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 February 17th, 1992, has concurred in the recommendations contained therein, except as noted below, and submits same to Council for approval and adoption.

On motion of Councillor Douglas, the Report of the Committee on Planning and Community Services, dated February 17th, 1992, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg.
February 17th, 1992.

His Worship Mayor and Councillors:

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

Appointment of Citizen Members to The Winnipeg Public Library Board
Files No. GC-7 and L-11.

632 1 On October 30th, 1991, the Committee on Planning and Community Services requested the Community Committees to nominate one citizen representative from the respective Communities to be appointed for a two year term on The Winnipeg Library Board. The Community Committees were provided with applications received by the City Clerk in this connection and were advised to also take those applications into consideration when making their nominations.

There are two Citizen Members from each of the six communities appointed to The Winnipeg Public Library Board. The appointment of one of the two Citizen members occurs on an alternating basis to ensure continuity in the affairs of The Library Board.

The Committee on Planning and Community Services has been provided with the names and addresses of persons nominated by the Community Committees as citizen representatives of the respective Communities to serve as citizen members on The Winnipeg Public Library Board.

Your Committee on Planning and Community Services recommends:

That the following persons be appointed as representatives from their respective Communities to serve as citizen members for a two year term on The Winnipeg Public Library Board, effective as of January 1st, 1992, namely:-

Assiniboine Park-Fort Garry Community

Mr. Abe Anhang, 675 Queenston Street, Winnipeg, R3N 0X6

City Centre-Fort Rouge Community

Mr. Arnold Margolis, 652-400 Webb Place, Winnipeg, R3B 3J3

East Kildonan-Transcona Community

Pat Dance, 18 Lancelot Place, Winnipeg, R2C 1K9

Lord Selkirk-West Kildonan Community

Report of the Committee on Planning and Community Services dated, February 17, 1992

Bernice Marmel, 174 Tait Avenue, Winnipeg, R2V 0K2

St. Boniface-St. Vital Community

Charlotte A. Walkty, 678 rue St. Jean Baptiste, Winnipeg, R2H 2Y3

St. James-Assiniboia Community

No nomination received, as Community Committee has had difficulty in obtaining applications for this position.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

Designation of a Committee of Council to conduct a Public Hearing to consider proposed Subdivision Standards By-law Files No. GL-5.1 and EP-2.

633 - 2. LAID OVER BY EXECUTIVE POLICY COMMITTEE

(NOTE: SEE PAGE 754 TO 755 FOR OFFICIAL SET OF MINUTES WITH RESPECT TO THE ABOVE CLAUSE)

Report of the Committee on Planning and Community Services dated, February 17, 1992

Passage of:-
(a) a Waterway By-law pursuant to the requirements of Bill 35 Amendments to The City of Winnipeg Act;
(b) an amendment to the Political and Administrative Organization By-law No. 4444/86;
(c) an amendment to the Fees By-law 5675/91 to establish fees for waterway application and permits.
Files No. E-5.1, GL-5.1, GL-5.6 and E-1.

634 3. Part 15.1, Waterways, of The City of Winnipeg Act, provides the City of Winnipeg the authority to control the rivers and streams within it's boundaries.

The Province by letter have stated that Sections 494.1 to 494.2 (regulated areas) of Part 15.1 of The City of Winnipeg Act and the repeal of The Rivers and Streams Act will be proclaimed on March 2nd, 1992. The Province has also indicated verbally that they will change the date to March 5th, 1992, to coincide with Council's meeting of March 4th, 1992. Therefore, as of March 5th, 1992, issuance and enforcement o waterway permits is intended to be controlled by the City of Winnipeg pursuant to a City By law.

The Riverbank Management Committee, at it's meeting of January 30th, 1992, recommended approval of the necessary By laws to give the City control of it's waterways. It is proposed that the fees for waterway applications and permits be put into the Development Applications Fees By law. Schedule "C" attached hereto is the necessary fee amending y law for same. Therefore, the necessary By laws are as follows:

(a) Schedule "A" is a By law to amend By law No. 4444/86. The amendment to By law No. 4444/86 abolishes The Rivers and Streams Permit Committee rendered redundant by the proclamation of Sections 494.1 and 494.2 of The City of Winnipeg Act and the repeal of The Rivers and Streams Act. This amendment further provides for an appeal mechanism allowed under Part 15.1 of The City of Winnipeg Act;

(b) Schedule "B" is the Waterway By law that establishes a new procedure for dealing with waterway permits within the regulated areas of the City;

(c) Schedule "C" is the By law establishing fees for waterway applications and permits.

The above referenced By laws attached as Schedules "A" and "B" do not address Sections 494.1(2)(b) or 494.2(2)(c) of The City of Winnipeg Act relative to regulating construction in, on, or over a waterway or the prohibition of same. In order to proceed with controls pursuant to Section 494.1(2)(b), a decision will have to be made as to technical details. Before proceeding under Section 494.1(2)(c), an evaluation of the risk associated with claims for compensation will have to be made should construction in, on, or over a waterway be prohibited.

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Your Committee on Planning and Community Services concurs in the recommendations of the Riverbank Management Committee and recommends:-

1. That the following draft By-laws submitted herewith be given favourable consideration, namely:-

   A. A By-law of The City of Winnipeg to amend the Political and Administrative Organization By-law No. 4444/86 by cancelling the delegation of authority by Council to The Rivers and Streams Permit Committee abolishing the said Committee and establishing the Riverbank Management Committee as the Appeal Committee to hear objections to orders or decisions made by the Designated Employee (Director of Planning) in respect of the issuance, cancellation or refusal of a waterway permit.

   B. A By-law of The City of Winnipeg to implement Part 15.1 (Waterways) of The City of Winnipeg Act as it pertains to the establishment of regulated areas and matters relevant to the issuance and enforcement of permits and orders required for the regulation of waterways within the boundaries of The City of Winnipeg.

   C. A By-law of The City of Winnipeg to amend the Development Fees By-law No. 5675/91, to establish fees for Waterway Applications and Permits.

2. That the City Solicitor be requested to prepare the necessary certified by-laws and forward same to Council for all three readings on March 4th, 1992.

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

Remuneration for Board of Adjustment Members Files GL-5.1 and GC-12

635 4. Council on February 12th, 1992, referred back Clause 4 of the Report of the Committee on Planning and Community Services, dated January 27th, 1992, with regard to remuneration for Board of Adjustment Members, which reads in part as follows, namely:-

"Council on January 22nd, 1992, adopted Clause 5 of the Report of the Committee on Planning and Community Services dated January 6th, 1992, in connection with recent amendments to The City of Winnipeg Act under Bill 35 of the Manitoba Legislature, relative to Part XX of The Act, which approved amongst other things; that the Board of Adjustment shall be comprised of six (6) members, including a Chairman and a Vice-Chairman as appointed by Council and that payment of Board Members shall be such fee as Council shall establish from time to time.

With regard to the appointments of Citizen Members to the Board of Adjustment, your Committee on Planning and Community Services has authorized that an advertisement be placed in both daily newspapers indicating that the City of Winnipeg will receive applications (obtained from the City Clerk's Department up to February 12th, 1992), for Citizen appointments to the Board of Adjustment, requesting that applicants give a resume of their experience relating to participation on Committees, Boards and Commissions in addition to their knowledge as it relates to Zoning By-law Regulations, process and procedures relative to Secondary Plans, Rezoning, Subdivision, Variance and Conditional Use applications.

Report of the Committee on Planning and Community Services dated, February 17, 1992

All members of Council have, under separate communication, been requested by the Committee to solicit possible candidates for the purpose of having them submit their application and resume for appointment to the Board of Adjustment, by February 12th, 1992.

With regard to the rate of remuneration for members of the Board of Adjustment, your Committee is of the opinion that said remuneration should be reflective of the:-

(a) duties and responsibilities of the Chairman, Vice-Chairman and other members of the Board;

(b) knowledge and experience required of Board members with regard to Zoning By-law Regulations, process and procedures relative to Secondary Plans, Rezoning, Subdivision, Variance and Conditional Use Applications;

(c) time commitment for Board meetings.

In this regard, your Committee has been advised that as a comparison, the Board of Revision members are paid as follows:-

Chairman -	$150.00 for first four hours or a portion thereof plus $150.00 for every subsequent 4 hours or a portion thereof.
Other Board Members	- $50.00 for every 2 hours of sitting or a portion thereof.

In the context of the foregoing, your Committee reviewed the following options:

Options 1

Chairman	$150.00 for first four hours or a portion thereof
	$150.00 for every subsequent four hours or portion thereof.
Vice Chairman	$120.00 for first four hours or a portion thereof.
	$120.00 for every subsequent four hours or a portion thereof.
Other Board Members	$100.00 for first four hours or a portion thereof.
	$100.00 for every subsequent four hours or a portion thereof.

Option 2

Chairman	$40.00 per hour or a portion thereof
Vice Chairman	$35.00 per hour or a portion thereof
Other Board Members	$30.00 per hour or a portion thereof."

Council on February 12th, 1992, also referred the following proposed amendment to Clause 4 of the Report of the Committee on Planning and Community Services, dated January 7th, 1992, namely:

"That Recommendation I of Clause 4 of the report of the Committee on Planning and Community Services be amended by combining options 1 and 2 to read as follows:

CHAIR	$150.00	for the first four hours or a portion thereof
	$ 40.00	per hour for every subsequent hour or a portion thereof

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VICE CHAIR	$120.00	for the first four hours or a portion hereof
	$ 35.00	per hour for every subsequent hour or a portion thereof
OTHER BOARD MEMBERS	$100.00	for the first four hours or a portion thereof
	$ 30.00	per hour for every subsequent hour or portion thereof."

Your Committee on Planning and Community Services has further reviewed the whole matter and recommends:-

I. That the rate of remuneration for members of the Board of Adjustment be as follows:-

CHAIRMAN	$150.00	for the first four hours or a portion thereof
	$ 37.50	per hour for every subsequent hour or a portion thereof
VICE-CHAIRMAN	$120.00	for the first four hours or a portion thereof
	$ 30.00	per hour for every subsequent hour or a portion thereof
OTHER BOARD MEMBERS	$100.00	for the first four hours or a portion thereof
	$ 25.00	per hour for every subsequent hour or portion thereof."

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

Moved by Councillor Douglas,
Adoption of the clause.

The motion for the adoption of the clause was put.

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

Yea: Councillors Boychuk, Clement, Demare, Diamant, Douglas, Duguid, Fleisher, Fraser, Gilroy, Golden, Hyman, Mendelson, Mitchelson, Murray, O'Shaughnessy, Prystanski, Thomas, Timmers, Young, Yuen, Mayor Norrie and Councillor Wade. 22

Nay: Councillor Reese. 1

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

REZONING - 716 Waverley Street,
Assiniboine Park-Fort Garry Community
File No. DAZ 254/91 (c/r DAV 368/91).

636 5. Your Committee on Planning and Community Services has been advised that an application has been received from TAP Construction, 300 - 65 Rorie Street, to amend By-Law No. 1800 by rezoning the land at 716 Waverley Street from an "R1-4" Single-Family District (southerly 4 feet) and a "C1" Local Commercial District to a "C2" General Commercial District to allow for commercial development.

The property was the subject of a recent granted variance application, DAV 368/91, which reduced the rear yard from 25 feet to 5 feet. The owner proceeded to construct a two-storey, 8,820 square foot commercial building providing parking for 26 vehicles with a bi-directional approach off Grant Avenue.

The commercial building replaced a service station. Development on the remaining three corners of the Grant Avenue/Waverley Street intersection consists of two service stations and a strip mall. The surrounding land use is low density residential, zoned "R1-4".

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The Planning Department is of the opinion that the operation of a bank or financial institution on the property would not be detrimental to the adjacent residents or incompatible with the residential character of the area.

A public meeting was held before the Assiniboine Park-Fort Garry Community Committee on January 20th, 1992.

The following persons appeared in support of the application:

Alan Tessler, 928 Queenston Bay, Winnipeg, R3N 0Y3, (on behalf of the TAP Construction),
Ed Calnitsky, 200-110 Osborne Street South, Winnipeg, R3L 1Y5, (on behalf of TAP Construction),
Alex Karp, 50 Hopwood Drive, Winnipeg, R3P 0Z5,
Phil Dlot, 31 Hopwood Drive, Winnipeg, R3P 0Z5.

A communication dated January 7th, 1992, from Frank L. Cvitkovitch, 550 Waverley Street, Winnipeg, R3M 3L5, was received nd presented to the Community Committee in opposition to the application. The Assiniboine Park-Fort Garry Community Committee recommended that the proposed zoning change be approved subject to a number of conditions, all of which have been incorporated within the following recommendations for the following reasons:

1. The use of the property under the "C2" zoning is restricted to a bank or financial institution, accessory uses not being permitted.

2. The operation of a bank or financial institution on the property would not be detrimental to the property enjoyment of adjacent residents or incompatible with the residential character of the area.

Your Committee on Planning and Community Services concurs in the recommendations of the Assiniboine Park-Fort Garry Community Committee and recommends:

I. That By-law No. 1800 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 254/91, attached hereto and dated February 6th, 1992 to a "C2" General Commercial District subject to the following:

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

      1) That the use of the lands be restricted to the following:

         (a) any use permitted in a "C1" Local Commercial District;

         (b) financial institutions;

         (c) accessory uses.

      2) That no free-standing signs be erected except in accordance with plans approved by the Director of Planning of the City and the Assiniboine Park-Fort Garry Community Committee.

      3) That payment of 10 per cent cash dedication be made to the City in lieu of land for open space, park and recreational use based on the increase in the market value of the land.

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

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

Report of the Committee on Planning and Community Services dated, February 17, 1992

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

V. 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.

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 643 for attachment.)

Amendment to the Development Fees By-law No. 5675/91.
Files EZ-DAZ(Gen) and E-1

637 6. Your Committee on Planning and Community Services has considered a report dated February 13th, 1991 outlining the need to address the following issues, namely:-

ISSUE NO. 1 - SPECIAL FEES RELATED TO BUILDING, ELECTRICAL AND PLUMBING PERMITS

Prior to transferring fees, both the Winnipeg Building By-law and the Winnipeg Electrical By-law allowed the authority having jurisdiction (i.e. the Supervisor of Building Inspections) to vary or modify requirements of these by-laws in special circumstances. This, of course, included fees, which originally formed part of the by-laws in question. When these fee schedules were transferred to the Development Fees By-law, the Department's need, from time to time, to make reasonable decisions regarding the assessment of fees in special circumstances was overlooked; i.e. there is no provision in the Fees By-law to modify or vary fees.

To correct this oversight, and restore flexibility in assessing fees in special circumstances, the Planning Department proposes an amendment to the Development Fees By-law to allow same. However, given the scope of the Fees By-law, it is recommended that the appropriate authority for this new clause be changed to the Director of Planning or his designate.

ISSUE NO. 2 DEVELOPMENT APPLICATION FOR AN EXPLANATORY PLAN OF SURVEY

A Plan of Survey is an explanatory plan pursuant to Section 127 of The Real Property Act. The plan which identifies each holding as a Parcel, has in the past been processed as a Plan of Subdivision short-form. However, under Section 613 of The City of Winnipeg Act, a "registered plan of subdivision means a plan of subdivision registered at the Winnipeg Land Titles Office under The Real Property Act, but does not include an explanatory plan filed under Section 127 of The Act." Thus the Planning Department is instituting a new file system for when a Plan of Survey is submitted with an application to be called a DAPS (Development Application Plan of Survey), for which a fee of $50.00 is proposed to be charged, which is the same fee charged for a short form plan of subdivision.

ISSUE NO. 3 BOARD OF ADJUSTMENT FEES

Bill 35 directs that a Variance Application may be dealt with by the Board of Adjustment or by a Designated City Administrator. Bill 35 also states that Conditional Use Applications will go to the Board of Adjustment. At present, the Fees By-law does not make any reference to applications to be considered by the Board of Adjustment, or Designated City Administrator.

The Fees By-law sets fees for tolerances. Bill 35 does not allow for the issuance of tolerances. A tolerance will now be granted as a Variance.

Report of the Committee on Planning and Community Services dated, February 17, 1992

ISSUE NO. 4 ERRORS AND OMISSION CORRECTIONS

A. Document inspection fee for the final fee upon completion of a search, was shown as $25.00, it should have read $20.00.

B. Under plumbing permits, reference is made to plumbing work covered by sentence 16.6.1(1) of the Building By-law. This should read sentence 14.6.1(1).

It is also proposed that the cross reference in Clause 10.1(17) be changed to read sentence 14.6.1(1).

C. A fee for a certificate of plumbing acceptance was not included in the Fees By-law. The fee for a Certificate of Electrical Inspection acceptance is $15.00, therefore, it is recommended that a $15.00 fee be added to the Fees By-law for a Certificate of Plumbing Acceptance.

ISSUE NO. 5 STREET ADDRESS CHANGE

The City issues street addresses to all properties within the City of Winnipeg. This is done when new plans of subdivision are approved and when building permits are issued.

In addition to issuing street addresses the City receives many requests to confirm the street address of a building or property and even to change the street address. The change of a street address involves substantial work. A total of 30 letters are sent out notifying various agencies of an address change, for example: Post Office, Telephone Company, Fire Department, Police Department, etc. Various Planning Department records must also be changed.

Your Committee on Planning and Community Services therefore recommends that the City of Winnipeg Fees By law No. 5675/91 be amended as follows:

RECOMMENDATION ISSUE 1

I. That the By law be amended regarding building, electrical, and plumbing permits to include the following: "The Director of Planning, in special cases that in his opinion warrant it, may modify a fee where such modification in his opinion is substantially warranted."

RECOMMENDATION ISSUE 2

II. That the Fee By law be amended by:

1. Changing DAS filing fee of $400.00 to read as follows:

DAS filing fee where The plan of subdivision creates new public street and/or lanes	$400.00

2. Changing the DASZ filing fee of $750.00 to read as follows:

DASZ filing fee where

(a)	The plan of subdivision does not create any new public streets or lanes	$450.00
(b)	The plan of subdivision creates new public streets and/or lanes	$750.00

Report of the Committee on Planning and Community Services dated, February 17, 1992

3. Changing the definition of a short-form plan of subdivision to read as follows:-

   DASSF is a development application for the approval of a plan of subdivision which conforms to the applicable zoning by-law and no new public streets and/or lanes are being created.

4. Adding fees for an explanatory plan of survey and by adding a definition of same as follows:-

   Explanatory Plan of Survey

   1. DAPS is a development application for the approval of an explanatory plan of survey

   2. DAPS filing fee $ 50.00

   3. Parcel Fee: Upon receiving approval of the DAPS application and prior to release of the mylars, the applicant shall pay a Parcel Fee of $100.00

RECOMMENDATION-ISSUE 3

III. That the By-law be amended, as hereinafter provided, in order to reflect the changes made under Bill 35, namely:-

1. That the heading for subsection 4.4 "Variances" be renamed "Variance Applications to the Board of Adjustment".

2. That clause 4.4(3) DAV fee for a use Variance and/or density Variance be changed to read "DAV fee for a temporary use Variance and/or density Variance".

3. That subsection 4.6 Tolerances be deleted and the following substituted therefore:-

   4.6 Variance Applications to the Designated City Administrator

   1) DAV fee involving single family and two family dwellings

      i) each yard variance

         a) up to 3 inches $ 15.00
         b) 3 inches to 5% $100.00
         c) 5% to by law limit $150.00

      ii) any other type of variance

         a) up to 5% $100.00
         b) 5% to by law limit $150.00

   2) DAV fee for buildings, structures and land not set forth in clause 1) of this subsection

      i) each yard variance

         a) up to 3 inches $ 15.00
         b) 3 inches to 5% $200.00
         c) 5% to by law limit $400.00

      ii) any other type of variance

         a) up to 5% $200.00
         b) 5% to by law limit $400.00

4. That Sub clause 4.4(2)(c), and clause 4.4(5) and 4.4(6) of the Fees By law be applied to both types of variance applications.

Report of the Committee on Planning and Community Services dated, February 17, 1992

5. That Sub clause 4.4(4)(a) be deleted.

RECOMMENDATION ISSUE 4

IV. That the errors and omissions in the Fees By law be corrected as follows:

1. That the document inspection fee for the final fee upon completion of a search be amended to read $20.00.

2. That the cross reference under plumbing permits in the Fees By -law, regarding plumbing work, be amended to read sentence 14.6.1(1) of the Building By law.

3. That a $15.00 fee be added to the Fees By law for a Certificate of Plumbing Acceptance.

RECOMMENDATION ISSUE 5

V. That the Fees By law be amended with regard to establishing a fee relating to the confirmation and/or change in Street Addresses as follows:

STREET ADDRESS FEES

1.	Street address confirmation by letter	$ 25.00
2.	Street address change	$100.00

VI. That the City Solicitor be instructed to prepare the necessary amending By law in accordance with the foregoing, and submit same to Council for favourable consideration.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

REZONING - 3670 Portage Avenue,south-west corner of Portage Avenue and Stewart Street. St. James-Assiniboia Community
File No. DAZ 262/91.

638 7. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. Ashok Dilawri, 3021 Pembina Highway to amend By-law No. 1558 by rezoning the land to the south of 3670 Portage Avenue from an "R1-5.5" Single-family District to a "C2" General Commercial District to allow for commercial development.

The subject lands are proposed to be developed in conjunction with the automobile sales building and display area (presently under construction) abutting to the north.

The subject site consists of Parcels D, E and F as shown on Schedule "A" attached hereto and dated February 6th, 1992. Parcel F is a part of all those lands (Parcels A, F & G), presently in the ownership of Dhikab Holdings Inc. The frontage lands, (Parcel A), are being developed with an automobile dealership. Lands to the south of the subject site (Parcel G) are intended to be transferred to the City of Winnipeg in exchange for existing City-owned lands (Parcels B, C, D and E).

The public lane on the east side of the site is not developed except for the east/west portion abutting the north limit of Lot 4, Plan 2597. This east/west lane is only 16.0 feet in width, is gravel surfaced, and intended to provide access only to a parking area for the one-family dwelling to the south, and for park access and maintenance.

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The north-south portion of the lane on the east side of the subject lands is being legally closed under File No. DAC 7/91. Vehicular access to the subject site will not therefore be directly possible from the public lane to the east. The public lane on the west limit of the site has also been legally closed and sold to the owner of Lot 4 to the south.

The subject application was considered by the Administrative Co-ordinating Group at its meeting held on January 8th, 1992 and there were no objections with regard to the application. The Parks and Recreation Department has requested cash in lieu of dedication for Parks and Recreation purposes.

The Planning Department supports the subject application since the site will be combined with the adjacent "C2" zoned lands, and is consistent and compatible with zoning and development in the immediate area.

A public meeting was held before the St. James-Assiniboia Community Committee on January 21st, 1992.

Mr. Ashok Dilawri 3021 Pembina Highway, Winnipeg, R3T 2H5, appeared in support of the application.

No one appeared in opposition thereto.

The St. James-Assiniboia Community Committee recommended that the proposed zoning change be approved subject to a condition which has been incorporated within the following recommendations for the following reason:

1. This project will be an enhancement to Portage Avenue.

Your Committee on Planning and Community Services concurs in the recommendations of the St. James-Assiniboia Community Committee and recommends:

I. That By-law No. 1558 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 262/91, attached hereto and dated February 6th, 1992 to a "C2", general commercial district subject to the following:

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

      (1) that payment of 10 per cent cash dedication be made to the City in lieu of land for open space, park and recreational use based on the increase in the market value of the land.

II. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings, when the Zoning Agreement has been executed.

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

IV. 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.

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 644 for attachment.)

Report of the Committee on Planning and Community Services dated, February 17, 1992

REZONING - 149 Hanbury Street, north-east corner of Hanbury Street at Tache Avenue St. Boniface - St. Vital Community
File No. DAZ 265/91 (DAV 584/91)

639 8. Your Committee on Planning and Community Services, has been advised that an application has been received from M. R. Consultants Inc., 5th Floor - 287 Broadway, to amend The St. Boniface Town Planning Scheme 1957 by rezoning the land at 149 Hanbury Street from an "R2-T" Two-Family District to a "C1" Limited Commercial District to allow for the establishment of offices, business or professional.

The westerly half of the site, is zoned "C1" and offices are permitted on the land. The easterly half of the site is zoned "R2-T", but has been in commercial use since 1965. The westerly portion of the site was used by the former Norwood Lawn Bowling Club and the Norwood Masonic Temple building on the easterly half of the site is now vacant. The proposed zoning change affects the future use of 149 Hanbury Street, and not the site at Hanbury Street and Tache Avenue, except to the extent that conditions of approval apply to the entire site.

On the easterly half of the site, offices are preferred as opposed to the re-establishment of a club, because of adjacent housing on both Kitson Street and Enfield Crescent. The additional "C1" zoning on the easterly half of the site would abut Precious Blood School, rather than housing. If no access is permitted to the public lane between Kitson Street and Hanbury Street, and suitable screening of parking is provided, effects on housing on Kitson Street should be minimal. It is considered that access to Hanbury Street should be contingent upon improvement of that street, to prevent ill effects on housing on Enfield Crescent. The restriction of access to Tache Avenue would be most appropriate to limit effects of the use.

Approval should be contingent on a number of conditions to protect adjacent housing, including a height limit, minimum parking ratio, and plan approval.

A public meeting was held before the St. Boniface-St. Vital Community Committee on January 14th, 1992.

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

Mr. D. Bruce MacLeod, M R Consultants Inc., 500-287 Broadway, Winnipeg, R3C 0R9,
Mr. Allan Rushworth, P. Eng., Vice-President, 2720281 Manitoba Ltd., (Solmundson Engineering Group Inc.) 1109 Henderson Highway, Winnipeg, R2G 1L4,
Mr. Graeme T. Rowswell, 63 Clearwater Road, Winnipeg, R2J 2T4,
Mr. David N. English, 18 Hammond Road, Winnipeg, R3R 1M1,
Mr. L. G. Bromwell, 657 Lyndale Drive, Winnipeg, R2H 1N7,
Mr. Jack Raber, M R Consultants Inc., 500 - 287 Broadway, Winnipeg, R3C 0R9,

Mr. Ian McKinnon, P. Eng., President, 2720281 Manitoba Ltd., (Solmundson Engineering Group Inc.), 1109 Henderson Highway, Winnipeg, R2G 1L4,
Mr. Douglas Bruce, C.E.T., Secretary-Treasurer, 2720281 Manitoba Ltd., (Solmundson Engineering Group Inc.), 1109 Henderson Highway, Winnipeg, R2G 1L4.

Communications in support of the application, were received from:-

Mr. Bob Sparrow, Co-Chairperson, Norwood Grove Business Association, P. O. Box 68, Norwood, P.O., Winnipeg, R2H 3B8,
Mr. Andy Lockery, Enviroline Consultants Inc., 230 Lamont Boulevard, Winnipeg, R3P 0E9,
Mr. Alex Boyes, Superintendent of Schools, Norwood School Division No. 8, 200 St. Mary's Road, Winnipeg, R2H 1H9.

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

Mr. Blair Dawe, 137 Tache Avenue, Winnipeg, R2H 1Z4,
Mr. Robert and Mrs. Paulette Boulet, 105 Monck Avenue, Winnipeg, R2H 1W8,
Mr. Daniel A. and Mrs. Elaine Hoorne, 141 Tache Avenue, Winnipeg, R2H 1Z4,
Mr. Aurele Teffaine and Ms L. Dartnell, 138 Tache Avenue, Winnipeg, R2H 1Z5,
Mr. Gordon and Lucy Guest, 129 Tache Avenue, Winnipeg, R2H 1Z4,
Mr. Raymond Plouff, 166 Ashdale Avenue, Winnipeg, R2H 1R2,
Mrs. J. Rempel, 30 Balsam Place, Winnipeg, R2H 1K7,
Mr. Jean Le Jeune, 114 Birchdale Avenue, Winnipeg, R2H 1S1,
Mr. and Mrs. P. De Craene, 165 Birchdale Avenue, Winnipeg, R2H 1S3,
Mr. Chester Letkeman, 165 Claremont Avenue, Winnipeg, R2H 1W3,
Mr. and Mrs. Roland Robert, 176 Claremont Avenue, Winnipeg, R2H 1W5,
Mr. Oscar Lucash, 180 Claremont Avenue, Winnipeg, R2H 1W5,
Dr. Shaun Lucash, 180 Claremont Avenue, Winnipeg, R2H 1W5,
Mrs. M. E. DePape, 128 Lawndale Avenue, Winnipeg, R2H 1T3,
Mr. Patrick Leslie, 131 Lawndale Avenue, Winnipeg, R2H 1T2,
Mr. Andrew Quarry, 135 Lawndale Avenue, Winnipeg, R2H 1T2,
Mrs. Pat Statkewich, 139 Lawndale Avenue, Winnipeg, R2H 1T2,
Mrs. Laura Reid, 144 Lawndale Avenue, Winnipeg, R2H 1T3,
Mr. and Mrs. D. A. McNeil, 191 Lawndale Avenue, Winnipeg, R2H 1T4,
Mrs. Dolores Dupas, 167 Lyndale Drive, Winnipeg, R2H 1K5,
Mrs. Marjolaine Munz, 130 Monck Avenue, Winnipeg, R2H 1X2,
Mrs. Deborah O'Neil, 137 Monck Avenue, Winnipeg, R2H 1X1,
Mr. Robert Paizen, 154 Monck Avenue, Winnipeg, R2H 1X2,
Mr. Jacques Dornez, 164 Monck Avenue, Winnipeg, R2H 1X2,
Ms Lynne LeGras-Dornez, 164 Monck Avenue, Winnipeg, R2H 1X2,
Mr. Antonio Boustcha, 174 Monck Avenue, Winnipeg, R2H 1X2,
Mr. G. Watson, 130 Pinedale Avenue, Winnipeg, R2H 1R6,
Mr. Dan C. Desrochers, 157 Pinedale Avenue, Winnipeg, R2H 1R5,
Mr. H. C. Brian, 172 Pinedale Avenue, Winnipeg, R2H 1R8,
Mr. P. Peersman, 106 Tache Avenue, Winnipeg, R2H 1Z2,
Mr. and Mrs. E. Grimes, 127 Tache Avenue, Winnipeg, R2H 1Z4,
Mr. Ernie McLean, 151 Tache Avenue, Winnipeg, R2H 1Z4,
Ms Sonya Fawcett, 157 Tache Avenue, Winnipeg, R2H 1Z4.

The St. Boniface-St. Vital Community Committee recommended that the proposed zoning change be approved subject to conditions, all of which have been incorporated within the following recommendations for the following reasons:-

1. The limitation on the commercial use of the property will protect the residential character of the adjacent neighbourhood and keep the traffic flow to and from the site at a lower density than if the full range of permitted uses within the "C1" District Regulations were allowed.

2. The proposed use of the property is an improvement over the present individual use of the (two) properties and the conditions imposed will make the site aesthetically pleasing for the surrounding area.

3. The provision for access to the site by way of Tache Avenue, and the standard administrative requirements for parking spaces will restrict the type of construction on the site so same will not become a detriment to the neighbourhood.

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

I. That The St. Boniface Town Planning Scheme 1957 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 265/91, attached hereto the dated February 14th, 1992 to a "C1" Limited Commercial District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Subsection 591(1) of The City of Winnipeg Act to apply to the subject site and to Lots 25 and 26, Block 18, Plan 396 (existing "C1") to provide for the following:-

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

(a) offices, business or professional;
(b) accessory uses;

(2) that parking spaces be provided and maintained on the land at a minimum ratio of one space for each 500 square feet of floor area established on the land;

(3) that no building or structure, parking area, fencing, landscaping or sign be erected or located on the land and that no 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;

(4) that no building on the land exceed 2.5 storeys in height, to a maximum of 35 feet;

(5) that a landscaped set back be provided and maintained to any building, structure, parking or loading area, or refuse storage facility, from both Hanbury Street and the public lane between Hanbury Street and Kitson Street, not less than 5 feet in depth;

(6) that an opaque wood fence, not less than 4 feet in height, be established and maintained on the north and south limits of any parking or loading area abutting a yard which abuts Hanbury Street or the public lane between Hanbury Street and Kitson Street;

(7) that no vehicular approach for ingress to or egress from the land be located on Hanbury Street or the public lane between Hanbury Street and Kitson Street;

(8) that payment of 10% cash dedication be made 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.

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

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

IV. That the rezoning by law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land and provided that the said effective date occurs within 12 months from the date that said rezoning by law is passed by Council.

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

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

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ZONING AGREEMENT AMENDMENT - 23 Exbury Place. Assiniboine Park - Fort Garry Community File No. DASZ 36A/79 (ZAA 11/91).

640 9. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. Edward Polkowski, 440 Don Avenue, to amend the Zoning Agreement affecting 23 Exbury Place to permit the maintenance of a single-family dwelling having a rear yard of 83.85 feet/ 25.56 metres, instead of 85 feet/25.9 metres as required by the agreement.

The subject site was established in the initial phase of the Whyte Ridge residential subdivision under Application No. DASZ 36A/79. The Zoning Agreement enacted as a condition of approval of the Subdivision and Rezoning required that:

All lots within the land directly adjoining the stormwater retention lake shall have the following maximum rear yards:-

- 25.9 m (85 feet) measured from the rear lot line to the principal building;
- 12.8 m (42 feet) measured from the rear lot line to the closest detached accessory building;
- 8.5 m (28 feet) measured from the rear lot line to the closest temporary structure.

The existing dwelling on this lot was constructed with an 83.85 foot setback at the nearest point from the abutting stormwater retention lake.

The special rear yard setback incorporated into the Zoning Agreement is intended to accommodate fluctuations in the water level of the stormwater retention lake. The 25.9 m (85 foot) rear yard setback applied to dwellings is intended to provide for an adequate amount of useable on-site rear yard space after the lake has reached its highest design level (100 year storm frequency). The water level of the lake would be expected to inundate the rear 12.8 m (42 feet) of the lot during a 100 year storm event. This would therefore normally leave some 13.1 m (43 feet) of unaffected rear yard space.

Noting the above comments, the Planning Department considers this 1.15 foot deficiency in the established rear yard as tolerable.

A public meeting was held before the Assiniboine Park-Fort Garry Community Committee on December 16th, 1991.

Mr. Edward W. Polkowski, 23 Exbury Place, Winnipeg, Manitoba, R3L 0S4, appeared in support of the application.

No one appeared in opposition thereto.

The Assiniboine Park-Fort Garry Community Committee recommended that the proposed zoning agreement amendment be approved for the following reasons:

1. The application is minor in nature.

2. There should not be any deleterious effect to neighbours in the surrounding area.

Your Committee on Planning and Community Services concurs in the recommendation of the Assiniboine Park-Fort Garry Community Committee and recommends:

I. That Zoning Agreement DASZ 36A/79 be amended as follows:

   (a) That the Zoning Agreement as it affects Lot 7, Block 4, Plan 19439 be amended to permit an 83.85 foot/25.56 metre rear yard setback to the existing single-family dwelling.

II. That the City Solicitor be requested to prepare the necessary amendment to Zoning Agreement DASZ 36A/79 in accordance with Recommendation I above.

Report of the Committee on Planning and Community Services dated, February 17, 1992

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

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

SUBDIVISION AND REZONING - North side of Roblin Boulevard between Harstone Road and Greenbriar Avenue. Assiniboine Park - Fort Garry Community File No. DASZ 8/91.

641 - 10. LAID OVER BY EXECUTIVE POLICY COMMITTEE

(NOTE: SEE PAGE 769 TO 773 FOR OFFICIAL SET OF MINUTES FOR THE ABOVE CLAUSE)

Report of the Committee on Planning and Community Services dated, February 17, 1992

Designation of a Committee of Council to hear Appeals against Community Committee decisions relative to Companion Variance and Conditional Use Applications and License Application Files GL-5.1, GL-5.6 and GC-12.

642 11. Council on January 22nd, 1992, amended and adopted Clause 5 of the Report of the Committee on Planning and Community Services, dated January 6th, 1992, with regard to Variance and Conditional Use procedural changes under Bill 35 of the Manitoba Legislature, which approved amongst other things, the following namely:-

> "That Council, pursuant to Subsection 647(1) of The City of Winnipeg Act, designate the respective Community Committee as the Committee of Council to conduct Public Hearings on Appeals respecting a Variance or Conditional Use."

In view of Council's decision to designate the respective Community Committee as the Appeal Committee to hear Variance and Conditional Use Appeals against the decision of the Board of Adjustment and the Designated City Administrator affecting applications within their respective Community boundaries, it will now be necessary to establish what Committee of Council will be designated to hear the Appeals against Community Committee decisions with regard to:-

1. License applications

2. Companion Conditional Use and/or Variance Applications considered by Community Committees when dealing with a Rezoning or Subdivision Application.

*NOTE Section 641(1) of The City of Winnipeg Act provides that the Public Hearing to consider combined Variance and Conditional Use Applications shall be the Board of Adjustment; and that the Public Hearing to consider combined zoning (Development) Application and related (companion) Conditional Use and/or Variance Applications affecting the same land, shall be the Committee of Council designated to hold the Public Hearing or Zoning, Subdivision and Secondary Plans, namely:- the respective Community Committee.

It will also be necessary to amend the Political and Administrative Organization By-law. 4444/86 to reflect the Appeal Committee designated to hear the above-noted appeals.

Your Committee on Planning and Community Services recommends:-

1. That the Committee on Planning and Community Services be designated as the "Committee of Council" to hear the appeals against Community Committee decisions with respect to:-

    1. License applications

    2. Companion Conditional Use and/or Variance Applications considered by Community Committees when dealing with a Rezoning or Subdivision Application.

2. That the City Solicitor be instructed to prepare the necessary By-law to amend the Political and Administrative Organization By-law No. 4444/86 and the Development Procedures By-law contemplated under Section 628 of The City of Winnipeg Act.

3. That The City Solicitor be authorized to do all things necessary to implement the foregoing, in accordance with the terms of The City of Winnipeg Act.

Moved by Councillor Douglas,
Adoption of the clause.

Carried

643 - Schedule "A" referred to in Clause 5 of the Report of the Committee on Planning and Community Services, dated February 17th, 1992.

(NOTE: SEE PAGE 776 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

644 - Schedule "A" referred to in Clause 7 of the Report of the Committee on Planning and Community Services, dated February 17th, 1992.

(NOTE: SEE PAGE 777 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

CONSIDERATION OF REPORT OF THE
COMMITTEE ON PLANNING AND COMMUNITY SERVICES

The Executive Policy Committee has had before it the Report of the Committee on Planning and Community Services, dated February 25th, 1992, has concurred in the recommendations contained therein and submits same to Council for approval and adoption.

West Committee Room,
Council Building, Winnipeg.
February 25th, 1992.

His Worship the Mayor and Councillors:

Your Committee on Planning and Community Services submits the following Report of its Special Meeting and recommends:

Appointment of Citizen Members to The Board of Adjustment
Files GC-7, GL-5.1 and GC-12.

645 - 1. LAID OVER BY EXECUTIVE POLICY COMMITTEE

(NOTE: SEE PAGES 778 TO 779 FOR OFFICIAL SET OF MINUTES FOR THE ABOVE CLAUSE)

COMMITTEE ON PLANNING AND COMMUNITY SERVICES
MOTIONS

Moved by Councillor Douglas,
Seconded by Councillor Lorenc,

646 BE IT RESOLVED that the Council decision of January 22nd, 1992, to have the Community Committees hear the appeals from the Board of Adjustment, be changed to the Committee on Planning and Community Services;

AND BE IT FURTHER RESOLVED that the draft By-law No. 5893/92 be amended accordingly.

Automatic Referral to Committee on Planning and Community Services, in accordance with Section of the Procedure By-law.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES
CONSIDERATION OF BY-LAWS

647 On motion of Councillor Douglas, the following By-laws were each read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:-

By-law No. 5884/92, a By-law of the City of Winnipeg to amend The St. Boniface Town Planning Scheme 1957 for the enactment of a zoning change in the St. Boniface-St. Vital Community by rezoning the land at 145 and 149 Thomas Berry Street from an "R2-T" TWO-FAMILY TRANSITIONAL DISTRICT to a "C2" COMMERCIAL DISTRICT. File No. DAZ 233/91C.

By-law No. 5885/92, a By-law of the City of Winnipeg to change the names of certain highways in the City of Winnipeg. File No. SC-3.14(23).

By-law No. 5886/92, a By-law of the City of Winnipeg to amend Zoning By-law No. 1800 for the enactment of a zoning change on the north side of Baltimore Road between Darling Street and Churchill Drive in the Assiniboine Park-Fort Garry Community. File No. DAZ 255/91.

By-law No. 5887/92, a By-law of the City of Winnipeg to amend By-law No. 5675/91, being The Development Fees By-law for development applications, permits and related matters.
File Nos. E-5.1, GL-5.6 and E-1.

By-law No. 5888/92, a By-law of the City of Winnipeg designating waterways and adjacent land as regulated areas, providing for the issuance, renewal and cancellation of permits and enforcement of orders, prescribing the information to be submitted by an applicant in support of an application for permit, prescribing a tariff of fees and designating employees of the City to supervise and enforce this By-law. File Nos. E-5.1, GL-5.6 and E-1.

By-law No. 5889/92, a By-law of the City of Winnipeg to further amend By-law No. 4444/86 to cancel the delegation of authority by Council to the Rivers and Streams Permit Committee, being a sub-committee of the Riverbank Management Committee to consider applications and approve permits, abolish such sub-committee and further, to provide for appeals to the Riverbank Management Committee pursuant to Part 15.1 (Waterways) of The City of Winnipeg Act.
File Nos. E-5.1, GL-5.6 and E-1.

By-law No. 5890/92, a Zoning (Development) By-law of the City of Winnipeg for the enactment of zoning text changes to Zoning By-law No. 16502. File Nos. DAZ 216/91, DAZ 217/91 and DAZ 224/91.

By-law No. 5891/92, a Zoning (Development) By-law of the City of Winnipeg for the enactment of zoning text changes to The St. Vital Town Planning Scheme 1951. File Nos. DAZ 216/91, DAZ 217/91 and DAZ 224/91.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES - CONSIDERATION OF BY-LAWS (continued)

By-law No. 5892/92, a By-law of the City of Winnipeg to amend The St. Boniface Town Planning Scheme 1957 for the enactment of a zoning change at 149 Hanbury Street from an "R2-T" TWO-FAMILY TRANSITIONAL DISTRICT to a "C1" LIMITED COMMERCIAL DISTRICT in the St. Boniface-St. Vital Community. File No. DAZ 265/91.

By-law No. 5893/92, a By-law of the City of Winnipeg to provide for procedures under Part 20 of The City of Winnipeg Act and the making of zoning variance orders and conditional use zoning orders. File Nos. GL-5.1 and GL-5.6.

By-law No. 5894/92, a By-law of the City of Winnipeg to provide for appointment of members and the functions of the board of adjustment. File Nos. GL-5.1 and GL-5.6.

On motion of Councillor Douglas, the rule was suspended and the following By-laws were each read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:-

By-law No. 5902/92, a By-law of the City of Winnipeg for the enactment of zoning text changes to The St. Boniface Town Planning Scheme 1957. File Nos. DAZ 216/91, DAZ 217/91 and DAZ 224/91.

By-law No. 5903/92, a By-law of the City of Winnipeg for the enactment of zoning text changes to Zoning By-law No. 1800. File Nos. DAZ 310/86, DAZ 226/90, DAZ 216/91, DAZ 217/91 and DAZ 224/91.