Agenda - Executive Policy Committee - December 10, 2008

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

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

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 submits the following to Council:

1. That the request to amend the St. Vital Perimeter South Secondary Plan (By-Law No. 1735/77) be rejected.

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

Agenda - Executive Policy Committee - December 10, 2008

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 the matter for up to 30 days.

Further on November 12, 2008, the Executive Policy Committee received documentation from Donovan Toews, Landmark Planning and Design Inc., 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

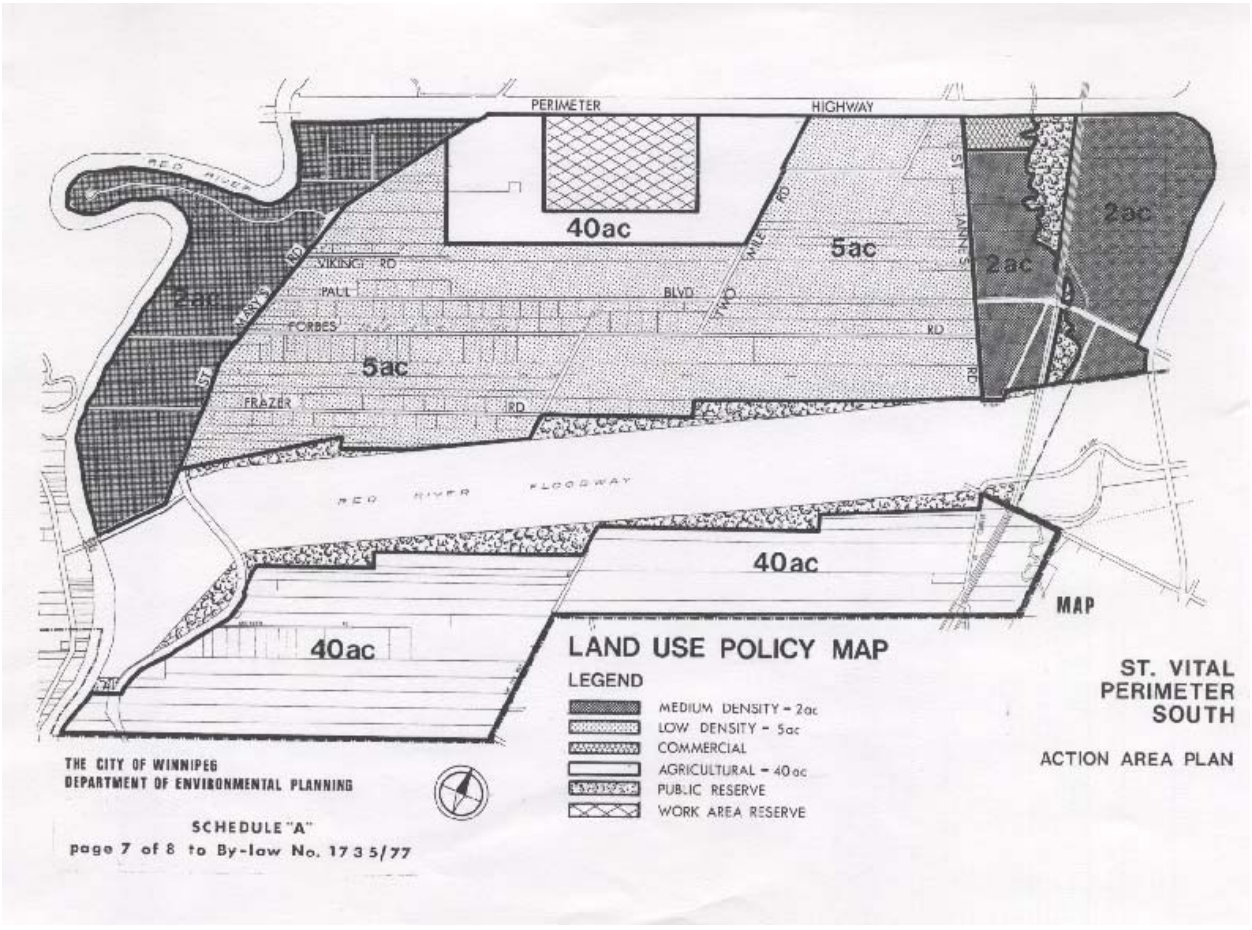
IN PREPARING THIS REPORT THERE WAS:

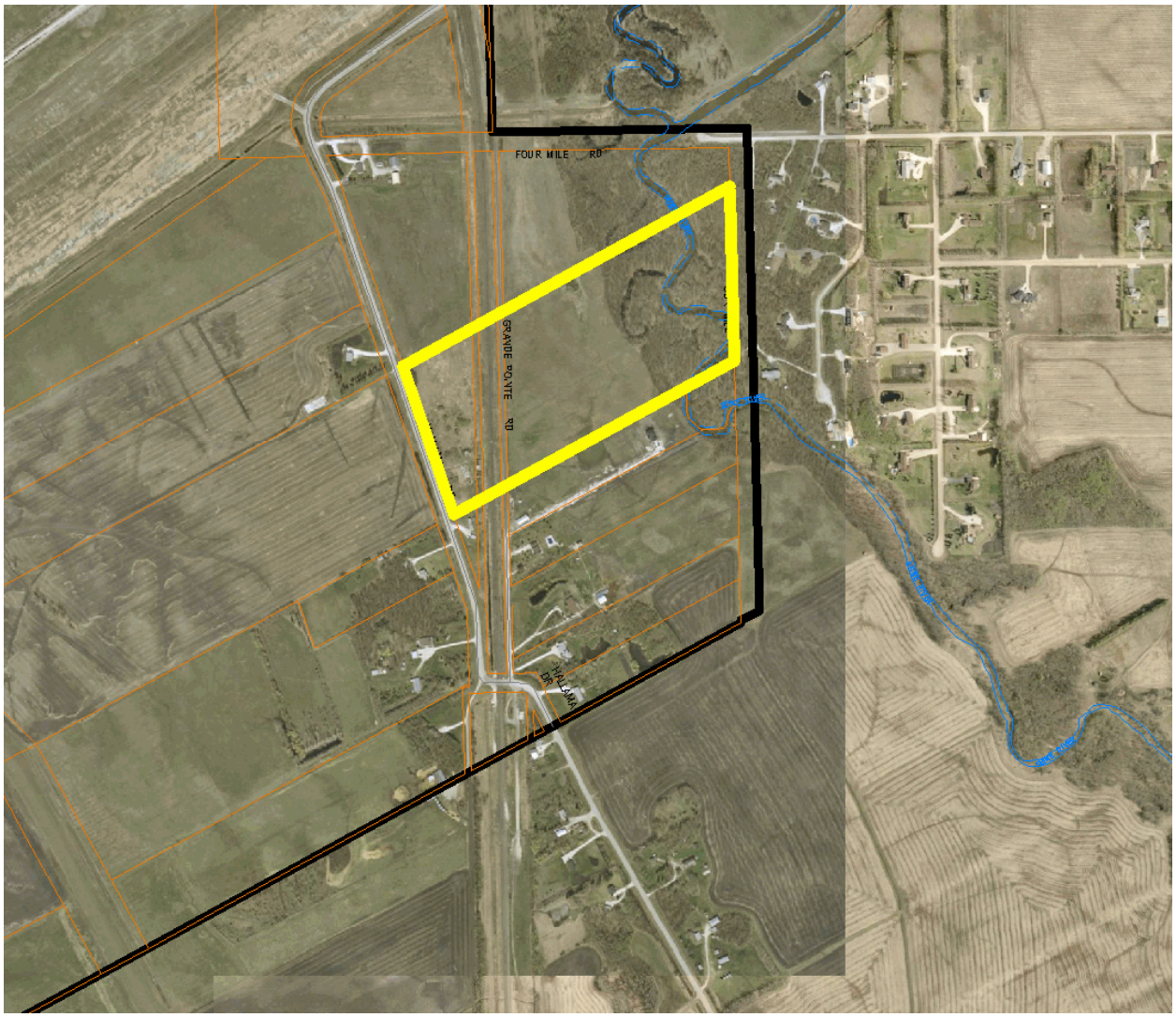
Internal Consultation With and Concurrence By:
N/A

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

O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2008 Reports\Proposed Amendment to the Perimeter South Secondary Plan




FOUR MILE RD
GRANDE POINTE RD
DALLAS DR

EPC Committee Meeting
Wednesday, November 12, 2008
Hallama Drive - Proposed Lots

PROCESS

1. Timing and process to date
   - **January 2008:** Met with Planning Department. PP&D encouraged applicant to hold off on making an application pending a larger Secondary Plan review.
   - **May 2008:** Met with PPD who advised Secondary Plan review would take longer than anticipated. PPD **encouraged applicant to submit a formal application**.
   - **June, July, August, September 2008** – Made 28 contacts with various City representatives – we could not determine the status of the application.
   - **October 2008**: PP&D advised that they had recommended to P&D Committee that the application should NOT proceed to public hearing despite encouraging the application to be submitted in the first place. This is the first contact applicant received after being encouraged to submit an application.
   - **November 2008**: Applicant appeared as a delegate in front of P&D advised that we were not able to speak to merits of the application only process. Planning Department spoke to merits/demerits of the case. Some of the information was incomplete.

2. This application has positive merits. The application was encouraged by PP&D and is not frivolous – therefore the item deserves a chance to be reviewed by the departments and discussed in a public hearing.

3. Community Committee, Property & Development Committee, EPC, Council and the neighbouring community will all have an opportunity to share their thoughts through the Public Hearing process.

4. Currently, we are advised that the **Secondary Plan review may not happen.** Anticipated consultation is only dealing with the servicing questions in the Secondary Plan area and may or may not result in a full review of the Secondary Plan.

SUBDIVISION PROPOSAL

1. The applicant previously proposed a 2 acre cul de sac subdivision (see Attachment 1). To respond to Public Works concerns about length of the cul de sac and PP&D concern regarding size of the lots – the cul de sac was eliminated and the size of the lots increased substantially (see Attachment 2).
2. The proposal is for 6 lots including a 6.0a, 6.4a and 7.0a, the other lots due to the location of the creek and the rail line are 2.5a, 2.5a and 5a. The average lot size is 5 acres.

SERVICING STUDIES

1. There are two City studies referred to in the Planner's report. The first is regarding Land drainage. The Land Drainage study area does not include lands south of the floodway where the subject site is located. In fact, in meeting with the Public Works Department they advised that there are no flooding issues in this area because it is located behind the protective dyke (see Attachment 3)
2. The second study regarding water supply (via wells) generally concludes that there are poor well water conditions in areas adjacent to the Red River. Moving eastward, those conditions are improved. At the proposed site there are no ground water issues.
3. In terms of general City services, the City currently services this area by regularly maintaining the roadway, providing emergency service, providing garbage collection, and providing weed control. School busing is already currently provided. The current residential uses are not going to disappear, therefore the addition of new lots makes these services more viable and efficient.

THE SECONDARY PLAN

1. The site is unique compared to the balance of the area designated 40a lying south of the floodway, as it is entirely within the protected area of the dyke (see Attachment 4). There are no flooding or land drainage issues here as there may be in other parts.
2. **This land will never be developed as higher density residential land**. It will never be developed as commercial land or industrial land. It is not suitable for agriculture because of its fragmented quality (rail, road, river, houses, etc.).
3. The most appropriate land use is, in fact, lower density residential, in keeping with adjacent land use and the highest and best use of the land.
4. It is the applicant's opinion that this land should have been included for low density residential development in the Secondary Plan in the first place. This is an opportunity to test that theory.

LAND USE and LOT FABRIC

1. There is a large amount of residential development in the area, including immediately adjacent Grande Pointe development – all 2 acre lots (see Attachment 5).
2. Immediately south of the proposed site there are existing smaller lots with homes in this area that receive City services.
3. The existing lot sizes are ALL substantially less than 40acres and average less than 10acres. Lots immediately south of the subject site are: 10.7a, 6.9a, 5.8a, 5.6a, 5.2a 4.9a and 1.2a **or an average of 5.8a**.
4. The existing lot fabric in the area is very fragmented already (see Attachment 6), due to prior subdivision, the rail line, the roadway and the Seine River.

REASONS FOR PROCEEDING TO A PUBLIC HEARING

1. Based on the Planner's report and the opinions provided at the previous P&D committee, we hear two reasons as to why PP&D has recommended not proceeding.
    - There may be servicing issues.
    - The Secondary Plan Review has not taken place.

2. The position to deny a public hearing is, in our opinion, a very unreasonable and untenable position to take for the following reasons:

- The landowner patiently waited for 5months since January. He purposely delayed an application on promise that a review was taking place.
- The landowner was then **encouraged** to make an application 5 months after first inquiring.
- The landowner then waited **another 5 months** after submitting the application in May to hear that the Department was recommending no public hearing
- The Planner's Report states:

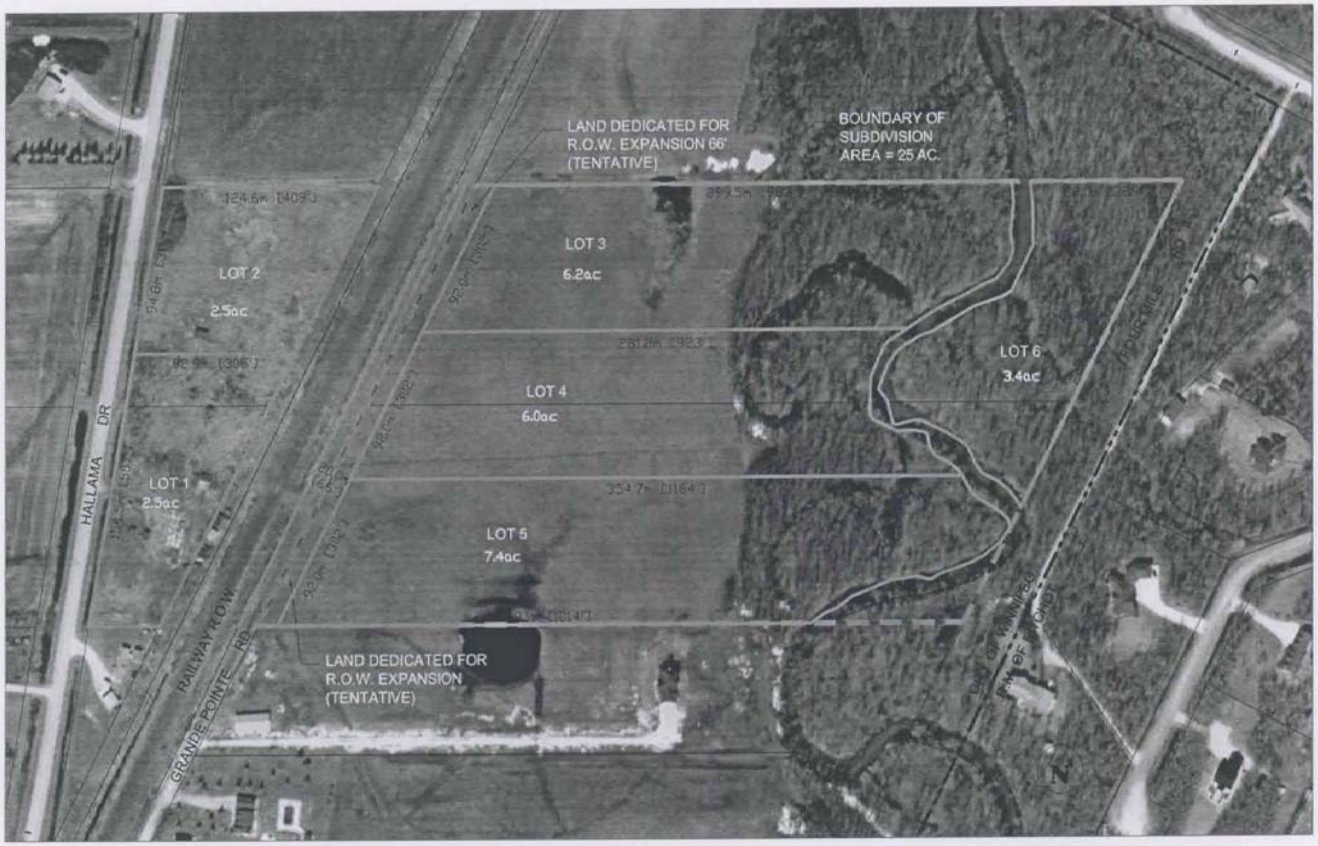
  "In the spring of 2008, the City retained MMM Group to review the St. Vital Perimeter South Secondary Plan. Under the terms of reference, the consultants will prepare and facilitate two public consultation forums. The first open house will provide a forum for presenting an overview of the current plan 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**."

- The Secondary Plan review is not imminent

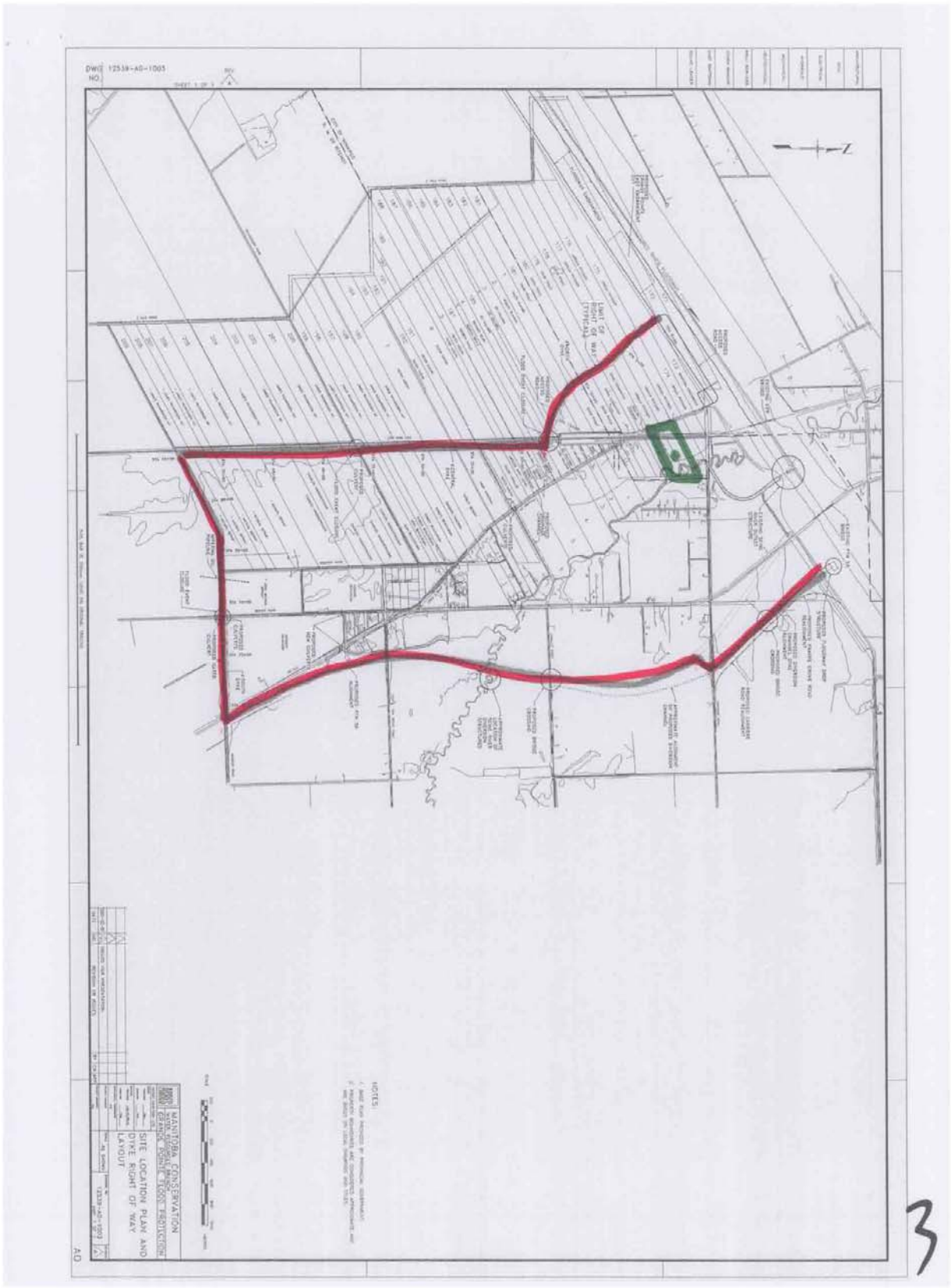
CONCLUSION:

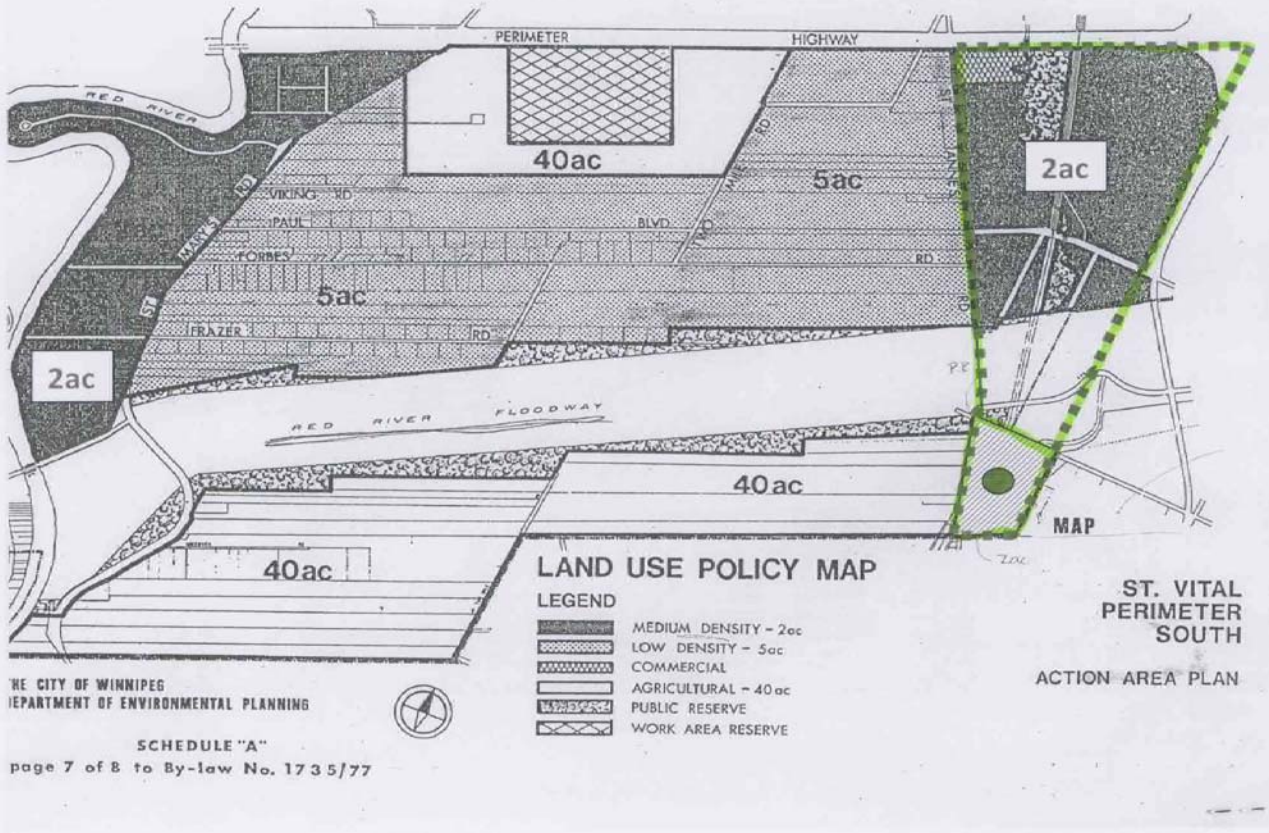
- The one-year delay to date, and anticipated **second year delay is not reasonable**.
- The **application has substantial merit** and should therefore proceed to a public hearing.
- Preventing a public hearing provides **no benefit to the City**, the community or the landowner.

2



GRANDE POINTE SUBDIVISION
CONCEPT PLAN


DWG NO. 12539-AD-1005
MANITOBA CONSERVATION
GRANDE POINTE FLOOD PROTECTION
SITE LOCATION PLAN AND
DYKE RIGHT OF WAY
LAYOUT
NOTES:
3


PERIMETER HIGHWAY
RED RIVER
40ac
5ac
2ac
VIKING RD
PAUL BLVD
FORBES RD
FRAZER RD
ST JAMES RD
5ac
2ac
RED RIVER FLOODWAY
40ac
40ac
MAP
LAND USE POLICY MAP
LEGEND
MEDIUM DENSITY - 2ac
LOW DENSITY - 5ac
COMMERCIAL
AGRICULTURAL - 40ac
PUBLIC RESERVE
WORK AREA RESERVE
ST. VITAL
PERIMETER
SOUTH
ACTION AREA PLAN
HE CITY OF WINNIPEG
EPARTMENT OF ENVIRONMENTAL PLANNING
SCHEDULE "A"
page 7 of 8 to By-law No. 1735/77


City of Winnipeg
± 5a
± 3a
± 12a
± 3a
± 12a
2191 Hallama
27 Acres
± 3a
± 20a
2303 Hallama
SUBJECT SITE
± 5a
Grande Pointe Road
2349 Grande Pointe Rd.
5.6 acres
2363 Grande Pointe Rd.
6.9 acres
2345
1.2a
2401 Grande Pointe Rd
10.7 Acres
5.8 acres
2350 Hallama
4.9 acres
2415 Grande Pointe Rd
2443 Hallama
5.2 acres
HALLAMA DR.
PFITZNER
PFITZNER
A PFITZNER
RSULA PFITZNER
ZKI
MARATZKI
6