CONSIDERATION OF REPORT OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

The following clause contained in the Report of the Committee on Planning and Community Services, dated June 3rd, 1991 was laid over by the Executive Policy Committee on June 12th, 1991. The Executive Policy Committee has further considered this clause and did not concur in the recommendations contained therein.

On motion of Councillor Gilroy, the Report of the Committee on Planning and Community Services, dated June 3rd, 1991, was considered.

West Committee Room,
Council Building,
Winnipeg, June 3rd, 1991.

His Worship the Mayor and Councillors:-

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

Undertaking an Environmental Impact Assessment of the Pines Project in connection with stronger and more Comprehensive Airport Protection Policies.
Files No. EP-1.1(PW 1/81), GG-1, DAZ 208/89 & DAV 297/89

1053 - 1. Council at its meeting held on May 8th, 1991, referred the following motion to the Committee on Planning and Community Services for its consideration and recommendations:-

"WHEREAS the Minister for Urban Affairs has requested that the City adopt stronger and more comprehensive airport protection policies;

AND WHEREAS the report and recommendations of the Advisory Committee for the Protection of the Winnipeg International Airport recommends that Plan Winnipeg's airport policies and objectives be strengthened;

THEREFORE BE IT RESOLVED that City Council:-

1. Authorize for approval the preparation of an amendment to the Winnipeg Development Plan which establishes regulations and requirements designed to ensure the maximum degree of compatibility and protection in flight approach zones with existing or proposed developments in close proximity to the airport; and

2. Under Section 612(1) of The City of Winnipeg Act withhold a permit for the construction of a building on property commonly referred to as The Pines for a period of sixty days from the date of application for a permit (Legal description: Lots 1, 2, 3, 4 and 5 in Plan 4821, plus all that portion of river lot 16, of the Parish of Saint James, in Manitoba, lying to the south of the southern limit of the main highway, as same is shown on a plan filed in the Winnipeg Land Titles Office as No. 547, which lies between the western limit of Lot 1, as the same is shown on a plan registered in the said office as No. 4821, and a line drawn west of, parallel with and perpendicularly distant 90 feet from said western limit);

3. Request that the Province of Manitoba undertake an Environmental Impact Assessment of the above project."

In this regard, your Committee on Planning and Community Services recommends that Item No. 3 of the resolution be approved, namely:-

That the Province of Manitoba undertake an Environmental Impact Assessment of the Pines Project, on the south side of Portage Avenue, west of Mount Royal Crescent.

Report of the Committee on Planning and Community Services, dated June 3rd, 1991.

In the interim, the Committee on Planning and Community Services has requested the Commissioner of Planning and Community Services to report back with respect to Items 1 and 2 of the resolution referred to it by Council on May 8th, 1991.

Your Executive Policy Committee submits this clause to Council for its consideration, without recommendation, in view of the fact that a motion to concur in the recommendation of the Committee on Planning and Community Services, was lost by virtue of a tie vote.

Moved by Councillor Gilroy,
Adoption of the clause.

Moved by Councillor Thomas,
Seconded by Councillor Duguid,
BE IT RESOLVED that Clause 1 of the Report of the Committee on Planning and Community Services dated June 3rd, 1991, be laid over to the Council meeting of July 31st, 1991, to give more time for all parties to adequately consider their position on the "Undertaking an Environmental Impact Assessment of the Pines Project".

In amendment,

Moved by Councillor Mitchelson,
Seconded by Councillor Brown,
THAT the previous Motion be amended to read "be laid over to the first meeting in September (September 25th, 1991)".

The amendment was put.

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

Yea: Councillors Brown, Clement, Demare, Fleisher, Fraser, Lazarenko, Lorenc, Mitchelson, O'Shaughnessy, Prystanski, Timm-Rudolph, Yuen and Mayor Norrie. 13
Nay: Councillors Boychuk, Diamant, Douglas, Duguid, Gilroy, Golden, Hyman, Mendelson, Murray, Thomas, Timmers, Young and Wade. 13

and the amendment was declared lost, in accordance with Section 58 of the Procedure By-law.

The motion to lay over the clause until July 31st, 1991 was put.

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

Yea: Councillors Boychuk, Diamant, Douglas, Duguid, Gilroy, Hyman, Lazarenko, Mendelson, Murray, Selinger, Thomas, Timmers, Young, Yuen, Mayor Norrie and Councillor Wade. 16

Nay: Councillors Brown, Clement, Demare, Fleisher, Fraser, Golden, Lorenc, Mitchelson, O'Shaughnessy, Prystanski and Timm-Rudolph. 11

and the motion to lay over the clause was declared carried.

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 June 24th, 1991, has concurred in the recommendations contained therein, 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 June 24th, 1991, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg.
June 24th, 1991.

His Worship the Mayor and Councillors:

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

Amendments to Encroachment By-law.
Files No. ED & E-1

1054 - 1. Your Committee on Planning and Community Services has been advised that Council has approved an amendment to the Development Application Fees By-law that will include therein new fees for encroachments. Presently, the Encroachment By-law contains the fees for encroachments. The Planning Department recommends that the Encroachment By-law be amended so that when the new fees come into effect the old fees would be repealed from the Encroachment By-law.

In this regard, the Planning Department has submitted suggested amendments to the Encroachment By-law which will speed up the processing of encroachments by giving the administration authority to allow or reject applications for encroaching doors and projecting signs, where such encroachments do not pose a danger to pedestrians or vehicular traffic. The suggested amendments are as follows:-

A. Doors

The Encroachment By-law states that a door shall not encroach over or into a street. The Planning Department recommends that this provision be deleted from the by-law.

The deletion of this paragraph would allow an administrative decision to allow or reject applications for encroaching door swings where such encroachments do not pose a danger to pedestrian and vehicular traffic.

An example of such an encroachment would be a door which swings over a boulevard within a Right-of-Way which does not accommodate a sidewalk, and is well removed from that area of the Right-of-Way used by vehicular traffic.

Another example would be the approval of outward-swinging doors that are required for safety exits (fire) necessary under the Building By-law, such exits being conditional on adequate signage identifying such as a "fire exit" or "emergency exit", and further provided such doors were wired into the fire alarm system, causing the alarm to function when the door is opened.

Report of the Committee on Planning and Community Services, dated June 24th, 1991.

This amendment would result in fewer appeals to the Committee on Planning and Community Services regarding encroaching doors, as all such applications must now be refused out-of-hand.

Certainly, applications which, in the opinion of the Designated Officer, are, or could be hazardous would be denied, and the applicant could appeal the refusal at Committee, at which time the Committee could consider a report on the circumstances prepared by the Designated Officer prior to arriving at a decision.

B. Projecting Signs

The City of Winnipeg Encroachment By-law No. 692/74 requires that a projecting sign that is encroaching over a city sidewalk shall have a minimum vertical clearance of 11 feet.

Zoning By-laws and Town Planning Schemes require that projecting signs within the property lines have a minimum vertical clearance of 8 feet 6 inches.

The Planning Department proposes that the Encroachment By-law be amended to provide throughout the city for projecting encroaching signs to have a standard minimum vertical clearance of 8 feet 6 inches.

This request is justified because currently, the Encroachment By-law permits marques, canopies, awnings and sun visors to be erected or located with a vertical clearance from sidewalk level of 8 inches 6 inches minimum. As well, a recent amendment to the Encroachment By-law was approved allowing signs to be erected with an 8' 6" vertical clearance within the "HW" Historic Winnipeg Restoration Area District. It can therefore be justifiably argued that since projecting signs are not ostensibly different in structure or character than are marques, canopies and awnings they should enjoy the same privilege. As well, since the same circumstances prevail throughout the City of Winnipeg as are found in the Historic Winnipeg District, there seems to be no justification for disallowing them City wide.

Earlier correspondence, while processing the "HW" District amendment, from the office of the District Engineer, Works and Operations District No. 1, indicated that equipment used for snow clearance of sidewalks and sidewalk maintenance does not exceed 8' 2" in height and the district engineer is of the opinion that such equipment is not in jeopardy of collision with subject signs given the additional 4" clearance. The district engineer does note however that caution should be taken by operators when sidewalks have a build-up of snow.

The Streets and Transportation Department, has indicated their objection to this proposal, but has not given a convincing argument as to why projecting signs should be treated differently than other similar encroachments.

The Downtown Design Board expressed its support of this amendment as it would establish a standard for this type of sign installation throughout the entire area governed by the Downtown Winnipeg Zoning By-law No. 4800.

Your Committee on Planning and Community Services recommends:

I. That the Encroachment By-law No. 692/74 be amended as follows:

(1) That those sections of the Encroachment By-law establishing the monetary value for the annual license fees be deleted; and

(2) That the regulation requiring that doors shall not encroach over or into a street be deleted; and

Report of the Committee on Planning and Community Services, dated June 24th, 1991.

(3) That the provisions in the By-law that require an 11 foot minimum vertical clearance from the sidewalk level for projecting signs encroaching over City land be deleted, the said provisions be amended to read as follows:-

That projecting signs, encroaching over city land shall have a minimum vertical clearance of 8' 6" from sidewalk level throughout the City.

II. That the City Solicitor be requested to prepare the necessary amending by-law 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.

REZONING - 1319 Main Street - Lord Selkirk - West Kildonan Community.
File No. DAZ 222/91

1055 - 2. Your Committee on Planning and Community Services has been advised that an application has been received from Series II Developments Ltd. (c/o John Tropak), 255 Watt Street to amend By-law No. 4450/86 by rezoning the land at 1319 Main Street from an "RM-5" Multiple Family District to a "CZ" Commercial Zoning District to allow for the construction of a Commercial Building.

Properties to the north are zoned "CZ" Commercial and are occupied by a Legion and a range of smaller businesses.

Lands to the east are zoned "R2" Two Family Residential and are occupied with a range of single-family and two-family and multiple-family dwellings.

To the south, the immediate properties are occupied by small apartment complexes, zoned "RM-5".

The opposite side of Main Street is primarily a concentration of small businesses and zoned "CZ" Commercial.

The subject property is situated at the south-east corner of Machray Avenue and Main Street. It is 45 feet wide and has 126 feet of depth along Main Street. A two storey stucco building occupies the north half of the lot and a garage and a 13 foot x 47 foot billboard occupy the south half of the site. A number of small businesses have operated out of the main building including a hair salon and a small video outlet. The applicant proposes to demolish the existing structures and build a new one storey building on the south half of the property. The new building would house a Video Cellar Retail Store - parking would be located on the north half of the site.

The Planning Department has reviewed the application and is of the opinion that the proposed redevelopment, which entails a rezoning, would be a significant improvement over the current situation. Currently, the first two storeys of the apartment complex on the adjoining property to the east have limited access to natural light, which is effectively eliminated by the height of the applicant's existing two storey building and advertising billboard. That situation will be vastly improved by the proposed removal of the billboard and construction of a modified (1 storey) new building on the south half of the property, which will be oriented towards Main Street. On street parking is also expected to be improved by the creation of a parking area which will be accessed off of Machray Avenue.

A Public Meeting was held before the Lord Selkirk-West Kildonan Community Committee on May 21st, 1991.

Report of the Committee on Planning and Community Services, dated June 24th, 1991.

John Tropak, 747 Kildonan Drive, Winnipeg, appeared in support of the application.

No one appeared in opposition thereto.

J. Narajewsky, 178 Machray Avenue, Winnipeg, appeared for information only.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning change be approved for the following reasons:-

1. The proposed redevelopment would be a significant improvement over the current situation.

2. Removal of the billboard and construction of a modified (1 storey) building on the south half of the property will enhance and allow improved access to natural light by occupants of the adjoining property, which at present is eliminated by the height of the existing building.

3. On-street parking will also be improved by the creation of a parking area to be accessed off of Machray Avenue. The Administrative Co-ordinating Group recommended that the applicant enter into a Servicing Agreement with the City with conditions outlined in Schedule "B" for File No. DAZ 222/91 attached hereto and dated June 18th, 1991. The Lord Selkirk-West Kildonan Community Committee recommended that conditions 1(a) and 2 be deleted. Thus, the only outstanding recommendation from the Administrative Co-ordinating Group is the planting of trees along Main Street.

Your Committee on Planning and Community Services concurs in part with the recommendations of the Lord Selkirk-West Kildonan Community Committee for the following reason:-

Since two conditions were deleted from the Servicing Agreement by the Lord Selkirk-West Kildonan Community Committee, the Land Development Department is recommending that the planting of trees (the only condition remaining) can be obtained through other means than the processing of a servicing agreement.

It is therefore recommended:-

I. That By-law No. 4450/86 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 222/91 attached hereto and dated June 18th, 1991, to a "CZ" Commercial Zoning District subject to the following:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 605(1) of the City of Winnipeg Act to provide for the following:-

1. That the use of the site be restricted to a video retail store.

2. That no building or structure shall be constructed on the subject land and no building permit issued for construction of such building or structure on the land unless and until plans including the design and location of the proposed building locations, parking, landscaping fencing, exterior elevations, building design including facing materials, location of waste receptacles and methods of ingress and egress are submitted to and approved by the Lord Selkirk-West Kildonan Community Committee and the Commissioner of Planning and Community Services and thereafter identified by the signature of that Commissioner under the designation Schedule "A" to DAZ 222/91 and no buildings or structures shall be erected or located on the land except in accordance with said Schedule "A" to DAZ 222/91.

3. That a 10 percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land for open space park and recreational use based on the increase in the market value of the land.

Report of the Committee on Planning and Community Services, dated June 24th, 1991.

II. That the applicant shall, at no expense to the City, plant trees along Main Street adjacent to the proposed development to the satisfaction of the General Manager of Parks and Recreation prior to the issuance of an occupancy permit.

III. 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.

IV. That the rezoning by-law shall become effective when the Zoning Agreement has been registered as a caveat with first charge against the subject land at the Winnipeg Land Titles Office.

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

VI. 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.

VII. 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. 1056 for attachments.)

1056 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

COMMITTEE ON PLANNING AND COMMUNITY SERVICE

MOTIONS

Moved by Councillor Douglas,
Seconded by Councillor O'Shaughnessy,
1057 - WHEREAS Council on December 12th, 1990 appointed Councillor Lazarenko to the Variance, Conditional Use and License Appeal Committee for the months of July, August and September, 1991 and Councillor O'Shaughnessy for the months of October, November and December, 1991;

AND WHEREAS the said Councillors have agreed to a change in their term of office;

THEREFORE BE IT RESOLVED that:

(a) Councillor O'Shaughnessy be appointed to the Variance, Conditional Use and License Appeal Committee for the months of July, August and September, 1991; and

(b) Councillor Lazarenko be appointed to the Variance, Conditional Use and License Appeal Committee for the months of October, November and December, 1991.

Carried.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

1058 - On motion of Councillor Gilroy, 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. 5723/91, a By-law of the City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 1800 for the enactment of a zoning change in the Assiniboine Park-Fort Garry Community. File No. DASZ 2/91.

By-law No. 5724/91, 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. File No. DAZ 210/91.

On motion of Councillor Gilroy, 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. 5727/91, a By-law of the City of Winnipeg to correct its By-law No. 5701/91, a By-law to amend Zoning By-law No. 16502 for the enactment of a zoning change in the Lord Selkirk-West Kildonan Community. File No. DAZ 208/91.

By-law No. 5728/91, a By-law of the City of Winnipeg to amend Zoning By-law No. 16502 for the enactment of a zoning change in the City Centre-Fort Rouge Community. File No. DAZ 214/91.