Agenda – Executive Policy Committee – April 13, 2011

REPORTS

Item No. 1 Subdivision and Rezoning – 990 and 994 John Bruce Road (St. Boniface Ward) File DASZ 30/2010

COMMUNITY COMMITTEE RECOMMENDATION:

On March 14, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 30/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2010 dated February 25, 2011, 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 Servicing Agreement with the City containing all the conditions outlined in Schedule "B" the report of the Administrative Coordinating Group dated March 3, 2011.

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 30/2010 dated February 25, 2011, to an "R1-L" Residential 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 if a building permit is issued for Proposed Lot 7, said dwelling unit shall be sited in such a manner that its easternmost wall will be within fifty feet (50') of the west property line of said lot, and the front wall of said dwelling unit shall be constructed within thirty-five feet (35) of either John Bruce Road East or Tascona Road.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2) year period and Council approves the extension.

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 Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and 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 (1) year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

10. That in the event the Zoning Agreement/Servicing Agreement is not registered in the Winnipeg Land Titles Office by caveat against the subject lands within twelve (12) months after the 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.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On March 14, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 990 and 994 John Bruce Road**
File DASZ 30/2010

For submission to: **Executive Policy Committee**

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

Report date: **March 15, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 14, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 30/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2010 dated February 25, 2011, 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 Servicing Agreement with the City containing all the conditions outlined in Schedule "B" the report of the Administrative Coordinating Group dated March 3, 2011.

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 30/2010 dated February 25, 2011, to an "R1-L" Residential 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 if a building permit is issued for Proposed Lot 7, said dwelling unit shall be sited in such a manner that its easternmost wall will be within fifty feet (50') of the west property line of said lot, and the front wall of said dwelling unit shall be constructed within thirty-five feet (35) of either John Bruce Road East or Tascona Road.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2) year period and Council approves the extension.

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

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8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and 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 (1) year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

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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.

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 February 25, 2011.

PUBLIC HEARING SUMMARY

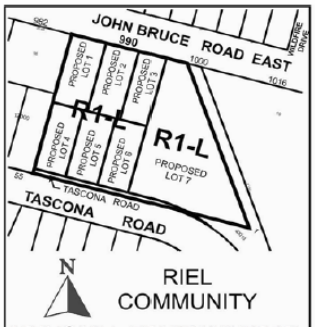
File: DASZ 30/2010

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Steeves
Councillor Vandal

Public Hearing: March 14, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: Frank Manfredi

Subject:



APPLICANT : FRANK MANFREDI
FILE: DASZ 30/10
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 "R1-E" RESIDENTIAL SINGLE-FAMILY (Estate) DISTRICT to an "R1-L" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICT. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
DEMANDEUR : FRANK MANFREDI
N° DE RÉFÉRENCE : DALZ 30/10
PROJET : Demande d'approbation par le Conseil du plan de lotissement relatif aux sols délinéés ci-dessus et proposition de modification du Règlement municipal n° 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R1-E (SECTEUR D'HABITATIONS UNIFAMILIALES DOMANIALES) à la catégorie R1-L (SECTEUR DE GRANDES HABITATIONS UNIFAMILIALES). **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: 990 and 994 John Bruce Road

Exhibits Filed:

1. Application dated December 10, 2010
2. Notification of Public Hearing dated February 1, 2011
3. Manitoba Status of Title 2178022
4. Letter of authorization dated August 25, 2010 from Carol Manfredi to Frank Manfredi
5. Surveyor's Building Location Certificate and sketch dated October 15, 2010
6. Plans (2 pages)
7. Report from the Planning and Land Use Division dated February 25, 2011
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Frank Manfredi

In Opposition

Nil

For Information:

Rajiv Parkbhakar
Agostinho Reis

For the City:

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

Exhibit "7" for File DASZ 30/2010

ADMINISTRATIVE REPORT

Title: DASZ 30/2010 – 990 & 994 John Bruce Road East Public Hearing

Issue: For consideration at the Public Hearing for a subdivision and rezoning to create six (6) lots and one (1) remnant parcel zoned "R1-L" Residential Single-Family Large.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 30/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 30/2010 dated February 25, 2011, 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 Servicing Agreement with the City containing all the conditions outlined in Schedule "B" the report of the Administrative Coordinating Group dated March 3, 2011.

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 30/2010 dated February 25, 2011, to an "R1-L" Residential 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, if a building permit is issued for Proposed Lot 7, said dwelling unit shall be sited in such a manner that its easternmost wall will be within fifty feet (50') of the west property line of said lot, and the front wall of said dwelling unit shall be constructed within thirty-five feet (35) of either John Bruce Road East or Tascona Road.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2) year period and Council approves the extension.

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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

- The applicant would like to rezone (from R1-E to R1-L) and subdivide 1.7 acres of land that is located on the south side of John Bruce Road East between Shorehill Drive and Wild Fire Drive into what will result in a total of seven (7) single-family residential lots.
- Proposed Lots 1 to 6 will range from between approximately 5,800 square feet to approximately 7,408 square feet in area. Three lots will front onto John Bruce Road East and the three other lots will front onto Tascona Road. These lots will be rezoned to “R1-L” Residential Single-Family Large.

- Proposed Lot 7 is a remnant parcel. This remnant parcel will also be zoned "R1-L" Residential Single-Family Large and will be approximately 30,000 square feet in area.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Planning and Land Use Division are concurred in, the land will be rezoned to "R1-L" Residential Single-Family Large and subdivided into six (6) lots and one (1) remnant parcel.

HISTORY

DASZ 4/08

- On April 23, 2008, Council recommended approval of the subdivision and rezoning of land at 990 John Bruce Road East. This application was to create six (6) lots and one (1) remnant parcel zoned "R1-L" Residential Single-Family Large; however, DASZ 4/08 expired as per condition 5 of the subdivision and rezoning for this file, which states:
    - 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.
- The applicant did not apply for an extension of time; therefore, a new application is required.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Date:	February 25, 2011
File No.	DASZ 30/10

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DASZ 30/10
3. Schedule “B” – Report of the Administrative Coordinating Group

APPENDIX 'A'

DATE: February 25, 2011

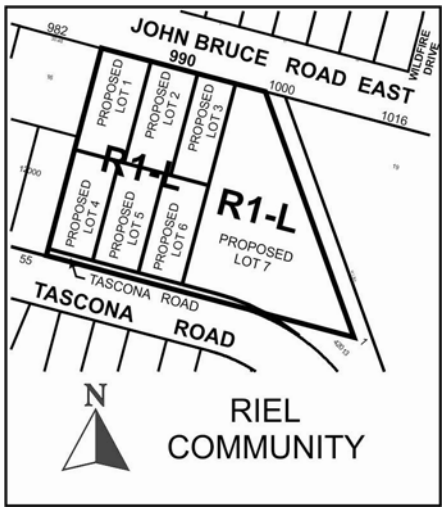
FILE: DASZ 30/10
RELATED FILES: DAV 10-171875/D (c/r), DASZ 4/08

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.555

SUBJECT: To subdivide and rezone the subject land from one "R1-E" Residential Single-Family Estate lot into (6) lots and one (1) remnant parcel zoned "R1-L" Residential Single-Family Large.

LOCATION: 990 & 994 John Bruce Road East

LEGAL DESCRIPTION: Lot 17 Plan 12000 122 St. B



APPLICANT: Frank Manfredi
990 John Bruce Road East
Winnipeg, MB R3X 1Y8

OWNER: Frank & Carol Manfredi
990 John Bruce Road East
Winnipeg, MB R3X 1Y8

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The applicant is proposing to rezone the site from R1-E to R1-L and subdivide the land into what will result in a total of seven (7) single-family residential lots.
- Proposed Lots 1 to 6 will range from between approximately 5,800 square feet to approximately 7,408 square feet in area. Three lots will front onto John Bruce Road East and the three other lots will front onto Tascona Road. These lots will be rezoned to "R1-L" Residential Single-Family Large.
- Proposed Lot 7 is a remnant parcel. This remnant parcel will also be zoned "R1-L" Residential Single-Family Large and will be approximately 30,000 square feet in area.
- The Planning and Land Use Division recommends supporting this application because:
    - Increasing residential density and helping to achieve a compact urban form are key policies of Plan Winnipeg and the *Draft* Complete Communities Direction Strategy that are fulfilled by this application.
    - The proposed subdivision is fully serviceable and in character with the neighbourhood.
    - Proposed Lots 1-6 are generally larger than the lots that are across the street along John Bruce Road East and Tascona Road.

SITE DESCRIPTION

- The subject property is located on the south side of John Bruce Road East between Shorehill Drive and Wild Fire Drive in the Royalwood neighbourhood of the St. Boniface Ward.
- The property is approximately **1.7 acres in area**.
- The subject property contains two detached single family homes. One of these homes (994 John Bruce Road East) was built without permits.
- The site is within Plan Winnipeg 2020's Neighbourhood Land Use Policy Area and within the Areas of Stability – Recent Communities Policy Area under the *Draft* Complete Communities Direction Strategy. The property is zoned "R1-E" Residential Single-Family Estate.



Figure 1: Aerial photograph showing approximate area of subject property (flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Detached single-family homes zoned “R1-M” Residential Single-Family Medium.

South: Detached single-family homes zoned “R1-M” Residential Single-Family Medium.

East: City-owned land a detached single-family home zoned “R1-E” Residential Single-Family Estate.

West: Detached single-family homes zoned “R1-E” Residential Single-Family Estate.

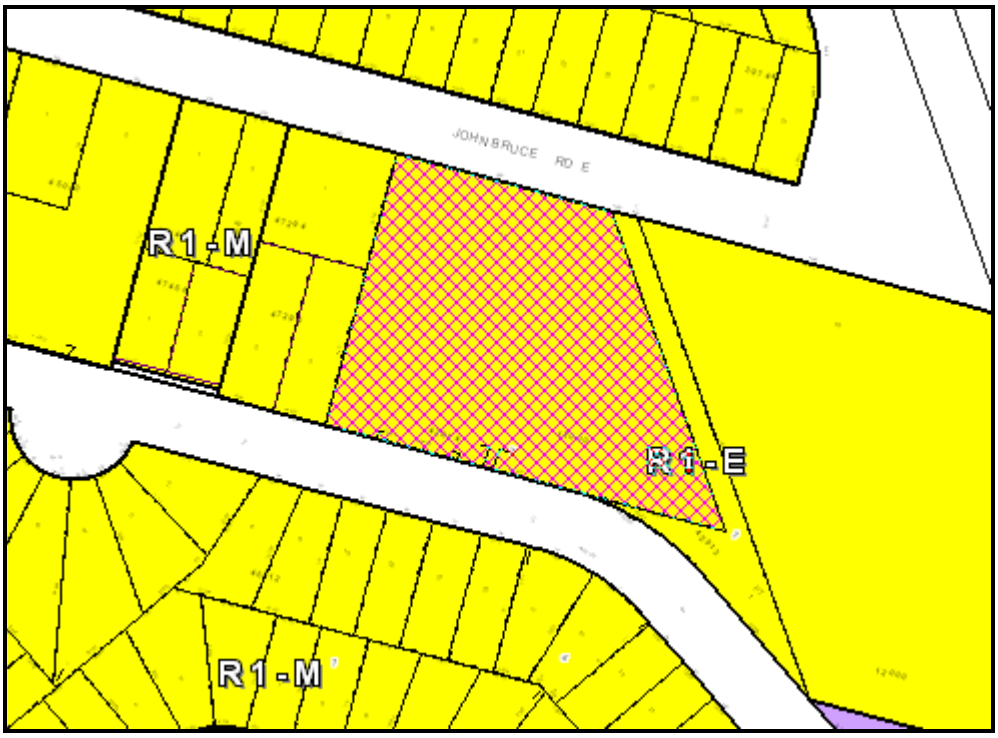


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from R1-E to R1-L and subdivide the land into what will result in a total of seven (7) single-family residential lots.
- Proposed Lots 1 to 6 will range from between approximately 5,800 square feet to approximately 7,408 square feet in area. Three lots will front onto John Bruce Road East and the three other lots will front onto Tascona Road. These lots will be rezoned to "R1-L" Residential Single-Family Large.
- Proposed Lot 7 is a remnant parcel. This remnant parcel will also be zoned "R1-L" Residential Single-Family Large and will be approximately 30,000 square feet in area.
- Virtually the same application was made by the applicant and approved by Council under DASZ 4/08; however, this file expired as per condition 5 of the subdivision and rezoning for this file, which states:
    - 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.
- The applicant did not apply for an extension of time; therefore, a new application is required.

ANALYSIS AND ISSUES

PLAN WINNIPEG

- The proposed development is within the Neighbourhood Policy Area and complies with *Plan Winnipeg 2020*.

DRAFT COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Draft Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key policies guiding the development of Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

ZONING

"R1-E" Residential Single-Family Estate District

- The R1-E district requires: a minimum lot width of 25 feet, a minimum lot area of 20,000 square feet, side yards of 15 feet, a front yard of 30 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30 percent.

"R1-L" Residential Single-Family Large District

- The R1-L district requires: a minimum lot width of 25 feet, a minimum lot area of 5,500 square feet, side yards of 4 feet, a front yard of 20 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 40 percent.

LAND USE BY-LAW

Rezoning

- The rezoning to R1-L is predominantly required for Proposed Lots 1 to 6. The applicant is proposing to create these six lots with lot areas ranging from between approximately 5,800 square feet to approximately 7,408 square feet. Under the current zoning, R1-E, the applicant would not be able to create Proposed Lots 1 to 6 because the minimum lot area requirement within the R1-E zoning district is 20,000 square feet. The minimum lot area requirement in the R1-L district is 5,500 square feet.

Variance

- Although the minimum front yard requirement in the R1-L zone is 20 feet, Section 139 of Zoning By-law 200/2006 requires that a front yard building alignment be conducted for new single-family or two-family dwellings or additions on street blocks where at least 80 percent of the lots have been developed with principal residential structures. A variance is required if the proposed front yard is inconsistent with the average of the street block.

- The Zoning Officer undertook this alignment on the application and found that the average front yard setback on the South Side of John Bruce Road between Shorehill Drive and Wild Fire Drive is 30 feet. The existing house that was developed without permits at 994 John Bruce Road has a front yard of 24.8 feet and therefore requires a variance.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The applicant proposed virtually the same application under DASZ 4/08. The Planning and Land Use Division recommended approval for this application stating that the application was "in character with the existing Royalwood neighbourhood and conformed to Plan Winnipeg."
- The only noticeable differences between the current application and the previous application is that the alignment of the lots fronting onto John Bruce Road East is slightly staggered to the east versus the proposed lots that front onto Tascona Road (under the previous application the alignment was even), and that the lot widths of Proposed Lots 1-6 are slightly larger in the current application.
- Proposed Lots 1-6 are generally larger than the lots that are across the street along John Bruce Road East and Tascona Road.
- The remnant parcel (Proposed Lot 7) will likely be consolidated with City-owned land located east of this parcel. The Planning and Land Use Division prefers to see that any City-owned land near this remnant parcel be used to help create a development that is compatible with the surrounding neighbourhood.
- It should be noted that the applicant will be required to contribute towards his share of the services previously installed along Tascona Road prior to his being able to connect to those services or take access to the existing street.
- As under DASZ 4/08, the Planning and Land Use Division has recommended that construction on residual Lot 7 be restricted through the zoning agreement. Said construction will be restricted to being close to the west property line and within 35 feet of either Tascona Road or John Bruce Road East. The front setback is being recommended in order to best align any future front yard with existing development along Tascona Road and John Bruce Road East. The recommended restriction in the zoning agreement will ensure that any immediate residential construction on the residual lot will not adversely affect the design and layout of future lots in a future subdivision application when/if the eventual consolidation with adjacent properties takes place.

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 land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.

- The City is requesting cash in lieu for this application.

PUBLIC HEARING NOTIFICATION

- Although the rezoning and subdivision of the site was advertised correctly in two daily newspapers, the posters stating the subdivision and rezoning for the site incorrectly described the proposed development as follows:

  To rezone the land as shown from an "RMF-M" RESIDENTIAL MULTI-FAMILY (Medium) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (Large) DISTRICT to allow for the establishment of a multiple family dwelling (24 units).

- The development described is more intense than what was actually proposed for the site.
- The variance portion of the poster correctly stated the variance application.
- As the correct subdivision and rezoning application was advertised in the newspaper and the correct variance application was posted on the site, the Charter and Development Procedures By-law requirements for advertising the proposed developments were met.
- On March 1, 2011, the City of Winnipeg reposted the site with signs displaying the correct information regarding the rezoning and subdivision and variance applications.

RECOMMENDATION

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

- Increasing residential density and helping to achieve a compact urban form are key policies of Plan Winnipeg and the *Draft* Complete Communities Direction Strategy that are fulfilled by this application.
- The proposed subdivision is fully serviceable and in character with the neighbourhood.
- Proposed Lots 1-6 are generally larger than the lots that are across the street along John Bruce Road East and Tascona Road.

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

Report Prepared By: Robert Kostiuk
PPD File # DASZ 30/10

Schedule "A" for File No. DASZ 30/2010, Riel Community Committee, dated February 25, 2011

By-Law No. _____

File No. **DASZ 30/10**

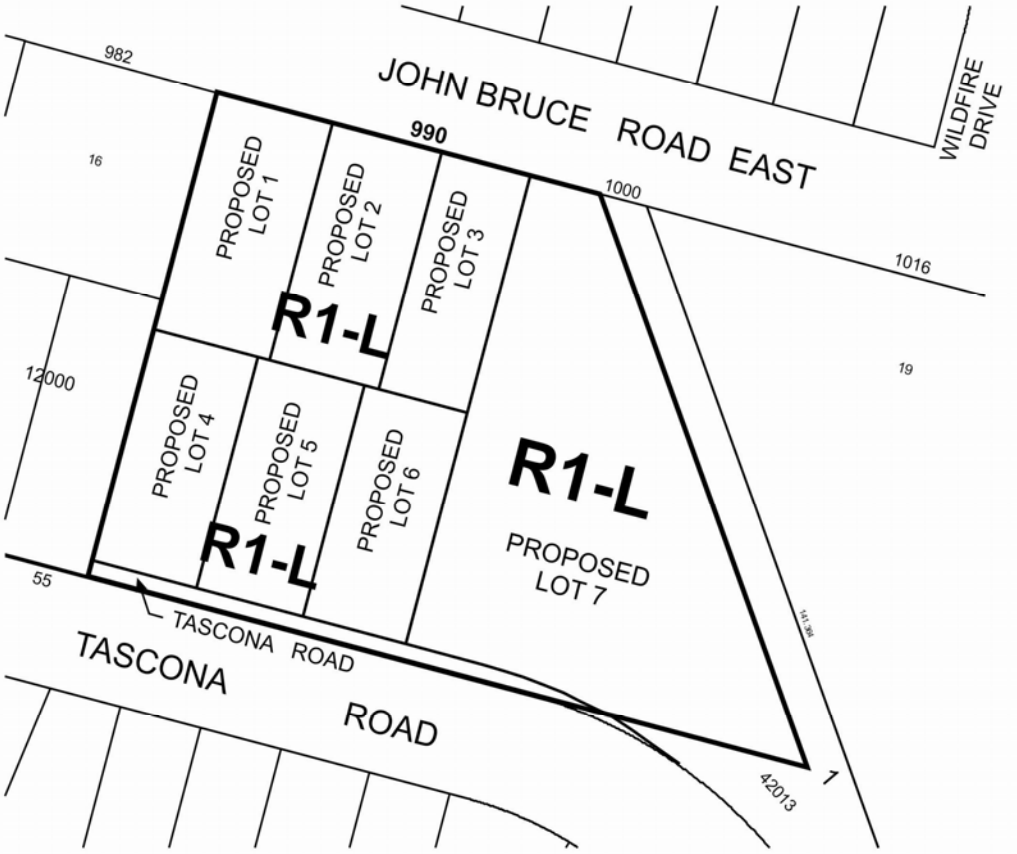
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N

AG29
RIEL
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 990 & 994 John Bruce Road East from an "R1-E" RESIDENTIAL SINGLE-FAMILY (Estate) DISTRICT to an "R1-L" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 990 & 994 JOHN BRUCE ROAD EAST - DASZ 30/10

An application has been submitted by Frank Manfredi to subdivide and rezone land located at 990 & 994 John Bruce Road East. Tascona Road was established and serviced by Ladco Company pursuant to the Royalwood Phase 2 Development Agreement. The services in John Bruce Road East were installed by Ladco Company pursuant to the Royalwood Phase 1 Development Agreement and by Novamet pursuant to the Island Lakes Development Agreement.

A. Plan Considerations

1. The Developer shall transfer to the City and legally open, at no expense to the City, property for a 2.0m widening to the Tascona Road right-of-way as determined by and to the satisfaction of the Director of Public Works, in addition to legally opening the existing 0.3m wide control strip (Lot 7, Plan 42014) separating the Planned Area from Tascona Road.

B. Servicing Agreement

It is recommended that approval of DASZ 30/10 be subject to the Developer entering into a Servicing Agreement as follows:

1. The Developer shall prior to the release of subdivision mylars for registration in Land Titles pay its share of the cost of the services installed by others in John Bruce Road East and in Tascona Road as determined by and to the satisfaction of the Director of Public Works and the Director of Water and Waste.

2. 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 the proposed Lots as determined by, and to the satisfaction of, the Director of Water and Waste.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. The Developer shall, at no expense to the City, sod boulevards and plant trees fronting all lots within the Planned Area and 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.

9. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed Lots.

10. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

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

12. The Developer is to 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 works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

13. Following completion of all 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, shall have them replaced by a Manitoba Land Surveyor. The Developer shall ensure that the Manitoba Land Surveyor provides the Director of Planning, Property and Development with a certificate stating that all survey monuments within the Planned Area have been verified and/or replaced, as the case may be.

14. 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.

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

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 per acre of Planned Area (minimum $1,650.00) plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 30/10
March 3, 2011

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"*original signed by K.T. Raban*"
[for] S. M. Matile, P. Eng., Chair
Land Development Branch

R. J. Hartmann, P. Eng.
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