**REPORT OF THE COMMITTEE**

**ON PLANNING AND COMMUNITY SERVICES**

**DATED OCTOBER 29, 1996**

On motion of Councillor Silva, the Report of the Committee on Planning and Community Services, dated October 29, 1996, was considered clause by clause.

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

Carried.

**Proposed Amendment to Development Agreement AG 244/92 - Bruce Park Condominium - 1976 Portage Avenue - Assiniboia Community**

**File DAZ 244/92**

66 - 1. Council, on June 14, 1995, adopted Clause 7 of the report of the Committee on Planning and Community Services dated May 23, 1995 with respect to the above referenced property, which provided that Clause 1 of Schedule "B" of Development Agreement AG 244/92 remain as originally executed to read as follows:

"Lane Pavement

The Developer shall, at no expense to the City, construct a reinforced portland cement concrete pavement to a width of 6.1 m in the lane abutting the Planned Area from Portage Avenue to the first lane south of Portage Avenue and tapering to a width of 3.67 m at the south limit of the Planned Area and associated work including the relocation of any hydro poles to the satisfaction of the Commissioner of Works and Operations."

On October 29, 1996, the Committee on Planning and Community Services considered a communication dated September 25, 1996 from the Bruce Park Place Condominium Services Ltd., requesting an amendment to Development Agreement AG 244/92, namely, that the City consider sharing in the cost of constructing the subject concrete lane pavement as the City's Bruce Park abuts and benefits from the subject concrete lane pavement.

The Committee on Planning and Community Services recommends:

I. That Clause 1. of Schedule "B" of Development Agreement AG 244/92 be deleted and replaced with the following new Clause 1.:

a) The Developer shall construct, on demand, a reinforced portland cement concrete lane pavement to a width of 6.1 m in the lane abutting the Planned Area from Portage Avenue to the first lane south of Portage Avenue and tapering to a width of 3.67 m at the south limit of the Planned Area and associated work including the relocation of any hydro poles to the satisfaction of the Commissioner of Works and Operations.

b) The City shall reimburse the Developer upon completion of the lane construction for the share of the costs attributable to the City owned land adjacent to the lane pavement as determined by and to the satisfaction of the Commissioner of Works and Operations.

c) The Developer shall, upon execution of this amendment, provide a letter of credit to the City to guarantee the lane construction in an amount equal to the Developer's estimated share of the costs, in a form and amount to the satisfaction of the City Solicitor/Manager of Legal Services and the Commissioner of Works and Operations.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the above amendment to Development Agreement AG 244/92.

Adopted by consent.

**Report of the Committee on Planning and Community Services dated October 29, 1996**

**Proposed Rezoning - 4425 Grant Avenue - Assiniboia Community**
**File DAZ 215/96 [c/r DAV 390/96D]**

67 - 2. The Committee on Planning and Community Services has been advised that an application has been received from Smith Carter Architects and Engineers Incorporated, c/o Jurgen Hartloper, 1601 Buffalo Place, Winnipeg, MB, R3T 3K7, to amend By-law No. 6400/94 by rezoning the land shown below from a "R1-9" Single Family Residential District to a "RM-2" Multiple Family District to provide for the establishment of multiple-family housing.

The following is the Existing Land use and Zoning:

The site is currently zoned "R1-9" Single Family District and is occupied by two single family bungalows. The following is the Surrounding Land Use and Zoning:

Lands to the west of the subject property at the corner of Roblin Boulevard and Grant Avenue are zoned "R1-9" Single Family District and contain a church, manse and accessory parking lot. Lands to the north and northeast are zoned "R1-9" and "R1-6" Single Family District respectively, and are developed with single family dwellings. The lots to the north of the subject property along Fairmont Road are larger in area, zoned "R1-9" district. Immediately lots to the north of the subject lands is a drainage easement which acts as a natural buffer between the proposed development and the existing residential development. Southeast of the subject site, a new senior's condominium development (Fairmont Woods) has been established at the southeast corner of Fairmont Road and Grant Avenue. It is zoned (RM-1" Multiple Family District. The development is similar in nature and scale to the proposed development, in a three storey, apartment style structure. Lands fronting the south side of Grant Avenue, west of Fairmont Road are in a single family development and are zoned "R1-6" Single Family District.

The applicant is proposing to rezone the subject property from a "R1-9" Single Family District to a "RM-2" Multiple Family District to develop a 21 suite, three storey seniors apartment building facing Grant Avenue, west of Fairmont Road. The proposed building will contain 12 one bedroom and 9 two bedroom suites. The total area of the site is 36,610 square feet. The building footprint occupies 9,847 square feet. Parking for twenty cars is to be provided underground. An arbor or gazebo will be provided in the rear yard.

Two access driveways will be provided off Grant Avenue; one to service the underground parking lot, and the other to provide a drop off point near the main entrance. Two private approaches now exist on Grant Avenue to serve the two existing single family dwellings. These would be relocated with one additional approach added to service the proposed development. The main entrance will be located on the west side of the building, closest to the church parking lot. Existing landscaping and foliage will be preserved on the site to the greatest extent possible.

No visitor parking is provided on site. It is expected that visitors will utilize the nearby church parking lot for parking purposes.

A variance application (DAV 390/96D) has been submitted with this application covering a reduced front yard (incorporating a proposed road widening), a reduced rear yard, an increase in the maximum height requirement by approximately two feet, and for a refuse container, driveway aisle/accessory parking to be located in the front yard.

The Community Planning Division is supportive of the proposed rezoning and development in principle, as seniors housing is needed in Charleswood, the development is located on a regional street in close proximity to community services, and along a major transit route. However, some concerns still remain regarding site development. The configuration of the site, being a triangle, leaves few options for buildings sitting on the lot. The designer has chosen to situate the building toward the west end of the lot, at the widest end of the triangle. The narrowest end of the triangle has been reserved for the parking ramp and refuse container. Because of the narrowing width of the lot and the need for open access to the garbage bin enclosure, the refuse container has been placed in the front yard.

The site configuration also results in a short drop off/fire lane in the front yard, toward the wet end of the site, closest to the main entrance. Because the lane is located close to the entrance, and no other visitor parking is provided on site, there is a strong likelihood that the fire lane will be utilized for parking purposes, in contravention of the By-law. (The variance accommodates this eventuality by requesting "accessory parking" in the front yard.)

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No visitor parking is provided on site. The Community Planning Division is concerned about the lack of visitor parking. Although the Zoning By-law does not require an allotment of spaces dedicated to visitor parking, the Division believes that it will nonetheless be needed and should

be provided on site. If the visitor parking was calculated conservatively at 10% of the total number of parking spaces, two visitor spaces would be required. In practical terms, the actual number required would likely be greater than two spaces. The applicant has indicated that parking will be available on an adjacent site. However, without an appropriate legal agreement to cover these arrangements, the building could be left without adequate room for visitors' cars.

In addition, if the applicant intends the adjacent church parking lot to be utilized for visitor parking, an appropriate walkway/path should be provided between the two properties to facilitate pedestrian access, particularly in winter weather conditions, in addition to the public sidewalk.

The Streets and Transportation Department has indicated that a 2.5 feet road widening is required along the north side of Grant Avenue. The applicant originally provided for a front yard of 19 feet, reduced from the minimum requirement of 25 feet. The street widening will not reduce the front yard to 16 ± feet.

The Community Planning Division recommends approval of the proposed rezoning, subject to conditions.

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

Fifteen persons were heard in support of the application.

Five persons were heard in opposition to the proposed application.

The Assiniboia Community Committee recommended that:

1. The proposed rezoning not be proceeded with for the following reason:

   A) The residential component should be protected.

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

I. That the proposed rezoning to amend Zoning By-law No. 6400/94 by rezoning land under File DAZ 215/96 from a "R1-9" Single-Family District to a "RM-2" Multiple Family District Be Not Proceed With.

Adopted by consent.

(See Minute No. 88 for attachment)

**Proposed Zoning Agreement Amendment - 501 Pandora Avenue West - East Kildonan-Transcona Community**
**File ZAA 6/96 [c/r DAZ 201/89]**

68 - 3. The Committee on Planning and Community Services has been advised that an application has been received from Transcona Veterinary Clinic (Dr. M. Moffatt) to amend the Zoning Agreement affecting the property by amending condition No. 2, to add the use of Animal Hospital/Veterinary Clinic to the listed permitted uses for the existing building on Lot 3, Plan 21533 WLTO.

The subject building is a one-storey, brick-clad structure with a full basement. The building is located at the northwest corner of Hoka Street and Pandora Avenue, and has parking spaces for 14 vehicles with access from Hoka Street.

The adjacent land to the west is zoned "C2" Commercial District and contains an existing office building. The land to the north is zoned "R1-4" and occupied by a one-storey office building (permitted by variance) and is presently vacant. Land to the east and south is occupied by the City of Winnipeg Forestry Branch yard, and Lucerne Foods, respectively.

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The Community Planning Division considers the addition of the proposed use to be supportable and compatible with the location and structure of the building and adjacent land uses.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on October 15, 1996.

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

The East Kildonan-Transcona Community Committee recommended that Zoning Agreement DAZ 201/89 dated March 29, 1989 be amended as outlined below.

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

I. That Zoning Agreement DAZ 201/89, dated March 29, 1989, be amended as follows:

   A. That Clause 2 be amended to add the use of Animal Hospital/Veterinary Clinic as a permitted use of the building situated on Lot 3, Plan 21533.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 201/89, dated March 29, 1989, as approved in aforesaid Clause I.

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

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

Adopted by consent.

**Proposed street closing of part of the public lane West of Ferndale Avenue, South of St. Mary's Road - Riel Community**

**File DAC 8/96**

69 - 4. The Committee on Planning and Community Services has been advised that the City is considering closing the portion of the lane, as outlined on schedule "a", in accordance with the Misc. Plan No. RIEL 8366/4 and recommending it for sale or exchange to the property owner adjoining to the north as part of a proposed settlement for the land expropriated by the Main Street/Norwood Bridge Project.

The proposal has been circulated to all interested City Departments and public utilities with not objections having been received. Centra Gas and Manitoba Hydro have advised that either easements for or relocation of their plants in the lane will be required.

The closing of the lane will be contingent upon the successful completion of negotiations with the property owner adjoining to the north. In the vent that negotiations are not successful, the City Administration will not proceed with the closing.

On October 15, 1996, the Riel Community Committee held a public hearing with respect to the proposed street closing under File DAC 8/96 and recommended approval of the proposed street closure as outlined below.

The Committee on Planning and Community Services recommends:

**Report of the Committee on Planning and Community Services dated October 29, 1996**

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the street closing in accordance with Misc. Plan No. RIEL 8366/4, 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. 89 for attachment)

**Proposed lane opening and closing South of Boyd Avenue, West of McGregor Street - Lord Selkirk-West Kildonan Community**
**File DAOC 2/96**

70 - 5. The Committee on Planning and Community Services has been advised that the subject proposal is required to facilitate the construction of the fire station to be located on the west side of McGregor Street between Boyd and Redwood Avenues. The lands originally assembled for the fire station site are no longer adequate for this purpose and Council, in May of 1996, approved the acquisition of additional property to the west of the existing City lands.

The existing north/south lane, identifies as "Proposed Lane Closing" on Misc. Plan No. LSWK 9675/1 have agreed to the terms and conditions of its sale to the City.

This proposal has been circulated to all interested City departments and public utilities with no objections having been received. Winnipeg Hydro has advised that an estimate of the cost of relocating its overhead feeder line in the area has been passed on to the Civic Buildings Department and that this cost will be factored into the fire hall site construction budget.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on October 22, 1996. The Community Committee recommended approval of the proposed lane opening and closing 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 and closing in accordance with Misc. Plan No. LSWK 9675/1, 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. 90 for attachment)

**Report of the Committee on Planning and Community Services dated October 29, 1996**

**Proposed Street Name Change - "Public Road" to "Normand Avenue" - Riel Community**
**File SC-3.14(35) (Vol. 1)**

71 - 6. The Committee on Planning and Community Services has been advised that the Land Surveys Branch of the Land and Development Services Department has been advised that the street commonly known as Normand Avenue is legally designated as Public Road, in accordance with Misc. Plan No. 9760, as outlined on Schedule "A". This plan was registered in the Winnipeg Land Titles Office as Plan No. 4498.

In order to legitimize the use of the existing street name of Normand Avenue, the Land and Development Services Department recommends that the legal name of the right-of-way be made consistent with its common use to avoid any possible confusion.

On October 15, 1996, the Riel Community Committee considered the report from the Land Development Administrator dated October 4, 1996 and recommended approval of the proposed street name change as outlined below.

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

I. That the currently registered name "Public Road" west of St. Mary's Road, as outlined on Schedule "A", in accordance with the shaded area on Misc. Plan No. 9760 be changed to Normand Avenue.

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

III. 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.

IV. That the City Solicitor/Manager of Legal Services, upon passage and adoption of the by-law by Council, be authorized to publish the street name change in two daily newspapers having a general circulation throughout the City of Winnipeg.

V. 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.

VI. 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. 91 for attachment)

## COMMITTEE ON PLANNING AND COMMUNITY SERVICES

## MOTIONS

Moved by Councillor Silva,
Seconded by Deputy Mayor Eadie,
72 - WHEREAS the Canada Assistance Plan eliminated April 1, 1996, resulting in the loss of federal cost-sharing for the Christmas Allowance provided receiving social assistance from the City of Winnipeg;

AND WHEREAS on July 24, 1996, City Council adopted the recommendation to discontinue payment of Christmas Allowances to social assistance recipients, and provide a 1996 special grant in an amount to be determined by City Council to the Christmas Cheer Board to support their efforts to provide Christmas hampers for Winnipeg's disadvantaged;

AND WHEREAS based on the City of Winnipeg's social assistance caseload of 14,195, the City's estimated pay out in Christmas Allowances for 1996 would amount to $135,000;

AND WHEREAS the 1996 adopted budget for the Social Services Department's Financial Assistance Program incorporated the necessary funds to provide a Christmas Allowance;

AND WHEREAS the Manitoba Government has never provided a special Christmas allowance to its social assistance recipients, nor contributed to the Christmas Cheer Board;

AND WHEREAS there is a pending integration of municipal and provincial social assistance programs in Winnipeg;

THEREFORE BE IT RESOLVED that the City of Winnipeg provide the Christmas Cheer Board with a 1996 special grant of 4135,000 to help the Christmas Cheer Board transition itself for future years should government support in this form not be available.

The Deputy Speaker ruled automatic referral to the Committee on Planning and Community Services, in accordance with Rule 16.1 of the Procedure By-law.

Moved by Councillor Silva,
That the rule be suspended to allow consideration of the motion at this time.

Carried.

Councillor Thomas rose on a point of order concerning the debate over the motion proposed by Councillor Silva and Deputy Mayor Eadie.

The Deputy Speaker ruled that Councillor Thomas did not have a point of order.

Councillor Thomas challenged the ruling of the Chair.

The question, "shall the ruling of the Chair be sustained?" was put.

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

Yea: Councillors Clement, O'Shaughnessy, Phillips, Silva, Steek, Deputy Mayor Eadie, Her Worship Mayor Thompson, Councillors Angus and Prystanski. 9

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

and the ruling of the Chair was sustained.

The motion was put and declared carried.

Moved by Councillor Silva,

The Rule 6.1 be suspended to allow Council to sit beyond the hour of 6:00 p.m. to consider the Report of the Committee on Protection, Parks and Culture, dated November 4, 1996 and the Report of the Secretariat Committee, dated October 24, 1996.

Carried.

## COMMITTEE ON PLANNING AND COMMUNITY SERVICES

## CONSIDERATION OF BY-LAWS

73 - 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. 6911/96, a By-law of The City of Winnipeg to close the existing public lane and open a new public lane on the south side of St. Catherine Street west of Evans Street and to close the existing public lane and open a new north/south public lane on the north side of St. Catherine Street between Evans Street and the Seine River. Files DAOC 6/93 & DAOC 5/95

By-law No. 6912/96, a By-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the north west corner of McPhillips Street and Leila Avenue in the Lord Selkirk-West Kildonan Community. File DAZ 232/95

By-law no. 6913/96, a By-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change at 468 Academy Road in the City Centre Community. File DAZ 212/96

By-law No. 6914/96, a By-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the south-west corner of Bishop Grandin Boulevard and St. Anne's Road in the Riel Community. File DASZ 10/96

On motion of Councillor Silva, the rule was suspended and By-law No. 6915/96, a by-law of The City of Winnipeg to amend By-law No. 3541/83 being a by-law to regulate smoking, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File EH-1.2 (Vol. 7)