REPORT OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

DATED JANUARY 5, 1994

On motion of Councillor O'Shaughnessy, the Report of the Committee on Planning and Community Services, dated January 5, 1994, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda Items, Clauses 1,2,3,4,5,6,7,8,9,10,11,12,13,14 and 15 be adopted.

Councillor Boychuk requested that Clause 2 be pulled from the Consent Agenda.

Councillor Golden requested that Clause 10 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,3,4,5,6,7,8,9,11,12,13,14 and 15 was put and declared carried.

Her Worship the Mayor and Councillors:

Land Development Administration Fee Error! Bookmark not defined.
File E-1 (Vol. 11)

356 - 1. Your Committee on Planning and Community Services has been advised that on March 24, 1993 Council, upon recommendation of the Land Development Department, passed By-law No. 6157/93 establishing the following three classes of Land Development Administration Fees:

Class I application $100.00

Class II application $600.00

Class III application $1200.00

Class I means a development application which after consideration by the Land Development Department or the Administrative Co-ordinating Group may receive administrative approval.

Class II means a development application which will require approval by a designated committee of Council of an agreement in respect of municipal services after consideration of an Administrative Co-ordinating Group report.

Class III means a development application which will require Council approval of an agreement in respect of municipal services after consideration of an Administrative Co-ordinating Group.

Whether a development application constitutes a Class II or Class III application is determined by whether it is the Committee on Planning and Community Services or Council who approves the agreement required in connection with the proposed development for installation of municipal services. The Land Development Department has advised that contrary to the Department's intent strict compliance of the by-law in some situations (one involving a simple and straight-forward zoning or subdivision application) results in payment of the higher Class III fees. In order that the by-law may be clarified and the situation aforesaid corrected, the Land Development Department is of the opinion that By-law No. 5675/91 being the Development Fees By-law, be amended to provide under Section 13.4 thereof, as follows:

"(2) In this subsection 13.4,

(a) Class I means a development application which after consideration by the Land Development Department or the Administrative Co-ordinating Group may receive administrative approval.

(b) Class II means a development application which requires preparation of an Administrative Co-ordinating Group report and referral of the application to a designated Committee of Council for consideration and approval.

Report of the Committee on Planning and Community Services dated January 5, 1994

(c) Class III means a development application which requires preparation of an Administrative Co-ordinating Group report and referral of the application to Council for consideration and approval.

(4) Where the Commissioner of Planning and Community Services determines that a particular Class III application is no more complex than a Class II application the Class II fees shall be payable and if the determination is made after payment of the Class III fees the difference shall be refunded."

Your Committee on Planning and Community Services therefore recommends:

I. That by-law No. 5675/91 being the Development Fees By-law be amended to provide under Section 13.4 thereof, as follows:

"(2)In this subsection 13.4,

(a) Class I means a development application which after consideration by the Land Development Department or the Administrative Co-ordinating Group may receive administrative approval.

(b) Class II means a development application which requires preparation of an Administrative Co-ordinating Group report and referral of the application to a designated Committee of Council for consideration and approval.

(c) Class III means a development application which requires preparation of an Administrative Co-ordinating Group report and referral of the application to Council for consideration and approval.

(4) Where the Commissioner of Planning and Community Services determines that a particular Class III application is no more complex than a Class II application the Class II fees shall be payable and if the determination is made after payment of the Class III fees the difference shall be refunded."

II. That the City Solicitor be requested to prepare the necessary amending by-law.

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

Adopted by consent.

Amendments to Food By-laws
File EH-1.6 (Vol. 3)

357 - 2. Your Committee on Planning and Community Services has been advised by the Health and Law Departments that in order to ensure consistency with The Public Health Act, amending by-laws should be introduced to amend By-law No. 5160/89 being the Food Service Established By-law; By-law No. 3354/83 being a By-law of The City of Winnipeg to provide that all meat and poultry sold shall be from Federally inspected plants, and that the sale of meat and poultry from door to door is regulated; and By-law No. 3897/85 being the Retail Food Stores By-law.

These amendments recognize new and emerging foodborne diseases such as salmonella enteriditis and E. Coli 0157H7 (Hamburger Disease).

Your Committee on Planning and Community Services submits draft by-laws amending By-law Nos. 5160/89, 3354/83 and 3897/85 and recommends approval to ensure consistency with The Public Health Act.

Your Committee on Planning and Community Services further recommends that the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Report of the Committee on Planning and Community Services dated January 5, 1994

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

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

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

Boulevard Signage - Handbill and Poster By-law No. 1076/75
File ER-1.5 (Vol. 7)

358 - 3. On September 22, 1993, Council ruled automatic referral of a motion recommending amendments to the Handbill and Poster By-law No. 1076/75 to provide for regulations for removal for the erection of posters in any public place and conviction and fines for non-compliance.

On November 17, 1993 Council granted an extension of time of 60 days to allow further consideration of this matter.

Your Committee on Planning and Community Services recommends that Council grant a further extension of time of 60 days to allow further consideration of this matter.

Adopted by consent.

Main Street Project Short-Term Hostel - Long-Term Funding
File FG-1.1(M) (Vol. 5)

359 - 4. Your Committee on Planning and Community Services has been advised that on July 22, 1993, Council requested Administration to review and report on long-term funding for The Main Street Project Hostel.

The City of Winnipeg has provided funding support in the form of grants and per diem payments to The Main Street Project since 1975.

On April 1, 1993, changes in provincial legislation covering municipal social assistance programs reduced the per diem rates eligible for cost-sharing at the Main Street Project hostel. This led to the cancellation of the City's agreement with Main Street Project (No. 5690). Subsequently Council approved an emergency grant to the organization to offset the revenue loss created by the cancellation of the agreement.

The Administration has advised that a new agreement between The City of Winnipeg and the Main Street Project (M.S.P.) is required in order to continue an 18-year funding partnership between the City, The Province of Manitoba and The United Way. The Main Street Project provides several unique and valuable programs for The City of Winnipeg. The agreement will cover the City's financial support for one of Main Street Project's programs, the Mainstay Residence.

Mainstay is a newly-opened 34-bed shelter which replaces a decaying 26-bed facility at 105 Galt Street. The residence provides shelter for chronically-homeless men and women. These are people with active but untreated, mental health and substance abuse problems. They frequently display socially-unacceptable behaviour which renders them unable to obtain and maintain stable housing in the community or shelter in other residential facilities. Approximately one-third of the people who use the Project's residence are on social assistance with the City.

For 1993, the City will provide approximately $145,290.00 in gross support for the Main Street Project short-term hostel. This support has consisted of the regular grant of $49,425.00 (per agreement No. 5690), an emergency grant of

Report of the Committee on Planning and Community Services dated January 5, 1994

$27,915.00 and $67,950.00 in per diem payments for hostel residents who are on City social assistance. Net costs for the City will be about $87,533.00.

The funding formula outlined in the recommendation will provide approximately $132,200.00 in gross support for the Main Street Project in 1994, a decline of 10% over 1993 funding. The City's net costs will remain virtually stable at $87,630.00. This formula moves back towards the City's 1985 commitment to cover 55% of The Main Street Project's hostel staffing costs, and, given other funding from the province and The United Way, it should be sufficient for The Main Street Project to continue their operation.

The total City and Provincial funding for The Main Street Project in 1990, 1991, 1992, 1993 and proposed for 1994 as outlined on Schedule "A", copy on file in the office of the City Clerk.

The Main Street Project has requested a new funding agreement with the City encompassing per diem payments at the provincially-approved levels and a 1994 grant of $92,700.00. Based upon 3,000 bednights use by City social assistance recipients, the City's gross annual cost would be $141,900.00 or slightly less than 1993 gross support. However the City's net costs would increase by almost $13,000.00 to $100,530.00.

The City's net costs might be reduced by as much as 50% on the grant if the Federal Government approves cost-sharing and the provincial government returns the recoveries to the City.

Your Committee on Planning and Community Services recommends:

I. That the City of Winnipeg enter into a new three-year agreement with the Main Street Project with respect to the Mainstay Residence and that provision of funding continue on a non-departmental basis.

2. The Proper Officers of the City be authorized to do all things necessary to have the necessary agreement prepared, said agreement to provide for an $80,000.00 grant in 1994, plus provincially-approved per diem payments, and adjustments in the grant for 1995 and 1996 at levels equal to the annual adjustments in the Consumer Price Index (Winnipeg - All Items).

Adopted by consent.

Proposed Street Name Change - George Marshall Place to Altomare Place, East Kildonan-Transcona Community
Files SC-3.14(33) & DASZ 42/87

360 - 5. Your Committee on Planning and Community Services has been advised that on November 9, 1993, the East Kildonan-Transcona Community Committee concurred in a motion submitted by the Residents Advisory Group that George Marshall Place be renamed Altomare Place, so as not to conflict with the street name George Marshall Way and to prevent a similar confusing situation from occurring as is now taking place over the dual naming of Leatherwood Crescent and Leatherwood Cove.

The name Altomare was taken from the Transcona Street Name Reserve List.

The George Marshall Way street pattern was established under subdivision and rezoning application DASZ 42/87, and registered in the Winnipeg Land Titles office on December 12, 1989, under Plan No. 24600.

As part of Phase 1 b of DASZ 42/87, George Marshall Place was established under Plan No. 24601, also registered on December 12, 1989, in the Winnipeg Land Titles Office. The street names, George Marshall Way and George Marshall Place were approved by the former East Kildonan-Transcona Community Committee in 1989.

Under present policy, duplication of street names is not permitted. In the past, names were allowed to be duplicated with different street types (Crescent, Cove, Place, Bay, etc.) provided that the streets were directly adjacent and/or continuous and none of the address numbers were duplicated but instead made continuous.

At present, only one (1) single-family dwelling has been constructed on George Marshall Place as outlined on the map designated as Schedule "A". The dwelling is being used as a display home by Kensington Homes. All of the lots on

Report of the Committee on Planning and Community Services dated January 5, 1994

George Marshall Place are owned by Novamet Development Corporation and they have no objections to the proposed street name change.

Your Committee on Planning and Community Services concurs in the recommendation of the East Kildonan-Transcona Community Committee and recommends that the currently registered name George Marshall Place be changed to Altomare Place and that in approving this change, Council authorize the following:

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

II. That the City Solicitor 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.

III. That the City Solicitor, upon passage and adoption of the by-law by Council, be authorized to publish the street name change in two daily newspapers having a general circulation throughout the City of Winnipeg.

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

Adopted by consent.

(Note:See Minute No. 371 for attachment)

Zoning Agreement Amendment - 1765 - 1767 Corydon Avenue - City Centre Community
File DAZ 216/80 (c/r ZAA 10/93)

361 - 6. Your Committee on Planning and Community Services has been advised that an application has been received from Serafino Falvo, 295 Montrose Street, Winnipeg, R3M 3M1 to amend the Zoning Agreement affecting 1765 - 1767 Corydon Avenue by adding to the list of permitted uses a beauty parlour.

Three of the four corners of Beaverbrook Street and Corydon Avenue are zoned "C1" Local Commercial District and are occupied with limited commercial uses. The south-west corner remains "R1-4" Single Family District zoning and is occupied by a single family dwelling. To the east of the subject site is a 20 foot wide public lane, across which is an apartment building zoned "RM-1" Multiple Family District. Lands to the north are developed with single-family housing.

The original "C1" Local Commercial District zoning on this land was approved in 1980 under File DAZ 216/80 with a zoning agreement which limited the commercial use on the land to a real estate office. The zoning agreement was amended in 1984 at which time, the following additional commercial uses were permitted on the land:

book or stationary shop
dressmaking shop
dry good store
furrier
offices, business and professional
photographer
shoe store
tailor and clothing shop.

The applicant is requesting an amendment to this zoning agreement to add "beauty parlour" to the list of permitted uses.

In 1988, the City in error issued an occupancy permit for a beauty parlour on the subject site.

Report of the Committee on Planning and Community Services dated January 5, 1994

A public hearing was held before the City Centre Community Committee on November 4, 1993.

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

Mr. C. Hemmat, 7G 616 Strathcona Street,Winnipeg, R3G 3E8
Serafino Falvo, 295 Montrose Street, Winnipeg, R3M 3M1
Shawn and Colleen Liebrecht, 48 Keelegate Place, Winnipeg, R2N 3V7

No one appeared in opposition thereto.

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

1. Three of the four corners of Beaverbrook Street and Corydon Avenue are zoned "C1" Local Commercial District and are occupied with limited commercial uses.

2. In 1988 the City, in error, issued an occupancy permit for a beauty parlour on the subject site.

3. A beauty parlour is similar in intensity to other "C1" uses presently allowed on the site and is, therefore, an acceptable use.

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

I. That Zoning Agreement DAZ 216/80 dated May 7, 1980, be amended as follows:

   1) That Clause 2 be amended by adding "beauty parlour" to the list of permitted uses.

II. That the City Solicitor be requested to prepare the necessary amending agreement to Zoning Agreement DAZ 216/80 dated May 7, 1980, as approved in aforesaid Clause I.

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

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

Adopted by consent.

Zoning Agreement Amendment - 153 rue Aubert - Riel Community
File DAZ 204/84 (c/r ZAA 9/93)

362 - 7. Your Committee on Planning and Community Services has been advised that an application has been received from J. M. Biglow & Co. Inc., 153 rue Aubert, Winnipeg, Manitoba, R2H 3B4 to amend the Zoning Agreement affecting 153 rue Aubert by adding to the list of permitted uses the following: 1) Retail Business (Museum); 2) Dwelling only in conjunction with a commercial use permitted; 3) Barber Shop or Beauty Parlour; 4) Carpenter Shop or Cabinet Shop; 5) Ice Storage House; 6) Medical or Dental Clinics and Laboratories; 7) Music Conservatory or Music Instruction; 8) Plumbing or Sheet Metal Shops; and 9) Studios (except Motion Picture).

The establishment of a dwelling is entirely consistent with the character proposed for North St. Boniface, and represents a reduction in the intensity of use. Additional commercial uses which also represent a reduction in intensity of use can be allowed, although the site is designated "Residential" under the North St. Boniface Secondary Plan.

However, not all of the uses applied for can be considered to be compatible with the intended residential character of the neighbourhood. Specifically, the potential traffic and/or noise generation of the following uses would make them inconsistent with the ongoing improvement of the area:

Report of the Committee on Planning and Community Services dated January 5, 1994

(a) carpenter shop or cabinet shop;
(b) ice storage house;
(c) plumbing or sheet metal shop;

and inclusion of these uses in the Agreement cannot be recommended.

In addition, certain uses now included in the Agreement are considered incompatible with future residential character:

(1) blue printing or photostating;
(2) printing, lithographing or publishing;
(3) upholstering shop;

and it is recommended that these uses be removed from the list of permitted uses.

It may be noted that the advertised use barber shop or beauty parlour is already included in the Agreement.

A Public Hearing was held before the Riel Community Committee on November 10, 1993.

John and Janis Biglow, 95 Rutgers Bay, Winnipeg, R3T 3C9 appeared in support of the application.

No one appeared in opposition thereto.

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

1. Approval of the uses should not adversely affect the adjacent area.

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

I. That Clause 2 of Zoning Agreement DAZ 204/84 dated March 8, 1984 be amended by deleting the following uses:

(1) blue printing or photostating;
(2) printing, lithographing or publishing;
(3) upholstering shop;

and by adding the uses:

(a) retail business (museum);
(b) dwelling only in conjunction with a commercial use permitted;
(c) medical or dental clinics or laboratories;
(d) music conservatory or music instruction;
(e) studios (except motion picture studios).

II. That the City Solicitor be requested to prepare the necessary amending agreement to Zoning Agreement DAZ 204/84 dated March 8, 1984 as approved in aforesaid Clause I.

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

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

Adopted by consent.

Report of the Committee on Planning and Community Services dated January 5, 1994

Zoning Agreement Amendment - 693, 697 and 699 St. Anne's Road, east side between Nova Vista Drive and Compark Road - Riel Community File DAZ 226/85 (c/r ZAA 6/93 and DAV 724/93C)

363 - 8. Your Committee on Planning and Community Services has been advised that an application has been received from Milbrandt Homes, Box 39, Grp. 170, RR 1, Saskatoon, Saskatchewan, S7K 6C9 to amend the Zoning Agreement affecting the subject land to permit an additional 48 dwelling units (for a total of 132 dwelling units) on the land instead of an additional 31 dwelling units (for a total of 115 dwelling units) as allowed under the maximum permitted density of 20 dwelling units per acre by the present Zoning Agreement.

A related variance application under File DAV 724/93C has been approved.

The maximum density for multiple-family development between St. Anne's Road and the Seine River is established by servicing capacity. The present capacity is 15 units per acre, but this will rise to 20 units per acre upon reconnection of the Southglen Trailer Court to a sanitary sewer draining south to the Warde Avenue interceptor.

These limits are reflected in an unregistered Servicing Agreement (AG 226/85) which provides that density be limited to 15 units per developable acre until sewer reconnection, for a total of 84 units existing on the land, with a rise to 20 units per developable acre after reconnection. The current Zoning Agreement limits development to 20 units per acre, for a total of 115 units.

That is, 31 additional units may be constructed on the land without an amendment of the Agreement, when the sewer reconnection is completed. It is understood that the sewer reconnection will shortly be constructed. The present application for 48 additional units would add only 17 units to the permitted total.

These totals are not calculated on the basis of the original site of 7.05 acres, and reflect only the net site area after riverbank park dedication. The total site would have been suitable for 106 units before, and 141 units after sewer reconnection. If servicing capacity is to reasonably limit density, it is not necessary that the area of park be disregarded - particularly when the area of park dedicated reflects factors other than servicing capacity, such as bank slope and areas of mature tree growth.

It is reasonable to consider the original site area in determining density, to the extent that the original site area may properly be serviced at 20 units per acre after sewer reconnection. A total of 132 units on the land would not exceed a density of 20 units per gross acre.

The present application does not propose to amend other clauses of the Zoning Agreement, and no additional clauses are recommended. However, residents of the existing apartment buildings on the land have expressed concern about the proposed configuration of development on Parcel B, Plan 22458 which is not the configuration they were led to expect when units were purchased.

Public Hearings were held before the Riel Community Committee on October 17, 1993 and November 10, 1993.

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

Mr. Ed Miller, Milbrandt Homes, 395 Stafford Street, Winnipeg, R3M 2X4
Mr. Stan Newman, Milbrandt Homes, 395 Stafford Street, Winnipeg, R3M 2X4
Mr. Robert Caughlin, 310A - 693 St. Anne's Road, Winnipeg, R2N 3T5

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

A. L. Bulloch, 304-B 693 St. Anne's Road, Winnipeg, R2N 3T5
Mr. & Mrs. M. Albo, 309-A 693 St. Anne's Road, Winnipeg, R2N 3T5
A. Bracken, 213-B 693 St. Anne's Road, Winnipeg, R2N 3T5
T. Douglas, 305-A 693 St. Anne's Road, Winnipeg, R2N 3T5
M. & B. Fenwick, 108-B 693 St. Anne's Road, Winnipeg, R2N 3T5
R. Kinch, 208-B 693 St. Anne's Road, Winnipeg, R2N 3T5
K. Kines, 301-B 693 St. Anne's Road, Winnipeg, R2N 3T5

Report of the Committee on Planning and Community Services dated January 5, 1994

D. and M. Lachance, 111-B 693 St. Anne's Road, Winnipeg, R2N 3T5
R. & B. LaRiviere, 206-B 693 St. Anne's Road, Winnipeg, R2N 3T5
B. MacLeod, 287 Broadway, Winnipeg, R3C 0R9
I. and M. MacPhee, 210-B 693 St. Anne's Road, Winnipeg, R2N 3T5
J. Van de Mosselaer, 308-B 693 St. Anne's Road, Winnipeg, R2N 3T5
B. Caughlin, 310-A 693 St. Anne's Road, Winnipeg, R2N 3T5
M. Nauta, 202-A 693 St. Anne's Road, Winnipeg, R2N 3T5
N. Nozick, Fairweather Properties Inc., 300 - 1600 Ness Avenue, Winnipeg, R3J 3W7
Dennis and Dian Summers, 204-B 693 St. Anne's Road, Winnipeg, R2N 3T5
C. Wery, 314-B 693 St. Anne's Road, Winnipeg, R2N 3T5
M. Wiebe, 114-B 693 St. Anne's Road, Winnipeg, R2N 3T5
V. Wilson, 110-B 693 St. Anne's Road, Winnipeg, R2N 3T5.

Glen Hewitt, Chairperson, Riel Residents' Advisory Group, c/o 604 St. Mary's Road, Winnipeg, R2M 3L5, appeared for informational purposes only.

The Riel Community Committee recommended that the proposed zoning agreement amendment be approved subject to a number of conditions, all of which have been incorporated within the following recommendation for the following reason:

1. The area residents have agreed to the proposed development at the reduced density, which will add only 5 dwelling units to the permitted total.

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

I. That Zoning Agreement DAZ 226/85 dated August 21, 1985 be amended as it applies to Parcel B, Plan 22458 only, to provide for the following:

   1. That clause 2 which limits development to "not more than twenty (20) dwelling units per acre" be amended to limit development to not more than 36 dwelling units on the land.

   2. That no building or structure, parking area, fencing, landscaping or sign be erected or located on the land except in accordance with plans approved by the Riel Community Committee.

II. That the City Solicitor be requested to prepare the necessary amending agreement to Zoning Agreement DAZ 226/85 dated August 21, 1985 as approved in aforesaid Clause I.

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

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

Adopted by consent.

Refund of Application Fees for Contingent Variance and Conditional Use Applications File DAZ 222/92

364 - 9. Your Committee on Planning and Community Services has considered a report providing a policy for requests for refund of application fees for Variance and Conditional use Applications contingent upon rezonings.

On September 23, 1992, Council adopted an Administrative recommendation that a proposed rezoning under File No. DAZ 222/92 **not** be proceeded with. On November 17, 1992, the Lord Selkirk-West Kildonan Community Committee filed the contingent Variance application DAV 264/92 and the contingent Conditional use application DCU 182/92, and recommended to the Committee on Planning and Community Services that a refund of application fees for both applications be made to the applicant. On November 30, 1992, the Committee on Planning and Community Services did NOT concur with the request.

Report of the Committee on Planning and Community Services dated January 5, 1994

When an application for rezoning is made, if the proposed development would require approval of a Variance and/or a Conditional use, those applications must be referred to the same meeting of the relevant Community Committee. Even if this procedure were not mandated, it would be necessary to allow full disclosure of the effects of the proposed development, both to the Councillors conducting the hearing, and to members of the public who wish to make representations respecting any of the applications.

Application fees paid for each of these applications are designed to cover the costs of the review process. In every case, whether or not the application is contingent upon a rezoning, the cost of review of a Variance or Conditional Use arises because the applicant chooses to propose development which requires a hearing.

Presently, the Planning Department refunds one-half of the application fee when the application is withdrawn before a hearing. In the case of a conditional use or variance application which is not heard by the Community Committee because of a negative recommendation and ultimate rejection of a related rezoning or subdivision application, the Planning Department is of the opinion that the same portion of the application fee be refunded, as approximately the same administrative costs would have been encountered as for withdrawn applications. This refund does not, of course, include advertising fees which are payable at the time of application filing and expended before the hearing date.

Your Committee on Planning and Community Services recommends:

I. That 50% of application fees be refunded for Variance and Conditional Use applications which are not heard by a Community Committee because of a rejection of a related rezoning or subdivision application.

II. That the Proper Officers of the City be authorized to implement the intent of the foregoing.

Adopted by consent.

The Norwood Hotel - Cash in Lieu of Land Dedication File DAZ 246/92

365 - 10. Your Committee on Planning and Community Services has considered a request from DS Lea Consultants to waive the dedication fee charged in connection with the rezoning of property located at 99 Horace Street to allow for the expansion of a parking lot, under application File DAZ 246/92.

The applicant is of the opinion that the dedication is charged on the determination of increased value of the land, and that a parking lot is the only use permitted for this land under a Zoning Agreement, but dedication is based on the value of a full "C1" zoning use of the land.

The City has, in the past, approved zoning changes to which Zoning Agreements have been attached limiting the list of permitted uses to only a small number typically permitted within that zoning district. Despite such limited approval, full dedication has been assessed, i.e., based upon a valuation of the land on the basis of zoning having been approved with no limitation on uses permitted.

The reason for doing so is that The City of Winnipeg Act provides no mechanism for collecting any dedication upon approval of any subsequent Zoning Agreement Amendment which might broaden the range of permitted uses.

In the case of the subject application, this has resulted in dedication being assessed as if the lands had been rezoned to a "C1" Commercial District with no restriction on use permitted, despite the fact that only one use was permitted (parking lot), and most of the parking area already existed as a permanent use of land.

The Administration is of the opinion that the required dedication be waived in this case for the following reasons:

1. the use of the subject land has not changed;

2. given the recent expansion of the Norwood Hotel, the subject parking area can be considered to be more or less permanent.

It terms of an overall City policy, it would be possible to propose a mechanism for collecting partial dedication at the

Report of the Committee on Planning and Community Services dated January 5, 1994

time of approval of any such applications with the remaining dedication being payable on any future application to amend the agreement. However, it is felt that a more desirable alternative would be for the City to execute zoning agreements with significant limitations on uses as conditions to approval only where it is deemed absolutely necessary. Applications such as the subject one could then represent an exception to the rule and be treated accordingly.

By minimizing such restrictive zoning agreements, the development approval process will become more efficient and commercial land owners will gain more flexibility in a very difficult long-term market.

Your Committee on Planning and Community Services therefore recommends:

I. That the required dedication charged in connection with the rezoning of property located at 99 Horace Street to allow for the expansion of a parking lot, approved under File DAZ 246/92 be waived.

II. That the Proper Officers of the City be authorized to implement the intent of the foregoing.

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

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

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

Councillor Golden asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

Rezoning - 1325 Erin Street - City Centre Community File DAZ 215/93

366 - 11. Your Committee on Planning and Community Services has been advised that an application has been received from GBR Architects, 1760 Ellice Avenue, Winnipeg, Manitoba, R3H 0B6 to amend By-law No. 16502 by rezoning the lands located at 1325 Erin Street from an "M1" Light Industrial District to an "R3B-ONE" Planned Building Group District to allow for the construction of a Personal Care Home.

This site is to be developed with a 3 storey, 100 bed care home. Parking for 39 vehicles will be provided at the north end of the site with 10 visitor stalls at the front of the building. Loading and refuse storage are accessed from the main parking area on the north.

No related applications are required for this development as proposed.

This proposal is considered an appropriate development for this site as it is compatible with the multiple-family development on the south. With the parking area situated to the north of the site, there is separation from the adjacent light industrial uses and there should be no significant impact upon the proposed development. In view of the single-family housing to the west, the proposed use would be more acceptable than many uses permitted under the current "M1" zoning.

The subject application was reviewed by the Administrative Co-ordinating Group and there were no objections to this rezoning.

A public hearing was held before the City Centre Community Committee on November 30, 1993.

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

Mr. R. Giffin, GBR Architects, 203 - 245 Wellington Crescent, Winnipeg, R3M 0A1

Report of the Committee on Planning and Community Services dated January 5, 1994

Mr. F. Skapstason, Betel Home Foundation, 1061 Sargent Avenue, Winnipeg, R3E 0E5
Mr. Einar Arnason, President, Betelstadur Housing Co-op Ltd., 502 - 1061 Sargent Avenue, Winnipeg, R3E 0E5

No one appeared in opposition thereto.

The City Centre Community Committee recommended that the proposed zoning change be approved subject to a number of conditions, all of which have been incorporated within the following recommendation for the following reasons:

1. The proposal is an appropriate development for the site as it is compatible with the multiple-family development on the south.

2. With the parking area situated to the north of the site, there is separation from the adjacent light industrial uses and there should be no significant impact upon the proposed development.

3. In view of the single-family housing to the west, the proposed use would be more acceptable than many permitted under the current "M1" zoning.

4. The proposal is a very positive contribution and addition to the community and a much better use of the land than the former use, an old concrete plant.

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

I. That By-law No. 16502 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 215/93, dated December 15, 1993, to an "R3B-ONE" Planned Building Group District.

II. That the payment of the 10 percent cash dedication 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 BE WAIVED as the Betel Home Foundation is a non-profit organization operating a personal care home which has no residual value.

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

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

V. That the 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.

(Note:See Minute No. 372 for attachment)

Rezoning - 610 Corydon Avenue - City Centre Community

File DAZ 218/93

367 - 12. Your Committee on Planning and Community Services has been advised that an application has been received from Natalina Ferriello, 3103 Roblin Boulevard, Winnipeg, Manitoba, R3R 0B8 to amend By-law No. 16502 by rezoning lands located at 610 Corydon Avenue from an "R3" Multiple-Family District and a "C2" Commercial District to a "C1" Limited Commercial District to allow for a commercial development.

The applicant has demolished the existing dwelling and will construct a one-storey commercial building with an area of 1498 square feet. Parking and loading will be provided at the rear with access from the 20 foot public lane.

This site is situated in both "C2" and "R3" Zoning Districts. Because adjacent uses in both these zoning districts are

Report of the Committee on Planning and Community Services dated January 5, 1994

multiple-family, it is desirable to allow only "C1" Limited Commercial uses on the subject site. The proposed zoning district will also provide a buffer between the residential district to the east and the commercial district to the west in the event that the use of that site converts to "C2" Commercial uses.

There are no related applications with this development as proposed.

A public hearing was held before the City Centre Community Committee on November 30, 1993.

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

Joan Latter, 507 Wardlaw Avenue, Winnipeg, R3L 0L9
Natalina Ferriello, 3103 Roblin Boulevard, Winnipeg, R3R 0B8

No one appeared in opposition thereto.

The City Centre Community Committee recommended that:

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

    a) The site is situated in both "C2" and "R3" Zoning Districts and because adjacent uses in both these zoning districts are multiple-family, it is desirable to allow only "C1" Limited Commercial uses on the subject site.

    b) The proposed zoning district will provide a buffer between the residential district to the east and the commercial district to the west in the event that the use of that site converts to "C2" Commercial uses.

    c) Parking and loading will be provided at the rear of the site with access from the 20 foot lane.

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

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

I. That By-law No. 16502 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 218/93, dated December 15, 1993, to a "C1" Limited Commercial District subject to the following:

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

        1) that final construction plans indicating the design and location of any new structures which include elevations and details of exterior finishing materials, accessory parking areas, fencing, landscaping, free-standing signs and garbage enclosures be subject to the approval of the City Centre Community Committee and the Commissioner of Planning and Community Services;

        2) that a 10 per cent dedication be made by a payment of a sum of money to the City for open space, park and recreational use based on the increase in the market value of the land.

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

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

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

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

Report of the Committee on Planning and Community Services dated January 5, 1994

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

Adopted by consent.

(Note:See Minute No. 373 for attachment)

Zoning Text Amendment - Warde Avenue, Dakota Street and St. Anne's Road - Riel Community

File DAZ 220/93

368 - 13. Your Committee on Planning and Community Services has been advised that an application has been received from Qualico Developments Ltd., 30 Speers Road, Winnipeg, Manitoba, R2J 1L9 for a proposed text amendment to provide a special rear yard setback to one-family dwellings of 16 m or 17.5 m for those lands shown hatched below, along Warde Avenue, St. Anne's Road and Dakota Street.

The subdivision of lands both north and south of Warde Avenue deliberately presents rear yards of one-family dwellings to the major streets: Warde Avenue, Dakota Street, and St. Anne's Road. This design is intended not only to prevent direct access to major streets, but includes extra lot depth to allow for noise attenuation setbacks to one-family dwellings from those major streets.

At the time of approval of DASZ 53/86, these setbacks were recommended to be included in Zoning Agreements, and in accordance with Council instructions, a setback of 17.5 m was established by Agreements on the north side of Warde Avenue. That setback was amended to 16 m under ZAA 1/91.

Subsequently, Council instructed that such setbacks be established as Special Alignments, and **not** be included in Zoning Agreements, because of the extreme difference in both cost and time required to process Zoning Agreement Amendments rather than Variances. Where an error occurs in the location of a one-family dwelling (or a deck or other addition), the requirement to obtain a Zoning Agreement Amendment is unnecessarily onerous to the home owner.

Zoning Agreements on the north side of Warde Avenue already require a 16 m noise attenuation setback, and the proposed Special Alignment would allow processing of Variances rather than Zoning Agreement Amendments. The proposal would simply allow a different procedure for ratification, in the event of an error.

Zoning Agreements are not yet in effect on the south side of Warde Avenue, because shortform subdivisions have not yet been approved, but Council instructions require a noise attenuation setback. Establishment of a Special Alignment would allow compliance with Council instructions, both under DASZ 53/86 and subsequently.

Because the Alignment has been amended to 16 m on the north side of Warde Avenue, Qualico Developments Ltd., has applied for the same setback on the south. The Streets and Transportation Department has objected to any reduction in rear yards to 16 m. There are no obvious grounds to establish a greater setback on the (undeveloped) south side of Warde Avenue than exists on the (developed) north side.

A public hearing was held before the Riel Community Committee on December 8, 1993.

Mr. Eric Vogan, Qualico Developments Ltd., 30 Speers Road, Winnipeg, R2J 1L9, appeared in support of the application.

No one appeared in opposition thereto.

The Riel Community Committee recommended that the proposed zoning text amendment be approved subject to a number of conditions, all of which have been incorporated within the following recommendation for the following reason:

1) Establishment of this Special Alignment allows for compliance with Council instructions.

Your Committee on Planning and Community Services concurs in the recommendation of the Riel Community

Committee and recommends:

Report of the Committee on Planning and Community Services dated January 5, 1994

I. That The St. Vital Town Planning Scheme 1951 be amended by establishing the following Special Alignments for the lands outlined hatched on Schedule "A" dated December 15, 1993.

a) on the north side of Warde Avenue, between Dakota Street and St. Anne's Road, not less than 16 metres to any one-family dwelling;

b) on the south side of Warde Avenue, between Dakota Street and St. Anne's Road, not less than 16 metres to any one-family dwelling;

c) on the east side of Dakota Street, not less than 16 metres to any one-family dwelling;

d) on the west side of St. Anne's Road, not less than 16 metres to any one-family dwelling.

II. That, whether or not this application is proceeded with expeditiously by the applicant, the City Solicitor be requested to prepare the necessary by-law and forward same to Council for all three readings.

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

Adopted by consent.

(Note:See Minute No. 374 for attachment)

Zoning Agreement Amendment - Dawnville Drive, East side, between Devonshire Drive and Sunglow Road - East Kildonan-Transcona Community
File DASZ 51/85 (c/r ZAA 8/93)

369 - 14. Your Committee on Planning and Community Services has been advised that an application has been received from the Commissioner of Planning and Community Services, c/o The Planning Department, 395 Main Street, Winnipeg, Manitoba, R3B 3E1, to amend the Zoning Agreement affecting the lands within File DASZ 51/85, including lots on the east side of Dawnville Drive between Devonshire Drive and Sunglow Road by deleting the clause stipulating that no private approach to the street shall exceed a width of 3 metres (10 feet) measured at the front property line.

In conjunction with the approval of a subdivision and rezoning under File DASZ 51/85, Council required the developer to enter into a zoning agreement which in part limits the widths of all private approaches, on "R1-4" zoned lots within the subdivision, to a maximum of 3.0 metres (10.0 feet).

The subject application was initiated by the Commissioner of Planning and Community Services, and is intended to delete in its entirety Clause 3 of the zoning agreement required in conjunction with By-law 4317/86, and which states as follows:

"3)No private approach connecting any lot within the 'R1-4' land to a street shall exceed a width of 3 metres (10 feet) measured at the front property line."

The subject Zoning Agreement Amendment was initiated in response to requests to the East Kildonan-Transcona Community Committee by residents of Dawnville Drive, for private approaches in excess of 3 metres (10.0 feet) width.

The subject zoning agreement under which private approaches greater than 3.0 metres (10.0 feet) are prohibited, was required in conjunction with File DASZ 51/85 and approved under By-law No. 4317/86. At that time Council considered it appropriate to ensure adequate snow storage space was maintained on residential streets with private driveways by means of zoning agreements limiting the width of private approaches on narrow single family lots. Subsequently in the year 1991, Council directed that the "60% rule" for the protection of street boulevard space be added to the development agreement parameters. The Works and Operations Department now considers that the current private approaches by-law is more appropriate to deal with the width of private approaches to residential lots than is the inflexible 3.0 metre (10.0 feet) rule as applied under the subject zoning agreement. The Works and Operations Department and the Planning Department have no objection to amendment of the zoning agreement to

delete clause 3 as proposed. A copy of the report dated June 28, 1993 from the District Engineer, North East District

Report of the Committee on Planning and Community Services dated January 5, 1994

Works and Operations, to the East Kildonan-Transcona Community Committee is designated as Schedule "A" to ZAA 8/93, dated November 19, 1993, is on file in the Office of the City Clerk.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on November 9, 1993.

D. Nelson, District Planner, Planning Department, 395 Main Street, Winnipeg, R3B 3E1, appeared on behalf of the Commissioner of Planning and Community Services in support of the application.

No one appeared in opposition thereto.

The East Kildonan-Transcona Community Committee recommended that the proposed zoning agreement amendment be approved subject to a number of conditions, all of which have been incorporated within the following recommendation for the following reasons:

1. The present criteria for private approaches under the Zoning Agreement is deemed to be an excessive hardship on the residents of the subdivision.

2. Widths of residential driveway approaches continue to be controlled and limited by the Private Approaches By-law.

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

I. That Zoning Agreement DASZ 51/85 dated March 19, 1986, be amended as follows:

   1. That Clause 3, as set out below, be deleted.

      "3. No private approaches connecting any lot within the 'R1-4' land to a street shall exceed a width of 3.0 metres (10 feet) measured at the front property line."

II. That the City Solicitor be requested to prepare the necessary amending agreement to Zoning Agreement DASZ 51/85 dated March 19, 1986, as approved in aforesaid Clause I.

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

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

Adopted by consent.

Subdivision and Rezoning - Land located on the north-west corner of Charlotte Road and Brentwood Avenue - Riel Community
File DASZ 14/93

370 - 15. Your Committee on Planning and Community Services has been advised that an application has been received from the property owners, Robert and Jean Gregory, Box 231, St. Germain, Manitoba, R0G 2A0 for approval of a plan of subdivision and related zoning change to the St. Vital Town Planning Scheme 1951 by rezoning the lands located on the north-west corner of Charlotte Road and Brentwood Avenue from an "A1" Agricultural District to an "RR-2" Rural Residential District to permit the establishment of two (2) single-family residential lots.

The site area consists of 18,768 m² (4.64 acres) and there is an existing one-family dwelling. To the north is the Perimeter Highway; to the east lands are rural residential and zoned "RR-2"; to the west and south lands are rural residential and zoned "RR-2" and "A1".

Report of the Committee on Planning and Community Services dated January 5, 1994

The owners propose to establish two "RR-2" single-family lots, with one lot containing the existing single-family dwelling. The subject lots conform to the "RR-2" lot size standards.

The Planning Department is of the opinion that this proposal is entirely consistent with the St. Vital Perimeter South Secondary Plan, and with existing rural residential development in this area. The creation of one additional lot of 2.32 acres would be expected to have no significant effect on existing housing.

The rights-of-way of Charlotte Road and Brentwood Avenue should be widened to allow improvement and maintenance at an appropriate standard.

A Public Hearing was held before the Riel Community Committee on November 10, 1993.

Robert and Jean Gregory, Box 231, St. Germain, Manitoba, R0G 2A0 appeared in support of the application.

D. L. Jim Shapiro, Box 160 St. Norbert P.O., St. Norbert, Manitoba, R3V 1L6, appeared in opposition thereto.

The Riel Community Committee recommended that:

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

    A. The proposal is considered to be entirely consistent with the St. Vital Perimeter South Secondary Plan, and with existing large lot residential development in this area.

2. That the proposed subdivision and rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation which includes the retention of clause 2. b) of the Administrative Coordinating Group's report dated October 27, 1993 in order to satisfy recommendation 2. of the Riel Community Committee's report that "this rezoning and subdivision application be treated in the same manner as the subdivision and rezoning application under File DASZ 15/93."

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

I. That the plan of subdivision proposed under File DASZ 14/93 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/93 and dated December 16, 1993 for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City, containing the recommendations outlined in the report of the Administrative Coordinating Group dated October 27, 1993, designated as Schedule "B" and dated December 16, 1993 with the following amendment thereto:

        (a) That clause 2. a) be deleted and replaced with the following new clause 2. a):

            "2.a) The Applicant shall make a payment to the City equivalent to one-third (1/3) of the estimated cost of upgrading Charlotte Road to an asphalt roadway. The payment shall be based on the estimated local improvement rate current at the time of payment and shall constitute payment in full for the share of the cost of any future gravelling and applications of dust inhibitor (oil treatment) attributable to the subdivision frontage."

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

II. That the Director of Planning and the Director of Land Surveys and Real Estate be authorized to certify any documents in connection herewith.

III. That The St. Vital Town Planning Scheme 1951 be amended by rezoning the subject land outlined on Schedule "A" for File DASZ 14/93 dated December 16, 1993 to an "RR-2" Rural Residential District.

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

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

Report of the Committee on Planning and Community Services dated January 5, 1994

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

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

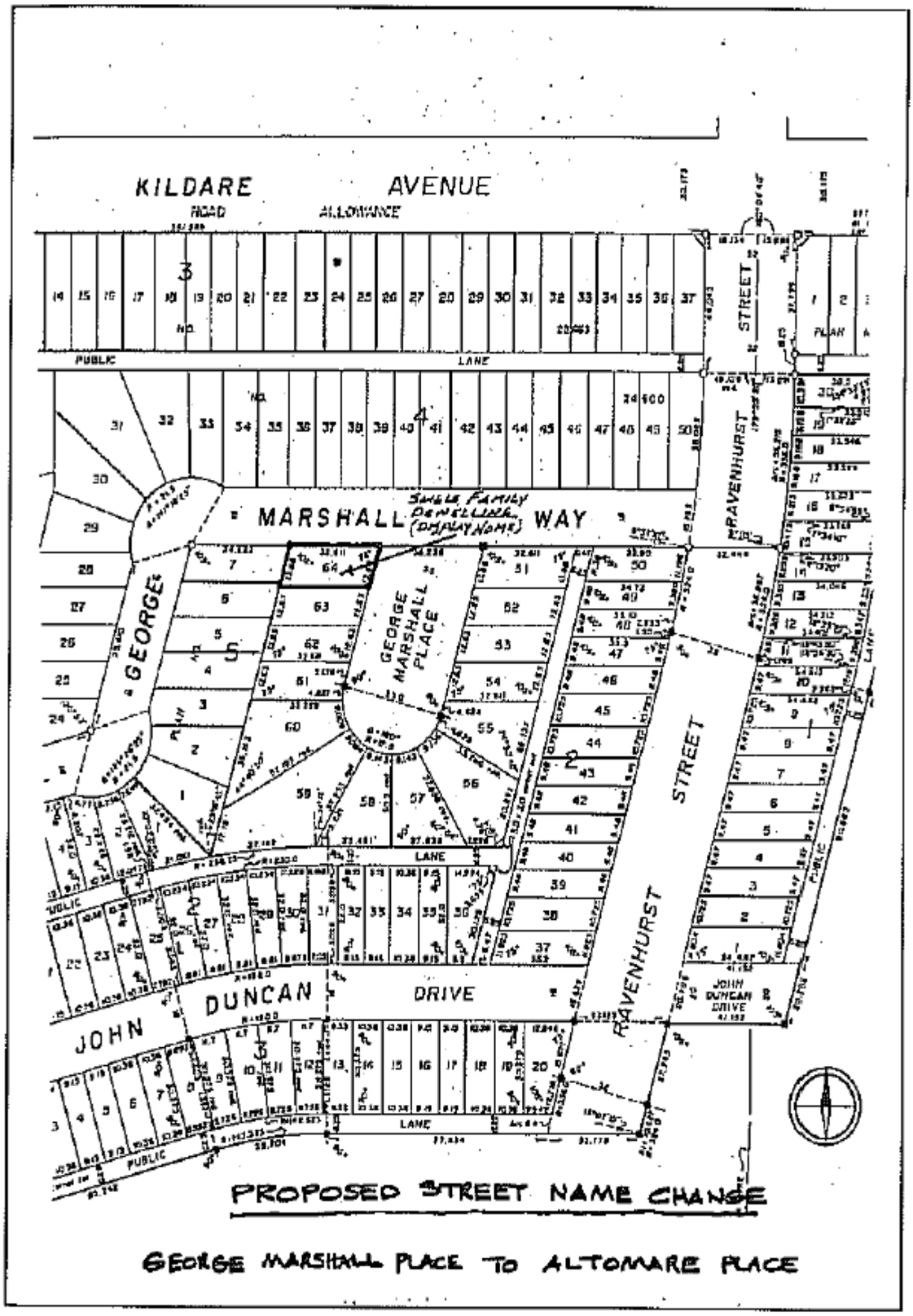
VIII. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 24 months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

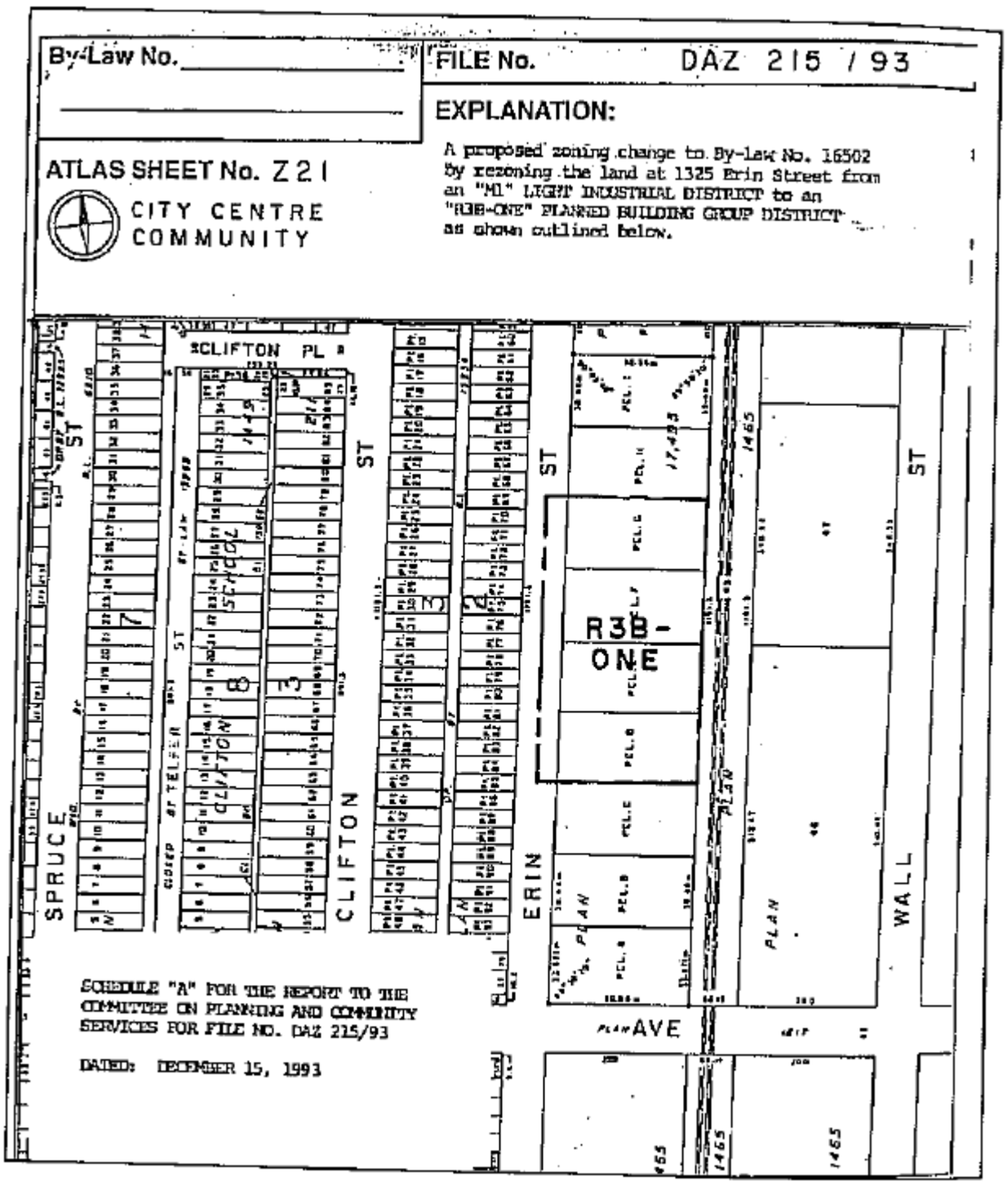
Adopted by consent.

(Note:See Minute No. 375 for attachment)

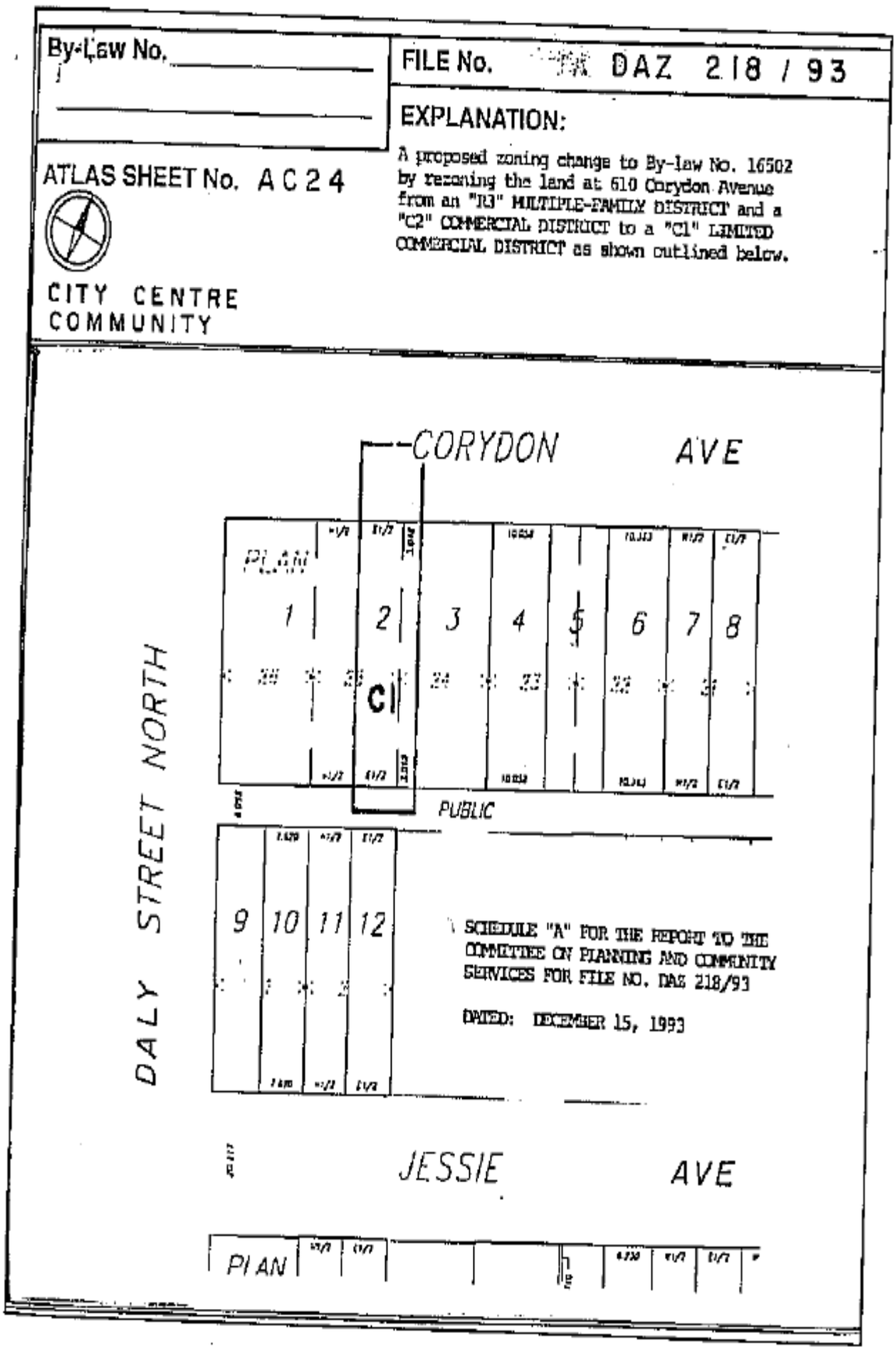
371 - Schedule "A" referred to in Clause 5 of the Report of the Committee on Planning and Community Services dated January 5, 1994



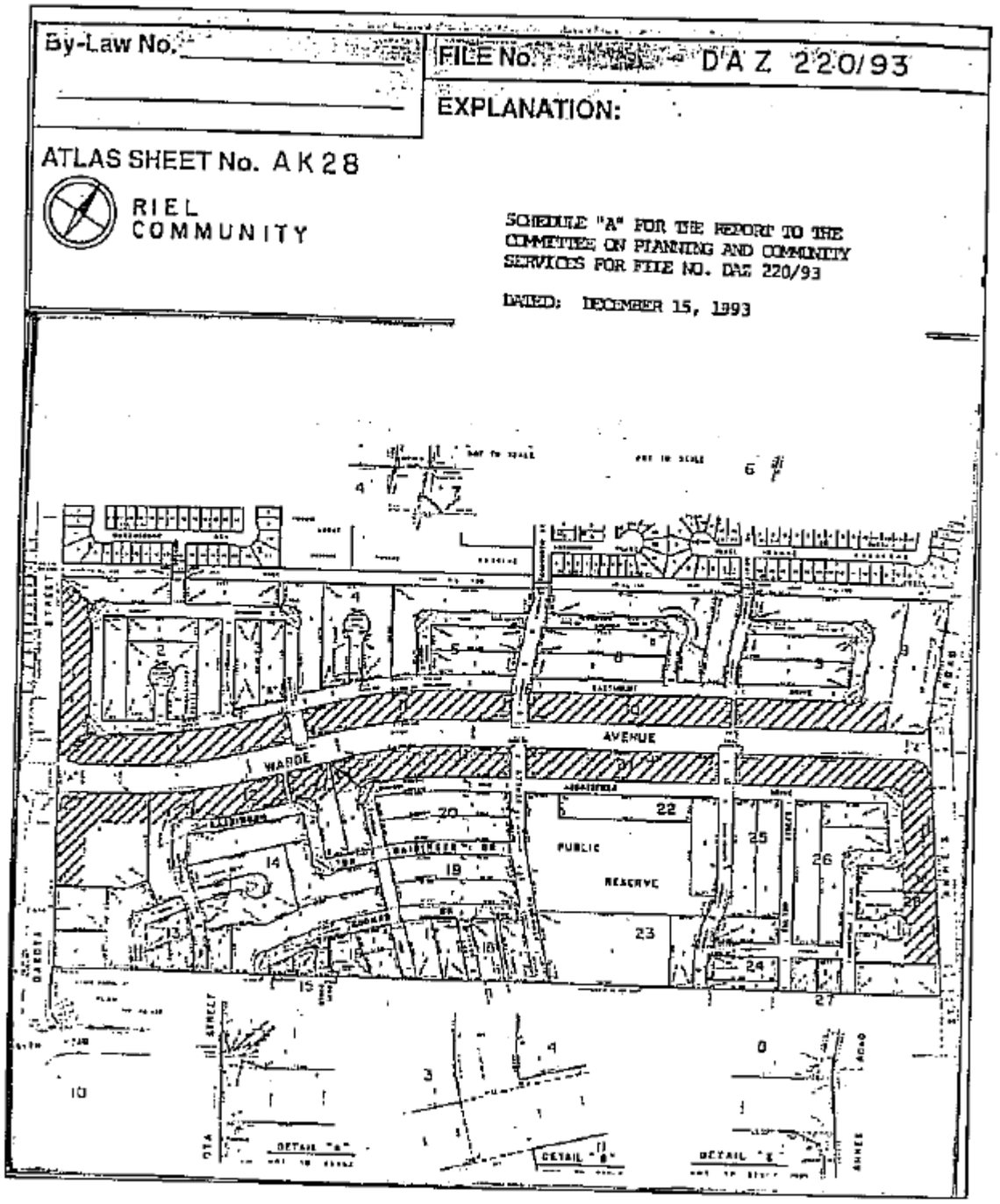
372 - Schedule "A" referred to in Clause 11 of the Report of the Committee on Planning and Community Services dated January 5, 1994



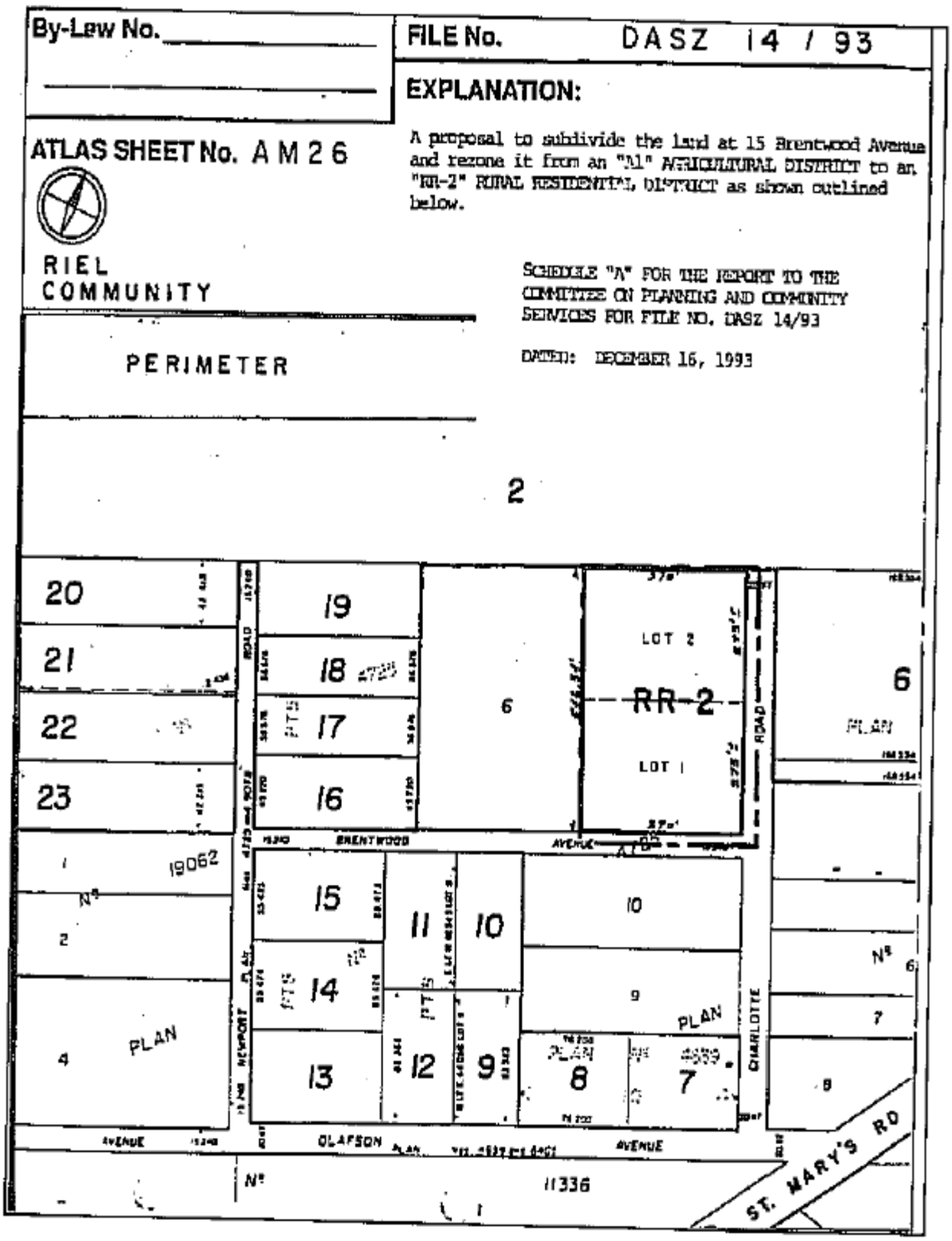
373 - Schedule "A" referred to in Clause 12 of the Report of the Committee on Planning and Community Services dated January 5, 1994



374 - Schedule "A" referred to in Clause 13 of the Report of the Committee on Planning and Community Services dated January 5, 1994



375 - Schedule "A" referred to in Clause 15 of the Report of the Committee on Planning and Community Services dated January 5, 1994



COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

376 - On motion of Councillor O'Shaughnessy, the following By-laws were each 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. 6305/94, a By-law of the City of Winnipeg to change the names of certain highways in the City of Winnipeg. File SC-3.14(35)

By-law No. 6306/94, a By-law of the City of Winnipeg to amend Zoning By-law No. 1800 for the enactment of a zoning change on the northwest and northeast corners of Waverley Street and Taylor Avenue. File DAZ 213/93

By-law No. 6307/94, a By-law of the City of Winnipeg to amend By-law No. 4334/86, being a by-law in respect to the Winnipeg Public Library Board and Library Advisory Committees. File L-1 (Vol. 11)

By-law No. 6308/94, a By-law of the City of Winnipeg to amend By-law No. 3897/85, being the Retail Food Stores By-law. File EH-1 (Vol. 3)

By-law No. 6309/94, a By-law of the City of Winnipeg to amend By-law No. 3354/83 being a by-law of the City of Winnipeg to provide that all meat and poultry sold shall be from federally inspected plants, and that the sale of meat and poultry from door to door is regulated. File EH-1 (Vol. 3)

By-law No. 6310/94, a By-law of the City of Winnipeg to amend By-law No. 5160/89 being the Food Service Establishment By-law. File EH-1 (Vol. 3)