Agenda – Council – November 16, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016

Item No. 5 Subdivision and Rezoning – 836-842 Taché Avenue (St. Boniface Ward) File DASZ 26/2016 [c/r DAC 9/2016]

STANDING COMMITTEE RECOMMENDATION:

On November 9, 2016, 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 26/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2016 dated September 1, 2016, 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, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group, dated September 1, 2016.

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 26/2016 dated September 1, 2016, to a "R2" Residential Two-Family subject to the following:

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

        i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "R2" Residential Two-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, and landscaping to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That no private vehicular accesses shall be permitted to the subject property along the Taché Avenue and Hébert Street frontages.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016

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

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

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and 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 the 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 8, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2016, 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 8, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development did not concur in the recommendation of the Riel Community Committee, concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 19, 2016, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development, Heritage and Downtown Development that the application for subdivision and rezoning under File DASZ 26/2016 [c/r DAC 9/2016] be rejected.

On October 3, 2016, the Riel Community Committee concluded public representations and adjourned the public hearing to its meeting on October 19, 2016, at 5:00 p.m.in the Council Building at 510 Main Street.

On September 12, 2016, the Riel Community Committee adjourned the public hearing to its meeting on October 3, 2016 at 5:00 p.m. in the Council Building at 510 Main Street.

RE: **Subdivision and Rezoning – 836-842 Taché Avenue and Public Lane to the East**
File DASZ 26/2016 [c/r DAC 9/2016]

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

Prepared by: **Rochelle Viray, Assistant Committee Clerk**
Riel Community Committee

Report date: **October 20, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 19, 2016, the Riel Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development that the application for subdivision and rezoning under File DASZ 26/2016 [c/r DAC 9/2016] be rejected.

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

1. There wasn't a common vision for what should be on the site.

2. The overwhelming response from the community was that they wanted to see a plan.

PUBLIC HEARING SUMMARY

File: DASZ 26/2016

Before: Riel Community Committee
Councillor Allard, Chairperson
Councillor Mayes

Public Hearing: October 19, 2016
October 3, 2016
September 12, 2016
Council Building, 510 Main Street

Applicant: Qualico Developments Ltd.

Subject:



APPLICANT : QUALICO DEVELOPMENTS LTD.
FILE : DASZ 26/16
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R1-S" RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to facilitate the closure of a public lane for the inclusion and consolidation of lands to allow for future residential development. **For information, phone Mr. R. Mahé, Planner, at 204-986-8631.**
DEMANDEUR: QUALICO DEVELOPMENTS LTD.
N° DE DOSSIER : DALZ 26/16
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Zoning By-Law No. 200/2006 (règlement municipal sur le zonage) visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R1-S (secteur de petites habitations unifamiliales) à la catégorie R2 (secteur résidentiel bifamilial) afin de faciliter la fermeture d'une voie publique et de permettre l'inclusion et le remembrement des terres en vue d'un futur lotissement résidentiel. **Pour plus de renseignements, communiquez avec M. R. Mahé, urbaniste, au 204-986-8631.**

Premises Affected: 836-842 Taché Avenue and Public Lane to the East

Exhibits Filed:

1. Application dated April 5, 2016
2. Notification of Public Hearing dated June 14, 2016
3. Manitoba Status of Titles 1271152/1, 2127948/1, 1044134/1, 2282297/1
4. Letter of authorization dated March 23, 2016 from David and Huguette Dandeneau and the Estate of Monique Mulaire to Qualico Developments (Winnipeg) Ltd.
5. Sketch of Title Plot
6. Application Sketch for Public Lane (to be closed)
7. Application Sketch for Lot Consolidation
8. Communication dated March 31, 2016, from Qualico Developments (Winnipeg) Ltd. in support of the application
9. Report from the Urban Planning Division dated September 1, 2016
10. Inspection Report
11. Maps of the surrounding area (2), photos (5) and communication to the residents from Qualico Developments (Winnipeg) Ltd., submitted at the public hearing by Don Sawatzky
12. Communication dated October 1, 2016, from André Vermette in opposition to the application
13. Communication dated October 1, 2016, from Caridad Quesada in opposition to the application
14. Application Sketch for Bareland Condominium submitted at the public hearing by Eric Wogan
15. Communication dated October 3, 2016, submitted at the public hearing from Walter Kleinschmit in opposition to the application

REPRESENTATIONS:

In Support:

Eric Vogan
Trevor Grafton
Ray MacNutt
Elliot Hannam
Lyne Jones

In Opposition:

Real Rioux
Walter Kleinschmit
Gavin Jag
Leo JR Pelland
Don Sawatzky
Jennifer Janzen
Margie Harris
Sheila Holland
Ben Starkey
Louise R. Potter
Annelie Reimer
David Lesage
Mireille Lamontagne
Gil Grenier
Dr. Pat O'Leary
Brad Senkiw
Malinda Lee
Stephane Dorge
Daniel Simard
Ray MacNutt
Gerard Pelland
Richard Baril
Tom Scott
John Stockwell
Brenda Hildebrand
Karl Brosch
Susan Brosch
André Vermette
Caridad Quesada

For Information:

Jeremy Frost
Adam Janzen
Christopher Nikkel
Pat Wat
Scott Chang
Ravi Joshi
Adam Janzen
Asha Janzen

For the City:

G. Jasper, Land Development Administrator, Planning, Property and Development Department
B. Buyachok, Real Property Officer, Planning, Property and Development Department
R. Mahé, Planner, Planning, Property and Development Department
E. Finnigan, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department

Exhibit "9" referred to in File DASZ 26/2016

ADMINISTRATIVE REPORT

Title: DASZ 26/2016 – 836-842 Taché Avenue

Issue: An application for consideration at the Public Hearing to close a public right-of-way to the east of 836-842 Taché Avenue and to consolidate it with these lots and to rezone portions from R1-S to R2.

Critical Path: Riel 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 DASZ 26/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 26/2016 dated September 1, 2016, 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, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group, dated September 1, 2016.

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 26/2016 dated September 1, 2016, to a "R2" Residential Two-Family subject to the following:

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

        i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "R2" Residential Two-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, and landscaping to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or

development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

ii. That no private vehicular accesses shall be permitted to the subject property along the Taché Avenue and Hébert Street frontages.

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

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

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and 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 the 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 is proposing to close a public right-of-way and consolidate it with three lots (836-842 Taché) and rezone the portion of the lands zoned “R1-S” to “R2”.
- Subdivisions and re-zonings 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 site will be consolidated and rezoned consistent with the map provided in Schedule “A” of this report.

HISTORY

- N/A

CONSULTATION

- In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Richard Mahé, MCIP
Date:	September 1, 2016
File No.	DASZ 26/2016

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 26/2016 Riel Community Committee, dated September 1, 2016
3. Schedule “B” — Report of the Administrative Co-ordinating Group – September 1, 2016

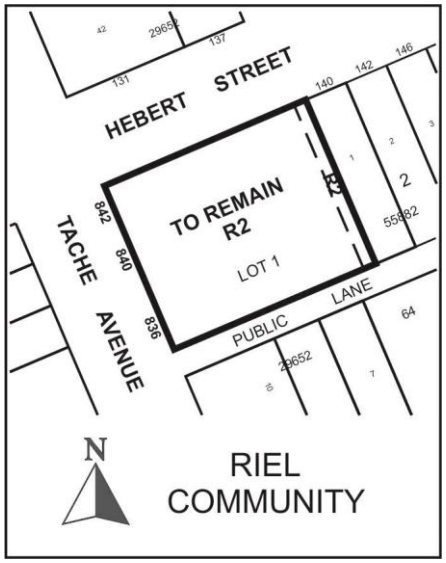
APPENDIX 'A'

DATE: September 1, 2016

FILE: DASZ 26/2016
RELATED FILES: DAC 9/2016
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.501

SUBJECT: To close a public right-of-way and consolidate it with three lots (836-842 Taché) and rezone the portion of the lands zoned "R1-S" to "R2".

LOCATION: 836-824 Taché Avenue (see map below)



APPLICANT: Qualico Developments (Winnipeg) Ltd. Elliot Hannam
1 Dr. David Friesen DR
Winnipeg , Manitoba R3X 0G8

OWNER: CT# 2282297/1
Qualico Developments (Winnipeg) Ltd.
30 Speers Road
Winnipeg MB R2L 1L9

CT# 1044134/1
Monique Mulaire
378 Gaboury Place
Winnipeg MB R2H 0L4
David and Huguette Dandeneau
311 Dumoulin Road
Winnipeg MB R2H 0E7

CT# 2127948/1
Monique Mulaire
378 Gaboury Place
Winnipeg MB R2H 0L4
David and Huguette Dandeneau
311 Dumoulin Road
Winnipeg MB R2H 0E7

CT# 1271152/1
Department of Justice (MB)
Director of Legal Services
6th Floor 405 Broadway
Winnipeg MB R3C 3L6

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject property is located on Taché Avenue, in the North St. Boniface neighbourhood of the St. Boniface ward.
- The site is located within the High Density Residential Area of the North St. Boniface Secondary Plan. The property is zoned "R2" with a portion of the back lane as "R1-S".
- The site is approximately 18,259.36 (sq ft) in area.

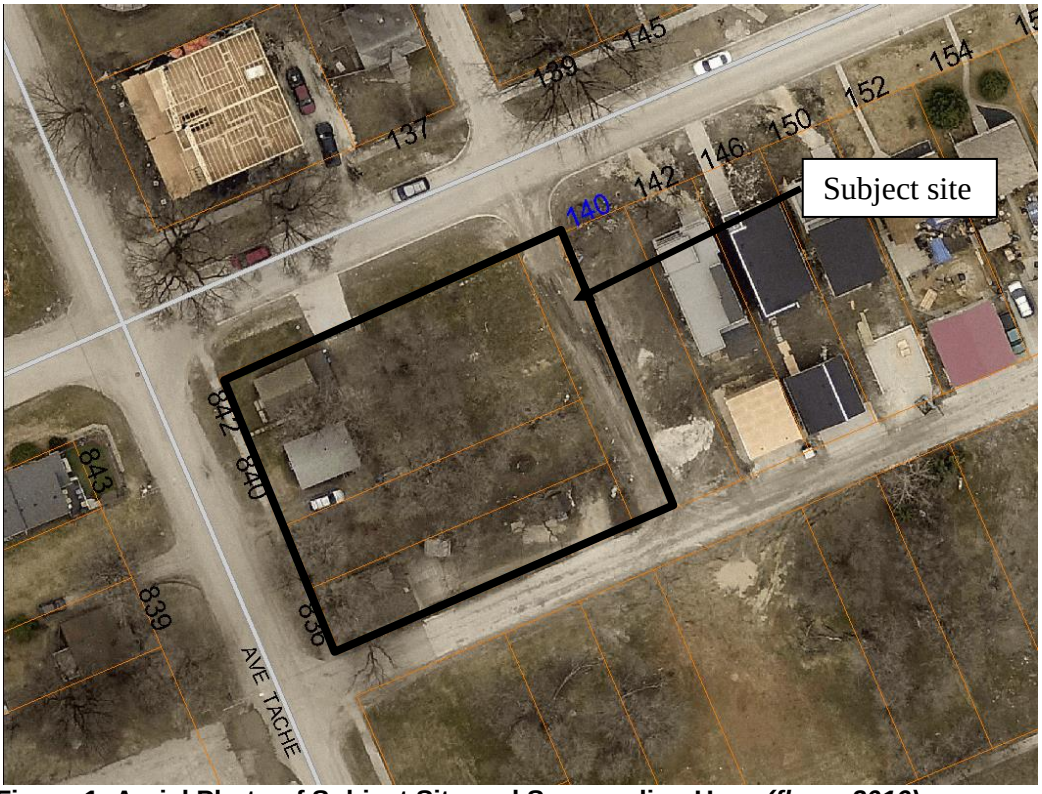


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: single family homes zoned “R2” and “R1-M”

South: vacant lands split zoned “RMF-S” and “M2”

East: vacant lands zoned “R1-S”

West: Taché Avenue and single family dwellings zoned “M2”.

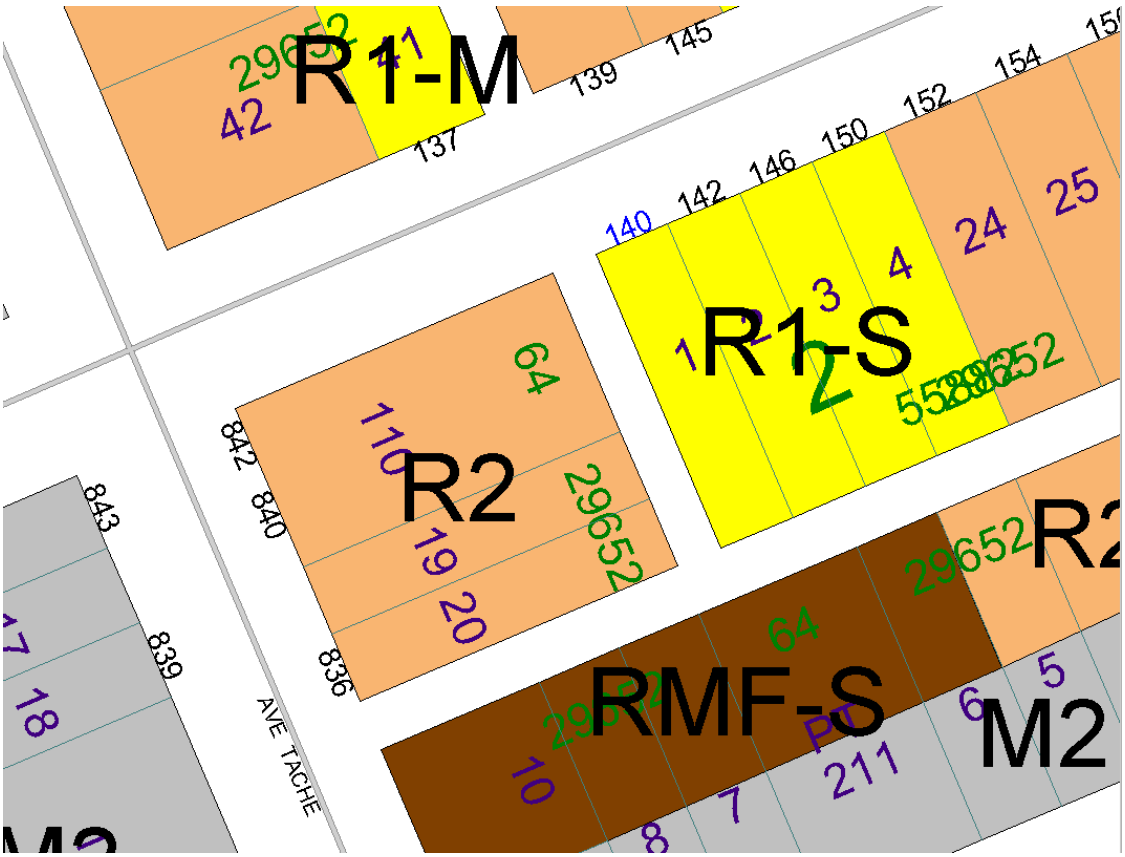


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to close the back lane (see figure 3 below) and rezone a portion of it from R1-S to R2 and consolidate it with the remaining lots (836-842 Taché Ave).
- The intent is to demolish the existing homes on the subject lands.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The subject site is located within the Mature Communities area within Complete Communities Direction Strategy’s Urban Structure map. The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city’s

long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.

- Generally, our Mature Communities will accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.
- With regard to this proposal, one of the key policies guiding the development within our Mature Communities includes the following:
    - Facilitate land assembly for infill developments (Areas of Stability – Mature Communities p. 85).
- This proposal meets the above policy because it intends to close a public lane and consolidate lots with the intent of facilitating land assembly for future infill development.

NORTH ST. BONIFACE SECONDARY PLAN (BY LAW 965/75)

- The subject site is located within the High Density Residential area within the North St. Boniface Secondary Plan. Within the implementation section of the Plan, it allows for:
    - Residential densities at 55 units per acre for properties along Taché Avenue; and
    - The establishment of new locally-oriented commercial development in conjunction with higher density residential development.
- The site is approximately 18,259 square feet in area, which would permit a maximum of 23 units. However, the density can be increased by 25 percent if it meets one of the four conditions under Section 2 of the Implementation Section of the North St. Boniface Secondary Plan.

ZONING

- Currently, the lands are zoned “R2” – Residential Two-Family. The intent of the “R2” zoning district is to provide for single- and two-family units and where appropriate limited multi-family units in lower-density areas. Residential densities are permitted at densities of 800 square feet per lot area with a successful conditional use application permitting a multi-family dwelling use.
- The reason why there is a rezoning requirement with this application is due to the closing of the back lane right-of-way. Right-of-ways take on the zoning category of both sides of said right-of-way. In this instance, the property to the east of the lane is zoned R1-S and the property to the west of the lane is zoned R2. As such, when the lane is “closed” it becomes a split zoned parcel.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The subject site is located along Taché Avenue within the High Density Residential area in the North St. Boniface Secondary Plan. The R2 zoning district both permits low-density single- and two-family developments as well as the potential for medium density multi-family uses, subject to a successful conditional use application.

- If the property were to be developed to a multi-family use, the following dimensional standards would apply for the multi-family dwelling:
    - 20 foot minimum front yard;
    - 25 foot minimum rear yard;
    - 4 foot minimum side yard; and
    - 35 foot maximum building height.
- The dimensional standards of the R2 zoning district, and in particular the 35 foot height maximum, ensure any future building(s) will be in scale with the adjacent single- and two-family homes to the east and north of the subject property.

PUBLIC WORKS

- The Public Works Department has reviewed the proposed subdivision and rezoning of the subject property and has no objections, subject to meeting certain infrastructure requirements as set out in Schedule “B” - Report of the Administrative Co-ordinating Group.

RECOMMENDED ZONING AGREEMENT

- The Urban Planning Division recommends the following elements to be included into a zoning agreement in order to meet key planning objectives:
    - Plan approval should be a condition of approval where the development of any building, and/or accessory parking area and/or signage within the lands zoned “R2” Residential Two-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, and landscaping to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit. This will provide additional oversight to ensure that what is built at this location meets the objectives of the North St. Boniface Secondary Plan and is compatible with the neighbourhood.
    - In order to maintain the flow of vehicular traffic along Taché Avenue; to encourage the small-scale residential character of Hébert Street; and to minimize any disruption to the pedestrian network along either Taché Avenue or Hébert Street, the Winnipeg Public Service recommends that vehicular access to the site be taken only from the public lane.

RECOMMENDATION

The Urban Planning Division recommends approval with conditions for the following reasons:

- The proposed subdivision and rezoning is consistent with the policies of the Complete Communities Direction Strategy by facilitating land assembly for future infill development and the policy objectives of the North St. Boniface Secondary Plan.

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

Report Prepared By: Richard Mahé, MCIP
PPD File # DASZ 26/2016

Schedule "A" for File No. DASZ 26/2016, Riel Committee, dated September 1, 2016

By-Law No. _____

File No. **DASZ 26/16**

Atlas Sheet No.

N

Z26
RIEL
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 836-842 Tache Avenue from an "R1-S" RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to facilitate the closure of a public lane for the inclusion and consolidation of lands to allow 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

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 836-842 TACHE AVENUE – DASZ 26/16 - dated September 1, 2016

It is recommended that the approval of DASZ 26/2016, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

1) Watermain

The Developer shall, at no expense to the City, construct a 250 mm diameter water main from Rue La Verendrye to Rue Hebert, or if installed by others, pay their share of the cost of the water main constructed by others, as determined by and to the satisfaction of the Director of Water and Waste.

2) Land Drainage

The Developer shall, upon demand by the City, pay their share of future land drainage sewer in Tache Avenue, as determined by the Director of Water and Waste.

3) Tache Avenue Improvements

The Developer shall, pay to the City on demand, their share of the following improvements, to be completed by others, in Tache Avenue abutting the Planned Area:

a) 10.0m concrete pavement;
b) Sidewalks;
c) ornamental street lighting;
d) boulevard landscaping; and
e) land drainage sewer,

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

4) Hebert Street

The Developer shall, pay to the City on demand, their share of costs of the following improvements, previously completed by others, in Hebert Street, abutting the Planned Area:

a) 7.5m concrete pavement;
b) ornamental street lighting; and
c) land drainage sewer,

all as determined by the Director of Public Works.

5) Approach

The Developer shall, at no expense to the City, remove the existing lane turnout and approach on Hebert Street and the approach on Tache Avenue and shall restore the

curb and boulevard in those locations, all as determined by and to the satisfaction of the Director of Public Works.

6) Public Lane

The Developer shall, pay to the City, their share of costs of the improvements to the public lane, abutting the south limit of the Planned Area, as determined by the Director of Public Works.

7) Boulevards

a) The Developer shall, at no expense to the City, sod, and plant trees on Hebert Street, 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 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.

11) 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.

12) 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.

13) 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. DASZ 26/2016
September 2, 2016

"*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

GJ/gj