Minutes - Executive Policy Committee – April 19, 2006

Minute No. 361
Report - Standing Policy Committee on Property and Development - April 4, 2006

Item No. 14 Subdivision and Rezoning - Land west of Alonza Street between Amber Trail and Leila Avenue
File DASZ 7/2006

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 7/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 7/2006 dated March 27, 2006, 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 March 17, 2006.

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 7/2006 dated March 21, 2006, to an "R1-4" 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 conditions:

    A. The Developer shall, at no expense to the City, construct within the rear yards of all single family lots abutting Leila Avenue, a uniform noise attenuation fence 2.0m in height to the satisfaction of the Director of Public Works and thereafter maintained as originally constructed to the satisfaction of the Director of Public Works.

    B. All single family residential lots backing onto Leila Avenue are to be established with a minimum rear yard setback of 17.5m.

    C. That no private approaches will be permitted off Leila Avenue.

Report - Standing Policy Committee on Property and Development - April 4, 2006

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.

10. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

11. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, as amended, be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 4, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee with the following amendment, namely:

- That Condition No. 3.C. be added as follows, namely:

  "3.C. That no private approaches will be permitted off Leila Avenue.",

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

COMMUNITY COMMITTEE RECOMMENDATION:

On March 28, 2006, the Lord Selkirk-West Kildonan Community Committee concurred in the revised administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - land west of Alonza Street between Amber Trail and Leila Avenue**
File DASZ 7/2006

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

Prepared by: **Diane Timmins, Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **March 29, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On March 28, 2006, the Lord Selkirk-West Kildonan Community Committee concurred in the revised administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 7/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 7/2006 dated March 27, 2006, 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 March 17, 2006.

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 7/2006 dated March 21, 2006, to an "R1-4" 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 conditions:

    A. The Developer shall, at no expense to the City, construct within the rear yards of all single family lots abutting Leila Avenue, a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works and thereafter maintained as originally constructed, to the satisfaction of the Director of Public Works.

    B. All single family residential lots backing onto Leila Avenue are to be established with a minimum rear yard setback of 17.5m.

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.

10. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

11. That the City Solicitor/Manager of Legal Services 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 reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the revised report from the Planning and Land Use Division dated March 27, 2006 and in the report from the Administrative Coordinating Group dated March 17, 2006.

PUBLIC HEARING SUMMARY

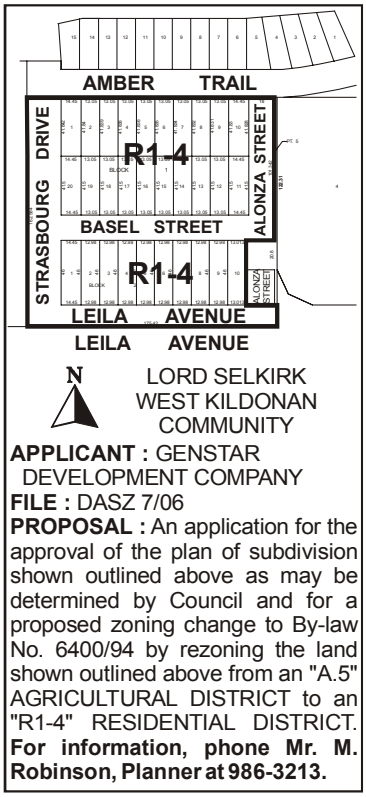
File: DASZ 7/2006

Before: Lord Selkirk-West Kildonan Community Committee
Councillor O'Shaughnessy, Chairperson
Councillor Lazarenko
Councillor Pagtakhan

Public Hearing: March 28, 2006
West Committee Room, Council Building
510 Main Street

Applicant: Genstar Development Company (Greg Jasper)

Subject:



Premises Affected: land west of Alonza Street between Amber Trail and Leila Avenue

Exhibits Filed:
1. Application dated February 16, 2006
2. Notification of Public Hearing dated February 28, 2006
3. Title Search 1697328
4. Caveat 2944042dated January 14, 2004
5. Plan

6. Report from the Planning and Land Use Division dated March 21, 2006
7. Report from the Administrative Coordinating Group dated March 17, 2006
8. Revised report from the Planning and Land Use Division dated March 27, 2006
9. Communication dated March 27, 2006 from Maria Doerr with respect to the application
10. Inspection Report

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REPRESENTATIONS:

In Support:

Greg Jasper, Genstar Development Company

In Opposition

Nil

For Information:

Mary Doerr

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Greg Jasper, Genstar Development Company, appeared in support of the application and stated concurrence in the recommendations outlined in the revised report of the Planning and Land Use Division dated March 27, 2006 ("Exhibit 8").

Exhibit "8" referred to in File DASZ 7/2006

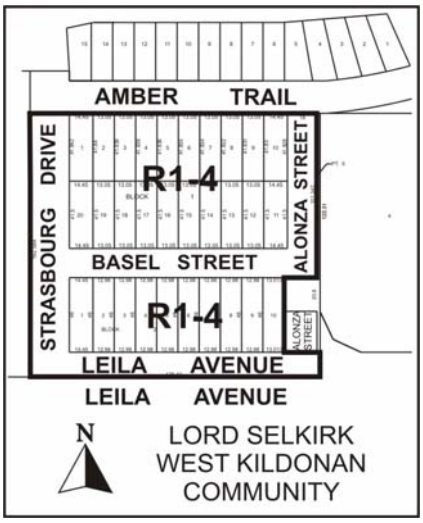
Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Revised

Date: **March 27, 2006**
File: **DASZ 7/06**
Related Files: **DASZ 43/2004**
Subject: **Subdivision and rezoning application to create thirty (30) single-family residential lots**

Location: **West of Alonza Street between Leila Avenue and Amber Trail Avenue.**



Applicant: **Genstar Development Company (Greg V. Jasper)**
Owner: **Same**

Recommendation: **Approval**

Report Summary: **Phase VII of the Amber Trails residential development**

Site Description

The subject site, which is west of Alonza Street between Leila Avenue and Amber Trail Avenue, is located in the Amber Trails neighbourhood of the Old Kildonan ward.
North: Land zoned "R1-4" Residential which is currently under development for residences
South: Undeveloped land zoned "A-5" Agricultural
East: Undeveloped land zoned "A-5" Agricultural which may be a future school site
West: Landfill, zoned "A-5" Agricultural

Background

The subject site is proposed to be developed as Phase 7 of the existing Amber Trails residential development. It is part of an overall concept plan put forward by Genstar for development that encompasses an area extending west as far as Ritchie Street and north as far as the future proposed Kildonan Corridor (north of Templeton Avenue).

The history of the Amber Trails development is as follows:

Phase	File Number	Acres	Number of Lots	Zoning
1	DASZ 34 / 1988	54	170	R1-5
2	DASZ 3 / 1996	25	110	R1-4
3	DASZ 1 / 2002	12	49	R1-4
4	DASZ 17 / 2003	11	50	R1-4
5	DASZ 12 / 2004	7	54	R1-4
6	DASZ 43/2004	38	146	R1-4
7	DASZ 7/2006	± 6	30	R1-4

Description of the Proposed Development
The applicant is proposing to develop thirty (30) single-family residential lots on the subject lands. The lots range in width from 42 to 43 feet and in depth from 136 to l50 feet. They range in area from 5,830 to 6,443 square feet

The development will be bounded by Strasbourg Drive on the west, which will connect to Leila Avenue and by Amber Trail Drive on the north.

Analysis
The Department supports single-family residential use on the subject lands. The proposed use is consistent with the surrounding single-family residential uses in the Amber Trails neighbourhood. The proposed zoning designation will further add single-family dwellings in the

neighbourhood and accommodate the growing demand for housing in the Old Kildonan community. This phase can be considered orderly development since it is contiguous of the previous phase.

Plan Winnipeg
The subject parcels fall with a designated Neighbourhood Policy Area under Plan Winnipeg which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Transportation and Site Access
The proposed development will be served primarily by Amber Trail Drive until such time that Leila Avenue is extended to the west and Mandalay Drive is extended to the north. Those road improvements will occur in conjunction with future development in the area.

It should also be noted that Public Works is recommending that Alonza Street between the subject property and Leila Avenue should be legally closed and incorporated into the planned area as additional development. This land, together with the remainder of the subject property not included in this application, will yield at least one additional residential lot.

Site Design Issues
Public Works is recommending that the residential lots that back onto Leila Avenue be developed with a minimum rear yard setback of 57.41 feet (17.5 metres) for the purposes of noise attenuation. The proposed lot depths are adequate to accommodate this condition.

Sinilarly, Public Works is requesting that a uniform noise attenuation fence, 6.5 feet (2.0m) in height, be constructed within the rear yards of all lots abutting Leila Avenue.

Landfill Control Zone
The proposed development encroached into the current existing 45 metre control zone around the boundary of Landfill Site No. 14. In March 2006, the Water and Waste Department, Solid Waste Services Division carried out a detailed investigation of the east side of this landfill site. Forty test holes were drilled and four gas probes were installed.

The Water and Waste Department has been monitoring six gas probes along the east side of the Leila Ave West landfill site and as a result of this detailed investigation, the Solid Waste Services Division has indicated that they are confident in reducing the control zone along the east boundary. The Control Zone for this site along the east side will now extend only to the east limit of the right-of-way of the proposed Strasbourg Drive. In light of this, the control zone will not extend onto the proposed residential properties.

The gas probes installed along the east side of the landfill site will serve as the methane mitigation measure necessary for the utilities to be installed along Strasbourg Drive.

Recommendation

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

- The proposed development is in compliance with Plan Winnipeg & its policies;
- The proposed development is an extension to the existing Amber Trails development;
- The proposed development is contiguous to the previous phase of Amber Trails, and thus may be considered orderly development.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 7/06 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 7/06, attached hereto and dated March 21, 2006, 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 March 17, 2006;

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 7/06, attached hereto and dated March 21, 2006, to an "R1-4" 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, to include the following conditions:

A. The Developer shall, at no expense to the City, construct within the rear yards of all single family lots abutting Leila Avenue, a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works and thereafter maintained as originally constructed, to the satisfaction of the Director of Public Works.

B. All single family residential lots backing onto Leila Avenue are to be established with a minimum rear yard setback of 17.5m.

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.

X. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

XI. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: Michael Robinson, AICP
PPD File # 3.337

Schedule "A"

By-Law No. _____

File No. **DASZ 7/06**

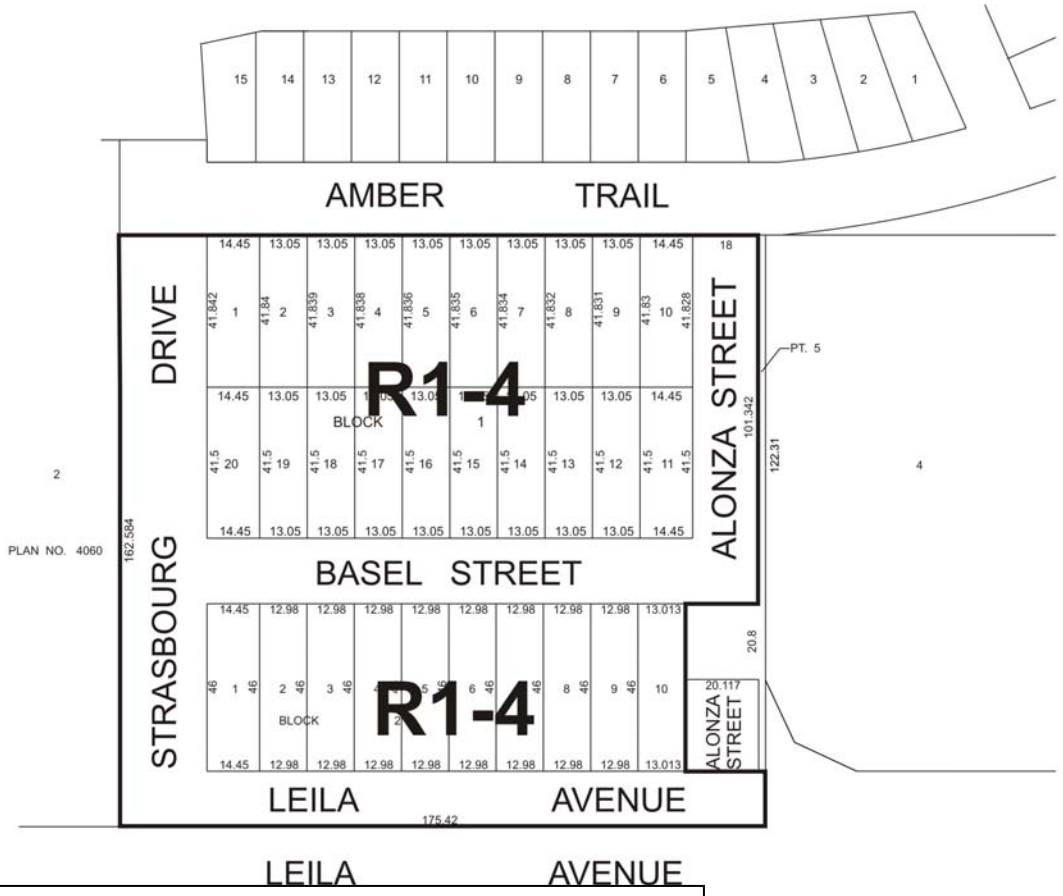
Atlas Sheet No. **R22**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at west of Alonga Street between Amber Trail and Leila Avenue from an "A.5" AGRICULTURAL DISTRICT to an "R1-4" RESIDENTIAL DISTRICT as shown outlined below.



Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for file # DASZ 7/06, dated March 27, 2006

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2005)

Exhibit "7" referred to in File DASZ 7/2006

Re: Proposed subdivision and rezoning on land located west of Alonza Street between Amber Trail and Leila Avenue - DASZ 7/06

An application has been submitted by Genstar Development Company to subdivide and rezone land located west of Alonza Street between Amber Trail and Leila Avenue. The subject land is located south of and adjacent to land developed by the Developer in 2005 under the terms of an Addendum to Development Agreement AG 3/96.

It is recommended that approval of DASZ 7/06 be subject to the Developer entering into a further Addendum to Development Agreement AG 3/96 as follows:

1. By attaching a plan showing the land covered under DASZ 7/06;
2. By attaching a plan showing the servicing requirements for the land covered under DASZ 7/06 including:
   a) a 300mm watermain in Leila Avenue from its current terminus west of Agnes Arnold Place to the southerly extension of Strasbourg Drive and in the southerly extension of Strasbourg Drive from Leila Avenue to Amber Trail. (The Developer will be compensated for the oversized portion of this watermain),
   b) sidewalks on both sides of Strasbourg Drive.
3. a) By adding a clause that the land drainage TSR and the Leila Trunk User Charge attributable to the land covered under DASZ 7/06 shall be credited against the cost of regional land drainage facilities previously installed by the Developer.
   b) By adding a clause that the Developer shall pay its share of the cost of the oversized wastewater sewer benefiting the land covered under DASZ 7/06.
4. By adding a clause requiring the Developer to pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the addendum to Development Agreement AG 3/96.
5. By adding a clause acknowledging that the 8% land dedication requirement under DASZ 7/06 will be satisfied in future stages of development as determined by the Director of Planning, Property and Development.
6. By adding a clause as follows:

   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:

   i) 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.

   ii) 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 Trails from Pipeline Road and Leila Avenue including, but not necessarily limited to, the intersection of Allan Blye Drive and Mandalay Drive with Leila Avenue and the intersections of the two ease-west streets entering Amber Trails from Pipeline Road.

   iii) 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.

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

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

7. By adding a clause that the Developer shall, at no expense to the City, construct within the rear yards of all single family lots abutting Leila Avenue, a uniform noise attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works.

8. By adding a clause that no private approaches will be permitted off Leila Avenue

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 7/06
March 17, 2006

"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