Minute No. 441
Report - Standing Policy Committee on Property and Development - June 2, 2009

Item No. 13 **Amendment to the St. Vital Perimeter South Secondary Plan (St. Vital Ward) File SPA 1/2008**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the application to amend the St. Vital Perimeter South Secondary Plan By-law No. 1735/77 by re-designating the subject area from 'Agricultural' to 'Medium Density Rural Residential' be rejected.

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

Report - Standing Policy Committee on Property and Development - June 2, 2009

DECISION MAKING HISTORY:

Moved by Councillor Fielding,

That the recommendation of the Standing Policy Committee on Property and Development that the application be rejected, be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 10, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 2, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 4, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, and forwarded to the Standing Policy Committee on Property and Development.

On April 6, 2009, the Riel Community Committee did not hear any representations on the application and further adjourned the public hearing to its meeting on May 4, 2009 at 6:00 p.m. in the Council Building, 510 Main Street.

On March 2, 2009, the Riel Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on April 6, 2009 at 6:00 p.m. in the Council Building, 510 Main Street.

RE: **Amendment to the St. Vital Perimeter South Secondary Plan**
File SPA 1/2008

For submission to: **The Standing Policy Committee on Property and Development /**

Prepared by: **Marc Pittet, Senior Committee Clerk**
Riel Community Committee

Report date: **May 5, 2009**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 4, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development that the application to amend the St. Vital Perimeter South Secondary Plan By-law No. 1735/77 by re-designating the subject area from 'Agricultural' to 'Medium Density Rural Residential' be rejected.

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated February 23, 2009.

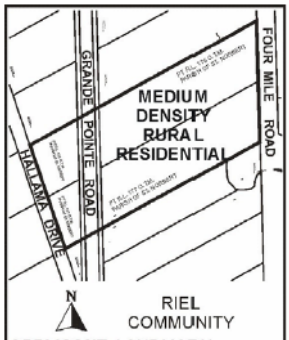
PUBLIC HEARING SUMMARY

File: SPA 1/2008

Before: Riel Community Committee
Councillor Vandal, Chairperson
Councillor Steeves

Public Hearing: May 4, 2009
Council Chamber
Council Building, 510 Main Street

Subject:



APPLICANT: LANDMARK PLANNING & DESIGN INC.
FILE : SPA 1/2008
PROPOSAL : Council gave first reading to By-Law No. 190/2008, which proposes to amend the St. Vital Perimeter South Secondary Plan By-Law No. 1735/77 by redesignating the property shown outlined above from "AGRICULTURAL" to "MEDIUM DENSITY RURAL RESIDENTIAL" to permit the establishment of rural residential lots. **For information, phone Mr. J. Veitch, Planner at 986-7728.**
DEMANDEUR : LANDMARK PLANNING & DESIGN INC.
DOSSIER : SPA 1/2008
PROJET : Le Conseil a déposé en première lecture le Règlement municipal n° 190/2008 qui prévoit la modification du Règlement municipal no 1735/77 qui s'intitule St. Vital Perimeter South Secondary Plan par le changement de la désignation des biens délinéés ci-dessus qui passeraient de la catégorie SECTEUR AGRICOLE à celle de SECTEUR RURAL RÉSIDENTIEL À DENSITÉ MOYENNE afin de permettre l'aménagement de lots résidentiels ruraux. **Pour obtenir des renseignements, veuillez communiquer avec M. J. Veitch, urbaniste, au 986-7728.**

Exhibits Filed:

1. Council Decision of December 17, 2008; contains report from the Director of Planning, Property and Development dated September 25, 2008
2. First Reading of By-law 5893/92 by Council on December 17, 2008
3. Report from the Planning and Land Use Division dated February 23, 2009
4. Inspection Report
5. Communication dated February 26, from Donovan Toews requesting adjournment.
6. Notice of Adjournment dated March 3, 2009
7. Notice of Adjournment dated April 7, 2009
8. Audio Recording of representations of public hearing held on May 4, 2009

REPRESENTATIONS:

In Support:
Mike, Carolyn, Devon, Derek, Justin, Carlton and Katrina Reimer
Gerald Reimer
Donavan Toews

In Opposition
Darlene Hoffman
Alain Hogue
Tony Ivonchuk
Georgina Jarema
John and Lesley Leslie
Wayne and Sherry Nelson
Hugues Plante
Elsie Polanski
David Poole
Jean-Paul and Melanie Richard

For Information:
Dianne Domaratzki
Ross Mitchell

For the City:
Mr. K. Kowalke, Planner, Planning, Property and Development Department
Mr. J. Veitch, Planner, Planning, Property and Development Department

Exhibit "3" referred to in File SPA 1/2008

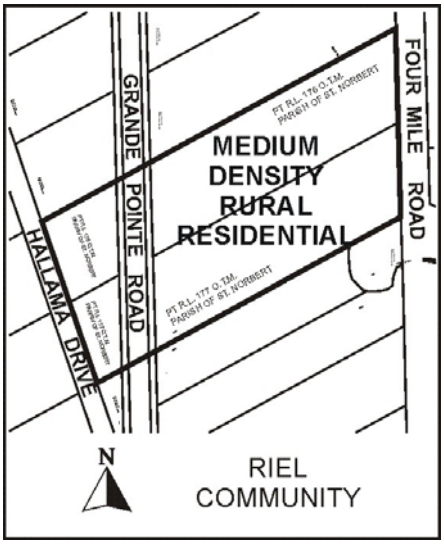
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: February 23, 2009
File: **SPA 1/2008**
Related Files: N/A
Subject: To amend the *St. Vital Perimeter South Secondary Plan* By-law No. 1735/77 by redesignating the subject area from 'Agricultural' to 'Medium Density Rural Residential'.

Location: 2303 Hallama Drive
Legal Description: All those portions of OTM Lots 176 and 177 Parish of St. Norbert which lie east of the Eastern limit of Highway Plan 3910 WLTO exc right of way of the Pembina Branch of the CPR and Road Allowance joining the same, Plan 12 WLTO (PR Div)



Applicant: Landmark Planning & Design Inc. (Mr. Donovan Toews)
Owner: Anthony Robert John Zappitelli and Lise Marie Zappitelli

Recommendation: That the amendment to the *St. Vital Perimeter South Secondary Plan* under files **SPA 1/08** and **By-law No. 190/2008** be rejected.

Site Description

Existing Land Use and Zoning

The approximately 29-acre subject site is located in the south east corner of the City of Winnipeg adjacent to the R.M. of Ritchot. The site is under one title yet split into two pieces due to the intersection of Grande Pointe Road and the CPR Emerson rail line. The approximately 5-acre portion fronts onto Hallama Road with the larger 24- acre +/- portion fronting onto Grande Pointe Road.

The site is regulated by three layers of development regulations:

- Zoned 'A' Agricultural by the City of Winnipeg Zoning By-law 200/06,
- Designated Rural in *Plan Winnipeg 2020,*
- Land use 'Agricultural - 40 acres' within the St. Vital Perimeter South Secondary Plan.

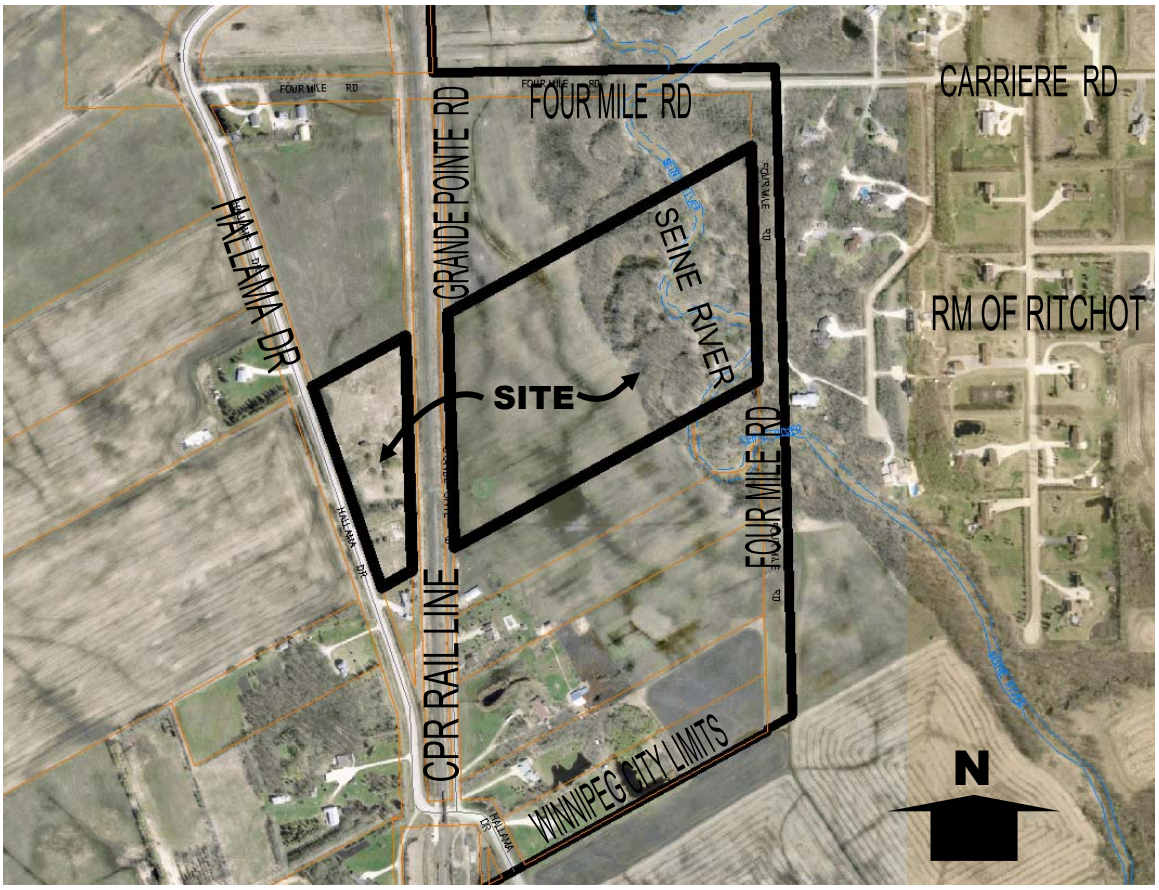


Figure 1: Subject Site (Aerial Flown 2005)

Surrounding Land Use and Zoning
North: 'A' Agricultural then Four Mile Road (not constructed)
South: 'A' Agricultural
East: Seine River then Four Mile Road (not constructed) followed by the R.M. of Ritchot
West: Hallama Drive then 'A' Agricultural

Background
In **September 2008**, the Public Service submitted a report on the original request to amend the St. Vital Perimeter South Secondary Plan to Standing Policy Committee on Property and Development with the recommendation that it not be proceeded with.

On **October 28, 2008** the Standing Policy Committee on Property and Development concurred with the Public Service and rejected the request to amend the St. Vital Perimeter South Secondary Plan. That decision was then forwarded to Executive Policy Committee and Council.

On **December 10, 2008** the Executive Policy Committee did not concur with the Standing Policy Committee and recommended to Council that a by-law be prepared to amend the St. Vital Perimeter South Secondary Plan and forwarded to Council for First Reading and that a public hearing be scheduled before the Riel Community Committee.

Description of the Proposed Development
The applicant, on behalf of the owner is applying for a site specific amendment to the St. Vital Perimeter South Secondary Plan. Their original intent was to amend the plan from the current 'Agricultural', (40-acre min. lot size) designation to 'Medium Density Rural Residential' (2-acre min. lot size) to allow the creation of 11 additional rural residential lots. However, based on initial feedback from the Public Service the owner has revised his subdivision proposal to a predominantly 'Low Density Rural Residential – 5 acre' layout requesting 6 lots, (see figure 3 below).

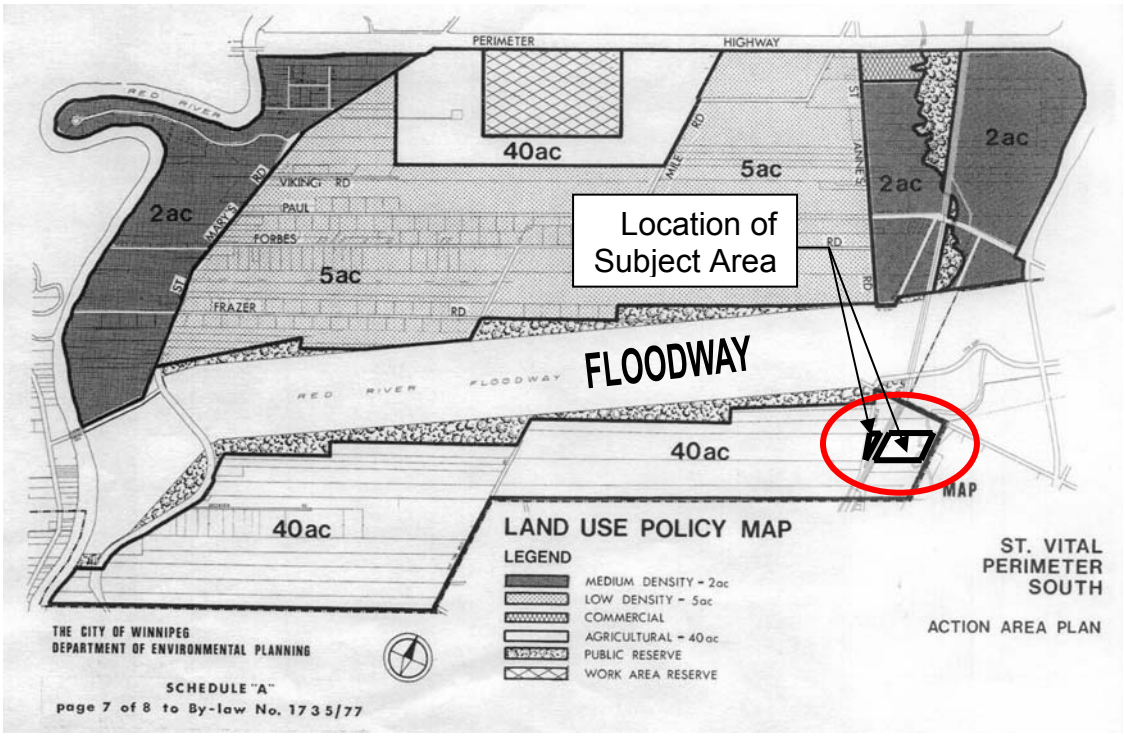


Figure 2: Subject Area shown within St. Vital Perimeter South Secondary Plan: Land Use Policy Map

Analysis

Subject Application

The subject application originally intended to amend the St. Vital Perimeter South Secondary Plan to allow the Medium Density 2-acre lot development on the subject site. The area is currently designated as 'Agricultural – 40 acres' under the Secondary Plan.

However based on preliminary feedback from Public Service, the owner revised the proposal to the 'Low Density – 5 acre' designation as allowed in areas north of the Floodway by the Secondary Plan. This change would reduce the number of potential lots from 11 to 6.

This proposed reduction does not change our position; the Public Service is not supportive of an amendment to the St. Vital Perimeter South Secondary Plan in this location at this time.

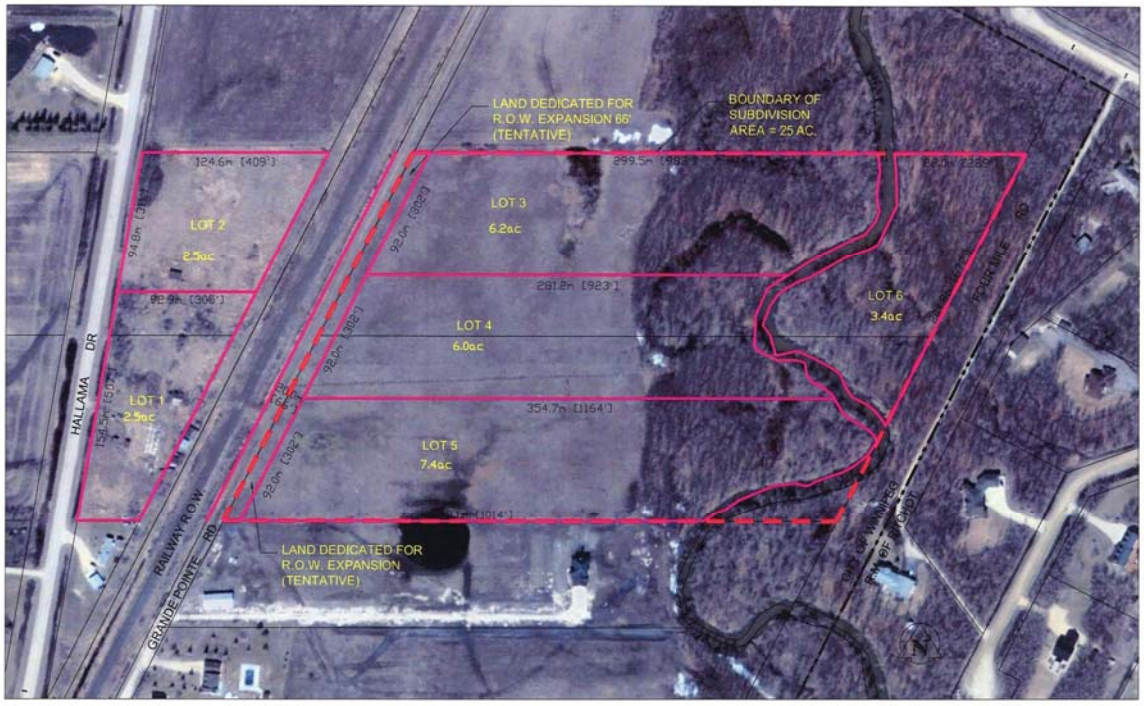


Figure 3: Revised Low Density Subdivision Proposal – showing 6 proposed lots

Plan Winnipeg 2020

The subject site is designated 'Rural' Policy Area in *Plan Winnipeg 2020*. Several policies within the plan directly refer to the support and protection of the City's rural areas and agricultural lands, allowing residential development where there is a demonstrated need utilizing existing infrastructure.

The fact that subject area is further regulated by the St. Vital Perimeter South Secondary Plan adds an additional layer of clarity to the development regulations. *Plan Winnipeg* discusses the importance of preparing secondary plans to manage our unserviced residential areas and where appropriate, establishing minimum parcel sizes beyond the typical 40-acre minimum for Rural lands highlighted in *Plan Winnipeg.*

The St. Vital Perimeter South Secondary Plan has this range of minimum parcel sizes allowing the development of 5-acre and 2-acre rural residential areas; however these smaller lot areas are located north of the Floodway. The subject area is designated 'Agricultural 40-acres' by the Secondary Plan and is thus inline with *Plan Winnipeg* in the protection and conservation of our rural lands for predominantly agricultural uses.

St. Vital Perimeter South Secondary Plan (By-law No. 1735/77)
The St. Vital Perimeter South Secondary Plan was adopted by Council in 1979 after extensive study and public consultation. The plan allows certain development options and densities, (see Figure 2. above) beyond what is permitted within the City of Winnipeg Zoning By-law 200/06 and the policies in *Plan Winnipeg 2020.*

All of the lands south of the Floodway that are a part of the St. Vital Perimeter South Secondary Plan are designated 'Agricultural – 40 acres', the subject area is located within these lands. Several properties in the immediate vicinity are smaller than 40 acres in size, including the subject site at 29.1 acres. These parcels were in existence prior to the adoption of the Secondary Plan and most likely prior to Unicity when these lands became part of the City of Winnipeg, and are thus 'grandfathered'.

'Agricultural – 40 acres' Land Use
The intent of the 'Agricultural' areas in the Secondary Plan is to encourage the conservation of this land for general agricultural purposes protecting the farm land and farm production investment from the encroachment of other uses incompatible with agricultural operations.

Agricultural Policies from the St. Vital Perimeter South Secondary Plan

'2. (a) To encourage the conservation of land for general agricultural activities and where it is in the public's best interest ensure the timing and transition of agricultural lands to limited urban uses proceeds in a timely manner.'
The subject application represents a transition into urban uses, from 'Agricultural – 40 acre' designation to 'Low Density Rural Residential 5-acre'. Until comprehensive public consultation can be undertaken on the entire scope of the St. Vital Perimeter South Secondary Plan this transition is premature.

'2. (d) To protect farm land and farm production investment from the encroachment of other uses incompatible with agricultural operations.'

Redesignating the Secondary Plan adding additional rural residential lots to the area increases the potential for incompatibility and conflict with the existing agricultural uses. Complaints regarding adjacent farming practices could result in a required downscale of operations negatively impacting the landholder's investment in their farm and lands.

The background report to the St. Vital Perimeter South Secondary Plan, Policies and Objectives section explains the 'Agricultural – 40 acre' designation in more detail;

8.4.1 *'To protect the areas of agricultural land uses from the encroachment of scattered non-farm development.'*

8.4.2 *'To minimize the potential for land use conflicts between farm and non-farm developments.'*

8.4.3 *'To encourage the continued use of agricultural land for farming activities until there is a demonstrated and obvious need for more limited urban land.'*

8.4.6 *'To encourage livestock and poultry production operations to establish south of the Red River Floodway in areas not characterized by Rural-residential development.'*

Currently, there are approximately 8 rural residential properties in the immediate vicinity that do not appear to be connected to a larger agricultural operation. The intent of the applicant's revised subdivision proposal, (see figure 3) is to allow the establishment of 6 additional rural residential homes. At this point, the applicant has not demonstrated an obvious need for more rural residential development in this location of the City. The proposed addition of several new homes in this area will increase the scattered non-farm development and increase the potential for land use conflicts and would thus be contrary to the policies and objectives of the St. Vital Perimeter South Secondary Plan.

Moreover, the existing plan area contains ample land at appropriate densities and designations to accommodate this kind of development north of the Floodway.

Precedent

Since the adoption of the St. Vital Perimeter South Secondary Plan in 1979 this is the first attempt to amend the plan. In the 80's several applications were made to vary the plan By-law 1735/77 north of the Floodway as at that time variances were allowed procedurally, none of those applications were successful.

Approving an amendment to the Secondary Plan would set the precedent for future amendments, including the potential for significant increase in 2 and/or 5-acre housing development south of the Floodway boundary. This would be a substantial reversal of the development direction set within the Plan for this area south of the Floodway, potentially increasing land use conflicts, servicing issues and sprawl – issues the Secondary Plan was to safeguard against.

Floodplain
At the time that this Secondary Plan was adopted in 1979 all of the lands south of the Floodway were considered hazard areas at flood risk. Policies in the background report and the Secondary Plan looked to minimize the risk of property damage permitting only farm related dwellings and structures south of the Red River Floodway, (page 37, 8.5.11)

The City of Winnipeg Water & Waste Department has indicated that a ring dike was constructed around this rural residential area including the 2-acre development within the R.M. of Ritchot to the east. This area is now protected to a level slightly higher than the 1:100 year level of flood protection.

Remote Location
The subject area is located in isolated quadrant of the City known as the St. Germaine / Vermette community adjacent to the City boundary with the RM of Ritchot. Access to the subject area is gained through a network of municipal roads off the southbound Highway 59 through the R.M. of Ritchot looping back into the City limits.

The maintenance of the majority of these roads used to access the site is the responsibility of the RM of Ritchot. Our emergency services personnel and the local residents are dependant on authorities of another jurisdiction keeping these roads open and operational. Increasing the density in this area, adding to potential emergency issues does not seem prudent, cost effective or safe allowing the responsible provision of such fundamental services such as fire, emergency, medical and police protection.

Public Works has indicated that if an application for subdivision was made for the subject area they would require Grande Pointe Road be widened from its current 33 foot width to 80 feet width and constructed to the City's Rural Residential 5-acre standards all the way south to the connection with Hallama Drive. Public Works explained that it would be the developer's responsibility to acquire those lands from the adjacent private properties on the east side of Grande Pointe Road.

Current Area Studies
In 2004 Wardrop Engineering completed the Hydrogeological Assessment Study for the St. Vital Perimeter South area. The study examined the groundwater quality of the area and the potential impact future development may have on the aquifer's sustainability.

The Regional Land Drainage Draft Report was completed by Dillon Engineering a few years prior to the Hydrogeological Assessment mentioned above.

In the spring 2008 a review of the St. Vital Perimeter South Secondary Plan was initiated by the City and a consultant has been retained. The project objectives include holding two public consultation sessions to review the findings of the Hydrogeological and Regional Land Drainage

studies with the area residents. The intent is to garner public feedback and assess the relevancy of the St. Vital Perimeter South Secondary Plan and its potential update and/or amendment.

The consultant is in the process of establishing a Steering Committee comprised of City Departments and representation from the local neighbourhood. Once the membership of the Steering Committee has been finalized the dates for the open houses will be set.

The consultant has indicated that the estimated completion of the study is July 2009.

Recommendation

The Planning and Land Use Division recommends denial of the proposed Secondary Plan amendment for the following reasons:

- The amendment is contrary to the Policies and Objectives of the St. Vital Perimeter South Secondary Plan in that all of the land south of the Floodway has been designated 'Agricultural – 40 acres' to encourage and protect farming activities;
- The amendment is premature in that the current planning study underway to review the existing Hydrogeological and Regional Land Drainage studies with a Steering Committee of stakeholders leading to the assessment of the St. Vital Perimeter South Secondary Plan is ongoing and incomplete;
- The amendment is encouraging the increase residential density in a remote, isolated location on the periphery of the City accessed through a separate municipality, potentially complicating the delivery of essential City services such as fire protection, police and associated emergency response.
- The amendment is contrary to *Plan Winnipeg 2020* in that Rural Policy areas are to be primarily devoted to agricultural uses, supporting the policies of existing secondary plans, while promoting orderly development and compact urban form.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: James Veitch
PPD File # SPA 1/2008

Attachment 'A'

THE CITY OF WINNIPEG

BY-LAW NO. 190 **/2008**

A By-Law of THE CITY OF WINNIPEG to amend the St. Vital Perimeter South Secondary Plan By-Law No. 1735/77 to redesignate certain lands from Agricultural to Medium Density Rural Residential.

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

1 *Map 2, titled "Land Use Policy Map", attached to and forming part of Schedule "A" to the St. Vital Perimeter South Secondary Plan By-Law No. 1735/77, is amended as follows:*

Lands located in the St. Germaine/Vermette community of The City of Winnipeg, shown outlined on the map below and generally described as being south of Four Mile Road and east of Hallama Drive, are hereby designated as Medium Density Rural Residential and the said Map 2 shall hereafter be read and construed as though the said lands were indicated thereon as Medium Density Rural Residential.

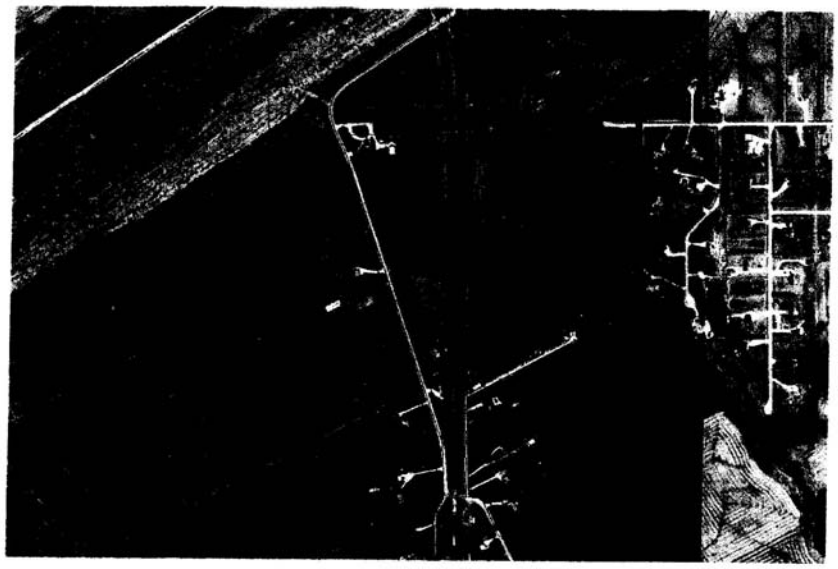


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Figure 4: Attachment "A" to the report to the Riel Community Committee for File SPA 1/2008, dated February 5, 2009.

Exhibit "2" referred to in File SPA 1/2008

THE CITY OF WINNIPEG

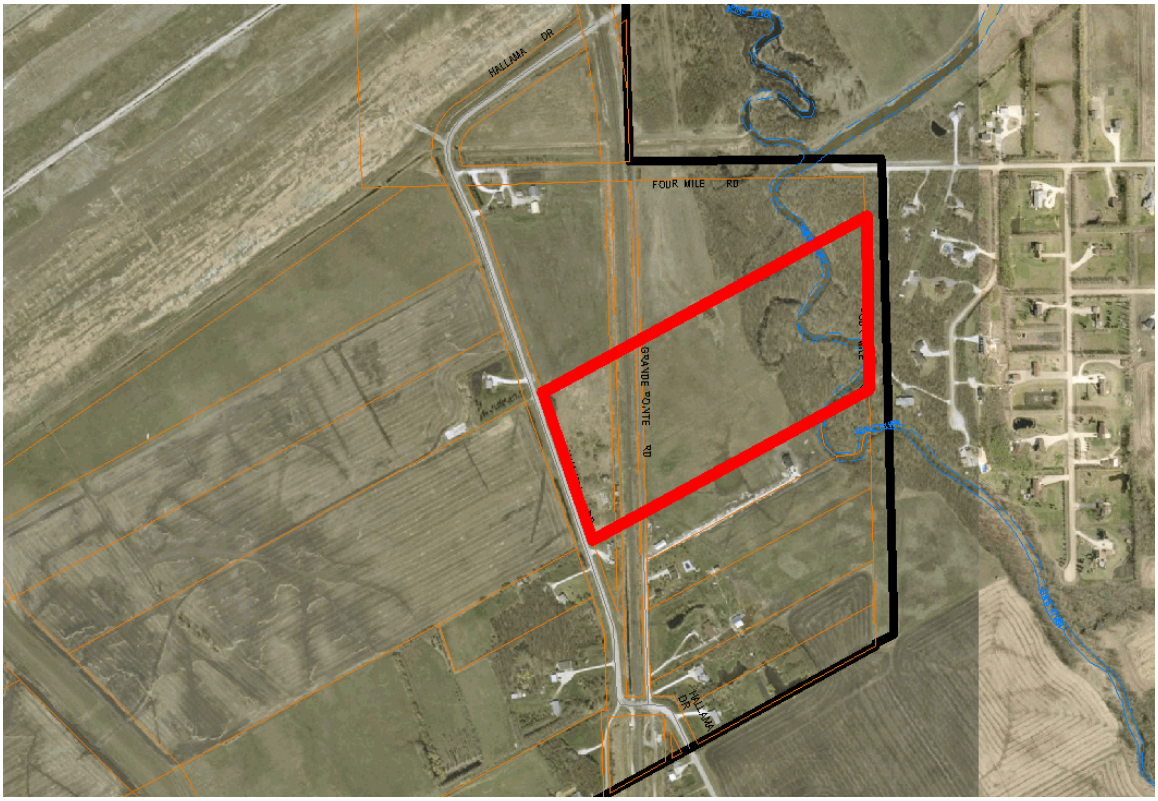
BY-LAW NO. 190/2008

A By-Law of THE CITY OF WINNIPEG to amend
the St. Vital Perimeter South Secondary Plan By-Law No. 1735/77
to redesignate certain lands from Agricultural
to Medium Density Rural Residential.

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

1 *Map 2, titled "Land Use Policy Map", attached to and forming part of Schedule "A" to the St. Vital Perimeter South Secondary Plan By-Law No. 1735/77, is amended as follows:*

Lands located in the St. Germaine/Vermette community of The City of Winnipeg, shown outlined on the map below and generally described as being south of Four Mile Road and east of Hallama Drive, are hereby designated as Medium Density Rural Residential and the said Map 2 shall hereafter be read and construed as though the said lands were indicated thereon as Medium Density Rural Residential.



RECEIVED FIRST READING this 17th day of December, 2008.

RECEIVED SECOND READING this day of , 2008.

RECEIVED THIRD READING this day of , 2008.

DONE AND PASSED this day of , 2008.

_____
Mayor

_____
City Clerk

Approved as to planning details:

_____
for Director of Planning, Property & Development

Approved as to form:

_____
for A/City Solicitor/Manager of Legal Services

Exhibit "1" referred to in File SPA 1/2008

Minute No. 115
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

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Acting City Solicitor/Manager of Legal Services be instructed to prepare a by-law to amend the St. Vital Perimeter South Secondary Plan as described in the report dated September 25, 2008 from the Director of Planning, Property and Development, and that said by-law be forwarded to Council for First Reading.

2. That a public hearing be scheduled before the Riel Community Committee in accordance with the Development Procedures By-law No. 5893/92 and The City of Winnipeg Charter.

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

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

DECISION MAKING HISTORY:

Moved by Councillor Fielding,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 10, 2008, the Executive Policy Committee did not concur in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the Acting City Solicitor/Manager of Legal Services be instructed to prepare a by-law to amend the St. Vital Perimeter South Secondary Plan as described in the report dated September 25, 2008 from the Director of Planning, Property and Development, and that said by-law be forwarded to Council for First Reading.

2. That a public hearing be scheduled before the Riel Community Committee in accordance with the Development Procedures By-law No. 5893/92 and The City of Winnipeg Charter.

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

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 from Donovan Toews, Landmark Planning and Design Inc., 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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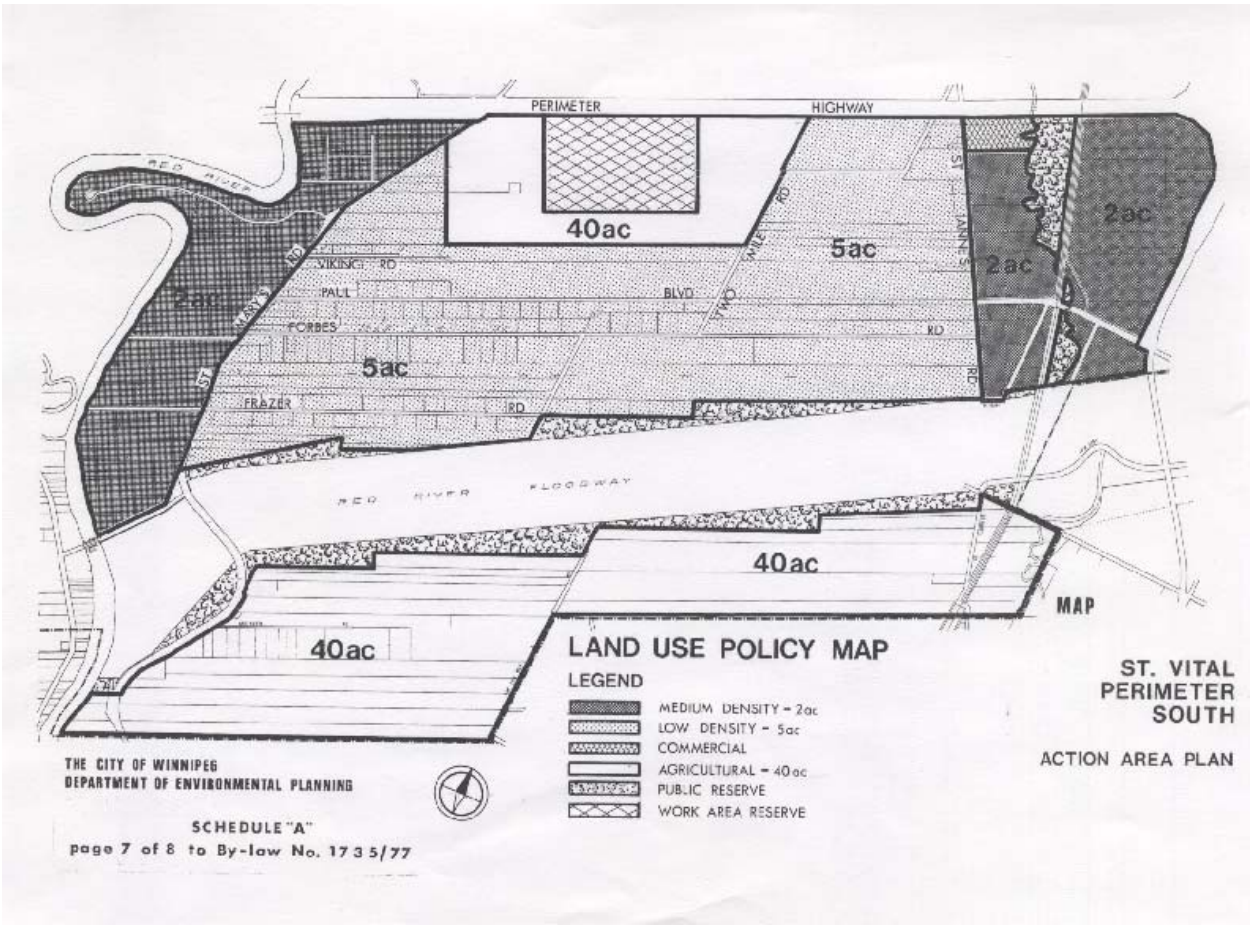
PERIMETER
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RED RIVER
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TWO MILE RD
ST JANNES RD
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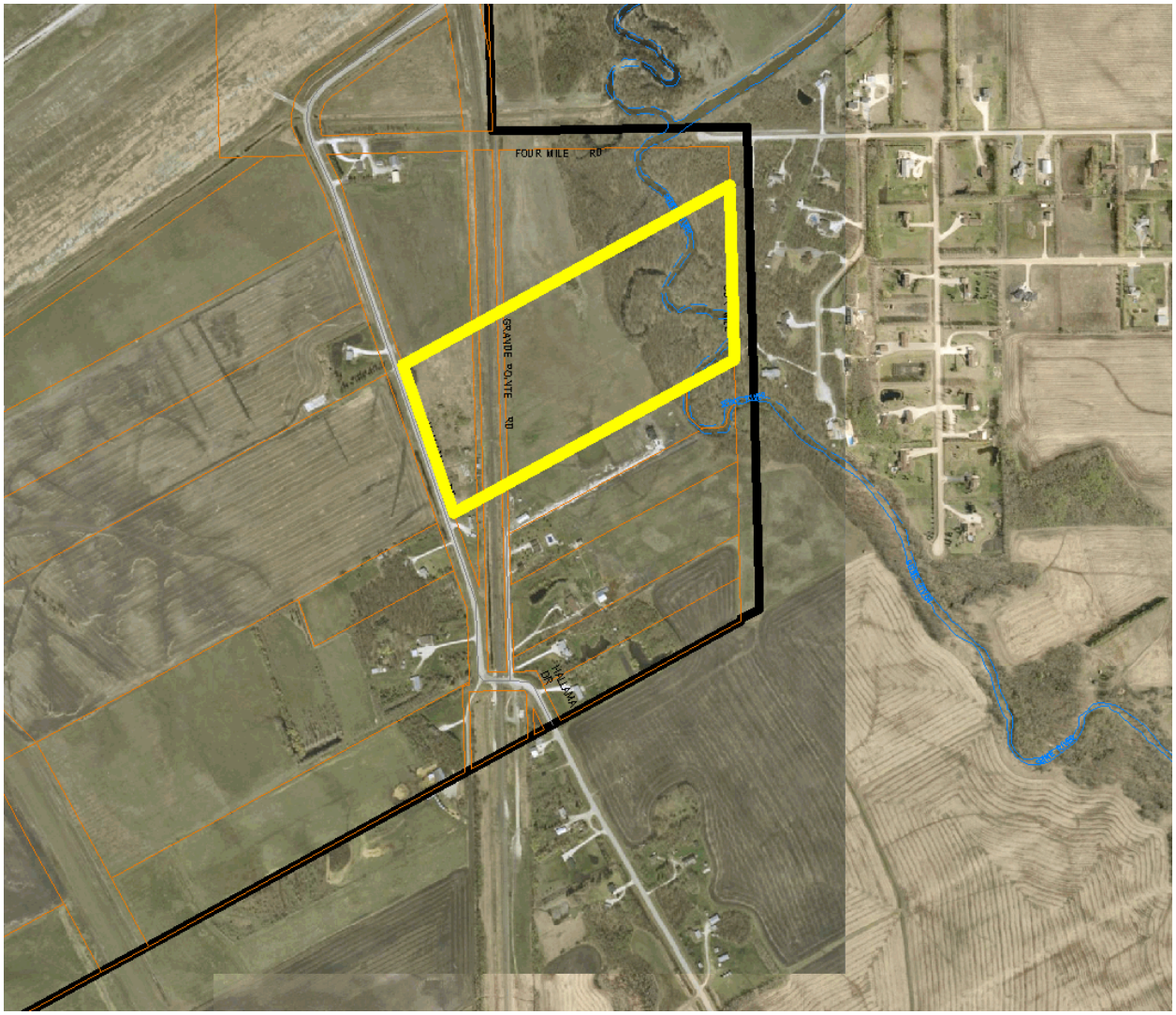
LOW DENSITY - 5ac
COMMERCIAL
AGRICULTURAL - 40ac
PUBLIC RESERVE
WORK AREA RESERVE
ST. VITAL
PERIMETER
SOUTH
ACTION AREA PLAN
THE CITY OF WINNIPEG
DEPARTMENT OF ENVIRONMENTAL PLANNING
SCHEDULE "A"
page 7 of 8 to By-law No. 1735/77


FOUR MILE RD
GRANDE POINTE RD

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:

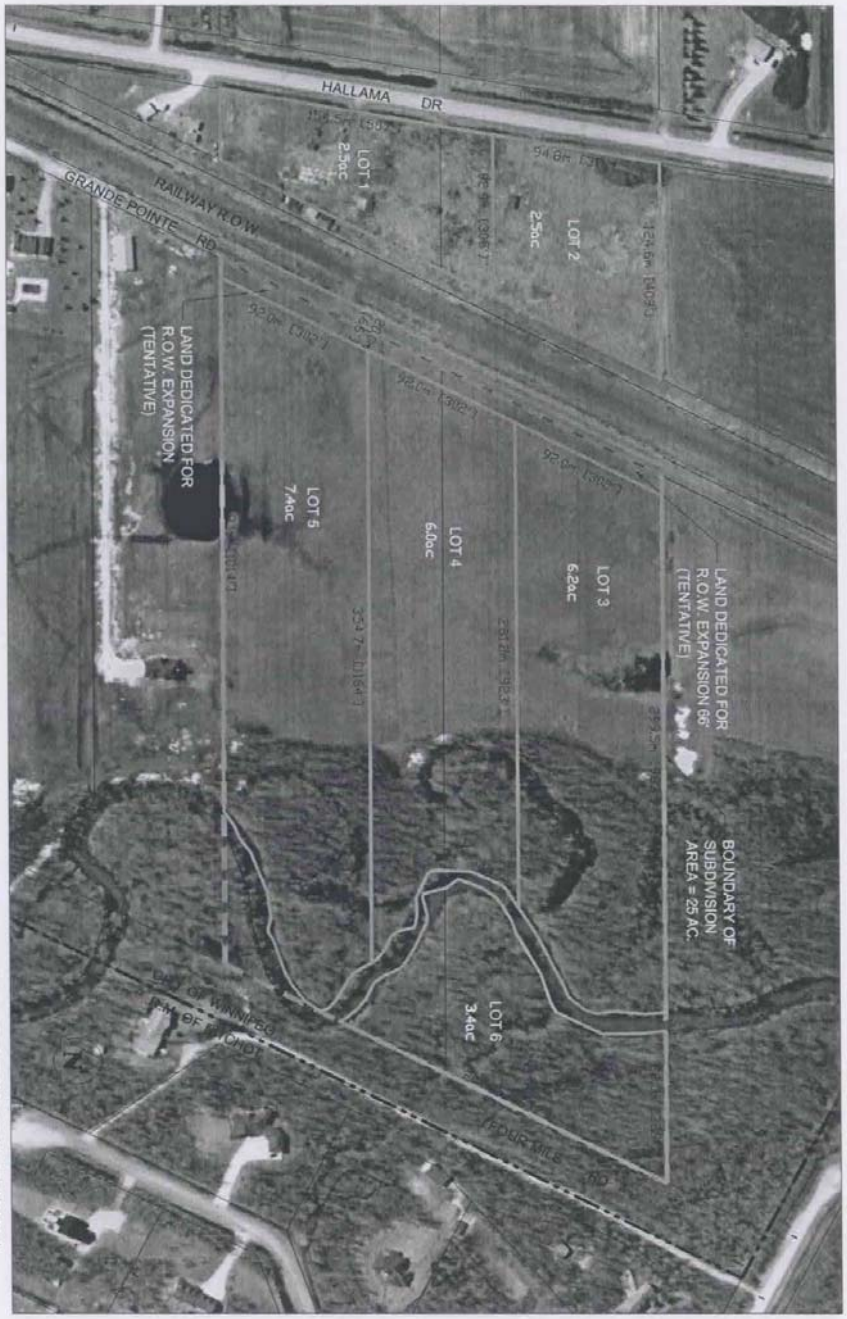
- The landowner patiently waited for 5months since January. He purposely delayed an application on promise that a review was taking place.
- The landowner was then **encouraged** to make an application 5 months after first inquiring.
- The landowner then waited **another 5 months** after submitting the 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

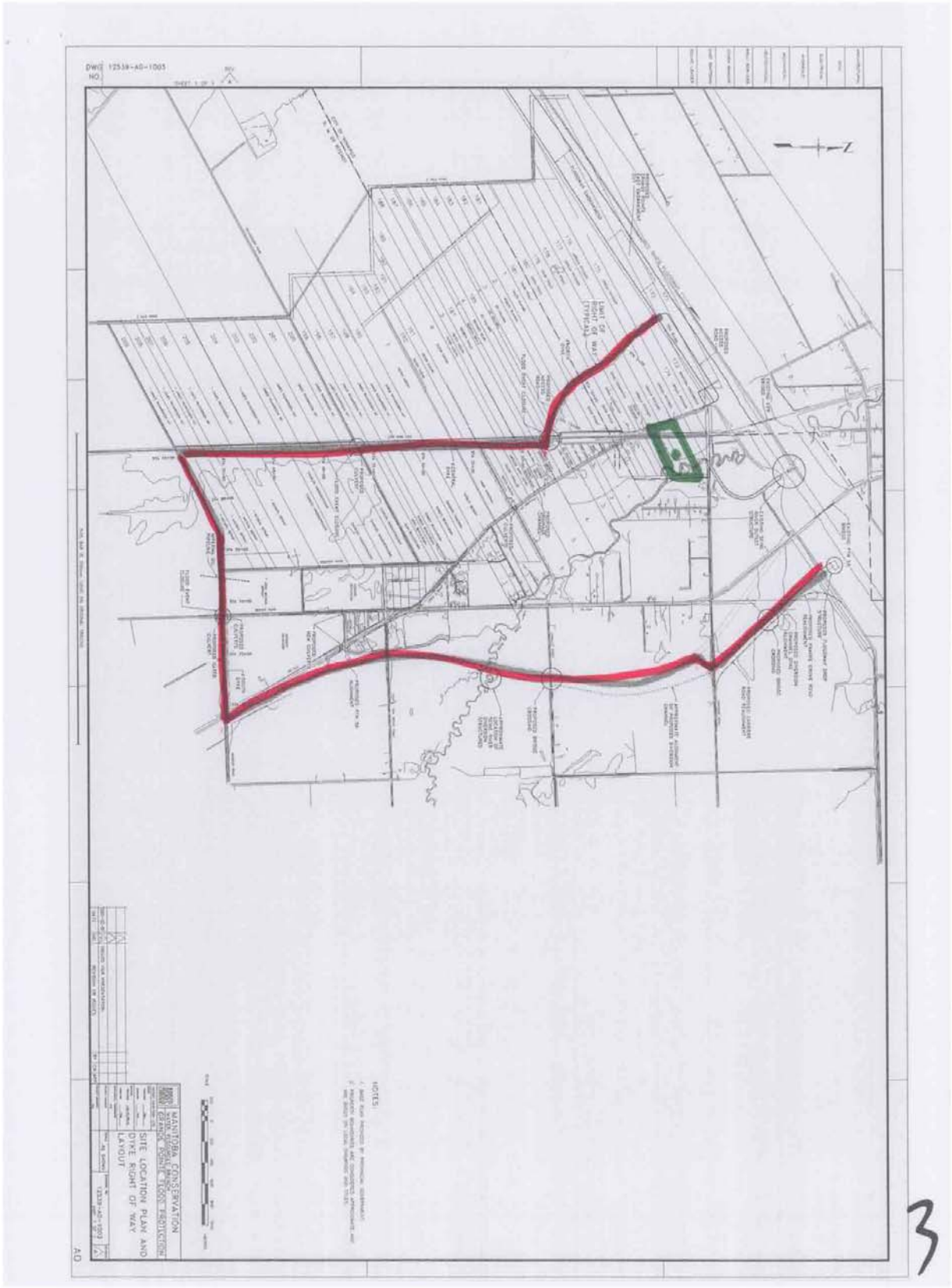
CONCLUSION:

- 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.



GRANDE POINTE SUBDIVISION
CONCEPT PLAN

2


DWG NO. 12539-A0-1003
MANITOBA CONSERVATION
SITE LOCATION PLAN AND DYKE RIGHT OF WAY LAYOUT
12539-A0-1003
NOTES:
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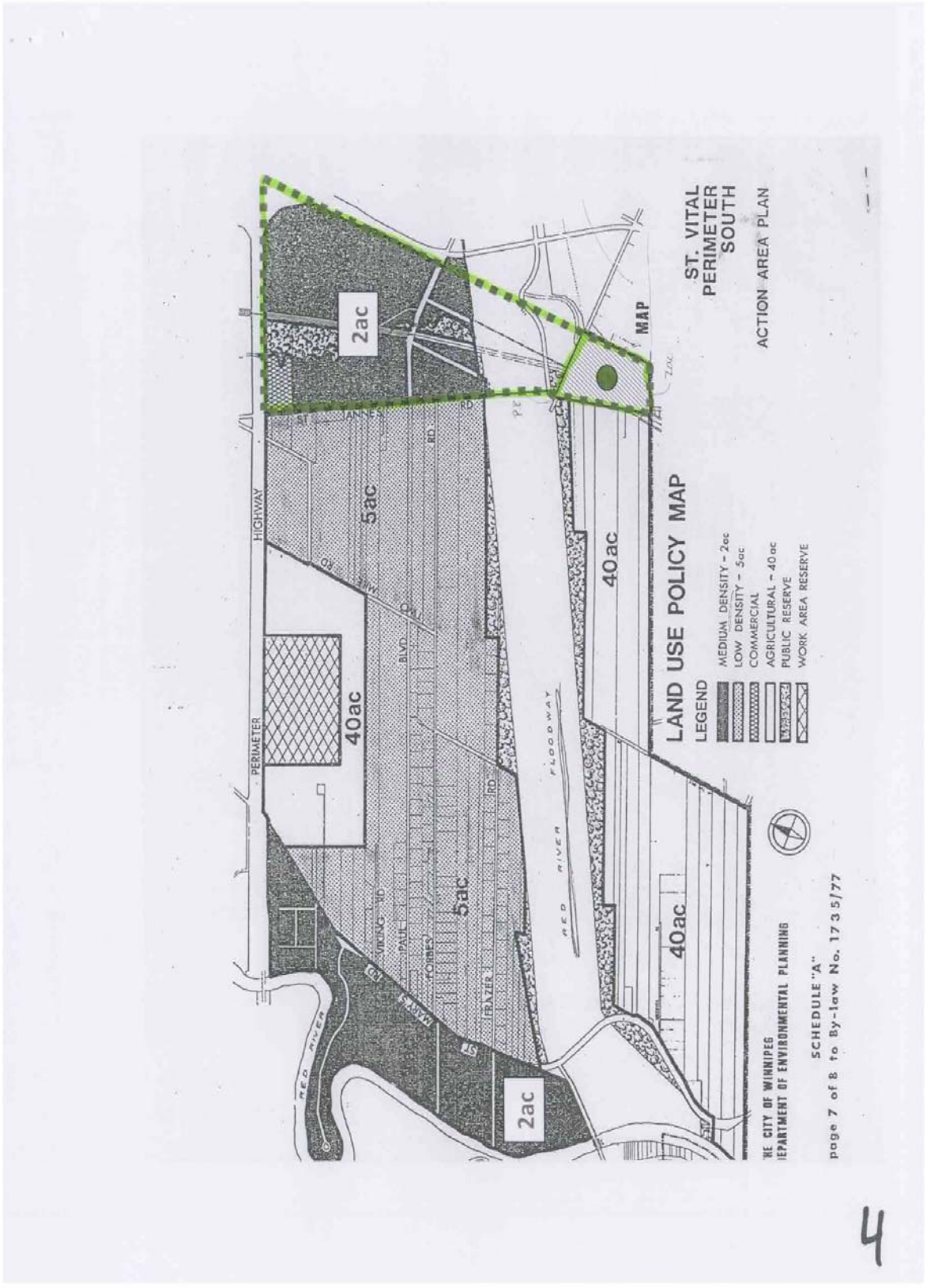
ST. VITAL
PERIMETER
SOUTH
ACTION AREA PLAN
MAP
LAND USE POLICY MAP
LEGEND
MEDIUM DENSITY - 2ac
LOW DENSITY - 5ac
COMMERCIAL
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page 7 of 8 to By-law No. 1735/77
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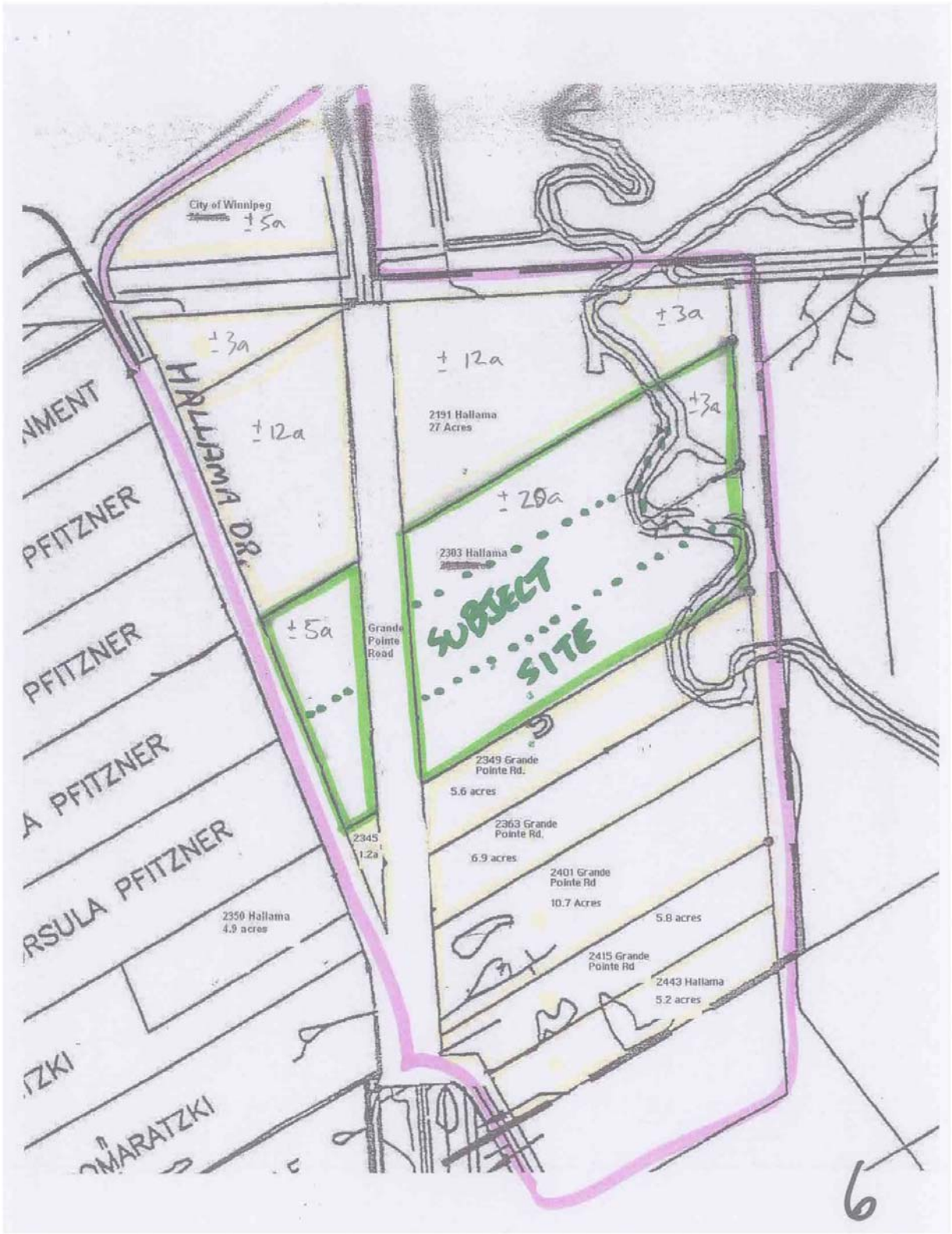
City of Winnipeg
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± 3a
± 12a
HALLIAMA DR.
± 3a
± 12a
2191 Hallama
27 Acres
± 3a
± 20a
2303 Hallama
SUBJECT SITE
± 5a
Grande Pointe Road
2349 Grande Pointe Rd.
5.6 acres
2363 Grande Pointe Rd.
6.9 acres
2345
1.2a
2401 Grande Pointe Rd
10.7 Acres
5.8 acres
2350 Hallama
4.9 acres
2415 Grande Pointe Rd
2443 Hallama
5.2 acres
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