**Agenda - Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – May 25, 2015**

## PUBLIC HEARINGS

**Item No. 2** **Appeal - Conditional Use – 25 Fort Street**
**(Fort Rouge - East Fort Garry Ward)**
**File DCU 117155A/2015B [c/r DAV 117142A/2015B]**

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

The Winnipeg Public Service recommends that the appeal be denied and the decision of the Director of Planning, Property and Development Department dated April 1, 2015, be upheld.

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DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On May 7, 2015, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management did not hear any representation on the application and adjourned the Appeal Hearing to its meeting on May 25, 2015 at 9:30 a.m. in the Council Building, 510 Main Street.

**Agenda - Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – May 25, 2015**

| | |
|---|---|
| File: | DCU 117155A/2015B |
| Appellant: | Jerry Gray |
| Applicant: | Jerry Gray (Friends of Upper Fort Garry) |
| Premises Affected: | 25 Fort Street |
| Legal Description: | SHOWN ON MISC PL NO CC 6832/3 LOT 56,59/61 PLAN 23855 1 ST J, hereinafter called "the land" |
| Property Zoned: | Multiple Use Sector |
| Nature of the Application: | For a Conditional Use under the Winnipeg Zoning By-law No. 200/2006 to permit the establishment of a parking, non-accessory off-street at grade, use. |
| Exhibits Filed: | 1. Order DCU 117155/2015B dated April 1, 2015<br>2. Notice of Appeal filed by Jerry Gray, received April 14, 2015<br>3. Notification of Public Hearing dated April 21, 2015<br>4. Manitoba Status of Titles 2660814/1, 2660817/1 and 2660818/1<br>5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising<br>6. Site plan<br>7. Plan, Sheet 1, for File DCU 117155/2015B dated March 23, 2015<br>8. Communication dated May 1, 2015 from the Winnipeg Public Service, requesting that the Appeal Hearing be adjourned to May 25, 2015<br>9. Inspection Report<br>10. Notice of Adjournment dated May 7, 2015<br>11. Report from the Urban Planning Division dated April 21, 2015 |

**Agenda - Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – May 25, 2015**

REPRESENTATIONS:

In Support:

In Opposition:

For Information:

For the City:

Moved by Councillor

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

Moved by Councillor

That the receipt of public representations be concluded.

**Agenda – Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – May 25, 2015**

Moved by Councillor

That in accordance with Section 254 and Subsection 247(3) of The City of Winnipeg Charter, the Conditional Use,

(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; and

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

Supporting Comments:

Moved by Councillor

That the appeal be allowed / allowed in part / denied and Order DCU 117155/2015B be confirmed / cancelled.

Moved by Councillor

That the decision of the Director of Planning, Property and Development be / not be concurred in.

Moved by Councillor

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

Exhibit " 11 " referred to in File DCU 117155A/2015B

# ADMINISTRATIVE REPORT

**Title:** DCU 15-117155/B – 25 Fort Street Public Hearing

**Critical Path:** Standing Policy Committee on Downtown Development, Heritage and Riverbank Management

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| B. Smith | M. Pittet | N/A | M. Jack<br>A/COO |

## RECOMMENDATIONS

The Winnipeg Public Service recommends that the appeal be denied and the decision of the Director of Planning, Property and Development Department dated April 1, 2015, be upheld.

## REASON FOR THE REPORT

- A portion of Upper Fort Garry Provincial Park, slated for a future interpretive centre, is now proposed to be used for interim surface parking.
- The Standing Policy Committee on Downtown Development, Heritage and Riverbank Management is the delegated hearing body for appeals of the Public Service's decisions on conditional use applications in Downtown Winnipeg.

## IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Public Service are concurred in, the site cannot be used for parking.

## HISTORY

- The subject land at the corner of Fort Street and Assiniboine Avenue was formerly City of Winnipeg land that provided parking for city employees and customers for 30 Fort Street and 100 Main Street. The 100 Main building and parking lot was declared surplus in 2006.
- After initially entering into an agreement to sell the site for an apartment proposal, City Council changed course and sold the site to the Friends of Upper Fort Garry for the creation of a provincial park in 2009. One of the stipulations of the sale was that work on both the park and the interpretive centre was to be complete within five years.
- In 2012, Friends of Upper Fort Garry began operating a commercial parking lot in a portion of the site before zoning enforcement was dispatched.
- Work on the public open space portion of the site was substantially completed last summer, however it remains closed to the public. The southwest portion of the site, intended for the interpretive centre remains vacant other than some construction equipment.
- In March, the proponents applied to establish a non-accessory surface parking lot at the southwest end of the site. The application was rejected by the Director of Planning, Property and Development on April 1, 2015.

## DISCUSSION

**File:** DCU 15-117155/B
**Related Files:** DAV 15-117142/B

**Community:** City Centre
**Neighbourhood #:** 1.165

**Subject:** For a Conditional Use under Downtown Zoning By-Law No. 100/2004 to permit the establishment of non-accessory, off-street, at grade parking.

**Applicant:** Jerry Gray, Friends of Upper Fort Garry
509-62 Albert Street
Winnipeg, MB R3B 1G4

**Owners:** Her Majesty the Queen in right of the Province of Manitoba

**Criteria for Approval**
Pursuant to Section 247(3) of the City of Winnipeg Charter, a Conditional Use application can be approved if the proposed development:

(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; and

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

**Site Description:**

- The subject property is the construction site of the future Upper Fort Garry Provincial Park. The entire park site is approximately three acres, with the proposed parking area occupying approximately half an acre at the corner of Fort Street and Assiniboine Avenue in the Fort Rouge – East Fort Garry Ward.

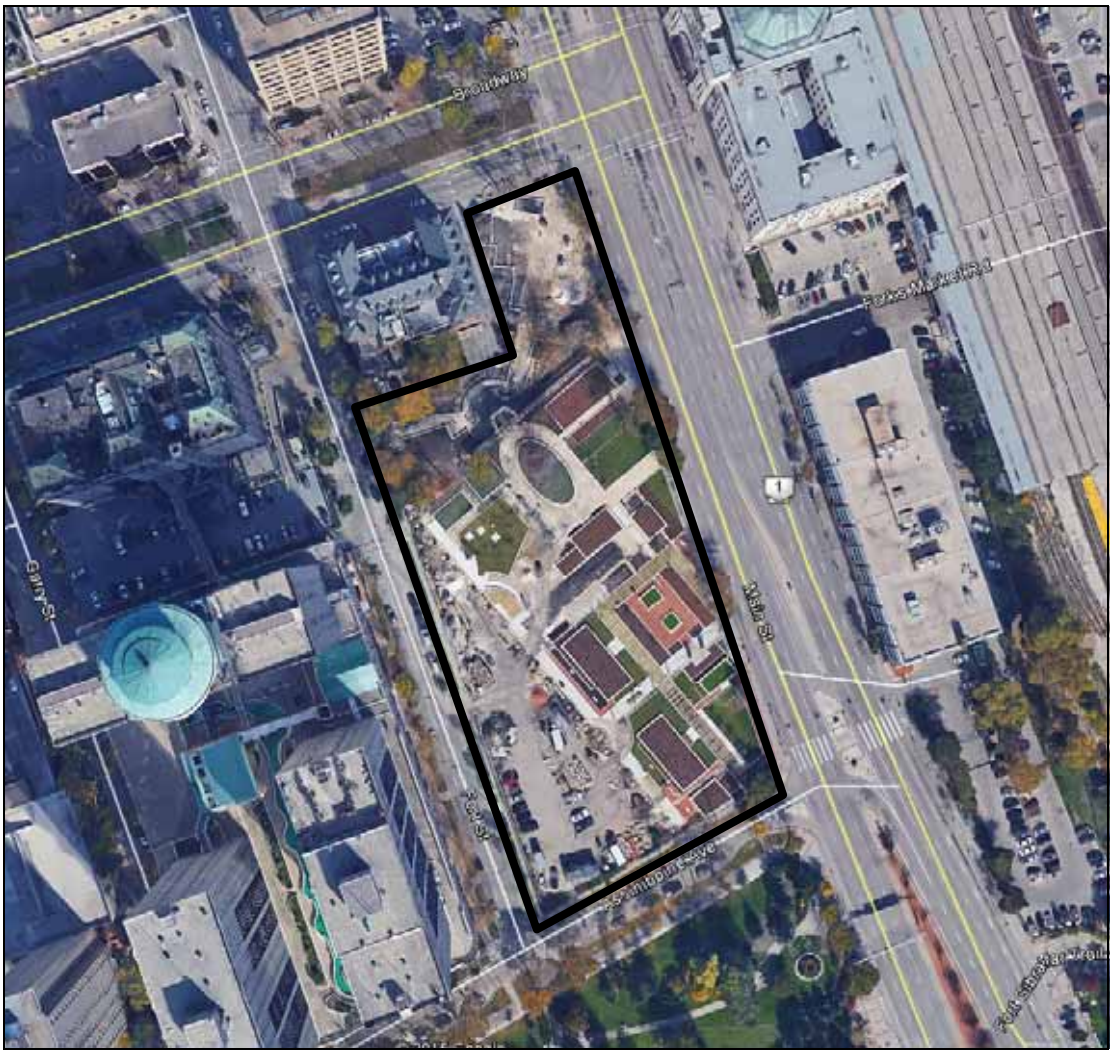



**Figure 1: Google image of the subject property and surrounding area**

**Project Description:**

Due to a shortage in fundraising, construction on the interpretive centre is not anticipated for a couple of years. The portion of Upper Fort Garry Provincial Park, slated for a future interpretive centre, is now contemplated for interim surface parking. Because it is interim, the applicant is also seeking relief from the design standards in the zoning by-law in order to save costs.

**Analysis and Issues:**

*OurWinnipeg* and *Complete Communities*

The *OurWinnipeg* Complete Communities Direction Strategy includes policy to both discourage the introduction of any new surface parking and to reduce the overall amount of surface parking in the downtown.

*Downtown Parking Strategy*

The Downtown Parking Strategy, endorsed by City Council on December 14, 2011 in support of the Complete Communities Direction Strategy, advances that policy direction with a tool kit of potential strategies. For example:

- *Explore the possibility of a demonstration project at a former surface parking lot using temporary green space as a carbon sequestration and/or image enhancement initiative. This type of project would be interim in nature, only where obsolete surface parking lots are awaiting redevelopment.*

Where new parking is being created, it is expected to be in support of strategic economic development and accommodated in the form of a parking structure within a mixed use development.

- *Encourage the redevelopment of surface lots for residential, commercial or employment uses.*

Surface parking occupies a vast amount of land in our Downtown. Approximately one fifth of Downtown real estate is occupied by surface parking lots. These lots not only degrade the image of our Downtown, they also create challenges for safety and deter legitimate pedestrian movement. The vision for Downtown Winnipeg is closely connected pedestrian-oriented destinations. Infilling parking lots with residential and commercial development along with new Downtown attractions makes more effective use of land. It is also an important strategy in Winnipeg's plan to accommodate growth and create complete streets that are more dynamic, animated and safe.

A large portion of the subject site was a city-owned parking lot for many years. It was declared surplus so that a higher and better use could be found for the site. Reverting the site back to unimproved surface parking, would undermine the City's intentions in selling this site.

**Reasons for Recommendations**:
In the context of Section 247(3), the Winnipeg Public Service recommends **rejection** for the following reasons:

- The proposal is not consistent with the Complete Communities Direction Strategy, Section 03-1f.
- A gravel parking lot is not compatible with the area.

## FINANCIAL IMPACT

**Financial Impact Statement** **Date:** April 23, 2015

## Project Name:

**DCU 15-117155/B – 25 Fort Street Public Hearing**

**COMMENTS:**

There are no financial implications associated with the recommendations contained in this report.

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

## CONSULTATION

In preparing this report there was consultation with:

- N/A

## SUBMITTED BY

| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning |
| Prepared by: | Kurtis Kowalke |
| Date: | April 21, 2015 |
| File No. | DCU 15-117155/B |

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UD 2015-028

Exhibit " 8 " referred to in File DCU 117155A/2015B

**From:** Smith, Braden
**Sent:** Friday, May 01, 2015 3:39 PM
**To:** Marques, Josie; Lemoine, Marc
**Cc:** Pittet, Marc
**Subject:** 25 Fort Street - Appeal Hearing

Hello Josie;
I am requesting that the upcoming appeal hearings for 25 Fort Street be adjourned to the 25 May meeting of the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management.

The very best,
Braden

**Braden Smith, MCIP**
*Chief Planner*
Planning, Property and Development
City of Winnipeg
15-30 Fort Street
Winnipeg, MB R3C 4X5
T: 204.986.2699
F: 204.986.7524
E: bradensmith@winnipeg.ca
W: www.winnipeg.ca/ppd

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Exhibit " 7 " referred to in File DCU 117155A/2015B

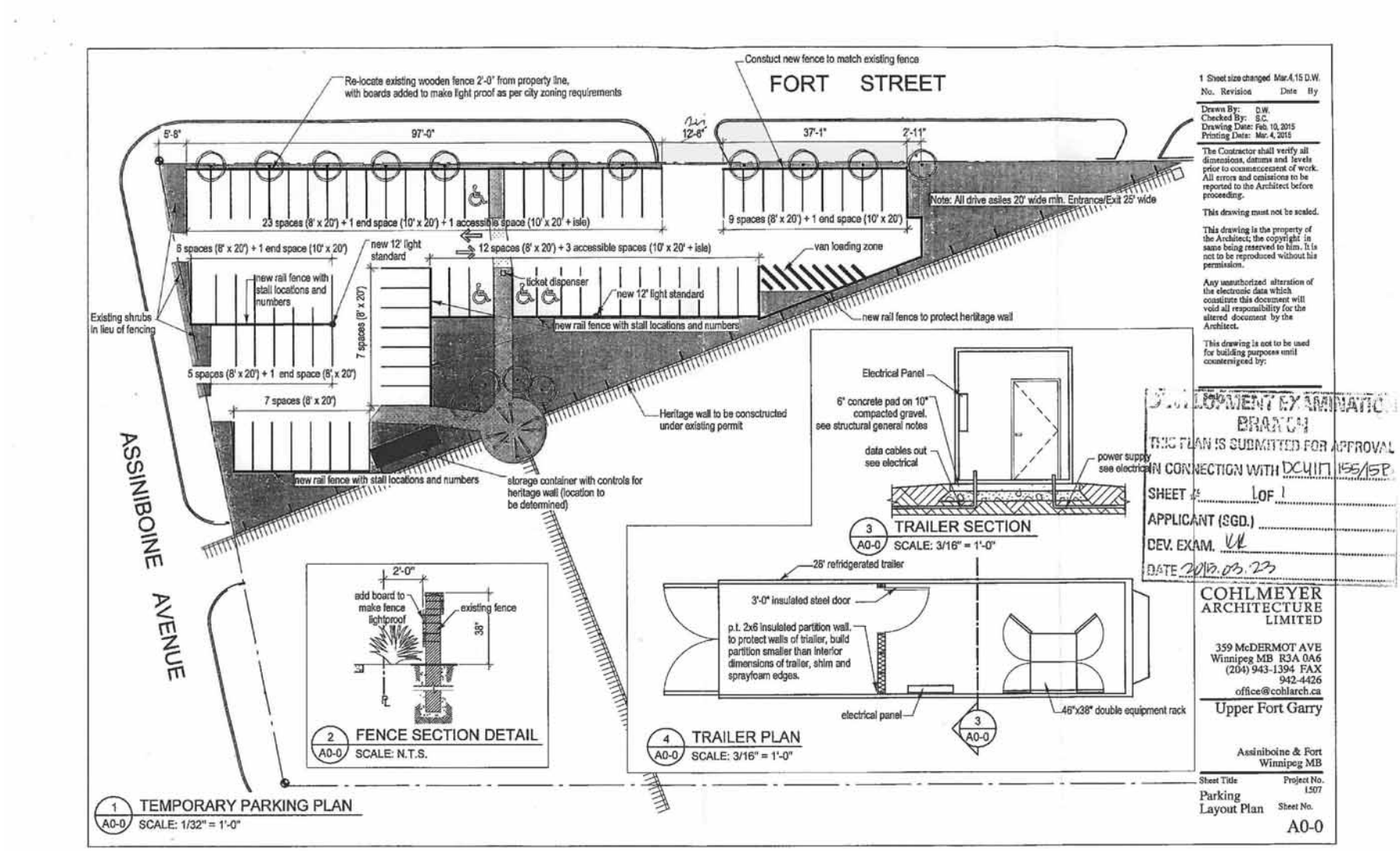


Exhibit " 2 " referred to in File DCU 117155A/2015B

CITY CLERKS WPG '15 APR 14 12:16

FRIENDS OF | AMIS DE
UPPER FORT GARRY

**Honorary Patrons**
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Hon. Gary Filmon, P.C., O.C., O.M.
Richard A.N. Bonnycastle

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Hon. Peter M. Liba, C.M., O.M. (1940 - 2007)

**Founding Directors**
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Dr. Bill Norrie, C.M., O.M., Q.C. (1929 - 2012)

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Dr. Gerald Friesen
Elaine Goldie
Garry Hilderman, C.M.
Michel D. Lagacé
Hon. Otto Lang, P.C., O.C., Q.C.
Penny McMillan
Cindy Tugwell
*Honorary Board Members*
Dee Buchwald
Shirley Liba

April 13, 2015

City Clerk
c/o Appeals Committee
City of Winnipeg
510 Main Street
Winnipeg, Manitoba
R3B 1B9

Re: Conditional Use Application #15-117155/B and
Variance Order #15/117142/B

The Friends of Upper Fort Garry wish to appeal the City ruling regarding the above noted applications.

Sincerely,

Jerry Gray, Chair

JLG:ms

Exhibit " 1 " referred to in File DCU 117155A/2015B

DCU 15-117155/B

APPLICANT: Jerry Gray Friends of Upper Fort Garry
259 - 393 PORTAGE AVE
WINNIPEG MB R3B 3H6

PREMISES AFFECTED: 25 Fort ST
LEGAL DESCRIPTION: SHOWN ON MISC PL NO CC 6832/3 LOT 56,59/61 PLAN 23855 1 ST J

hereinafter called "the land".
PROPERTY ZONED: Multiple Use Sector
ZONING ATLAS SHEET: AA25
NATURE OF APPLICATION:

For a Conditional Use under Downtown Zoning By-Law No. 100/2004 to permit the establishment of a parking, non-accessory off-street at grade, use.

It is the opinion of the Director of Planning, Property and Development Department that this application does not meet the statutory criteria of the City of Winnipeg Charter in that it:

(a) is not consistent with Plan Winnipeg and any applicable secondary plan;
(b) 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; and
(d) is not compatible with the area in which the property to be affected is situated.

C.W. Charter Section 254 and Subsection 247(3)

ORDER:
RE: 25 Fort ST

The Director of Planning, Property and Development Department hereby orders that the establishment of a parking, non-accessory off-street at grade, use **is hereby REJECTED.**

DATE OF ORDER: April 1, 2015

CERTIFIED BY:

_____
for the Director Planning, Property and Development Department

## HOW TO APPEAL

You must appeal against either the whole of this order or part(s) of it by filing a letter of appeal. This appeal will be heard by the Appeals Committee. That letter must:

(a) be addressed as set out below,

(b) be received at that office not later than 4:30 p.m. on April 15, 2015, [IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]

(c) refer to Conditional Use Order DCU 15-117155/B, give brief reasons and describe whether you appeal the whole order or only part(s) of it.

You can attend the appeal hearing and speak on issues raised in someone else's appeal; but the Appeals Committee can only rule on issues raised in appeals filed. If you are not sure what others have appealed you should file your own appeal.

Address: City Clerk, City of Winnipeg
c/o Standing Policy Committee on Downtown Development,
Heritage and Riverbank Management
510 Main Street
Winnipeg, MB, R3B 1B9
Fax 947-3452
Email: clk-appeals@winnipeg.ca