**Minutes – Council – October 24, 2024**

**Minute No. 497**
**Report – Executive Policy Committee – October 16, 2024**

**Item No. 8 Zoning Agreement Amendment – 309 Wardlaw Avenue (Fort Rouge-East Fort Garry Ward) File ZAA 12/2024**

COUNCIL DECISION:

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

1. That the Zoning Agreement dated November 24, 1986 (the "Zoning Agreement"), entered into pursuant to Development Application No. DAZ 270/86 and registered against title to the land described therein as Caveat No. 87-1838/1 be discharged in its entirety.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

## Report – Executive Policy Committee – October 16, 2024

DECISION MAKING HISTORY:

Moved by His Worship Mayor Gillingham,
That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 16, 2024, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 23, 2024, the City Centre 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**

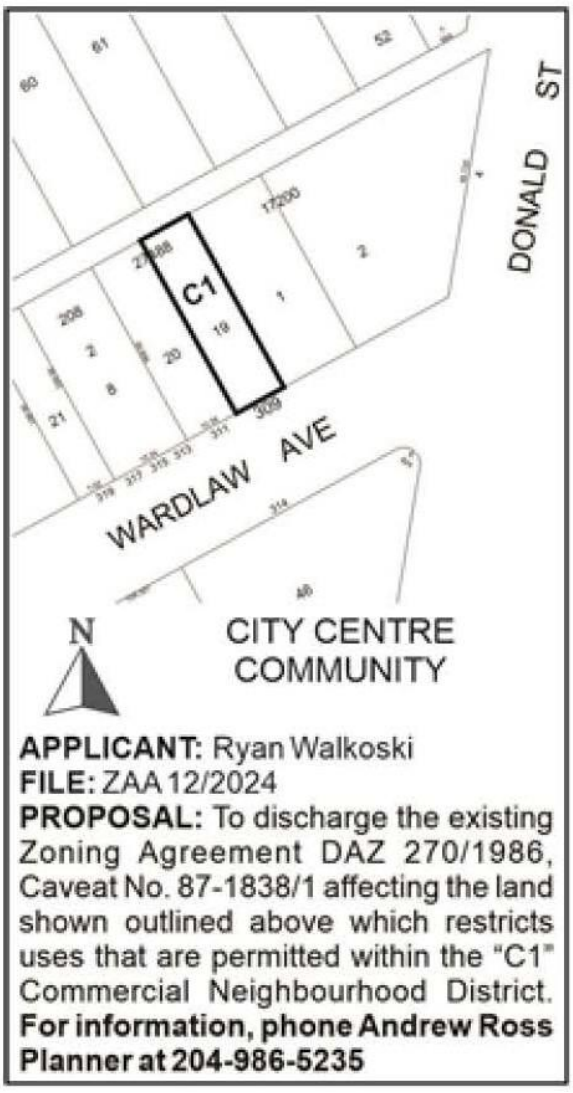
**File:** ZAA 12/2024

**Before:** City Centre Community Committee
Councillor Rollins, Chairperson
Councillor Orlikow

**Public Hearing:** September 23, 2024
Council Building, 510 Main Street

**Applicant:** Ryan Walkoski

**Subject:**



**Premises Affected:** 309 Wardlaw Avenue

**For submission to:** Executive Policy Committee

**Prepared by:** P. Prinsloo, Senior Committee Clerk
City Centre Community Committee

**Report date:** September 24, 2024

**Community Committee Recommendation:**

On September 23, 2024, the City Centre 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 dated November 24, 1986 (the "Zoning Agreement"), entered into pursuant to Development Application No. DAZ 270/86 and registered against title to the land described therein as Caveat No. 87-1838/1 be discharged in its entirety.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

The City Centre Community Committee provided the following supporting reasons for its recommendation:

1. While I do support the idea that you want to use it as an investment property for later, that's not really germane to me today. But what really was germane to me, was that we do have a new plan. That they work years on in the area. I don't say I don't care but I'm just saying my job, my job is looking at the different types of, layers of different policies.

2. That caveat is a little bit older. So I think the existing PDO for the area does supercede that. So based upon the administration's comments there, I see no reason why not to support the administration's support for this.

**Exhibits Filed:**

1. Application dated August 13, 2024
2. Notification of Public Hearing dated August 20, 2024
3. Manitoba Status of Title 3037566/1
4. Letter of authorization dated July 19, 2024 from Bruce Little, 10048011 Manitoba Ltd. to Jenna McMahon and Ryan Walkoski
5. Caveat 87-1838
6. Plans (3 pages)
7. Report from the Urban Planning Division dated September 11, 2024
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

Ryan Walkoski
Jenna McMahon
Jonah Levine

In Opposition:

Nil

For Information:

Nil

For the City:

M. Robinson, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 12/2024

# ADMINISTRATIVE REPORT

**Title:** ZAA 12/2024 – 309 Wardlaw Avenue

**Issue:** For consideration at the public hearing for a Zoning Agreement Amendment to remove a restriction against Personal Services.

**Critical Path:** City Centre Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council.

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| A. Ross, RPP, MCIP | n/a | n/a | |

## RECOMMENDATIONS

1. That the Zoning Agreement dated November 24, 1986 (the "Zoning Agreement"), entered into pursuant to Development Application No. DAZ 270/86 and registered against title to the land described therein as Caveat No. 87-1838/1 be discharged in its entirety.
2. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

## REASON FOR THE REPORT

This report provides information and makes recommendations regarding the subject application's compliance with *The City of Winnipeg Charter*, section 249.

## IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the Zoning Agreement Amendment ZAA 12/2024 will be discharged.

## HISTORY

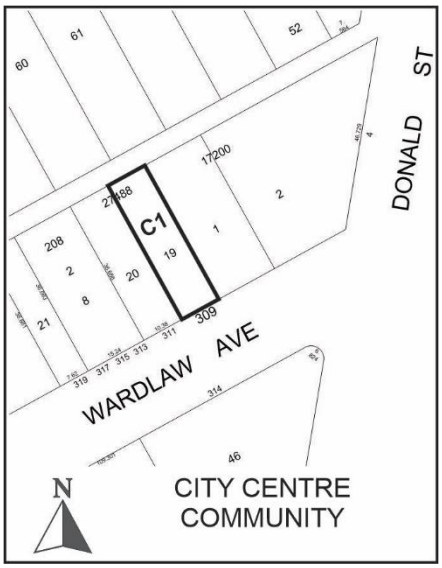
- In 1986, the property was rezoned to the “C1” – Commercial Community District with a Zoning Agreement prohibiting any principal uses onsite other than “Office”.
- The proposal for a “Personal Service” use is not currently permitted onsite and therefore the applicant is applying for the subject Zoning Agreement Amendment to discharge the 1986 caveat.

## SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Andrew Ross, RPP, MCIP
Date: September 11, 2024

**APPENDIX A – Planning Report**

| | |
|---|---|
| **DATE:** | September 11, 2024 |
| **FILE:** | **ZAA 12/2024** |
| **RELATED FILES:** | N/A |
| **COMMUNITY:** | City Centre Committee |
| **NEIGHBOURHOOD #:** | 111 - River-Osborne |
| **SUBJECT:** | Zoning Agreement Amendment application to delete Zoning Agreement 4486/86. |
| **LOCATION:** | 309 Wardlaw Avenue |
| **LEGAL DESCRIPTION:** | LOT 19 PLAN 27488 35/36 ST B |



| | |
|---|---|
| **APPLICANT:** | Ryan Walkoski<br>187 TWAIN Drive<br>Winnipeg, Manitoba, R3K 0R2 |
| **OWNER:** | 10048011 MANITOBA INC.<br>309 WARDLAW Avenue<br>Winnipeg, Manitoba, R3L 0L5 |

## DISCUSSION

### SITE DESCRIPTION

- The subject property is located on the north side of Wardlaw Avenue, 2 properties west of Donald Street, in the River-Osborne neighbourhood of the Fort Rouge – East Fort Garry ward.
- The property is located within a Mature Community under the *Complete Communities Direction Strategy 2.0.*
- The property is zoned “C1” – Commercial Neighbourhood, is 3,976 sq. ft. in size and contains a 2-storey commercial building.




Figure 1: Aerial Photo of Subject Site and Surrounding Uses (flown 2023)

**SURROUNDING LAND USE AND ZONING (See Figure 2)**

**North:** Rear lane, then multifamily dwellings zoned "RMF-M" – Residential Multifamily - Medium.

**South:** Wardlaw Avenue, then gas station zoned "C2" – Commercial Community.

**East:** Office and surface parking uses zoned "C2" – Commercial Community.

**West:** Single family uses zoned "RMF-M" – Residential Multifamily - Medium.




Figure 2: Zoning of the site and surrounding area.

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The applicant seeks to remove a caveat in order to support the future establishment of a Personal Service (Physio, Athletic, and Massage Therapy) in an existing 2-storey building.

**ANALYSIS AND ISSUES**

<u>COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0 (CCDS 2.0)</u>

Per CCDS 2.0, the proposed development falls within the Established Neighbourhoods – Mature Communities policy area.

Policy 4.10 of this section states:

> *"Consider the establishment of new neighbourhood-focused, small scale commercial uses where at least one of the following criteria are met:*

*d. The property contains existing non-residential uses or buildings that were not designed to accommodate residential uses."*

*And, policy 4.11 of this section states:*

*"Conserve traditional, fine-grained commercial store fronts where possible."*

The property contains existing non-residential uses, and conserves a traditional, fine-grained commercial storefront, in alignment with the above policies.

OSBORNE VILLAGE NEIGHBOURHOOD PLAN (OVNP)

The OVNP contains the following policies most applicable to this property:

*"6.1.1.B Commercial and employment uses in Mixed-Use Transition areas should be compatible in lot size, building scale, and character to the existing context (particularly that of the immediate block);*

*6.1.1.C New developments and additions will have a minimum height of two storeys and a maximum height of four storeys;*

*6.1.1.D Non-residential uses are not to emit any noise, odour, dust, smoke, or similarly objectionable operational characteristics detectable outside the building."*

**WINNIPEG ZONING BY-LAW 200/06**

ZONING AGREEMENT AMENDMENT

The Urban Planning Division recommends approval of discharging the Zoning Agreement in its entirety because:

- The current restriction only allows for Office uses, prohibiting the establishment of Personal Services, which the Division believes are suitable for the location.
- The caveat was put into effect in 1986. Since 2006, development in Osborne Village has been governed by the *Osborne Village Neighbourhood Plan (OVNP)*. This statutory Secondary Plan outlines Council's newer policy objectives for the neighbourhood.
- Applicable OVNP policies allow for any type of commercial use on this property, provided it is physically compatible with the context, is 2-4 storeys in height, and does not present objectionable operational characteristics. The subject proposal meets all of these objectives.
- In addition, the "C1" zoning district is the lowest-intensity commercial zoning district. It limits commercial uses which may have a greater impact on neighbouring land uses.
- The Zoning Agreement also contains a requirement for City Centre Plan Approval. Now that the OVNP is in place, and Osborne Village Design Review by the Director is required, the Division believes this clause is also no longer necessary.
- Together, the *Osborne Village Neighbourhood Plan*, the zoning district of "C1", and the Osborne Village Design Review process provide sufficient measures to ensure that this property is developed in accordance with contemporary Council policy objectives without the subject caveat.

## OTHER CONSIDERATIONS

PLAN APPROVAL

Once a future development application is submitted to the City to establish the new use on the property, any physical changes to the exterior of the building will be reviewed by the Department through the Osborne Village Design Review process.

## SUMMARY

The Urban Planning Division supports the Zoning Agreement Amendment because:

- Together, the *Osborne Village Neighbourhood Plan*, the zoning district of "C1", and the Osborne Village Design Review process provide sufficient measures to ensure that this property is developed in accordance with contemporary Council policy objectives without the subject caveat.

## OURWINNIPEG POLICY ALIGNMENT

City Building 6.40 - Commercial Areas

- Facilitate the redevelopment, infill, and expansion of existing commercial areas as the preferred method of accommodating new commercial development.

## WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic opportunity 4: Facilitate Compact, Complete Development and Increase Density

4.2 Ensure New Areas of Growth are designed According to the Principles of Complete Communities.

## WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

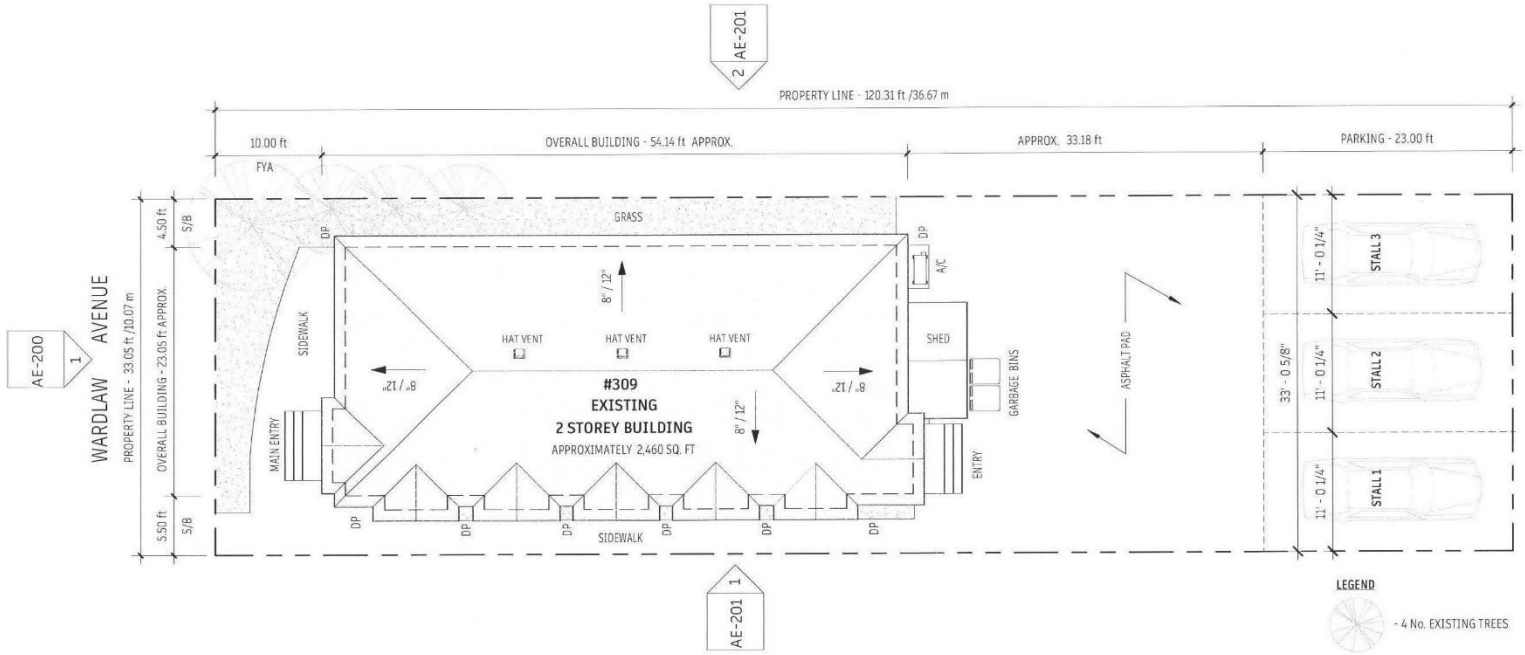
Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

Exhibit “6” referred to in File ZAA 12/2024

# "309 WARDLAW AVE"

309 Wardlaw Avenue, Winnipeg MB


ARCHITECTURAL:
Olusegun Fatunmbi
e: thinkandinkstudios@gmail.com
p: +1 431-336-4392


**GENERAL NOTES:**

THIS PLAN IS COPYRIGHTED, AND ALL RIGHTS ARE RESERVED. THIS DRAWING AND DESIGN REMAINS AT ALL TIMES THE EXCLUSIVE PROPERTY OF **THINK AND INK STUDIOS** & THE OWNER OF THE ADDRESSED PROPERTY AT THE TIME OF PRINTING, AND MAY NOT BE REPRODUCED IN PART OR IN WHOLE WITHOUT CONSENT. THE USE OF THIS PLAN IS LICENSED TO THE PURCHASER FOR THIS SPECIFIC PROJECT.

SCALING IS NOT PERMITTED. THE DESIGNER DOES NOT ASSUME LIABILITY FOR ANY ERRORS OR OMISSIONS IN THIS PLAN UNLESS ADVISED OF IN WRITING PRIOR TO COMMENCEMENT OF CONSTRUCTION.

ALL DIMENSIONS ARE TO FACE OF STUD, TO CENTER OF ALL NEW OPENINGS, UNLESS NOTED OTHERWISE. DATUM ARE RELATIVE TO FINISHED T.O. MAIN FLOOR, WHICH IS SET AT ELEV = 100'-0".

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS & DATUM PRIOR TO COMMENCEMENT OF WORK AND SHALL NOTIFY THE DESIGNER OF ANY ERRORS AND/OR OMISSIONS.

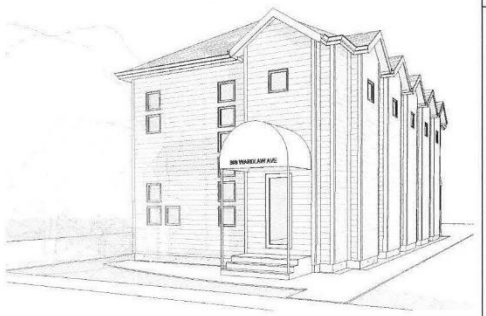
ALL CONSTRUCTION AND BUILDING PROCEDURES ARE TO COMPLY WITH THE CURRENT NATIONAL BUILDING CODE OF CANADA, C.M.H.C. GUIDELINES, PROVINCIAL CODES AND ANY APPLICABLE LOCAL REGULATIONS. ALL WORK IS TO BE COMPLETED USING GOOD BUILDING PRACTICES IN ORDER TO PRODUCE A FINE QUALITY NEW CONSTRUCTION, ADDITION & RENOVATION. ALL WORK & PRODUCTS SHALL BE COVERED UNDER WARRANTY FOR NO LESS THAN ONE YEAR AFTER COMPLETION BY THE CONTRACTOR. ALL PRODUCT WARRANTIES SHALL BE PASSED ON TO THE OWNER.

THE DESIGNER SHALL NOT BE RESPONSIBLE FOR CHANGES OR DEPARTURES FROM THESE DRAWINGS AND SPECIFICATIONS BY THE OWNER/BUILDER OR ANY OFFICIAL AT ANY TIME DURING CONSTRUCTION. THE OWNER IDEMNIFIES THE DESIGNER FROM ANY DESIGN ERRORS OR OMISSIONS.
BIDS ARE TO INCLUDE ALL LABOUR, MATERIALS, WASTE REMOVAL, PERMITS, PUBLIC LIABILITY INSURANCE, WORKER'S COMPENSATION, TAXES AND ANY OTHER FEES REQUIRED TO FULLY COMPLETE THE CONSTRUCTION OF THIS PROJECT. ALL BIDS ARE TO INCLUDE THE MATERIALS SPECIFIED. ALTERNATES WILL BE REVIEWED ONLY AFTER THE BIDS HAVE BEEN SUBMITTED AND ONLY WITH THE SELECTED CONTRACTOR.

| DRAWING LIST | |
|---|---|
| AE-001 | SITE PLAN (EXISTING) & GENERAL INFORMATION |
| AE-200 | ELEVATIONS (EXISTING) - FRONT/REAR |
| AE-201 | ELEVATIONS (EXISTING) - LEFT-SIDE & RIGHT-SIDE |

PROJECT ABBREVIATIONS

| | | | |
|---|---|---|---|
| & | AND | MIN | MINIMUM |
| @ | AT | O.F. | OUTSIDE FACE |
| A.F.F. | ABOVE FINISHED FLOOR | PRE-FIN | PRE-FINISHED |
| AHJ | AUTHORITY HAVING JURISDICTION | P.T. | PRESSURE TREATED |
| | | PWF | PRESERVED WOOD FOUNDATION |
| APPROX | APPROXIMATELY | SIM | SIMILAR |
| BOT | BOTTOM | SQ FT | SQUARE FOOT |
| CL | CENTRE LINE | SQ IN | SQUARE INCHES |
| COORD | COORDINATE | SQ M | SQUARE METER |
| c/w | COMPLETE WITH | T.O. | TOP OF |
| DP | DOWN PIPE | TYP | TYPICAL |
| EW | EACH WAY | U.N.O | UNLESS NOTED OTHERWISE |
| EXT | EXTERIOR | U/S | UNDERSIDE |
| FD | FLOOR DRAIN | w/ | WITH |
| FT | FEET (FOOT) | | |
| GC | GENERAL CONTRACTOR | | |
| HWT | HOT WATER TANK | | |
| I.F. | INSIDE FACE | | |



| NO. | DESCRIPTION | DATE |
|---|---|---|
| A | Issued For Review | 2024.05.27 |

**ISSUED FOR REVIEW**

THINK & INK STUDIOS

DESIGN
DRAFTING
VISUALISATION


p: 431-336-4392
e: thinkandinkstudios@gmail.com


309 WARDLAW AVENUE
309 WARDLAW AVE WINNIPEG MANITOBA CA

SITE PLAN (EXISTING) & GENERAL INFORMATION

AE-001
Rev. No.A

Date
MAY 2024

Scale
As Noted

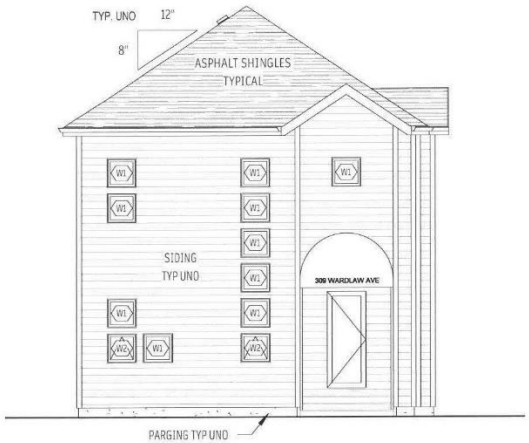
T.O. ROOF
126' - 0 3/8" (approx.)

ROOF BEARING
118' - 0" (approx.)

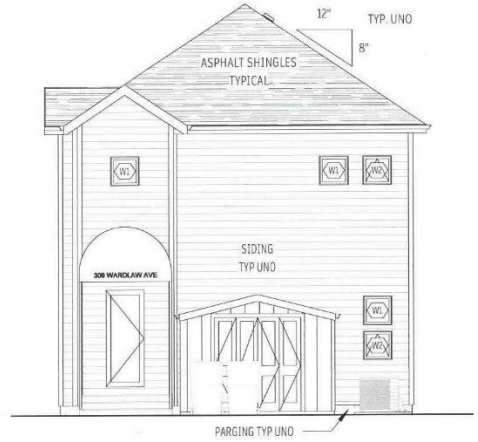
SECOND FLOOR
109' - 0" (approx.)

MAIN FLOOR
100' - 0"

GRADE
97' - 7" (approx.)

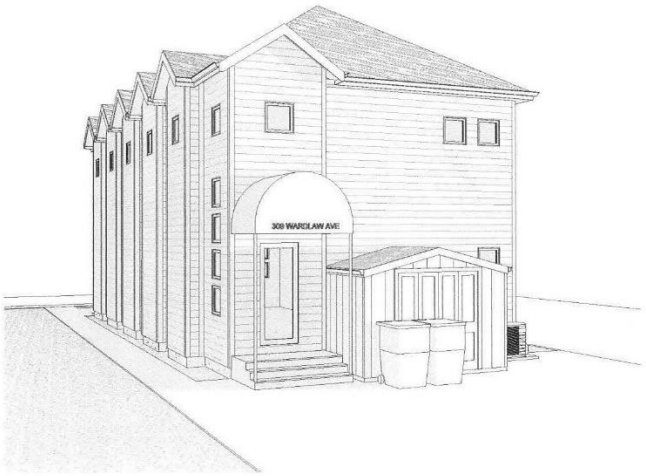



1 AE-200 FRONT ELEVATION (WARDLAW AVE)
1/8" = 1'-0"




2 AE-200 REAR ELEVATION (BACKLANE)
1/8" = 1'-0"




## SHEET NOTES

| WINDOW SCHEDULE | | | | |
|---|---|---|---|---|
| Type Mark | Count | Width | Height | Comments |
| W1 | 26 | 24" | 24" | Fixed |
| W2 | 4 | 24" | 24" | Operable |

| NO. | DESCRIPTION | DATE |
|---|---|---|
| A | Issued For Review | 2024.05.27 |

**ISSUED FOR REVIEW**

THINK & INK STUDIOS
DESIGN
DRAFTING
VISUALISATION
p: 431-336-4392
e: thinkandinkstudios@gmail.com

309 WARDLAW AVENUE
309 WARDLAW AVE WINNIPEG MANITOBA CA

ELEVATIONS (EXISTING) - FRONT/REAR

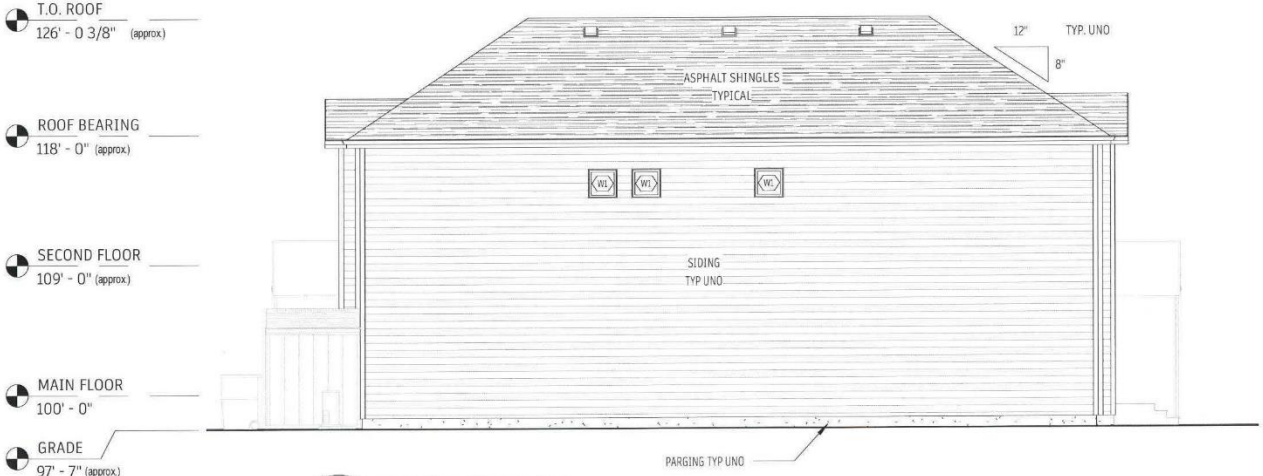
AE-200
Rev. No.A

Date
MAY 2024

Scale
As Noted




1 AE-201 RIGHT-SIDE ELEVATION
1/8" = 1'-0"




2 AE-201 LEFT-SIDE ELEVATION
1/8" = 1'-0"

## SHEET NOTES

| WINDOW SCHEDULE | | | | |
|---|---|---|---|---|
| Type Mark | Count | Width | Height | Comments |
| W1 | 26 | 24" | 24" | Fixed |
| W2 | 4 | 24" | 24" | Operable |

| NO. | DESCRIPTION | DATE |
|---|---|---|
| A | Issued For Review | 2024.05.27 |

**ISSUED FOR REVIEW**

THINK & INK STUDIOS
DESIGN
DRAFTING
VISUALISATION
p: 431-336-4392
e: thinkandinkstudios@gmail.com

309 WARDLAW AVENUE
309 WARDLAW AVE WINNIPEG MANITOBA CA

ELEVATIONS (EXISTING) - LEFT-SIDE & RIGHT-SIDE

AE-201
Rev. No.A

Date: MAY 2024
Scale: As Noted