Agenda – Council - July 27, 2005

Report - Standing Policy Committee on Property and Development - July 5, 2005

Item No. 17 Subdivision and Rezoning - land located on the north side of Rougeau Avenue east of the CNR tracks
File DASZ 17/2005

STANDING COMMITTEE RECOMMENDATION:

On July 20, 2005, the Executive Policy Committee concurred in the recommendations from the Standing Policy Committee on Property and Development and the East Kildonan – Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 17/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 17/2005 dated June 14, 2005, for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 22, 2005, with the following amendments:

   - That Condition No. 7 be amended by adding the following sentence:

     "The Developer shall be responsible for extending the electrical underground services including lighting to the undeveloped land identified for future park in cooperation with the Public Works Department."

   - That Condition No. 9 be deleted and replaced with the following:

     "The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the west side of the street entering the proposed subdivision from Rougeau Avenue to the first street north thereof and on the north side of Rougeau Avenue from its termination at the existing backlane to the rail line, as determined by and to the satisfaction of the Director of Public Works."

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

Report - Standing Policy Committee on Property and Development - July 5, 2005

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 17/2005 dated April 29, 2005, to a "R1-3.5" Single Family Residential District, a "R2" Two Family 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 Servicing 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 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.

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 - July 5, 2005

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 14, 2005, the East Kildonan-Transcona Community Committee concurred in the revised administrative recommendation with the following amendments, namely:

- That Recommendation 1 be amended by substituting the words "Schedule A" with the words "Schedule B" and substituting the date "April 29, 2005" with the words "June 14, 2005".

- That Recommendation 1.A. with respect to the conditions outlined in the report from the Administrative Coordinating Group dated April 26, 2005 be amended as follows:

    - That Condition No. 7 be amended by adding the following sentence:

      "The Developer shall be responsible for extending the electrical underground services including lighting to the undeveloped land identified for future park in cooperation with the Public Works Department."

    - That Condition No. 9 be deleted and replaced with the following:

      "The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the west side of the street entering the proposed subdivision from Rougeau Avenue to the first street north thereof and on the north side of Rougeau Avenue from its termination at the existing backlane to the rail line, as determined by and to the satisfaction of the Director of Public Works."

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

Report - Standing Policy Committee on Property and Development - July 5, 2005

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

On May 10, 2005, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on June 14, 2005 to allow the applicant the opportunity to work with the Administration and area residents to address some of the concerns raised

RE: **Subdivision and Rezoning - land located on the north side of Rougeau Avenue east of the CNR tracks**
File DASZ 17/2005

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

Prepared by: **Inga Skundberg, Clerk**
East Kildonan-Transcona Community Committee

Report date: **June 22, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 14, 2005, the East Kildonan-Transcona 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 17/2005 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "***B***" for File DASZ 17/2005 dated ***June 14, 2005***, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 22, 2005, ***with the following amendments:***

    - ***That Condition No. 7 be amended by adding the following sentence:***

      "The Developer shall be responsible for extending the electrical underground services including lighting to the undeveloped land identified for future park in cooperation with the Public Works Department."

    - ***That Condition No. 9 be deleted and replaced with the following:***

      "The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the west side of the street entering the proposed subdivision from Rougeau Avenue to the first street north thereof and on the north side of Rougeau Avenue from its termination at the existing backlane to the rail line, as determined by and to the satisfaction of the Director of Public Works."

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 17/2005 dated April 29, 2005, to a "R1-3.5" Single Family Residential District, a "R2" Two Family 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 Servicing 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 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.

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 East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. The revised plan would include a 6.1 acre park at the east end of the development and would be more compatible with the surrounding area.

Schedule "B"

By-Law No. _____

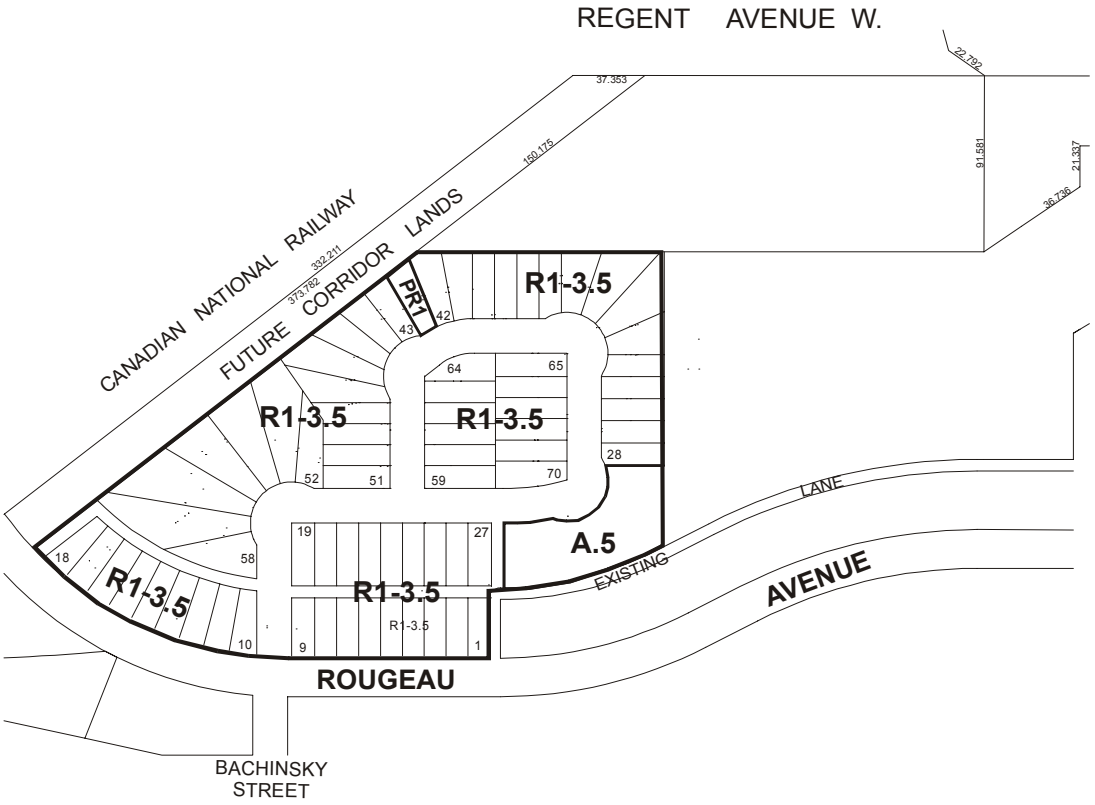
File No. **DASZ 17/05**

Atlas Sheet No. **Z31**

EAST KILDONAN TRANSCONA 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 on the north side fo Rougeau Avenue, south of the CNR Railway from an "A.5" AGRICULTURAL DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT and an "R1-3.5" RESIDENTIAL DISTRICT as shown outlined below.

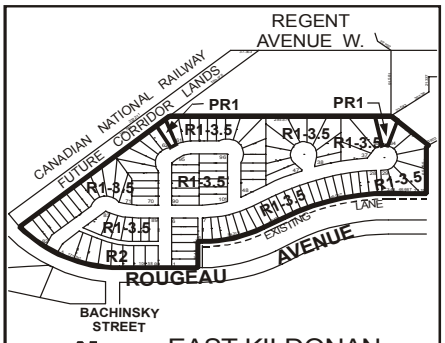


THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

PUBLIC HEARING SUMMARY

File:	DASZ 17/2005
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Lubosch Councillor Thomas
Public Hearing:	June 14, 2005 Community Committee Chambers 755 Henderson Highway May 10, 2005 Helen Mayba Theatre, Miles Macdonell Collegiate 757 Roch Street
Applicant:	Genstar Development Company (Greg Jasper)
Subject:	



N

EAST KILDONAN TRANSCONA COMMUNITY

APPLICANT : GENSTAR DEVELOPMENT

FILE : DASZ 17/05

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 and a "PR1" PARKS AND RECREATION DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT, an "R1-3.5" RESIDENTIAL DISTRICT and an "R2" RESIDENTIAL DISTRICT.

For information, phone Mr. J. Wintrup, Planner at 986-5102.

Premises Affected: land located on the north side of Rougeau Avenue east of the CNR tracks

Exhibits Filed:

1. Application dated March 31, 2005
2. Notification of Public Hearing dated April 18, 2005
3. Manitoba Status of Title(s) 1885135
   Certificate of Title(s) C78358, E17121
4. Letter of authorization dated March 30, 2005 from The City of Winnipeg to Genstar Development Company
5. Lot logistics chart
6. Plans (1 page)
7. Report from the Manager of Planning and Land Use dated April 29, 2005
8. Report from the Administrative Coordinating Group dated April 26, 2005
9. Inspection Report
10. Communication undated, including photographs (3), and newspapers articles (3), and a hand drawn map of the subject location, submitted by Donna Francis at the public hearing held on May 10, 2005
11. Petition in opposition to the application purporting to contain the signatures of 218 area residents, submitted by Donna Francis at the public hearing held on May 10, 2005
12. Petition in support of returning 35 feet and creating a new backlane purporting to contain the signatures of 45 area residents, submitted by Donna Francis at the public hearing held on May 10, 2005
13. Communication undated with respect to the application, submitted by William DeWit at the public hearing held on May 10, 2005
14. Communication dated May 10, 2005, with respect to the application submitted by Carol Miles at the public hearing held on May 10, 2005
15. Communication dated May 9, 2005, in opposition to the application submitted by Margaret Bourgeois at the public hearing held on May 10, 2005
16. Revised Report from the Manager of Planning and Land Use dated June 10, 2005
17. Hand drawn map of the subject location submitted by Donna Francis at the public hearing held on June 14, 2005
18. Petition in opposition to the application purporting to contain the signatures of 318 area residents, submitted by Donna Francis at the public hearing held on June 14, 2005
19. Plans (4 pages) submitted by Greg Jasper at the public hearing held on June 14, 2005

REPRESENTATIONS:

In Support:

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

In Opposition

Angela Barnard
Murray Beakley
Moria and Gerard Beaudoin
Debra Bellamy
Margaret and Paul Bourgeois
Tracy and Brian Cherlet
Mat Chipman
Jim Clarke
Marjorie and Robert Dech
Susan Froese Decker
Jennifer Dengl
Wendy and Darryl Desjarlais
Diane and William DeWit
Kelly Earis
Ann Forcier
Donna and Ken Francis
Greg Hoffman
Paul Jackson
Kim Jones
Kenneth and Sheila Johnson
Oskana Kinley
Brenda Kubic
Charles Labossiere
Dwyght and Esther Lawson
Wayne Lesperance
David McGrath
Carol and Gerald Miles
Robyn Mitchell
Amanda Morrison
Paul and Alinda Mulder
Tara-Lee Nicholls
Lind Nolyniel
Florence Omichinski
Les and Helena Parada

Glen Podaima
Brenda Prystayko
Jean Raghoo
Heather and Tami Riffel
Jose Rosa
Beth Ryan
Carmen and Robert Sanchez
Ricki Scheper
Gilbert and Linda Van Leeuwen
Kevin Wolk
Larry and Shirley Zubriski

For Information:

Norm Boyle
Robert Brosi
Bob and Connie Chaput
Tracy Cherlet
Tom Ehn
Morley Field
Greg Hoffman
Andrew Hretzay
Jon Prystayko

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

May 10, 2005

Greg Jasper appeared in support of the application. He provided background with respect to the subject site and indicated that initially lands were designated for development of a thoroughfare, however since that time, Council has confirmed that not all the lands are required, and therefore the applicant is proposing the subject development on the site.

Jennifer Dengl registered in opposition to the application, and indicated that she is not in opposition to the development but is concerned regarding the allotment for a transit corridor alignment on a portion of the lands.

Robert Dech appeared in opposition to the application and expressed concern regarding the impact on the area wildlife.

Marjorie Dech appeared in opposition to the application and expressed the following concerns, namely; the proposed size of lots in comparison to the existing detached houses on 50 foot lots; development of side by sides; environmental impact study; current existing greenspace; safety and excessive traffic; and, the plowing of snow.

Donna Francis appeared in opposition to the application and submitted a package in this connection, filed as Exhibit 10, as well as two petitions, filed as Exhibits 11 and 12 respectively.

Jim Clarke appeared in opposition to the application and expressed the following concerns, namely: houses should be developed in comparison to those on Trudell Bay; bus transit; greenspace south of Rougeau Avenue and north of Balaban Place; and, busy traffic on Rougeau Avenue.

William DeWit appeared in opposition to the application and submitted a copy of his presentation, filed as Exhibit 13.

Murray Beakley appeared in opposition to the application, and expressed concerns regarding traffic and the impact on the existing dog park and garden plots.

Gilbert Van Leeuwen appeared in opposition to the application. He advised that he has a garden plot on the subject property and requested that if the property were to be redeveloped that it be developed into a park. He expressed concern regarding the increase in traffic attributing to the development.

Carol Miles appeared in opposition to the application, and read into the record her presentation, filed as Exhibit 14.

Darryl Desjarlais appeared in opposition to the application. He questioned that if the proposed development increases the housing in the area by 25%, what would be the impact on the quality of education, and if there would be an expansion of Bernie Wolfe School.

Margaret Bourgeois appeared in opposition to the application, and submitted a copy of her presentation, filed as Exhibit 15.

Oksana Kinley appeared in opposition to the application and advised that she has lived in the area since 1980. She indicated that she used to have a garden plot and expressed concern regarding the traffic on Rougeau Avenue.

David McGrath appeared in opposition to the application and expressed concern regarding the quality of life and the impact on parkland.

Debra Bellamy appeared in opposition to the application and advised that she resides at the last house by the field at the west end of Rougeau Avenue. She expressed concern regarding the following, namely; development occurring on her doorstep; limited room in the backlane to Rougeau Avenue; snow plowing, and, safety issues.

Jose Rosa appeared in opposition to the application, and expressed concern regarding the backlane to Rougeau Avenue and indicated that there is no room to turn or back-up.

Dwyght Lawson appeared in opposition to the application. He indicated that the children use the existing field as their playground and suggested that it be redeveloped into parkland.

Tom Ehn appeared for information. He indicated that he was pleased that the proposal is to develop the property into a residential and not commercial development; however, he advised that he was unaware that parkland would be lost.

John Wintrup indicated that probably less than 2% of the subject land is zoned parkland and the balance is zoned agricultural.

In rebuttal, Greg Jasper provided information regarding the proposed lot sizes and indicated that although the lots are narrower, they are deeper. He indicated that he would be willing to look at the hand drawn map submitted by Donna Francis (Exhibit 10). He provided comments with respect to the following; namely, configuration of the backlanes; intersections and eliminating blind spots; park areas; and, elevation and swails.

June 14, 2005

Greg Jasper appeared in support of the application and gave a brief overview of the proposal.

John Wintrup indicated that the public hearing was adjourned from the May 10, 2005 meeting of the Community Committee to provide the applicant the opportunity to address concerns raised at the May public hearing. He advised that since that time, a public open house was held and various site designs were presented. John Wintrup provided an overview of the revised administrative report, filed as Exhibit 16.

Marjorie Dech appeared in opposition to the application. She expressed concern regarding the lack of parks in the area and commented that the parks proposed in the subject application are not large enough for children to play in. She also expressed concern regarding the sewer systems, excess traffic, and, safety.

Susan Froese Decker appeared in opposition to the application and expressed concern regarding parking, park size, noise, safety, and, snow removal.

Wendy Desjarlais appeared in opposition to the application. She expressed concern regarding the park issue, and commented that an existing park in the area is not maintained nor safe to play in.

Donna Francis appeared in opposition to the application, and expressed concern regarding greenspace and the sewer system. She commented that the area requires a family recreational park, not small parks as indicated in the proposed project. She submitted a hand drawn map of the subject area which included a park area, filed as Exhibit 17, and a petition, filed as Exhibit 18.

Kenneth Johnson appeared in opposition to the application and expressed concern regarding traffic and the impact on the quality of life in the neighbourhood. He commented that traffic engineers should consider the current traffic situation before a development of over 100 houses is allowed to proceed.

Esther Lawson appeared in opposition to the application. She expressed concern regarding traffic and purported that outside communities travel Rougeau Avenue as opposed to Regent Avenue to access the neighbouring WalMart. She questioned if the neighbouring Bernie Wolfe School would be able to accommodate more children. She expressed concern regarding the parks and indicated that she utilizes parks outside the neighbourhood and purported that Mission Gardens has nothing to offer.

Carol Miles appeared in opposition to the application and raised questions with respect to park acreage, lot size, and if the current services can sustain the additional proposed houses.

Kevin Wolk appeared in opposition to the application and expressed concern regarding children crossing Rougeau Avenue, which he indicated is a busy street, to access parks north of Rougeau Avenue. He expressed concern regarding traffic issues and suggested ways to address the concerns.

In rebuttal, Greg Jasper responded to the concerns expressed by the residents and provided the following comments, namely; sufficient sewer and land drainage; realigning one of the proposed streets of the development to Bachinsky Street; administrative comments with respect to sufficient green space in the neighbourhood and the use of cash in lieu of land dedication to upgrade existing parks in Transcona; and, concern regarding the crossing of Rougeau Avenue to access parks on the north side. He commented that a major concern expressed is the park issue, and in this connection, submitted plans with different park configurations, filed as Exhibit 19.

Councillor Wyatt poised questions with respect to the first of the plans submitted by the applicant (Page 1 of Exhibit 19) which referenced a 6.1 acre piece of property zoned “PR” Parks and Recreation to the east of the subject property, north of Rougeau Avenue. In response, John Wintrup provided comments and expressed concern regarding the establishment of a 6.1 acre park east of the subject property, due to its location. Councillor Wyatt expressed his opinion that the safety aspect of the location could be addressed by extending lighting into the park.

Jerry Klein advised that Genstar's application stands and that the alternative plans (Exhibit 19) have been previously reviewed by the Administration. With respect to traffic concerns, he indicated that many have existed prior to the subject application and expressed his opinion that the subject application would not intensify the traffic situation. He indicated that Genstar would not want to take any obligations outside normal requirements of the development agreement.

Exhibit "7" referred to in File DASZ 17/2005

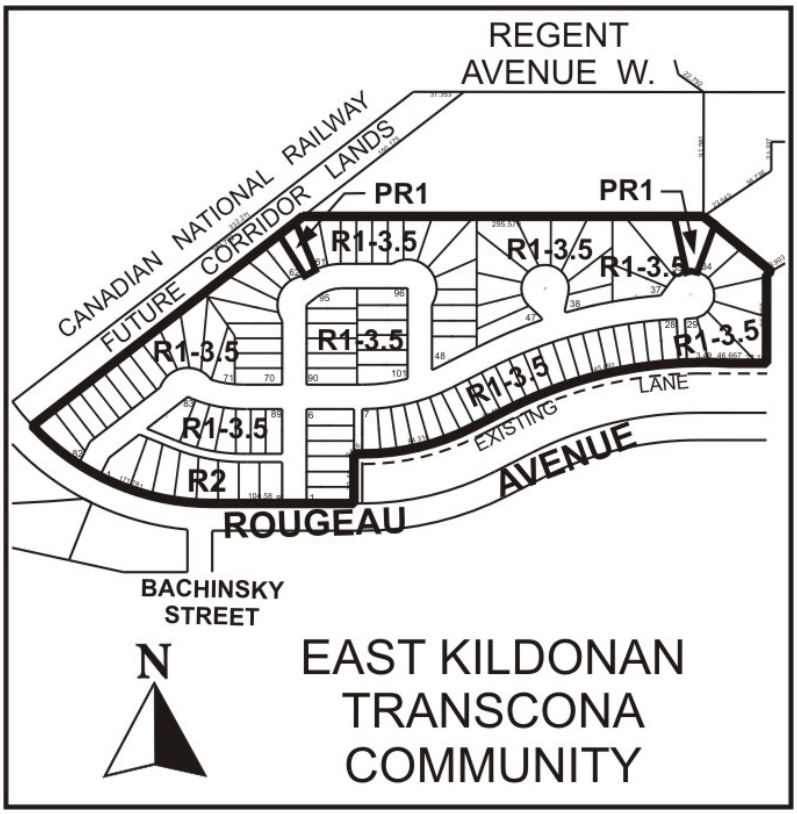
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **April 29, 2005**
File: **DASZ 17/05**
Subject: **Rezone and subdivide property into residential lots.**

Location: **North Side of Rougeau Avenue East of the CNR Tracks**



Applicant: **Genstar Development Corporation**
Owner: **City of Winnipeg**

Recommendation: **Approve with Conditions**
Report Summary:

- The applicant is proposing to develop **101** single family residential lots, **8** two family residential lots, and **2** parks.
- The single family residential lots will be a minimum **35 feet** in width and **3,500 square feet** in area.
- The two family residential lots will front the north side of Rougeau Avenue and be served by a new rear public lane.
- The new public lane will not be extended from the existing public lane to the east of the proposed development.
- The two (2) parks will be on the north side of the new development and will be pedestrian links to future pathways connecting with Regent Avenue.
- The new housing will complement the existing single and two family housing to the east along Rougeau Avenue.

Site Description

The subject property is **17.91 acres** located on the north side of Rougeau Avenue, east of the CNR Pine Falls Tracks and west of Trudell Bay in the Mission Gardens neighbourhood of the Transcona Ward. The site is zoned "A-5" Rural and "PR1" Parks and Recreation Districts. Adjacent properties include residential dwellings to the south zoned "R-2" Two Family Residential District and to the east zoned "R1-5.5" Single Family Residential District. Surrounding lands include commercial properties zoned "C2" Commercial District to the north along Regent Avenue.

Background

Plan Winnipeg had, until 1992, designated these lands for development of a future east/west thoroughfare connecting Lagimodiere Blvd with Regent Avenue at the Pandora/Regent intersection. A buffer strip of park land was to be provided along the south side of the subject lands to mitigate against the potential noise from a major traffic thoroughfare. Plan Winnipeg in 1992 deleted the east/west thoroughfare proposal but retained the transit corridor alignment on a portion of the lands. Council upon receipt of the report of TransPlan 2010 confirmed that not all of the City owned lands are required for future transportation purposes. Consequently, the major portion of the lands are available for development.

Description of the Proposed Development

Genstar Development Corporation has applied to rezone and subdivide vacant land that is on the north side of Rougeau Ave. Genstar would like to develop a residential subdivision that includes new streets. The applicant is proposing to develop **101** single family residential lots, **8** two

family residential lots, and **2** parks. Land for a future transit corridor parallel to the existing CNR rail lines will remain vacant and zoned "Agriculture".

Analysis

PLAN WINNIPEG

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The proposed development also achieves the Plan Winnipeg policy of intensifying residential density through infill development.

SECONDARY PLAN

The Planning and Land-Use Division has recently initiated a Secondary Plan planning process for the **'Transcona West Area'** whose northern boundary is Grassie Blvd and southern boundary is Regent Avenue. The subject property is outside this Secondary Plan area.

ZONING

- The **"R1-3.5" Single Family Residential District** permits single family dwellings with a minimum lot size of **3,500 square feet** and a minimum lot width of **35 feet**.
- The **"R2" Two Family Residential District** permits two family dwellings to a maximum height of 35 feet with a minimum lot size of **5,000 square feet** and a minimum lot width of **50 feet**.
- The **"R1-5" Single Family Residential District** permits single family dwellings with a minimum lot size of **5,000 square feet** and a minimum lot width of **50 feet**.

LAND USE BY-LAW ISSUES

The proposed zoning categories are consistent with a number of residential subdivisions in Winnipeg such as Eaglemere, Amber Trails, Canterbury Park, Whyte Ridge and Riverbend South. A number of developers have stated today's main market is willing to purchase the 35 - 48 foot wide lots. The range of lot sizes will permit the construction of a variety of dwellings units that will diversify the housing stock and provide residents with different housing options.

TRANSPORTATION AND SITE ACCESS

Two new approaches on the north side of Rougeau Avenue will be required. A secondary (emergency) access via the existing public lane will be provided for the new development on the east end of a new cul-de-sac. Two (2) parks on the north side of the new development will act as pedestrian links to future pathways connecting with Regent Avenue. A new public lane will be constructed but will not be extended from the existing public lane to the east of the proposed development. This existing lane will be extended north to connect to the new street in the development. There are to be no private approaches serving single-family residential development within the proposed subdivision off Rougeau Avenue. A sidewalk will be constructed on the western side of the eastern most street entering the proposed subdivision from Rougeau Avenue to the first street north.

SITE PLAN
The applicant has submitted a plan illustrating the proposed subdivision. The two (2) parks will be on the north side of the new development and will be pedestrian links to future pathways connecting with Regent Avenue. Eight (8) new duplex dwellings will front Rougeau Avenue with access from a new rear public lane.

SITE DESIGN ISSUES
The applicant originally submitted a plan that included a **0.65 acre** green open space with street frontage on two sides. The Administration does not support the establishment of smaller/isolated park areas (pocket parks) because higher maintenance costs are associated with such facilitates and their recreational function is limited. In addition, significant amounts of street frontage are discouraged in parks in new subdivisions, since this increases the City's improvement costs for park services (sewer, road, water, etc.), which could otherwise be transferred to the Land Dedication Reserve. The Administration requested the original plan be amended. New, smaller parks have been implemented to act as green pedestrian links to future pathways.

Recommendation

The Administration supports rezoning the subject properties to **"R1-3.5"** and **"R2"**. The new housing will complement the existing single and two family housing to the east along Rougeau Avenue.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 17/05** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 17/05,** attached hereto and dated **April 29, 2005**, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated **April 22, 2005**;

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 No. **DASZ 17/05,** attached hereto and dated **April 29, 2005**, to a **"R1-3.5" Single Family Residential District,** a **"R2" Two Family 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 Servicing 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 **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**.

8. 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 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: John S. Wintrup
PPD File # 4.416

Schedule "A"

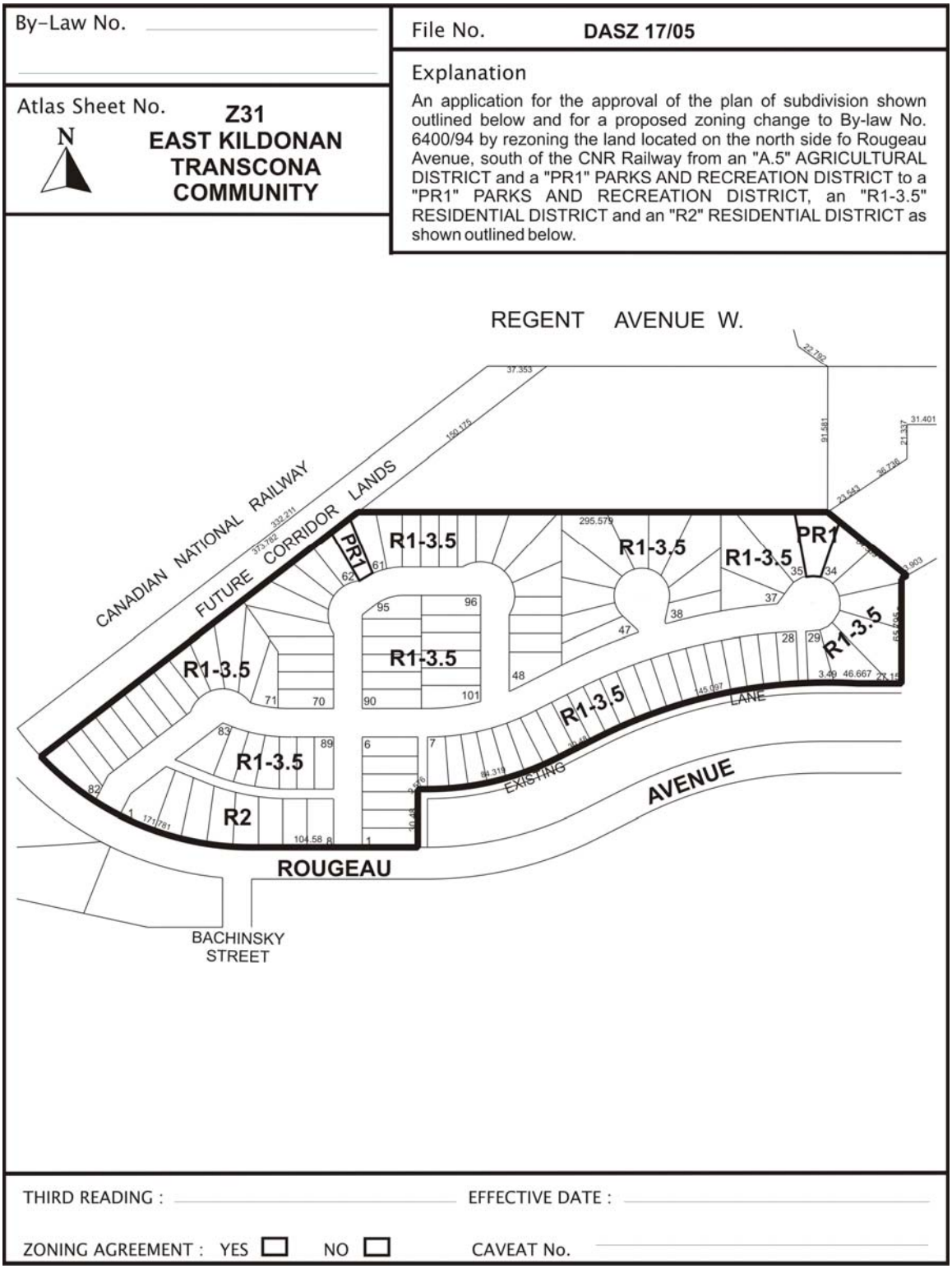


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 17/2005, dated April 29, 2005.



Figure 2: Existing Land-Uses for subject property and Surrounding Area.

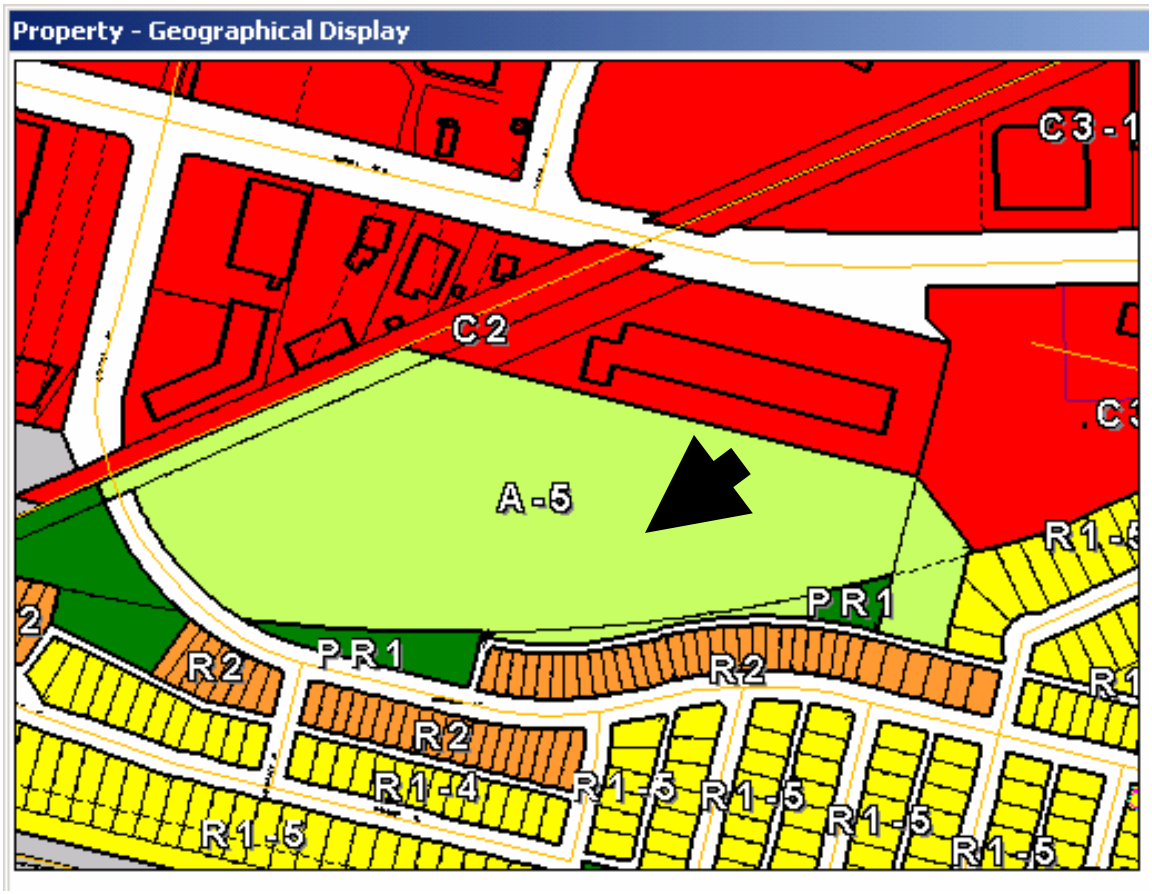


Figure 3: Existing Zoning for subject property and Surrounding Area.

Exhibit “8” referred to in File DASZ 17/2005

Re: Proposed subdivision and rezoning of land located on the north side of Rougeau Avenue east of the CNR tracks – DASZ 17/05

An application has been submitted by Genstar Development Corporation to subdivide and rezone land located on the north side of Rougeau Avenue east of the CNR tracks.

It is recommended that approval of DASZ 17/05 be subject to the Developer entering into a Development Agreement with the City as follows:

1. The Developer shall, at no expense to the City, construct all watermains (looped), wastewater sewers and land drainage sewers required to serve the proposed subdivision to the satisfaction of the Director of Water and Waste. (The wastewater and land drainage shall be directed to the Future Transit Corridor and then to Regent Avenue.)
2. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant any easements as may be necessitated by the design.
3. The Developer shall install separate water and wastewater lot line connections to serve each lot within the proposed subdivision.
4. a) The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 5.0m and a thickness of 150mm and all related works in the proposed lanes, all as determined by and to the satisfaction of the Director of Public Works.
   b) There are to be no private approaches serving single-family residential development within the proposed subdivision off Rougeau Avenue.
5 The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 7.5m and a thickness of 150mm in all streets within the proposed subdivision, and all related works including, but not necessarily limited to boulevard landscaping and ornamental street lighting, all as determined by and to the satisfaction of the Director of Public Works.
6. 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 proposed subdivision, as determined by the Director of Public Works.
7. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.
8. The Developer is to pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.
9. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the west side of eastmost street entering the proposed subdivision from Rougeau Avenue to the first street north thereof, as determined by and to the satisfaction of the Director of Public Works.
10. The Developer shall, at no expense to the City, construct along the boundary of the CNR Pine Falls Subdivision/Future Transit Corridor a uniform fence 2.0m in height, as determined by and to the satisfaction of the Director of Public Works. Said fence is intended to ensure that "pedestrian trespass" to the tracks does not become a consequence of the subject development, thereby jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

11. The Developer shall, at no expense to the City, construct a cul-de-sac type vehicle turnaround at the terminus of each temporarily dead-ended street and provide any right-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of he Director of Public Works.

12. The Developer shall ensure that two paved means of vehicular access are available at all times through all stages of development of the proposed subdivision to the satisfaction of the Director of Public Works. This may require the construction of temporary roadways and the provision of easements or right-of-way therefore.
13. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended streets, due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.
14. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.
15. 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.
16. The Developer shall pay cash in lieu of dedication of land for public open space including landscaping and servicing charges in accordance with City policy. The Developer shall be credited for the walkway access being dedicated near the northeast corner of the plan.
17. The Developer shall pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.
18. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed development.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 17/05
April 22, 2005

V:\7-ACG Reports\05ag17-report.doc

"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

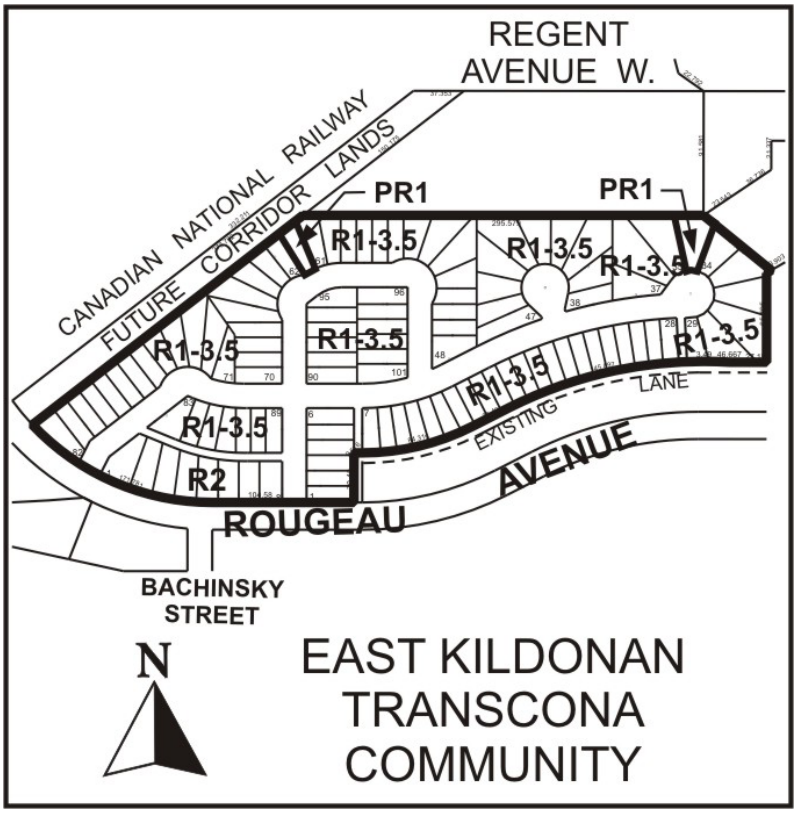
Exhibit "16" referred to in File DASZ 17/2005

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **June 10, 2005**
File: **DASZ 17/05**
Related Files: **DAS 43/72; DAZ 106/72**
Subject: **Rezone and subdivide property into residential lots.**

Location: **North Side of Rougeau Avenue East of the CNR Tracks**



Applicant: **Genstar Development Corporation**
Owner: **City of Winnipeg**

Recommendation: **Approve with Conditions**

6248

Report Summary:

- The application was at a public hearing on **May 10, 2005** but adjourned to allow the applicant time to meet with the local community.
- No changes to the subdivision plan have been made for the public hearing on **June 14, 2005**.
- The applicant is proposing to develop **101** single family residential lots, **8** two family residential lots, and **2** parks.
- The single family residential lots will be a minimum **35 feet** in width and **3,500 square feet** in area.
- The two family residential lots will front the north side of Rougeau Avenue and be served by a new rear public lane.
- The new public lane will not be extended from the existing public lane to the east of the proposed development.
- The two (2) parks will be on the north side of the new development and will be pedestrian links to future pathways connecting with Regent Avenue.

Site Description

The subject property is **17.91 acres** located on the north side of Rougeau Avenue, east of the CNR Pine Falls Tracks and west of Trudell Bay in the Mission Gardens neighbourhood of the Transcona Ward. The site is zoned "A-5" Rural and "PR1" Parks and Recreation Districts. Adjacent properties include residential dwellings to the south zoned "R-2" Two Family Residential District and to the east zoned "R1-5.5" Single Family Residential District. Surrounding lands include commercial properties zoned "C2" Commercial District to the north along Regent Avenue.

Background

The East Kildonan-Transcona Community Committee on May 10, 2005 adjourned the public hearing to its meeting on June 14, 2005 to allow the applicant the opportunity to work with the Administration and area residents to address some of the concerns raised.

Following is a summary of the issues raised by the Public at the Public Hearing and the public open house:

Street Pattern / Traffic

1. *Excessive traffic on Rougeau is endangering the children's safety.*
2. *Traffic from Crossroads Station causes problems (congestion) at the Rougeau / Regent intersection.*
3. *There is too much traffic on Rougeau all ready.*
4. *The problem is the exits / entrances into the area (Mission Gardens) are congested and dangerous with too much traffic.*

5. *A new road entrance on the inside corner of Rougeau is dangerous.*
6. *The existing rear public lane needs to be widened to 35 feet so residents can back up out of their garages/driveways in their rear yards.*
7. *The rear public lane will not be plowed.*
8. *Back lane connection to Rougeau should be eliminated to prevent Trudell residents from short-cutting down the rear lane.*
9. *Too much traffic using the rear public lane.*

Lot Sizes

1. *The proposed lots are too small for the area.*
2. *The lot size are not common anywhere else in Winnipeg and should not be in Mission Gardens.*
3. *Tract and row houses will be constructed on the narrow lots that will de-value the existing properties.*
4. *Side-by-sides are not acceptable for the area.*

Open Space

1. *There is not enough open green space in the community especially compared to other parts of Winnipeg.*
2. *A large park is needed in the community.*
3. *The existing vacant land supports wildlife and has lots of good plants that need to be preserved.*

Description of the Proposed Development

Genstar Development Corporation has applied to rezone and subdivide vacant land that is on the north side of Rougeau Ave. Genstar would like to develop a residential subdivision that includes new streets. The applicant is proposing to develop **101 single family** residential lots, **8 two family** residential lots, and **2 parks**. Land for a future transit corridor parallel to the existing CNR rail lines will remain vacant and zoned "Agriculture".

Analysis

PLAN WINNIPEG
Plan Winnipeg had, until 1992, designated these lands for development of a future east/west thoroughfare connecting Lagimodiere Blvd with Regent Avenue at the Pandora/Regent intersection. A buffer strip of park land was to be provided along the south side of the subject lands to mitigate against the potential noise from a major traffic thoroughfare.

Plan Winnipeg in 1992 deleted the east/west thoroughfare proposal but retained the transit corridor alignment on a portion of the lands. Council upon receipt of the report of TransPlan 2010 confirmed that not all of the City owned lands are required for future transportation purposes. Consequently, the major portion of the lands are available for development and a portion of the lands along the CNR rail lines are reserved for the 'Eastern Transit Corridor' as indicated on Policy Plate 'B' of Plan Winnipeg 2020 that was adopted by Council in 2000.

The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas. The proposed development also achieves the Plan Winnipeg policy of intensifying residential density through infill development, and promoting compact urban form.

SECONDARY PLAN

The Planning and Land-Use Division has recently initiated a Secondary Plan planning process for the **'Transcona West Area'** whose northern boundary is Grassie Blvd and southern boundary is Regent Avenue. The subject property is outside this Secondary Plan area.

ZONING

- The **"R1-3.5" Single Family Residential District** permits single family dwellings with a minimum lot size of **3,500 square feet** and a minimum lot width of **35 feet**.
- The **"R2" Two Family Residential District** permits two family dwellings to a maximum height of 35 feet with a minimum lot size of **5,000 square feet** and a minimum lot width of **50 feet**.
- The **"R1-5" Single Family Residential District** permits single family dwellings with a minimum lot size of **5,000 square feet** and a minimum lot width of **50 feet**.

LAND USE BY-LAW ISSUES

The proposed zoning categories are consistent with a number of residential subdivisions in Winnipeg such as Eaglemere, Amber Trails, Canterbury Park, Whyte Ridge, Harbourview, and Riverbend South. A number of developers have stated today's main market is willing to purchase the 35 - 48 foot wide lots. The range of lot sizes will permit the construction of a variety of dwellings units that will diversify the housing stock and provide residents with different housing options.

TRANSPORTATION AND SITE ACCESS

The existing rear public lane was legally registered and opened as a Public Lane under **Plan 12024 on August 1, 1974 (DAS 43/72)**. According to Development Agreement **AG 9/73** the Developer (Genstar) was required at that time to construct and pay for the lane. The first registered plan for residential lots that are **100 feet** in length on the north side of Rougeau was **Plan 12983** registered on **October 5, 1976**. These lots were created from Block 14 that had been created under Plan 12024 as being 100 feet in width. The 100 feet deep lots are common throughout the neighbourhood, being consistent with the subdivision design of DAS 43/72. The lane was registered and opened prior to any individual lots being established.

The lane has a **20.0 feet** (**6.096m)** right-of-way as established in the registered plan and contains a **16.0 feet** (**4.877m)** pavement. These were the standards at the time the lane was established, and is still considered adequate to accommodate vehicles backing out of rear garages/driveways. We have many similar lanes throughout the city, including in the immediate area of the application. The current standard for a residential lane is a **6.25 metre (20.5ft.)** right-of-way with a **5.0 metre (16.4ft.)** pavement. Even if the right-of-way were widened it is not practical to construct a 0.4ft. widening to the pavement. Leaving a few feet of vacant land on the north side

to accommodate the existing residents movements of vehicles raises the issue of maintenance of this strip of land. Widening the lane to a residential street standard will also encourage additional vehicle traffic to use the lane.

The City of Winnipeg, as the land owner on the north side of the lane, was required to reimburse the developer its share of the costs for the lane in 1979. The City had acquired these lands described as **Lot 3, Block 15, Plan 12024** from Genstar when the developer indicated these lands were residual parcels no longer wanted or required as part of **DAS 43/72**, the residential subdivision for Mission Gardens. The City also acquired lands described as Lot 2 and 4, Block 15, Plan 12024 for the sole purpose of providing a buffer strip along the Transportation Corridor. Lot 2 and 4 are currently zoned "PR-1", and Lot 3 is zoned Agricultural. Lot 2 and 4 are irregular parcels with various depths. They are approximately **115 feet** in depth at their widest points.

Two new approaches on the north side of Rougeau Avenue, which is a residential collector street, will be required. The approach on the inside curve of Rogeau has been reviewed by Public Works and has been deemed safe: the centre line radius of Rougeau is approximately 190 metres, our minimum for residential collector streets is 170 metres. The minimum is based in part on providing adequate site lines for vehicles waiting to enter the collector street from the local street.

A secondary (emergency) access via the existing public lane will be provided for the new development on the east end of a new cul-de-sac. This secondary access is to be used only in times of emergency.

SITE PLAN

The applicant has submitted a plan illustrating the proposed subdivision. The two (2) parks approximately **4,500 square feet** will be on the north side of the new development and will be pedestrian links to future pathways connecting with Regent Avenue. These parks could be developed with play structures. Eight (8) new duplex dwellings will front Rougeau Avenue with access from a new rear public lane.

SITE DESIGN ISSUES

The applicant originally submitted a plan that included a **0.65 acre** green open space with street frontage on two sides. The Administration does not support the establishment of smaller/isolated park areas (pocket parks) because higher maintenance costs are associated with such facilitates and their recreational function is limited. The park is also not required since all the existing residential dwellings are within 400 metres of a park less than 10 acres and with a play structure **(Figure 4).** This is similar to many residential neighbourhoods in Transcona, East Kildonan, North Kildonan and north east St. Boniface. The Mission Gardens neighbourhood has **34 acres** of open green space. The requirement for the neighbourhood is **14 acres**, thus a surplus of **20 acres** of open green space. In lieu of providing land dedication, the applicant will be required to pay cash to the Land Dedication Reserve, which can be used to provide funds to upgrading the existing parks in Transcona.

The City Naturalist has also reviewed the subject property **(Figure 5).** The fields would not be considered a natural area as they are weed dominated. Historically this area contained several wetlands (circa the 50's/60's) but they were filled in when CN moved to the area. An inspection of the air photo reveals a number of vehicle tracks and automobiles parked on the vacant land **(Figure 7)**. The City Naturalist can not recommend preservation.

PUBLIC INPUT
The applicant invited the community to an Public Open House on June 7, 2005 to share their opinions on the proposed development. Information supplied by the applicant indicate over 50 people attended the open house to provide comments regarding the proposed subdivision, and submit ideas for possible changes to the site plan. Forty residents completed an exit survey to provide positive and negative comments.

Recommendation

The Administration supports rezoning the subject properties to **"R1-3.5"** and **"R2"**. The new housing will complement the existing single and two family housing to the east along Rougeau Avenue.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 17/05** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 17/05,** attached hereto and dated **June 10, 2005**, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated **April 22, 2005**;

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 No. **DASZ 17/05,** attached hereto and dated **June 10, 2005**, to a **"R1-3.5" Single Family Residential District,** a **"R2" Two Family 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 Servicing 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 **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**.

8. 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 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: John S. Wintrup
PPD File # 4.416

Schedule "A"

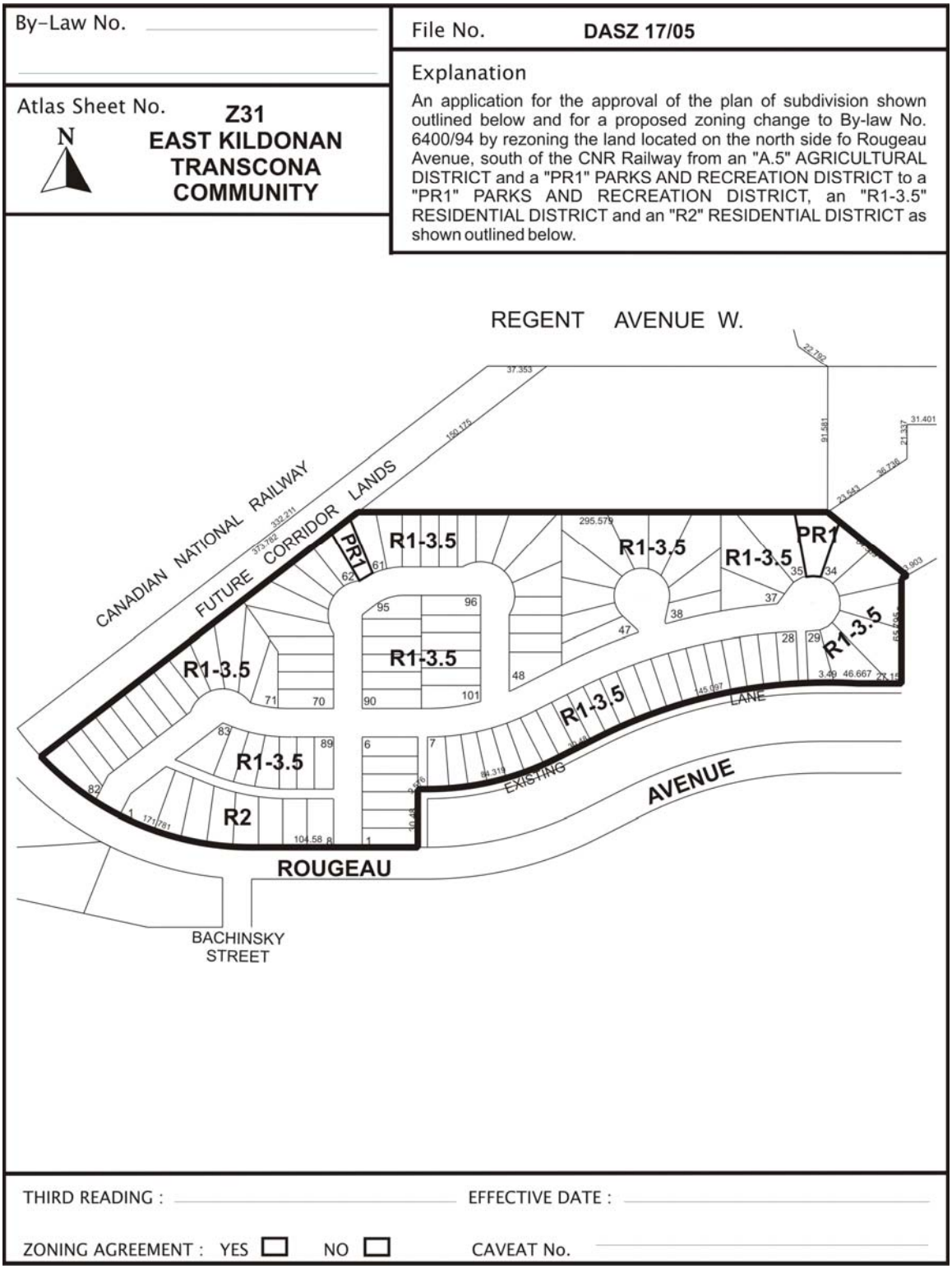


Figure 4: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 17/2005, dated June 10, 2005.



Figure 5: Existing Land-Uses for subject property and Surrounding Area.

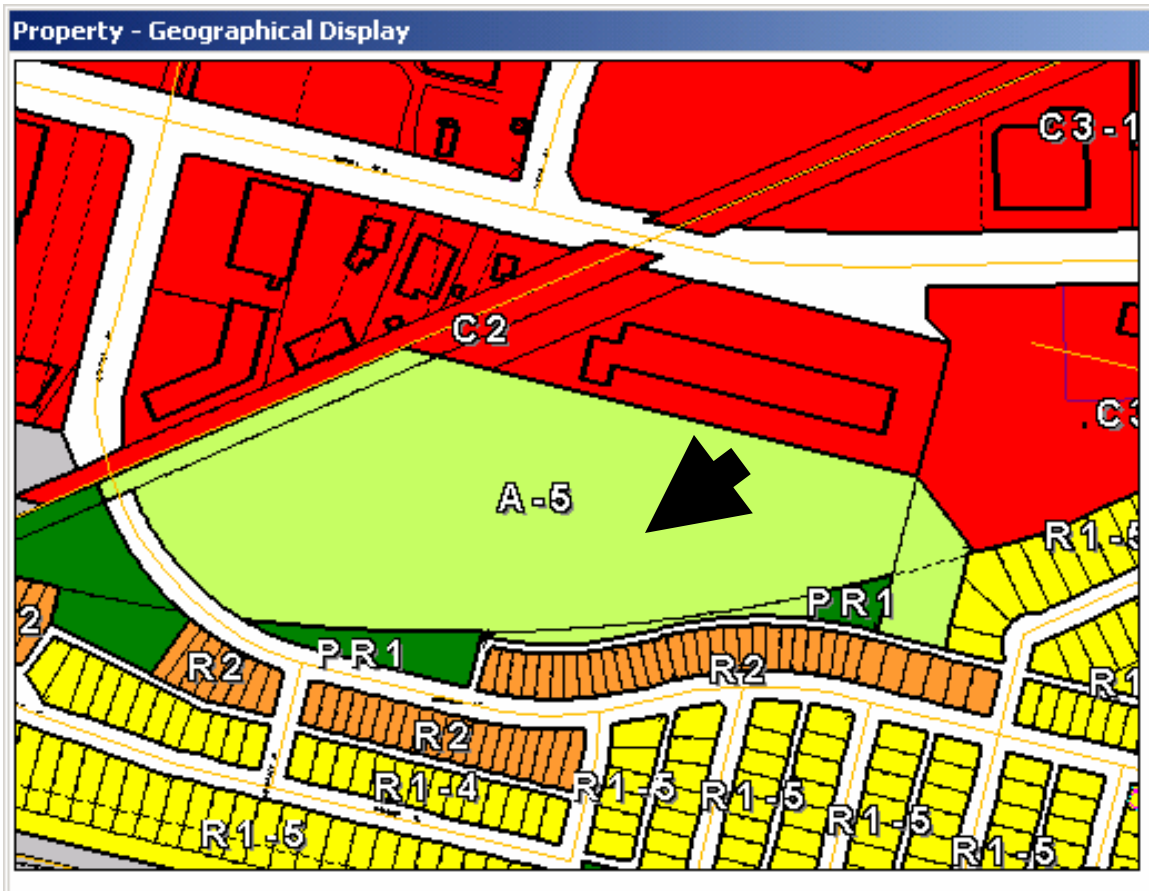


Figure 6: Existing Zoning for subject property and Surrounding Area.

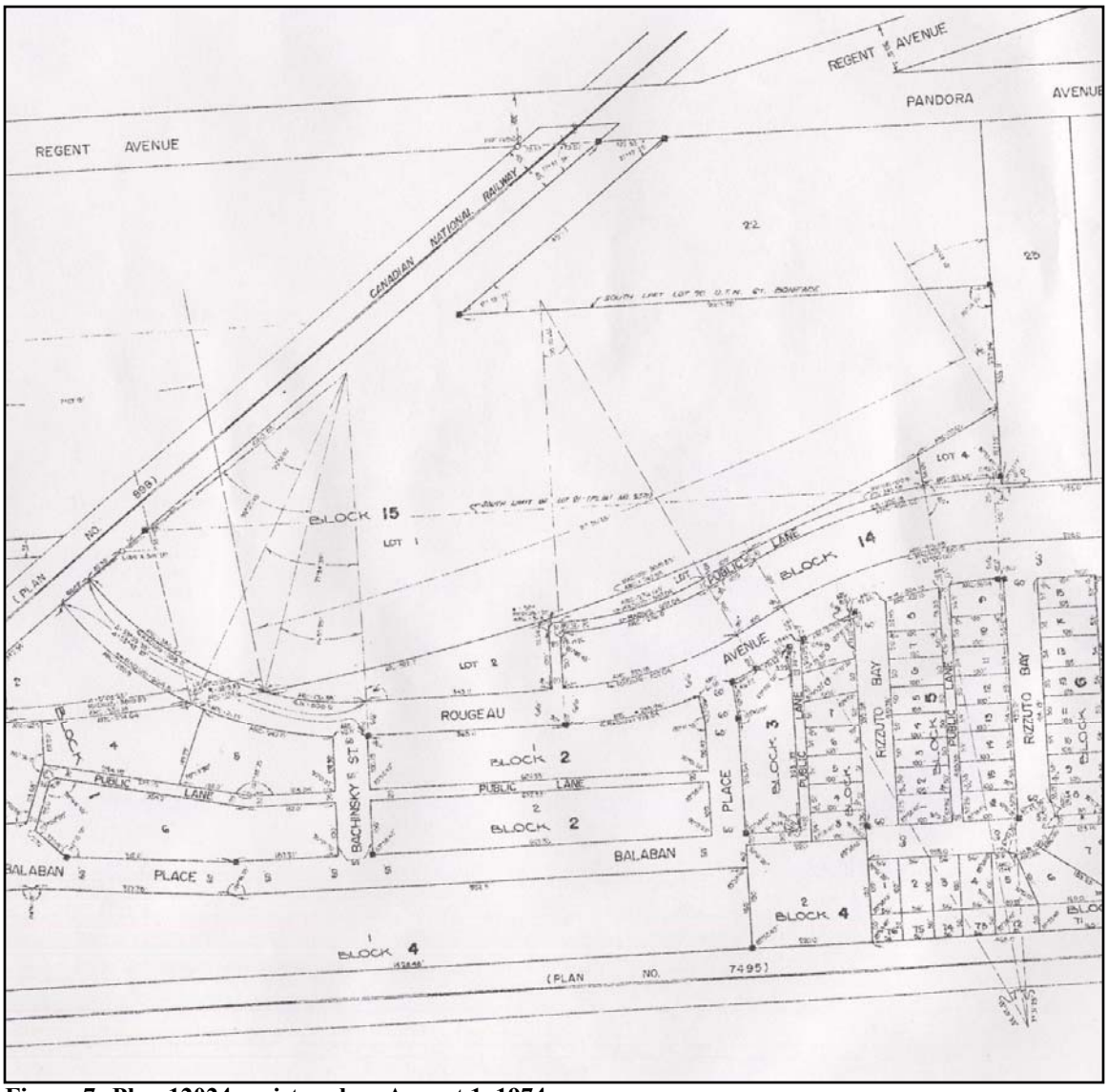


Figure 7: Plan 12024 registered on August 1, 1974.

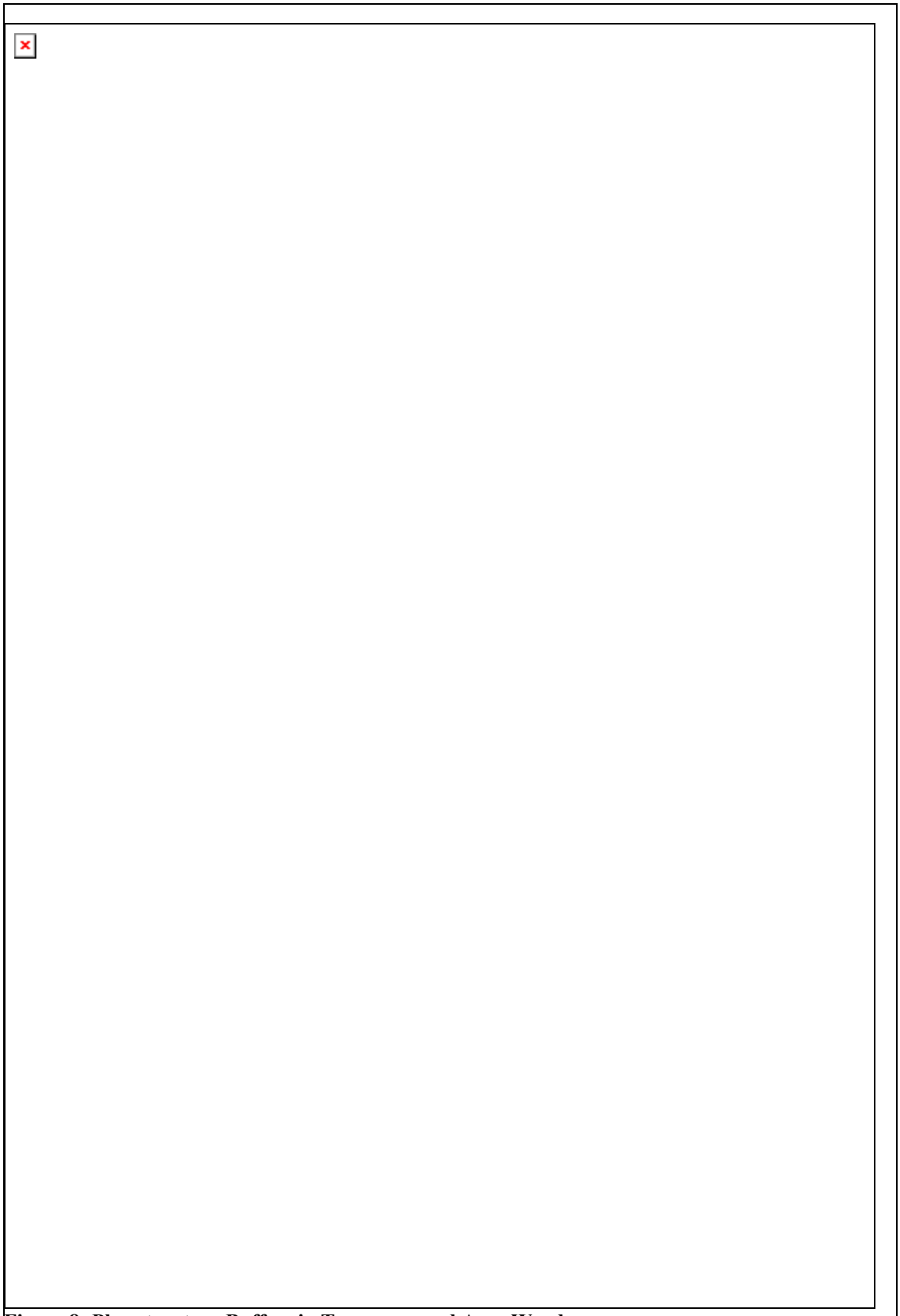


Figure 8: Play structure Buffers in Transcona and Area Ward.

City of Winnipeg, Naturalist Services

Report For Habitat Site

Rougeau

Location:
North of Rougeau Ave, South of Regent Ave, West of Trudell Bay

Site Description:
A mowed field with a small amount of native vegetation. The field becomes flooded and is used by ducks in Spring. There is also a small area of dogwood and willow. Jackrabbits, ducks and geese were noted on the site.

Site:	Site #:
Rougeau	995

Habitat Information and Plants Found at the Site:

Grade:
C/D

Habitat Types:
Prairie
Wetland

Area In Hectares:
7.68

Species Name:	Common Name:	Date Sampled:
Agropyron repens	Quack- grass, Couch-grass	10/05/2005
Bromus inermis	Smooth brome	10/05/2005
Carex spp.	Sedge	10/05/2005
Cirsium arvense	Canada thistle	10/05/2005
Cornus stolonifera	Red osier dogwood	10/05/2005
Galium boreale	Northern bedstraw	10/05/2005
Juncus spp.	Rush	10/05/2005
Lathyrus spp.	Peavine	10/05/2005
Poa pratensis	Kentucky blue grass	10/05/2005
Populus deltoides	Cottonwood	10/05/2005
Populus tremuloides	Trembling aspen	10/05/2005
Rosa spp.	Rose	10/05/2005
Salix spp.	Willow	10/05/2005
Taraxacum officinale	Dandelion	10/05/2005
Trifolium spp.	Clover	10/05/2005
Vicia spp.	Vetch	10/05/2005

Figure 9: Report from City of Winnipeg Naturalist.



Figure 10: Air photo of subject property indicating vehicle tracks.