REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED SEPTEMBER 30, 1997

On motion of Councillor Timm-Rudolph, the Report of the Committee on Planning and Community Services, dated September 30, 1997, was considered clause by clause.

Moved by Her Worship Mayor Thompson,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15 and 16 be adopted.

Carried.

Amendments to the Winnipeg Public Library Board By-law No. 6946/96

1056 - 1. At its reconvened meeting of September 25, 1997, Council ruled automatic referral of the following motion to the Committee on Planning and Community Services, under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Timm-Rudolph,
Seconded by Councillor Vandal,

WHEREAS The Public Library By-law No. 6946/96 was passed by Council on December 12, 1996;

AND WHEREAS Section 6 of the By-law requires clarification of appointments of citizen members to the Library Advisory Committees (LAC);

THEREFORE BE IT RESOLVED that Council amend By-law No. 6946/96 by adding the words "who are nominated by the Winnipeg Public Library Board and appointed by the Community Committee" immediately after Section 6. (2) (a).

The Committee on Planning and Community Services recommends:

I. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law for approval by Council to amend By-law No. 6946/96 by adding the words "who are nominated by the Winnipeg Public Library Board and appointed by the Community Committee" immediately after Section 6. (2) (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.

Report of the Committee on Planning and Community Services dated September 30, 1997

Proposed Amendments to the Development Procedures By-law No. 5893/92
File GL-5.6 (Vol. 8)

1057 - 2. The Committee on Planning and Community Services has been advised that Bill 17, which received Royal Assent on November 3, 1995, enacted subsections 607(1), 609.1, 618(1.1) and 630.1 of The City of Winnipeg Act. These subsections authorize a designated city employee to review all development applications, which include variance, conditional use, subdivision and rezoning applications, prior to forwarding the application to a public hearing. The purpose of this review is to ensure that the application submitted is appropriate in light of the applicant's proposal.

Applications which are determined by the designated city employee to not be appropriate are rejected. Applications may not be appropriate for several reasons, including, most significantly, a request for a zoning variance or a conditional use approval for a land use which would more appropriately be dealt with as a rezoning. Subdivision and rezoning requests which are determined to not comply with Plan Winnipeg or a Secondary Plan would also be rejected. Upon rejection, the applicant will have the option of either submitting an appropriate application, or appealing the decision of the designated city employee to the Committee on Planning and Community Services.

Although the applicant will be given the opportunity to make representations regarding the issue of the appropriateness of the application, the appeal to the Committee on Planning and Community Services is not a public hearing. Accordingly, sections 632 to 645 of The City of Winnipeg Act will not apply. The Committee shall only consider the issue of whether the application is the appropriate one to be made, and shall not consider the merits of the application.

If an application is determined to be appropriate, either by the designated city employee or by the Committee on Planning and Community Services, the application shall be referred to the applicable designated city administrator, committee of council or board of adjustment for a determination of the application on its merits.

The current provisions of the Development Procedures By-law do not allow for this initial review of development applications by a designated city employee, nor is there the power to reject inappropriate applications. Only applications which do not conform with Plan Winnipeg or a secondary plan may be rejected. Accordingly, all other applications submitted are referred to the appropriate body for a public hearing. By rejecting inappropriate applications prior to a public hearing, it is anticipated that the City will save time, money and resources, as well as ensure that proper planning principles are followed.

The proposed amendments to the definitions of the terms "variance" and "zoning tolerance" will ensure that the Development Procedures By-law remains consistent with The City of Winnipeg Act.

Pursuant to subsections 607(1), 609.1, 618(1.1) and 630.1 of The City of Winnipeg Act, Council may pass a by-law designating to a city employee the power to review all development applications and reject those which are not determined to be proper, subject to a right to appeal. The Development Procedures By-law does not currently have any provisions which would give this power to a designated City employee.

Subsections 608.4 and 608.5 of The City of Winnipeg Act have expanded the definition of a variance to include, in specified situations, a change in use of a property. The current definition of the term variance in the Development Procedures By-law specifically excludes a change in use of a property.

Subsection 643(3) of The City of Winnipeg Act recognizes a tolerance as including 0.3 metres (1 foot) of a side yard. The current definition of the term zoning tolerance in the Development Procedures By-law only recognizes a tolerance not exceeding 5% of a development by-law requirement.

On June 3, 1997, the Committee on Planning and Community Services considered the report from the Commissioner of Planning and Community Services, dated May 29, 1997 and referred the matter to all Community Committees for comment back.

On June 16, 1997, the Riel Community Committee considered the matter and concurred in the recommendations contained therein, but requested that the appeal process be clearly spelled out so as to make the applicants fully aware of their right to appeal.

Report of the Committee on Planning and Community Services dated September 30, 1997

On June 17, 1997, the Lord Selkirk-West Kildonan Community Committee considered the matter and received it as information; the East Kildonan-Transcona Community Committee considered the matter and concurred in the recommendations contained therein; the Assiniboia Community Committee considered the matter and referred the item back to the Committee on Planning and Community Services with the comment that the first recommendation be clarified as to the degree of power given to the designated city employee in reviewing the applications.

On September 9, 1997, the City Centre Community Committee considered the matter and referred the item back to the Committee on Planning and Community Services without comment and/or recommendation.

On September 30, 1997, the Committee on Planning and Community Services reconsidered the matter along with the responses of the five community committees. The Committee also considered a report from the Solicitor, Legal Services, dated September 24, 1997, which states:

> "In response to comments by the Riel and Assiniboia Community Committees, requesting clarification of the first recommendation set out in the report dated May 23, 1997, The City of Winnipeg Act and Development Procedures By-law provisions outline the extent of powers given to the designated employee, and the right of an applicant to appeal the decision of the designated employee.
>
> The designated employee shall review all applications to ensure that they are appropriate to the proposed development. If appropriate, the designated employee shall forward the application to the applicable committee of Council or Board of Adjustment for a public hearing. If in the opinion of the designated employee the application is not appropriate (ie: a variance is requested where a rezoning of the property would be more appropriate), the employee may reject the application. The applicant may either submit an appropriate application, or may appeal the designated employee's decision to your Committee.
>
> In considering an appeal of the designated employee's decision, your Committee shall consider the appropriateness of the application only, and not the merits of the application itself. If your Committee determines that the application is appropriate, it will be referred to the appropriate committee of Council or Board of Adjustment for a public hearing. If, in the opinion of your Committee, the application is not appropriate to the proposed development, the applicant will be required to submit an appropriate application in order to proceed with the proposed development."

The Committee on Planning and Community Services recommends:

I. That the Development Procedures By-law No. 5893/92 be amended, to allow for a review by a designated city employee of all development applications, and to give the designated city employee the power to reject development applications determined to be inappropriate, subject to a right of appeal to the Committee on Planning and Community Services, in accordance with the provisions of The City of Winnipeg Act and the draft by-law as outlined on Schedule "A" .

II. That the Development Procedures By-law No. 5893/92 definitions of "variance" and "zoning tolerance" be amended in order to make these definitions consistent with the meaning of the terms as used in The City of Winnipeg Act.

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.

Report of the Committee on Planning and Community Services dated September 30, 1997

Zoning By-law Amendments to add the use, "Amusement Enterprise, Licensed" to Zoning By-law No. 6400/94 and to Downtown Winnipeg Zoning By-law No. 4800/88 Files DAZ 209/87 and DAZ 209/94 (Vol. 2)

1058 - 3. On March 17, 1997, the Committee on Planning and Community Services requested that the Administration proceed with text amendments to By-law No. 6400/94 and By-law No. 4800/88, as outlined in a report dated February 26, 1997.

The draft by-laws, as outlined on Schedules “A” and “B”, reflect the instructions of your Committee, with 4 exceptions. It was proposed that the use, “Amusement Enterprise, Licensed as a sports facility” be listed as a permitted use in zoning categories “C3-1”, “C3-2”, “CR” and “NRe”. However, a subsequent review of By-law Nos. 6400/94 and 4800/88 revealed that the use, “Amusement Parlour” is a conditional use only in categories “C3-1”, “C3-2”, “CR” and “NRe”. Accordingly, the status of the use, “Amusement Enterprise, Licensed as a sports facility” has been modified to better accord with the existing uses set out in the zoning by-laws.

By-law No. 6400/94 will be amended to include “Amusement Enterprise, Licensed as a sports facility” in the following zoning categories:

C1 - not listed
C1-5 - not listed
C2 - Conditional
C3-1 - Conditional
C3-2 - Conditional
C4 - Conditional
CR - Conditional

By-law No. 4800/88 will be amended to include “Amusement Enterprise, Licensed as a sports facility” in the following zoning categories:

NRa - not listed
NRb - Conditional
NRc - Conditional
NRd - Conditional
NRe - Conditional

Where Council is of the opinion that the proposed amendments to By-law Nos. 6400/94 and 4800/88 are of a minor nature and do not prejudice the rights of any person, same may be amended without proceeding with a public hearing.

The draft by-laws add a conditional use to both by-laws, and do not take away or prejudice any rights. As the proposed new use is conditional only, any particular application to establish the use will be required to go to a public hearing.

The Committee on Planning and Community Services recommends:

I. That Council give favourable consideration to draft By-law Nos. 6400/94 and 4800/88, as outlined on Schedules “A” and “B”, and that same be adopted.

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. 1113 for attachments)

Report of the Committee on Planning and Community Services dated September 30, 1997

The City of Winnipeg Zoning By-law No. 6400/94 - amendments of a minor nature - Errors and Omissions File DAZ 221/97 [c/r DAZ 209/94 (Vol. 2)]

1059 - 4. On January 25, 1995, Council passed Zoning By-law No. 6400/94, which came into effect on February 1, 1995.

Since its inception a number of errors and omissions have been discovered as the by-law has been put to practical use.

The proposed amending by-law, as outlined on Schedule "A", contains corrections to both the text and maps to reflect the intent of the Committee on Planning and Community Services and Council in passing Zoning By-law No. 6400/94. The proposed corrections will not prejudice the public or any interested parties and therefore require no public notice or public hearing.

The corrections are summarized as follows:

1. The definition for "accessory building, structure or use" was inadvertently not included and is required to relate to references in the text. The definition is "accessory building, structure or use means a building, structure or use which is subordinate to, incidental to, and serves the principal building, structure or use, and is located on the same zoning lot as the principal building, structure or use served."

   It is recommended that this definition be added to Part II.

2. The minimum allowable lot coverage for detached garages on residential lots was not included in the by-law. On April 2, 1996, your Committee instructed that an amendment to allow a minimum double garage (20' x 22') be prepared. Research indicates that the most double garages are requested at 22' x 22' or 484 square feet. It is recommended that Part VI, 623(3)(a)(I) be amended to include a provision allowing a 484 square foot garage on smaller lots.

3. Parallel parking was inadvertently left out of the parking space table, resulting in allowable 8' x 20' spaces when 8' x 23' spaces is the minimum workable size for such parking. It is recommended that a section be added to Part XI, table 1120(I) to include parallel parking at 8' x 23' with a minimum 12' aisle.

4. A number of errors have surfaced in the sign regulations, as they have been put to practical use over the last two years. The following corrections are recommended to Part XII:

   a) 1212(9) add a heading "SIGNS, ACCESSORY"

   b) 1220(5) delete as it is a duplication of 1210(1)

   c) add a heading to table 1250(1) "No sign shall be erected, accessory to any use, except in conformity with the following:"

      1250(2) - for clarification, "religious institutions and schools" are added to footnote 1, along with "community centres and other public buildings".

   d) add a footnote "4" to the height column to allow a maximum height of 20 feet for free standing identification signs for schools and community centres in "R" and "PR" districts, which was the rule in the previous by-laws.

5. Part 13, 1300(1) requires that new one and two family construction in built up areas provide a front yard alignment based on the existing setbacks in the same block. The present wording is unclear as it relates to additions to the front of existing dwellings and should be changed to clearly reflect the intent as follows:

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1300(1) For a new single or two-family dwelling, or addition thereto, within a street block, or portion thereof, where the front yard required by the district regulations is at variance with the existing front yards, the director shall establish a minimum required front yard for the new dwelling or addition from the average of the existing front yards within that block, or portion thereof, or from the average of the existing front yards of the two (2) adjacent dwellings on either side of the new dwelling.

6. Incorrect zoning designations have been recorded on certain maps in Appendix A, as a result of the change to digital mapping. The corrections are shown on maps attached, numbered: 54, 55, 56, 57, 76, 86, 105.

The Committee on Planning and Community Services recommends:

I. That the above corrections and omissions be incorporated into the text and maps of Zoning By-law No. 6400/94, as outlined in 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. 1114 for attachment)

Assignment of Development Agreements between the City and Whyte Ridge Residential Developments Ltd.
File DASZ 58/85 (c/r AG 58/85 and AG 3/89)

1060 - 5. The Committee on Planning and Community Services has been advised that a request has been received for the City's consent to an assignment of Development Agreements between the City and Whyte Ridge Residential Developments Ltd., to Qualico Developments (Winnipeg) Ltd. The subject agreements are as follows:

- AG 58/85 dated December 17, 1986, as amended,
- AG 3/89 dated September 27, 1989, as amended, and
- AG 18/90* dated December 12, 1990.

* This is actually an Addendum to AG 58/85.

The above listed agreements contain a paragraph to the effect that the consent of the City is required in order for Whyte Ridge Residential Developments Ltd., to assign the agreements to a third party.

The Land Development Division of the Land and Development Services Department has reviewed Whyte Ridge Residential Ltd.'s request and hereby advise that it would be in order to assign the above listed agreements to Qualico Developments (Winnipeg) Ltd.

The Committee on Planning and Community Services recommends:

I. That the City consent to the assignment of the following agreements as requested by Whyte Ridge Residential Developments Ltd.:

A. AG 58/85 dated December 17, 1986, as amended, and

B. AG 3/89 dated September 27, 1989, as amended

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II. That the Proper Officers of the City be authorized to execute any documents in connection with the assignment.

Adopted by consent.

Proposed Amendment to the Grandmont Park Development Agreement No. 6994 - Riel Community
File DASZ 56/86 (c/r AG 56/86)

1061 - 6. The Committee on Planning and Community Services has been advised that on May 6, 1987, an agreement was reached between the City and Donell Developments Ltd., which required the Developer to construct a sidewalk on the north side of Houde Drive in the development of Grandmont Park.

On September 28, 1993, a notice was sent to the Houde Drive residents by the Developer advising that a sidewalk on the north side of Houde Drive (in accordance with the development agreement) was proposed to be constructed in the fall of that year.

On September 30, 1993, a letter from the resident of 337 Houde Drive together with a copy of a petition with the signatures of residents (from the north side of Houde Drive) opposed to the proposed construction was received by the City. The resident further suggested that the sidewalk should more appropriately be constructed on the south side of Houde Drive. This adverse reaction by the residents stopped any further action on the proposed construction.

On July 2, 1996, the administration was requested by the area Councillor to review the sidewalk issue and investigate the possibility of relocating the proposed sidewalk to the south side of Houde Drive.

In July and August of 1996, the Developer verbally advised that there would be no objection to relocate the proposed sidewalk to the opposite side of the street. The residents on the south side of Houde Drive were surveyed by mail for their opinion relative to having a sidewalk on their side of the street.

A report of the survey results was forwarded to the area Councillor. In brief the data was as follows:

- Number of Notices distributed		44
- Number of Notices returned		24
(as a % of distributed)	(55%)	
- Positive response to proposal of constructing a sidewalk on south side		21
(as a % of returned notices)		(88%)
- Negative response to proposal		3
(as a % of returned notices)		(12%)

On October 29, 1996, the Area Councillor advised that the Developer was prepared to negotiate up to a certain dollar value. The Administration was requested to negotiate a settlement that would allow the sidewalk to be constructed on the south side.

As of August, 1997, negotiations are still ongoing to have the sidewalk constructed on the south side provided that the City reimburses the Developer the additional cost over and above that for a sidewalk on the north side.

The additional cost to construct the sidewalk on the south side rather than the north side is estimated to be $6,000.00 (including Finance and Administration charges). Since the majority of residents on the south side of Houde Drive that responded to the sidewalk questionnaire had no objection to the south location, it is recommended that the agreement be amended to relocate the required sidewalk from the north side of Houde Drive to the south side and that the City reimburse the Developer for any additional costs to construct the sidewalk on the south side. The intent of submitting our report at this time is to ensure that Council approval is in place when negotiations with the Developer are completed enabling the sidewalk to be constructed this year.

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Council approval through the Committee on Planning and Community Services is required to amend Development Agreement No. 6994 (AG 56/86) and to expend City funds for a developer reimbursement.

On September 15, 1997, the Riel Community Committee considered the report from the Manager of Streets and Transportation and Administrator of Land and Development Services, dated September 4, 1997, with respect to the proposed amendment to the Grandmont Park Development and concurred in the recommendations contained therein.

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

I. That Development Agreement No. 6994 (AG 56/86), be amended to relocate the proposed sidewalk from the north side (as per development agreement) to the south side of Houde Drive and for the City to cost share in the construction by reimbursing the Developer for the funds over and above that which would have been required to construct the sidewalk on the north side of Houde Drive.

II. That the expenditure of $6,000.00 be approved, which includes finance and administration charges as Development Agreement payback from the University Crescent to Dysart Road Pedestrian and Cycle Facilities Program of the 1995 Capital Estimates (Account No. 03 5195080701) to reimburse the Developer the additional cost of constructing the sidewalk on the south side as per Recommendation I.

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 Amendment to Development Agreement AG 18/94 - Solarch Design Ltd. - Assiniboia Community
File DASZ 18/94 (c/r AG 18/94)

1062 - 7. The Committee on Planning and Community Services has been advised that under the terms of Development Agreement AG 18/94, Finance Department No. 9638, the Developer, Solarch Design Ltd., is required to make certain payments to the City with respect to the Charleswood Transportation Facility and with respect to Open Space Dedication. The Agreement stipulates that those payments be made on a lot by lot basis on 50 lots located in the northerly half of the development. To date the Developer has made the payments for 9 of the lots and building permits have been issued for those lots. For the balance of the development, the payments are required to be made as each block of lots is registered.

Solarch Design's plan of subdivision (registered as No. 33790), is outlined on Schedule "A", which shows the extent of the lots which have been subdivided to their final size. The Developer has applied for the approval of 10 lots on Collett Cove and has requested that the payments with respect to these 10 lots and also with respect to the balance of the lots to the south be made on a lot by lot basis. The Developer advises that this method of making payments is greatly beneficial to the small company.

The administration can support continuing the practice of lot by lot payments only if the administration fees are increased. Currently the administration fees are set at $1,200.00 per acre and due to the amount of work required to monitor lot by lot payments as opposed to block by block payments, it is recommended that the administration fees for the balance of the development be doubled to $2,400.00 per acre. This would result in additional administration fees of $8,796.00 i.e. 7.33 acres x $1,200.00 = $8,796.00.

On September, 16, 1997, the Assiniboia Community Committee heard from Mr. Scott Craig, Solarch Design Ltd., requesting that the administrative recommendation regarding administration fees, as outlined in the report from the Land Development Engineer, dated August 19, 1997, be amended.

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

Report of the Committee on Planning and Community Services dated September 30, 1997

I. That Development Agreement AG 18/94 be amended to allow payments to be made for the balance of the un-subdivided land on a lot by lot basis as determined by the Commissioner of Planning and Community Services.

II. That an additional $60.00 per lot in administration fees be collected prior to each building permit being issued.

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

Copy of attachment referred to in the above clause is on file in the office of the City Clerk.

Adopted by consent.

Proposed Rezoning - land located on the southwest corner of East Mint Place and Royal Mint Drive - Riel Community
File DAZ 217/97

1063 - 8. The Committee on Planning and Community Services has been advised that an application has been received from Kingsford Developments Limited (Randy Wiebe), to amend By-Law No. 6400/94 by rezoning the land shown below from an "C-1.5" Commercial District to a "RM-1" Multiple-Family District to allow for multiple family dwellings (bungalow style condominiums).

The following is the present Site Description:

Site Area: Approximately 1.2 acres

Existing Land Use and Zoning: The land is currently vacant and is zoned "C-1.5" Commercial

The following is the Surrounding Land Use and Zoning:

North: Land to the north was recently rezoned from "C-1.5" Commercial to "RM-L" Multiple Family, and a low density multiple family complex is currently being developed (bungalow style condominiums).

South: Land to the south is developed with single family housing and is zoned "R1-5" Single Family.

East: Land to the west is part of the subdivision's parks system and is zoned "PR-1" Parks and Recreation.

West: Land to the west is undeveloped abutting Highway 59 and zoned "A-5" Agricultural.

The applicant wishes to develop the land with a maximum of eleven (11) units of one level, bungalow style condominiums. Plans have not been submitted.

This site is within the development covered by Development Agreement AG 25/80 and as such, all services and dedication requirements are covered under that agreement.

When the preliminary concept plans were being reviewed for the subject area ten years ago, it was the intent that there would be two small commercial parcels to the north and south of East Mint Place. One of those parcels has recently been rezoned to allow for low density multiple family housing - bungalow-style condominium units. This leaves this parcel as the single remaining commercially zoned parcel in the subdivision. There was opposition to the previous application for multiple family housing, there may again be opposition to this proposal. From a planning perspective some mixed use within such developments should be encouraged. Commercial use for this site would be preferred to allow the opportunity for residents to acquire some goods and services within the subdivision itself. However, the Community Planning Division does recognize the difficulty in marketing such a site for commercial development given the limited population base.

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The multiple family development proposed in the applicants' letter of intent indicates that it will be of a maximum of 11 bungalow style condominium units. There have, however, been no plans submitted with the application. The Community Planning Division is of the view that a multiple-family development of the scale proposed is in character with adjacent residential areas to the south and an already zoned "RM-L" parcel immediately adjacent on the north side of East Mint Place.

A Public Hearing was held before the Riel Community Committee on September 15, 1997.

Four persons were heard in support of the application.

No one appeared in opposition thereto.

The Riel Community Committee recommended that the proposed rezoning be approved for the following reasons:

A. Approval of this rezoning is considered to be compatible with the character of the surrounding area.

B. There is substantial support for the proposed multiple-family development.

The Committee on Planning and Community Services concurred in the recommendations of the Riel 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 217/97, dated September 8, 1997, to an "RM-1" Multiple Family District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

      1. That the number of dwelling units be limited to a maximum of eleven (11) as proposed with no more than two units attached;

      2. That all final construction and site plans indicating design and location of proposed buildings, fencing, landscaping and garbage enclosures be subject to the approval of the Riel Community Committee and the Commissioner of Planning and Community Services prior to the issuance of a building permit.

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

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

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

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

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

Adopted by consent.

(See Minute No. 1115 for attachment)

Report of the Committee on Planning and Community Services dated September 30, 1997

Proposed Zoning Agreement Amendment - 99 Cornish Avenue - City Centre Community File ZAA 6/97 [c/r DAZ 202/83 and ZAA 1/95]

1064 - 9. The Committee on Planning and Community Services has been advised that an application has been received from Thompson Dorfman Sweatman, 2200-201 Portage Avenue, R3B 3L3, to amend the Zoning Agreement affecting the property shown below.

The Zoning Agreement Amendment will accommodate the on site training of support workers in home care and health care. The Department supports the proposed amendment and has no concerns related thereto.

A Public Hearing was held before the City Centre Community Committee on September 9, 1997.

Four persons were heard in support of the application.

No one appeared in opposition thereto.

The City Centre Community Committee recommended that the proposed zoning agreement amendment be approved for the following reason:

A. The Zoning Agreement Amendment will accommodate on site training of support workers in home care and health care.

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

I. That Zoning Agreement DAZ 202/83, dated November 28, 1984, be amended by replacing article 2(e) with the following:

"2(e) University, college or school related to the health industry, which may be conducted as a business enterprise."

II. That the City Solicitor/Manager of Legal Services 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 are hereby authorized to execute said Amending Agreement.

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

Adopted by consent.

Proposed Zoning Agreement Amendment - 1042 Keewatin Street, west side, south of Inkster Boulevard - Lord Selkirk-West Kildonan Community File ZAA 7/97 (c/r DAZ 207/87)

1065 - 10. The Committee on Planning and Community Services has been advised that an application has been received from Duchon Signs, 1482 Church Avenue, Winnipeg, to amend the Zoning Agreement affecting the property located at 1042 Keewatin Street by permitting a free-standing sign to be maintained with a 4.6 foot distance from the easterly property line instead of a 10 foot setback.

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The subject identification sign is fully complying in size and there are a number of free-standing signs along Keewatin which have been permitted at an equivalent distance from the front property line. It is, therefore, recommended that the proposed setback be approved.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on September 16, 1997.

One person was heard in support of the application.

No one appeared in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning agreement amendment be approved for the following reason:

A. The identification sign is fully complying in size and there are a number of free standing signs along Keewatin Street at an equivalent distance from the front property line.

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

I. That Zoning Agreement DAZ 207/87, dated October 1, 1987, be amended as follows:

"to permit a free-standing sign (identification) to be maintained with a 4.6 foot distance from the easterly property line".

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 207/87, dated October 1, 1987, as approved in aforesaid Clause I.

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

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

Adopted by consent.

Proposed closing of part of Ash Street north of Wellington Crescent - City Centre Community File DAC 12/97

1066 - 11. The Committee on Planning and Community Services has been advised that the owners of 1063 Wellington Crescent, Mr. and Mrs. I. Asper, have recently built a fence which encroaches into a portion of Ash Street. Rather than paying an annual encroachment fee, the Aspers have requested that the portion of Ash Street into which their fence encroaches be closed and sold to them.

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

A Public Hearing was held before the City Centre Community Committee on September 9, 1997. The Community Committee recommended approval of the proposed street closing as outlined below.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closing in accordance with Misc. Plan No. CC 9791/3, as outlined on Schedule "A".

Report of the Committee on Planning and Community Services dated September 30, 1997

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. 1116 for attachment)

Proposed closing of part of the Public Lane north of Leila Avenue and west of Scotia Street - Lord Selkirk-West Kildonan Community File DAC 15/97

1067 - 12. The Committee on Planning and Community Services has been advised that the subject lane closing was originally considered under File DAC 37/88 and received approvals from the Lord Selkirk-West Kildonan Community Committee and the Committee on Planning and Community Services in 1989. The owners of 460 Scotia Street agreed to the terms of the purchase of the portion of the lane as outlined on Parcel B, Misc. Plan No. LSWK 7318/3. The owners of 458 Scotia Street would not agree to the terms of the purchase of the portion of the lane as outlined on Parcel A, LSWK 7318/3, and the proposal was filed.

In 1992, the owners of 458 Scotia Street approached the City with a request to purchase Parcel A. Negotiations were successfully completed and the lane closing proposed under DAC 37/88 was approved by the Committee on Works and Operations and Council in 1993.

The Surveys Branch of the Land and Development Services Department subsequently discovered that the state of the survey monuments in the area had deteriorated so badly that the plan required to effect the lane closing could not be prepared. An application was submitted to the Winnipeg Land Titles Office requesting that a Total Special Survey be undertaken to resolve the survey problems in the area. The Special Survey has now been completed and the lane closing may proceed.

This matter is being resubmitted to your Committee in order to comply with Clause 496(1) of the City of Winnipeg Act, which states that anyone with an objection to the proposed closing of a public right-of-way may have that objection addressed. When Council approved the proposed closing in 1993, City policy was to notify area residents that they could attend the Council meetings at which closing by-laws were given their third reading to voice their concerns prior to the passage of the by-law. Since 1994, City policy has forwarded all closings and openings to Community Committees in order to proceed with Public Hearings in these matters.

The proposed closing has been recirculated to all concerned City departments and public utilities with no objections having been received. Manitoba Hydro and MTS NetCom Inc. have indicated that easements for existing plans will be required.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on September 16, 1997. The Community Committee recommended approval of the proposed street closing as outlined below.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the lane closing in accordance with Misc. Plan No. LSWK 7318/3, as outlined on Schedule “A”.

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

Adopted by consent.

(See Minute No. 1117 for attachment)

Report of the Committee on Planning and Community Services dated September 30, 1997

Proposed closing of part of Harrow Street opposite Sparling Avenue - City Centre Community File DAC 16/97

1068 - 13. The Committee on Planning and Community Services has been advised that the Land and Development Services Department has received an offer to purchase the portion of Harrow Street identified as "Proposed Street Closing" on Misc. Plan No. 9978/2. The applicant, Fortress Financial Corporation, wishes to add the property to its existing holding, identified as "Proposed Subdivision DASSF 527/96" on Misc. Plan No. 9978/2.

The proposed closing has been circulated to all concerned City departments and public utilities with no objections having been received. The Water and Waste Department has advised that an easement will be required for an existing water line. Winnipeg Hydro will require an easement for an existing overhead line.

A Public Hearing was held before the City Centre Community Committee on September 9, 1997. The Community Committee recommended approval of the proposed street closing as outlined below.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closing in accordance with Misc. Plan No. 9978/2, 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. 1118 for attachment)

Proposed lane opening at the rear of 770 Beach Avenue - East Kildonan-Transcona Community File DAO 10/97

1069 - 14. The Committee on Planning and Community Services has been advised that in 1996, the Streets and Transportation Department directed the Land and Development Services Department to negotiate for the acquisition of the lane corner cut shown as "Proposed Lane Opening" on Misc. Plan No. EKT 9657/1. The corner cut is required to facilitate the turning radius of vehicles in the area. The owners have now agreed to the sale of the property to the City and it is necessary to legally open the land as a public lane.

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

A Public Hearing was held before the East Kildonan-Transcona Community Committee on September 16, 1997. The Community Committee recommended approval of the proposed street opening as outlined below.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the lane opening in accordance with Misc. Plan No. EKT 9657/1, as outlined on Schedule "A".

Report of the Committee on Planning and Community Services dated September 30, 1997

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. 1119 for attachment)

Proposed lane opening at the rear of 123 Hartford Avenue - Lord Selkirk-West Kildonan Community File DAO 11/97

1070 - 15. The Committee on Planning and Community Services has been advised that in 1995, the Board of Commissioners directed the Land and Development Services Department to negotiate for the acquisition of the lane corner cut shown as "Proposed Lane Opening" on Misc. Plan No. LSWK 9425. The corner cut is required to facilitate the turning radius of vehicles in the area. The owners have now agreed to the sale of the property to the City and it is necessary to legally open the land as a public lane.

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

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on September 16, 1997. The Community Committee recommended approval of the proposed street opening as outlined below.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the lane opening in accordance with Misc. Plan No. LSWK 9425, 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. 1120 for attachment)

Proposed Street Name - Right-of-Way east of Donald Street, south of Stradbrook Avenue - City Centre Community File SC-3.14(32) (Vol. 1)

1071 - 16. The Committee on Planning and Community Services has been advised that the right-of-way on Misc. Plan CC 9969, as outlined on Schedule "A", was established by plan number 8985 which was registered in the Winnipeg Land Titles Office, on August 16, 1965, without a street name.

As the right-of-way runs parallel to the railway trackage immediately to the east coupled with the absence of any buildings having frontage on it to the west, there was no request or perceived need to assign a street name for the portion of roadway.

In keeping with current policy and to avoid problems with emergency services it is desirable to assign a street name to the subject lands.

Report of the Committee on Planning and Community Services dated September 30, 1997

On September 9, 1997, the City Centre Community Committee considered the report from the Subdivision Officer, dated May 28, 1997, with respect to the above matter.

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

I. That the street name "Lagopoulos Way" be assigned for the right-of-way east of Donald Street south of Stradbrook Avenue in accordance with Misc. Plan CC 9969, as outlined on Schedule “A”, and that Council authorize the following:

A. That the Director of Land Surveys and Real Estate be requested to provide the necessary legal description to the City Solicitor/Manager of Legal Services for the purpose of preparing a by-law.

B. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law for approval by Council for registration in the Winnipeg Land Titles Office and that the street name change become effective upon third reading.

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

D. That the City Clerk be requested, upon passage of the by-law, to provide the relevant Community Clerk with a copy of the by-law and the report for the purpose of changing all pertinent records and notifying all persons affected by the by-law.

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. 1121 for attachment)

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

1072 - On motion of Councillor Timm-Rudolph, 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. 7102/97, a by-law of The City of Winnipeg for the enactment of zoning text changes to By-law No. 6400/94, being The City of Winnipeg Zoning By-law.
File DAZ 209/94

By-law No. 7103/97, a by-law of The City of Winnipeg for the enactment of zoning text changes to By-law No. 4800/88, being The Downtown Winnipeg Zoning By-law.
File DAZ 209/87

By-law No. 7104/97, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change to land located on the east side of St. Mary's Road between Meadowood Drive and the entrance to the St. Vital Shopping Centre, in the Riel Community. File DAZ 210/96

By-law No. 7105/97, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 2731 Main Street, in the Lord Selkirk-West Kildonan Community. File DAZ 212/97

By-law No. 7106/97, a by-law of The City of Winnipeg to enact amendments of a minor nature to its By-law No. 6400/94, being The Winnipeg Zoning By-law.
File DAZ 209/94

By-law No. 7107/97, a by-law of The City of Winnipeg to enact amendments to By-law No. 5893/92, being The Development Procedures By-law File GL-5.6 (Vol. 8)

By-law No. 7108/97, a by-law of The City of Winnipeg to close the existing public lane and open a new public lane in the block bounded by Salter and Aikins Streets and Alfred and Burrows Avenues File DAOC 3/96

On motion of Councillor Timm-Rudolph, the rule was suspended and By-law No. 7110/97, a by-law of The City of Winnipeg to amend By-law No. 6946/96, being the Library Board By-law, 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 L-11 (Vol. 12)

Council here proceeded to consider the order of business - "Report of the Executive Policy Committee dated October 8, 1997".