Agenda - Council - February 23, 2005

Report - Standing Policy Committee on Property and Development - February 1, 2005

Item No. 5 Subdivision and Rezoning - west of Danube Drive, south of Templeton Avenue
File DASZ 43/2004

STANDING COMMITTEE RECOMMENDATION:

On February 16, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 43/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 43/2004 dated December 29, 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 December 21, 2004;

   B. That the plan of subdivision be revised to shift the alignment of the proposed Strasbourg Drive to the east to avoid going through the former City landfill site.

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 43/2004 dated December 29, 2004, to an "R1-4" Residential District and a "PR-1" Parks and Recreation 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.

Report - Standing Policy Committee on Property and Development - February 1, 2005

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 Development Agreement.

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 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 - February 1, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 16, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 1, 2005, 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 January 11, 2005, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That recommendation 1.B. be deleted in its entirety and recommendation 1.C. be renumbered 1.B.,

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - west of Danube Drive, south of Templeton Avenue**
File DASZ 43/2004

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

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

Report date: **January 14, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 11, 2005, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 43/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 43/2004 dated December 29, 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 December 21, 2004;

    ~~***B. That the Developer revise the plan of subdivision to provide a minimum fifteen (15') foot wide pedestrian corridor with a sidewalk and landscaping from the intersection of Odessa Cove and Thorn Drive to the open space corridor immediately to the south***~~.

    B**.** That the Developer revise the plan of subdivision to shift the alignment of the proposed Strasbourg Drive to the east to avoid going through the former City landfill site.

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 43/2004 dated December 29, 2004, to an "R1-4" Residential District and a "PR-1" Parks and Recreation 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.

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision 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 Council extends that time.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated December 29, 2004, and in the report from the Administrative Coordinating Group dated December 17, 2004.

PUBLIC HEARING SUMMARY

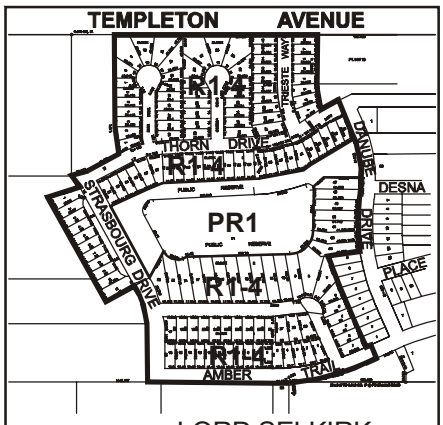
File: DASZ 43/2004

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

Public Hearing: January 11, 2005
Council Chamber, Council Building
510 Main Street

Applicant: Genstar Development Company (G. V. Jasper)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : GENSTAR DEVELOPMENT COMPANY
FILE : DASZ 43/04
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 a "PR1" PARKS AND RECREATION DISTRICT and an "R1-4" SINGLE-FAMILY DISTRICT. **For information, phone Mr. D. Marsh, Planner at 986-5549.**

Premises Affected: west of Danube Drive, south of Templeton Avenue

Exhibits Filed:

1. Application dated November 5, 2004
2. Notification of Public Hearing dated December 15, 2004
3. Manitoba Status of Titles 1992669, 1992670, 1992672, 1697271, and 1697323
4. Plans (2 pages)
5. Caveat 2944042 dated January 23, 2004
6. Report from the Manager of Planning and Land Use dated December 29, 2004
7. Report from the Administrative Coordinating Group dated December 17, 2004
8. Inspection Report

REPRESENTATIONS:

In Support:

Greg V. Jasper, Genstar Development Company

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. C. Torpey, Land Development Engineer, Planning, Property and Development Department
Mr. D. Marsh, Planner, Planning, Property and Development Department
Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Greg V. Jasper, on behalf of Genstar Development Company, appeared in support of the application. Mr. Jasper stated concurrence in the recommendations outlined in the administrative reports with the exception of recommendation numbered 1.B. in the report of the Manager of Planning and Land Use dated December 29, 2004 requiring the Developer to provide a minimum fifteen (15') ft. wide pedestrian corridor with a sidewalk and landscaping from the intersection of Odessa Cove and Thorn Drive to the open space corridor immediately to the south. In this connection, Mr. Jasper requested this condition should be deleted inasmuch as there was no need

for a pedestrian walkway given that the proposed plan of subdivision has public open space on the entire north side. Mr. Jasper further added the developer cannot physically build a pathway, as requested, because of the slope of the property. With respect to the Developer's servicing requirements under the Administrative Coordinating Group report, Mr. Jasper indicated he has had discussions with the Administration concerning the cost sharing formula for the surface works in Pipeline Road and Leila Avenue and noted that the cost-sharing formula contained therein differs from that used in other areas or similar circumstances. Mr. Jasper advised Committee that so as to not delay the subject application, the Administration has agreed to submit a separate report to the Community Committee for its review and that he was amenable to such proposal.

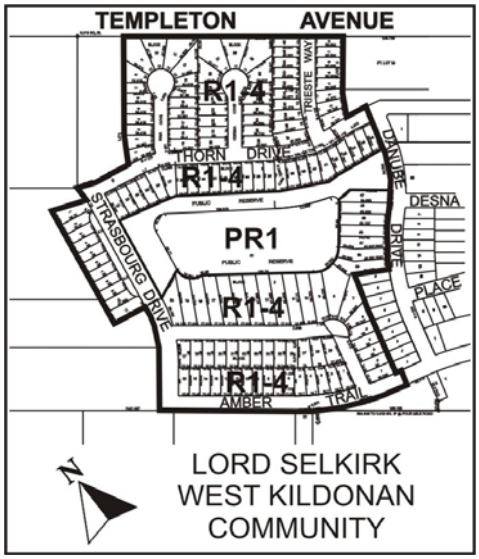
Exhibit "6" referred to in File DASZ 43/2004

Planning, Property and Development Department Report

To the Lord Selkirk – West Kildonan Community Committee

Date: December 29th, 2004
File: DASZ 43/04
Related Files: DASZ 34/88; DASZ 3/93; DASZ 1/02; DASZ 17/03; DASZ 12/04.
Subject: 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 a "R1-4" Residential District and "PR1" Parks and Recreation District to permit development of the next phase of the Amber Trails development.

Location: Land located West of Danube Drive, South of Templeton Ave
Legal Description: None provided.



Applicant: Genstar Development
Owner: Genstar Development

Recommendation: Approval with conditions.

Report Summary: Phase VI of the Amber Trails development.

Site Description

Existing Land Use and Zoning:

The subject site is currently vacant, and is zoned "A-5" Agricultural. A small portion of the site located immediately to the west of Danube Drive was rezoned to "R1-4" Residential under DASZ 12/ 2004. The area of the proposed development is approximately thirty-eight (38) acres in size.

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.

Background

The subject site is proposed to be developed as Phase 6 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). 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
6	DASZ 43/2004	38	146	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. Phase 5 takes in some of this previous application's lands.

Description of the Proposed Development

The applicant is proposing to develop one hundred & forty-six (146) single family residential lots on the subject lands, in addition to a 4.56 acre storm water retention basin and a continuation of the Amber Trails linear open space system. Seven lots subdivided on the west side of Danube Drive as part of DASZ 12/2004 have been included in this application in order to 're-subdivide' these as lakefront lots. The lots will range in widths from 44 feet to 56 feet, and in area from 5,000 square feet to 12,000 square feet.

Access will be from Amber Trail and Danube Drive. Thorn Drive will be the second access for Amber Trials onto Templeton Avenue, as well as Trieste Way. A connection from Strasbourg Drive south to the Leila Avenue alignment will occur in a future phase.

Analysis

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. This phase can be considered orderly development since it is contiguous of the previous phase.

Two issues of concern for the Planning & Land Use Division is the extensive distance along Thorn Drive without an access point to the proposed open space corridor to the south, and the need to alter the proposed alignment of Strasbourg Drive. At present, the current subdivision design proposes an approximately one thousand and one hundred foot (1,100 feet or 330m) expanse of single family residential lots without provision of a pedestrian connection from Thorn Drive to the open space corridor. The Planning & Land Use recommends that a minimum fifteen (15') foot wide pedestrian corridor with a sidewalk and landscaping be provided from the intersection of Odessa Cove and Thorn Drive to the open space corridor immediately to the south. In regards to Strasbourg Drive, it is recommended that the proposed alignment of the street be shifted eastward to avoid the street going through the former City landfill site to south-southwest.

Plan Winnipeg Compliance:

The subject parcels fall with a designated Neighbourhood Policy Area under Plan Winnipeg which allows for a variety of residential, commercial, institutional, and mixed uses; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

Recommendation

The Planning and Land Use Division recommends approval for the following reasons:

- The proposed development is in compliance with Plan Winnipeg & its policies;
- The proposed development is an extension to the existing Amber Trails development;

- The proposed development is contiguous to the previous phase of Amber Trails, and thus may be considered orderly development.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File DASZ 43/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 43/2004 attached hereto and dated December 29, 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 3/1996 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 21, 2004;

   B. That the Developer revise the plan of subdivision to provide a minimum fifteen (15') foot wide pedestrian corridor with a sidewalk and landscaping from the intersection of Odessa Cove and Thorn Drive to the open space corridor immediately to the south.

   C. That the Developer revise the plan of subdivision to shift the alignment of the proposed Strasbourg Drive to the east to avoid going through the former City landfill site.

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 43/2004, attached hereto and dated December 29, 2004, to a "R1-4" Residential District and a "PR1" Parks and Recreation 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.

6. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision 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 Council extends that time.

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

Report Prepared by: David Marsh AICP, Planner
PPD File # 300 (.337)

Schedule "A"

By-Law No. _____

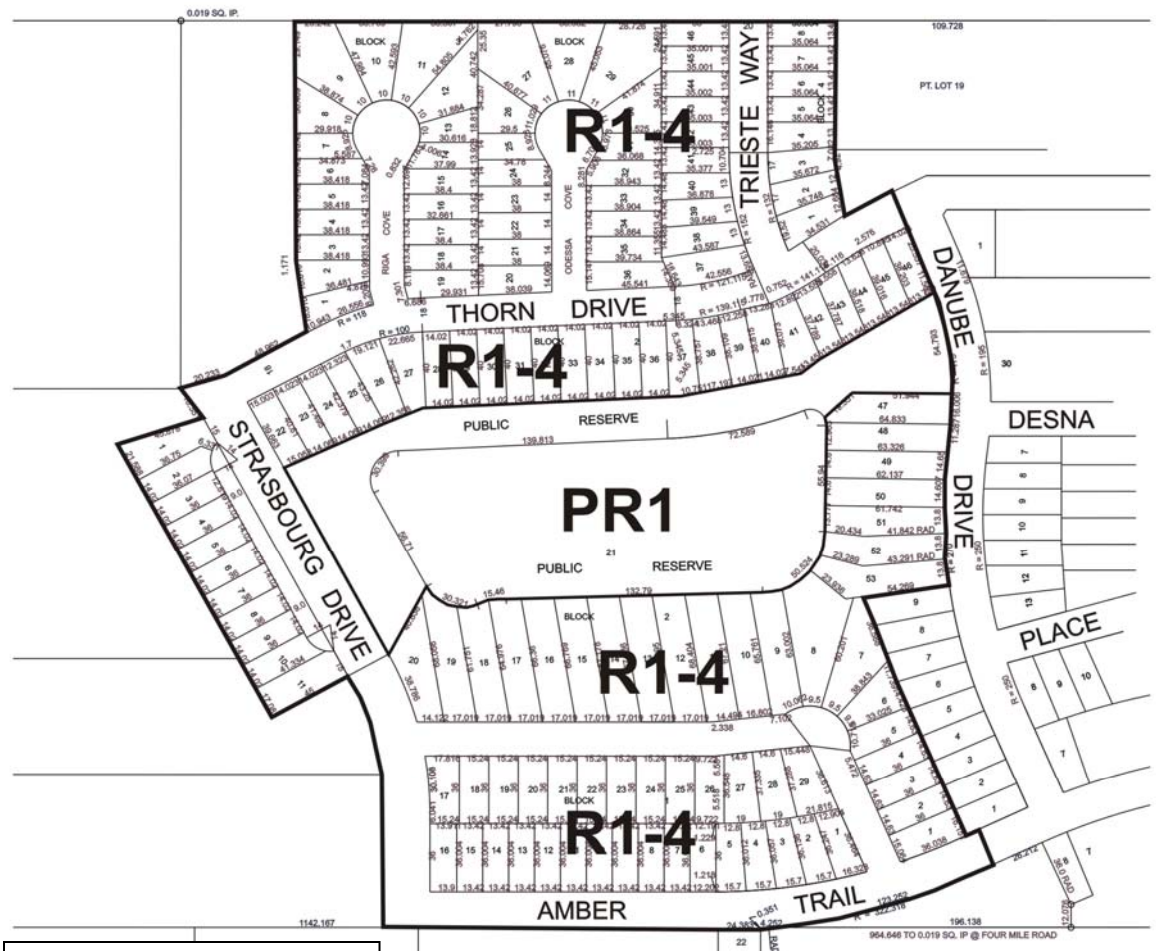
File No. **DASZ 43/04**

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 south of Templeton Avenue, west of Danube Drive 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 43/04, LS/WK Community, dated December 29th, 2004

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "7" referred to in File DASZ 43/2004

Re: Proposed subdivision and rezoning on land located south of Templeton Avenue west of Danube Drive – DASZ 43/04

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

"Original signed by E.L. Carrière"
E.L. Carrière
Chairman
Administrative Coordinating Group

December 17, 2004

Re: Proposed subdivision and rezoning on land located south of Templeton Avenue west of Danube Drive – DASZ 43/04

An application has been submitted by Genstar Development Company to subdivide and rezone land located south of Templeton Avenue west of Danube Drive.

It is recommended that the Developer amend its plan by shifting Strasbourg Drive easterly to avoid going through the former City landfill site.

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 43/04;
2. By attaching a plan showing the servicing requirements for the land covered under DASZ 43/04 including:
   a) any stormwater retention management facilities,
   b) an oversized wastewater sewer in Amber Trail from its current terminus to Strasbourg Drive,
   c) a 300mm watermain in Leila Avenue from its current terminus west of Agnes Arnold Place to the southerly extension of Strasbourg Drive and in the southerly extension of Strasbourg Drive from Leila Avenue to Amber Trail. (The Developer will be compensated for the oversized portion of this watermain),
   d) sidewalks on both sides of Strasbourg Drive and on the south side of Amber Trail.
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 43/04. The Developer will receive credits for the construction of the stormwater management facilities including the cost of the land for that purpose and oversized wastewater sewer.
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 43/04. Currently the Developer is entitled to the following credits in connection with dedication:
   i) Land 4.289 acres
   ii) Landscaping 3.489 acres
   iii) Services 130.5m
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 and the Director of Water and Waste.

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 43/04
December 17, 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