Agenda – Council – April 28, 2022

Report – Executive Policy Committee – April 20, 2022

Item No. 16 Rezoning – 1121 Lee Boulevard
(Waverley West Ward)
File DAZ 216/2021

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2022, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R1-M" Residential Single-Family (Medium) District as shown on the map dated March 11, 2022 and included within Schedule "A" and the Proposed By-law attached as Appendix "B".

2. That the developer shall meet all conditions identified in Schedule "B" - Report of the Administrative Coordinating Group, dated March 7, 2022

3. 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, as determined by the City's Director of Planning, Property and Development.

4. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at the next available Council Meeting.

5. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if the developer pays the amount required under recommendation 3, and all associated ancilliary fees (the "Fees") to the City within 2 years after the By-law has been given first reading.

6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Fees are not paid within 2 years after the By-law has been given first reading unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

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

Report – Executive Policy Committee – April 20, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 20, 2022, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 23, 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.

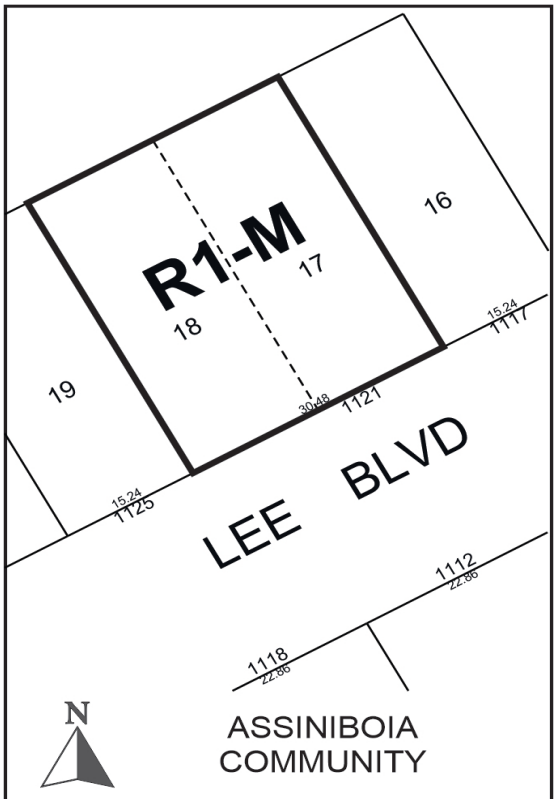
PUBLIC HEARING SUMMARY

File: DAZ 216/2021

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

Applicant: Richard +Wintrup Planning and Development
(Chris Gibson)

Subject:



APPLICANT : Richard + Wintrup Planning and Development
(Chris Gibson)
FILE : DAZ 216/2021
PROPOSAL : To rezone the land shown outlined above from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to facilitate the future subdivision of the property and construction of a single-family dwelling on each lot. **For information, phone R. Galston, Planner at 204-986-8645.**

Premises Affected: 1121 Lee Boulevard

For submission to: Executive Policy Committee

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

Report date: March 24, 2022

Community Committee Recommendation:

On March 23, 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 by rezoning the subject land to an "R1-M" Residential Single-Family (Medium) District as shown on the map dated March 11, 2022 and included within Schedule "A" and the Proposed By-law attached as Appendix "B".

2. That the developer shall meet all conditions identified in Schedule "B" - Report of the Administrative Coordinating Group, dated March 7, 2022

3. 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, as determined by the City's Director of Planning, Property and Development.

4. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a By-law in accordance with this report and bring same directly to Council for first reading at the next available Council Meeting.

5. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if the developer pays the amount required under recommendation 3, and all associated ancilliary fees (the "Fees") to the City within 2 years after the By-law has been given first reading.

6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Fees are not paid within 2 years after the By-law has been given first reading unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

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

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

1. This is an excellent example of rezoning to increase density in the neighbourhood.

Objections under the Charter:	Total number of **v**alid objections as per section 125(2) – 0 In accordance with section 236.1(1), the threshold for sufficient objection has not been met.

Exhibits Filed:

1. Application dated March 14, 2022
2. Notification of Public Hearing dated February 18, 2022
3. Manitoba Status of Title 1914049/1
4. Letter of authorization dated August 18, 2021 from Valerie Hutchison to 10060862 Manitoba Inc.
5. Schedule "A" Lots 17 and 18 Block 18 Plan 1991
6. Map 1 subject property and Map 2 proposed rezoning
7. Report from the Urban Planning Division dated March 11, 2022
8. Inspection Report
9. Recording of Representations

REPRESENTATIONS:

In Support:

Christopher Gibson

In Opposition:

Nil

For Information:

Nil

For the City:

R. Galston, Planner, Planning, Property and Development Department:

Exhibit "7" referred to in File DAZ 216/2021

ADMINISTRATIVE REPORT

Title: DAZ 216/2021 – 1121 Lee Boulevard

Issue: For consideration at the public hearing for rezoning the subject property from "RR5" Rural Residential 5 district to "R1-M" Residential Single-Family (Medium) district, in order to accommodate the development of a single-family dwelling on each of the two (2) underlying lots.

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council.

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Galston, MCP	n/a	n/a	

RECOMMENDATIONS

1. That Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R1-M" Residential Single-Family (Medium) District as shown on the map dated March 11, 2022 and included within Schedule "A" and the Proposed By-law attached as Appendix "B".
2. That the developer shall meet all conditions identified in Schedule "B" - Report of the Administrative Coordinating Group, dated March 7, 2022
3. 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, as determined by the City's Director of Planning, Property and Development.
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6. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Fees are not paid within 2 years after the By-law has been given

first reading unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

7. 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

- 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 Urban Planning Division are concurred in, the subject property may be rezoned consistent with the map provided in Schedule "A" of this report.

OUR WINNIPEG POLICY ALIGNMENT

01-1a OurWinnipeg Approach to City Building

- *Promote compact urban form and manage the extension of municipal services for new growth: Support new developments that are contiguous with existing developments to minimize the spatial use of land and the extension of services.*

01-1c Key Directions for Specific Areas –Areas of Stability

- *Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.*
- *Support the completion of Areas of Stability.*

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.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

- *Ensure new areas of growth are designed according to the principles of Complete Communities.*

HISTORY

N/A

CONSULTATION

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Robert Galston, MCP
Date: March 11, 2022
File No: DAZ 216/2021

List of Schedules and Attachments

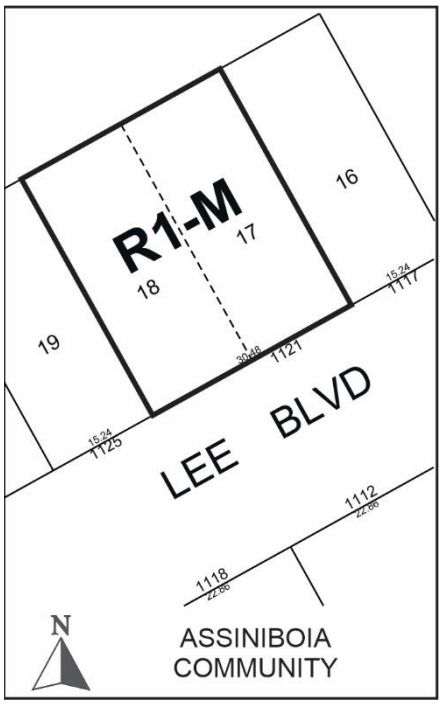
1. Appendix “A” Planning Discussion
2. Schedule “A” File No. DAZ 216/2021, Assiniboia Community Committee, Dated March 11, 2022
3. Schedule “B” Report of the Administrative Coordinating Group Re: Proposed Rezoning of Land Located at 1121 Lee Boulevard, Dated March 7, 2022
4. Appendix “B” Proposed By-law

APPENDIX 'A'

DATE: March 11, 2022
FILE: **DAZ 216/21**
RELATED FILES:
COMMUNITY: Assiniboia Committee
NEIGHBOURHOOD #: 2.637 (Fairfield Park)

SUBJECT: For a rezoning to accommodate the development of a single-family dwelling on each of the two (2) underlying lots.

LOCATION: 1121 Lee Boulevard
LEGAL DESCRIPTION: LOT 17 AND 18 BLOCK 18 PLAN 1991 WLTO IN RL 122 TO 124 PARISH OF ST NORBERT AND IN RL 1 AND 2 PARISH OF ST VITAL



APPLICANT: Richard Wintrup Planning and Development (Chris Gibson)
139 Roslyn Road, Unit 301
Winnipeg, MB R3L 0G7

OWNER: Jack and Valerie Hutchison
1121 Lee Boulevard
Winnipeg, MB R3T 2P3

SITE DESCRIPTION

- The subject property is located on the north side of Lee Boulevard, between Barnes Street and Shore Street. It is in the Fairfield Park Neighbourhood of the Waverley West Ward.
- The subject property has a total land area of 11,894 square feet. It is currently zoned “RR5” Rural Residential 5 district.
- The subject property currently contains a 1,246 square foot single-family dwelling constructed in 1975.
- The subject site is located within the Areas of Stability – Recent Communities policy area of the *Complete Communities Direction Strategy* Urban Structure Map.



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

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: A supermarket use zoned “C3” Commercial Corridor.

South: Lee Boulevard, then single-family residential uses zoned “R1-M” Residential Single-Family (Medium).

East: Single-family residential uses zoned “R1-M” Residential Single-Family (Medium).

West: Single-family residential uses zoned “R1-M” Residential Single-Family (Medium).



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant seeks to rezone the property from the “RR5” Rural Residential 5 district, to the “R1-M” Residential Single-Family (Medium) district. This is in order to establish two underlying residential lots on separate titles, Lot 17 and Lot 18.
- Each of the two lots will have a width of 50 feet and a lot area of 5,947 square feet.
- The applicant proposes to demolish the existing single-family dwelling on the subject property and construct a new single-family dwelling on each of the two underlying lots.
- Each of the two single-family lots will take access from Lee Boulevard.
- Design drawings for the proposed new single-family dwellings have not been submitted.
- No Variance or Conditional Use application is required as part of this proposal.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

- *OurWinnipeg* is the City’s long-range development plan. The Key Direction of *OurWinnipeg* regarding Areas of Stability states:
    - *Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg’s changing population.*
- The *Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg*, the City’s long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.

- The subject property is classified as an “Area of Stability – Recent Community” in *Complete Communities*’ Urban Structure map. Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability.
- With regard to this proposal, key policies guiding the development of Areas of Stability include:
    - *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form.*
    - *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*
    - *Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.*
    - *Encourage intensification to occur at centres and along corridors.*
    - *Focus housing growth to areas that have municipal service capacity to support intensification, in addition to commercial and recreational amenities.*
    - *Support Complete Communities by ensuring diverse and high-quality housing stock.*
    - *In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, townhouses.*
    - *Provide opportunities to increase multi-modal connectivity when redevelopment occurs.*

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- As noted above, the subject site is zoned “RR5” Rural Residential 5. Under the Zoning By-law, the “RR5” district is intended to provide areas for large-lot rural residential development, along with limited agricultural uses.
- **Per the dimensional standards of the Zoning By-law, new lots in the “RR5” district are required to have:**
    - **A minimum lot size of five (5) acres; and,**
    - **A minimum lot width of 300 feet.**
- The proposed “**R1-M” Residential Single-Family (Medium) district is intended to accommodate primarily single-family residential development in lower-density areas.**
- Per the dimensional standards of the Zoning By-law, new lots in the “R1-M” district are required to have:
    - A minimum lot size of 3,500 square feet; and,
    - A minimum lot width of 25 feet.

REZONING ANALYSIS

Proposed "R1-M" Zoning District

- As noted above, the rezoning of the subject property is being applied for so that the owner can establish two single-family residential lots on the subject site. The proposed "R1-M" district accommodates this proposal without any associated Variance, including Variances for lot area or lot width.
- The existing zoning of the subject site, which is "RR5" Rural Residential 5, is intended to accommodate rural-residential development, where lots typically have a size of five (5) acres or more, and have a lot width of 300 feet or more.
- The existing "RR5" zoning on the subject property likely dates back to a time when this block of Lee Boulevard and the surrounding area was characterized by rural-residential development.
- Since 2004, the surrounding area has transitioned from a rural-residential character to a lower-density urban character through, rezoning, subdivision and the provision of municipal services. It should be noted that this transition was accommodated to a large degree by the rezoning of multiple properties from the equivalent of the "RR5" to the equivalent of the "R1-M" zoning district, which was approved by Council in February, 2004, under file no. DAZ 243/2003. It should be noted that the subject property was not part of this previous rezoning application.
- In general, the Urban Planning Division supports the rezoning of the subject property because it will continue the transition of this area of the Fairfield Park Neighbourhood toward planned and orderly urban development.

Compatibility with the Surrounding Neighbourhood

- As noted above, the surrounding area, including all other properties on this block of Lee Boulevard, is zoned "R1-M". Rezoning the subject property from "RR5" to "R1-M" would bring the subject property's zoning into conformity with all other lots on the block.
- With respect to the proposed lot areas and lot widths, this block of Lee Boulevard, between Barnes Street and Shore Street, currently contains a total of 38 established residential lots. Of these, 29 lots have similar lot widths and lot area as those proposed for Lot 17 and Lot 18, respectively.
- As such, the proposed rezoning of the subject site to the "R1-M" zoning district would accommodate the single-family residential development that is consistent with 76 percent of the established lots on this block of Lee Boulevard.

CONDITIONS OF APPROVAL

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%.
- In the case of the subject proposed rezoning, the Property, Planning and Development is recommending that the developer provide 'cash in lieu' of a dedication of land.

Servicing

- **There is no servicing agreement recommended for the proposed development. However, the Administrative Coordinating Group (ACG) has provided a report with servicing considerations. These considerations concern the developer paying their share of costs for municipal services previously constructed on Lee Boulevard.**
- **These considerations are included in the report of the ACG, which is attached to this report as Schedule "B".**

REASONS FOR THE RECOMMENDATIONS

The Urban Planning Division recommends approval because the proposed Rezoning for the following reasons:

- The proposed "R1-M" zoning for the subject property will continue the orderly transition of this block of Lee Boulevard from a rural residential character to a lower-density urban character.
- The residential lots proposed are consistent with existing residential lots on this block of Lee Boulevard.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division
Report Prepared by: Robert Galston, MCP
DAZ 216/2021

Schedule "A" for File No. DAZ 216/22, Assiniboia Community Committee, March 11, 2022

By-Law No. _____

File No. **DAZ 216/2021**

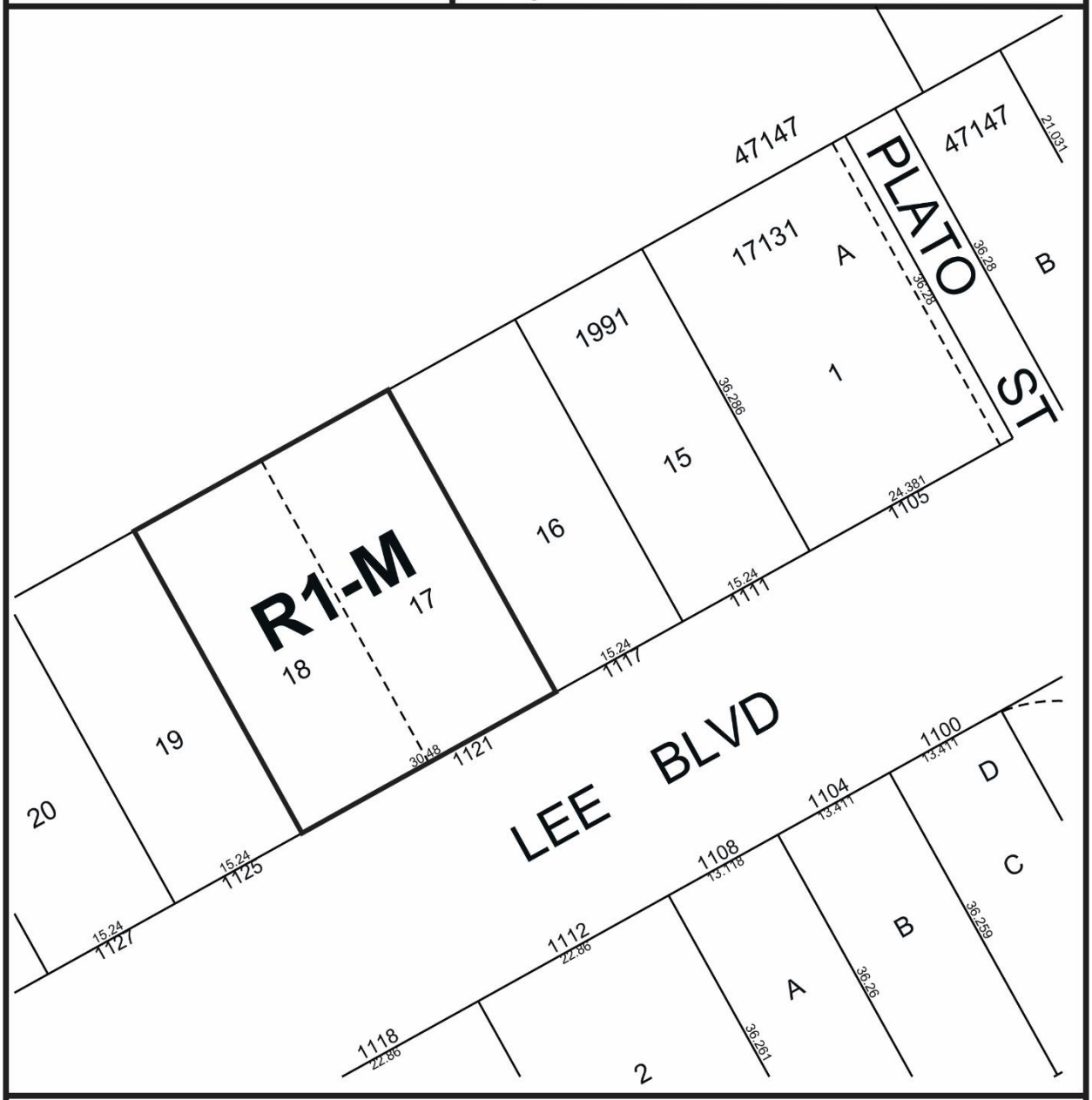
Atlas Sheet No. **AL23**

N

ASSINIBOIA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1121 Lee Boulevard from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to facilitate the future subdivision of the property and construction of a single-family dwelling on each lot.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED REZONING OF LAND LOCATED AT 1121 LEE BOULEVARD

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DAZ 216/2021. The Developer should take into consideration the following servicing and design requirements and considerations in the redevelopment of the site:

Section I – Servicing Considerations

1) Share of Services in Lee Boulevard

The Developer shall pay to the City, in cash, on demand, their share of the costs of the following services previously installed in Lee Boulevard by Others, along the full length of the Planned Area abutting Lee Boulevard:

i. a 7.5m wide by 150mm thick Portland cement concrete lane of pavement and all related works;

ii. ornamental street lighting;

iii. boulevard landscaping; and,

iv. land drainage sewer,

all as determined by and to the satisfaction of the Director of Public Works.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 216/2021
March 7, 2022

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

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