Minute No. 159
Report – Executive Policy Committee – January 19, 2022

Item No. 12 Rezoning – 2735 and 2737 Pembina Highway (Waverley West Ward) File DAZ 213/2021 [c/r DAV 224289/2021D]

COUNCIL DECISION:

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

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under development application No. DAZ 213/2021 by rezoning the subject land to an "RMF-L" Residential Multi-Family (Large) District, as shown on the map dated December 15, 2021 and attached as Schedule "A" to this report, subject to the following conditions:

    A. That the owner of the subject land (The "Owner") enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter in accordance with the following:

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

            a. Buildings
            b. Accessory parking areas
            c. Private approaches
            d. Garbage enclosures
            e. Bicycle enclosures
            f. Fencing
            g. Lighting
            h. Landscaping
            i. Free-standing signage

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

Report – Executive Policy Committee – January 19, 2022

COUNCIL DECISION (continued):

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 three measures:

a. Berm and setback:

1. 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 eastern property line of the development site. The berm should 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.

2. A minimum setback of 9 metres to any portion of a habitable room or space within a building from the west property line abutting the CNR Letellier subdivision.

b. Crash wall and setback

1. 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 eastern property line. The crash wall shall be no less than 0.45 metres thick and shall be of solid, heavy construction.

2. 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

Report – Executive Policy Committee – January 19, 2022

COUNCIL DECISION (continued):

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.

3. 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.

4. A minimum setback of 9 metres to any portion of a habitable room or space within a building from the west property line abutting the CNR Letellier subdivision.

A. The minimum setback in b.4. above may be measured as a combination of the horizontal and vertical distances equal to 9 metres if the crash wall is incorporated into the entire height of a low occupancy podium below a residential structure.

c. A viability assessment.

1. That, prior to issuance of building permits, a certified professional engineers report shall be submitted to the satisfaction of the Director of Planning, Property and Development that addresses rail proximity and safety issues in a sufficient alternative manner to the FCM guidelines, and that the construction of any mitigation measure be completed as required.

iii. The Developer shall, at no expense to the City, construct within the Planned Area abutting the Canadian National Railway Letellier Subdivision, a uniform fence 2.0 m in height, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of the proposed lot abutting the

Report – Executive Policy Committee – January 19, 2022

COUNCIL DECISION (continued):

Canadian National Railway Letellier Subdivision requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works. Said fence is intended to ensure that "pedestrian trespass" to the tracks does not become a consequence of the subject development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

2. That the developer shall meet all conditions identified in Schedule "B" - Report of the Administrative Coordinating Group, dated December 6, 2021.

3. That the City enter into, execute and deliver with the Owner a Zoning Agreement in accordance with recommendation 1.A, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements")

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

5. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DAZ 213/2021, as determined by the City's Director of Planning, Property and Development.

6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

7. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

Report – Executive Policy Committee – January 19, 2022

COUNCIL DECISION (continued):

8. That the By-law will come into force when the Zoning Agreement is fully executed and registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

9. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 8. unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

10. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

11. That the Variance Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 213/2021.

Report – Executive Policy Committee – January 19, 2022

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,
That the recommendation of the Executive Policy Committee be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 19, 2022, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 7, 2022, the Assiniboia 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

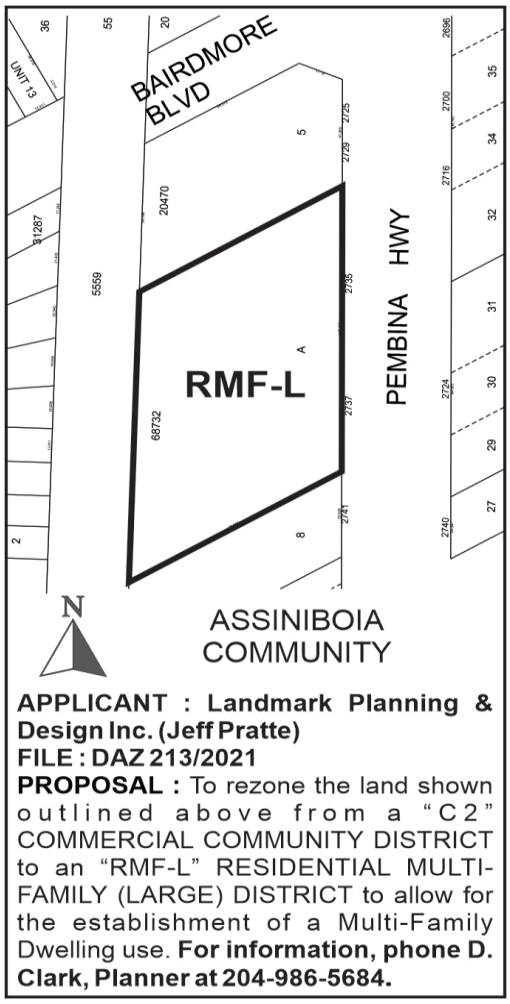
File: DAZ 213/2021

Before: Assiniboia Community Committee
Councillor Gillingham, Chairperson
Councillor Klein
Councillor Lukes

Public Hearing: January 7, 2022
Council Building, 510 Main Street

Applicant: Landmark Planning and Design Inc. (Jeff Pratte)

Subject:



Premises Affected: 2735 and 2737 Pembina Highway

For submission to: Executive Policy Committee

Prepared by: Leah Cowan, Senior Committee Clerk
Assiniboia Community Committee

Report date: January 10, 2022

Community Committee Recommendation:

On January 7, 2022, the Assiniboia 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 under development application No. DAZ 213/2021 by rezoning the subject land to an "RMF-L" Residential Multi-Family (Large) District, as shown on the map dated December 15, 2021 and attached as Schedule "A" to this report, subject to the following conditions:

    A. That the owner of the subject land (The "Owner") enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter in accordance with the following:

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

            a. Buildings
            b. Accessory parking areas
            c. Private approaches
            d. Garbage enclosures
            e. Bicycle enclosures
            f. Fencing
            g. Lighting
            h. Landscaping
            i. Free-standing signage

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

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 three measures:

a. Berm and setback:

1. 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 eastern property line of the development site. The berm should 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.

2. A minimum setback of 9 metres to any portion of a habitable room or space within a building from the west property line abutting the CNR Letellier subdivision.

b. Crash wall and setback

1. 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 eastern property line. The crash wall shall be no less than 0.45 metres thick and shall be of solid, heavy construction.

2. 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.

3. 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.

4. A minimum setback of 9 metres to any portion of a habitable room or space within a building from the west property line abutting the CNR Letellier subdivision.

A. The minimum setback in b.4. above may be measured as a combination of the horizontal and vertical distances equal to 9 metres if the crash wall is incorporated into the entire height of a low occupancy podium below a residential structure.

c. A viability assessment.

1. That, prior to issuance of building permits, a certified professional engineers report shall be submitted to the satisfaction of the Director of Planning, Property and Development that addresses rail proximity and safety issues in a sufficient alternative manner to the FCM guidelines, and that the construction of any mitigation measure be completed as required.

iii. The Developer shall, at no expense to the City, construct within the Planned Area abutting the Canadian National Railway Letellier Subdivision, a uniform fence 2.0 m in height, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of the proposed lot abutting the Canadian National Railway Letellier Subdivision requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works. Said fence is intended to ensure that "pedestrian trespass" to the tracks does not become a consequence of the subject development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

2. That the developer shall meet all conditions identified in Schedule "B" - Report of the Administrative Coordinating Group, dated December 6, 2021.

3. That the City enter into, execute and deliver with the Owner a Zoning Agreement in accordance with recommendation 1.A, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements")

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.
5. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DAZ 213/2021, as determined by the City's Director of Planning, Property and Development.

6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

7. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.

8. That the By-law will come into force when the Zoning Agreement is fully executed and registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

9. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 8. unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

10. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

11. That the Variance Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 213/2021.

The Assiniboia Community Committee provided the following supporting reasons for its recommendation:

1. A project like this supports everything that we're trying to do to grow our city up.

2. It supports our Complete Communities 2.0 plan.

3. I think it's an ideal project for Pembina Highway.

4. It brings affordable housing to the area, and when I say affordable housing some people may choke on that, but not everyone can afford a house.

5. And there is a great demand for accommodation in and around the university and we see all the amenities on the corridor that support apartment dwelling.

Exhibits Filed:

1. Application dated October 19, 2021
2. Notification of Public Hearing dated November 22, 2021
3. Manitoba Status of Title 3138881/1
4. Letter of authorization dated August 31, 2021 from Phoenix Enterprises Ltd. (Richard Morantz) to Landmark Planning & Design
5. Plan of Survey dated between January 5, 2021 and January 11, 2021
6. Final Report from Globe Capital Management titled "Development Viability Assessment – 2735 & 2737 Pembina Highway, Winnipeg, Manitoba" dated February, 2021
7. Title Sheet titled Pembina Multi-Residential 2735 Pembina Highway, dated August 16, 2021
8. Site Survey dated August 16, 2021
9. Shadow Study March Equinox dated August 16, 2021
10. Shadow Study September Equinox dated August 16, 2021
11. Exterior Elevations dated August 16, 2021 (2 pages)
12. Site Plans (6 pages)
13. Report from the Urban Planning Division dated December 15, 2021
14. Inspection Report
15. Communication dated January 4, 2022 in support of the application submitted by Ron Penner
16. Communication dated January 5, 2022 in support of the application submitted by Richard Morantz
17. Presentation dated January 7, 2022 in support of the application submitted by the Applicant at the public hearing
18. Recording of Representations

REPRESENTATIONS:

In Support:

Tat-Liang Cheam
Alyssa Hornick
Jason Jakubowski
Richard Morantz
Ron Penner
Jeff Pratte
Donovan Toews

In Opposition:

Nil
For Information:

Nil

For the City:

D. Clark, Urban Planner, Planning, Property and Development Department

Exhibit "13" referred to in File DAZ 213/2021

ADMINISTRATIVE REPORT

Title: DAZ 213/2021 – 2735 Pembina Hwy.

Issue: For consideration at the Public Hearing for an application to rezone the property to the RMF-L zoning district.

Critical Path: Assiniboia Community Committee → Standing Policy Committee on Property and Development, Heritage and Downtown Development → Executive Policy Committee → Council as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Clark, RPP, MCIP	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under development application No. DAZ 213/2021 by rezoning the subject land to an "RMF-L" Residential Multi-Family (Large) District, as shown on the map dated December 15, 2021 and attached as Schedule "A" to this report, subject to the following conditions:

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    a. Buildings;

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    c. Private approaches;

    d. Garbage enclosures;

    e. Bicycle enclosures;

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    g. Lighting;

h. Landscaping; and

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

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c. A viability assessment.

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iii. The Developer shall, at no expense to the City, construct within the Planned Area abutting the Canadian National Railway Letellier Subdivision, a uniform fence 2.0 m in height, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the title of the proposed lot abutting the Canadian National Railway Letellier Subdivision requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works. Said fence is intended to ensure that "pedestrian trespass" to the tracks does not become a consequence of the subject development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

2. That the developer shall meet all conditions identified in Schedule "B" - Report of the Administrative Coordinating Group, dated December 6, 2021.

3. That the City enter into, execute and deliver with the Owner a Zoning Agreement in accordance with recommendation 1.A, and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements")

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Zoning Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

5. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DAZ 213/2021, as determined by the City's Director of Planning, Property and Development.
6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.
7. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare and bring it directly to Council for enactment the By-law in accordance with the above.
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10. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.
11. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 213/2021.

REASON FOR THE REPORT

- Rezoning applications 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 Winnipeg Public Service are concurred in, the subject property may be rezoned in a manner that is consistent with the map provided in Schedule "A" of this report.

CONSULTATION

In preparing this Report there was consultation with: NA

OURWINNIPEG POLICY ALIGNMENT

The proposed development aligns with *OurWinnipeg* through the following directions and policies:

- 01-01a – Direction 1
  Ensure land use, transportation and infrastructure planning efforts are aligned to identify where growth will be accommodated and how it will be serviced.

- 01-1b – Key Directions for the Entire City
  Dynamically integrate transportation with land use.

- Section 01, Direction 3: *"Promote Compact Urban Form and Manage the Extension of Municipal Services for New Growth."*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #3 *Advancing Sustainable Transportation – Increasing Mobility Options and Shift to Zero Emission Vehicles*

3.1 Increase Use and Efficiency of Public Transit Systems

3.2 Increase the Density of Urban Development Along Key Transit Corridors.

Strategic Opportunity #4 *Facilitate Compact, Complete Development and Increase Density*

4.1 Increase Strategic Infill Development that Provides Access to and Capitalizes on Existing and Planned Corridors with Frequent Transit Service

4.3 Pursue Transit-Oriented Development

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	D. Clark, RPP, MCIP
Date:	December 15, 2021
File No.	DAZ 213/2021

List of Schedules and Attachments

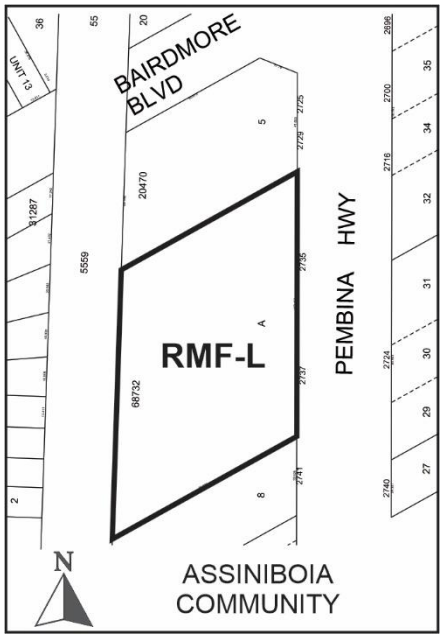
- **Appendix "A," Planning Discussion.**
- **Schedule "A," of File** DAZ 213/2021**,** Assiniboia **Community Committee, dated December 15,** 2021**.**
- **Schedule "B," Report of the Administrative Co-ordinating group, dated December 6, 2021, Re: Proposed Rezoning of Land Located at 2735 and 2737 Pembina Highway**

APPENDIX 'A'

DATE: December 15, 2021
FILE: **DAZ 213/2021**
RELATED FILES: DAV 21-224289/D
COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.638 (Richmond West)

SUBJECT: For consideration at the public hearing for a rezoning to "RMF-L" Residential Multi-Family (Large) District.

LOCATION: 2735 Pembina Hwy
LEGAL DESCRIPTION: LOT 6 PLAN 20470 115/121 ST N



APPLICANT: Landmark Planning & Design (Jeff Pratte)
298 Waterfront Dr.
Winnipeg, MB R3B 0G5

OWNER: Phoenix Enterprises Ltd.
500 St. James Street
Winnipeg, MB R3G 3J4

RECOMMENDATION: Approval with Conditions

HISTORY

N/A

DISCUSSION

SITE DESCRIPTION

- The subject site is located one property south of the intersection of Pembina Highway and Bairdmore Blvd. The property is located on the west side of Pembina Hwy and is adjacent to the CN Lettelier Subdivision Railway. It is located in the Richmond West Neighbourhood of the Waverley West Ward.
- The property currently has two addresses. Lands were formerly under 2 separate lots (SP Lots 6 & 7 Plan 20470) and were consolidated together via a parcel plan being registered directly at the Property Registry/Land Titles Office. The lands are now under Parcel A Plan 68732.
- The subject site has a total lot area of 92,219 square feet and currently accommodates two one-storey commercial buildings.
- The property is zoned Commercial Community “C2” within the Centres and Corridors Policy Area and the Areas of Stability – Recent Communities Policy Area under *the Complete Communities Direction Strategy*.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Commercial uses zoned “C2” Community Commercial

South: Commercial uses zoned “C2” Community Commercial

East: Pembina Highway then commercial uses zoned “C2” Community Commercial

West: CN Letellier line then single-family residential zoned “R1-M” Residential Single Family - Medium

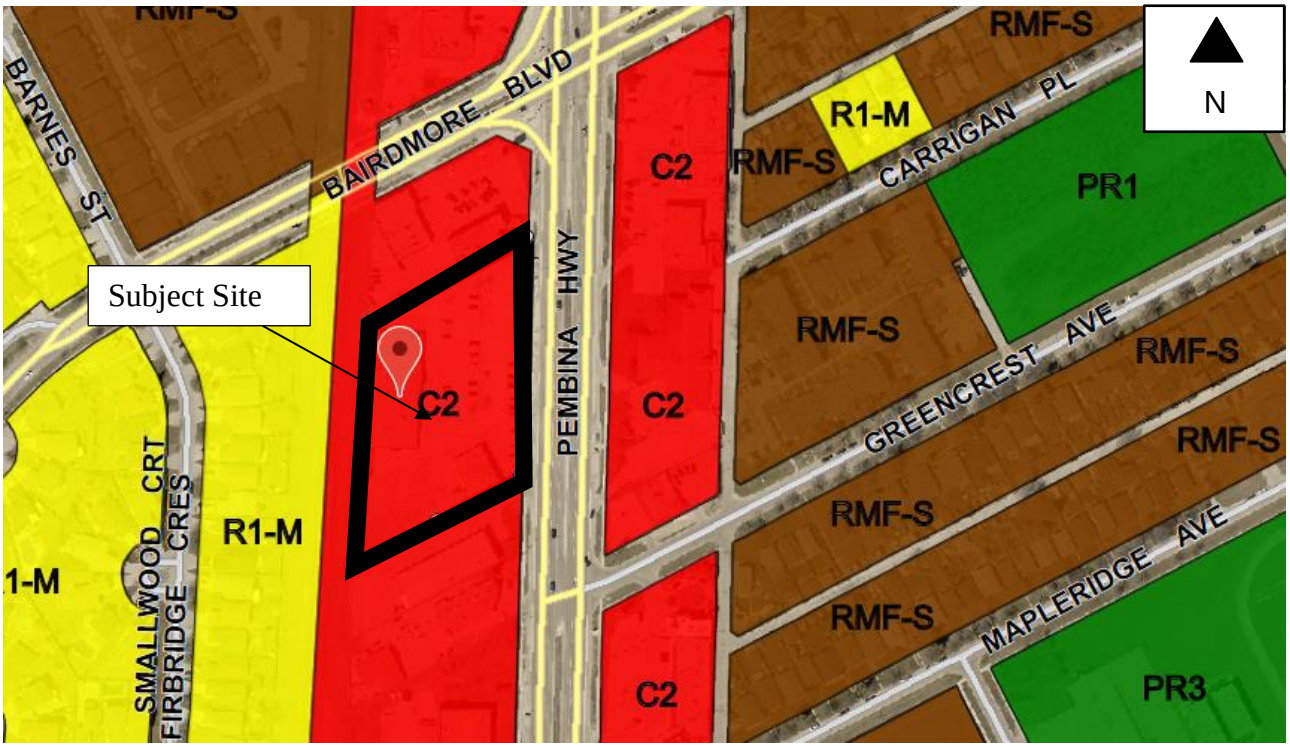


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- **The proposal involves rezoning a parcel that is 92,219** sq. ft. for **the development of a 181-unit residential dwelling.**
- **Submitted plans indicate the intent is to establish an 8 storey building (89.4 feet) with a footprint of 24,766 sq. ft. The main floor is designed to primarily accommodate indoor parking. Each floor above is to accommodate 26 units, with 12 one-bedroom, 13, two-bedroom and 1 three-bedroom unit per floor.**
- **The lot area per dwelling unit provided is 509 sq. ft.**
- **For parking, a total of 158 vehicle parking stalls and 54 bike parking stalls are proposed.**
- **1 car share vehicle is proposed.**
- **The proposed development is also subject to a variance application under file DAV 21-224289/D. See associated report for discussion of variances. The variances include items for reduced parking and yard setbacks to building and parking areas.**

Background and Collaboration:

- **The applicant applied for a Pre-application to explore the development potential for this site. Further to the pre-app, the applicant engaged in follow up discussions regarding modifications made to the site plan.**

ANALYSIS AND ISSUES

OUR WINNIPEG

Key policies applicable to the proposed development include:

01-1c Key Directions for Specific City Area's – Centres and Corridors

- *Focus a significant share of growth to Centres and Corridors in a manner that:*
    - *provides compact, mixed-use, high-quality urban development.*
    - *concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.*
    - *concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.*
    - *encourages a built form that supports a pedestrian friendly environment while incorporating climate sensitive site and building design.*
    - *Where appropriate, develop Corridors in accordance with Transit Oriented Development principles.*

COMPLETE COMMUNITIES DIRECTION STRATEGY

Under the *Complete Communities Direction Strategy,* the proposed development is located within the Regional Mixed-Use Corridor Policy Area.

- With regard to this proposal, key policies guiding development of Regional Mixed Use Corridors include:
    - *Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.*
    - *Support a range of housing opportunities in terms of type, tenure, unit size.*
    - *Mitigate the potential impacts of new development on neighbouring streets, parks and properties.*
    - *Focus improvements to the public realm, including pedestrian elements, such as street trees, street furniture, wide sidewalks and bicycle parking and public art.*
    - *Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking or parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.*

CLIMATE CHANGE ACTION PLAN

- Strategic Opportunity #3 *Advancing Sustainable Transportation – Increasing Mobility Options and Shift to Zero Emission Vehicles:*
  3.1 Increase Use and Efficiency of Public Transit Systems
  3.2 Increase the Density of Urban Development Along Key Transit Corridors.

- Strategic Opportunity #4 *Facilitate Compact, Complete Development and Increase Density:*
  4.1 Increase Strategic Infill Development that Provides Access to and Capitalizes on Existing and Planned Corridors with Frequent Transit Service
  4.3 Pursue Transit-Oriented Development

The following is an excerpt from the Climate Change Action Plan, with respect to why there is a desire to shift away from personal vehicle travel and diversifying the modes of transport.

- *Why it matters*
  The transportation sector is the second ranked contributor to GHG emissions in Canada, with personal vehicles and commercial vehicles largely responsible. Commercial and residential vehicles are the largest source of transportation emissions in Winnipeg at 49.7% of overall community GHG emissions. Personal vehicle travel is the predominant mode of transportation in Winnipeg (81% of total weekday traffic). There are a number of reasons for this: a) Winnipeg is one of the lowest density cities in Canada outside of Alberta; b) residents generally have to travel relatively far to get to their destinations (e.g., for school, work, recreation); and c) this is exacerbated by cold winter temperatures…By choosing to carpool, use transit, or engage in active transportation modes, Winnipeg residents can contribute to a substantial reduction in GHG emissions. The City can do its part by continuing to seek improvements in its transit system and developing and maintaining high quality active transportation infrastructure. (p.14)

REZONING

- The site is currently zoned *"C2" Commercial Community.*
- The dimensional standards for multi-family structures in the C2 zone are:
  - a minimum front yard of 0 feet;
  - a minimum rear yard of 25 feet;
  - a minimum interior side yard of 0 feet;
  - a minimum corner side yard of 0 feet; and,
  - a maximum building height of 49 feet.
- The proposed zoning district is *"RMF-L" Residential Multi-Family Large.*
- The dimensional standards for multi-family structures in the RMF-L zone are:
  - a minimum front yard of 25 feet;
  - a minimum rear yard of 25 feet;

- a minimum interior side yard of 8 feet;
- a minimum corner side yard of 20 feet; and,
- a maximum building height of 150 feet.

- The minimum lot area in RMF-L districts is 20,000 square feet and the minimum lot area per dwelling unit is 400 square feet.

TRANSIT

- **The subject site is located immediately adjacent to Pembina Highway. 72 buses serve stop number 60067 during the day between from 5:09 AM and 1:55 AM. 68 buses serve stop number 60069 throughout the day heading northbound between 5:27 and 12:56 AM (see Figure 3 below).**
- **At stop number 61008, on weekdays, 35 buses serve this stop heading westbound on Dalhousie. At stop number 61025 34 buses serve this stop heading eastbound toward the University of Manitoba.**
- **Overall, there is a high level of frequent transit service within close proximity to the subject site.**



Figure 3: Transit stops in close proximity to the subject site

RAIL PROXIMITY AND FCM GUIDELINES

- The property is located in proximity to the CN Letellier Principal Branch Line. For applications involving a rezoning and/or subdivision, the Urban Planning and Design Division recommends that new development of sensitive uses (such as residential uses) adjacent to rail operations incorporate the mitigation measures 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 Principal Branch Line for CN. The standard recommended setback from Principal Branch Lines is 15 metres including a 2.0 metre (6.5 feet) high berm with a fence on top. Alternate mitigation measures to the standard setback can include a crash wall, or development viability assessment.
- The applicant has submitted a development viability assessment for the subject site. The development viability assessment indicates the proposed setbacks and layout of the building will suffice for an alternate viability to the standard FCM mitigation measures.
- Although the proponents have conducted the development viability assessment, the Public Service is providing three options to address the mitigation measures for rail:
    - Option one: the standard berm and setback, which excludes the fencing as it is already in place and a setback of 9 metres instead of 15 metres given the intervening hydro corridor between the two uses, which accounts for 6 metres.
    - Option two: crash wall mitigation measures; or,
    - Option three: a development viability assessment. Any of the three options should be understood prior to the issuance of building permits and where site design considerations are required, identified on plans when submitted for plan approval.

PUBLIC CONSULTATION

- The applicant provided the Urban Planning Division with a summary of the public consultation process that was undertaken with the area residents. A brief summary of this consultation provided by the applicant indicates the following:
    - Two rounds of consultation via Zoom were undertaken. The first was on April 19th, 2021, and the second on July 27th, 2021. The proponents met with adjacent residents and businesses and other stakeholders that may be affected by the proposal.
    - At the first meeting the proponents introduced the planning process, project timeline, two preliminary design concepts and anticipated next steps. Following this meeting the project team worked on addressing some of the questions, comments and concerns of residents, which were primarily related to CN rail line access, traffic, lighting, landscaping and building design.

- The second meeting was scheduled to provide a project update, introduce the preferred design concept and show how feedback was considered and addressed.
- Engagement notifications were hand delivered to adjacent businesses and residents on Firbridge Crescent. Businesses on the east side of Pembina Highway were notified via email. An advertisement was also taken out in the CanStar Weekly Sou'Wester newspaper. Presentation materials were forwarded via email to those who requested them.
- Figure 4 below is a copy of the public engagement summary submitted by the proponents. It identifies the issues raised during the engagement process.
- Figure 5 below is a summary of the changes made to the development as a result of the questions or concerns that were raised during consultation.

Concern	Response to Concerns
CN Rail Line Access	• Stakeholders noted that a new residential development may bring increased pedestrian traffic along the CN rail line • The Federation of Canadian Municipalities/Railway Association of Canada (FCM/RAC) Guidelines deals with separation distance, and additional guidelines to consider if there are multi-family/residential properties nearby • The subject site will likely include a 6ft wood fence (subject to City discussions)
Vehicle Traffic	• Stakeholders noted vehicle traffic exiting the site to travel north on Pembina Highway as a concern • There is a median storage lane at the intersection of Pembina Highway and Greencrest Avenue to make the U-turn to head northbound but the overall impacts to traffic would be minimal • Impacts to traffic flow are considered very minor
Lighting	• Stakeholders asked what type of lighting will be proposed in the parking areas nearest to adjacent residences on Firbridge Crescent • The project will conform to City Standard lighting which includes fixtures located to provide a relatively uniform level of lighting and to avoid extreme contrasts between levels of lighting, except as necessary to prevent glare onto adjacent properties
Landscaping	• There was a question about what type of landscaping will be provided for the potential development • The landscaping plan will conform to City Standard requirements, including plantings for screening and aesthetics • The developer intends to provide an amenity such as an art feature adjacent to Pembina Highway
Building Design & Aesthetic	• Stakeholders commented that the building should be well-designed • Nejmark Architect has been retained to lead the building design process • The proposed development will feature a high-quality building with a variety of colours, materials, and articulation • The updated building design features a modern aesthetic with timeless materials including a brick exterior

Figure 4: Summary table of concerns raised during consultation

Recommendation	Response to Recommendations
To change the design so the front of the property is substantially less car-oriented	• Most of the parking as well as the garbage pick-up is relocated to the back of the building but substantially separated and screened from existing uses on the west side of the railway tracks
To decrease the number of proposed private approaches	• The proposal is for one (1) versus three (3) private approaches to avoid creating an unsafe situation
To mitigate impacts on adjacent residents	• The building design is contained within the City's recommended 45-degree angular plane • The building is oriented to mitigate negative privacy/shadow impacts
To setback the building from the railway	• The development will follow the FCM guidelines or that a suitable alternative mitigation measure under the seal of a certified professional engineer
To include outdoor amenity space	• The design concept includes lawns and a proposed outdoor seating area to provide opportunities for residents to gather and relax outdoors

Figure 5: Summary table of changes made in response to concerns raised.

COMPATIBILITY WITH THE SURROUNDING AREA

The following discussion focuses on some of the site design considerations that can help articulate how the proposed development achieves a compatible relationship to the surrounding area.

Landscaping

- Submitted plans indicate landscaping will be provided in a manner that meets the Zoning By-law requirements.
- Street edge landscaping will be configured in a way to screen and buffer the parking stalls within the front portion of the site.
- Within the rear parking area, landscaped areas will be established throughout in a manner that helps break up the paved area for drive aisles and parking.

Setbacks

- The building will be setback approximately 25 feet from the rear property line at its closest point. The building is situated on an angle to the rear property line and increases to a setback of approximately 150 feet. This setback provides room for parking in the

rear as well as access for garbage pickup. The setback also addresses the intent of building proximity to the rail line. While the setback does not adhere to the FCM standards explicitly, the viability assessment submitted by the applicant indicates that the setback is adequate.

- At its closest point, the building setback will be approximately 125 feet away from the rear property line of the single-family residential dwellings to the west. The building height is to be 89.4 feet and given the intervening railway, the building massing falls below the 45-degree angular plane as measured from the rear residential property line.

Shadow study

- Submitted materials by the applicant indicate that the shadow impacts are minor on surrounding properties based on March 21st and September 21st studies
- The goal is to ensure that a minimum of 5 hours of uninterrupted sunlight are provided to surrounding properties.
- Upon review of the shadow impact study, the Urban Planning Division can confirm that for March 21st the shadow impacts are contained predominantly within the subject site, do not affect private properties located on Firbridge Crescent and provide for the 5 hours of uninterrupted sunlight between 9 am and 6 pm.
- For September, similarly, the shadow impacts are predominantly contained within the subject site, do not affect private properties located on Firbridge Crescent and allow for 5 hours of uninterrupted sunlight on adjacent properties.

CONDITIONS OF APPROVAL

Zoning Agreement

- The Winnipeg Public Service recommends that the developer enter into a Zoning Agreement with the City of Winnipeg for plan approval by the Director of Planning, Property and Development and the Assiniboia Community Committee, prior to the issuance of building permits.
- The intent of this Plan Approval is to require a review of the final plans with respect to site and building design before building permits are issued. Particular elements of the proposal that will be reviewed at Plan Approval include, but are not limited to:
    - Landscaping throughout the subject site
    - Private approaches
    - Traffic circulation within the subject site
    - Building design, elevations, materials, architectural details
    - Parking, bicycle parking
    - Garbage bin location and access
- The Winnipeg Public Service recommends that any one of the three options identified for rail safety mitigation be implemented to address rail safety for the proposed development. Through discussions with the applicant, the Urban Planning Division

understands the intent is to rely on the viability assessment as an alternate to the standard FCM guidelines.

- The Winnipeg Public Service recommends that a fence be constructed and maintained by the owner along the property line abutting the railway in order to prevent trespass.

Land Dedication

- As a condition of rezoning or subdivision of a parcel of land, a developer is required to contribute a portion of the land to be developed to the City of Winnipeg for parks purposes. The amount of land is not less than 10 percent.
- In the case of the subject proposed subdivision and rezoning, the Planning, Property and Development Department is recommending that the developer provide 'cash in lieu' of a dedication of land for the appraised value of the subject site.

RECOMMENDATION

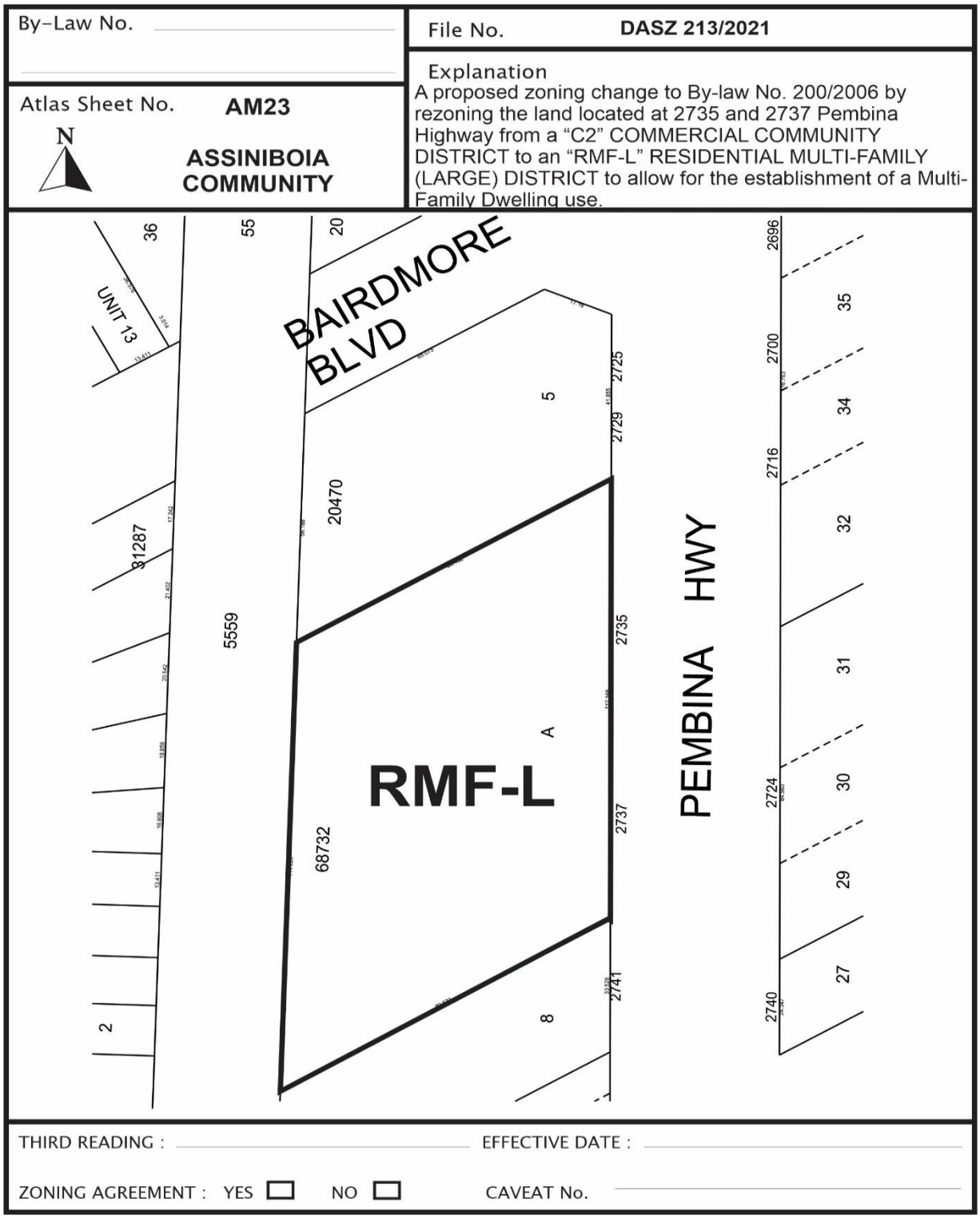
The Urban Planning Division recommends **approval** for the following reasons:

- The proposed development is consistent with *OurWinnipeg, the Complete Communities Direction Strategy,* and *the Climate Action Plan,* in that it provides higher-density residential development adjacent to a high frequency transit corridor.
- The rezoning, subject to the recommended conditions, is compatible with the surrounding area and aligns with policies for Regional Mixed-Use Corridors under the *Complete Communities Direction Strategy*.

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

Report Prepared by: D. Clark, RPP, MCIP
PPD File #: DAZ 213/2021

Schedule "A" for File DAZ 213/2021, Assiniboia Community Committee, dated December 15, 2021



SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED REZONING OF LAND LOCATED AT 2735 AND 2737 PEMBINA HIGHWAY

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DASZ 13/2021. The Developer should take into consideration the following servicing and design requirements and considerations in the redevelopment of the site:

Section I – General Comments

1) The Water and Waste Department wishes to advise that there is adequate water and wastewater servicing for the proposed development based on the development plans provided. Additional review will be required by their Department should the plans of development change during the process.

2) The Public Works Department has advised that private approaches require separate application to their Department. Please contact Public Works at PWDPrivateAccess@winnipeg.ca to discuss further. Please note that no median opening will be provided to serve the private approach on Pembina Highway.

THIS REPORT SUBMITTED BY:

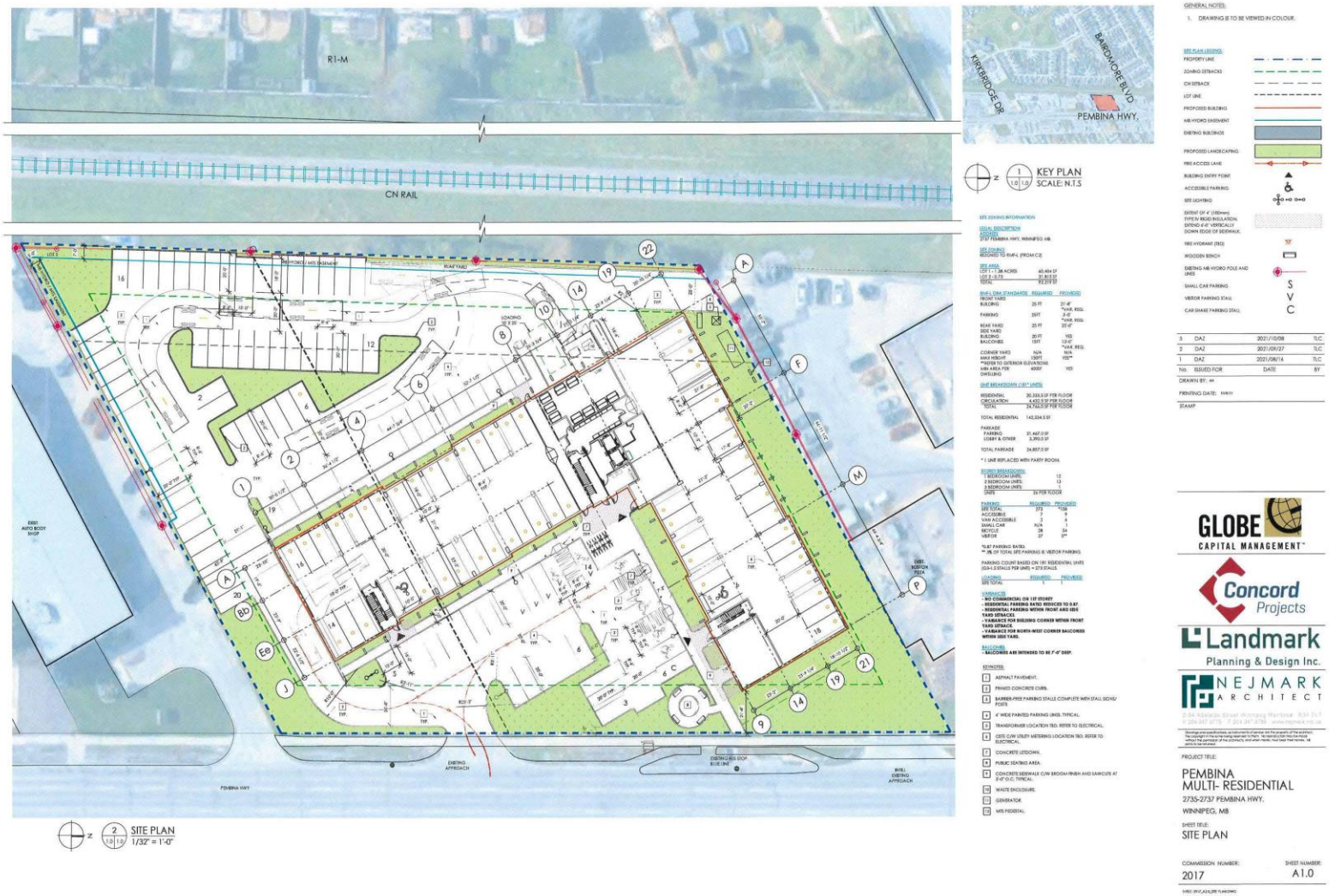
Administrative Co-ordinating Group
File No. DAZ 213/2021
December 6, 2021

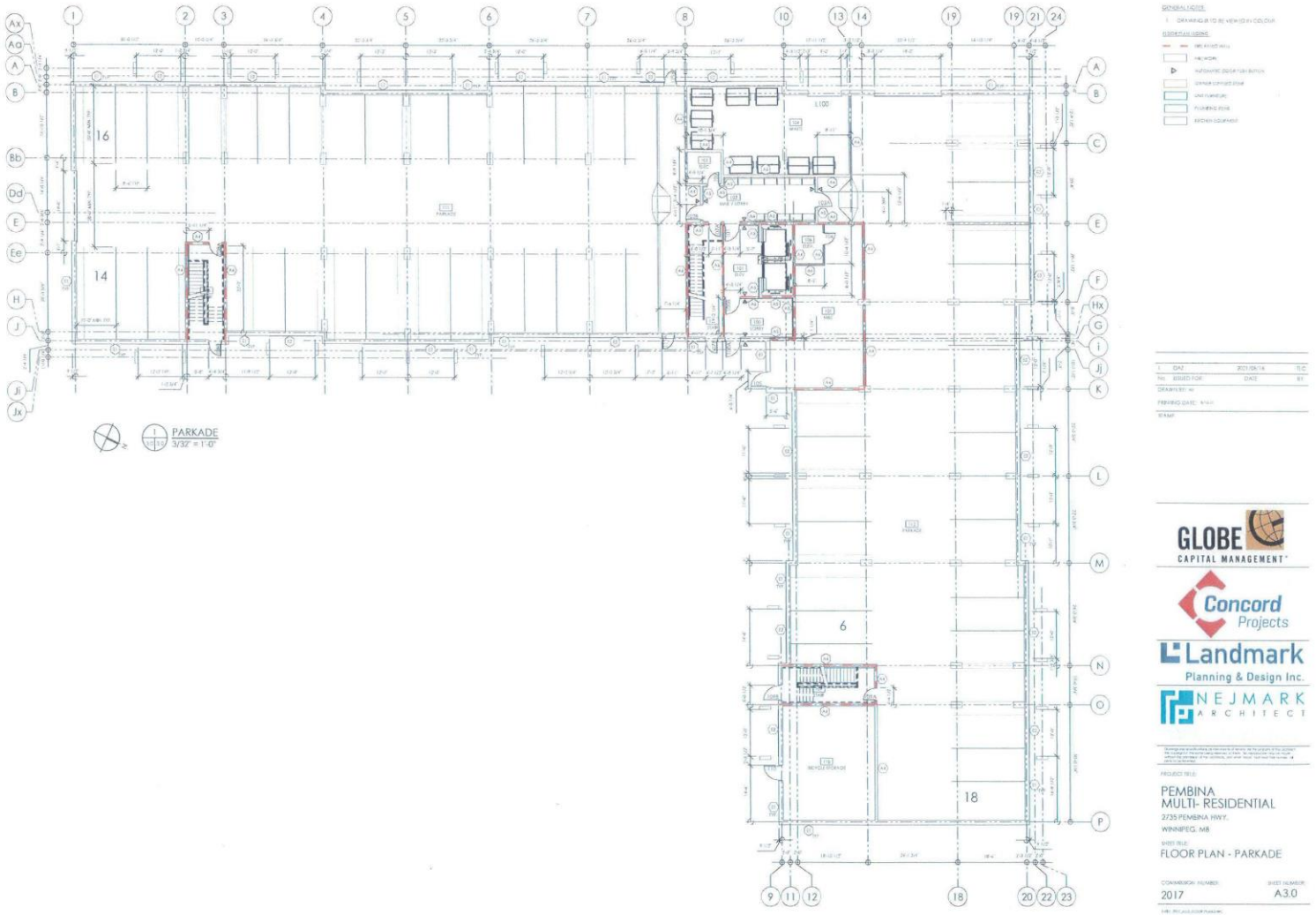
"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

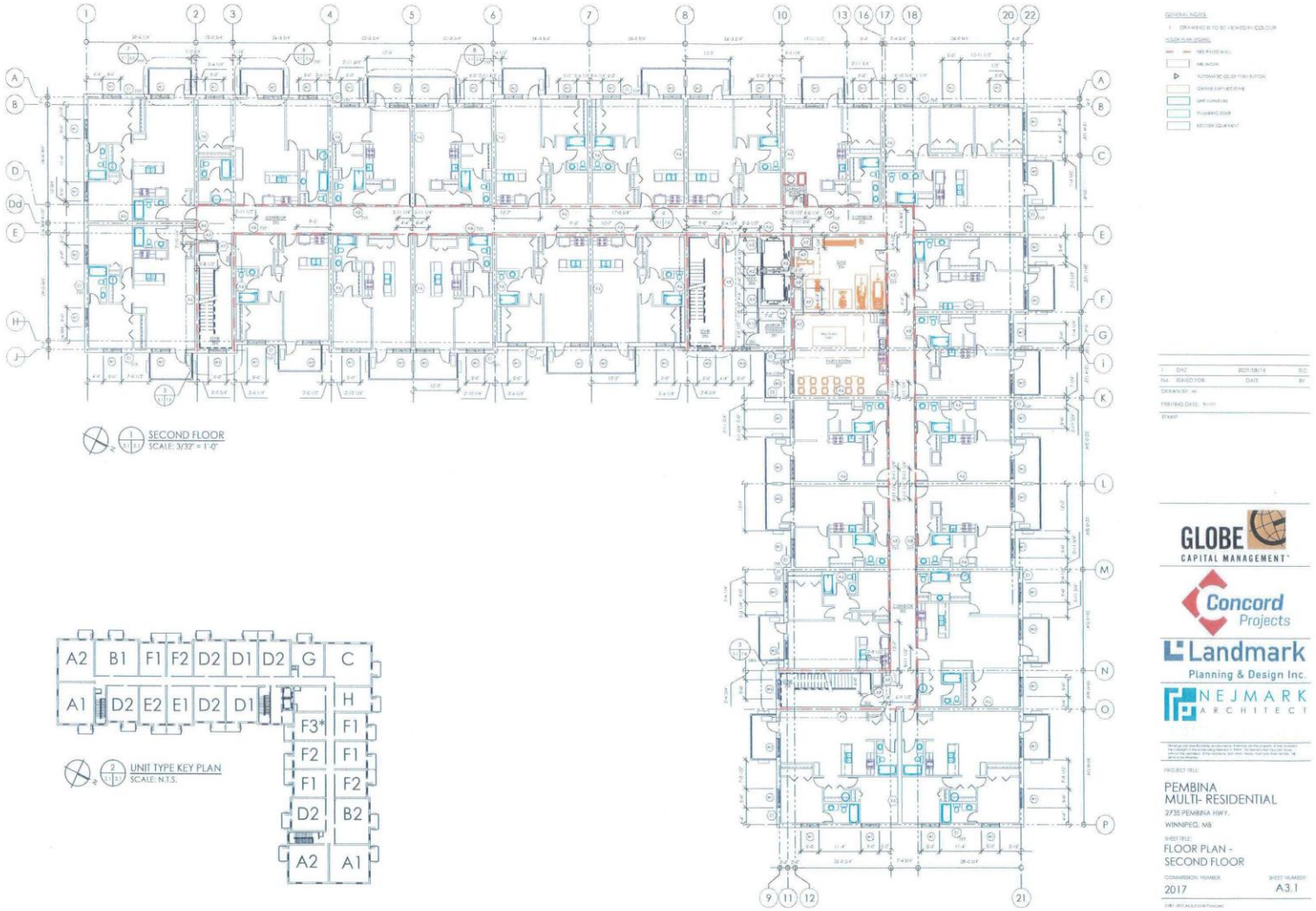
"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

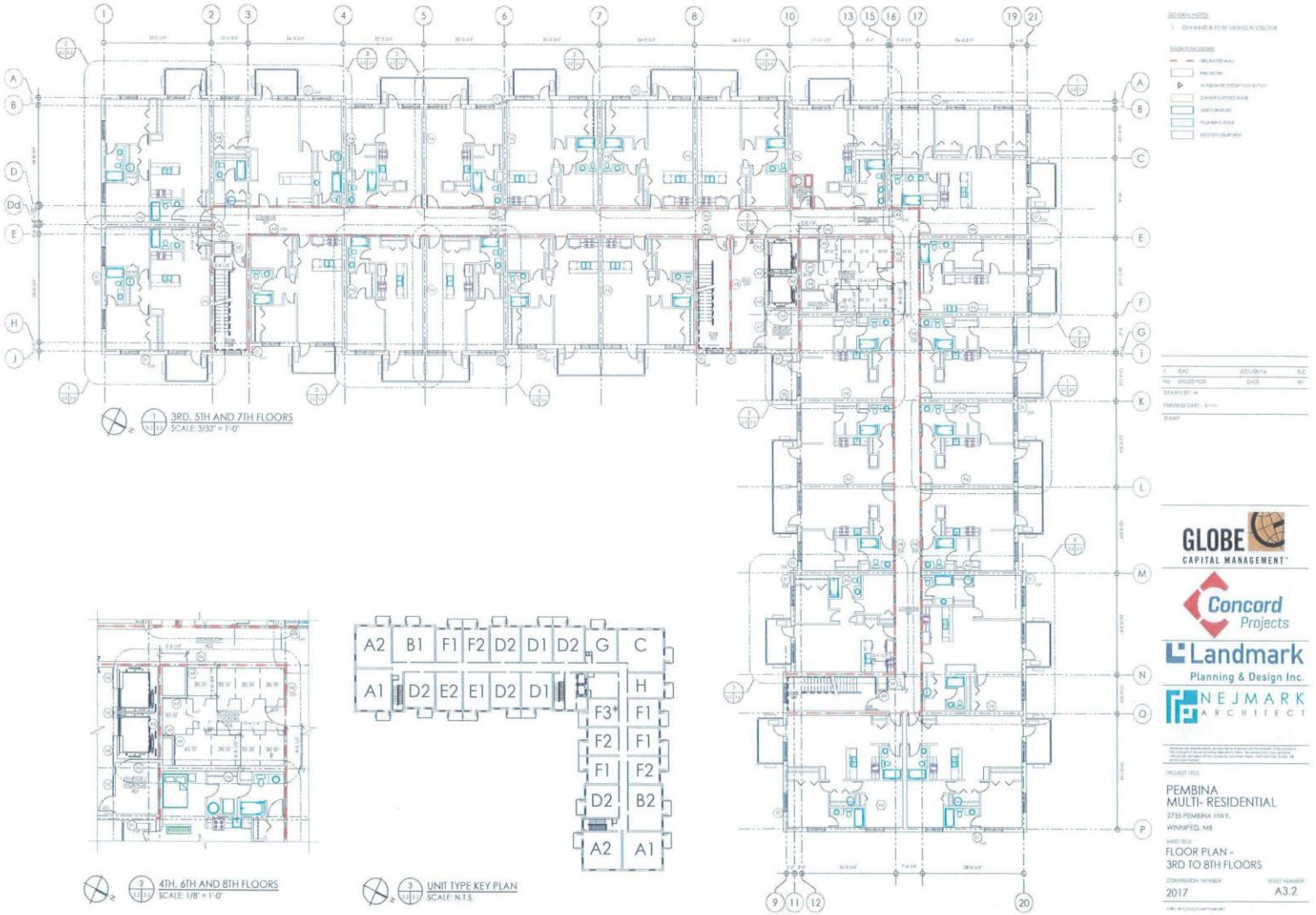
"*Original Signed by C. Desjardine"*
C. Desjardine, M. Sc., P. Eng.
Transportation Division
Public Works Department

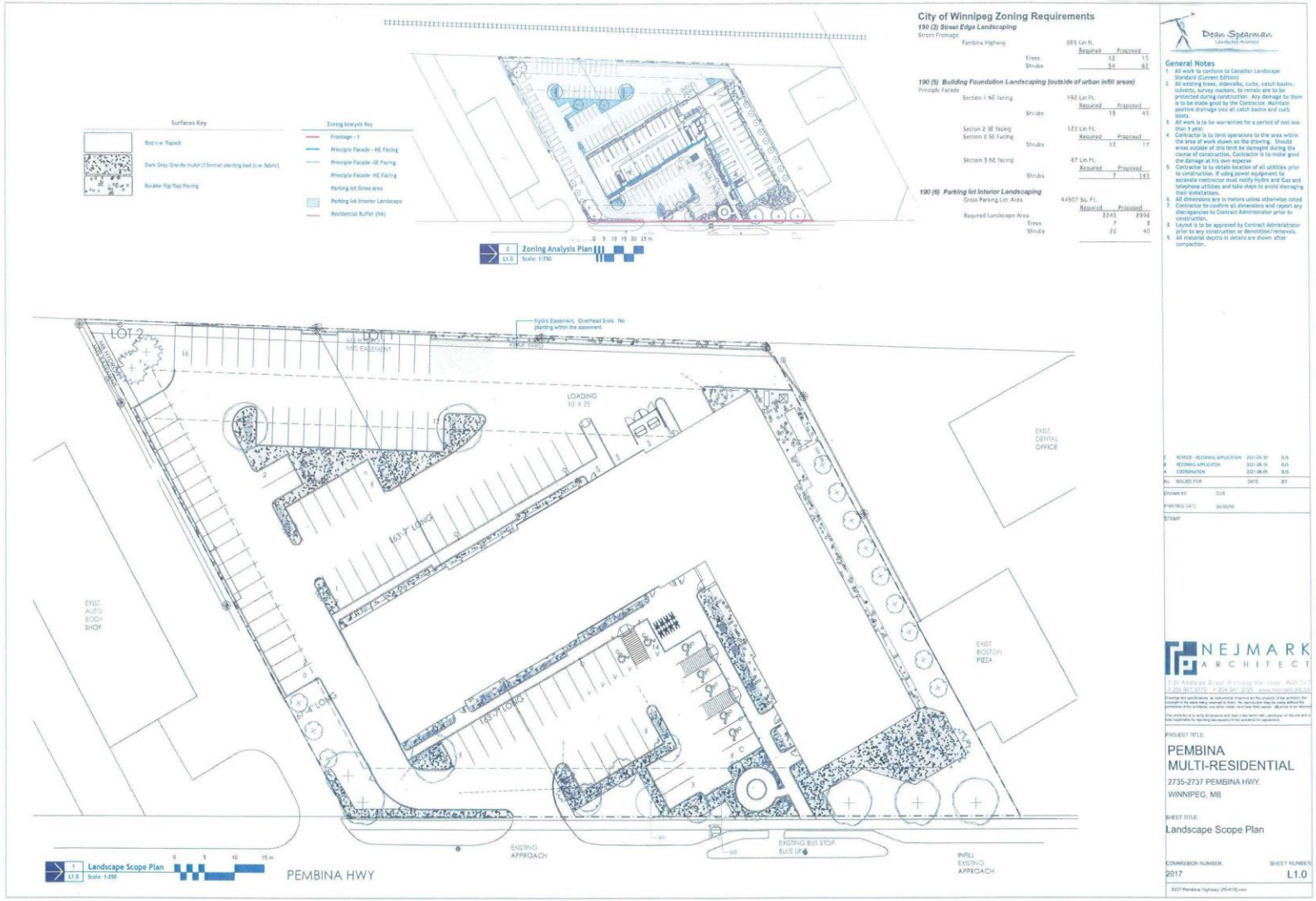
Exhibit "12" referred to in File DAZ 213/2021

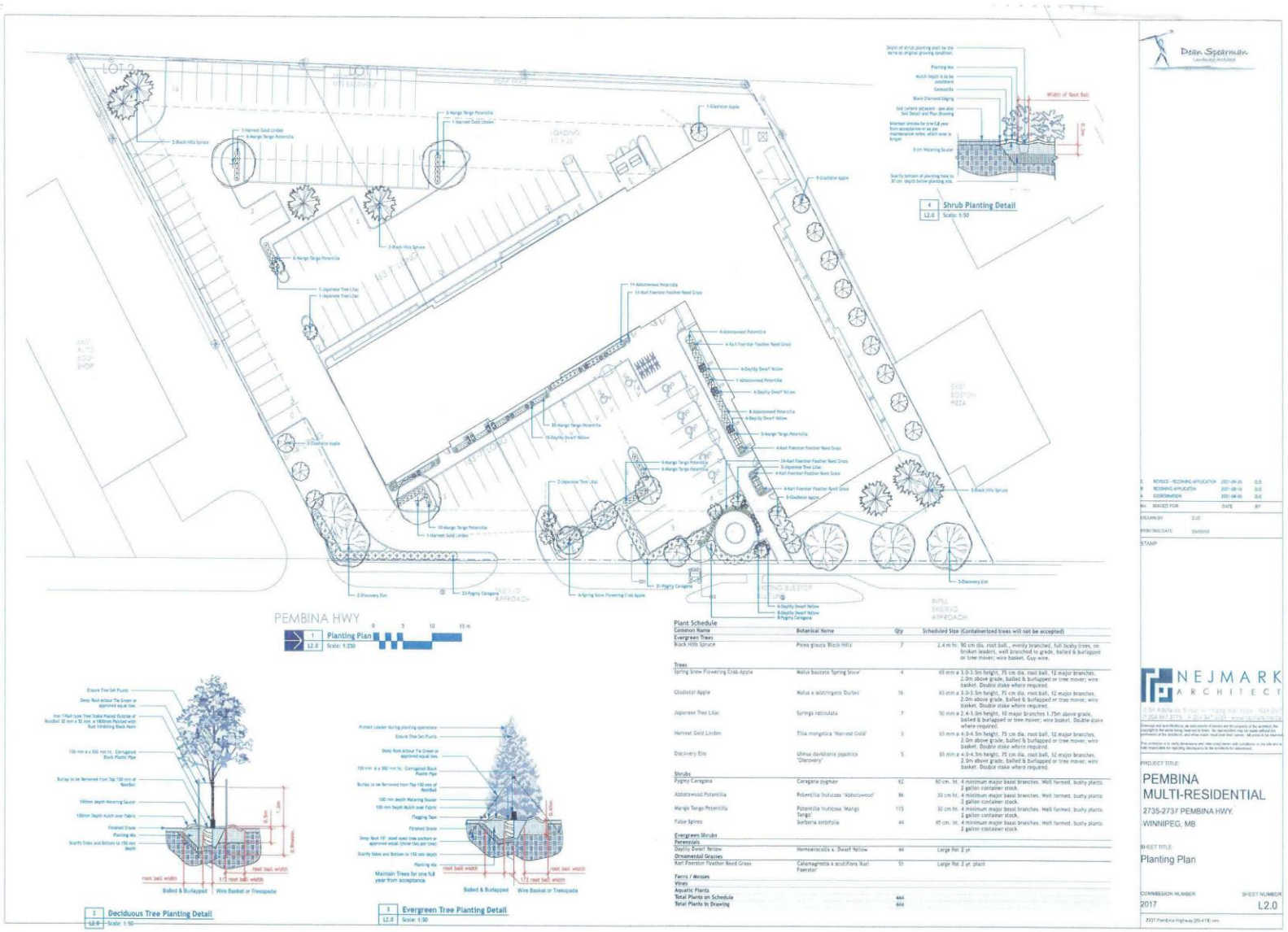



PARKADE
3/32" = 1'-0"
GLOBE
CAPITAL MANAGEMENT
Concord
Projects
Landmark
Planning & Design Inc.
NEJMARK
ARCHITECT
PEMBINA
MULTI- RESIDENTIAL
2735 PEMBINA HWY.
WINNIPEG, MB
FLOOR PLAN - PARKADE
2017
A3.0


SECOND FLOOR
SCALE: 3/32" = 1'-0"
A2 B1 F1 F2 D2 D1 D2 G C
A1 D2 E2 E1 D2 D1 H
F3* F1
F2 F1
F1 F2
D2 B2
A2 A1
UNIT TYPE KEY PLAN
SCALE: N.T.S.
GLOBE CAPITAL MANAGEMENT
Concord Projects
Landmark Planning & Design Inc.
NEJMARK ARCHITECT
PEMBINA
MULTI- RESIDENTIAL
2735 PEMBINA HWY.
WINNIPEG, MB
FLOOR PLAN -
SECOND FLOOR
2017
A3.1


3RD, 5TH AND 7TH FLOORS
SCALE: 3/32" = 1'-0"
4TH, 6TH AND 8TH FLOORS
SCALE: 1/8" = 1'-0"
UNIT TYPE KEY PLAN
SCALE: N.T.S.
A2 B1 F1 F2 D2 D1 D2 G C
A1 D2 E2 E1 D2 D1 H
F3* F1
F2 F1
F1 F2
D2 B2
A2 A1
GLOBE CAPITAL MANAGEMENT
Concord Projects
Landmark Planning & Design Inc.
NEJMARK ARCHITECT
PEMBINA MULTI- RESIDENTIAL
2735 PEMBINA HWY.
WINNIPEG, MB
FLOOR PLAN - 3RD TO 8TH FLOORS
2017
A3.2


City of Winnipeg Zoning Requirements
190 (2) Street Edge Landscaping
190 (5) Building Foundation Landscaping (outside of urban infill areas)
190 (6) Parking lot Interior Landscaping
Zoning Analysis Plan
Surfaces Key
Zoning Analysis Key
LOT 2
LOT 1
MTS EASEMENT
Hydro Easement, Overhead lines. No planting within the easement.
LOADING 10 X 25
163.7' LONG
EXIST. DENTAL OFFICE
EXIST. AUTO BODY SHOP
EXIST. BOSTON PIZZA
EXISTING APPROACH
EXISTING BUS STOP
INFILL EXISTING APPROACH
PEMBINA HWY
Landscape Scope Plan
Dean Spearman
Landscape Architect
General Notes
NEJMARK ARCHITECT
PROJECT TITLE:
PEMBINA MULTI-RESIDENTIAL
2735-2737 PEMBINA HWY.
WINNIPEG, MB
SHEET TITLE:
Landscape Scope Plan
COMMISSION NUMBER
2017
SHEET NUMBER
L1.0


PEMBINA HWY
1 Planting Plan L2.0 Scale: 1:250
4 Shrub Planting Detail L2.0 Scale: 1:50
2 Deciduous Tree Planting Detail L2.0 Scale: 1:50
3 Evergreen Tree Planting Detail L2.0 Scale: 1:50
Plant Schedule
Common Name | Botanical Name | Qty | Scheduled Size (Containerized trees will not be accepted)
Evergreen Trees
Black Hills Spruce | Picea glauca 'Black Hills' | 7 | 2.4 m ht. 90 cm dia. root ball., evenly branched, full bushy trees, no broken leaders, well branched to grade, balled & burlapped or tree mover; wire basket. Guy wire.
Trees
Spring Snow Flowering Crab Apple | Malus baccata 'Spring Snow' | 4 | 65 mm ø 3.0-3.5m height, 75 cm dia. root ball, 12 major branches, 2.0m above grade, balled & burlapped or tree mover; wire basket. Double stake where required.
Gladiator Apple | Malus x adstringens Durbel | 16 | 65 mm ø 3.0-3.5m height, 75 cm dia. root ball, 12 major branches, 2.0m above grade, balled & burlapped or tree mover; wire basket. Double stake where required.
Japanese Tree Lilac | Syringa reticulata | 7 | 50 mm ø 2.4-3.0m height, 10 major branches 1.75m above grade, balled & burlapped or tree mover; wire basket. Double stake where required.
Harvest Gold Linden | Tilia mongolica 'Harvest Gold' | 3 | 65 mm ø 4.0-4.5m height, 75 cm dia. root ball, 12 major branches, 2.0m above grade, balled & burlapped or tree mover; wire basket. Double stake where required.
Discovery Elm | Ulmus davidiana japonica 'Discovery' | 5 | 65 mm ø 4.0-4.5m height, 75 cm dia. root ball, 12 major branches, 2.0m above grade, balled & burlapped or tree mover; wire basket. Double stake where required.
Shrubs
Pygmy Caragana | Caragana pygmaea | 62 | 60 cm. ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Abbotswood Potentilla | Potentilla fruticosa 'Abbotswood' | 34 | 30 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Mango Tango Potentilla | Potentilla fruticosa 'Mango Tango' | 115 | 30 cm ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
False Spirea | Sorbaria sorbifolia | 44 | 45 cm. ht. 4 minimum major basal branches. Well formed, bushy plants. 2 gallon container stock.
Evergreen Shrubs
Perennials
Daylily Dwarf Yellow | Hemerocallis x. 'Dwarf Yellow' | 44 | Large Pot 2 yr.
Ornamental Grasses
Karl Foerster Feather Reed Grass | Calamagrostis x acutiflora 'Karl Foerster' | 51 | Large Pot 2 yr. plant
Ferns / Mosses
Vines
Aquatic Plants
Total Plants on Schedule | 464
Total Plants in Drawing | 464
Dean Spearman
NEJMARK ARCHITECT
PROJECT TITLE:
PEMBINA MULTI-RESIDENTIAL
2735-2737 PEMBINA HWY.
WINNIPEG, MB
SHEET TITLE:
Planting Plan
COMMISSION NUMBER: 2017
SHEET NUMBER: L2.0