REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED OCTOBER 1, 1996

On motion of Councillor Silva, the Report of the Committee on Planning and Community Services, dated October 1, 1996, was considered clause by clause.

Moved by Councillor Silva,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11 and 12 be adopted.

Carried.

Her Worship the Mayor and Councillors:

Amendment to the Delegation of Authority under the Untidy and Unsightly Premises By-law No. 762/74
File EB-1 (U.P.) (Vol. 4)

1124 - 1. The Committee on Planning and Community Services, at its meeting held on October 1, 1996, considered a recommendation that the Untidy and Unsightly Premises By-law No. 762/74 be amended to allow all appeals, under the jurisdiction of this By-law, to be heard by the respective Community Committee, as is presently the process under the Maintenance and Occupancy By-law No. 4903/88.

For the information of Council the appeal process under the Maintenance and Occupancy By-law No. 4903/88 states as follows:

"2.17 Appeal to Community Committee Decision

Should the owner feel aggrieved by the decision of the Community Committee, he may further appeal to the Committee on Planning and Community Services within seven (7) days of receipt of the notice from the Community Clerk.

2.18 Review by Committee on Planning and Community Services

The Committee on Planning and Community Services may review the Community Committee's decision to rescind or vary the order within fourteen (14) days following the decision and may:

(a) affirm the decision of the Community Committee; or

(b) set aside the decision and restore the order made by the Inspector."

The Committee on Planning and Community Services recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary amendment to the Untidy and Unsightly Premises By-law No. 762/74 as noted above in Sections 2.17 and 2.18 of By-law No. 4903/88 for submission to Council.

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

Adopted by consent.

Report of the Committee on Planning and Community Services dated October 1, 1996

Extension of Time - Proposed Subdivision and Rezoning on land located on the east side of Eaglemere Drive, south of Crozier Avenue - East Kildonan-Transcona Community File DASZ 1/93

1125 - 2. The Committee on Planning and Community Services has been advised that on September 21, 1994, Council adopted Clause 10 of the Report of the Committee on Planning and Community Services dated August 30, 1994, which clause recommended approval of the plan of subdivision and associated rezoning outlined on Schedule "A" dated August 17, 1994.

The time limitation within which a By-law would be submitted for Council approval has expired as of September 21, 1996. The developer, Mr. A. Crozier, in a letter dated September 6, 1996, requests a two (2) year extension of time within which to complete negotiations and prepare a plan thereby allowing a By-law to proceed to Council.

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

The Committee on Planning and Community Services recommends:

I. That Council grant an extension of time until September 17, 1998, to provide for the enactment of the necessary rezoning and subdivision By-law under DASZ 1/93.

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. 1160 for attachment)

Rezoning - land located on the north west corner of McPhillips Street and Leila Avenue - Lord Selkirk-West Kildonan Community File DAZ 232/95 (c/r DAV 126/96D, DCU 46/96D & DAPS 15/95)

1126 - 3. The Committee on Planning and Community Services has been advised that on July 24, 1996, Council adopted Clause 11 of the Report of the Committee on Planning and Community Services dated July 2, 1996, which clause recommended approval of the subject rezoning to a "C2" Commercial District, dated May 7, 1996, as outlined on Schedule "A".

Recommendation II contained in the referenced report stipulates:

“II. That a 10 percent dedication be made by 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."

Flanders Real Estate, the applicant, has requested that the payment of the 10% dedication be deferred on proposed "Parcel B". Proposed Parcel "A" is being readied for the construction of a new Canadian Imperial Bank of Commerce (CIBC) and the applicant is therefore in agreement that the dedication on this parcel should be paid.

However, the Seven Oaks Hospital, the registered owner of the subject lands, has expressed concern due to the uncertainty surrounding the hospital’s future, to proceed with any speculative development at this time. The hospital does not wish to incur any debt in order to complete the rezoning and subdivision process because of the above mentioned uncertainty, but would like to proceed with the proposed development on Parcel "A".

Report of the Committee on Planning and Community Services dated October 1, 1996

The Administration has reviewed this request for deferral of the 10% dedication payment on proposed Parcel "B" until such time as a building permit is requested. Approval of the deferral would allow both the Zoning Agreement and the Plan of Survey under File DAPS 15/95 to be registered in the Winnipeg Land Titles Office in advance of the complete dedication payment. This would allow the development to proceed on Parcel "A". Development of Parcel "B" would not be allowed to proceed until the payment of the dedication on Parcel "B" has been secured. This control mechanism would be ensured by filing a caveat on Parcel "B" to this effect.

The Committee on Planning and Community Services recommends:

I. That Recommendation II of Council's report on File DAZ 232/95, as adopted by Council on July 24, 1996, be amended to read as follows:

"That the 10% dedication be made by payment of a sum of money to the City in lieu of the requirement for land for open space, park and recreation use based on the increase in market value. The payment for Parcel "A" shall be made prior to the release of mylars for registration in the Winnipeg Land Titles Office. Payment for proposed Parcel "B" shall be deferred until such time as a building permit is requested for construction and such payment shall be based on the prevailing rates at that time. The City of Winnipeg may register a caveat against Parcel "B" to give notice of this deferred condition."

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

Adopted by consent.

(See Minute No. 1161 for attachment)

Proposed Rezoning - 468 Academy Road -
City Centre Community
File DAZ 212/96 (c/r DAV 367/96D)

1127 - 4. The Committee on Planning and Community Services has been advised that an application has been received from David Miles, 600-294 Portage Avenue, Winnipeg, Manitoba, R3C 0B9, to amend By-law No. 6400/94 by rezoning the land from a "R1-4" Single Family District to a "C1" Commercial District to allow for commercial development.

The following is the Existing Land Use and Zoning:

The subject site measures 15.24m (50 feet) by 22.86m (75 feet) and is located on the south side of Academy Road, east of Borebank Street. It is currently occupied by a two storey single family dwelling that has been converted to commercial uses on the main floor. The second floor contains a residential suite. The lot is isolated in the centre of the blockface between Borebank Street and the lane to the east, and does not have access to a lane. Zoning of the subject site is "R1-4" Single Family District.

The following is the Surrounding Land Use and Zoning:

Land use in the vicinity is predominantly commercial along both sides of the Academy Road frontage where lots face the street. Those lots that flank Academy Road are typically residential in nature and zoned for residential use where they front side streets. The southwest corner of Borebank and Academy is zoned "C2" Commercial District. The other three corners are zoned "R1-4" Single Family Residential District. Further east along Academy Road lands are zoned "C1" Commercial District, and are proposed to be included in the Academy Road Business Improvement Zone area.

The applicant is proposing to rezone a parcel of land fronting Academy Road which has been in commercial use for some time. Previous applications for use variances have been processed to establish commercial uses at this location. In 1986, application was made for a retail gift store which was approved subject to limitation to the sale of balloons and balloon bouquets, and that the use variance would expire upon change of ownership. In 1991, a new prospective tenant applied for a use variance for the establishment of a professional office. This variance was approved subject to restriction to a consulting engineers' office. Use variances at that time were limited to a maximum five year time period. The most recent variance expired on April 19, 1996 and the

Report of the Committee on Planning and Community Services dated October 1, 1996

applicant wants to avoid having to return every five years to renew the variance, and be required to pay the associated fees each time. A request to rezone the property to commercial would recognize a situation that has existed there for a number of years, and give some permanency to the land use, as well as peace of mind for the owner.

The commercial potential of the property is somewhat limited by its lack of access to an appropriate parking area and by the building form. The structure was formerly a single family dwelling with an attached garage. Past applications have required a parking variance which were subsequently approved. A similar variance is also being requested in this instance under DAV 367/96D.

The Community Planning Division is supportive of the rezoning proposal in principle as it is consistent with Plan Winnipeg, and is compatible with the existing neighbourhood. However, there are some concerns about the extent of permitted uses on the site together with design and configuration of the proposed uses/buildings.

The range of permitted uses should be limited to those that generate a minimum parking requirement, and that are geared toward a pedestrian-oriented neighbourhood commercial scale. Suggested uses include offices, gift shop, barber shop/beauty salon, dressmaker/tailor, and jeweller/watchmaker. The list of acceptable uses should be addressed in a Zoning Agreement.

Future development of the site should be controlled considering its proximity to residential lands. In this respect, the Community Planning Division recommends that a “plan approval” clause be required in the Zoning Agreement whereby plans of future additions or renovations to the existing buildings, or construction of a new building on the site would be subject to review by the Community Planning Division. Signs should also undergo similar scrutiny.

The Community Planning Division would also prefer that the upper level of the building remain in residential use, keeping the overall parking requirement of the building to a minimum. This combination of uses also acts to promote diversity in the neighbourhood and maintain a community atmosphere along the Academy Road strip.

A Public Hearing was held before the City Centre Community Committee on September 10, 1996.

Two persons appeared in support of the application. No one appeared in opposition to the proposed application.

The City Centre Community Committee recommended that:

1. The rezoning is consistent with Plan Winnipeg and is compatible with the existing neighbourhood.

2. The range of permitted uses has been limited to those that generate a minimum parking requirement and are geared toward a pedestrian oriented neighbourhood commercial scale.

3. Considering its proximity to residential lands, future development of the site, and signs, will be controlled by a "plan approval" clause in the Zoning Agreement whereby plans of future additions or renovations to the existing buildings, or construction of a new building on the site will be subject to review by the Community Planning Division.

4. Requiring the upper level of the building to remain in residential use will keep the overall parking requirement to a minimum while the combination of uses will act to promote diversity in the neighbourhood and maintain a community atmosphere along the Academy Road strip.

5. Rezoning the property to commercial will recognize a situation that has existed for a number of years and provide some permanency to the land use.

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

I. That By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 212/96, dated August 30, 1996 to a "C1" Commercial 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:

Report of the Committee on Planning and Community Services dated October 1, 1996

1) That the land and any building or structure thereon shall not be used for, and no building or structure erected, altered or enlarge on the land for any use except as follows:

A) On the second floor, a dwelling unit.

B) On the main floor, any of the following:

(a) office;
(b) art/crafts/hobby: supplies, including beer and wine-making supplies and equipment sales;
(c) audio/video recordings: sales;
(d) barber shop, beauty salon, or similar grooming service;
(e) book: sales;
(f) clothing, including hats, shoes, other wearing apparel and accessories: alteration, repair, sales;
(g) dressmaker, furrier, tailor;
(h) fabric/yarn: sales;
(i) gift store;
(j) jeweller, watchmaker, including custom manufacture
(k) mail order business;
(l) stationery sales;
(m) toy sales.

2. 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 elevation, building materials, fencing and site landscaping, garbage containers and enclosures, signs and other site amenities, are submitted to and approved by the Commissioner of Planning and Community Services.

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.

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

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

Adopted by consent.

(See Minute No. 1162 for attachment)

Report of the Committee on Planning and Community Services dated October 1, 1996

Proposed Rezoning - land located on the northwest corner of Inkster Boulevard and King Edward Street - Lord Selkirk-West Kildonan Community
File DAZ 216/96 (c/r DAV 436/96D & DCU 143/96D)

1128 - 5. The Committee on Planning and Community Services has been advised that an application has been received from Winfield Developments Canada, c/o Curtis Steiman, 22 Castlebury Court, Winnipeg, Manitoba, R3P 1J7, to amend By-law No. 6400/94 by rezoning the land from an "A" Agricultural District to a "C2" Commercial District to permit the establishment of a supermarket and gas kiosk.

The following is the present Site Description:

Site Area: The land in question is located at the northwest corner of Inkster Boulevard and King Edward Street. It is presently vacant and undeveloped agricultural land. The lot has 103.45 metres of frontage and 137.85 metres of depth (3.43 acres).

The existing land use is vacant land which is zoned "A" Agricultural.

The following is the Surrounding Land Use and Zoning:

North: Undeveloped "A" Agricultural land (except for a church)

West: Undeveloped "A" Agricultural

South: School site (south of Inkster Boulevard) zoned "PR-1" Parks and Recreation

East: Generally developed subdivision area zoned "R1-5". Some vacant "A-5" land along King Edward Street.

The applicant proposes to construct a 28,000 square feet ± retail food outlet at the rear of the property and a gas kiosk at the front of the site. There are 248 proposed parking spaces.

In the late 1980's an application was made to rezone the subject site for a combination commercial/residential development. The application was not finalized but neither was the application withdrawn. In the interim, the area in question was re-designated from a neighbourhood (urban) designation to a rural designation effectively halting all development north of Inkster Boulevard and immediately west of King Edward Street except of course agricultural uses.

Therefore when the subject application was made, a new rezoning application was not only required but an amendment to Plan Winnipeg was further required. That amendment PW 3/96 - to redesignate the subject area to an industrial category (which allows commercial uses) is near completion and will be ratified prior to the completion of the subject rezoning process.

Given the past history and our support for the previous application and given the nature of the subject application, the Community Planning Division supports the proposed change in land use.

There are very few gas outlets and even food store retail outlets in the nearby area and the site is large enough to accommodate both. The parking area is more than adequate, in our view, to support the suggested businesses and access both to and from Inkster Boulevard and King Edward Street is excellent. It should be noted that while the subject proposal may provide a necessary service to the surrounding area and does not constitute an over-development of the site, further applications for i.e., free-standing restaurants, car washes, etc. probably would result in an over-intensification of development at this location.

Furthermore some uses included in the "C2" Commercial zoning category are not in our view, appropriate for this location and should be listed as prohibited uses in the accompanying Zoning Agreement.

Report of the Committee on Planning and Community Services dated October 1, 1996

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on September 17, 1996.

Two persons were heard in support of the application.

One person was heard in opposition to the proposed application.

That the Lord Selkirk-West Kildonan Community Committee recommends that:

1. This property falls within an area to be redesignated for industrial development.

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

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 216/96, dated September 10, 1996, to a "C2" Commercial 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 the following uses be prohibited:

         a) terminals for courier/delivery/express service, cleaning service, key and lock service, security service, taxi, or similar service;
         b) theatre, cinema, concert hall;
         c) storage compounds for new automobiles;
         d) storage compound for boats, mobile homes, recreational vehicles, trailers, trucks or buses;
         e) dispatch for courier/delivery/express service, cleaning service, key and lock service, security service, taxi, or similar service, excluding terminal;
         f) club, including licensed premises;
         g) boat: sales, service;
         h) amusement enterprise, outdoor: including driving range, miniature golf course, range for target sports, or similar facility;
         i) amusement enterprise, indoor: including driving range, go-cart track, miniature golf course, range for target sports, roller skating, or similar facility.

      2. That final construction plans indicating the design and location of the proposed building(s), including elevations and details or exterior finishing materials, accessory parking and loading areas, fencing, landscaping and garbage enclosures, be subject to the approval of the Commissioner of Planning and Community Services and the Community Committee prior to the issuance of a building permit.

   B. That the applicant enter into a Servicing Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group for File DAZ 216/96, dated August 19, 1996.

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 October 1, 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.

Adopted by consent.

(See Minute No. 1163 for attachment)

Proposed Zoning Agreement Amendment - 820 Kimberly Avenue - East Kildonan-Transcona Community
File ZAA 4/96 (c/r DAZ 50/76)

1129 - 6. The Committee on Planning and Community Services has been advised that an application has been received from Mycom Group Inc., 1240-363 Broadway, Winnipeg, Manitoba, R3C 3N9, to amend the Zoning Agreement affecting the property shown below by adding additional Commercial uses, and by adding a clause to limit the type and size of signage permitted on the site.

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

Canada Post has relocated their depot to another site and the building is now vacant and for sale. The subject application has been made to permit additional residential and commercial uses to be established in the building as noted on the list appended to this report. Additionally, the applicant and the City of Winnipeg Community Planning Division have requested that in conjunction with the request for expanded uses, the issue of signage on the site also be reviewed.

The applicant has requested that the Zoning Agreement be amended in accordance with the list of uses attached. It is proposed that some of the uses be permitted as-of-right, while other uses may be permitted subject to approval of a conditional use application, which would be determined by the Board of Adjustment. The proposed signage amendments would limit identification signs to 25 square feet area facia type signs, and would be subject to approval of the East Kildonan-Transcona Community Committee to ensure compatibility with the adjacent residential uses.

The subject building is located on the edge of a single-family residential neighbourhood. It is adjacent to a church to the south, and single-family homes to the west. Grounds of Valley Gardens Community Club, and Kildonan East School are located to the east. Under typical circumstances, a "C2" zoning on the subject site would be considered inappropriate. However, now that the Postal Station use has been removed from the building, either the building should be demolished or alternative uses compatible with the neighbourhood must be found. The Community Planning Division considers that the size, construction and physical appearance of the building is not out of place and unduly obtrusive within the neighbourhood. Additionally the building is of concrete block construction with a substantial foundation. Demolition of the building in this case would not be warranted.

The proposed list of permitted and conditional uses identifies a very limited range of uses which may be considered appropriate given the nature of the building and its location within the community. In conjunction with the proposed signage limitations the Community Planning Division is supportive of the proposed uses as listed. The applicant has been advised that consultations with the community residents in advance of the public hearing may be advantageous in this case.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on September 17, 1996.

One person was heard in support of the zoning agreement amendment. No one was heard in opposition to the proposed amendment.

Four persons were heard for information purposes.

Report of the Committee on Planning and Community Services dated October 1, 1996

The East Kildonan-Transcona Community Committee recommends that:

1. The list of permitted uses is very limited, relative to those permitted in regular C2 zoning, and removes many possible negative uses which could impact the residential character of the community.

2. The residents are allowed the opportunity to be consulted on the possible Permitted and Conditional uses.

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

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

   a) That Clause 6 be amended by adding the list of proposed uses as outlined on Schedule "A" and dated August 26, 1996;

   b) That Clause 7 be replaced by the following:

      i) that no permanent or temporary signs, including window signs, banners, streamers, bunting or other attention-getting devices of any kind shall be permitted on the building, land or upon any structure thereon except:

         One (1) non-illuminated business identification facia sign for each approved use. Sign surface area per sign to be a maximum of 25 square feet area.

   c) That the words "or signs' shall be inserted after the word "structures" in the first sentence in Clause 5;

   d) That Clauses 7 to 9 inclusive be renumbered 8 to 10 inclusive.

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

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

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

Adopted by consent.

(See Minute No. 1164 for attachment)

Proposed closing of Murchison Drive between Speers Road and Lagimodière Boulevard - Riel Community
File DAC 10/96

1130 - 7. The Committee on Planning and Community Services has been advised that a proposal to close Murchison Drive as outlined on Schedule "A", in accordance with Misc. Plan No. RIEL 4908/4 was initiated in 1977 by Qualico Developments Ltd., who wished to incorporate the closed street into their head office site. The proposal was circulated and approved under DAC 11/77. The City and Qualico were not able to agree to the terms and conditions of the sale of the property in 1977 and the matter was filed.

The proposal was circulated and approved again in 1981 under DAC 30/81 in conjunction with a proposed land exchange between Qualico and the City as outlined on Schedule "B" in accordance with Misc. Plan No. APFG 4909/a. Once again, the City and Qualico were not able to agree to the terms and conditions of the exchange of properties and the matter was filed.

Qualico Developments Ltd. has now advised that it wishes to proceed with the exchange of lands as contemplated in 1981. If the exchange is no longer feasible, Qualico wishes to purchase the closed street outright.

Report of the Committee on Planning and Community Services dated October 1, 1996

At the present time, Star Building Materials Ltd., a subsidiary of Qualico Development whose holding has a Leave and License agreement with the City to use Murchison Drive for the storage of building materials. The subject land is outlined on Schedule "A" in accordance with RIEL 4908/4, "2162130 Manitoba Ltd. Property.

This proposal has been circulated to all interested City departments and public utilities with no objections having been received. The Water and Waste Department has advised that an easement over the full width of Murchison Drive will be required to maintain their plants in the right-of-way. Manitoba Hydro and MTS NetCom Inc., have advised that an easement will be required to maintain their facilities in the north portion of the right-of-way.

On September 16, 1996, the Riel Community Committee held a public hearing with respect to the above noted file.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closing in accordance with Misc. Plan No. RIEL 4908/4, 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. 1165 for attachments)

Proposed closing of part of Finkelstein Road West of McGillivray Boulevard - Assiniboia Community
File DAC 11/96 (c/r DAC 25/95)

1131 - 8. The Committee on Planning and Community Services has been advised that in August of 1995, the Land and Development Services Department was approached by Steven and Marie Kozak with a request to purchase a portion of Finkelstein Road into which some of the outbuildings on their property encroached.

The closing of this portion of Finkelstein Road, identified as DAC 25/95 on Misc. Plan No. ASBA 9506/5, received the approval of Council on December 20, 1995. When the Technical Advisory Committee on City Properties (TACCP) met to consider the terms and conditions of the sale of the closed street, the Streets and Transportation Department advised that there was no reason to retain the portion of the road shown as "Proposed Closing" on ASBA 9506/5. The TACCP subsequently recommended the closing in its report to the Committee on Finance and Administration (CFA). The CFA, at its meeting of July 4, 1996, directed that the closing of the additional portion of Finkelstein Road be initiated.

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

Manitoba Hydro and MTS NetCom Inc. have advised that they will require an easement for the maintenance of their shared facilities in the area.

The Land and Development Services Department intended to process the closings approved under DAC 25/95 and DAC 11/96 simultaneously. This would mean a delay of several months while the approval of DAC 11/96 is obtained from the Community Committee, the Committee on Planning and Community Services and Council. Mrs. Kozak wants to purchase the portion of Finkelstein Road to be closed by DAC 25/95 immediately. In order to accommodate her request, that portion of Finkelstein Road will be transferred to her directly and the balance of Finkelstein Road adjacent to her property will be transferred when the necessary approvals have been obtained. The portion of Finkelstein Road proposed to be closed beyond Mrs. Kozak's property will be offered to the adjoining owners.

On September 17, 1996, the Assiniboia Community Committee held a public hearing with respect to the above noted file.

Report of the Committee on Planning and Community Services dated October 1, 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 closing in accordance with Misc. Plan No. ASBA 9506/5, 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. 1166 for attachment)

Proposed lane corner cut at the intersection of the first lane North of Belmont Avenue with the first lane West of Scotia Street - Lord Selkirk-West Kildonan Community
File DAO 10/96

1132 - 9. The Committee on Planning and Community Services has been advised that in November of 1995, the Board of Commissioners, on the recommendation of the Director of Operations, instructed the Land Surveys Branch to negotiate for the acquisition of the subject lane corner cut in accordance with Misc. Plan No. LSWK 9552, as outlined on Schedule "A". The corner cut is required to facilitate the turning radius of vehicles in the area. The owners have agreed to the terms and conditions of the sale of the property.

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

The Lord Selkirk-West Kildonan Community held a public hearing on September 17, 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. LSWK 9552, 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. 1167 for attachment)

Proposed lane corner cut at the intersection of the first lane East of Silvia Street with the lane opposite Digby Avenue - East Kildonan-Transcona Community
File DAO 14/96

1133 - 10. The Committee on Planning and Community Services has been advised that in October of 1995, the Board of Commissioners considered the report of the Commissioner of Works and Operations and instructed the Land Surveys Branch to negotiate for the acquisition of the subject lane corner cut in accordance with Misc. Plan No. EKT 9563, as outlined on Schedule "A". The corner cut is required to facilitate the turning radius of vehicles in the area. The owners have agreed to the terms and conditions of the sale of the property.

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

The East Kildonan-Transcona Community Committee held a public hearing on September 17, 1996.

Report of the Committee on Planning and Community Services dated October 1, 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. EKT 9563, 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. 1168 for attachment)

Proposed Street Name Change - Wilkes Avenue/Victor Lewis Drive - Assiniboia Community File SC-3.14(31) (Vol. 1)

1134 - 11. The Committee on Planning and Community Services has been advised that it has recently been brought to the attention of the Land Development Branch, by the Traffic Services Department, that some confusion has arisen regarding the street designations around Sterling Lyon Parkway, Victor Lewis Drive and Wilkes Avenue. This problem arose when Wilkes Avenue was realigned prior to the construction of the Immanuel Pentecostal Church which is located and addressed as 955 Wilkes Avenue. The plan that opened the new portion of the right-of-way designated it as an extension of Victor Lewis Drive as outlined on Schedule “A”.

The Spring Condominium Development which was approved under Files DASZ 26/94 and DASZ 5/96, and is now presently under construction fronts on the new right-of-way area, was subsequently given a Victor Lewis Drive address. However a street name change on that designated portion of Victor Lewis Drive will require a change of address for The Spring Condominium Development. It is proposed that this street name change occur prior to the issuance of any occupancy permits for this development.

Another street name issue in this area involves the future Sterling Lyon Parkway. Ultimately, when this roadway is constructed between Waverley Street and Kenaston Boulevard, the right-of-way between Waverley Street and Victor Lewis Drive would be redesignated as "Sterling Lyon Parkway". That would isolate the portion of Wilkes Avenue east of Waverley Street.

In discussion with the Ward Councillor it was decided that the portion of Wilkes Avenue between Waverley Street and Victor Lewis Drive should remain functioning as Wilkes Avenue until such time as Sterling Lyon Parkway is constructed to the west. However it would be appropriate at this time to proceed with the renaming of Wilkes Avenue to the east of Waverley Street.

Wilkes Avenue east of Waverley Street, as outlined Schedule "A", consists basically of undeveloped lands, except for the location of the City of Winnipeg, W. D. Hurst Pumping Station and Reservoir which is addressed as 786 Wilkes Avenue. The City of Winnipeg is presently trying to sell a tract of land (across from the pumping station) bounded by Waverley Street on the west, Wilkes Avenue to the north and Taylor Avenue to the south for commercial development. A recent investigation has revealed that Wilkes Avenue continues east to Asquith Avenue (which is not physically open) then becomes Lottie Street; which in turn flows into Parker Street.

The Administration has noted that none of the proposed street name changes will affect any households as there are no dwellings units located on the above noted streets.

On September 17, 1996, the Assiniboia Community Committee considered the report from the Subdivision Officer dated September 5, 1996.

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

Report of the Committee on Planning and Community Services dated October 1, 1996

I. That the portion of Wilkes Avenue east of Waverley Street as well as Lottie Street be changed to “Hurst Way”, and that the portion of Victor Lewis Drive, north of Sterling Lyon Parkway, be changed to “Wilkes Avenue”, both as outlined on Schedule "A".

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. 1169 for attachment)

Proposed Street Name Change - Mager Drive - Riel Community
File SC-3.14(15) (Vol. 1)

1135 - 12. The Committee on Planning and Community Services has been advised that it has recently been brought to the attention of the Land and Development Services Department that there presently exists a duplication in house numbering brought about by a duplication in the street naming of Mager Drive, as outlined on Schedule “A”. The right-of-way appears to have been established as two street segments, namely that portion of Mager Drive between St. Mary’s Road and St. Anne’s Road and the second segment on the west side of St. Mary’s Road, north of St. Mark’s Place. The present situation has been in place since 1912 with the registration of Plan 1862 in the Winnipeg Land Titles Office.

Under the present policy duplication of street names is not permitted. The problem can be a serious inconvenience for the street system users such as delivery vehicles, visitors and taxies, but more particularly in emergency situations. If an emergency vehicle happens to go to the wrong segment of a street considerable delay in response time can result.

To eliminate the subject duplication in street names, the Land and Development Services Department is recommending that a portion of Mager Drive between St. Mary’s Road and St. Anne’s Road be designated as Mager Drive East.

On September 16, 1996, the Riel Community Committee considered the report from the Subdivision Officer dated August 23, 1996.

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

I. That the portion of Mager Drive between St. Mary’s Road and St. Anne’s Road be designated as “Mager Drive East” in order to eliminate the duplication in the house numbering brought about by a duplication in the street naming of Mager Drive, as outlined on Schedule “A”.

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.

Report of the Committee on Planning and Community Services dated October 1, 1996

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 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. 1170 for attachment)

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

1136 - 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. 6899/96, a by-law of The City of Winnipeg to close part of John Bruce Road, west of Lagimodiere Boulevard. File DAC 11/95

By-law No. 6900/96, a by-law of The City of Winnipeg to close part of Arpin Bay, south of Pauline Boutal Crescent. File DAC 16/95

On motion of Councillor Silva, the rule was suspended and By-law No. 6904/96, 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 Eaglemere Drive between Crozier Avenue and Walter Piper Grove in the East Kildonan - Transcona Community, 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 DASZ 12/96

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

QUESTION PERIOD

1137 - The Speaker called the Deputy Speaker, Councillor Prystanski, to the Chair in order to participate in the debate.

Councillor Angus questioned why the City didn't have any "big box" manufacturers and commented that he had been advised it was because there was no appropriate zoning for them.

Councillor Silva referred to Costco and two recent Home Depot applications that had come forward and took the question under advisement.

Councillor Golden made reference to businesses having difficulty locating in Winnipeg due to the way they were treated when applying for zoning. Councillor Golden also asked if there was an opportunity similar to situations in other cities, whereby people who operate what are called "category killers", i.e. a 20,000 square foot shirt store and a 20,000 square foot shoe store, could locate in the City of Winnipeg.

Councillor Silva noted that there was not a category in the Unified Zoning By-law that reflected that type of business. He also advised that the Administration had been asked to review the Unified Zoning By-law and bring a recommendation back to the Committee on Planning and Community Services in order to amend the by-law to provide a criteria and category for that type of development.

Councillor Golden referred to a recent application heard by the Appeals Committee and commented that both the Legal Services Division and Land and Development Department had advised that there was a category to approve the related application and questioned whether a majority of the Committee had decided that the administration were wrong and turned down the application.

Councillor Silva responded that there was not a specific category in the Unified Zoning By-law but that the Administration made if fit under four different categories.

Councillor Clement questioned whether the Chairperson was aware that the Assiniboia Community Committee had recently reviewed and approved an application for a "big box" retail business on Pembina Highway.

Councillor Silva advised that he was not aware of the approved application, but would be willing to discuss it with Councillor Clement.

Councillor Clement questioned if the Manitoba Liquor Control Commission had created a new category of bar and style and size of bar, without any consultation with the City's Land and Development Department.

Councillor Silva replied in the affirmative and stated that the category encompassed four categories in the Unified Zoning By-law. He noted that the new liquor licence category allowed a restaurant facility exceeding 20,500 square foot to have an amusement facility, a lounge and a billiard parlour area and a number of different areas in one facility not segregated by walls or partitions. Councillor Silva noted that if this type of application was approved, a precedent would be set and these types of facilities would be popping up all over town.

Councillor Clement questioned whether the new license created by the Manitoba Liquor Control Commission, which by virtue of having variations of permits allowed under one roof, with no partitions, and being all in one room, would allow underage children to have access to certain areas with absolutely no control over what other areas they could enter.

Councillor Silva stated that under the definition of the license as established by the Manitoba Liquor Control Commission, that was true. Children would be allowed to get in the door if they were accompanied by an adult and once inside the facility, their access would not be limited.

Councillor Murray referred to the matter of a one tier social services system and questioned why, when the matter was before the Law Amendments Review Committee, the City was represented by a Department Director and middle manager, and not a Councillor.

Councillor Silva noted he was unable to attend due to a personal matter and advised that the presentation given by Administration was prepared politically and was very much a political presentation.

Committee on Planning and Community Services - Question Period (continued)

Councillor Murray requested an explanation as to why one of the other 15 elected officials had not been requested to make representation and answer questions.

Councillor Silva stated that no one else was appointed due to the fact that they were given less than 24 hours notice of the meeting.