Agenda – Council – January 30, 2013

Report – Standing Policy Committee on Property and Development – January 15, 2013

Item No. 5 Subdivision and Rezoning – 2795 and 2799 Pembina Highway (St. Norbert Ward) File DASZ 22//2012 [c/r DAV 161357/2012D]

STANDING COMMITTEE RECOMMENDATION:

On January 23, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submits the following to Council:

1. That the plan of subdivision under File DASZ 22/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 22/2012 dated November 21, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 22/2012 dated November 21, 2012 to a "C2" Commercial Community District and an "RMF-L" Residential Multi-Family Large District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-L" Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

Report – Standing Policy Committee on Property and Development – January 15, 2013

ii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iii. That the address number of every building on the subject properties (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located.

iv. That no portion of a habitable room or space within a building shall be less than 49.2 feet (15 metres) from the western property line of the land zoned RMF-L (Lot 3).

v. That the Developer of the land zoned RMF-L shall construct a uniform 2.0-metre high fence abutting the CNR Letellier Subdivision to the satisfaction of the Director of Public Works and shall maintain this fencing to the satisfaction of the Director of Public Works.

vi. That the maximum height of any building on the land zoned RMF-L (Lot 3) shall not exceed 80 feet;

vii. That there shall be no advertising signs, mobile signs, inflatable signs and A-board signs on the subject properties.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

Report – Standing Policy Committee on Property and Development – January 15, 2013

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the plan of subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. 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 – Standing Policy Committee on Property and Development – January 15, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 23, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 15, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 3, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service be concurred in and forwarded to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 2795 and 2799 Pembina Highway**
File DASZ 22/2012

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

Prepared by: **Visa Hutter, Senior Committee Clerk**
Riel Community Committee

Report date: **December 4, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 3, 2012, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 22/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 22/2012 dated November 21, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 22/2012 dated November 21, 2012 to a "C2" Commercial Community District and an "RMF-L" Residential Multi-Family Large District, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-L" Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles,

including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

iii. That the address number of every building on the subject properties (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located.

iv. That no portion of a habitable room or space within a building shall be less than 49.2 feet (15 metres) from the western property line of the land zoned RMF-L (Lot 3).

v. That the Developer of the land zoned RMF-L shall construct a uniform 2.0-metre high fence abutting the CNR Letellier Subdivision to the satisfaction of the Director of Public Works and shall maintain this fencing to the satisfaction of the Director of Public Works.

vi. That the maximum height of any building on the land zoned RMF-L (Lot 3) shall not exceed 80 feet;

vii. That there shall be no advertising signs, mobile signs, inflatable signs and A-board signs on the subject properties.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the plan of subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. 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 Riel Community Committee provided the following supporting reasons for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated November 21, 2012.

2. This is a victory for OurWinnipeg and Complete Communities. This project will enhance the areas where density is necessary to fill voids in the back lots on Pembina Highway. This is a positive initiative and will create attraction to the overall community.

PUBLIC HEARING SUMMARY

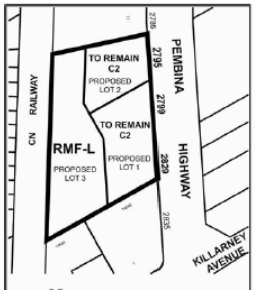
File: DASZ 22/2012

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Mayes
Councillor Swandel

Public Hearing: December 3, 2012
Council Building, 510 Main Street

Applicant: Pre-Con Builders (Robin Lee)

Subject:



APPLICANT : PRE-CON BUILDERS
FILE : DASZ 22/12
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from a "C2" COMMERCIAL COMMUNITY DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY DISTRICT to facilitate the development of a multiple family dwelling on Proposed Lot 3. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : PRE-CON BUILDERS
N° DE RÉFÉRENCE : DALZ 22/12
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage du bien-fonds indiqué ci-dessus afin de le faire passer de la catégorie C2 (SECTEUR COMMERCIAL COMMUNAUTAIRE) à la catégorie RMF-L (SECTEUR D'HABITATIONS MULTIFAMILIALES GRANDES) afin de permettre l'aménagement d'une habitation multifamiliale sur le lot 3. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 2795 and 2799 Pembina Highway

Exhibits Filed:

1. Application dated September 17, 2012
2. Notification of Public Hearing dated October 23, 2012
3. Manitoba Status of Titles 2106835/1 and 2473861/1
4. Letter of authorization dated August 10, 2012 from 2799 Pembina Ltd. to Pre-Con Builders
5. Letter of authorization dated October 30, 3012 from Pembina Shoppes Inc. to Pre-Con Builders
6. Plans dated September 21, 2012 (5 pages)
7. Report from the Planning and Land Use Division dated November 21, 2012
8. Inspection Report
9. Audio Recording of representations of public hearing held on December 3, 2012

REPRESENTATIONS:

In Support:

Richmond Bayes
Robin Lee, Pre-Con Builders
Karl Loepp
Don White

In Opposition

Liette and Jim Lewis

For Information:

Nil

For the City:

R. Kostiuk, Planner, Planning, Property and Development Department
K. Raban, Land Development Administrator, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 22/2012

ADMINISTRATIVE REPORT

Title: DASZ 22/2012 – 2795, 2799, 2829 Pembina Highway Public Hearing

Issue: An application for consideration at the Public Hearing to subdivide the site into three (3) lots and rezone Proposed Lot 3 from C2 to RMF-L.

Critical Path: Riel 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
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 22/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 22/2012 dated November 21, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.
2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 22/2012 dated November 21, 2012 to a "C2" Commercial Community District and an "RMF-L" Residential Multi-Family Large District, subject to the following:
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ii) That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution.

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iv) That no portion of a habitable room or space within a building shall be less than 49.2 feet (15 metres) from the western property line of the land zoned RMF-L (Lot 3).

v) That the Developer of the land zoned RMF-L shall construct a uniform 2.0-metre high fence abutting the CNR Letellier Subdivision to the satisfaction of the Director of Public Works and shall maintain this fencing to the satisfaction of the Director of Public Works.

vi) That the maximum height of any building on the land zoned RMF-L (Lot 3) shall not exceed 80 feet;

vii) That there shall be no advertising signs, mobile signs, inflatable signs and A-board signs on the subject properties.

3. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional parcels be paid to the City for the purchase of land for purposes of the City other than streets.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

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9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

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11. 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 proposing to subdivide the site into three (3) lots and rezone the rear lot (Proposed Lot 3) from “C2” Commercial Community to “RMF-L” Residential Multi-Family Large.
- Proposed Lot 1 will be 46,427.6 square feet in area and Proposed Lot 2 will be 32,176 square feet in area. Both of these lots will remain zoned C2 and will continue to contain the existing uses on these lots. Proposed Lot 3 will be 69,993.4 square feet in area and will be developed as a 7 storey, 78-unit multi-family building.
- Subdivisions and rezonings 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 Urban Planning Division are concurred in, the subject site will be subdivided into three lots and Lot 3 will be rezoned from C2 to RMF-L.

HISTORY

- N/A

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk. MCIP
Date:	November 21, 2012
File No.	DASZ 22/2012

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 22/2012 Riel Community Committee, dated November 21, 2012
3. Appendix B — Design Guidelines

APPENDIX 'A'

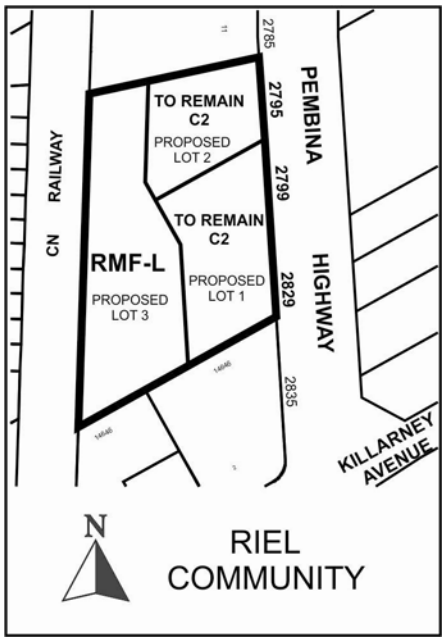
DATE: November 21, 2012

FILE: DASZ 22/2012
RELATED FILE(S): DAV 12-161357/D (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.638

SUBJECT: An application to subdivide the site into three (3) lots and rezone Proposed Lot 3 from C2 to RMF-L.

LOCATION: 2795, 2799, 2829 Pembina Highway
LEGAL DESCRIPTION: LOTS 12 & 13 PLAN 20470



APPLICANT: Pre-Con Builders (Robin Lee)
1540 TAYLOR AVE.
WINNIPEG MB R3N 1Y1

OWNERS: Pembina Shoppes Inc.
1200-330 St. Mary Ave.
Winnipeg MB R3C 4E1

2799 Pembina Ltd.
1200-330 St. Mary Ave.
Winnipeg MB R3C 4E1

RECOMMENDATION: Approval with conditions

REPORT SUMMARY

- The applicant is proposing to subdivide the site into three (3) lots and rezone the rear lot (Proposed Lot 3) from “C2” Commercial Community to “RMF-L” Residential Multi-Family Large.
- Proposed Lot 1 will be 46,427.6 square feet in area and Proposed Lot 2 will be 32,176 square feet in area. Both of these lots will remain zoned C2 and will continue to contain the existing uses on these lots. Proposed Lot 3 will be 69,993.4 square feet in area and will be developed as a 7 storey, 78-unit multi-family building.
- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject site is located on the west side of Pembina Highway, north of Kirkbridge Drive in the Richmond West neighbourhood of the St. Norbert Ward.
- The site is comprised of two lots (Lots 12 & 13 Plan 20470) and is approximately **148,597 square feet (3.4 acres) in area** and contains three, one storey commercial buildings.
- The site is located along a Regional Mixed Use Corridor (Pembina Highway) under the Complete Communities Direction Strategy and is zoned “C2” Commercial Community.



Figure 1: Aerial photograph of the subject site and surrounding area (2012)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: A one storey bank (BMO) zoned C2.

South: A one storey strip mall zoned C2.

East: A one storey strip mall zoned C2.

West: The CN Letellier Subdivision and detached single-family homes zoned R1-M.

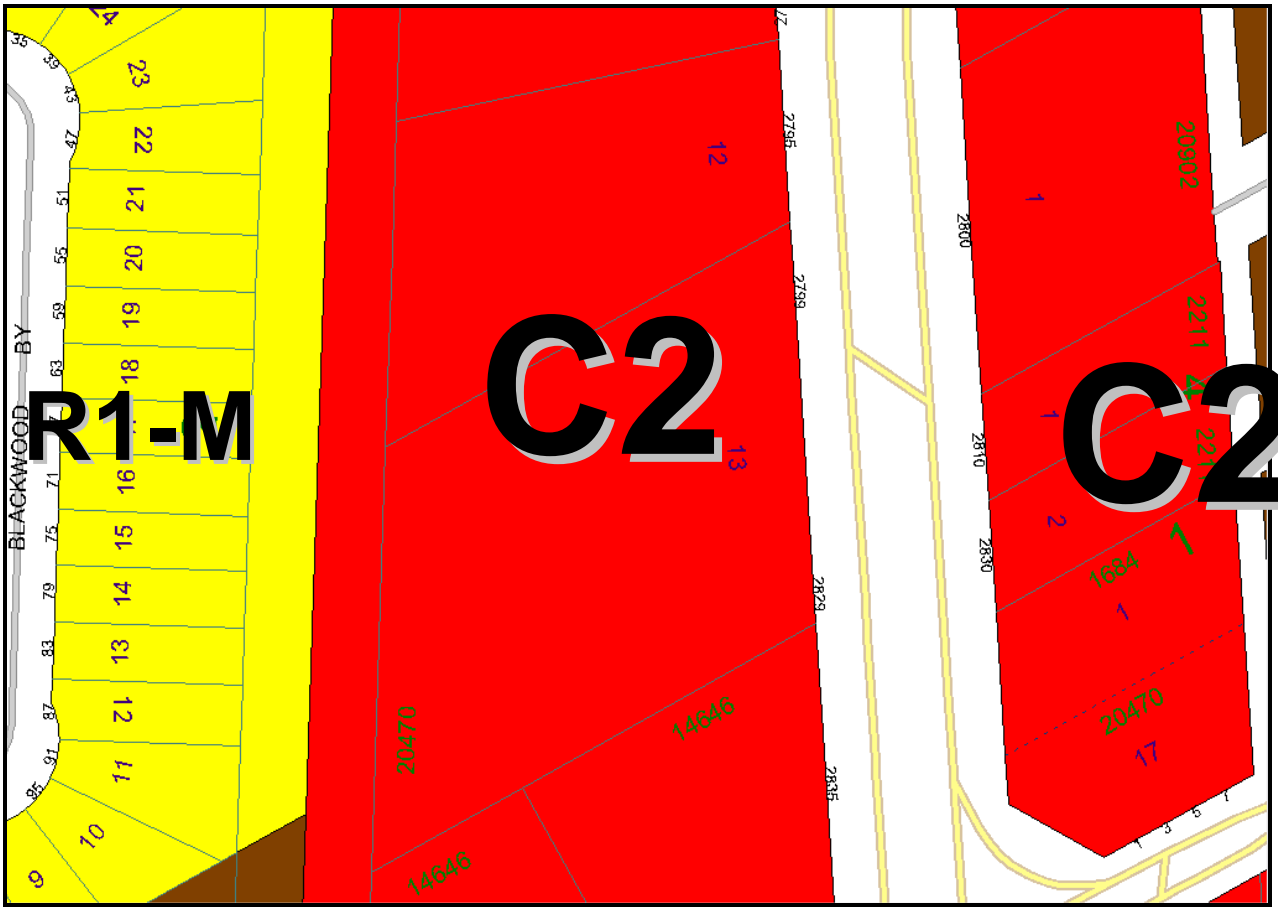


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the site into three (3) lots and rezone the rear lot (Proposed Lot 3) from “C2” Commercial Community to “RMF-L” Residential Multi-Family Large.
- Proposed Lot 1 will be 46,427.6 square feet in area and Proposed Lot 2 will be 32,176 square feet in area. Both of these lots will remain zoned C2 and will continue to contain the existing uses on these lots.
- Proposed Lot 3 will be 69,993.4 square feet in area and will be developed as a 7 storey, 78-unit multi-family building. This building will be approximately 80 feet tall.

- This building is proposed to be setback from the rear (west) property line by 50 feet. Most of the parking is located behind the building and the existing commercial strip mall to the north.
- Multiple variances are also required for the application (see associated file DAV 12-161357/D).

ANALYSIS AND ISSUES

- Under the Complete Communities Direction Strategy the proposed development is located along a Mixed-Use Corridor (Pembina Highway). Key relevant policies guiding development along Mixed Use Corridors include:
    - Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.
    - Support a range of housing opportunities in terms of type, tenure, unit size.
    - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.
    - Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments.
    - Promote high-quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community.
    - Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.
    - Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.

ZONING

"C2" Commercial Community District

- The C2 zoning district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots. Non-residential structures in the C2 zone require the following dimensional standards: a minimum front, side and corner side yard of 0 feet, and a rear yard of 25 feet. The maximum building height is 49 feet and the maximum Floor Area Ratio is 3.0.

"RMF-L" Residential Multi-Family Large

- The RMF-L zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-L zone are: a minimum front yard of 25 feet; a minimum rear yard of 25 feet; a minimum side yard of 8 feet and, a maximum building height of 150 feet. The minimum lot area is 20,000 square feet and the minimum lot area per dwelling unit is 400 square feet.

LAND USE BY-LAW

Rezoning

- The applicant is proposing to rezone Proposed Lot 3 from C2 to RMF-L to accommodate the proposed 78-unit, 7 storey multi-family building. Multi-family developments are conditional uses in the C2 zone, but are permitted in the RMF-L zone. Further, the maximum permitted height for a multi-family building in the C2 zone is 60 feet. The applicant is proposing to develop a building that is 80 feet tall.

Variances (see DAV 12-161357/D)

- As previously stated, multiple variances are required for this development. The variances are as follows.

1. Section 132(6) of the Zoning By-law requires all lots to abut a public street. Proposed Lot 3 will not have frontage on a street.

2. Section 170(1) of the Zoning By-law provides requirements for vehicle queuing spaces for drive-through restaurants. A total of 6 queuing spaces are needed – 3 before the order box and 3 between the order box and pick-up window. The proposed development results in insufficient queuing spaces before the order box on Proposed Lot 1.

3(a) The existing strip mall on the Proposed Lot 2 requires 95 parking stalls. The proposed development results in 36 parking spaces being provided for on Lot 2.

3(b) Aisleways are required to be 20 feet in width. The subdivision results in the aisleway servicing the rear portion of Lot 2 being 9 feet in width (the other 11 feet will be located on Lot 3 – see variance 4(b) below).

4(a) Section 172(3)(a) of the Zoning By-law requires all parking areas to have access to a street or lane. Proposed Lot 3 will not abut a street or lane and therefore can not meet this requirement.

4(b) A variance is also required for the aisle width on Proposed Lot 3 because an aisle will be shared between Lots 2 and 3. In this case, the variance is for an aisle width of 11.5 feet instead of 20 feet.

4(c) Multi-family developments require 1.5 parking stalls per unit. The developer is proposing a 78-unit building on Lot 3. As such, 117 parking spaces are required for the development.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- Pembina Highway is designated as a Mixed-Use Corridor under the Complete Communities Direction Strategy. The Strategy encourages the mix and intensification of

land uses along these corridors. As such, the proposed development complies with the Complete Communities Direction Strategy.

- The major change to the site as it exists is the addition of the multi-family building on Proposed Lot 3. Although multi-family buildings are not found in the immediate vicinity of this site, large, multi-family buildings are commonly found along Pembina Highway. The nearest similar development to the proposed multi-family building is found at 2900 Pembina Highway (a six storey development), which is about 400 metres south of the subject site.

SITE DESIGN

- The proposed multi-family building will be located 50 feet from the western property line. This 50 foot setback will be required in the zoning agreement (see further commentary on this setback in the Recommended Zoning Agreement Section below). Bearing this setback in mind, the proposed building will be located at least 150 feet away from the rear (east) property line of the single-family homes that are located west of the site, beyond the rail line.
- The proposed site plan shows that the multi-family building on Proposed Lot 3 will face Pembina and that all of the parking will be located behind or beside the building, which is encouraged in the policies of the Complete Communities Direction Strategy.
- A direct, sidewalk is provided from Lot 3 over Lot 1 to the existing sidewalk on Pembina Highway. This sidewalk will help provide safe pedestrian access to the building on Proposed Lot 3 from Pembina Highway.
- In general, Proposed Lot 3 is well-landscaped and includes a 10-foot wide landscaped buffer along the portion of the western property line where the proposed building will be located.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- Detailed building elevations were not included in the subject application for Lot 3 (the RMF-L site). The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the RMF-L site. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans before development takes place for the proposed development and for any future developments on the site. Recommended design guidelines for approval are included in Appendix B.

Cross Access Agreement

- The proposed development on Lot 3 requires cross access from both Proposed Lots 1 and 2. As such, the Public Service is recommending that cross access agreements be registered for the entire site.

Addressing

- The Public Service has included a clause that is intended to make addressing clearer and more visible for the public and for emergency response situations.

Setback from Rail Line Right-Of-Way

- Since about 2008/2009, the Urban Planning Division has been recommending setbacks from rail right-of-ways that are consistent with those identified in *The Proximity Guidelines and Best Practices* (2007) report, which was prepared for the Federation of Canadian Municipalities and the Railway Association of Canada.
- The report lists measures to reduce issues and potential issues associated with rail uses that may impact neighbouring developments. Specifically, the report lists ways to try and reduce the potential impact of derailments, noise, vibration, and safety issues associated rail use predominantly through setbacks, berming, and fencing.
- Recommended setbacks are associated with the type of rail line neighbouring the development. In this case, the neighbouring Letellier Subdivision is a Spur Line. The recommended setback from Spur Lines is 15 metres (49.2 feet).
- The Division is recommending that no portion of a habitable room or space within a building shall be less than 49.2 feet (15 metres) from the west property line. Habitable room or space is defined within Zoning By-Law 200/2006. The recommended setback would allow for portions of developments, such as stairwells, to be within the setback.
- The Division is also recommending that the developer erect and maintain a uniform 2.0 metre tall barrier fence along the Letellier Subdivision, or the western property line of the subject property.

Height

- The maximum permitted height for buildings in the RMF-L zone is 150 feet. The applicant is proposing a building that is just below 80 feet tall. The Urban Planning Division recommends restricting the height of the building to what is being proposed (80 feet).

Signage

- As this site is located along a Regional Mixed Use Corridor, the Division is recommending restrictions on signage, namely advertising signs (third-party) and mobile signs, in order to reduce clutter. This restriction is consistent with the Division's recommendations for other development applications along Pembina Highway and other Regional Mixed Use Corridors.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.

- The City is requesting cash in lieu for this application.

RECOMMENDATION

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

- The proposed development complies with the Complete Communities Direction Strategy.
- Large multi-family buildings are commonly found along Pembina Highway.
- The proposed multi-family building on Lot 3 will be located at least 150 feet away from the rear (east) property line of the single-family homes that are located west of the site, beyond the rail line.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 22/2012

Schedule "A" for File No. DASZ 22/2012, Riel Community Committee, dated November 21, 2012

By-Law No. _____

File No. **DASZ 22/12**

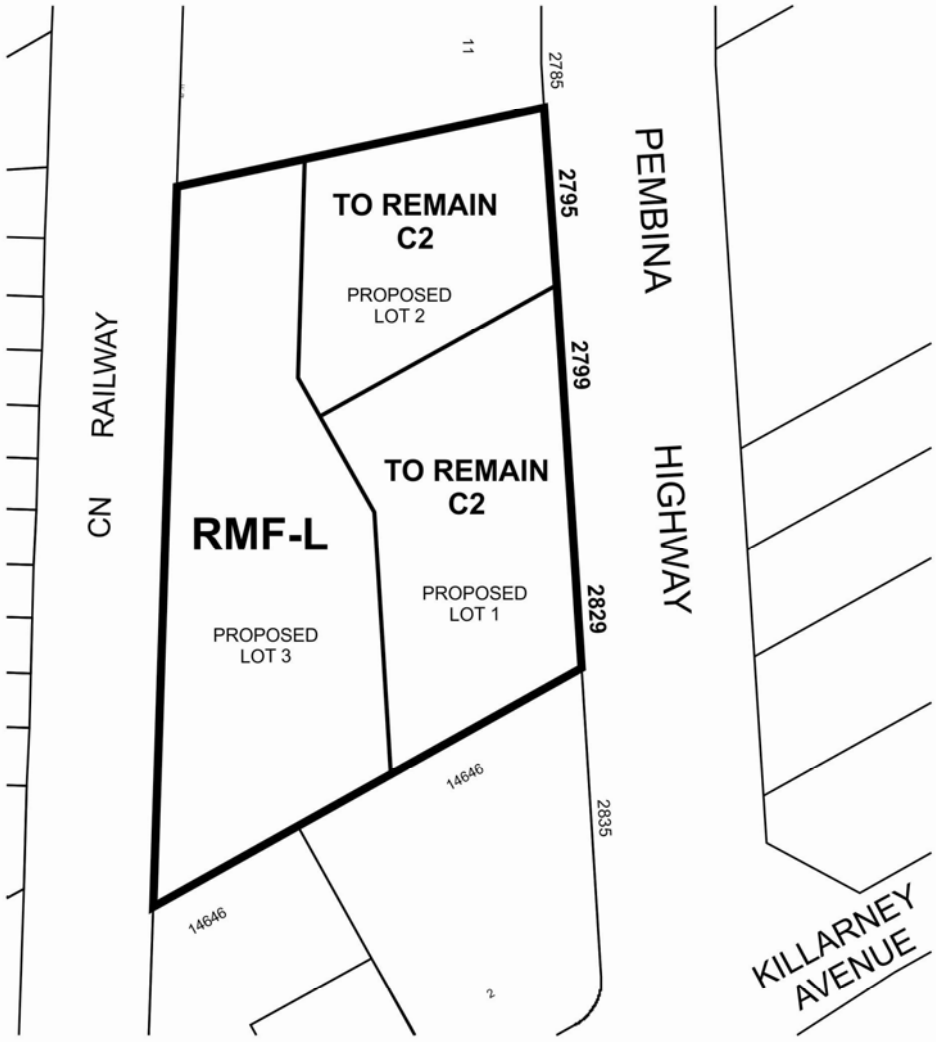
Atlas Sheet No.

N

AM23
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 2795 & 2799 Pembina Highway from a "C2" COMMERCIAL COMMUNITY DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY DISTRICT to facilitate the development of a multiple family dwelling on Proposed Lot 3 as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX 'B' Design Guidelines

Plan Approval Design Guidelines for the RMF-L zoned lot (Lot 3) of DASZ 22/2012

1. Site Planning

1.1 The site layout and building orientation should ensure that the buildings relate appropriately to the street (Pembina Highway) and surrounding developments and create a cohesive visual identity for the neighbourhood.

1.2 Site design should consider opportunities for enhancing personal security and safety by incorporating Crime Prevention Through Environmental Design (CPTED) principles.

1.3 Parking areas should be well-screened with landscaping or an active development along the street-front.

1.4 Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.

1.5 Provide easy, universally accessible and direct access to the public sidewalk(s).

1.6 Locate walkways to minimize potential conflict with vehicular and services areas.

2. Building Orientation and Design

2.1 The building façade facing the public right-of-ways should be well-articulated and should avoid featureless building massing.

2.2 The overall design should be made up of a distinctive, quality, architectural character and style that also avoids monotonous and featureless building massing and design.

2.3 Ensure detailed design supports the identity and quality of the place through good design; quality building materials, sustainable materials; and commitment to long-term maintenance.

2.4 Minimize blank walls – use landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, etc. to break up tracts of continuous blank walls.

2.5 Reduce the perception of mass and height through the balanced use of colour, texture and materials.

3. Landscaping

3.1 Landscaping shall be provided to enhance the overall development in key areas such as the development perimeter, corners, common areas, areas along pathways, and entryways.

3.2 High-quality landscaping is required along the streetfront of the development (i.e. along St. Anne's Road or Creek Bend Road) and along the side and rear yards. It is preferred that existing trees be preserved as much as possible.

4. Fencing

4.1 Any proposed fencing should be composed of high quality materials.