Agenda – Council – October 24, 2019

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 4, 2019

Item No. 7 Amendment to the Airport Vicinity Protection Area Secondary Plan By-Law No. 6378/94 Properties Identified Generally Along the West Side St James Street between Portage Avenue and Sargent Avenue (St. James Ward)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2019, the Executive Policy Committee submitted the following to Council:

1. That an extension of time of 30 days be granted to allow for further consultation between the applicant and stakeholders.

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, Heritage and Downtown Development – September 4, 2019

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2019, the Executive Policy Committee submitted the following to Council:

1. That an extension of time of 30 days be granted to allow for further consultation between the applicant and stakeholders.

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

Tyler MacAfee, Winnipeg Airports Authority, submitted a communication dated October 11, 2019, with respect to the matter.

On September 17, 2019, the Executive Policy Committee laid the matter over for 30 days and directed the Winnipeg Public Service to work with the Winnipeg Airports Authority and the Developer in an attempt to come up with agreed upon amendments to the Airport Vicinity Protection Plan.

Tyler MacAfee, Winnipeg Airports Authority, submitted a presentation titled "Airfield to Airport City – Transforming Winnipeg Richardson International Airport for the benefit of the community - EPC Discussion – September 17, 2019".

STANDING COMMITTEE RECOMMENDATION:

On September 4, 2019, 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.

Councillor Rollins submitted a communication from the Winnipeg Airport Authority dated August 30, 2019, in opposition to the matter.

ADMINISTRATIVE REPORT

Title: By-Law No. 49/2019 – Amendment to the Airport Vicinity Protection Area Secondary Plan By-Law No. 6378/94 properties identified generally along the west side St James Street between Portage Avenue and Sargent Avenue

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 Interim CAO

EXECUTIVE SUMMARY

On May 22, 2019 the Urban Planning and Design Division received an application to amend the Airport Vicinity Protection Area Secondary Plan By-Law No. 6378/94 (the "AVPA"), proposing to re-designate approximately 34 acres of land distributed amongst 17 properties located along St James Street in the area between Portage Avenue to Sargent Avenue, from policy Area I to Area II.

The purpose of the AVPA is to protect the 24-hour air operations of the airport by limiting the potential for noise complaints from residential uses. The AVPA severely restricts new residential development, including prohibiting new multi-family uses from establishing in policy Area I, but allows for new residential development including multi-family uses in policy Area II. The proposal is to re-designate the subject properties from policy Area I to Area II to allow for new residential uses, notably mixed use or multi-family residential, to be considered in the future.

The subject properties are identified in *OurWinnipeg* and the *Complete Communities Direction Strategy* as being part of a Regional Mixed Use Centre which promotes the intensification with a mix of uses and higher residential densities. The proposal is consistent with the policies of *OurWinnipeg* and *Complete Communities Direction Strategy.*

Because the AVPA is a secondary plan, a public hearing must be held in respect of the proposed amendments after Council gives first reading to the amending by-law.

In accordance with section 270 of the City of Winnipeg Charter (the "Charter"), an objection to the proposed amendment filed at the public hearing by a neighbouring municipality or another level of government would result in the proposed amendment being referred to the Municipal Board before second reading.

The Winnipeg Airports Authority has identified concerns with the proposed amendment. Discussions with the Winnipeg Airports Authority to determine the appropriateness of the proposed amendment and intended future uses on the subject land are currently on-going. Details and analysis of this on-going discussion will be included in the Planning Report provided at the public hearing along with recommendations from the Public Service.

RECOMMENDATIONS

1. That Council give first reading to By-law No. 49/2019 (the "By-law") to amend the *Airport Vicinity Protection Area Secondary Plan By-law* No. 6378/94 to re-designate properties identified generally along St James Street between Portage Avenue and Sargent Avenue from Area I to Area II (attached as Appendix B).

2. That the Assiniboia Community Committee be directed to hold a public hearing with respect to the By-law and submit its recommendations on same to Council.

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

REASON FOR THE REPORT

A secondary plan by-law requires first reading at Council followed by a public hearing prior to second and third reading at Council in accordance with subsection 234(3) of *The City of Winnipeg Charter Act* and *The Development Procedures By-law* No. 160/2011.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of this report are concurred in, a public hearing on the proposed secondary plan by-law amendment will be conducted by the Assiniboia Community Committee.

HISTORY/DISCUSSION

The *Winnipeg Airport Vicinity Development Plan* No. 6378/94 was adopted by Council on May 25, 1994.

In December, 2002, the name of the ***Winnipeg Airport Vicinity Development Plan*** was changed to the ***Airport Vicinity Protection Area Secondary Plan By-law*** (the AVPA) by *Charter Implementation By-law* No. 8162/2002.

On May 22, 2019, the Urban Planning and Design Division received applications to amend the *Airport Vicinity Protection Area Secondary Plan – By-law* (SPA 2/2019) and the *Airport Vicinity Protection Area Overlay District* within the Zoning By-law (DAZ 211/2019).

The proposal is to re-designate 17 properties, generally along the west side of St James Street between Portage Avenue and Sargent Avenue, from AVPA policy 'Area I' to 'Area II'. The subject properties are not adjacent to land designated as policy Area II in the AVPA and for this reason the proposal can be characterized as a 'spot amendment'. Please see the *Proposed Secondary Plan Amendment* document submitted with the application, attached as Appendix C.

According to the AVPA, *the principal concern for residents living in proximity to the Airport is the noise generated by the arrival and departure of aircraft.* Tolerance for aircraft noise is measured using a Noise Exposure Forecast (NEF) which is an internationally-accepted method adopted by Transport Canada in 1987. The Transport Canada Policy establishes that noise exposure forecasts (NEF) below 30 decibels should not preclude residential development.

A few of the subject properties are identified in the AVPA as having an NEF greater than 30 decibels. However, the AVPA policies are based on NEF data which is 20 years old and may not account for advancements in construction standards or airplane engine technology.

The existing zoning does not permit multi-family uses. An application to rezone the subject properties to a zoning district that allows for multi-family development has not been submitted at this time. Servicing and transportation studies would be required as part of a future re-zoning application, which would also determine development thresholds including residential densities, location of residential uses and their configuration.

Amendments to the AVPA are administered through the secondary plan by-law amendment process as provided in *the Charter.*

A detailed summary of the application and relevant by-laws and policies is provided in Appendix A – Planning Discussion.

FINANCIAL IMPACT

Financial Impact Statement

Date: July 29, 2019

Project Name:

By-Law No. 49/2019 – Amendment to the Airport Vicinity Protection Area Secondary Plan By-Law No. 6378/94 properties identified generally along the west side St James Street between Portage Avenue and Sargent Avenue

COMMENTS:

There are no financial implications associated with this report.

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

CONSULTATION

This Report has been prepared in consultation with:

Internal

- Legal Services (as to legal issues)
- Public Works
- Water and Waste
- Community Services
- Transit
- Winnipeg Fire and Paramedic Service

External

- Winnipeg Airports Authority
- Transport Canada
- Province of Manitoba (Provincial Planning Services)
- R.M. of Rosser
- R.M. of Headingley
- R.M. of West St. Paul
- South Interlake Planning District
- Red River Planning District
- Winnipeg School Division
- Manitoba Hydro

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg & the Complete Communities Direction Strategy

Airport Vicinity Policies

- Airport Vicinity Protection Areas I and II are presented on the Urban Structure Map (figure 01a) of *OurWinnipeg*.
- Policies in *OurWinnipeg* regarding development in the Airport Vicinity Protection Area defer to the AVPA and related PDO:
    - *Support the role of the James Armstrong Richardson International Airport as a major transportation hub for passengers and cargo.*
    - *Adhere to the Airport Vicinity Development Plan (AVDP) and periodically review the plan in cooperation with relevant stakeholders.*
    - *In order to maintain compatible land use relationships, regulate land use and building regulations for all those neighbourhoods or portions thereof significantly affected by airport related noise through:*

- *The Airport Vicinity Development Plan by-law 6378/94* (ie. the *Airport Vicinity Protection Area Secondary Plan)*.[1]
- *Airport Vicinity Protection Area Planned Development Overlay*

- The *Complete Communities Direction Strategy* does not map the Airport Vicinity Protection Areas I or II. However, policies for the Airport Area designation also defer to the Airport Vicinity Development Plan by-law 6378/94 (ie. the AVPA) and PDO using most of the same wording as found (and noted above) in *OurWinnipeg*.
- The *Complete Communities Direction Strategy* also adds the following direction:

  Direction 1
  - *Support the 24-hour status of airport operations and airport related activities by working with the Winnipeg Airports Authority and all stakeholders.*

Regional Mixed Use Centre Policies

- Under *OurWinnipeg* and the *Complete Communities Direction Strategy,* the subject site is located within a Regional Mixed Use Centre (Regional Mixed Use Centre F – Polo Park Area).
- Under *OurWinnipeg* and the *Complete Communities Direction Strategy*, the key direction guiding development in Regional Mixed Use Centres is:

  KEY DIRECTION

  Focus a significant share of growth to Centres and Corridors in a manner that:
  - *provides compact, mixed-use, high-quality urban development.*
  - *concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.*
  - *concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.*
  - *encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.*
- Supporting policies of the key direction for Regional Mixed Use Centres are:
  - *Promote and guide the transformation of existing Regional Mixed Use Centres through a proactive and collaborative process.*
  - *Support high-frequency transit service by encouraging higher density residential and higher intensity commercial and mixed uses within the centre of the development. These will be focused on major transit stops.*
  - *Create strong, multi-modal and transportation linkages from each Regional Mixed Use Centre to Downtown, other Centres, Corridors, Parks and major attractions.*
  - *Promote development within the Polo Park Regional Centre consistent with the Airport Vicinity Protection Area Planned Development Overlay.*
  - *Establish local goals and objectives for each Regional Mixed Use Centre while taking into account its relationship to: OurWinnipeg, Sustainable Transportation Direction*

[1] The name of the *Winnipeg Airport Vicinity Development Plan* was changed to the *Airport Vicinity Protection Area Secondary Plan* By-law by Charter Implementation By-law No. 8162/2002.

Strategy, Downtown, Redevelopment Areas, Corridors and other Centres. This could include minimum and maximum density and employment targets.

- Residential mixed-use style development described in the "Proposed Secondary Plan Amendment" document submitted with the application is consistent with the policies of *OurWinnipeg* and *Complete Communities*.
- *OurWinnipeg* and *Complete Communities* policies guiding development of Regional Mixed Use Centres promote intensification with a mix of uses and higher density residential development.
- It should be noted that a key direction of *Complete Communities* is to *promote development at the Polo Park Regional Centre consistent with the Airport Vicinity Protection Area Planned Development Overlay* (as provided in the Zoning By-law). The *Airport Vicinity Protection Area Planned Development Overlay* is not to be confused with the AVPA, which is the secondary plan by-law providing land use policy direction for the area. The *Airport Vicinity Protection Area Planned Development Overlay* creates a zoning district overlay in the zoning by-law, referred to as "PDO-1 Airport Vicinity" which reflects and implements the policies of the AVPA.
- In this way, the *OurWinnipeg* and *Complete Communities* policies defer to the AVPA and related PDO-1 Airport Vicinity zoning district overlay to provide details on the type and intensity of development appropriate within the AVPA area, which includes the subject properties.

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning
Prepared by: Robert Kostiuk, MCIP
Date: August 2, 2019
File No:

Attachments:
Appendix A – Planning Discussion
Appendix B – By-law No. 49/2019
Appendix C – *Proposed Secondary Plan Amendment* document submitted with the application

APPENDIX A – Planning Discussion

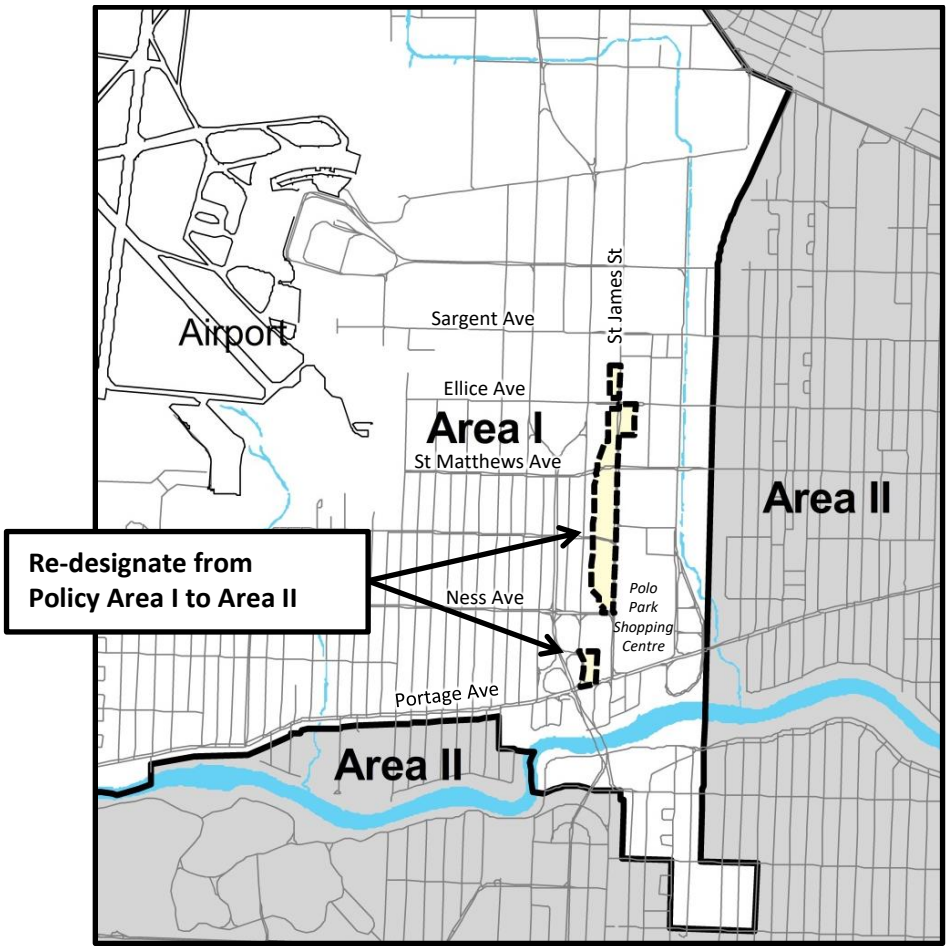
DATE: July 29, 2019

FILE: SPA 2/2019 (By-law 49/2019)
RELATED FILES: DASZ 211/2019

COMMUNITY: Assiniboia Community
NEIGHBOURHOOD #: 2.125 Polo Park; 2.201 Kensington; 2.221 St. James Industrial

SUBJECT: Proposed amendment to the *Airport Vicinity Protection Area Secondary Plan* (Secondary Plan By-Law No. 6378/94) for properties identified generally along the west side of St James Street between Portage Avenue and Sargent Avenue.

LOCATION: See map below



APPLICANT: Moir Informed Decisions (on behalf of Towers Ltd., Alloway Investments Ltd., Oxbow Holdings Inc., Barcoga Holdings Inc., Marvin Investments Ltd., Ranch Asset Management Inc.)

RECOMMENDATION: Forward to Council for first reading.

PURPOSE OF THE PROPOSED AMENDMENT

- The purpose of the proposal is to allow for new residential uses to be considered on the subject properties in the future. Consideration for new residential uses first requires redesignating the subject properties from policy Area I to Area II in the *Airport Vicinity Protection Area Secondary Plan* (AVPA).

SUBJECT PROPERTIES

- The proposed amendment applies to 17 properties (totaling ~34 acres) generally located along the west side of St James Street between Portage Avenue and Sargent Avenue as indicated in Figure 1 – Subject Properties.

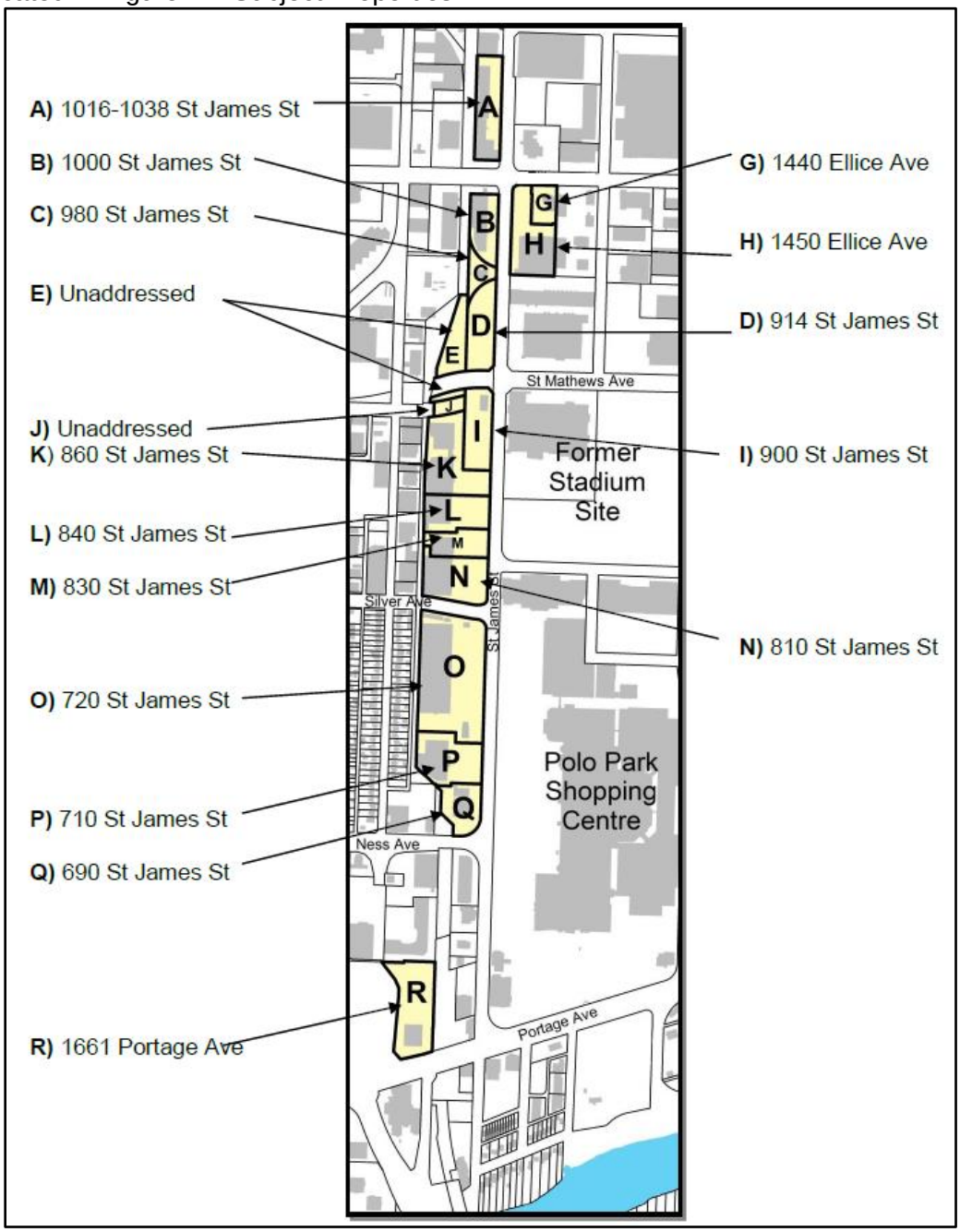


Figure 1 – Subject Properties

- The subject properties contain 'Big Box' retail, strip mall, and stand-alone restaurant development. The property on Portage Avenue contains a ten storey office building.
- Polo Park Shopping Centre and the former Winnipeg Stadium site are located on the opposite side of St James Street to the east.

PROPOSED AMENDMENT

- The proponent is applying for an amendment to re-designate the subject properties from policy Area I to Area II of the AVPA.
- The subject properties are not adjacent to land designated as policy Area II in the AVPA. Redesignation of the subject properties as proposed would result in a relatively small separated portion of land designated AVPA Area II surrounded by land designated AVPA Area I. For this reason the proposal can be characterized as a 'spot amendment'.
- The applicant has submitted a related zoning by-law amendment proposal (DAZ 211/2019) which seeks to change the PDO-1 Airport Vicinity area applied to the subject properties in the zoning by-law from Area I to Area II. The PDO Overlay district is further discussed in the *Airport Vicinity Protection Area Planned Development Overlay 1 (PDO-1 Airport Vicinity)* section of this report.
- Multi-family residential development is currently not permitted within Area I of the AVPA or Area I of the PDO-1 Airport Vicinity overlay district. Therefore, amendments are required to both the AVPA and PDO-1 Airport Vicinity overlay district (of the Zoning By-law) to allow for residential development to be considered on the subject properties.
- The proponent's Letter of Intent is included in Appendix C of the Administrative Report.

LEGISLATION AND REGULATIONS

City of Winnipeg Charter Act ('the Charter'*)*

Regulations re protection of airport vicinity

269(1) The Lieutenant Governor in Council may make regulations

(a) requiring the establishment by council in Plan Winnipeg of an area of the city adjacent to Winnipeg International Airport as an airport vicinity protection area;

(b) establishing policies for use of real property, and for development, in the airport vicinity protection area to ensure that the use of real property and development in the area are compatible with the operation of Winnipeg International Airport, and requiring any Plan Winnipeg by-law to be consistent with those policies

(c) requiring a zoning by-law to be passed by council to control or prohibit any use of real property or development in the airport vicinity protection area, or in a part of it, to ensure that the use of real property and development are compatible with the policies established under clause (b).

Compliance with regulations under subsection (1)

269(3) Every Plan Winnipeg by-law must, in conformity with regulations, if any, made under subsection (1),

(a) establish an area in the city adjacent to Winnipeg International Airport as an airport vicinity protection area; and

(b) contain plans and policies for the use of real property and for development in the airport vicinity protection area to ensure that the use of real property and development in the area are compatible with the operations of the airport.

Referral to Municipal Board

270(1) Where

(a) a proposed secondary plan by-law deals with the airport vicinity protection area; and

(b) a municipality, or the board of a planning district established under The Planning Act, that is adjacent to the area, or the Government of Canada or the Government of Manitoba objects to the proposed by-law by filing a notice of objection with the city clerk before the day of the meeting at which council is to consider the report of a committee of council or planning commission respecting the proposed by-law;

(c) the city must, before council gives second reading to the proposed by-law, refer the proposed by-law to The Municipal Board.

Restriction on adoption of by-law

270(3) Council must not pass a proposed secondary plan by-law that has been referred to The Municipal Board unless the proposed by-law conforms to the recommendations that the board has made in its report to council in respect of the by-law.

Zoning by-laws in airport vicinity protection area

271 The city must ensure that all zoning by-laws that apply to real property in the airport vicinity protection area conform with regulations, if any, made under subsection 269(1).

***Airport Vicinity Protection Area Secondary Plan* (AVPA)**

- *The Charter* requires that the City *establish policies for use of real property, and for development, in the airport vicinity protection area to ensure that the use of real property and development in the area are compatible with the operation of Winnipeg International Airport* (section 269). The AVPA fulfills this requirement.
- The *Winnipeg Airport Vicinity Development Plan* No. 6378/94 was adopted by Council on May 25, 1994.
- In December, 2002, the name of the ***Winnipeg Airport Vicinity Development Plan*** was changed to the ***Airport Vicinity Protection Area Secondary Plan By-law*** by *Charter Implementation By-law* No. 8162/2002.
- The purpose of the AVPA is to protect the 24-hour air operations of the airport by limiting residential noise complaints, which are understood to be *a limiting factor at some major Airports which are currently forced to operate under regulatory curfews* (p 17). Such curfews can potentially eliminate night time operations and reduce total economic benefits by capping opportunities (p 17).
- According to the AVPA, *the principal concern for residents living in proximity to the Airport is the noise generated by the arrival and departure of aircraft.* Tolerance for aircraft noise is measured using the Noise Exposure Forecast (NEF) which is an internationally-accepted method adopted by Transport Canada in 1987. NEF contour maps are made available to local governments for use in conjunction with Transport Canada's recommended land uses as presented in Figure 2 – Community Response Prediction to NEF Levels.

Community Response Prediction to Noise Exposure Forecast (NEF Levels)

RESPONSE AREA		RESPONSE PREDICTION*
1.	(over 40 NEF)	Repeated and vigorous individual complaints are likely. Concerted group and legal action might be expected.
2.	(35-40 NEF)	Individual complaints may be vigorous. Possible group action and appeals to authorities.
3.	(30-35 NEF)	Sporadic to repeated individual complaints. Group action is possible.
4.	(below 30 NEF)	Sporadic complaints my occur. Noise may interfere occasionally with certain activities of the resident.

* These community response predictions are generalizations based upon experience resulting from various noise exposure units used by other countries. For specific locations, the response may vary somewhat in accordance with existing ambient or background noise levels and prevailing social, economic and political conditions.

Source: Transport Canada Aviation Group, June 1989.

Figure 2 – Community Response Prediction to NEF Levels

- The boundaries of policy Areas I and II provided in the AVPA are directly related to the NEF contours. The 25 NEF contour approximates the outer limit of the AVPA plan area (see Figure 3 – AVPA NEF Contours and Policy Areas). New residential development is generally limited to areas with an NEF less than 30.

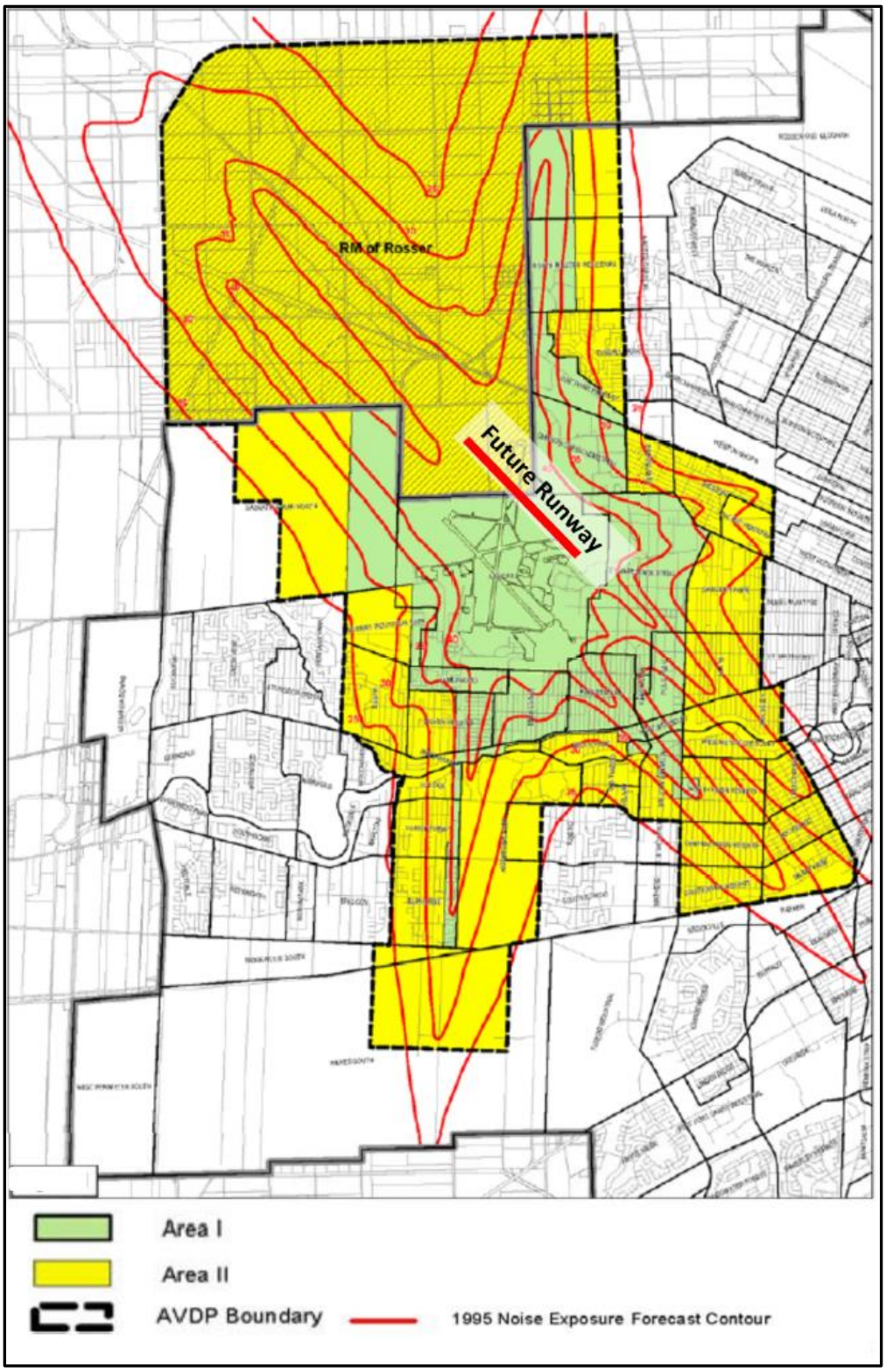


Figure 3 - AVPA NEF Contours and Policy Areas
(*approximate location of *future runway* added)

- The AVPA indicates that the NEF contours reflect *the ultimate traffic volume at Winnipeg International Airport, and includes the potential for an additional runway to the northeast of*

the existing runway. The general alignment of the future runway has been added to Figure 3.

- The AVPA also provides that *the Airport vicinity boundary will be reviewed and revised as necessary to reflect changes to the NEF contours.* Re-calculation of the NEF contours would result in consideration for altering the policy Area I and Area II boundaries.
- The AVPA states that the City *shall regulate the use of land and buildings within the AVPA as follows:*
  - *i. within **Area I no new residential development shall be permitted** (subject to statutory nonconforming rights and any related variance); but, existing dwellings may be replaced if destroyed or demolished. Subject to any required rezoning or other change in land use controls. Exceptions for minor residential infilling in existing and established residential areas may be approved;*
  - *ii. subject to any required zoning or other change in land use controls, within **Area II new single family dwellings may be approved and new multiple residential dwellings may be approved up to 85 units per hectare (35 units per acre)** and approved above that density by conditional use approval.*
- The subject land is located in policy Area I of the AVPA (See Figure 4 – Subject Land and NEFs).

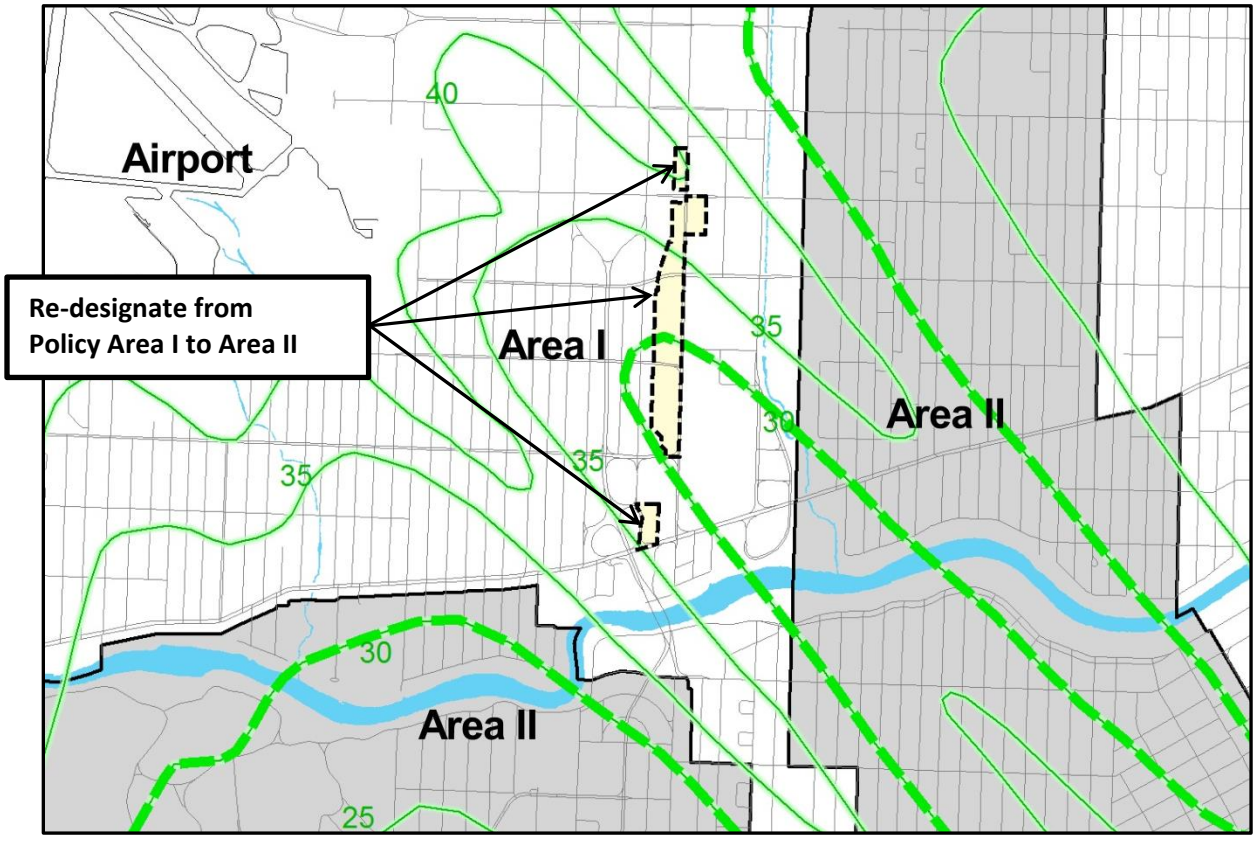


Figure 4 – Subject Land and NEFs

- Residential mixed-use development, as characterized in the proponent's Letter of Intent, is currently not permitted in policy Area I of the AVPA. Re-designating the subject land from AVPA policy Area I to Area II would allow for such development to be considered in future development applications.

- Redesignation of the subject land to AVPA policy Area II does not represent an approval for residential development on the subject properties. However, discussions related to the residential development of the subject properties cannot occur unless the subject land is first re-designated to policy Area II.

OurWinnipeg & the Complete Communities Direction Strategy

Airport Vicinity Policies

- The Minister of Local Government required the following during the *OurWinnipeg* adoption process in 2011:

    1. *That OurWinnipeg be altered to incorporate policy and mapping to identify the Airport Vicinity Protection Area. Although the Complete Communities document makes reference to adhering to Winnipeg's existing Airport Vicinity Protection Area, language to this effect is needed in OurWinnipeg itself as Section 269(3) of the Charter requires that thus information be included in Plan Winnipeg (i.e. OurWinnipeg)."*

- Airport Vicinity Protection Areas I and II are presented on the Urban Structure Map (figure 01a) of *OurWinnipeg* (presented as 'Area 1' and 'Area 2').
- Policies in *OurWinnipeg* regarding development in the Airport Vicinity Protection Area defer to the AVPA and related PDO:
    - *Support the role of the James Armstrong Richardson International Airport as a major transportation hub for passengers and cargo.*
    - *Adhere to the Airport Vicinity Development Plan (AVDP) and periodically review the plan in cooperation with relevant stakeholders.*
    - *In order to maintain compatible land use relationships, regulate land use and building regulations for all those neighbourhoods or portions thereof significantly affected by airport related noise through:*
        - *The Airport Vicinity Development Plan by-law 6378/94* (ie. the *Airport Vicinity Protection Area Secondary Plan)*.[2]
        - *Airport Vicinity Protection Area Planned Development Overlay*
- The *Complete Communities Direction Strategy* does not map the Airport Vicinity Protection Areas I or II. However, policies for the Airport Area designation also defer to the Airport Vicinity Development Plan by-law 6378/94 (ie. the AVPA) and PDO using most of the same wording as found (and noted above) in *OurWinnipeg*.
- The *Complete Communities Direction Strategy* also adds the following direction:

    Direction 1
    - *Support the 24-hour status of airport operations and airport related activities by working with the Winnipeg Airports Authority and all stakeholders.*

[2] The name of the *Winnipeg Airport Vicinity Development Plan* was changed to the *Airport Vicinity Protection Area Secondary Plan* By-law by Charter Implementation By-law No. 8162/2002.

Regional Mixed Use Centre Policies

- Under *OurWinnipeg* and the *Complete Communities Direction Strategy,* the subject properties are considered part of a Regional Mixed Use Centre (See Figure 5 – *OurWinnipeg* Area Structure Map).

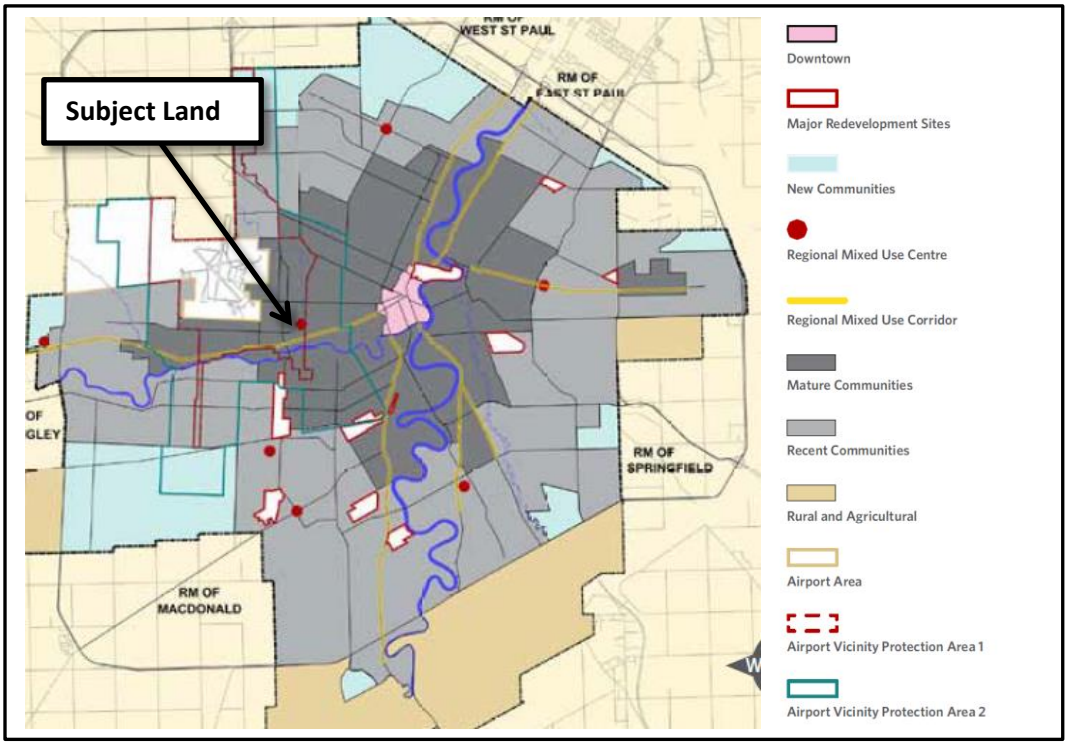


Figure 5 – *OurWinnipeg* Area Structure Map

- As described in the *Complete Communities Direction Strategy*, characteristics of Regional Mixed Use Centres include:
  - *Capable of major transformative change*
  - *Located strategically throughout the city to balance employment and population density*
  - *Able to efficiently support rapid transit and high-frequency transit service through a mix of high density development (residential, commercial and office)*
  - *Well connected by Regional or Community Corridors and located at major intersections*
  - *Have adequate land-base and infrastructure to support expansion, a mix of uses, and change through collaboratively planned intensification*
  - *City-wide or regional destinations*
  - *Large site areas typically 100 acres or more.*
- Under *OurWinnipeg* and the *Complete Communities Direction Strategy*, the key direction guiding development in Regional Mixed Use Centres is:

  KEY DIRECTION

  Focus a significant share of growth to Centres and Corridors in a manner that:
  - *provides compact, mixed-use, high-quality urban development.*
  - *concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.*

  - *concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.*
  - *encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.*
- Supporting policies of the key direction for Regional Mixed Use Centres are:
  - *Promote and guide the transformation of existing Regional Mixed Use Centres through a proactive and collaborative process.*
  - *Support high-frequency transit service by encouraging higher density residential and higher intensity commercial and mixed uses within the centre of the development. These will be focused on major transit stops.*
  - *Create strong, multi-modal and transportation linkages from each Regional Mixed Use Centre to Downtown, other Centres, Corridors, Parks and major attractions.*
  - ***Promote development within the Polo Park Regional Centre consistent with the Airport Vicinity Protection Area Planned Development Overlay.***
  - *Establish local goals and objectives for each Regional Mixed Use Centre while taking into account its relationship to: OurWinnipeg, Sustainable Transportation Direction Strategy, Downtown, Redevelopment Areas, Corridors and other Centres. This could include minimum and maximum density and employment targets.*
- The residential mixed-use style development characterized in the proposal is consistent with the policies of *OurWinnipeg* and *Complete Communities*.
- *OurWinnipeg* and *Complete Communities* policies guiding development of Regional Mixed Use Centres promote intensification with a mix of uses and higher density residential development.
- It should be noted that a key direction of *Complete Communities* is to *promote development at the Polo Park Regional Centre consistent with the Airport Vicinity Protection Area Planned Development Overlay* (as provided in the Zoning By-law). The *Airport Vicinity Protection Area Planned Development Overlay* is not to be confused with the AVPA, which is the secondary plan by-law providing land use policy direction for the airport area. The *Airport Vicinity Protection Area Planned Development Overlay* creates a zoning district overlay in the zoning by-law, referred to as "PDO-1 Airport Vicinity", which reflects and implements the policies of the AVPA.
- In this way, the *OurWinnipeg* and *Complete Communities* policies defer to the AVPA and related PDO to provide details on the type and intensity of development appropriate within the AVPA area, which includes the subject land.

ZONING

- The subject properties are currently zoned "C2" Commercial Community and "C3" Commercial Corridor (see Figure 6 - Zoning). Multi-family residential uses are permitted in the C2 zoning district. With the exception of 'Assisted Living Facilities', residential uses are not permitted in the C3 zoning district.

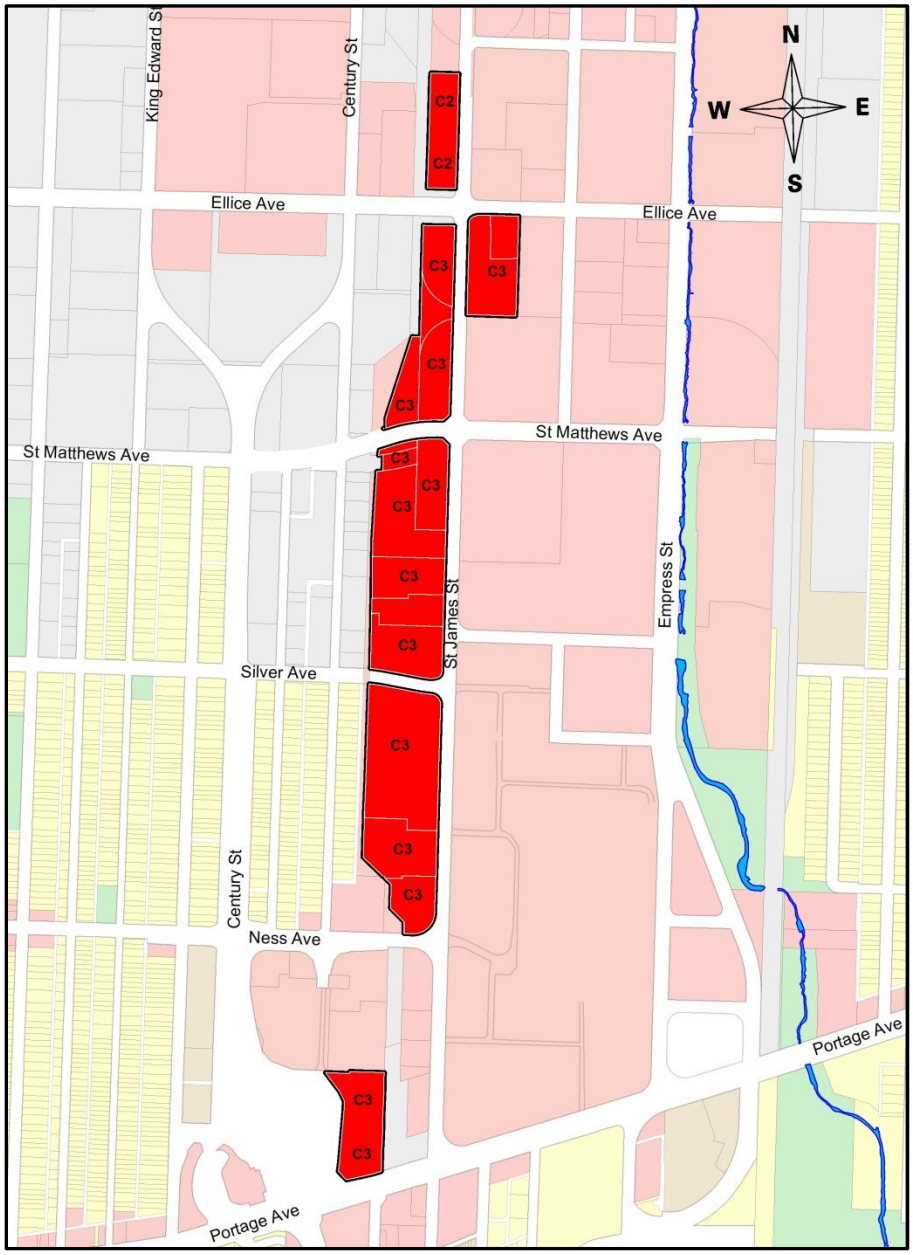


Figure 6 - Zoning

- An amendment to the zoning by-law would be required before residential development could be considered on subject properties zoned C3.
- Currently, any development applications to rezone the subject land to allow for residential uses would have to be refused (section 239 of *the Charter*) because such a proposal would not conform with the policies of the AVPA, the secondary plan by-law for the area.

- Future development applications to rezone the subject properties to allow for residential uses may require the completion of engineering studies and could be subject to development or servicing agreements.
- Development of the subject properties are further regulated in the Zoning By-law by a Planned Development Overlay district, referred to as "PDO-1 Airport Vicinity".

Airport Vicinity Protection Area Planned Development Overlay 1 (PDO-1 Airport Vicinity)

- A Planned Development Overlay (or "PDO"), identifies an area of land to which special rules or development standards are to be applied to the underlying zoning district(s). PDOs are commonly used in the City of Winnipeg Zoning By-law to achieve local planning objectives in specially designated areas, such as the Airport Vicinity Protection Area.
- The PDO-1 Airport Vicinity of the Zoning By-law establishes two areas, 'Area I' and 'Area II', which align spatially with the respective policy areas of the AVPA. Policies of the AVPA are reflected in the PDO-1 Airport Vicinity by applying the following additional requirements to the underlying zoning districts (which in this case are C2 and C3 as shown in Figure 5):

  Area I
  - New residential development is not permitted; however replacement of existing residential dwellings, or minor infill of one additional residential lot in the R1 (single-family) zone may be considered as a conditional use. Multi-family development is not permitted, except that existing multi-family dwellings may be replaced if demolished or destroyed.

  Area II
  - Restricts new multi-family dwellings to a maximum density of 35 units/acre. Densities beyond 35 units/acre may be approved on lots that front onto Portage Avenue, or if not fronting onto Portage Avenue, through a conditional use application.

- The subject properties are within Area I of the PDO-1 Airport Vicinity.
- The applicant has submitted a related zoning by-law amendment proposal (DAZ 211/2019) which seeks to change the PDO-1 Airport Vicinity area applied to the subject properties from Area I to Area II.
- As previously mentioned, future residential development of the subject properties will require rezoning the subject properties to a zoning district that allows for residential uses. However, any such applications cannot be accepted until the PDO-I Airport Vicinity overlay district and AVPA designation of the subject properties have been amended accordingly.

ANALYSIS \ CONCLUSIONS

- The proponent's Letter of Intent suggests an intention to establish residential mixed-use development on the subject properties located along St James Street in the Polo Park area.
- Residential uses are not currently permitted in policy Area I of the AVPA. An amendment to the AVPA is required to re-designate the subject properties from policy Area I to Area II.
- The existing zoning districts applied to a majority of the subject properties do not permit multi-family uses. A separate application to rezone subject properties from C3 to a zoning district that allows multi-family development has not been submitted at this time.
- Redesignation of the subject land to policy Area II does not represent an approval for residential development on the subject properties. However, discussions related to the residential development of the subject properties cannot occur unless the subject land is re-designated to policy Area II.
- Future residential development on the subject properties will require approval of a development application which includes rezoning the subject properties to a zoning district that allows for residential uses. Such approvals would determine the appropriate level of residential/mixed use development appropriate for the site, as well as any servicing requirements.
- In total, the subject properties are 33.44 acres in area; 2.11 acres of these lands are zoned C2. If the proposed AVPA amendment and corresponding amendment to the PDO-1 Airport Vicinity are successful, the maximum total number of dwelling units that could potentially be developed on the subject properties (if a future rezoning process for the C3 zoned lands is successful) could be 1,170 (assuming a density of 35 units/acre). However, a number of factors may limit the actual development potential on each of the subject properties, including required parking.
- Key reasons to support the proposed amendment include:
    - Residential development of the subject properties is consistent with the policies of *OurWinnipeg* and *Complete Communities*.
    - Five of the subject properties are identified as having an NEF of 30 or less. Transport Canada Policy establishes that NEF below 30 decibels should not preclude residential development.
    - The NEF Contours that form the basis of the policies and regulations are 20 years old and may not account for advancements in construction standards or airplane engine technology.
- In accordance with section 270 of *the Charter*, an objection to the proposed amendment filed at the public hearing by a neighbouring municipality or another level of government would result in the proposed amendment being referred to the Municipal Board before second reading.
- The Winnipeg Airports Authority has identified concerns with the proposed amendment. Discussions with the Winnipeg Airports Authority to determine the appropriateness of the proposed amendment and intended future uses on the subject land are currently on-going. Details and analysis of this on-going discussion will be included in the Planning Report provided at the public hearing along with recommendations from the Public Service.

RECOMMENDATION

It is recommended that the proposed amendment be forwarded to Council for first reading.