Agenda – Council – July 17, 2013

Report – Standing Policy Committee on Property and Development – July 2, 2013

Item No. 7 Secondary Plan Amendment – 1745 Henderson Highway and land locked parcel behind (North Kildonan Ward) File SPA 5/2012 [c/r DASZ 17/2013 and DAV 112811/2013D]

STANDING COMMITTEE RECOMMENDATION:

On July 10, 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 following to Council:

1. That By-law No. 3/2013, 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 – July 2, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 10, 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 July 2, 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 RECOMMENDATION:

On June 18, 2013, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

RE: **Secondary Plan Amendment – 1745 Henderson Highway and land locked parcel behind**
File SPA 5/2012

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: **June 21, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2013, The East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That By-law No. 3/2013, 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. Density along Henderson has been encouraged.

2. The application is for something we can support.

PUBLIC HEARING SUMMARY

File: SPA 5/2012

Applicant: J. Wintrup Consulting Ltd. (John Wintrup)

Subject:



Premises Affected: 1745 Henderson Highway and land locked parcel behind

Exhibits Filed:

1. Application dated January 10, 2013
2. Notification of Public Hearing dated May 10, 2013
3. Council Decision of February 27, 2013; contains report from the Director of Planning, Property and Development dated January 23, 2013
4. First Reading of By-law No. 3/2013 by Council on February 27, 2013
5. Manitoba Status of Title 2076215/1
6. Letter of authorization dated November 15, 2012 from Gauthier Ventures Ltd. to Sunrex Property Services Ltd.
7. Letter of authorization dated January 10, 2013 from Sunrex Property Services Ltd to J. Wintrup Consulting Ltd.
8. Surveyor's Building Location Certificate and sketch dated November 15, 2012
9. Plans (3 pages)
10. Report from the Planning and Land Use Division dated June 11, 2013
11. Communication dated June 2, 2013, from Craig Sigurdson in opposition to the application
12. Communication dated June 14, 2013, from Jason Martino in opposition to the application
13. Communication dated June 17, 2013, from Glen and Nicole McCrank in opposition to the application
14. Inspection Report
15. Presentation from by John Wintrup in support of the application
16. Communication dated June 18, 2013, from John Wintrup in support of the application
17. Communication undated, from Shirley Coughlan, in support of the application submitted by John Wintrup at the public hearing
18. Copy of Right-of-Way Easement Agreement between 5982856 Manitoba Ltd and Winnipeg Condominium Corporation No. 775 and Gauthier Ventures Ltd., in support of the application, submitted by John Wintrup at the public hearing
19. Communication dated June 18, 2013, from Jason and Lise Kozyra, in support of the application, submitted by John Wintrup at the public hearing
20. Presentation from Craig Sigurdson in opposition to the application

REPRESENTATIONS:

In Support:

Jason Bryk
John Bryk
Shirley Coughlan
Phil McAmmond
Colin Neufeld
John Wintrup, J. Wintrup Consulting Ltd.

In Opposition:

Wally Arndt
Lorraine Barnett
Jason and Lise Kozyra
Anita Mann
Michelle Martin
Jason Martino
Glen and Nicole McCrank
Gary Milne
Chris and Lori Schellenberg
Craig Sigurdson
Robert and Barbara Stephen
Lena Stroet

For Information:

Charlotte Kaisaris and Mike Quinn
Leigh Merrells
Don and Olga Onyschuk
Michael and Joanne Peterson
Marge Starr
Debbie Talling

For the City:

Mr. M. Pittet, Manager of Land Development, Geomatics, and Land Information Services,
Planning, Property and Development Department
Mr. M. Pyl, Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator,
Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer,
Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer,
Planning, Property and Development Department
Ms D. Beaton, Park Strategic Planner,
Planning, Property and Development Department
Ms C. Desjardine, Community Traffic Engineer,
Public Works Department

Exhibit "10" referred to in File SPA 5/2013

ADMINISTRATIVE REPORT

Title: SPA 5/12 – 1745 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
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That By-law No. 3/2013, 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

- In a concurrent subdivision and rezoning application (DASZ 17/13), the applicant is proposing to create three multifamily residential building lots from two existing lots – the subject property, Lot 4, Plan 20574, and 1745 Henderson Hwy. Conceptual plans submitted with this application indicate two four storey buildings located up to Henderson Hwy, the maintenance of the existing 12 storey apartment building, and an L-shaped, seven storey building at the back that, while tallest in the northwest corner, will step down towards the west and south property lines approaching the adjacent single family dwellings.
- The subject property falls within the boundaries of the North Henderson Highway Secondary Plan. Lot 4, Plan 20574 is designated as "Low Density Residential", which limits any development to a maximum density of 12 units per acre (1745 Henderson is designated as "High Density Residential").
- In order to accommodate the proposed development, Lot 4, Plan 20574 will need to be re-designated to "High Density Residential" which, on this site, would allow for a multifamily residential development larger than 25 units (> 30 units/acre).

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

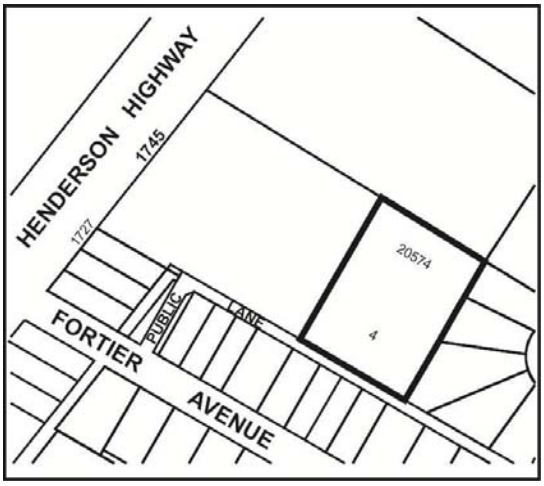
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Michael Pyl
Date:	June 11, 2013
File No.	SPA 5/12

APPENDIX 'A'

DATE: June 11, 2013
FILE: SPA 5/12
RELATED FILES: DASZ 17/13, DAV 13-112811D
COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.418

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 "HIGH DENSITY RESIDENTIAL" proposed land use to allow for the construction of a residential multifamily development

LOCATION: Lot 4, Plan 20574



APPLICANT: John Wintrup Consulting Ltd.
301-139 Roslyn Rd
Winnipeg MB R3L 0G7

OWNER: Same as above

RECOMMENDATION: Approval

REPORT SUMMARY

- In a concurrent subdivision and rezoning application (DASZ 17/13), the applicant is proposing to create three multifamily residential building lots from two existing lots – the subject property, Lot 4, Plan 20574, and 1745 Henderson Hwy. Conceptual plans submitted with this application indicate two four storey buildings located up to Henderson Hwy, the maintenance of the existing 12 storey apartment building, and an L-shaped, seven storey building at the back that, while tallest in the northwest corner, will step down towards the west and south property lines approaching the adjacent single family dwellings.

- The subject property falls within the boundaries of the North Henderson Highway Secondary Plan. Lot 4, Plan 20574 is designated as “Low Density Residential”, which limits any development to a maximum density of 12 units per acre (1745 Henderson is designated as “High Density Residential”).
- In order to accommodate the proposed development, Lot 4, Plan 20574 will need to be re-designated to “High Density Residential” which, on this site, would allow for a multifamily residential development larger than 25 units (> 30 units/acre).

SITE DESCRIPTION

- The subject property is located just off the east side of Henderson Hwy between Fortier Av and McIvor Av in the River East neighbourhood of the North Kildonan ward.
- The site is legally defined as Lot 4, Plan 20574 as is located directly behind 1745 Henderson Hwy. The site is 36,295 sq. ft. in area, is currently vacant, and is zoned “RMF-S” Residential Multifamily district.
- Adjacent properties include a 12 storey, 110-unit apartment building to the west largely zoned “RMF-L” with a narrow portion along the north property line zoned “RMF-S”, a hotel use to the north zoned “C3” Commercial Corridor district, and single family dwellings to the south and east zoned “R1-M” Residential Single Family district.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- In a concurrent subdivision and rezoning application (DASZ 17/13), the applicant is proposing to create three multifamily residential building lots from two existing lots – 1745 Henderson and Lot 4, Plan 20574. Lot 1, the westernmost lot with frontage onto Henderson, is proposed to be 26,643 sq. ft. in area, Lot 2, the middle lot, is proposed to be 27,868 sq. ft., and Lot 3, the easternmost lot, is proposed to be 49,900 sq. ft. (1.15 acres) in area.
- The applicant submitted a conceptual plan with his DASZ application. This plan shows two four-storey buildings with a combined 50 units on Lot 1, the maintenance of the existing 12-storey, 110-unit apartment building on Lot 2, and a seven-storey, 100-unit building on Lot 3. It is proposed that this latter building will be L-shaped and will be tallest in the northwest corner of the site. The building's massing will then step down towards the west and south property lines approaching the adjacent single family dwellings.
- In order to accommodate development on Lot 3, the North Henderson Highway Secondary Plan needs to be amended. While 1745 Henderson can accommodate the proposed development, Lot 4, Plan 20574 is designated "Low Density Residential", which limits any development to a maximum density of 12 units per acre.
- Based on a lot area of 36,295 sq. ft. in area, a maximum of 10 units is currently permitted under the "Low Density Residential" designation.
- There is no maximum permitted density under the "High Density Residential" designation.

BACKGROUND

DASZ 17/13

- In concurrence with this application, the applicant has also applied to create three multifamily residential building lots from two and to rezone the balance of the site to "RMF-L" Residential Multifamily district to accommodate the proposed development.
- The proposed development also requires a number of variances (DAV 13-112811D) relating to the creation of the proposed lots. These include:
    - The establishment of two lots to permit no frontage on a public street.
    - The maintenance of a multiple family dwelling on proposed Lot 2 to permit:
        - A lot area per dwelling unit of 253.7 sq. ft. instead of 400 sq. ft.
        - The reduction of 54 parking stalls.

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 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 February 27, 2013.
- 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

Amendment history

- Since the plan was introduced in 1977, the City of Winnipeg has received ten applications to amend the plan; eight 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 eight proposed amendments that were approved, six of these were amendments from low to higher density residential densities (with five of these located along the west side of Henderson). The first such amendment was in 1979 while the last was in 2012.
- In 1979, an application (AAP 8/79) was made to redesignate a parcel of land that included the subject property from "Low Density Residential" to "High Density Residential". This parcel of land extended all the way to Pentland St and would have seen the construction of a three storey, 120-unit personal care home and a five storey, 103-unit senior citizens home.
    - This amendment was not successful. Administration was not supportive of this proposal, arguing that the scale of this proposal was significantly inconsistent with the then-recently approved North Henderson plan.

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

The south portion of Chernichan Dr was created as per DASZ 13/92. This application effectively cut off existing Lot 4, Plan 20574 from adjacent single family development, leaving the site with little option but to be developed as multifamily residential. The question just remains: what is an appropriate scale?

Since the North Henderson Highway Secondary Plan was adopted in 1977, the policy context has changed. While this 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. The current “Low Density Residential” land use designation would allow for a maximum of 10 units on the subject property (max. 12 units/acre), and a “Medium Density Residential” land use designation would allow up to 25 units (max. 30 units/acre); the “High Density Residential” land use designation would allow for densities in excess of this.

The Urban Planning Division supports the redesignation of this property to “High Density Residential”, as this level of intensification is encouraged in the Complete Communities Direction Strategy. Conditions can be applied through the concurrent DASZ 17/13 to ensure that future development can be compatible with adjacent single family development.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # SPA 5/2012

APPENDIX 'B'

THE CITY OF WINNIPEG

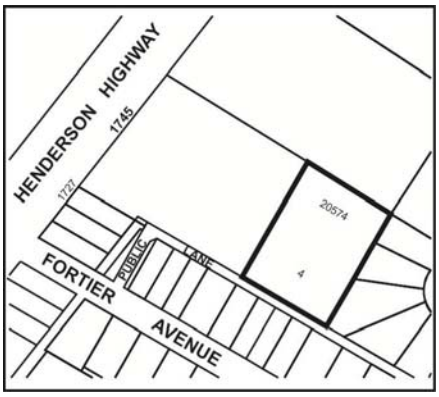
BY-LAW NO. 3/2013

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 in By-Law No. 1300/76, is amended by reclassifying the land identified below from a "LOW DENSITY RESIDENTIAL" proposed land use to a "HIGH DENSITY RESIDENTIAL" proposed land use.*



RECEIVED FIRST READING on this day of , 2013.

RECEIVED SECOND READING on this day of , 2013.

RECEIVED THIRD READING on this day of , 2013.

DONE AND PASSED this day of , 2013.

Mayor

City Clerk

Approved as to planning details:

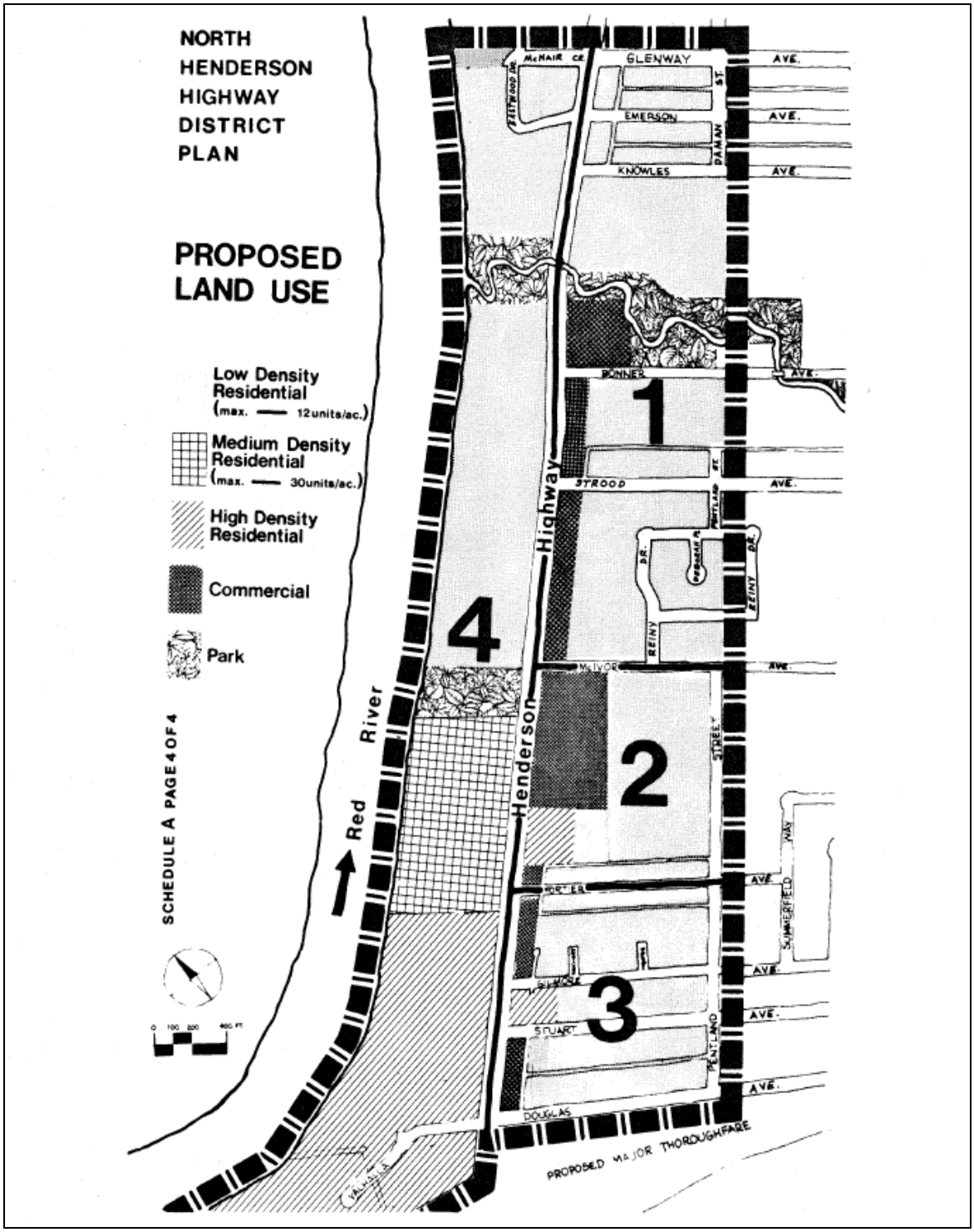
for Director of Planning, Property and Development

Approved as to form:

for Director of Legal Services and City Solicitor

APPENDIX 'C'

North Henderson Highway District – Proposed Land Use Map



APPENDIX 'D'

Map of previous amendments to the North Henderson Highway Secondary Plan

