

**Agenda – Standing Policy Committee on Property and Development, Heritage and  
Downtown Development – May 7, 2018**

**PUBLIC HEARINGS**

**Item No. 7                    Appeal – Conditional Use – 216 Kennedy Street  
   (Fort Rouge-East Fort Garry Ward)  
   File DCU 174940A/2017B [DAV 174947A/2017B]**

An appeal was received against the decision of the Director of Planning, Property and Development, to reject a Conditional Use under Downtown Zoning By-Law No. 100/2004 to permit on “the land” the maintenance of an expanded non-accessory off-street at grade parking use as previously approved by DCU 05-158470/B.

**Agenda – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 7, 2018**

**DECISION MAKING HISTORY:**

On March 2, 2018, due to a lack of quorum and in accordance with Rule 51(11) of The Procedure By-law No. 50/2007, the appeal hearing was rescheduled to the Standing Policy Committee on Property and Development, Heritage and Downtown Development meeting on May 7, 2018, at 9:00 a.m. in the Council Building, 510 Main Street.

**STANDING COMMITTEE RECOMMENDATION:**

On February 2, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid over the matter to its meeting on March 2, 2018.

On January 8, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid over the matter to its meeting on February 2, 2018.

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## PUBLIC HEARING SUMMARY

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File: DCU 174940A/2017B [DAV 174947A/2017B]

Before: Standing Policy Committee on Property and Development,  
Heritage and Downtown Development  
Councillor Orlikow, Chairperson  
Councillor Dobson

Hearing: March 2, 2018  
February 2, 2018  
January 8, 2018  
Council Building, 510 Main Street

Appellant: Ian Marcil, OSPAR Consulting Ltd.

Applicant: Ian Marcil, OSPAR Consulting Ltd.

Premises Affected: 216 Kennedy Street

Legal Description: LOT 769/770,772 BLOCK 3 PLAN 129 LOT 5 PLAN 19211 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.  
100/2004 to permit the maintenance of an expanded non-accessory  
off-street at grade parking use as previously approved by DCU 05-  
158470/B.

Exhibits Filed:

1. Order DCU 174940A/2017B dated November 24, 2017
2. Notice of Appeal filed by Ian Marcil, OSPAR Consulting Ltd., received December 5, 2017
3. Notification of Public Hearing dated December 19, 2017
4. Manitoba Status of Titles 1287969/1, 1148754/1, 2086899/1
5. Letter of authorization dated November 14, 2017 from The Winnipeg Clinic Holding Company Limited to OSPAR Consulting Ltd.
6. Confirmation from the Zoning and Permits Administrator that the subject property may be posted in substitution for newspaper advertising
7. Plans, Sheets 1 to/and 3 inclusive, for File DCU 174940A/2017B dated November 15, 2017
8. Report from the Urban Planning Division dated December 28, 2017

9. Inspection Report
10. Notice of Adjournment dated January 12, 2018
11. Inspection Report
12. Presentation, dated January 23, 2018, submitted by Ian Marcil at the Public Hearing
13. Notice of Adjournment dated February 5, 2018
14. Notice of Adjournment dated March 5, 2018

REPRESENTATIONS:

In Support of the Appeal:

Ian Marcil  
Tom Malone

In Opposition to the Appeal:

Nil

For the City:

J. Kiernan, Director of Planning, Property and Development Department

## ADMINISTRATIVE REPORT

**Title:** Appeal - DCU 17-174940/B 216 Kennedy Street

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

### AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	J. Kiernan		

### EXECUTIVE SUMMARY

The applicant wishes to extend the life of the non-accessory surface parking through conditional use approval for another year. In 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development provided a one year temporary approval specifically to give the proponents an opportunity to show some progress towards future development on the site. The materials submitted for this application and subsequent discussions by phone with the proponents did not demonstrate progress towards a concept for redevelopment.

Should Standing Policy Committee support the appeal, a concurrent variance application must also be dealt with to allow a parking lot without proper drainage, paving, landscaping, accessible parking, and screening.

### RECOMMENDATIONS

1. The Winnipeg Public Service recommends that the appeal be denied and the decision of the Director of Planning, Property and Development Department, dated November 24, 2017, be upheld.

### REASON FOR THE REPORT

A 2016 approval order for a variance and conditional use, granted at an appeal, expired in November 2017. A new application to retain the non-accessory unimproved parking area was rejected by the Director of Planning, Property and Development Department on November 24, 2017. The applicant has appealed the decision of the Director.

The Standing Policy Committee on Property and Development, Heritage and Downtown Development is the delegated hearing body for appeals of the Public Service's decisions on variance and conditional use applications in Downtown Winnipeg.

## IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Winnipeg Public Service are concurred in, the owner will be required to close the affected parking area pending site development.

## HISTORY/DISCUSSION

**File:** DCU 17-174940/B  
**Related Files:** DCU 15-168719/B; DAV 17-174947/B

**Community:** City Centre  
**Neighbourhood #:** 1. 161

**Subject:**  
For a Conditional Use under Downtown Zoning By-Law No. 100/2004 to permit the maintenance of a non-accessory off-street at grade parking use as previously approved by DCU 15-168719/B.

**Applicant:** Ian Marcil  
OSPAR Consulting

**Owners:** The Winnipeg Clinic Holding Company Limited  
425 St. Mary Avenue  
WINNIPEG MB R3C 0N2

### Criteria for Approval

Pursuant to Section 247(3) of the City of Winnipeg Charter, a Conditional Use application can be approved with condition(s) 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 in the South Portage Neighbourhood of the Downtown between Graham Avenue and St. Mary Avenue in the Fort Rouge – East Fort Garry Ward. The parcel affected by this application is approximately 6000 square feet, but is now consolidated with the larger parking lot extending to St. Mary Avenue. It is zoned “M” Multiple Use.

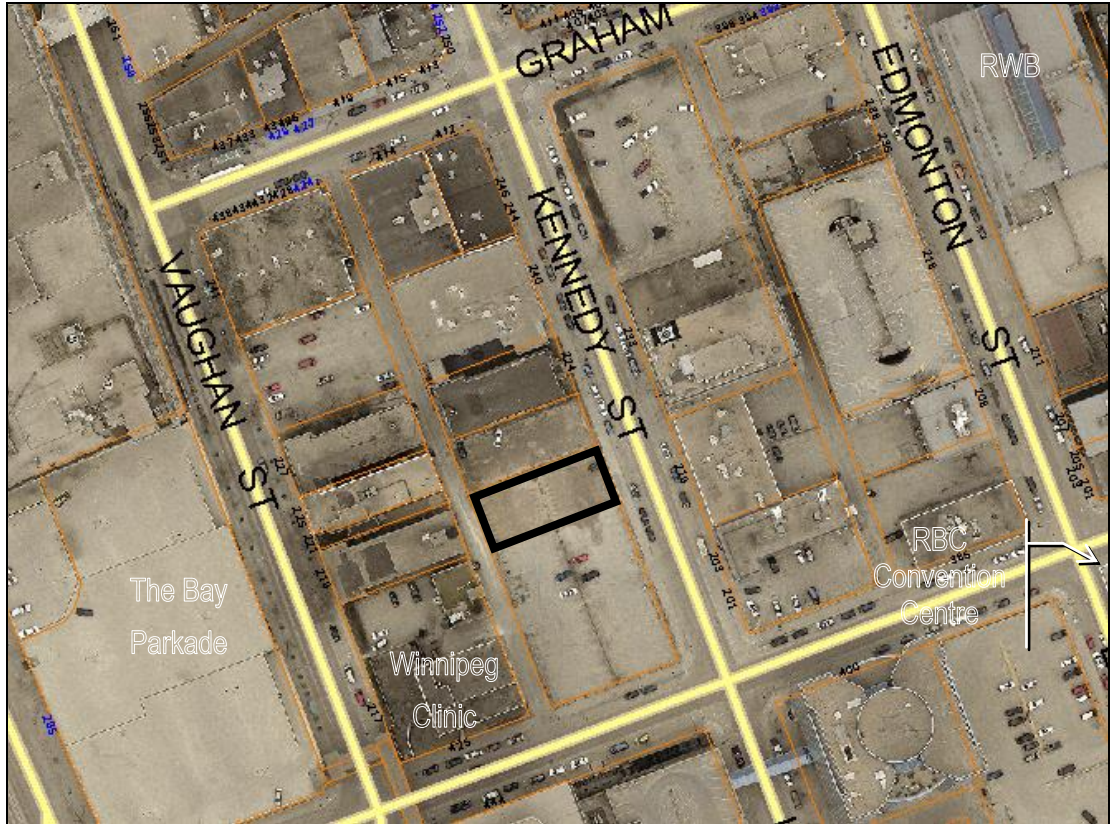


Figure 1: Air photo of subject site and surrounding context (2016)



Figure 2: Google Streetview from St. Mary Avenue (2017)

**Project Description:**

The applicant wishes to extend the life of the non-accessory parking through conditional use approval. Should Standing Policy Committee support the appeal, a concurrent variance application must also be dealt with to allow a parking lot without proper drainage, paving, landscaping, accessible parking, and screening.

**Background:**

In October of 2005, following the demolition of the old Hy's Steakhouse Loft, the Planning, Property and Development Department approved the establishment of a surface parking lot for a period of seven months as plans for an alternative development were coming together. In 2016, the proponents applied to maintain the parking area for an additional year while they were in discussions with a developer interested in constructing multi-family residential on the site.

**Analysis and Issues:**

The existing parking lot was originally endorsed for a seven month period pending final plans for a development project. In the 12 years since then, many changes have taken place in both the surrounding area in the City's policy and regulatory framework.

- In 2011, Council formally adopted *OurWinnipeg* and supporting documents, Complete Communities Direction Strategy and the Downtown Parking Strategy. Together these documents express Council's intent to reduce surface parking in our Downtown.
- In 2014, Council adopted changes to the Downtown Winnipeg Zoning By-law to require enhanced design standards for surface parking lots.
- Also in 2014, CentreVenture published the SHED Vision plan outlining the concept for a vibrant mixed use district between the MTS Centre and RBC Convention Centre.

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 subject property is one block from the RBC Convention Centre, adjacent to the SHED area. Active uses fronting the public sidewalk are essential for a vibrant urban area and are especially important for creating walkable corridors between the SHED and adjacent landmarks such as the Winnipeg Art Gallery and Memorial Park.

Experience in Downtown Winnipeg has demonstrated time and again that the revenue that can be generated from an unimproved parking lot is a significant disincentive to redevelopment. The long history of this "temporary" parking lot is a testament to that fact. By contrast, vacant land, where parking has *not* been permitted, has been relatively quick to redevelop even in marginal locations like Logan Avenue (site of the recent Peace Tower development).



## **Recommendations:**

The Winnipeg Public Service recommends rejection for the follow reasons –

- Complete Communities encourages a reduction in surface parking lots rather than increasing entitlements for surface parking.
- With over 30,000 square feet of parking under contiguous ownership, the site can accommodate a wide variety of redevelopment possibilities (of which parking could be a component).
- More surface parking is not compatible with the character and future vision for the area.
- Approval of this conditional use would require that the site be paved and screened with trees and brick/metal fencing. Such an investment decreases the likelihood that redevelopment would be imminent.

However, should the Committee wish to extend the opportunity for the proponents to demonstrate an alternative vision for the site, the Public Service would recommend laying over a decision for 60 days to allow the proponents to prepare a response.

## **CONSULTATION**

This Report has been prepared in consultation with:  
N/A

## **OURWINNIPEG POLICY ALIGNMENT**

### *Complete Communities Direction Strategy*

The following enabling strategies address surface parking in the Downtown:

- *Support viable alternatives to Downtown surface parking as recommended through the city's Sustainable Transportation Direction Strategy and Downtown Parking Strategy in order to:*
  - > *reduce the amount of surface parking Downtown;*
  - > *accommodate projected Downtown residential, commercial and employment growth;*
  - > *work with downtown agencies/stakeholders to create new opportunities for higher density mixed use development projects;*
  - > *increase economic activity in and around strategically located, mixed use public parking structures;*
  - > *provide a continuity of pedestrian-oriented services and amenities at street level;*
  - > *integrate with other modes of Downtown transportation to enhance connectivity.*

**SUBMITTED BY**

Department: Planning, Property and Development

Division: Urban Planning and Design

Prepared by: Kurtis Kowalke

Date: December 28, 2017

File No: DCU 17-174940/B

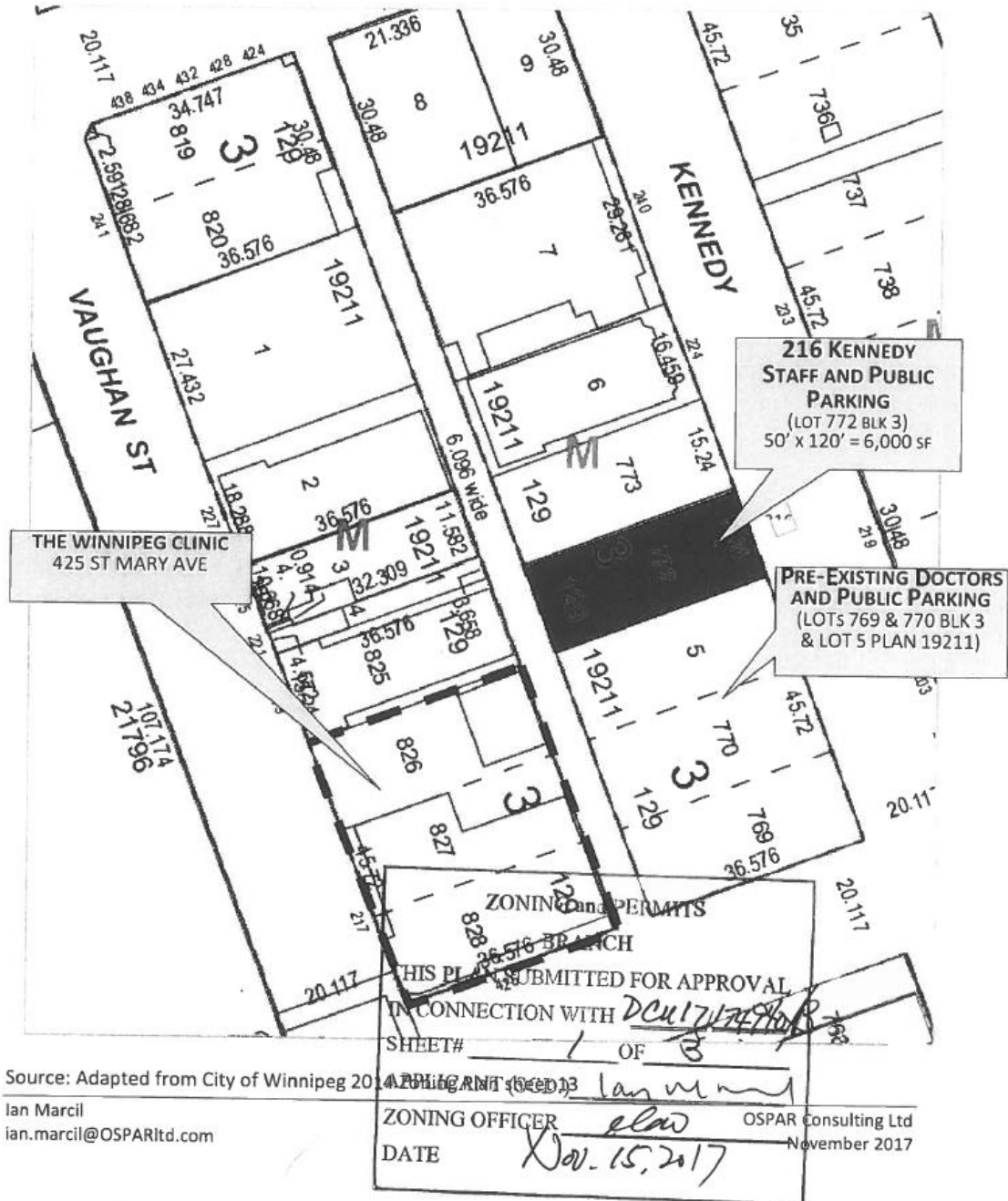
Exhibit "7" referred to in File DCU 174940A/2017B

Exhibit "A"

Winnipeg Clinic Parking, Winnipeg MB

GRANDFATHERED PARKING : Lots 769, 770 & 772 Blk 3 Plan 129 plus Lot 5 Plan 19211

NOT GRANDFATHERED : Lot 772 Blk 3 Plan 129 (red shading)



Source: Adapted from City of Winnipeg 2014 ZONING AND PERMITS BRANCH

Ian Marcil  
ian.marcil@OSPARltd.com

ZONING OFFICER *[Signature]* OSPAR Consulting Ltd  
DATE *Nov. 15, 2017* November 2017

Exhibit "B"

Original 2005 concept plan for DCU 05-158064/B  
Winnipeg Clinic Parking - 216 Kennedy Street, Winnipeg

ZONING and PERMITS  
BRANCH

PLAN SUBMITTED FOR APPROVAL  
IN CONNECTION WITH DCU 17-174940

SHEET# 2 OF 3

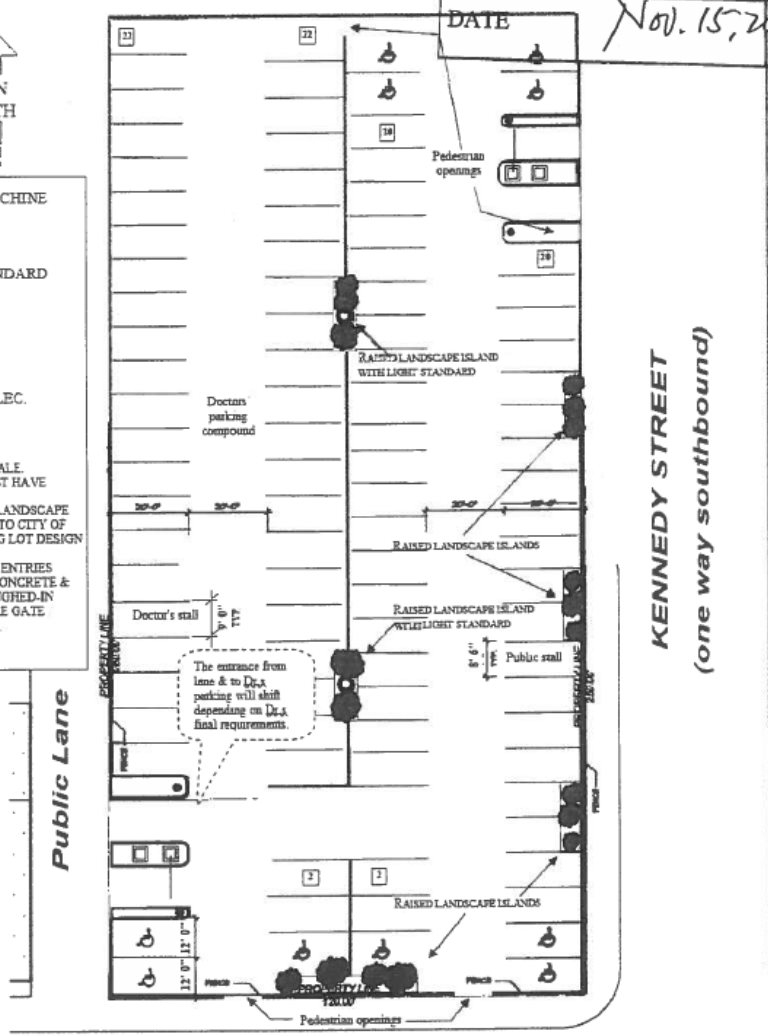
APPLICANT (SGD.) Ian Mann

ZONING OFFICER Alan

DATE Nov. 15, 2017



- TICKET MACHINE
  - GATE
  - LIGHT STANDARD
  - BOLLARD
  - BOLLARD w/ RAIL
  - FENCE w/ ELEC. OUTLETS
- NOTES:  
 1. PLAN NOT TO SCALE.  
 2. ALL STALLS MUST HAVE ELEC. OUTLETS  
 3. ALL FENCING & LANDSCAPE ISLANDS MUST BE TO CITY OF WINNIPEG PARKING LOT DESIGN STANDARDS  
 4. ALL ISLANDS AT ENTRIES MUST BE RAISED CONCRETE & CURBED WITH ROUGHED-IN POWER, FOR FUTURE GATE TICKET MACHINES.



ST. MARY AVENUE  
(one way westbound)

Schematic Parking Lot Plan  
Colliers Pratt McGarry  
IRM - February 17, 2005  
PPD parking lot v08.doc

ZONING and PERMITS

BRANCH

THIS PLAN SUBMITTED FOR APPROVAL

IN CONNECTION WITH DCU 17-174940/1

SHEET 3 OF 3

APPLICANT (SGD.) Ian Marcil

ZONING OFFICER plaw

DATE Nov 15, 2017

STALLS TYPICAL 8.5' x 20'

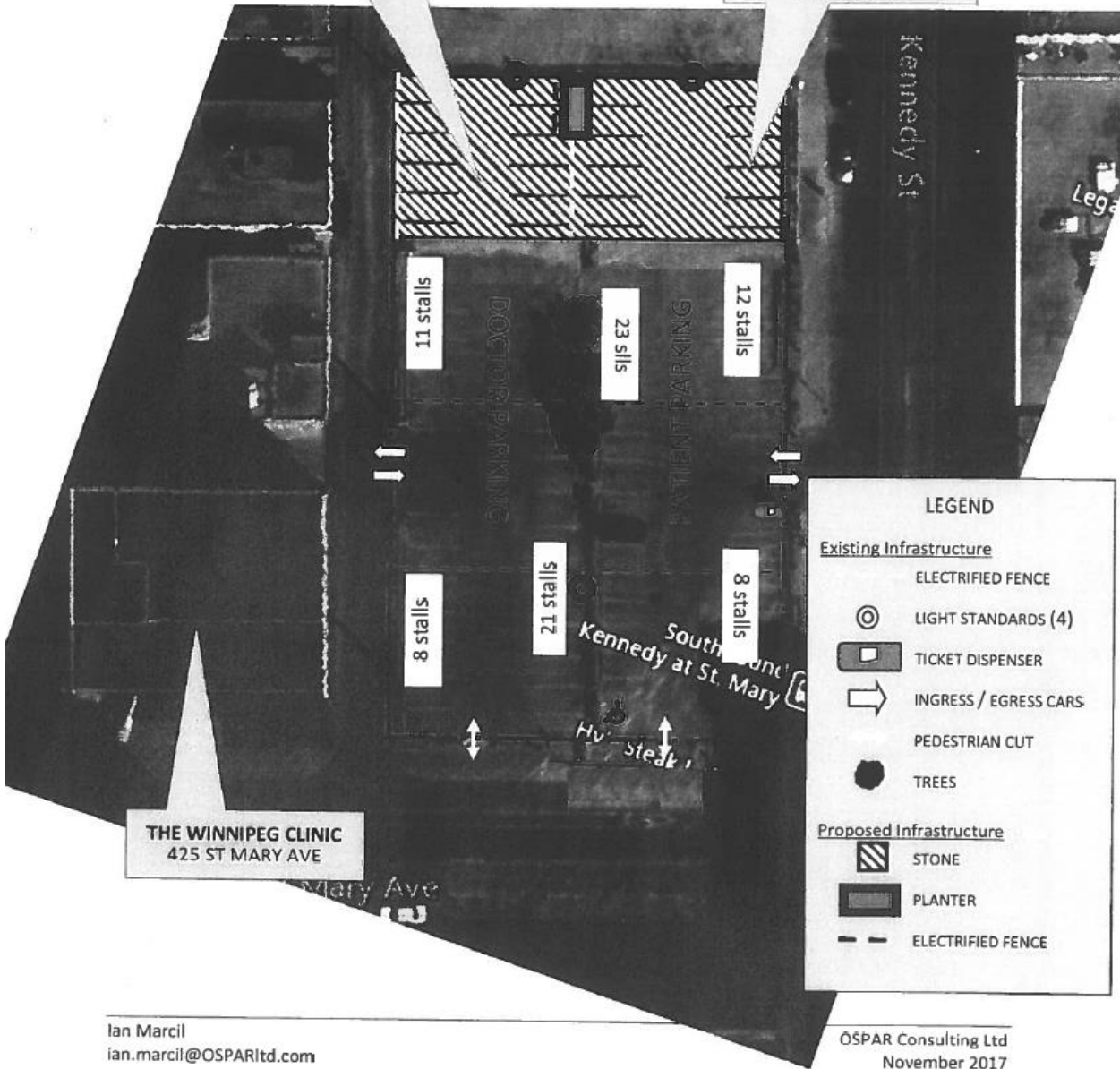
END STALLS 10' x 20'

SHORT STALLS 18'

DRIVE LANE 20'

Exhibit "C"  
Winnipeg Clinic Parking, Winnipeg MB  
Lots 769, 770 & 772 Blk 3 Plan 129 plus Lot 5  
Plan 19211  
Lot 772 Blk 3 Plan 129

216 KENNEDY  
(LOT 772 BLK 3)  
50' x 120' = 6,000 SF



Ian Marcil  
ian.marcil@OSPARltd.com

OSPAR Consulting Ltd  
November 2017

Exhibit “2” referred to in File DCU 174940A/2017B

*OSPAR Consulting Ltd.*  
• Information • Innovation • Insight •

Via Email: [clk-appeals@winnipeg.ca](mailto:clk-appeals@winnipeg.ca)

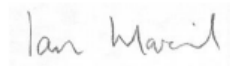
City Clerk, City of Winnipeg  
c/o Standing Policy Committee on Downtown Development, Heritage and Riverbank  
Management  
Susan A. Thompson Bldg.  
510 Main Street  
Winnipeg, MB  
R3B 1B9

RE: DCU 17-174940/B - APPEAL  
And DAV 17-174947/B - APPEAL

On behalf of the Winnipeg Clinic, I am filing these appeals against the Orders dated November 24, 2017 related to the above DCU and DAV applications.

We believe the DAV and DCU are necessary to provide parking related to the Winnipeg Clinic for its staff and patients. Development of the property into a multi-use facility that would provide such parking does not appear to be viable in the near-term.

Sincerely,



Ian Marcil, BBA, LEED® AP BD+C  
Operational and Strategic Consultant  
President, OSPAR Consulting Ltd.  
[ian.marcil@osparltd.com](mailto:ian.marcil@osparltd.com)

Exhibit "1" referred to in File DCU 174940A/2017B

DCU 17-174940/B

APPLICANT: Ian Marcil OSPAR Consulting LTD  
119 CHATAWAY BLVD  
WINNIPEG MB

PREMISES AFFECTED: 216 Kennedy ST  
LEGAL DESCRIPTION: LOT 769/770,772 BLOCK 3 PLAN 129 LOT 5 PLAN 19211 1 ST  
J

hereinafter called "the land".

PROPERTY ZONED: Multiple Use Sector

ZONING ATLAS SHEET: AA24

NATURE OF APPLICATION:

For a Conditional Use under Downtown Zoning By-Law No. 100/2004 to permit the maintenance of an expanded non-accessory off-street at grade parking use as previously approved by DCU 05-158470/B.

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: Kennedy ST

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

DATE OF ORDER: November 24, 2017

CERTIFIED BY:

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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 December 8, 2017,  
[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]
- (c) refer to Conditional Use Order DCU 17-174940/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  
Susan A. Thompson Bldg.  
510 Main Street  
Winnipeg, MB, R3B 1B9  
Fax 947-3452  
Email: [clk-appeals@winnipeg.ca](mailto:clk-appeals@winnipeg.ca)



Exhibit “14” referred to in File DCU 174940A/2017B



March 5, 2018

File DCU 174940A/2017B

TO WHOM IT MAY CONCERN

**Appeal – Conditional Use – 216 Kennedy Street**

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On March 2, 2018, due to a lack of quorum and in accordance with Rule 51(11) of The Procedure By-law No. 50/2007, the appeal hearing was rescheduled to the Standing Policy Committee on Property and Development, Heritage and Downtown Development meeting on May 7, 2018, at 9:00 a.m. in the Council Building, 510 Main Street.

Additional information on this matter can be accessed via the City Clerk's Department Decision Making Information System at [www.winnipeg.ca/CLKDMIS](http://www.winnipeg.ca/CLKDMIS) in Committee's Minute documents.

A handwritten signature in black ink, appearing to read "A. Poitras".

Andrew Poitras  
Senior Committee Clerk  
Telephone 204-986-6170  
E-mail: [apoitras@winnipeg.ca](mailto:apoitras@winnipeg.ca)