Minute No. 313
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 7, 2022

Item No. 9 **Secondary Plan Amendment – 2000 Henderson Highway (North Kildonan Ward)**
File SPA 5/2019

COUNCIL DECISION:

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

1. That Council give second and third reading to By-law No. 21/2020.

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, Heritage and Downtown Development – March 7, 2022

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 16, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 7, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 25, 2022, 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, Heritage and Downtown Development.

On January 25, 2022, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on February 25, 2022 at 10:30 a.m. in the Council Building at 510 Main Street.

On January 4, 2022, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on January 25, 2022 at 10:30 a.m. in the Council Building at 510 Main Street.

PUBLIC HEARING SUMMARY

File: SPA 5/2019

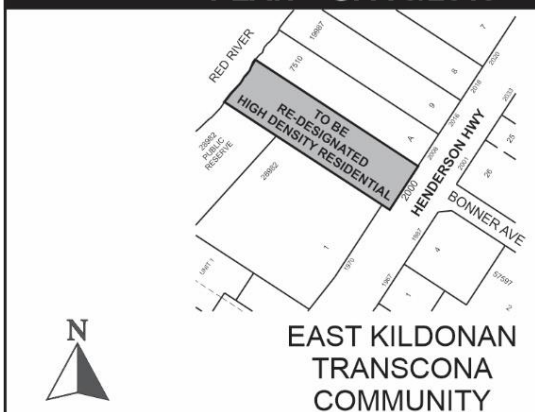
Before: East Kildonan-Transcona Community Committee
Councillor Nason, Chairperson
Councillor Browaty
Councillor Schreyer

Public Hearing: February 25, 2022
January 25, 2022
January 4, 2022, 2022
Council Building, 510 Main Street

Applicant: Affinity Architecture (Mark Funk)

Subject:

AMENDMENT to NORTH HENDERSON HIGHWAY SECONDARY PLAN SPA 5/2019



Council has given first reading to By-Law No. 21/2020 which amends the North Henderson Highway Secondary Plan By-law No. 1300/1976 by re-designating the property located at 2000 Henderson Highway from *Low Density Residential* to *High Density Residential*. The proposed amendment will allow for the subject land to be re-zoned in the future to accommodate multi-family housing to a density of 50 units per acre.

A Public Hearing (pursuant to Section 234(3) of the City of Winnipeg Charter) will be held before the East Kildonan – Transcona Community Committee.

For information, phone Mr. James Platt, Planner, at 204-986-6918.

Premises Affected: 2000 Henderson Highway

For submission to: The Standing Policy Committee on Property and Development, Heritage and Downtown Development

Prepared by: T. Pomanski, Committee Clerk
East Kildonan-Transcona Community Committee

Report date: February 25, 2022

Community Committee Recommendation:

On February 25, 2022, 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, Heritage and Downtown Development:

1. That Council give second and third reading to By-law No. 21/2020.

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 reasons for its recommendation:

1. This is consistent with development that has happened on North Henderson over the decades since the North Henderson Hwy Secondary Plan was created. This would be a consistent development in the area. I will add unfortunately the way it was advertised we don't have the flexibility to remove the unit cap at this time, but again I am hopeful that near term, hello planners I would like to put an axe through the north Henderson Hwy Secondary Plan once and for all because it has really stunted growth and regeneration of that North area. It is really inconsistent with OurWinnipeg and the Complete Communities Secondary Plan version 1 and 2.

Exhibits Filed:

1. Application dated January 28, 2020
2. Notification of Public Hearing
3. Notification of Public Hearing dated December 16, 2021 to R.M. of East St. Paul and R.M. of West St. Paul
4. Council Decision of February 25, 2021; contains report from the Director of Planning, Property and Development dated January 11, 2021
5. First Reading of By-law No. 21/2020 by Council on February 25, 2021

6. Letter of authorization dated November 13, 2019 from Justin Philip Vandenberg and Heather Lynn Vandenberg to Affinity Architecture
7. Letter of Intent from Mark Funk, Affinity Architecture dated December 13, 2019
8. Plan of Subdivision and Site Plan
9. Report from the Urban Planning Division dated December 15, 2021
10. Recording of Representations of public hearing held on January 4, 2022
11. Notice of Adjournment dated January 6, 2022
12. Recording of Representations of public hearing held on January 25, 2022
13. Notice of Adjournment dated January 26, 2022
14. Recording of Representations

REPRESENTATIONS:

In Support:

Mark Funk
Wes Reimer
Daniel Serhal

In Opposition:

Nil

For Information:

Ben McGillivary

For the City:

D. Chyz-Lund, Planner, Planning, Property and Development, Department
G. Doney, Senior Planner, Planning, Property and Development Department
J. Platt, Senior Planner, Planning, Property and Development Department

Exhibit "9" referred to in File SPA 5/2019

ADMINISTRATIVE REPORT

Title: SPA 5/2019 for land generally located at 2000 Henderson Highway

Issue: For consideration of an amendment to the North Henderson Highway Secondary Plan By-law No. 1300/76

Critical Path: East Kildonan-Transcona Community Committee **-** Standing Policy Committee on Property and Development, Heritage and Downtown Development - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
Dylan Chyz-Lund, MCP	N/A	N/A	

RECOMMENDATIONS

1. That Council give second and third reading to By-law No. 21/2020
2. That the proper offices of the City be authorized to do all things necessary to implement the intent of the foregoing

REASON FOR THE REPORT

- A secondary plan by-law, including amendments, after first reading requires a public hearing in accordance with subsection 234(3) of The City of Winnipeg Charter and The Development Procedures By-law No. 160/2011
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing

IMPLICATIONS OF THE RECOMMENDATIONS

- Should the recommendation be concurred in, the subject site would be re-designated from a low density residential area to a high density residential area in the North Henderson Highway Secondary Plan, and applications to rezone the subject land to allow for higher density residential development may be accepted

HISTORY

The North Henderson Highway Secondary Plan By-law No. 1300/76 (NHHSP) was adopted by Council on January 19, 1977 and has statutory authority as a Secondary Plan.

The NHHSP includes five different land use policy areas:

- Low Density Residential (max. 12 units/acre)
- Medium Density Residential (max. 30 units/acre)
- High Density Residential (no maximum)
- Commercial
- Park

Amendment history

- At the time the NHHSP 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 gradually been rezoned for multifamily uses; many similar developments have preceded this proposal

Since *OurWinnipeg* and *Complete Communities Direction Strategy* (*CCDS*) came into force (August 2011), the NHHSP has been amended five times to allow for higher density residential development in areas designated Low Density Residential and adjacent to Henderson Highway. These amendments were supported by the Public Service and are presented in Table 1.

Table 1: List of Secondary Plan Amendments

Amending By-law	Address	Nature of Amendment	New max. density

By-law 81/2015	1914 Henderson HWY	Reclassified lands from a “Low Density Residential Area” to “High-Density Residential Area”	34 units per acre (1,281 sq. ft. lot area per dwelling unit)
By-law 43/2015	2090 Henderson HWY	Reclassified lands from a “Low Density Residential Area” to “Medium-Density Residential Area” and Quashed By-law 136/2012	30 units per acre (1,452 sq. ft. lot area per dwelling unit)
By-law 99/2013	1967 Henderson HWY 230 Bonner Ave	Reclassified lands from a “Low Density Residential Area” and “Commercial” to “High-Density Residential Area”.	No max. density
By-law 3/2013	Roll Number: 04002128500	Reclassified lands from a “Low Density Residential Area” to “High-Density Residential Area”	No max. density
By-law 136/12	2090 Henderson HWY	Reclassified lands from a “Low Density Residential Area” to “Medium-Density Residential Area”	30 units per acre

On February 12, 2021 Council gave first reading to the subject By-law No. 21/2020 and directed that the East Kildonan – Transcona Community Committee hold a public hearing and submit its recommendations to Council.

CONSULTATION

In preparing this report there was consultation with:

N/A

OURWINNIPEG POLICY ALIGNMENT

01-1a OurWinnipeg’s Approach to City Building

- **Direction 3: Promote compact urban form and manage the extension of municipal services for new growth:**
  - *Support new developments that are contiguous with existing developments to minimize the spatial use of land and the extension of services*
  - *Enable the intensification of land-uses through the development application process only when a full range of municipal services is provided*

01-1c Key Directions for Specific Area – Areas of Stability

- *Key Direction: Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.*

01-1c Key Directions for Specific Area – Centres and Corridors

- *Key Direction: Focus a significant share of growth to Centres and Corridors in a manner that:*
  - *provides compact, mixed-use, high-quality urban development*
  - *concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops*
  - *concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposed amendment is in accordance with the following Key Direction from pages 38 and 44 of the *Winnipeg Climate Action Plan:*

3.2 *Increase the Density of Urban Development Along Key Transit Corridors (Primary Responsibility: Planning, Property and Development Department)*

4.2 *Ensure new areas of growth are designed according to the principles of Complete Communities (Primary Responsibility: Planning, Property and Development Department)*

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design
Prepared by: Dylan Chyz-Lund, MCP
Date: December 15, 2021
File No: SPA 5-2019

Attachments:

Appendix A – Planning Discussion
Appendix B – Draft By-law

APPENDIX 'A'

DATE:	December 17, 2021
FILE:	**SPA 5/2019**
RELATED FILES:	N/A
COMMUNITY:	East Kildonan - Transcona
NEIGHBOURHOOD #:	421 (Valhalla)
SUBJECT:	For consideration of an amendment to the North Henderson Highway Secondary Plan By-law No. 1300/76, re-designating the subject site from a low density residential area to a high density residential area
LOCATION:	2000 Henderson Highway and Roll # 04002402500
LEGAL DESCRIPTION:	LOT 10 PLAN 19987 39/43 K
APPLICANT:	AFFINITY ARCHITECTURE
OWNER:	JUSTIN PHILIP VANDENBERG HEATHER LYNN VANDENBERG
RECOMMENDATION:	Approval

SITE DESCRIPTION

- The subject property, located at 2000 Henderson Highway, is currently located within Sub-Area 4(c) of the North Henderson Highway Secondary Plan (NHHSP) and is zoned Residential Single Family (R1-Estate)
    - Sub-Area 4 of the plan includes everything on the west side of Henderson Highway 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
- The subject property is located on the west side of Henderson Highway directly across from Bonner Avenue, in the Valhalla neighbourhood of the North Kildonan ward
- The subject property is approximately 154 feet long x 120 feet wide, totaling 41,874 sq. ft. of assessed land area
- The subject property is located in a Low Density Residential policy area of the NHHSP, which stipulates that no more than 12 dwelling units per acre are allowed
- The subject property fronts onto Henderson Highway. Of the properties fronting on Henderson Highway approximately 75% are zoned either multi-family residential or commercial zoning districts under Zoning By-law 200/2006. The other 25% of the corridor is zoned "R1" Residential Single-family district

- The subject property is located in an Area of Stability – Recent Community policy area of the *Complete Communities Direction Strategy (CCDS)*; it is also located in a Regional Mixed-Use Corridor policy area



Figure 1: Aerial Photograph of the Site (flown 2021).

SURROUNDING LAND USES & ZONING (See Figure 2)

North: Vacant land zoned “R1-E” Residential - Single-Family

South: A nursing home, zoned “RMF-S” - Residential - Multi-Family (Small)

East: Henderson Highway, then a gas station zoned “C2” Commercial Community and a shopping centre zoned “C2” Commercial Community

West: Vacant land zoned “PR1” Parks and Recreation – Passive, and the Red River



Figure 2: Subject Site and Surrounding Zoning

DESCRIPTION OF THE PROPOSED APPLICATION

- The subject property is proposed to be re-designated from a Low Density Residential to High Density Residential area, to permit a maximum of 50 units per acre
- An amendment to the NHHSP By-law No. 1300/1976 is required in order to facilitate the proposed density of 50 units per acre from 12 units per acre
- The limitation of 50 dwelling units per acre is based on the density of a proposed Zoning By-law amendment submitted along with the secondary plan amendment application. Following first reading of By-law 21/2020, the proposal to rezone the property was withdrawn. Future development of the subject land will require a zoning bylaw amendment

ANALYSIS AND ISSUES

The current policy context of the NHHSP has changed. While the NHHSP emphasizes protecting single family dwellings from multi-family residential development, the *CCDS* – as well as the TOD Handbook – are explicit in their promotion of intensification along Regional Mixed-Use Corridors, identifying them as among the best areas in the City to accommodate growth and change. While corridors such as Henderson Highway 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, provided that developments are context sensitive and compatible with surrounding land uses.

A maximum permitted density of 50 units per acre is an appropriate balance between ensuring compatibility with surrounding dwellings and achieving the intensification goals set out by *CCDS*. This is because the subject property abuts a 120-unit care home, followed by a series of multi-family residential developments moving south along Henderson Highway.

In addition to the application to amend the NHHSP, any proposed high density multi-family development cannot proceed without the subject property being rezoned and holding another public hearing as part of that process.

The proposed plan amendment complies with the directions and policies of our *OurWinnipeg* and *CCDS*, noted below. Therefore, the Public Service supports the proposed plan amendment.

OURWINNIPEG AND COMPLETE COMMUNITIES

OurWinnipeg is the City's development plan and *Complete Communities* is a complementary "Direction Strategy" of *OurWinnipeg* that provides additional detailed directions and policies on land use and development in the city. The subject property, and properties in the NHHSP that are abutting Henderson Highway, are in the Henderson Highway Regional Mixed-Use Corridor policy area of

OurWinnipeg and *CCDS* (2011). Any amendment to a Secondary Plan must be consistent with *OurWinnipeg* and *CCDS*.

The Key Direction of *OurWinnipeg* and *CCDS* that applies to the Corridor Policy Area states:

- *By intensifying development with a mix of uses, Corridors will become destinations while continuing to serve as primary transportation routes for residents*

Direction 1 of the Corridor Policy Area section of *CCDS* states:

Focus a broad mix of residential, employment and retail development within strategic locations along Corridors. Certain policies under Direction 1 apply to the proposal. They state:

- *Focus a broad mix of residential, employment and retail development within strategic locations along Corridors*
- *Promote corridors as a link between neighbourhood, community and regional scale centres*
- *Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate*

Re-designating the subject site from a low density residential area to a high density residential area is supported by *CCDS* and *OurWinnipeg* because it will:

- Expand housing options for residents in the Valhalla neighbourhood and beyond
- Create moderate change in the neighbourhood
- Support intensification along a Regional Mixed Use Corridor

RECOMMENDATION

The Urban Planning and Design Division recommends approval for the following reasons:

- The application is consistent with policies in *OurWinnipeg* and the *Complete Communities Direction Strategy*
- Any proposed high density multifamily development cannot proceed without the subject property being rezoned. A high density multi-family development will require a rezoning and an associated public hearing

THE CITY OF WINNIPEG

BY-LAW NO. 21/2020

A By-law of THE CITY OF WINNIPEG to amend the North Henderson Highway Secondary Plan By-law No. 1300/1976 in respect of land commonly referred to as 2000 Henderson Highway under Development Application No. SPA 5/2019.

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 Proposed Land Use Map is amended by reclassifying as "*High Density Residential*" land located at 2000 Henderson Highway and legally described as SP Lot 10 Plan 19987 WLTO in RL 39 to 43 Parish of Kildonan.

3 Schedule "A" is amended by adding the following after subclause (c)(ii) in Sub-Area 4:

(iii) Notwithstanding anything else in this By-law, the property commonly referred to as 2000 Henderson Highway and legally described as SP Lot 10 Plan 19987 WLTO in RL 39 to 43 Parish of Kildonan is hereby reclassified as High Density Residential with a maximum permitted density of 50 units per acre.

DONE AND PASSED this day of , 2020.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director of [department]

Legally reviewed and certified as to form:

_____
for Director of Legal Services
and City Solicitor

DRAFT