Agenda - Council - June 23, 2004

Report - Standing Policy Committee on Property and Development - June 8, 2004

Item No. 16 Subdivision and Rezoning - north of Amber Trail, south of Templeton Avenue, west of Courland Bay in Amber Trail north and west of Danube Drive
File DASZ 12/2004

STANDING COMMITTEE RECOMMENDATION:

On June 16, 2004, 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 12/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 12/2004 dated May 4, 2004, 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 AG 3/96 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 3, 2004.

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 outlined on Schedule "A" for File DASZ 12/2004 dated May 4, 2004 to a "R1-4" Residential District.

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

Report - Standing Policy Committee on Property and Development - June 8, 2004

6. 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 and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

7. 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.

8. That in the event 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 Council extends that time.

Report - Standing Policy Committee on Property and Development - June 8, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2004, 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 June 8, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 18, 2004, 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 Rezoning - north of Amber Trail, south of Templeton Avenue, west of Courland Bay in Amber Trail north and west of Danube Drive**
File DASZ 12/2004

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

Prepared by: **Diane Timmins, Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **May 27, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 18, 2004, 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 12/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 12/2004, and dated May 4, 2004, 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 AG 3/96 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 3, 2004.

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 outlined on Schedule "A" for File DASZ 12/2004, and dated May 4, 2004 to a "R1-4" Residential District.

4. That in the event the 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 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 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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

7. 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.

8. 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 Council extends that time.

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

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated May 4, 2004 and in the report from the Administrative Coordinating Group dated May 3, 2004.

PUBLIC HEARING SUMMARY

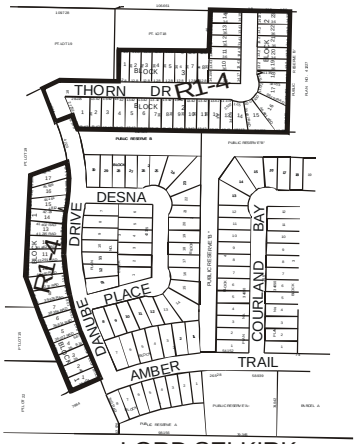
File: DASZ 12/2004

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

Public Hearing: May 18, 2004
Council Chamber, Council Building
510 Main Street

Applicant: Genstar Development Company

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : GENSTAR
DEVELOPMENT COMPANY

FILE : DASZ 12/04

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 an "R1-4" SINGLE-FAMILY DISTRICT to allow for the creation of sites for single family development. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected:	north of Amber Trail, south of Templeton Avenue, west of Courland Bay in Amber Trail, north and west of Danube Drive

Exhibits Filed:

1. Application dated April 19, 2004
2. Notification of Public Hearing dated April 21, 2004
3. Manitoba Status of Titles 1992670 and 1992669
4. Plan
5. Report from the Manager of Planning and Land Use dated May 4, 2004
6. Report from the Administrative Coordinating Group dated May 3, 2004
7. Inspection Report

REPRESENTATIONS:

In Support:

Andrew Hretsay, on behalf of Anson Development
Greg Jasper, on behalf of Genstar Development Company

In Opposition:

Nil

For the City:

Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Greg Jasper, on behalf of Genstar Development Company, appeared in support of the application and indicated concurrence in the reports of the Manager of Planning and Land Use dated May 4, 2004 and the Administrative Coordinating Group dated May 3, 2004.

Exhibit “5” referred to in File DASZ 12/2004

In reply please refer to / Référence à rappeler : **John S. Wintrup**
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. DASZ 12/04 May 4, 2004
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, South of Templeton, West of Courland Trails
Lord Selkirk – West Kildonan Community Committee
File No. DASZ 12/04

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 District.

RELATED FILES: DASZ 34/88; DASZ 3/93; DASZ 1/02; DASZ 17/03



SITE DESCRIPTION:

Site Area: The site area is approximately 7.1 acres.

Existing Land Use and Zoning: Vacant land designated "A-5" Agricultural District.

Surrounding Land Use and Zoning:

North: Vacant land zoned "A-5" Agricultural District.
South: Single family dwellings zoned "R1-4"; "PR-1" park land and vacant "A-5" Agricultural District.
East: Single family dwellings zoned "R1-4"
West: Vacant land zoned "A-5" Agricultural District.

DEVELOPMENT DESCRIPTION:

The applicant proposes to rezone the property to "R1-4" residential, and subdivide the property.

The subject site is proposed to be developed as Phase 5 of the existing Amber Trails residential development. It is part of an overall concept plan put forward by Genstar for development that encompasses an area extending west as far as Ritchie Street and north as far as the future proposed Kildonan Corridor (north of Templeton Avenue) (Figure 4). This is only a concept plan for the area as a possible future. This concept may or may not prove viable or fair to the existing landowners. Thus, the City of Winnipeg remains flexible as to the future development of the vacant lands and Genstar's continued development of Amber Trails.

Table 1: Amber Trials Development by Phase.

Phase	File Number	Acres	Number of Lots	Zoning
1	DASZ 34 / 1988	54	170	R1-5
2	DASZ 3 / 1996	25	110	R1-4
3	DASZ 1 / 2002	12	49	R1-4
4	DASZ 17 / 2003	11	50	R1-4
5	DASZ 12 / 2004	7	54	R1-4

Genstar made an application (DASZ 3 / 1993) for a proposed Phase 3 that was not proceeded with due to changes in the market, and the availability of land further east. The proposed phase 5 takes in some of this previous application's lands.

The applicant is proposing to develop fifty-four (54) single family residential lots. Seventeen lots will be developed on the west side of Danube Drive across from Phase 4. The applicant is proposing to extend Danube Drive north and construct Thorn Drive west to connect with Templeton. Thirty-seven (37) residential lots will be developed along Thorn Drive, which will be

north of Phase 4. The lots will range in widths from 41 feet to 45 feet. The lot areas will range from 4,000 square feet to 10,000 square feet.

Access will be from Amber Trail and Templeton Avenue. Thorn Drive will be the second access for Amber Trials onto Templeton Avenue. Novara Drive further east is the first access point connected to Templeton Avenue as part of Phase 3.

PLAN WINNIPEG:

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

ADMINISTRATIVE COMMENTS:

The Department supports single family residential use on the subject lands. The proposed use is consistent with the surrounding single family residential uses in the Amber Trails Neighbourhood. The proposed zoning designation will further add single family dwellings in the neighbourhood and accommodate the growing demand for housing in the Old Kildonan community. Phase 5 can be considered orderly development since it is contiguous of the previous phase. Payment in lieu of the requirement for land dedication based on the creation of additional building lots on the land is not required – it has been fully satisfied under Development Agreement AG 3/96.

The Department's only concern is that the concept plan and the previous application for the west side of Danube Drive indicated these residential dwellings would back onto a retention lake. This may be an issue for potential residents when a lake is constructed in a later phase.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 12/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 12/2004, attached hereto and dated May 4, 2004, 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 AG 3/96 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 3, 2004.

II. 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 12/2004, attached hereto and dated May 4, 2004 to a "R1-4" Residential 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 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 be requested to prepare the necessary by-law in accordance with the above.

VI. 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, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VII. 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.

VIII. 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 Council extends that time.

Final

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: John S. Wintrup, Planner
Lord Selkirk – West Kildonan Community
986-5102

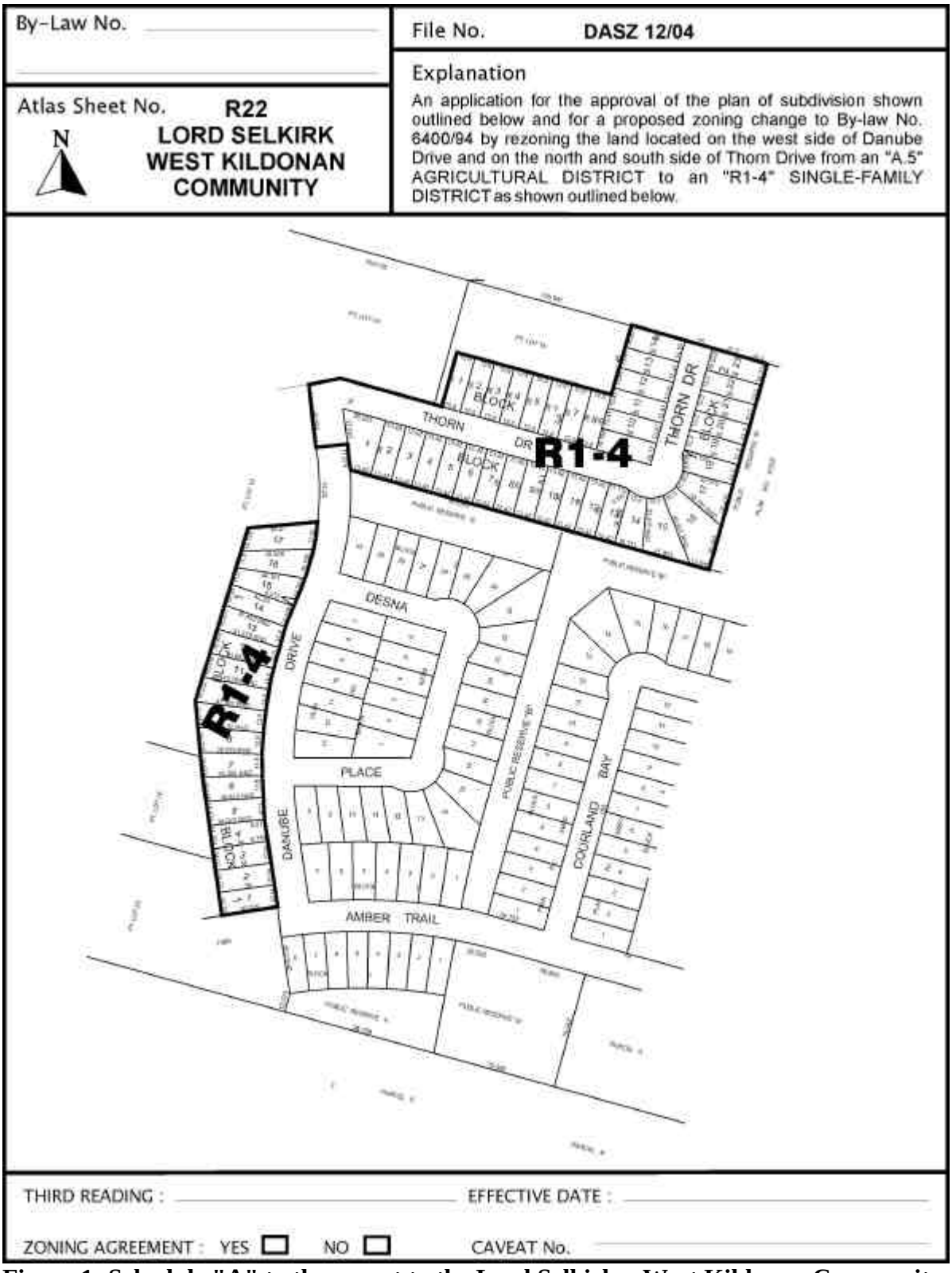


Figure 1: Schedule "A" to the report to the Lord Selkirk – West Kildonan Community Committee for File No. DASZ 12/04, dated May 4, 2004.

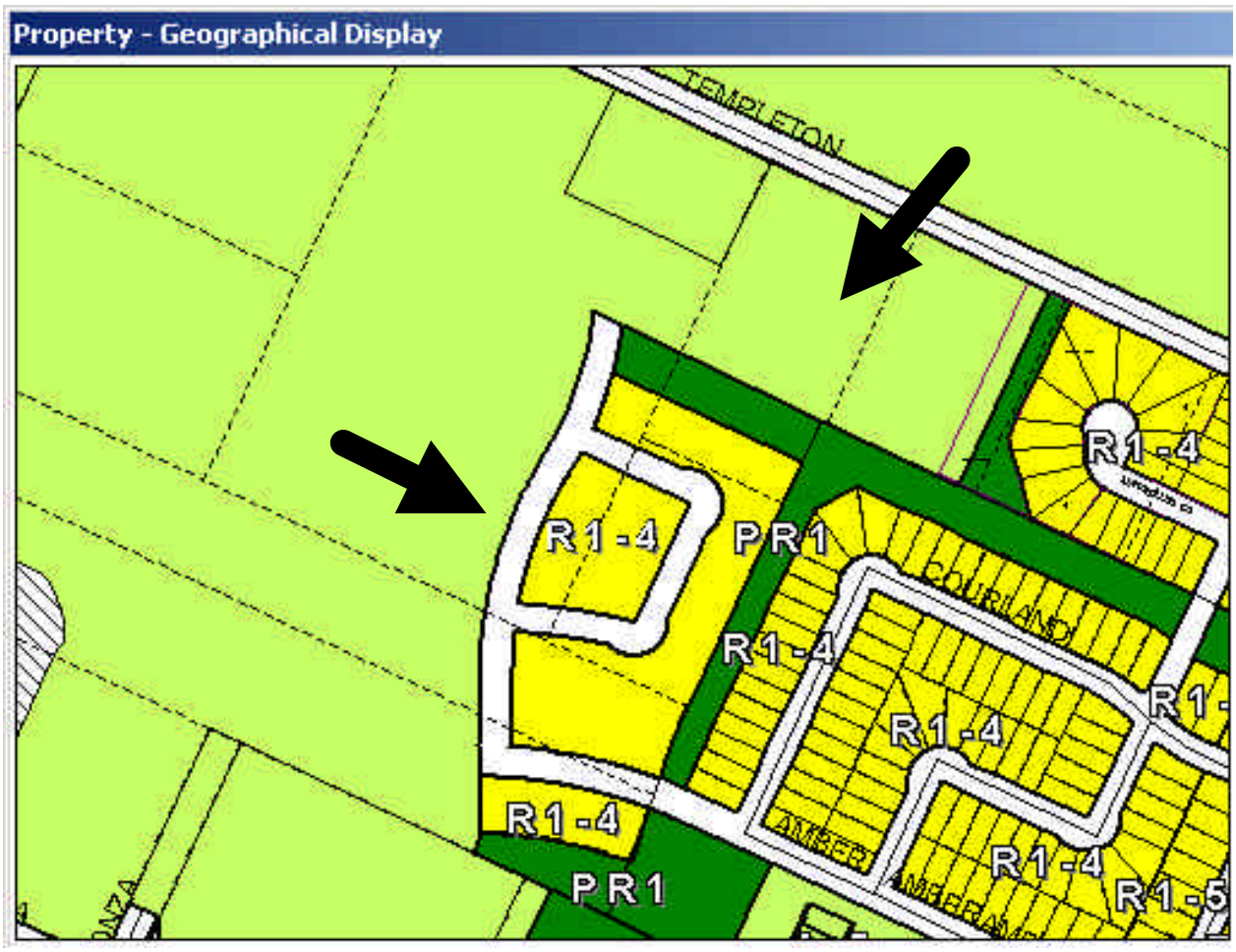


Figure 2: Existing Zoning for subject property and Surrounding Area.



Figure 3: Existing Land-Uses for subject property and Surrounding Area.

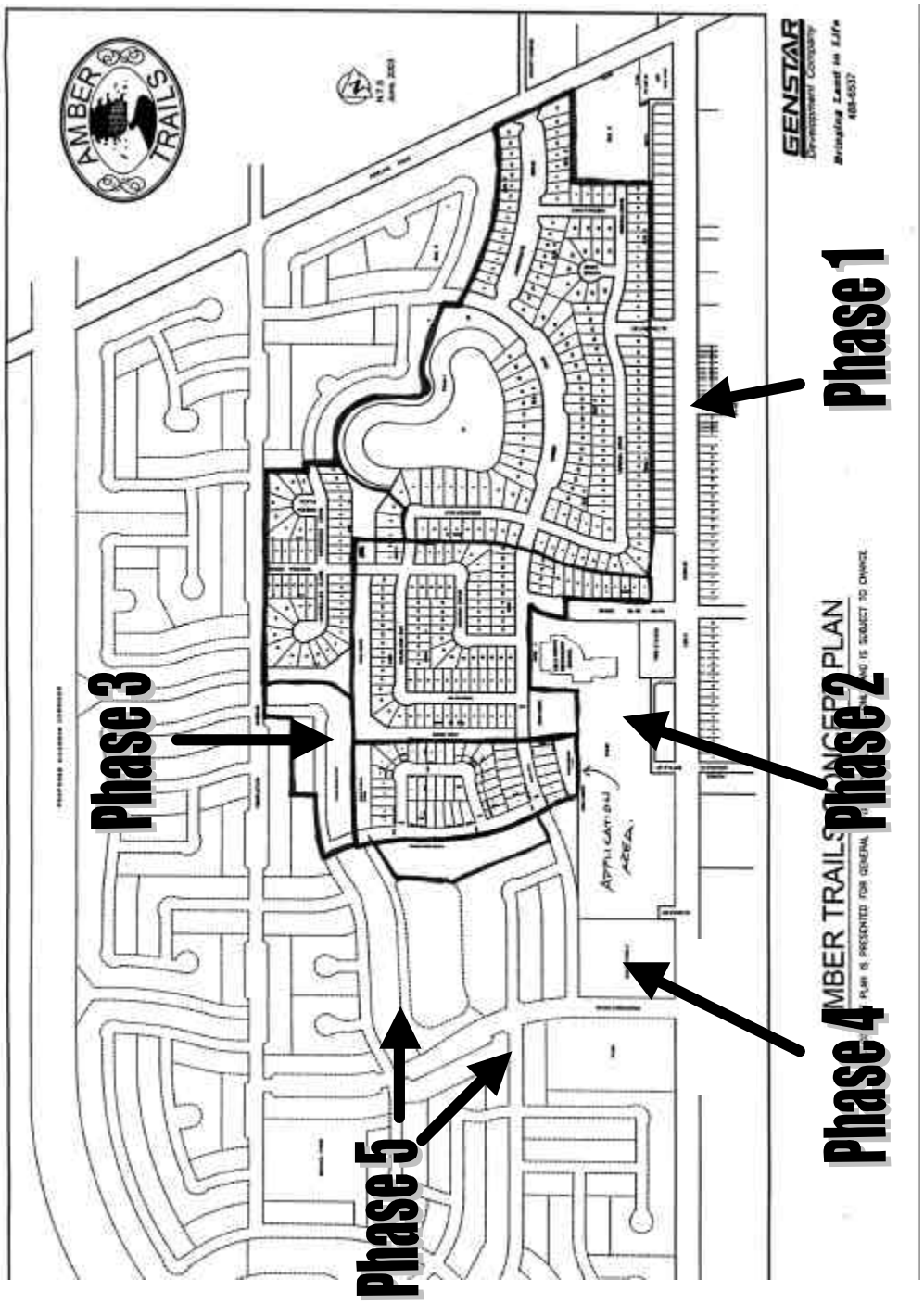


Figure 4: Concept Plan and Phases of Amber Trails

Exhibit “6” referred to in File DASZ 12/2004

Re: Proposed subdivision and rezoning on land located west of Danube Drive and north of Desna Place – DASZ 12/04

An application has been submitted by Genstar Development Company to subdivide and rezone land located west of Danube Drive and north of Desna Place. The subject land is located adjacent to Amber Trails covered under Development Agreement AG 3/96 and addenda thereto.

It is recommended that the Developer amend the plan by providing a 3.0m by 3.0m corner cut at the southeast corner of Danube Drive and Thorn Drive.

It is also recommended that approval of the amended 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 12/04;

2. By attaching a plan showing the servicing requirements for the land covered under DASZ 12/04;

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 12/04.

4. 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.

5. By adding a clause dealing with the provision of public open space within the land covered under DASZ 12/04. Currently the Developer is entitled to the following credits in connection with dedication:

   i) Land 3.585 acres
   ii) Landscaping 2.785 acres
   iii) Services 109m

6. 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.

7. By adding a clause acknowledging the Developer's share of the cost of services to be installed by the City and others in Templeton Avenue abutting the proposed subdivision as determined by the Director of Public Works.

8. By adding a clause requiring the Developer to maintain Templeton Avenue in a dust free condition from the west limit of the proposed subdivision to Pipeline Road as determined by and to the satisfaction of the Director of Public Works.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 12/04
May 3, 2004

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"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division