Agenda – Executive Policy Committee – June 1, 2011

REPORTS

Item No. 5 Subdivision and Rezoning – Lot 24 Creek Bend Road (St. Vital Ward) File DASZ 6/2011

COMMUNITY COMMITTEE RECOMMENDATION:

On May 16, 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 6/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/2011 dated May 11, 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 April 28, 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 6/2011 dated May 11, 2011, to an "RMF-M" Residential Multi-Family Medium District, subject to the following:

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

        i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 Servicing Agreement.

7. 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 year from the date the by-law is passed.

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

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On May 16, 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 – Lot 24 Creek Bend Road**
File DASZ 6/2011 [c/r DAV 111766/2011D]

For submission to: **Executive Policy Committee**

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

Report date: **May 17, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 16, 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 6/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/2011 dated May 11, 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 to Servicing Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated April 28, 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 6/11 dated May 11, 2011, to an RMF- M Residential Multi-Family District - Medium subject to the following:

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

        i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 Servicing Agreement.

7. 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 year from the date the by-law is passed.

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

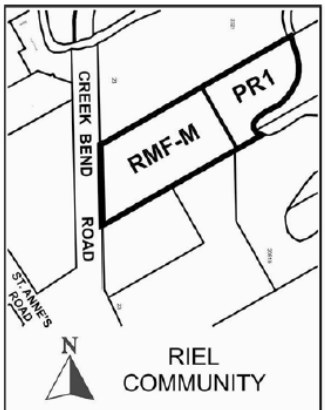
The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated May 11, 2011.

PUBLIC HEARING SUMMARY

File:	DASZ 6/2011 [c/r DAV 111766/2011D]
Before:	Riel Community Committee Councillor Steeves, Chairperson Councillor Swandel Councillor Vandal
Public Hearing:	May 16, 2011 Council Chamber Council Building, 510 Main Street
Applicant:	Pre-Con Builders (Robin Lee)

Subject:



APPLICANT : PRE-CON BUILDERS
FILE : DASZ 6/11
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to allow for the construction of a multiple family dwelling. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**
DEMANDEUR : PRE-CON BUILDERS
N° DE RÉFÉRENCE : DALZ 6/11
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie RR5 (SECTEUR RÉSIDENTIEL EN MILIEU RURAL 5) à la catégorie RMF-M (SECTEUR RÉSIDENTIEL D'HABITATIONS MULTIFAMILIALES) et à la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS 1) afin de permettre la construction d'une habitation multifamiliale. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: Lot 24 Creek Bend Road

Exhibits Filed:

1. Application dated March7, 2011
2. Notification of Public Hearing dated April 4, 2011
3. Manitoba Status of Title245996
4. Site Plan
5. Plans (2 pages)

6. Report from the Planning and Land Use Division dated May 11, 2011
7. Inspection Report
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Robert Lee

In Opposition

Nil

For Information:

David Watson

For the City:

Ms. S. Matille, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mr. J. Kiernan, Coordinator, Parks, Riverbanks and Community Initiatives, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 6/2011

ADMINISTRATIVE REPORT

Title: DASZ 6/2011 – Creek Bend Road

Issue: For consideration at the Public Hearing for a subdivision and rezoning to allow for future multiple family residential development.

Critical Path: Riel Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan			

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 6/11 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/11 dated May 11, 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 to Servicing Agreement with the City containing all the conditions outlined in Schedule B, the report of the Administrative Coordinating Group dated April 28, 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 6/11 dated May 11, 2011, to RMF- M Residential Multi-Family District - Medium subject to the following:

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

        i. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel

Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

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 Servicing Agreement.

7. 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 year from the date the by-law is passed.

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 is proposing to develop multiple family dwellings within the planned area: the developer wants to pursue a two-storey, 12 unit building that is targeted for a segment of the population. Should the market not make this feasible, the Developer will pursue a development similar to the adjacent project at 112 Creek Bend Road, the “Oxbow on the Seine”.
- The Developer will be required to provide land along the Seine River for park land dedication, which will reduce the buildable lot area for the proposed development.

- A variance for building setback against the park land is required to construct the building.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, this will facilitate the creation of two (2) parcels zoned " RMF-M" Multiple Family District and "PR1" Parks and Recreation 1 (Neighbourhood) District.

HISTORY

DASZ 1/2010
On April 28, 2010, Council approved a subdivision and rezoning that consolidated the two lots previously created under DASZ 52/2005 under an "RMF-M" zoning. Four parcels were then created on the property. This was done to develop a 264 residential units in five storey multifamily buildings on each parcel.

As per the zoning agreement, the applicant is required to submit plans detailing building locations and profiles, parking areas, approaches, exterior lighting, landscaping, fencing, and garbage enclosures to the Director of Planning, Property, and Development and the Riel Community Committee for approval.

On April 13, 2010, the Riel Community Committee approved plans for the building and parking locations for Phases 1 and 2 for 112 Creek Bend Road as submitted.

On April 18, 2011, the Riel Community Committee approved plans for another temporary display suite

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:	*May 11, 2011*
File No.	*DASZ 6/11*

List of Schedules and Attachments

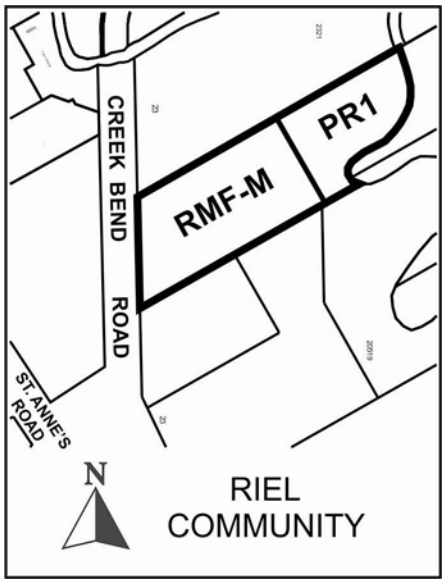
1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DASZ 6/11
3. Schedule “B” - Administrative Coordinating Group Servicing Agreement.

APPENDIX 'A'

DATE: May 11, 2011
FILE: DASZ 6/11
RELATED FILES: DAAV 11-111766/D, DASZ 1/2010
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.530

SUBJECT: Subdivision and Rezoning to create two (2) parcels, one zoned " RMF-M" Multiple Family District and the other zoned "PR1" Parks and Recreation 1 (Neighbourhood) District.

LEGAL DESCRIPTION: LOT 24 PLAN 20519 125/142 ST N*



APPLICANT: Robin Lee Pre Con Builders
1540 TAYLOR AVE
WINNIPEG MB R3Y 1Y1

OWNER: 6057650 MANITOBA LTD.
235 DONRIDGE DR
WINNIPEG MB R3X 2A2

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to develop multiple family dwellings within the planned area: the developer wants to pursue a two-storey, 12 unit building that is targeted for a segment of the population. Should the market not make this feasible, the Developer will pursue a development similar to the adjacent project at 112 Creek Bend Road, the “Oxbow on the Seine”.
- The Developer will be required to provide land along the Seine River for park land dedication, which will reduce the buildable lot area for the proposed development.
- A variance for building setback against the park land is required to construct the building.

SITE DESCRIPTION



Existing Land Use and Zoning:

The subject vacant land has an overall area of 4.0 acres, is situated on Creek Bend Road east of St. Anne’s Road and is currently zoned **RR 5 Rural Residential District**.

Surrounding Land Use and Zoning:

South: The property to the south is 112 Creek Bend Road was recently rezoned to a "RMF-M" category in to facilitate the construction of five storey multifamily dwelling buildings. Development of that facility is contingent upon Creek Bend Road improvements and installation of services.

West: To the west of St. Anne's Road is an established residential housing subdivision zoned " R1-M" Single Family District.

North: To the north is the Southside Bible Church zoned " RR-5" Rural Residential and a 171 unit multiple family complex zoned " RMF-L" Multiple Family; and a single family dwelling zoned **RR 5 Rural Residential District** on 6.5 acre site.

East: To the east is the Seine River, beyond which are large lot residential properties zoned " RR-5" Rural Residential.

-

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to develop multiple family dwellings within the planned area: the developer wants to pursue a two-storey, 12 unit building that is targeted for a segment of the population. Should the market not make this feasible, the Developer will pursue a development similar to the adjacent project at 112 Creek Bend Road, the "Oxbow on the Seine".

ANALYSIS AND ISSUES

ZONING BY-LAW 200/06

- **RMF- M Residential Multi-Family District - Medium** is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities.
    - There is a front & rear yard requirement of 25 feet and the maximum building height is 60 feet.
    - The minimum lot area per dwelling unit is 800 square feet per dwelling unit.

- **PR1 Parks and Recreation 1 (Neighbourhood) District** is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access.
    - These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas.
    - Generally, no parking facilities are associated with these uses.
    - These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

- **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.

- 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.
- Variances to permit no rear yard instead of 25 feet (7.62 metres) is being requested – the rear yard is the separation between the building and the proposed PR1 lands adjacent to the Seine River.

NEIGHBOURHOOD COMPATIBILITY

- The subject property is surrounded by a mix of residential land uses, including “RMF-M” Residential Multi Family - Medium immediately south of the site. As such, the proposed “RMF-M” zoning for this area is compatible with the neighbourhood.
- Over the past fifteen years, a number of applications have been approved for multi-family development between St. Anne’s Road and the Seine River (see DASZ 19/95 - 919 St. Anne’s Road; DAZ 220/98 - 677 St. Anne’s Road; DASZ 13/05 - 1205, 1215, 1225 St. Anne’s Road; DASZ 36/05 - 715 St. Anne’s Road; DASZ 52/05 - SP Lot 23 Plan 20519 (St. Anne’s Road and Creek Bend Road); DASZ 410/05 - 1167 St. Anne’s Road; and DASZ 8/07 - SP Lot 11, Plan 20519).
- Portions of these aforementioned properties along the Seine River have been dedicated as park space in an effort to develop a green corridor along the Seine River (in conjunction with the Seine River Parkway Plan and related studies).

SITE DESIGN ISSUES

- The original draft site plans submitted by the applicant are subject to change due to amount of land required for the waterway requirement and land dedication (described below); and market conditions. As these original site plans do not meet the expectations of the Planning and Land Use Division, the Division recommends plan approval for this application.
- As identified in Schedule “B” Report of the Administrative Coordinating Group, the developer is to pre-pay to the City the current construction value of a 3-metre wide granular trail for future construction, as part of the Seine River Trail, by the City.
- The developer is to erect information signs at the north and south limits of the future Seine River Corridor Trail, identifying the trail as "Future Seine River Trail", and maintain the signs until the trail is constructed (see Schedule “B” Report of the Administrative Coordinating Group).
- In future plans, the developer should show how public access will be accommodated through the site (ex. via paved or granular pathway) to the Seine River Trail.

FLOOD PROTECTION & WATERWAY REQUIREMENT

- Any new development in the Floodway or Floodway Fringe area is regulated by *The City of Winnipeg Charter Designated Floodway Fringe Area Regulation 266/91*.

- The subject property is outside the Primary Line of Defense (which is St. Anne's Road) and must be developed at or above Flood Protection Level as described in 266/91.
- The City of Winnipeg Water and Waste Department has determined the Flood Protection Level to be the 230.5-m contour along the eastern portion of the property.
- This development will require a Waterways Permit from the Director of Planning, Property, & Development.
- As outlined in the Schedule "B" Report of the Administrative Coordinating Group, the developer is to submit a plan of subdivision showing the location of the 230.5 metre contour and sell all land below this contour to the City. The land purchased by the City is to be zoned "PR1" Parks and Recreation 1 to help form the Seine River Parkway.
- Since the 1980's, the City of Winnipeg has, as a matter of policy, purchased land (most often through development or servicing agreements included in subdivisions and/or rezonings) below the Flood Protection Level to help form the Seine River Parkway and to provide for a long-term economical drainage outlet for the City's southeast quadrant (see Minutes of City Council, January 19th, 1983 Report of the Executive Policy Committee: Seine River Park Study File PR-7.21).
- Purchasing land for drainage flow is also consistent with the City of Winnipeg Development Agreement Parameters (Section 22: Rivers and Creeks).

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.
- As this land forms part of the Seine River Parkway, Planning, Property and Development will request the majority of the land dedication, not 'cash in lieu.'
- The land dedication is to be made in accordance with the Report of the Administrative Coordinating Group (Schedule "B") and is taken above the waterway requirement (i.e. above the 230.5 metre contour).
- The subject property was advertised showing the land to be zoned "PR1" Parks and Recreation 1 (see Schedule "A").

RECOMMENDATION

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

- The proposed development and rezoning conforms with the surrounding neighbourhood.
- The proposed development and rezoning is consistent with the trend towards multiple-family developments along the Seine River north and south of the subject property.

- The rezoning is consistent with Plan Winnipeg policy to provide infill housing at appropriate locations and helps facilitate the development of the Seine River Parkway system.

This Report Submitted by: John Wintrup
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by:
PPD File # DASZ 06/11

Schedule “A” for File No. DASZ 6/11, Riel Community Committee, dated May 11, 2011.

By-Law No. _____

File No. **DASZ 6/11**

Atlas Sheet No.

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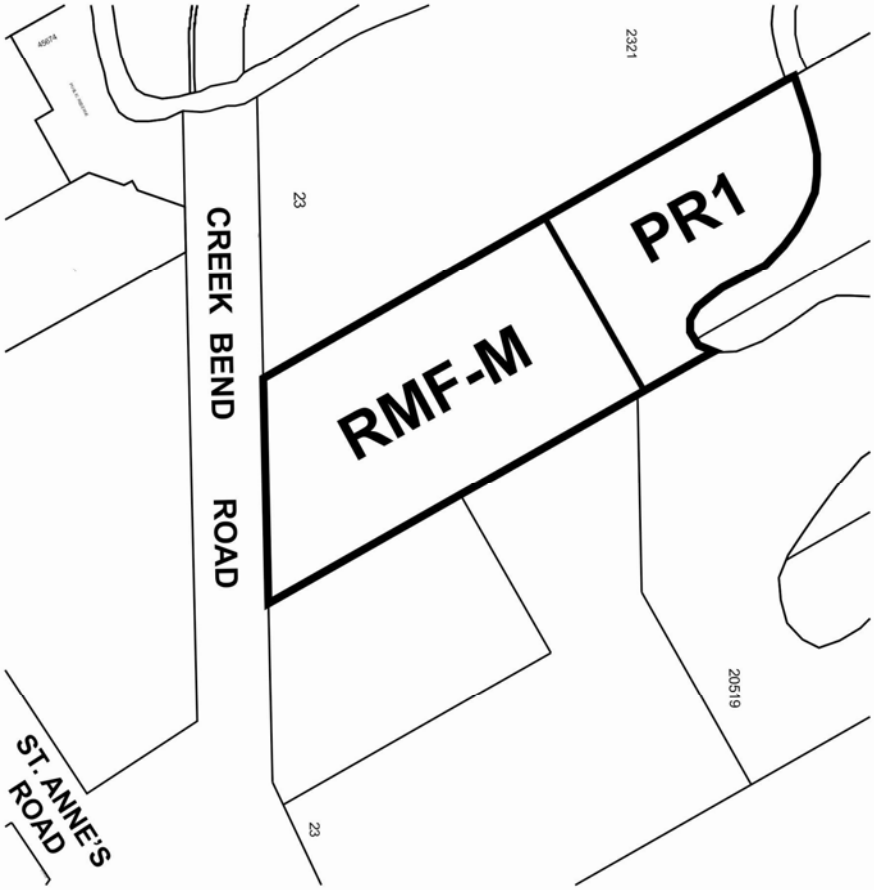
RIEL
COMMUNITY

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 Lot 24, Creek Bend Road from an “RR5” RURAL RESIDENTIAL 5 DISTRICT to an “RMF-M” RESIDENTIAL MULTI-FAMILY DISTRICT and a “PR1” PARKS AND RECREATION 1 DISTRICT to allow for the construction of a multiple family dwelling as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – APRIL 28, 2011

RE: PROPOSED SUBDIVISION AND REZONING OF LOT 24 CREEK BEND ROAD - DASZ 6/11

It is recommended that the approval of DASZ 6/11 be subject to the applicant's entering into a **Servicing Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall, at no expense to the City, construct a wastewater sewer in Creek Bend Road, from its current terminus north to the north limit of the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

2. The Developer shall, at no expense to the City, construct a watermain in Creek Bend Road, from its current terminus north to the north limit of the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

3. The Developer shall, at no expense to the City, construct a land drainage sewer in Creek Bend Road, from its current terminus north to the north limit of the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

4. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, its share ($19,505.00 per acre) of the cost of the oversized land drainage sewer and outfall constructed by others under Development Agreement AG 52/05, as determined by the Director of Water and Waste.

5. The Developer shall retain the services of a Manitoba Land Surveyor to prepare a Plan of Subdivision, for inclusion in the Servicing Agreement, delineating the geodetic elevation 230.5 m contour, and identifying the areas of the property above and below this contour.

6. The Developer shall sell to the City, for Seine River Waterway purposes, at a price not to exceed $15,000.00 per acre, the land lying to the east of the 230.5-m contour, in accordance with the City's Seine River Waterway policy. This land shall be identified as Public Reserve.

7. The Developer shall dedicate 10% of the land within the Planned Area, above and adjacent to the 230.5-m elevation contour, as Public Reserve, the specific configuration of which shall be as determined by the Director of Planning, Property and Development.

8. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City the Seine River Waterway Land-Acquisition-Study Charge

($145.00 per acre) attributable to that portion of the Planned Area above geodetic elevation 230.5 m.

9. The Developer shall, at no expense to the City, reconstruct Creek Bend Road, from the existing terminus of the concrete pavement at the south limit of the Planned Area to the north limit of the Planned Area, by constructing a portland cement concrete pavement 7.5 m in width by 150 mm in thickness, and all related works, including, but not limited to, drainage works, all as determined by, and to the satisfaction of the Director of Public Works.

10. The Developer shall, at no expense to the City, sod the boulevards and plant trees along Creek Bend Road adjacent to the Planned Area, all to the satisfaction of the Director of Public Works.

11. 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.

12. The Developer shall erect an information sign at the front of the property which highlights the Seine River Greenway and future trail, and maintain the sign until the trail is constructed. The Developer's site plan shall show the proposed Seine River Greenway and future Trail, and signs shall be installed at the location of the proposed trail identifying the location as "Proposed Seine River Trail", all to the satisfaction of the Director of Planning, Property and Development.

13. The Developer shall, prior to the issuance of any occupancy permit, either a) at no expense to the City, prepare and provide construction drawings for, and construct, a multi-use, granular-surfaced public pathway - the "Seine River Trail"- and associated grading and landscaping, within the dedicated Public Reserve, in accordance with plans and specifications approved by the Director of Planning Property and Development, or b) pay to the City the cost of the construction, as determined by the Director of Planning Property and Development, to enable the City to construct it in the future.

14. Following the completion of the trail, the Developer shall grant easements to the City for all purposes with respect to the trail, to the satisfaction of the Director of Planning, Property and Development.

15. The Developer shall assume responsibility for the maintenance of the Public Reserve until the Seine River Trail is developed and turned over to the City for maintenance.

16. The Developer shall, at no expense to the City:
    i. ensure that construction traffic uses access routes determined by the Director of Public Works;
    ii. maintain those access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and
    iii. undertake the regular cleaning, including, but not limited to, scraping and sweeping, of those access routes and all streets within the Planned Area;

    until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

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

18. 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.

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

20. 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.

21. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

22. If the proposed development is to be a condominium, the Developer shall submit, to the City, a copy of the condominium agreement for the development, which shall include a description of the proposed Seine River Trail and identify that this trail is to be accessible to the public.

23. 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.

24. 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 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 6/11
April 28, 2011

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

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Public Works Department, Transportation Division

“original signed by F. C. Mazur, P. Eng.”
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Parks, Riverbanks, & Community Initiatives Branch

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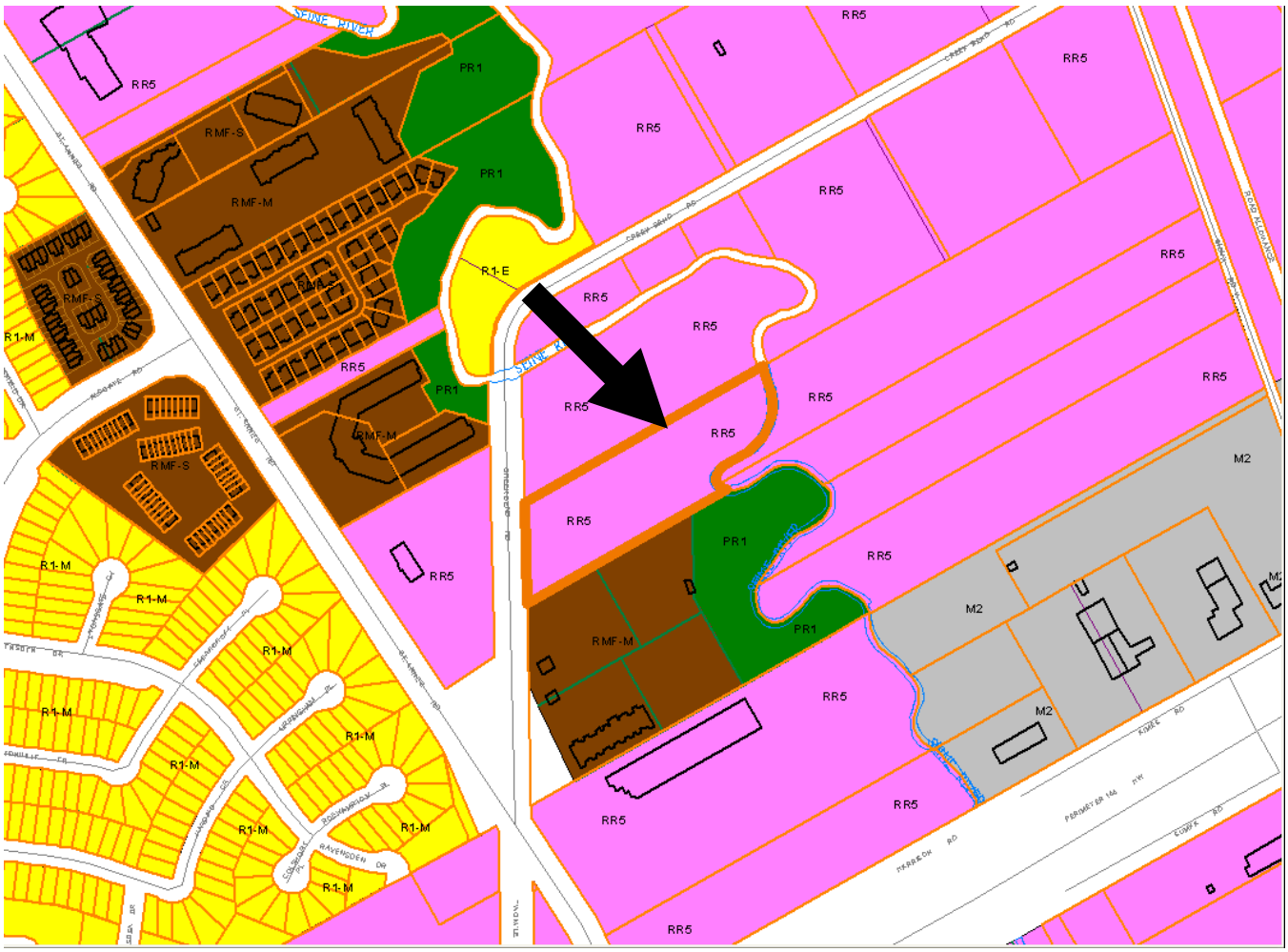

Figure 1: Existing Zoning for subject property and Surrounding Area.