Minute No. 429
Report – Executive Policy Committee – July 9, 2019

Item No. 3 **Zoning Agreement Amendment – 2500 Jefferson Avenue (Old Kildonan Ward) File ZAA 2/2019**

COUNCIL DECISION:

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

1. That Zoning Agreement Caveat 4541156 under File DASZ 30/2013 dated November 20th, 2013 (By-law 60/2014), be amended as follows:

   A. That a new clause 2.1 be added as follows:

      The landscaped buffer required under Clause 2(iii) may located partially or entirely outside the western limit of the Owner's land provided that

      i. the Owner has entered into an easement agreement with the owner of the adjacent land on which the landscaped buffer is located; and

      ii. the landscaped buffer includes a landscaped berm

         a. that is no less than six (6) feet in height;

         b. with a rise-to-run ratio not exceeding 1:3; and

         c. with at least

            1. one deciduous or coniferous tree for every thirty-five(35) linear feet of lot line; and

            2. three shrubs for every twenty (20) linear feet of lot line.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 30/2013 (By-law 60/2014) as approved in aforesaid Recommendation 1.

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

Report – Executive Policy Committee – July 9, 2019

COUNCIL DECISION (continued):

4. 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 – Executive Policy Committee – July 9, 2019

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 2019, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 2, 2019, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

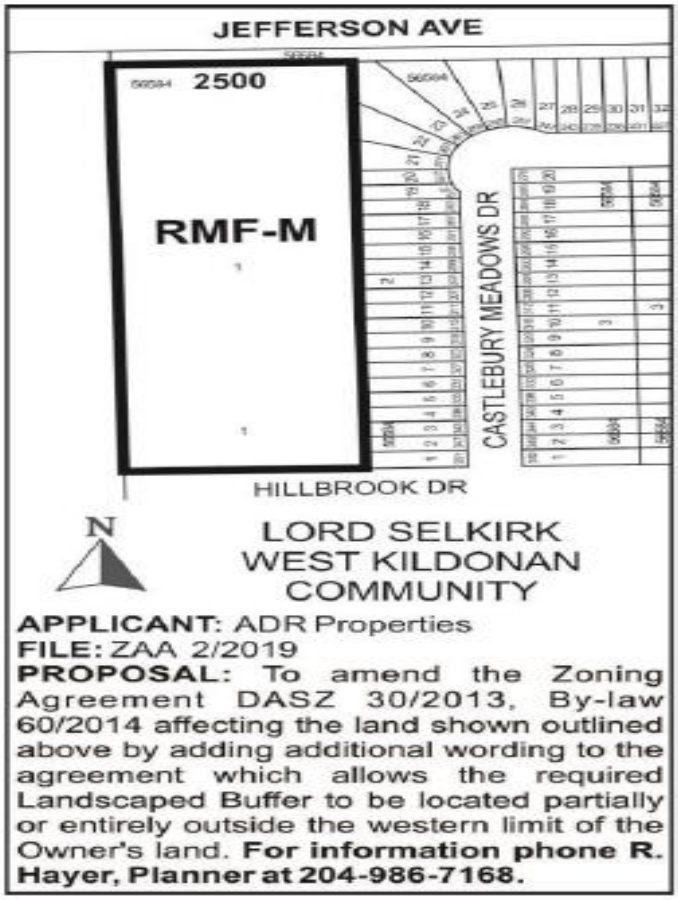
File: ZAA 2/2019

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Sharma, Chairperson
Councillor Eadie
Councillor Santos

Public Hearing: July 4, 2019
Council Building, 510 Main Street

Applicant: ADR Properties
(Adamo Rondinella)

Subject:



Premises Affected:	2500 Jefferson Avenue
For submission to:	Executive Policy Committee
Prepared by:	P. Prinsloo, Senior Committee Clerk Lord Selkirk-West Kildonan Community Committee
Report date:	July 2, 2019

Community Committee Recommendation:

On July 2, 2019, the Lord Selkirk-West Kildonan 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 Zoning Agreement Caveat 4541156 under File DASZ 30/2013 dated November 20th, 2013 (By-law 60/2014), be amended as follows:

   A. That a new clause 2.1 be added as follows:

      The landscaped buffer required under Clause 2(iii) may located partially or entirely outside the western limit of the Owner's land provided that

      i. the Owner has entered into an easement agreement with the owner of the adjacent land on which the landscaped buffer is located; and

      ii. the landscaped buffer includes a landscaped berm

         a. that is no less than six (6) feet in height;

         b. with a rise-to-run ratio not exceeding 1:3; and

         c. with at least

            1. one deciduous or coniferous tree for every thirty-five(35) linear feet of lot line; and

            2. three shrubs for every twenty (20) linear feet of lot line.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 30/2013 (By-law 60/2014) as approved in aforesaid Recommendation 1.

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

4. 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. We are amending the zoning agreement today, but the overall intent of the original application remains the same.

2. Today what we are doing is adding some flexibility in how the applicant can develop the site relative to the berm and that's what we are dealing with today; I'd like to congratulate the applicant, Mr. Rondinella, this is a fantastic development and he is going to be bringing housing stock into Castlebury area which is much needed that will benefit all of us, all three councillors here.

Exhibits Filed:

1. Application dated May 1, 2019
2. Notification of Public Hearing dated June 5, 2019
3. Manitoba Status of Title 2975243/1
4. Easement Agreement dated August 8, 2017
5. Caveat 4541156/1
6. Plans (4 pages)
7. Report from the Urban Planning Division dated June 24, 2019
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

Adamo Rondinella

In Opposition

Nil

For Information:

Nil

For the City:

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

Exhibit "7" referred to in File ZAA 2/2019

ADMINISTRATIVE REPORT

Title: ZAA 2/2019 – 2500 Jefferson Avenue

Issue: For consideration at the Public Hearing to amend the Zoning Agreement under DASZ 30/2013 by adding additional wording to the agreement which will allow the required Landscaped Buffer to be located either partially or entirely outside the western limit of the Owner's land.

Critical Path: Lord Selkirk West Kildonan 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, RPP	N/A	N/A	

RECOMMENDATIONS

1. That Zoning Agreement Caveat 4541156 under File DASZ 30/2013 dated November 20th, 2013 (By-law 60/2014), be amended as follows:

   A. That a new clause 2.1 be added as follows:

   The landscaped buffer required under Clause 2(iii) may located partially or entirely outside the western limit of the Owner's land provided that

   a) the Owner has entered into an easement agreement with the owner of the adjacent land on which the landscaped buffer is located; and

   b) the landscaped buffer includes a landscaped berm

   i. that is no less than six (6) feet in height;

   ii. with a rise-to-run ratio not exceeding 1:3; and

   iii. with at least

   A. one deciduous or coniferous tree for every thirty-five(35) linear feet of lot line; and

B. three shrubs for every twenty (20) linear feet of lot line.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 30/2013 (By-law 60/2014) as approved in aforesaid Recommendation 1.

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

4. 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 Zoning Agreement under DASZ 30/2013 requires a landscaped buffer at least 30 feet wide, including a berm that is at least 3 feet in height, along the western limit of 2500 Jefferson Avenue.
- The applicant entered into an easement agreement with 285 Meridian Drive; which is the property directly west of the subject lands and zoned “M2” Manufacturing General District. The easement allows the Owner to establish the required landscape buffer partially outside the western limit of 2500 Jefferson Avenue and partially on 285 Meridian Drive.
- An amendment to the Zoning Agreement is required to proceed. The Administration is recommending approval of the proposed Zoning Agreement amendment.
- 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 proposal can proceed.

HISTORY

DASZ 30/2013

The subject property was part of a land parcel that went through a subdivision approval process under file DASZ 30/2013 (By-law 60/2014) by rezoning the subject land from an “A” Agricultural District to an “RMF-M” Residential Multi-Family (Small) District.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	R. Hayer
Date:	June 24, 2019
File No.	ZAA 2/2019

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

DATE: June 20, 2019

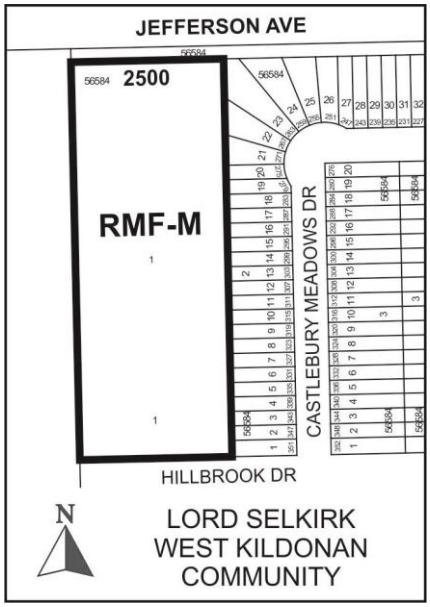
FILE: ZAA 2/16
RELATED FILES: DASZ 30/2013 (By-law 60/2014)

COMMUNITY: Lord Selkirk – West Kildonan
NEIGHBOURHOOD #: 3.327 (North Inkster Industrial)

SUBJECT: For consideration at the Public Hearing to amend Clause 2 of the Zoning Agreement by adding additional wording to the agreement which allows the required Landscaped Buffer to be located partially or entirely outside the western limit of the Owner's land.

LOCATION: 2500 Jefferson Aven**ue**

LEGAL DESCRIPTION: Lot 1 Block 1 Plan 56584



APPLICANT: ADR Properties (Adamo Rondinella)
22 Griffen Way
Winnipeg, Manitoba R4A 0B1

OWNER: Same as applicant

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject site is located on the south side of Jefferson Avenue and within the Precinct "T" Policy Area under the *Complete Communities Direction Strategy*.
- The subject property is located at the west edge of Precinct "T", north of Hillbrook Drive.
- The site is currently zoned "RMF-M" Residential Multi-Family (Medium) District.
- The property is 262 feet wide by 685 feet deep, providing a total lot area of 180,000 square feet.
- A Residential Multi-Family development is proposed for the land; said development would contain 78 dwelling units in 39 side-by-side buildings. Access to each unit would be through a private road (common element). Each unit would have an attached garage with space for 2 parked vehicles.

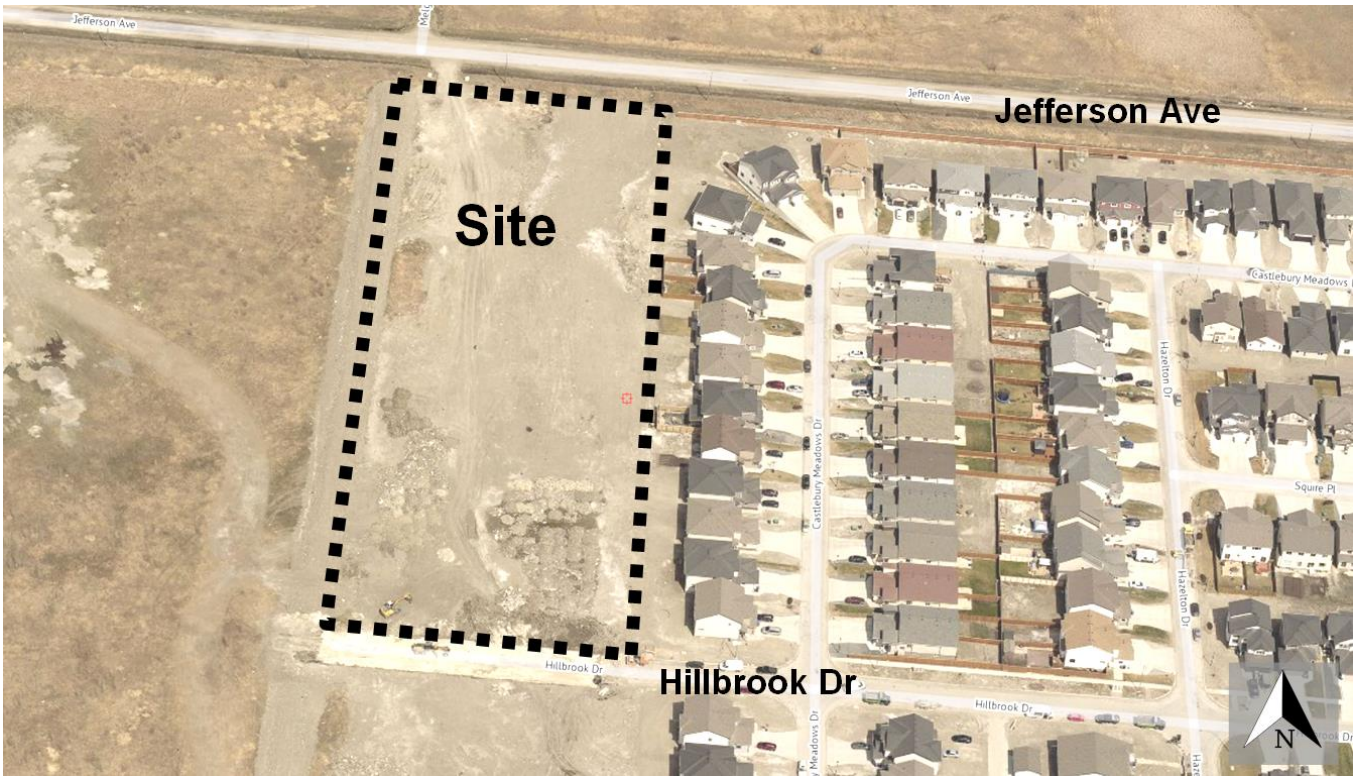


Figure 1: Subject site and surrounding context (Flown 2018)

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Jefferson Avenue; then vacant lands zoned "A" Agricultural District.

South: Hillbrook Drive; then lands zoned "RMF-M" Residential Multi-Family Medium District.

East: Semi-detached dwellings zoned “R2” Residential Two-Family District.

West: Vacant lands zoned “M2” Manufacturing General District.

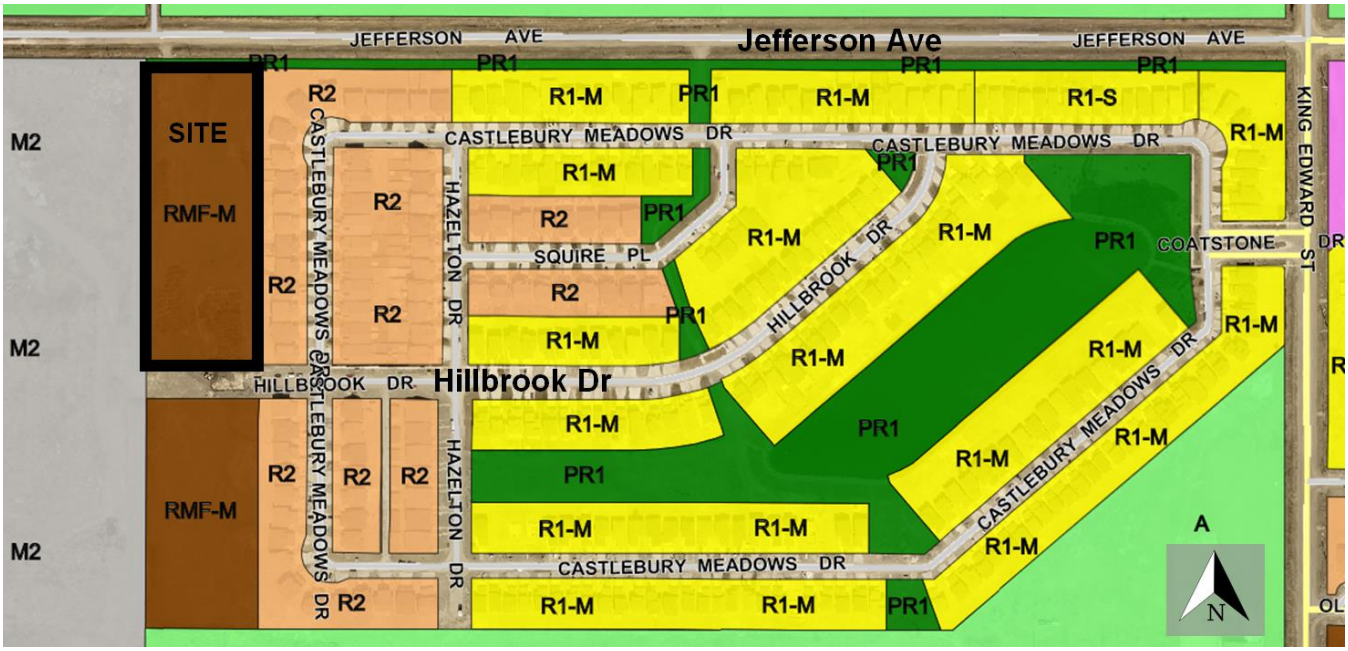


Figure 2: Zoning of the site and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to amend the Zoning Agreement under DASZ 30/2013 in order to located a required landscape buffer partially outside of the boundary of the subject property.
- The Zoning Agreement under DASZ 30/2013 requires a 30 foot wide landscaped buffer along the western edge of the subject property.
- However, the Owner is proposing to locate a private road within the required 30 foot landscape area. The private road would provide access to the residential units and has been reviewed by the Winnipeg Fire Department. The development site plan and cross section detail of the berm and private road are shown on Figures 3 and 4 on the following page.
- As a result of the private road, the landscape buffer on the subject property would be reduced to roughly 13 feet wide; thus a Zoning Agreement Amendment is required to proceed.
- As an alternative to compliance with the Zoning Agreement, the applicant is proposing to locate roughly half of the landscape buffer on the adjacent property to the west. It would allow for the following scenario:
    - A 13 ft. wide landscape buffer would be established along the western edge of the subject property (2500 Jefferson Avenue).
    - A 22 ft. wide landscape buffer would be established on the adjacent property to the west (285 Meridian Drive).

- A landscaped berm that is 6 feet in height would be established with the midpoint along the shared property limit.
- The total width of the landscape buffer would be 35 feet under this scenario.

- The proposed alternative compliance measures require an amendment to the Zoning Agreement. Other aspects of the Zoning Agreement are described later in this report and are not subject to any amendment.

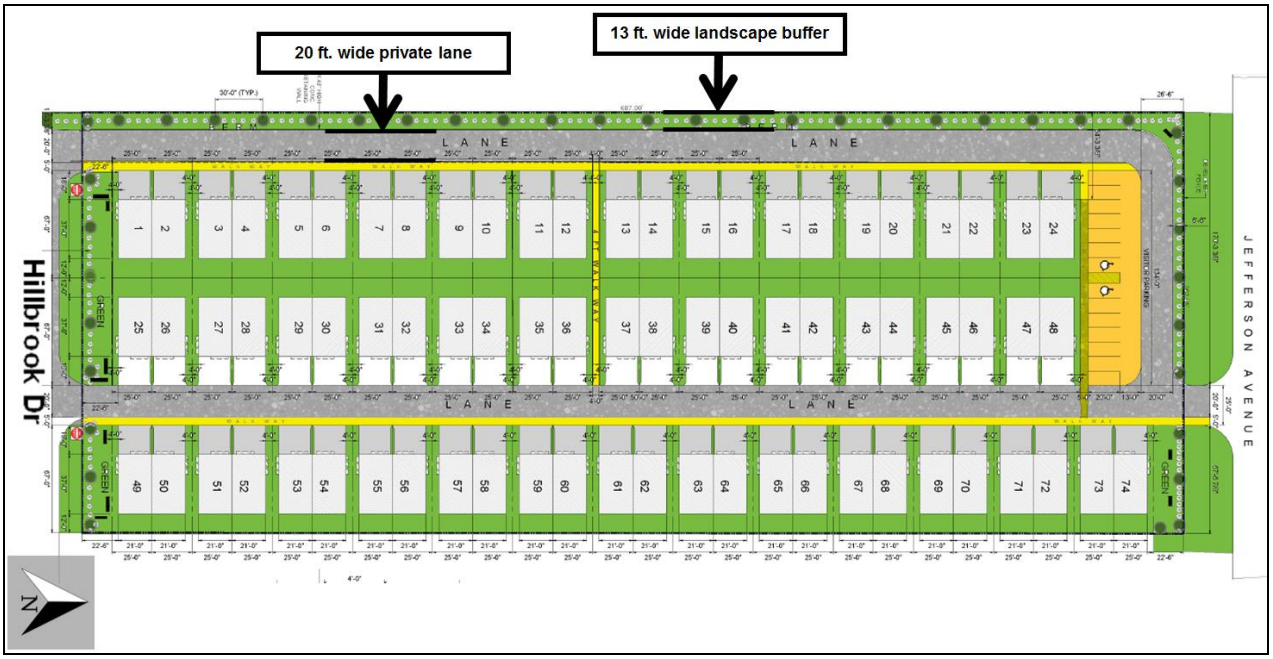


Figure 3: Site Plan for 2500 Jefferson Avenue

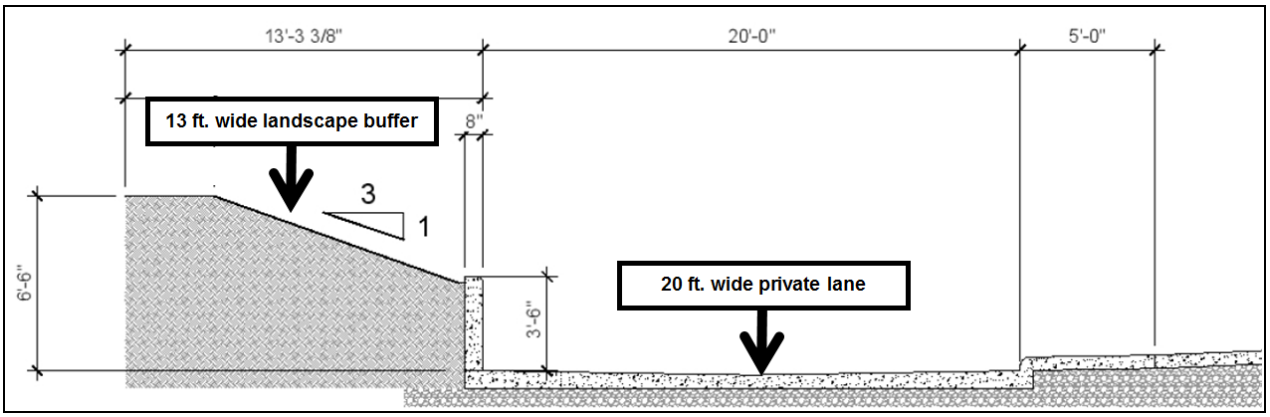


Figure 4: Cross section of landscape buffer and private lane at the western edge of 2500 Jefferson Avenue, looking north.

Description of the Easement Agreement:

- The Owner of 2500 Jefferson Avenue (Grantee) has entered into an Easement Agreement with the Owner of the adjacent property to the west, 258 Meridian Drive (Grantor).
- The easement area is described as the most easterly 22 feet (7 metres) of the Grantor's land.
- The Agreement allows the Grantee to do all things necessary to construct, install, maintain, inspect, repair, remove and/or replace a berm in the easement area and allows the grantee access to the easement area at all times.
- The Agreement further requires the berm to be at least 6.5 feet tall (2 metres) with a 3:1 slope on both sides of the easement area, with the centre line being along the shared property line.
- The easement area is shown on Figure 5.

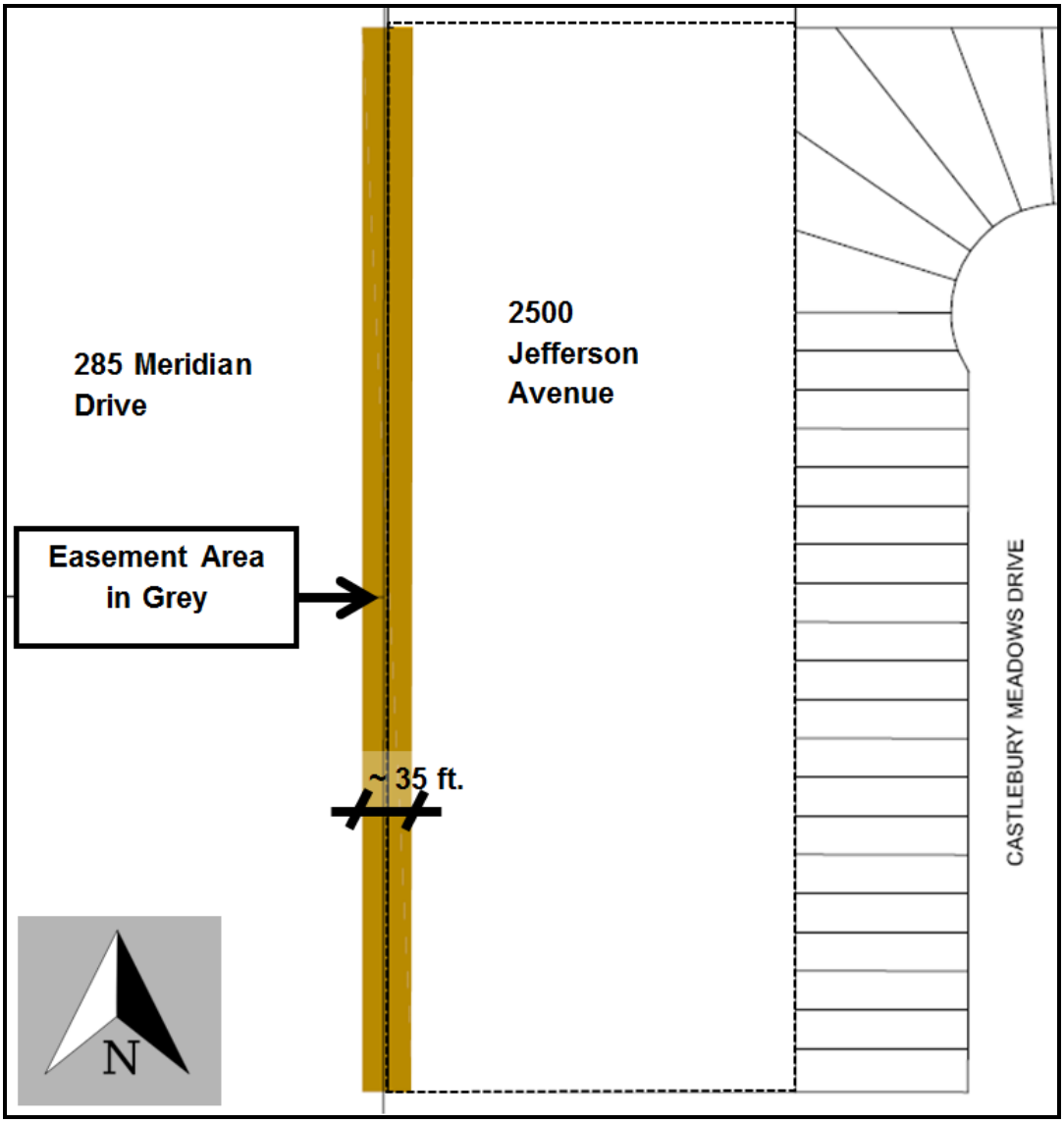


Figure 5: Easement Area.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- A Precinct Plan is one of the tools the City of Winnipeg uses under the *Complete Communities Direction Strategy* to implement *Our Winnipeg* at a detailed neighborhood level.
- Under the *Complete Communities Direction Strategy* the proposed development is within Precinct T.
- Development policies within Precinct T include:
    - Encourage residential development design which encourage open space and decrease negative impacts on the visual and natural environment.
    - Encourage socially inclusive community that provides a livable environment.

ZONING

"RMF-M" Residential Multi-Family (Medium)

- A minimum lot area of 9,000 square feet, corner side yards of 20 feet, interior side yards of 8 feet plus 2 feet for each storey above the ground floor, a front yard of 25 feet, and a rear yard of 25 feet are required.
- The maximum building height is 60 feet.

"M2" Manufacturing General District

- A minimum front yard of 25 feet and minimum corner side yard of 15 feet are required.
- A minimum 25 foot yard is also required along any side or rear lot line abutting a Residential Zoning District.
- The maximum building height is 100 feet.

LAND USE BY-LAW

2500 Jefferson Avenue – Zoning Agreement DASZ 30/2013:

- Clause 2(iii) of the zoning agreement for DASZ 30/2013 states the following:

    2. *For the portion of the Owner's Land zoned "RMF-M" Residential Multi-Family (Medium) District ("RMF-M Land"), the Owner must, at no expense to the City:*

        i. Submit Plans showing the location and design of any and all proposed buildings, accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and signage ("Works") to the City's Director of Planning, Property and Development ("Director") and the City's Lord Selkirk-West Kildonan Community Committee ("Community Committee") for approval prior to the issuance of any building or development permit, and thereafter must construct and maintain the Works to the satisfaction of the Director;

        ii. Ensure that no habitable room is located less than fifty feet (50) from the western boundary of the RMF-M Land;

iii. Construct and thereafter maintain, both to the satisfaction of the Director, a landscaped buffer at least thirty (30) feet wide along the western limit of the "RMF-M" land, which buffer must include a landscaped berm:

- *At least three (3) feet in height;*
- *With a rise-to-run ratio not exceeding 1:3; and*
- *Having at least one deciduous or coniferous tree for every thirty-five (35) linear feet of lot line and at least three shrubs for every twenty (20) linear feet of lot line.*

- Much of the surrounding context to the west is designated and zoned for manufacturing uses.
- The purpose of the above clause is to protect sensitive residential uses on the subject property from more intensive manufacturing uses on adjacent lands to the west.
- In this case, the agreement establishes a minimum setback between the residential buildings and adds a landscape buffer including a berm as an additional mitigation measure.

Proposed Zoning Agreement Amendment:

- That a new clause 2.1 be added as follows:
  - *The landscaped buffer required under Clause 2(iii) may located partially or entirely outside the western limit of the Owner's land provided that:*
    - *A. the Owner has entered into an easement agreement with the owner of the adjacent land on which the landscaped buffer is located; and*
    - *B. the landscaped buffer includes a landscaped berm*
      - *i. that is no less than six (6) feet in height;*
      - *ii. with a rise-to-run ratio not exceeding 1:3; and*
      - *iii. with at least*
        - *A. one deciduous or coniferous tree for every thirty-five(35) linear feet of lot line; and*
        - *B. three shrubs for every twenty (20) linear feet of lot line.*
- The proposed amendment would still maintain the overall intent of the existing Zoning Agreement, with the exception that the minimum height of the required Berm would increase to 6 feet instead of 3 feet.
- The minimum setbacks to residential buildings and landscaping requirements would still apply – however the required 30 foot wide buffer could be located partially outside of the Owner's property.

285 Meridian Drive – Zoning Agreement DAZ 224/1995:

- Also worth noting, an existing Clause 3 of the zoning agreement for DAZ 224/1995 states the following:

    3. *No building or structure shall be permitted within the easterly fifty (50) feet of the land.*

- The above clause essentially establishes a 50 feet wide interior side yard to principal buildings on the Manufacturing lands at 285 Meridian Drive.

ZONING AGREEMENT ANALYSIS

- As noted earlier, lands directly west of the subject site are zoned “M2” Manufacturing General District. It is important to consider context sensitivity and compatibility when introducing sensitive uses, such as residential, next to more intensive uses, such as manufacturing. To this end, several mitigation measures can be contemplated, including minimum setbacks to habitable rooms, berms and fencing, and landscape buffers. With respect to the subject site, the approved Zoning Agreement under DASZ 30/2013 contains all three of the above mitigation measures.

- Furthermore, the Winnipeg Zoning By-law also contains mitigation measures in scenarios where manufacturing uses are located adjacent to residential uses. For instance, principal buildings on lands zoned for manufacturing uses are required to provide a minimum 25 feet wide yard when the lot is abutting residential zoning districts. Further, these required yards must be landscaped pursuant to Landscaping and Buffering requirements of the Zoning By-law. This applies to Manufacturing lands.

Analysis of Proposed Amendment:

- As noted, the applicant has entered into an Easement Agreement to allow the required landscape buffer to be established partly on the adjacent lands to the west. The proposed Zoning Agreement Amendment is accommodate the following scenario:
    - A 13 ft. wide landscape buffer would be established along the western edge of the subject property (2500 Jefferson Avenue).
    - A 22 ft. wide landscape buffer would be established on the adjacent property to the west (285 Meridian Drive).
    - A landscaped berm that is 6 feet in height would be established with the midpoint along the shared property limit.
    - The total width of the landscape buffer would be 35 feet under this scenario.
- Also of note:
    - No habitable room would be established within 50 feet of the western boundary of 2500 Jefferson Avenue zoned “RMF-M” Residential Multi-Family (Medium) District.
    - No buildings or structures would be established within 50 feet of the eastern boundary of 285 Meridian Drive zoned “M2” Manufacturing General District.
    - Plans of the proposed development at 2500 Jefferson Avenue have been approved by the Lord Selkirk-West Kildonan Community Committee as required per the Zoning Agreement.

RECOMMENDATION

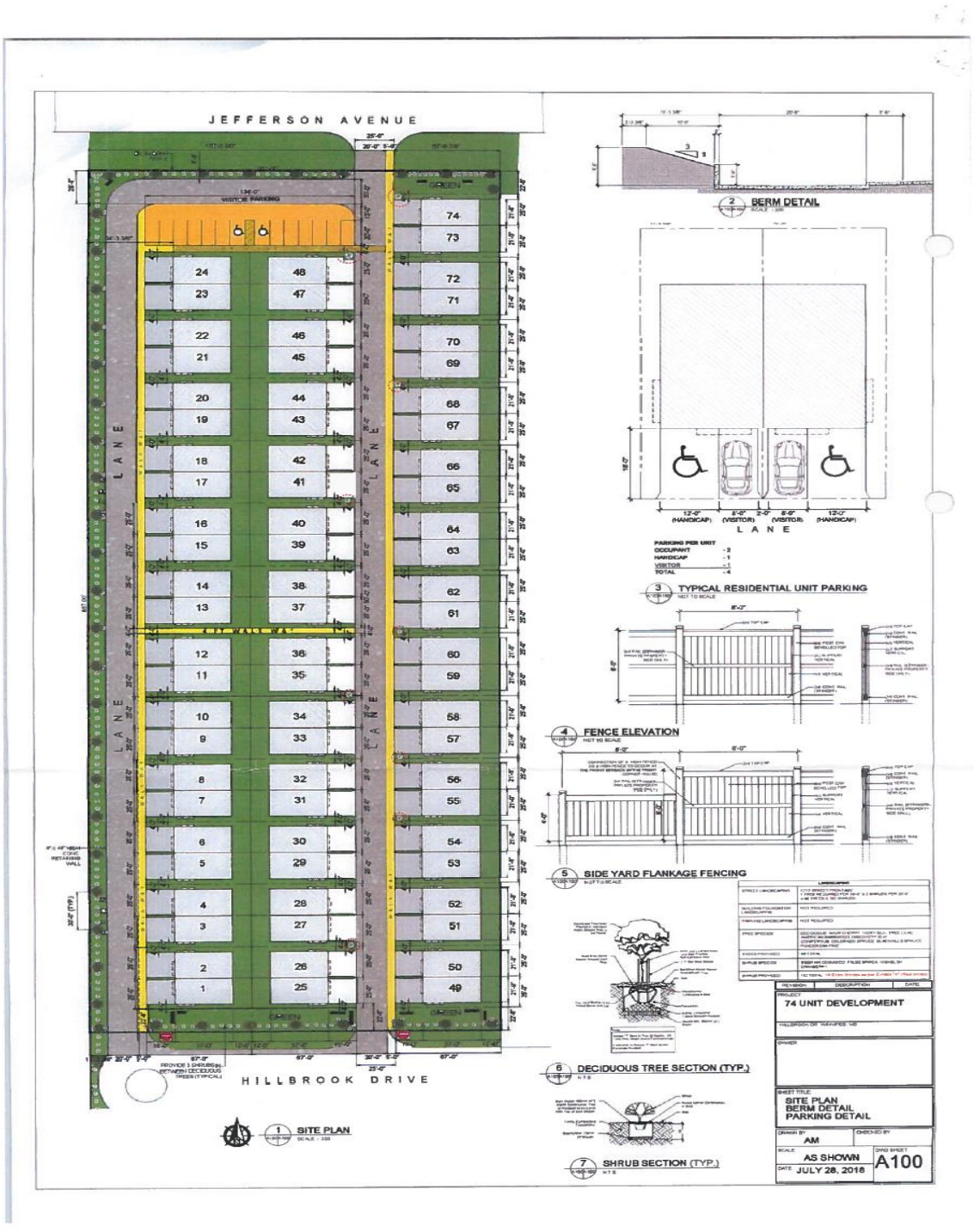
The Urban Planning Division recommends **approval** for the following reasons:

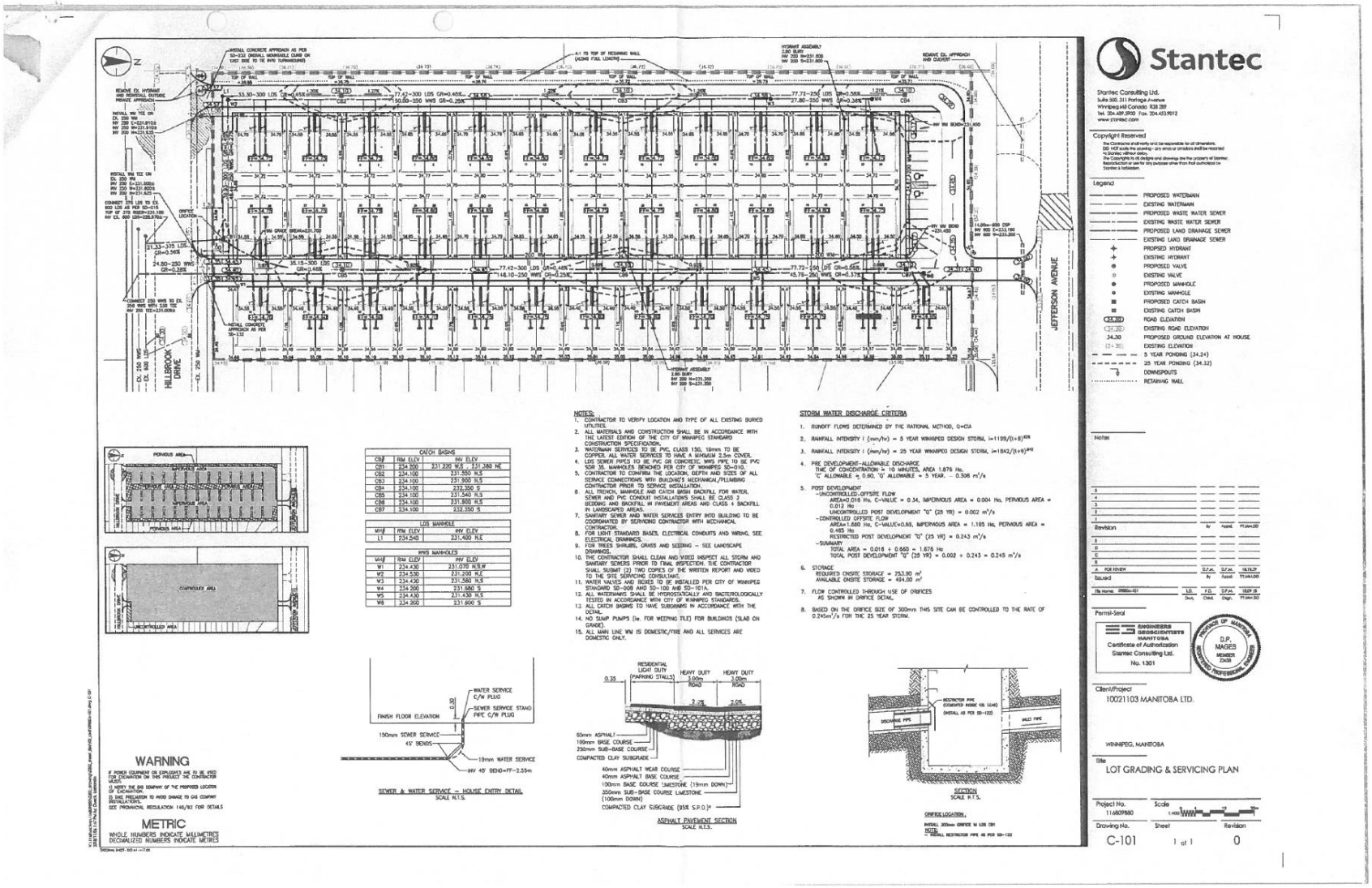
- The proposed amendment to the Zoning Agreement maintains the intent of the already approved Zoning Agreement.
- The proposed amendment does not adversely impact the adjacent land owners.

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

Report Prepared By: R. Hayer
PPD File # ZAA 2/19

Exhibit "6" referred to in File ZAA 2/2019




HILLBROOK DRIVE
JEFFERSON AVENUE
Stantec
Stantec Consulting Ltd.
Suite 500, 311 Portage Avenue
Winnipeg MB Canada R3B 2B9
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PROPOSED CATCH BASIN
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ROAD ELEVATION
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PROPOSED GROUND ELEVATION AT HOUSE
EXISTING ELEVATION
5 YEAR PONDING (34.24)
25 YEAR PONDING (34.32)
DOWNSPOUTS
RETAINING WALL
Notes
Revision
Permit Seal
ENGINEERS GEOSCIENTISTS MANITOBA
Certificate of Authorization
Stantec Consulting Ltd.
No. 1301
PROVINCE OF MANITOBA
D.P. MAGES
MEMBER
Client/Project
10021103 MANITOBA LTD.
WINNIPEG, MANITOBA
Title
LOT GRADING & SERVICING PLAN
Project No.
116007880
Scale
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C-101
Sheet
1 of 1
Revision
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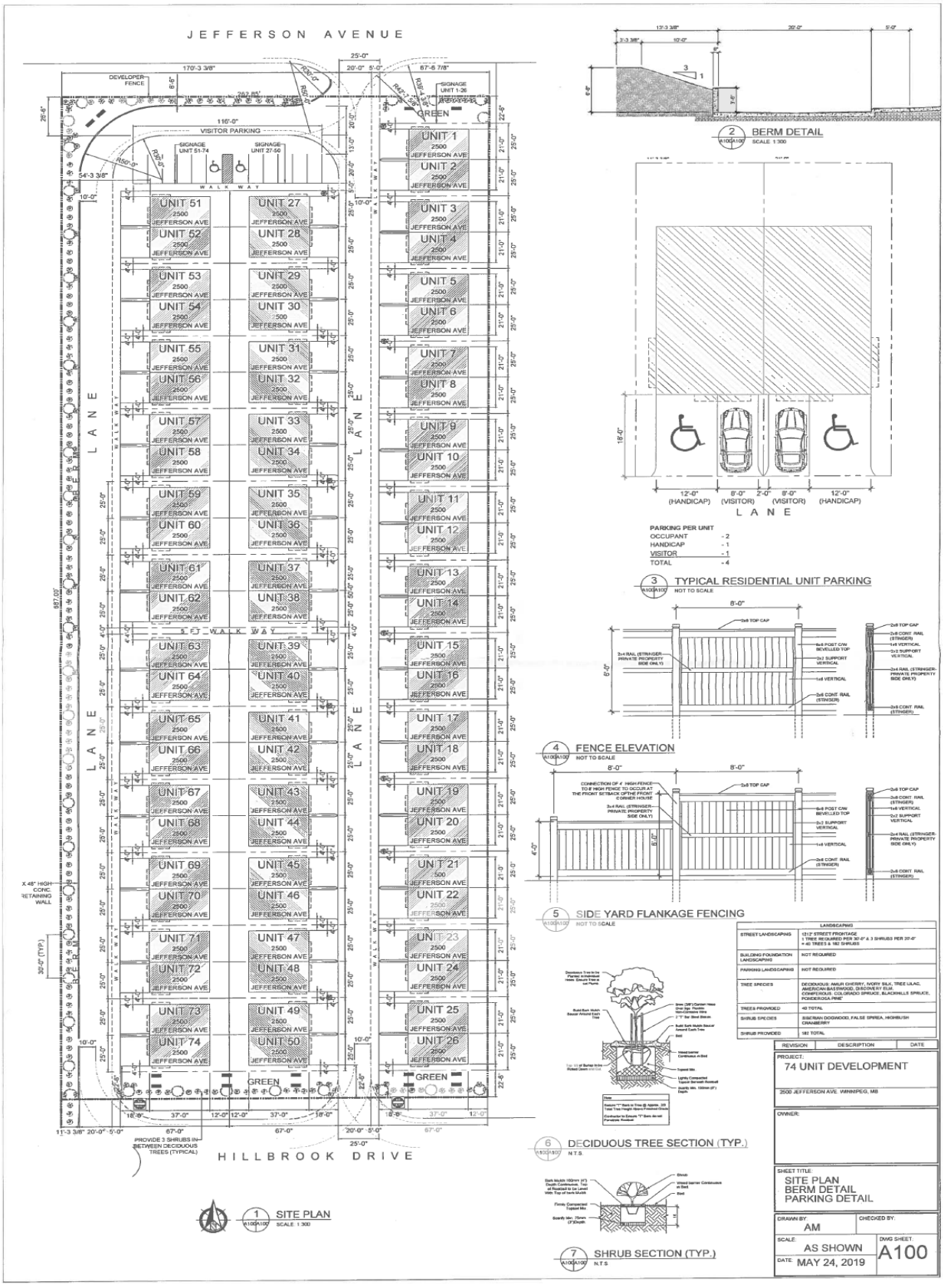
CATCH BASINS
MANHOLE
WYS MANHOLES
NOTES:
STORM WATER DISCHARGE CRITERIA
WARNING
METRIC
WHOLE NUMBERS INDICATE MILLIMETRES
DECIMALIZED NUMBERS INDICATE METRES
SEWER & WATER SERVICE – HOUSE ENTRY DETAIL
SCALE N.T.S.
ASPHALT PAVEMENT SECTION
SCALE N.T.S.
SECTION
SCALE N.T.S.


JEFFERSON AVENUE
VISITOR PARKING
GREEN
LANE
FT WALK WAY
HILLBROOK DRIVE
1 SITE PLAN
2 BERM DETAIL
3 TYPICAL RESIDENTIAL UNIT PARKING
4 FENCE ELEVATION
5 SIDE YARD FLANKAGE FENCING
6 DECIDUOUS TREE SECTION (TYP.)
7 SHRUB SECTION (TYP.)
74 UNIT DEVELOPMENT
SITE PLAN
BERM DETAIL
PARKING DETAIL
AM
AS SHOWN
A100


JEFFERSON AVENUE
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LANE
WALK WAY
GREEN
VISITOR PARKING
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UNIT 74 2500 JEFFERSON AVE
DEVELOPER FENCE
SIGNAGE UNIT 1-26
SIGNAGE UNIT 51-74
SIGNAGE UNIT 27-50
X 45° HIGH CONC. RETAINING WALL
PROVIDE 3 SHRUBS IN-BETWEEN DECIDUOUS TREES (TYPICAL)
1 SITE PLAN SCALE 1:300
2 BERM DETAIL SCALE 1:300
3 TYPICAL RESIDENTIAL UNIT PARKING NOT TO SCALE
12'-0" (HANDICAP)
8'-0" (VISITOR)
2'-0"
8'-0" (VISITOR)
12'-0" (HANDICAP)
PARKING PER UNIT
OCCUPANT - 2
HANDICAP - 1
VISITOR - 1
TOTAL = 4
4 FENCE ELEVATION NOT TO SCALE
5 SIDE YARD FLANKAGE FENCING NOT TO SCALE
6 DECIDUOUS TREE SECTION (TYP.) N.T.S.
7 SHRUB SECTION (TYP.) N.T.S.
LANDSCAPING
STREET LANDSCAPING
BUILDING FOUNDATION LANDSCAPING
PARKING LANDSCAPING
TREE SPECIES
TREES PROVIDED
SHRUB SPECIES
SHRUB PROVIDED
REVISION
DESCRIPTION
DATE
PROJECT:
74 UNIT DEVELOPMENT
2500 JEFFERSON AVE. WINNIPEG, MB
OWNER:
SHEET TITLE:
SITE PLAN
BERM DETAIL
PARKING DETAIL
DRAWN BY: AM
CHECKED BY:
SCALE: AS SHOWN
DATE: MAY 24, 2019
DWG SHEET: A100