Minutes – Executive Policy Committee – December 7, 2005

Minute 93
Report - Standing Policy Committee on Property and Development - November 29, 2005

Item No. 7 Henderson Highway Corridor Action Area Plan Amendment – 647 / 649 / 653 / 655 Henderson Highway File SPA 1/2005 [c/r DASZ 25/2005]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the amendment to the Henderson Highway Corridor Action Area Plan be approved.

2. That By-law No. 163/2005, an amendment to the Henderson Highway Corridor Action Area Plan By-law No. 3215/82, be forwarded to Council for Second 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 - November 29, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On November 29, 2005, 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 November 1, 2005, the East Kildonan-Transcona Community Committee did not concur in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Secondary Plan Amendment – 647 / 649 / 653 / 655 Henderson Highway**
File SPA 1/2005 [c/r DASZ 25/2005, DAV 137528/2005D]

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

Prepared by: **Inga K. Skundberg, Clerk**
East Kildonan-Transcona Community Committee

Report date: **November 14, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 1, 2005, the East Kildonan-Transcona Community Committee did not concur in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the amendment to the Henderson Highway Corridor Action Area Plan be approved.

2. That By-law No. 163/2005, amendment to the Henderson Highway Corridor Action Area Plan, be forwarded to Council for Second 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 community has indicated its willingness to support the proposal.

2. The subject application supports retaining financial institutions in the community within reason.

3. The entrance and exit approach will be from Henderson Highway and not the public lane.

PUBLIC HEARING SUMMARY

File: SPA 1/2005 [c/r DASZ 25/2005, DAV 137528/2005D]

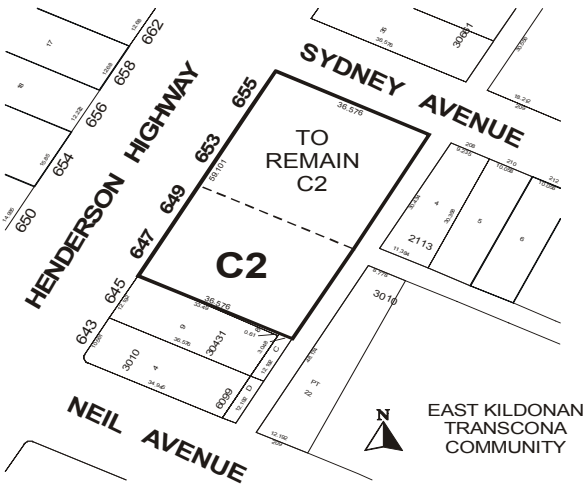
Before: East Kildonan-Transcona Community Committee
Councillor Lubosch, Chairperson
Councillor Thomas
Councillor Wyatt

Public Hearing: November 1, 2005
Community Committee Chamber
755 Henderson Highway

Applicant: Assiniboine Credit Union (Shirley Timm-Rudolph)

Subject:

HENDERSON HIGHWAY CORRIDOR ACTION AREA PLAN AMENDMENT



APPLICANT : ASSINIBOINE CREDIT UNION
FILE : SPA 1/05
PROPOSAL: 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 at 647 and 649 Henderson Highway (**c/r DASZ 25/2005**).

The Action Area Plan provides policies to promote the orderly development on Henderson Highway and to preserve and maintain the stable residential neighbourhoods presently abutting Henderson Highway within the plan area.

The City of Winnipeg prepared the Action Area Plan as **By-Law No. 3215/82** for the Henderson Highway Corridor bounded on the north by the proposed Kildonan Corridor, on the south by the Red River, on the west by the Red River, and on the east by Brazier; Dearborn; Lacy; Roch; Sutton; Rothesay.

Council has given first reading to the proposed amendment as **By-Law No. 163/2005** and authorized a Public Hearing (pursuant to Section 234(3) of the City of Winnipeg Charter) at the East Kildonan-Transcona Community Committee.

For more information, phone John Wintrup, Planner, 986-5102. The Henderson Highway Corridor Action Area Plan can be found on-line at http://www.winnipeg.ca/ppd/planning.stm

Premises Affected: 647/649/653/655 Henderson Highway

Exhibits Filed:

1. Application dated June 29/2005
2. Council Decision of September 28, 2005; contains report from the Director of Planning, Property and Development Department dated September 13, 2005
3. First Reading of By-law No. 163/2005 by Council on September 28, 2005
4. Notification of Public Hearing dated October 13, 2005
5. Manitoba Status of Titles 1341116, 1368225, 1368836
6. Surveyor's Building Location Certificate and sketch dated May 30, 2005
7. Letter of authorization dated June 1, 2005 from Mr. R. McMurtry, Manager, Henderson Highway Branch, Assiniboine Credit Union, to Shirley Timm-Rudolph, 1st Star Consulting Limited
8. Plans by HDS Technical Consultants (6 pages)
9. Plans (2 pages)
10. Henderson Highway Corridor Secondary Plan By-law No. 3215/82
11. Report from the Manager of Planning and Land Use dated October 11, 2005
12. Communication dated October 20, 2005 from Pam Tonsaker in support of the application
13. Presentation dated November 2005 submitted by Shirley Timm-Rudolph, 1st Star Consulting Limited, in support of the application
14. Petition in support of the application purporting to contain the signatures of 540 people, submitted by Shirley Timm-Rudolph, 1st Star Consulting Limited

REPRESENTATIONS:

In Support:

Shirley Timm-Rudolph
Gerry Campbell
Ray McMurtry
Pam Tonsaker

In Opposition:

R.M. Peppin

For Information:

Francesca Bova

For the City:

Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Shirley Timm-Rudolph appeared in support of the application, and read into the record her presentation, filed as Exhibit 13. In addition, she submitted a petition in support of the application, filed as Exhibit 14.

Councillor Thomas commented that previously, some residents of the immediate area expressed concern. After examining the petition in support of the application, she expressed her opinion that the applicant has made an effort to involve the community and that area residents are now prepared to support the proposed change.

Shirley Timm-Rudolph indicated that staff parking will remain at the back of the building; however, the general parking area will be enclosed with fencing and public access will be on Henderson Highway.

Exhibit "11" referred to in File SPA 1/2005 [c/r DASZ 25/2005, DAV 137528/2005D]

Winnipeg

Planning, Property and Development Department Report

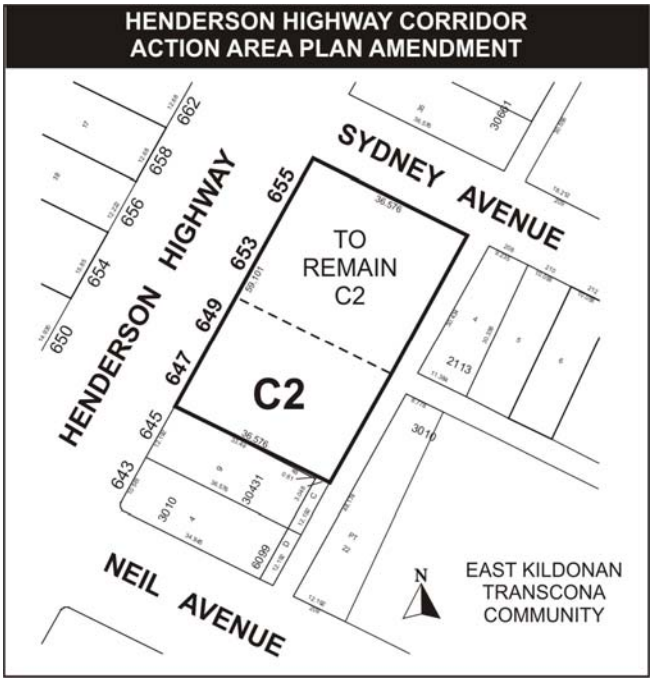
To the East Kildonan - Transcona Community Committee

Date: October 11, 2005
File: SPA 01/2005

Related Files: DAZ 240/76; DAV 52/78; DAZ 222/97; SPA 2/97; DASZ 25/05; DAV 05-137528D

Subject: Henderson Highway Corridor Action Area Plan Amendment

Location: 647 and 649 Henderson Hwy
Legal Description: Lots 4, 5, 6 and 7, Plan 3041



Applicant: Assiniboine Credit Union (Shirley Timm-Rudolph)

Recommendation: That the application for an amendment to the Henderson Highway Corridor Action Area Plan under File **SPA 2/2005**, and **By-law No. 163/2005**, not be proceeded with.

5056

Report Summary:

- 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 two (2) houses and the construction of an accessory parking area to increase the total number of parking stalls by 6.
- A previous application was made in 1997 but withdrawn by the applicant.
- The **Henderson Highway Corridor Action Area Plan** was reviewed in 2001.
- The East Kildonan – Transcona Community Committee, on December 4, 2001, recommended *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.*
- The adoption of the Secondary Plan as a by-law requires First Reading at Council and then a Public Hearing prior to Second and Third Reading at Council.
- By-law **No. 163/2005**, the **Henderson Highway Corridor Action Area Plan Amendment,** was given First Reading at Council on September 28, 2005.
- The committee of council designated for the purpose of conducting the hearing respecting the proposed by-law is the East Kildonan – Transcona Community Committee.
- It is recommended that the East Kildonan – Transcona Community Committee recommend the application for an amendment to the Henderson Highway Corridor Action Area Plan under File **SPA 2/2005**, and **By-law No. 163/2005**, not be proceeded with.

Site Description

The subject properties are zoned "R1-4" Single Family District. The lot at **647 Henderson Hwy** is **5,028 square feet** with **40 feet** of frontage on Henderson Hwy. The lot at **649 Henderson Hwy** is **5,214 square feet** with **43.5 feet** of frontage on Henderson Hwy.

Adjacent properties to the north include 653 and 655 Henderson Highway which is zoned "C2" Commercial and is occupied by the Assiniboine Credit Union. Adjacent properties to the south include 643 and 645 Henderson Hwy zoned "R1-4" Single Family District and occupied by single family dwellings.

Surrounding properties to the west across Henderson Hwy are single family dwellings zoned "R1-5", and to the east across the public lane, single family dwellings zoned "R1-4".

Background

In 1980, the East Kildonan-Transcona Community Committee directed the Administration to prepare a secondary 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.

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 a review of the Henderson Highway Corridor Action Area Plan be undertaken. The Credit Union withdrew its applications.

On July 5, 2001, Standing Policy Committee on Property and Development directed the administration to proceed with a 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 recommendation from the Administration:

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. The adoption of the Secondary Plan as a by-law requires First Reading at Council and then a Public Hearing prior to Second and Third Reading at Council. On September 28, 2005 Council gave By-law **No. 163/2005** First Reading and authorized the scheduling of a Public Hearing at the East Kildonan –Transcona Community Committee.

Summary of the Henderson Highway Corridor Action Area Plan

The intention of the Henderson Highway Corridor Action Area Plan is to:

1. *Promote orderly development on Henderson Highway; and*
2. *Preserve and maintain the stable residential neighbourhoods presently abutting Henderson Highway within the plan area.*

An extensive study was developed in 1981 to provide background to the HHCAAP (The Henderson Highway Corridor Study). The objective of this study was to examine future land use

options and implications for Henderson Highway and ultimately, to advance a "preferred" land use plan or policy for the Henderson Highway frontage. The Study recommended a land use approach that would "prohibit redevelopment on Henderson Highway in order to preserve the existing neighbourhoods and to maintain the stability of the residential development presently existing on Henderson Highway". One exception to the preservation of residential areas abutting the Highway would be made by permitting orderly development of the properties between Edison and McKay Avenues, on the east side of Henderson Highway to permit the natural continuation of the existing commercial development for the complete block.

The objectives of the HHCAAP are: (see also **Attachment "B"**)

(i) To endeavour to preserve the neighbourhood 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

Analysis

Henderson Highway Corridor Action Area Plan
Since the inception of the plan, there has not been any additional erosion of residential property along the Highway. The redevelopment of existing commercial properties is promoted, but not the conversion of residential properties. A majority of residential properties along the Highway tend to be predominantly well maintained, with very few in decline. Well-maintained properties are especially noted along the section of Henderson Highway that has been the primary target for commercial redevelopment in the past (the north west side of Henderson Highway). There has not been any additional commercial encroachment into the residential sections along Henderson Highway.

As described in the Plan (Policy ii – Objective iii), the remaining single-family properties between Edison and McKay along the east side have been redeveloped to commercial uses (with the exception of one home on the south end of the block). This remaining residence is available for redevelopment at the property owner's desire.

Generally, the design criteria that has been implemented was intended to minimize the impact of commercial development upon the character of the adjacent residential areas. It should be noted that in certain instances and areas along Henderson Highway, the design criteria may not be attainable (i.e. due to small lot size) or may not fit within the existing character of the surrounding properties. Overall, there has been very little negative impact on existing residences during the past 20 years in response to additional commercial development.

The Henderson Highway Corridor Action Area Plan has been in effect for over 20 years and in that time has served as an effective blue print for maintaining a significant and desirable

residential community. The plan has promoted an appropriate balance of commercial development and redevelopment, and has an integrity that has not been diminished or fragmented by any amendments since its adoption by Council. The plan has resulted in a Henderson Highway that has avoided some of the inappropriate commercialization that has affected other major thoroughfares in Winnipeg, while at the same time preserving and protecting the adjacent residential neighbourhoods.

Relevancy of Plan Today

The Henderson Highway Corridor Action Area Plan was reviewed in 2001. The review found the plan continues to act as a practical guide and a viable land use planning tool providing focus and direction for development activity along Henderson Highway. This planning tool has contributed to maintaining stable residential neighbourhoods, as well as a viable commercial sector.

The plan has acted as a guiding mechanism directing the City of Winnipeg, the development community, property owners and residents alike. Existing residential dwellings are maintained and commercial developments are directed towards existing commercial sites. This provides homeowners a level of comfort to continue to reinvest in their properties and maintain their homes that they would not have otherwise. Homeowners are not pressured into selling their homes to commercial developers and the potential for land speculation and vacant lots/buildings is substantially reduced.

There are no isolated sections of single-family housing along Henderson Highway. The Edison to McKay block that was identified in 1980 as the only logical location for commercial redevelopment has been redeveloped (with the exception of one single-family property on the south end). All remaining residential areas are within well-established neighbourhoods. Properties tend to be well maintained and would not be appropriate for redevelopment into intensive commercial uses. The physical dimensions of the remaining residential properties would likely only support small strip commercial development (i.e. narrow lot depths), leaving limited room for accessory parking, and could potentially result in a negative impact on surrounding residential neighbourhoods. Any further redevelopment of residential properties into non-residential uses could set a precedent along the entire Highway.

The plan has led to focusing commercial development to existing commercial sites, rather than continuing on an ad hoc basis. Ad hoc development would have resulted in an unstable streetscape, with pockets of commercial spread throughout residential, and vice versa. Vacant and underused commercial/residential buildings would have been the norm along the Highway, rather than the exception. Instead commercial developers focus their attention to redeveloping existing commercial sites as opposed to abandoning these sites in favour of residential sites.

Over the last few years, at least two major commercial redevelopment projects and a number of smaller commercial redevelopments have taken place. This provides an indication that the commercial sector on the Highway is active and alive. There are also a number of vacant commercial buildings/lots present in 2001 as well as in 2005. This indicates that there is available commercial space along Henderson Hwy ready for redevelopment. As demand for

commercial property increases, underutilized commercial properties will be redeveloped, as opposed to single-family residential properties due to the plans policies.

Through a review of recent redevelopment activity, it would seem as though community attitudes and thoughts are very much the same today as they were in 1980. The neighbourhood has not supported additional commercial expansion in the recent past. This statement is an hypothesis and cannot be 100% certain without full community consultation. However, the numerous rezonings, public hearings and community consultations for projects such as the commercial redevelopment of the Bergen Cut-off have provided evidence that there is significant community opposition to further commercial expansion along Henderson Hwy.

The 2001 review of the HHCAAP was a strategic and timely task and there was certainly a need to review this plan to ensure that it was still relevant today. The intent, policies and objectives of the Plan have been achieved and maintained, existing residential neighbourhoods have been preserved and new commercial development has been focused to existing commercial areas. These items continue to remain as relevant today as they did in 1980. It should also be noted that any changes to the intent of the existing policies of the plan could potentially lead to:

- *The creation of additional pressure to convert the remaining residential properties throughout the neighbourhood to commercial development, resulting in a substantial loss of the mixed use character of Henderson Highway;*
- *Establishing a precedent for the demolition of housing and its replacement by commercial development (which is not contemplated or justified by the existing policies of the plan);*
- *Significant conflicts between the residential and development communities; and;*
- *A significant contradiction of the principal objectives of the plan.*

Proposed Amendment
The applicant is requesting an amendment to 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 and 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. The existing dwellings at 643 and 645 Henderson Hwy will remain.

The proposed amendment to the HHCAAP is to Clause 3 subsection ii by adding "and Lots 4, 5, 6 and 7, Plan 3041" after "McKay Avenue" (see also **Attachment "A"**):

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, ***and Lots 4, 5, 6 and 7, Plan 3041****.*

Recommendation

That the application for an amendment to the Henderson Highway Corridor Action Area Plan under File **SPA 2/2005**, and **By-law No. 163/2005**, not be proceeded with.

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.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: John S. Wintrup
PPD File # SPA 01/2005

ATTACHMENT "A"

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 ___**28**_____ day of **September**, 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

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.