Agenda - Council - September 28, 2005

Report - Standing Policy Committee on Property and Development - September 19, 2005

Item No. 1 Henderson Highway Corridor Action Area Plan Amendment
File EP-1.2

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That By-law No. 163/2005, an amendment to the Henderson Highway Corridor Action Area Plan, be forwarded to Council for First Reading to allow the East Kildonan-Transcona Community Committee to conduct a Public Hearing.

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 19, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2005, 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 September 19, 2005, the Standing Policy Committee on Property and Development concurred in the administrative recommendation with the following amendment, namely:

- That By-law No. 163/2005, identified as Attachment "A" in the report from the Director of Planning, Property and Development dated September 13, 2005, be replaced with By-law No. 163/2005 identified as Attachment "C",

and submitted the matter to the Executive Policy Committee and Council.

Re: **Henderson Highway Corridor Action Area Plan Amendment**

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

Original report signed by: **Director of Planning, Property and Development**

Report date: September 13, 2005

Recommendation(s):

1. That By-law **No. 163/2005**, an amendment to the **Henderson Highway Corridor Action Area Plan** be forwarded to Council for First Reading to allow for the East Kildonan – Transcona Community Committee to conduct a Public Hearing.

REPORT SUMMARY

Key Issues:

- An application has been made to amend the Henderson Highway Corridor Action Area Plan to allow the rezoning of land designated for residential to commercial in order to facilitate the demolition of houses and the construction of an accessory parking area.
- A Secondary Plan by-law requires First Reading at Council and then a Public Hearing prior to Second and Third Reading at Council in accordance with the Development Procedures By-Law (5893/92) and Section 234(3) of the City of Winnipeg Charter.
- The committee of council designated for the purpose of conducting the hearing respecting the proposed by-law is the East Kildonan – Transcona Community Committee.
- A previous application was made in 1997 but withdrawn by the applicant when the East Kildonan – Transcona Community Committee laid over the application in light of an unsupportive recommendation from the Planning and Land-Use Division.
- The current recommendation from the Planning and Land Use Division on the proposed amendment and the associated rezoning will be provided prior to the Public Hearing.

Implications of the Recommendation(s):

General implications:

	None
X	**For the organization overall and/or for other departments**
X	**For the community and/or organizations external to the City of Winnipeg**
	Involves a multi-year contract

Comment(s):

- This subject report addresses only the merits of proceeding to a Public Hearing
- The application should proceed to a public hearing in order for the democratic process to serve both the proponents and opponents of the proposed development.

Policy implications:

	No
X	**Yes**

Comment(s):

- An analysis of the proposed development and its impact on the Secondary Plan will be provided in a subsequent Report prior to the Public Hearing.

Environmental implications:

X	**No**
	Yes

Comment(s):

-

Human resources implications:

X	**No**
	Yes

Comment(s):

-

Financial implications:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

Comment(s):

-

REASON FOR THE REPORT:
The Standing Policy Committee on Property and Development has the authority to forward a Secondary Plan By-Law through Executive Policy Committee to Council for First Reading.

HISTORY:
In 1980, the East Kildonan-Transcona Community Committee directed the Administration to prepare a land use plan for the whole of Henderson Highway from the Disraeli Bridge to the Kildonan Corridor (Chief Peguis Trail), in response to the increasing number of development applications for housing demolition, commercial rezoning and substantial public opposition.

The Henderson Highway Corridor Action Area Plan (HHCAAP) was approved by City Council on February 2, 1983 as By-Law No. 3215/82 (Attachment "B").

On October 6, 1997 the Assiniboine Credit Union made application to amend the Henderson Highway Corridor Action Area Plan (SPA 2/97). At the Public Hearing on December 9, 1997 the East Kildonan – Transcona Community Committee decided to lay over the application and directed the Administration to undertake a review of the Henderson Highway Corridor Action Area Plan. Subsequently, the Credit Union withdrew its application.

On July 5, 2001, Standing Policy Committee on Property and Development directed the Administration to proceed with the review of the Henderson Highway Corridor Action Area Plan.

On December 4, 2001, The East Kildonan – Transcona Community Committee concurred in and forwarded to the Standing Policy Committee on Property and Development the Administrations recommendation *That the existing interpretation of the Plan continue to be recognized, this being to prohibit commercial redevelopment of single-family residential properties on Henderson Highway in order to preserve the existing neighbourhoods and to maintain the stability of the residential development presently existing on Henderson Highway.*

On June 29, 2005 the Assiniboine Credit Union made application to amend the Henderson Highway Corridor Action Area Plan.

DISCUSSION:
Proposed Amendment

The applicant is proposing to amend the HHCAAP to allow the rezoning of land designated for single family dwellings to commercial in order to facilitate the demolition of houses and the construction of an accessory parking area. The Assiniboine Credit Union intends to demolish two (2) single family dwellings located immediately south of their building at 647 and 649 Henderson Hwy to expand their parking area. The current Credit Union site has parking for 16 vehicles. The expanded parking area will increase the number of stalls to 22, for an additional 6 parking stalls to serve the Credit Union.

A full analysis of the proposed amendment including a recommendation from the Planning and Land Use Division will be provided in a subsequent report submitted as part of the agenda for

the Public Hearing scheduled in combination with the rezoning and variance applications related to the applicant's development.

Public Hearing On Secondary Plan

An application to amend the Henderson Highway Corridor Action Area Plan has been made and submitted as a by-law for consideration at a public hearing. Pursuant to the Development Procedures By-Law **No. 5893/92:**

5. (1) A proposed Secondary Plan By-law shall, after first reading and before second reading, be referred for conduct of a public hearing in accordance with the City of Winnipeg Charter:

(a) where the land to which the proposed Secondary Plan By-law applies is located in one community to the community committee for that community;

but if council deems it more appropriate it may by resolution designate either the executive policy committee or a standing committee to conduct the public hearing.

The Henderson Highway Corridor Action Area Plan is located in the ward of Elmwood – East Kildonan and within the boundaries of the East Kildonan – Transcona Community Committee.

Financial Impact Statement Date: September 13, 2005

COMMENTS:

The recommendation in this report is that By-law No. xxxx/2005, an amendment to the Henderson Highway Corridor Action Area Plan be forwarded to Council for First Reading to allow for the East Kildonan – Transcona Community Committee to conduct a Public Hearing. There are no financial implications associated with this recommendation.

"Original signed by"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Planning and Land Use
Prepared by: John S. Wintrup
PPD File #: SPA 01/2005

Document name: o:\reports directive\planning and land use\urban planning reports\2005 reports\hhcaap amendment.doc

ATTACHMENT "A"

REFERENCE: FILE NO: SPA 01/05

THE CITY OF WINNIPEG

BY-LAW NO. /2005

A By-law of **THE CITY OF WINNIPEG** to amend the Secondary Plan for the Henderson Highway Corridor.

THE CITY OF WINNIPEG, in Council assembled, hereby amends Clause 3 (ii) of the attached document entitled "Henderson Highway Corridor Action Area Plan" as a secondary plan as follows:

1. Notwithstanding policy (i) aforesaid, sensitive development proposals may be entertained for the remaining single-family properties on the east side of Henderson Highway between Edison Avenue and McKay Avenue, and Lots 4,5,6 & 7, Plan 3041.

RECEIVED FIRST READING on this _____ day of _____ A.D., 2005.

RECEIVED SECOND READING on this _____day of _____ A.D., 2005.

RECEIVED THIRD READING on this _____day of _____ A.D., 2005.

DONE AND PASSED in Council assembled this _____ day of _____ A.D., 2005.

_____
Mayor

_____
City Clerk

Certified as to Planning Details:

_____
for Planning, Property & Development

Certified as to Form:

_____
for City Solicitor/Manager of
Legal Services

File No. SPA 01/2005

ATTACHMENT "B"

The City of Winnipeg By-Law No. 3215/82
An action Area Plan By-law of THE CITY OF WINNIPEG
to establish an Action Area Plan for the Henderson Highway Corridor.

Received third reading on February 2, 1983.

Schedule "A"

THE HENDERSON HIGHWAY CORRIDOR ACTION AREA PLAN

INTENT

1. The intent of this action area plan is to promote orderly development on Henderson Highway and to preserve and maintain the stable residential neighborhoods presently abutting Henderson Highway within the plan area.

BOUNDARIES

2. The boundaries of the Henderson Highway Corridor Action Area (hereinafter referred to as the "plan area") are hereby established, as shown on the attached map titled "HENDERSON HIGHWAY CORRIDOR ACTION AREA PLAN BY-LAW NO. 3215/82" and described as follows:

On the north:	Proposed Kildonan Corridor
On the south:	Red River
On the west:	Red River
On the east:	Brazier-Dearborn-Lacy-Roch-Sutton-Rothesay

PLAN POLICIES

3. (i) To encourage the retention of the existing low-density residential areas within the plan area.
   (ii) Notwithstanding policy (i) aforesaid, sensitive development proposals may be entertained for the remaining single-family properties on the east side of Henderson Highway between Edison Avenue and McKay Avenue.

(iii)Subject to policies (i) and (ii) aforesaid, to encourage the following minimum design criteria when evaluating proposals for commercial development:

a) Commercial redevelopment should only involve complete block redevelopment;
b) Access to commercial sites should only occur from the fronting arterial street; and
c) Commercial buildings should only be located at the rear of the site with parking oriented to the front of the site.

PLAN OBJECTIVES

4. (i) To endeavour to preserve the neighborhood stability on Henderson Highway;
(ii) To endeavour to preclude encroachment by incompatible uses upon the residential environment;
(iii)To endeavour to promote the logical completion of redevelopment on the east side of Henderson Highway north of Cheriton Avenue; and
(iv)To endeavour to minimize the impact of commercial development along Henderson Highway upon the character of the adjacent residential areas.

5. This Plan and the policies contained therein shall be reviewed not later than ten years from the date of enactment of By-law No. 3215/82 establishing this Plan.

ATTACHMENT "C"

REFERENCE: FILE NO: SPA 01/05

THE CITY OF WINNIPEG

BY-LAW NO. 163 /2005

A By-law of **THE CITY OF WINNIPEG** to amend the Henderson Highway Corridor Secondary Plan By-law No. 3215/82.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. Subsection 3(ii) of Schedule "A" to By-law No. 3215/82 is amended by adding "and Lots 4, 5, 6 and 7, Plan 3041" after "McKay Avenue.

RECEIVED FIRST READING on this _____ day of _____, 2005.

RECEIVED SECOND READING on this _____day of _____, 2005.

RECEIVED THIRD READING on this _____day of _____, 2005.

DONE AND PASSED in Council assembled this _____ day of _____, 2005.

_____
Mayor

_____
City Clerk

Certified as to content:

_____
for Planning, Property & Development

Certified as to form:

_____
for City Solicitor/Manager of
Legal Services
File No. P.7.1/82(1) JC