Report of the Standing Policy Committee on Property and Development dated September 10, 2002

Traffic Improvements and City Wide Development Issues Arising from the Polo Park Area Study
File ST-7 (Vol. 16)

20. The Standing Policy Committee on Property and Development has been advised that as a result of traffic congestion in the Polo Park Area, the Public Works Department undertook the Polo Park Area Study - Transportation Improvement and Development Review. The Standing Policy Committee on Public Works is considering the implementation and financing of specific traffic improvements.

In February 2001, the Public Works Department requested proposals from seven Winnipeg transportation consultants to conduct a traffic improvement and development review study of the Polo Park area. Stantec Consulting Ltd. (in conjunction with Landmark Planning and Design Inc, Clayton Research and McCandless and Associates) was awarded the study on April 4, 2001. The results of the study were tabled at the Standing Policy Committee on Public Works on April 2, 2002, where the report was referred to the Standing Policy Committee on Property and Development to address the issues pertaining to land use and development.

On April 30, 2002, the Standing Policy Committee on Property and Development made the following motion:

> "That the three recommendations regarding land use and development policies contained in the Polo Park Area Study be referred to the Director of Planning, Property and Development for report back on an examination of the effects of the growing commercial development in the Polo Park area, with emphasis on the following: the adjacent West End residential/commercial area(s); and, Polo Park's relationship with the traditional Downtown area."

On September 10, 2002, the Standing Policy Committee on Property and Development concurred with recommendations 1 to 3 contained in the report dated August 30, 2002, from the Director of Planning, Property and Development, namely:

1. That the development of a Secondary Plan for the Polo Park area be added to the work plan of the Planning and Land Use Division (of the Planning, Property and Development Department) for consideration under the annual priorities.

2. That the Director of Planning Property and Development be instructed to initiate an amendment to the City of Winnipeg Zoning By-law No. 6400/94 to make retail uses "Conditional" under Industrial zoning categories.

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3. That a comprehensive review of the Zoning By-law, including both Commercial and Industrial uses be considered in the work plan of the Planning, Property and Development Department.

The Polo Park Area Study also makes recommendations with respect to the City of Winnipeg Legislative and Regulatory environment suggesting a framework for the financing of future traffic improvements necessitated by future development. Currently the City of Winnipeg has the ability to enter into a development agreement and assess development impact charges on subdivisions and rezonings. In rare occasions development agreements have been imposed as a condition of approval for a conditional use or variance. Many times, a proposed use is permitted under the site's existing zoning and redevelopment may occur without the need for any type of additional application other than a building permit. Different uses permitted under the same zoning category however can have very different impacts on the surrounding street system. The study recommends that the City be given the authority to assess development impact charges at the building permit stage of the development approval process. In this way a development agreement can be negotiated for infrastructure improvements based on the impacts and needs of the actual development. Research undertaken by the report consultants indicated that other jurisdictions have the ability to assess development charges at the building permit stage. Changes to the City of Winnipeg Charter Act are necessary before the City can be given this authority. These changes would affect the City's ability to assess development charges at the building permit stage on a citywide basis, not only for the Polo Park area. This would represent a significant change for the development industry.

To provide the mechanism to fairly distribute the financing of future traffic improvements, the report recommends the creation of a development levy specific to the Polo Park area much like the Charleswood Transportation Levy or the Trunk Service Charges for a land drainage district. In this way, the amount of this levy could be a uniform payment based on the amount of square feet/metres of development being proposed as a percentage of the future traffic improvements required for the entire Polo Park Area. Even with the creation of a specific district, the City is still unable to impose levies if development is allowed "as of right" and there is no mechanism for a development agreement. Again, the report recommends that changes to the City of Winnipeg Charter Act occur that give the City additional authority to regulate development at the building permit stage of the process so that this levy can be imposed on all new development. These changes could be proposed as part of the next round of legislative review proposed for 2003, or could be introduced at an earlier time. Suggested wording for legislative changes is included in the Polo Park Area Study.

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The Standing Policy Committee on Property and Development recommends:

I. That legislative changes to the new City of Winnipeg Charter Act that would provide for the imposition of a development agreement as a condition of approval for a building permit be examined under the next phase of the Legislative review process in 2003**.**

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