REPORT OF THE COMMITTEE ON

PLANNING AND COMMUNITY SERVICES

DATED APRIL 6, 1993

On motion of Councillor Murray, the Report of the Committee on Planning and Community Services, dated April 6, 1993, was considered clause by clause.

Moved by Councillor Murray,

That the Consent Agenda items, Clauses 1,2,3,4,5,7,8,9,10 and 11 be adopted.

Councillor Murray requested that Clauses 3 and 8 be pulled from the Consent Agenda.

Councillor Fraser requested that Clause 11 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,4,5,7,9 and 10 was put and declared carried.

Her Worship the Mayor and Councillors:

Mandatory Food Handler Training.
File EH-1.6

572 - 1. Your Committee on Planning and Community Services has been advised that the City of Winnipeg Health Department has been involved with the Manitoba Restaurant and Food Services Association from 1985 to 1990 in a voluntary food handler education program. In late 1990 the Department purchased an updated food handler training program "Food Safe" to replace the former program.

Council on January 23, 1991 adopted Clause 3 of the Report of the Committee on Planning and Community Services approving the implementation of a Health Department operated food handler certification program on a cost recovery basis. Training commenced March 19, 1991.

The food handler education has proven to be very successful and has resulted in dramatic improvements in sanitation levels and operator/inspector communication, both locally and in other jurisdictions. The importance of training to our well-being through safe food, cannot be overstated.

In these times of restricted budgets and increasing numbers of food establishments, mobile vendors, and special events, every method to maintain and improve food safety must be utilized. Each year the Division has faced increasing demands for Public Health Inspector services. In the past 10 years, the number of permanent food service establishments has increased in the inner city from 1517 in 1980 to over 2000 in 1992, and the number of mobile vendors has climbed from 2 in 1980 to over 200 in 1992. In addition, the list of special events such as Folklorama, Red River Exhibition, Taste of Manitoba, Children's Festival, Black-O-Rama, Festival du Voyageur, World Curling, Grey Cup, etc. is increasing annually. Special events are particularly time consuming for public health inspectors since these events present unusual and often challenging circumstances.

The City of Winnipeg Health Department's objective is to find more efficient ways to maintain or improve our food safety standards in Winnipeg, with little or no increase in cost. A mandatory food handler training program offers that opportunity. The present voluntary program has experienced a decline in attendance. Course attendance, which had averaged 50 persons per session over the past two years, has dramatically decreased in the last two or three months. This same phenomenon was observed in Vancouver, Victoria, Calgary, Edmonton, Regina and Saskatoon. Institution of mandatory food handler training programs as regulatory requirements resulted in filled classrooms, providing necessary training and revenue.

It is estimated that there are approximately 1500 - 1700 establishments city wide that would be required to comply with this amendment. Assuming the hours of operation of most food service establishments would include two shifts, there would be a need to certify approximately 3,000 people. Based on an estimated 50% staff turnover rate annually, a three year initial phase-in period would be required at approximately 1,000 people per year. The projected long term annual attendance would fluctuate, depending on turnover and a five year renewal requirement. A reasonable long term attendance estimate would be 500 - 700 people annually.

The Health Department has suggested that the City must initiate a mandatory training requirement if we are to reach all food service establishments in Winnipeg. There is only a minimal anticipated increase to the Health Department budget for this amendment. The current food handler training program is revenue generating, with revenue exceeding costs. It is anticipated that with certified food handlers in place, the frequency of inspection will decrease.

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Manitoba Health and The Manitoba Restaurant and Food Services Association have indicated its support for this proposal. It should be noted that a Cantonese Program is scheduled to begin in March, 1992.

Your Committee on Planning and Community Services recommends:

I. That the following amendments to the Food Service Establishment By-law 5160/89 be approved:

Section 2 DEFINITIONS

new Sec. 2.2

"Certified Food Handler Training Program" means "The City of Winnipeg Food Safe Certification Program" or other programs approved by the Medical Health Officer.

- renumber all subsequent subsections to accommodate new definition

Section 5 CERTIFICATES AND LICENSES

new Sec. 5.6

Effective March 31, 1996 no person shall operate a food service establishment unless the person in charge has successfully completed the Certified Food Handler Training Program.

new Sec. 5.7

Effective March 31, 1996 no person shall operate a food service establishment employing more than five persons on duty at any one time, unless there is a person in charge present during all operating hours who has successfully completed the Certified Food Handler Training Program.

new Sec. 5.8

Effective March 31, 1996 the on duty person in charge shall post their Food Handler Training Program Certificate in a prominent place in the food service establishment.

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

III. That the Proper Officers of the City of Winnipeg be authorized to do all things necessary to implement this program, including the execution of any documents in connection therewith.

Adopted by consent.

Increase of Reconnection Charges After Non-Payment Disconnects - Winnipeg Hydro. File Nos. FE(1993) (Volume 2) and HR (Volume 5)

573 - 2. Your Committee on Planning and Community Services has been advised that the Committee on Works and Operations at its meeting held on December 3, 1992, considered report entitled "Increase of Reconnection Charges After Non-Payment Disconnects", dated October 15, 1992, submitted by the Chief Commissioner, recommending that the Committee on Works and Operations consider the following recommendations contained in the report and provide comments back to the Executive Policy Committee prior to submission to Council for approval:

"1. That effective January 1, 1993, the charge for reconnecting electrical services, disconnected for non-payment, be increased from $10.00 to $25.00.
2. That effective January 1, 1994, the charge for reconnecting electrical services, disconnected for non-payment, be increased from $25.00 to $40.00."

The Committee on Works and Operations directed that this matter be considered during the 1993 budget deliberations and, in the meantime, the General Manager of Winnipeg Hydro was requested to address the following concerns and report back:

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1. The number of social assistance recipients and the amount of bad debt directly attributable to them.

2. Possible means of collecting the bad debt.

3. Procedures Manitoba Hydro utilizes in collecting overdue accounts vis-a-vis Winnipeg Hydro.

In a report dated March 5, 1993, the General Manager of Winnipeg Hydro addressed the above concerns, as follows:

1. Some of the customers who go through this process are receiving financial assistance from City of Winnipeg Social Services. It is estimated that 25% of Winnipeg Hydro's customers who have their electrical service disconnected for non-payment are recipients of social assistance.

2. Other means of improving the situation of rapidly increasing bad debt have been considered by Winnipeg Hydro. At present, a study is being made on increasing deposits and indeed on the effectiveness of security deposits. More data is needed to determine if the process of collecting a small deposit, holding it for a year and then returning it with interest to the customer is worthwhile, given the administrative costs involved. An increase would help to off-set the costs, however, the study will not be complete until later in the year.

The concept of only billing owners of property could be further explored. Some utilities in other cities employ this method. Landlords would have to add the cost of electricity into their rent. Write-offs would be reduced dramatically along with the potential for non-payment by those tenants who habitually shirk their responsibility. The feasibility of this process would have to be extensively analyzed. However, energy use would increase if tenants are no longer responsible.

The entire disconnection process is about four months from start to finish. This process could possibly be shortened to about three months thereby reducing the amount of arrears as well as reducing the administrative costs. Winnipeg Hydro is currently investigating the impact of this change.

Direct payment of utility bills by Social Services on behalf of all customers on assistance would decrease the number of disconnected services substantially. The number of written off accounts should also decline. Winnipeg Hydro and Social Services are currently reviewing the possibility of implementing such a program. It is estimated that the very earliest this could be completed would be the end of 1993.

3. The disconnection process is not entered into lightly nor without cause being established over a three month time period. During this time, a customer will have allowed his account to fall into arrears without attempting to show any intent to make even partial payment. The final notice allows seven days grace for the customer to make at least partial payment to prevent disconnection.

Winnipeg Hydro's procedures for collecting overdue accounts prior to disconnection include message reminders on monthly bills, late payment charges calculated on arrears of $10.00 and over, visits made by field collectors who attempt to collect arrears or make payment arrangements, disconnection notices left by collectors, and as a last resort, disconnection of service. Once disconnection has taken place, further attempts are made to collect the account and reconnection is not made unless the account is paid in full, including the reconnection charge or satisfactory payment arrangements have been agreed upon.

Manitoba Hydro utilizes very similar procedures, however, they have a two fee level for reconnections - a regular fee of $15.00 and an after hours fee of $40.00. The larger fee is charged very rarely (65 times out of 2661 in the past year). Their write-offs were at .292% of their general revenues for 1991 whereas the Winnipeg Hydro were 0.744%. A fee increase is the subject of on-going review at Manitoba Hydro.

Your Committee on Planning and Community Services recommends that a program be developed whereby the Social Services Department would make direct payment of hydro bills on behalf of persons receiving social assistance, in order to reduce the number of electrical services disconnected due to non-payment of accounts.
Your Committee further recommends that the Proper Officers of the City are hereby authorized to do all things necessary in connection herewith.

Adopted by consent.

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Proposed Amendments to Stage I Servicing Agreements AG 411/88 and AG 411A/88, The Forks Renewal Corporation, City Centre Community File FR-3(PA3)

574 - 3. Your Committee on Planning and Community Services has been advised that Stage I Underground and Aboveground Servicing Agreements cover the installation of municipal services in the vicinity of the existing B and B Building which building is to become the site of the Children's Museum. However, when the servicing agreements were prepared in 1988 and 1989, the B & B Building was not included within the "Planned Area" covered by these agreements. Certain services must now be extended to serve this building and its site development.

It is the opinion of the Planning Department that the Stage I Underground and Aboveground Servicing Agreements should be amended to increase the "Planned Areas" of the agreements to include the proposed Children's Museum building and surrounding lands. This amendment will enable the necessary servicing work to be carried out pursuant to the terms and conditions of the existing agreements.

On March 16, 1993 the City Centre Community Committee concurred in the following recommendation, namely:

I. That the Stage I Servicing Agreements No. AG 411/88 and AG 411A/88 and an addendum to AG 411A/88 be amended to increase the respective Planned Areas to include the proposed Children's Museum building and surrounding land.

II. To review the completion dates specified in Clause 9 of Agreements No. AG 411/88 and AG 411A/88 to October 15, 1994.

III. To provide that The Forks Renewal Corporation pay $1,500.00 to defray the City's administrative costs associated with the preparation and administration of the development agreements.

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

I. That the Stage I Servicing Agreements No. AG 411/88 and AG 411A/88 and an addendum to AG 411A/88 be amended to increase the respective Planned Areas to include the proposed Children's Museum building in order to provide municipal services and site grading.

II. To review the completion dates specified in Clause 9 of Agreements No. AG 411/88 and AG 411A/88 to October 15, 1994.

III. To provide that The Forks Renewal Corporation pay $1,500.00 to defray the City's administrative costs associated with the preparation and administration of the development agreements.

Your Committee on Planning and Community Services further recommends that the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including but not limited to the execution of any amending agreement.

Moved by Councillor Murray,
Adoption of the clause.

Carried.

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Extended Leave of Absence of Citizen Member for The Board of Adjustment. Files GK-12 and GC-7

575 - 4. Council on October 14, 1992 approved the request of Sharon Markesteyn for a temporary leave of absence from August 28, 1992 to March 18, 1993 from her position as a citizen member on The Board of Adjustment, until the expiration of her term position as a Planner and Policy Analyst with Manitoba Urban Affairs.

Your Committee on Planning and Community Services has been advised by the Secretary of The Board of Adjustment that Sharon Markesteyn has had her contract position with Manitoba Urban Affairs extended to July 2, 1993 and has requested an extended temporary leave of absence to July 2, 1993 from her position as a citizen member on The Board of Adjustment.

Your Committee on Planning and Community Services concurs with this request and recommends that Sharon Markesteyn be granted an extended leave of absence to July 2, 1993.

Your Committee further recommends that no additional leave of absence be granted after this date.

Adopted by consent.

Proposed amendment to the All Seasons Development Agreement between the City and Qualico Developments Ltd. Files DAZ 80/73 and DAS 28/73

576 - 5. Your Committee on Planning and Community Services has been advised that Qualico Developments Ltd. has requested reimbursement for services Qualico has installed in Sun Valley Drive as per the All Seasons Development Agreement AG 75/73.

Pursuant to the terms of Development Agreement AG 75/73, Finance Department No. 1507, Qualico Developments Ltd. installed certain services in Sun Valley Drive, east of the City of Winnipeg Hydro Transmission Line. The services in question are a land drainage sewer, concrete pavement, sidewalk, ornamental street lighting and associated work. Pursuant to the terms of Development Agreement AG 34/85 Park Ridge Developments Ltd. paid its share of the cost of those services.

In letters dated May 28, 1986 and March 11, 1987 Qualico requested that they be reimbursed for the services they installed in Sun Valley Drive to the extent that these services benefit the land on the south side of Sun Valley Drive developed by Park Ridge under Development Agreement AG 34/85. Qualico's agreement does not contain the standard "Privately-Owned Lands" cost sharing clause and Qualico did not request that the services be advertised as Local Improvements.

The establishment of Sun Valley Drive east of the City of Winnipeg Hydro Transmission Line was crucial as it served as the secondary access to the All Seasons development. The services in Sun Valley Drive were installed between October 1977 and July 1978. The land on the south side of Sun Valley Drive was developed by Park Ridge Developments in 1986. The north side of Sun Valley Drive has been developed as a lumber yard and to date the owner of that business has not requested permission to connect to the services in Sun Valley Drive. The proposed amendment to the All Seasons Development Agreement would also cover further reimbursement to Qualico Developments Ltd. if and when the owner of the property on the north side of Sun Valley Drive connects to the services in Sun Valley Drive.

The City will not be required to reimburse Qualico Developments Ltd. more than the City has collected and may collect from the privately owned lands located on the south and north sides of Sun Valley Drive which is in accordance with the City's Development Agreement Parameters.

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Your Committee on Planning and Community Services recommends:

I. That the All Seasons Development Agreement AG 75/73 between the City and Qualico Developments Ltd. be amended to provide that the City reimburse Qualico Developments Ltd. for the cost of services installed by Qualico Developments Ltd. in Sun Valley Drive; and

II. That the Proper Officers of the City be authorized to do all things necessary in connection herewith including payment to Qualico Developments Ltd. in accordance with the City's current Development Agreement Parameters as determined by the Manager of the Land Development Department.

Adopted by consent.

Christie Road Subdivisions - pre-payments of future local improvement for paving – proposed amendments to Development Agreements AG 234/80-A, AG 214/82, AG 236/83. File Nos. DAZ 234/80, DAZ 214/82 and DAZ 236/83

Note: This clause has been laid over by the Executive Policy Committee.

577 - 6. On September 23, 1992 Council directed that nine amending agreements between the City and various developers including Development Agreements AG 234/80-A, AG 214/82 and AG 236/83 be executed to provide for

(a) retention by the City of one-third of local improvement pre-payments for future asphalting (ie. to be used for maintenance instead of a local improvement), and

(b) return of letters of credit securing future payments, or

(c) where one hundred percent was prepaid a refund of two-thirds to be distributed among current lot owners.

Between 1980 and 1990 the City approved subdivisions of Christie Road frontage subject to pre-payment of the estimated cost of future asphalting or pre-payment of one-third with a letter of credit securing the balance. It was then expected that over time development would generate the need and support for paving Christie Road as a local improvement.

During July of 1992 the St. Boniface-St. Vital Community Committee heard representations from some of the lot purchasers and developers requesting refund of the pre-payments. The Community Committee concluded that a successful local improvement would not be possible in the foreseeable future.

The Community Committee, therefore, recommended that where one hundred percent had been prepaid, a refund be distributed among current land owners within thirty days after execution of the necessary amending agreement by the relevant developer.

Pursuant to Council's approval and instructions, amending agreements have been executed, letters of credit returned and refunds distributed to lot owners under amending agreements signed by six of the nine developers.

Three of the five developers who prepaid one hundred percent of the asphalting cost do not agree that their purchasers are entitled to the two-thirds refund.

Some of the purchasers may have valid claims against the developer/vendors and others may not. Whatever the merits of various purchasers' claims against developer/vendors, the City has no power to resolve disputes over the terms of their land sales agreements.

Your Committee on Planning and Community Services recommends that Council further consider its instructions of September 23, 1992 regarding Development Agreements AG 234/80-A, AG 214/82 and AG 236/83 and instruct that the refunds approved by Council, subject to amendment of the relevant agreements, be paid to the relevant developer where no competing claims are made but otherwise paid or distributed among whoever establishes entitlement to the refund or some part of it.

LAID OVER BY EXECUTIVE POLICY COMMITTEE

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ZONING AGREEMENT AMENDMENT –
366 Marion Street / 292 rue Des
Meurons, Riel Community.
File No. DAZ 230/91(ZAA 10/92)

578 - 7. Your Committee on Planning and Community Services has been advised that an application has been received from Robertson, Shypit, 202-1555 St. Mary's Road to amend the Zoning Agreement affecting the land at 366 Marion Street / 292 rue Des Meurons by allowing the following:

1. new vehicular approaches connecting the land to any public street or lane, said approaches not being permitted; and
2. that the present grading and drainage of the land remain unchanged.

A related zoning variance to permit the establishment of an accessory off-street parking and vehicle display area with yard variances and insufficient landscaping adjacent to a residential zoning district was granted under related File DAV 886/92D.

Certain conditions of approval of DAZ 230/91 were recommended by the Administrative Co-ordinating Group to the Riel Community Committee.

The limitation of vehicular access to those approaches existing on the site was intended to prohibit additional use of the public lane to the east of the site, because that lane cannot be widened to a commercial standard, and to prohibit the establishment of more than the two approaches existing on each of the street frontages of the site. The intersection of Marion Street and rue Des Meurons carries high volumes of traffic.

The restriction of run-off to existing levels was intended to reflect the significant increase in the area of paving on the land, and the consequent increase in run-off.

The reasons for these conditions remain. No change in the configuration of development of the land has been proposed which would justify more than the two approaches on each frontage street, or orientation of commercial traffic to the public lane connecting Marion and Horace Streets. No proposal has been made which would justify a significant increase in run-off from the land.

A Public Hearing was held before the Riel Community Committee on January 20 and February 17, 1993.

Leandre Buisse, Robertson, Shypit, Barristers and Solicitors, 202 - 1555 St. Mary's Road, Winnipeg, R2M 3W2 appeared in support of the application.

As well the following written communications were submitted at the Riel Community Committee hearing held on January 20 and February 17, 1993:

G. Foster, 376 Marion Street, Winnipeg, R2H 0V4,
C. K. Wiebe, 284 rue Des Meurons, Winnipeg, R2H 2N2,
Mr. R. Martel, 376 Marion Street, Winnipeg, R2H 0V4,
N. Andromidas, 19 Harwick Lane, Winnipeg, R2J 3H2,
Mr. J. Beaudry, 289 rue Des Meurons, Winnipeg, R2H 2N3,
Mr. D. Lamontagne, 2888 rue Des Meurons, Winnipeg, R2H 2N2.

No one appeared in opposition thereto.

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

1. There was no opposition and six adjacent businesses and residents have voiced their support for the application.

2. Approval of the application would be compatible with the existing adjacent businesses.

Your Committee on Planning and Community Services concurs in the recommendation of the Riel Community Committee and recommends that Council's instructions dated November 27, 1991 for file DAZ 230/91 be amended by deleting Items I.A.(3) and (4) therefrom.

Adopted by consent.

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REZONING - 1240 Portage Avenue,
City Centre Community.
File No. DAZ 248/92

579 - 8. Your Committee on Planning and Community Services has been advised that an application has been received from the Winnipeg Real Estate Board, 1240 Portage Avenue to amend By-Law No. 16502 by rezoning the land at 1240 Portage Avenue from an "R2" Two-Family District to a "C1" Limited Commercial District to allow for the establishment of an accessory parking area shown on Schedule "A" dated March 4, 1993.

A related application for temporary variance to permit the establishment of proposed parking prior to completion of rezoning, also variances for yards, fencing and screening was granted under related File DAV 736/92.

The applicant is proposing to establish a ten (10) car accessory off-street parking area to serve the existing office building at 1240 Portage Avenue.

While in general, the Planning Department has not supported the establishment of commercial parking areas across the rear lane from the commercial lands on Portage Avenue, it is considered that the establishment of the proposed parking area would not adversely affect the abutting residential area.

The subject site is a residual piece of land which has no frontage on a public street and consequently would not qualify as a residential building lot.

The parking area is intended to serve the office building at 1240 Portage Avenue. Use of this land as a commercial parking area or as an accessory lot for a retail development on Portage Avenue is not appropriate. Consequently, a zoning agreement, with conditions to ensure that this parking area remains accessory to the office use at 1240 Portage Avenue, is considered important.

A Public Hearing was held before the City Centre Community Committee on January 12 and February 2, 1993.

Wayne Pruden and Gary Simonsen, Winnipeg Real Estate Board, 1240 Portage Avenue, Winnipeg, R3G 0T6 appeared in support of the application.

The following persons appeared and or registered in opposition thereto:

Tom Johnston, 2-544 Clifton Street, Winnipeg, R3G 2X2

Denis Mager, Wolseley Resident's Association, 96 Home Street, Winnipeg, R3G 1W9.

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

1. While in general, the Planning Department has not supported the establishment of commercial parking areas across the rear lane from the commercial lands on Portage Avenue, it is considered that the establishment of the proposed parking area would not adversely affect the abutting residential area.

2. The subject site is a residual piece of land which has no frontage on a public street and consequently would not qualify as a residential building lot.

3. The parking area is intended to serve the office building at 1240 Portage Avenue.

4. Use of the land as a commercial parking area or as an accessory lot for a retail development on Portage Avenue would not be appropriate and a proposed zoning agreement with conditions will ensure that this parking area remains accessory to the office use at 1240 Portage Avenue.

5. Many of the concerns expressed by the residents and the Wolseley Residents' Association have been accommodated by the applicant.

6. Approval of the application will not be precedent setting due to the small size and location of the property.

7. The subject land is a unique piece of property that is too small for any other commercial development.

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On February 23, 1993, the City Centre Community Committee reconvened the adjourned public hearing on DAV 736/92 relating to this proposed parking lot. Whereas, Recommendation I.A.1. of the Community Committee's recommendation on this zoning change recommends that no refuse containers be located on the site, the Committee in considering the zoning variance heard representations from both residents and the applicants that this site was the preferred location for the refuse container serving 1240 Portage Avenue.

Your Committee on Planning and Community Services recommends that an amendment to Recommendation I.A.1 is required to permit a refuse container on the site and to Recommendation I.A.2 to ensure that the refuse container is appropriately located. Your Committee on Planning and Community Services concurs in part 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 shown on Schedule "A" for File No. DAZ 248/92, dated March 4, 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 provide for the following:

i) That the use of this land shall be restricted to an accessory parking lot in conjunction with office uses located on the adjacent land to the north, commonly known as 1240 Portage Avenue and a refuse container for 1240 Portage Avenue.

ii) That plans indicating the accessory parking area and the design, location and type of fencing, landscaping, signs and the refuse enclosure be subject to the approval of the Commissioner of Planning and Community Services, prior to the establishment of said parking area.

iii) That a 10 percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land 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 zoning by-law is not enacted within 24 months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

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

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

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

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

Carried.

REZONING - 110 Victoria Avenue, south side Victoria Avenue West, between Bond Street and Day Street, East Kildonan-Transcona Community. File No. DAZ 252/92

580 - 9. Your Committee on Planning and Community Services has been advised that an application has been received from Transcona Place Inc., 2 - 327 Pembina Highway to rezone the land on the south side of Victoria Avenue West, (110 Victoria Avenue) from a "C2-S" Suburban Commercial District to an "RM-6" Multiple-Family District to allow for the construction of a multiple family dwelling (Senior Citizen's).

The applicant is proposing to redevelop the site with a six (6) storey, 39 suite apartment building to accommodate senior citizens. In addition to the apartment units, the ground floor would incorporate a multi-purpose games room and lounge. A solarium and patio are proposed for the east side of the building. A total of 23 parking spaces will be

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provided for use of residents and visitors with access from both the rear public lane and a private approach from Victoria Avenue West.

The subject site is the same site for which a variance application (DAV 455/90) was approved by the East Kildonan-Transcona Community Committee on July 24, 1990. That order permitted the establishment of a 9 storey, 49 unit senior citizen residence including a banquet hall rental facility on the ground floor. The owners did not proceed with construction of the development under DAV 455/90 and the approval granted under that order has now expired.

Because of changes to The City of Winnipeg Act which now restricts any use variance to a maximum five year term, the applicants have submitted a rezoning application to accommodate the revised development proposal for the site. The proposed "RM-6" multiple-family zoning will accommodate the proposed density and height of the building. A concurrent variance application, under File DAV 942/92D has been made to deal with deficient yards and parking and Conditional Use application DCU 8/93D has also been made because density is greater than 35 units per acre. Both DAV 942/92D and DCU 8/93D were granted by the East Kildonan-Transcona Community Committee at their meeting held on February 16, 1993.

The District Planning Branch recommends support of the rezoning application since the proposed development is of lower intensity of use than that previously approved for the site. The rezoning will, in conjunction with a zoning agreement, facilitate development at a scale and density which will not have adverse effect on adjacent properties.

The proposal has been circulated to other civic departments for review and no objections have been received.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on February 16, 1993.

Mr. Delbert Juba, 2 - 327 Pembina Highway, Winnipeg, R3E 0E3, appeared on behalf of Transcona Place Inc., in support of the application.

No one appeared in opposition thereto.

The East Kildonan-Transcona Community Committee recommended that the proposed zoning change be approved for the following reason:

1. The application is for a senior citizens' complex and there is a need for such a complex in the East Kildonan-Transcona Community; subject to conditions which are incorporated in the following recommendation.

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

I. That By-law No. 4440/86 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 252/92, dated February 18, 1993, to an "RM-6" Multiple-Family District subject to the following:

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

      1. that the use of the land shall be restricted to:

         (a) senior citizen residences;
         (b) accessory uses;

      2. that no more than 39 apartment dwelling units shall be permitted on the land;

      3. that the maximum height of any building constructed on the site shall not exceed six (6) storeys;

      4. no building structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans including the location and design of the proposed building, accessory parking area, approaches, fencing and landscaping are submitted to and approved by the East Kildonan-Transcona Community Committee and thereafter identified by the signature of the Commissioner of Planning and Community Services under the designation "Schedule A" to Zoning Agreement DAZ 252/92, and no buildings, structures or works shall be constructed or placed on the land except in accordance with the Schedule "A" to this agreement.

II. That in the event this application is not proceeded with expeditiously and the zoning by-law is not enacted within 18 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.

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III. That the City Solicitor be requested to prepare the necessary Rezoning By-law and forward same to Council for all three readings.

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

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

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

Adopted by consent.

EXTENSION OF TIME for a plan of subdivision registration located on the south side of Swailes Avenue between Brooks Cove and Saphire Place, Lord Selkirk-West Kildonan Community. File No. DASZ 9/89

581 - 10. Council, on November 29, 1989, adopted Clause 13 of the report of the Committee on Planning and Community Services dated November 14, 1989 which Clause recommended approval of the proposed plan of subdivision and related rezoning as shown on Schedule "A" dated October 12, 1989. Council subsequently enacted subdivision and rezoning By-law No. 5382/90 on March 7, 1990.

This application was further processed past the by-law stage. The required Development Agreement was executed on November 13, 1990, with the other legal work being completed between March and November of the same year. In the interim, the subdivision mylars were dated and signed. However, the City Administration no longer has the authority to allow the release of the subdivision mylars because the approval period has expired (one year from the approval date on the subdivision mylars, as per Section 622 of The City of Winnipeg Act). As well, the amount specified in the Development Agreement for the payment of cash in lieu of public open space dedication is out of date.

The developer has expressed, by way of a letter, the desire to now proceed with this subdivision/rezoning application. Because of negative economic factors the developer was unable to proceed with this application until now. In order to allow finalization of the application and registration of the subdivision mylars an extension of time has to be granted by your Committee. On February 7, 1979, Council delegated the authority for time extension approvals to the Committee on Planning and Community Services.

Your Committee on Planning and Community Services recommends:

I. That pursuant to Section 622 of The City of Winnipeg Act and the authority delegated by Council, your Committee on Planning and Community Services grant an extension of one year to the time within which the plan of subdivision approved under File No. DASZ 9/89 (By-law No. 5382/90) may be registered in the Winnipeg Land Titles Office, said extension to commence upon the date of Council approval of Recommendation II and shall be subject to execution of the amending agreement directed by Council.

II. That the Developer be required to amend the Development Agreement to update the amount of cash to be paid in lieu of public open space dedication.

Adopted by consent.

Report of the Committee on Planning and Community Services, dated April 6, 1993

SUBDIVISION AND REZONING - land located on the east side of Brunswick Street south of Red Oak Drive, East Kildonan-Transcona Community. File No. DASZ 6/92

582 - 11. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. R. Gillespie, 339 Kingston Crescent, Winnipeg, Manitoba, R2M 0T5, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 4440/86 by rezoning the subject lands from a "C2-S" Suburban Commercial District to an "R1-3.5" Single-Family District, to permit the establishment of eleven (11) single-family dwelling sites as illustrated on Schedule "A" dated March 12, 1993.

The subject land is 114.39 metres (375.31 feet) in width and 36.57 metres (120.0 feet) in depth. The total site area is approximately 4,174.6 square metres (1.03 acres) of vacant land zoned "C2-S" Suburban Commercial District. The surrounding land use and zoning consists of two-family attached dwellings, zoned "R2" Two-Family Residential District to the north; detached one-family dwellings, on 56.5 foot width lots across public rear lane, zoned "R1-5.5" Single-Family District, to the east; and two detached one-family dwellings on 52 foot and 61 foot width lots, zoned "R1-5.5" Single-Family District to the south. To the west Vulcan Road is closed and there are industrial buildings on west side of Brunswick Road, zoned "M2" Industrial District.

The site was zoned "C2-S" under file DASZ 12/76. The intent of the "C2-S" zoning was to provide a location for future establishment of local commercial businesses to serve the adjacent residential and industrial areas. The site has remained undeveloped since 1976. It appears that the economic viability of commercial development on the subject site is questionable.

The Planning Department is of the opinion that a residential zoning in this site would be compatible with adjacent land use to the north, south and east. The existence of industrial zoning and developments facing these lots on the west side of Brunswick Road makes them somewhat relatively less attractive for residential development compared to lots located within the residential subdivision to the east.

The proposal to rezone the property to provide for smaller lots compared to other single-family lots in the vicinity is considered to be a reasonable response to the locational characteristics of the site. The subdivision of the site into eleven (11) lots is contingent upon approval of variance application DAV 222/92D. Under variance application DAV 222/92D, the applicant had requested approval of eleven (11) lots having widths of 10.39 metres (34.12 feet) instead of a minimum lot width of 10.66 metres (35.0 feet) as required by the proposed "R1-3.5" zoning.

The Administrative Co-ordinating Group reviewed the subject application and recommended, upon approval of the Community Committee, that the developer enter into a Servicing Agreement with the City to deal with the proposed creation of eleven separate building sites. The conditions of approval of the original subdivision/rezoning under File DASZ 12/76 include a Servicing Agreement dealing with area charges and other improvements. The public lanes adjacent to the site have been paved, and dedication was previously taken under File DASZ 12/76. The recommendations of the Administrative Co-ordinating Group are outlined on Schedule "B" dated June 30, 1992.

A Public Hearing was held before the East Kildonan - Transcona Community Committee on July 21, September 14, November 17 and December 15, 1992, and February 16, 1993.

The following persons appeared in support of the application:

Mr. Alan Goddard, Chapman, Goddard & Kagan Barristers, 1864 Portage Avenue, Winnipeg, R3J 0H1,
Mr. R. Gillespie, Gillespie Holdings Ltd., 339 Kingston Crescent, Winnipeg, R2M 0T5,
Mr. D. Schioler, Chapman, Goddard & Kagan Barristers, 1864 Portage Avenue, Winnipeg, R3J 0H1,
Elaine Smith, 123 Carmen Avenue, Winnipeg, R2L 0E5.

The following persons appeared in opposition to the application:

Mr. Ashley Vincent, 12 Kirlystone Way, Winnipeg, R2G 3B5,
Rob and Teresa Wiebe, 6 Kirlystone Way, Winnipeg, R2G 3B5,
Mr. Jim Wagner, 2 Kirlystone Way, Winnipeg, R2G 3B5,
Mr. A. L. DeMeule, 334 Antrim Road, Winnipeg, R2K 3N2.

Report of the Committee on Planning and Community Services, dated April 6, 1993

The East Kildonan-Transcona Community Committee recommended that:

1. The proposed subdivision and rezoning **BE NOT PROCEEDED WITH** for the following reasons:

   A) The type of buildings proposed will not be compatible with the surrounding homes.

   B) There is sufficient opposition to the proposal, demonstrated by a petition purporting to contain 14 signatures of area residents in opposition to the application as well as a communication from Mr. and Mrs. Wiebe, also in opposition.

The Community Committee at its meeting held February 16, 1993 also rejected variance DAV 222/92D.

After deliberations, your Committee on Planning and Community Services introduced a motion that the plan of subdivision and related zoning change to Zoning By-law No. 4440/86 **BE APPROVED** by rezoning the subject lands from a "C2-S" Suburban Commercial District to an "R1-3.5" Single-Family District, to permit the establishment of nine (9) single-family dwelling sites.

Due to a tie vote having occurred, the motion was declared lost pursuant to Section 642(4) of The City of Winnipeg Act.

Your Committee on Planning and Community Services therefore refers this matter to Council without recommendation.

Your Executive Policy Committee recommends that the recommendation of the East Kildonan-Transcona Community Committee be concurred in, namely:

*"1. The proposed subdivision and rezoning **BE NOT PROCEEDED WITH** for the following reasons:*

   A) The type of buildings proposed will not be compatible with the surrounding homes.

   B) There is sufficient opposition to the proposal, demonstrated by a petition purporting to contain 14 signatures of area residents in opposition to the application as well as a communication from Mr. and Mrs. Wiebe, also in opposition."

Moved by Councillor Murray,

That the clause be considered.

Carried.

The Speaker called the Deputy Speaker, Councillor Reese, to the Chair.

Moved by Mayor Thompson,

That the recommendation of the Executive Policy Committee be adopted.

Carried.

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

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

583 - On motion of Councillor Murray, 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. 6164/93, 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 land located on the south side of the south leg of Orchard Hill Drive to the south of Aubin Drive in the Riel Community. File DASZ 5/90.

By-law No. 6165/93, a By-law of the City of Winnipeg for the enactment of zoning text changes to By-law No. 1800. Files DAZ 258/87, DAZ 301/87, DAZ 237/89, DAZ 215/91, DAZ 217/91, DAZ 246/91, DAZ 229/92, DAZ 231/92 and DAZ 232/92.

By-law No. 6166/93, a By-law of the City of Winnipeg for the enactment of zoning text changes to By-law No. 4440/86. Files DAZ 258/87, DAZ 301/87, DAZ 237/89, DAZ 215/91, DAZ 217/91, DAZ 246/91, DAZ 229/92, DAZ 231/92 and DAZ 232/92.

By-law No. 6167/93, a By-law of the City of Winnipeg for the enactment of zoning text changes to the St. Vital Town Planning Scheme 1951. Files DAZ 258/87, DAZ 301/87, DAZ 237/89, DAZ 215/91, DAZ 217/91, DAZ 246/91, DAZ 263/91, DAZ 264/91, DAZ 229/92, DAZ 231/92 and DAZ 232/92.

By-law No. 6168/93, a By-law of the City of Winnipeg to amend Zoning By-law No. 4440/86 for the enactment of a zoning change at 110 Victoria Avenue West in the East Kildonan-Transcona Community. File DAZ 252/92.

By-law No. 6169/93, a By-law of the City of Winnipeg to amend Zoning By-law No. 1800 for the enactment of a zoning change in the Scurfield-Leander Subdivision in the Assiniboia Community. File DASZ 18/90.

By-law No. 6172/93, a By-law of the City of Winnipeg to approve a Plan of Subdivision on land located north of Beiko Avenue and east of Elmhurst Road; northerly extension of Donnington Road, in the Assiniboia Community. File DAS 16/92.

By-law No. 6173/93, a By-law of the City of Winnipeg to further amend By-law No. 4444/86 as amended by By-law Nos. 4724/87, 4859/88, 4938/88, 5153/89, 5249/89, 5448/90 and 5889/92, being a by-law to provide for delegation of authority pursuant to Section 412(3) of The City of Winnipeg Act to a sub-committee of the Riverbank Management Committee to consider applications and approve permits. Files E-5.1 and GL-5.6