Minutes – Executive Policy Committee – October 10, 2012

REPORTS

Minute No. 406 **Subdivision and Rezoning – Proposed Lot 26 of DASSF 501/2012, West of Plessis Road, North of Camiel Sys Street (St. Boniface Ward) File DASZ 18/2012**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee laid over the matter to its meeting on October 17, 2012.

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the matter be laid over to the meeting of the Executive Policy Committee on October 17, 2012.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On October 1, 2012, 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.

On September 10, 2012, the Riel Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on October 1, 2012, at 5:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – Proposed Lot 26 of DASSF 501/2012, West of Plessis Road, North of Camiel Sys Street File DASZ 18/2012**

For submission to: **Executive Policy Committee**

Prepared by: **Visa Hutter, Senior Committee Clerk Riel Community Committee**

Report date: **October 3, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 1, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service dated September 25, 2012, and via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 18/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/2012 dated September 25, 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 an addendum to Development Agreement AG 7/2010 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 18/2012 dated September 25, 2012 to an "RMF-S" Residential Multi-Family Small District and a "PR1" Parks and Recreation 1 (Neighbourhood) District subject to the following:

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

        i) That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-S" Residential Multi-Family Small, 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.

ii) That, no portion of any dwelling unit on any lot abutting the existing high pressure gas pipeline shall be less than fifty (50) feet from the pipeline.

3. That the City-owned property legally described as Public Reserve D Plan 51180 and identified as "Subject City Property" on Misc Plan No. 13475/3 (Schedule "C") be declared surplus to the City's needs.

4. Subject to Recommendation 3 above, that, the Director of Planning Property and Development be authorized to negotiate and sell the "Subject City Property" shown on Misc Plan No. 13475/3 (Schedule "C") to the adjoining owner for fair market value, on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

6. 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.

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

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the addendum to Development Agreement AG 7/2010.

9. 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.

10. 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.

11. 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.

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

The Riel Community Committee provided the following supporting reason(s) 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 September 25, 2012.

2. This is consistent with new development and growth in the City of Winnipeg and is consistent with OurWinnipeg.

PUBLIC HEARING SUMMARY

File: DASZ 18/2012

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Swandel

Public Hearing: October 1, 2012
September 10, 2012
Council Building, 510 Main Street

Applicant: R.G. Klassen Consulting Inc. (Ray Klassen)

Subject:



Premises Affected: Proposed Lot 26 of DASSF 501/2012, West of Plessis Road, North of Camiel Sys Street

Exhibits Filed: 1. Application dated July 5, 2012

2. Notification of Public Hearing dated August 7, 2012
3. Manitoba Status of Titles 2519137/1 and 2519138/1
4. Letter of authorization dated January27, 2012 from Waterside Development Corporation to Ray Klassen of R.G. Klassen Consulting Inc.
5. Letter of authorization dated July 24, 2012 from Ray Klassen, R.G. Klassen Consulting Inc. and Bill McGarry, Waterside Development Corporation to J. Wintrup Consulting Ltd.
6. Plans (3 pages)
7. Report from the Planning and Land Use Division dated September 4, 2012
8. Inspection Report
9. Notice of adjournment dated September 11, 2012
10. Report from the Planning and Land Use Division dated September 25, 2012
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

John Wintrup

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. M. Pittet, Manager of Land Development, Geomatics and Land Information Systems, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "10" referred to in File DASZ 18/2012

ADMINISTRATIVE REPORT

Title: DASZ 18/2012 – Plessis – Camiel Sys Public Hearing

Issue: For consideration at the Public Hearing for a subdivision and rezoning from R1-M and PR1 to RMF-S (Lot 1) and PR1.

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

AUTHORIZATION

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

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 18/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/2012 dated September 25, 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 an addendum to Development Agreement AG 7/2010 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 18/2012 dated September 25, 2012 to an "RMF-S" Residential Multi-Family Small District and a "PR1" Parks and Recreation 1 (Neighbourhood) District subject to the following:

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

      i) That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-S" Residential Multi-Family Small, 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.

ii) That, no portion of any dwelling unit on any lot abutting the existing high pressure gas pipeline shall be less than fifty (50) feet from the pipeline.

3. That the City-owned property legally described as Public Reserve D Plan 51180 and identified as "Subject City Property" on Misc Plan No. 13475/3 (Schedule "C") be declared surplus to the City's needs.

4. Subject to Recommendation 3 above, that, the Director of Planning Property and Development be authorized to negotiate and sell the "Subject City Property" shown on Misc Plan No. 13475/3 (Schedule "C") to the adjoining owner for fair market value, on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

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

6. 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.

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

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the addendum to Development Agreement AG 7/2010.

9. 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.

10. 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.

11. 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.

12. 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 rezone the site from "R1-M" Residential Single-Family Medium and "PR1" Parks and Recreation 1 (Neighbourhood) to an "RMF-S" Residential Multi-Family Small (Lot 1) and "PR1" Parks and Recreation 1 and subdivide the land into a total of two lots.

- The applicant has worked towards concluding the actions that are satisfactory to the Public Service in order to ensure that the PR linkage to Camiel Sys Street will be developed.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the land will be rezoned to RMF-S and PR1 as proposed.

HISTORY

- The lands were part of City-owned properties acquired in 1979 for the North/South Transportation Corridor Project.
- The lands were intended to accommodate the Bradley Street Alignment – the eastern leg of the Inner Ring/Loop Route connecting Chief Peguis Trail to the north and the Trans-Canada Highway and Bishop Grandin Boulevard to the south – as shown on the Recommended Transportation System Plate of *Plan Winnipeg Towards 2010.*
- The Bradley Street Alignment was altered in 2001 as part of the Plan Winnipeg process, shifting the Inner Ring / Loop Route onto Plessis Road and *Plan Winnipeg 2020* Policy Plate C (Transportation Concept Plan) was adopted illustrating the revised alignment.
- On April 26, 2006, Council adopted the recommendation of the Executive Policy Committee declaring that all the land south of Pandora Ave West that formed part of the North/South Transportation Corridor be surplus to the City's requirements
- On May 2, 2006, the Standing Policy Committee on Property and Development directed the Planning, Property and Development Department to proceed to tender/sell the City-owned properties outlined in *Schedule D - Misc. Plan No. 13179*.
- On June 20, 2008, Waterside Development Corporation was authorized to make application by the City of Winnipeg for development of the Bradley Street alignment lands, south of Dugald Road, north of Camiel Sys Street.
- On October 10, 2008, Waterside Development Corporation made concurrent rezoning applications (DASZ 20/08, DASZ 33/08) as the first two phases to permit the establishment of a residential/commercial development of the triangular area of City lands south of Dugald, north of Camiel Sys Street and west of Plessis Road.
- DASZ 33/2008 is for approximately nine (9) acres of the land along Dugald Road, just east of the new Winnipeg Police Service's Station, zoned M1 and designated Industrial Policy Area under Plan Winnipeg to be rezoned RMU. These lands are included in a Plan Winnipeg amendment to re-designate from the current Industrial Policy Area to a Neighbourhood Policy Area to facilitate residential development (PW 5/08).
- DASZ 20/2008 did not require the Plan Winnipeg amendment as these lands were designated Neighbourhood Policy Area. However, it is contemplated that the entire portion of

City lands be developed as an aggregate – a comprehensive planned neighbourhood – the Plan Winnipeg Amendment will facilitate this application as well.

- On July 21, 2010, Council recommended approval of DASZ 7/2010, which was a subdivision and rezoning from M1, M2, and RR5 zoning districts to R1-M and PR1 to allow for the development of park space and single-family blocks and lots. This application included all of the land within the planned area of the subject application.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk, MCIP
Date:	September 25, 2012
File No.	DASZ 18/2012

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 18/2012 Riel Community Committee, dated September 25, 2012.
3. Schedule “B” — Report of the Administrative Coordinating Group
4. Schedule “C” — Misc Plan No. 13475/3

APPENDIX 'A'

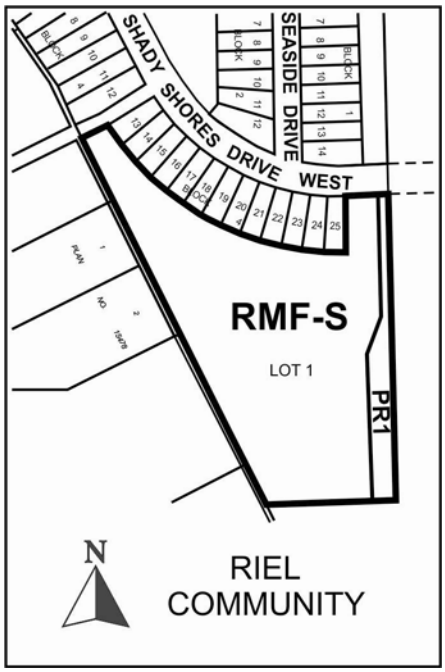
DATE: September 25, 2012

FILE: DASZ 18/2012
RELATED FILES: DASSF 501/2012, DASZ 7/2010, DASZ 33/2008, DASZ 20/2008

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.537

SUBJECT: A subdivision and rezoning application from R1-M and PR1 to RMF-S (Lot 1) and PR1.

LOCATION: Shady Shores Drive West
LEGAL DESCRIPTION: Proposed Lot 26 of DASSF 501/2012



APPLICANT: John Wintrup (J. Wintrup Consulting Ltd.)
139 ROSLYN RD UNIT 301
WINNIPEG MB R3L 0G7

OWNER: Waterside Development Corporation
22 Riverside Drive
WINNIPEG MB R3T 0E8

City of Winnipeg

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject site is located on the south side of Shady Shores Drive West in the St. Boniface Industrial Park neighbourhood of the St. Boniface Ward
- The site is comprised of two parcels, one of which is zoned PR-1 and owned by the City of Winnipeg that is about 10,000 square feet in area. This parcel was created under DASZ 7/2010. The other parcel is being created out of DASSF 501/2012 and is owned by the developer. Combined, the planned area is approximately **6 acres in area.**
- The City of Winnipeg Real Estate Department has provided a letter of authorization to include the City-owned land in the application.
- The property is located within the Areas of Stability – Recent Communities policy area under the Complete Communities Direction Strategy and is zoned "R1-M" Residential Single-Family Medium and "PR1" Parks and Recreation 1 (Neighbourhood).

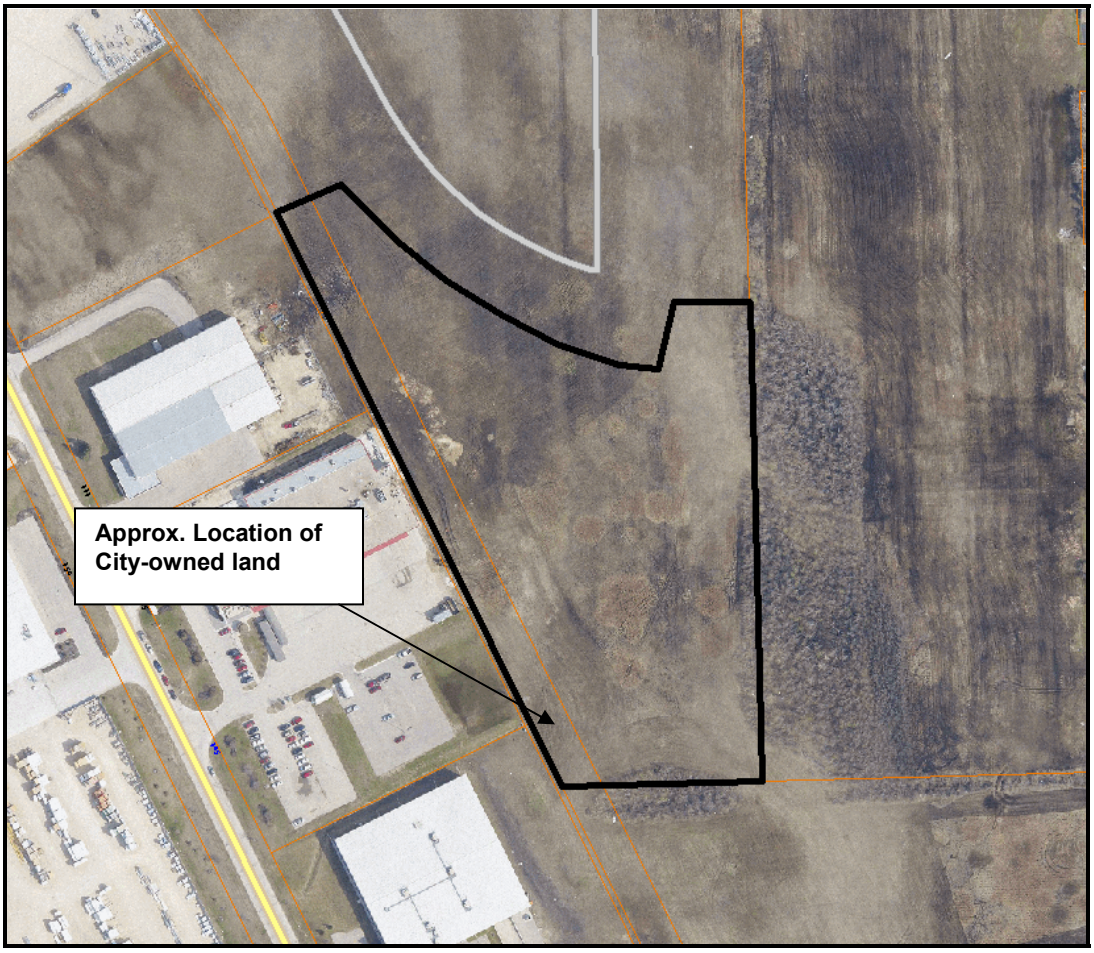


Figure 1: Aerial photograph showing approximate area of the subject site and surrounding area (2009)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Vacant land zoned R1-M and in the process of being subdivided into lots for detached single-family home development under DASSF 501/2012.

South: A multi-family development zoned RMF-S.

East: Detached single-family homes zoned R1-E.

West: Industrial lands zoned M2.

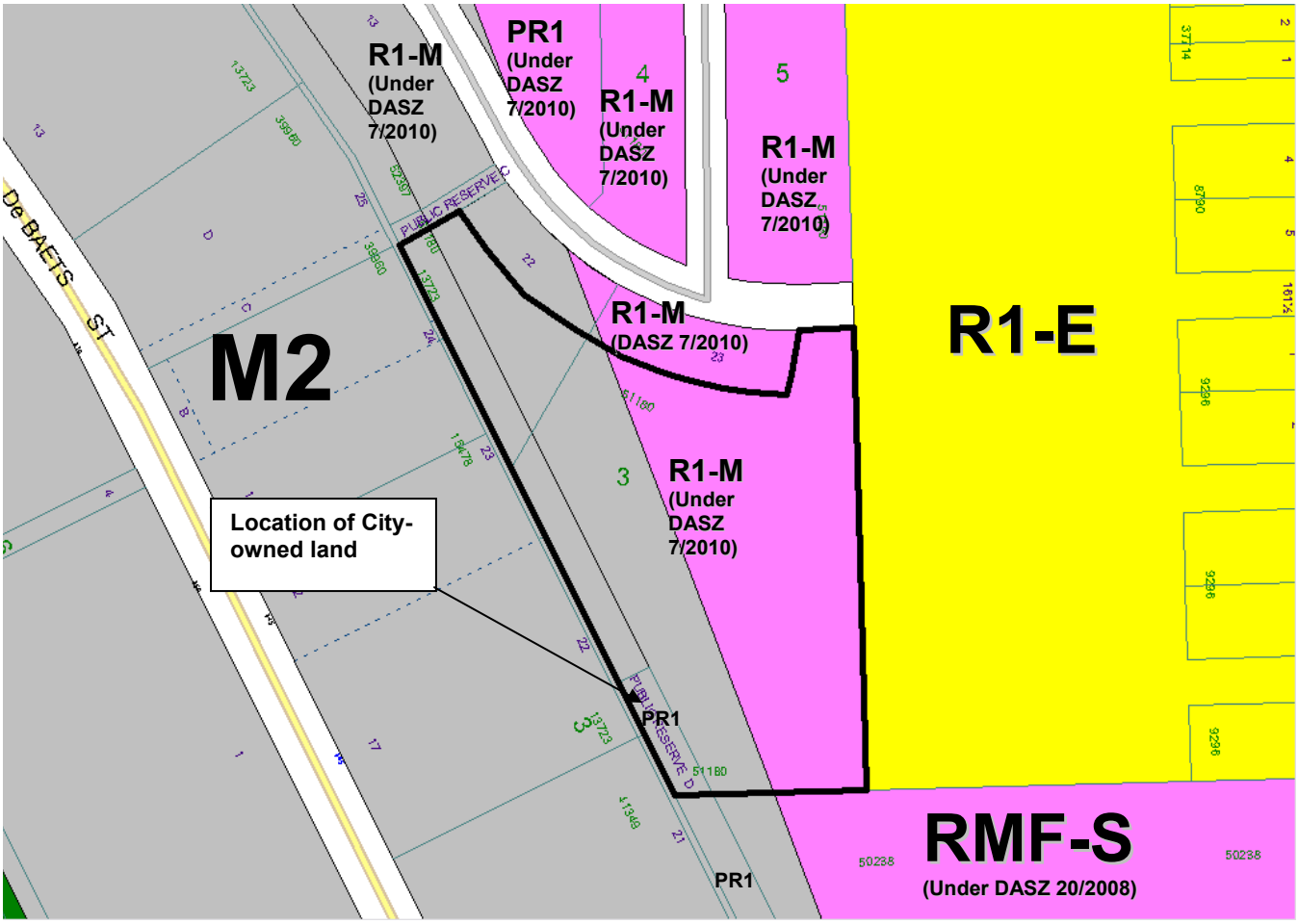


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from "R1-M" Residential Single-Family Medium and "PR1" Parks and Recreation 1 (Neighbourhood) to "RMF-S" Residential Multi-Family Small and "PR1" Parks and Recreation 1 (Neighbourhood) in order to create a multi-family lot and a new park alignment.
- Under the application, existing City-owned land (zoned PR1) would be absorbed into the 10.5

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.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.
    - 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.

ZONING

"PR1" Parks and Recreation 1 (Neighbourhood) District

- The PR1 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.

"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%.

"RMF-S" Residential Multi-Family Small

- The RMF-S zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1,250 square feet.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject site was rezoned and subdivided under DASZ 7/2010 (see Figure 3). Under that application and through previous discussion and proposed configurations for the site, the Public Service worked with the developer to determine a park alignment that could establish a direct and unimpeded pathway to Camiel Sys Street from the planned area.
- The developer is now proposing a change to the initial proposal, which would include the City-owned PR1-zoned land at the southwest corner of the site.

- The key issue for the Public Service with this application is its park connectivity in light of the new proposed subdivision and rezoning. Currently, the land aligned immediately south of the proposed PR1 parcel is privately owned and zoned RMF-S. Through discussions with the developer, applicant, and neighbouring property owner to the south, the Public Service identified steps that would need to be taken by the developer to help ensure adequate park connectivity from the subject planned area through to Camiel Sys Street.
- The most plausible approach was to negotiate access along the undevelopable gas line extending south (through the neighbouring private property) from the proposed PR1 land. The private property owner to the south of the planned area indicated a willingness to do so by donating land in exchange for a tax receipt. However, several steps needed to occur including the applicant and developer providing an appraisal for the land to the south in order for that neighbouring property owner to better understand potential benefits of the donation.
- Since the last public hearing on September 10, 2012, the applicant has worked towards concluding the actions necessary and satisfactory to the Public Service in order to ensure that the PR linkage to Camiel Sys Street will be developed.
- The rezoning to RMF-S is compatible with the surrounding zoning, which is RMF-S, M2, and R1.
- Detailed site plans were not included in the application. The Public Service is recommending that a zoning agreement be included as a condition of approval with conditions regarding plan approval and a 50 foot setback for dwellings from the existing gas pipeline that is located at the eastern extent of the site.
- Design considerations and guidelines for the future development of the RMF-S zoned site include:
    - Principal dwellings on the RMF-S zoned site should be set back at least 25 feet from the northernmost property line that abuts the R1-M zoned lots.
    - The site layout and building orientation should ensure that the buildings relate appropriately to the surrounding developments and create a cohesive visual identity for the neighbourhood.
    - Parking areas should be well-screened with landscaping.
    - Universally accessible connections should be linked to sidewalks or trail connections.
    - Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.
    - The overall design should be made up of a distinctive, quality, architectural character and style that also avoids monotonous and featureless building massing and design.
    - Landscaping should enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways.

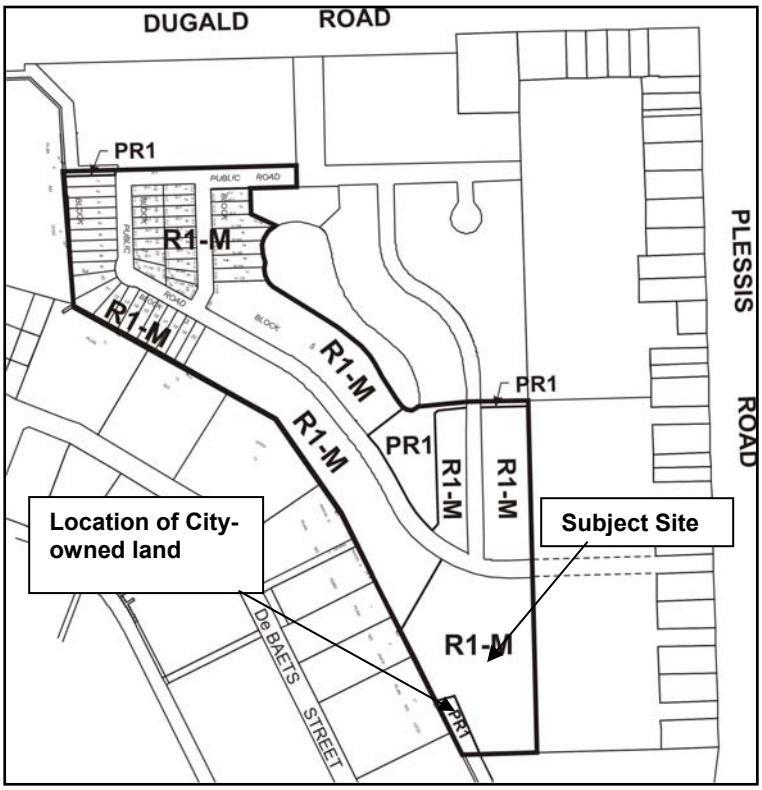


Figure 3: Planned Area of DASZ 7/2010

RECOMMENDATION

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

- The rezoning to RMF-S is compatible with the surrounding zoning.
- The applicant has worked towards concluding the actions necessary and satisfactory to the Public Service in order to ensure that the PR linkage to Camiel Sys Street will be developed.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 18/2012

Schedule "A" for File No. DASZ 18/2012, Riel Community Committee, dated September 25, 2012

By-Law No. _____

File No. **DASZ 18/12**

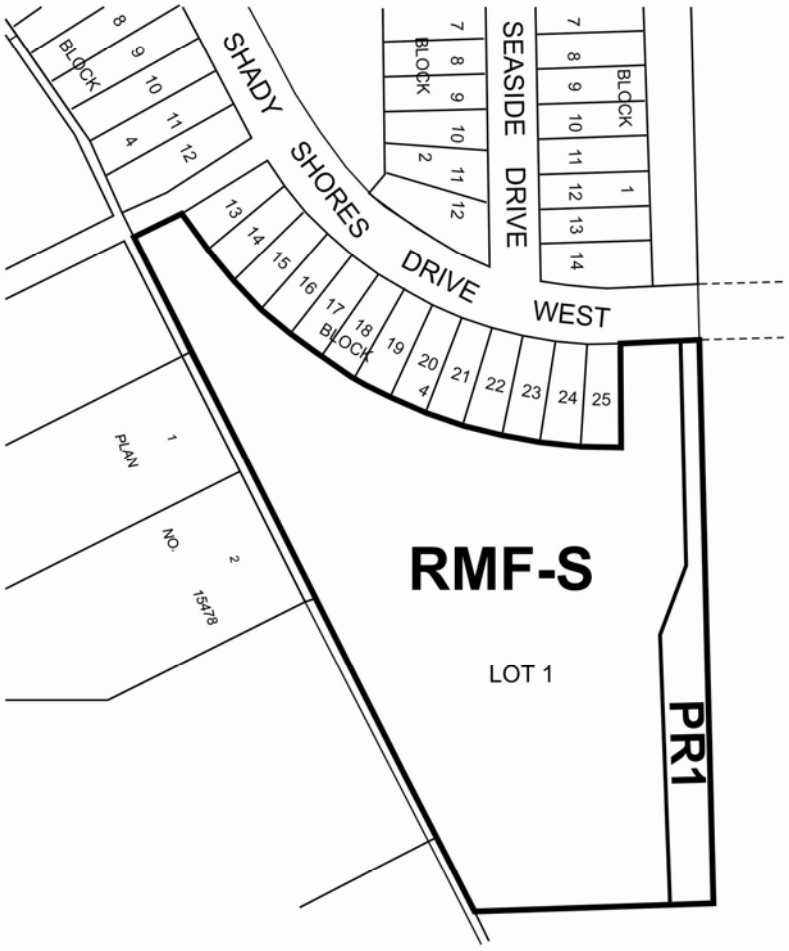
Atlas Sheet No.

N

AB33
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 in Waterside Development lot 26, DASSF 501/2012, Shady Shores Drive West, west of Plessis Road, north of Camiel Sys from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to allow for the establishment of a multiple family dwelling use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – September 25, 2012

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED WEST OF PLESSIS ROAD AND NORTH OF CAMIEL SYS - DASZ 18/2012

It is recommended that the approval of DASZ 18/2012, if granted, be subject to the applicant entering into an addendum to Development Agreement AG 7/2010 addressing the following items:

1. The Developer shall dedicate to the City as public open space at least 8% of the land contained within the overall Waterside Estates Development, landscape (.ie. grade, level sod, provide irrigation and land drainage for) the dedicated land, pay it's share of costs of services in streets abutting the dedicated land, in accordance with City Policy, and as determined by and the satisfaction of the Director of Planning Property and Development. It is noted that only partial credit shall be granted for the proposed PR1 land located within the gas line easement, given that this is encumbered and undevelopable land, the specific credit to be determined based on appraised value and to the satisfaction of the Director of Planning, Property and Development.

2. If the developer is unable to dedicate a full 8% of the land, the developer shall dedicate an amount of land satisfactory to the Director of Planning Property and Development and pay to the City, on demand, the then current value of the difference between 8% of the land and the land actually dedicated, the then current value of the servicing of the land not dedicated and the then current value of the landscaping of the land not dedicated. The value of which may taken as cash in lieu or may be applied to improvements within the overall Waterside Estates, including but not limited to plantings site furnishings, additional pathway works, in accordance with plans and specifications approved by and to the satisfaction of the Director of Public Works.

3. The configuration of the PR1 land shall be a minimum of 6 metres wide at the north limit and widening to the full extent of the gas line easement at a point to be confirmed to the satisfaction of the Director of Planning Property and Development. The Developer shall, at no expense to the City, landscape the public open space to include a 3.0 m wide asphalt path, sod the balance of the area and provide bollard fencing along the street front as well as the westerly extent of the PR land wherever a drive lane or parking surface is to be established immediately adjacent to the PR parcel, all in accordance with plans and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Planning, Property & Development.

4. If the City deems that the provision of irrigation or water service to the public reserve is not required, the Developer shall provide compensation in the form of site amenities of predetermined equivalent value.

5. Further to a requirement under AG 7/10 (Schedule C, Section I, Clause 20) the

developer is obligated to provide a 1.8 m path connection out to Camiel Sys from the subject planned area namely:

20. Landscaping and Path Construction in Public Reserve Adjacent to Planned Area

Further to Paragraph 10, Section I, Schedule C of Servicing Agreement AG 20A/08, the Developer shall, at no expense to the City, landscape and construct a minimum 1.8-m-wide asphaltic path to provide pedestrian access from the future right-of-way at the south limit of the Planned Area, through the Public Reserve retained by the City adjacent to the southwest limit of the Planned Area, to the paved sidewalk on Camiel Sys Street.

As a result of revised development proposal since AG7/10, making the previously anticipated westerly connection no long workable, the City advises that it will accept as an alternative that the connection to be made by continuing the walkway from the proposed PR1, southward, within the gas line easement alignment, subject to successfully securing agreements with the property owner to the south to permit an unencumbered pathway that is open and available to the public, all to the satisfaction of the Directors of Public Works and Planning Property and Development. The path to be constructed should be to the current standard of 3.0 m, the cost of the additional 1.2 m to be considered additional improvements in accordance with clause 2 above.

6. If fencing is to be established along the east extent of the multi family development, then any fencing flanking the PR land should be of an open style to permit visibility into the walkway (i.e. chain link or wrought iron), shall provide an openings within the fence approximately every 100m to function as a secondary means of access/egress from the park corridor, and said fence shall be located within the private property and established by caveat against the title, requiring the owner(s) to maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works;

7. Park space development should be undertaken by the time the build out has reached 80% and completed prior to 100% build out, within that phase of the development, unless an extension of time has been previously approved by the Director of Public Works.

8. The developer shall, at no expense to the City, assume responsibility for all public reserve sites until they are developed and Total Performance has been issued, and thereafter, shall maintain the public reserve improvements for a period of two years, the conclusion of which shall be by issuance of a Final Acceptance Certificate, all to the satisfaction of the Director of Public Works. The City reserves the right to impose longer maintenance terms for amenities and features, such as naturalized areas, that the Director of Public Works deems to be beyond the standard scope of development.

9. Securities for public reserve improvements shall not be released until Final Acceptance Certificate has been issued, and as-built drawings have been received and accepted as complete by the Director of Public Works.

10. 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.

11. The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

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

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 18/2012
August 31, 2012

"Original Signed by K.T. Raban, P.Eng."
K.T. Raban, P. Eng.,
Land Development Branch

"Original Signed by D. Beaton."
D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

Schedule "C" **Misc. Plan No. 13475/3**

