Agenda - Council - November 19, 2008

Report - Standing Policy Committee on Property and Development - October 28, 2008

Item No. 5 Amendment to the St. Vital Perimeter South Secondary Plan
File SPA 1/2008

On November 12, 2008, the Executive Policy Committee laid over consideration of the matter for up to 30 days.

Report - Standing Policy Committee on Property and Development - October 28, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 12, 2008, the Executive Policy Committee laid over consideration of the matter for up to 30 days.

Further, on November 12, 2008, Donovan Toews, Landmark Planning and Design Inc., submitted documentation in support of proceeding with the proposed amendment to the St. Vital South Secondary Plan, which has been placed on file in the City Clerk's Department.

STANDING COMMITTEE RECOMMENDATION:

On October 28, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

RE: SPA 1/08, a proposed amendment to the St. Vital Perimeter South Secondary Plan (By-Law # 1735/77)

FOR SUBMISSION TO: Standing Policy Committee on Property and Development

ORIGINAL REPORT SIGNED BY: Director of Planning, Property and Development

REPORT DATE: September 25, 2008

RECOMMENDATION:

1. That the request to amend the St. Vital Perimeter South Secondary Plan (By-Law No. 1735/77) not be proceeded with.

Report Summary

Key Issues:

- Secondary Plan amendment applications require first reading of the by-laws at Council, followed procedurally by a public hearing at community committee, and second and third reading at Council to put the proposed amendment(s) into force and effect.

- Riel Community Committee would be the committee designated for public hearing should Council give first reading to the subject application.

- The subject application is a land owner initiated amendment pertaining to a specific parcel of land on Hallama Drive N. If the subject amendment is allowed to proceed to a public hearing before the Riel Community Committee, an additional application for a six (6) lot subdivision will be made with the City of Winnipeg.

- The Planning, Property and Development Department do not support the proposed amendment which if granted, would effectively allow for the creation of minimum two (2) acre parcels for housing development, in that area adjoining the south boundary of the City outside of the Red River Floodway.

- The subject lands are currently within the designated minimum forty (40) acre zone identified under the policies of the St. Vital Perimeter South Secondary Plan. While these lands are protected by a flood protection dyke, they are difficult to access, from the perspective of offering the most fundamental of City services.

Implications of the Recommendation(s):

General Implications

(x) None

( ) For the organization overall and/or for other departments

( ) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s):

- In the spring of 2008, the City retained MMM Group to review the St. Vital Perimeter South Secondary Plan. Under the terms of reference, the consultants will prepare and facilitate two public consultation forums. The first open house will provide a forum for presenting an overview of the current plan in the context of the hydrological and land drainage studies that have been recently undertaken for the area. The implications of those studies on the development framework of the plan will be presented, and a survey will be taken to gauge the attitudes of local residents towards the relevancy of the Secondary Plan and the need for amending the development guidelines. The second open house would be used to provide a summary of the resident/property owner feedback and, in particular, whether or not a mandate exists to update or amend the Secondary Plan. The last several months have been devoted to establishing a steering committee comprised of key City Administrators and representation from the local neighbourhood but the aforementioned open houses are imminent.

Policy Implications

(x) No

( ) Yes

Comment(s):

- There are no policy implications if the current policies specifically related to the 40 acre minimum lot sizes for the designated agricultural areas as outlined in the Plan are adhered to. If the proposed secondary plan amendment is endorsed, a precedent would be set, in our view, that would in all likelihood, have a significant negative impact on both the St. Germaine community and the City as a whole.

Regulatory Implications

(x) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s):

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):

Report

REASON FOR THE REPORT:

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

HISTORY:

The South St. Vital area, commonly known as St. Germain/Vermette, is located south of the Perimeter Highway, between the Red River and Highway 59. The existing South St. Vital-Perimeter South Action Area Plan (Secondary Plan) sets parameters for development in this area of the City.

The St. Vital Perimeter South Action Area Plan was adopted as a secondary plan by-law (1735/77) by Council in 1979. The key objectives of the Plan were to establish a development policy that would: i) be compatible with the natural environment and

safeguard the general welfare of the community by ensuring that the location and density of development respects the natural limits imposed by the local environment, ii) accommodate people who wish to live in a rural setting by designating areas appropriate for large lot rural-residential and associated land uses, iii) provide for orderly and economic development by adopting a staging program and concept plans for area development, iv) protect and maintain the productive agricultural lands south of the Red River Floodway from encroachments by non-compatible land uses, and v) balance the development of this Limited Urban Expansion Area against the measurable costs of this development form in terms of service, utilities, taxes and environmental quality.

Specifically, the Plan allows for minimum residential subdivision development of two (2) acres between the Red River and St Mary's Road north of the floodway. It further allows for minimum two (2) acre development between St Anne's Road and Highway 59 north of the floodway. The intervening area between St Mary's Road and St Anne's Road north of the floodway, is limited to minimum five (5) acre residential subdivision development. All lands south of the Red River Floodway that fall within the Plan and City boundaries are restricted to minimum forty (40) acre residential lot size. An additional forty acre minimum development zone was created around the south Winnipeg Treatment Plant as a protective buffer area from that facility. Several designated pubic reserve areas were also established; most along both sides of the Floodway. No residential housing development is permitted in those zones.

In May of 2008, the Planning, Property and Development Department (Zoning and Permits Branch) of the City of Winnipeg was in receipt of a letter of intent from Landmark Planning and Design (on behalf of Anthony and Lise Zappitelli) which stated that they wished to amend the South St. Vital Secondary Plan by re-designating their property south of the Red River Floodway from a minimum forty acre subdivision area to a minimum two (2) acre development designation. If successful, they will follow up with an application to subdivide their land into six (6) separate lots ranging in size from two (2) acres to eight (8) acres Specifically, their property lies between Hallama Drive North and the Seine River, immediately west of the small community of Grand Pointe, which is in the Rural Municipality of Richot. Several of the reasons cited in their letter of intent which they feel, support the subject amendments are i) there are two acre lots in place in the adjoining community of Grande Point in the R.M. of Richot, ii) there are no land drainage issues in the immediate area and their lands are protected by a flood protection dyke, iii) there appears, from their prospective, to be no logical reason why the original plan designated their lands and other properties south of the floodway as a forty acre minimum zone and not a two or five acre minimum zone.

DISCUSSION:

The subject application to amend the Secondary Plan is not the first attempt to alter the original guidelines and reduce the allowable lot size on a specified parcel of land within the boundaries of the Plan Area. However, it is the first via the current Plan Amendment process, and it is the first in the designated forty (40) acre zone south of the Floodway. In the early 1980's, several applications were made to vary By-law 1735/77 to allow two (2) acre lots in the minimum five (5) acre area between St Anne's Road and St Mary's Road. They were unsuccessful. At that time, procedurally a variance could be made to request smaller lot sizes, but that has not been the case for the last fifteen years.

The Department (Planning and Land Use Division) has evaluated the subject application and has confirmed the applicant's assertion that the lands in question are protected by a dyke and are not subject to drainage problems. However, the Department is categorically opposed to the proposed amendment to the Secondary Plan, which would potentially allow for the creation of a new concentration of two acre lots anywhere south of the Red River Floodway. The Department does not support the proposed amendment for the following reasons:

a) The subject application, if endorsed, would set a precedent, which could lead to more amendment applications and the potential for significant two acre housing development south of the Floodway boundary; particularly in the Grande Pointe area.
b) The subject area is located in a remote quadrant of the St Germaine/Vermette community and is not easily accessed or serviced by a network of roads. In fact, primary access is actually off of Highway 59 on Municipal roads kept open by the Municipality of Richot. An increased housing density in this area would not seem to be a safe or cost effective approach, given the relative isolation and the difficulty posed for the provision of such fundamental services such as fire, emergency, medical and police protection.

Financial Impact Statement Date: September 19, 2008

Project Name:

Proposed Amendment to the Perimeter South Secondary Plan

COMMENTS:

The recommendation contained in this report is that the request to amend the St. Vital Perimeter South Secondary Plan (By-Law No. 1735/77) not be proceeded with.

There are no financial implications associated with this recommendation.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:
N/A

External Consultation With:
The City of Winnipeg Water & Waste Department

THIS REPORT SUBMITTED BY:
Department: The Planning, Property & Development Department
Division: The Planning & Land Use Division
Prepared by: Kevin Lalor
PPD File No.: SPA 1/08

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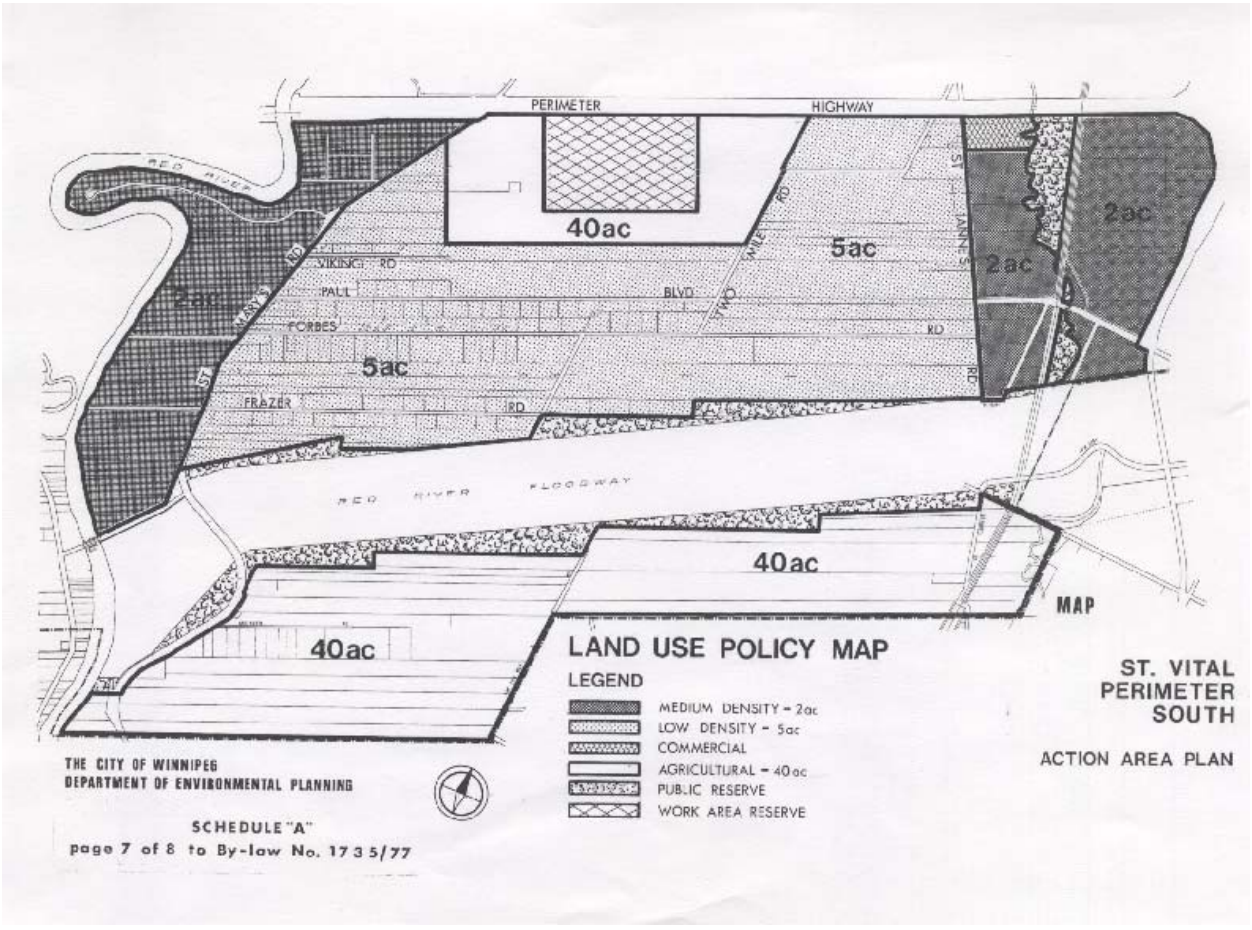

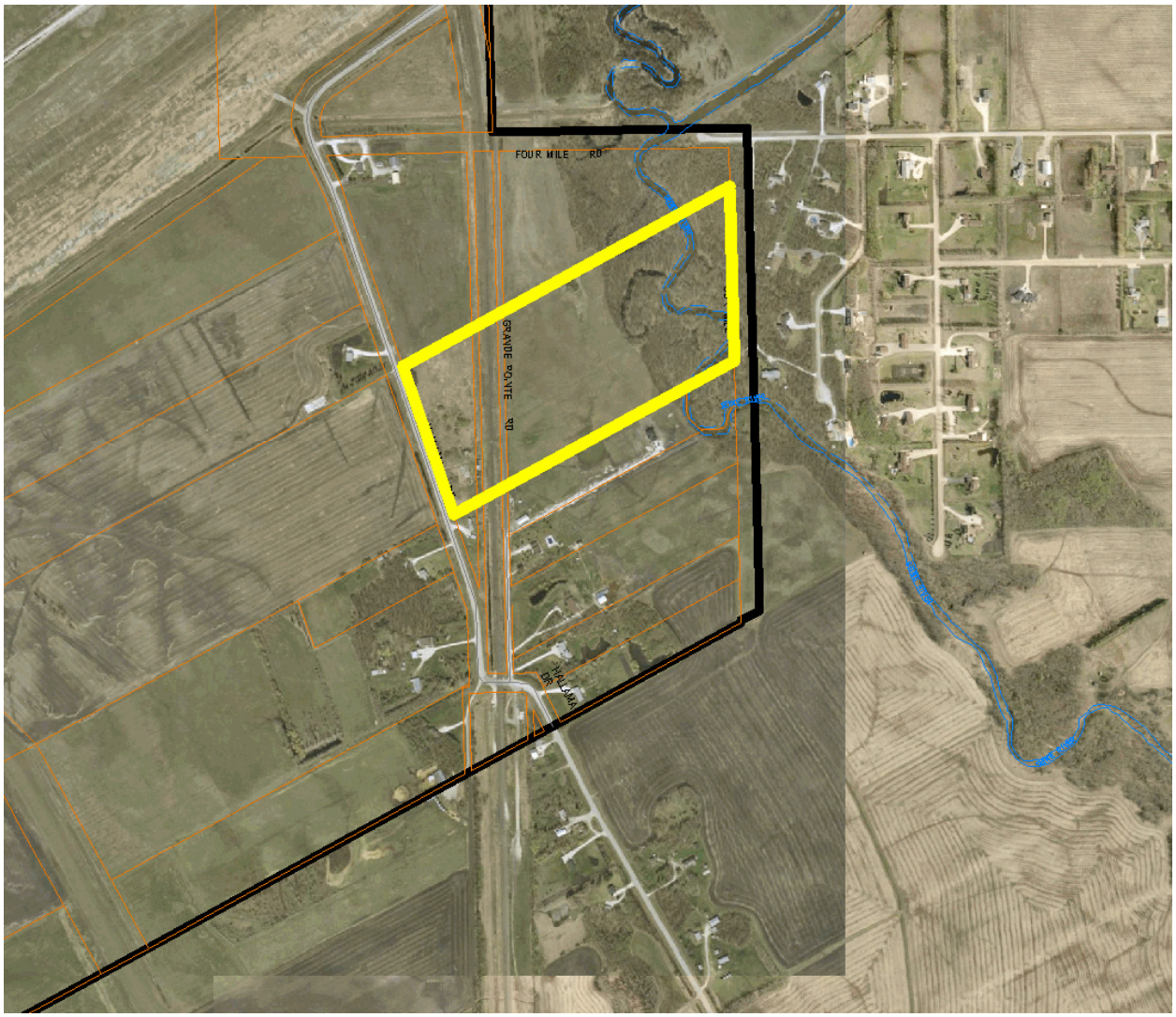
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