Minutes – Executive Policy Committee – September 21, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 20, 2016

Item No. 16 Rezoning – 1466 Templeton Avenue
(Old Kildonan Ward)
File DAZ 207/2016 [c/r DAV 116634/2016D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 207/2016 dated April 5, 2016 to an "RMF-S" Residential Multi-Family Small District. Subject to the following conditions:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That final plans, showing the location and details of buildings, elevations, parking, landscaping, garbage enclosure, fencing and pedestrian connections shall be submitted to the Lord Selkirk – West Kildonan Community Committee and the Director of Planning, Property and Development for approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

    B. 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 May 4, 2016.

2. 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 – September 20, 2016

3. 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.

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

5. 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That, the City Solicitor/Manager of Legal Services 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 – September 20, 2016

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

Moved by Councillor Orlikow,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 20, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 September 13, 2016, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

On July 5, 2016, the Lord Selkirk-West Kildonan Community Committee adjourned the public hearing to its meeting on September 13, 2016 at 5:00 p.m. in the Council Building at 510 Main Street, to give time to the applicant and residents to have proper consultation, to build on what they already did, and to come back with an amenable plan.

On June 14, 2016, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on July 5, 2016 at 5:00 p.m. in the Council Building at 510 Main Street.

RE: **Rezoning – 1466 Templeton Avenue**
File DAZ 207/2016

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

Prepared by: **Ms I. Skundberg, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **September 15, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2016, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 207/2016 dated April 5, 2016 to an "RMF-S" Residential Multi-Family Small District. Subject to the following conditions:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

        i. That final plans, showing the location and details of buildings, elevations, parking, landscaping, garbage enclosure, fencing and pedestrian connections shall be submitted to the Lord Selkirk – West Kildonan Community Committee and the Director of Planning, Property and Development for approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

    B. 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 May 4, 2016.

2. 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.

3. 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.

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

5. 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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

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

1. The two groups met and took a little bit more time to go through the process in order to come up with an amenable plan.

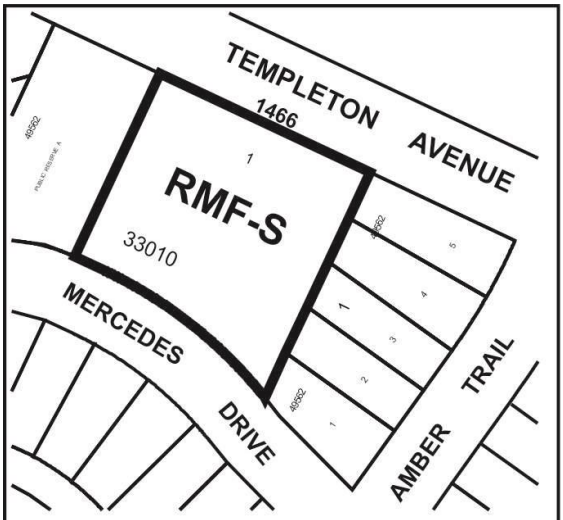
2. People in the community of Old Kildonan are very proud of their homes, and they want to make sure that any new development fits with the existing character of the neighbourhood, which is what happened.

3. That is a good development for our community.

4. This parcel of land has been somewhat of an eyesore and although people in the community want it developed, we want to do it right.

5. The plan approval, including landscaping, must come back to the Community Committee for approval.

PUBLIC HEARING SUMMARY

File:	DAZ 207/2016
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Sharma, Chairperson Councillor Eadie Councillor Pagtakhan
Hearing:	September 13, 2016 July 5, 2016 June 14, 2016 Council Building, 510 Main Street
Applicant:	VS Consulting (Vi Sam)
Subject:	

Premises Affected: 1466 Templeton Avenue

Exhibits Filed:

1. Application dated April 4, 2016
2. Notification of Public Hearing dated April 13, 2016
3. Manitoba Status of Title 2778793/1
4. Letter of authorization dated March 31, 2016 from Kulwant Muhar, 7107056 Manitoba Ltd. to Vi H. Sam, VS Consulting
5. Surveyor's Building Location Certificate and sketch dated January 25, 1996
6. Plan (1 page)
7. Report from the Planning and Land Use Division dated June 6, 2016
8. Revised Report from the Planning and Land Use Division dated June 13, 2016
9. Inspection Report
10. Notice of Adjournment dated June 17, 2016
11. PowerPoint Presentation in support of the application submitted by Vi Sam, VS Consulting, at the public hearing on July 5, 2016
12. Open House Attendance List, purporting to contain the signatures of 48 area residents showing support, submitted by Vi Sam, VS Consulting at the public hearing on July 5, 2016
13. Communication dated July 5, 2016, from Antonio Sanchez in opposition to the application submitted at the public hearing on July 5, 2016
14. Photographs (3) submitted by Antonio Sanchez at the public hearing on July 5, 2016
15. Recording of Representations of public hearing held on July 5, 2016
16. Notice of Adjournment dated July 8, 2016
17. Revised Report from the Planning and Land Use Division dated September 12, 2016
18. PowerPoint Presentation submitted by submitted by Vi Sam, VS Consulting, at the public hearing on September 13, 2016
19. Recording of Representations of public hearing held on September 13, 2016

REPRESENTATIONS:

In Support:

Parbjot (J.B.) Brar
Gurta Ghuman
Parminder Muhar
Tony Nowosad
Brian Pidhirniak
Nicole Pidhirniak
Vi Sam, VS Consulting
Antonio Sanchez

In Opposition:

Arree Arunkiet
Jen Costa
Joao Costa
Tam Lam
Jagseer Gill
Parmjit Gill

For Information:

Iding Sanchez

For the City:

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

Exhibit "17" referred to in File DAZ 207/2016

REVISED ADMINISTRATIVE REPORT

Title: DAZ 207/2016 – 1466 Templeton Avenue

Issue: An application for consideration at the public hearing to rezone the property from an "RR5" Rural Residential 5 District to an "RMF-S" Residential Multi-Family Small District for future multi-family dwelling development.

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
Femi Ojo	B. Smith	n/a	

RECOMMENDATIONS

1. That, the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 207/2016 dated April 5, 2016 to an "RMF-S" Residential Multi-Family Small District. Subject to the following condition(s):

   A. That the applicant enter into, execute and deliver a Zoning Agreement with the City of Winnipeg pursuant to Subsection 240(1) of The City of Winnipeg Charter to provide for the following:

      i. That final plans, showing the location and details of buildings, elevations, parking, landscaping, garbage enclosure, fencing and pedestrian connections shall be submitted to the Lord Selkirk – West Kildonan Community Committee and the Director of Planning, Property and Development for approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

   B. 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 May 4, 2016.

2. 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.

3. 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.
4. That, the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.
5. 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 land within one year from the date the by-law is passed, failing which the by-law will expire and 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.
6. That, the Proper Officers of the City are hereby authorized to execute said Zoning Agreement
7. That, the City Solicitor/Manager of Legal Services 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 is proposing to rezone the site from “RR5” Rural Residential 5 District to “RMF-S” Residential Multi-Family Small in order to establish sixteen (16) unit town house style residential development.
- Rezoning applications 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 land **will** be rezoned from “RR5” Rural Residential 5 District to “RMF-S” Residential Multi-Family Small District.

CONSULTATION

In preparing this Report there was consultation with:
- Public Works Department
- Water and Waste Department
- Parks Services
- Land Development

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Femi Ojo, MCIP
Date:	September 12, 2016
File No.	DAZ 207/2016

APPENDIX 'A'

DATE: September 12, 2016

FILE: **DAZ 207/2016**

RELATED FILES: DAV 16-116634/D

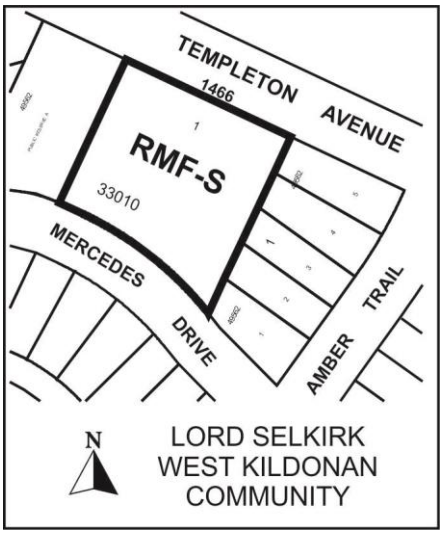
COMMUNITY: Lord Selkirk - West Kildonan Committee

NEIGHBOURHOOD #: 3.337

SUBJECT: To rezone the subject land from an RR5" Rural Residential 5 District to an "RMF-S" Residential Multi-Family Small District.

LOCATION: 1466 Templeton Avenue

LEGAL DESCRIPTION: LOT 1 PLAN 33010 19 K OTM



APPLICANT: Vi H. Sam
1364 McPhillips ST Unit 150
Winnipeg, Manitoba R2X 2M4

OWNER: 43 SANTA FE DR
Winnipeg, Manitoba R2R 2W4

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property is located on the south side of Templeton Avenue in the Amber Trails neighborhood of the Old Kildonan Ward.
- The subject site is approximately 43,515 sq. ft. in size and is currently on it is a single-family dwelling built in 1979.

- The subject property falls within the Area of Stability – Recent Community Policy Area of the Complete Community Direction Strategies. The property is zoned “RMF-S” Residential Multi-Family District.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2014)*

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Templeton Avenue, then multi-family use zoned “RMF-M” Residential Multi-Family.

South: Mercedes Drive, then residences zoned “R1-M” Residential Single-Family.

East: Residences zoned “R1-M” Residential Single-Family.

West: Public Reserve zoned “PR1” Parks and Recreation.

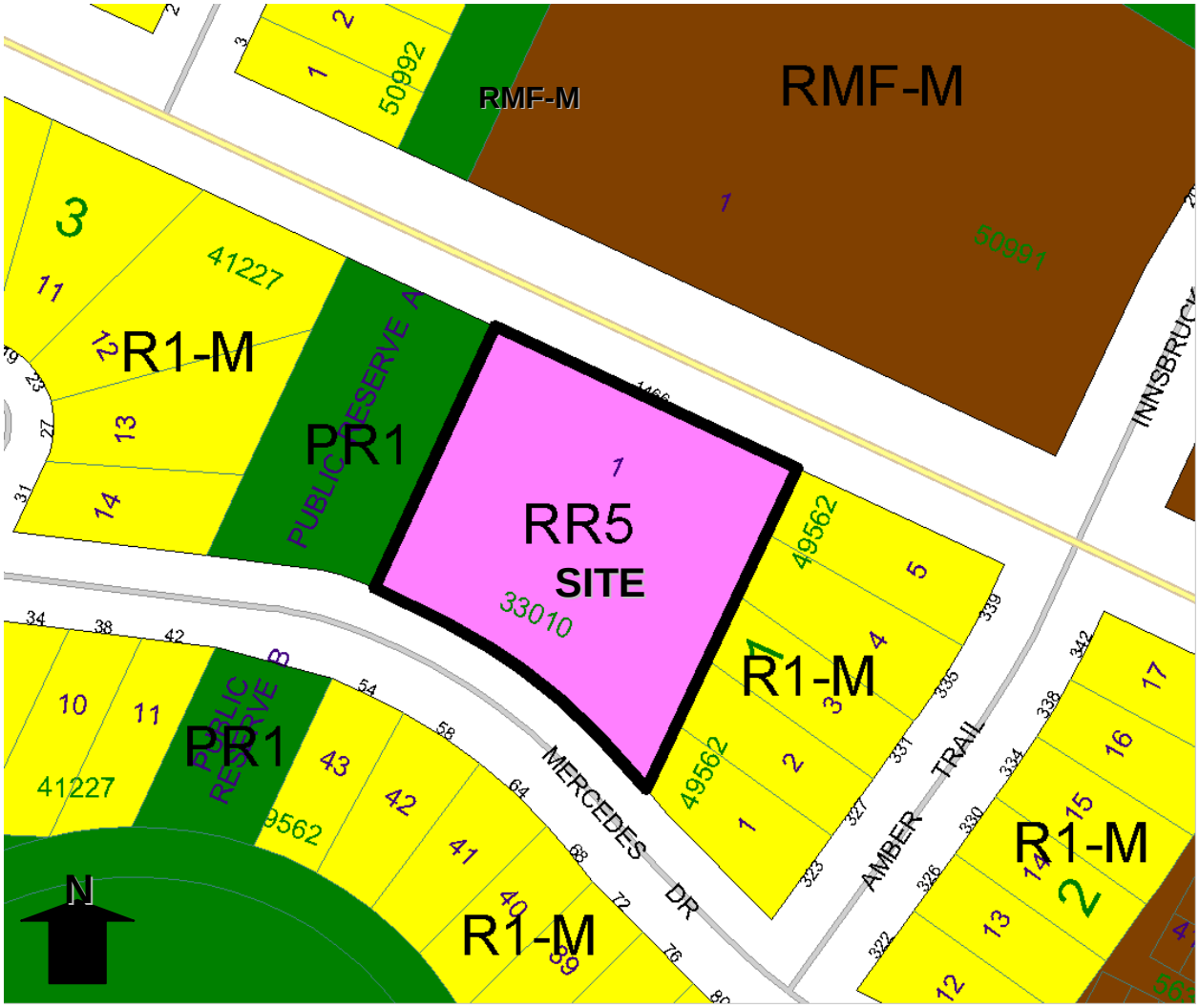


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the site from "RR5" Rural Residential 5 District to "RMF-S" Residential Multi-Family Small in order to establish sixteen (16) unit town house style residential development.

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 complementary to the existing scale, character and built form.
    - Provide clarity and promote compatibility between existing developments and new developments through design and development standards, such as the creation of Infill Development Guidelines for Multiple-Family Developments in Low Density Neighbourhoods.

- 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.
- Encourage intensification to occur at centres and along corridors.
- Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.
- 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.
- Provide opportunities to increase multi-modal connectivity when redevelopment occurs.

- Infill development is discussed within the Recent Communities introduction under the *Complete Communities Direction Strategy,* that states*:*
  - Recent Communities can also accommodate some infill development to increase housing choice, increase options for 'aging in place', and to maximize the use of existing infrastructure.

REZONING

- The subject site is currently zoned "RR5" Rural Residential 5. The applicant is proposing to rezone the property to "RMF-S" Residential Multi-Family Small.

"RMF-S" Residential Multi-Family District

- The Residential Multi-Family (RMF-S) district is intended to accommodate the development of multi-family units in areas with medium to high residential densities. Dimensional standards prescribed under Zoning By-law 200/2006 are as follows:
  - A minimum lot area of 9,000 square feet,
  - Minimum lot area per dwelling unit of 1,250 square feet,
  - Minimum front yard of 20 feet,
  - Minimum side yard of 4 feet. Minimum corner side yard – 5 feet
  - A rear yard of 25 feet, and
  - Maximum building height of 35 feet.

VARIANCES

- The applicant has applied for four (4) variances to allow the project to be built as designed (See DAV 16-116634/D):

  1) For the construction of a multi-family dwelling to permit:

  a) a front yard of 7 feet (2.13 metres) instead of 20 feet (6.10 metres)

  b) a rear yard of 7 feet (2.13 metres) instead of 25 feet (7.62 metres).

  2) For the establishment of an accessory parking area to permit:

  a) 24 parking spaces instead of 36 parking spaces

  b) no visitor space instead of 4 visitor spaces

- The variances listed above have been reviewed and discussed in details within the Urban Planning Division report for the variance application under file DAV 16-116634/D.

- With the revised site plan, the applicant has made changes to the proposed development, which will eliminate or lessen the number of variances.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The Urban Planning Division is supportive of a multi-family development on the subject parcel provided the surrounding context is factored into the site design. The subject property is bounded to the east and south by single-family residential dwellings, and to the west is a vacant park, then also, single-family residential dwellings. The surrounding context, being single-family residences has presents some challenge in establishing a multi-family use that will be compatible with the area. However, during the pre-application, the Urban Planning Division recommended a town house style housing on the eastern and southern portion of the lot, and that the higher densities be located on the west side, with the vacant park serving as a natural buffer. With the revised site plan, the Urban Planning Division is comfortable supporting the subject application
- The applicant is proposing a multi-family development on lands abutting single-family residences; Complete Communities call for development and redevelopment that is complementary to the existing scale, character and built form. The revised site plan meets this intent.
- The Urban Planning Division generally encourages multi-family residential development in Areas of Stability based on the policies of the Complete Communities Direction Strategy. However, the Urban Planning Division believes that the site context and constraints itemized in the pre-application recommendation section have now been adequately addressed.
- Thus, having revised the initial site plan in line with the recommendations highlighted in Urban Planning Division's report, it is therefore recommended that the subject application be approved.

RECOMMENDATIONS

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

- Within the Area of Stability, Complete Communities tries to ensure that new development is sensitive to the local community context and addresses the transition between new and existing development. This proposal meets this intent.
- The proposal is consistent and compatible with existing form, scale and uses within the immediate vicinity.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Femi Ojo, MCIP
PPD File # DAZ 207/2016

APPENDIX "B"
Schedule "A" for File No. DAZ 207/2016, City Lord Selkirk Community Committee, May 6, 2016

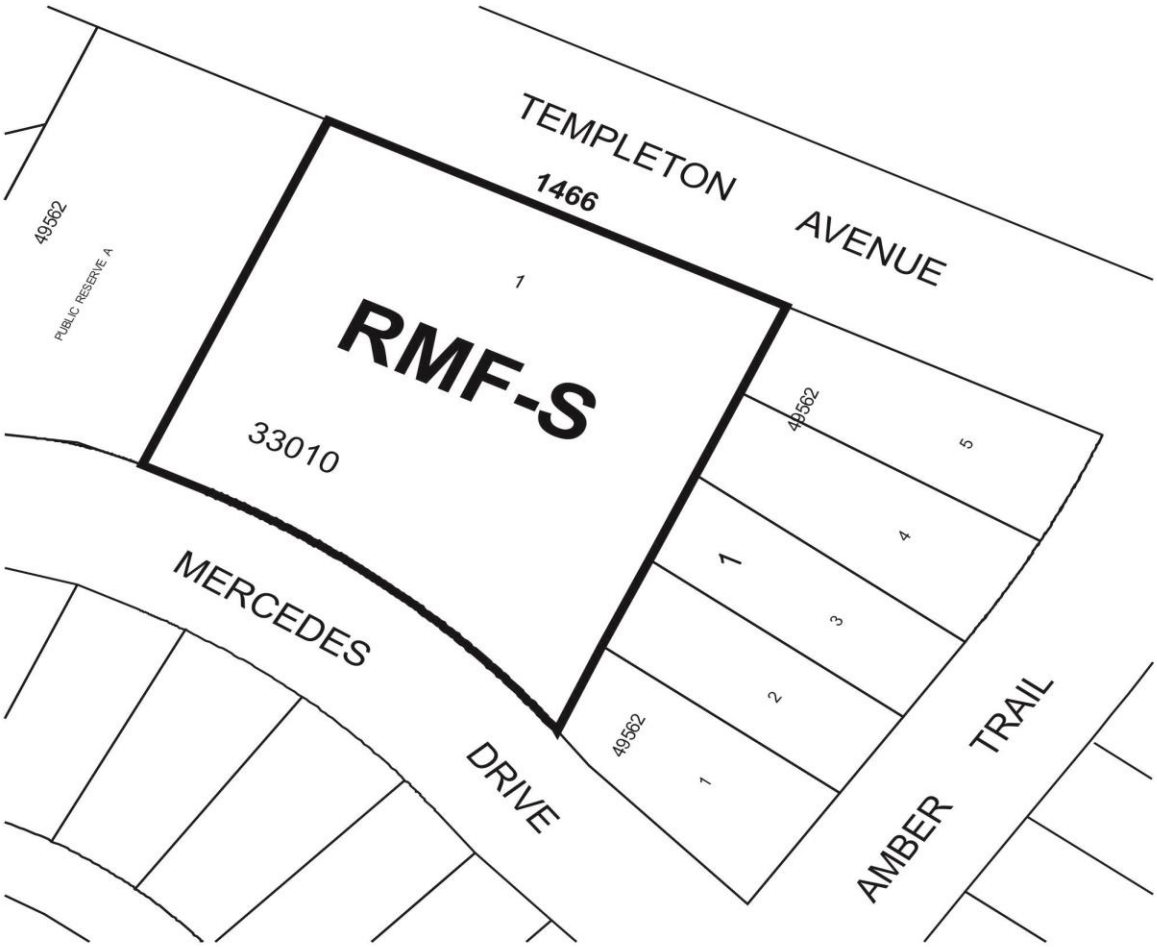
By–Law No. _____

File No. **DAZ 207/16**

Atlas Sheet No. **R23**
N
LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1466 Templeton Avenue from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to allow for the establishment of a multi-family dwelling use as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP (ACG) – May 4, 2016

RE: PROPOSED REZONING OF LAND LOCATED AT 1466 TEMPLETON AVENUE DAZ 207/2016

On May 4, 2016, DAZ 207/2016 was reviewed by the ACG Group who provided the following comments:

A. The proposed Private Approach on Templeton Avenue is non-conforming as the Private Access Bylaw requires a minimum of 3m from the lot line. If the Applicant intends to pursue this non-conforming private approach, they will need to make application to the Public Works Department for a non-conforming private approach and the Public Works Department will submit a report to the Standing Policy Committee on Infrastructure Renewal and Public Works for their consideration. Alternatively the Applicant could revise the site plan to make this proposed private approach conforming by locating the private approach a minimum of 3m from the lot line. This still requires application to the Public Works Department, however the Public Works Department has authority to approve conforming private approaches.

B. It is recommended that the approval of DAZ 207/2016, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

1) Underground Services on Templeton Avenue

The applicant shall pay to the City, on demand, for their share of water main, wastewater sewer and land drainage sewer laterals services constructed by others in Templeton Avenue at the prevailing Local Improvement rates

2) Underground Services on Mercedes Drive

The applicant shall pay to the City, on demand , for their share of water main, wastewater sewer and land drainage sewer laterals services constructed by others in Mercedes Drive at the prevailing Local Improvement rates.

3) Underground Services Acreage Charges

The applicant shall pay to the City, on demand the following:

a) Share of the regional land drainage system (TSR) (2016 rate = $12,759.00/acre)
b) pay the Leila Trunk User Charge (612.00/acre)
c) pay for their share of the oversized wastewater sewer (2016 rate = 542.72/acre)

all as determined by the Director of Water and Waste.

4) Sidewalks

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 north side of Mercedes Drive, from the existing pathway to Amber Trail, as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall pay, in cash, on demand, its share of constructing a sidewalk on the south side of Templeton Avenue, abutting the subject property, as determined by the Director of Public Works.

5) Pipeline/Leila Area Charge

The Developer shall pay, in cash, on demand, its share of the cost of the following improvements on an area basis for the area bounded by Leila Avenue, Pipeline Road and the future Chief Peguis Trail, as determined by the Director of Public Works:

a) an 8.3m in width by 200mm in thickness Portland cement concrete pavement in Leila Avenue between Pipeline Road and the future Chief Peguis Trail and in Pipeline Road between Leila Avenue and the future Chief Peguis Trail.

b) channelization, including, but not necessarily limited to construction of pavement for through lanes, auxiliary lanes, channelization, transitions, the installation and/or relocation of street lights and other utilities and boulevard landscaping at all street intersections entering Amber Trials from Pipeline Road and Leila Avenue including, but not necessarily limited to, the intersections of Ashville Street and Mandalay Drive with Leila Avenue and the intersections of the two east-west streets entering Amber Trials from Pipeline Road.

c) channelization at the intersection of Pipeline Road and Leila Avenue including, but not necessarily limited to construction of pavement for through lanes, auxiliary lanes, channelization, transitions and the installation and/or relocation of street lights and other utilities and boulevard landscaping.

d) traffic control signals at the intersection of Leila Avenue and Pipeline Road.

e) ornamental street lighting, sidewalks, boulevard landscaping and any accessory land drainage works in conjunction with the above works.

6) Surface Works on Templeton Avenue

The Developer shall pay, in cash, on demand, its share of the Templeton Avenue improvements previously installed by others, as determined by the Director of Public Works.

7) Surface Works on Mercedes Drive

The Developer shall pay, in cash, on demand, its share of the Mercedes Drive improvements previously installed by others, as determined by the Director of Public Works.

8) 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

9) 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.

10) 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.

11) 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.

12) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have

been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

13. 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.

14. 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.

15. Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $2138.00/acre of the planned area 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. DAZ 207/2016
June 6, 2016

"*Original Signed by G. Jasper*"
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Land Development Branch

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M. Gajda, P. Eng.
Water & Waste Department

"*Original Signed by C. Desjardine"*
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