Agenda – Executive Policy Committee – April 16, 2024

REPORTS

Item No. 14 Subdivision and Rezoning – 463 and 465 Edison Avenue (North Kildonan Ward) File DASZ 3/2024

COMMUNITY COMMITTEE RECOMMENDATION:

On April 8, 2024, the East Kildonan-Transcona 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 subdivision proposed under Development Application No. DASZ 3/2024 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated April 8, 2024 and attached as Schedule "C" to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "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 April 8, 2024, and attached as Schedule "C" to this report.

3. That the Developer shall meet all terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated March 18, 2024 to the satisfaction of the Director of Planning, Property and Development.

4. 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 No. DASZ 3/2024 (the "Dedication Fee"), as determined by the Director of Planning, Property and Development.

5. 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.

COMMUNITY COMMITTEE RECOMMENDATION (continued):

6. That upon instruction from the Director of Planning, Property and Development that the Developer has submitted the Plan in accordance with recommendation 1 and has paid the Dedication and all other associated ancillary fees (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 second and third reading.

7. That Development Application No. DASZ 3/2024 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not submitted the Plan and paid all associated ancillary fees (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.

8. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

9. That the zoning section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

10. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 8, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

11. That Development Application No. DASZ 3/2024 will be deemed to be concluded and all approvals in connection with same will expire if the developer fails to secure all necessary Plan approval signatures on behalf of the City within 1 year following the date on which the By-law is enacted, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

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

DECISION MAKING HISTORY:

COMMUNITY COMMITTEE RECOMMENDATION:

On April 8, 2024, the East Kildonan-Transcona 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

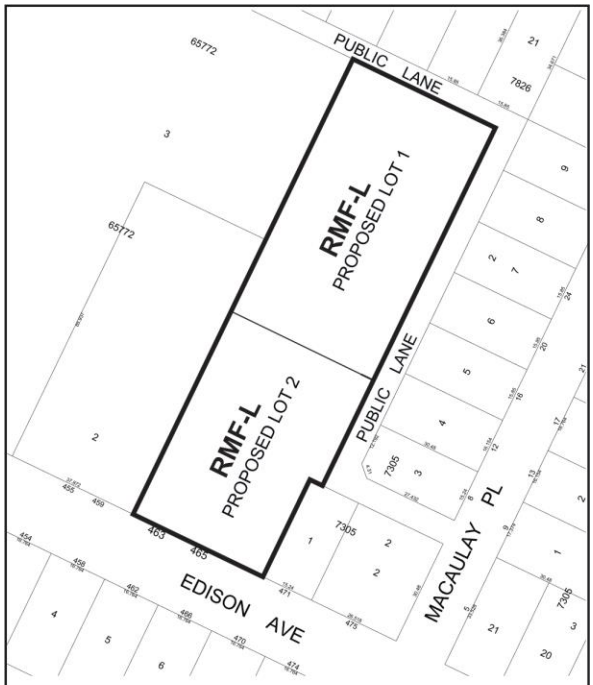
File: DASZ 3/2024

Before: East Kildonan-Transcona Community Committee
Councillor Schreyer, Chairperson
Councillor Browaty

Public Hearing: April 8, 2024
Council Building, 510 Main Street

Applicant: Levene Tadman Golub Law Corporation (Matthew Chambers)

Subject:



Premises Affected: 463 and 465 Edison Avenue

For submission to: Executive Policy Committee

Prepared by: B. Harris, Committee Clerk
East Kildonan-Transcona Community Committee

Report date: April 8, 2024

Community Committee Recommendation:

On April 8, 2024, the East Kildonan-Transcona 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 subdivision proposed under Development Application No. DASZ 3/2024 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated April 8, 2024 and attached as Schedule "C" to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office.

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

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. This development, I think, has been really good for the community.

2. I'm looking forward to perhaps some additional landscaping.

3. This is more of a housekeeping matter than it is a new development, per se.

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 January 9, 2024 2. Notification of Public Hearing dated February 12, 2024 3. Manitoba Status of Titles 3206510/1, 3228123/1, 3228124/1 4. Letter of authorization dated June 25, 2021 from Geoff Milnes, 10059177 Manitoba Ltd. to Levene Tadman Golub Law Corporation 5. Letter of authorization dated March 14, 2023 from the City of Winnipeg to 10059177 Manitoba Ltd. c/o Levene Tadman Golub Law Corporation 6. Caveat 5506153/1 7. Site Plan 8. Subdivision Plan (1 page) 9. Report from the Urban Planning Division dated March 20, 2024 10. Inspection Report 11. Recording of representations

REPRESENTATIONS:

In Support:

Matthew Chambers
Geoff Milnes

In Opposition:

Nil

For Information:

Ben McGillivary

For the City:

D. Chyz-Lund, Planner, Planning, Property and Development Department

Exhibit “9” referred to in File DASZ 3/2024

ADMINISTRATIVE REPORT

Title: DASZ 3/2024 463 and 465 Edison Avenue, and the land abutting it to the east.

Issue: For consideration at the public hearing of a subdivision and rezoning application to consolidate and rezone the subject property from “C2” Commercial Community to “RMF-L” Residential Multi-Family (Large) with the abutting properties to the west, and establish an approach to the rear lane.

Critical Path: East Kildonan > Transcona Community Committee > Standing Policy Committee on Property and Development > Executive Policy Committee > Council

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Dylan Chyz-Lund, MCP	n/a	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision proposed under Development Application No. DASZ 3/2024 be approved for preparation as a plan of subdivision (the “Plan”) by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix “B” to this report and as shown on the map dated April 8, 2024 and attached as Schedule “C” to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office.

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12. 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 applicant wishes to consolidate the subject property with 463 and 465 Edison Avenue, and construct an approach to the rear lane across the subject property. The existing property is zoned “C2” Commercial Community, while 463 and 465 Edison Avenue are zoned “RMF-L” Residential Multi-Family (Large). To ensure a consistent zoning district across the consolidated properties, a Subdivision and rezoning (DASZ) application is required.
- The subject property is currently owned by the City of Winnipeg. The City has agreed to sell the subject property to the owner of 463 and 465 Edison Avenue, and has provided authorization to the owner to apply to subdivide and rezone the subject property.
- Subdivision and 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.

HISTORY

- 463 and 465 Edison Avenue were the subject of a previous Subdivision and rezoning (DASZ 18/2022).
- The previous application established a north and a south lot, each to be zoned “RMF-L” Residential – Multi-Family (Large), for the purpose of constructing one multi-family building across both lots.
- DASZ 18/2022 was approved by Council on June 23, 2022.
- DASZ 18/2022 indicated that lane access would occur from the north of the property, and no access would take place over the City-owned land.
- The strip of City-owned land running north-south between 463 and 465 Edison and the rear lane was not included in the application for DASZ 18/2022.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the land will be **subdivided and rezoned.**

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By:	Dylan Chyz-Lund, MCP
Date:	March 20, 2024
File No.	DASZ 3/2024

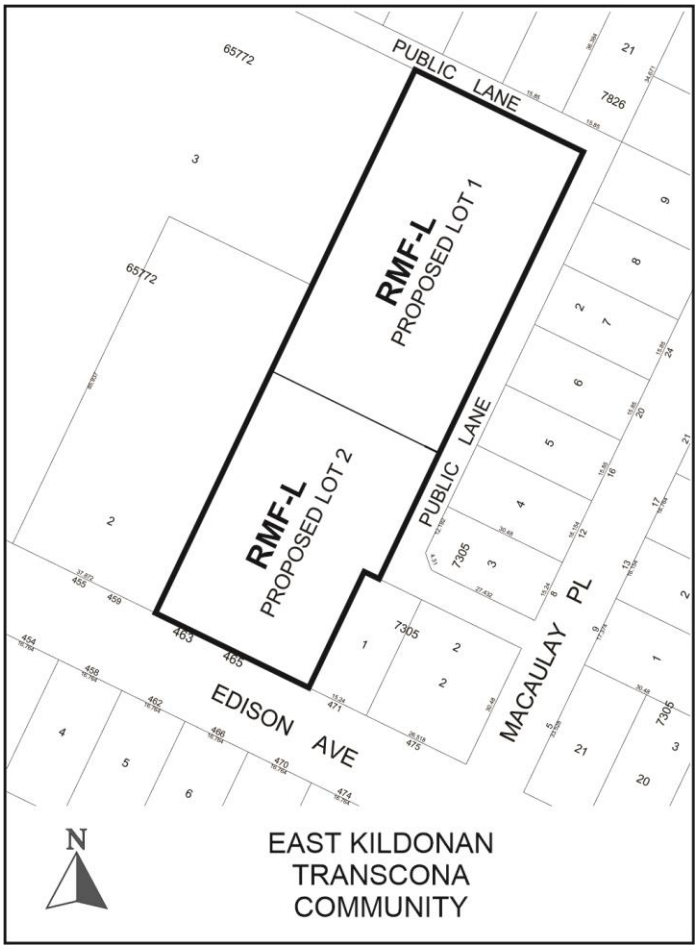
List of Schedules and Appendices

- Schedule A – Planning Discussion
- Schedule B: Report of the Administrative Coordinating Group, dated March 18, 2024
- Schedule “C” of File No. DASZ 3/2024, East Kildonan – Transcona Community Committee, dated April 8, 2024

- Appendix B: Draft by-law

SCHEDULE 'A'-PLANNING DISCUSSION

DATE:	March 20, 2024
FILE:	**DASZ 3/2024**
RELATED FILES:	N/A
COMMUNITY:	North Kildonan
NEIGHBOURHOOD #:	413 Rossmere-A
SUBJECT:	For consideration at the public hearing of a Subdivision and rezoning application to subdivide and rezone the subject property from "C2" Commercial Community to "RMF-L" Residential Multi-Family (Large) with the abutting properties to the west, and establish an approach to the rear lane
LOCATION:	463 and 465 Edison Avenue, and the land abutting to the east.



LEGAL DESCRIPTION: City Owned Land: LOT 14 BLOCK 7 AND BLOCKS 1, 11 AND 12 PLAN 7305 WLTO IN RL 58, 59 AND 60 PARISH OF KILDONAN EXC ALL MINES AND MINERALS

463 Edison: LOT 1 PLAN 71041 WLTO EXC: ALL MINES AND MINERALS VESTED IN THE CROWN (MANITOBA) BY THE REAL PROPERTY ACT IN RL 59 PARISH OF KILDONAN

465 Edison: LOT 2 PLAN 71041 WLTO EXC: ALL MINES AND MINERALS VESTED IN THE CROWN (MANITOBA) BY THE REAL PROPERTY ACT IN RL 59 PARISH OF KILDONAN

APPLICANT: Levene Tadman Golub Law Corporation (Matthew Chambers)

700-330 St. Mary Avenue
Winnipeg, MB R3C 3Z5

OWNER: 10059177 Manitoba Ltd.
101-183 Pembina Highway
Winnipeg, MB R3T 2B9 and

200-227 Stafford Street.
Winnipeg, MB R3M 2J1

RECOMMENDATION: **Approval with conditions**

SITE DESCRIPTION

The subject property is located on the north side of Edison Avenue, between De Fehr Street and Macaulay Place in the Rossmere-A Neighbourhood of the North Kildonan Ward.

The subject property is currently zoned “C2” Commercial – Community District.

The subject property is located in an Established Neighbourhood – Mature Community policy area as designated in *Complete Communities 2.0*.

The subject property has an assessed area of 4,777 square feet.

The subject property is currently vacant.



Figure 1: Subject site and surrounding area (flown 2021).

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Laneway, then single-family dwellings zoned “R1-L” Residential Single-Family (Large).

East: Laneway, then single-family dwellings zoned “R1-M” Residential Single-Family (Medium), and a single-family dwelling zoned “R2” Residential – Two-Family.

South: Edison Avenue, then single-family dwellings zoned “R1-L” Residential Single-Family (Large).

West: 463 and 465 Edison Avenue, then multi-family dwellings zoned “RMF-L” Residential - Multi-Family (Large).

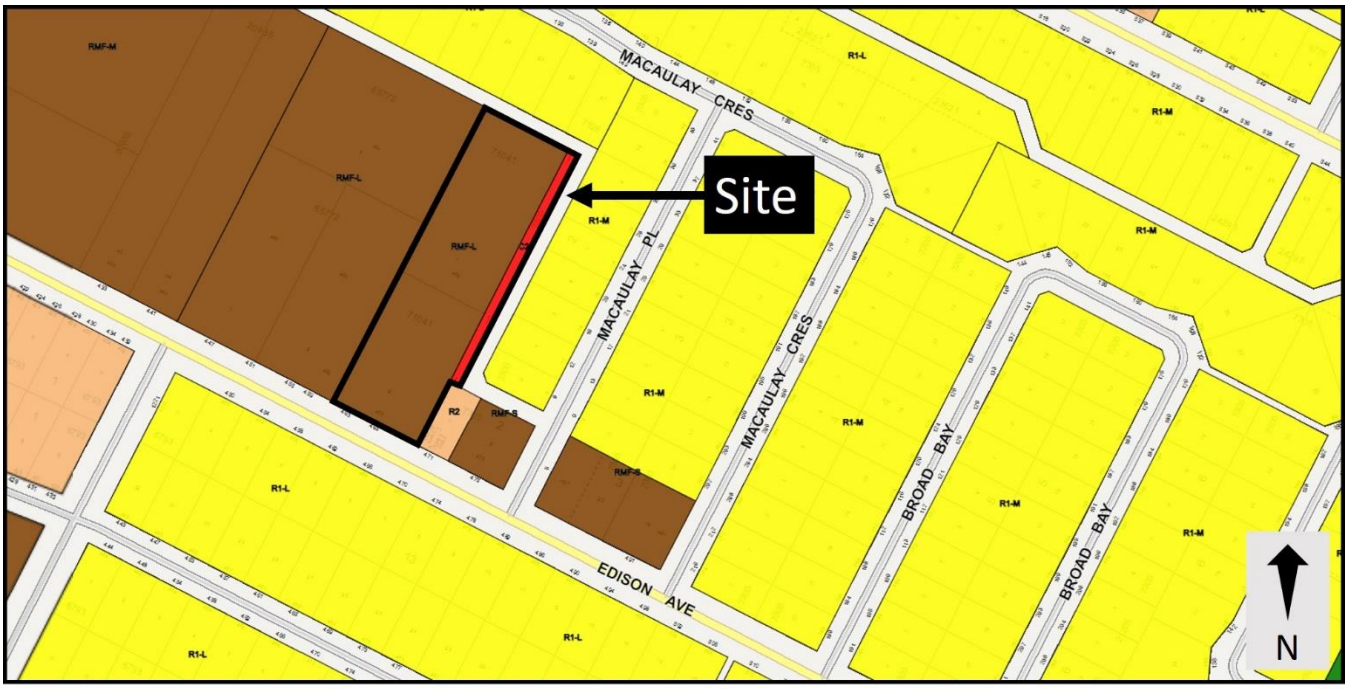


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant wishes to consolidate and rezone the subject property with 463 and 465 Edison Avenue.
- The proposed site plan is generally consistent with the approved site plan from DASZ 18/2022.
- The most significant change from DASZ 18/2022 is that one access to the building is now proposed to cross the strip of City-owned land to the east of the building, providing access to the south part of the underground parking.
- Access from the north rear lane to the north part of the underground parking is being maintained.

REASON FOR APPLICATION

- 463 and 465 Edison Avenue are zoned “RMF-L” Residential – Multi-Family (Large), while the subject property owned by the City is zoned “C2” Commercial – Community.
- To consolidate the properties and establish an access point across the City-owned land, a Subdivision and Rezoning is required.
- The City of Winnipeg has agreed to sell the subject property to the owner of 463 and 465 Edison Avenue.
- No variances are required.

Collaboration with the Public Service:

- The applicant has worked with the Public Service to purchase the City-owned land, and the City has authorized the applicant to apply to subdivide and rezone the City-owned land as part of this process.

ANALYSIS AND ISSUES

OURWINNIPEG

OurWinnipeg is the City of Winnipeg’s long-range development plan. Applicable Policies for Mature Communities include the following:

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.*

The proposed development application **aligns** with *OurWinnipeg* for the following reasons:

- It facilitates the completion of a previously approved development application that was deemed consistent with the policies of OurWinnipeg.

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The *Complete Communities Direction Strategy 2.0* (*CCDS 2.0*) is one of four direction strategies supporting *OurWinnipeg 2045*, 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 site is located in an Established Neighbourhood – Mature Community policy area of *CCDS 2.0*. Certain goals and policies of CCDS 2.0 apply to the proposal.
- Goal 1 - *Encourage compatible residential development within Established Neighbourhoods to build more Complete Communities and align with the City's residential intensification target.*
    - *1.3 The subdivision of land or the consolidation of land may occur when it is done in a context-sensitive manner, and only when in compliance with policy section 9.1 of the Strategic Infrastructure and Resources section.*

The proposed consolidation will result in a similar site plan and building envelope to what was approved by Council under DASZ 18/2022. It will make the zoning of the subject site consistent with the zoning of 463 and 465 Edison Avenue, which it is being consolidated with.

ZONING BY-LAW 200/2006

- The "RMF-L" Residential Multi-Family (Large) District is intended to facilitate high density residential development.
- The subject site will be consolidated with the existing "RMF-L" site that abuts it to the west.
- Creating a consistent zoning district across the site is preferred, and will result in a design concept that is in substantial conformance with what has already been approved under DASZ 18/2022 and the resulting Plan Approval.
- Based on these considerations, the "RMF-L" zoning district is the most appropriate zoning district to enable the proposed development.

ADDITIONAL CONSIDERATIONS

Variances

- No variances are required.

Plan Approval

- A Zoning Agreement was created under DASZ 18/2022. It includes a condition requiring Plan Approval by the Director of Planning Property and Development and the East Kildonan-Transcona Community Committee.
- Supportable plans have already been submitted and approved as part of that Plan Approval. Should substantial changes be made to the site or building plans, an additional Plan Approval would be required.

SUMMARY

The Urban Planning Division recommends a**pproval** for the following reasons:

- The Subdivision and rezoning will result in the establishment of a residential development that is consistent with policies in *OurWinnipeg 2045* and *Complete Communities 2.0*.

RECOMMENDATION

The Urban Planning Division recommends this application be **approved** and the subject property be Subdivided and rezoned to the “RMF-L” Residential Multi-Family (Large) District.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared by: Dylan Chyz-Lund, MCP
PPD File # DASZ 3/2024

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED REZONING OF LAND LOCATED AT 463 AND 465 EDISON AVENUE

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DASZ 3/2024. The applicant should take into consideration the following servicing and design requirements and considerations in the redevelopment of the site:

Section I – Plan Considerations

The Developer shall, at no expense to the City, legally open property required for a 3.0m by 3.0m corner cut where the two existing public lane right-of-way's intersect, to the satisfaction of the Director of Public Works.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 3/2024
March 18, 2024

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

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

SCHEDULE "C" OF FILE DASZ 3/2024, East Kildonan – Transcona Community Committee,
dated April 8, 2024

By-Law No. _____

File No. **DASZ 3/2024**

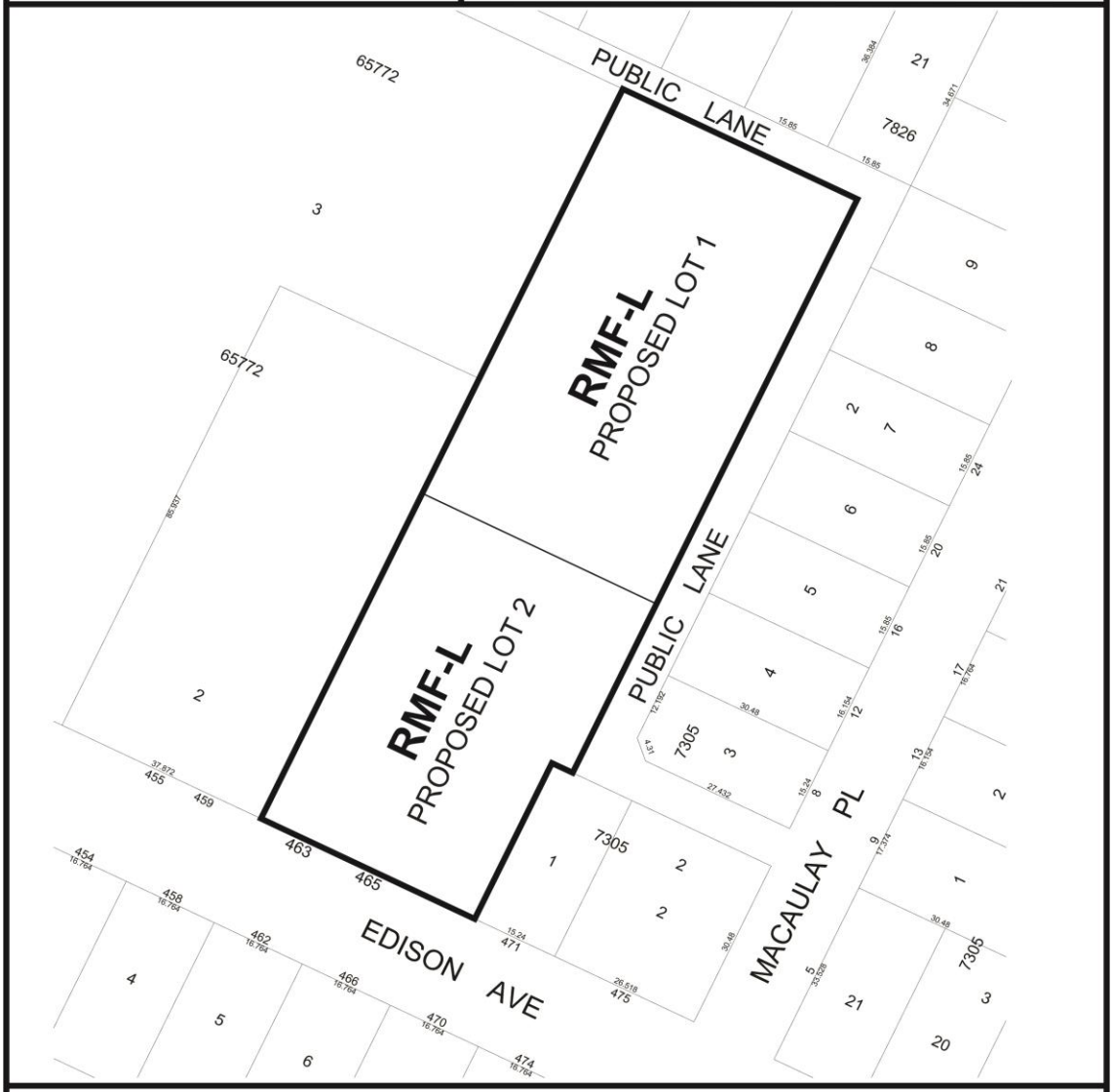
Atlas Sheet No. **U29**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 463 and 465 Edison Avenue and Block 1, Plan 7305 from a "C2" COMMERCIAL COMMUNITY DISTRICT and an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to an "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to facilitate the consolidation of land and the maintenance and construction of multi-family dwellings.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit “8” referred to in File DASZ 3/2024

