REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED FEBRUARY 27, 1996

On motion of Councillor Silva, the Report of the Committee on Planning and Community Services, dated February 27, 1996, was considered clause by clause.

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

Carried.

Her Worship the Mayor and Councillors:

Proposed Amendment to the Wilkes South Secondary Plan By-Law No. 6391/94
File EP-1.2 (Vol. 4

482 - 1. On September 21, 1994 Council adopted Clause 1 of the Report of the Committee on Planning and Community Services, dated August 30, 1994 and By-law 6391/94 was given third reading to allow for the Wilkes South Secondary Plan.

On February 13, 1996, the Assiniboia Community Committee considered a communication dated January 22, 1996 from the Senior Planner, Community Services proposing amendments to the Wilkes South Secondary Plan to permit minor variances to the engineering standard which requires that lots serviced by septic fields on Charleswood Road, Loudoun Road (south of Howe Avenue), and McCreary Road have a minimum area of 2.5 acres. The Wilkes South secondary plan currently permits minor variances to lot area for zoning purposes, but not for servicing purposes.

The Wilkes South Secondary Plan enables the subdivision of residential building lots down to 2.5 acres on Charleswood Road, Loudoun Road (south of Howe Avenue), and McCreary Road (Area "A"), and down to 1.0 acre (0.4 hectare) on Liberty Street and Loudoun Road north of Howe Avenue (Area "B").

In setting standards for septic field servicing, the secondary plan requires a minimum lot area of 2.5 acres and frontage of 130 feet in Area "A," and a minimum lot area of 2.0 acres and frontage of 130 feet in Area "B." For newly subdivided lots which cannot meet these standards, pump-out tanks are required. The proposed amendment to the secondary plan applies to Area "A" only.

The secondary plan allows for lot area variances for zoning purposes in the interests of orderly development and in order to off-set land requirements for road widenings. For example, several 5 acre lots exist on McCreary Road which can be subdivided under the plan into two, 2.5 acre lots. However, as subdivision applications are made, the administration takes a strip of land from these lots "as a condition of subdivision approval" for needed road widening. This reduces the area of the proposed lots to below 2.5 acres, and invokes the requirement for pump-out tanks for sewage disposal.

In permitting lot area variances for zoning purposes, the secondary plan acknowledges that road widenings represent one situation wherein property owners could be unduly penalized. However, no such acknowledgment occurs in relation to sewage disposal. Thus, as the plan is now worded, lots smaller than 2.5 acres would automatically require pump-out tanks regardless of extenuating circumstances.

Under the current Sewer By-Law No. 5058/88, the minimum lot area requirement for septic fields is 1.0 acre. In proposing larger minimum lot area requirements for septic fields, the Wilkes South Secondary Plan anticipated amendments to the sewer by-law, presently underway, which will increase the minimum lot area requirement for septic fields to 2.0 acres. Therefore, in addition to correcting a legislative inequity, the amendment being proposed for the Wilkes Secondary Plan By-Law will more closely reflect the thinking behind the amendments presently being contemplated to the sewer by-law.

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

I. That the Wilkes South Secondary Plan By-Law No. 6391/94 be amended by adding the following sentence to the end of Subsection I, page 33A:

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"Septic field permits may be granted in special circumstances to building lots less than 2.5 acres (1.0 hectare) in area.

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

Adopted by consent.

Proposed Subdivision and Rezoning - land located on the South side of Park Place West between Litchfield Boulevard and Kerslake Drive - Assiniboia Community
File DASZ 22/94 (c/r DAC 20/94)

483 - 2. The Committee on Planning and Community Services has been advised that an application has been received from Pine Hill Development Corp., 1383 Dugald Road, Winnipeg, Manitoba, R2J 0H3 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" Agricultural District to "R1-9" Single-family District to permit the establishment four (4) single-family sites.

The following is the present Site Description:

Application Area: approximately 1.0 acres

Existing Land Use: vacant land and unimproved rights-of-way

The following is the Surrounding Land Use and Zoning:

North: Single-family development zoned "R1-9"

East: Park

South: Rural residential properties zoned "A"

West: Across Shaftesbury, Assiniboine Forest

The applicant is proposing to subdivide 4 residential lots fronting Park Place West. This will require the closure of portions of old street rights-of-way and their consolidation with the applicant's lands (Schedule "A" shows the advertised plan).

The candidate streets, namely Bower Boulevard, Latimer Boulevard, and an intervening north-south lane are outlined on Schedule "B". The plan also shows the ownership of properties directly affected by the prospective street closures. For the most part, the parcels are the remnant lots of the original Tuxedo land subdivision survey, most of which was rendered obsolete by the Tuxedo West development undertaken in the mid-80's by Duraps Corporation, and which is in the process of being completed by the current applicant Pine Hill.

Concept 9, as outlined on Schedule "C", is the most straight-forward plan for developing the balance of the South Tuxedo area as it retains all of Latimer and most of Bower (60 feet) to provide for a bay-street extension into the residual area. The Administrative Co-ordinating Group (ACG) prefers this plan as it provides two points of vehicular access.

The Planning Department recommended that the Assiniboia Community Committee endorse Concept 9, as outlined on Schedule "C", as the preferred plan for the ultimate development of southwest Tuxedo. The Planning Department further recommended that the applicant amend his plan accordingly, to provide for the partial closure down to 60 feet of Bower and Latimer and the complete closure of the intervening lane, thereby enabling the subdivision of 4 lots fronting Park Place West between Bower and Latimer.

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The proposal, as amended, complies with Plan Winnipeg and is a continuation of similar development in the immediate area undertaken by the applicant. The proposal, as amended, is supported by the ACG as it accommodates the future development of the backlands in accordance with Concept 9, as outlined on Schedule "C".

The Committee on Planning and Community Services was advised that DAC 20/94, the application to close the streets and lanes, was the subject of an advertised public hearing on January 4, 1995. It was the decision of the Committee on Planning and Community Services to lay the item over, in part to allow time for accompanying DASZ 22/94 to be heard at the Assiniboia Community Committee. This it was reasoned, would provide direction on which rights-of-way, or portions thereof, should be closed.

Public meetings were held before the Assiniboia Community Committee on February 14, 1995, April 11, 1995, May 9, 1995, July 4, 1995, September 19, 1995 and January 16, 1996.

Four persons appeared in support of the application.

Three persons appeared in opposition to the application.

The Assiniboia Community Committee recommended that:

1. The proposed rezoning be approved for the following reasons:

    a) The application allows a future opening for a subdivision to the south.
    b) Bower Boulevard enables frontage to the existing Fainstein/Werier property to the west.
    c) Latimer Boulevard allows for future development to the south with an option to include the City of Winnipeg property that was created surplus to parks needs in the western extremity of the park on Park Place West.

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

On February 27, 1996, the Committee on Planning and Community Services considered the proposed subdivision and rezoning application under file DASZ 22/94 and approved the following amendment which has been incorporated in the recommendation as set out below:

- That Recommendation I. C be added as follows: That the pieces (slivers) of Bower and Latimer Boulevard to be closed in the future south of the approved plan of subdivision be retained by the City and that Duraps Corporation waive any entitlement to the subject pieces which it may have had under the terms of a 1984 agreement.

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

I. That the plan of subdivision proposed under File DASZ 22/94 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "C" for File DASZ 22/94, dated February 19, 1996 for registration in the Winnipeg Land Titles Office subject to:

    A. That the Developer be required to enter into addendum to Development Agreement AG 16/88 with the City containing therein all the conditions outlined in the report of the Administrative Coordinating Group dated January 23, 1995 as outlined on Schedule "D".

    B. That the Developer be required to pay to the City 10% cash dedication in lieu of land dedication to be calculated on the basis of three (3) additional building site(s) being created.

    C. That the pieces (slivers) of Bower and Latimer Boulevard to be closed in the future south of the approved plan of subdivision be retained by the City and that Duraps Corporation waive any entitlement to the subject pieces which it may have had under the terms of a 1984 agreement.

II. That the Director of Land and Development Services be authorized to certify any documents in connection therewith.

III. That zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "C" for File DASZ 22/94, dated February 20, 1996 to an "R1-9" Single-family District.

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IV. That the City Solicitor be requested to prepare the necessary By-law in accordance with the above.

V. That the plan of subdivision section of the By-law shall come into force and effect upon the execution by The City of Winnipeg of the Development Agreement.

VI. That the zoning section of the By-law shall come into force and effect when the plan of subdivision has been registered in the Winnipeg Land Titles Office; and

VII. That the Proper Officers of the City be authorized to execute all necessary agreements.

VIII. That in the event this application is not proceeded with expeditiously and the By-law is not enacted within 36 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.

IX. That the City Solicitor 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. 506 for attachments)

Proposed Subdivision and Rezoning - land located on rue du Monastère, south of rue des Trappistes - Riel Community
File DASZ 10/95 (c/r DAV 393/95D)

484 - 3. The Committee on Planning and Community Services has been advised that an application has been received from The City of Winnipeg Land and Development Services Department, Winnipeg, Manitoba, R3C 4K4 for approval of a plan of subdivision and related zoning change to Zoning By-law No.6400/94 by rezoning the subject lands from an “A” Agricultural District to an “R1-9" Single-family District to allow for the construction of single-family dwellings.

The following is the Present Site Description:

Site Area: approximately 28,700 m² (7.1 acres) (irregular site)
Land Use: vacant land

The following is the Surrounding Land Use and Zoning:

North: low-density housing and vacant land, zoned “R1-20" and “A”

East: low-density housing and park, zoned “R1-20" and “A”

West: agricultural land, zoned “A”

South: St. Norbert Arts & Cultural Centre (former monastery), zoned “A”

There is capacity in the existing sewer in rue des Trappistes and rue du Monastère, for ten additional lots, and this proposal does not include the extension of services. Therefore, even though the land is designated “Rural” under Plan Winnipeg, the Co-ordinator of Long Range Planning advises that the proposal is “consistent with policy 5A-15". If the owners of lands on the north side of rue des Trappistes choose to subdivide, this proposal does not exhaust the capacity of the existing sewer.

The subdivision is compatible with four existing (developed) lots on the east frontage of rue du Monastère, and because lot sizes average 30,000 ft.², it is compatible with “R1-20" zoning to the north and east.

The proposal is infill development, at the scale appropriate to the existing neighbourhood.

A public meeting was held before the Riel Community Committee on September 18, 1995, November 20, 1995 and concluded on January 8, 1996.

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Two persons appeared in support of the application. Three persons appeared for information.

The Riel Community Committee recommended that:

A. The proposed subdivision and rezoning be approved for the following reasons:

1. The proposal is infill development at the scale appropriate to the existing neighbourhood and the subdivision is compatible with four existing (developed) lots on the east frontage of rue du Monastère.

2. Inasmuch as the lot sizes average 30,000 square feet, this application is compatible with "R1-20" zoning to the north and east.

B. The proposed subdivision and rezoning 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 recommendation of the Riel Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 10/95 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, as outlined on Schedule "A", dated February 13, 1996, for registration in the Winnipeg Land Titles Office subject to:

A. That the City be required to fulfill the conditions outlined in the report of the Administrative Coordinating Group dated August 11, 1995, with the following exceptions:

(i) That asphalt rather than concrete pavement be installed on rue du Monastère.
(ii) That swales rather than land drainage sewers and catchbasins be installed on rue du Monastère.

B. That the following setbacks be established on the land:

(i) a seventy-five (75) foot front yard setback on Lots 1 to 4; and
(ii) a fifty (50) foot front yard setback on Lots 5 to 8.

C. That a caveat be registered against Lots 1 to 5 prohibiting the subdivision of any of the lots without a public hearing being held by the Riel Community Committee.

D. That up to a maximum of fifteen (15) feet of Lot 8 be offered for sale to the adjacent owner of Lot 13 (Ed Boldt) for consolidation purposes only, upon terms and conditions to be determined by the Committee on Finance and Administration.

II. That the Director of Land and Development Services be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A " for File DASZ 10/95, dated February 13, 1996, to an "R1-9" Single-family District.

IV. That the 10% cash-in-lieu dedication be waived in this instance.

V. That the City Solicitor 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.

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

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VIII. That the City Solicitor 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. 507 for attachment)

Proposed Subdivision and Rezoning - land located between Riverwest Road and Main Street North of Benn Avenue - Lord Selkirk-West Kildonan Community
File DASZ 20/95

485 - 4. The Committee on Planning and Community Services has been advised that an application has been received from Novamet Development Corporation, c/o E. Dolhun, 2070 - 360 Main Street, Winnipeg, Manitoba, R3C 3Z3 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" Single-family District to an "R1-4" Single-family District to permit the establishment of fifty-two (52) single-family building sites.

The following is the Surrounding Land Use and Zoning:

north: The north boundary of the subdivision is close to the City of Winnipeg boundary with West St. Paul. Separating the boundary from the subdivision is a narrow river lot still zoned "R1-20".

east: The narrow strip of land to the east abutting Main Street is zoned "R1-20" and occupied with several homes.

west: A combination of "PR1" Public Reserve and "R1-4" Single-Family Housing.

south: Partially developed lands immediately adjacent are still zoned "R1-20" Residential.

The proposed new street opening (Herner Bay) will provide access to 52 proposed lots. The subject area is virtually the last remaining pocket of undeveloped land north of Fernbank and will in all likelihood act as a catalyst in the future development of the lands immediately adjacent to the south. Primary access will be via either Glencairn Road or Riverwest Road. The Community Planning Division supports fully the proposed subdivision and rezoning.

A public meeting was held before the Lord Selkirk-West Kildonan Community Committee on January 16, 1996.

One person appeared in support of the application. No one appeared in opposition to the application.

The Lord Selkirk-West Kildonan Community Committee recommended that:

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

    a) This is considered to be an adequate and appropriate development for the site.

2. The proposed subdivision and rezoning 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 recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 20/95 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "A" for File DASZ 20/95, dated February 13, 1996 for registration in the Winnipeg Land Titles Office subject to:

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A. That the Developer be required to enter into an addendum to Development Agreement AG 43/87 with the City containing therein all the conditions outlined in the report of the Administrative Coordinating Group dated December 28, 1995, as outlined on Schedule "B".

II. That the Director of Land and Development Services be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 20/95, dated February 13, 1996 to an "R1-4" Single-family District.

IV. That the City Solicitor be requested to prepare the necessary By-law in accordance with the above.

V. That the plan of subdivision section of the By-law shall come into force and effect upon the execution by The City of Winnipeg of the Addendum to Development Agreement AG 43/87.

VI. That the zoning section of the By-law shall come into force and effect as follows when the plan of subdivision has been registered in the Winnipeg Land Titles Office; and

VII. That the Proper Officers of the City be authorized to execute all necessary agreements.

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

IX. That the City Solicitor 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. 508 for attachments)

Proposed Rezoning - land located on the south side of Portage Avenue between Sharpe Boulevard and Conway Street - Assiniboia Community File DAZ 223/95

486 - 5. The Committee on Planning and Community Services has been advised that an application has been received from Mr. John Evaniuk, 31 Claremont Avenue, Winnipeg, Manitoba on behalf of Conway Gardens Condominiums for permission to rezone the subject lands from an "R1-6" Single-family District to an "RM-3" Multiple-family District to accommodate the construction of seventy-three (73) dwelling units (apartment condominiums).

The following is the present Site Description:

Width (frontage): 81.10 metres (266.1 feet)

Depth: 137.16 metres (450 feet) approx.

Gross Area: 1.056 ha (2.61 acres)

Net area
(less Floodway area) 0.849 ha (2.1 acres)

Existing land use
and zoning: Zoned "R1-6" Single Family District - Land developed with 3 detached single family dwellings.

The following is the Surrounding Land Use and Zoning:

north: three (3) storey apartment buildings and commercial development on north side of Portage Avenue - Zoned "RM-6" Multiple-Family District and "C2" Commercial District.

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east: Single-Family dwelling - land zoned "R1-6" Single-Family District.

west: Single-Family dwellings on west side of Conway Street (Street not physically developed) zoned "R1-6" Single-Family District.

south: Assiniboine River.

The subject site is located within the boundaries of the Winnipeg Airport Vicinity Development Plan, By-law 6378/94. The plan was approved by the Minister of Urban Affairs on May 20, 1994, and by City Council on May 25, 1994. Plan Winnipeg, the City's Long Range Development Plan was also concurrently amended by By-law 6339/94 and received approval of the Minister and Council on the same dates as the Airport Vicinity Development Plan.

Under By-law 6419/94, the City of Winnipeg has also established minimum acoustic insulation requirements for buildings within the Airport Vicinity Protection Area.

The Airport Vicinity Development Plan identifies the subject lands as lying within Area I of that Plan. The subject site is affected by development policy guidelines within the plan which state:

Portage Avenue Development

1. The City shall follow Noise Exposure Forecast (NEF) contours, adjusted as required to achieve development (zoning) district boundaries and by and under applicable development (zoning) by-laws and other land use controls shall regulate the use of land and buildings within the AVPA as follows:

    i) within Area 1 no new residential development shall be permitted (subject to statutory non-conforming rights and any related variance); but, existing dwellings may be replaced if destroyed or demolished. Subject to any required rezoning or other change in land use controls, exceptions for minor residential infilling in existing and established residential areas and the conversion of single-family properties fronting Portage Avenue for limited multiple-family residential development to a maximum of 85 units per hectare (35 units pr acre), may be approved:

Consistent with the above, Council at its meeting on May 25, 1994, passed Zoning By-law No. 6418/94 in order to regulate development and land use within the Airport Vicinity Protection area in accordance with adopted policy. Under By-law 6418/94, development on the subject site is regulated by the following clause:

3.2 Within that part of the AVP Area in Area I on the Map:

(a) Minor residential infilling may be approved as a conditional use under The City of Winnipeg Act in areas of established residential development, and

(b) Subject to all required amendments of or approvals under applicable land use controls, lands fronting Portage Avenue zoned for single-family residential properties may be converted to multiple-family dwellings not exceeding an approved density of 85 units per hectare (35 units per acre) of building lot area, excluding any part of that area designated Floodway.

The subject site is 0.8498 ha (2.1 acres) in net area. The maximum number of dwelling units that may be considered as appropriate by Council in conjunction with any proposed rezoning is 73 units.

The applicants proposed to construct two six storey apartment buildings incorporating a total of 73 dwelling units. The ground floor level of each building would accommodate sheltered parking. An associated Variance DAV 693/95D has been made to permit a height of 60 feet for the apartment buildings instead of 45 feet maximum as permitted by the proposed "RM-3" provisions of the zoning by-law. It appears from the submitted site plan that a part of the southerly apartment building would be located within the Floodway Fringe area. Except for height and a deficient east side yard, the development otherwise complies with the proposed "RM-3" zoning provisions. The variance application DAV 693/95D was withdrawn by the applicant at the public hearing on January 16, 1996.

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The Corporate Services Department has the mandated responsibility for providing information and recommendations to the Commissioner of Planning and Community Services with regard to development proposals and rezoning applications affected by Plan Winnipeg and the Airport Vicinity Development Plan. The Corporate Services Department has stated that in their opinion, the proposed rezoning to an "RM-3" density should not be approved since it would be contrary to adopted Council policy with regard to objectives for protection of the 24 hour viability of the Winnipeg International Airport.

In their memorandum dated November 14, 1995, the Corporate Services Department has suggested that, in principle, a multiple family development on the subject site would be consistent with Plan Winnipeg, however the density of that Development should be significantly less than that proposed by the subject application. This statement recognizes the importance of considering proposed rezoning and multiple family development on specific sites in light of the location of those sites relative to the location of NEF contours. In order to properly manage the cumulative potential impact of redeveloping all the single-family dwelling sites on the south side of Portage Avenue within Area I of the AVDP on the airport, it is proposed that allowable densities reflect a gradient from low density (under the highest NEF contour) to higher density (maximum 35 units per acre) under the lowest NEF contour. Consistent with this approach, the Corporate Services Department has suggested that an "RM-1" zoning is reasonable for the subject site. An "RM-1" zoning would enable redevelopment at a density exceeding that presently permitted (approximately 6 units per acre under the "R1-6" zoning) up to a maximum potential of 21 units per acre. Any recommendation as to a specific density within this range could be further controlled through provisions of a zoning agreement. Sites to the west and east of the subject site would then warrant consideration of lower or higher redevelopment densities respectively when such time as applications are made. Councils decision on the subject application will however establish a precedent for the potential redevelopment of all the remaining single family sites on the south side of Portage Avenue within area I of the AVDP.

The application has been reviewed by the Administrative Co-ordinating Group. No objections have been noted by affected Departments or Agencies. However, the Parks and Recreation Department has requested that should the application be approved, that a cash dedication in lieu of land for Parks and Recreation open space be requested. There is no need for a servicing agreement in conjunction with the approval. A Geotechnical Engineering Study may be required since the development is located on the river bank.

The Community Planning Division is guided by the recommendation of the Corporate Services Department with respect to the appropriateness of development within the Winnipeg Airport Vicinity Development Plan and the recommended disposition of this application. Accordingly, the Community Planning Division of the Community Services Department recommended that the application to rezone the subject lands to accommodate 73 dwelling units not be approved.

A public meeting was held before the Assiniboia Community Committee on November 21, 1995 and January 16, 1996.

The names of persons appearing in support and in opposition to the application are listed in the report of the Community Clerk dated February 7, 1996.

The Assiniboia Community Committee recommended that the application not be proceeded with for the following reasons:

1. The proposed development would be inconsistent with and contrary to adopted Council policy with regard to the objectives for protection of the 24 hour viability of the Winnipeg International Airport.

2. The overriding intent of The Airport Vicinity Protection Area Zoning By-law is too restrict new residential development in this area in order to support the future growth and development of the Winnipeg International Airport as an unrestricted 24 hour operation.

The Committee on Planning and Community Services concurred in the recommendation of the Assiniboia Committee and recommends that the application under File DAZ 223/95 not be proceeded with.

Adopted by consent.

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Proposed Rezoning - land located at
150 Ferry Road - Assiniboia Community
File DAZ 228/95 (c/r DAV 891/95D)

487 - 6. The Committee on Planning and Community Services has been advised that an application has been received from Smith Carter Architects, 1601 Buffalo Place, Winnipeg, Manitoba, R3T 3K7, c/o J. Ferguson for permission to rezone the subject land from "PR1" Parks And Recreation District to an "Rm-2" Multiple-family District to allow for the construction of a three-storey multiple unit housing development.

The following is the present Site Description:

Dimensions:: width = 76.2 metres (250 feet)
depth = 76.2 metres (250 feet)

Site Area: 5806.44 square metres (1.434 acres)

Existing Land Use: YM-YWCA Building (to be demolished)
Zoned "PR1" Parks and Recreation District

The following is the Surrounding Land Use and Zoning:

north and west: St. James Collegiate
Zoned "PR1" Parks and Recreation District

south: Bourkvale Community Club and Park
Zoned "PR1" Parks and Recreation District

east: Single-family dwellings on east side of Ferry Road
Zoned "R1-5" Single-Family District

The applicant is proposing to construct a three-storey in height, 45 unit multiple-family dwelling for elderly persons. The apartment homes will be available on a life-lease basis. The development will provide 26 underground parking spaces with an additional 25 parking stalls at grade level. A concurrent variance application, DAV 891/95D has been made to permit the development to have substandard yards and to permit a driveway and parking to be located in the front yard.

The proposed development is to be located on a site of 1.4348 acres area and will have a density of 31.36 dwelling units per acre. As noted by the Development Plan Administrator, the proposed density is considered compatible with policy as established in the Winnipeg Airport Vicinity Development Plan. A letter from the Administrator for Plan Winnipeg along with a map illustrating the location of the site relative to NEF Contours used in the Airport Plan, and to the latest contours, is outlined on Schedule “B”.

The application has been reviewed by the Administrative Co-ordinating Group and no objections were noted. A servicing agreement is not required. The Parks and Recreation Department has advised that lands are not required to be dedicated to the City for Parks and Recreation Purposes. Since the development is "non-profit" it is Council’s policy not to require a cash payment in lieu of land.

There is also a caveat presently registered against the title to the property. This caveat was registered by the City of Winnipeg in the year 1982 as part of an agreement with the YM-YWCA with respect to facility expansion. The caveat would presently prohibit use of the lands for the proposed residential development. The applicant and the City of Winnipeg have negotiated the terms of the caveats removal, however the applicant has not yet completed this process. The by-law rezoning the land should not come into force and effect until the caveat is removed.

The Community Planning Division recommended approval of the proposed rezoning since the development is consistent with the Winnipeg Airport Vicinity Development Plan and is compatible with neighbouring land uses and development.

A Public meeting was held before the Assiniboia Community Committee on January 16, 1996.

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The names of persons who appeared in support or in opposition to the application are listed in the report of the Community Clerk dated February 14, 1996.

The Assiniboia Community Committee recommended that:

1. The proposed rezoning be approved for the following reasons:

    a) The development is compatible with the surrounding residential neighbourhood.
    b) The development will not intrude into the existing public open space, and in fact will contribute new green space back into the public domain.
    c) The development complements Plan Winnipeg's policy goal regarding infill housing in older neighbourhoods.
    d) The development is compatible with The Winnipeg Airport Vicinity Development Plan.

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

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 228/95, dated February 20, 1996, to an "RM-2" Multiple-family District subject to the following:

    1. 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:

        (a) that no more than 45 dwelling units shall be permitted on the lands;

        (b) no building shall exceed three storeys in height;

        (c) that no building, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed building, the type and colour of all exterior materials, the location and design of accessory parking areas (including drainage), private approaches, driveways, fencing, garbage, enclosures, landscaping, and all exterior lighting are submitted to and approved by the Assiniboia Community Committee, and thereafter identified by the signature of the Commissioner of Planning and Community Services under the designations as outlined in Schedule "A" to Zoning Agreement DAZ 228/95 and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to the agreement;

        (d) that the security and parking lot lighting be designed so as not to adversely impact on the residential properties on the east side of Ferry Road;

II. That the applicant enter into an Agreement with the City containing therein the condition outlined as follows:

    1. To remove the existing parking area immediately adjacent to the south of the subject site which is located on City of Winnipeg owned lands. The removal of said parking area is to include excavation and removal of any concrete, asphalt and granular base from the site, and reinstatement with earth fill and sod as necessary, and all as determined by, and to the satisfaction of the Director of Parks and Recreation.

III. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 18 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 be authorized to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Caveat No. 82-50813 is first discharged against the land and the Zoning Agreement has been registered at the Winnipeg Land Titles Office by caveat as a first charge against the subject land provided that the said effective date occurs within eighteen (18) months from the date that the said rezoning by-law is enacted;

Report of the Committee on Planning and Community Services dated February 27, 1996

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

VII. That the City Solicitor 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. 509 for attachments)

Proposed closing of a public lane and drain right-of-way south of Blackmore Avenue, west of River Road - Riel Community
File DAC 4/92

488 - 7. The Committee on Planning and Community Services has been advised that the Committee on Finance and Administration instructed that the subject lands comprising the two closings in question (a public lane and drain right-of-way) be offered to the adjoining land owners, subject to an easement in favour of the City for a land drainage swale. In order to offer this land for sale the two right-of-ways must be legally closed.

Misc. Plan No. SBSV 6660/1B was approved by the Committee on Planning and Community Services on May 11, 1992.

The closing was held in abeyance while the Land Surveys Branch negotiated with the neighbouring owners of the north-south portion of the lane. The negotiations were not successful. It is for this reasons that the matter is again before your Committee in a modified form.

Misc. Plan No. SBSV 6660/3 is being proposed as a viable alternative, and as such, it was necessary to repost the subject closing.

The subject closing was circulated to the various applicable City Departments and Public Utilities for information and comment. There were no objections received from the respondents, but easement requests were noted by Manitoba Hydro, M.T.S. and District Operations.

The former Operations District No. 5 had requested an easement be retained on the subject lands for a land drainage swale, and to protect a land drainage sewer and two catch basins in the same area. The easement agreement would be between the City and future owners (owning the adjoining property holdings).

Manitoba Hydro has an existing overhead distribution line in the right-of-ways to be closed. Hydro requests an easement agreement to protect these distribution facilities.

The Manitoba Telephone System have requested an easement to protect any existing overhead and/or underground telephone distribution facilities.

Subject to the above noted easements being obtainable the Subdivision Branch is of the view that the subject closing can proceed.

On February 12, 1996, the Riel Community Committee held a public hearing with respect to the closing application and considered a report from the Subdivision Officer dated January 3, 1996.

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

I. That the City Solicitor be instructed to prepare the necessary By-law for submission to Council to effect the closing in accordance with Misc. Plan SBSV 6660/3, as outlined on Schedule “A”.

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

Adopted by consent.

(See Minute No. 510 for attachment)

Report of the Committee on Planning and Community Services dated February 27, 1996

Proposed closing of portions of Bower Boulevard, Latimer Boulevard and the lane between both, South of Park Place West - Assiniboia Community
File DAC 20/94 (c/r DASZ 22/94)

489 - 8. The Committee on Planning and Community Services has been advised that the Planning Department initiated the above noted street and lane closing at the request of the developer, Pine Hill Developments. The initial application was considered by your Committee on January 4, 1995 and received as information by your Committee on January 31, 1995. Pine Hill Development, owner of the adjacent land proposes to subdivide and rezone its holdings under File DASZ 22/94. Essential to that proposal initially was the closing as outlined on Schedule "A". The proposed closing was circulated to all concerned City Departments and Public Agencies with no objections having been received.

The proposed concept plan, as outlined on Schedule "B" and the proposed subdivision and rezoning application under File DASZ 22/94, was approved by the Assiniboia Community Committee on January 16, 1996. Schedule "B" utilizes only a portion of both Bower Boulevard and Latimer Boulevard. It is not deemed necessary that the entire rights-of-way be closed. In fact, to accommodate a more recent proposal (DASZ 1/96) between Shaftsbury and Bower, it becomes essential that Bower Boulevard, with a reduced width remain open.

In order to complete the closing application, thereby allowing the proposed Pine Hill Development subdivision and rezoning application to proceed, an amended closing plan is outlined on Schedule "C".

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

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the partial street and lane closing in accordance with Misc. Plan ASBA 9307/1 as outlined on Schedule "C".

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

Adopted by consent.

(See Minute No. 511 for attachments)

Repeal of The Rivers and Streams Act - Waterway By-law No. 5888/92
File E-5.1 (Vol. 14

490 - 9. The Committee on Planning and Community Services has been advised that on January 11, 1996, the Riverbank Management Committee considered and received as information a communication from the Waterway Engineer, dated December 21, 1995.

For the information of Council, the Order-in-Council No. 672/1995, from the Province of Manitoba proclaimed the legislation on regulated areas and repealed The Rivers and Streams Act.

In addition to the above, the Waterway By-law No. 5888/92 came into force upon proclamation on December 15, 1995. This by-law establishes a new procedure for issuance and enforcement of Waterway Permits and Orders within the regulated areas of the City of Winnipeg and thereby cancels the delegation of authority by Council to the “Rivers and Streams Permit Committee” to consider applications and approve permits and abolishes said sub-committee.

Adopted by consent.

Report of the Committee on Planning and Community Services dated February 27, 1996

The Buildings Conservation List - Capitol and Metropolitan Theatres
File G-3.1.1 (Vol. 2)

491 - 10. The Committee on Planning and Community Services has been advised that a request was received from Famous Players Inc., to delist the Capitol Theatre to allow for its demolition. In responding to Famous Players, and in consideration of the historic and architectural merits of this structure, the Committee has sought economically appropriate ways to preserve this building and the Metropolitan Theatre.

The Capitol Theatre was designated as a Grade II building on March 11, 1991. As such, alteration or demolition requires City Council approval. This theatre has been vacant for several years and remains unheated. Though considered structurally sound, interior surfaces are rapidly deteriorating. For this reason a decision on redevelopment is required.

In facing the economic burden of two vacant theatres which are not viable in today's first-run movie market, Famous Players Theatre is seeking Council authorization to demolish the improvements on the Capitol Theatre site. In response to this request the Committee on Planning and Community Services advertised in local newspapers to secure proposals for the reuse of both the Capitol and the Metropolitan Theatres. Several responses were received.

An alternative to delisting, is acquisition of the two theatres by The City of Winnipeg. Famous Players Inc. has indicated a willingness to support this alternative. A decision on this matter is dependent upon:

- the strength of the proposals for reuse and negotiations with proponent(s)
- negotiation with Famous Players Inc. over the value and costs associated with the exchange of property for a tax receipt under the terms of the Income Tax Act
- determination of City costs associated with the exchange.

Preliminary discussion pertaining to property exchange for a Tax Receipt has taken place with Famous Players Inc.

Should the City decide to assume ownership of the Capitol and Metropolitan Theatres, it will be necessary to finance incidental costs related to realty tax adjustments and other costs of title transfer. Responsibility for costs relating to third party appraisal and structural and mechanical reports must also be determined.

Those responding to the proposal call for reuse of the Capitol and Metropolitan Theatres give hope to retaining these important structures in the landscape of downtown Winnipeg. As The City focuses on the downtown through Centre Plan, the Capitol and Metropolitan Theatres can become anchor points to stimulating activity in the heart of Winnipeg. This is especially important as one reflects on the significance of increased tourism.

On March 22, 1995, Council adopted the recommendations made by the Committee on Planning and Community Services that The City of Winnipeg pursue acceptance of the offer made by Famous Players Inc., to donate the Capitol and Metropolitan Theatres in exchange for an income tax receipt.

On February 27, 1996, the Committee on Planning and Community Services concurred with the recommendations as contained in Clause 8 of the Report of the Committee on Finance and Administration dated February 26, 1996, thereby approving the allocation of funds, as stipulated under Recommendation II, from the Winnipeg Development Agreement for use for the purposes as stated in that recommendation.

For the information of Council, the Committee on Planning and Community Services, pursuant to Section 12 (3) of By-law No. 1474/77, by resolution, removed the Capitol Theatre from The Buildings Conservation List, as outlined in Schedule “A” of By-law No. 1474/77 and requested that the Historical Buildings Committee proceed to review the listing of the Metropolitan Theatre.

Adopted by consent.

REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED JANUARY 30, 1996

On motion of Councillor Silva, the Report of the Committee on Planning and Community Services, dated January 30, 1996, was considered.

Her Worship Mayor Thompson and Councillors:

Proposed amendments to The City of Winnipeg Act relative to development applications
Files GL-5.1 (Vol. 43) and EP-1

492 - 1. The Committee on Planning and Community Services has been advised that the Riel Community Committee, on January 8, 1996, considered the matter of variance and conditional use applications with no companion rezoning and/or subdivision application.

The Riel Community Committee discussed the merit of having such applications considered by Community Committees, as was done prior to the proclamation of Bill 35 by The Province of Manitoba in 1991 which amended Part 20 of The City of Winnipeg Act by the creation of the Board of Adjustment and significantly changed variance and conditional use procedures.

The Riel Community Committee also considered the need for conditional use applications to be advertised in newspapers having a general circulation in the City. In this connection, the Riel Community Committee expressed the view that such applications usually only affect the local area and should therefore only be advertised in a local newspaper (eg. The Lance, The Herald, etc.) in an effort to reduce the overall application costs paid by applicants, particularly in the Riel Community where advertisements are required to be in bilingual format.

The Riel Community Committee recommended:

- That The City of Winnipeg Act be amended in order that all variance and conditional use applications be considered by Community Committees.

- That The City of Winnipeg Act be amended to permit conditional use applications, that are required to be advertised, to be advertised in a local newspaper rather than in newspapers having a general circulation in the City.

The Committee on Planning and Community Services therefore recommends:

I. That Council request The Province of Manitoba to grant The City of Winnipeg the right to set the approval process for all Zoning, Subdivision, Variance and Conditional Use and License applications under The City of Winnipeg Act.

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

Moved by Councillor Silva,
Adoption of the clause.

The motion for the adoption of the clause was put.

Report of the Committee on Planning and Community Services dated January 30, 1996

The Speaker called for the yeas and nays, which were as follows:-

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

Nay: Councillors Prystanski and Lazarenko. 2

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

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

493 - 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. 6794/96, a By-law of The City of Winnipeg to amend By-law No. 6162/93, being The City of Winnipeg Municipal Assistance By-law. File EH-2 (Vol. 17)

By-law No. 6795/96, a By-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change at 748 Broadway, in the City Centre Community. File DAZ 230/95

By-law No. 6796/96, 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 bounded by Parkin Avenue, Elmhurst Road, Laxdal Road and Grant Avenue, in the Assiniboia Community. File DASZ 18/94

By-law No. 6797/96, 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 north-east corner of William Avenue and Tecumseh Street, in the Lord Selkirk - West Kildonan Community. File DASZ 17/95

By-law No. 6800/96, 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 Beacon Hill Place, Eldorado Boulevard and Scurfield Boulevard, in the Assiniboia Community File DASZ 58/85

On motion of Councillor Silva, the rule was suspended and By-law No. 6802/96, a By-law of The City of Winnipeg to open part of Mayfield Crescent, 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 DAO 12/95