Agenda – Council – December 13, 2018

Report – Executive Policy Committee – November 28, 2018

Item No. 2 Subdivision and Rezoning – Templeton Avenue/Thorn Drive (Old Kildonan Ward)
File DASZ 11/2018 [c/r DAV 148429/2018D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 28, 2018, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the following to Council:

1. That the plan of subdivision proposed under File DASZ 11/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2018 dated June 12th, 2018 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the applicant enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August, 15, 2018, 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 11/2018 dated June 12th, 2018, to a "R1-M" Residential Single-Family (Medium) 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, no building permit shall be issued for the establishment of any structure on the proposed Lot 11.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing ten percent (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.

Report – Executive Policy Committee – November 28, 2018

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution of the City 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 (1) 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 (1) 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 – Executive Policy Committee – November 28, 2018

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 28, 2018, 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 September 18, 2018, 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 – Templeton Avenue/Thorn Drive**
File DASZ 11/2018

For submission to: **Executive Policy Committee**

Prepared by: **P. Prinsloo, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **September 18, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2018, 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 proposed under File DASZ 11/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2018 dated June 12th, 2018 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the applicant enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August, 15, 2018, 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 11/2018 dated June 12th, 2018, to a "R1-M" Residential Single-Family (Medium) 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, no building permit shall be issued for the establishment of any structure on the proposed Lot 11.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing ten percent (10%) of the appraised value of the Development Application, as determined by the City.

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution of the City 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 (1) 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 (1) 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. Really happy that the developer Genstar is developing on this property.
2. The sidewalk is an important amenity.

PUBLIC HEARING SUMMARY

File:	DASZ 11/2018
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Sharma, Chairperson Councillor Eadie Councillor Pagtakhan
Public Hearing:	September 18, 2018 Council Building, 510 Main Street
Applicant:	Genstar Development Company (Brock Feenstra)
Subject:	

APPLICANT: Genstar Development Company
FILE: DASZ 11/2018
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 "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to allow for the creation of ten (10) residential building lots on Templeton Avenue, one (1) residual residential lot fronting Thorne Drive and the establishment of a frontage road along Templeton Avenue. **For information, phone Mr. Femi Ojo Planner at 204-986-6008.**

Premises Affected: Templeton Avenue/Thorn Drive

Exhibits Filed:

1. Application dated June 7, 2018
2. Notification of Public Hearing dated August 13, 2018
3. Manitoba Status of Title 2113019/1
4. Surveyor's Building Location Certificate and sketch dated January 19, 2018
5. Zoning Development Information
6. Report from the Urban Planning Division dated September 10, 2018
7. Inspection Report
8. Recording of Representations

REPRESENTATIONS:

In Support:

Brock Feenstra
Dave Boles

In Opposition

Nil

For Information:

Nil

For the City:

N. Yauk, Planner, Planning, Property and Development Department
R. Hayer, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 11/2018

ADMINISTRATIVE REPORT

Title: DASZ 11/2018 – Templeton Avenue/Thorn Drive

Issue: An application for consideration at the Public Hearing to subdivide and rezone land from "RR5" Rural Residential 5 District to an "R1-M" Residential Single-Family (Medium) District to allow for the creation of ten (10) residential zoning lots and one (1) residual lot and for the establishment of a frontage road along Templeton Avenue.

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	Division Head	Department Head	CFO	CAO
Femi Ojo	B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 11/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2018 dated June 12th, 2018 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the applicant enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August, 15, 2018, 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 11/2018 dated June 12th, 2018, to a "R1-M" Residential Single-Family (Medium) 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, no building permit shall be issued for the establishment of any structure on the proposed Lot 11.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing ten percent (10%) of the appraised value of the Development Application, as determined by the City.

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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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 (1) 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 subdivide and rezone a parcel of land located on Templeton Avenue from “RR5” to “R1-M” to allow the establishment of ten (10) residential zoning lots and one (1) residual lot.
- Ten of the proposed zoning lots will be fronting onto Templeton Avenue, while the residual lot will front onto Thorn Drive. The applicant intends to establish a frontage road along Templeton Avenue to serve 10 of the proposed lots.
- 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 subdivided and rezoned as per Schedule "A" of this report.

HISTORY

DASZ 43/2004

- On January 11, 2005, the Lord Selkirk – West Kildonan Community Committee concurred in with the recommendation of as amended and approve the rezoning of subject property from "A.5" Agricultural District to a "PR1" Parks and Recreation District and an "R1-4" Residential Single-Family District to allow for the development of a retention pond zoned "PR1" and residential single-family dwellings within the Amber Trails Neighborhood.

- The subject property, though within the amber Trails development, did not form part of the above subdivision/rezoning application.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Femi Ojo, MCIP, RPP
Date:	September 10, 2018
File No.	DASZ 11/2018

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule A — Recommended File No. DASZ 11/2018 Lord Selkirk-West Kildonan Community Committee, dated June 12th, 2018
3. Schedule B — Report of the Administrative Coordinating Group, dated August 15th, 2018

APPENDIX 'A'

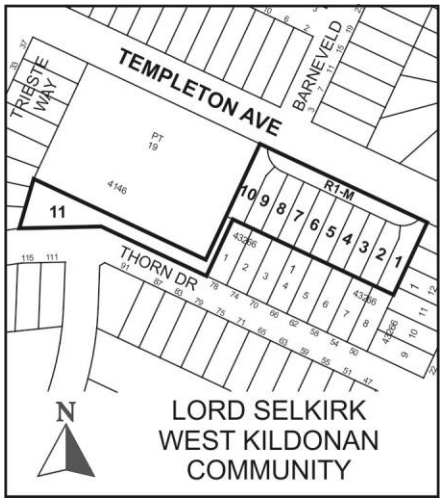
DATE: September 10, 2018

FILE: **DASZ 11/2018**
RELATED FILES: DAV 18-148429/D
COMMUNITY: Lord Selkirk-West Kildonan
NEIGHBOURHOOD #: 3.337(Amber Trails)

SUBJECT: To subdivide and rezone land to R1-M to facilitate the establishment of 11 residential zoning lots.

LEGAL DESCRIPTION: BLOCK 7 PLAN 44296 17/19 K OTM

LOCATION: Templeton Avenue between Thorne Drive and Trieste Way



APPLICANT: Brock Feenstra (Genstar Development company)
530 Kenaston Blvd
Winnipeg , Manitoba R3N 1Z4

OWNER: Genstar Titleco Limited
530 Kenaston Blvd
Winnipeg, Manitoba R3N 1Z4

SITE DESCRIPTION

- The subject property is located on the Southside of Templeton Avenue between Thorne Drive and Trieste way in the Amber Trails neighbourhood of the Old Kildonan ward.
- The subject property is 1.6 acre in size and is currently vacant.
- The site is surrounded by existing low density single-family development of Amber Trails.
- The subject property is within the Areas of Stability – Recent Communities Policy Area under the *Complete Communities Direction Strategy*. The property is currently zoned "RR5" Rural Residential 5.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Templeton Avenue, then residences zoned "R1-M" Residential Single-Family dwelling;

South: Proposed Lots 1-10 are bounded by residences zoned "R1-M" Residential Single-Family dwelling; while Lot 11 is bounded by Thorn Drive;

East: Residences zoned "R1-M" Residential Single-Family dwelling;

West: Lots 1-10 share a property line with vacant lands zoned "RR5" Rural Residential 5; while Lot 11 shares a property line with residences zoned "R1-M" Residential Single-Family dwelling;

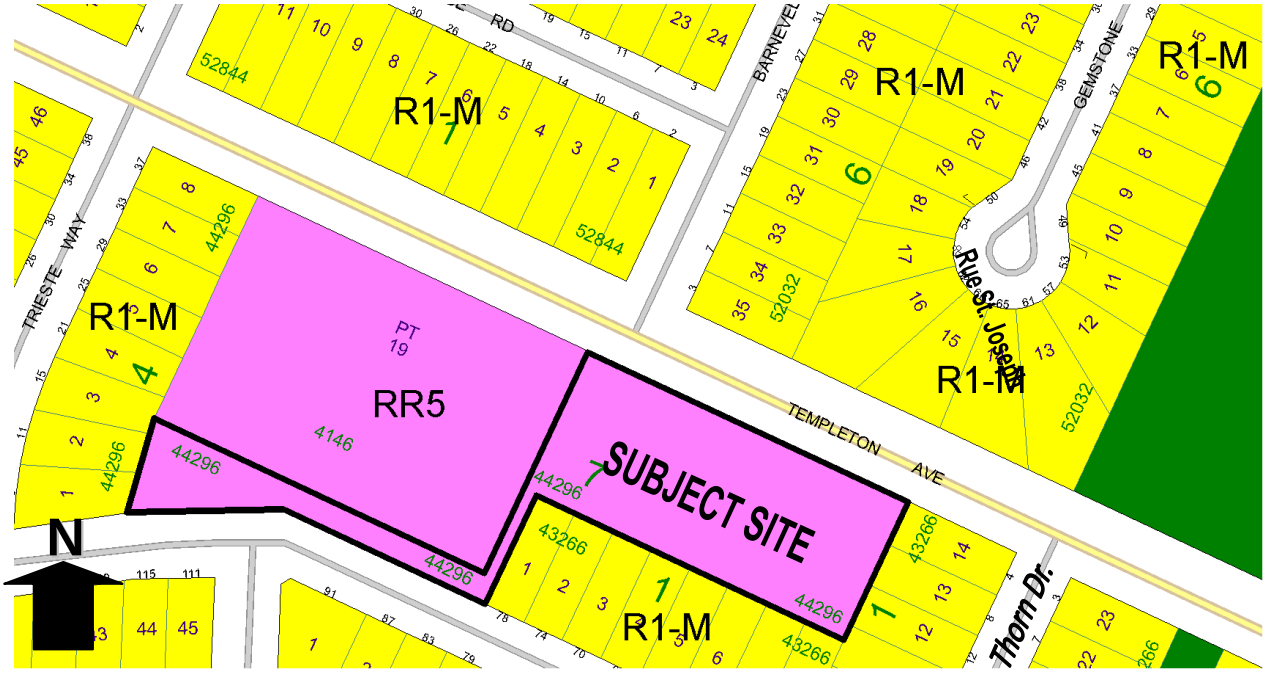


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide and rezone a parcel of land located on Templeton Avenue from “RR5” to “R1-M” to allow the establishment of ten (10) residential zoning lots and one residual lot.
- Ten of the proposed zoning lots will be fronting onto Templeton Avenue, while Lot 11(the residual lot) will front onto Thorn Drive. The applicant intends to establish a frontage road along Templeton Avenue to serve the proposed 10 residential lots.
- The proposed development requires variances to vary the “Special Boundary Condition” for lot areas and lot widths (see associated variance application DAV 18-148429\D).

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development falls within the Recent Community. With regard to this proposal, the key policies guiding the development of Areas of Stability include:
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational use.
- The proposed development is consistent with the above noted policies.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- Currently, the lands are zoned “RR5” – Rural Residential 5. The RR5 zone is intended to provide areas for large-lot rural residential development, along with limited agricultural uses.
- The applicant is proposing to subdivide and rezone the property to “R1-M” – Residential Single-Family Medium in order to establish 10 residential zoning lots and 1 residual lot. The dimensional standards for single-family structures in the R1-M zone are: a minimum front yard of 15 feet; a minimum rear yard of 25 feet; a minimum interior side yard of 4 feet, a minimum corner side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 3,500 square feet.
- However, being that the “Special Boundary Condition is applicable to this site; the lot requirements are greater than the bulk requirement for “R1-M”. The minimum lot width is 45.6 feet, while the minimum lot area is 5666.72 square feet. Therefore variances for lot width and lot area are required.

PLANNING DISCUSSION AND ANALYSIS

- The *Complete Communities Direction Strategy* supports the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.
- Aside from Lot 11 that has an irregular configuration, proposed lots 1-10 are compatible with the existing lots within the immediate vicinity.
- The required variances for lot areas and lot widths, associated with proposed lots 1-10 are unavoidable due to the Special Boundary condition (See planner’s report for (DAV18-148429D). The Special Boundary Condition takes the average of the lot widths and lot areas within the subject vicinity and uses it as the standard for the subject site.
- The Urban Planning Division supports the proposed single-family residential lots as they are consistent with the surrounding single-family residential context in the Amber Trails neighborhood.

- The proposed “R1-M” designation will further add single-family dwellings in the neighborhood and accommodate the growing demand for housing in the Old Kildonan Community.
- The proposed frontage road will alleviate traffic impacts on Templeton Avenue that may result from the new lots with front approaches facing Templeton Avenue.
- It is therefore recommended that the subject subdivision/rezoning application be approved.

RECOMMENDED ZONING AGREEMENT

No Structure on Lot 11

The Administrative Coordinating Group in its meeting concluded that a condition prohibiting the establishment of any residential structure on the proposed Lot 11 should be placed on the subdivision/rezoning application. This is to ensure that the proposed Lot 11 is not developed in its present configuration, which would not be consistent with policies of orderly development of land.

LAND DEDICATION

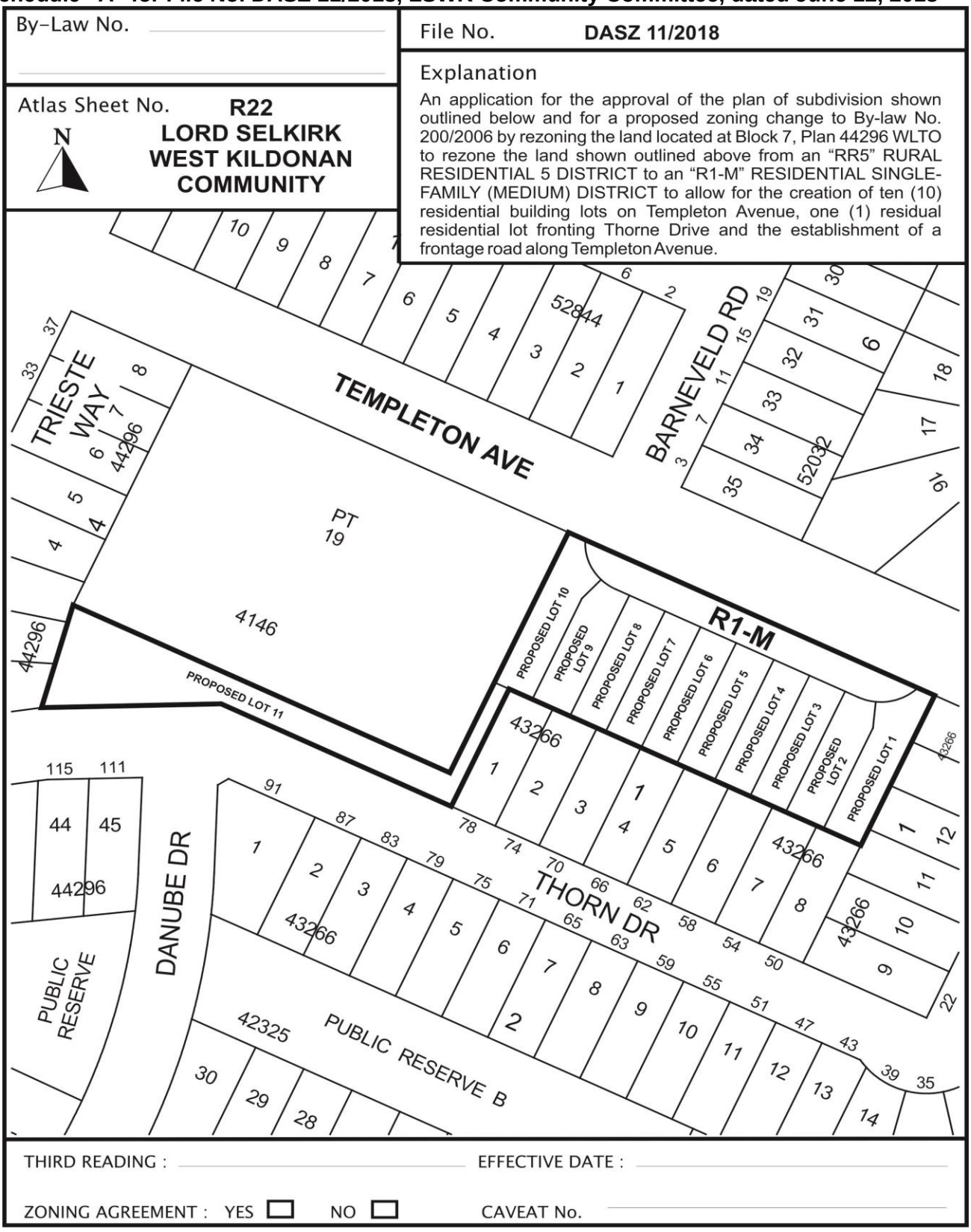
- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of 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.
- The City is requesting cash in lieu for this application.

RECOMMENDATION

- The Urban Planning Division recommends approval for the following reasons:
  - The proposal is consistent with the policies of *OurWinnipeg Complete Communities Direction Strategy.*
  - The proposed development is compatible with existing single-family residential development within the immediate vicinity.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Femi Ojo, MCIP, RPP
PPD File # DASZ 11/2018

Schedule "A" for File No. DASZ 11/2018, LSWK Community Committee, dated June 12, 2018



SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – August 15, 2018

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE SOUTH SIDE OF TEMPLETON AVENUE WEST OF THORN DRIVE – DASZ 11/2018

It is recommended that the approval of DASZ 11/2018, if granted, be subject to the applicant entering into a Servicing Agreement and address the following items where applicable:

Plan Considerations

The proposed frontage road is to be accommodated with a minimum right-of-way width of 9.0m and the terminus points of the frontage road are to be located and designed to the satisfaction of the Director of Public Works.

Servicing Conditions

1) Lot Grading

The Developer shall, at no expense to the City:

a) provide a lot grading plan, prepared by a municipal engineer;

b) grant any easements as required by the engineer's design; and

c) construct any catchbasins and leads as required by the design

all to the satisfaction of the Director of Water and Waste

2) Service Connections

The Developer shall, at no expense to the City, construct all lot line service connections required to service the proposed subdivision and adjacent lands as determined by and to the satisfaction of the Director of Water and Waste.

3) Regional Land Drainage and Sewer Charges

The Developer shall, prior to the release of mylars, pay their share of:

a) The Amber Trails TSR;

b) The Leila Trunk Service Charge; and

c) Wastewater Oversizing Charge

As determined by the Director of Water and Waste.

4) Pipeline-Leila Area Charge

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

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

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

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

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

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

Note - This property falls under the area charge for the above works that were previously completed by Genstar, however it is acknowledged that Genstar is the owner of this property.

5) Pavement

The Developer shall, at no expense to the City, construct 150-mm-thick Portland cement concrete pavements to widths of 6.0m within the proposed frontage road within the Planned Area and all related works including, but not limited to, boulevard landscaping and drainage works, all as determined by, and to the satisfaction of, the Director of Public Works.

6) Sidewalk

The Developer shall, at no expense to the City, construct 1.5m wide by 100mm thick Portland cement concrete sidewalks and all related works, on the standard alignment, 0.3m off of the property line, on the south side of Templeton Avenue between Trieste Way and Thorn Drive, except where the frontage road is constructed, including but not limited to the appropriate sidewalk connections to cross Templeton Avenue at Trieste Way, Barneveld Road, and Thorn Drive, all as determined by and to the satisfaction of the Director of Public Works.

The City shall endeavor to make future cost recoveries to the Developer for the portion of the sidewalk to be constructed benefiting other landowners.

7) Boulevard

a) The Developer shall, at no expense to the City, sod and plant trees on the south boulevard of Templeton Avenue for the length of the planned area, including the frontage road median, 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 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.

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, the administration fee plus applicable GST, 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 11/2018
September 6, 2018

"*Original Signed by G. Jasper"*

G.V. Jasper P. Eng.,
Land Development Branch

"*Original Signed by M. Gadja"*

M. Gadja, P. Eng.
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