Minute No. 147
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 7, 2019

Item No. 27 **Amendment to the Transcona Yards Industrial Area Redevelopment Plan By-Law No. 141/2005 in respect of 500 Pandora Ave W – First Reading**

COUNCIL DECISION:

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

1. That first reading not be given to By-law No. 88/2018 to amend the Transcona Yards Industrial Area Redevelopment Plan By-Law No. 141/2005 to permit a reduced front yard setback (draft amending by-law is attached as Appendix "A") for the reasons outlined in this report.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 7, 2019

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 22, 2019, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 7, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: By-law No. 88/2018 – Amendment to the Transcona Yards Industrial Area Redevelopment Plan By-Law No. 141/2005 in respect of 500 Pandora Ave W – First Reading

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	J. Kiernan	N/A	D. McNeil

EXECUTIVE SUMMARY

On September 7, 2018 the Urban Planning and Design Division received an application to amend the Transcona Yards Industrial Area Redevelopment Plan By-Law No. 141/2005 (the "Plan"), proposing to exempt the property located at 500 Pandora Ave W from clause 5.1.1 which requires a minimum 40 feet setback requirement to Pandora Ave W and clause 5.2.1 which requires a 25 feet setback for landscaping provisions within the setback requirement of 5.1.1.

The applicant is proposing to amend the plan to allow a yard setback along Pandora Ave W of 0.75 feet (nine inches) instead of the required 40 feet. In addition to the application for secondary plan amendment, the applicant has submitted applications for variance and plan approval to accommodate the proposed development.

The intent of the Secondary Plan is to mitigate competing land uses and impacts which in this situation supports industrial land adjacent to neighbourhood single and multi-family residential. The Public Service is not supportive of the proposed amendment to the Plan and recommends that the amending by-law not be given first reading as it is a significant departure from the policies of the Plan, which are meant to reduce current and potential future land use conflicts.

RECOMMENDATIONS

1. That Council not give first reading to By-law No. 88/2018 to amend the Transcona Yards Industrial Area Redevelopment Plan By-Law No. 141/2005 to permit a reduced front yard setback (draft amending by-law is attached as Appendix “A”) for the reasons outlined in this report.

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

REASON FOR THE REPORT

A secondary plan by-law requires first reading at Council and then a public hearing prior to second and third reading at Council in accordance with subsection 234(3) of The City of Winnipeg Charter and the Development Procedures By-Law No. 160/2011.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in, the application will be denied and the East Kildonan Transcona Community Committee will **not** conduct a public hearing on the proposed secondary plan amendment.

HISTORY/DISCUSSION

- The *Transcona Yards Industrial Area Redevelopment Plan By-Law* (No. 141/2005) was adopted by Council on February 22, 2006.
- The subject property is located in Area B (Industrial Park) of the plan, on a 2.9 acre parcel of land zoned “M2” Manufacturing General District, fronting onto Pandora Ave W. Developed on the site is a manufacturing use, Burnbrae Farms Ltd. The applicant intends to expand the existing building northward to be located nine inches from the north property line (Pandora Ave W).
- The proposed amendment recommends a significant departure from the policies of the Plan, which are meant to reduce potential land use conflicts, particularly in situations like this one, in which an industrial land use co-exists alongside neighbourhood land uses including single-family residences. The yard reduction being sought by the amendment represents a 98% reduction from what is required (nine inches instead of 40 feet).
- The Public Service has met with the applicant prior to the amendment submission to discuss the development proposal and potential alternatives. One alternative considered was a staggered yard where the smallest yard (nine inches) would occur along the east side of the expanded front wall of the building where the land uses directly across Pandora Ave W are commercial, with some degree of yard in front of the west side of the front building wall where there are single family residences immediately north of the site across Pandora Ave W.

- The applicant contends that the amendment only makes sense in the context of nine inch yard along the full extent of the north wall and that any compromise does not meet the needs of the expansion. The proposed amendment application reflects this.

FINANCIAL IMPACT

Financial Impact Statement **Date:** November 29, 2018

Project Name:

By-law No. 88/2018 – Amendment to the Transcona Yards Industrial Area Redevelopment Plan By-Law No. 141/2005 in respect of 500 Pandora Ave W – First Reading

COMMENTS:

There are no financial implications associated with this report.

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

CONSULTATION

This Report has been prepared in consultation with:

Legal Services (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

Under the *Complete Communities Direction Strategy* the proposed development is within a General Manufacturing area, *Employment Lands* policy area. With regard to this proposal, the key policies guiding the development of Employment Lands include:

- Maximize the economic development potential of existing and future employment lands.
- Ensure that employment areas are well-planned, sustainable over the long term and fit the community context.

SUBMITTED BY

Department: Planning Property and Development
Division: Urban Planning
Prepared by: Noah Yauk, MCIP, RPP
Date: November 30, 2018
File No:

Attachments:

Appendix “A” – By-Law

Appendix “B” – Aerial Photo of Subject Property

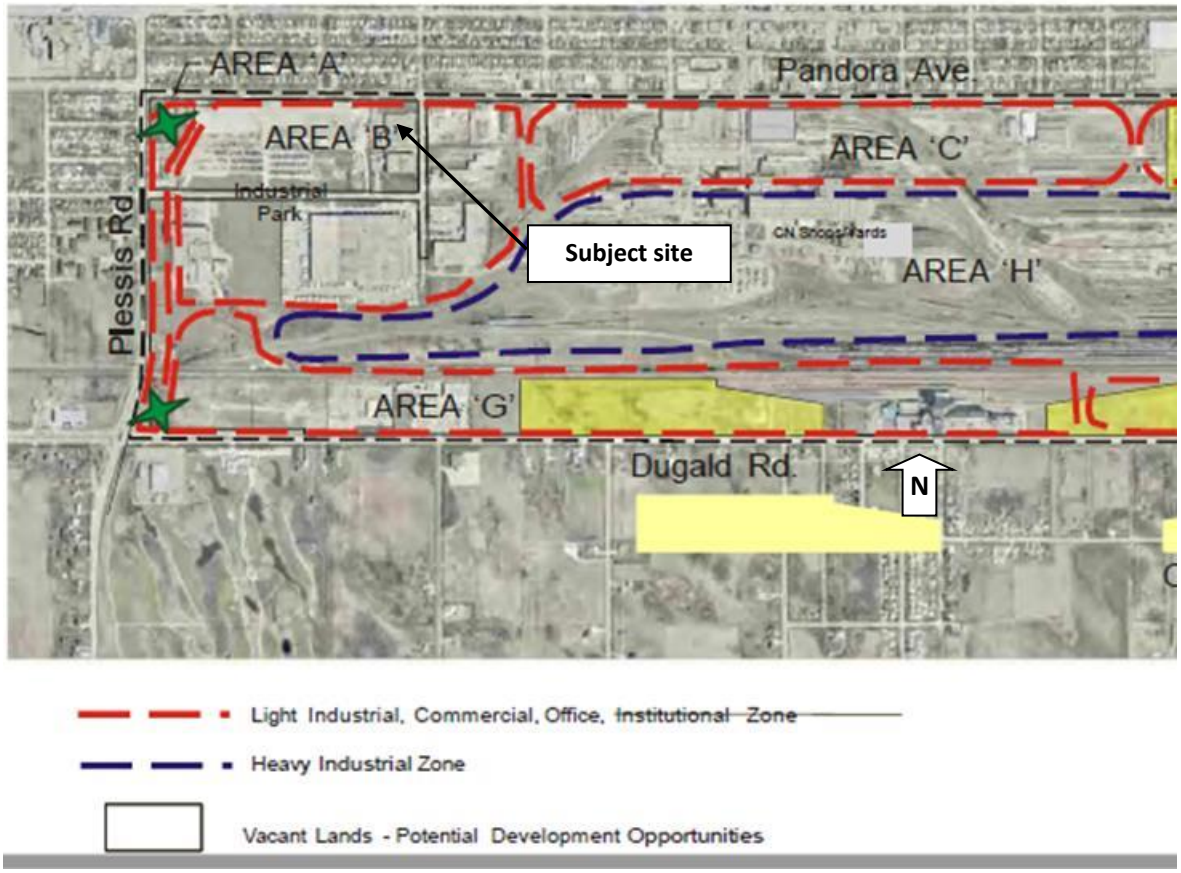
Appendix “C” – Figure 6: General Land Use Scheme

Appendix “D” – Planning Discussion

Appendix "B": Aerial photo of subject property (flown 2016)



Appendix "C": Figure 6: General Land Use Scheme



Appendix "D": Planning Discussion

DATE:	November 19, 2018
FILE NUMBER:	SPA 2/2018
RELATED FILES:	DAV 18-160520D
COMMUNITY:	Transcona Yards, Transcona Ward
SUBJECT:	Proposed Secondary Plan Amendment to Transcona Yards Industrial Area Redevelopment Plan
LOCATION:	500 Pandora Ave W
APPLICANT:	LM Architectural Group (Corey Greenham)
OWNER:	Burnbrae Farms Ltd.

SUMMARY

- The applicant has submitted an application to amend the Transcona Yards Industrial Area Redevelopment Plan for 500 Pandora Ave W.
- The proposed amendments seek relief from a 40 foot front yard setback (Pandora Ave W) and an associated 25 foot landscape buffer, required within that yard. The applicant is proposing a setback of nine inches.

SITE DESCRIPTION

The subject property is located on the south west corner of Pandora Ave W and Hoka St in the Transcona Yards neighbourhood of the Transcona ward.

The site is designated as General Manufacturing under the *Complete Communities Direction Strategy*. The property is zoned "M2" Manufacturing General. Existing on the property is a warehouse building that is approximately 140,000 square feet in size which straddles an unaddressed property and 615 Kernaghan Ave, both to the south.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

North: Pandora Ave W, then single-family dwellings zoned “R1-M” Residential Medium District and commercial offices zoned “C2” Community Commercial District.

South: Industrial uses zoned “M2” Manufacturing General.

East: Hoka Street then industrial uses zoned “M3” Manufacturing General.

West: Industrial uses zoned “M2” Manufacturing General.

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Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant intends to construct an 8,610 sq ft addition to the existing building, which will expand the north building wall toward Pandora Ave W to within nine inches of that north property line. Currently the building is set back 40 feet from Pandora Ave.
- The proposed building expansion requires an amendment to the Transcona Yards Industrial Area Redevelopment Plan. Specifically the Plan requires a minimum yard along Pandora Ave W of 40 feet with a 25 foot landscape buffer to be provided within that setback. Aside from the noted plan amendment, the applicant has also submitted a variance application which seeks relief from the minimum front yard setback of the “M2” Manufacturing General district.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

Under the *Complete Communities Direction Strategy* the proposed development is within a General Manufacturing area, *Employment Lands* policy area. With regard to this proposal, the key policies guiding the development of Employment Lands include:

- Maximize the economic development potential of existing and future employment lands.
- Ensure that employment areas are well-planned, sustainable over the long term and fit the community context.

TRANSCONA YARDS INDUSTRIAL AREA REDEVELOPMENT PLAN

With respect to the development proposal, the policies of the Transcona Yards Industrial Area Redevelopment Plan provide the most important policy direction.

The general intent of the plan is to accommodate existing industrial operations but in a manner that reduces friction with neighbouring residential land uses. The following statements of the plan best articulate this direction:

2.2 General Policy Direction

a) *The general land use plan provides for policies that support continuing heavy industrial uses at the centre of the site (primarily CN Rail activity), while encouraging a move to lighter, more moderate industrial/commercial activity at the periphery of the area, where land use conflicts are most likely to occur.*
b) *Design standards and controls are also required for future industrial/commercial operations adjacent to residential areas, in order to further reduce the potential for land use conflicts (see Section 5.0).*

In accordance with the general policy direction of the plan as noted above, it is no surprise that the overall goals of the plan are consistent with the general direction:

2.3 Overall Goals

The goals of the Plan policies outlined here are:

a) *To allow existing industrial operations to continue.*
b) *To mitigate impacts of future developments on adjacent residential areas by implementing design standards and controls around the periphery of the Plan Area.*

With respect to the above, it is worth noting that the subject site is located at the periphery of the plan area and beyond that boundary is a 'Mature Community Policy *Area' of Complete Communities* consisting of residential land uses, including single-family.

Delving further into the policies of the plan, policy direction is provided at the local, fine grained scale. To this end, the plan is broken down into eight different policy areas, all which have their own intent statements and specific policy statements. The subject property falls within Area B as follows:

4.2 Area B (Industrial Park):

Intent:

To maintain this area as an industrial park in keeping with City of Winnipeg Industrial Park standards, and to minimize future potential conflicts with adjacent residential lands.

Policies:

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

4.2.2 All development (buildings, parking, etc.) within 150 metres (492 feet) of Pandora Avenue shall be developed in accordance with Development Standards as outlined in Section 5.0 of this Plan.

4.2.3 No building on property adjacent to Pandora Avenue, shall be remodelled, erected or enlarged except in accordance with plans submitted and approved by the Director of Planning, Property and Development (see also Section 6.2.2).

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

With respect to the above policies, Section 4.2.2 introduces the key design standards provided in Section 5.0, which include a 40 foot setback and 25 foot landscape buffer that the applicant is seeking relief from.

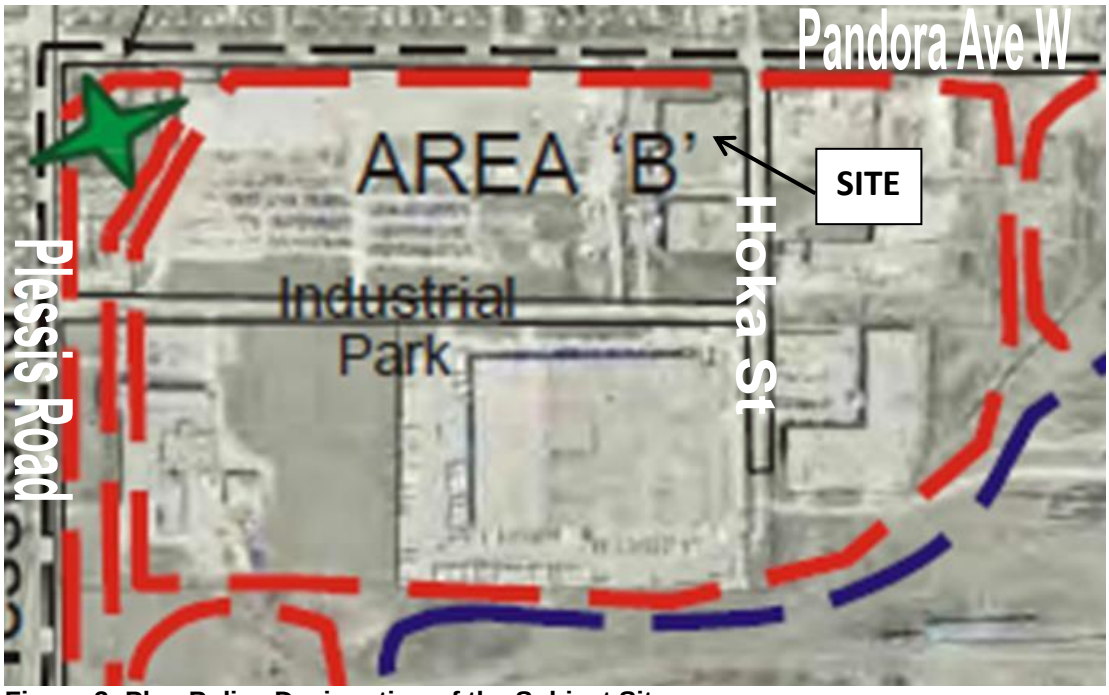

Figure 3: Plan Policy Designation of the Subject Site

ANALYIS OF PROPOSED AMENDMENT

Now that the relevant plan polices have been laid out in the above discussion, development options can be considered in the context of those policies. As entry point to the discussion, it is noted that the policies are very deliberate and specific. For example, the policies of Area B recognize the presence of sensitive land uses, such as single-family residences directly across the street from the subject site. The remedy to protect these land uses is through a spatial separation standard, the 40 foot setback requirement along Pandora Ave W under Section 5.1.1

of the Plan. As noted earlier in the report, the existing development achieves a 40 foot setback to Pandora Ave W.

In considering the development proposal, three administrative recommendations come to mind: 1) reject the proposed amendment as proposed; 2) support the amendment as proposed; or 3) identify an alternative amendment scenario as a compromise. Each are discussed in turn to provide some background as to the proposed recommendation.

1) Reject the proposed amendment as proposed

   In order to protect residential land uses on the south side of Pandora Ave W, the plan introduces a 40 foot setback and 25 foot wide landscape buffer within that required setback. This requirement adopted by Council as a by-law provides a minimum separation standard so as to protect residential uses from future industrial expansion and also improves the visual aesthetic of the site through landscaping requirements. Allowing the building to be placed nine inches from the north property line represents a significant departure from the separation standard as required by the policies of the Plan. In fact, to put this into numerical terms, the applicant's proposal is to reduce the setback requirement by 98%. Furthermore, if the amendment is granted, the 25 foot landscaping requirement within the 40 foot setback will be foregone as well; Landscaping within a nine inch deep yard is simply unrealistic. Lastly, if there was no plan to guide development of the subject lands, development is still regulated by Zoning By-law 200/2006. The implication is that a 20 foot yard would be required along Pandora Ave W, because that is the minimum front yard requirement for a property zoned "M2" General Manufacturing district (it is noted that the applicant has applied for this noted variance and can be considered if the plan amendment is approved).

   Given the above, it is difficult for the Public Service to find adequate justification to support the amendment as proposed. Rejection seems a logical and defensible recommendation.



Figure 4: Reject the amendment; front yard setback meets plan

2) <u>Support the amendment as proposed</u>

- The context of the amendment at its simplest terms is to provide a nine inch yard instead of 40 feet. Given that the reason for the 40 foot minimum yard requirement of the Plan is to address potential land use conflicts, it makes it difficult to justify the proposal, because there are single-family residences directly across the subject site on Pandora Ave W. Arguably, a single-family dwelling would be among the most sensitive land uses that the plan is trying to protect against from industrial expansion. The proposal is to essentially eliminate the yard requirement altogether, which would erode the integrity of the Plan. Perhaps the only policies one could latch onto in consideration of the proposal are the policies of *Complete Communities*, which seeks to "maximize the economic development potential of existing and future employment lands". However, the Transcona Yards Industrial Area Plan does balance this by accommodating industrial intensification at the nucleus of the plan area, not at the periphery.

Given the deliberate policies of the plan aimed at reducing friction between residential and industrial uses it is difficult, if not impossible to support the proposed yard reduction especially given that there are single family residences across the street from the subject site.

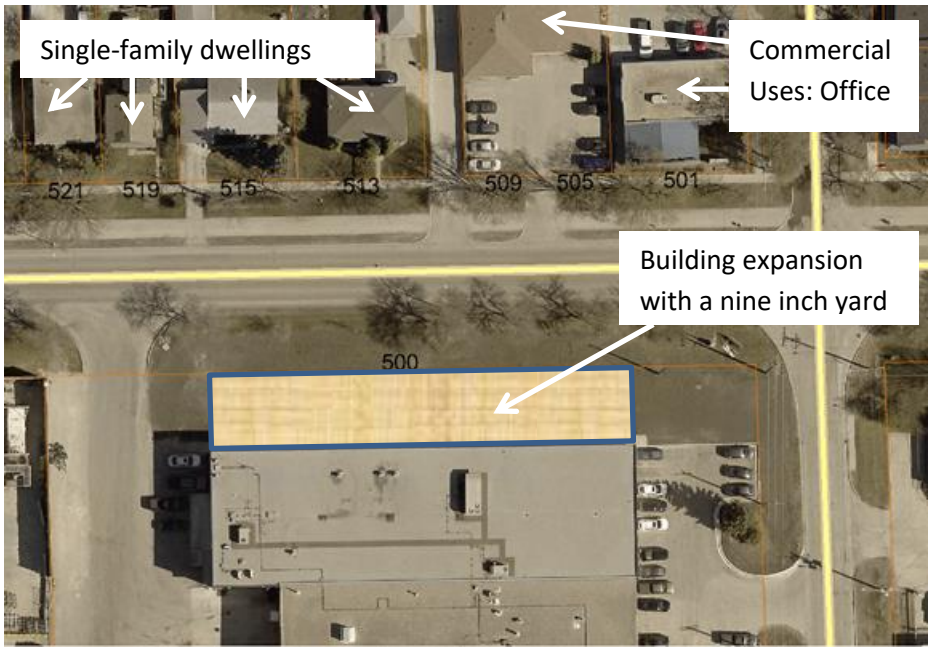

Figure 5: Building expansion with plan amendment as proposed

3) <u>Identify an alternative amendment scenario</u>

The only other logical scenario that could be considered is to suggest a compromise between the plan requirements and the proponent's intentions. Prior to applying for the proposed amendment the applicant did meet with the Public Service. In an effort to try and strike a balance between the plan polices and the proponents desire to expand the building another option was introduced by City staff. The option was to support the proposed yard, but only for the eastern portion of the building where the properties across the street are zoned for and operated by commercial uses. The remainder of the building expansion, where the properties across the street are single-family dwellings, would then be expected to maintain some degree of setback, such as 15 feet. In this manner, the expansion could maintain some consistency with the plan policies by addressing potential land use conflicts with the existing residential land uses. This would also allow for some degree of landscaping to be provided along the western portion of the building, where the 15 foot yard setback would be. However, in discussions with the applicant it was noted that a compromise would not meet the needs of the intended expansion. To that end, the applicant has applied to amend the Plan to allow for a nine inch yard along the extent of the entire front wall of the building.

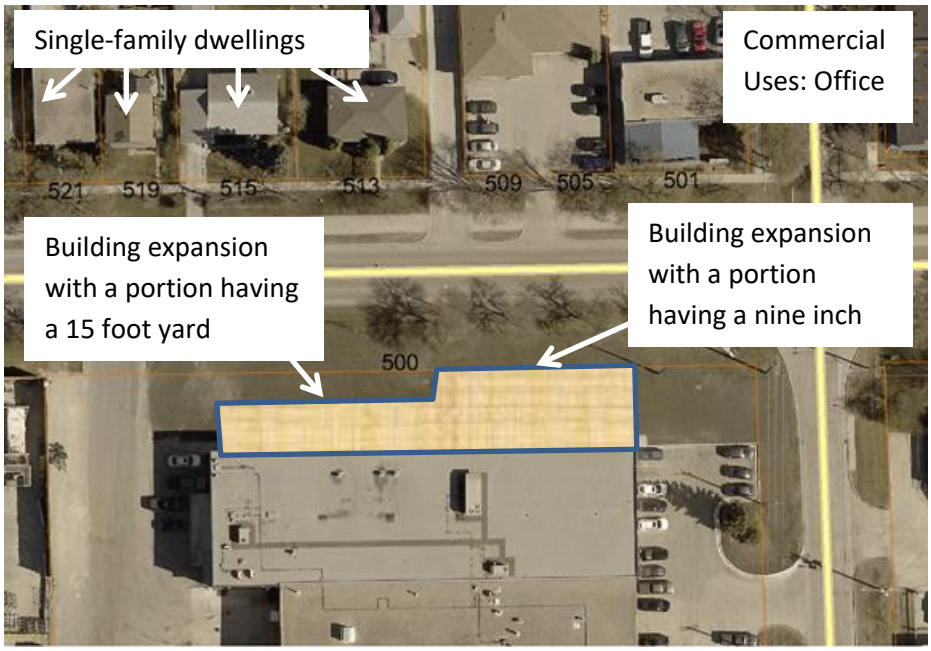

Figure 6: Building expansion with altered footprint

CONCLUSION

With respect to the options above, the Public Service recommends the proposed amendment not proceed to a public hearing. This is on the grounds that the amendment represents a significant departure from the policies of the Plan, which are clearly stated and applied. The very reason for the Plan's existence is to protect against land use conflicts, especially in the places where they would be most obvious, such as the periphery of the plan area where there is existing industry operating alongside single-family residences. Though an option was presented to the proponent as a possible alternative scenario to the proposed plan amendment, there is not much point pursuing that direction if the proponent contends the option is not viable to them in any way. For the Public Service to recommend such an option would confuse the matter and influence a building footprint without any understanding of associated operational requirements.

RECOMMENDATIONS

That the proposed amendment to reduce the yard required of the plan from 40 feet to nine inches be rejected.