Agenda - Council - October 22, 2008

Report - Standing Policy Committee on Property and Development - October 2, 2008

Item No. 1 Zoning Agreement Amendment - 1531 McCreary Road (Charleswood - Tuxedo Ward) File ZAA 14/2008

STANDING COMMITTEE RECOMMENDATION:

On October 15, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submits to Council that the application for a zoning agreement amendment under File ZAA 14/2008, not be proceeded with.

Agenda - Council - October 22, 2008

Report - Standing Policy Committee on Property and Development - October 2, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2008, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 2, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 16, 2008, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - 1531 McCreary Road**
File ZAA 14/2008

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

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
Assiniboia Community Committee

Report date: **September 17, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 16, 2008, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application for zoning agreement amendment under File ZAA 14/2008, not be proceeded with.

The Assiniboia Community Committee provided the following supporting reasons for its recommendation:

1. Increased traffic, density and local improvement costs would affect everybody.

2. The zoning agreement states that people would need to have fifty (50) foot side yards for their septic fields.

3. The when the property was rezoned the intention was that the five (5) acre lots never be split.

4. Several houses have already been built in accordance with the requirements of the zoning agreement.

PUBLIC HEARING SUMMARY

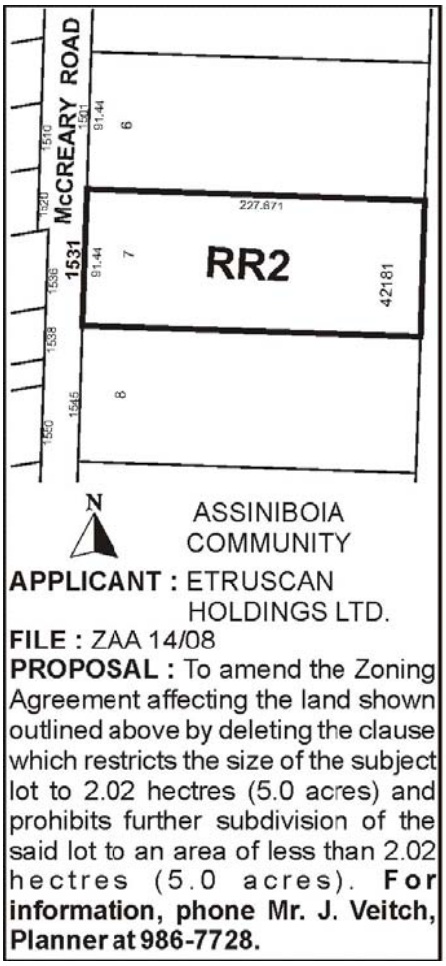
File: ZAA 14/2008

Before: Assiniboia Community Committee
Councillor Fielding, Chairperson
Councillor Clement
Councillor Nordman

Public Hearing: September 16, 2008
West Committee Room
Council Building, 510 Main Street

Applicant: Etruscan Holdings Ltd. (Livio Foianesi)

Subject:



Premises Affected: 1531 McCreary Road

2004

Exhibits Filed:

1. Application dated June 10, 2008
2. Notification of Public Hearing dated June 23, 2008
3. Manitoba Status of Title 2154794
4. Caveats 2929352 and 2929355
5. Easement Agreement between Fort Whyte Estates Ltd. and the City of Winnipeg
6. Zoning Agreement between the City of Winnipeg and Fort Whyte Estates Ltd.
7. Petition purporting to contain the signatures of four (4) area residents in support of the application
8. Plan (1 page)
9. Report from the Planning and Land Use Division dated August 11, 2008
10. Inspection Report
11. Communication received September 9, 2008, from Don and Karen Hilton, in opposition to the application
12. Communication dated September 10, 2008, from Bill Elliott, President and C.E.O., Fort Whyte Alive, in opposition to the application.
13. Communication dated September 10, 2008, from Fran and Sal Cesario, in opposition to the application
14. Communication dated September 10, 2008, from Kevin Spillett, in opposition to the application
15. Communication received September 11, 2008 from Valerie and Kim McCartney, in opposition to the application
16. Communication received September 12, 2008 from Karen De Muller, in opposition to the application
17. Communication dated September 12, 2008 from James Nagy and Grace Stevens, in opposition to the application
18. Communication dated September 12, 2008 from Don Zaharia, in opposition to the application
19. Communication dated September 14, 2008 from Leslie and Patricia Wiebe, in opposition to the application
20. Communication dated September 14, 2008 from David Johnson, in opposition to the application
21. Communication dated September 12, 2008 from Kim and Raslie Olson, in opposition to the application
22. Communication received September 12, 2008 from Todd and April Waters, in opposition to the application
23. Communication received September 15, 2008 from Dorothy Vannan, in opposition to the application
24. Communication received September 16, 2008 from Richard and Kim Enright, in opposition to the application

25. Communication dated September 14, 2009, from Dean and Ritza Lambos in opposition to the application, submitted at the public hearing by B. Vannan
26. Communication received September 12, 2008 from Jill Cesario, in opposition to the application
27. Communication received September 12, 2008 from Sal Cesario, in opposition to the application
28. Communication received September 12, 2008 from Fran Cesario, in opposition to the application
29. Communication received September 12, 2008 from Frank Cianflone, in opposition to the application
30. Communication received September 12, 2008 from Teresa Cianflone, in opposition to the application
31. Communication received September 12, 2008 from Francesca Gatti in opposition to the application
32. Communication received September 12, 2008 from Charlie Gatti, in opposition to the application
33. Communication received September 12, 2008 from Maria Gatti, in opposition to the application
34. Communication received September 12, 2008 from Almaz Abreha, in opposition to the application
35. Communication received September 12, 2008 from Karen Hill-Duehrsen, in opposition to the application
36. Communication received September 12, 2008 from Cameron Penner, in opposition to the application
37. Communication received September 12, 2008 from JoAnn Ilkew, in opposition to the application
38. Communication received September 12, 2008 from Hazel Smart, in opposition to the application
39. Communication received September 12, 2008 from G. Scott, in opposition to the application
40. Communication received September 12, 2008 from C. English, in opposition to the application
41. Communication received September 12, 2008 from J. Aldinger, in opposition to the application
42. Communication received September 12, 2008 from Mah Murphy, in opposition to the application
43. Communication received September 12, 2008 from Tekle Serege, in opposition to the application
44. Communication received September 12, 2008 from Jon Ghebretnsae, in opposition to the application
45. Communication received September 12, 2008 from Maria Navas, in opposition to the application
46. Communication received September 12, 2008 from Carlos Navas, in opposition to the application

47. Communication received September 12, 2008 from Jesse Navas, in opposition to the application
48. Communication received September 12, 2008 from Igor Bijedic, in opposition to the application
49. Communication received September 12, 2008 from Sasha Bijedic, in opposition to the application
50. Communication received September 12, 2008 from Zdenka Bijedic, in opposition to the application
51. Communication received September 12, 2008 from Slavko Bijedic, in opposition to the application
52. Communication received September 12, 2008 from Aniela Jarosiewicz, in opposition to the application
53. Communication received September 12, 2008 from Greg Jarosiewicz, in opposition to the application
54. Communication received September 12, 2008 from Gilda Cesario, in opposition to the application
55. Communication received September 12, 2008 from Richard Brokopp, in opposition to the application
56. Audio Recording of representations of public hearing held on September 16, 2008

REPRESENTATIONS:

In Support:

Livio Foianesi, Etruscan Holdings Ltd.
Sandro Foianesi
Darlene Lindsay on behalf of Cham Moon
Deborah L. Schlamp

In Opposition

Almaz Abreha
J. Aldinger
Igor, Sasha, Slavko and Zdenka Bijedic
Fran, Sal and Jill Cesario
Gilda Cesario
Frank and Teresa Cianflone
Bill Elliott, President and C.E.O.,
Fort Whyte Alive
C. English
Richard and Kim Enright
Francesca, Charlie and Maria Gatti
Jon Ghebretnsae
Don and Karen Hilton
Karen Hill - Duehresen
JoAnn Ilkew
Aniela and Greg Jarosiewicz
David Johnson
Dean and Ritza Lambos
Valerie and Kim McCartney
Karen De Muller
Mah Murphy
Maria, Carlos and Jesse Navas
Kim and Raslie Olson
Cameron Penner

Tekle Serege
G. Scott
Hazel Smart
Richard and Michelle Soenen
Kevin Spillett
James Nagy and Grace Stevens
Dorothy and Brad Vannan
Todd and April Waters
Leslie and Patricia Wiebe
Don Zaharia

For the City:

Mr. J. Veitch, Planner, Planning, Property and Development Department
Mr. N. Yauk, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File ZAA 14/2008

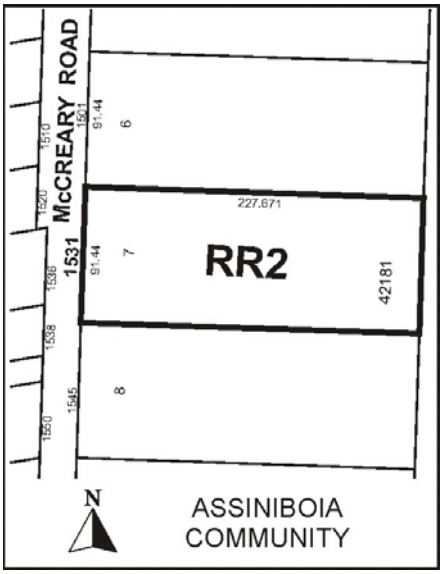
Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date: August 11, 2008
File: **ZAA 14/2008**
Related Files: N/A

Subject: A Zoning Agreement Amendment to remove Clause 2. from the Zoning Agreement as it pertains to this land to allow for the future subdivision of land into two 2.5 acre parcels.

Location: 1531 McCreary Road
Legal Description: Lot 7 Plan 42181



Applicant: Etruscan Holdings Ltd. (Mr. Livio Foianesi)
Owner: Same

Recommendation: Denial

Site Description

Existing Land Use and Zoning

The 5 acre subject site is zoned 'RR2' Rural Residential and currently vacant. The site is located on the east side of McCreary Road in the Wilkes South Neighbourhood of the Assiniboia Community. The area is designated Rural in *Plan Winnipeg 2020* and falls within the Wilkes South Secondary Plan.



Figure 1: Subject Site (Aerial Photo Flown 2007)

Surrounding Land Use and Zoning

North: 'RR2' Rural Residential (single-family dwelling)
South: 'RR2' Rural Residential (vacant)
East: 'A' Agriculture (Fort Whyte Alive)
West: McCreary Road then 'A' Agriculture (single-family residential)

Background

- **DASSF 526/2002 c/r DAV 364/2002/D**
  - 12 – 2.5 acres lots, Rejected
  - Appeal withdrawn

- **DASZ 1/2003 c/r DAV 20/2003/D**

2010

- 21 – 5 acres lots, Rezoning to 'RR2' Rural Res., Approved w/ Conditions
- Lot sizes restricted to 5 acres
- Plan Approval for Driveway and House locations

Description of the Proposed Development
The applicant wishes to amend the Zoning Agreement for his lot only to allow its subdivision into two 2.5 acre lots. If the application is approved he will proceed with a subdivision application.

Analysis
In 2002 a subdivision application was considered for this general area along the east side of McCreary Road. The proposal to create twelve 2.5-acre lots was denied by the Assiniboia Community Committee. The concern was regarding the increased density, additional traffic and potential local improvement requirements would negatively impact the adjacent Fort Whyte Alive facility and the existing residences established along the west side of McCreary Road.

A subsequent application, DASZ 1/2003 was approved by City Council in March 2003 allowing the creation of twenty-one 5-acre lots along the east side of McCreary Road. The Assiniboia Community Committee felt that the larger 5 acre lots were acceptable based on the discussion, input and knowledge garnered from the previous application discussed above.

A Zoning Agreement was entered into outlining the developer's obligations including lot size restrictions that the Assiniboia Community Committee felt were appropriate to the proposal.

Condition #2 in the Zoning Agreement restricts lots 1 – 11 and 13 – 21 of the subdivision to a minimum of 5 acres in size. Condition #3 requires that plans showing the location of the proposed house and driveway be submitted and approved by the Director of Planning Property and Development prior to the issuance of any development permit.

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

- The previous 2.5 acre lot subdivision for this area was denied based on density, traffic, adjacent property owner concerns,
- The creation of the subject site was based on maintaining the 5-acre minimum lot size,
- Several of the adjacent 5-acre lots have been built on as per the Zoning Agreement conditions, locating the house in the middle of the lot preventing any future subdivision.

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

Report Prepared by: James Veitch
PPD File # ZAA 14/08