Agenda - Council - June 28, 2006

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

Item No. 15 Zoning Agreement Amendment - Harbourview South Phase II
File ZAA 4/2006 [c/r DASZ 50/2004]

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 50/2004 dated June 29, 2005, be amended as follows:

   A. That Clause 3 B. be deleted and substituted with the following:

   "That residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline and any principal dwellings."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 50/2004 dated June 29, 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 - Harbourview South Phase II**
File ZAA 4/2006

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 50/2004 dated June 29, 2005 be amended as follows:

   A. That Clause 3 B. be deleted and substituted with the following:

   "That residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline and any principal dwellings."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 50/2004 dated June 29, 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 East Kildonan-Transcona Community Committee agreed with the administrative comments contained in the report from the Planning and Land Use Division dated April 18, 2006.

PUBLIC HEARING SUMMARY

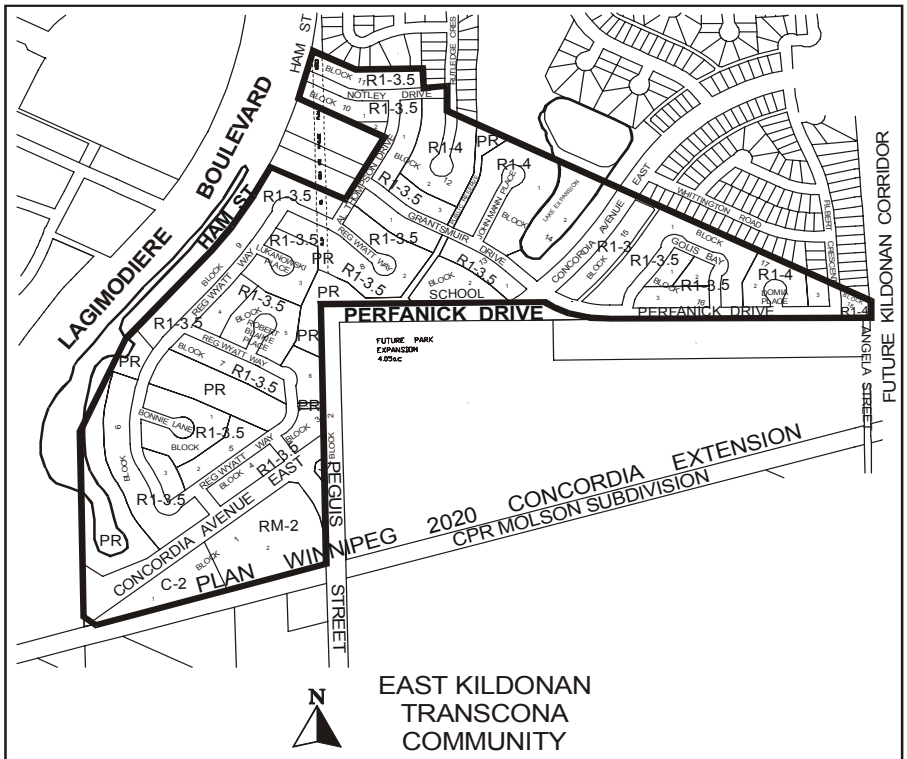
File: ZAA 4/2006

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: Qualico Developments (Winnipeg) Ltd.
(Lyne Jones)

Subject:



APPLICANT : QUALICO DEVELOPMENTS (WINNIPEG) LIMITED
FILE : ZAA 4/06
PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above by deleting the clause which states that all residential lots abutting the existing high pressure gas pipeline right-of-way shall provide a minimum fifty (50) foot (15.24m) setback between the high pressure gas pipeline right-of-way and any principal dwellings. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: Harbourview South Phase II

Exhibits Filed:

1. Application dated April 11, 2006
2. Notification of Public Hearing dated April 12, 2006
3. Manitoba Status of Titles 1094326, 1374660, 1374658, 1374659, 1459461, 1857555, 2132414, 2021396, 2036359, 2036356, 2024026, 1611485, 1563618, 1145710, 1145705
4. Letter of authorization dated September 9, 2004 from the Manager of Real Estate, City of Winnipeg, to Qualico Developments (Winnipeg) Ltd.
5. Caveat No. 240026
6. Caveat No. 85-85745
7. Caveat No. 85-85746
8. Caveat No. 2085558
9. Caveat No. 2333585
10. Caveat No. 2333586
11. Report from the Planning and Land Use Division dated April 18, 2006
12. Inspection Report

REPRESENTATIONS:

In Support:

Eric Vogan, Qualico Developments (Winnipeg) Ltd.
Blaine Reimer

In Opposition

Nil

For Information:

Andrew Hretzay, Anson Development
Doug Irwin

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Eric Vogan appeared in support of the application. He advised that Manitoba Hydro has agreed that the buffer be measured from the gas pipeline as opposed to the right-of-way.

Blaine Reimer appeared in support of the application. He advised that he is affected by the buffer requirement as he owns land north of his residence on Ham Street.

Exhibit "11" referred to in File ZAA 4/2006

Winnipeg

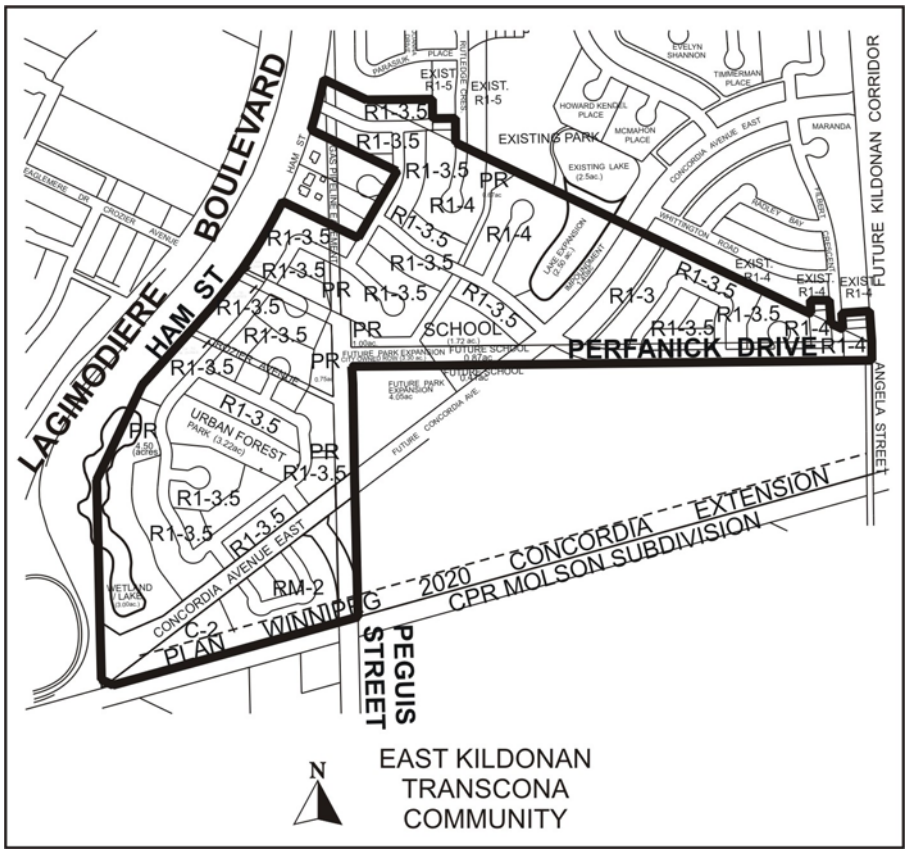
Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **April 18, 2006**
File: **ZAA 4/06**
Related Files: **DASZ 50/04; DASZ 22/79; DASZ 44/85; DASZ 20/85; DASZ 35/84;**

Subject: **Amend zoning agreement to reduce the residential dwelling setback from the high pressure gas pipeline.**

Location: **Harbourview South Phase II**



Applicant: **Qualico Development – Lyne Jones**
Owner: **Qualico Development**

Recommendation: **Approval**

Report Summary:

- The application is a 'house keeping' item: there is no proposed changes to the major components (street patterns, land-uses) of the previously approved development.
- A buffer between the high pressure gas pipeline and the future residential dwellings was established as 50 feet as measured from the right-of-way.
- The applicant requests, with supporting documents from Manitoba Hydro, the buffer be measured from the gas pipeline.

Site Description

The subject property is approximately **41 hectares (102 acres)** located east of Lagimodiere Blvd between the C.P.R. Molson Subdivision, Peguis Street, Perfanick Drive and the existing Harbourview Phase in the Grassie neighbourhood of the Transcona Ward. The site is zoned "A-5" Rural District and "R1-5.5" Residential District. Adjacent lands include vacant land to the east zoned "A-5".

Background

DASZ 44/85
The EKT CC recommended approval of a previous application, DASZ 44/85, for single family dwellings on a portion of the subject lands on November 1, 1990 after four public hearings that included neighbourhood opposition and support. The recommendation was adopted by Council on April 17, 1991. The applicant at that time, Qualico Development Corporation, did not proceed with the approved plans. This plan has subsequently expired. A condition of approval, as recommended by the Public Utilities Board in a letter dated February 21, 1986, was that a *50 foot buffer be established between the high pressure gas pipeline right-of-way and any principal dwellings*

DASZ 50/04
The EKT CC recommended approval of a plan to subdivide the subject property to construct 367 single family dwellings and 40 multiple family dwellings. The existing 2.5 acre lake in Harbourview South will be expanded by 2.5 acres. Another retention lake will also be developed in the southwest corner of the subject lands. An existing 3.22 acre forest just south of the Crozier Avenue will remain as a park zoned "PR1". A condition of approval, as recommended by the Public Utilities Board in a letter dated February 21, 1986, was that a *50 foot buffer be established between the high pressure gas pipeline right-of-way and any principal dwellings*

Description of the Proposed Development

The applicant intends to construct Harbourview Phase II as approved by Council on June 29, 2005.

However, the applicant would like a condition of approval amended, namely the requirement for the 50 foot buffer between the high pressure gas pipeline right-of-way and any principle dwelling. The applicant would like the 50 foot buffer to be measured from the gas pipeline, not the right-of-way.

Analysis

ZONING

- The Zoning Agreement restricts the distance a habitable building can be constructed adjacent to the high pressure gas pipeline ***right-of-way*** as 50 feet.

  3. B. *That residential lots abutting the existing high pressure gas pipeline right-of-way shall provide a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline right-of-way and any principal dwellings.*

INFRASTRUCTURE IMPACTS
Manitoba Hydro has indicated in a letter date February 10, 2006 to the applicant that a 15 metre (50 foot) easement is required on both sides of the gas pipeline.

SITE DESIGN ISSUES
The change in method of measuring the 50 foot buffer from the gas pipeline instead of the right-of-way will reduce the distance between the future residential dwellings and the pipeline.

Recommendation

For the reduction of the buffer between the high pressure gas pipeline and adjacent dwellings, the applicant requires the following clause, which establishes the separation distance as 50 feet from the right-of-way, be ***deleted*** from the Zoning Agreement:

3. B. *That residential lots abutting the existing high pressure gas pipeline* ***right-of-way*** *shall provide a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline right-of-way and any principal dwellings.*

The clause should be replaced with a separation distance of 50 feet as measured from the high pressure gas pipeline not the right-of-way. This would be consistent with the requirements as set out by Manitoba Hydro.

Recommended Conditions of Approval

1. That the Zoning Agreement under file no. **DASZ 50/04**, dated, **June 29, 2005**,

   A. be amended as follows:

      i. That Clause 3 B. be deleted and substituted with the following:

   That residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline and any principal dwellings.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement **DASZ 50/04** dated, **June 29, 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 4/06

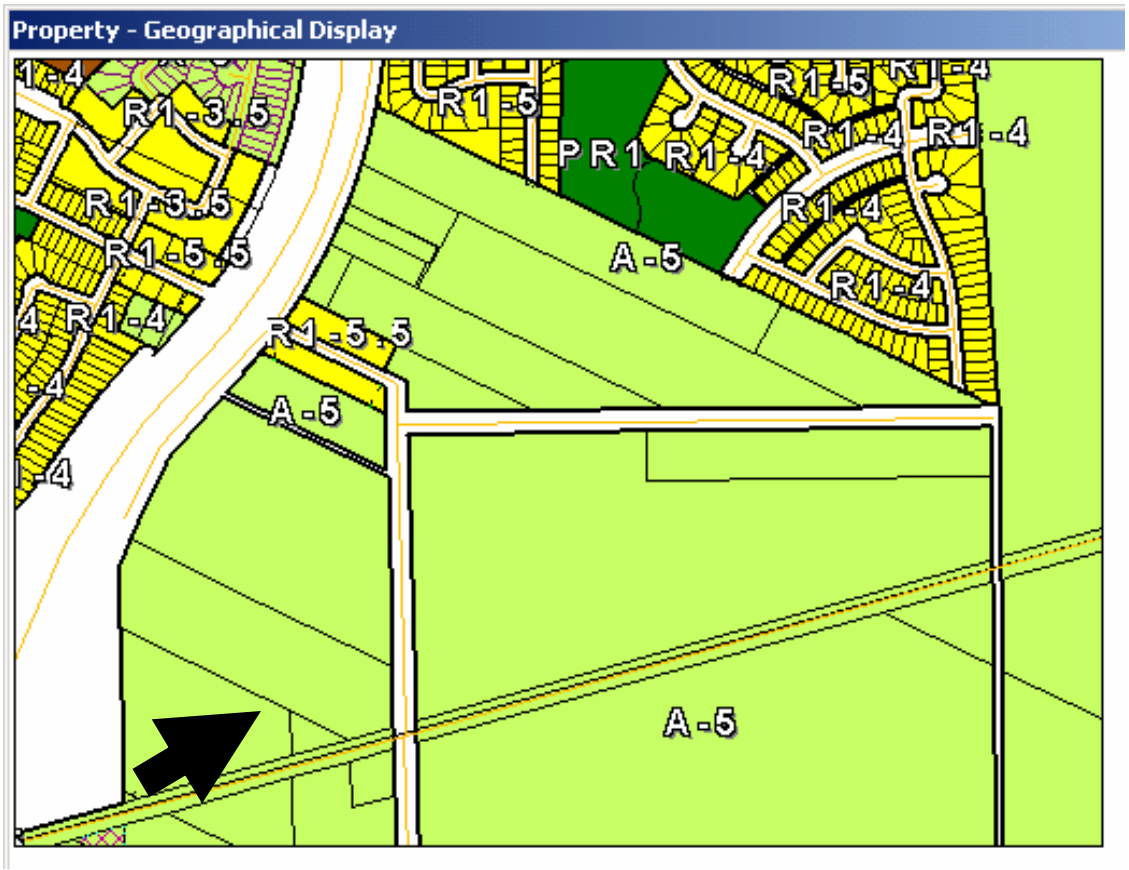


Figure 1: Existing Zoning for subject property and Surrounding Area.

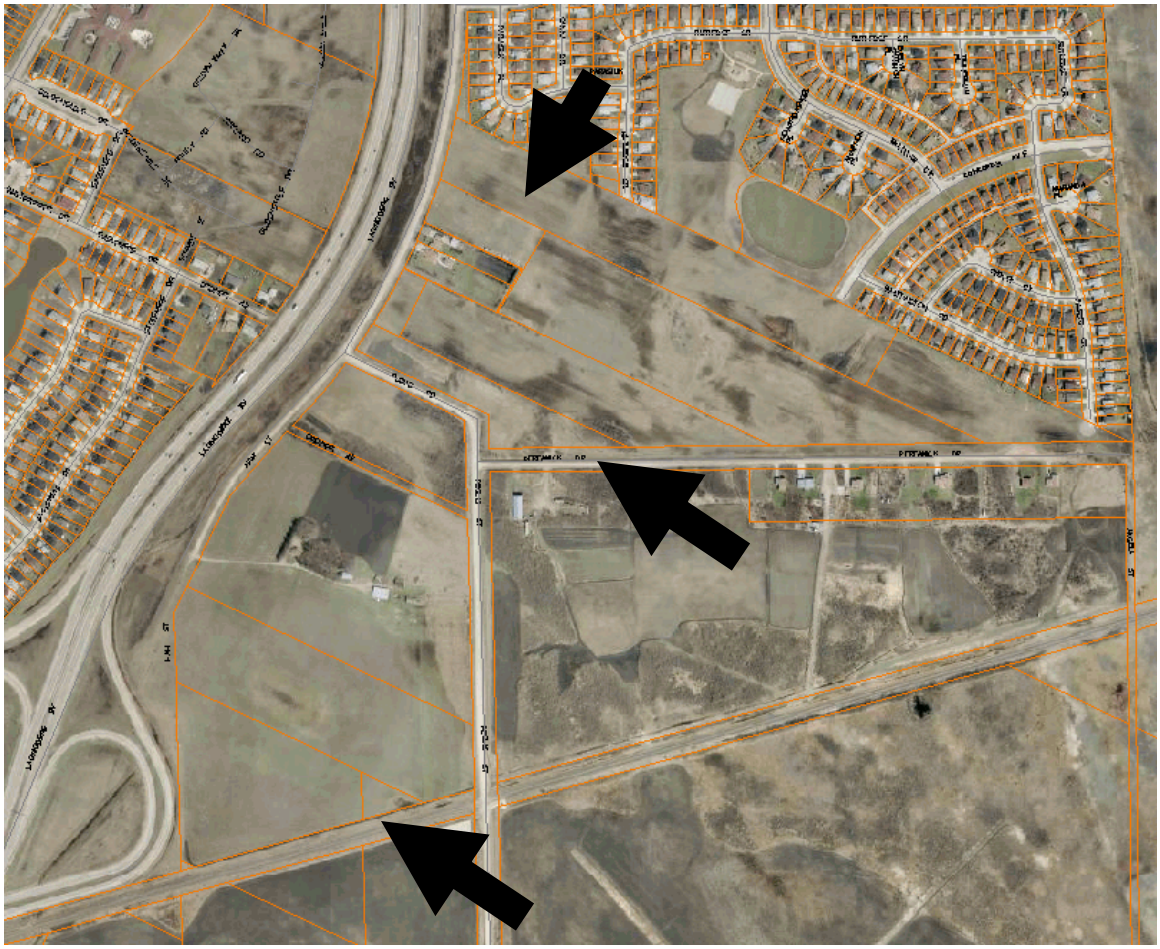


Figure 2: Existing Land-Uses for subject property and Surrounding Area.