

RE: BIG BEND DEVELOPMENT PLAN
INDUSTRIAL ZONED PROPERTIES ADJACENT MARINE WAY

MUNICIPAL MANAGER'S RECOMMENDATION:

ITEM SUPPLEMENTARY 9
MANAGER'S REPORT NO. 64
COUNCIL MEETING 88/10/11

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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SUPPLEMENTARY
1988 OCTOBER 07

TO: MUNICIPAL MANAGER
FROM: DIRECTOR PLANNING & BUILDING INSPECTION
SUBJECT: BIG BEND DEVELOPMENT PLAN
INDUSTRIALLY-ZONED PROPERTIES ADJACENT MARINE WAY

PURPOSE: To report on the ramifications of the existing permitted commercial uses in industrial zoning designations and regulations as they apply particularly to properties in the vicinity of Marine Way, and to recommend amendments.

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RECOMMENDATION:

1. THAT staff be authorized to prepare amendments to the text of the Zoning Bylaw in accordance with the approach outlined in Sections 3.2.5 of this report, to be the subject of a further report to Council.

REPORT

1.0 BACKGROUND

- 1.1 On 1988 September 26, Council received a report (Item No. 5, Manager's Report No. 61), dealing with recent interest in developing automobile sales lots on properties fronting on Marine Way, and adopted the recommendation contained therein:

"1. THAT staff be directed to examine more fully the ramifications of the existing industrial zoning designations and regulations, and appropriate amendments, particularly as they apply to properties in the vicinity of Marine Way, and to report back within two weeks with specific recommendations."

On that occasion Council also heard two delegations representing persons involved with two specific sites on the south side of Marine Way east of Boundary Road, who were in the process of proposing development under prevailing zoning.

In addition, the following motion was moved, second and subsequently tabled, pending completion of the staff review of this area:

"THAT notwithstanding the adoption of Recommendation No. 1 of Item 5, Acting Municipal Manager's Report No. 61, 1988 September 26, that staff work with N.S. Auto Exchange and Mr. Tom Gautreau toward the issuance of building permits based on current permitted uses in M1, M2 and M3 zoning."

1.2

Staff have given further consideration to the matter with a view to the ramifications of the present zoning and of alternative courses of action that are presented as available means to correct the situation. In the course of this review staff have sought to bear in mind the situation in which the two prospective developers of properties at Joffre Avenue and Greenall Avenue find themselves, as well as looking at the broader issues identified in the earlier report.

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2.0

OVERVIEW

2.1

The issues of concern from a general land use planning perspective centre on whether certain presently-permitted commercial activities in some Industrial District zones are appropriate, in particular with respect to a certain locational context. It has been submitted that the acceptance of such commercial use options in some settings may not be in keeping with the general goals and objectives for the established Industrial zones, and give rise to special concern where they occupy sites along the frontage of arterial routes.

2.2

Among the particular concerns mentioned are the following:

- preservation of the character of the industrial zones,
- the nature of the present and prospective use and occupancy of those areas affected,
- the image of land uses along important arterial routes,
- the nature of traffic impacts related to uses along arterial routes,
- avoidance of pre-emption of valuable industrial lands by essentially non-industrial uses, and
- prevention of a strip commercial-type of development character along new or emerging arterials.

Additionally, it is noted that encroachment of commercial uses in industrial areas can result in raising property values and property taxes, thereby forcing out bona-fide industrial uses.

2.3

At the present time, the M1 Manufacturing District regulations specifically permit a variety of commercial and service uses along with a number of clearly industrial uses. These uses include auto-mobile, boat and trailer sales and rental lots, car washing establishments, and retail building supply establishments, as well as more distinctly industrially-flavoured variations. These same uses are permitted in the M2 and M3 Districts, along with golf driving ranges (M2 & M3) indoor pistol and rifle ranges (M2 & M3), and drive-in theatres (M3).

2.4

While the inclusion of these uses in industrial zones can be justified on several bases, including the size of site area required, potential associated environmental effects that could make them less than ideal in other, more sensitive settings and, occasionally, the use of machinery or equipment that is better suited to industrial neighbours than to commercial, residential or institutional ones, their presence in some settings can introduce conflicts with the desired image or character of an area. The M5 District, on the other hand, excludes such uses and as a result has been used adjacent or in close proximity to residential areas and, in some locations, along arterial routes.

2.5

Potential courses of action which had been identified in a preliminary way for overcoming this situation are summarized as follows:

- (a) Text amendment to restrict commercial uses in Industrial Districts in the Zoning Bylaw;
- (b) Rezoning of lands in locations of concern, to a zoning designation that would not permit commercial use, and
- (c) Authority to negotiate for Municipal acquisition of properties for land assembly purposes, to ensure compatible development.

- 2.6 In the course of considering these options more fully, staff have identified a fourth possible approach, which might be summarized as:
- (d) Text amendment in the Zoning Bylaw to control commercial uses on industrially-zoned lands within a specified distance of designated streets, and the incorporation of development standards to accomplish this.

3.0 ANALYSIS OF ALTERNATIVES

- 3.1 In considering the merits or disadvantages of each of the alternative courses of action, staff have attempted to reflect on the ramifications for existing developments (e.g. creation of non-conformity) as well as those for the owners or prospective owners of the properties that were the subject of recent enquiries (and delegation before Council). The essential core of our consideration however has been the overall impact on broader Municipal or community interests, including the image of the community projected by ribbon commercial development, the potential for traffic impacts, and the issue of commercial pre-emption of valuable industrial land.
- 3.2 The implications of various approaches to the problem, beginning with the 'do nothing' alternative, are outlined in brief below:

OPTION	DESCRIPTION	EFFECT ON EXISTING DEVELOPMENT	IMPLICATIONS FOR NEW DEVELOPMENT
3.2.1	Proceed under existing zoning regulations.	Remains without change (i.e. conforming or non-conforming as the case may be).	Continued potential for sales lot development in industrial zones, including along new and emerging arterials; creation of further ribbon-style development; potential for introducing higher commercial traffic generation in industrial areas and movements at intersections with arterials; continued pre-emption of valuable industrial sites.
3.2.2	Amend text of Industrial District zones to delete various commercial uses from list of permitted uses.	Results in substantial number of existing developed sites becoming legally non-conforming (e.g. properties on Loughheed Hwy., Hastings St., etc.)	Eliminates potential for new sales lots along arterials in industrial areas and throughout industrial zones; reduces potential for commercial traffic conflicts; reduces pressure on industrial land resource.
3.2.3	Rezone industrial lands in vicinity of arterial routes to a category not permitting commercial lot use (e.g. M5 Industrial District).	May create non-conformity for both commercial and industrial uses on certain developed sites; avoids non-conformity on vacant lands.	May be perceived by some owners as affecting value of existing lands; may introduce additional alternative use, such as business office development, to existing permitted range of uses; prevents ribbon commercial style of development for sales lots; reduces potential for commercial traffic conflicts.

OPTION DESCRIPTION EFFECT ON EXISTING DEVELOPMENT IMPLICATIONS FOR NEW DEVELOPMENT

3.2.4 Negotiate, given Council authority, for acquisition of properties to ensure compatible development.

Provides existing owners with opportunity to avoid loss where property considered inappropriate for sales lot use.

Provides means for implementing adopted Municipal plans and avoiding effects of ribbon development, etc.; protects industrial land resource for appropriate industrial use through Municipal ownership, subsequent rezoning, sale subject to covenant, or other means; potential major initial cost to Municipality, with offset from subsequent resale for alternative use. May imply obligation to buy a range of such potentially-commercial properties.

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3.2.5 Amend text of Industrial District zones to control or prohibit designated commercial uses of industrial lands within a specified distance of arterial routes specified in the Bylaw, and to introduce appropriate development standards for such commercial development with-in those areas (e.g. setbacks, landscaping, sign display, screening/fencing requirements).

May be applied selectively in a geographic sense to limit creation of non-conformity and provides for establishment of development standards to be applied where expansion of an existing use of land is anticipated.

Provides means for implementing land use controls in a fairly focussed way with respect to identified arterial routes without necessarily ruling out the entire class of use, subject to development standards, at more acceptable locations.

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4.0 COMMENTS REGARDING PROPERTIES THAT WERE THE SUBJECT OF DELEGATIONS 1988 SEPTEMBER 26

- 4.1 Having heard Delegations on September 26 from individuals involved with properties that were the subject of recent enquiries to the Planning Division, Council tabled a motion directing staff to work with the individuals toward the issuance of building permits based on current permitted uses.
- 4.2 For information, an application for Preliminary Plan Approval (PPA #9037) was submitted on 1988 September 26 by N.S. Auto Exchange for a new building on Lot 1 and Lot 2 N1/2 (south-east corner of Marine Way and Joffre Avenue) for an office/repair facility, with eleven on-site parking spaces. This application does not appear to represent an outdoor sales lot use, and is being circulated and processed under prevailing zoning. As of this date, no application has been submitted by N.S. Auto Exchange for the recreational vehicle sales lot use we understand is to be proposed.


4.3 With respect to the proposal for properties at the south-west corner of Marine Way and Greenall Avenue (Lots 11, 10, 9 and N1/2 of Lot 8), an application has been filed by Togo Holdings (Mr. Gautreau - PPA #9021) for a used auto sales lot, but no drawings or other documentation to support the application have been submitted.

5.0 CONCLUSIONS

5.1 From the foregoing, it is considered that the most reasonable approach would be based on Option 3.2.5, whereby the Council could establish regulations through bylaw amendments that focus on the particular areas of concern without unduly impacting on existing uses. It is being recommended that staff be authorized to develop this concept more fully and submit a further report, proposing text amendments and an implementation plan.

5.2 Staff will pursue the processing of PPA Applications 9021 and 9037 in accordance with direction of Council, if so directed, seeking to work with the applicants toward the most acceptable form of development that can be achieved under present zoning.

In the meantime, staff would propose to pursue the development of a detailed proposal for amendments to the Zoning Bylaw, to apply to any further new applications that may be submitted for those uses mentioned in Section 2.3 on sites proximate to arterial routes. A further report on the matter will be submitted for Council consideration as soon as possible.


A. L. Parr
Director Planning &
Building Inspection

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cc: Municipal Solicitor
Chief Building Inspector
Municipal Clerk

