REPORT OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

DATED JANUARY 10, 1997

On motion of Councillor Timm-Rudolph, the Report of the Committee on Planning and Community Services, dated January 10, 1997, was considered.

Proposed Changes to The Board of Adjustment By-law No. 5894/92
File GK-12 (Vol. 5)

692 - 5. The Committee on Planning and Community Services has been advised that in recognition of the continuous need to review and rationalize processes and procedures to achieve greater efficiencies, and in response to comments and concerns expressed in areas of the approval process, representatives of the City Clerk's, Community Services, Corporate Services and Land and Development Services Departments, together with the Chairperson of the Board, met and discussed ways and means to streamline the Variance and Conditional Use approval processes.

In addition, as a result of numerous organizational changes, reduced human and fiscal resources make it difficult to continue current levels of support for the public hearings in the current manner. This strategy is a result of the requirement to provide alternative services and does not in any manner, take away from the efforts and operations of the Board of Adjustment members.

With the passage of Bill 35 (2nd Session, 35th Legislature), the City was required to pass procedural by-laws governing land use regulation procedures, including a by-law to provide for the appointment of members and the functions of the Board of Adjustment.

Accordingly, Council passed The Board of Adjustment By-law No. 5894/92 on March 4, 1992, and approved appointments of the citizen members to the Board on March 25, 1992. On May 23, 1992, Council passed a further by-law amending The Board of Adjustment By-law re-establishing the initial terms of office.

Since April, 1992, the Board of Adjustment has been conducting public hearings once a week during the evening at 300 Assiniboine Avenue, and to-date has convened 224 meetings and considered more than 2,440 Variance and Conditional Use applications.

It must be noted that the City Clerk's and Community Services Departments (Community Planning Division) can no longer continue to support up to 115 - 120 public hearing dates annually with resources that have been reduced through "New Directions" and related budgetary reductions. It is therefore considered appropriate to review The Board of Adjustment By-law and recommend appropriate amendments to rationalize the service provided to the board, improve the efficiency of the approval processes and service provided by the Board.

Location of Meetings

Section 12 of The Board of Adjustment By-law states that:

> *"12. The board shall conduct public hearings on applications in the community offices, 300 Assiniboine Avenue, once a week during the evening or at such other locations and times as the chairperson of the board determines from time to time."*

As a result of "New Directions" and the direction articulated in the "Campus Concept" plan, staff will be located in or near the Civic Centre. The requirement that the Board conduct public hearings at 300 Assiniboine Avenue does not adequately provide for flexibility for future meetings. Notably, the Council Building may provide more suitable facilities, vis-a-vis transportation of equipment, files, supplies and occasional parking, car mileage, maintenance and security costs. Relocation of Board meetings to a more appropriate venue, such as the Council Chamber, would also allow better use of existing facilities by the Board of Revision, the principal tenant at 300 Assiniboine Avenue.

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It is therefore recommended that reference to *"the community offices, 300 Assiniboine Avenue,"* as the designated meeting location be deleted to allow flexibility of the venue for meetings of the board. Selection of a more suitable venue, would of course, take into consideration the suitability of the facility, location, accessibility, on-site security, etc, and arise out of consultation with the Chairperson of the Board.

Schedule of Meetings

In accordance with the by-law, the Board meets once a week, the members of the Board being paid a set remuneration for a minimum 4 hearing hours. However, on fewer than half of the occasions do the Board meetings exceed 2 hearing hours. In 1995, the Board held meetings of a duration of 2 ½ hours or less on 30 of 48 occasions, resulting in unnecessary expenditures of more than 50% of the actual disbursement for remuneration of the members. If the Board were to meet on alternate weeks from the Appeal Committee *(Committee on Planning and Community Services)*, the same number of applications would be considered, as outlined on Appendix "A", however, panel members would attend Board meetings less often, likely for a longer duration, which could result in a net saving of approximately 50% of the budgeted allocation, ie $12,000 (as outlined on Appendix “B”).

In an effort to better manage the workload, and maximize both staff and financial resources, it is therefore recommended that the by-law be amended to allow the Board to conduct public hearings on applications on alternate weeks from Appeal Committee meetings, during the evening as determined by the Secretary of the Board, in consultation with the Zoning Administrator and Chairperson of the Board, or at such other times as may be determined from time to time.

Members of The Board

Section 2 of The Board of Adjustment By-law states that:

> *"2. The board shall be made up of 6 members appointed by resolution of Council including a chairperson and vice-chairperson and no member may hold a provincial or municipal office by appointment or election while a member of the board."*
>
> *C.W. Act Section 650(2)*

Moreover, should the Board of Adjustment change its schedule to meet on the said alternate weeks from the Appeal Committee, it would allow and be appropriate to reduce the member complement to five (5) members. The revised meeting schedule would require members to attend on fewer occasions, albeit to likely consider more applications. A rotation of five (5) members would provide for consistency, predictability and understandability by the members of the rules of practice and procedure.

It is therefore recommended that the Board be made of up of five (5) members instead of (6) six as is presently required, and Section 2 of the by-law be so amended.

Selection and Remuneration of Standby Members

Section 13 of The Board of Adjustment By-law states that:

> *"13. The board shall sit in panels of 3 members selected by the chairperson."*
>
> *C.W. Act Section 650(3)*

Further, Section 6 of The Board of Adjustment By-law sets out the remuneration to be paid by the City for each of the members - chairperson ($150 for a min. 4 hearing hours / $37.50 @ hour); vice-chairperson ($120 for a min. 4 hearing hours / $30.00 @ hour); and other members ($100 for a min. 4 hearing hours / $25.00 @ hour).

Since the initial meetings of the Board in April, 1992, the Chairperson has prepared the schedule of meetings, including selection of the panel members. As a matter of practice, the Chairperson has also scheduled a standby member for each meeting, which member has been paid $100/$120 per meeting, his/her attendance notwithstanding.

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In 1995, the remuneration paid to the standby member(s) totalled $4,880, accounting for more than 25% of the entire allocation adopted by Council for remuneration of Board of Adjustment members ($24,200). On only four (4) occasions (of 48) was the standby member actually required to attend a Board Meeting as a panel member as outlined in Appendix "C".

It is therefore recommended that the practice of selecting and remunerating a standby member be discontinued.

Terms of Office

To encourage participation and to avail of the abilities and contributions of as many persons residing in Winnipeg with a community interest, who wish to make a contribution and who are willing to devote time to review applications and attend meetings, it is further recommended that the following be included as subsection (4) to Section 3 of The Board of Adjustment By-law, namely:-

> *"3. (4) That upon adoption of the amending by-law by Council, no member of the said board shall serve more than three (3) consecutive terms, or nine (9) years, whichever is the lesser."*

The present staggered terms, as required by section 651(1)(a) of the City of Winnipeg Act and the initial terms of office as set out in amending By-law No. 6026/92, ensure that the terms of no more than 1/3 of the members expire in any given year. The staggered terms also allow for experienced members to provide consistency to the board and transfer knowledge to the newly appointed members.

It is further recommended that the Chairperson provide a performance evaluation on each of the Board members to Selection Committee prior to its consideration of applications for appointment and/or re-appointment of citizen members to the board, and same be included as subsection (5) to Section 3 of The Board of Adjustment By-law, namely:-

> *"3. (5) That the chairperson provide a performance evaluation on each of the board members to Selection Committee prior to its consideration of applications for re-appointment of citizen members to the board, and recommendation to Council at its first meeting in January in the year following the November Organization Meeting, in accordance with the selection process."*

Recording of Public Hearings

Section 11 of The Board of Adjustment By-law specifies that:

> *"11. The secretary of the board with such support staff as is provided by the city clerk shall maintain the records of the board, carry out correspondence, attend, record and process hearings and decisions of the board, prepare and issue orders setting out decisions of the board and perform generally all administrative functions required in the operation of the board."*

Moreover, requests have been received to the effect that meetings of the Board of Adjustment be taped or recorded in a manner that provides a record of comments and decisions made at a particular hearing.

In response thereto, it is recommended that the by-law be amended to make the recording of public hearings obligatory, which would require the Secretary of the Board to record by audio tape all proceedings, a copy of which would be retained in safekeeping until such time as the appeal period has expired, or a resolution of the matter is determined by the Appeal Committee (Committee on Planning and Community Services).

Written requests for a copy of the recording and/or transcripts, etc. would be processed in accordance with the Fees and Charges Policy for the City Clerk's Department adopted by Council, on a cost recovery basis, namely, $15.00 per reproduction of videocassette + GST, and/or the hourly wage of 1 employee (Clerk A) for the duration of the transcript time.

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Rules of Practice and Procedure of The Board

Section 16 of The Board of Adjustment By-law specifies that:

> *"16. The rules of practice and procedure of the board are as set out in Schedule 'A' to this by-law and may if required be supplemented by additional rules not contrary to Schedule 'A' made by a majority of the board."*

Upon review of the said Rules of Practice and Procedure of the Board, it is recommended that, as a matter of "housekeeping", same be repealed and replaced with the revised Schedule "A" to By-law No. 5894/92 as outlined on Appendix "D", and that Section 16 be amended to reference Schedule "A" as revised.

Use of Official Languages in Proceedings

To affirm the City of Winnipeg's general obligation to provide municipal services in both official languages, as provided in Part 3 of *The City of Winnipeg Act*, it is recommended that The Board of Adjustment By-law be amended to include provision for simultaneous translation services upon written request.

It is therefore recommended that the following be included as subsections (1) and (2) to Section 16 of The Board of Adjustment By-law to formally extend the City's commitment to proceedings of the board, as is provided to community committee, namely:-

> *"Use of official languages in proceedings of the Board of Adjustment*
>
> *16. (1) Every person is entitled to use either official language in a proceeding of or before the Board of Adjustment with respect to a matter and, where notice is given, the proceeding with respect to that matter shall be conducted or simultaneously interpreted in both official languages."*
>
> *C.W. Act Section 87.3(3)*
>
> *"Notice*
>
> *16. (2) A notice referred to in subsection (1) shall be in writing, shall specify the matter and the proceeding and shall be given to the secretary of the board not less than two (2) working days before the proceeding."*
>
> *C.W. Act Section 87.3(2)*

A comprehensive list of proposed amendments to The Board of Adjustment By-law No. 5894/92 and rationale is outlined on Appendix "E".

The Committee on Planning and Community Services recommends:

I. That the Board of Adjustment By-law No. 5894/92, be amended as follows:

A. Schedule of Meetings:

That the by-law be amended to allow the Board to conduct public hearings on applications on alternate weeks from Appeal Committee meetings, during the evening as determined by the Secretary of the Board, in consultation with the Zoning Administrator and Chairperson of the Board, or at such other times as may be determined from time to time.

B. Recording of Public Hearings:

That the by-law be amended to make the recording of public hearings obligatory, which would require the Secretary of the Board to record by audio tape all proceedings, a copy of which would be retained in safekeeping until such time as the appeal period has expired, or a resolution of the matter is determined by the Appeal Committee (Committee on Planning and Community Services).

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C. Rules of Practice and Procedure of the Board:

That, as a matter of "housekeeping", the current 'Rules of Practice and Procedure of the Board' be repealed and replaced with the revised Schedule "A" to By-law No. 5894/92 as outlined on Appendix "D", and that Section 16 be amended to reference Schedule "A" as revised.

D. Voting:

That all members of the Board of Adjustment must vote on each application that is presented to them in public hearings.

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

III. That the Administration review *The City of Winnipeg Act* and The Development Procedures By-law No. 5893/92 which provides for procedures under Part 20 of the Act and the making of zoning variance orders and conditional use zoning orders, with a view to recommending additional legislative changes which would further improve customer service vis-a-vis combined notices and public hearings for zoning agreement amendment and license applications.

IV. That a further review of the operation of the Board of Adjustment and the Variance and Conditional Use approval processes be undertaken within one year, to assess the efficiency and effectiveness of the service provided to and by the board, at that time, with a particular focus to the changes in the meeting schedule.

V. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

The following recommendations of the Administration, which would also amend the By-law, are submitted without recommendation in view of a tie vote, namely: -

I. E. Location of Meetings:

That reference to *"the community offices, 300 Assiniboine Avenue,"* as the designated meeting location be deleted to allow flexibility of the venue for meetings of the board.

F. Members of the Board:

That the Board be made of up to five (5) members instead of (6) six as is presently required, and Section 2 of the by-law be so amended.

G. Selection and Remuneration of Standby Members:

That the practice of selecting and remunerating a standby member be discontinued.

H. Terms of Office:

1. That the following be included as subsection (4) to Section 3 of The Board of Adjustment By-law, namely:-

"3. (4) That upon adoption of the amending by-law by Council, no member of the said board shall serve more than three (3) consecutive terms, or nine (9) years, whichever is the lesser."

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2. That the Chairperson provide a performance evaluation on each of the Board members to Selection Committee prior to its consideration of applications for appointment and/or re-appointment of citizen members to the board, and same be included as subsection (5) to Section 3 of The Board of Adjustment By-law, namely:-

"3. (5) That the chairperson provide a performance evaluation on each of the board members to Selection Committee prior to its consideration of applications for re-appointment of citizen members to the board, and recommendation to Council at its first meeting in January in the year following the November Organization Meeting, in accordance with the selection process."

I. Use of Official Languages in Proceedings:

That the following be included as subsections (1) and (2) to Section 16 of The Board of Adjustment By-law, namely:-

"Use of official languages in proceedings of the Board of Adjustment

16. (1) Every person is entitled to use either official language in a proceeding of or before the Board of Adjustment with respect to a matter and, where notice is given, the proceeding with respect to that matter shall be conducted or simultaneously interpreted in both official languages."

C.W. Act Section 87.3(3)

"Notice

16. (2) A notice referred to in subsection (1) shall be in writing, shall specify the matter and the proceeding and shall be given to the secretary of the board not less than two (2) working days before the proceeding."

C.W. Act Section 87.3(2)

The Executive Policy Committee recommends that Recommendation I. of the Committee on Planning and Community Services be deleted in its entirety and replaced with the following:

I. A. Schedule of Meetings:

That the by-law not be amended and accordingly, the Board continue to meet once a week.

B. Recording of Public Hearings:

That the by-law be amended to make the recording of public hearings obligatory, which would require the Secretary of the Board to record by audio tape all proceedings, a copy of which would be retained in safekeeping until such time as the appeal period has expired, or a resolution of the matter is determined by the Appeal Committee (Committee on Planning and Community Services).

C. Rules of Practise and Procedure of the Board:

That, as a matter of "housekeeping", the current 'Rules of Practice and Procedure of the Board' be repealed and replaced with the revised Schedule "A" to By-law No. 5894/92 as outlined on Appendix "D", and that Section 16 be amended to reference Schedule "A" as revised.

D. Voting:

That all members of the Board of Adjustment must vote on each application that is presented to them in public hearings.

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E. Location of Meetings:

That the Board of Adjustment continue to conduct public hearings on applications in the community offices, 300 Assiniboine Avenue, once a week during the evening or at such other locations and times as the chairperson of the board determines from time to time, according to section 12 of The Board of Adjustment By-law.

F. Members of the Board

That the Board be made of up to five (5) members instead of (6) six as is presently required, and Section 2 of the by-law be so amended and effective upon the expiry of the present terms of office.

G. Selection and Remuneration for Standby Members

That the practise of selecting and remunerating a standby member be discontinued and further, that the matter of reducing the panel from three members to two members, be referred to the Administration for report back to the Committee on Planning and Community Services.

H. Terms of Office

1. That the Board of Adjustment By-law not be amended to include a subsection restricting the number of consecutive terms on the Board of Adjustment.

2. That the Chairperson provide a performance evaluation on each of the Board members to Selection Committee prior to its consideration of applications for appointment and/or re-appointment of citizen members to the board, and same be included as subsection (5) to Section 3 of The Board of Adjustment By-law, namely:-

"3. (5) That the chairperson provide a performance evaluation on each of the board members to Selection Committee prior to its consideration of applications for re-appointment of citizen members to the board, and recommendation to Council at its first meeting in January in the year following the November Organization Meeting, in accordance with the selection process."

I. Use of Official Languages in Proceedings:

That the following be included as subsections (1) and (2) to Section 16 of The Board of Adjustment By-law, namely:-

"Use of official languages in proceedings of the Board of Adjustment

16. (1) Every person is entitled to use either official language in a proceeding of or before the Board of Adjustment with respect to a matter and, where notice is given, the proceeding with respect to that matter shall be conducted or simultaneously interpreted in both official languages."

C.W. Act Section 87.3(3)

"Notice

16. (2) A notice referred to in subsection (1) shall be in writing, shall specify the matter and the proceeding and shall be given to the secretary of the board not less than two (2) working days before the proceeding."

C.W. Act Section 87.3(2)

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The Executive Policy Committee concurs with recommendations II. - V. as follows:

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

III. That the Administration review The City of Winnipeg Act and The Development Procedures By-law No. 5893/92 which provides for procedures under Part 20 of the Act and the making of zoning variance orders and conditional use zoning orders, with a view to recommending additional legislative changes which would further improve customer service vis-a-vis combined notices and public hearings for zoning agreement amendment and license applications.

IV. That a further review of the operation of the Board of Adjustment and the Variance and Conditional Use approval processes be undertaken within one year, to assess the efficiency and effectiveness of the service provided to and by the board, at that time, with a particular focus to the changes in the meeting schedule.

V. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Moved by Councillor Timm-Rudolph,
Adoption of the clause.

Carried.

Councillor Thomas asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

(See Minute No. 726 for attachments)

REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED MAY 20, 1997

On motion of Councillor Timm-Rudolph, the Report of the Committee on Planning and Community Services, dated May 20, 1997, was considered clause by clause.

Moved by Councillor Timm-Rudolph,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9 and 10 be adopted.

Councillor Thomas requested that Clause 4 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3,5,6,7,8,9 and 10 was put and declared carried.

Funding of ongoing Maintenance and Operating Costs for Streetscape Capital Improvements File SC-3 (Vol. 6)

693 - 1. The Committee on Planning and Community Services has been advised that on June 21, 1995, the Executive Policy Committee referred the issue of developing a policy regarding the funding of power sources for fountains and stages constructed on public land to the administration for review. Subsequently, the Administration submitted a report dated April 10, 1997 jointly to the Committee on Planning and Community Services and Works and Operations. On May 20, 1997, the Committee on Planning and Community Services considered said report.

Since the early 1980's streetscape capital improvements have been made to neighbourhood main streets by the City, using a variety of programs, including the Core Area Initiative, Federal Infrastructure Program, Employment Programs, Manitoba Winnipeg Community Revitalization Program, Streetscape Capital Budgets. In most instances, these improvement projects were driven either politically or at the community level. Initiating these projects required a great deal of cooperation among civic departments, since there were essentially no rules to play by.

There have been a variety of decision making mechanisms associated with neighbourhood main streets. The processes and project administration practices used in the development of streetscape projects have caused considerable confusion within the civic administration and with the business community. Throughout the City, numerous streetscaping projects have been implemented without consideration for ongoing maintenance and operating costs. In a number of instances, the decorative lighting elements of these projects were installed with the former Operations District expected to provide the required ongoing operating and maintenance funds and resources to keep this decorative lighting functioning. This obligation has now been transferred to the Hydro Utility. Similarly, other elements (planters, banners, etc.) have been installed on the public right-of-way without regard to the ongoing upkeep and maintenance of the element.

The Development Programs Division of the Planning Department had the mandate to deal with neighbourhood main streets until the Planning Department ceased to exist in 1994. The Neighbourhood Programs Division of the new Community Services Department took over responsibility for neighbourhood main streets in late 1994. There are essentially three issues that this

group will be required to manage; namely, project funding, ownership of improvements and ongoing operating and maintenance of improvements.

In order to rationalize this ongoing issue and to eliminate the confusion that presently exists, the responsibility for the ongoing costs associated with streetscape infrastructure requires clarification. Accordingly, the policy recommendations put forward in this report have been developed for consideration by Council. These policies will apply to all future streetscaping projects.

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It is recommended that the Neighbourhood Programs Division be responsible for securing capital funding for the implementation and coordination of streetscaping projects. It is also recommended that each streetscape capital improvement project be considered on an individual basis with a view to determining the best method of funding the annual operating and maintenance costs of that particular project. Some alternatives presented for consideration are:

- district local improvements;
- ongoing funding agreement with the BIZ or community group involved;
- contribution to a reserve established to fund ongoing costs of all streetscape improvements located on public property;
- funding through increased appropriations to departmental budgets.

The type of funding arrangement selected may depend upon the scale, scope and nature of the streetscape improvement project under consideration. Regardless of the alternative decided upon in each case, construction contracts should be awarded only when capital, operating and maintenance funding has been secured.

The Department having jurisdiction over the lands upon which these projects are developed should assume ownership of the infrastructure once completed and, therefore, be responsible for the ongoing operation and maintenance, with the funding for same coming from one of the alternatives identified above.

At this point in time, controversy still exists in terms of the ownership and ongoing operation and maintenance of the projects. In an effort to put those issues behind us and begin anew, the administration has been working diligently with the appropriate BIZ and community groups to reach consensus. As a result, it is recommended that the Neighbourhood Programs Division of the Community Services Department conduct a review, in consultation with the appropriate City departments, the BIZ and community groups involved, and report back on all existing streetscape projects, indicating the ownership and the maintenance and operating costs and responsibilities of each project, as well as identifying and recommending a resolution to any outstanding issues associated with the ongoing maintenance and operation of these projects.

On April 30, 1997, Council adopted Clause 1 of the Report of the Committee on Works and Operations, dated April 15, 1997, which concurred in Recommendation V. being under its jurisdiction, namely:

"V. That the Streets and Transportation Department assume ownership of all streetscaping improvements, including decorative lighting, located on City owned property under its jurisdiction."

The Committee on Planning and Community Services has concurred in the recommendations under its jurisdiction, and submits same for favourable consideration by Council, namely:

I. That the Neighbourhood Programs Division of the Community Services Department be the coordinating body responsible for securing capital funding for all streetscape improvements, including all decorative lighting other than standard roadway lighting, sidewalk pavers, information kiosks, benches, flower planters, fountains, stages, carillon bells and the like, on or over City owned property.

II. That the Neighbourhood Programs Division of the Community Services Department be the coordinating body responsible for ensuring that the necessary approvals are obtained from the appropriate City departments, including the department that will eventually assume ownership of the improvements, i.e. Streets and Transportation, Parks and Recreation and Hydro.

III. That the Neighbourhood Programs Division of Community Services Department, in consultation with the appropriate City departments and the BIZ and community groups involved, consider each streetscape capital improvement project, located on or over public property, on an individual basis, and determine the preferred method of funding the annual operating and maintenance costs.

IV. That construction contracts for streetscape improvements on or over public property be awarded only when the Neighbourhood Programs Division of the Community Services Department has secured sufficient capital funding from all sources, and only when operating and maintenance funding and responsibility has been secured to the satisfaction of the line department(s).

V. That the Parks and Recreation Department assume ownership of all streetscaping improvements, including decorative lighting equipment, located on City owned property under its jurisdiction.

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VI. That the above conditions apply to existing installations requiring replacement or refurbishment, as well as to all future streetscape projects.

VII. That the Neighbourhood Programs Division of the Community Services Department conduct a review, in consultation with the appropriate City departments, the BIZ and community groups involved, and report back on all existing streetscape projects, indicating the ownership and the maintenance and operating costs and responsibilities of each project, as well as identifying and recommending a resolution to any outstanding issues associated with the ongoing maintenance and operation of these projects.

VIII. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Copy of attachment referred to in the above clause is on file in the office of the City Clerk.

Adopted by consent.

Proposed Subdivision and Rezoning - land located on the west side of Charleswood Road, between Cardiff Avenue and the former CNR Cabot Subdivision - Assiniboia Community
File DASZ 3/97 (c/r DAV 49/97D)

694 - 2. The Committee on Planning and Community Services has been advised that an application has been received from Rene Rivard, 671 Dieppe Road, Winnipeg, MB R3C 0B9 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 "A" Agricultural District to an "R1-6" Single-Family District or an "R1-5.5" Single-Family District, as may be determined by Council, to establish nine (9) single-family building lots.

The following is the present Site Description:

Site Area: Approximately 616,616 square feet (approximately 14.16 acres)

Existing Land Use and Zoning: Vacant; zoned "A" Agricultural District

The following is the Surrounding Land Use and Zoning:

North: The former CNR Cabot Subdivision railway right-of-way, single-family dwellings; zoned "R1-20" and "R1-5.5"

East: Single-family dwellings; zoned "R1-6"

West: Some single-family dwellings; zoned "A"

South: Farm, vacant/undeveloped; zoned "A"

The applicant proposes to subdivide nine (9) residential building lots, with the remainder to retain its agricultural district status. The plan indicates the nine (9) residential lots will range in width from 50 feet to 55 feet, each with a depth of 140 feet.

There is a history of similar developments in this area of Charleswood Road, between Ridgewood Avenue and Wilkes Avenue. Each previous application for subdivision and rezoning to permit single-family residential development has been opposed by the former Planning Department, until such time as a full range of services can be extended to this area, and the area can be developed comprehensively.

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The area is currently served by sanitary sewer, water, ditch drainage, and a granular street surface. Without a land drainage sewer service and portland cement street pavement, the area lacks a full range of municipal services. Regarding previous applications, representatives of the former Operations Department opposed this form of development. Further development will likely exacerbate problems associated with overflowing ditches (during spring run-of and period of heavy rain) and deteriorating roadways (due to increased traffic).

From the standpoint of land use and compatibility with adjacent properties, there were no substantial services concerns, the proposed subdivision and rezoning is in character. The plan which accompanies the application, however, illustrates lots which are narrower than those previously approved fronting on Charleswood Road, ranging from 60 feet wide to 70 feet wide. Were it not for the services issues, Community Planning Division would be inclined to support the creation of 60 foot wide lots consistent with those located across Charleswood Road to the immediate east.

A Public Hearing was held before the Assiniboia Community Committee on April 22, 1997.

One person was heard in support of the application.

Three persons were heard in opposition thereto.

Two persons appeared for information relative to the proposed subdivision and rezoning.

The Assiniboia Community Committee did not concur in the report of the Manager of Community Planning, dated April 14, 1997 and recommended that the proposed subdivision and rezoning be approved for the following reason:

A. The proposal is compatible with the existing site and surrounding area.

The Committee on Planning and Community Services concurred in the recommendations of the Assiniboia Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 3/97 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/97, dated April 14, 1997, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer shall establish 8 residential building lots at 58.4 feet in width and 140 feet in depth;

   B. That the developer shall dedicate, at no cost to the City, property required for a 1.38 m (4.53 ft) widening to the Cardiff Avenue right-of-way along the full length of the subject property abutting Cardiff Avenue. Such a widening is one half of that required to widen the Cardiff Avenue right-of-way to 18.0 m.

   C. That the Developer shall provide 98.4 feet on the north side of the property, west of Charleswood Road, for the proposed "Ridgewood Corridor";

   D. That the Developer be required to enter into a Servicing Agreement with the City containing the following provisions:

      1. The applicant shall at no expense to the City, construct a local wastewater sewer along the full frontage of the proposed residential lots and make a single connection to the existing interceptor sewer;

      2. The Developer shall at no expense to the City, install water and wastewater lot line connections to serve each lot within the proposed subdivision;

      3. The applicant shall provide a lot grading plan prepared by a municipal engineer and shall grant all required easements;

      4. The Developer shall pay to the City its share of the Charleswood Transportation Levy on any new buildable lots created;

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5. The Developer shall pay $1,650.00 to defray the City's administration and associated costs related to the preparation and implementation of the Servicing Agreement;

6. The Developer shall pay the full cost of engineering services provided by or on behalf of the city in connection with the installation of services required to serve the proposed subdivision;

E. That the Developer be required to pay to the City 10% cash in lieu of land dedication and that the Assiniboia Community's portion of all funds from the cash-in lieu of the requirement for land for open space, park and recreational use, be dedicated toward Marj Edey Park;

F. That the Developer be required to enter into a Subdivision Agreement with the City containing the following provisions:

1. "R1-5.5" lots shall not have a lot width less than 58.4 feet; and,

2. Building permits shall not be issued on the Agricultural lot until that lot is further subdivided and/or rezoned;

II. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 3/97, dated April 14, 1997, to a "R1-5.5" Single-Family District.

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

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

V. 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.

VI. That the Proper Officers of the City be authorized to execute all necessary agreements and documents in connection herewith.

VII. 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.

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

Adopted by consent.

(See Minute No. 727 for attachment)

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Proposed Subdivision and Rezoning - land located north side Cheriton Avenue between Henderson Highway and Roch Street - East Kildonan-Transcona Community
File DASZ 5/97 (c/r DAV 69/97D)

695 - 3. The Committee on Planning and Community Services has been advised that an application has been received from Mr. Bernhard Goertzen, 232 Fortier Avenue Winnipeg, Manitoba R2G 0Z4, for approval of a plan of subdivision and related zoning change to By-Law No. 6400/94 by rezoning the subject lands from an "R1-5" Single-Family District to an "R2" Two-Family District, as outlined on Schedule "A", to permit the establishment of two sites for the construction of a two-family dwelling and a one-family dwelling.

The following is the present Site Description:

Site Area: 788.47 square metres (8,487.32 square feet)

Existing Land Use and Zoning: Vacant except for single detached garage. Zoned "R1-5" Single-Family District.

The following is the Surrounding Land Use and Zoning:

North: Single-Family Dwelling on south side of Hawthorne Avenue - zoned "R1-5.5"

East: Single-Family Dwelling - zoned "R1-5"

West: Public lane and two-storey duplex - zoned "RM-2"

South: Duplex and single-family dwelling - zoned "R2" and "R1-5"

The applicants propose to re-subdivide the site to create two (2) lots. The westerly lot is intended to accommodate a side by side two-family dwelling and will be zoned "R2". The easterly lot will remain zoned "R1-5" and, subject to variances being approved under File DAV 69/97D, will be developed with a new single-family dwelling.
The Community Planning Division considers that the application is consistent with the character of existing development in the immediate vicinity. Two-storey duplexes exist west and south of the subject site and the proposed single-family dwelling on the narrower easterly lot will serve as a transition to the existing single-family dwellings on Cheriton Avenue to the east. Access to both lots is available from the rear lane.

No objections or special conditions of approval were noted from affected departments and agencies.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on April 22, 1997.

One person was heard in support of the application.

Three persons were heard in opposition thereto.

The East Kildonan-Transcona Community Committee recommended that the proposed rezoning not be approved for the following reasons:

A. That a 32' lot would be inconsistent with the community.

B. That two "R1-5" lots on the site at approximately 42', though slightly substandard would provide more consistency within the area.

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The Committee on Planning and Community Services concurred in the recommendations of the East Kildonan-Transcona Community Committee and recommends that the application under File DASZ 5/97 to rezone the subject lands from an "R1-5" Single-Family District to an "R2" Two-Family District, not be proceeded with.

Adopted by consent.

(See Minute No. 728 for attachment)

Proposed Subdivision and Rezoning - land located south of McGillivray Boulevard, north of Chevrier Boulevard, east and west of Dovercourt Drive - Assiniboia Community File DASZ 6/97

696 - 4. The Committee on Planning and Community Services has been advised that an application has been received from D. N. Sharpe and Associates Ltd., 312 Victoria Crescent, Winnipeg, MB R2M 1X9, 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 "A" Agricultural District and an "A-5" Agricultural District to a "PR-1" Parks and Recreation District, an "R1-4" Single-Family District, "RM-1" Multiple-Family District, "RM-3" Multiple-Family District, and a "C2" Commercial District to allow for single-family residential development.

The following is the present Site Description:

Site Area: Approximately 3,920,400 square feet (90 acres).

Existing Land Use and Zoning: Predominantly vacant/farmland, with some single-family dwellings and open storage, "A" and "A-5"

The following is the Surrounding Land Use and Zoning:

North: Lindenwoods residential community, "R1-5.5" (primarily)

East: Several industrial and commercial establishments, fronting Waverley Street, Pineview Cemetery, "M2"

West: Kleysen Transport offices and truck terminal, "M1"

South: West Fort Garry Industrial Park, City of Winnipeg works yard, "M1", "M2", "A"

The applicant is proposing to subdivide and rezone the property in order to establish a predominantly single-family residential development. The proposed plan represents the first phase of the subdivision and would establish approximately 260 single-family building lots, to be zoned "R1-4" Single-Family District. Provision will be made for a stormwater retention lake central to the plan. Access to the land is provided via Dovercourt Drive, from McGillivray Boulevard and Scurfield Boulevard, and via McGillivray Boulevard parallel to Lindenwood Drive West. The plan proposes to develop a 6.235 acre commercial site at the southwest corner of McGillivray Boulevard and Dovercourt Drive. A 7.87 acre multiple-family development is proposed on the west side of Dovercourt Drive. On the southeast corner of McGillivray and Dovercourt, two low-density, multiple-family developments are proposed totalling 12.1 acres. South of these, a seven (exact size to be determined) acre park site is proposed.

The subject application has been circulated to the usual administrative agencies for comment and reviewed by the Administrative Co-ordinating Group. Comments regarding the subdivision's layout and servicing focus on details; substantive issues have not been raised. At the time the Manager of Community Planning was preparing the administrative report, details related to park size and dedication were being finalized.

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Community Planning Division and the former Planning Department have consistently opposed residential designation of the subject property. In a submission to the Commissioner of Planning and Community Services, dated August 31, 1987, the Director of Planning outlined the department's objections, namely:

- the subject site was part of a joint land-banking proposal between the Province of Manitoba and the City of Winnipeg during the 1970s, at which time it was proposed that the lands be acquired for ultimate development as an industrial park;

- regional services are presently in place and the subject site is ideally situated for industrial development, due to its location and its excellent connection to major thoroughfares and highways;

- the site is impacted on three sides by industrial development;

- schools and organized recreation programs will not be available within the subject area, requiring the crossing of major regional transportation routes to access these services in other neighbourhoods;

- the effect of the proposed redesignation would destroy the concept of a large coherent industrial area, in favour of fragmented industrial areas interspersed with pockets of residential development.

The Community Planning Division maintains these concerns. With respect to the most recent application to amend Plan Winnipeg by designating the subject property from industrial to residential, the Division reiterated its objections to suburban residential development at this location. In addition, reference was made to potential downstream traffic impacts - in particular regarding the River Heights neighbourhood, if additional residential development is approved prior to improvements to the regional street system. Problems related to suburban residential development in the southwest quadrant of Winnipeg, identified in the River Heights Traffic Study prior to redesignation of Linden Ridge to residential, have not been addressed.

Given the context of Council's 1996 decision to redesignate the subject lands residential, the Community Planning Division is supportive of this application - provided that it is developed to appropriate standards, as outlined in the report of the Administrative Co-ordinating Group.

A Public Hearing was held before the Assiniboia Community Committee on April 22, 1997.

Three persons were heard in support of the application. No one was heard in opposition thereto.

One person appeared for information purposes.

The Assiniboia Community Committee recommended that the proposed rezoning be approved for the following reasons:

A. The proposal is compatible with the existing site and surrounding area.

The Committee on Planning and Community Services concurred in the recommendations of the Assiniboia Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 6/97 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "A" for File DASZ 6/97, dated April 15, 1997, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing therein all the conditions in the report of the Administrative Co-ordinating Group, as outlined on Schedule "B", dated April 15, 1997, after incorporating the following amendments to Part I - Surface Improvements:

      1) that Condition No. 15(v) be deleted in its entirety;

      2) that Condition No. 17 be deleted in its entirety, and conditions Nos. 18 to 24, inclusive, be renumbered to Condition Nos. 17 to 23, respectively;

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3) that Condition No. 18 be amended to read as follows:

"18. The Developer shall, an no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk on the west side of Dovercourt Drive from McGillivray Boulevard to Scurfield Boulevard, on the east side of Dovercourt Drive from McGillivray Boulevard to the most southerly east-west street, on both sides of the easterly north/south street entering the subdivision between McGillivray Boulevard and the most northerly east/west street, except where frontage roads are provided and on the north side of the most northerly east/west street as determined by and to the satisfaction of the Commissioner of Works and Operations. The sidewalks are to be installed in conjunction with, or immediately following the construction of the concrete street pavements in these streets.";

4) that Condition No. 23 be amended to read as follows:

"23. In the event that it is determined by the City of Winnipeg that Chevrier Boulevard is required to be paved from the existing terminus approximately 300m west of Waverley Street to Dovercourt Drive, then the developer shall be charged for its share of the following improvements at the then prevailing residential local improvement rates:

i) concrete street pavement;
ii) land drainage sewers - Lateral rate only;
iii) boulevard landscaping;
iv) street lighting;
v) all related works;

all as determined by and to the satisfaction of the Commissioner of Works and Operations.

This clause shall remain in effect for a period of five (5) years from the date of this agreement.";

and incorporating the following amendments to Part III - Parkland Dedication, Landscaping and Services Requirements:

1) that the second paragraphs under DEDICATION, LANDSCAPING, and SERVICE be amended to include the following words "install additional landscaping and recreational improvements" after the words ". . . at no expense to the City," and before the words "in the Public Reserve. . .".

II. That the Director of Land and Development Services 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 6/97, dated April 15, 1997, to a “PR-1” Parks and Recreation District, an “R1-4” Single-Family District, “RM-1” Multiple-Family District, “RM-3” Multiple-Family District, and a “C2” Commercial District, subject to the following:

A. That the Developer be required to enter into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the proposed “C2” Commercial District lands and “RM-1” Multiple-Family District and “R1-4” Single-Family District lands to provide for the following:

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1. that the following “C2” Commercial District uses not be permitted on the land:

   a) Automobile, including motorcycle: Repair, Service, Installation of Supplies, Parts
   b) Automobile, including motorcycle: Rental, Sales including accessory Repair, Service, Installation of Supplies/Parts
   c) Automobile, including motorcycle: Supplies/Parts Sales
   d) Banquet Hall, Dance Hall
   e) Boat: Sales, Service
   f) Bowling Alley
   g) Cabaret
   h) Catering, Commissary
   i) Driving School
   j) Exterminator
   k) Motors or Machines, Recreational or Utility, including power toboggans, outboard motors, lawn mowers: Rental, Sales, Service
   l) Stone or Monument: Sales, including incidental finishing
   m) Taxidermist

2. that final construction plans for the proposed “C2” Commercial District lands indicating the design and location of the proposed building(s) and sign(s), including elevations and details or exterior finishing materials, accessory parking and loading areas, fencing, landscaping, and garbage enclosures, be subject to the approval of the Commissioner of Planning and Community Services and the Assiniboia Community Committee prior to the issuance of building permit;

3. that the developer shall construct, within the rear or side yards of “RM" Multiple-Family District and "R1-4" Single-Family District lots backing or flanking onto McGillivray Boulevard, Dovercourt Drive and Chevrier Boulevard within the subdivision, a uniform, sound attenuation fence 2.0 metres in height, to the satisfaction of the Commissioner of Works and Operations. The Developer is to permit the City to file a caveat against the title of each lot backing or flanking onto McGillivray Boulevard, Dovercourt Drive and Chevrier Boulevard requiring the owner to maintain and/or repair or replace the sound attenuation fence as originally constructed to the satisfaction of the Commissioner of Works and Operations;

4. that residential lots backing onto or flanking onto McGillivray Boulevard are to have minimum rear or side yards as outlined on Schedules “C” and “D” (Figures 1 and 2 respectively). This requirement is related to traffic noise attenuation.

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

V. 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.

VI. 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, and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office.

VII. That the Proper Officers of the City be authorized to execute all necessary agreements.

VIII. 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.

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

Moved by Councillor Timm-Rudolph,
Adoption of the clause.

The Speaker called Deputy Mayor Eadie to the Chair in order to participate in the debate.

The motion for the adoption of the clause was put and declared carried.

Councillors Angus and Thomas asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

(See Minute No. 729 for attachments)

Proposed Rezoning - land located north side of Bluewater Crescent, south of Willowlake Crescent - Riel Community
File DAZ 227/96

697 - 5. The Committee on Planning and Community Services has been advised that an application has been received from Ladco Developments, to amend By-Law No. 6400/94 by rezoning the land shown below from an "R2" Two-Family District to an "RM-4" Multiple-Family District to permit the establishment of a 36 unit multiple-family structure.

The following is the present Site Description:

Site Area: Overall the site is 2.11 acres. The parcel being rezoned is 60.96 meters by 65 meters or a little less than an acre.

Existing Land Use and Zoning: The land which is zoned "R2" Two-Family is currently vacant.

The following is the Surrounding Land Use and Zoning:

Properties on the south and southwest are all zoned "R2" and fully occupied. The C.P.R. Emerson Line is to the east and to the west is a "PR-1" zoned retention lake area. Lands to the north are zoned a combination of "RM-4" Multiple-Family District and "R1-5" Single-family.

The following is the present Development Description:

Two (2) three-storey buildings, one building limited to 12 units, the other 24 units.

The applicants propose to consolidate the parcel to be rezoned to "RM-4" Multiple-Family with an adjacent parcel already zoned "RM-4" Multiple-Family District in order to facilitate development of a 36 unit three-storey multiple-family development. At the time of this writing, it is not known whether the proposed development is to be condominium ownership or a rental facility or whether it is to be designed specifically as a senior's complex. The overall buildable site will cover an area of approximately 2.11 acres (200 feet wide by 456 feet in depth). There are two separate structures - one 12 units at the north end of the site, the second 24 units on the remaining two-thirds of the site. The two (2) buildings are required in order to accommodate a 54 foot storm sewer traversing the north end of the property already zoned "RM-4". The total building foot print is 12,020 square feet. There are 36 two-bedroom units proposed (960 square feet per unit). There are 54 proposed stalls on the east periphery of the property abutting the rail right-of-way and the primary vehicle access to the parking area is via Willowlake Crescent. A fire lane which is a standard requirement of the Fire Department is proposed as a connection to

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Bluewater Crescent. However that "fire lane" as it is referred to is not open to public traffic. The south wall of the larger building being proposed appears to be 65-70 feet from the south property line and the closest residential duplex.

The Community Planning Division supports the proposed rezoning and consolidation for the following reasons.

1. The proposed buildings if properly sited and accessed may go far towards enhancing the area between the railway and the retention lake. Extensive landscaping, particularly at the south end of the property might also aesthetically improve the site.

2. The proposed structures are situated on the east half of the land but are between parking areas and the lake and/or other residential areas.

3. More than 60% of the development site is already zoned for multiple-family development.

4. The density is of an acceptable level - only 36 units on what is a relatively large site.

5. And most significant vehicle access to and from the site is via Willowlake Crescent ensuring that the status quo is maintained on Bluewater Crescent. An emergency fire lane is proposed but fire lanes are not open to anything but emergency (fire truck) vehicles.

As part of the accompanying Zoning Agreement the Administration will be recommending that:

A) densities be limited to 36 units in accordance with accompanying plans; and,

B) that final construction and site plans indicating the location of any buildings including elevation and details of exterior finishing materials, accessory parking, access, fencing, garbage enclosures, exterior light, etc. be subject to the approval of the Commissioner of Planning and Community Services and the Riel Community Committee prior to the issuance of any building permits.

It should further be noted that the applicant is required to construct a 200mm diameter watermain looping between Bluewater Crescent and Willowlake Crescent as part of the site servicing, on the north half of the protected easement for the 54 inch storm sewer which will also have to be maintained.

A Public Hearing was held before the Riel Community Committee on March 17, 1997.

One person was heard in support of the application.

Four persons were heard in opposition thereto.

The Riel Community Committee recommended that the proposed rezoning be approved for the following reasons:

A. The proposed project is an excellent proposal and approval of the rezoning is considered to be compatible with the surrounding area.

B. The density proposed by this application will be no greater than the density allowed under the current "R2" zoning.

C. The Riel Community Committee accepts the advice of the Manager of Traffic Engineering that the overall impact of the proposed development will be negligible on the traffic situation on Lakewood Boulevard.

On May 20, 1997, the Committee on Planning and Community Services considered the proposed application under File DAZ 227/96 and additional information from the Manager of Community Planning dated May 9, 1997, and approved the following amendment which has also been incorporated in the recommendations as set out below:

- That Recommendation I. A) be deleted in its entirety and replaced with the following, "That the applicant enter into a Zoning Agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, on Lot 1 and 2, Plan 15648, to provide for the following:"

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The Committee on Planning and Community Services concurred in the recommendations of the Riel Community Committee and recommends:

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A," for File DAZ 227/96, dated March 10, 1997, to an "RM-4" Multiple-Family 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, on Lot 1 and 2, Plan 15648, to provide for the following:

1. that total number of dwelling units not exceed 36 units;

2. that public vehicle access to the site be restricted off of Willowlake Crescent;

3. that final construction and site plans indicating the design and location of any buildings including elevation and details of exterior finishing materials, accessory and visitor parking and loading areas, access, fencing, and landscaping, exterior lighting, children's play area(s), and garbage enclosures be subject to the approval of the Commissioner on Planning and Community Services and the Riel Community Committee prior to the issuance of a building permit.

II. 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.

III. 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.

IV. 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 twelve (12) months from the date that the said rezoning by-law is adopted by Council.

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

VI. 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 Minute No. 730 for attachment)

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Proposed Rezoning - land located at 215 Stafford Street - City Centre Community File DAZ 200/97 (c/r DAV 16/97D)

698 - 6. The Committee on Planning and Community Services has been advised that an application has been received from Lionetti Clothes and Custom Tailors, 453 Pembina Highway, Winnipeg, R3M 2K9, to amend By-law No. 6400/94 by rezoning the land as outlined below from an "R1-4A" Single-Family District to a "C1.5" Commercial District to permit a commercial development.

The following is the present Site Description:

Dimensions: 50.14 feet (15.3 metres) by 120.45 feet (36.7 metres)

Site Area: 6,039.4 square feet (561 square metres)

Existing Land Use: Two-storey, single-family dwelling.

The following is the Surrounding Land Use and Zoning:

"R1-4A" Single-Family Residential District

The applicants propose to renovate the house for a tailor shop and professional office located at 215 Stafford Street at the north west corner of Stafford Street and McMillan Avenue. The property is currently zoned "R1-4A". Two development applications have been submitted; a rezoning application to change the use of the property from residential to commercial, and a zoning variance application requesting some relief from yard, parking and loading requirements. The Community Planning Division is recommending in favour of both applications.

The building is vacant and in deteriorated condition. The proposal is to salvage the structure, which will involve replacing the existing attached garage with a 500 square foot, single-storey addition. The renovated building will contain about 2,500 square feet of gross floor area, including roughly 1,500 square feet on the first floor and 1,000 square feet on the second floor.

The main floor will contain fitting rooms and display and office area. The second floor will contain rooms for sewing and storage. As well, the applicant is requesting permission to rent out a 550 square foot office on the second floor to a professional person such as a lawyer or architect. The basement will remain undeveloped.

An existing storage shed at the rear of the property is to be demolished, and the area developed with 5 parking stalls. Landscaping will screen the parking from Stafford Street. A 6 foot privacy fence, which runs along the west property limit on the adjoining property, is to be maintained. Extensive landscaping is proposed for the property, including a raised landing which will wrap around the front of the building. The front yard, against McMillan Avenue, will contain a mixture of hard and soft landscaping, incorporating new trees and shrubs with existing mature trees where possible.

Exterior alterations will enhance the attractive proportions and detailing of the original structure while maintaining its residential appearance. Lighting will be discrete, including low landscape lighting, pot lights in each display window, and sconce lighting for sign illumination. Identification signage will be consist of brass lettering or something similar.

The applicants, Frank and Frances Lionetti, have tailored in the Fort Rouge and Fort Garry communities for 22 years, including 10 years at their current location at Pembina Highway and Garfield Street. They understand the seriousness of their proposal and the concerns it raises for the neighbourhood, and have hired an architect and a planning consultant to help refine their proposal and conduct a consultation process with neighbouring residents. The purpose of this report is to present the position of the Community Planning Division. It does so by responding to several serious issues, as outlined on Schedule "A", raised by a proposal of this nature, and by examining its broader planning and land use implications.

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A Public Hearing was held before the City Centre Community Committee on March 11, 1997.

Nine persons were heard in support of the application.

Twelve persons were heard in opposition thereto.

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

A. A multi-family dwelling would bring more traffic to the area, the applicant will be making a tremendous immediate commitment of $150,000.00 to the area by restoring the home, an investment which is significant to the area and does not happen without a commitment to stay and the property will do nothing but enhance land values in the area by establishment of a low density use which will preserve the integrity of the neighbourhood.

B. The most livable neighbourhoods contain a mix of land uses in which low intensity commercial is welcomed and rezonings are, therefore, sometimes necessary in order to accommodate the kinds of changes and transitions that inner city neighbourhoods experience as they age and mature while by preventing change, inappropriate or inflexible zoning can deprive older neighbourhoods of the kind of investment needed to maintain property values and enhance neighbourhood stability and vitality.

C. A land use may no longer be appropriate for a particular area or location and in the current situation the signs that properties flanking Stafford Street are no longer the premier residential location they once were are clearly evident in the level of maintenance of some of the housing stock. A transition zone is emerging between the heavily travelled street and the adjacent residential areas.

D. The Community Planning Division is of the opinion that the neighbourhood would be best served by restoration of the existing building for low intensity commercial use while maintaining its residential look which achieves two objectives by enhancing the appearance of the area and honouring the character of the neighbourhood.

E. The Planning Division believes that the neighbourhood needs the investment, that the development plans will enhance property values in the area and that the proposed land use is low intensity and will not negatively impact the adjacent residential environment.

F. The building is vacant, beyond repair as a single-family dwelling and was designed to front onto Stafford Street.

G. The use is low intensity, staffing levels are low, the lot is wide enough to accommodate 5 parking stalls off the lane, sufficient parking for this type and scale of business, including staff and the extensive proposed renovations and landscaping will enhance the appearance of the area and maintain the residential character of the building and property.

H. Visual indications of commercial use will be minimized through controls over the outward design of the building and identification signage, the character of the owners and the nature of the business are known quantities, having been a part of the community for over two decades and the applicants have agreed to limit the use of the building by caveat to a "clothing" store and professional office, which are permitted "C1" neighbourhood commercial uses.

I. The success of the proposal at this location may help to revitalize the shopping node at Grosvenor Avenue and Stafford Street.

J. The subject property has run its course as a single-family dwelling but can continue to contribute to the life and appearance of the neighbourhood under the proposal.

On May 20, 1997, the Committee on Planning and Community Services considered the proposed application under File DAZ 200/97 and additional information from the Manager of Community Planning dated April 25, 1997, and approved the following amendment which has also been incorporated in the recommendations as set out below:

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- That Recommendation I. 3) be deleted in its entirety and replaced with the following, “That prior to the issuance of any development permits, plans showing exterior elevations, landscaping, parking and signage be approved by the City Centre Community Committee and the Commissioner of Planning and Community Services and, further, that the plans illustrate the renovation of the existing building at 215 Stafford Street in general accordance with the plans entitled “Proposed East Elevation and Proposed Site Plan”, dated April 25, 1997, submitted with the application.”

The Committee on Planning and Community Services concurred in the recommendations of the City Centre Community Committee, as amended, and recommends:

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "B" for File DAZ 200/97, March 6, 1997, to a "C1" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 600(1) of The City of Winnipeg Act to provide for the following:

1) That the use of the property be limited to clothing store, tailor and professional office;

2) That the office occupancy be restricted to one room on the second floor and a maximum floor area of 550 square feet;

3) That prior to the issuance of any development permits, plans showing exterior elevations, landscaping, parking and signage be approved by the City Centre Community Committee and the Commissioner of Planning and Community Services and, further, that the plans illustrate the renovation of the existing building at 215 Stafford Street in general accordance with the plans entitled “Proposed East Elevation and Proposed Site Plan”, dated April 25, 1997, submitted with the application;

4) That no buildings or permanent structures be located within a distance of 2.134 metres (7 feet) of the east property limit to allow for the future widening of Stafford Street;

5) That mobile and free-standing signs be prohibited;

6) That the hours of operation on Sundays be limited to between 12:00 Noon and 4:00 p.m. during the period of December 1st and January 15th of each year;

7) That a ten (10%) per cent dedication be made by a payment of sum of money to the City in lieu of the requirement for land for open space, park and recreational use based on the increase in the market value of the land.

II. 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 when the Zoning Agreement has been executed.

III. That the rezoning by-law shall become effective when the Zoning Agreement has been registered as a first charge against the subject land at the Winnipeg Land Titles Office.

IV. That the Proper Officers of the City be authorized to execute said Zoning Agreement.

V. 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.

VI. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within 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.

Adopted by consent.

(See Minute No. 732 for attachments)

Report of the Committee on Planning and Community Services dated May 20, 1997

Proposed Rezoning - land located at 757 Lyon Street - Assiniboia Community File DAZ 203/97 (c/r DCU 35/97D and DAV 83/97D)

699 - 7. The Committee on Planning and Community Services has been advised that an application has been received from Anhang Walsh and Company, to amend By-Law No. 6400/94 by rezoning the land shown below from a Temporary "C1" Commercial District to an "R1-5.5" Residential District to allow for the establishment of a church, parish hall, and day care facility (subject to conditional use approval).

The following is the present Site Description:

Site Area: Approximately 40,000 square feet (.92 acres).

Existing Land Use and Zoning: Dance studio and day care, zoned temporary "C1" Commercial District.

The following is the Surrounding Land Use and Zoning:

Predominantly single-family dwellings, with Viscount Alexander School and playground to the immediate north and west, a church to the east; adjacent lands area zoned "PR1" Parks and Recreation District and "R1-5.5" Residential District.

The applicant proposes to locate a church, parish hall, and day care facility in the existing three-storey, approximately 10,000 square foot former school and school division office building. In order to proceed, in addition to the rezoning, a conditional use (for those uses proposed) and variance (for parking) approvals are also required.

In September, 1992, the current owners of the subject property, after extensive consultation with the immediate neighbours, purchased the former school/division office building and property from the local school division. The new owners were granted a temporary rezoning to "C1" Commercial in order to operate a dance studio and day care out of the building, which is a valued local landmark. This rezoning was approved for a maximum period of ten (10) years and permitted no other uses in the building. This temporary, limited rezoning was recommended in appreciation of the sensitivity of locating a commercial operation within a predominantly low-density residential neighbourhood and to accommodate a desire to creatively reuse the building.

In consultation with the prospective owners of the property, Community Planning Division recommended a similarly restrictive approval to accommodate the proposed church, parish hall, and day care. The requested rezoning (to "R1-5.5") of the site will be consistent with that of the surrounding residential properties, including the Fort Garry United Church, located on the other side of Lyon Street.

A day care facility has been operating at this location for a number of years, apparently without complaint. The proposed church and parish hall uses are consistent, not only with the location of the church across the street and in residential neighbourhoods in general, but with the former institutional uses of this site as a school and office.

The applicant has requested the standard 10% dedication requirement be waived, on the basis that the church and day care are non-profit organizations.

A Public Hearing was held before the Assiniboia Community Committee on April 22, 1997.

One person was heard in support of the application. No persons were heard in opposition thereto.

The Assiniboia Community Committee recommended that the proposed rezoning be approved for the following reason:

A. The application is compatible with the surrounding area.

The Committee on Planning and Community Services concurred in the recommendations of the Assiniboia Community Committee and recommends:

Report of the Committee on Planning and Community Services dated May 20, 1997

I. That By-law 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 203/97, dated April 14, 1997, to an "R1-5.5" 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 no exterior alterations or additions be made to the existing building and that no new buildings or structures be erected or located on the land except in accordance with plans approved by the Commissioner of Planning and community Services and the Assiniboia Community Committee;

2. That no sign be erected on the land except in accordance with plans approved by the Commissioner of Planning and Community Services and the Assiniboia Community Committee;

3. That mobile signs be prohibited.

II. That a 10 per cent 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 twelve (12) 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 Minute No. 732 for attachment)

Report of the Committee on Planning and Community Services dated May 20, 1997

Proposed opening of part of the west side of Shaftesbury Boulevard south of Grant Avenue - Assiniboia Community
File DAO 16/96

700 - 8. The Committee on Planning and Community Services has been advised that a property shown as "Proposed Widening" on Misc. Plan No. ASBA 9465/2, as outlined on Schedule "A" is required to accommodate the paving of Shaftesbury Boulevard and the installation of a land drainage sewer. The proposed widening is prepared in accordance with Council's April, 1995 directive that Shaftesbury Boulevard between Grant and Wilkes Avenues be added to the regional street system and that it be paved as a capital project. Negotiations for the acquisition of the property have recently been successfully completed and the land may now be legally opened as a public street.

The proposed opening has been circulated to all concerned City departments and public utilities with no objections having been received.

A Public Hearing was held before the Assiniboia Community Committee on April 22, 1997. The Community Committee recommended approval of the proposed street opening as outlined below.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening in accordance with Misc. Plan No. ASBA 9465/2, as outlined on Schedule "A".

II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Adopted by consent.

(See Minute No. 733 for attachment)

Proposed opening of a public lane north of Larche Avenue, east between Day and Wabasha Streets - East Kildonan-Transcona Community File DAO 1/97

701 - 9. The Committee on Planning and Community Services has been advised that the Land and Development Services Department has discovered that the land known as "Subject City Property" on the Misc. Plan No. EKT 9668, as outlined on Schedule "A", is not legally open as a public right of way. The land is City-owned and is used by the area residents as the only vehicular access to their properties. It is maintained by the City as an unpaved public lane and is the area designated for garbage pick up. It is necessary to legally designate this property as a public lane.

Misc. Plan No. EKT 9668 shows the location of the existing dirt and gravel road in the area. The Land and Development Services Department and the Streets and Transportation Department have considered three options for proposed lane opening.

The first option considered was to open a 6.25 metre lane centered the existing road. This option was rejected because it would leave a portion of the City property between the south limit of the lane and the north limit of the adjacent properties. This proposal would be feasible only if the adjacent property owners agreed to purchase the portion of this land between their lots and the new lane.

The second option was to open a 6.25 metre lane immediately adjacent to the properties. This option was rejected because it would leave the existing road outside of the right of way and a new road would have to be constructed. The area residents would then be compelled to pay the costs of the new road construction as a local improvement.

Report of the Committee on Planning and Community Services dated May 20, 1997

The third option was to open the entire area as public lane. Although this will create a lane much wider than the standard 6.25 metres, this is the option that is being recommended since it is the only option that will allow the area residents to continue to use the existing road at no further expense to either themselves or the City.

The proposed opening has been circulated to all concerned City departments and public utilities with no objections having been received.

The residents at Nos. 141 and 147 Larche Avenue have structures on their property that encroach slightly into the City property. These owners will be advised that they may either remove the encroachments or pay encroachment fees. These fees would amount to $60.00 annually for No. 141 and $40.00 for No. 147, and will be assessed regardless of whether or not this land is opened as a public lane.

Two of the towers of the Manitoba Hydro transmission line encroach into the north side of the proposed opening. The opening will eliminate the encroachment, as Manitoba Hydro has a statutory right to its lines in public rights of way under the Manitoba Hydro Act.

Public Hearings were held before the East Kildonan-Transcona Community Committee on March 18 and April 22, 1997. The Community Committee recommended approval of the proposed street opening as outlined below.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening of the land identified as "Subject City Property" in accordance with Misc. Plan No. EKT 9668, as outlined on Schedule "A".

II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Adopted by consent.

(See Minute No. 734 for attachment)

Proposed closing of part of Scurfield Boulevard north of Vanderbilt Drive - Assiniboia Community File DAC 4/97

702 - 10. The Committee on Planning and Community Services has been advised that the subject street closing, as outlined on Schedule "A", in accordance with Misc. Plan No. ASBA 9932, is required to facilitate Phase 19 of AG 58/85, identified as "Proposed Subdivision" on ASBA 9932. The applicant, UMA Engineering Ltd., on behalf of Cairns Developers, has obtained the approval of the Streets and Transportation Department to the reduction of the street right-of-way from 38 metres to 36 metres in width. Scurfield Boulevard will be re-opened in its new configuration by the registration of the plan prepared to effect Phase 19.

The proposed opening has been circulated to all concerned City departments and public utilities with no objections having been received.

A Public Hearing was held before the Assiniboia Community Committee on April 22, 1997. The Community Committee recommended approval of the proposed street opening as outlined below.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closing in accordance with Misc. Plan No. ASBA 9932, as outlined on Schedule "A".

Report of the Committee on Planning and Community Services dated May 20, 1997

II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Adopted by consent.

(See Minute No. 735 for attachment)

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

MOTIONS

Moved by Councillor Timm-Rudolph,
Seconded by Councillor Golden,
703 - WHEREAS it appears that there will be no quorum at the regularly scheduled meeting of the Committee on Planning and Community Services to hear appeals to be held on Thursday, June 5, 1997;

THEREFORE BE IT RESOLVED THAT the meeting be cancelled and the next Appeals Meeting be held on Thursday, June 19, 1997, to commence at 10:00 a.m. in the Council Chamber;

AND BE IT FURTHER RESOLVED THAT the City Clerk's and Land & Development Services Departments do all things necessary to ensure that posting requirements and appropriate notification is carried out in accordance with the requirements of the City of Winnipeg Act.

Carried.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

704 - On motion of Councillor Timm-Rudolph, 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. 7042/97, a by-law of The City of Winnipeg to widen the southwest corner of Nairn Avenue and Grey Street. File DAO 15/96

By-law No. 7043/97, a by-law of The City of Winnipeg to widen the east side of Lagimodiere Boulevard, north and south of East Mint Place. File DAO 23/96

On motion of Councillor Timm-Rudolph, the rule was suspended and By-law No. 6916/96, a by-law of The City of Winnipeg to enact amendments to its By-law No. 5894/92, being the Board of Adjustment By-law, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File GK-12 (Vol. 5)

Councillor Thomas asked to be recorded as having voted against all three readings of By-law No. 6916/96, in accordance with Rule 50.7 of the Procedure By-law.