Agenda - Council - October 26, 2005

Report - Standing Policy Committee on Property and Development - October 4, 2005

Item No. 23 Amendments to North St. Boniface Secondary Plan
File EP-1.2

STANDING COMMITTEE RECOMMENDATION:

On October 19, 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 Nos.179/2005, 180/2005 and 181/2005 to amend the North St. Boniface Secondary Plan (By-law No. 965/75) be forwarded to Council for first reading in order to enable Public Hearings for the Secondary Plan Amendments to be scheduled at the Riel Community Committee in accordance with the Development Procedures By-Law No. 5893/92 and The City of Winnipeg Charter.

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 - October 4, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 19, 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 October 4, 2005, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

Re: **SPA 4/2005, SPA 5/2005, SPA 6/2005**
Amendments to the *North St. Boniface Secondary Plan* (By-Law No.965/75)

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

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

Report date: September 21, 2005

Recommendation:

1. That the three attached by-laws to amend the *North St. Boniface Secondary Plan* (No. 965/75) be forwarded to Council for first reading, in order to enable public hearing for the secondary plan amendments to be scheduled at Riel Community Committee, in accordance with the *Development Procedures By-Law* (No. 5893/92) and *The City of Winnipeg Charter*.

REPORT SUMMARY

Key Issues:

- Secondary plan amendment applications require first reading of the by-laws at Council, followed by public hearing at community committee, and second and third reading at Council to put the amendments into force and effect;

- Riel Community Committee is the committee designated for public hearing;

- A combined public hearing is proposed to consider: Planning, Property, & Development Department-initiated amendments to the *North St. Boniface Secondary Plan* (Option 1) and developer-initiated amendments to specific sites located within the plan area (Option 2), in conjunction with rezoning and related development applications.

Implications of the Recommendation(s):

General implications:

	None
	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):

- Planning, Property, & Development Department-initiated amendments to this secondary plan will improve land development guidance in North St. Boniface;
- Without the Planning, Property, & Development Department -initiated amendments, ND-Lea-initiated amendments are required for two locations within North St. Boniface, prior to proceeding with rezoning and related development applications.

Policy implications:

[ ] **No**
[X] **Yes**

Comment(s):

- Planning, Property, & Development Department -initiated amendments include policies that influence land development in North St. Boniface.

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:

Standing Policy Committee on Property & Development has the authority to consider, provide recommendations, and forward secondary plan amendment by-laws through Executive Policy Committee to Council for first reading.

HISTORY:

The *North St. Boniface Secondary Plan* (No. 965/75) has been in force and effect since January, 1976.

In November, 2002, Standing Policy Committee on Property & Development concurred with the Planning, Property, & Development Department recommendation to commence review of the *North St. Boniface Secondary Plan*.

Following review and discussion of the secondary plan involving the then ward councillor and representatives of several community organizations (including Old St. Boniface Residents Association, Entreprises Riel, French Quarter BIZ), Planning, Property, & Development Department held an open house in November, 2003 to gauge community reaction to proposed secondary plan amendments.

In Spring and early Summer, 2005, Planning, Property, & Development Department completed revised secondary plan amendments and met with the ward councillor and community representatives to confirm extent of amendments and initiate secondary plan amendment application.

In late-Summer, 2005, Planning, Property, & Development Department representatives met with proponents for developments at two locations within the *North St. Boniface Secondary Plan* area. Neither development can proceed without secondary plan amendment.

DISCUSSION:
Although Planning, Property, & Development Department recommends adoption of Option 1—those more encompassing amendments to the secondary plan that have been prepared by the department following direction from Standing Policy Committee on Property & Development, consultation with community representatives, and public open house—secondary plan amendments outlined in Option 2 should also be considered. The department wants to ensure deliberations regarding Option 1 do not unnecessarily delay consideration of the developer-initiated amendments proposed in Option 2. Should Council concur, Option 1 and Option 2 will together comprise the secondary plan amendment application to be heard at Riel Community Committee, with recommendations from community committee, through standing policy committee and Executive Policy Committee, to Council for second and third readings.

<u>Option 1</u> – SPA 4/05: (See Attachment "A" – Planning, Property, & Development Department-initiated amendments by-law)

Background
The *North St. Boniface Secondary Plan* (No. 965/75) was adopted by Council in early 1976. It was intended to establish more specific land development policies for the improvement of North St. Boniface, within the broad framework set out in the *Greater Winnipeg Development Plan*. Although 14 site specific amendments and one text amendment have occurred subsequently, a comprehensive review of the plan's effectiveness in guiding land development had not previously been undertaken. This, coupled with recent community involvement in the Building Communities program in North St. Boniface, led to Planning, Property, & Development Department identifying review of the *North St. Boniface Secondary Plan* as a priority in its annual report to standing policy committee (November, 2002).

The open house (November, 2003) included a series of presentation boards intended to provoke community responses to proposed amendments to both the *North St. Boniface Secondary Plan* and the *Boulevard Provencher Zoning District* (Part 9, *Winnipeg Zoning By-Law* #6400/94).

Objectives
On the basis of the open house response and follow-up discussions with community representatives, Planning, Property, & Development Department is recommending amendments to the *North St. Boniface Secondary Plan* that are consistent with the following objectives:
1 Amendments reflect those that garnered strong support at the open house;
2 Amendments provide improved direction for land development; and
3 Amendments better communicate land development direction.

Open House Feedback
In summary, there was strong support for the following amendments:
1 Mixed-use, predominantly residential redevelopment focussed along the south side of Dumoulin Street and both sides of St. Joseph Street;
2 Expanded Boulevard Provencher commercial area to the east of St. Boniface City Hall;
3 Ensured public access to and along the riverbanks;
4 Relocation, downscaling, or reducing impacts of incompatible industries; and
5 Reducing vehicular traffic impacts and improving parking.

Amendment Details
For the most part, the current organizational framework for the *North St. Boniface Secondary Plan*—consisting of a series of policies followed by a land use map—will be retained. Recommended amendments include the following modest housekeeping matters and more substantive policy changes or additions.

Housekeeping Changes
The majority of the by-law Schedule "A" sections remain substantially unchanged, other than more contemporary cross-references (e.g. *Plan Winnipeg* replaces references to the *Greater Winnipeg Development Plan*) and provision of French-language translation. A few clauses have been added or modified to the following sections to better communicate policy intent.
- "Introduction";
- "Neighbourhood Character";
- "Housing";
- "Parks and Recreation";
- "Industry";
- "Community Services";
- "Commercial Services";
- "Transportation"; and
- "Municipal Services".

With the modest changes recommended, these sections will continue to provide an embracing statement of how the community views North St. Boniface and the commitment to ensuring its ongoing strength and vibrancy.

Substantive Changes
More substantial changes have been made to the "Implementation" and "Proposed Land Use Map" sections of the by-law Schedule "A", though these sections continue to adhere to the current organizational framework of the plan:
- "Implementation" and
- "Proposed Land Use Map".

In order to provide improved direction for land development in North St. Boniface, a series of land use policies have been added to the "Implementation" section. In addition to the new land use policy content, these policies are more clearly connected to and indicated on the "Proposed Land Use Map". This is a significant improvement when compared to the current secondary plan, which lacks a clear connection between the plan's policies and its land use map.

Key to this approach is the expectation that North St. Boniface will continue to evolve, with properties redeveloping individually or as parts of larger land assemblies. The neighbourhood is predominantly residential, but exhibits a variety of land uses and densities that is rare in Winnipeg. The "Implementation" land use policies and "Proposed Land Use Map" are intended to guide future property redevelopment decisions and investments in the community, public and private. The success of the plan will be its ability to harmoniously accommodate the desired mix of land uses and built forms—to encourage a varied and vibrant community, while discouraging the establishment of incompatible developments. (See Attachment "B" for further details regarding the intended effects of the department-initiated amendments.)

It should be noted that these land use policies do not replace and are not a substitution for the requirements of zoning, subdivision, and other regulatory by-laws. Instead, they should foster more confidence in the property redevelopment process by indicating the basis upon which future land development applications will be judged—and in instilling confidence in property owners intending to improve their properties and in others to bring new investment into the community.

Repeal of Amending By-Laws
Since its adoption in January, 1976, the *North St. Boniface Secondary Plan* has had 14 site specific by-law amendments. These amending by-laws must also be repealed, in order to effectively implement the Planning, Property, & Development Department-initiated amendments. These amending by-laws are:

No. 2246/79	No. 3382/83
No. 2247/79	No. 3829/84
No. 3335/82	No. 4443/86
No. 3336/82	No. 5237/89
No. 3378/83	No. 5828/92
No. 3379/83	No. 5980/92
No. 3380/83	No. 6535/94.

<u>Option 2</u> – SPA 5/05 & SPA 6/05 (See Attachment "C" – ND-Lea-initiated amendment by-laws)

Background
ND-Lea Engineers & Planners Inc is representing two developers intending to develop two separate properties located within the *North St. Boniface Secondary Plan* area. Both developments can be accommodated once the Planning, Property, & Development Department -initiated amendments are put into force and effect, following third reading by Council. Without the Planning, Property, & Development Department -initiated amendments, the following two secondary plan amendments are necessary:

Tache Avenue at Aubert Street – SPA 5/05
Located at the north east and south east corners of Tache Avenue and Aubert Street, these properties are currently occupied by the former le Rendezvous (north east corner) and surface parking area (south east corner). ND-Lea, on behalf of their client, has initiated application to demolish the former club and develop multiple-family dwellings. The former le Rendezvous property is designated "Commercial" under the current secondary plan and would require secondary plan amendment to "Residential" (and rezoning and other related development approvals) prior to proceeding with the proposed multiple-family development. Development of the parking area at the south east corner can proceed without secondary plan amendment—it is currently designated "Future Residential".

Under the proposed Planning, Property, & Development Department-initiated amendments, both Tache/Aubert properties are to be designated "Higher Density Residential", which can accommodate multiple-family dwellings. Subsequent rezoning and related development approvals provide opportunities for detailed review of the proposed multiple-family development.

158/160 Dumoulin Street – SPA 6/05
Located along the south side of Dumoulin Street, between Tache Avenue and St. Joseph Street, these properties are currently occupied by dwellings. ND-Lea, on behalf of their client, has initiated application to demolish the dwellings and develop a parking area for the use of staff and patrons of a new development on Boulevard Provencher, across the public lane to the south. These properties are designated "Residential" under the current secondary plan and would require secondary plan amendment to "Commercial" (and rezoning and other related development approvals) prior to proceeding with the proposed parking area.

Under the proposed Planning, Property, & Development Department -initiated amendments, this block of Dumoulin Street is to be designated "Mixed-Use", which can accommodate a range of residential, commercial, and commercial support uses—preferably, with a mix of component land uses established within each development; alternatively, with a range of land uses located along the block that are respectful of the residential properties along the north side of Dumoulin Street. Subsequent rezoning and related development approvals provide opportunities for detailed review of the proposed parking area.

Financial Impact Statement Date: September 20, 2005

COMMENTS:

The recommendation included in this report is that the three attached by-laws to amend the North St. Boniface Secondary Plan (No. 965/75) be forwarded to Council for first reading, in order to enable public hearing for the secondary plan amendments to be scheduled at Riel Community Committee, in accordance with the Development Procedures By-Law (No. 5893/92) and The City of Winnipeg Charter. 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:

Legal Services Division

Zoning & Permits Branch

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Planning & Land Use
Prepared by: K. Lalor
PPD File #: SPA 4/2005, SPA 5, SPA 6/2005

Document name: O:/Reports Directive/Planning and Land Use/Urban Planning Reports/2005/North St. Boniface Secondary Plan.doc

Attachment "A" – Planning, Property, & Development Department -initiated amendments

REFERENCE: FILE NO. SPA 4/2005

THE CITY OF WINNIPEG

BY-LAW NO. 179/2005

A By-Law of THE CITY OF WINNIPEG to amend By-Law No. 965/75, a By-Law establishing a Secondary Plan for North St. Boniface, being a statement of the City's policies and proposals for the development of the Area.

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

1. In the section entitled "INTRODUCTION": replace all instances of "Act" with "Charter"; replace all instances of "District Plan" and "District Plans" with "Secondary Plan" and "Secondary Plans", respectively; replace all instances of "Greater Winnipeg Development Plan" with "Plan Winnipeg"; and replace all instances of "plan" with "map".

2. In the section entitled "NEIGHBOURHOOD CHARACTER", policy #1: add "predominantly" prior to "residential".

3. In the section entitled "HOUSING", delete policy #3 and renumber the following policies to reflect this deletion.

4. In the section entitled "PARKS AND RECREATION", policy #2: replace "park" with "parkway".

5. In the section entitled "COMMUNITY SERVICES", delete policy #2.

6. In the section entitled "COMMERCIAL SERVICES", delete policy #1 and replace with "To encourage the concentration of retail, service, entertainment, and cultural uses along Boulevard Provencher".

7. In the section entitled "TRANSPORTATION", delete policy #4.

8. In the section entitled "MUNICIPAL SERVICES", add new policy #4 "To establish a program to introduce or improve pedestrian sidewalks and pathways" following policy #4 and renumber the following policies to reflect this deletion.

9. In the section entitled "IMPLEMENTATION", replace policy #1 with "To guide development and redevelopment of properties, based on the land use policies stated below and the Proposed Land Use Map that follows, and in accordance with Plan Winnipeg.
   A. Lower Density Residential

i. Encourage retention and enhancement of existing residential development and establishment of new residential development, up to a maximum of 25 units per acre net (10 units per hectare);
ii. Accommodate community services—including schools, parks, daycares, healthcare facilities—provided they are primarily intended to serve North St. Boniface residents.

B. Higher Density Residential
i. Focussed along regional roads (namely Provencher Boulevard), collector roads (namely Tache Avenue and St. Joseph Street) railway lines, and public transportation corridors, encourage retention and enhancement of existing residential development and establishment of new residential development, up to a maximum of 55 units per acre net (22 units per hectare);
ii. Accommodate community services—including schools, parks, daycares, healthcare facilities—provided they are primarily intended to serve North St. Boniface residents;
iii. Encourage retention and enhancement of existing and establishment of new locally-oriented commercial development in conjunction with higher density residential development.

C. Park & Riverbank
i. Assemble and enhance riverbank properties to enable an integrated and continuous linear parkway system;
ii. Encourage retention and enhancement of existing riverbank public access points and activity centres and establishment of new public access points and activity centres;
iii. Away from the riverbanks, encourage retention and enhancement of existing public parks and establishment of new active and passive locally-oriented parks throughout the neighbourhood.

D. Commercial
i. Encourage a vibrant, pedestrian-oriented concentration of retail, service, restaurant, entertainment, and cultural developments along Boulevard Provencher: initially from Tache Avenue to Langevin Street; subsequently from Tache Avenue connecting to the commercial area east of Thibault Street—including higher density residential development above street-level;
ii. Away from Boulevard Provencher, encourage retention and enhancement of existing and establishment of new locally-oriented commercial development in conjunction with Mixed-Use developments and Higher Density Residential developments.

E. Mixed-Use
i. Encourage retention and enhancement of existing and establishment of new mixed-use developments—including predominantly residential and locally-oriented retail, service, restaurant, office, and industry;

ii. Encourage mixed-use developments: initially along south side of Dumoulin Street between Tache Avenue and Langevin Street; subsequently along both sides of St. Joseph Avenue, from Dumoulin Street to Aubert Street.

F. Industrial Employment
   i. Encourage retention and enhancement of existing and establishment of new industrial developments along the west side of Archibald Street, north of the CNR Redditt mainline;
   ii. Acquire riverbank portions of these Archibald Street properties in order to establish Elmwood Parkway;
   iii. Away from Archibald Street, encourage retention and enhancement of existing and establishment of new compatible industries, especially in conjunction with Mixed-Use and Commercial developments."

10. In the section entitled "IMPLEMENTATION", replace policy #2 with "The 'Higher Density Residential' and 'Lower Density Residential' density maximums can be exceeded under the following exceptional or extraordinary circumstances:

   A. where the location of a utility (e.g. hydro transmission tower, aqueduct) or irregular lot configuration encumbers land assembly;
   B. where lot area is reduced through street widening (or similar measure that results in lot area reduction) imposed by Council;
   C. where the site requires unusually high preparation or remediation costs (e.g. environmental clean-up, major building demolition);
   D. where the site requires exceptionally high infrastructure costs (e.g. front-ending water, sewer), which will subsequently provide offsite development opportunities.

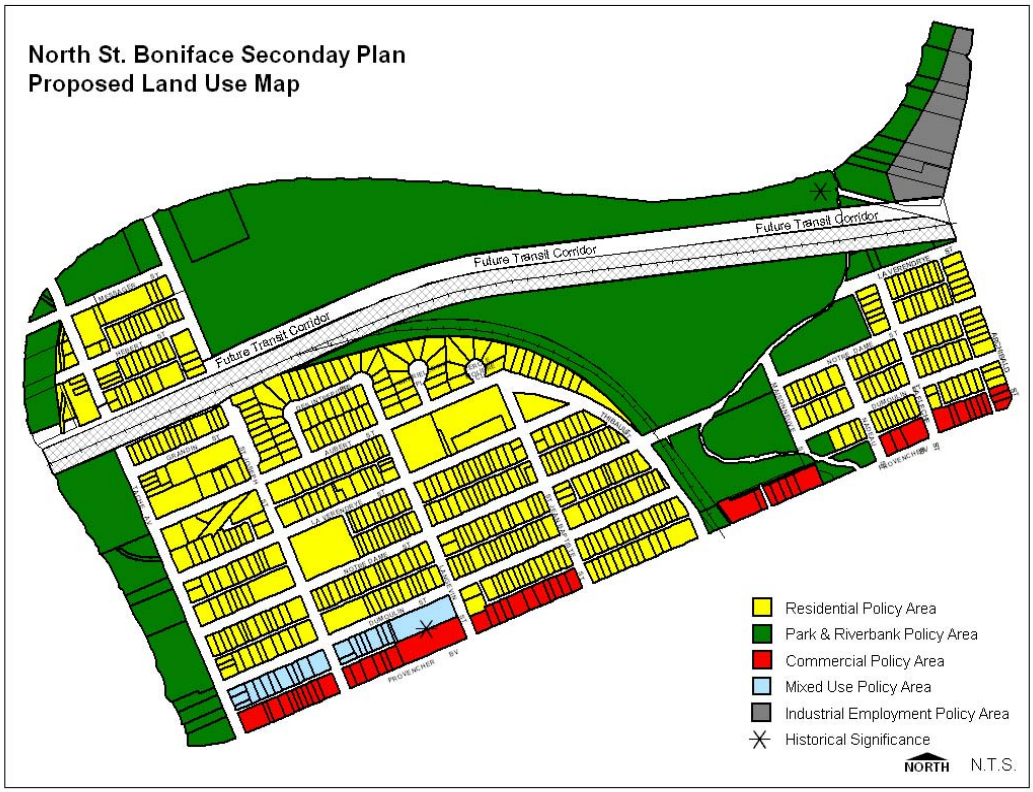
3. If one or more of the foregoing criteria is evident, community committee can declare a site to have exceptional/extraordinary circumstances by way of community committee motion.

4. The exceptional/extraordinary circumstances can accommodate no more than a 25% increase in the density maximum for the specific site, without amendment of this plan by Council by-law.

5. To ensure the secondary plan remains contemporary and continues to provide adequate land development and redevelopment guidance, the North St. Boniface Secondary Plan must be continuously monitored. Plan performance will be gauged according to the following objectives:

   A. Increasing number of proposed developments and redevelopments that correspond to the Implementation land use policies and the Proposed Land Use Map;
   B. Increasing property values;
   C. Decreasing number of long-term building vacancies; and
   D. Increasing pedestrian traffic along Boulevard Provencher."

11. Replace the "NORTH ST. BONIFACE District Plan PROPOSED LAND USE PLAN" referred to in the section entitled "INTRODUCTION" and that follows the section entitled "IMPLEMENTATION" with the "PROPOSED LAND USE MAP" shown below:



12. Repeal the following amending by-laws: No. 2246/79, No. 2247/79, No. 3335/82, No. 3336/82, No. 3378/83, No. 3379/83, No. 3380/83, No. 3382/83, No. 3829/84, No. 4443/86, No. 5237/89, No. 5828/92, No. 5980/92, and No. 6535/94.

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

RECEIVED SECOND READING this _____ day of _____, A.D. 2005.

RECEIVED THIRD READING 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 Director of Planning, Property and Development

Certified as to Form:

_____
for City Solicitor/Manager of Legal Services

Attachment "B" – Planning, Property, & Development Department-initiated amendment intended effects—does not form part of the by-law.

A Lower Density Residential Policy
- encourages retention and establishment of residential uses, up to a maximum density of 25 dwelling units per acre (10.1 dwelling units per hectare);
- also accommodates retention and establishment of community services primarily intended to serve North St. Boniface residents;
- developments inconsistent with this intent are not appropriate and will not be considered without plan amendment.

B Higher Density Residential Policy
- encourages retention and establishment of residential uses along major transportation routes, up to a maximum density of 55 dwelling units per acre (22.2 dwelling units per hectare);
- also accommodates retention and establishment of community services primarily intended to serve North St. Boniface residents;
- also accommodates retention and establishment of locally-oriented commercial uses and compatible industrial employment uses;
- developments inconsistent with this intent are not appropriate and will not be considered without plan amendment.

C Parks & Riverbank Policy
- encourages retention of existing, further acquisition, and development of the riverbank parkway system;
- encourages retention of existing public parks and establishment of new locally-oriented parks throughout the neighbourhood;
- developments inconsistent with this intent are not appropriate and will not be considered without plan amendment.

D Commercial Policy
- encourages concentration of retail, service, restaurant, entertainment, cultural, and office developments along Boulevard Provencher;
- away from Provencher, encourages retention and establishment of locally-oriented commercial development in conjunction with Mixed-Use developments and Higher Density Residential developments;
- developments inconsistent with this intent are not appropriate and will not be considered without plan amendment.

E Mixed-Use Policy
- encourages retention and establishment of mixed-use developments, including mixes of residential and locally-oriented retail, service, restaurant, office, and employment uses on individual properties and within a block;
- initially focussed along the south side of Dumoulin Street, between Tache Avenue and Langevin Street; subsequently along both sides of St. Joseph Street, between Dumoulin Street and Aubert Street;

- developments inconsistent with this intent are not appropriate and will not be considered without plan amendment.

F Industrial Employment Policy

- encourages retention and establishment of industrial developments along the west side of Archibald, north of CNR highline;
- encourages acquisition of riverbank portions of these Archibald properties to continue establishment of the Elmwood Parkway;
- encourages retention and enhancement of existing and establishment of new compatible industries, especially in conjunction with Mixed-Use and Commercial developments;
- encourages retention and enhancement of existing and establishment of new industries that provide employment opportunities; discourages those industries that are primarily engaged in heavy manufacturing, rely on unrestricted truck traffic, are land intensive, require exterior storage, or produce excessive noise, smell, dust, vibration, or other nuisances;
- developments inconsistent with this intent are not appropriate and will not be considered without plan amendment.

Attachment "C" – ND-Lea-initiated amendments

REFERENCE: FILE NO. SPA 5/2005

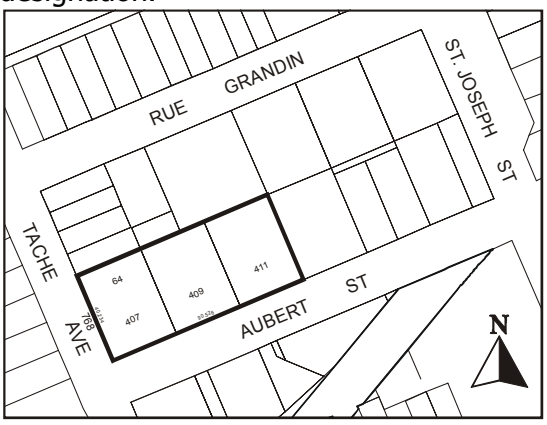
THE CITY OF WINNIPEG

BY-LAW NO. 180/2005

A By-Law of THE CITY OF WINNIPEG to amend By-Law No. 965/75, a By-Law establishing a Secondary Plan for North St. Boniface, being a statement of the City's policies and proposals for the development of the North St. Boniface Area in the RIEL COMMUNITY.

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

1. The "PROPOSED LAND USE" map on Page 4 of SCHEDULE "A" to By-Law No. 965/75, as amended, is hereby further amended by reclassifying thereon the lands within the areas outlined below from a "Commercial" proposed land use designation to a "Residential" proposed land use designation.



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.

_____
Mayor

_____
City Clerk

Certified as to Planning Details:

_____
for Director of Planning, Property, and Development

Certified as to Form:

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City Solicitor / Manager of Legal Services

3312

REFERENCE: FILE NO. SPA 6/2005

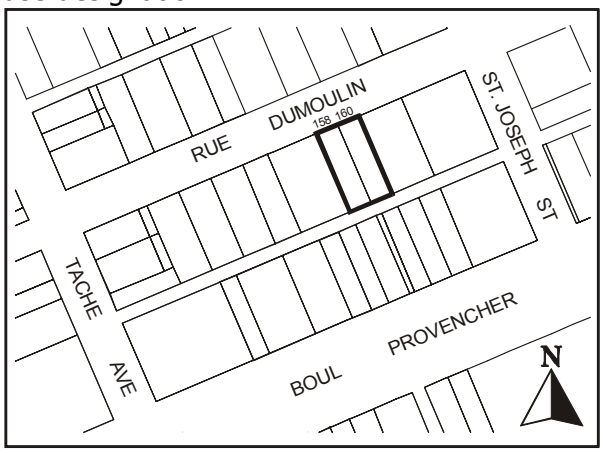
THE CITY OF WINNIPEG

BY-LAW NO. 181/2005

A By-Law of THE CITY OF WINNIPEG to amend By-Law No. 965/75, a By-Law establishing a Secondary Plan for North St. Boniface, being a statement of the City's policies and proposals for the development of the North St. Boniface Area in the RIEL COMMUNITY.

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

2. The "PROPOSED LAND USE" map on Page 4 of SCHEDULE "A" to By-Law No. 965/75, as amended, is hereby further amended by reclassifying thereon the lands within the areas outlined below from a "Residential" proposed land use designation to a "Commercial" proposed land use designation.



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.

_____
Mayor

_____
City Clerk

Certified as to Planning Details:

_____
for Director of Planning, Property, and Development

Certified as to Form:

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City Solicitor / Manager of Legal Services