Minute No. 370
Report – Executive Policy Committee – April 20, 2022

Item No. 15 Zoning Agreement Amendment – Unit 1000-1717 Waverley Street (Waverley West Ward)
File ZAA 1/2022 [c/r DAV 115975/2022D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Zoning Agreement Caveat No. 80-60583 under File DAZ 44/79 dated April 16, 1980 (By-law No. 2657/1980), in respect of the subject property Unit 2 Condominium Plan 40904 WLTO, together with an undivided 13.49% interest in the Common Elements as appurtenant thereto subject to all entries set out on the title of Winnipeg Condominium Corporation No. 438), be amended as follows:

    A. That Clause 4 a). be amended by deleting 15 m (49.21 feet) after "shall be set back a minimum distance of" and replacing with 12 m (39.37 feet).

    B. That Clause 5 be amended by including "(with the exception of no setback to potential vehicle display area abutting Waverley Street)" after "A landscape strip of 6 m (19.68 feet) in width along the full length of those portions of the lots abutting Route 90 (Kenaston Boulevard) and Waverley Street."

2 That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 44/79 (By-law 2657/1980) as approved in aforesaid Recommendation 1.

3 That the owner of the subject land (the "Owner") enter into the aforementioned Amending Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter.

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

5. 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 – Executive Policy Committee – April 20, 2022

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2022, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 23, 2022, the Assiniboia 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.

PUBLIC HEARING SUMMARY

File: ZAA 1/2022

Before: Assiniboia Community Committee
Councillor Gillingham, Chairperson
Councillor Klein
Councillor Lukes

Public Hearing: March 23, 2022
Council Building, 510 Main Street

Applicant: McGowan Russell Group (Susan Russell)

Subject:



Premises Affected: 1000-1717 Waverley Street

For submission to: Executive Policy Committee

Prepared by: Leah Cowan, Senior Committee Clerk
Assiniboia Community Committee

Report date: March 24, 2022

Community Committee Recommendation:

On March 23, 2022, the Assiniboia 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 the Zoning Agreement Caveat No. 80-60583 under File DAZ 44/79 dated April 16, 1980 (By-law No. 2657/1980), in respect of the subject property Unit 2 Condominium Plan 40904 WLTO, together with an undivided 13.49% interest in the Common Elements as appurtenant thereto subject to all entries set out on the title of Winnipeg Condominium Corporation No. 438), be amended as follows:

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2 That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 44/79 (By-law 2657/1980) as approved in aforesaid Recommendation 1.

3 That the owner of the subject land (the "Owner") enter into the aforementioned Amending Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter.

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

5. 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 Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. We appreciate that landscaping will be incorporated and recognize the constraints due to the underground utilities.

Exhibits Filed:

1. Application dated February 11, 2022
2. Notification of Public Hearing dated February 16, 2022
3. Manitoba Status of Titles 1898055/1, 2999326/1
4. Letter of authorization dated November 3, 2021 from Milton Lamb, President, APR (Waverley) Inc. to McGowan Russell Group
5. Letter of authorization dated January 28, 2022 from Scott Campbell, Mid-Town Ford on behalf of Winnipeg Condominium Corporation No. 438 to APR (Waverley) Inc and McGowan Russell Group
6. Caveats 80-60583/1, 1327898/1
7. Condominium Declaration for Winnipeg Condominium Corporation No. 438, South Ridge Business Park
8. Amendment to Condominium Declaration for Winnipeg Condominium No. 438, South Ridge Business Park
9. Registration of Declaration of Condominium Plan No. 40904
10. Exchange Agreement between The City of Winnipeg and Waverley Holdings Inc
11. Zoning Agreement between The City of Winnipeg of the First Part and Whyte Ridge Industrial Developments Ltd. Of the Second Part, dated April 16, 1980
12. Condominium Plan of Survey and sketch
13. Topographical Survey dated October 6, 2021
14. Exterior Rendering
15. Proposed Site Plan (6 pages)
16. Report from the Urban Planning Division dated March 15, 2022
17. Inspection Report
18. Presentation dated March 22, 2022 in support of the application submitted by the applicant
19. Recording of Representations

REPRESENTATIONS:

In Support:

Henry Amogu
Susan Russell
Patricia Scott
Frank Veert
Ray Wan

In Opposition:

Nil

For Information:

Nil

For the City:

D. Clark, Planner, Planning, Property and Development Department

Exhibit "16" referred to in File ZAA 1/2022

ADMINISTRATIVE REPORT

Title: ZAA 1/2022 – 1717 Waverley Street (Unit 1000)

Issue: For consideration at the Public Hearing for a Zoning Agreement Amendment to amend clauses of the Zoning Agreement to allow the development of an automobile sales and service building and vehicle display parking.

Critical Path: Assiniboia 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
D. Clark, RPP MCIP	n/a	n/a	

RECOMMENDATIONS

1. That the Zoning Agreement Caveat No. 80-60583 under File DAZ 44/79 dated April 16, 1980 (By-law No. 2657/1980), in respect of the subject property Unit 2 Condominium Plan 40904 WLTO, together with an undivided 13.49% interest in the Common Elements as appurtenant thereto subject to all entries set out on the title of Winnipeg Condominium Corporation No. 438), be amended as follows:

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2 That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 44/79 (By-law 2657/1980) as approved in aforesaid Recommendation 1.

3 That the owner of the subject land (the "Owner") enter into the aforementioned Amending Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter.

4 That, the proper officers of the City are hereby authorized to execute said Amending Agreement.

5. 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

- Zoning Agreement Amendment applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Winnipeg Public Service are concurred in, the subject Zoning Agreement will be amended to allow a reduced minimum yard setback requirement to buildings from 15 m (49.21 feet) to 12 m (39.37 feet), and it will allow for some vehicle display area to be located within the 6 m landscape strip required along Waverley St.

CONSULTATION

In preparing this Report there was consultation with:

- Public Works Department, Transportation Division

OURWINNIPEG POLICY ALIGNMENT

- The proposed development aligns with *OurWinnipeg* Section 01-3 Prosperity, Direction 2: *Provide a predictable and cost-effective business environment that promotes investment and growth.*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning

Prepared by Devin Clark, RPP MCIP
Date: March 15, 2022
File No. ZAA 1/2022

List of Schedules and Attachments

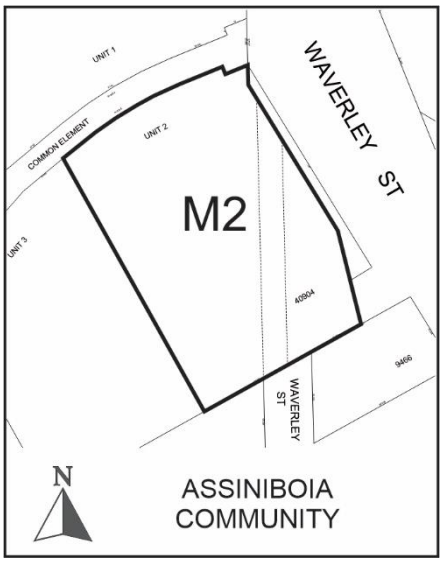
1. Appendix “A” Planning Discussion

APPENDIX 'A'

DATE: March 15, 2022
FILE: **ZAA 1/2022**
RELATED FILES: DAV 115975/22D
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.661 (West Fort Garry Industrial)

SUBJECT: For consideration at the Public Hearing for a Zoning Agreement Amendment to amend clauses of the Zoning Agreement to allow the development of an automobile sales and service building and accessory parking areas.

LOCATION: 1717 Waverley Street (Unit 1000)
LEGAL DESCRIPTION: UNIT 2 CONDO PLAN 40904 WLTO TOGETHER WITH AN UNDIVIDED 13.49% INT IN THE COMMON ELEMENT AS APPURTENANT THERTO. SUBJECT TO ALL ENTRIES SET OUT ON THE TITLE OF WINNIPEG CONDO CORP NO. 438



APPLICANT: McGowan Russell Group (Susan Russell)
825 St. Joseph Street
Winnipeg, Manitoba R2H 3A8

OWNERS: APR (Waverley), Inc.
133 King Street East
Toronto, Ontario M5C 1G8

RECOMMENDATION: Approval

HISTORY

DAZ 44/79

Relevant Zoning Agreement Conditions associated with DAZ 44/79 include the following:

4. In addition to the yard requirements provided in clause 3:
    a) All buildings and storage areas on lands adjacent to Waverley Street (Lot 7 in Block 6 and Lot 6 in Block 7 and Lot 3 in Block 8) shall be set back a minimum distance of 15 m (49.21 feet) from Waverley Street, and
    b) All buildings and storage areas on lands adjacent to Route 90 (Lot 1 in Block 1) shall be set back a minimum distance of 15 m (49.21 feet) from that Route 90 right-of-way (known as Kenaston Boulevard).
2. A landscaped strip 6 m (19.68 feet) in width along the full length of those portions of the lots abutting Route 90 (Kenaston Boulevard) and 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, which plans shall be identified after approval by the signature of that Commissioner under the designation “Schedule “B” to Zoning Agreement DAZ 44/79” and such landscaping shall be maintained in good condition from time to time to the satisfaction of that Commissioner.

Encroachment Agreement

There is an annual continuing encroachment agreement on site with an agreement in place between the City and subject property land owner to allow for the use and maintenance of a vehicle display area on City owned land. This agreement requires the following:

(a) The area to be leased (and where vehicles are to be parked for display purposes) should be defined and delineated for the purpose of preventing encroachment into the City land that is not part of the lease agreement. This delineation can be achieved through a combination of hard landscaping (e.g. boulders, rock, etc.) and soft landscaping (e.g. trees, shrubs, tall grasses, etc.)
(b) For every 20 vehicles parked in a row within the display area a break must be provided for landscaping. This break should be 8 feet by 20 feet (the typical size of a parking stall).
(c) A site plan for the area to be leased, showing the vehicle display area, maximum number of vehicles to be parked, and landscaping shall be submitted to the Director of Planning, Property and Development for approval. Plans for soft landscaping should include species, size, quantities and planting instructions.
(d) Prior to any vehicle being parked in the display area, landscaping must be installed and documentation (e.g. pictures, site plan) shall be submitted to the City to confirm the work has been completed.

DISCUSSION

SITE DESCRIPTION

- The subject property is located on the west side Waverley St, between Bishop Grandin Blvd. and Southridge Dr, in the West Fort Garry Industrial Neighbourhood of the Waverley West Ward.
- The subject property site has a total land area of approximately 242,676 square feet.
- Per *OurWinnipeg*, the subject site is located in the General Manufacturing Policy Area in the *Complete Communities Direction Strategy* Urban Structure Map.
- The subject property is currently zoned “M2” General Manufacturing.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2021)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Car dealerships zoned “M2” General Manufacturing.

South: Bishop Grandin Boulevard.

East: Waverley Street then car dealerships zoned “M2” General Manufacturing.

West: Car dealerships zoned “M2” General Manufacturing.

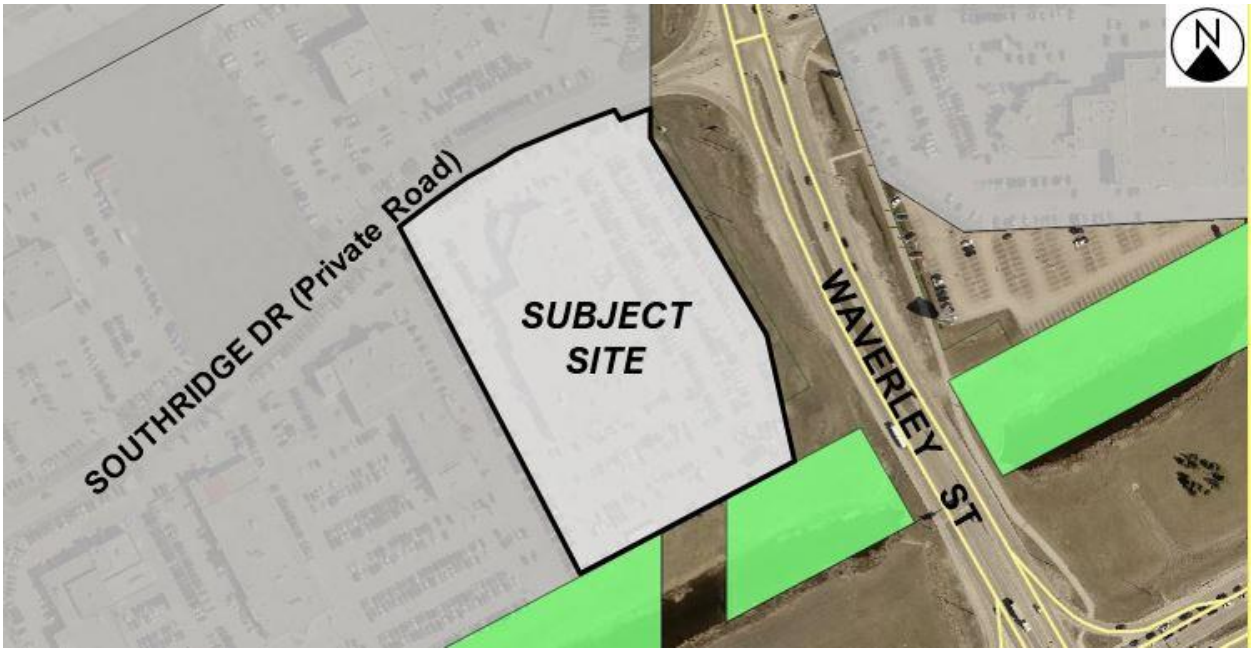


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- **The proposal is to construct a new automobile dealership building on site that is approximately 13,000 square feet.**
- **The existing building on site is to remain, and the proposed new building is to be located closer to the north east portion of the site with a setback of 39.37 feet (12 metres).**
- **Landscaping and post and chain fencing is proposed to be located along the east property line for the portions where vehicle display parking is proposed to be located. 14 trees and 24 vehicle display spaces are proposed within this reduced setback area.**

COLLABORATION AND PUBLIC CONSULTATION

- **The applicant contacted the Urban Planning Division prior to making an application to amend the Zoning Agreement.**
- **The Urban Planning Division advised the applicant that they should consult with the Public Works Department to confirm support and determine an adequate setback to a building on this site. Through conversations between the applicant and Public Works it was confirmed via email that a 12 metre setback would be acceptable for this site and not preclude any transportation and roadway plans.**

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- The *Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg*, the city's long-range development plan, and has statutory

authority as a secondary plan. The strategy guides land use and development in Winnipeg.

- The site is located within the Employment Lands – General Manufacturing policy area in the *Complete Communities Direction Strategy.* The key relevant policies guiding the development of Employment Lands include:
    - *Employment activities will develop and operate in a fashion that is compatible with other land uses, especially residential.*
    - *Ensure the provision of natural buffers to provide visual screening and separation of conflicting land uses where necessary.*
    - *Support the introduction of commercial/retail and personal service development that is subordinate to, and supportive of the primary employment uses in business/institutional employment areas.*
    - *Consider the quality of lands required to support employment growth and encourage a suitable range and mix of features and uses that will best match the emerging needs of Winnipeg's current and future employers.*
    - *Encourage uses that support the industrial function of the employment cluster while catering to the day-to-day needs of area businesses and employees.*
    - *Provide street trees, landscaping, fencing, and architectural elements for sites that are highly visible to the public from perimeter roads in cases where employment lands interface with other types of lane uses, including public rights or way.*
    - *Public transit should service any employment lands that attract large numbers of employees.*

ZONING

- **The current zoning of the subject property is "M2" General Manufacturing.**
- **The "M2" General Manufacturing zoning district is intended to** provide for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage.
- Dimensional standards prescribed under Zoning By-law 200/2006 for the M2 zoning district are as follows:
    - Minimum front yard – 25 feet
    - Minimum rear yard – 0 feet
    - Minimum interior side yard – 0 feet
    - Minimum corner side yard – 15 feet
    - Maximum height of building – 100 feet
    - Maximum floor area ratio – 2.0

AMENDMENT TO ZONING AGREEMENT

- As outlined above in the History section of this report, two (2) caveats on the subject property under file no. DAZ 44/79 restrict the building setbacks to 15 metres. The

proposal is to permit a setback of 12 metres for the portion of the property that is oriented toward Waverley St.

- The reason for the proposed amendment corresponds with the intent to establish a new vehicle dealership building on site.
- The second caveat that the applicants propose to amend is to allow for some space to display vehicles within the required 6 metre landscape strip.

RECOMMENDATION

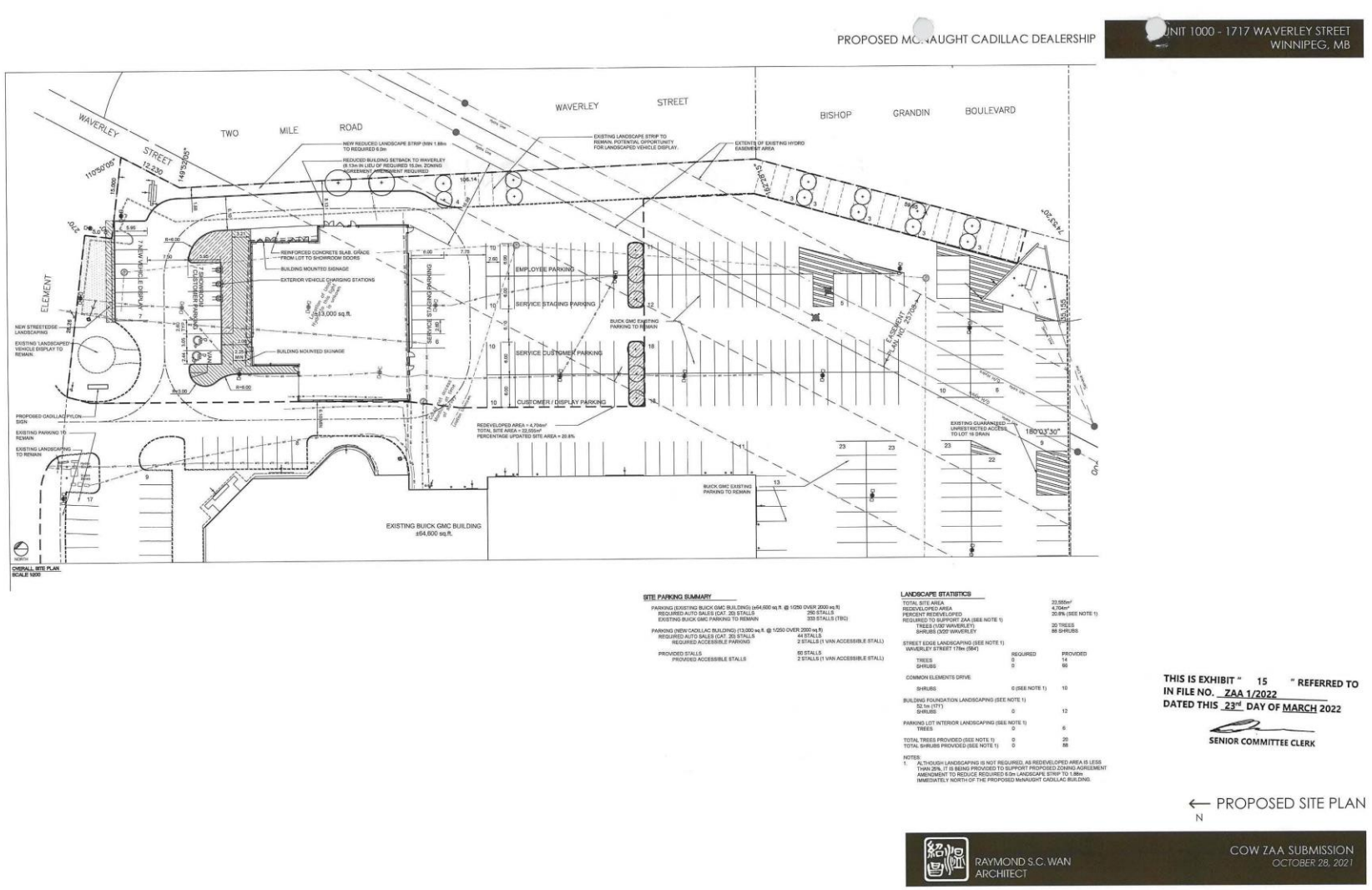
The Urban Planning Division recommends **approval** for the following reasons:

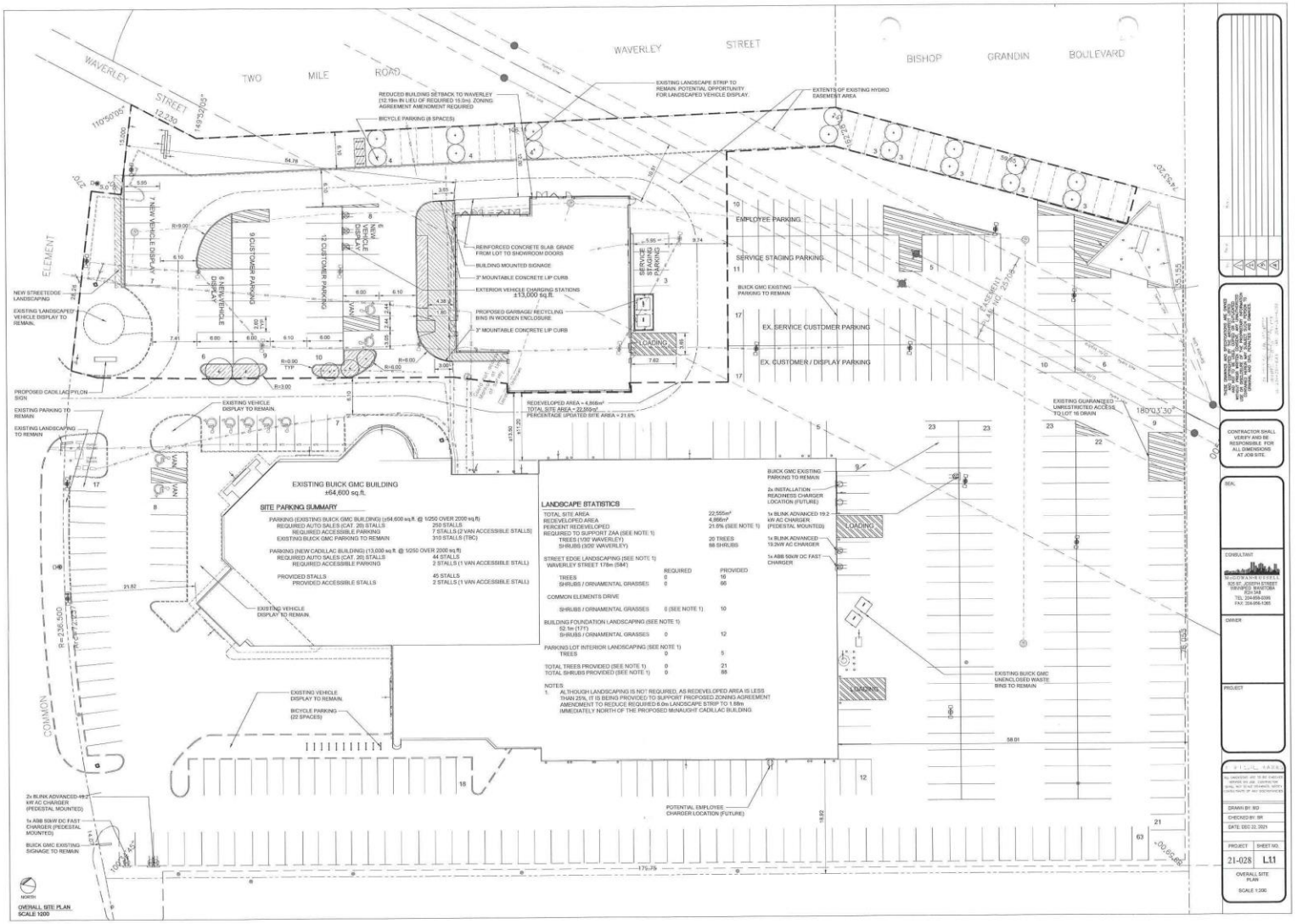
- The proposed amendment will enable a new car dealership building on site with a reduced setback from the east property line. According to Public Works, the setback of 12 metres is acceptable and will not create any potential future conflicts with roadway design.
- The existing landscape strip will be maintained, while still allowing some vehicle display area within the required 6 m wide strip. Additional trees will be planted within this landscape strip and a post and chain fence is planned to be located along the property edge. The intent of the landscaping and post and chain fence is to ensure a clear delineation of the property line and reduce encroachment of vehicles into the abutting lands.
- Should vehicle parking commence within the City owned lands, plans, indicating landscaping and vehicle stall parking must be submitted to the City for approval, per the encroachment agreement.

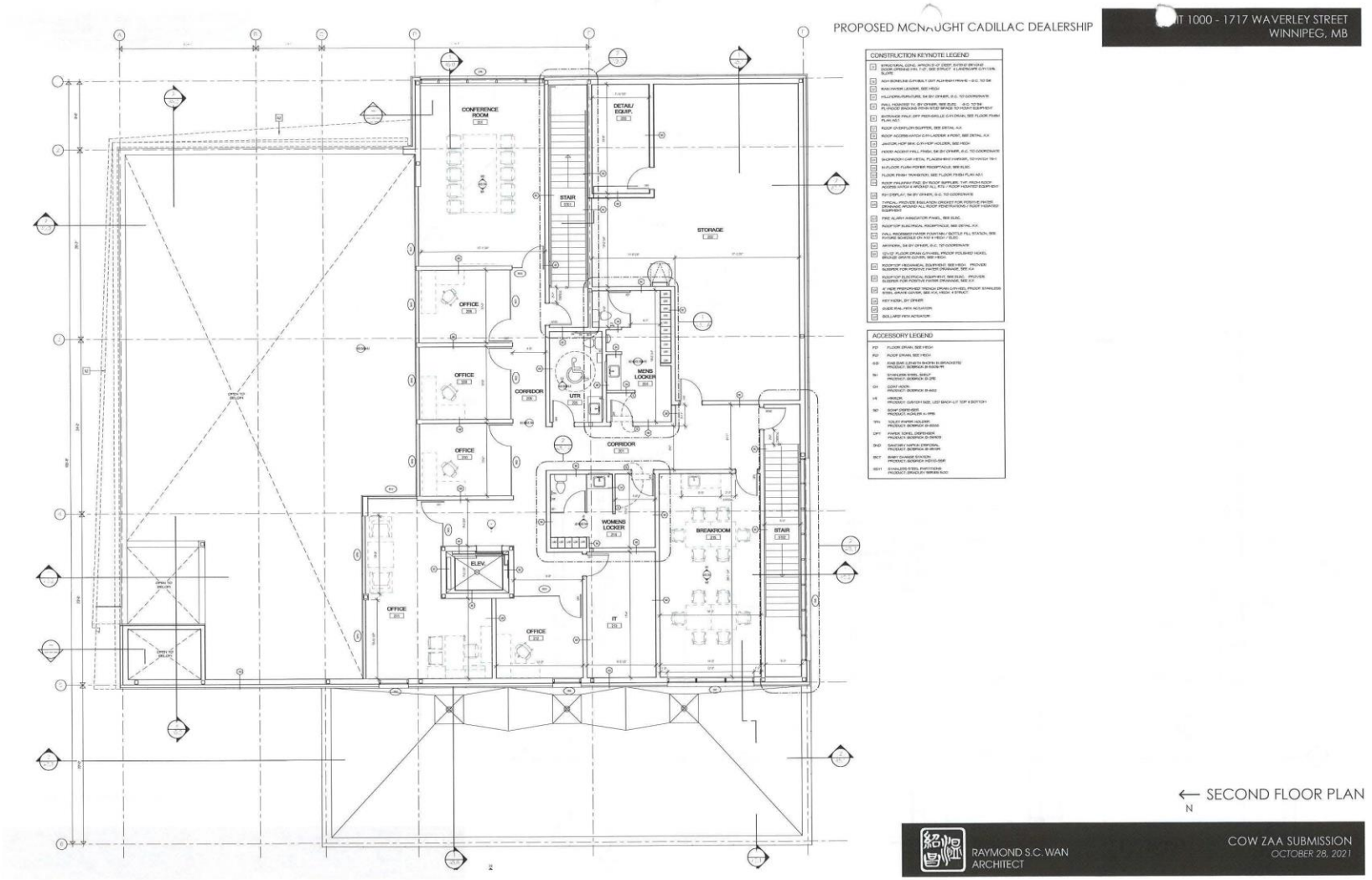
This Report Submitted by: Devin Clark, RPP MCIP
Planning, Property and Development Department
Urban Planning Division

PPD File #: ZAA 1/2022

Exhibit "15" referred to in File ZAA 1/2022




WAVERLEY STREET
TWO MILE ROAD
BISHOP GRANDIN BOULEVARD
EXISTING BUICK GMC BUILDING
±64,600 sq.ft.
SITE PARKING SUMMARY
LANDSCAPE STATISTICS
EMPLOYEE PARKING
SERVICE STAGING PARKING
EX. SERVICE CUSTOMER PARKING
EX. CUSTOMER / DISPLAY PARKING
LOADING
OVERALL SITE PLAN
SCALE 1:200


PROPOSED MCNAUGHT CADILLAC DEALERSHIP
IT 1000 - 1717 WAVERLEY STREET
WINNIPEG, MB
CONSTRUCTION KEYNOTE LEGEND
ACCESSORY LEGEND
CONFERENCE ROOM
DETAIL/ EQUIP.
STAIR
STORAGE
OFFICE
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ELEV.
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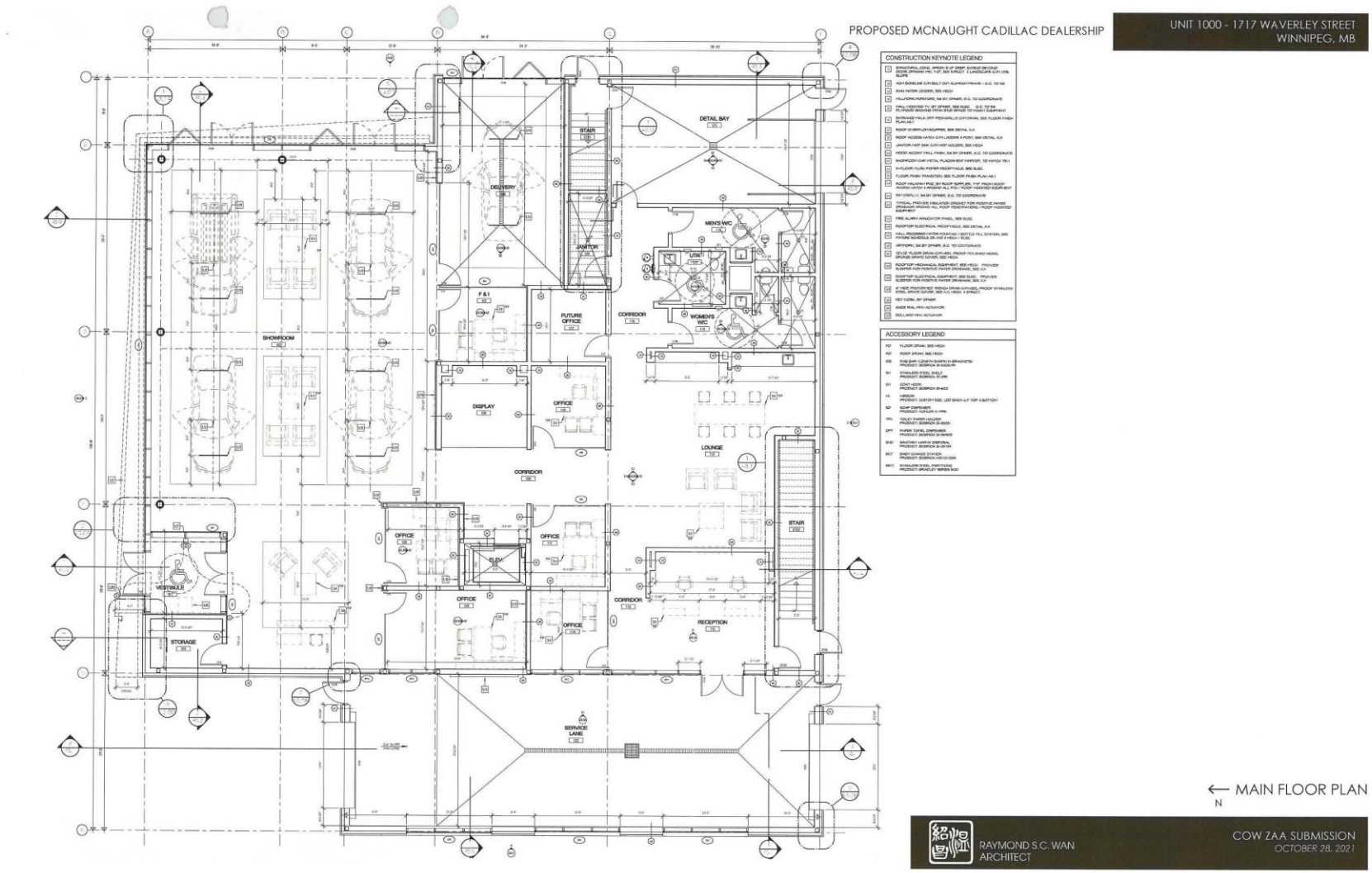
RAYMOND S.C. WAN
ARCHITECT
COW ZAA SUBMISSION
OCTOBER 28, 2021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SHOWROOM
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STAIR
JANITOR
DETAIL BAY
MEN'S WIC
WOMEN'S WIC
F & I
FUTURE OFFICE
CORRIDOR
DISPLAY
OFFICE
LOUNGE
VESTIBULE
STORAGE
ELEV.
RECEPTION
SERVICE LANE
← MAIN FLOOR PLAN
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PROPOSED MCNAUGHT CADILLAC DEALERSHIP

LOT 1000 - 1717 WAVERLEY STREET
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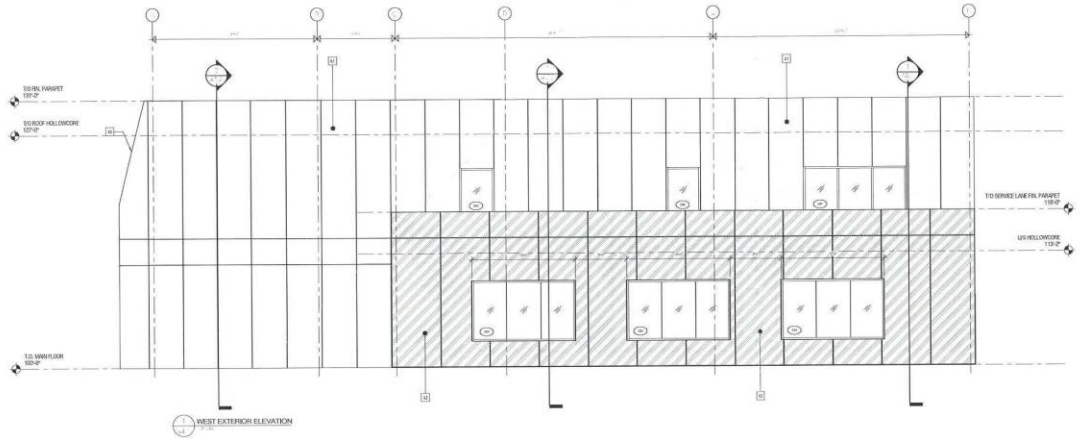
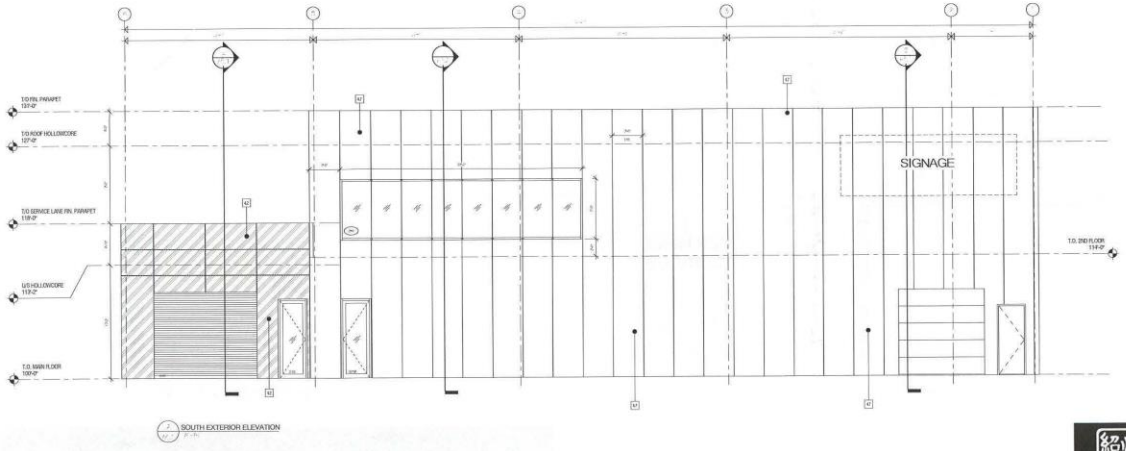


ELEVATION KEYNOTE LEGEND

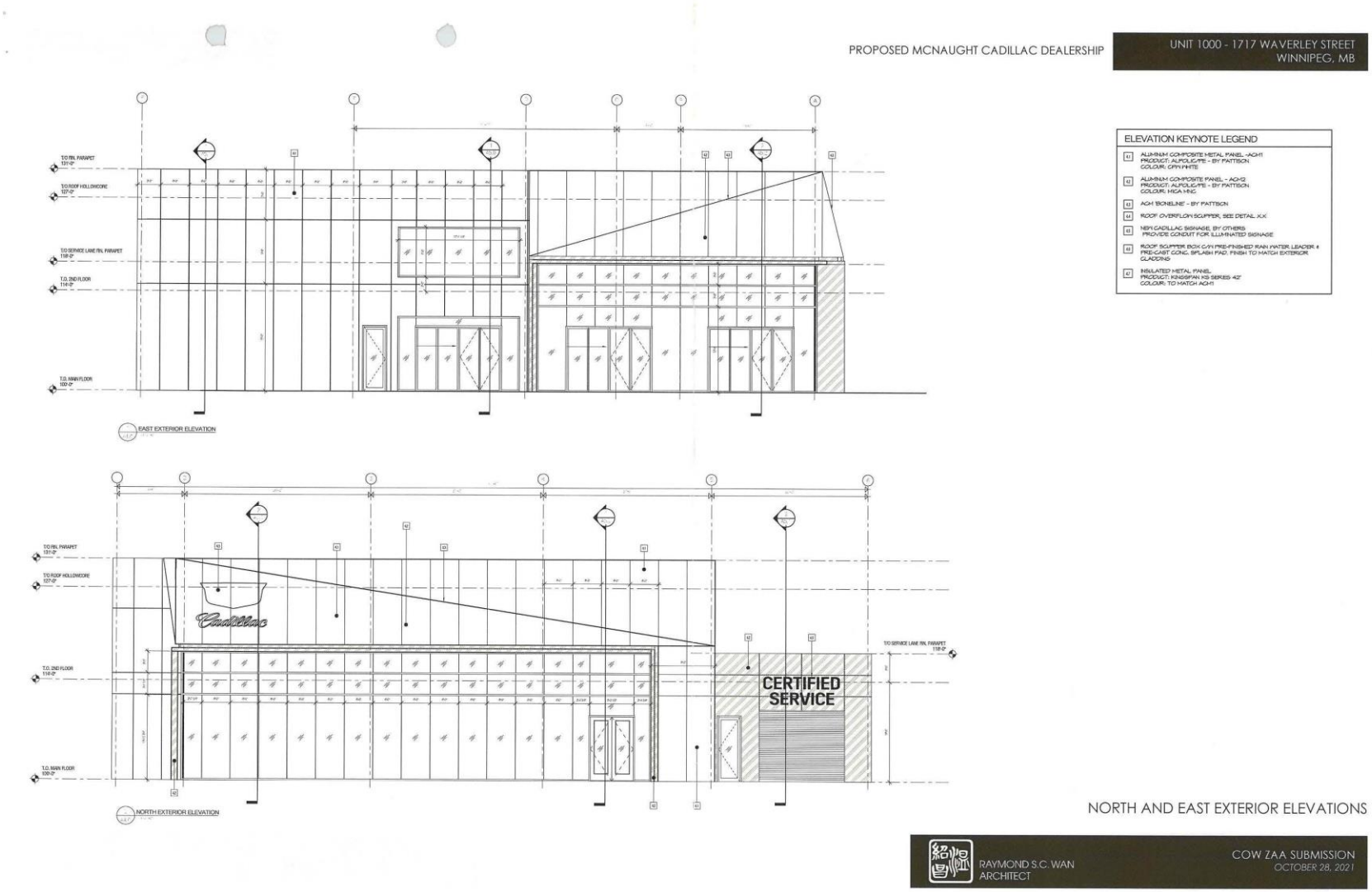
- 41 ALUMINUM COMPOSITE METAL PANEL - ACM1
  PRODUCT: ALPOLIC/PE - BY PATTISON
  COLOUR: CPY-WHITE
- 42 ALUMINUM COMPOSITE PANEL - ACM2
  PRODUCT: ALPOLIC/PE - BY PATTISON
  COLOUR: MICA-YNC
- 43 ACM 'SIGNELINE' - BY PATTISON
- 44 ROOF OVERFLOW SCUPPER, SEE DETAIL XX
- 45 NEW CADILLAC SIGNAGE, BY OTHERS
  PROVIDE CONDUIT FOR ILLUMINATED SIGNAGE
- 46 ROOF SCUPPER BOX C/W PRE-FINISHED RAIN WATER LEADER &
  PRE-CAST CONC. SPLASH PAD. FINISH TO MATCH EXTERIOR
  CLADDING
- 47 INSULATED METAL PANEL
  PRODUCT: KINGSPAN KS SERIES 42"
  COLOUR: TO MATCH ACM1



SOUTH AND WEST EXTERIOR ELEVATIONS

RAYMOND S.C. WAN
ARCHITECT

COW ZAA SUBMISSION
OCTOBER 28, 2021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