Agenda – Executive Policy Committee – September 17, 2024

REPORTS

Item No. 18 **Zoning Agreement Amendment – Lands Bounded by Marion Street to the North, CN Railway and Speers Road to the East, CP/CN Railway to the South and CP Railway to the West, 660, 780, 856 Marion Street and 746 Archibald Street**
(St. Boniface Ward)
File ZAA 8/2024

COMMUNITY COMMITTEE RECOMMENDATION:

On September 6, 2024, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. Subject to By-law No. 62/2024 receiving third reading by Council, that the Zoning Agreement dated June 24, 2021 (the "Zoning Agreement"), entered into pursuant to Development Application No. DASZ 30/2020 and registered against title to the land described therein as Caveat No. 5635292/1 be amended as follows:

    A. That Clause 2 be replaced with the following condition:

    The Owner must submit plans showing the location and design for land zoned "RMF-M", "RMF-L", "C2", "C3", "CMU", "M1", "M2" and "MMU" of any and all proposed:

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

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

    B. That Clause 3 be replaced with the following condition:

COMMUNITY COMMITTEE RECOMMENDATION (continued):

The maximum height permitted on Lot 2, Block 1, and Lot 3, Block 1 for any building on the Owner's Land must not exceed fourteen (14) stories and one hundred fifty (150) feet (45.72 metres) excluding projections permitted under the Winnipeg Zoning By-Law.

C. That Clause 16 be replaced with the following condition:

The cumulative total of residential dwelling units in the planning area shall not exceed 1200 dwelling units until the successful implementation of a predictive rail crossing blockage alert system, or some alternate solution, to the satisfaction of the Chief of the Winnipeg Fire and Paramedic Service, the Director of Public Works and the Director of Planning, Property and Development.

D. That Clause 17 be replaced with the following condition:

After a predictive rail crossing blockage alert system, or some alternate solution, is implemented to the satisfaction of the Chief of the Winnipeg Fire and Paramedic Service, the Director of Public Works and the Director of Planning, Property and Development, the maximum number of residential dwelling units in the planning area shall not exceed 2000 dwelling units.

2. That the City enter into, execute and deliver an agreement to amend the Zoning Agreement in accordance with recommendation 1 (the "Amending Agreement") and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to be necessary to implement the intent of the foregoing (the "Ancillary Agreements").

3. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the Amending Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On September 6, 2024, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

PUBLIC HEARING SUMMARY

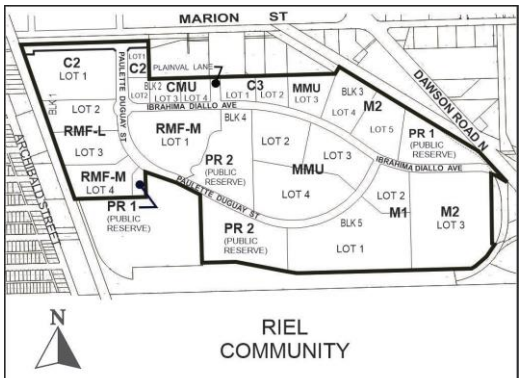
File: ZAA 8/2024

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

Public Hearing: September 6, 2024
Council Building, 510 Main Street

Applicant: McGowan Russell Group Inc. (Jackie Wilkie)

Subject:



APPLICANT : McGowan Russell Group Inc. (Jackie Wilkie)
FILE : ZAA 8/2024
PROPOSAL: To amend the Zoning Agreement DASZ 30/2020 (By-law 26/2022) affecting the land shown outlined above by amending Clauses 3, 16 and 17 to allow an increase in the building height for Lots 2 and 3, Block 1; to remove the requirement for an at-grade emergency access road; and to permit 2,000 residential dwelling units. **For information, phone S. Nuttall Planner at 204-986-7168**
DEMANDEUR : McGowan Russell Group Inc. (Jackie Wilkie)
N° DE DOSSIER : MCZ 8/2024
PROJET : Modifier la convention de zonage DALZ 30/2020 (règlement municipal no 26/2022) visant le terrain délinéé ci-dessus en modifiant les dispositions 3, 16 et 17 pour permettre l'augmentation de la hauteur de bâtiment autorisée sur les lots 2 et 3 (bloc 1); pour supprimer l'exigence selon laquelle une route d'accès d'urgence à niveau doit être aménagée; et pour permettre 2 000 unités de logement résidentielles. **Pour obtenir des renseignements, appelez S. Nuttall, urbaniste, au 204-986-7168.**

Premises Affected: Zoning Agreement Amendment – Lands bounded by Marion Street to the north, CN Railway and Speers Road to the east, CP/CN Railway to the south and CP Railway to the west, 660, 780, 856 Marion Street and 746 Archibald Street

For submission to: Executive Policy Committee

Prepared by: K. McMillan, Manager of the Decision Making Process
Riel Community Committee

Report date: September 6, 2024

Community Committee Recommendation:

On September 6, 2024, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. Subject to By-law No. 62/2024 receiving third reading by Council, that the Zoning Agreement dated June 24, 2021 (the "Zoning Agreement"), entered into pursuant to Development Application No. DASZ 30/2020 and registered against title to the land described therein as Caveat No. 5635292/1 be amended as follows:

    A. That Clause 2 be replaced with the following condition:

    The Owner must submit plans showing the location and design for land zoned "RMF-M", "RMF-L", "C2", "C3", "CMU", "M1", "M2" and "MMU" of any and all proposed:

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

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

    B. That Clause 3 be replaced with the following condition:

    The maximum height permitted on Lot 2, Block 1, and Lot 3, Block 1 for any building on the Owner's Land must not exceed fourteen (14) stories and one hundred fifty (150) feet (45.72 metres) excluding projections permitted under the Winnipeg Zoning By-Law.

C. That Clause 16 be replaced with the following condition:

The cumulative total of residential dwelling units in the planning area shall not exceed 1200 dwelling units until the successful implementation of a predictive rail crossing blockage alert system, or some alternate solution, to the satisfaction of the Chief of the Winnipeg Fire and Paramedic Service, the Director of Public Works and the Director of Planning, Property and Development.

D. That Clause 17 be replaced with the following condition:

After a predictive rail crossing blockage alert system, or some alternate solution, is implemented to the satisfaction of the Chief of the Winnipeg Fire and Paramedic Service, the Director of Public Works and the Director of Planning, Property and Development, the maximum number of residential dwelling units in the planning area shall not exceed 2000 dwelling units.

2. That the City enter into, execute and deliver an agreement to amend the Zoning Agreement in accordance with recommendation 1 (the "Amending Agreement") and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to be necessary to implement the intent of the foregoing (the "Ancillary Agreements").

3. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the Amending Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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

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

1. I think this project is in line with what the community has been asking for, for many years. There have been many complaints related to the interactions between the heavy industrial and residential uses.
2. I think the residents of St. Boniface have preferred a vision of an increased supply of residential, in particular for families. And I understand that that's going to be part of this plan.
3. I think this is a major infill project. This is an impacted site. It is very close to downtown and it's been a long time coming.
4. I think it's good news for the City.
5. If it gets through Council it's going to be quite a bit of housing constructed.
6. Thank you to the proponent.

Exhibits Filed:

1. Application dated June 21, 2024
2. Notification of Public Hearing dated July 29, 2024
3. Manitoba Status of Titles 3298139/1, 3298142/1, 3298145/1, 3298170/1
4. Letter of authorization dated May 28, 2024 from Olexa Development Holdings (St. Boniface Ltd.) – Robert Scaletta to McGowan Russel Group
5. Caveats 5635292/1, and 5635296/1
6. Statutory Easement Agreement dated August 26, 2022 between 7319828 Manitoba Ltd. of the First Part and The City of Winnipeg of the Second Part.
7. Plans (2 pages)
8. Report from the Urban Planning Division dated July 30, 2024
9. Inspection Report
10. Presentation in support of the application, submitted by Vincent Hosein on September 5, 2024
11. Recording of Representations

REPRESENTATIONS:

In Support:

Vincent Hosein
Susan Russell
Robert Scaletta

In Opposition:

Nil

For Information:

Nil

For the City:

D. Iskierski, Planner, Planning, Property and Development Department
K. Kowalyk, Land Development Engineer, Planning, Property and Development Department

Exhibit "8" referred to in File ZAA 8/2024

ADMINISTRATIVE REPORT

Title: **ZAA 8/2024 – Public Markets/Marion-CP Railway**

Issue: For consideration at the public hearing to amend a Zoning Agreement under File DASZ 30/2020 (By-law 26/2022) to amend Clauses 2, 3, 16, and 17 to replace Clause 2 to update Plan Approval requirements; to allow an increase in the building height for Lots 2 and 3, Block 1; to remove the requirement for an at-grade emergency access road; and to permit 2,000 residential dwelling units.

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
S. Nuttall, MCP	N/A	N/A	

RECOMMENDATIONS

1. Subject to By-law No. 62/2024 receiving third reading by Council, that the Zoning Agreement dated June 24, 2021 (the "Zoning Agreement"), entered into pursuant to Development Application No. DASZ 30/2020 and registered against title to the land described therein as Caveat No. 5635292/1 be amended as follows:

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   (ii) accessory parking areas,

   (iii) private approaches,

   (iv) garbage enclosures,

   (v) lighting,

   (vi) fencing,

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

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2. That the City enter into, execute and deliver an agreement to amend the Zoning Agreement in accordance with recommendation 1 (the "Amending Agreement") and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to be necessary to implement the intent of the foregoing (the "Ancillary Agreements").

3. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the Amending Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

4. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- The applicant is proposing to build up to 14 storeys and 150 feet (45.72 metres), implement a predictive rail crossing blockage alert (or alternative solution), and build up to 2,000 dwelling units in the planning area.

- The existing Caveat registered on title restricts development to 10 storeys and 100 feet (30.48 metres), requires an at-grade emergency access road, and restricts residential development to 1,200 dwelling units in the planning area.
- A Zoning Agreement Amendment (ZAA) is required to modify the clauses of the caveat, hence the caveat needs to be amended.
- Modification of caveats on a Land Title requires a Zoning Agreement Amendment application.
- Approval of a Zoning Agreement Amendment application 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 subject Zoning Agreement under File DASZ 30/2020 (By-law 26/2022) will be amended such that Clauses 3, 16, and 17 of Caveat No. 5635292/1 will be replaced.

HISTORY

- The subject site had been used for livestock related industries for most of the 1900's.
- In the 1990's, the City of Winnipeg acquired much of the subject site through direct acquisition and tax sale.
- In 2006, Council endorsed a concept plan for the site.
- In 2006, DASZ 15/2006 was approved by Council, but the application was not proceeded with and a by-law was not enacted.
- In 2007, lands owned by the City of Winnipeg on the Public Markets site were sold.
- In 2011, the subject site was designated as a Major Redevelopment Site under *OurWinnipeg* and the *Complete Communities Direction Strategy*.
- On July 23, 2020, Council passed By-law 47/2019 adopting a Secondary Plan for the area identified as the Public Markets Major Redevelopment Site "D" under the *Complete Communities Direction Strategy*. The plan guides development in the Plan Area which comprises approximately 222 acres and is bounded by Marion Street to the north, CN Sprague Rail Line to the east, the Stock Yards single-family residential neighbourhood to the south (along Promenade Brunet) and CP Emerson Rail Line to the west.
- On June 24, 2021, Council approved the plan of subdivision under Development Application No. DASZ 30/2020, subject to the Developer entering into a Zoning Agreement with the City among other conditions. This plan included the rezoning of 165 acres from "M3" Manufacturing Heavy into 24 lots zoned "RMF-M" Residential Multi-Family (Medium) District, "RMF-L" Residential Multi-Family (Large) District, "C2" Commercial Community District, "CMU" Commercial Mixed Use District, "M2" Manufacturing General District, "M1"

Manufacturing Light District, “MMU Manufacturing Mixed Use District, “PR1” Parks and Recreation 1 (Neighbourhood) District, and a “PR2” Parks and Recreation (Community) District. The plan also included opening two public rights-of-way and a widening of the Marion Street right-of-way.

- On June 24, 2024, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development that Council give first reading to By-law No. 62/2024 (SPA 4/2024), being a by-law to amend the Public Markets Major Redevelopment Site ‘D’ Secondary Plan By-law No. 47/2019 to amend clauses related to permitted building heights, residential dwelling density, and an emergency access road. Council gave first reading on July 18, 2024.

CONSULTATION

In preparing this report there was consultation with: Plan Implementation and Land Development

OURWINNIPEG 2045 POLICY ALIGNMENT

OurWinnipeg 2045 Goal: City Building

Objective 1: Responsibly plan, prioritize and accommodate growth in areas that best support *Complete Communities* principles, to achieve this Plan’s sustainable development goals.

- Facilitate growth and change strategically within Winnipeg’s unique Transformative Areas and Established Neighbourhoods, to enhance the ability of the urban environment to contribute towards this Plan’s goals.

Objective 2: Integrate resilient land use, transportation and infrastructure planning, and investments.

- Ensure that land use, transportation, and infrastructure planning are aligned to provide the conditions for compact, complete and connected communities, supported by sustainable transportation options and municipal infrastructure capacity.

Objective 3: Facilitate development opportunities that complete established communities, and plan new communities as complete and connected from the outset.

- New and existing communities are complete when they demonstrate: universally designed environments; mixed-income neighbourhoods; a continuum of housing types; multi-modal connections within and to elsewhere in the city; heritage conservation; opportunities for physical activity, social interaction, and access to health food, daily needs, employment, education, recreation, and green infrastructure.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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.*

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

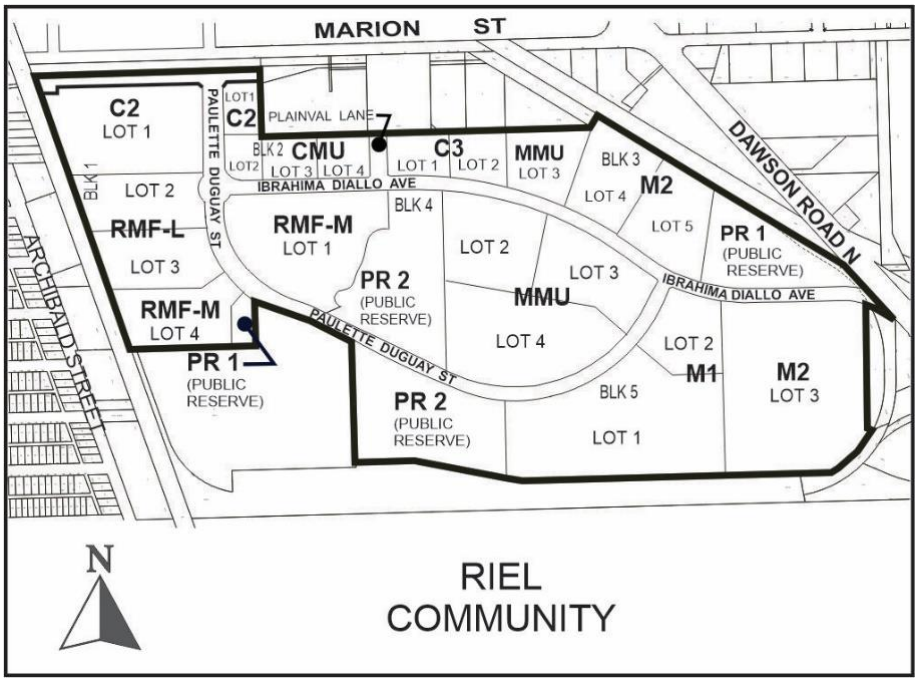
Department	Planning, Property and Development
Division	Urban Planning and Design
Prepared by:	Steve Nuttall, MCP
Date:	July 30, 2024
File No.	ZAA 8/2024

List of Schedules and Attachments

1. Schedule A – Planning Discussion

SCHEDULE 'A'

DATE:	July 30, 2024
FILE:	**ZAA 8/24**
RELATED FILES:	N/A
COMMUNITY:	**Riel Committee**
NEIGHBOURHOOD #:	5.539 (Stock Yards)
	For consideration at the public hearing to amend a Zoning Agreement under File DASZ 30/2020 (By-law 26/2022) to amend Clauses 2, 3, 16, and 17 to replace Clause 2 to update Plan Approval requirements; to allow an increase in the building height for Lots 2 and 3, Block 1; to remove the requirement for an at-grade emergency access road; and to permit 2,000 residential dwelling units.
LOCATION:	**Lands bounded by Marion Street to the north, CN Railway and Speers Road to the east, CP/CN Railway to south, and CP Railways to the west.**
LEGAL DESCRIPTION:	**LOTS 1,2,3 AND 4 BLOCK 1, LOTS 1, 2, 3 AND 4 BLOCK 2, LOTS 1, 2, 3, 4, AND 5 BLOCK 3, LOTS 1, 2, 3, AND 4 BLOCK 4 AND LOTS 1, 2, AND 3 BLOCK 5 PLAN (DEPOSIT NO. 866/2021) _____ WLTO** IN LOTS 296, 297, 307, 308, 310, 311 AND G ROMAN CATHOLIC MISSION PROPERTY SUBJECT TO ANY SUBSISTING RESERVATIONS CONTAINED IN THE CROWN LAND ACT CONTAINED WITHIN THE LIMITS OF SAID LOT 310 BOUNDED AS FOLLOWS: ON THE NORTH BY A LINE DRAWN SOUTH OF PARALLEL WITH PERP DISTANT 698.75 FEET FROM THE SOUTHERN LIMIT OF MARION STREET PLAN 1422 WLTO ON THE EAST BY A LINE DRAWN SLY AT RIGHT ANGLES TO THE SAID SOUTHERN LIMIT OF MARION STREET FROM A POINT IN THE SAME DISTANT ELY 1241.25 FEET FROM THE EASTERN LIMIT OF THE LAND TAKEN FOR CANADIAN PACIFIC RAILWAY RIGHT OF WAY PLAN 71 WLTO ON THE SOUTH BY A LINE DRAWN SOUTH OF PARALLEL WITH AND PERP DISTANT 1188.75 FEET FROM THE SOUTHERN LIMIT OF SAID MARION STREET ON THE WEST BY A LINE DRAW EAST OF PARALLEL WITH AND PERP DISTANT 35 FEET FROM THE EASTERN LIMIT OF SAID CANADIAN PACIFIC RAILWAY RIGHT OF WAY



APPLICANT: McGowan Russell Group Inc. (Jackie Wilkie)
825 St. Joseph Street
Winnipeg, MB R2H 3A8

OWNER: 7319828 MANITOBA LTD.
1104 Baldwin Crescent SW
Calgary, AB T2V 2B3

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject plan area is located south of Marion Street, west of the CN Sprague Rail Line, north of CN Paddington Yards and the CN/CP Autoyards, and east of the CP Emerson Rail Line in the Stock Yard neighbourhood of the St Boniface ward.
- The plan area is vacant and approximately 165 acres in area.
- The site is zoned “M3” Manufacturing Heavy and is located within the Public Markets Major Redevelopment Site “D” under the *Complete Communities Direction Strategy*.
- The site is also located within the *Public Markets Major Redevelopment Site “D” Secondary Plan*.

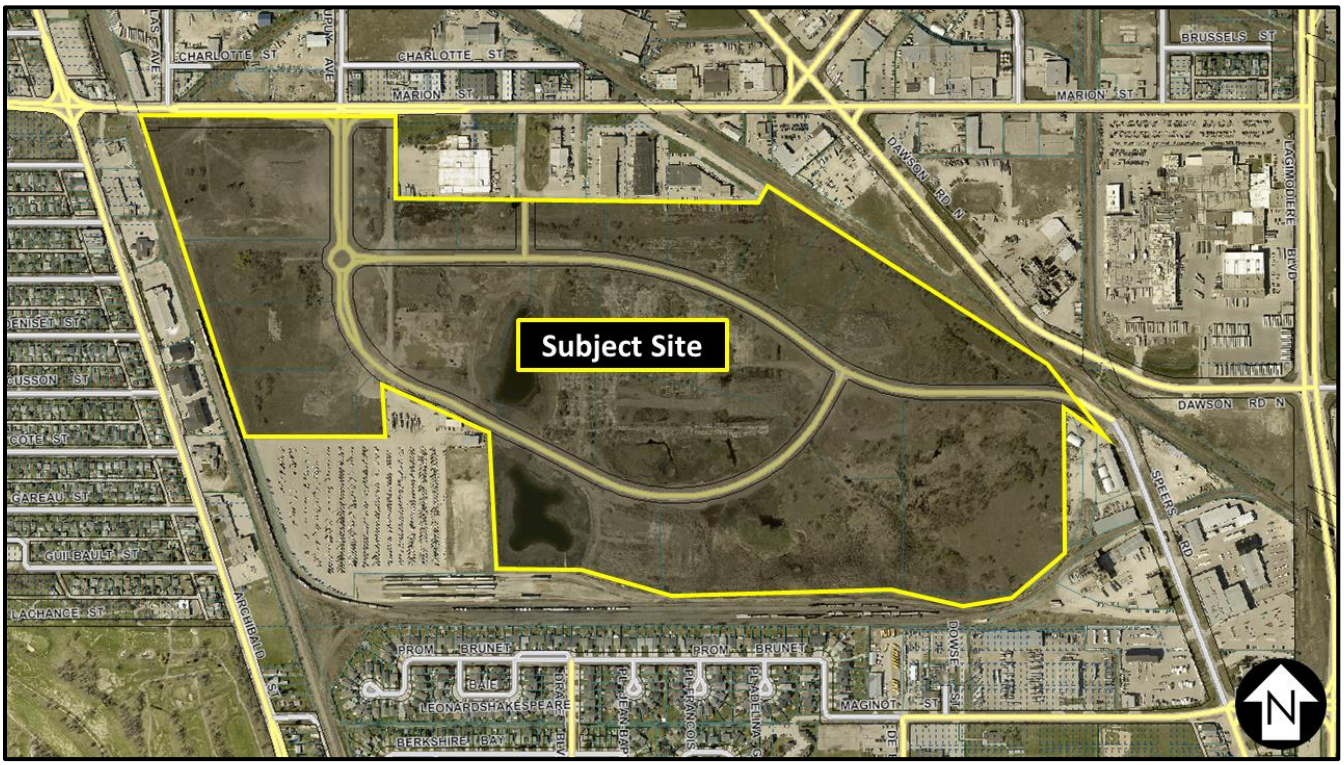


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2021)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Marion Street, then industrial uses zoned “M3” Manufacturing Heavy zoning district.

South: CN Paddington Yards and the CN/CP Autoyards zoned “M3” Manufacturing Heavy zoning district, then single-family dwellings zoned “R1-M” Residential Single Family (Medium) zoning district.

East: CN Sprague Line and Speers Rd, then industrial uses zoned “M3” Manufacturing Heavy and “M2” Manufacturing General.

West: CP Emerson Line, then commercial uses zoned “C2” Commercial Community zoning district and “M1” Manufacturing Light zoning district, a place of worship and a school zoned “R2” Residential Two-Family zoning district, a curling club zoned “C2” Commercial Community zoning district, and multi-family residential apartments zoned “CMU” Commercial Mixed Use zoning district.

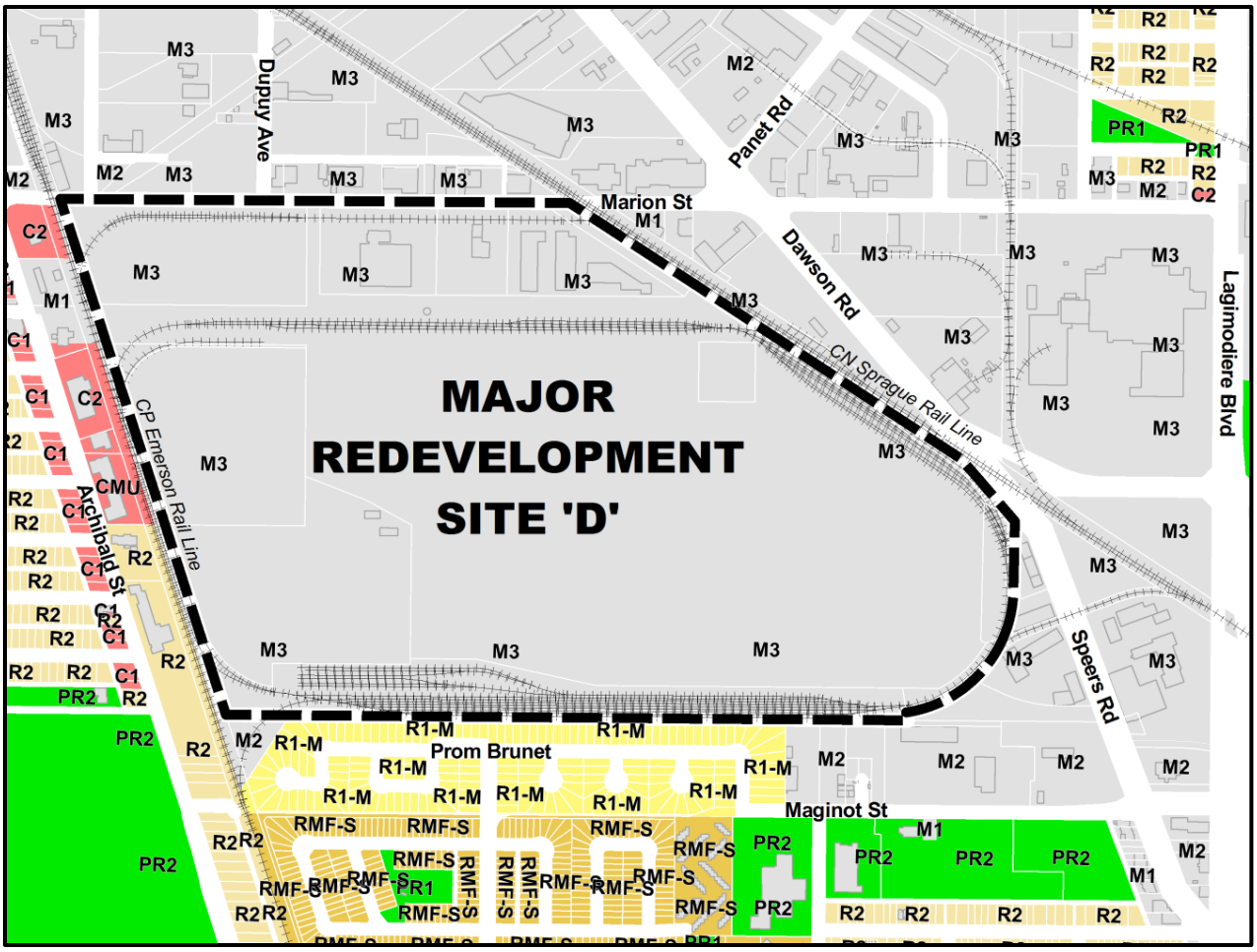


Figure 2: Zoning of the Site and Surrounding Area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to modify the Zoning Agreement to:
    - Increase the maximum building height allowed under the existing Zoning Agreement from ten (10) storeys to fourteen (14) storeys;
    - Replace the requirement for an at-grade emergency access road with a predictive rail crossing blockage alert system or alternate solution; and
    - Increase the maximum density from 1,200 dwelling units to 2,000 dwelling units.

COLLABORATION

With the Urban Planning and Design Division

- **The Urban Planning Division has been in regular communication with the applicant since the initial submission of the subdivision and rezoning application in the fall of 2020 in which the details of the proposal were discussed including the original recommended conditions of approval.**

With the Public

- **The applicant has not included any letters of support in their application.**

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

The Complete Communities Direction Strategy 2.0 (*CCDS 2.0*) 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 "Major Redevelopment Site" policy area as outlined in *CCDS 2.0*. The goals and policies from *CCDS 2.0* that apply to the subject property include:

Goal 1: *Require development in Major Redevelopment Sites to be guided by a secondary plan.*

- 1.1 *Require that the development in Major Redevelopment Sites be guided by a front end inclusive planning process, culminating in a secondary plan.*

Goal 2: *Capitalize on the proximity of Major Redevelopment Sites to rapid transit and high-frequency transit.*

- 2.3 *Create strong, multi-modal and active transportation linkages from each Major Redevelopment Site to Downtown, other Major Redevelopment Sites, Mixed Use Centres, Corridors, Parks, major attractions and employment areas.*

Goal 3: *Design Major Redevelopment Sites as Complete Communities that embody principles of sustainability within a well-designed, walkable, and active transportation friendly environment.*

- 3.1 *Provide a mix of employment, high-density housing, retail and service uses within Major Redevelopment Sites in a way that complements the needs of adjacent communities.*
- 3.2 *Ensure that the Public Markets and Tuxedo Lafarge Major Redevelopment Sites accommodate a significant amount of employment uses, and in accordance with policies 3.2 through 3.12 of the General Growth section.*
- 3.3 *Promote the use of minimum density standards for new development.*
- 3.4 *Encourage the transition of development towards the outer edges of Major Redevelopment Sites so that it is sensitive to the scale, massing, height, form and character of the surrounding area.*
- 3.7 *Support a range of different types, tenures and unit sizes in housing opportunities.*

Public Markets Secondary Plan

Secondary Plan Vision:

- *The Public Markets will be developed as an employment hub, including industrial and commercial uses, complemented by medium to high density residential and recreational uses. A wide range of employment opportunities will be provided in a business park setting and the Public Markets will offer retail, institutional, active and passive recreation for employees, residents, and visitors.*

Guiding principles relevant to the proposed Zoning Amendment include:

- *Provide higher density housing options with the goal of providing a range of building types, tenure and affordability.*

Policies relevant to the proposed Zoning Amendment include:

- 3.3.2.2 *West of the collector road bisecting the Higher Density Residential area, multi-storey residential buildings shall not exceed 10 storeys and 100 feet (30.48 metres) in height, excluding permitted projections in the Winnipeg Zoning By-law.*
- 3.3.2.6 *The combined maximum number of dwelling units in the Commercial area and the Higher Density Residential area should be 1,200.*
- 8.2.2 *Up to 600 dwelling units may be permitted within Phase 1 with collector road access to Marion Street, generally located across from Dupuy Avenue, and access at the northern terminus of and connected to Speers Road. Additional dwelling units may be permitted once emergency access can be established to the satisfaction of the Director of Planning, Property & Development in consultation with the Chief of the Winnipeg Fire Paramedic Service and Director of Public Works. A proposal to develop the emergency access should be supported by a study that demonstrates how target emergency response times to the planning area will be met.*

While the proposed amendments to the Zoning Agreement align with the vision to provide high density residential uses within the Public Markets planning area, they do not align with some Secondary Plan policies. This includes building height, dwelling counts, and the requirement for emergency access. For this Zoning Agreement Amendment (ZAA) to proceed, the Secondary Plan must be updated to permit the changes proposed by this ZAA. By-Law No. 62/2024 has been written to update the Secondary Plan and received first reading from Council on July 18, 2024. Once the by-law receives third reading, the changes proposed by this ZAA will be in alignment with the Secondary Plan.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

Zoning Agreement DASZ 30/2020

Replacing Clause 2

- Clause 2 of Caveat No. 5635292/1 states the following:

> *The Owner must submit plans showing the location and design for land zoned "RMF-M", "RMF-L", "C2", "C3", "CMU", "M1", "M2" and "MMU" of any and all proposed:*
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> *(i) buildings,*
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on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Riel Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial compliance with the approved plans and maintain the Works to the satisfaction of the Director.

- The Urban Planning and Design Division is recommending this clause be updated to change "(i) buildings" to "(i) principal buildings." This change is to increase the threshold required to trigger the Plan Approval condition for buildings so that it is only required for principal structures and not accessory structures, such as garages and sheds.

Replacing Clause 3

- Clause 3 of Caveat No. 5635292/1 states the following:

  The maximum height permitted on Lot 2, Block 1 and Lot 3, Block 1 for any building on the Owner's Land must not exceed ten (10) stories and one hundred (100) feet (30.48 metres) excluding projections permitted under the Winnipeg Zoning By-Law.

- The Urban Planning and Design Division notes that while the maximum height is being increased from 100 feet (30.48 metres) to 150 feet (45.72 metres), the new height limit is already permitted within the dimensional standards of the Zoning By-law for properties in the "RMF-L" Residential Multi-Family (Large) zoning district.

Replacing Clause 16

- Clause 16 of Caveat No. 5635292/1 states the following:

  No development is permitted on the lot zoned "M2" abutting the most easterly public reserve land zoned "PR1" and the maximum cumulative total of residential dwelling units is six hundred (600) until an at-grade emergency access road is constructed connecting the collector road to Dawson Road to the satisfaction of the Director of Planning, Property and Development.

- Updating this clause will allow the lot zoned "M2" abutting the most easterly public reserve land zoned "PR1" to be developed prior to the implementation of a predictive rail crossing blockage alert system. This change also raises the cap on residential development from 600 units to 1200 units prior to the implementation of a predictive rail crossing blockage alert system. The latter change reflects the increase in total density of the site from 1200 units to 2000 units, which allows the project to proceed in phases as intended by the Secondary Plan.

Replacing Clause 17

- Clause 17 of Caveat No. 5635292/1 states the following:

  The maximum number of residential dwelling units on the Owner's Land is one thousand two hundred (1200) after the at-grade emergency access road is

constructed connecting the collector road to Dawson Road to the satisfaction of the Director of Planning, Property and Development.

- This change reflects the increase in density from 1200 units to 2000 units, in line with the changes to Clause 16.

RECOMMENDATION

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

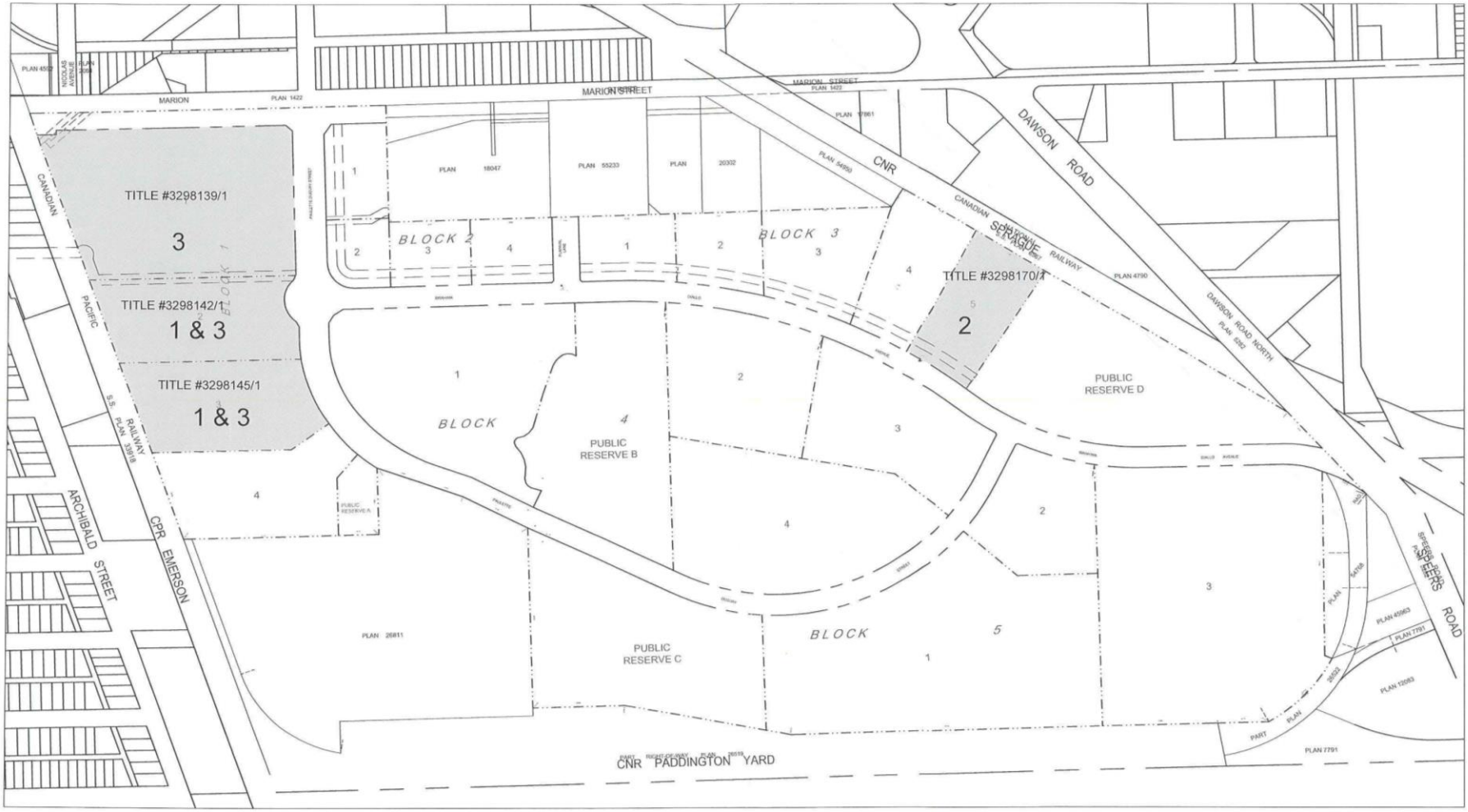
- The proposal will allow additional density and housing types in support of *Complete Communities Direction Strategy 2.0*.
- The proposed height increase is within the rights of the Winnipeg Zoning By-law. No variances to setbacks, lot coverage, or height are required.

- This Zoning Agreement Amendment will enable the subject property to develop in line with the Public Markets Secondary Plan and the changes proposed under By-Law No. 62/2024.

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

Report Prepared By: Steve Nuttall, MCP
PPD File # ZAA 8/24

Exhibit “7” referred to in File ZAA 8/2024

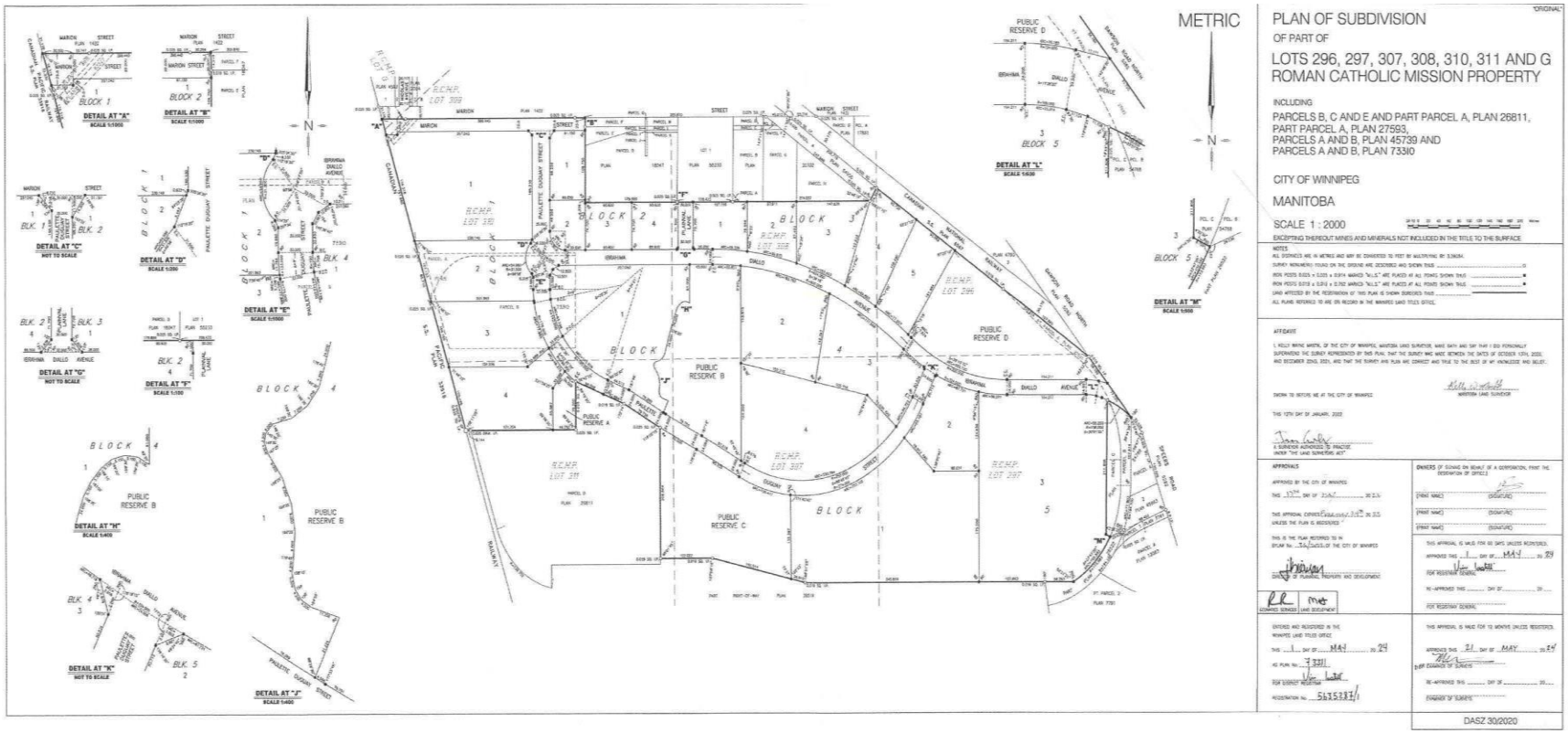


Zoning Agreement Amendments Reference Map

MAY 2024
SCALE 1:400
0 10 25 50 100 200m
NORTH

LOTS AFFECTED BY PROPOSED AMENDMENTS

1	MODIFY CLAUSE 3
2	DELETE CLAUSE 16
3	MODIFY CLAUSE 17


METRIC
PLAN OF SUBDIVISION
OF PART OF
LOTS 296, 297, 307, 308, 310, 311 AND G
ROMAN CATHOLIC MISSION PROPERTY
INCLUDING
PARCELS B, C AND E AND PART PARCEL A, PLAN 26811,
PART PARCEL A, PLAN 27593,
PARCELS A AND B, PLAN 45739 AND
PARCELS A AND B, PLAN 73310
CITY OF WINNIPEG
MANITOBA
SCALE 1 : 2000
EXCEPTING THEREOUT MINES AND MINERALS NOT INCLUDED IN THE TITLE TO THE SURFACE
DASZ 30/2020
BARNES & DUNCAN