Agenda – Council – April 30, 2014

Report – Standing Policy Committee on Property and Development – April 15, 2014

Item No. 5 Subdivision – 90 Mitchelson Way
(North Kildonan Ward)
File DAS 49/2013 [c/r DAV 174046/2013D]

STANDING COMMITTEE RECOMMENDATION:

On April 23, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the plan of subdivision under File DAS 49/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 44/2013 dated December 3, 2013 with such minor changes as may be required, and 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 January 22, 2014, with the following amendment:

      A. PLAN CONSIDERATIONS - Recommendation 1:
      - Delete "an 18.0m" and replace with "a 15.0m";
      - Delete "(20.m if the future land drainage sewer requirements greater than 525mm)".

2. 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 lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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 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-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.

Report – Standing Policy Committee on Property and Development – April 15, 2014

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 plan of subdivision shall be approved and signed by the Director of Planning, Property, and Development within one 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.

8. 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 – April 15, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 23, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 15, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 18, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

Report of the Administrative Coordinating Group:

- A. PLAN CONSIDERATIONS - Recommendation 1:

  Delete “an 18.0m” and replace with “a 15.0m”;

  Delete “(20.m if the future land drainage sewer requirements greater than 525mm)”,

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

RE: **Subdivision – 90 Mitchelson Way**
File DAS 49/2013

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

Prepared by: **Josie Marques, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **March 19, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 18, 2014, The East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DAS 49/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 44/2013 dated December 3, 2013 with such minor changes as may be required, and 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 January 22, 2014, ***with the following amendment***:

        A. PLAN CONSIDERATIONS
        1. The Developer shall dedicate and legally open property for the future extension of Cindy Klassen Way with ~~***an 18.0m***~~ ***a 15.m***-right-of-way ~~***(20.0m if the future land drainage sewer requirement is greater than 525mm),***~~ as determined by and to the satisfaction of the Director of Public Works.

2. 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 lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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 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-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 plan of subdivision shall be approved and signed by the Director of Planning, Property, and Development within one 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.

8. 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.

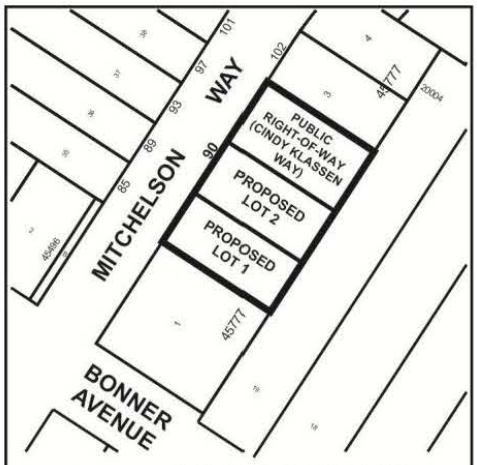
Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. This site is a challenging infill.
2. It is great to see that the site is being developed.
3. It is encouraging to see progress in the area.

PUBLIC HEARING SUMMARY

File:	DAS 49/2013
Before:	East Kildonan-Transcona Community Committee Councillor Steen, Chairperson Councillor Browaty Councillor Wyatt
Public Hearing:	March 18, 2014 Council Building, 510 Main Street
Applicant:	McGowan Russell Group Inc. (Susan Russell)
Subject:	



APPLICANT : McGOWAN RUSSELL GROUP INC.
FILE : DAS 49/13
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed change to By-law No. 200/2006 by subdividing the land shown outlined above currently zoned "R1-M" RESIDENTIAL SINGLE FAMILY (Medium) DISTRICT to establish two (2) residential building lots and a public right-of-way (future Cindy Klassen Way extension). **For information, phone Mr. M. Pyl, Planner, at 204-986-5595.**

Premises Affected: 90 Mitchelson Way

Exhibits Filed:

1. Application dated December 4, 2013
2. Notification of Public Hearing dated January 20, 2014
3. Manitoba Status of Title 2655023/1
4. Letter of authorization dated November 13, 2013 from 6678867 Manitoba Ltd. to McGowan Russell Group Inc.
5. Caveat 3400910
6. Proposed Plan – Option A dated November, 2013 (3 pages)
7. Proposed Plan – Option B dated November, 2013 (3 pages)
8. Proposed Plan – Option C dated November, 2013 (3 pages)
9. Proposed Plan dated December, 2013
10. Report from the Urban Planning Division dated March 11, 2014
11. Inspection Report
12. Proposed Alternate Road Option A, in support of the application, submitted by the applicant at the public hearing
13. Audio Recording of representations

REPRESENTATIONS:

In Support:

Bruce Adams
Robert Gigiel
Rod and Sandra Klinck
Donn and Sandra Poitras
Susan Russell, McGowan Russell Group Inc.
Kris Sidhu
Andre Trudeau

In Opposition

Nil

For Information:

Peter Kotyk
Roger Labossiere
Jason McKechnie
Mike and Rosalie Shupenia
John Wintrup

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. M. Pyl, Planner, Planning, Property and Development Department

Exhibit "10" referred to in File DAS 43/2013

ADMINISTRATIVE REPORT

Title: DAS 49/13 – 90 Mitchelson Way

Issue: For consideration at the public hearing to create two residential lots and to dedicate land as public right-of-way

Critical Path: East Kildonan-Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DAS 49/2013 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 44/2013 dated December 3, 2013 with such minor changes as may be required, and 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 January 22, 2014.

2. 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 lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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 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-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 plan of subdivision shall be approved and signed by the Director of Planning, Property, and Development within one 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.

8. 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 intends to create two buildable residential lots in the south portion of the subject property and open a public right-of-way against the north property line to enable the future extension of Cindy Klassen Way and the subdivision of the immediately adjacent lands.
- The two residential lots will be 50.5 ft. wide, 107.5 ft. deep, and 5,429 sq. ft. in area. The public right-of-way will be 59 ft. wide.
- The subject property is zoned “R1-M” Residential Single Family district.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject property will be subdivided.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

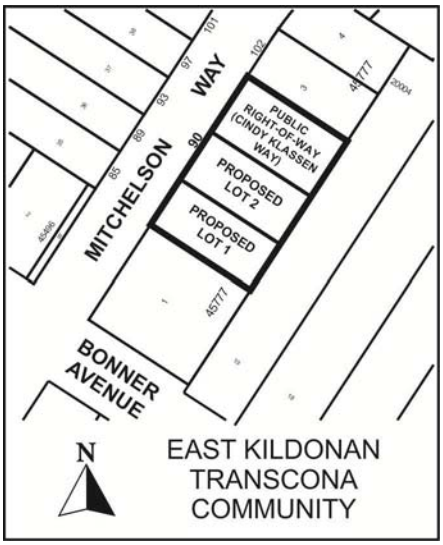
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	March 11, 2014
File No.	DAS 49/13

APPENDIX 'A'

DATE: March 11, 2014
FILE: DAS 49/13
RELATED FILES:
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.419

SUBJECT: To subdivide the subject property to create two residential properties and to open a public right-of-way to accommodate the future extension of Cindy Klassen Way

LOCATION: 90 Mitchelson Way



LEGAL DESCRIPTION: Lot 2, Plan 45777

APPLICANT: Susan Russell
McGowan Russell Group Inc.
825 St Joseph St
Winnipeg MB R2H 3A8

OWNER: 6678867 Manitoba Inc.
38 Wentwood Cr
Winnipeg MB R2P 2B6

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to create two buildable residential lots in the south portion of the subject property and open a public right-of-way against the north property line to enable the future extension of Cindy Klassen Way and the subdivision of the immediately adjacent lands.

- The two residential lots will be 50.5 ft. wide, 107.5 ft. deep, and 5,429 sq. ft. in area. The public right-of-way will be 59 ft. wide.
- The subject property is zoned “R1-M” Residential Single Family district.

SITE DESCRIPTION

- The subject property is located on the east side of Mitchelson Way between Bonner Av and Headmaster Row in the Springfield North neighbourhood of the North Kildonan ward.
- The subject property is zoned “R1-M” Residential Single Family district and is currently vacant. The property is 160 ft. wide, 107.5 ft. deep, and 17,200 sq. ft. in area.
- Adjacent properties include single family dwellings to the north, south, and west zoned “R1-M”. To the east are single family dwellings on 372 ft. deep lots; the front portion of these lots are zoned “R1-L” while the rear 260 ft. are zoned “RR5” Rural Residential 5 district.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to create two residential lots in the south portion of the subject property and open a public right-of-way against the north property line.
- The two residential lots will be 50.5 ft. wide, 107.5 ft. deep, and 5,429 sq. ft. in area. The public right-of-way will be 59 ft. wide.
- The applicant has not submitted plans for the redevelopment of the single family lots in concurrence with this application.
- The proposed right-of-way is intended to accommodate a future connection of Cindy Klassen Way.

BACKGROUND

DASZ 12/2006

- On July 4, 2006, Council approved a DASZ that created four residential lots along the east side of Mitchelson way immediately north of Bonner Av.
- Proposed Lots 1, 3, and 4 were intended for immediate residential development. Proposed Lot 2 was intended to remain vacant for future subdivision that will include a road extending east. The intent of this road is to facilitate the future subdivision of the rear portion of lots fronting on the north side of Bonner (that are approximately 370 ft. in depth).
    - In order to enforce this, the application was approved subject to the applicant entering into a zoning agreement with the City with the following condition:
        - That no building permit be issued for Lot 2 until such time as a plan of subdivision is filed and approved for Lot 2 indicating the continuation of the public right-of-way.
- The planner's report noted that the depth of these lots would allow for two 100 ft. deep lots fronting a 60 ft. wide public right-of-way. The residual lots fronting onto Bonner would be 110 ft. deep, which would leave 25 ft. front yards and 20 ft. rear yards for the majority of the existing dwellings.

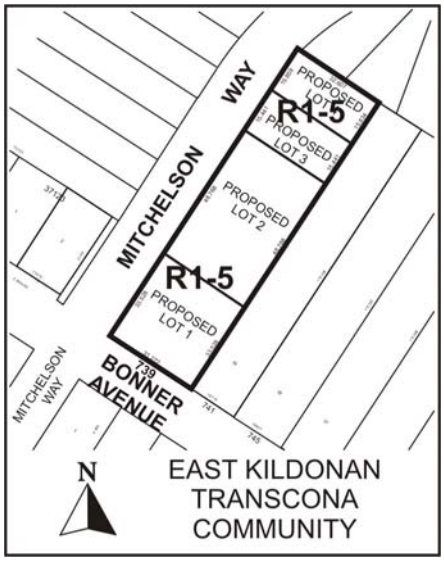


Figure 2: Plan of subdivision as per DASZ 12/06

ZAA 8/2012

- On December 11, 2012, the East Kildonan-Transcona Community Committee recommended rejection of a proposal to remove the following clause from the property's zoning agreement:
    - That no building permit be issued for Lot 2 until such time as a plan of subdivision is filed and approved for Lot 2 indicating the continuation of the public right-of-way.
- The applicant proposed to create three residential lots on the subject property with widths of 56, 52, and 52 ft. They had indicated that while they would build on two of these lots in short order, the third would be held until January 2017 (10 years from the date the zoning agreement came into effect) to provide potential access to the rear of the properties along Bonner Av. If by this time this access had not been acted upon, the applicant would then sell the third lot for residential development.
- After Community Committee had recommended rejection, the applicant subsequently withdrew the application.

DAV 13-174046D

- In concurrence with this application, the applicant has also applied to vary the Special Boundary Conditions of the zoning by-law for the establishment of two residential building lots to permit as follows:
    - Lot areas of 5,428.45 sq. ft. instead of 8,246.7 sq. ft.
    - Lot widths on proposed Lot 1 and 2 of 50.47 ft. instead of 52.1 ft.

ANALYSIS AND ISSUES

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city's new long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- The subject property is classified as an "Area of Stability" is Complete Communities' Urban Structure map. Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.
- Supporting Direction and Enabling Strategies for Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character, and built form.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

Zoning

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.

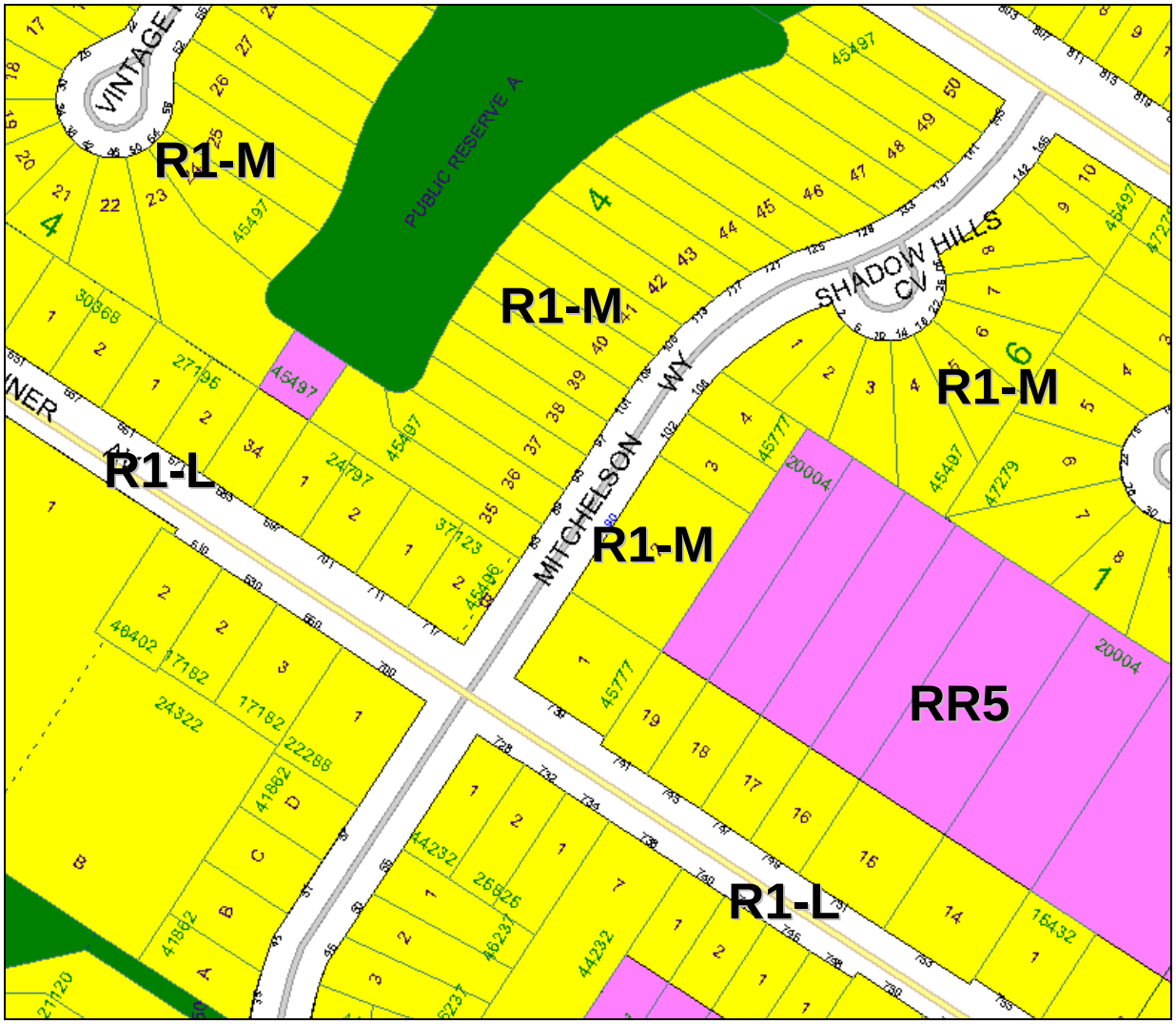


Figure 2: Zoning map of subject property and surrounding neighbourhood

- Section 137 of Zoning By-law No. 200/06 prescribes the following dimensional standards for the "R1-M" district:

Min. Lot Area (sq. ft.)	Min. Lot Width (sq. ft.)	Min. Front Yard (ft.)	Min. Rear Yard (ft.)	Min. Side Yard (ft.)	Min. Reverse Corner Street Side Yard	Max. Height of Building (ft.)	Max. Lot Coverage (%)
3,500	25	15	25	4*	4	35	45
* - Where the width of the lot is less than 40 feet, the side yards may be reduced to 10% of the width of the lot but must not be less than 3 feet.							

Figure 3: Dimensional standards for the "R1-M" district

- Section 138 of the zoning by-law 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.

Compatibility with the surrounding neighbourhood

- The Urban Planning Division is broadly supportive of infill development, as it minimizes the spatial use of land and provides a wider range of housing options in the neighbourhood.
- The size of the two proposed lots along Mitchelson – 50.5 ft. wide, 107.5 ft. deep, and 5,429 sq. ft. in area – are completely compatible with the surrounding neighbourhood. The narrowest lots in the immediate vicinity are across the street on the west side of Mitchelson; they are all approximately 40 ft. wide. The two lots immediately to the north of the subject property on the east side of Mitchelson are 50 ft. wide. In this context, there is no concern about the size of the proposed lots.
- The creation of single family residential lots along Mitchelson represents the most logical completion of the block that is most compatible with the surrounding area. The previous application on the subject property, DASZ 12/2006, anticipated that this would eventually occur.
- The provision of a right-of-way is consistent with the existing zoning agreement and will allow for the eventual extension of Cindy Klassen Way. This was also anticipated as per DASZ 12/2006.
- The proposed right-of-way width of 59 ft. is the standard width for local residential streets that can accommodate a two-lane roadway and a boulevard large enough to provide adequate snow storage. The Public Works Department cannot be flexible with this width.

Implications for future subdivision

- The proposed development has significant implications for the future development of the land to the east.
- It is planned that Cindy Klassen Way will extend from its current terminus south of Headmaster Row in an “L” shape to the west, connecting to Mitchelson via the public right-of-way proposed to be opened by this application. This is illustrated in Figure 4 below:



Figure 4: Conceptual plan illustrating the extension of Cindy Klassen Way (note: not to scale)

- Between Mitchelson and Cindy Klassen, four new residential lots have been severed from larger Bonner Av landholdings – they are 755, 759, 761, and 763 Bonner. The distance between their north property lines and the north property lines of the longer Bonner lots is approximately 260 ft. This leaves room for a 59 ft. wide right-of-way and 100.5 ft. deep lots on either side, which is sufficient room to accommodate infill development.
- Resistance to these dimensions may arise from Bonner Av landowners due to the fact a number of them have developed backyard amenity spaces and/or accessory structures such as garages and sheds that would be lost through the subdivision process. These dimensions would also several dwellings with pretty minimal rear yards. While 100 ft. deep lots are more uncommon, the Urban Planning Division would consider proposals to move the potential property line further north. While the zoning by-law regulates front and rear yards, it does not regulate lot depth; therefore, future proposals would be evaluated on the applicant's success in demonstrating lots shallower than 100 ft. can accommodate a dwelling within the dimensional standards of the by-law.
- All this being said, this issue will be addressed in a future application. What is important to note at this time is that this application will not compromise the future orderly development of the lands behind the subject property.

RECOMMENDATION

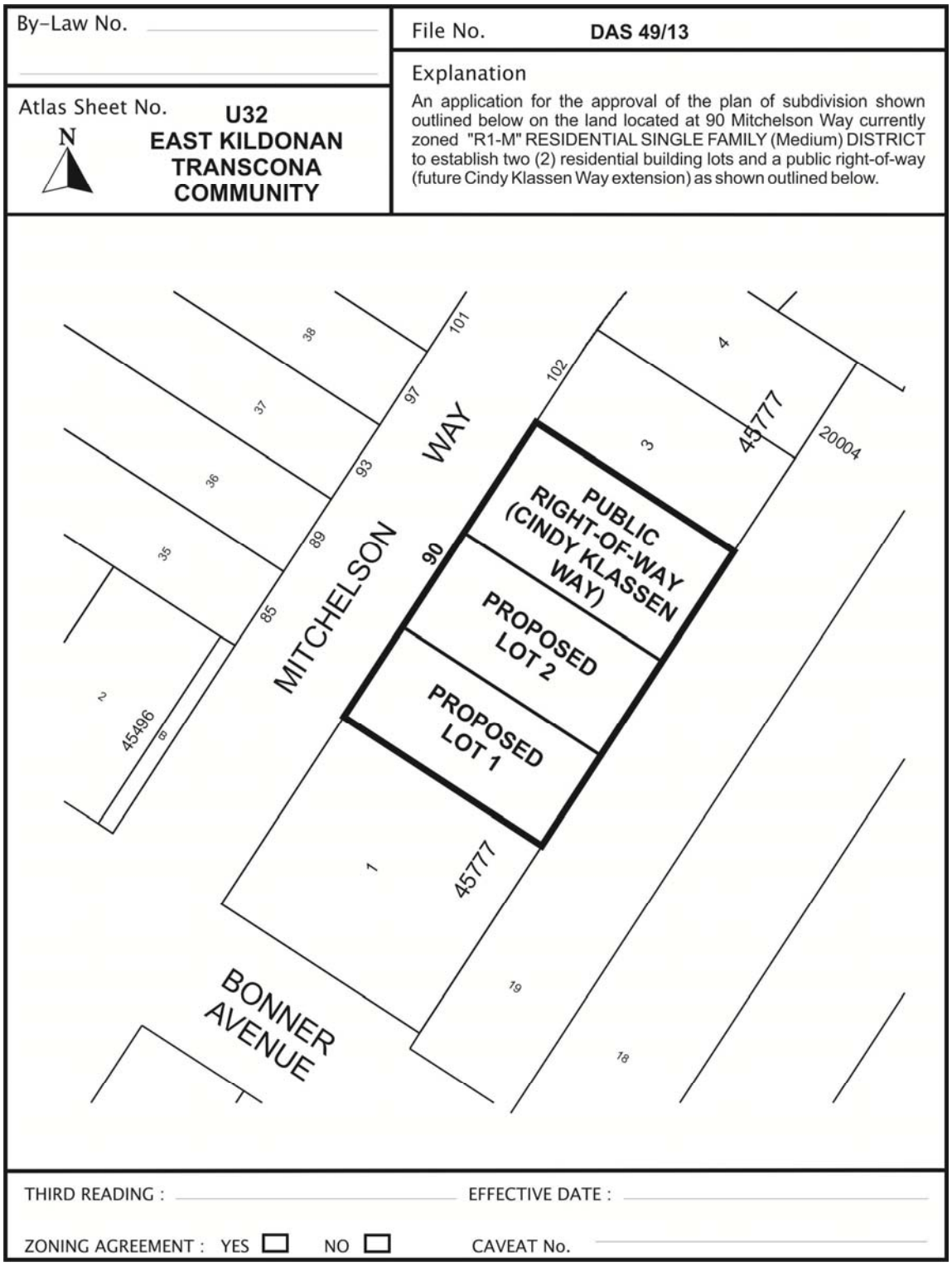
The Urban Planning Division is broadly supportive of infill development, as it minimizes the spatial use of land and provides a wider range of housing options in the neighbourhood. The creation of single family residential lots along Mitchelson Way whose sizes are compatible with the surrounding neighbourhood represents the most logical completion of the block. The provision of a right-of-way is consistent with the existing zoning agreement and will allow for the eventual extension of Cindy Klassen Way.

While this application has implications for the future subdivision of lands to the east of the subject property, it will not preclude this future development. As a result, the Urban Planning Division can recommend approval.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DAS 49/2013

APPENDIX 'B'

Schedule "A" for File No. DAZ 49/13, East Kildonan-Transcona Community Committee, dated March 11, 2014.



Schedule “B”

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – January 22, 2014

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 90 MITCHELSON WAY – DAS 49/2013

It is recommended that the approval of DAS 49/2013, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. PLAN CONSIDERATIONS

1. The Developer shall dedicate and legally open property for the future extension of Cindy Klassen Way with an 18.0m right-of-way (20.0m if the future land drainage sewer requirement is greater than 525mm), as determined by and to the satisfaction of the Director of Public Works.

B. AGREEMENT CONDITIONS

SECTION I – SERVICING

1. Services on Mitchelson Way

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of existing services constructed by others in Mitchelson Way fronting the subject property. The Developer shall either provide written evidence to the City that it has adequately compensated the party responsible for the construction, or make payment to the City as follows;

a. Concrete Pavement and related works;
b. Concrete sidewalk (low rate);
c. Ornamental Street Lighting
d. Wastewater Sewer
e. Land Drainage Sewer – Lateral
f. Watermain

All as determined by the Director of Public Works and the Director of Water and Waste (Estimate of 2014 Rate = $582.01/frontage foot x 160 frontage feet).

2. Sewer Trunk Charges

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of land drainage trunk facilities (TSR) benefiting the Planned Area as determined by and to the satisfaction of the Director of Water and Waste. 2014 Rate = $20,731.00 per acre.

3. Lot Grading

a) 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 approved design.

b) Prior to the issuance of Building Permits, the Developer shall, at no expense to the City, construct all swales, catchbasins, and leads required to provide lot drainage.

c) Upon registration of the approved subdivision mylars in the Land Titles Office, 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.

4. Regional Transportation Infrastructure

a) The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of improvements previously installed by others at and in the vicinity of the intersection of Headmaster Row and Lagimodiere Boulevard, as follows:

i. 0.17%Traffic Increase x $1,217,896.05 = $2,070.42 + GST

b) The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of the oversized pavement previously installed by others in Headmaster Row, as follows:

i) 0.17%Traffic Increase x $568,721.37 = $966.83 + GST

All of the above as determined by and to the satisfaction of the Director of Public Works.

5. Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.

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

6. Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup 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.

7. Boulevards

a) The Developer shall, at no expense to the City, sod and plant trees on proposed Lots 1 and 2, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

b) The Developer shall, at no expense to the City, maintain the boulevard sod for one year and trees for two years, in accordance with specifications approved by the Director of Public Works.

8. Survey Monuments

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, shall have them replaced by a Manitoba Land Surveyor. The Developer shall ensure that the Manitoba Land Surveyor provides the Director of Planning, Property and Development with a certificate stating that all survey monuments within the Planned Area have been verified and/or replaced, as the case may be.

SECTION II – COSTS AND FEES

1. By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2. Professional Fees

a) 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 and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

b) 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 engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1200.00/acre (minimum $1,650.00) of the planned area to help 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. DAS 49/2013
January 22, 2014

"Original signed by R.Deighton, P.Eng."

R.R. Deighton, P.Eng.
Land Development Branch

"Original signed by F.Mazur, P.Eng."

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

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C.J. Desjardine, P.Eng.
Public Works Department, Transportation Division

RD/rd