Minute No. 297
Report - Standing Policy Committee on Property and Development - March 7, 2005

Item No. 16 Zoning Agreement Amendment - southeast Linden Ridge Drive and McGillivray Boulevard
File ZAA 20/2004 [c/r DASZ 6/97]

COUNCIL DECISION;

Council concurred in the recommendations of the Standing Policy Committee on Property and Development and adopted the following:

1. That the Zoning Agreement (Caveat No. 3043577) under File DASZ 6/97 dated May 28, 1997 (By-law No. 7058/97) be amended by replacing Clause 3 with the following:

   A. That it is understood Lot 1 of the land shall have a side yard (adjacent to McGillivray Boulevard) of eight (8) meters to any habitable space in the principal dwelling, and Lots 19 to 32 of the land shall have a rear yard setback of 22.5 meters.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement under File DASZ 6/97 (By-law No. 7058/97) dated May 28, 1997, 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 - March 7, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 16, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 7, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 1, 2005, the City Centre Community Committee concurred in the revised administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

On January 4, 2005, the City Centre Community Committee adjourned the public hearing to its meeting on February 1, 2005.

On December 14, 2004, the City Centre Community Committee adjourned the pubic hearing to its meeting on January 4, 2005.

RE: **Zoning Agreement Amendment - southeast Linden Ridge Drive and McGillivray Boulevard**
File ZAA 20 /2004

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **February 3, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 1, 2005, the City Centre Community Committee concurred in the revised administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the Zoning Agreement Caveat No. 3043577 under File DASZ 6/97, dated May 28, 1997 (By-law No. 7058/97), be amended by replacing Clause 3 with the following:

   A. That it is understood Lot 1 of the land shall have a side yard (adjacent to McGillivray Boulevard) of eight (8) meters to any habitable space in the principal dwelling, and Lots 19 to 32 of the land shall have a rear yard setback of 22.5 meters.

2. That the City Solicitor /Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement under File DASZ 6/97 (By-law No. 7058/97), dated May 28, 1997, 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 City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The City Community Committee agreed with the administrative comments contained in the revised report of the Manager of Planning and Land Use dated December 7, 2004.

PUBLIC HEARING SUMMARY

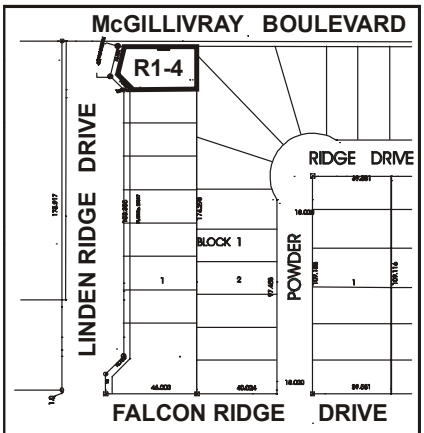
File: ZAA 20/2004

Before: City Centre Community Committee
Councillor Smith, Chairperson
Councillor Benham
Councillor Gerbasi

Public Hearing: December 14, 2004
Council Chamber, Council Building, 510 Main Street
January 4, 2005
February 1, 2005
West Committee Room, Council Building, 510 Main Street

Applicant: Linden Ridge Development Corporation

Subject:



APPLICANT : LINDEN RIDGE DEVELOPMENT CORP.
FILE : ZAA 20/04
PROPOSAL : To amend the zoning agreement affecting the land shown outlined above to permit a 6 metre side yard instead of 15 metres as required by the agreement. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: southeast Linden Ridge Drive and McGillivray Boulevard

Exhibits Filed:

1. Application dated October 28, 2004
2. Notification of Public Hearing dated November 2, 2004
3. Manitoba Status of Tile 2044667
4. Drawing of subject property
5. Report from the Manager of Planning and Land Use dated December 7, 2004
6. Inspection Report
7. Revised Report from the Manager of Planning and Land Use dated December 7, 2004
8. Communication dated January 10, 2005, from the applicant, Mr. D. Sharpe, in support of the Revised report from the Manager of Planning and Land Use dated December 7, 2004

REPRESENTATIONS:

In Support:

David Sharpe, Linden Ridge Development Corporation

In Opposition

Nil

For Information:

Robert Hanwell

For the City:

Mr. R. Mitchell, Senior Planner, Planning, Property and Development Department
Mr. J. Veitch, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

December 14, 2004

No verbal representation was made at the public hearing.

January 4, 2005

No verbal representation was made at the public hearing.

February 1, 2005

No verbal representation was made at the public hearing.

Exhibit "5" referred to in File ZAA 20/2004

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-7524

File No. ZAA 20/04
Our c/f CP 500 (.664)

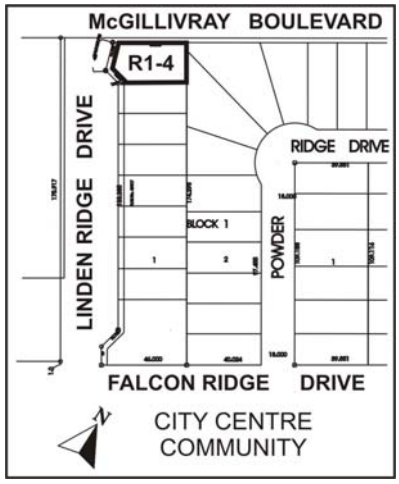
December 7, 2004

Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

ZONING AGREEMENT AMENDMENT
Southeast corner Linden Ridge Drive and McGillivary Boulevard
City CentreCommunity
File No. ZAA 20/04

An application has been received from Linden Ridge Development Corporation, to amend the Zoning Agreement affecting the property shown below by amending Clause 3 of the Zoning Agreement to read: "It is understood that Lot 1, Block 1, Plan 42123 shall have a side yard of 6 metres, and Lots 19 to 32 of Block 1, Plan 1, Plan 42123 shall have a rear yard setback of 22.5 metres.



SITE DESCRIPTION:

Dimensions: The subject lot is 131.2 feet deep along the north property line and 121.4 feet deep along the south property line. The lot width is 71.9 feet along the rear property line. The front property line is angular, following the contour of the frontage road.

Site Area: The lot is about 9,405.8 square feet.

Existing Land Use and Zoning: Vacant residential lot zoned "R1-4".

DEVELOPMENT DESCRIPTION:



Figure 1: Air photo of subject site.

The lands are part of the Linden Ridge Community and were initially subdivided down to the block level and rezoned under DASZ 6/97. The Zoning Agreement stipulated a 15 meter (49.2 foot) side yard metre setback from McGillivray Boulevard for any house constructed on the subject lot. The applicant is asking for relief from this requirement.

ADMINISTRATIVE COMMENTS:

The Public Works Department requires a building setback for sound attenuation as McGillivray Boulevard is a Regional Arterial. Currently, the roadway is 2-lane adjacent to the subject site, but will be widened to 4-lane-divided in the future. The Zoning Agreement requires a 22.5 meter (73.8 foot) rear yard setback for houses in Linden Ridge backing onto McGillivray, and a 15 meter (49.2 foot) side yard setback for houses flanking McGillivray. This separation is considered necessary to help attenuate traffic noise. In comparison, the Linden Woods development on the north side of McGillivray provides a landscaped berm, with a width of about 23 meters (75.5 feet), along McGillivray in the right-of-way to provide for sound attenuation.

The Public Works Department is not supportive of this application to reduce the building setback from 22.5 meters (73.8 feet) to 6 meters (19.8 feet). However, in a similar situation in East Kildonan, the Public Works Department recommended a side yard of 10 meters (32.8 feet) adjacent to Gateway which will be four-laned in future. It could be further stipulated that the 10 meters apply to the principal dwelling only (habitable space), which would allow a garage to encroach into the side yard. If your Committee is in agreement with this compromise, the following conditions would apply.

RECOMMENDATION:

I. That the Zoning Agreement Caveat No. 3043577 under file no. DASZ 6/97, dated, May 28, 1997 (By-Law # 7058/97), be amended as by replacing Clause 3 with the following:

3. *It is understood that Lot 1 of the land shall have a side yard of 10 meters to any habitable space in the principal dwelling, and Lots 19 to 32 of the land shall have a rear yard setback of 22.5 meters.*

II. That the City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 6/97 (By-Law #7058/97), dated May 28, 1997, as approved in aforesaid Clause I.

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

IV. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Yours truly,

C. Knoll
Manager of Planning and Land Use

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Per: Ross Mitchell, Senior Planner
(City Centre Community)
986-5017

/jc

Exhibit "7" referred to in File ZAA 20/2004

In reply please refer to / Référence à rappeler : **Ross Mitchell**
(204) 986-5017
Fax / Téléc. : (204) 986-7524

REVISED REPORT

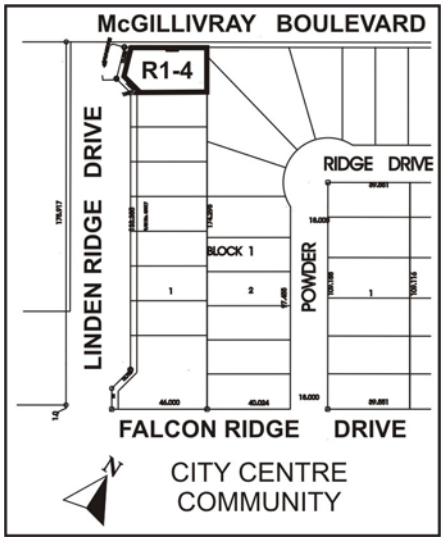
File No. ZAA 20/04 December 7, 2004
Our c/f CP 500 (.664)

Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

ZONING AGREEMENT AMENDMENT
Southeast corner Linden Ridge Drive and McGillivary Boulevard
City CentreCommunity
File No. ZAA 20/04

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SITE DESCRIPTION:

Dimensions: The subject lot is 131.2 feet deep along the north property line and 121.4 feet deep along the south property line. The lot width is 71.9 feet along the rear property line. The front property line is angular, following the contour of the frontage road.

Site Area: The lot is about 9,405.8 square feet.

Existing Land Use and Zoning: Vacant residential lot zoned "R1-4".

DEVELOPMENT DESCRIPTION:



Figure 2: Air photo of subject site.

The lands are part of the Linden Ridge Community and were initially subdivided down to the block level and rezoned under DASZ 6/97. The Zoning Agreement stipulated a 15 meter (49.2 foot) side yard metre setback from McGillivray Boulevard for any house constructed on the subject lot. The applicant is asking for relief from this requirement.

ADMINISTRATIVE COMMENTS:

The Public Works Department requires a building setback for sound attenuation as McGillivray Boulevard is a Regional Arterial. Currently, the roadway is 2-lane adjacent to the subject site, but will be widened to 4-lane-divided in the future. The Zoning Agreement requires a 22.5 meter (73.8 foot) rear yard setback for houses in Linden Ridge backing onto McGillivray, and a 15 meter (49.2 foot) side yard setback for houses flanking McGillivray. This separation is considered necessary to help attenuate traffic noise. In comparison, the Linden Woods development on the north side of McGillivray provides a landscaped berm, with a width of about 23 meters (75.5 feet), along McGillivray in the right-of-way to provide for sound attenuation.

The Public Works Department has provided a letter, (dated December 21, 2004) indicating that they will support a minimum sideyard of 8.0 metres (26.24 ft.) to the property line adjacent to McGillivray Boulevard. This 8.0 metre separation must be maintained to the habitable portion of the principle dwelling on this lot.

RECOMMENDATION:

I. That the Zoning Agreement Caveat No. 3043577 under file no. DASZ 6/97, dated, May 28, 1997 (By-Law # 7058/97), be amended as by replacing Clause 3 with the following:

   3. *It is understood that Lot 1 of the land shall have a side yard, (adjacent to McGilliray Boulevard) of 8 meters to any habitable space in the principal dwelling, and Lots 19 to 32 of the land shall have a rear yard setback of 22.5 meters.*

II. That the City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 6/97 (By-Law #7058/97), dated May 28, 1997, as approved in aforesaid Clause I.

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

IV. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Yours truly,
C. Knoll
Manager of Planning and Land Use

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Per: James Veitch, Planner
(City Centre Community) 986-7728

/rm, jv