Agenda – Executive Policy Committee – June 18, 2020

REPORTS

Item No. 9 Subdivision and Rezoning – 888 John Bruce Road E (St. Vital Ward) File DASZ 5/2020 [c/r DAV 117794/2020D]

COMMUNITY COMMITTEE RECOMMENDATION:

On June 5, 2020, the Riel 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 subdivision under Development Application No. DASZ 5/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated May 25, 2020 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the Developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated January 29th, 2020 and attached as Schedule "B" to this report.

    B. That the City enter into, execute and deliver with the developer a Servicing Agreement in accordance with recommendation 1.A, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

    C. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Servicing Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject lands to an "R1-M" Residential Single-Family (Medium) District as shown on the map dated May 25, 2020 and attached as Schedule "A" to this report.

3. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 5/2020, as determined by the City's Director of Planning, Property and Development.

COMMUNITY COMMITTEE RECOMMENDATION (continued):

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

5. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

6. That the subdivision section of the By-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

7. That the zoning section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

8. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with 6 and 7 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On June 5, 2020, the Riel 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.

PUBLIC HEARING SUMMARY

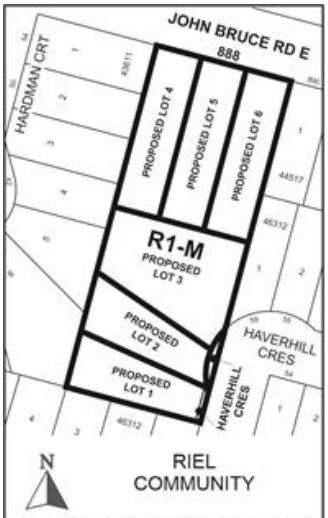
File: DASZ 5/2020

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Allard
Councillor Chambers

Public Hearing: June 5, 2020
Council Building, 510 Main Street

Applicant: Landmark Planning & Design Inc. (Jeff Pratte)

Subject:



APPLICANT: Landmark Planning & Design Inc.
FILE: DASZ 5/2020
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R1-E" RESIDENTIAL SINGLE-FAMILY (ESTATE) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to allow for the establishment of 6 residential building lots to facilitate the future construction of single family dwellings. This includes the opening of the City-owned control strip along Haverhill Crescent. **For information, phone Ms. Simi Jerez Planner at 204-986-7175.**
DEMANDEUR: Landmark Planning & Design Inc.
N° DE DOSSIER: DALZ 5/2020
PROJET: Demande d'approbation par le conseil municipal du plan de lotissement délinéé ci-dessus et proposition de modification du *Zoning By-law No. 200/2006* (règlement municipal sur le zonage) visant à changer le zonage des sols délinéés ci-dessus de sorte qu'il passent de la catégorie R1-E (secteur d'habitations unifamiliales domaniales) à la catégorie R1-M (secteur d'habitations unifamiliales moyennes) afin de permettre l'établissement de 6 lots résidentiels pour faciliter la future construction d'habitations unifamiliales. Cela comprend l'ouverture de la bande de contrôle appartenant à la Ville sur le croissant Haverhill. **Pour plus de renseignements, veuillez communiquer avec Mme Simi Jerez, urbaniste, au 204-986-7175.**

Premises Affected: 888 John Bruce Road E

For submission to: Executive Policy Committee

Prepared by: Rebecca Ford, Committee Clerk
Riel Community Committee

Report date: June 10, 2020

Community Committee Recommendation:

On June 5, 2020, the Riel 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 subdivision under Development Application No. DASZ 5/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated May 25, 2020 and attached as Schedule "A" to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

    A. That the Developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated January 29th, 2020 and attached as Schedule "B" to this report.

    B. That the City enter into, execute and deliver with the developer a Servicing Agreement in accordance with recommendation 1.A, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

    C. That authority be delegated to the City's Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Servicing Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject lands to an "R1-M" Residential Single-Family (Medium) District as shown on the map dated May 25, 2020 and attached as Schedule "A" to this report.

3. That in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 5/2020, as determined by the City's Director of Planning, Property and Development.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

5. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

6. That the subdivision section of the By-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

7. That the zoning section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

8. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with 6 and 7 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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

1. The first door I knocked-on on Lardon, which is the little Bay just above this, the gentleman started talking to me about that hearing, and was very pleased that I'd sided with Councillor Allard. Similarly on Hardman, people remembered that hearing. People were engaged, so it is frankly quite remarkable that either Mr. Pratte or Mr. Toews have been able to get the community on-side here

2. I also remember door knocking on Haverhill, and thinking there is this gap on the street which didn't get finished because it's the last estate lot. The person at 888 held out, so you've got this weird gap on Haverhill. So we're going to address that. We're going to fill that in, there's going to be an edge to the street. We're going to fill-in John Bruce, there's going to be an edge to that street. I feel like I'd like someone to promise in writing that this is the last of these estate lots, because this has not been easy for Councillor Allard or for me.

3. It’s a good plan. It has neighbourhood support. It densifies. It makes sense to finish-off Haverhill. It makes sense to finish-off John Bruce.

4. There were a lot of people out here previously from Hardman and John Bruce and Lardon. We don’t get that this time. A couple of minor concerns left about lots four and six, but really this is some very good work by the owner/applicant to get us to this point.

5. It’s a great street. My Ward is on the other side on St. Anne’s Road. You can get to Transit pretty easily. You can get to the Bois-des-Esprits, you can get to the Louis Riel trails. It’s a great neighbourhood. Let’s finish it off here; I’m pleased to do that. Thanks to Councillor Allard who has now put in a lot of time on this when it was in his Ward.

Exhibits Filed:

1. Application dated March 9, 2020
2. Notification of Public Hearing dated April 30, 2020
3. Manitoba Status of Titles 1983115/1, 3029644/1
4. Letter of authorization dated February 18, 2020 from Harpreet Mann to Landmark Planning & Design Inc.
5. Surveyor's Building Location Certificate and sketch dated January 28, 2020
6. Report from the Urban Planning Division dated May 25, 2020
7. Inspection Report
8. Presentation dated June 5, 2020, from Jeff Pratte in support of the application
9. Photo from Jeff Pratte in support of the application
10. Communication dated June 5, 2020, from Ken and Lili Rempel in support of the application
11. Recording of Representations

REPRESENTATIONS:

In Support:

Kuldip Singh Jandu
Jeff Pratte
Ken Rempel
Lili Rempel
Brendan Salakoh
Sukhjinder Sandhu
Harpreet Singh
Donovan Toews

In Opposition:

Nil

For Information:

Nil

For the City:

E. Finnigan, Planner, Planning Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department
D. Trenchard, Land Development Engineer, Planning, Property and Development

Exhibit “6” referred to in File DASZ 5/2020

ADMINISTRATIVE REPORT

Title: DASZ 5/2020 – 888 John Bruce Rd E

Issue: For consideration at the public hearing for a subdivision and rezoning from an "R1-E" Residential Single-Family Estate District to an "R1-M" Residential Single-Family Medium District to facilitate the establishment of six (6) residential lots at 888 John Bruce Rd East

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
S. Jerez, MCP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASZ 5/2020 be approved for preparation as a plan of subdivision (the “Plan”) by a Manitoba Land Surveyor in accordance with the map dated May 25, 2020 and attached as Schedule “A” to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following conditions:

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   B. That the City enter into, execute and deliver with the developer a Servicing Agreement in accordance with recommendation 1.A, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the “Ancillary Agreements”).

   C. That authority be delegated to the City’s Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Servicing Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

2. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject lands to an "R1-M" Residential Single-Family (Medium) District as shown on the map dated May 25, 2020 and attached as Schedule “A” to this report.

3. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 5/2020, as determined by the City’s Director of Planning, Property and Development.

4. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the “By-law”) is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

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9. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.

10. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- This report provides information and makes recommendations regarding the subject application’s compliance with The City of Winnipeg Charter.
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the property may be rezoned and subdivided, subject to conditions.

HISTORY

DASZ 46/2016

- On **April 3, 2017**, the Winnipeg Public Service recommended approval of rezoning the subject site from "R1-E" Residential Estate to "RMF-S" Residential Multi-Family Small in order to establish a twenty-six (26) unit townhouse style condominium development.
- 64 individuals registered in opposition, citing concerns about density, massing, building height, traffic and parking concerns.
- Riel Community Committee approved the application subject to the following amendments:
    - Delete recommendation 2.A.ii. in its entirety, and replace it with the following new 2.A.ii:
        - *"2.A.ii. That, excluding projections permitted under the Zoning By-Law, the height of any building on the land shall not exceed one-storey, to a maximum height of 20 feet."*
    - Add the following new recommendation 2.A.v.:
        - *"2.A.v. That the number of units be limited to 9."*
- In **April 2018**, approval of DASZ 46/2016 lapsed and the application has been filed.

CONSULTATION

In preparing this Report there was internal consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning & Design
Prepared by	Simi Jerez, MCP
Date:	May 25, 2020
File No.	DASZ 5/2020

List of Schedules and Attachments

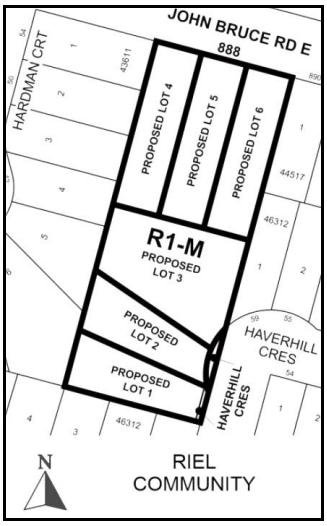
1.	Appendix A	Planning Discussion
2.	Schedule "A"	Recommended File No. DASZ 5/2020 Riel Community Committee, dated May 25, 2020
3.	Schedule "B"	Report of the Administrative Working Group – January 29, 2020

APPENDIX 'A'

DATE: May 25, 2020
FILE: **DASZ 5/2020**
RELATED FILES: DAV 20-117794\D
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.555 - Royalwood

SUBJECT: To rezone the land from an "R1-E" RESIDENTIAL SINGLE-FAMILY (ESTATE) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT and subdivide to facilitate the establishment of six (6) lots and to allow the construction of single family dwellings. This application includes the removal of a control strip fronting on Haverhill Crescent.

LOCATION: 888 John Bruce Road East
LEGAL DESCRIPTION: LOT 9 PLAN 12000 122 ST B



APPLICANT: Landmark Planning & Design Inc. (Jeff Pratte)
298 Waterfront Drive
Winnipeg , Manitoba R3B 0G5

OWNER: 10045210 MANITOBA LTD.
2 Heronswood Path
Winnipeg , Manitoba R3R 0R4

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject site is located on the south side of John Bruce Road East in the Royalwood neighbourhood of the St. Vital Ward.
- The subject property is 1.3 acres (56,628 square feet) in size with a lot width of 46 metres (150 feet), and is currently occupied by a one storey 1,272 square foot single-family dwelling.
- The site is located within the Areas of Stability – Recent Communities Policy Area under the *Complete Communities Direction Strategy*, and is currently zoned “R1-E” Residential Single-Family Estate.



Figure 1: Air photo of the location of subject property and surrounding area (2018)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: John Bruce Road East; single-family residential uses zoned "R1-M" (Residential Single-family Medium).

South: Single-family residential uses zoned "R1-M" (Residential Single-family Medium).

East: Single-family residential uses zoned "R1-M" (Residential Single-family Medium).

West: Single-family residential uses zoned "R1-M" (Residential Single-family Medium); then Single-family residential uses zoned "R1-E" (Residential Single-family Estate); then Multi-family residential uses zoned “RMF-S” (Residential Multi-family Small).

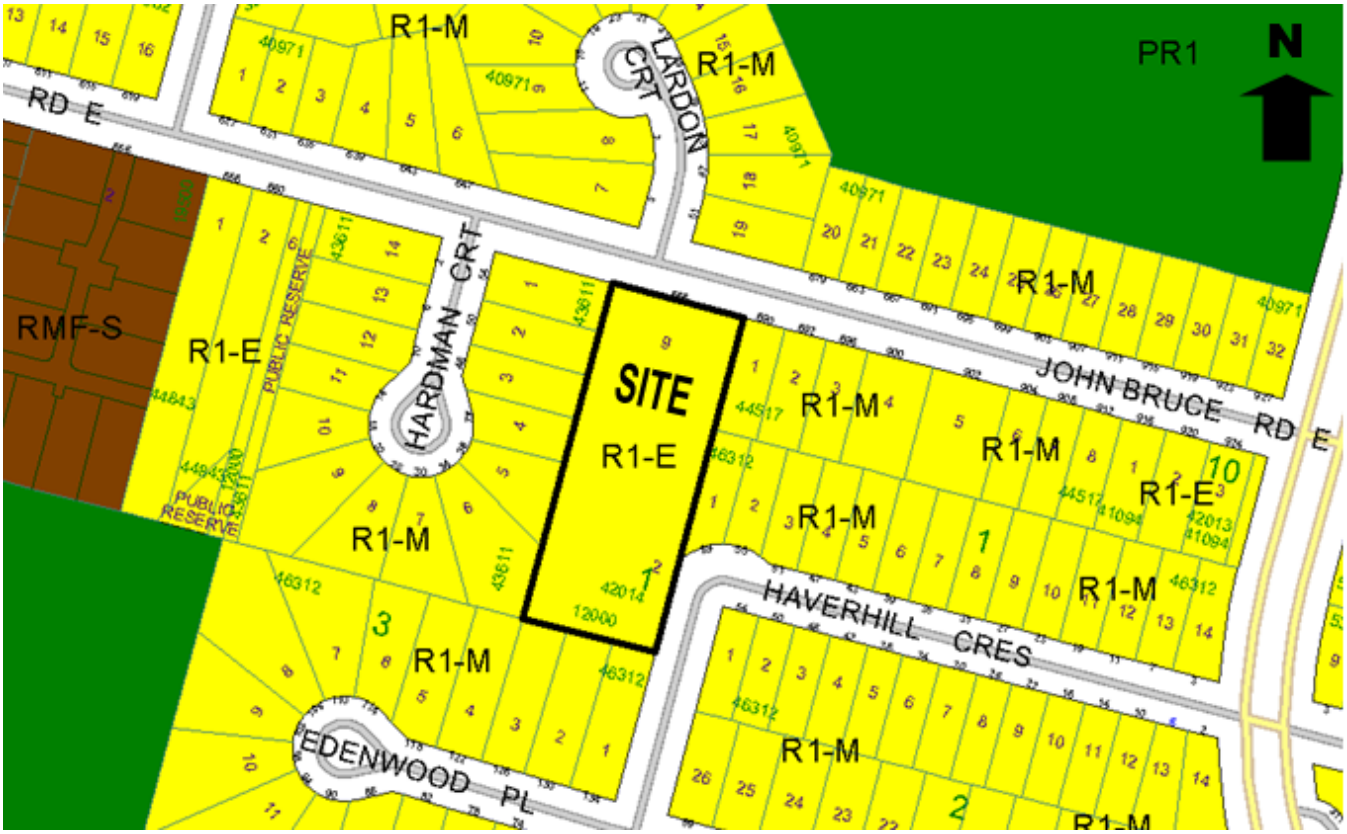


Figure 2: Zoning Context

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the subject site from “R1-E” Residential Single-family Estate to "R1-M" Residential Single-family Medium in order to demolish the existing single family home and develop six (6) residential lots for single-family dwelling uses.
- Three of the proposed residential lots will have frontage on John Bruce Road East and three will have frontage on Haverhill Crescent. All six lots will have private front approaches.
- A site plan showing the proposed lots has been provided. Plans for development including floor plans and elevations have not been provided for the proposed dwellings at this time.
- The proposed lot sizes range from 7,517 square feet to 14,712 square feet in area.
- This application includes the removal of a control strip currently fronting on Haverhill Crescent, as Public Works has confirmed that Haverhill Crescent will not be widened as planned when the control strip was implemented.
- The applicant has a concurrent application to vary the Special Boundary Conditions for reduced lot widths for five of six of the proposed lots (DAV 20-117794/D). Please see associated planner’s report for more information.

COLLABORATION

- The applicant consulted with neighbouring residents and conducted a public engagement for immediate neighbours on January 15, 2020.

- Invitations were provided to 30 households on John Bruce Road East, Haverhill Crescent, Hardman Court, Lardon Court and Edenwood Place. The meeting was attended by 13 people from 10 residences.
- The applicant states that feedback received was generally positive, with concerns raised regarding the potential impact of rear yard alignment on view, daylight and privacy.
- The applicant has stated a willingness to address the concerns raised by specific neighbours by limiting development on Proposed Lot 4 to a one storey dwelling, and by providing an increased rear yard on Proposed Lot 6 to ensure the rear of the new dwelling is in approximate alignment with the rear of the existing home at 890 John Bruce Road East.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is located within the Areas of Stability – Recent Communities policy area. With regard to this proposal, the key policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Support Complete Communities by ensuring diverse and high quality housing stock.

ZONING BY-LAW 200/2006

"R1-E" Residential Single-Family Estate District

- Currently, the land is zoned "R1-E" Residential Single-Family Estate District. The R1-E district requires: a minimum lot width of 25 feet, a minimum lot area of 20,000 square feet, side yards of 15 feet, a front yard of 30 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30 percent.

"R1-M" Residential Single-Family Medium District

- The intent of the "R1-M" zoning district is to accommodate primarily single-family residential development in lower-density areas.
- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The subject site is located in the Areas of Stability - Recent Communities policy area under the *Complete Communities Direction Strategy*. As stated above, this policy area supports infill development that is context sensitive and complementary to the existing scale, character and built form of the neighbourhood.
- As part of analyzing whether a project is "complementary" to existing development, the Urban Planning Division takes into consideration such things as land use, building heights, built-form, density, setbacks, parking, site access, and landscaping/buffering.

- From a land use perspective, the immediate area is characterized primarily by single-family residential dwellings with some low-density residential multi-family developments situated along John Bruce Road East.
- This property is the last remaining large estate size lot within the immediate area. Given the surrounding neighbourhood character, rezoning the subject property from 'R1-E' to 'R1-M' for the creation of 6 (six) single family lots fits the land use context of the existing development surrounding the subject site.

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, or cash in lieu, to the City for parks purposes. For DASZ 5/2020, cash in lieu is being requested towards land dedication.

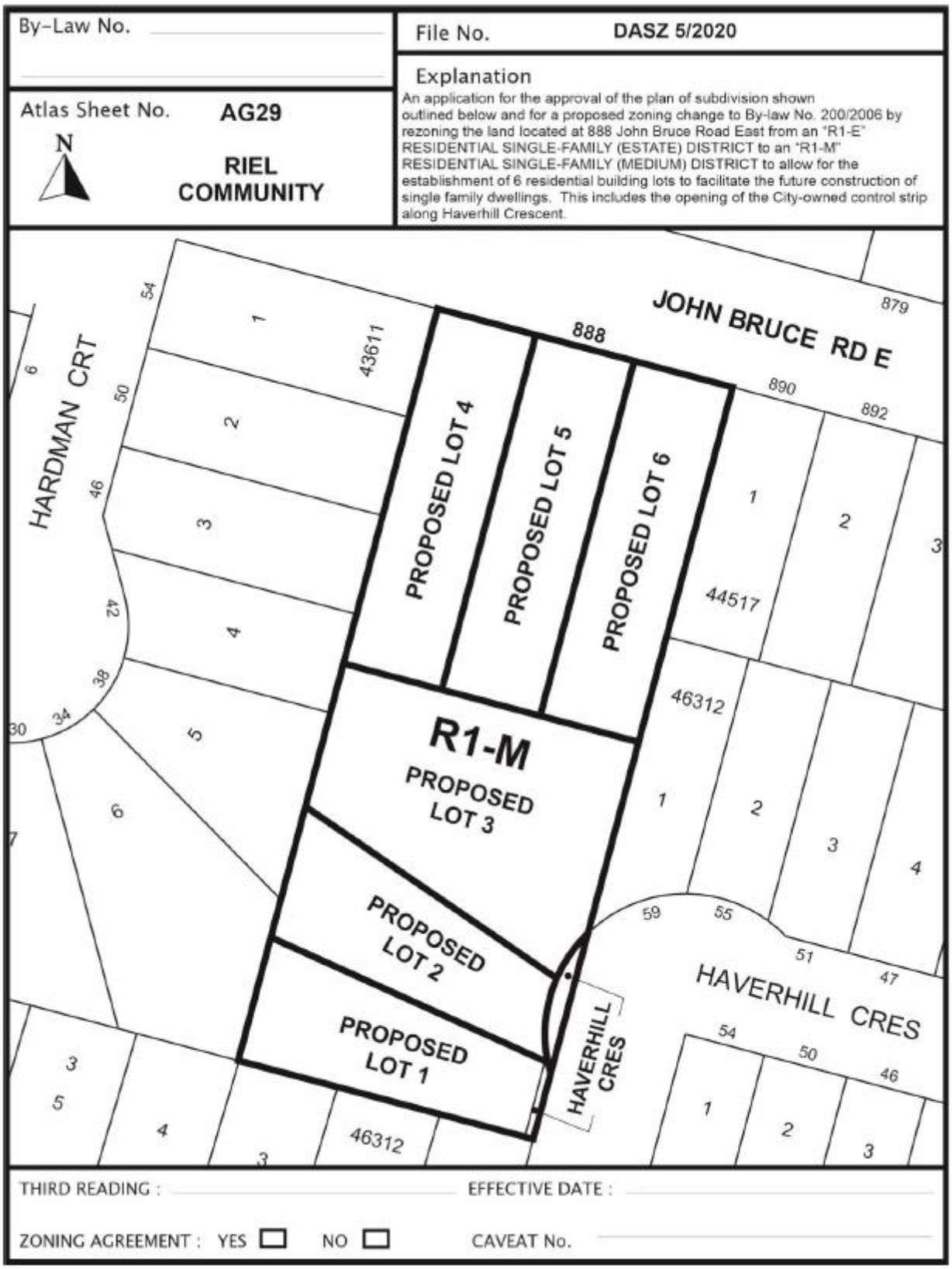
RECOMMENDATION

The Urban Planning Division recommends **approval with conditions** as the subject rezoning complies with the intent of the policies in the *Complete Communities Direction Strategy,* promoting contextually compatible infill development to maximize the use of existing infrastructure.

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

Report Prepared by: Simi Jerez
PPD File #: DASZ 5/2020

Schedule "A" for File No. DASZ 46/2016, Riel Committee, dated May 25, 2020



SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP – January 29, 2020

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 888 JOHN BRUCE ROAD EAST

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DASZ 5/2020. It is recommended that the approval of DASZ 5/2020, if granted, be subject to the applicant entering into a Servicing Agreement and address the following items, where applicable:

Section I – Plan Considerations

1) The Developer shall, at no expense whatsoever to the City, legally open the existing 0.3m control strip separating the Planned Area from Haverhill Crescent for the length of the Planned Area abutting Haverhill Crescent, to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense whatsoever to the City, legally open property to complete the radius of Haverhill Crescent, to the satisfaction of the Director of Public Works.

Section II – Servicing Considerations

1) Wastewater Sewers

   a. The Developer shall, at no expense whatsoever to the City, construct and install a wastewater sewer in Haverhill Crescent to service the Planned Area, as determined by and to the satisfaction of the Director of Water and Waste.

   b. The Developer shall pay to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the wastewater sewer installed by others in John Bruce Road, as determined by and to the satisfaction of the Director of Water and Waste.

2) Water Mains

   The Developer shall pay to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the water main installed by others in John Bruce Road and Haverhill Crescent, as determined by and to the satisfaction of the Director of Water and Waste.

3) Land Drainage Sewers

a. The Developer shall pay to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the land drainage lateral sewers installed by others in John Bruce Road and Haverhill Crescent, as determined by and to the satisfaction of the Director of Water and Waste.

b. The Developer shall pay to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the land drainage trunk user charge, as determined by and to the satisfaction of the Director of Water and Waste.

4) Lot Line Service Connections

a. The Developer shall, at no expense whatsoever to the City, construct and install wastewater and water building services from the wastewater sewers and water mains to service all single-family and two-family lots within the Planned Area, as determined by and to the satisfaction of the Director of Water and Waste.

b. The Developer shall ensure that the private sewer service for each single-family and two-family lot remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the private sewer service pipe may be connected to the wastewater system, and the Developer will indemnify the City against all actions, claims, demands, damages, losses and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

c. The Developer shall replace or repair, to the satisfaction of the Director of Water and Waste, any water service pipe or private sewer service pipe determined by the Director of Water and Waste to be defective within one year following the date the water to the lot serviced by that water service pipe or private sewer service pipe is turned on by the City for domestic use, and shall pay to the City any and all costs incurred by the City associated with any such defect.

5) Lot Grading

a. The Developer shall, at no expense whatsoever to the City and prior to the issuance of any building permit in respect of the Planned Area, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the lot grading plan of record to the satisfaction of the Director of Water and Waste.

b. Prior to the issuance of any building permits in respect of the Planned Area, the Developer shall, at no expense whatsoever to the City, construct

all swales, catchbasins and leads required to provide lot drainage within the Planned Area.

c. Upon registration of the approved subdivision mylars in the Land Titles Office, the Developer shall, at no expense whatsoever to the City, grant to the City and register easements in respect of all swales, catchbasins and leads for lot drainage within the Planned Area.

6) Share of Services in John Bruce Road

The Developer shall pay to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the cost of services constructed by others in John Bruce Road, including but not necessarily limited to concrete pavements, ornamental street lighting, and sidewalks, as determined by and to the satisfaction of the Director of Public Works.

7) Share of Services in Haverhill Crescent

The Developer shall pay to the City, prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office, their share of the cost of services constructed by others in Haverhill Crescent, including but not necessarily limited to concrete pavements and ornamental street lighting, sidewalks and boulevard landscaping, as determined by and to the satisfaction of the Director of Public Works.

8) Boulevards

a. The Developer shall, at no expense whatsoever to the City, sod and plant trees on all boulevards within and fronting on the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to and approved by the Director of Public Works, to the satisfaction of the Director of Public Works.

b. The Developer shall, at no expense whatsoever to the City, maintain the sod for a period of one year and trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

9) Construction Traffic

a. The Developer shall, at no expense whatsoever to the City, ensure that construction traffic uses access routes determined by the Director of Public Works.

b. The Developer shall, at no expense whatsoever to the City, maintain the said access routes in a clean, dust-free condition, free of dropped and tracked-on mud; and shall undertake the regular cleaning, scraping and sweeping of those access routes and all streets until building construction

within the Planned Area, including landscaping, is complete, all 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 whatsoever 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 restored as required 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. Where the Director of Planning, Property and Development determines that all the survey monuments within the Planned Area have been found or restored to their original positions, the Director of Planning, Property and Development may waive the requirements for Plan of Survey Perpetuating Certain Monuments under clause (a).

Section III – 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 this 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, parklands, parkways 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 pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, an administration fee plus applicable GST to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 5/2020
April 30, 2020

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