Minutes – Council – July 18, 2024

Minute No. 423
Report – Standing Policy Committee on Property and Development – July 4, 2024

Item No. 13 Secondary Plan Amendment – Lands Bounded by Marion Street, Dawson Road North, Speers Road, CP Railway to the West and South File SPA 4/2024

COUNCIL DECISION:

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

1. That first reading be given to By-law No. 62/2024, a draft of which is attached as Appendix "B", being a by-law to amend the Public Markets Major Redevelopment Site 'D' Secondary Plan By-law No. 47/2019 in accordance with this report, with the following amendments:

    A. In Section 3.2.2, Clause 5, delete the words "should be 1,200" and replace with "shall be subject to policy 8.2.2"

    B. In Section 3.3, delete the words "The target for residential dwelling units within the planning are is approximately 1,200"

    C. Amend Section 3.3.2 as follows:

        i. In Clause 2, delete the words "10 storeys and 100 feet (30.48 metres)" and replace with "14 storeys and 150 feet (45.72 meters)".

        ii. In Clause 3, add the following after the words "Winnipeg Zoning By-law":

            "Multi-storey residential buildings in the westernmost approximately 80 metres of this area east of the aforementioned collector road shall be permitted up to 14 storeys and 150 feet (45.72 metres), excluding permitted projections in the Winnipeg Zoning By-law."

        iii. In Clause 6, delete the words "should be 1,200" and replace with "shall be subject to policy 8.2.2".

    D. In Section 6.2, Clause 3.B., delete the words ", which will be the responsibility of the developer to acquire and open" after the words "765 Marion Street".

Report – Standing Policy Committee on Property and Development – July 4, 2024

COUNCIL DECISION (continued):

E. In Section 6.3, add the following new Clauses 6 and 7:

"6. The north-south collector road described in section 6.2.3(a) shall be constructed as a four-lane divided roadway from Marion Street to a median opening located approximately 130 metres south of Marion Street, as determined by, and to the satisfaction of, the Director of Public Works.

7. Easements across private property may be used to by-pass the intersection approximately 220 metres south of Marion Street on the collector road described in section 6.2.3(a), until the collector road connection described in section 6.2.3(b) has been constructed, to the satisfaction of the Director of Public Works."

F. Amend Section 8.2 Clause 2 as follows:

i. Replace the word "600" with "1,200".

ii. Delete the words:

"Additional dwelling units may be permitted once emergency access can be established to the satisfaction of the Director of Planning, Property & Development in consultation with the Chief of the Winnipeg Fire Paramedic Service and Director of Public Works. A proposal to develop the emergency access should be supported by a study that demonstrates how target emergency response times to the planning area will be met."

iii. Add the following after the words "connected Speers Road.":

"Up to 2,000 dwelling units may be permitted in the planning area following the successful implementation of a predictive rail crossing blockage alert system, or some alternate solution, to the satisfaction of the Chief of the Winnipeg Fire and Paramedic Service, the Director of Public Works and the Director of Planning, Property and Development."

G. Delete Section 8.2 Clause 3 in its entirety.

Report – Standing Policy Committee on Property and Development – July 4, 2024

COUNCIL DECISION (continued):

2. That following first reading and upon instruction from the Director of Planning, Property and Development, the City Solicitor and Director of Legal Services be directed to return the By-law directly to Council by way of communication for second reading and third reading.

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

Report – Standing Policy Committee on Property and Development – July 4, 2024

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

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

Carried

Councillor Wyatt was absent for the vote on the above motion.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 2024, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 4, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 24, 2024, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- In Recommendation 1, delete the period after the words "in accordance with this report" and replace with the following:

  ", with the following amendments:

  A. In Section 3.2.2, Clause 5, delete the words "should be 1,200" and replace with "shall be subject to policy 8.2.2".

  B. In Section 3.3, delete the words "The target for residential dwelling units within the planning are is approximately 1,200".

  C. Amend Section 3.3.2 as follows:

Report – Standing Policy Committee on Property and Development – July 4, 2024

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

i. In Clause 2, delete the words "10 storeys and 100 feet (30.48 metres)" and replace with "14 storeys and 150 feet (45.72 meters)".

ii. In Clause 3, add the following after the words "Winnipeg Zoning By-law":

"Multi-storey residential buildings in the westernmost approximately 80 metres of this area east of the aforementioned collector road shall be permitted up to 14 storeys and 150 feet (45.72 metres), excluding permitted projections in the Winnipeg Zoning By-law."

iii. In Clause 6, delete the words "should be 1,200" and replace with "shall be subject to policy 8.2.2".

D. In Section 6.2, Clause 3.B., delete the words ", which will be the responsibility of the developer to acquire and open" after the words "765 Marion Street".

E. In Section 6.3, add the following new Clauses 6 and 7:

"6. The north-south collector road described in section 6.2.3(a) shall be constructed as a four-lane divided roadway from Marion Street to a median opening located approximately 130 metres south of Marion Street, as determined by, and to the satisfaction of, the Director of Public Works.

7. Easements across private property may be used to by-pass the intersection approximately 220 metres south of Marion Street on the collector road described in section 6.2.3(a), until the collector road connection described in section 6.2.3(b) has been constructed, to the satisfaction of the Director of Public Works."

F. Amend Section 8.2 Clause 2 as follows:

i. Replace the word "600" with "1,200".

Report – Standing Policy Committee on Property and Development – July 4, 2024

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

ii. Delete the words:

"Additional dwelling units may be permitted once emergency access can be established to the satisfaction of the Director of Planning, Property & Development in consultation with the Chief of the Winnipeg Fire Paramedic Service and Director of Public Works. A proposal to develop the emergency access should be supported by a study that demonstrates how target emergency response times to the planning area will be met."

iii. Add the following after the words "connected Speers Road.":

"Up to 2,000 dwelling units may be permitted in the planning area following the successful implementation of a predictive rail crossing blockage alert system, or some alternate solution, to the satisfaction of the Chief of the Winnipeg Fire and Paramedic Service, the Director of Public Works and the Director of Planning, Property and Development."

G. Delete Section 8.2 Clause 3 in its entirety.

and forwarded the matter to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

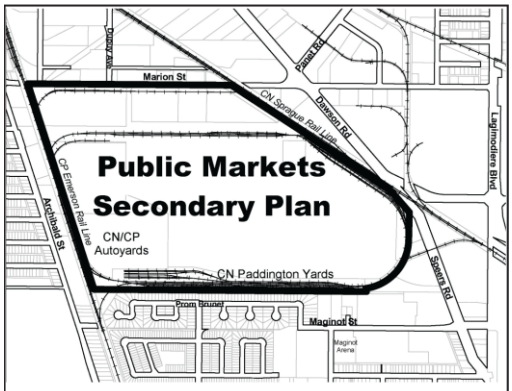
File: SPA 4/2024

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Chambers

Public Hearing: June 24, 2024
Council Building, 510 Main Street

Applicant: McGowan Russel Group Inc. (Susan Russell)

Subject:



APPLICANT: McGowan Russell Group Inc. (Susan Russell)
FILE: SPA 4/2024
PROPOSAL: The City of Winnipeg has received a proposal to amend the Public Markets Major Redevelopment Site 'D' Secondary Plan By-law No. 47/2019 to increase the permitted number of dwelling units from 1,200 to 2,000. A public hearing (pursuant to Section 236.1(2) of the City of Winnipeg Charter) will be held before the Riel Community Committee. **For information, phone J. Platt Planner at 204-986-6918**
DEMANDEUR: McGowan Russell Group Inc. (Susan Russell)
N° DE DOSSIER: SPA 4/2024
PROJET: La Ville de Winnipeg a reçu une proposition de modification du Public Markets Major Redevelopment Site 'D' Secondary Plan By-law No. 47/2019 (règlement municipal sur le plan secondaire du site de réaménagement majeur D de Public Markets) visant à augmenter le nombre de logements autorisés pour qu'il passe de 1 200 à 2 000. Une audience publique (conformément au paragraphe 236.1(2) de la Charte de la ville de Winnipeg) aura lieu devant le comité municipal de Riel. **Pour plus de renseignements, communiquez avec J. Platt, urbaniste, au 204-986-6918.**

Premises Affected: Lands bounded by Marion Street, Dawson Road North, Speers Road, CP Railway to the west and south

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

Prepared by: R. Ford, Committee Clerk
Riel Community Committee

Report date: June 25, 2024

Community Committee Recommendation:

On June 24, 2024, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That Council give first reading to By-law No. 62/2024, a draft of which is attached as Appendix "B", being a by-law to amend the Public Markets Major Redevelopment Site 'D' Secondary Plan By-law No. 47/2019 in accordance with this report, ***with the following amendments:***

    A. ***In Section 3.2.2, Clause 5, delete the words "should be 1,200" and replace with "shall be subject to policy 8.2.2".***

    B. ***In Section 3.3, delete the words "The target for residential dwelling units within the planning are is approximately 1,200".***

    C. ***Amend Section 3.3.2 as follows:***

        i. ***In Clause 2, delete the words "10 storeys and 100 feet (30.48 metres)" and replace with "14 storeys and 150 feet (45.72 meters)".***

        ii. ***In Clause 3, add the following after the words "Winnipeg Zoning By-law":***

        "Multi-storey residential buildings in the westernmost approximately 80 metres of this area east of the aforementioned collector road shall be permitted up to 14 storeys and 150 feet (45.72 metres), excluding permitted projections in the Winnipeg Zoning By-law."

        iii. ***In Clause 6, delete the words "should be 1,200" and replace with "shall be subject to policy 8.2.2".***

    D. ***In Section 6.2, Clause 3.B., delete the words ", which will be the responsibility of the developer to acquire and open" after the words "765 Marion Street".***

    E. ***In Section 6.3, add the following new Clauses 6 and 7:***

"6. The north-south collector road described in section 6.2.3(a) shall be constructed as a four-lane divided roadway from Marion Street to a median opening located approximately 130 metres south of Marion Street, as determined by, and to the satisfaction of, the Director of Public Works.

7. Easements across private property may be used to by-pass the intersection approximately 220 metres south of Marion Street on the collector road described in section 6.2.3(a), until the collector road connection described in section 6.2.3(b) has been constructed, to the satisfaction of the Director of Public Works."

F. Amend Section 8.2 Clause 2 as follows:

i. Replace the word "600" with "1,200".

ii. Delete the words:

"Additional dwelling units may be permitted once emergency access can be established to the satisfaction of the Director of Planning, Property & Development in consultation with the Chief of the Winnipeg Fire Paramedic Service and Director of Public Works. A proposal to develop the emergency access should be supported by a study that demonstrates how target emergency response times to the planning area will be met."

iii. Add the following after the words "connected Speers Road.":

"Up to 2,000 dwelling units may be permitted in the planning area following the successful implementation of a predictive rail crossing blockage alert system, or some alternate solution, to the satisfaction of the Chief of the Winnipeg Fire and Paramedic Service, the Director of Public Works and the Director of Planning, Property and Development."

G. Delete Section 8.2 Clause 3 in its entirety.

2. That following first reading and upon instruction from the Director of Planning, Property and Development, the City Solicitor and Director of Legal Services be directed to return the By-law directly to Council by way of communication for second reading and third reading.

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

Note: The wording in bold and italics denotes amendments made by the Community Committee.

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

1. It does meet with the secondary plan as for more density.

2. Water and Waste had indicated they have the capacity. Public Works in terms of road design and how ingress and egress is supported.

3. There is more information with respect to trains and potential concerns that arise around emergency situations. There are plans to mitigate instances where trains are passing by and an emergency situation arises.

Objections under the Charter:

Total number of **v**alid objections as per section 125(2) – 1

In accordance with section 236.1(1), the threshold for sufficient objection has not been met.

Exhibits Filed:

1. Application dated April 30, 2024
2. Notification of Public Hearing dated May 17, 2024
3. Manitoba Status of Titles 2835751/1, 2835756/1, 2835759/1, 2835770/1, 2835774/1, 2835778/1, 2835783/1, 2835786/1
4. Letter of authorization dated April 9, 2024 from Olexa Development Holdings (St. Boniface) Ltd. – Robert Scaletta to McGowan Russel Group
5. Caveat 3464734
6. Caveat 87-34546
7. Report from the Urban Planning Division dated June 3, 2024
8. Recording of Representations
9. Presentation received June 21, 2024 in support of the application submitted by the Applicant

REPRESENTATIONS:

In Support:

Jason Dunn
Bob Hinkelman
Susan Russell
Robert Scaletta
Vanessa Schmidt
Jackie Wilkie
Ken Wimble

In Opposition:

Teresa Cwik

For Information:

Nil

For the City:

D. Iskierski, Planner, Planning, Property and Development Department
J. Platt, Planner, Planning, Property and Development Department

Exhibit "7" referred to in File SPA 4/2024

ADMINISTRATIVE REPORT

Title: SPA 4/2024 (By-law 62/2024) Proposed Amendments to the Public Markets Major Redevelopment Site 'D' Secondary Plan By-law No.47/2019 – Public Hearing

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Platt	H. Borys		

EXECUTIVE SUMMARY

On April 26, 2024, the Urban Planning and Design Division received an application to amend the Public Markets Major Redevelopment Site 'D' Secondary Plan Bylaw No. 47/2019 (the "By-law"). If adopted by Council, the proposed amendment will:

(a) increase the maximum number of dwelling units permitted within the area affected by the By-law (the "Plan Area") from 1,200 to 2000;
(b) increase the permitted maximum height of multiunit residential buildings;
(c) remove the requirement for an emergency road access into the Plan Area; and
(d) remove the requirement for the developer to establish a second collector road connection to Marion Street prior to development of more than 600 dwelling units in the Plan Area.

The Public Service is supportive of the proposed amendments provided that the first single collector road access established to Marion Street is developed as a four-lane divided roadway and that access across private lands is established by way of an easement agreement to navigate around an internal intersection in the event of a blockage.

RECOMMENDATIONS

1. That Council give first reading to By-law No. 62/2024, a draft of which is attached as Appendix "B", being a by-law to amend the Public Markets Major Redevelopment Site 'D' Secondary Plan By-law No. 47/2019 in accordance with this report.

2. That following first reading and upon instruction from the Director of Planning, Property and Development, the City Solicitor and Director of Legal Services be directed to return the By-law directly to Council by way of communication for second reading and third reading.
3. 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 to amend the Public Markets Major Redevelopment Site 'D' Secondary Plan By-law No. 47/2019. If Council adopts the proposed by-law amendment, all future development applications within the plan area will need to conform to the amendment.

A secondary plan by-law, including amendments, requires a public hearing prior to first reading in accordance with The City of Winnipeg Charter and The Development Procedures By-law No. 160/2011.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Public Service are concurred in, the Public Markets Major Redevelopment Site 'D' Secondary Plan By-law No. 47/2019 will be amended in accordance with this report.

HISTORY/DISCUSSION

Plan History

- The subject site had been used for livestock related industries for most of the 1900's.
- In the 1990's, the City of Winnipeg acquired much of the subject site through direct acquisition and tax sale.
- In 2007, lands owned by the City of Winnipeg on the Public Markets site were sold.
- In 2011, the subject site was designated as a Major Redevelopment Site under *OurWinnipeg* and the *Complete Communities Direction Strategy*.
- On May 31, 2019 the Urban Planning and Design Division received a secondary plan application for Major Redevelopment Site 'D' – Public Markets.
- In mid-June, 2019, the Proposed Plan and available supporting studies were circulated for internal and external comment.
- On October 24, 2019, the Public Markets Major Redevelopment Site "D" Secondary Plan No. 47/2019 was given First Reading by Council. The Administrative Report for First Reading, while supportive, identified key concerns related to emergency access and traffic, and stated that the Public Service would continue to work with the applicant to attempt to resolve such outstanding issues in advance of the public hearing.

- In early-January, through continued dialogue with respect to concerns raised by the WFPS about emergency access, the applicant proposed to undertake an Emergency Access and Evaluation Study.
- On March 18, 2020, the applicant submitted a draft Emergency Access Evaluation.
- On May 7, 2020, the applicant provides the Final Emergency Access Evaluation.
- On June 5, 2020, a public hearing for the Public Markets Major Redevelopment Site 'D' Secondary Plan By-law was adjourned.
- On June 25, 2020, the public hearing for the Public Markets Major Redevelopment Site 'D' Secondary Plan By-law concludes and the Riel Community Committee recommends alterations be made to the proposed plan.
- On July 23, 2020, Council gives second and third reading to the Public Markets Major Redevelopment Site 'D' Secondary Plan By-law No. 47/2019.

Proposal History

- On February 13, 2024, a Pre-Application (PA 24-110918) considering amendments to the Public Markets Major Redevelopment Site 'D' Secondary Plan By-law No. 47/2019 was circulated for comment.
- On March 19, 2024, a Pre-Application Response Letter was provided to the applicant.
- April 26, 2024, the Public Service accepted SPA 4/2024 as a complete application.

Proposed Amendment

- The amendments proposed by SPA 4/2024 are as follows (as more particularly described by items 1 to 8 of Appendix "C" to this report):
    - Removing the requirement for an emergency access to the Plan Area.
    - Allowing for up to 1,200 dwelling units (currently 600) in the Plan Area without an emergency access.
    - Allowing for up to 2,000 dwelling units in the Plan Area once a predictive rail crossing blockage alert system, or some equivalent solution, has been successfully implemented to the satisfaction of the Chief of the Winnipeg Fire and Paramedic Service, the Director of Public Works and the Director of Planning, Property and Development.
    - Removing the requirement that the second access to Marion Street be established by the developer prior to establishing more than 600 dwelling units in the Plan Area.
    - Increasing the maximum permitted residential building height from the current:
        - 10 stories (100 feet) to the proposed 14 storeys (150 feet) for buildings located between the rail line and the westernmost North-South collector road; and
        - 6 stories (70 feet) to the proposed 14 storeys (150 feet) for buildings located within 80 meters east of the westernmost North-South collector road.
- In addition to the amendments included in SPA 4/2024, the Public Service is recommending the following additional amendments (as more particularly described by items 9 and 10 of Appendix "C" to this report):

- requirement for the westernmost North-South collector road to be created as a four-lane divided roadway; and
- requirement for an easement to be used to by-pass blockages occurring at an internal intersection along the North-South collector road south of Marion Street

- The Public Service also recommends that the additional policy wording proposed by the applicant related to 14 storey buildings be clarified and include provisions to allow for projections as permitted in the Winnipeg Zoning By-law (as provided in item 5 of Appendix "C" to this report).

FINANCIAL IMPACT

Financial Impact Statement

Date: May 27, 2024

Project Name:

SPA 4/2024 (By-law 62/2024) Proposed Amendments to the Public Markets Major Redevelopment Site 'D' Secondary Plan By-law No.47/2019 – Public Hearing

COMMENTS:

There are no direct financial implications associated with this report.

Mike McGinn May 27, 2024
Mike McGinn, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

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

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg

The subject land, to which the proposed amendment applies, is entirely within a Major Redevelopment Site as per Figure 2 (Urban Structure Map) of *OurWinnipeg.*

> 6.9 Secondary Plans - Require the criteria for the preparation of secondary plans for sectors, precincts, Major Redevelopment Sites, Major Open Space redevelopment, greenfield Employment Lands, rapid transit station areas, and other locations, identified in detail in Complete Communities, where the City requires a comprehensive land use, servicing, and design solution for a particular area of the city.
>
> 6.26 Major Redevelopment Sites - Designate Major Redevelopment Sites within the Urban Structure for land uses that provide a transformative, sustainable, well-designed and pedestrian-oriented urban environment, through a comprehensive and collaborative secondary planning process.

Complete Communities Direction Strategy 2.0 (CCDS 2.0)

The subject land, to which the proposed amendment applies, is entirely within Major Redevelopment Site 'D' as presented in Map 8 (Map of Major Redevelopment Sites) of *CCDS 2.0.*

Section C5 (Major Redevelopment Sites) states: *Some Major Redevelopment Sites, such as Tuxedo/Lafarge and Public Markets, will accommodate a significant amount of employment uses, while the others will be primarily residential*.

Section C5 - Goal 3 states: *Design Major Redevelopment Sites as Complete Communities that embody principles of sustainability within a well-designed, walkable, and active transportation friendly environment.*

Policy 3.2 (Public Markets and Tuxedo Lafarge) states: *Ensure that the Public Markets and Tuxedo Lafarge Major Redevelopment Sites accommodate a significant amount of employment uses, and in accordance with policies 3.2 through 3.12 of the General Growth section.*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

With the recommendations of the Public Service, the Proposed Secondary Plan aligns with the following policies from the Winnipeg Climate Action Plan:

4.2 Ensure New Areas of Growth are Designed According to the Principles of Complete Communities
4.4 Support Redevelopment of Former Commercial and Industrial Lands into Active Use

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Urban Planning and Design
Prepared by: James Platt, MCIP, RPP
Date: June 3, 2024
File No: SPA 4/2024 (By-law 62/2024)

Attachments:
Schedule ‘A’ – Planning Discussion
Appendix ‘B’ – By-law No. 62/2024
Appendix ‘C’ – Proposed Amendments
Appendix ‘D’ – Supporting Materials (Submitted by the Applicant)

APPENDIX 'A' – Planning Discussion

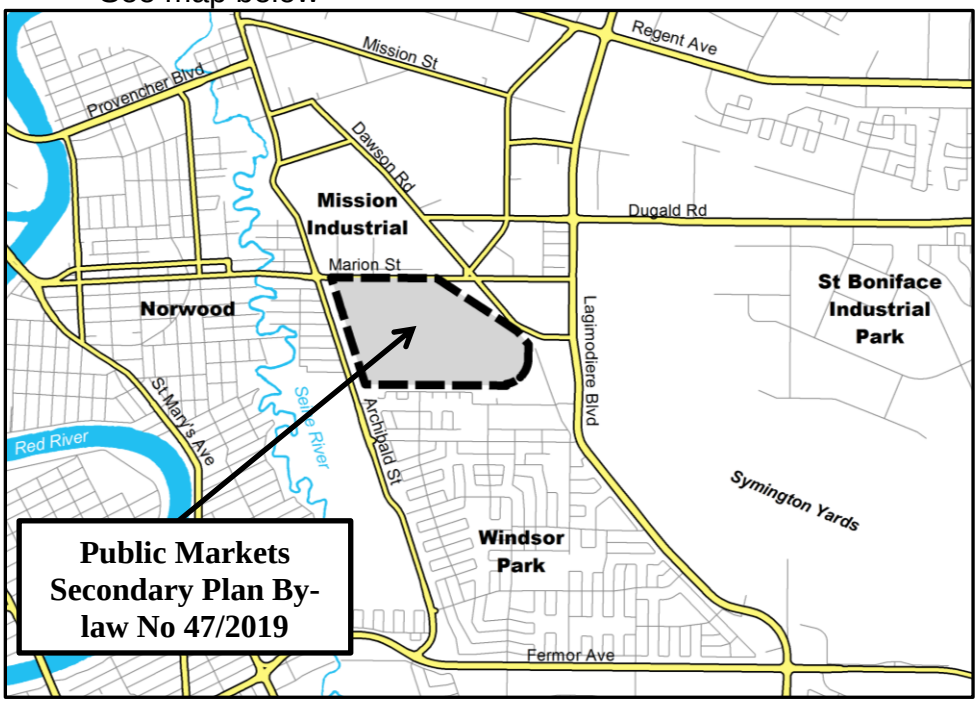
DATE: May 22, 2024

FILE: SPA 4/2024 (By-law 62/2024)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.539 Stock Yards

SUBJECT: Amendment to Public Markets Major Redevelopment Site 'D' Secondary Plan By-law No. 47/2019 to increase the permitted number of dwelling units from 1,200 to 2,000.

LOCATION: See map below



APPLICANT: McGowan Russell (Susan Russell)
825 St. Joseph Street
Winnipeg, MB R2H 34B

OWNER(S): 7319828 Manitoba Ltd.

RECOMMENDATION: Approval with additional amendments

EXISTING SECONDARY PLAN

- The Public Markets Major Redevelopment Site 'D' Secondary Plan By-law No. 47/2019 was adopted by Council in July, 2020.

Plan Area

- The Plan Area is approximately 222 acres in area and comprises just over half of the Stock Yards neighbourhood (see Figure 1 – Plan Area).

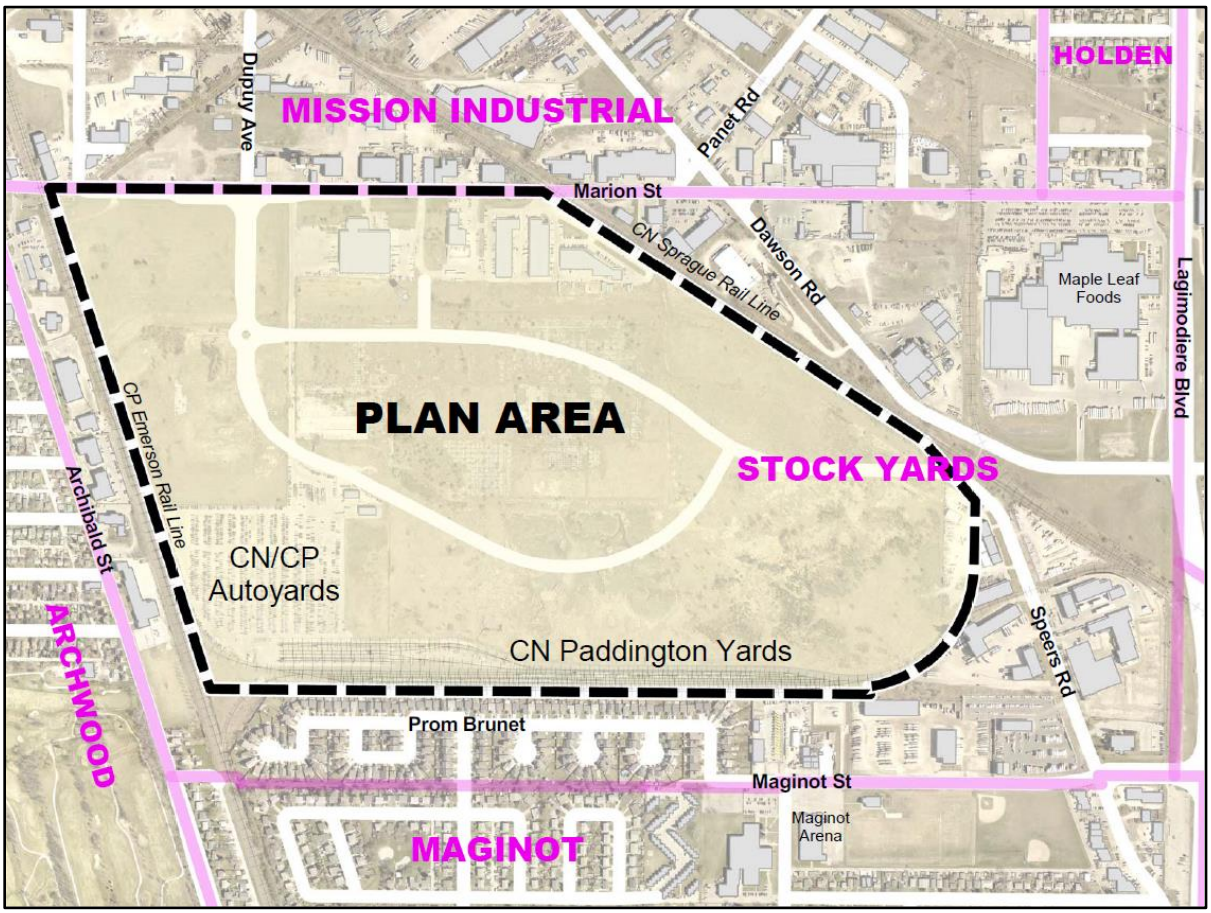


Figure 1 – Plan Area

- The Stock Yards neighbourhood contains existing industrial uses, which are located adjacent to the east side of the Plan Area, and along the southern portion of the Plan Area itself (CN Paddington Yards), as well as the eastern portion of the northern boundary.
- The Plan Area is bounded by Marion Street to the north, CN Sprague Rail Line to the east, the Stock Yards single-family residential neighbourhood to the south (along Promenade Brunet) and CP Emerson Rail Line to the west.
- Rail lines and yards surround the Plan Area.

CN Paddington

- CN Paddington Yards (~17.5 acres) and the CN/CP Autoyards (~20 acres) currently operate together along the southern portion of the Plan Area as a rail-to-trailer transfer facility for automobile shipping.
- CN Paddington Yards extends along the entire southern boundary of the Plan Area.

Ownership

- A majority of the Plan Area (~165 ac) is owned by the proponent (see Figure 2 – Ownership).

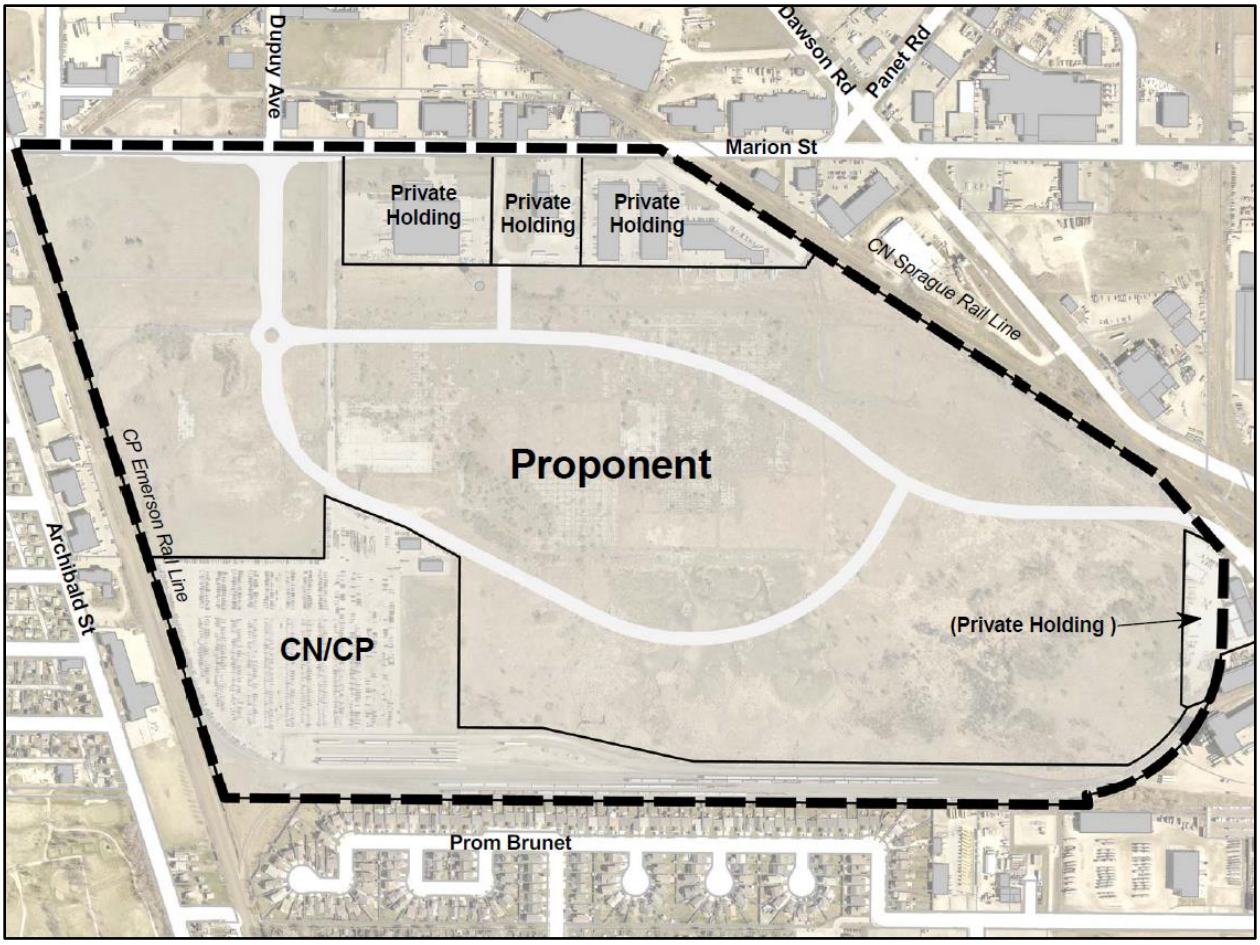


Figure 2 – Ownership

- CN/CP Rail own ~38 acres along the southern portion of the Plan Area.
- Three parcels along the north east of the Plan Area, comprising of ~16.5 acres, have separate ownership and contain existing industrial/business uses.

<u>Public Markets Major Redevelopment Site 'D' (Secondary Plan)</u>

- The Secondary Plan is organized into three land use policy areas to achieve the vision and guiding principles:
    - *Employment*
    - *Commercial*
    - *Higher Density Residential*

- The Employment policy area covers a majority of the plan area (see Figure 3 – Land Use and Transportation Map) and is intended to accommodate light and general industrial uses. Other land uses such as institutional, recreational facilities, and parks and open space uses may be considered in the Employment Policy Area.

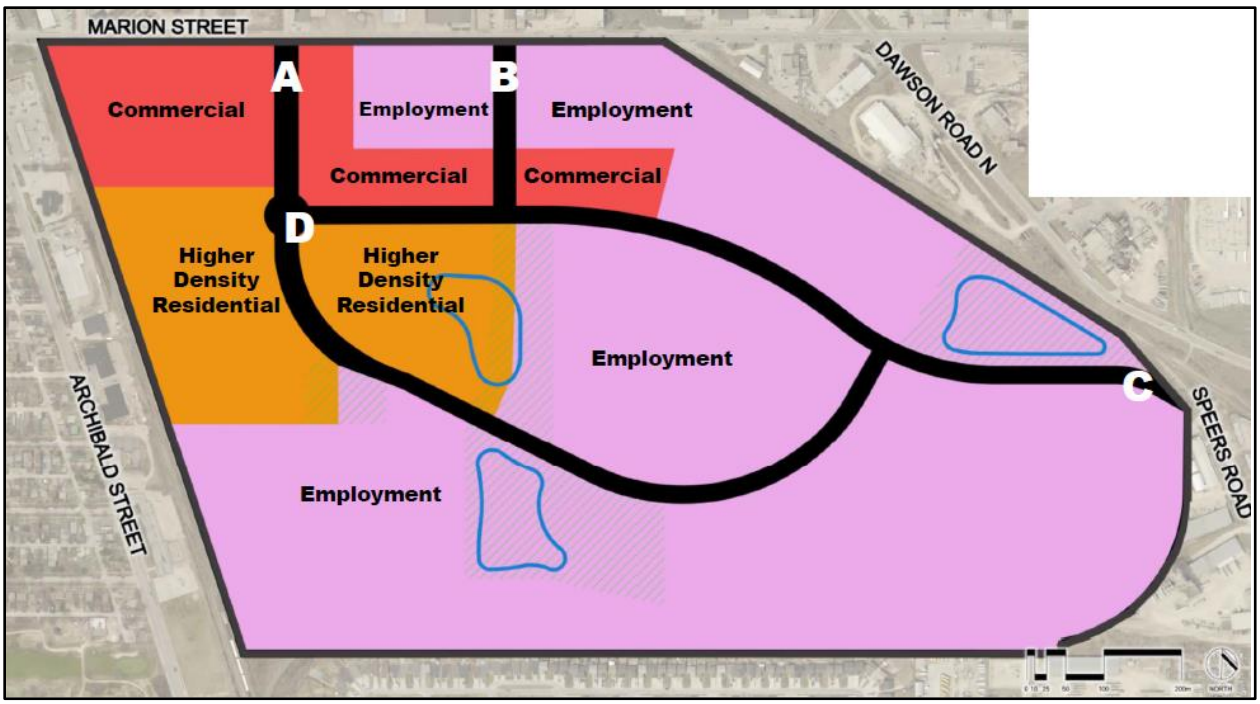


Figure 3 – Land Use and Transportation Map

- The Commercial policy areas are primarily located on the northwest portion of the site (refer to Figure 3 above). Commercial development is intended to be the predominant land use within this policy area, however other uses such as multi-family residential, institutional, recreational and parks uses may be considered.
- The Higher Density Residential policy areas accommodate row dwellings, townhomes and multi-storey residential buildings.
- The Secondary Plan policies require residential uses to be buffered from employment uses.
- The Secondary Plan includes two collector road connections to Marion Street: (1) at Dupuy Ave (identified as 'A' in Figure 3), and (2) across from approximately 765 Marion Street (identified as 'B' in Figure 3). The right-of-way for collector Road marked 'B' has only been partially established and will require land from a property along Marion Street to connect to Marion Street.
- A third collector road connection into the Plan Area is located at Speers Road (identified as 'C' in Figure 3).
- A roundabout is located at the location identified as 'D' in Figure 3.
- The Secondary Plan includes the following limitations and requirements related to residential uses:
    - Buildings west of the collector road marked 'A' in Figure 3 cannot exceed 10 storeys and 100 feet (30.48 metres) in height.
    - Buildings east of the collector road marked 'A' in Figure 3 cannot exceed 6 storeys and 70 feet (21.34 metres) in height.
    - The number of dwelling units in the Plan Area is limited to 1,200. However, only 600 dwelling units are permitted until:

- an emergency access into the Plan Area has been established into the Plan Area; and
- a second collector road connection, marked 'B' in Figure 3, has been established to Marion Street.

ZONING

Current Zoning

- All of the land within the Plan Area is currently zoned "M3" – Manufacturing Heavy in the City of Winnipeg Zoning By-law (see Figure 4 – Zoning).

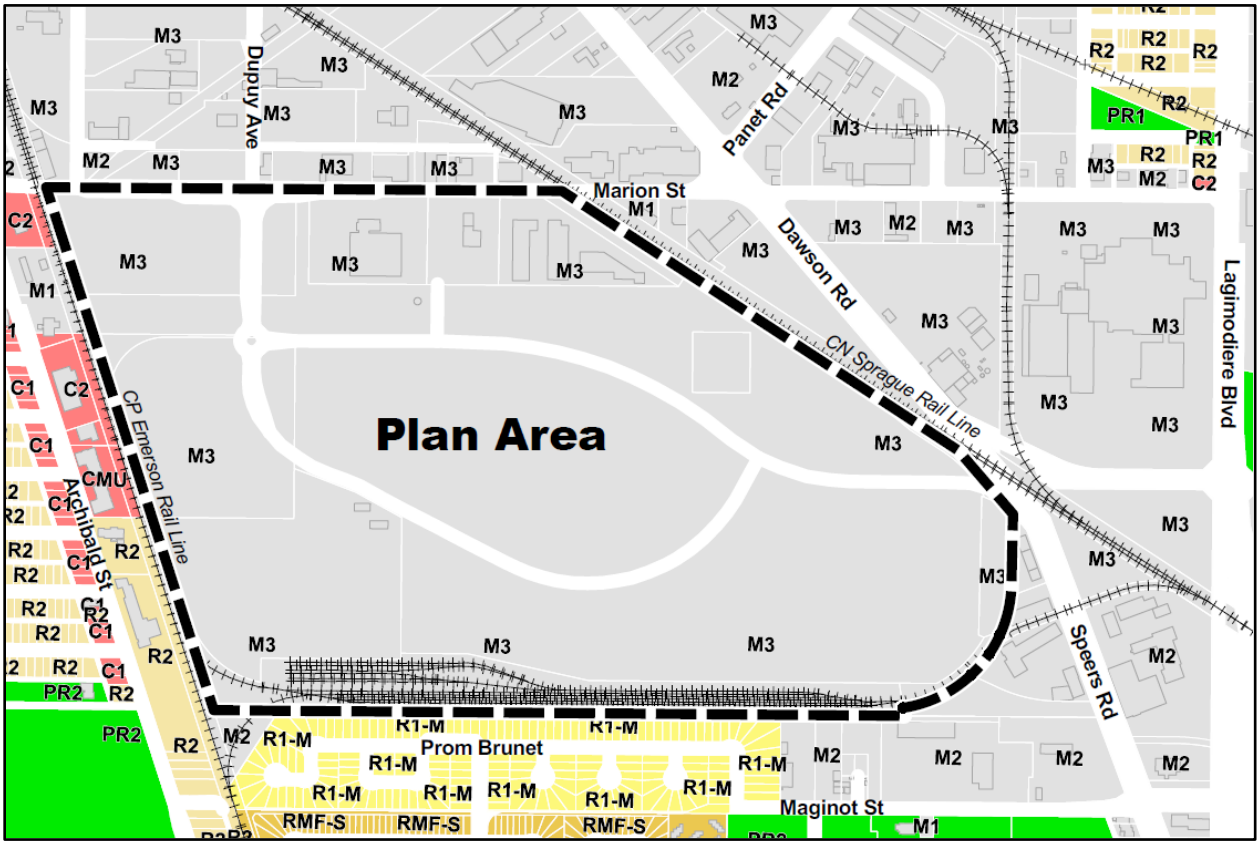


Figure 4 – Zoning

- The Zoning By-law provides that the M3 - Manufacturing Heavy zoning district *is intended to provide for light or heavy industrial development, including heavy manufacturing, storage, major freight terminals, waste and salvage, resource extraction, processing, transportation, major utilities, and other related uses, particularly those that require very large buildings, frequent heavy truck traffic for supplies or shipments, or that may require substantial mitigation to avoid sound, noise, and odour impacts to neighbouring properties. New M3 zone districts should not be established within 300 feet of an existing residential zone district.*
- Most of the lands to the north and east of the site are also zoned M3. Lands south of the subject site are zoned R1-M and M2, while lands to the west of the site are zoned for commercial, manufacturing or residential purposes.

DASZ 30/2020

- A proposal to rezone and subdivide the applicant's land in the Plan Area (DASZ 30/2020) was approved by Council on June 20, 2021 (See Figure 5 – DASZ 30/2020). At the time of writing this report, the subdivision had not yet been registered and as a result, the related zoning had not been adopted by Council.

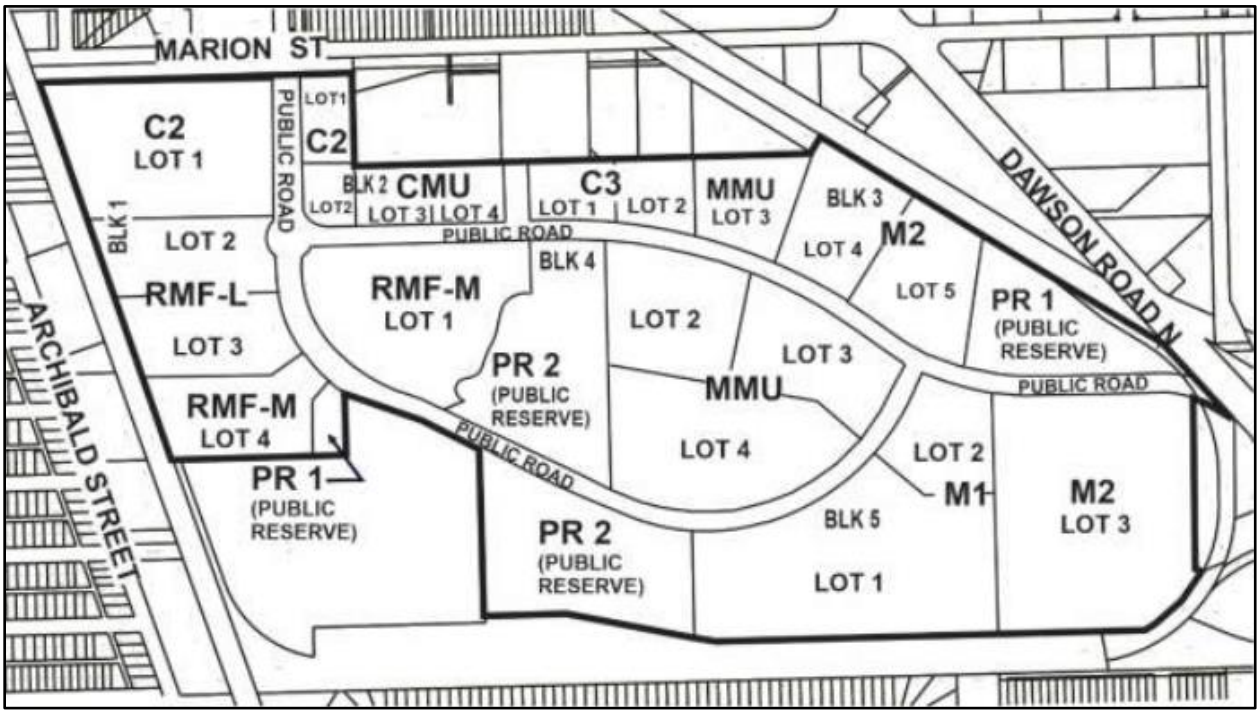


Figure 5 – DASZ 30/2020

PROPOSED AMENDMENTS AND DISCUSSION

- The proposed amendment includes the following proposed changes:
    - Increasing the maximum height of buildings from:
    - Increasing the maximum permitted residential building height from the current:
        - 10 stories (100 feet) to the proposed 14 storeys (150 feet) for buildings located between the rail line and the westernmost North-South collector road; and
        - 6 stories (70 feet) to the proposed 14 storeys (150 feet) for buildings located within 80 meters east of the westernmost North-South collector road.
    - Removing the requirement for an emergency access into the Plan Area;
    - Allowing for up to 1,200 dwelling units (currently 600) in the Plan Area without an emergency access;
    - Removing the requirement that the second access to Marion Street be established by the developer prior to building more than 600 dwelling units in the Plan Area; and
    - Allowing for up to 2,000 dwelling units in the Plan Area once a predictive rail crossing blockage alert system has been implemented.

- An itemized list of proposed amendments to the Secondary Plan submitted by the applicant are included in Appendix 'C' - Table of Proposed Amendments Submitted by the Applicant. Note that some of the proposed changes require amendments to more than one section of the Secondary Plan.
- The following discussion provides an analysis of the proposed amendments along with recommendations from the Public Service.

Increase in Maximum Building Heights

- Increasing the maximum height of buildings from 6 and 10 storeys to 14 storeys (70 and 100 feet to 150 feet) and in proximity to the westernmost north-south collector road requires amendments to sections 3.3.2.2 and 3.3.2.3 (items 4 and 5 of Appendix 'C'). It should be noted that multi-storey residential buildings located farther than 80 metres east of the westernmost north-south collector road will be limited to 6 storeys and 70 feet as per the existing policy wording.
- Policies 3.3.2.2 and 3.3.2.3, which restrict maximum building heights to 6 and 10 storeys, were added to the Secondary Plan by Council during the adoption process to address concerns raised by nearby industrial establishments at the public hearing.
- It should be noted that the Secondary Plan contains policies aimed at minimizing concerns related to odour and noise generated by existing industrial uses. Policy 3.3.2.17 requires all residential units to be climate controlled with noise attenuation features, and Policy 3.3.2.18 requires signage notifying residents of the existing industrial uses.
- The proponent undertook a stakeholder engagement program to support the proposed amendments. A summary of the stakeholder engagement program, entitled "Public Markets Stakeholder Engagement Summary – 2024-04-09", was included in the application and is included as part of Appendix 'D'. The document includes the following discussion:
    - *One industrial participant was concerned about potential increase in mal odour complaints with the additional residential units and additional building height. The Developer team explained that the developer is required to install and maintain prominent notification signage in both English and French informing of the potential odour and/or noise nuisance emanating from the existing industrial uses surrounding the land. Statements regarding the potential odour and/or noise nuisance will also be included in all purchase agreements. The developer noted that with the prevailing winds the site rarely gets smells from the east. The most are smells from the northwest (mushroom plant area).*
- It appears that the proponent has consulted with operators of existing industrial uses in proximity to the Plan Area regarding the proposed amendments. Based on this, the Public Service is in support of the proposed amendments to sections 3.3.2.2 and 3.3.2.3 (items 4 and 5 of Appendix 'C') which increase the maximum residential building heights to 14 storeys and 150 feet (45.72 metres).
- The Public Service recommends altering wording changes to policy 3.3.2 proposed by the applicant (item 5 of Appendix 'C') as follows:
    - Adding the words *'excluding permitted projections in the Winnipeg Zoning By-law'* to the end of the proposed sentence. This will ensure that telecommunications-related infrastructure, or other building-related projections can be accommodated on the roof of future buildings.

- Replacing the '±' symbol from '±80 meters' with the word 'approximately', to add clarity.

Increase in Number of Dwelling Units

- Increasing the number of permitted dwelling units in the Plan Area requires amendments to sections 3.2.2.5, 3.3, 3.3.2.6, 8.2.2, and 8.2.3 (items 1, 2, 3, 7 and 8 of Appendix 'C')
- The Secondary Plan currently allows up to 600 dwelling units in the Plan Area during Phase 1 of development. Up-to 1,200 dwelling units are permitted in Phase 2 of development provided that an emergency access into the Plan Area is established (section 8.2.2). Section 8.2.3 includes the establishment of a second collector road access to Marion Street as per section 8.2.3.
- The purpose of including these policies in the Secondary Plan was to ensure that an acceptable level of risk associated with emergency access into the Plan Area during a train crossing blockage could be maintained.
- Access to the Plan Area requires travel over one of three rail crossings as shown in Figure 6 – Rail Crossings.

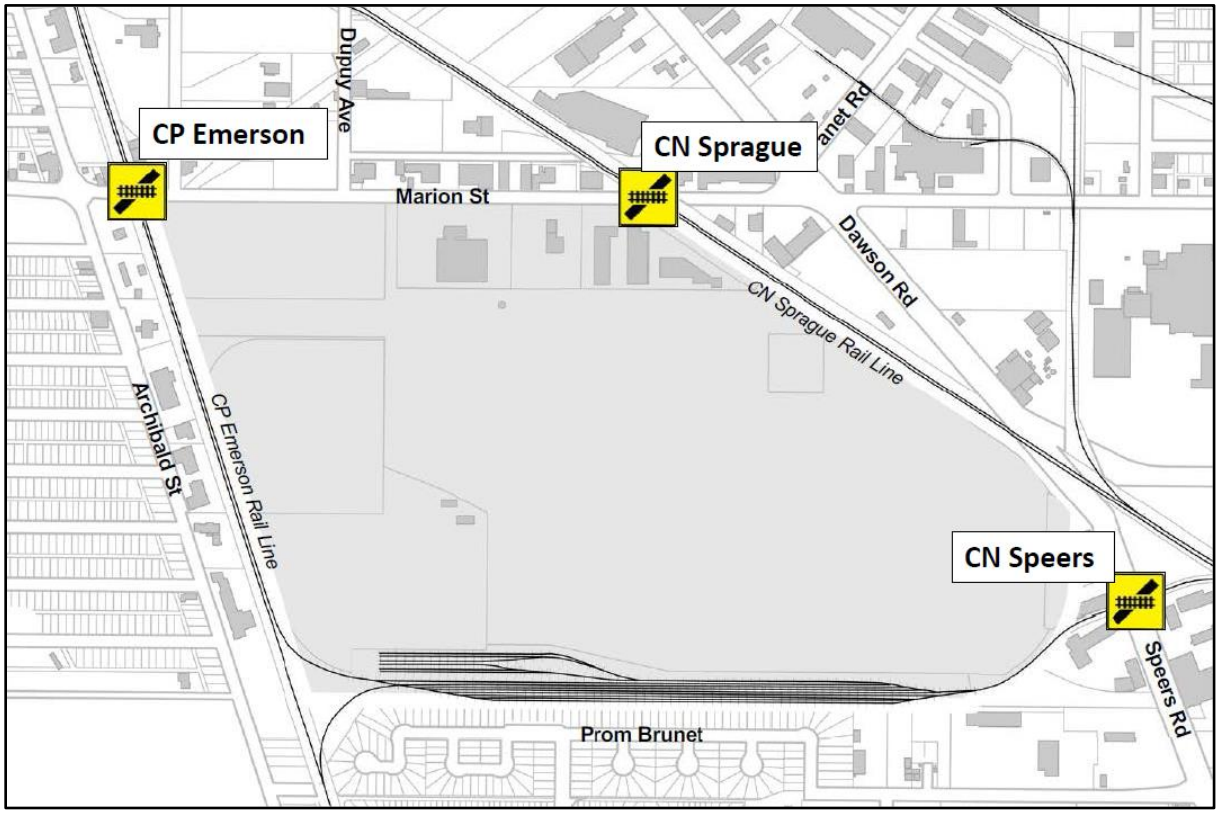


Figure 6 – Rail Crossings

- In 2020, during the adoption of the Secondary Plan, concern was raised regarding the potential for access to the Plan Area being blocked by a train during an emergency call event (i.e. ambulance or fire). The concerns included both the ability for emergency vehicles (apparatus) to both respond to a call from within the Plan Area, as well as travel from a call to a hospital (in the case of an ambulance).
- In response to this concern, the applicant provided an Emergency Access Evaluation Study (prepared by Dillon Engineering, 2020), which was submitted as part of the application for the Secondary Plan (By-law 47/2019) (http://clkapps.winnipeg.ca/DMIS/permalink.asp?id=M20200605(RM)RC-46).
- Concerns with the Emergency Access Evaluation Study identified by the Public Service were included in Appendix A of the Administrative Report submitted at the public hearing for By-law 47/2019 on June 5, 2020 (http://clkapps.winnipeg.ca/DMIS/permalink.asp?id=M20200605(RM)RC-42). Namely, the scenarios presented in the Emergency Assess Evaluation Study assume that all rail blockages are known at the time of an emergency dispatch which ensures that responding emergency vehicles selected by dispatch will not encounter a train blockage, or will be aware of an alternate route at the time of dispatch.
- The Administrative Report submitted during the adoption of the Secondary Plan suggests that a predictive rail crossing blockage alert system could be implemented and integrated with the City's 911 Dispatch system. It is recognized that the implementation of such a system could help alleviate emergency access issues discussed in the Administrative Report. Such a system has not been implemented at the time of writing this report.
- The Emergency Access Evaluation Study estimated that 1,200 dwelling units (2,000 people based on 1.67 people per unit) in the plan area would result in approximately 30 blockages per year (see Table 1 – Summary of Emergency Access Evaluation with 1,200 Dwelling Units)

Table 1 – Summary of Emergency Access Evaluation with 1,200 Dwelling Units

	Minutes blocked per day	Chance of Blockage during emergency	# Fire Calls during blockage per year	# Medical Calls during blockage per year	Total # Calls during blockage per year
CP Emerson	28.52	1.78%	1.20	5.06	6.27
CN Sprague	49.68	2.99%	2.11	8.83	10.94
CN Speers	55.33	3.37%	2.37	9.93	12.29
Total	133.53	8.08%	5.68	23.82	29.51

- The Secondary Plan currently allows for up to 600 dwelling units (~1,000 people) to be established in the Plan Area before an unencumbered emergency access is required. As per the Administrative Report for the Secondary Plan, 600 dwelling units is estimated to result in approximately 15 blockages per year (see Table 2 – Summary of Emergency Access Evaluation with 1,200 Dwelling Units).

Table 2 – Summary of Emergency Access Evaluation with 600 Dwelling Units

	Minutes blocked per day	Chance of Blockage during emergency	# Fire Calls during blockage per year	# Medical Calls during blockage per year	Total # Calls during blockage per year
CP Emerson	28.52	0.86%	0.60	2.53	3.13
CN Sprague	49.68	1.49%	1.05	4.40	5.45
CN Speers	55.33	1.66%	1.17	4.90	6.07
Total	133.53	4.02%	2.82	11.83	14.65

- The requirement for an unencumbered emergency access to the Plan Area was included in the Secondary Plan to mitigate the risk associated with increasing the number of dwelling units in the Plan Area beyond 600. The Secondary Plan currently allows for up to 1,200 dwelling units (2,000 people assuming 1.67 people per dwelling unit) to be established in the Plan Area once an emergency access has been established.
- The current proposal to increase the number of dwelling units in the Plan Area to 2,000 (3,333 people based on 1.67 people per dwelling unit) was not considered in the Emergency Access Evaluation Study. However, using the calculations from the evaluation of the Emergency Access Evaluation Study, 2,000 dwelling units is estimated to result approximately 50 blocked emergency calls per year (see Table 3 – Summary of Emergency Access Evaluation with 2,000 Dwelling Units).

Table 3 – Summary of Emergency Access Evaluation with 2,000 Dwelling Units

	Minutes blocked per day	Chance of Blockage during emergency	# Fire Calls during blockage per year	# Medical Calls during blockage per year	Total # Calls during blockage per year
CP Emerson	28.52	2.86%	2.01	8.43	10.45
CN Sprague	49.68	4.99%	3.51	14.71	18.23
CN Speers	55.33	5.61%	3.95	16.55	20.48
Total	133.53	13.47%	9.48	39.69	49.18

- Phasing Policy 8.2.2 of the Secondary Plan allows for the development of up to 600 dwelling units in the Plan Area with two collector road access points; one to Marion Street at Dupuy Avenue, and the other at Speers Road (identified as ‘A’ and ‘C’ in Figure 3). The current policy permits the establishment of additional dwelling units only after an emergency access into the Plan Area has been established.

- The purpose of an emergency access into the Plan Area is to ensure that emergency apparatus (vehicles) are able to respond to calls in the Plan Area without delay caused by train blockages at any one of the three rail crossings. If the first responding apparatus encounters a train blockage at one of the three rail crossings, then a second apparatus is dispatched from another direction. This results in a delayed first response. If a train blockage were to be identified by 911 at the time of the initial call, then apparatus could be dispatched from an unencumbered direction accordingly. In this way, a predictive rail crossing blockage alert system may be able to reduce the potential for delays to emergency responses in the Plan Area.
- The Winnipeg Fire and Paramedic Service (WFPS) is aware of the increased risk associated with the additional dwelling units and supports removing the requirement for an emergency access provided that:
    - there are at least two collector road access points into the Plan Area (one to Marion Street and one to Speers);
    - all residential buildings are sprinklered (as per section 3.1.2.12); and
    - a predictive rail crossing blockage alert system has been implemented.
- Based on feedback received from WFPS, the Public Service supports the proposed amendment to increase the number of dwelling units permitted in the Plan Area from 600 to:
    - 1,200 - as part of Phase 1 with collector road accesses to Marion Street and Speers Road; and
    - 2,000 - following the successful implementation of a predictive rail crossing blockage alert system, or some alternate solution, to the satisfaction of the Chief of the Winnipeg Fire and Paramedic Service, the Director of Public Works and the Director of Planning, Property and Development.

<u>Collector Road Access</u>

- The application proposes amendments to policies 6.2.3, 8.2.2, and 8.2.3 (items 6, 7, and 8 in Appendix ‘C’) intended remove the requirement that a second access to Marion Street be acquired and opened by the developer prior to more than 600 dwelling units being permitted in the Plan Area.
- The applicant provided a Traffic Impact Study entitled “Public Markets MRS-D – Traffic Impact Study Update” (May 3, 2024), which was reviewed by the Public Service. The Traffic Impact Study can be found in Appendix ‘D’.
- Policy 6.2.3 requires two collector road connections to Marion Street (identified as ‘A’ and ‘B’ in Figure 7).
- Phasing Policy 8.2.2 limits the number of dwelling units in the Plan Area to 600 as part of Phase 1.
- Phasing Policy 8.2.3 requires that the second collector road connection be established to Marion Street as part of Phase 1 or Phase 2 (identified as ‘B’ in Figure 3). The policy also states that it is the responsibility of the developer to acquire and open this connection.

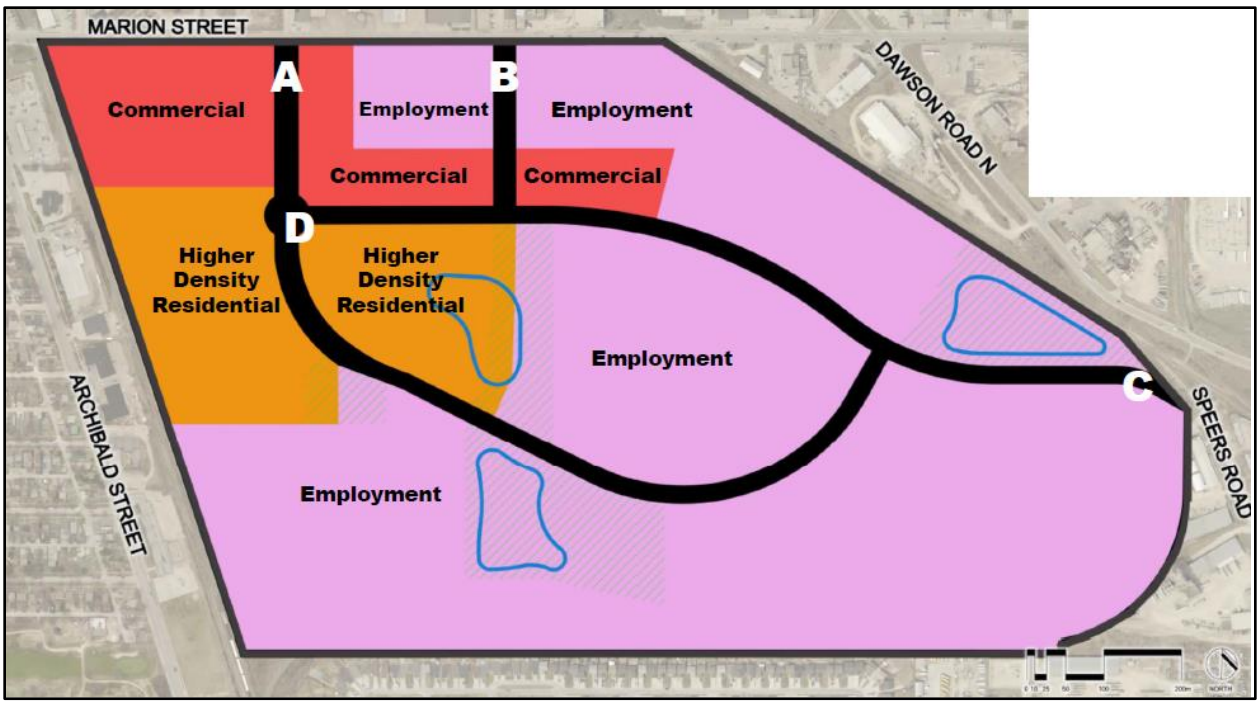


Figure 7 – Land Use and Collector Road Connections

- If adopted as proposed, the Secondary Plan would permit up to 2,000 dwelling units with only two means of access into the Plan Area.
- The Public Service has non-emergency related concerns with permitting more than 600 dwelling units in the Plan Area without a second public access to Marion Street. In the event of a blockage at the roundabout (location 'D' on Figure 3), drivers will be required to use the Speers Road access (location 'C' on Figure 3) resulting in a 4.5 kilometre detour (as shown in red in Figure 8 – 4.5 KM Detour).

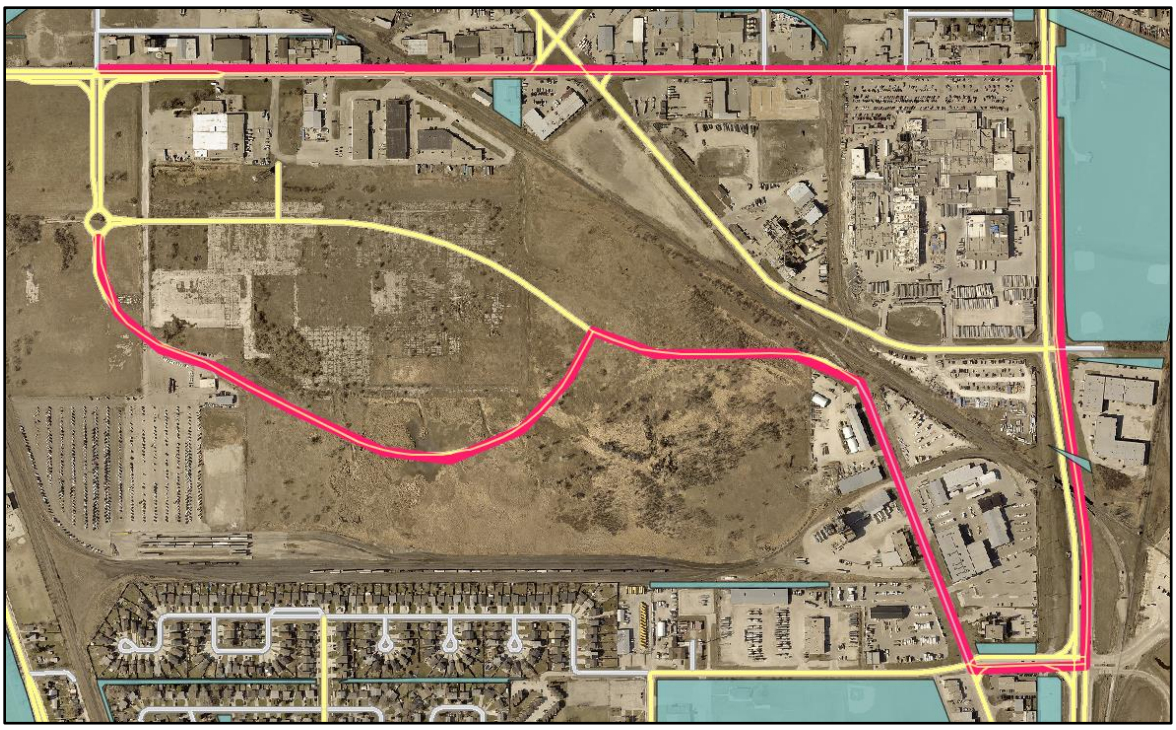


Figure 8 – 4.5 KM Detour

- Such a detour would be an inconvenience to motorists and would result in increased traffic at other signalized intersections (i.e. Maginot Street and Lagimodiere Boulevard, Marion Street and Lagimodiere Boulevard, and Marion Street and Dawson Road South). A blockage could be in the form of a stalled vehicle, roadworks, right-of-way works, snow event, or watermain break, etc.
- The potential for a blockage at this location can be minimized by:
    - constructing the north-south collector road as a four-lane divided roadway. This would accommodate single lane two-way traffic in the event that the north- or south-bound lanes are obstructed and
    - establishing an access route, via an easement on private lands, around the southern intersection. This would allow for access into the Plan Area in the event that the single lane of the roundabout is obstructed (See Figure 9 – Blockage Mitigation).

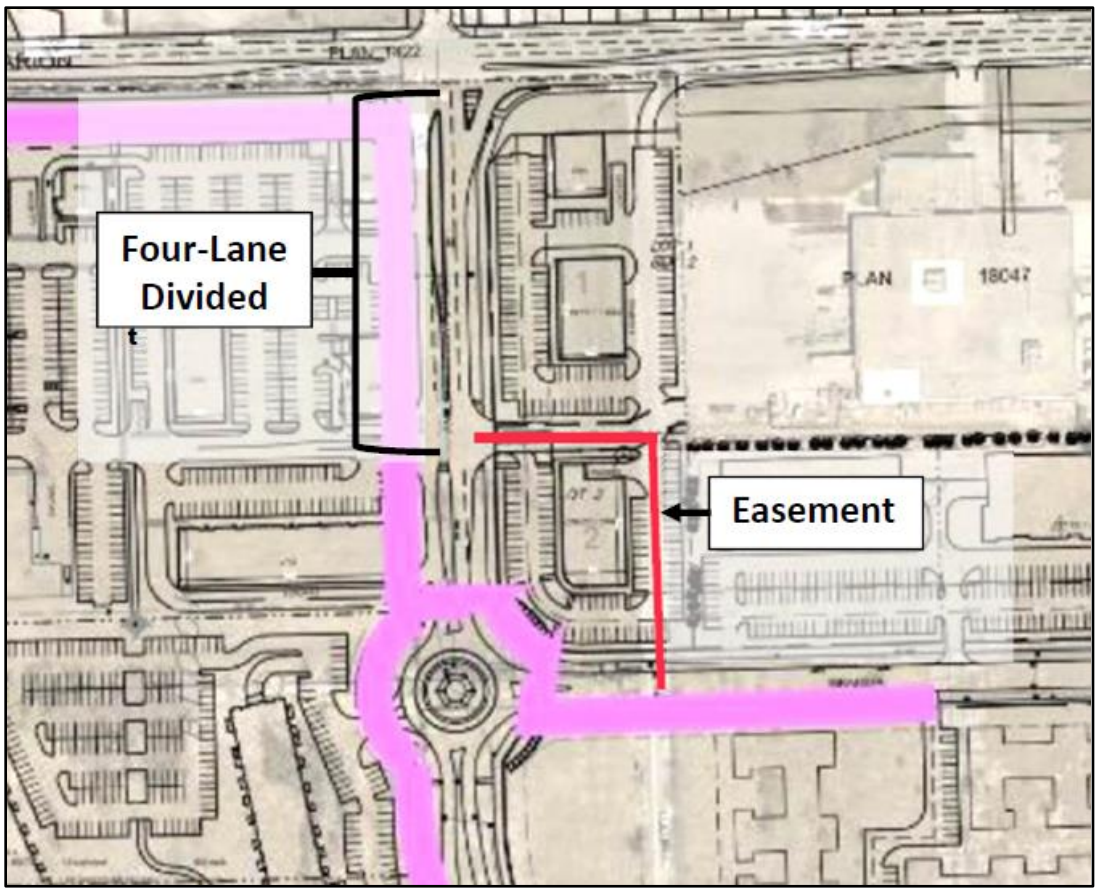


Figure 9 – Blockage Mitigation

- The Public Service supports the proposal to remove the requirement for a second collector road connection to Marion Street prior to more than 600 dwelling units being constructed, provided that measures are taken to ensure that access to Marion Street can be maintained during temporary blockages on the westernmost north-south collector road and internal intersection.
- The Public Service recommends the addition of the following policies under section 6.3 (Internal Transportation Network Policies), which are included in Appendix 'C' as items 9 and 10:

    6. *The north-south collector road described in section 6.2.3(a) shall be constructed as a four-lane divided roadway from Marion Street to a median opening located approximately 130 metres south of Marion Street, as determined by, and to the satisfaction of, the Director of Public Works.*

    7. *Easements across private property may be used to by-pass the intersection approximately 220 metres south of Marion Street on the collector road described in section 6.2.3(a), until the collector road connection described in section 6.2.3(b) has been constructed, to the satisfaction of the Director of Public Works.*

RECOMMENDATIONS:

1. That Council give first reading to By-law No. 62/2024, a draft of which is attached as Appendix “B”, being a by-law to amend the Public Markets Major Redevelopment Site ‘D’ Secondary Plan By-law No. 47/2019 in accordance with this report.

2. That following first reading and upon instruction from the Director of Planning, Property and Development, the City Solicitor and Director of Legal Services be directed to return the By-law directly to Council by way of communication for second reading and third reading.

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