Agenda – Council – June 27, 2012

Report – Standing Policy Committee on Property and Development – June 12, 2012

Item No. 3 Subdivision and Rezoning – land located on the south side of Templeton Avenue, west of Riga Cove (Old Kildonan Ward) File DASZ 4/2012

STANDING COMMITTEE RECOMMENDATION:

On June 20, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 4/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 4/2012 dated May 7, 2012 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 Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 10, 2012 which is Schedule "C" of this report, with the following amendments, namely:

      i. Amend Condition 24 by adding the words at the end thereof, "provided that the extra lanes on Pipeline Road are constructed by the City prior to the Developer completing its obligations under this Agreement AG 4/12."

      ii. Amend Condition 31 by deleting the second paragraph.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 4/2012 dated May 7, 2012 to an "R1-M" Single Family District and 'PR1' Parks and Recreation 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. Where single family residential lots back onto the future Chief Peguis Trail said lots are to be established with a minimum depth to provide a minimum rear yard setback of 15.0m.

Report – Standing Policy Committee on Property and Development – June 12, 2012

ii. The Developer shall, at no expense to the City, construct within the rear or side yards of all single or two family residential lots abutting the future Chief Peguis Trail (former CPR Bergen Cut-off), a uniform noise attenuation fence 2.0m in height complete with berming 2.0m in height, centered on the property line of the residential lots, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of the proposed lots abutting future Chief Peguis Trail requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

iii. The developer shall construct chain link fencing (black) within the private properties that abut public reserve lands, said fences to be establish by caveat identifying the private property owners' responsibility for maintenance, repairs and replacement.

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

4. 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.

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 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.

Report – Standing Policy Committee on Property and Development – June 12, 2012

8. 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.

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 things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Standing Policy Committee on Property and Development – June 12, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 20, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 12, 2012, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 15, 2012, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation contained in the revised report of the Winnipeg Public Service dated May 7, 2012, with the following amendments, namely:

Report of the Administrative Coordinating Group, namely:

- Amend Condition 24 by adding the words at the end thereof, "provided that the extra lanes on Pipeline Road are constructed by the City prior to the Developer completing its obligations under this Agreement AG 4/12."

- Amend Condition 31 by deleting the second paragraph.

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

RE: **Subdivision and Rezoning - land located on the south side of Templeton Avenue, west of Riga Cove**
File DASZ 4/2012

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

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

Report date: **May 17, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 15, 2012, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation contained in the revised report of the Winnipeg Public Service dated May 7, 2012, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 4/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 4/2012 dated May 7, 2012 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 Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 10, 2012 which is Schedule "C" of this report, ***with the following amendments, namely:***

        i. Amend Condition 24 by adding the words at the end thereof, "provided that the extra lanes on Pipeline Road are constructed by the City prior to the Developer completing its obligations under this Agreement AG 4/12."
        ii. Amend Condition 31 by deleting the second paragraph.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 4/2012 dated May 7, 2012 to an "R1-M" Single Family District and 'PR1' Parks and Recreation 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. Where single family residential lots back onto the future Chief Peguis Trail said lots are to be established with a minimum depth to provide a minimum rear yard setback of 15.0m.

ii. The Developer shall, at no expense to the City, construct within the rear or side yards of all single or two family residential lots abutting the future Chief Peguis Trail (former CPR Bergen Cut-off), a uniform noise attenuation fence 2.0m in height complete with berming 2.0m in height, centered on the property line of the residential lots, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of the proposed lots abutting future Chief Peguis Trail requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

iii. The developer shall construct chain link fencing (black) within the private properties that abut public reserve lands, said fences to be establish by caveat identifying the private property owners' responsibility for maintenance, repairs and replacement.

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

4. 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.

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 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.

8. 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.

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 things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason for its recommendation:

1. The development agreement is consistent with the development agreements of the previous phases of Amber Trails.

PUBLIC HEARING SUMMARY

File: DASZ 4/2012

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Eadie, Chairperson
Councillor Pagtakhan
Councillor Sharma

Public Hearing: May 15, 2012
North Committee Room
Council Building, 510 Main Street

Applicant: Genstar Titleco Ltd. (Marc Brown)

Subject:



Premises Affected: south side of Templeton Avenue, west of Riga Cove

Exhibits Filed:
1. Application dated February 28, 2012
2. Notification of Public Hearing dated March 5, 2012

3. Manitoba Status of Titles 2113020, 2338191, 2338386, 2338387, 2338388, 2512611, 2525227
4. Plans (3 pages)
5. Report from the Planning and Land Use Division dated May 7, 2012
6. Revised Report from the Planning and Land Use Division dated May 7, 2012
7. Inspection Report
8. Plans (2 pages) submitted by Marc Brown, Genstar Titleco Ltd., Applicant, at the public hearing
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Marc Brown, Genstar Titleco Ltd.
David Boles, Genstar Titleco Ltd.

In Opposition

Nil

For Information:

Mark Head

For the City:

Mr. K. Raban, Land Development Engineer, Planning, Property and Development Department
Mr. J. Veitch, Senior Planner, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 4/2012

ADMINISTRATIVE REPORT - REVISED

Title: DASZ 4/2012 – South of Templeton Avenue, West of Riga Cove

Issue: For consideration at the Public Hearing for a subdivision of 23.10 acres into one hundred and sixteen (116) single-family lots and a rezoning from 'RR5' rural Residential 5-acre to 'R1-M' Residential Single Family Medium and 'PR1' Parks and Recreation.

Critical Path: Lord Selkirk West Kildonan 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 4/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 4/2012 dated May 7, 2012 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 Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 10, 2012 which is Schedule "C" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "B" for File DASZ 4/2012 dated May 7, 2012 to an "R1-M" Single Family District and 'PR1' Parks and Recreation 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. Where single family residential lots back onto the future Chief Peguis Trail said lots are to be established with a minimum depth to provide a minimum rear yard setback of 15.0m.

ii. The Developer shall, at no expense to the City, construct within the rear or side yards of all single or two family residential lots abutting the future Chief Peguis Trail (former CPR Bergen Cut-off), a uniform noise attenuation fence 2.0m in height complete with berming 2.0m in height, centered on the property line of the residential lots, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of the proposed lots abutting future Chief Peguis Trail requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

iii. The developer shall construct chain link fencing (black) within the private properties that abut public reserve lands, said fences to be establish by caveat identifying the private property owners' responsibility for maintenance, repairs and replacement.

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

4. 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.

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 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.

8. 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.

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 things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing to subdivide and rezone the subject lands from 'RR-5' Rural Residential 5-acre to 'R1-M' Residential Single Family Medium and 'PR1' Parks and Recreation in order to create one hundred and sixteen (116) lots for single-family residential development.
- The proposed lots will range in size from approximately 4,600 square feet to 11,000 square feet, Lot widths will range from 40 feet to 55 feet, with many of the larger lots located adjacent to the water retention basin and the Block 5 cul-de-sac.
- The Administrative Coordinating Group has reviewed the application and provided their report, (see Attachment 'C').
- The Urban Planning Division recommends support of this subdivision and rezoning application.
- 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 Community Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject 23.10 acre lands will be subdivided into 116 single family residential lots and rezoned from 'RR5' to 'R1-M' and 'PR1'.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	James Veitch
Date:	May 7, 2012
File No.	DASZ 4/12

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule "A" — Title Plot Plan of Proposed Subdivision
3. Schedule "B" — Plan of Subdivision, File No. DASZ 4/12 Lord Selkirk Community Committee, dated May 7, 2012.
4. Schedule "C" — Report of the Administrative Coordinating Group

APPENDIX 'A'

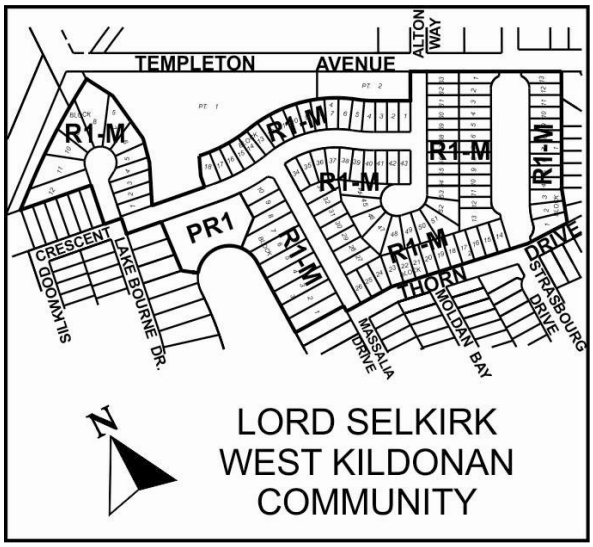
DATE: May 7, 2012

FILE: **DASZ 4/12**
RELATED FILES:

COMMUNITY: Lord Selkirk West Kildonan
NEIGHBOURHOOD #: 3.337 Amber Trails

SUBJECT: To subdivide and rezone the subject land from 'RR5' to 'R1-M' & 'PR1' in order to create one hundred and sixteen (116) singly-family residential lots and public reserve south of Templeton Avenue, west of Riga Cove

LOCATION: S of Templeton Ave W of Riga Cove
For legal descriptions see Schedule 'A' Title Plot Plan attached



APPLICANT: Genstar Titleco Ltd. (Marc Brown)
320 – 530 Kenaston Blvd.
WINNIPEG MB R3N 1Z4

OWNERS: Genstar Titleco

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to subdivide and rezone the subject lands from ‘RR-5’ Rural Residential 5-acre to ‘R1-M’ Residential Single Family Medium and ‘PR1’ Parks and Recreation in order to create one hundred and sixteen (116) lots for single-family residential development.
- The proposed lots will range in size from approximately 4,600 square feet to 11,000 square feet, Lot widths will range from 40 feet to 55 feet, with many of the larger lots located adjacent to the water retention basin and the Block 5 cul-de-sac.
- The Administrative Coordinating Group has reviewed the application and provided their report, (see Attachment ‘C’).
- The Urban Planning Division recommends support of this subdivision and rezoning application.

SITE DESCRIPTION

- The subject lands are located south of Templeton Avenue, West of Riga Cove and east of the southern extension of the future Chief Peguis Trail.
- The lands are located in the Amber Trails Neighbourhood of the Old Kildonan Ward.
- The area is designated as Recent Community in Areas of Stability under the Complete Communities Direction Strategy that supports the OurWinnipeg Development Plan.
- In total, the lands are approximately **23.10 acres (1,006,304 square feet)** in area.

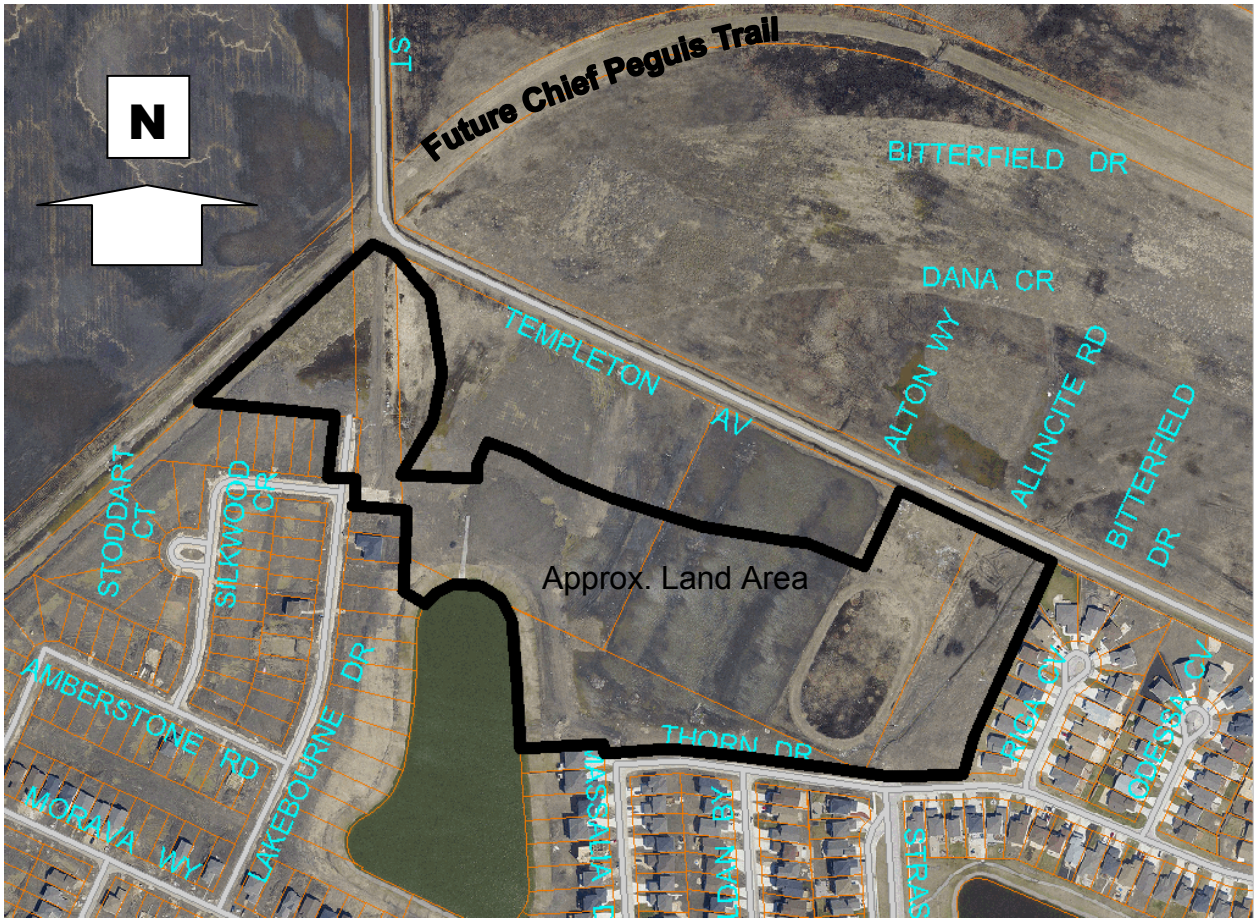


Figure 1: Aerial photograph showing approximate area of subject lands (flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Templeton Avenue then 'RR5' Rural Residential and 'R1-M' Single Family
South: Thorn Drive then 'R1-M' Single Family
East: 'R1-M' Single Family
West: CPR Right of Way / Future Chief Peguis Trail

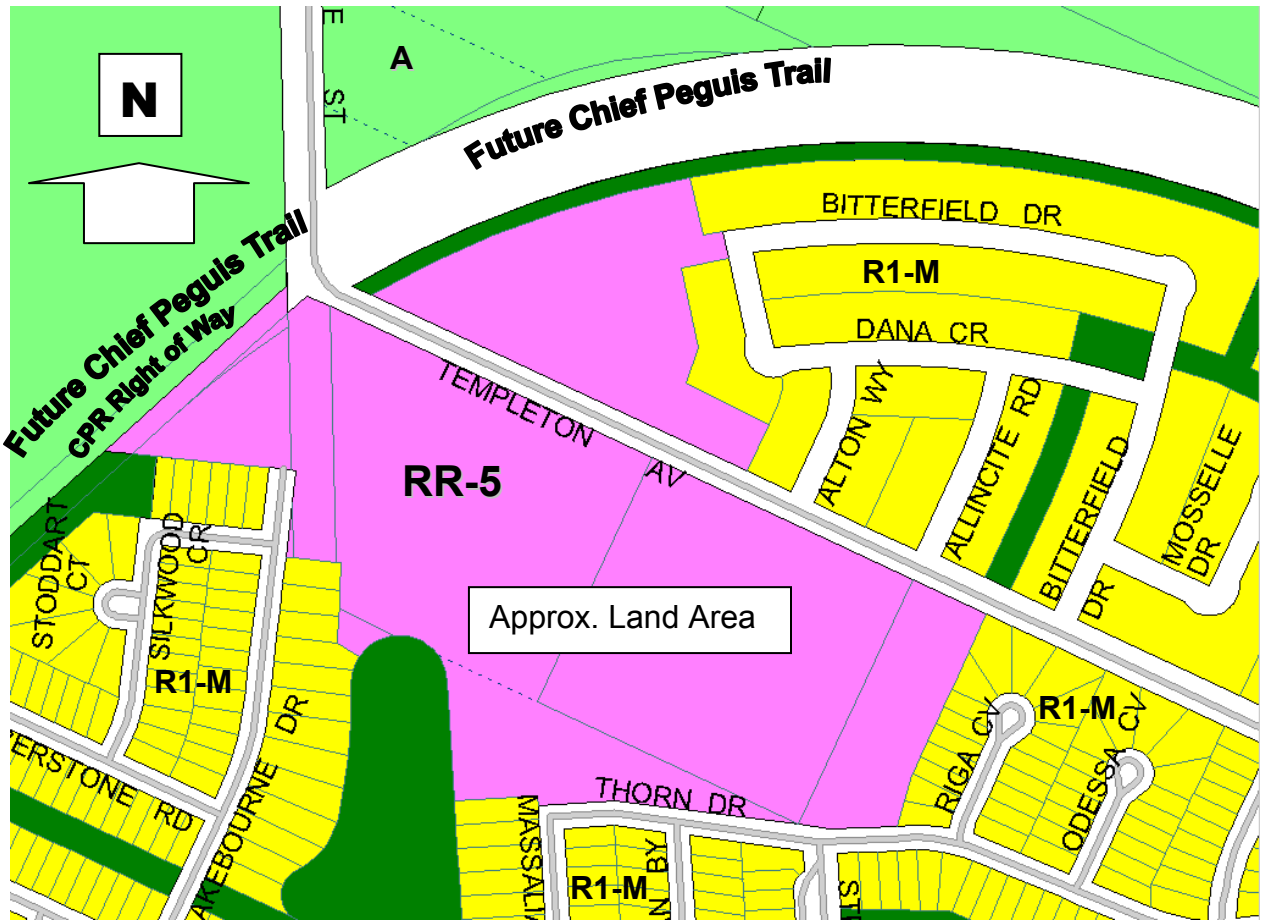


Figure 2: Zoning of the Subject Lands and Surrounding Area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide and rezone the subject lands from 'RR-5' Rural Residential 5-acre to 'R1-M' Residential Single Family Medium and 'PR1' Parks and Recreation in order to create one hundred and sixteen (116) lots for single-family residential development.
- The proposed lots will range in size from approximately 4,600 square feet to 11,000 square feet, Lot widths will range from 40 feet to 55 feet, with many of the larger lots located adjacent to the water retention basin and the Block 5 cul-de-sac.
- The subdivision and rezoning proposal represents Phase 15 in their neighbourhood development and is consistent with the Amber Trails Conceptual Master Plan.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within 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.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
    - Ensure that existing public open spaces meet the neighbourhood's current and future requirements.

REZONING

"R1-M" Residential Single-Family Medium District

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The applicant is proposing to create lots intended for the development of detached single-family residences in an area surrounded by detached single-family residences.
- The average lot size and width are consistent with the previously approved adjacent phases of the Amber Trails Neighbourhood.
- The proposed roads, trails and sidewalks will connect with the existing circulations routes already established under previous phases.

RECOMMENDATION

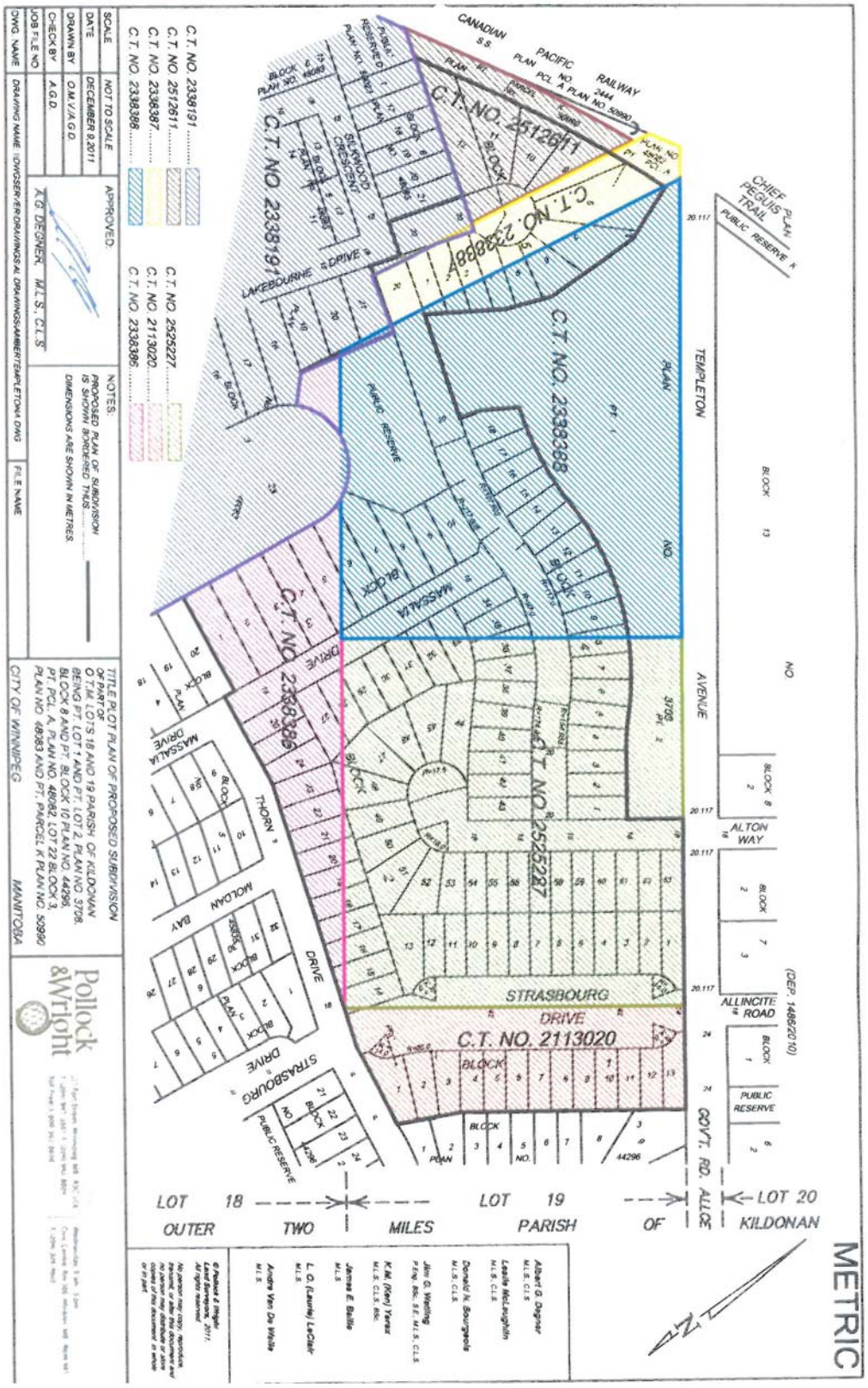
The Urban Planning Division recommends **approval** for the following reasons:

- The subdivision and rezoning proposal is consistent with *OurWinnipeg* and the *Complete Communities Direction Strategy*.
- The proposed development is compatible with the surrounding neighbourhood context and with the Amber Trails Conceptual Master Plan.
- The applicant is proposing to create lots intended for the development of detached single-family residences in an area surrounded by detached single-family residences.
- The average lot size and width within the proposed development is similar to the existing lots in the immediate context.

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

Report Prepared By: James Veitch
PPD File # DASZ 4/12

Schedule “A” Title Plot Plan of Proposed Subdivision



Schedule "B" for File No. DASZ 4/2012, Lord Selkirk West Kildonan Community Committee, dated May 7, 2012

By-Law No. _____

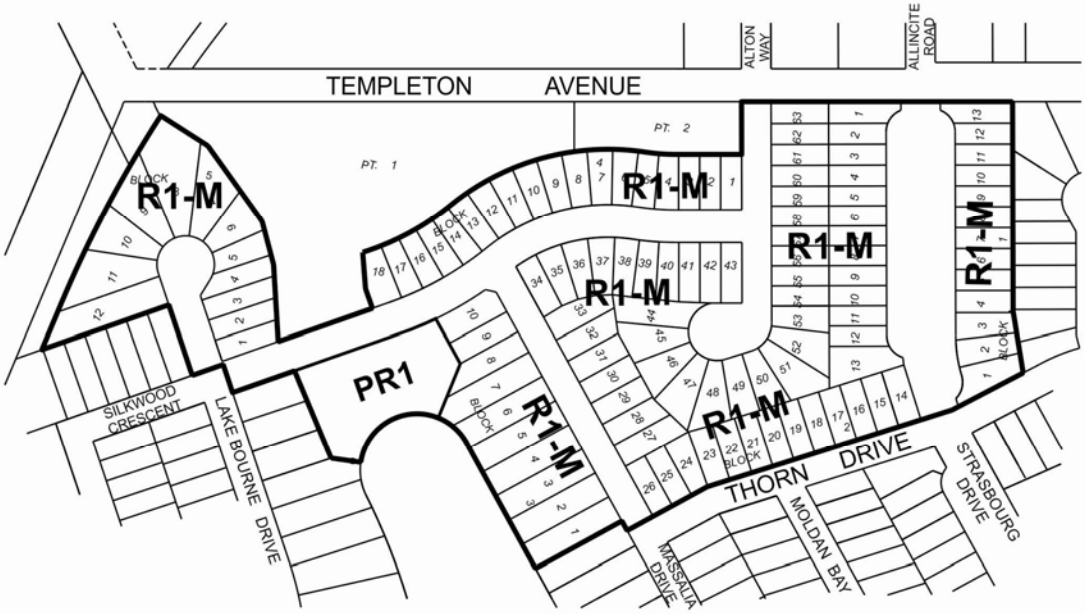
File No. **DASZ 4/12**

Atlas Sheet No. **R22**

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on the south side of Templeton Avenue, west of Chief Peguis Trail from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the development of Amber Trails Neighbourhood by the creation of the block plan and public right-of-ways for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE C

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – May 10, 2012

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED SOUTH OF TEMPLETON AVENUE, WEST OF RIGA COVE - DASZ 4/2012

It is recommended that the approval of DASZ 4/2012, if granted, be subject to the applicant entering into a Development Agreement containing the following conditions;

1. The Developer shall, at no expense to the City, install all wastewater sewers required to serve the Planned Area as determined by, and to the satisfaction of, the Director of 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 oversized wastewater sewer charge (2012 Rate = $668.07/acre).

3. The Developer shall, at no expense to the City, install all watermains required to serve the Planned Area as determined by, and to the satisfaction of, the Director of Water and Waste.

4. The Developer shall install lot line services to service all lots within the Planned Area as follows:

    a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

    b) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer 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.

5. The Developer shall, at no expense to the City, install all land drainage sewers required

to serve the Planned Area as determined by, and to the satisfaction of, the Director of Water and Waste.

6. The Developer's share of the regional stormwater management facilities owing for the Planned Area shall be deducted from any amounts owed to the Developer for facilities previously constructed by the Developer.

7. 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.

8. 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.

9. 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.

10. The Developer shall, at no expense to the City, construct portland cement concrete pavement to widths of 7.5m and thickness of 150mm in all streets within the proposed subdivision, and all related works including, but not necessarily limited to boulevard landscaping, ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

11. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at each new intersection within or adjacent to the Planned Area, as determined by the Director of Public Works.

12. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, and any existing overhead services within the Planned Area – except for existing hydro lines within the Templeton Avenue and Pipeline Road rights-of-way required, as determined by Manitoba Hydro, to service other areas - to be converted to underground, to the satisfaction of the Director of Public Works.

13. 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**.**

14. The Developer shall be responsible to control and to initiate the 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 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.

15. 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.

16. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

17. Right-of-way to accommodate each cul-de-sac turnaround is to be consistent with the dimensions illustrated on Streets and Transportation Drawing ST-90 (revised) or St-90-A.

18. There are to be no private approaches serving single or two family residential development off residential collector streets (i.e. rights-of-way measuring 22.0m or greater in width) except where frontage roads are provided. The subdivision is to be designed accordingly. No private approaches serving single and two family residential development will be permitted off Templeton Avenue.

19. Pipeline Road Surface Works and Pipeline Road/Leila Avenue improvements.

    a) The Developer shall pay its share of the cost of the following improvements on an area basis for the area bounded by Leila Avenue, Pipeline Road and the future Chief Peguis Trail as determined by the Director of Public Works:

        i. an 8.3m in width by 200mm in thickness portland cement concrete pavement in Leila Avenue between Pipeline Road and the future Chief Peguis Trail and in Pipeline Road between Leila Avenue and the future Chief Peguis Trail.

        ii. channelization, including, but not necessarily limited to construction of pavement for through lanes, auxiliary lanes, channelization, transitions, the installation and/or relocation of street lights and other utilities and boulevard landscaping at all street intersections entering Amber Trials from Pipeline Road and Leila Avenue.

        iii. channelization at the intersection of Pipeline Road and Leila Avenue including, but not necessarily limited to construction of pavement for through lanes, auxiliary lanes, channelization, transitions and the installation and/or relocation of street lights and other utilities and boulevard landscaping.

        iv. traffic control signals at the intersection of Leila Avenue and Pipeline Road.

v. ornamental street lighting, sidewalks, boulevard landscaping and any accessory land drainage works in conjunction with the above works.

b) The Developer's share of the cost of improvements in a) above, calculated as $7,547.00 per acre in previous development agreements with the City for the Amber Trails project, will be re-calculated by the Developer's consulting engineers for this development, for approval by the Director of Public works.

20. The Developer shall construct a 10.0m in width by 200mm in thickness portland cement concrete pavement and all related works in Strasbourg Drive between Templeton Avenue and Thorn Drive, including but not necessarily limited to, sidewalks on both sides except where frontage roads are provided, street lighting, boulevard landscaping and necessary land drainage works, all as determined by the Director of Public Works.

21. Proposed frontage roads are to be accommodated with a minimum right-of-way width of 9.0m and the terminus points of the frontage roads are to be located and designed to the satisfaction of the Director of Public Works.

22. The Developer shall, at no expense to the City, construct portland cement concrete pavements to a width of 6.0m by 150mm in thickness within the proposed frontage roads within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

23. Where single family residential lots back onto the future Chief Peguis Trail said lots are to be established with a minimum depth to provide a minimum rear yard set back of 15.0m. The Zoning Agreement covering these lots is to stipulate a minimum rear yard of 15.0m.

24. The Developer shall pay, in cash, on demand, its share of a future northbound left turn storage lane at the intersection of Pipeline Road and Templeton Avenue.

25. The Developer shall, at no expense to the City, construct a paved cul-de-sac type vehicle turnaround at the terminus of each temporarily dead-ended street and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

26. The Developer is to provide two means of paved vehicular access to each stage of development within the Planned Area at all times, to the satisfaction of the Director of Public Works. This may require the construction of temporary paved streets and the provision of right-of-way or easements therefore.

27. The Developer shall install signs at the entrances to the subdivision, upon which is displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, community mailboxes, parks, school sites and multiple family sites and collector streets.

28. The Developer shall, at no expense to the City, construct within the rear or side yards of all single or two family residential lots abutting the future Chief Peguis Trail (former CPR Bergen Cut-off), a uniform noise attenuation fence 2.0m in height complete with berming 2.0m in height, centered on the property line of the residential lots, as determined by and

to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of the proposed lots abutting future Chief Peguis Trail requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

29. The Developer shall, at no expense to the City, sod boulevards and plant trees on all streets within the Planned Area, all in accordance with drawings and specifications to be prepared by the Developer and submitted to, and approved by, the Director of Public Works.

30. 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.

31. Land dedication requirements shall be satisfied by combining, the Developer's obligations to dedicate to the City, as open space, 8% of the land contained within the Planned Area, landscape the dedicated land and service 100 ft per acre of the dedicated land, with the Developer's ongoing dedication, landscaping and serviced frontage obligations for the rest of the Amber Trails development. The dedication, landscaping, and servicing provided in the subject application shall be credited toward those ongoing dedication obligations.

    As this represents the last phase of development for Amber Trails, that a final balance be tabulated for over or under dedication, a value calculated based on standard cash-in-lieu calculations, and a cash payout be processed in favour of the City or the developer, as is appropriate, prior to the release of the subdivision mylars for registration in the Land Titles Office.

32. The Developer shall grade, level and sod and provide appropriate land drainage for the pubic open space dedication, and maintain these improvements for two years, all as determined by and to the satisfaction of the Manager of Parks and Open Space.

33. The developer shall install additional site improvements within the dedicated public open space, to a standard consistent with the level of development established in previous phases of Amber Trails, and maintain these improvements for two years, as determined by and to the mutual satisfaction of the Developer and the Manager of Parks and Open space. The City shall reimburse the developer 100% of the cost of installing these improvements, subject to prior approval of plans and costs, and following Council approval of the funding.

34. The developer shall assume maintenance of the parks sites until they are developed, as-built drawings submitted and accepted by the City, and Total Performance is issued by the City, for the completed public reserve development works.

35. The developer shall construct chain link fencing (black) within the private properties that abut public reserve lands, said fences to be establish by caveat identifying the private property owners' responsibility for maintenance, repairs and replacement.

36. 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 & Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

37. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of the services required to serve the Planned Area. The Developer shall ensure that the as-built drawings showing the services required to serve the Planned Area are provided to the City by the engineering consultant on or before March 31 of the year following completion of substantial performance of the services.

38. 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 4/2012
May 10, 2012

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