Minutes - Executive Policy Committee - January 21, 2009

Minute No. 117
Report - Standing Policy Committee on Property and Development - January 6, 2009

Item No. 4 **Subdivision and Rezoning - Southwest corner of Templeton Avenue and Pipeline Road**
(Old Kildonan Ward)
File DASZ 35/2008

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 and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 35/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Exhibit "10" for File DASZ 35/2008 dated December 1, 2008 (as submitted at the public hearing before the Lord Selkirk-West Kildonan Community Committee*)*, 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 November 21, 2008, with the following amendments, namely:.

        i. That under Plan Considerations, Clauses 2 and 3 be deleted and replaced with the following new Clause 2, namely:

            "2. All proposed streets shall have a right-of-way of 18 m except where oversized land drainage sewers require a right-of-way of 20 m as determined by the Director of Public Works, and except for Troyes Gate, which shall have a right-of-way of 22 m."

        ii. That in Clause 6.a), the following words be added after the word "cost," in line 1, "attributable to the Planned Area for DASZ 35/2008";

        iii. That in Clause 6.a) ii. after the words "including, but not limited to, the intersections of", the following words be added and replace the balance of the clause, namely; "Allan Blye Drive and Strasbourg Drive with Leila Avenue and the intersections of Templeton Avenue and Ambergate Drive entering Amber Trails from Pipeline Road";

        iv. That in Clause 6.a) iii. the following words be added at the end, "on the west side of Pipeline Road";

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v. That Clause 6.b) be deleted and replaced with the following new clause 6.b), namely:

"6.b) That the Developer finance and construct, in Pipeline Road between Ambergate Drive and Templeton Avenue, an 8.3-m-side Portland cement concrete pavement and all related works, including, but not limited to, street lighting, landscaping, and drainage works; a 1.5-m-wide by 100-mm-thick Portland cement concrete sidewalk along the west side of Pipeline Road; and an asphalt transition north of Templeton Avenue, all at such time as any part of the lands under DASZ 34/2008 are sold and transferred by the Developer to a third party or within 5 years, whichever occurs first, unless an approach is required onto Pipeline Road from the Planned Area, in which case construction will be completed at that time, all as determined by, and to the satisfaction of the Director of Public Works. The City shall endeavour to recover and pay to the Developer, with interest or at local improvement rates at the time, the share of the costs of this construction, including street pavement, sidewalks, boulevard sodding and trees, land drainage sewer, wastewater sewer and watermains where applicable from other private landowners with frontage on Pipeline Road who will benefit from these improvements at the time that they enter into a Development Agreement with the City. The City will also recover and pay to the Developer as per above any services installed by the Developer that benefit private lands at the time they enter into a Development Agreement with the City".

vi. That Clause 6.c) be amended by adding at the end thereof, the following new sentences; "The Developer's share was calculated at the rate of $7547/acre in previous Development Agreements. A revised rate will be calculated by the Developer'/s consulting engineers for this Development Agreement and to be approved by the Director of Public Works."

vii. That the wording following "asphalt transition west of the west limit of the Planned Area" be deleted and replaced with "at such time as any part of the lands under DASZ 34/2008 are sold and transferred by the Developer to a third party or within 5 years, whichever occurs first, unless an approach is required onto Templeton Avenue from the Planned Are, in which case construction will be completed at that time, all as determined by the Director of Public Works. The City shall endeavour to recover and

pay to the Developer, with interest or at local improvement rates at the time, the share of the costs of this construction, including street pavement, sidewalks, boulevard sodding and trees, land drainage sewer, wastewater sewer and watermains where applicable from other private landowners with frontage on Templeton Avenue who will benefit from these improvements at the time that they enter into a Development Agreement with the City. Furthermore, the private landowner with frontage on the north side of the Mercedes Drive extension shall be responsible for the share of costs as described above on Mercedes Drive".

viii. That Clause 8 be deleted in its entirety and replaced with the following new clause 8, namely:

"8. That the Developer construct, in Troyes Gate, 10-m-wide by 200-mm-thick, and in all other streets within the Planned Area, 8-m-wide by 150-mm-thick, Portland cement concrete pavements and related works including, but not limited to, street lighting, boulevard landscaping, and drainage works, all as determined by, and to the satisfaction of, the Director of Public Works, and that private approaches off Troyes Gate be permitted."

ix. That Clauses 9, 10 and 13 be deleted in their entirety and the remaining clauses renumbered accordingly.

x. That new Clause 12 (former Clause 15) be deleted and replaced with the following new Clause, namely:

"12. That the Developer cause to be installed 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 except for existing hydro lines within the Templeton Avenue and Pipeline Road rights-of-way required to service other areas, as determined by Manitoba Hydro."

xi. That in new Clause 13 (former Clause 16), the following words be added at the end thereof, namely; "except for existing hydro lines within the Templeton Avenue and Pipeline Road rights-of-way required to service other areas, as determined by Manitoba Hydro".

xii. That new Clause 20 (former Clause 23) be deleted in its entirety and replaced with the following new Clause, namely:

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"20. That the cul-de-sac island be landscaped to the satisfaction of the Lord Selkirk-West Kildonan Community Committee, in consultation with the Director of Public Works."

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 35/2008 dated November 22, 2008 to "RMF-S" Residential Multiple-Family (lower density), "R1-M" Residential Single-Family (medium lot size) and "PR1"Parks and Recreation 1 (Neighbourhood) 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. That prior to the development of any building, accessory parking area, signage or landscaping in the area to be zoned "RMF S" Residential Multiple Family (lower density) District, plans showing the location and design of the proposed buildings, accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage shall be submitted to the Director of Planning, Property and Development and the Lord Selkirk-West Kildonan Community Committee for approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of the Planning, Property and Development.

      ii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

      iii. That no illuminated signage be erected on any building.

      iv. That no residential single-family dwelling shall be greater than two storeys in height**.**

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

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

6. 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.

7. 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.

8. 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.

9. That the Acting 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 Fielding,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On January 6, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 1, 2008, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments, namely:

- That the report of the Manager of Planning and Land Use be amended as follows:
  i. The proposed plan of subdivision referred to in recommendation 1 be replaced with Exhibit "10" for File DASZ 35/2008 dated December 1, 2008 (as submitted at the public hearing before the Lord Selkirk-West Kildonan Community Committee).
  ii. That recommendation 2.A. be amended by adding the words "prior to" in the first line, and the words "the Lord Selkirk-West Kildonan Community Committee" after the words" Director of Planning, Property and Development".
  iii. That a new condition be added as 2.A. iv, namely:
    "iv. That no residential single-family dwelling shall be greater than two storeys in height"

- That the Administrative Coordinating Group report be amended as follows:
  i. That under Plan Considerations, Clauses 2 and 3 be deleted and replaced with the following new Clause 2, namely:
    "2. All proposed streets shall have a right-of-way of 18 m except where oversized land drainage sewers require a right-of-way of 20 m as determined by the Director of Public Works, and except for Troyes Gate, which shall have a right-of-way of 22 m."

Report - Standing Policy Committee on Property and Development - January 6, 2009

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

ii. That in Clause 6.a), the following words be added after the word "cost," in line 1, "attributable to the Planned Area for DASZ 35/2008";

iii. That in Clause 6.a) ii. after the words "including, but not limited to, the intersections of", the following words be added and replace the balance of the clause, namely; "Allan Blye Drive and Strasbourg Drive with Leila

Avenue and the intersections of Templeton Avenue and Ambergate Drive entering Amber Trails from Pipeline Road";

iv. That in Clause 6.a) iii. the following words be added at the end, "on the west side of Pipeline Road";

v. That Clause 6.b) be deleted and replaced with the following new clause 6.b), namely:

"6.b) That the Developer finance and construct, in Pipeline Road between Ambergate Drive and Templeton Avenue, an 8.3-m-side Portland cement concrete pavement and all related works, including, but not limited to, street lighting, landscaping, and drainage works; a 1.5-m-wide by 100-mm-thick Portland cement concrete sidewalk along the west side of Pipeline Road; and an asphalt transition north of Templeton Avenue, all at such time as any part of the lands under DASZ 34/2008 are sold and transferred by the Developer to a third party or within 5 years, whichever occurs first, unless an approach is required onto Pipeline Road from the Planned Area, in which case construction will be completed at that time, all as determined by, and to the satisfaction of the Director of Public Works. The City shall endeavour to recover and pay to the Developer, with interest or at local improvement rates at the time, the share of the costs of this construction, including street pavement, sidewalks, boulevard sodding and trees, land drainage sewer, wastewater sewer and watermains where applicable from other private landowners with frontage on Pipeline Road who will benefit from these improvements at the time that they enter into a Development Agreement with the City. The City will also recover and pay to the Developer as per above any services installed by the Developer that benefit private lands at the time they enter into a Development Agreement with the City".

Report - Standing Policy Committee on Property and Development - January 6, 2009

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

vi. That Clause 6.c) be amended by adding at the end thereof, the following new sentences; “The Developer’s share was calculated at the rate of $7547/acre in previous Development Agreements. A revised rate will be calculated by the Developer’/s consulting engineers for this Development Agreement and to be approved by the Director of Public Works.”

vii. That the wording following "asphalt transition west of the west limit of the Planned Area" be deleted and replaced with “at such time as any part of the lands under DASZ 34/2008 are sold and transferred by the Developer to a third party or within 5 years, whichever occurs first, unless an approach is required onto Templeton Avenue from the Planned Are, in which case construction will be completed at that time, all as determined by the Director of Public Works. The City shall endeavour to recover and pay to the Developer, with interest or at local improvement rates at the time, the share of the costs of this construction, including street pavement, sidewalks, boulevard sodding and trees, land drainage sewer, wastewater sewer and watermains where applicable from other private landowners with frontage on Templeton Avenue who will benefit from these improvements at the time that they enter into a Development Agreement with the City. Furthermore, the private landowner with frontage on the north side of the Mercedes Drive extension shall be responsible for the share of costs as described above on Mercedes Drive”.

viii. That Clause 8 be deleted in its entirety and replaced with the following new clause 8, namely:

“8. That the Developer construct, in Troyes Gate, 10-m-wide by 200-mm-thick, and in all other streets within the Planned Area, 8-m-wide by 150-mm-thick, Portland cement concrete pavements and related works including, but not limited to, street lighting, boulevard landscaping, and drainage works, all as determined by, and to the satisfaction of, the Director of Public Works, and that private approaches off Troyes Gate be permitted.”

ix. That Clauses 9, 10 and 13 be deleted in their entirety and the remaining clauses renumbered accordingly.

Report - Standing Policy Committee on Property and Development - January 6, 2009

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

x. That new Clause 12 (former Clause 15) be deleted and replaced with the following new Clause, namely:

"12. That the Developer cause to be installed 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 except for existing hydro lines within the Templeton Avenue and Pipeline Road rights-of-way required to service other areas, as determined by Manitoba Hydro."

xi. That in new Clause 13 (former Clause 16), the following words be added at the end thereof, namely; "except for existing hydro lines within the Templeton Avenue and Pipeline Road rights-of-way required to service other areas, as determined by Manitoba Hydro".

xii. That new Clause 20 (former Clause 23) be deleted in its entirety and replaced with the following new Clause, namely:

"20. That the cul-de-sac island be landscaped to the satisfaction of the Lord Selkirk-West Kildonan Community Committee, in consultation with the Director of Public Works."

and forwarded to the Standing Policy Committee on Property and Development.

RE: Subdivision and Rezoning - Southwest corner of Templeton Avenue and Pipeline Road
(Old Kildonan Ward)
File DASZ 35/2008

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

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

Report date: December 5, 2008

COMMUNITY COMMITTEE RECOMMENDATION:

On December 1, 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 35/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with ***Exhibit "10"*** for File DASZ 35/2008 dated ***December 1, 2008 (as submitted at the public hearing before the Lord Selkirk-West Kildonan Community Committee)***, 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 November 21, 2008, ***with the following amendments, namely:.***

        i. That under Plan Considerations, Clauses 2 and 3 be deleted and replaced with the following new Clause 2, namely:

        "2. All proposed streets shall have a right-of-way of 18 m except where oversized land drainage sewers require a right-of-way of 20 m as determined by the Director of Public Works, and except for Troyes Gate, which shall have a right-of-way of 22 m."

        ii. That in Clause 6.a), the following words be added after the word "cost," in line 1, "attributable to the Planned Area for DASZ 35/2008";

        iii. That in Clause 6.a) ii. after the words "including, but not limited to, the intersections of", the following words be added and replace the balance of the clause, namely; "Allan Blye Drive and Strasbourg Drive with Leila Avenue and the intersections of Templeton Avenue and Ambergate Drive entering Amber Trails from Pipeline Road";

iv. ***That in Clause 6.a) iii. the following words be added at the end, "on the west side of Pipeline Road";***

v. ***That Clause 6.b) be deleted and replaced with the following new clause 6.b), namely:***

"6.b) That the Developer finance and construct, in Pipeline Road between Ambergate Drive and Templeton Avenue, an 8.3-m-side Portland cement concrete pavement and all related works, including, but not limited to, street lighting, landscaping, and drainage works; a 1.5-m-wide by 100-mm-thick Portland cement concrete sidewalk along the west side of Pipeline Road; and an asphalt transition north of Templeton Avenue, all at such time as any part of the lands under DASZ 34/2008 are sold and transferred by the Developer to a third party or within 5 years, whichever occurs first, unless an approach is required onto Pipeline Road from the Planned Area, in which case construction will be completed at that time, all as determined by, and to the satisfaction of the Director of Public Works. The City shall endeavour to recover and pay to the Developer, with interest or at local improvement rates at the time, the share of the costs of this construction, including street pavement, sidewalks, boulevard sodding and trees, land drainage sewer, wastewater sewer and watermains where applicable from other private landowners with frontage on Pipeline Road who will benefit from these improvements at the time that they enter into a Development Agreement with the City. The City will also recover and pay to the Developer as per above any services installed by the Developer that benefit private lands at the time they enter into a Development Agreement with the City".

vi. ***That Clause 6.c) be amended by adding at the end thereof, the following new sentences; "The Developer's share was calculated at the rate of $7547/acre in previous Development Agreements. A revised rate will be calculated by the Developer'/s consulting engineers for this Development Agreement and to be approved by the Director of Public Works."***

vii. ***That the wording following "asphalt transition west of the west limit of the Planned Area" be deleted and replaced with "at such time as any part of the lands under DASZ 34/2008 are sold and transferred by the Developer to a third party or within 5 years, whichever occurs first, unless an approach is required onto Templeton Avenue from the Planned Are, in which case construction will be completed at that time, all as determined by the Director of Public Works. The City shall endeavour to recover and pay to the Developer, with interest or at local***

improvement rates at the time, the share of the costs of this construction, including street pavement, sidewalks, boulevard sodding and trees, land drainage sewer, wastewater sewer and watermains where applicable from other private landowners with frontage on Templeton Avenue who will benefit from these improvements at the time that they enter into a Development Agreement with the City. Furthermore, the private landowner with frontage on the north side of the Mercedes Drive extension shall be responsible for the share of costs as described above on Mercedes Drive".

viii. That Clause 8 be deleted in its entirety and replaced with the following new clause 8, namely:

"8. That the Developer construct, in Troyes Gate, 10-m-wide by 200-mm-thick, and in all other streets within the Planned Area, 8-m-wide by 150-mm-thick, Portland cement concrete pavements and related works including, but not limited to, street lighting, boulevard landscaping, and drainage works, all as determined by, and to the satisfaction of, the Director of Public Works, and that private approaches off Troyes Gate be permitted."

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"20. That the cul-de-sac island be landscaped to the satisfaction of the Lord Selkirk-West Kildonan Community Committee, in consultation with the Director of Public Works."

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 35/2008 dated November 22, 2008 to "RMF-S" Residential Multiple-Family (lower density), "R1-M" Residential Single-Family (medium lot size) and "PR1"Parks and Recreation 1 (Neighbourhood) 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:

      viii. That ***prior to*** the development of any building, accessory parking area, signage or landscaping in the area to be zoned "RMF S" Residential Multiple Family (lower density) District, plans showing the location and design of the proposed buildings, accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage shall be submitted to the Director of Planning, Property and Development **and the Lord Selkirk-West Kildonan Community Committee** for approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of the Planning, Property and Development.

      ii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit.

      iii. That no illuminated signage be erected on any building.

      iv. ***That no residential single-family dwelling shall be greater than two storeys in height.***

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

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

6. 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.

7. 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.

8. 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.

9. That the Acting 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 reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated November 22, 2008 and in the report from the Administrative Coordinating Group dated November 21, 2008.

2. The Lord Selkirk-West Kildonan Community Committee does not agree that the Developer should be required to pay for the cost of widening Ambergate North to 10 m for a possible future bus route..

PUBLIC HEARING SUMMARY

File: DASZ 35/2008

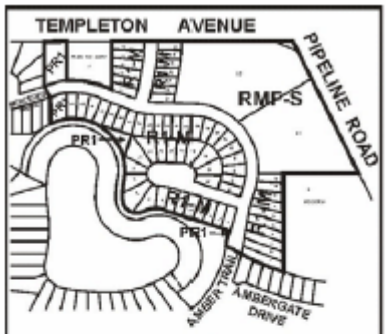
Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor O'Shaughnessy

Public Hearing: December 1, 2008
West Committee Room
Council Building, 510 Main Street

File: DASZ 35/2008

Applicant: Genstar Development Company (David Boles)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : GENSTAR DEVELOPMENT COMPANY
FILE : DASZ 35/08
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "RR5" RURAL RESIDENTIAL DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT and a "PR1" PARKS & RECREATION DISTRICT. **For information, phone Mr. G. Doney, Planner at 986-2688.**

Premises Affected: Southwest corner of Templeton Avenue and Pipeline Road

Exhibits Filed: 1. Application dated October 28, 2008

2. Notification of Public Hearing dated October 31, 2008
3. Manitoba Status of Titles 1697327, 1920651, 2226403
4. Letter of authorization dated October 22, 2008 from Templeton North Developments Ltd. to Genstar Development Company
5. Plan (Amber Trails - Concept E)
6. Proposed Plan of Subdivision (2 pages)
7. Report from the Planning and Land Use Division dated November 22, 2008
8. Report from the Administrative Coordinating Group dated November 21, 2008
9. Inspection Report
10. Revised Plan of Subdivision for DASZ 35/2008dated December 1, 2008, submitted at the public hearing by Jerry Klein, Genstar Development Company, in support of the application
11. Concept plan of existing and future phases of Amber Trails, submitted at the public hearing by Jerry Klein, Genstar Development Company, in support of the application
12. Amendments to the Administrative Coordinating Group report dated November 21, 2008, proposed by Genstar Development Company, submitted at the public hearing by David Boles, Genstar Development Company, in support of the application
13. Audio Recording of representations

REPRESENTATIONS:

In Support:

David Boles, Genstar Development Company
Jerry Klein, Genstar Development Company
Paul Sunderland

In Opposition

Nil

For Information:

John Badz
Greg Jasper
Kris Marcinowski

For the City:

Ms S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. Mr. B. Radstrom, Transit Planner, Transit Department

Exhibit “10” to File DASZ 35/2008



DEC 1/2008 JCK

Submitted by Jerry Klein to the LSWK PC on Dec. 1/08 JK.

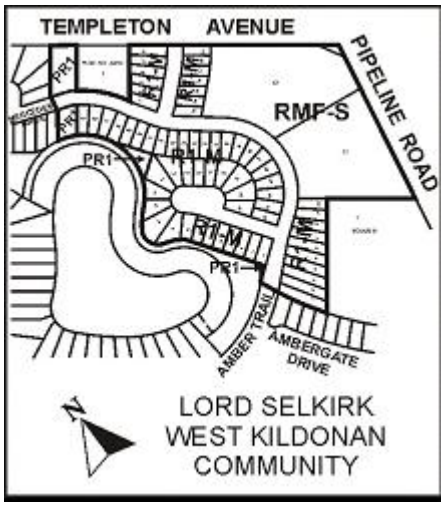
Exhibit "7" referred to in File DASZ 35/2008

Winnipeg

Planning, Property and Development Department Report

To the Lord Selkirk – West Kildonan Community Committee

Date:	November 22, 2008
File:	**DASZ 35/08**
Related Files:	DASZ 34/08
Subject:	**The proposal is to:** • **subdivide three parcels into 66 single-family dwelling lots, two multiple-family dwelling lots, four Public Reserves and three Public Streets, one of which is to be a westerly extension of Mercedes Drive and a northerly extension of Amber Trail; and** • **rezone from "RR5" Rural Residential 5 to "RMF-S" Residential Multiple-Family (lower density), "R1-M" Residential Single-Family (medium lot size) and "PR1"Parks and Recreation 1 (Neighbourhood).**
Location:	**immediately southwest of Templeton Avenue and Pipeline Road**
Legal Description:	parts of Lots 11 and 12, OTM, Parish of Kildonan; and Lot 2, Block 8,



Plan 25476

Applicant:	Genstar Development Company, represented by Dave Boles
Owner:	Genstar Titleco Limited

Recommendation: **Approve with conditions.**

Report Summary:

- The subject land is approximately 3.5 acres and has an irregular shape.
- The subject land is immediately across Templeton Avenue from other land that Genstar Development Company has applied for approval to subdivide and rezone.
- The proposal to subdivide and rezone the subject land is compatible with the Amber Trails Neighbourhood and would be an appropriate expansion of the residential development in this neighbourhood.

Site Description

The subject land is at the southwest corner of Templeton Avenue and Pipeline Road and is in the Amber Trails Neighbourhood of the Old Kildonan Ward. The subject land is approximately 3.5 acres and has an irregular shape.

Figure 2 shows that the subject land:

- is partly vacant and is developed with a single-family dwelling and a lumber yard, both of which uses are to cease;
- is in the vicinity of agricultural uses (not livestock) and single-family dwellings; and
- is across Templeton Avenue from another subdivision and rezoning application made by the same applicants under File DASZ 34/08.

Figure 3 shows that the subject land:

- is in an "RR5" Rural Residential 5 District;
- is in the vicinity of other "RR5" Rural Residential 5 Districts, "A" Agricultural Districts, "PR1" Park and Recreation 1 Districts, "R1-M" Residential Single-Family (medium lot size) Districts and an "R1-E" Residential Single-Family (estate size) District.

The subject land is immediately across Templeton Avenue from other land that Genstar Development Company has applied for approval to subdivide and rezone (shown on Figures 2 and 3 of this report and identified as File DASZ 34/08). Genstar Development Company has applied to create three multiple-family dwelling lots, two Public Reserves, one Public Street and a widening of, and corner cut for, Templeton Avenue and to rezone the land accordingly. One of the Public Streets is a northerly extension of the Public Street proposed under this application (File DASZ 35/08).

Description of the Proposed Development

The proposal is to:

- subdivide the subject land into 66 single-family dweling lots, two multiple-family lots, four Public Reserves and three Public Streets; and
- to rezone the subject land from "RR5" Rural Residential 5 District to four "R1-M" Residential Single-Family (medium lot size) Districts, one "RMF-S" Residential Multiple Family (lower density) District and four "PR1" Parks and Recreation 1 Districts.

Analysis

Plan Winnipeg

The proposal conforms to *Plan Winnipeg 2020 Vision* because the subject land is in a neighbourhood policy area as per "Policy Plate A, Land Use" of said document.

Compatibility with the Existing Neighbourhood

Given that a proposed "R1-M" Residential Single-Family (medium lot size) District and two **"**PR1**"** Parks and Recreation 1 Districts would be adjacent or near to existing single-family dwellings and that the proposed "RMF-S**"** Residential Multiple Family (lower density) District would not, the proposal is compatible with the Amber Trails Neighbourhood and would be an appropriate expansion of the residential development in this neighbourhood.

Zoning By-law 200/2006

The **"**PR1**"** Parks and Recreation 1 District is intended for sites that are generally passive neighbourhood and community parks, with predominantly pedestrian and cyclist access and generally without parking facilities and in accordance with the following requirements:

- minimum front yard of 20 feet;
- minimum side yard of eight feet with no side yard required for permitted recreational uses without a structure;
- minimum rear yard of 25 feet; and
- maximum building height of 30 feet.

The "R1-M" Residential Single-Family (medium lot size) District is intended to accommodate primarily single-family residential development in lower-density neighbourhoods in accordance with the following requirements:

- minimum lot area of 3,500 square feet;
- minimum lot width of 25 feet;
- minimum front yard depth of 15 feet;
- minimum rear yard depth of 25 feet;
- minimum side yard depth of four feet for lots at least 40 feet wide and less for narrower lots;
- minimum reverse corner side yard of four feet; and
- maximum building height of 35 feet.

The "RMF-M**"** Residential Multiple Family (medium density) District is intended to accommodate the development of multiple-family units in neighbourhoods with medium to high residential densities in accordance with the following requirements:

- minimum lot area of 9,000 square feet;
- minimum lot area per dwelling unit of 800 square feet;
- minimum front and rear yard depths of 25 feet;

- minimum interior side yard depth of eight feet, plus two feet for every additional storey, but no more than 20 feet deep;
- minimum corner side yard of 20 feet; and
- maximum building height of 60 feet.

The proposed lots and Public Reserves are in accordance with these requirements of By-law 200/2006.

Transportation and Site Access

As previously stated, the subject land is adjacent to Templeton Avenue and Pipeline Road. A Winnipeg Transit bus route extends along Amber Trail and Ambergate Drive, both of which are south of the subject land.

Site Design Issues

The subject land should be developed in such a manner as to provide pedestrian connections to the linear park network being developed in the neighbourhood and to nearby bus stops.
Also, the proposed multiple-family dwelling lots should be developed such that they are quite compatible with adjacent and nearby land uses.

Comments from Other Departments

Winnipeg Transit recommends for the proposed Public Street that would connect with Amber Trail and Mercedes Drive to be built as a collector with a sidewalk at least on the north and east side of the street.

Recommendation
The Planning and Land Use Division recommends approval of the proposed subdivision and rezoning because they are compatible with the existing and proposed development of the Amber Trails Neighbourhood.

Recommended Conditions of Approval
1. That the plan of subdivision proposed under File DASZ 35/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2008 dated November 22, 2008, 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 November 21, 2008.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 35/2008 dated November 22, 2008 to

"RMF-S" Residential Multiple-Family (lower density), "R1-M" Residential Single-Family (medium lot size) and "PR1"Parks and Recreation 1 (Neighbourhood) 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. That, for the development of any building, accessory parking area, signage or landscaping in the area to be zoned "RMF-S**"** Residential Multiple Family (lower density) District, plans showing the location and design of the proposed buildings, accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage shall be submitted to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of the Planning, Property and Development;

ii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with a new occupancy permit; and

iii. That no illuminated signage be erected on any building.

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

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 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.

7. 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.

8. 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.

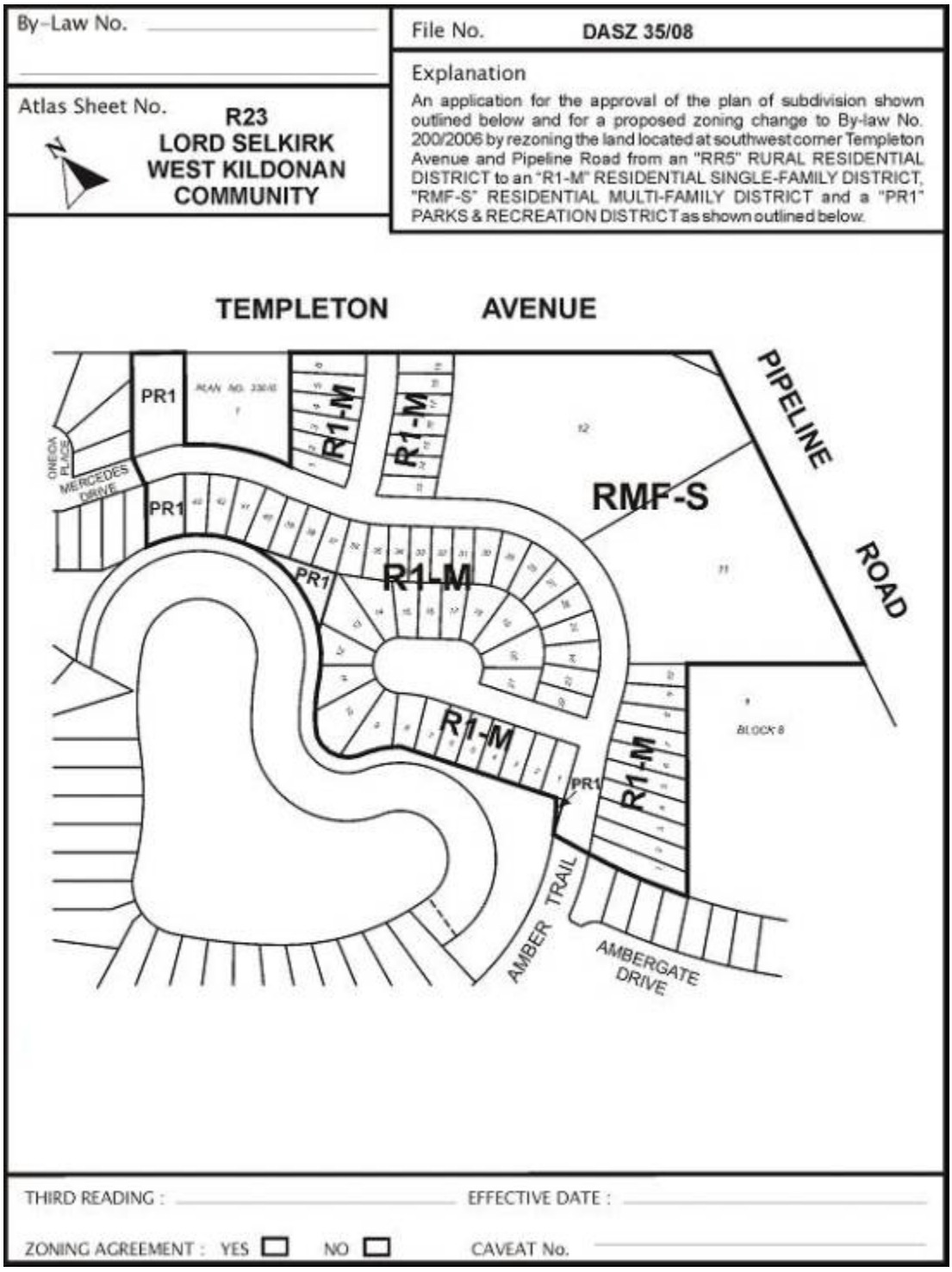
9. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: J. Glen Doney
PPD File DASZ 35/08

Schedule “A”

Figure 1: Schedule "A" to the report to the Lord Selkirk - West Kildonan Community Committee for File DASZ 35/2008 dated November 22, 2008



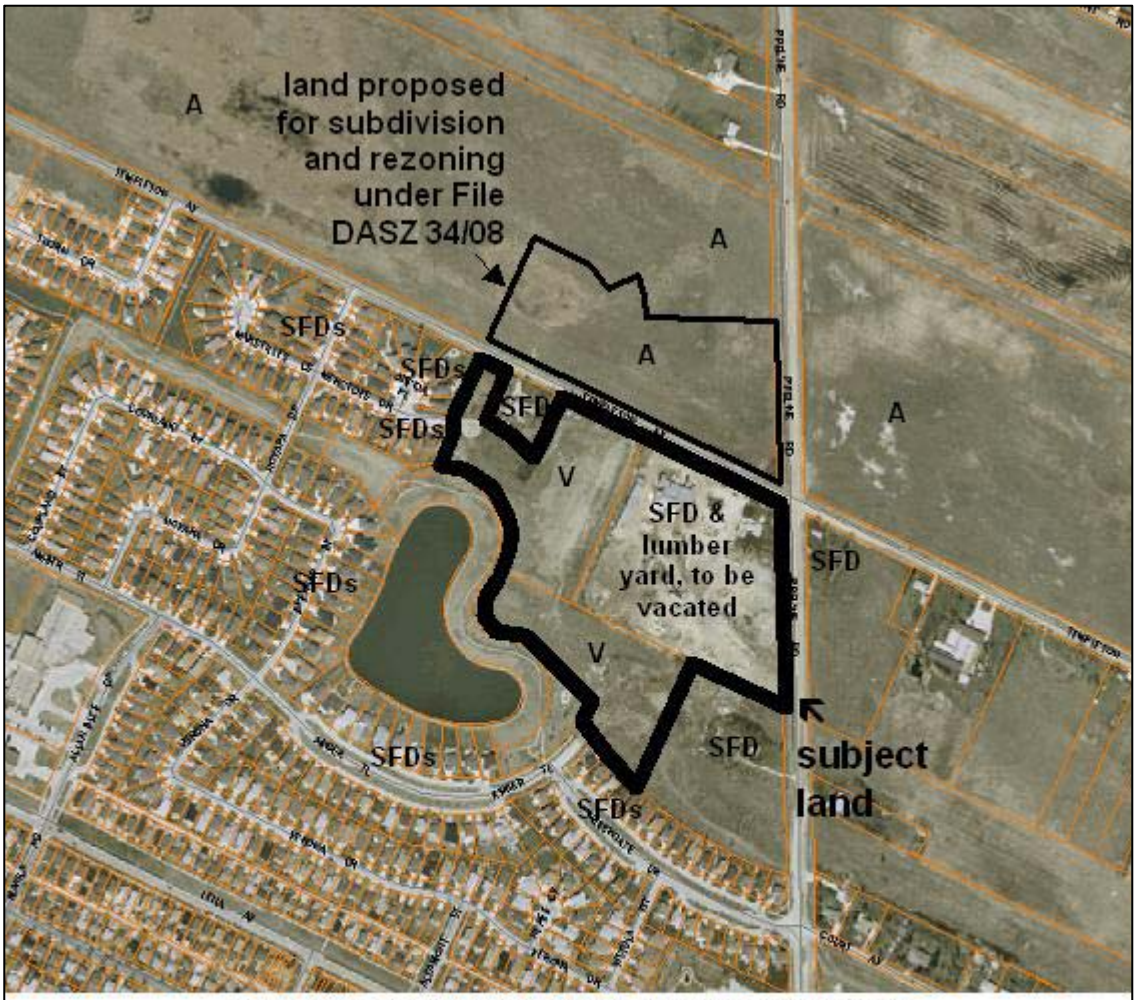


Figure 2: Existing Land Use, 2007 aerial photography

Legend

SFD	single-family dwelling
A	agriculture
V	vacant

November 22, 2008

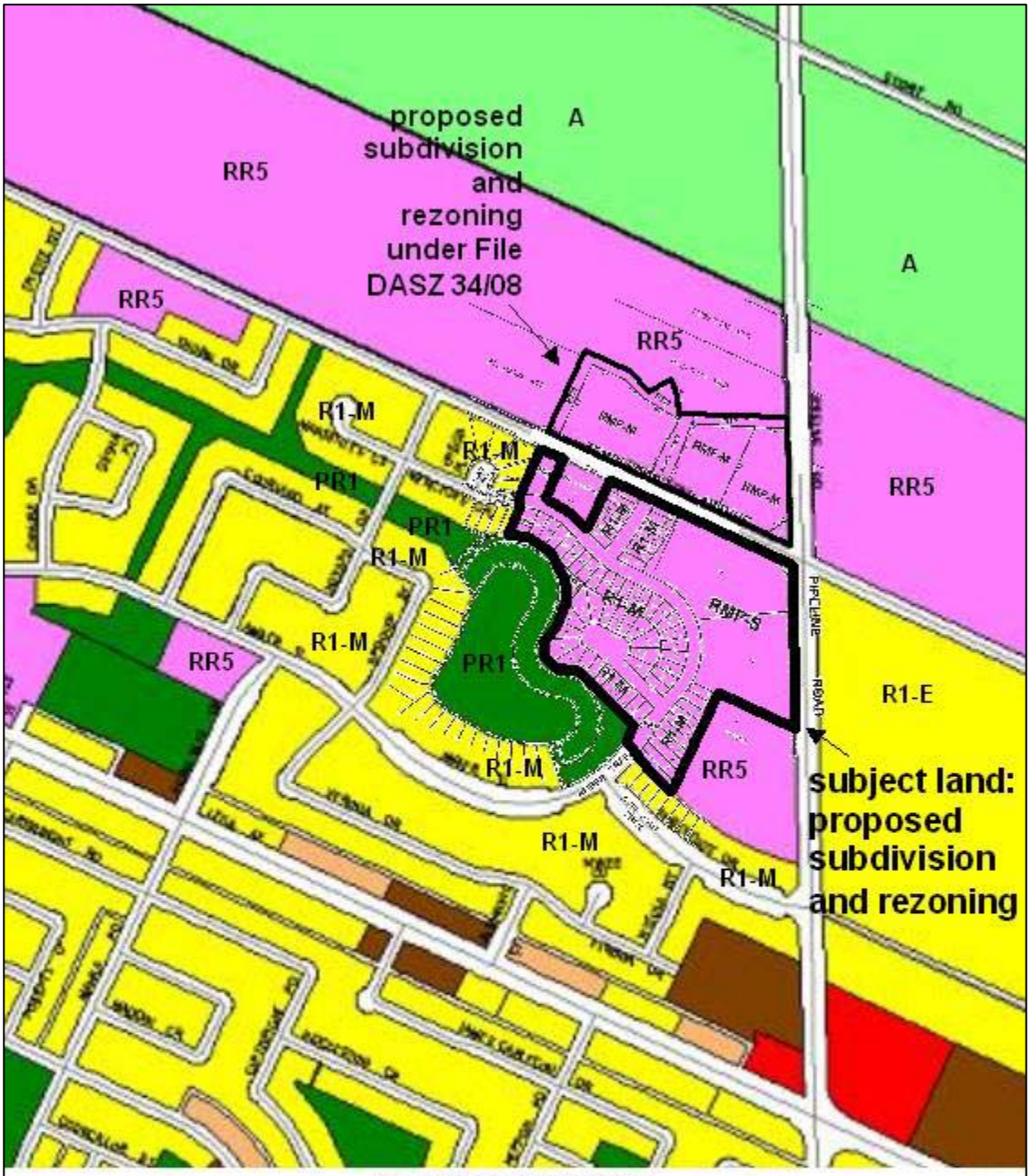


Figure 3: Existing Zoning

Legend

RR5	Rural Residential 5
R1-M	Residential Single-Family (medium lot size)
R1-E	Residential Single-Family (estate size)
PR1	Park and Recreation 1
A	Agricultural

November 22, 2008

Exhibit "8" referred to in File DASZ 35/2008

INTER-OFFICE MEMORANDUM

Planning, Property and Development Department

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

Date: November 21, 2008

To: Dianne Timmins, Community Clerk

From: Shirley Matile, Land Development Engineer

RE: **Proposed subdivision and rezoning of land south of Templeton Avenue, west of Pipeline Road – Genstar – Amber Trails Phase 10**

FILE: DASZ 35/08 (PLEASE QUOTE WHEN REPLYING)

Enclosed, for consideration by the Lord Selkirk-West Kildonan Community Committee at its December 1, 2008 meeting, is the report of the Administrative Co-ordinating Group, dated November 21, 2008, regarding the captioned development application.

"original signed by S.M. Matile"
S. M. Matile, P.Eng.

/sm

cc: A. Savage, Subdivision Officer
D. Emerson, P.Eng., Public Works Dept.
F. Mazur, P. Eng., Water & Waste Dept.
D. Overby, Planning and Land Use
Councillor M. O' Shaughnessy
G. Doney, Planner
D. Boles, Genstar Development Company

Enclosure

5094

RE: PROPOSED SUBDIVISION AND REZONING OF LAND SOUTH OF TEMPLETON AVENUE, WEST OF PIPELINE ROAD – GENSTAR – AMBER TRAILS PHASE 10

FOR SUBMISSION TO THE LORD SELKIRK-WEST KILDONAN COMMUNITY COMMITTEE

"original signed by S.M. Matile, P. Eng."
S.M. Matile, P. Eng.
Chair
Administrative Co-ordinating Group

November 21, 2008

5095

RE: PROPOSED SUBDIVISION AND REZONING OF LAND SOUTH OF TEMPLETON AVENUE, WEST OF PIPELINE ROAD – GENSTAR – AMBER TRAILS PHASE 10

An application has been submitted by Genstar Development Company for subdividing and rezoning the land south of Templeton Avenue, west of Pipeline Road from an "RR5" Rural Residential District to an "R1-M Residential Single-Family District and an "RMF-S" Residential Multi-Family District (Amber Trails, Phase 10).

It is recommended that the approval of DASZ 35/08 be subject to the following:

A. Plan Considerations

1. The provision of property for, and legal opening, of a corner cut at the southwest corner of Templeton Avenue and Pipeline Road, as determined by the Director of Public Works.
2. The widening of the proposed extension of Amber Trail to the north-south street south of Templeton Avenue to 22 m and the introduction of either frontage roads or public lanes to accommodate the R1-M lots fronting on that street.
3. The widening of the proposed north-south street south of Templeton Avenue to 22 m, and the introduction of either frontage roads or public lanes to accommodate the R1-M lots fronting on that street.

B. Servicing Report

The submission of an updated servicing report, prepared by a qualified municipal engineer, to demonstrate that the existing/proposed services can adequately accommodate the increased densities.

C. Development Agreement

The Developer entering into a Development Agreement with the City, containing the following conditions:

1. That the Developer construct all watermains, wastewater sewers, land drainage sewers, and water and wastewater sewer lot line connections required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water & Waste.

2. That the Developer pay for its share of the regional land drainage system (2008 Rate = $11,171.00/acre).

3. That the Developer pay the Leila Trunk User Charge ($612.00/acre).

4. That the Developer pay for its share of the oversized wastewater sewer (2008 Rate = $476.30/acre).

5. That the Developer provide a lot grading plan, prepared by a municipal engineer, to the satisfaction of the Director of Water & Waste, for the proposed development, and install, and provide all required easements for, all drainage works necessitated by the design.

6.

a) That the Developer 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 8.3-m-wide by 200-mm-thick Portland cement concrete pavement in each of Leila Avenue, between Pipeline Road and the future Chief Peguis Trail, and Pipeline Road, between Leila Avenue and the future Chief Peguis Trail.
    ii. Channelization, including, but not limited to, the construction of pavement for through lanes, auxiliary lanes, channelization, and 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 limited to, the intersections of Ashville Street and Mandalay Drive with Leila Avenue and the intersections of the two east-west streets entering Amber Trails from Pipeline Road.
    iii. Channelization at the intersection of Pipeline Road and Leila Avenue including, but not limited to, the construction of pavement for through lanes, auxiliary lanes, channelization, and transitions, 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.

b) That the Developer finance and construct, in Pipeline Road between Ambergate Drive and Templeton Avenue, an 8.3-m-wide Portland cement concrete pavement and all related works, including, but not limited to, street lighting, landscaping, and drainage works; a 1.5-m-wide by 100-mm-thick Portland cement concrete sidewalk along the west side of Pipeline Road; and an asphalt transition north of Templeton Avenue, all as determined by, and to the satisfaction of, the Director of Public Works.

c) That the Developer's share of the cost of improvements as determined in

a) above shall be off-set against the cost of services to be constructed pursuant to b) above, and the City shall reimburse the Developer for the difference, as certified by the Director of Public Works, with interest, at the City's capital borrowing rate, commencing one year following the issuance of the Substantial Completion Certificate(s) as it collects from the benefitting lands, in accordance with the Development Agreement Parameters in effect at the time.

7. That the Developer finance and construct in Templeton Avenue, between Pipeline Road and the west limit of the Planned Area, a 10.0-m-wide by 200-mm-thick Portland cement concrete pavement and all related works, including, but not limited to, sidewalks on both sides, street lighting, boulevard landscaping, drainage works, and an asphalt transition west of the west limit of the Planned Area, all as determined by the Director of Public Works.

8. That the Developer construct, in all other streets within the Planned Area, 200-mm-thick, 8m-wide, and 150-mm-thick, 7.5-m-wide, Portland cement concrete pavements and all related works including, but not limited to, street lighting, boulevard landscaping, and drainage works, all as determined by, and to the satisfaction of, the Director of Public Works.

9. That the Developer construct 150-millimetre-thick portland cement concrete pavements to widths of 6.0 metres, within the proposed frontage roads within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

10. That the Developer construct 150-millimetre-thick portland cement concrete pavements to widths of 5.0 metres within the proposed public lanes within the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

11. That the Developer extend the 1.5-m-wide, 150-mm-thick Portland cement concrete sidewalk on the west side of Amber Trail to the proposed cul-de-sac north of Ambergate Drive, and extend the 1.5-m-wide, 150-mm-thick Portland cement concrete sidewalk on the east side of Amber Trail to the north-south street south of Templeton Avenue.

12. That the Developer construct a 1.5-m-wide, 150-mm-thick Portland cement concrete sidewalk on the east side of the north-south street south of Templeton Avenue.

13. That the Developer pay, on demand, its share of a future northbound left-turn storage lane at the intersection of Pipeline Road and Templeton Avenue.

14. That the Developer cause to be installed standard reflectorized permanent street

name signs at each new intersection within or adjacent to the Planned Area, as determined by the Director of Public Works.

15. That the Developer 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.

16. That the Developer 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 required by the Developer to serve the proposed subdivision, as determined by, and to the satisfaction of, the Director of Public Works.

17. That the Developer provide any right-of-way or easement necessary to accommodate, and construct, a cul-de-sac-type vehicle turnaround at the terminus of each temporarily dead-ended street, all as determined by, and to the satisfaction of, the Director of Public Works.

18. That the Developer initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

19. That the Developer ensure that construction traffic uses access routes as determined by the Director of Public Works. That the Developer 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 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.

20. That the Developer, upon the completion of paving or commencement of house construction, whichever is sooner, erect and maintain barricades and signing across the full width of any street temporarily dead-ended due to the phasing of development, as determined by, and to the satisfaction of, the Director of Public Works.

21. That the Developer provide two means of vehicular access, at all times, to each stage of development within the Planned Area, including, if necessary, the construction of temporary streets and the provision of rights-of-way or easements, to the satisfaction of the Director of Public Works.

22. That the Developer cause ornamental street lighting to be installed in all streets within the proposed subdivision.

23. That the cul-de-sac island be hard-surfaced to minimize maintenance.

24. That the Developer's obligations to dedicate to the City as public open space 8% of the land contained within the Planned Area, landscape the dedicated land, and service 100 ft per acre of the dedicated land, be combined with its ongoing dedication, landscaping, and serviced-frontage obligations for the rest of the Amber Trails development, and that the dedication, landscaping, and servicing provided in DASZ 35/08 be credited toward those ongoing dedication obligations.

25. That the Developer grade, level, sod, and provide appropriate drainage for the public open space dedicated, and maintain these improvements for two years, all as determined by, and to the satisfaction of, the Manager of Parks and Open Space.

26. That the Developer construct an asphalt pathway, install appropriate lighting, and plant trees within the public open space dedicated, and maintain these improvements for two years, all as determined by, and to the satisfaction of, the Manager of Parks and Open Space, and that the City reimburse the Developer for 100% of the cost of installing and maintaining these improvements, following Council Approval of funding.

27. That the Developer assume responsibility for the maintenance of all park sites until they are developed and turned over to the City for maintenance.

28. That the Developer construct chain link fencing (black) along the limits of the public reserves, with gates, located within the private properties, and provide caveats identifying the property owners' responsibility for maintenance.

29. That the Developer 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 Planned Area.

30. That the Developer pay $1,200.00 plus GST per acre to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 35/08
November 21, 2008

"original signed by S.M. Matile"
S. M. Matile, P. Eng., Chair
Land Development Branch

"original signed by D. Emerson"
D. Emerson, P. Eng.
Public Works Department, Transportation Division

"original signed by F. Mazur"
F. Mazur, P. Eng.
Water & Waste Department