Agenda – Council – September 30, 2015

Report – Standing Policy Committee on Property and Development – September 15, 2015

Item No. 6 Secondary Plan Amendment – 2090 Henderson Highway (North Kildonan Ward) File SPA 1/2015 [c/r DASZ 14/2015 & DAV 106836/2015D]

STANDING COMMITTEE RECOMMENDATION:

On September 23, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That By-law No. 43/2015, as per Appendix "A", 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 – September 15, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 23, 2015, the Executive Policy Committee concurred in the recommendations 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 September 15, 2015, 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 July 14, 2015, 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.

On June 16, 2015, the East Kildonan-Transcona Community Committee did not hear any representations on the application and the public hearing was rescheduled to its meeting on July 14, 2015 at 6:00 p.m. in the Council Building, 510 Main Street, inasmuch as the statutory requirements with respect to this application had not been complied with.

RE: **Secondary Plan Amendment – 2090 Henderson Highway**
File SPA 1/2015 [c/r DASZ 14/2015 & DAV 106836/2015D]

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

Prepared by: **Andrew Poitras, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **July 16, 2015**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 14, 2015, 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. 43/2015, as per Appendix "A", 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 is consistent with OurWinnipeg and Complete Communities strategy on mixed-use corridors and over time we will see things change.

PUBLIC HEARING SUMMARY

File: SPA 1/2015

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

Public Hearing: July 14, 2015
June 16, 2015
Council Building, 510 Main Street

Applicant: 4247079 Manitoba Ltd. (Betty Neufeld)

Subject:



Premises Affected: 2090 Henderson Highway

Exhibits Filed:

1. Application dated April 1, 2015
2. Notification of Public Hearing dated May 6, 2015
3. Council Decision of May 27, 2015; contains report from the Director of Planning, Property and Development dated April 23, 2015
4. Manitoba Status of Title 2714119/1
5. Plans (3 pages)
6. Report from the Urban Planning Division dated June 10, 2015
7. Inspection Report dated June 16, 2015
8. Notice of rescheduled meeting dated June 22, 2015
9. First Reading of By-law No. 43/2015 by Council on June 17, 2015
10. Report from the Urban Planning Division dated July 7, 2015
11. Notice of newspaper advertisement dated June 23, 2015
12. Inspection Report dated July 14, 2015
13. Plans and Pictures submitted by the Applicant at the public hearing
14. Pictures of subject property and neighbouring property submitted by Cheryl and Darrell Pakosh
15. Petition in opposition to the application purporting to contain the signatures of 76 area residents, submitted by Cheryl and Darrell Pakosh
16. Submission by Ronald Olesky at the public hearing in opposition to the application
17. Recording of Representations of public hearing held on July 14, 2015

REPRESENTATIONS:

In Support:

Betty Neufeld
Werner Neufeld

In Opposition:

C.L. Chappell
Carrie Erickson
Donna Erickson
Steve Kotyk
Ronald Olesky
Cheryl Pakosh
Darrell Pakosh
Riley Pakosh
Yolande Pakosh

For Information:

Nil

For the City:

Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. R. Mahe, Planner, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. J. Carter, Solicitor, Legal Services

Exhibit "10" referred to in File SPA 1/2015

ADMINISTRATIVE REPORT

Title: SPA 1/15 – 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
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That By-law No. 43/2015, as per Appendix "A", 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 14 unit, apartment-style multi-family 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: Legal Services

HISTORY

SPA 1/15

- In concurrence with this application, the applicant has also applied to amend the North Henderson Highway Secondary Plan to re-designate the subject property from a designated "Low Density Residential" land use to the "Medium Density Residential" designated land use category.
- On June 17, 2015, Council gave By-law No. 43/2015, a by-law to amend the North Henderson Highway Secondary Plan (By-law 1300/76), First Reading in order to allow the East Kildonan-Transcona Community Committee to conduct a Public Hearing.

COURT OF QUEEN'S BENCH

- On November 28, 2014, the Court of Queen's Bench of Manitoba found By-laws Nos. 136/2012 and 46/2013 to be invalid and quashed both by-laws on the basis that the City had failed to follow its own processes when it proceeded with public hearings prior to the submission of development plans. However, leave was given to the applicant to reapply to amend both of the original by-laws upon the filing of the required development plans.

SPA 3/12

- On January 30, 2013, Council enacted By-law No. 136/2012 to amend the North Henderson Highway Secondary Plan (SPA 3/2012) to re-designate the subject property from "Low Density Residential" to "Medium Density Residential".

DAZ 234/12

- On March 20, 2013, Council enacted By-law No. 46/2013 to amend Zoning By-law No. 200/2006 to rezone the land located at 2090 Henderson Hwy from "R1-E" Residential Single Family district to "RMF-S" Residential Multi-family district (DAZ 234/2012).
- The rezoning application was approved subject to a number of conditions, including:
    - That the applicant shall transfer and legally open as right-of-way, property required for a 6.4 metre widening to the Henderson Hwy right-of-way along the full length of the planned area.
    - That the applicant be required to construct a sidewalk along the length of the property.
    - That plans showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, and signage shall be approved by the Director of Planning, Property, and Development and the East Kildonan-Transcona Community Committee prior to the issuance of any building or development permit.

- On June 18, 2013 EKT Community Committee concurred in the recommendations of the Winnipeg Public Service in part and approved:
    - the construction of a multiple family dwelling (row housing) to permit:
        - A. a front yard of 40 feet (12.2 metres) instead of 205 feet (62.5 metres);
        - B. balcony projections into the required south side yard of 2 feet (0.61 metres) instead of 1.3 feet (0.4 metres);
    - 2. for the establishment of an accessory parking area to permit a north side yard of 1 foot (0.305 metres) instead of 4 feet (1.22 metres).,

SUBMITTED BY

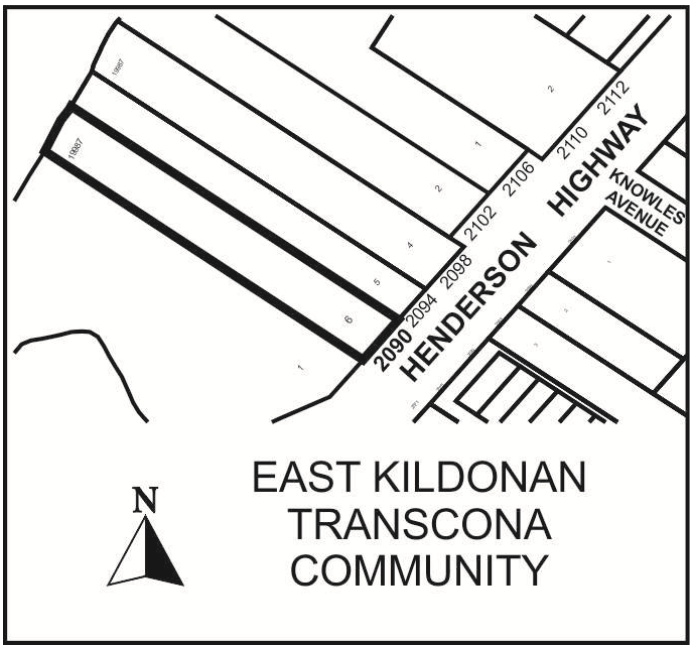
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Richard Mahé
Date:	July 7, 2015
File No.	SPA 1/15

APPENDIX 'A'

DATE:	July 7, 2015
FILE:	SPA 1/15
RELATED FILES:	DASZ 15/15, DAV 15-106836D
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 14 unit multi-family 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

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 a vacant site that previously was 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 (Neighbourhood) 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 three storey (14 unit), apartment-style multi-family development on the subject property.
- There applicant intends to construct a building with:
    - enclosed parking at grade with 16 parking stalls;
    - seven (7) dwelling units on each of the second and third floors - comprised of two (2) 1-bedroom units and five (5) 2-bedroom units on each floor.
- The applicant intends to have the units range in size from 800 square feet to 1,250 square feet.
- The proposed materials include on the elevations of the building will primarily include a combination of cement board siding, longboard aluminum siding (wood pattern), and stucco.
- The applicant also intends to provide three (3) additional surface parking spaces within the front yard for visitor parking.
- The applicant also intends to provide a four (4) foot tall high fence with stone pillars along the Henderson Highway frontage and provide a six (6) foot tall wood fence on the north side of the property to provide a noise and visual buffer.

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 June 17, 2015.
- 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:

    II. Residential

    (a) 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.

    (b) 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

- The *North Henderson Highway Secondary Plan* was passed by Council on January 19, 1977 with the intent to establish a land use plan for the improvement of the North Henderson Highway District in conformance with the City's development plan at that time. There have been numerous amendments to this plan to allow for multifamily residential development in Low Density Residential areas (max. density 12 units/acre) since the plan came into effect in 1977. Four of these amendments are located on the west side of Henderson Highway and the fifth (By-law 3/2013) is located on the east side of Henderson Highway. These include:

Address	By-law no.	New designation	New max. density (u/a)
1900 Henderson	2274/79	Low Density Res	12.54
1820-50 Henderson	5048/88	High Density Res	No max. density
1970 Henderson	5220/89	High Density Res	No max. density
1950 Henderson	6682/95	Medium Density Res	30
1745 Henderson	3/2013	High Density Res	No max. density

Local Area Planning Initiatives

- On January 13, 2015, The Standing Policy Committee on Property and Development directed the Winnipeg Public Service to conduct a review of the North Henderson Highway Secondary Plan to determine whether it can be modified to become more compatible with the direction of OurWinnipeg and Complete Communities, or repealed, and report back to the Standing Policy Committee on Property and Development.

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 (4) 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 multi-family 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: Richard Mahé
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # SPA 1/2015

APPENDIX "A"

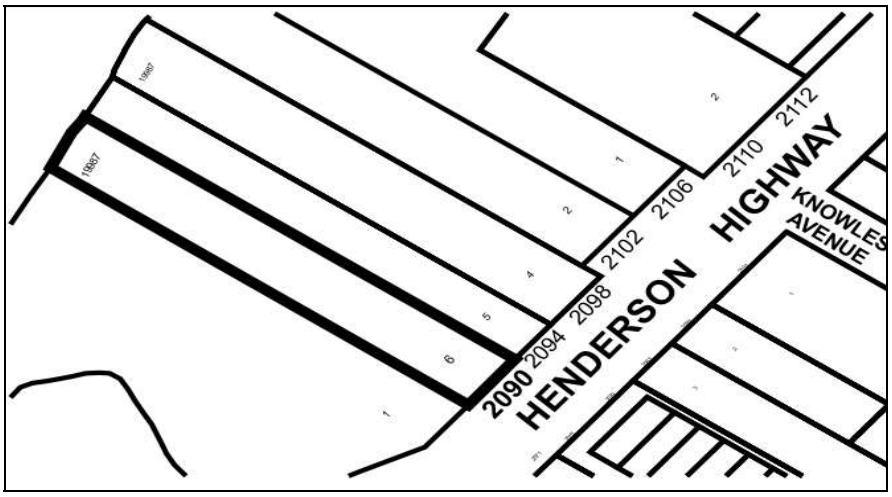
THE CITY OF WINNIPEG
BY-LAW NO. 43/2015

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 , 2015.

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:

_____
for Director of Planning, Property and Development

Approved as to form:

_____
Sarah Fehr *for* Acting Director of Legal Services and City Solicitor

APPENDIX “B” - REFERENCE

Proposed Land Use Map, by-law no. 1300/76

