Minute No. 438
Report - Standing Policy Committee on Property and Development - May 3, 2005

Item No. 11 Zoning Agreement Amendment - north side Island Shore Boulevard, west of Henry Dormer Drive
File ZAA 3/2005 [c/r DASZ 1/95]

COUNCIL DECISION:

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

1. That the Zoning Agreement Caveat No. 2401089 under File DASZ 1/95 dated September 27, 1995, (By-law No 6707/95) be amended for the subject property as follows:

   A. That Clause 2, relating to dwelling unit density, be replaced to read:

      "2. It is understood between the parties hereto that the maximum density permitted on the land shall not be greater than two (2) dwelling units per four thousand (4,000) square feet of site area and that no building on the land shall include more than two (2) dwelling units and said units are not to exceed two storeys or twenty-five (25) feet in height."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 1/95 (By-law No. 6707/95) dated September 27, 1995, as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. That the City Solicitor/Manager of Legal Services 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 - May 3, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 11, 2005, 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 May 3, 2005, 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 April 4, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - north side Island Shore Boulevard, west of Henry Dormer Drive**
File ZAA 3/2005 [c/r DASZ 1/95]

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

Prepared by: **Marc A. Pittet, Clerk,**
Riel Community Committee

Report date: **April 15, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 4, 2005, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the Zoning Agreement Caveat No. 2401089 under File DASZ 1/95 dated September 27, 1995 (By-law No 6707/95) be amended for the subject property as follows:

   A. That Clause 2, relating to dwelling unit density, be replaced to read:

      It is understood between the parties hereto that the maximum density permitted on the land shall not be greater than two (2) dwelling units per four thousand (4,000) square feet of site area and that no building on the land shall include more than two (2) dwelling units and said units are not to exceed two storeys or twenty-five (25) feet in height.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 1/95 (By-law No. 6707/95) dated September 27, 1995, as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. That the City Solicitor/Manager of Legal Services 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 from the Manager of Planning and Land Use dated April 4, 2005.

PUBLIC HEARING SUMMARY

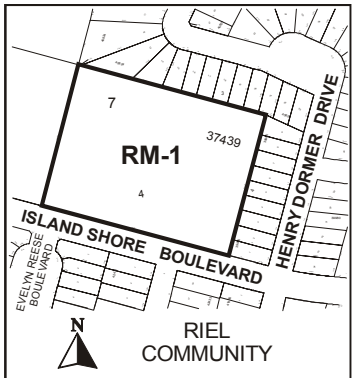
File: ZAA 3/2005 [c/r DASZ 1/95]

Before: Riel Community Committee
Councillor Steeves, Chairperson
Councillor Magnifico

Public Hearing: April 4, 2005
St. Norbert Community Centre, 3450 Pembina Highway

Applicant: Randall Homes Ltd. (George Daterra)

Subject:



APPLICANT : RANDALL HOMES
FILE : ZAA 3/05
PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above to permit two dwelling units per four thousand (4000) square feet of site area and that no building on the land shall include more than two dwelling units instead of one dwelling unit as permitted by the Agreement. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR: RANDALL HOMES
N° DE RÉFÉRENCE : MCZ 3/05
PROJET : Modification de la convention de zonage du bien-fonds indiqué ci-dessus afin de permettre l'aménagement de deux unités d'habitation par 4 000 pieds carrés de superficie et l'aménagement d'un maximum de deux unités d'habitation par bâtiment au lieu d'une unité ainsi que le prévoit la convention. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: north side Island Shore Boulevard, west of Henry Dormer Drive

Exhibits Filed:

1. Application dated March 3, 2005
2. Notification of Public Hearing dated March 8, 2005
3. Manitoba Status of Title 1663863
4. Caveat No. 2401089
5. Letter of Authorization dated March 2, 2005 from Novamet Development Corporation to Randall Homes Ltd.
6. Zoning Development Information
7. Drawings of subject property
8. Plan of Subdivision (5 pages)
9. Report from the Manager of Planning and Land Use dated April 4, 2005
10. Plans (6 pages) submitted by Jason Jacquet on April 4, 2005
11. Inspection Report

REPRESENTATIONS:

In Support:

George Daterra
Jason Jaquet
Eric Vogan

In Opposition

Pamela Yule

For the City:

Michael Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Eric Vogan and Jason Jacquet appeared in support of the application and gave a brief overview of the proposal. Mr. Vogan explained that public open houses were held in February and on March 11 to provide area residents and other interested parties with details of the proposed development.

Pamela Yule appeared in opposition to the application. Ms. Yule stated that when she purchased her home, her agent had advised that the subject property would remain greenspace or accommodate a school. Ms. Yule further stated that she was opposed to the land in question being used for anything other than greenspace or a school.

Eric Vogan and Jason Jacquet returned in rebuttal. In response to a question from Councillor Magnifico, Mr. Jacquet stated that Randall Homes would cover the cost of fencing for properties without existing fences located adjacent to the development.

Exhibit "9" referred to in File ZAA 3/2005 [c/r DASZ 1/95]

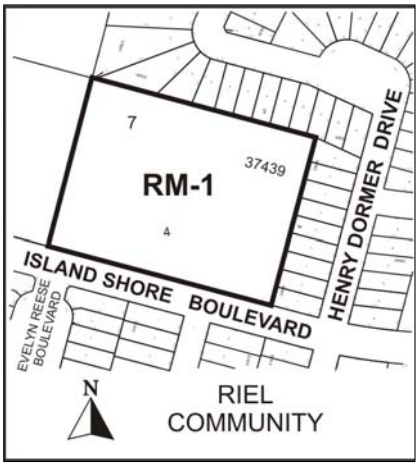
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: **April 4, 2005**
File: **ZAA 3/05**
Related Files: **N/A**
Subject: Application to amend clause No. 2 of zoning agreement DASZ 1/95 to permit two (2) dwelling units per four thousand (4,000) square feet of site area, instead of one (1) dwelling units per four thousand (4,000) square feet of site area.

Location: North Side Island Shore Boulevard, West of Henry Dormer Drive
Legal Description: Lot 4, Block 7, Plan 37439.



Applicant: Randal Homes (George Daterra)
Owner: Novamet Development Corp.

Recommendation: That the Zoning Agreement Amendment be approved.

Site Description

The subject property is zoned "RM-1" Residential and is subject to a zoning agreement that limits maximum allowable density and building height. The subject property is approximately 4.5 acres in area, and is currently vacant undeveloped land.

Surrounding Land Use and Zoning
North: New single-family detached homes, zoned "R1-4" Residential
South: Island Shore Blvd, then vacant undeveloped land, zoned "R1-4" Residential
East: New single-family detached homes, zoned "R1-4" Residential
West: School, zoned "RM-1" Residential, and park/open space zoned "PR1" Parks and Recreation

Background

At the time of the original subdivision / rezoning application, in 1995, the neighboring property owners expressed concerns over the possibility of the subject property being built as a multi-family residential development (apartment) as it is zoned RM-1 "Residential", a multi-family district. In order to mitigate the concerns of the adjacent property owners, a zoning agreement was registered on the title as a caveat to the property, which limits development on the property to one dwelling unit per four thousand square feet of site area, and building height to two storeys or twenty-five feet. The zoning agreement is summarized below.

Development Standards
Regulations with respect to maximum density is limited to one (1) dwelling unit per four thousand (4,000) square feet of site area; and regulations with respect to building height is a maximum of to two storeys or twenty-five (25) feet.

Development Control
Construction or alterations to the site are not permitted without prior plan approval from the Riel Community Committee.

Description of the Proposed Development

Proposed Changes
In order to make the project cost effective, the applicant has indicated his intentions to develop the subject property with twenty (20) duplex structures (a total of 40 dwelling units), instead of single-family homes.

Public Input
In order to collect public response, as to the proposed changes to the zoning agreement amendment, the applicant has held two open house meetings for the surrounding property owners. These open house meetings were held on February 8, 2005, and March 11, 2005. The applicant states that minimal objection was expressed over the proposed zoning agreement amendment at these meetings.

Analysis

The subject property is adjacent to park / open space, a school, and "R1-4" Residential zoned single-family detached homes that can build to a maximum height of 30 feet (three storeys). Therefore, as the caveat on the subject property will still restrict new residential building to a maximum of two storeys or twenty-five (25) feet, the proposed development should have a minimal impact on the surrounding neighborhood.

Recommendation

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

- The proposed development is lower in height than the surrounding single-family homes.
- The design of the duplex units is consistent with the surrounding single-family homes.
- The proposed amendment should have minimal impact on the surrounding neighborhood.

Recommended Conditions of Approval

I. That the Zoning Agreement Caveat No. 2401089 under file no. DASZ 1/95 dated, September 27, 1995 (By-Law # 6707/95), be amended for the subject property as follows:

a) That clause 2, relating to dwelling unit density, be replaced to read:

> It is understood between the parties hereto that the maximum density permitted on the land shall not be greater than two (2) dwelling units per four thousand (4,000) square feet of site area and that no building on the land shall include more than two (2) dwelling units and said units are not to exceed two storeys or twenty-five (25) feet in height.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 1/95 (By-Law # 6707/95), dated, September 27, 1995 as approved in aforesaid Clause I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

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

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

Report Prepared by: Derek Eno, Planner