Minute No. 350
Report – Standing Policy Committee on Property and Development – March 11, 2014

Item No. 2 **Secondary Plan Amendment – 1963, 1967 and 1977 Henderson Highway; 234 and 236 Bonner Avenue (North Kildonan Ward) File SPA 6/2013 [c/r DASZ 51/2013 and DAV 175256/2013D]**

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. 99/2013, 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 – March 11, 2014

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 March 19, 2014, 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 March 11, 2014, 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 February 18, 2014, 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 – 1963, 1967 and 1977 Henderson Highway; 234 and 236 Bonner Avenue File SPA 6/2013**

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: **February 19, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 18, 2014, 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. 99/2013, 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. This Secondary Plan has been modified over the years as it dates to the 1970s.
2. The developer has worked with the neighbourhood to address issues.
3. Improvements to tax base will help work on the issues raised regarding Henderson Highway.
4. Parking will occur on Bonner Avenue and not on Strood Avenue where concerns have been raised.
5. Construction traffic is not to use the Strood Avenue lane.
6. There would be more opposition if this development were to occur further down the street.
7. Property values in the long term will benefit the neighbourhood.

PUBLIC HEARING SUMMARY

File: SPA 6/2013

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

Public Hearing: February 18, 2014
Council Building, 510 Main Street

Applicant: Landmark Planning & Design Inc. (Donovan Toews)

Subject:



Premises Affected: 1963, 1967 and 1977 Henderson Highway;
234 and 236 Bonner Avenue

Exhibits Filed: 1. Application dated September 13, 2012

2. Notification of Public Hearing dated January 15, 2014
3. Council Decision of November 20, 2013; contains report from the Director of Planning, Property and Development dated October 8, 2013
4. First Reading of By-law No. 99/2013 by Council on November 20, 2013
5. Manitoba Status of Titles 1090837/1, 1276578/1, 2454181/1, 2552913/1, 2552915/1, 2665132/1, 2671102/1 and 2671105/1
6. Letter of authorization dated May 30, 2013 from B. & L. Mobile Brake Service Ltd. to Irwin Homes Ltd. (6598090 Manitoba Ltd.)
7. Letter of authorization dated August 26, 2013 from 6598090 Manitoba Ltd. to Landmark Planning & Design Inc.
8. Letter of authorization dated August 28, 2013 from Passages Incorporated to Landmark Planning & Design Inc.
9. Letter of authorization dated August 28, 2013 from L.N.R. Development Corp. to Landmark Planning & Design Inc.
10. Letter of authorization dated September 4, 2013 from B. & L. Mobile Brake Service Ltd. to Landmark Planning & Design Inc.
11. Letter of authorization dated October 17, 2013 from Gardan Gas Bar Inc. to 6598090 Manitoba Ltd.
12. Surveyor's Building Location Certificate and sketch dated June 25, 2013
13. Caveat 257742
14. Plans (3 pages)
15. Report from the Urban Planning Division dated February 11, 2014
16. Inspection Report
17. Communication dated February 14, 2014, from William Nadurak in opposition to the application

REPRESENTATIONS:

In Support:

Otto Cheng
Andrew Koop
Joel Neufeld
Donovan Toews

In Opposition:

Judith Balabas
J. Kilpatrick
Mark and Judith Mueller
Hans Regier
Darlene Wesewak

For Information:

Herb Giesbrecht
Troy Watkins

For the City:

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

Exhibit "15" referred to in File SPA 6/2013

ADMINISTRATIVE REPORT

Title: SPA 6/13 – 1963, 1967, 1977, and 1987 Henderson Hwy, 234 and 236 Bonner Av

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. 99/2013, 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 51/13), the applicant is proposing to create two lots. Proposed Lot 1 will be 110 ft. wide with frontage onto Henderson, 12,577 sq. ft. in area, and will be zoned "C2" Commercial Community district. It is intended to be used as an office/retail use. Proposed Lot 2 will be located behind Lot 1, will be 375 ft. wide at its largest point, 68,398 sq. ft. in area, and will be zoned "RMF-M" Residential Multifamily district, with the intention of accommodating a 72 unit, four storey multifamily building.
- The subject property falls within the boundaries of the North Henderson Highway Secondary Plan. Within 220 ft. of Henderson, the site is designated "Commercial", while the rest of the site is designated "Low Density Residential"; development is limited to a maximum density of 12 units per acre under the latter designation.
- In order to accommodate the proposed development, Proposed Lot 2 will need to be re-designated to "High Density Residential" which, on this site, would allow for a multifamily residential development larger than 47 units (> 30 units/acre). Proposed Lot 1 will be designated "Commercial".

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:	February 11, 2014
File No.	SPA 6/13

APPENDIX 'A'

DATE: February 11, 2014
FILE: SPA 6/13
RELATED FILES: DASZ 51/13, DAV 13-175256D
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 "COMMERCIAL" proposed land use and "LOW DENSITY RESIDENTIAL" proposed land use to a "HIGH DENSITY RESIDENTIAL" proposed land use to allow for the construction of a multifamily residential development

LOCATION: 1963, 1967, 1977, and 1987 Henderson Hwy, 234 and 236 Bonner Av



LEGAL DESCRIPTION: Lots 44, 45, 46, 47, 49, 50, & 51, Plan 20247
Lot 1, Plan 21856

APPLICANT: Donovan Toews
Landmark Planning and Design Inc.
298 Waterfront Dr
Winnipeg MB R3B 0G5

OWNER: Same as above

RECOMMENDATION: Approval

REPORT SUMMARY

- In a concurrent subdivision and rezoning application (DASZ 51/13), the applicant is proposing to create two lots. Proposed Lot 1 will be 110 ft. wide with frontage onto Henderson, 12,577 sq. ft. in area, and will be zoned "C2" Commercial Community district. It is intended to be used as an office/retail use. Proposed Lot 2 will be located behind Lot 1, will be 375 ft. wide at its largest point, 68,398 sq. ft. in area, and will be zoned "RMF-M" Residential Multifamily district, with the intention of accommodating a 72 unit, four storey multifamily building.
- The subject property falls within the boundaries of the North Henderson Highway Secondary Plan. Within 220 ft. of Henderson, the site is designated "Commercial", while the rest of the site is designated "Low Density Residential"; development is limited to a maximum density of 12 units per acre under the latter designation.
- In order to accommodate the proposed development, Proposed Lot 2 will need to be re-designated to "High Density Residential" which, on this site, would allow for a multifamily residential development larger than 47 units (> 30 units/acre). Proposed Lot 1 will be designated "Commercial".

SITE DESCRIPTION

- The subject property is located on the east side of Henderson Hwy between Strood Av and Bonner Av in the River East neighbourhood of the North Kildonan ward.
- The majority of the site is zoned "R1-L" Residential Single Family district, with two small portions of it zoned "C2" Commercial Community district. It is comprised of a number of different lots – Lots 44, 45, 46, 47, 49, and 50 of Plan 20247, Lot 1 of Plan 21856, and Lot 51 of Plan 2282. The site is occupied by single family dwellings at 1977 Henderson and 234 and 236 Bonner and an existing office building at 1967 Henderson. In total, the T-shaped site is 80,955 sq. ft. (1.8 acres) in area, with 110 ft. of frontage along Henderson.
- Adjacent properties include a gas bar zoned "C2" at the southeast corner of Henderson and Bonner, a commercial strip mall development zoned "C2" across Bonner, multifamily residential dwellings zoned "RMF-S" across Henderson, an auto repair use zoned "C2" to the south along Henderson, and single family dwellings zoned "R1-L" along Bonner and Strood Avs.



Figure 1: Site map of subject property and surrounding neighbourhood

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- In a concurrent subdivision and rezoning application (DASZ 51/13), the applicant is proposing to create two lots. Proposed Lot 1 will be 110 ft. wide with frontage onto Henderson, 12,577 sq. ft. in area, and will be zoned “C2” Commercial Community district. It is intended to be used as an office/retail use. Proposed Lot 2 will be located behind Lot 1, will be 375 ft. wide at its largest point, 68,398 sq. ft. in area, and will be zoned “RMF-M” Residential Multifamily district.
- Plans submitted with this DASZ application show a 72 unit, four storey multifamily residential building to be built on Proposed Lot 2, and oriented north-south at the back of the property.
- In order to accommodate this development on Proposed Lot 2, the North Henderson Highway Secondary Plan needs to be amended. Beyond a point 220 ft. from Henderson, the subject property is designated “Low Density Residential”, which limits any development to a maximum density of 12 units per acre. The first 220 ft. is designated “Commercial”.
- Based on a lot area of 68,398 sq. ft., a maximum of 18 units are currently permitted under this “Low Density Residential” designation.
- There is no maximum permitted density under the “High Density Residential” designation.

BACKGROUND

DASZ 51/13

- In concurrence with this application, the applicant has also applied to create two lots. Proposed Lot 1 will be 110 ft. wide with frontage onto Henderson, 12,577 sq. ft. in area, and will be zoned "C2" Commercial Community district. It is intended to be used as an office/retail use. Proposed Lot 2 will be located behind Lot 1, will be 375 ft. wide at its largest point, 68,398 sq. ft. in area, and will be zoned "RMF-M" Residential Multifamily district.
- The proposed development requires a number of variances (DAV 13-175256D) to the proposed "C2" and "RMF-M" dimensional standards of the zoning by-law as follows:
    - For the construction of a commercial building on Proposed Lot 1 to permit a rear yard of 5 ft. instead of 25 ft.
    - For the establishment of an accessory parking lot on Proposed Lot 2 to permit no west, north, and south side yards instead of 8 ft.
    - For the construction of two garbage enclosures to permit no west and south side yards instead of 8 ft.

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 November 20, 2013.
- Council also designated the East Kildonan-Transcona Community Committee as the public hearing body for this application.
- It should be noted that two minor changes have been made to this application since the first reading by-law. This includes incorporating a portion of Lot 1, Plan 21856, and changing the angle to which the proposed amendment crosses Lot 51, Plan 20247.

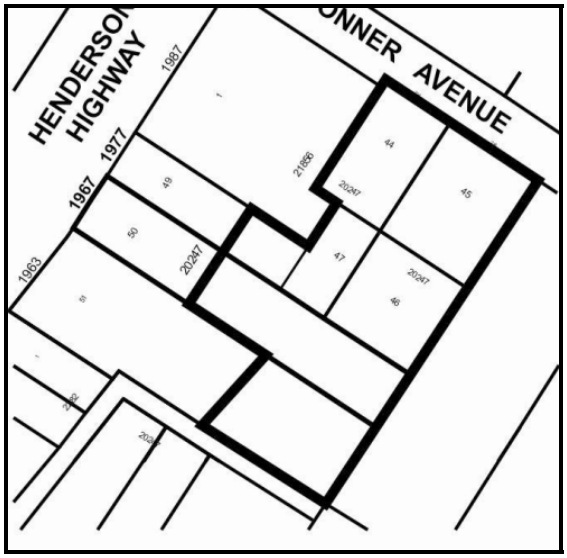


Figure 2: Map submitted with the first reading by-law

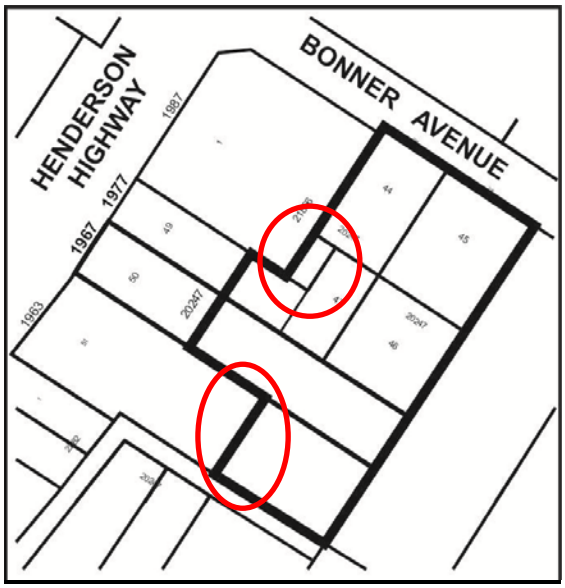


Figure 3: Map illustrating the minor changes made for the second and third reading by-law

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 North Henderson Highway Secondary Plan does not have any specific policies related to the “Commercial” land use designation.

Amendment history

- Since the plan was introduced in 1977, the City of Winnipeg has received eleven applications to amend the plan; nine were approved, and two were rejected. Appendix 'D' at the end of the report provides a map noting the location and the nature of these amendments.
- Of the nine proposed amendments that were approved, seven 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 2013.

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 2013-14 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

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, it did so with the caveat that multifamily redevelopment could be permitted if Council deemed it necessary or desirable in the public interest. 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 18 units on the subject property (max. 12 units/acre), and a "Medium Density Residential" land use designation would allow up to 47 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. As explained in the concurrent report for DASZ 51/13, there are limited opportunities going forward for this scale of multifamily infill development along Henderson north of Chief Peguis Trail. With the exception of the cluster of river lots by Bunn's Creek, most lots are either fairly shallow, limiting their redevelopment potential, or are already occupied by well-established uses with low likelihoods for redevelopment.

Conditions can be applied through the concurrent subdivision and rezoning application 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 6/2013

APPENDIX 'B'

THE CITY OF WINNIPEG

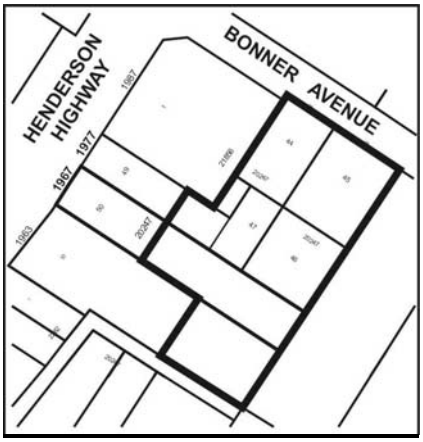
BY-LAW NO. 99/2013

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 "COMMERCIAL" proposed land use and "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:

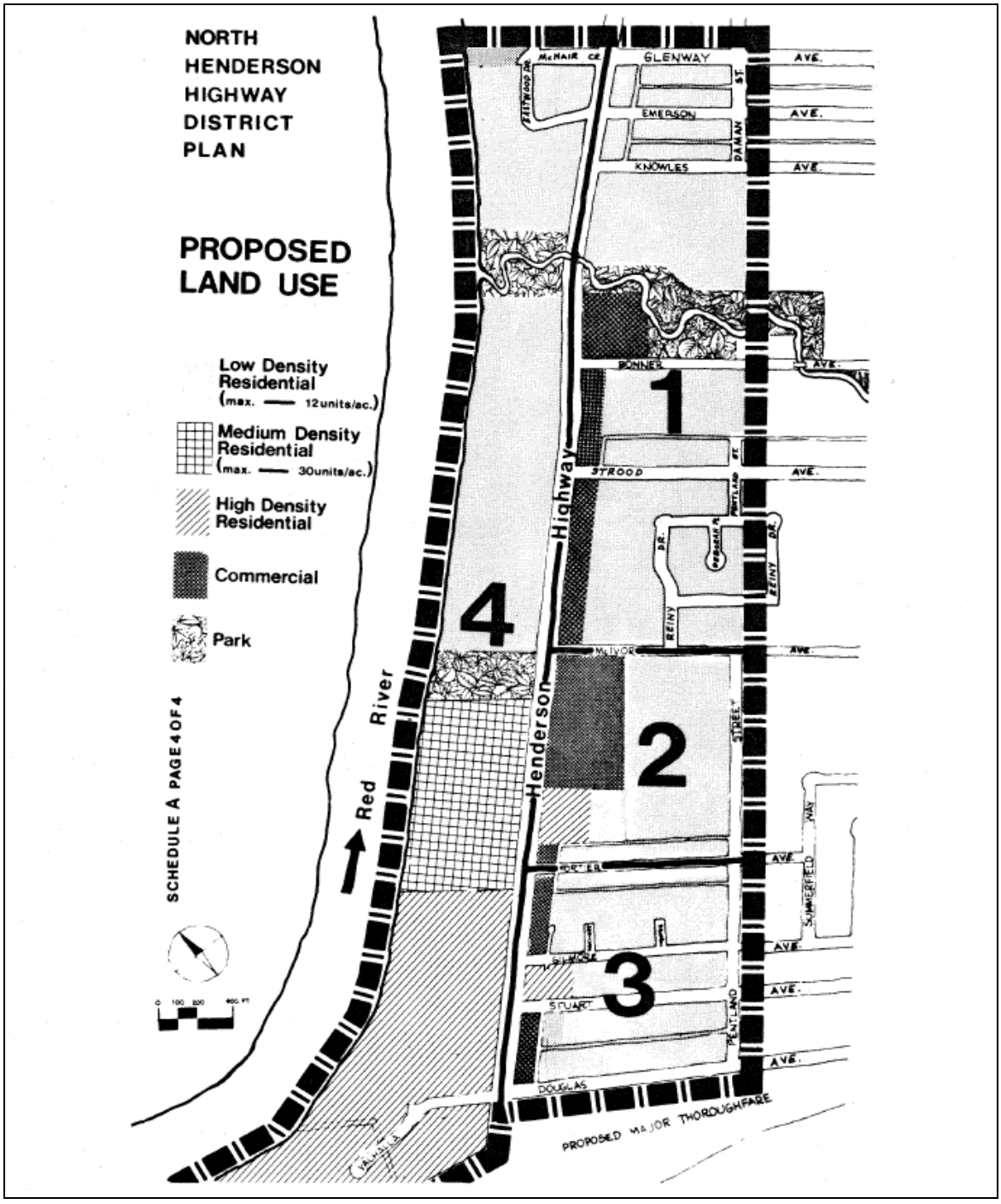
for Director of Planning, Property and Development

Approved as to form:

James Carter
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

