**Agenda – Council – December 9, 2015**

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 30, 2015**

**Item No. 1 Subdivision and Rezoning – West side of Litchfield Boulevard, south of Dearsley Place (formerly 845 Shaftesbury Boulevard) (Charleswood - Tuxedo - Whyte Ridge Ward) File DASZ 25/2015 [c/r DAV 150318/2015D]**

STANDING COMMITTEE RECOMMENDATION:

On December 2, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the plan of subdivision proposed under File DASZ 25/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2015 dated October 30, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated September 23, 2015, with the following amendment:

    Plan Considerations

    i. Amend Condition 1 by deleting "15.0 metre", and substituting with "10.0 metre"

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 25/2015 dated October 30, 2015; to "R1-L" Residential Single-Family (Large) District.

3. In lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 30, 2015**

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

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

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 30, 2015**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 2, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 30, 2015, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Assiniboia Community Committee, with the following amendment:

- That recommendation 1.A. ii. and 1.A.iii. be deleted.

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 10, 2015, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- That recommendation 1. A. be amended by adding the following after "September 23, 2015":

  ", with the following amendments:

  Plan Considerations
  i. Amend Condition 1 by deleting "15.0 metre", and substituting with "10.0 metre"
  ii. Amend Condition 2 by deleting "6.00m", and substituting with "3.00m"

  Servicing Requirements
  iii. Delete Condition 9 in its entirety"

and forwarded to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

**RE:** **Subdivision and Rezoning - West side of Litchfield Boulevard, south of Dearsley Place (formerly 845 Shaftesbury Boulevard)**
**File DASZ 25/2015 [c/r DAV 150318/2015D]**

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

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

**Report date:** **November 12, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 10, 2015, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the plan of subdivision proposed under File DASZ 25/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2015 dated October 30, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated September 23, 2015***, with the following amendments:***

    ***Plan Considerations***
    ***i. Amend Condition 1 by deleting "15.0 metre", and substituting with "10.0 metre"***
    ***ii. Amend Condition 2 by deleting "6.00m", and substituting with "3.00m"***

    ***Servicing Requirements***
    ***iii. Delete Condition 9 in its entirety***

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 25/2015 dated October 30, 2015; to "R1-L" Residential Single-Family (Large) District.

3. In lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

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

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

The Assiniboia Community Committee provided the following supporting reasons for its recommendation:

1. This is a fabulous development for this community.

2. It is very hard to find infill land like this in the city.

3. The residents in South Tuxedo have had an issue to find land to build new homes on.

4. The developer should be commended on the innovative thinking for bringing this forward.

5. The consistency of the plan with the character of the neighbourhood to build cul de sacs similar to the existing ones on Dearsley is a perfect fit for the community.

6. With the exception of the amendments made today, concur with the report of the planner.

**PUBLIC HEARING SUMMARY**

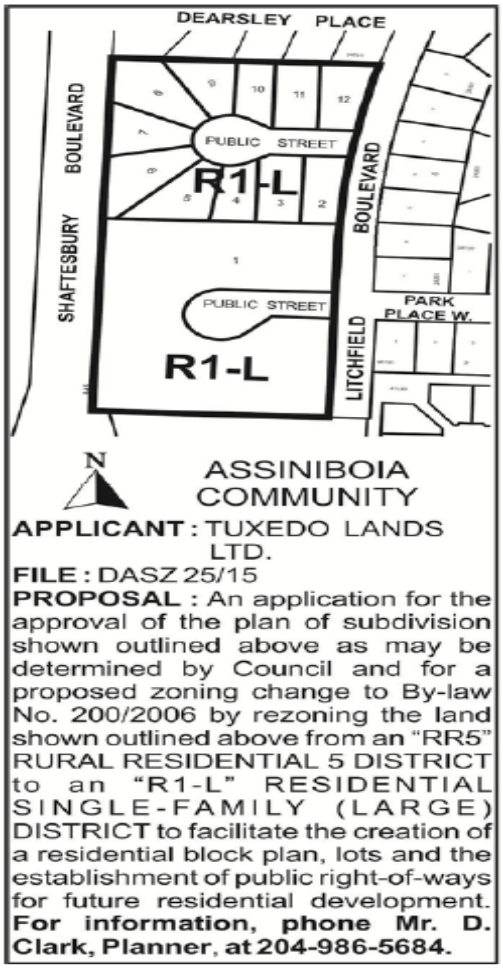
File: DASZ 25/2015

Before: Assiniboia Community Committee
Councillor Gillingham, Chairperson
Councillor Dobson
Councillor Morantz

Public Hearing: November 10, 2015
Council Building, 510 Main Street

Applicant: Marc Kipnes (Tuxedo Lands Ltd.)

Subject:




Premises Affected: West side of Litchfield Boulevard, south of Dearsley Place (formerly 845 Shaftesbury Boulevard)

Exhibits Filed:

1. Application dated August 20, 2015
2. Notification of Public Hearing dated September 10, 2015
3. Status of Titles 2777588/1, 2777591/1, 2777592/1, 2777593/1, 2777594/1, 2777595/1, 2777596/1, 2777597/1, 2777598/1, 2777599/1, 2777600/1, 2777601/1, 2777603/1, 2777604/1, 2777606/1, 2777607/1, 2777608/1, 2777609/1, 2777610/1, 2777611/1, 2777612/1, 2777613/1, 2777614/1, 2777615/1, 2777617/1, 2777618/1, 2777619/1, 2777620/1 and 2777621/1
4. Surveyor's Building Location Certificate and sketch dated March 3, 2015
5. Caveat 1209838
6. Report from the Urban Planning Division dated November 3, 2015
7. Inspection Report
8. Recording of Representations of public hearing
9. Map 2, for File DASZ 25/2015, submitted by the Winnipeg Public Service at the public hearing

REPRESENTATIONS:

In Support:

Marc Kipnes
Braydin Huynen
Stephen Maruschak
Adam Nemy
Rob Swan

In Opposition

Ralf Macek
Paula Macek

For Information:

Kousay Mohamad

For the City:

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

Exhibit "6" referred to in File DASZ 25/2015

# ADMINISTRATIVE REPORT

**Title:** DASZ 25/15 – West side of Litchfield Blvd. south of Dearsley Place

**Issue:** For consideration at the Public Hearing to subdivide the subject land into twelve (12) lots. Lot one (1) for the purposes of future residential development, and Lots two (2) through twelve (12) for single family residential. Lots one (1) through twelve (12) are to be rezoned to the 'R1-L' Residential Single Family – Large zoning district.

**Critical Path:** Assiniboia Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

## AUTHORIZATION

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

## RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 25/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/2015 dated October 30, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in Schedule 'B' the report of the Administrative Coordinating Group dated September 23, 2015.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 25/2015 dated October 30, 2015; to "R1-L" Residential Single-Family (Large) District.

3. In lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date by-law is passed.

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

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

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

## REASON FOR THE REPORT

- The applicant intends to subdivide the subject land which is currently zoned “RR-5” Rural Residential 5 into twelve (12) lots and rezone the land to the “R1-L” Residential Single Family - Large District.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the Public Hearing.

## IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject land will be subdivided into twelve lots and rezoned to the “R1-L” Residential Single Family – Large district.

## HISTORY

N/A

## CONSULTATION

N/A

## SUBMITTED BY

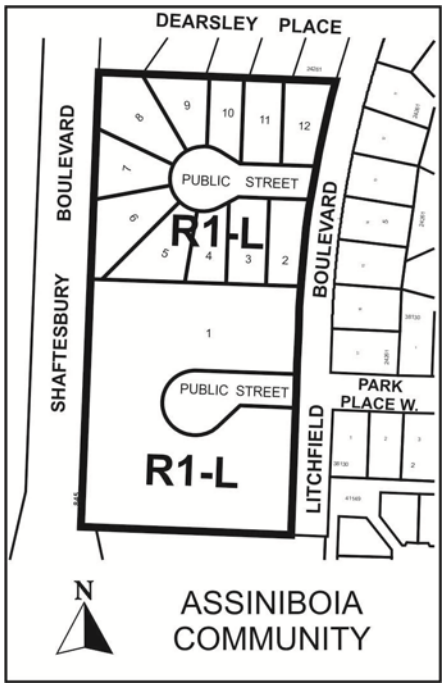
| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning Division |
| Prepared by | Devin Clark |
| Date: | November 3, 2015 |
| File No. | DASZ 25/2015 |

**APPENDIX 'A'**

**DATE:** November 3, 2015
**FILE:** **DASZ 25/2015**
**RELATED FILES:** DAV 15-150318\D
**COMMUNITY:** Assiniboia
**NEIGHBOURHOOD #:** 2.645

**SUBJECT:** To subdivide the subject land into twelve (12) lots. Lot one (1) for the purposes of future residential development, and Lots two (2) through twelve (12) for single family residential. Lots one (1) through twelve (12) are to be rezoned to the 'R1-L' Residential Single Family – Large zoning district.

**LOCATION:** West side of Litchfield Blvd. south of Dearsley Place
**LEGAL DESCRIPTION:** LOTS 1/15 and 25/38, BLOCK 13 AND PUBLIC LANE CLOSED, PLAN No. 1973 WLTO, LOT 1, BLOCK 7, PLAN No. 24261 WLTO AND PARCEL A, PLAN No. 45905 WLTO IN RIVER LOTS 16 AND 17 PARISH OF ST. CHARLES




**APPLICANT:** Tuxedo Lands Ltd.
671 Pembina Hwy
WINNIPEG MB R3M 2L6

**OWNER:** Tuxedo Lands Ltd.
671 Pembina Hwy
WINNIPEG MB R3M 2L6

**RECOMMENDATION:** Approval

## REPORT SUMMARY

- The applicant intends to subdivide the subject land into twelve (12) lots and rezone the land to the “R1-L” Residential Single-Family District – Large.
- The proposed single family residential lots are to be established in a manner that is consistent with the surrounding single family residential in the neighbourhood.
- The Urban Planning Division recommends approval subject to conditions outlined in the ACG report and Zoning Agreement.

## SITE DESCRIPTION

- The subject property is located between Shaftesbury Blvd and Litchfield Blvd, in the South Tuxedo neighbourhood of the Charleswood - Tuxedo - Whyte Ridge ward.
- The site is within the Areas of Stability – Recent Community policy area under the Complete Communities Direction Strategy.
- Combined, the subject land measures a total of 7 acres and is currently zoned ‘RR5’ Rural Residential.




**Figure 1: Site map of subject property and surrounding neighbourhood (flown 2014)**

**SURROUNDING ZONING & USES (See Figure 2)**

**North:** Residential uses zoned “R1-L” Residential Single-Family Large

**South:** Residential uses zoned “RMF-S” Residential Multi Family – Small

**East:** Litchfield Blvd. then residential uses zoned “R1-L” Residential Single-Family Large

**West:** Shaftesbury Blvd. then the Assiniboine Forest zoned “PR2” Parks and Recreation.

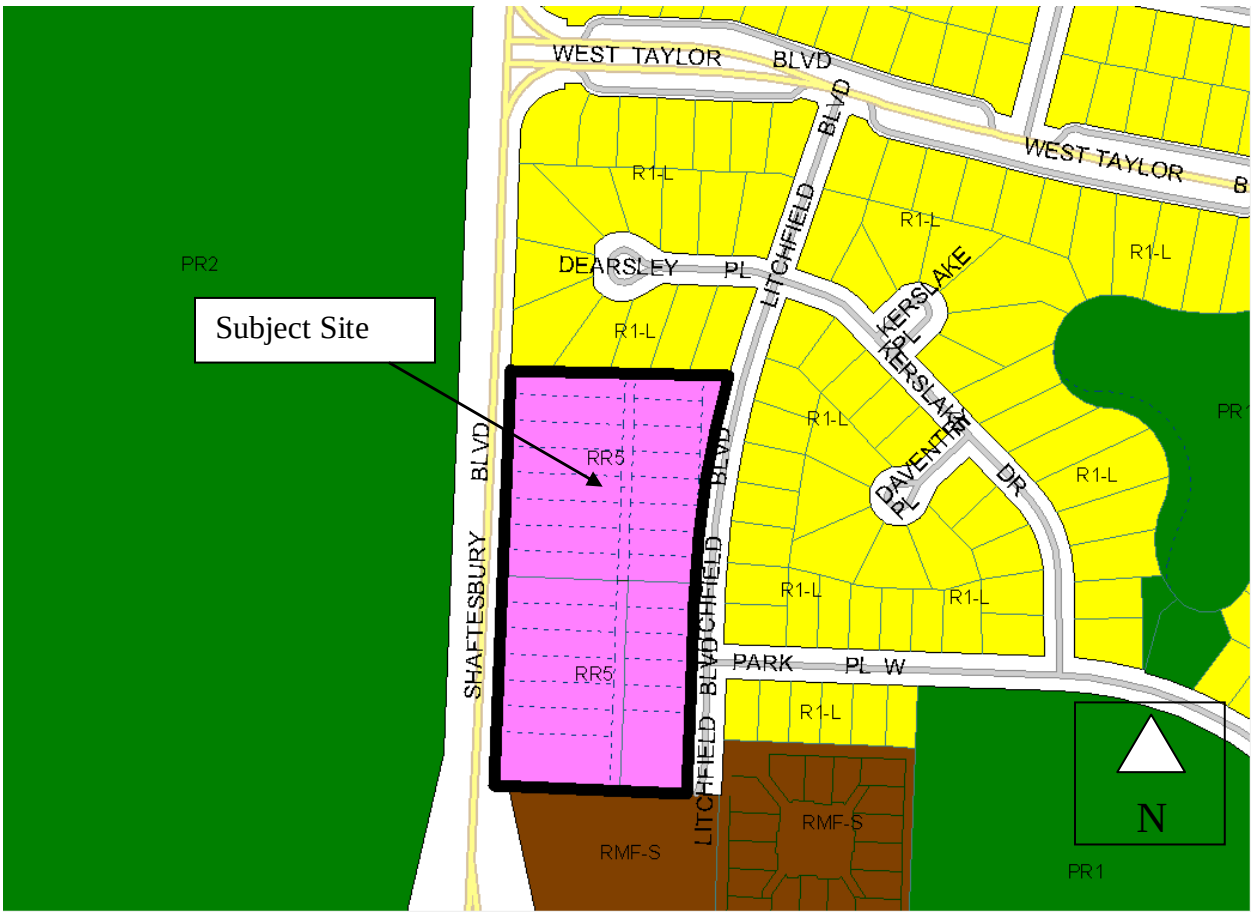



**Figure 2: Zoning map of subject property and surrounding neighbourhood**

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- The applicant intends to subdivide the subject land into twelve (12) lots and rezone the land to the “R1-L” Residential Single-Family District – Large.
- Eleven lots are proposed at the north portion of the property, to be established around a cul-de-sac. The lot to the south is to remain as one large lot with a cul-de-sac being established in the middle. It is assumed that the intent is to subdivide this portion for single family residential at a later date.
- The lot sizes at the north portion of the property are proposed to range from 8,221 square feet to 15,423.6 square feet and lot widths ranging from 60-71 feet.

**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.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Encourage intensification to occur at centres and along corridors.
    - Support Complete Communities by ensuring diverse and high quality housing stock.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

ZONING

Current Zoning

- **"RR-5" Rural Residential 5**
  The Rural Residential 5 (RR5) district is intended to provide areas for large-lot rural residential development, along with limited agricultural uses residential single-family district is intended to accommodate primarily single-family residential development in lower-density neighbourhood.

Proposed Zoning

- **R1-L Residential Single-Family Large District** is intended to accommodate primarily single-family residential development in lower-density neighbourhoods. Dimensional Standards are as follows:
    - Minimum lot size of 5,500 square feet is required, unless the Special Boundary Condition is applied.
    - Minimum lot width of 25 feet is required, unless the Special Boundary Condition is applied.
    - Side yards of 4 feet are required.
    - Front yard requirements are 25 feet, unless an alignment is required or a special yard is applicable.
    - Rear yard requirements are 25 feet.

- Maximum building height is 35 feet.
- Maximum lot coverage is 40%

Associated Variances

The applicant has applied for variances to the Special Boundary Condition. See associated variance report DAV 15-150318\D.

COMPATIBILITY WITH THE SURROUNDING AREA

The Tuxedo neighbourhood has developed incrementally over the last several decades and consists of properties with varying lot widths and size, due primarily to the curvilinear nature of the subdivision. The portion of the neighbourhood surrounding the subject site consists of a variety of lot sizes. For example, there are lots on Dearsley Place with a depth of approximately 180 feet that are between 72 and 75 feet wide. To the east of the proposed development along Litchfield boulevard lots are less deep than those found on Dearsley Place (approximately 120 feet) and are on average, 75 feet wide. On Park Blvd. North, which is located south east of the subject site, there are examples of lots that range between 120 feet and 140 feet deep with lot widths of 60 feet.

The proposed lots range in width from 60 feet to 71 feet and lot depths of 140 feet to 190 feet. The proposed lot sizes are generally consistent and compatible with the surrounding character of single family residential lots.

TRANSPORTATION AND SITE ACCESS

Vehicle access to the site would be taken from Litchfield Blvd. and the newly established cul-de-sacs. The Public Works Department has indicated that the creation of 11 single family dwellings will not result in significant additional traffic to Litchfield Blvd. and the broader neighbourhood.

It is anticipated that the south portion of the property will be subdivided in the future in a manner consistent with the current proposal, which would roughly accommodate an additional 11 single family residential lots. The establishment of these lots is also not anticipated to result in significant additional traffic to the area.

As conditions of the Servicing Agreement (See Appendix B), City administration is recommending that the Developer shall pay for the completion of the existing sidewalk along Litchfield Blvd. to the southeast corner of the subject property and to establish a new sidewalk from Litchfield Blvd. to Shaftesbury Blvd. along the south portion of the subject property. In addition, the existing sidewalk along Shaftesbury Blvd. is to be built by the developer connecting the north existing sidewalk to the south end of the subject property (See Figure 3). The completion of existing sidewalks and establishment of new sidewalks will encourage pedestrian access to and around the subject development. The sidewalk at the south of the property would establish public pedestrian access to the existing transit stop on Shaftesbury Blvd. This sidewalk would also improve connectivity to the Assiniboine Forest.




**Figure 3: proposed extension of sidewalks around the subject site.**

COMMUNITY CONSULTATION

The applicant has indicated that mail outs were circulated to dwellings in the immediate vicinity of the subject site (See Appendix 'B'). This included all houses along Litchfield Blvd. from West Taylor south to Park Place West, as well as the condominiums on the east side of Litchfield, all homes on Dearsley Place and houses on both sides of Park Place West up to Edward Shindleman Park.

An Open House was held on September 25 between 4-8 PM at the Canadian Mennonite University Campus. According to the applicant a total of 10 people attended and the general sense was support for the proposal.

**RECOMMENDATION**

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

- The proposed single-family lots are a reasonable extension of the neighbourhood in a manner that is compatible with the character of predominantly single family dwellings.
- The proposed lot sizes are consistent and compatible with properties in the immediate vicinity.
- The City does not anticipate significant increases in vehicle traffic. Sidewalks are being requested as part of the development agreement to enhance pedestrian connectivity within the neighbourhood and surrounding area.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Devin Clark
PPD File # DASZ 25/2015

**Schedule "A" for File No. DASZ 25/2015, Assiniboia Community Committee, dated October 30, 2015**

By-Law No. _____

File No. **DASZ 25/15**

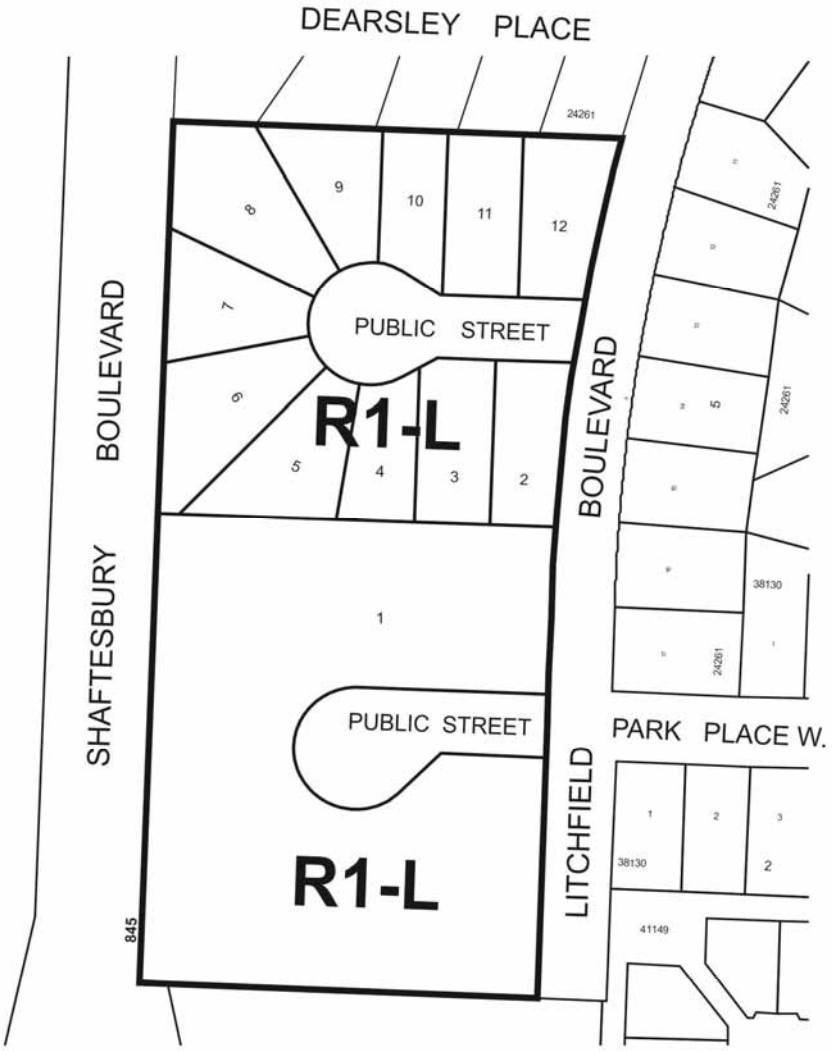
Atlas Sheet No.

N

**AB18**
**ASSINIBOIA**
**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 West side of Litchfield Boulevard, South of Dearsley Place (formerly 845 Shaftesbury Boulevard) from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-L" RESIDENTIAL SINGLE-FAMILY (LARGE) DISTRICT to facilitate the creation of a residential block plan, lots and the establishment of public right-of-ways for future residential development as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

## SCHEDULE B

### REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – Sept. 23, 2015

**RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE WEST SIDE OF LITCHFIELD BOULEVARD, SOUTH OF DEARSLEY PLACE – DASZ 25/2015**

It is recommended that the approval of DASZ 25/2015, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

### A. PLAN CONSIDERATIONS

1) The Developer shall register a 15.0 metre wide easement, at no expense to the City of Winnipeg, for the land drainage sewer crossing from Shaftesbury Boulevard to Litchfield Boulevard.

2) The Developer shall, at no expense to the City, transfer and legally open, property required for a Public Walk at the south limit of the subject property between Shaftesbury Boulevard and Litchfield Boulevard, with a right-of-way width of 6.00m, as determined by and to the satisfaction of the Director of Public Works.

3) The Developer shall, at no expense to the City, transfer and legally open, property required for a widening of Shaftesbury Boulevard for the future rail-road grade separation, at the south-west portion of the property, as determined by and to the satisfaction of the Director of Public Works.

4) The proposed public streets are to be established with an 18.0m wide right-of-way (20.0m wide if the land drainage sewer is 525mm in diameter or greater), as determined by and to the satisfaction of the Director of Public Works.

5) The Developer shall provide right-of-way to accommodate each cul-de-sac turnaround consistent with the dimensions, as per the City's Transportation Standards Manual (M-10 or ST-90A).

6) The Developer shall ensure that no cul-de-sac street exceeds 105m in length.

7) The centrelines of the proposed public street on Lot 1 and Park Place West shall be coincident, as determined by and to the satisfaction of the Director of Public Works.

### B. SERVICING REQUIREMENTS

1) Wastewater Sewers

The Developer shall, at no expense to the City, construct and install wastewater sewers required to serve the Planned Area as indicated in the servicing report all to the satisfaction of the Director of Water and Waste.

2) Watermains

The Developer shall, at no expense to the City, construct and install watermains required to serve the Planned Area as indicated in the servicing report all to the satisfaction of the Director of Water and Waste.

3) Land Drainage

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

4) Land Drainage Charges

a) The Developer shall, prior to the release of mylars, pay the following charges

i. Tuxedo West TSR at the prevailing rate
ii. Park Place West Land Drainage Sewer oversizing at the prevailing rate
iii. Park Boulevard Trunk User Charge

As determined by the Director of Water and Waste

b) The Developer will be credited for Land Drainage Sewer lateral and trunk local improvement fees already paid as determined by the Director of Water and waste.

5) Lot Grading

a) Upon registration of the approved plan of subdivision mylars in the Land Titles Office, the Developer shall, at no expense to the City, provide to the City all easements the City considers necessary with respect to the installation, construction, maintenance, and replacement of swales, catchbasins, and leads for drainage of the Planned Area.

b) Prior to the issuance of building permits, the Developer shall, at no expense to the City:

i. Submit to the City, for approval, a lot grading plan for the Planned Area, prepared by a municipal engineer; and

ii. Construct all swales, catchbasins, and leads necessitated by the approved lot grading plan

6) Pavements

a) The Developer shall, at no expense to the City, construct Portland cement concrete pavement to widths of 7.5m by 150mm in thickness in all streets within the Planned Area and all related works including, but not necessarily 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.

b) The Developer shall, at no expense to the City, construct the proposed cul-de-sacs as per the City's Transportation Standards Manual (M-10 or ST-90A), as determined by and to the satisfaction of the Director of Public Works.

7) Sidewalk

a) The Developer shall, at no expense to the City, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk on the standard alignment, 0.3m off of the property line, on the east side of Shaftesbury Boulevard from the existing sidewalk near the north limit of the subject property to the south limit of the subject property (to the proposed Public Walk), as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk on the standard alignment, 0.3m off of the property line, on the west side of Litchfield Boulevard from the existing sidewalk at Park Place West to the south limit of the subject property (to the proposed Public Walk), as determined by and to the satisfaction of the Director of Public Works.

8) Public Walk

The Developer shall, at no expense to the City, within the Public Walk, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalk and landscape the remainder to include:

a) land drainage
b) sodding on both sides of the sidewalk
c) fencing along the north and south property lines;
d) Continuous 5 foot high chain link fencing to be located within the private properties to the north. The Developer is to permit the City to file a caveat against the title(s) of each abutting lot requiring the owner to maintain and/or repair or replace the fence as constructed to the satisfaction of the Director of Public
e) Continuous 5 foot high chain link fencing to be located within the south walkway limit.
f) post and chain fencing, with appropriate sidewalk opening at both street ends of the Public Walk

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

9) Shaftesbury Boulevard Rates

a) The Developer shall pay to the City, in cash, prior to the release of mylars, its share of the cost, of the following services previously installed, or to be installed, in Shaftesbury Boulevard along the full length of the subject property abutting Shaftesbury Boulevard:
    i. a 4.3m in width lane of pavement and related works,
    ii. street lighting in the east boulevard,
    iii. landscaping in the east boulevard, and
    iv. land drainage facilities,

all as determined by the Director of Public Works.

10) Litchfield Boulevard Recoveries

a) The Developer shall, pay to the City, in cash, prior to the release of mylars, its share of services previously installed by others in Litchfield Boulevard, abutting the Planned Area, north of the south limit of Park Place West, including, but not necessarily limited to boulevard sod and ornamental street lighting, all as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, pay to the City, in cash, prior to the release of mylars, its share of services previously installed by others in Litchfield Boulevard, abutting the Planned Area, south of the south limit of Park Place West, including, but not necessarily limited to Portland cement concrete pavement and ornamental street lighting, all as determined by and to the satisfaction of the Director of Public Works.

11) Fencing

The Developer shall, at no expense to the City, construct within the rear yards abutting Shaftesbury Boulevard within the subject property, a continuous uniform wood fence 2.0m in height, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title(s) of each lot abutting Shaftesbury Boulevard requiring the owner to maintain and/or repair or replace the fence as constructed to the satisfaction of the Director of Public Works.

12) Temporary Dead-End Street

a) The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of each temporarily dead-ended street within the Planned Area, and provide to the City any rights-of-way or easements necessary to accommodate same, 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.

13) Street Name Signs

The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at each new intersection within or adjacent to the Planned Area, as determined by the Director of Public Works.

14) Boulevards

a) The Developer shall, at no expense to the City, sod, and plant trees on all boulevards within the Planned Area and plant trees on the west side of Litchfield Boulevard abutting 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 (1) year and the trees for a period of two (2) years, in accordance with specifications approved by the Director of Public Works.

15) Private Approaches

There are to be no private approaches off of Shaftesbury Boulevard.

16) 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.

17) 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.

18) 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.

## C. COSTS AND FEES

1. By-laws and Approvals

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

2. Professional Fees

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

   b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

   The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1200.00/acre of the planned area ( Minimum $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. DASZ 25/2015
November 1, 2015

"*Original Signed by G. Jasper"*
G.V. Jasper P. Eng.,
Land Development Branch

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Water & Waste Department

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

*"original signed by D.Beaton, M.L.Arch"*
D. Beaton, M.L.Arch.
Parks, Riverbanks, & Community Initiatives Branch

GJ/gj

**APPENDIX 'B'**

Copy of the mail out delivered to area residents

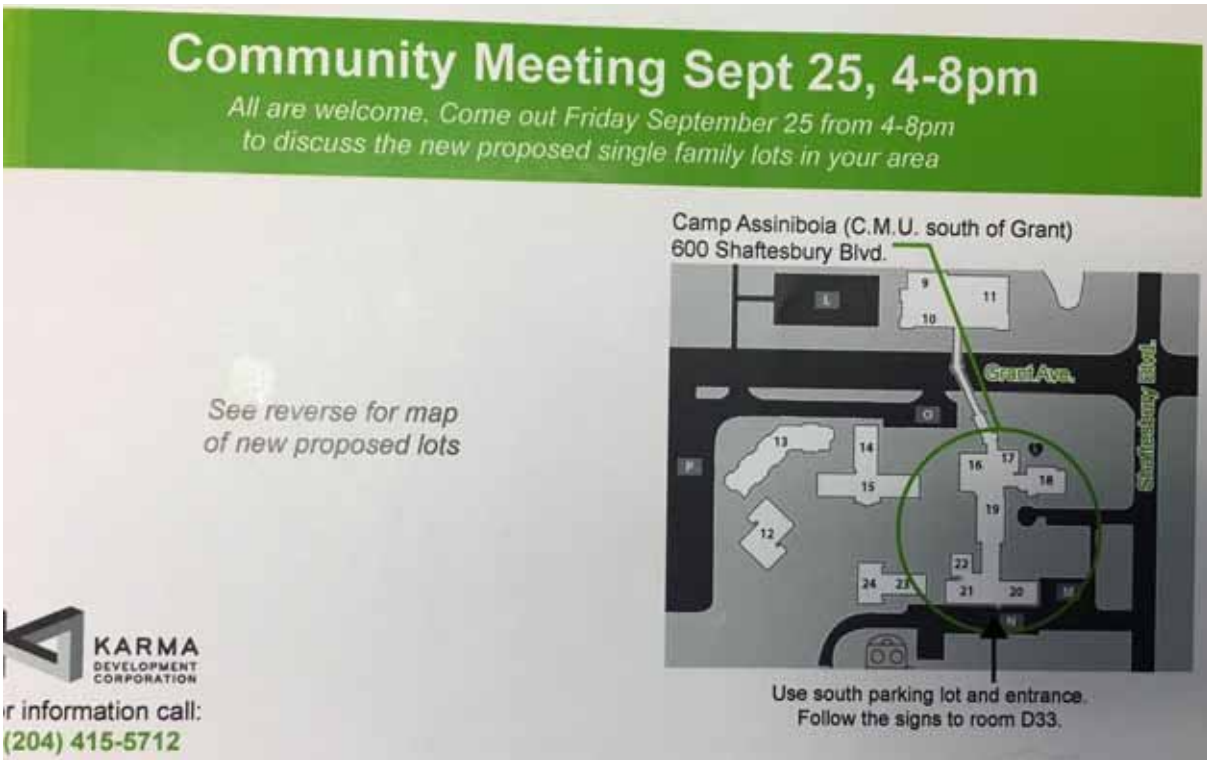





Exhibit “9” Map 2 for File DASZ 25/2015

