REPORT OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

DATED SEPTEMBER 28, 1993

On motion of Councillor Murray, the Report of the Committee on Planning and Community Services, dated September 28, 1993, was considered clause by clause.

Moved by Councillor Murray,
That the Consent Agenda items, Clauses 2,3,4,5,6 and 7 be adopted.

Councillor Murray requested that Clause 4 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 2,3,5,6, and 7 was put and declared carried.

Her Worship the Mayor and Councillors:

Amendment to Building Restriction Caveat No. 147568 affecting property at 10 Roslyn Crescent File BRC 1/93

Note: This clause was laid over by the Executive Policy Committee on October 13, 1993 and further considered at a Special Meeting of the Executive Policy Committee on October 19, 1993

1035 - 1. Your Committee on Planning and Community Services has been advised that an application has been received from Ted And Sarah Yates-Howorth to amend the building restriction caveat affecting property known as 10 Roslyn Crescent in order to permit the construction of an attached garage and to provide barrier-free access to the existing dwelling.

Building Restriction Caveat No. 147568 states:

> "5. All of such private dwelling houses, and/or outbuilding when erected shall be at least the following distance back from the street line normal thereto nearest such dwelling house and/or outbuilding:
>
> a) In the case of Lots One (1) to Twenty-three (23) inclusive, a distance of Fifty (50) feet from the street line;"

The applicant proposes to construct an attached garage providing a front yard setback of 46 feet to the wall with a 2 foot eave projection. Under Zoning By-law No. 16502, the subject property is zoned "R1" One-Family District, wherein a 25 foot front yard setback is required.

The City Centre Community Committee considered this matter on September 7, 1993, and recommended that the caveat be amended to allow for the construction of an attached garage a distance of 44 feet from the street line.

The Planning Department apprised the City Centre Community Committee that a ramp would provide barrier-free access to the dwelling. At that point in time it was not known to what extent the ramp would project into the yard, however, the applicant has confirmed that the access ramp would provide a 26 foot front yard. The resolution to The Municipal Board should be amended to include reference to the ramp.

Those residents immediately adjacent to the subject site were advised of the date and time the matter would be considered by the Committee on Planning and Community Services.

On September 28. 1993, Mr. Ted Yates-Howorth, the applicant, Grant Henderson, 6 Roslyn Crescent, accompanied by Dorothy Lynch, 9 Roslyn Crescent appeared in support of the application.

Your Committee on Planning and Community Services recommends that the following resolution be passed in connection herewith:

"In accordance with provisions of Section 104(3) of The Municipal Board Act, the Council of The City of Winnipeg recommends that Clause 5 of Building Restriction Caveat No. 147568 affecting S.P. Lot 11, Plan 17406, W.L.T.O. in R.L. 42, Parish of St. Boniface, be amended to allow for the construction of an attached garage a distance of 44 feet from the street line and for the construction of an access ramp a distance of 26 feet from the

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street line as applied for by Ted and Sarah Yates-Howorth.

Your Committee further recommends that the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

LAID OVER BY EXECUTIVE POLICY COMMITTEE ON OCTOBER 13, 1993

(Note: For disposition of this matter see Minute Nos. 1047 and 1069)

Requests for Extensions of Time - Rezoning and Subdivision Applications
File DAZ (Gen.)

1036 - 2. On June 29, 1993, your Committee on Planning and Community Services considered a number of requests for extensions of time for previously approved applications for rezoning. Committee expressed the opinion that, in future, respecting all requests for extensions of time, applicants should pay the current fee schedule and rates that are in effect at the time of execution of the servicing agreement.

The Planning Department is of the opinion that this proposed policy should also apply to subdivision applications as well as rezoning applications.

The subject payments should be calculated on the basis of the rates in effect at the time the payments are made rather than restricting them to the time of execution of the servicing or development agreement. This will then allow payments to be tied to the issue of building or development permits in appropriate circumstances.

Since 1991, development and servicing agreements have been prepared with a standard clause which stipulates that payments to the city shall be on the basis of rates current at the time of payment.

Your Committee on Planning and Community Services therefore recommends:

I. That requests for extensions of time for previously approved applications for rezonings and for subdivisions be subject to the condition that payments to the city by developers under the terms of development, servicing, and zoning agreements for fees and/or services and for cash in lieu of land dedication shall be calculated on the basis of rates in effect at the time the payments are made.

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

Adopted by consent.

Revisions to Fee Schedule for Rivers and Streams Applications File E-5 (Vol. 16)

1037 - 3. Your Committee on Planning and Community Services has been advised that as per Section II of The Rivers and Streams Act, the Lieutenant Governor in Council may make orders prescribing fees that may be charged by the Authority in respect to applications and issuance of Rivers and Streams Permits. The present fee schedule, was last amended in 1991 (Order-in-Council 343/91).

A request to amend the fee schedule was not made to the Province in 1992 in anticipation that regulation of construction along the City's waterways would fall under the proposed Waterway By-law adopted by Council on March 4, 1992.

As the necessary amendments to The City of Winnipeg Act have not been proclaimed by the Province to bring this By-law into effect and since Council's policy is that all fees and charges for The City of Winnipeg be reviewed at least once every three years, this report is brought forward for the consideration of Council.

The Winnipeg Rivers and Streams Authority No. 1 is mandated to regulate construction activities along 140 miles of the City's riverbank lands.

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The Authority operates under an application and permit approval process where applications are processed and technically assessed in terms of riverbank stability and hydraulics and permits issued pending compliance with The Rivers and Streams Act. A site inspection is an integral component to the technical assessment of each application.

The Authority is also mandated to enforce The Rivers and Streams Act. In this regard inspections are necessary and performed for possible breaches of the Act, during construction of approved works, and for purposes of general enforcement.

As the fees have not been amended since 1991, the Rivers and Streams Authority Engineer has suggested that it is considered appropriate and in the public interest to consider amending the current fee schedule to better reflect increased administration costs to maintain this service.

The proposed fee schedule amounts to an average 6.5% increase, and reflects inflation on the basis that there has not been an increase since 1991.

On September 17, 1993, the Riverbank Management Committee concurred with the recommendation of the Rivers and Streams Authority Engineer, namely:

1. That the proposed Schedule of Fees as outlined on Schedule "A" dated September 9, 1993 be submitted to the Committee on Planning and Community Services for consideration and recommendation to Council that same be approved.

2. That upon adoption by Council, said Schedule "A" be referred to the Province of Manitoba through the Office of the Minister of Natural Resources with a request to enact the appropriate legislation to implement the revised Fee Schedule for Rivers and Streams applications issued by The Rivers and Streams Authority No. 1.

Your Committee on Planning and Community Services concurs with the recommendations, namely:

I. That the proposed Schedule of Fees as outlined on Schedule "A" dated September 9, 1993 be approved.

II. That upon adoption by Council, said Schedule "A" dated September 9, 1993 be referred to the Province of Manitoba through the Office of the Minister of Natural Resources with a request to enact the appropriate legislation to implement the revised Fee Schedule for Rivers and Streams applications issued by The Rivers and Streams Authority No. 1.

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

Adopted by consent.

(Note: See Minute No. 1043 for attachments)

Proposed Amendments to The City of Winnipeg Act - Review of Part XX
File GL-5.1 (Vol. 40)

1038 - 4. On January 15, 1993, your Committee on Planning and Community Services raised concerns relative to the public hearing process, specifically relating to Variance and Conditional use applications heard by the Board of Adjustment and the appeals heard by the Committee on Planning and Community Services.

During 1991 and 1992, substantial changes were made to Part XX of The City of Winnipeg Act which affected the public hearing and development approval process. There has now been sufficient time in which to make some assessment of these changes.

The Law Department and Planning Department are of the opinion the following are the sections of Part XX which are recommended for modification in order to improve the public hearing and development approval process.

1. Section 574: Definition of "Development"

Under Part XX, "development" is defined to be "... the construction of a building on, over or under land, a change in the use or intensity of use of a building or land, the removal of soil or vegetation from land, the deposit

or stockpiling of soil or material, and the excavation of land." It is not clear whether or not this would pertain to certain structures, for example, signs, that should be considered as development and subject to the development permit process.

It is therefore suggested that the definition of "development" be amended to include the word "structure."

2. Section 608(3): Hearing Before Any Condition Set

Under this section, the Designated Administrator cannot include conditions in a variance order without first conducting a "hearing" and giving the applicant notice of the date, time and place of the hearing, at which time the applicant may appear and make representations.

The intended nature of this "hearing" has never been clear. In addition, it is cumbersome and inefficient to schedule a formal kind of hearing with an applicant in order to discuss every condition to a variance order, most of which are minor in nature. It should be noted, moreover, that it is the policy of the District Planning Branch to contact every applicant whose application is to be approved (or rejected) administratively, even where no conditions are to be imposed.

This would appear to comply with the intent of The Act, but for the avoidance of doubt it is suggested that Section 608(3) be amended to merely require that conditions not be imposed without first giving the applicant adequate opportunity to make representation.

3. Section 608(4): Temporary Variance of Use

Presently, any change of use can only be approved by variance order for a maximum of five years. (In fact, the total of all changes in use by variance order cannot exceed five years on any given property.)

Initial changes to Part XX in 1991 prohibited use variances entirely. The expected negative effects of this, all of which came to pass, have been well documented to your Committee in the past. In response to these effects, the prohibition was modified to allow for temporary variances by use as described above.

While this is somewhat of an improvement, it is still causing some problems for applicants. In some situations, for example, substantial investment has been necessary with no guarantee that any further approval will be forthcoming after the five year period. In other cases, only a temporary approval is possible where a permanent approval has been entirely appropriate; for example, where a "C2" General Commercial Use has been proposed to be established in a "C1" Limited Commercial District at such a limited scale of use as to be indistinguishable from a permitted "C1" local use. This has required applicants to become involved in the public hearing process more than is necessary.

Any use that is approved for a temporary period of time can only lawfully remain in existence longer than five years if either a subsequent rezoning application is approved or zoning by-law amendments are made, neither of which, under certain circumstances, might be appropriate.

The reasons supporting the subject changes have never been made clear, although informal discussions seem to indicate that any evidence of abuse was, for the most part, anecdotal in nature. Based upon almost 20 years of experience, it is the opinion of the Planning Department that Council has been prudent in approving changes in use by variance and that in certain circumstances it is a necessary tool in order to maintain efficiency in the development approval process. Avoidance of inappropriate use variances was aided by the presence of a "screening" mechanism which has been removed from the legislation and which is discussed below.

It is suggested that section 608(4) be deleted and the definition of variance be amended so as to remove the restrictions on the approval of changes in use by variance.

4. Variance "Screening" Mechanism

Previously, The Act allowed for the Designated Committee (Committee on Planning and Community Services) to decide that a proposed application was beyond the jurisdiction of a hearing body to be heard as a variance and prohibit it from proceeding except as a rezoning application.

This would allow the City to ensure that certain kinds of applications that more properly should proceed as a rezoning would do so (e.g., a three-fold increase in permitted density, or the establishment of an autobody shop in a residentially-zoned neighbourhood).

This screening mechanism has been deleted. As such, the City is lawfully obligated to process any variance application received to a public hearing. This has resulted in some applications being heard by the Board of Adjustment as variances which previously would have typically been heard by a Community Committee as a rezoning; for example, the establishment of a boarding house in a low-density residential neighbourhood.

It is necessary to have this mechanism replaced in the legislation. Not only is it necessary to curb abuses, but it would also allow for the discriminate utilization of the variance process to approve certain changes in use as described above.

As with section 608(4), reasons for the deletion of this section have never been made clear. The experience of the Planning Department is that Council had been highly prudent and responsible in the utilization of this section.

It is suggested that a section be added back into The City of Winnipeg Act whereby a designated Committee of Council may determine that an application is beyond the jurisdiction of a hearing body to be heard as a variance and refuse it.

5. Section 629(2): Repeated Application on Same Matter

Under section 629(2), an application can be refused if, in the opinion of a Committee of Council or the Board of Adjustment, it is the same or substantially the same as an application that was rejected within one year of the date of the new application. While this is of significant benefit, it is not entirely clear that the application can be refused in the sense of not sending it to a public hearing as opposed to refusing it after a public hearing on the grounds that it is a repeat application. This room for doubt should be eliminated.

It is suggested that section 629(2) be amended so as to allow a designated Committee of Council to refuse an application from going to a public hearing if it is determined by that Committee that it is the same or substantially the same as an application that was rejected within one year of the date of the new application.

6. Section 630: Conformity With Plan Winnipeg and Secondary Plan

Section 630 states that an application for a development by-law or approval of a plan of subdivision that does not conform with Plan Winnipeg or a secondary plan for the area in which the land or building is located shall be rejected. However, it does not say who shall determine non-conformity and who shall refuse the application.

It is suggested that section 630 be amended so as to allow a designated Committee of Council to refuse an application from going to a public hearing if it is determined by that Committee that the subject application does not comply with Plan Winnipeg or a relevant secondary plan.

7. Section 632(2)(b): Manner of Giving Notice

Under section 632(2)(b), required notice via newspaper advertising for development applications must be made not less than 14 days before the date of the public hearing. Previously, the minimum requirement was ten days. Depending upon the date of the public hearing, this can, in some cases, add an additional month to the approval process. No complaints were ever received in previous years when the ten day minimum applied. Some complaints have now been received because another delay has been added.

It is suggested that section 632(2)(b) be amended so that the minimum requirement for newspaper advertising is ten days prior to the public hearing instead of 14 days.

8. Combined Public Hearings Including Zoning Agreement Amendments

Under Section 641(1), it is possible to combine a number of applications that might be required for a single proposed development so that there is only one public hearing body. The exception, however, is a Zoning Agreement Amendment.

The Act, specifically, has been and is silent on the process required to amend a zoning agreement. By convention, they have been processed in a manner identical to that required to approve the rezoning and subject agreement in the first place.

Because of this, it is necessary to send a Zoning Agreement Amendment and, say, a conditional use, to separate hearing bodies even though they are related to the same development proposal.

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It is therefore suggested that Section 641(1) be amended so as to allow Zoning Agreement Amendments to be combined with any other application that requires a public notice and hearing when they relate to the same proposed development.

9. Variance and Related Short-form Subdivision Applications

Under previous provisions of The City of Winnipeg Act, variance applications associated with a short-form subdivision application were heard by the relevant Community Committee concurrent with consideration of the short-form subdivision application. (It should be noted that short-form subdivision applications are referred to Community Committee as a matter of consideration only; authority for approval lies with the "Designated Committee," i.e., Committee on Planning and Community Services, unless delegated to the administration, where possible.)

Existing regulations now require the necessary variance to be heard by the Board of Adjustment, after which the short-form subdivision application is referred to the Community Committee for their consideration. This has resulted in an increase in the approval process of several weeks.

In order to eliminate this delay, it is suggested that The Act be changed so as to allow variance applications which accompany short-form subdivisions to be heard by the Community Committees. Alternatively, the City could choose to no longer send short-form subdivisions to the Community Committees for their consideration.

10. Section 643(3): Notice of Decision by Designated City Administrator

Under section 643(3), when the Designated City Administrator makes a decision on a variance application (excepting those under 5%), notice of the decision must be given by mail to both the applicant as well as to the owners of adjoining lands. In addition, under the City's by-law setting procedures under Part XX, notice is required to be given by posting the lands for 14 days.

This dual requirement is both unnecessary and inequitable, in that notice by mail to adjoining property owners is not required for any other conditional use or variance decision made by a Committee of Council or Board of Adjustment. Experience with public hearing notices since 1972 indicates that posting of properties is an appropriate and sufficient method of giving notice.

It should also be noted that the requirement for notice by mail, including necessary title search, is very time-consuming and requires the deployment of administrative resources far in excess of any benefit gained.

It is suggested that the requirement for giving notice by mail of a variance decision to adjoining land owners by a Designated City Administrator under section 643(3) be deleted.

Section 643(3): Notice of Decision by Designated City Administrator

Under Section 643(3), it is only necessary to give notice of a decision to persons other than the applicant on a variance application made by the designated city administrator if the variance exceeds 5% of the requirement set out in the development by-law.

This process allows for the administrative approval of very minor variances in a manner similar to the former "tolerance" procedure. It is suggested, however, that the limitation be raised to 5% of the by-law requirement or 1 foot of required yard (if relevant), whichever is greater. This would allow granting of side yard variances up to one foot, which was the former limit of "tolerance," without the need of a 14 day posting period. Experience with several thousand such "tolerances" over many years has shown no resulting problems.

It is therefore suggested that Section 643(3) be amended so that the limit on variances approved by the designated city administrator which do not require notice to be given to anyone except the applicant be changed to 5% of the requirement set out in the development by-law or, where applicable, one (1) foot, whichever is greater.

Your Committee on Planning and Community Services therefore recommends that Part XX of The City of Winnipeg Act be amended as follows:

I. That the definition of "development" be amended to include the word "structure".
(NOTE: The definition of "structure" to exclude non-permanent signs.)

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II. That Section 608(3) be amended to merely require that conditions not be imposed without first giving the applicant adequate opportunity to make representation.

III. That Section 608(4) be deleted and the definition of variance be amended so as to remove the restrictions on the approval of changes in use by variance.

IV. That a section be reinstituted in The City of Winnipeg Act whereby a designated Committee of Council may determine that an application is beyond the jurisdiction of a hearing body to be heard as a variance and refuse it.

V. That Section 629(2) be amended so as to allow a designated Committee of Council to refuse an application from proceeding to a public hearing if it is determined by that Committee that it is the same or substantially the same as an application that was rejected within one year of the date of the new application.

VI. That Section 630 be amended so as to allow a designated Committee of Council to refuse an application from going to a public hearing if it is determined by that Committee that the subject application does not comply with Plan Winnipeg or a relevant secondary plan.

VII. That Section 632(2)(b) be amended so that the minimum requirement for newspaper advertising is ten days prior to the public hearing instead of 14 days.

VIII. That Section 641(1) be amended so as to allow Zoning Agreement Amendments to be combined with any other application that requires a public notice and hearing when they relate to the same proposed development.

IX. That The Act be amended to allow variance applications which accompany short-form subdivisions to be heard by the Community Committees. Alternatively, the City could choose to no longer send short-form subdivisions to the Community Committees for their consideration.

X. That Section 643(3) of The Act be amended as follows:

A. By deleting the requirement for giving notice by mail of a variance decision to adjoining land owners by a designated city administrator.

B. That the limit on variances approved by the designated city administrator which do not require notice to be given to anyone except the applicant be changed to 5% of the requirement set out in the development by-law or, where applicable, one (1) foot, whichever is greater.

XI. That the Proper Officers of the City do all things necessary to effect the intent of the foregoing.

Your Executive Policy Committee recommends that Recommendation IX above be deleted in its entirety and substituted with the following:

IX. That authority from the Province of Manitoba be requested to enable City Council to determine which Board or Committee shall hear variances and related short-form subdivision applications.

Moved by Councillor Murray,
Adoption of the clause.

In amendment,

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

In amendment,

Moved by Councillor Murray,
Seconded by Councillor Hyman,
WHEREAS "back door rezoning" of residential properties have frequently occurred through the established of temporary Variances of use;

THEREFORE BE IT RESOLVED THAT Recommendation No. 3 of Clause 4 be amended to eliminate temporary variances of use on residential properties;

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THEREFORE BE IT RESOLVED THAT the restrictions on temporary variances of use be maintained.

THEREFORE BE IT FURTHER RESOLVED THAT Clause 7 be deleted from the report.

With the concurrence of the seconder, Councillor Hyman, and with the permission of Council, Councillor Murray amended the motion by deleting the words "THEREFORE BE IT FURTHER RESOLVED THAT Clause 7 be deleted from the report".

In amendment,

Moved by Councillor Hyman,
Seconded by Councillor Thomas,

WHEREAS the citizens of Winnipeg request continuously to be given adequate notice of any changes that may be happening in their neighbourhood;

AND WHEREAS presently, Section 632(2)(b) requires notice via newspaper advertising for development applications must be made not less than 14 days before the date of the public hearing;

THEREFORE BE IT RESOLVED that Clause 4 of the Report of the Committee on Planning and Community Services dated September 28th be amended by deleting Recommendation No. VII.

The amendment proposed by Councillors Hyman and Thomas was put.

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

Yea: Councillors Reese, Boychuk, Clement, Duguid, Hyman, Murray, O'Shaughnessy, Prystanski, Silva, Thomas and Angus. 11

Nay: Councillors Eadie, Golden and Fraser. 3

and the amendment was declared carried.

The amendment proposed by Councillors Murray and Hyman was put.

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

Yea: Councillors Boychuk, Clement, Duguid, Hyman, Murray, O'Shaughnessy, Prystanski, Silva, Thomas and Reese. 10

Nay: Councillors Eadie, Golden, Fraser and Angus. 4

and the amendment was declared carried.

The recommendation of the Executive Policy Committee was put and declared carried.

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

Rezoning - 63 to 71 Horace Street, north side between St. Mary's Road and Tache Avenue, Riel Community

File DAZ 211/93

1039 - *5.* Your Committee on Planning and Community Services has been advised that an application has been received from DS-Lea Consultants Ltd., 111-93 Lombard Avenue to amend The St. Boniface Town Planning Scheme 1957 from an "R2" Two-Family District to a "C1" Limited Commercial District to allow for the establishment of an accessory parking area, located at 63 to 71 Horace Street, north side between St. Mary's Road and Tache Avenue. A related variance, File DAV 396/93 D to permit temporary change of use for five years and yard variances, and a related Conditional Use File DCU 124/93 C to permit establishment of restaurant with drive-through facilities were granted.

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The accessory parking area to the east was established incrementally, bringing about the gradual removal of dwellings on the north side of Horace Street. After the expansion of the Norwood Hotel, parallel expansion of the accessory parking area made it the dominant land use on the north side of this block. The existing parking area was zoned "C1" under DAZ 246/92, enabling a Zoning Agreement to prohibit other commercial uses, and to prohibit access from Horace Street, severely restricting the use of that local street by hotel patrons.

The remaining three dwellings which abut the parking area also abut commercial uses on the north and west, and do not provide a high level of residential amenity. At a meeting with the residents of the south side of Horace Street, it was determined that removal of the last three dwellings would not affect the residential amenity of the south side of the street, as long as adequate landscaping was provided to screen the parking area from housing opposite. Because of the significant slope within the parking area, which allows light to clear ornamental fencing, this landscaping is considered critical to the protection of housing on the south side of the street.

Because the remaining three houses have been isolated from other housing by incremental commercial development, their removal does not jeopardize the integral neighbourhood to the south. Horace Street will remain a significant boundary to commercial encroachment.

The traffic diversion recommended as a condition of approval of DCU 124/93 will ensure that Horace Street retains the character of a local street.

A Public Hearing was held before the Riel Community Committee on July 14th, 1993.

Mr. Paul McNeil, DS-Lea Consultants Ltd., 111-93 Lombard Avenue, Winnipeg, R3B 3B1 appeared in support of the application.

Mr. Ray Giguere, 70 Horace Street, Winnipeg, R2H OV9 registered in opposition thereto.

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

1. Inasmuch as the remaining three houses have been isolated from other housing by incremental commercial development, their removal for a parking lot will not jeopardize the integral neighbourhood to the south.

2. Horace Street will remain a significant boundary to commercial encroachment.

3. The proposed rezoning be approved.

subject to conditions which are incorporated in the following recommendation.

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

I. That The St. Boniface Town Planning Scheme 1957 be amended by rezoning the subject land outlined on Schedule "A" for File DAZ 211/93, dated September 1, 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 Subsection 591(1) of The City of Winnipeg Act to apply to the subject land and to Lots 12-19, Plan 368, to provide for the following:

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

         (a)parking area;

         (b)accessory uses,

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

      (3) that no vehicular approach for ingress to or egress from the land be located on Horace Street or

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the public lane abutting the west limit of the site;

(4) that landscaping be provided and maintained in the north boulevard of Horace Street, adequate to screen the parking area from dwellings opposite, as approved by the Commissioner of Protection, Parks and Culture;

(5) that a 10% dedication be made by payment of a sum of money to the City in lieu of the requirement for land for open space, park and recreational uses based on the increase in market value of the land.

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

II1. That the City Solicitor be authorized to prepare the necessary rezoning by-law and forward same to Council for all three readings.

IV. That third reading to the rezoning by-law not be given by Council until the applicant constructs any required runoff control device to the satisfaction of the Commissioner of Works and Operations.

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

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

V2. 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. 1044 for attachment)

Subdivision and Rezoning - land located on the east side of Marrington Road between Bairdmore Boulevard and Kirkbridge Drive, Riel Community

File DASZ 12/93

1040 - 6. Your Committee on Planning and Community Services has been advised that an application has been received from Ladco Company Limited for approval of a plan of subdivision and related zoning change to Zoning By-law No. 1800 by rezoning the lands located on the east side of Marrington Road between Bairdmore Boulevard and Kirkbridge Drive from a "RM-1" Multiple-Family District to a "R1-4" Single-Family District to permit the establishment of a single-family residential area.

The subject property consists of vacant lands zoned "RM-1" Multiple-Family District and comprises 27 acres. Lands to the north are vacant and zoned "R1-5.5" and "RM-2"; to the east there is the C.N. Railway R.O.W. and Pembina Highway Corridor zoned "C3". Lands to the west consist of Low-Density Housing and Future Park and School, zoned "PR" and "R1-5.5", and to the south is Low-Density Housing and a Church zoned "RM-2" and R1-5".

This subdivision/rezoning proposal would create 123 single-family building lots. The subject land presently zoned ""RM-1" Multiple-Family District under previous application (File DASZ 44/74) would be rezoned to a "R1-4" Single-Family District, which requires minimum lot widths of 40 feet (12 metres) and lot areas of 4,000 square feet (370 square metres). An existing church site is situated at the north-east corner of Kirkbridge Drive and Marrington Road.

Additional, low-density housing in this neighbourhood is to be preferred to multiple-family development, because of increased compatibility and reduced traffic generation. The proposed development is entirely compatible with the existing neighbourhood.

Low-density housing is typical on the west side of the railway line for much of its length, and multiple-family development west of the railway is not typical. This development will include the extension of services to the vicinity of Barnes Street and Bairdmore Boulevard, which increases the serviceability of the Fairfield Park area, and which may

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allow early servicing of that area by Local Improvement.

A Public Hearing was held before the Riel Community Committee on September 15, 1993.

Mr. David Borger, Ladco Company Limited, 50 - 150 Lakewood Boulevard, Winnipeg, R2J 2M7 appeared in support of the application.

No one appeared in opposition thereto.

The Riel Community Committee recommended that:

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

   A. Single-family housing is preferred to multiple-family development and is entirely consistent with the neighbourhood.

   B. This development will provide additional affordable housing.

2. The proposed subdivision and 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 Riel Community Committee and recommends:

I. That the plan of subdivision proposed under File No. DASZ 12/93 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 12/93 dated September 22, 1993 for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated August 20, 1993 designated as Schedule "B" and dated September 22, 1993.

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 Zoning By-law No. 1800 be amended by rezoning the subject land outlined on Schedule "A" for File No. DASZ 12/93 dated September 22, 1993 to an "R1-4" Single-Family District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to provide for the following:

   A. that a berm, not less than 1.2 metres (4 feet) in height and with a slope not greater than 4:1, be provided and maintained on those lots abutting the Canadian National Railway Letellier Subdivision Right-of-Way;

   B. that a continuous opaque wood fence, not less than 1.8 metres (6 feet) in height, be established and maintained on the berm referred to above;

   C. that plans showing the design and location of the berm and fence be submitted for approval by the Riel Community Committee.

IV. That Zoning By-law No. 1800 be amended to establish the following special alignment:

   A. from the Canadian National Railway Right-of-Way, a minimum set-back of 17.5 metres (57.5 feet) to any single-family dwelling.

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

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

VII. That the zoning section of the by-law shall come into force and effect when the plan of subdivision has been registered in the Winnipeg Land Titles Office and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles office against those lands.

Report of the Committee on Planning and Community Services dated September 28, 1993

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

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

X. That the City Solicitor be 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.1045 for attachment)

Subdivision and Rezoning - land located on the South side of Roy Avenue between Cecil and Worth Streets - Lord Selkirk-West Kildonan Community

File DASZ 17/93
(c/r DAV 592/93D & DCU 151/93D)

1041 - 7. Your Committee on Planning and Community Services has been advised that an application has been received from The Commissioner of Planning and Community Services, on behalf of The City of Winnipeg for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 16502 by rezoning the lands located on the South side of Roy Avenue between Cecil and Worth Streets from a "PR" Park and Recreational District to a "R3" Multiple-Family District to permit the establishment of a two-family dwelling on proposed Lot 1 and a two-family dwelling and business district on proposed Lot 2 as outlined on Schedule "A" dated September 21, 1993.

The site area consists of 956.87 square metres (10,300 square feet) of vacant land.

All of the neighbouring properties are zoned "R2" Two-Family District. Much of the adjacent housing is of older vintage and in accordance with the objectives of Plan Winnipeg, the area is being targeted for new infill housing by organizations like Manitoba Housing and the Western Residents Housing Co-op.

In an effort to establish new and affordable housing in a number of the older neighbourhoods north and south of Logan, Housing Co-ops and other agencies have been acquiring vacant parcels (including surplus "PR" parcels) and making applications to construct new housing. In this instance, the subject land at Cecil and Roy was recently declared surplus by the City of Winnipeg and is being acquired by the Western Residents Co-op. The City proposes to rezone the land to an "R3" Multiple-Family category, subdivide four existing 25 foot lots into two lots (40 feet and 60 feet in width) and build two duplexes. An "R3" zoning category is required in order to accommodate the Co-op's business office in one of the dwelling units.

The proposed subdivision and rezoning is deemed compatible and consistent with the character of the surrounding area. New housing is needed and the concept of infill housing is supported by area residents. Variance Order DAV 592/93D, for a reduced lot width and side yards as well as the Conditional Use Order, DCU 151/93D, to permit the office use, were approved by the Lord Selkirk-West Kildonan Community Committee on September 14, 1993.

A public hearing was held before the Lord Selkirk-West Kildonan Community Committee on September 14, 1993.

Ron Keller, 279 Smart Street, Winnipeg, R3E 2Z8, appeared in support of the application.

No one appeared in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that:

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

   A. That the proposed subdivision and rezoning is not only appropriate, but is entirely compatible and consistent with the character of the surrounding area.

   B. New housing is needed in the area and is supported by existing property owners.

Report of the Committee on Planning and Community Services dated September 28, 1993

2. The proposed subdivision and 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 Lord Selkirk-West Kildonan Community Committee and recommends:

I. That the plan of subdivision proposed under File No. DASZ 17/93 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/93 dated September 21, 1993 for registration in the Winnipeg Land Titles Office.

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 Zoning By-Law No. 16502 be amended by rezoning the subject land outlined on Schedule "A" for File DASZ 17/93 dated September 21, 1993 to an "R3" Multiple-Family District.

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

V. 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.

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

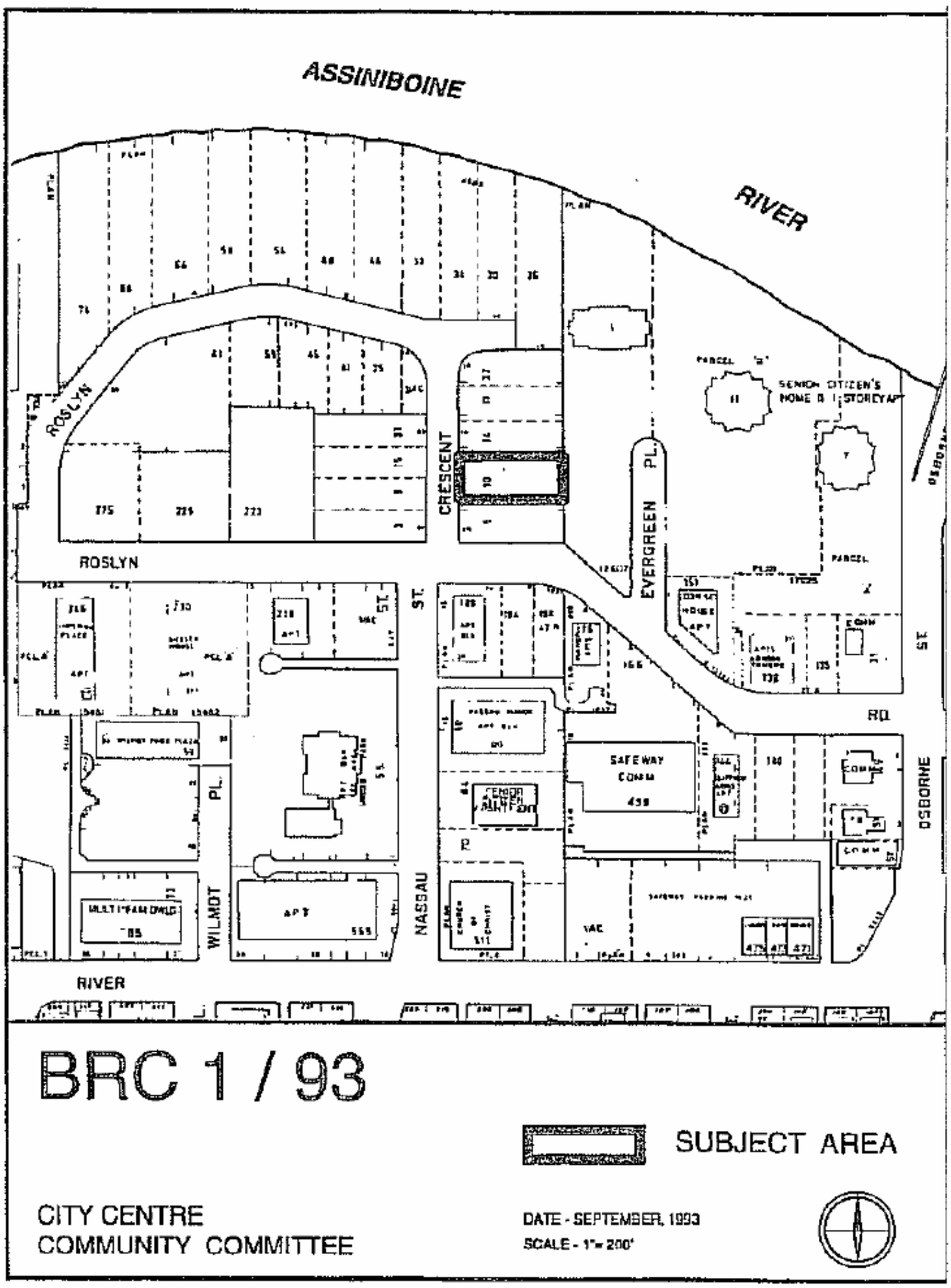
VII. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 24 months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

Adopted by consent.

(Note: See Minute No.1046 for attachment)

1042 - Schedule "A" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated September 28, 1993



1043 - Existing Fee Schedule referred to in Clause 3 of the Report of the Committee on Planning and Community Services dated September 28, 1993

EXISTING SCHEDULE OF FEES

To construct, build, deposit material or make riverbank modifications within the designated area of The Winnipeg Rivers and Streams Authority No. 1, the following fees will be charged:

	Subject		Fee
(a)	**Deposition of Material**		
	(i) for quantity of 300 cubic yards or less		$ 75.00
	(ii) for quantity of over 300 cubic yards		200.00
(b)	**Construction**		
	for value of construction $0 to $5,000		50.00
	for value of construction in excess of $5,000		50.00 (base fee)
	plus for each $1,000 or part thereof		
	(i) in excess of $5,000 up to $500,000	add	2.00
	(ii) in excess of $500,000 to $1,000,000	add	1.75
	(iii) in excess of $1,000,000	add	1.50
(c)	**Permit Extension**		
	for one extension		50.00
(d)	**For an application made after deposition of material or after construction commences an additional administrative fee of 50% of the fees set out in clauses (a) and (b).**		

September 9, 1993

Schedule "A" referred to in Clause 3 of the Report of the Committee on Planning and Community Services dated September 28, 1993

SCHEDULE "A"

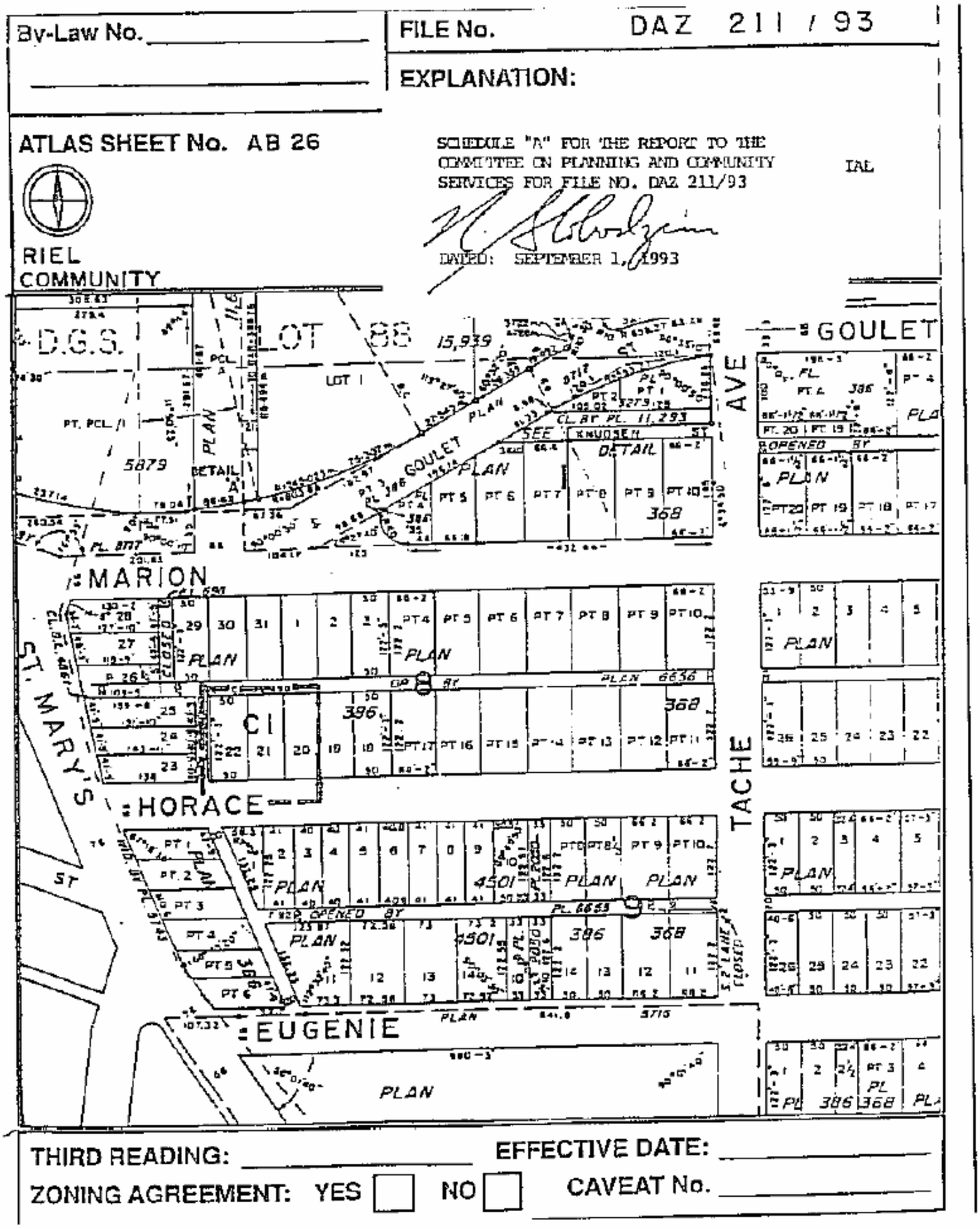
PROPOSED SCHEDULE OF FEES

To construct, build, deposit material or make riverbank modifications within the designated area of The Winnipeg Rivers and Streams Authority No. 1, the following fees will be charged:

	Subject		Fee
(a)	**Deposition of Material**		
	(i) for quantity of 300 cubic yards or less		$ 80.00
	(ii) for quantity of over 300 cubic yards		220.00
(b)	**Construction**		
	for value of construction $0 to $5,000		50.00
	for value of construction in excess of $5,000		50.00 (base fee)
	plus for each $1,000 or part thereof		
	(i) in excess of $5,000 up to $500,000	add	2.15
	(ii) in excess of $500,000 to $1,000,000	add	1.90
	(iii) in excess of $1,000,000	add	1.60
(c)	**Permit Extension**		
	for one extension		55.00
(d)	For an application made after deposition of material or after construction commences an additional administrative fee of 50% of the fees set out in clauses (a) and (b).		

September 9, 1993

1044 - Schedule "A" referred to in Clause 5 of the Report of the Committee on Planning and Community Services dated September 28, 1993



1045 - Schedule "A" referred to in Clause 6 of the Report of the Committee on Planning and Community Services dated September 28, 1993

By-Law No. _____

FILE No. DASZ 12/93

EXPLANATION:

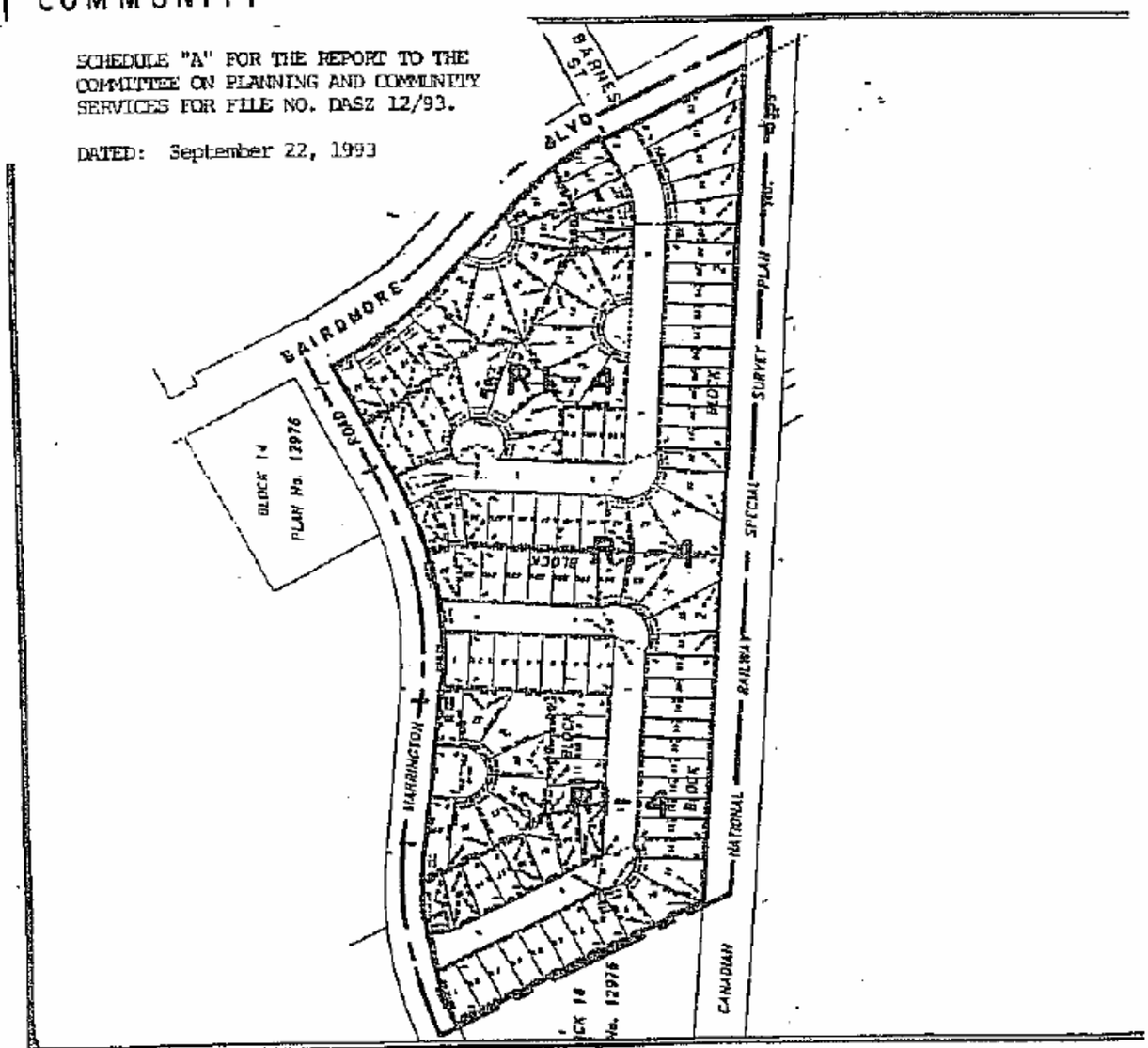
A proposal to subdivide the land on the east side of Marrington Road between Bairdmore and Kirkbridge and rezone it from an "RM-1" MULTIPLE-FAMILY DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT as shown outlined below.

ATLAS SHEET No. AM 23

RIEL COMMUNITY

SCHEDULE "A" FOR THE REPORT TO THE COMMITTEE ON PLANNING AND COMMUNITY SERVICES FOR FILE NO. DASZ 12/93.

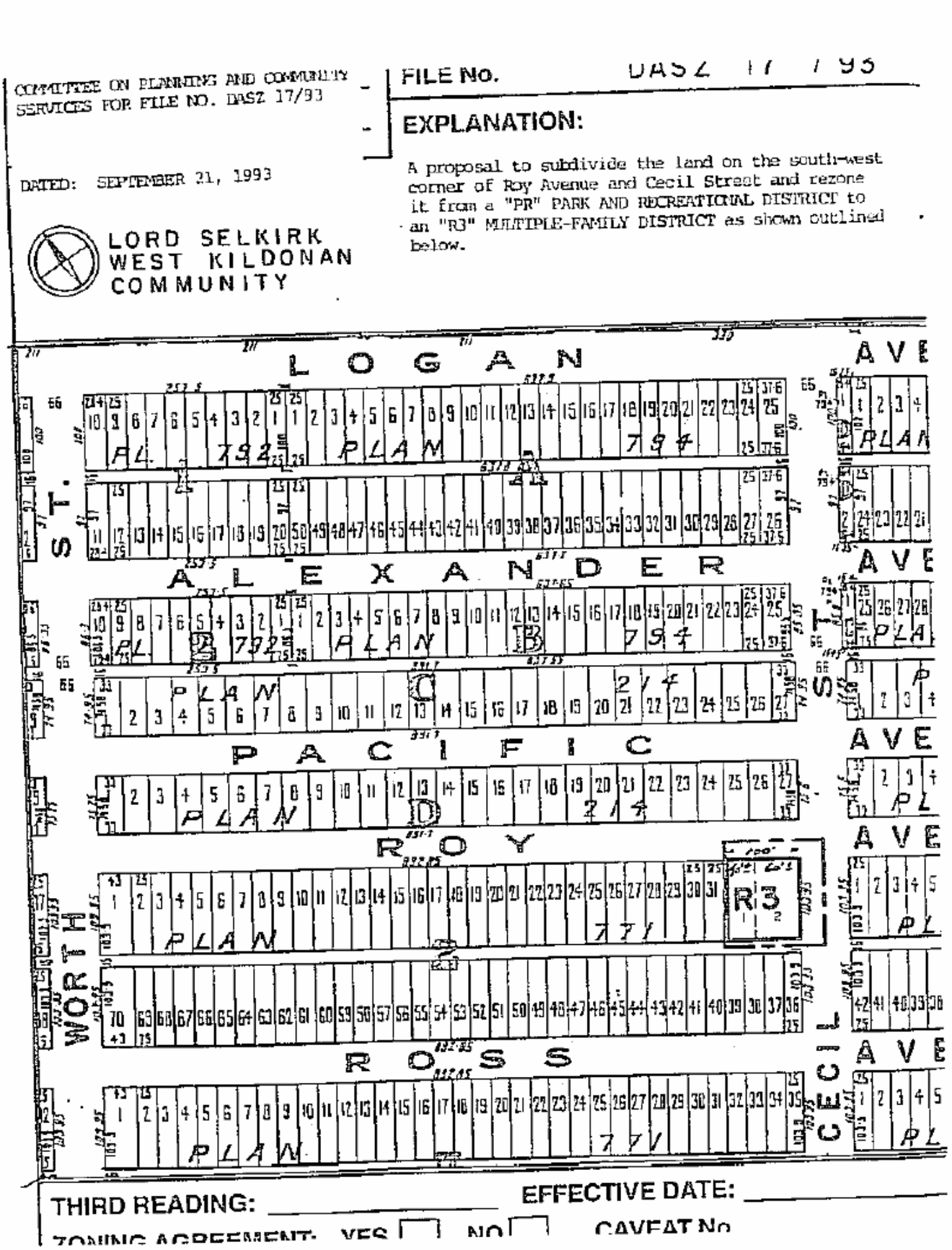
DATED: September 22, 1993



THIRD READING: _____ EFFECTIVE DATE: _____

ZONING AGREEMENT: YES ☐ NO ☐ CAVEAT No.

1046 - Schedule "A" referred to in Clause 7 of the Report of the Committee on Planning and Community Services dated September 28, 1993



REPORT OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

DATED SEPTEMBER 28, 1993

On motion of Councillor Murray, Clause 1 of the Report of the Committee on Planning and Community Services, dated September 28, 1993, was considered.

Her Worship the Mayor and Councillors:

Amendment to Building Restriction Caveat No. 147568 affecting property at 10 Roslyn Crescent File BRC 1/93

1047 - 1. Your Committee on Planning and Community Services has been advised that an application has been received from Ted And Sarah Yates-Howorth to amend the building restriction caveat affecting property known as 10 Roslyn Crescent in order to permit the construction of an attached garage and to provide barrier-free access to the existing dwelling.

Building Restriction Caveat No. 147568 states:

> "5. All of such private dwelling houses, and/or outbuilding when erected shall be at least the following distance back from the street line normal thereto nearest such dwelling house and/or outbuilding:
>
> a) In the case of Lots One (1) to Twenty-three (23) inclusive, a distance of Fifty (50) feet from the street line;"

The applicant proposes to construct an attached garage providing a front yard setback of 46 feet to the wall with a 2 foot eave projection. Under Zoning By-law No. 16502, the subject property is zoned "R1" One-Family District, wherein a 25 foot front yard setback is required.

The City Centre Community Committee considered this matter on September 7, 1993, and recommended that the caveat be amended to allow for the construction of an attached garage a distance of 44 feet from the street line.

The Planning Department apprised the City Centre Community Committee that a ramp would provide barrier-free access to the dwelling. At that point in time it was not known to what extent the ramp would project into the yard, however, the applicant has confirmed that the access ramp would provide a 26 foot front yard. The resolution to The Municipal Board should be amended to include reference to the ramp.

Those residents immediately adjacent to the subject site were advised of the date and time the matter would be considered by the Committee on Planning and Community Services.

On September 28. 1993, Mr. Ted Yates-Howorth, the applicant, Grant Henderson, 6 Roslyn Crescent, accompanied by Dorothy Lynch, 9 Roslyn Crescent appeared in support of the application.

Your Committee on Planning and Community Services recommends that the following resolution be passed in connection herewith:

"In accordance with provisions of Section 104(3) of The Municipal Board Act, the Council of The City of Winnipeg recommends that Clause 5 of Building Restriction Caveat No. 147568 affecting S.P. Lot 11, Plan 17406, W.L.T.O. in R.L. 42, Parish of St. Boniface, be amended to allow for the construction of an attached garage a distance of 44 feet from the street line and for the construction of an access ramp a distance of 26 feet from the street line as applied for by Ted and Sarah Yates-Howorth.

Your Committee further recommends that the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

Your Executive Policy Committee has considered the above recommendations and concurs in the resolution after including therein the words

"and associated landing (but not including the proposed deck)"

in the fifth line after the word "ramp" and before the words "a distance of 26 feet from the street line as applied for by Ted and Sarah Yates-Howorth".

Moved by Councillor Murray,
Adoption of the clause.

In amendment,

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

Moved by Councillor Fraser,
That the clause and proposed amendments be tabled until later in the meeting.

Carried.

(See Minute No.1042 for attachment)

(Note: For disposition of this matter see Minute No.1069)

REPORT OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

DATED SEPTEMBER 28, 1993

Amendment to Building Restriction Caveat No. 147568 affecting property at 10 Roslyn Crescent File BRC 1/93

In amendment to the amendment,

Moved by Councillor Reese,
Seconded by Councillor Golden,
1069 - That the Executive Policy Committee recommendation be amended to read "and associated landing, including the proposed deck."

Carried.

The recommendation proposed by the Executive Policy Committee as amended, was put and declared carried.

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

Council here proceeded to consider the order of business "Report of the Committee on Finance and Administration dated September 27,1993.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

1048 - On motion of Councillor Murray, 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 order to be signed and sealed, namely:

By-law No. 6247/93, a By-law of the City of Winnipeg to amend The St. Vital Town Planning Scheme 1951 for the enactment of a zoning change at 685 St. Mary's Road in the Riel Community. File DAZ 223/91

By-law No. 6248/93, a By-law of the City of Winnipeg to amend The St. Boniface Town Planning Scheme 1957 for the enactment of a zoning change on the east side of Archibald Street between Marion Street and public lane north of Cusson Street in the Riel Community. File DAZ 204/93

By-law No. 6249/93, a By-law of the City of Winnipeg to amend Zoning By-law No. 4440/86 for the enactment of a zoning change on Lot 3, Plan 22,461 on the west side of Henderson Highway opposite Springfield Road. File DAZ 206/93

By-law No. 6250/93, a By-law of the City of Winnipeg to amend Zoning By-law No. 4440/86 for the enactment of a zoning change on land located on the east side of Skowron Crescent between Grassie Boulevard and Jacques Avenue in the East Kildonan - Transcona Community. File DASZ 11/93

By-law No. 6251/93, a By-law of the City of Winnipeg to amend Zoning By-law No. 16502 for the enactment of a zoning change on land located on the south side of Roy Avenue between Cecil and Worth Streets in the Lord Selkirk - West Kildonan Community. File DASZ 17/93

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

QUESTION PERIOD

1049 - In responding to a question from Councillor Golden, concerning the appointment of Chairperson, Committee on Planning and Community Services, Councillor Murray thanked the Mayor for his appointment during the past year and put forth that there would be many difficult challenges ahead for Council to face.