Minute No. 495
Report - Standing Policy Committee on Property and Development - July 5, 2005

Item No. 15 Subdivision and Rezoning - north extension of Brittany Drive
File DASZ 8/2005

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, as amended, submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 8/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2005 dated June 1, 2005, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 18, 2005, namely:

        i. That the Developer shall, at no expense to the City, construct watermains, wastewater sewers and land drainage sewers required to service the proposed subdivision.

        ii. That the Developer shall, at no expense to the City, install separate water and wastewater lot line connections to serve each lot within the proposed subdivision.

        iii. That the Developer shall pay its share of the regional land drainage system (2005 rate = $12,362.00/acre) benefiting the proposed subdivision.

        iv. That the Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant any easements as may be necessitated by the design.

        v. That the Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.5 meters and a thickness of 150 millimetres in the streets within the proposed subdivision, and all related works including, but not necessarily limited to boulevard landscaping and ornamental street lighting, all as determined by and to the satisfaction of the Director of Public Works.

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vi. That the Developer shall be required to develop Lots 4 and 5, Block 1 and Lot 4, Block 2 with south side driveways and shall construct, at no cost to the City, approaches to those lots at the same time as the pavement in the street is constructed, to be utilized as turn-arounds for the two dead-end legs of Brittany Drive until such time as the roadways are extended. The approaches shall be constructed to the City's concrete pavement specifications at appropriate locations on the south side of each of the lots. The Developer shall inform each prospective owner of the lots that the approaches have been constructed for use by vehicles and equipment as turn-arounds.

vii. That the Developer shall pay the Charleswood Transportation Levy (2005 rate = $0.35/square foot.) attributable to the land within the proposed subdivision not including Lot 5, Block 1 as determined by the Director of Public Works.

viii. That the Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

ix. That the Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

x. That the Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

xi. That the developer shall ensure that construction traffic uses access routes as follows: Elmhurst Road / New Haven Avenue for the eastern side of the development and Laxdal Road / Brittany Drive for the west side. 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

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construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

xii. That the Developer shall be responsible to control and to initiate the clean up 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. The clean up 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.

xiii. That the Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.

xiv. That the Developer shall pay $1,200.00/acre to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

xv. That the Developer shall pay cash in lieu of dedication of land for public open space including services and landscaping in accordance with City policy.

xvi. That the Developer shall transfer the one (1) foot strips at the termini of both legs of Brittany Drive to the City for development control purposes.

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

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8/2005 dated June 1, 2005, to an "R1-5.5A" Residential District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following condition:

A. That a caveat be placed on the titles of proposed Lot 5, Block 1 and Lot 4, Block 3 prohibiting the issuance of a building permit on these properties unless they are included as part of a land assembly and subdivision with the adjacent lands, specifically being Lot 1, Plan 36196 and Lot 4, S.P. Plan 19980.

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4. 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.

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

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

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, as amended, be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the Assiniboia Community Committee with the following amendment, namely:

- That recommendation 1.A.vi. be deleted in its entirety and replaced with the following:

  "I.A.vi. That the Developer shall be required to develop Lots 4 and 5, Block 1 and Lot 4, Block 2 with south side driveways and shall construct, at no cost to the City, approaches to those lots at the same time as the pavement in the street is constructed, to be utilized as turn-arounds for the two dead-end legs of Brittany Drive until such time as the roadways are extended. The approaches shall be constructed to the City's concrete pavement specifications at appropriate locations on the south side of each of the lots. The Developer shall inform each prospective owner of the lots that the approaches have been constructed for use by vehicles and equipment as turn-arounds."

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 21, 2005, the Assiniboia Community Committee concurred in the administrative recommendation with the following amendments, namely:

That the report of the Administrative Coordinating Group dated April 18, 2005, be amended as follows:

- That Recommendation 6 of the report of the Administrative Coordinating Group dated April 18, 2005, be deleted in its entirety and replaced with the following, namely:

Report - Standing Policy Committee on Property and Development - July 5, 2005

DECISION MAKING HISTORY (continued):

> "vi. That the Developer shall, at no expense to the City, be required to develop Lots 4 and 5 of Block 1 and Lot 4 of Block 2 with south side driveways, all to the satisfaction of the Director of Public Works."

- That Recommendation 11 of the report of the Administrative Coordinating Group dated April 18, 2005, be amended by deleting the words "The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works"

- and replaced with the words "That the developer shall ensure that construction traffic uses access routes as follows: Elmhurst Road / New Haven Avenue for the eastern side of the development and Laxdal Road / Brittany Drive for the west side.",

and submitted its recommendation to the Standing Policy Committee on Property and Development.

On April 19, 2005, the Assiniboia Community Committee adjourned the public hearing to its meeting on June 21, 2005, in order to revise the subdivision and rezoning application from a proposed "R1-5A" Residential District to a proposed "R1-5.5A" Residential District.

RE: **Subdivision and Rezoning – north extension of Brittany Drive**
File DASZ 8/2005 [c/r DAV 112199/2005D; DAV 121687/2005D]

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

Prepared by: **Josie Marques, Clerk,**
Assiniboia Community Committee

Report date: **June 28, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 21, 2005, the Assiniboia Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 8/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2005, dated June 1, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 18, 2005, namely:

        i. The Developer shall, at no expense to the City, construct watermains, wastewater sewers and land drainage sewers required to service the proposed subdivision.

        ii. The Developer shall, at no expense to the City, install separate water and wastewater lot line connections to serve each lot within the proposed subdivision.

        iii. The Developer shall pay its share of the regional land drainage system (2005 rate = $12,362.00/acre) benefiting the proposed subdivision.

        iv. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant any easements as may be necessitated by the design.

        v. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.5 meters and a thickness of 150 milimeters in the streets within the proposed subdivision, and all related

works including, but not necessarily limited to boulevard landscaping and ornamental street lighting, all as determined by and to the satisfaction of the Director of Public Works.

~~***vi. The Developer shall, at no expense to the City, construct a cul-de-sac type vehicle turnaround at the terminus of each temporarily dead-ended street and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.***~~

vi. That the Developer shall, at no expense to the City, be required to develop Lots 4 and 5 of Block 1 and Lot 4 of Block 2 with south side driveways, all to the satisfaction of the Director of Public Works.

vii. The Developer shall pay the Charleswood Transportation Levy (2005 rate = $0.35/square foot) attributable to the land within the proposed subdivision not including Lot 5, Block 1 as determined by the Director of Public Works.

viii. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

ix. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

x. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

xi. ~~***The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works.***~~ ***That the developer shall ensure that construction traffic uses access routes as follows: Elmhurst Road / New Haven Avenue for the eastern side of the development and Laxdal Road / Brittany Drive for the west side. 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.

xii. The Developer shall be responsible to control and to initiate the clean up 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. The clean up 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.

xiii. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.

xiv. The Developer shall pay $1,200.00/acre to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

xv. The Developer shall pay cash in lieu of dedication of land for public open space including services and landscaping in accordance with City policy.

xvi. The Developer shall transfer the one (1) foot strips at the termini of both legs of Brittany Drive to the City for development control purposes.

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

3 That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8/2005, dated June 1, 2005, to an "R1-5.5A" Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following condition:

A. That a caveat be placed on the titles of proposed Lot 5, Block 1, and Lot 4, Block 3 prohibiting the issuance of a building permit on these properties unless they are included as part of a land assembly and subdivision with the adjacent lands, specifically being Lot 1, Plan 36196 and Lot 4, S.P. Plan 19980.

4. 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.

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

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

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Assiniboia Community Committee provided the following supporting reason(s) for its recommendation:

1. These are large lots compared to the rest of the city, there is a huge cost to developing and limit to what is affordable.

2. The development is in accordance with plan Winnipeg

PUBLIC HEARING SUMMARY

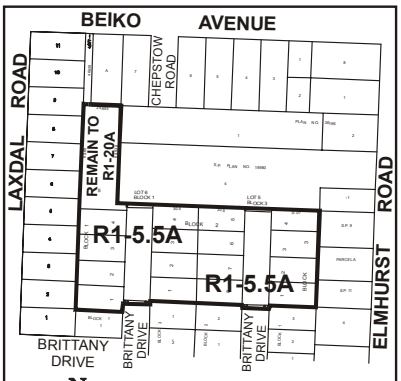
File: DASZ 8/2005 [c/r DAV 112199/2005D; DAV 121687/2005D]

Before: Assiniboia Community Committee
Councillor De Smedt, Chairperson
Councillor Clement
Councillor Eadie

Public Hearing: June 21, 2005
April 19, 2005
Community Committee Chamber
5006 Roblin Boulevard

Applicant: Jaymic Development Ltd. (Jason Rohs)

Subject:



APPLICANT : JAYMIC DEVELOPMENT LTD.
FILE : DASZ 8/05
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. 6400/94 by rezoning the land shown outlined above from an "R1-20A" RESIDENTIAL DISTRICT and an "R1-5A" RESIDENTIAL DISTRICT to an "R1-5.5A" RESIDENTIAL DISTRICT. **For information, phone Mr. R. Humble, Planner at 986-2688.**

Premises Affected: north extension of Brittany Drive
(west of Elmhurst Road, east of Laxdal Road, and south of Beiko Avenue)

Exhibits Filed:

1. Application dated March 16, 2005
2. Notification of Public Hearing dated March 16, 2005
3. Manitoba Status of Titles 1235071, 1235073, 1768080, 2025188, 2025318, 2025320, 2059345, 2059346, 2059554
4. Letter of authorization dated October 14, 2004 from The City of Winnipeg to Jason Rohs
5. Plans (5 pages)
6. Report from the Manager of Planning and Land Use dated April 6, 2005
7. Report from the Administrative Coordinating Group dated April 18, 2005
8. Plan, submitted Paul Sunderland, at the public hearing on April 19, 2005
9. Inspection Report
10. Revised Application dated May 6, 2005
11. Notification of Public Hearing dated June 2, 2005
12. Inspection Report
13. Revised Site Plans (2 pages)
14. Report from the Manager of Planning and Land Use dated June 14, 2005.
15. Petition in opposition to the application, purporting to contain the signatures of 49 area residents, submitted by David Woloschuk at the public hearing on June 21, 2005.

REPRESENTATIONS:

In Support:

Jason Rohs, Jaymic Development Ltd.
Ryan Anhalt
Wade and Kristin Garriock
Paul Sunderland
Richard Hebert

In Opposition:

Rob Adamson
Nettie Campbell
Lori and Ray Cote
Linda Dreger
Kirsten Dupley
David and Brenda Foreman

Rick Gilbert
Trent Graham
Nick Grover
Ron Gustafson
Glen Harper
Randy and Brenda Kupchik
Karen and Richard Lafreniere
Mikel Magnusson
Gary Petrie
Fraser Putnam
David Woloschuk
Dennis and Andrea Wood
Astrid and Bruno Zimmer

For Information:

Duane Collins
Karen and John Hayden
Patrick Ireland
Verna Wolanin
Andrea and Dennis Wood

For the City:

Mr. R. Humble, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

April 19, 2005

The applicant, Jason Rohs, Jaymic Development Ltd, accompanied by Paul Sunderland appeared in support of the application and gave a brief overview of the proposal. Mr. Rohs stated concurrence with the administrative reports. In response to committee's questions, Mr. Sunderland submitted a conceptual drawing for the site, filed as Exhibit 9. Further, Mr. Sunderland stated that the easement was a requirement by the City to allow the turn-a-round of emergency vehicles and garbage trucks.

The Senior Planner stated that the easement for turn-a-round of emergency vehicles and garbage trucks was a standard clause for streets of the length of this development.

Ryan Anhalt appeared in support of the application. Mr. Anhalt stated that he would like to build a new home in the area to raise his family.

Wade Garriock appeared in support of the application. Mr. Garriock reiterated the previous speaker's comments and stated he did not have a problem with the size of the lots.

Ray Cote appeared in opposition to the application. Mr. Cote stated he was not in opposition to the development of the lands only the size of the lots as they were not consistent with what currently existed in the area.

Kirsten Dupley appeared in opposition to the application and reiterated the previous speakers concerns.

David and Brenda Foreman appeared in opposition to the application and reiterated the concerns of the previous speakers.

Nick Grover appeared in opposition to the application and reiterated the concerns of the previous speakers.

Randy Kupchik appeared in opposition to the application and reiterated the concerns of the previous speakers.

Karen and Richard Lafreniere appeared in opposition to the application and reiterated the concerns of the previous speakers.

Fraser Putnam appeared in opposition to the application. Mr. Putman stated concerns with the how the street was being developed, traffic flow, and the proposed lot sizes.

David Woloschuk appeared in opposition to the application. Mr. Woloschuk stated concerns with the proposed lot sizes, drainage, the proposed turn-a-round, and the lack of clear plan for the site.

Dennis and Andrea Wood appeared in opposition to the development and reiterated the concerns of the previous speakers.

Gary Petrie appeared in opposition to the application. Mr. Petrie stated the was only opposed to the proposed lot sizes.

Richard Lebert appeared in support of the application. Mr. Lebert stated he wanted to build a home in the area to raise his family and that the proposed development would add value to the area.

Trent Graham appeared in opposition to the application. Mr. Graham stated concerns with the proposed lot sizes.

Rob Adamson appeared in opposition to the application. Mr. Adamson stated concerns with the proposed lots sizes, lot grading and water retention problems.

In rebuttal, Mr. Rohs stated that as the applicants, they were only developing the lands. Mr. Sunderland stated that the site have been surveyed and discussions had taken place with the Water and Waste Department in respect to requirements for the drainage of water. Mr. Sunderland further stated that the driveway required for the turn-a-round of emergency vehicles and garbage trucks would be reinforced. Mr. Rohs sated he was planning to build a home on the site to live in and that there would be a purchasing agreement in place to control what was built. Mr. Rohs stated concerns with changing the application to a proposed "R1-5.5A" Residential District as it would reduce the number of lots from 16 to 12, and the effects it would have on the costs of servicing the lands.

June 21, 2005

The applicant Jason Rohs, Jaymic Development Ltd., appeared in support and gave a brief overview on the development. In response to Committee's questions, Mr. Rohs sated that he was aware that 3 of the 18 lots were non-buildable

Glen Harper appered in opposition to the application. Mr. Harper stated concerns with the size of the lots and the non-buildable lots.

David Woloschuk appeared in opposition to the application. Mr. Woloschuk stated concerns with the size of the lots and submitted a petition in opposition to the application, filed as Exhibit 15.

Verna Wolanin appeared for information. Ms Wolanin stated concerns with the lack of greenspace and playground.

Andrea and Dennis Wood appeared for information and stated concerns with traffic.

John Hayden appeared for information. Mr. Hayden stated concerns with two (2) storey homes being built and land drainage.

In rebuttal, Jason Rohs stated that both sides of Britany Drive would be developed at the same time and that the remaining two (2) lots would leave a residual of approximately 55 feet for Phase 2 of the development.

Exhibit "7" referred to in File DASZ 8/2005 [c/r DAV 112199/2005D; DAV 121687/2005D]

Re: Proposed subdivision and rezoning on land located on north Extension of Brittany Drive (west of Elmhurst Road, east of Laxdal Road, south of Beiko Avenue) – DASZ 8/05

An application has been submitted by Jaymic Development Ltd. to subdivide and rezone land located on north Extension of Brittany Drive (west of Elmhurst Road, east of Laxdal Road, south of Beiko Avenue).

It is recommended that approval of the plan be subject to the Developer entering into a Development Agreement with the City as follows:

1. The Developer shall, at no expense to the City, construct watermains, wastewater sewers and land drainage sewers required to service the proposed subdivision.
2. The Developer shall, at no expense to the City, install separate water and wastewater lot line connections to serve each lot within the proposed subdivision.
3. The Developer shall pay its share of the regional land drainage system (2005 rate = $12,362.00/acre) benefiting the proposed subdivision.
4. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant any easements as may be necessitated by the design.
5. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.5m and a thickness of 150mm in the streets within the proposed subdivision, and all related works including, but not necessarily limited to boulevard landscaping and ornamental street lighting, all as determined by and to the satisfaction of the Director of Public Works.
6. The Developer shall, at no expense to the City, construct a cul-de-sac type vehicle turnaround at the terminus of each temporarily dead-ended street and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.
7. The Developer shall pay the Charleswood Transportation Levy (2005 rate = $0.35/sq. ft.) attributable to the land within the proposed subdivision not including Lot 5, Block 1 as determined by the Director of Public Works.
8. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.
9. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.
10. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

11. 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.
12. The Developer shall be responsible to control and to initiate the clean up 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. The clean up 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.
13. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.
14. The Developer shall pay $1,200.00/acre to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.
15. The Developer shall pay cash in lieu of dedication of land for public open space including services and landscaping in accordance with City policy.
15. The Developer shall transfer the 1' strips at the termini of both legs of Brittany Drive to the City for development control purposes.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 8/05
April 18, 2005

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"Original signed by E.L. Carrière"
Land Development Engineer
"Original signed by K.T. Raban"
Water and Waste Department
"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division

6196

Exhibit "14" referred to in File DASZ 8/2005 [c/r DAV 112199/2005D; DAV 121687/2005D]

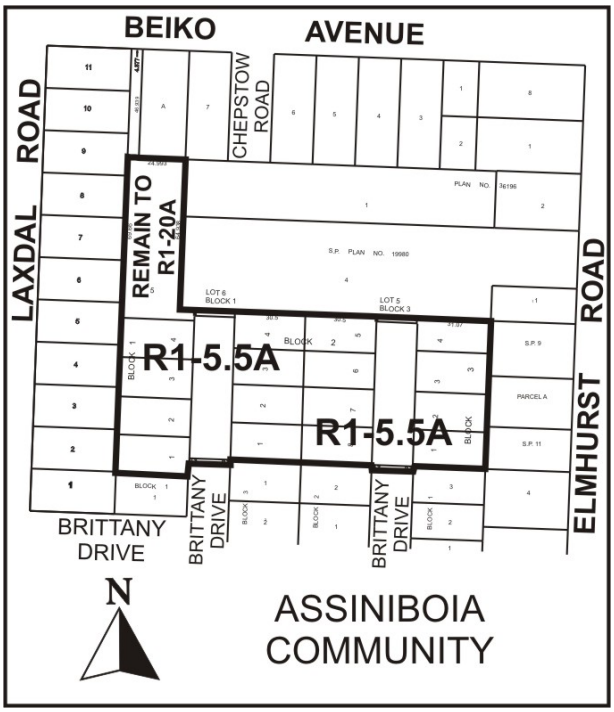
Winnipeg

Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date: June 14, 2005
File: DASZ 8/05
Related Files: DAV 05-121687/D
Subject: Approval of a plan of subdivision and related zoning amendment to Zoning By-Law No. 6400/94 by rezoning the subject lands from "R1-20A" and "R1-5A" to "R1-5.5A" Residential District to allow for the creation of a 17 lot residential subdivision.

Location: North Extension of Brittany Drive (West of Elmhurst Road, East of Laxdal Road, and South of Beiko Avenue)



Applicant: Jaymic Development Ltd.
Owner: Same

Recommendation: Approve with Conditions.
Report Summary:

- The applicant intends to subdivide the subject site in order to permit the construction of 15 new single-family infill residential dwellings. It is noted that two (2) of the seventeen (17) lots (i.e. Lot 5, Block 1 and Lot 4, Block 3) will not be permitted to be constructed upon as they are necessary for future development;
- The existing east and west legs of Brittany Drive will be extended approximately 210 feet in a northerly direction and then stubbed off to allow for a future extension;
- The proposed development is in compliance with Plan Winnipeg and its policies;
- The proposed development is compatible with the surrounding properties; and
- The proposed development is contiguous to existing residential development and is considered to be orderly development.

Site Description

The subject site is located in the Elmhurst neighbourhood within the Charleswood – Tuxedo Ward. In general terms the site is bound by Beiko Avenue and Chepstow Road to the north, Brittany Drive to the south, Laxdal Road to the west and Elmhurst Road to the east. The site is currently vacant and consists of several properties, including 6 private lots and 3 small City owned parcels. The bulk of the subject site is currently zoned "R1-20A" Residential, with one small City owned parcel already zoned "R1-5A" Residential. The total area of the site is approximately 131,750 square feet (± 3 acres).

Surrounding Land Use and Zoning:

North: Detached single-family residential dwellings (R1-6A), then Beiko Avenue
South: Detached single-family residential dwellings (R1-5A, R1-6A and R1-5.5A); then Ridgewood Avenue
East: Detached single-family residential dwellings (R1-20A and R1-6A)
West: Detached single-family residential dwellings (R1-6A and R1-5.5A)

Background

- ***At the April 19, 2005 Assiniboia Community Committee meeting, the Committee adjourned the public hearing until the June 21, 2005 meeting in order for the applicant to revise the subdivision and rezoning application from the proposed "R1-5A"Residential District zoning to a "R1-5.5A" Residential District zoning.***

The rationale for the Committee's recommendation was based upon concerns expressed by area residents with respect to the lot widths and lot areas (under "R1-5A") within the proposed subdivision not being consistent with the size of the existing surrounding residential lots.

- In 1982 approval was granted (DASZ 10-82) for a 31 lot subdivision that initially created Brittany Drive, linking it with Elmhurst and Laxdal Roads. Concurrent with the subdivision plan was an application to rezone the lands from "R1-20A" to "R1-5.5A" and "R1-6A";
- In 1991 approval was granted (DASZ 2-91) for a 6 lot subdivision that saw a further north extension of the west leg of Brittany Drive (i.e., north of Newhaven Ave.). This subdivision involved a rezoning of the lands from "R1-20A" to "R1-5A" (3 lots) and "R1-6A" (3 lots);

Description of the Proposed Development

The applicant, Jaymic Development Ltd., proposes to rezone the subject site from "R1-20A" Residential and "R1-5A" Residential (one small City owned Parcel) to "R1-5.5A" Residential for the purpose of creating a seventeen (17) lot subdivision that will facilitate the construction of new infill detached residential dwellings. As part of the development proposal, the applicant will purchase from the City a portion of a former public lane that extends along the west side of the site as well as two access control strips at the current terminus points of Brittany Drive.

Although the proposed lots range in size, the majority of them exceed 5,500 square feet in area. The smallest lots are located in the northerly portion of Block 2 (i.e. Lots 3, 4, 5 and 6) which have lots sizes just over 5,000 square feet. The majority of the proposed lots have minimum lot widths of 55 feet, excluding the four northerly lots of Block 2, which are approximately 50 feet wide. There are also two lots (Lot 5, Block 1 and Lot 4, Block 3), which have not been included in this analysis. These lots will be held, and not be developed until such time as they are included as part of a subdivision plan with the contiguous vacant lands (i.e. Lot 4, Plan 19980 and Lot 1, Plan 36196).

As shown on the attached subdivision plan, the east and west legs of Brittany Drive extend approximately 210 feet in a northerly direction and then terminate at the south property line of Lot 4, Plan 19980. Although it was the applicant's original intent to complete the connection of Brittany Drive by including the northerly two lots (Lot 4, Plan 19980 and Lot 1, Plan 36196), he was unable to secure ownership of the contiguous property to the north (Lot 4, Plan 19980). Subsequently, based upon discussions with Administration and to ensure the future orderly development of these adjoining lands, the applicant proposes to stub the east and west legs of Brittany Drive at the northerly terminus of the subject site until such time as the opportunity for future development arises.

Also in conjunction with this proposal, the applicant has made a variance application (DAV 05-121687/D) for the following:

I. To vary the proposed "R1-5.5A" district regulations of Zoning By-law No. 6400/94 as follows:

1) To permit on Proposed Lots 3 and 6, Block 2, a lot area of 5,003.23 sq. ft. (464.8 square metres) instead of 5,500 sq. ft. (510.95 square metres);

2) To permit on Proposed Lot 4, Block 2, a lot area of 5,029 sq. ft. (467.2 square metres) instead of 5,500 sq. ft. (510.95 square metres);

3) To permit on Proposed Lot 5, Block 2, a lot area of 5,024.8 sq. ft. (466.8 square metres) instead of 5,500 sq. ft. (510.95 square metres);

4) To permit on Proposed Lot 4, Block 3:

   a) a lot width of 43.13 feet (13.756 metres) instead of 50 feet (15.24 metres);

   b) a lot area of 4,600.6 sq. ft. (427.4 square metres) instead of 5,500 square feet (510.95 square metres);

II. To vary the proposed "R1-20A" District regulations of Zoning By-law No. 6400/94 as follows:

1) For the establishment of Proposed Lot 5, Block 1 to permit as follows:
   a) a frontage on Brittany Drive of 15.48 feet (4.717 metres) instead of 80 feet (24.384 metres);
   b) a lot area of 19,052.7 sq. ft. (1,770 square metres) instead of 20,000 sq. ft. (1,858 square metres);

2) For the maintenance of Part Parcel B, Plan 17618 to permit as follows:
   a) a lot width of 16 feet (4.877 metres) fronting on Beiko Avenue instead of 80 feet (24.384 metres);
   b) a lot area of 2,464.2 sq. ft. (228.92 square metres) instead of 20,000 sq. ft. (1,858 square metres).

Analysis

As previously mentioned, the applicant is proposing to subdivide and rezone a ± three (3) acre site in order to establish seventeen (17) single-family residential lots. The Planning and Land Use Division has evaluated the proposed rezoning and offer the following comments:

Plan Winnipeg Compliance

The subject site falls within a designated Neighbourhood Policy Area under Plan Winnipeg and is consistent with several key policies, including the promotion of orderly development and compact urban form.

Compatibility with existing neighbourhood and surrounding uses:

- The proposed "R1-5.5A" zoning of the subject site is generally consistent with the zoning of the surrounding neighbourhood, which includes a mix of "R1-6A", "R1-5.5A" and "R1-5A" Residential. Although the proposed lots, which range in size between 5,575 square feet and 5,003 square feet, are smaller than the existing lots located directly to the south on the inside block of Brittany Drive (i.e. ranging between 5,800 sq. ft. and 5,940 sq. ft.) they are, however, similar in size to the majority of lots located on the outside block of Brittanty Drive;

- Under the proposed zoning, the proposed lots will have substantially similar building setbacks and site coverage as the surrounding residential lots;
- The lotting pattern and street system conform with the suggested subdivision pattern for the area, and, in this Department's view, are compatible with the surrounding residential context;
- The smallest of the proposed lots (i.e. Lots 3, 4, 5 and 6, Block 2), which have lot areas of approximately 5003 sq. ft. and lot widths of 50 feet, have been situated so as to not abut an existing larger residential lot and subsequently minimize incompatibility with the neighbourhood.

Zoning:

The following is brief explanation of the existing and proposed zoning designations and the surrounding zoning:

- The **"R1-20A" Single Family Residential District** requires a minimum lot size of 20,000 square feet and a minimum lot width of 80 feet;
- The **"R1-5A" Single Family Residential District** requires a minimum lot size of 5,000 square feet and a minimum lot width of 50 feet;
- The **"R1-5.5A" Single Family Residential District** requires a minimum lot size of 5,500 square feet an a minimum lot width of 50 feet; and
- The **"R1-6A" Single Family Residential District** requires a minimum lot size of 6,000 square feet and a minimum lot width of 60 feet.

Other:

- In terminating the east and west sections of Brittany Drive at the northerly boundary of the subject site, it is anticipated that in the future this roadway will be extended and connected over the two northerly properties. With this in mind, it is necessary that proposed Lot 5, Block 1 (indicated on the plan "To remain R1-20A") and Lot 4, Block 3 do not develop unless in concurrence with a future subdivision. Accordingly, it is recommended that, as a condition of approval, a restrictive covenant be placed by the applicant on the Title of proposed Lot 5, Block 1 and Lot 4, Block 3 prohibiting the issuance of any building permits unless they are included as part of a land assembly and subdivision with Lot 1, Plan 36196 and Lot 4, Plan 19980.
- The undeveloped public lane to the rear of lots on Laxdal Road has been incorporated into the lots within the subject plan. This lane has, for many years, been designated for inclusion in the future subdivision of these "back land" properties and is essential to the development of a reasonable plan for this area.
- In regard to the proposed extensions of the east and west legs of Brittany Drive, it is being recommended by the Administrative Coordinating Group that the Developer shall, at no expense to the City, construct a cul-de-sac type vehicle turnaround at the terminus of each temporarily dead-ended street and provide any right-of-way or easements necessary to accommodate these temporary turnarounds.

Recommendation

The Planning and Land Use Division recommends approval for the following reasons:

- The proposed development is a logical extension of the residential development that has already occurred along Brittany Drive to the south;
- Services for residential development are available or are forthcoming in conjunction with the proposed development;
- The proposed rezoning is in compliance with Plan Winnipeg and its policies;
- The proposed rezoning is compatible with Plan Winnipeg and its policies;
- The proposed use will not create an adverse effect on the amenities, use, safety and convenience of the adjoining properties and adjacent area; and
- The proposed development allows for the future orderly development of the abutting lands to the north.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 8/05 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 8/05, attached hereto and dated June 1, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 18, 2005;

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

III That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 8/05, attached hereto and dated June 1, 2005, to an "R1-5.5A" Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to, include the following condition:

A. That a caveat be placed on the Titles of proposed Lot 5, Block 1, and Lot 4, Block 3 prohibiting the issuance of a building permit on these properties unless they are included as part of a land assembly and subdivision with the adjacent lands, specifically being Lot 1, Plan 36196 and Lot 4, S.P. Plan 19980.

IV. 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.

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

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

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.**

VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

Report Prepared by: Randy Humble (Senior Planner)
PPD File # (2.636)

Schedule "A"

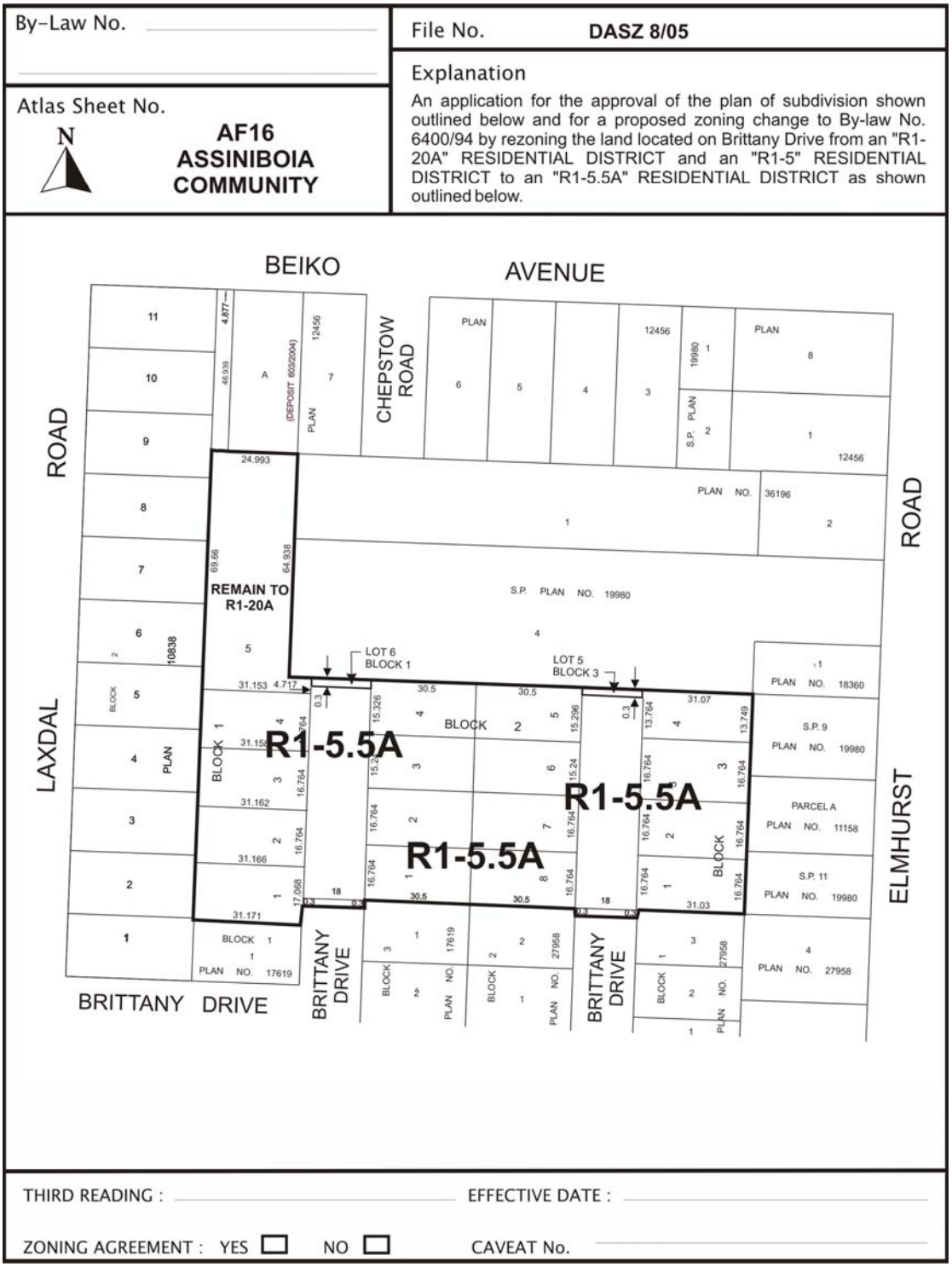


Figure 1: Schedule "A" to the report to the Assiniboine Community Committee for File No. DASZ 8/05, dated June 1, 2005

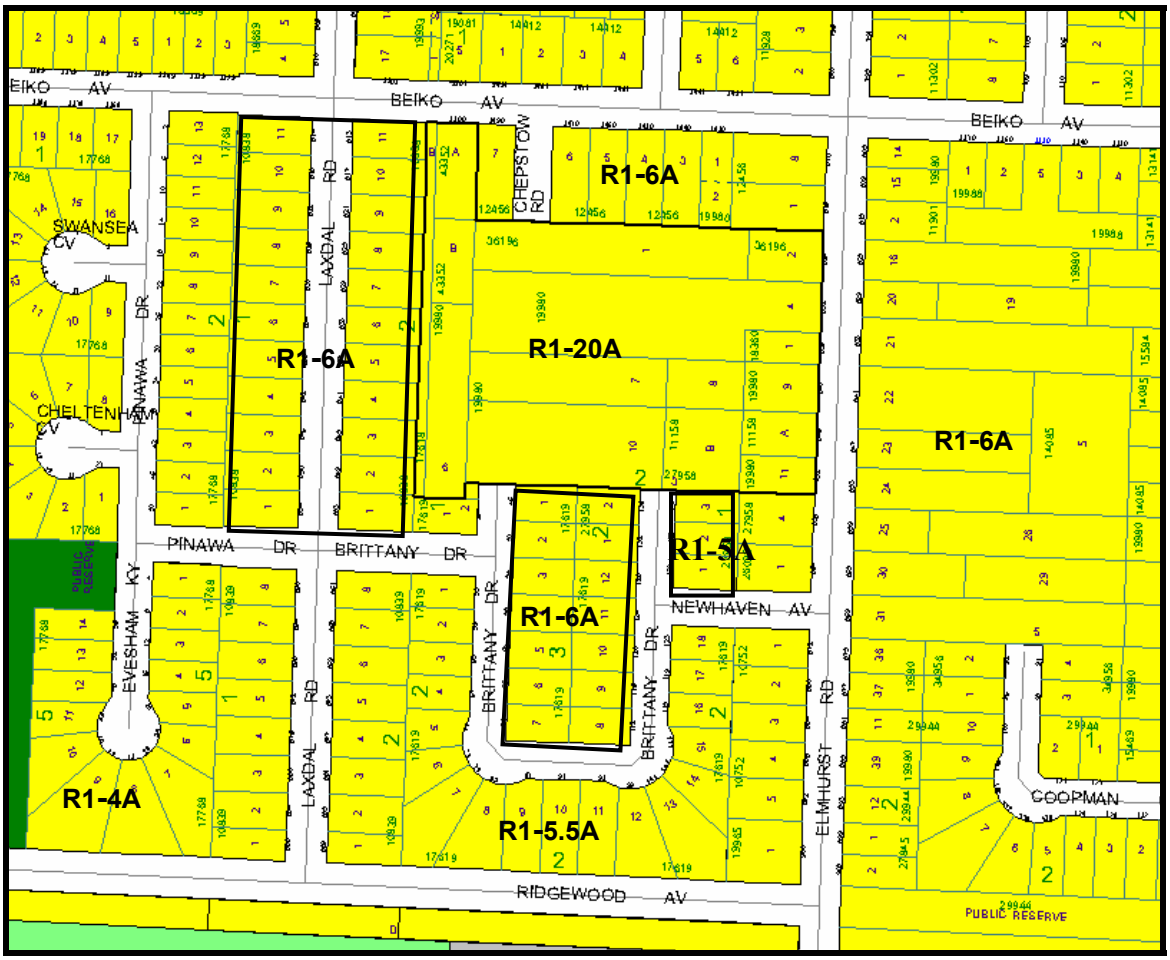


Figure 2: Existing zoning for subject site and surrounding area

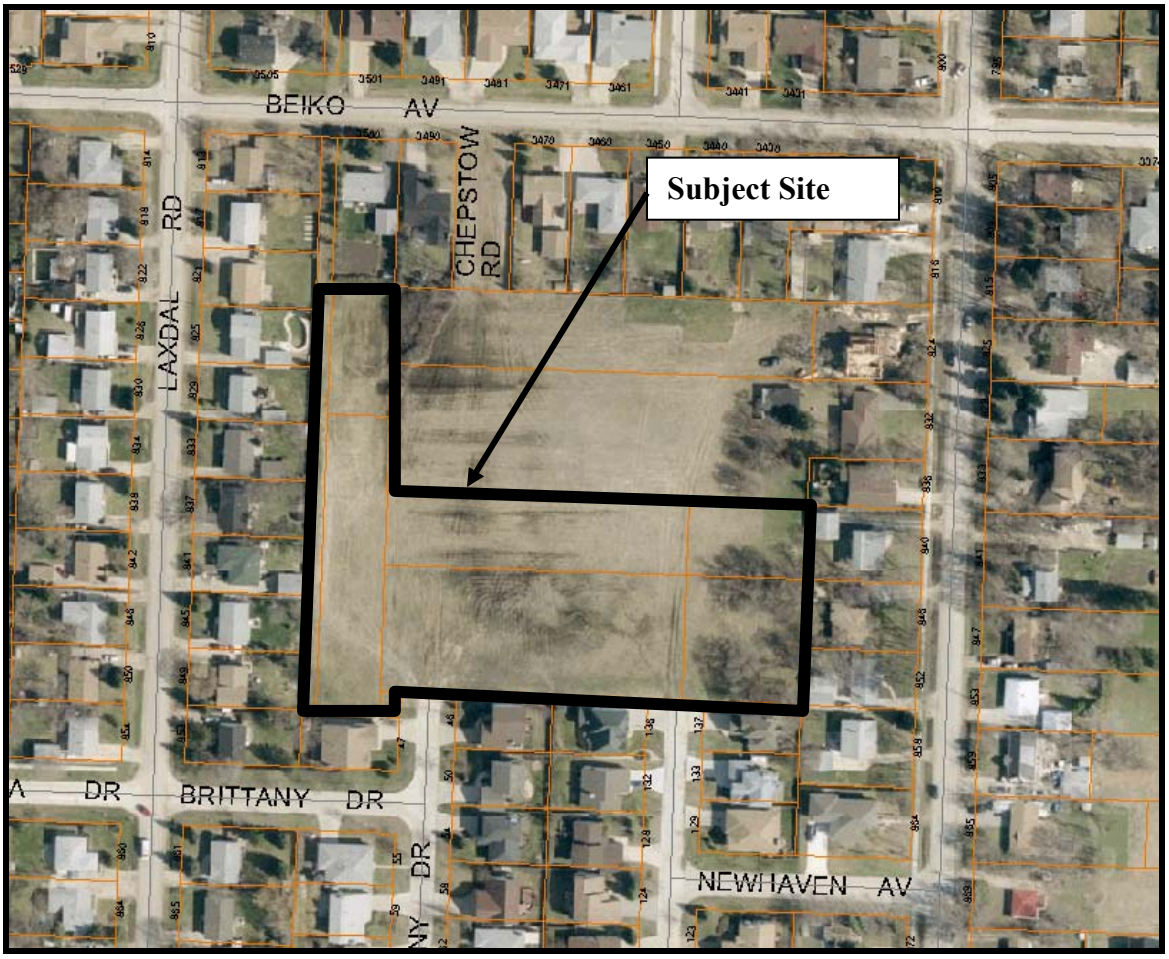


Figure 3: Air Photo of subject site (dated 2002)