Report "A" - Executive Policy Committee - March 16, 2005

Item No. 6 Plan Winnipeg Amendment – North of Swailes Right-of-Way
File EP-1.1(PW 6/2004)

COUNCIL DECISION:

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

1. That By-law No. 46/2005, a proposal to amend Plan Winnipeg 2020 Vision By-law No. 7630/2000 by re-designating lands identified on Attachment 1 in the administrative report dated February 25, 2005, from Industrial Policy Area to Neighbourhood Policy Area, be forwarded to Council for first reading to allow for a public hearing on this issue.

2. That the Executive Policy Committee schedule a public hearing in accordance with sections 227 and 278 of The City of Winnipeg Charter to consider the proposed amendment to Plan Winnipeg 2020 Vision By-law No. 7630/2000 and related development applications under The Winnipeg Zoning By-law No. 6400/94.

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

Report "A" - Executive Policy Committee - March 16, 2005

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,
That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 16, 2005, the Executive Policy Committee concurred in the administrative recommendation and submitted the matter to Council.

Re: Plan Winnipeg Amendment – North of Swailes Right of Way

For submission to: **Executive Policy Committee**

Original report signed by: **Director of Planning, Property and Development**

Report date: February 25, 2005

Recommendation(s):

1. That By-law No. xxxx/2005, a proposal to amend Plan Winnipeg 2020 Vision By-law No. 7630/2000 by re-designating lands identified on Attachment 1 from Industrial Policy Area to Neighbourhood Policy Area, be forwarded to Council for first reading to allow for a public hearing on this issue.

2. That Executive Policy Committee schedule a public hearing in accordance with sections 227 and 278 of The City of Winnipeg Charter to consider the proposed amendment to Plan Winnipeg 2020 Vision By-law No. 7630/2000 and related development applications under The Winnipeg Zoning By-law No. 6400/94.

REPORT SUMMARY

Key Issues:

- North Grassie Properties Inc., acting on behalf of the subject area owner, Lincoln Properties Ltd., have applied to amend Plan Winnipeg's Policy Plate A - Land Use to re-designate 18 acres of land located north of Swailes Avenue in the Templeton – Sinclair Neighbourhood from Industrial Policy Area to Neighbourhood Policy Area (see Attachment 1). An amendment to Plan Winnipeg is required for the applicant to pursue single-family residential development.

- The re-designation of the area shown on Attachment 1 will assist in satisfying demand for single-family residential housing in the northwest quadrant of the City. According to the City of Winnipeg's Residential Land Supply Study, there is presently a shortage of serviced lots in the northwest quadrant with only 1.5 to 2 years supply of serviced lots. From a long range planning perspective, it is desirable to maintain at least a five-year rolling supply of serviced lots (or easily serviced within one construction season).

- The loss of 18 acres of industrial land policy area will not negatively impact the industrial land supply in relation to demand in the northwest quadrant. The subject area remains vacant, unserviced Industrial Policy Area. Its capacity to be developed for industrial use has eroded over time and the subject area no longer represents a logical location for industrial activity.

- The subject area can be serviced in an environmentally sound, economical and timely manner. On December 21, 2004, the applicant applied for subdivision and re-zoning of the subject area. As part of this process, the applicant submitted site and servicing plans. Although administration is satisfied that water, wastewater and drainage service plans can appropriately service the area, the applicant has not yet confirmed a secondary vehicular access point. This issue may be resolved through the subdivision/re-zoning process.

- The subject area partially falls within the one kilometre odour control zone around the North End Water Pollution Control Centre. Caveats must be filed on the title of each lot within the control zone informing the owners that they may be exposed to nuisance odours from time to time.

- Sections 227 and 278 of The City of Winnipeg Charter provide that hearings required in respect of an amendment to Plan Winnipeg may be combined with another hearing. Since this proposed amendment is running concurrently with an application for re-zoning (DASZ 53/04), Executive Policy Committee, upon forwarding to Council for First Reading, will schedule a hearing to consider both the Plan Winnipeg amendment and re-zoning.

Implications of the Recommendation(s):

General implications:

	None
X	**For the organization overall and/or for other departments**
X	**For the community and/or organizations external to the City of Winnipeg**
	Involves a multi-year contract

Comment(s):

- The amendment will allow for consideration of residential development of the subject lands to meet growing demand.

Policy implications:

	No
X	**Yes**

Comment(s):

- Change from Industrial to Neighbourhood Policy Area will not impact the City's industrial land supply.

Environmental implications:

X	**No**
	Yes

Comment(s):

-

Human resources implications:

X	**No**
	Yes

Comment(s):

-

Financial implications:

X	**Within approved current and/or capital budget**
	Current and/or capital budget adjustment required

Comment(s):

-

REASON FOR THE REPORT:

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

HISTORY:

In 1989, the subject area formed part of a Plan Winnipeg amendment that recommended re-designation of the lands located south of the former CPR –Bergen Cut-off, between the former alignment of the McGregor Street Extension and Ferrier Street from Industrial Policy Area to Neighbourhood Policy Area.

Although area residents were in favour of re-designating the subject area, a major industrial business to the north objected to the re-designation. The Province referred the Plan Winnipeg by-law to The Municipal Board, who subsequently recommended and the Minister of Urban Affairs concurred, that the subject area be removed from the by-law.

In their recommendation, the Municipal Board cited that while land to the south of the subject area was suitable for residential development, the subject area itself was not suitable because of adjacent intensive industrial activity. In particular, they suggested that dust and noise from heavy truck traffic on the Bergen Cut-off made the subject area unsuitable for residential development. They also indicated that encroaching residential development may, over time, harm the viability of the industry to the north of the Bergen Cut-off.

Since this time, much of the land west and south of the subject area, in the adjacent Neighbourhood Policy Area, has now been absorbed while the adjacent Industrial Policy Area, including the subject area, remains underutilized or vacant (52% vacant – Templeton Sinclair Industrial Policy Area). Any significant industrial activity remains concentrated north of the former CPR Bergen Cut-off, in the West Kildonan Industrial Policy Area.

DISCUSSION:

The applicant, North Grassie Properties Ltd. is acting on behalf of the subject area owner, Lincoln Properties Ltd. The subject area of the application is approximately 18 acres of vacant, unserviced land bound by Swailes Avenue to the south, the former CPR Bergen Cut-Off to the north, Birchbark Bay to the west and the future McGregor Street Extension (Plan Winnipeg 2020 – Policy Plate B) to the east. It is currently zoned "A.5" – Agricultural District.

Background research and analysis demonstrates that the area would benefit from a comprehensive land use review as part of the up-coming Plan Winnipeg review process. An area review can best examine the rationale for maintaining underutilized or vacant Industrial Policy Areas in light of intense residential development pressure.

However, based on the following considerations, there is merit in considering a site-specific amendment to Plan Winnipeg:

- There is a reasonable relationship between the supply of land and projected demand. According to the City of Winnipeg's Residential Land Supply Study, there is presently a shortage of serviced lots in the northwest quadrant with only 1.5 to 2 years supply of serviced lots. From a long range planning perspective, it is desirable to maintain at least a five year rolling supply of serviced lots (or easily serviced within one construction season).

- The subject area is adjacent to, and compatible with, existing residential development making it a logical extension of existing Neighbourhood Policy Area. Although industrial activity to the north continues to use the former CPR – Bergen Cut-off for vehicle access, a six metre hydro easement contiguous to the Cut-off would provide additional separation.

- The subject area's capacity to be developed for industrial use has eroded over time and it no longer represents a logical extension of industrial activity. The Municipal Board, in its 1990 recommendation, did not support re-designating the subject area from Industrial Policy Area to Neighbourhood Policy Area, citing that the area was most suitable for light industrial development. However, encroaching residential development coupled with site access issues diminished the site's viability. Industrial activity never materialized and the area remains vacant and unserviced.

- The subject area can be serviced in an environmentally sound, economical and timely manner. On December 21, 2004, the applicant applied for subdivision and re-zoning of the subject area. As part of this process, the applicant submitted site and servicing plans. Although administration is satisfied that water, wastewater and drainage service plans can appropriately service the area, the applicant has not yet confirmed a secondary vehicular access point. This issue may be resolved through the subdivision/re-zoning process.

- A portion of the subject area falls within the one kilometre odour control zone around the North End Water Pollution Control Centre. Issues related to the odour control zone around the North End Water Pollution Control Centre can be managed by caveats being filed on the title of each lot within the zone. Over the last few years, several subdivision applications within the control zones around both the north end and south end centres have been approved provided that a caveat be filed on the title of each lot informing the owners that they may be exposed to nuisance odours from time to time. The caveat further states that the owner acknowledges and saves harmless the City from any liability resulting from an odour nuisance which may interfere with their comfort, well-being, livelihood or enjoyment of life.

- Sections 227 and 278 of The City of Winnipeg Charter provide that hearings required in respect of an amendment to Plan Winnipeg may be combined with another hearing. Since this proposed amendment is running concurrently with an application for re-zoning (DASZ 53/04), Executive Policy Committee, upon forwarding to Council for First Reading, will schedule a hearing to consider both the Plan Winnipeg amendment and re-zoning.

Financial Impact Statement

Date: February 24, 2005

COMMENTS:

It is recommended in this report that By-law No. xxxx/2005, a proposal to amend Plan Winnipeg 2020 Vision By-law No. 7630/2000 by re-designating lands identified on Attachment 1 from Industrial Policy Area to Neighbourhood Policy Area be forwarded to Council for first reading to allow for a public hearing on this issue and that Executive Policy Committee schedule a public hearing in accordance with Section 227 of the City of Winnipeg Charter to consider the proposed amendment. There are no direct financial implications to the City related to these recommendations.

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

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Transportation Division – Public Works

Engineering Division – Water and Waste

Planning and Schedules Division – Transit

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Planning and Land Use
Prepared by: Michelle Richard
PPD File #: PW01/05

Attachments:
1: By-law
2: Subject Area
3: Site Plan – DASZ 53/04

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Attachment 1:

REFERENCE: FILE NO: PW 01/05

THE CITY OF WINNIPEG

BY-LAW NO. XXXX/2005

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

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

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

"Lands located in the Lord Selkirk – West Kildonan Community of The City of Winnipeg, shown outlined on the map below and generally described as being bound by the Templeton Sinclair residential neighbourhood to the west and south, the City of Winnipeg – Bergen Cut-off right of way on the north, Ferrier Street to the east are hereby designated as "NEIGHBOURHOOD" Policy Area and the said Plan Winnipeg Policy Area Map shall hereafter be read and construed as though the said lands were indicated thereon as "NEIGHBOURHOOD" Policy Area."

RECEIVED FIRST READING on this _____ day of _____ A.D., 2004.

RECEIVED SECOND READING on this _____day of _____ A.D., 2004.

RECEIVED THIRD READING on this _____day of _____ A.D., 2004.

DONE AND PASSED in Council assembled this _____ day of _____ A.D., 2005.

_____
Mayor

_____
City Clerk

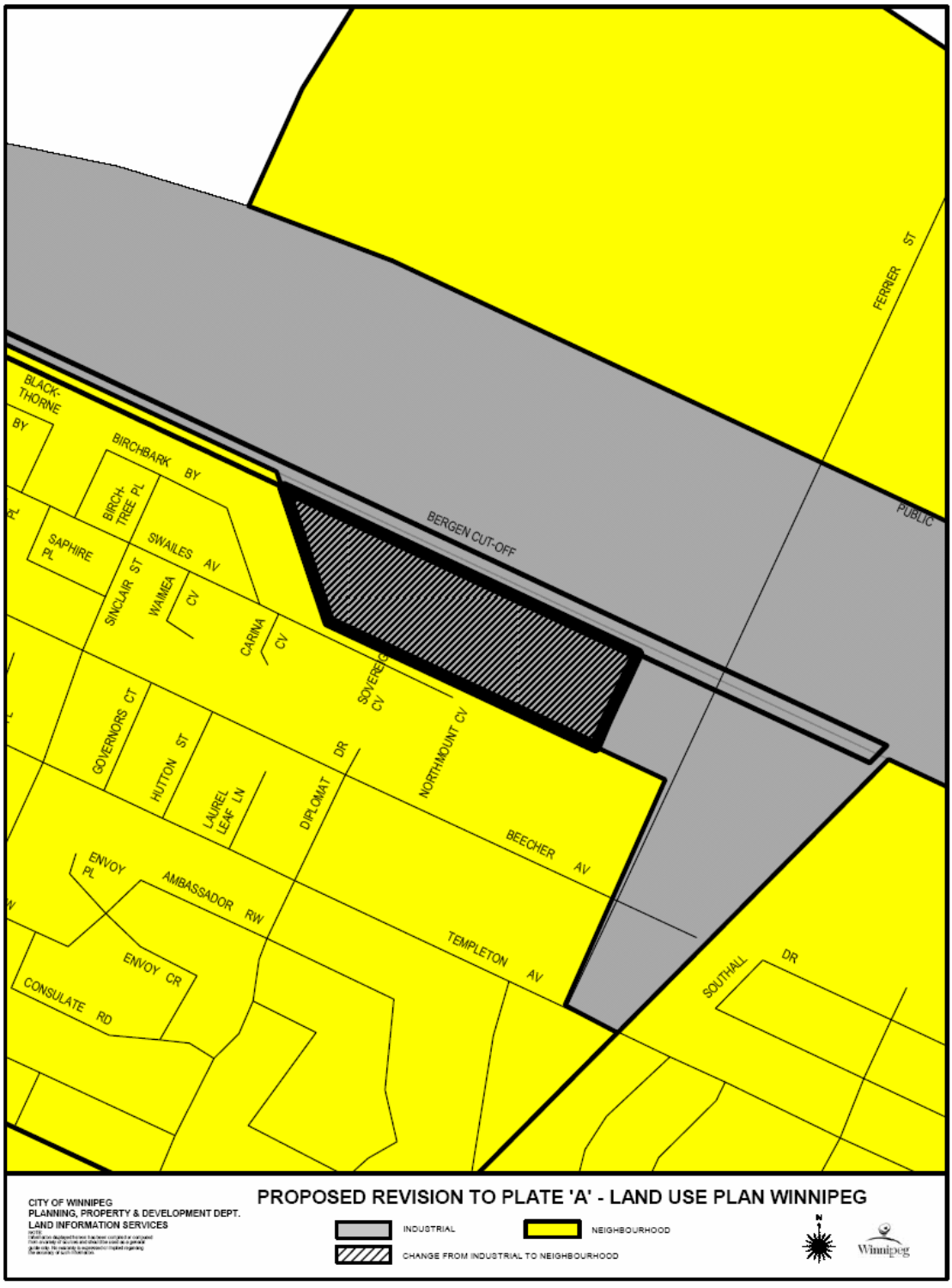
Certified as to Planning Details:

_____
for Planning, Property & Development

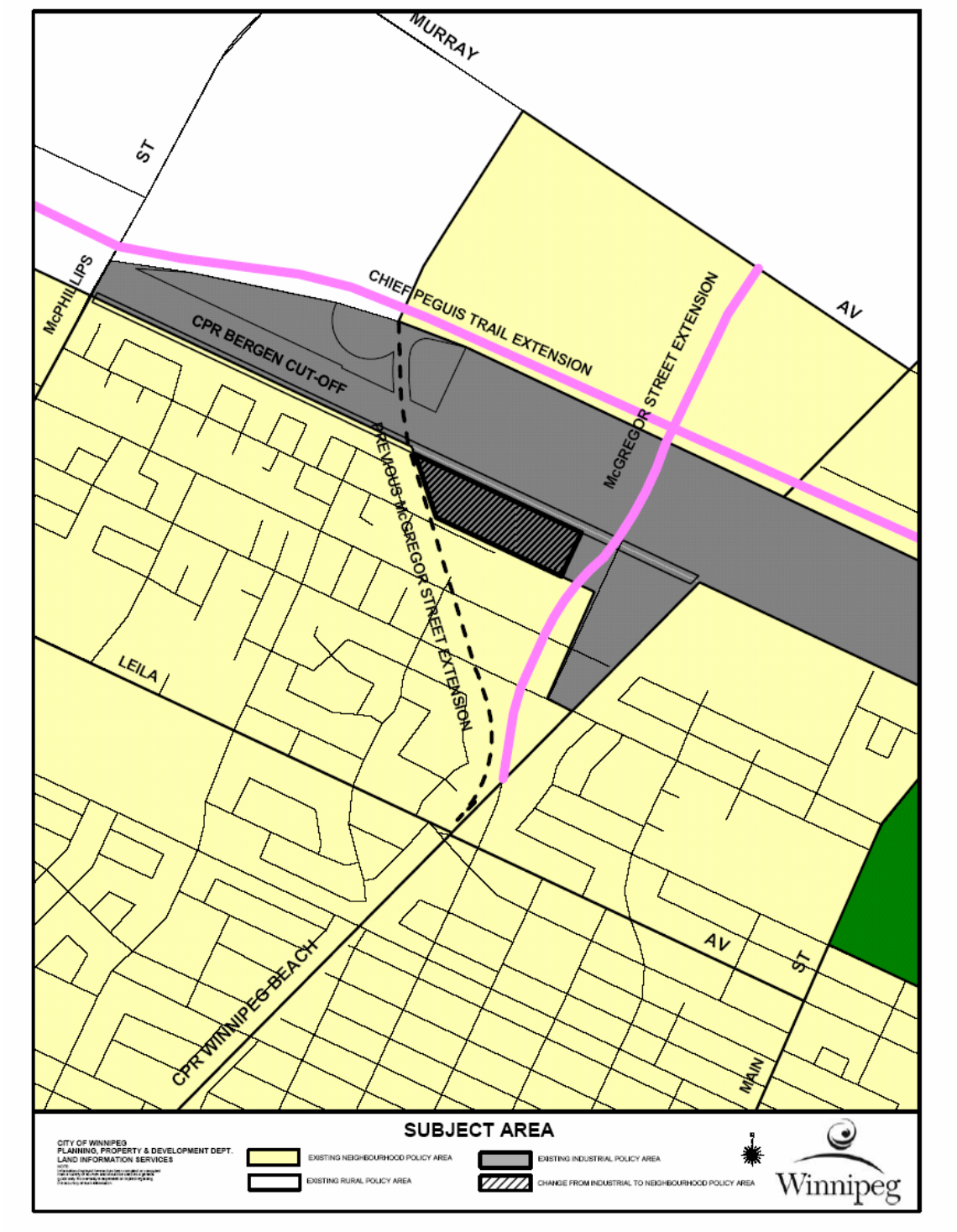
Certified as to Form:

_____
for City Solicitor/Manager of
Legal Services

File No.


FERRIER ST
PUBLIC
BERGEN CUT-OFF
BLACK-THORNE BY
BIRCHBARK BY
BIRCH-TREE PL
SAPHIRE PL
SWAILES AV
SINCLAIR ST
WAIMEA CV
CARINA CV
SOVEREIGN CV
NORTHMOUNT CV
GOVERNORS CT
HUTTON ST
LAUREL LEAF LN
DIPLOMAT DR
BEECHER AV
ENVOY PL
AMBASSADOR RW
ENVOY CR
CONSULATE RD
TEMPLETON AV
SOUTHALL DR
CITY OF WINNIPEG
PLANNING, PROPERTY & DEVELOPMENT DEPT.
LAND INFORMATION SERVICES
PROPOSED REVISION TO PLATE 'A' - LAND USE PLAN WINNIPEG
INDUSTRIAL
NEIGHBOURHOOD
CHANGE FROM INDUSTRIAL TO NEIGHBOURHOOD
N
Winnipeg

Attachment 2:



Attachment 3:

