Minutes - Executive Policy Committee - September 23, 2009

Minute No. 391
Report - Standing Policy Committee on Property and Development - September 8, 2009

Item No. 8 **Subdivision and Rezoning – West side of Amberstone Road, North of Leila Avenue**
(Old Kildonan Ward)
File DASZ 13/2009 [c/r DAC 5/2009]

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 13/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 13/2009 dated July 3, 2009, for registration at the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Zoning Agreement with the City, where said Agreement states:

        i. that all single-family residential lots backing onto Leila Avenue have a minimum rear yard depth of 17.5 m (57.4 feet) and

        ii. that all single-family residential lots backing onto the future Chief Peguis Trail have a minimum rear yard depth of 15.0 m (49.2 feet); and

        iii. that a fence and berm be constructed in the rear yard of Lots 2, 3, 4, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, and 21 adjacent to the lands identified as "Subject City Property" not included in the lands identified as "Proposed Subdivision DASZ 13/2009" on Schedule "D" to the satisfaction of the Director of Public Works.

    B. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in Schedule "B", the Report of the Administrative Coordinating Group dated June 24, 2009, with the following amendments, namely:

Report - Standing Policy Committee on Property and Development - September 8, 2009

i. Delete Section entitled "Planning Considerations"

ii. Delete Recommendation 9 in its entirety and substitute the following recommendation:

"9. By adding to AG 36/07 (and therefore to AG 3/96) the requirement that an asphaltic path and associated lighting be constructed in the Public Reserve from Amberstone Road to the future Chief Peguis Trail."

iii. Amend Recommendation 10 by adding the words "pathway, lighting," after the words "Public Reserve with trees", and before the words "and site furnishing".

iv. Delete Recommendation 13 in its entirety.

v. Renumber Recommendation 14 to Recommendation 13.

2. That the plan of subdivision be amended by including the widening of, and corner cut to, Amberstone Road, as illustrated in Schedule "C," which widenings and corner cuts are to be dedicated at no expense to the City.

3. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 13/2009 dated June 24, 2009, to "R1-M" Residential Single - Family Medium District and "PR1" Parks and Recreation (Neighbourhood) District.

4. That the Developer shall dedicate the lands they own (not the City of Winnipeg property identified on Schedule "D") identified as "PR1" on Schedule "A", for public park purposes; and these lands shall be landscaped in a manner consistent with lands previously dedicated as Public Reserve under AG 3/96 in the Amber Trails subdivision.

5. That the "Subject City Property" shown outlined on Schedule "D" be declared Surplus to the City's needs.

6. That the City sell to the Developer the "Subject City Property" as shown on Schedule "D" for $1.00.

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

Report - Standing Policy Committee on Property and Development - September 8, 2009

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

9. 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.

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

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

12. 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

13. 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.

14. 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.

15. 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.

Report - Standing Policy Committee on Property and Development - September 8, 2009

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 September 8, 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 July 7, 2009, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments, namely:

Report from the Planning and Land Use Division

- Delete Recommendation 1.A.i.

- Renumber Recommendations 1.A.ii. and 1.A.iii. to Recommendations 1.A.i. and 1.A.ii.

- Add a new Recommendation 1.A.iii. as follows:

  "1.A.iii That a fence and berm be constructed in the rear yard of Lots 2, 3, 4, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, and 21 adjacent to the lands identified as "Subject City Property" not included in the lands identified as "Proposed Subdivision DASZ 13/2009" on Schedule "D" to the satisfaction of the Director of Public Works."

- Delete Recommendation 4 in its entirety and substitute the following Recommendation:

  "4. That the Developer shall dedicate the lands they own (not the City of Winnipeg property identified on Schedule "D") identified as "PR1" on Schedule "A", for public park purposes; and these lands shall be landscaped in a manner consistent with lands previously dedicated as Public Reserve under AG 3/96 in the Amber Trails subdivision."

Report - Standing Policy Committee on Property and Development - September 8 2009

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- Delete Recommendation 6 in its entirety and substitute the following Recommendation:

  "6. That the City sell to the Developer "the Subject City Property" as shown on Schedule "D" for $1.00.

Administrative Coordinating Group Report (Schedule B)

- Delete Section entitled "Planning Considerations".

- Delete Recommendation 9 in its entirety and substitute with the following Recommendation:

  "9. By adding to AG 36/07 (and therefore to AG 3/96) the requirement that an asphaltic path and associated lighting be constructed in the Public Reserve from Amberstone Road to the future Chief Peguis Trail."

- Amend Recommendation 10 by adding the words "pathway, lighting," after the words "Public Reserve with trees", and before the words "and site furnishing".

- Delete Recommendation 13 in its entirety.

- Renumber Recommendation 14 to Recommendation 13,

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

RE: Subdivision and Rezoning – West side of Amberstone Road, North of Leila Avenue File DASZ 13/2009 [c/r DAC 5/2009]

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

Prepared by: Inga Skundberg, Clerk
Lord Selkirk-West Kildonan Community Committee

Report date: July 9, 2009

COMMUNITY COMMITTEE RECOMMENDATION:

On July 7, 2009, 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 13/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 13/2009 dated July 3, 2009, for registration at the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Zoning Agreement with the City, where said Agreement states

        ~~***i. that no building permits shall be issued for Proposed Lots 21 to 23, until such time as a plan of subdivision, incorporating all of Block 6 of Plan 24012 with Proposed Lots 21 to 23 and with the adjacent public reserve and incorporating a portion of said public reserve with Proposed Lot 21 such that the easterly limit of the adjacent public reserve is a straight line extending southwesterly from the rear property lines of Proposed Lots 17 to 20 to the northern limit of the Public Street of Leila Avenue, is registered at the Winnipeg Land Titles Office,***~~

        i. ~~***ii.***~~ that all single-family residential lots backing onto Leila Avenue have a minimum rear yard depth of 17.5 m (57.4 feet) and

        ii. ~~***iii.***~~ that all single-family residential lots backing onto the future Chief Peguis Trail have a minimum rear yard depth of 15.0 m (49.2 feet);

        iii. that a fence and berm be constructed in the rear yard of Lots 2, 3, 4, 7, 8, 9, 10, 11, 12, 16, 17, 18, 19, 20, and 21 adjacent to the lands identified as "Subject City Property" not included in the lands identified as "Proposed Subdivision DASZ 13/2009" on Schedule "D" to the satisfaction of the Director of Public Works.

B. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in Schedule "B", the Report of the Administrative Coordinating Group dated June 24, 2009, ***with the following amendments, namely:***

i. Delete Section entitled "Planning Considerations"

ii. Delete Recommendation 9 in its entirety and substitute with the following Recommendation:

~~***"9. By adding to AG 36/07 (and therefore to AG 3/96) the requirement that an asphaltic path and associated lighting be constructed in the Public Reserve from Amberstone Road to the future Chief Peguis Trail - but not until the active transportation corridor is constructed within the future Chief Peguis Trail – either by the Developer at that time, or by the City in the future, with funds provided by the Developer for their construction; and that, in the interim, the site be graded, levelled, and sodded, and land drainage works installed, all in accordance with plans and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Planning, Property & Development, at no expense to the City, to accommodate these future improvements. "***~~

"9. By adding to AG 36/07 (and therefore to AG 3/96) the requirement that an asphaltic path and associated lighting be constructed in the Public Reserve from Amberstone Road to the future Chief Peguis Trail."

iii. Amend Recommendation 10 by adding the words "pathway, lighting," after the words "Public Reserve with trees" and before the words "and site furnishing".

iv. Delete Recommendation 13 in its entirety.

v. Renumber Recommendation 14 to Recommendation 13.

2. That the plan of subdivision be amended by including the widening of, and corner cut to, Amberstone Road, as illustrated in Schedule "C," which widenings and corner cuts are to be dedicated at no expense to the City.

3. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 13/2009 dated June 24, 2009, to "R1-M" Residential Single - Family Medium District and "PR1" Parks and Recreation (Neighbourhood) District.

~~*4. 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.*~~

4. That the Developer shall dedicate the lands they own (not the City of Winnipeg property identified on Schedule "D") identified as "PR1" on Schedule "A", for public park purposes; and these lands shall be landscaped in a manner consistent with lands previously dedicated as Public Reserve under AG 3/96 in the Amber Trails subdivision.

5. That the "Subject City Property" shown outlined on Schedule "D" be declared Surplus to the City's needs.

~~*6. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown outlined on Schedule "D" to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Acting City Solicitor/Manager of Legal Services, in order to protect the interests of the City and to achieve the intent of Council.*~~

6. That the City sell to the Developer the "Subject City Property" as shown on Schedule "D" for $1.00.

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

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

9. 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.

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

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

12. 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.

13. 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.

14. 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.

15. 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 reasons for its recommendation:

1. Block 6 of Plan 24012 will not impede the applicant's proposal in relation to Phase 9B of its development of Amber Trails.

2. The development of the pathway and lighting will be permitted in conjunction with development timing of the houses.

3. The land improvements for recreational purposes is consistent with previous phases of the Amber Trial development.

PUBLIC HEARING SUMMARY

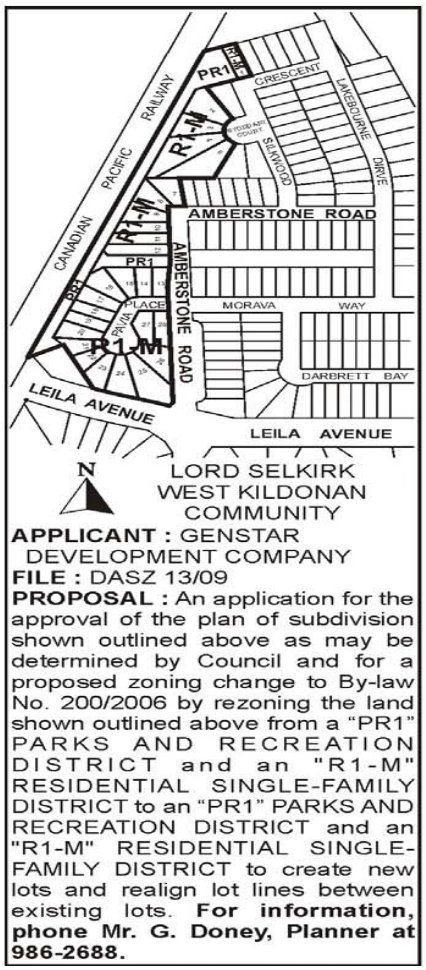
File: DASZ 13/2009 [c/r DAC 5/2009]

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

Public Hearing: July 7, 2009
West Committee Room
Council Building, 510 Main Street

Applicant: Genstar Development Company (Dave Boles)

Subject:



Premises Affected: West side of Amberstone Road, North of Leila Avenue

Exhibits Filed:

1. Application dated May 15, 2009
2. Notification of Public Hearing dated May 26, 2009
3. Manitoba Status of Titles 2338209, 2338254, 2338267, 2338269, 2338270, 2338271, 2338274, 2346054 and 2337928 and 2337934
4. Letter of authorization dated May 14, 2009 from The City of Winnipeg to Genstar Development Company
5. Surveyor's Building Location Certificates and sketches (2 pages) dated April 3, 2009
6. Conceptual Plan
7. Report from the Planning and Land Use Division dated July 3, 2009
8. Inspection Report
9. Audio Recording of representations of public hearing held on July 7, 2009

REPRESENTATIONS:

In Support:

Dave Boles, Genstar Development Company
Jerry Klein, Genstar Development Company

In Opposition:

Gabriel Hurley

For Information:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Ms S. Matile, Land Development Engineer, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 13/2009 [c/r DAC 5/2009]

ADMINISTRATIVE REPORT

ISSUE: July 7, 2009 public hearing of DASZ 13/09, Amber Trails

Critical Path: Lord Selkirk – West Kildonan Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Glen Doney Senior Planner			

RECOMMENDATIONS

The Planning and Land Use Division recommends approval on the conditions:

1. That the plan of subdivision proposed under File DASZ 13/09 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 13/09 dated July 3, 2009, for registration at the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Zoning Agreement with the City, where said Agreement states

        i) that no building permits shall be issued for Proposed Lots 21 to 23, until such time as a plan of subdivision, incorporating all of Block 6 of Plan 24012 with Proposed Lots 21 to 23 and with the adjacent public reserve and incorporating a portion of said public reserve with Proposed Lot 21 such that the easterly limit of the adjacent public reserve is a straight line extending southwesterly from the rear property lines of Proposed Lots 17 to 20 to the northern limit of the Public Street of Leila Avenue, is registered at the Winnipeg Land Titles Office,

        ii) that all single-family residential lots backing onto Leila Avenue have a minimum rear yard depth of 17.5 m (57.4 feet) and

        iii) that all single-family residential lots backing onto the future Chief Peguis Trail have a minimum rear yard depth of 15.0 m (49.2 feet);

B. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in Schedule “B”, the Report of the Administrative Coordinating Group dated June 24, 2009.

2. That the plan of subdivision be amended by including the widening of, and corner cut to, Amberstone Road, as illustrated in Schedule “C,” which widenings and corner cuts are to be dedicated at no expense to the City.

3. That the Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule “A” for File DASZ 13/2009 dated June 24, 2009, to “R1-M” Single Family Residential District and “PR1” Parks and Recreation (Neighbourhood) District;

4. 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.

5. That the “Subject City Property” shown outlined on Schedule “D” be declared Surplus to the City’s needs.

6. That the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown outlined on Schedule “D” to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the City Solicitor/Manager of Legal Services, in order to protect the interests of the City and to achieve the intent of Council.

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

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

9. 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.

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

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

12. 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

13. 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.

14. 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.

15. 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*.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in the following would be developed on the subject land, in accordance with the conditions recommended by the Division:

- 28 single-family dwellings;
- a public street;
- a linear park; and
- alongside Chief Peguis Trail, a buffer strip within which would be an active transportation corridor and a berm with a sound attenuation fence on top.

CONSULTATION

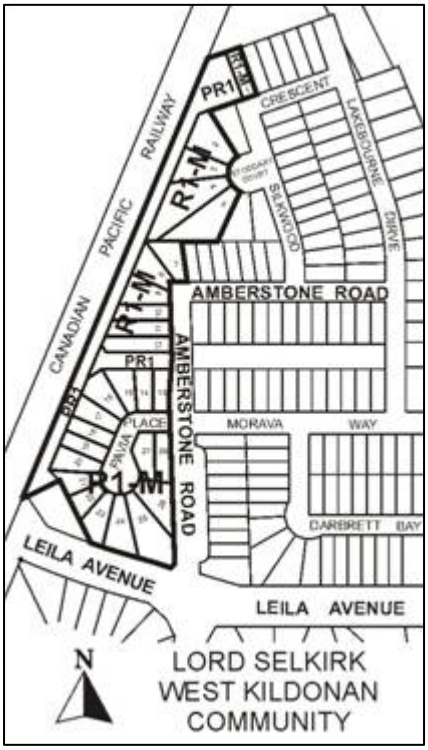
Consultation for this report is reflected in the conditions specified by the Administrative Coordinating Group Report, which includes representation from the Land Development Branch, Public Works Department, Water and Waste Department and the Parks, Riverbanks, and Community Initiatives Branch.

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	J. Glen Doney
Date	July 3, 2009
File	DASZ 13/09

Appendix "A"

DATE:	July 3, 2009
FILE:	DASZ 13/09
COMMUNITY:	Lord Selkirk-West Kildonan Community
NEIGHBOURHOOD:	Amber Trails
SUBJECT:	plan of subdivision to create 21 lots and one public street and to alter 7 existing lots and existing public reserves, and rezoning by altering the sizes and shapes of "R1-M" Residential Single Family [medium lot size] Districts and "PR1" Parks and Recreation (Neighbourhood) Districts
LOCATION:	north of Leila Avenue and north and west of Amberstone Road and Silkwood Crescent
LEGAL DESCRIPTION:	Public Reserves "C" and "D", Lot 14 of Block 4, Lots 1, 11 to 14 and 16 of Block 6 and Block 7, all of which are part of Plan 48083
APPLICANT:	Genstar Development Company
OWNER:	Genstar Titleco Limited and the City of Winnipeg Genstar Titleco Limited 320 – 530 Kenaston Boulevard Winnipeg
RECOMMENDATION:	**approval with conditions**



SITE DESCRIPTION

The subject land is immediately north of Leila Avenue, immediately east of the undeveloped Chief Peguis public street, and north and west of Amberstone Road and Silkwood Crescent. It is in the Amber Trails Neighbourhood and the Old Kildonan Ward and is near the Mandalay

West and Rosser – Old Kildonan neighbourhoods. It is approximately six acres and is irregular in shape.

As shown in Figure 1, the subject land is not developed and is near single-family dwellings and lots on which single-family dwellings are being built or are planned to be built. Figure 1 also shows that cultivated land is west of the subject land and immediately west of the route of the future Chief Peguis Trail.

The subject land is zoned "R1-M" Residential Single Family [medium lot size] District and "PR1" Parks and Recreation (Neighbourhood) District. It is near other "R1" and "PR" Districts and, across the route of the future Chief Peguis Trail, an "A" Agricultural District.

The subject property is in a Neighbourhood policy area of *Plan Winnipeg 2020 Vision.*

BACKGROUND

This application is Phase 9B of a multiple-phase development of the Amber Trails Neighbourhood, as shown in Figure 3 of this report.

DESCRIPTION OF THE DEVELOPMENT

The development would create 21 lots and one public street and alter Amberstone Road by increasing the radius of a corner, and alter Public Reserves "C" and "D", Lot 1 and Lots 11 to 16 of Block 6 and Lot 14 of Block 4, all of which are part of Plan 48083. Existing "R1-M" Residential Single Family [medium lot size] Districts and "PR1" Parks and Recreation (Neighbourhood) Districts would also be altered.

ANALYSIS AND ISSUES

Compatibility with its Vicinity

The development is generally compatible with its vicinity within the Amber Trails Neighbourhood and with the nearby neighbourhoods of Mandalay West and Rosser – Old Kildonan because:

- the proposed uses (single-family dwelling and linear parks) are the same as existing and proposed uses adjacent and nearby;
- the proposed zoning districts and lot sizes and shapes are similar to existing zoning and existing lots in the vicinity; and
- the proposed buffer strip to be alongside the future Chief Peguis Trail would sufficiently mitigate the effects of traffic noise and hazards from the future Chief Peguis Trail and the effects of noise and dust from agricultural operations on the proposed dwellings.

Transportation and Site Access

As previously stated, the subject land is adjacent to Leila Avenue. Leila is a regional street from Main Street to the future Chief Peguis Trail and, in the vicinity of the subject land, which does not have any private approaches (driveways) to adjacent land.

Figure 1 shows that an area of undeveloped land – Block 6 of Plan 24012 – is adjacent to Leila Avenue and to the subject land and is not part of this development. (It is 14,941 square feet.) If the subdivision proceeds as submitted, Proposed Lot 22 would entirely back onto Block 6 of Plan 24012, Proposed Lots 21 and 23 would partially back onto that land and a public reserve would be adjacent to it. This would mean that motor-vehicle access to Block 6 of Plan 24012could only be from Leila Avenue, which is not consistent with the nature of this road. A private approach at this location would be close to the future intersection of Leila Avenue and Chief Peguis Trail, which is undesirable from a traffic safety perspective.

Therefore, Block 6 of Plan 24012 should be incorporated into proposed Lots 21, 22 and 23, all of which are to be accessible to motor-vehicles from the proposed public street "Pavia Place."

Figure 2 is a conceptual illustration showing how the aforementioned would be addressed as well as how site design issues, described below, would be addressed.

Site Design Issues

Figure 1 shows that land proposed to be zoned "PR1" that would be immediately west of proposed Lot 21 and immediately north of Block 6 of Plan 24012 would be quite narrow between its western limit and the northwest corner of Block 6 of Plan 24012 and unnecessarily wide between its western limit and the northeast corner of Block 6 of Plan 24012.

Therefore, the width of the land proposed to be zoned "PR1" that would be immediately west of proposed Lot 21 and immediately north of Block 6 of Plan 24012 should be the same as the width of land proposed to be zoned "PR1" that would be west of proposed Lots 17 to 21.

As previously stated, Figure 2 is a conceptual illustration showing how the aforementioned would be addressed as well as how transportation and site access issues would be addressed.

Public Road Closure and Opening

The proposed public road opening and closure are to improve access to Proposed Lots 7 to 9 and to increase the radius of the sharp curve in Amberstone Road at Lot 14 of Block 4, Plan 48083. The public road opening and closure would slightly modify the aforementioned proposed and existing lots.

REASONS FOR RECOMMENDATIONS

The proposed development is consistent with the overall site plan of Amber Trails, as shown in Figure 3. This development would create 21 additional single-family dwelling units in an area of the city where such demand is significant.

Schedule "A" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 13/2009, dated July 3, 2009

By-Law No. _____

File No. **DASZ 13/09**

Atlas Sheet No. **Q21**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on west of Amberstone Road, north of Leila Avenue from a "PR1" PARKS AND RECREATION DISTRICT and an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "PR1" PARKS AND RECREATION DISTRICT and an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to create new lots and realign lot lines between existing lots as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B": Report of the Administrative Co-ordinating Group regarding the Proposed Subdivision and Rezoning of Land in Amber Trails, Phase 9B, West of Amberstone Road and North of Leila Avenue, File DASZ 13/2009, June 24/09

Genstar Development Company has submitted an application to re-subdivide and re-zone Block 7, Public Reserve C, and a section of Public Reserve D in Amber Trails Phase 9 (the Planned Area under Development Agreement AG 36/07).

It is recommended that the approval of DASZ 13/09 be subject to the following:

Planning Considerations

To provide for the planned and orderly development of Block 6, Plan 24012, it is recommended that the City purchase from the Developer, for $1.00, proposed Lots 21, 22, and 23 on Pavia Place, and undertake to, when an application is made for the consolidation of Block 6, Plan 24012 with these lots, sell the three lots at the then current fair market value to the applicant, and charge the applicant for its share of the services in Pavia Place, at the then current local improvement rates, both for payback to Genstar Development Company.

Development Agreement Addendum

Because the proposed subdivision and re-zoning entail lands partially within the Planned Area for Development Agreement AG 36/07, it is recommended that the Developer enter into an addendum to Development Agreement AG 36/07, which is, itself, an addendum to Development Agreement AG 3/96, with the City of Winnipeg, as follows:

1. By amending Schedule “A-1” to AG 36/07 (and therefore to AG 3/96) to revise the legal description of the Planned Area under AG 36/07 to incorporate the modifications made under DASZ 13/09;

2. By adding to AG 36/07 (and therefore to AG 3/96) a copy of the Plan of Subdivision approved under DASZ 13/09;

3. By adding to AG 36/07 (and therefore to AG 3/96) a conceptual plan showing the proposed underground services and lot grades for the land to be re-subdivided under DASZ 13/09;

4. By adding to AG 36/07 (and therefore to AG 3/96) the requirement that the land drainage TSR and Leila Trunk User Charge attributable to the land included under DASZ 13/09 and not already included under AG 36/07 be credited against the cost of regional land drainage facilities installed or to be installed by the Developer.

5. By adding to AG 36/07 (and therefore to AG 3/96) the requirement that the Developer pay its share of the cost of the oversized wastewater sewer benefitting the land included under DASZ 13/09 and not already included under AG 36/07.

6. By adding to AG 36/07 (and therefore to AG 3/96) the requirement that the Developer pay its share, for the area additional to the Planned Area for AG 36/07, of the cost of the

following improvements on an area basis for the area bounded by Leila Avenue, Pipeline Road and the future Chief Peguis Trail, as determined by the Director of Public Works:

i) an 8.3m in width by 200mm in thickness portland cement concrete pavement in Leila Avenue between Pipeline Road and the future Chief Peguis Trail and in Pipeline Road between Leila Avenue and the future Chief Peguis Trail;
ii) channelization, including, but not necessarily limited to construction of pavement for through lanes, auxiliary lanes, channelization, transitions, the installation and/or relocation of street lights and other utilities and boulevard landscaping at all street intersections entering Amber Trials from Pipeline Road and Leila Avenue including, but not necessarily limited to, the intersections of Ashville Street and Mandalay Drive with Leila Avenue and the intersections of the two ease-west streets entering Amber Trials from Pipeline Road;
iii) channelization at the intersection of Pipeline Road and Leila Avenue including, but not necessarily limited to construction of pavement for through lanes, auxiliary lanes, channelization, transitions and the installation and/or relocation of street lights and other utilities and boulevard landscaping;
iv) traffic-control signals at the intersection of Leila Avenue and Pipeline Road; and
v) ornamental street lighting, sidewalks, boulevard landscaping and any accessory land drainage works in conjunction with the above works.

7. By adding to AG 36/07 (and therefore to AG 3/96) the requirement that all single-family residential lots backing onto Leila Avenue be of sufficient depth to provide a minimum rear-yard set-back of 17.5 m, and that the Zoning Agreement covering these lots stipulate a minimum rear yard of 17.5 m.

8. By adding to AG 36/07 (and therefore to AG 3/96) the requirement that all single-family residential lots backing onto the future Chief Peguis Trail be of sufficient depth to provide a minimum rear-yard set-back of 15.0 m, and that the Zoning Agreement covering these lots stipulate a minimum rear yard of 15.0 m.

9. By adding to AG 36/07 (and therefore to AG 3/96) the requirement that an asphaltic path and associated lighting be constructed in the Public Reserve from Amberstone Road to the future Chief Peguis Trail - but not until the active transportation corridor is constructed within the future Chief Peguis Trail – either by the Developer at that time, or by the City in the future, with funds provided by the Developer for their construction; and that, in the interim, the site be graded, levelled, and sodded, and land drainage works installed, all in accordance with plans and specifications provided by the Developer and approved, prior to the commencement of construction, by the Director of Planning, Property & Development, at no expense to the City, to accommodate these future improvements.

10. By adding to AG 36/07 (and therefore to AG 3/96) the requirement that the Developer landscape the Public Reserve with trees and site furnishings consistent with those in previous phases of the Amber Trails development, and subject to review and approval of the Director of Planning, Property & Development; and that the City reimburse the Developer 100% of the costs of installation and maintenance of these improvements following Council approval of funding.

11. By adding to AG 36/07 (and therefore to AG 3/96) the requirement that the Developer maintain the parkland improvements for a period of one year, in accordance with the

approved specifications, and retain responsibility for the site until it is officially turned over to the City for maintenance.

12. By amending AG 3/96 and addendum Agreement AG 36/07, as required, to revise the dedication calculation for the Planned Area for AG 36/07 based on DASZ 13/09, and to enable the revision of the ongoing calculation of the dedication of public open space for the Developer's Amber Trails Development south of Templeton Avenue.

13. By adding to AG 36/07 (and therefore to AG 3/96) the requirement that the Developer transfer to the City, for $1.00, proposed Lots 21, 22, and 23 on Pavia Place, and the City's undertaking to, when an application is made for the consolidation of Block 6, Plan 24012 with these lots, sell these three lots at the then current fair market value to the applicant, and charge the applicant for its share of the services in Pavia Place, at the then current local improvement rates, both for payback to Genstar Development Company.

14. By adding to AG 32/07 (and therefore AG 51/05) the requirement that the Developer be required to pay $1,650.00 plus GST for DASZ 13/09 to defray the City's administration and related costs associated with the preparation and implementation of the new Addendum.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 13/09
June 24, 2009

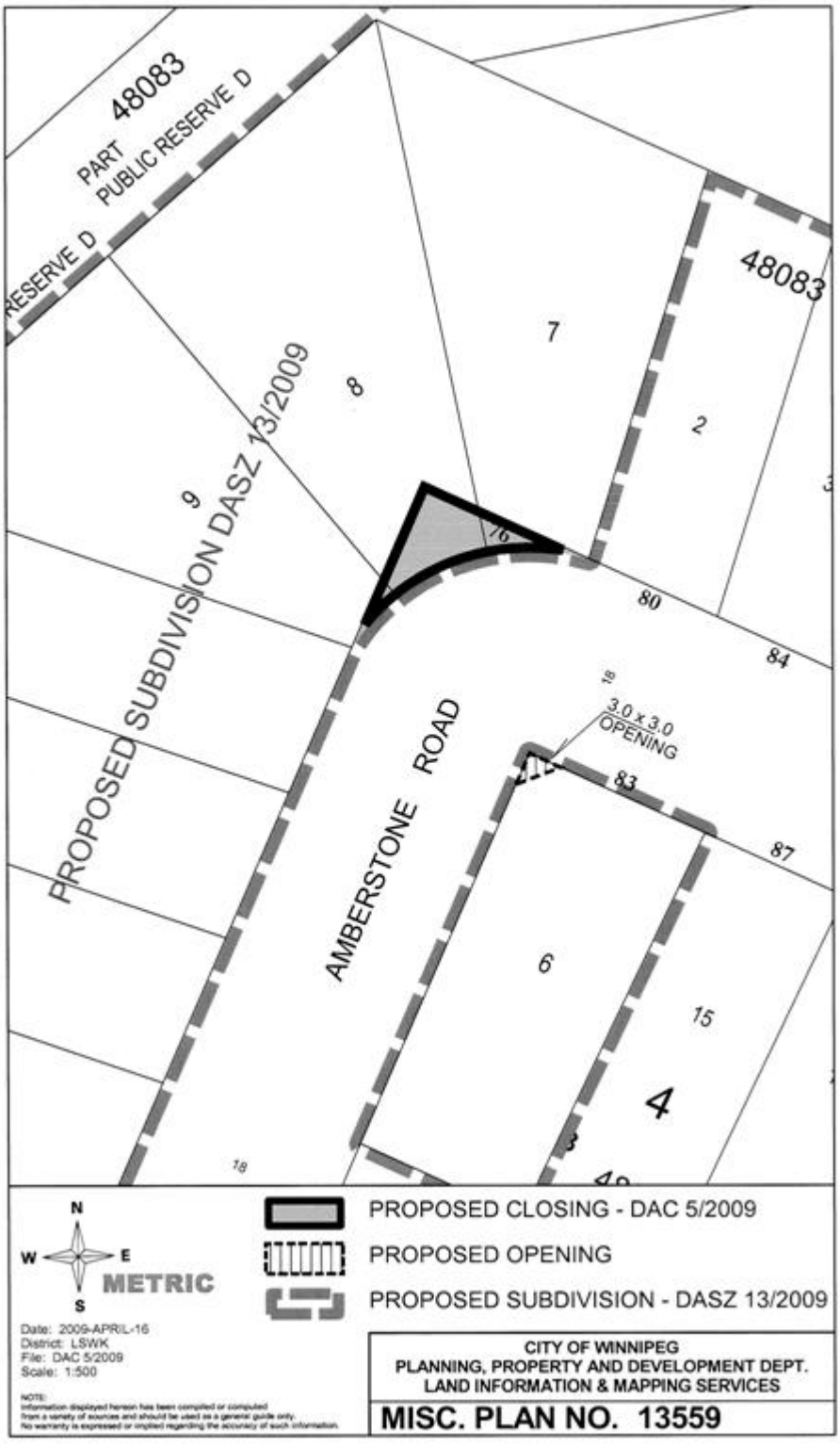
"original signed by S. M. Matile"
S. M. Matile, P. Eng., Chair
Land Development Branch

R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

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

D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

Schedule "C": Proposed Road Closing (DAC 5/2009) and Road Opening



Schedule "D": City Property that is part of the Proposed Subdivision and Rezoning, File DASZ 13/09

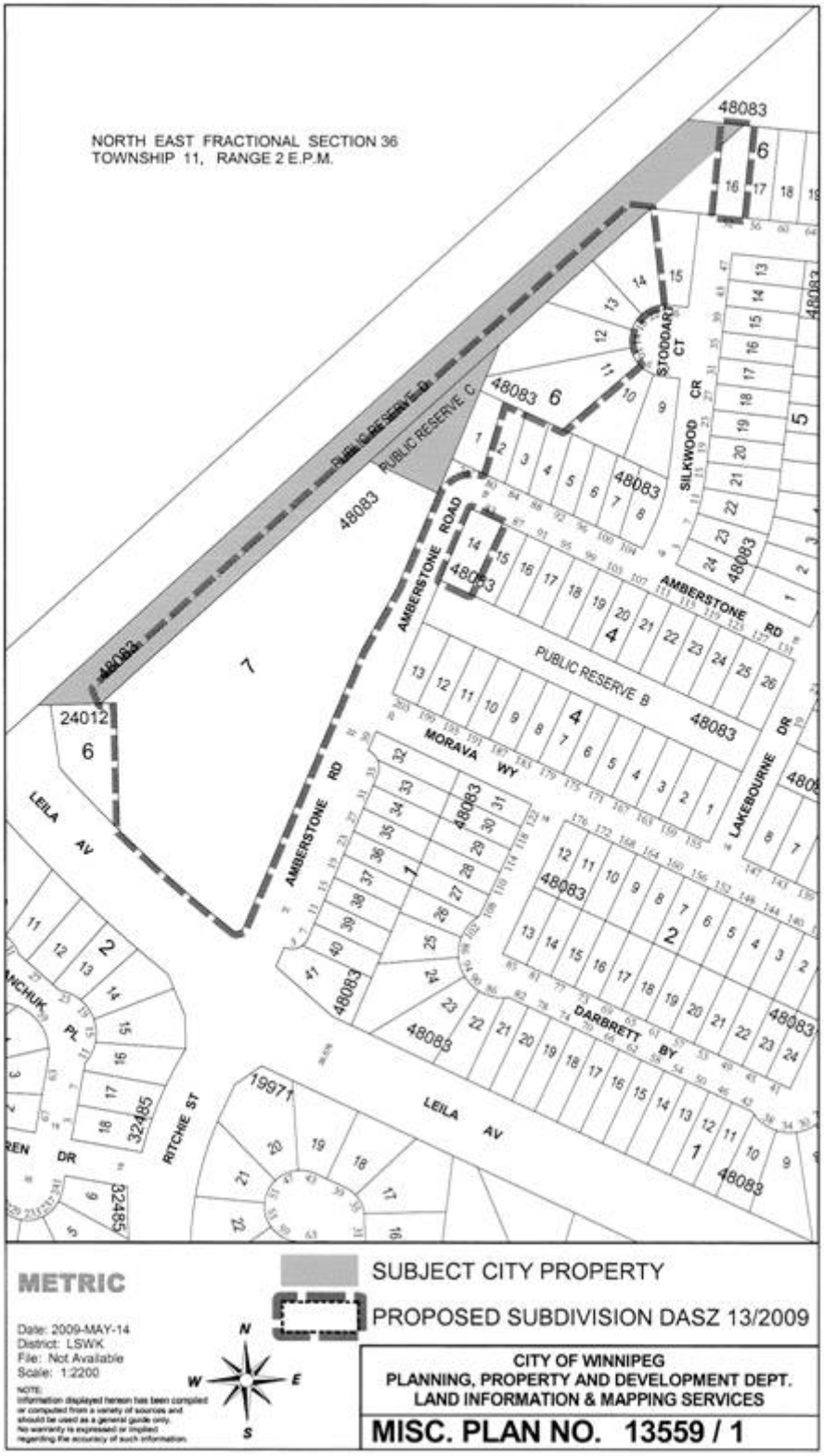


Figure 1
Land Use and Existing and Proposed Zoning, 2007 aerial photography

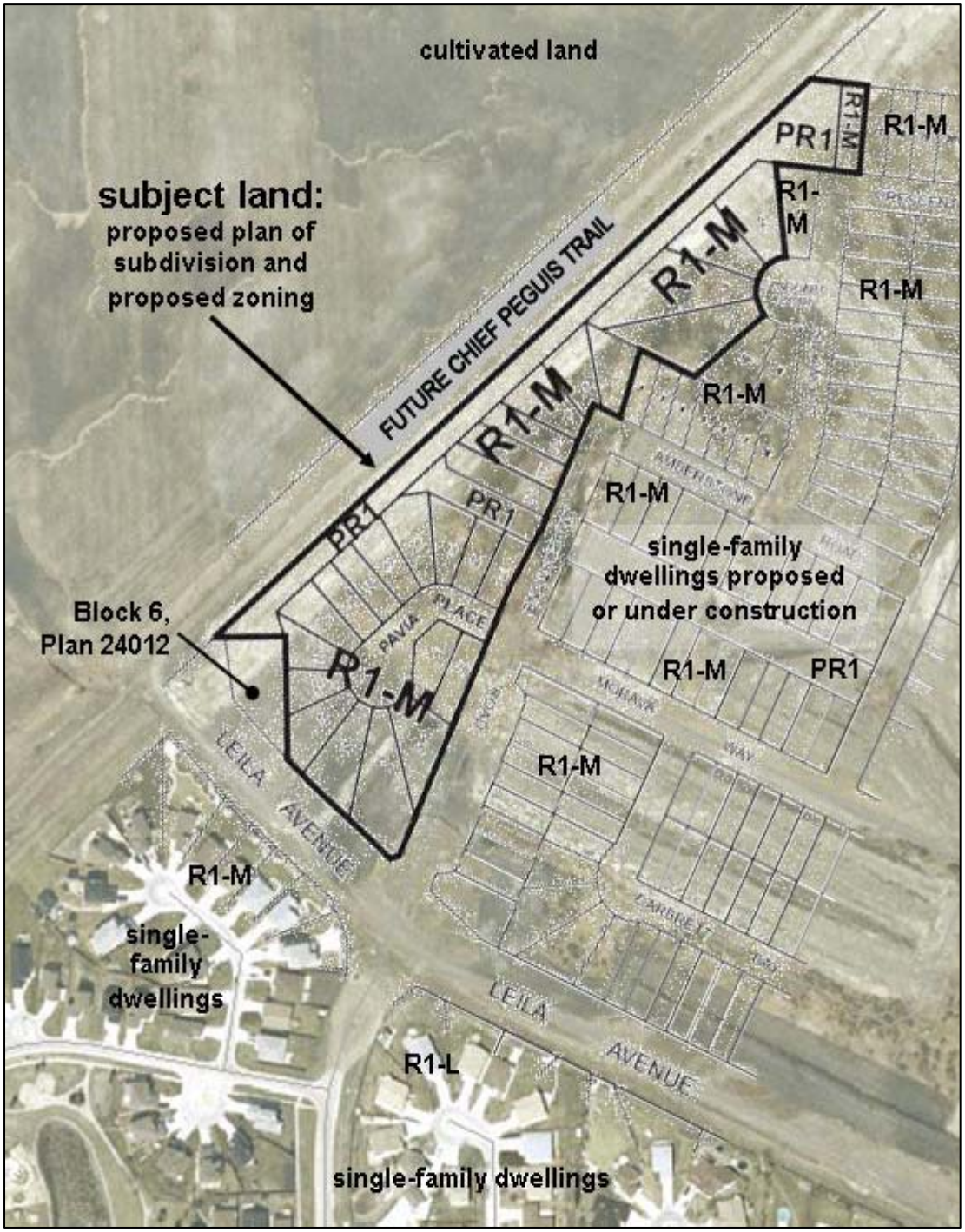


Figure 2

Conceptual Illustration of Future Lots 21 to 23 and the Adjacent Public Reserve, incorporating Block 6, Plan 24012

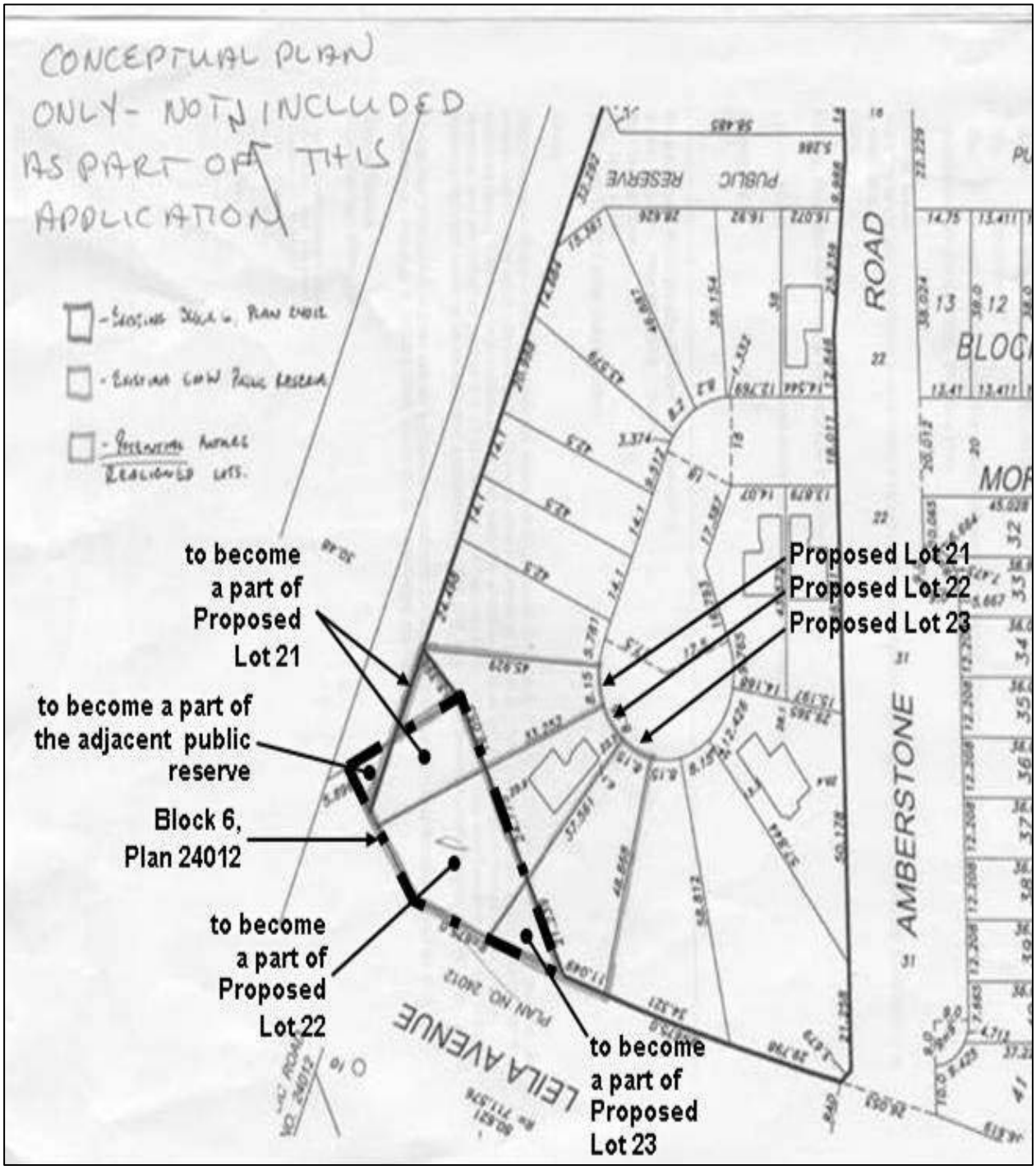


Figure 3

Conceptual Illustration of Amber Trails, http://www.genstar.com/comm_phase.asp?ID=214, July 3, 2009

