REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED JANUARY 10, 1997

On motion of Councillor Silva, 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)

399 - 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.

Report of the Committee on Planning and Community Services dated January 10, 1997

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.

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”.

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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

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.

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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).

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.

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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."

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)*

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

I. 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).

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.

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:-

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Report of the Committee on Planning and Community Services dated January 10, 1997

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)

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.

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

Moved by Councillor Silva,

That the clause be referred back to the Executive Policy Committee.

Carried.

REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED FEBRUARY 4, 1997

On motion of Councillor Silva, the Report of the Committee on Planning and Community Services, dated February 4, 1997, was considered clause by clause.

Moved by Councillor Silva,
That the Consent Agenda, Clauses 1,2,4,5,6,7,8,9,10,11 and 12 be adopted.

Carried.

Naming of the new Public Library located at 765 Keewatin Street south of Burrows Avenue - Lord Selkirk-West Kildonan Community File L-34 (Vol. 2)

400 - 1. On January 21, 1997, the Lord Selkirk-West Kildonan Community Committee considered a communication dated December 8, 1996 from Rick Walter, Area Head, Library Department with respect to naming of the new public library. The communication advised of the contest held by the Library Department which was considered very successful as over 250 entries were received from the community.

The Lord Selkirk-West Kildonan Community Committee recommended that favourable consideration be given to naming the library located at 765 Keewatin Street, the "Sir William Stephenson Library", after the well known inventor, businessman and master spy.

For the information of Council, Sir William Samuel Stephenson was born in Winnipeg on January 11, 1896. He flew as a fighter pilot in World War I, winning several medals for bravery. While a student at the University of Manitoba, he invented the wirephoto and then a radio facsimile method of transmitting pictures without telephone or telegraph wires. He moved to Britain in 1921 to develop and market this invention to newspapers and rapidly earned a fortune and an entree to influential political circles in London.

At the beginning of World War II, William Stephenson was placed in charge of British Security Co-ordination (counterespionage) with headquarters in New York where the telegraphic address was INTREPID, later popularized as Stephenson's code name. Although he was knighted by King George VI and awarded the US Medal for Merit, not much was known about his war services until the publication of H. Montgomery Hyde's *The Quiet Canadian* (1962). William Stevenson (no relative to Stephenson) later published 2 well known books about him, *A Man Called Intrepid* (1977) and *Intrepid's Last Case* (1983).

The Committee on Planning and Community Services concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends:

I. That the new library located at 765 Keewatin Street be named the "Sir William Stephenson Library";

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.

Report of the Committee on Planning and Community Services dated February 4, 1997

Fencing Requirements for Outdoor Pools
File EZ-DAZ(34)(Gen.)
[c/r EB-1.7 (Vol. 9)]

401 - 2. On December 9, 1996, Executive Policy Committee referred back Clause 6 of the Report of the Committee on Planning and Community Services dated November 26, 1996, as outlined in Exhibit "A", for review by the Law Department.

The Committee has been advised in an administrative report that the Building Code requirements for fencing are established by the Province and are enforced by the City. The requirements are consistent with by-law requirements for residential pool fencing in other Canadian cities.

The designated officer of the City does have discretionary powers to accept an "approved equal" which would meet the intent of the Code. However, in the opinion of that officer and of Legal Services, a lockable cover does not constitute an acceptable equivalent.

The administration has recommended that amendments to the Manitoba Building Code should only be proposed if one of the following considerations apply:

1. Does the amendment improve safety for the general public?
2. Is it a common complaint of the public that this is an unreasonable condition?
3. Is the cost of complying with this condition prohibitive?

The assessment of the administration is that the proposed amendment would result in a reduced level of safety for other persons in the neighbourhood. Fencing around a pool or hot tub creates an environment which is readily controlled by the owner of the pool or hot tub. While arguably the owner of the pool or hot tub can control access through the placement of a locked cover, the time and effort required to position such a device make it unlikely that this precaution would be taken everytime the person using the pool or hot tub has to go in "for a few minutes". The existence of a fence surrounding the area promotes a conscious decision by that person to remove any children from the pool and to secure the area from access by others before leaving the pool area to go inside the house to answer a phone, go to the bathroom, etc. Although a lockable cover may be of equal protection for "long term closures," it would likely be of little value in the short term situation. Accidents happen in the short term.

The administration has advised that they are unaware of any pattern of complaints that the existing requirement is unreasonable or cost prohibitive and would suggest that the prevention of one drowning is well worth the cost of the requirement.

The administration has further suggested that the existing requirements are consistent with the provisions of The Occupiers Liability Act which provides:

> "3(1) An occupier of premises owes a duty to persons entering on the premises and to any person, whether on or off the premises, whose property is on the premises, to take such care as, in all circumstances of the case, is reasonable to see that the person or property, as the case may be, will be reasonably safe while on the premises."

This duty extends to young children who may not understand the concept of trespass.

The Committee on Planning and Community Services has reiterated its decision of November 26, 1996 and recommends:

I. That the Province of Manitoba be requested to amend the Manitoba Building Code to provide that small pools such as hot tubs be required to have lockable covers in lieu of fencing around the property.

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. 432 for attachment)

Report of the Committee on Planning and Community Services dated February 4, 1997

Proposed Amendments to the Development Fees By-law No. 6655/95
File EP-1 (Vol. 18)

402 - 3. The Committee on Planning and Community Services has reconsidered Clause 6 of its Report dated January 10, 1997, as outlined in Exhibit "A", with respect to proposed amendments to the Development Fees By-law No. 6655/95, which was referred back by Council on January 29, 1997.

The Committee on Planning and Community Services recommends:

I. That the amendments to Development Fees By-law No. 6655/95 dealing with definitions and the re-organization of certain sections of the by-law as outlined in Schedule “A”, be approved.

II. 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.

III. That the City Solicitor/Manager of Legal Services forward the by-law to Council for all three readings.

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

The Committee on Planning and Community Services resubmits to Council, without recommendation, the matter relative to fees.

The Executive Policy Committee concurs with the amendments to the Development Fees By-law No. 6655/95 dealing with definitions and the reorganization of certain sections of the by-law; and further recommends the matter relative to fees be referred to the Administration for further consideration and report back.

Moved by Councillor Silva,
That the clause be considered.

Carried.

Moved by Deputy Mayor Eadie,
That the recommendation of the Executive Policy Committee be adopted.

The recommendation proposed by the Executive Policy Committee was put and declared carried.

(See Minute No. 433 for attachment)

Proposed Amendment to Development Agreement AG 57/86 - Kildonan Estates Development - East Kildonan-Transcona Community File DASZ 57/86 (AG 57/86)

403 - 4. The Committee on Planning and Community Services has been advised that the Kildonan Estates Development Agreement AG 57/86, Finance Department No. 7939 dated July 29, 1987, provides for the Developer to satisfy its financial obligations on a certain staged basis coinciding with the servicing of the land. The Kildonan Estates Subdivision which is located north of Grassie Boulevard, east of Lagimodiere Boulevard, is currently approximately 70% developed and there are approximately $144,000.00 of charges associated with the undeveloped land outstanding calculated on the basis of 1989 rates.

The Developer, North Grassie Properties Inc., has requested that the outstanding charges be paid in three instalments coinciding with additional servicing phases which have been approved by the City as identified on Schedule “A”.

Report of the Committee on Planning and Community Services dated February 4, 1997

The Administration has reviewed the Developer's request and concurs therewith subject to the charges associated with the second and third phases being updated to current rates. This arrangement will result in the City collecting at least $12,200.00 over what it would have collected under the current terms of the development agreement.

On January 21, 1997, the East Kildonan-Transcona Community Committee considered a report from the Administrative Coordinating Group, dated December 23, 1996, with respect to the subject matter and concurred in the recommendation contained therein as outlined below.

The Committee on Planning and Community Services concurred in the recommendations of the East Kildonan-Transcona Community Committee and recommends:

I. That the Development Agreement under file AG 57/86 be amended to provide that the Developer's financial obligations with respect to the undeveloped land will be paid in three installments coinciding with three servicing phases approved by the City subject to the payments in connection with the second and third phases being updated to reflect current rates.

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. 434 for attachment)

Proposed Amendment to Development Agreement AG 2/89 - Whyte Ridge Developments Ltd. - Assiniboia Community File DASZ 2/89 (AG 2/89)

404 - 5. The Committee on Planning and Community Services has been advised that under the terms of Development Agreement AG 2/89, the Developer is required to install certain traffic improvements at and in the vicinity of the intersection of McGillivray Boulevard and Columbia Drive. The agreement also provides that the City will endeavour to recover a proportionate share of the cost of the traffic improvements from the owners of the properties located on the south side of McGillivray Boulevard west of Columbia Drive.

The Developer has advised the Administration that the owners of the land located on the north side of McGillivray Boulevard west of Kenaston Boulevard should also be responsible for a share of the cost of the traffic improvements to be installed in McGillivray Boulevard by the Developer. Korpan Tractor is currently the leaseholder of City-owned land located at the northwest corner of McGillivray Boulevard and Kenaston Boulevard and it is this development which triggered the Developer's request that the property owners on the north side of McGillivray Boulevard also share in the cost of the subject traffic improvements.

The Administration has reviewed the Developer's request and concurs that it would be appropriate for the City to endeavour to also collect from benefiting property owners located on the north side of McGillivray Boulevard on behalf of the Developer. Cost recoveries would be subject to the approval of development applications when the properties are rezoned and/or subdivided. The leasing of appropriately zoned City-owned land to Korpan Tractor did not require the approval of any development application and recovery from that property will likely not occur until the land is redeveloped (i.e. subdivided and/or rezoned).

On January 14, 1997, the Assiniboia Community Committee considered a report from the Land Development Engineer, dated January 6, 1997, with respect to the subject matter and concurred in the recommendation contained therein as outlined below.

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

I. That the Development Agreement under File AG 2/89 be amended to provide that the City shall endeavour to also recover on the Developer's behalf a proportionate share of the cost of traffic improvements to be installed by the Developer at and in the vicinity of the intersection of McGillivray Boulevard and Columbia Drive from the property owners located on the north side of McGillivray Boulevard west of Kenaston Boulevard as determined by the Commissioner of Works and Operations.

Report of the Committee on Planning and Community Services dated February 4, 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.

Proposed Amendment to Development Agreements - Lindenwoods - Genstar Development Company - Assiniboia Community Files DASZ 39/79, DASZ 405/80, DASZ 18/83, DASZ 30/83, DASZ 18A/84, DASZ 42/84, DASZ 15/86, DASZ 33/86 and DASZ 11/90

405 - 6. The Committee on Planning and Community Services has been advised that under the terms of Development Agreements AG 39/79, AG 405/80, AG 18/83, AG 30/83, AG 18A/84, AG 42/84, AG 15/86, AG 33/86 and AG 11/90 with respect to the Lindenwoods Subdivision, the Developer, Genstar Development Company was required, at no expense to the City, to install land drainage trunk facilities to accommodate the Lindenwoods Subdivision plus an additional 191.5 acres to the north and to the east of Lindenwoods. Although the City is under no obligation to collect a proportionate share of the cost on behalf of Genstar of the trunk facilities installed by Genstar, the City has retained the funds collected for its own account. The administration has recently reviewed the issue and is of the opinion that any funds collected by the City from the owners of property outside the Lindenwoods Subdivision which benefit from the trunk facilities installed by Genstar Development Company should be reimbursed to Genstar.

On January 14, 1997, the Assiniboia Community Committee considered a report from the Land Development Engineer, dated January 7, 1997, with respect to the subject matter and concurred in the recommendations contained therein as outlined below.

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

I. That the Development Agreements under files AG 39/79, AG 405/80, AG 18/83, AG 30/83, AG 18A/84, AG 42/84, AG 15/86, AG 33/86, and AG 11/90, entered into by the City and Genstar Development Company, be amended to provide that the City shall endeavour to recover on behalf of Genstar a proportionate share of the cost of land drainage trunk facilities installed by Genstar within the Lindenwoods Subdivision and benefiting property located outside the limits of the Lindenwoods Subdivision as determined by the Commissioner of Works and Operations.

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.

Proposed Rezoning - land located at 1 Hallonquist Drive - Assiniboia Community File DAZ 221/96 (c/r DAV 708/96D)

406 - 7. The Committee on Planning and Community Services has been advised that an application has been received from Peregrine Hunter Properties Ltd., 215 - 1610 Ness Avenue, Winnipeg, MB, R3J 3X3, to amend By-law No. 6400/94 by rezoning the land from an "R1-5.5" Residential District to an "RM-2" Residential District to allow the construction of a multiple-family development.

Site Area: Approximately 2.3 acres

The following is the Existing Land Use and Zoning:

The subject property is located at the northwest corner of Hallonquist Drive and Sturgeon Road. There are no buildings situated on the site. The property is mainly grassed, with rows of mature trees in the most northerly portion. A small park, known as Kirby Setter Playground is situated in the northwest corner of the site and is

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equipped with a variety of children's play equipment and associated park furnishings. In addition, a natural ice pleasure skating rink is located adjacent to the park on a seasonal basis. The property is zoned "R1-5.5" Residential District. The property is owned by the City of Winnipeg pending approval of conditions of sale to the applicant.

The following is the Surrounding Land Use and Zoning:

Lands to the north of the subject property are zoned "R1-5.5" Residential District and are developed with single-family dwellings. Lands to the east of the property (across Sturgeon Road) are zoned "R1-5.5" Residential District. Situated on this land is the Grace General Hospital. Lands to the west of the property (across Setter Street) are zoned "RM-3" Residential District and are developed with a 14-storey multiple-family building. Lands to the south (across Hallonquist Drive) are zoned "R1-5.5" Residential District and are currently vacant, with the Sturgeon Creek public reserve immediately south.

The applicant is proposing to develop a 3-storey, 61 unit condominium on the subject property. Onsite parking will consist of 92 parking spaces at grade level. A concurrent variance application (DAV 708/96D) requests permission to provide substandard yards. Access to the site is proposed from Hallonquist Drive, via a single private approach.

The City of Winnipeg recently determined this property to be surplus land. Subsequently, the property was offered for sale for residential development. The application has been reviewed by the Administrative Co-ordinating Group and no concerns or objections were noted. A servicing agreement is not required. As a condition of sale, no dedication is payable by the applicant for the rezoning of the site to "RM-2"; therefore, the dedication will be paid from the proceeds of the sale. The Parks and Recreation Department has determined that the Kirby Setter Playground can be relocated to the City-owned property across Hallonquist Drive from the subject property. Parks and Recreation Department staff has requested that funds be made available from the proceeds of the sale to offset re-location costs.

Community Planning Division has recommended approval of the proposed rezoning. The proposed height and density of the condominium represent a reasonable transition between single-family dwellings and higher density multiple-family developments adjacent to the property. In addition, the site abuts Sturgeon Road, which is a four-lane divided arterial street. From this perspective, the proposed rezoning is compatible with neighbouring land uses and development.

A Public Hearing was held before the Assiniboia Community Committee on December 10, 1996.

One person appeared in support of the application.

One person appeared in opposition thereto.

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

A. The overall development of the site is very well done and there is a demand for such developments in the community.

B. The zoning agreement addresses some of the concerns expressed, and the set-back is maintained.

The Committee on Planning and Community Services concurred in the recommendations of the Assiniboia 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 221/96, dated December 3, 1996, to an "RM-2" 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 more than 61 dwelling units shall be permitted on the lands;

      2. that no building shall exceed three storeys in height;

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3. that no building, structures, or works shall be erected on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed building, accessory parking areas, private approaches, driveways, fencing, garbage enclosures, and landscaping are submitted to and approved by the Assiniboia Community Committee, and thereafter identified by the signature of the Commissioner of Planning and Community Services under the designation as Schedule "A" to Zoning Agreement DAZ 221/96 and no buildings, structures, or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement;

4. that a minimum of 8 of the aggregate 92 parking spaces be designated for visitor parking;

5. that there be appropriate landscaping providing adequate screening to the properties north of the subject property;

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. Dedication will come from the proceeds of the sale;

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. 435 for attachment)

Proposed Rezoning - land located at 894 St. Mary's Road - Lots 21 and 22, Block 3, Plan 2026 - Riel Community
File DAZ 225/96 (c/r DASZ 29/76)

407 - 8. The Committee on Planning and Community Services has been advised that an application has been received from Sam El-Harouni, 894 St. Mary's Road, to amend By-Law No. 6400/94 by rezoning the land shown below from an "R2" Residential District to a "C2" Commercial District to permit the establishment of a Contractors Establishment (offices for a cleaning service).

Previous Files: DAV 58/80, DAV 563/74, DAV 278/74

The following is the present Site Description:

A dwelling currently occupies the south half of the site. The site is a corner lot.

Site Area: The lot in question is 70 feet in width and has a 100 feet of depth.

The following is the Existing Land Use and Zoning:

The property is currently zoned "R2" Residential. Over the years, a number of home occupation businesses have been operated on the premises without incident.

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The following is the Surrounding Land Use and Zoning:

South: The land south of Norberry Drive is occupied by the St. Vital School Division Buildings.

East: All zoned "C2" Commercial. Occupied with retail businesses.

North: Frontage along St. Mary's Road is a range of "C2" Commercial and Residential housing (R2).

West: Zoned "R1-5" - Existing residential subdivision.

The applicant proposes to use the building on the corner as an office and storage facility for cleaning equipment supplies (Leader Building Cleaning Services). All other structures will be removed and a buffer area will be maintained on the north half of the property. A rear parking area with access to the lane is for a required loading space and two (2) parking stalls.

The Community Planning Division has regularly supported small businesses along St. Mary's Road - particularly on corner lots and in areas where there is a concentration of commercial uses. The lot in question is appropriate for the proposed use in that it is a large lot with the building to be utilized situated right at the corner. That offers a great deal of separation space between the building and parking area and the adjacent lot to the north. The proposed business is of the type and scale that should not adversely affect the adjacent neighbourhoods or be out of character with the types of businesses already operating successfully along this stretch of St. Mary's Road.

A Public Hearing was held before the Riel Community Committee on January 20, 1997.

One person appeared in support of the application.

No one appeared in opposition thereto.

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

A. Approval of this rezoning is considered to be compatible with the surrounding neighbourhood.

B. The adjacent neighbours have demonstrated support for this application and there is no registered opposition.

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

I. That By-law 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for file DAZ 225/96, dated January 13, 1997, to a "C-2" Commercial District, subject to the following:

1. 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:

A. That final plans indicating building locations, parking, fencing, landscaping and approaches be submitted to and approved by the Commissioner of Planning and Community Services and the Riel Community Committee prior to the issuance of any building permits.

B. That the following uses be prohibited on the site:

i) Automobile: rental, sales, including accessory repair service, installation of supplies/parts;
ii) Boats: sales, service
iii) Landscape and garden supplies: sales landscape contractor
iv) Recreation centres
v) Tires: sales, service

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. Dedication will come from the proceeds of the sale.

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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. 436 for attachment)

Proposed Zoning Agreement Amendment - 820 Kimberly Avenue - East Kildonan-Transcona Community
File ZAA 12/96 [c/r DAZ 50/76]

408 - 9. The Committee on Planning and Community Services has been advised that an application has been received from Mycom Group Inc., 1240-363 Broadway, Winnipeg, MB, R3C 3N9, to amend the zoning agreement affecting the land shown below to include an office/showroom/stock area for retail sales, not exceeding a floor area of 5,000 square feet, (subject to Conditional Use approval).

The subject site was originally zoned "C2" Commercial District under File DAZ 50/76 in the year 1976. The purpose of that rezoning was to permit the use of the land for the construction of a Postal Station/Letter Carrier depot. The Zoning Agreement which Council required in conjunction with approval of DAZ 50/76 limited the use of the land and building to the above-noted Postal Station/Letter Carrier depot and accessory uses only.

The subject building is located on the edge of a single-family residential neighbourhood. It is adjacent to a church to the south, and single-family homes to the west. Grounds of Valley Gardens Community Club, and Kildonan East School are located to the east. Under typical circumstances, a "C2" zoning on the subject site would be considered inappropriate.

However, now that the Postal Station use has been removed from the building, either the building should be demolished or alternative uses compatible with the neighbourhood must be found. The Community Planning Division considers that the size, construction and physical appearance of the building is not out of place and unduly obtrusive within the neighbourhood. Additionally the building is of concrete block construction with a substantial foundation. Demolition of the building in this case would not be warranted.

In order to facilitate the sale of the building, Mycom Group, on behalf of Canada Post made application in August 1996 under file ZAA 4/96, to add additional uses to the zoning agreement. That list of additional uses is appended and has been approved by Council. Mycom Group is now requesting a further amendment to the original zoning agreement. The subject application is to add retail sales, not exceeding 5,000 square feet as a conditional use to the list of uses which may be allowed in the building. A concurrent conditional use application is being made under file DCU 258/96C which will be subsequently scheduled before the Board of Adjustment.

In reviewing the previous amendment application, ZAA 4/96, the Community Planning Division was supportive of the proposed list of uses, in part because retail sales were not included in that list. The location of the subject building within a residential community is not considered appropriate to accommodate retail sales. Although Mycom Group has indicated that the retail sales contemplated at the present time are to be in conjunction with an office use, the zoning agreement and conditional use must run with the land, and it is therefore not possible to

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limit future operation of a retail business in the building to one particular company. Additionally the proposed area of the retail sales component, at 3,500 square feet, is, more than 50% of the net useable floor space of the building and the Community Planning Division considers that this in itself is excessive and inappropriate. The approval of retail sales from the building would, in the opinion of this Division, have a potentially serious long-term adverse effect on the residential neighbourhood.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on January 21, 1997.

Six persons appeared in support of the application.

No one appeared in opposition thereto.

The East Kildonan-Transcona Community Committee recommended that the proposed rezoning agreement amendment be approved for the following reasons:

1. The residents are allowed the opportunity to be consulted on the possible Permitted and Conditional Uses.

2. The residents in the community are supportive of the proposal.

The Committee on Planning and Community Services concurred in the recommendations of the East Kildonan-Transcona Community Committee and recommends:

I. That Zoning Agreement DAZ 50/76, dated February 16, 1977, be amended as follows:

   a) that Clause 6 be amended by adding as a Conditional Use, Retail sales for heating, ventilation, and air conditioning equipment, not to exceed 5000 square foot floor area.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending agreement to Zoning Agreement DAZ 50/76, dated February 16, 1977, as approved in aforesaid Clause I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

IV. 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.

Proposed Street corner widening at the northeast corner of Pandora Avenue and Day Street - East Kildonan-Transcona Community File DAO 8/96

409 - 10. The Committee on Planning and Community Services has been advised that the acquisition of the 6 meter by 6 metre corner widening required to facilitate the turning radius of vehicles at the northeast corner of Pandora Avenue and Day Street was approved by Council as part of the 1993 Capital Program. The property owner has agreed to the sale of the land to the City, but has requested permission to allow a free standing sign in the area to remain in place. In order to accommodate this request, the Streets and Transportation Department propose to open that part of the property required immediately for the corner cut and lease back to the former property owner the portion of the property containing the sign. Significant clauses in this lease are a ninety day cancellation clause and a clause requiring the lessee to remove the sign at no expense to the City upon demand. The areas required for the street widening and the lease area are so identified on Misc. Plan No. EKT 8726/3, as outlined on Schedule “A”.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on January 21, 1997. The Community Committee recommended approval of the proposed lane opening as outlined below.

Report of the Committee on Planning and Community Services dated February 4, 1997

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. EKT 8726/3, 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. 437 for attachment)

Proposed lane corner cut at the intersection of the first lane west of McGregor Street with the first lane south of Church Avenue - Lord Selkirk-West Kildonan Community
File DAO 21/96

410 - 11. The Committee on Planning and Community Services has been advised that in March of 1993, the Board of Commissioners considered the report of the Commissioner of Works and Operations concerning the subject proposal and directed the Land and Development Services Department to negotiate for the acquisition of the lane corner in accordance with Misc. Plan No. LSWK 8825/1, as outlined on Schedule "A".

The corner cut is required to facilitate the turning radius of vehicles in the area. The owners have agreed to the sale of the property to the City and the corner cut has been constructed. It is now necessary to legally open the land as a public lane.

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 Lord Selkirk-West Kildonan Community Committee on January 21, 1997. The Community Committee recommended approval of the proposed lane 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. LSWK 8825/1, 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. 438 for attachment)

Report of the Committee on Planning and Community Services dated February 4, 1997

Proposed lane corner cut at the intersection of the second north/south lane east of Main Street with the first east/west lane north of Alfred Avenue - Lord Selkirk-West Kildonan Community

File DAO 22/96

411 - 12. The Committee on Planning and Community Services has been advised that in September of 1994, the Board of Commissioners considered the report of the Commissioner of Works and Operations concerning the subject proposal and directed the Land and Development Services Department to negotiate for the acquisition of the lane corner cut in accordance with Misc. Plan No. LSWK 9322/1, as outlined on Schedule "A".

The corner cut is required to facilitate the turning radius of vehicles in the area. The owners have agreed to the sale of the property to the City and it is necessary to legally open the land as a public lane.

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 Lord Selkirk-West Kildonan Community Committee on January 21, 1997. The Community Committee recommended approval of the proposed lane 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. LSWK 9322/1, 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. 439 for attachment)

REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED FEBRUARY 18, 1997

On motion of Councillor Silva, the Report of the Committee on Planning and Community Services, dated February 18, 1997, was considered clause by clause.

Moved by Councillor Silva,
That the Consent Agenda, Clauses 1 and 2 be adopted.

Councillor Golden requested that Clauses 1 and 2 be pulled from the Consent Agenda.

Northwest Airport Area Land Use Plan
File GG-1 (Vol. 27)

412 - 1. The Committee on Planning and Community Services has been advised that the Winnipeg Airport Vicinity Development Plan By-law No. 6378/94, adopted by Council on May 25, 1994, directed the City to prepare a concept plan for an industrial area and address land use, servicing and marketing issues in the vicinity of the Winnipeg International Airport. The Executive Policy Committee directed the Commissioner of Planning and Community Services to develop a land use concept plan west of the Airport.

As background history, in May 1994, the City of Winnipeg, in consultation with the Rural Municipality of Rosser, adopted a Plan Winnipeg amendment to establish an area adjoining the Winnipeg International Airport (YWG) as an Airport Vicinity Protection Area (AVPA) which served to protect the 24-hour operation of the Airport and set out policies and actions for economic development, land use and noise management in it's vicinity.

The Winnipeg Airport Vicinity Development Plan (AVDP) called for the preparation of a concept plan west of the Airport that would provide a strategy for the development of the area, address land use, servicing and marketing issues. On application by area landowners, the City of Winnipeg also amended Plan Winnipeg, expanding the Airport's Industrial Policy Area designation by 1,463 acres to the west. The South Interlake Planning District Board took concurrent steps to redesignate some 2,922 acres of land south of Inkster Boulevard to "Airport Compatible Industrial" in order to accommodate the Winnport multi-modal transportation initiative. An overall land use plan for this area was recently completed by IDG Stanley Inc. under the Winnipeg Development Agreement, on behalf of a steering committee mandated by the Province and co-chaired by the City of Winnipeg and the Rural Municipality of Rosser. The lands included in the Airport Area Plan lie almost equally within the boundaries of the City of Winnipeg and the Rural of Municipality of Rosser. The IDG Stanley Airport Area Plan Study concluded that, for the purpose of marketing the airport area land internationally, it is essential that the airport vicinity development zone be perceived as a seamless jurisdictional entity.

NORTH-WEST AIRPORT AREA PLAN

The Civic Administration has been directed by Executive Policy Committee to develop a land use plan for the west side of the Airport. Because jurisdiction involved with the AAP goes beyond the City of Winnipeg, the Provincial Land Use Committee of Cabinet established an Airport Plan Planning Committee (APPC) comprised of representatives from the City of Winnipeg, the Rural Municipality of Rosser, the South Interlake Planning District Board, the Province of Manitoba and the Winnipeg International Airport. Terms of reference were established and a consultant was chosen to develop a land use plan that would address the interests of all Manitobans. Completing the APPC North-West Airport Area Plan was a critical step in fulfilling the Executive Policy Committee's direction relative to a land use plan west of the Airport.

The City of Winnipeg representatives on the Airport Area Plan Administrative Working Group have reviewed the final North-West AAP Report set of documents and have recommended "sign-off". The consultants, IDG Stanley Inc. have delivered an Airport Area Plan for the north-west side of YWG that contains all information contracted out in their terms of reference from the APPC. An administrative working group comprised of all vested interests worked with IDG Stanley Inc. to develop this land use plan which incorporates 6,300 acres of land in the Rural Municipality of Rosser and the City of Winnipeg. The plan, which covers an area north and west of the Airport, has been designed to accommodate the Winnport multi-modal transportation initiative at YWG (Appendix "A").

Report of the Committee on Planning and Community Services dated February 18, 1997

The following discussion focuses on issues that are critical to the City regarding implementation of the AAP.

LAND USE CONCEPT PLAN: ISSUES

For the most part, the Civic Administration agrees with the IDG Stanley Land Use Concept Plan for the north-west side of the Airport; however, certain issues relating to food processing, rail rationalization, infrastructure development and phasing require elaboration.

Phasing: Infrastructure/Land Development

The North-West AAP identifies with two distinct planning/development phases: Phase I, comprised of 500 acres, will occur entirely within the City of Winnipeg's existing jurisdiction. Phase II, comprised of an additional 500 acres, is split between the City (300 acres) and the Rural Municipality of Rosser (200 acres). That is, of the first 1,000 acres, 80% of the industrial land use plan has been designed to occur inside the City of Winnipeg.

Because Phase I occurs entirely within the City of Winnipeg, changes to existing legislation are not required for development within this phase and as such jurisdiction is not an issue at this time. However, when Rosser lands come on line for development in Phase II, potential issues related to land use, servicing costs and tax base will have to be resolved. All of these potential issues relate directly to "jurisdiction". The inter-jurisdictional issues will be addressed forthwith during Phase I of the North-West Airport Area Plan by the City of Winnipeg and the Rural Municipality of Rosser.

Orderly Development

Development should occur in an orderly fashion to ensure an efficient use of existing infrastructure and public resources. Prior to extending services to accommodate Phase II development interests, Phase I land should be developed to a point where an extension of existing services is actually required to accommodate development interests.

Food Processing in the Rural Municipality of Rosser

While the IDG Stanley Report cites meat processing as an acceptable industrial activity, this activity should not be of a type that would compete with meat processing in the St. Boniface area.

Rail Rationalization

It is appropriate to develop an intermodal rail terminal north-west of the Airport as a means of promoting transportation related industrial development. However, specific land uses, revenue sharing and taxation issues must be carefully considered. If the existing CN Winnipeg Intermodal Terminal moves to the Rural Municipality of Rosser to accommodate the proposed intermodal rail terminal in the North-West sector of the Airport Area Plan, a revenue sharing agreement between the City and Rosser will be designed to compensate Winnipeg for the opportunity cost associated with losing this portion of its tax base.

Provision of Municipal Services

The City of Winnipeg could provide municipal services related to water, wastewater sewage treatment, land drainage, snow removal, police, fire protection and emergency services within the AAP boundary. All services could be contracted out to the City regardless of jurisdiction on a cost for service basis plus a reasonable public sector rate of return.

Development Management Structure

The AAP recommends that both the public and private sectors have voting rights on the board of directors of the development management entity. That is important as the public sector will invest in infrastructure and should clearly have a say in managing the North-West AAP development initiative.

INFRASTRUCTURE COSTS:

The Airport Area Plan identifies infrastructure requirements north-west of YWG, according to a preliminary phasing outline. (Appendix "B")

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As identified below, the total cost of AAP transportation (roads), sewer and water infrastructure is $337.5 million (1996 value). The public sector is to be responsible for $110.3 million or 33% of the total cost. Phase I of the land use plan requires $36.3 million (1996 value) of public sector funding out of a total $46.5 million investment. Note that the public sector is responsible for 70% of the Phase I and Phase II infrastructure requirements. The private sector contribution does not become substantial until after the industrial park is well established and the risk has been eliminated. It should be noted that cost is associated with a long-term enterprise spanning several decades.

Cost Assignment (millions 1996 dollars) Regional and Local Services North-West YWG Industrial Development			
Phase	Private	Public	Project Total
Phase I	10.2M	36.3M*	46.5M
Phase II	23.5M	41.9M	65.4M
Remainder	56.2M	32.1M	88.3M
Total (Regional)	$89.9M	$110.3M	$200.2M
Local Services	137.3M		137.3M
Total	$227.2M	$110.3M	$337.5M

❍Public Sector Share: 33% ❍Private Sector Share: 67%

*As this project is a strategic economic development initiative, commitment to public sector infrastructure should be considered a function of "return on investment". Infrastructure expenditure is the public sector investment required to initiate an airport related industrial development park west of YWG.

The tax return to the public sector on a $36 million private sector investment in the Winnport initiative is clearly in favour of the two senior levels of government. Out of $104 million in taxes, the Federal Government would receive $53 million, the Provincial Government receives $37 million and the Municipalities receive $14 million. The Federal Government receives close to four times the return on municipal infrastructure expenditure that the Municipalities (City of Winnipeg and Rural Municipality of Rosser) receive. The Provincial Government receives 2.6 times the tax return of the municipalities (source: Manitoba Bureau of Statistics Winnport Economic Impact Assessment). The City's capital expenditure on this strategic infrastructure project should reflect the anticipated return on this investment.

Political and financial resources are necessary to implement the AAP as quickly as possible. Political will exists, and should increase when Winnport gets off the ground. An infrastructure financing plan is one of the critical elements required to implement the AAP. Financing and funding for airport vicinity related infrastructure development will arise through long-range budgeting and negotiated government and private sectors agreements.

Strategic Implementation of Phase I Infrastructure: Phase 1A

An efficient use of existing resources to accommodate start up of Phase I of the AAP without having to commit substantial resources to initiate infrastructure development through Rosser lands is under review. This initiative, known as Phase 1A, would provide the Winnipeg business community with industrial land in a strategically located part of the city, at minimal cost to taxpayers. Appendix "C" outlines estimated Phase 1A servicing costs. Winnipeg's share of the total Phase 1A cost has been estimated at $1.7 million.

JURISDICTION

Jurisdiction is the critical element required to successfully implement the AAP. It is essential that the AAP be seen by all vested interests as a joint venture that works for everyone involved.

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Tax Equalization/Revenue Sharing

Tax equalization and revenue sharing are critical elements designed to successfully implement a win/win North-West Airport Area Plan. The City cannot afford to lose business (existing or new) to an adjacent lower tax jurisdiction with comparable services and immediate proximity to the airport. In order to avoid a situation where one jurisdiction's gain is based upon the others loss, an interjurisdictional revenue sharing arrangement will be established to ensure that both jurisdictions win.

Seamless Option

According to the IDG Stanley Report the management of public responsibilities relating to land development and construction activity should be considered a seamless option. That is, one government agency that manages all north-west airport area land use. Airport related industrial development should be fast-tracked in order to accommodate implementation of the AAP. The City will manage this process. We will obtain the experience necessary in Phase I of the AAP, as all lands to be developed in this phase are within the City of Winnipeg.

The IDG Stanley Land Use Plan identifies with 3 options related to jurisdiction:

1. Agreement between the City of Winnipeg and Rural Municipality of Rosser;
2 A new planning authority/jurisdictional entity; or
3. Annexation.

All three options will eventually require new legislation to accommodate Phase II of the land use plan. The administration of public responsibilities relating to land use management within the North-West AAP must be a seamless jurisdiction entity. It is preferable not to proceed with a lengthy legislative amendment process that is not amenable with the fundamental objective to get Phase I under way as soon as possible. As all development in Phase I is contained within the existing City of Winnipeg boundaries, jurisdiction is not an issue in Phase 1 of the North-West AAP. During Phase I all parties will work together in establishing the most appropriate solution to accommodate a "one stop shop" for industrial development interests north-west of the airport. Required legislative amendments to accommodate Phase II of the AAP will be established during this time.

The major underground infrastructure services, such as water, wastewater sewer and land drainage will be developed by way of extension of existing City of Winnipeg systems. An agreement between the City of Winnipeg and Rural Municipality of Rosser to accommodate Phase I infrastructure requirements that must pass through Rosser lands can be accomplished without legislative amendments. An agreement between the City of Winnipeg and Rural Municipality of Rosser should be established forthwith to implement Phase I of the North-West AAP.

The Committee on Planning and Community Services therefore recommends:

I. A. That the North-West Airport Area Plan, and the following recommendations related to plan implementation be endorsed in principle, namely:

A.1 Endorse, in principle, the North-West Airport Area Land Use Plan, established by the Provincial Land Use Committee of Cabinet, Airport Area Plan Planning Committee.

A.2 Phase I Development:
All 500 acres of Phase I development occur entirely within the City of Winnipeg.

A.3 Jurisdiction:
An agreement between the City of Winnipeg and the Rural Municipality of Rosser be established forthwith to implement Phase I of the North-West Airport Area Plan. The agreement will address the terms under which the City's Phase I wastewater sewer force main will be permitted to pass through Rosser lands and will define the specifics of the seamless jurisdiction which will accommodate ongoing development in the two municipalities. This should occur as early as possible within the first phase of development.

A.4 Endorse the cost effective use of existing infrastructure to implement Phase I of the AAP, to enable the City of Winnipeg to implement the land use plan without committing substantial public funds.

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A.5 Orderly Development:
Ensure an efficient use of existing infrastructure and public resources. Prior to extending services to accommodate Phase II development interests, Phase I land will be developed to a point where an extension of existing services is actually required to accommodate development interests.

A.6 Infrastructure Cost-Sharing:
An Agreement be entered into among the City of Winnipeg, Province of Manitoba, Government of Canada and the private sector to settle the terms of an infrastructure cost-sharing arrangement that would enable the City of Winnipeg to effectively plan for capital financing to accommodate Phase I infrastructure requirements as identified in the North-West Airport Area Plan.

A.7 Public sector financing of infrastructure for this land use plan will be a function of "return on investment" as identified in this report.

A.8 Cost Sharing Mechanism:
Ensure mechanisms are established for cost sharing to compensate the City of Winnipeg for additional demands on its services related to snow removal, police, fire protection emergency services and/or potential losses to its tax base that evolve as a result of land development within the boundaries of the West Airport Area Plan.

A.9 Revenue Sharing Mechanism:
The interjurisdictional agreement between the City of Winnipeg and the Rural Municipality of Rosser will ensure that one jurisdiction does not gain at the other's expense. Both jurisdiction's win, neither lose. A revenue sharing mechanism will be established to ensure that the City of Winnipeg retains its existing tax base, regardless of whether land development north-west of the airport results in redistributing a portion of that tax base into the Rural Municipality of Rosser.

A.10 Tax, utility and water rate equalization be established, regardless of jurisdiction, for all land and business contained within the North-West AAP.

A.11 AAP Management Structure:
A management entity, represented by the public and private sector, be established to manage development within the North-West AAP.

<u>Amend Existing AVPA/AVDP By-Laws to Accommodate North-West AAP</u>:

B. Amend existing Airport Vicinity Protection Area (AVPA) / Airport Vicinity Development Plan (AVDP) by-laws by designating all land west of the airport and north of Saskatchewan Avenue, within the City of Winnipeg, to Industrial.

C. Amend the existing Airport Vicinity Protection Area (AVPA) boundary to incorporate all lands contained within the North-West Airport Area Plan.

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

Moved by Councillor Silva,
Adoption of the clause.

Carried.

(See Minute No. 440 for attachments)

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Letters of Understanding between the City of Winnipeg and the Rural Municipality of Rosser - Northwest Airport Area Land Use Plan File GG-1 (Vol. 27)

413 - 2. The Committee on Planning and Community Services has been advised that in order to implement Phase 1 of the North-West Airport Area Plan, an agreement between the City of Winnipeg and the Rural Municipality of Rosser is deemed necessary, as the Area Plan identifies that the extension of the City's wastewater sewer force main is required to pass through lands in the Rural Municipality of Rosser.

As background history, a land use plan for the north-west side of the airport was recently completed by IDG Stanley Inc. on behalf of the Province of Manitoba, with participation by the City of Winnipeg and the Rural Municipality of Rosser. The lands included in the Airport Area Plan lie almost equally within the boundaries of the City of Winnipeg and the Rural Municipality of Rosser. In order to service the 6,300 acre industrial area contained within this Land Use Plan, the report from IDG Stanley Inc. identified that the City's wastewater sewer force main would have to be extended through lands in the Rural Municipality of Rosser.

The Province of Manitoba has since initiated an Airport Area Strategic Review Team comprised of representatives from the following: Government of Canada, Province of Manitoba, City of Winnipeg, Winnport Logistics Ltd., Airport Vicinity Landowners Association, Rural Municipality of Rosser, and the Winnipeg Airport Authority.

The objective of this team is to support the growth of the multi-model transportation facilities and capabilities surrounding the Winnipeg International Airport. The proponents of the industrial development initiative and the Airport Area Plan Study call upon government to assist in providing the required infrastructure incrementally as development proceeds.

As a member of the Airport Area Strategic Review Team, the City is attempting to overcome issues of jurisdiction that exist with the Rural Municipality of Rosser. Without an agreement regarding the creation of a seamless jurisdiction between the City of Winnipeg and Rural Municipality of Rosser, implementation of Phase I could not go beyond the introductory stage. As Phase I occurs entirely within the City of Winnipeg, jurisdiction is not an issue at this time; however, an agreement between the two municipalities is necessary to enable the City's Phase I wastewater sewer force main to pass through Rosser lands. Although the City is presently reviewing an opportunity to initiate 180 acres or 36% of Phase I serviced land via existing infrastructure, this merely shifts the Phase I wastewater sewer force main extension back by a number of years. The requirement to construct this infrastructure still exists.

In this regard, discussions have taken place and a letter of understanding from the Rural Municipality of Rosser (Appendix "A") has been received to initiate discussions with the City of Winnipeg in order to accommodate Phase I of the Airport Area Plan. The Rural Municipality of Rosser recognizes the creation of a seamless jurisdictional initiative through an agreement with the City of Winnipeg that is acceptable to both parties. The final solution will be based upon negotiation between the City of Winnipeg and Rural Municipality of Rosser - one that will be a win/win situation for both jurisdictions.

The Committee on Planning and Community Services therefore recommends:

I. That an agreement be developed between the City of Winnipeg and the Rural Municipality of Rosser to implement Phase I of the North-West Airport Area Plan.

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

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

Moved by Councillor Silva,

Adoption of the clause.

The Speaker called Councillor Thomas to the Chair in order to participate in the debate.

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

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

414 - On motion of Councillor Silva, 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. 6978/97, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on lands located on the north west corner of Inkster Boulevard and King Edward Street in the Lord Selkirk-West Kildonan Community. File DAZ 216/96

By-law No. 6979/97, a by-law of The City of Winnipeg to close part of Finkelstein Road (formerly Four Mile Road) west of McGillivray Boulevard. File DAC 11/96

By-law No. 6980/97, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(31) (Vol. 1)

By-law No. 6981/97, a by-law of The City of Winnipeg to amend By-law No. 6946/96, being the Library Board By-law. File L-11

By-law No. 6982/97, 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 between Horace Street and Eugenie Street east of Kenny Street in the Riel Community. File DASZ 15/96

By-law No. 6983/97, a by-law of The City of Winnipeg to close part of Beliveau Road west of Darwin Street. File DAC 9/95

By-law No. 6984/97, a by-law of The City of Winnipeg to open Stradbrook Avenue, south of Bell Avenue. File DAO 5/94

By-law No. 6993/97, 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 Vineland Crescent, west of Scurfield Boulevard in the Assiniboia Community. File DASZ 58/85 (Phase 18)

By-law No. 6994/97, 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 lands located on the east and west sides of Scurfield Boulevard north of Vanderbilt Drive in the Assiniboia Community. File DASZ 58/85 (Phase 19)