Agenda – Council - July 26, 2006

Report - Standing Policy Committee on Property and Development – July 4, 2006

Item No. 19 Zoning Agreement Amendment - Canterbury Park - Nevens Bay, Claeys Crescent and South Chadwick Crescent File ZAA 16/2005 [c/r DASZ 42/87]

STANDING COMMITTEE RECOMMENDATION:

On July 19, 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 42/87 dated May 31, 1989, be amended as follows:

   A. That Clause 2. be deleted and substituted with the following:

      "2. That residential lots backing onto the Perimeter Highway shall have a minimum rear yard setback of 60 feet to any habitable principal building and 10 feet to any accessory building."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 42/87 dated May 31, 1989, 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 – July 4, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 19, 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 July 4, 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 June 13, 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 - Canterbury Park - Nevens Bay, Claeys Crescent and South Chadwick Crescent**
File ZAA 16/2005

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

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

Report date: **June 20, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 13, 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 42/87 dated May 31, 1989 be amended as follows:

    A. That Clause 2. be deleted and substituted with the following:

        2. That residential lots backing onto the Perimeter Highway shall have a minimum rear yard setback of 60 feet to any habitable principal building; and 10 feet to any accessory building.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 42/87 dated May 31, 1989, 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 of the Planning and Land Use Division dated June 1, 2006.

PUBLIC HEARING SUMMARY

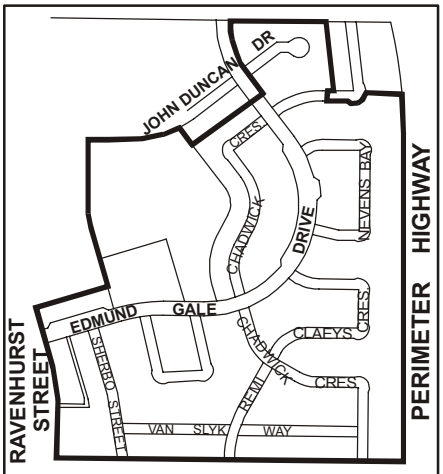
File: ZAA 16/2005

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

Public Hearing: June 13, 2006
Community Committee Chambers, 755 Henderson Highway

Applicant: Novamet Development Corporation
(Lyne Jones)

Subject:



EAST KILDONAN
TRANSCONA
COMMUNITY

APPLICANT : NOVAMET DEVELOPMENT CORPORATION
FILE : ZAA 16/05
PROPOSAL : To amends the Zoning Agreement affecting the land shown outlined above reduce the requirement that any habitable building constructed or erected on any lot which backs onto the Perimeter Highway shall provide a minimum rear yard setback of 18.29m (60 feet) instead of 41m (135 feet) as required by the Agreement.
For information, phone Mr. J. Wintrup, Planner at 986-5102.

Premises Affected:	Canterbury Park - Nevens Bay, Claeys Crescent and South Chadwick Crescent

Exhibits Filed:

1. Application dated September 26, 2005
2. Notification of Public Hearing dated March 7, 2006
3. Manitoba Status of Titles 1967569, 1143487, 2056682
4. Sketch showing Boundary of Proposed "Canterbury Park" Subdivision dated May 10, 2005
5. Report from the Planning and Land Use Division dated June 1, 2006
6. Inspection Report

REPRESENTATIONS:

In Support:

R. Jaquet, Randall Homes
Albert Toews
Eric Vogan, Novamet Development Corporation

In Opposition

Nil

For the City:

Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Eric Vogan, Novamet Development Corporation, appeared in support of the application.

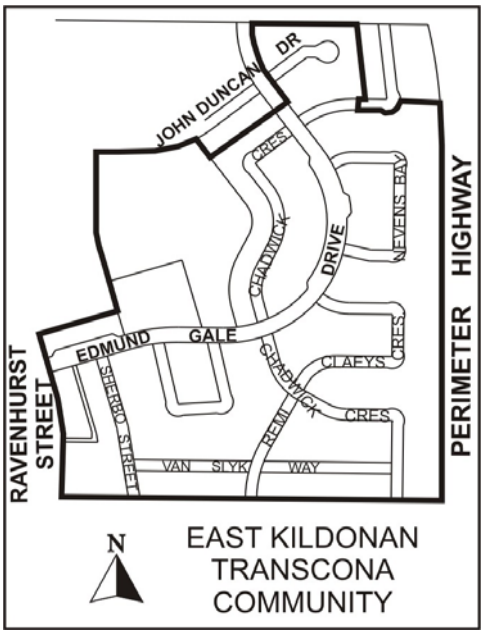
Exhibit "5" referred to in File ZAA 16/2005

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **June 01, 2006**
File: **ZAA 16/05**
Related Files: **DASZ 42/87**
Subject: **Amend zoning agreement to reduce the residential dwelling setback from the Perimeter Highway.**

Location: **Neves Bay, Claeys Crescent & south Chadwick Crescent**



Applicant: **Novamet Development Corporation (Lyne Jones)**
Owner: **Novamet Development Corporation**
Recommendation: **Approval**
Report Summary:

- The applicant is proposing to develop single family residential lots that back onto the Perimeter Highway as part of Canterbury Park.
- The applicant would like to reduce the required rear yard setback.

- The Manitoba Highway Traffic Board has indicated that a 60 foot building setback for principle buildings and a 10 foot setback for accessory buildings is acceptable.

Site Description

The subject property is located east of Ravenhurst and south of John Duncan Drive.

Background

Canterbury Park was approved in principle by Council on August 2, 1989 under **DASZ 42/87.** The subdivision plan provides for approximately **1300** single family lots, two school sites and **26 acres** of park land covering **238 acres** of land. The plan was approved for **nine (9)** stages and allows the applicant to proceed with the stages with by-law approvals from Council on a needed basis. The development of the stages has occurred out-of-order over the years with the original stages 1, 4, 2 and 3 being partially completed and renumbered. The applicant has approval for **505 single family dwelling** lots to date on **77.73 acres** of land.

Table 1: Canterbury Park Development by Stages.

Stage	Street Name	Acres	Number of Lots	Zoning
1A	George Marshall Rothshire Place	21.56	148	1989
1B	John Duncan Ravenhurst	14.20	104	1994
1C	Chadwick	3.5	20	1999
1D	Redonda	1.12	13	1999
1E	William Gibson Sherbo Cove	7.31	40	2001
1F	William Gibson John Duncan Edmond Gale	8.88	57	2003
2F	Peter Sosiak Edmund Gale	9.35	55	2004
1G	Lopuck	7.61	46	2004
1H	Chadwick	4.20	22	2005
DASZ 27/05	**George Reshauer Edmund Gale**	**6.24**	**55**	**2005**
	Chadwick John Duncan Pl		***60+***	***2006***
	Neves Bay		***60+***	***2007***

The applicant has recently extended Ravenhurst from John Duncan Drive to Pandora Avenue. *Stage 1G – Lopuck Bay* directly west of the subject lands is currently under construction. The developer has indicated that Chadwick Crescent will be extended to Edmund Gale just east of

George Reshaur Bay in 2006. Edmund Gale will be further extended to full completion in 2007. Neves Bay will be under construction for 2007.

Description of the Proposed Development

The applicant is proposing to develop single family residential lots that back onto the Perimeter Highway as part of Canterbury Park. The applicant would like to reduce the required rear yard setback in order to construct a 65 foot deep home on these lots. The applicant has indicated that a rear yard of 95 feet instead of 135 feet is required.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a residential rezoning is allowed in Neighbourhood Policy Areas.

ZONING

- The developer has the right to develop the lots against the Perimeter on Neves Bay, Claeys Crescent and Chadwick Crescent with a minimum rear yard setback of 135 feet.
- The lot are designated "R1-4" under DASZ 42/1987 and are Phases 7,8,9.

INFRASTRUCTURE IMPACTS
The Manitoba Highway Traffic Board has indicated in a letter dated March 28, 2006 to the applicant that a 60 foot building setback for principle buildings and a 10 foot setback for accessory buildings is acceptable. The City of Winnipeg Public Works Transportation Division has no objection to the proposed reduction.

Recommendation

For the reduction of the buffer between the Perimeter Highway and adjacent dwellings, the applicant requires the following clause, which establishes the separation distance as 135 feet from the right-of-way, be ***deleted*** from the Zoning Agreement:

2. *Every habitable building constructed or located on a lot backing onto the Perimeter Highway shall have a minimum rear yard of 41 m (135 feet).*

The clause should be replaced with a separation distance of 60 feet as measured from the right-of-way. This would be consistent with the requirements as set out by Manitoba Highway Traffic Board.

Recommended Conditions of Approval

1. That the Zoning Agreement under file no. **DASZ 42/87**, dated, **May 31, 1989**,

    A. be amended as follows:

        1. That Clause 2. be deleted and substituted with the following:

        That residential lots backing onto the Perimeter Highway shall have a minimum rear yard setback of 60 feet to any habitable principle building; and 10 feet to any accessory building.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement **DASZ 42/87** dated, **May 31, 1989** 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 16/05



Figure 1: Existing Land-Uses for subject property and Surrounding Area.

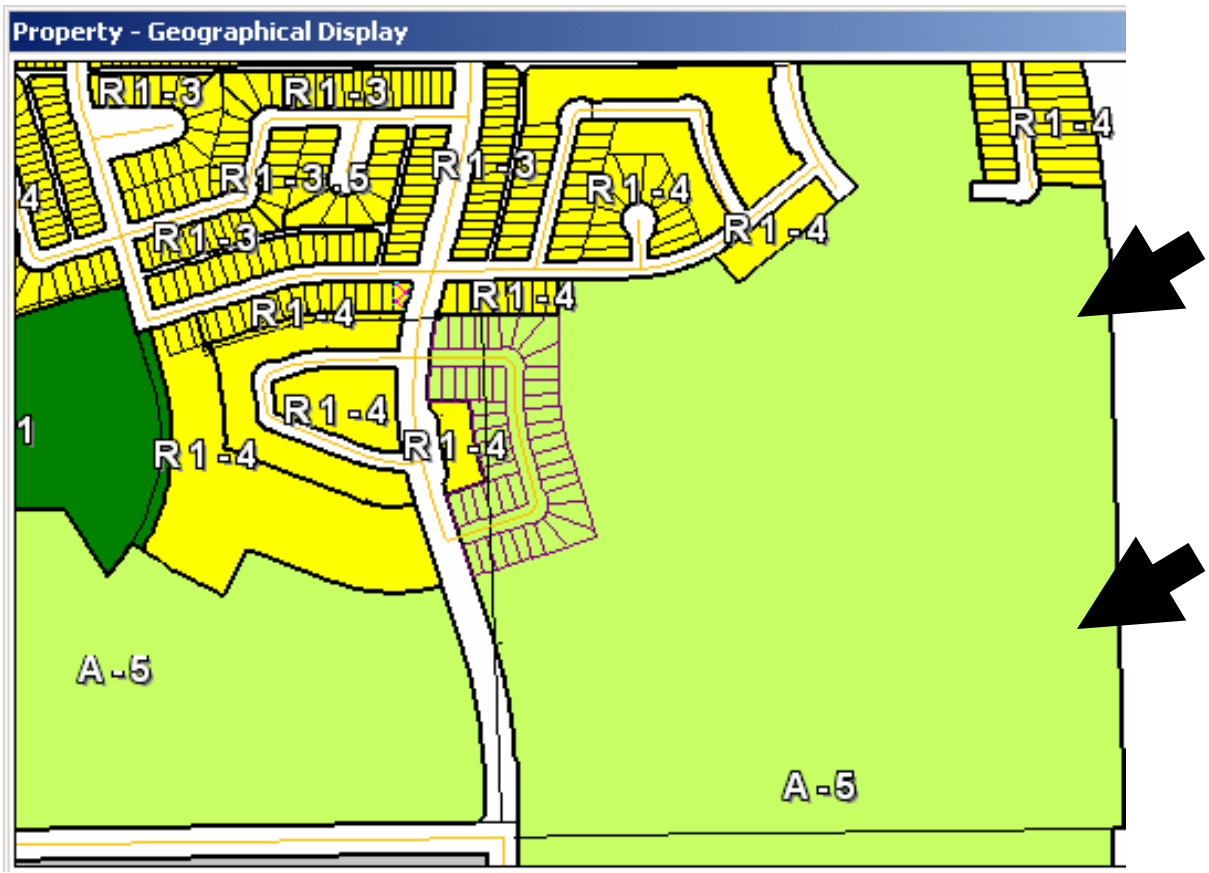


Figure 2: Existing Zoning for subject property and Surrounding Area.

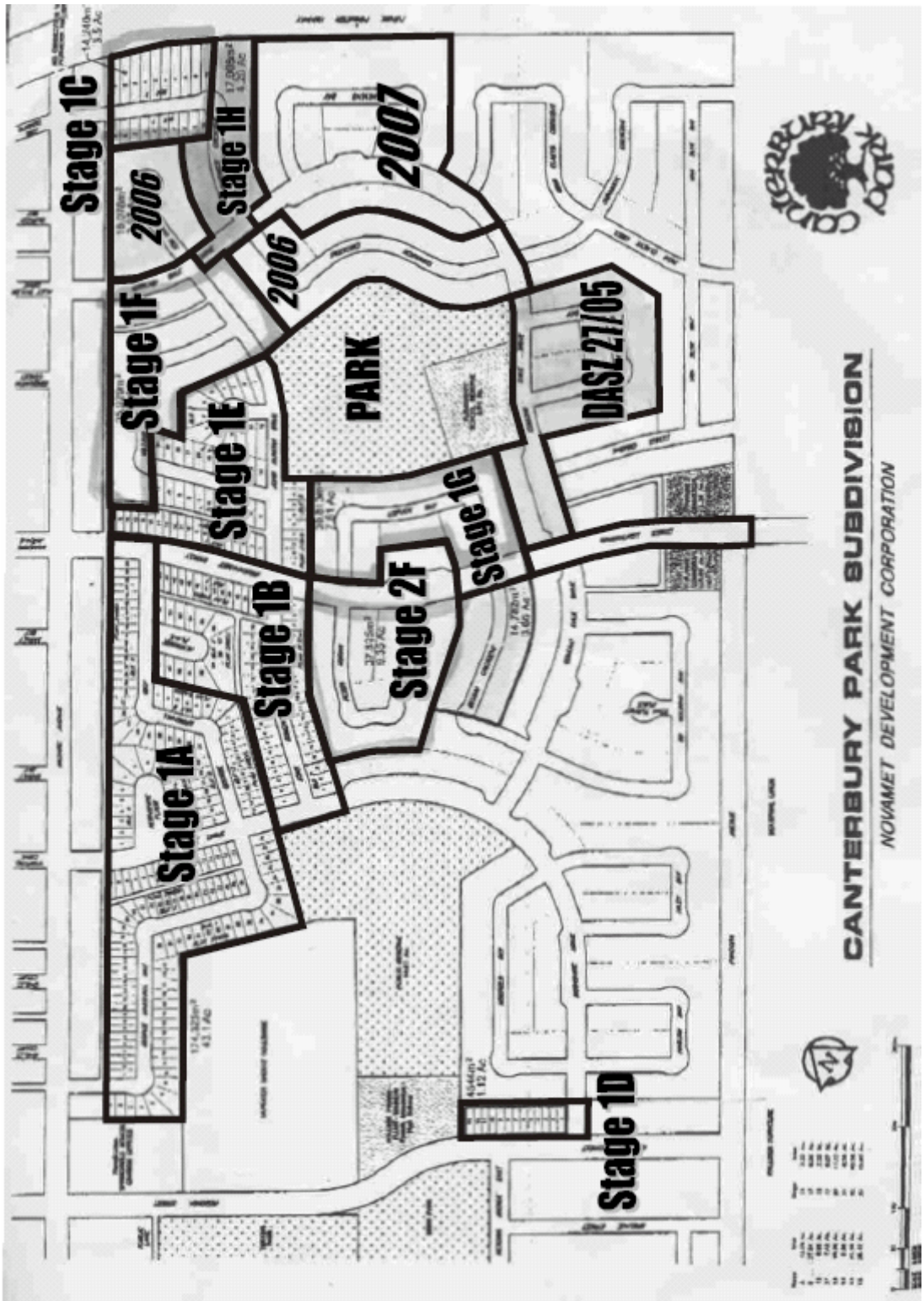


Figure 3: Subdivision Plan and Stages of Canterbury Park.