Agenda – Council – April 27, 2011

Report – Executive Policy Committee – April 13, 2011

Item No. 2 Subdivision and Rezoning – 760 and 770 Knowles Avenue (North Kildonan Ward) File DASZ 36/2010

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 13, 2011, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 36/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 36/2010 dated January 27, 2011, with such minor changes as may be required, and for 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 January 25, 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 36/2010 dated January 27, 2011, to R1-L Residential Single-Family District – Large.

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

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

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

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

Report – Executive Policy Committee – April 13, 2011

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

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

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within 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.

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

Report – Executive Policy Committee – April 13, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 13, 2011, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 15, 2011, the East Kildonan-Transcona 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.

On February 15, 2011, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on March 15, 2011 at 6:30 p.m. at the Bronx Park Community Centre, 720 Henderson Highway, so that the subject properties may be properly posted.

RE: **Subdivision and Rezoning – 760 and 770 Knowles Avenue**
File DASZ 36/2010

For submission to: **Executive Policy Committee**

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **March 15, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 15, 2011, the East Kildonan-Transcona 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 36/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 36/2010 dated January 27, 2011, with such minor changes as may be required, and for 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 January 25, 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 36/2010 dated January 27, 2011, to R1-L Residential Single-Family District – Large.

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

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

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

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

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

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

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within 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.

10. 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

The East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. The application is consistent with other developments in the neighbourhood and is a logical progression for finishing the Arrowood subdivision lands.

PUBLIC HEARING SUMMARY

File:	DASZ 36/2010 [c/r DAV 171101/2010D]
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Browaty Councillor Steen
Public Hearing:	March 15, 2011 Bronx Park Community Centre 720 Henderson Highway February 15, 2011 The Royal Canadian Legion, Transcona Branch 117 Regent Avenue East
Applicant:	Bluestone Homes Inc. (George Argyriou)
Subject:	

Premises Affected: 760 and 770 Knowles Avenue

Exhibits Filed:

1. Application dated December 8, 2010
2. Notification of Public Hearing dated January 7, 2011
3. Manitoba Status of Titles 2316061 and 2363598 Certificate of Title C 79845
4. Letter of authorization dated November 17, 2010, from Frankie Foster St. Bernard, Walter Shuppe and Erna Shuppe to George Argyriou and/or Jaskern Kalar, Bluestone Homes Inc.
5. Surveyor's Building Location Certificate and sketch dated November 17, 2010
6. Report from the Planning and Land Use Division dated January 27, 2011
7. Inspection Report dated February 7, 2011
8. Notice of Adjournment dated February 16, 2011
9. Inspection Report dated March 10, 2011
10. Audio Recording of representations

REPRESENTATIONS:

In Support:

George Argyriou, Bluestone Homes Inc.
Walter Schuppe

In Opposition

Nil

For Information:

Nil

For the City:

Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 36/2010

ADMINISTRATIVE REPORT

Title: DASZ 36/2010 – 760 / 770 Knowles

Issue: For consideration at the Public Hearing for a subdivision and rezoning to allow the creation of five (5) new residential lots on Headmaster Row and two (2) residual lots on Knowles Avenue.

Critical Path: East Kildonan – Transcona 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 plan of subdivision proposed under File DASZ 36/10 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 36/10 dated January 27, 2011 with such minor changes as may be required, and for 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 January 25, 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 36/10 dated January 27, 2011, to R1-L Residential Single-Family District – Large.

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

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

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

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

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within 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.

10. 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 applicant intends to create five (5) lots for new single family dwellings zoned **R1-M Residential Single-Family District – Medium** on Headmaster Row.
- The existing single family dwellings will remain fronting Knowles Avenue and will not have their zoning designations change or any additional new lots created on Knowles Avenue.
- A full range of municipal services have been extended along Headmaster Row.
- No additional improvements will be made to Knowles Avenue through this development application.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, five (5) single - family dwellings on fully serviced lots will be allowed for construction along Headmaster Row.

HISTORY

History of Residential Development – Knowles Avenue:
Knowles Avenue, west of De Vries Avenue and east of Gateway Road, has 32 single-family dwellings on 39 lots for a total frontage feet of 4880 feet. The average lot widths are 105.5 feet on the south side and 150.5 feet on the north side.

All of these lots were created, starting in 1912 (Plan 1950), well before *Plan Winnipeg* established clear standards for municipal infrastructure. The last plan of subdivision approved was in April, 1981 (Plan 15679) for the creation of one lot.

Since the adoption of *Plan Winnipeg* in 1986, the further subdivision of land along Knowles Avenue without a full range of municipal infrastructure has been prohibited.

Council has approved a number of applications for residential development in the Gateway / Bonner / Knowles / De Vries area since 2004, when land drainage was provided in the area, that have the full range of municipal services including:

- DASZ 20/04 - 40 acres of land to construct 155 single family dwellings; two lots for multiple family dwellings; and extend Headmaster Row to Lagimodiere Blvd;
- DASZ 45/04 - 5 acres to construct 20 single family dwellings;
- DASZ 53/05 - 71,429.31 square feet into 11 residential lots;
- DASZ 12/06 - 38,224.556 square feet to develop three (3) single family residential lots;
- DASZ 15/07 - 32 residential units on Cindy Klassen Way, two (2) multiple family buildings on Headmaster;
- DASZ 23/07 – create eight (8) residential lots on Cindy Klassen Way;
- DAZ 223/2007 - 4.2 acres to construct 140 apartment style dwellings for seniors;
- DASZ 24/08 - 43,000 square feet to construct 15 single family lots.

The City of Winnipeg has rejected a number of applications for subdivisions, as well as requiring the modification of several applications for lands fronting Knowles Avenue based on the *Plan Winnipeg* policy requiring a full range of municipal infrastructure in a Neighbourhood Policy Area including:

- DASSF 550/04 (two new lots rejected),
- DASZ 45/2004 (5 lots removed from Knowles Ave frontage)
- DASZ 23/2007 (lots re-orientated to front Cindy Klassen Way)
- DASZ 38/2007 (lots re-orientated to Sunny Morning Rd)
- DASZ 26/2008 (two new lots removed from Knowles Avenue frontage)
- DASSF 549/09 (two new lots rejected); and
- DASSF 542/09 at 795 Knowles.

Access to Land Drainage System:
On May 18, 2005, the City of Winnipeg approved a development application by North Grassie Properties for 40 acres of vacant land (DASZ 20/2004 – Arrowwood) and 5 acres of land (DASZ 45/2004) on the west side of De Vries Avenue between Gateway Rd, Bonner Avenue and Knowles Avenue.

These applications enabled the construction of 175 single family dwellings. A full range of municipal infrastructure was constructed including a 3.1 acre retention lake for land drainage that was sized in order to provide capacity for all the lands along Bonner Avenue, Knowles Avenue and north to the City Limits.

The Developer was required to invest in the extension of land drainage pipes along with the full range of municipal services north on Cindy Klassen Way and Sunny Morning Road to enable the extension of municipal services to Knowles Avenue.

Local Improvement – Knowles Avenue to Sunny Morning, Sunny Morning to De Vries Avenue
Wastewater Sewer and Watermain improvements have been approved for construction from Sunny Morning Road to De Vries Avenue in 2010. Wastewater, Watermain and Land Drainage Sewer has been approved for construction from Gateway Road east to Sunny Morning Road in 2010.

Knowles Avenue will remain as a rural cross-section standard road with open ditches and chip seal coating from Gateway Road east to DeVries Avenue (see Appendix B for Chronology of Local Improvement).

Request for Secondary Plan – Knowles Avenue between Gateway Road and De Vries Avenue
On July 6, 2010 the Standing Policy Committee on Property and Development received for information and did not proceed with the East Kildonan – Transcona Community Committee a request to create a plan overlay, special planning area, or secondary plan for the homes that front Knowles Avenue between Gateway Road and De Vries Avenue that allows for subdivisions of lots to a minimum of 50 frontage feet with less than the standard full-range of municipal services, specifically concrete roadway and land drainage, as they do not conform with Plan Winnipeg 2020 under subsection 275(2) of the City of Winnipeg Charter.

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:	January 27, 2011
File No.	DASZ 36/10

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DASZ 36/2010
3. Appendix B for Chronology of Local Improvement
4. Schedule B – Report of the Administrative Coordinating Group

APPENDIX 'A'

DATE: January 27, 2011
FILE: DASZ 36/10
RELATED FILES: DASZ 20/04; DASZ 45/04; DASZ 53/05; DASZ 12/06; DASZ 38/07; DASZ 13/10
COMMUNITY: North Kildonan
NEIGHBOURHOOD #: 4.419

SUBJECT: Subdivision and Rezoning to create five (5) fully serviced residential lots
LOCATION: 760 and 770 Knowles Avenue



APPLICANT: George Argyriou Bluestone Homes Inc.
205-1200 PEMBINA HWY WINNIPEG MB R3T 2A7

OWNER: FRANKIE M ST BERNARD
760 KNOWLES AVE WINNIPEG MB R2G 2K2

WALTER M & ERNA F SCHUPPE
770 KNOWLES AVE WINNIPEG MB R2G 2K2

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to create five (5) lots for new single family dwellings zoned **R1-M Residential Single-Family District – Medium** on Headmaster Row.
- The existing single family dwellings will remain fronting Knowles Avenue and will not have their zoning designations change or any additional new lots created on Knowles Avenue.
- A full range of municipal services have been extended along Headmaster Row.
- No additional improvements will be made to Knowles Avenue through this development application.

- City of Winnipeg lands along the north side of Headmaster adjacent to the applicant's lands will be declared surplus, sold to the applicant, and consolidated into the new plan of subdivision.

SURROUNDING LAND USES AND ZONING

- The subject properties are 24,350 sq. ft (760 Knowles) and 22,000 sq. ft. (770 Knowles) for a total of **46,350 square feet** located on the south side of Knowles Avenue between Cindy Klassen Way and Sunny Morning Road in the Springfield North neighbourhood of the North Kildonan ward.
- The site is zoned **RR 5 Rural Residential District** and **R1-L Residential Single-Family District – Large** minimum.
- The site is roughly rectangular-shaped and is occupied by a 2,179 sq. ft. square foot dwelling constructed in 1975 and a 1,617 sq. ft dwelling constructed in 1975.
- Adjacent properties include single family dwellings to the east along Knowles, split-zoned "R1-L" Single Family Residential and RR5 Rural Residential 5; and single family dwellings along Headmaster Row to the west zoned R1-M Residential Single-Family District – Medium.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to create five (5) lots for new single family dwellings zoned **R1-M Residential Single-Family District – Medium** on Headmaster Row.
- The existing single family dwellings will remain fronting Knowles Avenue and will not have their zoning designations change or any additional new lots created on Knowles Avenue.
- Four of the new lots on Headmaster Row will be 3975 square feet – one lot with be 4778.5 square feet.
- The residual lots fronting Knowles Avenue will 14,870.2 square feet and 12,000 square feet.

ANALYSIS AND ISSUES

PLAN WINNIPEG

- *Plan Winnipeg 2020 Vision* is our primary planning policy document that guides all land use, development and planning matters within the City of Winnipeg;

- All versions of *Plan Winnipeg*, (1986, 1993 and 2001) have included policies limiting the subdivision of unserviced lots;

- The Public Service HAS rejected the subdivision application along Knowles Avenue because it is contrary to *Plan Winnipeg 2020* Policy 3A – 02 Promote Compact Urban Form.

- The full range of municipal infrastructure is readily available for extension to this development and has been oversized for capacity to accommodate future growth along Knowles Avenue.

ZONING (BY-LAW 200/2006)

- **R1-M Residential Single-Family District – Medium** minimum lot sizes of 3,500 square feet are required.
    - Side yards of 4 feet are required.
    - Front yard requirements are 15 feet; rear yard requirements are 25 feet.
    - Maximum building height is 35 feet.

- **R1-L Residential Single-Family District – Large** minimum lot sizes of 5,500 square feet are required.
    - Side yards of 4 feet are required.
    - Front yard requirements are 15 feet;
    - rear yard requirements are 25 feet.
    - Maximum building height is 35 feet.

- **RR 5 Rural Residential District** minimum lot sizes of 5 acres are required.
    - Side yards of 25 feet are required.
    - Front yard requirements are 100 feet;
    - Rear yards are 25 feet.
    - Maximum building height is 35 feet.
    - Agricultural cultivation is a permitted use; Stable or riding academy, Landscape/garden contractor or production, and Apiary are 'conditional' uses.

LAND-USE BY-LAW

- Zoning By-Law 200/2006 requires that undeveloped parcels in "R1' Zones that meet the underlying lot area/ lot width be consistent with the properties that are directly abutting them.
- This is assessed by calculating the average lot width/square footage of the lots in residential use within 200 feet of the proposed lot(s).
- If the average lot width/lot areas of the proposed lots are less than the average of the adjacent properties required in the analysis, a variance of the Special Boundary Conditions is required.
- The variances may be appealed to the Appeals Committee for a new public hearing, whereas the recommendation by Community Committee for a rezoning proceeds to Council for decision.

MUNICIPAL SERVICES

A full range of municipal services (piped water, piped sewer, piped land drainage, and paved roadway) will be extended along the new street into the planned area. The Developer will need to pay their share of the cost of improvements previously installed by others at and in the vicinity of the intersection of Headmaster Row and Lagimodiere Boulevard, pay their share of the cost of the oversizing of the pavement previously installed by others in Headmaster Row, and pay their share of the cost of the regional land drainage system for the proposed lots on Headmaster Row.

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.

ROAD WIDENING
The Developer will be required to transfer and legally open 0.775 meters along Headmaster Row for the widening of this right-of-way.

CITY LANDS
The Developer will be required to acquire from the City of Winnipeg, the 0.3-m control strip (Part Lot 14) separating the Planned Area from Headmaster Row.

RECOMMENDATIONS
The Planning and Land-Use Division supports rezoning and subdividing the property to residential to allow the construction of residential dwellings.

- The proposed use is consistent with the adjacent properties on the nearby streets of residential development including residential dwellings that front the north side of Headmaster Row.
- The proposed subdivision will ensure an efficient use of the previously-installed municipal services.
- The development of houses on the north side of Headmaster Row is a logical extension of residential development in Arrowwood.

This Report Submitted by: John Wintrup
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by:
PPD File # DASZ 36/10

Schedule “A” for File No. DASZ 36/10, East Kildonan – Transcona Community Committee, dated January 27, 2011.

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By-Law No. _____

File No. **DASZ 36/10**

Atlas Sheet No. **T32**

N

EAST KILDONAN TRANSCONA 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 760 & 770 Knowles Avenue from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to allow for the creation of lots for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – JANUARY 25, 2011

RE: PROPOSED SUBDIVISION AND REZONING OF 760 AND 770 KNOWLES AVENUE – DASZ 36/10

It is recommended that the approval of DASZ 36/10 be subject to the following:

1. Plan Consideration

The Applicant transferring to the City and legally opening property for a 0.775-m widening to the Headmaster Row right-of-way for the full length of the Planned Area abutting Headmaster Row, to the satisfaction of the Director of Public Works, in addition to legally opening the existing 0.3-m control strip (Part Lot 14) separating the Planned Area from Headmaster Row for the full length of the Planned Area abutting Headmaster Row.

2. Servicing Agreement

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

1. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of services previously installed, or to be installed, by others in Headmaster Row for proposed lots 3, 4, 5, 6, and 7, as determined by the Directors of Public Works and Water and Waste.

2. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the regional land drainage system (2010 rate = $18,994.00/acre) for proposed Lots 3, 4, 5, 6, and 7.

3. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share, for proposed Lots 3, 4, 5, 6, and 7, of the cost of improvements previously installed by others at and in the vicinity of the intersection of Headmaster Row and Lagimodiere Boulevard, as determined by the Director of Public Works.

4. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share, for proposed Lots 3, 4, 5, 6 and 7, of the cost of the oversizing of the Headmaster Row pavement, previously constructed by others, as determined by the Director of Public Works.

5. The Developer shall install lot line services to service proposed Lots 3, 4, 5, 6, and 7, 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 proposed Lots 3, 4, 5, 6, and 7, 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 shall indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so prior to the issuance of a Final Acceptance Certificate certifying completion of all work under this Agreement.

    c. The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

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

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

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

9. The Developer shall, at no expense to the City, be responsible for the relocation and/or restoration of the boulevard trees and the restoration of the boulevard in front of proposed Lots 3, 4, 5, 6, and 7, and shall maintain the boulevard restoration improvements for one year, in accordance with specifications approved by the Director of Public Works.

10. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve proposed Lots 3, 4, 5, 6, and 7,, to the satisfaction of the Director of Public Works.

11. 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.

12. 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.

13. 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 construction of services and buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

14. 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.

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 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.

THIS REPORT SUBMITTED BY:

S. M. Matile, P. Eng., Chair
Land Development Branch

R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

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

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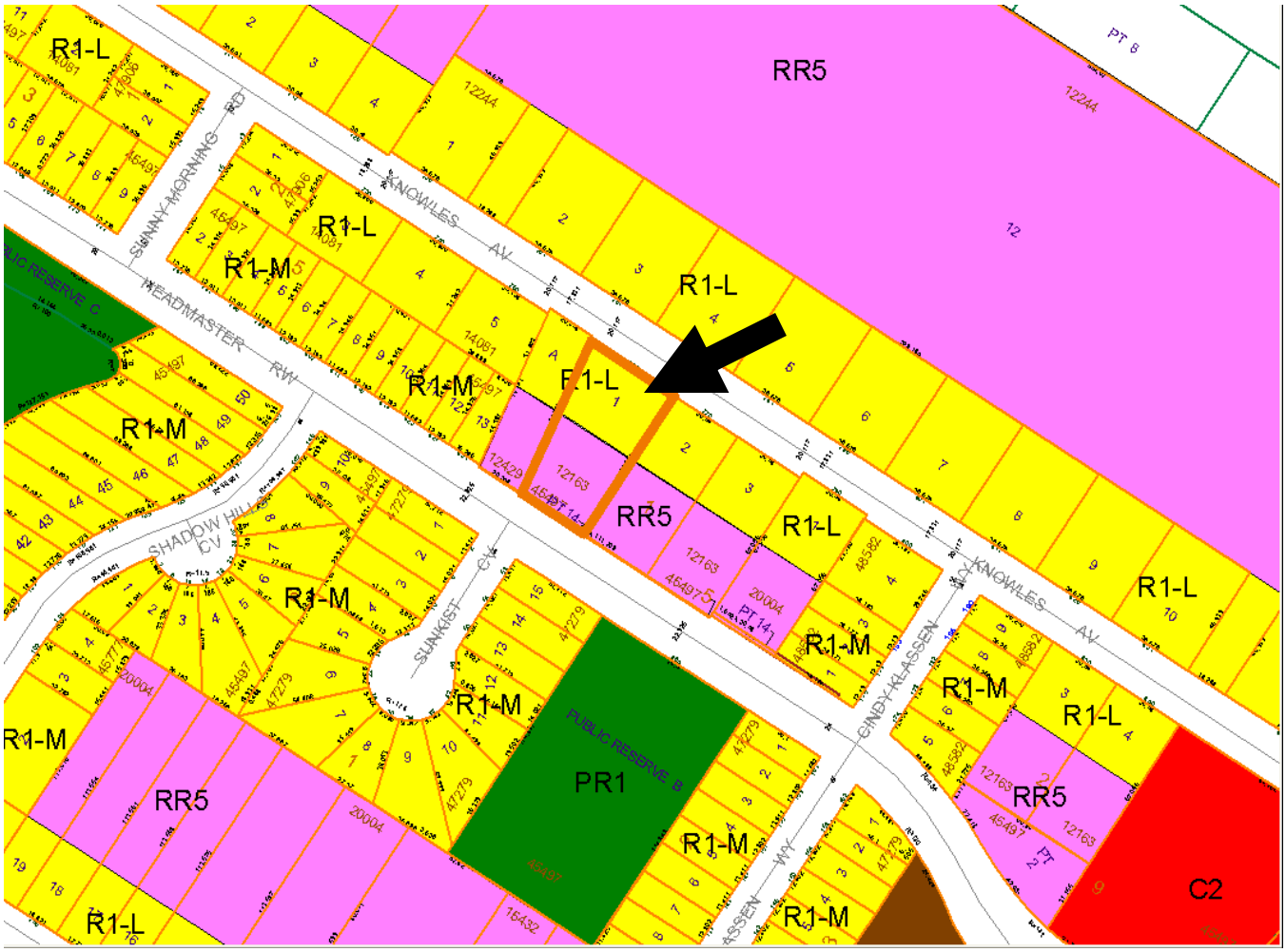


Figure 1: Existing Zoning for subject property and Surrounding Area.

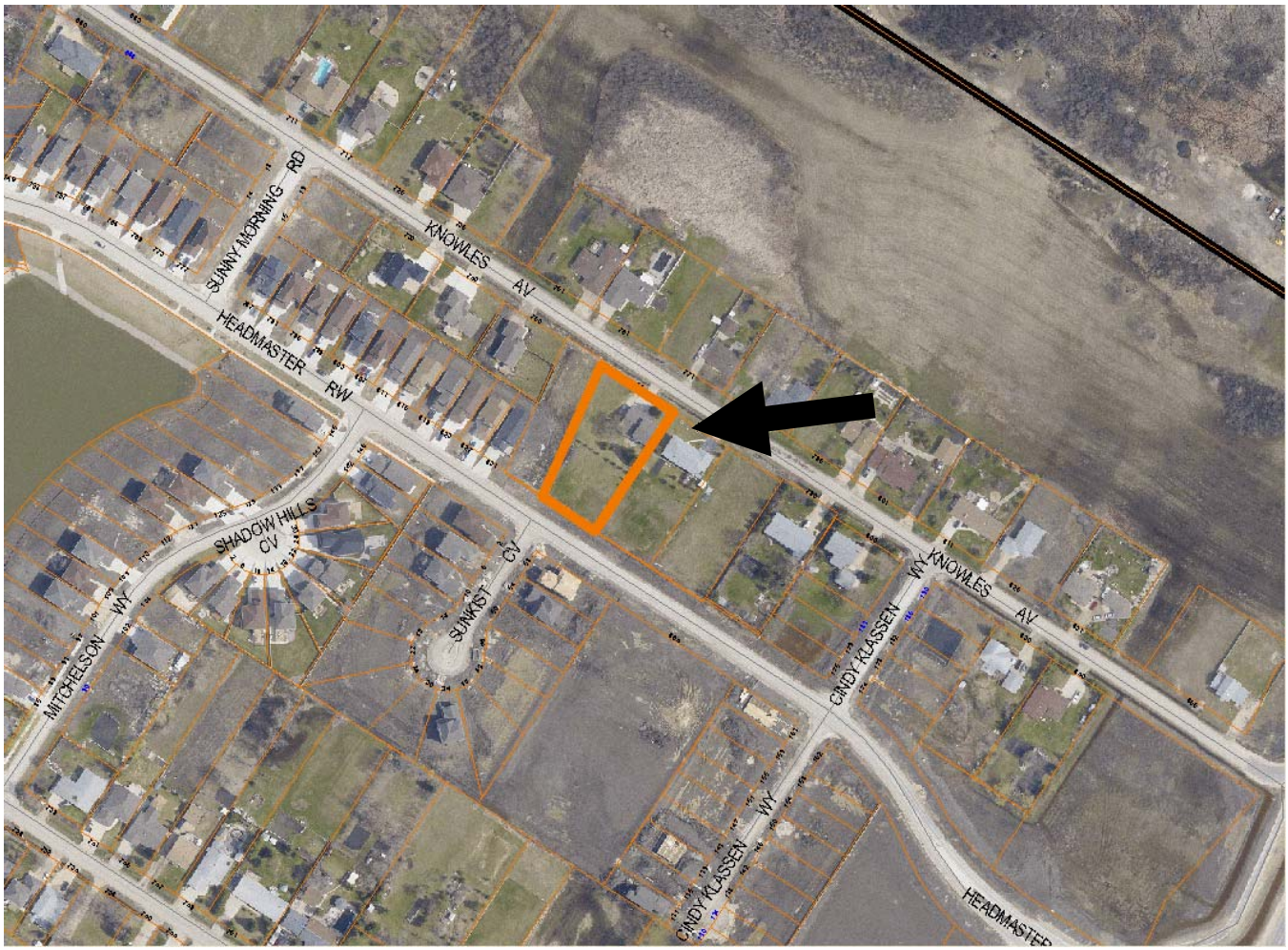


Figure 2: Existing Land-Uses for subject property and Surrounding Area.