Agenda – Council – January 25, 2024

Report – Executive Policy Committee – January 16, 2024

Item No. 12 Rezoning – 641 and 645 Westminster Avenue (Fort Rouge-East Fort Garry Ward) File DAZ 210/2023 [c/r DAV 224303/2023D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 16, 2024, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 210/2023 by rezoning the subject land to a "RMF-L" Residential Multi-Family Large District, in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated December 1, 2023 and attached as Schedule "C" 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 subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

        i. That in the event the property is redeveloped, 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. fencing
            f. landscaping
            g. free-standing signage

            on the Owner's Land ("Works") to the City's Director of Planning, Property and Development (the "Director") 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 excluding projections permitted under the Zoning By-Law, the maximum height of any building on the land shall not exceed 60 feet or 18.28 metres.

Report – Executive Policy Committee – January 16, 2024

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

B. 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").

C. That authority be delegated to the City's Director of Planning, Property and Development 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.

2. 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 the Development Application (the "Dedication fee"), as determined by the City's Director of Planning, Property and Development.

3. 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 (the "By-law") and bring same directly to Council by way of communication for first reading.

4. That upon instruction from the Director of Planning, Property and Development that the developer has paid the Dedication Fee and all other associated ancillary fees (collectively, the "Fees"), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for consideration for second and third reading.

5. That Development Application No. DAZ 210/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not paid the Fees within 2 years following the date on which Council gives first reading to the by-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

6. 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.

Report – Executive Policy Committee – January 16, 2024

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

7. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 7 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

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

9. 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 210/2023.

Report – Executive Policy Committee – January 16, 2024

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 16, 2024, the Executive Policy Committee concurred in the recommendation of the City Centre Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 5, 2024, the City Centre 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

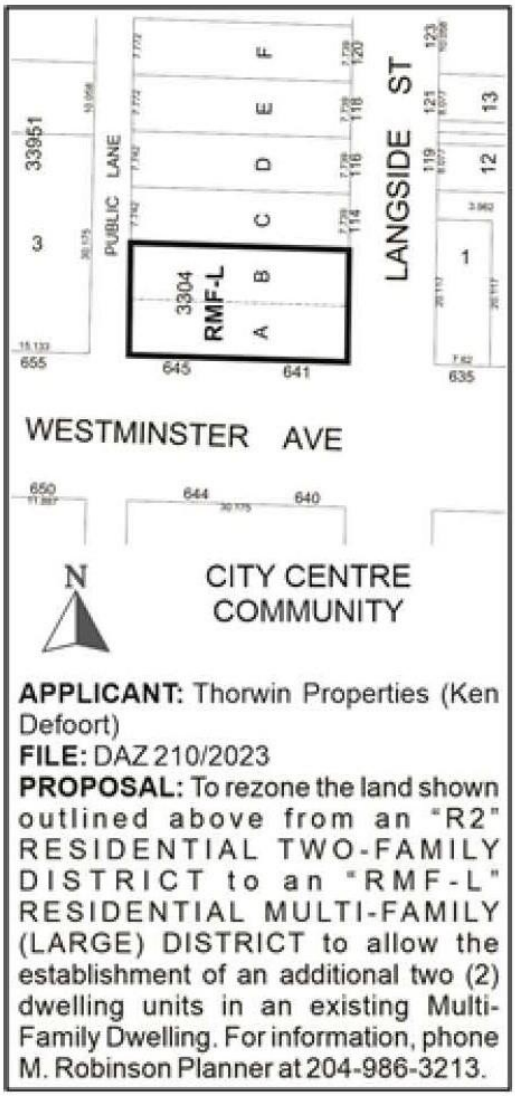
File: DAZ 210/2023

Before: City Centre Community Committee
Councillor Gilroy, Chairperson
Councillor Rollins

Public Hearing: January 5, 2024
Council Building, 510 Main Street

Applicant: Thorwin Properties (Ken Defoort)

Subject:



Premises Affected: 641 and 645 Westminster Avenue

For submission to: Executive Policy Committee

Prepared by: Karly Dolski, Committee Clerk
City Centre Community Committee

Report date: January 5, 2024

Community Committee Recommendation:

On January 5, 2024, the City Centre 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 210/2023 by rezoning the subject land to a "RMF-L" Residential Multi-Family Large District, in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated December 1, 2023 and attached as Schedule "C" 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 subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

        i. That in the event the property is redeveloped, 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
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            f. landscaping
            g. free-standing signage

            on the Owner's Land ("Works") to the City's Director of Planning, Property and Development (the "Director") 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 excluding projections permitted under the Zoning By-Law, the maximum height of any building on the land shall not exceed 60 feet or 18.28 metres.

COMMUNITY COMMITTEE RECOMMENDATION (continued):

B. 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").

C. That authority be delegated to the City's Director of Planning, Property and Development 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.

2. 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 the Development Application (the "Dedication fee"), as determined by the City's Director of Planning, Property and Development.

3. 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 (the "By-law") and bring same directly to Council by way of communication for first reading.

4. That upon instruction from the Director of Planning, Property and Development that the developer has paid the Dedication Fee and all other associated ancillary fees (collectively, the "Fees"), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for consideration for second and third reading.

5. That Development Application No. DAZ 210/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not paid the Fees within 2 years following the date on which Council gives first reading to the by-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

6. 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.

7. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 7 unless the developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

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

9. 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 210/2023.

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

1. This really does engage Our Winnipeg and Complete Communities in a really nice way. With respect to building density in West Broadway neighbourhood, increasing housing options in this beautiful neighborhood that is pedestrian friendly, bike friendly, transit connected and more, and hitting the City's intensification targets. It adds only 2 affordable dwelling units in West Broadway, but that isn't unimportant given the need for affordability in the city, and the need to use existing infrastructure in the City of Winnipeg.

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 October 26, 2023 2. Notification of Public Hearing dated December 4, 2023 3. Manitoba Status of Title 2851550/1 4. Letter of authorization dated July 7, 2023 from Kristjan E. Thorkelson, 641 Westminster Ltd. to Ken Defoort / Thorwin Properties 5. Surveyor's Building Location Certificate and sketch dated March 4, 2020 6. Plans (2 pages) 7. Report from the Urban Planning Division dated December 12, 2023 8. Inspection Report 9. Recording of Representations

REPRESENTATIONS:

In Support:

Ken Defoort
Daria Powell

In Opposition:

Nil

For Information:

Richard Brunel

For the City:

A. Ross, Senior Planner, Planning, Property and Development Department

Exhibit "7" referred to in File DAZ 210/2023

ADMINISTRATIVE REPORT

Title: DAZ 210/2023 – 641 and 645 Westminster Avenue

Issue: For consideration at the public hearing for a rezoning to "RMF-L" Residential Multi-Family Large to add two dwelling units

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Robinson, RPP, MCIP	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 210/2023 by rezoning the subject land to a "RMF-L" Residential Multi-Family Large District, in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated December 1, 2023 and attached as Schedule "C" to this report, subject to the following conditions:

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        - private approaches;
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        - fencing;
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- free-standing signage

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development (the "Director") 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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8. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing

9. 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 210/2023.

REASON FOR THE REPORT

- The applicant is proposing to rezone 641 & 645 Westminster from Residential Two-Family (R2) to Residential Multi-family Large (RMF-L).
- 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.

OURWINNIPEG 2045 POLICY ALIGNMENT

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.

City Building 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 healthy 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

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 the PRS is applicable, however it was determined that it does not apply.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Michael Robinson, RPP, MCIP.
Date:	December 12, 2023
File No.	DAZ 210/2023

List of Schedules and Attachments

- Schedule A – Planning Discussion.
- Schedule B for File no. DAZ 212/2023
- Appendix A – Proposed By-law.

Schedule A

DATE: December 1, 2023
FILE: **DAZ 210/2023**
RELATED FILES: DAV 23-224303/D
COMMUNITY: City Centre Committee
NEIGHBOURHOOD #: 1.103 West Broadway

SUBJECT: Rezoning from “R2” to “RMF-L”
LOCATION: 641 & 645 Westminster Avenue
LEGAL DESCRIPTION: PCL A.B PLAN 3304 81 ST JA



APPLICANT: Ken Defoort Thorwin Properties
1280 Archibald Street
Winnipeg, MB R2J 0Z3

OWNER: 641 Westminster Ltd. (Kristjan E. Thorkelson)
1274 Archibald Street
Winnipeg, MB R2J 0Z3

SITE DESCRIPTION

- The subject property is located at the northwest corner of Westminster Avenue and Langside Street, in the West Broadway neighbourhood of the Fort Rouge-East Fort Garry ward.
- The site is designated Established Neighbourhood – Mature Community under the *Complete Communities Direction Strategy 2.0.* The property is zoned “R2” Residential Two-Family District
- The property is 50.78 feet wide and 99 feet deep with a total lot area of 5,036 square feet. The subject property currently contains a multi-family residential building with 14 dwelling units.



Figure 1: Air Photo Map of Property and Surrounding Area *(flown 2021)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Residential uses zoned “R2”.

South: Westminster Avenue, then residential uses zoned “R2”.

East: Langside Avenue, then a commercial use zoned “R2”

West: Public lane, then residences zoned “R2”

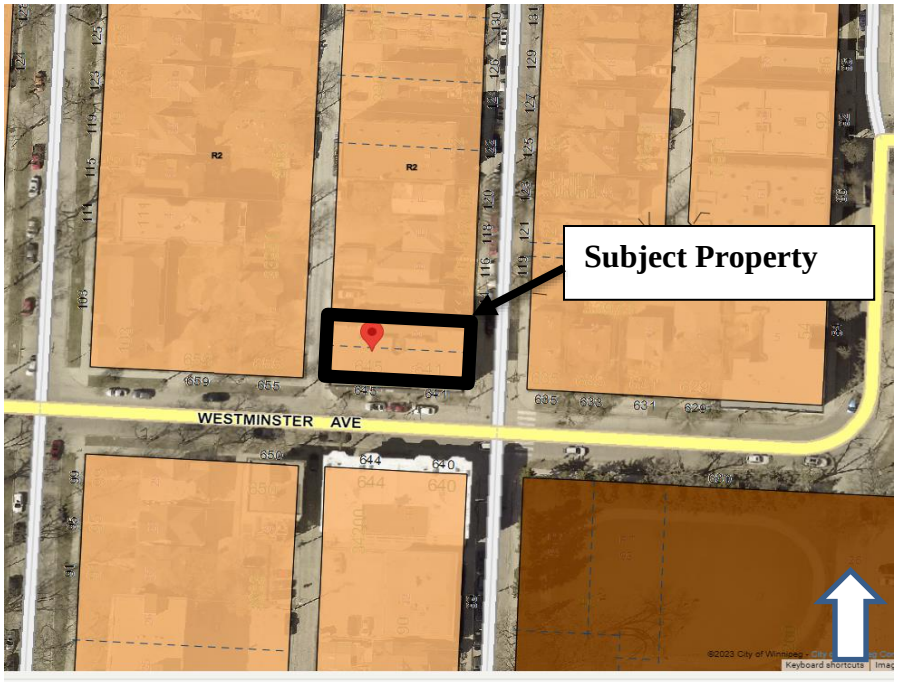


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone the subject property from a “R2” Residential Two-Family District to a “RMF-L” Residential Multi-Family District for the purpose of adding two dwelling units.
- The building currently has 14 dwelling units
- The applicant is proposing a one bedroom suite and a bachelor suite.
- The suites would be created through the conversion of storage space in the basement
- The site has no off street parking
- In addition to the rezoning, Variances related to the building setbacks, landscaping, parking, and the garbage enclosure are required. Information on the required Variances can be found in the Administrative Report under file DAV 23-224303/D.

ANALYSIS AND ISSUES

COLLABORATIVE PLANNING

- The applicant contacted the Planning, Property and Development Department prior to the submission of the rezoning application. The applicant indicated their intent to rezone the property to add two dwelling units.
- The Department was supportive of their rezoning application, and requested the provision of secure indoor bicycle parking at a rate of .5 stalls per dwelling unit (8 stalls The applicant adhered to the requests of the Department.

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

The City of Winnipeg's development plan, *OurWinnipeg*, and its citywide secondary plan, the *Complete Communities Direction Strategy 2.0* (CCDS 2.0), lay out the framework for how our City will grow over the next 25 years and how all other plans and City Council decisions must be consistent with it. The subject site is designated "Established Neighbourhood - Mature Community" under CCDS 2.0 and applicable goals and policies that apply to the proposal are noted below.

1.0 Encourage compatible residential development within Established Neighbourhoods to build more Complete Communities and align with the City's residential intensification target.

General Policies

- *1.1 Encourage residential development that positively contributes to neighbourhood character while expanding housing options for residents in a manner that is sensitive and complementary to existing development.*
- *1.2 Increase the population within Established Neighbourhoods to contribute to the physical renewal and revitalization of older neighbourhoods.*
- *1.4 Support opportunities for further residential intensification within approximately 400 metres of a rapid transit station, where appropriate and in accordance with the TOD Handbook.*
- *1.5 Support up to mid-rise residential development in Established Neighbourhoods that is compatible with neighbourhood context.*
- *1.6 In the absence of a secondary plan guiding the local development of an Established Neighbourhood, intensification should be guided by a number of factors to ensure compatible development, including:*
    - *a. Applicable City-endorsed policies or guidelines;*
    - *b. Existing zoning of the property and adjacent properties;*
    - *c. Characteristics of the immediately surrounding built form including building mass, height, lot coverage, setbacks, and layout;*
    - *d. Surrounding uses and their characteristics including residential density and the intensity of commercial and other non-residential uses;*
    - *e. Characteristics of the lot, including whether it is a corner lot, a larger lot than is typical for the neighbourhood, or the shape of the lot;*

- *f. Proximity to Downtown, Mixed Use Centres, Major Redevelopment Sites and Mixed-Use Corridors;*
- *g. The supporting street network (ex. local, collector, or arterial streets) and the street network's ability to support proposed development;*
- *h. The supporting transit, pedestrian and active transportation network; and*
- *i. The supporting water, wastewater, and land drainage infrastructure and capacity to accommodate a proposed development or ability to make the required upgrades necessary to accommodate a proposed development.*

Mature Communities

- *1.8 Low-rise residential uses will generally be accommodated on arterial and collector streets where compatible with adjacent land uses, where they can be conveniently served by transit and local commercial amenities, and in consideration of the factors listed in Policy section 1.6.*

The proposed development is consistent with the *Complete Communities Direction Strategy 2.0* in the following ways:

- The subject property is on Westminster Street, located in close proximity to both Sherbrook Street and Broadway Avenue (both Urban Mixed-Use Corridors) and approximately 500 metres from Downtown. Given its location, the property is well connected to several amenities, commercial uses, transit, and high-quality cycling infrastructure.
- This block of Westminster Avenue contains a mix of several multi-family buildings of varying densities.

Summary

The proposal is consistent with CCDS 2.0 in the following ways:

- The proposal will add two new affordable rental housing units to the West Broadway neighbourhood and provide secure indoor bicycle parking for residents through the repurposing of underutilized space within an existing building.
- The existing building is generally consistent with the design policies for Mature Communities, inclusive of a front entrance at grade and ground floor glazing facing Westminster Avenue and Langside Street, as well as a brick veneer.

REZONING

- The applicant is proposing to rezone the lands to "RMF-L" from its existing "R2" zoning to legally establish two new dwelling units.
- The rezoning is required because the proposed density the maximum density permitted in the "R2" zoning district.
- The proposed rezoning application is considered compatible with the surrounding area given it repurposes underutilized space in an existing building and adds two affordable dwelling units to an existing Mature Community and higher needs area, as identified in the Winnipeg Poverty Reduction Strategy.

LAND DEDICATION

- As a condition of a rezoning application, a developer is required to contribute a portion of the land to be developed to the City for parks purposes. The amount of land is not less than 10%. In the case of this rezoning, the Public Service is recommending that the developer provide 'cash in lieu' of a dedication of land as determined by the Planning, Property and Development Department.

REASONS FOR RECOMMENDATIONS

The Urban Planning Division recommends **approval subject to conditions,** of the application for the following reasons:

- The proposed development will increase residential density in the West Broadway neighbourhood, thereby increasing housing options in this pedestrian oriented, bikeable, transit connected, amenity rich mature neighbourhood as well as helping the city to achieve its residential intensification targets.
- The proposed development adds two affordable dwelling units to higher needs area, as identified in the Winnipeg Poverty Reduction Strategy.
- The proposed development will utilize existing infrastructure including the street network, active transportation paths to the east, water and wastewater service capacity and city services such as library, recreation and education.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning and Design Division
Report Prepared by: Michael Robinson, RPP, MCIP.
DAZ File Number: 210/2023

SCHEDULE B FOR FILE NO. DAZ 210/2023, CITY CENTRE COMMUNITY COMMITTEE, December 1, 2023

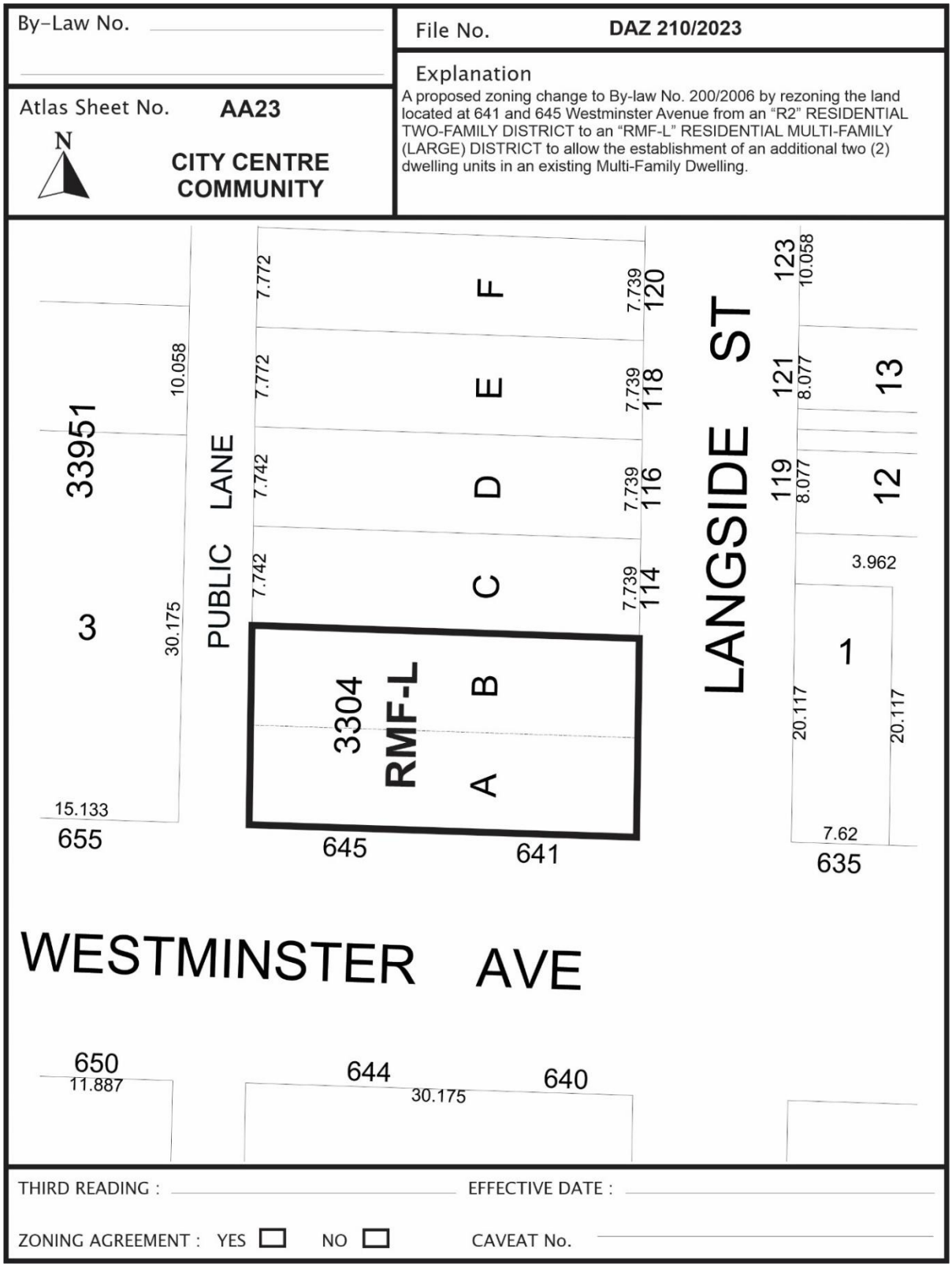
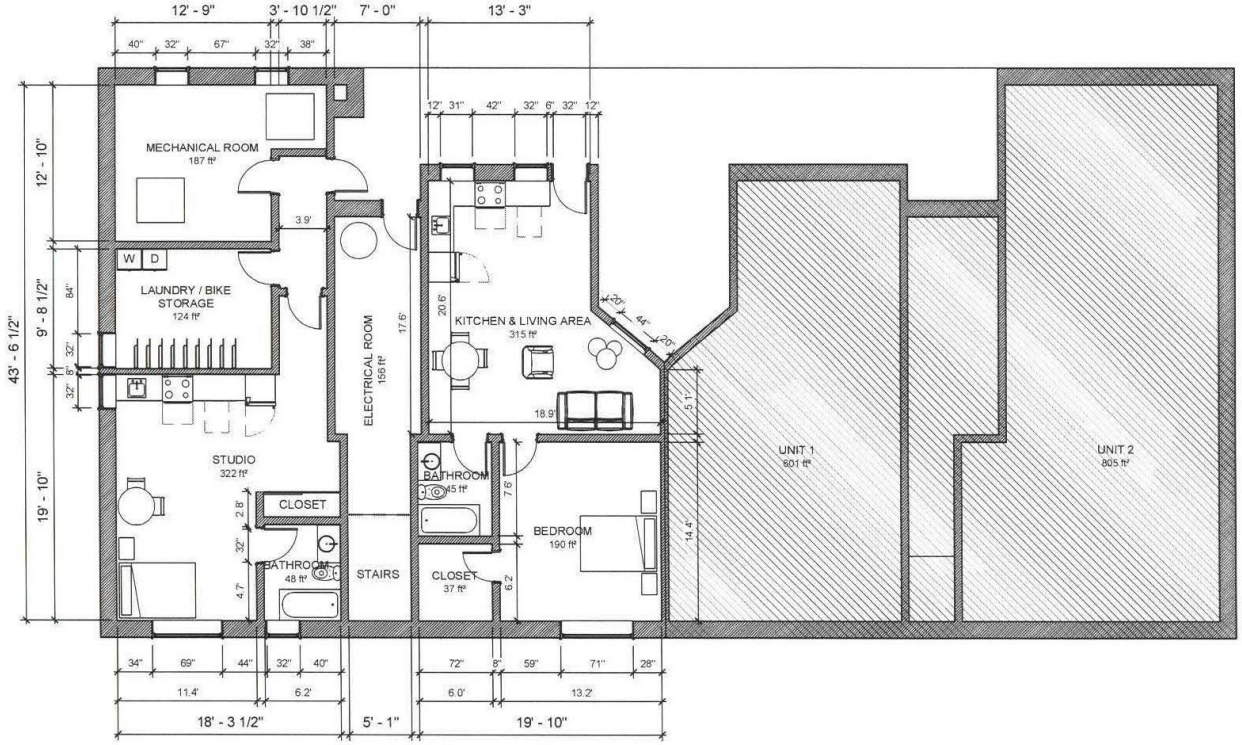


Exhibit “6” referred to in File DAZ 210/2023



Thorwin Properties	THORWIN PROPERTIES WESTMINSTER 641 - 645	PROPOSED UNITS - OPT 1 Date 2023-09-07 Drawn by Belen Cabezas Checked by N/A ARCH_02 Scale 1 : 100

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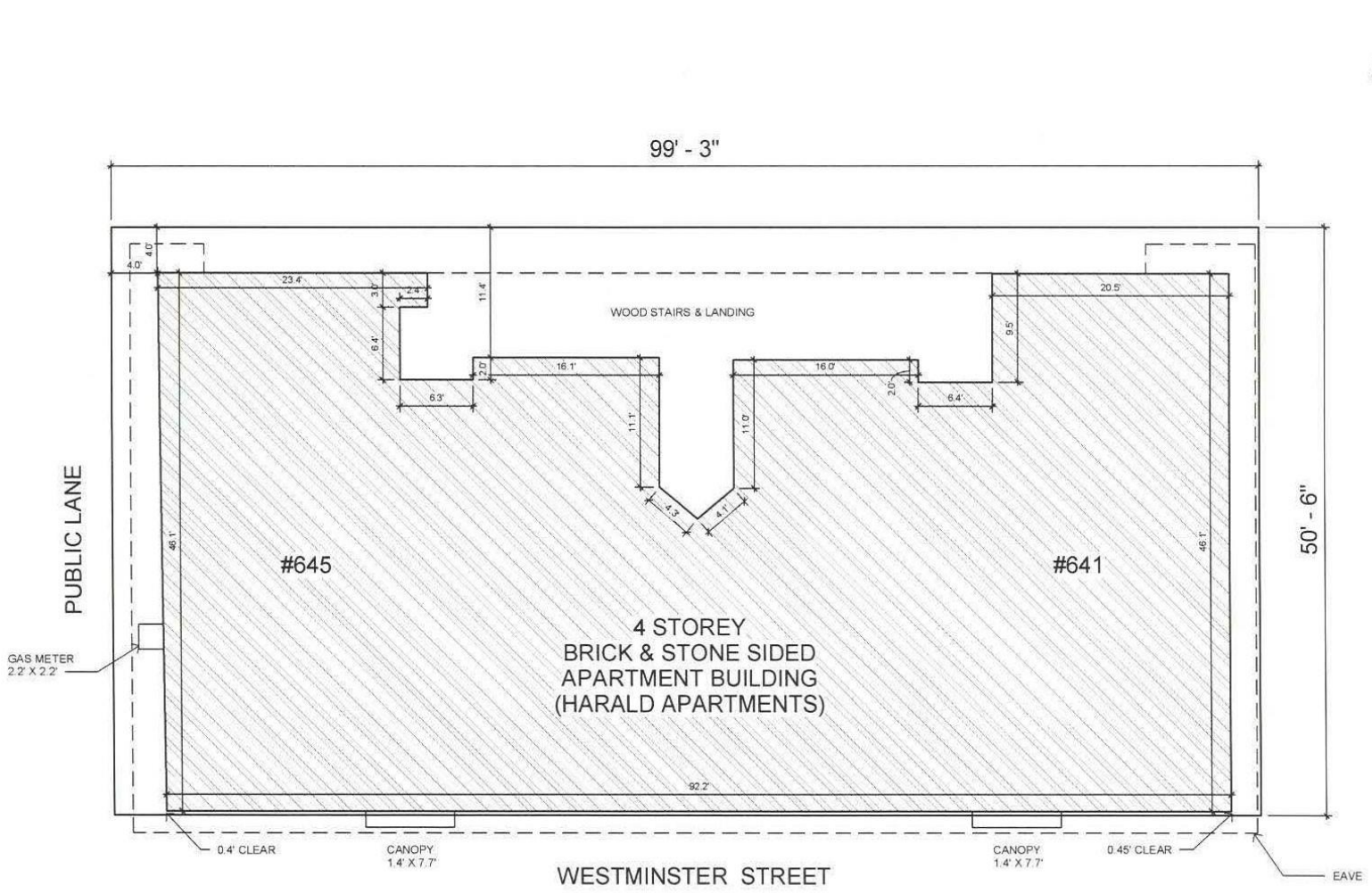

Thorwin Properties
Thorwin.ca

THORWIN PROPERTIES
WESTMINSTER 641 - 645

KEY PLAN

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Drawn by	Belen Cabezas
Checked by	N/A

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