Minutes - Executive Policy Committee – February 15, 2006

Minute No. 217
Report - Standing Policy Committee on Property and Development - January 31, 2006

Item No. 9 **Transcona Yards Industrial Neighbourhood Area Redevelopment Plan**
File EP-1.2 (SP 2/2005)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the Transcona Yards Industrial Neighbourhood Area Redevelopment Plan dated June 2005, be replaced with the Transcona Yards Industrial Neighbourhood Area Redevelopment Plan dated November 2005, and approved with the following amendment:

   A. That Section 2.1 titled "General Intent" be amended by adding the words "and encouraging" after the word "allowing" and before the words "the introduction of" in the fifth bullet thereof.

2. That By-law No. 141/2005, the Transcona Yards Industrial Area Redevelopment Plan, be amended, and forwarded to Council for Second 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.

Minutes - Executive Policy Committee – February 15, 2006

Report - Standing Policy Committee on Property and Development – January 31, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On January 31, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 17, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendment, namely:

- That Section 2.1 of the Revised Transcona Yards Industrial Neighbourhood Area Redevelopment Plan dated November, 2005, titled "General Intent", be amended by adding the words "and encouraging" after the word "allowing" and before the words "the introduction of" in the fifth bullet thereof

and submitted its recommendation to the Standing Policy Committee on Property and Development.

On November 29, 2005, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on January 17, 2006.

On November 1, 2005, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on November 29, 2005.

On October 4, 2005, the East Kildonan-Transcona Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on November 1, 2005.

Report - Standing Policy Committee on Property and Development – January 31, 2006

DECISION MAKING HISTORY (continued):

On September 19, 2005, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on October 4, 2005, and requested the Applicant to consider amendments to the Transcona Yards Industrial Neighbourhood Area Redevelopment Plan.

RE: **Transcona Yards Industrial Neighbourhood Area Redevelopment Plan**
File SP 2/2005

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

Prepared by: **Inga K. Skundberg, Clerk**
East Kildonan-Transcona Community Committee

Report date: **January 24, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 17, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the Revised Transcona Yards Industrial Neighbourhood Area Redevelopment Plan dated November 2005 be approved, with the following amendment:

   A. That Section 2.1 entitled "General Intent" be amended by adding the words "and encouraging" after the word "allowing", and before the words "the introduction of", in the fifth bullet thereof.

2. That By-law No. 141/2005, the Transcona Yards Industrial Area Redevelopment Plan, as amended, be forwarded to Council for Second 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.

The East Kildonan-Transcona Community Committee provided the following supporting reasons for its recommendation:

1. The secondary planning process has included extensive consultation with the community and impacted land owners.

2. The secondary plan will result in a planning tool that will serve as a guide for future development and improve the community in the long term.

PUBLIC HEARING SUMMARY

File: SP 2 /2005

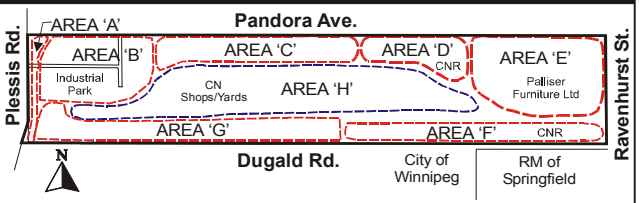
Before: East Kildonan-Transcona Community Committee
Councillor Lubosch, Chairperson
Councillor Wyatt

Public Hearing: January 17, 2006
November 29, 2005
November 1, 2005
October 4, 2005
September 19, 2005
Community Committee Chamber
755 Henderson Highway

Applicant: Director of Planning, Property and Development

Subject:

TRANSCONA YARDS AREA REDEVELOPMENT PLAN



An *Area Redevelopment Plan* provides direction for the efficient and orderly development of lands. These Plans incorporate land use concepts and transportation networks, municipal service delivery, and open spaces.

An *Area Redevelopment Plan* proposed for the Transcona Yards Industrial Neighbourhood recommends the following:

- allow existing industrial operations to continue.
- implement design standards and controls to manage future developments
- encourage the orderly development of the planned area in consideration of municipal infrastructure requirements and needs.
- provide specific policies for sub-areas of the neighbourhood.

Council has given first reading to the Plan as By-Law No. 141/2005 and authorized a Public Hearing (pursuant to Section 234(3)of the City of Winnipeg Charter) at the East Kildonan - Transcona Community Committee.

For more information, phone John Wintrup, Planner, 986-5102.
The Area Redevelopment Plan can be found on-line at http://www.winnipeg.ca/ppd/planning.stm

Premises Affected: Land south of Pandora Avenue East, east of Plessis Road, north of Dugald Road, and west of Ravenhurst Street

Exhibits Filed:

1a. Council Decision of July 27, 2005; contains report from the Director of Planning, Property and Development dated July 8, 2005
1b. Transcona Yards Industrial Neighbourhood Area Redevelopment Plan
2. First Reading of By-law No. 141/2005 by Council on July 27, 2005
3. Notification of Public Hearing dated August 29, 2005
4. Report from the Manager of Planning and Land Use dated September 14, 2005
5. Communication dated September 19, 2005, from Elizabeth Evans, with respect to the application
6. Supplementary Report from the Planner dated November 1, 2005
7. Revised Transcona Yards Industrial Neighbourhood Area Redevelopment Plan
8. Communication dated November 29, 2005, from Kathy Douglas in opposition to the application
9. Communication dated November 29, 2005, from Elizabeth Evans, with respect to the application submitted at the public hearing held on November 29, 2005
10. Communication dated September 21, 2005 from Louise Hedman with respect to the application
11. Supplementary Report from the Planner dated January 17, 2006
12. Communication dated January 17, 2006, with respect to the application submitted by Elizabeth Evans at the public hearing held on January 17, 2006
13. Winnipeg Free Press article dated October 14, 2005 submitted by Trudy Smith at the public hearing held on January 17, 2006
14. Information on Sulphur Dioxide and Sulfuric Acid submitted by Gene Smith at the public hearing held on January 17, 2006
15. Information on Sources of Indoor Air Pollution submitted by Gene Smith at the public hearing held on January 17, 2006

REPRESENTATIONS:

In Support:

Martin Grady, Senior Planner (Plan Winnipeg), Planning, Property and Development Department
John Wintrup, Planner, Planning, Property and Development Department

In Opposition

Kathy Douglas
Elizabeth Evans
Gene and Trudy Smith

For Information:

Clyde F. Green
Louise Hedman
Constance Menzies
Dave Tardi

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING

September 19, 2005

Martin Grady, Senior Planner (Plan Winnipeg), Planning, Property and Development Department, provided an overview of the subject application and the secondary planning process. He displayed a rendering entitled "Transcona Yards Industrial Neighbourhood Existing Land Use." He advised that the Canadian National Railway Company (CN)'s rail yards have evolved over time and that some of the lands have become surplus to their operations. He further advised that most of the subject property is zoned "M3" Industrial District and is located adjacent to non-industrial uses like residential lands. In this connection, he indicated the redevelopment plan is a tool for the development of the site and is designed to balance CN's objectives with the interests and needs of the immediate neighbourhoods, including private businesses and adjacent residential areas. He advised that the public and land owners were given the opportunity to shape the policies of the redevelopment plan and that a number of public forums were held regarding the plan.

Discussion ensued between members of the East Kildonan-Transcona Community Committee and the applicant with respect to the following; plan being a guideline for future development; impact of land uses and activities on lands adjacent to them, such as industrial uses and the

affects of noise, smoke, and odour on adjacent residential sites; traffic levels; and, impact of truck traffic accessing Dugald Road and related safety considerations.

Elizabeth Evans appeared in opposition to the application and read into the record her presentation, which included proposed amendments to the Transcona Yards Industrial Neighbourhood Area Redevelopment Plan, filed as Exhibit 5.

Kathy Douglas appeared in opposition to the application and advised that her land is zoned an agricultural designation and is located beside land designated industrial. She indicated that a 24 hour trucking firm moved in the vicinity of her property, and in this connection, commented that the secondary plan should prevent trucking firms from moving in and that industrial uses should conform to the proposed plan.

Dave Tardy, representing Big Freight Systems Inc., appeared for information, and requested if the proposed secondary plan will allow existing industrial uses to continue and how uses that currently exist will be impacted by the plan.

Constance Menzies appeared for information, and advised she is the Environmental Coordinator for Palliser Furniture. She expressed her opinion that it is Palliser's responsibility to protect the environment as a business and that tighter regulations help her in her job as an Environmental Coordinator.

In rebuttal, Martin Grady indicated that the proposed plan attempts to encourage development of a more lighter, moderate industrial/commercial activity at the periphery of the plan area, and only allow the maintenance of the heavier industrial uses and existing rail activities at the centre of the area. In this connection, he referred to the rendering entitled "Transcona Yards Industrial Neighbourhood Existing Land Use." He indicated that trucking is considered a medium use and referred to the rights of existing businesses whose property is designated "M3" Industrial District.

Councillor Wyatt requested the applicant to consider the following amendments to the Transcona Yards Industrial Neighbourhood Area Redevelopment Plan, namely:

- 2.0 LAND USE CONCEPT
  2.1 General Intent

  - That the fifth bullet be amended as follows:

    That the word "possible" after the words "allowing the" and before the words "introduction of" be deleted.

- 2.2 General Policy Direction

  - That a new Condition be added as follows:

    "2.2 d) Though this plan's recommendations/policies are directed towards future development and redevelopment, the existing property uses are encouraged by the City to live up to the spirit and intent of the Transcona Yards Industrial Neighbourhood Area Redevelopment Plan."

- 3.0 GENERAL POLICIES
  3.5 Community Connections

  - That Condition No. 3.5.1 be amended as follows:

    That the words "should consider" be substituted with the words "shall provide".

  - That Condition No. 3.5.2 be amended as follows:

    That the word "may" be substituted with the word "shall".

  3.6 Sensitive Lands

  - That Condition No. 3.6.1 be amended as follows:

    That the word "may" be substituted with the word "shall", and that the following words be added "and through a process of complete cooperation with the property owners that address those needs and desires."

- 4.0 SPECIFIC AREA POLICIES
  4.1 Area A (Plessis Road Frontage)

  - That Conditions 4.1.1, 4.1.2, 4.1.3 be amended as follows:

    That the word "may" be substituted with the word "shall".

  - That Condition 4.1.4 be deleted in its entirety, and that Conditions 4.1.5 and 4.1.6 be renumbered accordingly.

- 4.2 Area B (Industrial Park)

  - That Condition 4.2.1 be amended as follows:

    That the word "industrial uses" be substituted with the words "light industrial and commercial uses".

- That a new Condition be added as follows:

  "4.2.4 The City shall pursue the improvement of the aesthetic treatment of the Pandora frontage."

- 4.3 Area C (Pandora Frontage)

  - That Condition 4.3.1 be amended as follows:

    That the word "are" be substituted with the words "shall be".

  - That Condition 4.3.2 be amended as follows:

    That the word "should" be substituted with the word "shall".

- 4.4 Area D (Vacant Lands)

  - That Condition 4.4.1 be amended as follows:

    That the word "should" be substituted with the word "shall".

  - That a new Condition be added as follows:

    "4.4.5 The City shall pursue the improvement of the aesthetic treatment of the Pandora Avenue frontage."

- 4.5 Area E (North East Corner of Plan Area)

  - That new Conditions be added as follows:

    "4.5.8 The City shall pursue the improvement of the aesthetic treatment of the Pandora Avenue and Ravenhurst Street frontage.

    4.5.9 Future uses shall be restricted to light or medium industrial, commercial, office or other less impacting uses than typical heavy industrial uses as it pertains to vacant lands.

    4.5.10 Light or medium industrial, commercial, office or other less impacting uses than typical heavy industrial uses should be encouraged."

- 4.6 Area F (Dugald Frontage East)

  - That Condition 4.6.1 be amended as follows:

That the word “light to medium” be added after the words “All types of”, and before the words “industrial development”.

- That new Conditions be added as follows:

  “4.6.6 Light or medium industrial, commercial, office or other less impacting uses than typical heavy industrial uses should be encouraged.

  4.6.7 Future uses shall be restricted to light or medium industrial, commercial, office or other less impacting uses than typical heavy industrial uses as it pertains to vacant lands.

  4.6.8 The City shall pursue the improvement of the aesthetic treatment of the Dugald Road and Ravenhurst Street frontage.”

- 4.7 Area G (Dugald Frontage West)

  - That Condition 4.7.1 be deleted in its entirety, and that Conditions 4.7.2, 4.7.3, and 4.7.4 be renumbered to Conditions 4.7.1, 4.7.2, and 4.7.3 accordingly.

  - That renumbered Condition 4.7.1 be amended as follows:

    That the word “are” be substituted with the words “should be”.

  - That new Conditions be added as follows:

    “4.7.4 Future uses shall be restricted to light or medium industrial, commercial, office or other less impacting uses than typical heavy industrial uses as it pertains to vacant lands.

    4.7.5 The City shall pursue the improvement of the aesthetic treatment of the Dugald Road frontage.”

- 5.0 DEVELOPMENT CONTROL ZONE STANDARDS
  5.3 Driveways and Parking

  - That Condition 5.3.4 be amended as follows:

    That the word “may” be substituted with the word “shall”.

- APPENDIX "C" Future Infrastructure
  1.5 Alternative Pedestrian / Recreation Linkages

  - That the 4th paragraph be amended as follows:

    That the words "permanent asphalt trail" be substituted with the words "concrete sidewalk".

October 4, 2005

No representations were heard inasmuch as the East Kildonan-Transcona Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

November 1, 2005

No representations were heard inasmuch as the East Kildonan-Transcona Community Committee adjourned the Public Hearing with respect to this application prior to opening representations.

November 29, 2005

John Wintrup, Planner, Planning, Property and Development Department, referred to his report which provided a response to the amendments to the Transcona Yards Industrial Neighbourhood Area Redevelopment Plan proposed at the original public hearing held on September 19, 2005, filed as Exhibit 6. In this connection, he referenced a subsequent Revised Transcona Yards Industrial Neighbourhood Area Redevelopment Plan, filed as Exhibit 7.

Elizabeth Evans appeared in opposition to the application and read into the record her presentation, which included further proposed amendments to the Transcona Yards Industrial Neighbourhood Area Redevelopment Plan, filed as Exhibit 9.

John Wintrup advised that he had received a legal opinion from the Legal Services Division stating that the Secondary Plan cannot limit new development in the "M3" Heavy Industrial lands to only light industrial, commercial and office uses, and therefore restrict heavy industrial uses. The legal opinion indicated that restricting heavy industrial uses can only be accomplished by amendment to The Winnipeg Zoning By-law No. 6400/94 subsequent to the enactment of the by-law adopting the respective secondary plan.

January 17, 2006

John Wintrup, Planner, Planning, Property and Development Department, referred to his supplementary report, filed as Exhibit 11, which included amendments to the Transcona Yards Industrial Neighourhood Area Redevelopment Plan and are reflected in the Revised Transcona Yards Industrial Neighourhood Area Redevelopment Plan (Exhibit 7). He reiterated commentary provided at the initial public hearing that the secondary plan is a policy document

and is a tool to be utilized to manage future development of the area. He indicated that the proposed plan encourages light industrial uses along Ravenhurst Street but cannot restrict the heavy industrial uses that currently exist.

Elizabeth Evans appeared in opposition to the application and read into the record her presentation, which included further proposed amendments to the Revised Transcona Yards Industrial Neighbourhood Area Redevelopment Plan, filed as Exhibit 12.

Trudy Smith appeared in opposition to the application and expressed concern regarding further pollution in the area. She referred to the Winnipeg Free Press article entitled "Thompson smelter nation's top polluter", filed as Exhibit 13.

Gene Smith appeared in opposition to the application and advised the hazards of chemicals. In this connection, he submitted information on Sulphur Dioxide and Sulfuric Acid, as well as on Sources of Indoor Air Pollution, filed as Exhibits 14 and 15 respectively.

Kathy Douglas appeared in opposition to the application, and read into the record her presentation (Exhibit 8) which was previously submitted. She expressed concern relative to air quality monitoring.

Constance Menzies appeared for information. She advised the process of Palliser Furniture as it relates to their facilities' emissions and further advised that Manitoba Conservation, Province of Manitoba, conducted a Transcona community air quality monitoring study.

John Wintrup commented that many of the concerns expressed by those in opposition relate to uses that currently exist. In this connection, he reiterated that the secondary plan cannot restrict the existing heavy industrial uses but is a plan designed to mitigate future negative impacts by providing a policy document that guides future development and encourages a better future for the Transcona Yard area.

Exhibit "4" referred to in File SP 2/2005

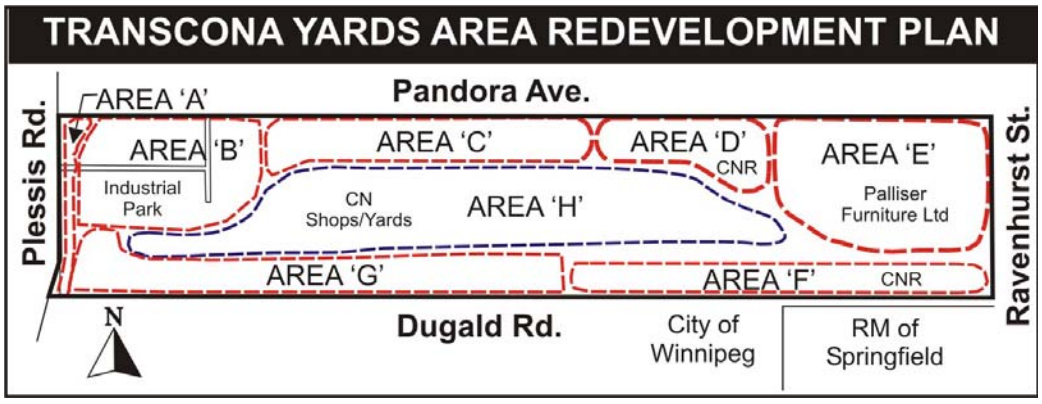
Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: **September 14, 2005**
File: **SP 02/2005**

Subject: **Transcona Yards Industrial Area Redevelopment Plan**

Location: **South of Pandora Avenue East, east of Plessis Road, north of Dugald Road and west of Ravenhurst Street.**



Applicant: Director of Planning, Property and Development

Recommendation: That By-law **No. 141/2005**, the **Transcona Yards Industrial Area Redevelopment Plan,** be forwarded to Council for Second and Third Reading.

Report Summary:

- A collaborative and consultative planning process to create an Area Redevelopment (Secondary) Plan for the Transcona Yards Industrial Neighbourhood has been completed.

- A Secondary Plan with policies guiding the future development of the Transcona Industrial Yards has been prepared.
- The Secondary Plan accommodates the affected land-owner's redevelopment plans while respecting the immediate neighbourhood.
- The impacted land owners, including the Canadian National Railway Company (CN), and the community have had the opportunity to provide input to the Secondary Plan that directly impacts their neighbourhood.
- Civic departments have reviewed the Secondary Plan to ensure the appropriate conditions and requirements to accommodate growth have been included in the plan's policies.
- The adoption of the Secondary Plan as a by-law requires First Reading at Council and then a Public Hearing prior to Second and Third Reading at Council.
- By-law **No. 141/2005**, the **Transcona Yards Industrial Area Redevelopment Plan,** has been given First Reading at Council on July 27, 2005.
- The committee of council designated for the purpose of conducting the hearing respecting the proposed by-law is the East Kildonan – Transcona Community Committee.
- The East Kildonan – Transcona Community Committee should recommend approval of the **Transcona Yards Industrial Area Redevelopment Plan** and forward the by-law to Council for Second and Third Reading**.**

Site Description

The **Transcona Yards** is an industrial *Neighbourhood Characterization Area* comprised of more than 800 acres of industrially zoned land south of Pandora Avenue East, east of Plessis Road, north of Dugald Road and west of Ravenhurst Street. Most of the property is zoned "M3" Industrial District with approximately 80 acres at the northwest corner zoned "M2" Industrial District. The major user of the Transcona Yards is CN. Others include New Flyer Industries, the Freshwater Fish Institute, City of Winnipeg Police / Fire, Dominion Malting, Cargill Grains and Palliser Furniture. There are residential areas immediately to the north, west and south of the Transcona Yards.

The rail yards have always been an important part of the culture, heritage and economy of the Transcona community. Other uses, however, are not necessarily compatible with a residential community that has evolved around CN. Issues of compatibility, access, and infrastructure requirements must be considered prior to the devolution of CN land. This has become evident in the recent developments on CN lands north of Dugald that include Big Freight Hauling, Ken Paulson Rentals, Armtec, and Storageville. These developments have resulted in complaints from existing residents on the south side of Dugald. There is also growing concern from Civic Departments regarding the existing condition of infrastructure along Dugald Road and the possible future demands.

Background

On June 23, 2004, Council adopted a motion to begin a collaborative and consultative planning process to create an Area Redevelopment (Secondary) Plan for the Transcona Yards Industrial Neighbourhood.

Description of the Proposed Secondary Plan

- The secondary plan allows existing industrial operations to continue, and implements design standards and controls to manage future industrial developments.
- The secondary plan encourages the orderly development of the planned area in consideration of the municipal infrastructure requirements and needs.
- A secondary plan by-law for the Transcona Yards, if adopted, would set policy directions for redevelopment of the area.
- Design standards and controls requiring approval by the Director of Planning, Property and Development will be implemented.

Analysis

Secondary Plans

A Secondary Plan *is the most effective tool to balance CN's development objectives with the interests of immediate neighbourhoods and the long-term infrastructure requirements for Transcona. This plan identifies and assists in managing future growth in the area, recognizing the needs and desires of all parties, including: business needs for growth, development, certainty and security; surrounding neighbourhood needs for quality of life, safety and enjoyment of private property; and the City of Winnipeg's needs, which include the efficient provision of infrastructure and services. The planning process for developing the secondary plan has been collaborative with local residents and business interests providing insight into their issues and interests within the area.*

Transcona Yards Industrial Area Redevelopment Plan

The Transcona Yards Industrial Area Redevelopment Plan policies provide support for the continuing heavy industrial uses, while encouraging a move to lighter, moderate industrial/commercial activity at the periphery of the plan area. Design standards and controls are also required for the future industrial/commercial operations at the periphery and adjacent to the residential areas to mitigate the potential land-use conflicts. Building designs and site plans for new developments will require approval by the Director of Planning, Property and Development.

Public Input

The public and affected land-owners were given three forums to shape the policies of the Transcona Yards Industrial Area Redevelopment Plan. An Advisory Committee of nearby residents (two from North Transcona and two from South Transcona) and land-owners

(including CN Rail and Palliser Furniture) met several times to discuss the issues surrounding the Transcona Yards. The Advisory Committee was also given drafts of the plan for review and provided input on the direction of the plan's policies. The public was invited to a public workshop on September 23, 2004 were over 80 people participated in voicing their concerns, issues, and interests as well as solutions for the Transcona Yards Industrial Neighbourhood. A draft of the plan was presented to the public at an open house on December 14, 2004 when 16 people attended and provided feedback.

Recommendation

That By-law **No. 141/2005**, the **Transcona Yards Industrial Area Redevelopment Plan,** be forwarded to Council for Second and Third Reading.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: John S. Wintrup
PPD File # 4.431

ATTACHMENT A

REFERENCE: FILE NO: SP 02/05

THE CITY OF WINNIPEG

BY-LAW NO. 141/2005

A By-law of **THE CITY OF WINNIPEG** to adopt a Secondary Plan for the Transcona Yards Neighbourhood.

THE CITY OF WINNIPEG, in Council assembled, hereby establishes the attached document entitled "Transcona Yards Industrial Neighbourhood Secondary Plan" as a secondary plan.

1. This By-Law shall be referred to as the **"Transcona Yards Industrial Area Redevelopment Plan".**

RECEIVED FIRST READING on this _____ day of _____ A.D., 2005.

RECEIVED SECOND READING on this _____day of _____ A.D., 2005.

RECEIVED THIRD READING on this _____day of _____ A.D., 2005.

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. SP 02/2005

Exhibit "6" referred to in File SP 2/2005

Planning, Property and Development Department

Planning and Land Use Division
Unit 15, 30 Fort Street

November 1, 2005

Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

RE: TRANSCONA YARDS INDUSTRIAL AREA REDEVELOPMENT PLAN (SP 02/2005)

Dear Ms. Skundberg:

Item 5, Minute 340 – EKT CC September 19, 2005

At the September 19, 2005 Public Hearing regarding the Transcona Yards Industrial Area Redevelopment Plan, a number of amendments were tabled by the Committee. The EKTCC layed the matter over to allow a review of the proposed changes by the Planning and Land-use Division.

To summarise, many of the changes restrict heavy industrial lands-uses on the periphery of the plan area by limiting new developments to light industrial, commercial and office uses. Some of the changes also explicitly require the City of Winnipeg to improve the aesthetic treatment of the Pandora Avenue Frontage, and establish open green spaces at the four (4) corners of the Plan Area.

The Planning and Land-use Division is of the opinion that encouraging light industrial, commercial, office, institutional and green spaces on the periphery is desirable to buffer against the adjacent residential lands. Additional policies and statements to support the future rezoning of the lands to light industrial, commercial, institutional, office and open green space lands-uses can be inserted into the Secondary Plan to reflect this intention.

We are also of the opinion that given the increasing amount of commercial land uses locating on industrially zoned lands across the City of Winnipeg over the last few years, there is a stronger market for commercial rather than heavy industrial lands. The 'M3' zoning allows 134 permitted Industrial uses whereas 'M2' allows 153 uses that include many commercial uses (for example, the lands around Polo Park Mall are zoned 'M2' and include Wall-Mart, and the lands south of Taylor at Grant Park Festival with a Sobey's, Boston Pizza, and Dollar Store are zoned 'M2').

And given the increasing residential traffic along Dugald from the growing residential subdivisions in the RM of Springfield, the lands along Dugald will certainly be attractive for commercial uses to service these residents.

The City has the authority to amend the zoning designations of properties based on their best use in the future and to amend existing development rights on private properties especially if existing policies support such an action. We, however, in this secondary plan process, recognize and respect the land owners' existing legal rights to heavy industrial land-uses. We also believe it is on the onerous of the land owners to proceed with their own applications to rezone property and pay the costs associated with a rezoning (service agreements, land dedication, etc.). And, we feel that changing specific land-use categories, and restricting land-uses as suggested by the Committee is better served though the appropriate planning tools such as a rezoning and not a secondary plan. Thus, we are recommending policies that will encourage light industrial and commercial land uses that will facilitate future rezonings and down zonings by the City of Winnipeg. We are not restricting land-uses through the Secondary Plan.

The following is the Divisions' recommendation in regards to the proposed changes:

- 2.0 LAND USE CONCEPT
  2.1 General Intent

  - That the fifth bullet be amended as follows:

    That the word "possible" after the words "allowing the" and before the words "introduction of" be deleted.

No policy implications or shifts with this change and the intention of the statement remains.

- 2.2 General Policy Direction

  - That a new Condition be added as follows:

    "2.2 d) Though this plan's recommendations/policies are directed towards future development and redevelopment, the existing property uses are encouraged by the City to live up to the spirit and intent of the Transcona Yards Industrial Neighbourhood Area Redevelopment Plan."

The Division agrees with the intention of this policy and recommends a change of wording to clarify this policy. For example:

The existing land users are encouraged to embrace the spirit and intention of the Transcona Yards Industrial Neighbourhood Area Redevelopment Plan to guide them in the management of their current activities and facilities on their lands.

- 3.0 GENERAL POLICIES
  3.7 Community Connections

  - That Condition No. 3.5.1 be amended as follows:

    That the words “should consider” be substituted with the words “shall provide”.

  - That Condition No. 3.5.2 be amended as follows:

    That the word “may” be substituted with the word “shall”.

The Division agrees with the changing intention of this policy. As opportunities present themselves through redevelopment applications (rezoning/subdivisions), the City of Winnipeg will attach agreements to acquire future rights-of-ways. For new developments that require only a review by the Division, buildings and permanent structures will be required to be located in manner as to preserve the future rights-of-ways. The future rights-of-way will permit the further development of the interior Transcona Yards instead of only the edges of the plan area.

3.8.2 The City shall consider future transportation linkages within the Plan Area (Figure 10) when reviewing any plans of development, and shall protect the future rights-of-ways through site plan reviews (Section 5.0), development controls, easement agreements and/or acquiring land. Before acquiring any lands for right-of-way purposes, the City should undertake a transportation study to confirm the suitability of such rights-of-way for incorporation into the area street system.

3.8 Sensitive Lands

- That Condition No. 3.6.1 be amended as follows:

  That the word “may” be substituted with the word “shall”, and that the following words be added “and through a process of complete cooperation with the property owners that address those needs and desires.”

The policy implications shifts with this change from a 'may' to a 'shall' will result in the City of Winnipeg being required to work with the landowner in a consultative and cooperative process to promote the conservation and preservation of the sensitive lands. The changing policy is in keeping with Plan Winnipeg's policies regarding Environmentally Sensitive Lands, and only obligates the City of Winnipeg to a general process.

- 4.0 SPECIFIC AREA POLICIES
  4.2 Area A (Plessis Road Frontage)

  - That Conditions 4.1.1, 4.1.2, 4.1.3 be amended as follows:

    That the word "may" be substituted with the word "shall".

The policy implications shifts with this change from a 'may' to a 'shall' will result in the City of Winnipeg being required to establish parks, pathways, landmarks, etc. If the Committee desires to require the establishment of green spaces, etc., to ensure such features are established as part of development applications and redevelopment of land, The Division recommends that clause as opportunities present themselves ***be added to the end of 4.1.1; 4.1.2; 4.1.3***

  - That Condition 4.1.4 be deleted in its entirety, and that Conditions 4.1.5 and 4.1.6 be renumbered accordingly.

The Division recommends that Policy 4.1.4 remain. The existing land-uses all ready include the Freshwater Fish Marketing Company and a Gas Pipeline. The presence of the Gas Pipeline and the policies regarding the setback from the pipeline ensure that large, open spaces will be preserved along Plessis Road that future light industrial and commercial uses will be required to respect.

- 4.2 Area B (Industrial Park)

  - That Condition 4.2.1 be amended as follows:

    That the word "industrial uses" be substituted with the words "light industrial and commercial uses".

No policy implications or shifts with this change. The overall impact of the intention is consistent with the Plan's goal of encouraging light industrial and commercial uses to establish in the Plan Area. The Division is recommending the following clause be subsitutied for 4.2.1 to be consistent with the policies of the plan.

"Light industrial, commercial, institutional and/or office uses shall be encouraged to be developed as opportunities arise."

- That a new Condition be added as follows:

  "4.2.4 The City shall pursue the improvement of the aesthetic treatment of the Pandora frontage as opportunities arise.**"**

The policy implications shifts with this change from a 'may' to a 'shall' will result in the City of Winnipeg being required to improve the appearance of Pandora Avenue along the south side as opportunities present themselves.

- 4.3 Area C (Pandora Frontage)

  - That Condition 4.3.1 be amended as follows:

    That the word "are" be substituted with the words "shall be".

No policy implications or shifts with this change and the intention of the statement remains.

  - That Condition 4.3.2 be amended as follows:

    That the word "should" be substituted with the word "shall".

The policy implications shifts with this change from a 'may' to a 'shall' will result in the City of Winnipeg being required to improve the appearance of Pandora Avenue along the south side as opportunities arise.

- 4.4 Area D (Vacant Lands)

  - That Condition 4.4.1 be amended as follows:

That the word “should” be substituted with the word “shall”.

The Division recommends that Policy 4.4.1 be deleted. The following policy should be substituted to clarify the intention of this policy and overall goal of the Secondary Plan to encourage light industrial, commercial and office uses without restricting the existing rights for heavy industrial.

“Light industrial, commercial, institutional and/or office uses shall be encouraged to be developed as opportunities arise.”

- That a new Condition be added as follows:

  “4.4.5 The City shall pursue the improvement of the aesthetic treatment of the Pandora frontage as opportunities arise.”

The policy implications shifts with this change from a ‘may’ to a ‘shall’ will result in the City of Winnipeg being required to improve the appearance of Pandora Avenue along the south side as opportunities arise.

- 4.5 Area E (North East Corner of Plan Area)

- That new Conditions be added as follows:

  “4.5.8 The City shall pursue the improvement of the aesthetic treatment of the Pandora and Ravenhurst frontage as opportunities arise”.

The policy implications shifts with this change from a ‘may’ to a ‘shall’ will result in the City of Winnipeg being required to improve the appearance of Pandora Avenue along the south side and Ravenhurst along the west side as opportunities present themselves.

4.5.9 Future uses shall be restricted to light or medium industrial, commercial, office or other less impacting uses than typical heavy industrial uses as it pertains to vacant lands.

4.5.10 Light or medium industrial, commercial, office or other less impacting uses than typical heavy industrial uses should be encouraged.”

The Division recommends that Policy 4.5.9. and 4.5.10 not added. The following policy should be substituted to clarify the intention of these policies and overall goal of the Secondary Plan

to encourage light industrial, commercial and office uses without restricting the existing rights for heavy industrial.

"Light industrial, commercial, institutional and/or office uses shall be encouraged to be developed as opportunities arise."

- 4.6 Area F (Dugald Frontage East)

- That Condition 4.6.1 be amended as follows:

  That the word "light to medium" be added after the words "All types of", and before the words "industrial development".

- That new Conditions be added as follows:

  "4.6.6 Light or medium industrial, commercial, office or other less impacting uses than typical heavy industrial uses should be encouraged.

  4.6.7 Future uses shall be restricted to light or medium industrial, commercial, office or other less impacting uses than typical heavy industrial uses as it pertains to vacant lands.

The Division recommends that Policy 4.6.1. be deleted and 4.6.6 and 4.6.7 not be added. The following policy should be substituted to clarify the intention of these policies and overall goal of the Secondary Plan to encourage light industrial, commercial and office uses without restricting the existing rights for heavy industrial.

"Light industrial, commercial, institutional and/or office uses shall be encouraged to be developed as opportunities arise."

4.6.8 The City shall pursue the improvement of the aesthetic treatment of the Dugald Road and Ravenhurst frontage as opportunities arise."

The policy implications shifts with this change from a 'may' to a 'shall' will result in the City of Winnipeg being required to improve the appearance of Ravenhurst along the west side and Dugald along the north side as opportunities present themselves.

- 4.7 Area G (Dugald Frontage West)

- That Condition 4.7.1 be deleted in its entirety, and that Conditions 4.7.2, 4.7.3, and 4.7.4 be renumbered to Conditions 4.7.1, 4.7.2, and 4.7.3 accordingly.

- That renumbered Condition 4.7.1 be amended as follows:

  That the word "are" be substituted with the words "should be".

- That new Conditions be added as follows:

  "4.7.4 Future uses shall be restricted to light or medium industrial, commercial, office or other less impacting uses than typical heavy industrial uses as it pertains to vacant lands.

The Division recommends that Policy 4.7.1. be deleted and 4.7.4 not be added. The following policy should be substituted to clarify the intention of these policies and overall goal of the Secondary Plan to encourage light industrial, commercial and office uses without restricting the existing rights for heavy industrial.

"Light industrial, commercial, institutional and/or office uses shall be encouraged to be developed as opportunities arise."

4.7.6 The City shall pursue the improvement of the aesthetic treatment of the Dugald Road frontage as opportunities arise."

The policy implications shifts with this change from a 'may' to a 'shall' will result in the City of Winnipeg being required to improve the appearance Dugald along the north side.

- 5.0 DEVELOPMENT CONTROL ZONE STANDARDS
  5.4 Driveways and Parking

  - That Condition 5.3.4 be amended as follows:
    That the word "may" be substituted with the word "shall".

The Division agrees with the changing intention of this policy. The development of new storage compounds will require an asphalt, concrete or gravel surface. This will not allow dirt/mud/grass for permanent storage compounds, which should be discouraged. The Division is further recommending that to following policy be amended to clarify its intention:

5.3.3 Accessory off-street parking areas and access driveways shall be surfaced with asphalt or concrete.

- APPENDIX "C" Future Infrastructure
  1.6 Alternative Pedestrian / Recreation Linkages

  - That the 4th paragraph be amended as follows:

    That the words "permanent asphalt trail" be substituted with the words "concrete sidewalk".

The Division recommends that the words 'permanent asphalt trail' be replaced with the words 'pedestrian pathway'. The exact type of pedestrian pathway (asphalt trial, gravel trail, concrete sidewalk, etc.) can be determined at a later date as part of the Dugald Road widening project. The intention of the secondary plan policy is to ensure there is policy support for the creation of the pedestrian links, not the exact type of link .

Submitted by:
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