Minutes – Executive Policy Committee – September 12, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 4, 2018

Item No. 17 SP 1/2018 – Parker Lands Major Redevelopment Site Secondary Plan (First Reading)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That Council refuse to give first reading to the proposed secondary plan by-law (draft by-law attached to this report as Schedules "A" and "B") for the reasons outlined in this report.

2. That the Applicant be permitted to amend the Plan to address the issues and concerns outlined in this report, and any additional issues or concerns raised by the Public Service, without being required to submit a new application.

3. That the Public Service report back to Council if and when the Applicant has amended the Plan in accordance with recommendation 2.

4. 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, Heritage and Downtown Development – September 4, 2018

DECISION MAKING HISTORY:

Moved by Councillor Allard,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 4, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: SP 1/2018 – Parker Lands Major Redevelopment Site Secondary Plan (First Reading)

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	J. Kiernan	N/A	D. Wardrop, Acting CAO

EXECUTIVE SUMMARY

The purpose of any secondary plan adopted in respect of the Major Redevelopment Site 'G' (the "Parker Lands") as identified in the *Complete Communities Direction Strategy* ("*Complete Communities*") should be to ensure that the Parker Lands are developed in a logical, integrated manner consistent with *OurWinnipeg* and *Complete Communities.*

A Council-adopted secondary plan by-law in this area should:

(1) permit the establishment of appropriate Transit Oriented Development (TOD) in the plan area along the Southwest Bus Rapid Transit route currently under development;

(2) provide policy direction on residential development densities and the provision of public park space (including forest preservation areas); and

(3) provide clarification on how development is to occur throughout the plan area in general.

In addition to more minor issues with the proposed Parker Lands Secondary Plan (the "Plan"), the Plan is inadequate as a secondary plan by-law for the following reasons:

(1) the Plan fails to provide clear direction as to how development within the plan area should occur;

(2) the Plan applies an incorrect TOD Type within the Plan Area;

(3) the Plan does not provide sufficient detail to properly evaluate development proposals within the Plan Area;

(4) the Plan permits both industrial and high density residential uses to be established in the Neighbourhood Policy Area;

(5) the Plan does not effectively protect a clearly defined portion of the remaining forest area as presented at the public Open House events;

(6) the Plan requires significant 'clean up' and re-organization before it can be considered for adoption as a Council By-law; and

(7) the Plan is missing important content and policies.

RECOMMENDATIONS

1. That Council refuse to give first reading to the proposed secondary plan by-law (draft by-law attached to this report as Schedules "A" and "B") for the reasons outlined in this report.

2. That the Applicant be permitted to amend the Plan to address the issues and concerns outlined in this report, and any additional issues or concerns raised by the Public Service, without being required to submit a new application.

3. That the Public Service report back to Council if and when the Applicant has amended the Plan in accordance with recommendation 2.

4. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

An application has been received for the adoption of a secondary plan by-law in respect of the Parker Lands.

Direction 1 of the *Complete Communities* section regarding Major Redevelopment Sites indicates that development will be promoted through a proactive and collaborative planning process. A proactive and collaborative planning process spanning several years involving the proponent, the City and the public was undertaken.

The proponent has submitted an application to have their latest version of the Plan adopted by Council as a secondary plan by-law.

Only Council has the authority to adopt a secondary plan by-law.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of this report are concurred in, Council will adjourn consideration of the Plan for first reading until the proponent produces a new version of the Plan, which addresses the concerns raised by the Public Service.

If the recommendations of this report are not concurred in, Council will give first reading to the Parker Lands Secondary Plan By-law and a public hearing in respect of the Plan will be held by the City Centre Community Committee.

HISTORY/DISCUSSION

- In 2013, GEM Equities began the development of a proposed secondary plan by-law with supporting engineering studies for the Parker Lands in consultation with the Public Service.
- A number of draft versions of the Plan were produced by GEM Equities between 2013 and 2017, with ongoing feedback from the Public Service.
- The arrangement of land uses and residential densities presented in each version of the Plan evolved as new information and ideas became evident. Refinements made to the Plan over time included clarification as to which portion of the remaining forest was be protected.
- GEM Equities hosted Public Open House events in February 2013 and August 2016.
- In **December 2017**, GEM Equities informed the Public Service of their intention to alter the Plan to allow for higher residential densities than described in previous versions of the Plan that had been submitted to the Public Service for comment and to forgo the preservation of a portion of the forest that had been included in previous versions of the Plan and presented at the Open House events.
- On **January 12, 2018**, GEM Equities submitted an application to have the Parker Lands Secondary Plan adopted by Council as a secondary plan by-law.

FINANCIAL IMPACT

Financial Impact Statement Date: July 30, 2018

Project Name:

SP 1/2018 – Parker Lands Major Redevelopment Site Secondary Plan (First Reading)

COMMENTS:

There are no direct financial implications associated with the recommendations contained in this report.

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

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services (as to legal issues)
- Transit
- Public Works Department
- Water and Waste Department
- PPD - Urban Design (Parks)

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg

- The subject land is identified as a Major Redevelopment Site in figure 01a of *OurWinnipeg.*
- The Key Direction for Major Redevelopment Sites (Section 01-1c) is that they will p*rovide transformative opportunities for the development of complete communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites within the existing urban fabric.*
- *OurWinnipeg* refers to section 03-3 of *Complete Communities* for additional detail.

Complete Communities Direction Strategy

- The subject land is identified as Major Redevelopment Site 'G' (Parker Lands) in figure 03f of *Complete Communities.*
- Section 03-3 Major Redevelopment Sites – states: *major redevelopment sites will provide transformative opportunities for the development of complete communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites within the existing urban fabric.*
- Key Directions for 'Major Redevelopment Sites' (Section 03-3) include:
    - Direction 1 - *Promote development of Major Redevelopment Sites with proactive and collaborative planning process.*
    - Direction 2 - *Capitalize on the proximity of Major Redevelopment Sites to rapid transit and high frequency transit and high frequency transit.*
    - Direction 4 – *Major redevelopment sites will provide for complete communities with significant levels of mixed use, high density development, with strong urban design and attractive parks, places and open spaces.*

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: James Platt, Senior Planner, MCIP, RPP
Date: July 31, 2018
File No: SP 1-2018

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Attachments:

1. Attachment ‘A’ – Draft By-law No. 1/2018
2. Attachment ‘B’ – Schedule ‘A’ to By-law No. 1/2018 – ‘Parker Lands Secondary Plan’
3. Attachment ‘C’ – Planning Discussion
4. Attachment ‘D’ – Background Materials
5. Attachment ‘E’ – Environmental Assessment (Parcel B)
6. Attachment ‘F’ - Environmental Assessment (NE Hurst Way)

ATTACHMENT C: *PLANNING DISCUSSION*

DATE:	July 27, 2018
FILE NUMBER:	SP 1/2018
RELATED FILES:	DASZ 12/2018
COMMUNITY:	Parker (City Centre Ward)
SUBJECT:	Proposed Parker Lands Secondary Plan By-law
LOCATION:	Major Redevelopment Site 'G' of *Complete Communities*
APPLICANT/OWNER:	6165347 Manitoba Inc.

Summary

- The applicant has submitted a proposal for Council to adopt a secondary plan by-law for Major Redevelopment Site 'G' (the "Parker Lands") as identified in the *Complete Communities Direction Strategy ("Complete Communities")*.

- The proposed Parker Lands Secondary Plan ("the Plan") recognizes the opportunity to establish a portion of the Plan Area as 'Transit-Oriented Development'.

- The Public Service has identified a number of issues with the Plan that would need to be addressed before being adopted as a secondary plan by-law.

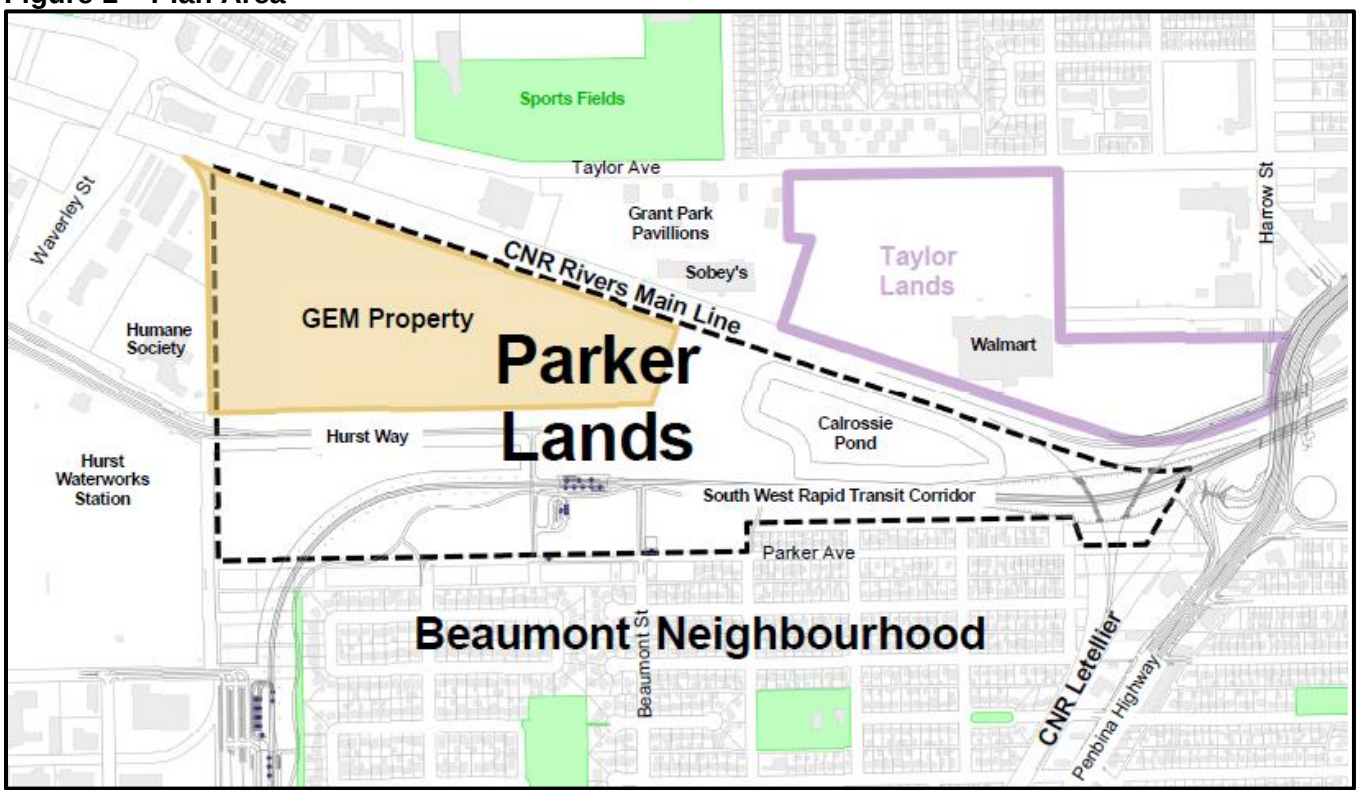
Site Description

Plan Area

- The Plan Area, being the Parker Lands, covers an area of 133 acres (see Figure 1 – Plan Area).

- The CNR Rivers Main Line runs along the northern boundary of the Plan Area, while Parker Avenue generally defines the southern boundary. The western edge of the Plan Area shares a boundary with the Humane Society and the Hurst Waterworks property. The northern and southern boundaries of the Plan Area almost meet at the eastern edge of the Plan Area which includes the intersection of the CNR Rivers Main Line and CNR Letellier Rail Line.

Figure 1 – Plan Area



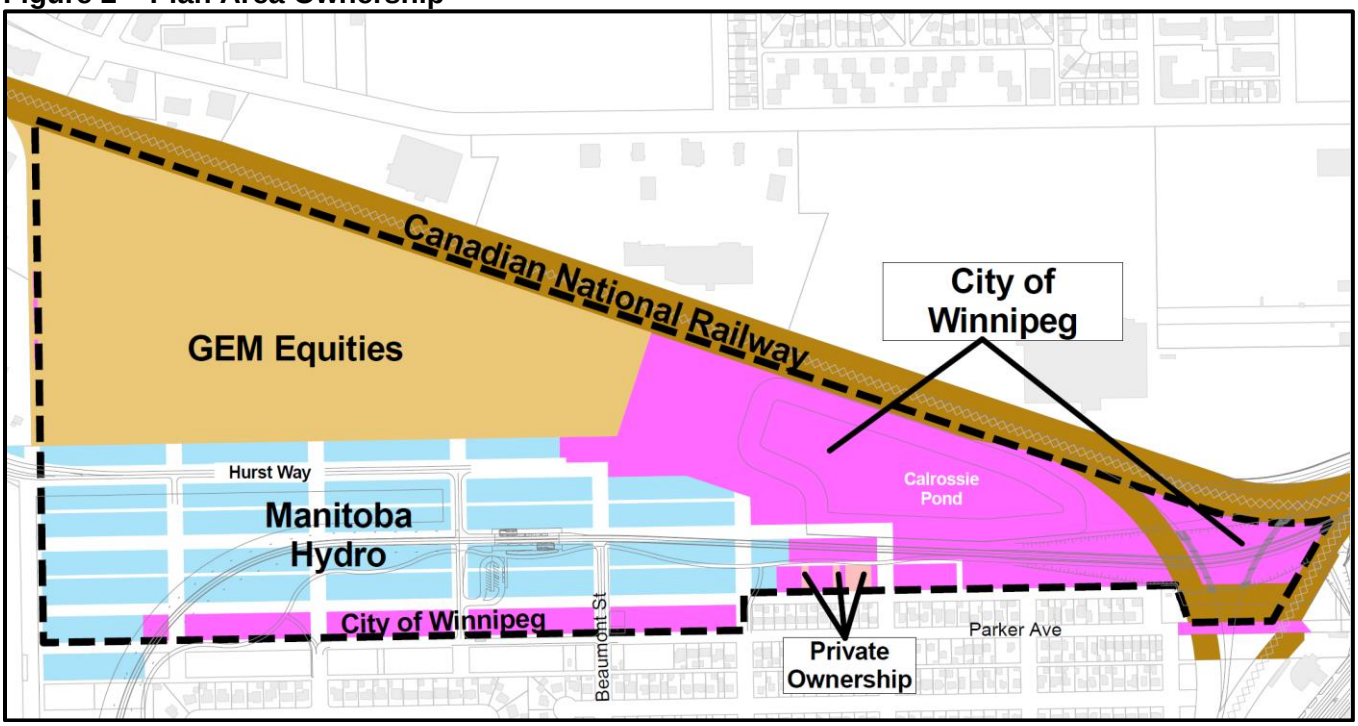
- The Southwest Bus Rapid Transit Corridor ("SWBRT") extends east-west through the Plan Area. A Transit Station is to be located along this corridor just west of Beaumont Street. A major drainage pond, known as 'the Calrossie Pond', is located in the eastern portion of the Plan Area, north of the SWBRT.

- Hurst Way extends from Waverley Street into the western portion of Plan Area where it becomes a two-lane road with a rural cross section (i.e. open ditches on either side). This road turns south just east of the Transit station and connects with Parker Avenue.

- Major overhead electrical infrastructure crosses the middle of the Plan Area on towers and poles on a north/south tangent. A line of poles at the centre and south of the Plan Area extend in a westward direction turning south before reaching Hurst Way down a hydro corridor. It is generally understood that the tower infrastructure is transmission, while lines on poles are local distribution.

- The proponent owns 47 acres of contiguous property in the northwest portion of the Plan Area, as identified as 'GEM Equities' on Figure 2 – Plan Area Ownership. A majority of the remainder of the Plan Area is owned by Canadian National Railway, Manitoba Hydro and The City of Winnipeg. A few small parcels of land in the south east portion of the Plan Area are under individual private ownership.

Figure 2 – Plan Area Ownership



- In late summer and early fall of 2017, a significant forest area was removed from the area identified as 'GEM Equities' on Figure 2 – Plan Area Ownership. As discussed elsewhere in this document, a portion of the original forest area remains.

<u>Surrounding Areas</u>

- An existing neighbourhood, known as the 'Beaumont Neighbourhood' is located immediately south of the Plan Area. This residential neighbourhood contains ~950 dwellings, over 90% of which are single-family detached. The neighbourhood also includes General Byng School, Fort Garry Community Centre Victoria site, several parks and play areas, a large industrial facility (CG Powers Systems Canada) and a funeral home with accessory cemetery.

- The CNR Main Line extends across the northern portion of the Plan Area providing a significant barrier to the north of the Plan Area. Major infrastructure projects are currently underway to develop and/or improve separated rail crossings at Waverley Street as well as Pembina Highway.

- North of the CNR Main Line exists a substantial amount of commercial/office development. This includes the 'Taylor Festival Site' which currently includes a Walmart, and the 'Grant Park Pavilions' site which includes a Sobey's grocery store. Apartment buildings, recreation facilities (ie. Pan Am Pool, Charles A. Barbour 'Grant Park' Arena), and schools (ie. Grant Park High School and Harrow School) are located north of the commercial developments. As discussed elsewhere in this document, the CNR Main Line prevents these amenities from being accessed directly from the Plan Area.

- A multi-tenant strip mall, a storage locker facility and the Winnipeg Humane Society exist immediately west of the Plan Area and east of Waverley Street.

Analysis

Complete Communities Direction Strategy

- The subject land is identified as Major Redevelopment Site 'G' (Parker Lands) in figure 03f of *Complete Communities.* The eleven (11) Major Redevelopment Sites identified in *Complete Communities* are meant to provide "*transformative opportunities for the development of complete communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites within the existing urban fabric*".
- Section 03-3 (Major Redevelopment Sites) of *Complete Communities* also provides direction to "c*apitalize on the proximity of Major Redevelopment Sites to rapid transit and high frequency transit*". Further direction in this section provides that such sites *"will provide for complete communities with significant levels of mixed use, high density development, with strong urban design and attractive parks, places and open spaces*".
- Major Redevelopment Sites along Winnipeg's bus rapid transit corridors are well positioned to be developed as Transit-Oriented Development ("TOD"). Parker Lands is an excellent example of this. Not all TOD developments will contain the same land use mix and/or intensity of development. *The Winnipeg Transit-Oriented Development Handbook* (the "TOD Handbook") provides direction on the land use mix and development intensity appropriate for a given site, based on a variety of conditions.

Issues

- The Public Service has identified the following major issues with the Plan as proposed:
  1. The Plan applies an incorrect TOD Type to the Neighbourhood Policy Area.
  2. The Plan does not provide sufficient detail to properly evaluate development proposals within the Plan Area
  3. The Plan permits both industrial and high density residential uses to be established in the Neighbourhood Policy Area.
  4. The Plan does not effectively protect a clearly defined portion of the remaining forest area as presented at the public Open House events.
  5. The Plan requires significant 'clean up' and re-organization before it can be considered for adoption as a Council By-law.
  6. The Plan is missing important content and policies.

A discussion of each of these issues can be found in the remainder of this section.

Issue 1: *The Plan Area does not meet the criteria for 'Urban Neighbourhood' TOD Type (as described in the Winnipeg TOD Handbook) because of the lack of connectivity to amenities north of the railway line and the adjacent neighbourhood development south of the Hydro and SWBRT corridors.*

BACKGROUND

Winnipeg TOD Handbook

- *The Winnipeg Transit-Oriented Development Handbook* (the "TOD Handbook") was endorsed as Council Policy (TR-006) on February 22, 2012. Section 2A of the TOD Handbook provides the following definition of TOD:

Moderate to higher density compact mixed-use development, located within an easy five to ten minute (approximately 400m to 800m) walk of a major transit stop. TOD involves high quality urban development with a mix of residential, employment and shopping opportunities, designed in a pedestrian oriented manner without excluding the automobile. TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate the use of convenient and sustainable modes of transportation, including public transit and Active Transportation.

- Not every TOD area is the same. For instance, the TOD Handbook indicates that *the size of the TOD is dependent on the general scale or intensity of development appropriate for that station based on the function of the station and the* ***accessibility of the TOD from the adjacent neighbourhoods.*** (TOD Handbook Section 2.B).

- Section 2B of the TOD Handbook characterizes six (6) TOD Types as reproduced in Figure 3 – TOD Types (*TOD Handbook*).

Figure 3 – TOD Types (*TOD Handbook*)

TOD Zones:

TOD TYPE	Urban Centre	Urban Neighbourhood	Town Centre	Neighbourhood Medium Density	Neighbourhood Low Density	High Frequency Transit Corridor
Land Use Mix	Office Centre Urban Entertainment Multiple Family Retail	Residential Retail Class B Commercial	Office Centre Urban Entertainment Multiple Family Retail	Residential Neighourhood Retail Local Office	Residential Neighourhood Retail	Office Centre Urban Entertainment Multiple Family Retail
Net Housing Density*	124-371 units per hectare (50-150 units per acre)	99-247 units per hectare (40-100 units per acre)	86-247 units per hectare (35-100 units per acre)	49-124 units per hectare (20-50 units per acre)	25-49 units per hectare (10-20 units per acre)	62-148 units per hectare (25-60 units per acre)
Regional Connectivity	High, Hub of regional system	Medium access to downtown, Sub regional hub	High access to downtown, Sub regional hub	Medium access to suburban centre, Access to downtown	Low	High access to downtown, Sub regional hub
Frequencies	5 - 15 minutes	5 - 15 minutes	5 - 15 minutes	15 - 30 minutes	20 - 30 minutes	5 - 15 minutes

- The six (6) TOD Types described by the TOD Handbook range from 'Urban Centre', with the highest density and significant mix of uses, to 'Low Density' TOD Types, which are predominantly residential with local commercial uses. Section 4.E. of the TOD Handbook provides further detail on the characteristics of each TOD Type relevant to this discussion as follows:

  <u>'Urban Centre'</u>
  - 4-30 storey buildings
  - Horizontal and vertical mix of uses that include office or residential above retail spaces with continuous facades that align to the build-to-line.
  - Office centre, retail, commercial, urban entertainment, and civic/cultural uses. Regional oriented, destination-retail opportunity; need for local-serving and community serving retail.
  - 5 - 7 metres (14 -18 feet) wide sidewalks, convenient connections, and other amenities.

‘Urban Neighbourhood’

- *Urban Neighbourhoods have the same land uses as the urban centre, but at a slightly lower density*.
- 3 to 12 storey buildings
- Predominantly residential district with diversity of housing types. Good access to other regional and sub-regional centres.
- Mid-rise residential, condos, ground-related units, and mixed-use structures, with ground floor retail or office use required.
- Minimum ground floor height of 4.8 metres (16’).
- Office centre, retail, commercial, and urban entertainment. Primarily local serving retail; need for some community-serving retail.

‘Town Centre’

- *High Density Town Centres serve as a transition between the higher density urban centres and neighbourhoods and the lower density, primarily residential uses.*
- *Generally aligned with the Regional and Community Mixed Use Centres, and Major Redevelopment Sites identified in the Complete Communities Direction Strategy.*
- 2 to 20 storey buildings
- Regional-serving destination retail opportunity; need for local-serving and community serving retail.
- Mid-rise to low density residential. Mixed-use structures with a minimum ground floor height of 4.8 metres (16’). Multi-family in some areas; with the majority being single family, duplexes, accessory dwelling units, and ground-related units

‘Neighbourhood – Medium Density’

- *Primarily residential, with some neighbourhood serving retail and local office uses, medium density suburban development scales down the density in a TOD to begin the transition to the adjacent, non-TOD land uses.*
- 2 to 5 storey buildings
- Residential district organized around transit station. Convenience retail (e.g. coffee shops, dry cleaners, etc.) located on ground floor.
- Mid-rise to low density residential. Mixed-use structures with a minimum ground floor height of 3.7 metres (12’). Limited multifamily, with the majority of residential being single family, duplexes, accessory dwelling

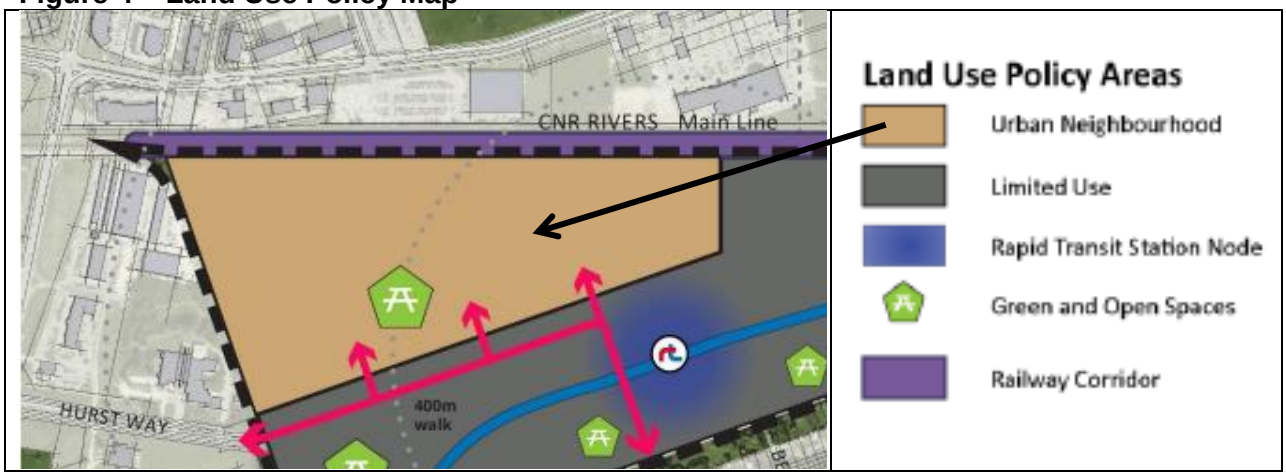
‘Neighbourhood – Low Density’

- *Primarily residential, with some neighbourhood serving retail and local office uses, medium density suburban development scales down the density in a TOD to begin the transition to the adjacent, non-TOD land uses.*
- 1 to 3 storey buildings
- The low density neighbourhood land use type provides a transition to the adjacent non-TOD land uses. The residential and neighbourhood retail land uses are likely the same as those located outside the TOD.

Proposed TOD Type

- The Plan designates 47 acres of land as 'Urban Neighbourhood Policy Area' as indicated on the Land-Use Policy Map (See Figure 4 – Land Use Policy Map).

Figure 4 – Land Use Policy Map



- The stated objective of the Urban Neighbourhood Policy Area within the Plan is to *transform and repurpose the Parker Lands into a TOD neighbourhood with medium access to downtown, a diversity of housing choices and significant densities to support a commercial zone which meet the principles of sustainability, placemaking and connectivity.*

- Policy 3.3.2.1 of the Plan states: *Urban Neighbourhood Area shall be the TOD Zone, which is within the first 800 meters (1/2 mile) of the SWBRT Parker Station.*

- Policy 3.3.2.2 of the Plan provides that *net housing densities for the Urban Neighbourhood Area TOD Zone shall be 99-247 units per net hectare (40-100 units per net acre) as per the TOD Handbook.*

- Policy 3.5.2.1 of the Plan identifies the scale of commercial uses which could be considered in the Plan Area: *Community and neighbourhood-scale commercial, institutional and educational uses; and residential dwellings shall be allowed within the first 400 metres (1/4 mile) of the Rapid Transit Station.*

ANALYSIS

- The TOD Handbook indicates that *the size of the TOD is dependent on the general scale or intensity of development appropriate for that station based on the function of the station and the* ***accessibility of the TOD from the adjacent neighbourhoods.*** (TOD Handbook Section 2.B).

- The Plan (section 3.3.1) indicates that the rationale for applying the 'Urban Neighbourhood' TOD Type to the proposed 'Urban Neighbourhood Policy Area' is based on the following characteristics as provided in the *TOD Handbook*:
    - Regional Connectivity: Medium access to downtown
    - Bus Frequency: Every 5-15 minutes

- The TOD Handbook further provides that an 'Urban Neighbourhood' TOD Type is also characterized by the following characteristics:
    - Land Use Mix:
      The same land uses as the urban centre, but at a slightly lower density, and includes office centre, retail, commercial, and urban entertainment uses.
    - Regional Connectivity:
      Good access to other regional and sub-regional centres.

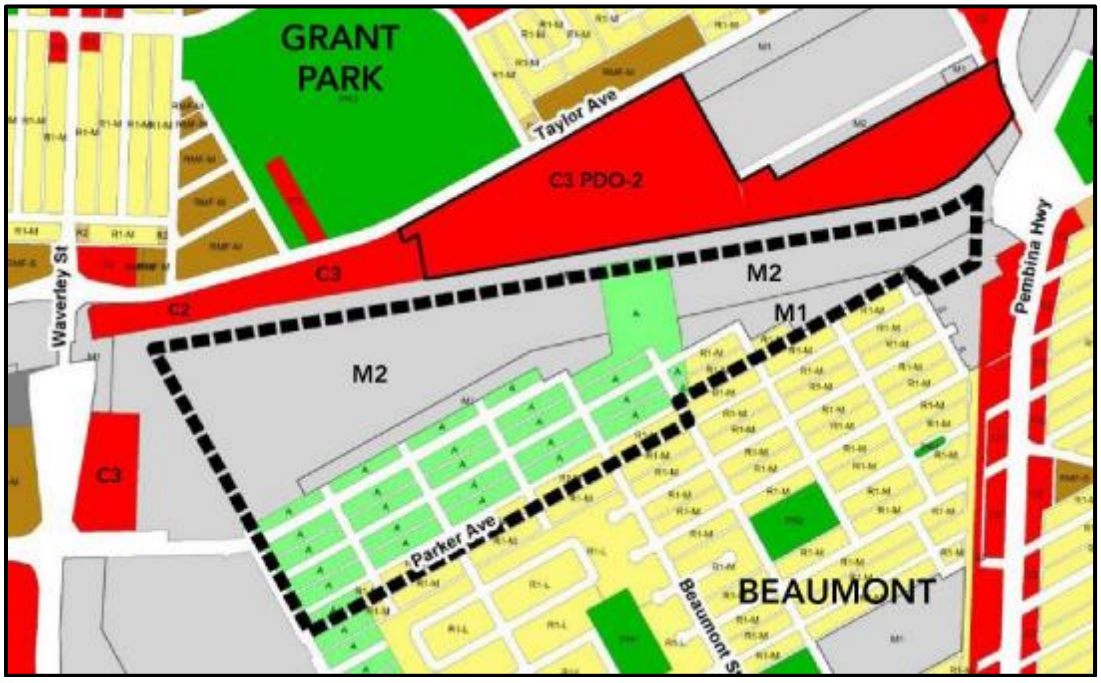
Land Use Mix and Accessibility: Amenities

- Policy 3.5.2.1 of the Plan provides that *Community and neighbourhood-scale commercial, institutional and educational uses* may be established within the first 400m from the transit station. Community scale commercial uses are accommodated in the 'C2' (Commercial Community) Zone of the Zoning By-law, while neighbourhood scale commercial uses are accommodated in the 'C1' (Commercial Neighbourhood) Zone.

- The Zoning By-law indicates that "*C2 districts are generally located in Community or Regional mixed use centres or along Community or Regional mixed use corridors*". Complete Communities identifies the Parker Lands as a 'Major Redevelopment Site', and not a 'Regional Mixed Use Centre' or 'Regional Mixed Use Corridor'. Therefore, the appropriateness of allowing community scale commercial uses at this location is questionable.

- Commercial developments north of the Plan Area are zoned 'C3' (Commercial Corridor) and may be considered 'sub-regional' (See Figure 5 – Zoning).

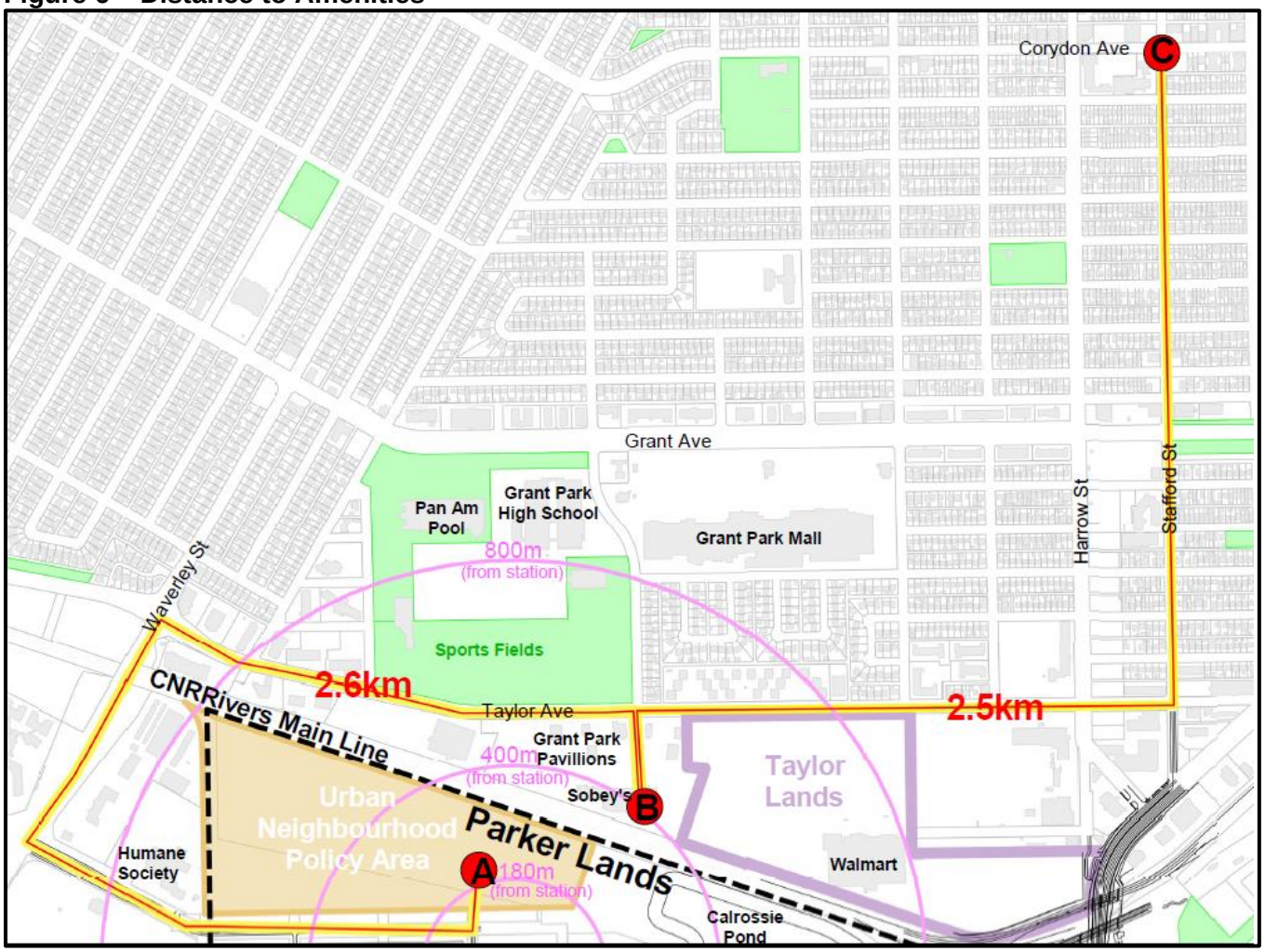
Figure 5 – Zoning



- The Plan (section 1.2.5) indicates that *there are substantial commercial, office, recreation & leisure facilities and schools in proximity to the site,* [including] *land recently rezoned for commercial and residential uses (Grant Park Pavilions)which has a Walmart, as well as the Taylor Festival with a Sobeys grocery store. Further beyond this to the north is the Grant Park Neighbourhood (1.604) with the Pan Am Pool, Grant Park High School, Grant Park Shopping Centre, Charles A. Barbour (Grant Park) Arena, Harrow School, as well as many single-family and multi-family residential dwellings.* Many of these locations would qualify as a regional amenity (ie Pan Am Pool) or sub-regional centre (ie. Taylor Festival, Grant Park Pavilions). It should be noted that the inaccuracies found in section 1.2.5 of the Plan are immaterial to this discussion (ie. The Walmart is located in 'Taylor Festival' and Sobey's is located in the 'Grant Park Pavilions').

- These amenities may be in proximity to the subject land; however, they are not accessible from the Parker Lands. The CNR Rivers Main line represents a major barrier for accessing amenities north of the Plan Area. For instance while the distance to these regional amenities/centres may be within the first 400m to 800m from the SWBRT station, the 'walking' distance from the highest residential density of the Plan Area to the Sobey's is 2.6 kilometres (see line 'A-B' on Figure 6 – Distance to Amenities). To put this into perspective, the 'walking' distance from the same Sobey's location to the Corydon Ave / Stafford St intersection is 2.5 kilometers (see line 'B-C').

Figure 6 – Distance to Amenities



- The CNR Rivers Main Line provides a significant barrier to accessing the regional and sub-regional amenities that exist north of the Urban Neighbourhood TOD site in the Plan.

- Even if community scale commercial uses were to be established in the Plan Area, they would be typical of the 'C2' zone and not characterized as 'regional', or even 'sub-regional'.

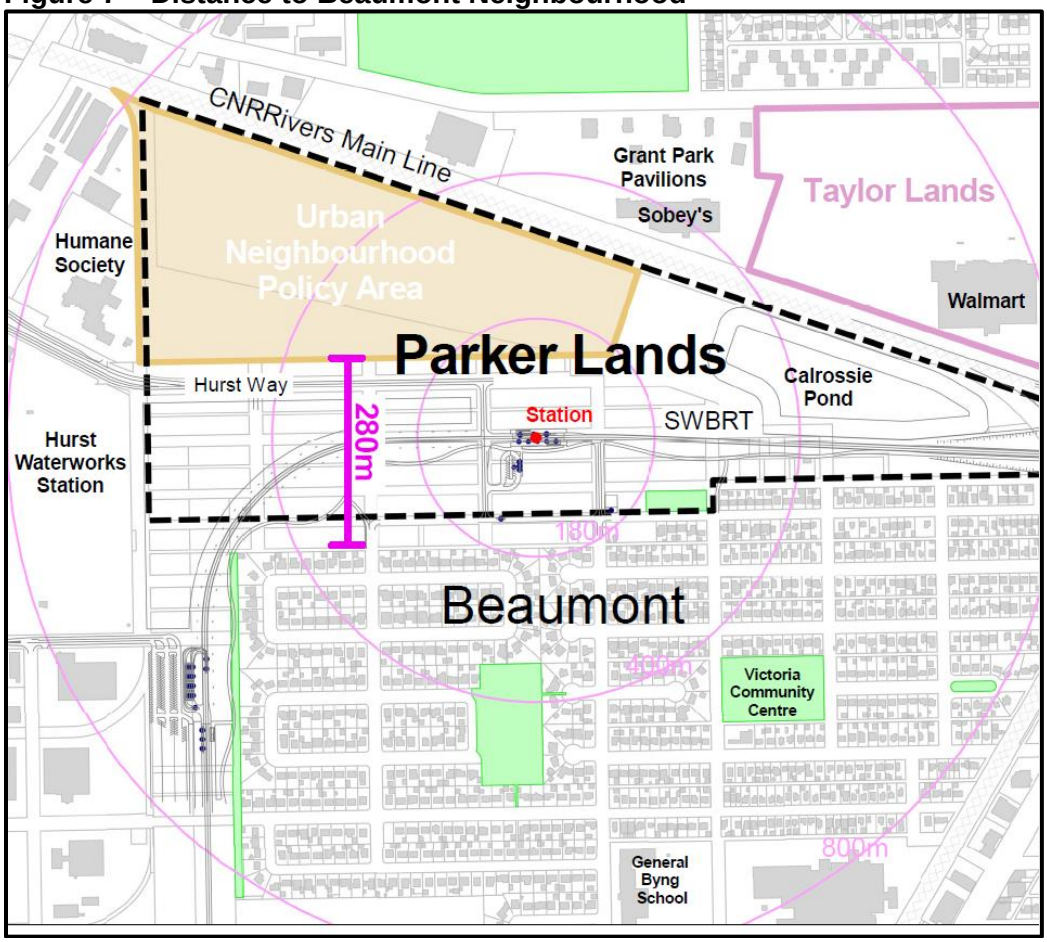
- Without *good access to other regional and sub-regional centres,* it would be inappropriate to designate the TOD portion of the Plan for development consistent with the 'Urban Neighbourhood TOD Type', which is characterized as having *the same land uses as the Urban Centre* TOD Type with *good access to other regional and sub-regional centres.*

Land Use Mix and Accessibility: Adjacent Neighbourhoods

- The Plan (section 1.2.5) indicates that *outside of the Parker Lands, to the south of the Hydro Corridor, is a large area of single-family dwellings in the Beaumont Neighbourhood. This area includes amenities such as General Byng School, Fort Garry Community Centre Victoria site, several parks and play areas…*

- Neighbourhood development south of the proposed ‘Urban Neighbourhood Policy Area’ is limited by a significant hydro-electric transmission corridor. In addition, the alignment of Hurst Way and the SWBRT just south of the ‘Urban Neighbourhood Policy Area’ act as barriers to direct pedestrian access to the Beaumont Neighbourhood (see Figure 7 – Distance to Beaumont Neighbourhood).

Figure 7 – Distance to Beaumont Neighbourhood



- While the Beaumont Neighbourhood is adjacent to the southern edge of the Plan Area, the proposed ‘Urban Neighbourhood Policy Area’ of the Plan is separated from development within the Beaumont Neighbourhood by 280 metres (see Figure 7 – Distance to Beaumont Neighbourhood). Therefore, justifying the application of the ‘Urban Neighbourhood’ TOD Type cannot rely on ‘accessibility of the TOD from adjacent neighbourhoods’ (*TOD Handbook* section 2.B).

Context

- For context, the densities, amenities and connections of Osborne Village would be consistent with the characterization of an ‘Urban Neighbourhood’ TOD.

- The *TOD Handbook* characterizes the ‘Urban Neighbourhood’ TOD Type as having *the same land uses as the urban centre, but at a slightly lower density* (section 4.E). Without a walkable connection to existing regional and/or sub-regional amenities, and/or other residential neighbourhoods, such as the Beaumont Neighbourhood, the Urban Neighbourhood TOD portion of the Parker Lands is isolated. This isolation from existing amenities and neighbourhoods makes it unreasonable to expect the proposed TOD area to develop land uses that would qualify as being the same as the ‘Urban Centre’ TOD Type, but at a slightly lower density.

- The *Bishop Grandin Crossing Area Master Plan*, endorsed by Council in 2014, guides development of ~130 acres of land adjacent to a BRT station along the SWBRT line. The *Bishop Grandin Crossing Area Master Plan* contains regional scale commercial and employment uses within the 800m walkshed of the station. The development has vehicle access from Bishop Grandin Boulevard with secondary access through the adjacent industrial area. Given the size, scale and mix of uses contemplated for the site, the Area Master Plan applies the ‘Town Centre’ TOD Type from the *TOD Handbook.*

CONCLUSION

- The Plan Area does not meet the criteria to be considered for ‘Urban Neighbourhood’ TOD Type development due to limited potential land use mix and lack of access to other sub-regional centres and amenities, as well as adjacent neigbourhoods.

- Development of the Parker Lands is more consistent with the ‘Neighbourhood – Medium Density’ TOD as characterized in the *TOD Handbook.*

Issue 2: *The Plan does not provide sufficient detail to properly evaluate development proposals within the Plan Area*

BACKGROUND

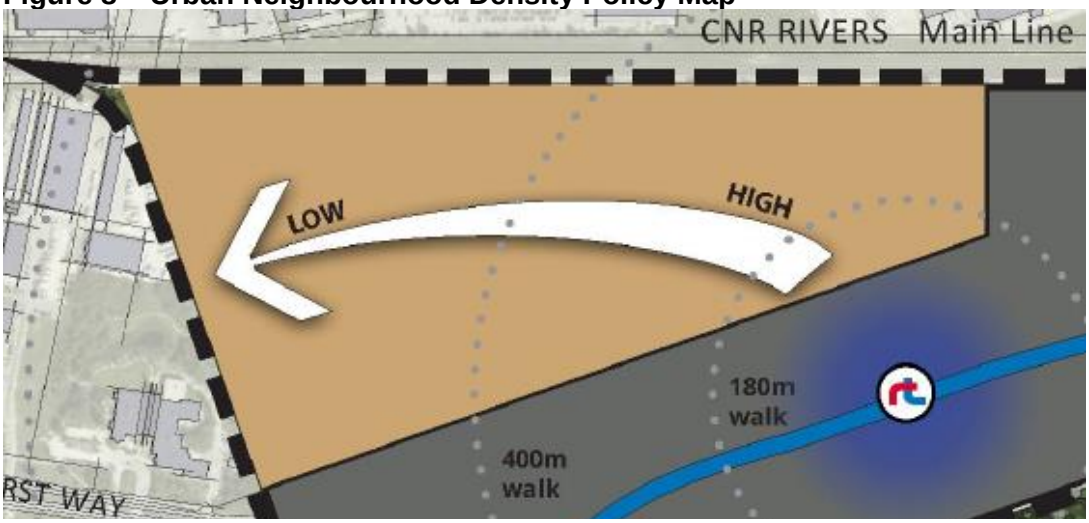
- *The City of Winnipeg Charter* requires subdivision and/or rezoning applications to be consistent with any applicable secondary plan by-law. Therefore, it is important for a secondary plan by-law to provide sufficient detail and policies to evaluate development applications. Typically, a secondary plan by-law will identify a variety of land use policy areas on a map complete with vision statements, objectives and policies for each policy area. In this way a secondary plan by-law provides direction as to where a given type of development may be acceptable or not acceptable within the Plan Area.

Proposed Policies

- The Plan includes a neighbourhood policy area along with policies which provide the following direction:
    - Commercial, institutional and educational uses are allowed in the first 400m from the transit station (Policy 3.5.2.1)
    - All types of residential uses are allowed within the first 800m of the Rapid Transit Station (Policy 3.5.2.2).
    - Residential net density shall be between 40 to 100 units per acre (Policy 3.3.2.2)
    - Residential density shall radiate out from the Transit Station (Policy 3.3.2.6)
    - Residential density shall be concentrated in the first 400m from the Transit Station (Policy 3.3.2.7)

- The Plan also includes an illustration to demonstrate how residential net densities in the Urban Neighbourhood Policy Area are to 'radiate out from the Rapid Transit Station' (see Figure 8 – Urban Neighbourhood Density Policy Map).

Figure 8 – Urban Neighbourhood Density Policy Map

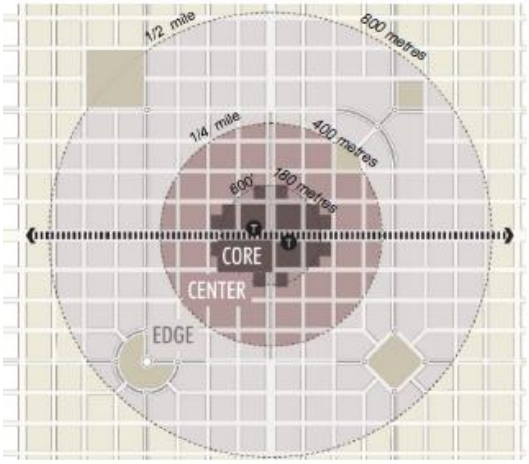


TOD Handbook

- Section 2B of the TOD Handbook provides that *the immediate area around the station (core area) should generally contain the greatest intensity and mix of uses.* This directs the highest

density of development to be located in proximity to the bus rapid transit station as demonstrated in the graphic below reproduced from section 2B of the TOD Handbook (See Figure 9 – TOD Density).

Figure 9 – TOD Density



- Section 3, Principle 1 of the TOD Handbook states *Medium to High Density Development Greater than the Community Average,* and suggests the *minimum density should be a high percentage of the density maximum (e.g. minimum density is 80% of maximum density).* (p17)

ANALYSIS

- The Plan reflects the general principle of directing the greatest intensity and mix of uses closer to the station as articulated in the TOD Handbook. For instance, the Plan:
    - requires residential densities to radiate out from the Rapid Transit Station (Policy 3.3.2.6);
    - suggests that residential densities should be concentrated within the first 400 meters of the Rapid Transit Station (Policy 3.3.2.6); and
    - states that commercial, institutional and educational uses are allowed within the first 400 metres of the Rapid Transit Station (Policy 3.5.2.1).

- While the policies of the Plan imply conformance to the principles of the TOD Handbook, they do not restrict development which does not conform. Consider the following policies from the Plan:
    - *All types of residential dwellings and public open spaces shall be allowed within the first 800 metres (1/2 mile) of the Rapid Transit Station.* (Policy 3.5.2.2)
    - *Community and neighbourhood-scale commercial, institutional and educational uses; and residential dwellings shall be allowed within the first 400 metres (1/4 mile) of the Rapid Transit Station* (Policy 3.5.2.1)

  Policy 3.5.2.2 permits all residential building types to be established anywhere within the 'Urban Neighbourhood Policy Area'. This policy does not provide sufficient clarity that would prohibit single family dwellings from being considered in the first 180 metres of the Rapid Transit Station or high rise multi-family apartments being considered 800 metres from the Rapid Transit Station.

Policy 3.5.2.1 specifically allows for commercial, institutional and educational uses within the first 400 metres of the Rapid Transit Station. However, it does not restrict these uses from being considered outside of the first 400 metres.

- It could be argued that other policies of the Plan could be used to restrict development which is not consistent with TOD principles. For instance:
    - Residential net density shall be between 40 to 100 units per acre (Policy 3.3.2.2)
    - Residential density shall radiate out from the Transit Station (Policy 3.3.2.6)

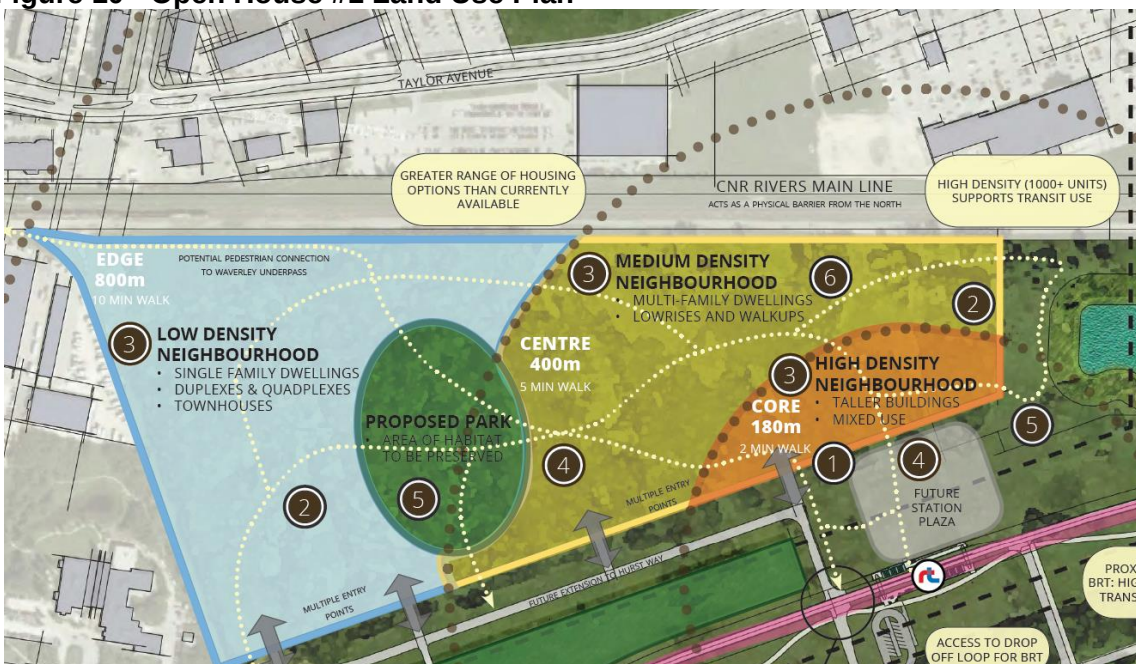
  However, the above mentioned policies are difficult to enforce. For instance, the residential net density of between 40 to 100 units an acre as prescribed in policy 3.3.2.2 applies to the entire Urban Neighbourhood Policy Area. Policy 3.3.2.4 specifically states that *net housing density shall be calculated as the mean average density for the entire Plan Area.* This means that applications for lower density development close to the Rapid Transit Station could be interpreted as permissible as long as higher density development occurs later on to increase the density of the entire area to between 40 to 100 units an acre.

  It could be argued that policy 3.3.2.6 (residential density shall radiate out from the Transit Station) would only allow for low density residential uses to be developed farther away from the station, and high density residential uses to be development closer to the station. However, enforcing this policy would require evaluating the density of an individual development proposal against the density of development which has yet to be proposed and does not exist.

- The solution to this problem is to divide the proposed 'Urban Neighbourhood Policy Area' into at least three (3) policy areas: One each for high, medium and low neighbourhood development. Unique policies would be included each of the three (3) policy areas to better articulate the types of development what would be permitted and not permitted for each.

- This was the approach used in previous draft versions of the Plan submitted by the proponent for review and comment, as well as presented at the two (2) Open House events (see Figure 10 – Open House #1 Land Use Plan).

Figure 10 - Open House #1 Land Use Plan



CONCLUSION

- The Plan does not provide sufficient detail to properly evaluate development proposals within the Plan Area.

- It is recommended that the proposed 'Urban Neighbourhood Policy Area' be divided into at least three (3) distinct policy areas to better characterize and articulate the types of development that is to be considered throughout the Plan Area.

Issue 3: *The Plan permits both industrial and high density residential uses to be established in the Neighbourhood Policy Area.*

BACKGROUND

- The 'Urban Neighbourhood Policy Area' of the Plan is currently zoned 'M2' (Manufacturing General), which allows *for light manufacturing, processing, service, storage, wholesale, and distribution operations, with some limited outside operations and storage.*

Plan Policies

- Section 1.1.1.1 of the Plan states that the *Winnipeg Employment Lands Strategy* (2008):
    - *Identified the Parker Lands as unsuitable for industrial development for the following reasons:*
        - *Transected by major utility corridors makes it difficult to develop for industrial purposes;*
        - *Major transportation access issues;*
        - *Requires major infrastructure improvements including sewer separation that could best be accommodated through redevelopment to another use; and*
        - *Adjacency to existing neighbourhoods.*
    - *recommended that the Parker Lands be removed from the industrial inventory and be designated for 'neighbourhood development'.*

- In addition, section 1.1.1.1 of the Plan mentions that the *Winnipeg Residential Land and Infill Strategy* (2009) *reviewed and assessed industrial lands identified for removal in Employment Lands Strategy, including the Parker Lands*. This section provides that *the strategy concluded that the Parker lands site along with other identified redevelopment sites were critical inputs into the land supply needed to meet the City of Winnipeg's growth forecast to 2031.*

- Section 1.3.3 (Policies, Applications and Interpretations) states:
  The policies, land-use and transportation concepts contained within the Plan recognize and maintain the existing use of land or buildings as they are currently zoned and developed in accordance with the Zoning Bylaw prior to the adoption of this Plan.

  Nothing in this Plan precludes current uses in the Planned Area from continuing as they may exist today, and for as long as the land owner wishes, until such time as the Zoning By-law is amended to affect the land-use rights. The intentions of the Plan polices are when a land owner wishes to change (i.e. intensify) their lands, via a rezoning, a subdivision, or a conditional use, then this intensification shall be consistent with the policies which serve to direct the changes towards the vision outlined for the Planned Area

- 5.4 (Implementation) Development Applications states:
  Until such time as the Zoning By-law regulations are changed in a Development Application, nothing in this Plan shall preclude current uses in the Planned Area from continuing as they existed prior to the Plan, with all the zoning land-use rights inherent in the lands, and for as long as the land owner wishes.

- 5.5.2 (Urban Design Guidelines: Site Plan Approval) Policies states:
  4) *The Parker Lands Urban Design Guidelines shall not apply or affect the ability of land owners exercising their existing land-use rights for developing lands currently zoned for Industrial land-uses.*

ANALYSIS

- Based on the background information provided in section 1.1.1.1 of the Plan, it is no surprise that *Complete Communities Direction Strategy (2011)* identifies the Parker Lands as a 'Major Redevelopment Site'; and not 'General Manufacturing'. *Complete Communities* identifies 'Major Redevelopment Sites' as areas to accommodate the future residential needs of the City.

- It is not uncommon for secondary plan by-laws to contain language that allows for existing uses to continue to exist and/or operate until the properties are rezoned or subdivided for development. However, most secondary plan by-laws also contain policy wording which restricts new development from establishing on existing parcels without a rezoning application. Wording to this effect can be found in section 1.1.2 of the Plan which states:

  > *Nothing in this Plan precludes current uses in the Planned Area from continuing as they may exist today, and for as long as the land owner wishes, until such time as the Zoning By-law is amended to affect the land-use rights*

- No industrial uses have been established in Urban Neighbourhood Policy Area of the Plan. Until recently, a majority of this Plan Area zoned 'M2' (industrial) was covered by a forest.

- Proposed policy 5.5.2.4 contradicts the policy wording of section 1.1.2 by permitting new industrial uses to establish:

  > *The Parker Lands Urban Design Guidelines shall not apply or affect the ability of land owners exercising their existing land-use rights for developing lands currently zoned for Industrial land-uses.*

CONCLUSION

- Permitting the establishment of new industrial uses in the Urban Neighbourhood Policy Area would run counter to the intentions of *Complete Communities*, which directs development of this land to be used for residential development. In addition, allowing for new industrial development to be established on parcels currently zoned 'M2' runs counter to the vision, objectives and a majority of the policies of the Plan.

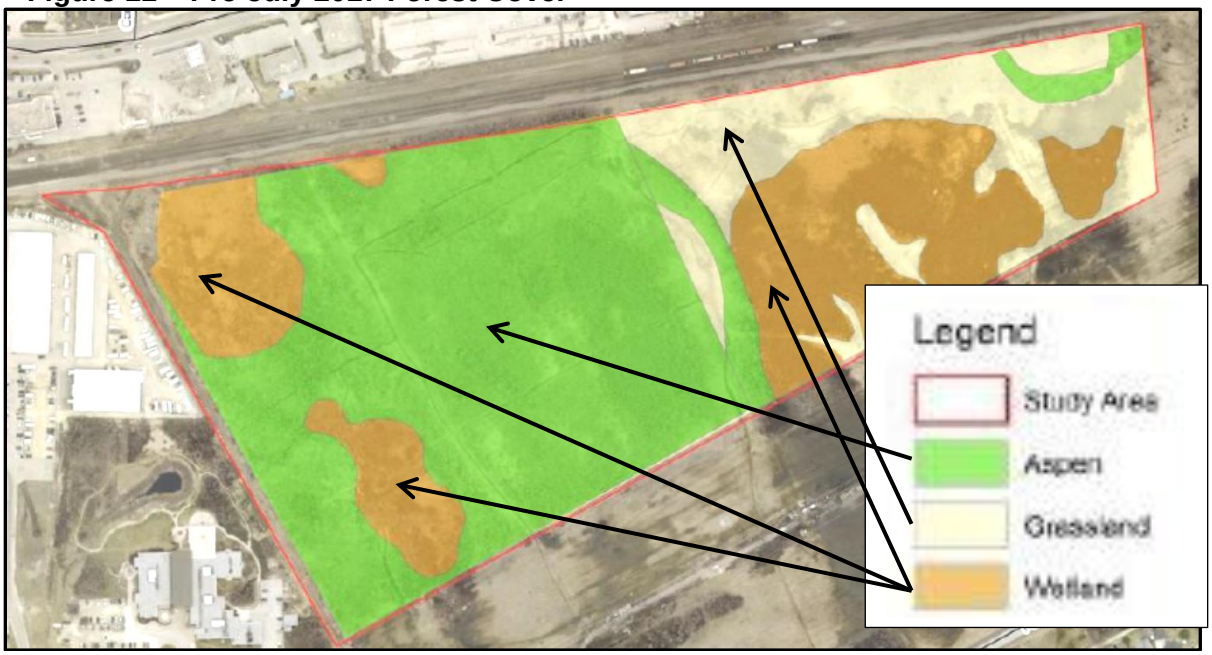
- Based on this, it would be inappropriate to allow for new industrial uses to be established in the Urban Neighbourhood Policy Area of the Plan, regardless of the existing zoning.

Issue 4: *Unlike versions of the Plan previously presented to the public at Open House events, the Plan does not effectively protect a clearly defined portion of the remaining forest area.*

BACKGROUND

- Until July 2017, the area of the Plan identified as 'Urban Neighbourhood Policy Area' was significantly covered by forest. The extent of the forest is presented in a document entitled 'Fulton Grove Community Park Retention Area Overview' (October 2017), which was included in the application submission (See Figure 11 – Pre-July 2017 Forest Cover).

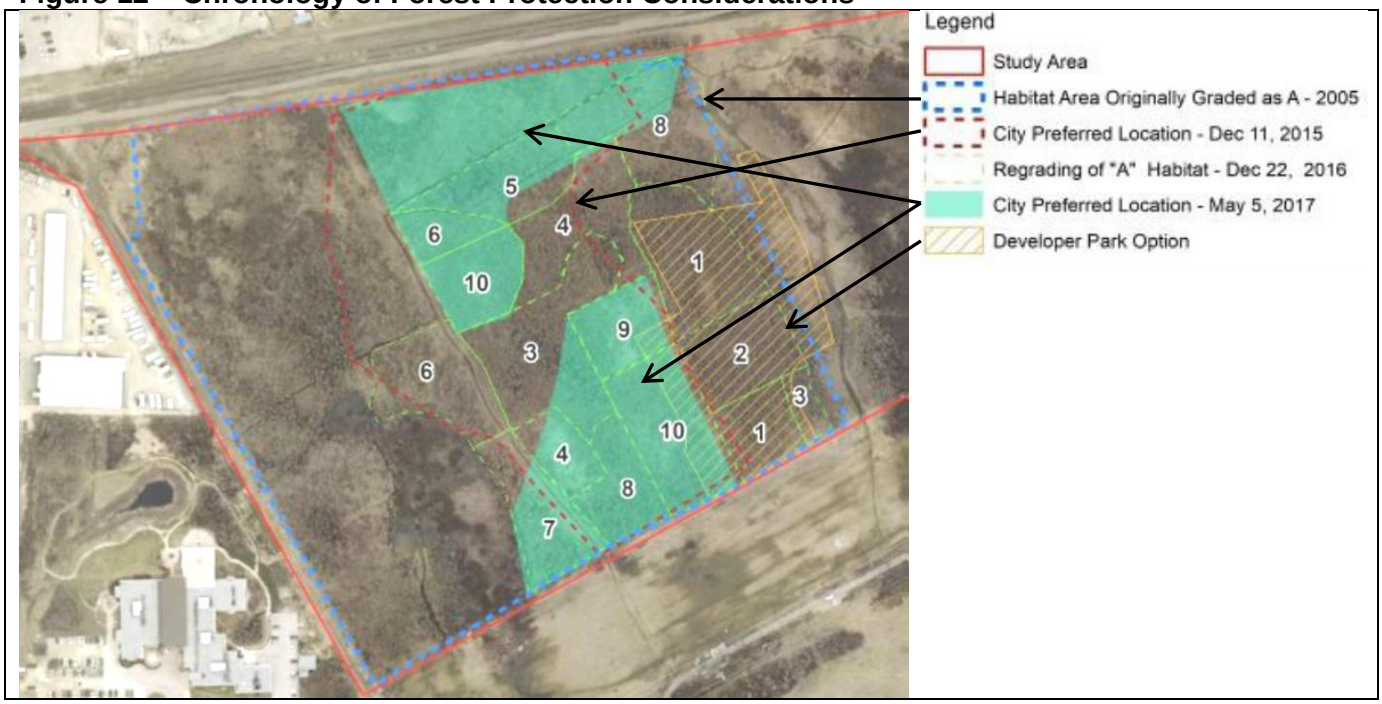
Figure 11 – Pre-July 2017 Forest Cover



- The original forest area existed entirely on private land owned by the applicant. Section 259 of the *City of Winnipeg Charter* allows for 10% of the subject land to be acquired by the City as part of the subdivision application process. During the development of the Plan, it was understood that this 10% dedication would be used by the City to protect a portion of the forest.

- The area of the forest to be protected was refined throughout the development of the Plan (See Figure 12 – Chronology of Forest Protection Consideration). By May 2017, the Public Service recognized that preserving enough forest area to preserve valuable habitat was unlikely. As a result, the preference shifted to protecting areas of the forest which contained clusters of older oak trees which take longer to replace than aspen forest (as identified in Figure 12).

Figure 12 – Chronology of Forest Protection Considerations



- It is worth noting that while there was some overlap between the areas ultimately preferred by the Public Service and the applicant. The applicant's preference was to preserve forest within 400m of the proposed Transit Station – an area that would best be used to accommodate housing as described in the *TOD Handbook*. The City preferred to preserve an area of forest farther to the west.

- In the summer of 2017, the applicant began clearing forest from the subject land in order to perform geotechnical work, as well as accept fill excavated from nearby municipal infrastructure projects. The applicant ensured that the forested areas preferred separately by the Public Service and by the applicant were not removed and that no part of these forested areas would be removed until after the Plan had been adopted. These remaining forested areas can be seen in Figure 13 – Forest Area: May 14, 2018.

Figure 13 – Forest Area: May 14, 2018

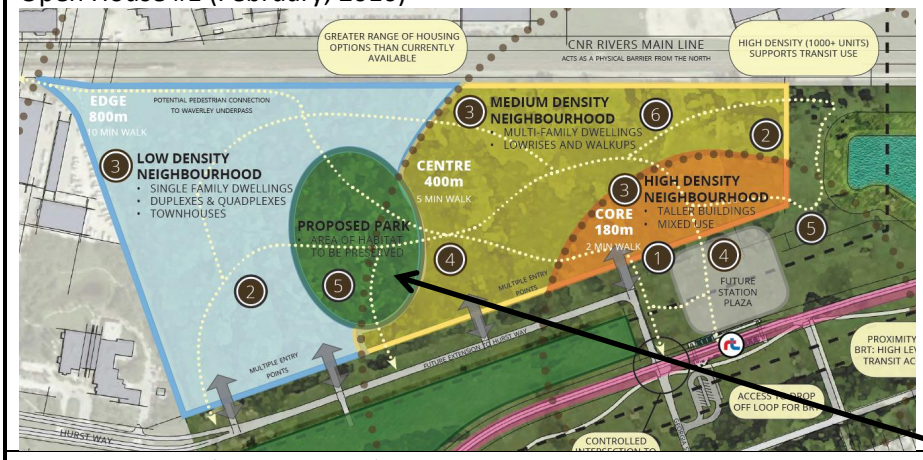


Public Engagement

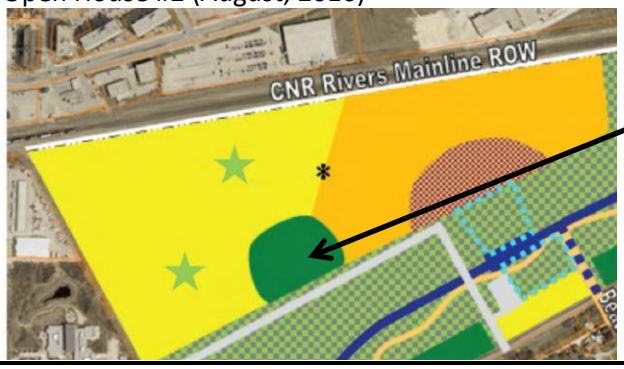
- The 'Engagement Report', included as Appendix 'A' of the application submitted by the proponent, reveals that a preserved forest area was included in the versions of the draft Plan presented at Open House events held February 2016 and August 2016 (see Figure 14 – Public Open House Events: Protected Forest Area)

Figure 14 – Public Open House Events: Protected Forest Area

Open House #1 (February, 2016)



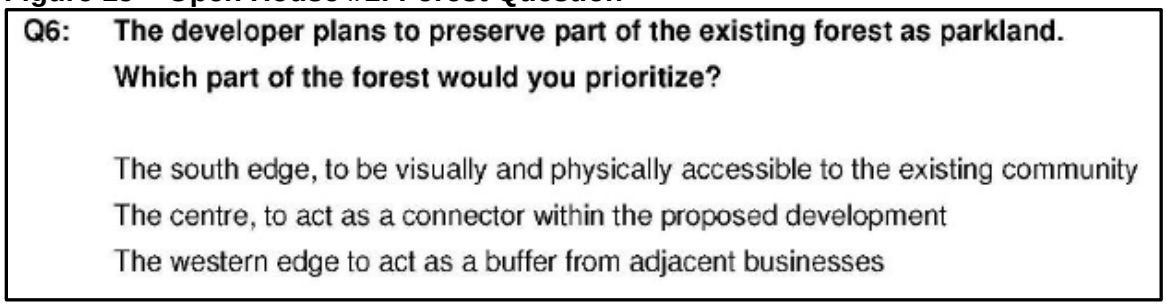
Open House #2 (August, 2016)



Protected Forest Area

- Participants at both Open House events were invited to provide feedback through a questionnaire. Questionnaires from both Open House events included content which implied at least a portion of the forest would be preserved. The Questionnaire provided at Open House #1 included a question which stated: *The developer plans to preserve part of the existing forest as parkland* (see Figure 15 – Open House #1: Forest Question).

Figure 15 – Open House #1: Forest Question

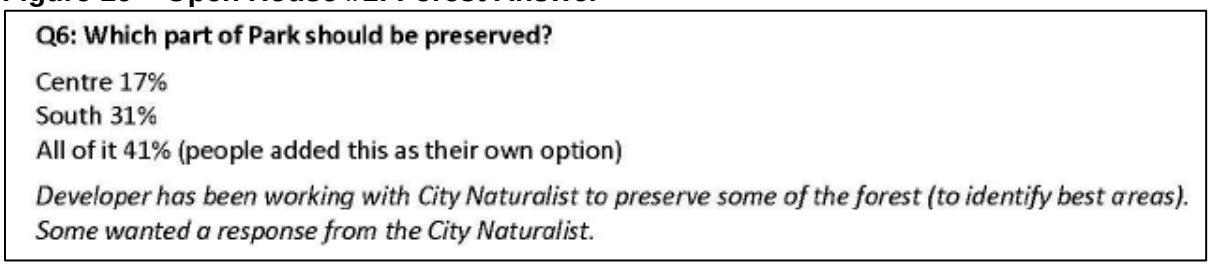


Q6: The developer plans to preserve part of the existing forest as parkland. Which part of the forest would you prioritize?

The south edge, to be visually and physically accessible to the existing community
The centre, to act as a connector within the proposed development
The western edge to act as a buffer from adjacent businesses

- According to the 'Engagement Report' 41% of survey respondents added an additional answer to Q6 indicating they wanted to preserve the entire forest (see Figure 16 – Open House #1: Forest Question).

Figure 16 – Open House #1: Forest Answer



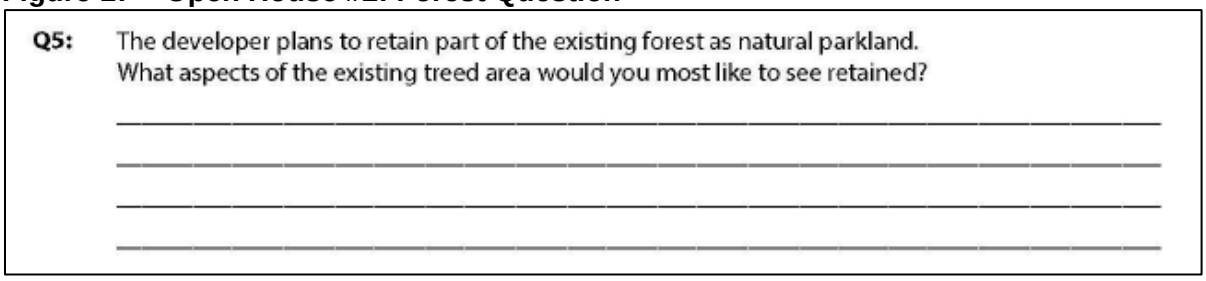
Q6: Which part of Park should be preserved?

Centre 17%
South 31%
All of it 41% (people added this as their own option)

Developer has been working with City Naturalist to preserve some of the forest (to identify best areas). Some wanted a response from the City Naturalist.

- The Open House #2 questionnaire also contained the statement that *the developer plans to retain part of the existing forest as natural parkland* (see Figure 17 – Open House #2: Forest Question").

Figure 17 – Open House #2: Forest Question



Q5: The developer plans to retain part of the existing forest as natural parkland.
What aspects of the existing treed area would you most like to see retained?

- In addition, the questionnaire solicited feedback by having participants identify preferences on a map which included a clearly identifiable forest (see Figure 18 – Open House #2: Map Exercise).

Figure 18 – Open House #2: Map Exercise



Note: Forest Area

DISCUSSION

Plan defers forest area to Dev App process

- Section 2.2.3 (Objectives) states: *Retaining existing wooded areas and adding new green spaces will provide habitats for animals, insects and vegetation while providing open spaces for people to connect with nature.* However, unlike previous versions of the Plan submitted by the proponent to the Public Service for comment and/or presented to the public at the two (2) Open House events, the Plan does not clearly identify the boundaries of a forest area to be protected.

- The Plan includes a section called 'Natural Lands Policy Area' (Section 3.9) which contains objectives and policies related to 'grassy areas and woodlots' retained as publically owned spaces. The 'Natural Lands Policy Area' is not included in the legend, nor is the boundary of the policy area explicitly identified on the proposed land use policy map. However, Policy 3.9.1 permits the location of natural lands within the 'Green and Open Space Areas' which are identified as point locations on the Land Use Policy Map (Figure 19 – Proposed Land Use Policy Map).

Figure 19 – Proposed Land Use Policy Map



- Policy 3.9.2 states: *The location of Natural Lands shall be determined through the Development Application process.* The policy language goes on to state that *the exact boundaries and location of any Natural Lands Area shall be established through a Development Application planning process.* The Plan does not require an explicit area of the forest be preserved as would be expected considering the objective of 'retaining existing wooded areas' as stated in section 2.3.3. Rather, the policies of section 3.9 defer the existence and boundary of a protected forest area to the Development Application process. This means that the remaining forest area would not be protected through the adoption of the Plan as a secondary plan by-law.

- It is worth mentioning that Figure 19 (Land Use Policy Map) identifies the area containing the CN Rivers Main Line as a 'Railway Corridor Policy Area'. However the Plan does not include a 'Railway Corridor Policy Area' section with related policies. Reference to this policy area is limited to policies which permit parks and/or forest:
    - Policy 3.8.2(1) *Green and Open spaces shall only be established within the Urban Neighbourhood Policy Area, Rapid Transit Station Node Policy Area, Limited Use Policy Areas, and the* ***Railway Corridor Policy Areas***
    - Policy 3.9.2 (1) *Natural Lands Areas may be within the Limited Use Policy Areas, Green and Open Space Areas and the* ***Railway Corridor Policy Areas.***

  Parks and forest areas should not be permitted on the CN Main Line.

- In order to effectively protect a portion of the remaining forest, the Plan needs to provide clear policies which restrict the removal of forest from an explicitly defined area.

Ensuring Successful Prairie TOD

- The version of the Plan submitted for Council adoption as a secondary plan by-law abandons the effort to preserve a portion of the original forest on the applicant's land. Clear evidence of this can be found in the memo submitted as Appendix F of the application and entitled: "Parker Lands: Ensuring Successful Prairie TOD" which claims that preservation of a forest area should not be pursued for the following reasons:
    - *From a community planning perspective, woodlots are rarely useful or desirable amenities for families and in most cities have been removed and redesigned for this reason. They tend to attract unwanted behaviour, score poorly from a Crime Prevention Through Environmental Design (CPTED) perspective, and are not places for children to play in an urban setting due to a lack of sight lines;*
    - *… the imposition of a woodlot in the center of the development parcel reduces the developable area and compromises the key policy objective of maximizing development on the site;*
    - *To best capitalize on the City's investment in rapid transit, this land ought to accommodate as much housing as possible for as many people as possible;*
    - *There is no design logic behind having a woodlot in the center of a high density redevelopment site;*
    - *A large woodlot would divide the site in two;*
    - *Both the scale and the location of a woodlot hinders the possibility of connectivity within the site.*
    - *To sterilize a portion of the site from redevelopment as a result of the proposed woodlot fundamentally compromises the objective of creating a Complete Community;*
    - *These lands are one of only eleven key sites that can accommodate redevelopment in a significant way in the City of Winnipeg They are precious to the sustainability of the city as a site for higher density transit-oriented development precisely because of their proximity to the new bus rapid transit infrastructure – and because there are so few sites that share this characteristic. Woodlots can be accommodated elsewhere;*

- The Public Service disagrees with the assertion that there is little value in protecting a portion of the remaining forest area. In fact, there is immeasurable value in preserving a portion of the remaining forest for the benefit of the community and the city at large. Through actions and feedback provided at Open House events, it is evident that the community has a desire for at least a portion of the forest to be preserved.

- It is anticipated that the Emerald Ash Borer, along with that of Dutch Elm disease, is going to have a devastating impact on the urban forests in the nearby neighbourhoods. The remaining forest stands of oak and aspen trees in the subject area are not likely to be impacted by this devastation and protecting a portion of them would help offset this loss.

- The Public Service does not see a natural tree stand as a barrier to development of the site. Ensuring path(s) through the park are supplemented by a pedestrian network with alternate routes around the forest area, provides options for movement.

- Citing CPTED as a rationale for not preserving a portion of forest exacerbates the perception that nature in an urban environment is dangerous. If properly designed and integrated into a neighbourhood a forest stand can be a focal point and welcome oasis in our urban environments. As a focal point, more eyes are on the space and CPTED-related issues are

more easily dealt with. Making sure the forest is visible from many vantage points with clear entry and exit points can also serve to address CPTED-related issues

- We acknowledge that any site has the potential to be less safe when not properly designed or integrated into surrounding development. However, by that argument every riverbank would be denuded of vegetation and urban residents would not have interaction with natural environments.

- As presented in Figure 12 – Chronology of Forest Protection Considerations, the Public Service has always maintained that the preserved forest should not be within the 400 metres radius of the Transit Station. The Public Service remains interested in preserving forest which includes clusters of older established oak trees. Such areas do not fall within 400m of the Transit Station.

- The Public Service supports densification of TOD sites throughout the city; however that need not preclude preservation of valuable forest areas. If the argument that housing should be maximized at the expense of forest preservation prevailed, all natural areas would be lost to development.

- *OurWinnipeg* promotes the preservation and protection of natural areas and natural habitat. Section 02-2 (Environment) states: *Our actions should contribute to the protection of the natural environment locally, regionally and globally, both for our own well-being and for future generations.* This section provides the following directions on how to *contribute to the protection of the natural environment:*
    - *Recognize and preserve Winnipeg's parks, green spaces and riverbanks as green oases in our urban setting*
    - *Protect and enhance the urban forest.*

CONCLUSION

- It should be noted that during the subdivision application process, *the Charter* allows for the City to acquire 10% of the subject area as park dedication. The proponent is aware of the City's preference for this 10% dedication to be provided as protected forest area.

- During the development of the Plan, the Public Service was of the understanding that a portion of the forest would be preserved. This understanding was reinforced by the content of draft Plans submitted for review, the content of materials presented at Open House events and the actions of the proponent in preserving the preferred forest areas identified by the applicant and the Public Service.

- Unlike previous versions of the Plan submitted for review and comment, the currently Plan does not provide policies that would protect the remaining forest area. Adopting a Plan which does not adequately protect a portion of the remaining forest would serve to undermine faith in the public consultation and planning process.

Issue 5: *The Plan requires significant 'clean up' and re-organization before it can be considered for adoption as a Council By-law.*

BACKGROUND

- It is not uncommon for a proposed secondary plan by-law to be submitted with a number of typographical or grammatical oversight errors. The Public Service will often identify these errors and recommend that they be corrected by Council during the By-law adoption process. In some instances, such corrections may involve moving a sentence or paragraph to a more appropriate section of the document or removing it altogether.

- Recommended alterations made to the By-law must be specifically stated in a Council Motion during one of the three readings. It is then up to the Public Service to ensure that each of these changes is reflected in the version of the By-law adopted by Council.

DISCUSSION

- The Plan contains a significant amount of 'clean up' and reorganization before it would be suitable for adoption as a By-law. It is unfeasible for this report to specifically mention all of the items that need to be cleaned up or reorganized. Instead, a small sample of items identified during the review is listed below:

    - Section 3 (Land Use Concept) – 12 text changes.

    - Figures 12 & 21 – Graphics need to be updated to reflect the related engineering report(s).

    - Numerous statements throughout the Plan describe the context of the Plan Area. These items should be consolidated into a new 'Plan Area Context' section at the beginning of the Plan rather than spread throughout the document.

    - Policies 3.7.2 (2), (5) and (9) all relate to accommodating seasonal uses and special events in the Rapid Transit Station Node Policy Area:

        3.7.2 (2) *Flexible Public Space designed for a diversity of temporary/seasonal uses and events shall be encouraged.*

        3.7.2 (5) *Public spaces of appropriate size and design may be created to accommodate seasonal uses and special events.*

        3.7.2 (9) *Design should allow for temporary uses such as a farmers' market, fundraising/special event and seasonal sales should also be allowed in this policy area.*

        There is no need to include all three of these policies as they essentially provide for the establishment of the same uses. These policies should be rewritten as a single policy.

    - A number of policies are grammatically confusing and require rewriting. Examples include, but are not limited to:
        - Policy 4.1.2 (2) *Efficiently and effectively the Planned Areas' transportation network shall connect pedestrian, cycling, public transit and vehicular modes of travel by…*

- Policy 4.2.2(1)(d) which states: *Should the required regional land drainage facilities to adequately service the Planned Area is not yet get constructed…*

- Section 5 (Implementation) includes a subsection entitled 'Actions'. However, the statements that follow are written as policies. Much of the content of this section are redundant as the statements simply describe existing City tools and processes. For instance: Policy 5.1.1 (3) *The purpose of a PDO zoning tool shall be to provide a means to alter or specify allowed uses and/or order to achieve local planning objectives in specially designated areas [that may consist of the policy area of a master plan]" (Zoning By-law 200/2006).*

- Some statements in this section are even written as to bind Council to decide a specified way when considering future development applications. For example Action 5.1.1 (2) states:

  The City shall support the rezoning of some, or all of, the Parker Lands by the creation of a Planned Development Overlay (PDO) District should a proponent put forward and application for such a zoning tool.

  The decision to support an individual rezoning application will always remain at discretion of Council. Statements such as the one found in section 5.1.1 (2) need to be altered to reflect this.

CONCLUSION

- It is not unreasonable to expect the Public Service to recommend a few alterations to a secondary plan by-law during the adoption process. As such, the Public Service is prepared to recommend a nominal amount of minor alterations to 'clean up' and/or reorganize a proposed secondary plan by-law for the purpose of readability. However, it would be unreasonable for the Public Service to recommend that Council consider a motion listing the large number of alterations required to clean up and/or re-organize the proposed secondary plan.

Issue 6: *The Plan is missing important content and policies.*

BACKGROUND

- The Public Service has identified a significant number of instances in the Plan where additional content and/or policies are required. In some cases, the Plan identifies an issue or objective but then fails to include a supporting policy. In other instances, policies required to address an important issue are simply not included at all. It is unreasonable for this report to attempt to itemize and address each instance where the Plan is missing content and/or policies.

DISCUSSION

- The following discussion provides examples which are indicative of issues identified in the Plan by the Public Service.

- The Constraints section (1.2.10.2) suggests the only limitation to development of the Plan Area is a lack of vehicular transportation connections. The Constrains section then includes a list of recent transportation infrastructure projects which may improve transportation connections to the Plan Area. The Constraints section does not mention any of the obvious constraints to development within the Plan Area. These include:
    - Impact of CN Mail Line on residential development
    - Impact of CN Mail line on access to amenities on the opposite side of the rail line.
    - Relative isolation of the site from existing development.
    - Impact of Hydro Corridors on development and connections.
    - Impact of significant fill expected for provision of gravity sewer system.
    - Potential for contaminated sites (As suggested in section 1.2.8).
    - Potential geotechnical considerations, such as water table impact on underground parking.

- While the 'vision' for the Plan, provided in section 2.1 includes reference to TOD, this is not reflected in the overall objectives of the Plan provided in section 2.2. In addition, objectives listed at the beginning of at least 11 sections under Part 3 (Land-Use Concept) and in section 1.2.10.1 (Opportunities) should be either included or reflected in the overall objectives of the Plan provided in section 2.2.

- The overall objectives for the Plan Area are found in Part 2: 'Planning Vision and Objectives'. The Objectives section is weak and limited to little more than the following and requires additional content:
    - *Creating a sense of place through urban design is important to establish a strong identity for the area for the new residents and existing visitors.*
    - *This site will become a model for the three (3) pillars of sustainability: environmental, social and economic.*
    - *Retaining existing wooded areas and adding new green spaces will provide habitats for animals, insects and vegetation while providing open spaces for people to connect with nature.*
    - *A dense urban environment will grow in the Parker Lands that will financially support nearby employment and commercial centres with employees and customers; and maximize public investment in regional transportation infrastructure.*

- Many of the objectives included throughout the Plan are not supported by the policies. For instance, the Plan does not contain adequate policies to achieve the following objectives of section 2.2 (Objectives):
    - *This site will become a model for the three (3) pillars of sustainability: environmental, social and economic.*
    - *Retaining existing wooded areas and adding new green spaces will provide habitats for animals, insects and vegetation while providing open spaces for people to connect with nature.*

- Polices are also required to support the many objectives found throughout the various sections of Part 3 (Land-Use Concept). As an example, the objective found under section 4.2.2 (Water, Waste Water and Land Drainage) states:

    To ensure new land-uses within the Planning Area are serviced with the full range of municipal services, meaning with paved streets with curbs, piped municipal water, piped waste water and piped land drainage facilities with sufficient capacities that are provided in an environmentally sound and economically fashioned manner, meeting the sustainability principles of this plan.

    However, the policies that follow do not specifically require all development to be serviced with a full range of municipal services as defined by *OurWinnipeg.* The following need to be included in the Plan to achieve the objectives found under section 4.2.2:
    - *All development in the Plan Area will be serviced with a full range of municipal services as defined by OurWinnipeg.*
    - *All development will be serviced by piped water*
    - *All development will be serviced by piped sanitary sewer*
    - *All development will be serviced by piped drainage*

- The Plan requires policies related to the phasing of development within the Plan Area. The Staging and Phasing section (section 5.2) is limited to the following text:

    Staging and phasing of the redevelopment in the Planned Area will be largely driven by market conditions and the construction of municipal services. Phasing shall occur in a logical and contiguous fashion with a full range of municipal services as determined through development applications. It is possible that once the designs of development, transportation, and services is undertaken, the phases ***may be adjusted to reflect the engineering and market realities.***

    The Plan does not provide a clear description of the phases that ***may be adjusted to reflect the engineering and market realities****.* Ideally, a land use plan will provide the extent and intensity of each phase of development in the Plan Area. The Plan should also include policies that require the completion of one or more engineering studies prior to each phase of development. These policies may even require that certain infrastructure be in place in advance of proceeding to the next phase. Such policies are missing from the Plan.

CONCLUSION

- The Plan is missing a significant amount of important content and policies.
- It is common for the Public Service to work with a proponent in developing content and policies for a secondary plan by-law. Once an application for a secondary plan by-law has been submitted the focus of the Public Service shifts from working with the proponent on policy development to providing Council with recommendations as to which policies should be altered or added during the adoption process.

- The Public Service is not prepared to undertake the large amount of work required to develop the content and policies missing from the Plan at this stage in the process. The amount of new content culminating from such work would result in an unreasonable number of changes to the Plan for Council to consider.

- It should be recognized that additional content and policies would also need to be developed to address the issues previously discussed in this document

Recommendation

It is recommended that the proposed Parker Lands Secondary Plan By-law not be given first reading for the following reasons:

1. The Plan applies an incorrect TOD Type within the Plan Area.

2. The Plan does not provide sufficient detail to properly evaluate development proposals within the Plan Area

3. The Plan permits both industrial and high density residential uses to be established in the Neighbourhood Policy Area.

4. The Plan does not effectively protect a clearly defined portion of the remaining forest area as presented at the public Open House events.

5. The Plan requires significant ‘clean up’ and re-organization before it can be considered for adoption as a Council By-law.

6. The Plan is missing important content and policies.