REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED NOVEMBER 26, 1996

On motion of Councillor Silva, the Report of the Committee on Planning and Community Services, dated November 26, 1996, was considered clause by clause.

Moved by Councillor Silva,
That the Consent Agenda, Clauses 1,2,3,5,7,8,9,10,11,12,13,14,15,16,17 and 18 be adopted.

Carried.

Gail Parvin Hammerquist Fund - City of Winnipeg Heritage Grants
File G-3 (Vol. 8)

172 - 1. The Committee on Planning and Community Services has been advised that Winnipeg's rich built heritage represents in physical form the city's successive periods of development from a trading post and agricultural settlement to a regional urban centre.

Several initiatives, both private and public, have been taken over the years to retain and revitalize this important legacy. They include:

- Investments in the conservation and re-use of specific heritage structures and special areas such as the Historic Winnipeg/Exchange District.

- Legislation enabling the designation of heritage buildings, their protection from demolition and inappropriate alterations, and temporary property tax relief while conservation work is underway.

- Heritage promotion and education.

- Heritage policies in Plan Winnipeg and CentrePlan.

Most recently, Council has begun to implement proposals from the "Heritage Support: Policy and Programs" report. That document, approved in 1992, contains several recommendations to address issues such as the number of vacant, unheated heritage buildings in downtown Winnipeg, a lack of financial incentives to encourage conservation activity and adaptive re-use of heritage space, and the need for related regulatory and taxation reforms.

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Council subsequently passed a formal policy on heritage conservation grants and tax credits and sought the legislative authority to implement such programs. The required amendments to Section 474 of The City of Winnipeg Act received royal assent in November 1995.

Council also has given approval to a strategic plan setting out policy priorities, short-term action steps, and an expanded role for the City of Winnipeg Historical Buildings Committee.

Through measures such as these, the City and other levels of government have expressed a continuing commitment to protect and promote our built heritage on behalf of current and future generations.

The City of Winnipeg is currently pursuing three initiatives to encourage greater investment in the retention, improvement and use of designated heritage structures within its jurisdiction, as follows:

Winnipeg Development Agreement (WDA), Program 13A - Buildings Preservation

On June 19, 1996, City Council approved the criteria and administrative procedures for this five-year intergovernmental incentive under the Winnipeg Development Agreement. Over 60 applications for Phase I - Capital Grants were submitted by November 15, 1996.

Proposed Municipal Tax Credit

Owners and long-term tenants who invest in authorized repairs and improvements to historically designated structures may apply for a Heritage Conservation Tax Credit that will enable them to write off a portion of approved costs against their City of Winnipeg tax liabilities.

The Gail Parvin Hammerquist Fund

The Gail Parvin Hammerquist Fund is a program set up to assist owners of designated structures in the restoration of the building's heritage character for small-scale building conservation projects.

The Gail Parvin Hammerquist Fund has been established and financed by City Council through an annual $100,000 allocation from the capital budget plus a share (5%) of revenues obtained from sales of City-owned real estate.

The Fund is named in honour of the late Gail Parvin Hammerquist, a restoration architect with the Canadian Parks Service (now Canadian Heritage) who contributed much to the City while serving as a volunteer member or alternate on the Historical Buildings Committee for 12 years.

The Historical Buildings Committee proposes to begin using the Gail Parvin Hammerquist Fund in the 1997 fiscal year to provide grants for eligible capital, research and heritage economic development projects.

The Proposed Implementation of the Gail Parvin Hammerquist Fund as outlined on Schedule "A", describes the scope of work that would be eligible for grants and program administration.

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

I. That the "Proposed Implementation of the Gail Parvin Hammerquist Fund" as outlined on Schedule "A" be approved.

II. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council in accordance with Schedule "A".

III. 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. 197 for attachment)

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Proposed City of Winnipeg Heritage Conservation Tax Credit
File G-3 (Vol. 8)
[c/r FR-3.2 (PA-13) (Vol. 1)]

173 - 2. On July 2, 1996 the Historical Buildings Committee submitted to the Committee on Planning and Community Services a draft discussion paper on the City's Heritage Conservation Tax Credit meant to solicit comments and concerns. On September 17, 1996 a revised and expanded report was submitted to the Committee on Planning and Community Services who referred the matter back to the Historical Buildings Committee to hold public hearings and report back to the Committee on Planning and Community Services.

On November 22, 1996 approximately 55 people, including heritage building owners, tenants and managers, prospective investors and architects, attended a public forum which resulted in a supplementary report, as outlined on Schedule "B". The responses were very positive and provided minor modifications to the original report.

The Historical Buildings Committee is proposing that owners and long-term tenants who invest in authorized repairs and improvements to designated structures may apply for a Heritage Conservation Tax Credit that will enable them to write off a portion of approved costs against their City of Winnipeg tax liabilities.

The credit will be fifty per cent (50%) of the net private investment made in eligible work (i.e. the amount of investment exclusive of any other government grants or rebates).

This credit may be used at a recipient's discretion for up to 10 years to reduce the City property, business and/or amusement taxes applicable to the structure.

Implementation will occur in two phases. During the first two years after the start of the program (Phase I), applications will be received from owners or long-term tenants of designated structures of all types and uses except single-family dwellings (SFDs) occupied as residences. In Phase II, consideration will be given to including SFDs in the program. It also is proposed that during the second stage, measures be put in place to identify and zone heritage areas. This would enable a group of structures located in a business district or residential neighbourhood to be eligible for tax credits without the necessity of adding each property to the Buildings Conservation List.

Tax credits will be extended to conservation work that relates directly to the stabilization, viability or integrity of a structure and/or its heritage features. Projects will not have to meet minimum or maximum cost levels to qualify.

Upon Council approval of the program an analysis will be undertaken of a sample of heritage buildings which have undergone extensive upgrading in recent years to identify what the revenue impact to the City would have been if the tax credit had been available. Subsequent phases of the plan will involve developing and refining the analytical framework, methods and model for monitoring. This program is to be evaluated two years after start-up, modified if necessary, then reviewed every five years thereafter.

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

I. That the "Proposed City of Winnipeg Heritage Conservation Tax Credit" as outlined on Schedule "A" be approved.

II. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council in accordance with Schedule "A".

III. 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. 198 for attachment)

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Appointments to the Historical Buildings Committee
File G-3.1 (Vol. 7) (c/r GC-7 (Vol. 26)

174 - 3. By-law No. 1474/77, as amended, established the Historical Buildings Committee to operate as an Advisory Committee for the conservation and preservation of buildings of an architectural and historic interest in the City of Winnipeg.

Council on November 6, 1996, referred to the Committee on Planning and Community Services the matter of the following appointments of Council representatives to the Historical Buildings Committee, namely:

One (1) Council representative from the Committee on Planning and Community Services
One (1) Councillor-at-large representative, and;
One (1) member of Council to act as an alternative in the absence of either of the two Council appointees

The Committee on Planning and Community Services has also been advised of the resignation of Mr. Randy Gilbart (representing the Manitoba Association of Architects) from the Historical Buildings Committee. The Manitoba Association of Architects has recommended that Ms Susan Turner be appointed as the Association's alternate representative on the Historical Buildings Committee to fill the vacancy left by the resignation of Mr. Randy Gilbart.

The Committee on Planning and Community Services therefore recommends as follows:

1. a) That Councillor Murray be appointed to represent the Committee on Planning and Community Services
   b) That Councillor Golden be appointed the Councillor-at-large
   c) That Councillor Lubosch be appointed as the Alternate Member to act in the absence of either of the two Council appointees

2. That Ms Susan Turner be appointed to the Historical Buildings Committee as the alternate member for the Manitoba Association of Architects.

Adopted by consent.

Adoption of Forward Thinking: Winnipeg Public Library Plan 1996 - 2000 - Library Board By-law and Organizational By-law Amendments File L-1 (Vol. 14)

175 - 4. Council, On July 24, 1996 amended and adopted Clause 4 of the Report of the Executive Policy Committee dated July 17, 1996 which recommended in part, namely: -

That the Committee on Planning and Community Services be requested to review recommendations 9 through 13, as outlined below, for report back to Council prior to January, 1997;

"9. That the City of Winnipeg Council amend the Winnipeg Public Library Board By-law and the City of Winnipeg Organizational By-law to more clearly define the responsibilities of this Board.

10. That the City of Winnipeg Council amend the Winnipeg Public Library Board By-law and the City of Winnipeg Organizational By-law to delegate the following responsibilities to the Board: public involvement, fundraising, long range planning and preparing an annual report on the activities of the Board.

11. That the City of Winnipeg Council amend the Winnipeg Public Library Board By-law and the City of Winnipeg Organizational By-law to require that the Libraries Department confer with the Winnipeg Public Library Board on matters related to policy and budget, with the objective of reaching agreement, prior to the Department submitting any recommendations to Winnipeg City Council.

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12. That the City of Winnipeg Council amend the Winnipeg Public Library Board By-law and the City of Winnipeg Organizational By-law to strengthen and broaden representation on the Board to include qualified appointments representing a wide variety of groups, from within the Winnipeg community.

13. That the City of Winnipeg Council instruct that all things necessary be done to enact an amended Winnipeg Public Library Board By-law and an amended City of Winnipeg Organizational By-law, and make the appointments to the Board, by January 1, 1997."

On September 17, 1996, the Committee on Planning and Community Services directed that the Forward Thinking report be referred to the Legal Services Department, the Commissioner of Planning and Community Services, the Director of Libraries and the Chairperson of the Winnipeg Public Library Board to draft comprehensive amendments as a result of the Forward Thinking Report and report back to the Committee on Planning and Community Services.

On November 26, 1996, the Committee on Planning and Community Services considered the report from the Commissioner of Planning and Community Services, dated November 20, 1996 and heard Mr. A. Anhang, Chairperson, Winnipeg Library Board and A. Stark in support of the proposed amendments.

The Committee on Planning and Community Services recommends:

I. That approval be given to the proposed Library Board By-law No. 4334/86 and the Organizational By-law No. 6550/95 amendments as outlined on Schedules "A" and "B".

II. That the Committee on Planning and Community Services undertake a review of the Library Board By-law No. 4334/86 and the Organizational By-law No. 6550/95 every twelve (12) months in consultation with The Winnipeg Public Library Board and the Library Department.

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

The Executive Policy Committee recommends that number (4) on Schedule "A" be amended to read as follows:

(4) The Board may be consulted in the City's process to hire the Director of Libraries.

Moved by Councillor Silva,
Adoption of the clause.

In amendment,

Moved by Deputy Mayor Eadie,
That the recommendation of the Executive Policy Committee be amended to read as follows:

"(4) The Board shall be consulted in the City's process to hire the Director of Libraries".

Carried.

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

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

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

The Speaker resumed the Chair.

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The recommendation of the Executive Policy Committee, as amended, was put.

Deputy Mayor Eadie called for the yeas and nays, which were as follows:-

Yea: Councillors Clement, Lazarenko, Murray, O'Shaughnessy, Deputy Mayor Eadie and Her Worship Mayor Thompson. 6

Nay: Councillors Prystanski, Golden, Phillips, Silva, Steek, Thomas, Timm-Rudolph, Vandal and Angus. 9

and the motion for the adoption of the recommendation of the Executive Policy Committee, as amended, was declared lost.

The motion for the adoption of the clause was put.

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

Yea: Councillors Prystanski, Clement, Golden, Phillips, Silva, Steek, Thomas, Timm-Rudolph, Vandal, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Angus. 12

Nay: Councillors Lazarenko, Murray and O'Shaughnessy. 3

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

(See Minute No. 199 for attachment)

Employment 97/Employment Link: A Strategy to Reduce Social Assistance Costs in 1997/98 and Beyond
File EH-2.1 (Vol. 9)

176 - 5. The Committee on Planning and Community Services has been advised that on July 4, 1996, the Chairperson of the City's Ad Hoc Committee on Innovation asked Administration to submit ideas to improve efficiency, reduce costs, generate additional revenues and improve customer relations. The following provides a summary of projections for Employment 97/Employment Link:

- Employment 97/Employment Link is a strategy designed to produce an additional net savings to the City of $792,254.00 in 1997/1998 and cover its own costs each year.

- The Strategy adds to significant cost reductions already captured in the Social Services Department's 1997 Estimates and 1998 Projection.

- Employment 97 encompasses the salaries and benefits for 10 FTE term staff positions needed to maintain a large number of employment support programs for social assistance recipients. Under existing legislation, costs for the initiative would be shareable on a 50/50 basis with the Manitoba Government.

- Employment Link is a technology project which will develop an electronic match between the skills and capabilities of individual social assistance recipients and the specific qualifications for available jobs. Costs of the project encompass the salaries and benefits for three programming staff, computer hardware and software. Most project costs will qualify for cost-sharing with the Manitoba Government.

- Besides reduced caseloads, reduced financial assistance costs and improved service for recipients and employers, the Employment Link project has many other spin-off benefits.

On July 10, 1996, the Chairperson of the Committee on Planning and Community Services requested a strategy to further reduce 1997/98 budget requirements for the Social Services Department. On August 12, 1996, the Chief Commissioner issued significantly reduced 1998 budget guidelines to all Departments.

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An initiative of the Social Services Department entitled Employment 96 was endorsed in May 1996. The project was designed to bring rising social assistance costs back within budget by linking more social assistance recipients with suitable, available employment.

Employment 96 has proved to be extremely successful. Between May 1 and October 31, 1996, more than 20,000 social assistance recipients and applicants participated in programming through the initiative. Most importantly, the social assistance caseload was reduced by 3,865 cases (21%), as opposed to 817 cases during the same time frame in 1995. As of October 31, 1996, the caseload stood at 14,195 cases compared to 18,060 on May 1st. At this point in time, Employment 96 will eliminate the projected deficit for the Financial Assistance Program and cover the administrative costs of the project.

If approved and implemented before January 1, 1997, the Employment Link/Employment 97 Strategy should pay for itself and produce significant savings in 1997 and 1998 financial assistance costs. Gross savings in 1997 financial assistance would be $8.8 M. The City's net savings after cost-sharing with the Manitoba Government and paying for the Strategy would be $550,301.00. In 1998 gross financial assistance savings would be $3.4 M. (This savings is in addition to the required reduction per 1998 budget guidelines.) After cost-sharing with the Manitoba Government and covering the costs of Strategy, the City's net 1998 savings would be $241,953.00. Thereafter, the City would continue to benefit from Employment Link.

Employment 97 is an extension of Employment 96 programming. The budget encompasses salaries and benefits for the full-time-equivalent (FTE) of 10 staff. In conjunction with 164 FTE regular departmental staff, these term employees will run a variety of employment support and referral groups for social assistance recipients. Programs such as Employment Preparation Groups, Job Finding Clubs, and Intake Assessment Groups which teach job search skills, make recipients aware of available work and training opportunities, and support the transition to work will be run out of classrooms in the department's three existing office sites; 391 York Avenue, 705 Broadway and 896 Main Street. These and other similar programs continue to produce very positive results in terms of successful work/training placements, reduced caseloads and reduced financial assistance costs.

The development and implementation of Employment Link in 1997/98 will allow the City to sustain and improve upon reductions in financial assistance caseloads and costs in 1998 and beyond. The project will establish an electronic link between the skills and capabilities of individual social assistance recipients and the specific qualifications needed for available jobs. The technology will significantly speed up the matching of recipients to suitable work.

Each month, the Social Services Department provides employment support and financial assistance for over 16,000 recipients and their dependents. As well, the Department also receives hundreds of job orders from local employers. Each recipient has a unique set of skills and abilities, his/her own educational background and employment history. Each job order encompasses a particular set of qualifications. Beyond the general occupation type, nearly all positions also contain discrete requirements such as "keyboard skills", "bondable", "able to lift 40 lbs.", "own car", "own tools", "valid driver's licence", "not afraid of heights", "experience with children", "able to work nights and weekends" and so forth. The Social Services Department encourages client self-referral to employment through automated job bank kiosks, bulletin boards and other measures. However, the task of linking recipients to suitable employment continues to be very labour intensive. Employment 96 and Employment 97 both represent additional staff resources aimed at increasing the number of successful client / employment matches. Employment Link represents the automation of a significant portion of the matching process.

There are numerous benefits to the Employment Link project. First and foremost, faster and increased linking of recipients to suitable, available work will result in substantial reductions in financial assistance costs. Additional staff resources, such as those needed for Employment 96 and Employment 97 should not be required once segments of the work are automated. As well, service will be dramatically enhanced for both recipients looking for work and employers looking for help. The ad hoc query capabilities will allow Administration better access to and manipulation of client and employer data. This should result in better decision-making and work program development. The infrastructure developed for Employment Link will strengthen the Department's ability to interface with Human Resources Development Canada and improve the integration process of the Single Window Initiative. Employment Link also should facilitate the One-Tier Project, the integration of municipal and provincial social assistance in Winnipeg, as that project appears to be heading to a client-server model. Finally, Employment Link provides the Social Services Department with some of the technology infrastructure needed to minimize service delivery disruptions when the City's mainframe is not in operation.

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For the information of Council, Schedule "A", Budget and Savings for Employment 97/Employment Link Strategy; Schedule "B" Results to Date on Employment 96; Schedule "C", Information on Employment 97; and Schedule "D", Information on Employment Link is on file in the Office of the City Clerk.

The Committee on Planning and Community Services recommends:

I. That the Administration and Operations Budget, Current Estimates of the Social Services Department be increased by $330,147.00 (gross) in 1997 and $149,633.00 (gross) in 1998 to cover the development and implementation of Employment Link, an information technology project which will facilitate the matching of social assistance recipients with available employment and training opportunities, to achieve a reduction in financial assistance costs of approximately $6 Million (gross) for 1998.

II. That the 1997 Current Estimates for the Social Services Department, Temporary Salaries Accounts, be increased by $382,700.00 (gross) for an Employment 97 project which will sustain lower caseloads and reduce 1997 financial assistance costs by approximately $8.8 Million (gross) during the development of Employment Link.

Adopted by consent.

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

177 - 6. ***Note: This clause has been referred back to the Committee on Planning and Community Services for review by the Legal Services Division.***

Referred back by the Committee on Planning and Community Services for review by the Legal Services Division

Infill Development within the Odour Control Line - Proposed Plan of Subdivision of land Located on the North Side of Murray Avenue between Carsdale Place and Donan Street - Lord Selkirk-West Kildonan Community
Files DASSF 523/96 and DASSF 524/96

178 - 7. In July 1996, the Administrative Coordinating Group considered subdivision applications under Files DASSF 523/96 and DASSF 524/96, and recommended the same for both applications, namely: "that this application not be approved as the subject land lies within the one kilometre odour control zone for the North End Water Pollution Control Centre as established by Plan Winnipeg".

On September 17, 1996, the Lord Selkirk-West Kildonan Community Committee considered subdivision applications DASSF 523/96 and DASSF 524/96. The Community Committee concurred with the solicitor, Mr. Wawrykow, representing the property owners, who expressed the opinion that the restriction on development is unwarranted for legal, practical, moral and compassionate reasons, and who requested that the applications to subdivide be proceeded with.

On October 29, 1996, the Committee on Planning and Community Services considered the recommendation of the Lord Selkirk-West Kildonan Community Committee and approved the proposed subdivisions in principle with the provision that they be held in abeyance pending receipt and consideration of a report from the Water and Waste Department with respect to "infill" situations within the 1 km odour control line for both the North End Water Pollution Control Centre (NEWPCC) and South End Water Pollution Control Centre (SEWPCC); as well as a report from the Land and Development Services Department pertaining to recommended conditions for approval of the subdivision applications.

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On November 26, 1996, the Committee on Planning and Community Services considered a report dated November 7, 1996 from the Land Development Administrator and concurred in the recommendations contained therein as outlined in Schedule "C". The Committee also considered a report dated November 14, 1996 from the Acting Director of the Water and Waste Department with respect to "infill development". Upon approval by Council of the November 14, 1996 report from the Water and Waste Department, the short form subdivision applications under Files DASSF 523/96 and DASSF 524/96 will be proceeded with subject to the registering of caveats on the above noted properties.

The recommendation by the Administrative Coordinating Group to not allow the applications to proceed follows Plan Winnipeg policy and Council adopted policy respecting the odour control line. These policies have been previously cited in correspondence to the Committee on Planning and Community Services, namely the Report from the Commissioner of Planning and Community Services, dated October 16, 1996, outlined on Schedule "A" and the letter from the Land Development Administrator, dated October 16, 1996, outlined on Schedule "B".

Odour emissions from the North End Water Pollution Control Centre (NEWPCC) and South End Water Pollution Control Centre (SEWPCC) are regulated through License #1188 and License #1190 under the Environment Act. The one kilometre development control line around the water pollution control centres was established on August 21, 1985 when City Council adopted Plan Winnipeg (By-law No. 2960/81). The policy has restricted development within the one kilometre zone in consideration of the potential release of nuisance odours and the interference of the comfort, well-being, livelihood or enjoyment of life by new residents in the control zone.

The City has embarked on an odour control mitigation program for the NEWPCC and the SEWPCC, which is projected to be complete by early 1998. The program has included an odour audit of the two facilities and a review of applicable odour control technologies. Currently, odour control pilot tests are being undertaken which are expected to be complete in February, 1997. Then the City will make application for Environmental Licenses necessary to allow changes to be constructed. Provided the licenses are issued promptly by the Province, detailed design and construction of the full scale odour control works will be undertaken through the remainder of 1997 and early in 1998.

Until the odour mitigation works are complete and functioning to expectations, uncontrolled odour releases will occur occasionally from the two facilities. Therefore development is restricted within the odour control zone. For large scale development where very large parcels of land, ie: tens of acres, this restriction should be upheld, although there is an alternative currently being considered which is the subject of a separate report. That report will propose that development applications be processed and ready for installation of underground services prior to completion of the mitigative measures, but that building permits for houses be withheld until mitigative measures are complete.

This would apply to the NEWPCC and to the SEWPCC as there are still large tracts of land within the respective odour zones.

The NEWPCC odour zone also has the most potential for "infill" development, as demonstrated with the subject applications. Approving "infill" development within the one kilometre odour control zone at the NEWPCC would result in only a small number of new lots/houses before the odour mitigation program is complete. Currently, there are no other applications other than those under DASSF 523/96 (two lots) and DASSF 524/96 (two lots). The number of potential new lots/houses is insignificant in comparison to the overall number of existing lots/houses within the odour control zone. However, Council is advised that the NEWPCC staff do, from time to time, receive complaints from residents within the control zone, some of whom are long time residents.

The potential for citizen complaints of nuisance odours as a result of the interference with the comfort, well-being, livelihood or enjoyment of life by residents in the control zone can be addressed by caveat. This was done previously with remaining lands covered by existing development agreements DASZ 12/82 and DASZ 31/84 which were just inside the SEWPCC odour zone. For those lots, caveats were to be registered advising property owners of the presence of the water pollution control centre and the potential for odour emissions on an occasional basis. For the subject lots considered as " infill" development, it is recommended that the caveat also advise property owners 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. This additional wording is necessary because the subject lots are well within the NEWPCC odour control zone (approximately one-half kilometre from the facility) and are more at risk of experiencing odour emissions.

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The Committee on Planning and Community Services recommends:

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.

II. That the wording of the caveat be approved by the City Solicitor/Manager of Legal Services.

III. 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. 200 for attachment)

Proposed Servicing Agreement for commercial development on William Avenue east of Tecumseh Street - Lord Selkirk-West Kildonan Community
File DASZ 17/95
(c/r DAZ 203/96 and AG 403/96)

179 - 8. On January 24, 1996, Council approved the rezoning of land located on the north side of William Avenue east of Tecumseh Street to a "C2" Commercial District to allow the construction of a laboratory, clinic and office by the Winnipeg Blood Transfusion Services Centre Inc., referred to as "the Centre".

At the time the rezoning application (DASZ 17/95) was being processed it was not known to what extent the construction of the new buildings including a pedestrian tunnel under William Avenue would have on the services in the abutting street and lane. The Centre’s architects and engineers have now prepared drawings which identify the effect of construction on the services and the administration has advised the Centre that a servicing agreement will be required.

On November 26, 1996, the Committee on Planning and Community Services considered the provisions of the servicing agreement as outlined in the Report of the Administrative Coordinating Group, dated November 12, 1996 and additional information, as follows:

- That Recommendation 1. a) be deleted in its entirety and replaced with the recommendation as set out below;

  That Recommendation 1. b) be amended by deleting the words “to Elgin Avenue” after the word “lane” in the second line and by deleting the words “connecting the lane to Elgin Avenue” after the word “roadway” in the fourth line;

  That Recommendation 2. be deleted in its entirety and replaced with the recommendation as set out below, and;

  That Recommendation 4 be deleted, namely:

  > “The Centre shall, at no expense to the City, renew the connection from the existing catch basin in the lane to the sewer in William Avenue to the satisfaction of the Commissioner of Works and Operations.”

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That the remaining Recommendations be renumbered.

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

I. a) The Centre shall, at no expense to the City, construct a new concrete pavement to a width of 16 feet in the lane abutting the proposed building excavation and shall repair any damage caused during construction of the project to the remaining portion of the lane abutting the development, all as determined by and to the satisfaction of the Commissioner of Works and Operations.

b) The Centre shall obtain easements on behalf of the City across privately-owned lands to permit diversion of the lane during construction to the satisfaction of the Commissioner of Works and Operations. The Centre shall, during construction, maintain an all-weather roadway as determined by and to the satisfaction of the Commissioner of Works and Operations.

II. The Centre shall, at no expense to the City, construct a new full-width concrete sidewalk on the north side of William Avenue from the west property line of the development to the proposed private vehicular approach, and shall repair any damage caused during construction of the project to the remaining portion of the sidewalk abutting the development, all as determined by and to the satisfaction of the Commissioner of Works and Operations.

III. The Centre shall, at no expense to the City, relocate the existing watermain in William Avenue in the vicinity of and to accommodate the proposed pedestrian tunnel as determined by and to the satisfaction of the Commissioner of Works and Operations.

IV. The haul route(s) for material excavated from the proposed development shall be as determined by the Commissioner of Works and Operations.

V. The Centre shall pay the full cost of engineering services provided on behalf of the City by a municipal engineer in connection with the construction of the works described in 1. to 4., both inclusive, above. The municipal engineer shall be responsible for the design and inspection of the works and for providing "as-built" drawings of the works.

VI. The Centre shall pay $1,650.00 plus 7% G.S.T. to defray the City's administration and related costs associated with the preparation and implementation of the servicing agreement.

VII. 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 Subdivision and Rezoning - Land located at the Northeast corner of Pipeline Road and Leila Avenue - Lord Selkirk-West Kildonan Community
File DASZ 11/96

180 - 9. The Committee on Planning and Community Services has been advised that an application has been received from Kingsford Developments for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "R1-20" Residential District to a "C2" Commercial District and an "RM-3" Multiple-Family District as outlined on Schedule "A", to permit the establishment of a commercial parcel and five (5) multiple-family housing sites.

The following is the Present Site Description:

Site Area: 14.8 acres approximately

Existing Land Use and Zoning: Currently the land is vacant and is zoned "R1-20" Single-Family Residential.

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The following is the Surrounding Land Use and Zoning:

North: Generally vacant "R1-20" large lot residential area.

East: Zoned and developed "RM-5" Nursing Home Facility.

West: Zoned and generally developed "R1-5" and "R2" housing areas. An undeveloped "C2" Commercial site occupies the northwest corner of Pipeline Road and Leila Avenue.

South: Fully developed "R1-5.5" Single-Family housing area.

The applicant is proposing to have a small commercial site and five (5) parcels set aside for Housing Development. Three (3) sites are for three-storey condominiums and the remaining two (2) are for enriched housing.

A number of years ago, an application on the subject land was made for single-family homes and a small commercial site. Primary access was off of Leila Avenue. For variety of reasons, including development costs, that original proposal was never finalized. The current applicants feel that the site is more appropriate for low density multiple-family housing (three-storey) and the accompanying maps show four (4) separate blocks of three-storey condominium development with private entrances from either Leila Avenue or Pipeline Road. Given the presence of the Seven Oaks Hospital lying adjacent to the east and neighbouring nursing home lying immediately to the east of the subject land, the properties along Leila Avenue do appear appropriate for multiple-family housing at a low density scale.

The proposed commercial site with proposed 11,000 square feet of floor space is of similar size and configuration to an adjacent "C2" parcel at the northwest corner of Pipeline Road. Lands lying adjacent to the north, abutting the south side of Court Avenue do not constitute part of the subject plan. When those properties are ready to be serviced and subdivided, they will probably be subdivided into individual residential lots fronting onto cul-de-sacs off of Court Avenue. The Community Planning Division supports the proposed subdivision and rezoning and recommends that your Committee endorse the proposal as submitted.

Public Hearings were held before the Lord Selkirk-West Kildonan Community Committee on July 16, September 17 and October 22, 1996.

A number of people appeared in support and in opposition to the subject application as outlined in the report of the Lord Selkirk-West Kildonan Community Committee dated November 1, 1996.

The Lord Selkirk-West Kildonan Community Committee recommended that:

1. The proposed subdivision and rezoning not be proceeded with for the following reasons:

   A) The application is of too great a density for this primarily “R1" residential area.

   B) That no specifics as to either the commercial or residential developments were brought forward, an example is that all the commercial uses mentioned by the applicant are “C1" not “C2" so there would be no need for “C2".

   C) The size and intensity of opposition from the three surrounding sides of the proposed development.

   D) This type of intense density housing is better suited to the downtown area where commercial services, transportation and other amenities are already readily available.

   E) Traffic concerns regarding the corner of Leila Avenue and Pipeline Road and to the east along Leila Avenue.

   F) This application would make the land on the northern section of the block undevelopable to any acceptable standard as costs could not be spread across a significantly large enough area to make any development economically feasible.

Report of the Committee on Planning and Community Services dated November 26, 1996

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

I. That the proposed subdivision and rezoning to amend Zoning By-law No. 6400/94 by rezoning lands under File DASZ 11/96 from an "R1-20" Residential District to a "C2" Commercial District and an "RM-3" Multiple-Family District Be Not Proceeded With.

Adopted by consent.

(See Minute No. 201 for attachment)

Proposed Subdivision and Rezoning - land located on the North side of Kenny Street and Traverse Street - Riel Community
File DASZ 15/96 (c/r DAV 487/96D)

181 - 10. The Committee on Planning and Community Services has been advised that an application has been received from Foyer Vincent Inc., 608 - 400 Des Meurons Street, Winnipeg R2H 3H3, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from a "PR-1" Parks and Recreation District to an "RM-4" Multiple-Family District to permit the establishment of a five-storey, multiple-family seniors' complex.

The following is the present Site Description:

Site Area:

Lot 1: Dimensions of 54.47 m (178.71 feet) by 43.4 m (142.33 feet), 25,276 square feet;
Use is existing multiple-family dwelling (elderly housing project), 10 storey, 70 units;

Lot 2: (Proposed) Dimensions of 60.56 m (198.71 feet) by 37.3 m (122.34 feet), 24,156 square feet;
Land use is open space.

The following is the Surrounding Land Use and Zoning:

North: low-density housing, zoned "R2-T"

East: mixed-density housing, zoned "R2-T"

West: apartment block, zoned "R2-T"

South: mixed-density housing (single and two-family residential), zoned "R2-T"

Development Description:

Related applications: DAV 487/96D -

- to vary the proposed "RM-4" regulations for the newly proposed structure to vary the height, front and east yards;

- to vary the "R2-T" and "PR-1" regulations in order to maintain lot area and rear yard variances for the existing 10-storey seniors' building.

Proposed Lot 1: Existing multiple-family (elderly) housing structure, 10 storey, 70 units.

Proposed Lot 2: 5-storey seniors' housing facility (27 units).

Report of the Committee on Planning and Community Services dated November 26, 1996

In 1994, under File DASZ 17/94, the owners of Foyer Vincent made application to convert the open space zoned "PR" adjacent to their existing ten-storey housing project into four (4) single-family housing lots fronting onto Eugenie Street. At that time, the Community Planning Division's recommendation to the Riel Community Committee was to deny the application. The Community Planning Division's position was and is that new development on the open space appurtenant to multiple-family dwellings cannot be endorsed. The purpose of the open space requirement has always been to (1) provide an active or passive recreation area for the residents of the multiple-family housing and (2) to compensate for higher intensity development on the remainder of the land. If development is to take place, then at the very least, the new development should be in character with the surrounding neighbourhood.

The proposed four-lot subdivision, had it been approved, would have been generally consistent with the prevailing character and density of the neighbourhood. However, that application was withdrawn and replaced with an application to rezone the subject land to an "RM-4" Multiple-Family category to facilitate construction of a five-storey seniors' complex (27 units).

While increasingly there is more and more pressure to accommodate seniors housing projects of a reasonable scale on neighbourhood areas, each application has to be reviewed on the basis of its merits and the integrity and stability of the existing neighbourhood has to be given first priority.

In this instance, this particular neighbourhood has probably reached and surpassed its threshold for multiple-family housing. Two large multiple-family projects already exist within the confines of a relatively small area. To construct a third project at this location would, in our view, be an over-development of the site and out of character with the area.

A number of people appeared in support and in opposition to the subject application as outlined in the report of the Riel Community Committee dated November 19, 1996.

The Riel Community Committee recommended that:

1. The proposed subdivision and rezoning be proceeded with for the following reasons:

    A) The Riel Community Committee is of the view that approval of this application will be a great benefit to the community and will not adversely affect the surrounding neighbourhood.

    B) There is substantial support for this application.

On November 26, 1996, the Committee on Planning and Community Services considered the proposed subdivision and rezoning under File DASZ 15/96 and a report from the Manager of Community Planning, dated November 22, 1996, which submits standard conditions normally attached as a conditional of approval as set out in the recommendations below.

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

I. That the plan of subdivision proposed under File DASZ 15/96 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/96, dated November 22, 1996, for registration in the Winnipeg Land Titles Office.

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 proposed Lot 2 as outlined in Schedule “A” for File DASZ 15/96, dated November 22, 1996, to an “RM-4” Multiple-Family District.

IV. That the standard 10% dedication requirement be waived in this case.

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

VI. That the 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.

Report of the Committee on Planning and Community Services dated November 26, 1996

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

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

Adopted by consent.

(See Minute No. 202 for attachment)

Proposed Rezoning - 746 - 758 McMillan Avenue - City Centre Community
File DAZ 217/96
(c/r Demo 1/96 and DAV 614/96D)

182 - 11. The Committee on Planning and Community Services has been advised that an application has been received from Dorchester Developments Ltd., c/o Arch Honigman, 585 River Avenue, Winnipeg, MB, R3L 2S9, to amend By-law No. 6400/94 by rezoning the land as outlined below from an "R1-3" Single Family District and an "R2" Two Family District to an "RM-4" Multiple Family District to allow for the maintenance of a multiple family dwelling and a single family dwelling; and to establish an accessory parking area for the multiple family dwelling.

The following is the present Site Description:

Existing Land Use and Zoning:

The subject site is currently developed with a three storey apartment block (758 McMillan Avenue) containing approximately 25 condominium units at the corner of McMillan Avenue and Arbuthnot Street. The lot immediately east of the apartment block was formerly occupied by a single family dwelling, since torn down. The site is now vacant with the exception of the rear of the lot which is used for parking of eight vehicles. The most easterly lot (S.P. Lot 15, Plan 27,423) contains an existing single family dwelling at 746 McMillan Avenue and eight parking stalls to the rear.

The following is the Surrounding Land Use and Zoning:

Adjacent land uses are predominantly single family residential to the north and east zoned "R1-3" Single Family Residential District, multiple family on all four corners at Arbuthnot Street and McMillan Avenue zoned "R2" Two Family District with the exception of the northwest corner which is zoned "R1-3", and commercial to the south, fronting Corydon Avenue zoned "C1.5" Commercial District.

The applicant is proposing to rezone the properties containing the existing apartment block and the now vacant lot adjacent and a single family dwelling lot to the east, to a multiple family district as outlined on Schedule "A". The now vacant lot adjacent to the apartment, formerly containing a single family dwelling, is proposed to be developed as an accessory parking lot to the apartment block. The existing single family dwelling to the east would remain, together with eight parking stalls to the rear.

The apartment block is currently zoned "R2" Two Family Dwelling District. The single family lot to the east is zoned "R1-3" Single Family District. The McMillan neighbourhood was the subject of a downzoning in 1995 resulting in a major reclassification of properties in the area to better reflect the predominantly single family character of the neighbourhood. Zoning on several of the multi-family lots in the area was maintained in the "R2" category. The apartment block is an example of this case. The "R2" zoning does not adequately reflect the scale and density of the use at this location, and the Community Planning Division is prepared to support the rezoning of this property on this basis. A more appropriate zoning category is the proposed "RM-4" district.

The lot adjacent to the apartment building, formerly occupied by a single family dwelling, since demolished, is presently zoned "R2" as the apartment building and this lot were covered under a single parcel in a survey plan. The single family dwelling was demolished illegally in early 1996 and is the subject of a related application (Demo 1/96). The applicant is proposing to convert the use of this lot to parking to be used as an accessory parking area for the apartment block next door.

Report of the Committee on Planning and Community Services dated November 26, 1996

There has been some pressure in the McMillan neighbourhood for the conversion of single family properties adjacent to apartment blocks to accessory parking lots. Historically this property and the single family dwelling to the east (746 McMillan Avenue) have been the subject of some concern in the neighbourhood. The properties have been allowed to deteriorate by the property owner and one was apparently condemned. The local residents' association has indicated in the past that there may have been some support for the conversion to a parking lot use in light of the scarcity of parking in the area, and the relief it would provide for parking on the local residential street system if the applicant had discussed the matter with the neighbourhood in advance of the demolition. However, since proper procedures were not followed, this case tends to set a bad example for other multiple unit owners or potential owners in the area and should not be endorsed as an acceptable process for the achievement of land uses that do not comply with current regulations.

The single family lot and existing dwelling on the east side of the application area at 746 McMillan Avenue have been incorporated in the request for rezoning. The Community Planning Division discussed the inclusion of this lot in the application with the applicant prior to acceptance of the application. The Division indicated at that time that it would not support this request. The property is owned by the same party as the lot to the west. The applicant maintains eight parking spaces at the rear of this property benefiting the apartment block at 758 McMillan. The presence of eight parking spaces on the site is illegal; four spaces would be permitted under the current by-law. The Community Planning Division would prefer that this lot remain in single family use, and that the zoning classification be maintained as "R1-3" Single Family District with the intent being to retain the single family character of the property and not prepare it prematurely for conversion to higher density uses and/or related accessory uses (i.e., parking lot). The Division would not want to see a repeat of the situation which occurred next door.

Combined with the rezoning, the applicant has submitted a plan for a parking lot design on the now vacant parcel adjacent to the east wall of the apartment building. The Division has some concerns related to site development and the proposed design. These concerns have been incorporated in the report for the related zoning variance under File DAV 614/96D.

The Community Planning Division is prepared to support the rezoning of the apartment block parcel, including the property formerly occupied by a single family dwelling to an "RM-4" Multiple Family District for accessory parking purposes but not the lot to the east (Lot 15, S.P. Plan 27423) at 746 McMillan Avenue. The recommended rezoning proposal is outlined on Schedule "B". The addition of an accessory parking facility would enhance the attractiveness of the condominium units, assist in ensuring the health and stability of the neighbourhood, relieve some pressure for on-street parking, and rationalize the zoning of this multiple family property.

Public Hearings were held before the City Centre Community Committee on October 15 and November 5, 1996.

Three persons were heard in support of the proposed application. No one was heard in opposition to the proposed rezoning.

The City Centre Community Committee recommended that :

1. The proposed rezoning be proceeded with for the following reasons:

    A) Following the downzoning of properties in the area in 1995, zoning on the multi-family lot was maintained in the "R2" category and does not adequately reflect the scale and density of use at this location.

    B) The lot adjacent to the apartment building, formerly occupied by a single family dwelling, is presently zoned "R2" as the apartment building and this lot were covered under a single parcel in a survey plan.

    C) The Community Planning Division is prepared to support the rezoning of the apartment block parcel, including the property formerly occupied by a single family dwelling, to an "RM-4" Multiple Family District for accessory parking purposes but not the lot to the east.

    D) The addition of an accessory parking facility will enhance the attractiveness of the condominium units, assist in ensuring the health and stability of the neighbourhood, relieve some pressure for on-street parking and rationalize the zoning of the multiple family property.

Report of the Committee on Planning and Community Services dated November 26, 1996

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

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "B" for File DAZ 217/96, dated October 1, 1996, to an "RM-4" Multiple Family District.

II. That a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

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

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

V. That the 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. 203 for attachment)

Proposed Rezoning - 2400/2430 McGillivray Boulevard - Assiniboia Community
File DAZ 218/96 (c/r DAV 615/96D)

183 - 12. The Committee on Planning and Community Services has been advised that an application has been received from Aikins, Macaulay and Thorvaldson, c/o Colin Pewarchuk, 30th Floor, 360 Main Street, Winnipeg, MB, R3C 4G1, to amend By-law No. 6400/94 by rezoning the land as outlined below from an "A" Agricultural District to an "M1-B" Industrial District to allow for industrial development.

The following is the present Site Description:

Site Area: Approximately 3.3 acres.

Existing Land Use and Zoning:

The subject property is located on the south side of McGillivray Boulevard, immediately west of the CPR tracks and is currently occupied by five buildings (a one storey metal clad building, a one and half storey stucco residence, a residential stucco garage, and two movable frame sheds) and is zoned “A” Agricultural District. The residential building is occupied and the metal clad warehouse building is currently vacant. All the lands are owned by United Grain Growers Limited.

The following is the Surrounding Land Use and Zoning:

Lands to the west of the subject property are generally known as the hamlet of Fort Whyte and are zoned for residential use at “R1-20” zoning district densities. A former general store site for the community immediately west of the subject property is zoned for commercial use with a “C1” Commercial District designation. Lands immediately south of the subject property are designated for future use as a regional community centre for the Whyte Ridge area and have recently been zoned to a “PR1” District. They are to house soccer pitches, a community centre building and other sports fields. Lands west and south of the community centre form the western part of the Whyte Ridge subdivision and are zoned “R1-4” Residential District. Lands to the east of the subject property are owned and operated by United Grain Growers as a grain elevator facility and are zoned “A” Agricultural District. Immediately east of the elevator are the CPR tracks. Lands on the north side of McGillivray Boulevard are occupied by the offices and operations of LaFarge Canada Cement and are zoned “M1” Industrial District.

Report of the Committee on Planning and Community Services dated November 26, 1996

The applicant is proposing to renovate the existing 11,500 square foot warehouse building on the site for use as a wholesale food distribution centre which will store food and frozen meats to be operated by To-Le-Do Food Service. To-Le-Do Food Services operates two other food distribution facilities in the city. The building will be retrofitted to accommodate a large freezer, cooler and miscellaneous storage space. Offices of the operator will also be located within the building. Existing loading docks on the north and south sides of the building will be utilized for shipping and receiving. Hours of operation for the facility are expected to be from 6:00 a.m. to 6:00 p.m.

A related variance application (DAV 615/96D) is being processed covering site development matters.

The existing residential buildings, a dwelling and detached garage, at the northeast end of the site are to be maintained in residential use.

There are no immediate plans to construct any additional buildings on the site, or undertake any external renovations to any of the buildings. Movable sheds are to remain in the present locations.

A former use of this building was as a chemical storage warehouse. The applicant advises that the food distribution centre will be a federally inspected facility and must meet federal and provincial environmental standards.

Primary access to the site is obtained from McGillivray Boulevard via two approach driveways. The driveway furthest to the west is intended for the sole use of the proposed industrial operation; the driveway to the east is intended for the sole use of the residential occupant. Once on the site, circulation between the residential portion of the lot, the industrial portion, and the UGG elevator to the east is free and unrestricted.

The west and south boundaries of the property are lined with trees and shrubs which act as natural buffers.

Twelve parking spaces with plug-ins are available along the north wall of the building and along the northwest property line. Additional parking is available immediately to the east.

The applicant has indicated that this is the preferred location for a new food distribution warehouse due its access to major thoroughfares: Kenaston Boulevard (Route 90), Bishop Grandin Boulevard, McGillivray Boulevard, Pembina Highway (PTH 75) and the Perimeter Highway (PTH 101). The operation is intended to be for storage and distribution of food and meat products only, combined with an office function; no processing will be conducted on site. Storage will be both refrigerated and dry. The west end of the building may also be used for the indoor storage of vehicles (i.e., delivery trucks).

The subject site is designated Neighbourhood under *Plan Winnipeg*. The Plan allows for the development of new uses in mixed use neighbourhoods under Policy Statement 5A-12 which includes:

> *"light industrial development at industrial park standards to act as a buffer between residential development, major traffic arteries or railways, or other incompatible uses".*

As such, the proposed rezoning is deemed to conform with the Plan as the proposed industrial designation requires higher performance standards than typical industrial zoning, and higher site development standards. The applicant has indicated that they will abide by the higher industrial park standards for site development. Further discussion of these matters will be provided in detail under the variance report (DAV 615/96D).

The applicant's property extends southerly on its western boundary to touch Sigma Avenue and the residential lane between Sigma Avenue and McGillivray Boulevard. Industrial access to these roads should be restricted as a condition of approval of the rezoning. Residents of Fort Whyte have raised a concern about potential traffic circulation in the area. All traffic entering and exiting the site should be directed to utilize McGillivray Boulevard as the primary means of access.

The Community Planning Division also has some concerns about the continued presence of a residence on the property. The applicant is advised that the residence may remain at this location pending confirmation of its existing use as a non-conformity. However, in the long term, it would be in the best interests of the owner to have the residence removed from the property as it will be rezoned to an industrial district, unless the operator of the business intends it to be used on a permanent basis for a caretaker's residence.

The Community Planning Division is generally supportive of the industrial rezoning of the property provided an industrial park standard is maintained.

Report of the Committee on Planning and Community Services dated November 26, 1996

A Public Hearing was held before the Assiniboia Community Committee on October 15, 1996.

Three persons were heard in support of the application.

One person was heard in opposition to the proposed application.

The Assiniboia Community Committee recommends that:

1. The proposed zoning agreement amendment be approved for the following reason:

   A) The application complies with the adjacent area.

2. The proposed zoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation:

On November 26, 1996, the Committee on Planning and Community Services considered the Report from the Assiniboine Community Committee, dated October 29, 1996 and concurred in part by recommending deletion of the following conditions, namely:-

   II. That the existing residential buildings, a dwelling and detached garage, at the northeast end of the site be continued to be used as a residence.

   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.

The Committee on Planning and Community Services therefore recommends:

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 218/96, dated October 8, 1996, to an "M1-B" Industrial District, subject to the following:

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

      1. That no vehicular access be allowed to Sigma Avenue or the lane north of Sigma Avenue.

      2. That the use of the land be restricted to warehousing, including cold storage and offices.

      3. That no exterior alterations or additions be made to the existing building(s) and that no new building(s) or structure(s) be erected or located on the land except in accordance with plans approved by the Commissioner of Planning and Community Services and the Assiniboia Community Committee.

      4. That the site be landscaped and fenced in accordance with Zoning By-law No. 6400/94 within two (2) years of the date of the Zoning By-law coming into force and effect.

II. That a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

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

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

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

Report of the Committee on Planning and Community Services dated November 26, 1996

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.

In amendment,

The Executive Policy Committee recommends that the following recommendations be re-inserted:

II. That the existing residential buildings, a dwelling and detached garage, at the northeast end of the site be continued to be used as a residence.

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.

and that the balance of the recommendations be renumbered accordingly.

Adopted by consent.

(See Minute No. 204 for attachment)

Proposed Zoning Agreement Amendment - 1824 Pembina Highway, east side, south of Adamar Road - Assiniboia Community
File ZAA 5/96 (c/r DAZ 218/91)

184 - 13. The Committee on Planning and Community Services has been advised that an application has been received from Wolch, Pinx and Company, c/o Frank Bueti, 10th Floor - 330 St. Mary Avenue, Winnipeg, MB, R3C 3Z5, to amend a Zoning Agreement for the property located at 1824 Pembina Highway, commonly known as the Ramada Inn.

The existing Zoning Agreement restricts the use of the land to a hotel only. The applicant intends to demolish the existing building and establish a new commercial use on the property. To accomplish this, the applicant would like to delete the clause restricting the use and replace it with a new clause which would permit all "C2" Commercial District uses, including Conditional Uses.

The site is located on the east side of Pembina Highway, between Adamar Road to the north and Plaza Drive to the south. The Norlander Hotel sits north of the subject site, on the north side of Adamar Road. Immediately east of the subject site, lands are developed for high density multiple family units in two towers: Adamar Manor and Delta Manor. The south side of Plaza Drive is developed with the Pembina Crossing Shopping Mall and Red Lobster restaurant. The northeast corner of Pembina Highway and Plaza Drive, immediately southwest of the subject property two commercial buildings located thereon; the D'8 Schtove restaurant and a two storey strip commercial building. Access to the subject site is available from Adamar Road, Pembina Highway and across an easement to Plaza Drive.

The Community Planning Division has reviewed the range of "C2" Commercial District permitted and conditional uses, and is not prepared to support an all-inclusive list. The Division does not support the introduction of those uses deemed to be in potential conflict with adjacent residential and hotel uses especially with respect to noise, aesthetics, and the general nature of some commercial operations. The character of this section of Pembina Highway is somewhat different from sections either further north or south due to the nature of commercial uses in the area or proximity to high density residential development. There is also a history of complaints from residential neighbours regarding the level of noise generated from adjacent uses and the associated high levels of traffic in the immediate vicinity, particularly along Plaza Drive. Some commercial uses require extensive refrigeration and air conditioning systems which are traditionally mounted on the roof. These mechanical units may emit a significant level of noise causing a potential nuisance to nearby residents. Other commercial uses require significant loading areas. Noise and traffic from large trucks, combined with on-board refrigeration units may be a potential noise and activity problem in the neighbourhood. Also, the scale of loading area required may overwhelm the site, causing unsightly views from neighbouring properties. For these reasons, it is recommended that the use list be limited.

Report of the Committee on Planning and Community Services dated November 26, 1996

The existing Zoning Agreement does not contain a clause addressing site development. The Community Planning Division recommends that a standard plan approval clause be inserted into the agreement to address future site development items including fencing, landscaping, building siting, parking and loading, building materials, elevations, garbage containers, signs and other amenities.

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

Two persons were heard in support of the zoning agreement amendment. No one was heard in opposition to the proposed amendment.

The Assiniboia Community Committee recommends that:

1. The proposed zoning agreement amendment be approved for the following reason:

   A) The application takes an existing commercial site which is currently not utilized and transforms it to new space for retail outlets on Pembina Highway.

2. The proposed zoning agreement amendment be approved subject to a number of conditions all of which have been incorporated within the following recommendation:

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

I. That Zoning Agreement DAZ 218/91, dated May 29, 1991, be amended as follows:

   A. By deleting Clause 2 which states that:

      "The land and contiguous land and any building or structure thereon shall not be used for and no building or structure shall be erected, placed, altered or enlarged thereon for any use except an hotel plus any uses incidental and accessory to that hotel."

   B. By replacing Clause 2 with a new Clause 2 as follows:

      1. "That the following uses not be permitted on the land:

         · arena, auditorium, stadium
         · auction room
         · automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies/parts
         · automobile, including motorcycle: supplies/parts, sales
         · automobile washing: drive-through or self-service
         · boat: sales, service
         · boat docking/launching, boat rental, marina
         · bus station
         · contractor's establishment
         · dispatch for courier/delivery/express service, cleaning service, key and lock service, security service, taxi, or similar service, excluding terminal
         · exterminator
         · farm supplies: sales
         · landscape/garden supplies: sales, including outside display limited to packaged supplies, plants or trees
         · machinery/heavy equipment supplies and parts: sales, installation and service
         · motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental, sale, service
         · rental establishment, including household, office, gardening or home improvement equipment, banquet or party supplies
         · terminal for courier/delivery/express service, cleaning service, key and lock service, security service, taxi or similar service
         · tire: sales, service
         · wood products: manufacture from finished wood, including a cabinet shop

Report of the Committee on Planning and Community Services dated November 26, 1996

2. that there be no accessory outside storage."

C. By adding a Clause 7 as follows:

"That no new building or structure, nor any renovation or additions to any existing building, shall be erected on the land and no building permit issued for construction on the land until plans showing the location and design of the structure, renovation or addition, exterior elevations, building materials, fencing and site landscaping, garbage containers and enclosures, signs and other site amenities, are submitted to and approved by the Assiniboia Community Committee and the Commissioner of Planning and Community Services."

D. By adding a Clause 8 as follows:

"That a 10 foot landscaped area be established at the most westerly 10 feet of the lot facing Pembina Highway and that roadway and parking commence immediately east of the landscaped area."

E. By adding a Clause 9 as follows:

"That accessory off-street loading facilities be oriented toward that side of the lot facing Pembina Highway and not on the east side of the lot closest to the adjacent residential district."

F. By adding a Clause 10 as follows:

"That a 10 foot rear yard be established along the east boundary of the lot abutting the adjacent residential district."

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 218/91, dated May 29, 1991, 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 Zoning Agreement Amendment - 1042 Keewatin Street, West side, South of Inkster Boulevard - Lord Selkirk-West Kildonan Community
File ZAA 7/96 (c/r DAZ 207/87, DAV 642/96C and DCU 189/96C)

185 - 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 as outlined below by adding to the list of permitted uses "Billiard Parlour".

The property in question is bounded on the north and south by existing commercially zoned land, on the east by the Inkster Industrial Park and on the west by a residential subdivision. In 1987, Mr. Nocita rezoned the land from a multiple-family zoning category to a commercial "C2" category. As a condition of approval, the Zoning Agreement restricted use of the site to 19 uses including medical/dental clinics, restaurants, business colleges and/or retail department stores. All of the above-noted uses would probably generate as much or more traffic/activity than would a restaurant with a billiard table component. The billiard table component according to the plans submitted would total two (2) in the first phase with an additional six (6) to be installed at same point in the future. The principal use of the building is as a restaurant (sit-down) facility. It is the view of Community Planning Division that the addition of billiard tables to the permitted list table under Zoning Agreement DAZ 207/87 (By-Law No. 4703/87) will not significantly alter the status quo or adversely affect the surrounding business or residential neighbourhoods. It is therefore recommended that the subject application be endorsed.

Report of the Committee on Planning and Community Services dated November 26, 1996

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on October 22, 1996.

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

Six 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) Keewatin Street and Inkster Boulevard are major arteries which are currently very busy and intended to handle large volumes of traffic.

   B) The restaurant is currently a permitted use and is not part of this hearing and the billiard parlour would be an accessory use only.

   C) The hours of operation are currently allowed to be 24 hours.

   D) The noise would be contained within the building.

   E) The maintenance of property would be the responsibility of the tenant and it would be to their benefit to maintain it to a high standard.

   F) In an area with thousands of homes only 4 households appeared in opposition and no petitions were submitted.

The Committee on Planning and Community Services concurred in the recommendations 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 "Billiard Parlour (as an accessory use to a restaurant only) (subject to conditional use approval)."

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.

Proposed opening of part of Stradbrook Avenue South of Bell Avenue - City Centre Community File DAO 5/94

186 - 15. The Committee on Planning and Community Services has been advised that Council's approval in July of 1993 of the expropriation of lands required for street reconfiguration in conjunction with the Main Street/Norwood Bridge Project constitutes all the authority required by the City Administration to execute the legal documents required to effect the street openings, except for the portion of the opening of Stradbrook Avenue shown bordered and identified as "Subject Property" on Misc. Plan No. CC 9116/1 as outlined on Schedule "A". This property could not be included in the approval of the expropriation since the land was owned by the CNR and could not be expropriated. Council approval in this case is required by way of a street opening by-law.

The proposed opening was circulated to all concerned City departments and public utilities as part of the expropriation process in 1993 with no objections having been received. Negotiations with the CNR for the acquisition of the land have now been successfully completed.

Report of the Committee on Planning and Community Services dated November 26, 1996

A Public Hearing was held before the City Centre Community Committee on November 5, 1996. 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. CC 9116/1, 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. 205 for attachment)

Proposed lane opening at the intersection of the first lane South of Woodydell Avenue with the first lane East of St. Mary's Road - Riel Community

File DAO 17/96

187 - 16. The City acquired the property shown as "Proposed Lane Opening", as outlined on Schedule "A", in accordance with Misc. Plan No. RIEL 5156/2 in 1984. The property was acquired to facilitate the turning radius of large vehicles, particularly garbage trucks, in the area. The corner cut has been constructed, but the land has never been legally opened as a public lane.

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

On November 12, 1996, the Riel Community Committee held a public hearing with respect to the proposed lane opening under File DAO 17/96 and 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. RIEL 5156/2, as outlined on Schedule "A".

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

Adopted by consent.

(See Minute No. 206 for attachment)

Proposed widening of the South Side of Ellice Avenue East of Kennedy Street - City Centre Community File DAO 18/96

188 - 17. The Committee on Planning and Community Services has been advised that the dedication of the land as outlined on Schedule "A", in accordance with Misc. Plan No. CCFR 8664 was one of the conditions of AG 409A/85, a Development Agreement between the City and the North Portage Development Corporation. The City acquired the property in 1992. The widening has been constructed, but the land has never been legally opened as public street.

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

Report of the Committee on Planning and Community Services dated November 26, 1996

The City Centre Community Committee held a public hearing on November 5, 1996.

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. CCFR 8664, 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. 207 for attachment)

Appointments to the Winnipeg Housing Rehabilitation Corporation
Files EX-9 (Vol. 5) & GC-7 (Vol. 25)

189 - 18. By-law No. 1 of the Winnipeg Housing Rehabilitation Corporation established the Winnipeg Housing Rehabilitation Corporation to consider the acquisition, improvement and rehabilitation of existing buildings for, and the conversion thereof to, housing accommodation of all kinds for sale or rent to persons of low or modest income.

Council on November 6, 1996, referred to the Committee on Planning and Community Services the matter of the following appointments of Council representatives to the Winnipeg Housing Rehabilitation Corporation.

The Committee on Planning and Community Services recommends as follows:

1. That the following Councillors be appointed for a one-year term to the Winnipeg Housing Rehabilitation Corporation, namely:-

   Councillor Golden
   Councillor Murray
   Councillor Phillips
   Councillor Thomas
   Councillor Silva as Ex Officio Member

Adopted by consent.

REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED DECEMBER 9, 1996

On motion of Councillor Silva, the Report of the Committee on Planning and Community Services, dated December 9, 1996, was considered.

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

Carried.

Council Appointments to the Riverbank Management Committee
Files E-5.1 (Vol. 15) and GC-7 (Vol. 26)

190 - 1. Council, at its Organizational Meeting held on November 6, 1996, referred the matter of appointments to the Riverbank Management Committee, to all Standing Committees for consideration and recommendation to the Committee on Planning and Community Services for submission to Council.

The Committees on Finance and Administration, Planning and Community Services, Protection, Parks and Culture and Works and Operations nominated the following Councillors for appointment as their representatives and alternates on the Riverbank Management Committee,
namely: -

Committee	Representative	Alternate Member
Committee on Finance and Administration	Councillor Lubosch	Councillor Golden
Committee on Planning and Community Services (2 representatives)	Councillor Prystanski Councillor Phillips	Councillor Murray Councillor Golden
Committee Protection, Parks and Culture	Councillor Vandal	Councillor Thomas
Committee Works and Operations	Councillor Lazarenko	

The Committee on Planning and Community Services recommends that the above named Councillors and their alternates be appointed to the Riverbank Management Committee, effective from the date of Council approval and that said Councillors hold office until their successors have been appointed.

In amendment,

The Executive Policy recommends the appointment of Councillor Angus as the Alternate Member of the Committee on Works and Operations to the Riverbank Management Committee.

Adopted by consent.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

191 - 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. 6923/96, a by-law of The City of Winnipeg to open the northeast and southeast corners of rue Plinquet and rue Archibald, and the south side of boulevard Provencher west of rue Archibald. Files DAO 9/95 and DAO 10/95

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

By-law No. 6924/96, a by-law of The City of Winnipeg to open the lane (lane corner cut) at the south east corner of 140 Alfred Avenue. File DAO 12/96

By-law No. 6925/96, a by-law of The City of Winnipeg to open the lane (lane corner cut) at the intersection of the first lane east of Silvia Street with the lane opposite Digby Avenue. File DAO 14/96

By-law No. 6932/96, a by-law of The City of Winnipeg to open the lane (lane corner cut) at the intersection of the first lane north of York Avenue with the first lane east of Donald Street. File DAO 9/96

By-law No. 6933/96, 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. 6934/96, 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. 6935/96, a by-law of The City of Winnipeg to widen the northwest and southwest corners of the intersection of Notre Dame Avenue and Keewatin Street.
Files DAO 6/96 and DAO 7/96

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. 6946/96, a by-law of The City of Winnipeg in respect to the Winnipeg Public Library Board and Library Advisory Committees of The City of Winnipeg.
File L-1 (Vol. 14)

By-law No. 6947/96, a by-law of the City of Winnipeg to amend By-law No. 6550/95, being the Organizational By-law. File L-1 (Vol. 14)

Councillor Lazarenko asked to be recorded as having voted against all three readings of By-law Nos. 6946/96 and 6947/96, in accordance with Rule 50.7 of the Procedure By-law.