Agenda - Council – December 16, 2009

Report - Standing Policy Committee on Property and Development – December 3, 2009

Item No. 6 Subdivision and Rezoning – northwest corner of Templeton Avenue and Pipeline Road (Old Kildonan Ward) File DASZ 27/2009

STANDING COMMITTEE RECOMMENDATION:

On December 9, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 27/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated November 2, 2009, with the following amendments:

   Delete and relocate the public reserve on the north side of lot 8, block 2 of the plan to where lot 1, block 2 is located so that it lines up with the public reserve on the east side of the street and all the lots affected to be realigned accordingly,

   and with such minor changes as may be required, and 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 Schedule "B" of the report of the Administrative Coordinating Group dated November 2, 2009, with the following amendments to the Development Agreement, namely:

      i. Amend recommendation 12. by deleting the following the words "and along the north side of the east-west street located west of, and across the un-named Public Road from, the lot north of Lot 8, Block 3."

      ii. Delete Recommendation No. 13 in its entirety

      iii. Renumber Recommendation Nos. 14 and 15, to Recommendations Nos. 13 and 14

      iv. Delete Recommendation No. 16 in its entirety

Report - Standing Policy Committee on Property and Development – December 3, 2009

v. Renumber Recommendation Nos. 17 to 40, to Recommendation Nos. 15 to 38

vi. Delete renumbered Recommendation No. 16 (formally Recommendation No. 18) in its entirety and replace with the following:

"16. The Developer shall pay, at the time of construction, its share of a future northbound left- turn storage lane at the intersection of Pipeline Road and Templeton Avenue provided that the extra lanes on pipeline road are constructed by the city prior to the developer completing its obligations under his application DASZ 27/2009."

vii. Amend renumbered Recommendation No. 25 (formally Recommendation No. 27) to add the following words at the end thereof "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"

viii. Amend renumbered Recommendation No. 33 (formally Recommendation No. 35) to add the following words in the last sentence "based upon prevailing City of Winnipeg raw land purchase/sale rates at the time shall be" after the words "and an agreed-upon amount", and before the words "credited toward the dedication of land"

ix. Delete Recommendation 35 (formally Recommendation 37) in its entirety and renumber the remaining recommendations accordingly.

x. Add new Recommendations Nos. 39 and 40 as follows:

"38. If the proposed development proceeds before the proposed development under applications DASZ 34/08 or DASZ 35/08, then the Developer shall finance and construct a 10.0m in width by 200mm in thickness portland cement concrete pavement and all related works in Templeton Avenue between Pipeline Road and the west limit of the planned area, including but not necessarily limited to, sidewalks on both sides, street lighting, boulevard landscaping, necessary land drainage works and an asphalt transition west of the west limit of the planned area, all as determined by the Director of Public Works."

Report - Standing Policy Committee on Property and Development – December 3, 2009

"39. If the proposed development proceeds before the proposed development under applications DASZ 34/08 or DASZ 35/08, then the Developer shall finance and construct an 8.3m in width portland cement concrete pavement in Pipeline Road between Ambergate Drive and Templeton Avenue and all related works including, but not necessarily limited to street lighting, landscaping and necessary land drainage works, and a 1.5m in width by 100mm in thickness portland cement concrete sidewalk along the west side of Pipeline Road, all as determined by and to the satisfaction of the Director of Public Works said construction to be started in the year 2011 and completed by October 31, 2011 to coincide with the occupancy of the fist homes within the development."

xi. Add a new Recommendation No. 40

"40. That the developer shall be responsible for dust abatement on Pipeline Road from Templeton Avenue to the north limit of the planned area, up to four times per year to the satisfaction of the Director of Public Works, and until such time as the as the road is paved."

2. That the City of Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 27/2009 dated November 2, 2009, to a "R1-M" Residential Single-Family District and "PR1" Parks and Recreation 1 (Neighbourhood) District and subject to the following:

A. Where single-family lots back onto Pipeline Road, the said lots are to be established with minimum rear yards of 17.5 metres.

B. 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 the developer shall, at no expense to the City, construct within rear yards of all single-family lots abutting Pipeline Road, a uniform 2.0-metre-high fence, to the satisfaction of the Director of Public Works and that future owners of the individual building lots abutting this fencing shall be responsible for maintaining, repairing, and replacing this fencing, as warranted, as originally constructed to the satisfaction of the Director of Public Works.

Report - Standing Policy Committee on Property and Development – December 3, 2009

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

7. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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

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

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

Report - Standing Policy Committee on Property and Development – December 3, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 9, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 3, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee with the following amendments, namely:

- Amend Recommendation 1. by adding the following after the words November 2, 2009:

  with the following amendments:

  Delete and relocate the public reserve on the north side of lot 8, block 2 of the plan to where lot 1, block 2 is located so that it lines up with the public reserve on the east side of the street and all the lots affected to be realigned accordingly,

- Amend Recommendation 1. A. by adding the following Recommendation and renumbering the remaining Recommendations accordingly:

  1. A. i Amend recommendation 12. by deleting the following the words "and along the north side of the east-west street located west of, and across the un-named Public Road from, the lot north of Lot 8, Block 3."

- Delete Recommendation 1. A. vi. (formally Recommendation 1. A. v.) in its entirety and replace with the following

  vi. Delete renumbered Recommendation No. 16 (formally Recommendation No. 18) in its entirety and replace with the following:

  16. The Developer shall pay, at the time of construction, its share of a future northbound left- turn storage lane at the intersection of Pipeline Road and Templeton Avenue provided that the extra lanes on pipeline road are constructed by the city prior to the developer completing its obligations under his application DASZ 27/2009.

Report - Standing Policy Committee on Property and Development – December 3, 2009

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION: (continued)

- Add the following Recommendation 1. A. ix and renumbering the remaining Recommendations accordingly:

  ix. Delete Recommendation 35 (formally Recommendation 37) in its entirety and renumber the remaining recommendations accordingly.

- Amend Recommendation 1. A. x. by renumbering items 39 and 40 as 38 and 39 respectively, and by further amending new Recommendation 39. by adding the words "said construction to be started in the year 2011 and completed by October 31, 2011 to coincide with the occupancy of the fist homes within the development." after the words "Director of Public Works"

- Add the following new Recommendation xi.

  xi. Add a new Recommendation No. 40

  "40. That the developer shall be responsible for dust abatement on Pipeline Road from Templeton Avenue to the north limit of the planned area, up to four times per year to the satisfaction of the Director of Public Works, and until such time as the as the road is paved."

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

COMMUNITY COMMITTEE RECOMMENDATION:

On November 10, 2009, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments to Schedule "B" of the report of the Administrative Coordinating Group dated November 2, 2009 as it relates to the Development Agreement, namely:

- Delete Recommendation No. 13 in its entirety

- Renumber Recommendation Nos. 14 and 15, to Recommendations Nos. 13 and 14

- Delete Recommendation No. 16 in its entirety

Report - Standing Policy Committee on Property and Development – December 3, 2009

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Renumber Recommendation Nos. 17 to 40, to Recommendation Nos. 15 to 38

- Amend renumbered Recommendation No. 16 (formally Recommendation No. 18) to delete the words "on demand", and substitute with the words "at the time of construction"

- Amend renumbered Recommendation No. 25 (formally Recommendation No. 27) to add the following words at the end thereof "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"

- Amend renumbered Recommendation No. 33 (formally Recommendation No. 35) to add the following words in the last sentence "based upon prevailing City of Winnipeg raw land purchase/sale rates at the time shall be" after the words "and an agreed-upon amount", and before the words "credited toward the dedication of land"

- Add new Recommendations Nos. 39 and 40 as follows:

    "39. If the proposed development proceeds before the proposed development under applications DASZ 34/08 or DASZ 35/08, then the Developer shall finance and construct a 10.0m in width by 200mm in thickness portland cement concrete pavement and all related works in Templeton Avenue between Pipeline Road and the west limit of the planned area, including but not necessarily limited to, sidewalks on both sides, street lighting, boulevard landscaping, necessary land drainage works and an asphalt transition west of the west limit of the planned area, all as determined by the Director of Public Works."

    "40. If the proposed development proceeds before the proposed development under applications DASZ 34/08 or DASZ 35/08, then the Developer shall finance and construct an 8.3m in width portland cement concrete pavement in Pipeline Road between Ambergate Drive and Templeton Avenue and all related works including, but not necessarily limited to street lighting, landscaping and necessary land drainage works, and a 1.5m in width by 100mm in thickness portland cement concrete sidewalk along the west side of Pipeline Road, all as determined by and to the satisfaction of the Director of Public Works.",

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

RE: **Subdivision and Rezoning - northwest corner of Templeton Avenue and Pipeline Road**
File DASZ 27/2009

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

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

Report date: **November 13, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 10, 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 under File DASZ 27/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated November 2, 2009 with such minor changes as may be required, and 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 Schedule "B" of the report of the Administrative Coordinating Group dated November 2, 2009, ***with the following amendments to the Development Agreement, namely:***

        i. Delete Recommendation No. 13 in its entirety

        ii. Renumber Recommendation Nos. 14 and 15, to Recommendations Nos. 13 and 14

        iii. Delete Recommendation No. 16 in its entirety

        iv. Renumber Recommendation Nos. 17 to 40, to Recommendation Nos. 15 to 38

        v. Amend renumbered Recommendation No. 16 (formally Recommendation No. 18) to delete the words "on demand", and substitute with the words "at the time of construction"

        vi. Amend renumbered Recommendation No. 25 (formally Recommendation No. 27) to add the following words at the end thereof "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"

vii. Amend renumbered Recommendation No. 33 (formally Recommendation No. 35) to add the following words in the last sentence "based upon prevailing City of Winnipeg raw land purchase/sale rates at the time shall be" after the words "and an agreed-upon amount", and before the words "credited toward the dedication of land"

viii. Add new Recommendations Nos. 39 and 40 as follows:

"39. If the proposed development proceeds before the proposed development under applications DASZ 34/08 or DASZ 35/08, then the Developer shall finance and construct a 10.0m in width by 200mm in thickness portland cement concrete pavement and all related works in Templeton Avenue between Pipeline Road and the west limit of the planned area, including but not necessarily limited to, sidewalks on both sides, street lighting, boulevard landscaping, necessary land drainage works and an asphalt transition west of the west limit of the planned area, all as determined by the Director of Public Works."

"40. If the proposed development proceeds before the proposed development under applications DASZ 34/08 or DASZ 35/08, then the Developer shall finance and construct an 8.3m in width portland cement concrete pavement in Pipeline Road between Ambergate Drive and Templeton Avenue and all related works including, but not necessarily limited to street lighting, landscaping and necessary land drainage works, and a 1.5m in width by 100mm in thickness portland cement concrete sidewalk along the west side of Pipeline Road, all as determined by and to the satisfaction of the Director of Public Works.",

2. That the City of Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 27/2009 dated November 2, 2009, to a "R1-M" Residential Single-Family District and "PR1" Parks and Recreation 1 (Neighbourhood) District and subject to the following:

   A. Where single-family lots back onto Pipeline Road, the said lots are to be established with minimum rear yards of 17.5 metres.

   B. 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 the developer shall, at no expense to the City, construct within rear yards of all single-family lots abutting Pipeline Road, a uniform 2.0-metre-high fence, to the satisfaction of the Director of Public Works and that future owners of the individual building lots abutting this fencing shall be responsible for maintaining, repairing, and replacing this fencing, as warranted, as originally constructed to the satisfaction of the Director of Public Works.

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

7. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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

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

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

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

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

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated November 2, 2009.

PUBLIC HEARING SUMMARY

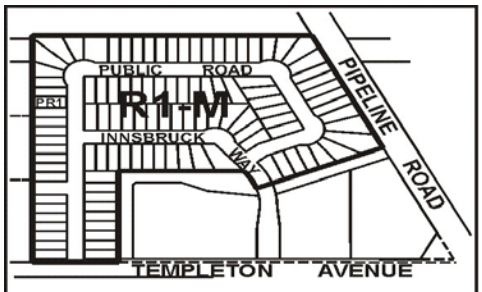
File: DASZ 27/2009

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

Public Hearing: November 10, 2009
Council Chamber
Council Building, 510 Main Street

Applicant: Genstar Development Company (David Boles)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : GENSTAR DEVELOPMENT CO.
FILE : DASZ 27/09
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 5 DISTRICT and an "A" AGRICULTURAL DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION (NEIGHBOURHOOD) DISTRICT including the extension of Innsbruck Way and a new public R.O.W. to allow for the establishment of 107 residential lots. **For information, phone Mr. R. Kostiuk, Planner at 986-7367.**

Premises Affected: northwest corner of Templeton Avenue and Pipeline Road

Exhibits Filed:

1. Application dated September 24, 2009
2. Notification of Public Hearing dated October 8, 2009
3. Manitoba Status of Title(s) 1160080, 1176956 and 1177498
4a. Letter of authorization dated May 14, 2009 from The City of Winnipeg to Genstar Development Company
4b. Letter of authorization dated September 4, 2009 from Templeton North Developments Ltd. to Genstar Development Company
5. Surveyor's Building Location Certificate and sketch dated September 3, 2009
6. Abandonment of Expropriation dated May 18, 1967
7. Plans (2 pages)
8. Report from the Planning and Land Use Division dated November 2, 2009
9. Inspection Report
10. Communication dated November 9, 2009 from the Land Development Engineer, Planning, Property and Development Department, proposing amendments to the report of the Administrative Coordinating Group dated November 2, 2009
11. Proposed Amendments to Schedule "B" of the report of the Administrative Coordinating Group submitted by David Boles, Genstar Development Company, at the public hearing
12. Audio Recording for public hearing held on November 10, 2009

REPRESENTATIONS:

In Support:

David Boles, Genstar Development Company

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Ms S. Matile, Land Development Engineer, Planning, Property and Development Department

Exhibit "8" referred to in File DASZ 27/2009

ADMINISTRATIVE REPORT

ISSUE: **DASZ 27/09 NW Templeton at Pipeline Public Hearing**

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

.

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Himbeault	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision under File DASZ 27/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" dated November 2, 2009 with such minor changes as may be required, and 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 Schedule "B" the report of the Administrative Coordinating Group dated November 2, 2009.

2. That the City of Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 27/2009 dated November 2, 2009, to a "R1-M" Residential Single-Family District and "PR1" Parks and Recreation 1 (Neighbourhood) District and subject to the following:

    A. Where single-family lots back onto Pipeline Road, the said lots are to be established with minimum rear yards of 17.5 metres.

    B. 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 the developer shall, at no expense to the City, construct within rear yards of all single-family lots abutting Pipeline Road, a uniform 2.0-metre-high fence, to the satisfaction of the Director of Public Works and that future owners of the individual building lots abutting this fencing shall be responsible for maintaining, repairing, and replacing this fencing, as

warranted, as originally constructed to the satisfaction of the Director of Public Works.

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

7. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

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

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

10. That the City Solicitor/Manager of Legal Services be requested to do all thing 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, a development permit can be issued.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	Robert Kostiuk
Date:	November 2, 2009
File No.	DASZ 27/09

Appendix A	Administrative Report
Appendix B	Schedule “A”
Appendix C	Schedule “B” Report of the Administrative Coordinating Group

APPENDIX 'A'

DATE: **November 2, 2009**
FILE: **DASZ 27/09**
RELATED FILES: DASZ 13/09; DASZ 35/08; DASZ 34/08; DASZ 36/07; DASZ 20/06; DASZ 7/06; DASZ 43/04; DASZ 12/04; DASZ 17/03; DASZ 1/02; DASZ 3/96;
DASZ 34/88

COMMUNITY: Lord Selkirk - West Kildonan Community
NEIGHBOURHOOD #: 3.337

SUBJECT: **The applicant is proposing to subdivide and rezone the subject property to "R1-M" Residential Single Family to develop 107 single family lots. A new public road, an extension of Innsbruk Way, and public reserve areas will be created as a result of the development.**

LOCATION: North of Templeton Avenue and west of Pipeline Road.
LEGAL DESCRIPTION: Part OTM Lots 20, 21, 22, Parish of Kildonan & Former Railway R.O.W. (former CPR Bergen Cut-Off)



APPLICANT: Genstar Development Co. (David Boles)
#320-530 Kenaston Boulevard
Winnipeg MB R3N 1Z4

OWNER: Templeton North Developments.
#320-530 Kenaston Boulevard
Winnipeg MB R3N 1Z4

RECOMMENDATION: Approval with conditions

REPORT SUMMARY:

- The applicant would like to rezone the subject property to “R1-M” Residential Single-Family Medium and “PR-1” Parks and Recreation 1 (Neighbourhood) to subdivide and develop 107 single-family lots and a public reserve area.
- The City of requires the land immediately north of Lot 8, Block 3 within the proposed subdivision to be a public reserve and zoned as “PR1” Parks and Recreation 1 to form a connection for the linear parkway or pathway.
- The proposed subdivision and rezoning is compatible with the surrounding community.
- The Planning and Land Use Division recommends approval with conditions that the applicant enter into a development agreement and zoning agreement.

SITE DESCRIPTION

The proposed subdivision area is approximately **17.53 acres (7.095 hectares)**. The subject property is located on the north side of Templeton Avenue west of Pipeline Road and is within the Amber Trails neighbourhood of the Old Kildonan Ward. The property is within Plan Winnipeg’s Neighbourhood Policy Area and is zoned **“RR5” Rural Residential 5 and “A” Agricultural.** The property is currently vacant (see Figure 1).



Figure 1: Approximate area of the subject property and surrounding area (2007 air photo).

North: Large-lot homes that face Pipeline Road zoned “A” Agricultural. The proposed Chief Peguis Trail extension is north of these homes.

South: Immediately south of the subject property is vacant land that is to be subdivided and zoned “RMF-M“ Residential Multi-Family Medium and “PR1” and Parks and Recreation 1 upon execution of a development agreement and registration of the

plan of subdivision and zoning agreement (see By-Law No. 80/2009). This land forms part of the Amber Trails Development. South of Templeton Avenue, which is also part of the Amber Trails Development, is land subdivided and zoned "R1-M" Residential Single-Family Medium and "RMF-S" Residential Multi-Family Small.

East: The eastern extent of the subject property is bordered by Pipeline Road. East of Pipeline Road is vacant land zoned "RR5" Rural Residential 5 and "A" Agricultural that is owned by Templeton North Developments.

West: Land west of the subject property and within the proposed Chief Peguis Trail Extension forms part of the Amber Trails Draft Conceptual Master Plan. Within the Conceptual Master Plan, this land to be developed as future single-family homes. This land is currently vacant and zoned "RR5" Rural Residential 5 and "A" Agricultural.

BACKGROUND

- The development of the Amber Trails community began in the late 1980's/early 1990's (see DASZ 34/88).
- The Amber Trails community has developed in a series of phases over the years (see DASZ 13/09; DASZ 35/08; DASZ 34/08; DASZ 36/07; DASZ 20/06; DASZ 7/06; DASZ 43/04; DASZ 12/04; DASZ 17/03; DASZ 1/02; DASZ 3/96; DASZ 34/88).
- This subdivision and rezoning application marks the first phase of single-family development north of Templeton Avenue in the Amber Trails community.
- Plan Winnipeg has been recently amended in this area from a Rural Policy Designation to a Neighbourhood Policy Area (PW 3/2008).

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The applicant would like to rezone the subject property to "R1-M" Residential Single-Family Medium and "PR-1" Parks and Recreation 1 (Neighbourhood) to subdivide and develop 107 single-family lots and a public reserve area. The vast majority of the proposed single-family lots range in size between approximately 4,700 square feet (437 square metres) and approximately 6,000 square feet (557 square metres). Larger lots are between 6,000 square feet (557 square metres) and approximately 12,300 square feet (1,143 square metres). Lot widths range between 40 feet (12.2 metres) and 55 feet (16.8 metres). The public reserve area would begin a lineal park and pathway system that would extend westward towards a park that is proposed within the Draft Conceptual Master Plan.

The proposed subdivision will result in the extension of Innsbruck Way and the creation of a new public road and right-of-way. This application is the first phase of single-family development north of Templeton Avenue in the Amber Trails community.

ANALYSIS

PLAN WINNIPEG COMPLIANCE

- The proposed subdivision and rezoning is located within *Plan Winnipeg 2020's* Neighbourhood Policy Area (Policy Plate "A") and therefore complies with the *Plan.*

ZONING (BY-LAW 200/2006)

- **"R1-M" Residential Single-Family District** minimum lot sizes of 3,500 square feet and minimum lot widths of 25 feet are required. Side yards of 4 feet are required. Front yard requirements are 15 feet; rear yard requirements are 25 feet. Maximum building height is 35 feet. The proposed lots meet the minimum requirements for lot area and width.

- **"PR1" Parks and Recreation 1 (Neighbourhood) District** is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. The proposed park meets these criteria.
    - These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas.
    - Generally, no parking facilities are associated with these uses.
    - These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

- **"RR 5" Rural Residential District** minimum lot sizes of 5 acres are required. Side yards of 25 feet are required. Front yard requirements are 100 feet; rear yards are 25 feet. Maximum building height is 35 feet.

- **"A" Agricultural District** is intended for general agricultural activities. The minimum lot area is 40 acres and the minimum lot width is 300 feet. The minimum front, rear and side yard requirements are 100 feet, 25 feet, and 25 feet respectively. The maximum building height is 30 feet.

NEIGHBOURHOOD COMPATIBILITY

- North of the subject property are large-lot homes that face Pipeline Road and zoned "A" Agricultural. The proposed Chief Peguis Trail extension is north of these homes.
- Lands to the south, east and west of the subject property are either owned by Templeton North Developments and/or form part of the Genstar's Amber Trails Draft Conceptual Master Plan.
- Given that the subject land is adjacent to agricultural land to the north and that the subject land forms part of the greater Amber Trails community, the proposed subdivision and rezoning is compatible with the neighbourhood.

TRANSPORTATION AND SITE ACCESS

- The subject land is near Templeton Avenue and Pipeline Road. Access to the site will be provided by the extension of Innsbruck Way and a new public road. Both Innsbruck Way and the new public road will connect to Templeton Avenue.
- 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 subdivision and rezoning in DASZ 34/08 (immediately south of the subject property) resulted in the creation public reserve land zoned "PR1", which is to form a linear parkway or pathway for active transportation within the Amber Trail community north of Templeton Avenue.

- The City of Winnipeg requires the land immediately north of Lot 8, Block 3 within the proposed subdivision to be a public reserve and zoned as “PR1” Parks and Recreation 1 to form a connection for the linear parkway or pathway.
- This land (immediately north of Lot 8, Block 3) was not advertised as “PR1” land. However, the City of Winnipeg can designate land at a lower intensity zoning (down-zone) if required, but can not designate land at a higher intensity zoning (up-zone) than advertised.
- Sidewalks will be required in some areas of the development to facilitate and interconnect means for pedestrian access and active transportation throughout the site.
- The developer will be required to construct a 2.0 metre high noise attenuation fence within the rear yard of all single family lots abutting Pipeline Road.
- Single-family residential lots backing onto Pipeline Road will require a minimum rear yard setback of 17.5 metres.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of lands is not less than 10%.
- The developer will provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- If dedication is 'cash in lieu' of land, then the developer is required to pay the City its share of the costs of landscaping and services that it would have expended had a dedication of the land been made, which will equal 10%.
- At this time, Planning, Property and Development does not have the specific information required to determine the exact dedication amount.
- The land dedication and/or 'cash in lieu' is to be made in accordance with the ACG Report (Schedule "B").

RECOMMENDATION

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

- The proposed subdivision and rezoning is compatible with the existing development in the Amber Trails Community.

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

Report Prepared by: Robert Kostiuk
PPD File # DASZ 27/09

APPENDIX 'B'

Schedule "**A**" for File No. DASZ 27/09, Lord Selkirk – West Kildonan Community Committee, dated November 2, 2009.

By–Law No. _____

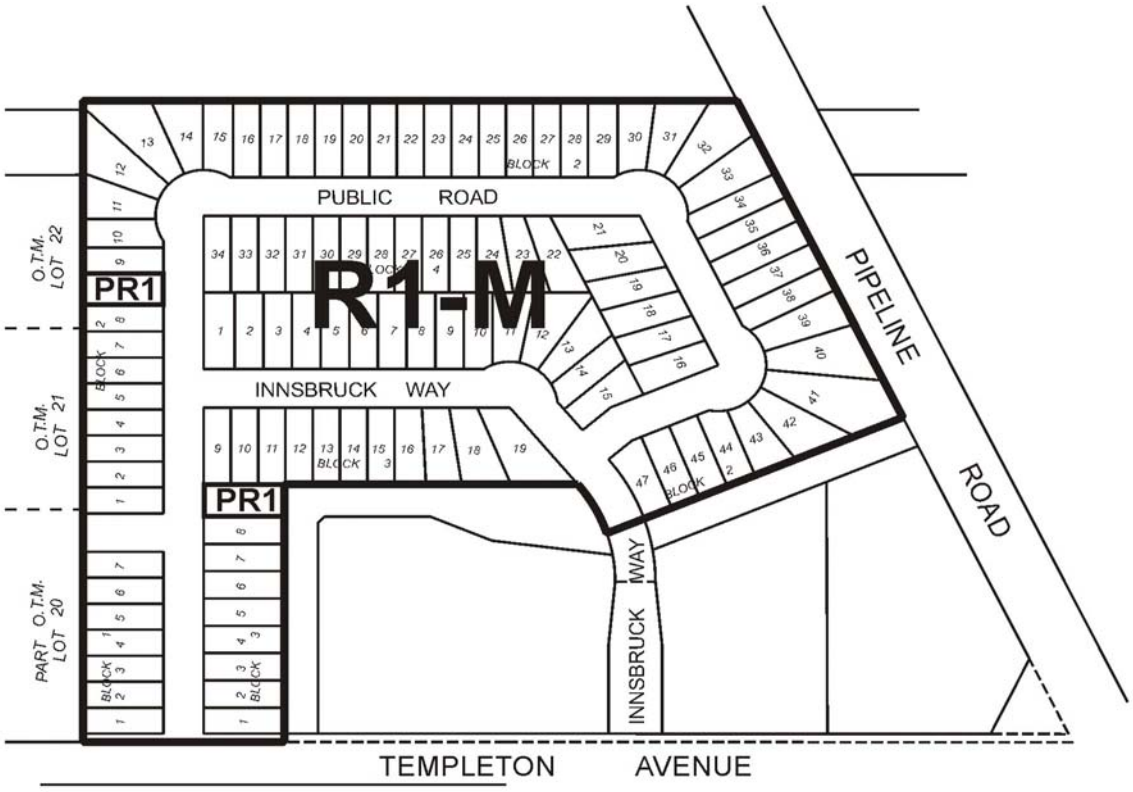
File No. **DASZ 27/09**

Atlas Sheet No. **R23**

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 at the NWC of Templeton Avenue & Pipeline Road from an "RR5" RURAL RESIDENTIAL 5 DISTRICT and an "A" AGRICULTURAL DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION (NEIGHBOURHOOD) DISTRICT including the extension of Innsbruck Way and a new public R.O.W. to allow for the establishment of 107 residential lots as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX 'C'

Schedule "**B**" Report of the Administrative Coordinating Group regarding the Proposed Subdivision and Rezoning of Land at the Northwest Corner of Templeton Avenue at Pipeline Road – Genstar – Templeton North Phase II, dated November 2, 2009.

SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND AT NORTHWEST CORNER TEMPLETON AVENUE AT PIPELINE ROAD – GENSTAR – TEMPLETON NORTH PHASE II - DASZ 27/09

It is recommended that the approval of DASZ 27/09 be subject to the following:

A. Plan Considerations

1. The Applicant shall dedicate to the City, as Public Reserve, the lot north of Lot 8, Block 3 on the east side of the un-named Public Road, in addition to the Lot on the west side of the same un-named Public Road, north of Lot 8, Block 2, with proposed zoning PR1.

2. The Applicant shall provide and legally open, at no cost to the City, property required for a 3.883-m widening to the Templeton Avenue right-of-way along the full length of the Planned Area abutting Templeton Avenue, as determined by the Director of Public Works.

B. Development Agreement

The applicant entering into a **Development Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall, at no expense to the City, install all wastewater sewers required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water & Waste.

2. The Developer shall, at no expense to the City, install all watermains required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water & Waste.

3. The Developer shall install lot line services to service all lots within the Planned Area, as follows:

    a) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain to approximately five metres inside the property line, to service all lots within the

Planned Area, as determined by, and to the satisfaction of, the Director of Water & Waste.

b) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer shall indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so prior to the issuance of a Final Acceptance Certificate certifying completion of all work under this Agreement.

c) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

4. The Developer shall, at no expense to the City, install all land drainage sewers required to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Water & Waste.

5. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of land drainage trunk facilities benefiting the Planned Area (2009 Rate = $11,365/acre).

6. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay the Leila Trunk User Charge ($612/acre).

7. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the oversized wastewater sewer charge (2009 Rate = $484.73/acre).

8. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design.

9. The Developer shall, at no expense to the City, construct all swales, catchbasins, and leads required to provide lot drainage prior to the issuance of Building Permits.

10. The Developer shall, at no expense to the City, provide all easements with respect to the installation, maintenance, and replacement of swales, catchbasins, and leads for lot drainage upon registration of the approved subdivision mylars in the Land Titles Office.

11. The Developer shall, at no expense to the City, construct 150-millimetre-thick portland cement concrete pavements to widths of 7.5 metres, and all related works, including, but not limited to, boulevard landscaping and drainage facilities, in all streets within the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

12. The Developer shall, at no expense to the City, extend the 1.5-metre-wide by 100-millimetre-thick portland cement concrete sidewalks along both sides of Innsbruck Way northward from their current termini to connect with the sidewalks in the Public Reserve, and along the north side of the east-west street located west of, and across the un-

named Public Road from, the lot north of Lot 8, Block 3, as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property & Development.

13. The Developer shall construct all sidewalks concurrently with the pavements with which they share the right-of-way.

14. The City may file appropriate caveats in the Land Titles Office, notifying prospective homeowners of the proposed sidewalk locations.

15. The Developer shall pay its share, on an area basis (for the amount attributable to the Planned Area out of the total area bounded by Leila Avenue, Pipeline Road, and the future Chief Peguis Trail), of the cost of the following improvements, 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 Allan Blye Drive and Strasbourg Drive with Leila Avenue and the intersections of Templeton Avenue and Ambergate Drive with 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 on the west side of Pipeline Road.
    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.

16. The Developer shall finance and construct in Pipeline Road, from the south limit to the north limit of the Planned Area, an 8.3-m-wide, 200-mm thick portland cement concrete pavement and all related works, including, but not limited to, street lighting, landscaping, all necessary drainage works, a 1.5-m-wide by 100-mm-thick portland cement concrete sidewalk along the west side of Pipeline Road, and an asphaltic concrete transition north of the north limit of the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

17. The Developer's share of the cost of improvements in Paragraph 15 above shall be off-set against the cost of services to be constructed pursuant to Paragraph 16 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 Performance Certificate(s) as it collects from the benefitting lands in accordance with the Development Agreement Parameters in

effect at the time.

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

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

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

21. The Developer shall, at no expense to the City, sod boulevards and plant trees on the streets within the Planned Area, all in accordance with drawings and specifications to be prepared by the Developer and submitted to, and approved by, the Director of Public Works.

22. The Developer shall, at no expense to the City, maintain the boulevard improvements for a period of one year, in accordance with specifications approved by the Director of Public Works.

23. The Developer shall, at no expense to the City, ensure that two means of vehicular access are available at all times to each stage of development of the Planned Area to the satisfaction of the Director of Public Works. This may require the construction of temporary roadways and the provision of easements or rights-of-way.

24. The Developer shall, at no expense to the City, 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.

25. The Developer shall install signs at the entrances to the Planned Area, showing the extent of the Planned Area and the locations of all proposed sidewalks, community mail boxes, and parks.

26. The Developer shall, at no expense to the City, cause to be installed ornamental street lights in all streets within the Planned Area, to the satisfaction of the Director of Public Works.

27. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, and any existing overhead services within the Planned Area to be converted to underground, to the satisfaction of the Director of Public Works.

28. The Developer shall 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, the works to be constructed by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

29. There shall be no private approaches serving single-family residential development off Pipeline Road.

30. The Developer shall, at no expense to the City, construct, within the rear yards of all single-family lots abutting Pipeline Road, a uniform, 2.0-metre-high fence, to the satisfaction of the Director of Public Works, and permit the City to file a caveat against the title of each such lot, requiring the owner(s) to maintain and/or repair and/or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

31. All single-family residential lots backing onto Pipeline Road shall be of sufficient depth to provide a minimum rear-yard set-back of 17.5 m, and the Zoning Agreement covering these lots shall stipulate a minimum rear yard of 17.5 m.

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

33. The Developer shall, at no expense to the City, 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 completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

34. The Developer shall dedicate land for public open space in accordance with City Policy. The proposed dedication falls short of the requirement. A portion of the under-dedication shall be compensated for via additional landscaping (see 35 below), and the remainder shall be carried forward to subsequent stages of the development.

35. The Developer shall grade, level, sod, and provide land drainage for, and concurrently construct asphaltic concrete paths and associated landscaping within, the dedicated public reserve land, all in accordance with plans and specifications approved by the Directors of Public Works and Planning, Property & Development. The value of the asphaltic concrete paths and associated landscaping shall be determined and an agreed-upon amount credited toward the dedication of land.

36. The Developer shall, at no expense to the City, maintain the public open space improvements for a period of two years in accordance with specifications approved by the Director of Public Works**.**

37. While two Public Reserve parcels are proposed under DASZ 27/09, the City has identified the northerly parcel as potentially redundant, subject to a proposal for long-term park development to the west. If this parcel is retained as Public Reserve, the Developer shall, prior to the development of the northerly public reserve parcel, construct a public sidewalk extending and connecting the asphaltic path from within Lot

8, Block 3 to the asphaltic path in Lot 8, Block 2, along the west side of the street, complete with the appropriate curb ramps at the approved crossing location.

38. Following completion of all major construction works, the Developer shall, at its cost, have the locations of the survey monuments within the Planned Area verified and, where the survey monuments have been disturbed, moved, covered, mutilated, or destroyed, have them replaced by a Manitoba Land Surveyor, who shall provide the Director of Planning, Property & Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

39. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of, and provision of as-built drawings within three months of substantial performance showing, the services required to serve the Planned Area.

40. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre of Planned Area 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 27/09
October 28, 2009

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

"original signed by R.J. Hartmann, P. Eng."
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

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

"original signed by D. Beaton, MLArch.
D. Beaton, MLArch
Parks, Riverbanks, & Community Initiatives Branch