Agenda – Council – July 16, 2014

Report "A" – Executive Policy Committee – July 2, 2014

Item No. 2 Zoning Agreement Amendment – unaddressed property on Donwood Drive
(North Kildonan Ward)
File ZAA 8/2014 [c/r DASSF 500/2014 and DAV 107007/2014A]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 2, 2014, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the following to Council:

1. That Zoning Agreement Caveat 227100/1 under File DAS 22/72, (By-law No. 226/1972), be withdrawn.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAS 22/72, (By-law No. 226/1972) as approved in aforesaid Recommendation 1.

3. 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 "A" – Executive Policy Committee – July 2, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 2, 2014, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 23, 2014, the East Kildonan-Transcona 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 – unaddressed property on Donwood Drive**
File ZAA 8/2014 [c/r DASSF 500/2014 and DAV 107007/2014A]

For submission to: **Executive Policy Committee**

Prepared by: **Josie Marques, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **June 24, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 22, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That Zoning Agreement Caveat 227100/1 under File DAS 22/72, (By-law No. 226/1972), be withdrawn.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAS 22/72, (By-law No. 226/1972) as approved in aforesaid Recommendation 1.

3. 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.

The East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

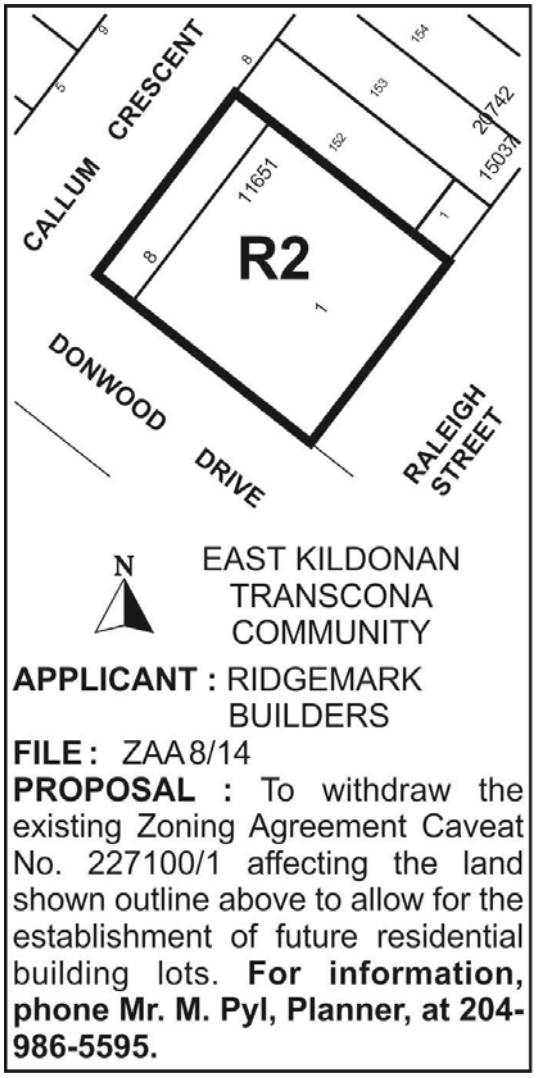
1. This land was to be a city bus loop that was abandoned.

2. The Winnipeg Public Service wanted this lot developed.

3. It is good to have residential being developed in this area.

PUBLIC HEARING SUMMARY

File:	ZAA 8/2014
Before:	East Kildonan-Transcona Community Committee Councillor Steen, Chairperson Councillor Browaty
Public Hearing:	June 23, 2014 Council Building, 510 Main Street
Applicant:	Ridgemark Builders (Mark Enns)
Subject:	



Premises Affected: unaddressed property on Donwood Drive

Exhibits Filed:

1. Application dated April 2, 2014
2. Notification of Public Hearing dated May 21, 2014
3. Manitoba Status of Title 1923450/1
4. Letter of authorization dated December 12, 2013 from the City of Winnipeg to Ridgemark Builders Inc.
5. Surveyor's Building Location Certificate and sketch dated October 31, 2013
6. Plans (2 pages)
7. Report from the Urban Planning Division dated June 16, 2014
8. Inspection Report
9. Audio Recording of representations

REPRESENTATIONS:

In Support:

Mark Enns

In Opposition

Nil

For Information:

Nil

For the City:

Mr. M. Pyl, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 8/2014

ADMINISTRATIVE REPORT

Title: ZAA 8/14 – Unaddressed property on Donwood Drive

Issue: For consideration at the Public Hearing to amend the Zoning Agreement to discharge caveat 227100/1

Critical Path Critical Path: East Kildonan-Transcona Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	B. Thorgrimson	N/A	

RECOMMENDATIONS

1. That Zoning Agreement Caveat 227100/1 under File DAS 22/72, (By-law No. 226/1972), be withdrawn.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAS 22/72, (By-law No. 226/1972) as approved in aforesaid Recommendation 1.

3. 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

1. The applicant wishes to amend the zoning agreement to eliminate the caveat on the subject property.
2. The property has a zoning agreement caveated on the Certificate of Title by the City of Winnipeg, of which one of the clauses restricts the type of development on the subject property to a landscape buffer strip.
3. The Public Service recommends approval of eliminating the caveat on the subject property.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Planning and Land Use Division are concurred in, the subject caveat will be withdrawn.

HISTORY

- This property is the former Transit bus loop which was declared surplus to the needs of the Transit Department.
- The City of Winnipeg declared the land surplus July 17, 2013 and sold the land to the applicant in October of 2013.

DAS 22/72 (By-law No. 226/1972) and Caveat #227100/1)

- In 1973, the City of Winnipeg entered into a development agreement with Headway Corporation Limited, as part of a rezoning application (DAS 22/72) from “R3B-One” to “R2”.
- Associated with the above DASZ is a zoning agreement caveated on the title (# 227100/1).
- Key functions of the zoning agreement are to limit the development of this land to: “the land shall not be used for any purpose other than landscaped buffer strips.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Date:	June 16, 2014
File No.	ZAA 8/14

APPENDIX 'A'

DATE:	June 16, 2014
FILE:	ZAA 4/14
RELATED FILES:	DASSF14-500/14, DAV 14-107007/A
COMMUNITY:	North Kildonan
NEIGHBOURHOOD #:	4.412 (Rossmere)
SUBJECT:	For consideration at the Public Hearing to remove the Zoning Agreement.
LOCATION:	Unaddressed Property on Donwood Drive
LEGAL DESCRIPTION:	BLOCK 1/8 PLAN 11651 52/55 K
APPLICANT:	Ridgemark Builders Mark Enns 91 Leighton Avenue Wpg., MB R2K 0J1
OWNER:	City of Winnipeg
RECOMMENDATION:	Approval

REPORT SUMMARY

1. The applicant is looking to eliminate the zoning agreement.
2. The Urban Planning Division recommends the application be approved.

SITE DESCRIPTION

Land Use and Zoning

- The subject site, which is zoned “R2” Residential Two-Family, is located on the northeast corner of the Donwood Drive and Callum Crescent in the Rossmere neighbourhood of the North Kildonan ward.



Figure 1: Subject Site and Surrounding Land Uses (flown 2012)

DESCRIPTION OF PROPOSED DEVELOPMENT

1. The applicant is looking at two (2) development scenarios for the site.
   A. Scenario #1 would see three (3) 1,008 square foot family dwellings.
   B. Scenario #2 would see two (2) 1,008 square foot family dwellings and one (1) 1,800 square foot duplex.
   C. reduce the requirement for the height of a berm between the proposed multi-family residential dwelling and the rail right-of-way.
2. The proposed buildings will be approximately 24 feet wide by 24 feet deep with front drive parking.
3. The proposed single family homes will be approximately 16 feet tall and the proposed duplex dwelling will be approximately 25 feet tall.

4. If the applicant is successful in removing the registered caveats they will also need to obtain a variance to allow a 5% tolerance variance for the lot widths (this is the subject of associated File # DAV 14-107007/A).

5. The applicant also requires a short form subdivision application (DASSF that the plans be approved by the Director of Planning as per the zoning agreement associated with DASZ 35/2007.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key policies guiding development within Areas of Stability include:

- Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
- Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing development.

ZONING AGREEMENT

The subject property contains a zoning agreement that was created when the property was rezoned to "R2" in 1972. The zoning agreement contains a number of clauses including the requirement that shall only be used as a landscape buffer strip.

DISCUSSION

The application is being supported on the basis of unique site characteristics. Specifically that:

1. landscape buffer strip is no longer required; and
2. the proposed development is similar in scale and character to surrounding land uses.

RECOMMENDATION

The Urban Planning Division recommends the application be approved because:

1. landscape buffer strip is no longer required; and
2. the proposed development is similar in scale and character to surrounding land uses.

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

Report Prepared By: Richard Mahé
PPD File # ZAA 8/14