Agenda - Council - September 24, 2003

Report - Standing Policy Committee on Property and Development - September 4, 2003

Item No. 12 Subdivision and Rezoning - West of Courland Bay, north of Amber Trail
File DASZ 17/2003

STANDING COMMITTEE RECOMMENDATION:

On September 17, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 17/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/2003 dated July 14, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an Addendum to Development Agreement No. 3/1996 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 2, 2003.

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

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 17/2003 dated July 14, 2003, to a "R1-4" Residential District and a "PR-1" Parks and Recreation District.

4. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

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

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Addendum to Development Agreement No. 3/1996.

Report - Standing Policy Committee on Property and Development - September 4, 2003

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

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

9. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

Report - Standing Policy Committee on Property and Development - September 4, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 4, 2003, 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 Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 22, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE:	**Subdivision and Zoning Change – West of Courland Bay, North of Amber Trail File DASZ 17/2003**
For submission to:	**Standing Policy Committee on Property and Development**
Prepared by:	**Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee**
Report date:	**July 28, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 17/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/2003, attached hereto and dated July 14, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an Addendum to Development Agreement No. 3/1996 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 2nd, 2003.

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

3. That the Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 17/2003, attached hereto and dated July 14, 2003, to a "R1-4" Residential District and a "PR-1" Parks & Recreation District.

4. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

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

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Addendum to Development Agreement No. 3/1996.

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

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

9. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 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 this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

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

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Acting Manager of Planning and Land Use.

PUBLIC HEARING SUMMARY

File: DASZ 17/2003

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

Public Hearing: July 22, 2003
Community Committee Chamber, 1760 Main Street

Applicant: Genstar Development Company (Greg Jasper)
218 - 905 Waverley Street
Winnipeg, Manitoba
R3J 5P4

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : GENSTAR DEVELOPMENT COMPANY
FILE : DASZ 17/03
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. 6400/94 by rezoning the land shown outlined above from an "A.5" AGRICULTURAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT and an "R1-4" SINGLE-FAMILY DISTRICT to allow for the creation of sites for single family development. **For information, phone Mr. D. Marsh, Planner at 986-5549.**

Premises Affected:	West of Courland Bay, North of Amber Trail
Exhibits Filed:	1. Application dated June 16, 2003 2. Advertising notice dated June 19, 2003 3. Manitoba Status of Titles 1697320 and 1920650 4. Proposed plan of subdivision 5. Amber Trails Concept Plan 6. Report of the Administrative Coordinating Group dated July 10, 2003 7. Report from the Acting Manager of Planning and Land Use dated July 14, 2003 8. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Greg Jasper, Genstar Development Company
Jerry Klein, Genstar Development Company

In Opposition:

Nil

For the City:

David Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Greg Jasper, appearing on behalf of Genstar Development Company, in support of the application, indicated concurrence in the recommendations outlined in the reports of the Acting Manager of Planning and Land Use and the Administrative Coordinating Group.

In reply please refer to / Référence à rappeler :

David Marsh, AICP
(204) 986-5549
Fax / Téléc. : (204) 986-7524

File No. DASZ 17/03 July 14th, 2003
Our c/f CP 300 (.337)

Ms. Diane Timmins, Community Clerk
Lord Selkirk – West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Timmins:

SUBDIVISION AND REZONING
North of Amber Trails, West of Courtland Trails
Lord Selkirk – West Kildonan Community Committee
File No. DASZ 17/03

An application has been received from Genstar Development Company for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "A-5" Agricultural District to "R1-4" Residential and "PR-1" Parks and Recreation Districts.

RELATED FILES: N/A



SITE DESCRIPTION:

Site Area:

The total overall site area of the subject property is approximately 11.7 acres.

Existing Land Use and Zoning:

The property in question is zoned A-5 Agricultural, and currently is vacant.

Surrounding Land Use and Zoning:

North: Vacant agricultural land, zoned A-5 (future phase of Amber Trails and out parcels), then Templeton Avenue
South: Future Amber Trails alignment, vacant agricultural land, zoned A-5 (future phase of Amber Trails).
East: Public Reserve (PR-1), then single family residential lots (R1-4)
West: Vacant agricultural land, zoned A-5 (future phase of Amber Trails).

DEVELOPMENT DESCRIPTION:

The applicant, Genstar Development, proposes to rezone the property to "R1-4" Residential and "PR-1" Parks and Recreation Districts, and subdivide the property. The subject site is proposed to be developed as a phase of the existing Amber Trails residential development. The subject site is approximately 11.7 acres in size, and the applicant is proposing to develop fifty single family residential lots. The remainder of the site will be occupied by road rights-of-way, and public reserve lands.

PLAN WINNIPEG:

The subject property falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for mixed use, commercial, and residential development; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The Planning & Land Use Division has no planning concerns with the proposed rezoning, as the proposed zoning designations of R1-4 and PR-1 are compatible with the adjacent residential properties, and are a natural extension of the overall Amber Trails residential development. While the majority of Water & Waste and Public Works concerns have been resolved, the July 2nd report from the Administrative Coordinating Group has noted several issues to be included as conditions in an addedum to the existing Development Agreement No. 3/1996. These issues include: a) street improvements on Leila Avenue between Pipeline Road and the future Chief Peguis Trail; b) street improvements on Pipeline Road between Leila Avenue and the future

Chief Peguis Trail; and c) improvements and traffic control signal installation at the intersection of Pipeline Road & Leile Avenue.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 17/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 17/03, attached hereto and dated July 14, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

II. That the Developer be required to enter into an Addendum to Development Agreement No. 3/1996 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 2nd, 2003;

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 17/03, attached hereto and dated July 14, 2003, to a "R1-4" Residential District and a "PR-1" Parks & Recreation District.

IV. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

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

VI. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Addendum to Development Agreement No. 3/1996.

VII. 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.

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

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 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 this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

Yours truly,

C. Knoll
Acting Manager of Planning and Land Use

_____

Per: David Marsh , AICP, Planner
Lord Selkirk – West Kildonan Community
986-5549

By-Law No. _____

File No. **DASZ 17/03**

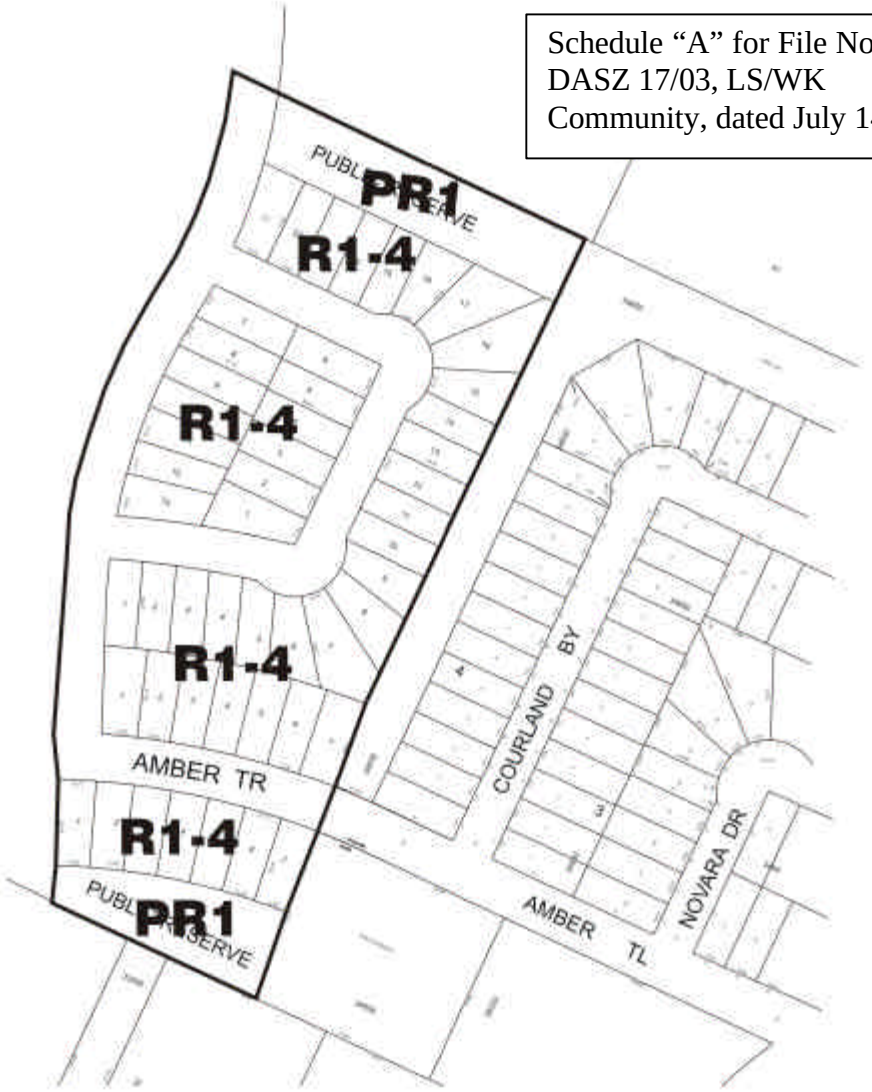
Atlas Sheet No. **R22**

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. 6400/94 by rezoning the land located west of Courland Bay, on the north and south sides of Amber Trail from an "A.5" AGRICULTURAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT and an "R1-4"SINGLE-FAMILY DISTRICT as shown outlined below.

Schedule "A" for File No. DASZ 17/03, LS/WK Community, dated July 14/03



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Re: Proposed subdivision and rezoning on land located west of Courland Bay, north and south sides of Amber Trail – DASZ 17/03

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE LORD SELKIRK-WEST KILDONAN COMMUNITY COMMITTEE

ORIGINAL SIGNED BY E. L. CARRIERE, P. ENG.

_____

E.L. Carrière
Chairman
Administrative Coordinating Group

July 2, 2003

Re: Proposed subdivision and rezoning on land located west of Courland Bay, north and south sides of Amber Trail – DASZ 17/03

An application has been submitted by Genstar Development Company to subdivide and rezone land located west of Courland Bay, north and south sides of Amber Trail. The subject land is located immediately west of Amber Trails covered under Development Agreement AG 3/96 and addenda thereto.

It is recommended that approval of this application be subject to the Developer submitting a land drainage report prepared by a qualified engineer outlining the proposed interim land drainage servicing and also submitting updated Servicing Criteria Sheets for the Amber Trails development.

It is also recommended that approval of this application be subject to the Developer entering into a further Addendum to Development Agreement AG 3/96 as follows:

1. By attaching a plan showing the land covered under DASZ 17/03;
2. By attaching a plan showing the servicing requirements for the land covered under DASZ 17/03 including a looped watermain, the land drainage interconnecting pipe in Amber Trail from its current terminus to the proposed stormwater retention basin and including an oversized wastewater sewer in Amber Trail from its current terminus to the west limit of the proposed subdivision;
3. By adding a clause requiring the Developer to pay the land drainage TSR, the Leila Trunk user Charge and the wastewater sewer oversizing charge attributable to the land covered under DASZ 17/03. (The cost of constructing the interconnecting land drainage pipe will be credited against the TSR and the cost of constructing the oversized wastewater sewer in this phase will be credited against the Developer's wastewater sewer oversizing charge.)
4. By adding a clause requiring the Developer to construct a sidewalk on the south side of Amber Trail at the same time as the adjacent concrete pavement is constructed;
5. By adding a clause requiring the Developer to pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the addendum to Development Agreement AG 3/96.
6. By adding a clause dealing with the provision of public open space within the land covered under DASZ 17/03. Currently the Developer is entitled to the following credits in connection with dedication:

    i) Land 2.903 acres
    ii) Landscaping 2.103 acres
    iii) Services 109m

7. By adding a clause as follows:

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 Trails from Pipeline Road and Leila Avenue including, but not necessarily limited to, the intersection of Allan Blye Drive and Mandalay Drive with Leila Avenue and the intersections of the two ease-west streets entering Amber Trails from Pipeline Road.

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

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

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

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 17/03
July 2, 2003

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ORIGINAL SIGNED BY E. L. CARRIERE, P. ENG.

_____

Land Development Engineer

ORIGINAL SIGNED BY F. L. MAZUR, P. ENG.

_____

Water and Waste Department

ORIGINAL SIGNED BY R.J. HARTMANN, P. ENG.

_____

Public Works Department
Transportation Division