Minutes - Executive Policy Committee – October 21, 2015

APPEAL HEARINGS

Item No. 1 **Refused Applications - Rezoning and Variance - 5101 Dugald Road (Transcona Ward)**
Files DAZ 216/2015 and DAV 139827/2015D

EXECUTIVE POLICY COMMITTEE DECISION:

The Executive Policy Committee denied the appeal and confirmed the Decision dated September 4, 2015, issued by the District Planner – East Kildonan–Transcona Urban Planning Division, Planning, Property and Development Department regarding provisions of OurWinnipeg Plan By-law No. 67/2010 and Complete Communities Direction Strategy By-law No. 68/2010, for the premises located at 5101 Dugald Road.

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the receipt of public representations be concluded.

Carried

Moved by Councillor Orlikow,

That the Appeal be denied and the Decision issued by the District Planner – East Kildonan–Transcona Urban Planning Division, Planning, Property and Development Department, be confirmed.

Carried

Moved by Councillor Orlikow,

That the following supporting reasons be provided, namely:

1. The Winnipeg Public Service have indicated there are issues about water drainage, sewer and other services, and although the applicant is hoping something will happen in the future, the applications would likely be recommended for denial even if the appeals were allowed today, due to the lack of servicing.

2. Until there is assurance the services are going to be delivered, this application is not ready to go forward.

Carried

Moved by Councillor Orlikow,

That the Appeal Hearing be concluded.

Carried

APPEAL HEARING SUMMARY

File:	DAZ 216/2015 and DAV 139827/2015D
Before:	Executive Policy Committee His Worship Mayor Bowman, Chairperson Deputy Mayor Pagtakhan Councillor Browaty Councillor Lukes Councillor Mayes Councillor Morantz Councillor Orlikow
Appeal Hearing:	October 21, 2015 Council Building, 510 Main Street
Appellant:	John Wintrup, Richard Wintrup & Associates Ltd
Premises Affected:	5101 Dugald Road
Nature of Appeal:	On September 16, 2015, John Wintrup, Richard Wintrup & Associates Ltd., appealed the decision dated September 4, 2015, issued by the District Planner – East Kildonan–Transcona Urban Planning Division, Planning, Property and Development Department, regarding provisions of OurWinnipeg Plan By-law No. 67/2010 and Complete Communities Direction Strategy By-law No. 68/2010, for the premises located at 5101 Dugald Road. The Decision stated: "With reference to your above noted applications, to facilitate the intensification of land use at 5101 Dugald Road by establishing a mini-warehouse, self-storage use with an outside storage accessory use, please be advised that the subject property is in an Area of Stability policy area of *OurWinnipeg* and *Complete Communities* and at a location without piped water, piped wastewater, piped land drainage or an urban-standard roadway. *OurWinnipeg* states, in Section 01-1a, Direction 3, that the intensification of land use can only occur on land that is serviced by piped water, piped wastewater, piped land drainage and an urban-standard roadway. It also states that the possible conversion of land in un-serviced areas may be allowed where a secondary plan establishes appropriate servicing criteria. The only applicable secondary plan is *Complete Communities.* It states, in

Section 04, Direction 1, that only residential infill subdivision proposals can be created and only if they are fronting on Public Streets containing piped water and piped sewer (and if several other criteria are also met).

Therefore, your applications are contrary to *OurWinnipeg* and to *Complete Communities.*

Consequently, your applications are hereby refused without a hearing pursuant to Section 275(2)(a) of *The City of Winnipeg Charter*, which states that an application:

- to amend a zoning by-law (by rezoning an area of land); or
- to vary a zoning by-law requirement;

that, in the opinion of a designated employee of the City, does not conform with *OurWinnipeg*, or an applicable secondary plan, the application must be refused without a hearing."

Exhibits Filed:

1. Decision dated September 4, 2015, issued by the District Planner – East Kildonan – Transcona, Urban Planning, Division, Planning, Property and Development Department
2. Notice of Appeal filed by John Wintrup, Richard Wintrup & Associates Ltd., received September 16, 2015
3. Notification of Public Hearing dated September 30, 2015
4. PowerPoint Presentation in support of the Appeal submitted by Michelle Richard and John Wintup, Richard Wintrup & Associates Ltd, at the public hearing

REPRESENTATIONS:

In Support of the Appeal:

William Fast
Kalton Loewen
Michelle Richard, Richard Wintrup & Associates Ltd.
John Wintrup, Richard Wintrup & Associates Ltd.

In Opposition to the Appeal:

Nil

For Information on the Appeal

Denisa Gavan-Koop
Rak Hayer
Jacqueline Petkau

For the City:

Mr. J. Kiernan, Director of Planning, Property and Development
Mr. B. Smith, Manager of Urban Planning, Planning, Property and Development Department

Exhibit "1" - Appeal - OurWinnipeg Plan and Complete Communities – 5101 Dugald Road

Winnipeg

Planning, Property and Development Department • Service de l'urbanisme, des biens et de l'aménagement

Planning and Land Use Division • Division de l'urbanisme et de l'usage des sols

In reply please refer to / Référence à rappeler :

Glen Doney
Phone: (204) 986-2688
Fax: (204) 986-7524

September 4, 2015

Mr. John Wintrup
Richard Wintrup and Associates
301 – 139 Roslyn Road
Winnipeg, MB
R3L 0G7

RE: 5101 DUGALD RD. – REZONING APPLICATION DAZ 216/2015 AND VARAINCE APPLICATION DAV 15-139827D

Dear Mr. Wintrup

With reference to your above noted applications, to facilitate the intensification of land use at 5101 Dugald Road by establishing a mini-warehouse, self-storage use with an outside storage accessory use, please be advised that the subject property is in an Area of Stability policy area of *OurWinnipeg* and *Complete Communities* and at a location without piped water, piped wastewater, piped land drainage or an urban-standard roadway.

OurWinnipeg states, in Section 01-1a, Direction 3, that the intensification of land use can only occur on land that is serviced by piped water, piped wastewater, piped land drainage and an urban-standard roadway. It also states that the possible conversion of land in un-serviced areas may be allowed where a secondary plan establishes appropriate servicing criteria. The only applicable secondary plan is *Complete Communities.* It states, in Section 04, Direction 1, that only residential infill subdivision proposals can be created and only if they are fronting on Public Streets containing piped water and piped sewer (and if several other criteria are also met).

Therefore, your applications are contrary to *OurWinnipeg* and to *Complete Communities.*

Consequently, your applications are hereby refused without a hearing pursuant to Section 275(2)(a) of *The City of Winnipeg Charter*, which states that an application:

- to amend a zoning by-law (by rezoning an area of land); or
- to vary a zoning by-law requirement;

that, in the opinion of a designated employee of the City, does not conform with *OurWinnipeg*, or an applicable secondary plan, the application must be refused without a hearing.

You may appeal this decision by submitting a letter by 4:30 p.m., September 25, 2015, to the Manager of the Decision Making Process at the following address:

City Clerks Department
Main Floor Council Building
510 Main Street
Winnipeg, MB
R3B 1B9

Attention:
Carlos Gameiro
Manager of the Decision Making Process
Phone: (204) 986-6631

Yours truly,

J. Glen Doney
District Planner – East Kildonan - Transcona
Urban Planning Division
Planning Property and Development

City of Winnipeg
15 – 30 Fort Street
Winnipeg, Manitoba
R3C 4X5

T: (204) 986-2688
gdoney@winnipeg.ca

Exhibit "2" - Appeal - OurWinnipeg Plan and Complete Communities – 5101 Dugald Road

RICHARD WINTRUP & ASSOCIATES

Carlos Gameiro, Manager of the Decision Making Process, City of Winnipeg

c/o Executive Policy Committee

Main Floor, Administration Building, 510 Main Street

Winnipeg, MB R3B 1B9

FAX 204-947-3452

September 16, 2015

Dear Mr. Carlos Gameiro:

RE: 5101 Dugald RD – Rezoning Application DAZ 216/2015 and Variance Application DAV 15-139827D

On behalf of *M & W Holdings Ltd.*, we have filed with the City of Winnipeg the following development applications for 5101 Dugald RD:

- DAZ 216/2015 – to rezone an "RR5 – Rural Residential 5" lot to an 'M1 – Manufacturing Light" District for the establishment of a mini-warehouse, self storage use and outside storage.
- DAV 15-139827/D - variance for a front yard of 12 feet of Dugald RD instead of 35 feet and gravel surfacing instead of asphalt, concrete, or paving stones.

The landowners of 399 Ravenhurst have purchased the subject lands and the intention is to rezone the lands to **M1 Manufacturing Light District**, which is consistent with the abutting zoning to the west at 399 Ravenhurst St which is currently zoned **M1 Manufacturing Light District.**

The rezoning will enable the redevelopment of the site formerly being used as a 'crematorium' into 'Mini-warehouse, Self Storage' and 'Outside Storage'.

The lands will be serviceable in the near future with piped water [300 mm diameter watermain as per *2015 COW Capital Budget]* and piped sewer; will respect the local context and character of the area; and will be appropriately connected to & accommodated by the existing land

drainage system on the north side of Dugald RD / PTH 15 that drains directly east into the Red River Floodway.

The Director of Planning, Property and Development has, as per *Section 275 (2) (a) of the City of Winnipeg Charter* and *Part 4 Section 3. v. of the Development Procedures By-law 160/2011*, refused to process our Development Applications associated on the basis of being contrary to *Complete Communities Direction Strategy By-law No. 68/2010.*

As per *Section 189 (1) (b) (ii) of the City of Winnipeg Charter,* we are appealing the decision of the designated employee [Director of Planning, Property and Development] to the hearing body designated by Council to consider such matters.

And, as per *Part 4 Section 3. vi. (a) of the Development Procedures By-law 160/2011,* The Executive Policy Committee will make an interpretation of the policies in the Our Winnipeg Plan By-law and/or the Compete Communities Direction Strategy By-law which affect the development application.

We understand that any development applications that are required for the proposed development still need approval after a Public Hearing, should the Executive Policy Committee decide the development applications do conform with the Our Winnipeg Plan By-law and the Complete Communities Strategy By-law.

We look forward to the opportunity on being heard on the matter regarding the Our Winnipeg Plan By-law and the Complete Communities Strategy By-law polices at the Executive Policy Committee.

Thank you for your attention to this matter and we look forward to your timely response. Feel free to contact me anytime at **204-799-7713** or at *john@richardwintrup.ca*

Yours truly,



John S. Wintrup, B.A. (Hons), M.Sc. Planning

RW | **Richard Wintrup** & Associates ltd.

P: 204.926.2235 | **F: 204.809.4677**

Exhibit "3" - Appeal - OurWinnipeg Plan and Complete Communities – 5101 Dugald Road

Winnipeg

City Clerk's Department • Bureau du greffier

REGISTERED MAIL RN 114 937 846 CA
September 30, 2015

Files DAZ 216/ 2015 & DAV 139827/2015D

John Wintrup
Richard Wintrup & Associates Ltd.
301 – 139 Roslyn Road
Winnipeg, Manitoba
R3L 1G7

Appeal – Application for a Rezoning and Variance – 5101 Dugald Road

This will acknowledge receipt of your communication dated September 16, 2015, appealing the Decision from the Urban Planning Division, Planning, Property and Development, dated September 4, 2015 regarding provisions of OurWinnipeg Plan By-law No. 67/2010 and Complete Communities Direction Strategy By-law No. 68/2010, for the premises located at 5101 Dugald Road.

Please be advised that the appeal will be heard by the Executive Policy Committee at its meeting on Wednesday, October 21, 2015 at 9:00 a.m. in the Council Building, 510 Main Street.

The purpose of the appeal hearing is to allow interested persons to make submissions, ask questions or register objections with respect to this matter.

Information or documents concerning this matter and a description of the procedure to be followed at the hearing are available for inspection in the City Clerk's Department, 510 Main Street or can be accessed on the Internet site: www.winnipeg.ca/CLKDMIS.

Carlos Gameiro
Manager of the Decision Making Process
Telephone 204-986-6631
Email cgameiro@winnipeg.ca

c. Mr. D. McNeil, Chief Administrative Officer
Mr. J. Kiernan, Director of Planning, Property and Development
Ms K. Boryskavich, Director of Legal Services and City Solicitor
Mr. B. Smith, Manager of Urban Planning, Planning, Property and Development Department
Mr. M. Grady, Administrator of Zoning and Permits, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department
Mr. S. Dueck, Manager of Development and Inspections, Planning, Property and Development Department