Agenda – Council – April 27, 2005

Report – Executive Policy Committee – April 13, 2005

Item No. 1 Plan Winnipeg Amendment - North of Swailes Avenue Right-of-Way File EP-1.1 (PW 6/2004) [c/r DASZ 53/2004]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 13, 2005, the Executive Policy Committee concurred in the administrative recommendation and submits the following to Council:

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 April 6, 2005, from Industrial Policy Area to Neighbourhood Policy Area, be forwarded to Council for Second Reading.

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

Agenda – Council – April 27, 2005

Report – Executive Policy Committee – April 13, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 13, 2005, 2005, the Executive Policy Committee concurred in the following administrative recommendation, namely:

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 April 6, 2005, from Industrial Policy Area to Neighbourhood Policy Area, be forwarded to Council for Second Reading.

and submitted the matter to Council.

Further, the Executive Policy Committee provided the following supporting reasons for its recommendation:

1. The Executive Policy Committee agreed with the administrative comments contained in the Report from the Director of Planning, Property and Development dated April 6, 2005.

2. The Community is supportive of residential development in this area.

PUBLIC HEARING SUMMARY

File: EP-1.1 (PW 6/2004)

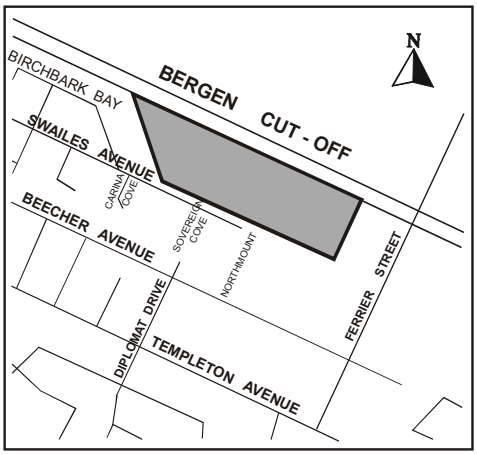
Before: Executive Policy Committee
His Worship Mayor Katz, Chairperson
Deputy Mayor Pagtakhan
Councillor Clement
Councillor Eadie
Councillor De Smedt
Councillor Steeves
Councillor Thomas

Public Hearing: April 13, 2005
West Committee Room
Council Building, 510 Main Street

Applicant: North Grassie Properties Inc.

Subject: A proposal to amend Plan Winnipeg By-law No. 7630/2000 by:

1. Re-designating the shaded area from Industrial Policy Area to Neighbourhood Policy Area.



Exhibits Filed:
1. Application dated November 9, 2004
2. Council Decision of March 23, 2005; contains report from the Director of Planning, Property and Development dated February 25, 2005
3. First Reading of By-law No. 46/2005 by Council on March 23, 2005

4. Notification of Public Hearing to the Minister of Intergovernmental Affairs and Rural Municipality of West St. Paul dated March 24, 2005
5. Advertising Notice
6. Report from the Director of Planning, Property and Development dated April 6, 2005
7. Communication dated April 12, 2005, from Doug Henne, Doug Henne Planning Services on behalf of North Grassie Properties Inc., with respect to the application

REPRESENTATIONS:

In Support:

Norm Boyle, Marketing Agent, North Grassie Properties Inc.
Doug Henne, Doug Henne Planning Services on behalf of North Grassie Properties Inc.
Andrew Hretzay, Anson Development
Krista Magdic
Lou Anna Roberts
John Wiebe, North Grassie Properties Inc.

In Opposition:

Wesley Dueck
Ann Gay
John and Marilia Sousa
Christine and Kevin Steinke

For Information:

Warren Earl, DWE Holdings Inc.
Alvin Kleinsasser
Councillor Mike O'Shaughnessy, Old Kildonan Ward
James Sosak

For the City:

Michelle Richard, Senior Planner (Plan Winnipeg), Planning, Property and Development Department
David Marsh, Planner, Planning, Property and Development Department
Kim Raban, Services Development Engineer, Water and Waste Department

Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
John Kiernan, Coordinator Parks, Riverbanks and Community Initiatives, Planning, Property and Development Department
Neil Myska, Streets Planning Engineer, Public Works Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE COMBINED PUBLIC HEARING FOR PLAN WINNIPEG AMENDMENT FILE PW 6/2004 AND SUBDIVISION / REZONING FILE DASZ 53/2004

Doug Henne, Doug Henne Planning Services on behalf of North Grassie Properties Inc., appeared in support of the applications, provided an overview of the applications and submitted his presentation, filed as Exhibit 7 to PW 6/2004 and Exhibit 10 to DASZ 53/2004. Mr. Henne indicated concurrence in the recommendations contained in the administrative report from the Director of Planning, Property and Development dated April 6, 2005 and the Administrative Coordinating Group report dated March 29, 2005, with the following exceptions:

- That Recommendation 3 of the administrative report from the Director of Planning, Property and Development be amended to provide for the rezoning of the land to an "R1-3.5" Residential District.

- That Recommendation 8 of the Administrative Coordinating Group report be amended to read: "The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5 m by 100mm in thickness on the west side of the proposed street extending northerly from Swailes Avenue to the first intersection north thereof, as determined by and to the satisfaction of the Director of Public Works."

Discussion ensued between the applicant, the administration and members of the Executive Policy Committee with respect to the following: adding a condition to limit the total number of lots in the development to 117, the rationale behind the proposal for an "R1-4" Residential District as opposed to an "R1-3.5" Residential District and an additional condition proposed by the administration to ensure that the development being considered would not become land-locked.

Andrew Hretzay, Anson Development, appeared in support of the applications. In particular, Mr. Hretzay voiced his support for the extension of McGregor Street and the potential development of the City-owned land located to the east of said extension.

Lou Anna Roberts appeared in support of the proposed Plan Winnipeg amendment and in opposition to the proposed Subdivision and Rezoning, submitted photographs (Exhibit 11 to DASZ 53/3004) and read in to the record a petition opposing the Subdivision and Rezoning purporting to contain the signatures of twenty-eight (28) area residents, filed as Exhibit 12 to DASZ 53/2004. Ms. Roberts also commented on the lack of park space in the vicinity of the proposed residential development, and submitted a diagram outlining proportion of park to residential development for the area, filed as Exhibit 13 to DASZ 53/2004.

David Marsh, Planner, Planning, Property and Development Department addressed the issue of access and advised that the subject lands will be developed in phases and that a second access will have to be established prior to the start of the second phase of the development.

Krista Madgic appeared in support of the proposed Plan Winnipeg amendment and in opposition to the proposed Subdivision and Rezoning application. Ms. Madgic asked that consideration be given to set aside greenspace for area residents and that Home Depot may be willing to fund a play structure on said greenspace.

Wesley Dueck appeared in opposition to the applications, voiced his support for residential development and reiterated concerns regarding greenspace.

John and Marilia Sousa appeared in opposition to the Subdivision and Rezoning application due to concerns regarding access, traffic and light pollution. They advised they were not opposed to residential development in this area.

Kevin and Christine Steinke appeared in opposition to the Plan Winnipeg amendment and Subdivision and Rezoning application. Mr. Steinke cited concerns that ensuing road reconfigurations would likely result in their home being surrounded by roadways on the east, west and south sides of their property.

Anne Gay appeared in opposition to the Plan Winnipeg amendment and Subdivision and Rezoning application and submitted a petition in opposition to the application purporting to contain the signatures of twenty-nine (29) area residents, filed as Exhibit 14 to DASZ 53/2004. Ms. Gay stated that she was opposed to the applications for the following reasons:

- Increased traffic on Beecher Avenue;
- Concerns with the possibility of the establishment of a bus route on Beecher Avenue;
- Snow Removal;
- Negative impacts on drainage.

Warren Earl, DWE Holdings Ltd., appeared in opposition to the Subdivision and Rezoning and submitted a map of the area, filed as Exhibit 15 to DASZ 53/2004. Mr. Earl stated he was opposed to Recommendation 2(b) of the Administrative Coordinating Group report dated March 29, 2005, as it did not include a condition whereby the developer would be required to pay a portion of the cost of the land drainage sewer that was installed along Ferrier Street, between Templeton and Beecher Avenues.

Councillor O'Shaughnessy, Old Kildonan Ward, appeared for informational purposes. Councillor O'Shaughnessy stated that the proposed lot sizes were in character with similar developments throughout the city. Councillor O'Shaughnessy further stated that traffic on Swailes Avenue was not a problem nor would it be exasperated by the proposed development. Councillor O'Shaughnessy further stated that the development would alleviate drainage concerns in the area.

Bernhard Goertzen appeared for information and offered commentary on an application for residential development that he submitted to the Planning, Property and Development Department for an area adjacent to the proposed subdivision/rezoning.

The applicant, Doug Henne, returned in rebuttal and addressed the following concerns, namely: access to the Bergen Cut-Off; creation of additional greenspace including tot lots; ingress and egress to the proposed development via the roadways Swailes, Beecher and Ferrier; increased traffic volumes; and, land drainage issues.

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: April 6, 2005

Recommendation(s):

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 from Industrial Policy Area to Neighbourhood Policy Area, be forwarded to Council for Second Reading.

REPORT SUMMARY

Key Issues:

- On March 23, 2005, Council gave First Reading to By-law No. 46/2005 directing the Executive Policy Committee to schedule a public hearing (April 13, 2005) to consider amending Plan Winnipeg. Giving Second Reading to the proposed by-law will allow the proposed amendment to be forwarded to the Minister of Intergovernmental Affairs and Trade for consideration, prior to Third Reading and final approval at Council.

- Although background research and analysis demonstrates that the subject area identified in Attachment 1 would benefit from a comprehensive land use review as part of the up-coming Plan Winnipeg review process, Planning, Property and Development (the Department) feels that there is merit in considering a site-specific amendment (approximately 18 acres vacant land) to Plan Winnipeg. The proposed re-designation would extend the adjacent Neighbourhood Policy Area, located to the south and west, to include the subject area.

- The merits of a site-specific amendment to Plan Winnipeg are furthered by the concurrent consideration of the applicant's subdivision and re-zoning application (DASZ 53/04). The Department supports the proposed re-zoning and subdivision of the subject site, provided that a Plan Winnipeg amendment to "Neighbourhood Policy Area" is approved.

- The Department feels that the expansion of Neighbourhood Policy Area and proposed re-zoning and subdivision to support residential development is reasonable and logical. As supported in Plan Winnipeg, the re-designation to Neighbourhood Policy Area and subsequent re-zoning and subdivision, will support a more compact urban form as the existing vacant subject area is 'infilled' with new residential development that can be serviced in an environmentally sound, economical and timely manner.

- The Department feels that the subsequent loss of approximately 18 acres of Industrial Policy Area will not negatively impact the area's industrial land supply. Encroaching residential development, coupled with access issues, has diminished the subject area's viability to be developed for industrial use. Industrial activity has never materialized and the area remains vacant and unserviced.
- 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 will consider both the Plan Winnipeg amendment and subdivision and re-zoning application at the April 13, 2005 hearing.

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 negatively 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.

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. 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 is being addressed 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, will give consideration to both the Plan Winnipeg amendment and re-zoning.

– The subject area is currently zoned "A.5" Agricultural District. The Department recommends re-zoning to a "R1-4" Residential District. The DASZ 53/04 application being considered concurrently with the Plan Winnipeg amendment application details the analysis supporting this recommendation.

Financial Impact Statement

Date: March 31, 2005

COMMENTS:

It is recommended in this report 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 from Industrial Policy Area to Neighbourhood Policy Area be forwarded to Council for second reading. 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: Subject Area

O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2005 Reports\Plan Winnipeg\Swailes.SecondReading.doc

Attachment 1: Subject Area

