Minutes – Council – March 21, 2024

Minute No. 203
Report – Executive Policy Committee – March 12, 2024

Item No. 9 Rezoning – 508 McMillan Avenue
(Fort Rouge-East Fort Garry Ward)
File DAZ 211/2023 [c/r DAV 235541/2023D]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 211/2023 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 February 23, 2024 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; and
            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 – March 12, 2024

COUNCIL DECISION (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 211/2023 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 – March 12, 2024

COUNCIL DECISION (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 211/2023.

Report – Executive Policy Committee – March 12, 2024

DECISION MAKING HISTORY:

Moved by His Worship Mayor Gillingham,
That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 12, 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 February 23, 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 211/2023

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

Public Hearing: February 23, 2024
Council Building, 510 Main Street

Applicant: Thorwin Properties (Ken Defoort)

Subject:



APPLICANT: Thorwin Properties (Ken Defoort)
FILE: DAZ 211/2023
PROPOSAL: To rezone the land shown outlined above from an "R2 PDO-1 CORYDON OSBORNE) RESIDENTIAL TWO-FAMILY DISTRICT to an "RMF-L PDO-1 CORYDON OSBORNE" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to allow the establishment of one (1) additional dwelling unit in an existing multi-family dwelling. **For more information, phone M. Grady Planner at 204-986-5147.**

Premises Affected: 508 McMillan Avenue

For submission to: Executive Policy Committee

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

Report date: February 27, 2024

Community Committee Recommendation:

On February 23, 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 211/2023 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 February 23, 2024 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; and
            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.

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 211/2023 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 211/2023.

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

1. Moderate increase and nobody in opposition here today

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 December 11, 2023
2. Notification of Public Hearing dated January 9, 2024
3. Manitoba Status of Title 2851542/1
4. Letter of authorization dated June 8, 2023 from Kristjan E. Thorkelson, 508 McMillan Ltd. to Ken Defoort, Thorwin Properties
5. Plans (7 pages)
6. Report from the Urban Planning Division dated February 12, 2024
7. Inspection Report
8. Recording of Representations

REPRESENTATIONS:

In Support:

Ken Defoort

In Opposition:

Nil

For Information:

Nil

For the City:

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

Exhibit “6” referred to in File DAZ 211/2023

ADMINISTRATIVE REPORT

Title: DAZ 211/2023 – 508 McMillan Avenue

Issue: For consideration at the public hearing for a rezoning to “RMF-L” Residential Multi-Family Large to add one dwelling unit

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. Grady	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 211/2023 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 February 23, 2024 and attached as Schedule “C” to this report, subject to the following conditions:

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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 211/2023.

REASON FOR THE REPORT

- The applicant is proposing to rezone 508 McMillan 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	Martin Grady
Date:	February 12, 2024
File No.	DAZ 211/2023

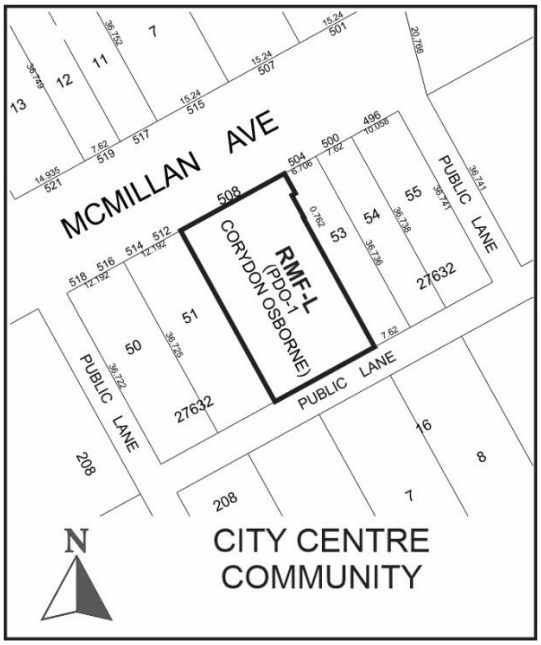
List of Schedules and Attachments

- Schedule A – Planning Discussion.
- Schedule C – of file DAZ 211/2023, City Centre Community Committee, dated February 23, 2024
- Appendix B – Proposed By-law

Schedule A

DATE: February 9, 2024
FILE: **DAZ 211/2023**
RELATED FILES: DAV 23-235541/D
COMMUNITY: City Centre Committee
NEIGHBOURHOOD #: River Osborne

SUBJECT: Rezoning from “R2” to “RMF-L”
LOCATION: 508 McMillan Avenue
LEGAL DESCRIPTION: SP LOT 52 PLAN 27632



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

OWNER: 508 McMillan Ltd. (Ken Defoort)
1274 Archibald Street
Winnipeg, MB R2J 0Z3

SITE DESCRIPTION

- The subject property is located on McMillan Avenue, east of Nassau Street, in the McMillan 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 70 feet wide and 120.5 feet deep with a total lot area of 8,486 square feet. The subject property currently contains a multi-family residential building with 22 dwelling units.

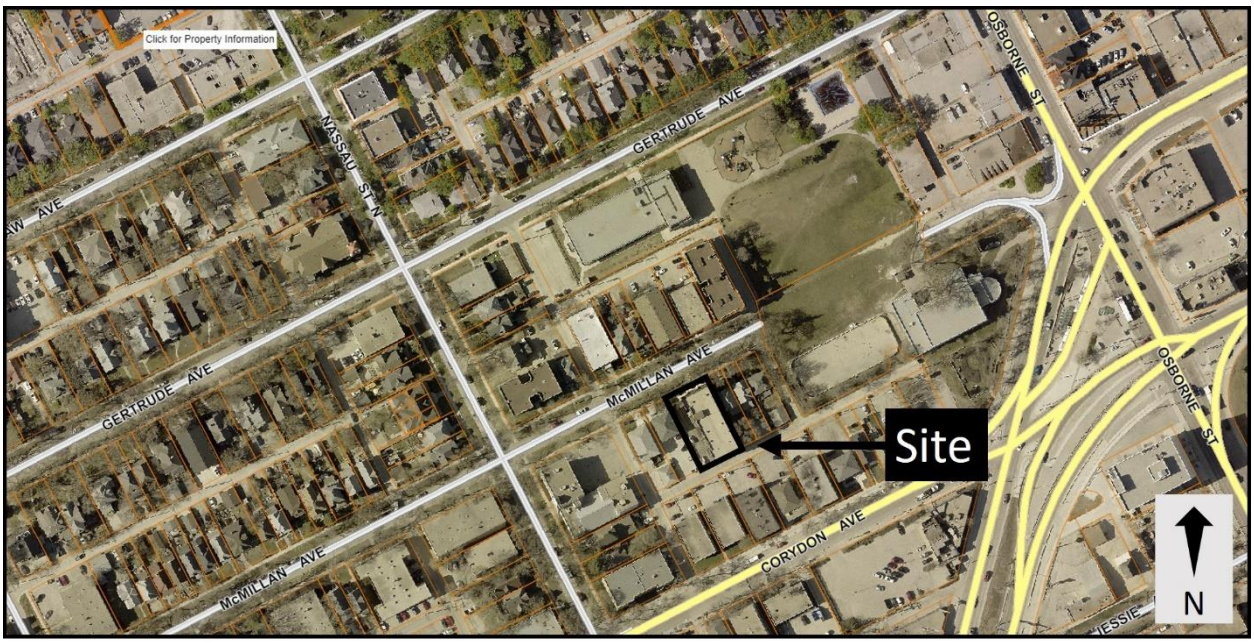


Figure 1: Air Photo Map of Property and Surrounding Area *(flown 2021)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: McMillan Avenue, then residential uses zoned “R2”.

South: Public lane, then residential uses zoned “RMF”.

East: Residences zoned “R2”

West: 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 one dwelling unit.
- The building currently has 22 dwelling units
- The applicant is legally establishing a one-bedroom suite added without approvals by the previous owner.
- The suite was created through the conversion of storage space in the basement
- The site has 5 off street parking spaces.
- 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 23-235541/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 one dwelling unit.
- The Department was supportive of their rezoning application.

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 McMillan Avenue, located in close proximity to Corydon Avenue (an Urban Mixed-Use Corridor). Given its location, the property is well connected to several amenities, commercial uses, transit, and high-quality cycling infrastructure.
- This block of McMillan 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 one new affordable rental housing unit to the West Broadway neighbourhood.
- 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 McMillan Avenue, as well as a brick veneer.

CORYDON OSBORNE AREA PLAN

The proposal is consistent with the policies of the plan.

REZONING

- The applicant is proposing to rezone the lands to “RMF-L” from its existing “R2” zoning to legally establish one new dwelling unit.
- The rezoning is required because the proposed density is 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 one affordable dwelling unit 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 one affordable dwelling unit to a 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: Martin Grady
DAZ File Number: 211/2023

SCHEDULE "C" OF FILE DAZ 211/2023, City Centre Community Committee, dated February 23, 2024

By-Law No. _____

File No. **DAZ 211/2023**

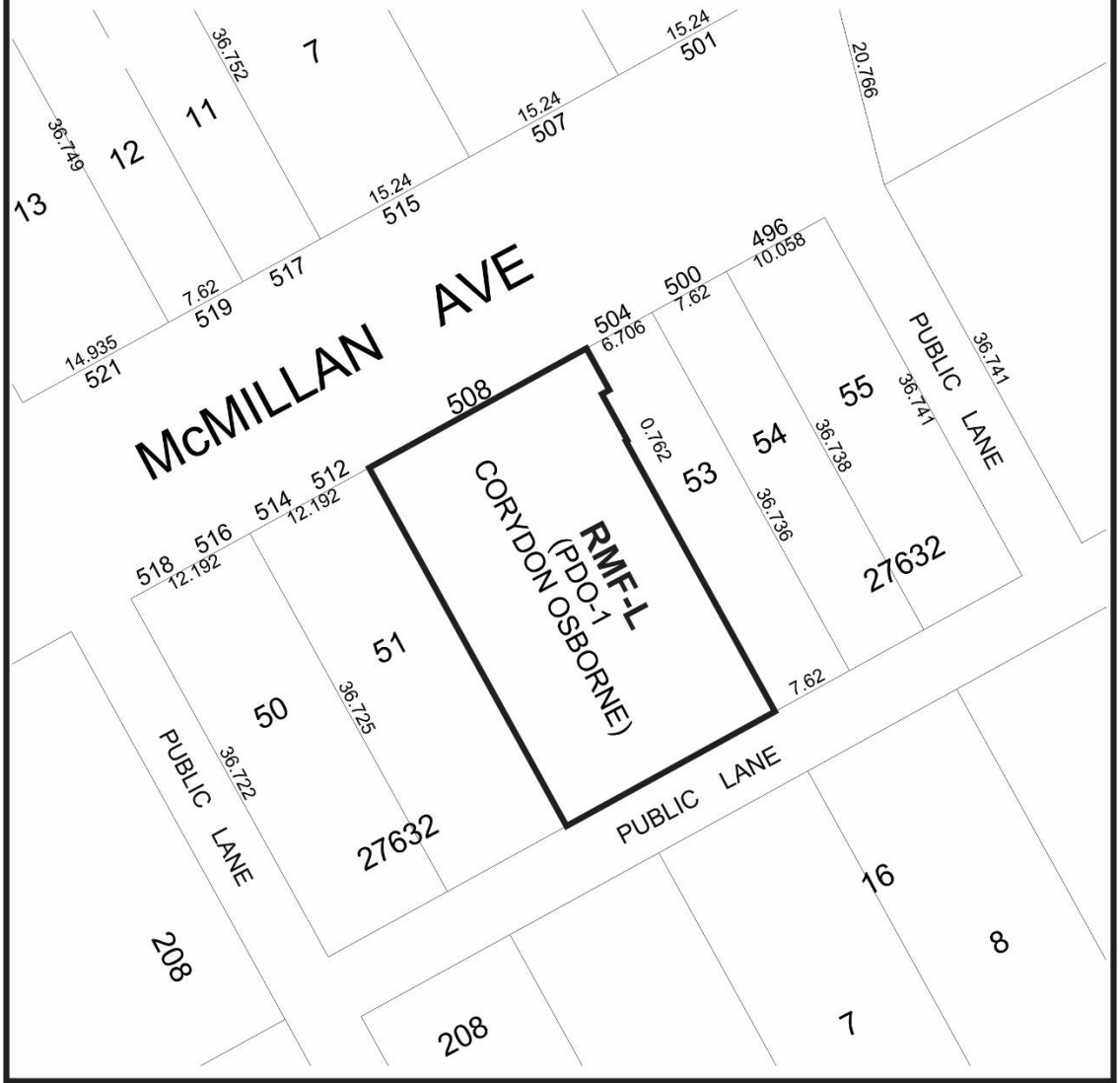
Atlas Sheet No. **AB24**

N

CITY CENTRE COMMUNITY

Explanation

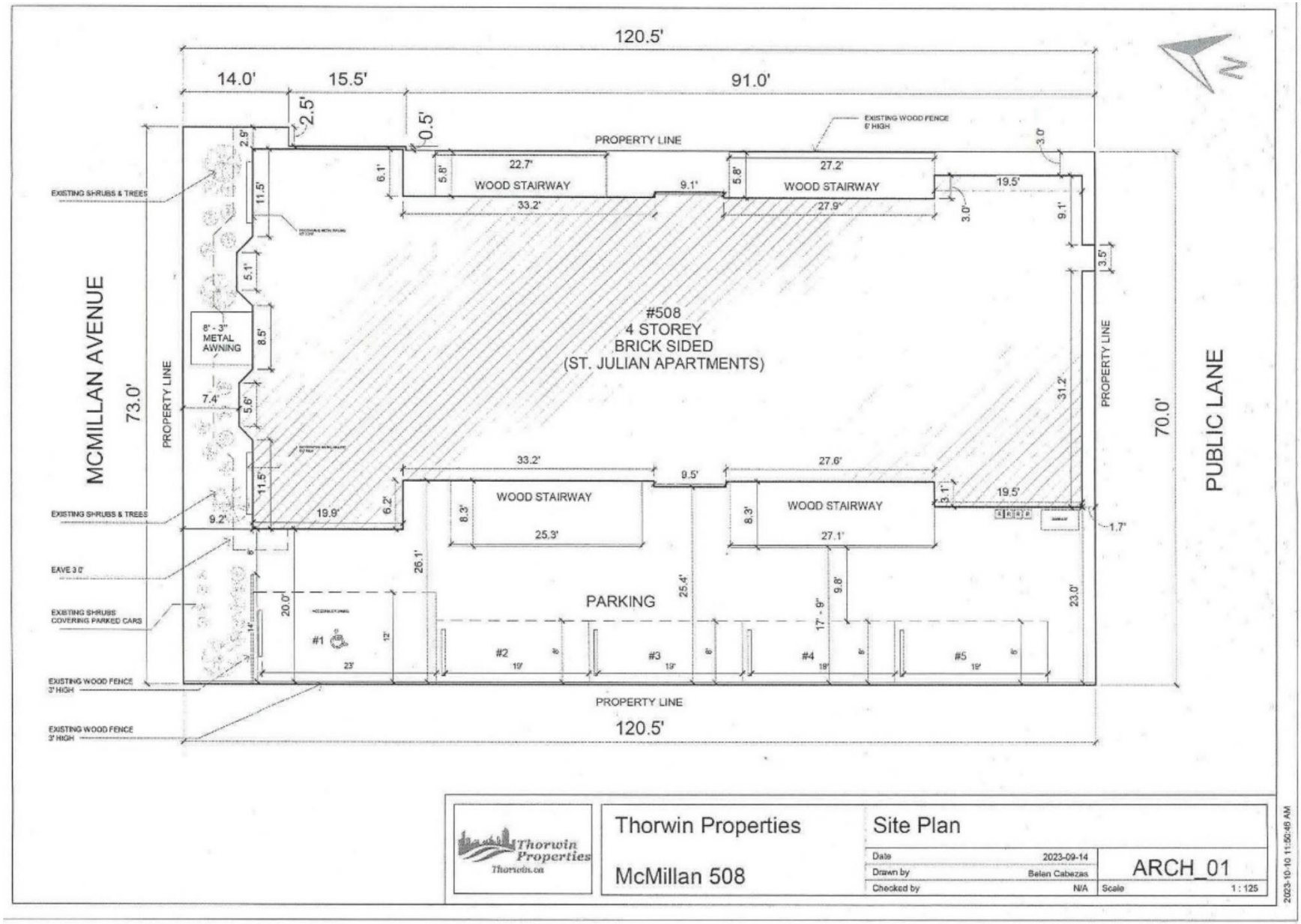
A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 508 McMillan Avenue from an "R2 PDO-1 CORYDON OSBORNE) RESIDENTIAL TWO-FAMILY DISTRICT to an "RMF-L PDO-1 CORYDON OSBORNE" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to allow the establishment of one (1) additional dwelling unit in an existing multi-family dwelling.

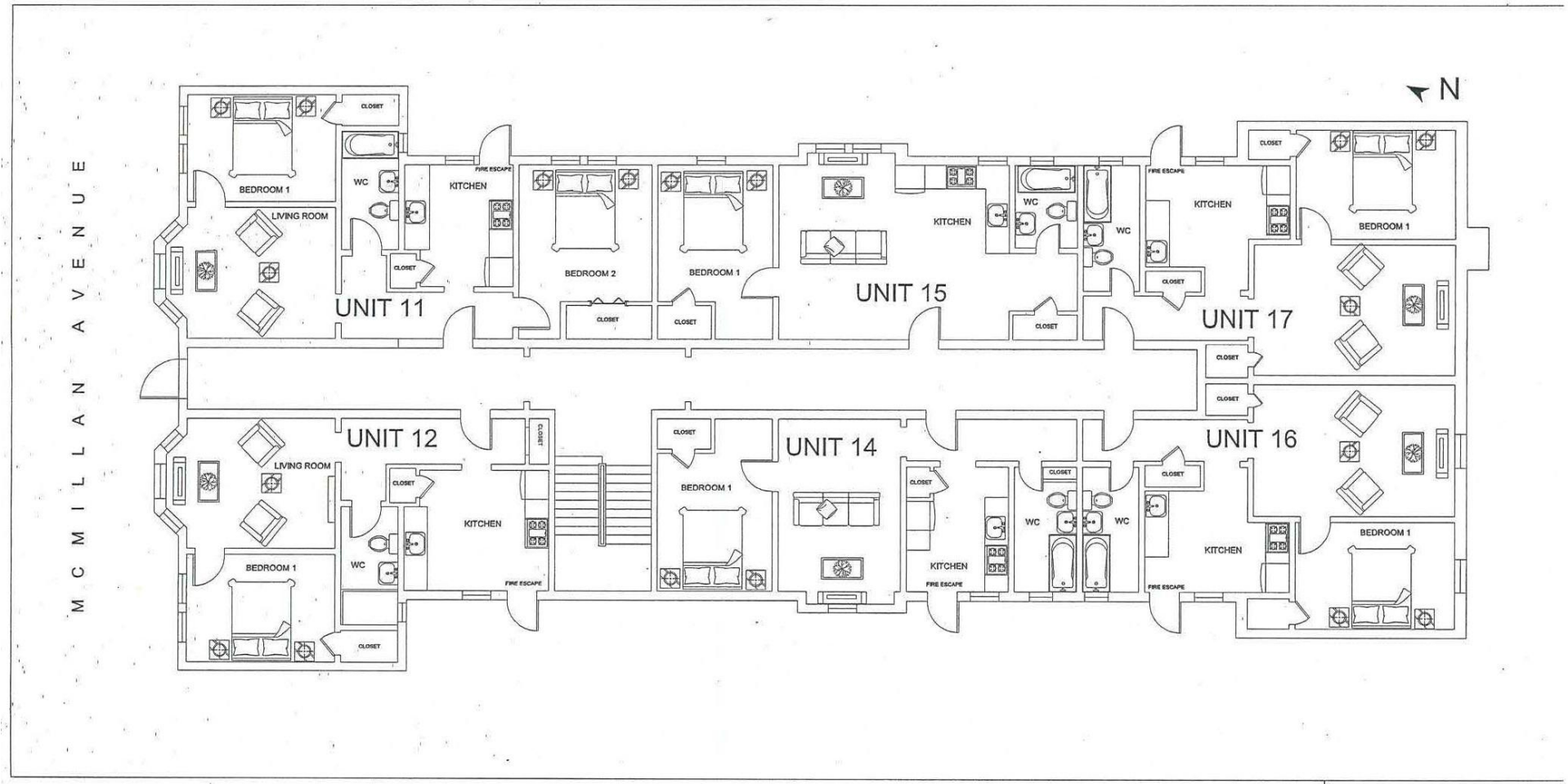


THIRD READING : _____ EFFECTIVE DATE : _____

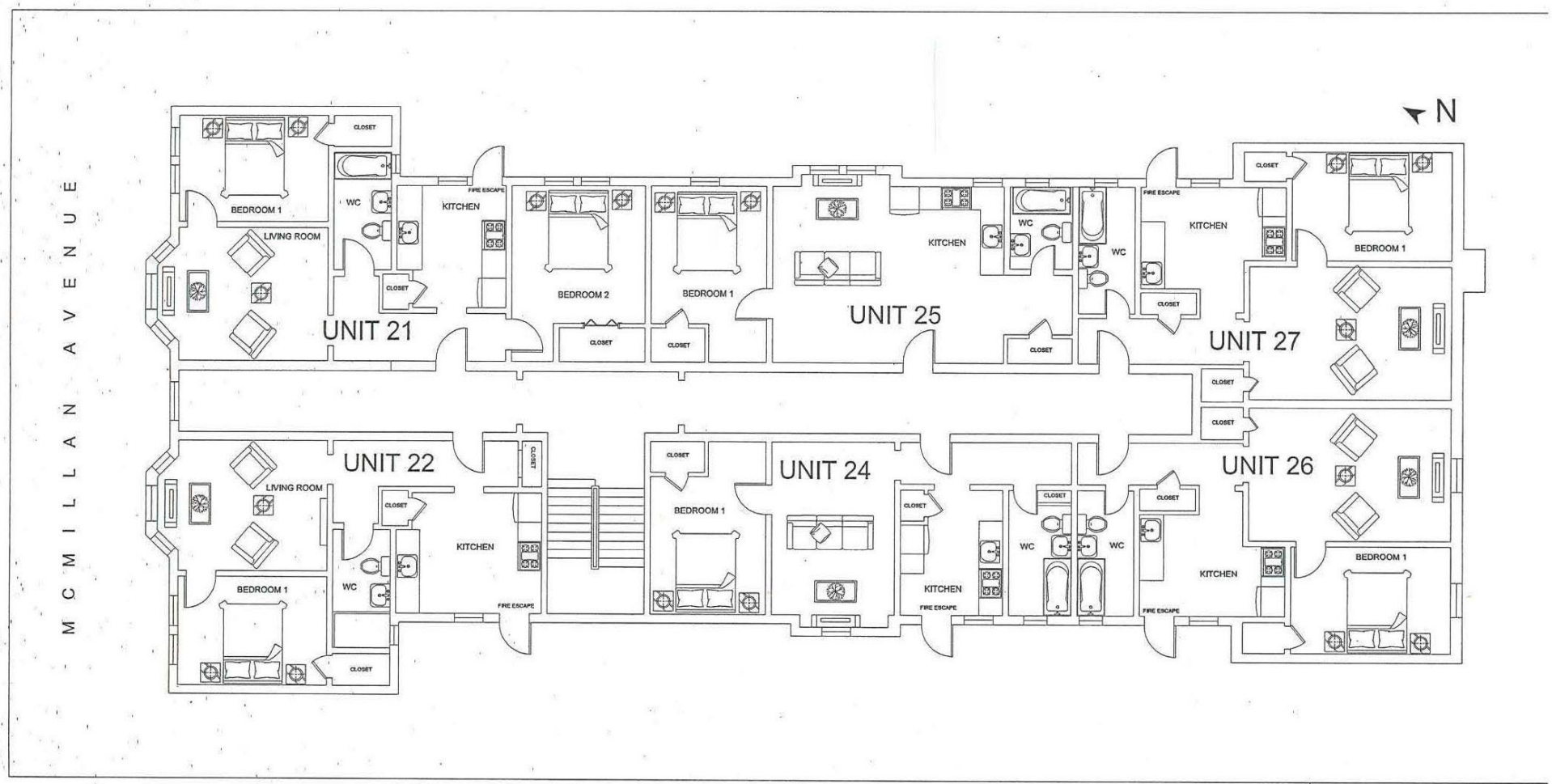
ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit “5” referred to in File DAZ 211/2023

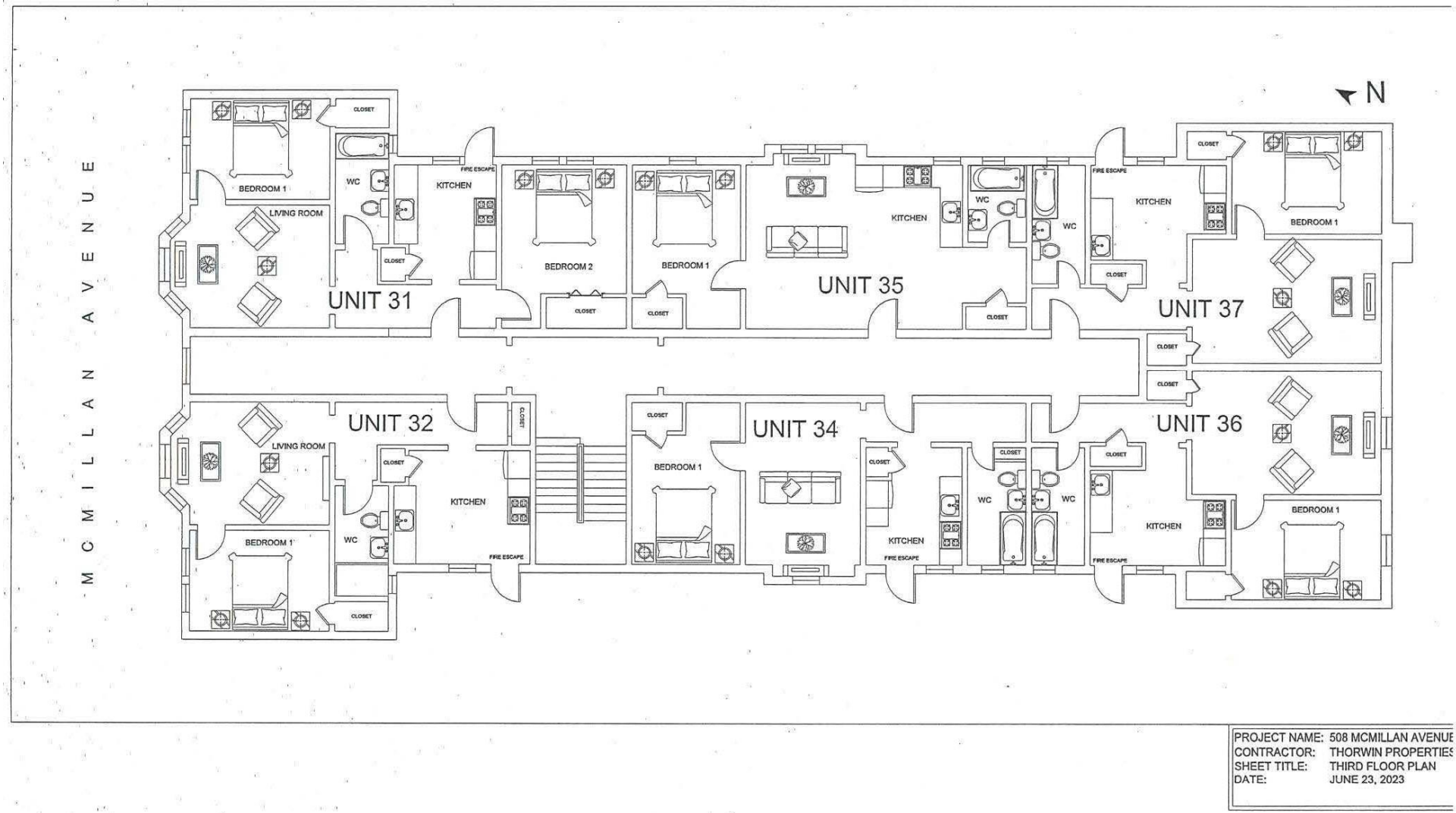




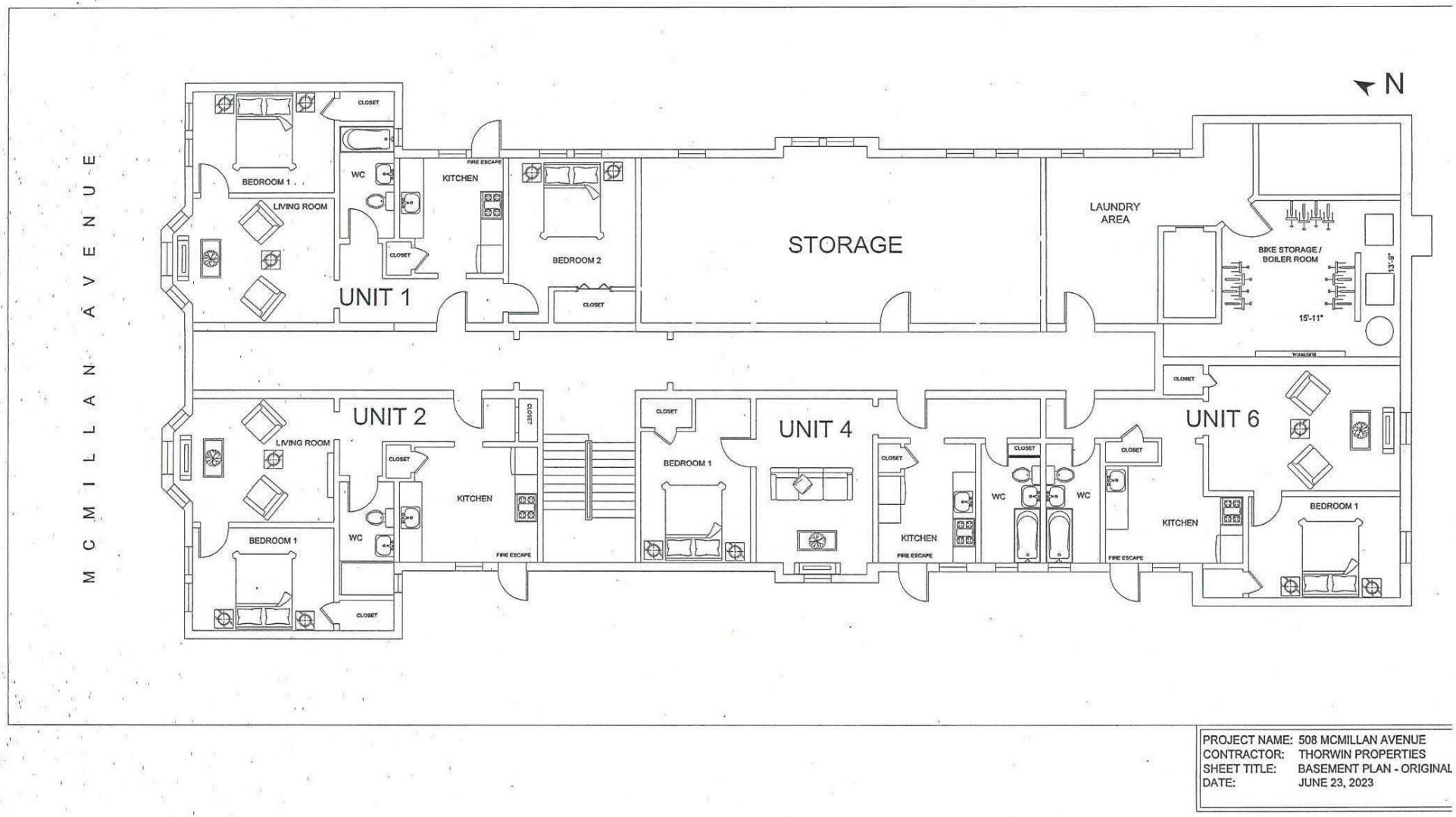
PROJECT NAME:	508 MCMILLAN AVENU
CONTRACTOR:	THORWIN PROPERTIE
SHEET TITLE:	MAIN FLOOR PLAN
DATE:	JUNE 23, 2023



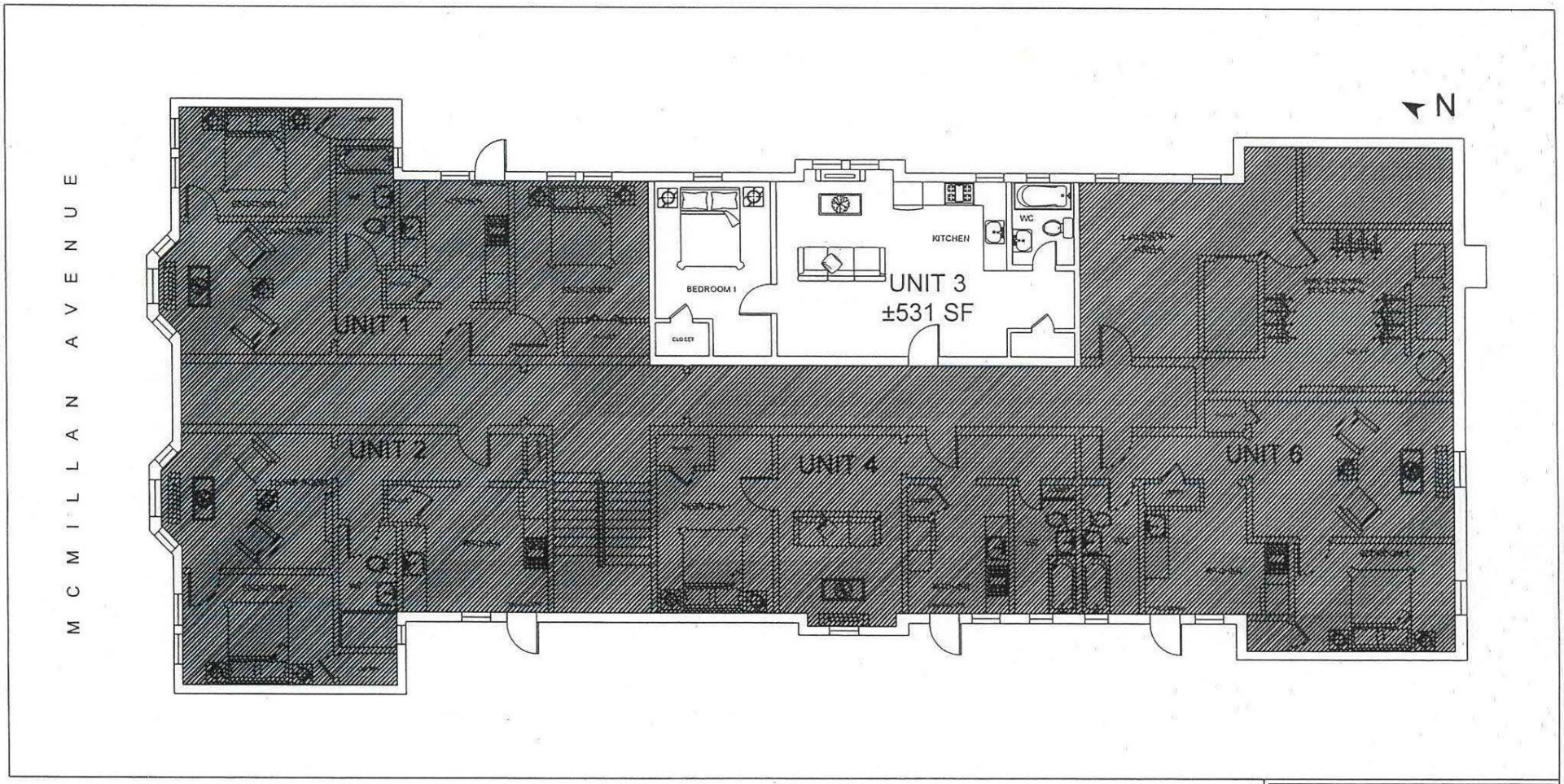
PROJECT NAME:	508 MCMILLAN AVENUI
CONTRACTOR:	THORWIN PROPERTIES
SHEET TITLE:	SECOND FLOOR PLAN
DATE:	JUNE 23, 2023



PROJECT NAME:	508 MCMILLAN AVENUE
CONTRACTOR:	THORWIN PROPERTIES
SHEET TITLE:	THIRD FLOOR PLAN
DATE:	JUNE 23, 2023



PROJECT NAME:	508 MCMILLAN AVENUE
CONTRACTOR:	THORWIN PROPERTIES
SHEET TITLE:	BASEMENT PLAN - ORIGINAL
DATE:	JUNE 23, 2023



PROJECT NAME:	508 MCMILLAN AVENUE
CONTRACTOR:	THORWIN PROPERTIES
SHEET TITLE:	BASEMENT PLAN - EXISTING
DATE:	JUNE 23, 2023



PROJECT NAME:	508 MCMILLAN AVENU
CONTRACTOR:	THORWIN PROPERTIE
SHEET TITLE:	ELEVATIONS
DATE:	JUNE 23, 2023