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 clause by clause.

Moved by Councillor Silva,

That the Consent Agenda, Clauses 1,2,3,4,6,7,8,9,10,11,12,13,14,15,16,17,18 and 19 be adopted.

Councillor Timm-Rudolph requested that Clauses 1 and 6 be pulled from the Consent Agenda.

Councillor Murray requested that Clause 3 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 2,4,7,8,9,10,11,12,13,14,15,16,17,18 and 19 was put and declared carried.

Gail Hammerquist Fund - City of Winnipeg Heritage Grants
Files G-3 (Vol. 8) and G-3.1 (Vol. 6)**

272 - 1. On January 8, 1990, the Committee on Planning and Community Services passed a motion that an Ad Hoc Committee on Heritage Buildings be established with its first priority being to review the economic viability of listed buildings and investigate tax breaks, government grants, non-profit usages, private investment / foundation support, and marketing options to promote continued productive use and protection of these buildings.

On November 17, 1994, Council adopted a recommendation from the Committee on Planning and Community Services resulting in an addition of $100,000.00 for the Heritage Building Support Program to the 1995 Capital Estimates and $100,000.00 for each year (1996-2000) to the Five Year Capital Forecast.

As a result of a number of different funding sources, both external and internal being identified, the Committee on Planning and Community Services, on April 4, 1995, passed the following motion which was adopted by Council on April 19, 1995, namely:

> *"That Council establish a policy, that would designate 5% of the sale of city properties for funding the Heritage Building Support Program."*

On January 10, 1997, the Committee on Planning and Community Services reconsidered the issue of alternate sources of funding for the Heritage Support Program and was advised that the policy to designate 5% of the sale of city properties was deemed to be the Net amount rather than the total Gross allocation of sales.

The Committee on Planning and Community Services recommends:

I. That the current policy be amended designating 5% of the Gross sale of city properties for funding the Heritage Building Support Program;

II. That the amended policy be retroactive to the date of adoption by Council of the initial policy being April 19, 1995;

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

Moved by Councillor Silva,
Adoption of the clause.

In amendment,

Moved by Councillor Angus,
Seconded by Councillor Prystanski,
THAT Recommendation I. be amended by adding the following words at the end thereof:

"and as a replacement for Council's previous position of contributing $100,000 - Capital money for the Heritage Building Support Program in the amount of $100,000 in each of the years 1997, 1998, 1999 and 2000, be discontinued".

AND THAT Recommendation II. be amended by changing the date to January 1, 1997.

The Speaker called the Deputy Speaker, Councillor Prystanski, to the Chair in order to participate in the debate.

The amendment was put.

At the request of Councillor Silva, Council considered the recommendations separately.

The first resolve was put.

Councillor Murray called for the yeas and nays, which were as follows:-

Yea: Councillors Lazarenko, Timm-Rudolph, Her Worship Mayor Thompson, Councillors Angus and Prystanski. 5

Nay: Councillors Clement, Golden, Lubosch, Murray, O'Shaughnessy, Phillips, Silva, Thomas and Vandal. 9

and the first resolve of the amendment was declared lost.

The second resolve was put.

Councillor Murray called for the yeas and nays, which were as follows:-

Yea: Councillors Clement, Lazarenko, O'Shaughnessy, Phillips, Silva, Timm-Rudolph, Her Worship Mayor Thompson, Councillors Angus and Prystanski. 9

Nay: Councillors Golden, Lubosch, Murray, Thomas and Vandal. 5

and the second resolve of the amendment was declared carried.

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

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

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Appointment to the Heritage Winnipeg Corporation
Files G-3 (Vol. 8) and GC-7 (Vol. 27)

273 - 2. In accordance with Section 2:01 of the By-laws of the Heritage Winnipeg Corporation, the role of the Corporation is to promote the establishment of Heritage conservation areas in the Province of Manitoba with particular focus on the City of Winnipeg through the encouragement, support, and protection of building restoration, revitalization and preservation.

On November 6, 1996, Council referred the matter of appointing one member of Council from City Centre Community Committee, one member of Council from the Committee on Planning and Community Services and one member of Council-at-large to the Winnipeg Heritage Winnipeg Corporation to the Committee on Planning and Community Services.

On November 26, 1996, the Committee considered this matter and appointed one member from the Committee on Planning and Community Services and one Councillor-at-large and referred the appointment of one member from the City Centre Community Committee to the Community Committee.

On December 10, 1996, the City Centre Community Committee recommended the appointment of Councillor Murray as the City Centre Community Committee representative on the Heritage Winnipeg Corporation.

The Committee on Planning and Community Services recommends:

1. That Councillor Murray, representing the City Centre Community Committee, be appointed to the Heritage Winnipeg Corporation.

2. That Councillor Golden, representing the Committee on Planning and Community Services be appointed to the Heritage Winnipeg Corporation.

3. That Councillor Vandal be appointed to the Heritage Winnipeg Corporation as the Council-at-large member.

Adopted by consent.

Winnipeg Development Agreement - Program 1A - North Main Strategic Development File FR-3.2 (PA-1) (Vol. 1)

274 - 3. The Committee on Planning and Community Services has been advised that Program Authorization for Program 1A: North Main Strategic Development was approved by all three levels of government effective August 4, 1995. The objective of the North Main Street Strategic Development program will be to address the serious physical, economic, and social decline of North Main Street through a comprehensive community-based development strategy focused on revitalizing the area and improving the living conditions for area residents. A total budget of $6 million has been allocated to this sub-program.

A workplan now needs to be developed to ensure timely implementation and effective resource allocation related to this sub-program. The discussion which follows outlines a proposed workplan leading to the delivery of a community based planning process and achievable action plan spanning the next three years.

Efforts toward the production of the community-based strategy are beginning to coalesce around a general theme and workplan to implement the sub-program. Momentum is being generated. The key factors in delivering the sub-program will be: an organizational structure to deliver the program, development of a comprehensive community development strategy and implementation.

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Organizational Structure

The recommended organizational structure for delivery of the program is a Mayor's Task Force. This structure provides the flexibility required to start the program and bring the appropriate community stakeholders to the table. The Mayor would be instrumental in appointing the Chair of the Task Force. The Chair, in consultation with the Mayor and a City advisory team, would recommend appointments to the Task Force. The formation of the Task Force should be completed within six weeks of this Program Authorization receiving Council approval. The maximum number of members composing the Task Force is not critical. It should, however, be representative of the strengths and expertise of the local business community and include community leaders who have traditionally provided community service for the area. The Mayor would be an ex-officio member of the Task Force and would appoint two additional Council representatives to act as liaison members.

The Task Force would be responsible for directing the overall strategy, setting priorities and a policy direction, and would report back to Council with a funding strategy for the implementation plan. Its mandate would be to undertake a comprehensive consultation process arriving at a community development strategy aimed at the revitalization of the North Main Street area. It would adopt the following operating principles:

- be committed to consultation;
- build community consensus;
- place a strong emphasis on the establishment of partnerships not only amongst governments, but also with industry, business, community organizations, institutions, local people and the city at large;
- share a common vision of what is possible;
- be able to allocate the resources required to make the vision a reality.

The Task Force should report directly to the Office of the Mayor and relate operationally to City Council, the Administration and the other levels of government through the offices of the City's Business Liaison and Intergovernmental Affairs Department. In the spirit of inter-governmental cooperation which forms the basis of the *Winnipeg Development Agreement*, the Task Force will be resourced by an inter-governmental administrative team with expertise in several areas related to the revitalization of Main Street. The strategy will also be coordinated with the Manitoba Sustainable Development Round Table on Urban Aboriginals. Outside assistance will be contracted as required for expertise on specific issues.

Development of Comprehensive Community Development Strategy

The proposed community development strategy will be accomplished over three distinct phases:

Phase 1 - Start-Up

The first phase will involve the appointment of the Chair of the Task Force and recommendations for the enlistment of other Task Force Members. Extensive consultations with community organizations, businesses, community leaders and other stakeholders will be required to accomplish this task. This phase will also comprise the formative stages of design and drafting of essential steps involved in preparing the community development strategy, and putting resources (both human and technical) in place to embark on the next phase. It will be an opportune time to establish a community awareness program to “get the word out” to the city at large about the intent of the Task Force's approach and the means to become involved over the course of the program. The time frame anticipated for this phase is approximately six weeks.

Phase 2 - Strategy Development

This phase will form the heart of the Task Force's mandate. Based on information and ideas gathered in Phase 1, the next step will be to sort, analyse and evaluate the issues identified, and rank them according to their importance. This exercise will form the basis for setting goals and policy directions, identifying potential projects which could lead to achievement of the objectives, and set the stage for the development of an implementation program. The final product of this stage will be a development strategy document which the Task Force will recommend to Council for approval.

There may be opportunities to implement one or two demonstration projects during this phase to address issues which emerge immediately.

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Ongoing consultation will occur with the community during this phase. The anticipated time frame for this phase is approximately six months.

Phase 3 - Implementation

The last phase of the strategy will involve the implementation and delivery of the community development strategy as recommended by the Task Force and approved by Council. Individual initiatives may take the form of specific projects or programs depending on the recommendations of the Task Force. It is envisioned that the community development strategy will also include an operational plan for the delivery of the various programs and projects. Consistent with the Program Authorization for North Main Street and the principles of the *Winnipeg Development Agreement*, only projects and programs which display viability beyond the life of the Agreement will be considered for funding. Significant progress and enhancements will be visible on Main Street by the outset of the Pan American Games in 1999.

This phase will also incorporate a mini evaluation of the impacts and effects of the Task Force's efforts in changing the face of Main Street.

Budget

Phase 1: Start-Up
- pre-planning
- organizational set-up
- stakeholder and community consultation
- community awareness program
- issue identification

Timeline: Approximately 6 weeks.
Projected Budget: $50,000

Phase 2: Strategy Development
- sort, analyse and evaluate issues
- priorize
- develop outline for implementation program
- ongoing consultation
- prepare community development strategy
- approval of strategy by Council

Timeline: Approximately 6 months.
Projected Budget: $150,000

Phase 3: Implementation
- implementation of projects and programs
- ongoing process and project review
- evaluation
- regular status reporting to Council

Timeline: Approximately 2.5 years

A total budget of approximately $5.8 million will be made available during the implementation phase to resource project proposals based on their determined eligibility and fit with program objectives to revitalize North Main Street.

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Projected Long Term Cash Flow (1996-2000)

	Phase 1 (Jan. 1/97 - Feb. 28/97)	**Phase 2 (March 1/97 - July 31/97)**	**Phase 3 (Aug. 1/97 - Dec. 31/97)**	**1998**	**1999**	**2000**	**TOTAL**
Program Support	$ 50,000	$ 150,000	0	0	0	0	**$200,000**
Projects and Programs	0	$ 500,000*	$ 1,000,000	$ 2,000,000	$ 2,150,000	$ 150,000	**$5,800,000**
TOTAL	**$ 50,000**	**$ 650,000**	**$ 1,000,000**	**$ 2,000,000**	**$ 2,150,000**	**$ 150,000**	**$6,000,000**

*includes provision for possible demonstration projects

The Committee on Planning and Community Services recommends:

I. That Council approve the Workplan for Program Authorization 1A, North Main Strategic Development.

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

Moved by Councillor Silva,
Adoption of the clause.

The Deputy Speaker called Councillor Thomas to the Chair in order to participate in the debate, and after speaking resumed the Chair.

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

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

Development Applications within the 1 Kilometre Odour Control Zones of the North End Water Pollution Control Centre and the South End Water Pollution Control Centre Files EZ-DAZ (Vol. 15) & WS-7 (Vol. 3)

275 - 4. On April 19, 1995, Council adopted a report on the North End and South End Water Pollution Control Centres Odour Control project which contained the following recommendation:

"That development be allowed to encroach within the one kilometre odour control line around the NEWPCC and the SEWPCC subject to the completion of the odour control mitigative program and confirmation of its success and the registering of caveats through the normal development approval process on all lots contained within the control zone advising property owners of the presence of the water pollution control centre and the potential for odour emissions on an occasional basis to the surrounding area."

On May 8, 1995, the Riel Community Committee considered and concurred in the above report but recommended a revision that clarified that development encroachment into the one kilometre odour control line be permitted on property north of the Perimeter Highway only.

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On May 9, 1995, the Lord Selkirk-West Kildonan Community Committee considered and concurred in the report adopted by Council on April 19, 1995.

On June 14, 1995, Council adopted a revision to the wording of their previous motion which concurred in the recommendation of the Riel Community Committee.

On February 20, 1996, Council adopted the 1996 Capital Estimates which includes funding in the amount of $1,000,000 and $900,000 for the implementation of odour mitigation works at the NEWPCC and the SEWPCC respectively.

On September 16, 1996, the Riel Community Committee moved the following motion:

> *"That the Administration investigate the means and ramifications of establishing a procedure that would permit processing of subdivision and rezoning applications within the one kilometre odour control zone around the South End Water Pollution Control Centre (SEWPCC) that would protect the long term interests of the city including:*
>
> *i) The registering of caveats on all lots created advising of the presence of the SEWPCC and the possibility of occasional nuisance odours, and*
>
> *ii) The prohibition of the installation of municipal services in the lands affected until the odour control works at the SEWPCC have been successfully concluded."*

The Riel Community Committee motion of September 16, 1996, is considered to be less restrictive than the April 19, 1995 Council directive as it would permit development applications within the one kilometre odour control zone to advance to the point of being fully certified prior to the completion of the odour control works. The Administration has advised however, that municipal services would not be installed until the odour control works are complete.

The odour control mitigation program is projected to be complete by early 1998, at both the North End and South End Water Pollution Control Centres. Therefore it would be appropriate to allow development applications within the 1 kilometre odour control zones to proceed simultaneously with the odour control works so that municipal servicing could also begin in the spring of 1998.

The process that would permit development applications to advance to the point of being fully certified prior to the completion of the odour control works would follow the existing subdivision approval process. However, applications within the odour control zone would also be subject to the conditions outlined in the recommendation of this report.

As information, on December 12, 1996, Council adopted Clause 7 of the Report of the Committee on Planning and Community Services dated November 26, 1996, which recommended the following:

> *"I. That subdivision applications that constitute "infill" development within the one kilometre odour control line for both the NEWPCC and SEWPCC, such as the applications to subdivide lands under Files DASSF 523/96 and DASSF 524/96, be approved, subject to the following:*
>
> *A) That caveats be registered advising property owners of the presence of the water pollution control centre, the potential for odour emissions on an occasional basis, and that the City will not be held liable for an odour nuisance that may interfere with the comfort, well-being, livelihood or enjoyment of life by any person.*
>
> *B) That such future applications may be approved by the Committee on Planning and Community Services."*

The Committee on Planning and Community Services recommends:

I. That subdivision and rezoning applications within the one kilometre odour control zones of the North End Water Pollution Control Centre and the South End Water Pollution Control Centre be processed in advance of completion of the odour control works subject to:

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A. The registering of caveats on all lots created, advising of the presence of the water pollution control centre and the possibility of occasional nuisance odours, and

B. The wording of the caveat being approved by the City Solicitor/Manager of Legal Services, and

C. The prohibition of the installation of municipal services in the lands affected until the odour control works at the respective Water Pollution Control Centres have been completed and that satisfactory performance has been verified.

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

276 - ***Note: Clause 5 has been laid over by the Executive Policy Committee***.

Laid over by the Executive Policy Committee

Proposed Amendments to the Development Fees By-law No. 6655/95 Error! Bookmark not defined.
File EP-1 (Vol. 18)

277 - 6. On January 22, 1992, Council adopted a policy on fees and charges levied by the City of Winnipeg, namely:

1. That all fees and charges for the City of Winnipeg be reviewed at least once every three years.

2. That said fees and charges increase automatically, annually, by the rate of inflation, unless a review indicates otherwise.

On September 27, 1995, Council adopted Development Fees By-Law No. 6655/95 which amended the previous By-law No. 5675/91.

On November 26, 1996, the Committee on Planning and Community Services recommended that the Administration be requested to determine how costs can be streamlined and to meet with representatives of the industry to determine the effects of the proposed amendments for comment back to the Committee.

By-law No. 6655/95 corrected certain inconsistencies in the previous by-law and adjusted a number of the fees following a comprehensive analysis of the entire fee structure. Feedback was solicited from the various industry groups indicated on Schedule "B" with the only response being received from the Mechanical Contractors Association of Manitoba.

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Consistent with Council's 1992 policy the development fees in By-law No. 6655/95 were reviewed in 1996 and it is proposed that certain fees be increased to more accurately reflect costs and/or reflect the annual inflation rate. These increased fees are outlined (shaded) on Schedule "A". The increases range from $2.00 to $55.00 with the majority being $5.00. By-law No. 6655/95 contains approximately 250 fees representing annual charges of approximately 4.5 million. It is estimated that approximately $46,000.00 will be generated from the 46 fees proposed for revision. In addition the following three new fees have been added:

a) Section 4.5(2) - a new fee ($425.00) to cover the administration costs for processing amendments to development and servicing agreements.

b) Section 5.2(1) - a new fee ($105.00) to cover the administration costs for the preparation of a zoning agreement.

c) Section 13.2(6) - a new one time fee ($100.00) for minor fence encroachments to eliminate yearly licensing fees of, in most cases, $40.00.

Conversion of annual licensing fees to the proposed one time fee will eventually result in an annual reduction in revenue. The one time fee will off-set projected cumulative annual fees and result in a neutral revenue situation over the conversion period.

The other by-law amendments consist of the addition of certain definitions and the "re-organizing" of certain sections to allow the by-law to be more easily interpreted and administered.

The Land and Development Services Department intends to carry out another comprehensive review of the entire by-law in early 1998 in accordance with Council's 1992 policy. This review will include input from the industry. In the interim, the Department will be researching ways to reduce costs to the industry, eg. posting certain types of applications rather than advertising them in newspapers, reducing the size of advertisements, advertising certain types of applications in community newspapers rather than dailies with a City wide circulation, etc. Input from selected industry representatives will be solicited during 1997 to evaluate certain ideas and proposals. Input from all industry groups will be obtained for the comprehensive 1998 review.

The Land and Development Services Department has recommended:

I. That the Development Fees By-law No. 6655/96, be repealed and a new fees by-law be adopted in accordance with Schedule "A".

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 submits this matter to Council without recommendation.

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 Committee on Planning and Community Services.

Carried.

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Proposed Amendments to By-law No. 4800/88 - re: Downtown Design Board Provisions and By-law No. 6400/94 - re: Building Design Board Provisions
Files DDB (Vol. 8) and BDB (Vol. 1

278 - 7. On November 26, 1996, the Committee on Planning and Community Services requested that the Administration review certain provisions of By-law Nos. 4800/88 and 6400/94 and submit recommendations for amendments.

The Administration have advised that it is the practice of the Downtown Design Board (DDB) and the Building Design Board (BDB) to "delegate" certain applications to the Director of Community Services for approval. As the division of applications is not clearly set out in the current provisions of the by-laws governing the DDB and BDB, amendments to the by-laws were sought in order to better reflect the procedures of the DDB and BDB, and other consequential amendments.

The definition of "Director" has been amended in each by-law to reflect the fact that it is the Director of Community Services, and not the Director of Land and Development Services, who may approve certain applications to the DDB or BDB.

The reference to a one year time limit in subsection 302(4) of By-law No. 4800/88 has been removed to reflect the reality of the time it may take to establish a conditional use approved under the by-law.

The proposed amendments minimize the possibility of any challenges to the procedures of the DDB and BDB.

On January 10, 1997, the Committee on Planning and Community Services considered the report from the Solicitor, dated December 30, 1996 and recommended the following amendment to By-law 4800/88, as set out in Schedule “A”, namely: -

- That Section 702 (5) (a) be amended by deleting the words “prototypes of” before the words “all major”.

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

I. That By-law No. 4800/88 and By-law No. 6400/94 be amended, as outlined on Schedules "A" and "B" respectively, in order that the procedures of the Downtown Design Board (the "DDB") and Building Design Board (the "BDB") are more conforming with the respective by-laws.

II. 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.

Adopted by consent.

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Proposed Subdivision and Rezoning - land located on the South side Sigma Avenue between Brady Road and Cloverwood Road - Assiniboia Community
File DASZ 14/96 (c/r DAC 15/96)

279 - 8. The Committee on Planning and Community Services has been advised that an application has been received from UMA Engineering Ltd., c/o Don Hester, 1479 Buffalo Place, Winnipeg, MB, R3T 4X9 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 a "R1-4" Single Family District and a "R1-6" Single Family District to allow for the construction of single family dwellings and to consider the special rear yard setback along Brady Road.

The following is the Existing Land Use and Zoning:

The site is currently zoned "A" Agricultural District and is vacant. The subject lands are covered by an obsolete subdivision plan which established 25 foot wide lots in this area. The easterly portion of the lands are also used for community purposes as a recreational area for the residents of the hamlet of Fort Whyte.

The following is the Surrounding Land Use and Zoning:

North: Lands to the north of the subject property between Sigma Avenue and McGillivray Boulevard make up the hamlet of Fort Whyte. They are predominantly residential in character and are zoned "R1-20" Single Family District. Minimum lot sizes in the "R1-20" district are 20,000 square feet, and 80 feet in width. Several lots fronting McGillivray Boulevard forming one development site, at the east end of Fort Whyte are zoned "C1" Commercial District to accommodate the former general store and post office, now closed. Lands north of McGillivray Boulevard are zoned for industrial uses.

East: Lands to the east of Cloverwood Road are zoned "A" Agricultural and are currently occupied by the remnants of a hockey rink. Further to the east, lands west of the railway tracks are intended for the Whyte Ridge Community Centre.

West: Lands to the west of Brady Road are outside the boundaries of the City of Winnipeg in the RM of Macdonald, and are in agricultural and farm residential use.

South: Lands to the south of the subject property form part of the westerly extension of Whyte Ridge and have been subdivided and zoned "R1-4" Single Family District to accommodate residential development.

The applicant has submitted an application for subdivision and rezoning of the lands to create an acceptable interface between the established community of Fort Whyte and the planned residential community of Whyte Ridge to the south. The intent is to create an appropriate transition between the large residential lots of Fort Whyte to the north and the newer, more traditional suburban residential pattern of lots to the south in the future Whyte Ridge subdivision. Lands to the south of the subject property have been subdivided and zoned for future residential use. The subject lands comprise an intervening strip of land that was left untouched by previous development proposals in the area.

The applicant's intent is to incorporate the lands on the west side of Roseglen Crescent into the Whyte Ridge subdivision by adjusting the existing lot lines to continue the pattern of lots from the south. Proposed lot sizes would be consistent with lot sizes in Whyte Ridge to the south. Four lots would be created. The proposed zoning category for these lots is "R1-4" Single Family District.

On the south side of Sigma Avenue, between Roseglen Crescent and Cloverwood Road, the applicant intends to resubdivide making larger 60+ foot lots consistent with the larger lot sizes on the north side of Sigma Avenue in Fort Whyte. Seven lots would be created in this section between Alpha and Front streets incorporating a closed section of Alpha Street. The zoning category for these lots is to be "R1-6" Single Family District.

At the west end of the block, two 40+ foot lots would be created as reverse corner lots, fronting Roseglen Crescent. These lots are proposed to be zoned as "R1-4" Single Family District.

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As part of the intent to retain the integrity of the community of Fort Whyte, the applicant proposes to adjust the transportation pattern in the area:

1. On the east side of the subject lands, the right-of-way for Cloverwood Road will be used only for pedestrian access. No roadway will be developed between Cloverwood Road and Sigma Avenue.

2. The existing Sigma Avenue rural cross-section is to be maintained with prevailing levels of service in the Fort Whyte hamlet area. Upgrading to the land drainage system and roadway surfacing is proposed to be handled by future local improvement, only if initiated by residents of Fort Whyte in the future.

3. Alpha and Front streets will link with and close Sigma Avenue at the west and east ends respectively with no through traffic permitted between Cloverwood and Brady roads along Sigma Avenue, as exists in today's development scenario.

4. Sigma Avenue between Roseglen Crescent and Alpha Street will be closed to through traffic. The existing wooded area at this location will be preserved.

5. A temporary asphalt road will be developed in the Sigma Avenue right-of-way between the north end of permanent surfacing of Roseglen Crescent and Brady Road to the west. This replaces the proposed temporary access to Brady from the northwest section of Whyte Ridge, which would have been constructed at the end of Hawkwood Gate under a previous plan.

At the present time, the subject lands are an anomaly between proposed residential development in Whyte Ridge to the south and existing residential development in Fort Whyte to the north. The subject lands comprise a long narrow strip, 32.92 m (108 feet) in depth that was originally owned by the City and since acquired by Cairns and Whyte Ridge Residential Development Limited. The intent of the application is to subdivide and rezone the lands to provide an appropriate transition between the historically large residential lots associated with the hamlet of Fort Whyte, and the traditional smaller lot suburban subdivision pattern being presented by future phases of Whyte Ridge to the south. The developer has attempted to address the transition by:

1. creating large lots on the south side of Sigma Avenue, consistent in character with Fort Whyte to the north, and

2. minimizing the intrusion of through traffic through the hamlet by modifying the street pattern.

The result should be to maintain the integrity and identity of the hamlet of Fort Whyte, providing it with some room for expansion on the south side of Sigma Avenue, and incorporating remnants of land at the north end of Whyte Ridge.

The Community Planning Division believes that this proposal is an adequate treatment for the residential development of these lands and supports the intent of the application. It corrects a zoning and development problem on the majority of the lands which were previously under utilized for their residential potential. The only portion remaining to be addressed are the lands east of Cloverwood Road on the south side of Sigma Avenue, which will still remain zoned "A" Agricultural District.

The proposed plan of subdivision also provides a special rear yard setback for lots backing on to Brady Road for future road widening purposes. This is consistent with the remainder of lots along Brady Road in Whyte Ridge to the south.

Servicing of the lands, however, continues to be an issue. The developer intends to retain the existing rural roadway cross-section with gravel surfacing and ditch drainage. The Administrative Coordinating Group does not concur with this request, as indicated in its report dated August 22, 1996.

A Public Hearing was held before the Assiniboia Community Committee on September 17, 1996.

One person appeared in support of the application. No one appeared in opposition to the proposed application and one person appeared for information purposes.

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The Assiniboia Community Committee recommended that:

1. The proposed subdivision and rezoning be approved for the following reason:

    A) The proposed plan provides an appropriate transition between the historically large residential lots associated with the hamlet of Fort Whyte and the traditional smaller lot subdivision pattern of future phases of Whyte Ridge to the south.

2. The proposed subdivision and rezoning be approved subject to a number of conditions all of which have been incorporated with the following recommendation.

On October 29, 1996, the Committee on Planning and Community Services considered the proposed subdivision and rezoning under file DASZ 14/96 and laid the matter over pending a public hearing to be held on the proposed closing of the walkway portion of Cloverwood Road to Sigma Avenue.

On December 10, 1996, the Assiniboia Community Committee held a Public Hearing on the proposed closing of part of Cloverwood Road, South of Sigma Avenue and recommended that the portion of Cloverwood Road be closed.

In reconsidering the proposed subdivision and rezoning on January 10, 1997, the Committee on Planning and Community Services also considered a report from the Land Development Administrator dated October 22, 1996 and concurred in the recommendations contained therein, for the reasons outlined, that conditions IV. and V. be deleted as follows, namely:-

IV. 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 acquiring a piece of property from Cairns Developers for a park to be situated east of Cloverwood Road and south of Sigma Avenue.

V. That the walkway portion of Cloverwood Road to Sigma Avenue be closed.

and that the remaining recommendations be renumbered.

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

I. That the plan of subdivision proposed under File DASZ 14/96 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/96, dated September 9, 1996, 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 of the report of the Administrative Co-ordinating Group dated August 22, 1996, as outlined on Scheduled "B" after incorporating the following amendments:

        1) that Condition No. 1.a) be amended to read as follows:

            "1.a) The Developer shall at no expense to the City construct land drainage sewers to serve the portion of the proposed subdivision fronting on Roseglen Crescent to the satisfaction of the Commissioner of Works and Operations";

        2) that Condition No. 1.b) be amended to read as follows:

            "1.b) The Developer shall pay its share of the cost of land drainage trunk and oversized facilities benefiting the portion of the proposed subdivision fronting on Roseglen Crescent as determined by the Commissioner of Works and Operations";

        3) that Condition No. 2a) be deleted in its entirety, and Condition No. 2b) be renumbered 2.;

        4) that Condition No. 5 be deleted in its entirety and Condition Nos. 6 to 13, inclusive, be renumbered to Condition Nos. 5 to 12, respectively;

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

5) that Condition No. 9 be amended to read as follows:

"9. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead service abutting the proposed subdivision to underground. (Note: Hydro and telephone services to existing dwellings on the north side of Sigma Avenue are not to be converted)";

6) that Condition No. 10 be amended to read as follows:

"10. The Developer shall, at no expense to the City, cause ornamental street lighting to be installed in Roseglen Crescent abutting the proposed subdivision";

7) that Condition No. 13 be added as follows:

"13. The Developer shall, at no expense to the City, construct an asphalt roadway in Sigma Avenue between Roseglen Crescent and Brady Road to the satisfaction of the Commissioner of Works and Operations";

8) that Condition No. 14 be added as follows:

"14. The Developer shall, at no expense to the City, construct a concrete sidewalk to a width of 2 metres complete with sod and chain link fencing on each side within the Cloverwood Road right-of-way from Sigma Avenue to the south limit of the proposed subdivision to the satisfaction of the Director of Parks and Recreation. (The requirement for the Developer constructing concrete pavement in Cloverwood Road abutting the flankage of proposed Lot 9 covered in Development Agreement AG 3/89 is hereby deleted.)";

B. That the Developer shall submit a cash payment in lieu of parkland dedication/ landscaping/services prior to the release of subdivision mylars by the City. The payment shall be based on 8% of the gross area of the development application; less the size of Lot 36, Block 4, Plan 30097 (since dedication was previously acquired for this parcel of land in conjunction with AG 3/89).

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 14/96, dated September 9, 1996, to a "R1-4" and a “R1-6” Single Family District, subject to the following:

A. That Zoning By-law No. 6400/94 be amended to establish the following special alignments:

1. A minimum rear yard setback of 17.5 metres (57.4 feet) to principal dwellings for lots along the east side of Brady Road.

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.

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.

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

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.

Adopted by consent.

(See Minute No. 331 for attachments)

Rezoning - Extension of Time - 500 Beaverhill Boulevard - Riel Community
File DAZ 216/95

280 - 9. On September 27, 1995, Council adopted Clause 16 of the Report of the Committee on Planning and Community Services dated September 5, 1995, which clause recommended approval of the subject rezoning to an "RM-L" Multiple-family District as outlined on Schedule "A", to allow for the construction of a multiple-family development (Senior Citizen's) subject to the execution of a zoning agreement.

Recommendation IV contained in the said report stipulates:

> "That in the event this application is not proceeded with expeditiously and the By-law is not enacted within 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."

Recommendation VI further stipulates the following:

> "That the Rezoning By-law shall become effective 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 12 months from the date that the said Rezoning By-law is adopted by Council."

The Rezoning By-Law No. 6754/96 was passed by Council on January 24, 1996. The enactment section of the By-law requires that the Zoning Agreement caveat must be registered in the Winnipeg Land Titles Office by January 24, 1997, failing which the By-Law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date.

Raymond Wan, Architect, on behalf of Villa Beliveau, 132 Westchester Drive, Winnipeg, Manitoba, R3P 2G6, has advised the Land and Development Services Department that due to the current condition of the sale and prelease agreement, both items will require additional time to be finalized. The applicant has requested a one year extension of time in order to complete the subject rezoning.

The administration has reviewed the applicant's request and is of the opinion that approval for an extension of time would be acceptable in view of the fact that the City's interests remain secured and circumstances leading to the original approval are unchanged.

On December 9, 1996, the Riel Community Committee considered a report from the Subdivision Officer dated November 22, 1996 with respect to the above referenced matter.

One person was heard in opposition to the proposed extension of time.

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

I. That the time limit to register the Zoning Agreement caveat under the enactment clause of By-law No. 6754/96 be extended to January 24, 1998.

Report of the Committee on Planning and Community Services dated January 10, 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. 332 for attachment)

Proposed Amendment to Servicing Agreement - land located on the west side of St. Anne's Road between Beliveau Road and Bishop Grandin Boulevard - Riel Community File DAZ 209/96 [c/r DAOC 1/96 and SC-1 (Vol. 41)]

281 - 10. The Committee on Planning and Community Services has been advised that the Riel Community Committee, on December 9, 1996, considered a report from the Administrative Coordinating Group dated November 25, 1996, as outlined on Schedule "A", with respect to a request from Home Depot for proposed changes to the original Administrative Coordinating Group's report dated May 6, 1996, which was approved by Council on June 19, 1996. In this connection, the Riel Community Committee heard representation from John Pearson, on behalf of Shindico Realty Inc., in support of the proposed amendments to the Servicing Agreement under file DAZ 209/96.

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

I. That the following amendments be made to the Servicing Agreement, under file DAZ 209/96, to be entered into between The City of Winnipeg and the Developer (Home Depot), namely:-

A. That the Developer be required to pay 50% of the cost of the second turning lane from Bishop Grandin Boulevard to St. Anne's Road, if and when the City desires to install such a turning lane within the next ten (10) years.

B. That the Developer be required to dedicate the lands on St. Anne's Road under its ownership for the purposes of widening St. Anne's Road, and shall be required to pay the cost of installing such street improvements.

C. That the Developer be required to contribute to the cost of paving Lavallee Road, that is necessary to provide additional safety to the surrounding area, the amount of which contribution is to be determined by the Commissioner of Works and Operations in consultation with the ward councillor.

D. That the Developer be required to pay the cost of installing the right-in/right-out only approach on Bishop Grandin Boulevard.

E. That the median opening on St. Anne's Road serving the St. Vital Knights Villa at 537 St. Anne's Road be maintained until such time as an alternative safe access has been negotiated with representatives of the St. Vital Knights.

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. 333 for attachment)

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

Proposed Rezoning - land located on the west side of St. Anne's Road between Beliveau Road and Bishop Grandin Boulevard - Riel Community
File DAZ 220/96 [c/r DAV 767/96, DAZ 209/96 and ZAA 9/96]

282 - 11. The Committee on Planning and Community Services has been advised that an application has been received from Shindico Realty Inc., to amend By-law No. 6400/94 by rezoning the land shown below from an "R1-5" Single-Family District to a "C2" Commercial District.

The following is the present Site Description:

Site Area: 11.27 acres

The following is the Existing Land Use and Zoning:

The subject site formed part of the Behnke property and is currently zoned “R1-5” Single-Family District.

The following is the Surrounding Land Use and Zoning:

North: Lands in the process of being zoned “C2” Commercial for a Home Depot centre.

East: A small commercially zoned mall occupied by a coffee shop and veterinary clinic.

West: Vacant lands currently in the process of being rezoned “C2’ Commercial.

South: City-owned lands (unoccupied) and the Bishop Grandin right-of-way.

The subject site is being consolidated into the overall commercial site to the north. It may form part of the proposed parking area for the Home Depot Centre.

Under DAZ 209/96, the applicants, Shindico Realty Inc, rezoned the adjoining lands to the north and west to a “C2” Commercial category. That application is currently in the final stages of the approval process. The subject property is to be rezoned similarly to a “C2” Commercial category and be consolidated with the adjoining properties to the north and west. It will eventually form part of the overall parking area for the proposed Home Depot outlet on the adjoining property. The Community Planning Division supports the proposed consolidation as the next step in the development of the adjacent lands. There will not be any adverse effect on remaining private properties to the east; they are already zoned commercial and occupied with commercial businesses. The Bishop Grandin right-of-way lies adjacent to the south. All conditions applicable to DAZ 209/96 are similarly applicable to the subject application.

A Public Hearing was held before the Riel Community Committee on December 9, 1996.

Three persons appeared in support of the application.

One person appeared in opposition to the proposed application and one person appeared for informational purposes.

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

A. That approval of this rezoning is considered to be compatible with the surrounding area.

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 220/96, dated December 2, 1996 to a "C2" Commercial District, subject to the following:

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

A. That the applicant enter into a Zoning Agreement with the City covering the subject lands and the contiguous lands under files DAZ 209/96 and ZAA 9/96, pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

1) That the following uses be prohibited:

i) terminals for courier/delivery/express service, cleaning service, security service, taxi or similar service;
ii) concert hall;
iii) storage compounds for new automobiles;
iv) storage compounds for boats, mobile homes, recreational vehicles, trailers, trucks or buses;
v) dispatch for courier/delivery/express service, cleaning service, security service, taxi or similar service;
vi) licensed private clubs;
vii) outdoor amusement enterprise, including outdoor driving range, outdoor range for targets or similar facility.

B. That the following two (2) uses:

a) building materials, hardware, home improvement supplies or equipment sales; and,

b) landscape/garden supplies: sales including outside display limited to packaged supplies, plants or trees;

be restricted to the following hours of operation:

Mondays to Saturdays	7:00 a.m. - 10:00 p.m.
Sundays	as per local by-law

C. That final construction and site plans indicating the design and location of any buildings including elevation and details of exterior finishing materials, accessory parking and loading areas, access, fencing, landscaping, exterior lighting and garbage enclosures be subject to the approval of the Commissioner of Planning and Community Services and the Community Committee prior to the issuance of a building permit.

II. That a ten (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 the by-law not proceed to Council for final reading until the subject property has been consolidated with contiguous lands under DAZ 209/96.

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

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

VI. That the rezoning by-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge other than existing utility caveats 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.

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

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

VIII. 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. 334 for attachment)

Proposed Zoning Agreement Amendment - 14 - 20 Island Shore Boulevard - Riel Community File ZAA 8/96 [c/r DASZ 42/85 and DCU 207/96C]

283 - 12. The Committee on Planning and Community Services has been advised that an application has been received from Winfield Developments Canada, 22 Castlebury Crescent, Winnipeg, MB, R3P 1J7, to amend the zoning agreement affecting the property shown below by removing from the prohibited use list drive-in/drive-through restaurants, and car washes, and removing the condition restricting the hours of operation.

In the early to mid-1980's, when the final phases of the Island Lakes subdivision were being processed, a "C2" commercial zoning of the subject property was approved, subject to what were quite restrictive conditions on use and hours of operation. For example, drive-in and drive-through restaurants were amongst those uses placed on the prohibited use list in the zoning agreements which ultimately formed a part of the overall subdivision agreement established at that time. Local property owners and resident groups were adamant at the time that non-neighbourhood oriented businesses, such as the aforementioned uses, should not be permitted at locations along the two major thoroughfares accessing Island Lakes. Uses such as the above were restricted by zoning agreement, quite intentionally, to make it procedurally very difficult to obtain approval for commercial uses of a more regional nature.

In some instances, small commercial malls of this type have prospered while others have not. The applicant is of the view that the subject commercial site will have difficulty surviving without relaxing the restrictions under the zoning agreement.

If amended, the applicant wishes to establish a 1,200 square foot McDonald's drive-through facility at the northeast corner of the site. A future car wash facility is proposed at the southeast corner of the property. Currently, a one-storey commercial building and gas kiosk are all that occupy the site. Surrounding land uses include single-family housing to the west, southwest and southeast and a multiple-family complex to the east at the northeast corner of Island Shore Boulevard and Waterfront Road. If the subject zoning agreement amendment is approved by your Committee, then an accompanying conditional use application can and will be dealt with by the Board of Adjustment.

The Community Planning Division reviewed the proposed amendment and was of the view that the original prohibition on use is generally still valid and the original position taken by the Community Committee should be adhered to with respect to hours of operation and car washes.

However, the Planning Division is prepared to support a small scale drive-through restaurant facility at the proposed location on the site, subject to strict guidelines being applied under the accompanying conditional use application.

Through the plan approval process, strict building design, signage location and design criteria will be required as a condition of approval prior to the issuance of any building permits. The developer (in this case, McDonald's Restaurants) will be required to tone down and/or modify identification/ directional signage, and possibly the building itself. If the amendment is approved, those kinds of details will have to be worked out prior to the plans being approved and endorsed by the administration and the Board of Adjustment. Finally, it should be noted that a similar McDonald's drive-through outlet at Moray Street and Ness Avenue was recently approved with scaled down fascia signage and no free-standing signage. The restaurant at that location can seat approximately 22-24 persons but is primarily a scaled-down drive-through facility.

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

A Public Hearing was held before the Riel Community Committee on November 12, 1996.

One person appeared in support of the application.

A number of persons appeared in opposition to the proposed application and can be found on pages 3 and 4 of the Community Committee's Report dated December 23, 1996.

The Riel Community Committee recommended that the proposed rezoning agreement amendment **not** be approved for the following reasons:

A. There is substantial resident opposition to this application.

B. Rejection of this application will allow the applicant, area residents and the ward Councillor to meet informally to discuss alternative development proposals for the subject property.

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

I. That Zoning Agreement DASZ 42/85, under file ZAA 8/96 (By-law 4358/86) **not** be proceeded with.

Adopted by consent.

Proposed Zoning Agreement Amendment - land located on the west side of St. Anne's Road between Beliveau Road and Bishop Grandin Boulevard - Riel Community File ZAA 9/96 (c/r DAZ 209/96 and DAV 767/96D)

284 - 13. The Committee on Planning and Community Services has been advised that the applicants, Shindico Developments, on behalf of the owners of Home Depot are requesting that the original Zoning Agreement be modified to the extent that:

- the hours of operation identified pertain only to the building materials, home improvement and landscape supplies outlet which will be the principal tenant on the site; and,

- there be no restrictions on use listed on the Zoning Agreement.

The Community Planning Division has reviewed the suggested amendments and restrictions on hours of operation and feels that they should be applied to the one major use being dealt with at this time (specifically the Building Materials and Home Improvement centre). Other permitted uses could be developed on the site without restrictions. However, any conditional uses such as gas outlets and/or drive-through facilities could have hours of operation restrictions or limitations imposed through the conditional use process. If necessary at that time, more or less restrictive hours of operation could be considered as a condition of approval to each individual use. As far as relaxing the conditions related to use of site, the Planning Division is prepared to recommend that only a small number of "C2" Commercial uses continue to be regarded as "prohibited" uses in the subject zoning agreement. They are standard uses such as vehicle, boat and truck storage compounds, outdoor amusement enterprises and theatres which are regularly prohibited in Zoning Agreements related to sites deemed to be inappropriate for such uses. Other potentially contentious uses such as car washes, drive-in/drive-through restaurants, convenience stores, etc., all require a conditional use approval and are not permitted outright.

A Public Hearing was held before the Riel Community Committee on December 9, 1996.

Three persons appeared in support of the application.

One person appeared in opposition to the application.

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

The Riel Community Committee recommended that the proposed rezoning agreement amendment be approved for the following reason:

A. There is no opposition to the application and approval of the requested amendments to the Zoning Agreement will not adversely affect the residents of the surrounding area.

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

I. That Zoning Agreement DAZ 209/96 be amended as follows:

A. That Clause 2 of the Draft Zoning Agreement as it affects the commercial land defined under file DAZ 209/96 be amended to not restrict use of the land to just:

a) building materials, hardware, home improvement supplies or equipment sales; and

b) landscape/garden supplies; sales including outside display limited to packaged supplies, plants or trees;

but rather that it be reworded to just prohibit the following uses:

i) terminals for courier/delivery/express service, cleaning service, security service, taxi or similar service;
ii) theatre, cinema or concert hall;
iii) storage compounds for new automobiles;
storage compounds for boats, mobile homes, recreational vehicles, trailers trucks or buses;
iv) dispatch for courier/delivery/express service, cleaning service, security service, taxi or similar service;
v) licensed private clubs;
vi) outdoor amusement enterprise, including outdoor driving range, outdoor range for targets or similar facility.

B. That Clause 4 be amended by specifically assigning the following hours of operation:

Mondays to Saturdays: 7:00 a.m. to 10:00 p.m.
Sundays: as per local ordinances,

to only the following uses:

a) building materials, hardware home improvement supplies or equipment sales;
b) landscape/garden supplies; sales including outside display limited to packaged supplies, plants or trees.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 209/96, as indicated.

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.

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

Proposed Zoning Agreement Amendment - 1042 Keewatin Street, west side, south of Inkster Boulevard - Lord Selkirk-West Kildonan Community File ZAA 10/96 (c/r DAZ 207/87, ZAA 7/96, DAV 642/96C and DCU 189/96C)

285 - 14. The Committee on Planning and Community Services has been advised that an application has been received from Joe Nocita, 636 Leila Avenue, Winnipeg, MB, R2V 3N7, to amend the zoning agreement affecting the property shown below by adding to the list of permitted uses “Cocktail Lounge.”

A previous application, ZAA 7/96, was been approved by Council on December 12, 1996, which amended Zoning Agreement DAZ 207/87 to add “Billiard Parlor” to the permitted use list. That was required because the owners wish to install 2 - 6 billiard tables in their new restaurant facility which will be the principal use on the site. The Community Committee agreed to approve the amendment with the condition that the billiard component would never be more than accessory to the principal use (the restaurant).

It has been determined in the interim that a cocktail lounge component will also be an accessory addition to the restaurant. That, too, requires not only conditional use approval but inclusion in the permitted use table under the existing Zoning Agreement. The subject cocktail lounge constitutes a small part of the overall restaurant area and is accessory to that principal use. It is the view of this Division that a small cocktail lounge component will not have an adverse effect on the surrounding neighbourhood. The site is adjacent to and accessed from a major collector street which services both the industrial park to the east and similar commercial businesses to the north and south. It is, therefore, recommended that the subject application be endorsed by your Committee.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on November 19, 1996.

Two persons were heard in support of the zoning agreement amendment.

No persons were heard in opposition to the zoning agreement amendment.

The Lord Selkirk-West Kildonan Community Committee recommended that:

1) The proposed zoning agreement amendment be proceeded with for the following reasons:

   A) The cocktail lounge will be an accessory to the principal use only.

   B) The use is not deemed to have an adverse effect on the surrounding neighbourhood.

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

I. That Zoning Agreement DAZ 207/87, dated October 1, 1987, be amended as follows:

   A. That Section 2 of Zoning Agreement DAZ 207/87 of By-law No. 4703/87 be amended to add to the list of permitted uses "Cocktail Lounge” (subject to conditional use approval and to the decisions regarding the same property under File ZAA 7/96 taking precedents should they differ).

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 207/87, dated October 1, 1987, 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.

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

Proposed closing of part of Cloverwood Road, South of Sigma Avenue - Assiniboia Community
File DAC 15/96 (c/r DASZ 14/96)

286 - 15. The Committee on Planning and Community Services has been advised that the subject closing has been initiated in conjunction with the Assiniboia Community Committee's consideration of DASZ 14/96, an application to subdivide and rezone the lands, in accordance with Misc. Plan No. 9794, as outlined on Schedule "A".

The Community Committee has directed that the cash in lieu of dedication required in DASZ 14/96 be allocated toward acquiring a portion of the Cairns property east of Cloverwood for a park. The portion of Cloverwood proposed to be closed will be incorporated in this park. A walkway is proposed to be constructed within the closed portion of the street to allow pedestrian access to and from the subdivision adjoining to the south.

This proposal has been circulated to all interested City departments and public utilities with the following comments having been received, namely:

- The Water and Waste Department has advised that a watermain is located within the area proposed to be closed. An easement will not be required as the property will remain in the City's name, but any planned construction would have to take into account the existence of this facility.

- The Local Improvements and Miscellaneous Revenue Branch has advised that the closing will create an annual charge of $359.93 in Local Improvement levies for the share of the watermain costs.

- The Streets and Transportation Department has recommended that the proposal not be proceeded with to allow the existing development immediately south of McGillivray Boulevard to better integrate with the proposed development south of Sigma Avenue. If the closing is allowed to proceed, the Department advises that a turnaround will be required at the north end of the section of Cloverwood Road remaining open.

On December 10, 1996, the Assiniboia Community Committee considered a communication dated November 25, 1996, from the Land Document Officer and concurred in the recommendation that the subject closing be approved.

The Committee on Planning and Community Services concurred in the recommendation of the Assiniboia Community Committee and 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. 9794, 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. 335 for attachment)

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

Proposed closing of the public walkway between Nos. 86 and 90 Columbus Crescent - Assiniboia Community
File DAC 16/96

287 - 16. The Committee on Planning and Community Services has been advised that the proposal to close the subject walkway has been requested by Robin and Jo-Ann McKenzie, the residents of No. 71 Franklin Bay.

The walkway was created in 1963 to allow for access to a school site. The School Division sold this site in 1994 and it was subsequently subdivided into a residential area. The walkway no longer serves the purpose for which it was intended. In fact, the walkway serves only to lead curious pedestrians into the McKenzies' back yard.

The McKenzies have requested the immediate closing of the walkway to pedestrian traffic by way of a barricade of some sort while the legal closing is being processed. Once closed, the walkway will be offered for sale to the property owners adjoining at Nos. 86 and 90 Columbus Crescent.

This proposal has been circulated to all interested City departments and public utilities with no objections having been received.

On December 10, 1996, the Assiniboia Community Committee considered a communication dated November 25, 1996, from the Land Document Officer with respect to the proposed closing.

The Committee on Planning and Community Services concurred in the recommendation of the Assiniboia Community Committee and 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. 9812, 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. 336 for attachment)

Street Name Correction - Legally designating Kildonan Drive - East Kildonan-Transcona Community
File SC-3.14(33) (Vol. 1)

288 - 17. The Committee on Planning and Community Services has been advised that the registered Plan 4969 shown shaded on Misc. Plan 9890, as outlined on Schedule "A", did not legally designate the street name as Kildonan Drive, but rather, referred to as "Public Road". The registered plan predates most plans which identify Kildonan Drive.

On December 4, 1996, the East Kildonan-Transcona Community Committee considered the communication dated December 4, 1996, from the Subdivision Officer, with respect to the above referenced matter.

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

I. That the current name registered under Plan No. 4969, known as "Public Road", as outlined on Schedule "A", be changed to Kildonan Drive and that Council authorize the following:

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

A. That the Director of Land and Development Services be requested to provide the necessary legal description to the City Solicitor/Manager of Legal Services for the purpose of preparing a By-law.

B. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary By-law for approval by Council for registration in the Winnipeg Land Titles Office and that the street name change become effective upon third reading.

C. That the City Solicitor/Manager of Legal Services, upon passage and adoption of the By-law by Council, be authorized to dispense with the usual advertising in as much as the changes are of a legal nature with no physical changes being required.

D. That the City Clerk be requested, upon passage of the By-law, to provide the relevant Community Clerk with a copy of the By-law and this report for the purpose of changing all pertinent records and notifying all persons affected by the By-law.

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. 337 for attachment)

Appointment of Council Representative to the Winnipeg Safe City Committee
Files GF-2.7 (Vol. 12) & GC-7(Vol. 27)

289 - 18. Council at its Organizational Meeting on November 6, 1996, referred to each of the Standing Committees and Executive Policy Committee, the mater of appointment of a Council Member for the Winnipeg Safe City Committee for the one-year term expiring November 1997.

Up to five Members of Council are appointed annually, one member from each Standing Committee and the Executive Policy Committee.

The Committee on Planning and Community Services therefore recommends that Councillor Murray be appointed as its representative on the Winnipeg Safe City Committee for the one-year term expiring November 1997.

Adopted by consent.

Rural Residential Development within the Capital Region - By-law 96-27, the Rural Municipality of Springfield
File EP-1.5 (Vol. 2)

290 - 19. The Committee on Planning and Community Services concurs in the following resolution and submits same to Council for favourable consideration:

WHEREAS the amount of rural residential development which is being promoted in rural municipalities as outlined in Schedule “A”, within the Capital Region is of concern to the City of Winnipeg;

AND WHEREAS, inventories of existing and approved rural residential lots far exceed the demand for rural residential accommodation;

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AND WHEREAS continued support for new approval only serves to reinforce a dispersed form of settlement within the Capital Region and that By-law 96-27 is just another example of this trend;

THEREFORE BE IT RESOLVED that the Administration be requested to develop an information collection system;

BE IT FURTHER RESOLVED that the Committee on Planning and Community Services recommends that Council notify the Minister of Urban Affairs of their concerns respecting this proposed application.

Adopted by consent.

(See Minute No. 338 for attachment)

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

291 - 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. 6958/97, 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 the north side of Valhalla Drive, west of Henderson Highway, in the East Kildonan-Transcona Community. File DASZ 4/96

By-law No. 6959/97, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(35) (Vol. 1)

By-law No. 6960/97, a by-law of The City of Winnipeg to widen the south side of Ellice Avenue, east of Kennedy Street. File DAO 18/96

By-law No. 6961/97, a by-law of The City of Winnipeg to open the lane north of Graham Avenue between Garry and Smith Streets. File DAOC 4/93A

By-law No. 6962/97, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change to lands located on the south-east corner of McMillan Avenue and Arbuthnot Street in the City Centre Community. File DAZ 217/96

By-law No. 6963/97, a by-law of The City of Winnipeg to amend By-law No. 6400/94, being The City of Winnipeg Zoning By-law. File DAZ 211/95

By-law No. 6964/97, a by-law of The City of Winnipeg to widen the west side of Kenaston Boulevard between Lowson Crescent and Rothwell Road. File DAO 5/95

By-law No. 6966/97, a by-law of The City of Winnipeg to amend By-law No. 4800/88, being the Downtown Winnipeg Zoning By-law. File DDB (Vol. 8)

By-law No. 6967/97, a by-law of The City of Winnipeg to amend By-law No. 6400/94, being The City of Winnipeg Zoning By-law. File BDB (Vol. 1)

By-law No. 6968/97, a by-law of The City of Winnipeg to close part of the existing public lane and open a new public lane in the block bounded by Charles Street, Aikins Street, Pritchard Avenue and Selkirk Avenue. Files DAO 11/95 and DAC 17/95

Committee on Planning and Community Services - Consideration of By-laws (continued)

By-law No. 6970/97, a by-law of The City of Winnipeg to amend By-law No. 4937/88, being a By-law to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change in the East Kildonan - Transcona Community**Error! Bookmark not defined.**.
File DASZ 57/86

By-law No. 6971/97, a by-law of The City of Winnipeg to close part of Young Street and the public lane south of Broadway. File DAC 23/95