Minute No. 45
Report – Standing Policy Committee on Property and Development – November 1, 2011

Item No. 7 **Subdivision and Rezoning – 740 John Bruce Road East (St. Boniface Ward) File DASZ 29/2011**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision under File DASZ 29/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2011 dated October 7, 2011, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 7, 2011 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 29/2011 dated October 7, 2011 to an "RMF-S" Residential Multi-Family Small District and a "PR1" Parks and Recreation 1 (Neighbourhood) District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, for the development of any building or structure within the lands zoned "RMF-S" Residential Multi-Family Small, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, and landscaping and signage to the Director of Planning, Property and Development 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.

        ii. That, the maximum number of dwelling units on the land zoned "RMF-S" Multiple Family shall not exceed seven (7) dwelling units.

Report – Standing Policy Committee on Property and Development – November 1, 2011

COUNCIL DECISION (continued):

iii. That, the Developer shall demarcate the property line between the private and City-owned lands with either continuous and uniform rear yard fencing, or with uniform bollards to the satisfaction of the Director of Planning, Property and Development. All future property owner(s) shall maintain and/or replace the fencing or bollards as originally constructed, to the satisfaction of the Director of Planning, Property and Development.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

7. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

Report – Standing Policy Committee on Property and Development – November 1, 2011

COUNCIL DECISION (continued):

10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Standing Policy Committee on Property and Development – November 1, 2011

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2011, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 1, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 17, 2011, the Riel Community Committee concurred in the recommendation of the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – 740 John Bruce Road East**
File DASZ 29/2011

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

Prepared by: **Marc Pittet, Senior Committee Clerk**
Riel Community Committee

Report date: **October 18, 2011**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 17, 2011, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 29/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2011 dated October 7, 2011, with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 7, 2011 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 29/2011 dated October 7, 2011 to an "RMF-S" Residential Multi-Family Small District and a "PR1" Parks and Recreation 1 (Neighbourhood) District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, for the development of any building or structure within the lands zoned "RMF-S" Residential Multi-Family Small, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, and landscaping and signage to the Director of Planning, Property and Development 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.

ii. That, the maximum number of dwelling units on the land zoned "RMF-S" Multiple Family shall not exceed seven (7) dwelling units.

iii. That, the Developer shall demarcate the property line between the private and City-owned lands with either continuous and uniform rear yard fencing, or with uniform bollards to the satisfaction of the Director of Planning, Property and Development. All future property owner(s) shall maintain and/or replace the fencing or bollards as originally constructed, to the satisfaction of the Director of Planning, Property and Development.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

7. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated October 7, 2011.

PUBLIC HEARING SUMMARY

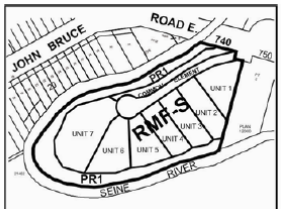
File: DASZ 29/2011

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Swandel

Public Hearing: October 17, 2011
Council Chamber
Council Building, 510 Main Street

Applicant: Dillon Consulting (Jacqueline East)

Subject:



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APPLICANT : DILLON CONSULTING
FILE : DASZ 29/11
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. 200/2006 by rezoning the land shown outlined above from an "R1-E" RESIDENTIAL SINGLE FAMILY DISTRICT to an "RMF-S" MULTI-FAMILY (Small) DISTRICT and "PR1" PARKS AND RECREATIONAL 1 DISTRICT to allow for the construction of multiple family dwellings (7 units). **For information, phone Mr. R. Kostiuk, Planner, at 986-7367.**
DEMANDEUR : DILLON CONSULTING
N° DE RÉFÉRENCE : DALZ 29/11
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R1-E (SECTEUR D'HABITATIONS UNIFAMILIALES DOMANIALES) aux catégories RMF-S (SECTEUR DE PETITES HABITATIONS MULTIFAMILIALES) et PR1 (SECTEUR DE LOISIRS ET DE PARCS 1) afin de permettre la construction d'habitations multifamiliales (7 unités). **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 986-7367.**

Premises Affected: 740 John Bruce Road East

Exhibits Filed:

1. Application dated August 16, 2011
2. Notification of Public Hearing dated September 8, 2011
3. Manitoba Status of Titles 2512492 and 2512494
4. Site Plans (8 pages)
5. Report from the Planning and Land Use Division dated October 7, 2011
6. Inspection Report
7. Audio Recording of Representations

REPRESENTATIONS:

In Support:

Frank Curtis
Jacqueline East
Al Degner
Cheryl Heming
Guy Prefontaine

In Opposition

Garry Aubert
Judy Aubert
Bradley Brown
Peter Pearson

For Information:

Gilbert d'Eschambault
Elaise d'Eschambault
James Erickson
Cynthia Erickson

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department

Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "5" referred to in File DASZ 29/2011

ADMINISTRATIVE REPORT

Title: DASZ 29/2011 – 740 John Bruce Road East Public Hearing

Issue: For consideration at the Public Hearing to subdivide the property into two (2) lots and rezone the site from R1-E to PR1 and RMF-S for the development of a seven (7) unit bungalow condominium development.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 29/2011 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2011 dated October 7, 2011 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 7, 2011 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 29/2011 dated October 7, 2011 to an "RMF-S" Residential Multi-Family Small District and a "PR1" Parks and Recreation 1 (Neighbourhood) District, subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

      i) That, for the development of any building or structure within the lands zoned "RMF-S" Residential Multi-Family Small, plans shall be submitted showing the location and design of proposed buildings, the location and design of accessory parking areas, garbage enclosures, fencing, and landscaping and signage to the

Director of Planning, Property and Development 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.

ii) That, the maximum number of dwelling units on the land zoned "RMF-S" Multiple Family shall not exceed seven (7) dwelling units.

iii) That, the Developer shall demarcate the property line between the private and City-owned lands with either continuous and uniform rear yard fencing, or with uniform bollards to the satisfaction of the Director of Planning, Property and Development. All future property owner(s) shall maintain and/or replace the fencing or bollards as originally constructed, to the satisfaction of the Director of Planning, Property and Development.

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

4. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

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8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing to subdivide the site into two (2) lots and rezone one lot from R1-E to PR1 and the other larger lot from R1-E to "RMF-S" Residential Multi-Family Small in order to develop a seven (7) unit detached bungalow condominium development.
- The proposed PR1-zoned lot will be approximately 0.9 acres in area, while the proposed RMF-S lot will be approximately 2.5 acres in area.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Planning and Land Use Division are concurred in, the subject site will be subdivided into two lots zoned PR1 and RMF-S, allowing the applicant to develop multiple units on the RMF-S-zoned lot in accordance with the conditions within the zoning agreement.

HISTORY

DASZ 27/2004

- On November 23, 2005 Council recommended that the subdivision and rezoning application under file DASZ 27/2004 not be proceeded with. The application was for the creation of 8 single-family lots zoned R1-5 at 740 John Bruce Road East.
- It should be noted that the application was supported by the administration, but rejected at the public hearing by the Riel Community Committee and eventually by Council.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by:	Robert Kostiuk
Date:	October 7, 2011
File No.	DASZ 29/11

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DASZ 29/11
3. Schedule “B” – Report of the Administrative Coordinating Group

APPENDIX 'A'

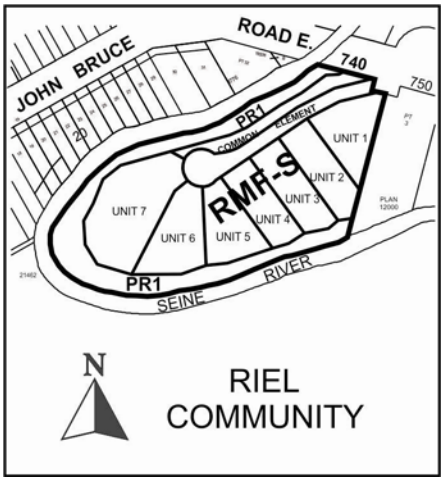
DATE: October 7, 2011

FILE: DASZ 29/11
RELATED FILES: CONDO 5/11 (c/r), DASZ 27/04, DAV 04-314160/D

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.555

SUBJECT: An application to subdivide the site into two (2) lots and rezone the land from "R1-E" Residential Single-Family Estate to "PR1" Parks and Recreation 1 and "RMF-S" Residential Multi-Family Small in order to develop a seven (7) unit bungalow condominium development.

LOCATION: 740 John Bruce Road East
LEGAL DESCRIPTION: Lots 1 & 2 Plan 12,000 (excluding Plan 15064)



APPLICANT: Dillon Consulting (Jacqueline East)
200-895 Waverley Street
Winnipeg MB R3T 5P4

OWNER: Hilton Custom Homes Inc.
201-1615 St. Mary's Road
WINNIPEG MB R2M 3W8

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to subdivide the site into two (2) lots and rezone one lot from R1-E to PR1 and the other larger lot from R1-E to “RMF-S” Residential Multi-Family Small in order to develop a seven (7) unit detached bungalow condominium development.
- The proposed PR1-zoned lot will be approximately 0.9 acres in area, while the proposed RMF-S lot will be approximately 2.5 acres in area.
- The seven bungalow condominiums will be accessed via a private road. The applicant explains that this road will be controlled by an owner-operated electronic gate.
- The land area for each unit in the condominium will be at least 9,500 square feet in area.
- The Planning and Land Use Division recommends supporting this subdivision and rezoning application subject to the conditions recommended in the zoning agreement.

SITE DESCRIPTION

- The subject site is located on the south side of John Bruce Road East along the east bank of the Seine River in the Royalwood neighbourhood of the St. Boniface Ward.
- The site is comprised of two lots: Lots 1 & 2 Plan 12000.
- The site is approximately **3.5 acres in area.**
- There is a 1,300 square foot detached house located at the northeast corner of the property. This home was built in 1962.
- The site is well-vegetated with mature, deciduous and coniferous trees.
- The site is located within the Areas of Stability – Recent Communities Policy Area under the Complete Communities Direction Strategy. The property is zoned “R1-E” Residential Single-Family Estate.



Figure 1: Aerial photograph showing approximate area of subject property (flown 2009)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: The Seine River and parkland zoned PR1 that forms part of the Seine River Parkway.

South: The Seine River and parkland zoned PR1 that forms part of the Seine River Parkway and a two storey multi-family complex zoned RMF-S.

East: Detached houses zoned R1-E.

West: The Seine River and Seine River Parkway and detached houses zoned R1-M.

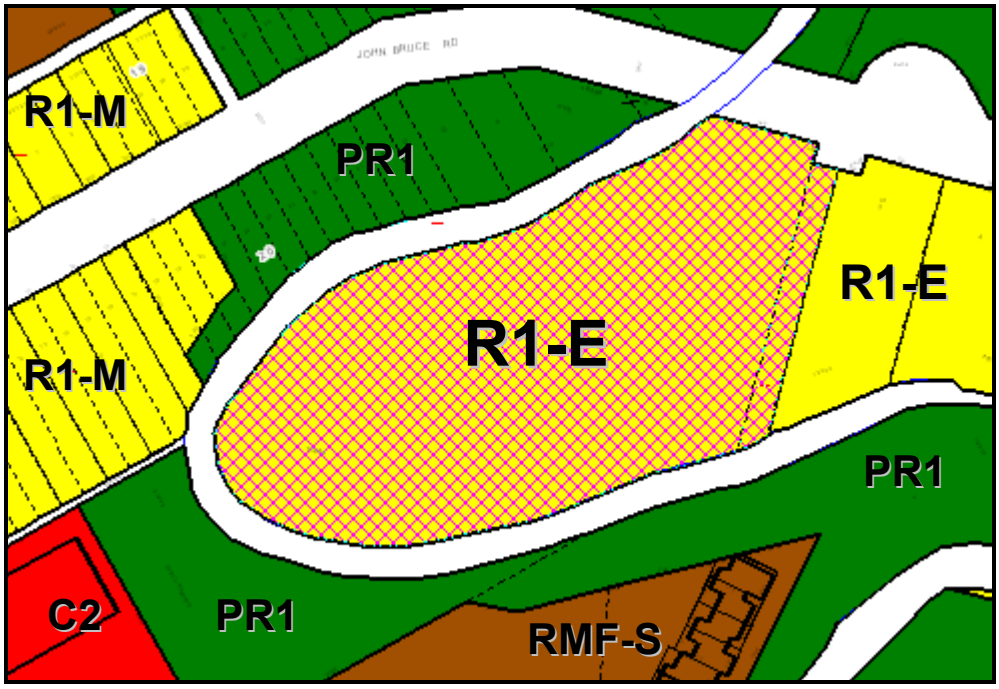


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the site into two (2) lots and rezone one lot from R1-E to PR1 and the other larger lot from R1-E to "RMF-S" Residential Multi-Family Small in order to develop a seven (7) unit detached bungalow condominium development.
- The proposed PR1-zoned lot will be approximately 0.9 acres in area, while the proposed RMF-S lot will be approximately 2.5 acres in area.
- The proposed PR1-zoned land forms the part of the Seine River Waterway requirement, which for this property is comprised of the land lying below geodetic elevation 229.5 metres.
- The seven bungalow condominiums will be accessed via a private road. The applicant explains that this road will be controlled by an owner-operated electronic gate.
- The land area for each unit in the condominium will be at least 9,500 square feet in area.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.

- Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
- Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
- In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.
- Ensure that existing public open spaces meet the neighbourhood's current and future requirements.

ZONING

"R1-E" Residential Single-Family Estate District

- The R1-E district requires: a minimum lot width of 25 feet, a minimum lot area of 20,000 square feet, side yards of 15 feet, a front yard of 30 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 30 percent.

"RMF-S" Residential Multi-Family Small

- The RMF-S zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 4 feet, and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1,250 square feet.

LAND USE BY-LAW

Rezoning

- The R1-E zoning district is intended for large-lot single-family residential development. Only one principal building per zoning lot is permitted in the R1-E zone.
- The applicant is proposing to rezone the land from R1-E to RMF-S in order to develop multiple dwelling units on one zoning lot (through the creation of a condominium development) and to construct a private roadway.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The proposed development is consistent with the policies guiding development in the Recent Communities Area under the Complete Communities Direction Strategy. The applicant is ultimately proposing seven detached house in area surrounded by detached homes.
- The Planning and Land Use Division supported the previous application to subdivide the subject site under DASZ 27/2004, noting that the application – which was for the creation of eight single-family lots – was "in character and compatible with existing and emerging new

subdivisions to the north, east and south." The current application for the development of seven detached bungalows is less intense than the previous application submitted under DASZ 27/2004.

- The maximum permitted height for principal buildings in the RMF-S zone is 35 feet. This is the same maximum permitted height allowed for principal buildings on the surrounding properties that are zoned R1.
- The proposed subdivision allows for the creation of PR1-zoned parkland through the Seine River Waterway requirement.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- The Planning and Land Use Division generally supports the plans as shown.
- The Division would like to see that the existing trees – notably along the perimeter of the site – are retained as much as possible.
- The Division is recommending that final plans be submitted to the Director of Planning, Property and Development for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Planning and Land Use Division to review final plans to ensure consistency with the plans submitted within the subject application.
- The plan approval requirement also allows the Division to review plans to help ensure that these plans are compatible with the community in the instance that a different type of development is proposed in the future.

Maximum Number of Dwelling Units

- The Division is recommending that the maximum number of dwelling units on the land be restricted to the seven (7) units proposed.
- Without restricting the number of units, the applicant or a future developer could build as many as approximately 85 dwelling units on the site under the RMF-S zone. This type of development would require a very different type of analysis than the review undertaken for the 7 dwelling units proposed.
- Restricting the number of units in the zoning agreement will require any future developer to amend the zoning agreement if s/he wishes to increase the number of units on the land.
- A zoning agreement amendment requires a public hearing. This gives the public and the administration another opportunity to review and comment on the application.

FLOOD PROTECTION & WATERWAY REQUIREMENT

- Any new development in the Floodway or Floodway Fringe area is regulated by The City of Winnipeg Charter Designated Floodway Fringe Area Regulation 266/91.
- The City of Winnipeg Water and Waste Department has determined the Flood Protection Level to be the 229.5 metre contour along the western portion of the property.

- This development will require a Waterways Permit from the Director of Planning, Property, & Development.
- As outlined in the Schedule "C" Report of the Administrative Coordinating Group, the developer is to submit a plan of subdivision showing the location of the 229.5 metre contour and sell all land below this contour to the City.
- Since the 1980's, the City of Winnipeg has, as a matter of policy, purchased land (most often through development or servicing agreements included in subdivisions and/or rezonings) below the Flood Protection Level to help form the Seine River Parkway and to provide for a long-term economical drainage outlet for the City's southeast quadrant (see Minutes of City Council, January 19th, 1983 Report of the Executive Policy Committee: Seine River Park Study File PR-7.21).
- Purchasing land for drainage flow is also consistent with the City of Winnipeg Development Agreement Parameters (Section 22: Rivers and Creeks).

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The City is requesting cash in lieu for this application as per condition 5 of the ACG report.

RECOMMENDATION

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

- The proposed development is consistent with the policies guiding development in the Recent Communities Area under the Complete Communities Direction Strategy.
- The proposed development is an example of context-sensitive infill housing development, which is encouraged in the Complete Communities Direction Strategy.
- The applicant is ultimately proposing to develop detached houses in area surrounded by detached homes.

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

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 29/11

Schedule "A" for File No. DASZ 29/2011, Riel Community Committee, dated October 7, 2011

By-Law No. _____

File No. **DASZ 29/11**

Atlas Sheet No.

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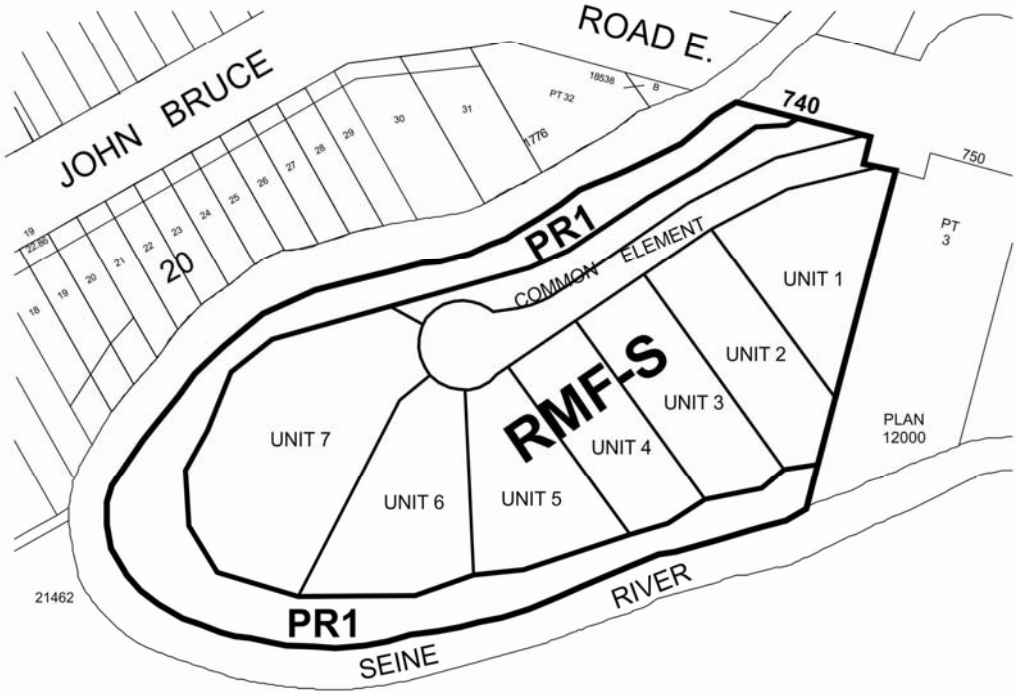
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 740 John Bruce Road East from an "R1-E" RESIDENTIAL SINGLE FAMILY DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (Small) DISTRICT and "PR1" PARKS AND RECREATIONAL 1 DISTRICT to allow for the construction of a multiple family dwelling (7 detached bungalow units) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" Report of the Administrative Coordinating Group dated October 7, 2011

SCHEDULE B - REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 740 JOHN BRUCE ROAD EAST - DASZ 29/11

An application has been submitted to subdivide and rezone land located at 740 John Bruce Road East. The services in John Bruce Road East were installed by Ladco Company pursuant to their Royalwood Phase 1 Development Agreement AG 5/90.

It is recommended that the approval of DASZ 29/11 be subject to the applicant entering into a Servicing Agreement with the City of Winnipeg, containing the following conditions:

1. The Developer shall prior to the release of subdivision mylars for registration in the Winnipeg Land Titles Office pay its share of the cost of the services installed by others in John Bruce Road East as determined by and to the satisfaction of the Director of Public Works and the Director of Water and Waste.

2. The Developer shall retain the services of a Manitoba Land Surveyor to prepare a Plan of Subdivision of the Planned Area delineating the 229.5 m contour.

3. The Developer shall sell to the City, for Seine River Waterway purposes, at a price not to exceed $15,000.00 per acre, all land within the Planned Area lying below geodetic elevation 229.5 m, in accordance with the City's Seine River Waterway policy.

4. The Developer shall pay the Seine River Waterway Land Acquisition Charge ($145.00/acre) for all land within the Planned Area above geodetic elevation 229.5 m.

5. In lieu of dedication of land for public open space, the Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, 8% of the appraised value of the land plus the cost of landscaping and services which it would have contributed to the City if public open space had been dedicated.

6. To protect the natural riverbank lands, the developer shall:

   a) demarcate the property line between the private and City owned lands. If continuous rear yard fencing is not proposed, then, at a minimum the developer shall, at no cost to the City, install bollards at the each of the rear property corners as well as at a minimum of two other points along each rear property line, equally spaced, and at any significant direction changes along the property line, such that there should be one bollard approximate every 6 m. These bollards shall be located within the private property and shall become the responsibility of the private property owner to maintain - which shall be established as a caveat on their title.

b) notify prospective purchasers, and provide the City with a copy of the condominium agreement or other such related documentation which shall include information on the property owners responsibilities relative to the riverbank lands (no dumping, pruning, mowing, etc.) as will be articulated in a letter or brochure prepared by the City Naturalist.

7. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 per acre of Planned Area (minimum $1,650.00) plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 29/11
October 12, 2011

"original signed by KT Raban"
Land Development Branch

_____
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

_____
F. C. Mazur, P. Eng.
Water and Waste Department

_____
D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

KTR