Minute No. 76
Report – Standing Policy Committee on Property and Development – November 25, 2014

Item No. 6 Subdivision and Rezoning – 2695 and 2731 Main Street (Old Kildonan Ward) File DASZ 5/2014 [c/r DCU 114987/2014D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1 That the application for subdivision and rezoning under File DASZ 5/2014 [c/r DCU 114987/2014D] be rejected.

Report – Standing Policy Committee on Property and Development – November 25, 2014

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, that the application be rejected, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 3, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 25, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk–West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 18, 2014, the Lord Selkirk–West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 5/2014 [c/r DCU 114987/2014D] be rejected.

On September 8, 2014, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on November 18, 2014 at 5:00 p.m. in the Council Building, 510 Main Street.

On July 15, 2014, the Lord Selkirk-West Kildonan Community Committee adjourned the public hearing to its meeting on September 8, 2014 at 5:00 p.m. in the Council Building, 510 Main Street.

RE: **Subdivision and Rezoning – 2695 and 2731 Main Street**
File DASZ 5/2014

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

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

Report date: **November 19, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 18, 2014, the Lord Selkirk-West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 5/2014 [c/r DCU 114987/2014D] be rejected.

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

1. Questions raised during the public hearing remain unanswered inasmuch as the applicant is not present.

PUBLIC HEARING SUMMARY

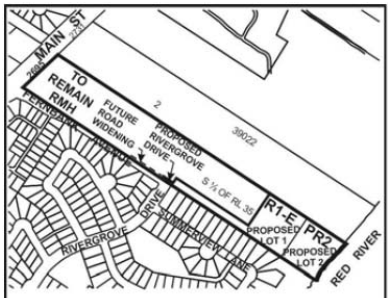
File: DASZ 5/2014

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

Public Hearing: November 18, 2014
September 8, 2014
July 15, 2014
Council Building, 510 Main Street

Applicant: Phillips & Stevens (Wilson Phillips)

Subject:



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LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : PHILLIPS & STEVENS
FILE : DASZ 5/14
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 "RMH" RESIDENTIAL MOBILE HOME PARK DISTRICT and an "R1-E" RESIDENTIAL SINGLE-FAMILY (Estate) DISTRICT to an "R1-E" RESIDENTIAL SINGLE-FAMILY (Estate) DISTRICT and a "PR2" PARKS AND RECREATION 2 DISTRICT to facilitate the establishment of a residential building lot, a public right-of-way opening (extension of Rivergrove Drive) and the expansion of a golf course use by the consolidation of lands. **For information, phone Mr. N. Yauk, Planner, at 204-986-4560.**

Premises Affected: 2695 and 2731 Main Street

Exhibits Filed:

1. Application dated April 3, 2014
2. Notification of Public Hearing dated May 29, 2014
3. Manitoba Status of Titles 1567278/1 and 1875669/1
4a. Letter of authorization dated March 20, 2014 from Guido Cerasani, 3777783 Manitoba Ltd., to Phillips & Stevens
4b. Letter of authorization dated March 4, 2014 from Guido Cerasani, Northgate Trailer Park Ltd., to Phillips & Stevens
5. Plans (6 pages)
6. Report from the Urban Planning Division dated July 8, 2014
7. Inspection Report
8. Audio Recording of the adjourned public hearing held on July 15, 2014
9. Notice of Adjournment dated July 23, 2014
10. Audio Recording of representations of public hearing held on July 15, 2014
11. Communication dated September 8, 2014, from Phillips & Stevens, Applicant, requesting that the application be adjourned
12. Notice of Adjournment dated September 12, 2014

REPRESENTATIONS:

In Support:

Guido and Sue Cerasani
Chris Lorenc
Michael Pare, Phillips & Stevens
Wilson Phillips, Phillips & Stevens

In Opposition

George Fraser

For Information:

Linda Dubek
Anne and Bob Duncan
Todd Graboski
Chris Jennings
Beverley Kowal
Darryl Leiman
Micar Reloza

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

George Fraser appeared in opposition to the application.

Greg Jasper, Land Development Engineer, addressed questions of the Community Committee.

Exhibit "6" referred to in File DASZ 5/2014

ADMINISTRATIVE REPORT

Title: DASZ 5/14 – 2695 & 2731 Main Street

Issue: For consideration at the Public Hearing to rezone land from "RMH" Residential Mobile Home Park and an "R1E" Residential Single Family (Estate) to Residential Single Family (Estate) "R1-E" and "PR2" Parks and Recreation District.

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

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	B. Thorgrimson	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 5/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 5/2014 dated April 3, 2014 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 30, 2014 which is Schedule "B" of this report.

2. That Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 5/2014 dated April 3, 2014 to an "R1-E" Residential Single-Family Estate District and a "PR2" Parks and Recreation District.

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

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

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.
6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.
7. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office, provided that the said effective date occurs within one (1) year from the date the by-law is passed.
8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.
9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.
10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant intends to rezone the property to an “R1-E” Residential Single-Family Estate District and a “PR2” Parks and Recreation District.
- Through this application the owner wishes to increase the size of the existing golf course and construct a single family house beside the golf course.
- The intended use of the land requires a rezoning and subsequent 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 Planning and Land Use Division are concurred in, the property can be rezoned as proposed.

CONSULTATION

In preparing this report there was consultation with:

The Administrative Coordinating Group of the City of Winnipeg

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Date:	July 8, 2014
File No.	DASZ 5/14

List of Attachments:

- APPENDIX 'A': Planners Report
- Schedule "A" for File No. DASZ 5/2014, LSWK Community Committee, dated April 3, 2014.
- SCHEDULE B: REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – June 30, 2014

APPENDIX 'A'

DATE:	July 8, 2014
FILE:	**DASZ 5/14**
RELATED FILES:	**DCU 14-114987D**
COMMUNITY:	Lord Selkirk / West Kildonan
NEIGHBOURHOOD #:	3.322
SUBJECT:	For consideration at the Public Hearing to rezone the subject property to "R1-E" Residential Single-Family Estate District and a "PR2" Parks and Recreation District to enable the expansion of an existing golf course use on one lot and the development of a single-family home on the other.
LOCATION:	2695 and 2731 Main Street
LEGAL DESCRIPTION:	All that portion of S ½ of RL 35 Parish of Kildonan which lies to the east of the eastern limit of Main Highway Plan 545 WLTO.



APPLICANT: Phillips and Stevens (c.o. Wilson Phillips)
473 Henderson Highway
Wpg, MB R2K 2H7

OWNER: Gordo LeCasani

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to rezone the property to an "R1-E" Residential Single-Family Estate District (proposed Lot 1) and a "PR2" Parks and Recreation District (proposed Lot 2).
- Through this application the owner wishes to increase the size of the existing golf course and construct a single family house on the proposed "R1-E" lands beside the golf course.
- The intended use of the land requires a rezoning and subsequent 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.
- The Urban Planning Division is supportive of the proposed rezoning.

SITE DESCRIPTION

Land Use and Zoning

- The subject site is located directly between the Northgate Trailer Park located at 2965 Main and the Red River. Abutting the site to the north is the Shooter's Golf Course which is under the same ownership as the subject lands.

- The site is approximately 18.3 acres in size and is located in the Rivergrove Neighbourhood of the Old Kildonan Ward.

- The applicant is proposing to create 2 additional lots. One will accommodate a single family home (Zoned R1-E) and the other will be amalgamated with the golf course (zoned PR1). The remaining lands will retain the "RMH" Mobile Home Park zoning.

- The subject property is designated as a Recent Community in Areas of Stability under the Complete Communities Direction Strategy that supports the OurWinnipeg Development Plan.

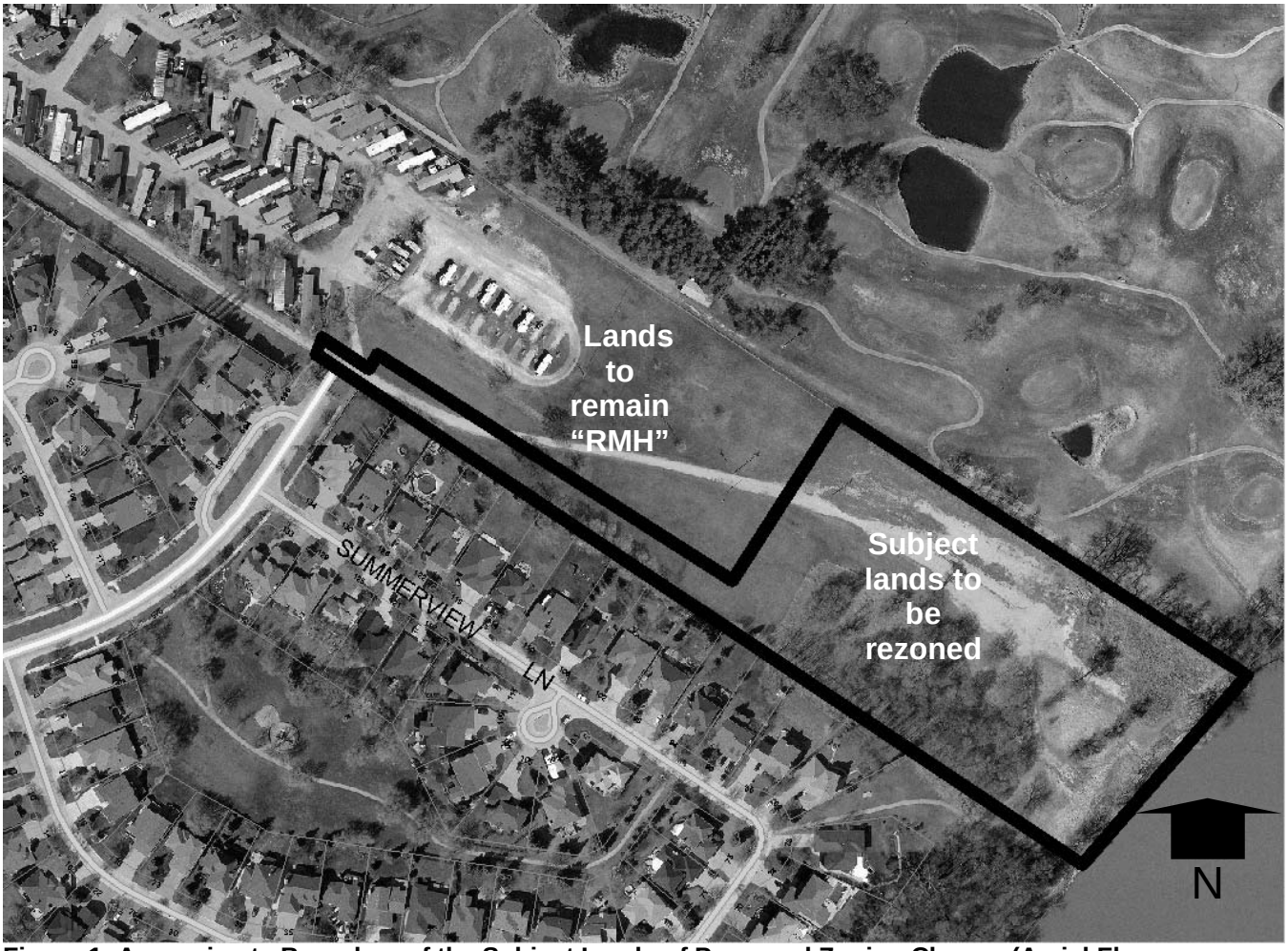

Figure 1: Approximate Boundary of the Subject Lands of Proposed Zoning Change (Aerial Flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 1)

North: Shooter's Golf Course zoned "PR2" Parks and Recreation District.

South: Public reserve lands zoned "PR1" Parks and Recreation District and single-family homes zoned "R1L" Residential Two-Family District.

East: The Red River.

West: The Northgate Trailer Park zoned "RMH" Residential Mobile Home Park.

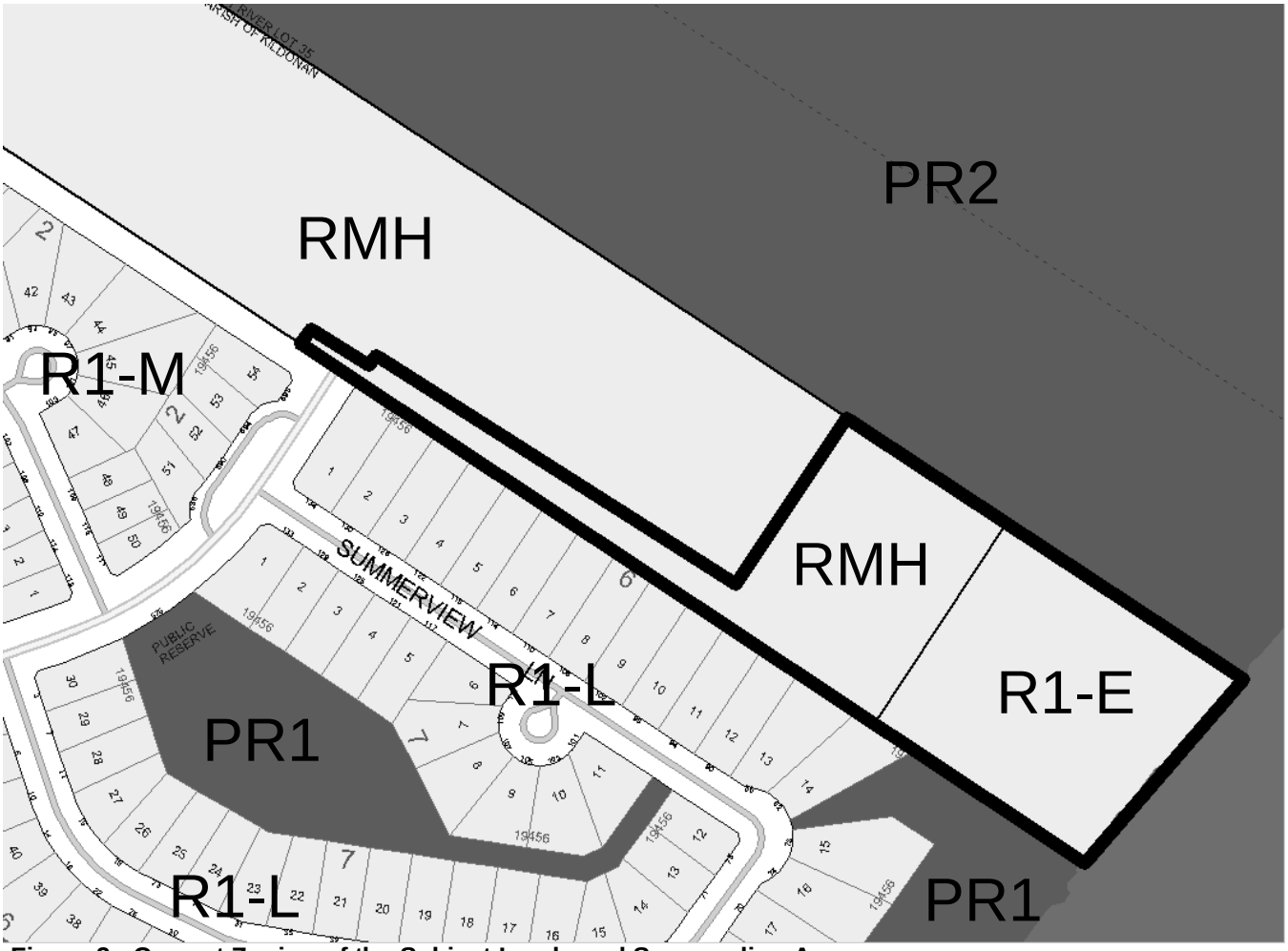

Figure 2: Current Zoning of the Subject Lands and Surrounding Area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to construct a single family dwelling on the subject property that will overlook the existing golf course (proposed Lot 1).
- The development also includes increasing the size of the golf course by rezoning the back lands along the Red River (proposed Lot 2).
- The applicant has also submitted a concept plan illustrating how the lands could be developed in the future for the purposes of orderly development.
- Since the lands are located within a Recent Policy Area of Complete Communities, a full range of municipal services is required. All servicing requirements are the subject of the associated development agreement (see Schedule B attached).

COMPLETE COMMUNITIES DIRECTION STRATEGY

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

Zoning By-Law 200/2006: Proposed "R1-E" Zoning
The zoning district proposed for one of the lots is "R1-E" Residential Single-Family. Currently the lands are zoned "RMH" which would allow, as of right, an eastward extension of the existing mobile home park. In this regard, the proposed zoning district will yield a development intensity far less than possible now. Figure 2 (below) provides the dimensional standards for this zoning district.

Figure 2: Dimensional Standards for the RMF-M Zoning District

Zoning District	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Side Yard (Ft.)	Maximum Building Height (Ft.)
R1E	20,000	25	30	25	15	35

Zoning By-Law 200/2006: Proposed "PR2" Parks and Recreation
The zoning district proposed for the most eastern lot is the "PR2" Parks and Recreation District and is intended for sites that include community recreation facilities and parks that are accessed by a mix of pedestrian and vehicular traffic. These sites may provide active programs and activities, including community centres, hockey pens, arenas, indoor soccer, wading pools, spray parks, skateboard parks and athletic fields. Parking facilities ranging from 10 to 100 stalls may be associated with these uses. These parks and facilities typically occur along collector streets.

It is noted that the subject site lands are to become part of the existing Shooter's Golf Course. The "PR2" District has been selected so as to maintain zoning consistency with those lands. The owner's intent is to incorporate the subject lands into the existing golf course and redesign the course so as to lengthen a few of the existing holes.

Since the golf course is an existing land use and is accommodated in the "PR2" zoning district the Public Service recommends support of this Conditional Use.

Compatibility

The proposed developments, a single-family home and the extension of a golf course are consistent with existing neighbouring developments which include single-family dwellings to the south and the existing golf course to the north. The applicant is positioning the proposed home in manner that it could be incorporated as part of a larger residential development in the future. At this point the property owner is only interested in developing one home that will overlook the golf course that is under the same ownership. However, in terms of future planning, orderly growth and the efficient use of lands are important to consider. The development needs to contemplate or not preclude the possibility of future development of the lands that is cohesive. With respect to this, the applicant has submitted with the application a concept plan illustrating a potential future development scenario. Since the subject lands and golf course are privately owned and are adjacent to residential development there could be a time in the future where the lands transition to residential. Redevelopment of these lands would also be consistent with the policies of Complete Communities. Should that time arise, however, subsequent subdivision and rezoning applications would be required.

Other: Conditions of the Administrative Coordinating Group

It is noted that the applicant will be required to enter into a development agreement with the City of Winnipeg. Given that the subject lands are within a recent Community Policy Area of Complete Communities, a full range of municipal services will be required. A complete list of developer obligations, including servicing requirements, is outlined in the attached Schedule B. The developer is also responsible to open a small portion of the Fernbank right-of-way so that the proposed "R1-E" lot has frontage on an improved public street.

It is also noted that City Parks Planning is asking for land dedication in the form of lands – the amount of lands as indicated in Schedule B is a total of 8% of the total lands associated with the development application (the entire development area is 18.3 acres). As per the City's Development Agreement Parameters the City may ask for land dedication in the form of money or land. In this case the city is seeking the lands because they are along the river bank of the Red River and they can tie into existing public reserve lands directly abutting the site to the south.

RECOMMENDATION

The Planning and Land Use Division recommends approval for the following reasons:

- The subdivision and rezoning proposal is consistent with *OurWinnipeg* and the *Complete Communities Direction Strategy*.

- The proposed development is compatible with the surrounding neighbourhood context, which includes a single-family development to the south, a mobile home park to the west and a golf course to the north.

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

Report Prepared By: Noah Yauk
PPD File # DASZ 5/14
Schedule "A" for File No. DASZ 5/14, LSWK Community Committee, dated April 3, 2014

By-Law No. _____

File No. **DASZ 5/14**

Atlas Sheet No. **S29**

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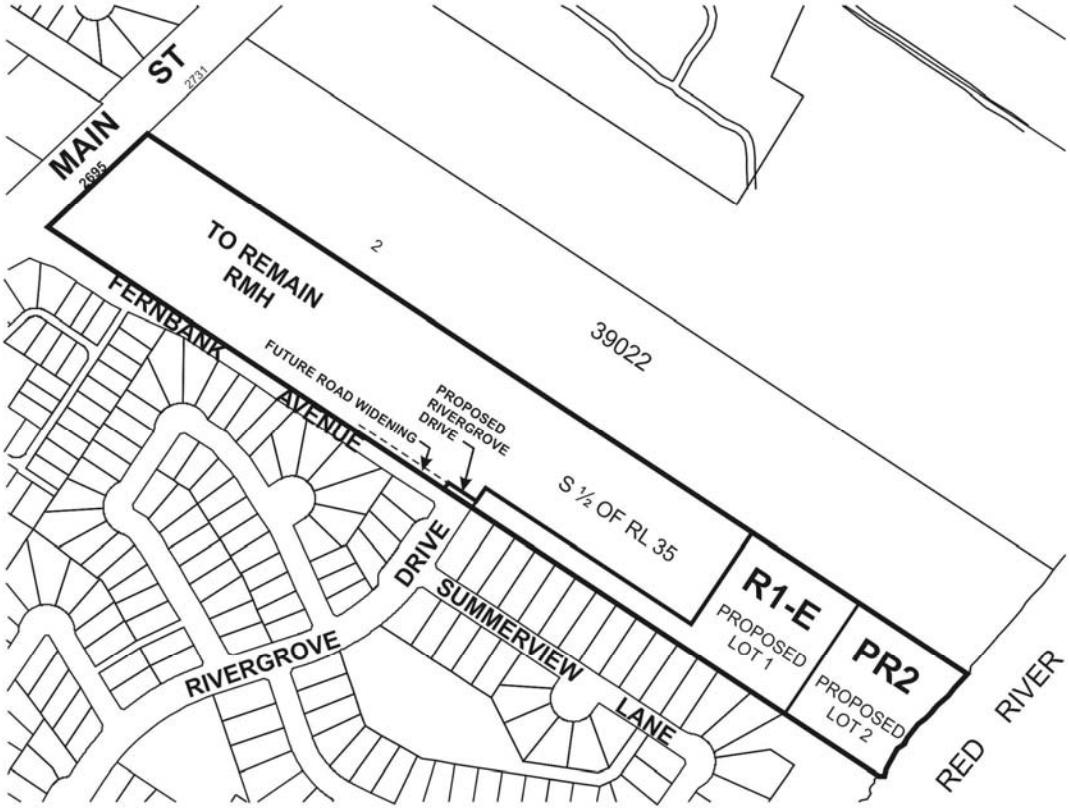
LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 2695 Main Street from an "RMH" RESIDENTIAL MOBILE HOME PARK DISTRICT and an "R1-E" RESIDENTIAL SINGLE-FAMILY (Estate) DISTRICT to an "R1-E" RESIDENTIAL SINGLE-FAMILY (Estate) DISTRICT and a "PR2" PARKS AND RECREATION 2 DISTRICT to facilitate the establishment of a residential building lot, a public right-of-way opening (extension of Rivergrove Drive) and the expansion of a golf course use by the consolidation of lands as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B: REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – June 30, 2014

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 2695 MAIN STREET – DASZ 5/2014

It is recommended that the approval of DASZ 5/2014, 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, transfer and legally open property required to widen the Fernbank Avenue right of way at the existing north limit of Rivergrove Drive by 5.294 metres to a total overall width of 18.0 metres for a length of 24.0 metres, 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, extend the wastewater sewer from its current terminus in Rivergrove Drive, to the north limit of the widened Fernbank Street right of way (proposed Rivergrove Drive extension) all 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, extend the watermain from its current terminus in Rivergrove Drive, to the north limit of the widened Fernbank Street right of way (proposed Rivergrove Drive extension) and install a fire

hydrant, all as determined by and to the satisfaction of the Director of Water and Waste.

3. Land Drainage and Flood Protection

a. The Developer shall, at no expense to the City, install a land drainage sewer if and as required to the north limit of the widened Fernbank Avenue right of way (proposed Rivergrove Drive extension) all as determined by and to the satisfaction of the Director of Water and Waste.

b. The Developer is advised that the buildable area of proposed lot 1 falls within the Floodway Fringe area. Consequently all building construction on proposed lot 1 shall be built in accordance with Floodproofing Criteria.

4. Pavement and Related Works

The Developer shall, at no expense to the City, extend Rivergrove Drive between the existing north limit of the pavement and the north proposed property line of Fernbank Avenue by constructing Portland cement concrete pavement to a width of 10.0m by 200mm in thickness and all related works including, but not necessarily limited to boulevard landscaping, ornamental street lighting, and land drainage sewer, as determined by and to the satisfaction of the Director of Public Works.

5. Sidewalks

The Developer shall, at no expense to the City, extend the existing sidewalk on the east side of Rivergrove Drive from its existing terminus to the north proposed property line of Fernbank Avenue by constructing a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on a standard alignment 0.3 metres from the property line, as determined by and to the satisfaction of the Director of Public Works.

6. Boulevards

a. The Developer shall, at no expense to the City, sod, and plant trees in the east boulevard of Rivergrove Drive between the existing terminus of landscaping and the north proposed property line of Fernbank Avenue as determined by and to the satisfaction of 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.

7. 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.

8. Public Reserve

a. The Developer shall dedicate as Public Reserve at least 8% of the land contained within the overall development area and shall, at no expense to the City, undertake landscape improvements per clause c in accordance with plans and specifications approved by the Director of Public Works. If the City is willing to take less than the dedication requirement of 8%, the Developer shall dedicate an amount of land satisfactory to the Directors of Public Works and Property, Planning & Development, and compensate the City for any shortfalls in the amount of land, servicing and improvements not provided, at the then current values, by payment of cash, or, by the provision of an equivalent value of additional site amenities in the public reserves within the planned area, as approved by the Directors of Public Works and Planning Property and Development.

b. In consideration of the fact that the subject Public Reserve land has no service frontage the Developer shall compensate the City for the value of the servicing they would otherwise have had to provide, or, alternatively may provide additional land as equivalent compensation.

c. Landscape improvements of the public reserve lands shall be in accordance with plans and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Public Works. The scope of improvements include grading, leveling, land drainage + sodding. In lieu of irrigation, required under the Development Agreement Parameters, the Developer shall provide compensation in the form of site amenities of predetermined equivalent value, such as site furnishings or tree planting, subject to plan approval by the Director of Public Works.

d. The Developer shall, at no cost to the city, provide continuous fencing for properties abutting public reserve land. Said fencing is to be located within private property and established by caveat to be the responsibility thereafter of the private property owner. An exception will be made for southerly limit which abuts and is intended to be contiguous with an existing public park.

e. The Developer shall assume responsibility for all public reserve sites until they are developed, and throughout the maintenance period until Final Acceptance Certificate for Parks has been issued by the Director of Public Works.

f. The Developer shall, at no expense to the City, maintain public reserve improvements, in accordance with specifications approved by the Director of Public Works, for a period of two years following City issuance of a Certificate of Construction Completion. The City reserves the right to impose longer maintenance terms for amenities and features, such as naturalized areas, that the Director of Public Works deems to be beyond the standard scope of public reserve improvements.

g. Securities for public reserve improvements will be reduced following issuance of Construction Completion, but shall not be released in full until Final Acceptance has been issued and as-built drawings have been received and accepted as complete by the Director of Public Works.

9. Utilities

The Developer shall,

a. 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.

b. 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.

10. 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.

11. 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 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)	Lump Sum	=	$1,650.00
ii)	G.S.T. (5%)	=	$82.50
	Total		**$1,732.50**

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 5/2014
June 30, 2014

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

"Original Signed by F.C. Mazur"
F. C. Mazur, P. Eng.
Water & Waste Department

"Original Signed by C.J. Desjardine"
C.J. Desjardine P. Eng.
Public Works Department

"*Original Signed by D. Beaton"*
D. Beaton M.L.Arch.
Urban Design Division, Property and Planning

KTR/ktr