Minutes - 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]

STANDING COMMITTEE DECISION:

The Standing Policy Committee on Downtown Development, Heritage and Riverbank Management Committee allowed the appeal, did not concur in the decision of the Director of Planning, Property and Development and approved a Conditional Use to permit on "the land" the establishment of a parking, non-accessory off-street at grade, use, subject to the following condition:

1. That the Order shall expire on May 30, 2017.

Further, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management Committee cancelled Conditional Use Order DCU 117155/2015B.

DECISION MAKING HISTORY:

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

Moved by Councillor Orlikow,

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

Carried

Moved by Councillor Orlikow,

That the receipt of public representations be concluded.

Carried

Moved by Councillor Orlikow,

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:

1. This is a charity project.
2. The parking lot is existing.
3. The applicant knows that the parking is to be done within 2 years.
4. The streetscaping required creates a balance of what we envision for the downtown

Carried

DECISION MAKING HISTORY (continued):

Moved by Councillor Orlikow,

That the appeal be allowed and the decision of the Director of Planning, Property and Development not be concurred in and Conditional Use Order DCU 117155/2015B be cancelled.

Carried

Moved by Councillor Orlikow,

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

Carried

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.

THE CITY OF WINNIPEG
CONDITIONAL USE APPEAL ORDER
STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT, HERITAGE AND RIVERBANK MANAGEMENT

DCU 117155A/2015B [c/r DAV 117142A/2015B]

Before:	Standing Policy Committee on Downtown Development, Heritage and Riverbank Management Councillor Mayes, Chairperson Councillor Browaty Councillor Gerbasi Councillor Orlikow
Hearing:	May 25, 2015 May 7, 2015 Council Building, 510 Main Street
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 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.

ORDER MADE BY THE DIRECTOR OF PLANNING, PROPERTY AND DEVELOPMENT:

The Director of Planning, Property and Development rejected a Conditional Use, File DCU 117155/2015B to Jerry Gray (Friends of Upper Fort Garry), for premises located at 25 Fort Street, to permit on "the land" for the establishment of a parking, non-accessory off-street at grade, use.

Pursuant to the provisions of The City of Winnipeg Charter, Jerry Gray, appealed the Conditional Use Order DCU 117155/2015B and after Notice, the appeal was heard on May 25, 2015.

Upon consideration of the evidence adduced and submissions made, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management is of the opinion that, subject to the condition(s) imposed, if any, this Appeal Order meets the statutory criteria as outlined in Section 254 and Subsection 247(3) of The City of Winnipeg Charter, in that it: ✓

(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:

1. This is a charity project.
2. The parking lot is existing.
3. The applicant knows that the parking is to be done within 2 years.
4. The streetscaping required creates a balance of what we envision for the downtown

ORDER:

The Standing Policy Committee on Downtown Development, Heritage and Riverbank Management orders:

1. That the appeal is allowed to permit on "the land" the establishment of a parking, non-accessory off-street at grade, use subject to the following condition(s) necessary to ensure conformity with the statutory criteria of The City of Winnipeg Charter:

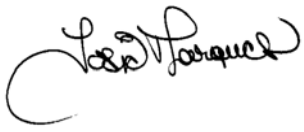
   A. That this Order shall expire on May 30, 2017.

2. That Conditional Use Order DCU 117155/2015B dated April 1, 2015, is cancelled.

THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

DATE OF ORDER: May 26, 2015

CERTIFIED BY:



Josie Marques
Senior Committee Clerk

THE FOLLOWING PERSONS MADE REPRESENTATIONS:

In Support of the Appeal:

Jerry Gray
Garry Hilderman
Penny McMillan
Gord Steeves

In Opposition to the Appeal:

Nil

For Information on the Appeal:

Cindy Tugwell

For the City:

Mr. M. Pittet, Acting Director, Planning, Property and Development Department
Mr. B. Smith, Chief Planner, Planning, Property and Development Department
Mr. J. Kiernan, Manager Urban Design, Planning, Property and Development Department
Mr. K. Kowalke, Senior Planner, Planning, Property and Development Department

EXHIBITS FILED FOR DCU 117155A/2015B

1. Order DCU 117155/2015B dated April 1, 2015
2. Notice of Appeal filed by Jerry Gray, received April 14, 2015
3. Notification of Public Hearing dated April 21, 2015
4. Manitoba Status of Titles 2660814/1, 2660817/1 and 2660818/1
5. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
6. Site plan
7. Plan, Sheet 1, for File DCU 117155/2015B dated March 23, 2015
8. Communication dated May 1, 2015 from the Winnipeg Public Service, requesting that the Appeal Hearing be adjourned to May 25, 2015
9. Inspection Report
10. Notice of Adjournment dated May 7, 2015
11. Report from the Urban Planning Division dated April 21, 2015
12. Brochure titled "Upper Fort Garry Provincial Park", in support of the appeal, submitted by the appellant at the hearing

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 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.

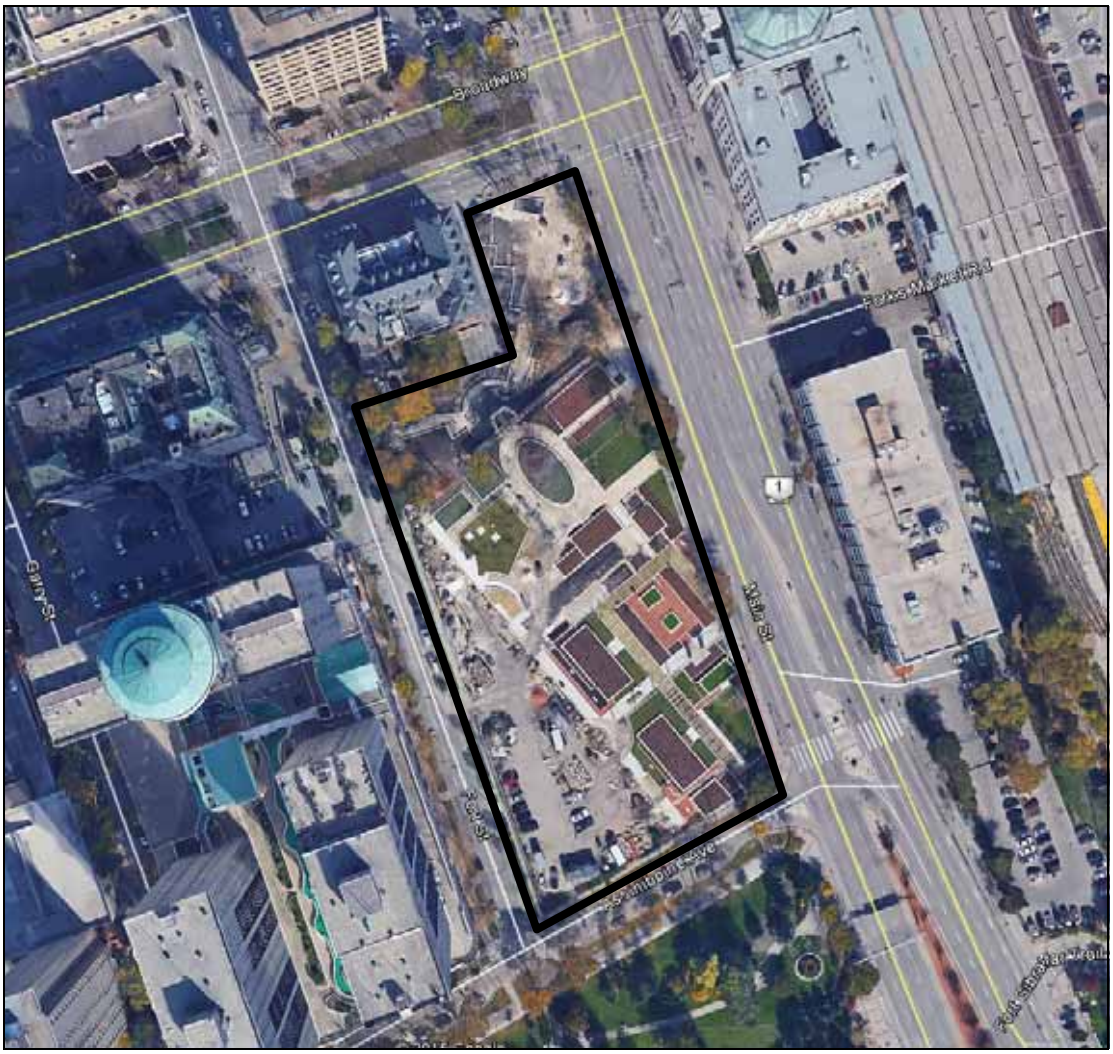


Figure 1: Google image of the subject property and surrounding area

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

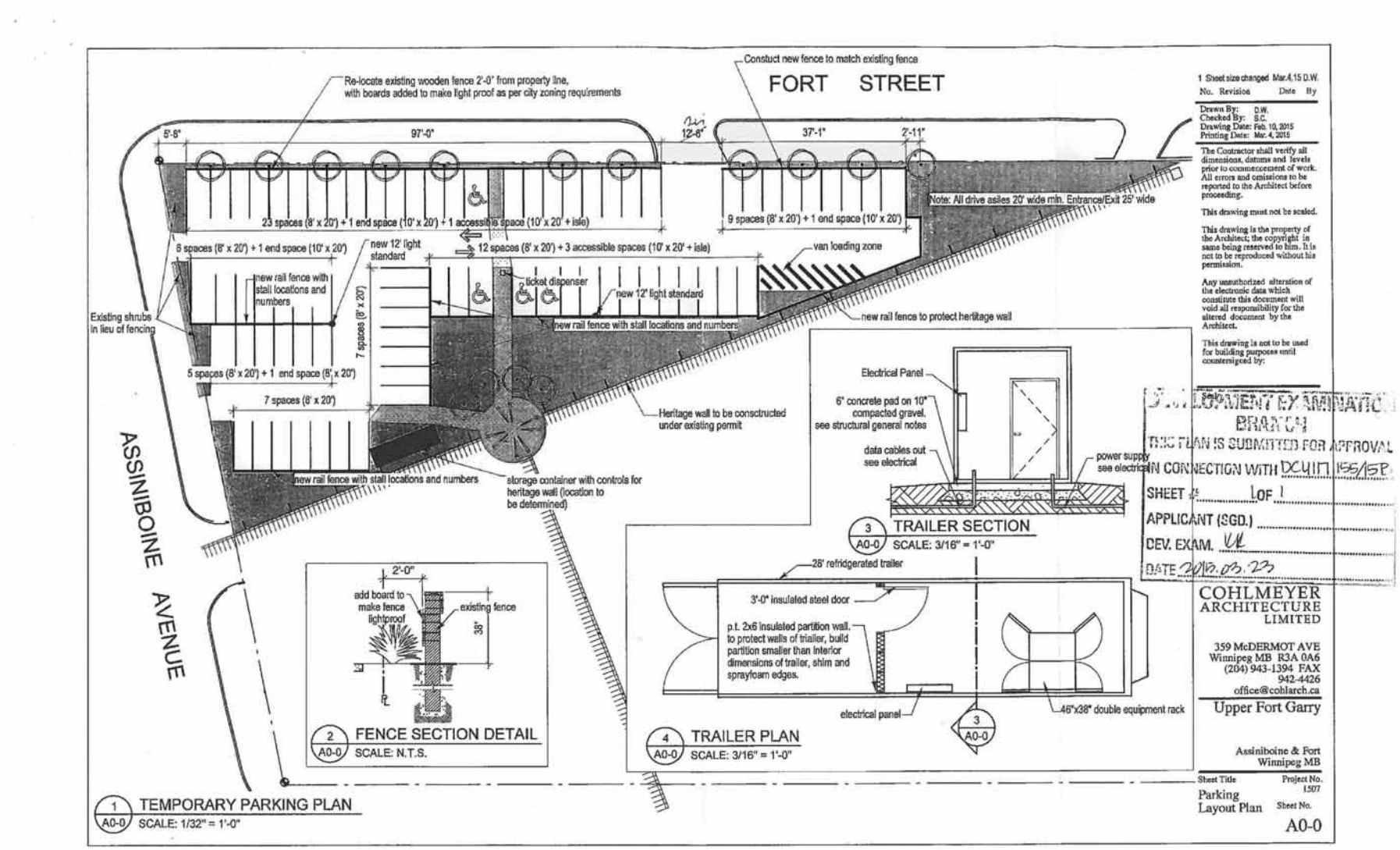

Exhibit " 2 " referred to in File DCU 117155A/2015B

CITY CLERKS WPG '15 APR 14 12:16

FRIENDS OF | AMIS DE
UPPER FORT GARRY

Honorary Patrons
Rt. Hon. Edward Schreyer, P.C., C.C., O.M.
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
Harold Buchwald, C.M., Q.C. (1928 - 2008)
Dr. Bill Norrie, C.M., O.M., Q.C. (1929 - 2012)

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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