REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED MAY 23, 1995

On motion of Councillor O'Shaughnessy, the Report of the Committee on Planning and Community Services, dated May 23, 1995, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 1,3,4,5,6,7,8,9 and 11 be adopted.

Carried.

Her Worship the Mayor and Councillors:

Ad Hoc Committee to review Design, Function and Environmental Impact of the New Entertainment Facility
Files F-5.1 (Vol. 4) & F-5 (Vol. 20)

873 - 1. On May 23, 1995, the Committee on Planning and Community Services created an Ad Hoc Committee to liaise with the Manitoba Entertainment Complex (MEC) and the New Jets Ownership Group to review the design, function and environmental impact of the new Entertainment Facility.

The Committee on Planning and Community Services appointed the following members to the Ad Hoc Committee namely, Councillor Golden as Chairperson, Councillor Reese and Councillor O'Shaughnessy.

The aforementioned has been submitted to Council for its information.

Adopted by consent.

Application of Health Regulations to Historic Buildings
File G-3.1.1 (c/r EH-1 (Vol. 18)

874 - 2. The Committee on Planning and Community Services has been advised that there is a potential conflict between the Historical Buildings By-law and the City's Health regulations in regards to the demolition of listed buildings.

Buildings which are in a state of gross disrepair and/or are insanitary are routinely condemned and placarded to prohibit occupancy and use as well as lessen the negative impact on a neighbourhood.

Placarding only occurs when the property owner fails to place the building into a proper sanitary and safe condition upon written notification. While placarding prohibits occupancy, the insanitary conditions and gross disrepair quite often continue.

Under Section 439 of The City of Winnipeg Act, the City can require the owner to either repair and resolve the insanitary conditions or demolish the premises. If the repair and upgrade is not complied with, the Medical Health Officer can authorize the demolition of the building and add the costs to the property taxes. When buildings designated as historic are placarded as insanitary, a potential conflict arises. In the absence of a policy, and in the interests of consistency, the Health Department applies its normal procedures.

The Medical Health Officer is seeking direction from City Council regarding the placarding and demolition of historically designated buildings inasmuch as the City of Winnipeg has many historic buildings that are falling into a state of disrepair that is so severe that they are posing a risk to the public health.

On April 4, 1995, the Committee on Planning and Community Services referred the matter to the Administration to obtain information from other Municipalities regarding policies pertaining to Health Regulations for Historic

Buildings. Subsequently a report was received and considered at the May 23, 1995 meeting of the Committee which provided the following information;

Survey Results

The City of Winnipeg's Medical Health Officer conducted a survey to determine what policies exist regarding similar situations in the following Canadian cities, namely -

Vancouver	London
Edmonton	Halifax
Hamilton	St. John's
Ottawa	

Edmonton, Vancouver, London, Halifax and St. John's do not have specific provisions to deal with historic buildings. The provisions of the Public Health Act of the respective provinces would take precedence over any municipal by-laws.

Hamilton and Ottawa both have preservation committees which advise on historic buildings. If a conflict arises, the respective city councils have to achieve a balance between the Ontario Heritage Act and the appropriate sections of the Ontario Public Health Act regarding the demolition of these properties. The Medical Health Officer in Ottawa noted that if a resolution is not achieved, the will City carry out repairs and add the costs to the owner's taxes.

No Medical Officer, as is the case with Winnipeg, wishes to damage the heritage buildings of their respective cities. However, it would be advisable to develop a policy to avoid confrontation over demolition.

As has been previously suggested, the development of a budget would allow for restoration of minimum sanitary conditions and add only that amount to the taxes to avoid a situation where the City would be taking over a huge stock of historic properties. This suggestion would require the establishment of a fund to allow such minimal repairs to be undertaken to protect the public health.

The Committee on Planning and Community Services therefore recommends:

I. That Council appropriate $40,000 to establish a repayable fund to finance the costs of repairs and clean up, ordered by the City Health Department against designated Historical Buildings, and that work undertaken on said buildings and properties be charged to the owners on the property tax bill and payments received be allocated to repay the fund.

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

The Executive Policy Committee recommends that recommendation No. I be amended to read as follows:

I. That during consideration of the 1996 Current Estimates, that Council consider the establishment of a $40,000.00 revolving fund to finance the costs of repairs and clean up, ordered by the City Health Department against designated Historical Buildings, and that work undertaken on said buildings and properties be charged to the owners on the property tax bill and payments received be allocated to repay the fund.

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.

Carried.

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

Report of the Committee on Planning and Community Services dated May 23, 1995

The Community Home Service and Community Service Worker Projects Extended Expansion File EH-2 (Vol. 17)

875 - 3. The Committee on Planning and Community Services has been advised that on March 21, 1995, the Province of Manitoba agreed to fund a further expansion in 1995/96 of the Social Services Department's two employment projects: the Community Home Services and Community Service Worker Projects.

The City was successful in 1994 in involving the Province of Manitoba to match funding for the two projects in 1994/95.

The current agreement for 1994/95 expired on March 31, 1995. The Province has given notice that it wishes to extend the funding agreement for 1995/96 in the amount of $750,000.00. It is anticipated that the additional monies will provide employment for more than 400 participants on the two projects. As the projects continue to demonstrate positive results, the department is hopeful the Province will continue funding on an ongoing basis.

In funding the projects for a second year the Province has accepted the principle that the funding already allocated by the City ($750,000.00 approximately) will serve as an equitable cost-sharing agreement. The City is not required to furnish additional funding.

The Committee on Planning and Community Services recommends that the Proper Officers of the City be authorized to do all things necessary to implement the extended expansion of the Community Homes Services and Community Service Worker Projects in 1995/96, including the execution of all necessary documents.

Adopted by consent.

Review of Development Fees By-Law File EP-1 (Vol. 17)

876 - 4. The Committee on Planning and Community Services has been advised that Council policy requires that fees be reviewed within two years of their last comprehensive revision. The last general increase came into effect on July 8, 1991. The said fees were not increased in 1992 or 1993 due to the dramatic increase which occurred in 1991.

Over the years, inconsistencies have been created within the Development Fees By-law due to changes in the way services were delivered and the intermittent introduction of new services fees. In order to bring uniformity to the By-law, a comprehensive analysis of the entire fee structure was conducted. As a result of this review, the majority of existing fees increased to reflect the requested 6.5% inflationary adjustment. In a few exceptional cases certain fees that had incurred an increase of 100% or more in 1991 were left at current rates. Two new fees have been included; a plan review fee for the review under the "one-stop-shop" permit approval system by the Fire Department and Health Services Branch and subscription fees for Building Permit Summary Reports.

In addition to the revisions as outlined on Schedule "A", it is recommended that Section 16.1(2) be amended by replacing the words "Committee on Planning and Community Services" with "Director of Land and Development Services" in order to allow the Department to properly assess the appropriate fee at the time of permit issuance rather than putting the customer in the position of paying the increased fee and subsequently applying to the Committee for a refund. This will result in an improved level of customer service, while providing the City with a time and cost savings involved in processing a refund.

Prior to submission of this report, feedback was solicited from the various industry groups with only one response received from the Mechanical Contractors Association of Manitoba.

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The Committee on Planning and Community Services recommends.

I. That the Development Fees By-law No. 5675/91 be amended in accordance with the proposed fees as outlined on Schedule "A".

II. That the City Solicitor be requested to prepare the necessary amending by-law and forward same to Council for all three Readings.

III. That the amending by-law come into force and effect at least two months after the date of adoption thereof.

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 Amendment to Development Agreement AG 36/79 - Finance Department No. 6151 and Development Agreement AG 58/85 - Finance Department No. 7129 - Assiniboia Community
Files DASZ 36/79 & DASZ 58/85

877 - 5. The Committee on Planning and Community Services has been advised that on May 19, 1982, Council approved DASZ 36/79, Stage I of Whyte Ridge Residential Subdivision and Development Agreement AG 36/79 was subsequently executed.

On December 17, 1986, Council approved DASZ 58/85, Stage II of Whyte Ridge Residential Subdivision and Development Agreement AG 58/85 was subsequently executed.

On February 16, 1995, the Land Development Department raised the issue with the Developer that the total staged administration fee paid under AG 36/79 did not correspond with the amount in the agreement. On March 10, 1995, Whyte Ridge Residential Developments Ltd. requested amendments to Development Agreements AG 36/79 and AG 58/85 to adjust the administration fees payable under each agreement.

The administration fee stipulated in AG 36/79 was calculated based on a planned area of 213.68 acres (213.68 x $450.00/acre = $96,156.00) which was the estimate of the total area which was to be developed. However, when the last of the phased legal plan registrations was completed, the total area ultimately developed was actually 202.74 acres. Therefore the administration concurs that the administration fee payable under this agreement is $91,233.65 (202.74 acres x $450.00/acre) and it is recommended that the agreement be so amended.

During the review of the question of the administration fee calculated for AG 36/79, the Developer brought to the attention of the administration that there was 5.0 acre parcel of land that was included in the planned area for both Development Agreements, AG 36/79 and AG 58/85. Normally what has been done in situations like this where the same Developer is involved in both agreements, a credit is given in the second agreement for the administration fee that was paid for the parcel in the first agreement. Therefore the administration recommends that agreement AG 58/85 be amended to provide for that credit in the amount of $2,250.00 ($450.00 x 5.0 acres).

The Committee on Planning and Community Services recommends:

I. That Development Agreement AG 36/79 be amended to reflect the actual registered "planned area" of 202.74 acres instead of 213.68 acres in the calculation of the amount to be paid for the Administration Fees in clause 1. b) of Section III in Schedule "C".

II. That Development Agreement AG 58/85 be amended to provide a credit of $2250.00 ($450.00 x 5.0 acres) in the calculation of the administration fee in clause 1. b) of Section III in Schedule "C" to provide a credit for the 5.0 acre site that was included in both AG 36/79 and AG 58/85.

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

Adopted by consent.

Proposed Subdivision and Rezoning - On land bounded by Parkin Avenue, Elmhurst Road, Laxdal Road and Grant Avenue - Assiniboia Community

File DASZ 18/94

878 - 6. The Committee on Planning and Community Services has been advised that an application has been received from Solarch Design Ltd., 85 West Gate, Winnipeg, Manitoba R3C 2C9, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from a "PR" Parks and Recreation District and an "R1-20" Single-family District to an "R1-5.5" Single-family District and an "RM-1" Multiple-family District to allow for the construction of single family dwellings and for the construction of a multiple family dwelling (Senior Citizen's).

The existing land use and zoning is presently vacant. The surrounding land use and zoning:

north: Single-family development zoned "R1-5.5" fronting Parkin Avenue between Laxdal and Elmhurst (3 existing houses and 5 vacant building lots). Across Parkin is the Varsity View Community Centre.

east: Single-family residential development zoned "R1-5.5" fronting Elmhurst Road.

south: Two-family development zoned "R2" fronting Grant Avenue across a public lane.

west: Single-family development zoned "R1-5.5" fronting Laxdal Boulevard.

The proposed development began to take shape in 1991 when the applicant purchased 5 acres of MHRC land fronting Parkin Avenue with the ultimate goal of building a demonstration project promoting energy-efficient housing and lot layout. It was determined that there were two major impediments to developing the applicant's lands (and all of the backlands between Elmhurst and Laxdal): access and land drainage.

The applicant was required to install a land drainage trunk sewer from Grant Avenue to service the entire infill area including the Parkin Avenue frontage. As this sewer would have to come from the south, a right-of-way would have to be established. And, as the subdivision plan called for the eventual extension of McLean Street south from Parkin and then west to Laxdal Road just north of Grant, it was logical to combine these two servicing elements.

Unfortunately, extending McLean to Laxdal would require the cooperation of several intervening land owners. In addition, the substantial cost of the land drainage could not be borne by the applicant's 5 acres of development. Therefore, an attempt was made to expand the development area. In May 1993, all property owners potentially involved in a larger development, mostly residents with deep lots fronting Elmhurst, were invited to an informational meeting organized by the then Planning Department at the nearby Royal School. A plan was displayed indicating how the residents could undertake rear lot splits off the southerly extension of McLean Street. The plan showed McLean Street connecting to Laxdal Road across a City-owned lot acquired for this purpose.

Although the positive response to development of the entire area was overwhelming, very few residents indicated they were prepared to participate immediately. Most were simply pleased to know that the option of future rear lot splits would exist if the development proceeded. The applicant therefore had no choice but to negotiate directly with the owners of 9 properties whose acquisition was essential for extending the McLean Street right-of-way out to Laxdal Road. This complex and often frustrating effort culminated in the current development proposal.

This application provides a text-book example of why infill land development is an extremely costly and difficult way of expanding the City's property tax base, and why sophisticated land developers, large and small, will continue to direct their investment to suburban expansion. Although a cornerstone of Plan Winnipeg, the City of Winnipeg administration has been slow in recognizing the inherent complexities and cost disadvantages of infill development and formulating mechanisms which assist and encourage what is ultimately a more cost-efficient form of development

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for the City as a whole. Fortunately, the applicant persevered in this particular instance and, in accordance with the Community Committee recommendation, has managed to acquire the entire right-of-way for the McLean extension from Parkin to Laxdal. The Community Planning Division commends the applicant's efforts and heartily endorses the proposed single-family rezoning and subdivision.

It should be noted that the attached Schedule "C" plan differs from the advertised plan as outlined on Schedule "A", in that the most southerly cul-de-sac was deleted in favour of the "bay" configuration shown. This simplifies the rear-lot subdivision of properties fronting Elmhurst, whereas the cul-de-sac plan would have required the consolidation of properties to form pie-shaped lots. This design change occurred following the public hearing, and the applicant was instructed to and has informed the affected property owners.

The applicant has contacted the affected property owners and submitted letters (copies on file) that they have no objection to the plan revisions shown as outlined on Schedule "C". Based on these letters and the concurrence of the Administration, this Department is of the opinion that these changes are not prejudicial to the adjoining property owners. Attached Schedule "C" includes the land required to complete the street system as instructed by the Community Committee at their January 17, 1995 meeting (refer to recommendation I, A (i) of this report).

A Public Hearing was held before the Assiniboia Community Committee on December 6, 1994 and laid over to January 17, 1995, at which the Community Committee made certain recommendations.

Four persons appeared in support of the application.

Two persons appeared in opposition to the application.

Six persons appeared for information.

The Assiniboia Community Committee recommended that:

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

    1) The application, as approved, 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 concurred in the recommendation of the Assiniboia Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 18/94 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "C" for File DASZ 18/94, dated May 15, 1995, for registration in the Winnipeg Land Titles Office subject to the following:

    A. The applicant entering into a Development Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated November 17, December 29, 1994, and May 15, 1995, with the following amendments thereto:

        i) That recommendation 4. be added to the preamble as follows:

            "4. The Developer shall, at no expense to the City, acquire a right-of-way through Lot 54, S.P. Plan 20203, to the satisfaction of the Commissioner of Works and Operations."

        ii) That recommendation 6. be deleted in its entirety and replaced with the following:

            "6. The Developer shall pay its share of the cost of the land drainage sewer, the concrete pavement and the ornamental street lighting in Parkin Avenue from McLean Street to Laxdal Road, through the enactment of Local Improvement By-laws."

        iii) That recommendation 17.a) be deleted in its entirety and recommendation 17.b be renumbered recommendation 17.

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iv) That recommendation 18 be added as follows:

"18. That all turn-arounds, streets and cul-de-sacs be of standard size."

v) That recommendation 3. be deleted in its entirety and the remaining recommendations be renumbered accordingly.

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

III. That the cash payment in lieu of parkland dedication be contributed to the Marj Edey Park site.

IV. That Zoning By-law 6400/94 be amended by rezoning the subject land as outlined on Schedule "C" for File DASZ 18/94, dated May 15, 1995, to a "R1-5.5" Single-Family Residential District.

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

VI. 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.

VII. 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.

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

IX. 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.

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

Adopted by consent.

(See Minute No. 886 for attachments)

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

879 - 7. The Committee on Planning and Community Services has been advised that on June 20, 1994, the City executed Development Agreement AG 244/92 with Bruce park Place Condominium Services Ltd., in connection with the construction of a 6-storey condominium project at 1976 Portage Avenue.

In a letter dated October 20, 1994, the Developer requested that the City consider sharing in the cost of constructing the subject concrete lane pavement as the City's Bruce Park abuts and benefits from the subject concrete lane pavement.

The matter of cost-sharing was recently referred to the Parks and Recreation Department for their input and that Department advised that it was not prepared to support sharing in the cost of a concrete pavement in the subject lane although the lane does serve for access to Bruce Park. The Parks and Recreation Department feels that the existing "packed gravel" surface is sufficient. The Operations Department however is not prepared to accept a surface to a standard less than concrete pavement. The City's proportionate share of the cost of constructing the concrete lane pavement, not including the cost of utility relocation, has been estimated at $10,000.00.

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On April 11, 1995, the Assiniboia Community Committee considered a report dated March 31, 1995 from the Administrative Coordinating Group and concurred in the recommendation as follows:

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

   "The Developer hereby petitions the City in accordance with Section 362 of The City of Winnipeg Act to construct a concrete pavement to a width of 6.1 m in the first lane east of Deer Lodge Place from Portage Avenue to the first lane south of Portage Avenue and thence southerly tapering to a width of 3.67 m at the south limit of Lot 1, Plan 5202."

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

On April 27 and May 23, 1995, the Committee on Planning and Community Services considered the recommendation of the Assiniboia Community Committee with respect to the proposed amendment to Development Agreement under file AG 244/92.

The Committee on Planning and Community Services does not concur with the Assiniboia Community Committee and therefore recommends:

I. That Clause 1. of Schedule "B" of Development Agreement AG 244/92 remain as originally executed to read as follows:

   "Lane Pavement

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

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

Adopted by consent.

Proposed Rezoning - South side Flora Avenue between Salter and Aikins Streets - Lord Selkirk-West Kildonan Community
File DAZ 201/95

880 - 8. The Committee on Planning and Community Services has been advised that an application has been received from Satnam Brar, 119 Salter Street, Winnipeg, Manitoba, R2W 4J7, for permission to rezone a portion of Lots 10 and 11, Plan 331 from a "R2-T" Two-Family Transitional District to a "C2" Commercial District in order to accommodate the expansion of an existing service station (with food store) to include a car wash.

The following is the surrounding land use and zoning:

Adjacent properties to the south and east are zoned "R2-T" Two-Family Transitional District and occupied by single family dwellings in most instances. There is a "PR-1" Parks and Recreation District to the west, and some "C1-5" Commercial zoning to the north extending through to Selkirk Avenue.

The applicant has indicated that he wishes to expand on his existing Mohawk gas/convenience store operation by acquiring 35' - 40' of property to the east and adding a car wash component to the business. It would appear that the new expansion will encompass an area of approximately 3200 square feet. A queue line will access the new facility from the north end exit on the south side of the building. A 6' high new fence will be constructed along the east side of the property separating the car wash from the residential building lying to the east.

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In 1990 under DAZ 211/90, the owners of the subject gas kiosk were permitted by the Lord Selkirk-West Kildonan Community to rezone to a "CZ" Commercial District category, now "C2" Commercial District, an adjacent 20' parcel of land. It was indicated that the additional area would allow the convenience store previously approved in 1989 to have extra parking spaces and an improved buffer strip to the east abutting the residential area. The Lord Selkirk-West Kildonan Community Committee at that time acknowledged that a moderate increase in the site area would be an appropriate course of action. The rezoning and demolition of the adjacent building permitted some flexibility relative to circulation of traffic and parking on the applicant's site and also allow for adequate separation between the established business and the surrounding neighbourhood. However, it was also suggested at the time that continued encroachment into the residential area for whatever reason would not be in the best interests of the adjacent neighbourhood and would not be supported by the Administration.

The latest acquisition and rezoning is not marginal in nature. The parcel involved is 40' wide and is designed to accommodate a car wash which even in the best of circumstances can still create problems (noise, traffic, etc.) for neighbouring residents. The view of Community Planning is that further erosion of the neighbouring residential area for any commercial purpose and in particular a car wash - should not be permitted.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on April 11, 1995.

Two persons appeared in support of the application.

One person appeared in opposition to the application.

The Lord Selkirk-West Kildonan Community Committee recommended that:

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

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

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 concurred with the recommendation of the 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 201/95, dated May 4, 1995, to a "C1.5" 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 on the lands being rezoned to provide for the following:

        (1) that a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land for open space park and recreational use based on the increase in the market value of the land; and

        (2) that a detailed fencing and landscaping plan be submitted and approved by the Community Committee and the Commissioner of Planning and Community Services prior to the issuance of any building permits.

        (3) that a fence 6 feet in height be installed on the eastern property line, and that a fence 4 feet in height be installed on the northerly property line from the eastern boundary to the existing approach on Flora Avenue.

        (4) that the operation of vacuum cleaning equipment be restricted to the interior of the proposed carwash building.

        (5) that an automatic opening/closing garage door be installed on the proposed carwash building.

II. That the By-law not proceed to Council for final reading until the subject property has been consolidated.

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III. That in the event this application is not proceeded expeditiously and the zoning 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.

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 fro 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. 887 for attachment)

Proposed Rezoning - Land located on the South-East corner of Sinclair Street and Selkirk Avenue - Lord Selkirk-West Kildonan Community File DAZ 203/95

881 - 9. The Committee on Planning and Community Services has been advised that an application has been received from Mr. Frank R. Peters, 836 Jefferson Avenue, Winnipeg, Manitoba, R2V 0P9, to amend By-law 6400/94, by proposing to rezone the land shown below from an "R1-5.5" Single-Family District to a "C2" Commercial District.

east: Adjacent lots along Selkirk are zoned "R1-2.5" Residential and "C1.5" Commercial East of Arlington

west: Residential properties zoned "R1-2.5" Residential

south: A developed residential area zoned "R2T" Residential

The existing structure occupying the site in question was built circa 1927 and up until recently was home to a soft drink bottling operation. It was relatively small scale industrial use which formed part of the historical fabric of Selkirk Avenue and never, to our knowledge, posed a problem for residents living to the south and east. It should be noted that the main commercial business area along Selkirk terminates one block to the east at Arlington. The site in question was once zoned industrial, but was rezoned to a "R1-2.5" Residential District in 1986, when By-law 4450 was ratified. The applicants wish to rezone the site to a "C2" Commercial category in order to better market the building on site which is in excellent condition and would be well suited to a small commercial business. Community Planning reviewed the application, and in light of the building's history agreed to support the rezoning to a commercial "C2" category. It was the view of Community Planning that the building in question could probably never be marketed for residential purposes. Also, the size of the site and the building's condition limits the number of commercial uses deemed appropriate for this location.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on April 11, 1995.

One person appeared in support of the application.

No one appeared in opposition to the application.

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The Lord Selkirk-West Kildonan Community Committee recommended that:

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

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

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 concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends:

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 203/95, dated May 4, 1995, to a "C2" Commercial District subject to the following:

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

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

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 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. 888 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)

882 - 10. The Committee on Planning and Community Services has reconsidered Clause 5 of its Report, dated April 27, 1995 (originally Clause 18 of its Report, dated April 4, 1995 and referred back by Council on April 19, 1995), which was referred back to it by Council at its meeting held on May 17, 1995, which reads, in part, as follows: -

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.

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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.

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.

On April 27 and May 23, 1995, the Committee on Planning and Community Services further considered the proposed zoning agreement application under File ZAA 1/95 (c/r DAZ 202/83) and concurs in the original recommendation of the City Centre Community Committee.

The Committee on Planning and Community Services therefore 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.

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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.

The Executive Policy Committee recommends that recommendation I. 1. be amended to read as follows:

1. Amend Clause 2. e) to read "University, college or school not conducted as a business enterprise and/or a massage therapy school, related to the health industry, which may be conducted as a business enterprise.

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.

Carried.

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

Proposed closing of Walkway, North side Vialoux Drive opposite Monarch Mews - Assiniboia Community File DAC 8/95

883 - 11. The Committee on Planning and Community Services has been advised that the Real Estate Division on February 24, 1995, initiated the above-noted walkway closing as shown on Misc. Plan ASBA 9320, at the request of Mr. K. Bishop, as outlined on Schedule "A".

The Real Estate Division has requested that the walkway, which is not physically open, be closed with the lands to be offered to the adjacent property owners, one of which is Mr. Bishop.

The walkway has been fenced by the adjacent owners.

The proposed closing was circulated to all concerned City and public agencies, with no objections having been received.

The Manitoba Hydro and Manitoba Telephone System have requested that their existing easements be maintained across the lands occupied by the walkway.

South-West District Operations will require a 6.096 metre wide sewer easement, to protect two existing sewers.

On April 11, 1995, the Assiniboia Community Committee considered this proposal and requested that the matter be referred to the Committee on Planning and Community Services without their comment in view of Councillor Clement's absence.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan ASBA 9320, as outlined on Schedule "A".

2. 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. 889 for attachment)

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

MOTIONS

Moved by Councillor Silva,
Seconded by Councillor Prystanski,

884 - WHEREAS the City of Winnipeg has the right to regulate massage parlours, dating and escort services and other similar uses for the purposes of promoting and protecting the public health and welfare and for the purposes of raising revenues for the City;

AND WHEREAS many persons operating these sorts of businesses attempt to do so in a way that would allow them to avoid regulation by the City and so to avoid paying annual fees to the City;

AND WHEREAS the Home Occupations section of By-law 6400/94 includes a part entitled "Prohibited Office Facilities";

AND WHEREAS this part contains subsections 1-7 which are intended to ensure that persons applying for Conditional Use Permits for Home Occupations do not use these permits to disguise a Dating and Escort Service, a Massage Parlour or other similar use as a home occupation;

BE IT RESOLVED THAT the definitions section of By-law 6400/94 be amended to define Personal Services, Office Use, and any other land use deemed appropriate in such a way that the activities described in subsections 1-7 as Prohibited Office Facilities are also excluded from the definitions of Personal Services, Office Facilities etc.

Automatic Referral to Committee on Planning and Community Services in accordance with Rule 16.1 of the Procedure By-law

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

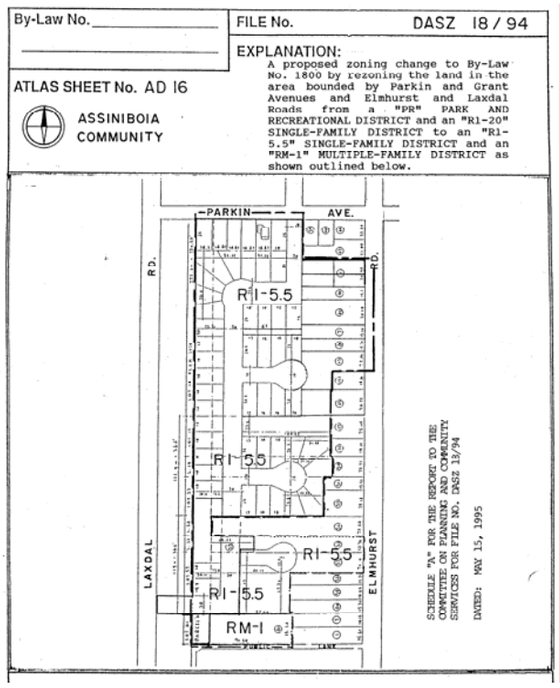
885 - On motion of Councillor O'Shaughnessy, By-law No. 6653/95, a By-law of The City of Winnipeg to approve a Plan of Subdivision on land located at the northerly terminus of Apex Street between Elmhurst Road and Cathcart Street in the Assiniboia Community Committee was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed.
File DAS 21/94

On motion of Councillor O'Shaughnessy, the rule was suspended and the following By-laws were read a first, second and third time, the rule being suspended for the third reading of each by-law and were passed and ordered to be signed and sealed, namely:

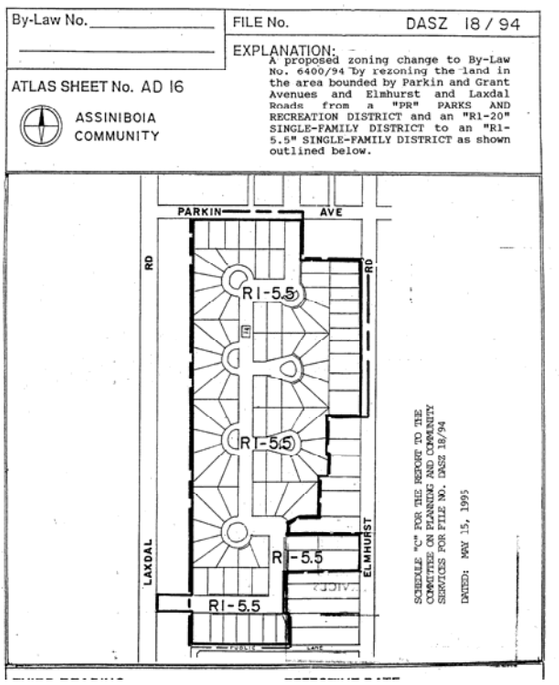
By-law No. 6656/95, a By-law of the City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the west side of Loudoun Road and the east side of Liberty Street south of Howe Avenue in the Assiniboia Community. File DASZ 14A/92

By-law No.6657/95, a By-law of the City of Winnipeg to close the public lane north of rue La Verendrye, west of rue Langevin in the Riel Community. File DAC 18/94

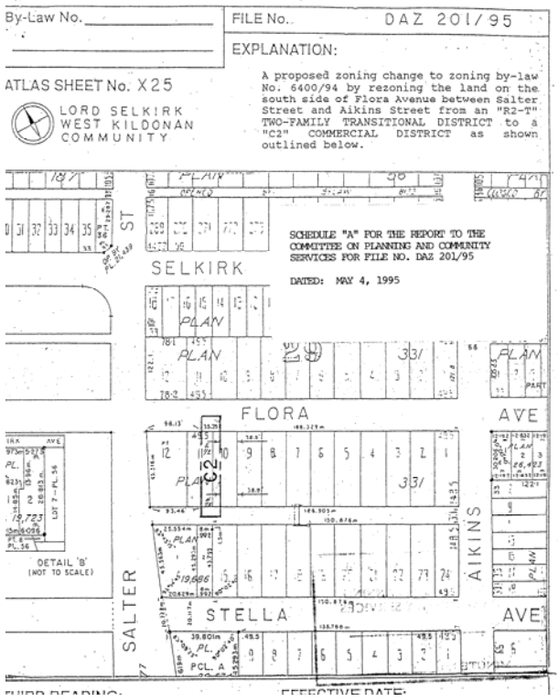
886 - Schedule "A" referred to in Clause 6 of the Report of the Committee on Planning and Community Services dated May 23, 1995



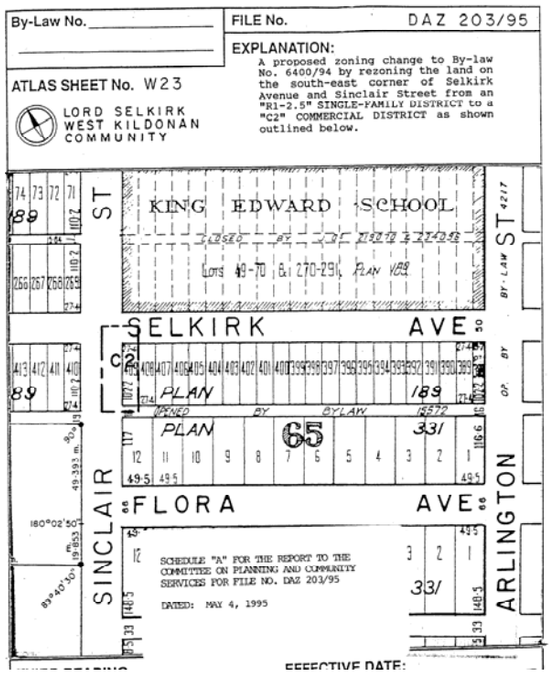
Schedule "C" referred to in Clause 6 of the Report of the Committee on Planning and Community Services dated May 23, 1995



887 - Schedule "A" referred to in Clause 8 of the Report of the Committee on Planning and Community Services dated May 23, 1995



888 - Schedule "A" referred to in Clause 9 of the Report of the Committee on Planning and Community Services dated May 23, 1995



889 - Schedule "A" referred to in Clause 11 of the Report of the Committee on Planning and Community Services dated May 23, 1995

