Minute No. 234
Report – Executive Policy Committee – March 8, 2017

Item No. 1 **Subdivision and Rezoning – Northwest Corner of Inkster Boulevard and King Edward Street**
(Old Kildonan Ward)
File DASZ 44/2016

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the plan of subdivision under File DASZ 44/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 44/2016 dated December 2, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

    A. That the Developer be required to enter into, execute and deliver a Development/Servicing Agreement for servicing with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 14, 2016, attached as Schedule 'B' of this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 44/2016 dated December 2, 2016; to the "C2" Commercial Community District, 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 or structure, plans shall be submitted showing the location and design of proposed buildings, fencing, landscaping, parking and garbage enclosures to the Lord Selkirk – West Kildonan Community Committee for plan 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.

Report – Executive Policy Committee – March 8, 2017

COUNCIL DECISION (continued):

ii. That the following uses shall be prohibited on the land;

a) All residential uses
b) Landscape & Garden Supplies
c) Recycling collection centre.

iii. The total gross floor area of all principle retail uses shall not exceed 40,000 sq. ft.

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

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

5. That in the event the 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 Development/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.

Report – Executive Policy Committee – March 8, 2017

COUNCIL DECISION (continued):

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 – Executive Policy Committee – March 8, 2017

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 8, 2017, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 13, 2017, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – Northwest Corner of Inkster Boulevard and King Edward Street**
File DASZ 44/2016

For submission to: **Executive Policy Committee**

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

Report date: **February 14, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 13, 2017, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 44/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 44/2016 dated December 2, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

    A. That the Developer be required to enter into, execute and deliver a Development/Servicing Agreement for servicing with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 14, 2016, attached as Schedule 'B' of this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for file DASZ 44/2016 dated December 2, 2016; to the "C2" Commercial Community District, 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 or structure, plans shall be submitted showing the location and design of proposed buildings, fencing, landscaping, parking and garbage enclosures to the Lord Selkirk – West Kildonan Community Committee for plan 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.

ii. That the following uses shall be prohibited on the land;

a) All residential uses
b) Landscape & Garden Supplies
c) Recycling collection centre.

iii. The total gross floor area of all principle retail uses shall not exceed 40,000 sq. ft.

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

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

5. That in the event the 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 Development/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.

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

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Urban Planning Division dated February 8, 2017.

2. This is a good project as heard from those in representation today, and is the kind of development much needed in the area.

PUBLIC HEARING SUMMARY

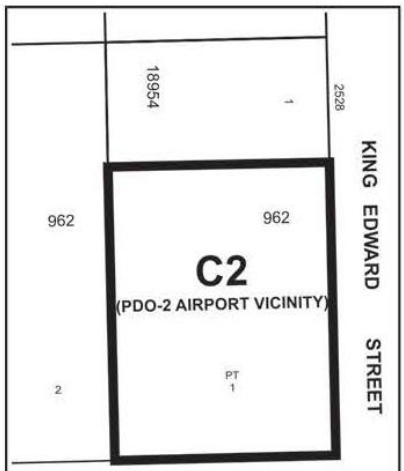
File: DASZ 44/2016

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Eadie
Councillor Sharma

Public Hearing: February 13, 2017
Council Building, 510 Main Street

Applicant: Richard Wintrup & Associates (John Wintrup)

Subject:



APPLICANT : RICHARD WINTRUP & ASSOCIATES
FILE : DASZ 44/16
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 "A PDO-2 AIRPORT VICINITY" AGRICULTURAL DISTRICT to a "C2 PDO-2 AIRPORT VICINITY" COMMERCIAL COMMUNITY DISTRICT to allow for the construction of two (2) multi-use commercial buildings which may include the widening of Inkster Boulevard right-of-way. **For information, phone Mr. N. Yauk, Planner, at 204-986-4560.**

Premises Affected: Northwest Corner of Inkster Boulevard and King Edward Street

Exhibits Filed:

1. Application dated November 30, 2016
2. Notification of Public Hearing dated December 19, 2016
3. Manitoba Status of Title 2846140/1
4. Letter of authorization dated September 14, 2016 from Harchand Singh, 7209119 Manitoba Ltd. to Richard Wintrup & Associations
5. Surveyor's Building Location Certificate and sketch dated May 1, 1985
6. Plans (2 pages)
7. Report from the Urban Planning Division dated February 8, 2017
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

Bunty Panchhi
Rajinder Sekhon
John Wintrup

In Opposition

Nil

For Information:

Nil

For the City:

F. Ojo, Planner, Planning, Property and Development Department
K. Raban, Land Development Engineer, Planning, Property and Development Department
N. Yauk, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 44/2016

ADMINISTRATIVE REPORT

Title: DASZ 44/2016 – Inkster-King Edward

Issue: For consideration at the public hearing to rezone land from "A" Agricultural District to a "C2" Commercial District for the establishment and construction of a multi-use commercial buildings.

Critical Path: LSWK 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 44/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 44/2016 dated December 2, 2016 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

    A. That the Developer be required to enter into, execute and deliver a Development/Servicing Agreement for servicing with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 14, 2016, attached as Schedule 'B' of this report.

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 44/2016 dated December 2, 2016; to the "C2" Commercial Community District, 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 or structure, plans shall be submitted showing the location and design of proposed buildings, fencing, landscaping, parking and garbage enclosures to the Lord Selkirk – West Kildonan Community Committee for plan 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.

ii. That the following uses shall be prohibited on the land;

a) All residential uses

b) Landscape & Garden Supplies

c) Recycling collection centre.

iii. The total gross floor area of all principle retail uses shall not exceed 40,000 sq. ft.

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

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

5. That in the event the 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 Development/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 intends to rezone land from “A” Agricultural District to a “C2” Commercial District.
- The proposed rezoning to “C2” Commercial Community District is to allow for the establishment and construction of two (2) multi-use Commercial buildings.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject land will be rezoned to the “C2” Commercial zoning district with conditions.

HISTORY

Though not related, but it’s worth mentioning that on December 14, 2016 - Council approved a subdivision and rezoning application under DASZ 39/2015 pertaining to land located at the Northwest intersection of King Edward Street and Inkster Blvd (See Figure 3).

Also approved with the above application is the Inksbrook Employment Lands Planned Development Overlay (PDO-2 Inskbrook Employment Lands).

Under the above application, lands directly abutting King Edward Street and Inkster Blvd are zoned “C2” commercial. The intent of the “C2” zoning is to allow commercial uses to serve as a buffer between the proposed “M1” uses and the residential development across King Edward Street.

CONSULTATION

In preparing this Report there was consultation with:

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Femi Ojo, MCIP, RPP
Date:	February 8, 2017
File No.	DASZ 44/2016

APPENDIX 'A'

DATE: February 8, 2017

FILE: **DASZ 44/2016**

RELATED FILES:

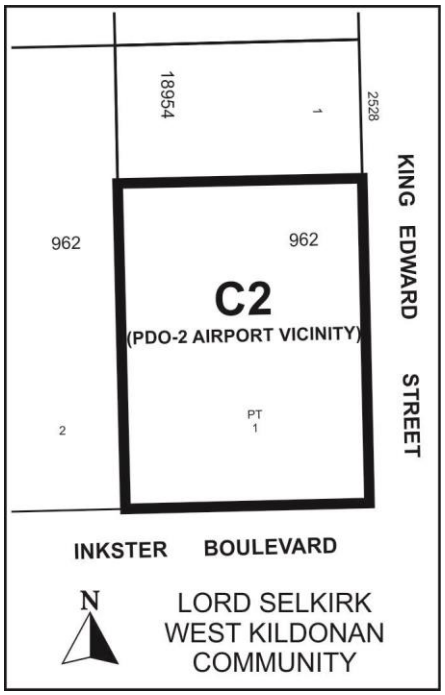
COMMUNITY: Lord Selkirk – West Kildonan

NEIGHBOURHOOD #: 3.327

SUBJECT: To rezone the land from "A" Agricultural District to "C2" Commercial Community District for the establishment and construction of two (2) multi-use commercial buildings.

LOCATION: Northwest intersection of King Edward Street and Inkster Boulevard

LEGAL DESCRIPTION: EXC PL 18954 LOT 1 PLAN 962 SE 26 11 2E



APPLICANT: Richard Wintrup & Associate (John Wintrup)
29 Benson Blvd, Oak Bluff
Winnipeg, MB R4G 0A2

OWNER: 7209119 Manitoba Ltd.
953 Scurfield Boulevard
Winnipeg, MB R34 1N6

RECOMMENDATION: Approval, with conditions

SITE DESCRIPTION

- The subject property is located at the northwest intersection of Inkster Blvd and King Edward Street in the North Inkster Industrial Neighbourhood of the Old Kildonan ward.
- The subject property, which is currently vacant, is 3.5 acres.
- The site is within the Employment Lands – General Manufacturing Policy Area under the Complete Communities Direction Strategy. The property is currently zoned "A" Agricultural district, but the applicant is applying for the property to be rezoned to a "C2" Commercial Community zoning district.

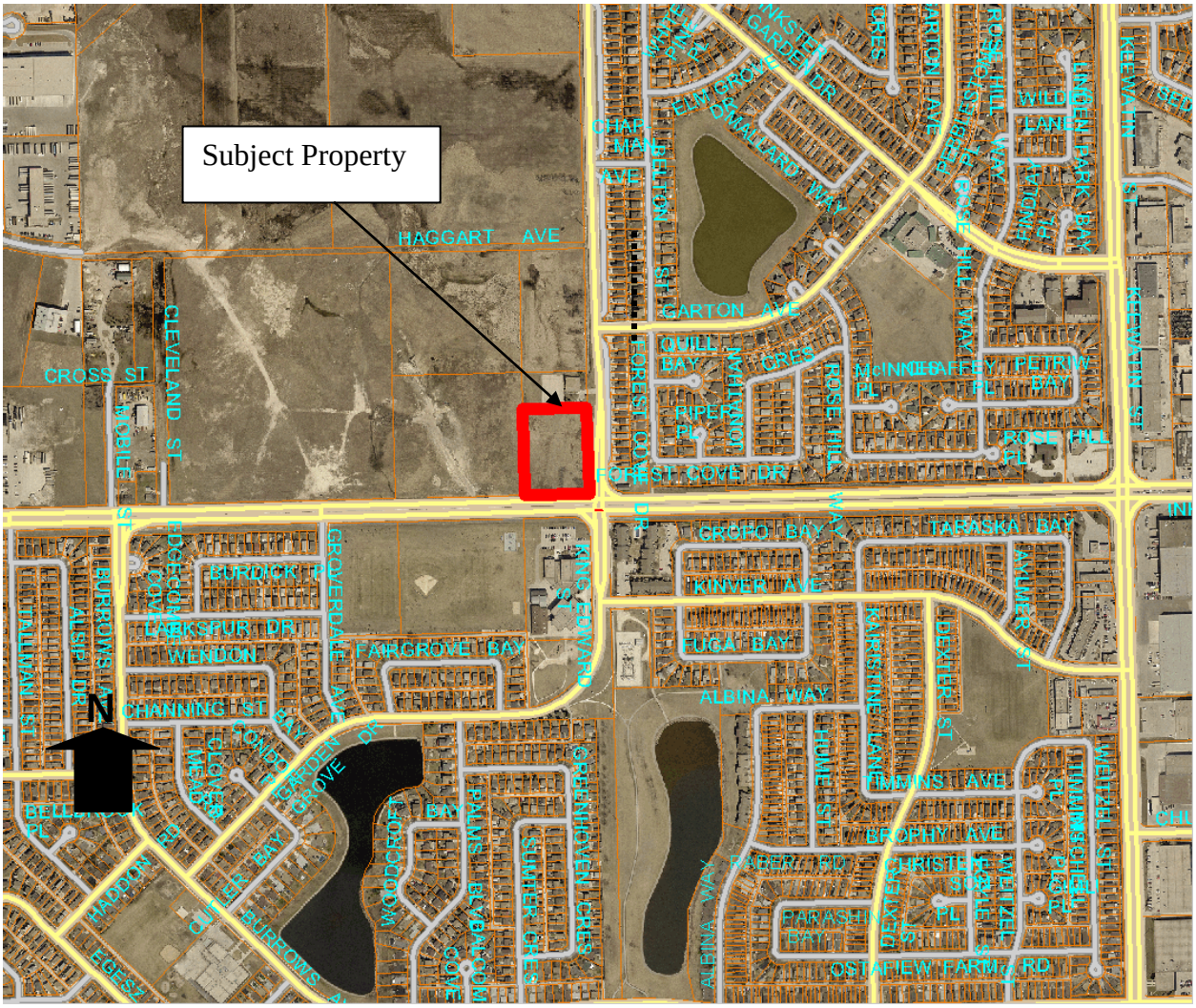


Figure 1: Site map of subject property and surrounding neighbourhood (flown 2016)

SURROUNDING ZONING & USES (See Figure 2)
North: Place of Worship zoned "A" Agricultural District.**South:** Inkster Blvd then Stanley Knowles School zoned "PR2" Parks and Recreation District.**East:** King Edward Street then single-family homes zoned "R1-M" Residential District.

West: Vacant lands zoned "A" Agricultural District.

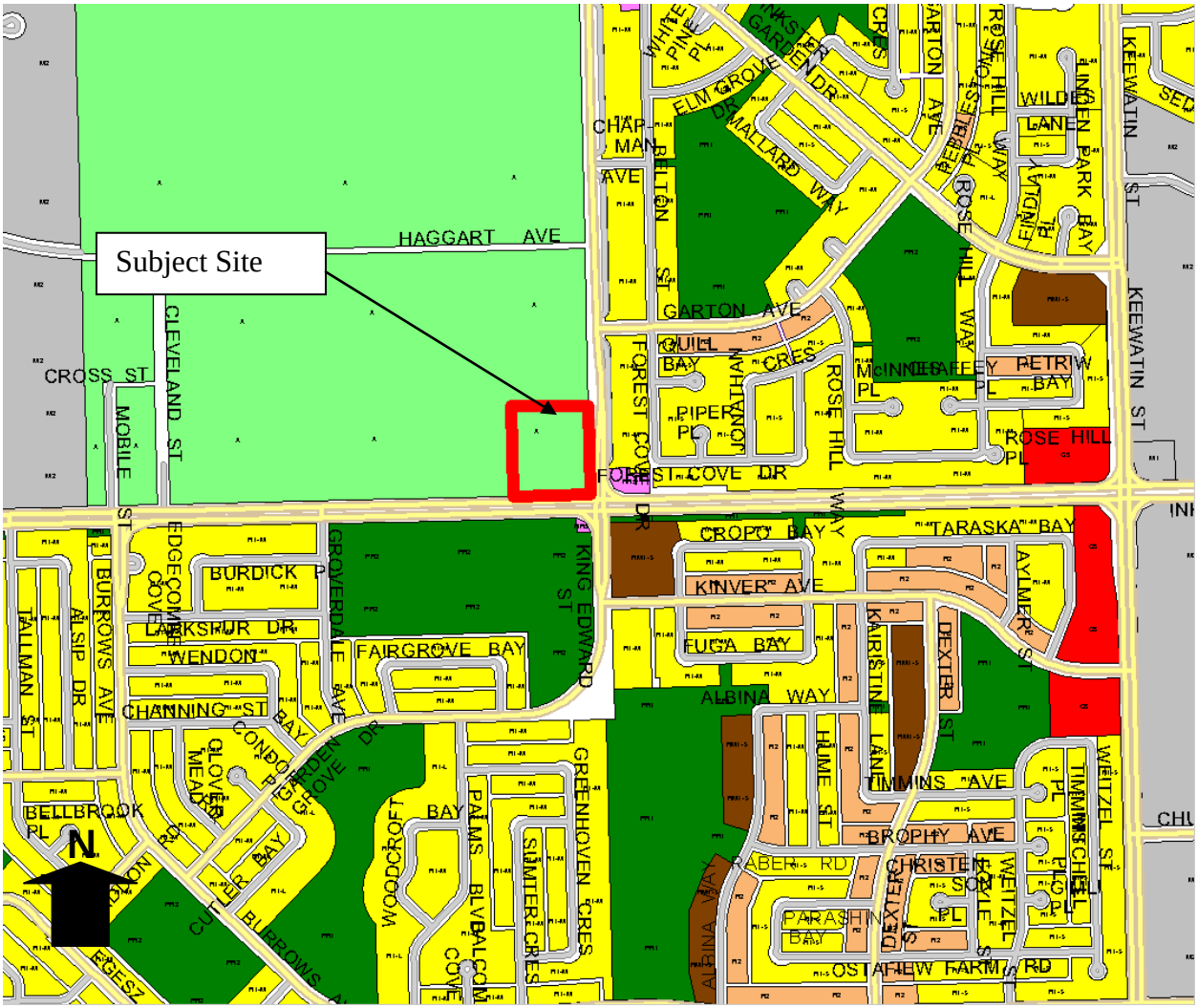


Figure 2: Zoning map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the parcel of land from "A" Agricultural district to "C2" Commercial district in order to establish and construct multi-use buildings.
- Submitted preliminary plans show multiple buildings on site with predominant uses such as retail, office and a car wash.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the Complete Communities Direction Strategy the proposed development is within a Recent Community. It also falls within the General Manufacturing area under the Employment Lands Policy Area. With regard to this proposal, the key polices guiding the development of Employment Lands include:
    - Encourage uses that support the industrial function of the employment cluster while catering to the day-to-day needs of area business and employees.
    - Maximize the economic development potential of existing and future employment lands.
    - Ensure that employment areas are well-planned, sustainable over the long term and fit the community context.
    - Support the introduction of commercial/retail and personal service development that is subordinate to, and supportive of the primary employment uses in business/institutional employment areas.
    - Employment activities will develop and operate in a fashion that is compatible with other land uses, especially residential.

ZONING BY-LAW 200/2006

Current Zoning

"A" Agricultural District – is intended for general agricultural activities.

Proposed Zoning

C2" Community Commercial District – is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located in Community of Regional mixed use centres or along Community or Regional mixed use corridors.

The current zoning designation of the subject lands is "A" Agricultural District. This existing zoning does not reflect the types of land uses that the *Complete Communities Direction*

Strategy accommodates on the subject lands. The subject lands are designated as General Manufacturing policy Area. Lands that fall within the General Manufacturing Policy Area are typically zoned "M" Industrial. However, there are instances where the lands are zoned "C" commercial especially where they are situated at the edge of a General Manufacturing Policy Area and abutting an area of Stability Policy Area.
The Commercial zoning can act as a transition between the industrial uses and residential uses such as the lands across King Edward to the east. Given that the subject lands are designated as General Manufacturing in Complete Communities, means the development must be consistent with that policy area. It is noted that the proposed "C2" zoning district accommodates many of the uses accommodated in the "M1" zoning district, such as office and limited retail. Accommodating a "C2" zoning district on the subject site requires some limitations so as to maintain the integrity of the general Manufacturing Policy Area and to protect the existing abutting residential uses from industrial uses that may potentially be most impacted.

To this aim, the public service is proposing a zoning agreement to restrict certain uses and limit the size of overall retail uses on site. The proposed Zoning Agreement contains the following considerations;

A. The following uses would be prohibited;

   a) All residential uses
   b) Landscape & Garden Supplies
   c) Recycling collection centre.

B. The total gross floor area of all principle retail uses shall not exceed 40,000 sq. ft.

COMPATIBILITY WITH SURROUNDING USES

- The proposed rezoning application will provide consistency with *Complete Communities* by enabling uses on the subject lands to be generally consistent with the General Manufacturing Policy Area designation. The lands adjacent to the subject site to the north and to the west are also designated as General Manufacturing Policy Area.
- Lands rezoned under DASZ 39/1016 contain, along the Inkster and King Edward frontages (to a depth of 200) feet "C2" Commercial Districts. This was to maintain compatibility with the existing residential land uses across the King Edward Street. The commercial zoning is meant to act as a real transition between the proposed industrial land and existing residences.
- The types of land uses accommodated under the "C2" zoning district, such as retail sales and personal services, may be of great benefit to the neighbouring residential neighbourhoods by offering amenities that currently do not exist close by. Limited commercial services can also serve the employees of neighboring industrial developments and future office workers on the subject site.
- As already noted in this report, some "C2" uses might not be compatible with existing residential development or the general manufacturing policy designation.

- The Urban Planning Division thereby supports the applicant's rezoning application.

CONDITIONS OF APPROVAL

Zoning Agreement

The public service recommends applicant be required to enter into a Zoning Agreement with the City which will include plan approval review for compatible design and prohibition of some uses on the subject land.

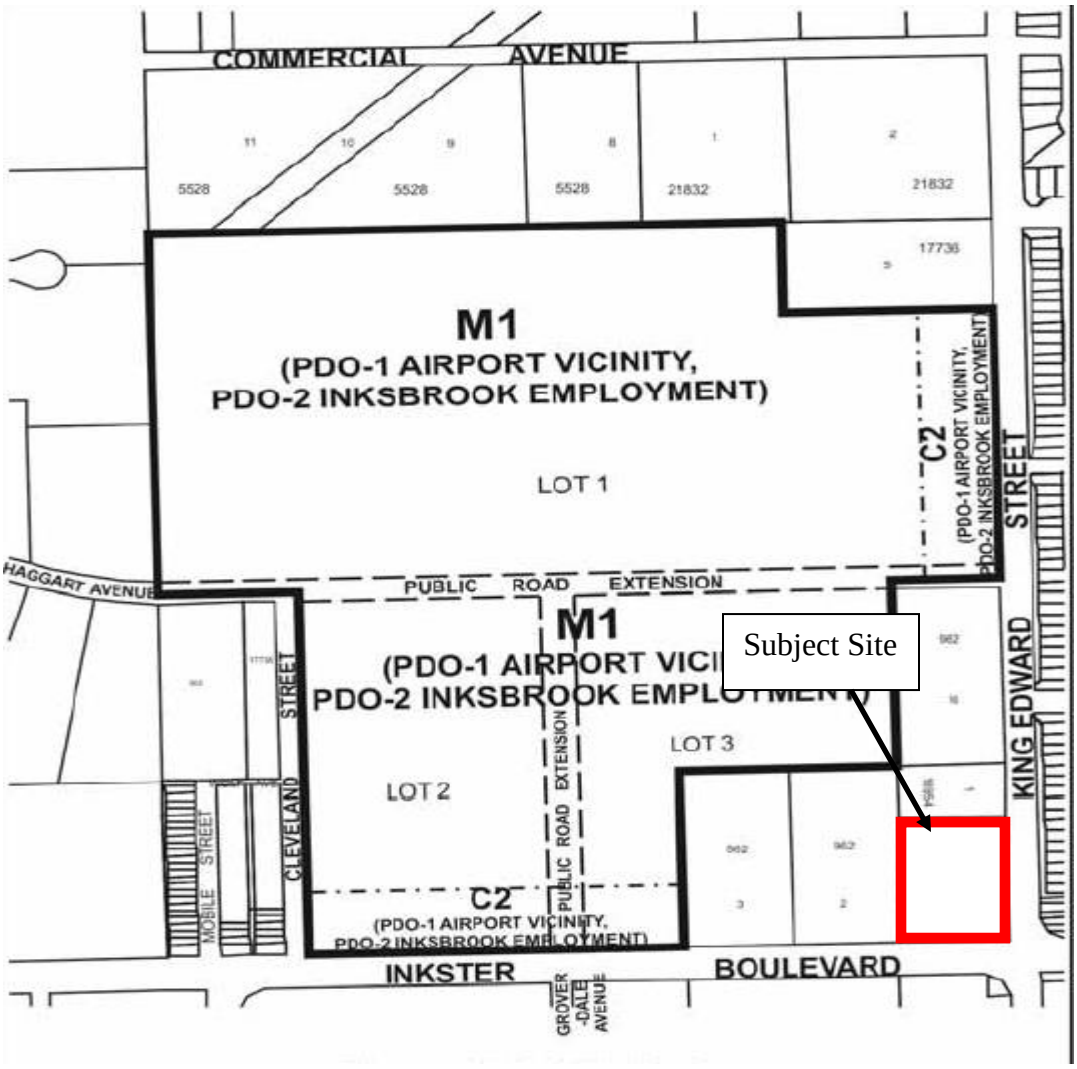


Figure 3: Recently approved DASZ 39/2015 for context

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.

RECOMMENDATION

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

- The rezoning from "A" to "C2" brings the property into an alignment with the surrounding development (most especially the recently approved DASZ 39/2015) that zoned lands directly abutting Inkster Blvd and king Edward Street to "C2" commercial to serve as a buffer and or transition zone between the industrial lands and the residential development adjacent to these roads.
- The proposed commercial uses will be of a great benefit to the surrounding residential development.
- Conditions set out in the Zoning Agreement are to ensure that the proposed development aligns with *Complete Communities Direction Strategy*. The plan approval review is principally to ensure that the proposed uses will be compatible with existing neighbourhood development. Also, the prohibition of some uses is to ensure that obnoxious uses are not allowed too close to existing residential development.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Femi Ojo, MCIP, RPP
PPD File # DASZ 44/2016

Schedule "A" for File No. DASZ 20/2014, Assiniboia Community Committee, dated December 2, 2016

By–Law No. _____

File No. **DASZ 44/16**

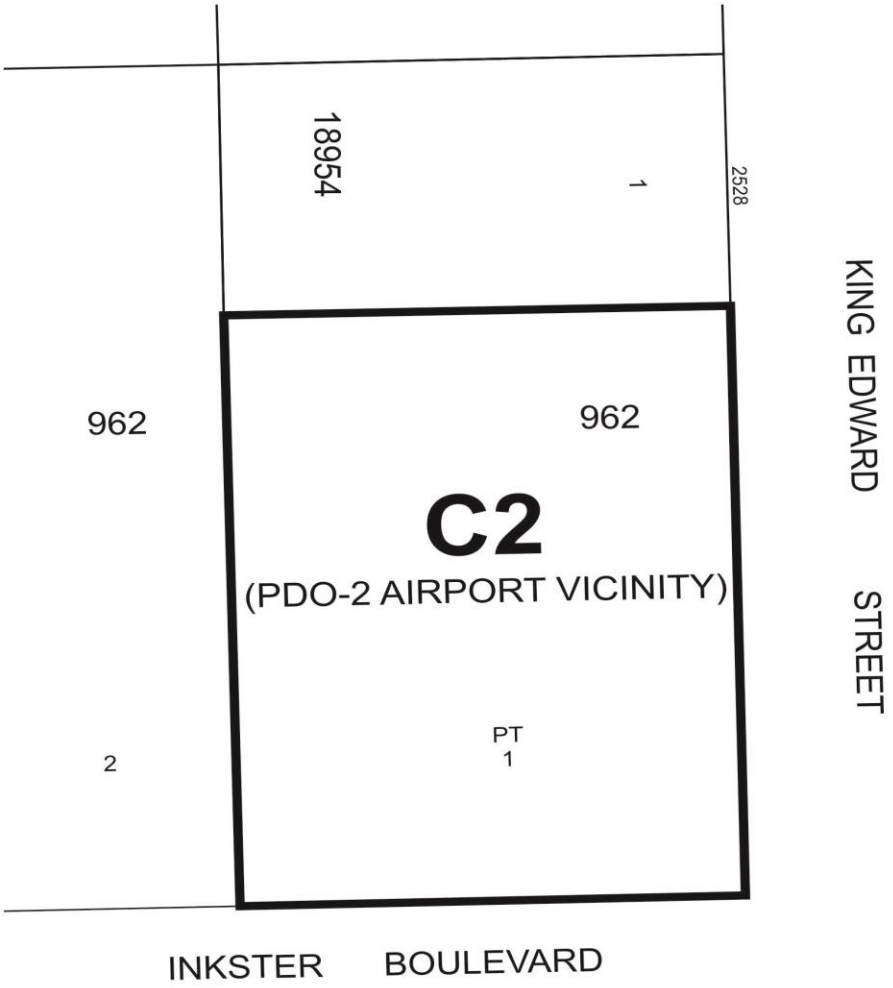
Atlas Sheet No. **T19**

N

LORD SELKIRK WEST KILDONAN 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 the northwest corner of Inkster Boulevard & King Edward Street from an "A PDO-2 AIRPORT VICINITY" AGRICULTURAL DISTRICT to a "C2 PDO-2 AIRPORT VICINITY" COMMERCIAL COMMUNITY DISTRICT to allow for the construction of two (2) multi-use commercial buildings which may include the widening of Inkster Boulevard 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 – December 14, 2016

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE NORTHWEST CORNER OF INKSTER BOULEVARD AND KING EDWARD STREET – DASZ 44/2016

It is recommended that the approval of DASZ 44/2016, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. PLAN CONSIDERATIONS

1) The Developer shall, at no expense to the City, transfer to the City and legally open, property required for a 3.6m widening to the north side of the Inkster Boulevard right-of-way, along the full length of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, transfer to the City and legally open, property required for a corner cut in the north-west corner of the intersection of Inkster Boulevard and King Edward Street, as determined by and to the satisfaction of the Director of Public Works.

3) The Developer shall, at no expense to the City, transfer to the City and legally open, property required for a 6.6m widening to the west side of King Edward Street right-of-way, along the full length of the Planned Area, as determined by and to the satisfaction of the Director of Public Works. This is to accommodate a future multi-use pathway (west of the existing hydro line), which is consistent with the approved Pedestrian and Cycling Strategies and supports the future twinning of King Edward Street.

4) The Legal Plan shall be reviewed and approved by the Public Works Department prior to registration at the Land Titles Office, and shall be modified as required as determined by and to the satisfaction of the Director of Public Works.

B. SERVICING REPORTS

The Developer shall:

a) provide a comprehensive servicing report, prepared by a qualified municipal engineer, outlining the provision of underground services for the planned area and adjacent lands

b) submit Servicing Criteria sheets for water, wastewater and land drainage facilities including plans showing the current and ultimate service areas

C. SERVICING REQUIREMENTS

1) Watermains

The Developer shall pay to the City, on demand, their share of the watermain installed by others along King Edward Street as determined by the Director of Water and Waste.

2) Land Drainage

The Developer shall, pay to the City, on demand their share of cost of land drainage sewer laterals in King Edward Avenue and Inkster Boulevard as determined by the Director of Water and Waste.

3) Stormwater Management Facilities

a) Development of this property is dependent on the stormwater retention basin and related land drainage works to be constructed by others in accordance with the regional land drainage plan. If the Developer wishes to proceed prior to the installation of the storm water retention pond, they will be required to restrict runoff from the site as determined by and to the satisfaction of the Director of Water and Waste.

b) Upon completion of the stormwater retention basin, the Developer shall, at no expense to the City provide a connection to the stormwater retention basin as determined by and to the satisfaction of the Director of Water and Waste.

4) 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

5) Inkster Boulevard Regional Street Charges

The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services installed in Inkster Boulevard along the full length of the Planned Area, abutting the north side of Inkster Boulevard:

a) 4.0m wide by 200mm thick Portland cement concrete lane of pavement and all related works;

b) street lighting in the north boulevard; and

c) landscaping in the north boulevard;

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

6) Private Approaches

a) The Developer shall study, determine, and construct if necessary all required geometric improvements to safely accommodate access to the proposed development from King Edward Street, to the satisfaction of the Director of Public Works.

b) The Developer should contact the Public Works Department as soon as possible to further discuss the proposed private approaches.

7) Sidewalks

The Developer shall, at no expense to the City, construct a 1.5m wide by 100mm thick Portland cement concrete sidewalks, on a standard alignment 0.3m from the property line, on the north side of Inkster Boulevard, abutting the Planned Area, and all associated works, as determined by and to the satisfaction of the Director of Public Works.

Traffic Control Signal

The Developer shall, at no expense to the City, pay to the City, in cash, on demand, 25% of the 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 the intersection of Inkster Boulevard and King Edward Street and all related works, all as determined by the Director of Public Works.

King Edward Street

The Developer shall, pay to the City in cash, on demand, its share of the cost of the following services to be installed/has been installed in King Edward Street along the full length of the subject property abutting the west side of King Edward Street:

a) a 8.0m wide by 200mm thick Portland cement concrete pavement and all related works;
b) a 3.5m wide asphaltic concrete multi-use pathway in the west boulevard;
c) street lighting in the west boulevard;
d) landscaping in the west boulevard;

all 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, pay the full cost to convert existing overhead services in Inkster Boulevard, abutting the Planned Area, to underground, to the satisfaction of the Director of Public Works.
b) 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.
c) 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, $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 44/2016
February 6, 2017

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