Minute No. 628
Report - Standing Policy Committee on Property and Development - July 18, 2005

Item No. 10 Zoning Agreement Amendment - 905 Waverley Street
File ZAA 6/2005 [c/r DASZ 18A/84]

COUNCIL DECISION:

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

1. That Zoning Agreement Caveat No. 1170241 under File DASZ 18A/84 dated July 31, 1985 (By-law No. 4073/85), be amended to delete Clause 14 that reads:

   "A twenty (20) foot wide landscaped "yard", as defined and regulated by the applicable zoning by-law, shall be provided and maintained abutting each boundary street."

2. That final plans showing the location and details of landscaping, fencing, signage and garbage enclosures shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

3. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement File DASZ 18A/84 (By-Law No. 4073/85) dated July 31, 1985, as approved in aforesaid Recommendation 1.

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

5. 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 - July 18, 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 July 20, 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 July 18, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation from the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2005, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment – 905 Waverley Street**
File ZAA 6/2005

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

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

Report date: **July 7, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 5, 2005, the City Centre Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the Zoning Agreement Caveat No. 1170241 under File DASZ 18A/84, dated July 31, 1985 (By-law No. 4073/85), be amended to delete Clause 14 that reads:

   "A twenty foot (20') wide landscaped "yard", as defined and regulated by the applicable zoning by-law, shall be provided and maintained abutting each boundary street."

2. That final plans, showing the location and details of landscaping, fencing, signage and garbage enclosures, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

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

5. 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 application is supported by Plan Winnipeg and the Administration.
2. The application removes cars from on-street parking.
3. The applicant is providing landscaping to beautify the site.

PUBLIC HEARING SUMMARY

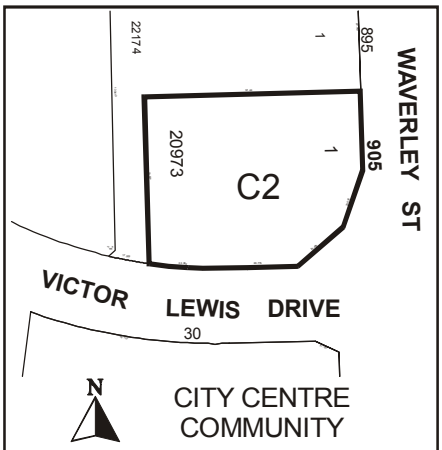
File: ZAA 6/2005

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

Public Hearing: July 5, 2005
Council Chamber
Council Building, 510 Main Street

Applicant: Stantec Consulting Ltd. (Rick Derksen)

Subject:



APPLICANT : STANTEC CONSULTING LTD.
FILE : ZAA 6/05
PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above by deleting the requirement for a twenty foot (20') wide landscaped yard, as defined by the applicable Zoning By-Law, abutting each boundary street. **For information, phone Mr. J. Veitch, Planner at 986-7728.**

Premises Affected: 905 Waverley Street

Exhibits Filed:

1. Application dated May 17, 2005
2. Notification of Public Hearing dated May 24, 2005
3. Manitoba Status of Title 1634747
4. Surveyor's Building Location Certificate and sketch dated May 3, 2005
5. Caveat Forbidding Registration
6. Plans (2 pages)
7. Report from the Manager of Planning and Land Use dated June 15, 2005
8. Inspection Report
9. Plans (2 pages) for existing and proposed parking submitted by applicant at the pubic hearing.

REPRESENTATIONS:

In Support:

Rick Derkson, Stantec Consulting Ltd.
Eric Wiens

In Opposition

Julie Bubnick

For Information:

Nil

For the City:

Mr. R. Humble, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant Rick Derkson, Stantec Consulting Ltd. accompanied by Eric Wiens, appeared in support of the application, gave a brief overview on the development and submitted supporting documentation placed on file as Exhibit 9.

Julie Bubnick appeared in opposition to the application. Ms Bubnick stated concerns with the application not fitting in with a residential area, the existing of a parking lot in the area that could possibly be used, and traffic.

In rebuttal, the applicants, stated they were landscaping the area to maintain the urban appearance, the application was to avoid on street parking, and the problem with the existing parking lot in the area was that it lacked electrical power.

Exhibit "7" referred to in File ZAA 6/2005

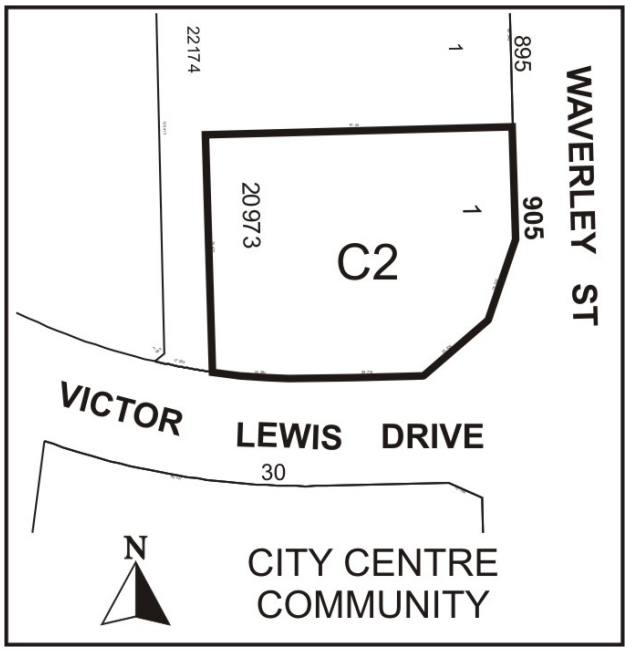
Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

Date: June 15, 2005
File: **ZAA 06/05**
Related Files: N/A
Subject: To delete clause 14 from the Zoning Agreement DASZ 18A/84 which clause reads; *'A twenty foot (20') wide landscaped yard, as defined and regulated by the applicable Zoning By-law, shall be provided and maintained abutting each boundary street.'*

Location: 905 Waverley Street
Legal Description: Lot 1, Plan 20973



Applicant: Stantec Consulting Ltd. (Rick Derksen)

Owner: Stantec Consulting Ltd.

Recommendation: Approved with Conditions

Site Description

Existing land Use and Zoning

The subject site is approximately 1.55 acres (6,287.79 sq. m.) and is located in the Linden Woods neighbourhood of the City Centre Ward. The site is zoned 'C2' Commercial and has been occupied by an engineering consulting office since 1987 when it was built by I.D. engineering. Stantec Consulting Limited is the present owner and occupant of the site.

Surrounding Land Use and Zoning

North: 'C2' Commercial District
South: Victor Lewis Drive then 'RM-L' Multiple Family Residential
East: Waverley Street then 'M1' Industrial (Waverley Soccer Complex)
West: 'C2' Commercial

Background

As part of the original development of the site, (DASZ 18A/84), Genstar Corporation and the City of Winnipeg entered into a Zoning Agreement dated July 31, 1985. In 2004, Stantec Consulting Limited added a two-storey 5,545 square foot addition to the west side of the existing office building. The total combined square footage of the existing building and the addition is 26,954 square feet. In conjunction with the building expansion the number of employees working in the Stantec Consulting office has doubled in size, increasing to approximately 100 persons.

Description of the Proposed Development

Stantec intends to increase the size of their parking lot to provide more parking stalls for their employees. Presently there are 62 parking stalls on the site the proposed plan would increase that to 99 stalls. Twenty-eight, (28) of the proposed stalls would have to encroach into the 20 foot landscaped yard required by the Zoning Agreement DASZ 18A/84.

The Planning and Land Use Division met with the applicant to discuss the proposed parking expansion. Based on that discussion, Stantec revised their site layout to retain more of the existing planting, provide more additional tree planting and include light proof fencing adjacent to the proposed stalls facing Waverley Street and Victor Lewis Drive.

Analysis

Currently the subject site has 62 parking stalls, yet the number of staff working on site ranges from 90 to 100 persons. The proposed addition of 37 parking stalls will provide on site parking for the staff as well as stalls set aside for visitor parking.

The Planning and Land Use Division has been made aware of excess parking and traffic congestion on Victor Lewis Drive, it is hoped that the added onsite parking will help alleviate some of those vehicular pressures in the neighbourhood.

In terms of the 20 foot landscaped yard, the property line is setback from the abutting public streets Waverley Street and Victor Lewis Drive by at least 17 feet and in some cases 26 feet. Within this setback is a grassed boulevard, a public sidewalk and, along Victor Lewis Drive, several boulevard trees. The revised site layout will retain most of the existing planting on site as well as add new trees, hedges and lightproof fencing.

Recommendation

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

- The proposed increase to the onsite parking should help alleviate any street parking and off site congestion concerns
- The existing trees and shrubs are being preserved in addition to the increased landscaping that will be installed as part of the development
- Light proof fencing will be installed to mitigate any vehicle headlight glare

Recommended Conditions of Approval

I. That the Zoning Agreement Caveat No. 1170241 under file no. DASZ 18A/84, dated, July 31, 1985 (By-Law # 4073/85), be amended to delete clause 14 that reads;

'A twenty foot (20') wide landscaped "yard", as defined and regulated by the applicable zoning by-law, shall be provided and maintained abutting each boundary street.'

II. That final plans, showing the location and details of landscaping, fencing, signage and garbage enclosures, shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits; and thereafter shall be maintained to the satisfaction of the Director of Planning, Property and Development.

III. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 18A/84 (By-Law # 4073/85), dated, July 31, 1985 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/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

Report Prepared by: James Veitch, District Planner City Centre
PPD File # ZAA 6/05

Schedule "A"



Figure 1: Subject Site (Aerial Photograph Flown 2002)