Agenda - Council - June 28, 2006

Report - Standing Policy Committee on Property and Development - June 6, 2006

Item No. 14 Zoning Agreement Amendment - southeast corner of Knowles Avenue and Gateway Road (626 Knowles Avenue)
File ZAA 3/2006 [c/r DASZ 45/2004]

STANDING COMMITTEE RECOMMENDATION:

On June 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the Zoning Agreement under File DASZ 45/2004 dated May 18, 2005, be amended as follows:

   A. That Clauses 3 B. and 3 C. be deleted.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 45/2004 dated May 18, 2005, 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.

Agenda - Council - June 28, 2006

Report - Standing Policy Committee on Property and Development - June 6, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 6, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 9, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - Southeast corner of Knowles Avenue and Gateway Road (626 Knowles Avenue)**
File ZAA 3/2006

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

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

Report date: **May 16, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 9, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the Zoning Agreement under File DASZ 45/2004, dated May 18, 2005, be amended as follows:

   A. That Clauses 3 B. and 3 C. be deleted.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 45/2004, dated May 18, 2005, as approved in aforesaid Clause 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 East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. The deletion of Clauses 3.B. and 3.C. from the Zoning Agreement will assist the Developer to develop the land in a manner that is consistent to other developments along Gateway Road, and will also ensure consistent sight lines along Gateway Road.

PUBLIC HEARING SUMMARY

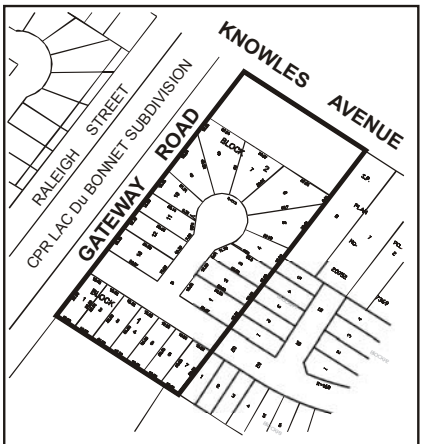
File: ZAA 3/2006

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

Public Hearing: May 9, 2006
Community Committee Chambers, 755 Henderson Highway

Applicant: Doug Henne Planning Services
(Doug Henne)

Subject:



EAST KILDONAN
TRANSCONA
COMMUNITY

APPLICANT : DOUG HENNE PLANNING SERVICES
FILE : ZAA 3/06
PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above by deleting the following clauses: 1) That residential lots with rearage on the Gateway Road right-of-way shall provide a minimum fifty (50) foot (15.24 metres) setback between the rear property line and any habitable rooms of principle buildings, and 2) That a minimum side yard of 32.8 feet (10.0 metres) be maintained for single family residential lots that flank the Gateway Road right-of-way. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected:	Southeast corner of Knowles Avenue and Gateway Road (626 Knowles Avenue)
Exhibits Filed:	1. Application dated March 24, 2006 2. Notification of Public Hearing dated March 31, 2006 3. Manitoba Status of Title 1821338 4a. Letter of authorization dated August 30, 2004 from Lawrence Henry and Marlene Rose Kostynyk to North Grassie Properties Inc., or its Agent 4b. Letter of authorization dated October 8, 2004 from North Grassie Properties Inc. to Doug Henne 5. Surveyor's Sketch 6. Report from the Planning and Land Use Division dated April 18, 2006 7. Inspection Report

REPRESENTATIONS:

In Support:

Doug Henne, Doug Henne Planning Services

In Opposition

Nil

For Information:

Andrew Hretzay, Anson Development
Mirko Ljubic

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Doug Henne appeared in support of the application. He advised that the special rear yard setbacks and side yard requirements create a problem in terms of viability of the lots in the vicinity of the cul-de-sac as they purportedly only leave a buildable depth of 35 feet and would eliminate one buildable lot. He further advised that the side yard setback would only contribute minimally to noise attenuation. He commented that there is no precedent for the special setbacks along Gateway Road to the south.

Exhibit "6" referred to in File ZAA 3/2006

Winnipeg

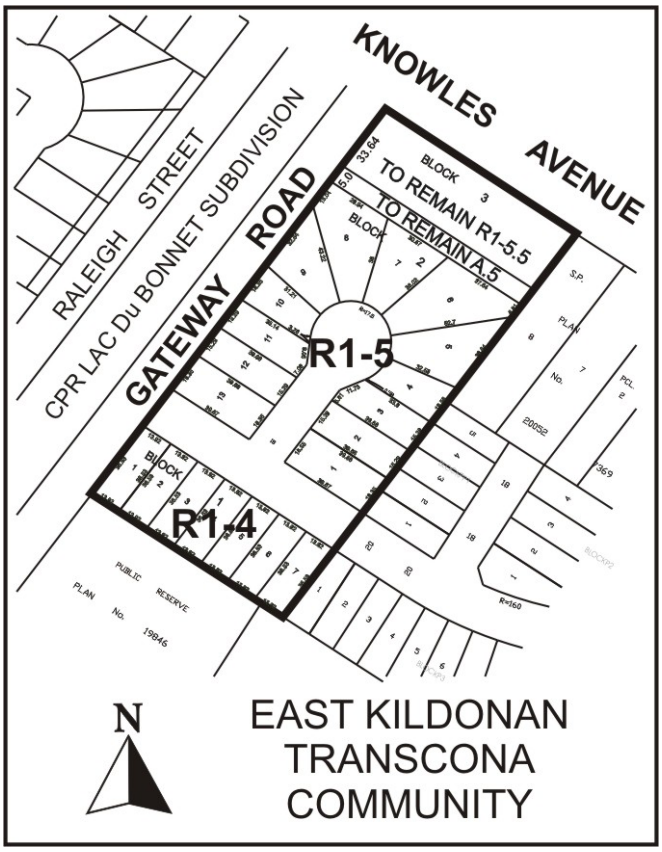
Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **April 18, 2006**
File: **ZAA 3/06**
Related Files: **DASZ 45/04; DASZ 20/04; DASZ 10/1990**

Subject: **Amend zoning agreement to reduce the residential dwelling setbacks from Gateway Road.**

Location: **626 Knowles (Arrowwood Subdivision)**



Applicant: **Doug Henne Planning Services**
4204

Owner: **Lawrence and Marlene Kostynyk**

Recommendation: **Approval**

Report Summary:

- The application is a 'house keeping' item: there is no proposed changes to the major components (street patterns, land-uses, lot widths) of the previously approved development.
- A rear yard buffer of 50 feet was established for dwellings adjacent to Gateway Road.
- A side yard buffer of 32.8 feet was established for dwellings abutting Gateway Road.
- The applicant requests the buffers be deleted and the bulk regulations of by-law 6400/94 for rear and side yards be applied.
- Public Works has no objections to this application.

Site Description

The subject property is approximately 20,223 square metres (5 acres) located east of Gateway Road between Bonner and Knowles Avenues in the Springfield North neighbourhood of the North Kildonan Ward. The site is zoned "A-5" Rural District and "R1-5.5" Residential District. Adjacent lands include vacant land to the east designated "A-5" and single family dwellings zoned "R1-5.5". Surrounding lands include open green space to the south along Bonner Avenue.

Background

DASZ 10/1990
The EKT CC recommended approval of a previous application, DASZ 10/1990, for single family dwellings on the subject lands on February 26, 1991 after four public hearing that included neighbourhood opposition and support. The recommendation was adopted by Council on May 29, 1991. The applicant at that time, Kingsford Development Corporation, did not proceed with the approved plans. This plan has subsequently expired. DASZ 10/1990 also included the adjacent lands to the east, which are subject to DASZ 20/04.

DASZ 20/04
This application was made in June of 2004 and did not include the subject lands. The first design of DASZ 20/04 was different than the previous application made under DASZ 10/1990 in terms of street patterns and the retention lake. The Administration recommended in October at a Public Hearing that DASZ 20/04 be laid over to allow the applicant time to work with the City of Winnipeg to generate a revised plan. DASZ 45/04 was made in November, 2004. Both DASZ 20/04 and DASZ 45/04 were approved by Council on May 18, 2005.

Description of the Proposed Development

The applicant intends to subdivide the subject property in order to construct 20 single family dwellings. The residential lots will range from 40 feet to + 50 feet. Residential lots will front the south side of Headmaster Row. A cul-de-sac will extend north from Headmaster Row. There will be no additional lots or single family dwellings added to the south side of Knowles Avenue.

Analysis

ZONING

- The Zoning Agreement restricts the distance a habitable building can be constructed adjacent to Gateway Road with a rear yard of 50 feet.

  3. B. *That residential lots with rear age on the Gateway Road right-of-way shall provide a minimum 50 foot (15.24 metre) setback between the rear property line and any habitable rooms of principal buildings.*

- The Zoning Agreement restricts the distance a habitable building can be constructed adjacent to Gateway Road with a side yard of 32.8 feet.

  3. C. *That a minimum side yard of 32.8 feet (10.0 metres) be maintained for single family residential lots that flank the Gateway Road right-of-way.*

- The Bulk Regulations of Zoning By-law 6400/94 require rear yards of 25 feet and side yards of 4 feet.

INFRASTRUCTURE IMPACTS
Public Works has indicated in a letter date March 13, 2006 no objection to deleting the special rear and side yards for those lots within the subdivision abutting Gateway Road.

SITE DESIGN ISSUES
The deletion will reduce the distance between the future residential dwellings and Gateway Road.

Recommendation

For the reduction of the buffer between Gateway Road and the adjacent dwellings, the applicant requires the following clause, which establishes the separation distances as 50 feet for the rear yard and 32.8 feet for the side yard, be ***deleted*** from the Zoning Agreement:

3. B. *That residential lots with rear age on the Gateway Road right-of-way shall provide a minimum 50 foot (15.24 metre) setback between the rear property line and any habitable rooms of principal buildings.*

3. C. *That a minimum side yard of 32.8 feet (10.0 metres) be maintained for single family residential lots that flank the Gateway Road right-of-way.*

Recommended Conditions of Approval

1. That the Zoning Agreement under file no. **DASZ 45/04**, dated, **May 18, 2005**,

   A. be amended as follows:

      i. That Clause 3 B. and 3 C. be deleted.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement **DASZ 45/04** dated, **May 18, 2005** as approved in aforesaid Clause 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.

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

Report Prepared by: John S. Wintrup
PPD File # ZAA 3/06

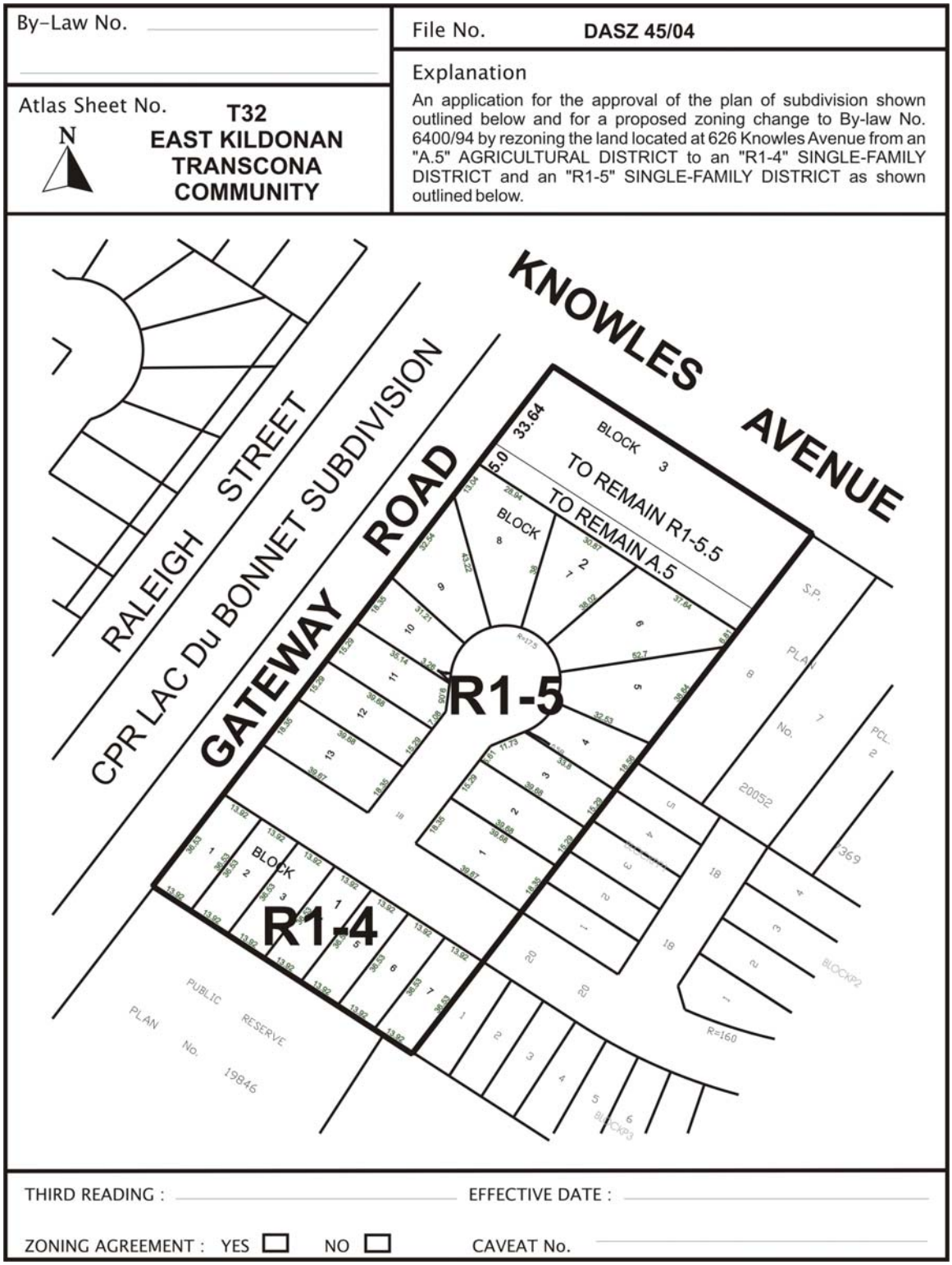


Figure 1: Approved plan of subdivision and rezoning for file No. DASZ 45/04.

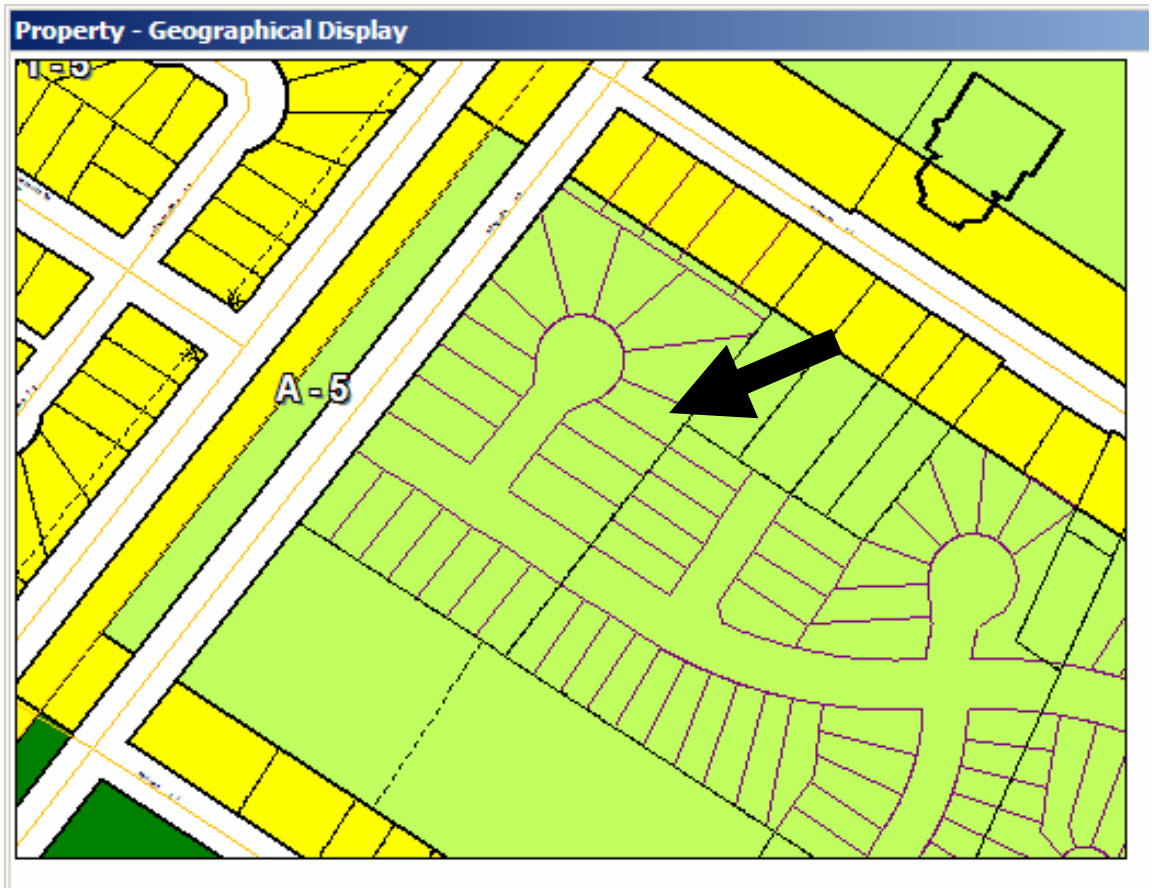


Figure 2: Existing Zoning for subject property and Surrounding Area.



Figure 3: Existing Land-Uses for subject property and Surrounding Area.