Agenda - Council – June 23, 2010

Report - Standing Policy Committee on Standing Policy Committee – June 8, 2010

Item No. 4 Zoning Agreement Amendment – north side of Pandora Avenue, east of Redonda Street, west of Ravenhurst Street (Transcona Ward) File ZAA 5/2010

STANDING COMMITTEE RECOMMENDATION:

On June 16, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That Zoning Agreement under File DASZ 42/87, dated, May 31, 1989 be amended by deleting Clause V) B.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 42/87 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 Director of Legal Services and City Solicitor 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 – June 8, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2010, the Executive Policy Committee concurred in the recommendation 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 8, 2010, 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 25, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment, namely:

- Delete Recommendation 1. in its entirety and replace it with the following:

    1. "That Zoning Agreement under File DASZ 42/87, dated, May 31, 1989 be amended by deleting Clause V) B,"

and forwarded to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - north side of Pandora Avenue, east of Redonda Street, west of Ravenhurst Street**
File ZAA 5/2010

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

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **May 27, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 25, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommends to the Standing Policy Committee on Property and Development:

~~***1. That Zoning Agreement under File DASZ 42/87, dated, May 31, 1989 be amended as follows:***~~

~~***A. That Clause V) B. be deleted and the following substituted therefore:***~~

~~***That lots backing onto Pandora Avenue shall be established with a minimum depth of 38.1 metres (125 feet); and that all habitable building(s) constructed or erected on any lot which backs onto Pandora Avenue shall provide a minimum rear yard setback of 10.67 metres (35 feet).***~~

1. That Zoning Agreement under File DASZ 42/87, dated, May 31, 1989 be amended by deleting Clause V) B.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 42/87 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 Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. This is consistent with the standard of development for noise attenuation

2. This will create more housing lots in the neighbourhood which is clearly in demand.

PUBLIC HEARING SUMMARY

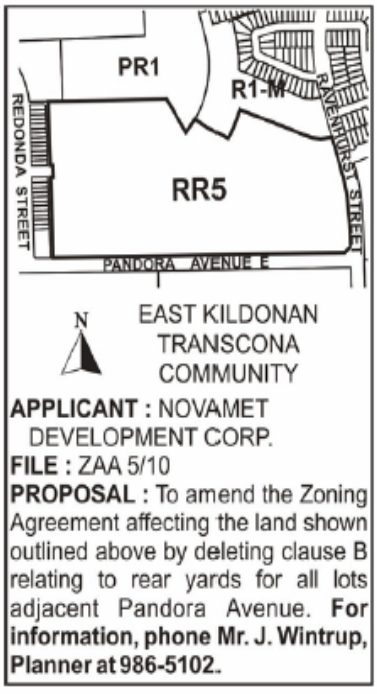
File: ZAA 5/2010

Before: East Kildonan-Transcona Community Committee
Councillor Browaty, Chairperson
Councillor Wyat

Public Hearing: May 25, 2010
Bronx Park Community Centre
720 Henderson Highway

Applicant: Novamet Development Corporation

Subject:



Premises Affected: north side of Pandora Avenue, east of Redonda Street, west of Ravenhurst Street

Exhibits Filed:

1. Application dated April 21, 2010
2. Notification of Public Hearing dated April 22, 2010
3. Manitoba Status of Title 2151157
4. Report from the Planning and Land Use Division dated May 19, 2010

5. Inspection Report
6. Presentation in support of the application, submitted at the public hearing by Eric Vogan, Novamet Development Corporation
7. Drawing of Landscape Development for Canterbury Park Pandora Walkway, submitted at the public hearing by Eric Vogan, Novamet Development Corporation
8. Audio Recording of representations

REPRESENTATIONS:

In Support:

Eric Vogan, Novamet Development Corporation

In Opposition

Nil

For Information:

Ron Bodner
Len and Pat Chapko
Randy Single

For the City:

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

Exhibit "4" referred to in File ZAA 5/2010

ADMINISTRATIVE REPORT

Title: ZAA5/10 – Canterbury Park (West of Ravenhurst, North of Pandora Avenue).

Issue: For consideration at the Public Hearing for a reduced rear yard on Pandora Avenue.

Critical Path: East Kildonan Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

5. That Zoning Agreement under File DASZ 42/87, dated, May 31, 1989 be amended as follows:

   A. That Clause V) B. be deleted and the following substituted therefore:

      That lots backing onto Pandora Avenue shall be established with a minimum depth of 38.1 metres (125 feet); and that all habitable building(s) constructed or erected on any lot which backs onto Pandora Avenue shall provide a minimum rear yard setback of 10.67 metres (35 feet).

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 42/87 as approved in aforesaid Recommendation 1.

7. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

8. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

The Report is being submitted for the Committee's consideration at a Public Hearing the change in the zoning agreement effecting the development application.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, residential lots of 125 feet can be created along Pandora Avenue and building permits issued for dwellings with rear yards of 35 feet.

HISTORY

DASZ 42/1987 on August 2, 1989 Canterbury Park was approved in principle by Council. The subdivision plan provides for approximately 1300 single family lots, two school sites and 26 acres of park land covering 238 acres of land.

ZAA 16/2005 on July 26, 2006 Council approved an amendment to the Zoning Agreement to allow rear yards along the Perimeter Highway with a minimum rear yard setback of 60 feet instead of 135 feet for Neves Bay, Claeys Crescent & south Chadwick Crescent.

ZAA 10/2008 on September 24, 2008 Council approved an amendment to the Zoning Agreement to allow a reduced rear yard setback for a sunroom (habitable room) at 52 Chadwick with a minimum rear yard setback of 60 feet instead of 135 feet.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	John Wintrup
Date:	May 19, 2010
File No.	ZAA5/10

APPENDIX 'A'

DATE:	May 19, 2010
FILE:	ZAA5/10
RELATED FILES:	DASZ 42/1987; ZAA 16/2005; ZAA 10/2008
COMMUNITY:	East Kildonan – Transcona Community
NEIGHBOURHOOD #:	4.414

SUBJECT: Novamet Development Corporation would like to amend the requirement for the minimum depths of lots backing on Pandora Avenue from 40.5 metres to 38.1 metres; and the minimum depths of rear yards for dwellings backing on Pandora Avenue from 17.5 metres to 10.67 metres.

LOCATION: Canterbury Park (west of Ravenhurst, north of Pandora)

APPLICANT: Novamet Development Corporation
One Dr. David Friesen Drive
Winnipeg, MB R3X 0G8

OWNER: Same as above

RECOMMENDATION: Approval

REPORT SUMMARY

- The Zoning Agreement proposed for the future R1-M lands that the current lands zone RR5 on the west side of Ravenhurst / north side of Pandora in Canterbury requires a minimum lot depth of 40.5 metres along Pandora Avenue; and minimum rear yards of 17.5 metres.
- The applicant has submitted a Traffic Noise Estimation for Alternative Rear Yard depths completed by a professional engineer (AECOM) that indicates that the change in the rear yard from 17.5 metres to 10.67 metres will alter the noise reduction buffering of the large setback by 1.0 dBA to 1.2 dBA.
- The study indicates the estimated traffic volumes along Pandora Avenue in the year 2029 will generate traffic noise of 60.8 dBA which is less than the City of Winnipeg's 65 dBA threshold for requiring noise attenuation.
- The applicant would like to submit a plan of subdivision with lot depths of 38.1 metres and allow for single family dwellings to be constructed with rear yards of 10.67 metres.

SITE DESCRIPTION

- The subject property is approximately 54.8 acres located on the east side of Ravenhurst in the Canterbury Park neighbourhood of the Transcona Ward.
- The site is zoned "RR-5" Rural Residential and "R1-M" Single Family District and is vacant land.
- Adjacent lands include single family dwellings to the north along Peter Sosiak Bay zoned "R1-M" and Ronald Houston Park zoned "PR-2"; single family dwellings to the west along Redonda Street zoned "R1-S"; and Industrial lands to the south across Pandora Ave zoned "M3" Manufacturing.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- There is a requirement as per Clause V B. of the conditions of Council approval that a setback be in the Zoning Agreement that states: *that any habitable building(s) constructed or erected on any lot which backs onto Pandora Avenue shall provide a minimum rear yard setback of 17.5 m (57 feet).*

ANALYSIS AND ISSUES

ZONING (BY-LAW 200/2006)

- **R1-M Residential Single-Family District – Medium** minimum lot sizes of 3,500 square feet are required.
    - Side yards of 4 feet are required.
    - Front yard requirements are 15 feet; rear yard requirements are 25 feet.
    - Maximum building height is 35 feet.

- **RR 5 Rural Residential District** minimum lot sizes of 5 acres are required.
    - Side yards of 25 feet are required.
    - Front yard requirements are 100 feet;
    - Rear yards are 25 feet.
    - Maximum building height is 35 feet.
    - Agricultural cultivation is a permitted use:, Stable or riding academy, Landscape/garden contractor or production, and Apiary are 'conditional' uses.

- **PR2 Parks and Recreation 2 (Community) District** is intended for sites that include community recreation facilities and parks that are accessed by a mix of pedestrian and vehicular traffic.
    - These sites may provide active programs and activities, including community centres, hockey pens, arenas, indoor soccer, wading pools, spray parks, skateboard parks and athletic fields.
    - Parking facilities ranging from 10 to 100 stalls may be associated with these uses.
    - These parks and facilities typically occur along collector streets.

LAND USE BY-LAW ISSUES

- Under Zoning By-law 200/2006 the minimum lot sizes of 3,500 square feet are required with minimum lot widths of 25 feet; and minimum rear yard requirement of 25 feet.
- The Zoning Agreement proposed for the future R1-M lands that the current lands zone RR5 on the west side of Ravenhurst / north side of Pandora in Canterbury indicate the following:

Clause V.

A. That any habitable building(s) constructed or erected on any lot which backs onto the Perimeter Highway shall provide a minimum rear yard setback of 41.5 m (135 feet).

B. *That any habitable building(s) constructed or erected on any lot which backs onto Pandora Avenue shall provide a minimum rear yard setback of 17.5 m (57 feet).*

C. *That the Developer shall construct at the rear property line all lots backing onto Pandora Avenue, a uniform fence 6 feet in height to the satisfaction of the Commissioner of Planning and Community Services. The City shall file a Caveat pursuant to an agreement requiring the owner of each affected lot to maintain and/or repair or replace the fence as originally constructed to the satisfaction of the Commissioner of Planning and Community Services.*

INFRASTRUCTURE IMPACTS

The applicant has submitted a Traffic Noise Estimation for Alternative Rear Yard depths completed by a professional engineer (AECOM). The study indicates that the change in the rear yard from 17.5 metres to 10.67 metres will alter the noise reduction buffering of the large setback by 1.0 dBA to 1.2 dBA. It is noted humans can only detect a noise difference of 3.0 dBA. The study indicates the estimated traffic volumes along Pandora Avenue in the year 2029 will generate traffic noise of 60.8 dBA which is less than the City of Winnipeg's 65 dBA threshold for requiring noise attenuation.

REASONS FOR RECOMMENDATIONS

- The changes in the required setbacks and lot depths will not significantly alter the intention of the noise attenuation requirements for the future residential dwellings backing onto Pandora Avenue.

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

Report Prepared by: John Wintrup
PPD File # ZAA 5/2010

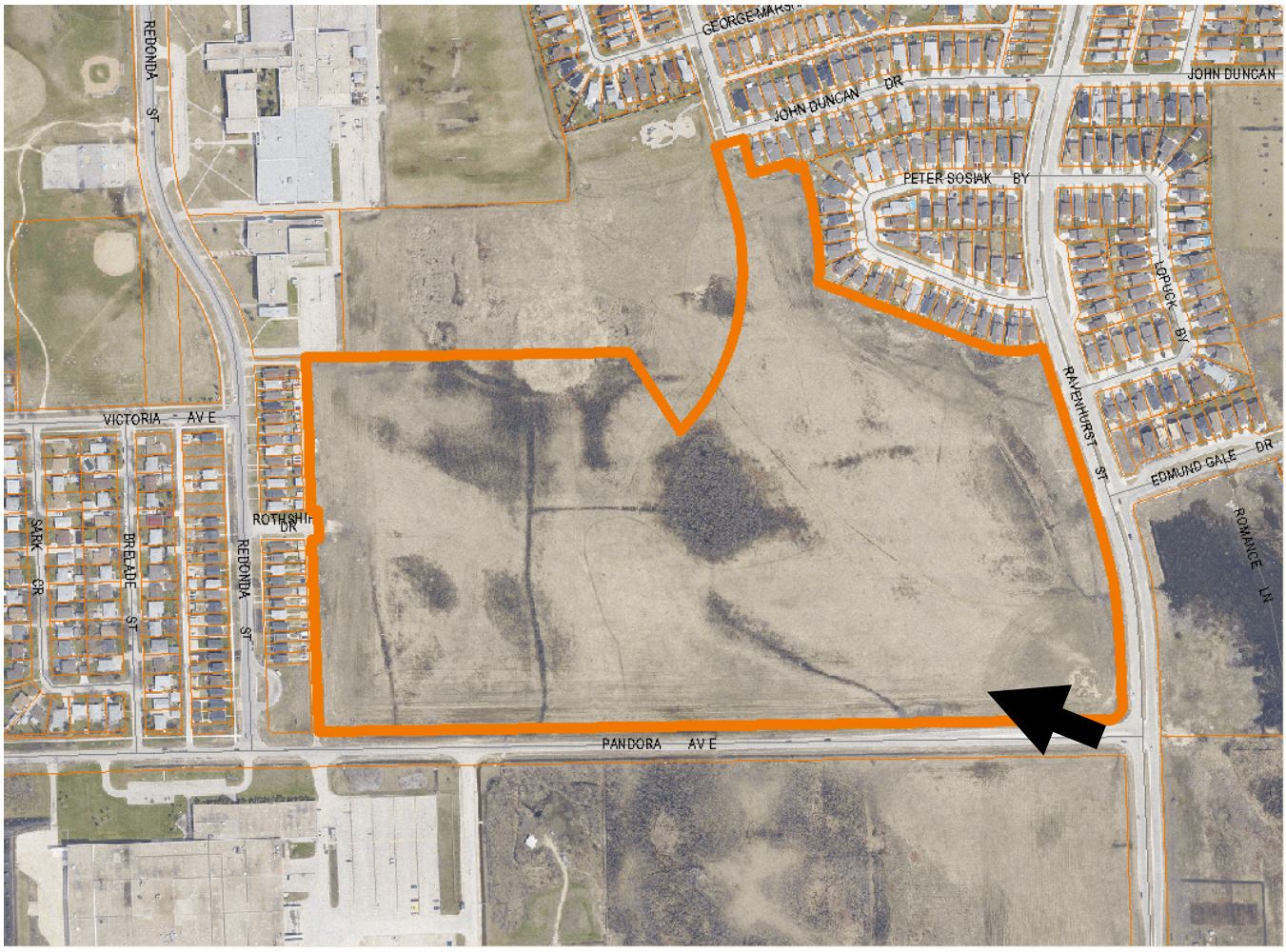


Figure 1: Air Photo of subject property and Surrounding Context.

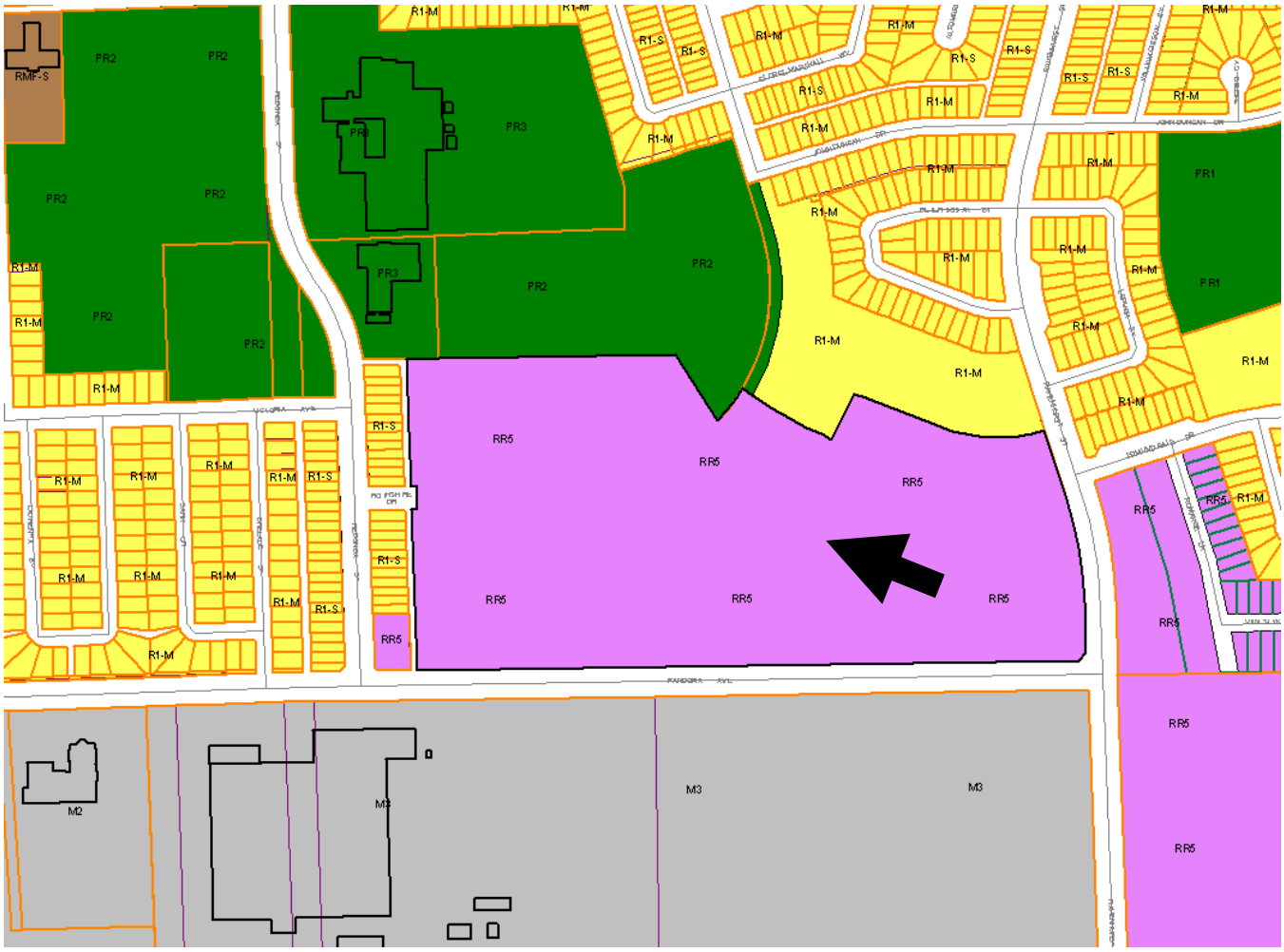


Figure 2: Zoning Map of subject property and Surrounding Context.