	**min. lot area (sq. ft.)**
planned area	R1-E	20,000
abutting or nearby land	R1-L	5,500
nearby land	R2	5,000
	proposed zoning district	**min. lot area (sq. ft.)**
planned area	R1-M	3,500

This table indicates that the minimum lot area requirement of the “R1-M”I District s only 36 percent less than that of the “R1-L” District and only 30 percent less than that of the “R2” District. Therefore, rezoning the planned area to “R1-M” District is appropriate.

The “Special Boundary Conditions” of the zoning by-law also apply to the planned area because the planned area is within 200 feet of existing “R1” Districts and an “R2” District in residential use. The Special Boundary Conditions require the area and width of each proposed lot to be no less than the average area and average width of the abutting lots, the lots across Pipeline Road from the planned area and the lots across Simkin Drive from the planned area. In addition, the Special Boundary Conditions require a minimum lot width of 35 feet.

The Special Boundary Conditions must be varied for the widths and areas of proposed Lots 1 to 4, as per File DAV 10-129202D.

COMMENTS FROM OTHER DEPARTMENTS

As stated in Schedule “B” of this report, Public Works requires a portion of the Pipeline Road Public Street to be widened by nine metres, not five metres as proposed, to accommodate the proposed frontage road.

RECOMMENDATION

The Planning and Land Use Division recommends approval of the proposed plan of subdivision and rezoning because they would facilitate appropriate infill residential development.

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

Report Prepared by
J. Glen Doney
PPD File DASZ 10/2010

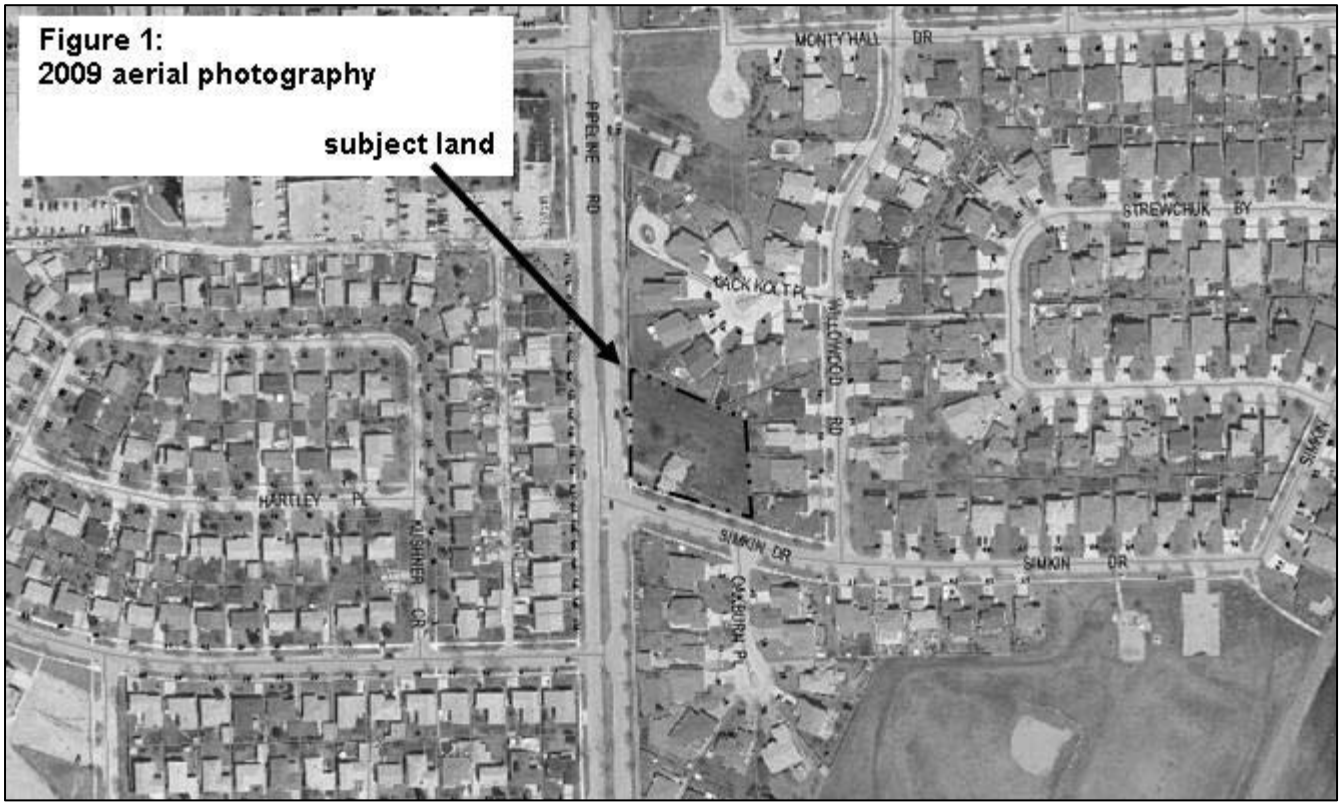


Figure 1:
2009 aerial photography

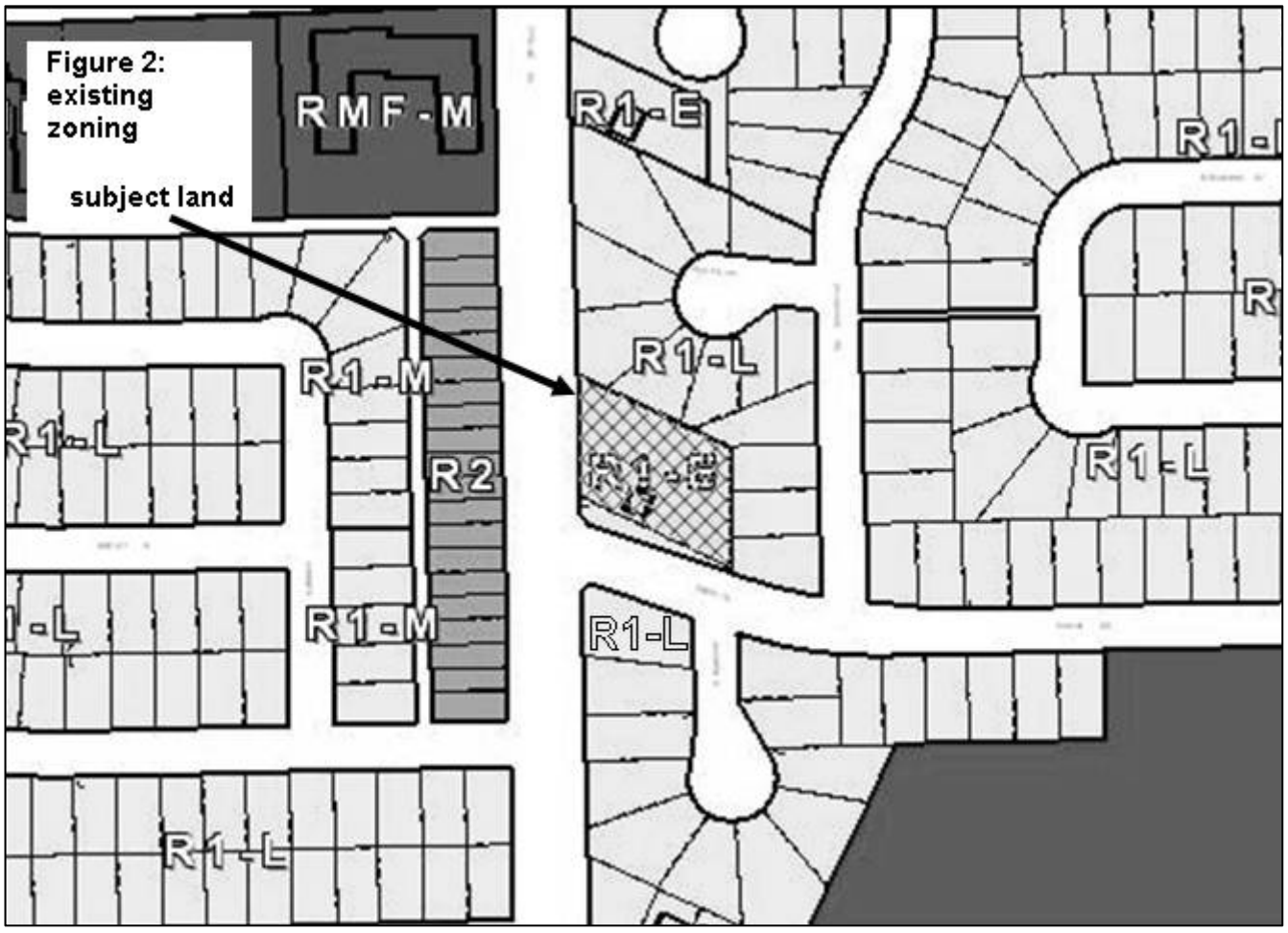


Figure 2:
existing
zoning

Schedule "A"

By-Law No. _____

File No. **DASZ 14/10**

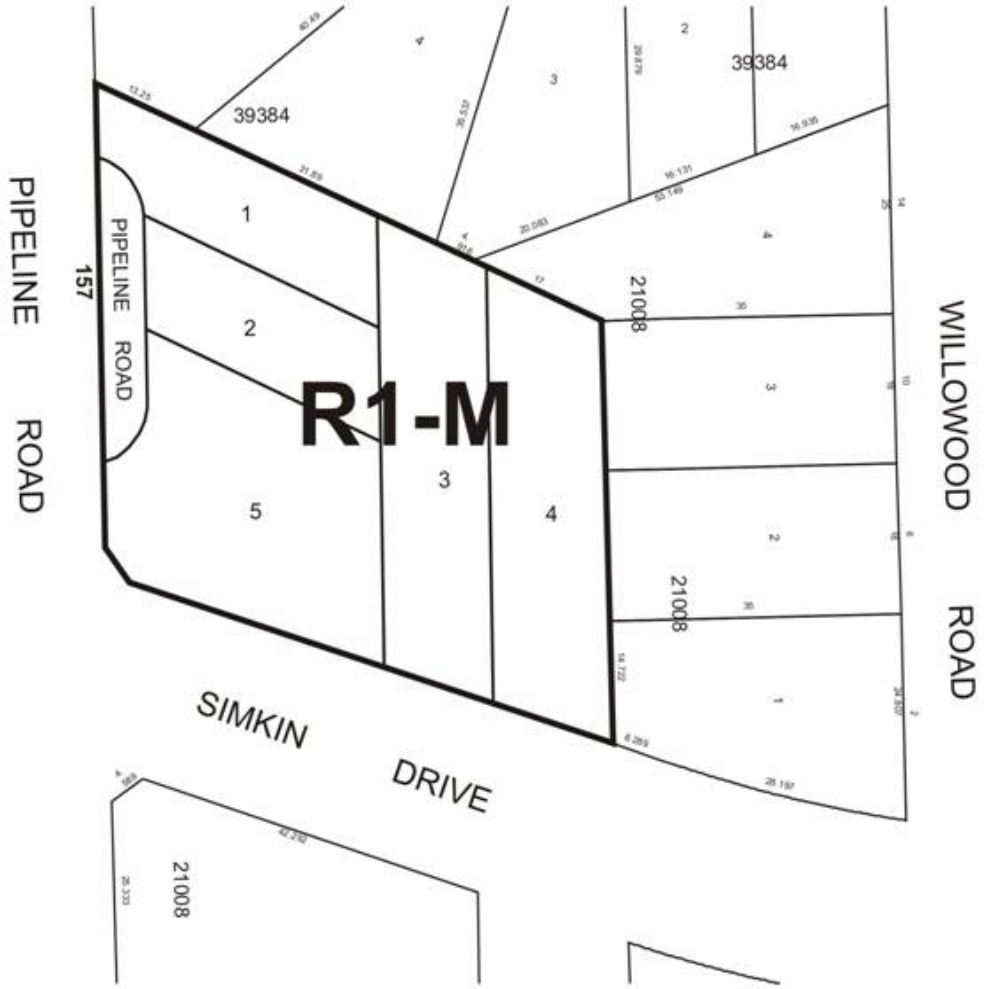
Atlas Sheet No. **S23**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 157 Pipeline Road from an "R1-E" RESIDENTIAL SINGLE-FAMILY (Estate) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to allow for the creation of sites (5) for residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 14/2010, dated August 25, 2010

Schedule "B"

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

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT 157 PIPELINE ROAD - DASZ 14/10

It is recommended that the approval of DASZ 14/10 be subject to the following:

A. Plan Consideration

1. The Applicant providing a minimum right-of-way width of 9.0 m for the proposed frontage road, with terminus points located and designed to the satisfaction of the Director of Public Works.

B. Development Agreement

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

1. The Developer shall provide a site servicing drawing prepared by a municipal engineer and 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 service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and 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 hereby indemnifies 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.

2. The Developer shall pay its share of the regional land drainage system (Leila Trunk User Charge, 2010 Rate = $938/acre).

3. 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, all to the satisfaction of the Director of Water and Waste.

4. 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.

5. 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.

6. The Developer shall, at no expense to the City, construct, in the proposed frontage road, 6.0–m-wide by 150-mm-thick portland cement concrete pavement, as determined by, and to the satisfaction of, the Director of Public Works.

7. The Developer shall, at no expense to the City, retain and/or reconstruct, within the proposed frontage-road median, a public sidewalk, complete with the appropriate paraplegic ramps, to prevent pedestrians from having to walk on the frontage road.

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

9. The Developer shall pay all costs associated with the 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.

10. 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.

11. 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.

12. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, its share of the cost of services previously installed by others in, and applicable to the full length of the Planned Area abutting, Simkin Drive.

13. No private approaches serving single- and two-family residential development will be permitted off Pipeline Road.

14. Proposed Lots 3 and 4 shall be served by a joint private approach along the property line of these two lots.

15. The Developer shall, at no expense to the City, sod boulevards and plant trees in front of all lots 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.

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

17. 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.

18. 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.

19. 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.

20. 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. DASZ 14/10
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

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