Minutes – Council – May 30, 2024

Minute No. 308
Report – Standing Policy Committee on Property and Development – May 9, 2024

Item No. 6 **Secondary Plan Amendment – Repeal of North Henderson Highway Secondary Plan By-law No. 1300/76 (North Kildonan Ward) File SPA 1/2024**

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. 60/2024 (the "By-law", a draft of which is attached as Appendix 'B' to this Report) to repeal the North Henderson Highway Secondary Plan By-law No. 1300/76.

2. That following first reading of the By-law 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 – May 9, 2024

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

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

Carried

Councillor Mayes was absent from the vote on the above motion.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 22, 2024, 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 May 9, 2024, 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 May 3, 2024, 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 first reading be given to By-law No. 60/2024 (the "By-law", a draft of which is attached as Appendix 'B' to this Report) to repeal the North Henderson Highway Secondary Plan By-law No. 1300/76.

2. That following first reading of the By-law 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.

PUBLIC HEARING SUMMARY

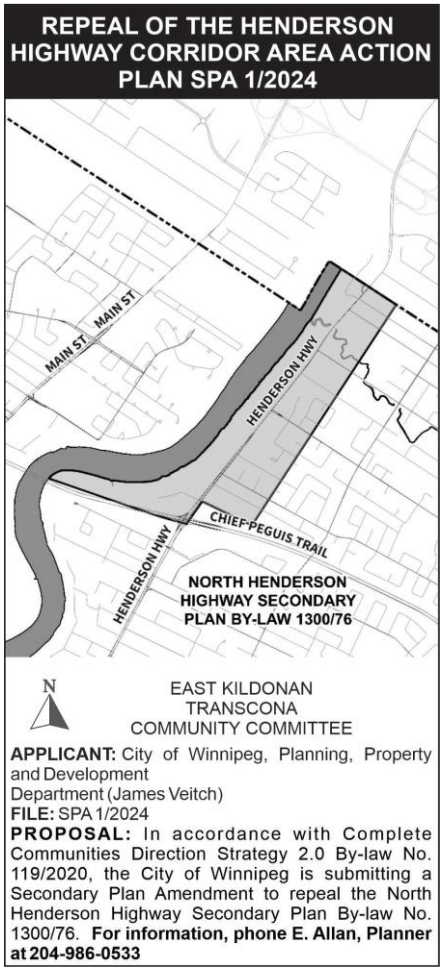
File: **SPA 1/2024**

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

Public Hearing: May 3, 2024
Council Building, 510 Main Street

Applicant: The City of Winnipeg
(Director of Planning, Property and Development)

Subject:



Premises Affected:	Lands Bounded by the Henderson Highway Corridor Area Action Plan, Red River, Glenway Avenue.
For submission to:	The Standing Policy Committee on Property and Development
Prepared by:	Brenden Harris, Committee Clerk East Kildonan-Transcona Community Committee
Report date:	May 6, 2024

Community Committee Recommendation:

On May 3, 2024, 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 first reading be given to By-law No. 60/2024 (the "By-law", a draft of which is attached as Appendix 'B' to this Report) to repeal the North Henderson Highway Secondary Plan By-law No. 1300/76.

2. That following first reading of the By-law 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 East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. The area has changed over the years and what may have been appropriate or even protectionist back in 1977 is really no longer relevant today.

2. The Public Service has done a good job in recent years updating both Our Winnipeg and Complete Communities Direction Strategy 2.0 to reflect orderly development on major corridors like Henderson Highway. The types of both permissiveness to promote additional development, as well as a protection to ensure that residents that are there aren't going to have something very out of scale next to them are present in those planning documents.

Objections under the Charter:	Total number of **v**alid objections as per section 125(2) – 0 In accordance with section 236.1(1), the threshold for sufficient objection has not been met.
Exhibits Filed:	1. Application dated March 12, 2024 2. Notification of Public Hearing dated March 19, 2024 3. Report from the Urban Planning Division dated April 24, 2024 4. Documentation dated May 2, 2024 in support of the application submitted by the Applicant at the public hearing 5. Recording of Representations

REPRESENTATIONS:

In Support:

Valdene Lawson
Daniel Serhal

In Opposition:

Nil

For Information:

Nil

For the City:

D. Chyz-Lund, Planner, Planning, Property and Development, Department
R. Kostiuk, Senior Planner, Planning, Property and Development Department

Exhibit “3” referred to in File SPA 1/2024

ADMINISTRATIVE REPORT

Title: SPA 1/2024 (By-law 60/2024) – Repeal of North Henderson Highway Secondary Plan By-law No. 1300/76

Critical Path: East Kildonan-Transcona Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Veitch	H. Borys		

EXECUTIVE SUMMARY

Properties adjacent to the north Henderson Highway area are subject to the North Henderson Highway Secondary Plan By-law 1300/76, enacted in 1977, that provides limited land use policy concerning future development of the north Henderson Highway area.

This Secondary Plan By-law is not in alignment with the policies for Established Neighbourhoods – Recent Communities in the *Complete Communities Direction Strategy 2.0* and therefore, the Public Service is recommending it be repealed. The repeal process follows the same process as amending a Secondary Plan.

RECOMMENDATIONS

1. That first reading be given to By-law No. 60/2024 (the “By-law”, a draft of which is attached as Appendix ‘B’ to this Report) to repeal the North Henderson Highway Secondary Plan By-law No. 1300/76.

2. That following first reading of the By-law 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

The subject application is being brought forward for consideration in accordance with previous direction from Council and the associated committees of Council to review the status of the

North Henderson Highway Secondary Plan By-law, following the adoption of OurWinnipeg 2045 and Complete Communities Direction Strategy 2.0 on May 26, 2022.

Secondary plan by-laws and amendments thereto, including amending by-laws to repeal secondary plans, require a public hearing prior to first reading in accordance with The City of Winnipeg Charter.

Repealing a secondary plan by-law follows the same process as an amendment to a secondary plan by-law.

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

IMPLICATIONS OF THE RECOMMENDATIONS

If Council concurs with the recommendation of the Public Service, the North Henderson Highway Secondary Plan By-law No. 1300/76 and all amending by-laws thereto will be repealed.

HISTORY/DISCUSSION

Plan History

- On January 19th, 1977, Council adopted the North Henderson Highway Secondary Plan By-law in accordance with By-law No. 1300/76 to establish land use policies for the improvement of the North Henderson Highway District within the guidelines of the Greater Winnipeg Development Plan. The Plan is the oldest secondary plan currently in effect in the City of Winnipeg.

- The plan is intended to protect existing single-family neighbourhoods from intrusion of commercial and multiple-family uses, unless established to the satisfaction of Council or desirable in the public interest.

- The North Henderson Highway Secondary Plan has been amended 13 times since its original adoption (the most of any secondary plan), with the first occurring in 1978 and most recently in 2020. The majority of plan amendments have been adopted to re-designate lands from Low Density Residential to either Medium Density or High Density Residential land uses. Adopted amendments are listed below:
    - 21/2020
    - 81/2015
    - 43/2015
    - 99/2013
    - 3/2013
    - 136/2012
    - 6682/95
    - 5220/89
    - 5048/88
    - 2524/80
    - 2274/79
    - 1906/78

- 1905/78

Repeal Process

- On June 7, 2011, the Standing Policy Committee on Property & Development (SPC-PD) concurred with the recommendation from the East Kildonan – Transcona Community Committee and requested the Public Service to initiate a preliminary review and analysis of a planning study or secondary plan for the Henderson Highway area. The review was slated to occur as part of ongoing reviews of secondary plans for compliance with the City's Complete Communities Direction Strategy.

- On January 13, 2015, the SPC-PD directed the Public Service to conduct a review of the Henderson Corridor Plan and the North Henderson Plan to determine whether they can be modified to become more compatible with the direction of OurWinnipeg (2011) and the Complete Communities Direction Strategy (2011), or if they should be repealed. At this time, a formal review was placed on hold while the Public Service anticipated the commencement of a Corridor Strategy, the findings of which would provide critical context for the review of the Henderson Highway secondary plans.

- On May 26, 2022, City of Winnipeg Council adopted OurWinnipeg 2045 (OW 2045) and Complete Communities Direction Strategy 2.0 (CCDS 2.0). Policy H1-2.1 states:

  Ensure that all City development and land use related decisions, policies, and practices are consistent with this By-law and regulatory obligations that apply to the infrastructure the City is responsible for.

- It has been shown that policies within the North Henderson Highway Secondary Plan are generally inconsistent with Winnipeg's broader planning policy framework since the adoption of OW 2045 and CCDS 2.0.

- In the summer of 2021, the City embarked on a study of the northerly section of Henderson Highway to develop a preliminary design for the proposed infrastructure rehabilitation and improvements of the existing Bunn's Creek crossing. The study involved a multi-phase engagement process including a review of the current secondary plan for the area.

- The review highlighted the misalignment of the North Henderson Plan with current city-wide land use and development plans. The consultant hired by the City suggested the North Henderson Plan be repealed and that the policies found in OW 2045 and CCDS 2.0 are sufficient to guide future development in the area. Such a repeal was communicated with members of the public during the final round of engagement for the preliminary design project (occurring in June 2022).

FINANCIAL IMPACT

Financial Impact Statement Date: April 11, 2024

Project Name:

SPA 1/2024 (By-law 60/2024) – Repeal of North Henderson Highway Secondary Plan By-law No. 1300/76

COMMENTS:

There are no financial implications associated with this report.

Mike McGinn April 11, 2024
Mike McGinn, 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.
- 6.20 Designate Corridors within the Urban Structure as targeted segments of the primary transit network that provide the best opportunity for mixed use intensification outside of the Downtown. Prioritize the creation and maintenance of vibrant pedestrian and transit-oriented places in Urban Mixed Use Corridors, while encouraging the transition of Regional Mixed Use Corridors towards this character over the longer term.

Complete Communities Direction Strategy 2.0

- 8.2 Review existing secondary plans and Planned Development Overlays for conformance with Corridor policies and amend as necessary over time.

- 2.1 Ensure that all City development and land use decisions, policies, and practices are consistent with this By-law and regulatory obligations that apply to the infrastructure the City is responsible for.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

- 4.1 Increase Strategic Infill Development That Provides Access to and Capitalizes on Existing and Planned Corridors with Frequent Transit Service (Primary Responsibility: Planning, Property and Development Department)

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: Evan Allan, RPP, MCIP
Date: April 24, 2024
File No: SPA 1/2024

Attachments: Appendix A Planning Discussion
Appendix B Draft Amending By-law No. 60/2024

APPENDIX 'A' – Planning Discussion

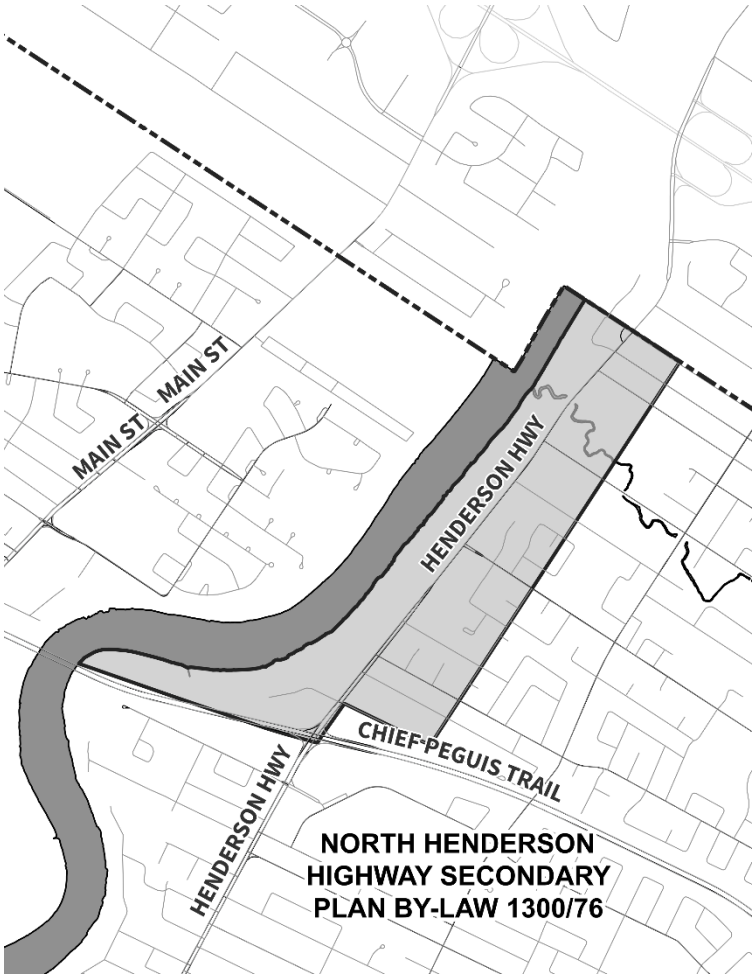
DATE: April 5, 2024

FILE: **SPA 1/2024 (By-law no. 60/2024)**
RELATED FILES:

COMMUNITY: East Kildonan-Transcona
NEIGHBOURHOOD #: 4.421 (Valhalla)
4.418 (River East)

SUBJECT: Proposed amendment to the North Henderson Highway Secondary Plan (By-Law No. 1300/76)

LOCATION: Henderson Highway



APPLICANT: James Veitch, Principal Planner / Acting Manager, City of Winnipeg

OWNER: N/A

RECOMMENDATION: Approval

SITE DESCRIPTION

- The plan area includes various properties situated between Chief Peguis Trail to the south, the Red River to the west, the City of Winnipeg boundary to the north and the easterly edge of Pentland Street to the east in the Valhalla and River East neighbourhoods of the North Kildonan ward.
- The plan area is approximately 97 hectares in area, and contains a variety of land uses including single-family homes, multiple-family homes, and commercial developments.
- The area is located within an area designated as “Recent Communities” in Complete Communities 2.0.

SURROUNDING LAND USE & ZONING



Figure 1: Aerial map of subject plan area and surrounding neighbourhoods

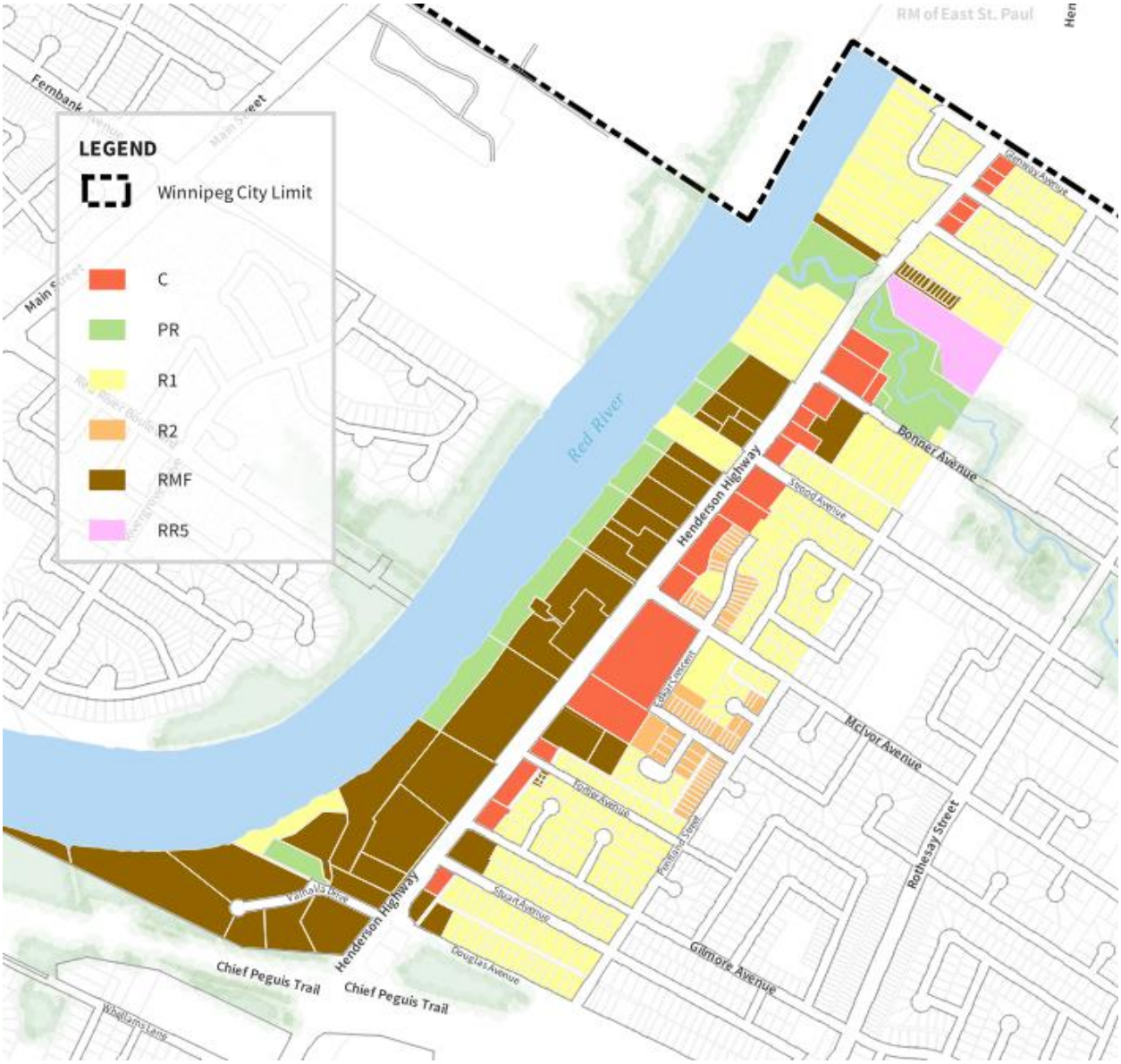


Figure 2: Zoning Map of the plan area

DESCRIPTION OF THE PROPOSED AMENDMENT

- The applicant (The City of Winnipeg) is proposing to repeal the secondary plan.

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:
    - *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.*
    - *6.20 Designate Corridors within the Urban Structure as targeted segments of the primary transit network that provide the best opportunity for mixed use intensification outside of the Downtown. Prioritize the creation and maintenance of vibrant pedestrian and transit-oriented places in Urban Mixed Use Corridors, while encouraging the transition of Regional Mixed Use Corridors towards this character over the longer term.*

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 Recent Communities, which is a subset of the Established Neighbourhoods policy area.
- Complete Communities requires that all development and land use decisions are consistent with Complete Communities.

North Henderson Highway Secondary Plan

- The objectives of the North Henderson Highway Secondary Plan provide general outlines for development in the area including the protection of existing single-family neighbourhoods, compatible development on both sides of Henderson Highway and the integrity of Henderson Highway as a major arterial highway.
- The North Henderson Highway District has generally been classified into four separate sub-areas, each with their own policies concerning land use and development. Sub areas contain a mix of land use designations including Low Density residential (to a maximum of 12 units / acre), Medium Density Residential (to a maximum of 30 units / acre), High Density Residential, Commercial and Park.
- In addition to existing land use designations, specific properties have been identified in the text allowing additional entitlements for residential development, including:
    - Lots One and Two, Plan No. 11250 (30 units/acre)
    - Lot Two, RL 45 PK No. 14,288 (12.56 units/acre)
    - Lot Four, Plan 11459 WLTO (34 units/acre)

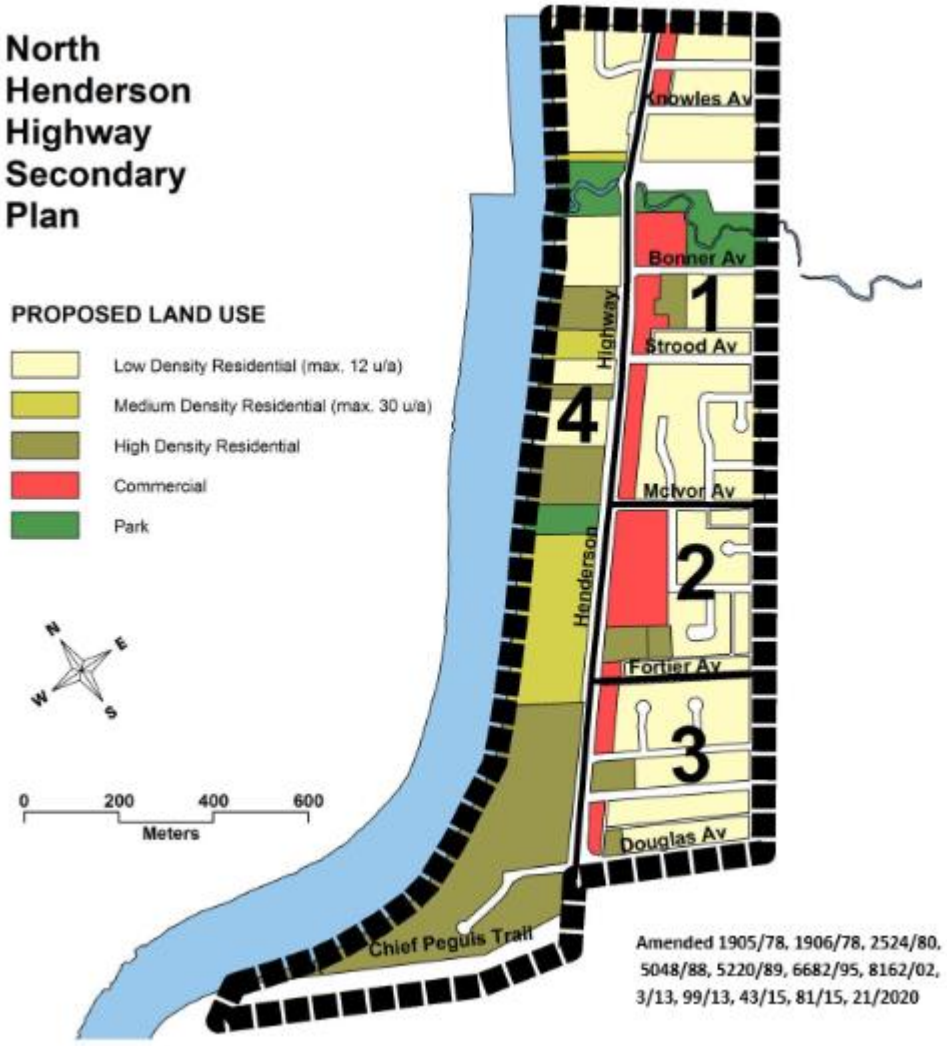


Figure 3: Land Use Designation Map By-law 1300/76 (as amended)

OTHER CONSIDERATIONS

- City departments were circulated and expressed no concerns with the proposed application.

ANALYSIS AND ISSUES

- The North Henderson Highway Secondary Plan has guided land use and development along the northerly extent of Henderson Highway for over 40 years. Since its adoption, both Winnipeg and the Henderson Highway area have undergone significant change. It is of the opinion of the Public Service that this plan is no longer serving its intended purpose and, to better reflect the City's high-level goals for sustainable development and community building, the plan should be repealed.
- With the adoption of *OurWinnipeg 2045* and *Complete Communities Direction Strategy 2.0* in May 2022, the North Henderson Highway Secondary Plan is no longer consistent with

our current planning framework. Existing policies hinder development projects with potential to meet complete community goals.

- Local area plans typically provide specific direction for land use and development within a given area. The North Henderson Highway Secondary Plan provides little to no direction in terms of how the North Henderson Highway area is to be developed in the future.
- The preparation of a new secondary plan to replace the existing plan was not considered given limited existing Public Service resources and that CCDS 2.0 already contains a set of planning policies directed at corridors and recent community development.
- Once repealed, land development in the North Henderson Highway Area will take direction from policies in CCDS 2.0. The North Henderson Highway Area is designated as a Recent Community. The recent community designation provides for low- to medium-density residential with supportive commercial uses. In effect, without the current secondary plan in place, Henderson Highway can be expected to develop and perform similar to other corridors throughout the City.
- The repeal of the Secondary Plan would not affect zoning for the area, which will remain unchanged. Any future developments will still need to meet the appropriate zoning.
- In the Summer of 2021, the City embarked on a study of the northerly section of Henderson Highway to develop a preliminary design for the proposed infrastructure rehabilitation and improvements and the replacement of the existing Bunn's Creek crossing. The study involved a multi-phase engagement process including a limited land use review of the current secondary plan for the area.
- The review highlighted the misalignment of the NHP with current city-wide land use and development plans. A summary of the public engagement program provided by the planning consultant on the project has suggested the NHP be repealed and that the policies found in OW 2045 and CCDS 2.0 are sufficient to guide all future development in the area. The potential repeal of the NHP was also communicated in the latest round of engagement (occurring in June 2022) with members of the public.
- Also, a Considerations report prepared by sub-consultants HTFC, dated January 31, 2023, recommended that:

  "… the City of Winnipeg repeal the North Henderson Highway Secondary Plan and let the policies in OurWinnipeg 2045 and CCDS 2.0 guide development within this area."

RECOMMENDATION

The Public Service recommends that the Secondary Plan Amendment be approved and that the North Henderson Highway Secondary Plan be repealed.