Agenda – Council – December 14, 2023

Report – Standing Policy Committee on Property and Development – November 22, 2023

Item No. 4 **Subdivision and Rezoning of 73 Inman Avenue – Amendment to Council Decision – File No. DASZ 51/2022, By-law No. 20/2023 (St. Vital Ward) File DASZ 51/2022**

STANDING COMMITTEE RECOMMENDATION:

On December 5, 2023, 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 recommendation 1.A of Council's decision dated January 26, 2023, in respect of DASZ 51/2022 (the "Original Decision") be amended by deleting clause (i) which added new condition 6 – Public Lane to Section II of the report of the Administrative Coordinating Group dated December 6.

2. That upon instructions from the Director of Planning, Property and Development, the Director of Legal Services and City Solicitor be directed to return By-law No. 20/2023 directly to Council for second and third reading in accordance with the original decision.

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

Agenda – Council – December 14, 2023

Report – Standing Policy Committee on Property and Development – November 22, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 5, 2023, 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 22, 2023, 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: Subdivision and Rezoning of 73 Inman Avenue – Amendment to Council Decision – File No. DASZ 51/2022, By-law No. 20/2023

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	H. Borys	N/A	M. Jack

EXECUTIVE SUMMARY

The City received Development Application No. DASZ 51/2022 to subdivide land located at 73 Inman Avenue and to rezone those lands from the “R1-M” Residential Single-Family (Medium) zoning district to the “RMF-S” Residential Multi-Family (Small) zoning district.

On January 26, 2023, Council concurred in the recommendation of the Standing Policy Committee on Property and Development and approved DASZ 51/2022. Council approved the rezoning without conditions, and approved the subdivision on the condition that the developer enter into a servicing agreement. On February 23, 2023, Council gave first reading to By-law No. 20/2023 to give effect to the subdivision and rezoning approvals (the “By-law”).

Pursuant to s. 282.1(1)(b) of The City of Winnipeg Charter (the “Charter”), the Applicant, on behalf of the Owner(s), appealed Council’s decision to impose conditions on their approval of the subdivision portion of DASZ 51/2022, and the By-law was referred to the Municipal Board (the “Board”) following first reading.

The Board held a public hearing on August 22, 2023, and forwarded their decision and Order No. D-23-004 (the “Order”) to the City under cover of letter dated October 20, 2023.

The Order, attached as Schedule A to this report, orders the By-law be approved and be given second and third reading by Council, subject to the following terms:

1) That the City of Winnipeg and the Owner enter into the Servicing Agreement with condition 6) Public Lane removed; and

2) That the City of Winnipeg make no further additions or amendments to the Servicing Agreement.

RECOMMENDATIONS

1. That recommendation 1.A of Council's decision dated January 26, 2023, in respect of DASZ 51/2022 (the "Original Decision") be amended by deleting clause (i) which added new condition 6 – Public Lane to Section II of the report of the Administrative Coordinating Group dated December 6.

2. That upon instructions from the Director of Planning, Property and Development, the Director of Legal Services and City Solicitor be directed to return By-law No. 20/2023 directly to Council for second and third reading in accordance with the original decision.

3. That the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

In accordance with s. 282.1 of the Charter, the Municipal Board "must, by order, either dismiss the appeal or make any decision that council… could have made". The Municipal Board must make its order within 60 days following close of the appeal hearing and must provide a copy of that order to Council.

This report has been prepared to inform Council of the Municipal Board's Order in respect of DASZ 51/2022 and to provide information on the next steps to be taken by Council for decision making on the subdivision and rezoning matter.

IMPLICATIONS OF THE RECOMMENDATIONS

Development Application No. DASZ 51/2022 will be approved without the addition of Section II – Servicing Condition No. 6.

HISTORY/DISCUSSION

January 3, 2023 – Riel Community Committee
The Riel Community Committee concurred in the recommendation of the Urban Planning and Design Division to approve the subdivision and rezoning (DASZ 51/2022) and associated variance application (DAV 211918/2022D) subject to an amendment to the servicing agreement that added Condition 6. Public Lane. The condition requires the developer to pay to the City, in cash, on demand, $16,000 towards the cost to complete pulvimixer treatment for the Public Lane located between St. Thomas Road and the North-South Public Land adjacent to the Planned Area, all as determined by and to the satisfaction of the Director of Public Works.

At the Riel Community Committee hearing, 24 people registered in opposition to the application, one person in support (the Applicant) and none registered for information.

January 26, 2023 – Council Decision
Council concurred in the recommendations of the Standing Policy Committee on Property and Development, subject to conditions as recommended, including the addition of the Public Lane

Condition. The Applicant appealed the added Public Lane Condition to the Municipal Board pursuant to s. 282.1(1) of the Charter.

August 22, 2023 – Municipal Board Hearing Date

October 20, 2023 – Date of Municipal Board Decision Order No. D-23-004 (Schedule A)

Summary as per Schedule A

The Municipal Board concluded that the Applicant was not given reasonable opportunity to make a submission respecting the Public Lane Condition, nor was the Public Lane Condition reasonable in the circumstances. The Board ordered that the Public Lane Condition be removed from the Servicing Agreement on which the subdivision approval is subject to, with all other terms and conditions in the Servicing Agreement to remain as is.

It was noted that the proposed rezoning amendment of the Proposed By-law associated with the Application was not part of the Appeal and that the Municipal Board's Order applies only to the plan of subdivision and the Servicing Agreement to which it is subject.

Municipal Board Order

The Municipal Board ordered that By-law No. 20/2023 be approved and proceed to second and third reading by Council, subject to the following terms:

1) That the City of Winnipeg and the Owner enter into the Servicing Agreement with condition 6) Public Lane removed; and

2) That the City of Winnipeg make no further additions or amendments to the Servicing Agreement.

FINANCIAL IMPACT

Financial Impact Statement Date: November 6, 2023

Project Name:

Subdivision and Rezoning of 73 Inman Avenue – Amendment to Council Decision – File No. DASZ 51/2022, By-law No. 20/2023

COMMENTS:

There are no financial implications associated with this report.

Mike McGinn Nov. 6, 2023

Mike McGinn, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- City Clerk's Department
- Legal Services Department

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg 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.

Applicable Policies for Mature Communities

6.1 Sustainable Urban Growth

- The City must accommodate physical development that reflects this Plan's goals, and achieves a continuum of complete and connected communities over the lifecycle of the Plan.

6.6 Intensification Target

- Achieve the intensification target by making development in intensification target areas easier and more desirable and predictable, as directed by Complete Communities.

6.16 Established Neighbourhoods

- Designate Established Neighbourhoods within the Urban Structure, representing lands that will accommodate additional growth in a context-sensitive manner, while promoting the efficient use of land, cost-effective municipal servicing, enhanced housing choice

and affordability, and conservation of green infrastructure and heritage resources and districts, as defined in Complete Communities.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

- Key Direction 4.1: Increase strategic infill development that provides access to and capitalizes on existing and planned corridors with frequent transit service.

- Key Direction 4.2: Ensure new areas of growth are designed according to the principles of Complete Communities.

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: Real Estate and Land Development
Prepared by: A. Savage, Acting Land Development Administrator
Date: November 6, 2023
File No: DASZ 51/2022

Attachments: Schedule A – Municipal Board Order No. D-23-004 dated October 20, 2023

SCHEDULE A – MUNICIPAL BOARD ORDER NO. D-23-004 – OCTOBER 20, 2023