REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED SEPTEMBER 2, 1997

On motion of Councillor Timm-Rudolph, the Report of the Committee on Planning and Community Services, dated September 2, 1997, was considered clause by clause.

Moved by Councillor Timm-Rudolph,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8 and 9 be adopted.

Carried.

Community Home Services and Community Service Worker Projects Extended Expansion
File EH-2.1 (Vol. 10)

1019 - 1. The Committee on Planning and Community Services has been advised that the current agreement with the Province of Manitoba regarding the two employment projects: the Community Home Services and Community Service Worker Projects for 1996/97 expired on March 31, 1997. The Province has given notice that it wishes to extend the funding agreement for a fourth consecutive year, 1997/98 in the amount of $750,000. It is anticipated that the additional monies will provide employment for more than 400 participants in the two projects.

The two projects were evaluated by the Department of Family Services in 1994 and 1995. In a report released in October, 1995 it was found that the City of Winnipeg exceeded targets set out in the funding agreement.

The study also found that the,

> *"C.H.S.P. and C.S.W.P. are very cost beneficial leading to cost recovery within 1.4 and 2.3 years, respectively."*

Given the cost effectiveness of the programs and the valuable work done for seniors it is expected that the Province of Manitoba will continue funding on a permanent basis.

The City has been successful in involving the Province of Manitoba to match funding for the two projects each year since 1994 and the Province has agreed to fund a further expansion in 1997/98 of the Social Services Department's two employment projects.

The Committee on Planning and Community Services recommends that the Proper Officers of the City be authorized to do all things necessary to implement the extended expansion of the Community Home Services and Community Services Worker Projects in 1997/98, including the execution of all necessary documents.

Adopted by consent.

Report of the Committee on Planning and Community Services dated September 2, 1997

Proposed Amendment to Subdivision on lands bounded by Arden Avenue and St. Michael Road, west of Darwin Street - Riel Community
File DAS 5/95 (c/r AG 5/95)

1020 - 2. On September 27, 1995, Council approved, Clause 4 of the Report of the Committee on Planning and Community Services dated September 5, 1995, being a plan of subdivision to open a new street between Arden Avenue and St. Michael's Road as outlined on Schedule "A". It had been contemplated that the services for the new subdivision would be installed by the City as Local Improvements but with any shortfall between actual construction cost and the costs assessed against the benefiting properties being borne by the participants. Preliminary designs have been done and cost estimates based on those designs were prepared by the City. The participants would be required to come up with ± $300,000.00 before the City would do final design work and prepare construction drawings.

On June 19, 1997, Mr. Doug Henne, who represents the participants of the subdivision, advised the Land Development Branch that his clients feel that the costs projected by the City are too high and that the participants would like to install the services themselves by entering into a development agreement with the City whereby they would hire a Consulting Engineer and tender the servicing work.

On July 16, 1997, the Riel Community Committee considered a report from the Administrative Coordinating Group and a communication from Mr. and Mrs. Chapman with respect to the above matter. The Community Committee concurred in the recommendations contained within the Administrative Report.

The Committee on Planning and Community Services concurred in the recommendations of the Riel Community Committee and recommends:

I. That Recommendation II of Clause 4 of the Report of the Committee on Planning and Community Services dated September 5, 1995, and approved by Council on September 27, 1995, be deleted in its entirety and replaced with the following new Recommendation II:

"II. That the Owners enter into a Development Agreement with the City containing the following provisions:

1. The Owners shall, at no expense to the City, construct watermains, wastewater sewers and land drainage sewers required to serve the proposed subdivision as determined by and to the satisfaction of the Commissioner of Works and Operations. This shall include the construction of a watermain within an easement to connect to Darwin Street.

2. i) The Owners shall construct all swales, catchbasins and leads on private property, in locations where rear lot drainage has to be provided prior to the issuance of Building Permits.
ii) The Owners shall, at no expense to the City, provide all easements with respect to the installation, maintenance and replacement of catchbasins and leads for lot drainage upon registration of approved subdivision mylars in the Land Titles Office.

3. The Owners shall, at no expense to the City, construct concrete pavements within the proposed subdivision as determined by and to the satisfaction of the Commissioner of Works and Operations.

4. The Owners shall, at no expense to the City, install water and wastewater lot line connections to serve each lot with the proposed subdivision.

5. The Owners shall cause ornamental street lighting to be installed with the proposed subdivision to the satisfaction of the Commissioner of Works and Operations.

6. i) The Owners shall, at no expense to the City sod all boulevards and plant trees within the proposed subdivision in accordance with plans and specifications approved by the Director of Parks and Recreation;

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ii) The Owners shall, at no expense to the City, install interlocking paving stones in the cul-de-sac island.

7. The Owners shall pay their share of the cost of land drainage sewers and wastewater sewers previously installed by the City and others in Harry Wyatt Place as determined by the Commissioner of Works and Operations.

8. The Owners shall, at no expense to the City, cause standard reflectorized street name signs to be installed at all new street intersections.

9. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed subdivision.

10. The Owners shall pay $1,200.00 per acre to defray the City's administration and related costs associated with the preparation and implementation of the development agreement.

11. The Owners shall pay cash in lieu of dedication based on 10% of the value of the additional lots being created.

12. Two adjacent lots within Lots 7, 8 and 9 fronting on the cul-de-sac bulb shall be restricted to 3.0m joint approaches.

13. The Owners shall transfer 2 triangular parcels on the cul-de-sac bulb to accommodate the planned and orderly development of the properties described as Lots 15 and 16, S.P. Plan 23,387."

Adopted by consent.

(See Minute No. 1035 for attachment)

Request for Amendment to Development Agreement - AG 36/84 - Kernaghan Extension (Shirichlee Ltd.) - East Kildonan-Transcona Community
File DASZ 36/84

1021 - 3. The Committee on Planning and Community Services has been advised that the East Kildonan-Transcona Community Committee on September 19, 1995 considered a report from the Land and Development Services Department regarding a request from the Developer to amend Development Agreement AG 36/84. The nature of the request was to delete the requirement for the Developer to pay his share of sidewalk installation on the west side of Robson Street, north of Kernaghan Avenue (57.16 ft).

The Administration advised that the original agreement called for the Developer to pay his share of the cost of a full range of services in Robson Street fronting his planned area. All of the services having been installed and the Developer having paid his share except for the sidewalks. A local improvement project was scheduled to be installed in 1995 which included approximately 113.1 feet of sidewalk on the west side of Robson Street adjacent to the planned area south of Kernaghan Avenue, following which installation the Developer would be invoiced for these works at current Local Improvement rates. This would leave the Developer with only the sidewalk obligation north of Kernaghan Avenue (approximately 57.16 ft) with only 59 Robson Street which lot is totally within the planned area under Development Agreement AG 36/84 (#6612) and consequently the Developer's responsibility.

In 1990, the sidewalk further north on Robson Street was advertised successfully as a local improvement. However, the East Kildonan-Transcona Community Committee recommended at that time that the local improvement not proceed due to opposition by the affected residents. This remaining obligation for the Developer was included in that project. The Developer is of the opinion that since the project was not proceeded with, he should have his agreement condition deleted. It is noted that, notwithstanding the previous opposition to the sidewalk in Robson Street from Kernaghan Avenue to Pandora Avenue, Robson Street is a bus route and when the vacant area west of Robson is developed, there will be a need for a sidewalk along the full length of Robson Street similar to Atwood Street. Therefor, conceding to the Developer's request to relieve him of his sidewalk obligations

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at this time will result in a redirection of this cost from the Developer to the owner of 59 Robson Street in the future (a hidden inequity since the owner may already have paid the Developer the cost of the sidewalk in the price paid for the lot).

It should be further noted that sidewalk continuity presently exists for pedestrian access from the planned area to Plessis Road via Kernaghan Avenue and to the Public Reserve south of the Birch Grove and Hickory Wood Place development via the sidewalk scheduled for installation on the west side of Robson Street south from Kernaghan Avenue, however, pedestrian access between Pandora Avenue to Kernaghan Avenue is only via Atwood Street.

The Land and Development Services Department in their report dated September 1, 1995 did not recommend deletion of the remaining sidewalk obligation on Robson Street. The Developer was advised that the need for the letter of credit for this item could be removed if the Developer prepaid the sidewalk cost (57.16 ft. x $19.26 per ft. = $1,102.62) for 59 Robson Street as required in the Development Agreement.

The East Kildonan-Transcona Community Committee, at its meeting held on September 19, 1995, concurred in the recommendation from the administration that Development Agreement under File AG 36/84 be not amended.

On July 15, 1997, the East Kildonan-Transcona Community Committee reconsidered the report from the Land Development Administrator, dated September 1, 1995, as well as a communication, dated June 6, 1997, from Mr. Henry Schultz, Manager, Shirichlee Ltd, with respect to the above referenced matter.

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

I. That Development Agreement AG 36/84, be amended by deleting the requirement for the Developer to pay his share of sidewalk installation on the west side of Robson Street north of Kernaghan Avenue (57.16 ft.), and that the installation of the sidewalk be made as a Local Improvement, subject to the condition that the Developer provide a letter to the Land and Development Services Department indicating that the current owner of the property will agree to the Local Improvement levy, if and when the sidewalk is installed on the frontage of the property.

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

Adopted by consent.

Proposed Subdivision and Rezoning - land located on the north side of Roblin Boulevard, east of McQuaker Drive - Assiniboia Community
File DASZ 10/97 (c/r DAV 352/97D)

1022 - 4. The Committee on Planning and Community Services has been advised that an application has been received from Lombard North Group, 505 - 93 Lombard Avenue, Winnipeg, Manitoba, R3B 3B1 for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an “R1-6” Single-Family District to an “RM-1” Multiple-Family District to allow for the construction of a multiple-family development.

The following is the present Site Description:

Site Area: Approximately 5.772 acres (241,428 square feet)

Existing Land Use and Zoning: The site is currently developed with the International Order of Odd Fellows personal care home facility, with grassed and treed open space to the north and south of the main building; Zoned “R1-6” Residential District.

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The following is the Surrounding Land Use and Zoning:

North: Assiniboine River, with the Sturgeon Creek outlet; across the river is the Woodhaven residential community, zoned "R1-5.5" Residential District.

South: Roblin Boulevard and the Charleswood Golf Club, zoned "PR-2" Parks and Recreation District.

East: Charleswood Bridge/Moray Street transportation corridor, zoned "A" Agricultural District.

West: Single-family dwellings with access onto McQuaker Drive, zoned "R1-6" Residential District.

The applicant, on behalf of the International Order of Odd Fellows, requests permission to rezone the proposed Lot 2 to "RM-1" Residential District in order to develop 40 semi-detached, bungalow style condominiums. Proposed Lot 1 will retain its "R1-6" Residential District zoning. The subject property currently accommodates a personal care facility. Earlier this year, the provincial government announced funding reductions to care facilities, which jeopardizes the future of this and other care facilities. The main building has occupied this site since 1922, fulfilling a variety of functions since then. In addition, there is a detached garage and storage building on site.

The property is well treed along its east property line and along the riverbank. Both the existing front and rear yards include large grassed open areas, bordered with mature trees and shrubs. Primary access to the site is provided via a private driveway from Roblin Boulevard. In addition, a secondary means of egress is available to McQuaker Drive via a private approach to the west of the main building.

From a strictly land use perspective, a low density multiple-family development is an appropriate use of this property. Adjacent neighbours have, of course, grown accustomed to the lushly foliated grounds. Proposed Lot 2 has been underutilized in relation to its single-family zoning designation. Recently, demand for bungalow-style condominiums has increased in the Winnipeg market - including life-lease financed developments such as is the case here.

Forty dwelling units on 5.772 acres total less than seven dwelling units per acre, or 6285 square feet per dwelling unit. The proposed "RM-1" zoning requires a minimum lot area of 2,000 square feet per dwelling unit. For comparative purposes, "R1-6" zoning requires a minimum lot area of 6,000 square feet (of course, condominium developments include common areas and private roadways as part of the overall area per dwelling unit, whereas traditional single-family districts do not). The 5.772 acres are not entirely developable, since this is a riverbank property subject to Designated Floodway Fringe Area Regulation 266/91 review. Though not as high a density as could be accommodated by the proposed zoning district, the form of development does utilize a great deal of lot area. This has two important impacts on the site and immediately adjacent properties.

First, by approximating single-family dwelling densities and spreading building footprint floor area in this fashion, mature foliage, a natural form of buffering potential impacts on adjacent properties, is sacrificed. Second, in order to accommodate the proposed forty dwelling units and driveway on site, units are pushed to the extreme edges of the property, necessitating yard variances. Yard variances on the east and south sides of the site are inconsequential; those to the north and west sides have on site and off site ramifications.

As mentioned, proximity of Units No. 11-14 to the riverbank will result in significant loss of mature foliage. This proximity may also have impacts on riverbank stability. A geotechnical study and detailed lot grading plan will be required in order to determine the extent of impacts. The proximity of Units No. 19-24 to the west property line place the rear yards of these units close to the neighbouring home at 100 McQuaker Drive. These impacts are addressed in more detail in the report accompanying File DAV 352/97D. Alternative forms of multiple-family development, such as two- or three-storey apartments or townhouses, would accommodate more dwelling units with less impact on both the onsite foliage and neighbouring properties. On the other hand, they would also generate more traffic-related impacts.

The property has access to Roblin Boulevard at the approximate midpoint of the Roblin frontage. The private approach connects with the main building via a long driveway which runs north/south along the eastern edge of the property. This driveway has a cross-section of approximately 16 feet and is gravel surfaced. A private approach onto McQuaker Drive is also gravel surfaced, and is signed exit only.

Plans accompanying the application indicate the two existing private approaches are to remain and be utilized by both proposed Lot 1 and proposed Lot 2. Presumably, residents of and visitors to the condominium development would enter the property at the Roblin Boulevard approach to Lot 1, follow the driveway past the existing building

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on the east side, and enter the condominium development on Lot 2 along an asphalt surfaced one-way driveway. In exiting the development, residents and visitors would follow the asphalt surfaced driveway from Lot 2 to the west of the existing building on Lot 1, then proceed onto McQuaker Drive by way of the existing private approach.

This proposal requires the utilization of the gravel surfaced McQuaker Drive in order to exit the site. Closure of this private approach would prevent additional traffic from using this dead-end residential roadway, but would then require an alternative exit for both current and future traffic generated by the care facility and condominium development. This could be achieved in a number of ways. The existing private approach at Roblin Boulevard could be utilized by both the care facility and the condominium development, by creating a widened two-way driveway along its current route, with a turnaround cul-de-sac. Alternatively, a mirror-image of the existing driveway along the western side of the property could be created to provide a circular drive with one-way entry and exit.

With either scenario, access to a public street for proposed Lot 2 must be provided across proposed Lot 1 due to the location of Units 25 and 26. The Community Planning Division is reluctant to recommend this course of action; however, without major reconsideration of the proposed condominium layout, it does provide the only means of preventing the utilization of McQuaker Drive as a route to and from the proposed development. A cross-access agreement providing for Lot 2 destined and generated traffic to travel across Lot 1 will be required as a condition of approval.

The Parks and Recreation Department is on record as stating that the location of Units No. 10-14 represents a significant loss of trees and riverbank habitat. The Department is to pursue this and other matters further with the applicant, including: a lot grading plan, mapping of the existing woodlot, identifying significant stock, and measures necessary to protect the woodlot during construction. Parks and Recreation administration are also to discuss a potential linear riverbank connection, from the Charleswood Bridge Corridor to McQuaker Drive by way of land dedication, caveat, or easement.

A Public Hearing was held before the Assiniboia Community Committee on July 15, 1997.

Twelve persons were heard in support of the application.

Four persons were heard in opposition thereto and three persons appeared for information purposes.

The Assiniboia Community Committee recommended that the proposed subdivision and rezoning be approved for the following reason:

A. This is the most suitable use for the site best protecting citizen interests.

On September 2, 1997, the Committee on Planning and Community Services considered the proposed subdivision and rezoning application under File DASZ 10/97 and an additional communication from the Land Development Engineer, dated August 6, 1997, as outlined on Schedule “C” and approved the following amendment which has affected the recommendations as set out below:

- That Recommendation 2., contained within the Administrative Coordinating Group report dated June 17, 1997, be reinstated under File DASZ 10/97, which states, namely:-

  “2. The Developer shall pay the land drainage trunk charge attributable to the proposed development as determined by the Commissioner of Works and Operations. The 1997 rate therefore is $7,630.00 per acre.”

The Committee on Planning and Community Services concurred in the recommendations of the Assiniboia Community Committee, as amended, and recommends:

I. That the plan of subdivision be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, as outlined on Schedule “A” for File DASZ 10/97, dated July 9, 1997, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into Servicing and Subdivision Agreements with the City containing therein all the conditions in the report of the Administrative Coordinating Group dated June 17, 1997, as outlined on Schedule “B”, after incorporating the following amendments:

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1) That Condition No. 7 be added as follows:

"7. That approval of DASZ 10/97 be subject to the Developer entering into a Subdivision Agreement to provide for a cross-access easement agreement, to the satisfaction of the Commissioner of Works and Operations, providing for access as follows:

'Over proposed Lot 1 in favour of proposed Lot 2'";

II. That the Director of Land and Development Services be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 10/97, dated July 9, 1997, to a "RM-1" Multiple-Family District, subject to the following:

A. That the Developer be required to enter into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the "RM-1" Multiple-Family District lands (proposed Lot 2) to provide for the following:

1. That final construction plans indicating the design and location of the proposed buildings, including elevations and details of exterior finishing materials, fencing, landscaping, and garbage enclosures, be subject to the approval of the Commissioner of Planning and Community Services and the Assiniboia Community Committee prior to the issuance of a building permit;

2. That not more than forty (40) dwelling units be erected or located on the land;

3. That no vehicular approach for ingress to or egress from the lands be constructed on McQuaker Drive and that the existing private approach onto McQuaker Drive be closed and replaced with landscaping prior to permits being issued;

4. That the fence along the west property line be of a solid, light proof masonry or wood construction to a height of six feet, five inches.

IV. That the 10% land dedication requirement be provided by dedicating the Roblin Boulevard frontage across the whole property to the appropriate depth (approximately 20 metres) to provide an area equivalent to 10% of Lot 2 (approximately 0.58 acres). The City will provide an access easement agreement over the dedicated lands in favour of both Lots 1 and 2.

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VI. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing and Subdivision Agreements.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office.

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

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

X. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation of the above in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See Minute No. 1036 for attachments)

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Proposed Subdivision and Rezoning - land located on the south side of Grandmont Boulevard, west of Pembina Highway - Riel Community
File DASZ 11/97 (c/r DAZ 202/90)

1023 - 5. The Committee on Planning and Community Services has been advised that an application has been received from 2468027 Manitoba Ltd. (W. J. Hobman) for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94, by rezoning the subject lands from an "A" Agricultural District to an "RM-5" Multiple-Family District for future development purposes.

The following is the Present Site Description:

Site Area: Approximately 3 ½ to 4 acres.

Existing Land Use and Zoning: The land has been occupied with several single-family dwellings over the years and is zoned "A" Agricultural.

The following is the Surrounding Land Use and Zoning:

North: Land to the north is zoned "C2" Commercial. A gas kiosk, car wash and food store have been approved for the eastern portion of the site. The western portion is designated for future multiple-family housing.

South: A vacant 33 foot wide strip of land and a non-conforming garage station on land zoned "A-5" Agricultural.

East: Lands to the east abut the Red River. They are zoned "A-5" Agricultural and owned by the City.

West: The CNR Letellier subdivision; to the west of which is single-family housing zoned "R1-4."

The applicant is requesting an "RM-5" Multiple-Family Zoning to facilitate a future multiple-family development. No plans have been submitted at this time.

In 1990, under the original application DAZ 202/90, the applicants applied to rezone the subject lands to a "C2" Commercial category. The proposed rezoning was endorsed by the Planning Department subject to a specified list of conditions including restricted commercial uses, final plan approval and on-site signage restrictions. If there was to be a multiple-family component on site, a building height restriction of 6 storeys was recommended, "RM-2" densities were to be maintained and a parking ratio of 1.5 spaces per dwelling unit was to be maintained. Correspondence on record from Heritage St. Norbert suggests that they had mixed feelings about a commercial proposal without knowing who the major tenant or tenants would be. No mention was made about a multiple-family component as an alternative part of the proposal.

The applicant has subsequently decided not to pursue this proposal and the applicants have resubmitted an application this time for a multiple-family zoning but without a specific proposal. The Community Planning Division is of the view that multiple-family housing at a reasonable density and properly planned would be both appropriate and probably preferable to commercial development at the subject location. Pembina Highway is a regional street and Grandmont Boulevard a residential collector street. The lands are separated from the residential area to the west by the CNR Letellier Line.

The application has been reviewed by the Administrative Co-ordinating Group. No objections were received but the lands in question are presently held in two (2) titles and need to be consolidated into one (1) zoning lot.

The Community Planning Division supports the "RM-5" category in order to facilitate the higher building height (maximum six storeys) originally agreed to under previous application DAZ 202/90. However, the Division is of the view that the allowable "RM-5" densities for a 3-4 acre lot are too high. Therefore, once again in accordance with the densities previously agreed to under DAZ 202/90, the Division supports "RM-2" densities which specify a

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minimum lot area per dwelling unit of 1,250 square feet as opposed to only 600 square feet required under the "RM-5" category. That would still allow for something in the neighbourhood of 120 dwelling units which is close to 35 dwelling units per acre.

A Public Hearing was held before the Riel Community Committee on July 16, 1997.

One person appeared in support of the application.

No one appeared in opposition thereto.

One person appeared for information purposes.

The Riel Community Committee recommended that the proposed subdivision and rezoning be approved for the following reasons:

A. Multiple-family housing, at a reasonable density at the subject location, is appropriate and compatible with the surrounding area.

B. The applicant has indicated a willingness to work with the community and in particular, consult with Heritage St. Norbert with respect to the naming of the proposed housing development.

On September 2, 1997, the Committee on Planning and Community Services considered the proposed subdivision and rezoning application under File DASZ 11/97 and additional verbal information from the Manager of the Land Development Department, and approved the following amendment which has affected the recommendations as set out below:

- That Recommendation I.A., be amended by adding the following, namely:-

  "If and when Wiswell Lands, being the Developer who originally installed the municipal services in Grandmont Boulevard, provides the City with a letter confirming that Wiswell Lands and 2468026 Manitoba Ltd., (Guy Hobman) have a private agreement with respect to the services in Grandmont Boulevard, the City will not involve itself in servicing cost recoveries and the relevant payments stipulated in recommendation 2 of the Administrative Coordinating Group's report, will not apply."

The Committee on Planning and Community Services concurred in the recommendations of the Riel Community Committee, as amended and recommends:

I. That the plan of subdivision proposed under File DASZ 11/97, be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "A", for File DASZ 11/97, dated July 7, 1997, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing therein conditions in the report of the Administrative Coordinating Group dated June 19, 1997, as outlined on Schedule "B". If and when Wiswell Lands, being the developer who originally installed the municipal services in Grandmont Boulevard, provides the City with a letter confirming that Wiswell Lands and 2468026 Manitoba Ltd. (Guy Hobman) have a private agreement with respect to the services in Grandmont Boulevard, the City will not involve itself in servicing cost recoveries and the relevant payments stipulated in recommendation 2 of the Administrative Coordinating Group's report, will not apply.

II. That the Director of Land and Development Services be authorized to certify any documents in connection therewith.

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 11/97, dated July 7, 1997, to an "RM-5" Multiple-Family District, subject to the following:

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

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1. That any multiple-family residential development be developed in accordance with "RM-2" densities – specifically minimum lot area per dwelling unit of 1,250 square feet.

2. That no building or structure be erected on the land exceeding six storeys in height.

3. That final construction plans indicating the design and location of the proposed buildings, including elevations including exterior finishing materials, accessory parking areas garbage enclosures, fencing and landscaping, and approaches be subject to the approval of the Riel Community Committee and the Commissioner of Planning and Community Services, in consultation with Heritage St. Norbert.

IV. That a 10 per cent dedication be made by payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VI. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office.

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

IX. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

X. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation of the above in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See Minute No. 1037 for attachments)

Proposed Amendment to Development Agreement AG 324/75 - assignment of the St. Vital Centre Development Agreement
File DAZ 324/75 (c/r AG 324/75)

1024 - 6. The Committee on Planning and Community Services has been advised that on January 5, 1979, the City executed Development Agreement AG 324/75 dated October 19, 1978 with Trizec Equities Limited (now Bramalea Inc.), Hudson's Bay Company Developments Limited (now Markborough Properties Inc.) and Eaton Properties Limited. The Development Agreement deals with the construction of the St. Vital Centre (regional shopping centre located on the east side of St. Mary's Road south of Bishop Grandin Boulevard).

The terms of the agreement have been satisfied except for the Developers' long term obligations with respect to access to the site when a grade separated traffic interchange is constructed at the intersection of Bishop Grandin Boulevard and St. Mary's Road. The Developers' outstanding obligations are currently not secured in any fashion.

During 1995, the St. Vital Centre was purchased by the Ontario Pension Board and as part of that transaction, the above-referenced Development Agreement AG 324/75 must be assigned to the Pension Board's holding company, OPB Realty (St. Vital) Inc. Development Agreement AG 324/75 contains a provision whereby the agreement may not be assigned without the City's consent which consent requires Council's approval. A copy of the new owner's request that the City consent to the assignment of the development agreement has been reviewed and concurred with by the administration subject to the new owner posting a letter of credit to secure the outstanding obligations contained in the agreement. The Streets and Transportation Department has estimated the cost of the

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outstanding/future works at $2.2 million based on preliminary information; as additional information becomes available the cost estimate will be refined.

On February 27, 1996, the Committee on Planning and Community Services considered this matter and requested:

> *"That the Administration negotiate an addendum to Development Agreement AG 324/75 to provide for The City to secure access to certain of it's lands from the "circle road" through the St. Vital Shopping Centre property, and*
>
> *that upon execution of the aforementioned addendum, The City consents to the assignment of Development Agreement AG 324/75 dated October 19, 1975, from Bramalea Inc., Markborough Properties Inc., and Eaton Properties Limited to OPB Realty (St. Vital) Inc., said consent being granted without OPB Realty (St. Vital) Inc., posting a letter of credit to guarantee the outstanding obligations contained in Section 4 (g) of Development Agreement AG 324/75, with a report to be forwarded to the Committee on Planning and Community Services for April 2, 1996."*

On April 2, 1996, the Committee on Planning and Community Services again considered this matter and requested:

> *"That the Land Development Department and the area Councillor meet to discuss access to the "Circle Road" with respect to File DAZ 324/75, and*
>
> *That the issue of assignment of Development Agreement AG 324/75 without posting an irrevocable standing letter of credit be laid over to its next meeting scheduled for April 30, 1996."*

On April 30, 1996, the Committee on Planning and Community Services laid this matter over to its next meeting scheduled for May 28, 1996.

On May 28, 1996, the Committee on Planning and Community Services laid this matter over until the proposed rezoning under File DAZ 210/96 for the adjacent area be dealt with at the Riel Community Committee and the two items be considered as a package.

On September 2, 1997, the Committee on Planning and Community Services reconsidered the matter with respect to the proposed amendment to Development Agreement AG 324/75 - assignment of the St. Vital Centre Development Agreement. The Committee also considered the report from the Riel Community Committee with respect to the proposed rezoning under File DAZ 210/96.

The Committee on Planning and Community Services recommends:

I. That the City of Winnipeg consent to the assignment of Development Agreement AG 324/75 dated October 19, 1978 from Bramalea Inc., Markborough Properties Inc., and Eaton Properties Limited to OPB Realty (St. Vital) Inc., subject to OPB Realty (St. Vital) Inc., posting an irrevocable standing letter of credit in an amount determined by the Commissioner of Works and Operations to guarantee the outstanding obligations contained in Development Agreement AG 324/75.

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

Adopted by consent.

Proposed Rezoning - land located at 1225 St. Mary's Road, east side between Bishop Grandin Boulevard and Meadowood Drive - Riel Community
File DAZ 210/96 (c/r DAZ 324/75)

1025 - 7. The Committee on Planning and Community Services has been advised that an application has been received from McGowan Design Group, 200 - 120 Fort Street, Winnipeg, MB., R3C 1C7, to amend By-law No. 6400/94 by rezoning the land shown below from an "R1-5" Single-Family District to a "CR" Commercial District to permit the establishment of one or more free-standing commercial buildings which will form part of the St. Vital Shopping Centre development.

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The following is the Present Site Description:

Site Area: The two (2) parcels being rezoned are both north of Meadowood and front onto St. Mary's Road. The site area of this northern most site is approximately 1.4 acres; the corner site is approximately 1.2 acres.

Existing Land Use & Zoning: The most northerly site has several buildings in it, the other is vacant. Both are zoned for single-family development.

The following is the Surrounding Land Use and Zoning:

South: Properties south of Meadowood are fully developed "C2" Commercial lands.

North/East: The St. Vital Shopping Centre, a service station and accessory parking areas. Zoned "CR" Commercial.

The subject rezoning application is being made by McGowan Design Group on behalf of the OPB Realty Inc. (St. Vital) and its authorized agent Markborough Properties. The rezoning really constitutes a commercial infill of several remaining residential properties on the St. Vital Shopping Centre site. The only remaining parcel zoned "R1-5" Residential, not part of this application, is occupied currently by a church.

The proposed zoning designation complies fully with Plan Winnipeg policy which has designated the lands in question for future regional shopping centre development and the Community Planning Division supports the zoning change subject to certain conditions.

Public Hearings were held before the Riel Community Committee on June 10, 1996 and adjourned to July 22, September 16, October 15 and December 9, 1996 as well as February 17, June 16 and July 16, 1997.

Three persons were heard in support of the application.

One person was heard in opposition thereto.

The Riel Community Committee recommended that the proposed rezoning be approved for the following reasons:

A. Approval of this rezoning is considered to be compatible with the character of the surrounding area.

B. The Riel Community Committee believes that the conditions which it has imposed on the applicant will serve to protect the interests of the residents of the community.

The Committee on Planning and Community Services concurred in the recommendations of the Riel Community Committee and recommends:

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 210/96, dated May 6, 1996, to a "CR" Commercial District, subject to the following:

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

      i) That the use of the parcel of land located at the corner of St. Mary’s Road and Meadowood Drive be limited to a bank;

      ii) That the use of the parcel of land (the north site) be limited to a fast food restaurant;

      iii) That the parcel of land located at the corner of St. Mary’s Road and Meadowood Drive be required to have a minimum front yard setback of 50 ft. on St. Mary’s Road and 50 ft. on Meadowood Drive, or in the alternative, 75 ft. on St. Mary’s Road and 25 ft. on Meadowood Drive;

      iv) That the minimum front and side yard setbacks for the north site be in accordance with “C2" regulations;

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v) That maximum building heights and minimum parking spaces be in accordance with "C2" regulations;

vi) That final construction plans outlining design and location of buildings, accessory parking areas, garbage enclosures, fencing, landscaping, signage, queuing of vehicles for services to be provided on the land, and cross-access to neighbouring properties, be subject to the approval of the Commissioner of Planning and Community Services and the Riel Community Committee prior to the issuance of any building permits.

B. It is recommended that approval of this application be subject to the Developer paying its share of the cost of constructing the land drainage truck sewer from the Red River to the St. Vital Shopping Centre site as determined by the Commissioner of Works and Operations.

II. That a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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 City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

Adopted by consent.

(See Minute No. 1038 for attachment)

Proposed Rezoning - land located at 2731 Main Street, east side, north of Fernbank Avenue - Lord Selkirk-West Kildonan Community File DAZ 212/97

1026 - 8. The Committee on Planning and Community Services has been advised that an application has been received from 3148581 Manitoba Ltd., 415 Churchill Drive, to amend By-Law No. 6400/94, by rezoning the subject land from a "C1" Commercial District and an "R1-20" Residential District to a "PR-2" Parks and Recreation District to permit the establishment of a nine (9) hole golf course in conjunction with a driving range and miniature golf course.

The following is the present Site Description:

Site Area: A total of 36.2 acres.

Existing Land Use and Zoning: Most of the land to be developed is vacant and zoned "R1-20" Residential. A small parcel fronting Main Street is zoned "C1" Commercial and occupied with a miniature golf course.

The following is the Surrounding Land Use and Zoning:

North: Rosh Pina Cemetery zoned "R1-20" Residential

South: A developed mobile home park zoned "MH-P"

East: The Red River

West: The west side of Main Street is a partially developed single-family subdivision zoned "R1-4".

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The applicant proposes to consolidate the two (2) parcels in question into what he refers to as "Shooters" Golf Centre, a combined nine (9) hole golf course, driving range and miniature golf course.

For a number of years there have been numerous inquiries regarding the prospect of developing the subject property for residential purposes (single-family and multiple-family). Due to the depth of the land, residential development would require an extension of Rivergrove Drive through the area intersecting Main Street just north of the existing mini golf course. Attempts to pursue a residential project have always failed to materialize because a continuation of Rivergrove Drive would have to pass through the Northgate Trailer Park. Owners of the Trailer Park have never agreed to the partition of their property with a road right-of-way.

The only other viable project therefore is an independent development of the area in question for non-residential purposes. A golf course (private) would be an entirely appropriate land use alternative. In 1996, the Community Planning Division advised Mr. Cerasani that in order to develop a golf course, he would have to rezone his land to either "A" Agricultural or a "PR-2" Parks and Recreation category. It was felt that it would procedurally be difficult to rezone the land agricultural as the land in question is designated Neighbourhood under Plan Winnipeg and not rural. Therefore, "PR-2" zoning was felt to be appropriate given that all private and public golf courses in the city are zoned accordingly.

The front (third) of the property will not appear to change dramatically; the rear two lands (24 acres) along the river will be developed as a nine (9) hole golf course. There are currently 83 parking stalls with an area for expanded parking set aside along the Main Street frontage.

The Streets and Transportation Department has advised that in order to protect the City's long term plans to provide for the extension of Rivergrove Drive northerly and the establishment of an east/west collector street between Main Street and Rivergrove Drive opposite Benn Avenue. No buildings, signs or other permanent structures should be permitted on lands required for the future establishment of these streets. This concern can be addressed through the plan approval process.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on July 22, 1997.

One person was heard in support of the application.

No one appeared in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed rezoning be approved for the following reason:

A. This is considered to be an adequate and appropriate development for the site.

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

I. That By-law 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 212/97, dated July 7, 1997, to a "PR-2" Parks and Recreation 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 final construction plans indicating the design and location of the proposed building(s), including elevations and details or exterior finishing materials, accessory parking and loading areas, fencing, landscaping, free-standing signs, and garbage enclosures, be subject to the approval of the Commissioner of Planning and Community Services and the Community Committee prior to the issuance of a building permit.

II. That a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land, if applicable.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

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IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

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

VII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See Minute No. 1039 for attachment)

Naming of Service Road adjacent to P.T.H. 101 (Perimeter Highway) - Assiniboia Community
File SC-3.14(31) (Vol. 1)

1027 - 9. The Committee on Planning and Community Services has been advised by the Land and Development Services Department, that the Service Road at the south west corner of the Perimeter Highway and Portage Avenue is unnamed, which land is outlined on Schedule "A".

In keeping with current policy and to avoid problems with emergency services it is desirable to assign a street name to the subject lands.

The Land Development Branch is suggesting that the new street be named "Oxbow Bend Road", which name was taken from the Assiniboia Street Name Reserve List. The proposed name was thought appropriate due to the configuration of the new street and does not duplicate or sound like any existing or reserved street name.

On July 15, 1997, the Assiniboia Community Committee considered the report from the Subdivision Officer, dated June 25, 1997 and concurred in the recommendations contained therein.

The Committee on Planning and Community Services concurred in the recommendations of the Assiniboia Community Committee and recommends:

I. That the street name "Oxbow Bend Road" be assigned for the land as outlined on Schedule "A", dated June 25, 1997, and that in approving this request Council authorize the following:

A. That the Director of Land and Development Services Department be requested to provide the necessary legal description to the City Solicitor/Manager of Legal Services for the purpose of preparing a by-law.

B. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law for approval by Council for registration in the Winnipeg Land titles Office and that the street name change become effective upon third reading.

C. That the City Solicitor/Manager of Legal Services, upon passage and adoption of the by-law by Council be authorized to publish the street name change in two daily newspapers having a general circulation throughout the City of Winnipeg.

D. That the City Clerk be requested, upon passage of the by-law, to provide the relevant Community Clerk with a copy of the by-law and this report for the purpose of changing all pertinent records and notifying all persons affected by the by-law.

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

Adopted by consent.

(See Minute No. 1040 for attachment)

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

MOTIONS

Moved by Councillor Vandal,
Seconded by Councillor Thomas,
1028 - WHEREAS several older neighbourhoods in the City of Winnipeg contain significant parcels of former or declining industrial sites;

AND WHEREAS Clause 5A-15 of Plan Winnipeg states that "the City shall promote compact urban development by:

I) encouraging infilling of vacant lands and the revitalization of existing neighbourhoods";

AND WHEREAS Clause 5A-35 of Plan Winnipeg states that "the City shall approve the reuse or redevelopment of declining industrial areas where the long-term viability of such areas cannot be supported";

THEREFORE BE IT RESOLVED that the administration be directed to investigate the development of an incentive or tax abatement policy for the conversion of former or declining industrial sites in older neighbourhoods into residential use.

Automatic Referral to the Committee on Planning and Community Services in accordance with Rule 16.1 of the Procedure By-law

Moved by Councillor Timm-Rudolph,
Seconded by Councillor Vandal,
1029 - WHEREAS The Public Library By-law No. 6946/96 was passed by Council on December 12, 1996;

AND WHEREAS Section 6 of the By-law requires clarification of appointments of citizen members to the Library Advisory Committees (LAC);

THEREFORE BE IT RESOLVED that Council amend By-law No. 6946/96 by adding the words "who are nominated by the Winnipeg Public Library Board and appointed by the Community Committee" immediately after Section 6. (2) (a).

Automatic Referral to the Committee on Planning and Community Services in accordance with Rule 16.1 of the Procedure By-law

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

1030 - On motion of Councillor Timm-Rudolph, the following by-laws were 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. 7085/97, a by-law of The City of Winnipeg to widen a portion of the east side of Kenaston Boulevard, south of Rothwell Road. File DAO 17/95

By-law No. 7086/97, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the north and south sides of Georgetown Drive east of Scurfield Boulevard in the Assiniboia Community. File DASZ 58/85 (Phase 19B)

By-law No. 7087/97, a by-law of The City of Winnipeg to amend By-law No. 6400/94, being the City of Winnipeg Zoning By-law. File DAZ 202/97

By-law No. 7088/97, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(31) (Vol. 1)

By-law No. 7089/97, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(31) (Vol. 1)

By-law No. 7090/97, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 1044 St. Mary's Road in the Riel Community. File DAZ 201/97

By-law No. 7091/97, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(32) (Vol. 1)

By-law No. 7093/97, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the north side of Roblin Boulevard, east of McQuaker Drive in the Assiniboia Community. File DASZ 10/97

On motion of Councillor Timm-Rudolph, the rule was suspended and By-law No. 7099/97, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File SC-3.14(35) (Vol. 1)