Agenda – Executive Policy Committee – May 17, 2006

Report - Standing Policy Committee on Property and Development - May 2, 2006

Item No. 9 Subdivision and Rezoning - North of Rougeau Avenue and east of Rick Boychuk Bay
File DASZ 9/2006

STANDING COMMITTEE RECOMMENDATION:

On May 2, 2006, the Standing Policy Committee on Property and Development did not concur in the recommendation of the East Kildonan-Transcona Community Committee, concurred in the administrative recommendation, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 9/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2006 dated April 4, 2006, 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 17/05 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 30, 2006, with the following amendment:

        i. That Recommendation No. 1 of the Addendum to Development Agreement AG 17/05 be deleted in its entirety and the following substituted therefore:

            "1. By deleting the requirement that the Developer pay cash in lieu of dedication of land as public open space as currently stipulated in AG 17/05 and replace same with a requirement that the applicant will be responsible to grade, level and sod the land being rezoned 'PR1' Parks and Recreation District to the satisfaction of the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee**."**

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 9/2006 dated April 4, 2006, to a "R1-4" Single Family Residential District, a "RM-2" Multi-Family District and a "PR1" Parks and Recreation District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions

Report - Standing Policy Committee on Property and Development - May 2, 2006

A. That for the development of any building and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and park development and signage to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

B. That development on the portion of the land being rezoned "RM-2" Multi-Family District be restricted to a maximum of twenty-four (24) dwelling units with a maximum height of two (2) storeys.

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 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.

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 - May 2, 2006

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On May 2, 2006, the Standing Policy Committee on Property and Development did not concur in the recommendation of the East Kildonan-Transcona Community Committee, and concurred in the administrative recommendation, with the following amendments, namely:

Report from the Planning and Land Use Division

- That Recommendation No. 3.A be amended by adding the words "and park development" in the fourth line thereof after the words "fencing, landscaping" and before the words "and signage".

- That a new Recommendation No. 3.B. be added as follows, namely:

    "3.B. That development on the portion of the land being rezoned "RM-2" Multi-Family District be restricted to a maximum of twenty-four (24) dwelling units with a maximum height of two (2) storeys.

Report from the Administrative Coordinating Group

- That Recommendation No. 1 of the Addendum to Development Agreement AG 17/05 be deleted in its entirety and the following substituted therefore:

    "1. By deleting the requirement that the Developer pay cash in lieu of dedication of land as public open space as currently stipulated in AG 17/05 and replace same with a requirement that the applicant will be responsible to grade, level and sod the land being rezoned 'PR1' Parks and Recreation District to the satisfaction of the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee**."**

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 11, 2006, the East Kildonan-Transcona Community Committee did not concur in the administrative recommendation and recommended to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 9/2006 not be proceeded with.

RE: **Subdivision and Rezoning - North of Rougeau Avenue and east of Rick Boychuk Bay**
File DASZ 9/2006

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

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

Report date: **April 25, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 11, 2006, The East Kildonan-Transcona Community Committee did not concur in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development that the application for subdivision and rezoning under File DASZ 9/2006 not be proceeded with.

The East Kildonan-Transcona Community Committee provided the following reasons for its recommendation:

1. The intent of the Community Committee is to see that the subject property be park.

2. There is a need for seniors housing; however, the subject proposal requires more work.

PUBLIC HEARING SUMMARY

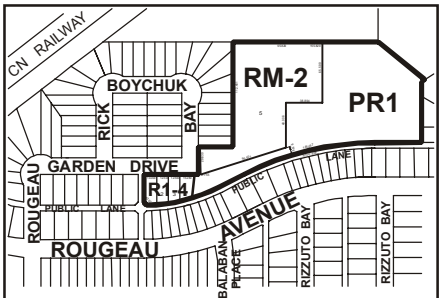
File: DASZ 9 /2006

Before: East Kildonan-Transcona Community Committee
Councillor Lubosch, Chairperson
Councillor Thomas
Councillor Wyatt

Public Hearing: April 11, 2006

Applicant: Genstar Development Company (Greg Jasper)

Subject:



N

EAST KILDONAN
TRANSCONA
COMMUNITY

APPLICANT : GENSTAR DEVELOPMENT COMPANY
FILE : DASZ 9/06
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, an "R1-4" RESIDENTIAL DISTRICT and an "RM-2" MULTIPLE-FAMILY DISTRICT . **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: North of Rougeau Avenue, east of Rick Boychuk Bay

Exhibits Filed:
1. Application dated March 1, 2006
2. Notification of Public Hearing dated March 24, 2006
3a. Manitoba Status of Title 1885135

3b. Certificate of Title E 17121
4. Letter of authorization dated March 30, 2005, from the Director of Planning, Property and Development, City of Winnipeg, to Genstar Development Company
5. Plan
6. Report from the Planning and Land Use Division dated April 4, 2006
7. Report from the Administrative Coordinating Group dated March 30, 2006
8. Inspection Report
9. Communication from Paul and Marianne Jackson in opposition to the application
10. Communication dated April 10, 2006 from Ron Sedens in opposition to the application
11. Communication from Dana and Steven Batten in opposition to the application
12. Communication from Rudolf Koes, Member, Manitoba Naturalists Society, with respect to the application submitted by Andre Peters at the public hearing
13. Communication dated April 11, 2006 in opposition to the application submitted by Donna Francis at the public hearing
14. Copy of a petition in opposition to the rezoning of the property north of Rougeau Road, which had previously been exhibited to public hearing File DASZ 17/2005, submitted by Donna Francis at the public hearing
15. Petition in support of preserving 6.1 acres north of Rougeau Avenue as greenspace submitted by Donna Francis at the public hearing
16. Petition in support of preserving 6.1 acres north of Rougeau Avenue as greenspace submitted by Donna Francis at the public hearing
17. Communication dated April 10, 2006 from the President of the Manitoba Naturalists Society with respect to the application submitted by Mr. Dueck at the public hearing.
18. Communication in opposition to the application submitted by Carol Miles at the public hearing

REPRESENTATIONS:

In Support:

Greg Jasper, Genstar Development Company

Ross McGowan

In Opposition

Dana and Steven Batten
Debra and Chris Bellamy
Jim Clarke
Robert and Marjorie Dech
William Dewit
Ken and Donna Francis
A. Gronwald
Greg Hoffman
Paul and Marianne Jackson
Brenda Kubic
Robert Kubic
Rose Loewen
Scott Maclaren
Carol and Gerald Miles
Amanda Morrison
Florence Omichinski
André Peters
Claudia Peters
Rosa Peters
Jose Rosa
Elizabeth Ryan
Ricki Scheper
Ron Sedens

For Information:

Lisa Hardess, President, Manitoba Naturalists Society
Rudolf Koes, Member, Manitoba Naturalists Society

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Greg Jasper, Genstar Development Company, appeared in support of the application, and gave a brief overview of the proposal. He advised that the subject property was included in a previous

larger application under File DASZ 17/2005 considered in 2005. During the public hearing process, a number of concerns were expressed including a need for more parkland or green space. As a result, the Community Committee recommended to the Standing Policy Committee on Property and Development that 6.9 acres of land be deleted and that an administrative study look at overall park requirements for the area. Subsequently, the applicant stated they were informed that a park of 2.5 acres would be sufficient and that the area should be designed accordingly. He indicated that an open house was held regarding the subject application, and that purportedly more than half of the exit surveys supported a senior's complex at the subject location. In addition to the proposal of a seniors' complex, he advised that the subject application includes a 3.6 acre park, and the development of four residential properties.

Councillor Lubosch questioned the density of the subject application, to which Greg Jasper responded by advising that although the zoning legislation permits 90 units, the subject proposal, although not yet finalized, allows for approximately 24 units.

Andre Peters appeared in opposition to the application, and read into the record a presentation by Rudolf Koes, Member, Manitoba Naturalists Society, with respect to preserving the subject area as greenspace, filed as Exhibit 12.

Donna Francis appeared in opposition to the application, and read into the record her presentation, filed as Exhibit 13, and submitted a copy of a petition in opposition to the rezoning of the property north of Rougeau Road, which had previously been submitted at the public hearing for File DASZ 17/2005 held by the Community Committee in 2005, filed as Exhibit 14. In addition, she submitted two petitions in support of preserving 6.1 acres as greenspace north of Rougeau Avenue, filed as Exhibits 15 and 16 respectively.

Mr. and Mrs. Dech appeared in opposition to the application, and Mr. Dech read into the record a letter addressed to Donna Francis from the President of the Manitoba Naturalists Society regarding greenspace, Exhibit 17.

Carol Miles appeared in opposition to the application, and read into the record her presentation, filed as Exhibit 18.

Florence Omichinski appeared in opposition to the application, and advised that she has resided in the area for 30 years. She expressed concerns relative to lack of park space, shaking of her house foundation, and, traffic congestion.

William Dewit appeared in opposition to the application, and expressed concerns relative to park space, drainage, traffic, condition of Rougeau Avenue sidewalk, and the compatibility of the new houses constructed with those that currently exist.

In rebuttal, Greg Jasper stated that parks are beneficial, and in this connection, indicated that the subject application includes the preservation of 3.6 acres of parkland.

Councillor Wyatt commented that at the previous public hearings for File DASZ 17/2005 a compromise was derived to realize a development by Genstar less 6.9 acres of land, the intent of which was that the land be utilized for the purpose of a park.

Greg Jasper responded by advising that although a 6.9 acre park was proposed, the City of Winnipeg determined that a park that size was not required and as a result, the subject application complies with the City's direction.

Councillor Thomas questioned the endangered and protected species of flowers, to which John Wintrup, Planner, City of Winnipeg, responded by advising that the City Naturalist has offered additional assessments to aid in locating any rare plants and will assist to relocate any unique plants should there be any to a protected area.

Submissions in opposition to the application were also received from Paul and Marianne Jackson (Exhibit 9); Ron Sedens (Exhibit 10); and, Dana and Steven Batten (Exhibit 11).

Exhibit "6" referred to in File DASZ 9/2006

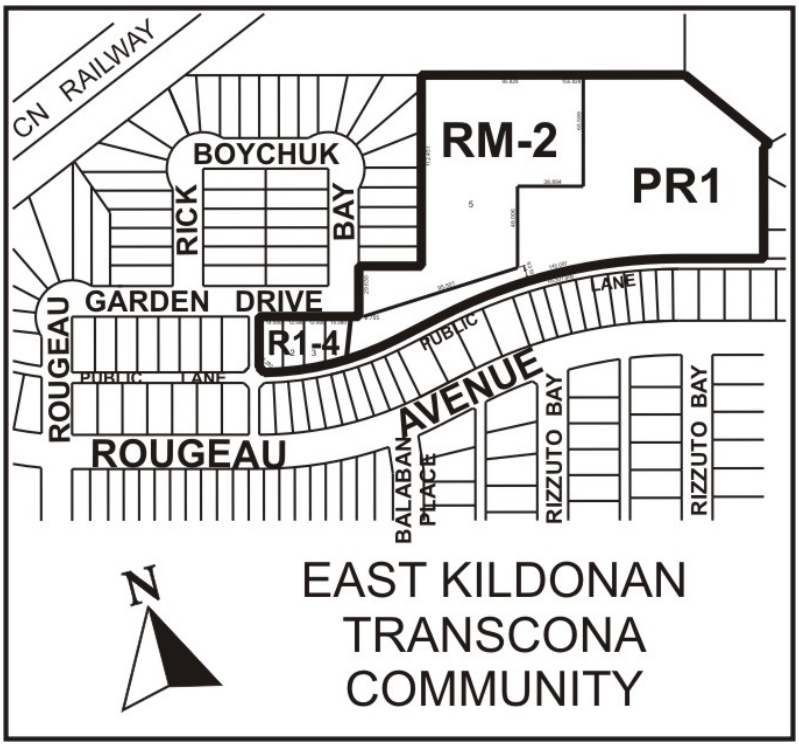
Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **April 04, 2006**
File: **DASZ 9/06**
Related Files: **DAS 43/72; DAZ 106/72; DASZ 17/05**
Subject: **Rezone and subdivide property into multiple and single family residential; and open space.**

Location: **North Side of Rougeau Avenue, East of Rougeau Gardens**



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

Recommendation: **Approve with Conditions**

3126

Report Summary:

- The applicant is proposing Phase 2 of Rougeau Gardens: **4 single family** residential lots along Rougeau Gardens Drive, a **2.6 acre multi-family** site for seniors, and a **3.6 acre open space**.
- This report addresses issues of open space, sensitive lands, accessibility, and community participation.
- The history of the subject lands including its longstanding purpose is tackled as well as the previous application for Phase 1.
- The chronological development and process for the opening of the rear public lane parallel to Rougeau Avenue is detailed with substantial documentation.

Site Description

The subject property is **6.9 acres** of vacant land located on the north side of Rougeau Avenue, east of the Rougeau Gardens Subdivision 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

In 1965 and 1967, the former *Metro Corporation For the Eastern Thoroughfare* acquired the lands for a future transportation roadway immediately east of Lagimodiere Blvd, south of Regent Avenue and north of the CNR Railway R.O.W. Plan 7395. The lands were set aside within the former Plan Winnipeg for the future *Eastern Transportation Thoroughfare*: a major, 4 lane roadway envisioned in 1968 that would be constructed between 1982-1992. The road would connect McDermot Avenue in Downtown Winnipeg to Regent Ave West at Starlight Drive in Transcona.

The City had acquired the subject lands described as Lot 3, Block 15, Plan 12024 from Genstar in the early 1970's 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 landscaped buffer strip along the Eastern Transportation Thoroughfare. These buffer lands were zoned "PR1" Parks and Recreation.

In 1998, *Transplan 2010 - Moving Toward Solutions* reviewed the Eastern Transportation Thoroughfare and contemplated a corridor for only transit vehicles that would cross Rougeau and stay parallel to the CNR Pine Falls ROW. The majority of the lands for the Eastern Transportation Thoroughfare were then declared surplus to the City needs since the four lane roadway was no longer envisioned, replaced by the Eastern Transit Corridor.

The lands east of Lagimodiere, west of Rougeau and north of the CNR Railway R.O.W. Plan 7395 were subsequently closed as a Public Right-of-way and sold to the developer of Crossroads Station for a commercial subdivision and rezoning (**DASZ 11/1999**). The remaining Eastern Transportation Thoroughfare lands east of Rougeau and south of Regent Avenue have been subject to a subdivision/rezoning for commercial uses by Frontier Toyota (**DASZ 24/01**); residential homes by Genstar (**DASZ 17/05**); and a fire hall (**DASZ 6/06**).

DASZ 17/2005 Rougeau Gardens Phase 1

Genstar Development Corporation applied in 2005 to rezone and subdivide vacant land that is on the north side of Rougeau Ave to develop **101 single family** residential lots, **8 two family** residential lots, and **2 parks**. The Eastern Transit Corridor (a future transit corridor) will be accommodated on land parallel to the CNR rail line.

The Planning and Land-use Division reviewed and supported Genstar's application that was scheduled for a Public Hearing at the East Kildonan-Transcona Community Committee on **May 10, 2005**. At this first hearing **71 residents** registered for information or in opposition. The item was adjourned by the EKTCC to allow the applicant time to meet with the local community to discuss residents' concerns regarding traffic, street patterns, lot sizes, and open space.

The applicant invited the **+2,000 residents** of the Mission Gardens' community to a Public Open House to share their opinions on the proposed development on **June 7, 2005.** Over **50 residents** attended and **40 residents** filled out an exit survey.

No changes to the subdivision plan were made for the public hearing on **June 14, 2005**, where **1 resident** appeared in support and **8 residents** appeared in opposition. Of the **8 residents** who spoke in regards to the park issue, **4 residents** have addresses that back onto the proposed new park.

The East Kildonan-Transcona Community Committee recommended approval of the application with an amendment that deleted **42 residential lots**, leaving **6.9 acre**s of land as undeveloped. The East Kildonan-Transcona Community Committee also passed a motion recommending the Standing Policy Committee on Property and Development rezone the undeveloped land on the north side of Rougeau Avenue, east of DASZ 17/2005, from an "A-5" Agricultural District to a "PR1" Parks and Recreation District.

The Standing Policy Committee on Property and Development concurred in the recommendation of the EKTCC on **July 5, 2005** for DASZ 17/2005. The Standing Policy Committee on Property and Development referred the matter of the undeveloped land to the Administration for report back as to need of open space. The Administration reported back to the Standing Policy Committee on Property and Development on **November 20, 2005** as an 'In Camera' item, consistent with *By-law No. 5288/89* that outlines the categories of matters which may be considered in camera by a Standing Committee. The Planning and Land-use Division's position on the need for open space in the Mission Gardens area is a matter of public record as noted in the Planner's Report for DASZ 17/2005.

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. The applicant is proposing **4 single family** residential lots along Rougeau Gardens Drive, a **2.6 acre multi-family** site for seniors, and a **3.6 acre open space**.

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, and promoting compact urban form.

ZONING

- **"R1-4" Single Family Residential District** permits single family dwellings with a minimum lot size of 4,000 square feet and lot width of 40 feet.
- **"RM-2" Multiple Family District** allow a maximum building height of 35 feet, a minimum lot area of 9,000 square feet and a minimum lot area per dwelling unit (density) of 1,250 sq.ft per dwelling unit.
- **"PR-1" Parks and Recreation District** is intended to regulate local publicly-owned parks and recreation sites in a manner consistent with their neighbourhood location. It allows 10 permitted uses, and 17 conditional uses. The minimum front yard is 20 feet, rear yard 25 feet and maximum building height of 30 feet.

LAND USE BY-LAW ISSUES
The area of the proposed "RM-2" lands is 2.58 acres. The minimum lot area per dwelling unit (density) for the RM-2 district is 1,250 sq.ft per dwelling unit. The maximum number of dwelling units permitted would be 90 units.

TRANSPORTATION INFRASTRUCTURE
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 **16.0 feet** (4.877m) of 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. 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.

TRANSPORTATION AND SITE ACCESS
The multi-family building on the north side of the subject lands will be accessed from Rougeau Gardens. Public Works has reviewed the subdivision proposal and has no objections. The Winnipeg Fire and Paramedic Service has reviewed the proposal and has some concerns regarding the access points of only one code compliant road with the secondary access point being a rear lane.

SITE PLAN
The applicant has not submitted a detailed site plan illustrating the proposed multi-family building.

SITE DESIGN ISSUES
There are no firm policies regarding the appropriate amount, type and location of open space required in new and existing Winnipeg neighbourhoods. As a general rule, the Administration considers 3.86 acres of open space per 1,000 people and the number of dwellings within 400 metres of a play structure to determine the appropriate amount, type and location of open space. The Mission Gardens neighbourhood has **34 acres** of open space. The open space guidelines indicate Mission Gardens should have **14 acres** of open space, thus there is a surplus of **20 acres** of open space. Nearly all the existing residential dwellings in Mission Gardens are within 400 metres of a park less than 10 acres and with a play structure, which include Rizzuto Bay Park south of Rougeau and Immanuel Christian School north of Rougeau. Bernie Wolfe School has **9 acres** of open space that is approximately 600 metres due east of Bachinsky and Rougeau. Balaban / Rougeau Park has **6.3 acres** of open space that is approximately 80 metres due west of Bachinsky and Rougeau. The existing amount, type, and location of open space is similar to the other residential neighbourhoods in Transcona, East Kildonan, North Kildonan and north east St. Boniface **(Figure 4).**

ENVIRONMENTAL LANDS
The Naturalist Services Branch can not recommend preservation and can not substantiate any claims of rare plant species on the lands. The Naturalist Services Branch reviewed the subject property on the second week of May and in July of 2005 and compiled a plant species list **(Figure 6).** The area is an early successional grassland with a lot of disturbance - a type of ‘naturalization’ area. Historically this area contained several wetlands (circa the 50's/60's) but they were filled in when CN moved to the area. The lands were subject to a mowing programme in 2005 by the City of Winnipeg to control the weeds.

A map of the Rougeau development area is attached (**Figure 7**) showing a remnant along the railway line where most of the native plant species were located as per the plant species list. The chance of endangered species, such as western prairie fringed orchid and small white lady's-slipper, occurring in the Rougeau Gardens area is remote but if either of them are there - it will

be in this remnant along the rail tracks, which is outside the boundaries of the subject subdivision and Phase 1 of Rougeau Gardens (DASZ 17/2005).

The City Naturalist is willing to offer additional assessments this summer to aid in locating any rare plants; and will assist to relocate any unique plants, should they be found, to a protected area such as the Rotary Prairie Nature Park.

PUBLIC INPUT
The applicant invited the community to an Public Open House on February 15, 2006 to share their opinions on proposed concept plans for development.

Recommendation

The Planning and Land-Use Division supports rezoning the subject properties to **"R1-4"** and **"RM-2"**. 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 9/06** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 9/06,** attached hereto and dated **April 04, 2006**, 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 17/05 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated **March 30, 2006.**

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 9/06,** attached hereto and dated **April 04, 2006**, to a **"R1-4 Single Family Residential District,** a **"RM-2" Multi-Family District** and a **"PR1" Parks and Recreation District** subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter, to include the following conditions

    A. That for the development of any building, and/or accessory parking area and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the **Director of Planning, Property and Development** and **the East Kildonan - Transcona Community Committee** for plan approval prior to the issuance of any building or development permit, and thereafter all to be

maintained to the satisfaction of the Director of Planning, Property and Development;

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, 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.**

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 # DASZ 9/06

Schedule "A"

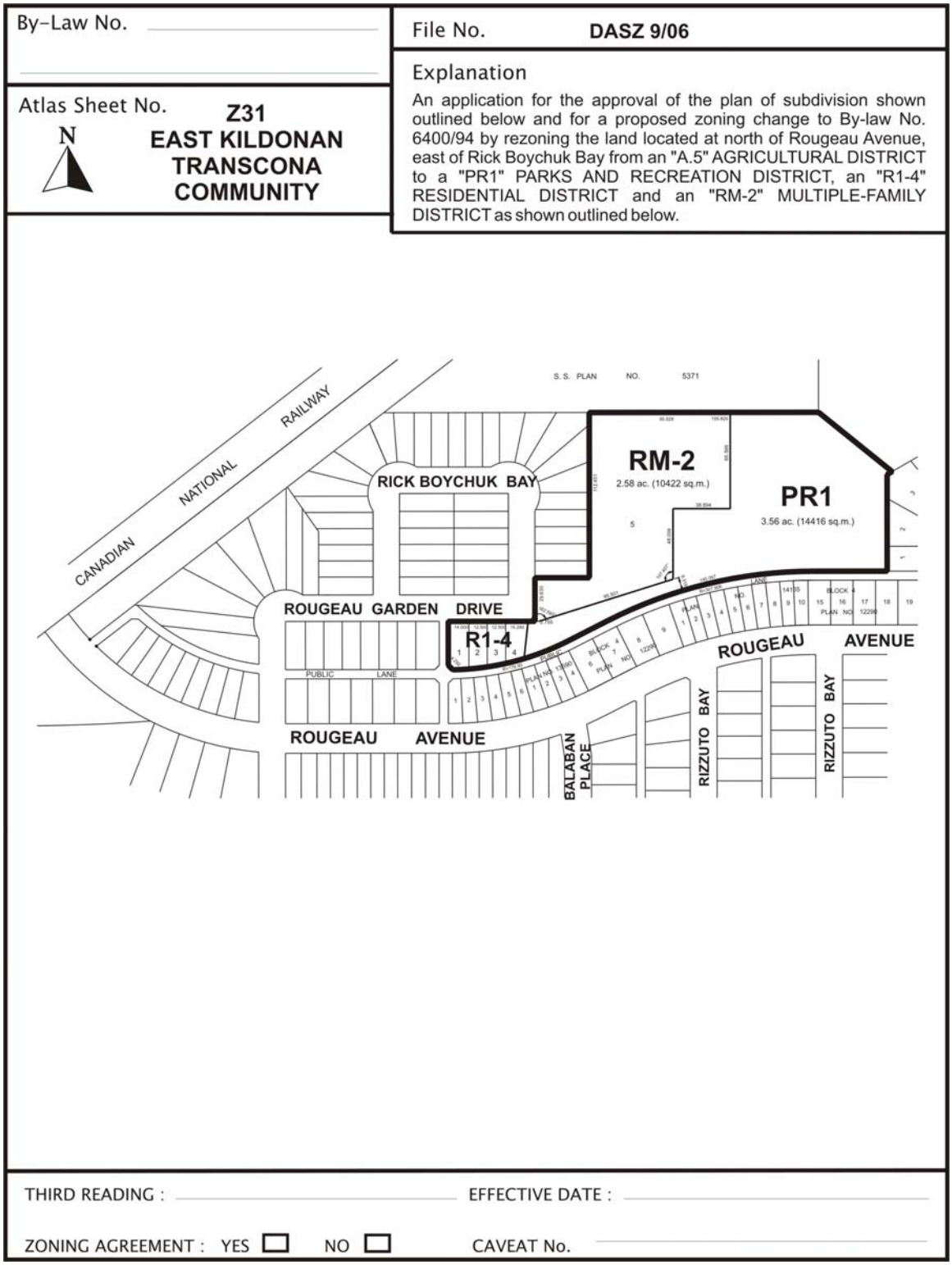


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 09/2006, dated April 04, 2006.



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

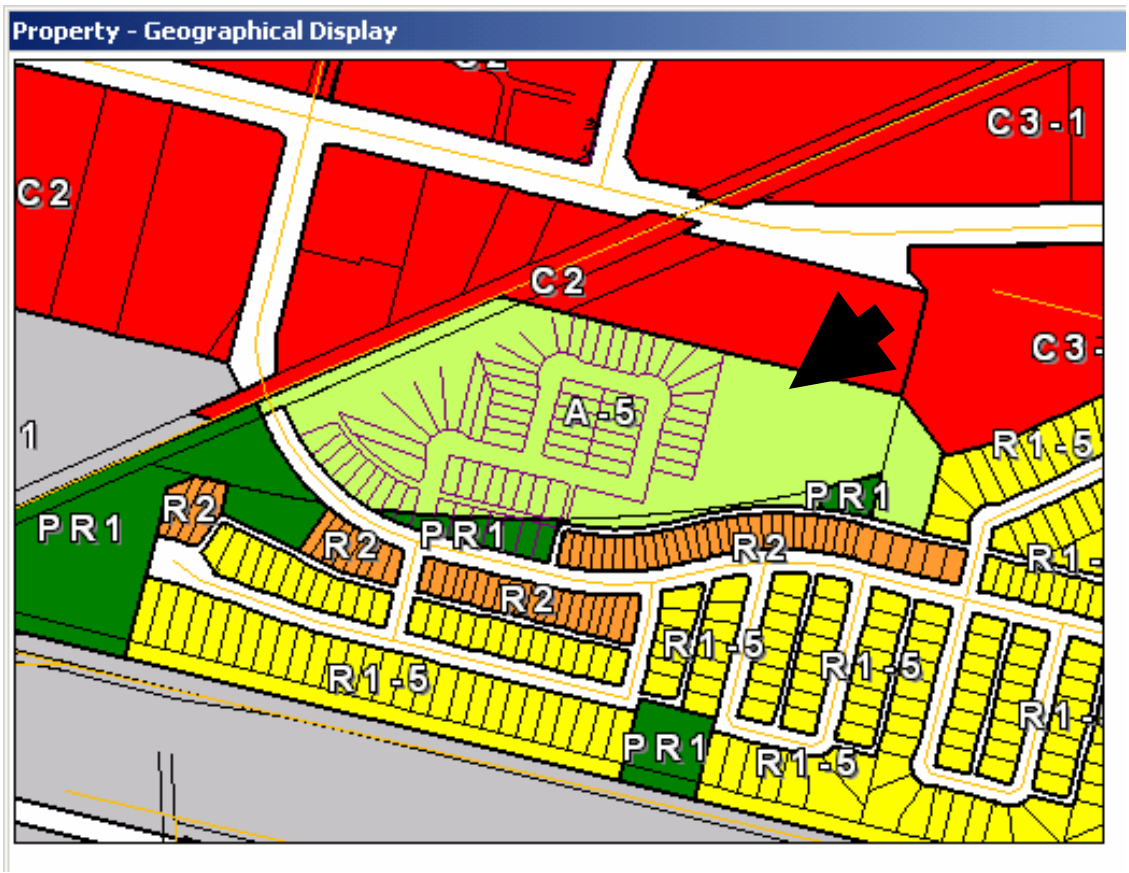


Figure 3: Existing Zoning for subject property and Surrounding Area.

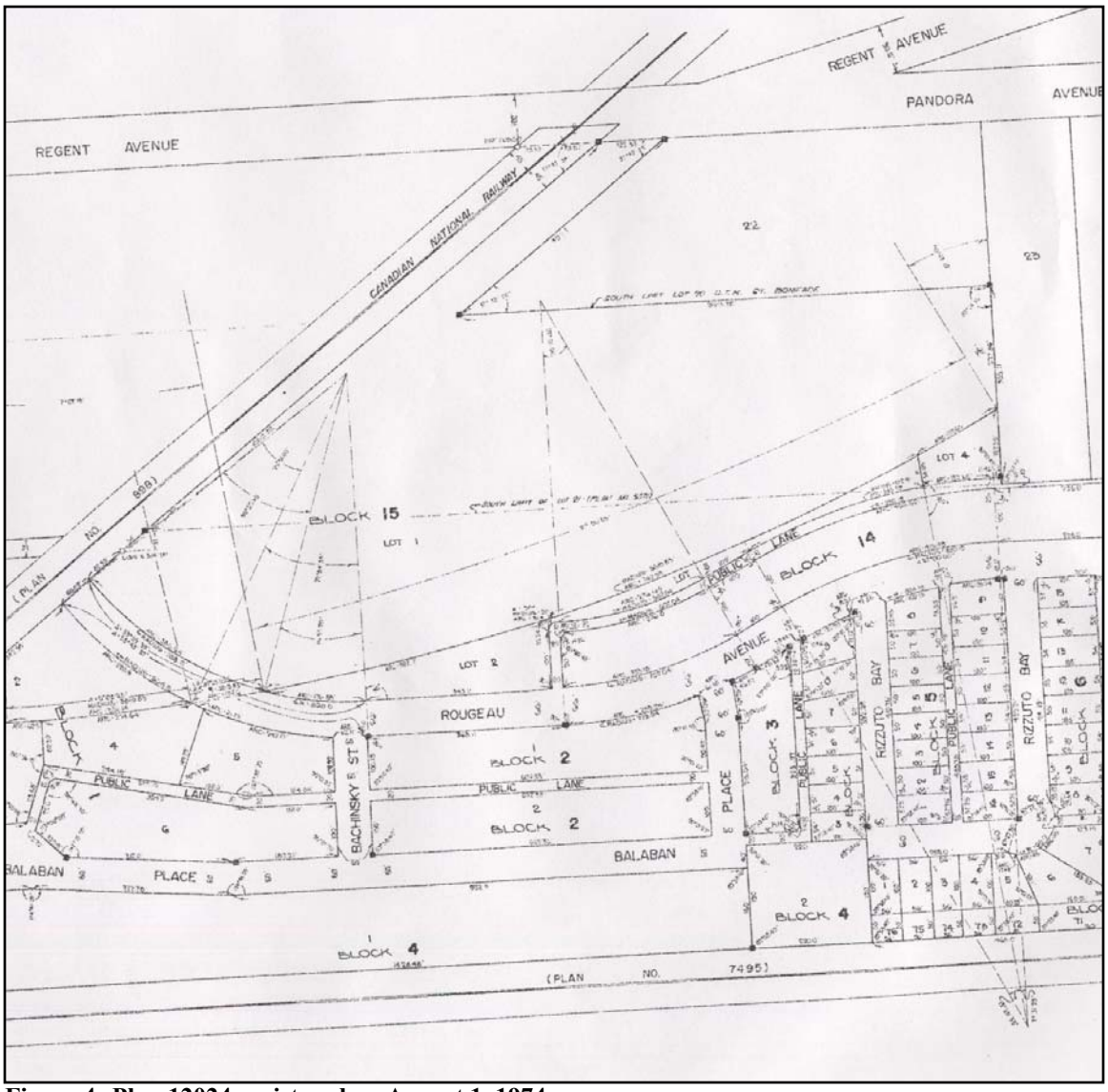


Figure 4: Plan 12024 registered on August 1, 1974.

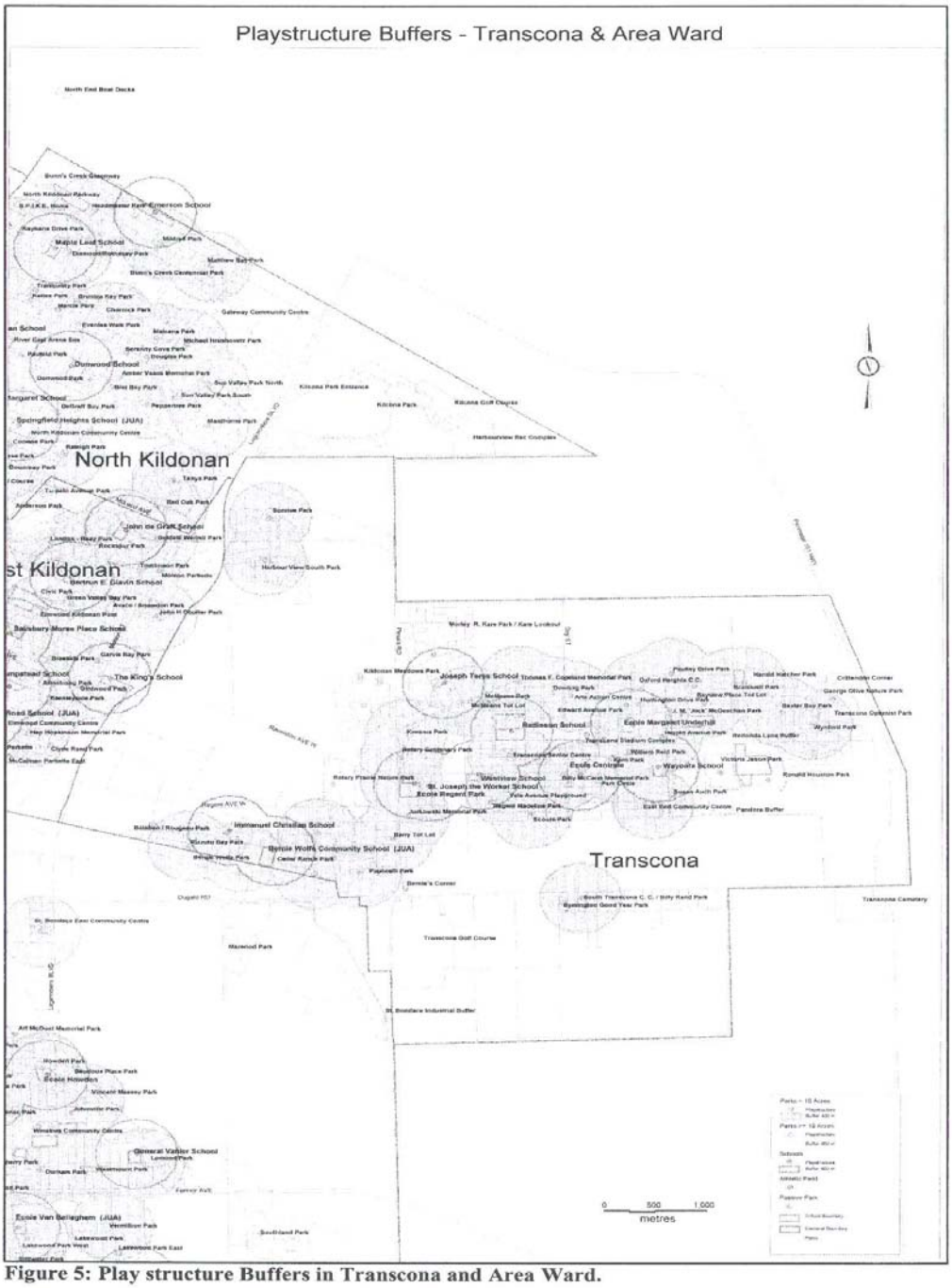


Figure 5: Play structure Buffers in Transcona and Area Ward.

Figure 5: 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 6: Report from City of Winnipeg Naturalist.

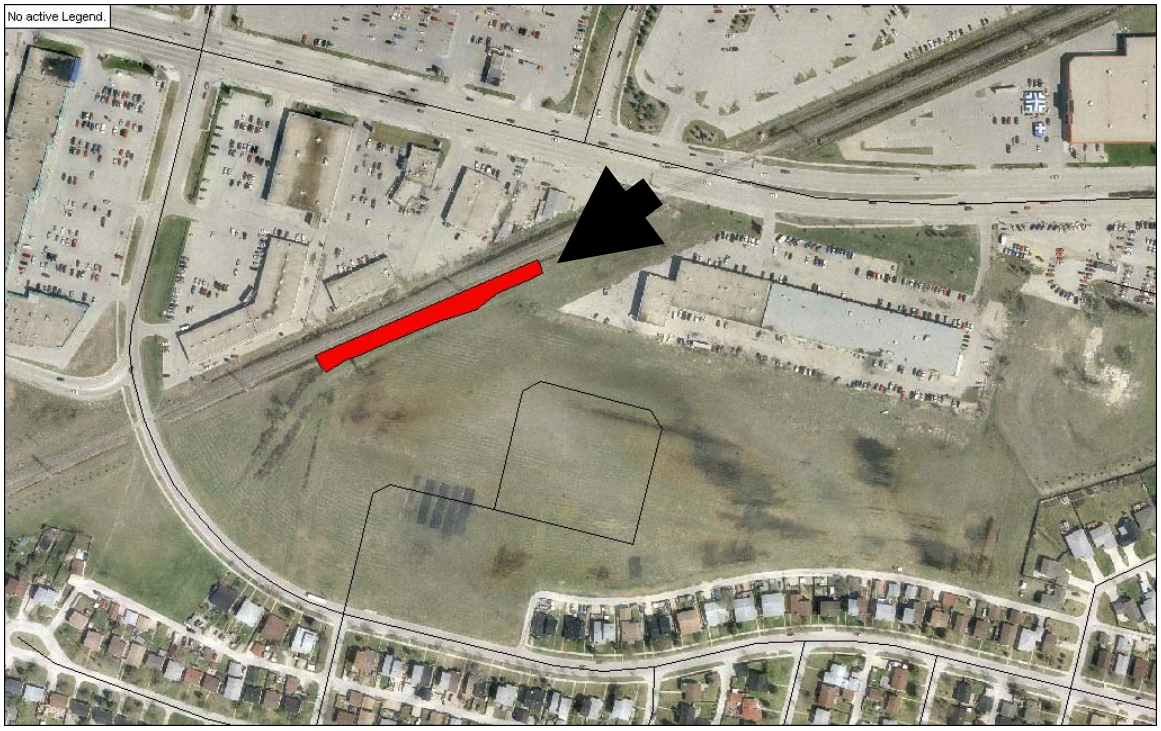


Figure 7: Air photo of location of native plant species found in Rougueau Gardens.

Exhibit "7" referred to in File DASZ 9/2006

Re: Proposed subdivision and rezoning of land located north of Rougeau Avenue East of Rick Boychuk Bay

An application has been submitted by Genstar Development Co. to subdivide the subject land which lies immediately adjacent and to the east of the land approved in 2005 under DASZ 17/05 covered under the terms of Development Agreement AG 17/05. (The subject land comprising approximately 6.5 acres was deleted from DASZ 17/05). The Developer is now proposing to rezone approximately 3 acres for residential purposes (R1-4 and RM-2) and to rezone the balance comprising approximately 3.6 acres to PR-1, Parks and Recreation.

DASZ 17/05 and DASZ 9/06 together comprise a total of approximately 17.9 acres and would normally require a 1.43 acre park to satisfy their combined public open space dedication requirements i.e. 0.08 x 17.9 = 1.43. As approval of DASZ 9/06 will result in the dedication of approximately 3.6 acres of open space, it is recommended that the extra 2.2 acres being dedicated be deemed to in part satisfy the serviced frontage and landscaping requirements normally associated with open space dedication. Attached as Schedule "A" to this report is a Memo to Files AG 17/05 and AG 9/06 detailing the open space dedication calculations.

It is therefore recommended that approval of DASZ 9/06 be subject to the Developer entering into an Addendum to Development Agreement AG 17/05 as follows:

1. By deleting the requirement that the Developer pay cash in lieu of dedication of land as public open space as currently stipulated in AG 17/05 and replacing same with the requirement that the Developer pay the sum of $29,100.00 to fully satisfy the public open space requirements of DASZ 17/05 and DASZ 9/06.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 17/05 and AG 9/06
March 30, 2006

v:ACG Reports\06ag9and05ag17-report

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

Schedule "A" to ACG Report dated March 30, 2006

Memo to Files AG 17/05 and AG 9/06

Following are the calculations for the open space requirements of a typical 17.9 acre subdivision:

1. Land requirement
   0.08 x 17.9 acres = 1.43 acres

2. Value of serviced frontage (100'/acre)
   143' x $460.00/ft. = $65,800.00

3. Value of landscaping
   1.43 acres x $25,300.00/acre = $36,200.00

Under DASZ 9/06, the Developer is providing ± 3.6 acres or ± 2.2 acres extra. Based on a valuation of $30,000.00/acre the extra land is worth $66,000.00. Under DASZ 9/06, the Developer is providing ± 15' of serviced frontage. Therefore there is a deficiency of 128' of serviced frontage which is worth 128' x $460.00/ft. = $58,900.00

Therefore based on the above to fully satisfy the open space requirements of a 17.9 acre subdivision the Developer under DASZ 9/06 should pay the City $29,100.00.