Agenda - Council – June 18, 2008

Report - Executive Policy Committee - May 21, 2008

Item No. 1 Zoning Agreement Amendment - Sage Creek - Phase 2 (St. Boniface Ward) File ZAA 4/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 21, 2008, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submits the following to Council:

1. That the Zoning Agreement under File DASZ 21/2007 dated September 26, 2007 (By-law 177/2007) be amended as follows:

   A. That Clause 2. A. ii. be deleted in its entirety.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 21/2007 (By-law No. 177/2007) as approved in 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 - Executive Policy Committee - May 21, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 21, 2008, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 12, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Zoning Agreement Amendment - Sage Creek - Phase 2**
File ZAA 4/2008

For submission to: **Executive Policy Committee**

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

Report date: **May 13, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 12, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the Zoning Agreement under File DASZ 21/2007 dated September 26, 2007 (By-law 177/2007) be amended as follows:

   A. That Clause 2. A. ii. be deleted in its entirety.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 21/2007 (By-law No. 177/2007) 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 of the Planning and Land Use Division dated May 5, 2008.

PUBLIC HEARING SUMMARY

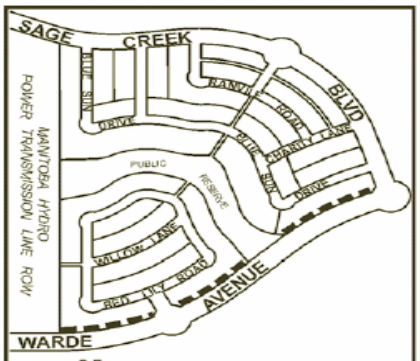
File: ZAA 4/2008

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Swandel

Public Hearing: May 12, 2008
Council Chamber, Council Building, 510 Main Street

Applicant: Sage Creek Development Corporation (Glen Halldorson)

Subject:



APPLICANT : SAGE CREEK DEVELOPMENT CORPORATION
FILE : ZAA 4/08
PROPOSAL: To amend the zoning agreement affecting the land shown outlined above by deleting the requirement for a minimum rear yard setback of 17.5 metres for single and two-family residential lots which back onto Warde Avenue. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : SAGE CREEK DEVELOPMENT CORPORATION
N° DE RÉFÉRENCE : MCZ 4/08
PROJET : Modification de la convention de zonage touchant le bien-fonds indiqué ci-dessus par la suppression de l'exigence relative à la marge d'isolement de 17,5 mètres s'appliquant aux lots résidentiels unifamiliaux et bifamiliaux dont l'arrière donne sur l'avenue Warde. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: Sage Creek - Phase 2

Exhibits Filed:

1. Application dated March 20, 2008
2. Notification of Public Hearing dated April 1, 2008
3. Manitoba Status of Title 2102396
4. Surveyor's Building Location Certificate and sketch (undated)
5. Plan dated March 18, 2008
6. Report from the Planning and Land Use Division dated May 5, 2008
7. Inspection Report
8. Audio Recording of representations

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REPRESENTATIONS:

In Support:

Eric Vogan

In Opposition

Nil

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "6" referred to in File ZAA 4/208

Winnipeg

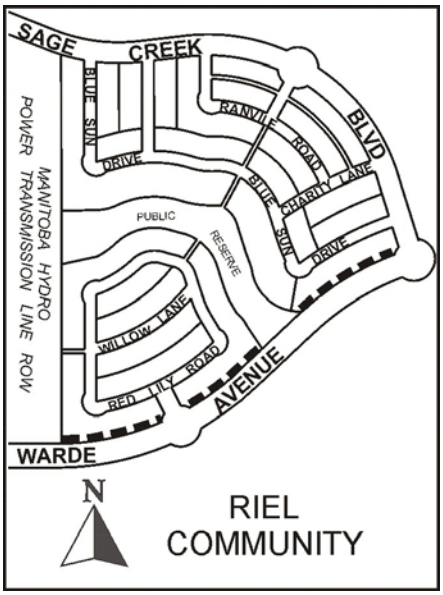
Planning, Property and Development Department Report

To the Riel Community Committee

Date: May 5/ 2008
File: ZAA 4 /2007
Related Files: DASZ 21/2007

Subject: Recommendation that By-Law 177/2007 be amended by eliminating Clause 2.A ii, which refers to a minimum rear-yard setback of 17.5 metres for homes backing onto Warde Avenue.

Location: Sage Creek (Phase II)
Legal Description: See attached File



Applicant: Sage Creek Development Corporation
Owner: Same as above

Recommendation: Approval

Site Description:

The overall Structure Plan area which comprises 918 acres of land is bounded by the Bishop Grandin Boulevard extension to the north, Lagimodiere Boulevard and the Island Lakes residential community to the west, the Perimeter Highway to the south and Plessis Road (the City Boundary) to the east. The first phase of the Sage Creek Development as outlined in a previous application (DASZ 51/05) , is comprised of a gross area of 103 acres and is situated at the N.E. corner of the future Warde Avenue extension and Lagimodiere Blvd and south of Sage Creek Boulevard . It is bounded on the east by the Manitoba Hydro Power Transmission Line. That phase, which includes a large commercial component, is currently well underway. The subject application (Phase II), is east of the Manitoba Hydro Transmission line and bounded on the north by the extension of Sage Creek Boulevard and on the south by the extension of Warde Avenue. The proposed gross overall area has a total of 79.2 acres.

Background:

In April 2005, the Standing Policy Committee on Property and Development identified the South St. Boniface Area Structure Plan as a priority project within the Planning, Property and Development Department's 2005 Secondary Plan Work Program.
The department implemented a collaborative planning process in partnership with Qualico Developments and their consulting team to prepare the area structure plan. This process also included close consultation with all affected City departments to address any issues related to the development of the subject lands and to ensure that the City's requirements were incorporated into the plan's policies.
On September 28, 2005, Council gave first reading to By-law 158/05 to adopt the South St. Boniface Area Structure Plan as a Secondary Plan and directed that the Riel Community Committee conduct a public hearing respecting the proposed by-law and plan. It was ultimately passed by Council November 23/05. Shortly thereafter, the details of the first phase of the overall plan were submitted to and assessed by various City Departments including Public Works, Water and Waste and the Planning and Land Use Division. The application outlining details of the first phase of residential and commercial development were approved by Riel Community Committee on January 17th/2006.

In September 2007, Council endorsed Phase II of Sage Creek which proposed a total 345 housing units (213 of which were to be single family). One of the conditions of approval referred

to in the Zoning By-Law was a recommendation put forth by the Public Works Department that there be a 17.5 minimum rear yard noise attenuation set-back for proposed dwellings along the future Warde Avenue right-of-way. The normal rear yards would have been twenty-five (25') feet or 7.62 metres. The recommendation by Public Works was generally consistent with similar requested set-backs for single family dwellings abutting Warde Avenue further to the west.

Description of the Proposed Amendment:

Essentially the applicant has made application to have the subject clause in the Zoning Agreement deleted completely, thereby having rear yards for single family dwellings along Warde Avenue reduced from 17.5 metres (58 ') to the minimum 7.6 metres (25') required under the Zoning By-Law.

Analysis:

There have been ongoing discussions with the Applicant and the Public works Department regarding the rationale of imposing a noise attenuation setback of 17.5 metres along the most easterly stretch of Warde Avenue where it is anticipated that future noise levels will not be as high as that portion of Warde which will ultimately connect Lagimodiere Blvd. with St. Mary's Road. Public Works has agreed that the earlier set-backs imposed in the Agreement are excessive and can be eliminated. The standard 25' set-backs , of course , will be maintained.

Recommendation:

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

- Public Works has determined that the requested 17.5 metre set-back for single family dwellings adjoining Warde Avenue in Phase II of Sage Creek Development are no longer necessary.

Recommended Conditions of Approval

1. That Zoning Agreement under File DASZ 21/2007 dated September 26/2007 (By-law 177/2007), be amended as follows:

    A. That Clause 2. A. ii. be deleted in its entirety.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 21/07 (By-Law No. 177/2007) 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.

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

Report Prepared by: Kevin Lalor
PPD File # .526