Minute No. 173
Report – Standing Policy Committee on Property and Development – January 15, 2013

Item No. 16 **Subdivision and Rezoning – 378 Laxdal Road (Charleswood-Tuxedo Ward) File DASZ 32/2012 [c/r DAV 173096/2012D]**

STANDING COMMITTEE RECOMMENDATION:

On January 23, 2013, the Executive Policy Committee laid over the matter to February 6, 2013.

Report – Standing Policy Committee on Property and Development – January 15, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 23, 2013, the Executive Policy Committee laid over the matter to February 6, 2013**.**

STANDING COMMITTEE RECOMMENDATION:

On January 15, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 8, 2013, the Assiniboia Community Committee concurred in the recommendation contained in the revised report of the Winnipeg Public Service dated January 7, 2013, with the following amendments:

- Delete Recommendation 1 and replace it with the following:

    "1. That a plan of subdivision under File DASZ 32/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, in accordance with Schedule "D" for File DASZ 32/2012 dated January 8, 2013 (Exhibit 18), with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following"

- Recommendation 2

    Delete the words "Schedule "A" Option 2 for File DASZ 32/2012 dated December 17, 2012" and replace with the following words "Schedule "D" for File DASZ 32/2012 dated January 8, 2013 (Exhibit 18)",

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

RE: **Subdivision and Rezoning - 378 Laxdal Road**
File DASZ 32/2012

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

Prepared by: **Danielle Caron, Committee Clerk**
Assiniboia Community Committee

Report date: **January 10, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 8, 2013, the Assiniboia Community Committee concurred in the recommendation of revised report of the Winnipeg Public Service dated January 7, 2013, as amended, and recommends to the Standing Policy Committee on Property and Development:

~~***1. That the plan of subdivision Option 2 proposed under File DASZ 32/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" Option 2 for File DASZ 32/2012 dated December 17, 2012, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:***~~

1. That a plan of subdivision under File DASZ 32/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, in accordance with Schedule "D" for File DASZ 32/2012 dated January 8, 2013 (Exhibit 18), with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 24, 2012, which is Schedule "B" Option 2 of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on ~~***Schedule "A" Option 2 for File DASZ 31/2012 dated December 17, 2012,***~~ ***Schedule "D" for File DASZ 32/2012 dated January 8, 2013 (Exhibit 18),*** to an "R1-L" Residential Single-Family Large District.

3. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 14395 (Schedule C) as surplus to the City's needs.

4. That subject to the approval of Recommendation No. 3, the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on Misc. Plan No. 14395 (Schedule C), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

5. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

7. 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.

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

9. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

10. 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.

11. 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.

12. 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.

13. 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 Assiniboia Community Committee provided the following supporting reasons for its recommendation:

1. This development will add to the tax base and uses existing infrastructure.

2. This development will help to preserve the rural feel of the area and is a fair compromise for the neighbourhood.

PUBLIC HEARING SUMMARY

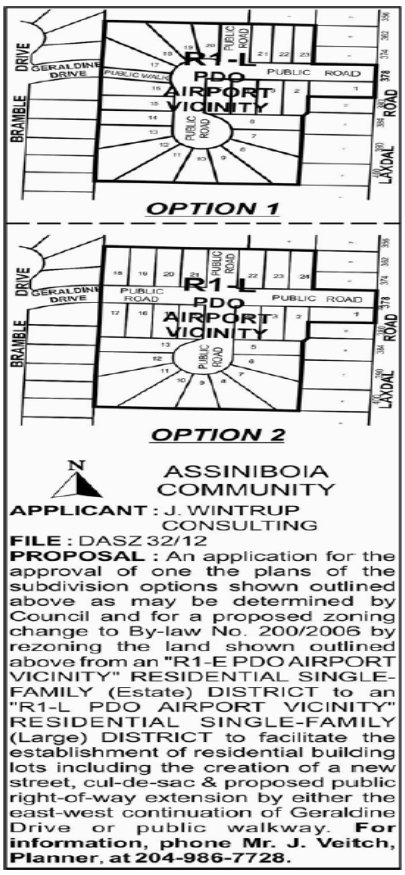
File: DASZ 32/2012

Before: Assiniboia Community Committee
Councillor Havixbeck, Chairperson
Councillor Fielding
Councillor Nordman

Public Hearing: January 8, 2013
Council Chamber
Council Building, 510 Main Street

Applicant: J. Wintrup Consulting Ltd. (John Wintrup)

Subject:



Premises Affected: 378 Laxdal Road

Exhibits Filed:

1. Application dated November 15, 2012
2. Notification of Public Hearing dated December 6, 2012
3. Manitoba Status of Titles 1687123/1, 1961623/1, 2461205, 2476511/1, 2535060, 2535051, 2540079

4a. Letter of authorization dated July 6, 2012 from Brenda Culbertson to AMS Ventures Ltd. and River's Edge Development Corp.

4b. Letter of authorization dated July 10, 2012 from Robert and Jo-Anne Eilers to AMS Ventures Ltd. and River's Edge Development Corp.

4c. Letter of authorization dated October 16, 2012 from Peter Appleton to AMS Ventures Ltd. and River's Edge Development Corp.

4d. Letter of authorization dated September 24, 2012 from AMS Ventures Ltd. and River's Edge Development Corp. to J. Wintrup Consulting Ltd.

4e. Letter of authorization undated from the City of Winnipeg to J. Wintrup Consulting Ltd.

5. Plan
6. Report from the Planning and Land Use Division dated December 17, 2012
7. Inspection Report
8. Misc. Plan No. 14395
9. Revised Report from the Planning and Land Use Division dated January 7, 2013
10. Communication dated January 7, 2013, from Allan and Linda Hansen, in support of Option 2 of the application
11. Communication dated January 8, 2013, from Marlene and Warren West, in support of Option 2 of the application
12. Communication dated January 8, 2013, from Jackie and Cliff Bannatyne, in opposition to the application
13. Communication dated January 8, 2013, from Judie and Nick Perry, in support of Option 2 of the application
14. Communication dated January 8, 2013, from Christa and Richard Mardis, in opposition to the application
15. Communication dated June 19, 2012, from J. Wintrup Consulting Ltd., with respect to the application, submitted by Bryan Gray, Principal, Veritas North Public Affairs Ltd. at the public hearing
16. Communication dated December 27, 2012, from Mervyn Kroeker, in support of Option 2 of the application, submitted by Abe Friesen at the public hearing

17. Communication from The Bramble-Sammons Home Owners Association, in opposition to the application, submitted by Scott Lougheed, The Bramble-Sammons Home Owners Association, at the public hearing
18. Proposed Plan of Subdivision (Schedule "D"), submitted by Scott Lougheed at the public hearing
19. Communication dated January 8, 2013, from Brian and Carla Earl, in opposition to the application, submitted at the public hearing
20. Audio Recording of representations

REPRESENTATIONS:

In Support of Both Options:

Peter Appleton
Clarke Culbertson
Bob Eilers
Bryan Gray
Bill McGarry
Adam Sharfe
Cheryl Sharfe
Lorne Sharfe

In Support of Option 1 only:

Nil

In Support of Option 2 only:

Belinda Dunlop
Abe Friesen
John Friesen
Allan and Linda Hansen
Mervyn Kroeker
Judie and Nick Perry
Donna Thordarson
Marlene and Warren West

In Opposition to Both Options:

R. Van Achte
Aurelio Barone
Jackie and Cliff Bannatyne
Lucille Becker
Charles Carter
Elizabeth Carter
Linda Catteeuw
Philip Cesario
Greg Douklias
Cynthia Duncan
Brian Earl
Carla Earl
Lois Helen Fortier
Gary Franzmann
Joseph Harding
Voula Karlaftis
Edward Kostyniuk
W. Litchfield
Clifford Lougheed
Scott Lougheed
Brent Lyons
Christa and Richard Mardis
Jeannette Martin
Adele Menec
Daniel Menec
Paul Metcalfe
Ken Peters
Karen Robinson
Marc Totté
Pat Wallis
Ron Wallis
Jason and Amanda Ward
Glenda Werbowski

For Information:

John Coutris
Gloria Doan
Daniel Machado

For the City:

Mr. M. Pittet, Manager of Land Development, Geomatics, and Land Information Services
Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and
Development Department
Mr. J. Veitch, Acting Principal Planner, Planning, Property and Development Department

Exhibit "9" referred to in File DASZ 32/2012

REVISED ADMINISTRATIVE REPORT

Title: DASZ 32/12 – Laxdal Road

Issue: For consideration at the Public Hearing for a subdivision and rezoning to create either 23 or 24 new 'R1-L' Single Family lots including public right of way opening.

Critical Path: Assiniboia 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 **Option 2** proposed under File DASZ 32/2012 **be approved** for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" Option 2 for File DASZ 32/2012 dated December 17, 2012, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 24, 2012, which is Schedule "B" **Option 2** of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" **Option 2** for File DASZ 32/2012 dated December 17, 2012, to an "R1-L" Residential Single-Family Large District.

3. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on **Misc. Plan No. 14395** (Schedule C) as surplus to the City's needs.

4. That subject to the approval of recommendation no. 3, that the Director of Planning, Property and Development be authorized to negotiate and approve the sale of the "Subject City Property" as shown on **Misc. Plan No. 14395** (Schedule C), to the applicant on terms and conditions satisfactory to the Director of Planning, Property and Development and the Director of Legal Services in order to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

5. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

7. 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.

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

9. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

10. 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.

11. 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.

12. 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.

13. 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 to create either twenty-three (23) or twenty-four (24) new 'R1-L' Residential Single Family Large lots;
- There are two layout options being proposed for the consideration of the Community Committee; Option 1 and Option 2;
- **Option 1** proposes twenty-three (23) single family lots and will include the partial opening of Geraldine Drive connecting east to Laxdal Road and connecting west to Bramble Drive with a 33 foot (10 metre) +/- wide walkway,
- **Option 2** proposes twenty-four (24) single family lots and will include the opening of Geraldine Drive connecting east to Laxdal Road and west to Bramble Drive,
- In addition to the subdivision, rezoning application, there is an associated variance application, (DAV 12-173096D) to allow the proposed lots to conform to Section 138 (1) Special Boundary Conditions of the City of Winnipeg Zoning By-law 200/2006,
- 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 Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division to **approve Option 2** are concurred in, the subject lands can be subdivided and rezoned to 'R1-L' Single Family Residential Large lots.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Date:	January 7, 2013
File No.	DASZ 32/12

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” - Option 1 for File No. DASZ 32/12
3. Schedule “A” - Option 2 for File No. DASZ 32/12
4. Schedule “B” – Report of the Administrative Co-ordinating Group, December 24, 2012
5. Schedule “C” - Miscellaneous Plan No. 14395

APPENDIX 'A'

DATE: January 7, 2013

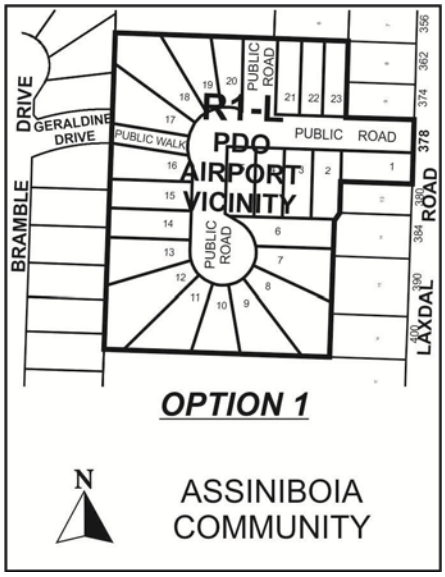
FILE: **DASZ 32/12**
RELATED FILES: DAV 12-173096/D

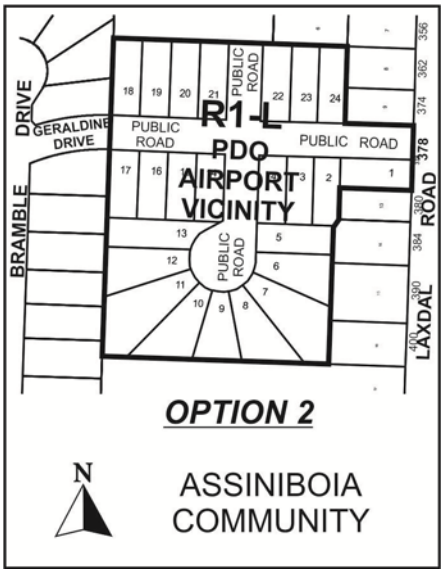
COMMUNITY: Assiniboia
NEIGHBOURHOOD #: 2.608 (Varsity View)

SUBJECT: To subdivide and rezone the subject lands currently 'R1-E' Residential Single Family Estate and 'R1-L' Residential Single Family Large in order to create twenty three (23) or twenty four (24) residential lots including public right of way opening.

LOCATION: Generally west of 378 Laxdal Road

LEGAL DESCRIPTION: SP Lots 10, 11 (also known as 378 Laxdal Road) & 12 Plan 20203 WLTO in RL 30-36, Part Lot 1 & all of Lot 2 Plan 202327 WLTO in RL 35 & 36 and Part Lots 14 & 16 Plan 20203 WLTO in RL 30-36 all in Parish of St. Charles





APPLICANT: J. Wintrup Consulting (John Wintrup)
301 – 139 Roslyn Road
WINNIPEG MB R3L 0G7

OWNERS: City of Winnipeg, Brenda Fay Culbertson, Peter Hudson Appleton, Robert Giles Eilers & Jo-Anne Marion Eilers, River's Edge Dev. Corp & AMSVentures Ltd.

RECOMMENDATION: Approval **Option 2**

REPORT SUMMARY

- The applicant is proposing to subdivide and rezone the subject lands to create either twenty-three (23) or twenty-four (24) new 'R1-L' Residential Single Family Large lots;
- There are two layout options being proposed for the consideration of the Community Committee; Option 1 and Option 2;
- **Option 1** proposes twenty-three (23) single family lots and will include the partial opening of Geraldine Drive connecting east to Laxdal Road and connecting west to Bramble Drive with a 33 foot (10 metre) +/- wide walkway,
- **Option 2** proposes twenty-four (24) single family lots and will include the opening of Geraldine Drive connecting east to Laxdal Road and west to Bramble Drive,
- In addition to the subdivision, rezoning application, there is an associated variance application, (DAV 12-173096D) to allow the proposed lots to conform to Section 138 (1) Special Boundary Conditions of the City of Winnipeg Zoning By-law 200/2006,
- The Urban Planning Division recommends **approval of the proposed Option 2** of this subdivision and rezoning application.

SITE DESCRIPTION

- The application includes seven (7) existing separate residential lots, either the whole or part. The subject lands are located west of Laxdal Road, east of Bramble Drive and north of Grant Avenue. The lands are zoned 'R1-E' Single Family Residential Estate and are within the Varsity View Neighbourhood of the Charleswood - Tuxedo Ward.
- The combined development area is approximately **5.18 acres,** including the City Owned parcel, (378 Laxdal Road) that would make up most of the proposed right of way.
- The majority of the lands are currently landlocked and vacant.
- The lands are within the Areas of Stability – Recent Communities Policy Area of the *Complete Communities Direction Strategy*.

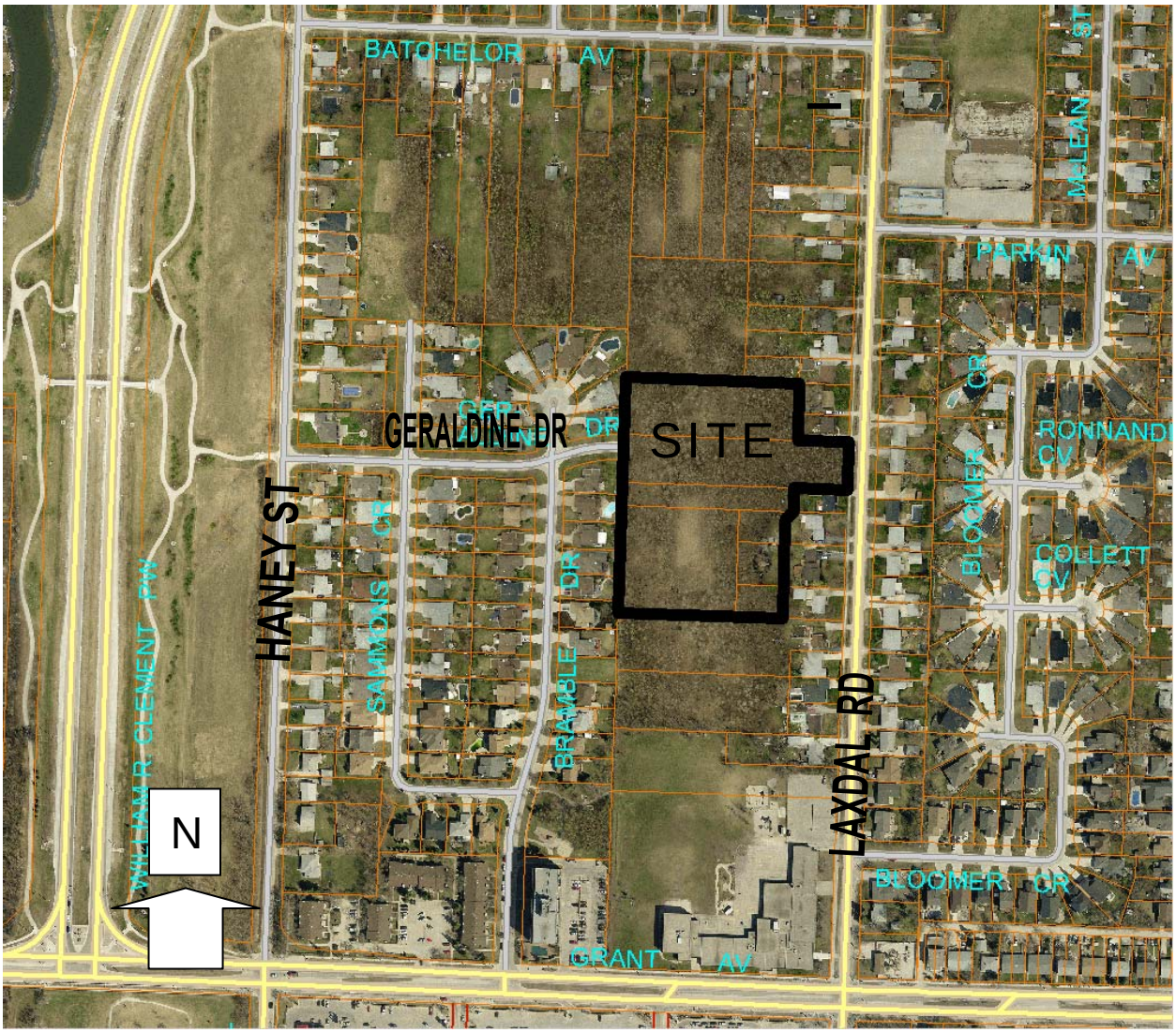


Figure 1: Aerial photograph showing subject lands (flown 2012)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Vacant back lands zoned "R1-E" Residential Single-Family Estate.

South: Vacant back lands zoned "R1-E" Residential Single-Family Estate.

East: 'R1-L' Residential Single Family Large fronting on Geraldine Drive

West: "R1-E" Residential Single-Family Large fronting on west side of Laxdal Road
"R1-L" Residential Single-Family Large fronting on east side of Laxdal Road

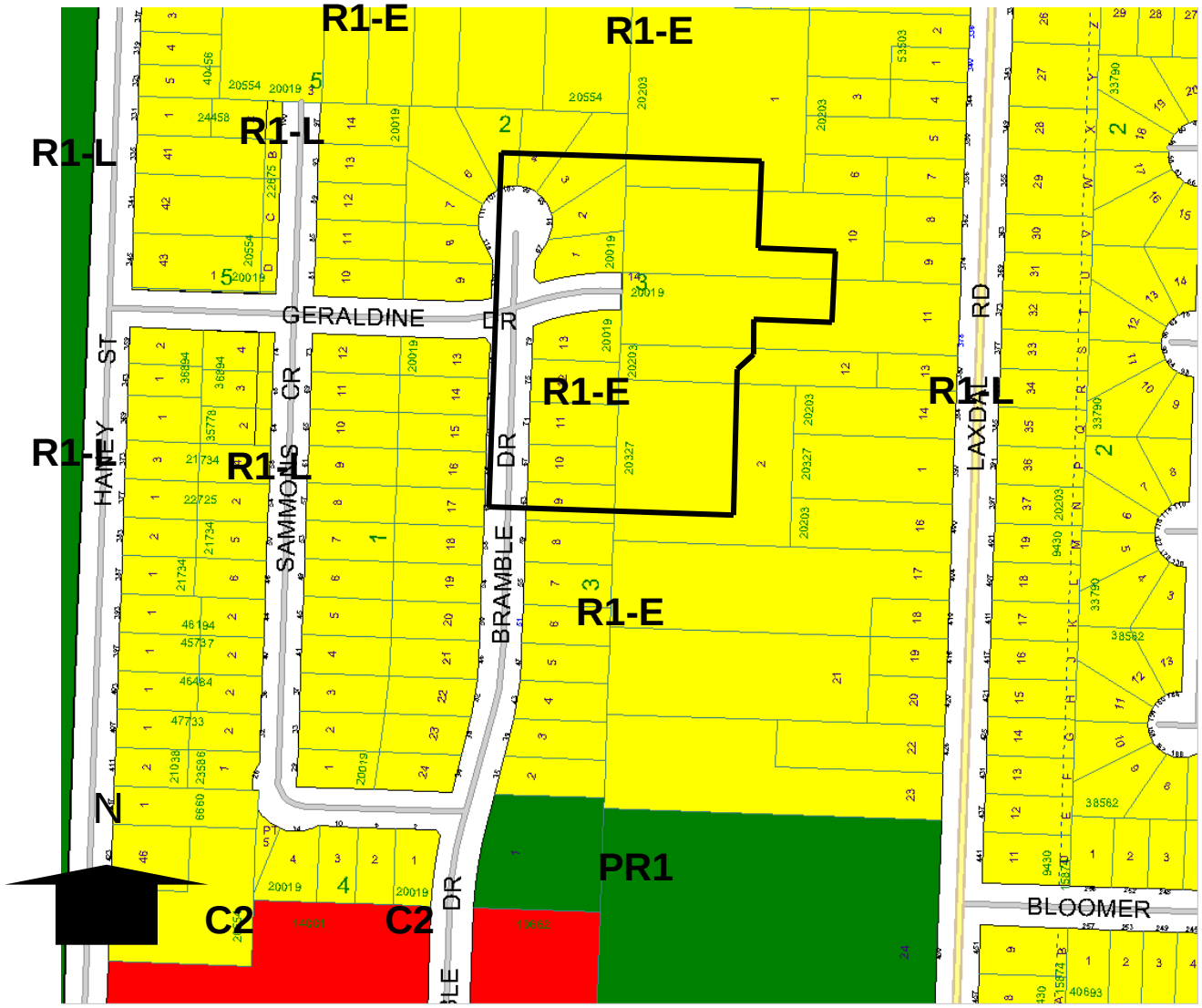


Figure 2: Zoning of the Subject Lands and Surrounding Area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide and rezone the subject lands to create either twenty-three (23) or twenty-four (24) new 'R1-L' Residential Single Family Large lots;
- There are two layout options being proposed for the consideration of the Community Committee; Option 1 and Option 2;
- **Option 1** proposes twenty-three (23) single family lots and will include the partial opening of Geraldine Drive connecting east to Laxdal Road and connecting west to Bramble Drive with a 33 foot (10 metre) +/- wide walkway,

- **Option 2** proposes twenty-four (24) single family lots and will include the opening of Geraldine Drive connecting east to Laxdal Road and west to Bramble Drive,
- In addition to the subdivision, rezoning application, there is an associated variance application, (DAV 12-173096D) to allow the proposed lots to conform to Section 138 (1) Special Boundary Conditions of the City of Winnipeg Zoning By-law 200/2006,

ANALYSIS AND ISSUES

DRAFT 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.
    - Support Complete Communities by ensuring diverse and high quality housing stock.
    - 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.
    - Support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner.

ZONING

'R1-E' Residential single Family Estate

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods. The 'R1-E' district requires: a minimum lot width of 25 feet, a minimum lot area of 20,000 square feet, 10 foot side yards, a front yard of 30 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.

'R1-L' Residential Single Family Large

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods. The 'R1-L' district requires: a minimum lot width of 25 feet, a minimum lot area of 5,500 square feet, 4 foot side yards, a front yard of 20 feet, and a rear yard of 25 feet. The maximum building height is 35 feet.

LAND USE BY-LAW

Rezoning

- The applicant intends to rezone the subject lands to 'R1-L' Single Family Residential Large to allow the development of new single family dwellings.

Variances

- There is an associated variance application, (DAV 12-173096D) to allow the proposed lots to conform to Section 138 (1) Special Boundary Conditions of the City of Winnipeg Zoning By-law 200/2006,

- Refer to the associated Variance report for DAV 12-173096/D for more discussion on the variances.

AIRPORT VICINITY PROTECTION AREA POLICY

- The subject lands are located within Area II of the AVPA; Area II allows the development of new single-family dwellings subject to all required amendments of or approvals under applicable land use controls.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subject lands are vacant, privately owned and designated residential in the City's Development Plan '*OurWinnipeg'* and its *Direction Strategy 'Complete Communities'*,
- The proposed 23 or 24 single family residential lots range in areas from 5,324 square feet to over 10,000 square feet in area;
- These lands, as with similar back lands throughout Charleswood are designated for residential infill, many of these areas include rough conceptual subdivision plans developed by the City to guide development, (see figure 3),
- **Option 2** of the proposed development is generally consistent with the City's conceptual subdivision plan for this area,
- **Option 1** is not consistent with the City's conceptual subdivision plan as it does not allow for the complete extension of Geraldine Drive from the existing open right of way stub off Bramble Drive east to Laxdal Road,
- The proposed single family lots are smaller than the existing surrounding lots on Bramble and Laxdal, however it should be noted those lots were developed under previous by-laws with larger lot width and area requirements;
    - Bramble lots 1987 average year of subdivisions
    - Laxdal lots 1957 average year of subdivisions
- The proposed development is consistent with the relevant *Complete Communities* policies as it allows for moderate change that is consistent with the existing built form and character of the area.
- We have received recent inquiries from consultants acting on behalf of the owners of some of the vacant lands to the north regarding future single family subdivision plans.
- The Urban Planning Division must consider the future orderly development of adjacent lands when assessing the merits of a particular land development application. In this case Option 1 will preclude the future development north of the Geraldine Drive extension as any attempt to build an access road to the north will extend the one access cul-de-sac off Geraldine Drive beyond the recommended 105 metre length by Public Works and thus would not be supported.

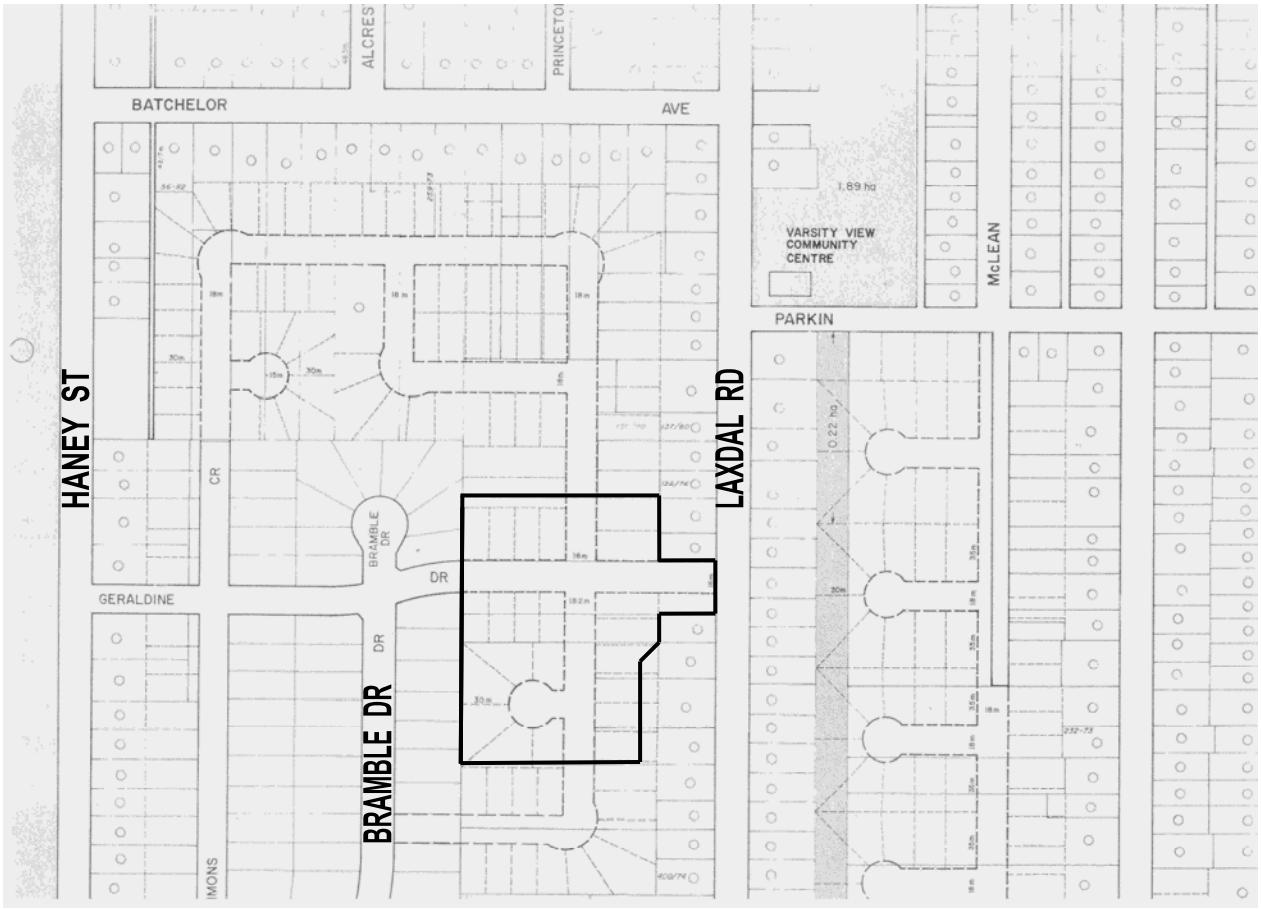


Figure 3: City Conceptual Shadow Plan of the Subject Lands and Surrounding Area.

CITY DEPARTMENT INPUT

Public Works

Option 1

- Public Works **does not support** the approval of Option 1,
- The proposed plan results in an excessively long dead-end cul-de-sac of approximately 180m in length, the City's' recommended maximum length of cul-de-sac is 105m, the said cul-de-sac also had a 90 º deflection which is awkward for firefighting equipment to negotiate.
- The proposed development of 23 lots will generate approximately 225 vehicle trips per day, all of which would be forced to travel via Laxdal Road with no means of other access.

Option 2

- Public Works **supports** the approval of Option 2,
- Option 2 provides an additional means of both emergency vehicle access for the safety of residents in the existing development and resident access/egress for their

convenience to the existing development in the area of Bramble Drive, Geraldine Drive and Sammons Crescent.

- Option 2 is consistent with previous concept plans for the area and provides for intercommunity connectivity via the extension of Geraldine Drive through Laxdal Road.

Water & Waste

- Essentially, all services would have to be extended from the Geraldine stub for both options. Currently, the watermain, wastewater sewer and land drainage sewer are stubbed off at the east end of Geraldine (see attached). With Option 1, these mains would have to be cut back and angled and re-aligned into the walkway. In particular, the wastewater sewer and land drainage sewer butt up against the rear property line of proposed Lot 17. The 10m wide walkway is just wide enough to squeeze in the three pipes allowing for adequate spacing between the pipes.
- **Water & Waste's preference would be towards Option 2** since all services would have to come from Geraldine Dr. However, if community committee decides to proceed with option 1 then the applicant will be required to modify the existing watermain, wastewater sewer and land drainage sewer in Geraldine Dr. in order to fit the services within the proposed 10m walkway.
- With Option 2, the three mains would just be extended along the proper alignments.

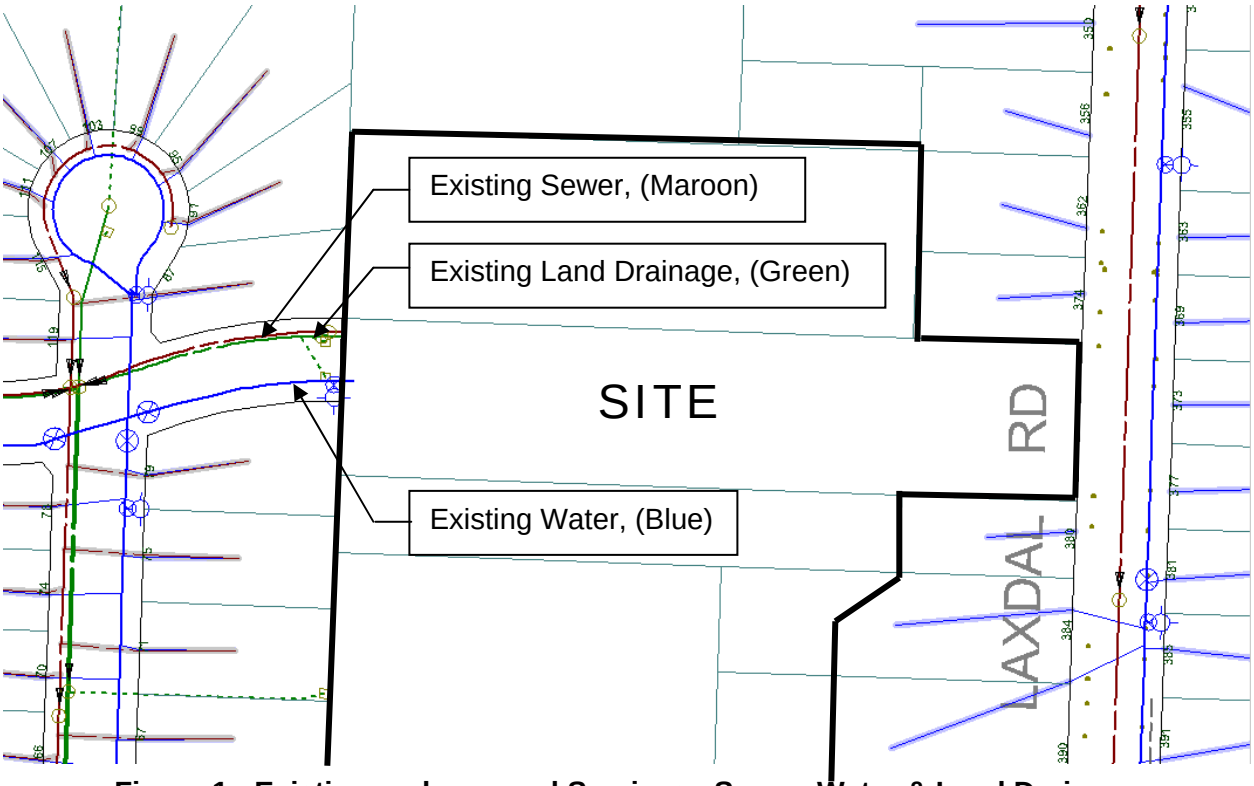


Figure 1: Existing underground Services - Sewer, Water & Land Drainage

Emergency Services

- Emergency Services stated in an e-mail regarding the proposed subdivision that; '*Option 1 is clearly not a good one from an emergency response perspective. Not only does it exceed the City of Winnipeg standards for the maximum length of a cul de sac, but by having a 90 degree turn in the road as well, I do not consider it a cul de sac anymore.'*
- *'Since it is possible to correct our concerns by using Option 2, we feel it is the responsible thing for the city to do when approving this development.'*

TRAFFIC

- Public Works supports Option 2 as it is the best solution for the immediate neighbourhood's traffic circulation.
- Option 2 will allow the approximately 225 car trips generated by the proposed subdivision to go either east to Laxdal Road or west to Bramble Drive providing appropriate neighbourhood interconnectivity as well as safer options for emergency response access.
- Public Works did not request a Traffic Impact Assessment from the Developer as the number of estimated vehicle trips per day generated and the balanced connectivity with Option 2 will not have an adverse effect on the existing streets.

Community Input

- The development team contacted the immediate neighbours regarding their subdivision plans on several occasions both by way or written correspondence and two open house meetings.
- Concerns about traffic and small lot sizes were the two main issues raised by the surrounding neighbours.
- Several of the neighbours that live west of the proposed subdivision did not want Geraldine Drive extended through to Bramble Drive due to concerns with cut through traffic, increase traffic numbers, vehicle speed and street safety.
- Since the rezoning and subdivision was advertised for public hearing the City has heard from at least one resident on Laxdal Road indicating that they did not want the subdivision connecting to Laxdal Road for basically the same reasons.
- The applicant has provided the City with a written synopsis of the public engagement process including the various concerns raised by the attendees.
- It should be noted that a representative from Public Works was present at the second public open house, (September 17, 2012) and did not concur with the concerns regarding increased cut through traffic and reduced safety with the Option 2 layout.

RECOMMENDATION

The Urban Planning Division recommends **approval of Option 2** for the following reasons:

- Increasing residential density and helping to achieve a compact urban form are key policies of *OurWinnipeg* and the *Complete Communities Direction Strategy* that are fulfilled by this application.
- Option 2 has the support of all City Departments including Public Works, Water & Waste, Emergency Services, Land Development and Urban Planning,

- Option 2 generally conforms to the existing concept shadow plan for the area,
- Option 2 does not preclude the further infill development of lands to the north of the new portion of Geraldine Drive.
- Although the proposed lots are smaller than the existing neighbouring properties, they will be zoned 'R1-L' Residential Single Family and will not create a detrimental effect on the existing neighbourhood. (It should be noted that the proposed lots are significantly larger than the typical single family residential lots that are currently being developed in other parts of the city).
- The subdivision will provide much needed single family opportunities for the City of Winnipeg's rapidly growing population.

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

Report Prepared By: James Veitch
PPD File # DASZ 32/12

Schedule "A" OPTION 1 for File No. DASZ 32/2012, Assiniboia Community Committee, dated December 17, 2012

By-Law No. _____

File No. **DASZ 32/12**

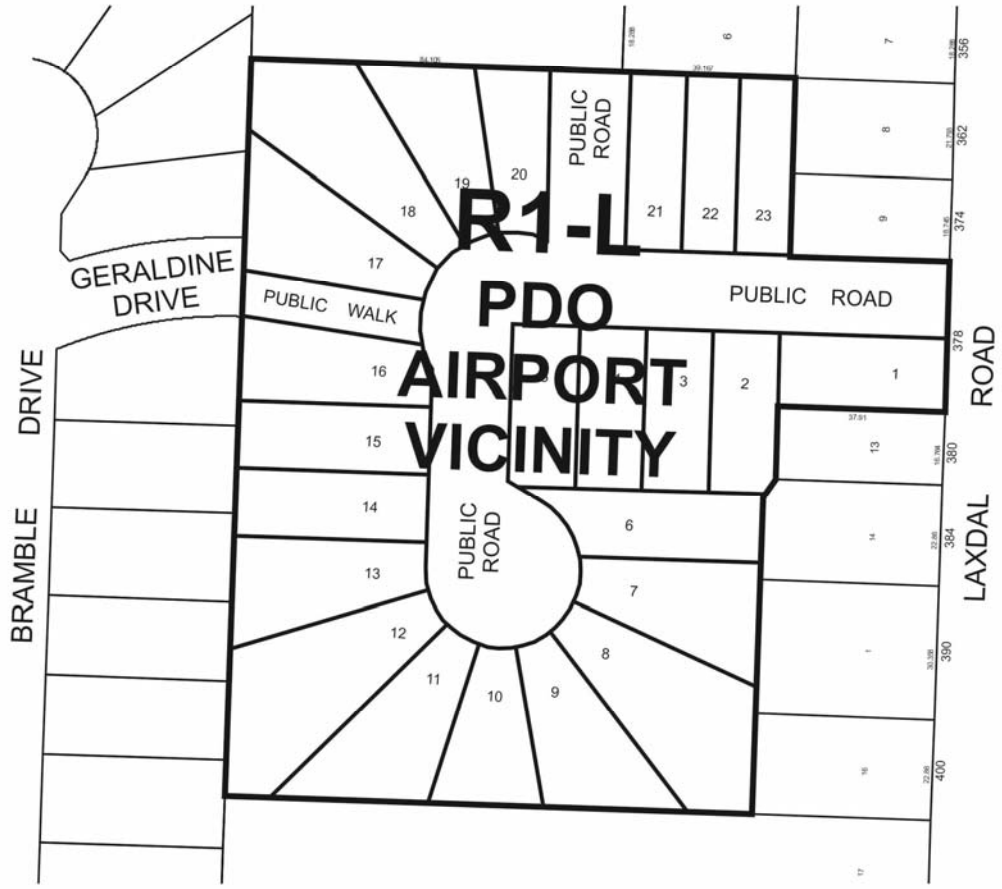
Explanation ***(OPTION 1)***

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 378 Laxdal Road from an "R1-E PDO AIRPORT VICINITY" RESIDENTIAL SINGLE-FAMILY (Estate) DISTRICT to an "R1-L PDO AIRPORT VICINITY" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICT to facilitate the establishment of residential building lots including the creation of a new street, cul-de-sac connecting to Geraldine Drive by a public walkway as shown outlined below.

Atlas Sheet No.

N

AD16 ASSINIBOIA COMMUNITY



OPTION 1

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" OPTION 2 for File No. DASZ 32/2012, Assiniboia Community Committee, dated December 17, 2012

By-Law No. _____

File No. **DASZ 32/12**

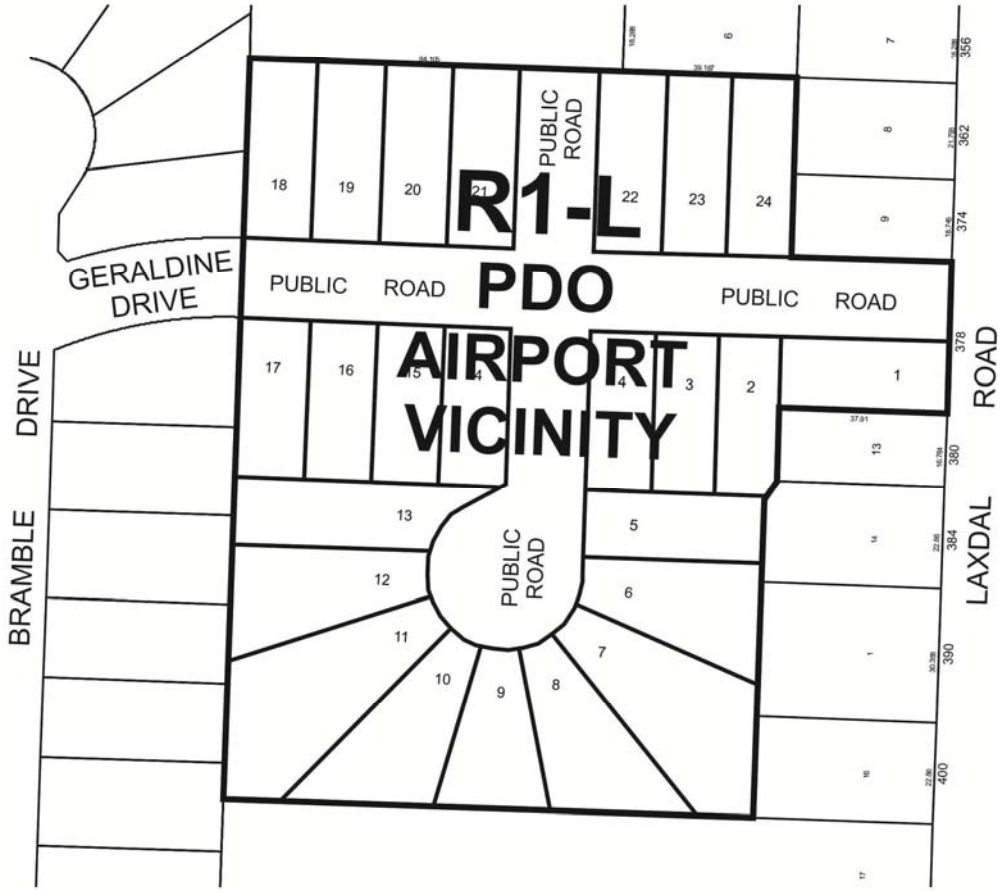
Explanation ***(OPTION 2)***

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 378 Laxdal Road from an "R1-E PDO AIRPORT VICINITY" RESIDENTIAL SINGLE-FAMILY (Estate) DISTRICT to an "R1-L PDO AIRPORT VICINITY" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICT to facilitate the establishment of residential building lots including the creation of a new street, cul-de-sac & proposed public right-of-way extension of Geraldine Drive east to Laxdal Road as shown outlined below.

Atlas Sheet No.

N

AD16 ASSINIBOIA COMMUNITY



OPTION 2

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" Report of the Administrative Co-ordinating Group, dated December 24, 2012

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – DECEMBER 24, 2012

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 378 LAXDAL ROAD - DASZ 32/2012

The Developer has provided two Development Plan options for the Planned Area. **The Winnipeg Public Service does not support Option 1** for the following reasons;

- The proposed plan results in an excessively long dead-end cul-de-sac of approximately 180m in length, the City's recommended maximum length of cul-de-sac is 105m, the said cul-de-sac also has a 90° deflection which is awkward for firefighting equipment to negotiate.

- The proposed development of 23 residential lots will generate approximately 225 vehicle trips per day, all of which would be forced to travel via Laxdal Road with no other means of access.

The Winnipeg Public Service supports Option 2 for the following reasons;

- Option 2 provides an additional means of both emergency vehicle access for the safety of residents in the existing development and resident access/egress for their convenience to the existing development in the area of Bramble Drive, Geraldine Drive and Sammons Crescent.

- Option 2 is consistent with previous concept plans for the area and provides for intercommunity connection via the extension of Geraldine Drive through to Laxdal Road.

Option 1

The Winnipeg Public Service does not support Option 1 however, should the Committee recommend that Option 1 be approved, it is recommended that the approval of DASZ 32/2012, if granted, be subject to the applicant entering into a Development Agreement containing the following conditions;

A. Option 1 Plan Considerations

1. The Developer shall provide right-of-way to accommodate the proposed cul-de-sac turnaround consistent with the dimensions shown on Streets and Transportation Drawing ST-90 (revised) or ST-90-A.

2. The Developer shall amend its plan to provide an 8.95 metre wide Public Walk between Geraldine Drive and the new Public Road being created within the Planned Area.

3. The Developer shall amend its Plan to ensure that the proposed cul-de-sac street does not exceed 105 metres in length.

All to the satisfaction of the Director of Public Works.

B. Option 1 Servicing Conditions and Payments

1. The Developer shall, at no expense to the City, install all watermains, wastewater sewers and land drainage 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 modify the existing watermain, wastewater sewer and land drainage sewer in Geraldine Drive as necessary to fit the services within the proposed walkway area.

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

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

4. The Developer shall pay the Charleswood Area "C" Land Drainage Trunk (TSR) Rate for the Planned Area (2012 Rate = $16,353.00/acre)

5. 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.

6. 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.

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

8. 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.

9. 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.

10. 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.

11. 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.

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. Prior to construction, the Developer shall, at no expense to the City, obtain approval of and install, and subsequently maintain, at the entrances to the Planned Area, development information signs, containing no advertising, and showing the Planned Area, zoning information, a north directional arrow and proposed community mail-box sites; all with the approval of, and to the satisfaction of, the Director of Planning, Property and Development.

14. 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.

15. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, to the satisfaction of the Director of Public Works.

16. 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.

17. 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.

18. 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.

19. The Developer shall, at no expense to the City, remove the existing concrete street pavement and related works in Geraldine Drive, east of Bramble Drive and restore the east curb and boulevard of Bramble Drive across the Geraldine Drive right-of-way, as determined by and to the satisfaction of the Director of Public Works.

20. The Developer shall, at no expense to the City, construct within the proposed Public Walk and within the Geraldine Drive right-of-way, east of Bramble Drive, the following works:

    i) a 1.5m in width by 100mm portland cement concrete sidewalk;
    ii) asphaltic concrete surfacing on both sides of the sidewalk to the side property lines;
    iii) chain link fence along the side property lines;
    iv) post and chain fencing, with appropriate sidewalk opening, at both street ends of the Public Walk;

    all as determined by and to the satisfaction of the Director of Public Works.

21. The Developer shall pay the Charleswood Transportation Levy attributable to the land within the proposed subdivision as determined by the Director of Public Works. (2012 rate = $0.35/square foot.)

22. In lieu of dedication of land for public open space, the Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, 8% of the appraised increase in value of the land plus the cost of landscaping and services which it would have contributed to the City if public open space had been dedicated.

23. 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 and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

24. The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consultants approved by the City, for the design of the municipal services, parklands, parkways and associated works required to serve the Planned Area;

25. The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

26. 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.

Option 2

The Winnipeg Public Service supports Option 2. It is recommended that the approval of DASZ 32/2012, if granted, be subject to the applicant entering into a Development Agreement containing the following conditions;

A. Option 2 Plan Considerations

1. The Developer shall provide right-of-way to accommodate the proposed cul-de-sac turnaround consistent with the dimensions shown on Streets and Transportation Drawing ST-90 (revised) or ST-90-A.

2. The Developer shall ensure that the proposed cul-de-sac street does not exceed 105 metres in length.

All to the satisfaction of the Director of Public Works.

B. Option 2 Servicing Conditions and Payments

1. The Developer shall, at no expense to the City, install all watermains, wastewater sewers and land drainage 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 install lot line services to service all lots within the Planned Area, as follows:

    i) 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.
    ii) 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.
    iii) 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.

3. The Developer shall pay the Charleswood Area “C” Land Drainage Trunk (TSR) Rate for the Planned Area (2012 Rate = $16,353.00/acre)

4. 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.

5. 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.

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

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. Prior to construction, the Developer shall, at no expense to the City, obtain approval of and install, and subsequently maintain, at the entrances to the Planned Area, development information signs, containing no advertising, and showing the Planned Area, zoning information, a north directional arrow and proposed community mail-box sites; all with the approval of, and to the satisfaction of, the Director of Planning, Property and Development.

13. 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.

14. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area, to the satisfaction of the Director of Public Works.

15. 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.

16. 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.

17. 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.

18. The Developer shall, at no expense to the City, remove the existing concrete street pavement and related works in Geraldine Drive, east of Bramble Drive and restore the east curb and boulevard of Bramble Drive across the Geraldine Drive right-of-way, as determined by and to the satisfaction of the Director of Public Works.

19. The Developer shall, at no expense to the City, construct within the proposed Public Walk and within the Geraldine Drive right-of-way, east of Bramble Drive, the following works:

    iv) a 1.5m in width by 100mm portland cement concrete sidewalk;
    v) asphaltic concrete surfacing on both sides of the sidewalk to the side property lines;
    vi) chain link fence along the side property lines;
    vii) post and chain fencing, with appropriate sidewalk opening, at both street ends of the Public Walk;

    all as determined by and to the satisfaction of the Director of Public Works.

20. The Developer shall pay the Charleswood Transportation Levy attributable to the land within the proposed subdivision as determined by the Director of Public Works. (2012 rate = $0.35/square foot).

21. In lieu of dedication of land for public open space, the Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, 8% of the appraised increase in value of the land plus the cost of landscaping and services which it would have contributed to the City if public open space had been dedicated.

22. 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 and Development with a certificate that all survey monuments within the Planned Area have been verified and/or replaced.

23. The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consultants approved by the City, for the design of the municipal services, parklands,

parkways and associated works required to serve the Planned Area;

24. The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

25. 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 32/2012
December 24, 2012

"original signed by K.T. Raban, P. Eng."
K.T. Raban, P. Eng.,
Land Development Branch

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

F. C. Mazur, P. Eng.
Water & Waste Department

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

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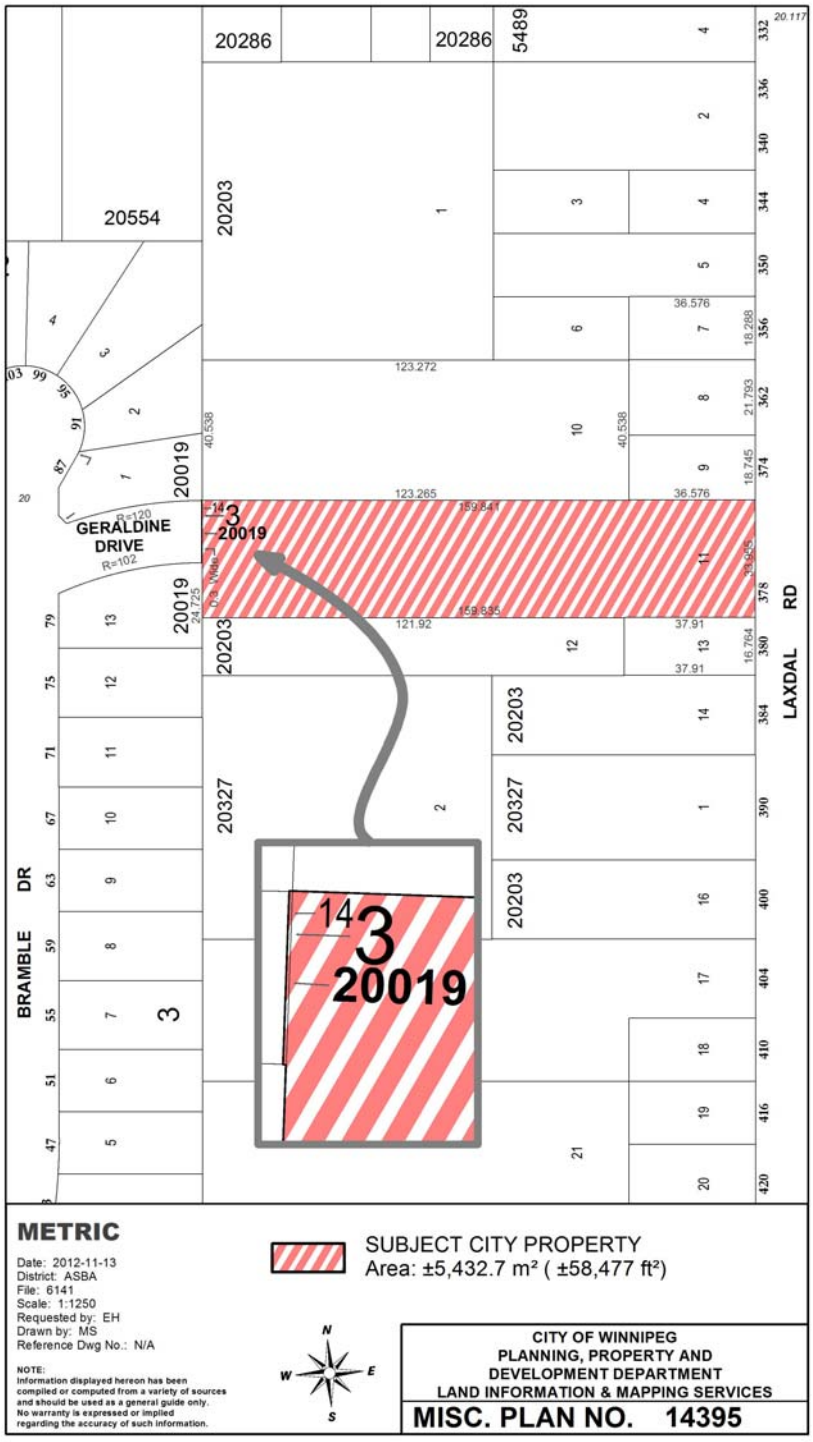
Schedule "C" Miscellaneous Plan No. 14395



Schedule "D" for File DASZ 32/2012 dated January 8, 2013 (Exhibit "18")

