Agenda – Board of Adjustment – January 8, 2020

PUBLIC HEARINGS

Item No. 22 Variance – 945 Marion Street
(St. Boniface Ward)
File DAV 202128/2019C

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Urban Planning Division recommends approval of the application to vary the 'M3' dimensional standards of Zoning By-Law No. 200/2006 for the construction of an addition to existing warehouse to permit as follows:

1. no front yard instead of 25 feet (7.62 metres);

2. insufficient parking;

3. insufficient street edge landscaping;

4. no pedestrian connection

Subject to the following condition(s):

1. That the development shall be constructed in substantial conformance with the plans submitted attached hereto and identified as Sheet Nos. 1 to 7 for File No. DAV 19-202128/C dated December 3, 2019; and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

2. That the subject variances shall terminate upon the demolition or removal of the entire existing principal building currently located on the subject property (consisting of Pt Lot 6 and Lot 7, Plan 5038).

Agenda – Board of Adjustment – January 8, 2020

File:	DAV 202128/2019C
Applicant:	PCL Constructors Canada Inc. (Andrew Brine)
Premises Affected:	945 Marion Street
Legal Description:	PT LOT 6 PLAN 5038 RCMP LYING TO SE OF A STR LINE DRAWN SE OF PARL TO & PERP DIST 225F FROM NELY PT OF NW LIMIT OF SAID LOT EXC PT LYING TO W OF A LINE DRAWN PARL TO E LIMIT SAID LOT & DIST WLY THEREFROM 276.95F MEAS ALONG S LIMIT OF SAID LOT LOT 7, hereinafter called "the land"
Property Zoned:	"M3" Manufacturing Heavy
Nature of Application:	To vary the "M3" District Dimensional standards of the Winnipeg Zoning By-Law No. 200/2006 for the construction of an addition to existing warehouse to permit as follows: 1. no front yard instead of 25 feet (7.62 metres); 2. no additional parking instead of 20 additional stalls; 3. insufficient street edge landscaping; 4. no pedestrian connections to the adjacent sidewalk or right of way.
Exhibits Filed:	1. Application dated December 3, 2019 2. Notification of Public Hearing dated December 6, 2019 3. Manitoba Status of Title 2495764/1 4. Letter of authorization dated September 24, 2019 from Mei Chung-Lewis, Interprovincial Cooperative, to PCL Constructors Canada Inc. 5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising 6. Petition in support of the application purporting to contain the signatures of 4 area residents, submitted by the applicant 7. Plans, Sheets 1 to 7 inclusive, for File DAV 202128/2019C dated December 3, 2019 8. Report from the Urban Planning Division dated December 6, 2019 9. Inspection Report

The Winnipeg Public Service to advise that all statutory requirements with respect to this application have been complied with.

REPRESENTATIONS:

In Support:

In Opposition:

For Information:

For the City:

Moved by

That the report of the Winnipeg Public Service be taken as read.

Moved by

That the receipt of public representations be concluded.

Moved by

That in accordance with Subsection 247(3) of The City of Winnipeg Charter, the Variance,

(a) ☐ is consistent ☐ is not consistent
with Plan Winnipeg, and any applicable secondary plan;

(b) ☐ does not create ☐ does create
a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) ☐ is ☐ is not
the minimum modification of a zoning by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) ☐ is ☐ is not
compatible with the area in which the property to be affected is situated.

Supporting Comments:

Moved by

That the recommendation of the Winnipeg Public Service be concurred in / not be concurred in and the Variance be approved / rejected.

Moved by

That the public hearing with respect to this application be concluded.

Exhibit "8" referred to in File DAV 202128/2019C

ADMINISTRATIVE REPORT

Title: DAV 19-202128\C – 945 Marion Street

Issue: For consideration at the public hearing for a variance associated with the construction of an addition to an existing warehouse.

Critical Path: Board of Adjustment as per the Development Procedures By-law and The City of Winnipeg Charter.

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Hildebrand	n/a	n/a	

RECOMMENDATIONS

The Urban Planning Division recommends approval of the application to vary the 'M3' dimensional standards of Zoning By-Law No. 200/2006 for the construction of an addition to existing warehouse to permit as follows:

1) no front yard instead of 25 feet (7.62 metres);
2) insufficient parking;
3) insufficient street edge landscaping;
4) no pedestrian connection

Subject to the following condition(s):

1) That the development shall be constructed in substantial conformance with the plans submitted attached hereto and identified as Sheet Nos**.** 1 to 7 for File No. DAV 19-202128/C dated December 3, 2019; and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.
2) That the subject variances shall terminate upon the demolition or removal of the entire existing principal building currently located on the subject property (consisting of Pt Lot 6 and Lot 7, Plan 5038).

REASON FOR THE REPORT

- Variance applications require a public hearing as per *The Development Procedures By-law* No. 160/2011 and *The City of Winnipeg Charter*, section 249.

- The report is being submitted for the Board of Adjustment's consideration of the development application at the public hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the variance will be approved.

FILE/APPLICANT DETAILS

FILE:	DAV 19-202128\C
RELATED FILES:	
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	5.549 (Mission Industrial)
SUBJECT:	To vary the "M3" dimensional standards of Zoning By-Law No. 200/2006 for the construction of an addition to existing warehouse to permit as follows: 1) no front yard instead of 25 feet (7.62 metres); 2) insufficient parking; 3) insufficient street edge landscaping; 4) no pedestrian connection
LOCATION:	945 Marion ST
LEGAL DESCRIPTION:	PT LOT 6 PLAN 5038 RCMP LYING TO SE OF A STR LINE DRAWN SE OF PARL TO & PERP DIST 225F FROM NELY PT OF NW LIMIT OF SAID LOT EXC PT LYING TO W OF A LINE DRAWN PARL TO E LIMIT SAID LOT & DIST WLY THEREFROM 276.95F MEAS ALONG S LIMIT OF SAID LOT LOT 7
APPLICANT:	Andrew Brine 1540 Gamble PL Winnipeg , Manitoba R3T1N6
OWNER:	Interprovincial Co-operatives Limited Winnipeg , Manitoba R2J 0K7

HISTORY

N/A

DISCUSSION

CRITERIA FOR APPROVAL

Pursuant to Section 247(3) of *The City of Winnipeg Charter*, an application for a variance with respect to a property may be approved if the variance:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

(d) is compatible with the area in which the property to be affected is situated.

SITE DESCRIPTION

- The subject property is located on the north side of Marion Street, between the intersection of Panet Road and Dawson Road to the west, and Turenne Street to the east, in the Mission Industrial neighbourhood of the St. Boniface ward.
- The site is located within the 'General Manufacturing' policy area under *OurWinnipeg* and the *Complete Communities Direction Strategy*. The property is zoned 'M3' Manufacturing Heavy.
- The site contains a manufacturing and warehouse facility for the production of herbicide products for the agricultural industry. The facility is primarily one storey in height and approximately 90,653 square feet in area, with varying roof heights between approximately 16 and 26 feet.
- The facility utilizes the rail line that borders the northern boundary of the site.
- Interprovincial Co-operatives Limited also owns the adjacent property to the west (903 Marion Street).

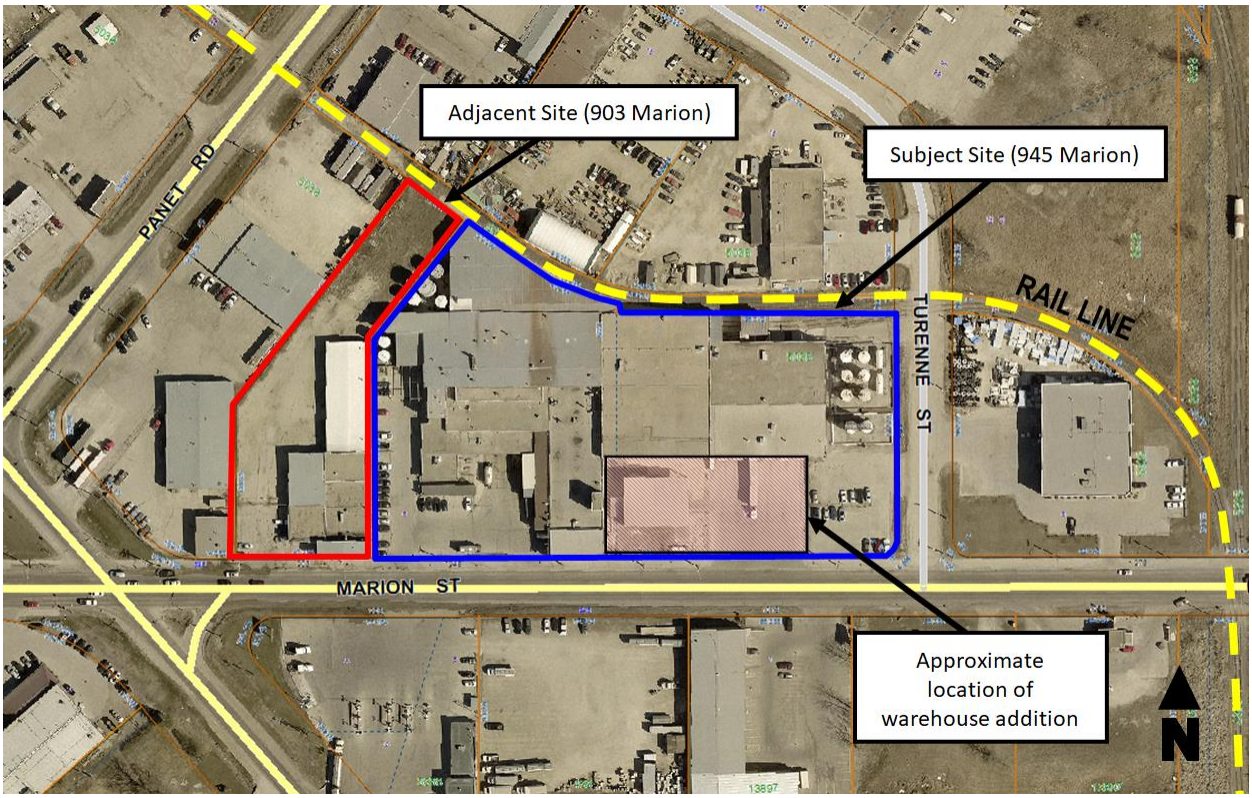


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2018)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Rail line, then manufacturing uses zoned ‘M3’ Manufacturing Heavy, then Turenne Street.

South: Marion Street, then manufacturing uses zoned ‘M3’ Manufacturing Heavy.

East: Turenne Street, then manufacturing uses zoned ‘M3’ Manufacturing Heavy.

West: Manufacturing uses zoned ‘M3’ Manufacturing Heavy, then Panet Road, then manufacturing uses zoned ‘M3’ Manufacturing Heavy.

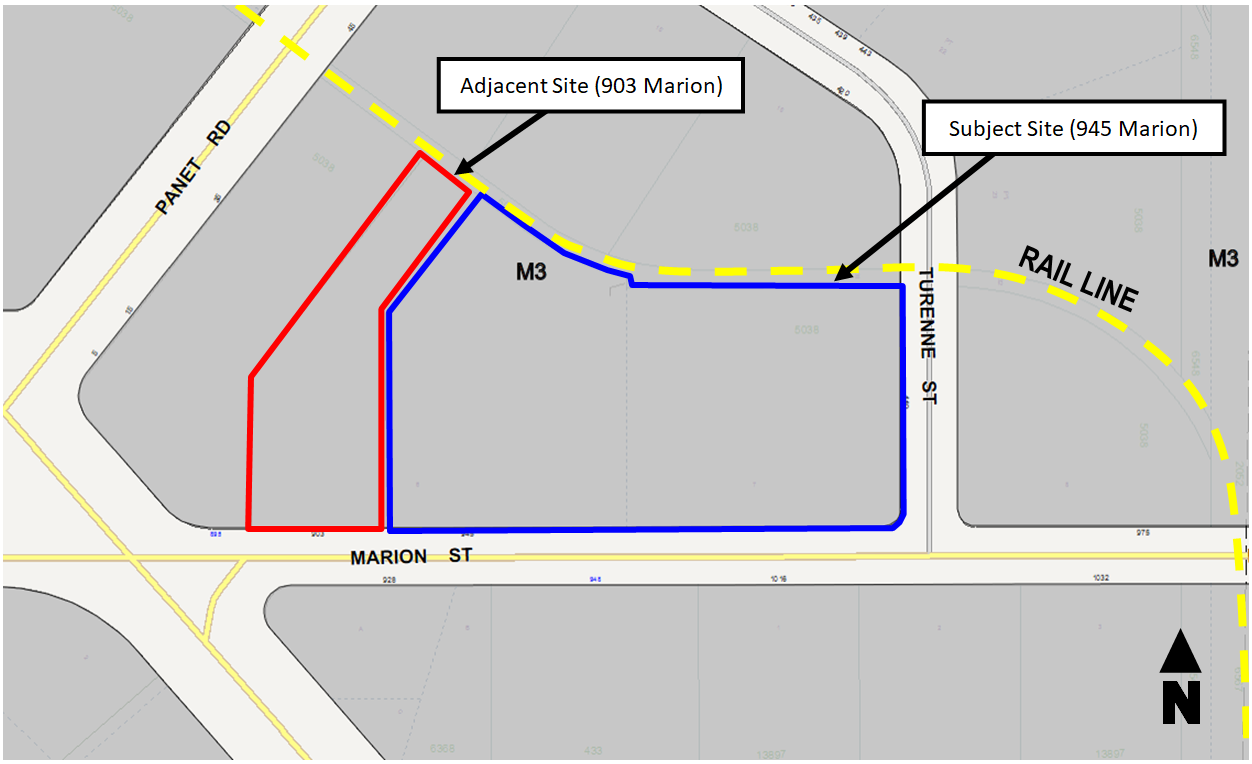


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The owner is proposing to expand its facility at 945 Marion Street to include a new approximately 25,499-square-foot warehouse addition on the southeast portion of the site along Marion Street. This area currently contains a large surface parking lot, a shipping and receiving area with overhead doors, and a large pallet storage structure. The pallet storage structure will be demolished; the shipping and receiving area will be relocated to the east side of the proposed warehouse addition, with seven overhead doors accessed from Turenne Street.
- The warehouse addition will store both raw and finished materials, largely stored on pallets, within the building.
- Interior production space within the existing facility will also be repurposed.

- The owner has purchased the adjacent property, 903 Marion, where it intends to demolish the existing building on site and construct an office and administration building. Although this property is not the subject of the present application, it is of relevance, as the owner proposes to utilize space to provide parking stalls and landscaping, as a way of addressing the subject variances.
- The applicant has provided four signatures of support for the subject application, from neighbours at nearby locations on Marion and Turenne Streets.

COLLABORATION

- The applicant discussed the project with the Urban Planning Division prior to submitting their application, and has worked to incorporate feedback, particularly regarding the façade design of the warehouse addition and how it relates to the streetfront, as well as the landscaping requirements.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

- The *Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The subject property falls within the 'Employment Lands – General Manufacturing' policy area in *Complete Communities*' Urban Structure Map.
- With regard to this proposal, the key policies guiding the development of 'Employment Lands – General Manufacturing' areas include:
    - Maximize the economic development potential of existing and future employment lands.
    - Allow for the development and retention of a broad range of employment lands and a variety of employment parcel sizes.
    - Encourage uses that support the industrial function of the employment cluster while catering to the day-to-day needs of area businesses and employees.
    - Development or redevelopment of employment sites should provide for good walking environments within the site and adjacent to public sidewalks and transit stops.
    - Provide street trees, landscaping, fencing, and architectural elements for sites that are highly visible to the public from perimeter roads in cases where employment lands interface with other types of land uses, including public rights of way.
    - Employment activities will develop and operate in a fashion that is compatible with other land uses, especially residential.

CITY OF WINNIPEG ZONING BY-LAW 200/2006

- The dimensional standards for the 'M3' Manufacturing Heavy district require a minimum front yard setback of 25 feet. As the warehouse addition is proposed to project to the property line, the applicant is requesting no front yard in this portion of the site; therefore a variance is required.
- The subject property falls under Parking Category 10, which requires one stall for each 1,000 square feet of floor area, but not less than ten spaces. The proposed warehouse

addition would necessitate an additional 20 stalls, which are not being provided on the subject site; therefore, a variance is required.

- The Street Edge Landscaping requirements of the Zoning Bylaw state that all required or voluntary yards must contain a minimum of one deciduous tree or coniferous tree for each 30 feet of linear street frontage, plus 3 shrubs for each 20 feet of linear street frontage. On the subject property this works out to 20 trees and 89 shrubs along Marion Street, and nine trees and 40 shrubs along Turenne Street. The applicant is proposing five trees along Marion, and four trees and 24 shrubs on Turenne; therefore a variance is required.
- The Design Standards of the Zoning Bylaw state that pedestrian connections to entrances must be provided to certain standards. The applicant is proposing no pedestrian connection on the subject property; therefore a variance is required.

ANALYSIS OF VARIANCES

- Noting that the owner also owns the adjacent property at 903 Marion, the Public Service discussed the possibility of consolidating both properties through a Short-Form Subdivision, in order to address the site as a whole, in a more comprehensive way. However, the operational requirements and standards of both sites are very different, particularly the requirement that land water drainage at 945 Marion must be temporarily contained and tested for possible contaminants, prior to being discharged. Were the properties to be consolidated, this requirement would also apply unnecessarily to the new office and administration building at 903 Marion.
- Due to this unique situation, and contextual factors such as the necessity of the facility to be near the adjacent rail line and the facility's long-established use within this manufacturing area, the Urban Planning Division is supportive of the variances and the proposed means of addressing them, which are described below.

No Front Yard

- The intent of the 25-foot front yard, combined with street edge landscaping, is to improve the look and feel of the street edge within manufacturing districts. Although the proposed new warehouse does not have a front yard, it is proposed to align with a portion of the existing structure which also has no front yard. As well, the proposed warehouse addition incorporates a higher-quality design in terms of materials, colours, use of glazing, and articulation of the wall at ground level. It will also replace what is currently a surface parking lot and outdoor covered storage area, thereby better addressing the streetfront, in a more visually interesting and attractive manner.

No Additional Parking

- The proposed warehouse addition necessitates an additional 20 parking stalls, which are not being provided on the subject site, but rather on the owner's adjacent property at 903 Marion, as part of the proposed office development. As well, parking stalls currently located within the footprint of the proposed warehouse addition are intended to be relocated to the parking lot at 903 Marion.
- 28 parking stalls are proposed to remain at 945 Marion, with 50 new parking stalls to be provided at 903 Marion. Given the previously-mentioned site constraints and conditions at 945 Marion, the applicant is providing a total of 78 parking stalls across the two adjacent properties, exceeding the amount required for the warehouse addition.

Insufficient Street Edge Landscaping

- The intent of street edge landscaping is to help improve the look and feel of the street edge within manufacturing districts. The warehouse addition is proposed to be built to the property line, resulting in no front yard in which street edge landscaping could be installed, in this portion of the property. Further, space along both Marion and Turenne streets is very limited in terms of space for plantings.
- However, the applicant has worked with the Urban Planning Division to address the warehouse addition's relationship to the street through the design of the façade, and by planting street edge trees and shrubs where possible. Trees and shrubs are also being planted throughout the site at 903 Marion. The combined amount of trees and shrubs on both sites is equal to the amount required for street edge landscaping.

No Pedestrian Connections to the Adjacent Sidewalk or Right-of-Way

- Although no pedestrian connection is being provided for the proposed warehouse addition, the storage and manufacturing use of this structure is not anticipated to result in a high amount of pedestrian traffic. In light of this, the applicant intends to provide a pedestrian connection between the public sidewalk and the main entrance of the proposed new office building at 903 Marion, which will be a much more public facility with more frequent visitors and a higher level of pedestrian activity.

REASONS FOR RECOMMENDATIONS

In the context of Section 247(3), the Urban Planning Division recommends **approval** for the following reasons:

(a) is consistent with Plan Winnipeg and any applicable secondary plan;

In that, the proposal meets the general intent for General Manufacturing lands as described in the Complete Communities Direction Strategy.

(b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;

In that, the proposed addition at 945 Marion expands an already existing manufacturing use within a policy area and zoning district dedicated to manufacturing, and the owner also owns the adjacent property at 903 Marion.

(c) is the minimum modification of a zoning-by-law required to relieve the injurious effect of the zoning by-law on the applicant's property; and

In that, the proposed variances will facilitate maximizing the economic development potential of employment lands as outlined in the Complete Communities Direction Strategy; while meeting the general intent of Complete Communities policies related to landscaping, the built environment, and compatibility.

(d) is compatible with the area in which the property to be affected is situated.

In that, the proposed addition expands and already existing manufacturing use within a policy area and zoning district dedicated to manufacturing, and is therefore a compatible use with the surrounding area.

CONSULTATION

In preparing this report there was internal consultation with: N/A

OURWINNIPEG POLICY ALIGNMENT

01-1b Key Directions for the Entire City

- **Key Directions for Providing Options to Accommodate Growth:**

  Key Direction 4: Ensure Winnipeg's Employment Lands provide for a wide range of market opportunities, accommodating new investment and economic development while contributing an abundance of job opportunities for our citizens.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

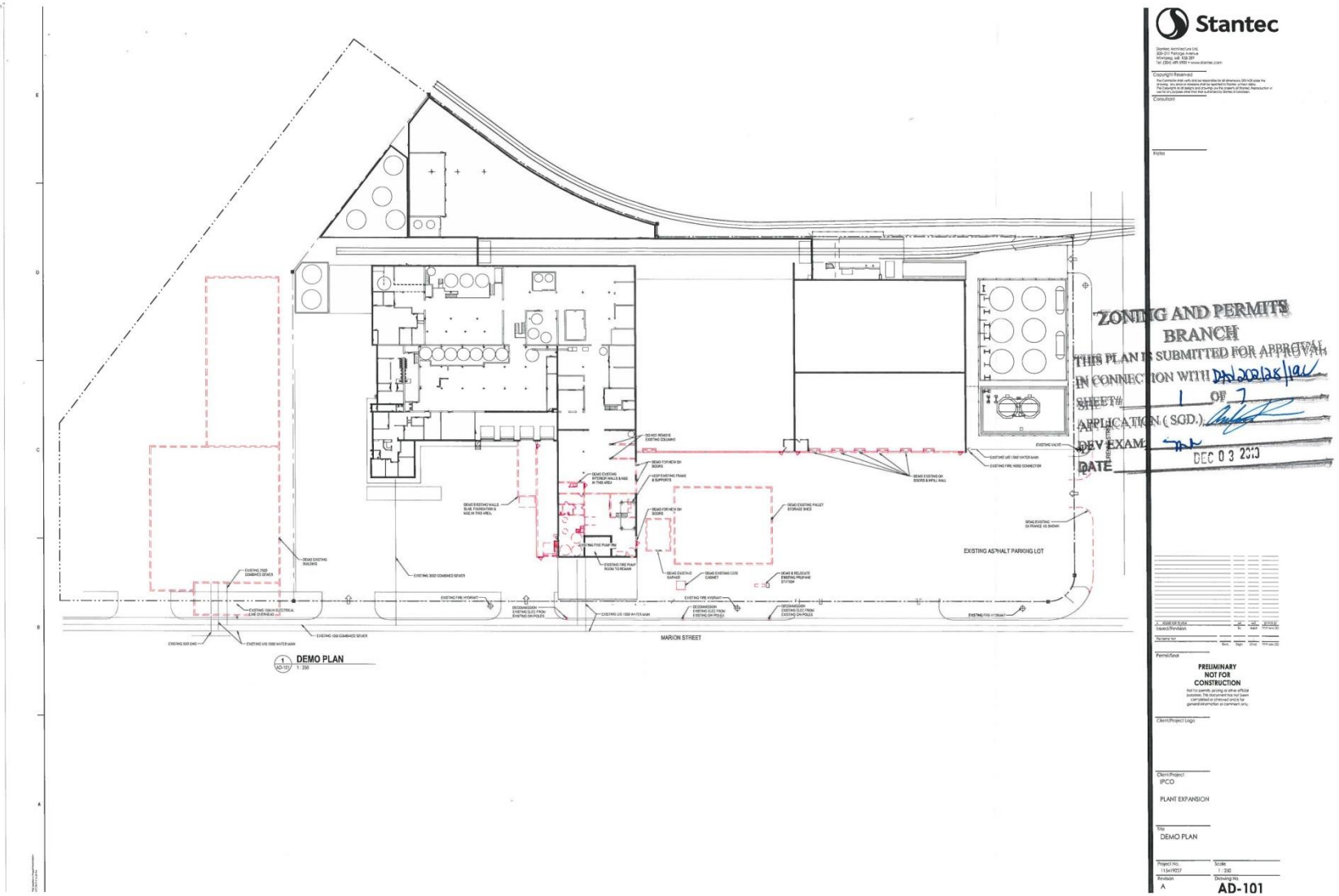
Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

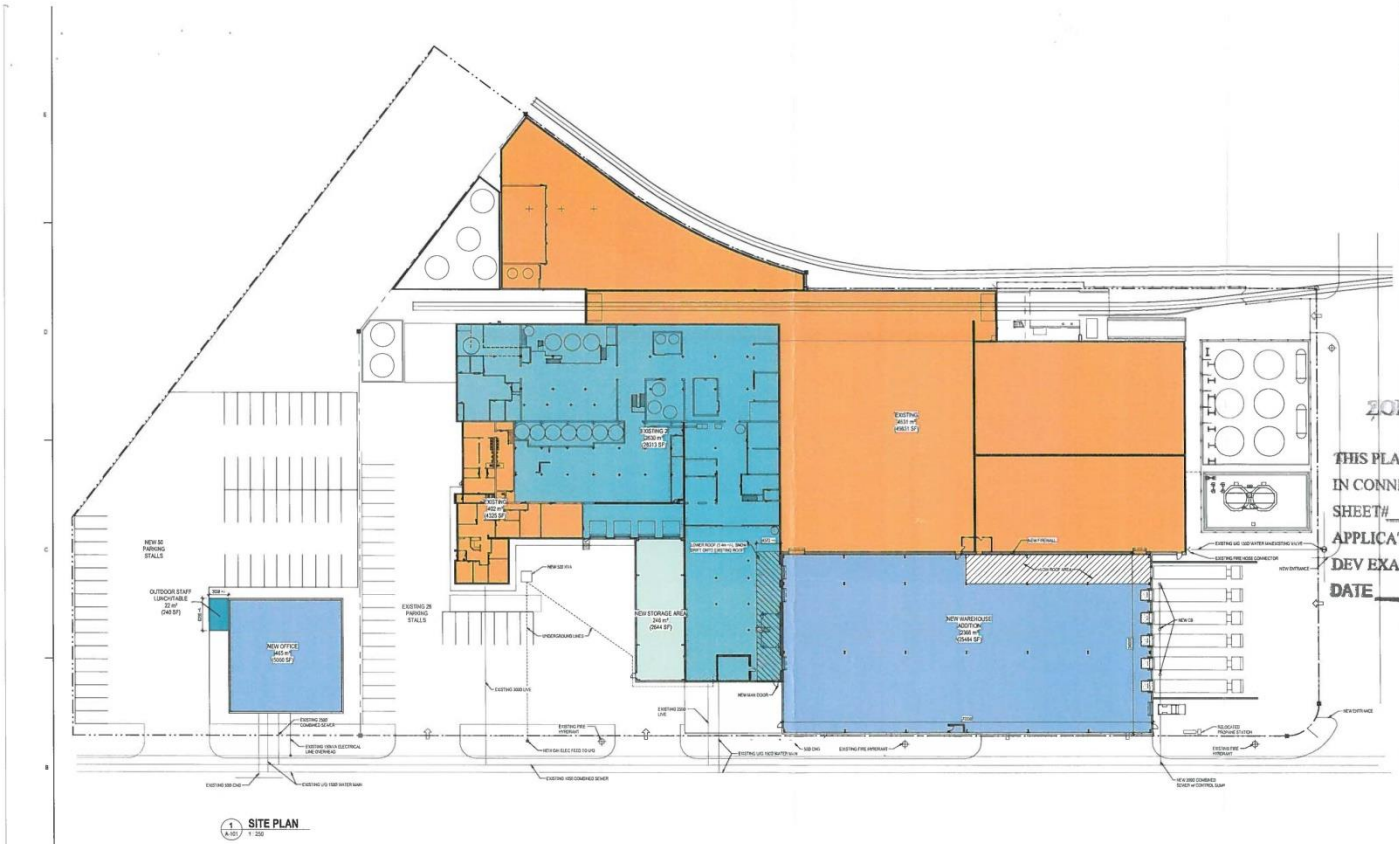
Key Direction 4.2: Ensure new areas of growth are designed according to the principles of Complete Communities.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Urban Planning
Prepared by:	Jonathan Hildebrand MCIP, RPP
Date:	Friday, December 6, 2019
File No.	DAV 19-202128\C

Exhibit “7” referred to in File DAV 202128/2019C





1 A-101 SITE PLAN 1 : 200

Stantec

Stantec Architecture Ltd.
200-311 Portage Avenue
Winnipeg, MB R3B 2B9
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Notes

ZONING AND PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DN 202128/19
SHEET# 2 OF 7
APPLICATION (SGD.)
DEV EXAM
DATE DEC 03 2019

No.	Issued/Revision	By	Appd.	YYYY.MM.DD
1	ISSUED FOR PUBLIC REVIEW	SF	MG	2019.11.04
Reference Info		Reference Info	Reference Info	Reference Info

Permit/Seal

PRELIMINARY
NOT FOR CONSTRUCTION

Not for permit, pricing or other official purposes. This document has not been completed or checked and is for general information or comment only.

Client/Project Logo

Client/Project
IPCO

PLANT EXPANSION

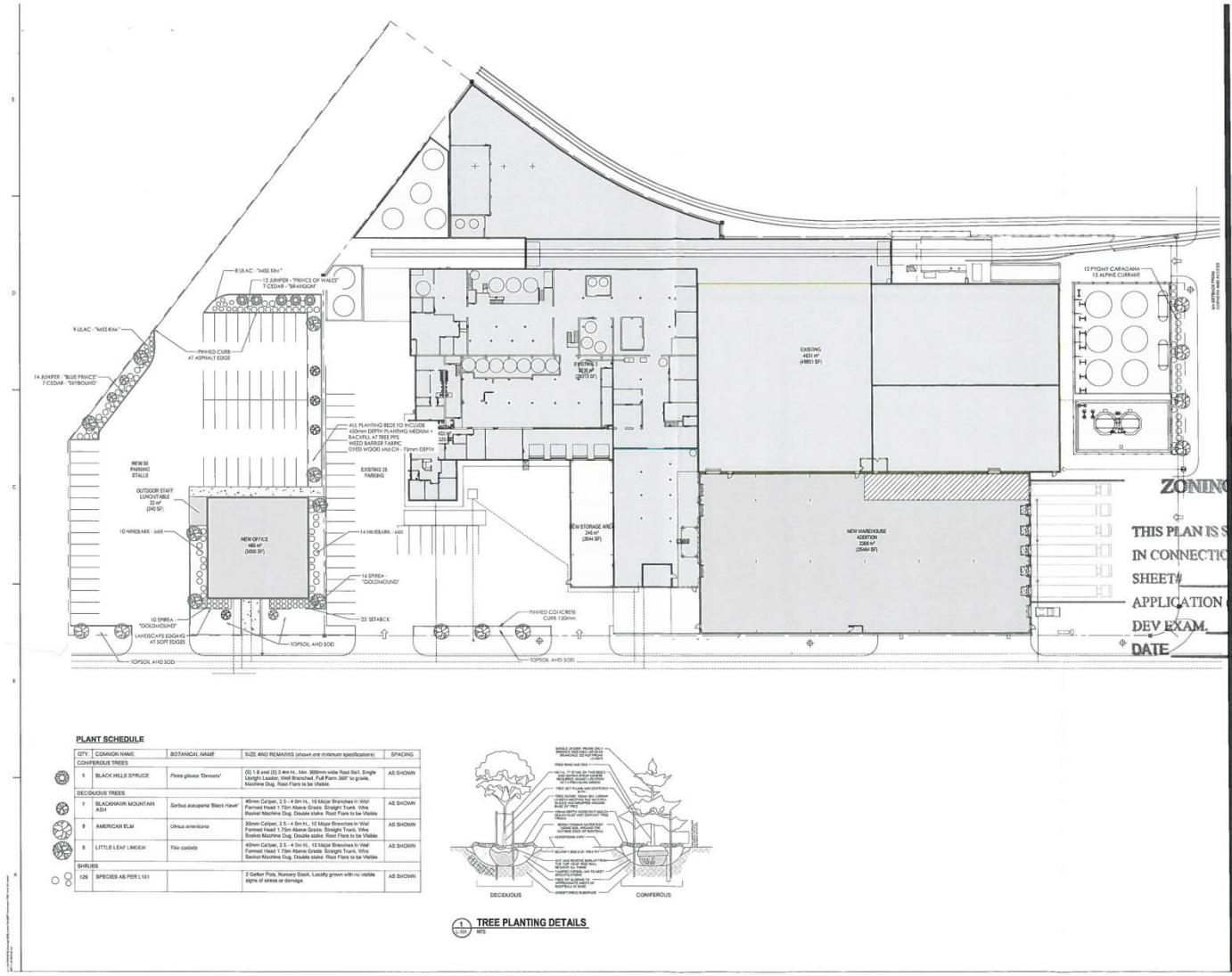
Title
EXPANSION AREA PLAN - OVERALL

Project No.
114419007

Scale
1 : 200

Revision
A

Drawing No.
A-101



PLANT SCHEDULE

QTY	COMMON NAME	BOTANICAL NAME	SIZE AND REMARKS (shown are minimum specifications)	SPACING
CONIFEROUS TREES				
5	BLACK HILLS SPRUCE	*Picea glauca 'Densata'*	(5) 1.8 and (3) 2.4m ht., Min. 900mm wide Root Ball. Single Upright Leader, Well Branched, Full Form 360° to grade, Machine Dug. Root Flare to be Visible.	AS SHOWN
DECIDUOUS TREES				
7	BLACKHAWK MOUNTAIN ASH	*Sorbus aucuparia 'Black Hawk'*	40mm Caliper, 3.5 - 4.0m ht., 10 Major Branches in Well Formed Head 1.75m Above Grade. Straight Trunk. Wire Basket Machine Dug. Double stake. Root Flare to be Visible.	AS SHOWN
9	AMERICAN ELM	*Ulmus americana*	50mm Caliper, 3.5 - 4.0m ht., 10 Major Branches in Well Formed Head 1.75m Above Grade. Straight Trunk, Wire Basket Machine Dug. Double stake. Root Flare to be Visible.	AS SHOWN
8	LITTLE LEAF LINDEN	*Tilia cordata*	40mm Caliper, 3.5 - 4.0m ht., 10 Major Branches in Well Formed Head 1.75m Above Grade. Straight Trunk, Wire Basket Machine Dug. Double stake. Root Flare to be Visible.	AS SHOWN
SHRUBS				
129	SPECIES AS PER L101		2 Gallon Pots, Nursery Stock. Locally grown with no visible signs of stress or damage.	AS SHOWN

1 L-101 **TREE PLANTING DETAILS**
NTS

ZONING AND PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAV 222/18/PC
SHEET# 3 OF 7
APPLICATION (SGD.)
DEV EXAM.
DATE DEC 0 3 2019

Stantec

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Notes

Revision	Issued	Dr.	Ck.	Appd.	YYYY-MM-DD
A	ISSUED FOR FINAL REVIEW	DB	DS	MW	2019-11-19

Permit/Seal

PRELIMINARY NOT FOR CONSTRUCTION

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Client/Project Logo

Client/Project
IPCO

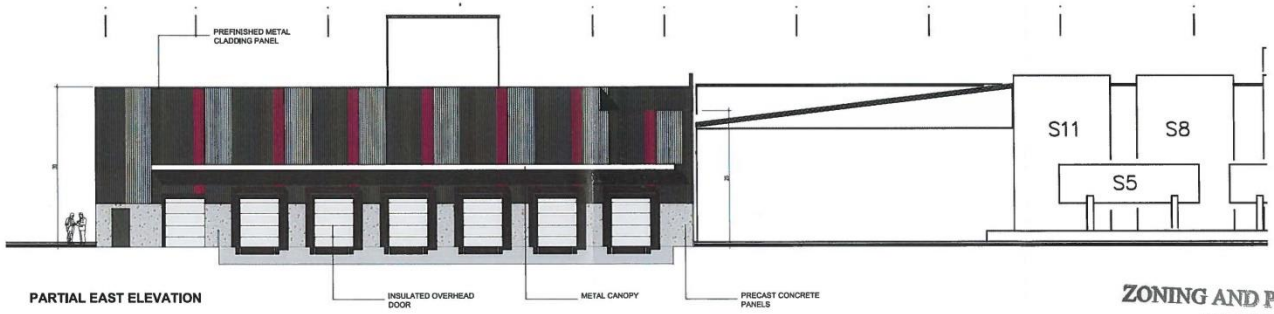
PLANT EXPANSION

Winnipeg, Manitoba

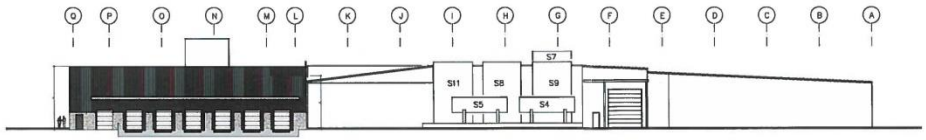
Title
LANDSCAPE - SITE PLAN

Project No.	Scale
114 7027	

Revision	Sheet	Drawing No.
A	of XX	L-101



PARTIAL EAST ELEVATION



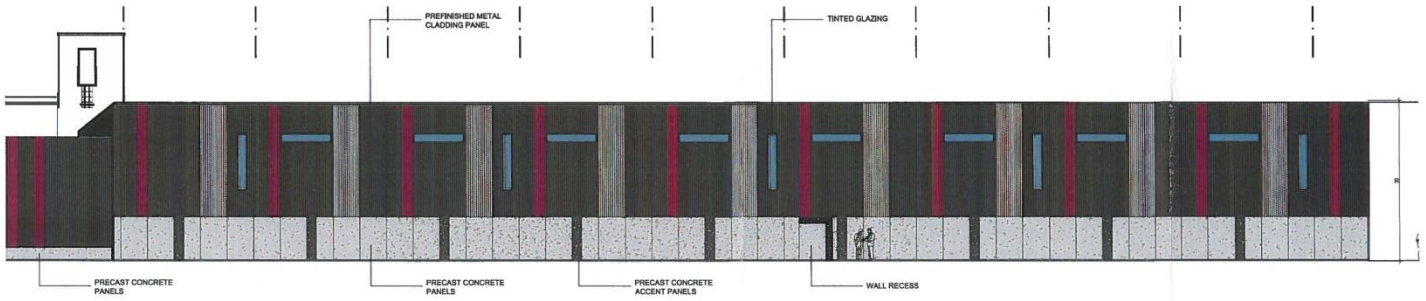
EAST ELEVATION

ZONING AND PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAN 202128/19C
SHEET# 4 OF 7
APPLICATION (SGD.)
DEV EXAM.
DATE DEC 0 3 2019

Stantec IPCO

IPCO Expansion - Elevations

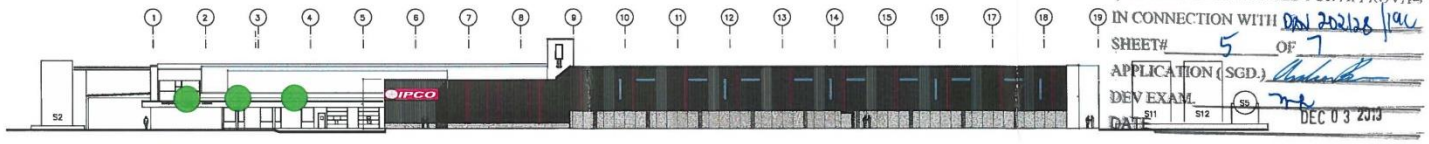
945 MARION STREET, WINNIPEG, MB
NOVEMBER 19, 2019



PARTIAL SOUTH ELEVATION



PARTIAL SOUTH ELEVATION



SOUTH ELEVATION

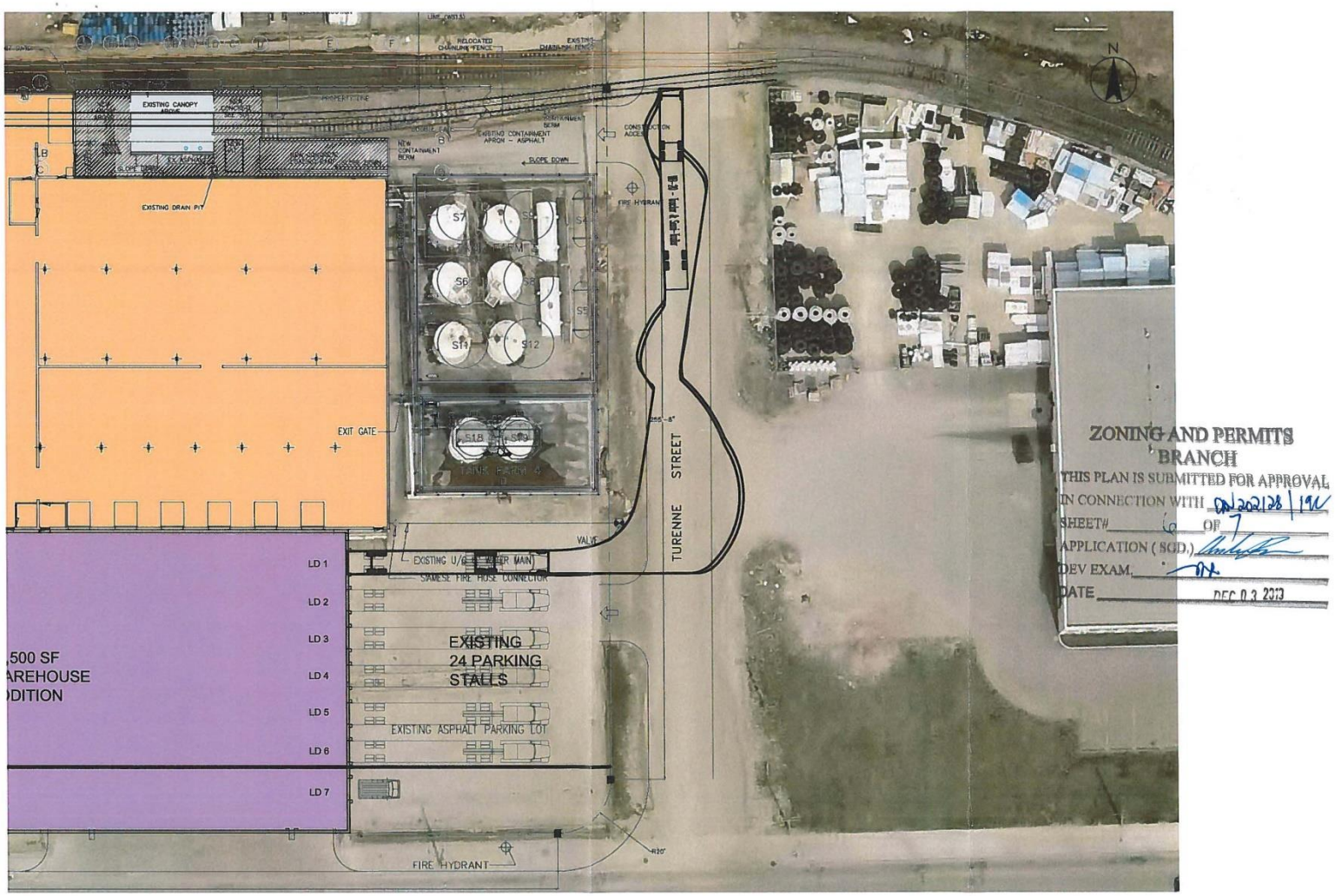
ZONING AND PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DAN 202128
SHEET# 5 OF 7
APPLICATION (SGD.)
DEV EXAM.
DATE DEC 03 2019

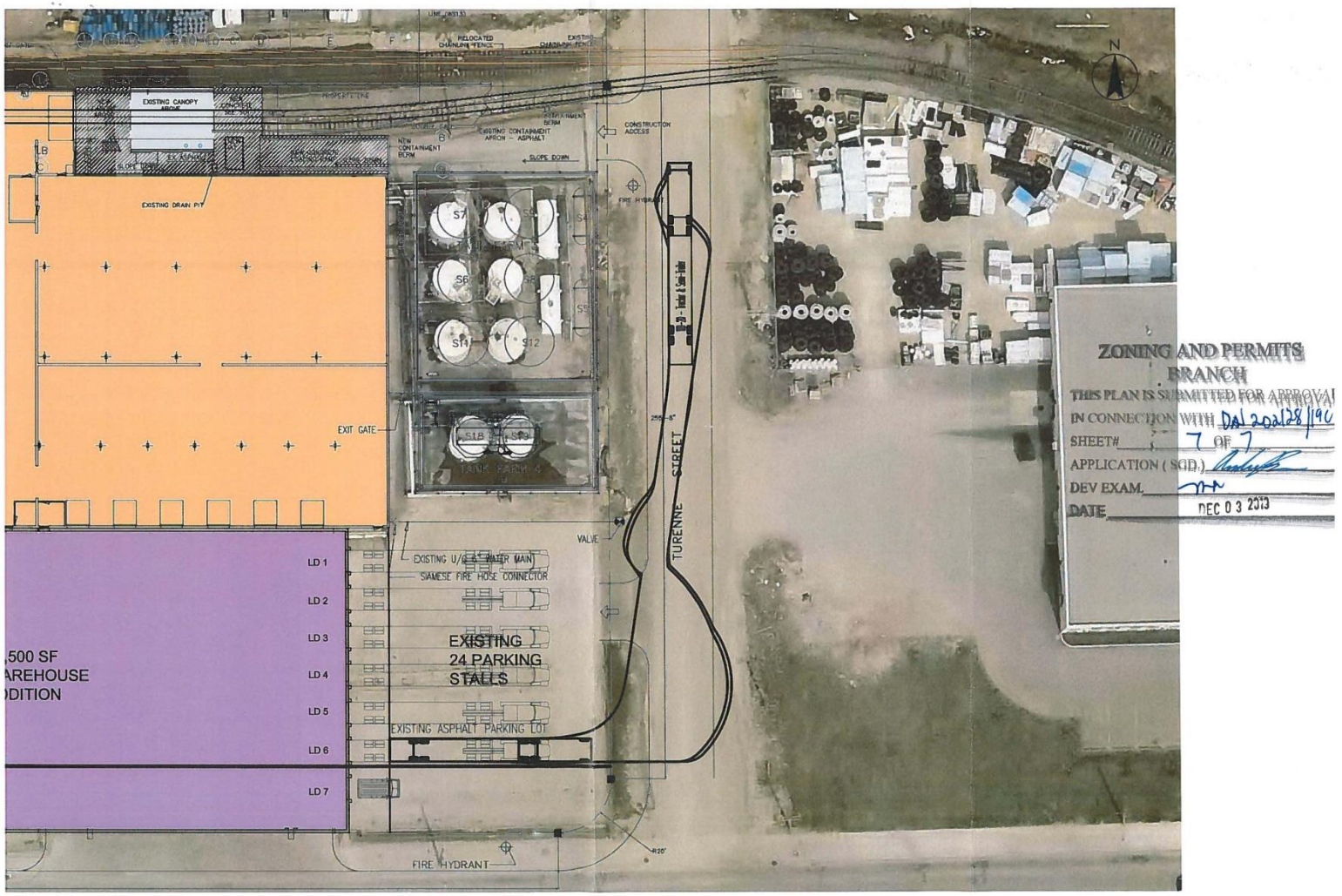
Stantec IPCO

IPCO Expansion - Elevations

945 MARION STREET, WINNIPEG, MB

NOVEMBER 19, 2019


EXISTING CANOPY ABOVE
EXISTING DRAIN PIT
EXIT GATE
S7
S6
S11
S12
S18
S19
TANK FARM 4
TURENNE STREET
VALVE
SIAMESE FIRE HOSE CONNECTOR
LD 1
LD 2
LD 3
LD 4
LD 5
LD 6
LD 7
,500 SF
AREHOUSE
DDITION
EXISTING
24 PARKING
STALLS
EXISTING ASPHALT PARKING LOT
FIRE HYDRANT
ZONING AND PERMITS
BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH
SHEET# 6 OF 7
APPLICATION (SGD.)
DEV EXAM.
DATE DEC 0 3 2019


EXISTING CANOPY
EXISTING DRAIN PIT
EXIT GATE
EXISTING CONTAINMENT APRON - ASPHALT
NEW CONTAINMENT BERM
CONSTRUCTION ACCESS
SLOPE DOWN
FIRE HYDRANT
TANK FARM 4
VALVE
EXISTING U/G S. WATER MAIN
SIAMESE FIRE HOSE CONNECTOR
TURENNE STREET
EXISTING 24 PARKING STALLS
EXISTING ASPHALT PARKING LOT
LD 1
LD 2
LD 3
LD 4
LD 5
LD 6
LD 7
,500 SF
AREHOUSE
DDITION
FIRE HYDRANT
N
ZONING AND PERMITS BRANCH
THIS PLAN IS SUBMITTED FOR APPROVAL
IN CONNECTION WITH DA1 202128190
SHEET# 7 OF 7
APPLICATION (SOD.)
DEV EXAM.
DATE DEC 0 3 2013