Minute No. 149
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 17, 2017

Item No. 3 **Subdivision and Rezoning – 150 Pandora Avenue West (Transcona Ward)**
File DASZ 23/2016

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 17, 2017

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the item be referred back to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2017, 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 January 17, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development did not concur in the recommendation of the East Kildonan-Transcona Community Committee, concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

On November 8, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid over the matter to its meeting on January 17, 2017.

On October 11, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid over the matter to its meeting on November 8, 2016.

On September 20, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid over the matter to its meeting on October 11, 2016.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 12, 2016, the East Kildonan-Transcona 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 23/2016, be rejected.

RE: **Subdivision and Rezoning – 150 Pandora Avenue West**
File DASZ 23/2016

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

Prepared by: **Andrew Poitras, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **July 15, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 12, 2016, the East Kildonan-Transcona 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 23/2016, be rejected.

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. This is a piece of land which is fronting on Dugald Road which is a two-lane rural cross section highway which is in abominable condition that has extremely heavy traffic volumes and is demanding to be twinned. The entire area on both sides of Dugald Road requires a secondary plan or a precinct plan to determine the planning for the entire area. Nothing exists in this entire area to determine what is going to happen in South Transcona.

2. The servicing in this area also falls short. There is one water line into this area which is substandard.

3. Overland drainage is a huge issue in this entire area which has not been adequately addressed.

PUBLIC HEARING SUMMARY

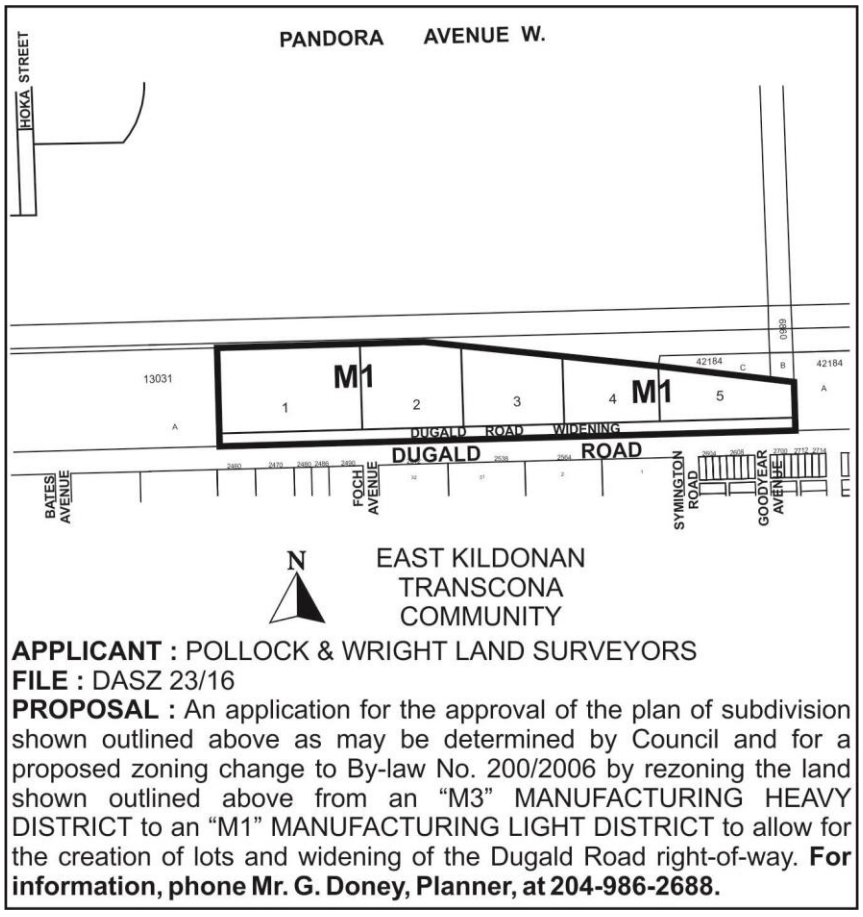
File: DASZ 23/2016

Before: East Kildonan-Transcona Community Committee
Councillor Browaty, Chairperson
Councillor Schreyer
Councillor Wyatt

Public Hearing: July 12, 2016
Council Building, 510 Main Street

Applicant: Pollock and Wright Manitoba Land Surveyors (Al Degner)

Subject:



APPLICANT : POLLOCK & WRIGHT LAND SURVEYORS
FILE : DASZ 23/16
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 "M3" MANUFACTURING HEAVY DISTRICT to an "M1" MANUFACTURING LIGHT DISTRICT to allow for the creation of lots and widening of the Dugald Road right-of-way. **For information, phone Mr. G. Doney, Planner, at 204-986-2688.**

Premises Affected: 150 Pandora Avenue West

Exhibits Filed:

1. Application dated May 5, 2016
2. Notification of Public Hearing dated May 19, 2016
3. Manitoba Status of Titles 1985092/1 and 1985094/1
4. Letter of authorization dated March 3, 2016 from Canadian National Railway Company to Pollock and Wright Manitoba Land Surveyors
5. Plans (3 pages)
6. Report from the Urban Planning Division dated July 5, 2016
7. Inspection Report
8. Recording of Representations

REPRESENTATIONS:

In Support:

Al Degner
Kate Fenske
Carla M. Voss
Anita Fleming

In Opposition

Nil

For Information:

Michael Falk
Matt Glavin

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 23/2016

ADMINISTRATIVE REPORT

Title: DASZ 23/2016, 150 Pandora Ave. W

Issue: proposed plan of subdivision and rezoning that would:

- create five lots along the north side of Dugald Road, north of Foch Avenue;
- widen the Dugald Road public right-of-way; and
- rezone the proposed lots to "M1" Manufacturing Light District

Critical Path: East Kildonan – Transcona 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 23/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/2016 dated July 5, 2016, 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 May 25, 2016.

That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning a portion of the subject land shown on Schedule "A" for File DASZ 23/2016 dated July 5, 2016, to "M1" Manufacturing Light District, subject to the following:

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

   i. That, prior to issuing a development permit or a building permit, plans, showing the location and design of proposed buildings, parking areas, driveways, private approaches, garbage enclosures, fencing and other landscaping, exterior lighting, exterior signage, bicycle parking facilities and walkways, shall be submitted to the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee for approval, and thereafter all to be developed in accordance with the approved plans and maintained to the satisfaction of the Director of Planning, Property and Development.

   ii. That the minimum lot area requirement shall be 2 (two) acres.

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

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

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

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

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

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

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

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

REASON FOR THE REPORT

This report provides information, and makes recommendations, regarding the subject application (DASZ 23/2016), in terms of compliance with *OurWinnipeg*, *Complete Communities* and the *Transcona Yards Industrial Area Redevelopment Plan.*

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the process of creating the plan of subdivision and rezoning the subject site can proceed.

CONSULTATION

The City's Administrative Coordinating Group was consulted in the preparation of this report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Glen Doney
Date	July 5, 2016
File No.	DASZ 23/2016

Attachments

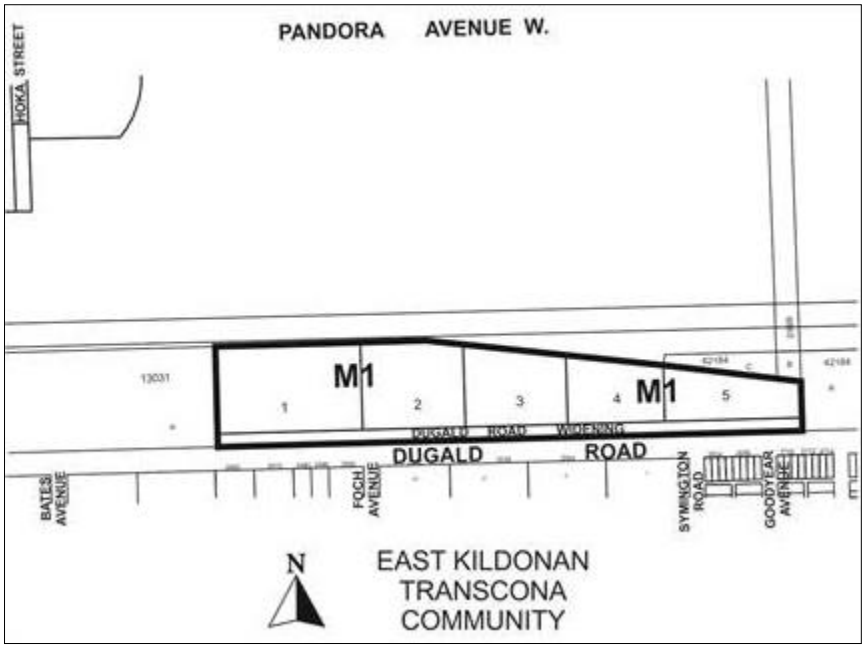
Appendix "A," Planning Discussion

Schedule "A" for File DASZ 23/2016, East Kildonan – Transcona Community Committee, dated July 5, 2016

Schedule "B," Report of The Administrative Coordinating Group, dated February 10, 2016

APPENDIX "A," Planning Discussion

DATE:	July 5 2016
FILE:	DASZ 23/2016
COMMUNITY:	East Kildonan - Transcona
NEIGHBOURHOOD #:	4.431
SUBJECT:	proposed plan of subdivision and rezoning that would: - create five lots along the north side of Dugald Road, north of Foch Avenue; - widen the Dugald Road public right-of-way and - rezone the proposed lots to "M1" Manufacturing Light District
LOCATION:	150 Pandora Ave. W, north side of Dugald Road
LEGAL DESCRIPTION:	part of SE ¼ 5-11-4 EPM and parts of closed government road allowances – full legal description in submitted status of titles



APPLICANT:	Al Degner, Pollock and Wright Manitoba Land Surveyors 2070 Notre Dame Ave. Winnipeg, MB R3H 0J8
OWNERS:	Canadian National Railway Company 19th Floor, 10004 – 104th Avenue Edmonton, AB T5J 0K2
RECOMMENDATION:	Approval with Conditions

SITE CHARACTERISTICS AND CONTEXT

The subject site, identified on Figure 1, is:

- is immediately north of Dugald Road, between Plessis Road and Ravenhurst Street;
- in the Transcona Yards Neighbourhood and the Transcona Ward;
- approximately 452 acres;
- mostly in use as a railway yard and related uses and partly vacant;
- partly in an "M2" Manufacturing General District and partly in an "M3" Manufacturing Heavy District; and
- subject to the *Transcona Yards Industrial Area Redevelopment Plan* (the Transcona Yards Plan), which is a secondary plan.

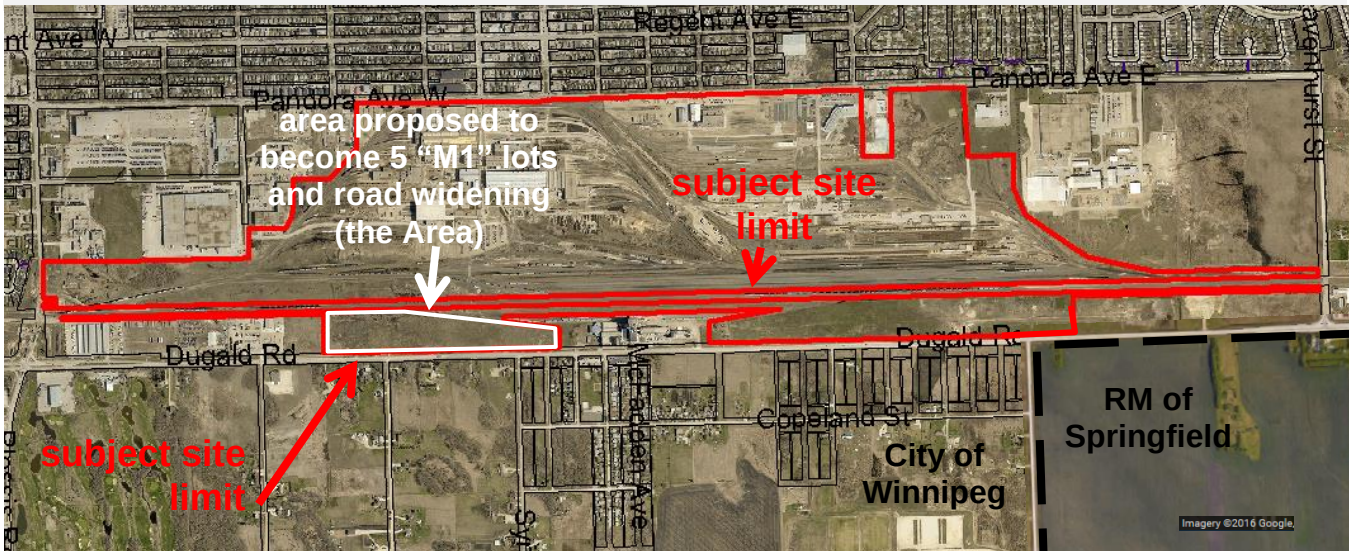
The area proposed to become five "M1" lots and a road widening (the Area) is 14.6 acres and is identified on Figures 1 and 2 of this report. The Area is in an "M3" District of Zoning By-law 200/2006 and the Area "G" policy area of the Transcona Yards Plan. The Area is also in a General Manufacturing policy area of *Complete Communities* that extends north from the centreline of Dugald Road.

North of the Area are CN's Transcona Yards and their Reddit main line.

To the east and west are industrial uses on properties in "M3" Districts.

To the south of the Area, across Dugald Road, are several single-family dwellings on lots ranging from 6000 square feet to six acres as well as undeveloped parcels, some of which are under cultivation. Some of these lots are in an "A" Agricultural District and others are in an "R1-E" Residential Single-Family Estate District. These lots are in a Rural and Agricultural policy area of *Complete Communities* and of *OurWinnipeg* that extends south from the centreline of Dugald Road.

Figure 1: 2014 Aerial Photography of the City & Google Imagery of the RM of Springfield **North↑**



DESCRIPTION OF THE PROPOSED SUBDIVISION AND REZONING

The proposed plan of subdivision and rezoning would:

- create five lots along the north side of Dugald Road, north of Foch Avenue, ranging in size from 2.3 acres to 5.1 acres;
- widen the Dugald Road right-of-way by 59 feet (as required by Public Works); and
- rezone the proposed lots to "M1" Manufacturing Light District.

Motor vehicle access would be from Dugald Road, which has a rural cross-section. The Area would drain into a ditch in the Dugald Road right-of-way (ROW) and water and wastewater service would be provided by pipes in that ROW.

The property owner (CN) intends on selling the proposed lots.

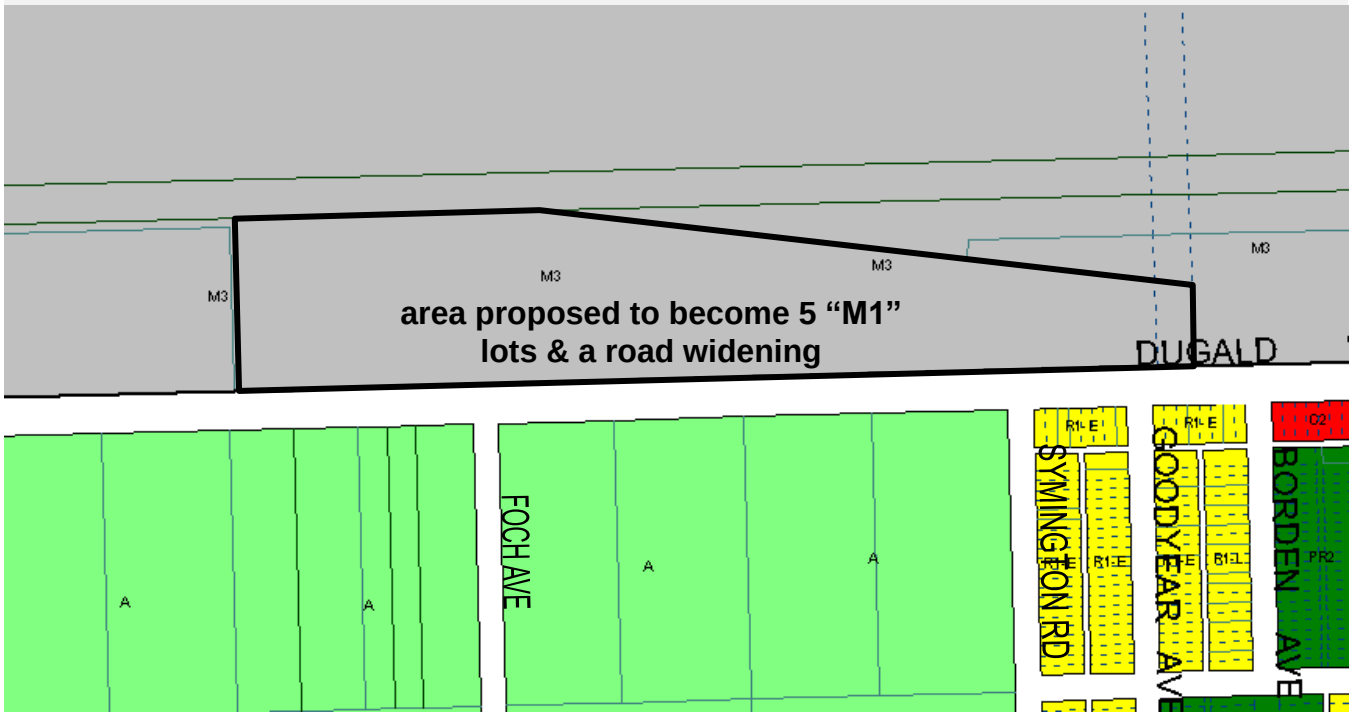
ANALYSIS AND ISSUES

OurWinnipeg and *Complete Communities*

OurWinnipeg is the City's development plan and *Complete Communities* is a "Direction Strategy" of *OurWinnipeg* that provides additional directions and policies on land use and development in the city.

Direction 3 of Section 01-1a of *OurWinnipeg* states*: "Allow the possible subdivision… of land in un-serviced areas where a… secondary plan establishes minimum parcel sizes, and appropriate servicing*

Figure 2: Existing Zoning, Area Proposed to become 5 "M1" Lots and a Road Widening



criteria."

Section 01-1b of *OurWinnipeg* states: "*Ensure Winnipeg's Employment Lands provide for a wide range of market opportunities." Complete Communties'* Key Direction on Employment Lands (in Section 05) reiterates this direction. (Employment lands are lands designated Institutional Campus, Business Park or General Manufacturing.)

Direction 3 of Section 05 of *Complete Communities* states: *"Maximize the economic development potential of existing… employment lands."*

In addition, the first and second policies under Direction 1 of the Manufacturing specific policies of Section 05 of *Complete Communities* state, respectively:

- *Employment activities will develop and operate in a fashion that is compatible with other land uses, especially residential.*
- *Ensure the provision of natural buffers to provide visual screening and separation of conflicting land uses where necessary.*

The proposed subdivision and rezoning generally comply with the aforementioned Key Direction, Direction and policies. Dugald Road would buffer the existing dwellings to the south from the future uses on the proposed lots. The Dugald Road ROW is approximately 100 feet wide and will be widened to approximately 160 feet if the subject application is approved.

Table 1 shows the uses that are permitted principal uses in the "M1" District.

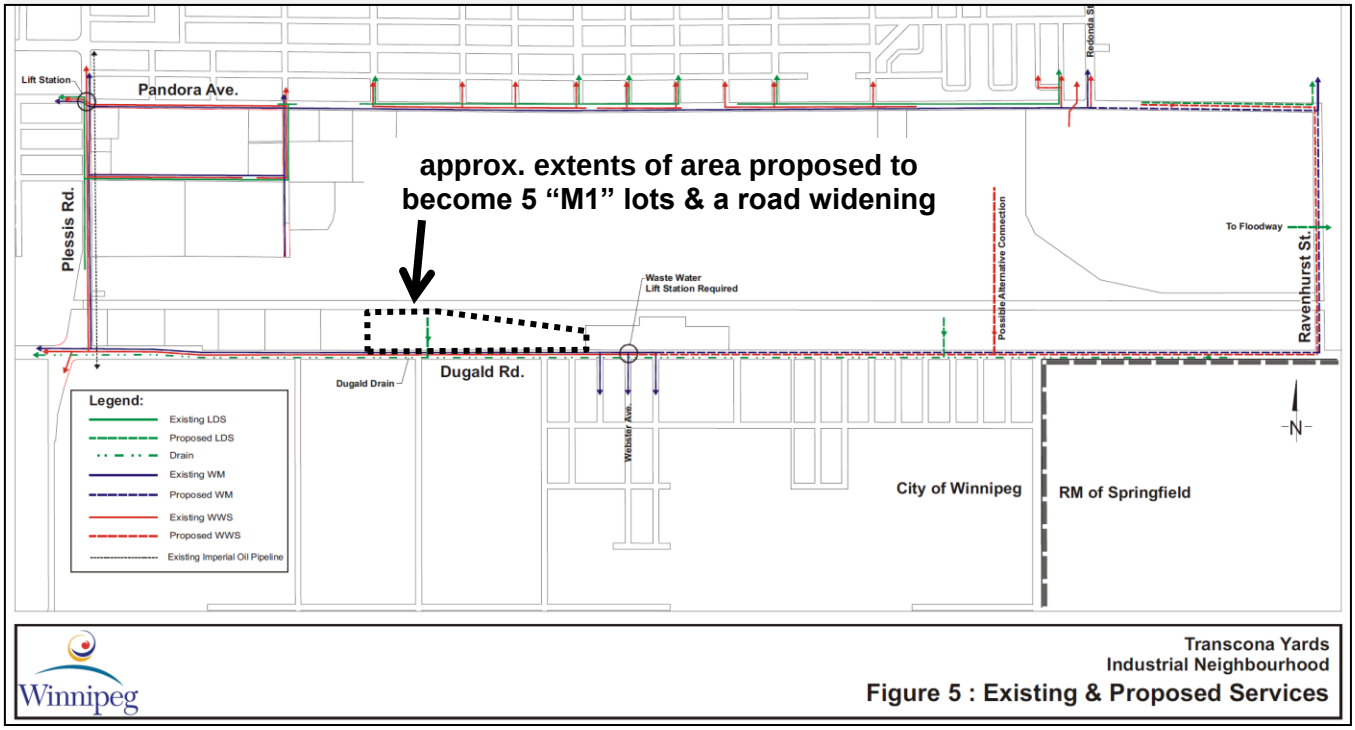
In order to ensure that the proposed "M1" lots would be developed in a manner that is consistent with *OurWinnipeg* and *Complete Communities* a zoning agreement, requiring plan approval by the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee, should be entered into between the developer and the City.

Transcona Yards Plan

Table 1: Permitted Principal Uses in "M1"
community/recreation centre
post office/carrier depot
protection and emergency services
social service facility
commercial school
park/plaza/square/playground
day care centre
place of worship
cultural centre
gallery/museum
amusement enterprise, indoor
auditorium/concert hall/theatre/cinema
hall rental
sports or entertainment arena/stadium, indoor
studio, radio/tv/motion picture broadcast and production
amusement enterprise, outdoor
animal hospital or veterinary clinic
kennel
drinking establishment
restaurant
call centre
office
research institution
personal services (unless otherwise listed)
funeral chapel or mortuary
medical/dental/optical/ counselling clinic
retail sales (unless otherwise listed)
auction room
landscape or garden supplies
supermarket
auto/light truck/motorcycle, repair and service
auto/light truck/motorcycle, sales and rental
auto parts and supplies, sales
car wash
drive-in or drive-through
fuel sales
parking, structured
parking, surface
bus depot
transit station
utility facility, minor
contractor's establishment
fleet services
wholesaling
light manufacturing
freight or truck yard
mini-warehouse, self-storage
warehouse
recycling collection centre
recycling plant

Clause 3.8.3 of the Transcona Yards Plan states*: "New industrial development shall provide a full range of municipal infrastructure, in an environmentally sound, economical and timely manner (see Figure 5)."* Figure 5 of the Transcona Yards Plan conceptually shows a future land drainage sewer, in the area where the proposed lots and road widening (the Area) would be. It shows this sewer connecting to an existing drain (ditch) in the Dugald Road ROW. Figure 5 of the Transcona Yards Plan is Figure 3 in this report.

Figure 3: Figure 5 of the Transcona Yards Plan, Area in which the Proposed Lots & Road Widening Would Be



Appendix "C" of the Transcona Yards Plan states that land south of CN's Reddit main line (in which the Area is located) will drain into *"drainage ditches along Dugald Road."* Appendix "C" also states that Dugald Road will have to be upgraded to a four-lane divided urban cross-section road and that twinning Dugald Road in the city should be *"a component of any upgrading or twinning outside of the city limits."*

It is of note that the Transcona Yards Plan was written when *Plan Winnipeg 2020 Vision* was the City's development plan. Both of these planning documents do not define "full range of municipal infrastructure/services."

Also of note is that, because the Transcona Yards Plan states and shows that land south of CN's Reddit main line shall be drained by a ditch (or a drain) in the Dugald Road ROW, an urban standard roadway is not required until Dugald Road is widened into a four lane divided roadway.

Clauses 4.7.1 and 4.7.2 pertains to Area "G" only. They state, respectively:

- *Light industrial, commercial, institutional and/or office uses shall be encouraged to be developed as opportunities arise.*
- *All development shall provide a full range of municipal services at its own cost in a manner that represents the logical, phased extension of existing City services.*

Section 5 contains policies regarding setbacks, landscaping, paving, outside storage, lighting and other considerations.

Clauses 6.3.1 and 6.3.2 state, respectively:

- *Prior to issuance of a development permit, approval of site and landscape plans by the Director of Planning, Property and Development, or designate is required, and shall be maintained to the satisfaction of the Director thereafter.*
- *Detailed plans of development are required prior to issuance of development permit. The plans of development shall clearly identify and include the following as determined by the Director of Planning Property and Development:*
    - *Property line and distances to all buildings and structures;*
    - *Location of all ventilation and related units on or near all buildings and structures;*
    - *Surface treatment of all areas;*
    - *Location of all garbage receptacles and mechanical equipment;*
    - *Locations of existing and proposed sidewalks, curbs, and boulevard trees;*
    - *Fencing, screening, garbage and storage areas;*
    - *Dimensioned layout of existing and proposed parking areas, loading areas, storage compounds, entrances and exits, abutting streets and lanes, and surfacing (e.g. asphalt, concrete, gravel or other);*
    - *Detailed and dimensioned landscape plans including landscape setback area, berming (if any), fencing (show construction details), planted areas including planting specifications (size and type);*
    - *Location of freestanding signage;*
    - *Detailed lighting plans, including demonstration of compliance with the policies within Section 5.5.*

With-respect-to Direction 3 of Section 01-1a of *OurWinnipeg,* the Transcona Yards Plan establishes minimum parcel sizes (by encouraging certain uses) and appropriate servicing criteria. Specifically:

- Clause 4.7.1 identifies land uses that shall be encouraged, which indicates that parcels of land must be large enough to accommodate those uses; and
- Figure 5 and Appendix “C” prescribe how developments shall be serviced and specifically show or state that the lands south of CN’s Reddit main line (in which the Area is located) shall drain into a ditch or drain in the Dugald Road ROW, which indicates that appropriate servicing criteria are provided.

In terms of land use, Clause 4.7.1 encourages most of the land uses that are permitted principal uses in the "M1" District. Therefore, the proposed rezoning generally complies with that clause. Also of note is that there is not minimum parcel size requirement in the "M1" District. Therefore, a zoning agreement, requiring a minimum lot area of two acres, should be entered into between the developer and the City.

Requiring plan approval by the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee will further ensure compliance with the Transcona Yards Plan.

Compatibility

Requiring the aforementioned zoning agreement would ensure that the proposed subdivision and rezoning, and future development of the proposed lots, would comply with *OurWinnipeg*, *Complete Communities* and the Transcona Yards Plan. The policies of those planning documents require developments to be compatible with the area in which they are located and so the proposal would be compatible with the area in which it would be located, provided it is approved subject to the recommended conditions of approval.

REASONS FOR THE RECOMMENDATIONS

The Urban Planning Division recommends approval subject to the recommended conditions, because the proposed plan of subdivision and rezoning would be consistent with *OurWinnipeg*, *Complete Communities* and the *Transcona West Area Structure Plan* if approved with those conditions.

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

Report Prepared by:
Glen Doney

PPD File #:
DASZ 23/2016

Schedule "A" for File DASZ 23/2016, East Kildonan – Transcona Community Committee, dated July 5, 2016

By-Law No. _____

File No. **DASZ 23/16**

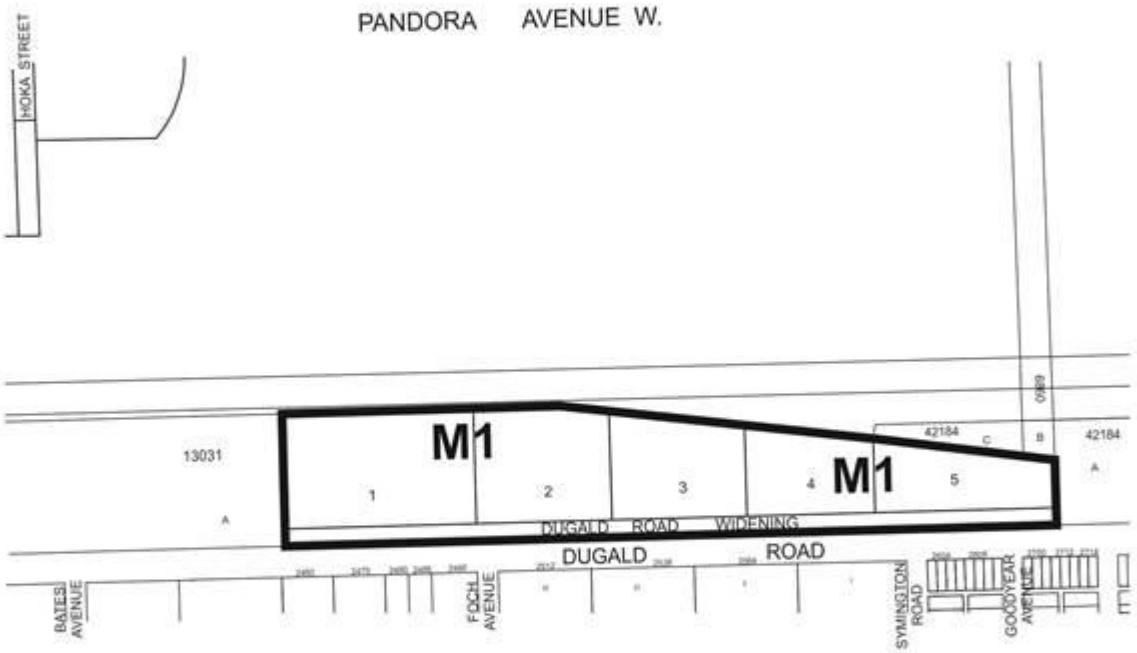
Atlas Sheet No. **AA35**

N

EAST KILDONAN TRANSCONA 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 150 Pandora Avenue West from an "M3" MANUFACTURING HEAVY DISTRICT to an "M1" MANUFACTURING LIGHT DISTRICT to allow for the creation of lots and widening of the Dugald Road right-of-way as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – May 25, 2016

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 150 PANDORA AVENUE – DASZ 23/16

It is recommended that the approval of DASZ 23/2016, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items if applicable:

A. PLAN CONSIDERATIONS

1) The Developer shall, at no expense to the City, legally open, property required for an 18m widening to the Dugald Road right-of-way, along the full length of Dugald Road, abutting the south limit of the Planned Area, or as determined by the Transportation Impact Study or required by the Public Works Department to accommodate a service road, to the satisfaction of the Director of Public Works.

2) The Developer shall enter into a cross-access easement agreement for proposed lots 1 through 5 to guarantee access to Dugald Road. The Developer shall contact the Public Works Department for the terms of the agreement. The cross-access easement agreement shall be approved by the Public Works Department prior to registration at Winnipeg Land Titles Office.

B. REPORTS

The Developer shall submit to the City a Transportation Impact Study which will:

a) Review the possibility of one access point along Dugald Road with and without a service road, including right-of-way requirements if a service road is required;
b) provide recommendations on the intersection treatments and daily traffic volume along Dugald.
c) review projected turning movements at the single access point during both peak periods to assist with accessing traffic control needs and storage requirements.

C. SERVICING REQUIREMENTS

1) 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

2) Watermains

a) The Developer shall construct watermains on Dugald Road and Ravenhurst Street, as determined by and to the satisfaction of the Director of Water and Waste
b) The Developer will be reimbursed by the City for the cost of construction of the watermains on Dugald Road and Ravenhurst Street in accordance with the Development Agreement Parameters and following City Council approval of funding for the Transcona Water Main Reliability Upgrade (currently scheduled for 2018).

3) Hydrants

The Developer shall, at no expense to the City, construct fire hydrants and valves on Dugald Road as determined by and to the satisfaction of the Director of Water and Waste.

4) Land Drainage

a) The Developer shall, at no expense to the City provide in-site storage desined to accommodate a 25-year rainfall, with discharge to the Dugald Drain restricted until after the peak flow passes.

b) Stormwater calculations for the sites shall utilize an imperviousness value of 40%.

5) Traffic Control Signals

The Developer shall, at no expense to the City, pay to the City, in cash, on demand, all costs associated with the installation of traffic control signals and all related works including, but not limited to, pedestrian and vehicular actuation and interconnection to adjacent traffic-control signals, countdown and audible pedestrian signals at locations along Dugald Road, as determined by the transportation impact study or as required by the Public Works Department, to the satisfaction of the Director of Public Works.

6) Pedestrian Half Signal

The Developer shall, at no expense to the City, pay to the City, in cash, on demand, all costs associated with the installation of a pedestrian half signal and all related works, across Dugald Road at a location as determined by and to the satisfaction of the Director of Public Works.

7) Active Transportation Path

The Developer shall , at no expense to then City upgrade the Active Transportation path from the East limit of the Planned area to Plessis Road to a width as determined by and to the satisfaction of 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) 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.

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 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 23/2016
July 4, 2016

"*Original Signed by G. Jasper"*
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Water & Waste Department

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C.J. Desjardine P. Eng.
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GJ/gj