Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 19, 2018

Item No. 5 Zoning Agreement Amendment – 50 Bison Drive (South Winnipeg - St. Norbert Ward) File ZAA 3/2018 [c/r DAV 118722/2018D]

COUNCIL DECISION:

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

1. That Zoning Agreement Caveat 4103639 under File DASZ 20/2010 dated July 29th, 2011 (By-law 23/2011), be amended as follows:

    A. That Clause 11 be deleted;

    B. That the following clauses be added:

        i. That, the maximum height of any building located south of the existing seven-storey building on Lot 3 shall be no greater than 60 feet.

        ii. That, the minimum setback to any principal building on Lot 3 from the south property line shall not be less than 45 feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 20/2010 (By-law 23/2011) as approved in aforesaid Recommendation 1.

3. That, prior to the issuance of any permits on the land, the Developer shall grant the City of Winnipeg an easement conceptually as shown in Exhibit A, free and clear of any catch basins, trees, or utility pedestals, along the entire east property line for the purposes of widening the existing multi-use path and that the Developer shall register the easement against the title of Lot 3 in the Winnipeg Land Titles Office. The Developer shall be responsible for providing the City with satisfactory evidence of registration of the easement.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 19, 2018

STANDING COMMITTEE RECOMMENDATION (continued):

4. That, prior to the issuance of any occupancy permits on the land, the Developer shall, at no expense to the City, construct an asphalt widening to the existing multi-use pathway, as shown conceptually in Exhibit A, in the public right-of-way abutting the east side of 50 Bison Drive from the south limit of 50 Bison Drive to the existing sidewalk within the Bison Drive right-of-way as determined by and to the satisfaction of the Director of Public Works.

5. That, prior to the issuance of any occupancy permits on the land, the Developer shall, at no expense to the City, realign the south end of the existing multi-use pathway between the existing north-south pathway to Shore Street, conceptually as shown in Exhibit B, as determined by and to the satisfaction of the Director of Public Works.

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

7. 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, Heritage and Downtown Development – November 19, 2018

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

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 December 5, 2018, 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 November 19, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee, with the following amendment:

- Amend Recommendations 4 and 5 by adding the word "occupancy" prior to "permits on the land".

and submitted the matter to the Executive Policy Committee and Council.

On September 4, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid over the matter to its meeting on November 19, 2018.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2018, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Amend recommendation 1. B. i. by deleting "55" and replacing with "60".
- Amend recommendation 1. B. ii. by deleting "50" and replacing with "45".
- Delete recommendation 3 in its entirety, and replace it with the following new recommendation 3:

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 19, 2018

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

> "3. That, prior to the issuance of any permits on the land, the Developer shall grant the City of Winnipeg an easement conceptually as shown in Exhibit A, free and clear of any catch basins, trees, or utility pedestals, along the entire east property line for the purposes of widening the existing multi-use path and that the Developer shall register the easement against the title of Lot 3 in the Winnipeg Land Titles Office. The Developer shall be responsible for providing the City with satisfactory evidence of registration of the easement."

- Delete recommendation 4 in its entirety, and replace it with the following new recommendation 4:

> "4. That, prior to the issuance of any permits on the land, the Developer shall, at no expense to the City, construct an asphalt widening to the existing multi-use pathway in the public right-of-way abutting the east side of 50 Bison Drive from the south limit of 50 Bison Drive to the existing sidewalk within the Bison Drive right-of-way as determined by and to the satisfaction of the Director of Public Works. The pathway is to be widened conceptually as shown in Exhibit A."

- Add the following new condition 5, and renumber the remaining conditions accordingly:

> "5. That, prior to the issuance of any permits on the land, the Developer shall, at no expense to the City, realign the south end of the existing multi-use pathway between the existing north-south pathway to Shore street, conceptually as shown in Exhibit B, as determined by and to the satisfaction of the Director of Public Works."

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

On July 9, 2018 the Riel Community Committee adjourned the public hearing to its meeting on July 13, 2018 at 11:30 a.m. in the West Committee Room, Council Building, 510 Main Street.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 19, 2018

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

On June 5, 2018, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service that no representation be heard on the application, and that the public hearing be adjourned to the Riel Committee meeting on July 9, 2018 at 5:30 p.m. in the Council Building at 510 Main Street, due to improper posting of associated variances.

RE: **Zoning Agreement Amendment – 50 Bison Drive**
File ZAA 3/2018

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

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

Report date: **July 13, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2018, 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 4103639 under File DASZ 20/2010 dated July 29th, 2011 (By-law 23/2011), be amended as follows:

   A. That Clause 11 be deleted;

   B. That the following clauses be added:

      (i) That, the maximum height of any building located south of the existing seven-storey building on Lot 3 shall be no greater than ***60*** ~~***55***~~ feet.

      (ii) That, the minimum setback to any principal building on Lot 3 from the south property line shall not be less than ***45*** ~~***50***~~ feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 20/2010 (By-law 23/2011) as approved in aforesaid Recommendation 1.

~~***3. That, prior to the issuance of any permits on the land, the Developer shall grant the City of Winnipeg a 2.562m wide easement, free and clear of any catch basins or utility pedestals, along the entire east property line for the purposes of widening the existing multi-use path and that the Developer shall register the easement against the title of Lot 3 in the Winnipeg Land Titles Office. The Developer shall be responsible for providing the City with satisfactory evidence of registration of the easement.***~~

3. That, prior to the issuance of any permits on the land, the Developer shall grant the City of Winnipeg an easement conceptually as shown in Exhibit A, free and clear of any catch basins, trees, or utility pedestals, along the entire east property line for the purposes of widening the existing multi-use path and that the Developer shall register the easement against the title of Lot 3 in the Winnipeg Land Titles Office. The

Developer shall be responsible for providing the City with satisfactory evidence of registration of the easement.

~~***4. That, prior to the issuance of any permits on the land, the Developer shall, at no expense to the City, construct an asphalt widening to the existing multi-use pathway in the public right-of-way abutting the east side of 50 Bison Drive from the south limit of 50 Bison Drive to the existing sidewalk within the Bison Drive right-of-way to the satisfaction of the Director of Public Works. The pathway is to be widened to result in a total width of 3.5m.***~~

4. That, prior to the issuance of any permits on the land, the Developer shall, at no expense to the City, construct an asphalt widening to the existing multi-use pathway in the public right-of-way abutting the east side of 50 Bison Drive from the south limit of 50 Bison Drive to the existing sidewalk within the Bison Drive right-of-way as determined by and to the satisfaction of the Director of Public Works. The pathway is to be widened conceptually as shown in Exhibit A.

5. That, prior to the issuance of any permits on the land, the Developer shall, at no expense to the City, realign the south end of the existing multi-use pathway between the existing north-south pathway to Shore Street, conceptually as shown in Exhibit B, as determined by and to the satisfaction of the Director of Public Works.

6. ~~***5.***~~ That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

7. ~~***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(s) for its recommendation:

1. This is an infill project that is providing challenges.
2. It's possible we're using an empty parking lot for a greater need in the area, which is more housing.
3. The whole pathway between the two houses is not ideal to begin with.
4. This is the best compromise we can reach.

PUBLIC HEARING SUMMARY

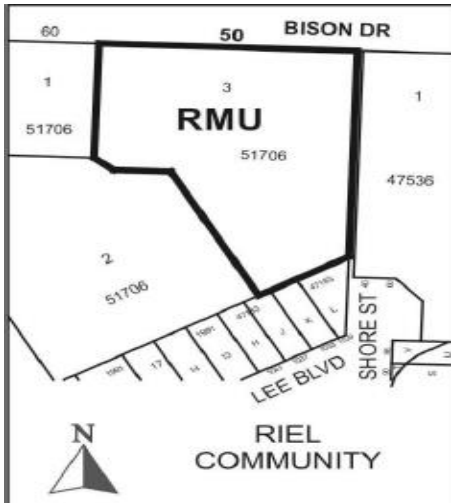
File: ZAA 3/2018

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

Public Hearing: July 13, 2018
July 9, 2018
June 5, 2018
Council Building, 510 Main Street

Applicant: McGowan Russell Group Inc. (Susan Russell)

Subject:



APPLICANT : McGowan Russell Group Inc.
FILE : ZAA 3/2018
PROPOSAL: To amend the Zoning Agreement DASZ 20/2010, By-law 23/2011, affecting the land shown outlined above by deleting Clause 11 to allow the construction of a multi-family dwelling building immediately south of the existing multi-family dwelling (Bison Pointe II). **For information, phone, Ms. Elise Finnigan, Planner at 204-986-8602.**
DEMANDEUR : McGowan Russell Group Inc.
N° DE DOSSIER : MCZ 3/2018
PROJET : Demande de modification de la convention de zonage DALZ 20/2010, règlement municipal no 23/2011, visant le terrain délinéé ci-dessus, par suppression de la disposition no 11, afin de permettre la construction d'une habitation multifamiliale directement au sud de l'habitation multifamiliale existante (Bison Pointe II). **Pour plus de renseignements, veuillez communiquer avec Mme Elise Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: 50 Bison Drive

Exhibits Filed:

1. Application dated April 6, 2018
2. Notification of Public Hearing dated April 25, 2018
3. Manitoba Status of Title 2921931/1
4. Letter of authorization dated April 4, 2018 from Winnipeg Condominium Corporation No. 1002 to Raymond S.C. Wan Architect and McGowan Russell Group
5. Caveat 4103639
6. Plans (12 pages)
7. Report from the Urban Planning Division dated May 29, 2018
8. Inspection Report
9. Report from the Urban Planning Division dated June 22, 2018
10. Photos in support of the application submitted by the Applicant at the public hearing
11. Plans in support of the application submitted by the Applicant at the public hearing, Exhibit A
12. Plans submitted in regards to the application by the Planning Department at the public hearing, Exhibit B

REPRESENTATIONS:

In Support:

Allan Borodkin
Susan Russell
Ray Wan

In Opposition

Nil

For Information:

Nil

For the City:

E. Finnigan, Planner, Planning, Property and Development Department
C. Baker, Pedestrian and Cycling Planner, Public Works Department

Exhibit "9" referred to in File ZAA 3/2018

ADMINISTRATIVE REPORT

Title: ZAA 3/18 – 50 Bison Drive

Issue: For consideration at the Public Hearing to amend the existing Zoning Agreement associated with DASZ 20/2010 (By-law No. 23/2011) to delete Clause 11 to allow the construction of a multi-family dwelling building.

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
Elise Finnigan	B. Smith	N/A	

RECOMMENDATIONS

1. That Zoning Agreement Caveat 4103639 under File DASZ 20/2010 dated July 29th, 2011 (By-law 23/2011), be amended as follows:

   A. That Clause 11 be deleted;

   B. That the following clauses be added:

   (i) That, the maximum height of any building located south of the existing seven-storey building on Lot 3 shall be no greater than 55 feet.

   (ii) That, the minimum setback to any principal building on Lot 3 from the south property line shall not be less than 50 feet.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 20/2010 (By-law 23/2011) as approved in aforesaid Recommendation 1.

3. That, prior to the issuance of any permits on the land, the Developer shall grant the City of Winnipeg a 2.562m wide easement, free and clear of any catch basins or utility pedestals, along the entire east property line for the purposes of widening the existing multi-use path and that the Developer shall register the easement against the title of Lot 3 in the Winnipeg Land Titles Office. The Developer shall be responsible for providing the City with satisfactory evidence of registration of the easement.

4. That, prior to the issuance of any permits on the land, the Developer shall, at no expense to the City, construct an asphalt widening to the existing multi-use pathway in the public right-of-way abutting the east side of 50 Bison Drive from the south limit of 50 Bison

Drive to the existing sidewalk within the Bison Drive right-of-way to the satisfaction of the Director of Public Works. The pathway is to be widened to result in a total width of 3.5m.

5. That the Proper Officers of the City are hereby authorized to execute said Amending 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 delete Clause 11 from the zoning agreement for DASZ 20/2010 in order to be able to construct a six storey (71.4 feet tall to the top of the parapet) multi-family building to the south of the existing seven-storey building.
- 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 the existing zoning agreement associated with DASZ 20/2010 will be amended with conditions.

HISTORY

Plan Approval for Lot 3 of DASZ 20/2010

- On November 4, 2013, the Riel Community Committee recommended approval for plans submitted for Lot 3 of DASZ 20/2010.

Plan Approval for Lot 2 of DASZ 20/2010

- On April 18, 2011, the Riel Community Committee recommended approval for plans submitted for Lot 2 of DASZ 20/2010.

DASZ 20/2010

- On September 22, 2010, Council approved subdivision and rezoning application DASZ 20/2010, which created three lots and rezoned lots 2 and 3 (the subject property) to RMU from C3. A zoning agreement with the following conditions was required in conjunction with the rezoning:

  1) That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "C3" Commercial Corridor and "RMU" Residential Mixed Use, 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.

2) That a 40 foot natural landscaped buffer shall be maintained along the entire south property line of the proposed lots or any future proposed lot(s) to the satisfaction of the Director of Planning, Property and Development.

3) That the maximum height of any building on Lot 2 shall be no greater than 55 feet;

4) That the maximum height of any building on Lot 3 shall be no greater than 75 feet;

5) That the Developer and all successors in title to the lots in the rezoning and 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 owner of Lot 1 Plan 36194 so as to ensure access to the subject lands 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.

6) 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;

7) That the address number of every building on the subject property (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, and;

8) Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS.

9) That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the land;

10) That the east-west facing portion of Building B on proposed lot 3 identified on the conceptual plans filed as Exhibit 7 shall be set back at least 54.5 metres from the east property line, as measured from the south property line to a point of 30.48 metres south of the north property line.

11) That construction of Building B on proposed lot 3 identified on the conceptual plans filed as Exhibit 7 not begin until the construction of Building A on proposed lot 2 is substantially complete.

DAV 10-143980D

- In concurrence with DASZ 20/2010, the Riel Community Committee approved a variance to permit:
    - The establishment of a zoning lot not having frontage on an improved street (access will be by a cross-access agreement);
    - The construction of a multiple family dwelling on proposed Lot 2 to permit an east side yard of 9.5 ft.
    - The establishment of an accessory parking area on proposed Lot 2 to permit:
        1. No east side yard.
        2. A west side yard of 3 ft.
        3. No driveway having access to a street or public lane (access will be by a cross access agreement with adjoining properties).
    - The construction of a multiple family dwelling on proposed Lot 3 to permit a west side yard of 9.5 ft.
    - The establishment of an accessory parking area on proposed Lot 3 to permit:
        1. An east side yard of 1.9 ft.
        2. No west side yard.
        3. No driveway having access to a street or public lane (access will be by a cross access agreement with adjoining properties).

DASZ 2/98

- On June 24, 1998, the City of Winnipeg enacted Zoning By-Law No. 7247/98 (DASZ 2/98) to approve a plan of subdivision for the creation of two lots and rezone the lands on the south side of Bison Drive between Barnes Street and Shore Street from an “A5” Agricultural District to a “C2” Commercial District (now “C3” Commercial Corridor under Zoning By-Law 200/2006).

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Elise Finnigan
Date:	June 22nd, 2018
File No.	ZAA 3/18

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Appendix B - Design Guidelines (approved per DASZ 20/2010)

APPENDIX 'A'

DATE: June 22nd, 2018

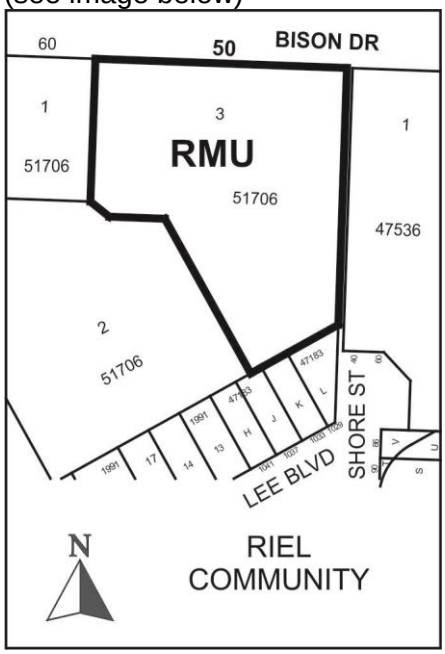
FILE: **ZAA 3/18**
RELATED FILES: DAV 18-118722\D; DASZ 20/2010; DAV10-143980D; DASZ 2/1998

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.637 - Fairfield Park neighbourhood

SUBJECT: For consideration at the Public Hearing to amend the existing Zoning Agreement associated with DASZ 20/2010 (By-law No. 23/2011) to delete Clause 11 to allow the construction of a multi-family dwelling building.

LOCATION: 50 Bison Drive

LEGAL DESCRIPTION: (see image below)



APPLICANT: Susan Russell
825 St Joseph ST
Winnipeg , Manitoba R2H 3A8

OWNER: 14 BILLINGHAM PL
Winnipeg , Manitoba R3P 2B9

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject site is located on the south side of Bison Drive between Barnes Street and Pembina Highway in the Fairfield Park neighbourhood of the South Winnipeg - St Norbert ward.
- The site is approximately 115,399 square feet in area and is occupied by a 166-unit, seven-storey multi-family residential building.
- The site is located within the Areas of Stability – Recent Communities policy under *the Complete Communities Direction Strategy*. The property is zoned RMU – Residential Mixed Use.

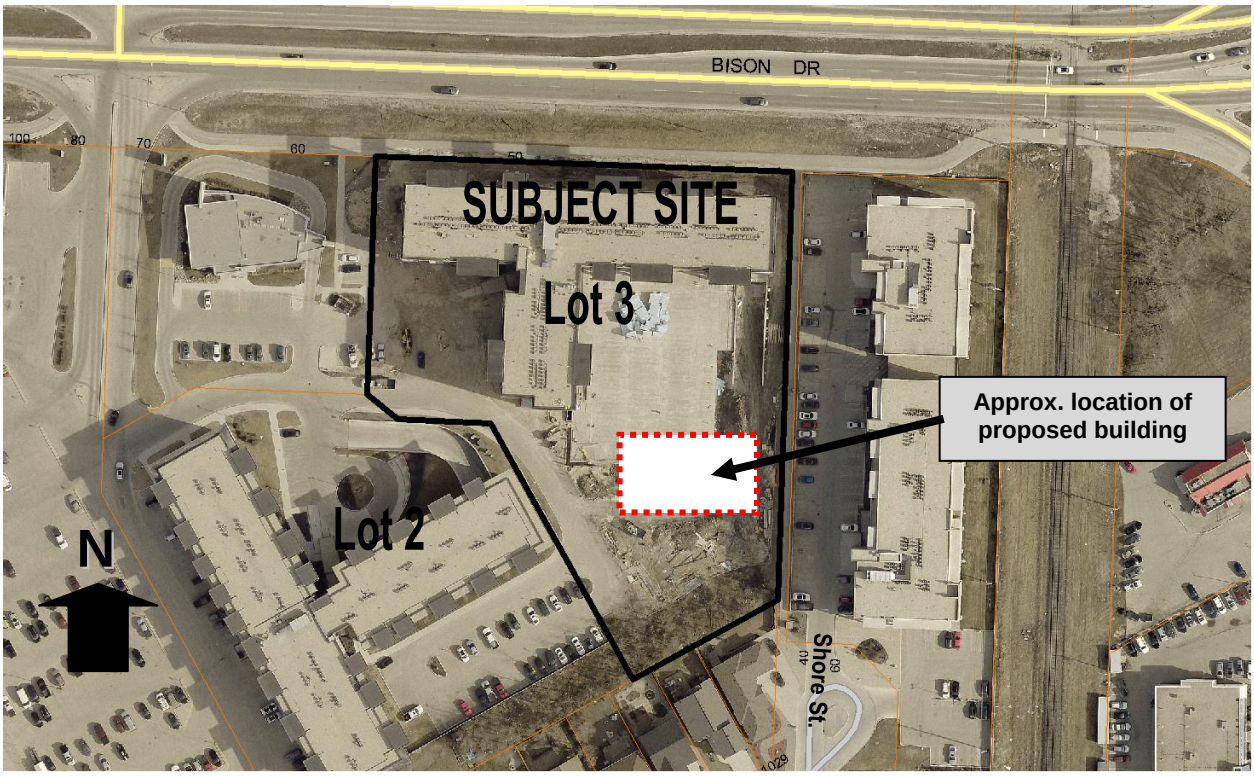


Figure 1: Air photo showing the approximate area of the subject property (2016)

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Bison Drive and detached single-family residential homes zoned “R1-M” Residential Single-Family Medium.

South: Single-family homes zoned R1-M” Residential Single-Family Medium.

East: A six/seven storey multi-family dwelling with 96 units zoned “RMF-L” Residential Multi-Family Large.

West: A four storey multi-family dwelling zoned “RMU” Residential Mixed Use; then a bank (Cambrian Credit Union) and The Real Canadian Superstore on land zoned “C3” Commercial Corridor.

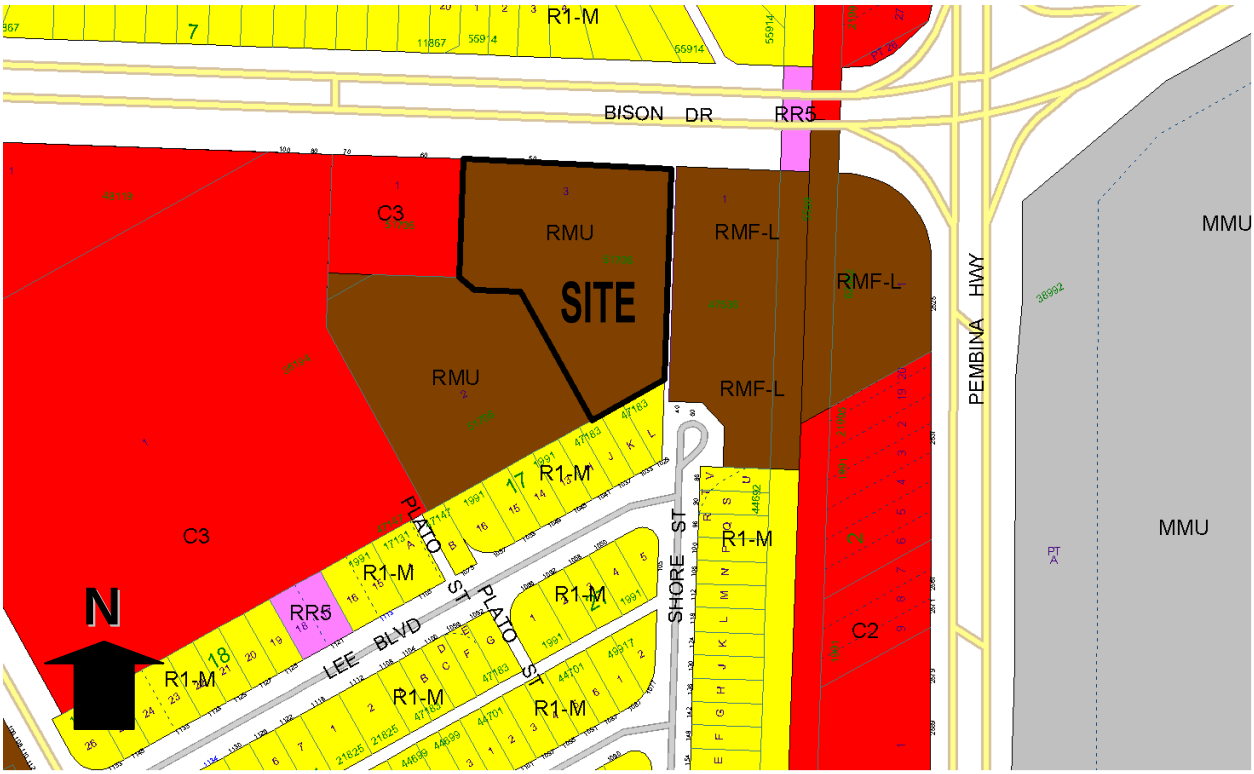


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

Site Plan & Building design

- The applicant is proposing to build a six storey (71.4 feet tall to the top of the parapet) multi-family apartment building encompassing 69 dwelling units to the south of the existing seven storey multi-family apartment building. The building will be oriented to face north-south.
- The building will be comprised of one (1) bedroom units. Each unit will have a balcony.

Vehicular and Bicycle Parking

- The proposal will result in the loss of 62 surface level parking stalls on Lot 3 for a total parking count of 195 parking spaces (0.83 stalls per dwelling unit). Fifty-eight of these parking stalls will be surface parking stalls and 137 of the parking stalls are currently located underground in the existing seven storey building.
- The applicant is also proposing 6 bike parking stalls near the main entrance of the proposed six storey building as well as an indoor bicycle storage room on the ground floor of the proposed building. A connection to the multi-use path is proposed at the south east corner of the proposed building.

Landscaping & Fencing

- A narrow landscaped strip (approximately 5 feet wide) is proposed along the north side of the building between the ground floor units and the drive aisle.

- A 20 foot wide landscape buffer is proposed along the east side of the building. Landscaping is also proposed along south side of the building including 16 coniferous trees and 2 deciduous trees.
- The applicant is proposing to move the existing fence along the east property line over by 1.3 metres to accommodate a 1 metre widening of the existing multi-use pathway.

Garbage and Recycling

- The garbage enclosure will be located to the south of the proposed building approximately 60 feet from the rear property line.

- There is also an associated variance application (DAV 18-118722\D). Variances are required for a lot area per dwelling unit of 491 square feet, 195 parking spaces instead of 353, and 12 visitor parking spaces instead of 20 spaces.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY:

- *The Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property is located in the Areas of Stability – Recent Communities policy area under *OurWinnipeg* and the *Complete Communities Direction Strategy*. Key policies guiding development in Areas of Stability include:
    - *OurWinnipeg*
        - Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.
    - *Complete Communities*
        - Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form.
        - Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
        - Support Complete Communities by ensuring diverse and high quality housing stock.

PEDESTRIAN AND CYCLING STRATEGIES

- The Pedestrian and Cycling Strategy, which is intended to guide how the City of Winnipeg invests in its pedestrian and cycling infrastructure, identifies Chancellor Matheson Road/Bison Drive and Pembina Highway as part of Winnipeg's Spine

Network. The Spine Network is intended to provide high quality connections to Downtown and major destinations such as the universities, from each area of the City. In particular, Chancellor Matheson Road/Bison Drive has an off-street Pedestrian and Cycling facility that connects residents to the University of Manitoba. Pembina Highway, at this location, is identified as a proposed future route subject to study.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

"RMU" Residential Mixed-Use District

- The RMU zone 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 dimensional standards for multi-family structures in the RMU zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum corner side yard of 20 feet; a minimum side yard of 5 feet (where the 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) and, a maximum building height of 100 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 500 square feet.

Zoning Agreement DASZ 20/2010

- The applicant is proposing to amend the existing Zoning Agreement associated with DASZ 20/2010 (By-law No. 23/2011) to delete Clause 11 which states:
    - That the east-west facing portion of Building B on proposed lot 3 identified on the conceptual plans filed as Exhibit 7 shall be set back at least 54.5 metres from the east property line, as measured from the south property line to a point of 30.48 metres south of the north property line.

ZONING AGREEMENT AMENDMENT ANALYSIS

Original Approval Per DASZ 20/2010

- As previously discussed within the History Section, the subject property was subdivided and rezoned in 2010 under file DASZ 20/2010. A zoning agreement was placed on the properties as a condition of the subdivision and rezoning approval. In response to opposition presented at the public hearing in which 28 people registered in opposition and 4 people registered in support, the Riel Community Committee decided to include two additional conditions in the zoning agreement that were not part of the original recommendation of the Public Service, namely:
    - *Clause 11: That the east-west facing portion of Building B on proposed lot 3 identified on the conceptual plans filed as Exhibit 7 shall be set back at least 54.5 metres from the east property line, as measured from the south property line to a point of 30.48 metres south of the north property line.*
    - *Clause 12: That construction of Building B on proposed lot 3 identified on the conceptual plans filed as Exhibit 7 not begin until the construction of Building A on proposed lot 2 is substantially complete.*

- Clause 11 was included in response to concerns raised primarily from residents living in the six/seven storey multi-family building to the east of the subject site. Under DASZ 20/2010, the original proposal included a seven storey T-shaped building on Lot 3 with a proposed setback of approximately 65 feet for the east-west facing portion of the building. The residents expressed concern about the impact of the seven storey building on privacy and the impact of shadows cast by the proposed development on their building.
- Included as an appendix in the planner's report detailing the recommendation for DASZ 20/2010 were a set of site specific design guidelines (see Appendix B). One of the guidelines most pertinent to the subject application is:
    - 1.5) Future development should minimize shadow impact and should be reasonably separated from existing development. Where the proposed building is taller than the maximum allowable height for the adjacent zoning district, an appropriate rear/side yard setback to the adjacent residential property can be achieved by setting the building back so that it does not project into a 45 degree angular plane measured from the adjacent residential property line (starting at a six foot height above grade) to the top of the proposed development.
- Under DASZ 20/2010, the applicant was also required to enter into a Servicing Agreement with the City. Included in the original Servicing Agreement recommended by the Public Service were the following conditions that were later removed by the Riel Community Committee in their final decision:
    - The Developer providing and legally opening, at no cost to the City, property required for the 2.562-m widening (to the standard 5.0 m) of the public walkway right-of-way abutting the east side of the Planned Area, connecting Shore Street with Bison Drive, along the full length of the Planned Area abutting the public walkway right-of-way, all to the satisfaction of the Director of Public Works.
    - The Developer shall, at no expense to the City, construct an asphaltic concrete widening to the existing multi-use pathway in the public right-of-way abutting the east side of the Planned Area, from the south limit of the Planned Area to the existing sidewalk within he Bison Drive right-of-way adjacent to the north limit of the Planned Area, to result in a final completed pathway width of 3.5 m, all as determined by, and to the satisfaction of, the Director of Public Works.
- It should also be noted that under DASZ 20/2010 the applicant requested that the 40 foot landscaped buffer to the south property line be reduced. The Urban Planning Division recommended against this request providing the following rationale in the planner's report for DASZ 20/2010:
    - "…*the Planning and Land Use Division does not support the reduction of the 40 foot setback to a 25 foot setback along the south property line. It is noted within the Planner's report for DASZ 2/98 that the residents of Lee Boulevard were concerned about the loss of natural vegetation on the site and the level of buffering between the commercial and residential uses. To mitigate these concerns, the applicant at the time proposed to leave a 40 foot landscaped buffer along the south side of the property and erect an 8 foot high cedar fence. The Planning and Land Use Division feels that the residents had a reasonable expectation to believe that this 40 foot setback would continue to exist no matter what type of development is proposed on the site. The applicant has also stated that the site plans may change to accommodate commercial development. As such, it is unclear to the Planning and Land Use Division as to why a 15 foot reduction to the 40 setback is required.*

Further, the 15 foot difference represents a minor change that could be accommodated in the site plans as proposed."

Recommendation

The Urban Planning Division supports the proposal to locate a second multi-family building on the site south of the existing seven-storey building for the following reasons:

- The subject property is located along a high-capacity arterial (Bison Drive) that accommodates over 21,700 vehicular trips per day. For context, Bison Drive receives more traffic than many streets in the downtown including Donald Street (15,200 between Portage and Broadway), Smith Street (17,500 between Portage and Broadway), and St. Mary Avenue (16,800 between Donald Street and Main Street).
- The surrounding area is characterized by a mix of multi-family, single family, and commercial land uses.
- The multi-use path along Bison Drive is identified as part of Winnipeg's Spine Network under the Pedestrian and Cycling Strategies connecting the subject property with the University of Manitoba campus.
- The subject property is located close to the Pembina Highway Regional Mixed Use Corridor which is serviced by public transit routes #137, #162, #170.
- The subject application proposes a multi-family building that will be oriented to face north-south thereby reducing any impact on the privacy of residents living in the six/seven storey multi-family building to the east of the subject site.
- The Urban Planning Division supports infill for a number of reasons:
    - Accommodates Winnipeg's projected growth in a sustainable way;
    - Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities (local community clubs, schools, parks, libraries, etc).
    - Concentrates people and jobs in areas well-served by the primary transit service.

Conditions of Approval

Height and rear yard setback to existing single family homes:

- As noted earlier, under DASZ 2/98 when the land was rezoned to C3 for the construction of a one storey commercial building, a 40 foot setback was required. Subsequent to this, under DASZ 20/2010, the 40 foot setback requirement was maintained and the height of the existing four-storey building on Lot 2 was restricted to 55 feet. In addition, a set of site specific design guidelines were approved including guideline 1.5 which prescribed a rear yard setback based on a 45° angular plane measurement.

- The position of the Urban Planning Division has not changed since the original applications. The setback to the existing single family homes along Lee Boulevard is still an important consideration. It is even more critical in relation to the subject application noting the proposed six-storey building will have units with balconies facing the single family homes.
- As noted previously, the subject property is located in a *Recent Community* under *Complete Communities* which promotes the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments. In applying this policy to the subject site, it is reasonable to assume the bulk of density and height on the property would be contained to the Bison Drive frontage and gradually tier down to lower heights and reduced building massing as the development meets the abutting single family homes. The proposed six-storey building is only approximately 4 feet shorter than the existing seven-storey building fronting onto Bison Drive and, as such, does not represent an appropriate transition to the existing two-storey homes along Lee Boulevard.
- Per guideline 1.5 of the design guidelines, the rear yard setback for the proposed 6-storey building should be determined by setting the building back so it does not project into a 45° angular plane measured from the property line of the lots zoned R1-M (starting at a six foot height above grade) to the top of the proposed building. The development does not strictly adhere to this guideline as the south east corner of the proposed building projects into the 45° angular plane.
- It is also important to note that per the Shadow Impact Study submitted by the applicant, the proposed six storey (71.4 feet tall to the top of the parapet) building will cast a shadow on the neighbouring six/seven storey multi-family building to the east of the subject property during the evening hours. As previously noted, this was a concern that was raised at the original public hearing for DASZ 20/2010 and one of the main reasons Clause 11 was added.
- For the reasons listed above, the Urban Planning Division is recommending that two new clauses be added to the zoning agreement restricting the height of the proposed building to a maximum of 55 feet and a minimum rear yard setback of 50 feet. The proposed height restriction aligns with the original recommendation under DASZ 20/2010, represents a more appropriate transition given the context of the site and proposed orientation of the new building and will have a reduced shadow impact on the neighbouring building to the east. The proposed rear yard setback of 50 feet helps to ensure the 45° angular plane setback is achieved and represents a more compatible buffer to the single family homes along Lee Boulevard.

Widening of Existing Multi-Use Pathway

- Per the original Servicing Agreement recommendation under DASZ 20/2010, the Public Service still has concerns about the substandard width of the existing multi-use pathway that runs north/south along the east side of the subject property. The path is currently only 2.438m (8ft) wide. As such, the Public Service is recommending that a 2.562m easement be registered on the subject property in order to provide a 5m (16ft) wide right-of-way with a 3.5m (11ft) wide path to be constructed by the applicant.
- It should be noted the applicant is proposing to only move the existing fence along the east property line over by 1.3 metres to accommodate a 1 metre widening of the existing multi-use pathway. The applicant claims it is too costly to allow for a 2.562m easement as there is an existing catch basin as well as a utility pedestal within the area required for the multi-use pathway.

- A 3.5m wide path is required for user comfort. A cyclist can comfortably pass two pedestrians walking side-by-side or for two cyclists to pass each other. This standard is routed in best practice and Transportation Association of Canada Standards. The 5m right-of-way (current standard is 6m) is to provide some buffer space on either side of the path so people are comfortable and do not have the sense they are in a tunnel. It also provides space for landscaping, benches, lighting and an escape area for an errant cyclist so as not to collide with pedestrians and less mobile users.
- It should be noted that associated with the subject application is a variance for a reduction in parking. Per the zoning by-law, 353 parking spaces are required for the proposed development. The applicant can only provide 195 stalls. Part of the rationale recommending support of the parking variance is the fact the site directly abuts two multi-use pathways and the applicant is proposing to provide high quality indoor bicycle parking (see planner's report for *DAV 18-118722\D*). Given the development is encouraging residents to commute via bicycle, it is even more important the current multi-use path is widened to conform to best practice standards.

RECOMMENDATION

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

- Subject to incorporation of the recommended conditions of approval, the proposal is consistent with the policies guiding development within the *Recent Communities* policy area in the *Complete Communities Direction Strategy* which supports low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form; and
- The subject property is close to the Pembina Highway *Regional Mixed Used Corridor* which is well serviced by a number of transit routes and along the Bison Drive multi-use path which connects to the University of Manitoba campus.

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

Report Prepared By: Elise Finnigan
PPD File # ZAA 3/18

APPENDIX 'B' **Design Guidelines**

Design Guidelines approved per DASZ 20/10

1. Site Planning

1.1 An area of common open space that can be easily accessed by residents and that provides a focal point for community recreation and interaction and adds to the overall quality of life for residents should be provided. It should be purposefully integrated into the overall design of the development and not merely residual areas left over after the buildings and parking lot are sited. Common open space can include gardens, courtyards, recreation, or play areas and may include some of the following features:

- Seasonal planting areas
- Large, flowering trees
- Seating
- Pedestrian scaled lighting
- Gazebos or other decorative shelters
- Play structures for children
- On-site community recreation amenities

1.2 A minimum of one safe, well defined and universally accessible walkway or internal sidewalk system shall be incorporated into the proposed development. A logical connection from the sidewalk developed for the Bison Drive Cambrian Credit Union should be created.

1.3 A minimum of one pedestrian connection from the internal sidewalk system to the external sidewalk system should be provided.

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

1.5 Future development should minimize shadow impact and should be reasonably separated from existing development. Where the proposed building is taller than the maximum allowable height for the adjacent zoning district, an appropriate rear/side yard setback to the adjacent residential property can be achieved by setting the building back so that it does not project into a 45 degree angular plane measured from the adjacent residential property line (starting at a six foot height above grade) to the top of the proposed development.

1.6 The Planning and Land Use Division may require a shadow impact study (if deemed necessary) that demonstrates how or if adjacent properties are impacted by development on the subject site.

1.7 Front and rear yard setbacks should be consistent with the established neighbourhood.

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

1. Building Orientation and Design

2.1 The main building façade should be oriented to face the public street.

2.2 Main building entries should be clearly identifiable, visible and accessible.

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

2. 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. Fencing

4.1 Proposed fencing should be composed of high quality materials and should include multiple openings to allow for pedestrian ingress/egress.

Exhibit "11" referred to in File ZAA 3/2018

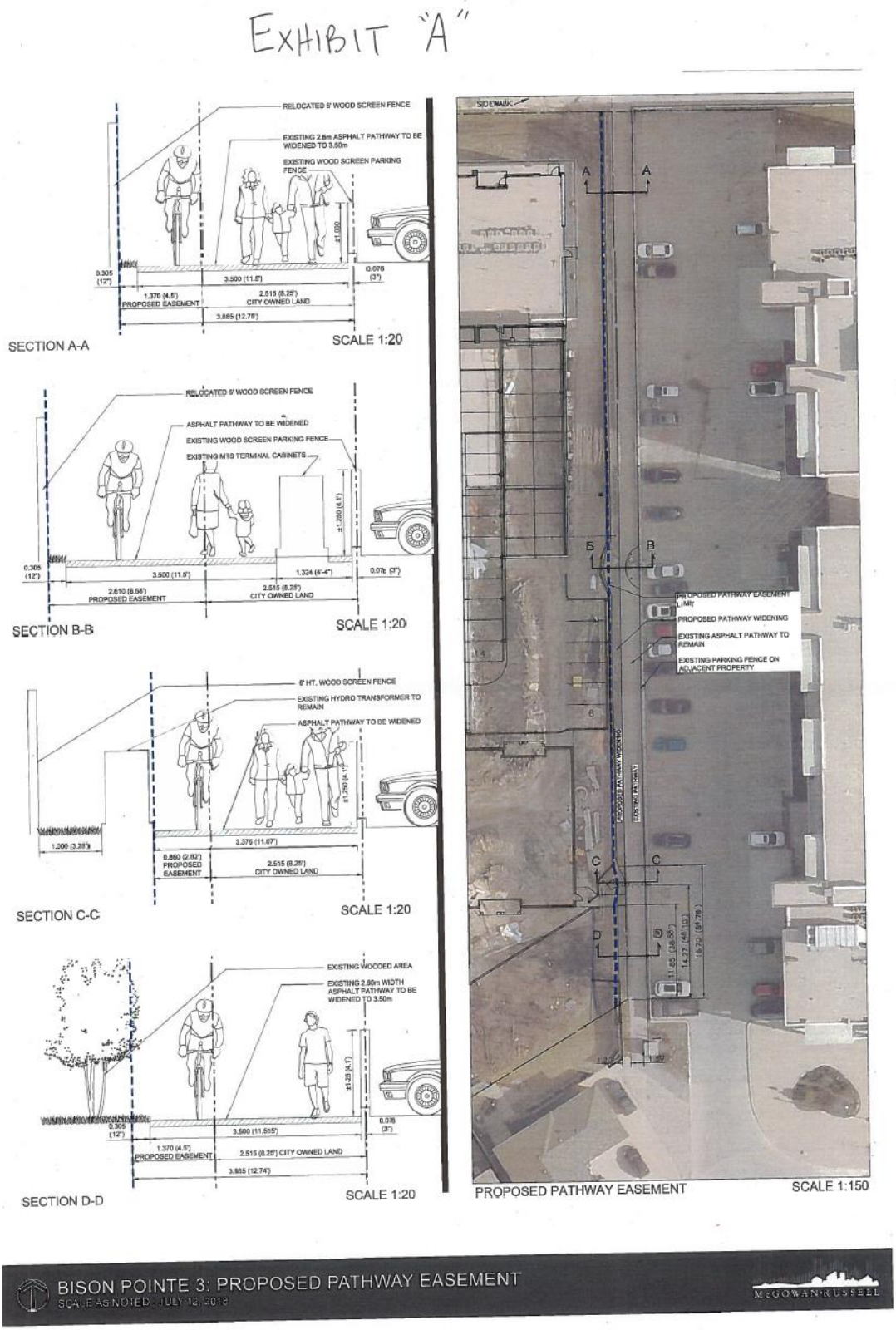


Exhibit "12" referred to in File ZAA 3/2018, or Exhibit B

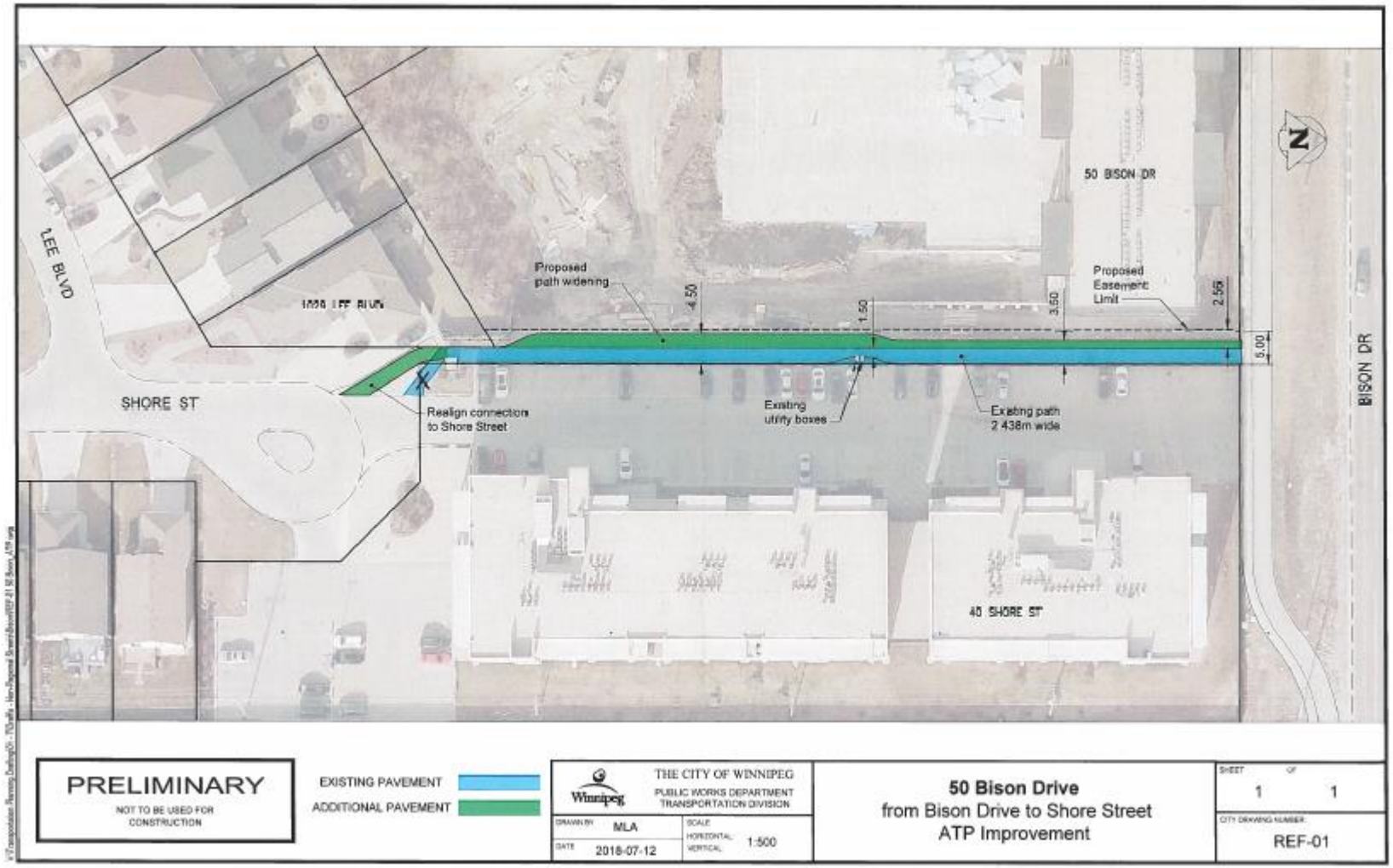
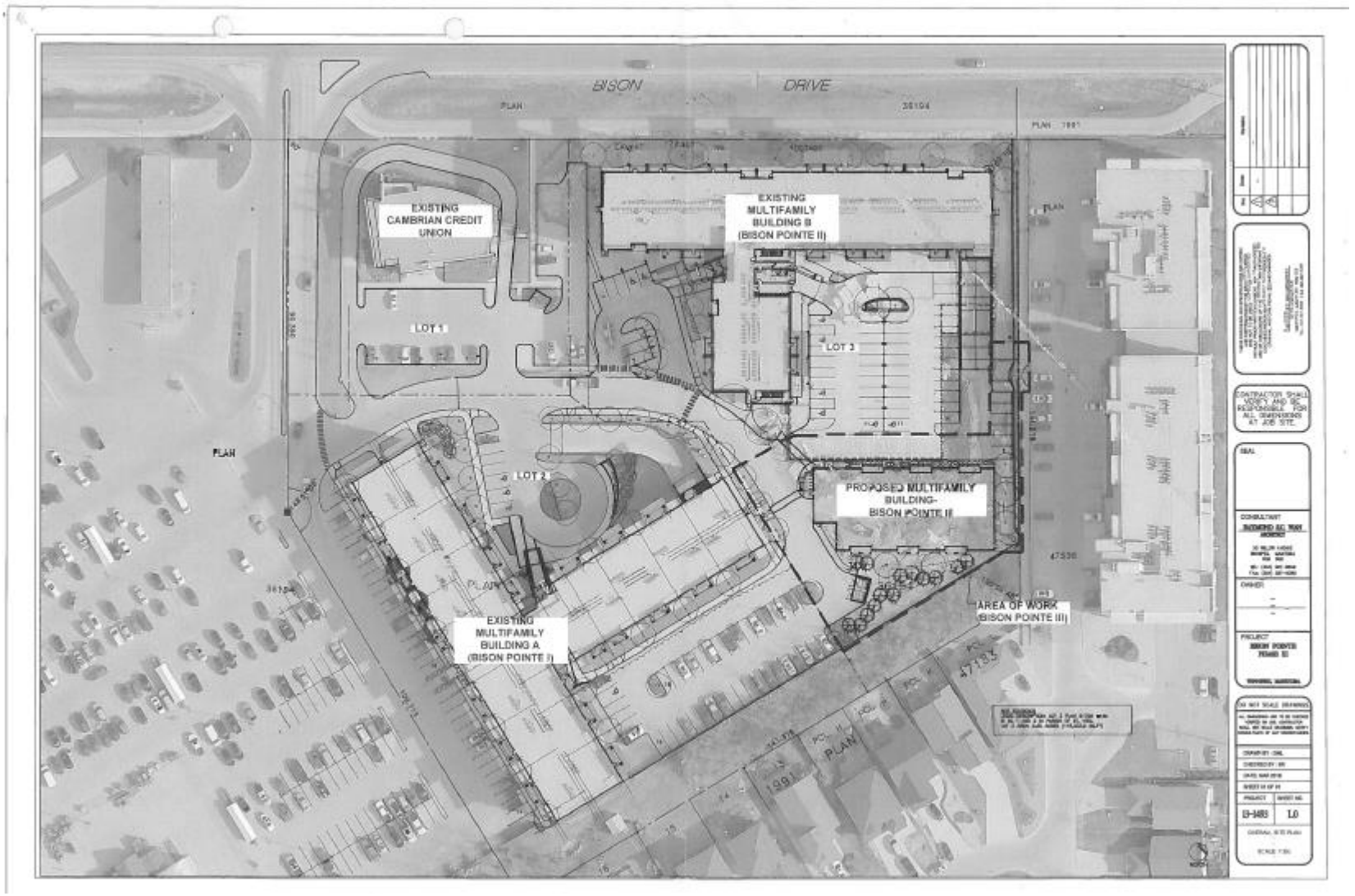
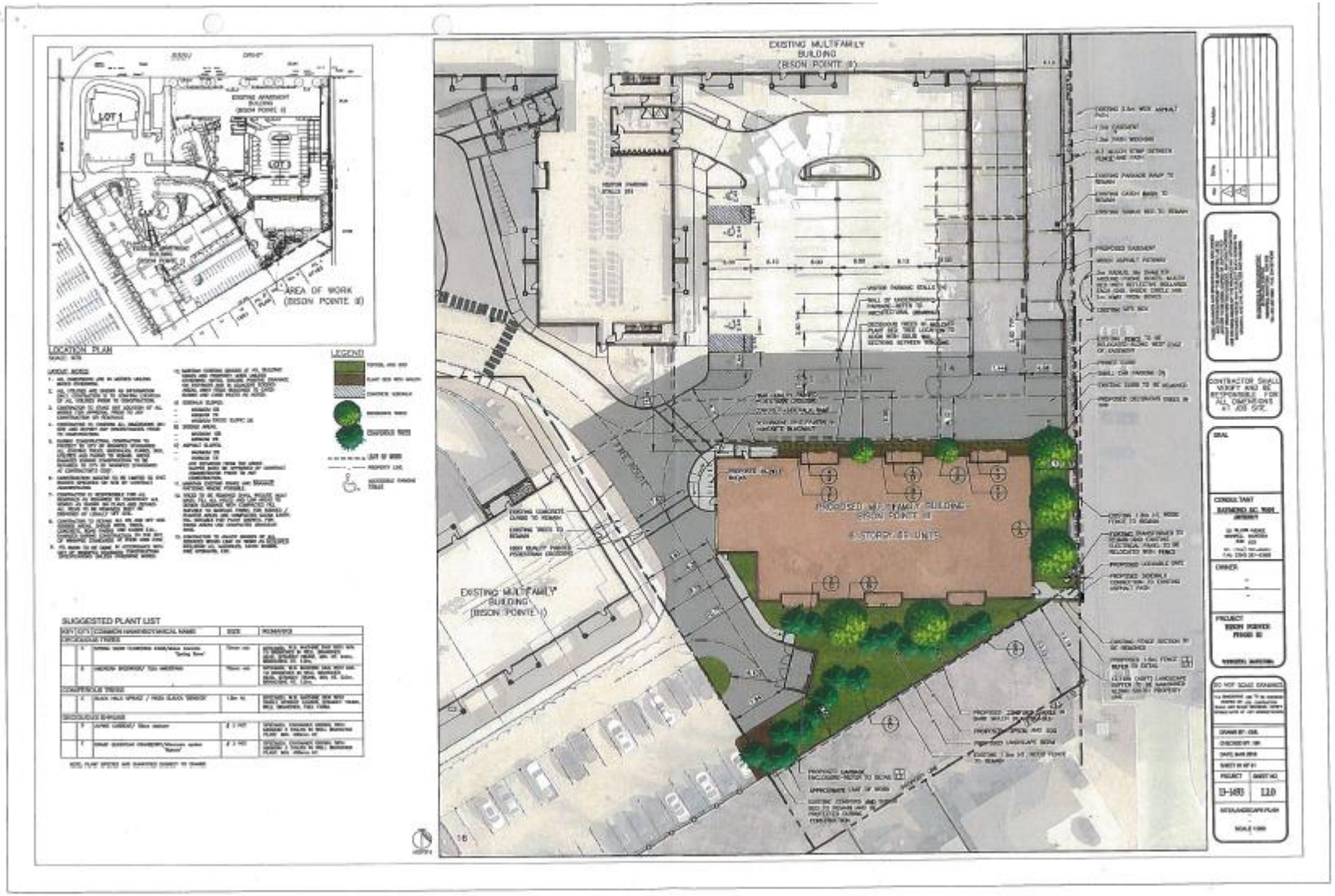
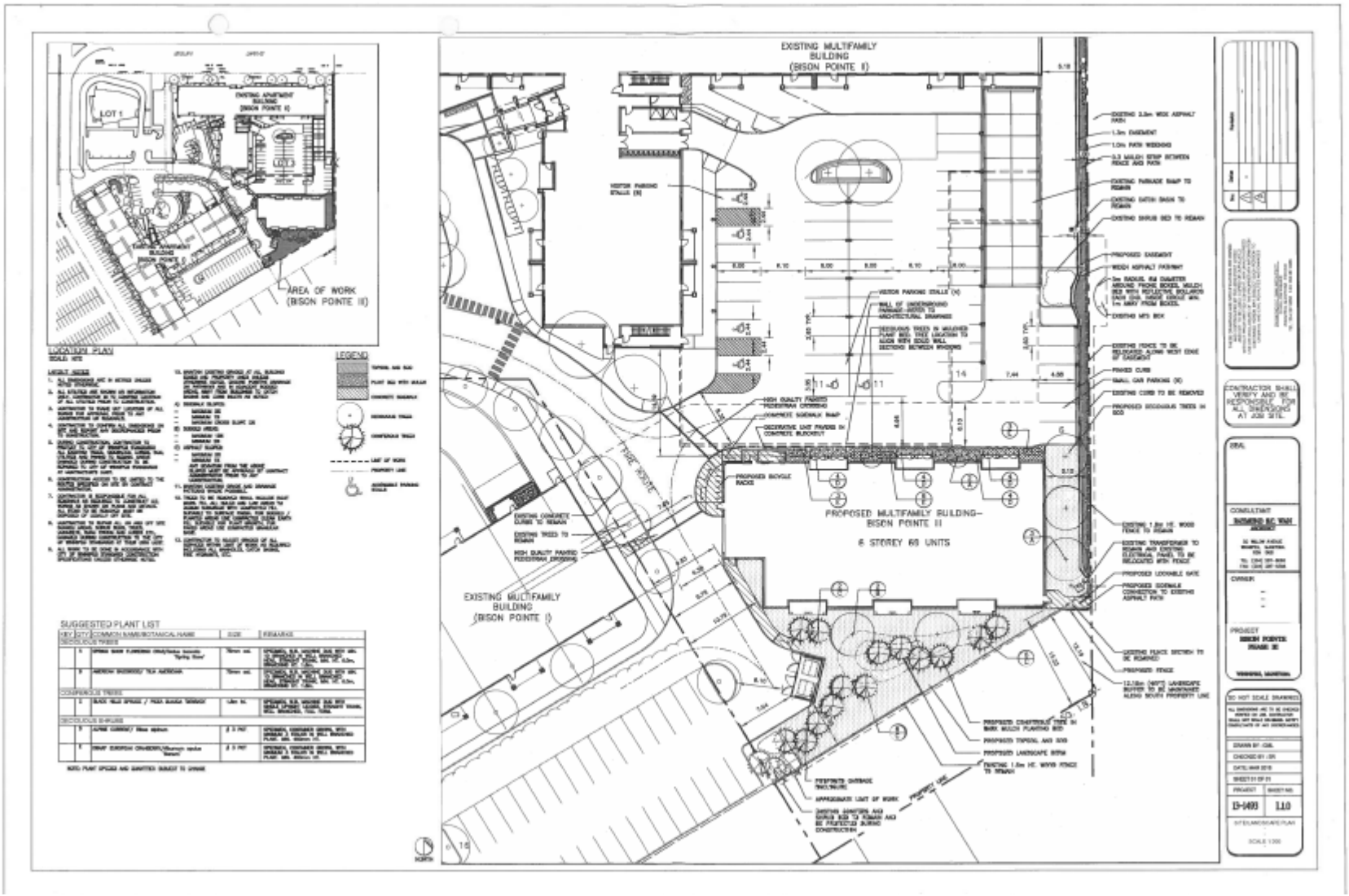
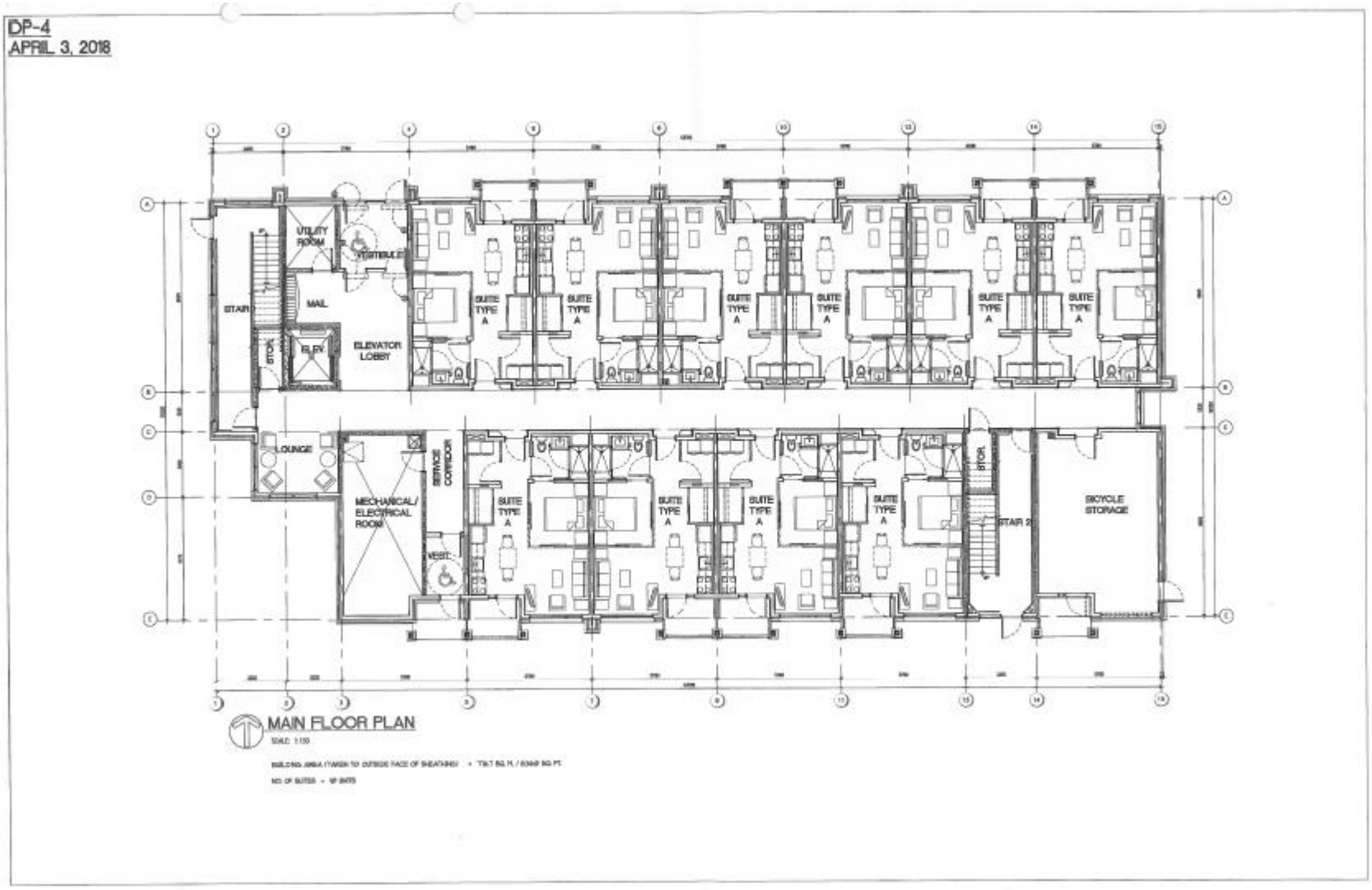


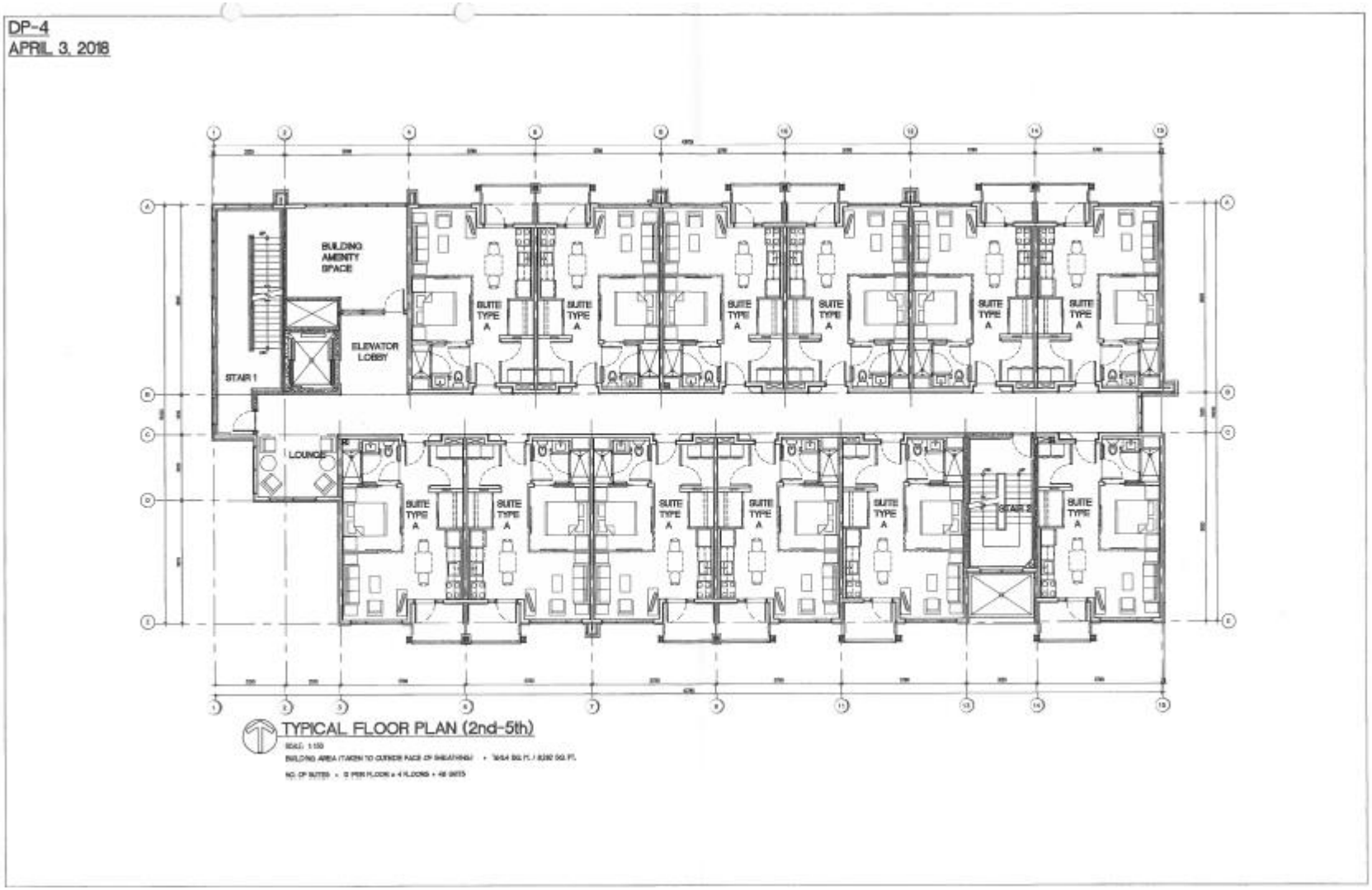
Exhibit "6" referred to in File ZAA 3/2018



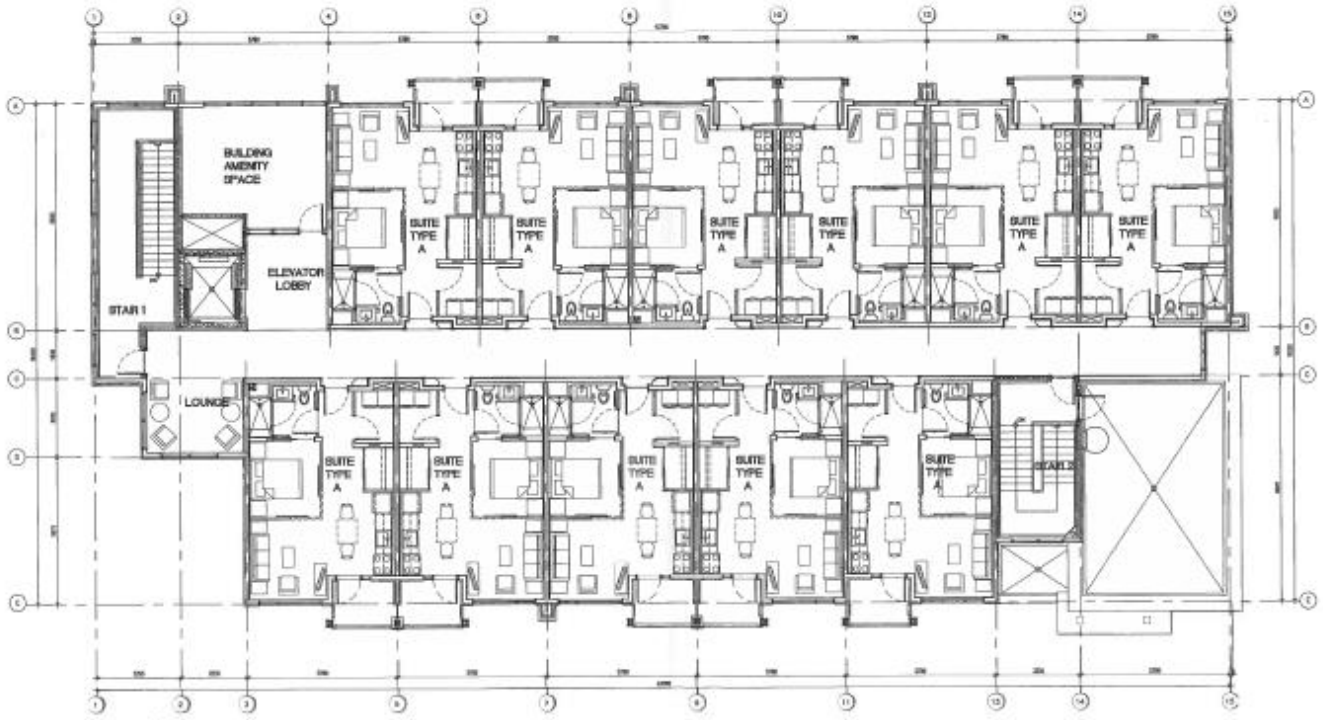

LOT 1
AREA OF WORK
(BISON POINTE II)
LOCATION PLAN
LEGEND
EXISTING MULTI-FAMILY BUILDING
(BISON POINTE II)
PROPOSED MULTI-FAMILY BUILDING
BISON POINTE III
4 STOREY - 87 UNITS
EXISTING MULTI-FAMILY BUILDING
(BISON POINTE I)
SUGGESTED PLANT LIST
CONTRACTOR SHALL VISIT AND BE RESPONSIBLE FOR ALL DIMENSIONS AT JOB SITE.
DO NOT SCALE DRAWING


EXISTING MULTIFAMILY BUILDING (BISON POINTE II)
PROPOSED MULTIFAMILY BUILDING– BISON POINTE II
6 STOREY 60 UNITS
EXISTING MULTIFAMILY BUILDING (BISON POINTE I)
AREA OF WORK (BISON POINTE II)
LOCATION PLAN
LEGEND
SUGGESTED PLANT LIST

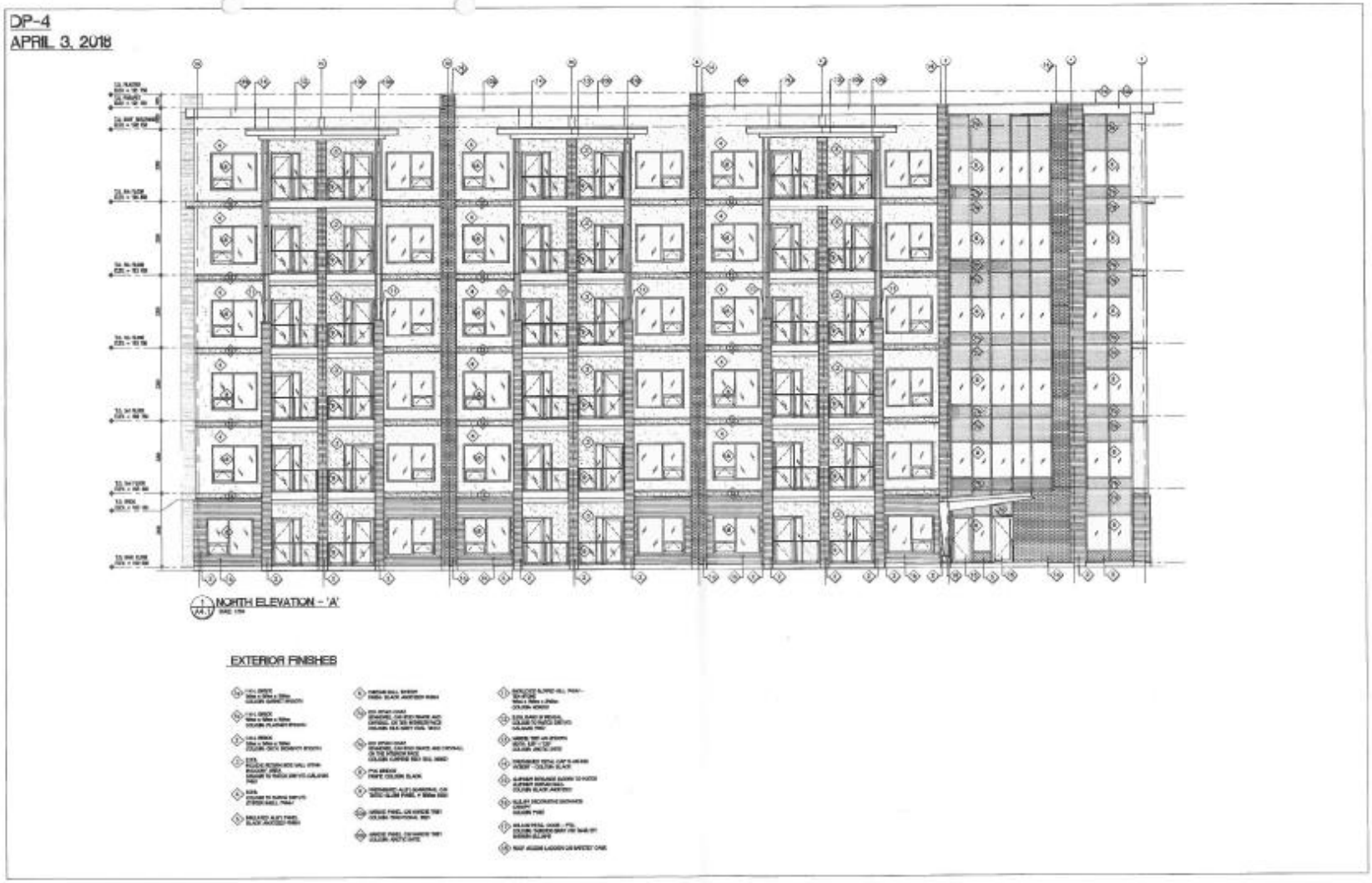

DP-4
APRIL 3, 2018
UTILITY ROOM
VESTIBULE
STAIR
MAIL
ELEV.
ELEVATOR LOBBY
STOR.
SUITE TYPE A
LOUNGE
MECHANICAL/ ELECTRICAL ROOM
SERVICE CORRIDOR
VEST.
STOR.
STAIR 2
BICYCLE STORAGE
MAIN FLOOR PLAN


DP-4
APRIL 3, 2018
BUILDING AMENITY SPACE
ELEVATOR LOBBY
STAIR 1
LOUNGE
SUITE TYPE A
STAIR 2
TYPICAL FLOOR PLAN (2nd-5th)

DP-4
APRIL 3, 2018



6th FLOOR PLAN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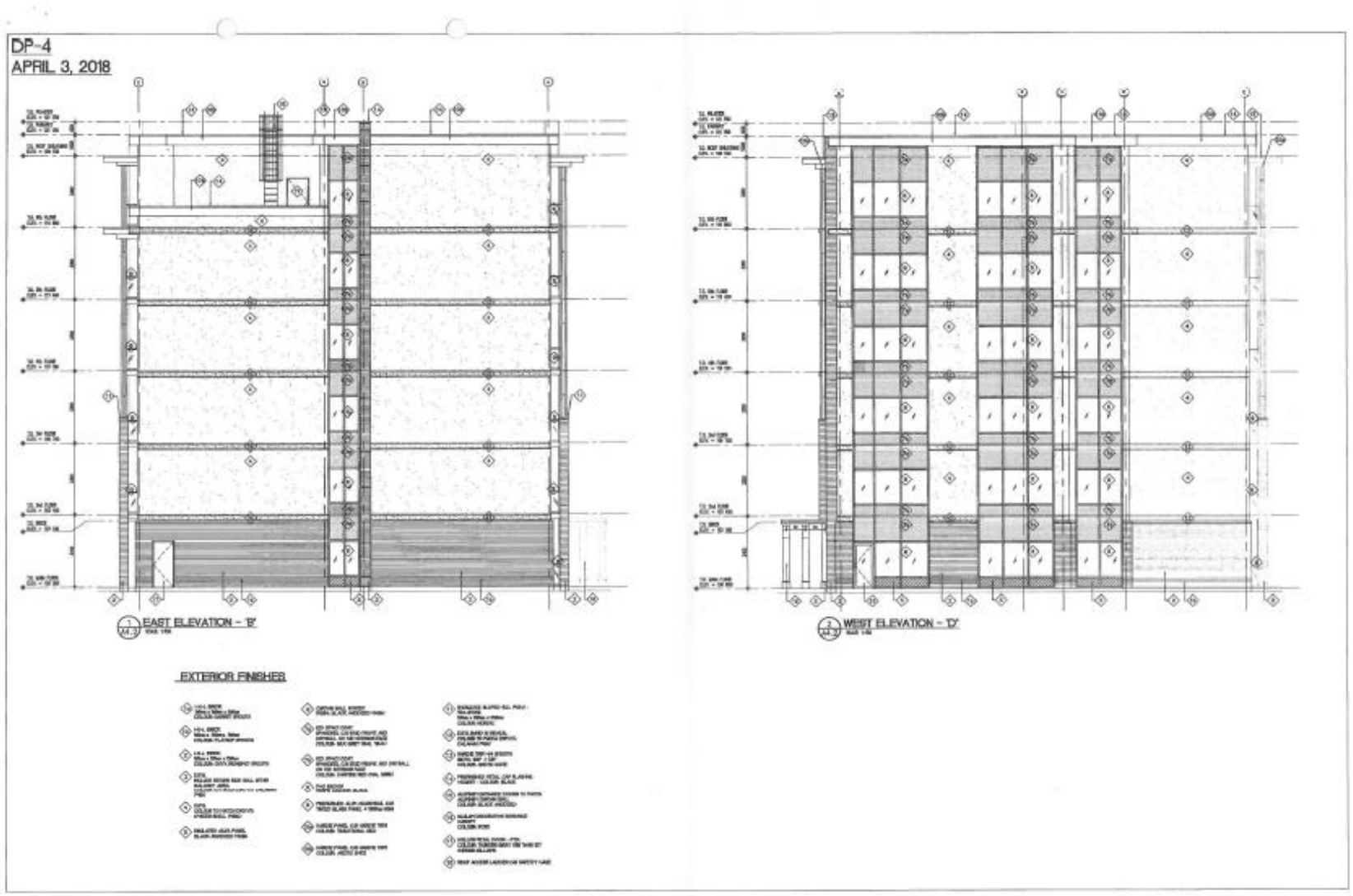
NORTH ELEVATION - 'A'
EXTERIOR FINISHES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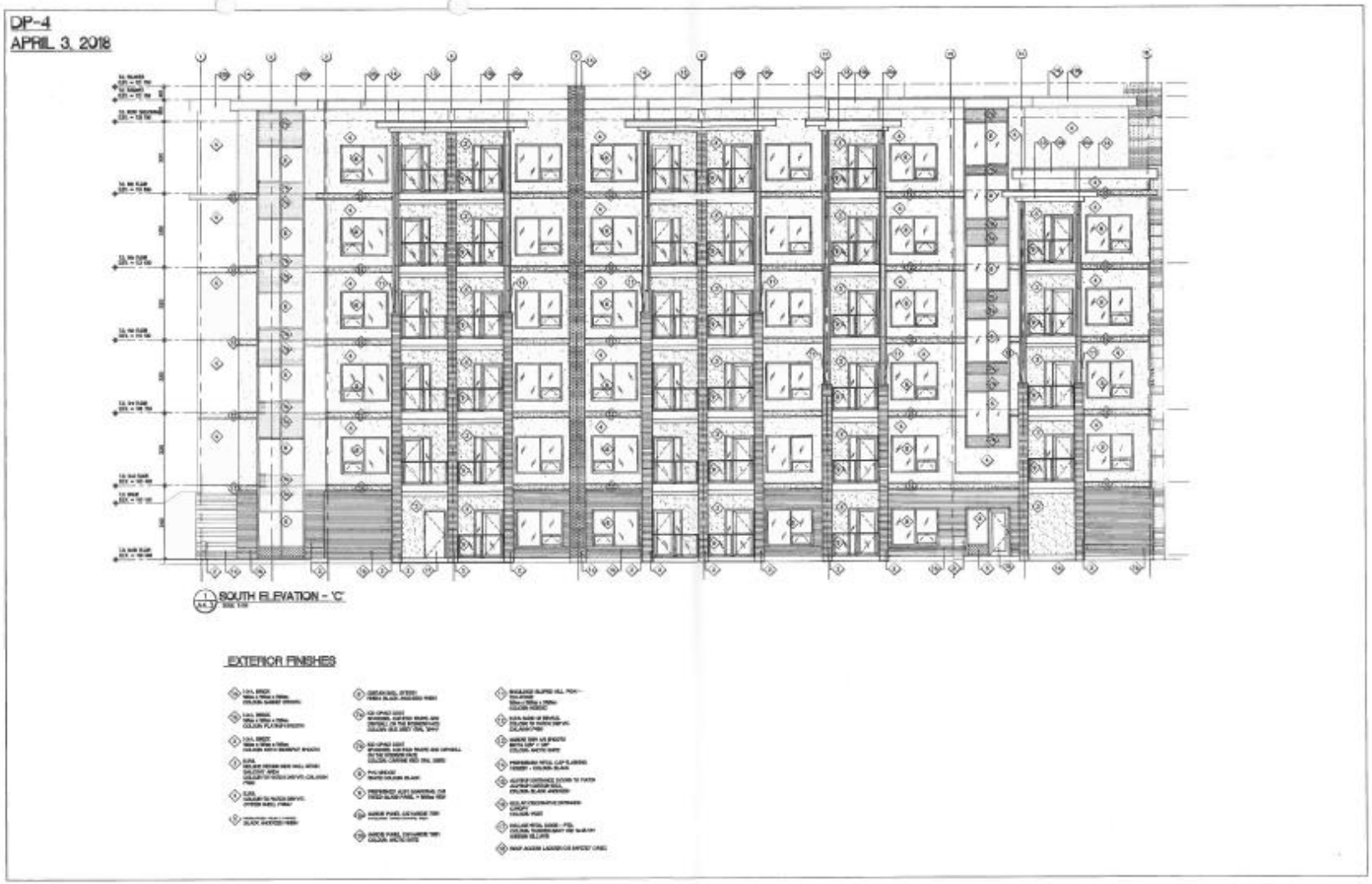
EAST ELEVATION - 'B'
WEST ELEVATION - 'D'
EXTERIOR FINISHES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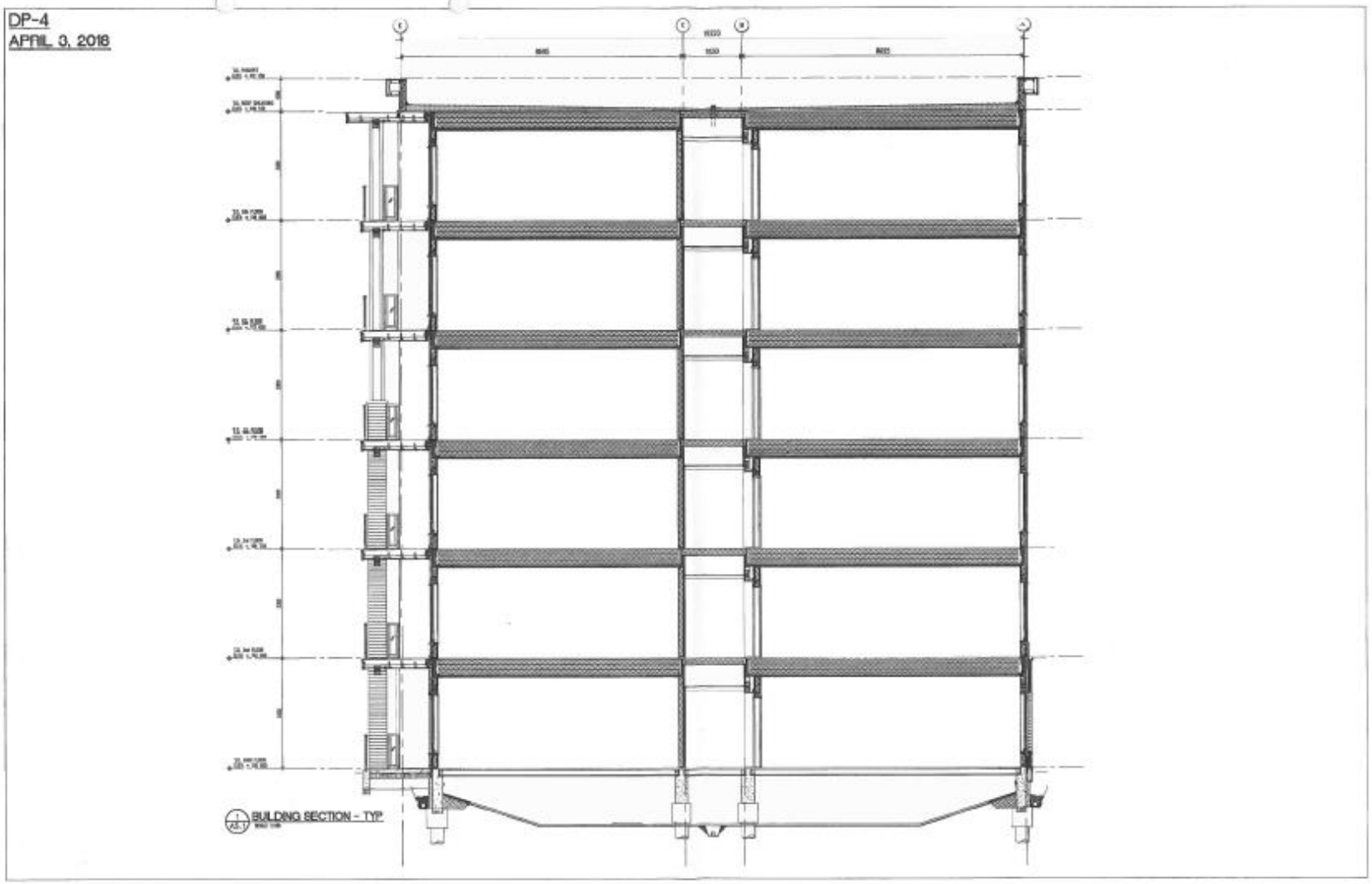
SOUTH ELEVATION - 'C'
EXTERIOR FINISHES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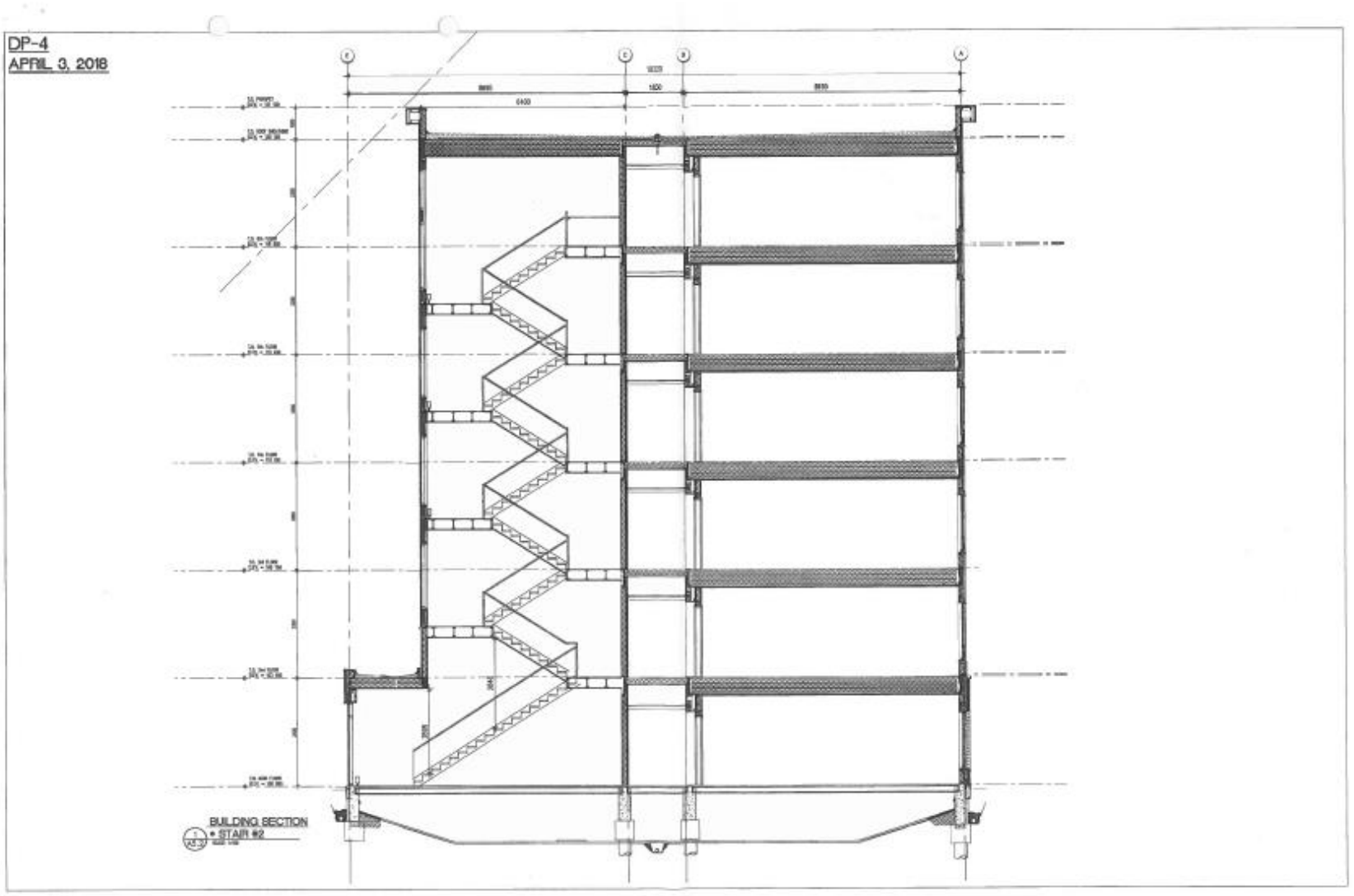
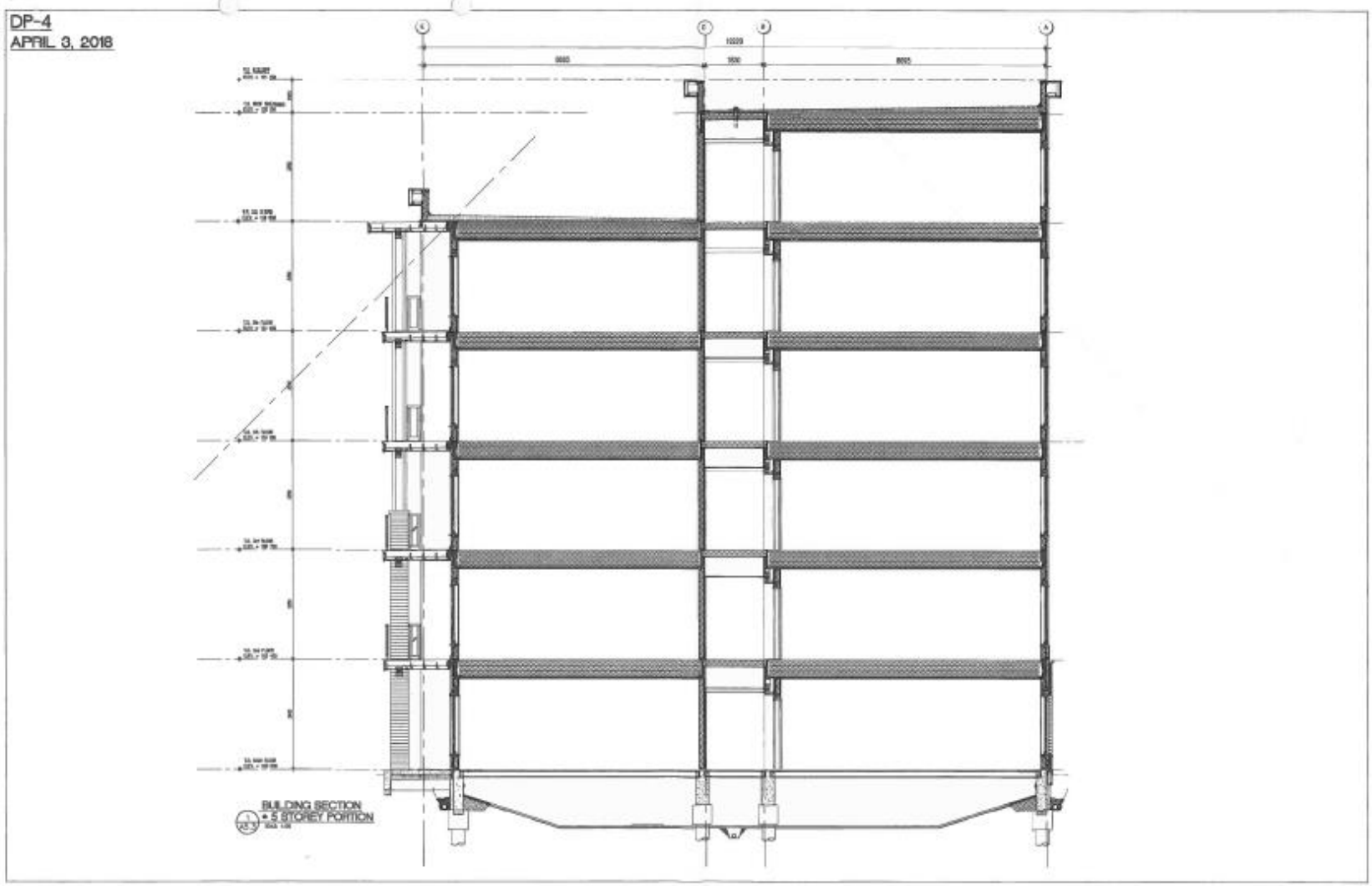
APRIL 3, 2016
BUILDING SECTION - TYP.


DP-4
APRIL 3, 2018
BUILDING SECTION
+ STAIR #2


DP-4
APRIL 3, 2018
BUILDING SECTION
+ 5 STOREY PORTION