REPORT "A" OF THE COMMITTEE ON

PLANNING AND COMMUNITY SERVICES

DATED APRIL 6, 1993

Her Worship the Mayor and Councillors:

Amendment to the City of Winnipeg
License By-law No. 4007/85
File EL-1 (Vol. 26)

Note: This clause has been laid over by Executive Policy Committee for further consideration.

638 - 1. On December 16, 1992, Council referred to the Committee on Planning and Community Services, Clause 1 of the Report of the Committee on Finance and Administration dated December 1, 1992 relative to Amendments to the City of Winnipeg License By-law No. 4007/85.

On January 28, 1992, the Committee on Finance and Administration considered a report dated December 16, 1991, from the Commissioner of Finance and Administration and heard representations from Councillor Timmers and certain residents of the City Centre-Fort Rouge Community. The Committee referred the matter to the City Solicitor for an opinion on the legality of the process of approving license applications under the License By-law. The Committee also referred the matter to the Committee on Planning and Community Services to investigate the advisability of text amendments to provide for a conditional use process for dating and escort services, massage parlours and pawnbroker license applications.

On March 9, 1992, the Committee on Planning and Community Services considered the communication from the Committee on Finance and Administration concerning the subject matter of this report and referred the matter of the License By-law amendments and establishment of conditional use approvals for dating and escort services, massage parlour and pawnbroker applications to the Acting Director of Planning in consultation with the City Solicitor.

On June 2, 1992, the Committee on Finance and Administration considered a report in this regard prepared by the City Solicitor in consultation with the Director of Planning and the Licensing Branch, submitted by the Commissioner of Finance and Administration.

The subject report recommended that the License By-law be amended to delete the requirement of Community Committee approval of new license applications for a number of trades which are presently adequately controlled by zoning restrictions.

The report further recommended that existing land use controls for the following trades be reviewed, namely:

Amusement Parlour
Carnival
Dating and Escort Service
Hobby Breeder
Massage Parlour Proprietor
Pawnbroker
Second-hand Dealer

with a view to eventually eliminating the requirement for Community Committee approval of new license applications for such trades.

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On April 6, 1993, your Committee on Planning and Community Services considered a report from the Planning Department. Existing zoning regulations presently provide appropriate locational control for the following trades:

Auto Salvage Yard
Banquet Hall
Billiard Parlour
Dance Hall
Dog Kennel
Karting Track
Livery Stable
Motor Raceway
Poultry Slaughter House
Scrap Metal Yard
Soap Manufactory
Soils Dealer
Tannery
Undertaker, Funeral Director
Waste Material Yard

None of these trades can be established by right in any residential or commercial zoning district. Hence, the requirement for Community Committee approval under the License By-law is redundant and overly regulatory.

With regards to the following uses:

Amusement Parlour
Carnival
Dating and Escort Service
Hobby Breeder
Massage Parlour Proprietor
Pawnbroker
Second-hand Dealer

zoning by-laws provide a more appropriate mechanism for providing locational control of land uses than does the License By-law. To this end, it is suggested that the zoning by-law be reviewed and, where necessary, revised so as to provide appropriate regulation, after which the requirement for Community Committee approval of new applications under the License By-law could be deleted. This requirement is typically redundant and overly regulatory.

All other requirements of the License By-law, which are aimed at regulating the manner in which certain trades are carried on, would remain intact.

The following review of the uses in question suggests that zoning regulations deemed appropriate for providing locational control for each of the subject uses should be adopted, after which necessary Community Committee approval under the License By-law should be deleted.

In reviewing existing zoning regulations, it can be noted that a number of the subject uses are already classified as "Conditional" within commercial zoning districts of the City's various zoning by-laws, while others are classified either "Conditional" or "Permitted", depending upon the by-law. It is suggested that, if certain uses now listed as permitted are to be made conditional, or if certain uses now listed as conditional are to remain so, there should be some justification for it. That is, there should be some demonstrated evidence that the particular use has the potential to have land use effects greater, different, or more intensive than those uses typically listed as permitted within the same zoning district.

1. Amusement Parlours: Amusement Parlours are currently classified as Conditional Uses in commercial zoning districts on the basis of their having identifiable land use impacts which might render them inappropriate in certain locations. These impacts are primarily in the form of activity being generated by the use not being contained within the subject property.

   Such classification should be continued, with the exception of Shopping Centre Districts, where it is suggested that such uses be listed as permitted. Shopping centres have been one location where it has been possible to establish amusement parlours without causing substantial adverse impacts.

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2. Carnivals: Carnivals are a permitted temporary use in agricultural and certain commercial and industrial zoning districts, with a time limit of 14 days per event bi-annually.

In order to make zoning regulations consistent, it is suggested that carnivals, including circus, fair or similar spectacle, limited to two events per calendar year, be permitted in the following zoning districts for the following periods of time:

"A" Agricultural	2 days
"PR" Parks and Recreation	7 days
Regional Parks	14 days
"C2" General Commercial	7 days
Highway Commercial	7 days
Shopping Centre	14 days

3. Hobby Breeders: Presently, the Pound By-law prohibits keeping more than three dogs over the age of six months and three cats over the age of six months, except where a person holds a dog kennel license or a hobby breeder's license under the License By-law. A "hobby breeder" is defined under the License By-law to include any person who at any time keeps, harbours, breeds, or has in his possession more than three adult (i.e., over six months of age) dogs or three adult cats, either for gain or otherwise. A public hearing is required before the Community Committee.

It is suggested that the zoning by-laws of the City be amended to include the above-noted definition of hobby breeder and to list the use of hobby breeder as a home occupation requiring conditional use approval in any dwelling unit.

4. Dating and Escort Services: Under the City's zoning by-laws, dating and escort services are not defined, nor are they listed as separate uses of land. They are deemed to be an office use, because of their land use characteristics.

There have been allegations, however, that some office spaces serving as dating and escort services have also been functioning somewhat as a dispatching centre for escorts in a manner creating conflict with adjoining uses such as residential properties, because of late night hours, or because of a location in a mixed commercial/residential building. If there is supporting evidence of such conflict, this might be defined and regulated either by separation distances or by conditional use process on the basis of any functions or staff in addition to receiving and making phone calls.

5. Massage Parlours: Council is presently considering a new definition of a "Massage Therapist" under its License By-law, based upon accreditation from one of a specified number of recognized schools. In addition, a "massagist" is also defined under the License By-law. A "massage parlour" is defined on the basis of there being more than one massagist on premises.

In terms of land use, massage therapy, as well as similar functions such as reflexology, are no different from chiropractic services, physiotherapy services, and medical and dental services, and, consequently, are permitted in all zoning districts where these similar uses are permitted.

The use "massage parlour" is not listed in any zoning by-law, excepting the Downtown Winnipeg Zoning By-law, where it is a listed conditional use. As such, it is permitted nowhere by right under zoning, except if it is represented as a "public bath", a listed permitted use under By-law No. 16502.

Your Committee may choose to delete the use "public bath" as a permitted use in those commercial zoning districts of By-law No.16502 where it is listed. It will then be appropriate to delete the public hearing requirement under the License By-law as it is redundant.

It should also be noted that the License By-law presently prohibits the establishment of dating and escort services as well as massage parlours outside of the City Centre Community. A separate report related to this issue is presently being prepared by the License Branch.

6. Pawn Shops: The proliferation of pawn shops is related to the health of the community's economy. In general, land use effects (e.g. traffic, loading, activity) are not different than they are for other uses typically permitted in "C2" General Commercial Districts.

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There are have been some allegations, however, that an over-concentration of such uses contributes to neighbourhood decline. This has been a difficult relationship to prove, as pawn shops tend to locate in areas of decline by virtue of favourable rental rates and proximity to potential clientele. The presence of pawn shops is at least in part a manifestation of decline as opposed to a cause.

There have also been concerns raised by members of neighbourhood business associations that pawn shops would not necessarily be appropriate along certain neighbourhood main street areas which have been developing with a very specific character.

If evidence can be presented to substantiate the allegation that an over-concentration of pawn shops does have some adverse affect on neighbourhood stability, it would be appropriate to either categorize these uses as conditional in "C2" districts, or to require minimum separation between them. In addition, if it is deemed that pawn shops can have an adverse effect upon the character and, ultimately, the stability of certain commercial districts, then it would also be appropriate to categorize them as conditional in "C2" districts.

7. Second-Hand Stores: Typical land use effects (e.g., traffic, loading, activity) of second-hand stores are no different than for general merchandise retail uses. the only difference between the two is that used, as opposed to new, goods are sold. As "general merchandise sales" they should be permitted in "C2" General Commercial Districts.

A final note should be made regarding the relationship between the above-noted uses of land and the proposed unified zoning by-law presently being drafted by the Planning Department. Some of the streets along which concerns have been raised over the establishment of certain of these uses and which are presently zoned "2" may be proposed for a different zoning designation.

Part of the new by-law proposes to create a new commercial district ("C1.5"), the intensity of which would fall somewhere between "C1" and "C2", and to apply this designation to certain commercial streets presently zoned "C2". While certain of the above-noted uses (i.e., pawn shops and second-hand stores) are presently permitted in some parts of the city under "C2" zoning, it is proposed that they not be permitted by right under "C1.5" because of their intensity and scale of use.

Your Committee on Planning and Community Services is of the opinion that the entire issue of land use controls and license matters should be dealt with in the context of the unified zoning by-law review, which is being developed for the establishment of consistent zoning regulations for every area of the City and submits this for the information of Council.

LAID OVER BY EXECUTIVE POLICY COMMITTEE FOR FURTHER CONSIDERATION

REPORT OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

DATED MAY 4, 1993

On motion of Councillor Reese, the Report of the Committee on Planning and Community Services, dated May 4, 1993, was considered clause by clause.

Moved by Councillor Reese,
That the Consent Agenda items, Clauses 1,2,3,4,5,7 and 8 be adopted.

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

The motion to adopt the Consent Agenda, Clauses 1,3,4,5,7 and 8 was put and declared carried.

Her Worship the Mayor and Councillors:

Proposed Recreational Water Facilities Training and Accreditation Course
File EH-1 (Vol. 17)

639 - 1. Your Committee on Planning and Community Services has been advised that public and semi-public recreation water facilities fall within and under the mandated authority of the Health Department. As such, facilities are inspected for compliance to regulations, including water quality. There is, however, no requirement for operators to receive any specific training.

As a result, many operators rely heavily on the Public Health Inspector to "trouble shoot" water quality and water chemistry problems on an ad hoc basis.

Many other jurisdictions have seen the benefits of offering similar training programs for the very same reasons. The provinces of British Columbia, Alberta and Saskatchewan have made pool operator training part of their regular program delivery and in some cases, is mandatory.

The Department strongly endorses this initiative, and intends to commence it's own voluntary program in June 1993. We anticipate an attendance of 150 people, up to 10 sessions, spread over the balance of the year. The course will be taught by staff Public Health Inspectors and will involve material costs and training room rental fees. There will, however, be a course fee that will provide offsetting revenue.

The cost of pamphlets, training booklets, course material and certificates is estimated at approximately $3,000.00, and rental for a lecture theatre at Red River College for 10 sessions is estimated at approximately $800.00, for a total cost of $3,800.00.

The revenue, based on a per student fee of $50.00 and an expected attendance of 150, will be $7,500.00.

The Health Department has advised that:

1. There is currently no requirement for the operator of any public or semi-public recreational water facility to acquire credentials or undertake any training prior to offering the service and facility for use.

2. By offering a professionally instructed training course with an accreditation component, operators will be in a position to run and maintain their facilities in a much better fashion, alleviating many problems by making use of the training.

3. Education is a necessary component of any successful preventative public health program, along with inspection/verification and enforcement. Most other Civic and Provincial jurisdictions have required that pool operators complete a certified training course. Winnipeg lags behind other major cities in Western Canada in pool operator training.

Your Committee on Planning and Community Services recommends:

Report of the Committee on Planning and Community Services, dated May 4, 1993

I. That the Health Department receive approval to proceed with conducting a training and accreditation course for the operators of public and semi-public recreational water facilities.

II. That the Proper Officers of the City be hereby authorized to do all things necessary in connection herewith.

Adopted by consent.

Refurbishing the Former Rex/Epic Theatre - 646 Main Street
Files G-3.1.1 and EB-1.5

640 - 2. Your Committee on Planning and Community Services has been advised that the Health Department has an outstanding order against the building exterior of the former Rex/Epic Theatre located at 646 Main Street, which is in violation of the Untidy and Unsightly Premises By-law No. 762/74. This property is now owned by the City of Winnipeg.

Prior to ownership transferring to the City of Winnipeg in May of 1992, the building was subject to a Health Department Order issued pursuant to the Untidy and Unsightly Premises By-law in regard to the dilapidated condition of the exterior.

This building is listed on the Historic Inventory and any future disposition relative to the building will be contingent upon its grading. The Land Surveys and Real Estate Department requested that the Historic Buildings Committee undertake its grading as soon as possible.

The Historical Buildings Committee on September 29, 1992 recommended to the Committee on Planning and Community Services that this building be placed on the Buildings Conservation List as a Grade III structure for the following reasons:

1. The style of the interior is a very rare example of an early motion picture theatre of which only a few survive in North America.

2. The design and composition of the heraldic shields, cherubs, and ornamental plaster work is unique.

3. This building was designed by local architects Alexander and William Melville who designed numerous dancehalls and movie theatres in Winnipeg (now demolished). Their work is also seen in the numerous fire halls that they designed for the City of Winnipeg prior to World War One.

The Historical Buildings Committee also recommended that rather than demolishing the building, the funds be used to repair the roof that has caused the severe deterioration of the building and that the building be properly mothballed.

The roof is extremely deteriorated, resulting in extensive damage to the interior of the building. This damage, combined with aging and a lack of maintenance over several years has resulted in an advanced stage of decline. The building was originally heated by Winnipeg Hydro steam heat. There is no replacement heating system in place. The theatre design floor plan limits alternate uses of this building.

The Civic Properties Department advises that the approximate cost to replace the roof is $20,000.00 and in addition, to rehabilitate the building would be in the range of $500,000.00. Alternatively, the approximate cost to demolish the building will be $50,000.00.

Your Committee on Planning and Community Services concurs in part with the recommendation of the Historical Buildings Committee that rather than demolish the building, the funds be used to repair the roof that has caused the severe deterioration of the building and the building be properly mothballed.

Your Committee on Planning and Community Services recommends:

Report of the Committee on Planning and Community Services, dated May 4, 1993

I. That the Director of Civic Properties be authorized to expend the $50,000.00 set aside for the demolition of the building as follows:

- $20,000.00 to replace the roof
- $30,000.00 to refurbish the building in compliance with the Untidy and Unsightly Premises By-law No. 762/74.

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

Moved by Councillor Reese,
Adoption of the clause.

The motion for the adoption of the clause was put.

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

Yea: Councillors Reese, Boychuk, Duguid, Golden, Hyman, Lazarenko, Prystanski, Silva, and Thomas. 9

Nay: Councillors Eadie, Fraser, Clement, Her Worship Mayor Thompson and Councillor Angus. 5

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

Council Representative Appointment - Manitoba Environmental Council
Files GC-5 (Vol. 7) and GC-7

641 - 3. Your Committee on Planning and Community Services has been advised that on November 10, 1992, at its Organizational Meeting, Council referred the appointment of one Council representative to serve on the Manitoba Environmental Council to your Committee.

Your Committee recommended Councillor Hyman for appointment to the Manitoba Environmental Council to complete the unexpired 2-year term ending on May 12, 1993, which recommendation was adopted by Council on December 16, 1992.

Your Committee on Planning and Community Services recommends that Councillor Hyman be recommended for reappointment as its representative on the Manitoba Environmental Council for a 2-year term to expire on May 12, 1995.

Adopted by consent.

ZONING AGREEMENT AMENDMENT - 5606 Roblin Boulevard, Assiniboia Community.
File No. DAZ 245/72A(ZAA 12/92)

642 - 4. Your Committee on Planning and Community Services has been advised that an application has been received from Anatex Development Inc., 5606 Roblin Boulevard (Unit F & B) to amend the Zoning Agreement affecting the land at 5606 Roblin Boulevard to allow for the establishment of an eating and drinking place to open at 10:00 a.m. on all days.

The site contains 839 square metres/9031 square feet of building area and provides parking for about 35 vehicles with 23 stalls accessed off Roblin Boulevard.

Report of the Committee on Planning and Community Services, dated May 4, 1993

The subject restaurant was approved under File No. ZAA 22/85 and was limited to a floor area of 926 square feet and a seating capacity of 28. The hours of operation were 4:00 p.m. to midnight Sunday through Thursday, and to 1:00 a.m. Friday and Saturday. In addition, the restaurant was permitted for a three year trial period, which has expired.

The original application to establish a restaurant at this location was opposed by some area residents. It was decided, however, that the limited size and hours of operation were consistent with a neighbourhood restaurant and would not disrupt the residential character of the area.

The current application would relax the restriction on operating hours, permitting the restaurant to open earlier in the day, at 10:00 a.m. in the morning rather than 4:00 p.m. in the afternoon.

The Planning Department is of the opinion that the restaurant has proven to be a compatible neighbour and has not generated a traffic or parking problem at the site.

It is noted that, under current by-law parking requirements, the development would have to provide about 40 parking stalls, in comparison to the 35 stalls currently available as a non-conforming right.

A Public Hearing was held before the Assiniboia Community Committee on February 16 and March 16, 1993.

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

Mr. F. Meinzer, Anatex Development Inc., 5606 Roblin Boulevard, Winnipeg, R3R 0H2
Mr. V. Bueti, 206 - 897 Corydon Avenue, Winnipeg, R3M 0W7.

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

Mr. W. Gregory, 82-54 Shelmerdine Drive, Winnipeg, R3R 2Y2
Mr. and Mrs. T. Riley, 167 - 18 Shelmerdine Drive, Winnipeg, R3R 2Y2
Mr. R. Comeault, Westboine Park Housing Co-op Ltd., 32 Shelmerdine Drive, Winnipeg, R3R 2Y2.

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

1. This seems to be a reasonable compromise as it allows the community an opportunity to assess the impact of the expansion of hours on a trial basis and also allows the restaurant to survive in these difficult economic times.

Your Committee on Planning and Community Services concurs in part in the recommendation of the Assiniboia Community Committee for the following reason:

The Community Committee recommended the revised hours of operation be changed for a one-year trial period, but did not stipulate what should happen after that period. The intent is to have the hours revert back to those presently existing.

and therefore recommends:

I. That Amendment to Zoning Agreement DAZ 245/75A dated September 11, 1985 be further amended as follows:

A. by changing Clause e.1 to permit the said restaurant to open on a one year trial basis as follows:

Sunday through Friday	-	10:00 a.m to 12:00 p.m.;
Saturday	-	4:00 p.m. to 1:00 a.m.; and
Sunday	-	10:00 a.m. to 1:00 a.m.

after which time the hours of operations shall revert to those presently permitted.

B. by eliminating the expiry date on Clause 2.

II. That the City Solicitor be requested to prepare the necessary amending agreement to said Zoning Agreement DAZ 245/75A dated September 11, 1985 as approved in aforesaid Clause I.

Report of the Committee on Planning and Community Services, dated May 4, 1993

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

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

Adopted by consent.

REZONING - 105 Pandora Avenue East, East Kildonan-Transcona Community
File DAZ 267/87

643 - 5. Your Committee on Planning and Community Services has been advised that on December 23, 1987, Council approved rezoning lands located at 105 Pandora Avenue East to a "C2-S" Suburban Commercial District to permit construction of a multiple-tenant commercial building by expansion of adjacent "C2-S" land to create a site large enough to be viable. There were no objections to the rezoning. The Rezoning By-law was enacted and a zoning caveat registered bringing the zoning into force and effect.

BHR Development Inc. did not proceed with the proposed commercial development and has now agreed to sell the property to 2996660 Manitoba Ltd. and assign to that purchaser all of the rights and obligations under a Servicing Agreement with the City.

That Servicing Agreement authorizes and requires the developer, prior to the issuance of any building permits, to construct a four foot cement widening of the existing lane pavement abutting the land. The agreement stipulated a commencement date of September 1, 1988 and a completion date of October 15, 1988, but subject to extensions of time by reason of delays for any causes beyond the developer's control. That includes market conditions which may prevent development.

Assignment of the Servicing Agreement requires the consent of City Council. The Land Development Department advises that there has been no change of circumstances requiring any change to the Servicing Agreement other than the commencement and completion dates. The Land Development Department recommends the assignment be consented to subject to amendment of the agreement to require:

1. The filing of a letter of credit for 100% of the estimated cost of the services to be provided under the agreement prior to the issuance of any building permit for construction on the land.

2. Completion of the required servicing within six months after issuance of an occupancy permit for the whole or any part of new construction on the land.

3. Execution by 2996660 Manitoba Ltd. of an agreement assuming all of the obligations under the Servicing Agreement as so amended in a form satisfactory to the City Solicitor.

Your Committee on Planning and Community Services recommends:

I. That Council consent to the assignment of Servicing Agreement AG 267/87 under File No. DAZ 267/87 affecting property at 105 Pandora Avenue East subject to amendment of the agreement to require:

   A. The filing of a letter of credit for 100% of the estimated cost of the services to be provided under the agreement prior to the issuance of any building permit for construction on the land.

   B. Completion of the required servicing within six months after issuance of an occupancy permit for the whole or any part of new construction on the land.

   C. Execution by 2996660 Manitoba Ltd. of an agreement assuming all of the obligations under the Servicing Agreement as so amended in a form satisfactory to the City Solicitor.

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

Adopted by consent.

Report of the Committee on Planning and Community Services, dated May 4, 1993

Amendment to AG 53/74 - area north of Templeton Avenue, south of Bergen Cut-off, east of McPhillips Street and west of McGregor Street, Lincoln Properties - Lord Selkirk-West Kildonan Community
File DASZ 53/74

Note: This clause has been referred back by Executive Policy Committee to the Committee on Planning and Community Services.

644 - 6. Your Committee on Planning and Community Services has been advised that on April 7, 1976, Council approved the City executed Development Agreement AG 53/74, being an agreement with Lincoln Properties Ltd. in connection with the development of land located north of Templeton Avenue, south of Bergen Cut-off, east of McPhillips Street and west of McGregor Street.

The majority of services were installed between 1977 and 1980 and over the last several years the administration has been working with the Developer to deal with the last outstanding obligations under the agreement. One of these outstanding requirements is the installation of sidewalk and chain link fencing in a public walkway between Birchbark Bay and the Bergen Cut-off.

When this proposed development was dealt with in 1976, a public walkway was created between two lots on Birchbark Bay to provide pedestrian access to the Bergen Cut-off. This walkway right-of-way still exists but has not been developed to date. Over the last couple of years the administration has been working with this Developer to identify and complete outstanding conditions and obligations under this development agreement. The walkway development was identified as one of the outstanding items.

As early as 1984, the Operations Department had requested the closing of the walkway because they held the opinion that a walkway out to the Bergen Cut-off was not appropriate. The closing, if approved would automatically eliminate the development requirement. However, since neither of the adjacent owners indicated any interest in acquiring the walkway property the closing was not pursued.

In October, 1992, the Land Development Department, with the agreement of the Operations Department, again requested that the Land Surveys and Real Estate Department investigate the closing of the walkway. They reported that the adjoining owners did not respond and therefore have no interest in acquiring the walkway property.

The administration still are of the opinion that the walkway should not be developed. Since the closing does not appear to be feasible (which would have automatically eliminated this development condition) we are recommending that the agreement be amended to delete the requirement to construct the sidewalk and install fencing on either side of the walkway.

The Lord Selkirk-West Kildonan Community at its meeting held on April 20, 1993 concurred with the permanent closure of the walkway, inasmuch as the closure would eliminate the development requirement for the Developer to construct a concrete sidewalk and install chain link fencing in the walkway as stipulated in Schedule "C", Section I. Clause 12. of the agreement.

The Community Committee is of the understanding that, in the past, the property owners on either side of the walkway have not expressed any interest in purchasing the walkway property.

Your Committee on Planning and Community Services concurs in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends:

I. That the Development Agreement AG 53/74 between the City of Winnipeg and Lincoln Properties Ltd. dated April 7, 1976 be amended to delete the requirement for the Developer to construct concrete sidewalk and install chain link fencing in the walkway between Birchbark Bay and the Bergen Cut-off opposite Birchtree Place as stipulated in Schedule "C", Section I, Clause 12. of the agreement.

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

REFERRED BACK BY EXECUTIVE POLICY COMMITTEE TO THE COMMITTEE ON PLANNING AND COMMUNITY SERVICES

Report of the Committee on Planning and Community Services, dated May 4, 1993

Proposed Amendment to the Sunrise Park Development Agreement AG 57/86 - North Grassie Properties Inc.
File DASZ 57/86

645 - 7. Your Committee on Planning and Community Services has been advised that on September 26, 1989 the City executed Development Agreement AG 57/86, Finance Department No. 7939, being an Agreement with North Grassie Properties Inc. in connection with the development of land located north of Grassie Boulevard and east of Lagimodiere Boulevard. Originally, Development Agreement AG 57/86 made provision for the development of the land as well as the payment of certain monies in 2 phases. The monies in question are for land drainage trunk charges, open space dedication and administration fees and a share of the cost of off-site traffic improvements installed by others. Phase I being the area located east of Silver Fields Lane is fully developed. Phase II being the area west of Silver Fields Lane is about 15% developed.

Council on September 25, 1992 approved an amendment to Development Agreement AG 57/86 whereby Phase II would be developed in stages and payment of monies would be paid proportionately in stages, the first stage consisting of all the lots on Blue Horizon Cove and six lots on the south side of Shauna Way. Schedule "A" dated March 31, 1993 is a sketch showing Phases I and II and the first stage of Phase II.

In a letter dated March 18, 1993 to the Land Development Department, the Developer has requested approval for a second stage of Phase II consisting of 35 lots. The Developer also proposes that 35% of the outstanding monies for Phase II be paid in conjunction with this second stage of Phase II as outlined on Schedule "B" dated March 31, 1993.

The Developer's request has been evaluated by the Land Development Department and found to be reasonable and workable from a servicing and access point of view as well as a financial point of view.

The East Kildonan-Transcona Community Committee at its meeting held on April 20, 1993 concurred in the recommendations contained in the report of the Development Agreement Officer dated March 31, 1993, as set out below.

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

I. That Development Agreement AG 57/86, Finance Department No. 7939, be further amended to define the extent of a second stage in Phase II and to permit the payment of 35% of the outstanding monies with respect to Phase II which monies shall be paid prior to the release of the subdivision mylars for the proposed second stage of Phase II as said second stage is outlined on Schedule "B" dated March 31, 1993.

II. That the Proper Officers of the City do all things necessary in connection herewith to implement the foregoing.

Adopted by consent.

EXTENSION OF TIME for a plan of subdivision/rezoning approval on land located on the west side of Sharp Boulevard between Ness and Silver Avenues - Assiniboia Community.
File No. DASZ 23/88

646 - 8. Your Committee on Planning and Community Services has been advised that Council, on August 1, 1990, adopted Clause 11 of the report of the Committee on Planning and Community Services dated July 16, 1990 which Clause recommended approval of the proposed plan of subdivision and related rezoning as outlined on Schedule "A" dated July 4, 1990. A 24 month period was granted within which to expedite the necessary by-law for this application. The property owner (Federal Government) did not act within this time frame which ended on August 1, 1992.

The subdivision area in question is located within the former boundaries of the St. James-Assiniboia Community area. The subdivision lands comprise land controlled by the Department of National Defence (D.N.D), part of Canadian Forces Base Westwin. This particular portion of the base site encompasses the extension of Sharp Boulevard, Moorgate and Conway Streets, north of Ness Avenue and is developed with D.N.D. housing. The land is presently

Report of the Committee on Planning and Community Services, dated May 4, 1993

zoned "M2" Limited Industrial District which does not reflect the existing residential land use (single-family housing). The subject streets would come under City ownership with the plan of subdivision registration. This plan would allow for the future subdivision of the existing blocks of land for individual ownership (individual lots for separate titles).

Processing of Federal Government legal documents and various jurisdictional approvals have led to the delay in proceeding with this application during the specified two year time limit.

The Planning Department has recommended a one year time extension to allow time to complete the related legal documents, agreements, by-laws, etc. necessary before the plan of subdivision can be released for registration.

Your Committee on Planning and Community Services recommends:

I. Pursuant to the authority delegated by Council an extension of one year be granted to the time within which the plan of subdivision approval under File No. DASZ 23/88 may be enacted by City By-law and thence a plan of subdivision may be registered in the Winnipeg Land Titles Office, said extension to commence upon the date of approval by Council.

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

Adopted by consent.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

MOTIONS

Moved by Councillor Golden,
Seconded by Councillor Prystanski,

647 - WHEREAS the contribution made by Stephen Juba is of outstanding and lasting value;

AND WHEREAS his contribution should be shared with present and future generations;

BE IT RESOLVED that a Stephen Juba Memorial Committee be established to expedite the sculpting of a statue in the likeness of this outstanding citizen.

The Speaker ruled automatic referral to the Executive Policy Committee in accordance with Rule 16.1 of the Procedure By-law.

Moved by Councillor Golden,
That the rule be suspended to allow consideration of the motion at this time.

Carried.

The motion was put and declared carried.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

648 - On motion of Councillor Reese, 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. 6186/93, 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 south side of Fraser Road, west of St. Mary's Road in the Riel Community. File DAZ 263/86 (c/r DASSF 98/83)

Consideration of By-laws - Committee on Planning and Community Services

By-law No. 6187/93, a By-law of the City of Winnipeg to approve a Plan of Subdivision on land located between Elmhurst Road and Cathcart Street, north at the C.N.R. right-of-way. in the Assiniboia Community. File DAS 15/92 (c/r DASSF 519/93 & 520/93)

By-law No. 6188/93, a By-law of the City of Winnipeg for the enactment of zoning text changes to By-law No. 4450/86. 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. 6189/93, 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 215 St. Anne's Road, in the Riel Community. File DAZ 235/92.