Agenda – Executive Policy Committee – January 11, 2017

REPORTS

Item No. 1 Subdivision – Aldgate Road at Guernesy Lane
(St. Vital Ward)
File DAS 16/2016

COMMUNITY COMMITTEE RECOMMENDATION:

On December 5, 2016, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DAS 16/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 16/2016 dated November 25th, 2016 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, execute and deliver a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 12th, 2016, which is Schedule "B" of this report.

2. That, if applicable, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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 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.

8. 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.

9. 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.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On December 5, 2016, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision – Aldgate Road at Guernesy Lane**
File DAS 6/2016

For submission to: **Executive Policy Committee**

Prepared by: **Rochelle Viray, Assistant Committee Clerk**
Riel Community Committee

Report date: **December 6, 2016**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 5, 2016, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DAS 16/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 16/2016 dated November 25th, 2016 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, execute and deliver a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 12th, 2016, which is Schedule "B" of this report.

2. That, if applicable, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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 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.

8. 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.

9. 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.

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. This was a school site that was not accessed by the school divisions; grass had different heights in the future cul-de-sac.

2. This is fitting with the neighbourhood; is an infill project.

PUBLIC HEARING SUMMARY

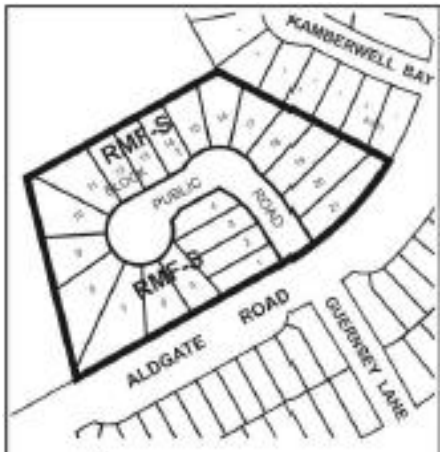
File: DAS 6/2016

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Allard
Councillor Lukes

Public Hearing: December 5, 2016
Council Building, 510 Main Street

Applicant: Qualico Developments (Winnipeg) Ltd.

Subject:



APPLICANT : QUALICO DEVELOPMENTS LTD.
FILE : DAS 16/16
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council for the creation of residential building lots and the establishment of a new right-of-way for future development. **For information, phone Ms. E. Finnigan, Planner, at 204-986-8602.**
DEMANDEUR : QUALICO DEVELOPMENTS LTD.
N° DE DOSSIER : DAL 16/16
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus visant à permettre la création de lots résidentiels et l'aménagement d'une nouvelle emprise en vue d'aménagements futurs. **Pour plus de renseignements, communiquez avec Mme E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: Aldgate Road at Guernesy Lane

Exhibits Filed:

1. Application dated March 30, 2016
2. Notification of Public Hearing dated October 13, 2016
3. Manitoba Status of Title 2427033/1
4. Caveats 114733, 3872871
5. Title plot highlighting location of Certificate of Title
6. Proposed plan of development with lotting table highlighting proposed lot widths and areas
7. Sketch outlining proposed development's location within River Park South
8. By-law No. 4626/87 passed by Council on June 18, 1987, File DASZ 31/84
9. Report from the Urban Planning Division dated November 22, 2016
10. Inspection Report

REPRESENTATIONS:

In Support:

Eric Vogan
Lyne Jones
Jordan Sodomsky
Trevor Grafton
John Daniels

In Opposition

Nil

For Information:

Nil

For the City:

G. Jasper, Land Development Administrator, Planning, Property and Development Department
R. Mahé, Planner, Planning, Property and Development Department
E. Finnigan, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department

Exhibit "9" referred to in File DAS 16/2016

ADMINISTRATIVE REPORT

Title: DAS 16/2016 – Aldgate Road at Guernesy Lane

Issue: An application for consideration at the public hearing for a subdivision to create twenty-one (21) single family lots and open a right-of-way.

Critical Path: Riel 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
B. Smith	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DAS 16/2016 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 16/2016 dated November 25th, 2016 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, execute and deliver a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 12th, 2016, which is Schedule "B" of this report.

2. That, if applicable, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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 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.

8. 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.

9. 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 intends to create twenty-one (21) residential lots. This proposal requires a DAS subdivision application given the proposed development includes the opening of a cul-de-sac.
- Subdivisions that include public road openings 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 Public Service are concurred in, the subject property will be subdivided as proposed and a public right-of-way will be opened.

HISTORY

DASZ 31/84 (B/L 4626/87)

- In 1986 Council approved DASZ 31/84 which involved the subdivision and rezoning of approximately 121 hectares (300 acres) of land located north of the Perimeter Highway, west of St. Anne's Road, east of Paddington Road and south of John Forsyth Road. This site is now part of the River Park South neighbourhood. The application identified a number of potential school sites including the subject property.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Elise Finnigan, MA Planning
Date:	November 22nd, 2016
File No.	DAS 16/2016

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — File No. DAS 16/2016 Riel Community Committee, dated November 25th, 2016
3. Schedule “B” — Report of the Administrative Coordinating Group (ACG)

APPENDIX 'A'

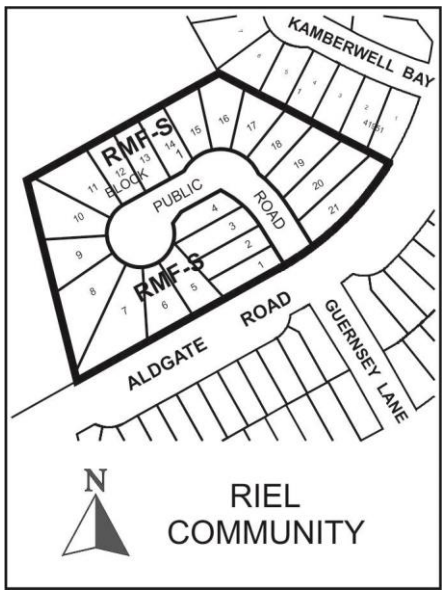
DATE: November 22nd, 2016

FILE: **DAS 16/2016**
RELATED FILES: DASZ 31/84

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.530 – Dakota Crossing

SUBJECT: An application for consideration at the public hearing for a subdivision to create twenty-one (21) single family lots and open a right-of-way.

LOCATION: Aldgate Road at Guernsey Lane
LEGAL DESCRIPTION: LOT 1 BLOCK 14 PLAN 21526



APPLICANT: Sage Creek Development Corporation (Jordan Sodomsky)
1 Dr. David Friesen Drive
Winnipeg, MB R3X 0G8

OWNER: Sage Creek Development Corporation
1 Dr. David Friesen Drive
Winnipeg, MB R3X 0G8

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject site is located on the north side of Aldgate Road between Guernsey Lane and Twickenham Circle in the Dakota Crossing neighbourhood of the St Vital ward.
- The site is vacant and is **4 acres in area**.
- The property is within the Areas of Stability – Recent Communities Policy Area under the *Complete Communities Direction Strategy*. The property is zoned RMF-S (Residential Multi-Family Small).



Figure 1: Aerial photograph showing the location of the subject site and surrounding area (2016)

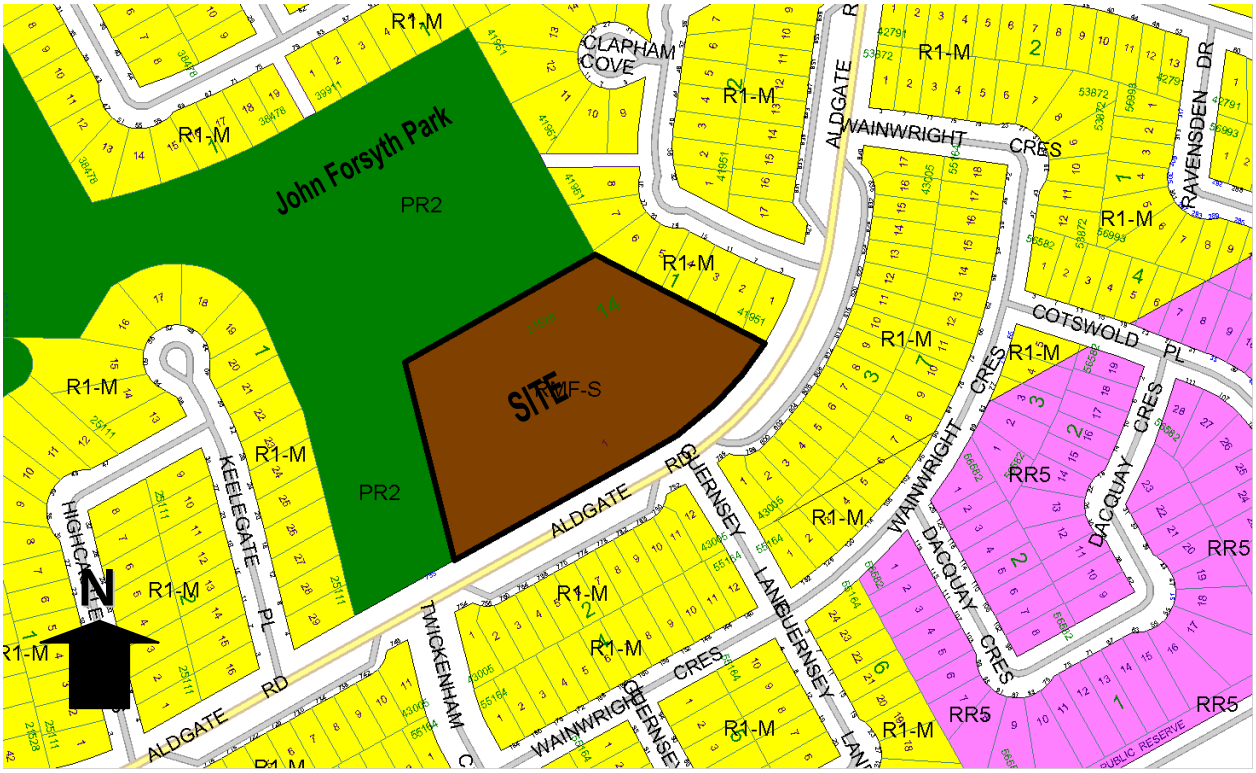
SURROUNDING LAND USES AND ZONING (See Figure 2)

North: John Forsyth Park zoned Parks and Recreation 2 (Community) (PR2); then single-family homes zoned Residential Single-Family Medium (R1-M).

South: Aldgate Road; then single-family homes zoned Residential Single-Family Medium (R1-M).

East: Single-family homes zoned Residential Single-Family Medium (R1-M).

West: John Forsyth Park zoned Parks and Recreation 2 (Community) (PR2); then single-family homes zoned Residential Single-Family Medium (R1-M).


John Forsyth Park
PR2
SITE
R1-M
R1-M
R1-M

- 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 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.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- Under the original subdivision and rezoning application from 1984 (DASZ 31/84), a number of properties were identified as potential school sites including the subject property. The schools for the Riverpark South area have since been constructed on other sites in the area and, as such, the subject property is no longer required to be held as a future school site.
- As previously noted, the site is located in the Areas of Stability – Recent Communities policy area under *the Complete Communities Direction Strategy*. Policies guiding development in the Recent Communities policy area support the subdivision of a parcel of land into two or more lots when it is done in a context-sensitive manner.
- The Urban Planning Division is recommending approval of the proposed cul-de-sac with single-family residential lots as it is consistent with the existing built form and character of the surrounding neighbourhood.

LAND DEDICATION

- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The Public Service is requesting 'cash-in-lieu' for this development if applicable.

RECOMMENDATION

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

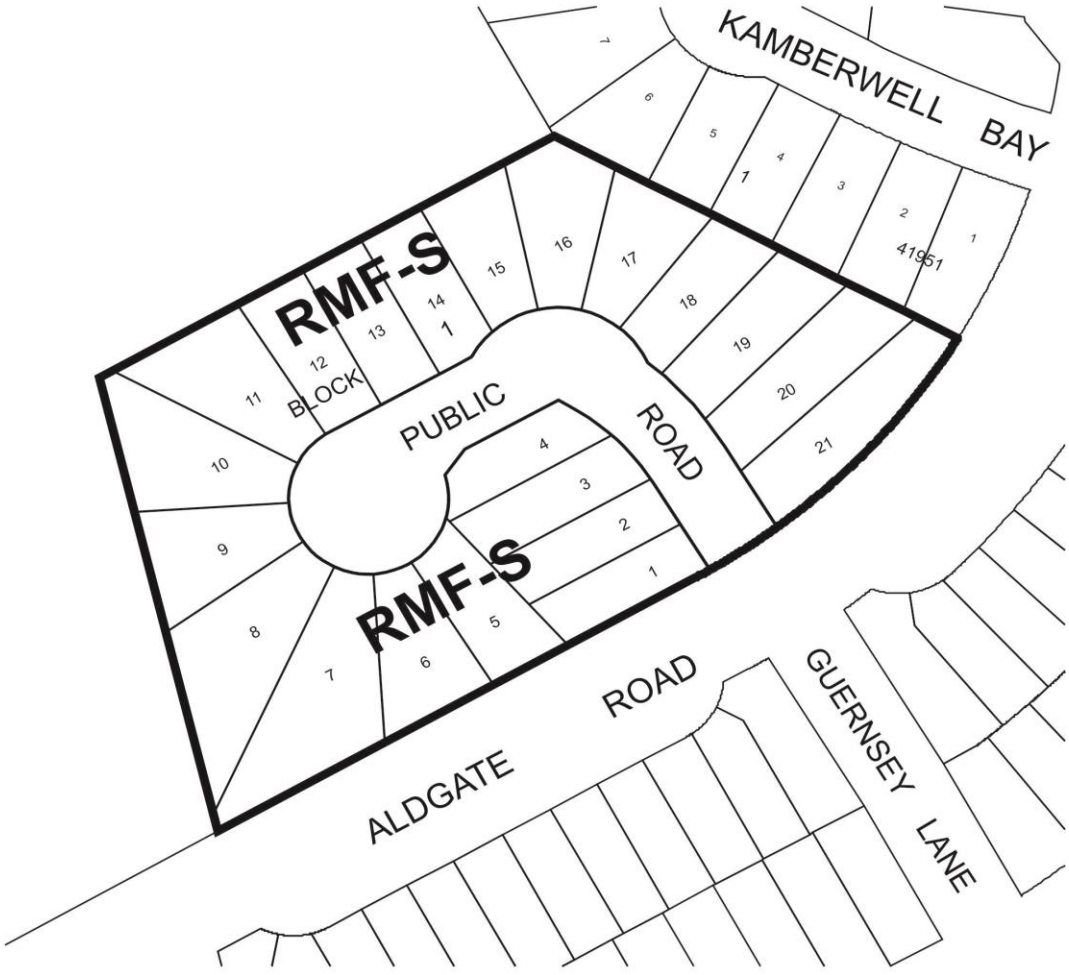
- The proposal is consistent with the policies of *OurWinnipeg* and the *Complete Communities Direction Strategy* which supports context sensitive infill development that addresses the transition between new and existing development.
- The proposed cul-de-sac with single-family lots is consistent with the existing built form and character of the surrounding neighbourhood.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Elise Finnigan, MA Planning

PPD File # DAS 16/2016

Schedule "A" for File No. DAS 16/2016, Riel Community Committee, dated November 25th, 2016

By-Law No.	File No. **DAS 16/16**
Atlas Sheet No. **AK29 RIEL COMMUNITY** (N)	Explanation: An application for the approval of the plan of subdivision shown outlined below on the land located at the former school site, north of Aldgate Road at Guernsey Lane for the creation of residential building lots and the establishment of a new right-of-way for future development.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – October 12th, 2016

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT THE FORMER SCHOOL SITE, NORTH OF ALDGATE ROAD AND GUERNSEY LANE – DASZ 16/2016

It is recommended that the approval of DASZ 16/2016, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. PLAN CONSIDERATIONS

1) The proposed public road is to be established with an 18.0m right-of-way (20.0m if the land drainage sewer is 525mm in diameter or greater), as determined by and to the satisfaction of the Director of Public Works.
2) The Developer shall, at no expense to the City, legally open right-of-way to accommodate the proposed cul-de-sac turnaround consistent with the dimensions, as per the City's Transportation Standards Manual (M-10 or ST-90A).
3) The proposed cul-de-sac street shall not exceed a length of 105m.
4) The centrelines of the proposed public road and Guersney Lane shall be coincident, as determined by and to the satisfaction of the Director of Public Works.

B. SERVICING REPORTS

The Developer shall:

a) provide a comprehensive servicing report, prepared by a qualified municipal engineer, outlining the provision of underground services for the planned area and adjacent lands

b) submit Servicing Criteria sheets for water, wastewater and land drainage facilities including plans showing the current and ultimate service areas

C. SERVICING REQUIREMENTS

1) Wastewater Sewers

The Developer shall, at no expense to the City, construct and install wastewater sewers required to serve the Planned Area as indicated in the servicing report all to the satisfaction of the Director of Water and Waste.

2) Watermains

The Developer shall, at no expense to the City, construct and install watermains required to serve the Planned Area as indicated in the servicing report all to the satisfaction of the Director of Water and Waste.

3) Lot Line Services

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.

4) Land Drainage

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

5) Stormwater Management Facilities

The Developer's share of the stormwater management facilities owing under this agreement shall be credited against the cost of the facilities previously constructed by the Developer as determined by the Director of Water and Waste.

6) Lot Grading

a) Upon registration of the approved plan of subdivision mylars in the Land Titles Office, the Developer shall, at no expense to the City, provide to the City all easements the City considers necessary with respect to the installation, construction, maintenance, and replacement of swales, catchbasins, and leads for drainage of the Planned Area.

b) Prior to the issuance of building permits, the Developer shall, at no expense to the City:

i. Submit to the City, for approval, a lot grading plan for the Planned Area, prepared by a municipal engineer; and

ii. Construct all swales, catchbasins, and leads necessitated by the approved lot grading plan

7) Pavements

a) The Developer shall, at no expense to the City, construct Portland cement concrete pavement, 7.5m wide by 150mm thick in the proposed public road and all related works including, but not necessarily limited to ornamental street lighting, boulevard landscaping and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, at no expense to the City, construct the proposed cul-de-sac as per the City's Transportation Standards Manual (M-10 or ST-90A), as determined by and to the satisfaction of the Director of Public Works.

8) Street Name Signs

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.

9) Boulevards

a) The Developer shall, at no expense to the City, sod and plant trees, on all boulevards within and fronting on the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

b) The Developer shall, at no expense to the City, maintain the sod for a period of one year and the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

10) Construction Traffic

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.

11) Utilities

a) 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.

b) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.

c) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

12) Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup 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.

13) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

C. COSTS AND FEES

1. By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2. Professional Fees

a) 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 Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

b) 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 engineering consulting services

related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $2138.00/acre of the planned area to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 16/2016
November 25, 2016

"*Original Signed by G. Jasper"*
G.V. Jasper P. Eng.,
Land Development Branch

"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Water & Waste Department

"*Original Signed by C. Desjardine"*
C.J. Desjardine P. Eng.
Public Works Department

GJ/gj