REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED APRIL 4, 1995

On motion of Councillor O'Shaughnessy, the Report of the Committee on Planning and Community Services, dated April 4, 1995, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 1,2,3,4,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21 and 22, be adopted.

Councillor Murray requested that Clause 18 be pulled from the Consent Agenda.

The motion to adopted the Consent Agenda, Clauses 1,2,3,4,6,7,8,9,10,11,12,13,14,15,16, 17,19,20,21 and 22 was put and declared carried.

Her Worship the Mayor and Councillors:

The Establishment of Heritage Districts, Areas or Zones File G-3 (Vol. 7)

693 - 1. The Committee on Planning and Community Services has been advised that members of the Historical Buildings Committee have discussed the desirability of being able to establish heritage districts to augment the current practice of historically designating individual structures. Heritage districts are the means for successful area revitalization by ensuring that:

- concerted attention and investment are sustained;
- there are effective mechanisms for cooperation and coordination between the public and private sectors; and
- change, including new development and the conversion or loss of some older buildings, is accommodated within the parameters of prevailing design and other controls protecting essential heritage/character elements.

These discussions have been congruent with City of Winnipeg policy documents.

Plan Winnipeg: Towards 2010 specifically calls for the establishment of such districts:

> "The City shall establish heritage conservation areas which focus on the restoration, revitalization and preservation of the built environment in areas where collections exist of sufficient number of heritage resources." (Clause 6C-04)

This policy is also stated in a recommendation of the Heritage Support Policy and Programs, a report adopted in principle by Winnipeg City Council on July 29, 1992. The most pertinent of these recommendations is specifically aimed at heritage districts. To quote:

> "That City Council encourage, and make provisions for, the designation of Heritage Districts, Areas or Zones - i.e., residential or commercial areas which are geographically coherent, predominantly represent a certain historic period, and/or have a specific character that should be preserved and enhanced. Comprehensive design, maintenance and development/redevelopment standards would be established to protect traditional architecture and other important aspects of area character." (pp. 36-37)

Although historic districts have been accepted in principle, at present there are no such districts legally recognized in Winnipeg.

The City of Winnipeg has a well defined by-law aimed at the retention of individual historic structures, which has acted to preserve over 200 historic buildings. Nevertheless, a heritage policy capable of designating only discreet structures yields limited results.

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Although heritage preservation can be an end in itself, it also can have positive effects of a wider nature and it is the heritage district that makes these benefits possible. Arthur Frommer, publisher of hundreds of tour guides, makes clear that the link between historic preservation and increased tourism occurs only when a community preserves entire districts, not just isolated structures.

The Committee on Planning and Community Services therefore recommends:

I. That the City of Winnipeg make a formal request to the Province of Manitoba to amend The City of Winnipeg Act to permit the designation of Heritage Districts, Areas or Zones which would include residential or commercial areas which are geographically coherent, predominantly represent a certain historic period, and/or specific character that should be preserved and enhanced.

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.

Alternate Sources of Funding for the Heritage Building Support Program
File G-3.1(Vol. 6)**

694 - 2. The Committee on Planning and Community Services has been advised that on September 30, 1994, your Committee approved an addition of $100,000.00 for the Heritage Building Support Program to the 1995 Capital Estimates, and $100,000.00 for each year (1996-2000) to the Five Year Capital Forecast. This was adopted by City Council on November 17, 1994. The Committee on Planning also requested that the Commissioner recommend alternate sources of funding to the Heritage Building Support Program.

On January 8, 1990, Committee on Planning and Community Services passed a motion that an Ad Hoc Committee on Heritage Buildings be established with its first priority to:

> review the economic viability of listed buildings and investigate tax breaks, government grants, non-profit usages, private investment/foundation support, and marketing options to promote continued productive use and protection of these buildings.

On January 29, 1992, City Council adopted in principle the recommendations from the Ad hoc Committee in a report "Heritage Support - Policy and Programs".

On August 19, 1993, a working group was established to review and recommend to Executive Policy Committee a tax credit and grant program for heritage buildings.

On December 15, 1993, Council adopted the working group's recommendations to Executive Policy Committee which included requesting the Province of Manitoba to amend the City of Winnipeg Act to allow the City to have a program of incentives to rehabilitate designated buildings.

Manitoba Urban Affairs has prepared a report recommending that the City of Winnipeg Act be amended to allow for tax relief and grants for heritage building conservation.

The Planning Department has reviewed funding sources for heritage programs from a variety of cities in North America that have historic conservation programs and has summarized the methods that are applicable to the City of Winnipeg.

An overriding principle that was always brought forward states that municipalities must fund heritage programs with a strong commitment to core funding that is stable or expands steadily over a number of years. Promoting a city's heritage resources must be seen as an ongoing responsibility and on principle should not be subject to budgetary windfalls or shortages. The adoption of the $100,000.00 for heritage support in the 1995 capital estimates certainly provides the City with a good foundation.

Report of the Committee on Planning and Community Services dated April 4, 1995

Funding Sources - External

A. Canadian Heritage/Canadian Parks Service

Architectural and historical sites of national significance can receive conservation project assistance of up to 50% of eligible costs to a maximum of $1 million per cost-sharing agreement. Buildings in Winnipeg that have received funding from this program include the Walker Theatre, St. Boniface Museum and the CPR Station. Funds may be available for several other landmark buildings in Winnipeg, including the Metropolitan Theatre.

B. Province of Manitoba

Municipally and Provincially Designated Buildings Grants: these two programs initiated by Manitoba Culture, Heritage and Recreation provide cost-sharing grants for the rehabilitation of buildings designated under the Heritage Resources Act or Winnipeg's Historical Buildings By-law. Grants are available to a maximum of $35,000.00 for buildings designated by the City, $75,000.00 for buildings designated by the Province. The City of Winnipeg has accessed this grant program for the repair of a number of City-owned buildings.

Heritage Grants Program: is a lottery-funded program which provides grants of up to 50% for building restoration, programming or publication. The Planning Department has received grants for research and photography of historical structures to supplement the Historical Buildings Committee's budget needs.

The Fort Rouge walking tour booklet was also partially funded by this program which was a joint venture of Community Programs, the University of Manitoba and the Corydon B.I.Z.

Manitoba Culture and Heritage will also provide assistance on a 50/50 basis up to $500.00 for commemorative markers on plaques.

Funding Sources - Internal

The following is a list of sources municipalities have used to fund heritage conservation projects:

1. parking lot development fees
2. motel/hotel taxes
3. public arts funds
4. special assessments in historic districts to fund additional facade improvements
5. tax increment financing - the increase in taxes collected in a specific area is put into a special fund for public improvements in that area

Some American municipalities have demonstrated permit fees that are based on the assessed value of the building to be demolished. There is a charge of up to 10% of the assessed value of the building to be demolished. Some municipalities impose this charge only to designated heritage buildings. These fees go into a special reserve fund that is used exclusively for heritage conservation activity. This approach is viewed as one means of providing a disincentive for demolition.

The Winnipeg Heritage Resource Development Agency

The Heritage Support: Policy and Programs report makes the following recommendations:

That the City of Winnipeg, alone or in concert with the Province of Manitoba, examine the feasibility of establishing a Winnipeg Heritage Resources Development agency as a charitable organization that could, among other possible assignments:

- facilitate the development of conservation proposals by providing advice to existing or potential heritage building owners on project plans and regulatory approval processes and, where necessary, by linking owners with appropriate design, engineering and other resources;
- serve as an animator for the marketing and promotion of underutilized heritage buildings; and
- deliver grant and loan programs.

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This charitable foundation would be at arms length from city administration and could access capital not readily available to the City. It would work towards obtaining endowments and donations to establish a fund to provide grants and loans. As well it could work with private sponsors to pursue business donations, trade discounts and other public/private ventures. It could also undertake fundraising activities such as casinos, bingos, sale of publications and souvenirs.

The main advantage of this type of agency is that there would be an exclusive and consistent program focus on heritage issues an opportunities.

The Committee on Planning and Community Services recommends:

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

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.

Appointments to the Historic Winnipeg Advisory Committee (HWAC)
File G-3.1 (Vol. 2)

695 - 3. The Committee on Planning and Community Services has been advised that on November 10, 1992, Council referred to the Downtown Design Board for recommendation the matter of appointment of the Historic Winnipeg Advisory Committee (HWAC) members for a two-year period. On January 27, 1993 Council adopted a January 15, 1993 recommendation from the Committee on Planning and Community Services to reappoint the then current Historic Winnipeg Advisory Committee members for a two-year term to expire on April 17, 1995. The Downtown Zoning By-Law 4800/88 states:

"704(2) The Downtown Design Board may appoint an Advisory Committee (or Committees) from time to time for the purpose of preparing or reviewing guidelines, or for the purpose of preparing advice to the Board in respect of applications for approval by the Board."

The eight (8) current members of the Historic Winnipeg Advisory Committee have agreed to serve for an additional two years. In addition, Mr. Ron Hambley, Executive Director of the Exchange District Business Improvement Zone has agreed to serve as a member on the HWAC. His involvement will provide a valuable link to the issues and activities of the BIZ group.

Complete information on the current membership is outlined on Appendix "A". The composition of the Historic Advisory Committee is as follows:

Mr. Leslie J. Stechesen - Architect
Mr. Greg Thomas - Historian
Ms. Valdine Buckley - Planner
Mr. Rod Sasaki - Property Owner & Tenant
Mr. Bill Ketcheson - Property Owner & Tenant
Mr. Karl Farstad - Real Estate Appraiser
Mr. Gary Hilderman - Landscape Architect
Mr. Glen Tinley - Graphic Designer
Mr. Ron Hambley - Executive Director, The Exchange District Business Improvement Zone

The Committee on Planning and Community Services therefore recommends that the current Historic Winnipeg Advisory Committee members, along with Mr. Ron Hambley, be reappointed for an additional two-year term to expire on April 15, 1997.

Adopted by consent.

(See Minute No. 719 for attachment)

Report of the Committee on Planning and Community Services dated April 4, 1995

Proposed Amendment to Development Agreement AG 57/86 - Finance Department No. 7939 - North Grassie Properties Inc. - East Kildonan-Transcona Community Files DASZ 10/93 (c/r DASZ 57/86)

696 - 4. The Committee on Planning and Community Services has been advised that on September 26, 1989, the City executed Development Agreement AG 57/86, Finance Department No. 7939 with North Grassie Properties Inc. (North Grassie).

Clause 26. in Section I of Schedule "C" of the Agreement allows North Grassie to service and develop the land in two phases. The payments associated with each phase of development were also phased including interest added to certain Phase 2 payments for off-site traffic improvements installed by Qualico Developments Ltd. (Qualico). The rate of interest is specified at 11.75% per annum from the date of registration of the plan of subdivision establishing the streets which occurred on December 20, 1989.

On October 21, 1994, North Grassie made a payment with respect to its Phase 2 obligations in the amount of $74,393.33 plus interest of $11,508.89. In a letter dated November 9, 1994, Mr. Randie Wiebe of North Grassie requested that the Development Agreement be amended to stipulate a fairer interest rate. Mr. Wiebe proposes the rate be set at bank prime plus 1%. In a letter dated January 10, 1995, Qualico concurred in North Grassie's request. It should be noted that no portion of interest collected has been remitted to Qualico Developments Inc.

On February 14 and March 15, 1995, the East Kildonan-Transcona Community Committee considered a communication dated January 17, 1995 from the Development Agreement Officer and concurred with the recommendation contained in the report.

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

I. That Development Agreement AG 57/86 be amended as required to provide that interest on certain Phase 2 payments shall be calculated utilizing the prime rate plus 1% per annum.

II. That the Proper Officers of the City do all things necessary in this matter including reimbursement of any overpayment of interest by North Grassie Properties Inc.

Adopted by consent.

Proposed Subdivision and Rezoning - Land located at the North East corner of Ashcroft Point and Glendale Boulevard - Assiniboia Community File DASZ 20/94

697 - 5. The Committee on Planning and Community Services has been advised that an application has been received from SEG Engineering Inc., 200 Tache Avenue, Winnipeg, Manitoba, R2H 1A7 for approval of a plan of subdivision, either Proposal "A" or Proposal "B", and a related zoning change to By-law No. 1558 by rezoning the lands on the north east corner of Ashcroft Point and Glendale Boulevard from a "PR" Park and Recreational District to either an "R1-4" Single-family District or an "RM-L" Multiple-family District to allow for the construction of single-family dwellings or multiple family development respectively.

The applicant had requested that two potential zoning categories be advertised for the public hearing. As the applicant failed to submit a site plan showing multiple-family housing, this report deals only with the "R1-4" zoning application (Proposal "A") outlined as Schedule "A" and must recommend denial of the "RM-L" zoning designation (Proposal "B") outlined as Schedule "B".

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The proposal involves demolition of the Woodhaven School, constructed in 1956, and the subdivision of the Glendale and Ashcroft frontages into 18 building lots with minimum widths of 40 feet. A portion of "PR" land has been retained for what appears to be back-yard access to the adjacent Woodhaven Park.

The site is level along Glendale and Ashcroft frontages, but slopes abruptly down to the creek bed. The horseshoe-shaped bank has historically been used as a toboggan hill by residents of the neighbourhood and surrounding area. The site is heavily treed at the northwest corner at the end of Wood Dale Drive. Mature Oak trees are scattered across the balance of the site, mostly along the street frontage. Single-family development is supportable on the surplus school site for several reasons:

1. the development complies with Plan Winnipeg, which supports infill development as a cost-efficient alternative to suburban expansion;

2. the single-family housing is compatible with existing development;

3. options for recycling the vacant school have been rejected as inappropriate for the neighbourhood;

4. a 1989 report by the Parks and Recreation Department, the Planning Department and the Land Surveys and Real Estate Department concluded that the school site was surplus to city parks and recreational requirements.

Possible residential development of the Woodhaven School site is understandably an emotionally charged issue for area residents. Schools are a focus of neighbourhood life, and their closure represents a real loss. The school site is perceived as an extension of the City-owned public park, and is used accordingly for recreational purposes. Some adjacent residents are accustomed to relatively unobstructed views which would be disrupted by housing development. Some existing trees may require removal during construction is an unfortunate but common occurrence in land development.

Concerned residents are pursuing several alternatives to the subject proposal. The Woodhaven Homeowners' Association have been attempting to raise funds for the purchase of the site from the school division and the creation of a kind of trusteeship to ensure ongoing public enjoyment and self-financed grounds maintenance. There are indications that the association would support limited development of the Glendale frontage. The Woodhaven Community Club have been working with the Parks and Recreation Department in an attempt to acquire the entire site for development of needed sports fields. The Sturgeon Creek Association is concerned about bank stability and the impact of development on the creek's water quality and wildlife habitat.

The Planning Department lauds the efforts of local residents to retain the school site in public or quasi-public ownership. However, the Department is currently in receipt of a rezoning and subdivision application from a private company which has a legal option to acquire the property for development purposes. The Department is obligated to respond to issues of appropriate development and land use compatibility in respect of that application.

Prior to receiving the current development application, the Planning Department's position on the site was stated in an internal memo date March 14, 1994. At that time, the Department indicated a preference for single-family development providing lot widths of 40 to 50 feet on Glendale and 50 to 60 feet on Ashcroft, for a total of about 16 lots. The memo went on to suggest that the excess depth of the lots could be consolidated with the adjacent park. This would occur through a combination of statutory park dedication and Council-approved cash purchase.

The Planning Department just lately received a revised subdivision plan from the applicant, as outlined on Schedule "C". The plan shows ten 50 foot lots on Glendale, and four 60+ foot lots on Ashcroft, for a total of 14 lots. The perpendicular depths of the lots is 130 feet on both Glendale and Ashcroft. The surplus land is shown as a separate lot, amounting to about 1.3 acres including 0.3 acres of dedicated land and 1.0 acres of purchased land, for consolidation with the park.

The lots have been subdivided so that private ownership does not extend beyond the top-of-bank in the area of the steepest slope. This effectively preserves the toboggan run on what could become public land under the revised proposal. It would also seem to address the issue of bank stability.

The revised plan meets or exceeds the basic criteria established by the Planning Department for development of the lands. The revised plan could be recommended for approval by your Committee under the advertised "R1-4" zoning with a subdivision agreement restricting lot sizes.

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The initial report of the Administrative Coordinating Group (ACG), dated November 24, 1994, recommended, in accordance with the recommendation of the Parks and Recreation Department, that the application be approved with modifications to reduce the developable area to 7 fifty foot lots on Glendale, and that the balance of the site (about two-thirds) be acquired by the City for parks purposes including an expansion to the Community Centre. The plan submitted with the report, as outlined on Schedule "D", does not demonstrate how the surplus area might accommodate sports fields or outdoor courts.

As the determination of community parks and recreational requirements is the function and responsibility of the Parks and Recreation Department, the Planning Department must defer to their judgement on this matter. However, if it is subsequently decided to not enter into negotiations to acquire the larger portion of the site, the Planning Department would support the revised subdivision plan, as outlined on Schedule "C" to this report.

A Public Hearing was held before the Assiniboia Community Committee on December 6, 1994.

A number of persons appeared in support of the subject application as listed on page 4 of the Assiniboia Community Clerk's report dated December 16, 1994.

A large number of persons appeared in opposition to this application as listed on pages 4, 5, 6 and 7 of the Community Clerk's report dated December 16, 1994.

Four persons appeared for information purposes.

The Assiniboia Community Committee recommended that:

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

    A) The proposed 14 lot application does not have the support of the Woodhaven Community;

    B) The proposed 14 lot development is not supported by the Administrative Coordinating Group;

    C) A possible development of single-family lots, only on Glendale Boulevard, is not economically feasible for the applicant, therefore is not recommended by the Community Committee as an alternative to this particular application.

On January 31 and February 28 1995, the Committee on Planning and Community Services considered the proposed Subdivision and Rezoning under File DASZ 20/94.

On April 4, 1995, the Committee on Planning and Community Services further considered the proposed subdivision and rezoning application under File DASZ 20/94. In addition, the Committee on Planning and Community Services requested that the Administrative Coordinating Group submit a revised report to the Executive Policy Committee for their consideration. The proposed following amendments are outlined on Schedule "E" as follows:

- The elimination of lots 1 through 3 and the remaining lots on Glendale being reduced to 42 feet and 44 feet in width, resulting in 15 total building lots.

- Providing for a 30 foot park access widening adjoining lot 18 on Ashcroft. In addition, the northeast corner of lot 18 has been drawn in to provide 15 feet of clearance to the top-of-bank to facilitate sledding and pedestrian movement. The amount of land available for possible park expansion is about 1.7 acres in total.

- Providing for a lot width of 60 feet for lot 14.

The Committee on Planning and Community Services did not concur in the recommendation of the Assiniboia Community Committee and recommends to Council as follows:

I. That the plan of subdivision proposed under File DASZ 20/94 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "E" for File DASZ 20/94, dated April 4, 1995, for registration in the Winnipeg Land Titles Office subject to the following:

Report of the Committee on Planning and Community Services dated April 4, 1995

A) That the Developer be required to enter into a Development Agreement with the City containing conditions outlined in the report of the Administrative Coordinating Group dated April 6, 1995 as outlined on Schedule "F", and that open space dedication be taken in land as stated in the said report.

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

III. That Zoning By-law 6400/94 be amended by rezoning the subject land as outlined on Schedule "E" for File DASZ 20/94, dated April 4, 1995, to a "R1-4" Single Family Residential District and a "PR1" Parks and Recreation District.

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

V. That the subdivision section of the by-law shall come into force and effect upon 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 the Development Agreement has been executed.

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 in accordance with the terms of the City of Winnipeg Act.

The Executive Policy Committee recommends deleting the provision for a lot width of 60 feet for lot 14; said deletion to be included in its entirety in the description of lot 14.

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

In amendment,

Moved by Deputy Mayor Fraser,
That the recommendation of the Executive Policy Committee be adopted.

In amendment,

Moved by Councillor Eadie,
Seconded by Councillor Clement,
WHEREAS an application under File DASZ 20/94 to subdivide and rezone land located east of Glendale Boulevard and north of Ashcroft Point from "PR" zoning to "R1-4" zoning was rejected by the Assiniboia Community Committee at a public hearing on December 6, 1994;

AND WHEREAS the said application was rejected on the grounds that the majority of the area residents were opposed to the proposal as it was an over-development of this site;

AND WHEREAS the General Manager of Parks and Recreation, in a report dated November 21, 1994 to the Planning Department (attachment No. 1) recommended that any development be limited to 1.17 acres on the east side of Glendale Boulevard, representing approximately 30% of the gross area of the site, and further recommended that the City acquire the remaining gross area of the site to be retained as public open space in the Woodhaven Neighbourhood, with all of these recommendations being supported by the Administrative Co-ordinating Group;

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AND WHEREAS the Woodhaven Homeowners Association, on behalf of the residents of this neighbourhood, have indicated in writing that they would be prepared to contribute $40,000.00 toward the acquisition of the remaining gross area of this site, if the residential development is limited to the 350 feet of frontage on Glendale Boulevard, with maximum lot depths of 120 feet, as outlined on Schedule D, Plan No. 61-94, dated January 3, 1995 (attachment No. 2);

AND WHEREAS the Hon. Eric Stefanson, MLA, has indicated that the Province of Manitoba would be prepared to contribute up to $75,000.00, being the Province's share of the proceeds from the sale of the school property, back to the community in order to assist in the acquisition of the balance of the site not required for the development of lots on Glendale Boulevard;

THEREFORE BE IT RESOLVED that Clause 5 of the Report of the Committee on Planning and Community Services dated April 4, 1995 be amended as follows:

1) Delete Recommendation I (P. 310) and substitute therefore with the following:

I. That a plan of subdivision for the development of a maximum of 350' of frontage on Glendale Boulevard be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "D" for File DASZ 20/94, dated January 3, 1995, for registration in the Winnipeg Land Titles Office subject to the following;

a) That the Developer be required to enter into a Development Agreement with the City containing conditions outlined in the report of the Administrative Co-ordinating Group dated April 6, 1995, deleting Condition 2b, as outlined in Schedule "F", and that open space dedication be taken in land as stated in the said report.

2) Delete recommendation III and substitute therefore the following:

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "D" for File DASZ 20/94, dated January 3, 1995 to a "R1-5" Single Family Residential District and a "PR1" Parks and Recreation District.

3) That a new Recommendation VIII be inserted as follows:

VIII. That the Proper Officers of the City be authorized to negotiate the acquisition of the remaining gross area of the site not required for development on Glendale Boulevard, subject to the contributions of $40,000.00 from the Woodhaven Homeowners Association, and $75,000.00 from the Province of Manitoba being confirmed.

4) That Recommendation VIII on Page 311 be re-numbered IX, and Recommendation IX on Page 311 be re-numbered X.

The Speaker called the Deputy Speaker, Councillor Reese, to the Chair and left the Chamber.

The Speaker returned to the Chamber and resumed the Chair.

Council recessed at 12:02 p.m., and reconvened at 1:38 p.m., same members present, the Deputy Speaker in the Chair.

Councillors Angus, Duguid, Hyman and O'Shaughnessy entered the meeting after Council had reconvened.

The Speaker resumed the Chair.

The amendment proposed by Councillors Eadie and Clement was put.

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

Yea: Councillors Reese, Boychuk, Clement, Duguid, Eadie, Golden, Lazarenko and Angus. 8
Nay: Councillors Hyman, Murray, O'Shaughnessy, Prystanski, Silva, Thomas, Fraser and Her Worship Mayor Thompson. 8

and the amendment was declared lost in accordance with Rule 58 of the Procedure By-law.

In amendment,

Moved by Councillor Golden,
Seconded by Councillor Reese,
THAT Schedule "E" of the clause be amended to delete lot 4 and to delete an additional 10 feet from the north angle of lot 18;

AND THAT 10% of land above the flood plain be taken as dedication and that all lands below the flood plain be taken as dedication.

In amendment,

Moved by Deputy Mayor Fraser,
Seconded by Her Worship Mayor Thompson,
THAT the clause be amended by deleting Condition 2(b) of the ACG report identified as Schedule "F".

The amendment proposed by Councillors Golden and Reese was put.

Her Worship Mayor Thompson called for the yeas and nays, which were as follows:-

Yea: Councillors Reese, Boychuk, Clement, Duguid, Eadie, Golden, Hyman, Lazarenko, O'Shaughnessy, Prystanski, Silva and Angus. 12

Nay: Councillors Murray, Thomas, Fraser and Her Worship Mayor Thompson. 4

and the amendment was declared carried.

The amendment proposed by Deputy Mayor Fraser and Her Worship Mayor Thompson was put.

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

Yea: Councillors Fraser and Her Worship Mayor Thompson. 2

Nay: Councillors Reese, Boychuk, Clement, Duguid, Eadie, Golden, Hyman, Lazarenko, Murray, O'Shaughnessy, Prystanski, Silva, Thomas and Angus. 14

and the amendment was declared lost.

The amendment proposed by the Executive Policy Committee was put.

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

Yea: Councillors Murray, Thomas, Fraser and Her Worship Mayor Thompson. 4

Nay: Councillors Reese, Boychuk, Clement, Duguid, Eadie, Golden, Hyman, Lazarenko, O'Shaughnessy, Prystanski, Silva and Angus. 12

and the amendment was declared lost.

The Speaker advised that Council would recess to reconvene at the call of the Chair to investigate legal questions surrounding the clause and amendment.

Council recessed at 2:15 p.m., and reconvened at 2:22 p.m., same members present.

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

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

Yea: Councillors Boychuk, Golden, Hyman, Murray, O'Shaughnessy, Prystanski, Silva, Thomas, Fraser, Her Worship Mayor Thompson and Councillor Angus. 11

Nay: Councillors Reese, Clement, Duguid, Eadie and Lazarenko. 5

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

(See Minute No. 720 for attachments)

Proposed Subdivision and Rezoning - Land located at 240 and 250 Victor Lewis Drive and 65 to 135 Sterling Lyon Parkway - Assiniboia Community

File DASZ 26/94

698 - 6. The Committee on Planning and Community Services has been advised that an application has been received from Tuxedo Park Developments Ltd., 134 - 142 Portsmouth Boulevard, Winnipeg, Manitoba, R3P 1B6, 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 "RM-2" Multiple-family District to allow for the construction of a multiple-family planned building group.

Related File: DAV 1213/94D - yard variances, parking and garbage enclosures, variances for all three lots - Granted

Application Area: approximately 7.1 acres (2.9 hectares)

Existing Land Use: vacant land

The following is the Surrounding Land Use and Zoning:

North: Mixed-use, institutional/residential development on the north side of Wilkes Avenue zoned "C2", including Grant Memorial Baptist Church immediately north of the subject site.

East: Across intersection of Sterling Lyon Parkway and Victor Lewis Drive, 3 storey condominium apartment buildings zoned "C2".

West: Vacant land and, across Brockville Street, residential and industrial development zoned "A" Agricultural District.

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South: Across future Sterling Lyon Parkway, single-family housing zoned "R1-6".

Layout: The site plan indicates 7, three storey buildings containing a total of 213 dwelling units. The plan also shows existing lot lines dividing the complex into 3 separate parcels, which may serve in staging the development. Lot 1 would contain 2 buildings and 66 units. Lot 2 would contain 2 buildings and 60 units, Lot 3 would contain 3 buildings and 87 units. In the event of future subdivision, easements and/or agreements would be required to maintain shared access, parking and servicing. The subdivision prompted the filing of an accompanying variance application under File DAV 1213/94D.

Access: A single access point is shown via a 4-way approach off Victor Lewis Drive (Wilkes Avenue). This intersection is to be shared with the Grant Memorial Baptist Church to the north. A requested right-in, right-out onto future Sterling Lyon was turned down by the Streets and Transportation Department. The applicant has decided against the option of accessing Brockville Street, which is a gravel surface roadway.

The proposed access is able to accommodate the traffic generated by the development, although queuing is likely to occur during peak periods.

Parking: Parking is provided for 320 vehicles including 141 underground stalls and 179 surface stalls. The parking ratio is the required 1.5 stalls per unit, with 10% assigned to visitors.

Bulk/Density: The height of the buildings is shown as 32 feet measured to a point midway between the eave and ridge. The footprint of the largest building is about 260 feet by 70 feet. The residential density is approximately 30 units per acre. In comparison, the maximum density permitted under the proposed "RM-2" zoning is about 35 units per acre.

The proposal complies with Plan Winnipeg, and is compatible with existing development in the immediate area.

A Public Hearing was held before the Assiniboia Community Committee on February 14, 1995.

Two persons appeared in support of the application.

No one appeared in opposition to the application.

The Assiniboia Community Committee recommended that:

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

    A) The project is compatible with the area.

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 concurs in the recommendation of the Assiniboia Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 26/94 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, as outlined on Schedule "A" for File DASZ 26/94, and dated March 10, 1995, for registration in the Winnipeg Land Titles Office subject to the following:

    A) that the Developer be required to enter into a Development Agreement with the City containing therein all of the conditions outlined in the Report of the Administrative Coordinating Group dated January 24, 1995, after incorporating the following amendments:

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1) That recommendation 6. be amended to read as follows:

"6. The Developer shall provide a servicing drawing prepared by a municipal engineer showing proposed watermain, wastewater sewer, and land drainage sewer servicing and proposed street access to the subject site. The plan will be subject to approval by the Commissioner of Works and Operations and may require the Developer to extend municipal services in Sterling Lyon Parkway and/or Brockville Street to service the site."

2) That a recommendation 7. be added as follows:

"7. Lot 3, i.e. site 3 of the proposed condominium project shall not be developed until an addendum to the Agreement dealing with the cost-sharing of the improvements in Brockville Street has been executed."

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 to an "RM-2" Multiple-family District subject to the Developer entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to provide for the following:

A) That no building or structures be erected or located on the land except in accordance with plans approved by the Commissioner of Planning and Community Services prior to the issuance of any building permits, said plans to indicate the design and location of buildings or structures, exterior elevations, building materials, site access, accessory parking areas, fencing, landscaping and garbage enclosures.

B) That a 10 percent dedication be made by a payment of a lump sum of money to the City in lieu of the requirement for land for open space, park and recreational use based on the increase in the market value of the land.

C) That the 10 per cent dedication in (B) above, be dedicated to the Lindenwoods Community Centre site.

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

V. That the subdivision section of the by-law shall come into force and effect upon 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 as follows when the plan of subdivision has been registered in the Winnipeg Land Titles Office; and the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office.

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

VIII. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 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. 721 for attachment)

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Proposed Amendment to Servicing Agreement AG 404/93 - Norwood Hotel Ltd. Horace Street Traffic Division - Riel Community File DAZ 211/93

699 - 7. The Committee on Planning and Community Services has been advised that on October 14, 1993, the City executed Servicing Agreement AG 404/93 with Norwood Hotel Ltd. pursuant to the approval of conditional use application DCU 124/93C to establish a restaurant with drive through facilities which is the Taco Bell located at 74 Marion Street.

The Agreement contains a clause obligating the Norwood Hotel to "pay all costs associated with the installation of a traffic diversion on Horace Street at its intersection with the first lane east of St. Mary's Road." It was anticipated that following the opening of the Taco Bell restaurant west-bound traffic on Horace Street between Tache Avenue and the first lane east of St. Mary's Road would increase dramatically. It was felt that because Marion Street is an east bound one-way street at the Taco Bell location that patrons would utilize Horace Street to gain access to the restaurant via the lane east of St. Mary's Road.

During the fall of 1993 and spring of 1994, the Streets and Transportation Department carried out traffic counts on Horace Street between Tache Avenue and St. Mary's Road and these counts indicated no increase in traffic following the opening of the restaurant.

On March 13, 1995, the Riel Community Committee considered a number of communications in connection to this proposed amendment and concurs with the recommendation contained in the report dated May 4, 1994 from the Administrative Coordinating Group.

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

I. That Servicing Agreement AG 404/93 be amended by deleting all clauses relating to the installation of a traffic diversion on Horace Street at its intersection with the first lane east of St. Mary's Road.

II. That the Proper Officers of the City be authorized to do all things in connection therewith, including the return of the Norwood Hotel Co. Ltd.'s Letter of Credit in the amount of $7,500.00.

Adopted by consent.

Proposed Rezoning - South side Rue Aubert between Tache Avenue and Rue St. Joseph - Riel Community File DAZ 227/94 (c/r SPA 38/94)

700 - 8. The Committee on Planning and Community Services has been advised that an application has been received from The Festival du Voyageur, 768 Tache Avenue, Winnipeg, Manitoba, R2H 2C4, c/o Mr. N. Gousseau, to amend By-law 6400/94, by proposing to rezone the lands shown below from a "R2" Two-family District to a "C1" Commercial District to maintain an accessory parking area.

The site is the easterly (irregular) portion of the parking area reviewed under DAZ 231/91, which was not included in the advertising or By-law for that application. A variance to defer the paving of the land under DAV 86/92 also refers to this portion of the site.

The site is in use as an accessory parking area for Le Rendezvous, and contains a one-storey industrial building from the previous use.

The previous zoning change and variance reviewed the use of this site for accessory parking. No one appeared in opposition to that zoning change or variance, because;

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1) the proposal replaced a non-conforming industrial use with a commercial use;

2) the proposal established a significant number of off-street parking stalls to relieve parking congestion on streets within the neighbourhood;

3) the proposal included the provision that no non-residential buildings would be constructed on the land, so that eventual residential redevelopment of the land would not be compromised.

A Public Hearing was held before the Riel Community Committee on February 13, 1995.

One person appeared in support of the application.

Two persons appeared in opposition to the application.

The Riel Community Committee recommended that:

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

   A) The proposed designation of the site will ratify the use of the entire site and will correct an administrative error that occurred in 1991 whereby the City advertised only a portion of the site.

   B) The conditions of approval will address the concerns of the area residents.

2. The proposed 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 concurs in the recommendation of the Riel Community Committee and recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 227/94, dated March 20, 1995, to a "C1" Limited Commercial District subject to the following:

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

      1) that the use of the land be restricted to the following uses:

         (a) a parking area accessory to the commercial club at 768 avenue Tache; and

         (b) accessory uses entirely contained within the existing building on the land;

      2) that no building or structure (including free-standing signs and fencing), parking or loading area, or landscaping be erected or located on the land and that no exterior alterations or additions be made to existing buildings on the land except in accordance with plans approved by the Riel Community Committee and the Commissioner of Planning and Community Services;

      3) that no non-residential building or structure be erected or located on the land except fencing and directional signs;

      4) That the applicant erect a private sign on the north side of the land and the Streets and Transportation Department erect a similar sign on the north side of rue Aubert which would state that left turns only are permitted on rue Aubert.

      5) that a 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 recreational use based on the increase in market value of the land.

II. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within 24 months after adoption of his 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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III. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

IV. That the rezoning by-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within 12 months from the date that the said rezoning by-law is adopted by Council.

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

VI. 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. 722 for attachment)

Proposed Rezoning - North-East corner Melrose Avenue East and Kanata Street - East Kildonan-Transcona Community
File DAZ 233/94

701 - 9. The Committee on Planning and Community Services has been advised that an application has been received from 2276551 Manitoba Ltd., 201 Melrose Avenue East, Winnipeg, Manitoba, R2C 0B1, to amend By-law 6400/94 by rezoning lands shown below from an "R1-4" Single-family District to a "C2" Commercial District to allow for the expansion of the existing hotel.

Related Files: DCU 244/94D and DAV 1131/94D.

Frontage: Melrose Avenue East 35.35 metres (116.0 feet)

Depth: 30.48 metres (100.0 feet)

Area: 1077.46 square metres (11,598 square feet)

Existing Zoning: "R1-4" Single-family District

Existing Land Use: Hotel situated on westerly two lots Easterly two lots are vacant

The following is the Surrounding Land Use and Zoning:

north: Single-Family dwellings on North side of public lane - zoned "R1-4" Single-Family District

east: Multiple-Family Housing, zoned "RM-2" Multiple Family District

west: Kanata Street

south: Single-Family dwellings on South side of Melrose Avenue East zoned "R1-4" single-family district

The existing hotel is a two storey building orientated towards Kanata Street. The hotel development is non-conforming under the existing "R1-4" zoning. The applicant proposes to rezone the lands to a "C2" Commercial District in order to establish the hotel as a permitted use, and to allow for the construction of a new games room addition to the East (rear) of the existing hotel building.

The subject application is being made concurrently with DCU 244/94D and DAV 1131/94D. The Conditional Use application is required to permit the expansion of the hotel in the proposed "C2" district, and the variance application is required to permit construction of a games room addition with substandard yards and insufficient parking.

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The proposed rezoning has been reviewed by the Administrative Co-ordinating Group and no objections have been noted. The Parks and Recreation Department has requested that a cash dedication be provided in lieu of land for open space, parks and recreation purposes.

The Planning Department considers the proposed rezoning application appropriate to accommodate the existing hotel use on the property. In the opinion of this Department a rezoning of the two most easterly vacant lots to support the proposed hotel expansion is also reasonable. The applicants have stated that the hotel expansion plans will show that the proposed addition will have no windows or doors (except for required emergency exits), and all access to and from the addition will be through the existing building. In order to ensure that future expansion on the easterly two lots is established in conjunction with the existing hotel site, it is recommended that all of the four existing lots be consolidated into one (1) lot under a new plan of subdivision. The consolidation will preclude the two easterly lots from being sold independently in the future, and from being developed with other commercial uses distinct and separate from the hotel. Such independent commercial development, having its frontage on Melrose Avenue East, would adversely affect the existing surrounding residential neighbourhood.

Because the proposed rezoning of the two easterly lots will permit the extension of the hotel further into the existing residential neighbourhood, the site layout and building design and exterior materials should be subject to approval of plans by the East Kildonan-Transcona Community Committee prior to issuance of building permits. The Planning Department recommended that all development on the site be subject to approval of plans, as a condition to approval of the rezoning by-law.

A Public Hearing was held before the East Kildonan Community Committee on February 14, 1995.

Two persons appeared in support of the application.

No one appeared in opposition to the application.

The East Kildonan-Transcona Community Committee recommended that:

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

    A) No one appeared in opposition to the application.
    B) The rezoning would not adversely affect the adjacent properties.
    C) The existing business has been at this location for 50 - 60 years.
    D) No complaints have been received in the past from the community concerning the business.
    E) There is sufficient parking in the adjacent business district in Transcona.

2. The proposed 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 concurs in the recommendation of the East Kildonan-Transcona Community Committee and recommends:

I. That By-law 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 233/94, dated March 6, 1995, to a "C2" Commercial District subject to the applicant entering 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 it is understood and agreed that for purposes of application of the zoning by-law, the "front yard" shall be identified as abutting Melrose Avenue East.

    B) 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 loading areas, private approaches, driveways, fencing, garbage enclosures, and landscaping are submitted to and approved by the East Kildonan-Transcona Community Committee, and thereafter identified by the signature of the Commissioner of Planning and Community Services under the designations as Schedule "A" to Zoning Agreement DAZ 233/94, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement;

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

III. That the rezoning by-law shall not come into force and effect until the registration, in the Winnipeg Land Titles Office of a new plan of subdivision consolidating Lots 14 to 17, Block 13, Plan 1504, inclusive, into one (1) lot.

IV. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 12 months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

V. That the City Solicitor be authorized to prepare the necessary rezoning by-law and forward same to Council for all three readings.

VI. That the rezoning by-law shall come into effect when 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 12 months from the date that the said rezoning by-law is enacted.

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

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. 723 for attachment)

Proposed Rezoning - 1321 rue Archibald -
Riel Community File DAZ 236/94

702 - 10. The Committee on Planning and Community Services has been advised that an application has been received from Mycom Group, 1240 - 363 Broadway, Winnipeg, Manitoba, R3C 3N9 to amend By-law No. 6400/94 by rezoning the land at 1321 rue Archibald from a "C1" Commercial District to a "C2" Commercial District to allow for a drive-through restaurant subject to Conditional Use Approval.

Related Files: DCU 252/94 to permit the establishment of drive-through restaurant - Granted on January 16, 1995 by the Riel Community Committee.

The proposed drive-through restaurant would replace the existing (vacant) restaurant, with a smaller facility incorporating a drive-through window. The drive-through would be located on the south side of the proposed building, protecting housing to the north. Parking provision for the restaurant is more than twice the ordinary requirement, and if the north limit of the site is properly developed to protect adjacent housing, the effects of the development should not be significantly different than those of the existing use.

The City-owned buffer abutting the north limit of the site separates commercial uses from housing on Chippawa Bay, and a large landscaped rear yard is not necessary to protect that housing. Fencing is required to screen the park/buffer strip and housing from the use.

The dedication of a corner cut at the intersection of Archibald and Fermor is required, and widening should be completed prior to development.

Plan approval by the Riel Community Committee is considered necessary to protect adjacent housing, and to protect PTH #1 as an "image route" into the City.

A Public Hearing was held before the Riel Community Committee on January 16th, 1995.

Four persons appeared in support of the application.

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One person appeared in opposition to the application.

One person appeared for information on the application.

The Riel Community Committee recommended that:

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

   A) The City-owned buffer abutting the north limit of the site separates commercial uses from housing on Chippawa Bay.

   B) Parking provision for the restaurant is more than twice the ordinary requirement, and if the north limit of the site is properly developed to protect adjacent housing, the effects of the development should not be significantly different than those of the existing use.

   C) The community supports this application subject to the above conditions being met in order to protect the surrounding residential properties.

2. The proposed 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 concurs in the recommendation of the Riel Community Committee and recommends:

I. That By-law No. 6400/94 be amended by rezoning the lands as outlined on Schedule "A" for File DAZ 236/94 (not including land acquired from the City), dated March 8, 1995, 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 use of the land be restricted to the following uses:

         (a) any use permitted in the "C1" Commercial District;
         (b) a drive-through restaurant, subject to Conditional Use approval;
         (c) accessory uses;

      (2) that no new building or structure be constructed before the demolition of the existing building on the land;

      (3) that no building or structure (including free-standing signage and fencing), parking or loading area, or landscaping be erected or located on the land and that no additions be made to existing buildings on the land except in accordance with plans approved by the Riel Community Committee and the Commissioner of Planning and Community Services;

      (4) that no building on the land exceed one storey in height, and that no structure on the land exceed 25 feet in height;

      (5) that an opaque precast concrete fence be established and maintained on the north limit of the site in accordance with plans approved by the Riel Community Committee and the Committee on Planning and Community Services;

      (6) that the three proposed parking stalls fronting rue Archibald be deleted and replaced with landscaping in accordance with plans approved by the Riel Community Committee and the Commissioner of Planning and Community Services;

      (7) that a 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 recreational use based on the increase in market value of the land.

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II. That the City have the right to re-acquire the portion of the subject land that was sold to the owner and which is now being excluded from this application, at the same price paid to the City.

III. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings when the zoning agreement has been executed.

IV. That the zoning by-law not come into force and effect until the registration of a plan dedicating a corner cut measuring 2.0 m along Fermor Avenue by 12.0 m along rue Archibald as a widening of the Archibald right-of-way.

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 12 months from the date that the said rezoning by-law is adopted by Council.

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

VII. 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.

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.

Adopted by consent.

(See Minute No. 724 for attachment)

Proposed Rezoning - Lands located East and West sides of Pembina Highway between Corydon Avenue and Stafford Street - City Centre Community
File DAZ 237/94

703 - 11. The Committee on Planning and Community Services has been advised that the Commissioner of Planning and Community Services has initiated an amendment to By-law 6400/94 by proposing to rezone the "C2" Commercial District lands on the west side of Pembina Highway to a "C1-5" Commercial District and to rezone the "M1" Industrial District lands on the east and west sides of Pembina Highway to a "C2" Commercial District as shown below.

Proposed Rezoning from "C2" Commercial District to "C1.5" Commercial District (west side of Pembina from Corydon to Taylor).

Zoning By-law No. 6400/94 has introduced a new commercial district category known as "C1.5" which is intended as an appropriate zoning category for neighbourhood main streets. These areas would typically have been zoned "C2" Commercial District and are abutting low density residential district.

The "C1.5" District allows for most uses permitted under the "C2" regulations, however several uses which might be injurious to adjacent residential occupants are listed as "conditional uses" rather than "permitted uses" under the "C1-5" regulations. (eg. Automobile sales are permitted in "C2" and conditional uses in "C1.5". Contractors' establishment is permitted in "C2" and a conditional use in "C1.5").

The other major difference between the "C2" and "C1.5" District regulations is that the permitted building bulk is reduced from a Floor Area Ratio (FAR) of 30 in "C2" Districts to a FAR of 2 in the "C1.5" District.

The "C1.5" Commercial District zoning considered an appropriate zoning for the commercial lands on the west side of Pembina Highway between Corydon Avenue and Taylor Avenue. This category would provide more protection to the adjacent residential properties while allowing commercial land owners a wide range of commercial uses. If this proposed zoning change is proceeded with there will be a few commercial uses which are complying

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under "C2", but become conditional uses under the "C1.5" District. These will be deemed to have been approved by conditional use and will remain complying uses.

Proposed Rezoning from "M1" Industrial District to "C2" Commercial District (east side of Pembina from Jessie to Stafford and West Side of Pembina from Taylor to Stafford).

The subject lands have traditionally been zoned for industrial purposes because of their proximity to either rail facilities (the Fort Rouge yards) or to hydro facilities, however, the predominant development and certainly most recent redevelopment has been for commercial purposes, not industrial.

The "M1" Industrial District regulations under By-law 16502 allowed in addition to industrial uses, all uses permitted in "C2" Commercial Districts and "R3" Multiple Family Districts. The new industrial category under By-law 6400/94 would still permit a wide range of commercial uses, however it establishes a requirement for a 25 foot front yard, where the previous "M1" District and the new "C2" District allow a 0' front yard unless the site abuts a residential zoning district.

It is felt that the "C2" District regulations would more closely reflect existing land use and development standards on these lands.

There is one use, an autobody repair shop which will become non-conforming under the proposed zoning change, however, under regulations pertaining to non-conforming uses, this use would be permitted to continue in perpetuity providing the use was not discontinued for longer than 1 year. Any expansions to this use would require a variance application.

A Public Hearing was held before the City Centre Community Committee on February 7, 1995.

One person appeared in support of the application.

One person appeared in opposition to the application.

The Community Committee after giving due consideration to representation determined that the application should proceed in two parts.

The first stage now identified as DAZ 237 "A"/94 consists of all the lands as advertised, excepting those at 565 Pembina Highway and 625 - 627 Dudley Avenue.

The second stage identified as DAZ 237 "B"/94, consists specifically of the properties known as 565 Pembina Highway and 625 - 627 Dudley Avenue which will be considered at the April 11, 1995 Community Committee meeting.

The City Centre Community Committee recommended that:

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

    A) The "C1.5" District will allow for most uses permitted under the "C2" regulations, however, several uses which might be injurious to adjacent residential occupants are listed as conditional uses rather than permitted.

    B) The "C1.5" Commercial District zoning is considered an appropriate zoning for the commercial lands on the west side of Pembina Highway between Corydon and Taylor Avenues.

    C) This category will provide more protection to the adjacent residential properties while allowing commercial land owners a wide range of commercial uses.

    D) The "C2" District regulations will more closely reflect existing land use and development standards on the lands on the east side of Pembina Highway from Jessie Avenue to Stafford Street and the west side of Pembina Highway from Taylor Avenue to Stafford Street.

    E) The predominant development and certainly most recent development has been for commercial purposes, not industrial.

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2. The proposed 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 concurs 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 outlined on Schedule "A" for File DAZ 237"A"/94, excepting those properties commonly known as 565 Pembina Highway and 625 - 627 Dudley Avenue, dated March 23, 1995, to a "C1.5" Commercial District and a "C2" Commercial District subject to the following:

A) That notwithstanding anything elsewhere contained in By-law 6400/94, any use lawfully in existence on the date of enactment of and covered by this rezoning by-law which becomes a conditional use under the new zoning category, shall be deemed to have been approved as a Conditional Use.

II. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 12 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.

III. That the City Solicitor be authorized to prepare the necessary rezoning by-law and forward same to Council for all three readings.

IV. 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. 725 for attachment)

Proposed Rezoning - Land on the South-East Corner of Dorchester Avenue and Lilac Street - City Centre Community
File DAZ 238/94

704 - 12. The Committee on Planning and Community Services has been advised that an application has been received from Passages Inc., 163 Lilac Street, Winnipeg, Manitoba, R3N 2S1, c/o Isanne Werner, to amend By-law 6400/94 by proposing to rezone the land shown below from an "R2" Two-Family Residential District to a "C1" or "C1.5" Commercial District.

Dimensions: 100' x 120'

Site Area: 12,000 sq. ft.

Existing Buildings:

A one storey, 5800± sq. ft. commercial building presently split into 4 units. There is limited parking at the rear of the building, accessed from the public lane.

Existing Land Use and Zoning:

The site is presently occupied with 4 commercial uses - a children's clothing store, a book store, an office use and a candy store. The site is zoned "R2" Two-Family District.

Previous Applications:

DAV 481/81: permitted an art gallery and sales

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DAV 883/94: permitted an antique and gift shop

DAV 919/87: allowed the maintenance of a bookstore

DAV 645/93C: rejected an application to establish a restaurant/grocery store

DAV 795/93C: allowed a book/gift store temporarily for a period of 5 years (expires October 8, 1998).

DAV 928/93C: permitted a delicatessen with no food preparation on the premises with conditions. This order expires November 19, 1995.

The applicant is requesting that the subject property be rezoned to either a "C1" Commercial District or a "C1.5" Commercial District to reflect the existing commercial use of this land. A commercial zoning would allow for continued commercial occupancy without having to apply for a variance for each new proposed use.

Also, the existing bookstore use or any new use that might be permitted in future is dealt with as a 5 year temporary use variance with no opportunity for renewal at the end of the 5 year term. The variance approval for the bookstore expires in 1998 and without a rezoning this use could not be extended.

The Planning Department considers a "C1" Commercial District zoning appropriate for this site subject to the execution of a zoning agreement limiting among other things, the type of use, the size of the commercial building, signs and parking; and requiring plan approval for exterior modifications.

The requested "C1.5" District is considered inappropriate as it would permit a much wider range of commercial uses than a "C1" District zoning. This site is considered as a neighbourhood commercial site. Further intensification of the commercial development should be discouraged.

A Public Hearing was held before the City Centre Community Committee on February 7, 1995.

One person appeared in support of the application.

One person appeared in opposition to the application.

The City Centre Community Committee recommended that:

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

   A) A commercial zoning will allow for continued commercial occupancy without having to apply for a variance for each new proposed use.

   B) The existing bookstore use or any new use that might be permitted in the future were dealt with as a 5 year temporary use variance with no opportunity for renewal at the end of the 5 year term. The variance approval for the bookstore expires in 1998 and without a rezoning this use could not be extended.

   C) The Planning Department considers a "C1" Commercial District zoning appropriate for this site subject to the execution of a zoning agreement limiting among other things the type of use, the size of the commercial building, signs, parking and requiring plan approval for exterior modifications.

   D) The site is considered a neighbourhood commercial site.

   E) The site is presently occupied with four commercial uses - a children's clothing store, a book store, an office and a candy store.

   F) The building is physically designed commercial space.

   G) The conditions and uses attached to the rezoning are reasonable, have been agreed to by both the applicant and the neighbourhood and all parties are aware of them.

   H) The subject application should conclude development of the site and no further applications should be filed in the future for expansion of the commercial uses.

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2. The proposed 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 concurs in the recommendation of the City Centre Community Committee and recommends:

I. That By-law 6400/94 be amended by temporarily rezoning the subject lands as outlined on Schedule "A" for File DAZ 238/94, dated March 28, 1995, 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:

1. That the following uses be permitted on the land:

- accessory uses
- art/antique, sales and service (subject to conditional use approval)
- art/crafts, hobby instruction, supplies, sales
- barbershop/beauty salon
- bicycle; rental, sale or service
- book sales
- church, synagogue (subject to conditional use approval)
- clothing, alteration, repair and sales
- club, excluding licensed premises (subject to conditional use approval)
- day care centre
- dress maker, furrier, tailor
- fabric/yarn sales
- florist
- gift store
- confectionary sales, baked goods, candy and other specialties with no cooking on premises and no tables or seating for patrons.
- hardware store (subject to conditional use approval)
- jeweller, watch maker
- library
- medical dental, optical, counselling or other health or therapeutic clinic (subject to conditional use approval)
- museum, art gallery (subject to conditional use approval)
- musical instruments, rental, sale, service, music instruction
- office
- retail sales, not listed (subject to conditional use approval)
- sporting goods, rental, sales, service, trophy sales
- stationery sales
- toy sales

2. That any commercial uses on the land be located within the existing structures and that additions to these structures be allowed only as may be required to satisfy building code requirements.

3. That final construction plans indicating any exterior modifications to the existing structures, including elevations and details of exterior finishing materials, accessory parking, fencing, landscaping and garbage enclosures be subject to the approval of the Commissioner of Planning and Community Services.

4. That access to the parking area be from the public lane only.

5. That on site parking be for staff and four long term residential leased spaces.

6. That there be no signs located on the north wall of the building or along the Dorchester Street frontage.

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7. That no signs be permitted that are directly illuminated.

8. That the hours of business be restricted to between 8:00 a.m. and 9:30 p.m.

9. That no one commercial use occupy more than 2,500 square feet of floor area.

10. That the zoning shall revert to an "R2" Two Family District upon removal, demolition or destruction of the existing buildings.

II. 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.

III. That the City Solicitor be authorized to prepare the necessary rezoning by-law and forward same to Council for all three readings.

IV. That the rezoning by-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs within 12 months from the date that the said rezoning by-law is adopted by Council.

V. That the Proper Officers of the City be authorized to execute said Zoning Agreement.

VI. 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. 726 for attachment)

Proposed Rezoning - 460 Osborne Street - City Centre Community
File DAZ 239/94

705 - 13. The Committee on Planning and Community Services has been advised that an application has been received from Guiseppe and Sheryl Ann Torretta, 5906 Roblin Boulevard, Winnipeg, Manitoba to amend By-law No. 6400/94 by rezoning the land at 460 Osborne Street from an "RM-2" Multiple-Family District to a "C2" Commercial District to allow for commercial development.

Related Files: DAV 1223/94D - no additional off-street parking - Denied

The applicant is proposing to construct a 1 storey, 1040 square foot addition at the north-west corner of the existing apartment building.

The applicant has indicated that the intended uses are a hairdresser and a laundry although at this time the applicant is not decided whether the laundry would be accessory to this building only or open to the public.

Osborne Street has been developed with a mix of commercial and residential uses. This mixed use character has helped to maintain its vitality as a neighbourhood main street.

The proposed small commercial addition is considered acceptable development at this location. It is suggested that the rezoning be subject to a zoning agreement to restrict uses and the size and hours of operation of the commercial component.

A Public Hearing was held before the City Centre Community Committee on February 7, 1995 and completed on March 7, 1995.

Three persons appeared in support of the application.

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Six persons appeared in opposition to the application.

The City Centre Community Committee recommended that:

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

   A) Approval of a rezoning of this extent would open the entire area to "C2" zoning and eliminate the residential component of the neighbourhood because of the negative impact on the existing residential properties.

   B) The range of permitted "C2" uses is extreme.

   C) The construction that would come with a zero lot line in accordance with the rezoning request would create a traffic hazard and significant problems.

   D) The waiver of parking requirements would be precedent setting.

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

I. That the proposed zoning change to amend Zoning By-Law No. 6400/94 by rezoning land under File DAZ 239/94 from an ""RM-2" Multiple-Family District to a "C2" Commercial District be not proceeded with.

Adopted by consent.

Proposed Rezoning - Lands bounded by Grant Avenue on the North, Pembina Highway on the East and Stafford Street on the West and South West - City Centre Community File DAZ 240/94

706 - 14. The Committee on Planning and Community Services has been advised that the Commissioner of Planning and Community Services has initiated an amendment to By-law 6400/94, by proposing to rezone the lands shown below from an "R2" Two-Family District to an "R1-3.5" Single-Family District and/or an "R1-4" Single-Family District to reflect the predominant single-family character of this area.

The Ebby - Wentworth neighbourhood is a stable older residential neighbourhood. Housing in the area was developed after 1920 with a large number of war time houses constructed during the 1940's, the majority of which are single family dwellings. About 75% of the housing stock is owner occupied. The area has been zoned "R2" Two Family District since 1951.

It is proposed that the residential lands be rezoned from "R2" to either an "R1-3.5" or an "R1-4" Single-Family Residential District to reflect the predominant area character and to protect the area from redevelopment of higher densities as the housing ages.

The "R1-4" Zoning District establishes a minimum lot width requirement of 40' and lot area requirement of 4,000 square feet. The "R1-3.5" District has a minimum lot area requirement of 3,500 square feet and lot width requirement of 35 feet.

Lot sizes in this area vary between 25' and 50'. The "R1-3.5" Single Family District standards would more closely reflect the established lot sizes in the Ebby - Wentworth area. Any lot smaller than 35' in width or 3,500 square feet in area and not held in contiguous ownership with another lot would have lot of record status and would remain as a buildable lot.

A Public Hearing was held before the City Centre Community Committee on February 7, 1995.

Two persons appeared in support of the application.

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No one appeared in opposition to the application.

The City Centre Community Committee recommended that:

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

   A) The Ebby-Wentworth neighbourhood is a stable, older residential neighbourhood with housing in the area having been developed after 1920 with a large number of war time houses constructed during the 1940's, the majority of which are single family dwellings and 75 per cent of the housing stock is owner occupied.

   B) Rezoning will reflect the predominant area character and protect the area from redevelopment of higher densities as the housing ages.

   C) The "R1-3.5" District has a minimum lot area requirement of 3,500 square feet and lot width requirement of 35 feet.

   D) As lot sizes in this area vary between 25 and 50 feet the "R1-3.5" Single Family District standards will more closely reflect the established lot sizes in the area.

   E) Any lot smaller than 35 feet in width or 3,500 square feet in area, and not held in contiguous ownership with another lot, will have lot of record status and will remain as a buildable lot.

2. The proposed 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 concurs 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 outlined on Schedule "A" for File DAZ 240/94, dated March 6, 1995, to an "R1-3.5" Single-Family District.

II. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 12 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.

III. That the City Solicitor be authorized to prepare the necessary rezoning by-law and forward same to Council for all three readings.

IV. 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. 727 for attachment)

Proposed Rezoning - South West corner of Goulet Street and Traverse Avenue - Riel Community File DAZ 200/95

707 - 15. The Committee on Planning and Community Services has been advised that an application has been received from AGB Architects, 65 Dewdney Avenue, Winnipeg, Manitoba to amend By-law No. 6400/94 by rezoning the land on the south-west corner of Goulet Street and Traverse Avenue from a "C2" Commercial District to an "RM-6" Multiple-Family District to allow for the construction of a multiple-family development (Senior Citizen's Complex).

Related Files: DAV 1253/94D - yards and parking variances - Granted.

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This proposal would establish a density of one (1) dwelling unit per 450 ft.² of site area, which density cannot be recommended in the Central St. Boniface Neighbourhood to the north or in the Norwood East Neighbourhood to the south, where multiple-family development is generally limited to 1 unit per 800 ft.² of site area. However, as a part of the Marion-Goulet Corridor, the proposed density is consistent with 261 Goulet Street (1 unit per 437 ft.² of site area) and 291 Goulet Street (1 unit per 447 ft.² of site area) both of which buildings are six storeys in height. The building at 231 Goulet (1 unit per 325 ft.² of site area and 15 storeys in height) is not a model for further development on this Corridor

The proposed development can be recommended as long as the residents of the adjacent neighbourhoods accept a higher density and height within the Marion-Goulet Corridor, and as long as development within the Corridor is not considered to be a precedent for density or height in either adjacent neighbourhood.

The proposal may create parking problems on adjacent streets unless on-site parking is provided at a reasonable ratio. The development is market housing, and it must be expected that residents will own automobiles, as well as generating visitor traffic to the site. The original proposal of 38 parking stalls to serve 56 units is unacceptable, and insofar as the site can readily accommodate 50 parking stalls, that number should be established and maintained.

Any development in this area should be required to restrict runoff to pre-development levels in order to alleviate basement flooding.

A Public Hearing was held before the Riel Community Committee on February 13, 1995.

Seven persons appeared in support of the application.

No one appeared in opposition to the application.

The Riel Community Committee recommended that:

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

    A) This development proposal will meet the needs of the community for senior citizens housing.

    B) The development proposal for this particular location is compatible with the surrounding neighbourhood and will not set a precedent for the area.

    C) The residents of the community are supportive of the rezoning and development proposal for this particular location.

2. The proposed 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 concurs in the recommendation of the Riel Community Committee and recommends:

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 200/95, dated March 20, 1995, to an "RM-6" Multiple-Family 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 multiple-family development on the land be limited to a maximum of 56 dwelling units for senior citizens;

        (2) that not less than 50 parking spaces be provided and maintained on the land;

        (3) that no building or structure (including free-standing signs and fencing), parking or loading area, or landscaping be erected or located on the land except in accordance with plans approved by the Riel Community Committee and the Commissioner of Planning and Community Services;

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(4) that runoff be restricted to pre-development volume based on a design rainstorm with a 5-year return frequency and the current level of site development, and that any excess volume shall be stored on site with storage volume based on a design rainstorm with a 25-year return frequency and the ultimate level of site development, said storage to be constructed in accordance with plans approved by the Commissioner of Works and Operations.

II. In accordance with the Council resolution of September 22, 1993, in respect of non-profit senior citizens' housing, it is recommended that the standard 10% dedication be waived in this instance.

III. 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.

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 become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs within 12 months from the date that the said rezoning by-law is adopted by Council.

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

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. 728 for attachment)

Proposed Amendment to the North St. Boniface Secondary Plan (By-law 965/75) - South side Rue Aubert between Tache Avenue and Rue St. Joseph - Riel Community
File SPA 38/94 (c/r DAZ 227/94)

708 - 16. The Committee on Planning and Community Services has been advised that an application has been received from The Festival du Voyageur Inc., to amend The North St. Boniface Secondary Plan by reclassifying the lands outlined on the plan below from "Residential" to "Future Residential" land use classification.

Council gave first reading December 15, 1994 to By-law 6535/94 to amend The St. Boniface Secondary Plan as outlined above.

It is proposed that the site be designated "Future Residential" to accommodate an application for a zoning change to the "C1" Commercial District, to allow the maintenance of an accessory parking area. The site is currently designated "Residential" under the Plan, and is zoned "R2" Two-Family District under Zoning By-law No. 6400/94.

The use of this site for accessory parking was reviewed at public meetings under AAP 36/91 and DAZ 231/91, and was approved. However, the advertising for those meetings and the By-law adopted by Council illustrated only the westerly portion of the land. During the review of the former applications the entire site was discussed, and the site plan clearly indicated that the entire site was to be redeveloped as a parking area. Reference is made in the Zoning Agreement to the building on the easterly portion of the site. This application is made only to advertise properly the change for the easterly portion of the site, and thereby ratify the existing use.

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Under AAP 36/91 it was noted that the designation of the lands as "Residential" is an error, insofar as the lands were in industrial use at the time of adoption of the Secondary Plan, and should then have been designated "Future Residential". The accessory parking area was allowed as an interim use to reduce on-street parking congestion in the neighbourhood, and does not imply that eventual residential redevelopment is inappropriate. If no non-residential buildings are constructed on the land, the potential for residential redevelopment of the land is not compromised.
A Public Hearing was held before the Riel Community Committee on February 13, 1995.

One person appeared in support of the application.

No one appeared in opposition to the application.

The Riel Community Committee recommended that:

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

   A) The proposed designation of the site will ratify the use of the entire site and will correct an administrative error that occurred in 1991 whereby the City advertised only a portion of the site.

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

I. That By-law No. 965/75, being The North St. Boniface Secondary Plan be amended by reclassifying the subject lands as outlined on Schedule "A" for File SPA 38/94, dated March 20, 1995, from a "Residential" proposed land use to a "Future Residential" proposed land use;

II. That By-law No. 6535/94, which sets forth the proposed amendment approved in Clause I above, and was given first reading on December 16, 1994, be given second and third reading thereof.

Adopted by consent.

(See Minute No. 729 for attachment)

Proposed Amendment to the North Henderson Highway Secondary Plan (By-law 1300/76) - 2081 Henderson Highway - East Kildonan-Transcona Community
File SPA 40/95

709 - 17. The Committee on Planning and Community Services has been advised that Gateway Construction and Engineering Ltd., has applied for an amendment to the North Henderson Highway Secondary Plan (By-law 1300/76) to affect 2081 Henderson Highway (Lot 3, Plan 1573). The land is currently zoned "R1-5.5" under Zoning By-law No. 6400/94.

It is proposed that the site be redesignated from a Low-Density Residential Area to a Medium-Density Residential Area under the Plan. The applicant proposes to make a subsequent application to rezone the site to an "RM-2" Multiple-Family District and to construct a three-storey apartment building on the lands.

On March 14, 1995, the East Kildonan-Transcona Community Committee recommended that the North Henderson Highway Secondary Plan (By-law 1300/76) be amended to reclassify the subject lands as outlined on Schedule "A" from a Low-Density Residential Area to a Medium-Density Residential Area.

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

I. That first reading be given to the draft By-law amending the North Henderson Highway Secondary Plan (By-law 1300/76) as outlined on Schedule "A" for File SPA 40/95;

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II. That Council request the East Kildonan-Transcona Community Committee to conduct a public meeting to consider representations on the by-law given first reading under Clause I above;

III. That Council request the City Solicitor to do all things necessary for implementation in accordance with the City of Winnipeg Act.

Adopted by consent.

(See Minute No. 730 for attachment)

Proposed Zoning Agreement Amendment - 99 Cornish Avenue, 691 Wolseley Avenue and 25 Sherbrook Street - City Centre Community
File ZAA 1/95 (c/r DAZ 202/83)

710 - 18. The Committee on Planning and Community Services has been advised that an application has been received from Thompson, Dorfman, Sweatman, 2200 - 201 Portage Avenue, Winnipeg, Manitoba, R3B 3L3 to amend the Zoning Agreement affecting the land at 99 Cornish Avenue, 691 Wolseley Avenue and 25 Sherbrook Street to permit the following: 1) universities, colleges or schools related to health to be conducted as business enterprises; 2) secondary businesses to have exterior signage identifying such uses; and 3) to amend the existing sign size regulations.

The Misericordia Hospital lands were rezoned from an "R3" Multiple-Family District to a "C2" Commercial District under File DAZ 202/83. The zoning agreement enacted as a condition of approval of this rezoning refers to 2 parcels of land; Parcel A contains the hospital building and the nurses residence, and Parcel B contains the parkade building. The agreement among other things established use, and signage restrictions on the two Parcels.

Misericordia General Hospital is requesting amendments to the zoning agreement to permit a wider range of educational uses to be located within the existing buildings.

Of specific concern is a desire to accommodate a massage therapy school occupying approximately 1/2 of the 5th floor of the nurses residence.

However, as the number of hospital beds has decreased from 409 in 1988 to 285 currently with the corresponding reductions in staffing, and the school of nursing has reduced its enrollment from 175 in 1988 to 120 currently, the hospital would like some flexibility to accommodate other potential educational uses.

The zoning agreement relating to Parcel A (the hospital and nurses residence) allows among other things a university, college or school not conducted as a business enterprise and certain secondary businesses such as offices providing there is no separate exterior entrance to those uses or exterior signage.

The zoning agreement as it relates to Parcel B (the parkade building) allows among other things, a university, college or school not conducted as a business enterprise as well as a wider range of commercial uses in the storefront spaces facing Sherbrook Street.

Some relaxation of the use provisions to permit to allow in addition to the uses already permitted a health related university, college or school use conducted as business enterprise is considered appropriate.

Also, the present agreement does not limit signage for principle uses such as university, college or school, so a change to the signage provisions is not necessary to permit identification signage for this use.

A Public Hearing was held before the City Centre Community Committee on March 7, 1995.

Two persons appeared in support of the application.

Two persons appeared in opposition to the application.

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The City Centre Community Committee recommended that:

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

   A) The number of hospital beds has decreased from 409 in 1988 to 285 currently, with the corresponding reductions in staffing, and, the School of Nursing has reduced its enrollment from 175 in 1988 to 120 currently, with the result that the Hospital would like some flexibility to accommodate other potential educational uses.

   B) Some relaxation of the use provisions to permit, in addition to the uses already allowed, a health related university, college or school use conducted as a business enterprise, is considered appropriate.

   C) The proposed use is a reasonable extension of the hospital.

   D) The hospital needs to develop a secondary source of revenue and provide additional training that is relevant today in the health field.

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

I. That Zoning Agreement DAZ 202/83 dated November 28, 1984 be amended as follows:

   "1. Amend Clause 2. e) to read "university, college, school and/or massage therapy school related to the health industry."

II. That the City Solicitor be requested to prepare the necessary amending agreement to Zoning Agreement DAZ 202/83 dated November 28, 1984 as approved in aforesaid Clause I.

III. That the Proper Officers of the City be authorized to execute said amending agreement.

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

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

Moved by Councillor Murray,
That the clause be referred back to the Committee on Planning and Community Services.

Carried.

Proposed Zoning Agreement Amendment - South side Stradbrook Avenue between Scott and Donald Streets - City Centre Community
File ZAA 2/95 (c/r DAZ 319/86)

711 - 19. The Committee on Planning and Community Services has been advised that an application has been received from The Riverborne Development Association and Winnipeg Housing, c/o Mr. A. Ducharme, 60 Francis Street, Winnipeg, Manitoba, R3A 1B5, to amend the Zoning Agreement affecting Lots 15/16, Plan 27488, by deleting the clause stipulating that thirty-six (36) parking stalls be provided and maintained on the land shown below.

Dimensions: approximately 124' x 148'

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Site Area:	18,352 sq. ft. (.42 acres)
Existing Land Use & Zoning:	vacant, zoned "RM-6" Multiple-Family District
Previous Application:	DAZ: 319/86: On July 29, 1987, the subject site was rezoned from an "R3" Multiple Family District to an "R4" Multiple Family District (now "RM-6" under By-law 6400) to permit the construction of a 6 storey, 35 unit apartment building. The zoning agreement enacted as a condition of approval of this rezoning stipulated that a minimum of 36 parking stalls be provided on the land.

The applicant is proposing to develop the land with a less dense multiple family development. An apartment building containing a total of 14 dwelling units is being considered. The "RM" District regulations of By-law 6400 require 1.5 parking spaces be provided on site for each dwelling unit.

In 1987, when this site was rezoned, the zoning regulations established by By-law 16502 required a 75% parking ratio or 3 parking spaces for each 4 dwelling units established.

The regulations enacted under the new uniform Zoning By-law 6400/94 stipulate a requirement of 1.5 parking spaces for each dwelling units (150%).

These zoning regulations now provide appropriate parking standards which negate the need for special standards under a zoning agreement.

A Public Hearing was held before the City Centre Community Committee on March 15, 1995.

One person appeared in support of the application.

No one appeared in opposition to the application.

The City Centre Community Committee recommended that:

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

    A) In 1987, when the site was rezoned, the zoning regulations established by By-law 16502 required a 75 per cent parking ratio, or 3 parking spaces for each 4 dwelling units established.

    B) The regulations enacted under the new uniform Zoning By-law No. 6400 stipulate a requirement of 1.5 parking spaces for each dwelling unit (150 per cent).

    C) The current zoning regulations now provide appropriate parking standards which negate the need for special standards under a Zoning Agreement.

    D) Experience with this type of unit has indicated that only minimal parking for one vehicle per unit is required.

    E) There is no parking congestion in this area at this time.

    F) The development is a positive contribution to the housing stock and revitalization of the area.

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

I. That Zoning Agreement DAZ 319/86 dated April 15, 1987, be amended by deleting Clause 4 which reads "That not less than thirty-six (36) parking stalls be provided and maintained on the land", and substituting therefor the following:

    "4. That not less than one parking space per dwelling unit be provided and maintained on the land."

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II. That the City Solicitor be requested to prepare the necessary amending agreement to Zoning Agreement DAZ 319/86 as approved in Clause I.

III. That the Proper Officers of the City be authorized to execute said amending agreement.

IV. 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.

Proposed closing of Oakdale Drive located within the limits of Marj Edey Park; between Ridgewood and Wilkes Avenues - Assiniboia Community File DAC 3/95

712 - 20. The Committee on Planning and Community Services has been advised that the Parks and Recreation Department initiated the subject street closing because they are currently involved in the development of Marj Edey Park. The development of the park includes facilities such as playing fields, accessory parking areas and recreational buildings. In order to accommodate these park improvements, the portion of the Oakdale right-of-way which falls within the park boundaries would be utilized. If closed, the right-of-way would be transferred to the jurisdiction of the Parks and Recreation Department.

The proposed street closure was circulated to all concerned City Departments and public utilities with no objections being received from the respondents, but some concerns were noted.

The Streets and Transportation Department noted that a portion of the Oakdale Drive right-of-way proposed to be closed would be required for a future regional street system (designated the South Charleswood Parkway). If approved, the future regional street system as outlined on Schedule "B" would require a significant portion of the Marj Edey Park.

There is an existing single family dwelling using this portion of Oakdale for access. However, the dwelling and land on which it sits are owned by the City, and being leased with a 90 day cancellation clause. Consequently, closing the street would not pose a problem with respect to this dwelling.

On February 14, 1994, the Assiniboia Community Committee recommended approval of the street closing, known as Misc. Plan No. ASBA 9383 and as outlined on Schedule "A".

The Committee on Planning and Community Services approves the proposal and recommends:

I. That the City Solicitor be instructed to prepare the necessary By-law for submission to Council to effect the street closing in accordance with Misc. Plan No. ASBA 9383, 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. 731 for attachment)

Report of the Committee on Planning and Community Services dated April 4, 1995

Proposed street opening (widenings) of part of Kimberly Avenue between Gateway Road and Grey Street - East Kildonan-Transcona Community
File DAO 15/93

713 - 21. The Committee on Planning and Community Services has been advised that a subject widening is required to facilitate a uniform right-of-way between Grey Street and the Kimberly/Gateway intersection. The increased right-of-way width would allow for the maintenance of sidewalks, traffic signalization and utilities without easements. The street widenings are already physically developed, but have never been legally opened as a public street.

No objections were received in response to the circulation of these street widenings.

This matter was recommended for approval by the East Kildonan-Transcona Community Committee on September 14, 1993, and was never approved as to planning details by your Committee. The Administration now wishes to complete this application, but because of the new opening and closing procedures, an approval for this opening is required from your Committee before forwarding the matter onto Council.

The Committee on Planning and Community Services approves the proposal and recommends:

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the openings (widenings) in accordance with Misc. Plan EKT 7413/4, 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. 732 for attachment)

Review of "PR" Parks and Recreation Districts Under By-Law No. 6400
File DAZ 209/94

714 - 22. The Committee on Planning and Community Services has been advised that correspondence was received from Mr. T.L.O. Thomas outlining concerns relating to the "PR2" zoning upon the Winnipeg Canoe Club property pursuant to adoption of the City of Winnipeg By-Law No. 6400.

The Committee is aware that the primary objective of this process was to create a single set of zoning regulations, and not necessarily to review all existing regulations as to their appropriateness. It was also intended that many of the regulations would be subject to further review and adjustment on an on-going basis.

To this end, and in light of the concerns raised, it is proposed that zoning regulations be reviewed as they pertain to "Parks and Recreation" Districts, specifically, with regards to "PR2" districts. This zoning district has been attached to regional parks and golf course sites.

This review may suggest rationalization of listed uses or some change in those sites to which it has been attached.

Any proposed amendments from this review will be forwarded to Committee for a public hearing along with amendments resulting from a review of the "Rural" Districts previously directed by them, as well as a number of other general "housekeeping" amendments to the by-law presently being considered.

The Committee on Planning and Community Services recommends:

I. That the Directors of Community Services and Land and Development Services be directed to review the "PR" Parks and Recreation Zoning regulations under By-Law No. 6400.

Report of the Committee on Planning and Community Services dated April 4, 1995

II. That the Commissioner of Planning and Community Services be directed to initiate by-law amendments to By-Law No. 6400 in accordance with the above-noted review.

III. That the Director of Land and Development Services be directed to refer all development or building permits that might not comply with the above-noted amendments to your Committee in accordance with Section 600 of the City of Winnipeg Act.

Adopted by consent.

REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED APRIL 11, 1995

On motion of Councillor O'Shaughnessy, the Report of the Committee on Planning and Community Services, dated April 11, 1995, was considered.

Her Worship the Mayor and Councillors:

Proposed Zoning Text Amendment - To amend the text of the Downtown Winnipeg Zoning By-law No. 4800/88 by adding the use "ARENA" as a permitted principal use in the Non-Residential Use Groups designated as NRg and NRe
File DAZ 204/95

715 - 1. The Committee on Planning and Community Services has been advised that the Commissioner of Planning and Community Services has initiated an application to amend the text of the Downtown Winnipeg Zoning By-law No. 4800/88 by adding the use "ARENA" as a permitted principal use in the Non-Residential Use Groups designated as NRg and NRe. Lands designated NRg and NRe are shown below in the shaded areas.

On February 1, 1995, Council adopted general guidelines to assist Manitoba Entertainment Complex Inc., (MEC) in preparing a formal proposal and business plan to acquire the Winnipeg Jets and develop a new arena.

This text amendment is intended to provide the appropriate zoning regulations to accommodate the Manitoba Entertainment Complex Inc., proposal. MEC has made some clear statements about its site preference and has indicated that it feels that the only viable option for a new arena facility is the City owned location at Portage Avenue East. Under this proposal, the arena bowl would be situated on land designated "NRg" located south and east of the CNR High Line. An entry pavilion is proposed on lands designated "NRe" west of the CNR rail right-of-way at the terminus of Portage Avenue East.

In the event that Council does not approve the MEC plan, and a subsequent proposal involving a site outside the "NRg" or "NRe" designations of By-law 4800 is brought forward; a separate text amendment could be processed to accommodate such a proposal.

Plan Winnipeg stresses that - "the City shall give priority to the Downtown in the development of major commercial, office, entertainment and cultural facilities", (PW, Policy 5B-02, pg. 86) and, the City shall ensure that major city-wide development and amenities are located in the Downtown" (PW, Policy 5B-03, pg. 87). Preference for a downtown location was supported and reinforced by CentrePlan.

The Community Services Department considers the proposed Portage Avenue East site an appropriate location for a new Downtown Arena, and finds that it would be consistent with the objectives established in Plan Winnipeg. Supporting rationale for this position can be found in the report to the Interim Steering Committee from the former Planning Department, which indicated that either major site under consideration at that time could be made to work.

A Public Hearing was held before the Committee on Planning and Community Services on April 11, 1995.

The following exhibits were filed with the Committee, namely:

Exhibits Filed:

1. Report from the Manager of Community Planning dated March 29, 1995.
2. Copy of Notice of Public Hearing.
3. Communication dated March 28, 1995 submitted by Kent Smith, President and C.E.O., The Forks Renewal Corporation in opposition to the proposed text amendment.

Report of the Committee on Planning and Community Services dated April 11, 1995

4. Brief dated April 11, 1995 submitted by Janis Kaminsky in opposition to the proposed text amendment.

5. Brief submitted by Rick Koswin.

6. Brief submitted by Kenneth Emberley.

7. Brief submitted by Paul Sveinson in support of the proposed zoning text amendment.

The following persons appeared and/or registered in support of the application:

Cam Osler, representing Manitoba Entertainment Complex (MEC), John Stefaniuk representing Thompson Dorfman Sweatman, Valdine Buckley and David Hicks, representing DS-Lea Consultants, Suite 111, 93 Lombard Ave., Wpg., R3B 3B1
Mark Hadath, 269 Renfrew St., Wpg., R3N 1J5
Paul Sveinson, Snowcap Sportsplex Inc., 101 Dawson Road, Wpg., R2J 0S6

The following persons appeared and/or registered in opposition to the application:

David Brant, Aboriginal Council of Winnipeg, 181 Higgins Ave., Wpg., R3B 3G1
Janis Kaminsky, 1311 Downing St., Wpg., R3E 2R8
Anna Nault, 130 Kenora St., Wpg., R3G 1S9
Jim Silver, Thin Ice, Political Science Dept, U of W, 515 Portage Ave., Wpg., R3B 2E9
Rick Koswin, Superplex - HOK Multiplex, 500 Airlies St., Wpg., R2X 2B1
Jeff Lowe, 484 Lipton St., Wpg., R3G 2H3
Kenneth Emberley, 220 Queen St., Wpg., R3J 1K7

The Committee on Planning and Community Services recommends:

I. That By-law No. 4800/88 be amended as follows:

1) Section 324(1) of Part III, Non-Residential Use Group E be amended by adding the use ARENA to the permitted Principal Use Table.

2) Section 326(1) of Part III, Non-Residential Use Group G be amended by adding the use ARENA to the permitted Principal Use Table.

II. That the City Solicitor be requested to prepare the necessary zoning text amending by-law for the above approved text amendments and forward same to Council for all three readings.

III. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

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

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

Moved by Councillor Murray,
Seconded by Councillor Thomas,
WHEREAS Council has committed in Clauses 1, 9 and 10 of the MEC Guidelines to proceed with Civic approvals only after the release of the (M.E.C.) Manitoba Entertainment Complex Business Plan and Proposals;

THEREFORE BE IT RESOLVED that the Report of the Committee on Planning and Community Services dated April 11, 1995, be laid over until the release of the M.E.C. Business Plan.

Report of the Committee on Planning and Community Services dated April 11, 1995

The motion to lay over was put.

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

Yea: Councillors Reese, Boychuk, Hyman, Lazarenko, Murray, Silva and Thomas. 7

Nay: Councillors Clement, Duguid, Golden, O'Shaughnessy, Prystanski, Fraser, Her Worship Mayor Thompson, Councillors Angus and Eadie. 9

and the motion to lay over was declared lost.

The motion for the adoption of the clause was put.

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

Yea: Councillors Clement, Duguid, Golden, O'Shaughnessy, Prystanski, Fraser, Her Worship Mayor Thompson, Councillors Angus and Eadie. 9

Nay: Councillors Reese, Boychuk, Hyman, Lazarenko, Murray, Silva and Thomas. 7

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

REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED APRIL 12, 1995

On motion of Councillor O'Shaughnessy, the Report of the Committee on Planning and Community Services, dated April 12, 1995, was considered.

Her Worship the Mayor and Councillors:

Proposed closing of Thistle Lane, a portion of Mill Street and a North/South lane; East of Westbrook Street, between Pioneer and Lombard Avenues - City Centre Community File DAC 4 "A"/95

716 - 1. The Committee on Planning and Community Services has been advised that DS-Lea Consultants Ltd., have requested the subject closings on behalf of their clients, Manitoba Entertainment Complex Inc., (MEC) who propose to construct an arena on the adjoining lands owned by the City.

The arena complex would be constructed to the east of the C.N.R. main rail line on a triangular piece of City property, Misc. Plan CC 9325/1, as outlined on Schedule "A". MEC also proposed to establish a Portage East entrance way into the arena complex, to allow for direct pedestrian access from the downtown core area. This access to the arena has been described as an entrance Pavilion, to allow for an underground walkway connection and at grade pedestrian access. The City land on the east side of Westbrook could be incorporated into this entrance proposal along with the closed street and lane right-of-ways, and adjoining lands under MEC control. It has not been determined at this time which party ie: the City, or MEC, or combination thereof; will be responsible for the entrance Pavilion.

The subject closing proposal was circulated to all the applicable City Department's and public utilities. No objections were received to this closing proposal, but some concerns were noted by a number of respondents. These concerns are listed in the following comments.

Winnipeg Hydro indicated that the Hydro has no objection to the closing, but because of the Winnipeg Hydro plant located on the lands required for the arena complex, relocation of the plant would be required. The preliminary estimate for the relocation is $1,325,000.00.

The Manitoba Telephone System presently have poles and aerial cable on the portion of Mill Street to be closed. M.T.S. would remove these facilities at no cost when the Winnipeg Hydro plant is relocated. The M.T.S. cable services the hydro complex.

West Central District Operations provided the following information:

- There are no sewer or water services in Thistle Lane or the lane east of Westbrook Street.
- There is a 100 mm water main 4.3 m west side of the east line of Mill Street. This main would be abandoned in the area to be closed.
- There is a 300 mm sewer in the centre of the Mill Street R.O.W. This sewer would be abandoned at the manhole north of the area to be closed if it is not required to serve the new arena. If it is required it would become a private sewer connection to the arena site and the arena would be responsible for the maintenance.
- It is difficult to estimate the cost to abandon sewer and water services at this time as any work would most likely be done in conjunction with the installation of new services to the arena site. To simply abandon the services as is would cost less than $5,000.00
- The lane turn out at Thistle Lane and Westbrook and the access to the section of Mill Street would have to be abandoned and curb and sidewalk installed as required. This would most likely be done in conjunction with access work for the new arena and costs will be the responsibility of the applicant. Again to simply abandon the access points as is with no other work taking place would cost approximately $10,000

Report of the Committee on Planning and Community Services dated April 12, 1995

The Streets and Transportation Department aired concerns that portions of the closing proposal could be considered premature because plans for the arena access (entrance Pavilion) on the west side of C.N.R. main line have not been completely determined. The Thistle Lane underpass for example may be required for access to the arena complex. Also this underpass may have to remain open as a street to protect the City's rights. The Streets and Transportation Department recommended that the question of the City's and C.N.R.'s rights and obligations be referred to the Law Department (now Legal Services). In light of these concerns, MEC's consultant requested that the closing be split into two parts. The Administration concurs with this suggestion because the closings directly involving the Arena site could go forward, in advance of the closings relating to the Thistle Lane underpass access and the entrance pavilion.

The application would be split into two parts as follows:

A) The arena complex site closing designated DAC 4 "A"/95, would concern the closings east of the C.N.R. main line, shown as Parcel "D" on Misc. Plan CC 9325/1 and as outlined on Schedule "A".

B) The entrance Pavilion closings, designated DAC 4 "B"/95, would involve the underpass right-of-way and those closings west of the C.N.R. main line, identified as Parcels "A", "B" and "C" on Misc. Plan CC 9325/1 and as outlined on Schedule "A".

On March 7, 1995, the City Centre Community Committee reviewed the subject closing proposal and laid the matter over until their April 11, 1995 meeting.

The Administration initially referred this matter to the April 4, 1995 meeting of the Committee on Planning and Community Services based on Council's guidelines adopted on February 1, 1995 and the need for MEC to have a consolidated site to start construction (subject to City approval) as early as possible for the 1995 building season. Following consideration of this matter and hearing delegations, the Committee on Planning and Community Services laid the matter over to a Special Meeting, which was held on April 12, 1995 to consider the recommendation of the City Centre Community Committee

On April 11, 1995, the City Centre Community Committee considered the report dated March 16, 1995, from the Acting Subdivision/Codes Administrator, with respect to the proposed closing under file DAC 4/95 and recommended that the proposed closing of Thistle Lane, a portion of Mill Street and a north/south lane east of Westbrook Street between Pioneer and Lombard Avenues, be not proceeded with at this time; inasmuch as the proper procedures have not been followed with respect to Council's direction of February 1, 1995 and the MEC business plan.

The City Centre Community Committee also strongly urged the Committee on Planning and Community Services to follow the "MEC guidelines" passed by Council and that any other approvals not precede the release of the MEC business plan and site proposals.

In addition the City Centre Community Committee recommended that the Committee on Works and Operations review the streets plan proposed by MEC prior to the closing or establishment of the rights-of-way.

After further deliberations, the Committee on Planning and Community Services approved the proposed closing under file DAC 4 "A"/95 and recommends:

I. That the City Solicitor be instructed to prepare the necessary By-law for submission to Council to effect the street closing in accordance with Parcel "D", Misc. Plan No. CC 9325/1, as outlined on Schedule "A".

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

III. That DAC 4 "B"/95 be laid over to April 27, 1995 and referred to Legal Services to review and report back to the Committee on Planning and Community Services on the closing of Thistle Lane and the underpass respecting the City's rights and obligations regarding the underpass and Thistle Lane and those of C.N.R. (Canadian National Railway).

Report of the Committee on Planning and Community Services dated April 12, 1995

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

Moved by Councillor Murray,
Seconded by Councillor Thomas,
WHEREAS Council has committed in Clauses 1, 9 and 10 of the MEC Guidelines to proceed with Civic approvals only after the release of the (M.E.C.) Manitoba Entertainment Complex Business Plan and Proposals;

THEREFORE BE IT RESOLVED that the Report of the Committee on Planning and Community Services dated April 12, 1995, be laid over until the release of the M.E.C. Business Plan.

Moved by Councillor Golden,
That the question be now put.

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

Yea: Councillors Duguid, O'Shaughnessy, Prystanski and Angus. 4

Nay: Councillors Reese, Boychuk, Clement, Golden, Hyman, Lazarenko, Murray, Thomas, Fraser and Eadie. 10

and the motion that the question be put was declared lost.

The motion to lay over was put.

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

Yea: Councillors Boychuk, Hyman, Lazarenko, Murray, Silva and Thomas. 6

Nay: Councillors Clement, Duguid, Golden, O'Shaughnessy, Prystanski, Fraser, Her Worship Mayor Thompson, Councillors Angus and Eadie. 9

and the motion to lay over was declared lost.

The motion for the adoption of the clause was put.

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

Yea: Councillors Clement, Duguid, Golden, O'Shaughnessy, Prystanski, Fraser, Her Worship Mayor Thompson, Councillors Angus and Eadie. 9

Nay: Councillors Boychuk, Hyman, Lazarenko, Murray, Silva and Thomas. 6

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

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

MOTIONS

Moved by Councillor Murray,
Seconded by Councillor Hyman,
717 - BE IT RESOLVED that an informal meeting of the Mayor and Councillors be held prior to May 1st to discuss and find resolution to the outstanding issues on maintenance of an NHL franchise in Winnipeg;

AND BE IT FURTHER RESOLVED that Council attempt to reach an understanding of a supportable City commitment to an arena and the NHL franchise.

Carried.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

718 - On motion of Councillor O'Shaughnessy, By-law No. 6621/95, a By-law of The City of Winnipeg to change the names of certain highways in the City of Winnipeg, in the Riel 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 SC-3.14(35) (Vol. 1)

On motion of Councillor O'Shaughnessy, By-law No. 6625/95, a By-law of the City of Winnipeg to close Thistle Lane and Mill Street east of Westbrook Street between Pioneer and Lombard Avenues, was read a first time. File DAC 4A/95

Councillor O'Shaughnessy moved that this constitute the first reading of By-law No. 6625/95, which motion was carried.

Councillors Boychuk, Hyman, Lazarenko and Thomas asked to be recorded as having voted against the first of By-law No. 6625/95, in accordance with Rule 50.7 of the Procedure By-law.

On motion of Councillor O'Shaughnessy, By-law No. 6625/95 was read a second time.

Councillor O'Shaughnessy moved that this constitute the second reading of By-law No. 6625/95, which motion was carried.

Councillors Boychuk, Hyman, Lazarenko and Thomas asked to be recorded as having voted against the second reading of By-law No. 6625/95, in accordance with Rule 50.7 of the Procedure By-law.

Moved by Councillor O'Shaughnessy,
THAT third reading of the by-law be laid over pending consideration of the Manitoba Entertainment Complex business plan.

Carried.

On motion of Councillor O'Shaughnessy, By-law No. 6622/95, a By-law of The City of Winnipeg to amend By-law No. 1300/76, a By-law establishing a Secondary Plan for North Henderson Highway, being a statement of the City's policies and proposals for the development of the North Henderson Highway area, was read a first time. File SPA 40/95

Councillor O'Shaughnessy moved that this constitute the first reading of By-law No. 6622/95, which motion was carried.

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

On motion of Councillor O'Shaughnessy, By-law No. 6627/95, a By-law of The City of Winnipeg for the enactment of zoning text changes to By-law No. 4800/88, was read a first time.
File DAZ 204/95

Councillor O'Shaughnessy moved that this constitute the first reading of By-law No. 6627/95, which motion was carried.

Councillors Boychuk, Hyman, Lazarenko and Thomas asked to be recorded as having voted against the first reading of By-law No. 6627/95, in accordance with Rule 50.7 of the Procedure By-law.

On motion of Councillor O'Shaughnessy, By-law No. 6627/95 was read a second time.

Councillor O'Shaughnessy moved that this constitute the second reading of By-law No. 6627/95, which motion was carried.

Councillors Boychuk, Hyman, Lazarenko and Thomas asked to be recorded as having voted against the second reading of By-law No. 6627/95, in accordance with Rule 50.7 of the Procedure By-law.

Moved by Councillor O'Shaughnessy,

THAT third reading of the by-law be laid over pending consideration of the Manitoba Entertainment Complex business plan.

Carried.