Minutes – Executive Policy Committee – April 17, 2018

REPORTS

Item No. 2 Rezoning – 3021 Pembina Highway
(South Winnipeg - St. Norbert Ward)
File DAZ 220/2017[c/r DAV 168101/2017D & DCU 168091/2017D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Riel Community Committee and recommended to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 220/2017 dated January 4, 2018 to an "RMU" Residential Mixed Use District, subject to the following:

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

        i. 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) exterior lighting;
            vii) landscaping; and
            viii) free standing signage

        on the Owner's Land ("Works") to the Riel Community Committee and the Director of Planning, Property and Development ("Director") 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.

        ii. That, the developer shall, at no expense to the City, provide safety measures from the CNR Letellier Subdivision consisting of any one of the following two measures:

            1) Berm, fencing, and setback:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

i. A 2.0 metre in height berm, measured from grade at the property line, with side slopes not steeper than 2.5 to 1. The berm shall be constructed entirely within the developer's property along the entire western property line of the development site, excluding areas required for vehicular or pedestrian access. The berm shall be compacted to 95% modified proctor. The berm shall be built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the berm as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

ii. A 2.0 metre in height uniform noise attenuation fence built on top of the entire length of the berm, built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

iii. A minimum setback of 15 metres to any portion of a habitable room or space within a building located on the Developer's land, measured from the eastern property line of the CNR Letellier Subdivision.

iv. The Director of Planning, Property and Development is authorized to approve a berm height under (a) above that is less than 2.0 metres where the setback provided under (d) above is greater than 15 metres, measured from the east property line of the CNR Letellier Subdivision. The following calculation will be used to guide approvals by the Director of Planning, Property and Development when considering reduced berm heights with increased setbacks:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

1. The required setback in (iii) above (15 metres) multiplied by the height of the berm in (a) above (2.0 metres) divided by the proposed setback, which must be greater than 15 metres

2) Crash wall and setback

i. A 2.13 metre in height crash wall, measured from the top of the rail elevation, that faces the CNR Letellier Subdivision. The crash wall shall be constructed entirely within the developer's property along the entire length of the principal building facing the CNR Letellier Subdivision. The crash wall shall be no less than 0.45 metres thick and shall be of solid, heavy construction.

ii. The Developer shall build the crash wall to the satisfaction of the Director of Planning, Property and Development. The Developer must proceed in accordance with in section 3.6.1.3 of the FCM/RAC Guidelines for New Development in Proximity to Railway Operations (2013), including, without limitation, undertaking and submitting the detailed written study referred to in that section of the Guidelines for approval of the Director of Planning, Property and Development before building the crash wall.

iii. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the crash wall as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

iv. A minimum setback or 15 metres to any portion of a habitable room or space within a building from the west property line abutting the CNR Letellier subdivision.

v. The minimum setback in (iv) above may be measured as a combination of the horizontal and vertical distances equal to 15 metres if the crash wall is incorporated into the entire height of a low occupancy podium below a residential structure.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

2. That, caveat 242488/1 be discharged.

3. That, in lieu of the dedication of land, the Developer shall provide cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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 by-law shall come into force and effect when 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 year from the date the by-law is passed, failing which the by-law will expire and 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.

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

9. 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.

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Riel Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On February 21, 2018, the Riel 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.

RE: **Rezoning – 3021 Pembina Highway**
File DAZ 220/2017

For submission to: **Executive Policy Committee**

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

Report date: **February 21, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 21, 2018, the Riel 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 Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 220/2017 dated January 4, 2018 to an "RMU" Residential Mixed Use District, subject to the following:

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

        i. 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) exterior lighting;
            vii) landscaping; and
            viii) free standing signage

        on the Owner's Land ("Works") to the RielCommunity Committee and the Director of Planning, Property and Development ("Director") 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.

        ii. That, the developer shall, at no expense to the City, provide safety measures from the CNR Letellier Subdivision consisting of any one of the following two measures:

            1) Berm, fencing, and setback:

i. A 2.0 metre in height berm, measured from grade at the property line, with side slopes not steeper than 2.5 to 1. The berm shall be constructed entirely within the developer's property along the entire western property line of the development site, excluding areas required for vehicular or pedestrian access. The berm shall be compacted to 95% modified proctor. The berm shall be built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the berm as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

ii. A 2.0 metre in height uniform noise attenuation fence built on top of the entire length of the berm, built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

iii. A minimum setback of 15 metres to any portion of a habitable room or space within a building located on the Developer's land, measured from the eastern property line of the CNR Letellier Subdivision.

iv. The Director of Planning, Property and Development is authorized to approve a berm height under (a) above that is less than 2.0 metres where the setback provided under (d) above is greater than 15 metres, measured from the east property line of the CNR Letellier Subdivision. The following calculation will be used to guide approvals by the Director of Planning, Property and Development when considering reduced berm heights with increased setbacks:

1. The required setback in (iii) above (15 metres) multiplied by the height of the berm in (a) above (2.0 metres) divided by the proposed setback, which must be greater than 15 metres

2) Crash wall and setback

i. A 2.13 metre in height crash wall, measured from the top of the rail elevation, that faces the CNR Letellier Subdivision. The crash wall shall be constructed entirely within the developer's property along the entire length of the principal building facing the CNR Letellier Subdivision. The crash wall shall be no less than 0.45 metres thick and shall be of solid, heavy construction.

ii. The Developer shall build the crash wall to the satisfaction of the Director of Planning, Property and Development. The Developer must proceed in accordance with in section 3.6.1.3 of the FCM/RAC Guidelines for New Development in Proximity to Railway Operations (2013), including, without limitation, undertaking and submitting the detailed written study referred to in that section of the Guidelines for approval of the Director of Planning, Property and Development before building the crash wall.

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iv. A minimum setback or 15 metres to any portion of a habitable room or space within a building from the west property line abutting the CNR Letellier subdivision.

v. The minimum setback in (iv) above may be measured as a combination of the horizontal and vertical distances equal to 15 metres if the crash wall is incorporated into the entire height of a low occupancy podium below a residential structure.

2. That, caveat 242488/1 be discharged.

3. That, in lieu of the dedication of land, the Developer shall provide cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

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 by-law shall come into force and effect when 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 year from the date the by-law is passed, failing which the by-law will expire and 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.

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

9. 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. This project is in keeping with Complete Communities and OurWinnipeg.
2. It supports the need for increased housing in South Winnipeg.
3. It will provide a wide range of living accommodations and amenities.
4. It is a good use of the site.

PUBLIC HEARING SUMMARY

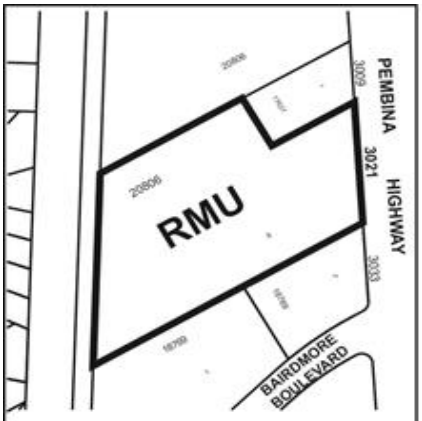
File: DAZ 220/2017

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Lukes

Public Hearing: February 21, 2018
February 5, 2018
January 15, 2018
Council Building, 510 Main Street

Applicant: Affinity Architecture Inc.

Subject:



APPLICANT : AFFINITY ARCHITECTURE INC.
FILE : DAZ 220/17
PROPOSAL : To rezone the land shown outlined above from a "C3" COMMERCIAL CORRIDOR DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to allow for the establishment of commercial and multi-family dwelling uses. **For information, phone Mr. Richard Mahé, Planner at 204-986-8631.**
DEMANDEUR : AFFINITY ARCHITECTURE INC.
N° DE DOSSIER : DAZ 220/17
PROJET : Changer le zonage du bien-fonds délinéé ci-dessus afin de le faire passer de la catégorie C3 (secteur de couloir commercial) à la catégorie RMU (secteur résidentiel polyvalent) afin de permettre l'aménagement de commerces et d'habitations multifamiliales. **Pour plus de renseignements, veuillez communiquer avec M. R. Mahé, urbaniste, au 204-986-8631.**

Premises Affected: 3021 Pembina Highway

Exhibits Filed:

1. Application dated October 19, 2017
2. Notification of Public Hearing dated December 7, 2017
3. Manitoba Status of Title 2524538/1
4. Letter of authorization dated March 24, 2014 from 75040 Manitoba Ltd. – O/A Winnipeg Honda to Affinity Architecture Inc. and SNH Architecture Inc.
5. Caveats 84-1498, 1406983, 247088, 247121, 242488
6. Grant of Easement dated June 29, 1990
7. Plans (5 pages)
8. Report from the Urban Planning Division dated January 8, 2018
9. Inspection Report
10. Revised Report from the Urban Planning Division dated February 13, 2018
11. Inspection Report
12. Presentation in support of the application submitted by the Applicant at the public hearing

REPRESENTATIONS:

In Support:

Ashok Dilawri
Karl Loepp
Chevy Luk
David Marsh
Daniel Serhal
Don White

In Opposition:

Nil

For Information:

Nil

For the City:

R. Mahe, Planner, Planning, Property and Development Department

Exhibit "10" referred to in File DAZ 220/2017

ADMINISTRATIVE REPORT

Title: DAZ 220/2017 – 3021 Pembina Highway

Issue: An application for consideration at the Public Hearing to rezone from C3 to RMU to facilitate the construction of a commercial/residential mixed use project.

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
B. Smith	N/A	N/A	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 220/2017 dated January 4, 2018 to an "RMU" Residential Mixed Use District, subject to the following:

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

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2. That, caveat 242488/1 be discharged.

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

9. 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 rezone the property to RMU facilitate the construction of a commercial/residential mixed-use project.
- Re-zonings 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 consolidated and rezoned consistent with the map provided in Schedule "A" of this report.

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:	Richard Mahé
Date:	February 13, 2018
File No.	DAZ 220/2017

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule "A" — Recommended File No. DAZ 220/2017 Riel Community Committee, dated January 4, 2018

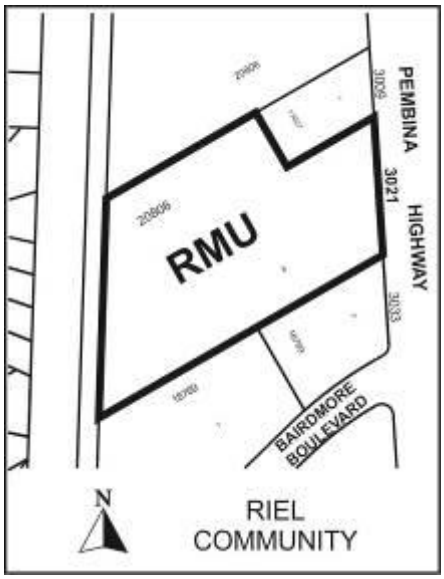
APPENDIX 'A'

DATE: February 13, 2018

FILE: DAZ 220/2017
RELATED FILES: DAV 17-168101/D; DCU 17-168091/D
COMMUNITY: Riel Community
NEIGHBOURHOOD #: 5.638 (Richmond West)

SUBJECT: To rezone the property to RMU facilitate the construction of a commercial/residential mixed-use project

LOCATION: 3021 Pembina Highway (see map below)



LOCATION: 3021 Pembina HWY
LEGAL DESCRIPTION: LOT 8 PLAN 20806 101/2 ST N *

APPLICANT: Daniel Serhal
4 Fort ST 200
Winnipeg , Manitoba R3C 1C4

OWNER:
1700 WAVERLEY ST B
Winnipeg , Manitoba R3T 5V7

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject property is located on Pembina HWY, in the Richmond West neighbourhood of the South Winnipeg - St Norbert ward.
- The site is located on a Regional Mixed Use Corridor under the *Complete Communities Direction Strategy*.
- The property is currently zoned C3 – Commercial Corridor.
- The site is approximately 4.7 acres in areas (204,732 square feet) and is currently vacant.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: A gas station zoned “C2” – Commercial Community and small scale multi-family zoned RMF-S – Residential Multi-Family – Small.

South: A gas station and small scale multi-family zoned “C2” – Commercial Community.

East: Pembina Highway and residential multi-family zoned RMF-M – Residential Multi-Family Medium.

West: A back lane, CNR Letellier Subdivision, and single family homes zoned R1-L – Residential Single-Family Large.

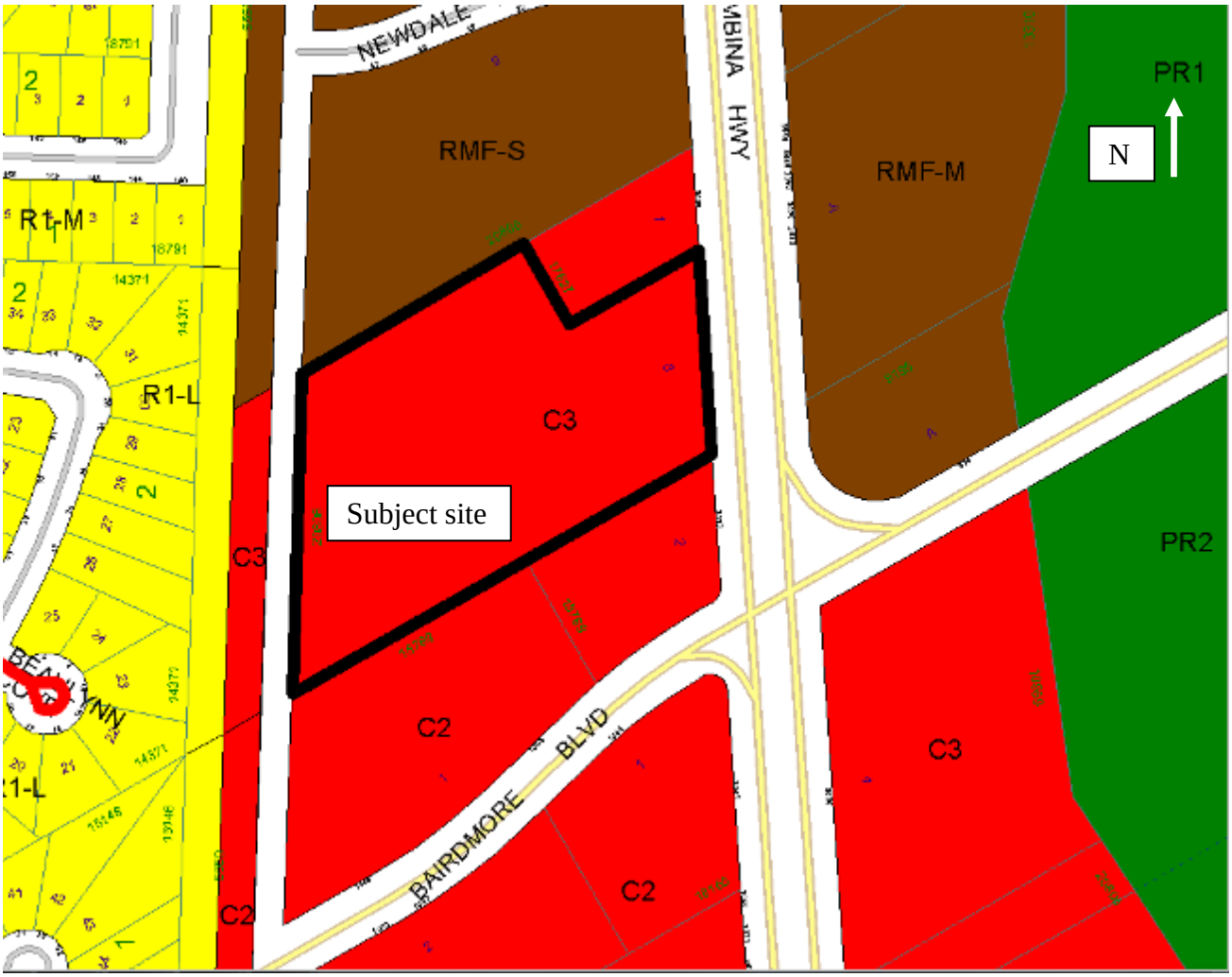


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

Overall Concept

- The applicant is proposing to develop a vacant 4.7 acre site into a high density, mixed-use development, which will include two (2) residential towers with 410 residential dwelling units and a large commercial retail space exceeding 5,000 square feet in floor area.
- There are two associated applications with this rezoning. Please refer to associated DCU 17 168091D and DAV 17 168101D.

Site Plan & Building design

- Building A will be 13 storeys tall (approximately 160 feet) and contain 172 residential dwelling units.
- Building B will be 15 storeys tall (approximately 180 feet) and contain 238 residential dwelling units.
- Balconies will be provided for each unit in both Building A and B.
- The closest building to the rear property line is Building A, which will be set back approximately 57'6" from the rear property line. Building B will be set back approximately 100+ feet from the rear property line.
- The commercial retail space (5,000 square feet of floor area) will be situated partially under Building B and be set back approximately 25 feet from the front property line.

Proposed Building Amenities

- Project amenities includes:
  - a grand lobby connecting the residential towers and the main floor commercial retail space;
  - a fitness room with adjoining exterior space;
  - a large multi-purpose room;
  - an exterior space - elevated green roof with barbecues and sitting areas for residents;
  - a dog run;
  - an outdoor running track; and
  - a workshop.

Vehicular and Bicycle Parking

- Overall, given the number of residential dwelling units (410) and commercial retail space (15,000 square feet of floor area), the applicant is required to provide 667 parking stalls on-site. Assuming a reduction as per the combination of use clause (Section 171 (3)) of the zoning by-law, the applicant would only need to provide 534 parking stalls.

However, the applicant is proposing 410 parking stalls for the residential dwelling units (1.0 stalls per dwelling unit). 140 of these parking stalls will be surface parking, 191 stalls will be located underground and 79 stalls will be located indoor at grade. An additional 40 parking stalls are to be provided for the commercial space instead of 52 spaces.

- The applicant is also required to provide 67 bike parking stalls as part of this project to be located with convenient access to major building entrances, within a visible, high traffic area outside of pedestrian paths of travel, and be well-lit. At this point, the site plan does not provide detailed location for these stalls, but has committed to providing 98 bicycle parking spaces in two internal bike storage facilities (one in each tower), and 8 bicycle parking spaces for the retail commercial space.

Landscaping & Fencing

- The applicant is not providing fencing along the outer edges of the property.
- Landscaping buffers will be provided along the:
  - Westerly property line (rear yard), with a depth of 25 feet.
  - South property line (side yard), with a depth of 20 feet abutting the residential property. It should be noted that the applicant is providing a 0 side yard to the commercial property.
  - Northerly property line (side yard), with a depth of 20 feet abutting the residential property. It should be noted that the applicant is providing a 0 side yard to the commercial property.
  - Easterly proper line (front yard), along the entire street frontage except where the pedestrian access and vehicle access entrance breaks are provided with a depth of 25 feet.
- Internal site landscaping is minimal and includes a variance for insufficient building foundation landscaping.

Loading

- The loading for the commercial space is to be along the south property line, which requires another access point to Pembina Highway. The applicant is proposing that this secondary access point be one-directional exit onto Pembina Highway.

Garbage and Recycling

- The applicant has not specified how garbage pickup will be accommodated on site.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- Under the *Complete Communities Direction Strategy* the proposed development is located on the Pembina Highway Regional Mixed Use Corridor. Our major Corridors serve a dual function. On the one hand, they are our primary city routes, connecting neighbourhoods and transporting people, goods and services. And on the other hand,

they also serve the purpose of accommodating a mix of uses; functioning as vibrant urban places for Winnipeggers to live, work and play. Key relevant policies guiding development along Regional Mixed Use Corridors include:

- Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate. (Transformative Areas – Centres and Corridors – Corridors Direction 1).
- Where appropriate develop corridors in accordance with transit oriented principles (Transformative Areas – Centres and Corridors – Corridors Direction 2).
- Support a range of housing opportunities in terms of type, tenure, unit size (Transformative Areas – Centres and Corridors).
- Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments (Transformative Areas – Centres and Corridors).
- Encourage urban design and/form-based strategies that help define the character of Centres and Corridors through clarifying the massing and height of buildings, setbacks, appropriate open space areas and appropriate parking design and locations (Transformative Areas – Centres and Corridors).
- Encourage the tallest buildings and highest densities close to major transit stops and stations (Transformative Areas – Centres and Corridors).
- Encourage the transition of development towards the outer edges of each Centre and Corridor that is sensitive to the scale, massing, height, form and character of the surrounding area (Transformative Areas – Centres and Corridors).
- Mitigate the potential impacts of new development on neighbouring streets, parks and properties (Transformative Areas – Centres and Corridors).
- Promote high quality plazas, parks and streetscapes as focal points and networks that are connected to the greater community (Transformative Areas – Centres and Corridors).
- Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots (Transformative Areas – Centres and Corridors).
- Ensure multi-modal connectivity (Transformative Areas – Centres and Corridors).
- Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies (Transformative Areas – Centres and Corridors).

- The *Complete Communities Direction Strategy* encourages development and redevelopment of existing commercial businesses along our Corridors as they are ideal locations for transformative change. Consequently, redeveloping a vacant commercial (C3) site into a higher density mixed use project (with an RMU zoning designation) with commercial at grade and residential above is precisely the type of development that we wish to encourage on our Corridors.

- Further, the proposed redevelopment of this commercial property with the addition of a significant residential component also fits within the *Complete Communities* vision of supporting the viability of existing commercial strip, providing a range of housing options, and contributing to a vibrant and complete community.
- *Complete Communities* does not anticipate that the level of intensification will be consistent along the full length of regional mixed use corridors and that higher levels of intensification will take place at intersections with other key streets and transit routes in order to take advantage of multi-modal transportation opportunities. In this case, this property is located at a key intersection with another key regional street and to a lesser extent, transit routes.
- The lack of strong transit options at this location is a concern for a project of this scale, despite the fact that, at present, there are five (5) bus routes that come within 100 feet of this project. These five (5) bus routes provide less frequent service.

TRANSIT-ORIENTED DEVELOPMENT HANDBOOK

- The *Complete Communities Direction Strategy* advises that corridors should be developed in accordance with transit-oriented development principles.
- The City of Winnipeg has a Transit Oriented Development Handbook to guide such development. It was endorsed in principle by Council on February 22, 2012.
- The TOD Handbook is a high-level framework document that guides and facilitates mixed-use, pedestrian-oriented infill development along rapid transit corridors and high frequency transit corridors.
- While the bulk of the Handbook deals with higher-level issues, there are a number of Principles that can be applied at a site-specific level such as the proposed development. Specifically, it highlights six:
    1. Medium to high density development that is greater than the community average.
    2. A mix of uses.
    3. Compact, high quality pedestrian-oriented environment.
    4. An active, defined centre.
    5. Innovative parking strategies.
    6. Public leadership.
- As the Handbook relates to the proposed development, its direction relating to site design is important to consider. Characteristics of Principle no. 3 include:
    - Entrances oriented to be easily accessible from the public sidewalk.
    - Centrally located, secure, and convenient bicycle parking.
    - High-quality architectural design and detail conveying a sense of place and relating to the street and the pedestrian environment, including active first floor storefront with windows, awnings, architectural features, lighting, and landscaping.

PEDESTRIAN AND CYCLING STRATEGY

- The Pedestrian and Cycling Strategy, which is intended to guide how the City of Winnipeg invests in its pedestrian and cycling infrastructure, identifies Pembina Highway at this location as an area that requires further study.

ZONING

- The Commercial Corridor (C3) district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic, but not including regional shopping malls or regional shopping areas. These commercial uses are subject to frequent view by the public and visitors to Winnipeg, and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. C3 districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors.
- The dimensional standards of the C3 zoning district are as follows:

TABLE 5-5: Dimensional Standards for Commercial and Institutional Zoning Districts
amended 121/2008

Zoning District	Minimum/ Maximum Front Yard (Ft.) [note a]	Minimum Rear Yard (Ft.) [note b] *amended 95/2014*	Minimum Interior Side Yard (Ft.) [note b]	Minimum Corner Side Yard (Ft.)	Maximum Height of Building. (Ft.)	Maximum Floor Area Ratio
Non-Residential Structures						
C1	0 / 10 [note f][Note g] *amended 31/2017*	0	0	0	39	1.0
C2	0 / NA [Note g] *amended 31/2017*	25 [note c]	0	0	49	3.0
C3	25 / NA	25	0	25	49	1.5
C4	[Note d] / NA	[Note d] *amended 95/2014*	[Note d]	[Note d]	NA	5.0 [Note e]
CMU	0 / NA [Note g] *amended 31/2017*	25	0	0	60	3.0
EI	25 / NA	25	0	25	100	3.0
Single-family residential structures must meet the requirements of the R1-M zoning district						
Two-family residential structures must meet the requirements of the R2 zoning district						
Multi-family residential structures in the C1 district must meet the requirements of the RMF-S zoning district; Multi-family residential structures in the C2, CMU or EI districts must meet the requirements of the RMF-M zoning district.						

NOTES:
a. Where a maximum front yard requirement applies, a minimum of 50 percent of the ground floor front façade of the principal structure must meet the maximum front yard requirement; other portions of the front façade may be located further from the street. (See Illustration 16.)
b. Where a side or rear lot line in a commercial or institutional zoning district abuts a side or rear lot line of an R1 or R2 zoning district, a yard of 10 feet must be provided along the side or rear lot line in the commercial or institutional zoning district. The 10 foot side 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.
c. No rear yard is required for lots in the C2 district located in the Urban Infill Areas on Map 1 in Schedule C
amended 148/2016
d. Principal buildings must be located 125 feet from the zoning district boundary of any residential zoning district, and 50 feet from any other zoning district boundary. Secondary "liner" or "pad site" buildings that are not the principal building on a site must comply with yards applicable to the C3 district. Fuel sales kiosks must be located at least 50 feet from each property boundary.
e. Maximum FAR is increased to 6.0 if the property is located within 400 meters of a transit stop served by regular daily service.
f. Maximum front yard in the C1 district applies only in Urban Infill Areas as identified on Map 1 in Schedule C.
amended 148/2016
g. A minimum front yard of 10 feet must be provided to open parking or loading areas and to queuing spaces.
added 148/2016

- The Residential Mixed Use (RMU) district is intended to facilitate the development of primarily medium- to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The area, site, or building should retain a predominantly residential character. Development in the RMU district should provide convenient access for pedestrians and transit users from the public street, and should facilitate pedestrian travel between residential and non-residential uses. This district is often part of Community or Regional Mixed Use Centres, Major Redevelopment Sites, and Rapid Transit Corridors.
- The dimensional standards of the RMU zoning district are as follows:

TABLE 5-4: Dimensional Standards for Multi-Family Districts
amended 135/2016; 12/2017

Zoning District and Designation	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum/ Maximum Front Yard (Ft.)	Minimum Rear Yard (Ft.)	Minimum Interior Side Yard (Ft.)	Minimum/ Maximum Corner Side Yard (Ft.)	Principal Building Separation (Ft.) [note a]	Minimum/ Maximum Building Height (Ft.)
Multi-Family Residential Structures								
RMF-S	9,000	1,250	20 / NA	25	4	5 / NA	8	NA / 35
RMF-M	9,000	800	25 / NA	25	8 [note b]	20/ NA	8	NA / 60
RMF-L	20,000	400	25 / NA	25	8 [note b]	20 / NA	8	NA / 150
RMU	9,000	500	20 / NA	25	5 [note b]	20 / NA	8	NA / 100
TOD	NA	200	NA / 10 [note c]	25	5 [note b]	NA / 10 [note c]	8	30 / 200
Single-family residential structures must meet the requirements of the R1-M zoning district								
Two-family residential structures must meet the requirements of the R2 zoning district								
Principal Non-Residential Structures								
RMF-S, RMF-M, RMF-L	20,000	NA	25 / NA	25	8	20 / NA	NA	NA / 35
RMU	9,000	NA	20 / NA	25	5	20 / NA	NA	NA / 39
TOD	NA	NA	NA / 10	25	0	NA / 10	NA	30 / 200

NOTES:
a. For buildings taller than 35 ft, the principal building separation distance must be 50% of the height of the taller building to a maximum of 25 feet.
b. In the RMF-M, RMF-L, and RMU zoning districts, where a building is more than one storey in height, the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet.
c. In the TOD zoning district, up to 50% of the length of the ground floor façade of any building, to a maximum continuous length of 25 feet, may have a maximum yard of 15 feet for the purpose of accommodating an otherwise approved public space, plaza, outdoor dining/drinking area or other pedestrian amenity.

- The applicant is however asking for the following conditional use and variances associated with this project:
    - the establishment of a retail sales use exceeding 5000 square feet (464.52 square metres) in floor area;
    - for the construction of a multi-family dwelling with a commercial unit to permit:
        1. a lot area per dwelling unit of 499 square feet (46.36 square metres) instead of 500 sqaure feet (46.45 square metres);
        2. a front yard of 25 feet (7.62 metres) instead of 40 feet (12.19 metres);
        3. insufficient building foundation landscaping;
        4. a building height of 180 feet instead of 160 feet;
    - for the establishment of an accessory parking area to permit:
        1. no east side yard instead of 5 feet (1.52 metres);
        2. no south side yard instead of 5 feet (1.52 metres);
        3. 410 parking stalls instead of 667 parking stalls;
        4. 16 feet (4.88 metres) instead of 20 feet (6.10 metres).

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- As part of analyzing whether a project is “complementary” to existing development, the Urban Planning Division takes into consideration such things as land use, building heights, built-form, density, setbacks, parking, site access, and landscaping/buffering.
- From a land use perspective, the subject site is located along the Pembina Highway Regional Mixed Use Corridor which is characterized by large-lot, medium to high density multi-family and car-oriented commercial land uses (see figures 3 and 4 below).

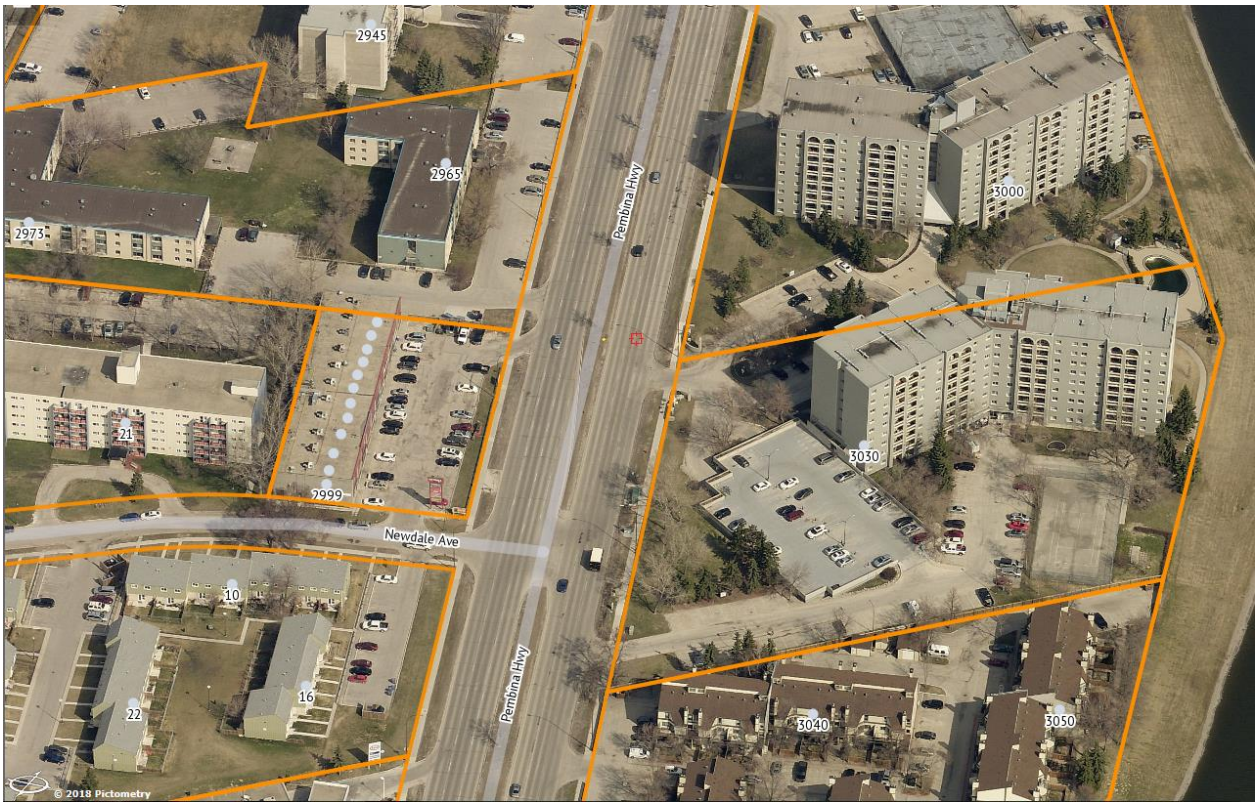


Figure 3: Large-lot residential multi-family properties along Pembina Highway, located immediately north of the subject property.



Figure 4: Large-lot residential multi-family properties and car oriented commercial properties along Pembina Highway, located immediately south of the subject property.

- It is also worth considering that this property is one of the last remaining large vacant lots within the immediate area. Consequently, the subject site provides one of the last best opportunities to provide some additional density within the neighbourhood in the short to medium term. Given the surrounding neighbourhood character, rezoning the subject property from C3 to RMU fits the land use context of the existing development along this portion of the Pembina Highway Regional Mixed Use Corridor.
- Directly to the west of the subject property, across back lane and the CNR Letellier Line, is the Richmond West neighbourhood which is characterized by single family residential homes. This neighbourhood is a good example of a stable, low-density, Recent Community as defined in the city's *Complete Communities Direction Strategy* (see figure 5 below).



Figure 5: Richmond West single family residential neighbourhood west of the CNR Letellier Line and the subject property

- One of the factors when considering compatibility of a building of this scale is the proposed height of the building and its potential impact on adjoining properties. This is of particular importance when adjacent to residential properties. One of the metrics many cities use to assess how tall a building should be built is based upon the width of the corridor right-of-way. In this instance, the Pembina Highway right-of-way is approximately 132 feet wide (40 metres). However, the applicant is proposing that Building A be 13 stories (approximately 160 feet) and Building B be 15 stories (approximately 180 feet). It should be noted that the 15 storey tower is expected to be setback approximately 30 feet from the Pembina Highway right-of-way.
- Another metric that is considered is the rear yard setback from residential properties. Many cities ensure that the building must be contained within a 45 degree angular plane measured from the adjacent rear property line from an at-grade height. This provides a lower building at the rear of the site improved “fit” and a gradual transition from the rear property line in terms of building massing. In this case, the closest proposed building is to be located approximately 200 feet away from adjacent properties across the CN Principal Branch Line, which is contained entirely within the 45 degree angular plane. This height variance will be discussed further under the associated variance file DAV 17/168101D.

- The table and figure below provides density comparison between existing and approved residential multi-family developments on Pembina Highway within close proximity to the subject site:

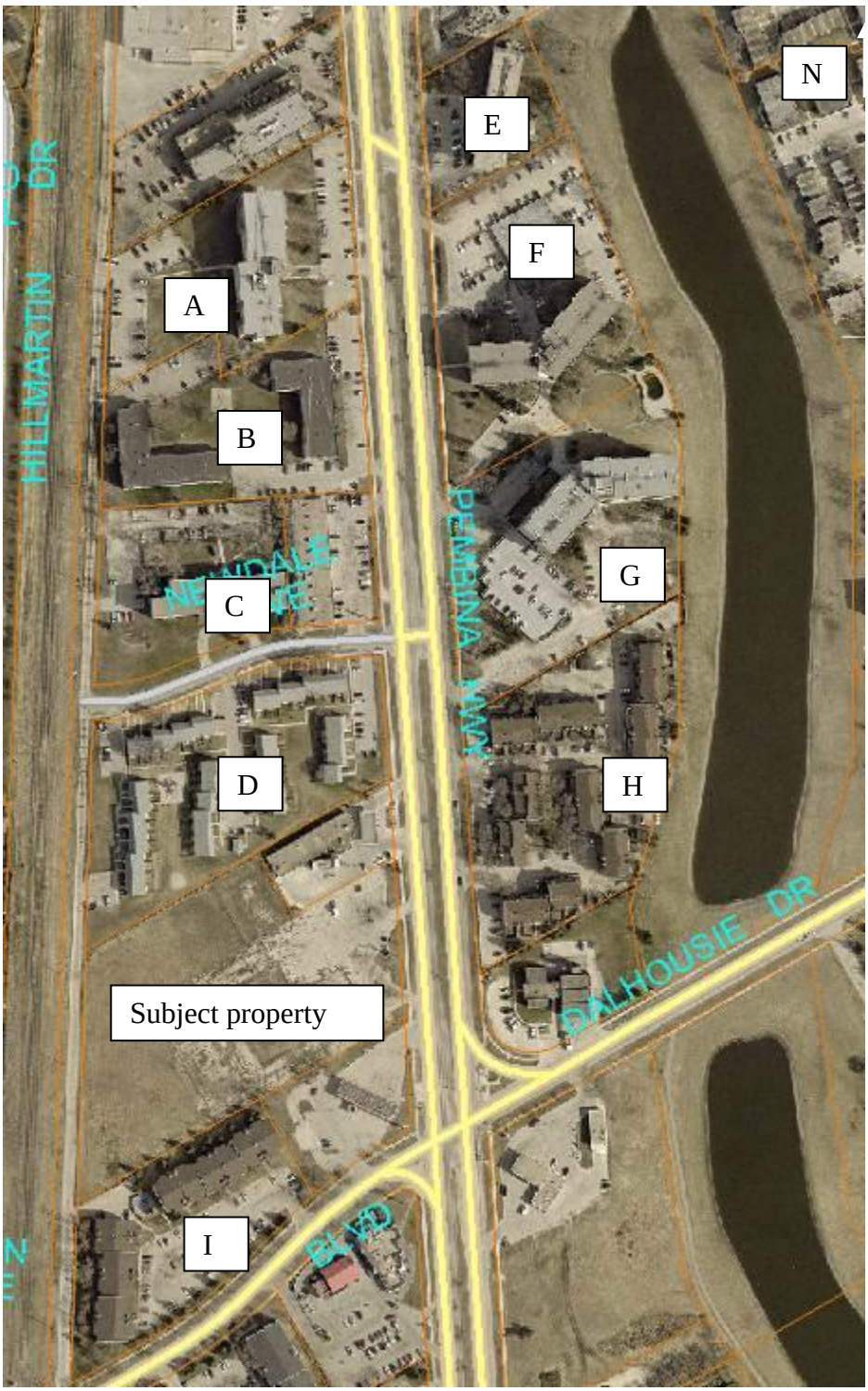


Figure 6: Surrounding residential density and building height context

Site	Street Address	Zoning	Number of units	Lot Size (sq. ft.)	Density Lot area (sq. ft.)/ dwelling unit	Building Height (# of stories)
A	2945 Pembina	RMF-S	101	117,612	1,164	6
B	2965 Pembina	RMF-S	90	117,612	1,306	3
C	21 Newdale	RMF-S	68	87,120	1,281	5
D	10 Newdale	RMF-S	50	161,172	3,223	2
E	2900 Pembina	RMF-L	97	47,916	493	6
F	3000 Pembina	RMF-M	168	153,331	912	9
G	3030 Pembina	RMF-M	150	154,202	1,028	9
H	3050 Pembina	RMF-M	99	158,123	1,597	3
Subject property	**3021 Pembina**	**RMU**	**410**	**204,732**	**499**	**15**
I	1044 Bairdmore	C2	71	106,283	1,496	3

- The table above shows that with regard to density, the proposed development is significantly denser than the other residential multi-family developments on Pembina Highway except for the 6-storey multi-family building at 2900 Pembina (Site E). Additionally, this proposed project would be significantly taller than most of the other properties on Pembina Highway, as none of these are even 10 stories in height.
- The *complete Communities Direction Strategy* recommends promoting the highest levels of intensification at significant intersections along our Regional Mixed Use Corridors and to encourage the tallest buildings and highest densities close to major transit stops and stations (see figure 7 below). The property is adjacent to the Pembina

Highway/Bairdmore Boulevard intersection, which is a major intersection within the Richmond West/Fort Richmond neighbourhoods. Also, this location on Pembina Highway is served by four (4) transit routes. The service to this area is fairly strong in that although it is not close to the downtown, there's service here throughout the week and on weekends, but on the other hand; this location is not the best in terms of frequency and connectivity to multiple locations.

- The most important routes for this site are the following:
    - #162
        1. The 162 is an express route that runs between St. Norbert, U of M, and downtown, it runs weekdays and Saturdays throughout the entire day. Frequency varies, during peak periods, every 15 minutes, midday, every 40 minutes.
    - #170
        1. The 170 is an express route similar to the 162, it runs every day only in the evening from 7:00 PM to 2:00 AM. The fre[illegible]imately every 30-40 minutes.
- Given the policies and the context of this area, the Urban Plan[illegible]supportive of the densities that meet the RMU zoning district requirement[illegible]



Figure 7: Public Transit Stops

- With regards to transportation and parking, the subject site is proposing significantly less on-site parking spaces (84 less stalls) than what is required in the zoning by-law. Given the lack of off-site parking within the immediate area (i.e. on-street parking options), and the lack of strong public transit options, parking remains a significant concern for the Urban Planning Division. This issue will be discussed in greater detail in the report dealing with the variances (see DAV 17-168101D).
- With regards to landscaping buffers for this proposed project, the applicant is proposing 20 foot landscaped buffers between the residential properties to the south and the north. These areas should be well-landscaped to provide year-round visual buffer between properties. Additionally, the applicant is proposing 25 foot landscaped buffers on the front and rear yards. These too should be well landscaped to provide visual interest (front yard) and a year-round visual buffer (rear yard).

RAIL PROXIMITY

- For applications involving a rezoning and/or subdivision, the Urban Planning Division requires new development adjacent to rail operations incorporate the guidelines identified in *The Guidelines for New Development in Proximity to Railway Operations* (2013) report, which was prepared for the Federation of Canadian Municipalities and the Railway Association of Canada.
- Recommended setbacks are associated with the type of rail line neighbouring the development. In this case, the neighbouring line is a Principle Branch Line for CN. The recommended setback from Principle Branch Lines is 15 metres including a 2.0 metre (6.5 feet) high berm. Alternatively, the applicant can provide alternate mitigation measures that meet or exceed the standard mitigation requirement per the FCM/RAC Guidelines for New Development in Proximity to Railway Operations (2013), such as setting the building further back as is the case in this situation. The applicant is proposing that the closest building be set back approximately 17.55 metres (57'6"). In this scenario, the applicant would need to provide a berm and fence.
- As such, the Urban Planning Division recommends that a zoning agreement be part of any approvals for this land that addresses the intent of the requirements set out in *The Guidelines for New Development in Proximity to Railway Operations* (2013).

PUBLIC WORKS / TRANSIT

- Public works has some concerns with the southerly one-way exit of the property that appears to be geared for service vehicles and other non-service vehicles. Further discussions with the applicant at the Plan Approval stage will be required.

COMMUNITY CONSULTATION

- This application also conducted two (2) open houses as part of this application process. These open houses were held on December 13th (Four Points Sheraton on Pembina) and 20th (St. Norbert Community Centre). Approximately 25 people attended the first open house and approximately 15 people attendance second. Flyers were distributed to all residents within the location in the figure below.

- At the time of writing this report, the Urban Planning Division has not received any communication from area residents regarding this project.



Figure 8: Urban Planning Division recommendation of the notification area.

RECOMMENDED CONDITIONS OF APPROVAL

- The Urban Planning Division recommends the following conditions of approval:
    - a zoning agreement should be part of any approvals for this land that addresses the intent of the requirements set out in *The Guidelines for New Development in Proximity to Railway Operations* (2013).
    - That Plan Approval be a requirement to ensure that the final plans for the site are built to a high standard and that refinements to the project are in a high quality manner.
    - That the former City of Winnipeg caveat on the property that dealt with its C3 zoning designation be discharged (Caveat # 242488/1). This caveat was placed as a condition of approval in rezoning the land to C3 as part of DAZ 248/76.

RECOMMENDATION

- The Urban Planning Division recommends approval with conditions for the following reasons:
    - The proposed zoning district is consistent with the policies of the *Complete Communities Direction Strategy*; and
    - The proposed development is located along a Regional Mixed Use Corridor, where higher density housing options in a mixed use development concept are encouraged.

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

Report Prepared By: Richard Mahé
PPD File # DAZ 220/2017

Schedule "A" for File No. DAZ 220/2017, Riel Committee, dated January 4, 2018

By-Law No. _____

File No. **DAZ 220/17**

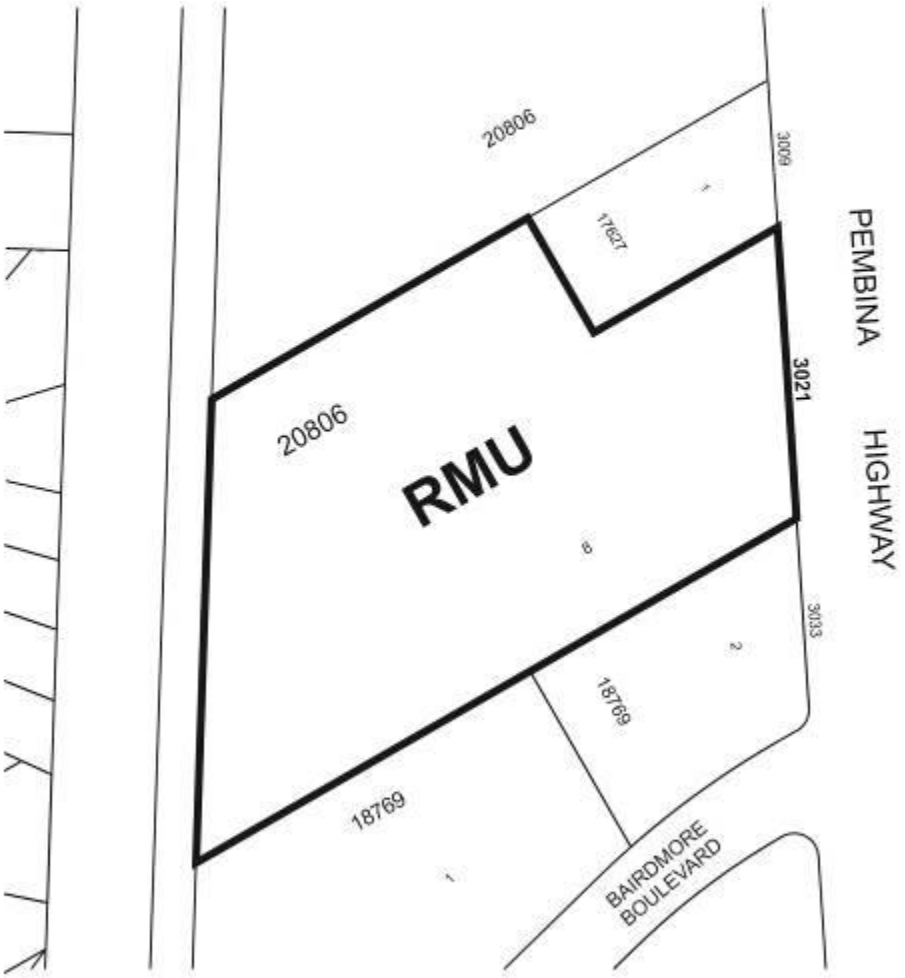
Atlas Sheet No.

N

AN23
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 3021 Pembina Highway from a "C3" COMMERCIAL CORRIDOR DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to allow for the establishment of commercial and multi-family dwelling uses as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "8" referred to in File DAZ 220/2017

ADMINISTRATIVE REPORT

Title: DAZ 220/2017 – 3021 Pembina Highway

Issue: An application for consideration at the Public Hearing to rezone from C3 to RMU to facilitate the construction of a commercial/residential mixed use project.

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
B. Smith	N/A	N/A	

RECOMMENDATIONS

- The Urban Planning Division recommends **adjournment** of the application for a rezoning application under Winnipeg Zoning By-Law No. 200/2006 due to improper posting.

REASON FOR THE REPORT

- Subdivision and rezoning applications require a public hearing as per *The Development Procedures By-law* No. 160/2011 and *The City of Winnipeg Charter*, section 249.
- The report is being submitted for the Community Committee's consideration of the development application at the public hearing.
- In the context of Section 247(3), the Urban Planning Division recommends **adjournment.**
- An associated variance was not included as part of the onsite posting for DAV 17-168101/D. As per statutory requirements, a revised variance application will be posted onsite and the combined hearing will be adjourned until the next Community Committee meeting.

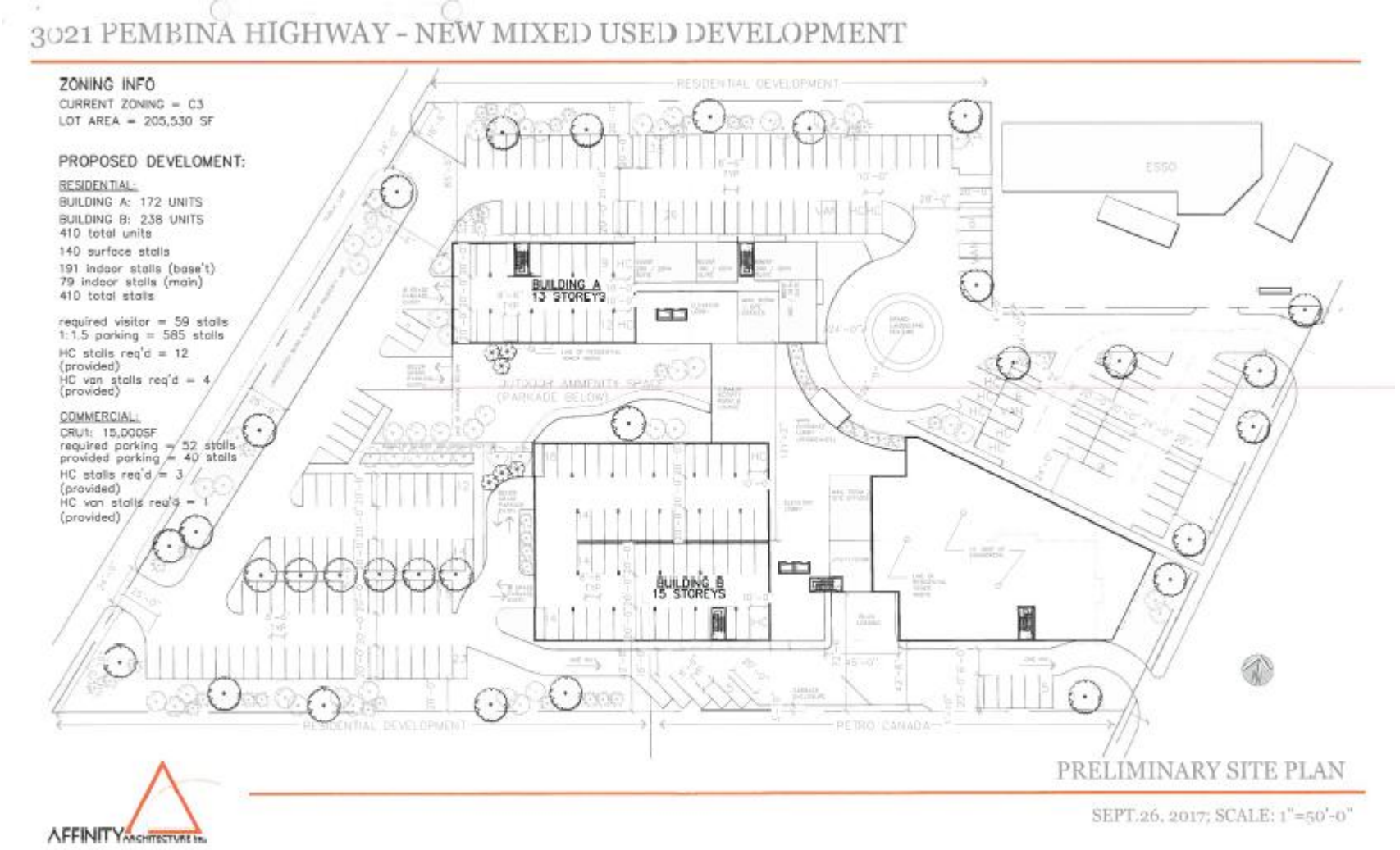
IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, this item will be **adjourned**.

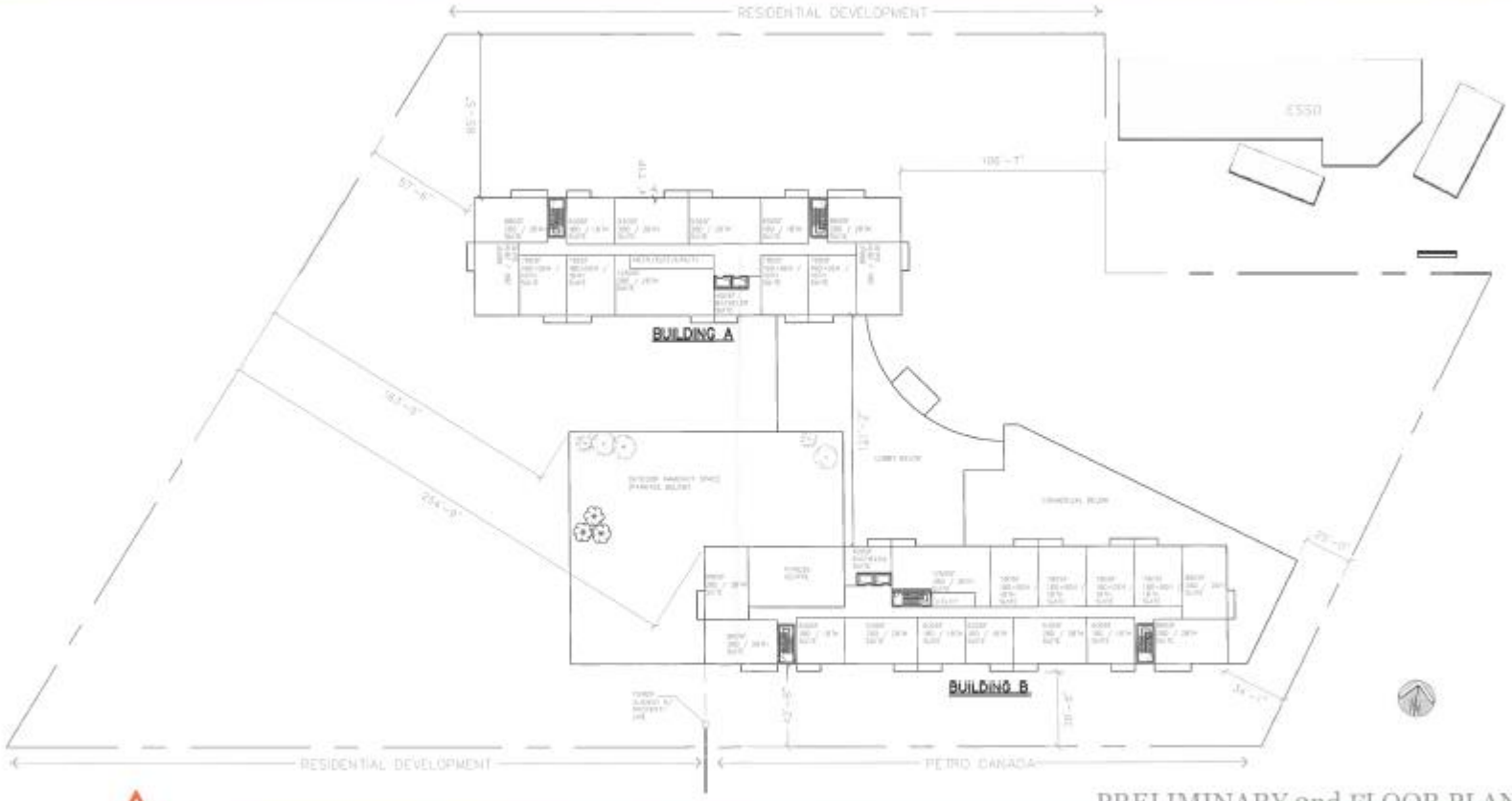
SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Richard Mahé
Date:	January 8, 2018
File No.	DAZ 220/2017

Exhibit “7” referred to in File DAZ 220/2017



3021 PEMBINA HIGHWAY - NEW MIXED USED DEVELOPMENT

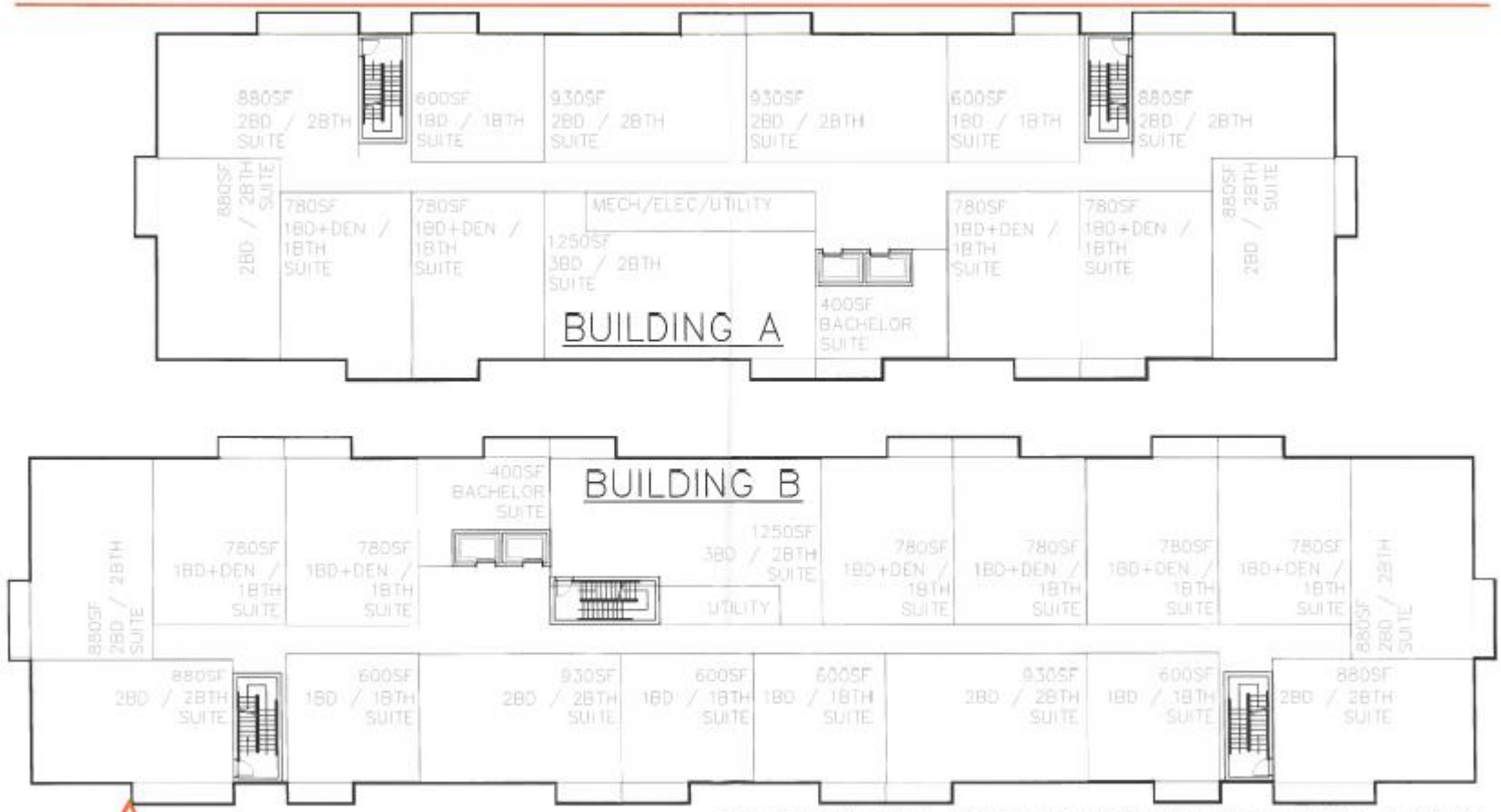


PRELIMINARY 2nd FLOOR PLAN

SEPT.26, 2017; SCALE: 1"=50'-0"

AFFINITY ARCHITECTURE INC.

3021 PEMBINA HIGHWAY - NEW MIXED USED DEVELOPMENT



BUILDINGS A & B - PRELIMINARY TYPICAL LAYOUT - DRAFT 2

SEPT.26, 2017; SCALE: NTS

AFFINITY ARCHITECTURE INC.



