Minute No. 159
Report – Standing Policy Committee on Property and Development – January 15, 2013

Item No. 2 **Secondary Plan Amendment – 2090 Henderson Highway (North Kildonan Ward)**
File SPA 3/2012 [c/r DAZ 234/2012 & DEMO 167016/2012]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That By-law No. 136/2012, as per Appendix "B", be forwarded to Council for second and third reading.

2. 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 – January 15, 2013

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 23, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 15, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENATION:

On December 11, 2012, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Secondary Plan Amendment - 2090 Henderson Highway**
File SPA 3/2012

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Josie Marques, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **December 14, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 11, 2012, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That By-law No. 136/2012, as per Appendix "B", be forwarded to Council for second and third reading.

2. 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 reason(s) for its recommendation:

1. Communities change over time.
2. A person's biggest investment is their homes, this development is not going to jeopardise the value of the area homes.
3. This is a very nice development.
4. People want to remain in their neighbourhood, but cannot remain in large homes.
5. This development is going to make the area park safer.
6. This development will improve the city's taxes on the property.
7. There is plan approval requirement.

PUBLIC HEARING SUMMARY

File: SPA 3/2012

Applicant: 4247079 Manitoba Ltd.

Subject:



Premises Affected: 2090 Henderson Highway

Exhibits Filed:

1. Application dated September 24, 2012
2. Notification of Public Hearing dated November 1, 2012
3. Council Decision of October 24, 2012; contains report from the Director of Planning, Property and Development dated September 17, 2012
4. First Reading of By-law No. 136/2012 by Council on October 24, 2012
5. Manitoba Status of Title 2593077/1
6. Surveyor’s Building Location Certificate and sketch dated May 28, 2012

7. Report from the Planning and Land Use Division dated December 3, 2012
8. Inspection Report
9. Petition in opposition of the application purporting to contain the signatures of 34 area residents, submitted by Cheryl Pakosh at the public hearing
10. Communication from Norbert Brauer, in opposition to the application, submitted by Cheryl Pakosh at the public hearing
11. Copy of MLS listing of property at 2090 Henderson Highway, in opposition to the application, submitted by Ronald Olesky at the public hearing

REPRESENTATIONS:

In Support:

Werner and Betty Neufeld

In Opposition:

Norbert Brauer
Carrie Erickson
Gary Koshinsky
Steve Kotyk
Ronald Olesky
Cheryl, Darryl and Riley Pakosh
Charles Ring
Janet Schindell

For Information:

Nil

For the City:

Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. M. Pyl, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File SPA 3/2012

ADMINISTRATIVE REPORT

Title: SPA 3/12 – 2090 Henderson Hwy

Issue: For consideration at the public hearing for a secondary plan amendment

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

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That By-law No. 136/2012, as per Appendix "B", be forwarded to Council for second and third reading.

2. 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 intends to construct a 12 unit, townhouse-style multifamily development on the subject property.
- The subject property falls within the boundaries of the North Henderson Highway Secondary Plan. It is designated as "Low Density Residential", which limits any development to a maximum density of 12 units per acre.
- In order to accommodate the proposed development, the subject property will need to be re-designated to "Medium Density Residential".

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the North Henderson Highway Secondary Plan can be amended.

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

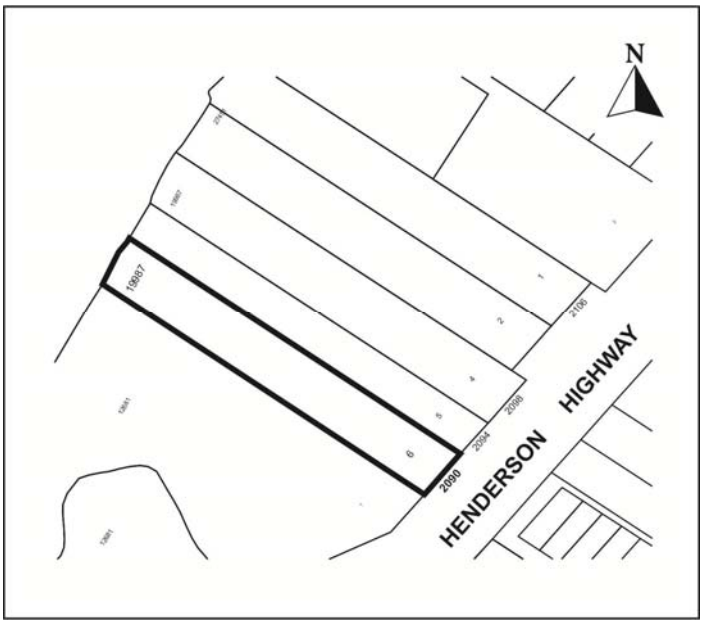
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	December 3, 2012
File No.	SPA 3/12

APPENDIX 'A'

DATE: December 3, 2012
FILE: SPA 3/12
RELATED FILES: DAZ 234/12, DEMO 12-167016
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.421

SUBJECT: To amend the "North Henderson Highway District Plan – Proposed Land Use Map" of the North Henderson Highway Secondary Plan from a "LOW DENSITY RESIDENTIAL" proposed land use to a "MEDIUM DENSITY RESIDENTIAL" proposed land use to allow for the construction of a 12 unit multifamily residential development

LOCATION: 2090 Henderson Hwy



APPLICANT: 4247079 Manitoba Ltd.
9 Yarema Bay
East St. Paul MB R2E 0B3

OWNER: Same as above

RECOMMENDATION: Approval

REPORT SUMMARY

- The applicant intends to construct a 12 unit, townhouse-style multifamily development on the subject property.
- The subject property falls within the boundaries of the North Henderson Highway Secondary Plan. It is designated as “Low Density Residential”, which limits any development to a maximum density of 12 units per acre.
- In order to accommodate the proposed development, the subject property will need to be re-designated to “Medium Density Residential”.

SITE DESCRIPTION

- The subject property is located on the west side of Henderson Hwy between Bonner Av and Knowles Av in the Valhalla neighbourhood of the North Kildonan ward.
- The site is zoned “R1-E” Residential Single Family district and is occupied by a 1 ½ storey, 1,411 sq. ft. single family dwelling built in 1949. The subject property is approximately 66 ft. wide and 23,430 sq. ft. in area.
- Adjacent properties include a single family dwelling to the north zoned “R1-E”, a townhouse development across Henderson zoned “RMF-S” Residential Multifamily district, the Bunn’s Creek Greenway park to the south zoned “PR1” Parks and Recreation Passive Neighbourhood/Community district, and the Red River to the west.

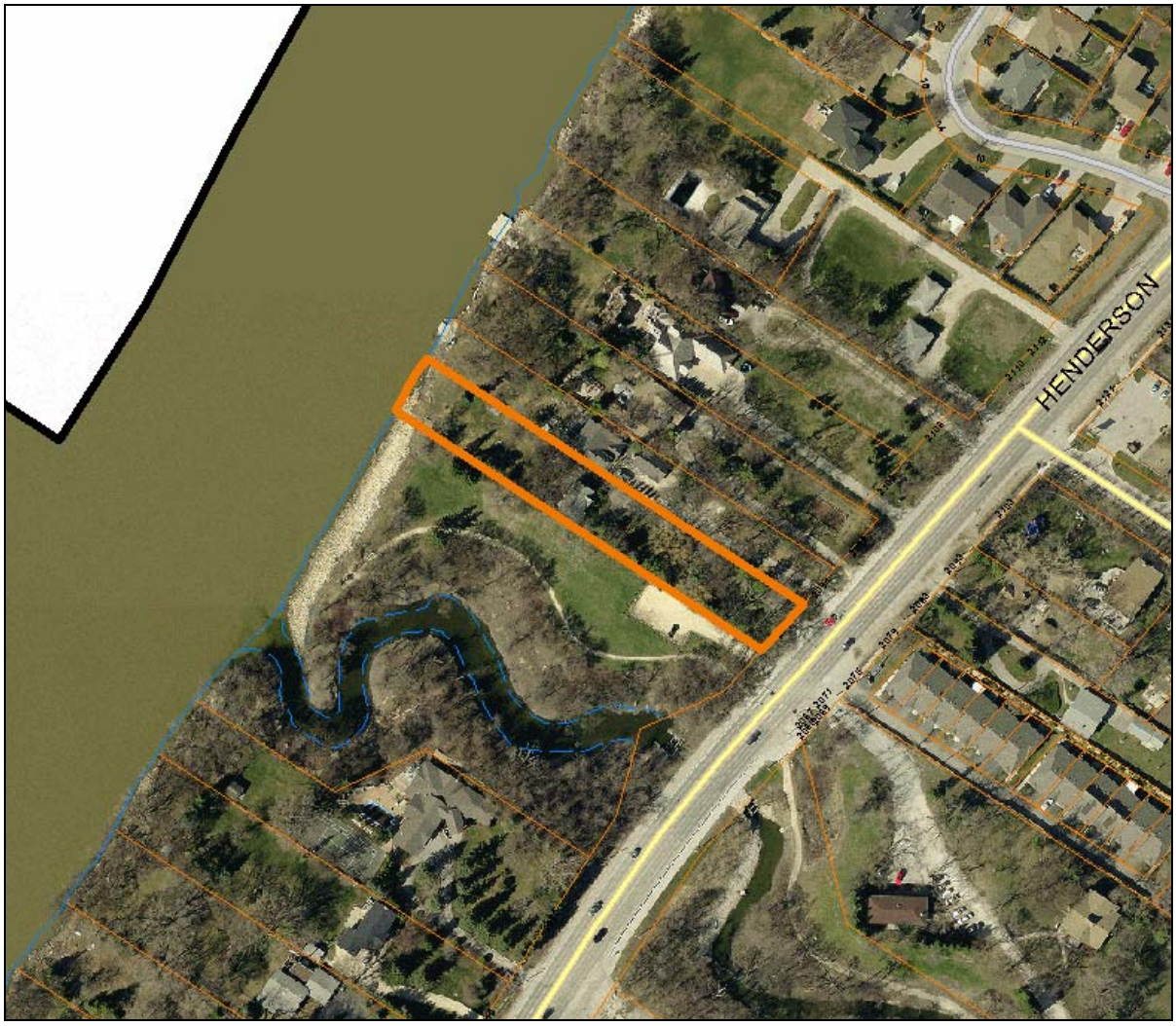


Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to construct a 12 unit, townhouse-style multifamily development on the subject property.
- The subject property falls within the boundaries of the North Henderson Highway Secondary Plan. It is designated as “Low Density Residential”, which limits any development to a maximum density of 12 units per acre.
- Based on a lot area of 23,430 sq. ft., a maximum of 6 units are currently permitted.
- In order to accommodate the proposed development, the subject property will need to be re-designated to “Medium Density Residential”. This category allows for a maximum residential density of 30 units per acre. Based on a lot area of 23,430 sq. ft., a maximum of 16 units would be permitted under this designation.

BACKGROUND

DAZ 234/12

- In concurrence with this application, the applicant has also applied to rezone the subject property from “R1-E” Residential Single Family district to “RMF-S” Residential Multifamily district to accommodate the proposed development.

DEMO 12-167016

- In concurrence with this application, the applicant has also applied to demolish the existing dwelling prior to obtaining a building permit for new construction as per Part 3, Section 6 of the Development Procedures By-law No. 160/2011.

POLICY CONTEXT

OurWinnipeg and Complete Communities Direction Strategy

- The Complete Communities Direction Strategy is one of four direction strategies supporting OurWinnipeg, the city’s new long-range development plan, and has gained statutory authority as a secondary plan. The strategy serves as a “playbook” to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- According to the Complete Communities Urban Structure Map, Henderson Hwy is designated as a “Regional Mixed Use Corridor”. These corridors are identified as transformative areas, which are specific areas that provide the best opportunity to accommodate growth and change throughout the city. While corridors such as Henderson serve as major transportation routes, they serve the additional purpose of accommodating a mix of uses, functioning as vibrant urban places for Winnipeggers to live, work, and play. By offering high frequency and direct transit service to major Centres and the Downtown, Regional Mixed Use Corridors have sufficient opportunities to support long-term expansion through comprehensively planned intensification. Supporting Direction and Enabling Strategies include:
    - Focus a broad mix of residential, employment, and retail development within strategic locations along corridors.
        - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential, and mixed use development are appropriate.
    - Where appropriate, develop corridors in accordance with transit-oriented development principles.

Transit-Oriented Development Handbook

- The Complete Communities Direction Strategy advises that corridors should be developed in accordance with transit-oriented development principles.
- The City of Winnipeg has a Transit Oriented Development Handbook to guide such development. It was endorsed in principle by Council on February 22, 2012.

- The TOD Handbook is a high-level framework document that guides and facilitates mixed-use, pedestrian-oriented infill development along rapid transit corridors and high frequency transit corridors.
- While the bulk of the Handbook deals with higher-level issues, there are a number of Principles that can be applied at a site-specific level such as the proposed development. Of particular relevance to this proposed amendment is ***Principle 1:*** *Medium to high density development that is greater than the community average*. The Handbook writes:
    - "Density is all about scale, with the goal being to create a compact, walkable district. Density within TODs raise the bar and achieve a higher net average resulting in greater ridership, both within the TOD district and within a 5 minute walk of transit."
    - One of its principle characteristics notes, "Density at levels to support high quality transit. The general rule of thumb is that doubling density equates to a 60 percent increase in transit trips".

NORTH HENDERSON PLAN ANALYSIS

First reading process

- In accordance with Section 234 of the City of Winnipeg Charter Act, this application was given first reading by Council on October 24, 2012.
- Council also designated the East Kildonan-Transcona Community Committee as the public hearing body for this application.

Additional plan details

- The North Henderson Highway Secondary Plan was approved by Council on January 19, 1977.
- The intent of the plan, as it is written in the document, is to establish a land use plan and policies for the improvement of the North Henderson Highway District within the guidelines set out in the Greater Winnipeg Development Plan, a predecessor to OurWinnipeg.
- District plan objectives include:
    - Existing single family neighbourhoods should be protected from intrusion of commercial or multiple family uses unless established to the satisfaction of City Council as necessary or desirable in the public interest.
    - Where existing land uses conflict with the character of a residential area, residential redevelopment or the introduction of buffers and screening should be permitted and encouraged.
- The plan designates five different land uses:
    - Low density residential (max. 12 units/acre)
    - Medium density residential (max. 30 units/acre)
    - High density residential (no maximum)
    - Commercial
    - Park
- The subject property falls within Sub-Area 4 of the plan, which includes everything on the west side of Henderson in the plan area. However, the only point that distinguishes Sub-Area 4 from the other three sub-areas is a statement noting that the City should endeavour to establish a riverbank park.

Amendment history

- Since the plan was introduced in 1977, the City of Winnipeg has received nine applications to amend the plan; seven were approved, and two were rejected. Appendix 'D' at the end of the report provides a map noting the locations of these amendments.
- Of the seven proposed amendments that were approved, four of these were amendments from low to higher density residential densities along the west side of Henderson. The first such amendment was in 1979 while the last was in 1995.

Local Area Planning Initiatives

- On June 7, 2011, the Standing Policy Committee on Planning, Property, and Development concurred in a recommendation of the East Kildonan-Transcona Community Committee and requested that the Planning and Land Use Division initiate a preliminary review and analysis of a planning study or secondary plan for the Henderson Highway area and report back with recommendations.
- This was noted in the Local Area Planning Initiatives 2012-13 report submitted to the Committee on September 11, 2012. This report was received as information. It said that the review of both the North Henderson plan as well as the Henderson Highway Corridor Secondary Plan will occur as part of the Public Service's review of existing plans for compliance with the Complete Communities Direction Strategy.

RECOMMENDATION

At the time the North Henderson Highway Secondary Plan was introduced, the west side of Henderson Highway was almost entirely single family dwellings on large, riverside lots. Over the last three decades, these properties have slowly been rezoned for multifamily uses; many similar developments have preceded this proposal. The City of Winnipeg has supported this transformation through the approval of four amendments from low to higher density residential development since the plan's adoption along the west side of Henderson.

The current policy context has changed. While the North Henderson plan spoke of protecting single family dwellings from multifamily residential development, the Complete Communities Direction Strategy (as well as the TOD Handbook) is explicit in its promotion of intensification along Regional Mixed Use Corridors, noting them as among the best areas in the City to accommodate growth and change. A maximum permitted density of 30 units per acre strikes an appropriate balance between ensuring compatibility with surrounding dwellings and achieving the intensification goals set out by Complete Communities.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # SPA 3/2012

APPENDIX 'B'

THE CITY OF WINNIPEG

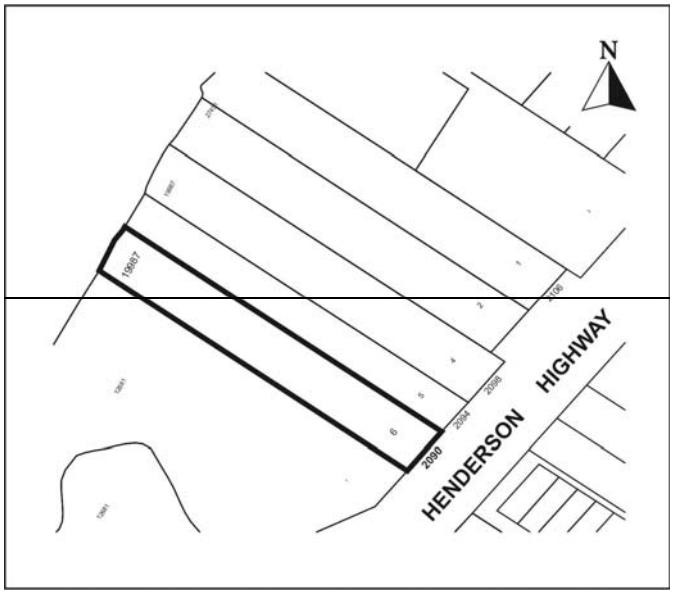
BY-LAW NO. 136/2012

A By-law of THE CITY OF WINNIPEG to amend the North Henderson Highway Secondary Plan By-law No. 1300/1976.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1 The North Henderson Highway Secondary Plan By-law No. 1300/1976 is amended by this By-law.

2 The North Henderson Highway District Plan – Proposed Land Use map is amended by reclassifying the land identified below from a "LOW DENSITY RESIDENTIAL" proposed land use to a "MEDIUM DENSITY RESIDENTIAL" proposed land use.



RECEIVED FIRST READING on this day of , 2012.

RECEIVED SECOND READING on this day of , 201 .

RECEIVED THIRD READING on this day of , 201 .

DONE AND PASSED this day of , 201 .

Mayor

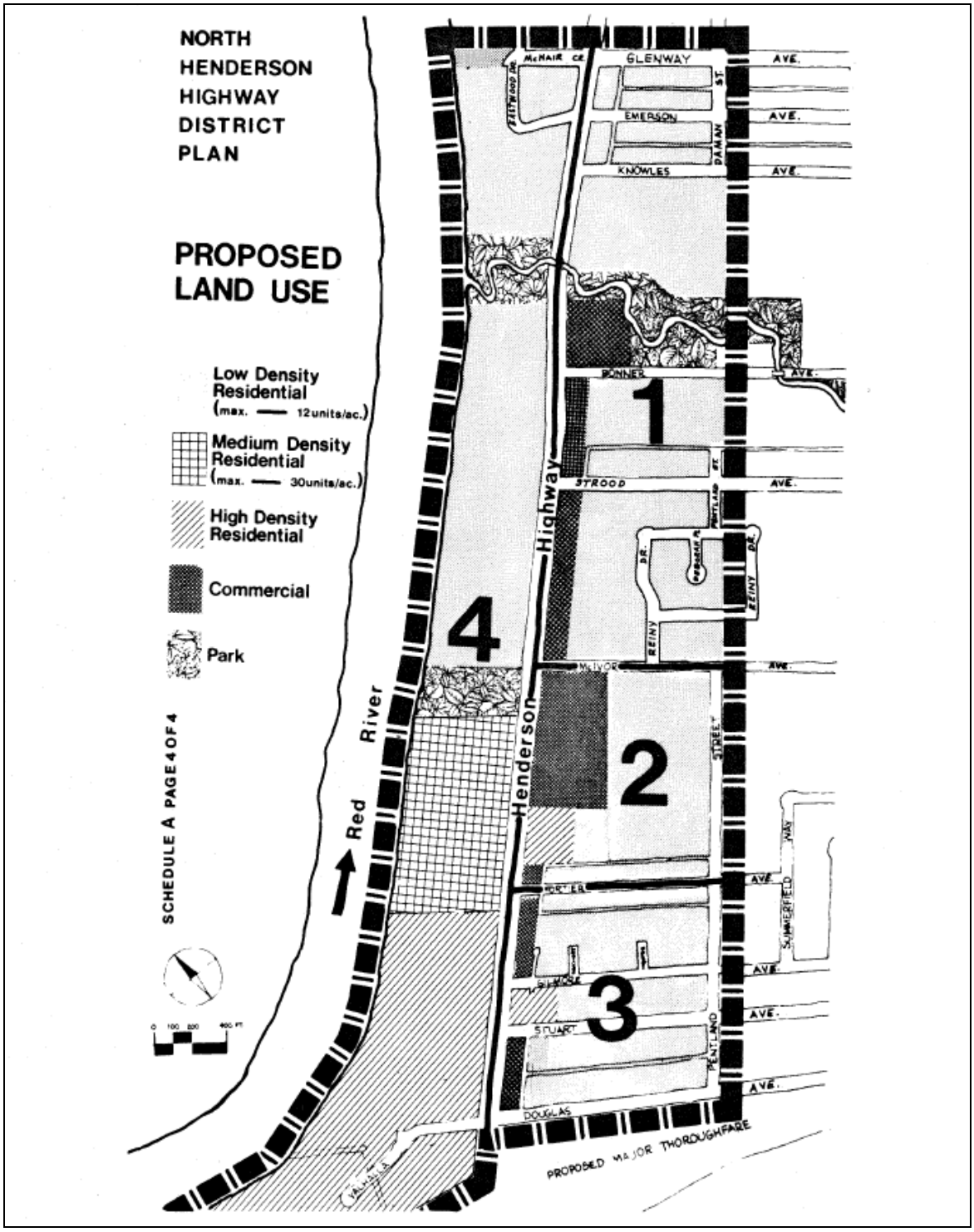
City Clerk

Approved as to planning details: Approved as to form:

for Director of Planning, Property and Development *for* Director of Legal Services and City Solicitor

APPENDIX 'C'

North Henderson Highway District – Proposed Land Use Map


NORTH
HENDERSON
HIGHWAY
DISTRICT
PLAN
PROPOSED
LAND USE
Low Density
Residential
(max. — 12units/ac.)
Medium Density
Residential
(max. — 30units/ac.)
High Density
Residential
Commercial
Park
SCHEDULE A PAGE 4 OF 4
Red River
Henderson Highway
GLENWAY
EMERSON
KNOWLES
BONNER
STROOD
MAYOR
PORTER
STUART
DOUGLAS
PROPOSED MAJOR THOROUGHFARE
1
2
3
4

APPENDIX 'D'

Map of previous amendments to the North Henderson Highway Secondary Plan

