CONSIDERATION OF REPORT OF THE
COMMITTEE ON PLANNING AND COMMUNITY SERVICES

The Executive Policy Committee has considered the reports of the concerned Community Committees and the recommendations of the Committee on Planning and Community Services, as contained in its Report, dated September 30th, 1991, has concurred in the recommendations contained therein, except as noted below, and submits same to Council for approval and adoption.

On motion of Councillor Gilroy, the Report of the Committee on Planning and Community Services, dated September 30th, 1991, was considered clause by clause.

West Committee Room,
Council Building,
Winnipeg, September 30th, 1991.

His Worship Mayor Norrie and Councillors:

Your Committee on Planning and Community Services submits the following Report and recommends:

Impact of recent Amendments to The City of Winnipeg Act under Bill 35.
File No. GL 5.1

1390 1. Your Committee has been advised that with the inception of Bill 35, the City no longer has the power to grant any change in use by variance order. This has already caused substantial delay in the administration of zoning by laws, as well as significant disruption to the public and the development industry. Some examples of the ways in which this provision of Bill 35 has already had a negative impact on the development approval process and is expected to continue in the immediate future are as follows:

1. A significant number of small recycling collection operations have been recently established within the City, most notably on shopping centre or other commercial parking lots. In the past, these uses have been approved by variance order, as they technically are "salvage operations," a use first listed in the "M3" Heavy Industrial District. Since approval of Bill 35, applicants for the establishment of such uses have been told that they will either have to rezone the subject property to an "M3" Heavy Industrial District (which application would most likely not receive favourable consideration, for obvious reasons), or wait until the City amends its zoning by laws to accommodate such uses. This process in the past has taken up to 12 months.

2. A number of temporary variance applications have been approved in the past permitting the operation of a banquet rental hall within community centres on a limited basis. They have been granted temporary approval in order to monitor their effects on the surrounding neighbourhood. At least one of these approvals is to terminate in the near future.

   When these community centres re apply, they will be required to rezone the subject property to a "C2" Commercial District. This is neither desirable nor necessary, as such zoning will not reflect the principal use of the land. In addition, it will be very time consumptive (about 6 months) and very cumbersome, involving the execution of a zoning agreement for the establishment of one secondary use.

3. A number of years ago, a collection depot for the recycling of soft drink cans and bottles was approved in the Inkster Industrial Park and established by Manitoba Soft Drink Recycling Inc. It was approved by variance application, as the use is technically an "M3" Heavy Industrial Use.

   The operation is in the process of relocating to larger premises within the Industrial Park. Approval, however, will require rezoning to an "M3" Heavy Industrial District. Given the higher development standards within the Inkster Industrial Park, such a change in zoning would be entirely inappropriate.

Report of the Committee on Planning and Community Services dated September 30th, 1991

4. As part of their redevelopment scheme, St. Boniface Hospital recently filed a variance application to permit the temporary establishment of a parking lot. While the ultimate disposition of the subject property is for commercial (hospital) purposes, the hospital was in immediate need of temporary use of the parking area to accommodate employee parking being displaced by on going construction. The application could not proceed by way of variance. Approval of a rezoning application would be of little benefit to the hospital relative to their parking needs because of the length of the approval period involved.

   It is anticipated that this will be a recurring problem. Temporary uses have periodically been approved by the City which have been as long as two years and as short as one week. To require rezoning approval for these types of applications not only becomes self defeating in terms of time, but also in terms of the cumbersome process of by law approval and agreement execution necessary. Short term temporary uses can truly represent "exceptions to the rule," which is, in effect, what variances are.

5. If a use of land is not listed anywhere in the zoning by law, it will be impossible for anybody to make a development application until such time as the relevant zoning by law is amended accordingly. This will be true even if, for example, the application is for the establishment of a commercial use in a commercial zoning district.

   It is not possible for use tables to be comprehensive or always up to date. Consequently, it is anticipated that this problem will be recurring. In July of this year, a variance application was taken to permit the establishment of an "indoor paintball game facility" in an existing industrial building. If this application had been filed four weeks later than it was, it would not have been possible to even proceed to a public hearing as the use is not listed in any zoning by law.

6. The Downtown Winnipeg Zoning By law is different in concept than traditional by laws in that it ascribes six different zoning designations to any given property, rather than one zoning classification. As such, it is not intended that changes in use be effected, for the most part, by zoning changes. However, this is exactly what will be required when applications are made for uses not presently listed in the by law.

The prohibition on use variances effected by Bill 35 has made the administration of zoning by laws extremely cumbersome by introducing a high degree of inflexibility into the development approval process. In addition, it has caused substantial disruption to the public and development industry, sometimes to the extent of prohibiting an application from even being heard.

Variances are exceptions to the rule. At times, a change in use can legitimately be viewed as an exception, as is indicated by the examples given above.

The prohibition on use variances implies that land uses and their intensity can be classified strictly on the basis of use. This is incorrect. Scale of use is as much a determinant of intensity as is the nature of the use itself. For example, a corner grocery store and a Safeway outlet are identical uses of land "grocery store". Yet, one is obviously a local use and the other is obviously a regional use. Conversely, there are times when it is entirely appropriate to approve the establishment of a listed "C2" Commercial use in a "C1" Limited Commercial District by variance if it is to be done at such a scale as to be consistent with the intent of "C1" zoning. Such would represent a true "exception to the rule."

Report of the Committee on Planning and Community Services dated September 30th, 1991

The Planning Department is of the opinion that both the Administration and Council have been very prudent and highly responsible in the application of use variances, and, while some abuses have occurred, they have been the exception. To address these very infrequent abuses by a legislated prohibition on use variances has caused many more problems than have been resolved.

In addition to the foregoing, the Committee on Planning and Community Services has been reviewing the matter of establishing a Board of Adjustment and establishing who the appeal body should be, and has not been able to conclusively come up with a workable system for which all Members of Council can agree to. A letter was received from His Worship Mayor Norrie dated August 14th, 1991, enclosing a copy of a letter dated August 14th, 1991, received from the Acting Minister of Urban Affairs requesting that the City advise the Honourable J. A. Ernst prior to September 30th, 1991, of any pressing amendments to The City of Winnipeg Act requested to be considered for the next Legislative Session. Therefore, the Committee is desirous of achieving an extension of time from the Minister of Urban Affairs with regard to further amendments to the City of Winnipeg Act, as it relates to the establishment of a Board of Adjustment and an Appeal Committee.

The Committee on Planning and Community Services suggests that the Province of Manitoba be requested not to implement the provisions of Bill 35 as it relates to the consideration of Variance or Conditional Use applications by the Board of Adjustment (Sections 606 and 607) or the appeal provisions (Section 647) until the City has had an opportunity to extensively review these provisions with a view to coming up with a workable process by which Variance and Conditional Use applications should be considered and who the appeal body should be.

The Committee on Planning and Community Services is desirous of making further recommendations to the Province of Manitoba for its consideration under amendments to The City of Winnipeg Act and the Committee will endeavour to have its recommendations in this regard in place by the end of January 1992.

Prior to the proclamation of Bill 35 of the Manitoba Legislature, the City of Winnipeg Act contained provisions for the review of a variance application by a Designated Committee to determine whether or not the said application is within the jurisdiction or is beyond the jurisdiction of a Community Committee to be heard as a variance under Sections 625(2) and (3), and in the latter instance, make a decision to refuse it.

Under the new provisions of the City of Winnipeg Act as proclaimed under Bill 35, under Section 606 of the said act, the City is compelled to consider any application for variance where a person considers that the development (zoning) by law affects his property or rights injuriously. The applicant may apply for an Order of Variance and the City Administration is compelled to send such an application to a public hearing.

The Committee on Planning and Community Services is of the opinion that the previous screening mechanism with regard to variance applications as repealed by Bill 35 should be reinstated under the City of Winnipeg Act in order to provide for a review of any Variance Application in order that the Planning Administration may refer any Variance Application deemed to have a greater intensity of use than the Zoning on the land permits, to a "Committee of Council" (Designated Committee) for a determination as to whether or not the application is or is not within the jurisdiction of the Hearing Committee/Board of Adjustment.

Your Committee on Planning and Community Services recommends that the Province of Manitoba, through the Minister of Urban Affairs:

I. Be requested to amend the definition of a Variance as set out in the definitions under Part XX of The City of Winnipeg Act by deleting the words "other than a change of use", for the reasons enunciated in this report.

II. Be requested to reinstate the provisions of the former Sections 625(2) and (3) of The City of Winnipeg Act prior to its repeal, to enable the Council of the City of Winnipeg to designate a Committee of Council to be the Committee responsible for determining whether or not an application for Variance is beyond the jurisdiction of a Hearing Committee/Board of Adjustment, under Part XX of The City of Winnipeg Act, and refuse it.

Report of the Committee on Planning and Community Services dated September 30th, 1991

III. Be requested not to implement the provisions of Bill 35 as it relates to the consideration of Variance or Conditional Use applications by the Board of Adjustment (Sections 606 and 607) or the appeal provisions (Section 647) until the City has had an opportunity to extensively review these provisions with a view to coming up with a workable process by which Variance and Conditional Use Applications should be considered and who the appeal body should be.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried

ZONING TEXT AMENDMENTS - To standardize the regulations for Driveways and Parking Spaces accessory to single and two-family dwellings. All Zoning By-laws and Town Planning Schemes except By-law No. 4800.
File No. DAZ 228/90

1391 2. REFERRED BY EXECUTIVE POLICY COMMITTEE TO COMMITTEE ON WORKS AND OPERATIONS

(NOTE: SEE PAGES 2018 TO 2021 FOR OFFICIAL SET OF MINUTES WITH RESPECT TO THE ABOVE CLAUSE)

Termination of Servicing Agreement AG 257/90 - Finance Department No. 8488 affecting land located at the south west corner of St. Mary's Road and Forbes Road - Niakwa Pizza Ltd.
File No. DAZ 257/90

1392 3. Your Committee on Planning and Community Services has been advised that the St. Boniface-St. Vital Community Committee at its meeting held on July 9th, 1991 passed the following motion in connection with the proposed termination of Servicing Agreement AG 257/90 with Niakwa Pizza Ltd. affecting land located at the south west corner of St. Mary's Road and Forbes Road:

That in view of the fact that

a) the applicant Niakwa Pizza Ltd., under File DAZ 257/90, is prohibited under the proposed zoning agreement from taking ingress or egress from the subject property (3194 St. Mary's Road) onto Forbes Road; and

b) the applicant has already erected a fence along its northern limit of the property thereby ensuring that no ingress or egress is taken off Forbes Road.

It is recommended that the condition that Niakwa Pizza Ltd., be required to pay toward the upgrading of Forbes Road be deleted from Council's approval of DAZ 257/90 on March 27th, 1991.

The St. Boniface St. Vital Community Committee at the same meeting also requested the Land Development Department do all things necessary to implement the above recommendation.

Report of the Committee on Planning and Community Services dated September 30th, 1991

Council at its meeting held on March 27th, 1991, approved an application to rezone land located at 3194 St. Mary's Road at Forbes Road from a "C1" Limited Commercial District to a "C2" Commercial District, subject to among other conditions the Applicant entering into a Servicing Agreement to pay its share of the cost of upgrading Forbes Road abutting/flanking the subject property at some future unspecified time. Approval was also subject to the Applicant entering into a Zoning Agreement requiring that a fence be erected along Forbes Road and that no ingress or egress be allowed from the subject site to Forbes Road.

On or about July 3rd, 1991, the Applicant executed both the Servicing and the Zoning Agreement. On July 4th, 1991, the Applicant posted a Letter of Credit in the amount of $16,820.00 to cover the road upgrading costs and paid $1,259.39 administration costs pursuant to the terms of the Servicing Agreement.

Your Committee on Planning and Community Services concurs with the intent of the recommendations of the St. Boniface St. Vital Community Committee and recommends:

I. That Servicing Agreement AG 257/90, Finance Department, No. 8488 be terminated.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the recommendation I. above, including, but not limited to returning the Applicant's Letter of Credit in the amount of $16,820.00 and the sum of $1,259.39 submitted to the City pursuant to the terms of Servicing Agreement AG 257/90.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried

REZONING - 66 St. Anne's Road - St. Boniface-St. Vital Community.
File No. DAZ 264/90

1393 4. Council on February 13th, 1991 approved in principle an application by Wolch, Pinx, Barristers & Solicitors, 904 444 St. Mary's Road on behalf of A. & S. Builders, to amend The St. Vital Town Planning Scheme 1951 by rezoning the land located at 66 St. Anne's Road from an "R3" Multiple family District to a "C1" Limited Commercial District to allow for the establishment of an office business or professional contractors office.

As a condition of the enactment of the necessary zoning by law, the applicant was required to enter into a Zoning Agreement with the City pursuant to Section 605(1) of The City of Winnipeg Act containing therein the following:

1. That the use of the land be restricted to the following uses:

   a. offices, business or professional,

   b. Accessory uses.

2. That no building or structure, parking area, fencing, landscaping or sign be erected or located on the land and that no exterior alterations or additions be made to existing buildings on the land except in accordance with plans approved by the St. Boniface St. Vital Community Committee and the Commissioner of Planning and Community Services.

3. That no new structure be erected within the rear 4 feet of the site, and that the rear 4 feet be dedicated for future lane widening by means of a non registered transfer of the land.

4. That an opaque wood fence, not less than four feet in height, be established and maintained at the north and east limits of the parking area.

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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 use based on the increase in market value of the land.

However, the Zoning Agreement has not been executed by the appropriate parties.

Subsequent to Council's approval of this application, the applicant applied for a Zoning Variance under File DAV 310/91 to vary the yard requirements for a proposed accessory structure (garage), under the proposed "C1" zoning. The St. Boniface St. Vital Community Committee on July 9th, 1991, issued an order granting the subject variance, subject to the following condition, namely:

That a lightproof wood fence, not less than 4 feet in height be erected and maintained on the east and south limits of parking area, and on the north limit of the parking area except where abutting the proposed garage and excepting a gate 4 feet in width.

In view of the foregoing, it will be necessary to rescind condition No. 4 of the Zoning Agreement provisions as hereinbefore stated and substitute therefor the condition imposed under Variance Order DAV 310/9l.

Your Committee on Planning and Community Services recommends that Recommendation I.A.4. of Clause 9 of the Report of the Committee on Planning and Community Services dated January 28th, 1991, as adopted by Council on February 13th, 1991 be rescinded and that the following be substituted therefore:

That a lightproof wood fence, not less than 4 feet in height be erected and maintained on the east and south limits of the parking area and on the north limit of the parking area except where abutting the proposed garage and excepting a gate 4 feet in width.

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 of the foregoing.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Installation and payment of costs associated with the opening of a median cut on the west approach to Dunkirk Drive in connection with the construction of multiple-family dwellings on a portion of the Winnipeg Canoe Club Property.
Files DAZ 204/91 and SC 3.7

1394 5. Council on July 31st, 1991, passed a motion in connection with the rezoning a portion of the Winnipeg Canoe Club property to allow for the construction of multiple family dwellings on the said lands, which reads as follows:

"That Council approve the following instructions as a means of best implementing Council's instructions of May 8th, 1991 under File DAZ 204/91 (that are subject to the registration of a caveat) respecting the condition: "no vehicular approach for ingress to or egress from the land on Dunkirk Place after 1996", namely:

1. That Council approve the recommendation of the Committee on Planning and Community Services that a median opening on the west approach to Dunkirk Drive be installed subject to plans being submitted by I. D. Engineering within 60 days; and that the said median opening be installed this year;

2. That conditions in the Zoning Agreement with respect to paving, fencing and landscaping be amended to require these works by October 31st, 1993, instead of December 31st, 1996;

Report of the Committee on Planning and Community Services dated September 30th, 1991

3 .That the closing of Dunkirk Place be coincidental with the paving of the parking lot;

4. That the Winnipeg Canoe Club accept the access provided by the median opening as an acceptable means of ingress and egress as an alternative to Dunkirk Place."

The above motion was predicated by virtue of the fact that no action was taken by the Committee on Works and Operations in response to a communication received from the Committee on Planning and Community Services dated July 16th, 1991, wherein the Committee on Planning and Community Services recommended that the median cut on the west approach to Dunkirk Drive as shown on the attached sketch, be installed by December 31st, 1996, in a manner approved by the Commissioner of Works and Operations, the cost of which to be paid for by the City and charged against the District No. 5 Operations Budget.

On September 30th, 1991, the Committee on Planning and Community Services received advice that the Committee on Works and Operations at its meeting held on September 10th, 1991, considered the communication from the Committee on Planning and Community Services dated July 16th, 1991 as enunciated above, and recommended that the median cut shown on the attached sketch be installed by December 31st, 1996 in a manner approved by the Commissioner of Works and Operations, said cost to be paid by the Developer.

The Committee on Planning and Community Services is of the opinion that the subject median cut is deemed to be, on the part of the City, a solution to the problem of cutting off access from the condominium development to Dunkirk Place in order to alleviate the concerns of the residents of the said street, which the City has no legal grounds to do, unless it provides another means of ingress to or egress from the condominium development.

The Committee on Planning and Community Services is also of the opinion that Council's instructions of July 31st, 1991 are very specific with regard to when the median opening is to be constructed i.e. "the said median opening to be installed this year" and not by 1996, as indicated in the recommendation from the Committee on Works and Operations. Inadvertently, Council when dealing with the motion of July 31st, 1991, with regard to the best means of implementing Council's instructions under the rezoning application respecting the condition no vehicular approach for ingress to or egress from the land located on Dunkirk Place after 1996, inadvertently omitted the issuance of instructions as to who will pay for the costs associated with the median opening.

Your Committee on Planning and Community Services recommends that the median opening on the west approach to Dunkirk Drive as shown on the attached sketch, be installed by the City and charged to the District No. 5 Operations budget and that these instructions be carried out forthwith.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 1401 for attachment.)

ZONING TEXT AMENDMENTS - To establish regulations for non-conforming single and two-family dwellings - All Zoning By-laws and Town Planning Schemes except By-law No. 4800.
File No. DAZ 216/91

1395 6. Council on April 17th, 1991, directed the Committee on Planning and Community Services to conduct a Public Meeting to consider proposed Text Amendments to all Zoning By laws and Town Planning Schemes of The City of Winnipeg and Amendments thereto, except for By law No. 4800 to update the regulations for non conforming single family and two family dwellings, and instructed the Commissioner of Planning and Community Services to initiate an application for consideration of the proposed Text Amendments.

Report of the Committee on Planning and Community Services dated September 30th, 1991

Each Zoning By law and Town Planning Scheme in effect in The City of Winnipeg has a provision therein that as of a certain date all single family and two family dwellings constructed prior to that date are deemed to be conforming. This regulation was added to the Zoning By laws and Schemes to eliminate time in the processing of zoning memos. The City processes in the neighbourhood of 10,000 zoning memos a year. The conforming date regulation has helped in reducing the time to process a zoning memo. The existing dates are as follows:

By law No. 4440/86 (East Kildonan Transcona) April 16th, 1987
By law No. 4450/86 (Lord Selkirk West Kildonan) May 27th, 1987

St. Boniface Town Planning Scheme 1957 January 1st, 1985
St. Vital Town Planning Scheme 1951 January 1st, 1985

By law No. 1558 (St. James Assiniboia) January 1st, 1985
By law No. 1800 (Assiniboine Park Fort Garry) January 1st, 1985
By law No. 16502 (City Centre Fort Rouge) January 1st, 1985.

These provisions were originally included with the intent that they would amount to direction to administration to excuse trivial "old" violations which had not raised any objections, rather than put owners through the procedures and expense of obtaining variances possibly with last minute delays in closing sales. At that time, the administration were unable to grant tolerances.

Because the Law Department has raised concerns regarding the legitimacy of this regulation, and because its intent is generally being fulfilled by the tolerance process, the Planning Department recommends that the conforming date regulation be deleted from all Zoning By laws and Schemes.

At the same time, the Planning Department recommends that a clause be added to all Zoning By laws and Schemes that would allow for additions to be made to non conforming single and two family dwellings (i.e. dwellings that don't conform to the by law, but are not unlawful because they pre date it) so long as the addition itself complies in all respects.

A Public Meeting was held before the Committee on Planning and Community Services on September 30th, 1991.

Applicant: The Commissioner of Planning and Community Services

Subject: The said text amendments are proposed to the following By laws and Town Planning Schemes which are in effect in the City of Winnipeg:

1. Zoning By law No. 16502
2. Zoning By law No. 1558
3. Zoning By law No. 1800
4. The St. Vital Town Planning Scheme 1951
5. The St. Boniface Town Planning Scheme 1957
6. Zoning By law No. 4440
7. Zoning By law No. 4450

These By laws and Schemes apply to those various areas of the City as shown outlined and correspondingly numbered on the sketch submitted herewith.

Nature of Application: PROPOSED ZONING TEXT AMENDMENT

ESTABLISHMENT OF CONFORMING DATE FOR SINGLE FAMILY AND TWO FAMILY DWELLINGS.

It is proposed to amend all of the above By laws and Schemes, except for By law No. 4800/88, by amending the regulations as follows:

Report of the Committee on Planning and Community Services dated September 30th, 1991

REGULATIONS FOR NON CONFORMING SINGLE AND TWO FAMILY DWELLINGS

1. Proposed that a non conforming single family and two family dwelling in any district may be added to or enlarged provided that the addition or enlargement conforms to the applicable district bulk regulations based on the size of the lot on which the dwelling is located.

Exhibits filed:

1. Copy of Clause 3 of the Report of the Committee on Planning and Community Services dated March 25th, 1991, adopted by Council on April 17th, 1991, recommending approval in principle to the proposed Zoning Text Amendments authorizing the Committee on Planning and Community Services to hold a Public Meeting.

2. Zoning application and documents shown on said application.

3. Copy of Notice of Public Meeting.

4. Report from the Codes Officer, Planning Department received on September 20th, 1991.

5. Communications outlining comments and/or recommendations from the Community Committees relative to the proposed text amendments, were received from:

Assiniboine Park Fort Garry	Received as Information
City Centre Fort Rouge	Concurred
East Kildonan Transcona	Concurred
St. Boniface St. Vital	Received as Information Committee members to make representation
St. James Assiniboia	Concurred

Representations: Mr. R. Nicol, District Planning Co ordinator, Planning Department, 395 Main Street, appeared on behalf of the Commissioner of Planning and Community Services, in support of the Text Amendments.

No one appeared in opposition thereto.

After considering all aspects of this matter, your Committee on Planning and Community Services recommends:

I. That the City Centre Fort Rouge Zoning By law No. 16502, the St. James Assiniboia Zoning By law No. 1558, the Assiniboine Park Fort Garry Zoning By law No. 1800, The St. Vital Town Planning Scheme 1951, The St. Boniface Town Planning Scheme 1957, the East Kildonan Transcona Zoning By law No. 4440/86 and the Lord Selkirk West Kildonan Zoning By law No. 4450/86, all being Development By laws under The City of Winnipeg Act, be amended as follows:

(1) Delete therefrom the non conforming date regulations for single and two family dwellings; and

(2) Add thereto the following new regulation for non conforming single/one family and two family dwellings:

"Notwithstanding anything elsewhere contained in this By law/Scheme a non conforming single/one family dwelling or two family dwelling in any district, may be added to or enlarged provided that the addition or enlargement conforms to the applicable district bulk regulations, based on the size of the lot on which the dwelling is located."

II. That the City Solicitor be requested to prepare the necessary text amending Zoning (Development) By laws in accordance with Recommendation I above and forward same to Council for all three readings.

Report of the Committee on Planning and Community Services dated September 30th, 1991

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

ZONING TEXT AMENDMENTS - To standardize the regulations for Political Campaign Signs - All Zoning By-laws and Town Planning Schemes except By-law No. 4800.

File No. DAZ 217/91

1396 7. Council on May 8th, 1991, directed the Committee on Planning and Community Services to conduct a Public Meeting to consider proposed Text Amendments to all Zoning By laws and Town Planning Schemes of The City of Winnipeg and Amendments thereof, except for By law No. 4800 to standardize the regulations for political campaign signs.

As instructed by Council, the Commissioner of Planning and Community Services made an application to amend the text of the Zoning By laws and Town Planning Schemes being enforced by the City to standardize the regulations for political campaign signs.

The regulations for political campaign signs within the City are found in By law No. 284 of the Metropolitan Corporation of Greater Winnipeg, and in the Zoning By laws and Town Planning Schemes being enforced by the City. They are as follows:

1. By law No. 284

   This By law was passed by the Metropolitan Corporation of Greater Winnipeg on November 22nd, 1962, a copy of which is attached hereto, and applies to the entire City.

   Strict enforcement of this By law has not been carried out. For instance, the By law states that election posters may not be located in a front yard in a residential district.

2. The St. Boniface Town Planning Scheme 1957 and The St. Vital Town Planning Scheme 1951

   These two Town Planning Schemes provide for the zoning regulations in the St. Boniface St. Vital Community and do not have any zoning regulations regarding political campaign signs.

3. By law No. 1558 and By law No. 1800

   Zoning By laws 1558 (St. James Assiniboia Community) and 1800 (Assiniboine Park Fort Garry Community) provide the following rule for political campaign signs:

   > "Campaign signs are permitted provided they shall be removed within fifteen (15) days following the date of the event."

4. By law No. 4440/86 and By law No. 4450/86

   Zoning By laws 4440/86 (East Kildonan Transcona Community) and 4450/86 (Lord Selkirk West Kildonan Community) provide the following rule for political campaign signs.:

   > "Temporary signs not exceeding thirty two (32) square feet (3 square metres) in sign surface area, or banners related to political campaigns or civic, non commercial health, safety or welfare campaigns, educational or religious organizations, provided the signs be removed within fifteen (15) days following the date of the event, are listed as permitted uses. Said signs may be erected not earlier than the official date of the commencement of the above campaigns."

Report of the Committee on Planning and Community Services dated September 30th, 1991

5. By law No. 16502 and By law No. 4800/88

The above stated by laws provide the Zoning regulations for the City Centre Fort Rouge Community.

By law No. 4800, The Downtown Winnipeg Zoning By law provides the following zoning regulations for campaign signs:

> "Electoral campaign signs are permitted provided that such signs shall be removed not later than seven (7) days after the date of the election to which they refer."

By law No. 16502 which provides zoning regulations for the remainder of the City Centre Fort Rouge Community does not have any rules for campaign signs.

Attempting to notify all political candidates and handle sign posting complaints during an election in order to enforce the above stated rules is a difficult undertaking.

During the past civic election, all political candidates were informed that the following rules would apply:

> "The following regulations also apply to the erection and removal of political campaign signs for all residential districts in the City of Winnipeg:

1) temporary signs not exceeding 3 square metres (32 square feet) in sign surface area may be erected not earlier than the official date of commencement of the political campaign;

2) political signs which are installed on any property shall be removed within 15 days of the termination of the event for which the signs are erected."

No problems were encountered in enforcing this regulation. Therefore, based on this experience, the Planning Department recommends that a similar rule for political campaign signs be applied to all zoning districts. There would be no rule on size, and signs cannot be erected before the proclamation date and must be removed within 7 days following the election day.

A Public Meeting was held before the Committee on Planning and Community Services on September 30th, 1991.

Applicant: The Commissioner of Planning and Community Services

Subject: Proposed text amendments to the following By laws and Town Planning Schemes which are in effect in the City of Winnipeg:

1. Zoning By law No. 16502
2. Zoning By law No. 1558
3. Zoning By law No. 1800
4. The St. Vital Town Planning Scheme 1951
5. The St. Boniface Town Planning Scheme 1957
6. Zoning By law No. 4440
7. Zoning By law No. 4450

These By laws and Schemes apply to those various areas of the City as shown outlined and correspondingly numbered on the sketch submitted herewith.

Nature of Application: PROPOSED ZONING TEXT AMENDMENT

POLITICAL CAMPAIGN SIGNS

It is proposed to amend all of the above By laws and Schemes, except for By law No. 4800/88, by amending the regulations as follows:

Report of the Committee on Planning and Community Services dated September 30th, 1991

POLITICAL CAMPAIGN SIGNS

1. Proposed that in all zoning districts political campaign signs are permitted provided the signs are not erected earlier than the official date of the commencement of the political campaign and shall be removed within seven (7) days following election day. Note: Final time periods for erection and removal of signs to be determined by Council.

Exhibits filed:

1. Copy of Clause 11 of the Report of the Committee on Planning and Community Services dated April 22nd, 1991, as adopted by Council on May 8th, 1991, recommending approval in principle to the proposed Zoning Text Amendments authorizing the Committee on Planning and Community Services to hold the Public Meeting.

2. Zoning application and documents shown on said application.

3. Copy of Notice of Public Meeting.

4. Report from Codes Officer, Planning Department, received on September 20th, 1991.

5. Communications outlining comments and/or recommendations from the CommunityCommittees relative to the proposed text amendments, were received from:

Assiniboine Park Fort Garry	Received as Information
City Centre Fort Rouge	Concurred
East Kildonan Transcona	Concurred
Lord Selkirk West Kildonan	Received as information and Committee members to make personal representation
St. Boniface St. Vital	Comments that aside from the proposed duration of time in which a campaign sign can be erected, no other aspects of political signs should be regulated by zoning by laws.

Representations: Mr. R. Nicol, District Planning Co ordinator, Planning Department, 395 Main Street, appeared on behalf of the Commissioner of Planning and Community Services, in support of the Text Amendments.

No one appeared in opposition thereto.

After considering all aspects of this matter, your Committee on Planning and Community Services recommends:

I. That By law No. 284 passed by the Metropolitan Corporation of Greater Winnipeg on November 22nd, 1962, be repealed.

II. That Zoning By laws No. 16502, 1558, 1800, 4440/86, 4450/86, The St. Boniface Town Planning Scheme 1957 and St. Vital Town Planning Scheme 1951, all being Development By laws under The City of Winnipeg Act, be amended as follows:

(1) Delete therefrom all zoning regulations for political campaign signs; and

(2) Add thereto the following new regulations for political campaign signs:

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"Federal, provincial and municipal political campaign signs are permitted in all zoning districts but:

(a) those signs shall not be erected prior to the date the election is officially proclaimed or announced by the authority having jurisdiction; and

(b) those signs shall be removed within seven (7) days following the election day."

III. That the City Solicitor be requested to prepare the necessary text amending Zoning (Development) By laws in accordance with Recommendations I and II above and forward same to Council for all three readings.

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.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 1402 for attachment.)

ZONING TEXT AMENDMENTS - To the regulations governing Restaurants, Clubs, Banquet Halls, Cabarets, Cocktail Lounges, Dance Halls and Parking Requirements for said uses - All Zoning By-laws and Town Planning Schemes except By-law 4800
File No. DAZ 224/91

1397 8. Council on May 8th, 1991, directed the Committee on Planning and Community Services to conduct a Public Meeting to consider proposed Text Amendments to all Zoning By laws and Town Planning Schemes of The City of Winnipeg and Amendments thereto, except for By law No. 4800, to amend the text of all Zoning By laws and Town Planning Schemes except Zoning By law No. 4800 enforced by the City to establish in what districts the uses restaurants, clubs, banquet halls, cabarets, cocktail lounges, and dance halls will be a permitted use or a conditional use, and instructed the Commissioner of Planning and Community Services to initiate an application for consideration of the Proposed Text Amendments.

Existing Zoning regulations respecting restaurants and licensed premises (clubs, banquet halls, cabarets, dance halls) were adopted due to traffic, parking, and other problems generated by these uses, which problems affected adjacent residential neighbourhoods. The purpose of the Zoning regulations were to protect housing, both by prohibiting licensed premises and larger restaurants in the "C1" District, and by requiring public hearings for licensed premises or the larger restaurants in the "C2" District.

The existing regulations provide that:

(1) In the "C1" District:

(a) "restaurants not licensed by the Manitoba Liquor Control Commission, with a floor area not exceeding 1,500 square feet"; and

(b) "clubs, limited to offices and meeting rooms" are Conditional Uses.

(2) In the "C2" and "C3" Districts:

(a) "restaurants not licensed by the Manitoba Liquor Control Commission, with a floor area not exceeding 2,500 square feet"; and

(b) "clubs, limited to offices and meeting rooms" are Permitted Uses.

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(3) In the "C2" and "C3" Districts:

(a) "restaurants licensed by the Manitoba Liquor Control Commission, or with a floor area exceeding 2,500 square feet";

(b) "banquet halls";

(c) "cabarets";

(d) "clubs licensed by the Manitoba Liquor Control Commission"; and

(e) "dance halls"

are Permitted Uses.

A Public Meeting was held before the Committee on Planning and Community Services on September 30th, 1991 to consider the following application:

Applicant: The Commissioner of Planning and Community Services

Subject: Proposed text amendments to the following By laws and Town Planning Schemes which are in effect in the City of Winnipeg:

1. Zoning By law No. 16502
2. Zoning By law No. 1558
3. Zoning By law No. 1800
4. The St. Vital Town Planning Scheme 1951
5. The St. Boniface Town Planning Scheme 1957
6. Zoning By law No. 4440
7. Zoning By law No. 4450

These By laws and Schemes apply to those various areas of the City as shown outlined and correspondingly numbered on the sketch submitted herewith.

Nature of Application: PROPOSED ZONING TEXT AMENDMENTS

RESTAURANTS: CLUBS: BANQUET HALLS: CABARETS:
COCKTAIL LOUNGES: DANCE HALLS

It is proposed to amend all of the above By laws and Schemes, except for By law No. 4800/88 as follows:

RESTAURANTS

1. Proposed that restaurants, not exceeding a capacity of 40 persons (or such other limit as to capacity or size as determined by Council), whether or not licensed by the Manitoba Liquor Control Commission, to be a Conditional Use in "CP", "M1", "M2" and "M3" Districts and a Permitted Use in "C2" and "C3" Districts.

2. Proposed that restaurants exceeding a capacity of 40 persons, (or such other limit as to capacity or size as determined by Council), whether or not licensed by The Manitoba Liquor Control Commission, to be a Conditional Use in "C2", "C3", "M1", "M2" and "M3" Districts and a Permitted Use in Shopping Centre Districts.

CLUBS

1. Proposed that a club, limited to offices and meeting rooms to be a Conditional Use in the "C1", "M2", "M3" Districts and a Permitted Use in the Shopping Centre Districts.

2. Proposed that a club, licensed by the Manitoba Liquor Control Commission to be a Conditional Use in the "C2", "C3", "M1", "M2" and "M3" Districts and a Permitted Use in the Shopping Centre Districts.

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BANQUET HALLS: CABARETS: COCKTAIL LOUNGES: DANCE HALLS:

1. Proposed that a banquet hall, a cabaret, a cocktail lounge and a dance hall will be a Conditional Use in the "C2", "C3", "M1", "M2" and "M3" Districts and a Permitted Use in the Shopping Centre Districts.

2. Proposed parking requirements for each of the above is one parking space for each four (4) persons permitted, or one parking space per 100 square feet of gross area or such other figure as determined by Council.

Exhibits filed:

1. Copy of Clause 16 of the Report of the Committee on Planning and Community Services dated April 22nd, 1991, adopted by Council on May 8th, 1991, recommending approval in principle to the proposed Zoning Text Amendments, authorizing the Committee on Planning and Community Services to hold the Public Meeting.

2. Zoning application and documents shown on said application.

3. Copy of Notice of Public Meeting.

4. Report from Codes Officer, dated September 24th, 1991.

5. Communications outlining comments and/or recommendations from the Community Committees relative to the proposed text amendments, were received from:

Assiniboine Park Fort Garry	Received as Information
City Centre Fort Rouge	Concurred
East Kildonan Transcona	Concurred
St. Boniface St. Vital	Received as Information and any Committee members wishing to make representation will do so individually
St. James Assiniboia	Concurred but concerns were expressed regarding cocktail lounges in "C6" zoning areas in St. James.

Representations: The following persons appeared in support of the Text Amendment:

Mr. R. Nicol, District Planning Co ordinator, Planning Department, 395 Main Street, Winnipeg, appeared on behalf of the Commissioner of Planning and Community Services.

Messrs. Bob Stevens, Vice President and Denis Smith, Executive Director, Manitoba Restaurant and Food Services Association, 201 698 Corydon Avenue, Winnipeg, R3M 0X7, supported the text amendments, subject to consideration being given to:

a) making Cocktail Lounges in "C1" Districts a Conditional use; and

b) establishing a reasonable number of seats in a restaurant on a per square foot basis as provided in the Building Code ie. one seat per 12 square feet of usable floor area.

In the report of the Codes Officer, dated September 24th, 1991, the Committee on Planning and Community Services was advised that in the application of the existing zoning regulations the following short comings have been identified:

In the case of the conversion of small existing unlicensed restaurants to restaurants licensed by the Manitoba Liquor Control Commission, two applications and two public hearings are required for approval where such existing restaurants are located in a "C1" District.

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These conversions have been established without objections through rezoning from "C1" to "C2" and by Conditional Use approval. In some cases, the capacities of existing restaurants have been reduced as a result of such conversions. It appears that restaurants licensed by the Manitoba Liquor Control Commission may be accommodated as a Conditional Use in a "C1" District, if they do not include cocktail lounges, if they are limited in seating capacity, and if they provide adequate on site parking.

Zoning By laws and Town Planning Schemes do not recognize "cocktail lounge" as a use of land, although it appears that cocktail lounges generate many of the problems ascribed to restaurants per se. The Manitoba Liquor Control Commission allows a cocktail lounge only if it is ancillary to a licensed restaurant, and a cocktail lounge cannot exceed one half the seating capacity of that restaurant. It is entirely appropriate that a "cocktail lounge" be listed as a separate use of land, as they are recognized in Conditional Use Orders.

Licensed restaurants have been established without objections through Conditional Use approval where a cocktail lounge is not proposed, or is prohibited by a condition of approval in the order. It appears that restaurants licensed by the Manitoba Liquor Control Commission may be accommodated as permitted uses in "C2" Districts, if they do not include cocktail lounges, if they are limited in seating capacity, and if they provide adequate on site parking.

The Manitoba Liquor Control Commission issue licenses for restaurants based on seating capacity. Therefore, in approving restaurants with zoning requirements related to seating capacity and relative parking regulations, withdraws the need to know whether the restaurant will be licensed or not.

A study of the seating capacity of restaurants in the "C1" and "C2" Districts shows the average for "C1" to be between 40 to 55 persons and for "C2" to be between 45 to 70 persons.

After considering all aspects of the foregoing, including the representations received, your Committee on Planning and Community Services recommends:

I. That Zoning By laws 16502, 1800, 1558, 4440/86, 4450/86, The St. Boniface Town Planning Scheme 1957 and The St. Vital Town Planning Scheme 1951, all being Development By laws under The City of Winnipeg Act, be amended as follows:

A) Change all zoning regulations for restaurants, banquet halls, cabarets, and dance halls to read as follows:

(1) restaurants, with or without a liquor license limited to a floor area not greater than 1,500 square feet/140 square metres:

(a) Conditional Use in "C1";

(b) Permitted Use in "C2", "C3", "M1", "M2", "M3", and Shopping Centre Districts.

(2) restaurants, with or without a liquor license limited to a floor area not greater than 2,500 square feet/232 square metres:

(a) permitted use in "C2", "C3", "M1", "M2" and "M3" and in Shopping Centre Districts.

(3) restaurants, with or without a liquor license, with a floor area greater than 2,500 square feet/232 square metres:

(a) Conditional Use in "C2", "C3", "M1", "M2" and "M3";

(b) Permitted Use in Shopping Centre Districts.

NOTE: For clarification, the floor area for all restaurants, shall include the area of any outdoor facility, used for eating, drinking, entertainment or similar purposes.

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(4) clubs, limited to offices and meeting rooms:

(a) Conditional Use in "C1";

(b) Permitted Use in "C2", "C3" Shopping Centre Districts, "M1", "M2" and "M3".

(5) clubs, licensed by the Manitoba Liquor Control Commission:

(a) Conditional Use in "C2", "C3", "M1", "M2" and "M3";

(b) Permitted Use in Shopping Centre Districts.

(6) banquet halls, dance halls and cabarets:

(a) Conditional Use in "C2", "C3", "M1", "M2" and "M3";

(b) Permitted Use in Shopping Centre Districts.

B. Add to all of the above listed Zoning By laws the following new use:

(1) cocktail lounges:

(a) Conditional Use in "C1", "C2", "C3", "M1", "M2 and "M3";

(b) Permitted Use in Shopping Centre Districts.

C. That the proposed new parking requirements as advertised for all uses listed above be not approved and that the existing parking requirements for such uses be maintained ie. 1 parking space per 100 square feet of gross area.

II. That the City Solicitor be requested to prepare the necessary text amending Zoning (Development) By laws in accordance with Recommendation I above and forward same to Council for all three readings.

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

SUBDIVISION AND REZONING - In the area bounded by Bishop Grandin Boulevard on the north, John Bruce Road on south, the Canadian Pacific Railway Emerson Subdivision on the east, and the Seine River on the west - St. Boniface-St. Vital Community.

File No. DASZ 5/90

1398 9. Your Committee on Planning and Community Services has been advised that an application has been received from Ladco Company Ltd., 150 50 Lakewood Boulevard, Winnipeg, for the approval of a plan of subdivision and related zoning changes to The St. Boniface Town Planning Scheme 1957, by rezoning the land bounded by Bishop Grandin Boulevard on the north, John Bruce Road on the south, the Canadian Pacific Railway Emerson Subdivision on the east, and the Seine River on the west, from an "A1" Agricultural District and an "RA" Suburban District to a "PR" Parks and Recreational District, an "R 4" One Family District, an "R1 5" One Family District, an "R3" Limited Multiple Family District and a "C1"

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Limited Commercial District, in order to allow for the development of approximately 450 single family building lots, a limited amount of multiple family housing, a local commercial site, riverbank and neighbourhood parks, and an elementary school site. The commercial and multiple family sites are to be located at the intersection of Bishop Grandin Bouelvard and the main collector street for the subdivision.

The remainder of the subdivision is being established for single family housing along with the related school and park sites. A major component of this subdivision proposal is a further extension of the Seine River Park/Waterway System.

The site covers 176 acres of vacant land, zoned "RA" Suburban District and "A1" Agricultural District.

The land to the north is the residential community of Niakwa Place, on the opposite side of Bishop Grandin Boulevard. The land to the west is mainly Multiple Family housing along St. Anne's Road interspersed with some commercial sites, and riverbank park along the Seine River. The land to the south is Single Family housing on smaller holdings fronting John Bruce Road, zoned "RA" Suburban District.

The land to the east is the residential community of Island Lakes, on the other side of the C.P.R. Emerson Subdivision.

This subdivision proposal includes the dedication of riverbank in accordance with the approved plan for the Seine River park/waterway, the dedication of a neighbourhood park and provision for an elementary school. One multiple family housing site and one neighbourhood commercial site are proposed, appropriately located at the intersection of the collector street and Bishop Grandin Boulevard. The remainder of the land is proposed for Single Family development. This proposal also minimizes the number of lots which would abut the CPR Emerson Subdivision; instead of abutting the railway line, single loaded streets and berms are provided for the separation dwellings from the railway line.

The intersection of the necessary north/south collector street with Bishop Grandin Boulevard was previously established, and is already built. Although the extension of this collector south to a crossing of the Seine River at Southglen Boulevard or elsewhere, is intended as a secondary access, it reflects the long term location of the collector street which will eventually intersect with the Warde Avenue extension.

The subdivision proposal illustrates the necessary closings of John Bruce Road, to take place at the initiation of Stage Two of this development, which will ensure:

Firstly, that John Bruce Road is a local street, and not subject to significant traffic volumes;

Secondly, that the existing substandard (and hazardous) railway crossing will be removed;

Thirdly, that the overwise necessary extension/relocation of John Bruce Road to intersect with Meadowood at St. Anne's Road can be avoided, which also avoids the dislocation of parking accessory to an elderly persons housing complex on St. Anne's Road.

This proposal represents a logical and consistent pattern of suburban neighbourhood development. These lands lying vacant interrupt contiguous and orderly development, insofar as the Island Lakes Neighbourhood to the east is well into development, and because the subdivision would include the majority of remaining lands which will drain to the Bishop Grandin interceptor sewer.

The second stage of this proposal will enable the servicing and subdivision of small holdings fronting John Bruce Road (south side) as part of a single family neighbourhood. Although no subdivision of these lands is now proposed, the applicant has demonstrated that appropriate subdivision can be accomplished at a standard consistent with this proposal and adjacent neighbourhoods.

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This subdivision proposal is entirely consistent with neighbourhood development to the north and east, and provides for a suitable collector street connection south to future development, between the Seine River and CPR Emerson Subdivision.

A height limitation for the multiple family housing, a Floor Area Ratio limitation of commercial development, set backs on the proposed commercial site, and plan approval for both the multiple family and commercial developments, are requirements considered necessary to ensure compatibility with the one family character of this neighbourhood; all of which are recommended as conditions of a Zoning Agreement.

Special building alignments from Bishop Grandin Boulevard, the stormwater retention basin, and the CPR Emerson Subdivision are also recommended. These alignments are proposed as amendments to the St. Boniface Town Planning Scheme 1957, rather than as conditions of a Zoning Agreement, in order to allow variance applications when necessary, rather than Zoning Agreement Amendments at a substantially greater cost. The building alignment parallel to Bishop Grandin is identical to that established for the Island Lakes Subdivision, and is necessary for noise attenuation. The alignment parallel to the CPR Emerson Subdivision is 20 metres and is necessary for noise attenuation. The set backs from the proposed stormwater retention basin vary from 15 metres for temporary buildings to 28 metres for dwellings and are intended to prevent flooding.

A Public Meeting was held before the St. Boniface St. Vital Community Committee on October 9th, November 13th and December 18th, 1990, April 2nd and July 30th, 1991.

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

Mr. G. J. Wiebe, 150 50 Lakewood Boulevard, Winnipeg, R2J 2M7,
(on behalf of Ladco Company Ltd.),
Mr. O. M. Bhatnagar, 910 John Bruce Road, Winnipeg, R2M 2S4,
Mr. Ken Galanchuk, 201 233 Portage Avenue, Winnipeg, R3B 2A7,
(on behalf of the Manitoba Housing and Renewal Corporation),
Mr. Ron Buchwald, P. Eng., 287 Broadway, Winnipeg, R3C 04G,
(on behalf of the Manitoba Housing and Renewal Corporation),
Mr. Herb Dubowits, 287 Broadway, Winnipeg, R3C 04G,
(on behalf of the Manitoba Housing and Renewal Corporation),
Mr. W. Hardman, 872 John Bruce Road, Winnipeg, R2M 4W2,
Mr. Don Heyes, 982 John Bruce Road, Winnipeg, R2M 4W3,
Mr. W. Rizvi, Box 113 900 John Bruce Road, Winnipeg, R2N 4W2.

The following persons appeared and/or registered in opposition thereto:

Mr. Ted Birch, 7 Farnham Road, Winnipeg, R2J 2R1,
(on behalf of the Niakwa Place Residents' Association),
Mr. Ernie Epp, 23 Leeward Place, Winnipeg, R3X 1K9,
(on behalf of T.H.R.I.F.T.),
Mr. G. Hewitt, c/o 604 St. Mary's Road, Winnipeg, R2M 3L5,
(on behalf of the St. Boniface St. Vital Residents' Advisory Group),
Mr. Ron Hocking, 43 Chenier Bay, Winnipeg, R3X 1K3,
(on behalf of the Island Lakes Residents' Association),
Mr. Brian Monkman, 15 Island Cove, Winnipeg, R3X 1E9,
(on behalf of the Island Lakes Residents' Association),
Mr. Brian Ridler, 43 Pynoo Place, Winnipeg, R3X 1R1,
Mr. G. and Ms Judy Aubert, 9 John Bruce Road, Winnipeg, R2M 2S3,
Ms Gloria Birch, 7 Farnham Road, Winnipeg, R2J 2R1,
Ms Rose Borden, 59 Clarendon Road, Winnipeg, R2J 2N8,
Mr. Mark Boreskie, 122 Charbonneau Crescent, Winnipeg, R3X 1C1,

Mr. B. Chaloner, 111 Cassin Crescent, Winnipeg, R3X 1R3,
(on behalf of the Island Lakes Residents' Association),

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Mrs. Lynn Fulton, 15 Culloden Road, Winnipeg, R2J 3S4,
Ms Judy Godfrey, 86 Tidal Cove, Winnipeg, R3X 1M1,
Ms Y. Lafond, 3 Waterside Cove, Winnipeg, R3X 1G1,
Mr. Patrick Lang, 157 Bluewater Crescent, Winnipeg, R2J 2X6,
Ms Barb Lapointe, 52 Clarendon Road, Winnipeg, R2J 2N7,
Ms Myrna Moore, 16 John Bruce Road, Winnipeg, R2M 2S4,

Mrs. G. Peacock, 39 Island Cove, Winnipeg, R3X 1G1,
(on behalf of the Island Lakes Residents' Association),
Mr. John Ruban, 14 Farnham Road, Winnipeg, R2J 2X9,
Mr. Z. Schwabiuk, 83 Cassin Crescent, Winnipeg, R3X 1R4,
Mr. G. Soltowski, 14 John Bruce Road, Winnipeg, R2M 2S4,
Mr. Lindsey Wilson, 81 Tidal Cove, Winnipeg, R3X 1L9.

The following persons appeared and/or registered for information purposes only:

Mr. Peter Keyes, 7 John Bruce Road, Winnipeg, R2M 2S3,
Mr. and Mrs. R. Arndt, 966 John Bruce Road, Winnipeg, R2M 4W2,
Ms Linda Lawson, 7 John Bruce Road, Winnipeg, R2M 2S3.

It is noted that as a result of concerns expressed at the public hearings by residents of the Southdale Community, and the Ward Councillor, that traffic generated from the subject subdivision would utilize Lakewood Boulevard, the Community Committee recommended that the following condition restricting right turns at Bishop Grandin Boulevard be imposed under terms of the Development Agreement (to be added as Clause 38. to the Development Agreement as per Page 14 of the Community Clerk's report). The said clause reads as follows:

"38. The Developer shall cause traffic signs to be installed, and shall construct any necessary temporary pavement modifications, to prohibit right turns from the north/south street connecting with Bishop Grandin Boulevard, at peak hours, except for school buses, public works and emergency vehicles. This prohibition shall remain in force and effect until such time as a street connection to St. Anne's Road from the subdivision is provided."

At the public hearing on July 30th, 1991, the applicant advised that his firm would have no problem with the proposed right turn restriction. However, the Land Development Department informed your Committee on Planning and Community Services that the enforcement of the right turn restriction would be difficult without extensive surveillance. In addition, it is unlikely that there are any practical "temporary pavement modifications" that could be constructed to prohibit vehicles from making right turns, but still allow the right turn movement by school buses, public works and emergency vehicles. The Land Development Department further advised that the Streets and Transportation Department has provided the following observations and comments regarding the recommended restriction:

The north south street proposed in the referenced development agreement will intersect Bishop Grandin Boulevard from the south as a "T" intersection, and upon complete occupancy of the subdivision is projected to carry approximately 10,000 northbound vehicles in a typical weekday, and will provide access to Bishop Grandin Boulevard which is a major east west thoroughfare within the community and is part of the Regional Street network. Of the 10,000 northbound vehicles, it is projected that 9,000 will turn left and 1,000 will turn right at Bishop Grandin Boulevard. Of the 1,000 north bound vehicles which are anticipated to make a right turn onto Bishop Grandin Boulevard, the majority are anticipated to be oriented to Lagimodiere Boulevard the nearest north south Regional Street immediately to the east.

Right turning vehicles entering Bishop Grandin Boulevard at public street intersections are currently accommodated via right turn channelization islands and an acceleration lane. It is impractical to have this type of facility available during only part of the day. There is no traffic operating basis upon which to prohibit northbound right turns at the intersection of the north south street serving the referenced Ladco Subdivision and Bishop Grandin Boulevard at any time of the day. Furthermore, implementation of such a prohibition would make it more circuitous for motorists to access Lagimodiere Boulevard, thereby increasing travel time and fuel consumption, and would increase the vehicular traffic volume on the streets to the west since displaced motorists would likely re orient their travel route via St. Anne's Road, Fermor Avenue, and P.T.H. No. 100 to gain access to Lagimodiere Boulevard. In addition, it is not feasible to construct any "temporary pavement modifications" that will selectively allow the northbound right turn movement at this intersection to be negotiated only by school buses, public works and emergency vehicles; nor is it readily feasible to secure compliance with or enforcement of such a selective regulation.

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The Land Development Department is of the view that the above points support the position that there should not be a restriction for right turns during peak hours at this intersection.

The St. Boniface St. Vital Community Committee recommended that the proposed subdivision/rezoning application be approved for the following reasons:

"1. The traffic problems of Southdale and Niakwa Place will not be solved by delaying this application.

2. A right turn prohibition from the subdivision to Bishop Grandin Boulevard only at peak hours will serve to reduce any increased traffic volume on Lakewood Boulevard arising from approval of this subdivision.

3. Retention ponds in a development are an asset and result in higher realty taxes for homes located thereon and it does not cost the City more to serve those homes other than the $4,600.00 budgeted yearly by the City for retention pond maintenance.

4. A new development south of Bishop Grandin Boulevard will bring services to the area as well as to Island Lakes; services that would otherwise not be provided until the population of Island Lakes increased.

5. The Community Committee views this application as infill housing."

Your Committee on Planning and Community Services concurs in the recommendations of the St. Boniface St. Vital Community Committee and recommends:

I. That the plan of subdivision proposed under File No. DASZ 5/90 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 5/90 attached hereto and dated September 20th, 1991, for registration in the Winnipeg Land Titles Office subject to:

A. The Developer entering into a Development Agreement with the City containing all of the conditions outlined in the report of the Administrative Co ordinating Group dated July 18th, 1991, as shown on attached as Schedule "B" dated September 20th, 1991, being amended as follows:

(1) That the following new sub clause (c) be added to Clause 7:

"(c) The Developer shall, at no expense to the City, cause an application to be made to the appropriate authority:

i) to waive the requirement for train whistling, and

ii) for approval of a pedestrian walkway over the CPR Emerson Subdivision between the proposed street right of way in Stage Two and the Public Reserve in the Island Lakes Subdivision.

If the application is approved, the Developer shall, at no expense to the City, construct a 1.5 metre in width portland cement concrete walkway, lighting, fencing and railway crossing protection signals, as determined by and to the satisfaction of the Commissioner of Works and Operations."

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(2) That the following sentence be added to clause 10(a) after the words "Commissioner of Works and Operations":

"The total cost of the traffic control signals shall be shared by the Developer and other Developers benefitting and shall be at no expense to the City."

(3) That clause 22 be amended as follows:

(a) by adding the words "and plant trees" after the word "berms".

(b) by adding the following new sentence after the words "General Manager of Parks and Recreation":

"The Developer shall be responsible for the maintenance of the trees for a period of two years."

(4) That the following new clauses numbered 36, 37 and 38 be added to the agreement:

"36. The Developer shall construct and sod a continuous berm along the east limit of the subdivision abutting the CPR Emerson subdivision all in accordance with plans and specifications approved by the General Manager of Parks and Recreation and the Commissioner of Works and Operations.

As illustrated on plan numbered 50 91, the berm will be constructed within public road allowances and private residential lots; differentiated as AREAS A, B, C and D.

The height of the berm shall be determined by the General Manager of Parks and Recreation, but shall be approximately 1.2 metres (4 feet) where it is constructed within public road allowances (AREAS B and D) and approximately 2.0 metre (6.5 feet) where it is constructed within private residential lots abutting the railway (AREAS A and C).

In AREAS B and D, the Developer shall plant trees in accordance with plans and specifications approved by theGeneral Manager of Parks and Recreation and shall maintain the trees for a period of two years.

In AREA B, the developer shall endeavour to preserve an existing tree stand, identified on the attached plan numbered 50 91. The Developer shall not proceed with construction of the berm in AREA B unless prior written approval has been provided by the General Manager of Parks and Recreation."

"37. The Developer shall maintain all sod for a period of one year and shall guarantee all sod for a period of two years on the understanding that the City will carry out its normal maintenance procedures. The Developer shall be responsible for the replacement of any sod during the two year period that is deemed to be unacceptable as a consequence of

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disease and/or pest infestation that was present at the time of installation or during the Developer's one year maintenance period."

"38. The Developer shall cause traffic signs to be installed, and shall construct any necessary temporary pavement modifications, to prohibit right turns from the north/south street connecting with Bishop Grandin Boulevard, at peak hours, except for school buses, public works and emergency vehicles. This prohibition shall remain in force and effect until such time as a street connection to St. Anne's Road from the subdivision is provided."

II. That the applicant enter into a Subdivision Agreement with the City granting to the City an easement registered against all lots abutting the stormwater retention basin, over the rear 7 feet of each such lot, to provide for the following:

(1) the City shall be permitted, but shall not be required to, retain water within the area of the easement;

(2) the City shall be permitted to apply chemicals to the water for weed and/or algae control;

(3) the owner shall not be permitted primary contact with the water;

(4) the owner shall not be permitted to withdraw the retained water;

(5) the owner shall be required to maintain the area of the easement below the water level, including mechanical means of weed control, but shall not be permitted to alter the grading of the land nor to apply chemicals to the water.

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

IV. That the City Solicitor be requested to prepare the necessary subdivision by law upon submission by the applicant of a sworn plan of subdivision in accordance with Recommendation I above.

V. That the St. Boniface Town Planning Scheme 1957 be amended by rezoning the subject land as shown on Schedule "A" attached hereto and dated September 16th, 1991 to a "PR" Park and Recreational District, an "R1 4" One family District, an "R1 5" One family District, an "R3" Limited Multiple family District, and a "C1" Limited Commercial District, subject to the following:

A. Adding the thereto the following text amendments:

(1) A minimum set back of 17.5 metres from the south limit of Bishop Grandin Boulevard to any dwelling;

(2) A minimum set back from the area lot line of any lot which abuts a stormwater retention basin of:

15 metres to any temporary building or any open swimming pool;

23 metres to any other accessory building; and

28 metres to any dwelling;

(3) a minimum set back of 20 metres from the west limit of the CPR Emerson right of way to any dwelling.

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

(1) that no building or structure whatsoever be erected or located within 7 feet of the rear lot line of any lot abutting the stormwater retention basin, and without limiting the generality of "structure", a fence or a dock shall be prohibited;

(2) that no building or structure, parking area, fencing, landscaping or sign be erected or located on the lands proposed to be zoned "R3" and "C2" except in accordance with plans approved by the St. Boniface St. Vital Community Committee and the Commissioner of Planning and Community Services;

(3) that no building on the land proposed to be zoned "R3" exceed three storey in height;

(4) that the total floor area of commercial uses on the land proposed to be zoned "C1" not exceed a Floor Area Ratio of 0.25;

(5) that a landscaped set back not less than 6 metres (20 feet) in depth be provided and maintained to any building, structure, parking or loading area, or refuse storage facility from the south and east limits of the "C1" land;

(6) that a sign identifying the "C1" land as a "Future Commercial Site" be erected and maintained on the "C1" land until the issuance of an occupancy permit in respect of development of the land.

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

VII. That the subdivision/rezoning by law(s) shall become effective when the plan of subdivision has been registered in the Winnipeg Land Titles Office and the Development Agreement has been executed, except that the rezoning of the lands affected by the Zoning Agreement shall not come into force and effect until the Zoning Agreement has been filed by caveat as a first charge at the Winnipeg Land Titles Office against said lands.

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

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

X. 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.

Moved by Councillor Gilroy,
Adoption of the clause.

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

Moved by Councillor Lorenc,
That the question be now put.

The motion was put.

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

Yea: Councillors Wade, Brown, Clement, Demare, Douglas, Fleisher, Fraser, Gilroy, Golden, Kaufmann, Lorenc, Mitchelson, Prystanski, Timm Rudolph, Young, Mayor Norrie and Councillor Eadie. 17

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Nay: Councillors Boychuk, Diamant, Duguid, Hyman, Mendelson, Murray, Reese, Selinger, Thomas and Yuen. 10

and the motion was declared carried.

The motion for adoption of the clause was put.

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

Yea: Councillors Brown, Clement, Demare, Douglas, Fleisher, Fraser, Gilroy, Golden, Kaufmann, Lorenc, Mitchelson, Prystanski, Timm Rudolph, Young, Yuen, Mayor Norrie and Councillor Eadie. 17

Nay: Councillors Wade, Boychuk, Diamant, Duguid, Hyman, Mendelson, Murray, Reese, Selinger and Thomas. 10

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

(Note: See Minute No. 1403 for attachment.)

SUBDIVISION AND REZONING - North side of Leila Avenue, East of Pipeline Road, Lord Selkirk-West Kildonan Community.
File No. DASZ 20/90

1399 10. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. E. Essers, Barrister, of Meltzer Essers Duboff Schachter, Barristers and Attorneys at Law, 2nd Floor, 175 Carlton Street, Winnipeg, on behalf of the property owners, for the approval of a plan of subdivision and related zoning changes to By law 4450/86, by rezoning the land located on the north side of Leila Avenue, east of Pipeline Road, from an "RA" Suburban District to an "R1 5.5" Single Family District, an "RM 3" Multiple Family District and a C2 S" Suburban Commercial District in order to allow for up to 50 single family building lots, two walk up apartment building sites and a commercial development along Leila Avenue at the intersection of Leila Avenue and Pipeline Road.

This site is 16.6 acres of vacant land, zoned "RA" Suburban District.

The lands to the north remain generally undeveloped and are zoned "RA" Residential. On the west side of Pipeline Road is an undeveloped zoned "C2 S" Commercial site approximately two acres in size. On the south side of Leila Avenue, east and west of Pipeline Road are developed "R1 5.5" and "R1 4" residential subdivision. East of the subject land is a care home facility zoned "RM 5" Multiple Family. The applicants are proposing to subdivide the subject parcel of land into two low density multiple family (walk up apartment) sites, a 2.8 acre commercial site and approximately 50 single family buildings lots. Primary access to the subdivision will be via Leila Avenue with a temporary access off of Pipeline Road. Care was taken to ensure that the proposed plan was compatible with the overall concept plans for the area north of Leila Avenue and east of Pipeline Road. Provision has been made for future access north to Cork Street. The submitted proposal indicates that the single family lots will be on the average larger than most of the neighbouring lots to the south, and similar in size with the lots being established in the new development area to the west, known as Amber Trails (Genstar).

The proposed 2.8 acre commercial area is to be situated at the north east corner of Pipeline Road and Leila Avenue, and is just marginally larger than an existing "C2 S" commercial site at the north west corner of Pipeline Road and Leila Avenue. "C2 S" Suburban Commercial Districts are intended to provide sites along arterial and collector streets, primarily for the retailing of commodities and services to satisfy the needs of the surrounding residential population. However, due to the size of the commercial site and proximity of proposed residential uses, the Administration recommended that certain permitted and conditional uses, currently listed under the "C2 S" zoning, be prohibited by way of a zoning agreement (i.e. Drive in/Drive through Restaurants, Supermarkets, Automobile Sales and Rental Outlets). Such commercial uses can prove to be disruptive, and since they cannot be adequately separated from neighbouring residences, they should be prohibited.

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The Administration has also recommended that any walk up apartments not exceed three stories in height. Also, by way of the plan approval process, required under the zoning agreement, the apartment buildings would be sited as closely as possible to both Leila Avenue and Pipeline Road, and along with extensive landscaping and separation space between the buildings and rear property lines of the proposed adjacent single family lots; in order to minimize any impact on the single family residential uses.

A Public Meeting was held before the Lord Selkirk West Kildonan Community Committee on July 23rd, 1991.

The following persons appeared in support of the application:

Mr. Earl I. Essers, 2nd Floor, 175 Carlton Street, Winnipeg, R3C 3H9,

Mr. Edgar Taam, 2nd Floor, 175 Carlton Street, Winnipeg, R3C 3H9.

Mr. & Mrs. M. Jakob, 71 Oakhurst Crescent, Winnipeg, R2P 2L9 appeared in opposition thereto.

The Lord Selkirk West Kildonan Community Committee recommended that the proposed subdivision/rezoning application be approved for the following reasons:

1. The proposed plan is generally in compliance with overall concept plans for the area north of Leila Avenue, east of Pipeline Road.

2. The proposed single family lots will be generally consistent with the lots being established for the area known as Amber Trails.

3. The conditions imposed for the commercial area development will ensure that this development will be the least disruptive to the residential development.

Your Committee on Planning and Community Services concurs in part with the recommendations of the Lord Selkirk West Kildonan Community Committee as it pertains to the report of the Administrative Co ordinating Group, for the following reasons:

1. Recommendation I.B.(ii) of the Community Committee's report has been reworded in more precise language to clarify the Community Committee's intentions.

2. Recommendation I.B.(iii), (iv), (v), and (vi) inclusive of the Community Committee's report should be deleted in order to retain the recommendation of the Administrative Co ordinating Group set out in its report dated July 2nd, 1991. Although the recommendations of the Community Committee and the Administrative Co-ordinating Group both comply with the options available under the City's Development Agreement Parameters the cost sharing arrangement proposed by the Administrative Co ordinating Group is recommended as the most fair and reasonable arrangement. It must be recognized, however, that in the absence of any prior agreements with all the parties who are intended to participate in the cost sharing arrangement there is a possibility that the City might not collect the area charge from all the properties.

3. Recommendation I.B.(vii) of the Community Committee's report should be amended (a) to expand the developer's obligations to include landscaping the portion of the Leila Avenue right of way reserved for future street pavement and (b) in accordance with current practise, to maintain the landscaping for one year rather than until the street pavement is constructed sometime in the future.

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It is therefore recommended:

I. That the plan of subdivision proposed under File No. DASZ 20/90 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/90 attached hereto and dated August 28th, 1991 for registration in the Winnipeg Land Titles Office subject to:

A. That the Developer amend its plan of subdivision in accordance with the recommendations contained within the report of the Administrative Co ordinating Group, dated July 2nd, 1991, attached hereto and identified as Schedule "B" for File DASZ 20/90, dated August 28th, 1991.

B. That the Developer enter into a Development Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co ordinating Group, dated July 2nd, 1991 being amended as follows:

i) That paragraph 3 (Thirdly), sub item 2 be amended to read "The right of way corner cut at the north east corner of Leila Avenue and Pipeline Road shall be in accordance with attached Schedule "Y".

ii) That paragraph 3 (Thirdly), sub item 3 be amended to read "All rights of way within the plan shall be a minimum of 18.0 metres, unless containing land drainage sewers greater than 525 millimetres in diameter in which case the right of way shall be increased 2.0 metres in width beyond the standard, to accommodate a boulevard installation for the sewer.

iii) That a new paragraph be added at the end of item 9 in paragraph 4 (Fourthly), namely:

"The Developer shall, at no cost to the City, provide any temporary landscaping deemed necessary to a standard satisfactory to the General Manager of Parks and Recreation on the dedicated Leila Avenue right of way and on the portion of the Leila Avenue right of way reserved for future street pavement prior to the issuance of occupancy permits for adjoining land, and to maintain said landscaping for a period of one year."

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

III. That the City Solicitor be requested to prepare the necessary subdivision by law upon submission by the applicant of a sworn plan of subdivision in accordance with Recommendation I. above.

IV. That By law No. 4450/86 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 20/90 attached hereto and dated August 28th, 1991, to an "R1 5.5" Single Family District, an "RM 3" Multiple Family District, and a "C2 S" Suburban Commercial District subject to the applicants entering into a Zoning Agreement to provide the following:

1. That the following uses listed under the "C2 S" Suburban Commercial category be prohibited:

a) Automobile Sales/Rental Outlets

b) Automatic/Coin Operated Car Washes

c) Building Materials/Hardware Building Materials, etc.

d) Drive In Restaurants

e) Drive Through Vendors, Stores and Restaurants

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f) Supermarkets

g) Clubs with Banquets Halls

h) Banquet Halls, Dance Halls, Public Halls

2. That final site plans for the two "RM 3" Multiple Family areas, and the "C2 S" Suburban Commercial area, including building locations, parking stalls, points of ingress/egress, landscaping, fencing and garbage facilities be submitted to and approved by the Commissioner of Planning and Community Services and the Lord Selkirk West Kildonan Community Committee prior to the issuance of any building permits.

3. That the height of any proposed buildings not exceed three storeys in the "RM 3" Multiple family area.

4. That the development in the "C2 S" area be limited to a height of two (2) storeys with no retail business to be conducted from the second storey.

V. That the City Solicitor be requested to prepare the necessary subdivision/rezoning by law as hereinbefore outlined.

VI. That the subdivision/rezoning by law shall become effective when the plan of subdivision has been registered in the Winnipeg Land Titles Office and the Development Agreement has been executed.

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

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

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.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 1404 for attachment.)

SUBDIVISION AND REZONING - North of Newhaven Avenue, west of Elmhurst Road - Assiniboine Park-Fort Garry Community. File No. DASZ 2/91

1400 11. Council on May 8th, 1991 adopted Clause 15 of the Report of the Committee on Planning and Community Services dated April 22nd, 1991, including a subdivision approval condition that the Developer pay to the City a Charleswood Transportation Levy of $0.33 per square foot prior to the release of subdivision plans for registration.

The Developer has requested that instead it be allowed to post a Letter of Credit guaranteeing payment on demand upon, but prior to, the relevant transportation works being constructed calculated at the then applicable rate per square foot which is revised from time to time according to construction costs.

This arrangement has been made on request with other Developers and would have been recommended if raised earlier by this Developer.

The Manager of Land Development Department concurs with this recommendation. Consideration is being given to wording future recommendations for subdivision approval conditions involving payments for future works to give Developers the option of immediate payment at current rates or future payment on demand secured by a Letter of Credit calculated at the relevant future rate established by the City.

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Your Committee on Planning and Community Services recommends amendment of Council's instructions of May 8th, 1991, with regard to the Development Agreement to be executed as a condition of the approval of the plan of subdivision, to allow the Developer to post a Letter of Credit guaranteeing payment on demand upon, but prior to the transportation works being constructed calculated at the then applicable rate per square foot which is revised from time to time according to construction costs.

Moved by Councillor Gilroy
Adoption of the clause.

Carried.

1401 - Sketch referred to in Clause 5 of the Report of the Committee on Planning and Community Services, dated September 30th, 1991.

(NOTE: SEE PAGE 2407 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

1402 - The Metropolitan Corporation By-law No. 284 referred to in Clause 7 of the Report of the Committee on Planning and Community Services, dated September 30th, 1991.
1402

(NOTE: SEE PAGE 2048 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

1403 Schedule “A” referred to in clause 9 of the Committee on Planning and Community Services, dated September 30th, 1991.

(NOTE: SEE PAGE 2049 TO 2050 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

1404 Schedule “A” referred to in Clause 10 of the Committee on Planning and Community Services, dated September 30th, 1991.

(NOTE: SEE PAGE 2051 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

Schedule “B” referred to in Clause 10 of the Committee on Planning and Community Services, dated September 30th, 1991.

(NOTE: SEE PAGE 2052 to 2056 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

QUESTION PERIOD

1405 Councillor Lorenc asked the Chairman of the Service Levels Committee about a Council motion which had been referred to that the Committee, recommending that the 1991 salary expenditures for C.U.P.E., Local 500, were to be tagged, as a consequence of the new contract. It was his recollection that Committee was to have submitted a report back to Council with its observations on that motion. He stated that he has been led to believe that the Committee has dealt with that issue but has not provided Council with a report and he requested an undertaking from the Chairman that Council would receive it at its next meeting.

The Chairman, Councillor Diamant, responded that the Committee had referred it to the Budget Committee.

Councillor Lorenc responded that Council had referred the motion to the Service Levels Committee, not for it to refer it elsewhere. If there is a referral by that Committee, then first of all there is a courtesy owed to Council to be so advised, and secondly, the question then is to the Chairman of the Budget Committee, if in fact that particular issue has been referred to it, might Council have that Chairman's undertaking that a report will be submitted back to Council's next meeting.

Councillor Gilroy took the request under advisement. His recollection of the matter was that the Service Levels Committee dealt with it and did not concur with the motion and he stated that he believed they are in the process of reporting to Executive Policy Committee, which will report to Council.

Councillor Diamant undertook to ensure that a report is submitted to Council's next meeting.

Councillor Wade raised a point of order in that these Committees do not report directly to Council and those questions should not be directed to Committees but should be directed through Executive Policy Committee to those Committees.

The Speaker suggested that the questions can be presented through the Committee and that Councillor Wade's suggestion has been noted.

Councillor Fraser raised the matter that under The City of Winnipeg Act, the Mayor is responsible for appointing the Chairs of the Standing Committees and noted that they are all aware of Councillor Lorenc's decision to remove himself from the chairmanship of the Committee on Works and Operations and there are members of Council who serve on that Committee who are awaiting the decision as obligated by the Act to proceed to fill the position once it's vacant.

Mayor Norrie advised he had as yet, not considered the appointment.

Councillor Fraser asked if the announcement would be made prior to the next meeting of the Standing Committee.

Mayor Norrie answered in the affirmative. He indicated he had consulted with the City Solicitor and was advised that he was indeed obligated to appoint a Chairman.

Councillor Fraser enquired of the Mayor when he would be naming the Chairs of all Standing Committees so that Council can then consider its appointments.

Mayor Norrie advised he would be doing so in the very near future.

Councillor Hyman directed a question to the Mayor about the arms length corporation, the Forks and the publicity about the Johnston Terminal and that Council as recent shareholder of The Forks, would like to be advised what the current debate is on the Johnston Terminal in relation to it being a home for the performing arts.

QUESTION PERIOD (continued)

Mayor Norrie advised that the matter of the Johnston Terminal has been before the Board of the Forks on a number of occasions and he advised that it is his understanding that they have not proceeded with any of the proposals which were called. He indicated that there is a long standing discussion and agreement amongst the Board that the project that should proceed as quickly as possible is the Children's Museum. This Museum at this point is not scheduled to be in the Johnston Terminal, but is to be in its own free standing building, the B and B Building, which is the one closest to the river and Mr. Diakiw is mandated by the Board and the Policy Committee of the Core to try and bring that together. He noted that he thought it is coming very closely together and that it is priority one. With respect to the Johnston Terminal, there have been a number of proposals, but none that have been formally accepted to date and the Board is still reviewing them.

Councillor Selinger referred to the fact that before the summer recess, Council passed a motion asking for the other levels of government to commit in principle to a new Core Area Initiative, the deadline for which was October 30th. He asked Mayor Norrie to report the results of negotiations with the regional Minister for the Federal Government and the Minister of Urban Affairs and what progress has been made on that new agreement.

His Worship the Mayor replied that he had met with Mr. Jake Epp last Thursday and was very encouraged with the tone of the discussions held. There was an indication of a possible renewal, but not necessarily of Core but of a third Agreement. Similarly last Monday morning, he advised he had met with the Premier and there was an interest expressed by the Premier in terms of general approach. He advised that there appears to be a difference of opinion between the Federal and Provincial Governments as to the mechanism to be used but it was very encouraging to hear from both. He advised that he is proposing to arrange a meeting between the three, to determine if they can finalize everything and then get the officials to work out the details.

Councillor Selinger asked Mayor Norrie, that in view of recent statistics that show that Winnipeg's unemployment rate is one of the highest in the country, might it be possible that a decision be made before the recession ends.
Mayor Norrie replied that the parties concerned are well aware that the City wants an early decision.
Councillor Selinger asked His Worship the Mayor if he was aware that many of the more capable Core staff are being laid off and that the City will lose some valuable talent and asked what the City is doing to keep some of these people.

Mayor Norrie advised he is aware of losing some of the staff but indicated that he hoped the City would not lose all of them and that once an Agreement is struck perhaps some of the people could be recalled.

Councillor Murray noted that over a year ago a motion was referred by Council to Executive Policy Committee on budget process. It contained approximately 15 clauses asking to have a policy based budget process and one that was dealt with from the point of view of having the budget done before the end of the third quarter of the year prior. It has been over a year and no report has come forth and no extension of time has been requested by Executive Policy Committee. He asked when that report will be coming forward because if it is not, he would like to state his intention to move Notice of Motion again.

His Worship responded that he believes it has been discussed during budget meetings by the Executive Policy Committee and at the Board level, and he noted that Executive Policy Committee will be meeting tomorrow and that it would be up for discussion.

QUESTION PERIOD (continued)

Councillor Murray asked the Chairman of Planning and Community Services whether the Province of Manitoba would be moving to a Housing Commission, and if the funds from that Commission would go towards paying for a Housing Clinic. Given that Bill 13 is yet to be proclaimed and there is no replacement housing program in place at a time of need, would the Chair of Planning and Community Services or Executive Policy Committee advise Council as to any progress they have made as to the proclamation of Bill 13 and if they will raise the issue before the Minister in future.

Councillor Gilroy suggested Councillor Murray raise the matter at the next meeting of Planning and Community Services and then if Committee and Council agrees, it could ask the Official Delegation to raise it with the Province.

Councillor Kaufmann asked Councillor Douglas what the total cost for developing Bonnycastle Park is, including the Guertin Building.

Councillor Douglas undertook to obtain that information for Councillor Kaufmann.

Councillor Kaufmann asked Councillor Douglas for some information regarding when development of parks might take place in Island Lakes Development, South St. Vital, etc.

Councillor Douglas undertook to obtain the information for Councillor Kaufmann.

Councillor Fleisher raised the matter of the Portage and Main intersection, and asked His Worship Mayor Norrie and Councillors Lorenc and Mendelson what the status of same is. Mayor Norrie advised they would be meeting shortly with the parties involved.