Minutes – Executive Policy Committee – July 8, 2009

PUBLIC HEARINGS

Minute No. 316 **Plan Winnipeg Amendment and Subdivision and Rezoning – 455 Templeton Avenue, 2401 Ferrier Street, south side Beecher Avenue, east of Ferrier Street (Old Kildonan Ward) Files EP-1.1(PW 2/2007) and DASZ 4/2009**

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee recommends to Council:

1. That By-law No. 200/2007, a proposal to amend Plan Winnipeg 2020 Vision By-law No. 7630/2000 for land bounded by Templeton and Beecher Avenues, Ferrier Street and a CPR rail line right-of-way by:

   A. Re-designating lands identified on Schedule "A" from Industrial Policy Area to Neighbourhood Policy Area.

   as outlined in the report of the Director of Planning, Property and Development dated March 12, 2009 be forwarded to Council for Second Reading.

2. That the application under File DASZ 4/2009 to amend The Winnipeg Zoning By-law No. 200/2006 by rezoning the Planned Area as shown on Schedule "B" for File DASZ 4/2009 dated March 12, 2009 to an "R1-S" Residential Single-Family District and an "RMF-S" Residential Multiple-Family – Small District, be rejected.

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

DECISION MAKING HISTORY:

The Winnipeg Public Service advised that all statutory requirements with respect to these applications have been complied with.

Moved by Deputy Mayor Swandel,
That the report of the Winnipeg Public Service be taken as read.

Carried

Moved by Deputy Mayor Swandel,
That the receipt of public representations be concluded.

Carried

Moved by Deputy Mayor Swandel,
That Recommendation 1 of the Winnipeg Public Service regarding an amendment to Plan Winnipeg 2020 Vision By-law No. 7630/2000 be concurred in, and forwarded to Council.

Carried

Moved by Deputy Mayor Swandel,
That the following supporting reason for the proposed Plan Winnipeg Amendment be provided, namely:

1. The existing lands are more appropriately designated as a Neighbourhood Policy Area as opposed to an Industrial Policy Area.

Carried

DECISION MAKING HISTORY (continued):

Moved by Deputy Mayor Swandel,

That Recommendations 2 to 12 of the Winnipeg Public Service not be concurred in, and the application for subdivision and rezoning under File DASZ 4/2009 be rejected, and forwarded to Council.

Carried

Councillor Wyatt asked to be recorded as having voted against the above motion (DASZ 4/2009), in accordance with Rule 47(7) of The Procedure By-law No. 50/2007.

Moved by Deputy Mayor Swandel,

That the following supporting reasons for the proposed subdivision and rezoning under File DASZ 4/2009 be provided, namely:

1. The subdivision and rezoning application was not ready to come forward at this time.

2. More communication with area residents is required in view of the overall impact that subdivision and rezoning might have on their properties.

3. An opportunity may exist for the Developer to include the City-owned Beecher Avenue lands as part of a new proposal for development on this site.

Carried

Moved by Deputy Mayor Swandel,

That the public hearing with respect to these applications be concluded.

Carried

DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 15, 2009, the Executive Policy Committee adjourned the public hearing to its meeting on Wednesday, July 8, 2009, at 9:00 a.m. in the Council Building, 510 Main Street.

On December 3, 2008, the Executive Policy Committee did not hear any representation on the Plan Winnipeg Amendment PW 2/2007 application and adjourned the public hearing sine die**.**

On September 10, 2008, the Executive Policy Committee did not hear any representation on the Plan Winnipeg Amendment PW 2/2007 application and further adjourned the public hearing to its meeting on Wednesday, December 3, 2008 at 9:00 a.m., in the Council Building, 510 Main Street.

On May 21, 2008, the Executive Policy Committee did not hear any representation on the Plan Winnipeg Amendment PW 2/2007 application and further adjourned the public hearing to its meeting on Wednesday, September 10, 2008 at 9:00 a.m., in the Council Building, 510 Main Street.

DECISION MAKING HISTORY: (CONTINUED)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION: (CONTINUED)

On March 5, 2008, the Executive Policy Committee did not hear any representation on the Plan Winnipeg Amendment PW 2/2007 application and further adjourned the public hearing to its meeting on Wednesday, May 21, 2008 at 9:00 a.m., in the Council Building, 510 Main Street.

On January 30, 2008, the Executive Policy Committee did not hear any representation on the Plan Winnipeg Amendment PW 2/2007 application and adjourned the public hearing to its meeting on Wednesday, March 5, 2008 at 9:00 a.m., in the Council Building, 510 Main Street.

PUBLIC HEARING SUMMARY

Files:	PW 2/2007 and DASZ 4/2009
Before:	Executive Policy Committee His Worship Mayor Katz, Chairperson Deputy Mayor Swandel Councillor Clement Councillor Fielding Councillor Steeves Councillor Wyatt
Public Hearing:	July 8, 2009 April 15, 2009 December 3, 2008 September 10, 2008 May 21, 2008 March 5, 2008 January 30, 2008 West Committee Room Council Building, 510 Main Street
Applicant:	Global Homes Ltd. (Perry McDonald)

PLAN WINNIPEG AMENDMENT – PW 2/2007

Subject:	A proposal to amend Plan Winnipeg By-law No. 7630/2000 by redesignating the subject lands to a Neighbourhood Policy Area from an Industrial Policy Area.



Winnipeg

NOTICE OF PUBLIC HEARING
EXECUTIVE POLICY COMMITTEE

Date: Wednesday, April 15, 2009
Time: 9:00 a.m.
Location: Council Building, 510 Main Street, Winnipeg, Manitoba

TAKE NOTICE that pursuant to Section 227 of The City of Winnipeg Charter, the Executive Policy Committee will hold a public hearing to consider amending "POLICY PLATE A, LAND USE, PLAN WINNIPEG 2020 VISION" attached to and forming part of By-law No. 7630/2000 as follows and as shown outlined on the map below:

Applicant: GLOBAL HOMES LTD.
File: PW 2/2007
Proposal: Amend Plan Winnipeg for the subject lands shown above from an Industrial Policy Area to a Neighbourhood Policy Area, to allow for residential development.

Information and documents concerning the Proposal and a description of the procedure to be followed at the hearing are available for inspection by contacting James Veitch (phone: 986-7728), Planner, Planning Property and Development Department, at 15-30 Fort St., Monday to Friday excluding holidays between 8:30 am and 4:30 pm.

The purpose of the hearing is to allow interested persons to make submissions, ask questions or register objections in respect of the Proposal. Persons wanting to make representation at the public hearing are requested to notify Jo-Ann Park, Manager of the Decision Making Process, Council Building, 510 Main Street, Winnipeg, MB, R3B 1B9 at 986-3732.

French/English interpretation will be available if requested at least 48 hours prior to the hearing.

Exhibits/Submissions Filed:

1. Application dated September 13, 2007
2a. Manitoba Status of Title 1115032
2b. Certificate of Titles 428181, 482046, 48204, 680930
2c. Title Search 1291456
3a. Letter of authorization dated July 16, 2007, from the Manager of Real Estate, City of Winnipeg, to Landmark Planning and Design Inc.
3b. Letter of authorization dated July 18, 2007 from Maria Orszak, by the Administrator of her estate, the Public Trustee of Manitoba, per John Fergusson, Counsel for the Public Trustee, to Landmark Planning and Design Inc.
4. Plan (1 page)

5. Council Decision of November 21, 2007; contains report from the Acting Director of Planning, Property and Development dated October 26, 2007
6. First Reading of By-law No. 200/2007 by Council on November 21, 2007
7. Notification of Public Hearing by City Clerks to:
   A. Minister of Intergovernmental Affairs and Trade dated November 22, 2007
   B. Applicant dated November 22, 2007
   C. Administration dated November 22, 2007
   D. R.M. of West St. Paul dated November 22, 2007
8. Notification of Public Hearing dated December 13, 2007
9. Communication dated January 18, 2008, from the Planner, Planning, Property and Development Department, to the Regional Manager, Real Estate Marketing, Canadian Pacific Railway, submitting a Proposed Revision to Policy Plate "A" showing that the railway right-of-way is included in the Plan Winnipeg Amendment
10. Report from the Acting Director of Planning, Property and Development dated January 25, 2008
11. Inspection Report
12. Communication dated January 28, 2008 from Donovan Toews, Landmark Planning and Design Inc., Applicant, requesting that the application be adjourned
13. Communication dated January 29, 2008, from Kerry McKerracher in opposition to the application
14. Communication dated January 29, 2008, from Karen McKerracher in opposition to the application
15. Communication dated January 29, 2008, from Miguel and Darlene Morgadinho with respect to the application
16. Communication dated January 29, 2008 from Aurelio Gomes, Nouvelle Construction Limited, with respect to the application.
17. Communication dated January 29, 2008, from Michelle Cain with respect to the application
18. Communication dated January 30, 2008, from Sandra and Dennis Mosalowski in opposition to the application
19. Communication dated January 30, 2008, from Cynthia Spratt Goodmundson, with respect to the application
20. Petition in opposition to the application purporting to contain the signatures of 67 area residents, submitted by Nicole Dias
21. Petition in opposition to the application purporting to contain the signatures of 59 area residents, submitted by Michelle Cain

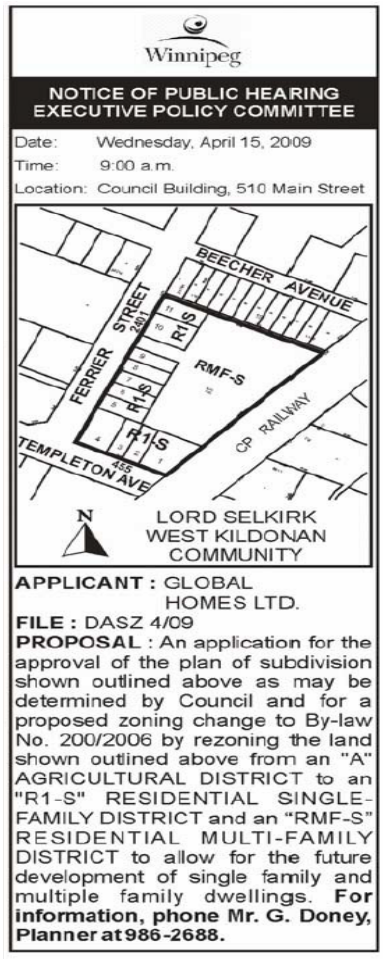
22. Petition with respect to the application purporting to contain the signatures of 10 area businesses of the community of Ferrier Street, submitted by Billy Stefanchuk
23. Audio Recording of representations from the public hearing held on January 30, 2008
24. Notice of Adjournment dated January 31, 2008
25. Communication dated February 17, 2008, from Sandra and Dennis Mosalowski with respect to the application
26. Communication from Sandra and Dennis Mosalowski, and Irene and Bill Tokarz, submitted to area residents with respect to the application
27. Communication dated February 21, 2008 from Donovan Toews, Landmark Planning and Design Inc., Applicant, requesting that the application be further adjourned for approximately 45 days
28. Communication dated February 25, 2008 from Rick Heuchert in opposition to the application
29. Communication dated February 26, 2008 from Sandra and Dennis Mosalowski, together with petition purporting to contain the signatures of 25 area residents, in opposition to the application
30. Notice of Anticipated Adjournment dated February 27, 2008
31. Communication dated March 3, 2008, from Valerie Lempen in opposition to the application
32. Communication dated March 2, 2008, from Bryan and Heather Jansen in opposition to the application
33. Communication dated March 3, 2008, from Beverly and Eberhard Fuhl in opposition to the application
34. Audio Recording of the adjourned public hearing held on March 5, 2008
35. Notice of Adjournment dated March 5, 2008
36. Petition in opposition to the application purporting to contain the signatures of 51 area residents, submitted by Michelle Cain
37. Communication dated February 19, 2008, from Mihajlo and Mary Lepki with respect to the application, submitted by Michelle Cain
38. Communication dated March 19, 2008, from Ann and Vic Peterson with respect to the application
39. Communication dated May 13, 2008 from Perry McDonald, Global Homes Ltd., advising that Global Homes Ltd. has purchased 455 Templeton Avenue from the Public Trustee working on behalf of the estate of Mary Orszak

40. Communication dated May 14, 2008 from Perry McDonald, Global Homes Ltd., requesting that the application be further adjourned to July 2008
41. Notice of Anticipated Adjournment dated May 14, 2008
42. Letter of authorization dated May 21, 2008, from the Manager of Real Estate, City of Winnipeg, to Global Homes Ltd.
43. Communication dated May 21, 2008 from the Planner, Planning, Property and Development Department, recommending that the application be adjourned to September 2008
44. Audio Recording of the adjourned public hearing held on May 21, 2008
45. Notice of Adjournment dated May 21, 2008
46. Communication dated September 3, 2008 from Perry McDonald, Global Homes Ltd., requesting that the application be further adjourned to December 3, 2008
47. Notice of Anticipated Adjournment dated September 3, 2008
48. Audio Recording of the adjourned public hearing held on September 10, 2008
49. Notice of Adjournment dated September 10, 2008
50. Communication dated November 24, 2008 from Bernhard Goertzen, Global Homes Ltd., requesting that the application be further adjourned to a meeting in March 2009 and withdrawing the related rezoning application
51. Audio Recording of the adjourned public hearing held on December 3, 2008
52. Notification of Adjournment Sine Die dated December 3, 2008
53. Notification of Public Hearing by City Clerks to:
    A. Minister of Intergovernmental Affairs, dated March 6, 2009
    B. Applicant, dated March 6, 2009
    C. Winnipeg Public Service, dated March 6, 2009
    D. R.M. of West St. Paul, dated March 6, 2009
    E. Persons who have registered at the previous Public Hearings, dated March 13, 2009
54. Notification of Public Hearing dated March 18, 2009
55. Report from the Winnipeg Public Service dated April 3, 2009
56. Inspection Report
57. Aerial Map; 4 photos; 2 maps
58. Communication dated April 15, 2009, from Global Homes Ltd. requesting amendments to the proposal

59. Audio Recording of representations from the public hearing held on April 15, 2009
60. Notice of Adjournment dated April 16, 2009
61. Communication dated July 7, 2009, from Global Homes Ltd. requesting amendments to the proposal
62. Audio Recording of representations from the public hearing held on July 8, 2009

PLAN OF SUBDIVISION AND REZONING – DASZ 4/2009

Subject:



Premises Affected: 455 Templeton Avenue, 2401 Ferrier Street, south side Beecher Avenue, east of Ferrier Street

Exhibits/Submissions Filed:

1. Revised Application dated March 26, 2009
2. Notification of Public Hearing dated March 18, 2009
3. Manitoba Status of Title 2306235
4. Letter of authorization from 4713096 Manitoba Ltd. to Global Homes Ltd.
5. Plans (1 page)
6. Report from the Winnipeg Public Service dated April 3, 2009
7. Inspection Report
8. Aerial Map; 4 photos; 2 maps
9. Communication dated April 15, 2009, from Global Homes Ltd. requesting amendments to the proposal.
10. Audio Recording of representations from the public hearing held on April 15, 2009
11. Notice of Adjournment dated April 16, 2009
12. Communication dated July 7, 2009, from Global Homes Ltd. requesting amendments to the proposal
13. Audio Recording of representations from the public hearing held on July 8, 2009

REPRESENTATIONS:

In Support:

Bernhard Goertzen, Global Homes Ltd.
Perry McDonald, Global Homes Ltd.

In Opposition:

Nil

For Information:

Irene and Pete Poworoznyk
Bryan and Heather Jensen

For the City:

Mr. D. Joshi, Director of Planning, Property and Development
Ms D. Himbeault, Acting Manager of Planning and Land Use, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. J. Wintrup, Senior Planner, Planning, Property and Development Department
Mrs. S. Matile, Land Development Engineer, Planning, Property and Development Department
Mr. L. Strijack, Acting City Solicitor/Manager of Legal Services
Mr. J. Carter, Solicitor, Legal Services, Corporate Support Services

ADMINISTRATIVE REPORT

RE: **North of Templeton Avenue and east of Ferrier Street (PW 2/2007; DASZ 4/09)**

REPORT DATE: **April 3, 2009**

AUTHORIZATION

Authors	Department Head	CAO
James Veitch, Senior Planner J. Glen Doney, Senior Planner	Deepak Joshi Director of Planning, Property and Development	Glen Laubenstein

RECOMMENDATION

1. That By-law No.200/2007, a proposal to amend *Plan Winnipeg 2020 Vision* By-law No. 7630/2000 for land bounded by Templeton and Beecher Avenues, Ferrier Street and a CPR rail line right-of-way by:

   A. Re-designating lands identified on Schedule "A" from Industrial Policy Area to Neighbourhood Policy Area.

as outlined in the report of the Director of Planning, Property and Development dated March 12, 2009 be forwarded to Council for Second Reading.

2. That the plan of subdivision under File DASZ 4/2009 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" dated March 12, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in Schedule "C", the Report of the Administrative Coordinating Group dated March 12, 2009

3. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the Planned Area as shown on Schedule "B" for File DASZ 4/2009 dated March 12, 2009 to an "R1-S" Residential Single-Family District and an "RMF-S" Residential Multiple-Family - Small District, subject to the following:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of *The City of Winnipeg Charter* for the Planned Area to include the following conditions:

i. That no dwelling shall be less than 49.2 feet (15 metres) from the eastern limit of the Planned Area unless a plan showing the location of the dwelling is approved by the Director of Planning, Property and Development.

ii. That the lands zoned "RMF-S" Residential Multi-Family District–Small be restricted as follows:

1. That for the development of any building, accessory parking area or signage, the Developer shall submit plans showing the location and design of the buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting and signage, to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

4. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

5. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

6. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

7. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-laws in accordance with the above.

8. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. That in the event the matter of the subdivision and rezoning is not proceeded with expeditiously and the subdivision and rezoning by-law is not passed within twenty-four (24) months after adoption of the report by Council, the subdivision and rezoning shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

11. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of *The City of Winnipeg Charter*.

12. That the Proper Officers of the City do all things necessary to effect the intent of the foregoing.

REASON FOR THE REPORT

Pursuant to *The City of Winnipeg Charter*, Executive Policy Committee is the designated hearing body responsible for Plan Winnipeg.

Sections 227 and 278 of *The City of Winnipeg Charter* provide that a hearing required with respect to an amendment to Plan Winnipeg may be combined with another hearing.

Since the proposed Plan Winnipeg amendment (By-law No.200/2007) is proceeding concurrently with applications for subdivision and rezoning (File DASZ 4/09), Executive Policy Committee will consider the Plan Winnipeg amendment, the subdivision and the rezoning at the April 15, 2009 public hearing.

Giving Second Reading to the proposed Plan Winnipeg By-law No. 200/2007 will allow the proposed Plan Winnipeg amendment to be forwarded to the Minister of Intergovernmental Affairs for consideration prior to Third Reading and final approval by Council.

Council approval is required for the zoning change and plan of subdivision and to enter into agreements required thereto.

KEY ISSUES

APPLICANT:	Global Homes, c/o Perry Mcdonald
OWNER:	4713096 Manitoba Ltd.
LOCATION:	Land bounded by Templeton and Beecher Avenues, Ferrier Street and a CPR rail line right-of-way in the Templeton-Sinclair Neighbourhood of the Old Kildonan Ward in the Lord Selkirk – West Kildonan District
SITE DESCRIPTION:	2.8 acres (Plan Winnipeg Area in Schedule ‘A’ and Planned Area of which 2.1 acres is subject to subdivision and rezoning in Schedule ‘B’)
PLAN WINNIPEG:	Industrial Policy Area
ZONING:	“A” Agricultural District

EXISTING LAND USE AND ZONING

As shown in Attachment 1:

- three single-family dwellings are within the Planned Area and many others are nearby;
- a warehouse, a storage compound, open space, a two-family dwelling and a care home are also near the Planned Area;
- a right-of-way, within which is a CPR branch rail line, is adjacent to the Planned Area; and
- a site, on which 38 dwelling units in nine townhouses are proposed, is near the Planned Area.

As shown in Attachment 2, the Planned Area is in an "A" Agricultural District. Attachment 2 also shows that other "A" Districts, "R1-M" Residential Single-Family [medium size lot] Districts, "R1-L" Residential Single-Family [large lot] Districts, "R1-E" Residential Single-Family [estate size lot] Districts, an "RR2" Rural Residential Two [2 ac. lots] District, an "RMF-S" Residential Multiple-Family [lower density] District and an "M2" Manufacturing General District are near the Planned Area.

Lastly, it is noted that the City of Winnipeg owns a portion of the Planned Area.

DESCRIPTION OF THE DEVELOPMENT

The development includes:

- removing two single-family dwellings from the Planned Area;
- creating 11 single-family dwelling lots, two of which would each encompass an existing single-family dwelling and the remainder would each be developed with a single-family dwelling; and
- creating a multiple-family dwelling lot adjacent to Ferrier Street and the CPR rail line right-of-way, which is to be developed in a future phase.

In order to do this, Plan Winnipeg must be amended by re-designating land from Industrial Policy Area to Neighbourhood Policy Area. The Plan Winnipeg amendment application, File PW 2/2007 is for the land bounded by Templeton and Beecher Avenues, Ferrier Street and a CPR rail line right-of-way. The northerly 95.5 feet of this land is not proposed for subdivision or rezoning at present.

Also required for the land described above, except the northerly 95.5 feet of said land, are a plan of subdivision and a rezoning from "A" Agricultural District to "R1-S" Residential Single-Family [small lot] District and to "RMF-S" Residential Multiple-Family [lower density] District.

BACKGROUND

The Plan Winnipeg amendment application and an application to amend Winnipeg Zoning By-law 6400/94 by rezoning the subject land, except the northerly 95.5 feet, to a multiple-family district were first before Executive Policy Committee (EPC) for public hearing on January 30, 2008. The hearing was adjourned by EPC without hearing representations. This decision was made by EPC

again on March 5, 2008, May 21, 2008 and September 10, 2008.

The last time the applications were before EPC was on December 3, 2008. Again, EPC did not hear any representation on the applications and adjourned the public hearing *sine die.* In addition, the applicant – Global Homes Ltd. – withdrew the rezoning application and, as such that item was filed.

Resident opposition to the proposed rezoning to multiple-family influenced the decision to withdraw this application. The rezoning application was replaced by the current subdivision and rezoning application, File DASZ 4/09, which is one of the subjects of this report. It is noted that the current application is for rezoning to multiple-family and to single-family districts.

Also, originally, the applicant was Landmark Planning and Design. Later, ownership of much of the land changed and Global Homes became the applicant.

A. PLAN WINNIPEG

A.1 Plan Winnipeg Key Issues

The Public Service is recommending that the Plan Winnipeg Area, a three acre parcel located east of Ferrier Street and south of Beecher Avenue as shown on Attachment 1, be re-designated from Industrial Policy Area to Neighbourhood Policy Area.

Re-designation will support the logical and orderly extension of Neighbourhood Policy Area and can be characterized as infill.

Additionally, re-designation will help offset a tight residential land supply in this area. According to draft preliminary residential land supply findings, most major land holdings in Neighbourhood Policy Area in this area of the city have been developed or are in the process of being developed.

The loss of three acres of vacant, unserviced industrial policy area will not negatively impact the industrial land supply in relation to demand in the northwest quadrant.

According to draft preliminary Employment Lands Strategy, this area's capacity to be developed for industrial use has eroded over time and the subject area no longer represents a strategic or logical location for industrial activity. Any significant industrial activity remains concentrated to the north.

The proposed development can be serviced by surrounding infrastructure in an environmentally sound, economical and timely manner.

A portion of the subject area falls within the 1 km odour control zone around the North End Water Pollution Control Centre. Issues related to the odour control zone around the North End Water Pollution Control Centre can be managed by caveats being filed on the title of each lot within the zone. Over the last few years, several subdivision applications with the control zones around both the north end and south end centres have been approved provided that a caveat be filed on the title of each lot informing the owners that they may be exposed to nuisance odours from time to time.

An application for subdivision and rezoning of the lands identified as Parcel "A" is being dealt with concurrently, through a combined hearing. Sections 227 and 278 of *The City of Winnipeg Charter* provide that Plan Winnipeg hearings may be combined with another hearing.

A.2 Plan Winnipeg Background

The subject area of the application is approximately three acres of vacant, unserviced land located on the east side of Ferrier Street and south side of Beecher Avenue. It is designated Industrial Policy Area and zoned A – Agricultural District.

The subject area is bound to the north by Industrial Policy Area, to the south, west and east by Neighbourhood Policy Area. Zoning in the area varies –south of the subject site is zoned "A" – Agricultural District; west of the subject site is zoned "R1.5" – Single Family Residential and "R1.20" – Single Family District and east of the subject area is predominately "R1.5" – Single Family District.

The subject area includes three parcels – two of the parcels are vacant (Parcels A and B) and Parcel C is being developed as an existing single-family residence. The Public Trustee of Manitoba, who initiated the amendment process, is holding the largest parcel, Parcel A. Parcel B is held by the City of Winnipeg who requested inclusion in the amendment process.

Parcel C is privately owned and is being proposed to be included in the application to better reflect its residential land use. The current owners of Parcel C have been advised of the proposed re-designation and process to amend Plan Winnipeg 2020 Vision and an invitation for further discussion on the matter has been extended.

Parcels B and C are not be subject to rezoning at this time.

A.3 Plan Winnipeg Discussion

Background research and analysis demonstrates that there is merit to considering a site-specific amendment to Plan Winnipeg:

A.3.1 Plan Winnipeg Policy 3A-01 Promote Orderly Development

Re-designation will support the logical and orderly extension of Neighbourhood Policy Area. It can be characterized as infill. The subject area is adjacent to and compatible with existing residential development making it a logical extension of existing Neighbourhood Policy Area. The subject site is adjacent to Neighbourhood Policy Area to the west, south and east.

According to draft preliminary findings of the Employment Lands Strategy, the subject area has not functioned as a preferred strategic location for industrial activity and it no longer represents a viable area for industrial activity. The site remains vacant and unserviced with the exception of residences located on two of the three parcels. One of the parcels has a dwelling and the owners of Parcel C plan on building a dwelling.

A.3.2 Plan Winnipeg Policy 3A – 02 Promote Compact Urban Form

The growing demand for residential development in this area has resulted in a tight land supply. According to the draft residential land supply findings, major land holdings in Neighbourhood Policy Area in this area of the city have been developed or are in the process of being developed.

Neighbourhood Policy Area that is currently not approved for development; not already developed or targeted for a future phase of development, is a pocket of land (approximately 86 acres), north of the West Kildonan Industrial Neighbourhood.

Preliminary City of Winnipeg growth projections recently conducted by the Conference Board of Canada suggest that the northwest quadrant is expected to continue to grow with a total projected demand for single-family residential development to 2026 of 6,344 single-family lots.

The proposed development can be serviced by surrounding infrastructure in an environmentally sound, economical and timely manner. Urban standard piped water and wastewater systems are located on Templeton Ave. and Ferrier Street. Site specific servicing plans, including transportation plans, will be required as part of the subdivision process.

B. DEVELOPMENT CONSIDERATIONS

B.1 Compatibility of the Development with the Neighbourhood

The development is compatible with the neighbourhood because:

- dwellings that are near the Planned Area, which are largely comprised of single-family dwellings and one two-family dwelling, would be separated from any future multiple-family dwelling on the Planned Area by
  - single-family dwellings existing on, or proposed for, the Planned Area,
  - the northerly 95.5 feet of the Planned Area, which is not proposed for development at this time and
  - an existing CPR rail line and right-of-way;
- the Planned Area is to be rezoned to residential districts that allow only relatively low density developments; and
- the relatively low density development of the Planned Area would be similar to that of a proposed townhouse development immediately south of Templeton Avenue, across from the Planned Area.

B.2 Transportation and Site Access

Transportation infrastructure near the site is to be improved as per the ACG Report (Schedule “C”), described in “B.3 Servicing”, below.

Motor-vehicular access to the single-family dwelling lots would be by private approaches (driveways), some of which would connect with Templeton Avenue and others with Ferrier Street. A private road is to connect future multiple-family developments, intended for proposed Lot 12, to Ferrier Street. Pedestrian access would be by sidewalks, to be built on the east side of Ferrier, from Beecher to Templeton, and on the north side of Templeton, from east of the CPR rail line to Ferrier. Winnipeg Transit bus routes are at least approximately 400 metres from the Planned Area.

B.3 Servicing

With reference to Schedule "C", the applicant is required to enter into a Development Agreement with the City to provide a full range of services consistent with Plan Winnipeg Policy, including the installation of underground infrastructure and also improvements to transportation infrastructure.

The infrastructure requirements in Ferrier Street include constructing concrete street pavement, boulevard landscaping, and a concrete sidewalk on the east side of Ferrier Street from Templeton Avenue to Beecher Avenue.

The infrastructure requirements in Templeton Avenue include constructing a wastewater sewer as required and to construct a concrete sidewalk on the north side of Templeton from approximately 80 feet (25 metres) east of the CPR rail line right-of-way to Ferrier Street.

B.4 Site Design

That a right-of-way, within which is a CPR branch rail, is adjacent to the Planned Area is a significant concern in terms of safety, noise and vibration.

Proximity Guidelines and Best Practices is a 2006 research report prepared for The Railway Association of Canada and The Federation of Canadian Municipalities.

This research report recommends "best practices" for: protecting dwellings from train derailments or other rail incidents; and reducing the amount of noise and vibration from trains affecting dwellings.

The report recommends for:

- dwellings to be setback 15 metres (49.2 feet) from a branch line right-of-way (which is the type of rail line alongside the Planned Area);
- a berm to be built alongside the rail line right-of-way and that the berm should be two metres (6.6 feet) high and at a slope of no more than approximately 22 degrees; and
- a 1.38-metre (4.5 feet) high chain link fence at the edge of the right-of-way and a three-metre high acoustical fence on the top of the berm.

For the townhouse development to be built on land immediately south of Templeton Avenue and immediately west of the CPR rail line right-of-way (File DAZ 209/08), Council approved a minimum 50 foot setback for any habitable room in a principal dwelling from the CPR rail line.

In addition, the Administrative Coordinating Group's report for this development application required a two-metre (6.6 feet) high sound attenuation fence alongside the CPR rail line right-of-way.

Taking the recommended 50 foot setback requirement for File DAZ 209/08 into account and noting that the ACG required the same type of fence as for this proposal, it is reasonable to have similar requirements for this development. Nevertheless, the Planning and Land Use Division *encourages* the developer to erect a berm, as described above, alongside the CPR rail line right-of-way or to erect a robust wall at least 6.6 feet (2 metres) in height instead of the aforementioned sound attenuation fence.

Lastly, in order to ensure the future multiple-family dwelling development would be highly compatible with nearby residential uses, guidelines for this development have been provided and are in "Attachment 3: Design Guidelines for "RMF-S" Lot in DASZ 4/09".

C. REASONS FOR THE RECOMMENDATION

The Public Service supports the development because it would be quite compatible with nearby developments.

Regarding the Plan Winnipeg Amendment application, the re-designation of the approximately 3-acre subject site is a logical and orderly extension of Neighbourhood Policy area and can be characterized as infill. The re-designation and removal of this vacant industrial policy area will not adversely affect the industrial land supply in relation to demand in the northwest quadrant of the City. It should also be noted that according to our Draft Preliminary Residential Land Supply study there is a need for additional residential land in this area.

The Public Service supports the subdivision and rezoning application. The proposed subdivision would create lots at sizes, shapes and locations quite compatible with existing and potential new lots. The proposed rezoning to "R1-S" District and "RMF-S" District would be compatible with existing zoning districts and the approved rezoning to "RMF-S" of the area south of, and across Templeton Ave. from, the Planned Area.

D. CONDITIONS OF RECOMMENDATION

The Public Service recommends that:

- the Developer be required to enter into a Development Agreement with the City to ensure that a full range of infrastructure is provided as per *Plan Winnipeg 2020 Vision* Policy "3B-02 Guide Development of New and Existing Residential Areas";

- the applicant enter into a Zoning Agreement with the City to ensure that no dwelling is less than 49.2 feet (15 metres) from the eastern limit of the Planned Area unless a plan showing the location of the dwelling is approved by the Director of Planning, Property and Development in order that a reasonable degree of safety and sound and vibration attenuation from the CPR rail line east of the Planned Area is provided for the proposed dwellings; and

- the applicant enter into a Zoning Agreement with the City to also ensure that the Developer submits the final plans for any future multiple family dwelling to ensure fencing, landscaping, building exteriors, lighting and other site elements will be compatible with the surrounding area.

IMPACT OF THE RECOMMENDATIONS

IMPACT	YES	NO	COMMENTS
Policy	✓		Change from an Industrial Policy Area to Neighbourhood Policy Area is consistent with Plan Winnipeg to facilitate orderly development.
Regulatory	✓		Zoning By-law 200/2006 amendment allows development permits to be issued.
Environmental		✓	
Human Resources		✓	
Financial	✓		The developer will be required to pay the City cash in lieu of land dedication equal to 10% of the increase in the market value of the subject land.
Legal (Contracts)	✓		A development agreement must be entered into.
Communications		✓	
Council Priorities		✓	
Other, e.g. Organizational, community, etc. (Specify)		✓	

FINANCIAL IMPACT

Note that the Financial Impact Statement must be signed by the Chief Financial Officer.

Financial Impact Statement **Date:** **March 12, 2009**

Project Name:

North of Templeton Avenue and east of Ferrier Street (PW 2/2007; DASZ 4/09)

COMMENTS:

The recommendations contained in this report include, among others, that Plan Winnipeg 2020 Vision By-law No. 7630/2000 be amended, that the plan of subdivision under File DASZ 4/2009 be approved, that the planned area be rezoned and that a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

The amount of the cash in lieu contribution is not determinable at this time and/or is likely to be immaterial in nature. As such, there are no material financial implications associated with the recommendations.

"Original Signed By"
Mike Ruta, FCA
Chief Financial Officer

CONSULTATION

In preparing this Report there was consultation with:

- Public Works
- Water and Waste

SUBMITTED BY

Planning Property and Development Department
Planning and Land Use Division
Prepared by: James Veitch and J. Glen Doney
Files PW 2/07 and DASZ 4/09

Appendix:

1. Schedule “A” for Plan Winnipeg Amendment, By-law and Map.
2. Schedule “B” for File No. DASZ 4/09, Executive Policy Committee, dated March 12, 2009
3. Schedule “C”: Report of the Administrative Coordinating Group
4. Attachment 1: Existing Land Use, 2005 Aerial Photography
5. Attachment 2: Existing Zoning
6. Attachment 3: Design Guidelines for “RMF-S” Lot in DASZ 4/09

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Schedule 'A' for Plan Winnipeg Amendment, By-law and Map

REFERENCE: FILE NO: PW 02/07

THE CITY OF WINNIPEG

BY-LAW NO. 200/2007

A By-law of **THE CITY OF WINNIPEG** to amend By-law No. 7630/2000, a By-law establishing **PLAN WINNIPEG**, being a statement of the City's policy and general proposals in respect of development or use of land in the City.

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

1. The map titled "POLICY PLATE A, LAND USE, PLAN WINNIPEG 2020 VISION", attached to and forming part of By-law No. 7630/2000 is hereby amended as follows:

"Lands located in the Lord Selkirk – West Kildonan Community of The City of Winnipeg, shown outlined on the map below, and generally described as being located east of Ferrier Street and south of Templeton Avenue are hereby designated as "NEIGHBOURHOOD" Policy Area and the said Plan Winnipeg Policy Area Map shall hereafter be read and construed as though the said lands were indicated thereon as "NEIGHBOURHOOD" Policy Area."

RECEIVED FIRST READING on this day of , A.D., 2007.

RECEIVED SECOND READING on this day of , A.D., 2007.

RECEIVED THIRD READING on this day of , A.D., 2007.

DONE AND PASSED in Council assembled this day of, A.D., 2007.

_____
Mayor

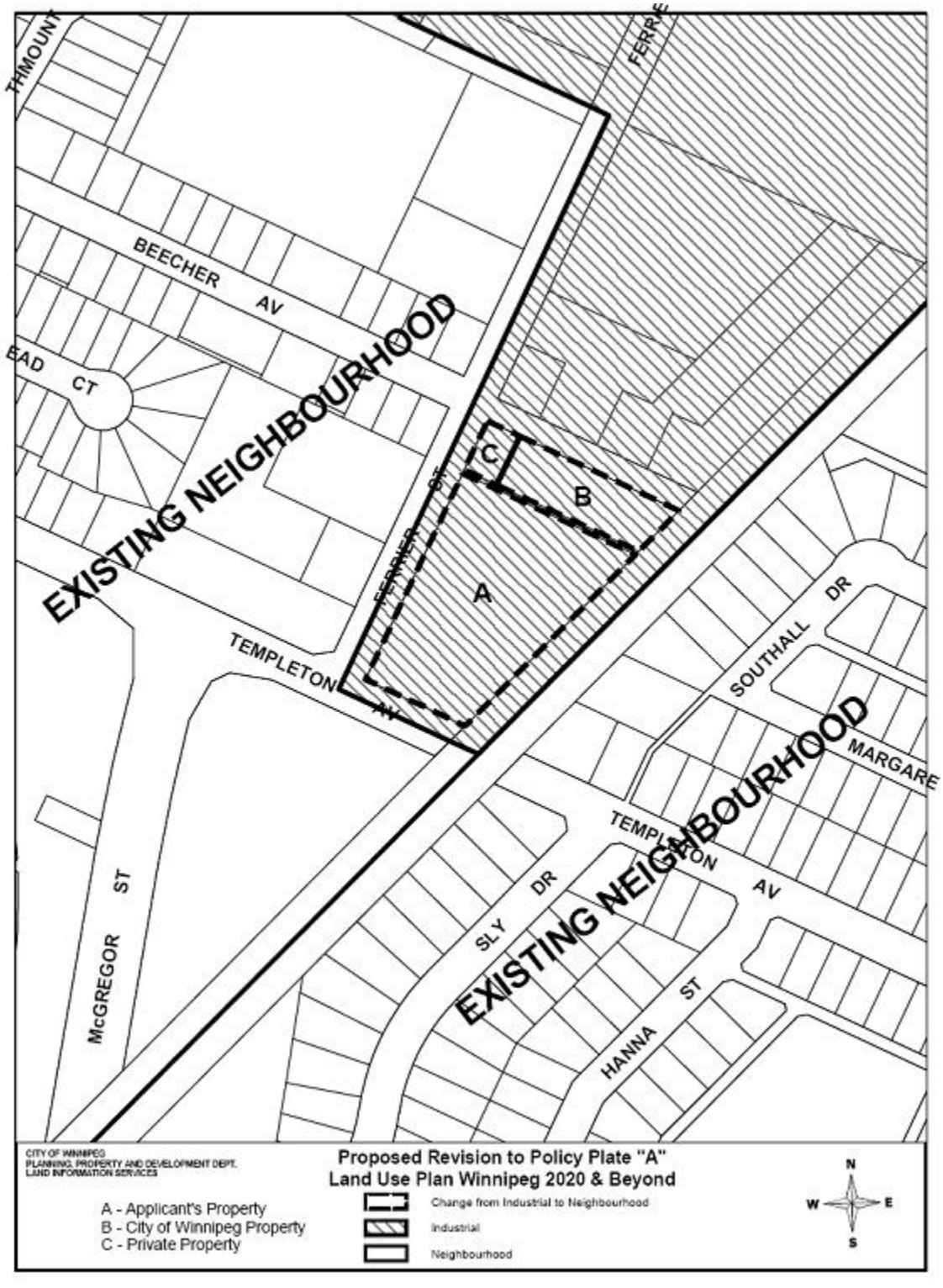
_____
City Clerk

Certified as to Planning Details:

_____
for Planning, Property & Development

Certified as to Form:

_____
for City Solicitor/Manager of Legal Services
File No. P.7.3/07(1) WRS


THMOUNT
FERRE
BEECHER AV
BAD CT
EXISTING NEIGHBOURHOOD
FERRIER ST
C
B
A
TEMPLETON AV
SOUTHALL DR
MARGARE
EXISTING NEIGHBOURHOOD
TEMPLETON AV
McGREGOR ST
SLY DR
HANNA ST
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION SERVICES
Proposed Revision to Policy Plate "A"
Land Use Plan Winnipeg 2020 & Beyond
A - Applicant's Property
B - City of Winnipeg Property
C - Private Property
Change from Industrial to Neighbourhood
Industrial
Neighbourhood
N
W
E
S

Schedule "B" for File No. DASZ 4/09, Executive Policy Committee, dated March 12, 2009

By-Law No. _____

File No. **DASZ 4/09**

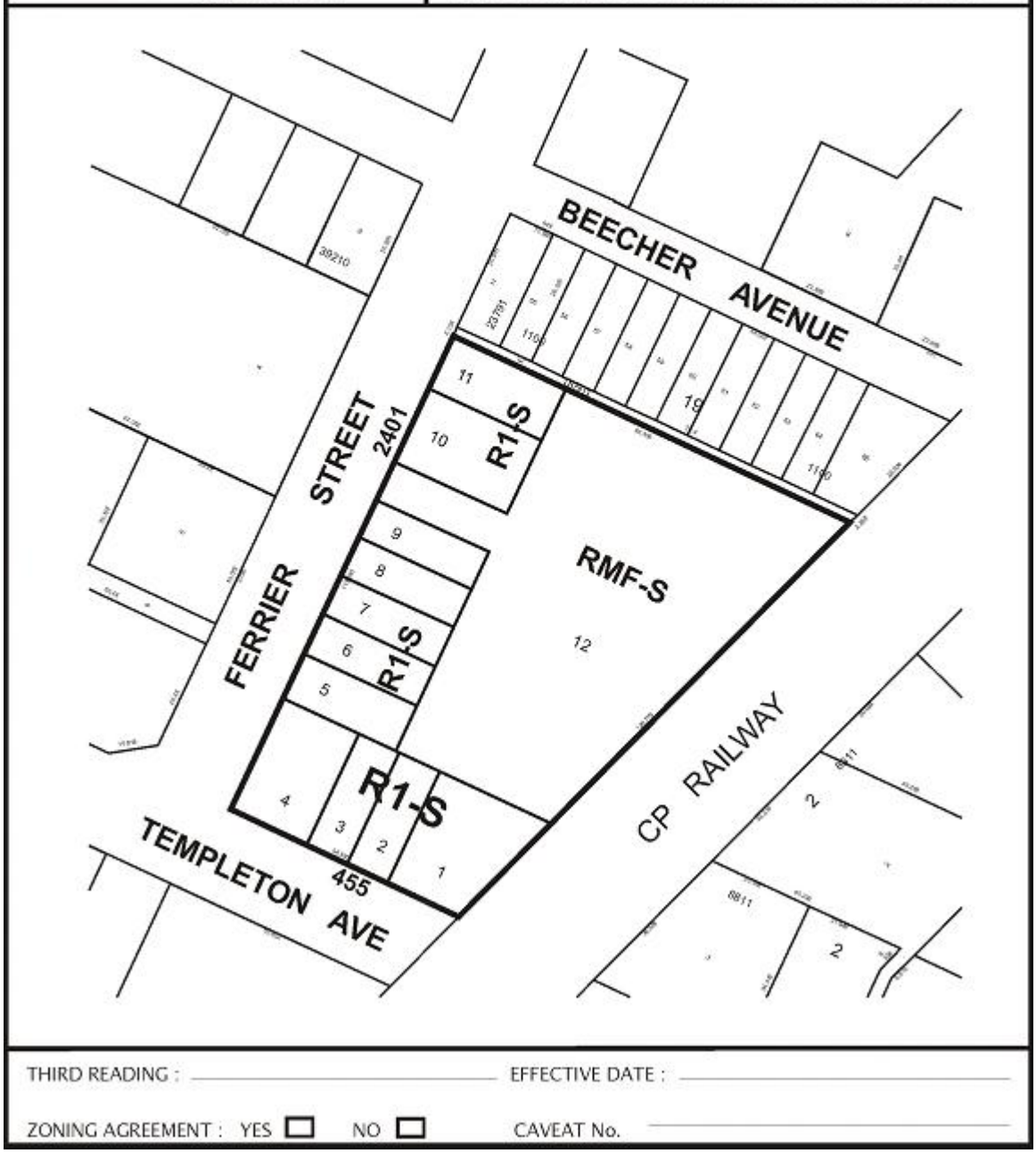
Atlas Sheet No. **T26**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 455 Templeton Avenue & 2401 Ferrier Street from an "A" AGRICULTURAL DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY DISTRICT and an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "C": Report of the Administrative Coordinating Group

Re: Proposed Subdivision and Rezoning of 455 Templeton Avenue and 2401 Ferrier Street – DASZ 4/09

Global Homes has submitted an application to subdivide and rezone 455 Templeton Avenue and 2401 Ferrier Street to create 11 single-family residential lots and a multi-family site.

It is recommended that the approval of DASZ 4/09 be subject to the Developer entering into a Development Agreement with the City, containing the following requirements:

1. That the Developer construct, at no expense to the City, a wastewater sewer in Templeton Avenue as required to service the Planned Area as determined by, and to the satisfaction of, the Director of Water & Waste.

2. That the Developer constructs, at no expense to the City, water and wastewater sewer lot line connections to each lot within the Planned Area as determined by, and to the satisfaction of, the Director of Water & Waste.

3. That the Developer pay its share of the regional land drainage system (2009 Rate = $17,968.50/acre).

4. That the Developer pay the land drainage sewer lateral charge ($40.00/ft) for the Ferrier Street frontage, and shall be credited for the land drainage local improvement levies previously paid for the Templeton Avenue frontage.

5. That the Developer, at no expense to the City, provides a lot grading plan, prepared by a municipal engineer to the satisfaction of the Director of Water & Waste, for the proposed development, and provide all required easements, and install all drainage works necessitated by the design.

6. Pursuant to Plan Winnipeg Policy requiring a full range of services, the Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 10.0m and a thicknesses of 200mm in the Ferrier Street from Templeton Avenue to Beecher Avenue, and all related works including, but not necessarily limited to boulevard landscaping, ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works. The City will endeavour, within the limits of its powers to make recoveries from other benefiting privately owned lands through subsequent agreements, or alternatively the Developer may request the City to endeavour to enact a Local Improvement By-Law for the above-referenced improvements.

7. The Developer shall, at no expense to the City, construct portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the east side of Ferrier Street from Templeton Avenue to Beecher Avenue and on the north side of Templeton Avenue from the existing terminus of the sidewalk approximately 25m east of the CPR Winnipeg Beach Subdivision to Ferrier Street, including a crossing of the CPR

Winnipeg Beach Subdivision, and all related works, all as determined by and to the satisfaction of the Director of Public Works.

8. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

9. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

10. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works. The access route is to be via Main Street to Leila Avenue to McGregor Street to Templeton Avenue to Ferrier Street.

11. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and pay the full cost to convert any existing overhead services within the proposed subdivision to underground service.

12. The Developer shall pay its share of the cost of services previously installed by the City and/or others in Templeton Avenue, if applicable, as determined by the Directors of Public Works and Water and Waste.

13. The Developer shall, at no expense to the City, construct within the Planned Area abutting the CPR Winnipeg Beach Subdivision, a uniform fence 2.0m in height, as determined by and to the satisfaction of the Director of Public Works. The Developer shall permit the City to file a caveat against the title of the proposed lots abutting the CPR Winnipeg Beach Subdivision requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works. Said fence is intended to ensure that “pedestrian trespass”, to the tracks does not become a consequence of the subject development, thereby creating safety issues and jeopardizing existing and/or future anti-whistling regulations along the subject railway line.

14. The Private Approach serving proposed Lot 1 is to be located immediately adjacent to the west property line of that lot to maximize its separation from the CPR Winnipeg Beach Subdivision.

15. That the Developer be required to pay cash in lieu of dedication of land for public open space, in accordance with City Policy.

16. That the Developer be required to pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the Planned Area.

17. That the Developer be required to pay $1,200.00 plus GST per acre to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 4/09
March 12, 2009

"original signed by K.T. Raban"
(for) S. Matile, P. Eng., Chair
Land Development Branch

"original signed by R.J. Hartmann"
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by F.C. Mazur"
F. C. Mazur, P. Eng.
Water & Waste Department

Attachment 1: Existing Land Use, 2005 Aerial Photography



Figure 1: Existing Land Use, 2005 aerial photography

Legend
SFD single-family dwelling
2FD two-family dwelling

March 8, 2009

Attachment 2: Existing Zoning

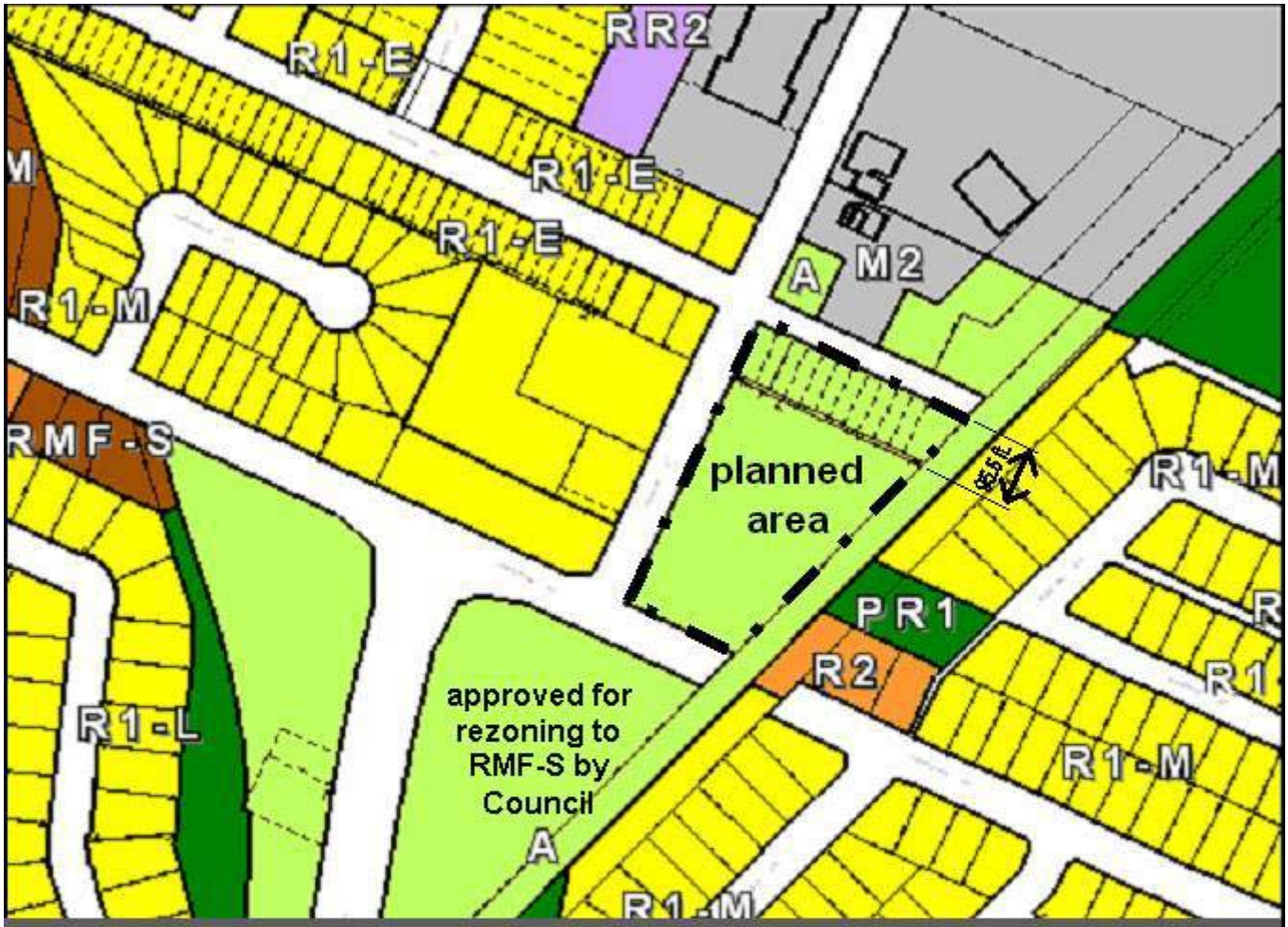


Figure 2: Existing Zoning

Legend

A	Agricultural District
R1-M	Residential Single-Family [medium size lot] District
R1-L	Residential Single-Family [large lot] District
R1-E	Residential Single-Family [estate size lot] District
RR2	Rural Residential Two [2 ac. lots] District
RMF-S	Residential Multiple-Family [lower density] District
M2	Manufacturing General District

March 8, 2009

Attachment 3: Design Guidelines for "RMF-S" Lot in DASZ 4/09

Purpose
To be used as guidelines when reviewing the final plan submittals for multiple family buildings in the Planned Area.

Lighting
A. Night lighting and security lighting shall be shielded to ensure that there is no off-site glare or skyward illumination.
B. Parking lot and landscape lighting shall be low to the ground, to reduce glare and illuminate all pedestrian walkways.
C. Within 50 ft. of the lot boundary, light fixtures shall be full shielding.
D. All other outdoor lighting fixtures may be semi-cutoff or full-cutoff
E. Location and type of lighting should be submitted in a lighting plan.

Parking
A. To the maximum extent possible, parking areas should be internalized in building groupings and oriented away from street frontages.
B. Consider breaking up large parking areas into smaller blocks of parking with landscape islands.
C. Consider separating parking areas from each other by a landscape strip +10 feet in width.
D. Parking areas should be at least 10 feet from any residential building with berming or hedging to screen headlight glare.

Site Planning
Consider setting aside an area of common open space on the Multiple Family lot that can be easily accessed by building residents and that provides a focal point for the residents to interact, and adds to the overall quality of life for residents. It should be purposefully integrated into the overall design of the development and not merely residual areas left over after the buildings and parking lot are sited.

Common open space can include gardens, courtyards, recreation, or play areas and may include some of the following features:

- Seasonal planting areas
- Large, flowering trees
- Seating
- Pedestrian scaled lighting
- Gazebos or other decorative shelters
- Play structures for children
- On-site recreation amenities

Building Design
A. Provide a distinctive, quality, architectural character and style that give character to each building, allowing some similar theme / design to run through each building but also marking each individually.
B. New buildings should respect the context of nearby residential neighbourhoods including the height, scale, mass, form, and character of surrounding development
C. Front doors / entrances should be clearly marked with distinct design elements such as porticoes, benches, canopies, etc.

D. Masonry, or other high quality material, used to enhance the façade of buildings.

Pedestrian Connections

A. Consider providing pedestrian connections from each building entrance to an internal sidewalk system that connects to the external sidewalk system.

B. Where these sidewalks cross a parking lot, connections should be marked through the use of a change in paving materials and height as a signal to motorists that they should slow down upon approaching.

Screening

A. Mixture of deciduous and coniferous trees is recommended and berming is encouraged (as previously stated) along the east property line to provide some visual separation from the CPR rail line.