Minute No. 528
Report - Standing Policy Committee on Property and Development – July 6, 2010

Item No. 10 **Subdivision and Rezoning – North of Templeton between Amber Trail and Four Mile Road**
(Old Kildonan Ward)
File DASZ 8/2010

COUNCIL DECISION:

Council concurred in the recommendations of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision proposed under File DASZ 8/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2010 dated May 31, 2010 for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the Report of the Administrative Coordinating Group dated May 28, 2010, with the following amendments to the Development Agreement, namely:

        i. Amend Recommendation No. 5.a) by adding the following words at the end thereof, "(Not including the proposed school site under DASSF 504/2010.)"

        ii. Amend Recommendation No. 18 by adding the following words at the end thereof, "provided that the extra lanes on Pipeline Road are constructed by the City prior to the Developer completing its obligations under this application".

        iii. Amend Recommendation No. 28 by adding the following words at the end thereof, "except as outlined in Recommendation No. 27 of the Report of the Administrative Coordinating Group dated May 28, 2010 as it relates to the Development Agreement".

        iv. Amend Recommendation No. 35 by adding the following words "asphaltic concrete pathways, lighting," after the words "for the cost of," and before the words "landscaping and site furnishings".

Report - Standing Policy Committee on Property and Development – July 6, 2010

COUNCIL DECISION (continued):

v. Amend Recommendation No. 37 by add the following words at the end thereof, "The oversized half (50%) of land contained in DASSF 504/2010 (10 acres) for the proposed School Site shall be excluded from the calculation of the required public open space."

vi. Amend Recommendation No. 38 by deleting the words "open style fence" and substituting the words "black chain link fence that is the same as previously provided in prior phases of Amber Trails".

vii. Delete Recommendation No. 42 in its entirety and replace with the following:

"42. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of the services required to serve the Planned Area. The Developer shall ensure that the as-built drawings showing the services required to serve the Planned Area are provided to the City by the engineering consultant on or before March 31 of the year following completion of substantial performance of the services."

viii. Add new Recommendation No. 44 as follows:

"44. The City shall pay the Developer as a first charge against the 2011 Capital Budget and upon registration of the subdivision mylars in the Land Titles Office for the 9.37 hectares (23.15 acres) contained within the future Chief Peguis Trail right-of-way, as shown on the proposed plan of subdivision for File DASZ 8/2010, at the City of Winnipeg's prescribed market value rate that is used for Regional Streets at the time of plan registration. (The 2009 rate is $28,000.00 per acre.)"

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8/2010 dated June 1st, 2010, to "R1-M" Residential [Medium] District and "PR1" Parks and Recreation District.

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

Report - Standing Policy Committee on Property and Development – July 6, 2010

COUNCIL DECISION (continued):

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12)) 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 twelve (12) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within twelve (12) months 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 twelve (12) 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 Director of Legal Services and City Solicitor 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 – July 6, 2010

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 14, 2010, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 6, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee with the following amendment, namely:

- Amend Recommendation 1. A. viii. by deleting the word "immediately" and replacing it with "as a first charge against the 2011 Capital Budget and"

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

COMMUNITY COMMITTEE RECOMMENDATION:

On June 8, 2010, 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 May 28, 2010 as it relates to the Development Agreement, namely:

- Amend Recommendation No. 5.a) by adding the following words at the end thereof, "(Not including the proposed school site under DASSF 504/2010.)"

- Amend Recommendation No. 18 by adding the following words at the end thereof, "provided that the extra lanes on Pipeline Road are constructed by the City prior to the Developer completing its obligations under this application".

Report - Standing Policy Committee on Property and Development – July 6, 2010

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION: (continued):

- Amend Recommendation No. 28 by adding the following words at the end thereof, "except as outlined in Recommendation No. 27 of the Report of the Administrative Coordinating Group dated May 28, 2010 as it relates to the Development Agreement".

- Amend Recommendation No. 35 by adding the following words "asphaltic concrete pathways, lighting," after the words "for the cost of," and before the words "landscaping and site furnishings".

- Amend Recommendation No. 37 by add the following words at the end thereof, "The oversized half (50%) of land contained in DASSF 504/2010 (10 acres) for the proposed School Site shall be excluded from the calculation of the required public open space."

- Amend Recommendation No. 38 by deleting the words "open style fence" and substituting the words "black chain link fence that is the same as previously provided in prior phases of Amber Trails".

- Delete Recommendation No. 42 in its entirety and replace with the following:

  "42. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of the services required to serve the Planned Area. The Developer shall ensure that the as-built drawings showing the services required to serve the Planned Area are provided to the City by the engineering consultant on or before March 31 of the year following completion of substantial performance of the services."

- Add new Recommendation No. 44 as follows:
  "44. The City shall pay the Developer immediately upon registration of the subdivision mylars in the Land Titles Office for the 9.37 hectares (23.15 acres) contained within the future Chief Peguis Trail right-of-way, as shown on the proposed plan of subdivision for File DASZ 8/2010, at the City of Winnipeg's prescribed market value rate that is used for Regional Streets at the time of plan registration. (The 2009 rate is $28,000.00 per acre.)"

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

RE: **Subdivision and Rezoning – North of Templeton between Amber Trail and Four Mile Road**
File DASZ 8/2010

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: **June 11, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 8, 2010, 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 8/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2010 dated May 31, 2010 for registration in the Winnipeg Land Titles Office subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 28, 2010, ***with the following amendments to the Development Agreement, namely:***

i. ***Amend Recommendation No. 5.a) by adding the following words at the end thereof, "(Not including the proposed school site under DASSF 504/2010.)"***

ii. ***Amend Recommendation No. 18 by adding the following words at the end thereof, "provided that the extra lanes on Pipeline Road are constructed by the City prior to the Developer completing its obligations under this application".***

iii. ***Amend Recommendation No. 28 by adding the following words at the end thereof, "except as outlined in Recommendation No. 27 of the Report of the Administrative Coordinating Group dated May 28, 2010 as it relates to the Development Agreement".***

iv. ***Amend Recommendation No. 35 by adding the following words "asphaltic concrete pathways, lighting," after the words "for the cost of," and before the words "landscaping and site furnishings".***

v. Amend Recommendation No. 37 by add the following words at the end thereof, "The oversized half (50%) of land contained in DASSF 504/2010 (10 acres) for the proposed School Site shall be excluded from the calculation of the required public open space."

vi. Amend Recommendation No. 38 by deleting the words "open style fence" and substituting the words "black chain link fence that is the same as previously provided in prior phases of Amber Trails".

vii. Delete Recommendation No. 42 in its entirety and replace with the following:

"42. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of the services required to serve the Planned Area. The Developer shall ensure that the as-built drawings showing the services required to serve the Planned Area are provided to the City by the engineering consultant on or before March 31 of the year following completion of substantial performance of the services."

viii. Add new Recommendation No. 44 as follows:

"44. The City shall pay the Developer immediately upon registration of the subdivision mylars in the Land Titles Office for the 9.37 hectares (23.15 acres) contained within the future Chief Peguis Trail right-of-way, as shown on the proposed plan of subdivision for File DASZ 8/2010, at the City of Winnipeg's prescribed market value rate that is used for Regional Streets at the time of plan registration. (The 2009 rate is $28,000.00 per acre.)"

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8/2010 dated June 1st, 2010, to "R1-M" Residential [Medium] District and "PR1" Parks and Recreation District.

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 twelve (12)) 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 twelve (12) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within twelve (12) months 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 twelve (12) 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 Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

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

1. The subject application is a continuation and a major final phase of an ongoing subdivision that began almost 20 years ago and is being completed in the same fashion as all previous phases.

PUBLIC HEARING SUMMARY

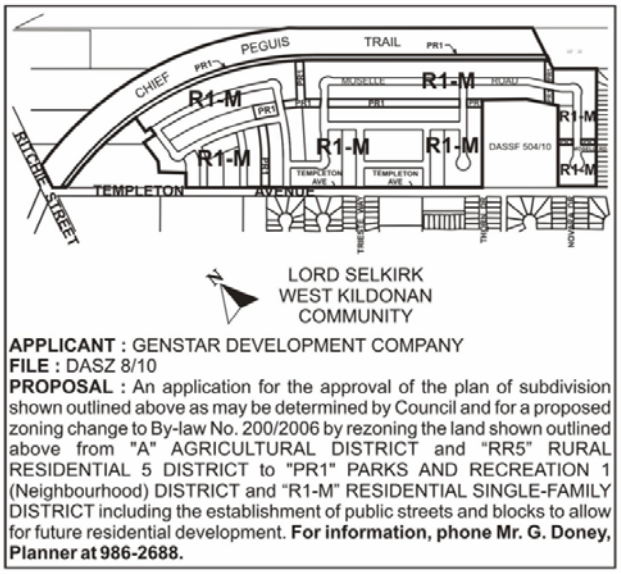
File: DASZ 8/2010

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

Public Hearing: June 8, 2010
West Committee Room
Council Building, 510 Main Street

Applicant: Genstar Development Company (Dave Boles)

Subject:



APPLICANT : GENSTAR DEVELOPMENT COMPANY
FILE : DASZ 8/10
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 "A" AGRICULTURAL DISTRICT and "RR5" RURAL RESIDENTIAL 5 DISTRICT to "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT and "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT including the establishment of public streets and blocks to allow for future residential development. **For information, phone Mr. G. Doney, Planner at 986-2688.**

Premises Affected: North of Templeton Avenue between Amber Trail and Four Mile Road

Exhibits Filed:

1. Application dated March 31, 2010
2. Notification of Public Hearing dated May 6, 2010
3. Manitoba Status of Titles 1176956, 1177498 and 2418004

4a. Letter of authorization dated March 26, 2010 from Templeton North Developments Ltd. to Genstar Development Company

4b. Letter of authorization dated March 31, 2010 from the City of Winnipeg to Genstar Development Company

5. Plans (2 pages)

6. Report from the Planning and Land Use Division dated May 28, 2010
7. Inspection Report
8. Communication dated June 7, 2010, from the President, Lombard North Group (1984) Ltd. Planners and Landscape Architects, with respect to the application, including Plans (2 pages) of the School Division Site, submitted by Dave Boles, Genstar Development Company at the public hearing
9. City of Winnipeg Development Agreement Parameters submitted by Dave Boles, Genstar Development Company at the public hearing
10. Proposed Amendments to the Report of the Administrative Coordinating Group submitted by Dave Boles, Genstar Development Company at the public hearing
11. Plans (2 pages) submitted by Dave Boles, Genstar Development Company at the public hearing
12. Audio Recording of representations

REPRESENTATIONS:

In Support:

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

In Opposition

Nil

For Information:

David Palubeski, President, Lombard North Group (1984) Ltd. Planners and Landscape Architects
Anne Puchir

For the City:

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

Exhibit "6" referred to in File DASZ 8/2010

ADMINISTRATIVE REPORT

Title: DASZ 8/2010 – plan of subdivision and rezoning of land between Templeton Avenue and Mollard Road and East of Ritchie Street

Issue: For consideration at the June 8th, 2010, public hearing of the Lord Selkirk – West Kildonan Community Committee.

Critical Path: Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. The Planning and Land Use Division recommends approval of the proposed subdivision and rezoning subject to the conditions:

2. That the plan of subdivision proposed under File DASZ 8/2010 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2010 dated May 31, 2010 for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 28, 2010.

3. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 8/2010 dated June 1st, 2010, to "R1-M" Residential [Medium] District and "PR1" Parks and Recreation District.

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

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12)) 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 twelve (12) month period and the extension is subsequently approved by Council.

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

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

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within twelve (12) months of the date of passage of the aforementioned by-law.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

REASON FOR THE REPORT

Application has been made to subdivide and rezone the planned area to:

- create blocks of land for future subdivision into lots, public reserves and public streets, including a large portion of the Chief Peguis Trail;
- allow single-family development; and
- establish lands to be developed into neighbourhood parks and paths and an active transportation path.
- In addition, the planned area (the site) extends east, north and west of land proposed to be a single lot for a future school. This lot is being created by the short-form subdivision process which requires approval by Planning, Property and Development.

IMPLICATIONS OF THE RECOMMENDATIONS

The recommendations in this report would allow the development of approximately 99 acres of the land, including a parcel currently owned by The City of Winnipeg, into single-family dwellings, parks, paths and public streets and would establish a significant portion of the Chief Peguis Trail Public Street right-of-way. The recommended conditions would ensure that the aforementioned development would be in accordance with City requirements.

HISTORY

The application that is the subject of this report is one of several phases of the creation of the Amber Trails Neighbourhood, which began in the 1990s. Amber Trails is bounded by Leila Avenue, the future route of Chief Peguis Trail and Pipeline Road.

In addition, the planned area (the site) extends east, north and west of land proposed to be a single lot for a future school. This lot is being created by the short-form subdivision process which requires approval by Planning, Property and Development.

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	J. Glen Doney
Date:	May 28, 2010
File No.	DASZ 8/2010

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DASZ 08/2010
3. Schedule “B” for File No. DASZ 08/2010

APPENDIX 'A'

DATE:	May 28, 2010
FILE:	DASZ 8/2010
RELATED FILES:	
COMMUNITY:	Lord Selkirk – West Kildonan Community Committee
NEIGHBOURHOOD #:	3.337
SUBJECT:	to create public streets, including a portion of the Chief Peguis Trail, public reserves and blocks (for future subdivision into lots) and to rezone from "A" Agricultural and "RR-5" Rural Residential 5 to "R1-M" Residential Single-Family and "PR-1" Parks and Recreation 1 (Neighbourhood)
LOCATION:	between Templeton Avenue and Mollard Road and east of Ritchie Street
LEGAL DESCRIPTION:	Parts of OTMs 20 to 23, Parish of Kildonan
APPLICANT:	Dave Boles, Genstar Development Company 320 – 530 Kenaston Boulevard Winnipeg, MB, R3N 1Z4
OWNER:	Templeton North Developments Limited and The City of Winnipeg
RECOMMENDATION:	approve with conditions

REPORT SUMMARY

Application has been made to subdivide and rezone the planned area to:

- create blocks of land for future subdivision into lots, public reserves and public streets, including a large portion of the Chief Peguis Trail;
- allow single-family development; and
- establish lands to be developed into neighbourhood parks and paths and an active transportation path.
- The recommendations in this report would allow the development of approximately 99 acres of the land, including a parcel currently owned by The City of Winnipeg, into single-family dwellings, parks, paths and public streets and would establish a significant portion of the Chief Peguis Trail Public Street right-of-way.
- The recommended conditions would ensure that the aforementioned development would be in accordance with City requirements.

- The application that is the subject of this report is one of several phases of the creation of the Amber Trails Neighbourhood, which began in the 1990s. Amber Trails is bounded by Leila Avenue, the future route of Chief Peguis Trail and Pipeline Road.

- In addition, the planned area (the site) extends east, north and west of land proposed to be a single lot for a future school. This lot is being created by the short-form subdivision process which requires approval by Planning, Property and Development.

SURROUNDING LAND USES AND ZONING

The planned area is in the Amber Trails Neighbourhood and the Old Kildonan Ward. It consists of three parcels that, together, are approximately 99 acres. One of the parcels is City-owned but is to be transferred to the developer.

Figure 1 of this attachment shows that:

- the planned area is used as cropland;

- cropland is to the north and the west;

- single-family dwellings are south of the planned area; and

- land immediately east of the planned area is to be subdivided into single-family dwelling lots, public reserves and public streets and is to be rezoned to “R1-M” Residential Single-Family (with a 3500 square foot minimum lot area requirement) when By-law 46/2010 comes into force.

The aforementioned subdivision and rezoning of land east of the planned area are a previous phase of the creation of the Amber Trails Neighbourhood.

In addition, it is of note that the planned area is west, north and east of a 10 acre site for a school proposed under Short Form Plan of Subdivision File DASSF 504/2010. Servicing of this site is to be addressed by the development agreement for the application that is the subject of this report (DASZ 8/2010).

The planned area is partly in an “A” Agricultural District and partly in an “RR-5” Rural Residential 5 District. It is near “R1-M” Residential Single-Family Districts, “PR-1” Parks and Recreation 1 (Neighbourhood) Districts and other “RR-5” Rural Residential 5 Districts.

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The planned area is not proposed to be developed at this time. The "proposed development" is the aforementioned subdivision and rezoning. The proposed subdivision is noteworthy because it would create a large portion of the Chief Peguis Trail Public Street right-of-way and, adjacent to that right-of-way, a 41.0 foot (12.5 metre) wide Public Reserve within which would be an active transportation path.

The proposed blocks are to be subdivided into lots for single-family dwellings during one or more future phase of the development of Amber Trails.

ANALYSIS AND ISSUES

Plan Winnipeg

Given that the planned area is adjacent or near existing and proposed educational, recreational and multiple-family uses, the proposed subdivision and rezoning conform to *Plan Winnipeg 2020 Vision*, particularly to Policy 3A-01, which states

> The City shall promote orderly development… by considering the Neighbourhood designation to signify areas of local identity with mutually supportive uses generally including a residential mix together with a variety of educational, recreational… [and other] uses, at a scale and density compatible with each other…

Compatibility with the Neighbourhood

The proposal is compatible with the neighbourhood because, as shown in Figure 1, it would be quite similar to adjacent and nearby developments, both existing and approved.

Transportation

Templeton Avenue, the future Chief Peguis Trail and the future active transportation path will provide access to the planned area for private motor-vehicle users, public transits users and cyclists.

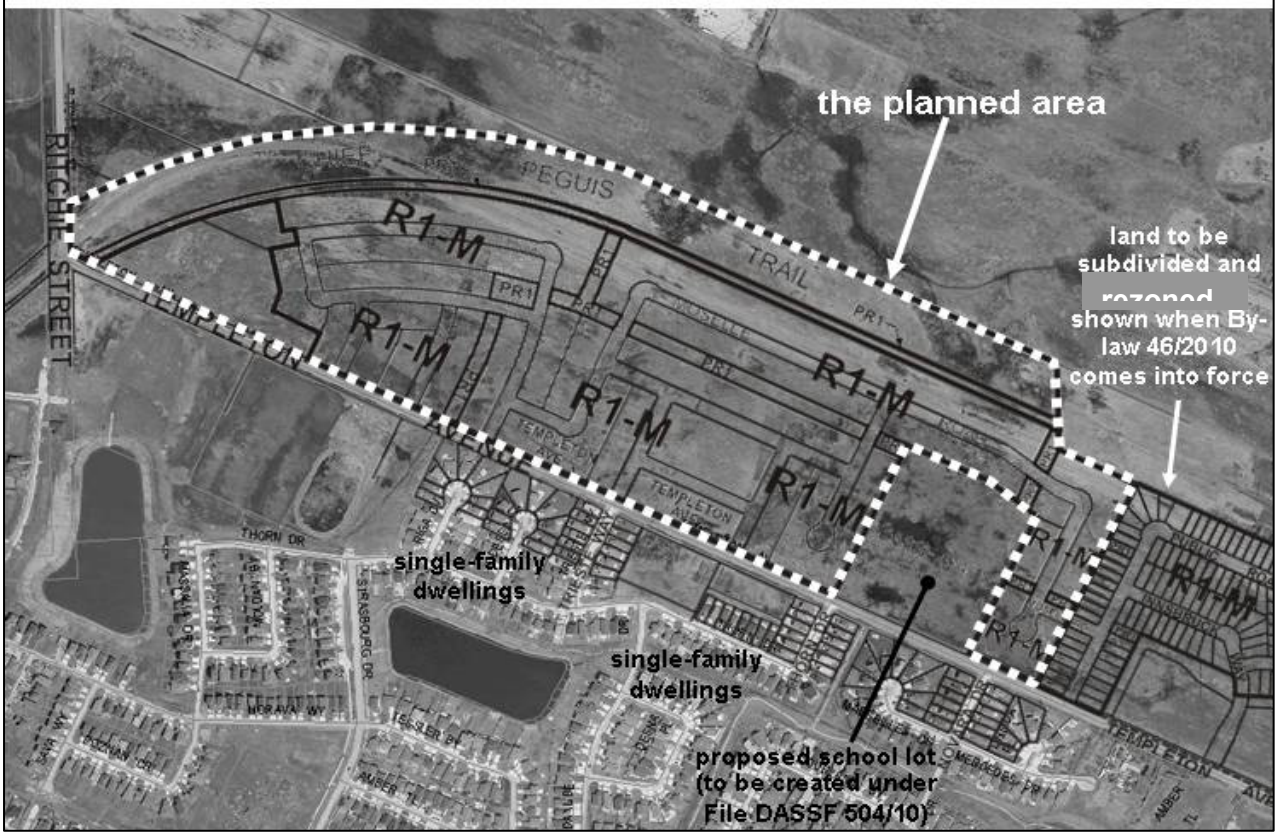
RECOMMENDATIONS

Approval of the proposed subdivision and rezoning is being recommended because the proposed development is compatible with the neighbourhood and the City as a whole. The recommended conditions are to ensure the development of City infrastructure, including parks, and the siting of homes alongside Chief Peguis Trail shall be in accordance with City standards.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by J. Glen Doney
PPD File # DASZ 8/2010

Figure 1 of Attachment 1: Existing Land Use, Proposed Subdivision and Proposed Rezoning
R1-M = Residential Single-Family, PR1 = Parks and Recreation 1

May 31, 2010



Schedule "A" to the report to the Lord Selkirk – West Kildonan Community Committee for File DASZ 8/10

By-Law No. _____

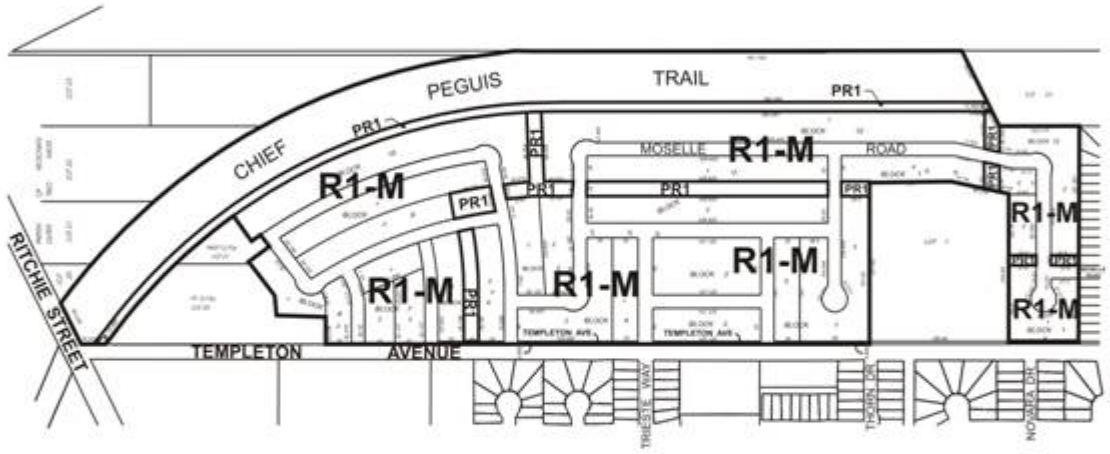
File No. **DASZ 8/10**

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 north of Templeton Avenue between Amber Trail & Four Mile Road from "A" AGRICULTURAL DISTRICT and "RR5" RURAL RESIDENTIAL 5 DISTRICT to "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT and "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT including the establishment of public streets and blocks to allow for future residential development as shown outlined below.

Atlas Sheet No. **R22**

LORD SELKIRK WEST KILDONAN COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B"

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – MAY 28, 2010

RE: PROPOSED SUBDIVISION AND REZONING OF LAND NORTH OF TEMPLETON AVENUE BETWEEN AMBER TRAIL AND FOUR-MILE ROAD – GENSTAR – TEMPLETON NORTH PHASE II - DASZ 8/10

It is recommended that the approval of DASZ 8/10, upon which the administrative approval of DASSF 504/10 is contingent, be subject to the following:

A. Plan Considerations

1. The Applicant providing a secondary 6-m-wide, north-south access to the linear park in Block 11.

2. The Applicant providing and legally opening, at no expense to the City, property required for a 3.883-m widening of the Templeton Avenue right-of-way, from the east limit of the Planned Area to Strasbourg Drive, including the section in the Planned Area for DASSF 504/10, as determined by, and to the satisfaction of, the Director of Public Works.

3. The right-of-way to accommodate each cul-de-sac turnaround being consistent with the dimensions illustrated on Streets and Transportation Drawing ST-90 (revised) or ST-90-A.

B. Development Agreement

1. The applicant entering into a **Development Agreement** with the City of Winnipeg, to include the servicing of Templeton Avenue fronting the proposed school site (DASSF 504/10), and containing the following conditions:

2. The Developer shall, at no expense to the City, install all wastewater sewers required to serve the Planned Area for DASZ 8/10 and DASSF 504/10, as determined by, and to the satisfaction of, the Director of Water and Waste.

3. The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share, for the Planned Area for DASZ 8/10 and DASSF 504/10, of the oversized wastewater sewer charge (2010 Rate = $487.26/acre).

4. The Developer shall, at no expense to the City, install all watermains required to serve the Planned Area for DASZ 8/10 and DASSF 504/10, as determined by, and to the satisfaction of, the Director of Water and Waste.

5. 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 and 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.

6. The Developer shall, at no expense to the City, install all land drainage sewers required to serve the Planned Area for DASZ 8/10 and DASSF 504/10, as determined by, and to the satisfaction of, the Director of Water and Waste.

7. The Developer's share of the regional stormwater management facilities owing for the Planned Area under DASZ 8/10 and DASSF 504/10 shall be deducted from any amounts owed to the Developer for facilities previously constructed by the Developer.

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, in phases as development proceeds westward, a 200-millimetre-thick portland cement concrete pavement, to a width of 10.0 m, in Templeton Avenue, from the east limit of the Planned Area to Strasbourg Drive, including the section fronting the Planned Area for DASSF 504/10, and all related works, including, but not limited to, drainage works, all as determined by, and to the satisfaction of, the Director of Public Works.

12. The City shall endeavour to recover and pay to the Developer, with interest or at the local improvement rates prevailing at the time, the share of the costs of construction, including street pavement, sidewalks, boulevard sodding and trees, land drainage sewers, wastewater sewers, and watermains, where applicable, attributable to other private landowners with frontage on Templeton Avenue who will benefit from these improvements, at such time as they make application to the City to develop their lands.

13. 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 other streets within the Planned Area, all as determined by, and to the satisfaction of, the Director of Public Works.

14. The Developer shall, at no expense to the City, construct 1.5 metre-wide by 100-millimetre-thick Portland cement sidewalks along both sides of Templeton Avenue, from the east limit of the Planned Area to Strasbourg Drive, including the section fronting the Planned Area for DASSF 504/10, as determined by, and to the satisfaction of, the Directors of Public Works and Planning, Property and Development.

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

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

17. The Developer shall pay its share, on an area basis (for the amount attributable to the Planned Area for DASZ 8/10 plus the Planned Area for DASSF 504/10 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.

18. 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,

19. The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of each temporarily paved 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 all 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 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 paved 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 paved 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 collector streets, sidewalks, community mail boxes, parks, school sites, and multi-family sites.

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 – except for existing hydro lines within the Templeton Avenue and Pipeline Road rights-of-way required, as determined by Manitoba Hydro, to service other areas - 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 Templeton Avenue.

30. The Developer shall, at no expense to the City, construct, within the rear yards of all single-family or two-family lots abutting the future Chief Peguis Trail (former CPR Bergen Cut-off), a uniform, 2.0-metre-high noise-attenuation fence, atop a berm, approximately 1.2 m in height, centred on the property line of the residential lots, as determined by, and 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 Chief Peguis Trail shall be of sufficient depth to provide a minimum rear-yard set-back of 15 m, and the Zoning Agreement covering these lots shall stipulate a minimum rear yard of 15 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 at no expense to the City, grade, level, sod, and provide land drainage for, and concurrently construct 2.4–m–wide asphaltic concrete paths complete with bench nodes and install lighting within, the dedicated public reserve

land, including the additional 6-m-wide access to the public reserve corridor in Block 11, all in accordance with plans and specifications approved by the Directors of Public Works and Planning, Property and Development.

35. The Developer shall provide, and the City shall reimburse the Developer for the cost of, landscaping and site furnishings, all in accordance with plans, specifications, and estimates approved by the Directors of Public Works and Planning, Property and Development, prior to installation.

36. The requirement for providing water service to the public open spaces will be waived.

37. The Developer shall dedicate land for public open space in accordance with City Policy. The proposed dedication falls short of the requirement. The under-dedication shall be carried forward to, and compensated for in, subsequent stages of the development.

38. The Developer shall, at no expense to the City, construct, within the rear and/or side yards of all single-family lots abutting the internal public reserve linear network, a uniform, minimum 1.2-metre-high, open-style 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.

39. 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.

40. The Developer shall assume responsibility for the maintenance of all park sites until they are developed, turned over to, and accepted by the City for maintenance.

41. 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.

42. 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.

43. 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 the Planned Area for DASZ 8/10 and DASSF 504/10 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 8/10
May 28, 2010

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