Minute No. 652
Report – Executive Policy Committee – October 2, 2013

Item No. 4 **Subdivision and Rezoning – Chancellor Drive and Shore Street (St. Norbert Ward)**
File DASZ 8/2013 [c/r DAV 110923/2013D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision proposed under File DASZ 8/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2013 dated May 29, 2013, 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 the report of the Administrative Coordinating Group dated May 27, 2013 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 8/2013 dated May 29, 2013 to "R1-M" and "R1-L" Residential Single-Family Districts, 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, all principal buildings developed on the lots in the subdivision shall have a minimum rear yard setback of 13.716 metres (45 feet).
        ii. That, the Developer shall construct a uniform 2.0-metre high fence within the rear yards of all lots abutting the CNR Letellier Subdivision to the satisfaction of the Director of Public Works. All future owner(s) of these lots shall maintain and/or repair and/or replace the fence as originally constructed to the satisfaction of the Director of Public Works.
        iii. That, the Developer shall construct within the rear yards of all lots abutting Bison Drive, a uniform, 2.0-metre-high wood fence, to the satisfaction of the Director of Public Works. All future owner(s) of these lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

Report – Executive Policy Committee – October 2, 2013

COUNCIL DECISION (continued):

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

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

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

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

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

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That in the event the 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.

Report – Executive Policy Committee – October 2, 2013

COUNCIL DECISION (continued):

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

Report – Executive Policy Committee – October 2, 2013

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 2, 2013, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 10, 2013, 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 – Chancellor Drive and Shore Street**
File DASZ 8/2013

For submission to: **Executive Policy Committee**

Prepared by: **Rochelle Viray, Clerk**
Riel Community Committee

Report date: **June 12, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 10, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 8/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2013 dated May 29, 2013, 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 the report of the Administrative Coordinating Group dated May 27, 2013 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 8/2013 dated May 29, 2013 to "R1-M" and "R1-L" Residential Single-Family Districts, subject to the following:

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        iii. That, the Developer shall construct within the rear yards of all lots abutting Bison Drive, a uniform, 2.0-metre-high wood fence, to the

satisfaction of the Director of Public Works. All future owner(s) of these lots shall maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

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

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

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

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8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. 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.

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

The Riel Community Committee provided the following supporting reasons 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 29, 2013.

2. It's about time.

PUBLIC HEARING SUMMARY

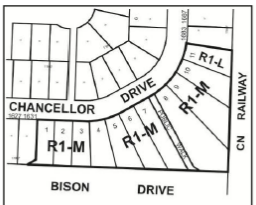
File: DASZ 8/2013

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Swandel

Public Hearing: June 10, 2013
Council Building, 510 Main Street

Applicant: Qualico Communities (Jeff Pratte)

Subject:



APPLICANT : QUALICO COMMUNITIES
FILE : DASZ 8/13
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 and an "R1-L" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) and "R1-L" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICTS to allow for the creation of residential building lots and a public walkway. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : QUALICO COMMUNITIES
N° DE RÉFÉRENCE : DALZ 8/13
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 modifier le zonage des sols délinéés ci-dessus qui passeraient des catégories RR5 (SECTEUR RÉSIDENTIEL EN MILIEU RURAL 5) et R1-L (SECTEUR DE GRANDES HABITATIONS UNIFAMILIALES) aux catégories R1-M (SECTEUR D'HABITATIONS UNIFAMILIALES MOYENNES) et R1-L (SECTEUR DE GRANDES HABITATIONS UNIFAMILIALES) afin de permettre la création de lots résidentiels et d'une voie piétonne publique. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: Chancellor Drive and Shore Street

Exhibits Filed:

1. Application dated March 22, 2013
2. Notification of Public Hearing dated May 6, 2013
3. Manitoba Status of Titles 1101863/1, 1102800/1, 1142194/1, 1591080/1, 1591081/1, 1854626/1 and 2389426/1
4. Letter of authorization dated February7, 2013 from the Manager of Real Estate Division to Qualico Developments (Winnipeg) Ltd.
5. Site Plan
6. Plans, Sheets 1 and 2 inclusive, for File DAV 110923/2013D dated May 8, 2013
7. Report from the Planning and Land Use Division dated May 29, 2013
8. Inspection Report
9. Audio Recording of representations of public hearing

REPRESENTATIONS:

In Support:

Jeff Pratte
Eric Vogan

In Opposition

Nil

For Information:

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 8/2013

ADMINISTRATIVE REPORT

Title: DASZ 8/2013 – Chancellor Drive and Shore Street Public Hearing

Issue: An application for consideration at the public hearing to subdivide the site into 11 residential lots and rezone 10 of the lots to R1-M and 1 lot to R1-L.

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
B. Smith	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 8/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2013 dated May 29, 2013, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

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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 8/2013 dated May 29, 2013 to "R1-M" and "R1-L" Residential Single-Family Districts, 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, all principal buildings developed on the lots in the subdivision shall have a minimum rear yard setback of 13.716 metres (45 feet).

ii) That, the Developer shall construct a uniform 2.0-metre high fence within the rear yards of all lots abutting the CNR Letellier Subdivision to the satisfaction of the Director of Public Works. All future owner(s) of these lots shall maintain and/or repair and/or replace the fence as originally constructed to the satisfaction of the Director of Public Works.

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9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That in the event the 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.

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

REASON FOR THE REPORT

- The applicant is proposing to subdivide the site into 11 lots and rezone 10 of these lots to R1-M and 1 lot to R1-L. A public walkway is also being created through this application.
- The subject application is predominantly comprised of City-owned land. A letter of authorization to include this land in the application has been provided by the City of Winnipeg.
- 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 subject site will be subdivided and rezoned as proposed.

HISTORY

Lands Declared Surplus

- On September 27, 2012, the City-owned lands included in the subject application were declared surplus by Council.

DAC 25/1997 (By-law 7265/1998)

- The public lane and streets (formerly Shore Street and Chateau Avenue) that form part of the subject subdivision and rezoning were closed under DAC 25/1997 (By-law 7265/1998).

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: May 29, 2013
File No. DASZ 8/2013

List of Schedules and Attachments

1. Appendix A Planning Discussion
2. Schedule “A” DASZ 8/2013 Riel Community Committee, dated May 29, 2013
3. Schedule “B” Report of the Administrative Coordinating Group

APPENDIX 'A'

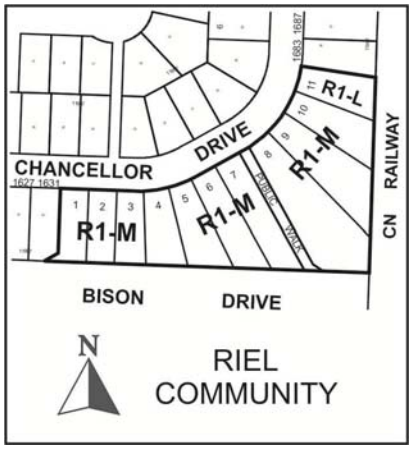
DATE: May 29, 2013

FILE: DASZ 8/2013
RELATED FILES: DAV 13-110923/D, DAC 25/1997

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.646

SUBJECT: An application to subdivide the site into 11 lots and rezone the site from RR5 and R1-L to R1-M and R1-L.

LOCATION: SE corner Chancellor Drive
LEGAL DESCRIPTION: LOT 1/5 BLOCK 6 LOT 13/15 BLOCK 7 PLAN 1991 122/4 ST N * LOT 10,14/15 PLAN 21995 124 ST N * + DAC 25/1997; LOT 39 BLOCK 2 PLAN 11867 3/7 ST V; LOT 21 BLOCK 7 PLAN 11867 3/7 ST V



APPLICANT: Qualico Developments (Jeff Pratte)
1 DR DAVID FRIESEN
WINNIPEG MB R3X 0G8

OWNERS: THE CITY OF WINNIPEG
C/O PLANNING PROPERTY DEVELOPMENT SERV
65 GARRY ST WINNIPEG MB R3C 4K4

Qualico Developments Ltd
30 Speers Rd
WINNIPEG MB

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The applicant is proposing to subdivide the site into a total of 11 lots and rezone 10 of the lots to R1-M and 1 lot to R1-L. A public walkway connecting from Bison drive to Chancellor Drive is also included in the subdivision.
- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject site is located between Bison Drive and Chancellor Drive in the Waverley Heights neighbourhood of the St. Norbert Ward.
- The property is approximately **121,353 square feet in area**. Most of the land is owned by the City of Winnipeg (+/- 101,564 sq. ft.). A letter of authorization to include this land in the application has been provided by the City.
- The site is located within the Areas of Stability – Recent Communities policy area under the Complete Communities Direction Strategy and is zoned R1-M, R1-L and RR5.



Figure 1: Aerial photograph showing the location of the subject site and surrounding area (2012)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Detached single-family homes zoned R1-M and R1-L.

South: Bison Drive.

East: The CN Letellier rail line and commercial properties zoned C2.

West: Detached single-family homes zoned R1-M.

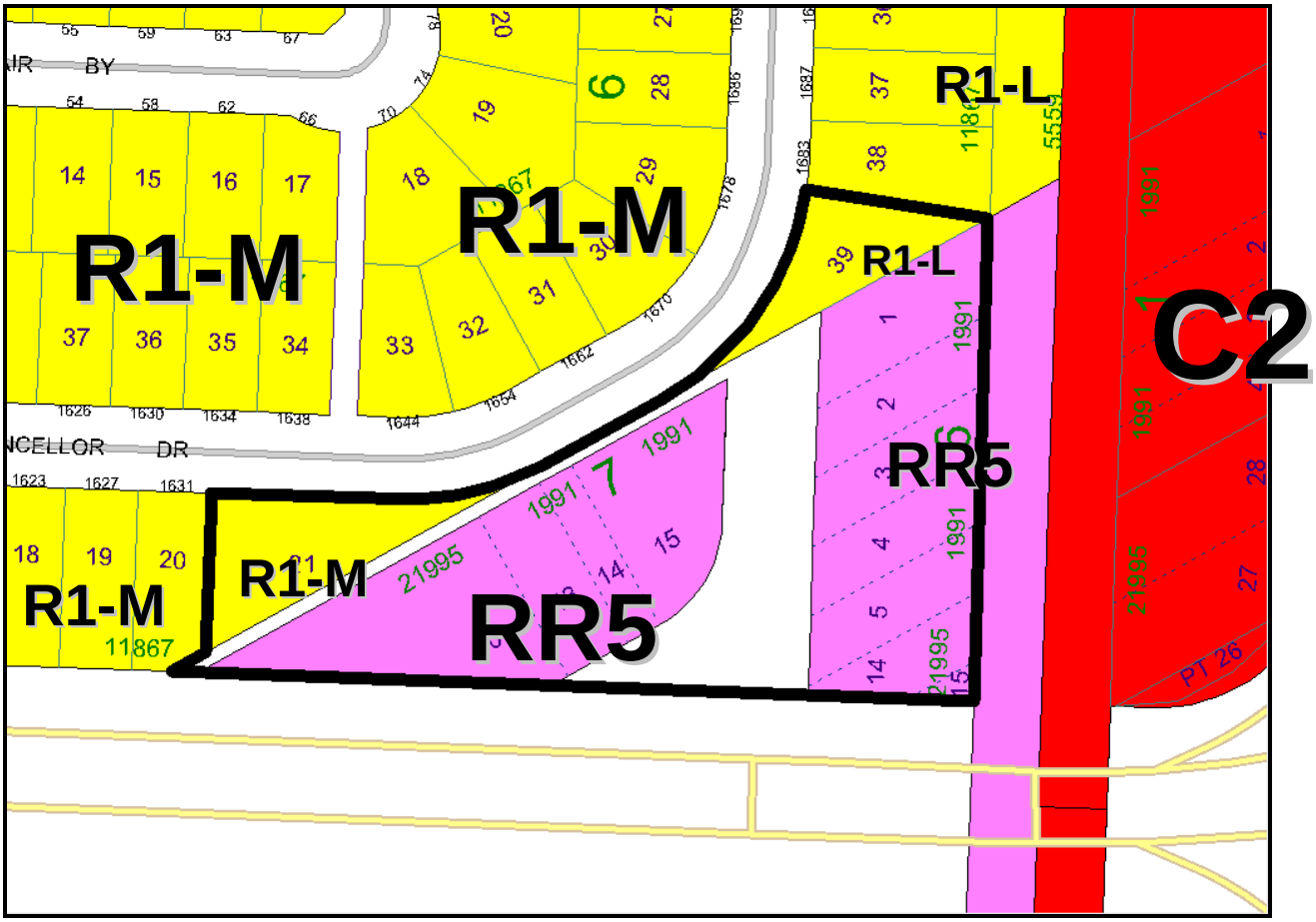


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the site into a total of 11 lots and rezone 10 of the lots to R1-M and 1 lot to R1-L. A public walkway connecting from Bison drive to Chancellor Drive is also included in the subdivision.
- The applicant states that a portion of the garage and driveway on 1683 Chancellor Drive, which is zoned R1-L, is located on some of the northernmost lot (proposed lot 11). Rezoning proposed lot 11 to R1-L will allow the applicant to sell a portion of lot 11 to consolidate with the rest of 1683 Chancellor Drive with less complication than if lot 11 were proposed to be zoned R1-M.

- Variances are required for lot area and width for 9 of the 11 proposed lots (see DAV 13-110923/D).

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 a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
    - Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.
    - Support Complete Communities by ensuring a diverse and high quality housing stock.
    - 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

"RR5" Rural Residential 5 District

- The RR5 district is intended to provide areas for large-lot rural residential development along with limited agricultural uses. The RR5 district requires: a minimum lot width of 25 feet, a minimum lot area of 5 acres, side yards of 25 feet, a front yard of 25 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30%.

"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%.

"R1-L" Residential Single-Family Large District

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

LAND USE BY-LAW

Rezoning

- The RR5 zoning district is intended for rural, single-family residential development with a minimum lot area of five acres. The applicant is proposing to rezone the land from RR5 to R1-M and R1-L to develop detached single-family homes in a manner that logically completes this section of Chancellor Drive.

Variances

- The proposed development does not meet the Special Boundary Conditions of Zoning By-Law No. 200/2006. Section 138 of Zoning By-law No. 200/06 prescribes Special Boundary Conditions pertaining to the subdivision of land. If an undeveloped parcel of land is located in the R1 or R2 zoning districts, or proposed for rezoning to the R1 or R2 zoning districts, and abuts an existing R1 or R2 zoning district, or is separated from an R1 or R2 zoning district by a street right-of-way, railroad right-of-way, or waterway, the undeveloped parcel must not be subdivided unless the width/square footage of the proposed lot(s) within 200 feet (measured from the edges of the proposed subdivision) of the adjacent R1 or R2 zoning district is not less than the average lot width/square footage of existing developed lots in residential use in the adjacent R1 or R2 areas along such shared boundary, but in no case may be less than 35 feet.
- The average lot width and lot areas of existing developed lots in the adjacent R1 and R2 zoned properties within 200 feet of the subject site are:
    - lot widths of 56.8 feet, and
    - lot areas of 7,012 square feet.
- The lot widths and areas for 9 of the 11 proposed lots are between 50 and 56 feet, and 6,490 to 6,767 square feet respectively. As such, these 9 proposed lots (lots 1-7, 10 &11) do not meet the special boundary conditions for lot width and lot area and require variances.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subdivision and rezoning conforms to the Areas of Stability – Recent Communities policies of the Complete Communities Direction Strategy.
- The proposed subdivision and rezoning represents a logical, planned and orderly completion of this section of Chancellor Drive, which will include a public walkway connection from Bison Drive to Chancellor Drive.
- The proposed rezoning to R1-M and R1-L is consistent with the zoning of the neighbouring lots.
- Although variances are required for 9 of the proposed lots, most of the proposed lots are about the same size as many lots found along Chancellor Drive. In fact, besides 1678 Chancellor Drive, all of the proposed lots are larger than the lots found directly across the street from the proposed subdivision.

RECOMMENDED ZONING AGREEMENT

- All of the lots along the south and east side of Chancellor Drive have a minimum rear yard setback of 45 feet under the Special Yards section of the Zoning By-Law. The Urban Planning Division is recommending that this same rear yard setback be included in the zoning agreement to ensure conformance with the neighbouring lots.
- Rear yard fencing requirements identified in the Report of the ACG (see Schedule B) are also being included in the zoning agreement.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The Public Service is requesting cash in lieu of land dedication for this application.

RECOMMENDATION

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

- The proposed development is consistent with the policies of the Complete Communities Direction Strategy.
- The proposed subdivision and rezoning represents a logical, planned and orderly completion of this section of Chancellor Drive.
- The proposed rezoning to R1-M and R1-L is consistent with the zoning of the neighbouring lots.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 8/2013

Schedule "A" for File No. DASZ 8/2013, Riel Community Committee, dated May 29, 2013

By-Law No. _____

File No. **DASZ 8/13**

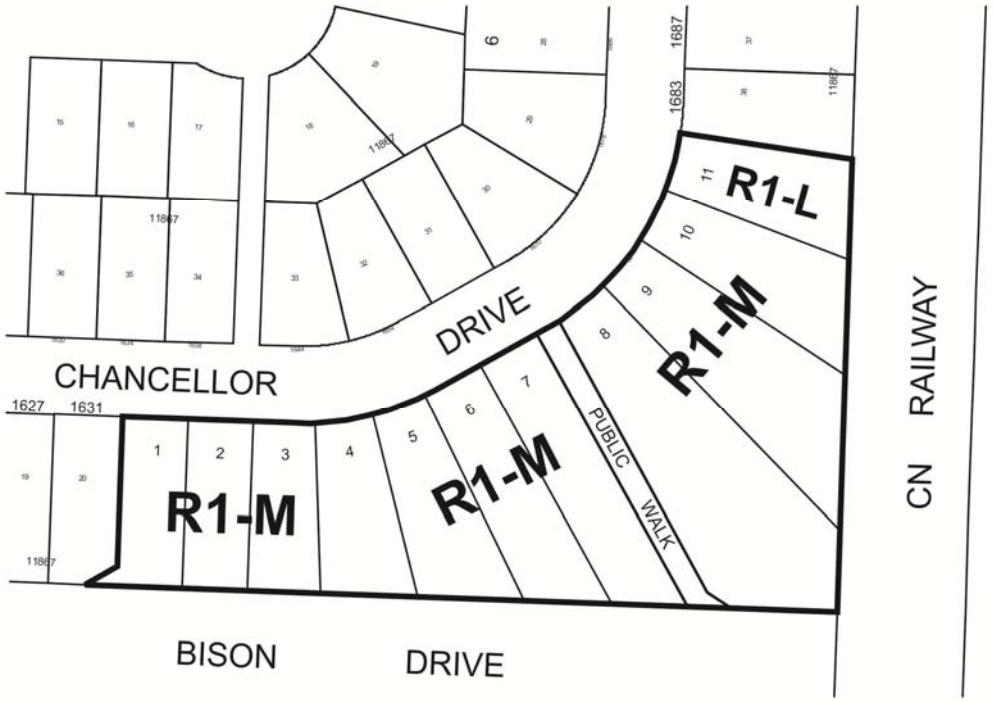
Explanation

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 Chancellor Drive/Shore Street & unaddressed land from an "RR5" RURAL RESIDENTIAL 5 DISTRICT and an "R1-L" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) and "R1-L" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICTS to allow for the creation of residential building lots and a public walkway as shown outlined below.

Atlas Sheet No.

N

AL23 RIEL COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – May 27, 2013

RE: PROPOSED REZONING OF LAND LOCATED on CHANCELLOR DRIVE/SHORE STREET - DASZ 8/2013

It is recommended that the approval of DASZ 8/2013, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions;

AGREEMENT CONDITIONS

1. The Developer shall, at no expense to the City, relocate the existing feedermain, as determined by, and to the satisfaction of, the Director of Water and Waste.

2. The Developer shall, at no expense to the City, grant any easements, as required to facilitate the relocated feedermain.

3. 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 hereby agrees to 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.

    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.

4. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area.

5. The Developer shall, at no expense to the city, grant any easements, and, if required, construct any catchbasins and leads as may be necessitated by the design.

6. No private approaches will be permitted off Bison Drive. Access to the properties shall

be from Chancellor Drive.

7. The proposed right of way for the existing public walkway shall be a maximum of 6 meters in width.

8. The Developer shall, at no expense to the City, sod boulevards and plant trees along Chancellor Drive, all in accordance with drawings and specifications to be prepared by the Developer and submitted to, and approved by, the Director of Public works.

9. The Developer shall, at no expense to the City, maintain the boulevard improvements for one year, in accordance with the specifications approved by the Director of Public Works.

10. The Developer shall, at no expense to the City, construct within the side yards of lots abutting the public walkway, a fence, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of the proposed lots abutting the public walkway 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.

11. The Developer shall, at no expense to the City, install three (3) bollards across the multiuse pathway, at the south end of the public walkway, along the projected rear property line.

12. The Developer shall, at no expense to the City, restore the sod within the walkway, as required, in accordance with City specifications and guidelines, to the satisfaction of the Director of Public Works.

13. The Developer shall, at no expense to the City, construct within the Planned Area abutting the Canadian National (CN) Railway Letellier Subdivision, a uniform fence 2.0m in height, 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 the proposed lot abutting the CNR Letellier Subdivision 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. Said fence is intended to ensure that pedestrian trespass, to the tracks does not become a consequence of the subject development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

14. The Developer shall, at no expense to the City, construct within the rear yards of all lots abutting Bison Drive, a uniform wooden fence 2.0m in height, 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 these proposed lots abutting Bison Drive 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.

15. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision.

16. 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 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.

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

18. 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.

19. 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.

20. The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading plans and specifications, to be provided by Consultants approved by the City, for the design of the municipal services and associated works required to serve the Planned Area;

21. The Developer shall pay the full cost of construction 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.

22. 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 Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 8/2013
May 27, 2013

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