Agenda – Council – September 22, 2010

Report – Executive Policy Committee – September 8, 2010

Item No. 2 Rezoning – north side of Pandora Avenue West between Day and Winona Streets (Transcona Ward) File DAZ 211/2010

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 8, 2010, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the City of Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 211/2010 dated June 30, 2010 to a"C2" Commercial Community District and "R2" Residential Two-family District.

2. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

3. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

4. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report – Executive Policy Committee – September 8, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 8, 2010, the Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Rezoning - north side of Pandora Avenue West between Day and Winona Streets**
File DAZ 211/2010

For submission to: **The Executive Policy Committee**

Prepared by: **Carlos Gameiro, Senior Committee Clerk**
East Kildonan-Transcona Community Committee

Report date: **July 14, 2010**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the City of Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 211/2010 dated June 30, 2010 to a"C2" Commercial Community District and "R2" Residential Two-family District.

2. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

3. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

4. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

1. This is consistent with the entire area which is now commercial or residential.

2. This came out of the process for the Downtown Transcona Plan Development Overlay to improve the entire area.

PUBLIC HEARING SUMMARY

File:	DAZ 211/2010
Before:	East Kildonan-Transcona Community Committee Councillor Browaty, Chairperson Councillor Wyatt
Public Hearing:	July 13, 2010 Bronx Park Community Centre 720 Henderson Highway
Applicant:	Director of Planning, Property and Development (Bryan Ward, Planner, Planning, Property and Development Department)
Subject:	
Premises Affected:	north side of Pandora Avenue West between Day and Winona Streets

Exhibits Filed:

1. Application dated May 12, 2010
2. Notification of Public Hearing dated June 22, 2010
3. Aerial photo of the subject property
4. Report from the Planning and Land Use Division dated July 5, 2010
5. Inspection Report
6. Audio Recording of representations

REPRESENTATIONS:

In Support:

Bryan Ward, Planner, Planning, Property and Development Department

In Opposition

Nil

For Information:

Nil

Exhibit "4" referred to in File DAZ 211/2010

ADMINISTRATIVE REPORT

Title: DAZ 211/10 Pandora Avenue West between Day Street and Winona Street Public Hearing

Issue: For consideration at the Public Hearing of the rezoning of eight (8) properties from "M1" Manufacturing Light District to "C2" Commercial Community District and "R2" Residential Two-Family District

Critical Path: East Kildonan – Transcona Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	n/a	n/a	

RECOMMENDATIONS

1. That the City of Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 211/2010 dated June 30, 2010 to a"C2" Commercial Community District and "R2" Residential Two-family District.

2. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

3. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three (3) readings.

4. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The purpose of this rezoning is to alleviate the inconvenience imposed by the "M1" Manufacturing Light District Bulk Regulations (Dimensional Standards) of Zoning By-law 200/2006 and to support the community vision for Down Town Transcona as a mixed commercial and residential Small Town Downtown.

- The subject lots on Pandora Avenue between Day and Winona streets are zoned M1 Manufacturing Light whereas the existing uses of the properties are commercial and residential.

- Rezoning to the appropriate residential and commercial zoning districts will rationalize the zoning of these properties to match the existing land uses.

- This amendment will correct zoning anomalies that do not match the historic or current use of the properties and that do not fit within the current neighbourhood or the vision for the neighbourhood.

- The recommendations of this report are consistent with the recommendations of the Downtown Transcona Planned Development Overlay report which was endorsed by the East Kildonan -Transcona Community Committee on May 18th, 2010 and by the Standing Policy Committee on Property and development on June 8th, 2010.

- Non-conforming buildings may continue to be occupied and non-conforming uses may continue to operate as they do today. They will be legally established non-conforming uses and structures and will have the rights given to them in zoning by-law 200/2006.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Planning and Land Use Division are concurred in, the subject properties will be rezoned.

HISTORY

On March 16, 2010, the East Kildonan-Transcona Community Committee passed the following motion:

> WHEREAS The Winnipeg Public Service is currently in the midst of a zoning review project to
> create a Planned Development Overlay for the Downtown Transcona area;
>
> AND WHEREAS the new Planned Development Overlay will create a unique character for
> Downtown Transcona that will act as an incentive for the economic and aesthetic development of
> the Downtown Transcona area;

AND WHEREAS the existing industrial zoning along the north side of Pandora is outdated, not
consistent with the existing land uses in the area, would act as a deterrent to future development
of the lands in keeping with the intent of the proposed Planned Development Overlay for the
Downtown Transcona area, and is a barrier to encouraging appropriate infill development;

THEREFORE BE IT RESOLVED THAT the East Kildonan-Transcona Community Committee
recommend to the Standing Policy Committee on Property and Development that the Winnipeg
Public Service be instructed to initiate a rezoning of the properties on the north side of Pandora
Avenue between Day and Winona Streets to correct an historical anomaly whereby the lands are developed in commercial and residential uses but bear an industrial zoning designation of M1 - Manufacturing Light, and that the lands be rezoned to the appropriate residential and commercial zoning districts.

On April 6, 2010 The Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, namely:

1. That the Winnipeg Public Service be instructed to initiate a rezoning of the properties on the north side of Pandora Avenue between Day and Winona Streets to correct an historical anomaly whereby the lands are developed in commercial and residential uses but bear an industrial zoning designation of M1 - Manufacturing Light, and that the lands be rezoned to the appropriate residential and commercial zoning districts.

- The subject parcels have been zoned “M1” since at least 1987 with the adoption of the East Kildonan Transcona Zoning By-law, by-law 4400.

CONSULTATION

In preparing this report there was consultation with: n/a

SUBMITTED BY

Department	Planning, Property and Development
Division	Development and Inspections Division
Prepared by	Bryan Ward
Date	July 5, 2010
File No.	DAZ 211/10

List of Schedules and Attachments

1. Appendix A – Planning Discussion
2. Schedule “A” for File No. DAZ 211/10

APPENDIX 'A'

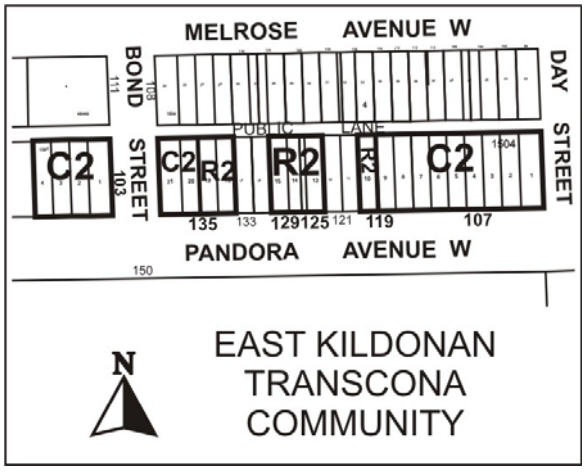
DATE: July 5, 2010
FILE: DAZ 211/10
RELATED FILES: DAZ 210/06
DAZ 241/04
COMMUNITY: East Kildonan/Transcona
NEIGHBOURHOOD #: 4.402

SUBJECT: To rezone the subject lands on the north side of Pandora Ave W between Winnona and Day Street form an "M1" Manufacturing Light District to a "C2" Commercial Community District and a "R2" Residential Two-Family District.

LOCATION: 103 Bond Street, 107 Pandora Avenue, 119 Pandora Avenue, 125 Pandora Avenue, 129 Pandora Avenue, and 135 Pandora Avenue.

LEGAL DESCRIPTION:

1. 103 Bond St - LOT 1/4 BLOCK 3 PLAN 1504
2. 103 Bond St - LOT 20/21 BLOCK 4 PLAN 1504
3. LOT 8; EXC E 2F LOT 9 BLOCK 4 PLAN 1504 4/5 11 4E
4. 107 Pandora Ave W - LOT 1/7 BLOCK 4 PLAN 1504 4/5 11 4E
5. 135 Pandora Ave W - LOT 18/19 BLOCK 4 PLAN 1504 4/5 11 4E
6. 129 Pandora Ave W - W 19.8F LOT 14; LOT 15 BLOCK 4 PLAN 1504 4/5 11 4E
7. 125 Pandora Ave W - LOT 13; EXC W 19.8F LOT 14 BLOCK 4 PLAN 1504 4/5 11 4E
8. 119 Pandora Ave W - E 2F LOT 9; LOT 10 BLOCK 4 PLAN 1504 4/5 11 4E



APPLICANT: Director of Planning, Property and Development

OWNER:

1. 103 Bond St - 4564414 MANITOBA LTD
2. 103 Bond St - 4564414 MANITOBA LTD
3. LOT 8; EXC E 2F LOT 9 BLOCK 4 PLAN 1504 4/5 11 4E - 4542828 MANITOBA LTD
4. 107 Pandora Ave W - 4542828 MANITOBA LTD
5. 135 Pandora Ave W – Manjula and Lasanthi Mathew
6. 129 Pandora Ave W – Scott Oswald
7. 125 Pandora Ave W – Joseph M. Giguere and Marcia Gomez
8. 119 Pandora Ave W – Maurice Levac

RECOMMENDATION: Approval

REPORT SUMMARY:
The purpose of this rezoning is to alleviate the inconvenience imposed by the "M1" Manufacturing Light District Bulk Regulations (Dimensional Standards) of Zoning By-law 200/2006 and to support the community vision for Down Town Transcona as a mixed commercial and residential Small Town Downtown.

The existing pattern of land use along this block in Downtown Transcona is not characterized by industrial development. While it is located across Pandora Avenue West from the Transcona Yards it shares the character of the properties to the north, a mix of commercial, single-family residential, and multifamily residential.

SITE DESCRIPTION:
AFFECTED PARCELS

All of the parcels are made up of lots that are approximately 30 feet wide and 120 feet deep. The larger sites are made up of more than one lot. The development of the parcels includes a hotel and parking, a gas bar and car wash, single family residences, and a multi family building. previously

SURROUNDING LAND USES AND ZONING:

North: Residences zoned "R1-M" Residential Single Family and "RMF-L" Residential Multi Family and office space zoned "C2" Commercial Community

South: Transcona Yards zoned "M3" Manufacturing Heavy

East: Commercial vehicle related use zoned "C2" Commercial Community and Residences zoned "RMF-S" Residential Multiple-Family

West: Vacant land zoned "R2" Two-Family Residential and "RMF-L" Residential Multi Family

Within the block: Residences zoned “R2” Residential Two Family and “R1-S” Residential Single Family.

BACKGROUND:
The local vision for the area was captured during the Transcona Street Scaping Project and more recently during a Downtown Transcona Zoning Review, both of which involved stakeholder and public information sessions. The vision includes this block in the traditional downtown Transcona. The community would like to maintain this area as a traditional neighbourhood shopping district providing goods, services, and housing to the local community. Industrial land uses, currently accommodated within an “M1” zoning district, within this neighbourhood downtown do not match the vision or the character of the existing area. Those public processes highlighted the anomalies that this process is seeking to correct.

To accommodate redevelopment on this block of Downtown Transcona, the parcel by parcel rezoning begun in 2004. DAZ 241/04 was to rezone two parcels from “M1” to “R2” to allow for the establishment of single or two family residences, currently two Single family Homes occupy the properties that were rezoned. This was followed by DAZ 210/06 which re-zoned two lots from “M1” to “R1-2.5” and are currently zoned “R1-S”, each was developed as a single family home. Rezoning the remaining “M1” parcels to better reflect their current uses and the character of the area will facilitate the redevelopment of vacant parcels and the maintenance of existing structures. The future redevelopment of these parcels is less likely to require a rezoning and the development of incompatible industrial uses will not be permitted.

DESCRIPTION OF THE PROPOSED DEVELOPMENT:
No development is proposed.

ANALYSIS AND ISSUES:
EMPLOYMENT LAND SUPPLY

The rezoning of these parcels from “M1” Manufacturing Light will not negatively impact Winnipeg’s employment lands supply. These parcels are anomalies that are located in a neighbourhood policy area of Plan Winnipeg and are not identified as part of the employment lands inventory in the Employment Lands Strategy.

PROPOSED DOWNTOWN TRANSCONA PLANNED DEVELOPMENT OVERLAY (PDO)

The Downtown Transcona Zoning Review and resulting proposed PDO also recommend this rezoning. The area is identified as a residential part of Downtown Transcona in the proposed PDO.

ASSESSED VALUE

Rezoning will not have an effect on assessed value. The properties are already being assessed based on their existing land use.

LAND USE CONFLICT

Directly south of Pandora Avenue West is the Transcona Yards industrial neighbourhood. Generally a commercial buffer between industrial uses and residential properties is appropriate. In this case however, the residential properties are separated from the more intense industrial uses by a buffer built into the Transcona Yards Secondary Plan. This buffer provides a separation distance between the industrial uses and the residents that minimizes any incompatibility issues.

PLAN WINNIPEG

Plan Winnipeg, the City's current long term plan, places the properties affected by this rezoning within a Neighbourhood Policy area. This rezoning will conform with Plan Winnipeg 2020, a development Plan amendment is not required.

ZONING

Existing Zoning

Manufacturing Light (M1) - The Manufacturing Light (M1) district is intended to provide for light manufacturing, processing, service, storage, wholesale, and distribution operations with all operations contained within an enclosed building with some limited outside storage.

Proposed Zoning

Residential Two-Family (R2) - The Residential Two-Family (R2) district is intended to accommodate the development of single- and two-family units and where appropriate limited multi-family units in lower-density neighbourhoods.

Commercial Community (C2) - The Commercial Community (C2) district is intended to accommodate more intensive commercial sites that do not have a local or neighbourhood orientation. The district is intended to include attractive commercial, institutional, recreational, and service facilities needed to support the surrounding neighbourhoods and the broader community. C2 districts are generally located along collector streets, at arterial/collector intersections, or along portions of arterial streets with relatively shallow lots.



Figure 1 Impacted Properties – Current Zoning

The proposed rezoning does not affect the existing development on a particular property. Properties can continue operating as they are, even if the current use does not fall within the list of allowable uses for the new zone. A change in zoning does not take away an owners' existing rights to what has been legally established on their property. The proposed zoning will be a factor, if and when, a property owner wishes to change the use of or redevelop their property.

The residential properties, currently zoned "M1", are non-conforming uses and are not permitted. Single family residences will be permitted uses in the "R2" zone and the owners will have the same development rights typically associated with residential properties in Winnipeg. Residential uses such as duplexes and multifamily developments will become permitted or conditional uses and any uncertainty concerning the residential development rights for the lot will be removed. The industrial and commercial uses now allowed will no longer be permitted.

The commercial properties, currently zoned "M1", will maintain similar development rights for the existing uses and the new "C2" zoning will expand these rights to allow commercial uses not currently permitted. The industrial uses now allowed will no longer be permitted.

Table 1 lists the uses for "M1", "R2", and "C2".

TABLE 1: AFFECTED PRINCIPAL USES			
USE	**M1**	**R2**	**C2**
Household Living			
Dwelling, single-family detached		P	C
Dwelling, two-family		P	C
Dwelling, multi-family		C	C
Dwelling, live-work		C*	C*
Group Living			
Assisted living facility			P
Care home		P*	P*
Neighbourhood rehabilitation home		C*	P*
Single Room Occupancy			P*
Community Facilities			

TABLE 1: AFFECTED PRINCIPAL USES			
USE	**M1**	**R2**	**C2**
Community Recreation Centre	P	C	P
Library		C	P
Education			
College or University			P
Elementary or Junior High School		C*	
Senior High School		C*	
Other Public and Institutional			
Day Care Centre	P*	C*	P*
Place of Worship	P	C*	P*
Cultural Facilities			
Cultural Centre	P*		C
Gallery/Museum	P*		P
Accomodation			
Hostel			P
Hotel or Motel	C		P
Food and Beverage Service			
Drinking Establishment	P*		P*
Restaurant	P		P*
Office			
Call Centre	P		
Research Institution	P		
Personal Services			
Body Modification Establishment			C
Funeral Chappel or Mortuary	P		C
Retail Sales			
Auction Room	P*		C
Restricted			
Adult Service or Entertainment Establishment	C*		
Private Motor Vehicle Related			
Car Wash	P		C
Fuel Sales	P*		P*
Parking, Surface	P		C
Towing and Storage Facility	C		
Transit and Transportation			
Bus Depot	P		C
Transit Station	P		C
Utility			
Utility Facility, Major	C		
Industrial Service			
Fleet Services	P		C
Heavy Equipment Sales	C		
Landscape/garden contractor or production	C		
Wholesaling	P		
Manufacturing and Production			
Light Manufacturing	P		
Warehouse and Freight Movement			
Freight or Truck Yard	P		
Mini-warehouse, Self-Storage	P		

TABLE 1: AFFECTED PRINCIPAL USES			
USE	**M1**	**R2**	**C2**
Warehouse	P		
Waste and Salvage			
Recycling Plant	P		
Accessory Use			
Boarder or Roomer		P*	P*
Home-based business, minor		P*	P*
Home-based business, major		C*	C*
Outdoor Dining/Drinking Area	P		P*
Outside Storage	P*		
Secondary suite		C*	C*
Real Estate Sales Offices and Model Sales Homes		P*	P*

P = Permitted
P* = Permitted, provided that the Specific Use Standards set out in Zoning By-Law 200/2006 are met
C = Conditional
C* = Conditional, provided that the Specific Use Standards set out in Zoning By-Law 200/2006 are met

In addition to use, Zoning By-Law 200/2006 also sets out general dimensional standards for each Zoning District. Table outlines the change the proposed rezoning will have on the Dimensional Standards.

TABLE 2: Affected Dimensional Standards							
Zoning District	**Minimum Lot Area (Sq. Ft.) [note a]**	**Minimum Lot Width (Ft.)**	**Minimum Front Yard (Ft.)**	**Minimum Rear Yard (Ft.)**	**Minimum Side Yard Interior/ Corner (Ft.) [note b]**	**Maximum Height of Building. (Ft.)**	**Maximum Floor Area Ratio**
M1	NA	NA	20	0	0/15	50	2.0
R2	5,000	25	20	25	4/10	35	
C2	NA	NA	0	25 [note c]	0/25	49	3.0

103 Bond Street (properties 1 and 2 on figure 2) and 107 Pandora Avenue West (properties 3 and 4 on figure 2) will both be rezoned from “M1” Manufacturing Light to “C2” Commercial Community.

135, 129, 125, and 119 Pandora Avenue West (properties 5, 6, 7, and 8 on figure 2) will all be rezoned from “M1” Manufacturing Light to “R2” Residential Two-Family.



Dowtown Transcona Zoning Rationalization

Properties from M1 to C2

	Street Address	Land Use	Land Use Code	Current Zoning - M1			Proposed Zoning - C		
				P	C	NP	P	C	NP
1	103 Bond Street	Hotel	CMHHO		X		X		
2	103 Bond Street	Hotel Parking	CMHHO	X				X	
3	Lots 8 & 9 Block 4 Plan 1504	Accessory to Gas Bar	Vacant	-	-	-	-	-	-
4	107 Pandora Avenue West	Gas Bar/Car Wash	CMVSR	X			X		

Properties from M1 to R2

	Street Address	Land Use	Land Use Code	Current Zoning - M1			Proposed Zoning - R		
				P	C	NP	P	C	NP
5	135 Pandora Avenue West	Apartment	RESAP			X		X	
6	129 Pandora Avenue West	Dwelling, Single Family	-			X	X		
7	125 Pandora Avenue West	Dwelling, Single Family	-			X	X		
8	119 Pandora Avenue West	Triplex	-			X		X	

Figure 2 Impacted Properties – Proposed Zoning

NON-CONFORMING USES AND BUILDNGS

Single family dwellings zoned "M1" Manufacturing Light, are nonconforming uses. The residential uses that are currently non-conforming uses will conform to Zoning By-law 200/2006 with the approval of this amendment.

Any buildings that become non-conforming as a result of this amendment will have the right to continue t exist and be used as they do on the date of adoption of the zoning amendment. An modifications to a non-conforming building will have to conform to the provisions dealing with non-conformities in *The City of Winnipeg Charter* and Winnipeg zoning by-law 200/2006.

RECOMMENDATIONS:

The Planning and Land Use Division recommends **approval** for the following reasons:

- This amendment will correct zoning anomalies that do not match the historic or current use of the properties and that do not fit within the current neighbourhood or the vision for the neighbourhood.

- The existing uses on the subject properties will conform with by-law 200/2006 if this amendment is approved.

- Rezoning theses sites will facilitate their future development or redevelopment of these parcels and prevent future piecemeal rezoning applications from occurring along this block.

- The potential to establish industrial uses that may conflict with and create a nuisance for the residents and businesses of Downtown Transcona is removed.

- This amendment will complete one of the recommendations made by the proposed Downtown Transcona PDO

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division
Report Prepared by: Bryan Ward
PPD File # DAZ 211/10

Schedule “A” for File No. DAZ 211/10, East Kildonan – Transcona Community Committee, dated June 30, 2010.

By-Law No. _____

File No. **DAZ 211/10**

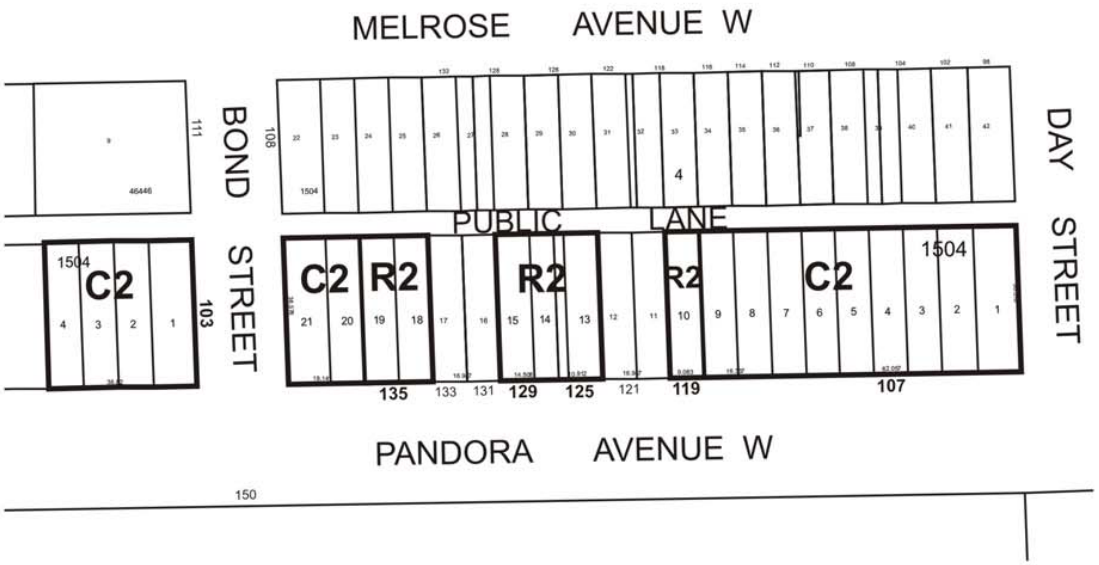
Atlas Sheet No. **Z35**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located on the north side of Pandora Avenue West between Day Street and Winona Street from an "M1" MANUFACTURING LIGHT DISTRICT to a "C2" COMMERCIAL COMMUNITY DISTRICT and an "R2" RESIDENTIAL TWO-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____