Minutes – Executive Policy Committee – September 17, 2014

Minute No. 570
Report – Standing Policy Committee on Property and Development – September 16, 2014

Item No. 5 Subdivision – 340, 344, 350 and 356 Laxdal Road (Charleswood – Tuxedo Ward) File DAS 13/2014 [c/r DAV 123350/2014D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 13/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 13/2014 dated July 2, 2014 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 Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated June 30, 2014.

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

3. 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.

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

5. 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.

Report – Standing Policy Committee on Property and Development – September 16, 2014

6. 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.

7. 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 – September 16, 2014

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 16, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2014, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Subdivision – 340, 344, 350 and 356 Laxdal Road**
File DAS 13/2014

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

Prepared by: **Destiny Watt, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **July 9, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 8, 2014, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DAS 13/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 13/2014 dated July 2, 2014 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 Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated June 30, 2014.

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

3. 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.

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

5. 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.

6. 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.

7. 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 Assiniboia Community Committee provided the following supporting reason(s) for its recommendation:

1. There was tremendous success with the first phase and the properties sold out.

2. There is significant demand in the area and favourable comments have been made from the neighbourhood and the community on how the project was handled.

PUBLIC HEARING SUMMARY

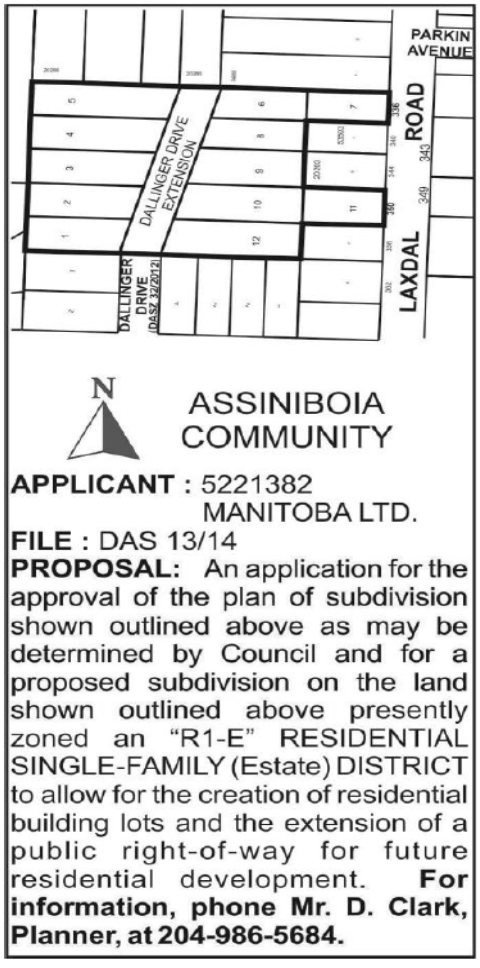
File: DAS 13/2014

Before: Assiniboia Community Committee
Councillor Nordman, Chairperson
Councillor Fielding
Councillor Havixbeck

Public Hearing: July 9, 2014
Council Building, 510 Main Street

Applicant: 5221382 Manitoba Ltd.
(Abe Friesen)

Subject:



Premises Affected: 340, 344, 350 and 356 Laxdal Road

Exhibits Filed:

1. Application dated April 30, 2014
2. Notification of Public Hearing dated May 28, 2014
3. Manitoba Status of Titles 2044952/1, 2682875/1, 2368862/1, 1703642/1, 2628688/1

4a. Letter of authorization dated February 21, 2014 from 2862647 Manitoba Ltd. to Abe Friesen, 5221382 Manitoba Ltd.

4b. Letter of authorization dated February 10, 2014 from Elmington Transport Ltd./M. A. Kroeker, to Abe Friesen, 5221382 Manitoba Ltd.

4c. Letter of authorization dated February 14, 2014 from Alice MacKenzie to Abe Friesen, 5221382 Manitoba Ltd.

4d. Letter of authorization dated February 27, 2014 from Marlene Mary West to Abe Friesen, 5221382 Manitoba Ltd.

4e. Letter of authorization dated February 9, 2014 from Nancy-Ann Hamilton and James Gavin Hamilton to Abe Friesen, 5221382 Manitoba Ltd.

5. Plans (2 pages)
6. Report from the Urban Planning Division dated July 2, 2014
7. Inspection Report
8. "Exit Survey" dated June 19, 2014, of individuals who attended the Open House, submitted by the applicant at the public hearing.
9. Open House Attendance Record dated June 19, 2014, submitted by the applicant at the public hearing
10. Dallinger Drive Subdivision Concept plans (2 pages) submitted by the applicant at the public hearing
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Abe Friesen, 5221382 Manitoba Ltd.
John Friesen
Ruth and Mervyn Kroeker
Andrew Kroeker

In Opposition

Dr. Dominique Kerbrat
Jeannette Martin

For Information:

Nil

For the City:

Mr. J. Veitch, Principal Planner, Planning,
Property and Development Department
Mr. D. Clark, Planner, Urban Planning Division, Planning,
Property and Development Department
Ms. E. Finnigan, Planner, Urban Planning Division, Planning,
Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property
and Development

Exhibit "6" referred to in File DAS 13/2014

ADMINISTRATIVE REPORT

Title: DAS 13/14 – 340,344,350,356 Laxdal RD

Issue: For consideration at the public hearing for a subdivision to create twelve (12) residential zoning lots and extend Dallinger Drive

Critical Path: Assiniboia 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 DAS 13/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 13/2014 dated July 2, 2014 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 Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated June 30, 2014.

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

3. 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.

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

5. 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.

6. 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.

7. 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 twelve buildable residential lots by constructing and extending Dallinger Drive from its intersection with Geraldine Road. This proposal requires a subdivision application.
- Subdivisions 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 property will be subdivided allowing the creation of twelve (12) residential lots.

CONSULTATION

- The applicant held an open house on June 19, 2014 between 4:00 PM - 6:00 PM at the Charleswood United Church located at 4820 Roblin Blvd.
- The applicant provided a summary to the Urban Planning Division regarding attendance and general feedback.
- In total, 40 people attended and the general sense from the applicant that their proposal was quite well received by community members and comments were for the most part positive. There was negative feedback from one attendee.
- Exit surveys were provided for people to complete after reviewing the material. Seven exit surveys were completed; 5 positive, 1 undecided, and 1 negative.

SUBMITTED BY

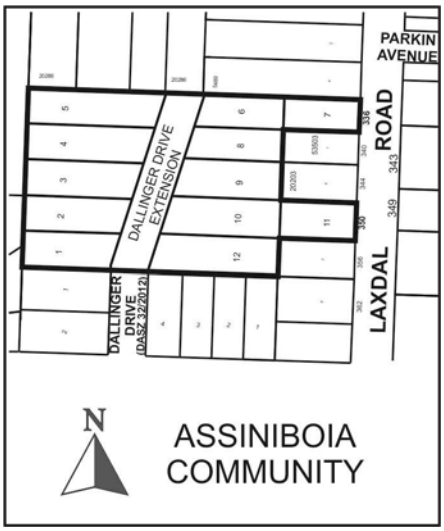
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Devin Clark
Date:	July 2, 2014
File No.	DAS 13/14

APPENDIX 'A'

DATE: July 2, 2014
FILE: **DAS 13/14**
RELATED FILES: DAV 14-123350/D
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.608

SUBJECT: To create twelve (12) residential zoning lots and extend Dallinger Drive

LOCATION: 340,344,350,356 Laxdal RD



LEGAL DESCRIPTIONS/ OWNERS:

LOT 2 PLAN 53503 WLTO IN RL 35 AND 36 PARISH OF ST CHARLES
2862647 MANITOBA LTD.

SP LOT 1 PLAN 20203 WLTO IN RL 30 TO 35 PARISH OF ST CHARLES
Mervyn Abram Kroeker

SP LOT 6 PLAN 20203 WLTO IN RL 30 TO 36 PARISH OF ST CHARLES
Alice Blanche Mackenzie

SP LOT 3 PLAN 20203 WLTO IN RL 30 TO 36 PARISH OF ST CHARLES
Marlene Mary West

SP LOT 5 PLAN 20203 WLTO IN RL 30 TO 36 PARISH OF ST CHARLES
James Gavin Hamilton and Nancy-Ann Hamilton

APPLICANT: Abe Friesen 5221382 Manitoba Ltd.
131 Avril Lane
Winnipeg, MB R3R 3C8

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to subdivide the land in order to create twelve buildable residential lots. Ten of these lots will have frontage onto the proposed extension of Dallinger Drive and two of these lots will maintain frontage on Laxdal Road.
- The proposed twelve residential lots range in size, between 6,180 square feet and 11,672 square feet and width, between 51 feet and 60 feet. This variation in lot size is primarily because of the angle upon which Dallinger Drive is proposed to be built.
- The proposed extension of Dallinger Drive will be 59 ft. wide with a temporary turning radius at the end, until such time that lands to the north are developed. This layout has been determined as the best approach to provide an orderly extension of roads to a future layout extending both north and south of the subject lands.
- The Urban Planning Division is supportive of the application to subdivide the land as proposed as well as the concurrent variance application (DAV 14-123350D) that allows a reduction of lot widths and lot areas under Section 138 (1) Special Boundary Conditions of the City of Winnipeg Zoning By-law 200/2006 in the R1-E zoning district.

SITE DESCRIPTION

- The application includes five (5) existing residentially zoned parcels.
- The subject property is located on an un-serviced parcel of land located to the northwest of the intersection at Laxdal Road and Geraldine Drive in the Varsity view neighbourhood of the Charlsewood-Tuxedo ward.
- The combined development area is approximately 2.94 acres.
- The subject property is zoned “R1-E” Residential Single Family Estate.
- The site is within the Areas of Stability – Recent Communities Policy Area under the Complete Communities Direction Strategy.

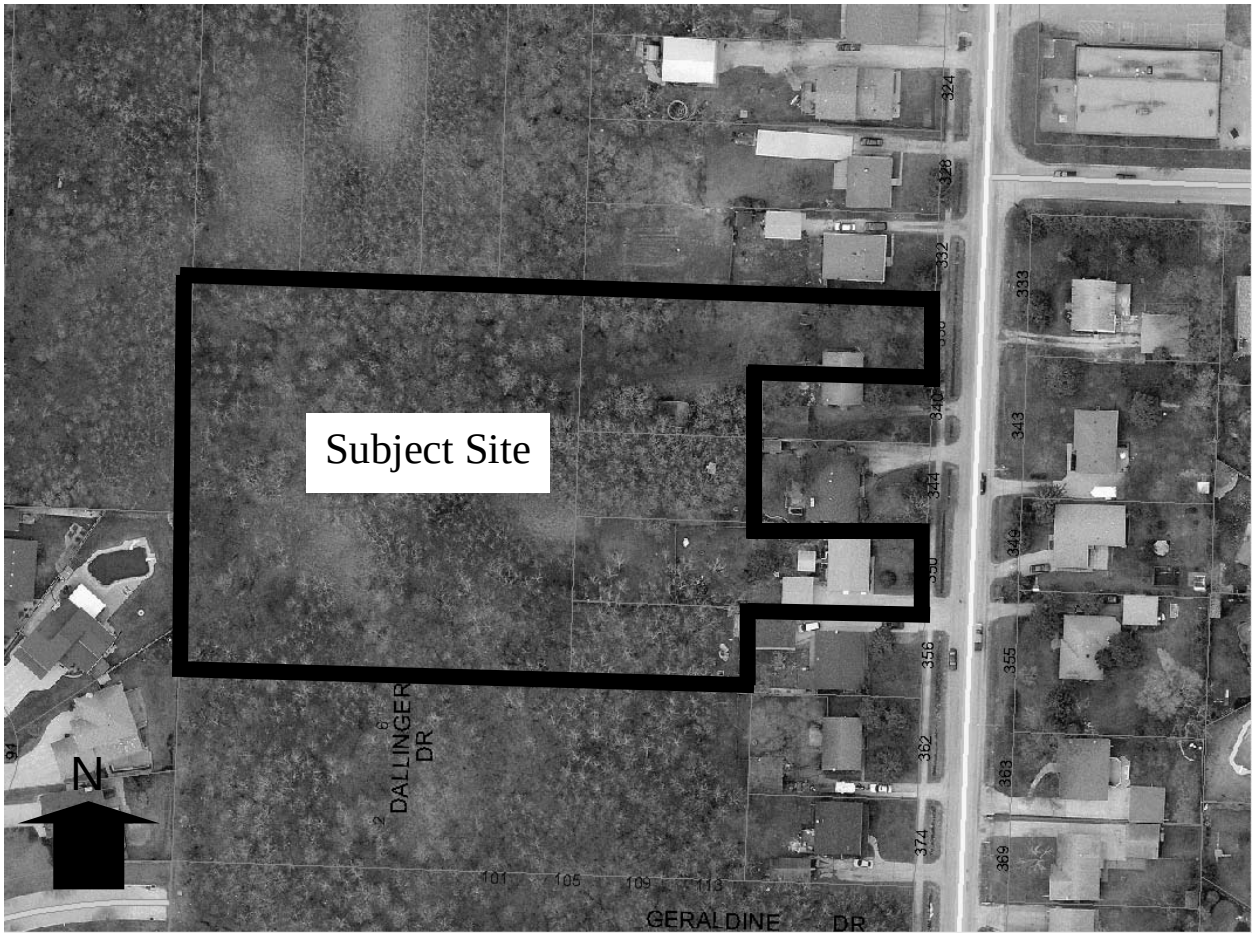


Figure 1: Site map of subject property and surrounding neighbourhood

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Vacant and residential lands zoned “R1-E” Residential Single-Family Estate.

South: Residential lands zoned “R1-L” Residential Single-Family Large.

East: Laxdal Road then single family dwellings zoned ‘R1-L’ Residential Single Family Large

West: Vacant and residential lands zoned “R1-L” Residential Single-Family Large.

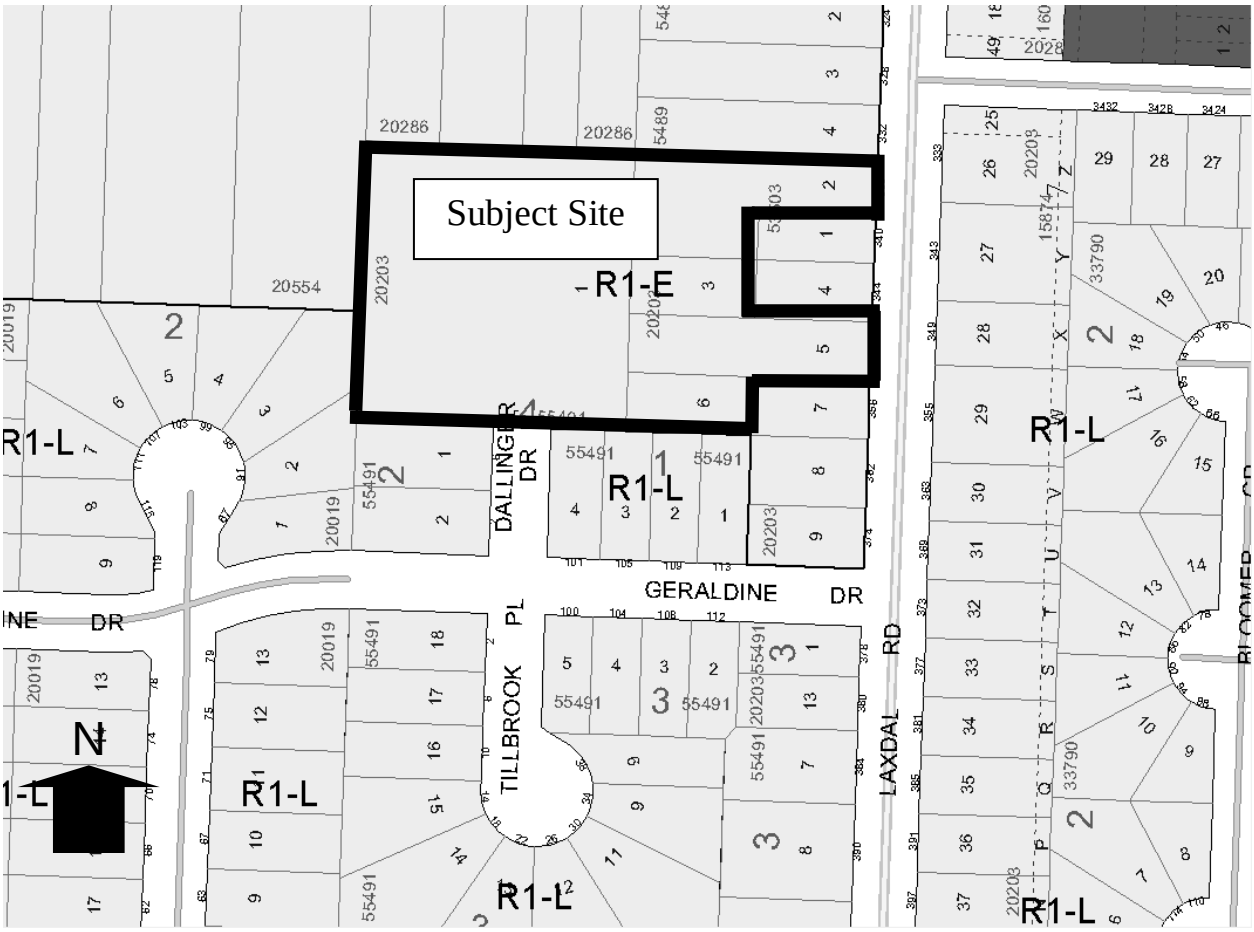


Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to create twelve buildable residential lots by constructing and extending Dallinger Drive from its intersection with Geraldine Road.
- Eleven of the proposed twelve lots are currently vacant. The remaining lot has a one storey dwelling with a detached garage on it and fronts onto Laxdal Road.
- The twelve residential lots will be of different sizes because of the configuration of the Dalinger Road extension. The proposed Dallinger Drive will be 59 ft. wide with a turning radius at the end. Ten of the twelve proposed lots will be accessed from Dallinger Drive. The two remaining lots will take access from Laxdal Road.
- The applicant has not submitted development plans for the single family lots in concurrence with this application.
- In addition to the subdivision, there is an associated variance application (DAV 14-123350D) to allow the proposed lots to conform to Section 138 (1) Special Boundary Conditions of the City of Winnipeg Zoning By-law 200/2006.

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. With regard to this proposal, the key policies guiding the development of 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 (p. 80).
    - Support Complete Communities by ensuring a diverse and high quality housing stock (p.80).
    - Support the subdivision of parcel of land into two or more lots when done in a context sensitive manner (p. 80).

ZONING

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

- Section 137 of Zoning By-law No. 200/06 prescribes the following dimensional standards for the "R1-E" 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 (%)
20,000	25	30	25	10	20	35	30
* - 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-E" district

Special Boundary Conditions

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.

LAND USE BY-LAW

Subdivision

- The applicant is proposing to subdivide the lands in order to create twelve buildable lots for the future construction of single family residential dwellings.

Variances

- There is an associated variance application, (DAV 14-123350D) to allow the proposed lots to conform to Section 138 (1) Special Boundary Conditions of the City of Winnipeg Zoning By-law 200/2006,
- Refer to the associated Variance report for DAV 14-123350D for more discussion on the variances.
- The applicant intends to establish dwellings with minimum four foot side yards. These side yard setbacks cannot be established in the R1-E zoning district, and as such, the applicant has indicated that they will likely seek a rezoning of the properties to R1-L, which permits 4 foot side yard setbacks, if approval is granted of the subject application.

AIRPORT VICINITY PROTECTION AREA POLICY

- The subject lands are located within Area II of the AVP PDO. Area II allows the development of new single-family dwellings subject to all required amendments of or approvals under applicable land use controls.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject lands are vacant, privately owned and designated residential in the City's Development Plan '*OurWinnipeg'* and its *Direction Strategy 'Complete Communities'*,
- The proposed twelve residential lots range in size, between 6,180 square feet and 11,672 square feet and widths, between 51 feet and 60 feet. This variation in lot size is primarily because of the angle upon which Dallinger Drive is proposed to be built.
- These lands, as with similar back lands throughout Charleswood are designated for residential infill, many of these areas include rough conceptual subdivision plans developed by the City to guide development (see Figure 3).
- The Urban Planning Division must consider the future orderly development of adjacent lands when assessing the merits of a particular land development application. In this case the proposed alignment of Dallinger Drive is supportable from a Public Works standpoint and the proposed development is generally consistent with the City's conceptual subdivision plan for this area.
- The proposed right-of-way width of 59 ft. is the minimum standard width for local residential streets that can accommodate a two-lane roadway and a boulevard large enough to provide adequate snow storage. The report of the Administrative Coordinating Group has indicated that 18 metre (59 feet) widths will be required unless the land drainage sewer is 525 mm in diameter or greater, which would require a right-or-way width of 20 metres (65 feet 7 inches).
- The proposed dead end for Dallinger Drive is temporary and will be opened up upon approval of future development extending north. Until then, the turnaround must be developed to standards as outlined in the report of the Administrative Coordinating Group identified as Schedule 'B' in this report.
- The proposed development is consistent with the relevant *Complete Communities* policies as it allows for moderate change that is consistent with the existing built form and character of the area.

- The proposed single family lots are generally consistent in size and lot width with the surrounding lots on Bramble Drive and Laxdal Road.
    - For example:
        1. 340 Laxdal Road – 6,177 square feet – 51 feet wide
        2. 344 Laxdal Road – 7,200 square feet – 60 feet wide
        3. 356 Laxdal Road – 7,200 square feet – 60 feet wide
        4. 78 Bramble Drive – 8,138 square feet – 60 feet wide
        5. 75 Bramble Drive – 8,943 square feet – 65 feet wide

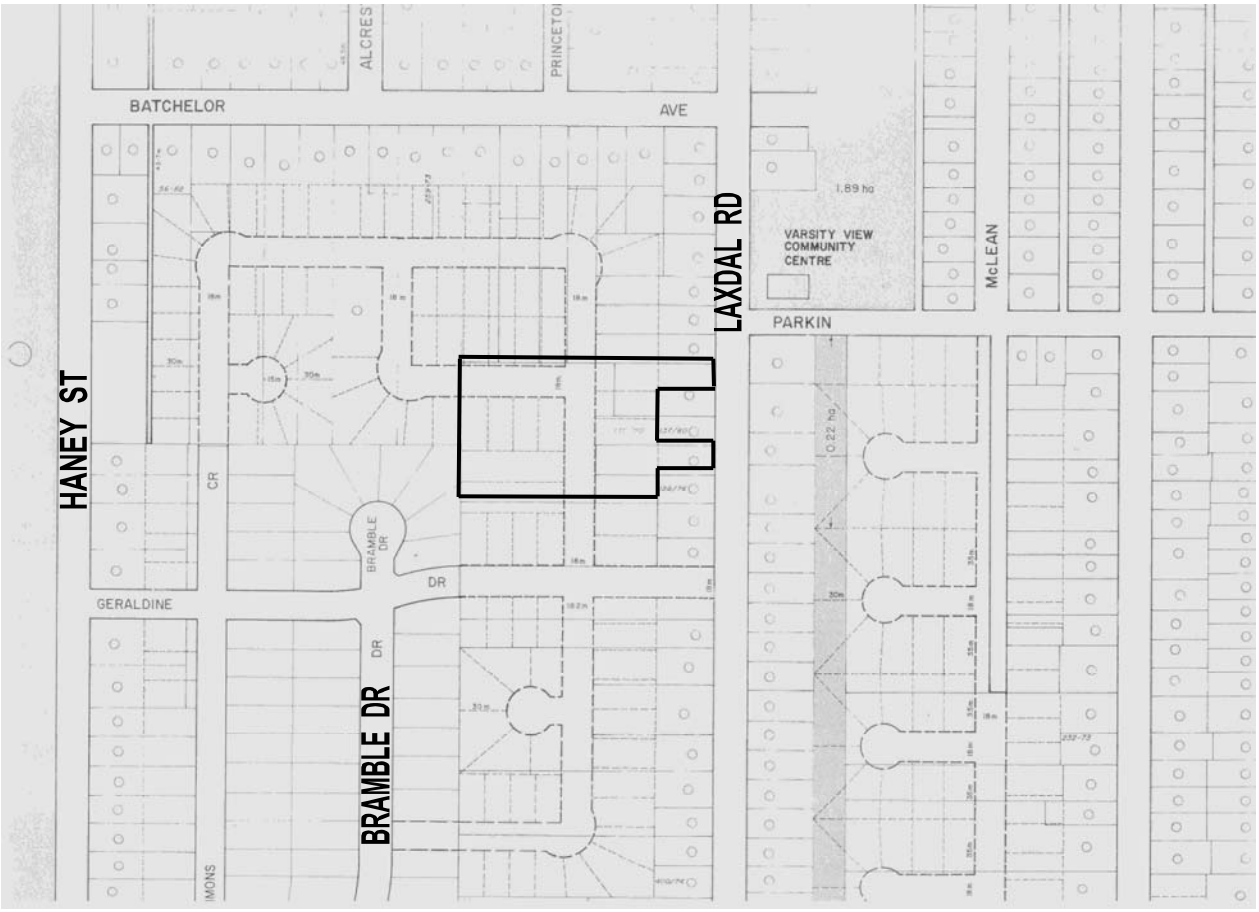


Figure 3: City Conceptual Shadow Plan of the Subject Lands and Surrounding Area.

SERVICING AND ACCESS

- Servicing requirements must be developed in accordance with the attached Report of the ACG. See Schedule 'B'.

COMMUNITY INPUT

- The applicant held an open house on June 19, 2014 between 4:00 PM - 6:00 PM at the Charleswood United Church located at 4820 Roblin Blvd.

- The applicant provided a summary to the Urban Planning Division regarding attendance and general feedback.
- In total, 40 people attended and the general sense from the applicant was that their proposal was quite well received by the community members and comments were positive for the most part. There was negative feedback from on attendee.
- Exit surveys were provided for people to complete after reviewing the material. Seven exit surveys were completed; 5 positive, 1 undecided, and 1 negative.

RECOMMENDATION

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

- The Urban Planning Division is broadly supportive of infill development, as it helps increase density and achieves a more compact urban form. These objectives address key policies of *OurWinnipeg* and the *Complete Communities Direction Strategy* with respect to minimizing the spatial use of land and providing a wider range of housing options in existing neighbourhoods.
- The proposed lots are consistent in size with other lots in the immediate.
- The submitted plans for the extension of Dallinger Drive are consistent with city-wide standards and thus, are supportable subject to conditions outlined in the servicing agreement.
- Servicing requirements must be developed in a manner consistent with the report of the ACG.

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

Report Prepared by: Devin Clark
PPD File # DAS 13/2014

Schedule "A" for File No. DAS 13/14, Assiniboia Community Committee, dated July 2, 2014.

By-Law No. _____

File No. **DAS 13/14**

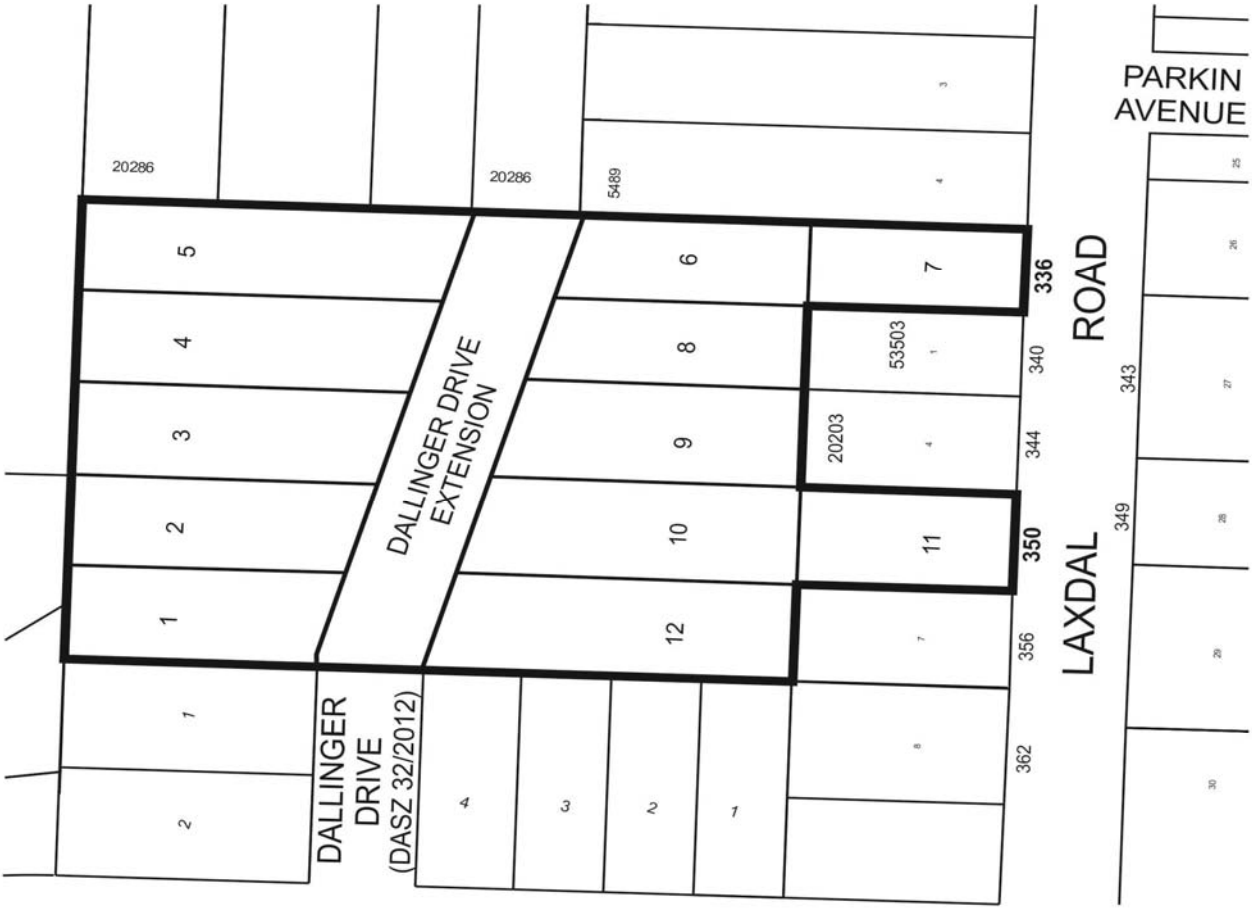
Atlas Sheet No.

N

AD16 ASSINIBOIA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below on the land located on the west side of Laxdal Road extending Dallinger Drive (DASZ 32/2012) presently zoned an "R1-E" RESIDENTIAL SINGLE-FAMILY (Estate) DISTRICT to allow for the creation of residential building lots and the extension of a public right-of-way for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – JUNE 30, 2014

RE: PROPOSED SUBDIVISION OF LAND LOCATED AT 350 LAXDAL ROAD – FILE DAS 13/2014

It is recommended that the approval of DAS 13/2014, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. PLAN CONSIDERATIONS

1. Street Right of Way

   The Developer shall, at no expense to the City, establish the proposed public street as an 18.0m wide right of way (20.0m if the land drainage sewer is 525mm in diameter or greater), as determined by and to the satisfaction of the Director of Public Works.

2. Cul-de-Sac Turnaround

   The Developer shall, at no expense to the City, provide right of way and/or easements as necessary, to accommodate a cul-de-sac style turnaround consistent with the dimensions illustrated on Streets and Transportation Drawing ST-90 (revised) or ST-90A, as determined by and to the satisfaction of the Director of Public Works.

3. Cul-de-sac streets shall not exceed a length of 105 metres or as determined by and to the satisfaction of the Director of Public Works.

B. AGREEMENT CONDITIONS

SECTION I – SERVICING

1. Wastewater Sewers

   The Developer shall, at no expense to the City, construct and install all wastewater sewers required to service the Planned Area, as determined by and to the satisfaction of the Director of Water and Waste.

2. Watermains

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

3. Lot Line Connections

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 single-family and two-family 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. Land Drainage Sewers

The Developer shall, at no expense to the City, construct and install all land drainage sewers required to service the Planned Area, as determined by and to the satisfaction of the Director of Water and Waste.

5. Land Drainage 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 Charleswood Area "C" Land Drainage Trunk (TSR) Rate for the Planned Area. Based on the 2014 rate, that share is calculated as follows:

i)	2.62 acres x $17,004.00/acre =	$44,550.48
ii)	G.S.T. (5%) =	$2,227.52
	Total ……..	**$46,778.00**

6. Lot Grading

The Developer shall, at no expense to the City:

a) provide to the City, for approval, 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, construct all swales, catchbasins and leads required to provide lot drainage;

c) upon registration of the approved subdivision mylars in the Land Titles Office, provide to the City, all easements with respect to the installation, maintenance and replacement of swales, catchbasins and leads for lot drainage.

7. Pavement

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

8. Regional Transportation Infrastructure

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the Charleswood Transportation Levy attributable to the Planned Area. Based on the 2014 rate, the share is calculated as follows:

i)	114,127 sq. ft. @ $0.35/sq.ft. =	$39,944.45
ii)	G.S.T. (5%) =	$ 1,997.22
	Total	**.....$41,941.67**

9. Temporary Dead-End Street

a) The Developer shall, at no expense to the City, construct a cul-de-sac style vehicle turnaround at the terminus of the dead-end street with a minimum paved surface radius of 10.5 metres as illustrated on Streets and Transportation Drawing ST-90 (revised) or ST-90A, and all as determined

by and to the satisfaction of the Director of Public Works.

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

10. Boulevards

a) The Developer shall, at no expense to the City, sod, and plant trees on, all boulevards within and fronting on the Planned Area, 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 sod for a period of one year and the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

11. Construction Traffic

The Developer shall, at no expense to the City:

a) ensure that construction traffic uses access routes determined by the Director of Public Works; and

b) maintain those access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and

c) undertake the regular cleaning, including but not limited to scraping and sweeping, of those access routes and all streets within the Planned Area; until building construction, including landscaping, is complete, and all as determined by and to the satisfaction of the Director of Public Works.

12. Development Information Signs

Prior to construction, the Developer shall, at no expense to the City, obtain approval of and install, and subsequently maintain, at the entrance to the Planned Area, a development information sign containing no advertising, and showing the Planned Area, including zoning information, a north directional arrow, and proposed community mail-box sites – all with the approval of and to the satisfaction of the Director of Planning, Property, and Development.

13. Utilities

The Developer shall,

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

b) at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, at no expense to the City, and to the satisfaction of the Director of Public Works.

c) 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.

14. 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.

15. 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 – LAND ACQUISITION AND DEDICATION

1. Public Reserve Dedication

In lieu of dedication of land for public reserve, the Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, 8% of the increase in value of the land plus the cost of landscaping and services which it would have contributed to the City if public reserve had been dedicated, calculated as follows:

i)	Land: (2.62 acres x. 08 x $55,000/acre) =	$ 11,528.00
ii)	Landscaping: (2.62 acres x .08 x $ 40,000/acre) =	$8,384.00
iii)	Services: (2.62 acres x .08 x $ 46,000/acre) =	$9,641.60
iv)	G.S.T. (5%) =	$1,477.68
	Total	**$31,031.28**

SECTION III – 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 this 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, parklands, parkways 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

Prior to the release of the subdivision mylars for registration in the Land Titles Office, the Developer shall pay to the City, to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement, an administration fee, calculated as follows:

i)	2.93 acres x $1,200/acre =	$3,516.00
ii)	G.S.T. (5%) =	$175.80
	Total	**$3,691.80**

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAS 13/2014
June 30, 2014

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