Agenda – Council – December 15, 2022

Report – Standing Policy Committee on Property and Development – November 30, 2022

Item No. 9 Rezoning of 4025 Roblin Boulevard and 2nd and 3rd Reading of By-law 36/2022 (Charleswood-Tuxedo-Westwood Ward) File DAZ 212/2021

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That second or third reading not be given to By-law No. 36/2022 (the "By-law").

2. That first reading of the By-law be repealed.

3. That the February 22, 2022, approval of the Development Application under File No. DAZ 212/2021 be rescinded.

4. That Development Application No. DAZ 212/2021 be rejected.

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

Report – Standing Policy Committee on Property and Development – November 30, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 30, 2022, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Rezoning of 4025 Roblin Boulevard and 2nd and 3rd Reading of By-law 36/2022 – File DAZ 212/2021

Critical Path: Standing Policy Committee on Property and Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch	J. Kiernan	N/A	M. Jack

EXECUTIVE SUMMARY

An application to rezone the lands at 4025 Roblin Boulevard from an "RMF-S" Residential Multi Family – Small zoning district to a "RMF-L" Residential Multi Family – Large zoning district was submitted to the City.

On February 24, 2022, Council concurred in the recommendation of the Executive Policy Committee and approved the development application. Council also gave first reading to By-law No. 36/2022.

Pursuant to the provisions of Section 236.1 of the City of Winnipeg Charter, sufficient objections were received by the City and the proposed by-law was referred to the Municipal Board after first reading. This was the first time a rezoning application was referred to the Municipal Board under the new provisions adopted by the Province under Bill 37, The Planning Amendment and City of Winnipeg Charter Amendment Act.

Subsection 236.1(9) of the City of Winnipeg Charter states that "Council must not pass a proposed zoning by-law that has been referred to The Municipal Board unless the proposed by-law conforms to the recommendations that the board has made in its report to council in respect of the by-law."

A public hearing was held by the Municipal Board on June 29, July 4, and July 18, 2022, and a decision was rendered by the Board on September 15, 2022, and was received by the City on September 22, 2022 (the "MB Report"). The MB report recommends that the City reject Development Application No. 212/2021 in its entirety.

Accordingly, the Public Service recommends that Council not give second or third reading to By-law No. 36/2022 and that Council rescind its February 24, 2022, decision approving both the rezoning application and first reading of By-law No. 36/2022.

RECOMMENDATIONS

1. That Council not give second or third reading to By-law No. 36/2022 (the "By-law").

2. That first reading of the By-law be repealed.

3. That the February 22, 2022, approval of the Development Application under File No. DAZ 212/2021 be rescinded.

4. That Development Application No. DAZ 212/2021 be rejected.

5. 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 Municipal Board recommended that Development Application No. DAZ 212/2021 for the lands at 4025 Roblin Boulevard be rejected. In accordance with Section 236.1(9) of the City of Winnipeg Charter, Council must not pass a proposed zoning by-law that has been referred to The Municipal Board unless the proposed By-law conforms to the recommendations that the board has made in its report to Council in respect of the By-law.

This report has been prepared to inform Council of the Municipal Board's decision, and to provide information on the next steps to be taken by Council on the rezoning matter.

IMPLICATIONS OF THE RECOMMENDATIONS

By-law No. 36/2022 (the "By-law") will not be given second and third reading, first reading of the By-law will be repealed, and Development Application No. 212/2021 will be rejected.

HISTORY / DISCUSSION

On February 24, 2022, Council concurred in the recommendation of the Executive Policy Committee and approved the development application. Council also gave first reading to By-law No. 36/2022.

The Municipal Board, via recommendation on September 15, 2022, has directed that Council not proceed with the application's second and third reading.

History:

January 28, 2022 – Assiniboia Community Committee

The rezoning (DAZ 212/201) and associated variance application (DAV 221587/2021D) were heard at the Assiniboia Community Committee.

The Assiniboia Community Committee concurred with the recommendation of the Urban Planning Division to approve the rezoning, subject to amendments to the Zoning Agreement and Servicing Agreement.

The decision by the Assiniboia Community Committee resulted in approval with the following conditions:

- Keeping the plan approval clause, which was recommended by the Urban Planning Division, which requires plans to be submitted to and approved by the Assiniboia Community Committee prior to the issuance of building permits.
- Replacing condition ii. which initially stated:

  that the development of any building shall be limited to a maximum building height of 105 feet and any portion of any building on site shall be contained below a 45-degree angular plane, as measured from a starting point of 6 feet above grade from the west and north property lines.

  This was amended by the Assiniboia Community Committee as follows:
  that building heights, as measured from grade to top of roof, shall be limited to a maximum height of 79 feet.

- Keeping the condition *that no structures be permitted within 65 feet of the west property line.*
- Adding the condition *that no vehicular access shall be permitted to the land from McQuaker Drive.*
- Adding the condition *that no buildings or structures (including vehicle access and ramps) shall be permitted within 98 ft of the north property line.*

The Assiniboia Community Committee did not concur with the recommendation of the Urban Planning Division to approve the associated variances, and instead rejected all variances applied for under file DAV 221587/21D.

These variances were to allow for a reduced rear yard setback of the building to the east property line (not supported by Urban Planning), increased projections for balconies and eaves, and the requirement for no street edge landscaping along McQuaker Drive.

This decision was not appealed.

140 people registered in opposition to the application. Ten people (including the applicant) registered in support.

February 7, 2022 - Standing Policy Committee on Property and Development, Heritage and Downtown Development

Due to a tie vote, the Standing Policy Committee on Property and Development, Heritage and Downtown Development submitted the matter to Executive Policy Committee and Council without recommendation.

February 16, 2022 – Executive Policy Committee

Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted to Council.

February 24, 2022 – Council

Council concurred in the recommendation of the Executive Policy Committee and approved first reading of the By-law.

June 29, July 4 and July 18 - Municipal Board Hearing Dates

September 15 - Date of Letter indicating Municipal Board decision (Schedule A)

Summary as per Schedule A:

The Board is of the view that the site is appropriate for some level of infill development and that the existing RMF-S zoning, which is intended to accommodate a mix of residential multi-family types at lower heights and densities, would still allow new development of diverse, high-quality housing stock, but in a form and density that are sensitive and complimentary to the character and features of this unique site and area.

Any development on Lot 1 will require either a discharge or amendment to Caveat 257.

Municipal Board Recommendation:

That the City of Winnipeg By-law 36/2022 BE REJECTED and not proceed to second and third reading by City of Winnipeg Council.

FINANCIAL IMPACT

Financial Impact Statement Date: October 12, 2022

Project Name:

Recommendation regarding Council's 2nd and 3rd reading for By-law with respect to DAZ 212/2021

COMMENTS:

There are no direct financial implications associated with this report.

Mike McGinn Oct. 12, 2022
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- City Clerk's
- Legal Services (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in OurWinnipeg and it was determined that no specific policy applies to this report.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the Winnipeg Climate Action Plan and it was determined that no specific policy applies to this report.

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 does not apply to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design Division
Prepared by: D. Clark, RPP, MCIP
Date: October 20, 2022

Attachments:
Schedule A – Municipal Board Report and Recommendations dated September 15, 2022