REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED OCTOBER 2, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated October 2, 2001, was considered clause by clause.

Moved by Councillor Vandal,
That the Consent Agenda, Clauses 1,2,3,4,5 and 6, be adopted.

Carried.

Proposed Amendment to Richmond West Development Agreement - Riel Community File DASZ 44/74

920 - 1. The Standing Policy Committee on Property and Development has been advised that on September 18, 2001, the Riel Community Committee concurred in the request from the St. Norbert Ward Councillor that the Richmond West Development Agreement between the City of Winnipeg and Ladco Company Limited be amended to remove the condition that requires Ladco Company Limited to install a sidewalk in Hawstead Road at the Developer's expense.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends:

I. That Development Agreement AG 44/74 between the City of Winnipeg and Ladco Company Limited be amended as required to delete the requirement that the Developer construct a sidewalk in Hawstead Road.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Proposed Subdivision and Rezoning – land located at 270 Armstrong Avenue – Lord Selkirk-West Kildonan Community File DASZ 20/2001 [c/r DAV 564/2001D]

921 - 2. The Standing Policy Committee on Property and Development has been advised that an application has been received from D.W.E. Holdings (Warren Earl), 85 Wiebes Drive, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "R1-5" Residential District to an "R1-4" Residential District to allow for the establishment of seven (7) single-family residential lots.

Site Area
The parcel in question has a total of 300 feet of frontage along Armstrong Avenue and 100 feet of depth.

Existing Land Use and Zoning
The land is currently vacant and zoned "R1-5" Single-Family District.

Surrounding Land Use and Zoning
North: To the north is a cemetery zoned "A5" Agricultural District.
South: To the south is an existing residential subdivision zoned "R1-5" Residential District.
East: To the east is an existing residential subdivision zoned "R1-4" Residential District.
West: To the west is an existing residential subdivision zoned "R1-5" Residential District.

The applicant proposes to rezone the subject property to an "R1-4" Residential category in order to create seven (7) residential lots ranging in width from 42 to 45 feet by 100 feet in depth.

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The land in question is within a neighbourhood policy area and fully complies with Plan Winnipeg Policy.

The subject parcel lies at the southwest corner of Aikins Street and Armstrong Avenue. It is approximately ¾ of an acre in size. The applicant proposes to rezone the land from its current "R1-5" status to an "R1-4" Residential category and subdivide the overall area into seven (7) lots. By downzoning to an "Rl-4" category, the developer/applicant can obtain at least one more single-family lot. The lot widths will range from 142 - 145 feet in width. The "R1-4" lot sizes generally coincide with existing lots on adjacent parcels to the east. It should be noted that the Transportation Division of the Public Works Department indicated that approval of the subdivision should be conditional upon the developer transferring to the City a 5-foot strip abutting the lane for future lane widening purposes. The current lane width by City standards is not deemed to be adequate. Other than that, the Planning, Property and Development Department fully endorsed the proposed use of the land and the necessary rezoning and subdivision applications.

On September 11, 2001, a public hearing was held before the Lord Selkirk-West Kildonan Community Committee. Four persons appeared in support of the application, and no one was registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed subdivision and rezoning be approved for the reason that it would like to see infill development take place inasmuch as the subject property has remained vacant for forty years.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 20/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2001 dated September 4, 2001, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to pay to the City ten percent (10%) cash dedication in lieu of land dedication, to be calculated on the basis of six (6) additional building site(s) being created.

   B. That the Developer shall be responsible for the costs to install separate sewer and water lot line services from the respective mains in Armstrong Avenue to the property line of the newly created lots, and in the event that the lots are sold, the Developer shall undertake to advise the new owners of their responsibility of the lot line servicing costs.

   C. That the Developer shall provide a lot grading plan prepared by a municipal engineer.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 20/2001 dated September 4, 2001, to an "R1-4" Residential District.

IV. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VI. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

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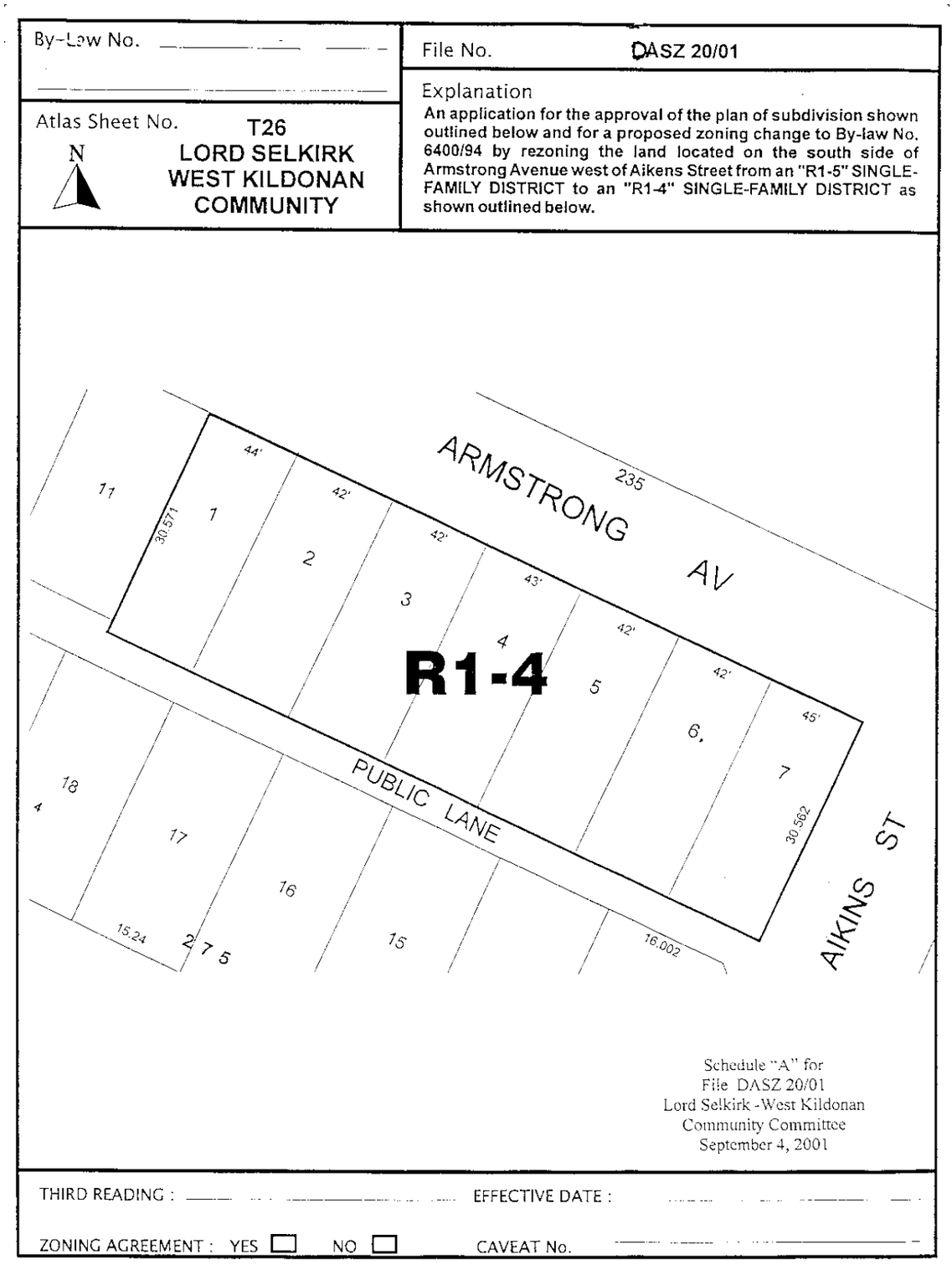
IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated October 2, 2001

Appendix "A" referred to in Clause 2 of the Report of the Standing Policy Committee on Property and Development dated October 2, 2001



Report of the Standing Policy Committee on Property and Development dated October 2, 2001

Proposed Rezoning – land located on southwest corner Gertrude Avenue and Daly Street North – City Centre Community
File DAZ 216/2001 [c/r DAV 363/2001D]

922 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been received from McKay Development Inc. (Doug McKay), P.O. Box 52064 Niakwa Road, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the land from an "R-2" Two-Family Residential District to an "RM-4" Multiple-Family District to allow for the construction of an eighteen (18) unit apartment building.

Site Area
The subject site is 18,000 square feet; 150 feet on Gertrude Avenue by 120 feet on Daly Street North.

Existing Land Use and Zoning
The site contains two 2.5-storey houses and accessory structures and is zoned "R2" Two-Family Residential District

Surrounding Land Use and Zoning
The area is zoned "R-2" Residential west of Daly Street North and "R2-T" Two-Family Transitional District, east of Daly Street North. The principal land use is residential, with a mixture of housing types and styles including single-family houses, duplexes, converted dwellings, and apartments.

The proposal is to construct a three-storey, eighteen (18) unit condominium apartment building with parking for eighteen (18) vehicles off the public lane. The site was assembled from two titled parcels, 630 Gertrude Avenue containing a 2.5-storey century home with detached garage on a 50-foot lot, and 636 Gertrude Avenue containing a 2.5-storey century home with detached garage on a 100-foot lot. The homes and accessory structures are in deteriorated condition but appear to be occupied as multi-tenant rental properties.

The proposed condominium building contains twelve (12) two-bedroom units, with a floor area of 1,044 square feet, and six (6) one-bedroom units with a floor area of 789 square feet. The ground floor units have doors leading to paving stone patios. The controlled building entrances are provided off Gertrude Avenue, where the front entrance is located, and off the public lane for access to the garbage bins and tenant parking. A related zoning variance application under File DAV 363/2001D deals with several bulk variances and would enable construction to commence prior to Council approval of DAZ 216/2001.

The application complies with Plan Winnipeg, which supports housing infill development as a way of helping to stabilize and encourage investment in older neighbourhoods.

The Development Management Branch of the Planning, Property and Development Department is prepared to support this application and the related zoning variances. In the opinion of the Branch, the proposal is in keeping with the diverse residential character of the area in terms of land use and development scale. The building is of frame construction and will be faced with a combination of stucco and siding with decorative brick elements. The site will be extensively landscaped and, where possible, existing trees will be saved. The units will appeal to younger professional people, possibly first-time homebuyers, wanting downtown proximity and the urbane lifestyle offered by Corydon Village.

It is noted that the application requests rezoning to "RM-4" Residential, which permits a density of one (1) unit per 800 square feet of lot area, or 22 units. In fact, at 18 units, the proposed development could be accommodated within the "RM-3" zoning category that permits a density of 1 unit per 1000 square feet of lot area. The related bulk variances under DAV 363/2001D would be required in either case. Therefore, it is the Planning, Property and Development Department's recommendation that the rezoning be permitted for an "RM-3" Multiple-Family District instead of "RM-4" Multiple-Family District.

The "RM-3" zoning category compares favourably, in bulk and density terms, with the "R2-T" zoning on the east side of Daly Street North, where the subject project could be approved under a Conditional Use application rather than a rezoning.

The applicant indicates that information on the project was distributed to owner-occupied houses in the area and that the project was generally well received by area residents.

On September 4, 2001 a public hearing was held before the City Centre Community Committee. Five persons registered in support of the application and nine persons were registered in opposition thereto.

The City Centre Community Committee recommended that the proposed rezoning be approved for the following reasons, namely:

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1. The Development Management Branch of the Planning, Property and Development Department supports the application and related zoning variances as the proposal is in keeping with the diverse residential character of the area in terms of land use and development scale.

2. The building is to be frame construction, faced with a combination of stucco and siding with decorative brick elements and the site will be extensively landscaped and, where possible, existing trees will be saved.

3. The units will appeal to younger professional people, possibly first-time homebuyers, wanting downtown proximity and the urbane lifestyle offered by Corydon Village.

4. While the application requests rezoning to "RM-4", which permits a density of one (1) unit per eight hundred (800) square feet of lot area, or twenty-two (22) units, the proposed development of eighteen (18) units can be accommodated within the "RM-3" zoning category that permits a density of one (1) unit per one thousand (1000) square feet of lot area. The related bulk variances under File DAV 363/2001D are required in either case.

5. The "RM-3" zoning category compares favourably, in bulk and density terms, with the "R2 T" zoning on the east side of Daly Street North, where the subject project could be approved under a Conditional Use application rather than a rezoning.

6. Information on the project was distributed to owner-occupied houses in the area and the project was generally well received by area residents.

The Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land outlined on Schedule "A" for File DAZ 216/2001 dated June 25, 2001, to an"RM-3" Multiple-Family Residential District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

      1. That, prior to the issuance of a development permit, detailed plans showing the site layout, access, building elevations and materials, fencing, landscaping, garbage facilities and exterior lighting be submitted for the approval of the Director of Planning, Property and Development and the City Centre Community Committee.

      2. That the development be restricted to a maximum building height of thirty-five (35) feet, a maximum of eighteen (18) residential units, and a minimum ratio of one (1) parking stall per unit.

II. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

VII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated October 2, 2001

Appendix "A" referred to in Clause 3 of the Report of the Standing Policy Committee on Property and Development dated October 2, 2001

By-Law No. _____

File No. **DAZ 216/2001**

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land at 630/636 Gertrude Avenue from an "R2" SINGLE-FAMILY DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No. AE14 CITY CENTRE COMMUNITY

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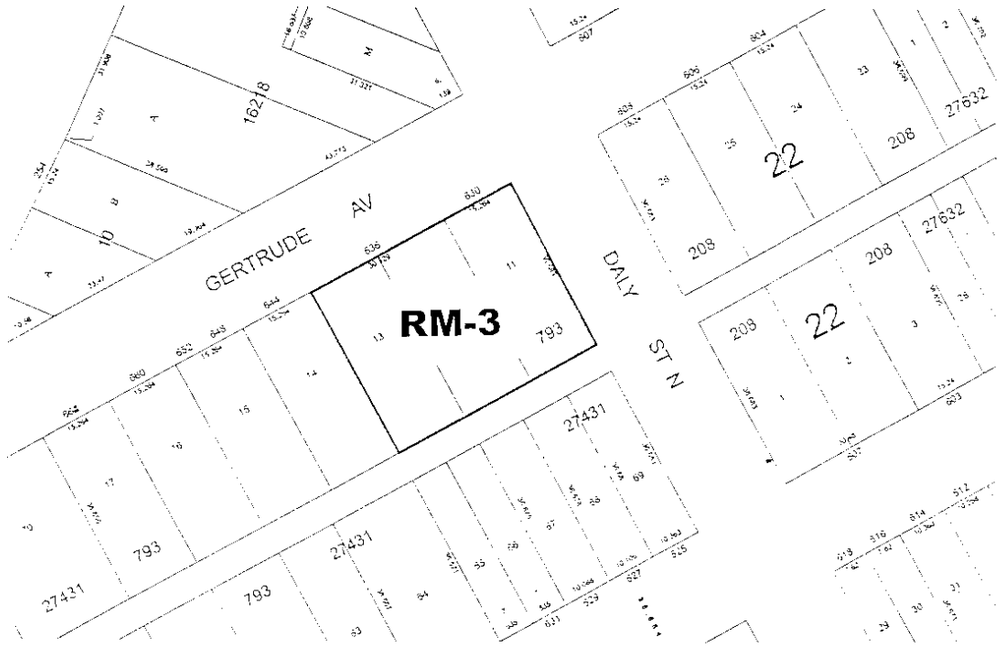

Schedule "A" for
File DAZ 216/01
City Centre Community Committee
June 25, 2001

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

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Proposed Rezoning - land located at 3004 Dugald Road - East Kildonan-Transcona Community
File DAZ 217/2001 [c/r DAV 419/2001D]

923 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from Judy Pshednovak, 484 Almey Avenue, Winnipeg, on behalf of Wayne King, to amend Zoning By-law No. 6400/94 by rezoning the land shown from an "R1-20" Single-Family District to a "C2" Commercial District to allow for the establishment of automobile sales including accessory repair, service and installation of supplies/parts use.

Site Area
This is a 91.4 foot by 100 foot lot at the corner of Dugald Road and McFadden Avenue.

Existing Land Use and Zoning
This site is presently vacant and zoned "R1-20" Residential District.

Surrounding Land Use and Zoning
North: Across Dugald Road, Dominion Malting, zoned - "M-3" Industrial Land
South: "R1-5" Residential District
East: Across McFadden Avenue is an automotive business, zoned "C-2" Commercial
West: Undeveloped land zoned "R1-20" Residential District

The applicant requires this rezoning from residential to commercial to establish an automotive sales and service business. The development of the site will consist of:

- A building – 57 feet by 30 feet (1710 square feet) - to be located at the south edge of the site adjacent to the public lane
- Vehicle display area in the north 20 feet adjacent to Dugald Road
- Parking for seven (7) customer/employee vehicles plus one loading space
- Asphalt surface in the driving and parking areas
- A four foot landscape strip along the Dugald Road and McFadden Avenue frontages
- Access to the site from McFadden Avenue but not from Dugald Road
- Fencing around the entire site - chain link next to Dugald Road and McFadden Avenue, "light proof" on the east boundary and a 6.5 foot wooden fence next to the public lane to the south.

This land is designated a Neighbourhood Policy area. Commercial development, in appropriate relationship to established nearby uses and existing services, is appropriate.

The Planning, Property and Development Department advised that the following issues are relevant to this proposal:

1. Timing of development: The August 30, 2001 Administrative Coordinating Group report advised that this development is premature because a full range of services (land drainage sewer) is not available to serve the subject property. Furthermore, there is no secondary plan to provide overall guidance as to the nature and timing of development in this area. Ideally, the role of Dugald Road, the type of development that should occur along it and the relationship with adjacent residential development should be clearly understood before new development occurs in this area.

2. Highest and best use of the site by the owner: This site fronts Dugald Road, a high speed and at times high traffic route. This is not a particularly desirable residential location and there are other commercial uses on Dugald Road west of this site. If new development were considered acceptable at this time, it would be appropriate to consider either a commercial or residential use in a manner that is compatible with the established residential neighbourhood.

3. Existing development: South of this development is a well established, semi-serviced residential area characterized by somewhat larger lots, some paved roads, ditch drainage and some sidewalks. Any development of this site must be done in a manner compatible with the existing residential uses. The subject site is separated from the nearest residence to the south by a lane and a vacant residential lot. Adjacent to this site, across McFadden Avenue, is an automotive business that appears to be developed in a manner similar to the proposal for this site (building, front display, asphalt surfaces, fencing).

4. Traffic: The sale and service of automobiles on a site this small would generally not generate a great deal of traffic. Parking and driving surfaces are to be paved ensuring that dust does not become a problem for residents. One issue that may be of concern to residents is the test driving of vehicles (this has apparently been

Report of the Standing Policy Committee on Property and Development dated October 2, 2001

an issue with the automobile sales business already operating at the south-west corner). Since Dugald Road is a busy, high speed road, vehicles will often be test driven through the residential streets to the south. Some of these streets are gravel and there are few sidewalks so such testing is an imposition on the residents of this area.

5. Buffering and screening: Several variances are required to accommodate reduced yards for the parking and building (refer to File DAV 419/2001D). The applicant proposes that a 6.5 foot high wood fence screen the south boundary of the site, closest to residential uses. This is the screening used by the automotive business on the west side of McFadden Avenue and it appears to provide an effective screening for the residential area.

6. Drainage: A resident of this area has pointed out that the owner has been dumping fill on the site and expressed concern that the site will drain into nearby residential land. All development is required to direct site drainage to an appropriate City system. The Administrative Coordinating Group report recommends restrictions on run-off from the site.

7. Resident Concerns: Residents of the nearby neighbourhood are apparently circulating a petition requesting that the property remain residential. Since there is unlikely to be any residential proposal for this site this petition effectively requests that it remain undeveloped.

It is clear from the above that there are arguments for and against this rezoning. They essentially boil down to this:

- The application should be opposed because this area is not ready for additional development and there is no overall policy direction to ensure orderly growth; or
- The application should be supported because no new lots are being created and impacts on neighbouring residential uses and limitations on City services can be overcome.

On balance, the Planning, Property and Development Department recommended that the owner of this land should be allowed to develop the site commercially, and this rezoning should be approved. The Department therefore recommended:

1. That Zoning By-law No. 6400/94 be amended by rezoning the subject lands as shown on Schedule "A" for File DAZ 217/2001 dated September 4, 2001, to a "C2" Commercial District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act to provide for the following:

      i) That, prior to the issuance of any development permits, plans showing the site layout including vehicular access, building location and elevations, free-standing signage, parking, landscaping, fencing, exterior lighting, and garbage enclosures be submitted for the approval of the East Kildonan-Transcona Community Committee.

   B. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 30, 2001.

   C. That the property be consolidated under a single plan.

2. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

3. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

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On September 11, 2001 a public hearing was held before the East Kildonan-Transcona Community Committee. One person appeared in support of the application and four persons were registered in opposition thereto.

The East Kildonan-Transcona Community Committee recommended that the proposed rezoning not be proceeded with for the reason that the subject application is not compatible with the surrounding area.

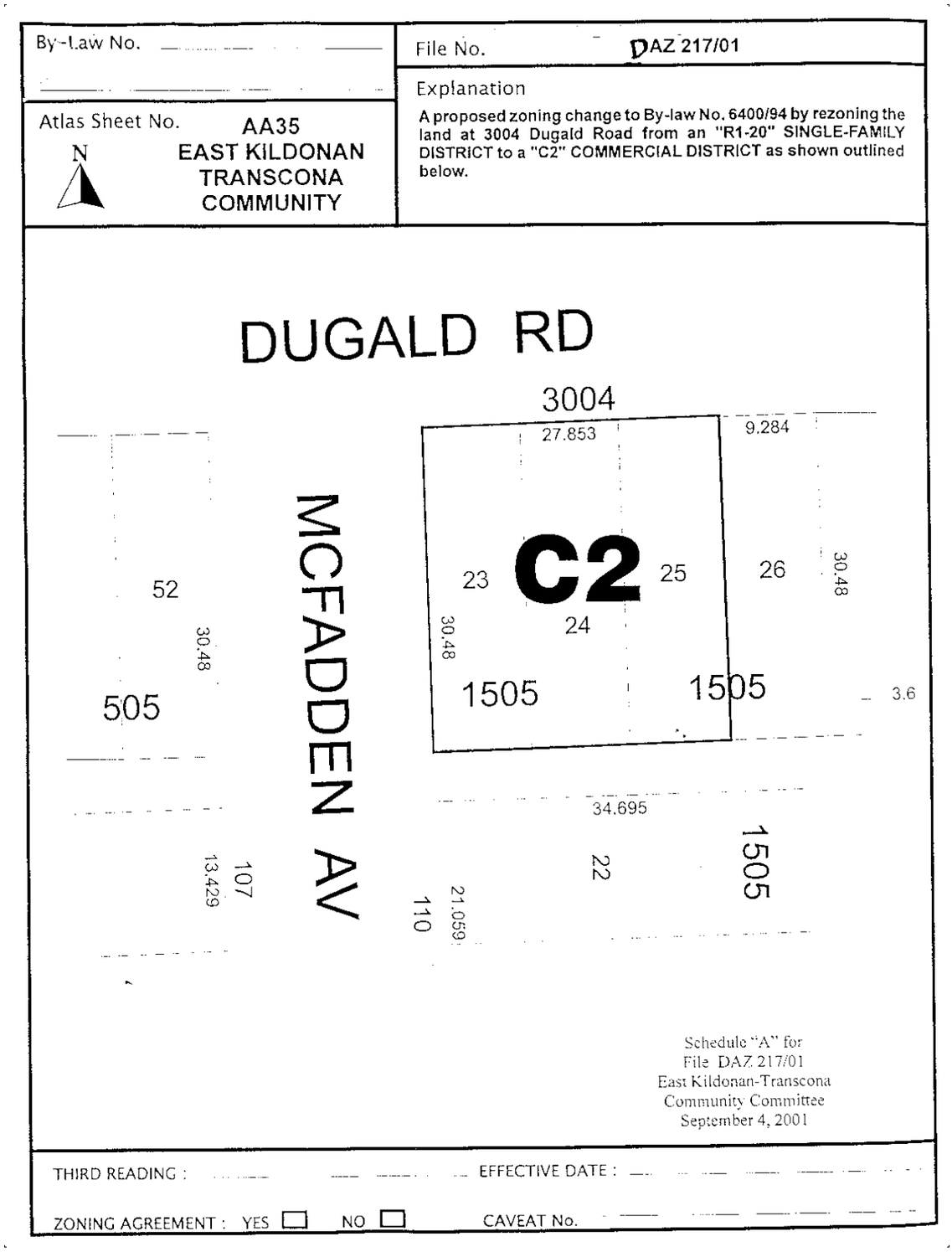
The Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and recommends that the application under File DAZ 217/2001 for a zoning change under By-law No. 6400/94 by rezoning the subject lands from an "R1-20" Single-Family District to a "C2" Commercial District not be proceeded with.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated October 2, 2001

Appendix "A" referred to in Clause 4 of the Report of the Standing Policy Committee on Property and Development dated October 2, 2001



Report of the Standing Policy Committee on Property and Development dated October 2, 2001

Proposed Rezoning – land located at 527 Beaverbrook Street – City Centre Community
File DAZ 218/2001 [c/r DAV 497/2001D]

924 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Making Waves Hair Design (Tracy), 146-2025 Corydon Avenue, Winnipeg, to amend By-law No. 6400/94 by rezoning the land from an "R1-4" Single-Family Residential District to a "C1" Commercial District to allow for commercial development.

Site Area
The subject site area is 4,692 square feet.

Existing Land Use and Zoning
The subject site is a single-family dwelling and is zoned "R1-4" Residential District.

Surrounding Land Use and Zoning
The area is primarily single-family residential, zoned "R1-4A." The properties fronting or flanking Corydon Avenue are developed with a mix of apartments zoned "RM-2A" and commercial development zoned "C1."

The proposal is to convert a residential property to commercial use. The property contains a one-storey dwelling with detached garage. The project would involve expanding the dwelling to accommodate the beauty salon business, and demolishing the garage to develop five (5) parking stalls off the public lane. A handi-ramp would also be constructed leading from the parking area to a new entrance on the south side of the dwelling. The related zoning variance under File DAV 497/2001D would permit the applicant to occupy the property prior to Council approval of the rezoning.

The neighbourhood of North River Heights is primarily a single-family area. Commercial development is located along major through arteries like Academy Road and Corydon Avenue. Some of this commercial development has occurred through the conversion of houses to business or retail use. Some of these homes have a non-conforming right to their use as commercial properties.

The subject property is located within a stretch of Corydon Avenue that is primarily commercial and multi-family in character. It is actually the sole remaining single-family house between Centennial Street on the west and the CPR La Riviere rail line on the east. Existing businesses at the Beaverbrook Street/Corydon Avenue intersection include Mona Lisa Florists, "Skinsations" and Natural Essences at the southeast corner, the Style Council hair salon and Serafina Falvo Tailors at the northeast corner, and a dentist office at the northwest corner. Also, immediately west of the subject site, across the public lane at the southeast corner of Centennial Street and Corydon Avenue, is located Vittoria Rossi Clothier and Cebado hair salon.

Elan Fine Fabrics is located at the northwest corner of Centennial Street and Corydon Avenue, and apartment buildings are located on the southwest and northeast corners.

The proposal technically complies with Plan Winnipeg as commercial rezonings are allowed in Neighbourhood Policy Areas.

The Planning, Property and Development Department has not supported a commercial conversion of a residential dwelling on Corydon Avenue, west of Stafford Street, in recent years. This position was taken with the support of previous Community Committees in response to concerns expressed by residents complaining of increased traffic, parking congestion on residential streets, and the influx of shoppers. The Department's support of the subject application could set a precedent for the conversion of other homes flanking Corydon Avenue to commercial use. The Department receives frequent inquiries of this nature.

Moreover, the Planning, Property and Development Department was disappointed in the manner in which the applicant proceeded with this development. The applicant purchased the property after being advised that the Department would not be supportive of a commercial rezoning without prior consultation at the local level. The applicant then proceeded to convert the building to commercial use under the guise of undertaking residential upgrading. This flagrant disregard for zoning and building regulations is disturbing.

At the same time, it should be left to the immediate residential and commercial neighbours to decide whether or not the subject proposal would be detrimental to the area. The public hearing for this application will provide an opportunity for the neighbours to express their feelings in this regard, and the Planning, Property and Development Department is prepared to defer to their judgement.

Report of the Standing Policy Committee on Property and Development dated October 2, 2001

The Planning, Property and Development Department therefore recommended that the application for rezoning be denied. However, the Department also submitted terms and conditions relative to approving the application should the Community Committee support the application on the basis of a positive neighbourhood response, and recommend to Council that the application be approved.

On September 4, 2001, a public hearing was held before the City Centre Community Committee. Two persons appeared in support of the application and eight persons were registered in opposition thereto.

The City Centre Community Committee did not concur in the recommendations contained in the report dated August 27, 2001, from the Manager of Planning and Land Use, Planning, Property and Development Department and recommended that the proposed rezoning change under File DAZ 218/2001 be approved for the following reasons, namely:

1. The proposal technically complies with Plan Winnipeg inasmuch as commercial rezonings are allowed in Neighbourhood Policy Areas.

2. The area flanking Corydon Avenue has clearly moved from being residential to commercial.

3. There was no opposition from the adjacent residential neighbourhood.

The Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 218/2001 dated August 27, 2001, to a "C1"Commercial District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

      1. That the use of the property be restricted to the following uses including accessory and secondary uses:

         - art/antique sales, service
         - barber shop, beauty salon
         - bed and breakfast
         - book sales
         - care home
         - clothing alteration, repair, sales
         - day care centre
         - dressmaker, furrier, tailor
         - dwelling units
         - florist
         - gift store
         - jeweller, watchmaker
         - office, excepting insurance or real estate
         - personal service
         - toy sales

      2. That a six (6) foot six (6) inch wooden privacy fence be constructed along the south property limit from the rear wall of the building to the public lane, and that the parking area be paved and fenced in accordance with by-law requirements.

      3. That prior to the issuance of a development permit or occupancy permit, plans showing the site layout, parking, fencing, landscaping, signage, external lighting, and exterior building elevations and materials be submitted for the approval of the City Centre Community Committee.

      4. That no free-standing or pylon signs, poster boards, mobile or temporary signs be permitted on the property and that facia or awning signage be limited to a maximum of twelve (12) square feet with the location restricted to the north wall of the building.

      5. That the hours of operation be limited to between the hours of 9:00 a.m. and 9:00 p.m., Monday through Friday, 9:00 a.m. to 6:00 p.m. on Saturday, with Sunday closings.

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6. That buildings on the site be limited to a height of one (1) storey and, should the existing building be destroyed or demolished, the yards of the current structure be maintained by new construction.

II. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

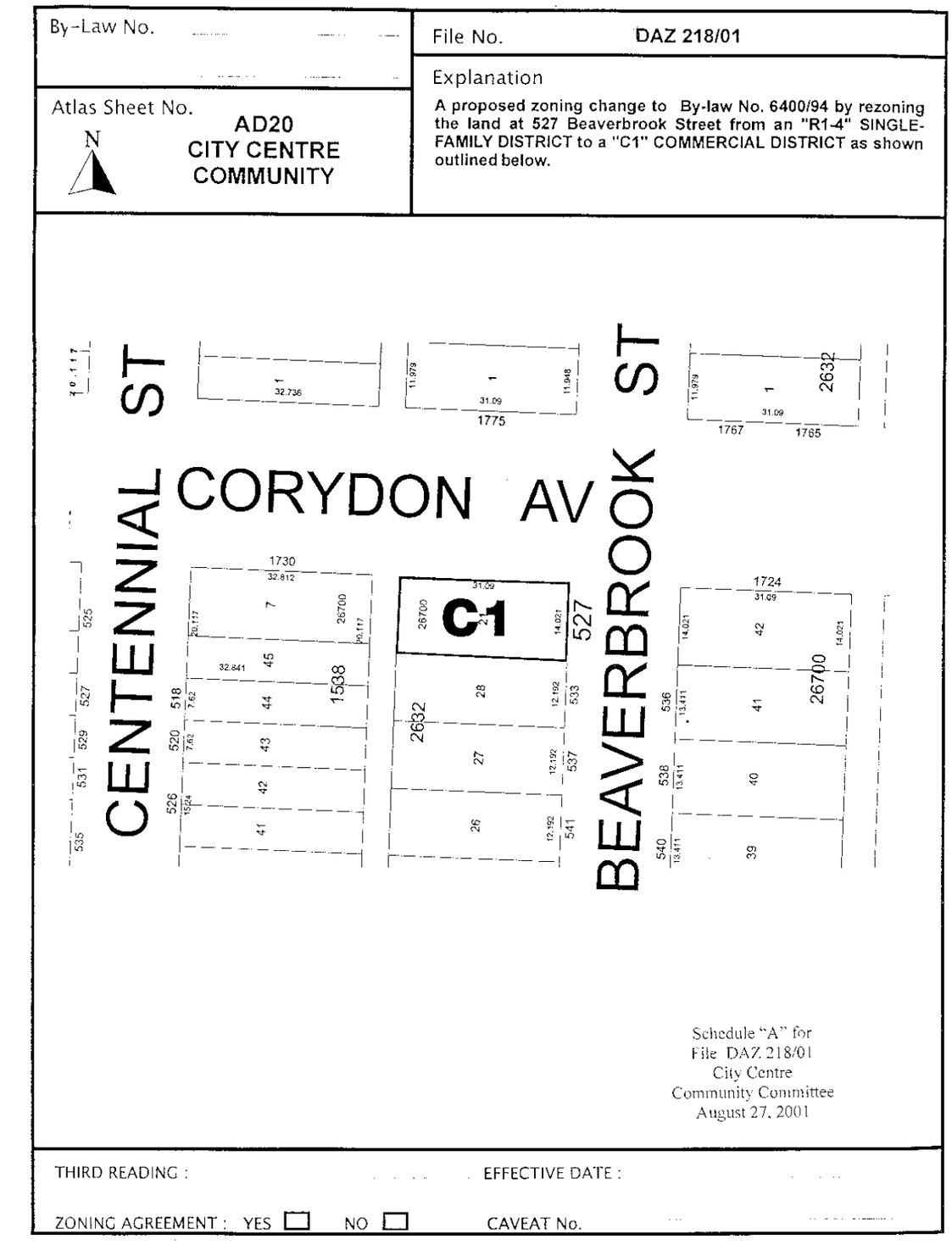
VII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated October 2, 2001

Schedule "A" referred to in Clause 5 of the Report of the Standing Policy Committee on Property and Development dated October 2, 2001



Report of the Standing Policy Committee on Property and Development dated October 2, 2001

Proposed Rezoning - lands located at 526 College Avenue - Lord Selkirk-West Kildonan Community
File DAZ 219/2001 [DAV 620/2001D]

925 - 6. The Standing Policy Committee on Property and Development has been advised than an application has been received from Ruby Jakob and Erica Krawetz, P.O. Box 365, ROP Redwood Centre, 1112 Main Street, Winnipeg, to amend By-law No. 6400/94 by rezoning the subject land from an "R2" Residential District to a "C2" Commercial District to allow for the expansion of a non-conforming butcher shop into what was previously the residential area of the building.

Site Area
The subject lot is a corner lot, 34 feet wide by 91 feet in depth.

Existing Land Use and Zoning
A 1,560 square foot single-storey brick building occupies the site. The front ¾ of the building is an existing butcher shop, the rear a now vacant residential unit. The property is zoned "R2" Residential.

Surrounding Land Use and Zoning
North: "R2" Residential and "R1-2.5" Residential.
South: "R2" Residential neighbourhoods.
East: "R2" Residential neighbourhoods.
West: "R2" Residential neighbourhoods.

The applicants propose to delete the residential component in the building and expand their current local butcher shop business. They essentially need to rezone to a commercial category in order to continue the operation for an extended period of time.

The proposed zoning change fully complies with Plan Winnipeg Policy.

The subject property is occupied by a one-storey brick building, which for many years has been utilized as a neighbourhood business and residence. Fifteen years ago, most of the neighbourhood commercial zonings were replaced by residential zoning categories – in this case, "R2" Residential. However many of the businesses, small in nature, continued to operate as non-conforming businesses.

In the case of the subject application, the owners have elected to delete the residential component and expand the business into the rear portion of the building. A non-conforming use cannot be expanded unless either a use variance or a rezoning is obtained and in this case a rezoning (restricted) to a commercial category seemed more appropriate than a temporary use variance which could only be issued for a maximum five years. Because the site is small and parking is limited, the use of the building should be restricted. Many "C2"commercial uses would also not be deemed to be compatible with the immediately adjacent neighbourhood. It is therefore the Planning, Property and Development Department's recommendation that a zoning agreement restrict use of the property and building to the current meat cutting facility/butcher shop and/or office uses.

On September 11, 2001, a public hearing was held before the Lord Selkirk-West Kildonan Community Committee. One person appeared in support of the application, and no one was registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed rezoning be approved for the reason that the application was merely to delete the residential zoning component and to expand a local butcher shop business which has been operating in the community for a number of years.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 219/2001 dated September 4, 2001, to a "C2" Commercial District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

1. That use of the land be restricted to:
   a. offices, or
   b. a retail butcher shop/storage facility.

Report of the Standing Policy Committee on Property and Development dated October 2, 2001

II. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

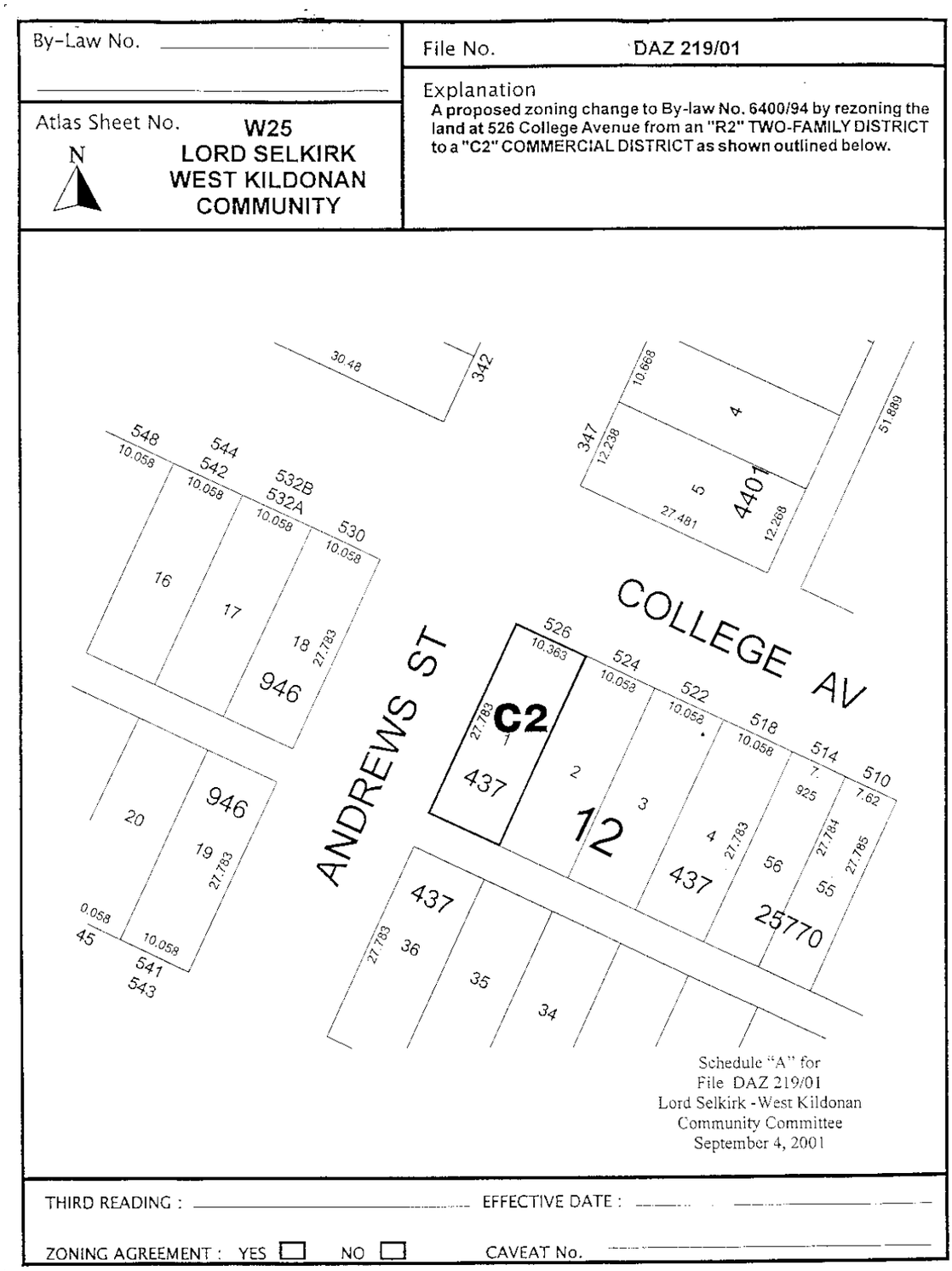
VII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated October 2, 2001

Schedule "A" referred to in Clause 6 of the Report of the Standing Policy Committee on Property and Development dated October 2, 2001



REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED OCTOBER 4, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated October 4, 2001, was considered.

Moved by Councillor Vandal,
That the Consent Agenda, Clause 1, be adopted.

Councillor Smith requested that Clause 1 be pulled from the Consent Agenda.

Proposed Acquisition of Lands for Lane Corner Cuts at 970 North Drive and 612 Stewart Street - Assiniboia Community
File FI-2(31) (Vol. 4)

926 - 1. The Standing Policy Committee on Property and Development has been advised that the City needs to legalize the use of the subject lane corner cuts to permit the continued safe and efficient movement of vehicular traffic through the lane, particularly refuse, recycling and snow clearing equipment. Pursuant to the direction from the Standing Policy Committee on Public Works, the Real Estate Division of the Planning, Property and Development Department has successfully negotiated two proposed property acquisitions. The proposed acquisitions are not part of a Council-approved program and, as such, the proposed terms and conditions as negotiated require consideration by Council.

The owner of 970 North Drive contacted the Public Works Department requesting that the need for the City to acquire the lane corner cut be investigated prior to the replacement of the existing fence which is currently set back approximately 4 meters from the lane intersection.

The owners of 612 Stewart Street contacted the Public Works Department with concerns of trucks cutting across the southwest corner of their property. Prior to the construction of a fuel station on the south side of the lane, large vehicles could use the former parking lot to negotiate the turn in the T-lane intersection. This is no longer possible and large vehicles, including refuse and recycling collection vehicles, now track across the corner of 612 Stewart Street.

The Public Works Department investigated and determined that it would be in the City's best interests to acquire the properties outlined as "Proposed Lane Opening" on Misc. Plan. Nos. 11161 and 11160, for public lane opening.

The particulars of the subject properties are as follows:

Property "A"

Location:	Southwest corner of 970 North Drive, and shown on Misc. Plan No. 11161
Legal Description:	Part Lot 11, Plan 23115
Certificate of Title:	1180109
Registered Owner:	Valter G. Rosa
Zoning:	"R1-5" Residential District
Realty Roll:	03090467000
Assessed Value (2001):	not apportioned
Current Taxes:	not apportioned
Total Site Area:	1278.39 square metres (13,761 square feet)
Proposed Acquisition Area:	17.0 square metres (183.2 square feet) Property Description: The proposed acquisition is in the rear yard area of an improved residential lot that is being trespassed on by the general public and public service vehicles trying to negotiate turns at the T-lane intersections.

Property "B"

Location:	Southwest corner of 612 Stewart Street, and outlined on Misc. Plan No. 11160
Legal Description:	Part Lot 47, Block 1, Plan 1687
Certificate of Title:	1218766
Registered Owner:	L.D. Rading and D.E. Desnoyers

Report of the Standing Policy Committee on Property and Development dated October 4, 2001

Zoning:	"R1-5" Residential District
Realty Roll:	0702101640
Assessed Value (2001):	not apportioned
Current Taxes:	not apportioned
Total Site Area:	380.84 square metres (4099.46 square feet)
Proposed Acquisition Area:	4.37 square metres (47 square feet)
	Property Description: The proposed acquisition is in the rear yard area of an improved residential lot that is being trespassed on by the general public and public service vehicles trying to negotiate turns at the T-lane intersections.

The Director of Public Works forwarded a report dated April 11, 2001, to the Standing Policy Committee on Public Works requesting that Committee authorize the Director of Planning, Property and Development to negotiate the acquisition of the referenced lane corner cuts. On May 1, 2001, the Standing Policy Committee on Public Works adopted the recommendation thereby instructing the Director of Planning, Property and Development to negotiate the acquisition of the lands required for the proposed lane openings. Negotiations for the acquisition of the lands have resulted in proposed settlements.

The Public Works Department has determined that it would be in the City's best interests to acquire the properties in order to: facilitate the movement of vehicular traffic through the lane; minimize the hazards associated with negotiating turns at the T-lane intersections; and, minimize the number of claims against the City for property damages.

To date, the current owners have been accommodating as they have set back their fences from the legal limits of their property to allow vehicles easier access through the lane. The owners have requested that the City resolve the trespass issue in a proper legal manner by acquiring the referenced lands and legally opening them as public lane. In the future, the current and possibly future owners may not be as accommodating and could fence their property right to the limit of the property line, which would severely restrict the traffic flow of larger vehicles through the lanes.

The Real Estate Division of the Planning, Property and Development Department considers the price and terms and conditions as negotiated as fair, reasonable and consistent with other acquisitions of a similar nature.

In addition to the purchase prices of $750.00 (Property "A") and $500.00 (Property "B"), the cost for two Building Location Certificates has been estimated to be $1,000.00. The guard posts will be installed by the Public Works Department, i.e. in conjunction with works on site. The estimated cost to prepare and register two lane opening plans is $4,000.00. The total of identifiable costs is, thus, $6,250.00, plus reasonable legal costs and disbursements. Adequate funding for the proposed acquisitions has been identified in the Land Acquisition for Future Transportation Purposes Account.

The Standing Policy Committee on Property and Development recommends:

I. That the acquisition of the lands outlined as "Proposed Lane Opening" on Misc. Plan Nos. 11161 and 11160, be approved in accordance with the price, and terms and conditions as negotiated.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Moved by Councillor Vandal,

Adoption of the clause.

Carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

927 - On motion of Councillor Vandal, the following by-laws were read a first time, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:

By-law No. 7901/2001, a by-law of The City of Winnipeg to close the public lane in the block bounded by Erindale Crescent, John Forsyth Road and Aldgate Road. File DAC 9/2001

Standing Policy Committee on Property and Development – Consideration of By-laws (continued)

By-law No. 7902/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the south side of Scotland Street east of Stafford Avenue in the City Centre Community. File DASZ 10/2001

By-law No. 7903/2001, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 630/636 Gertrude Avenue in the City Centre Community. File DAZ 216/2001

By-law No. 7904/2001, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 527 Beaverbrook Street in the City Centre Community. File DAZ 218/2001

By-law No. 7905/2001, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 526 College Avenue in the Lord Selkirk – West Kildonan Community. File DAZ 219/2001.

By-law No. 7909/2001, a by-law of The City of Winnipeg to open Reenders Drive and Peguis Street north of Regent Avenue West. File DAO 13/97

By-law No. 7910/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 412, 416 and 418 Aberdeen Avenue in the Lord Selkirk-West Kildonan Community. File DASZ 15/2001

By-law No. 7911/2001, a by-law of The City of Winnipeg to amend By-law No. 4665/87, being a by-law to regulate the issuance of demolition permits within The City of Winnipeg. File EB-1.5 (Vol. 18)

By-law No. 7912/2001, a by-law of The City of Winnipeg to amend the Winnipeg Building By-law No. 4555/87. File EB-1.5 (Vol. 18)

By-law No. 7914/2001, a by-law of The City of Winnipeg to amend By-law No. 7100/97, being the City Organization By-law. File FI-2.1 (Vol. 12)

On motion of Councillor Vandal, the rule was suspended and the following by-laws were read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:

By-law No. 7900/2001, a by-law of The City of Winnipeg to acquire lands and interests therein lying south of William Avenue and east of Tecumseh Street, in the City of Winnipeg, in Manitoba, that the City may consider necessary for its purposes, including development or redevelopment or assisting in the assembly of land for commercial or industrial development or redevelopment, and associated purposes. File FI-2(34) (Vol. 7)

By-law No. 7919/2001, a by-law of The City of Winnipeg to close Atwood Street north of Dugald Road. File DAC 15/99

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

928 - Councillor Steek inquired when the new Director of the Planning, Property and Development Department would be appointed, to which Councillor Vandal advised that interviews had been concluded and that the new Director would be on board within six to eight weeks.