Minute No. 668
Report - Standing Policy Committee on Property and Development - October 2, 2008

Item No. 3 Zoning Agreement Amendment - 5 Scurfield Boulevard (River Heights-Fort Garry Ward) File ZAA 16/2008

COUNCIL DECISION:

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

1. That the Zoning Agreement under File DASZ 44/79 be amended as follows:

   A. That Clause 5 be changed such that the following is added after the words "Waverley Street" in said clause, namely:

   "except the full length of the portion of the subject land abutting Waverley Street, where the landscaped strip must have a minimum width of 1.2 meters (four feet)".

2. That bicycle parking be provided in accordance with Section 169 of The Winnipeg Zoning By-law No. 200/2006 and located such that it is clearly visible to people in the building on the subject land and the main entrances to the east side of the building are clearly visible to people at the bicycle parking area(s).

3. That a pedestrian connection to/from the building on the subject land and a Winnipeg Transit but stop be provided in substantial conformity with site plan filed as Exhibit 17 for File ZAA 16/2008.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 44/79 as approved in aforesaid Recommendation 1.

5. That the Proper Officers of the City are herby authorized to execute said Amending Agreement.

6. 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 - October 2, 2008

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2008, the Executive Policy Committee concurred in the recommendation 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 October 2, 2008, 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 September 22, 2008, the City Centre Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends:

1. That the Zoning Agreement under File DASZ 44/79 be amended as follows:

    A. That Clause 5 be changed such that the following is added after the words "Waverley Street" in said clause, namely:

    "except the full length of the portion of the subject land abutting Waverley Street, where the landscaped strip must have a minimum width of 1.2 meters (four feet)".

2. That bicycle parking be provide in accordance with Section 169 of The Winnipeg Zoning By-law No. 200/2006 and located such that it is clearly visible to people in the building on the subject land and the main entrances to the east side of the building are clearly visible to people at the bicycle parking area(s).

Report - Standing Policy Committee on Property and Development - October 2, 2008

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

3. That a pedestrian connection to/from the building on the subject land and a Winnipeg Transit but stop be provided in substantial conformity with site plan filed as Exhibit 17 for File ZAA 16/2008.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 44/79 as approved in aforesaid Recommendation 1.

5. That the Proper Officers of the City are herby authorized to execute said Amending Agreement.

6. 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,

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

RE: **Zoning Agreement Amendment - 5 Scurfield Boulevard**
File ZAA 16/2008 [c/r DAV 131179/2008D]

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

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

Report date: **September 24, 2008**

COMMUNITY COMMITTEE RECOMMENDATION:

The City Centre Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. ***That the Zoning Agreement under File DASZ 44/79 be amended as follows:***

    A. ***That Clause 5 be changed such that the following is added after the words "Waverley Street" in said clause, namely:***

    "except the full length of the portion of the subject land abutting Waverley Street, where the landscaped strip must have a minimum width of 1.2 meters (four feet)".

3. ***That bicycle parking be provide in accordance with Section 169 of The Winnipeg Zoning By-law No. 200/2006 and located such that it is clearly visible to people in the building on the subject land and the main entrances to the east side of the building are clearly visible to people at the bicycle parking area(s).***

3. ***That a pedestrian connection to/from the building on the subject land and a Winnipeg Transit but stop be provided in substantial conformity with site plan filed as Exhibit 17 for File ZAA 16/2008.***

4. ***That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 44/79 as approved in aforesaid Recommendation 1.***

5. ***That the Proper Officers of the City are herby authorized to execute said Amending Agreement.***

6. ***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.***

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

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The proposal is an improvement in terms of cycling and pedestrian needs.
2. The proposal meets the needs of the area businesses.
3. The proposal will solve some of the current problems in the area.

PUBLIC HEARING SUMMARY

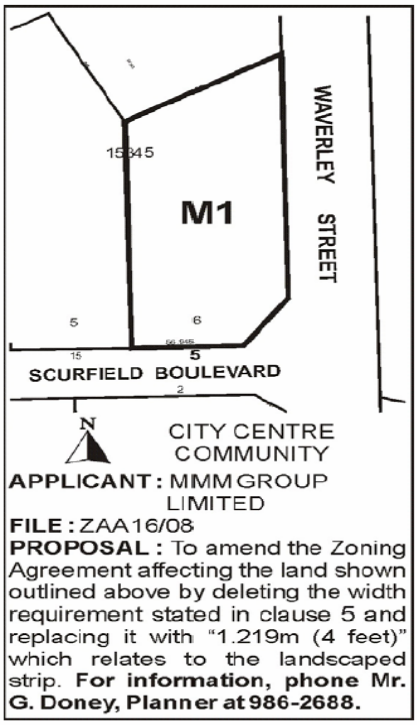
File: ZAA 16/2008 [c/r DAV 131179/2008D]

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

Hearing: September 22, 2008
North Committee Room
Council Building, 510 Main Street

Applicant: MMM Group Limited
(Paul McNeil / Frieder Aldinger)

Subject:



Premises Affected: 5 Scurfield Boulevard

Exhibits Filed:

1. Application dated July 28, 2008
2. Notification of Public Hearing dated August 8, 2008
3. Manitoba Status of Title 1018756
4. Letter of authorization dated June 27, 2008 from 2253062 Manitoba Limited to MMM Group Limited
5. Plans (2 pages)
6. Report from the Planning and Land Use Division dated September 11, 2008
7. Inspection Report
8. Revised Plans dated September 17, 2008
9. Communication dated September 8, 2008, from Martin McGarry, President, BTZ Barnicke Winnipeg Ltd., and Lindsey Saunders, Director of Operations, MMI Commercial Management Ltd., in support of the application
10. Communication dated September 9, 2008, from Mark and Susan Hauser, Xpressions , in support of the application
11. Communication dated September 10, 2008, from Bonnie Kawka, President, Hospitality Solutions Inc., in support of the application
12. Communication dated September 10, 2008, from James E. Neumann, Controller, Manitoba Egg Producers, in support of the application
13. Communication dated September 10, 2008, from Robert M. Spiers, Vice-President, Assante Financial Management Ltd., in support of the application
14. Communication dated September 11, 2008, from John Bellino, Krevco Lifestyles, in support of the application
15. Photographs (6) of subject property, submitted by Paul McNeil, in support of the application
16. Drawings (2 pages) of subject property
17. Site Plan (1 page)

REPRESENTATIONS:

THE FOLLOWING PERSONS MADE REPRESENTATIONS AND ARE ENTITLED TO APPEAL:

In Support:
John Bellino, Krevco Lifestyles
Frank Bueti
Mark and Susan Hauser, Xpressions
Bonnie Kawka, President, Hospitality Solutions Inc.
Martin McGarry, President, BTZ Barnicke Winnipeg Ltd.,
Paul McNeil, MMM Group
James E. Neumann, Controller, Manitoba Egg Producers
Lindsey Saunders, Director of Operations, MMI Commercial Management Ltd.
Robert M. Spiers, Vice-President, Assante Financial Management Ltd.

In Opposition:
Nil

For Information:
Nil

For the City:
Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. M. Robinson, Planner, Planning, Property and Development Department

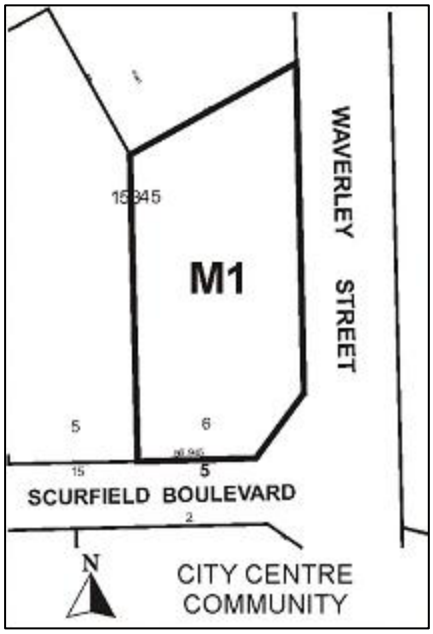
Exhibit "6" referred to in File ZAA 16/2008 [c/r DAV 131179/2008D]

Winnipeg

Planning, Property and Development Department Report

To the City Centre Community Committee

DATE:	September 11, 2008
FILE:	**ZAA 16/08**
RELATED FILES:	DAV 08-131179/D, DASZ 44/79
SUBJECT:	To amend the Zoning Agreement affecting the land shown outlined below by deleting the width requirement stated in Clause 5 and replacing it with "1.2 metres (four feet)".
LOCATION:	**5 Scurfield Boulevard, at Waverley Street**
LEGAL DESCRIPTION:	LOT 6 BLOCK 7 PLAN 15345 16/23 ST V OTM
APPLICANT:	Frieder Aldinger, MMM Group Limited 93 LOMBARD AVE SUITE 111 WINNIPEG MB R3B 3B1
OWNER:	2253062 MANITOBA LIMITED C/O MMI COMMERCIAL REAL ESTATE LTD ATTN: LINDSEY SAUNDERS 430 DOVERCOURT DR UNIT A WINNIPEG MB, R3Y 1N4
RECOMMENDATION:	***Not* Proceed With.**



Site Description

The subject land is at 5 Scurfield Boulevard, adjacent to Waverley Street, in the West Fort Garry Industrial area, in the River Heights – Fort Garry Ward.

The subject land is illustrated in Sheet 1 of 2 of a site plan submitted in connection with File DAV 08-131179/D – an application to vary the corner side-yard requirement with-respect-to the subject land. The existing corner side yard (adjacent to Waverley Street) of the subject land is 17.4 feet deep. Presently, the subject land has 106 accessory (on-site) parking spaces, 10 of which are west of the building on the subject land. The subject land is approximately 3.3 acres (144,000 square feet). As shown in Figure 1, the principal uses are office, personal service, bakery and warehouse. Figure 2 shows that the subject land is in an "M1" Manufacturing Light District.

Figure 1 also shows that the subject land is in the vicinity of warehouses, offices, outdoor storage (enclosed by a fence) and an emergency services station.

Figure 2 shows that the subject land is in the vicinity of another "M1" Manufacturing Light District as well as "M2" Manufacturing General Districts.

The lot immediately north of the subject land has an east yard depth of approximately 27 feet. Across Waverley Street from the subject land the west yard depth is approximately 18 feet. Lastly, the east yard depth of the lot at the southwest corner of Scurfield Boulevard is approximately 19 feet.

The subject land is in an area where land on either side of Waverley Street, between McGillivray and Bishop-Grandin Boulevards, is within an Industrial policy area and a manufacturing zoning district. This is not the case for land alongside Waverley that is either north of McGillivray or south of Bishop-Grandin. This suggests that Waverley Street and adjacent lands have distinctive characteristics between McGillivray and Bishop-Grandin. In this area, almost all of the yards adjacent to Waverley Street are at least approximately 15 feet deep.

Background

The area in which the subject land is located was subdivided as per File DASZ 44/79. Scurfield Boulevard was created when the plan of subdivision was registered at the Land Titles Office in the early 1980s.

The City of Winnipeg entered into Zoning Agreement DASZ 44/79 with Whyte Ridge Industrial Developments Limited on April 16, 1980. The agreement applies to the subject land and other land within an area bounded by Bishop-Grandin and Kenaston Boulevards, Waverley Street and the northern limits of lots that are immediately north of Scurfield Boulevard. Clause 5 of the agreement states: "A landscaped strip 6 m (19.68 feet) in width along the full length of those portions of the lots abutting Kenaston Boulevard and [or] Waverley Street within the boundaries

of the land shall be installed in accordance with plans to be submitted to and approved by the Commissioner of Environment…".

Description of the Proposed Development

The proposal is illustrated in Sheet 2 of 2 of a site plan submitted in connection with the aforementioned File DAV 08-131179/D. The proposal is to increase the number of accessory (on-site) parking spaces by 21, to 127 spaces. The additional parking spaces would be east of the building on the subject land and are to provide tenants with additional parking in front of their units for their customers, clients and employees. The proposed expansion would result in 31 parking spaces being four feet from the east property line of the subject land.

This would require reducing the corner side-yard (the east yard, adjacent to Waverley Street) from 17.4 feet to four feet. To allow for a yard depth of four feet requires an amendment to Zoning Agreement DASZ 44/79 (the subject of this report) and a variance to Zoning By-law 200/2006 (application made under File DAV 08-131179/D). (It is noted that although Zoning Agreement DASZ 44/79 requires a 19.7 feet deep yard, the existing yard depth is 17.4 feet.)

The proposal also includes:

- the preservation of two large poplar trees and seven spruce trees that are in the corner side-yard;
- the removal of one large poplar tree and two spruce trees also in said yard;
- the provision of bicycle racks north of the building on the subject land; and
- a pedestrian connection to/from the building on the subject land and an existing Winnipeg Transit bus stop.

Figure 3 shows some of the aforementioned trees, all of which are in the corner side-yard.

As well, a private approach from Waverley Street to the subject land is proposed. This aspect of the proposal, however, is not the subject of this report.

Analysis

Plan Winnipeg

The proposal conforms to Plan Winnipeg. The subject land is in an Industrial policy Area that is on both sides of Waverley Street and extends north and south from the subject land.

Zoning

Zoning By-law 200/2006 requires a minimum corner side-yard depth of 15 feet in "M1" Districts. Varying the yard depth requirement from 15 to four feet would allow a yard depth 73 percent less than what is presently required by the by-law. Clearly, this would be a substantial variance.

Zoning By-law 200/2006 requires landscaping in all yards as per Section 190. As well, Section 191 reduces the amount of landscaping required when existing mature trees are preserved, which is applicable to this proposed development.

Regarding accessory parking, only 59 accessory (on-site) parking spaces are required as per the by-law. This is significantly less than the 106 spaces existing and the 127 spaces that would exist after the proposed expansion.

Also, Section 169 of the by-law states:

> Where… bicycle parking is required, the owner must provide 1 lockable bicycle space per 10 required automobile parking spaces. Required bicycle parking must be located with convenient access to major building entrances.

The proposed location for the bicycle parking, illustrated in Sheet 2 of 2 of a site plan submitted in connection with the aforementioned File DAV 08-131179/D, is not visible from any main entrance to the units at 5 Scurfield Boulevard or to windows in the building on the subject land. In order to provide a sense of security, personal safety and convenience, the bicycle parking should be clearly visible to people in the building on the subject land and the main entrances should be clearly visible to people at the bicycle parking area(s).

Regarding the "M1" Manufacturing Light District, Section 56(3) of Zoning By-law 200/2006 states: "The Manufacturing Light (M1) district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage". That the subject land includes commercial uses in addition to industrial uses suggests that the intention for "M1" Districts is only partially met on the subject land.

Compatibility

The proposed four foot deep yard adjacent to Waverley Street is not compatible with land in the immediate vicinity of the subject land and the larger context of Waverley Street, between McGillivray and Bishop-Grandin Boulevards, because:

- lots immediately north, south across Scurfield Boulevard or east across Waverley Street have yards adjacent to Waverley with depths ranging from 18 to 27 feet, which is significantly more than the proposed yard depth; and
- almost all yards adjacent to Waverley Street, between McGillivray and Bishop-Grandin Boulevards, are at least 15 feet deep, which is also significantly more than the proposed yard depth.

While it is recognized that the preservation of several mature trees would mitigate, to some degree, the proposed east yard depth of only four feet it is noted that 31 parking spaces would be adjacent to the east yard, showing that most of the east yard would be four feet deep.

Recommendation

The Planning and Land Use Division is of the opinion that amending Zoning Agreement DASZ 44/79 by reducing the yard depth requirement from 19.7 feet to four feet (for only 5 Scurfield Boulevard) would allow a significantly shallower yard alongside Waverley Street than is typical in the immediate vicinity as well as in the larger context of Waverley, between McGillivray and Bishop-Grandin Boulevards.

This is further indicated in that the corner side-yard minimum depth requirement in "M1" Districts is 15 feet, which is much larger than the proposed yard depth.

The Planning and Land Use Division is of the opinion that the existing 106 accessory (on-site) parking spaces are adequate because:

- only 59 are required as per Zoning By-law 200/2006; and
- the parking requirements for the uses on the subject land are generally more than what is required for the light industrial uses that "M1" Manufacturing Light Districts are primarily intended for.

Therefore, **the Planning and Land Use Division recommends that the zoning agreement amendment application – File ZAA 16/08 – *not* be proceeded with** because the Division is of the opinion that reducing the corner side-yard depth requirement in Zoning Agreement DASZ 44/79 from 19.7 feet to four feet:

- is not the minimum modification of Zoning Agreement DASZ 44/79 required to relieve the injurious effect of said agreement on the applicant's property; and
- would, if the minimum yard depth requirement is varied accordingly, allow the creation of a yard that would not be compatible with the area in which the property to be affected is situated.

Lastly, the Planning and Land Use Division encourages the applicant to provide bicycle parking, as recommended in the "Zoning" section of this report, and a pedestrian route connecting a Winnipeg Transit bus stop to the building on the subject land.

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

Report Prepared by: J. Glen Doney
PPD File ZAA 16/08



Figure 1: Existing Land Use, 2005 aerial photography

Legend

W	warehouse
O	office
PS	personal service
B	bakery
OS	outdoor storage

September 11, 2008

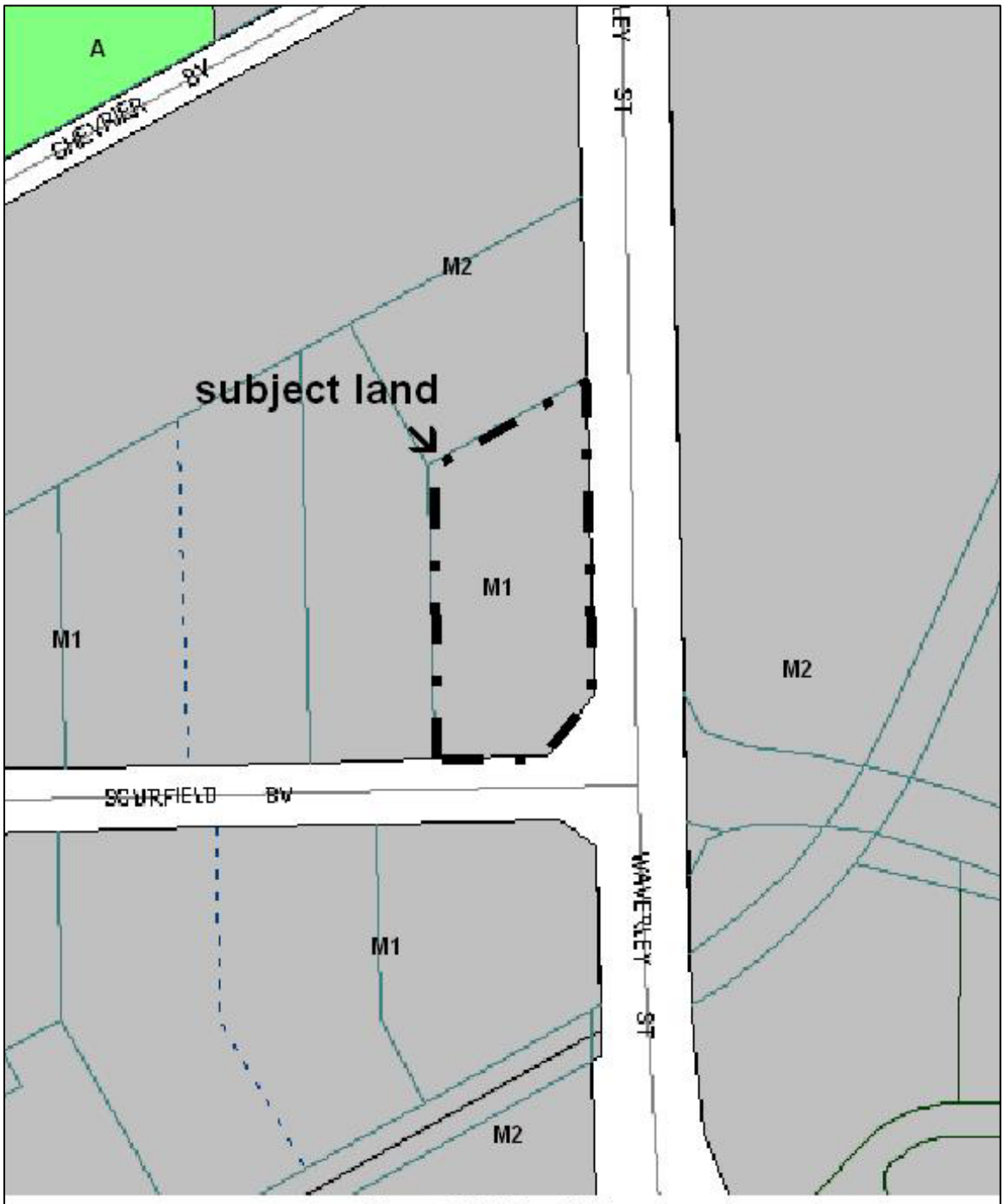


Figure 2: Existing Zoning

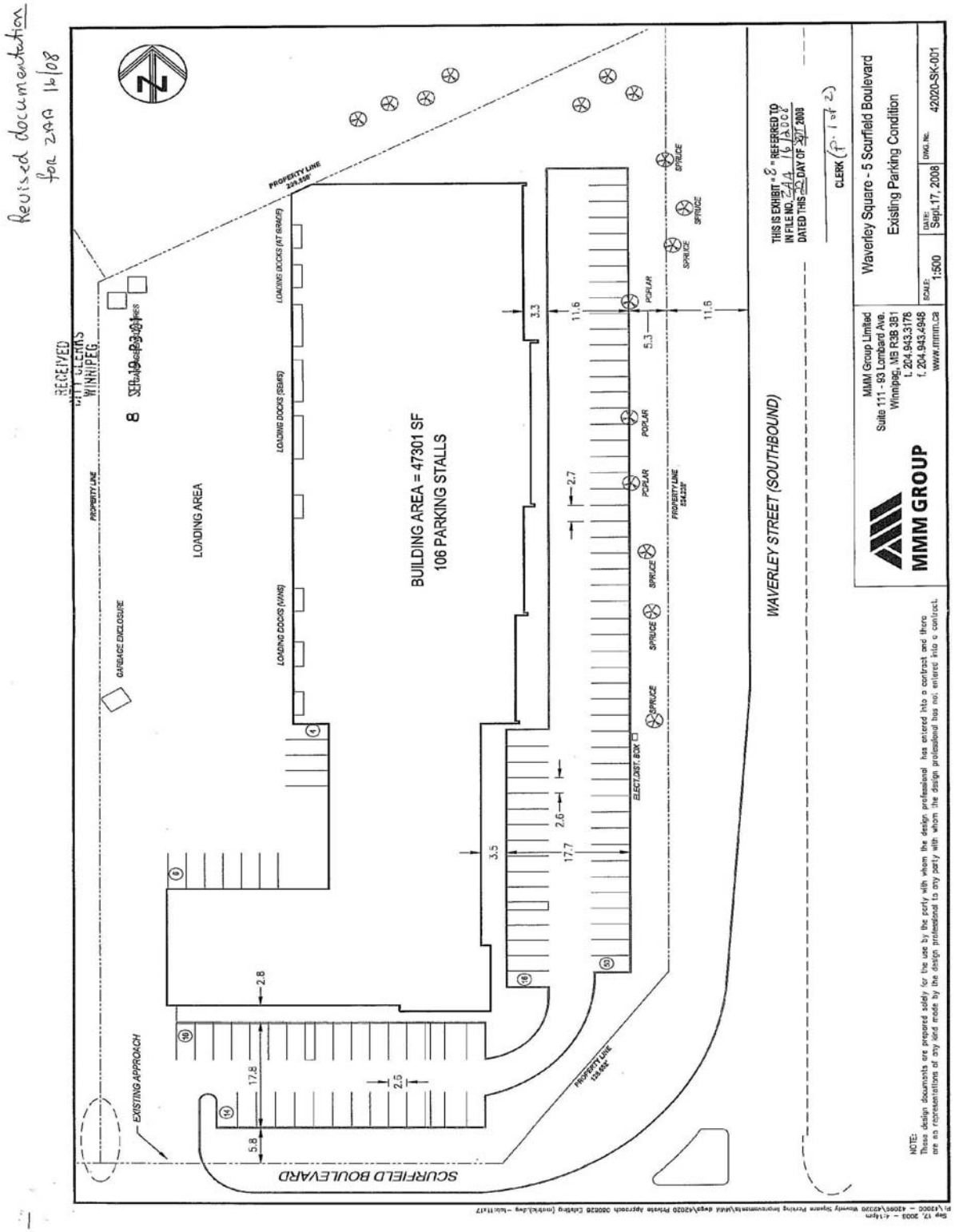
Legend
M1 Manufacturing Light
M2 Manufacturing General
A Agricultural

September 11, 2008

Exhibit "8" referred to in File ZAA 16/2008 [c/r DAV 131179/2008D]



Figure 3: Looking South at Existing Trees at 5 Scurfield Boulevard,
September 2, 2008 photograph


Revised documentation for ZAA 16/08
RECEIVED CITY CLERKS WINNIPEG
LOADING AREA
BUILDING AREA = 47301 SF
106 PARKING STALLS
WAVERLEY STREET (SOUTHBOUND)
SCURFIELD BOULEVARD
EXISTING APPROACH
GARBAGE ENCLOSURE
PROPERTY LINE
LOADING DOCKS (AT GRADE)
LOADING DOCKS (SEMIS)
LOADING DOCKS (VANS)
ELECT.DIST. BOX
SPRUCE
POPLAR
THIS IS EXHIBIT "8" REFERRED TO IN FILE NO. ZAA 16/2008 DATED THIS 22 DAY OF SEPT 2008
CLERK (P. 1 of 2)
MMM GROUP
MMM Group Limited
Suite 111 - 93 Lombard Ave.
Winnipeg, MB R3B 3B1
t. 204.943.3178
f. 204.943.4948
www.mmm.ca
Waverley Square - 5 Scurfield Boulevard
Existing Parking Condition
SCALE: 1:500
DATE: Sept.17, 2008
DWG. No. 42020-SK-001
NOTE:
These design documents are prepared solely for the use by the party with whom the design professional has entered into a contract and there are no representations of any kind made by the design professional to any party with whom the design professional has not entered into a contract.

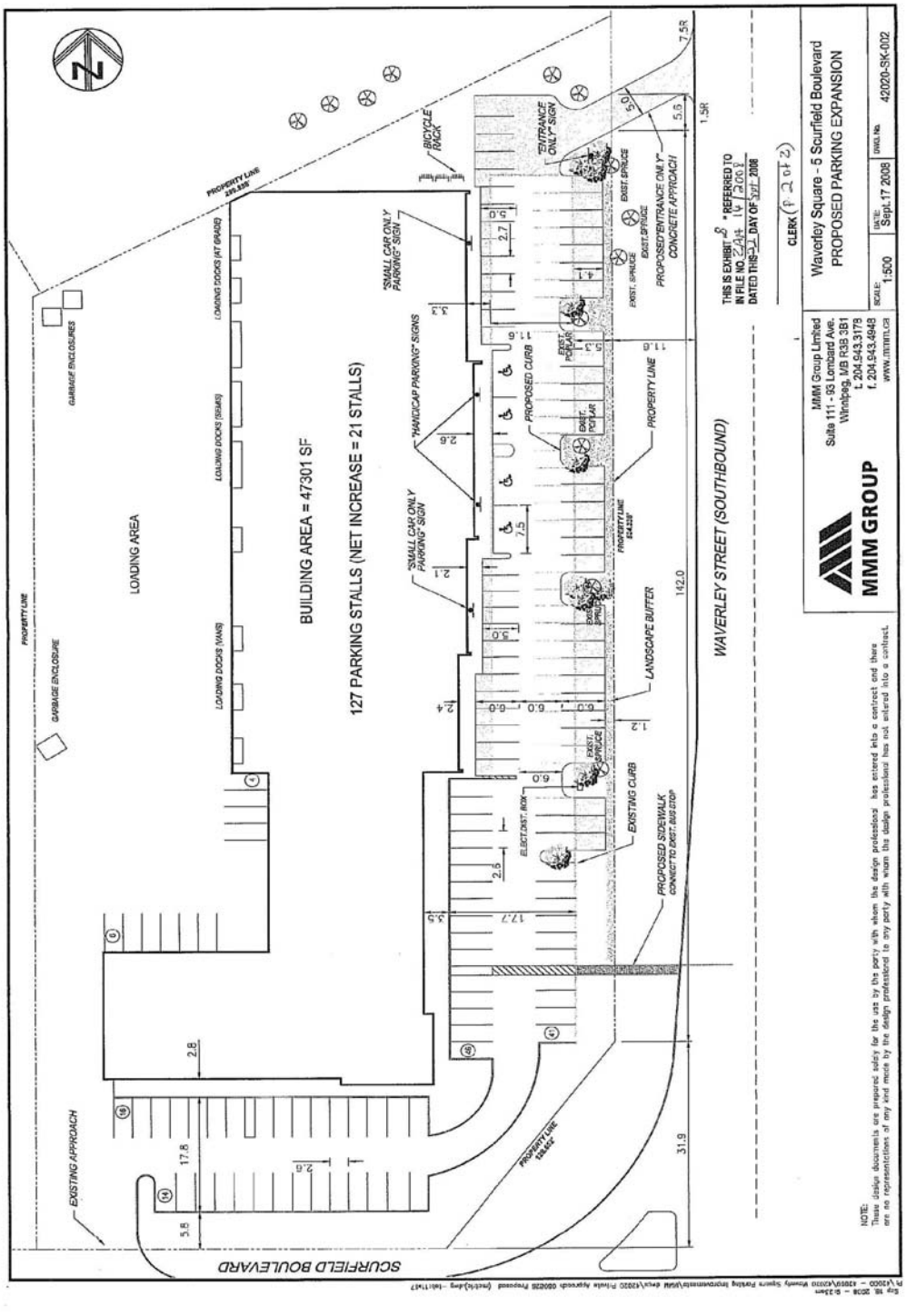

LOADING AREA
BUILDING AREA = 47301 SF
127 PARKING STALLS (NET INCREASE = 21 STALLS)
WAVERLEY STREET (SOUTHBOUND)
SCURFIELD BOULEVARD
EXISTING APPROACH
LANDSCAPE BUFFER
PROPOSED CURB
PROPERTY LINE
EXISTING CURB
PROPOSED SIDEWALK
"SMALL CAR ONLY PARKING" SIGN
"HANDICAP PARKING" SIGNS
BICYCLE RACK
"ENTRANCE ONLY" SIGN
PROPOSED "ENTRANCE ONLY" CONCRETE APPROACH
GARBAGE ENCLOSURE
LOADING DOCKS (MAIN)
LOADING DOCKS (SEMI)
LOADING DOCKS (AT GRADE)
THIS IS EXHIBIT 8 * REFERRED TO
IN FILE NO. 2A4 14/2008
DATED THIS 21 DAY OF Sept 2008
CLERK (P. 2 of 2)
MMM GROUP
MMM Group Limited
Suite 111 - 93 Lombard Ave.
Winnipeg, MB R3B 3B1
t. 204.943.3178
f. 204.943.4948
www.mmm.ca
Waverley Square - 5 Scurfield Boulevard
PROPOSED PARKING EXPANSION
SCALE: 1:500
DATE: Sept.17 2008
DWG. No. 42020-SK-002
NOTE:
These design documents are prepared solely for the use by the party with whom the design professional has entered into a contract and there are no representations of any kind made by the design professional to any party with whom the design professional has not entered into a contract.

Exhibit “17” referred to in File ZAA 16/2008 [c/r DAV 131179/2008D]

