Minute No. 243
Report – Standing Policy Committee on Property and Development – February 2, 2023

Item No. 12 **Secondary Plan Amendment – Amendment to Precinct "E" Plan - 1245 and 1255 Court Avenue (Old Kildonan Ward) File SPA 3/2022**

COUNCIL DECISION:

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

1. That first reading be given to By-law No. 120/2022 (the "By-law", a draft of which is attached as Appendix "B" to this report) to amend the Precinct 'E' – Precinct Plan By-law No. 97/2014 in accordance with this report.

2. That following first reading, and upon instruction from the Director of Planning, Property and Development, the By-law be returned directly to Council for second reading and third reading.

3. 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 – February 2, 2023

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 14, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 2, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 23, 2023 the Lord Selkirk-West Kildonan 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 November 17, 2022, the Lord Selkirk-West Kildonan Community Committee adjourned the public hearing to its meeting on January 23, 2023 at 10:30 a.m. in the Council Building at 510 Main Street.

PUBLIC HEARING SUMMARY

File: SPA 3/2022

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Eadie, Chairperson
Councillor Santos
Councillor Sharma

Public Hearing: January 23, 2023
November 17, 2022
Council Building, 510 Main Street

Applicant: McGowan Russell Group Inc. (Jackie Wilkie)

Subject:



Premises Affected: 1245 and 1255 Court Avenue

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

Prepared by: P. Prinsloo, Senior Committee Clerk
Lord Selkirk-West Kildonan Community Committee

Report date: January 24, 2023

Community Committee Recommendation:

On January 23, 2023, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That first reading be given to By-law No. 120/2022 (the "By-law", a draft of which is attached as Appendix "B" to this report) to amend the Precinct 'E' – Precinct Plan By-law No. 97/2014 in accordance with this report.

2. That following first reading, and upon instruction from the Director of Planning, Property and Development, the By-law be returned directly to Council for second reading and third reading.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. Last year in May we took a similar step forward in approving a similar Precinct Plan Amendment and that was at the corner of Templeton and Pipleline, and that amendment, like this one, before us today is accomodating mixed use developements with ground floor amenities. These amendments do not grant any new development rights, and I want to make sure everyone is clear on that, but they do bring us one step closer to our ultimate goal which is providing new housing and new commercial development to our community.

2. If we take a look at Court Avenue, we already see commercial development on the east side; we have a Wal-Mart there and other large scale amenities closer to McPhillips, so the idea of opening the door to commercial development on the west side of Court as well as along Pipeline, it aligns very well with the existing context of these streets. I encourage the applicant to continue working closely with the City, and engaging with the surrounding community on the design, and I look forward to seeing the progress they make in the coming months, and please continue to reach out to my office when you're able to, this is a public hearing so the process was a bit different, but when you get into your further applications there is an opportunity to talk more to the Ward Councillor and our administration so please continue to do that.

Objections under the Charter:

Total number of **v**alid objections as per section 125(2) – 4

In accordance with section 236.1(1), the threshold for sufficient objection has not been met.

Exhibits Filed:

1. Application dated July 28, 2022
2. Notification of Public Hearing dated October 27, 2022
3. Manitoba Status of Title(s) 3022050/1 & 3028611/1
4. Letter of authorization dated September 2, 2022 from Permvir Chohan to McGowan Russell Group
5. Conceptual and Context Plan dated June 2022 (2 pages)
6. Proposed Modifications to Figure 6 Precinct E Land Use Plan dated July 6, 2022
7. Report from the Urban Planning Division dated November 7, 2022
9. Presentation on Secondary Plan Amendment to Precinct "E" Plan – 1245 and 1255 Court Avenue by the Applicant
10. Communication dated November 16, 2022, from Gerald Laggo, in opposition to the application
11. Recording of Representations of public hearing held on November 17, 2022
12. Notice of Adjournment dated November 21, 2022
13. Communication dated January 19, 2022, from Gerald Laggo, in opposition to the application
14. Communication dated January 19, 2022, from Beverley Laggo, in opposition to the application
15. Presentation entitled Secondary Plan Amendment to Precinct "E" Plan – 1245 and 1255 Court Avenue – SPA 3/2022 by the Applicant at the public hearing

REPRESENTATIONS:

In Support:
Jackie Wilkie
Permvir S. Chohan

In Opposition:

Cathy Dion
Marie Dame
Beverley Laggo
Gerald Laggo

For Information:

Nil

For the City:

R. Hayer, Planner, Planning, Property and Development Department
M. Lennon, Planner, Planning, Property and Development Department
D. Trenchard, Land Development Engineer, Planning, Property and Development Department

Exhibit "7" referred to in File SPA 3/2022

ADMINISTRATIVE REPORT

Title: SPA 3/2022 (By-law No. 120/2022) Amendment to the Precinct 'E' – Precinct Plan By-law No. 97/2014 – Public Hearing

Critical Path: Lord Selkirk - West Kildonan Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch	N/A	N/A	N/A

EXECUTIVE SUMMARY

On July 26, 2022, the Urban Planning and Design Division received an application to amend the Precinct 'E' – Precinct Plan By-law No. 97/2014. If adopted by Council, the proposed amendment will re-designate the lands commonly referred to as 1245 & 1255 Court Avenue from "Medium Density Residential" to "Higher Density Residential" to allow for the potential future development of mid-rise apartments with local-scale commercial uses on the main floor.

RECOMMENDATIONS

1. That first reading be given to By-law No. 120/2022 (the "By-law", a draft of which is attached as Appendix "B" to this report) to amend the Precinct 'E' – Precinct Plan By-law No. 97/2014 in accordance with this report.
2. That following first reading and upon instruction from the Director of Planning, Property and Development, the By-law be returned directly to Council for second reading and third reading.
3. 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

An application has been received to amend the Precinct 'E' – Precinct Plan By-law No. 97/2014. If Council adopts the proposed by-law amendment, all future development applications within the plan area will need to conform to the amendment.

A secondary plan by-law, including amendments, requires a public hearing prior to first reading in accordance with The City of Winnipeg Charter and The Development Procedures By-law No. 104/2020.

This report is being submitted for the Committee's consideration of the development application at the public hearing.

Council approval is required to enact the proposed by-law amendment.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Public Service are concurred in, the Precinct 'E' – Precinct Plan By-law No. 97/2014 will be amended in accordance with this report.

HISTORY/DISCUSSION

Plan history

- On December 10, 2014, Council adopted the Precinct 'E' – Precinct Plan as a secondary plan in accordance with By-law No. 97/2014. Council adoption of a plan for the area was a prerequisite to development as per the *Complete Communities Direction Strategy By-law No. 68/2010*.
- On September 30, 2020, Council amended the plan as per By-law No. 100/2019 to re-designate 1206 Templeton Ave from "Lower Density Residential" to "Higher Density Residential" to allow for the future development of two-family housing, townhouses, and/or low-rise apartments.
- On May 26, 2022, Council amended the plan as per By-law No. 30/2022 (SPA 1/2022) to re-designate 1350 Templeton Ave & 477 Pipeline Rd from "Medium Density Residential" to "Higher Density Residential" to allow for future development of multi-family apartment-style buildings, with local-scale commercial uses on the main floor.
- SPA 1/2022 also proposed text amendments to align definitions of low- and mid-rise residential development in the Precinct 'E' Precinct Plan with Complete Communities 2.0. This amendment added greater height and massing criteria in the precinct plan.

Application history

- In July 2022, the Urban Planning & Design Division received this application to re-designate 1245 and 1255 Court Avenue from “Medium Density Residential” to “Higher Density Residential” to allow for a low-rise apartment style multi-family building with ground floor commercial.
- The applicant expressed the intent to submit a subdivision and rezoning application in order to build the proposed development, should the secondary plan amendment be approved.

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FINANCIAL IMPACT

Financial Impact Statement **Date:** November 7, 2022

Project Name:

SPA 3/2022 (By-law No. 120/2022) Amendment to the Precinct ‘E’ – Precinct Plan By-law No. 97/2014 – Public Hearing

COMMENTS:

There are no financial implications associated with this report.

Mike McGinn Nov. 7, 2022
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services, as to legal issues

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg 2045 – City Building

- 6.13 Support amendments to existing secondary plans that further the vision, goals, and policies of this Plan and *Complete Communities*.
- 6.16 Designate Established Neighbourhoods within the Urban Structure, representing lands that will accommodate additional growth in a context-sensitive manner, while promoting the efficient use of land, cost-effective municipal servicing, enhanced housing choice and affordability, and conservation of green infrastructure and heritage resources and districts, as defined in *Complete Communities*.
- 6.37 Achieve a balanced modal split that reflects greenhouse gas emissions reduction targets, through the integrated planning and development of compact, walkable and connected mixed-use neighbourhoods, that enable a transition to an integrated and sustainable transportation system.

Complete Communities 2.0

- 1.1 Encourage residential development that positively contributes to neighbourhood character while expanding housing options for residents in a manner that is sensitive and complementary to existing development.
- 1.5 Support up to mid-rise residential development in Established Neighbourhoods that is compatible with neighbourhood context.
- 1.15 Low-rise residential uses will generally be encouraged to locate on arterial roads and collector roads where compatible with adjacent land uses and where they can be conveniently served with transit and local commercial amenities, and in consideration of the factors listed in Policy section 1.6.
- 3.1 Encourage a variety of housing types and tenures within Established Neighbourhoods to meet life-cycle housing needs and affordability ranges.
- 4.1 Support commercial development where residential neighbourhoods are not well served by local and community commercial amenities.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

- 4.2 Ensure new areas of growth are designed according to the principles of complete communities.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property, and Development
Division: Urban Planning and Design
Prepared by: Mike Lennon
Date: November 7, 2022
File No: SPA 3/2022

Attachments:

Appendix “A” – Planning Discussion

Appendix “B” – Draft By-law

APPENDIX 'A' – Planning Discussion

DATE: November 7, 2022

FILE: **SPA 3/2022 (By-law no. 120/2022)**
RELATED FILES:

COMMUNITY: Lord Selkirk – West Kildonan
NEIGHBOURHOOD #: 3.326 (Leila North)

SUBJECT: Proposed amendment to the Precinct 'E' - Precinct Plan (Secondary Plan By-Law No. 97/2014)

LOCATION: 1245 & 1255 Court Avenue



APPLICANT: McGowan Russell Group Inc. (Jackie Wilkie)
825 St. Joseph Street
Winnipeg, MB R2H 3A8

OWNER: Permvir Chohan

RECOMMENDATION: Approval

SITE DESCRIPTION

- The subject property includes two parcels located 1245 and 1255 Court Avenue, at the northeast corner of the intersection of Court Avenue and Pipeline Road in the Leila North neighbourhood of the Old Kildonan ward.
- The lot is 43,531 sq. ft. (1.0 ac) in area, with approximately 207 ft. (63 m) of frontage along Court Avenue and 137 ft. (42 m) along Pipeline Road. The site contains two single-family detached homes.
- The site is located within an area designated as “Recent Communities” in Complete Communities 2.0. It is designated as “Medium Density Residential” in the Precinct ‘E’ Precinct Plan, and it is zoned “R1-E” Residential Single Family district.

SURROUNDING LAND USE & ZONING

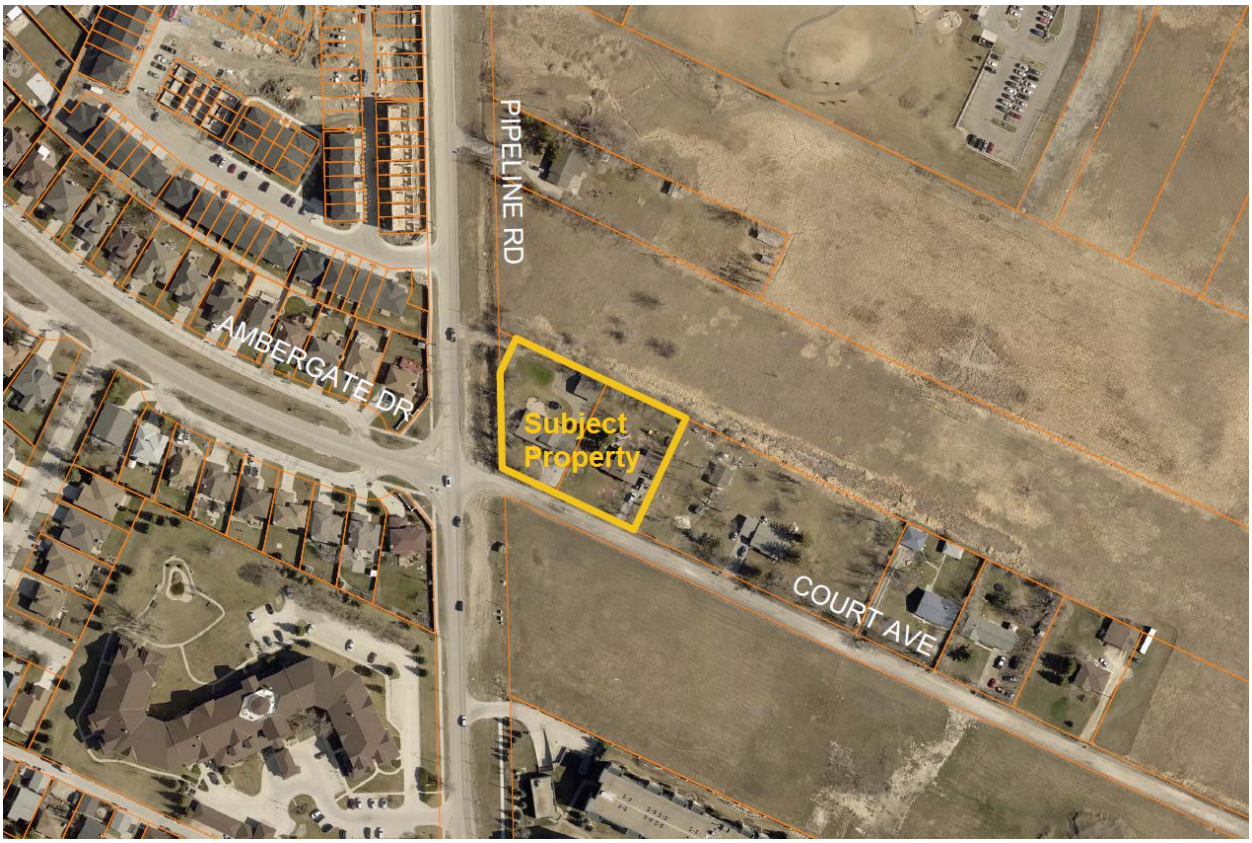


Figure 1: Aerial map of subject property and surrounding area

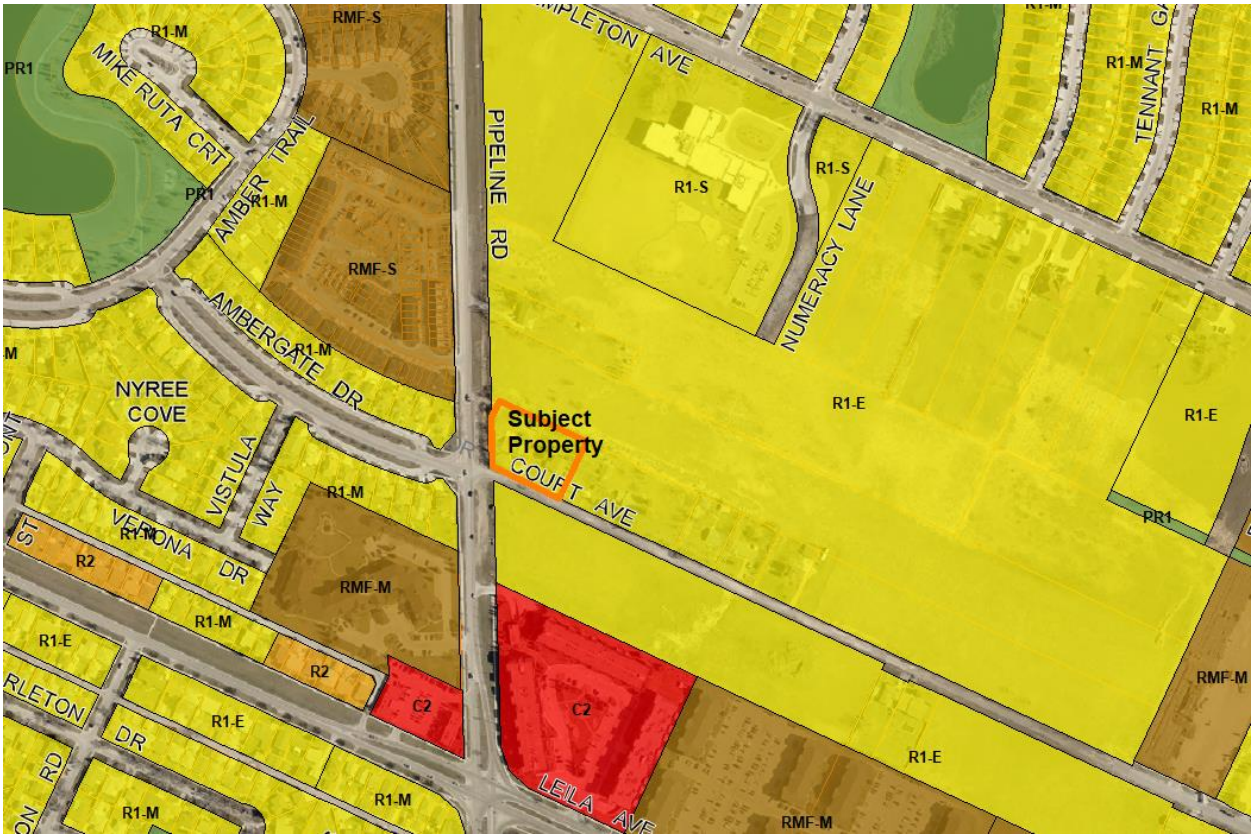


Figure 2: Zoning map of the subject property and surrounding area

North: A vacant lot designated “Medium Density Residential” in the Precinct ‘E’ Precinct Plan and zoned “R1-E” Residential – Single Family.

South: South of Court Avenue is a vacant 6.7 ac lot designated “Medium Density Residential” in the Precinct ‘E’ Precinct Plan and zoned “R1-E” Residential – Single Family. In August 2022, the City received an application to subdivide and rezone this property to “RMF-M” Residential Multi Family in order to construct 11 townhouse buildings with a total of 298 residential units. The subdivision will accommodate a widening of Court Avenue.

East: A 1.4 ac lot designated “Medium Density Residential” in the Precinct ‘E’ Precinct Plan and zoned “R1-E” Residential – Single Family with a single-family detached dwelling.

West: Across Pipeline Road, outside of the Precinct ‘E’ Precinct Plan area, are single family detached dwellings zoned “R1-M” Residential – Single Family along Ambergate, with townhouses to the north, zoned “RMF-S” Residential Multi Family.

DESCRIPTION OF THE PROPOSED AMENDMENT

- The applicant is proposing to re-designate the subject property from “Medium Density Residential” to “Higher Density Residential” in the Precinct E Precinct Plan to allow for the

future development of a four-storey apartment-style building with 27 residential units and commercial on the ground floor.

POLICY CONTEXT

OurWinnipeg 2045

- *OurWinnipeg 2045* is the City's development plan. As prescribed by the City of Winnipeg Charter, it sets out the City's long term plans and policies respecting its purposes, its physical, social, environmental, and economic objectives, and sustainable land use and development.
- *OurWinnipeg 2045* was adopted by Council on May 26, 2022.
- Applicable OurWinnipeg 2045 policies would include:
    - *2.4 Facilitate compact, dense, complete, and physically and virtually connected communities through integrated land use, transportation, and infrastructure planning, to achieve climate change mitigation and adaptation goals and objectives, and greenhouse gas emissions reduction targets.*
    - *6.3 Complete Communities must prescribe land use development policy in detail to guide growth and development in the city through the Urban Structure.*
    - *6.33 Facilitate affordable and supportive housing in all neighbourhoods, through a continuum of private and non-profit housing development that includes a mix of sizes, forms, and tenures; resilient, low-carbon, and energy-efficient construction; adaptable, universal design accessibility; and proximity to integrated and sustainable transportation options.*

Complete Communities Direction Strategy 2.0

- The *Complete Communities Direction Strategy 2.0* (CCDS 2.0) is a city-wide secondary plan that guides growth, development and land use in the City of Winnipeg through an urban structure.
- CCDS 2.0 was adopted by Council on May 26, 2022.
- The subject property is located in an area designated Emerging Communities, which is a subset of the Established Neighbourhoods – Recent Communities policy area.
- Goal 1 of Established Neighbourhoods designation is to "Encourage compatible residential development within Established Neighbourhoods to build more Complete Communities and align with the City's residential intensification target."

Precinct 'E' Precinct Plan

- The Precinct 'E' Precinct Plan was approved by Council on December 10, 2014, with the purpose of ensuring development within the area occurs in a logical, integrated manner.

- Plan goals include:
    - *To accommodate existing and anticipated demand for urban housing.*
    - *To provide a framework for the creation of a planned neighbourhood that fulfills market demands and needs.*
    - *To accommodate a diversity of housing types.*
    - *To ensure that residential development occurs within an acceptable density range in order to reduce land consumption and servicing costs, and promote transit use.*
- The subject property is currently designated “Medium Density Residential”. As prescribed in section 5.2, applicable policies include:
    - *Two family housing and townhouses (three storeys or less) shall be the predominant use of land within the medium density residential areas. Single family housing may also be allowed.*
    - *It is expected that these areas will develop to approximately 10 units per gross developable hectare (four units per gross developable acre) or greater.*
    - *Multifamily housing units should be located to allow for transit servicing to be provided at a walking distance of no more than 200 metres.*
    - Of note is that the Medium Density Residential area does not include provisions to accommodate local commercial development.
- The applicant has proposed to re-designate the subject property to “Higher Density Residential”. As prescribed in section 5.3, applicable policies include:
    - *Two family housing, townhouses, and low rise apartments shall be the predominant use of land within this policy area.*
    - *It is expected that these areas will develop to approximately 24.7 units per gross developable hectare (10 units per gross developable acre) or greater.*
    - *Multifamily housing units should be located to allow for transit servicing to be provided at a walking distance of no more than 200 metres.*
    - *Local scale commercial uses are permitted on the main floor of buildings within this policy area.*
- The subject property falls within the boundaries of a Special Planning Area as prescribed by section 4.2 of the plan. The plan requires that a concept plan be approved by Community Committee before applications to rezone and/or subdivide land in the area between Templeton Ave and Court Ave can be considered. On December 11, 2018, the Lord Selkirk-West Kildonan Community Committee endorsed such a plan. It prescribes parameters to guide the redevelopment of Precinct E land between Templeton Ave and Court Ave. The parameters provide for flexibility in implementation as individual land

owners seek to redevelop their properties at different times. It identifies a need for collector and local roads and provides guidance on their alignment, a need for an east-west bike or AT path, and a need for a minimum of one drainage pond. It also prescribes restrictions on direct private accesses. Concept plan direction applicable to the development of the subject property includes:

- Additional direct private access onto Pipeline Rd will not be permitted.
- No development in the Special Planning Area can be approved without a drainage pond. All properties in the area will contribute to the cost of the pond based on the Trunk Service Rate.

Winnipeg Transit Master Plan

- On April 29, 2021, Council approved the Winnipeg Transit Master Plan as the long-range strategic plan for public transit in the City of Winnipeg. It presents a 25-year vision for transit service and infrastructure, resulting in a simpler and more efficient, effective, and accessible system. It is based on two main service classes. The first is a Primary Network of frequent and direct routes whose permanence is intended to inform people's decisions on where to live or locate a business, if access to high frequency transit is important to them. The second is the Feeder Network that connects neighbourhoods to the Primary Network and local services at less frequent intervals.
- The Long Term Network Plan identifies Court Ave as a Connector Route, which is part of the future Feeder Network that contemplates service every 15-30 minutes. It should be noted that, unlike the Primary Network, the Feeder Network proposed in the Winnipeg Transit Master Plan is not final and has not been approved by Council. The nearest Primary Network route (with service every 10-15 minutes) is at Leila Ave, which is approximately 260m south of the subject property.

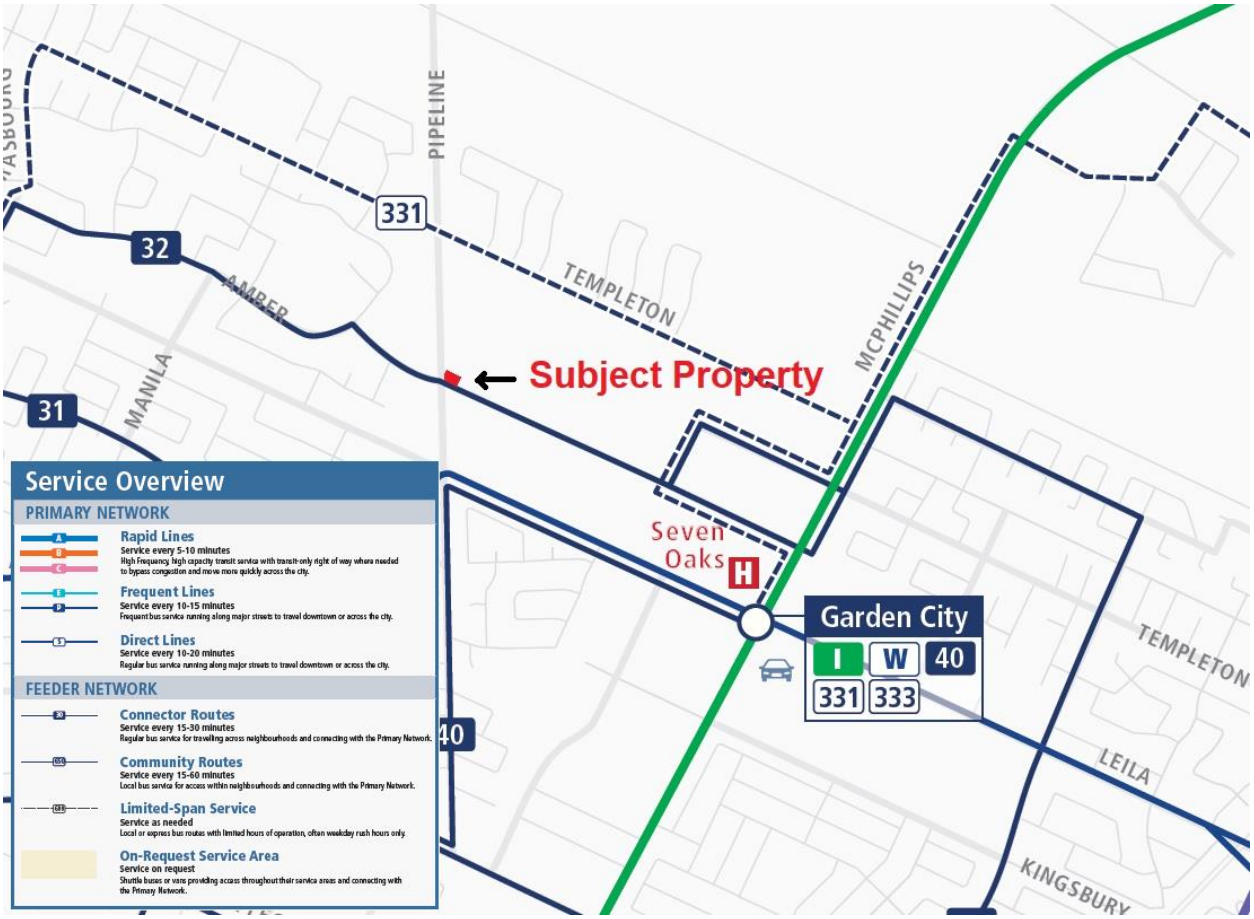


Figure 3: Winnipeg Transit Master Plan Long Term Network Plan

SERVICING CONSIDERATIONS

- Other departments were circulated and expressed no concerns with the proposed application.
- It is expected that a transportation impact study, a servicing study, and a widening of Court Avenue will be required in a future subdivision and rezoning application to enable the proposed development.

ANALYSIS AND ISSUES

- The subject property's current "Medium Density Residential" designation allows for three storey rowhouses as the densest allowable residential dwelling type, while the proposed "Higher Density Residential" designation would allow for mid-rise multifamily apartments.

- The Precinct 'E' Precinct Plan, contains two goals that encourage a dynamic planning framework responsive to market conditions, specifically directing the City to:
    - *Accommodate existing and anticipated demand for urban housing; and*
    - *Provide a framework for the creation of a planned neighbourhood that fulfills market demands and needs.*
- One of the goals of the Precinct E Precinct Plan is to provide a framework for the creation of a neighbourhood to fulfill market demands and needs; enabling local commercial uses will provide an opportunity to satisfy market demands.
- Over the last decade, market interest in multifamily development, and especially apartments, has accelerated. Since 2011, the share of new single detached dwelling units relative to all other dwelling types has decreased from 53% to 25% in 2021. More specifically, apartment buildings are becoming larger. In 2016, apartment units in buildings four storeys or less comprised 38% of all new dwelling units, while apartment units in buildings greater than four storeys comprised 9%. By 2021, these numbers have increased to 22% and 44% respectively. In greenfield areas specifically, they have gone from 27% and 0% in 2016 to 18% and 14% in 2021. The proposed amendment responds to these market conditions.
- Complete Communities 2.0 directs the City to expand housing options in a context-sensitive manner within Established Neighbourhoods. Low-rise buildings (3 to 4 storeys in height) within Recent Communities will generally be accommodated on collector roads, where compatible with adjacent land uses and where they can be conveniently served with transit and local commercial amenities.
- The subject property will be located on an intersection of two collector roads, and will be located on a transit 'Community Route', and within 400 metres of a 'Frequent Line' in the Transit Masterplan Long-Term Network. The Frequent Line is to provide transit service every 10-15 minutes.
- While the surrounding area has a high supply of multi-family development, the immediate area lacks retail services within walking distance. McPhillips Street, which includes an assortment of commercial amenities is more than a kilometer away. Potential ground-floor commercial space in a future development on the subject property could help service the area with local commercial amenities.
- The proposal is in conformity with the Special Planning Area concept plan for this area.

RECOMMENDATION

The Public Service recommends that the proposed amendment be approved for the following reasons:

- The proposed re-designation of the subject property will help achieve the goals of the Precinct 'E' Precinct Plan that encourage a dynamic planning framework responsive to market conditions, and comply with direction set out in both *OurWinnipeg 2045* and *Complete Communities 2.0*:
    - By allowing for greater residential densities and a wider range of dwelling types, which will help increase housing diversity.
    - By allowing for community-scale commercial, which will increase access to local amenities.