Agenda - Executive Policy Committee – May 20, 2015

Report - Standing Policy Committee on Property and Development – May 12, 2015

Item No. 2 Plan of Subdivision – 210 Lyle Street
(St. James - Brooklands - Weston Ward)
File DAS 2/2015 [c/r DAV 104923/2015D & DCU 104928/2015D]

STANDING COMMITTEE RECOMMENDATION:

On May 12, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the following to Council:

1. That the plan of subdivision under File DAS 2/15 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 2/15 dated April 8, 2015 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 April 2, 2015.

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.

Agenda - Executive Policy Committee – May 20, 2015

Report - Standing Policy Committee on Property and Development – May 12, 2015

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.

Agenda - Executive Policy Committee – May 20, 2015

Report - Standing Policy Committee on Property and Development – May 12, 2015

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On May 12, 2015, 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 April 14, 2015, the Assiniboia Community Committee concurred in the recommendation of Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Plan of Subdivision – 210 Lyle Street**
File DAS 2/2015 [c/r DAV 104923/2015D & DCU 104928/2015D]

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

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

Report date: **April 15, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 14, 2015, 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 2/15 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 2/15 dated April 8, 2015 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 April 2, 2015.

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 reasons for its recommendation:

1. The plan does fit within the area as there are lot sizes on Albany that are smaller in size.

2. Habitat for Humanity has a good track record around the City.

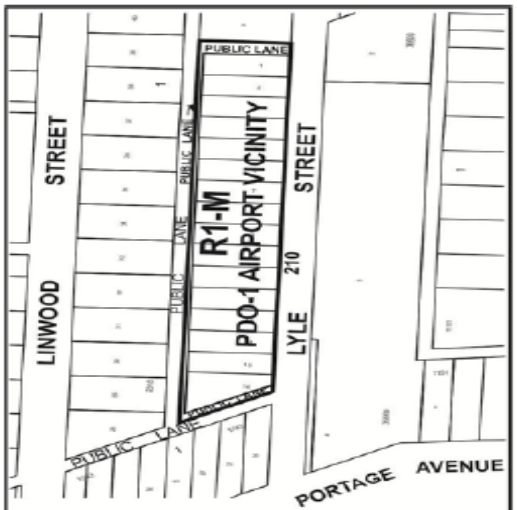
3. This is consistent with infill priorities of Our Winnipeg.

4. The Public Service has indicated there are no safety concerns regarding traffic or property values decreasing.

5. The addition of new families in the area benefits the community, the school enrolment and the community centres.

PUBLIC HEARING SUMMARY

File:	DAS 2/2015
Before:	Assiniboia Community Committee Councillor Gillingham, Chairperson Councillor Morantz Councillor Dobson
Public Hearing:	April 14, 2015 Council Building, 510 Main Street
Applicant:	Winnipeg Habitat for Humanity Inc. (Christiane Pham)
Subject:	



APPLICANT : WINNIPEG HABITAT FOR HUMANITY INC.
FILE : DAS 2/15
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council by subdividing the land shown outlined above to allow for the creation of residential building lots for future infill development and for the establishment of a public lane right-of-way. **For information, phone Mr. D. Clark, Planner, at 204-986-5684.**

Premises Affected: 210 Lyle Street

Exhibits Filed:

1. Application dated January 28, 2015
2. Notification of Public Hearing dated February 9, 2015
3a. Manitoba Certificate of Title No. 402125
3b. Manitoba Certificate of Title No. 402688
3c. Manitoba Certificate of Title No. 414015
3d. Manitoba Certificate of Title No. 439998
3e. Manitoba Certificate of Title No. 450624
3f. Manitoba Certificate of Title No. 495160
4. Letter of authorization dated December 22, 2014 from The City of Winnipeg, Planning, Property and Development Department to Winnipeg Habitat for Humanity Inc.
5. Plans (3 pages)
6. Report from the Urban Planning Division dated April 8, 2015
7. Inspection Report
8. Communication dated April 11, 2015 from Ralph Stemmer, in opposition to the application
9. Communication dated April 13, 2015 from Fred Morris, for information to the application
10. Communication dated April 14, 2015 from Sean Garrity, in opposition to the application
11. Communication dated April 14, 2015 from Lisa Waddell, in opposition to the application
12. Communication dated April 11, 2015 from Joanne and Brad Broughton, in opposition to the application
13. Communication dated April 11, 2015 from Carol and Mike Bigold, in opposition to the application
14. Communication dated April 12, 2015 from Don Bates and Jean Anderson, in opposition to the application
15. Communication dated April 12, 2015 from George Lambert, in opposition to the application
16. Communication dated April 12, 2015 from Blake Crothers, in opposition to the application
17. Communication dated April 12, 2015 from Jim Wilson, in opposition to the application
18. Communication dated April 12, 2015 from Courtenay Johnson, in opposition to the application
19. Communication dated April 13, 2015 from Andrew MacGill, in opposition to the application
20. Communication dated April 14, 2015 from Olga Bacala, in opposition to the application
21. Communication dated April 14, 2015 from Daniel Thomas Bailey, in opposition to the application

22. Submission entitled “There is a Way Out Opening the Door to a Family’s Future” by Christiane Pham and Sandy Hopkins of Habitat for Humanity at the public hearing on April 14, 2015
23. Audio Recording of representations

REPRESENTATIONS:

In Support:

Shawn Clements
Sandy Hopkins, Winnipeg Habitat for Humanity
Michelle Pereira
Christiane Pham, Winnipeg Habitat for Humanity

In Opposition:

Jean Anderson
Olga Bacala
Daniel Bailey
Don Bates
Belinda Bigold
Carol Bigold
Mike Bigold
Brad Broughton
Joanne Broughton
Blake Crothers
Rose Foulkes
Danielle Gagliardi
Ryan Gagliardi
Sean Garrity
Michael Jackman
Courtenay Johnson
George Lambert
Lisa Lambert
Andrew MacGill
Debra MacGill
Kelvin McRae
Shirley McRae
Laurel Terichow Parrott
Stephen Terichow Parrott
Ralph Stemmer
Lisa Waddell
Jim Wilson

For Information:

Fred Morris

For the City:

Mr. D. Clark, Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Administrator, Planning, Property and Development Department

Exhibit "6" referred to in File DAS 2/2015

ADMINISTRATIVE REPORT

Title: DAS 2/15 – 210 Lyle Street

Issue: For consideration at the public hearing for a subdivision to create sixteen (16) residential zoning lots from ten (10) lots and to open a public lane.

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 2/15 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 2/15 dated April 8, 2015 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 April 2, 2015.

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 sixteen (16) buildable residential lots along Lyle Street. This proposal requires a DAS subdivision application given that the proposed development includes public lane modifications and an opening.
- 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 sixteen (16) residential lots.

CONSULTATION

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Devin Clark
Date:	April 8, 2015
File No.	DAS 2/15

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule "A" Recommended File No. DAS 2/15 Assiniboia Community Committee, dated April1, 2015.

3. Schedule B – Report of the Administrative Coordinating Group, dated April 2, 2015.
4. Schedule C – Public Lane Improvements.

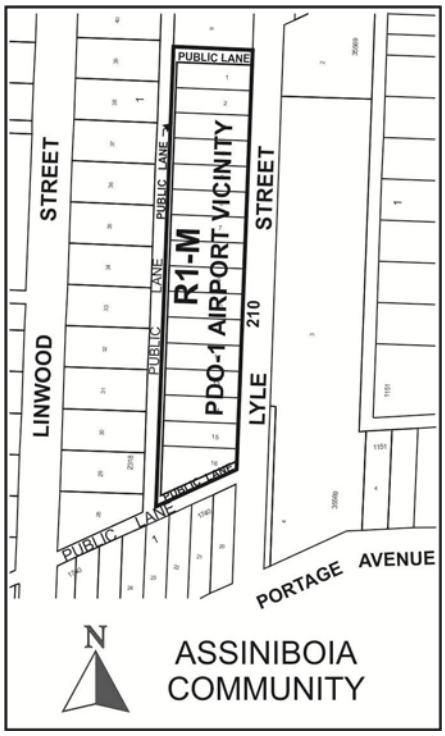
APPENDIX 'A'

DATE: April 8, 2015
FILE: **DAS 2/15**
RELATED FILES: DAV 15-104923/D and DCU 15-104928D
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.205

SUBJECT: To create sixteen (16) residential zoning lots and open a public lane

LOCATION: 210 Lyle Street

LEGAL DESCRIPTION: LOTS 10-19 BLK 1 PLAN 1740 26 St. JAMES



APPLICANT: WINNIPEG HABITAT FOR HUMANITY INC. (Christiane Pham)
60 Archibald Street
Winnipeg, MB R2J 0V8

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

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant has a conditional agreement to purchase the land from the City of Winnipeg, subject to approvals of any subdivision, rezoning, conditional use and/or variance.
- The applicant intends to subdivide the land in order to create sixteen buildable residential lots. Fifteen of these lots are to have lot widths of 31 feet and lot areas of 2,836 square feet and one lot is to have a lot width of 37.3 feet and a lot area of 3,412 square feet.
- As part of the approval of the subdivision application, the developer is required to bring the existing public lanes up to current standards and build a new public lane at the northern portion of the property that connects to Lyle Street. Additional servicing agreement requirements are detailed further in Schedule 'B' of this report.
- The Urban Planning Division is supportive of the application to subdivide the land as proposed as well as the concurrent variance application (DAV 15-104923D) and conditional use application (DCU 15-104928/D). If approved, the variance application would allow for lots that are 31 feet wide and 37 feet wide. Approval of the conditional use application would allow for minor residential infill as per the Airport Vicinity Development Plan PDO.

SITE DESCRIPTION

- The subject property is located on the west side of Lyle Street in the Deer Lodge Neighbourhood of the St. James-Brooklands ward.
- The subject site is 1.2 acres in size, and currently existing on the property is a decommissioned Police Station.
- The site is within the Mature Communities policy area under the Complete Communities Direction Strategy and also falls within the Airport Vicinity Development Plan (AVDP). The property is zoned "R1-M" Residential Single Family - Medium.



Figure 1: Air photo of the subject property and surrounding area (flown 2014)

SURROUNDING ZONING & USES (See Figure 2)

North: Vacant land zoned “R1-M” Residential Single-Family Medium

South: Public lane then commercial uses zoned “C2” Commercial Community.

West: Public lane then residential uses zoned “R1-M” Residential Single-Family Medium

East: Lyle Street then, commercial uses zoned “C3” Commercial Corridor.

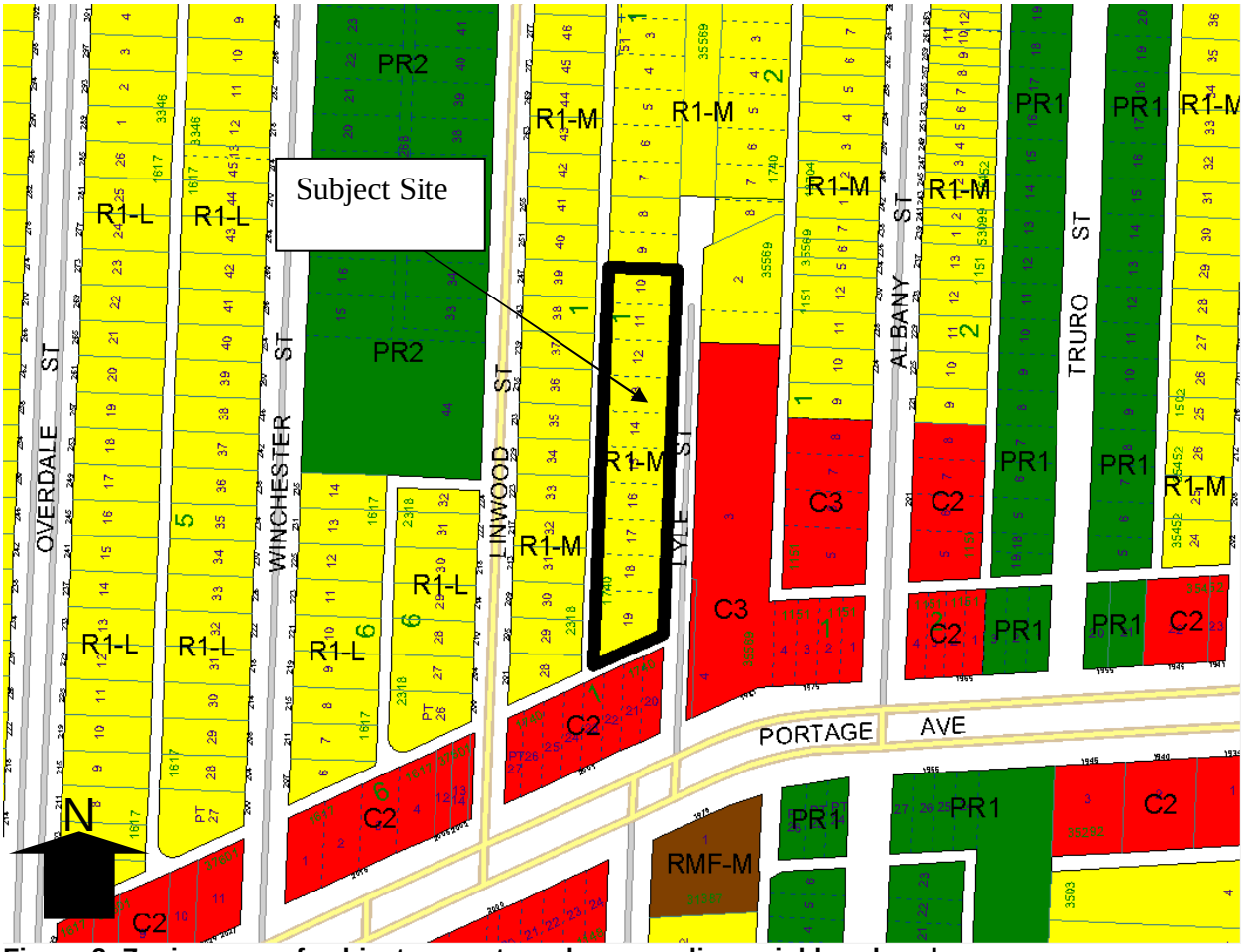


Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The subject lands were previously occupied by a City of Winnipeg Police Station. This station has closed and the land has been declared surplus by the City. The current zoning district is 'R1-M' and there are ten underlying titles on the subject property.
- The applicant is Habitat for Humanity and the intent is to develop sixteen single family residential dwellings. Fifteen of the proposed sixteen lots are planned to have lot widths of 31 feet and lot areas of 2,831 square feet. One property, closest to Portage Avenue, is to have a lot width of 37.3 feet and a lot area of 3,412 square feet.
- A public lane is planned to be developed at the north portion of the property that will connect to Lyle St.
- The applicant has requested variances for side yards of 3 feet instead of 3.1 feet.
- Detailed building plans have not been submitted with this application.
- For reference of other work that has been done by Habitat for Humanity in Winnipeg, a Google Street view image of a development on McCalman Avenue can be found below (see Figure 3).



Figure 3: Example of Habitat for Humanity development on McCalman Ave. (Google, 2015)

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY:

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature 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.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.
    - Support Complete Communities by ensuring diverse and high quality housing stock.
    - Focus housing growth to areas that have municipal service capacity to support intensification, in additional to commercial and recreational amenities.

ZONING

R1-M Dimensional Standards

- **R1-M Residential Single-Family District – Medium** minimum lot sizes of 3,500 square feet are required.
    - Side yards of 4 feet are required. However, where the width of the lot is less than 40 feet, side yards may be reduced to 10% of the width of the lot but must not be less than 3 feet for principal residential structures.
    - Front yard requirements are 15 feet; rear yard requirements are 25 feet.
    - Maximum building height is 35 feet.
    - Minimum lot widths are 25 feet.

Special Boundary Condition

- *Section 138 of Zoning By-law No. 200/06 prescribes Special Boundary Conditions pertaining to the subdivision of land. If an undeveloped parcel of land is located in the R1 or R2 zoning districts, or proposed for rezoning to the R1 or R2 zoning districts, and abuts an existing R1 or R2 zoning district, or is separated from an R1 or R2 zoning district by a street right-of-way, railroad right-of-way, or waterway, the undeveloped parcel must not be subdivided unless the width/square footage of the proposed lot(s) within 200 feet (measured from the edges of the proposed subdivision) of the adjacent R1 or R2 zoning district is not less than the average lot width/square footage of existing developed lots in residential use in the adjacent R1 or R2 areas along such shared boundary, but in no case may be less than 35 feet.*

Airport Vicinity Protection Area PDO – 1

The Airport Vicinity Protection Area planned development overlay district is intended to minimize exposure of residential and other sensitive land uses to aircraft and their potential impacts, including noise, to minimize risks to public safety from aircraft accidents, and to discourage traffic congestion and incompatible land uses proximate to, and within, airport influence areas. In addition, the District is intended to ensure that the 24-hour operation of Winnipeg's airport continues to contribute to the economic vitality of the city and the region by avoiding or mitigating potential land use conflicts.

- Within Area I of the Airport Overlay District:

  Minor residential infilling requires a conditional use under the City of Winnipeg Charter in areas of established residential development unless:

  i) No more than one additional residential lot is created from an existing zoning lot in any R1 zoning district; and

  ii) The newly created lot is located on a street in an established residential area where a range of municipal infrastructure exists.

LAND USE ZONING BY-LAW ANALYSIS

Subdivision

- The applicant is proposing to subdivide the lands in order to create sixteen (16) buildable lots from ten (10) lots for the future construction of single family residential dwellings.

Variances for R1-M dimensional standards

- There is an associated variance application (DAV 15-104923/D) to allow the proposed lots to conform to Section 138 (1) Special Boundary Conditions of the City of Winnipeg Zoning By-law 200/2006.
- The applicant is proposing the following variances:
    - lot widths of 31 feet on proposed Lots 1 thru 15 instead. Lot width requirements in the Special Boundary Conditions are 49.79 feet.
    - lot areas of 2836 sq. ft. for proposed Lots 1 thru 15. Lot area requirements in the Special Boundary Conditions are 5028.75 sq. ft.
    - A lot area of 3412 sq. ft**.** and lot widths of 37 feet for proposed Lot 16. Lot area and lot width requirements in the Special Boundary Conditions are 5028.75 sq. ft. and 49.79 feet (15.18 meters).
    - A reduced side yard setback of 3 feet instead of 3.1 feet on the proposed single-family dwelling on Lots 1 thru 15.
- Refer to the associated Variance report for DAV 15-104923/D for further discussion on the variances.

Airport Vicinity Protection Area PDO – 1

- Minor residential infilling requires a conditional use in areas of established residential development where more than one new lot is being created. In this instance the subject property consists of ten (10) underlying buildable lots that are already zoned 'R1-M'. The proposal by the applicant is to subdivide the land and establish sixteen (16) residential lots.

- Since its introduction, the clause allowing for "minor residential infill" in Area I of the AVP PDO has been interpreted by the Urban Planning Division to only allow for single family residential development at a density consistent with its surroundings.

- Multifamily residential development or single family development necessitating the construction of a new public street is typically not permitted.

- The Urban Planning Division is supportive of the Habitat for Humanity proposal and the redevelopment of 210 Lyle as single family homes is the highest and best use within the given context and will be developed at a density that is compatible with the neighbourhood.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- 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 development aligns with the existing grid pattern of predominantly single family residential dwellings found throughout the Deer Lodge neighbourhood and would not preclude the future development of adjacent lands.
- The proposed extension of Lyle Street will terminate at the northernmost property line of the subject property and will connect with a new public lane to be constructed by the Developer.
- The proposed single family lots are smaller than the typical lots that are found on Linwood Street, which is one block west of Lyle Street. The lots along Linwood St. typically consist of 50 foot wide lots with lot areas of approximately 5,000 square feet. On Albany Street, which is one block east of Lyle Street, there are several examples of 25 foot wide lots. Two lots on the west side of Albany Street are 25 feet wide, found at 234 and 236 Albany. On the east side of Albany Street, lots 239 through 269 are 25 feet wide. Additionally, there are other lots on Albany ranging between 30 and 40 feet in width.
- When reviewing applications for infill development in existing neighbourhoods, the Urban Planning Division typically looks to the subject block to determine the character and understand appropriate lot sizes that would ensure compatibility. In this instance, Lyle Street has no residential development on the subject block and as such, the Urban Planning Division has referred to adjacent streets to help determine compatibility.
- Based on this assessment of lots in immediate proximity to Lyle Street, it is clear that the existing neighbourhood consists of a wide variety of lot sizes, ranging between 25 feet and 50 feet in width.
- 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.
- Habitat for Humanity has a mandate to provide affordable housing to those who may not otherwise have the means to obtain home ownership. In order to accommodate affordable housing options at a compatible density, Habitat for Humanity is exploring the establishment of lots at reduced lot sizes than what might be found on Linwood, but similar in size, if not larger, than lots found nearby on Albany Street.
- The Urban Planning Division is supportive of the subdivision at reduced lot widths and lot areas to those found on Linwood Street.

SERVICING AND ACCESS

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

SITE DESIGN

- The Urban Planning Division strongly encourages the applicant to use landscaping as well as a variety of façade design and colours for the dwellings along the street to deter the possibility of establishing a monotonous streetscape.

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 some but not all lots within immediate proximity of the subject site.
- Servicing requirements must be developed in a manner consistent with the report of the ACG.
- The proposed infill development of single family residential dwellings is deemed to be the highest and best use for the land that remains compatible with the residential neighbourhood, while addressing the requirements of the Airport PDO restrictions for development in Area I.

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

Report Prepared by: Devin Clark
PPD File # DAS 2/2015

Schedule "A" for File No. DAS 2/15, Assiniboia Community Committee, dated April 8, 2015.

By-Law No. _____

File No. **DAS 2/15**

Atlas Sheet No.

N

AB18 ASSINIBOIA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below on the land located at 210 Lyle Street to allow for the creation of residential building lots for future infill development and for the establishment of a public lane right-of-way.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – April 2, 2015

RE: PROPOSED SUBDIVISION AND OF LAND LOCATED AT 210 LYLE STREET – DAS 2/2015

It is recommended that the approval of DASZ 2/2015, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

PLAN CONSIDERATIONS

1) The Developer shall, at no expense to the City, transfer and legally open, property required for a 3.0m x 3.0m corner cut in the south-east quadrant of the proposed north-south public lane and the existing east-west public lane, as determined by and to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, transfer and legally open, property required for a 7.5m x 5.0m corner cut in the north-east quadrant of the existing east-west public lane and the existing north-south public lane, as shown on Schedule "C", to the satisfaction of the Director of Public Works.

3) The Developer shall, at no expense to the City, provide right-of-way width of 6.25m for the proposed public lane within the Planned Area, to the satisfaction of the Director of Public Works.

4) The Developer shall, at no expense to the City, transfer and legally open property required for a 1.373m widening of the existing north-south public lane right-of-way, along the full length of the north-south public lane, abutting the west limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

5) The Developer shall, at no expense to the City, transfer and legally open property required for a 2.373m widening of the existing east-west public lane right-of-way, along the full length of the east-west public lane, abutting the south limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

AGREEMENT CONDITIONS

1) Wastewater

   The Developer shall, at no expense to the City, construct a wastewater sewer required to adequately service the proposed subdivision, as determined by and the satisfaction of the Director of Water and Waste.

2) Lot Line Servicing

   a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots

within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

b) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby agrees to indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

c) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

3) Land Drainage

The Developer shall, at no expense to the City, construct land drainage sewers required to adequately service the proposed subdivision, as determined by and the satisfaction of the Director of Water and Waste.

4) Lot Grading

The Developer shall, at no expense to the City, provide a lot grading plan prepared by a municipal engineer, grant any easements, and, if required, construct catchbasins and leads all as approved by the Director of Water and waste.

5) Public Lane

The Developer shall, at no expense to the City, construct Portland cement concrete pavement to a width of 6.0m by 150mm thick and all related works, in the proposed east-west public lane, abutting the north limit of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

6) Private Approaches

The Developer shall, at no expense to the City, remove the existing private accesses to Lyle Avenue and restore the curb, boulevard, and sidewalk all as determined by and to the satisfaction of the Director of Public Works. The Applicant shall make application to the Public Works Department to remove the private accesses as per the Private Access Bylaw.

7) Lyle Street

a) The Developer shall, at no expense to the City, construct Portland cement concrete pavement to 7.5m wide by 200mm thick within Lyle Street from the existing concrete pavement to the north limit of the proposed east-west public lane, and all related works including but not necessarily limited to extending the existing sidewalk and boulevard (sod and trees), abutting the Planned Area, to the proposed east-west public lane, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, cause ornamental street lighting to be installed on the west boulevard of Lyle Street, as determined by and to the satisfaction of the Director of Public Works.

c) The Developer shall, at no expense to the City, plant trees on the west boulevard of Lyle Street, 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.

d) 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.

8) Construction Traffic

The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

9) 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.

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.

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, $1650.00 to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAS 2/2015
April 2, 2015

Original Signed by G.V. Jasper

G.V. Jasper, P. Eng.,
Land Development Branch

Original Signed by F.C. Mazur

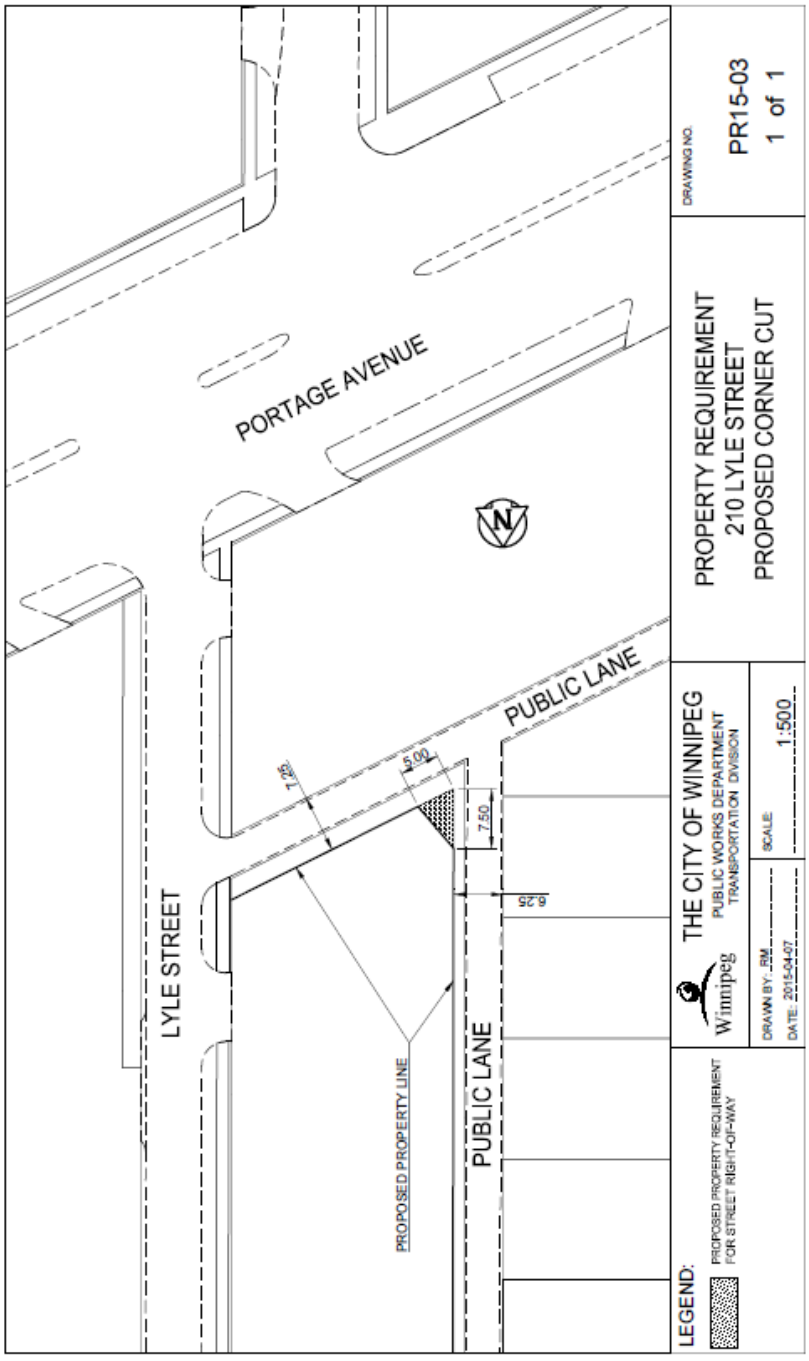
F. C. Mazur, P. Eng.
Water & Waste Department

Original Signed by C.J. Desjardine

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

GJ/gj

Schedule “C”


PORTAGE AVENUE
LYLE STREET
PUBLIC LANE
PUBLIC LANE
PROPOSED PROPERTY LINE
7.25
5.00
7.50
6.25
N
LEGEND:
PROPOSED PROPERTY REQUIREMENT FOR STREET RIGHT-OF-WAY
THE CITY OF WINNIPEG
PUBLIC WORKS DEPARTMENT
TRANSPORTATION DIVISION
Winnipeg
DRAWN BY: RM
DATE: 2015-04-07
SCALE: 1:500
PROPERTY REQUIREMENT
210 LYLE STREET
PROPOSED CORNER CUT
DRAWING NO.
PR15-03
1 of 1