Minute No. 320
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 11, 2017

Item No. 3 Zoning Agreement Amendment – 110 Innovation Drive (South Winnipeg - St. Norbert Ward) File ZAA 1/2017

COUNCIL DECISION:

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

1. That Zoning Agreement Caveat #2561614 under File DAZ 218/97 dated December 11th, 2000, be discharged.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 218/97, as approved in aforesaid Recommendation 1.

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

    A. That, there shall be a minimum 50 metre separation space maintained between any new building on the land and the south property line and that said separation space shall be comprised of a landscape buffer.

    B. That, the maximum building height shall be limited to 20 metres for a distance of 122 metres from the south property line.

    C. That, no building shall be located within 4.0 metres from the westerly property line (Pembina Highway frontage).

    D. The Owner must submit plans showing the location and design of any and all proposed:

        i. buildings;
        ii. accessory parking areas;
        iii. private approaches;
        iv. garbage enclosures;
        v. fencing;
        vi. landscaping; and

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COUNCIL DECISION (continued):

vii. free-standing signage

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Riel Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

E. That the following uses shall not be permitted on the land:

i. Landscape or Garden Supplies
ii. Supermarket
iii. Auction Room
iv. Drive-in or Drive-through
v. Auto/light truck/motorcycle, repair and service
vi. Auto/light truck/motorcycle, sales and rental
vii. Auto parts and supplies, sales
viii. Car wash
ix. Fuel sales
x. Towing and storage facility
xi. Mini-warehouse or self-storage
xii. Warehouse
xiii. Wholesaling
xiv. Digital, billboard, mobile, flashing, scintillating, rotating, and inflatable signs.
xv. Outside display and sales

F. That the following uses be conditional on the land:

i. Outside storage

5. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

6. 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.

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DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 19, 2017, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 11, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 April 3, 2017, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Delete recommendation 3.E.xvi in its entirety.
- Add the following new recommendation 3.F.:

  "3.F. That the following uses be conditional on the land:

  i. Outside storage"

and forwarded to the Policy Committee on Property and Development, Heritage and Downtown Development.

RE: **Zoning Agreement Amendment – 110 Innovation Drive**
File ZAA 1/2017

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

Prepared by: **Rochelle Viray, Assistant Committee Clerk**
Riel Community Committee

Report date: **April 5, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On April 3, 2017, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That Zoning Agreement Caveat #2561614 under File DAZ 218/97 dated December 11th, 2000, be discharged.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 218/97, as approved in aforesaid Recommendation 1.

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

    A. That, there shall be a minimum 50 metre separation space maintained between any new building on the land and the south property line and that said separation space shall be comprised of a landscape buffer.

    B. That, the maximum building height shall be limited to 20 metres for a distance of 122 metres from the south property line.

    C. That, no building shall be located within 4.0 metres from the westerly property line (Pembina Highway frontage).

    D. The Owner must submit plans showing the location and design of any and all proposed:

        i. buildings;
        ii. accessory parking areas;
        iii. private approaches;

iv. garbage enclosures;
v. fencing;
vi. landscaping; and
vii. free-standing signage

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Riel Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

E. That the following uses shall not be permitted on the land:

i. Landscape or Garden Supplies
ii. Supermarket
iii. Auction Room
iv. Drive-in or Drive-through
v. Auto/light truck/motorcycle, repair and service
vi. Auto/light truck/motorcycle, sales and rental
vii. Auto parts and supplies, sales
viii. Car wash
ix. Fuel sales
x. Towing and storage facility
xi. Mini-warehouse or self-storage
xii. Warehouse
xiii. Wholesaling
xiv. Digital, billboard, mobile, flashing, scintillating, rotating, and inflatable signs.
xv. Outside display and sales
~~***xvi. Outside storage***~~

F. That the following uses be conditional on the land:

i. Outside storage

5. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

6. 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.

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

The Riel Community Committee provided the following supporting reason for its recommendation:

1. Updating the development details to 2017 standards because the caveat is out-dated.

PUBLIC HEARING SUMMARY

File: ZAA 1/2017

Before: Riel Community Committee
Councillor Allard, Chairperson
Councillor Lukes
Councillor Mayes

Public Hearing: April 3, 2017
Council Building, 510 Main Street

Applicant: Cibinel Architecture Ltd. (Micheal Acht)

Subject:



Premises Affected: 110 Innovation Drive

Exhibits Filed:

1. Application dated January 9, 2017
2. Notification of Public Hearing dated January 23, 2017
3. Manitoba Status of Title 2649851/1
4. Letter of authorization dated January 9, 2017 from the University of Manitoba to Cibinel Architecture
5. Caveats 82-9503, 2587055, 2561614, 2773393, 2835328, 2926639, 2980728, 3048941, 3179370, 3102878, 3819261, 3885395, 3895284, 4112567, 4145017, 4170203/1, 83-36147
6. Plans (6 pages)
7. Report from the Urban Planning Division dated March 22, 2017
8. Inspection Report

REPRESENTATIONS:

In Support:
Nil

In Opposition
Nil

For Information:
Nil

For the City:
G. Jasper, Land Development Engineer, Planning, Property and Development Department
R. Mahé, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File ZAA 1/2017

ADMINISTRATIVE REPORT

Title: ZAA 1/17 – 110 Innovation Rd.

Issue: For consideration at the Public Hearing to discharge the entire caveat (# 2561614/1) associated with DAZ 218/97.

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
Richard Mahé	B. Smith	N/A	

RECOMMENDATIONS

1. That Zoning Agreement Caveat #2561614 under File DAZ 218/97 dated December 11th, 2000, be discharged.
2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 218/97, as approved in aforesaid Recommendation 1.
3. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

   A) That, there shall be a minimum 50 metre separation space maintained between any new building on the land and the south property line and that said separation space shall be comprised of a landscape buffer.

   B) That, the maximum building height shall be limited to 20 metres for a distance of 122 metres from the south property line.

   C) That, no building shall be located within 4.0 metres from the westerly property line (Pembina Highway frontage).

   D) The Owner must submit plans showing the location and design of any and all proposed:

i. buildings;
ii. accessory parking areas;
iii. private approaches;
iv. garbage enclosures;
v. fencing;
vi. landscaping; and
vii. free-standing signage

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Riel Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

E) That the following uses shall not be permitted on the land:

i. Landscape or Garden Supplies
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xiv. Digital, billboard, mobile, flashing, scintillating, rotating, and inflatable signs.
xv. Outside display and sales
xvi. Outside storage

5. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

6. 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 discharge the entire caveat associated with DAZ 218/97.
- In particular, the applicant requires that the height restriction portion of the caveat be adjusted to allow for the construction of their new research/office building which was approved by the Riel Community Committee on January 9th, 2017.
- A zoning agreement amendment requires 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, a new caveat will be placed on the land that will replace the existing caveat. This caveat will allow the construction of the new research/office building that was approved at the January 9th, 2017 Riel Community Committee.

HISTORY

Plan Approval

- On January 9th, 2017, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, and approved the plans for 110 Innovation Drive, subject to the following condition:

  1. That the applicant apply for a Zoning Agreement Amendment to amend the height restrictions on the property to reflect the Plan Approval.

DAZ 218/97

- In 1997, Council approved a rezoning application "RM-1" Residential District to an "MP-2" Industrial District to permit the establishment of a Technology Park.
- The long term objective was to create a development site which could attract specialized businesses in the fields of bio-technology, information technology and other high-tech research based industries having a direct link to the University of Manitoba. The goal was create a collaborative partnership between the University as an education institution and high-tech industry. The University benefits through the enhancement of its research capability, through the sharing of knowledge and ideas, through increased learning opportunities for its students and through a greater competitive advantage in attracting high quality staff and students. The industries benefit through access to knowledge based infrastructure and through access to a student labour pool.

- It was the view of the Administration that high-tech industry directly tied to the University and subject to high design standards is similarly an appropriate component within the University community.
- It was the Administration's view that special attention has to be paid to establishing an adequate landscaped buffer along the south boundary of the subject site. This in order to reduce the impact of development on adjacent established residential areas along Bayridge Avenue, Laval Drive, Temple Bay and Tulane Bay. Under the Plan approval process, it was suggested that: (1) a landscaped berm be established and maintained along the south boundary, and that (2) new industrial buildings be setback at least fifty metres from the same property line. The fifty foot setback currently required for rear yards between buildings in industrial park areas and neighbouring residential areas under By-law No. 6400/94 was not felt to be adequate in this instance. The aforementioned separation space shall further not be used for display purposes, storage of materials or refuse or processing of any kind.
- The Administration further intended, by way of the Zoning Agreement to (1) restrict building heights, and (2) recommend a phasing process whereby frontage lands along Chancellor Matheson Road and Pembina Highway be developed in advance of the lands abutting the residential areas to the south.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Richard Mahé
Date:	March 22, 2017
File No.	ZAA 1/2017

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

DATE: March 22nd, 2017

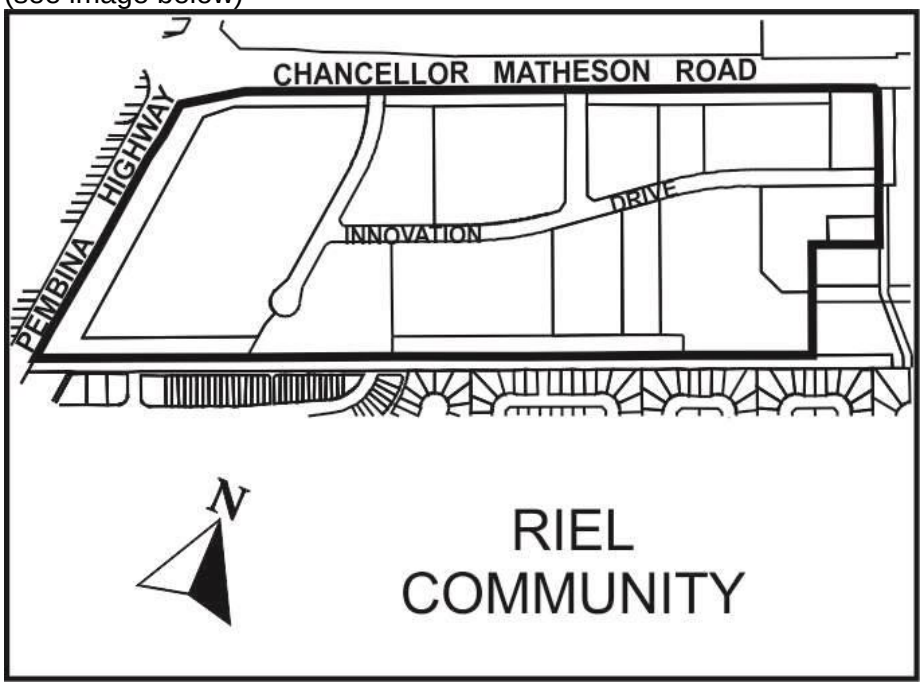
FILE: ZAA 1/17
RELATED FILES: DAZ 218/97, DAV 778/79

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.656

SUBJECT: For consideration at the Public Hearing to amend zoning agreement DAZ 218/97 to discharge caveat # 2561614/1.

LOCATION: 110 Innovation

LEGAL DESCRIPTION: (see image below)



APPLICANT: Michael Acht
460 Academy RD
Winnipeg, Manitoba R3N 0E3

OWNER: The University of Manitoba
66 Chancellor Circle
Winnipeg, Manitoba Alberta R3T 2N2

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject site is located on the south side of Chancellor Matheson RD, within the Smart Park of the University of Manitoba in the St. Norbert Ward.
- The site is located within the Business Park policy area within Complete Communities Direction Strategy and is zoned MMU.
- The subject site is approximately 112 acres in size with approximately 1,000 metres of frontage along Chancellor Matheson RD and 450 metres of frontage along Pembina Highway.

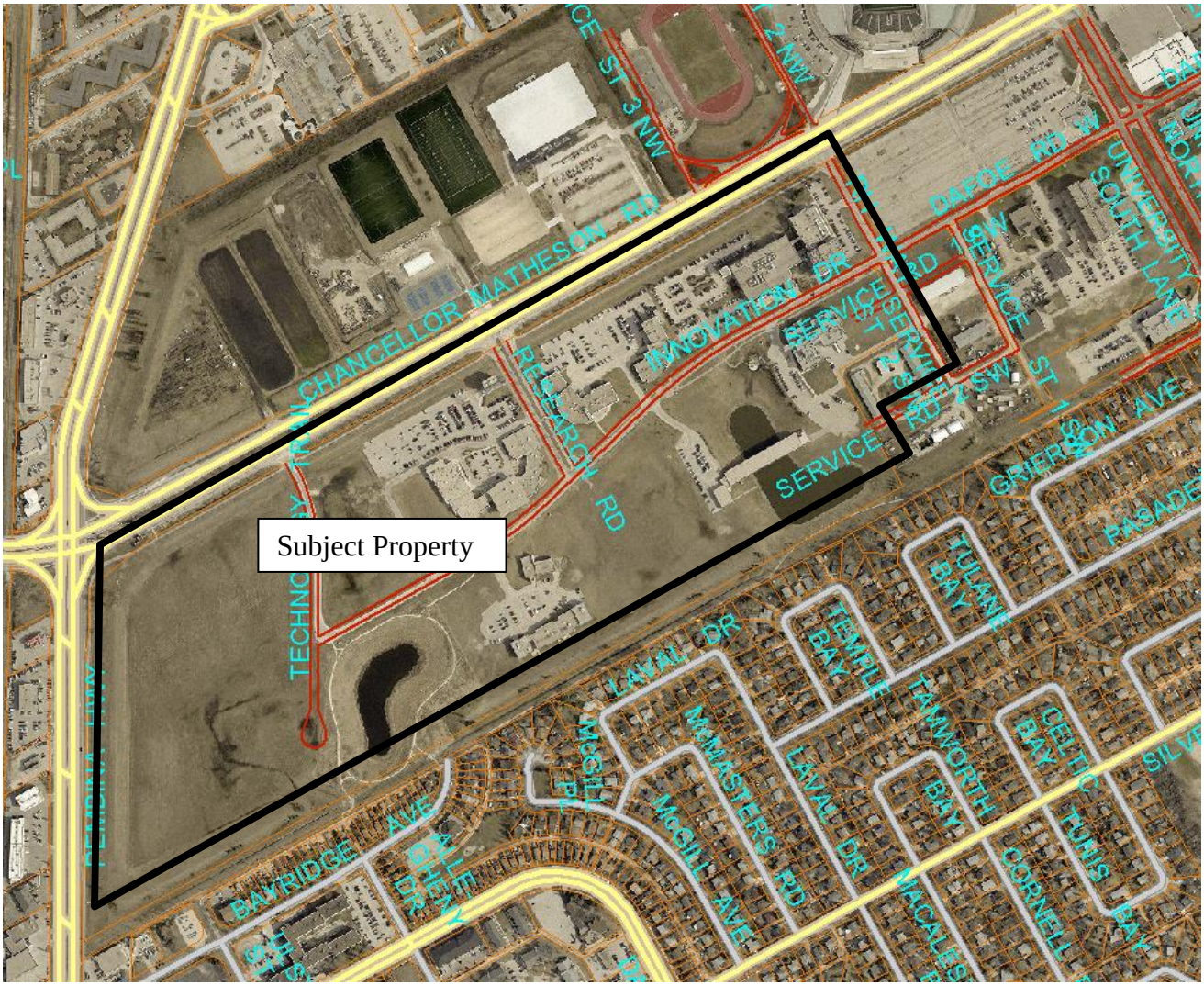


Figure 1: Air photo showing the approximate area of the subject property (2016)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Chancellor Matheson Road and then University lands zoned EI.

South: Primarily single family homes zoned R1-L and RMF-S, multi-family dwellings zoned RMF-S and a commercial use zoned C2.

East: University lands zoned EI.

West: Pembina Highway and then commercial and multi-family uses zoned RMF-L and C2.

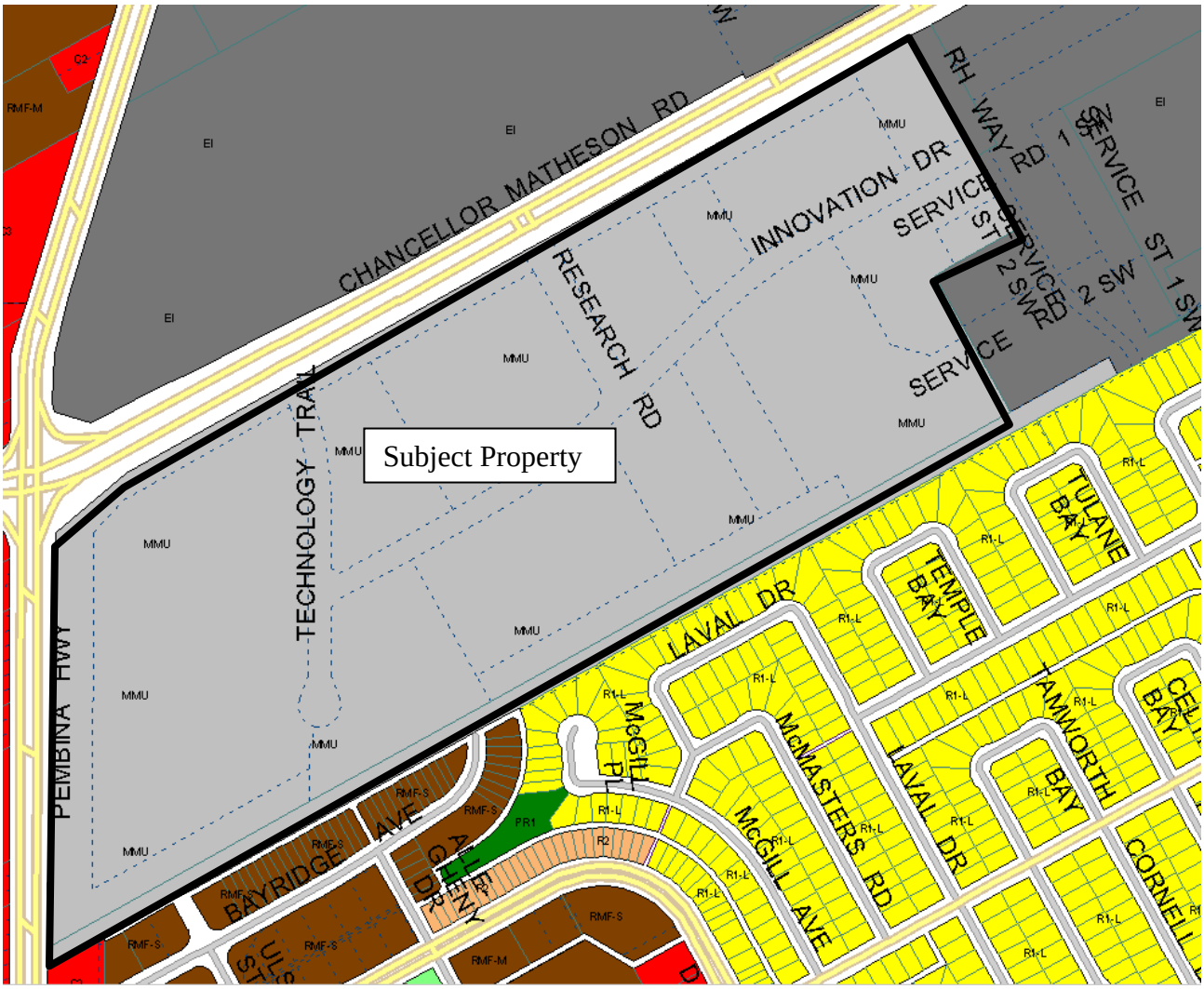


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to amend the zoning agreement associated with DAZ 218/97 by discharging caveat # 2561614/1.

ANALYSIS AND ISSUES

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 subject property is classified as "Employment Lands - Business Park" in the *Complete Communities'* Urban Structure map.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- The Manufacturing Mixed Use (MMU) zoning district is intended to provide linked commercial and industrial activities that are supportive of industrial functions and are compatible with surrounding industrial use areas, while allowing more flexibility of uses and requiring a higher standard of landscaping design. Uses may include offices, wholesale and business service establishments, campus-style industrial or business parks, and limited retail/personal service storefronts.

TABLE 5-6: Dimensional Standards for Manufacturing Zoning Districts
amended 121/2008

Zoning District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Ft.)	Minimum Front Yard (Ft.)	Minimum Rear Yard (Ft.) [note a]	Minimum Interior Side Yard (Ft.) [note a]	Minimum Corner Side Yard (Ft.)	Maximum Height of Building. (Ft.)	Maximum Floor Area Ratio
MMU	NA	NA	20	0	15	20	85	2.0
M1	NA	NA	25	0	0	15	50	2.0
M2	NA	NA	25	0	0	15	100	2.0
M3	NA	NA	25	0	0	15	150	3.0

NOTES:
a. Where the rear or side lot line abuts the side or rear lot line of an R1, R2 or RMF zoning district, a 25 foot yard must be provided along the side or rear lot line. The side or rear yard must be landscaped pursuant to sections 188 through 193, *Landscaping and Buffering*, and must not be used for parking or loading areas, storage of refuse or materials, or commercial activities of any kind.

LAND USE BY-LAW

Zoning Agreement DAZ 218/97

- The applicant is proposing to repeal the existing Zoning Agreement Caveat #2561614.
- Zoning Agreement Caveat #2561614 includes the following clauses:
  - Clause #2 restricts the use of the land to a list of permitted uses and conditional uses.
  - Clause #3 encourages but does not require the developer to first develop the lots abutting Chancellor Matheson Road and Pembina Highway.
  - Clause #4 asks that a preliminary concept plan for each individual lot indicating the landscaping, building locations, parking and fencing shall be submitted to the Riel Community Committee for approval.
  - Clause #5 requires Plan Approval to the Director of Planning and Riel Community Committee.
  - Clause #6 requires a minimum of 50 metre separation space between any new industrial building on the land and the south property line and that said separation space shall be comprised of a landscape buffer.

- Clause #7 places a building height restriction of 7.62 metres for a distance of 122 metres from the south property line of the development. On the remainder of the property, the maximum building height shall be limited to 15.3 metres.
- Clause #8 restricts development along Pembina Highway to 4.0 metres.

ZONING AGREEMENT ANALYSIS

- The subject property is classified as an "Employment Lands – Business Park" in *Complete Communities'* Urban Structure map. Since the approval of this business park, the City of Winnipeg's approach to employment lands has evolved. Our Complete Communities Direction Strategy identify that Business Parks are typically developed with a Master Plan focusing on site development, design, landscaping, and employment amenities. Flexibility is key for these kinds of developments in order to allow them to adapt quickly and easily to market changes. Though identified in Complete Communities as a Business Park, the University is designated as an Institutional Campus within the Employment Lands designation. These lands typically include hospitals, biomedical research facilities and/or university and college institutions. These corporate campuses are subject to a high level of design, emphasizing image and multi-modal circulation.
- Former city development plan policies on industrial lands were protectionist in their approach to Employment Lands. These policies were meant to keep uses separate with limited mixed-use development opportunities. Because of significant advances in technology, the majority of industrial uses today are much cleaner, quieter and greener than they were in the past, reducing the potential impacts.
- The types of uses envisioned for our Business Park and Institutional Campus Employment Lands include a wide variety of uses (see Figure 3 below).

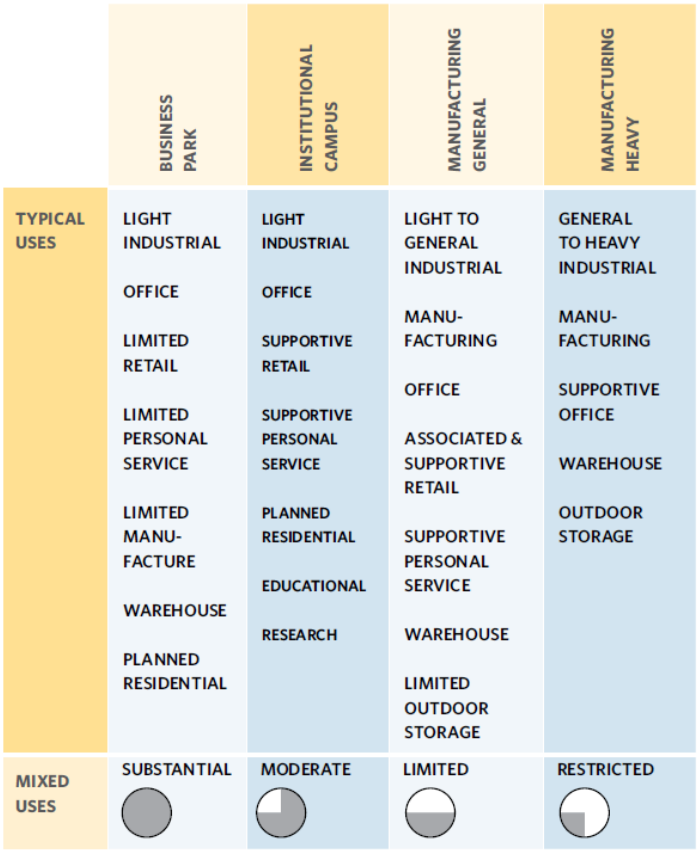


Figure 3: Employment Land Types and Typical Uses Chart (Complete Communities Direction Strategy).

- With regard to this proposal, the key policies guiding the development within this area include:
  - Support a mix of land uses within major institutions such as universities, colleges, hospitals, and bio-medical research facilities, which complement their operations.
  - Support current employment land development trends towards smaller, leased premises, combining an office component with warehouse, repair or assembly space in a flexible building format.
  - Support, through planning, the introduction of commercial/retail, residential, and personal service development that is subordinate and supportive of the primary employment uses in Business Park and Institutional Employment areas.
  - Support priority phasing of development recognizing the importance of commercial mixed-use within employment areas through increased employment generation and reduce initial servicing costs.

- Encourage the establishment, retention and expansion of businesses and institutions, including more opportunities for employment lands in closer proximity to residential areas.

- The zoning agreement associated with DAZ 218/97 (By-law No. 7135/97) placed restrictions on the permitted and conditional uses. The uses found on this list largely coincide with the uses that are permitted and conditional within its current MMU zoning designation. It is important to note that this zoning caveat was created under the previous City of Winnipeg zoning by-law. Since its update, use categories were created to condense the number of specific "land uses" within the zoning by-law. This clause also specifies manufacturing permitted uses. These manufacturing uses are all types of uses that do not require outdoor operations. This conforms to the requirements that are placed on operations within the MMU zoning district.
- Consequently, the Urban Planning Division recommends restricting the types of uses that are not compatible with this type of Business Park and the context in which it is situated rather than attempting to specify the types of uses that are permitted. The reason for this is because it is very difficult to anticipate all the different types of uses that could be established within technologically focused Business Park in the future.
- Since Clause #3 only encourages a phasing of development (instead of requiring it), the Urban Planning Division recommends that this recommendation be eliminated. It should be noted that the development pattern of the Business Park has largely not followed this Clause.
- Given that the Urban Planning Division is recommending a Plan Approval recommendation which will include with similar site plan concerns as identified in Clause #4, this Clause should be eliminated to reduce duplication.
- The Urban Planning Division recommends updating Clause #5, the Plan Approval Clause, to how they are currently written today for consistency purposes.
- The Urban Planning Division recommends reincorporating Clause #6, which requires a minimum 50 metre setback from the south property line and keep the landscape buffer. This will ensure that Business Park uses will not have a negative impact on adjoining residences.
- The Urban Planning Division recommends reincorporating and modifying the building height limitations (Clause #7) within certain distances from the south property line to provide a little more flexibility to the Business Park to make more efficient use of land, maximize use of infrastructure and create a more dynamic Business Park that creates synergies between uses. Additionally, given the 50 metre setback recommendation from any building on the land from the south property line, the Urban Planning Division recommends placing a height restriction of 20 metres for any building within 122 metres from the south property line and eliminating height restrictions for the remainder of the property. The height limit would default to the maximum building height under the MMU zoning district, which is 85 feet.
- Clause #8 restricts development along Pembina Highway to 4.0 metres. The Urban Planning Division recommends reincorporating this clause into the new caveat.

RECOMMENDATION

The Urban Planning Division recommends approval with modification for the following reason:

- It is consistent with *OurWinnipeg* and *Complete Communities;* and
- It provides greater flexibility to the Business Park to make more efficient use of land, maximize use of infrastructure and create a more dynamic Business Park that creates synergies between uses

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

Report Prepared By: Richard Mahé
PPD File # ZAA 1/17