Minutes – Executive Policy Committee – February 22, 2013

Minute No. 184
Report – Standing Policy Committee on Property and Development – February 19, 2013

Item No. 9 **Subdivision and Rezoning – North and South Side of Templeton Avenue and east of Ritchie Street**
(Old Kildonan Ward)
File DASZ 38/2012 [c/r DAC 1/2013]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 38/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 38/2012 dated December 3, 2012 with such minor changes as may be required, and 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 February 5, 2013 which is Schedule "B" of this report, with the following amendments:

        i. Amend Condition 21 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 agreement AG 38/2012."

        ii. Amend Condition 25 by deleting the word "1.2m" and substituting the word "2.0m" after the words "noise attenuation fence", and before the words "in height complete with"

Report – Standing Policy Committee on Property and Development – February 19, 2013

iii. Delete Condition 29 in its entirety and replace with the following:

"29. The Developer shall grade, level and sod and provide appropriate land drainage for the public open space dedication and shall be responsible for supply and installation of the asphalt path connection out to Chief Peguis Trail. Site grading shall consider potential impacts by the noise attenuation berm, referenced in Condition 25, in meeting Universal Design Standards for this path.

The Developer shall maintain these improvements for two years, all as determined by and to the satisfaction of the Manager of Parks and Open Space."

iv. Amend Condition 31 by adding the words "including the aforementioned asphalt path connection out to Chief Peguis Trail" after the words "cost of installing these improvements," and before the words "subject to prior approval of plans".

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 38/2012 dated December 3, 2012 to an "R1-M" Single Family District and 'PR1' Parks and Recreation District subject to the following:

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

i. Where single family residential lots back onto the future Chief Peguis Trail said lots are to be established with a minimum depth to provide a minimum rear yard setback of 15.0m.

ii. The Developer shall, at no expense to the City, construct within the rear or side yards of all single or two family residential lots abutting the future Chief Peguis Trail (former CPR Bergen Cut-off), a uniform noise attenuation fence 2.0m in height complete with berming 1.2m in height, centered on the property line of the residential lots, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of the proposed lots abutting future Chief Peguis Trail requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

Report – Standing Policy Committee on Property and Development – February 19, 2013

iii. The developer shall construct chain link fencing (black) within the private properties that abut public reserve lands, said fences to be establish by caveat identifying the private property owners' responsibility for maintenance, repairs and replacement.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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 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 (1) 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 one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

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 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.

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.

Minutes – Executive Policy Committee – February 22, 2013

Report – Standing Policy Committee on Property and Development – February 19, 2013

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Browaty,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On February 19, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 12, 2013, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

Report from the Planning and Land Use Division

- Amend Recommendation 2.A.ii. by deleting the word "1.2m" and substituting the word "2.0m" after the words "noise attenuation fence", and before the words "in height complete with"

Report of the Administrative Coordinating Group

- Amend Condition 21 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 agreement AG 38/2012."

Report – Standing Policy Committee on Property and Development – February 19, 2013

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- Amend Condition 25 by deleting the word "1.2m" and substituting the word "2.0m" after the words "noise attenuation fence", and before the words "in height complete with"

- Delete Condition 29 in its entirety and replace with the following:
  "29. The Developer shall grade, level and sod and provide appropriate land drainage for the public open space dedication and shall be responsible for supply and installation of the asphalt path connection out to Chief Peguis Trail. Site grading shall consider potential impacts by the noise attenuation berm, referenced in Condition 25, in meeting Universal Design Standards for this path. The Developer shall maintain these improvements for two years, all as determined by and to the satisfaction of the Manager of Parks and Open Space."

- Amend Condition 31 by adding the words "including the aforementioned asphalt path connection out to Chief Peguis Trail" after the words "cost of installing these improvements," and before the words "subject to prior approval of plans",and forwarded to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - North and South Side of Templeton Avenue east of Ritchie Street**
File DASZ 38/2012

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: **February 13, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 12, 2013, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation, as amended, of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 38/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 38/2012 dated December 3, 2012 with such minor changes as may be required, and 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 February 5, 2013 which is Schedule "B" of this report, ***with the following amendments:***

    - ***Amend Condition 21 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 agreement AG 38/2012."***

    - ***Amend Condition 25 by deleting the word "1.2m" and substituting the word "2.0m" after the words "noise attenuation fence", and before the words "in height complete with"***

    - ***Delete Condition 29 in its entirety and replace with the following:***
      "29. The Developer shall grade, level and sod and provide appropriate land drainage for the public open space dedication and shall be responsible for supply and installation of the asphalt path connection out to Chief Peguis Trail. Site grading shall consider potential impacts by the noise attenuation berm, referenced in Condition 25, in meeting Universal Design Standards for this path. The Developer shall maintain these improvements for two

years, all as determined by and to the satisfaction of the Manager of Parks and Open Space."

- ***Amend Condition 31 by adding the words "including the aforementioned asphalt path connection out to Chief Peguis Trail" after the words "cost of installing these improvements," and before the words "subject to prior approval of plans"***

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 38/2012 dated December 3, 2012 to an "R1-M" Single Family District and 'PR1' Parks and Recreation District subject to the following:

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

      i. Where single family residential lots back onto the future Chief Peguis Trail said lots are to be established with a minimum depth to provide a minimum rear yard setback of 15.0m.

      ii. The Developer shall, at no expense to the City, construct within the rear or side yards of all single or two family residential lots abutting the future Chief Peguis Trail (former CPR Bergen Cut-off), a uniform noise attenuation fence ***2.0m in height*** complete with berming 1.2m in height, centered on the property line of the residential lots, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of the proposed lots abutting future Chief Peguis Trail requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

      iii. The developer shall construct chain link fencing (black) within the private properties that abut public reserve lands, said fences to be establish by caveat identifying the private property owners' responsibility for maintenance, repairs and replacement.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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 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 (1) 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 one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

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 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.

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 Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated February 5, 2013.

PUBLIC HEARING SUMMARY

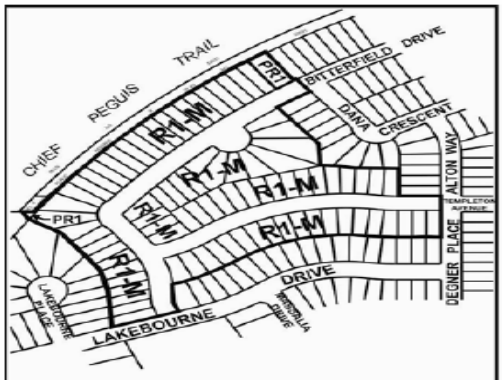
File: DASZ 38/2012

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Eadie
Councillor Sharma

Public Hearing: February 12, 2013
North Committee Room
Council Building, 510 Main Street

Applicant: Genstar Development Company (Marc Brown)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : GENSTAR DEVELOPMENT COMPANY
FILE : DASZ 38/12
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 to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT to facilitate the continuation of the Amber Trails Phase 16 Neighbourhood Development by the creation of the block and lot plan and establishes public reserve and public right-of-ways for future residential development. **For information, phone Mr. N. Yauk, Planner, at 204-986-4560.**

Premises Affected:	North and south side of Templeton Avenue and east of Ritchie Street, Amber Trails Phase 6

Exhibits Filed:

1. Application dated November 29, 2012
2. Notification of Public Hearing dated January 17, 2013
3. Manitoba Status of Titles 2338388/1, 2525227/1 and 2559656/1
4. Letter of authorization dated November 29, 2012 from Templeton North Developments Ltd. to Genstar Development Company
5. Plans (4 pages)
6. Report from the Planning and Land Use Division dated February 5, 2013
7. Inspection Report
8. Plans (2 pages) submitted by Marc Brown, Genstar Development Company, at the public hearing
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Dave Boles, Genstar Development Company
Marc Brown, Genstar Development Company

In Opposition

Nil

For Information:

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 38/2012

ADMINISTRATIVE REPORT

Title: DASZ 38/2012 – PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE NORTH AND SOUTH SIDE OF TEMPLETON AVENUE EAST OF RITCHIE STREET

Issue: For consideration at the Public Hearing for a subdivision of 13.52 acres into eighty-three (83) single-family lots and public reserve through a rezoning from 'RR5' Rural Residential 5-acre to 'R1-M' Residential Single Family Medium and 'PR1' Parks and Recreation.

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
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 38/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 38/2012 dated December 3, 2012 with such minor changes as may be required, and 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 February 5, 2013 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 38/2012 dated December 3, 2012 to an "R1-M" Single Family District and 'PR1' Parks and Recreation District subject to the following:

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

      i) Where single family residential lots back onto the future Chief Peguis Trail said lots are to be established with a minimum depth to provide a minimum rear yard setback of 15.0m.

      ii) The Developer shall, at no expense to the City, construct within the rear or side yards of all single or two family residential lots abutting the future Chief Peguis Trail (former CPR Bergen Cut-off), a uniform noise attenuation fence 1.2m in height complete with berming 1.2m in height, centered on the property line of the residential lots, as determined by and to the satisfaction of the Director of Public

Works. The Developer is to permit the City to file a caveat against the title of each of the proposed lots abutting future Chief Peguis Trail requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

iii) The developer shall construct chain link fencing (black) within the private properties that abut public reserve lands, said fences to be establish by caveat identifying the private property owners' responsibility for maintenance, repairs and replacement.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

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 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 (1) 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 one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

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 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.

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.

REASON FOR THE REPORT

- The applicant is proposing to subdivide and rezone the subject lands from 'RR-5' Rural Residential 5-acre to 'R1-M' Residential Single Family Medium and 'PR1' Parks and Recreation in order to create eighty-three (83) lots for single-family residential development and public reserve.
- The proposed lots will range in size from approximately 3,895 square feet to 13,319 square feet. Lot widths will range from 36 feet to 53 feet.

- The Administrative Coordinating Group has reviewed the application and provided their report, (see Attachment 'C').
- The Urban Planning Division recommends support of this subdivision and rezoning application.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Community Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject 13.52 acre site will be subdivided into eighty-three (83) single family residential lots and rezoned from 'RR5' to 'R1-M' and 'PR1'.

CONSULTATION

In preparing this report there was consultation with:

The Administrative Co-ordinating Group of the City of Winnipeg

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Noah Yauk
Date:	Feb. 5, 2013
File No.	DASZ 38/12

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule "A" — Plan of Subdivision, File No. DASZ 38/12 Lord Selkirk Community Committee, December 3, 2012.
3. Schedule "B" — Report of the Administrative Coordinating Group Dated February 5, 2013.
4. Schedule "C" — Title Plot Plan (Property Legal Description)

APPENDIX 'A'

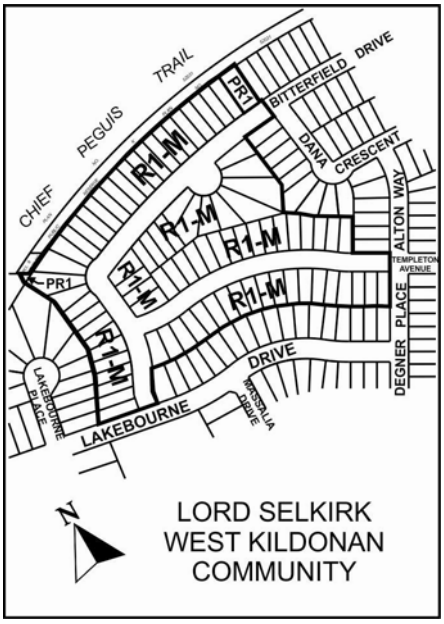
DATE: Feb. 5, 2013

FILE: **DASZ 38/12**
RELATED FILES:

COMMUNITY: Lord Selkirk West Kildonan
NEIGHBOURHOOD #: 3.337 Amber Trails

SUBJECT: To subdivide and rezone the subject land from 'RR5' to 'R1-M' & 'PR1' in order to create eighty-three (83) singly-family residential lots and public reserve north and south of Templeton Avenue, and east of Ritchie Street.

LOCATION: N & S of Templeton Ave and East of Ritchie St (Amber Trails Phase 16)
For legal descriptions see Schedule 'C' Title Plot Plan attached



APPLICANT: Genstar Titleco Ltd. (Marc Brown)
320 – 530 Kenaston Blvd.
WINNIPEG MB R3N 1Z4

OWNERS: Genstar Titleco/ Templeton North Developments

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to subdivide and rezone the subject lands from 'RR-5' Rural Residential 5-acre to 'R1-M' Residential Single Family Medium and 'PR1' Parks and Recreation in order to create eighty-three (83) lots for single-family residential development.
- The proposed lots will range in size from approximately 3,895 square feet to 13,319 square feet, Lot widths will range from 36 feet to 53 feet.
- The Administrative Coordinating Group has reviewed the application and provided their report, (see Attached Schedule 'B').
- The Urban Planning Division recommends support of this subdivision and rezoning application.

SITE DESCRIPTION

- The subject lands are located N & S of Templeton Ave and East of Ritchie St
- The lands are located in the Amber Trails Neighbourhood of the Old Kildonan Ward and represent Phase 16 of the Amber Trails development.
- The area is designated as Recent Community in Areas of Stability under the Complete Communities Direction Strategy that supports the OurWinnipeg Development Plan.
- In total, the lands are 13.52 acres in size.

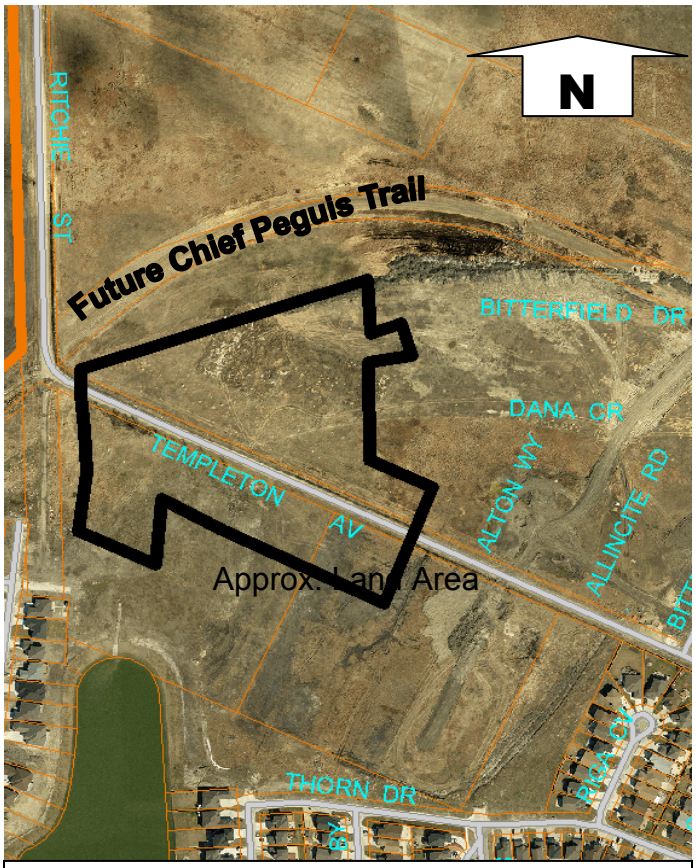


Figure 1: Aerial photograph showing approximate area of subject lands (flown

SURROUNDING LAND USES & ZONING (See Figure 2)

North: CPR Right of Way / Future Chief Peguis Trail

South: Future single family-homes (Phase 15 Amber Trails) zoned 'R1-M' Single Family District (pending)

East: Future single family-homes zoned 'R1-M' Single Family District

West: Future single family-homes (Phase 15 Amber Trails) zoned 'R1-M' Single Family District (pending)

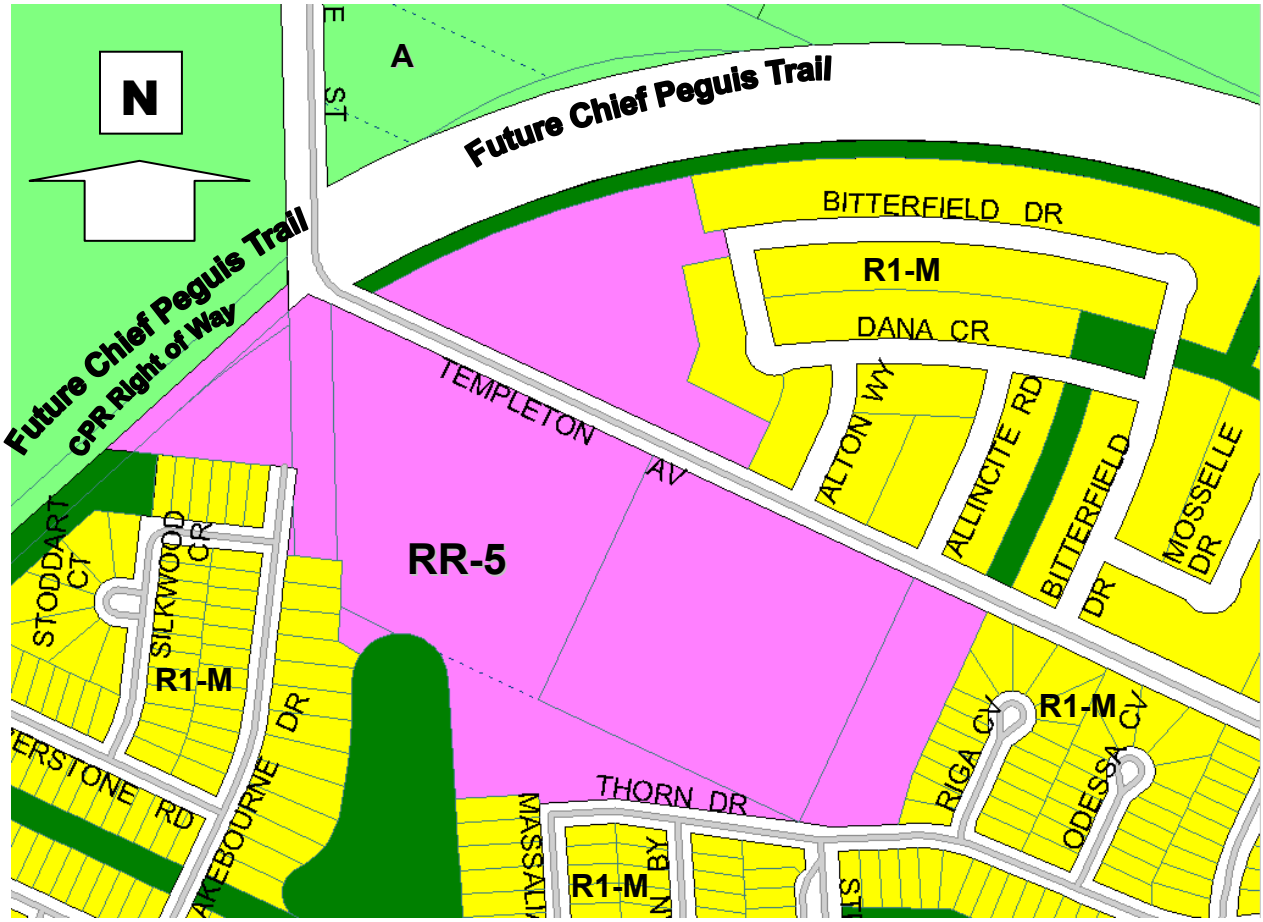


Figure 2: Zoning of the Subject Lands and Surrounding Area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide and rezone the subject lands from 'RR-5' Rural Residential 5-acre to 'R1-M' Residential Single Family Medium and 'PR1' Parks and Recreation in order to create eighty-three (83) lots for single-family residential development and public reserve.
- The proposed lots will range in size from approximately 4,600 square feet to 11,000 square feet, Lot widths will range from 36 feet to 53 feet, with many of the larger lots located adjacent to the water retention basin and the Block 5 cul-de-sac.
- The subdivision and rezoning proposal represents Phase 16 in their neighbourhood development and is consistent with the Amber Trails Conceptual Master Plan.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
    - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
    - Ensure that existing public open spaces meet the neighbourhood's current and future requirements.

The Recent Communities designation is best reflected by developments like Amber Trails – those that have been planned already, but have not reached full build out.

REZONING

"R1-M" Residential Single-Family Medium District

- The R1-M district requires: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The applicant is proposing to create lots intended for the development of detached single-family residences in an area surrounded by detached single-family residences.
- The average lot size and width are consistent with the previously approved adjacent phases of the Amber Trails Neighbourhood.
- The proposed roads, trails and sidewalks will connect with the existing circulations routes already established under previous phases.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The subdivision and rezoning proposal is consistent with *OurWinnipeg* and the *Complete Communities Direction Strategy*.
- The proposed development is compatible with the surrounding neighbourhood context and with the Amber Trails Conceptual Master Plan.
- The applicant is proposing to create lots intended for the development of detached single-family residences in an area surrounded by detached single-family residences.
- The average lot size and width within the proposed development is similar to the existing lots in the immediate context.

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

Report Prepared By: Noah Yauk
PPD File # DASZ 38/12

Schedule "A" for File No. DASZ 38/2012, Lord Selkirk West Kildonan Community Committee, dated December 3, 2012

By-Law No. _____

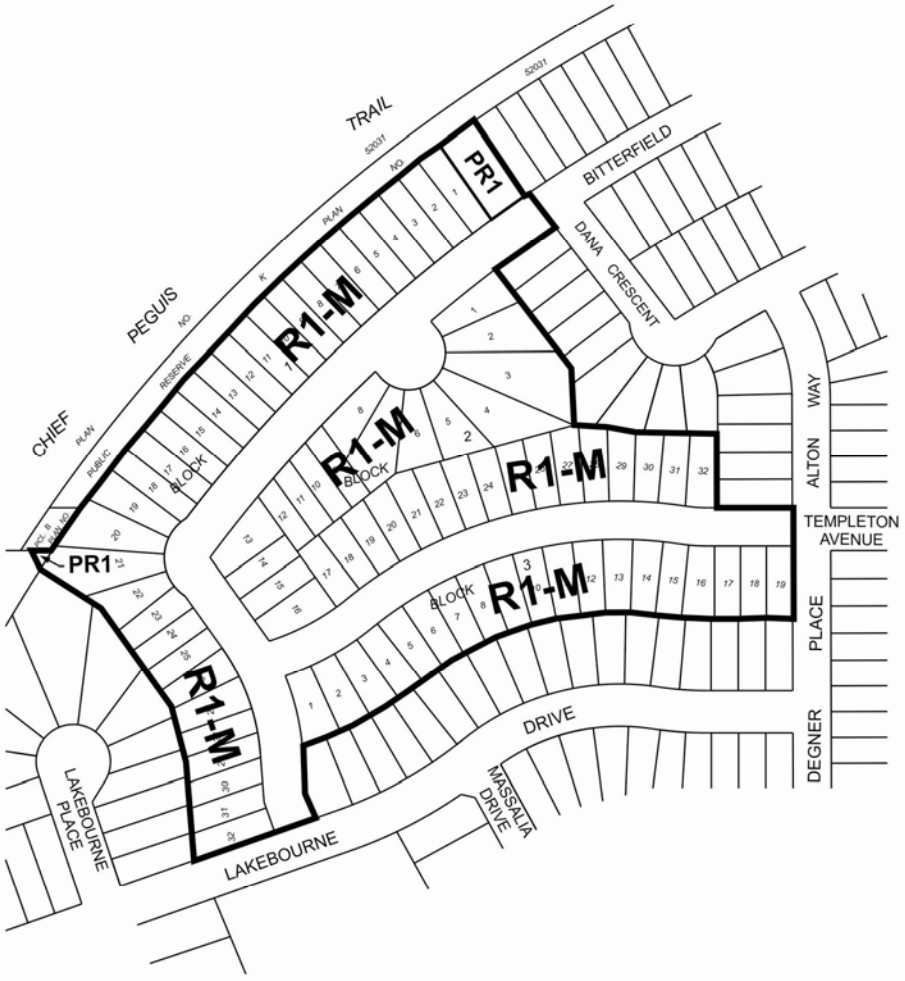
File No. **DASZ 38/12**

Atlas Sheet No. **Q22**

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 in Amber Trails, north & south side of Templeton Avenue and east of Ritchie Street from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT to facilitate the continuation of the Amber Trails Phase 16 Neighbourhood Development by the creation of the block and lot plan and establishes public reserve and public right-of-ways for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – FEBRUARY 5, 2013

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE NORTH AND SOUTH SIDE OF TEMPLETON AVENUE EAST OF RITCHIE STREET - DASZ 38/2012

It is recommended that the approval of DASZ 38/2012, if granted, be subject to the applicant entering into a Development Agreement 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 and Waste.

2. 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 (2013 Rate = $679.16/acre).

3. 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 and Waste.

4. 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 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 hereby agrees to 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.
    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.

5. 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 and Waste.

6. The Developer's share of the regional stormwater management facilities owing for the Planned Area shall be deducted from any amounts owed to the Developer for facilities previously constructed by the Developer.

7. The City shall reimburse the Developer for oversized land drainage sewers installed by the Developer within the area bounded by Leila Avenue to the South, Pipeline Road to the east and the future Chief Peguis Trail to the north and west as required by the City to provide land

drainage capacity for the future Chief Peguis Trail extension and adjacent lands, all as determined by the Director of Public Works and the Director of Water and Waste.

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 portland cement concrete pavement to widths of 7.5m and thickness of 150mm in all streets within the proposed subdivision, and all related works including, but not necessarily limited to boulevard landscaping, ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

12. 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.

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

14. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

15. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

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

17. 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.

18. Right-of-way to accommodate each cul-de-sac turnaround is to be consistent with the dimensions illustrated on Streets and Transportation Drawing ST-90 (revised) or St-90-A.

19. Pipeline Road Surface Works and Pipeline Road/Leila Avenue improvements.

    a) The Developer shall pay its share of the cost of the following improvements on an area basis for the area bounded by Leila Avenue, Pipeline Road and the future Chief Peguis Trail as determined by the Director of Public Works:

        i. an 8.3m in width by 200mm in thickness portland cement concrete pavement in Leila Avenue between Pipeline Road and the future Chief Peguis Trail and in Pipeline Road between Leila Avenue and the future Chief Peguis Trail.

        ii. channelization, including, but not necessarily limited to construction of pavement for through lanes, auxiliary lanes, channelization, transitions, the installation and/or relocation of street lights and other utilities and boulevard landscaping at all street intersections entering Amber Trials from Pipeline Road and Leila Avenue.

        iii. channelization at the intersection of Pipeline Road and Leila Avenue including, but not necessarily limited to construction of pavement for through lanes, auxiliary lanes, channelization, transitions and the installation and/or relocation of street lights and other utilities and boulevard landscaping.

        iv. traffic control signals at the intersection of Leila Avenue and Pipeline Road.

        v. ornamental street lighting, sidewalks, boulevard landscaping and any accessory land drainage works in conjunction with the above works.

    b) The Developer's share of the cost of improvements in a) above, calculated as $7,547.00 per acre in previous development agreements with the City for the Amber Trails project, will be re-calculated by the Developer's consulting engineers for this development, for approval by the Director of Public works.

20. Where single family residential lots back onto the future Chief Peguis Trail said lots are to be established with a minimum depth to provide a minimum rear yard set back of 15.0m. The Zoning Agreement covering these lots is to stipulate a minimum rear yard of 15.0m.

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

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

23. The Developer is to provide two means of paved vehicular access to each stage of development within the Planned Area at all times, to the satisfaction of the Director of Public Works. This may require the construction of temporary paved streets and the provision of right-of-way or easements therefore.

24. The Developer shall install signs at the entrances to the subdivision, upon which is displayed a plan of the subdivision showing thereon the locations of all proposed sidewalks, community mailboxes, parks, school sites and multiple family sites and collector streets.

25. The Developer shall, at no expense to the City, construct within the rear or side yards of all single or two family residential lots abutting the future Chief Peguis Trail (former CPR Bergen Cut-off), a uniform noise attenuation fence 1.2m in height complete with berming 1.2m in height, centered on the property line of the residential lots, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of each of the proposed lots abutting future Chief Peguis Trail requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works.

26. 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.

27. 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.

28. Land dedication requirements shall be satisfied by combining, the Developer's obligations to dedicate to the City, as open space, 8% of the land contained within the Planned Area, landscape the dedicated land and service 100 ft per acre of the dedicated land, with the Developer's ongoing dedication, landscaping and serviced frontage obligations for the rest of the Amber Trails development. The dedication, landscaping, and servicing provided in the subject application shall be credited toward those ongoing dedication obligations.

    As this represents the last phase of development for Amber Trails, that a final balance be tabulated for over or under dedication, a value calculated based on standard cash-in-lieu calculations, and a cash payout be processed in favour of the City or the developer, as is appropriate, prior to the release of the subdivision mylars for registration in the Land Titles Office.

29. The Developer shall grade, level and sod and provide appropriate land drainage for the pubic open space dedication and shall be responsible for supply and installation the asphalt path connection out to Chief Peguis. If the City determines that the installation of this path should occur at a later date, the value of this requirement shall be factored into the final tabulation referenced in Clause 28. Site grading shall consider potential impacts by the noise attenuation berm, referenced in Clause 25, in meeting Universal Design Standards for this path. The Developer shall maintain these improvements for two years, all as determined by and to the satisfaction of the Manager of Parks and Open Space.

30. The developer shall construct chain link fencing (black), consistent with what has been installed in previous phases, within the private properties that abut public reserve lands, said fences to

be establish by caveat identifying the private property owners' responsibility for maintenance, repairs and replacement.

31. The developer shall install additional site improvements within the dedicated public open space, to a standard consistent with the level of development established in previous phases of Amber Trails, and maintain these improvements for two years, as determined by and to the mutual satisfaction of the Developer and the Manager of Parks and Open space. The City shall reimburse the developer 100% of the cost of installing these improvements, subject to prior approval of plans and costs, and following Council approval of the funding.

32. The developer shall assume maintenance of the parks sites until they are developed, as-built drawings submitted and accepted by the City, and Final Acceptance is issued by the City, for the completed public reserve development works.

33. 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.

34. 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.

35. 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 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 38/2012
February 5, 2013

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Schedule “C”: Title Plot Plan

