Agenda – Executive Policy Committee – November 29, 2017

REPORTS

Item No. 2 Zoning Agreement Amendment – 19 and 23 John Huyda Drive (North Kildonan Ward)
File ZAA 6/2017

COMMUNITY COMMITTEE RECOMMENDATION:

On November 7/8, 2017, 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 4552450 under File DASZ 57/13 dated May 27, 2014 (By-law 74/2014), be amended as follows:

   A. That the plan shown in Schedule "A" to the subject zoning agreement be replaced by the plan shown in Schedule "A" to this report.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 57/13 (By-law 74/2014) 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.

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On November 7/8, 2017, 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 – 19 and 23 John Huyda Drive**
File ZAA 6/2017

For submission to: **Executive Policy Committee**

Prepared by: **Andrew Poitras, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **November 8, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 7, 2017, 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 4552450 under File DASZ 57/13 dated May 27, 2014 (By-law 74/2014), be amended as follows:

   A. That the plan shown in Schedule "A" to the subject zoning agreement be replaced by the plan shown in Schedule "A" to this report.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 57/13 (By-law 74/2014) 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.

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

1. We've worked with the applicant and the neighbours previously on the design of the approach to minimize and mitigate the impact of it.

2. This is a reasonable way to address concerns and it will make these driveways safer and functional.

PUBLIC HEARING SUMMARY

File:	ZAA 6/2017
Before:	East Kildonan-Transcona Community Committee Councillor Schreyer, Chairperson Councillor Browaty Councillor Wyatt
Public Hearing:	November 7, 2017 Council Building, 510 Main Street
Applicant:	Gary Marshall, Liberty Properties Inc.
Subject:	



Premises Affected: 19 and 23 John Huyda Drive

Exhibits Filed:

1. Application dated September 12, 2017
2. Notification of Public Hearing dated September 21, 2017
3. Manitoba Status of Titles 2789330/1, 2888384/1
4. Letter of authorization dated September 7, 2017 from Clark Phillipson and Kristen Bilenky, to Liberty Properties Inc.
5. Letter of authorization dated September 11, 2017 from Gary Marshall, President, 6627332 Manitoba Inc., to Liberty Properties Inc.
6. Surveyor's Building Location Certificate and sketch dated March 31, 2017, for 23 John Huyda Drive
7. Surveyor's Building Location Certificate and sketch dated August 4, 2017, for 19 John Huyda Drive
8. Zoning Agreement dated May 27, 2014, between The City of Winnipeg and Waterside Development Corp.
9. Photos of 19 John Huyda Drive and neighbouring properties
10. Proposed and Existing Approach and Driveway Plans (3 pages)
11. Report from the Urban Planning Division dated October 31, 2017
12. Inspection Report
13. Recording of Representations

REPRESENTATIONS:

In Support:

Gary Marshall
Kristen Bilenky
Wayne Bilenky
Clark Phillipson

In Opposition

Nil

For Information:

Nil

For the City:

G. Doney, Senior Planner, Planning, Property and Development Department
R. Hayer, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File ZAA 6/2017

ADMINISTRATIVE REPORT

Title: ZAA 6/17 – 19 and 23 John Huyda Dr.

Issue: Proposed Zoning Agreement Amendment to amend Schedule "A" of the zoning agreement created under DASZ 57/2013 by modifying the dimensions and location of the private approach allowed under said agreement

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	N/A	N/A	N/A

RECOMMENDATIONS

1. That Zoning Agreement Caveat 4552450 under File DASZ 57/13 dated May 27, 2014 (By-law 74/2014), be amended as follows:

   A. That the plan shown in Schedule "A" to the subject zoning agreement be replaced by the plan shown in Schedule "A" to this report.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 57/13 (By-law 74/2014) 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.

REASON FOR THE REPORT

- The applicant is applying to amend the above noted map to accommodate the proposed driveways being built on Lots 3 and 4, Plan 56705 WLTO.

- A zoning agreement amendment requires a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the proposed driveways can be built in accordance with Schedule “A” to this report.

HISTORY

DASZ 57/13

- DASZ 57/2013 involved the subdivision and rezoning of lands in the Springfield North neighbourhood of North Kildonan. The subject zoning agreement was created because it was a condition of approval of DASZ 57/2013.

CONSULTATION

Consultation was not warranted to prepare this report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Glen Doney
Date:	October 31, 2017
File No.	ZAA 5/17

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

DATE:	October 31, 2017
FILE:	**ZAA 5/17**
RELATED FILES:	**DASZ 57/2013 (B/L** 74/2014**)**
COMMUNITY:	**East Kildonan - Transcona**
NEIGHBOURHOOD #:	4.419 (Springfield North)
SUBJECT:	Proposed Zoning Agreement Amendment to amend Schedule "A" of the zoning agreement created under DASZ 57/2013 by modifying the dimensions and location of the private approach allowed under said agreement
LOCATION:	**19 and 23 John Huyda Dr.**
LEGAL DESCRIPTION:	LOTS 3 and 4 PLAN 56705 43/44 K



APPLICANT:	**Liberty Properties (Garry Marshall)** 303 Linden Ave. Winnipeg, MB R2K 0N5
OWNERS:	**6627332 Manitoba Ltd. (Lot 3) and** **Clark Phillipson and Kristen Bilenky (Lot 4)**
RECOMMENDATION:	Approval

SITE DESCRIPTION

- The subject site:
    - is at 19 and 23 John Huyda Drive;
    - is in the Springfield North Neighbourhood and the North Kildonan Ward;
    - is where two single-family dwellings are being built;
    - is in a Recent Communities policy area, which is a type of Areas of Stability Policy Area of *OurWinnipeg* and *Complete Communities*; and
    - is zoned “R1-L” Residential Single-Family (Large).

SURROUNDING LAND USES & ZONING

North: single-family dwellings in a “R1-L” Residential Single-Family Large District.

South: single-family dwellings in a “R1-L” Residential Single-Family Large District.

East: single-family dwellings in a “R1-L” Residential Single-Family Large District.

West: John Huyda Drive then single-family dwellings in a “R1-L” Residential Single-Family Large District.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is requesting to amend Zoning Agreement Caveat 4552450/1 under File DASZ 57/13 in order to accommodate driveways under construction on 19 and 23 John Huyda Drive.
- The driveway being built at 23 John Huyda would be no closer to the property to the west than what is currently shown on Schedule “A” to the subject Zoning Agreement (approximately 24 feet).
- The driveway being built at 19 John Huyda
    - would be seven feet north of the southern limit of the site, whereas Schedule “A” to the subject Zoning Agreement shows a driveway 3.9 feet north of the southern site limit; and
    - would be 19.7 feet wide , whereas Schedule “A” to the subject Zoning Agreement shows a 9.8 metre wide driveway.
- The proposed amendment is required to accommodate the driveways being built on both lots.

ANALYSIS AND ISSUES

OUR WINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- The proposed changes to Schedule “A” of the subject Zoning Agreement would require the driveway under construction on 19 John Huyda Drive to be seven feet from the property to the south instead of what Schedule “A” currently allows – 3.9 feet.

- The distance that the driveway being built on 23 John Huyda Drive must be from the property to the west will not change. The existing Schedule "A" and the proposed Schedule "A" show this driveway approximately 24 feet from the property to the west.
- Therefore, the proposed amendment complies with *OurWinnipeg* and *Complete Communities*.

RECOMMENDATION

The Urban Planning Division recommends **approval** because the proposed amendment complies with *OurWinnipeg* and *Complete Communities*.

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

Report Prepared By:
Glen Doney

PPD File # ZAA 6/17

Schedule "A," to replace Schedule "A" in the existing Zoning Agreement, DASZ 57/2013

