Minutes - Executive Policy Committee - July 9, 2008

Minute No. 392
Report - Standing Policy Committee on Property and Development - June 24, 2008

Item No. 6 Subdivision and Rezoning - Southwest corner of Templeton Avenue and McGregor Street (Old Kildonan Ward) File DASZ 9/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations 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 9/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" Option 1, for File DASZ 9/2008 dated May 1, 2008**,** for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the revised report of the Administrative Coordinating Group dated May 27, 2008, with the following amendments, namely:

        i. That a new recommendation be added as follows:

            "15. That the Developer be required to construct a 150 mm thick concrete pavement within the proposed substandard public right-of-way adjacent to McGregor Street and the CPR Winnipeg Beach Subdivision tracks."

        ii. That Recommendation 8.(d) be amended by deleting the word "east" and replacing it with the word "west."

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" Option 1, for File DASZ 9/2008 dated May 1, 2008, to an "R1-4" and an "R1-6" Residential District.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional lots.

Report - Standing Policy Committee on Property and Development - June 24, 2008

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

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

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

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

8. 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.

9. 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.

10. 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.

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.

Minutes - Executive Policy Committee - July 9, 2008

Report - Standing Policy Committee on Property and Development - June 24, 2008

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That pursuant to The City of Winnipeg Charter and By-law No. 5288/89, Committee go In Camera to discuss a matter under Category "C" of said by-law, in that it deals with property related matters including but not limited to reports respecting purchase, sale, lease, exchange, expropriation or development of City-owned lands.

Carried

Moved by Councillor Swandel,

That Committee return to open session.

Carried

Moved by Councillor Swandel,

That the recommendations 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 June 24, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, as amended, namely:

- Delete Recommendation 1.A.i. in its entirety and renumber the remaining Recommendation accordingly.

- Add the following Recommendation:

  1.A.ii Amend Recommendation 8 d) of the report of the Administrative Coordinating Group dated May 27, 2008, by deleting the word "east" and replacing it with the word "west",

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

Report - Standing Policy Committee on Property and Development - June 24, 2008

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On May 27, 2008, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service as amended, namely:

- Recommendations 1 and 2 in the report of the Report of the Planning and Land Use Division dated May 1, 2008 be deleted in their entirety and replaced with the following:

    "1. That the plan of subdivision proposed under File DASZ 9/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" Option 1, for File DASZ 9/2008 dated May 1, 2008, for registration in the Winnipeg Land Titles Office subject to the following:

        A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the revised report of the Administrative Coordinating Group dated May 27, 2008, with the following amendments, namely:

            i. That recommendations 7 and 8 be deleted and the remaining recommendations renumbered accordingly.

            ii. That a new recommendation be added as follows:

                "15. That the Developer be required to construct a 150 mm thick concrete pavement within the proposed substandard public right-of-way adjacent to McGregor Street and the CPR Winnipeg Beach Subdivision tracks."

    "2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" Option 1, for File DASZ 9/2008 dated May 1, 2008, to an "R1-4" and an "R1-6" Residential District",

and submitted the matter to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - Southwest corner of Templeton Avenue and McGregor Street (Old Kildonan Ward) File DASZ 9/2008**

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

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

Report date: **May 30, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 27, 2008, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 9/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" Option ***1***, for File DASZ 9/2008 dated May 1, 200***8*****,** for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the ***revised*** report of the Administrative Coordinating Group dated May ***27***, 2008, ***with the following amendments, namely:***

        i. That recommendations 7 and 8 be deleted and the remaining recommendations renumbered accordingly.

        ii. That the Developer be required to construct a 150 mm thick concrete pavement within the proposed substandard public right-of-way adjacent to McGregor Street and the CPR Winnipeg Beach Subdivision tracks.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" Option ***1***, for File DASZ 9/2008 dated May 1, 2008, to an "R1-4" Residential District ***and*** an "R1-6" Residential District. ~~***and an "RM-L" Multiple-Family Residential District, subject to the following:***~~

    ~~***A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:***~~

~~***i. For the "RM-L" lands, plans showing the location and type of the proposed buildings, the location and design of private roads, private approaches, fencing, landscaping and signage shall be submitted to and approved by the Director of Planning, Property and Development prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.***~~

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional lots.

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

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

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

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

8. 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.

9. 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.

10. 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.

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.

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

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

1. The proposed development is for single-family dwellings and represents healthy infill housing which will not hurt the area.

2. The Lord Selkirk-West Kildonan Community Committee has recommended the amendments to the revised report of the Administrative Coordinating Group dated May 27, 2008 on the basis that at a previous public hearing, the Lord Selkirk-West Kildonan Community Committee was advised by a former member of the Winnipeg Public Service that a higher price was paid for the subject property based on the fact that it was located on an improved street (McGregor Street).

PUBLIC HEARING SUMMARY

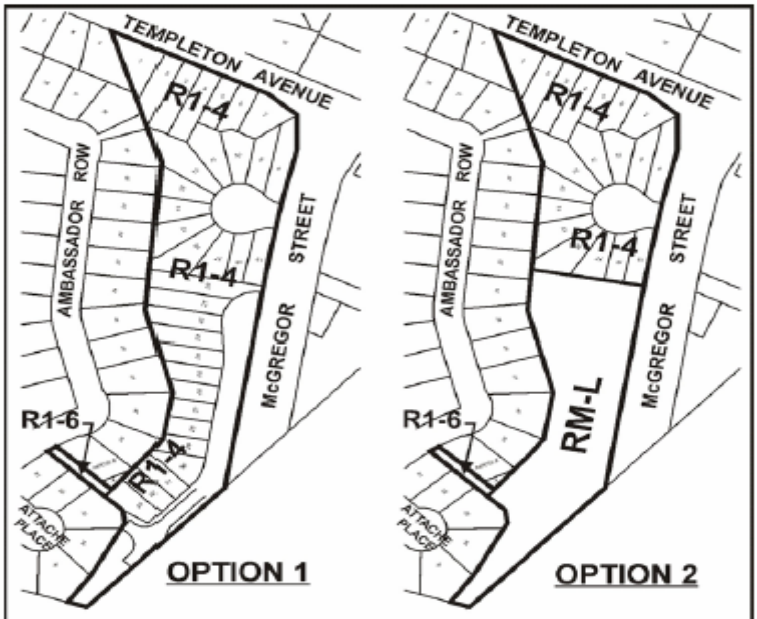
File: DASZ 9/2008

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

Public Hearing: May 27, 2008
West Committee Room
Council Building, 510 Main Street

Applicant: McGowan Russell (Susan Russell)

Subject:



APPLICANT : McGOWAN RUSSELL
FILE : DASZ 9/08
PROPOSAL : An application for the approval of either Option 1 or Option 2 on 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 as follows: (i) Option 1 - From an "A" AGRICULTURAL DISTRICT, a "PR1" PARK AND RECREATION DISTRICT and an "RM-1" MULTIPLE-FAMILY DISTRICT to an "R1-4" and "R1-6" RESIDENTIAL DISTRICTS or (ii) Option 2 - From an "A" AGRICULTURAL DISTRICT, a "PR1" PARK AND RECREATION DISTRICT and an "RM-1" MULTIPLE-FAMILY DISTRICT to an "R1-4" and "R1-6" RESIDENTIAL DISTRICT and an "RM-L" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. M. Robinson, Planner at 986-3213.**

Premises Affected: Southwest corner of Templeton Avenue and McGregor Street

Exhibits Filed:

1. Application dated March 19, 2008
2. Notification of Public Hearing dated April 9, 2008
3. Manitoba Status of Titles 1229353, 2222214, 222226, 2222256, 2222263 and Certificate of Title E 4136
4. Letter of authorization dated January 23, 2008 from North Grassie Properties Inc. to McGowan Russell
5. Misc. Plan 12663/4
6. Conceptual Masterplan dated March 2008
7. Report from the Planning and Land Use Division dated May 1, 2008
8. Report from the Administrative Coordinating Group dated May 2, 2008
9. Revised report from the Administrative Coordinating Group dated May 27, 2008
10. Inspection Report
11. Photographs (7) of the subject property and surrounding area, submitted at the public hearing by Robert Brosi, in support of the application
12. Maps of the subject property and surrounding area, submitted at the public hearing by Frank Humniski, in opposition to the application
13. Presentation of Diane Cameron, in opposition to the application, submitted at the public hearing
14. Audio Recording of representations

REPRESENTATIONS:

In Support:

Susan Russell, McGowan-Russell
Norm Boyle
Robert Brosi

In Opposition:

Ron Blyna
Diane Cameron
Carolyn and Joe Czubryt
Maxine Diamond
Jon Drewniak
Matthew Galezowski

Jayson Gard
Clint Grzebeniak
Karyn Shelley Hanson
Frank Humniski
Grazyna and Piotr Kraj
Adam and Judith Lavitt
Mary Tutaj
Peter Washchyshyn

For Information:

Wieslawa Drewniak
Helen and Walter Kuchak
Judy Shields
Paul Trochanowski
Ola Tutaj

For the City:

Mr. M. Robinson, Planner, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department
Ms S. Matile, Land Development Engineer, Planning, Property and Development Department

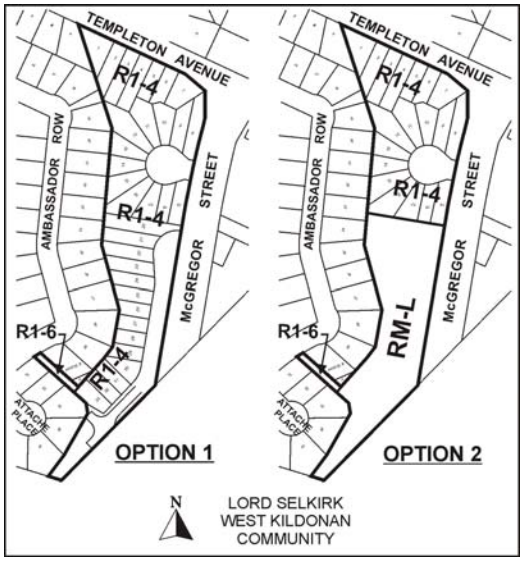
Exhibit "7" referred to in File DASZ 9/2008

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk-West Kildonan Community Committee

Date: May 1, 2008
File: DASZ 9/08
Related Files:
Subject: Application to amend Zoning By-law 6400/94 by rezoning the land shown below from an "A" Agricultural District and a "PR-1" Parks and Recreation District to an "R1-4" Single-Family Residential District and a "RM-L" Multiple-Family Residential District, to allow for residential development
Location: SW Corner of McGregor Street and Templeton Avenue



Applicant: McGowan Russell (Susan Russell)
Owner: City of Winnipeg

Recommendation: Approval with Option 2

Report Summary:

- **Both Option 1 and Option 2 are for single-family detached housing**

- **Option 1 proposes single family detached housing on individual lots, with access from a public street**
- **Option 2 proposes single family detached housing in a bare land condominium plan, with access from a private street**
- **The Planning and Land Use Division recommends that Option 2 be approved with conditions**

Site Description

The subject property is located at the southwest corner of McGregor Street and Templeton Avenue in the neighbourhood of the Old Kildonan ward. The property is currently undeveloped.

North: Residences zoned "R1-3.5" Residential District

South: Residential building zoned "RM-4" Multiple-Family District

East: Undeveloped land zoned "A" Agricultural District and "PR-1" Parks and Recreation District

West: Undeveloped land zoned "PR-1" Parks and Recreation District, then single-family residences zoned R1-6 Residential District

Background

The subject property, which was intended to serve as the ROW for McGregor Street, was determined to be no longer required by the City when McGregor Street was redirected further to the east. The land was declared surplus to City needs in October 1993.

Description of the Proposed Development

This application encompasses a 5.637-acre, irregularly shaped parcel of land at the southwest corner of Templeton Avenue and McGregor Street. The applicant requesting approval for the establishment of:

North side

- Seven (7) single-family residential lots ("R1-4" Residential) fronting the south side of Templeton Avenue

- Twelve (12) single-family lots ("R1-4" Residential) fronting a cul-de-sac, with access off McGregor Street (R1-4)

In addition, the applicant is requesting approval for one of the two options for the balance of the property:

South Side

Option 1

Fourteen (14) single family lots ("R1-4" Residential) fronting McGregor Street off a public frontage road

Option 2

Fourteen (14) single family dwelling units ("RM-L" Multiple-Family) in a bare land condominium fronting a private road

Analysis
Plan Winnipeg
Under Plan Winnipeg 2020, the subject area is, in its entirety, within a Neighbourhood Policy Area. Neighbourhood Policy Areas are intended to include a residential mix together with a variety of educational, recreational, institutional, commercial and possibly industrial uses, at a scale and density compatible with each other. This development meets several key goals of Plan Winnipeg including *infilling of vacant lands* (3A-02 iv) and *supporting new development which is adjacent to, and compatible with, existing development* (3A-02v). There is a demonstrated need for new residential development in the area and recognition that infill lands, with existing services in place, are the best place to accommodate it.

North Side
"R1-4" Single family zoning
The applicant is proposing "R1-4" Single-Family Residential zoning for the lots fronting onto Templeton Avenue and within the proposed cul-de-sac off McGregor.

This zoning is consistent with what was approved in 2004 and 2005 (DASZ 29/04 and DASZ 47/05) on the lands to the immediate north.

South Side

Option 1

The Public Service does not support Option 1 for the following reasons:

- The right-of-way for the proposed street parallel to McGregor Street is only 15.0 metres, which is less than the current standard for local residential streets of 18.0 metres

- The proposed street is approximately 190 metres in length. The City's guidelines for such streets in 105 metres.

- The proposed street parallel to McGregor Street is a dead-end with a hammerhead turnaround. The current standard for all street turn-arounds is a standard cul-de-sac configuration, which permits vehicles to turn-around without traveling in reverse.

- The lack of turnaround ability will make the street difficult and costly to maintain for the City.

Option 2

The Public Service supports Option 2 for the following reason:

The access road in this option would be private, which means that all maintenance would be handled by the condominium corporation, rather than the City. Also, private road standards allow for a narrower right of way and the hammerhead turnaround, which are both required because of the reduced depth of the property.

Summary of Options

Effectively, Option 1 and Option 2 will look the same, on the ground. However, from an infrastructure cost and a maintenance/operations perspective, Option 2 is the best option for the City.

Fencing

The applicant has indicated that they will be installing a uniform solid wooden fence throughout the development. They will be installing the fence in all common rear yards. Additionally, they have indicated that if neighbors request a common fence to be replaced, they would do so.

Proximity guidelines for railroad tracks

The subject property abuts the CPR Winnipeg Beach subdivision. In light of this, the Division is recommending that minimum setbacks and sound attenuation be required for the units which are immediately adjacent to the tracks.

The recommendations are based upon guidelines developed by FCM for Canadian municipalities.

- *Setback*

A minimum 15 metre (50 foot) setback from the railroad right of way

- Noise Attenuation

A 2.0 metre noise attenuation fence, that provides a minimum Transmission Level of 25 decibels or more.

Public Input

The applicant indicated that they held an informational meeting with adjacent property owners on February 13, 2008.

Land Dedication

Finally, it should be noted that cash in lieu of dedication for public open space is incorporated into the recommended conditions of approval and the ACG report.

Compatibility

The proposed development is comprised of single-family detached homes, which is consistent with the adjoining properties to the west. While the lot sizes are, in some cases, smaller than the neighbouring lots, they are consistent with other nearby subdivisions and in step with typical residential lot sizes throughout the City of Winnipeg today.

Given the escalating cost of land and servicing, lot sizes have become smaller compared to what was developed on Ambassodor Row and adjoining streets several decades ago. With that said, it is not reasonable to hold new development to a lot size standard which may not be economically viable in today's market and may not be affordable for the majority of potential homeowners.

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- **Proposal meets Plan Winnipeg policies for infill development and compatible land use**
- **The proposed development will not have an adverse impact on adjoining properties**

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 9/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" Option 2, for File DASZ 9/2008 dated May 1, 2007, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 2, 2008.

2. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" Option 2, for File DASZ 9 /2008 dated May 1, 2008, to an "R1-4" Residential District, an "R1-6" Residential District, and an "RM-L" Multiple-Family Residential District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. For the "RM-L" lands, plans showing the location and type of the proposed buildings, the location and design of private roads, private approaches, fencing, landscaping and signage shall be submitted to and approved by the Director of Planning, Property and Development prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land and the creation of additional lots.

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter

shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

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

8. 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.

9. 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.

10. 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.

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.

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

Report Prepared by: Michael Robinson, AICP
PPD File # DASZ 9/08

Schedule "A"

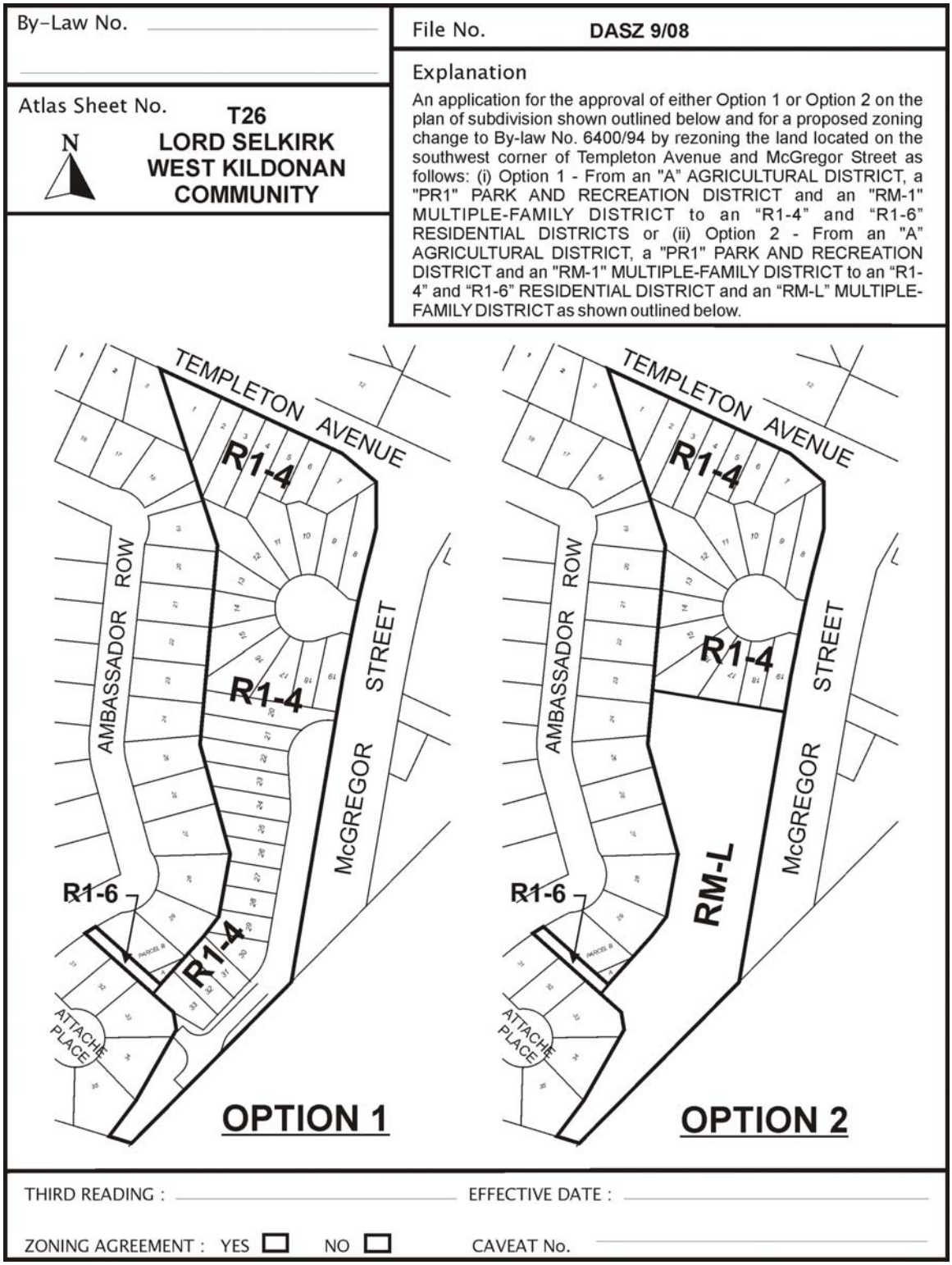


Figure 1: Schedule "A" to the report to the Lord Selkirk-West Kildonan Community Committee for File DASZ 9/2008, dated May 1, 2008.

Appendix 1

Design Guidelines for DASZ 9/08

Purpose: To be used as guidelines when reviewing the final plan submittal for DASZ 09/08

Building Orientation
The development shall be constructed with single-family detached residences, in substantial conformance with Plan Option 2, in Appendix 2

Setback
That a minimum 50 foot setback be required to the CPR Winnipeg Beach Subdivision line, for any habitable room in a principal structure

Fencing

Railroad tracks

That fencing be installed along the railroad tracks to provide for noise attenuation and to prevent trespass onto the railroad right of way.

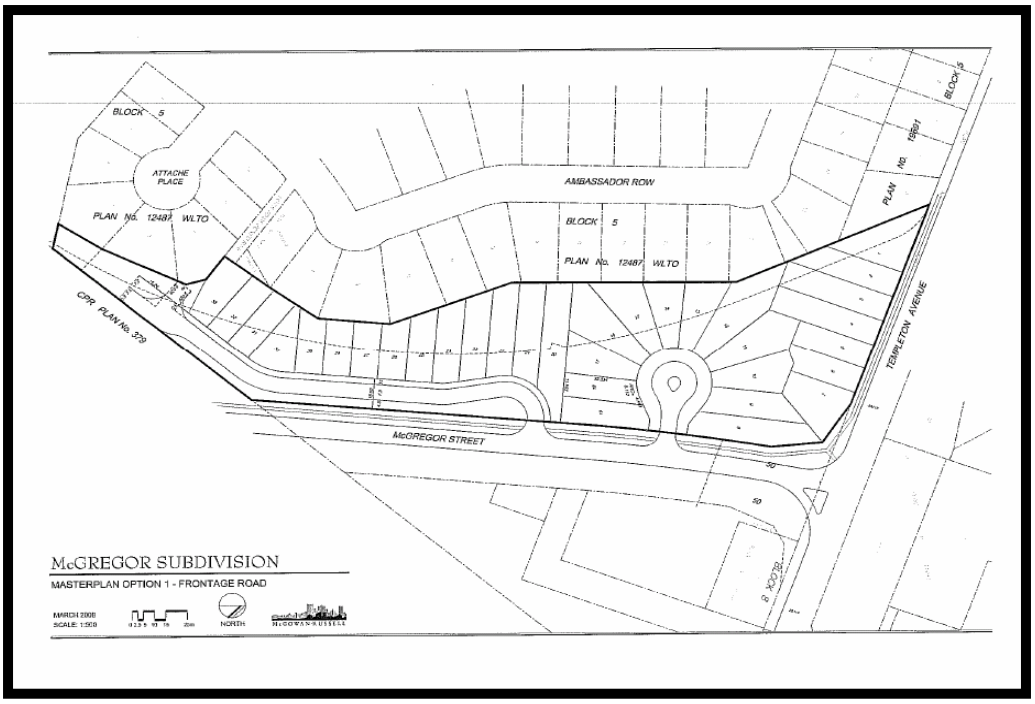
Other areas

That uniform solid wooden fencing shall be provided in all common rear yards and in other areas, where required

Landscaping/Buffer
In order to provide a transition between the roadways, screen headlight glare, and enhance the visual presentation of the streetscape, the strip of land between the McGregor Street ROW and the internal road should include some of the following elements:

- soft berming
- landscaping
- fencing

Appendix 2


BLOCK 5
ATTACHE PLACE
PLAN No. 12487 WLTO
AMBASSADOR ROW
BLOCK 5
PLAN No. 12487 WLTO
PLAN No. 19891
BLOCK 5
CPR PLAN No. 379
TEMPLETON AVENUE
McGREGOR STREET
McGREGOR SUBDIVISION
MASTERPLAN OPTION 1 - FRONTAGE ROAD
MARCH 2008
SCALE: 1:500
NORTH
McGOWAN RUSSELL

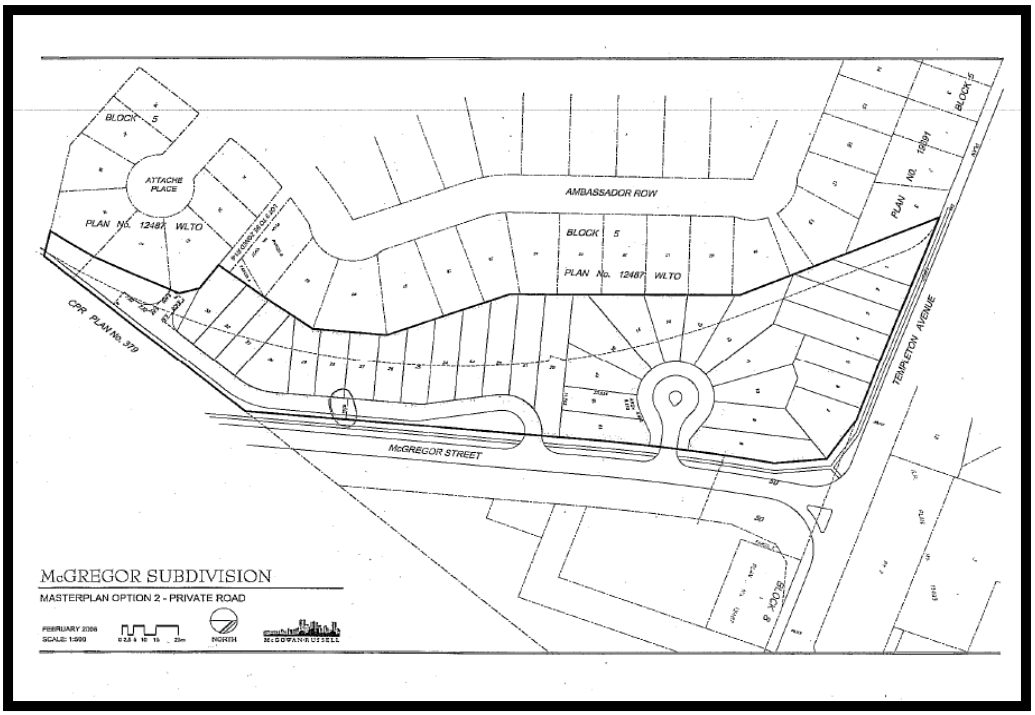

BLOCK 5
ATTACHE PLACE
PLAN No. 12487 WLTO
AMBASSADOR ROW
BLOCK 5
PLAN No. 12487 WLTO
PLAN No. 19891
BLOCK 5
CPR PLAN No. 379
TEMPLETON AVENUE
McGREGOR STREET
McGREGOR SUBDIVISION
MASTERPLAN OPTION 2 - PRIVATE ROAD
FEBRUARY 2008
SCALE: 1:500
NORTH
McGOWAN RUSSELL

Exhibit "9" referred to in File DASZ 9/2008

INTER-OFFICE MEMORANDUM

Planning, Property and Development Department

Development and Inspections Division, Land Development Branch
Main Floor, 65 Garry Street

Date: May 27, 2008

To: Dianne Timmins, Community Clerk ***(via e-mail)***

From: Shirley Matile, Land Development Engineer

RE: **Proposed Subdivision and Rezoning of Land at the Southwest corner of Templeton Avenue & McGregor Street**

FILE: DASZ 9/08 (PLEASE QUOTE WHEN REPLYING)

Enclosed, for consideration by the Lord Selkirk-West Kildonan Community Committee at its meeting this evening, is the revised report of the Administrative Co-ordinating Group, dated May 27, 2008, regarding the captioned development application.

The report has been revised to "soften" the recommendation that a walkway linkage be provided from the proposed subdivision through the existing walkway, by replacing it with a recommendation that the Developer endeavour to work with the City to provide pedestrian access from the proposed subdivision, via the existing walkway, to the existing park space to the west. (Please see Paragraph 2 of the report, highlighted.)

Al three of the signatories to the original report concur in the revised version.

_____
S. M. Matile, P.Eng.

/sm

Cc (all via e-mail): E. Axelrod, Subdivision Officer
J. Carter, Legal Services
R.J. Hartmann, P.Eng., Public Works Dept.
T.S. Josephson, P.Eng., Water & Waste Dept.
F. Mazur, P. Eng., Water & Waste Dept.
D. Overby, Planning and Land Use
Councillor O'Shaughnessy
M. Robinson, Planner
McGowan Russell

Enclosure

5112

RE: PROPOSED SUBDIVSION AND REZONING OF LAND AT THE SOUTHWEST CORNER OF TEMPLETON AVENUE AND MCGREGOR STREET - DASZ 9/08

FOR SUBMISSION TO THE CHAIR AND MEMBERS OF THE LORD SELKIRK-WEST KILDONAN COMMUNITY COMMITTEE

S.M. Matile, P. Eng.
Chair
Administrative Co-ordinating Group

May 27, 2008

5113

RE: PROPOSED SUBDIVSION AND REZONING OF LAND AT THE SOUTHWEST CORNER OF TEMPLETON AVENUE AND MCGREGOR STREET - DASZ 9/08

An application has been submitted by McGowan Russell with two options for subdividing and rezoning the land at the southwest corner of Templeton Avenue and McGregor Street. Option 1 provides for the creation of 33 R1-4 lots with a frontage road adjacent to McGregor Street, and Option 2 provides for the creation of 19 R1-4 lots with a multi-family site fronting on McGregor Street. Both options provide for the re-zoning of the strip of City land between the Planned Area and Ambassador Row to R1-6.

It is recommended that, for either option, to preserve connectivity and promote safe linkages to and from the park land to the west, the Developer collaborate with the City and endeavour to establish a means of public access through the proposed subdivision, to connect McGregor Street to Ambassador Row via the existing public-reserve pathway. If a mutually agreeable solution can be found, it is recommended that the 6-m-wide City lot (intended for sale to the adjacent property owner on Ambassador Row) remain as a walkway.

It is recommended that Option 1 be eliminated, for the following reasons:

1. The proposed right-of-way is only 15.0, compared to the current standard 18.0, wide.
2. The proposed street dead-ends with a hammerhead turn-around, requiring vehicles to travel in reverse to turn around. This is contrary to the current standard cul-de-sac configuration which permits vehicles to turn-around without travelling in reverse.
3. The proposed street is approximately 190 m long – 85 m longer than the City's recommended maximum of 105 m.

And it is recommended that the approval of DASZ 9/08 Option 2 be subject to the Applicant's entering into a Development Agreement with the City, containing the following:

1. The Developer shall, at no expense to the City, construct all watermains (looped), wastewater sewers, and land drainage sewers required to serve the proposed development.

2. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the proposed development, and install, and provide all required easements for, all drainage works necessitated by the design.

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

4. The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

5. The Developer shall, at no expense to the City, initiate, control, and pay all costs associated with the regular 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 houses, until completion of all construction, all as determined by, and to the satisfaction of, the Director of Public Works.

6. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust-free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets – all until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

7. The Developer shall pay its share of the cost of services previously installed by the City and/or others in Templeton Avenue, if applicable, as determined by the Directors of Public Works and Water and Waste.

8. The Developer shall pay its share of the cost of the following services previously installed, or to be installed in the future, by the City in McGregor Street, along the full length of its McGregor Street frontage:

   a) 4.0-m-wide, 200-mm-thick Portland cement concrete pavement and related works;
   b) street lighting in the east boulevard;
   c) landscaping in the east boulevard; and
   d) a 1.5-m-wide, 100-mm-thick Portland cement concrete sidewalk in the east boulevard,

   all as determined by the Director of Public Works.

9. To ensure that noise transmission from the railway tracks is reduced to generally acceptable levels for the future homeowners in the proposed development, and that pedestrian trespass to the tracks does not become a consequence of the proposed subdivision, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the railway line, the Developer shall, at no expense to the City, construct, within the Planned Area abutting the CPR Winnipeg Beach Subdivision, a uniform fence, 2.0 m in height, as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property, & Development. The Developer shall permit the City to file a caveat against the title of the proposed lot abutting the CPR Winnipeg Beach Subdivision, requiring the

owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Directors of Public Works and Planning, Property, & Development.

10. The Developer shall permit the City to file a caveat against the title of Lot 7 fronting onto Templeton Avenue, to restrict the location of its private approach to the west side of the lot, adjacent to Lot 6.

11. The Developer shall, at no expense to the City, construct, in the proposed street, portland cement concrete pavement to a width of 7.5 m, a radius of 10.5 m, and a thickness of 150 mm, and all related works including, but not necessarily limited to, boulevard landscaping, ornamental street lighting, and drainage works, all as determined by, and to the satisfaction of, the Director of Public Works.

12. The Developer shall, at no expense to the City, construct within the side yards of all single-family lots abutting McGregor Street, a uniform noise-attenuation fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer shall permit the City to file a caveat against the title of each of the proposed lots abutting McGregor Street, requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

13. The Developer shall pay $1,650.00 plus G.S.T. to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

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

THIS REPORT SUBMITTED BY:
Administrative Co-ordinating Group
File No. DASZ 9/08
May 27, 2008

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S. M. Matile, P. Eng., Chair
Land Development Branch

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