**REPORT OF THE COMMITTEE**

**ON PLANNING AND COMMUNITY SERVICES**

**DATED SEPTEMBER 5, 1995**

On motion of Councillor O'Shaughnessy, the Report of the Committee on Planning and Community Services, dated September 5, 1995, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21, 22,23,24,25,26,27,28 and 29 be adopted.

Carried.

Her Worship the Mayor and Councillors:

**A Proposal for Funding a Part-time Coordinator for The Sentinel Health Surveillance Unit of The Community Services Department File EH-1 (Vol. 18)**

**1185 -** 1. The Committee on Planning and Community Services has been advised that Council approved The City of Winnipeg Health Department as a Public Health Surveillance Unit on March 23, 1994. The Sentinel Health Surveillance Unit has evolved to a point where the level of activity and number of projects requires the assistance of an individual to oversee and participate in these undertakings. The Laboratory Centre for Disease Control has made funding available to hire a part-time coordinator to assist in carrying out Sentinel Health Directives. The Sentinel Health Surveillance Unit project currently does not have funding for an individual to oversee projects and write reports. Since Federal approval has been obtained to move ahead with the recruitment of a coordinator, the contract needs to be formally approved by the City of Winnipeg (the contract and the job description is on file in the Office of the City Clerk).

This proposal was requested by the Laboratory Centre for Disease Control and Public Works Canada. Federal Funding for this 5 year project totals $190,650, and requires Council approval.

The Committee on Planning and Community Services therefore recommends:

I. That The City of Winnipeg contract with the Laboratory Centre for Disease Control, Health Canada, for a part-time Coordinator for the Sentinel Health Surveillance Unit, funded by the Federal Government.

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.

**Contract with Health Canada to Conduct a Survey on the Prevalence of Asthma in School Children as a Component of our Activities as a Surveillance Public Health Unit File EH-1 (Vol. 18)**

**1186 -** 2. The Committee on Planning and Community Services has been advised that the City of Winnipeg has contracted with Health Canada to serve as a Surveillance Public Health Unit. During the term of the contract, the City of Winnipeg Community Services Department is carrying out a variety of studies on important diseases affecting the health of Canadians. The present study is a detailed survey of the frequency of asthma in school aged children. The study will involve the gleaning of information of how common and severe asthma is amongst Winnipeg school children. A study protocol was developed by the Laboratory Centres for Disease Control along with approval by an Ethics Review Panel. All costs of the study are going to be borne by Health Canada to a maximum of $48,722.11. The contract has been assessed by the City of Winnipeg Legal Services and deemed acceptable. The contract is on file in the Office of the City Clerk.

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The performance of this survey will provide valuable local data into a disease that appears to be increasing in frequency for no apparent reason. In addition, many individuals who are otherwise healthy have died suddenly from their asthma. Explanations must be pursued in a scientific fashion. Our Centre is but one of nine across Canada delving into the circumstances surrounding the unexplained increase in frequency and severity of asthma. In addition to providing experts with ideas about the disease, this particular study will also provide us with valuable local insights that will be of use not only to us but other agencies such as the University of Manitoba and the Manitoba Lung Association.

This is but another example of gaining important surveillance information about the health of our population without incurring the costs associated with gaining the information.

The Committee on Planning and Community Services recommends:

I. That the contract between Health Canada and the City of Winnipeg establishing Community Services as an agent to conduct a survey on the prevalence of asthma in school aged children in Winnipeg be approved commencing in the fall of 1995.

II. That the Proper Officers of the City of Winnipeg be authorized to execute all the necessary documents to implement the above recommendation.

Adopted by consent.

**Request from the Government of Canada, Health Promotion and Social Development Office to second Horst Backe, City of Winnipeg Public Health Nurse**
**File EH (Vol. 9)**

**1187 -** 3. The Committee on Planning and Community Services has been advised that Horst Backe has an extensive work history and experience as a public health nurse with the City of Winnipeg Community Services. Horst is currently in a Public Health Nursing position within North Branch Office. He has been in this position since September 2, 1994. Prior to this appointment, Horst had been employed in a Public Health Nursing position within the City of Winnipeg Sexually Transmitted Disease Branch from 1984 - 1990. From 1990 - 1991 he was the Assistant Supervisor of this same branch.

Horst has had valuable work and professional experiences with both the City of Winnipeg and other health care agencies locally, and in Toronto. On a personal level, Horst has much to offer to this secondment position. It will also provide him an opportunity to develop new skills that will be very valuable to our agency upon his return.

During this secondment, Horst Backe will be in the position of Program Consultant with Health Canada. The scope of the position involves the development, delivery and supervision of local community-based projects being funded by Health Canada. Primary responsibility will be to work with the Children's Programs (Canada's Prenatal Nutrition Program, the Community Action Program for Children and the Aboriginal Headstart Program).

All of these programs operate within Winnipeg's inner-city. There is a direct funding and service link between these programs, and the collaborative efforts of City of Winnipeg Neighbourhood Nursing and a variety of community agencies.

The City of Winnipeg Neighbourhood Nursing has much to contribute to the development of these valuable Federal initiatives. This includes knowledge and insight regarding the needs of inner-city residents, strong working relationships with local agencies involved in these particular programs, and an ability to work in collaborative partnership models within the community. Consistent with Continuous Improvement philosophy, this is an opportunity for The City of Winnipeg to share its valuable resources with another level of Government, which is working toward similar community health goals.

This secondment has no financial implications for the City of Winnipeg as all salary and benefit costs will be reimbursed to the City by the Government of Canada.

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As the term of the secondment is for a one year period, it will be possible to hire a temporary employee into Horst's public health nursing position, with minimal disruption to service delivery.

This secondment will provide an opportunity to strengthen the existing partnership between the City of Winnipeg and Health Canada, share knowledge and expertise related to inner-city health needs between two levels of Government, and allow for new learning on Horst's behalf that will be valuable to the City organization in the future.

The contract has been developed in consultation with the City of Winnipeg Corporate Services, Human Resource Services and Legal Services and the Winnipeg Civic Nurses Association, MNU Local 1. (The contract is on file in the Office of the City Clerk.)

The Committee on Planning and Community Services therefore recommends:

I. That the City of Winnipeg agree to the secondment of Horst Backe by the Government of Canada for a one year term, from August 28, 1995 to August 23, 1996.

II. That Horst Backe return to his position as a Public Health Nurse with City of Winnipeg Community Services upon completion of the term.

III. Given that this contract has received City administrative and legal approval, it is recommended that Horst Backe begin the secondment effective August 28, 1995. The date of signature on the contract must remain back-dated to August 23, 1995 as printed in the contract, in order that the City be reimbursed for services beginning August 28, 1995.

IV. 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 - Land bounded by Arden Avenue, St. Michael Road, Darwin Street and Don Craik Cove - Riel Community File DAS 5/95 (c/r DAC 9/95)**

**1188 -** 4. The Committee on Planning and Community Services has been advised that an application has been received from Doug Henne Planning Services, 917 Simpson Avenue, Winnipeg, Manitoba, R2K 1S5 for approval of a plan of subdivision on the land bounded by Arden Avenue, St. Michael Road, Darwin Street and Don Craik Cove to allow for the construction of single-family dwellings on lots created within the subdivision area.

The following is the Site Description:

The proposal includes the rearage of six lots fronting Arden Avenue and the rearage of fourteen lots fronting St. Michael Road, all of which abut the existing "Beliveau Road" which is only 20 feet in width. Some of these lots were previously approved by short-form subdivisions, subject to conditions restricting building while unserviced. The proposal includes lands held by the City for the opening of a right-of-way to Arden Avenue, and City-owned lands north of St. Michael Road where an alternative access is illustrated.

The following is the Surrounding Land Use and Zoning:

North: low-density housing, zoned "R1-5"

East: low-density housing, zoned "R1-5"

West: low-density housing, zoned "R1-5"

South: low-density housing, zoned "R1-5"

The initial proposal indicated a cul-de-sac with access either north to Arden Avenue or south to St. Michael Road from the widened "Beliveau Road" right-of-way. Any widenings are dedicated from lands fronting St. Michael

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Road. Both a north and south access were advertised, in order to allow the Riel Community Committee to decide the appropriate route, but in no case were both streets to be established to create a connection between Arden Avenue and St. Michael Road.

The proposal accommodates future subdivision of lands not included in the application, being the rearage of four lots fronting Arden Avenue, and the City should receive title to certain minor parcels necessary to allow such eventual subdivision. The closing of a portion of the "Beliveau Road" right-of-way west of Darwin Street is necessary to complete the cul-de-sac (File No. DAC 9/95).

The proposal is similar to infill development on Bethune Way to the east, except that access cannot be established to Darwin Street. Under the existing "R1-5" zoning, one-family infill development is entirely consistent with the existing neighbourhood. Although services may be established in the new street by Local Improvement, costs which cannot be recovered under Local Improvements, such as flankages, must be recovered directly prior to registration of the plan of subdivision.

The various Departments of the City have all recommended that the new street connect to Arden Avenue. This was the configuration originally designed for the area, and reflected in the servicing pattern. Further, the designation of St. Michael Road as a collector street was made without consultation with the residents of that street, and resulting traffic volumes are considered by many of them to have already compromised its residential character.

A Public Hearing was held before the Riel Community Committee on June 6, 1995 and completed on July 4, 1995.

A number of persons appeared in support, in opposition and for information, to the subject application, as outlined on Page 3 of the report of the Clerk of the Riel Community Committee dated July 31, 1995.

The Riel Community Committee recommended that:

1. The proposed subdivision be approved for the following reasons:

    A. This application has been a long arduous process but one which has accomplished the desired end result to everyone's satisfaction.

    B. This proposal is similar to infill development of Bethune Way to the east with the exception that access is not established to Darwin Street.

    C. Under the existing "R1-5" zoning, one-family infill development is entirely consistent with the existing neighbourhood.

2. The proposed subdivision be approved subject to a number of conditions all of which have been incorporated within the following recommendation.

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

I. That the plan of subdivision proposed under File DAS 5/95 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "A", (as amended in accordance with Conditions 1.A. and B.) for File DAS 5/95, dated August 24, 1995 for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the plan be amended to provide for only the street connection south to St. Michael Road.

    B. That the plan be amended to subdivide Lots 19 and 20 into four parcels with the production of lot lined of Lots 6, 7, 8 and 9, Plan 19166, being Don Craik Cove. In the event the owners of Lots 6 to 9 inclusive, Plan 19166, do not agree to purchase the lands by January 1, 1996, that said lands be declared surplus.

II. That the recommendations contained in the Report of the Administrative Coordinating Group dated May 29, 1995, as outlined on Schedule "B", and dated August 24, 1995, be approved with the following amendment:

    a) That clause 1 be amended by substituting the words "St. Michael Road" in place of "Arden Avenue".

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III. That a Subdivision Agreement be entered into between the City of Winnipeg and the property owners of Lots 7 and 8, as outlined on Schedule "A" to provide that no detached building or structure large enough to require a building permit, be permitted on the land.

IV. That the lands that will be created by the closing of Beliveau Road (under File DAC 9/95) and which are not included in the plan of subdivision, be offered for sale to the adjacent owners at 50% of fair market value.

V. That the selection of an appropriate street name to replace the currently registered street name "Beliveau Road" west of Darwin Street be brought forward to the Committee on Planning and Community Services by the ward councillor after consultation with the applicant.

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

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

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

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

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

Adopted by consent.

(See Minute No. 1217 for attachments)

**Proposed Amendment to Development Agreement AG 37/84 - Rivergrove Subdivision - Draco Development - Lord Selkirk-West Kildonan Community Committee**

**File DASZ 37/84 (AG 37/84)**

**1189 -** 5. The Committee on Planning and Community Services has been advised that Development Agreement AG 37/84, dated August 30, 1985 between Draco Development Ltd. and The City of Winnipeg contained conditions and obligations with respect to the subdivision and development of the lands. The property in question is located on the east side of Main Street between Red River Boulevard and Fernbank Avenue including the proposed multi-family site at the southeast corner of the Fernbank Avenue/Main Street intersection. The original agreement contemplated that Fernbank Avenue east of Main Street would be developed as a collector road to provide access to the whole subdivision. To that end the agreement contained a requirement for this Developer to provide half of the needed right-of-way and to pay its share of the cost of constructing a concrete pavement in Fernbank Avenue.

On July 25 and August 1, 1995, the Lord Selkirk-West Kildonan Community Committee considered a communication dated July 19, 1995, from the Lombard North Group (1984) Ltd. and a communication dated July 28, 1995 from the Land Development Administrator with respect to the matter under File AG 37/84. The Community Committee recommended that the proposed terms of the Development Agreement be amended as outlined below.

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

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I. That Clause 6 b) of Schedule "C" of Development Agreement AG 37/84 be amended by adding the following:

> The Developer shall pay to the City, prior to the issuance of a building permit for the multiple family site, the sum of $50,000.00 which shall represent the total cost of all obligations under Clause 6 b) above with respect to the multiple family residential area and shall also include for the cost of sidewalk construction and boulevard development on the east side of Main Street fronting the multiple family area covered under Clause 7. Sidewalks, and Clause 11. Boulevards, of Schedule "C" of this agreement.

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 Amendment to Development Agreement AG 7/94 - Fairmont Woods Project - Assiniboia Community**
**File DASZ 7/94 (c/r DAZ 221/93)**

**1190 -** 6. The Committee on Planning and Community Services has been advised that on September 21, 1994, Council approved DASZ 7/94 to allow for the construction of a multiple family dwelling (Senior Citizen's complex).

On August 18, 1995, Marwest Management Canada Ltd. requested amendments to Development Agreement AG 7/94, namely: -

- that flankage allowances be granted on the calculation of the payment for services to be installed in Dallinger Place (Gessner Drive), and

- that if the services in Dallinger Place (Gessner Drive) are not installed within 5 years that the Developer would have no further responsibility therewith.

The Land Development Branch concurs with the first amendment, inasmuch as the Administration initially recommended that a flankage allowance be granted. With respect to the second request, the Administration noted that they do not usually recommend "sunset clauses" on future responsibilities, but noted that Developers should not be held responsible for certain items forever. The Administration is recommending that the Committee on Planning and Community Services consider a longer duration than 5 years as requested.

The Committee on Planning and Community Services therefore recommends:

I. That a flankage allowance be granted to the Developer in the calculation of the Developer's share of the cost of services to be installed in Gessner Drive.

II. That the Developer's obligation to pay for services to be installed in Gessner Drive be terminated if those services are not constructed within 5 years from the approval of this amendment.

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

Adopted by consent.

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**Proposed Subdivision and Rezoning - Land located on the south side of Ragsdill Road, west side of DeVries Avenue - East Kildonan-Transcona Community**
**File DASZ 24/94**

**1191 -** 7. The Committee on Planning and Community Services has been advised that an application has been received from Doug Henne Planning Services, 917 Simpson Avenue, Winnipeg, Manitoba, R2K 1S5 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.5" Agricultural District to an "R1-4" and "R1-5" Single-family District to allow for the construction of single-family dwellings.

The following is the Site Description:

The subject lands are contained in three titles and have a total area of 3.58± ha (8.85± acres). The site has 224± metres (735± feet) frontage on Ragsdill Road, and 161.5± metres (530± feet) frontage on DeVries Avenue. All existing buildings on the land will be removed or demolished.

The following is the Surrounding Land Use and Zoning:

north: Single-family dwellings on north side of Ragsdill Road; zoned "R1-5.5" Single-Family District, and contractors business; zoned "A.5" Agricultural District

east: DeVries Avenue and Lagimodiere Boulevard

west: Single family dwellings; zoned "R1-5" Single-Family District

south: Single family dwelling (north side McIvor Avenue) zoned "R1-5.5" Single-Family District, and vacant land (future residential area) zoned "A.5" Agricultural District

The applicant initially proposed the creation of new streets and 46 "R1-4" zoned lots having frontage to, or with access from, Ragsdill Road, and two "R1-5" zoned lots on Ragsdill Road as outlined on Schedule "A". An additional 18 "R1-4" zoned lots were proposed to be developed along the future extension of Strongberg Drive, on the south side of the property.

The subject development proposal constitutes an extension of the existing Algonquin Estates development. The character of this existing neighbourhood is one of single-family dwellings on lots having minimum widths of 50 feet and 5,000 square feet area. Ragsdill Road is a major collector street in the neighbourhood. The proposed development consists primarily of single family lots at "R1-4" standards; 40 feet minimum lot width and 4,000 square feet area.

Since the approvals for the first phases of Algonquin Estates, the demand for single family lots has shifted to some extent to more economical smaller lots. However, the "R1-4" zoning, as proposed requires minimum 4.0 feet in width side yards to dwellings, and consequently developers and home builders are able to construct larger homes with attached garages on these narrower lots. The Community Planning Division has been supportive of the creation of "R1-4" zoned lots within new subdivisions. The Community Planning Division considered that the proposed "R1-4" lots could be properly integrated within the existing neighbourhood, subject to some amendment to provide for appropriate zoning transition. In order to integrate the proposed subdivision with the existing development, the Community Planning Division also recommended that all lots having frontage onto Ragsdill Road should provide a minimum 7.62 metres (25.0 feet) front yard, consistent with existing dwellings on this collector street. Additionally, it was recommended that all lots in the subdivision be established whenever possible, at a minimum 32.0 metres depth. This is because the Community Planning Division is finding that an increasing number of variance applications are being received for one-storey dwellings with attached garages that cannot meet by-law requirements on 30.0 metres (100.0 feet) in depth lots.

At the public hearing before the East Kildonan-Transcona Community Committee, residents of the existing community expressed their opposition to the proposed "R1-4" type development. The residents clearly stated that their preference would be for a continuation of the neighbourhood with "R1-5" zoned lots. The applicant agreed to amend his proposal and to delete the proposed "R1-4" zoned lots.

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Prior to the public hearing, the applicant was made aware of the Administrative Co-ordinating Group's and the Planning Division's concerns with regard to the proposed design of new streets. The originally proposed plan was not consistent with the concept plan previously drafted for these lands. The Developer agreed to re-design the subdivision to provide two street connections to Ragsdill Road in the form of a bay. The street openings on the south side of Ragsdill Road would correspond to the existing and future proposed openings on the north side of Ragsdill Road. In this regard a concept plan for the lands on the north side of Ragsdill Road, between DeVries and Allan Rouse Cove was provided to the Community Committee at the hearing. The applicant submitted a revised street location proposal at the public hearing.

Although the applicant has shown proposed lots along the future extension of Strongberg Drive, the Community Planning Division recommended that Strongberg Drive should not be opened as a public street, and lots should not be developed until approval of the subdivision of the abutting lands to the south.

The Parks and Recreation Department has requested that cash in lieu of land for open space, park and recreational use, be collected. The Streets and Transportation Department has requested that special yard setbacks and a fence be provided for lots abutting DeVries Road for noise attenuation purposes.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on April 11, 1995 and completed on June 6, 1995.

A number of persons appeared in both support and in opposition as listed in the report of the East Kildonan-Transcona Community Clerk dated July 4, 1995.

The East Kildonan-Transcona Community Committee recommended that:

1. The proposed subdivision and rezoning be approved for the following reason:

   The proposed amended development proposal will enhance the existing Algonquin Estates neighbourhood.

2. The proposed subdivision and rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation.

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

I. That the plan of subdivision proposed under File DASZ 24/94 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "B" for File DASZ 24/94, dated July 17, 1995, for registration in the Winnipeg Land Titles Office subject to the following:

   A. that the plan be amended:

      (1) Eliminating the lot lines on the easterly extension of Strongberg Drive and to leave the Strongberg right-of-way closed and established as a separate lot to be transferred to the City for $1.00. (The individual lot lines would not be established until the full Strongberg right-of-way is established and serviced in conjunction with the subdivision of the lands to the south).

   B. that the Developer, subject to a satisfactorily amended plan, be required to enter into a Development Agreement with the City containing all of the conditions outlined in the report of the Administrative Co-ordinating Group dated March 9, 1995, with the following amendments:

      1. That Items A. i) ii) iii), B. and D. be deleted entirely.

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2. That Item 11. a) be amended to read as follows:

"11. a) The Developer shall pay its share of the cost of services installed by others in Ragsdill Road abutting the proposed subdivision on the basis of Local Improvement rates therefor at the time payment is made prior to the issuance of building permits on any of the Ragsdill Road fronting lots."

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 "B" for File DASZ 24/94, dated July 17, 1995, to an "R1-5" District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of the City of Winnipeg Act to apply to the subject site, to include the following conditions:

(1) That a caveat be registered against the titles of all lots abutting DeVries Avenue, requiring the owners to maintain or repair the fence, as originally constructed by the Developer, pursuant to the Development Agreement;

(2) Proposed lots having rear lot lines abutting DeVries Avenue; rear yard of 17.5 metres for habitable structures;

(3) Proposed lots having frontage on Ragsdill Road and Strongberg Drive; Front yard 7.62 metres (25.0 feet).

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

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

VI. 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 against those lands (Stage One) as outlined on Schedule "D", dated July 17, 1995.

VII. The by-law applicable to lots having frontage on Strongberg Drive (Stage Two) as outlined on Schedule "D", dated July 17, 1995, shall come into force and effect upon registration of a plan of subdivision for those lands as outlined in the proposed Development Agreement, providing that such effective date shall be prior to three (3) years from the date of approval in principle by Council, unless Council extends that time.

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 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 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. 1218 for attachments)

**Report of the Committee on Planning and Community Services dated September 5, 1995**

**Proposed Subdivision and Rezoning - Land located North and South of John Bruce Road between the CPR Emerson Subdivision and West of Lagimodiere Boulevard - Riel Community**
**File DASZ 1/95 (c/r DAC 11/95 & DAC 16/95)**

**1192 -** 8. The Committee on Planning and Community Services has been advised that an application has been received from Novamet Development Corporation, 2070 - 360 Main Street, Winnipeg, Manitoba, R3C 3Z3, 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.5" Agricultural District to a "PR2" Parks and Recreation District, an "R1-4" Single-family District and an "RM-1" Multiple-family District to allow for the construction of single-family dwellings, multiple-family development and considering special rear yard setbacks along Warde Avenue and the Canadian Pacific Railway.

The following is the Site Description:

The application includes two River Lots with a total width of approximately 780 feet south of John Bruce Road, some residual parcels north of John Bruce Road which were not previously approved for development, and incorporates portions of the John Bruce Road right-of-way which are proposed to be closed (DAC 11/95). These lands generally represent the limit of servicing via the Bishop Grandin interceptor sewer, and further development to the south is expected only after the construction of the Warde Avenue interceptor.

Lands north of John Bruce Road are cleared and top-soil has been stripped. Lands to the south are, in part, heavily treed, with the remainder in agricultural use.

The following is the Surrounding Land Use and Zoning:

North: low-density housing, vacant land approved for same, and public reserve zoned "R1-5", "R1-4", "PR1"

East: Warde Avenue R.O.W., one-family dwelling and agricultural (residual) land, zoned "A5"

West: CPR Emerson Subdivision, low-density housing, and agricultural land, zoned "R1-20", "A5"

South: agricultural land, zoned "A.5"

The proposed extension of the Island Lakes residential community includes the extension south both of Island Shore Boulevard and Boulevard de la Seigneurie, and the extension of the Warde Avenue right-of-way to the westerly limit of the lands. The development is consistent with the Development Concept approved by the Community Committee in 1991, with the minor modification that Island Shore Boulevard is adjusted south to accommodate two possible future school sites abutting the large Public Reserve on the north side of John Bruce Road. The proposal does not include lands south of Warde Avenue where the configuration of development will depend upon further review of street patterns, nor does the proposal include a farmstead on the south side of John Bruce Road held by others, but a suitable pattern of development has been demonstrated for those lands.

All of the proposed "R1-4" blocks are reasonable extensions of the existing Island Lakes Neighbourhood, and lot depths are increased as necessary to provide noise attenuation setbacks to Warde Avenue and the CPR Emerson Subdivision.

The proposed "RM-1" site at Island Shore Boulevard and John Bruce Road can be ensured to be compatible with adjacent low-density housing, if limited to detached or semi-detached dwelling units each with a site area requirement of 4,000 ft.² and height limit of two storeys. Because the possible future school sites identified may not be acquired by the St. Boniface School Division, those two "RM-1" sites should be equally restricted.

The closing of John Bruce Road (DAC 11/95) is required by the Development Concept approved by your Committee because of the severe limitations at both the CPR crossing and the Seine River. Until the farmstead south of John Bruce Road and east of the CPR Emerson Subdivision is proposed to be redeveloped, access continues to be required. It is not appropriate that such access include a connection of John Bruce Road and Island

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Shore Boulevard, because of the larger volumes of traffic which might occur between Island Shore Boulevard and St. Anne's Road. Therefore, Island Shore Boulevard should not intersect with John Bruce Road until John Bruce Road is closed at the CPR Emerson Subdivision.

The small additions to the Public Reserve north of John Bruce Road (intended to provide access) should not be zoned "PR2" which is a regional Park and Recreation District. In spite of the advertisement of "PR2" zoning for these lands, it was suggested that the Riel Community Committee should recommend rezoning these lands to "PR1", which zoning applies to the existing Public Reserve, and this change is not inconsistent with the intent of the advertising for DASZ 1/95.

A Public Hearing was held before the Riel Community Committee on June 6, 1995.

Eleven persons appeared in support of the application.

Eight persons appeared in opposition to the application.

The Riel Community Committee recommended that:

1. The proposed subdivision and rezoning be approved for the following reasons:

    A) The proposed development is consistent with the Development Concept approved by the Riel Community Committee (the former St. Boniface - St. Vital Community Committee) in 1991 and represents a suitable pattern of development for these lands.

    B) The proposal does not include lands south of Warde Avenue where the configuration of development depends upon a further review of street patterns.

    C) All of the proposed "R1-4" blocks are reasonable extensions of the existing Island Lakes neighbourhood and lot depths are increased as necessary to provide noise attenuation setbacks to Warde Avenue and the CPR Emerson Subdivision.

2. The proposed subdivision and rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation.

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

I. That the plan of subdivision proposed under File DASZ 1/95 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "A" for File DASZ 1/95, dated July 13, 1995, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City subject to the conditions outlined in the Report of the Administrative Coordinating Group dated May 19, 1995, as outlined on Schedule “B”, with the following amendments.

        1. That the following sentence be added to Clause 3. e) on page 3, namely:-

            "Reimbursement for the cost of installing the feedermain is to include interest from the first anniversary date of substantial completion to the date of payment at a rate equal to the City's capital borrowing rate in accordance with the City's Development Agreement Parameters."

        2. That Clause 4 on page 2 be deleted and replaced with the following new clause, namely:-

            "4. The Developer is to establish a straight rear lot line between the ends of the side lot lines on Lot 12 on place Lagace."

        3. That Clauses 6. a) b) and c) on page 4 be amended to require the Developer to pay 5% of the cost of the works rather than 25%.

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4. That the following sentences be added to Clause 6. d) on page 5, namely:-

   "The City will endeavour to recover a proportionate share of the costs from the owners of benefiting land lying south of the land. It is understood that this provision shall not be invoked until such time as the pavement is constructed on Warde Avenue."

5. That Clause 15. b) on page 6 be amended to read as follows:

   "15.b) The Developer shall, at no expense to the City, install knockdown bollards across the eastern terminus of old John Bruce Road, i.e. at the east limit of the privately owned property, in order to provide an emergency secondary to access to Island Shore Boulevard as determined by and to the satisfaction of the Commissioner of Works and Operations."

6. That Clause 24 on page 8 be amended to read as follows:

   "24. The Developer shall, at no expense to the City, construct a continuous berm on the east side of the C.P.R. Emerson Subdivision and along the full length of the north side of Warde Avenue in accordance with grading plans and construction specifications approved by the Commissioner of Works and Operations; which berm is to be maintained by the Developer for two (2) growing seasons."

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 1/95, dated July 13, 1995, to an "R1-4" Single-Family District, an "RM-1" Multiple-Family District, and a "PR1" Parks and Recreation District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of the City of Winnipeg Act to apply to the "RM-1" lands to provide for the following:

   (A) that the maximum density permitted on the "RM-1" lands shall be not greater than one dwelling unit per 4,000 square feet of site area, and that no building on the land shall include more than one dwelling unit.

   (B) that no building or structure shall be erected or located on the "RM-1" lands, and no building permit shall be issued for construction on the land unless and until plans showing buildings or structures (including free-standing signs and fencing), parking or loading areas, and landscaping are submitted to and approved by the Riel Community Committee and the Commissioner of Planning and Community Services, and no buildings or structures or works shall be erected or located on the land except in accordance with approved plans;

   (C) that no building on the "RM-1" lands shall exceed two storeys in height, and that no structure on the "RM-1" lands shall exceed 25 feet in height;

   (D) that a uniform fence approved pursuant to subclause (2) above be erected and maintained on the "RM-1" lands used for residential use on those lot limits abutting "R1" lands.

IV. That By-law No. 6400/94 be amended to establish the following special alignment:

   (A) on the north side of Warde Avenue, from the limit of the Public Reserve to the south limit of the subject lands, a setback of 17.5 metres from the rear lot line to any dwelling;

   (B) abutting the east limit of the CPR Emerson Subdivision, a setback of 20 metres from the east limit of the CPR right-of-way to any dwelling;

   (C) abutting the stormwater retention basin at the north limit of the subject lands;

      (1) a setback of 25.9 metres (85 feet) from the rear lot line to any dwelling;

      (2) a setback of 20.4 metres (67 feet) from the rear lot line to any detached accessory building;

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(3) a setback of 12.8 metres (42 feet) from the rear lot line to any temporary structure or swimming pool not enclosed within a building;

(D) on the "RM-1" lands from any "R1" District Boundary, a setback of 7.62 metres (25 feet) to any building.

V. That the City Solicitor 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 the execution by the City of Winnipeg of the Development 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 except that the "RM-1" District shall come into force and effect when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands.

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

In amendment,

*The Executive Policy Committee recommends that recommendation IV. (A) be deleted in its entirety, and the balance of recommendation IV. renumbered accordingly.*

Adopted by consent.

(See Minute No. 1219 for attachment)

**Proposed Subdivision and Rezoning - Land located on the South side of Red River Boulevard between Rivergrove Drive and the Red River - Lord Selkirk-West Kildonan Community**

**File DASZ 11/95**

**1193 -** 9. The Committee on Planning and Community Services has been advised that an application has been received from Lombard North Group (1984) Ltd. c/o Mr. D. Palubeskie, 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 "R1-20" Single-Family District to an "R1-5" Single-Family District and "PR1" Parks and Recreation District to permit the establishment of seven single-family zoning lots.

The following is the Site Description:

Application Area: approximately 3 acres

Existing Land Use: one older single-family dwelling

The following is the Surrounding Land Use and Zoning:

north: Land to the north is fully developed and a mix of "R1-5" and "R1-6" Single-Family housing. There is also a large Public Reserve (PARK) Area which begins to the East of Broadview Place and extends to the Red River.

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east & south: Generally vacant property with the exception of several homes, zoned "R1-20" Residential District.

west: A developed "R1-5" single-family subdivision on the West side of Rivergrove Drive.

The applicant proposes to create seven developable "R1-5" single-family lots, with the last lot (Lot 8) remaining undeveloped. The lands adjacent to the Red River will be dedicated for park purposes.

The applicant is proposing to rezone a portion of the subject property to a "R1-5" Single-Family District, the riverside portion to a "PR-1" Parks and Recreation District, and the remaining area in between (Lot 8) will remain undeveloped and zoned "R1-20" Residential District. A condition in the subdivision agreement will prohibit the issuance of a building permit on Lot 8 until such time as Lot 8 has frontage on an improved street. Under a preliminary plan, five of the seven lots being zoned "R1-5" had frontage onto Red River Boulevard. The remaining two had frontage onto Rivergrove Road. That plan has been revised to the extent that all seven proposed building sites now front onto Red River Boulevard. All seven lots will be 16.2 metres in width and 38.5 metres in depth. The lot sizes being proposed are consistent with existing adjacent subdivisions to the north and west, and the overall plan complies with a concept plan endorsed by the Community Committee several years ago for all that remaining undeveloped area south of Red River Boulevard.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on July 4, 1995.

One person appeared in support of the application.

No one appeared in opposition to the application.

The Lord Selkirk-West Kildonan Community Committee recommended that:

1. The proposed subdivision and rezoning be approved for the following reason:

    A) The proposal is considered to be an adequate and appropriate development for the site.

2. The proposed subdivision and rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation.

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

I. That the plan of subdivision proposed under File DASZ 11/95 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "A" for File DASZ 11/95, dated August 8, 1995, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a an addendum to Development Agreement AG 37/84 with the City containing therein all the conditions as outlined in the reports of the Administrative Coordinating Group from Schedules "B" and "C" dated August 8, 1995, with the following amendments thereto:

        1) That condition Number 7 be added to the report dated June 13, 1995 as follows:
        "7. The Developer shall ensure that the services presently provided across this subdivision to existing properties to the south of said subdivision be maintained."

        2) That the amended clause 3.b) as outlined under number one of the supplementary A.C.G. report dated July 4, 1995, be amended by adding the following paragraph after the last line.

        "The payment shall be made on a lot by lot basis prior to the issuance of building permits. The City may require that a caveat be registered on the titles with respect to this obligation."

    B. That the Developer be required to enter into a Subdivision Agreement with the City to provide for the following:

        (A) The prohibition of any building permit be issued for any building or structure on proposed Lot 8 which does not have frontage on an improved street.

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(B) That prior to the issuance of any building permit for proposed Lots 1 to 7, the applicant be required to pay the 10% open space dedication calculated on the then prevailing rates, on a lot by lot basis.

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 11/95, dated August 8, 1995, to an "R1-5" Single-Family District, and a "PR1" Parks and Recreation District.

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

V. That the plan of subdivision section of the by-law shall come into force and effect upon the execution by The City of Winnipeg of the addendum to Development Agreement AG 37/84.

VI. That the zoning section of the by-law shall come into force and effect as follows when the plan of subdivision has been registered in the Winnipeg Land Titles Office.

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

VIII. 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.

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

Adopted by consent.

(See Minute No. 1220 for attachments)

**Proposed Subdivision and Rezoning - Land located on the South side of Chevrier Boulevard at the terminus of Prestwick Drive - Assiniboia Community**
**File DASZ 13/95**

**1194 -** 10. The Committee on Planning and Community Services has been advised that an application has been received from Caspian Construction, Att. A. Babakhanians, 1225 Plessis Road, Winnipeg, Manitoba, R2C 3L9, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from "A" Agricultural District to an "M2" Industrial District to permit the establishment of an office and warehouse building.

The following is the Site Description:

Application Area: approximately 5.0 acres

Existing Land Use: vacant land

The following is the Surrounding Land Use and Zoning:

The land to the north, across Chevrier, is zoned "A" Agricultural District. The remaining adjacent lands are zoned "M1" and "M2".

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The applicant is proposing to rezone the property to permit the construction of Phase 1 of an office/warehouse complex. Phase 1 includes 3,000 square feet of office space and 47,000 square feet of warehouse space. An initial occupant will be Caspian Construction. The subdivision portion of the application relates to the extension of Prestwick with a standard cul-de-sac turnaround.

The proposal complies with Plan Winnipeg, and is a continuation of similar industrial development in the immediate area. The report of the Administrative Coordinating Group supports the development.

A Public Hearing was held before the Assiniboia Community Committee on July 4, 1995.

One person appeared in support of the application.

No one appeared in opposition to the application.

The Assiniboia Community Committee recommended that:

1. The proposed subdivision and rezoning be approved as the proposal complies with the adjacent area.

2. The proposed subdivision and rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation.

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

I. That the plan of subdivision proposed under File DASZ 13/95 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "A" for File DASZ 13/95, dated August 10, 1995, for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing therein all the conditions outlined in the report of the Administrative Coordinating Group dated August 10, 1995, as outlined on Schedule "B", with the following amendments thereto:

      1) That Condition No. 1 be amended to read as follows:

         "The Developer shall, at no expense to the City, construct either a hammerhead or T-turnaround within an appropriate right-of-way, all to the satisfaction of the Commissioner of Works and Operations."

   B. That the Developer be required to pay to the City 10% cash dedication in lieu of land dedication.

   C. That the 10 per cent cash dedication in B) above, be earmarked for the proposed Whyteridge Community Centre for parks and recreation purposes.

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 13/95, dated August 10, 1995, to an "M2" Industrial District.

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

V. That the plan of subdivision section of the by-law shall come into force and effect upon the execution by The City of Winnipeg of the Development Agreement.

VI. 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.

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

VIII. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 36 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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IX. That the City Solicitor be requested to do all things necessary for implementation of the above in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See Minute No. 1221 for attachments)

**Proposed Subdivision and Rezoning - Land located at 1825 King Edward Street - Lord Selkirk-West Kildonan Community File DASZ 14/95**

**1195 -** 11. The Committee on Planning and Community Services has been advised that an application has been received from Ernst Project Management Ltd., 200 - 155 Carlton Street, Winnipeg, 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 "M1" Industrial District and an "R1-5" Single-family District to a "C2" Commercial District to allow for commercial development.

Related Files: DCU 181/95D - For the establishment of an automobile repair shop in a proposed building GRANTED. DAV 469/95D - Yard Variances and Parking GRANTED.

The following is the Surrounding Land Use and Zoning:

North: Properties to the north on both sides of Logan Avenue are zoned and developed Industrial areas for the most part.

East/South: South and East of Alexander Avenue lies a residential neighbourhood zoned "R1-5" Single-Family Residential

West: Lands West of King Edward Street are zoned "M2" Industrial and generally developed Industrial

The applicants propose to consolidate all of the lots fronting onto King Edward Street between Alexander and Logan Avenues. The business currently at the corner of Logan Avenue will be removed as will the dwellings along King Edward Street, several of which have been boarded up for some time. In their place, the applicants proposed to construct an automotive repair centre (Expert-Tech) which will be oriented towards King Edward Street. Most of the parking (20 spaces) will be located along King Edward Street with an additional 8 spaces abutting the lane. Right turn in and out approaches; access to and from King Edward Street; and there are proposed alternative approaches off of both Alexander Avenue and Logan Avenue. A loading space and garbage facility are situated at the south end of the proposed building.

It is the position of the Community Planning Division that the proposed development can fit in compatibly with the adjacent residential neighbourhood if as indicated the building is oriented fully towards King Edward Street. Furthermore, the site should not have vehicle approaches to either the public lane right-of-way or Alexander Avenue. Adequate fencing should also be provided along both the lane and a portion of the Alexander Avenue frontage. It should be noted that the proposed "C2" development if properly configured can be a marked improvement over an existing unrestricted industrially zoned area on the north half of the subject site.

The highest and best use of the remaining frontage is also, in the view of this Division, orderly commercial development.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on July 25, 1995.

Three persons appeared in support of the application.

Six persons appeared in opposition to the application.

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The Lord Selkirk/West Kildonan Community Committee recommended that:

1. The proposed subdivision and rezoning be approved for the following reason:

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

2. The proposed subdivision and rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation.

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

I. That the plan of subdivision proposed under File DASZ 14/95 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/95, dated August 23, 1995 for registration in the Winnipeg Land Titles Office.

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 14/95, dated August 23, 1995 to a "C2" Commercial District, subject to the following:

    a) That the Applicant be required to 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. No access to or exit from the subject site from either Alexander Avenue or the rear lane right-of-way on the east side of the property;

        2. A six foot (6') fence to be erected and maintained from the north east corner of the proposed building along the lane right-of-way to Logan; from the south east corner of the proposed building south along the lane to Alexander and for a further fifty feet (50') west from the south east corner of the property along the Alexander Avenue frontage;

        3. That landscaping plans be submitted to and approved by the Lord Selkirk-West Kildonan Community Committee; and

        4. That the hours of operation be restricted to close no later than 9:00 p.m. Monday to Friday, 5:00 p.m. on Saturdays and closed entirely on Sundays.

IV. 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 based on the increase on the market value of the land if applicable.

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

VI. That the zoning section of the by-law shall come into force and effect when the Zoning agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office.

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

VIII. 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.

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

Adopted by consent.

(See Minute No. 1222 for attachment)

**Report of the Committee on Planning and Community Services dated September 5, 1995**

**Proposed Rezoning - East side Henderson Highway between Knowles Avenue and Bunn's Creek - East Kildonan-Transcona Community File DAZ 205/95**

**1196 -** 12. The Committee on Planning and Community Services has been advised that an application has been received from Mr. Ken W. Rist, Gateway Construction and Engineering Ltd., 434 Archibald Street, to amend By-law No. 6400/94 by rezoning the land shown below from an "R1.5.5" Single-family District to an "RM-2" Multiple Family District to allow for multiple-family development.

The following is the Site Description:

Width: 33.33± metres (109.35± feet)

Depth: 122.92± metres (403.3± feet)

Area: 4097± m² (1.012± acres)

Existing Land Use,
Zoning and Structures:
Zoned "R1-5.5" Single-Family District. Existing dwelling to be removed from site.

The following is the Surrounding Land Use and Zoning:

north: Detached single family dwellings, zoned "R1-5.5" single-family district

east: Vacant land, zoned "R1-5.5 single-family district

west: Henderson Highway, single family dwellings, zoned "R1-20" single-family district

south: Knowles School property including residential and institutional buildings, Zoned "A5" Agricultural District.

The applicant is proposing to construct a three (3) storey in height, 30 unit apartment building. The development would include 45 at-grade parking stalls and a residents recreation room. A variance application (DAV 80/95 D) was also made to permit parking and driveway areas without sufficient side yards and to permit the building to be located 10 feet from the south side property line instead of 28.1 feet as required by the zoning by-law. The applicant has subsequently withdrawn the variance application.

The subject site is located within Sub-area No. 1 of the North Henderson Highway Secondary Plan and is presently permitted to be developed under that plan (B/L 1300/76) to a maximum of 12 units per acre. The applicants have made a concurrent application (File SPA 40/95) to have the subject lands re-designated as a "medium density" residential area to permit residential development of up to a maximum of 30 units per acre.

The subject rezoning proposal has been reviewed by the Administrative Co-ordinating Group. No objections have been noted. The Parks and Recreation Department has recommended that a cash dedication in lieu of land for recreation open space be collected. The group has also recommended that the applicant pay the land drainage trunk capacity charge applicable to the site. The charge will be $15,098.00 plus G.S.T..

The East Kildonan-Transcona Community Committee considered the application at their meetings held on June 6, 1995 and July 4, 1995.

Two persons appeared in support of the application.

Twelve persons appeared in opposition to the application.

Although, the Community Planning Division had recommended support of the applications, the Community Committee did not recommend approval of the Secondary Plan Amendment to allow the proposed 30 unit density.

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In considering the subject rezoning application, however, the Community Committee recommended approval subject to the proposed density of development on the site not exceeding 12 units per acre, as allowed by the existing low density residential designation in the North Henderson Highway secondary plan, and other conditions noted in the recommendation for approval.

The Community Committee provided the following reasons in support of the rezoning:

1. This is consistent with the Secondary Plan.

2. The zoning with the amended density is acceptable to neighbouring residents and institutions.

The Committee on Planning and Community Services concurred in the recommendation of the East Kildonan-Transcona 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 205/95, dated August 22, 1995, to an "RM-2" Multiple Family 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 no more than twelve (12) dwelling units shall be permitted on the lands;

2) That no building shall exceed three (3) storeys and thirty (30) feet in height;

3) That no building, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed building, the type and colour of all exterior materials, the location and design of accessory parking areas (including drainage), private approaches, driveways, fencing, garbage enclosures, and landscaping are submitted to and approved by the East Kildonan-Transcona Community Committee, and thereafter identified by the signature of the Commissioner of Planning and Community Services under the designations as Schedule "A" to Zoning Agreement DAZ 205/95 and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement.

4) That no building permits shall be issued for construction on the lands until the applicable land drainage trunk capacity charge, as determined by the Commissioner of Works and Operations, has been paid by the applicant.

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 for open space, parks and recreational use 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 18 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 be authorized 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 at the Winnipeg Land Titles Office by caveat as a first charge against the subject land provided that the said effective date occurs within 12 months from the date that the said rezoning by-law is enacted.

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

VI1) That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See Minute No. 1223 for attachment)

**Report of the Committee on Planning and Community Services dated September 5, 1995**

**Proposed Rezoning - Logan Avenue, south side of Logan Avenue immediately East of Omands Creek - Lord Selkirk-West Kildonan Community**

**File DAZ 206/95**

**1197 -** 13. The Committee on Planning and Community Services has been advised that an application has been received from Ernst Project Management Ltd., 200 - 155 Carlton Street, Winnipeg, Manitoba to amend By-Law No. 6400/94 by rezoning the land on the south side of Logan Avenue, immediately East of Omands Creek from an "A" Agricultural District to an "M2" Industrial District and a "PR1" Parks And Recreation District to permit the establishment of a facility for truck repairs (autobody and garage) and a training facility for tractor trailer operators.

The Administration has assessed the proposed rezoning and is of the opinion that it is entirely appropriate given the use of the surrounding land and Plan Winnipeg policy. The proposed development will not have an adverse effect on neighbouring properties. On the contrary, the success of the proposal may act as a catalyst in attracting additional businesses of a similar nature into this quadrant of the City.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on July 25, 1995.

Two persons appeared in support of the application. No one appeared in opposition to the application.

The Lord Selkirk-West Kildonan Community Committee recommended that:

A. The proposed rezoning be approved for the following reasons:

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

B. The proposed rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation.

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 No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 206/95, dated August 24, 1995, to an "M2" Industrial District and a "PR1" Parks And Recreation District subject to the following:

A. That the Developer is required to enter into a Development Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated June 30, 1995, as outlined on Schedule "B" and dated August 24, 1995 with the following amendment:

1) That item number 3 (b) be amended by deleting the following words in the first sentence: "plus the Public Reserve dedicated by the previous owner".

II. That dedication be made as outlined in item number 3 of the report of the Administrative Co-ordinating Group dated June 30, 1995.

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

V. That the Proper Officers of the City are hereby authorized to execute all necessary Agreements.

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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.

Adopted by consent.

(See Minute No. 1224 for attachments)

**Proposed Rezoning - Lands bounded by Pembina Highway, Stafford Street, Corydon and Grant Avenues (Earl Grey Neighbourhood) - City Centre Community**
**File DAZ 213/95**

**1198 -** 14. The Committee on Planning and Community Services has been advised that the Commissioner of Planning and Community Services has initiated an amendment to Zoning By-law 6400/94, by proposing to rezone the lands shown below from an "R2" Two-Family District to an "R1-3" or "R1-3.5" Single-Family District to reflect the predominant single-family character of the area.

The Earl Grey neighbourhood is a stable older residential neighbourhood. The area developed primarily in the early 1900's and is made up of low density housing with the occasional older apartment interspersed. The area has been zoned "R2" Two-Family District since 1951.

It is proposed that the residential lands be rezoned from "R2" to either an "R1-3" or an "R1-3.5" Single Family District to reflect the predominant area character and to protect the area from redevelopment at higher densities as the area ages.

The "R1-3" Zoning District establishes a minimum lot width requirement of 30' and lot area requirement of 3000 sq. ft. and allows side yards of 3'. The "R1-3.5" district has a minimum lot width requirement of 35' and lot area of 3500 sq. ft. and requires 4' side yards.

Lot widths in this area vary widely, however, the majority are in the 25' to 35' range. The "R1-3" Single Family District would more closely reflect existing lot sizes and established side yards in the Earl Grey area. Any lot smaller than 30' in width or 3000 sq. ft. in area and not held in contiguous ownership with another lot would have lot of record status and would remain as a buildable lot.

Any two-family dwelling, multiple-family dwelling or commercial use in the "R2" residential area which complies at the time of the zoning change may continue as a non-conforming use. Where a non-conforming use is destroyed or demolished or the use is abandoned for over 1 year, the land or building must then be used in accordance with the by-law.

A Public Hearing was held before the City Centre Community Committee on July 4, 1995.

One person appeared in support of the application.

Four persons appeared in opposition to the application.

The City Centre Community Committee recommended that:

1. The proposed rezoning be approved for the following reasons:

    1) The "R1-3" Zoning District establishes a minimum lot width requirement of 30 feet and lot area requirement of 3,000 square feet and allows side yards of 3 feet.

    2) Lot widths in the area vary widely, however, the majority are in the 25 to 35 foot range and the "R1-3" Single-Family District will more closely reflect existing lot sizes and established side yards in the Earl Grey neighbourhood.

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3) Any lot smaller than 30 feet in width or 3,000 square feet in area, and not held in contiguous ownership with another lot, will have lot of record status and will remain as a buildable lot.

4) Any two-family dwelling, multiple-family dwelling or commercial use in the "R2" residential area which complies at the time of the zoning change may continue as a non-conforming use, however, where a non-conforming use is destroyed or demolished, or the use is abandoned for over one year, the land or building must then be used in accordance with the by-law.

2. The proposed rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation.

On September 5, 1995, the Committee on Planning and Community Services considered the proposed rezoning application under file DAZ 213/95 and approved the following amendment which has also been incorporated in the recommendation as set out below:

- That Recommendation I be amended by adding after I(C) the words “(D) 605/607 Mulvey Avenue”, “(E) 297 Lilac Street”.

The Committee on Planning and Community Services concurred in the recommendation of the City Centre Community Committee as amended and recommends:

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 213/95, dated August 1, 1995, to an "R1-3" Single-Family District except for the following properties:

(A) 591 Warsaw Avenue;
(B) 602 Warsaw Avenue;
(C) 859/861 Scotland Avenue.
(D) 605/607 Mulvey Avenue
(E) 297 Lilac Street

II. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 12 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.

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

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

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.

Adopted by consent.

(See Minute No. 1225 for attachment)

**Proposed Rezoning - 2419 Ferrier Street -**
**Lord Selkirk-West Kildonan Community**
**File DAZ 215/95**

**1199 -** 15. The Committee on Planning and Community Services has been advised that an application has been received from Wilhelm and Christel Kinze, 348 Margaret Avenue, Winnipeg, Manitoba, R2V 1T8, to amend By-law 6400/94, by proposing to rezone the land shown below from an "A" Agricultural District to an "M2" Industrial District for the purposes of maintaining a contractor's establishment.

The following is the Surrounding Land Use and Zoning:

**Report of the Committee on Planning and Community Services dated September 5, 1995**

north: Occupied with industrial buildings and zoned "M2" Industrial District.

east: Zoned "A" Agricultural District to the C.P.R. Right-of-way. Several residential dwellings off Beecher.

west: Mix of residential lots and industrial uses along Ferrier Street zoned "RR-2" an "R1-20" Residential District.

south: Zoned "A" Agricultural District. Several residential dwellings off Ferrier.

Mr. Bill Kinze recently approached both the Land and Development Services Department and the Community Planning Division with respect to the current zoning status of his property on the north side of Beecher Avenue, between Ferrier Street and the C.P.R. right-of-way.

Mr. Kinze had operated a business for many years on the subject site and is apparently in the process of selling his land and building(s) to a prospective buyer who wishes to install an industrial use. Mr. Kinze was under the impression that his land was currently zoned "M2" Industrial and was being assessed accordingly. He was surprised to learn, after talking to the Zoning Development Branch, that, in fact, his land is currently zoned "A" Agricultural. He was further informed that, while he has a non-conforming right to operate a business on the subject land, a new owner operating a new industrial business would require a rezoning to the appropriate industrial category.

From a planning standpoint, the Community Planning Division has assured Mr. Kinze that, under Plan Winnipeg By-law 5915/92, his property falls within an area designated for industrial development. That means that an application to rezone can be processed and supported by this Division. If his property was to the west of Ferrier, an area designated for future residential development under Plan Winnipeg, an application to rezone to an industrial category could not be processed.

It should be noted that Mr. Kinze is correct in his belief that certain properties east of Ferrier (including his own) were at one time zoned "M2" Industrial. However, when the new Lord Selkirk-West Kildonan By-law 4450 was adopted in 1986, approximately half of the land-east of Ferrier and all of the land west of Ferrier was rezoned by Council to an "RA" large lot residential category. Subsequently, in 1994, when the new uniform By-law 6400/94 came into being, the "RA" zoning category was eliminated. The properties in question, including Mr. Kinze's east of Ferrier, were then rezoned "A" Agricultural District.

It would have been advantageous and appropriate to up-zone properties like Mr. Kinze's to an industrial category as part of that process. However, the Administration was instructed not to change the zoning of land except when it couldn't be avoided, as in the case of the aforementioned obsolete "RA" category. It was readily apparent from the outset that land could not, under any circumstances, be up-zoned.

Mr. Kinze is of the view that he may have been unfairly assessed by the City's Assessment Department over the last decade. The applicant has been advised to discuss this matter with the Assessment Department.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on July 4, 1995.

One person appeared in support of the application.

No one appeared in opposition to the application.

The Lord Selkirk-West Kildonan Community Committee recommended that:

1. The proposed rezoning be approved for the following reasons:

    1) This property falls within an area designated for industrial development under Plan Winnipeg By-law 5915/92.

    2) That the standard 10% dedication be waived given the history of the site.

2. The proposed rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation:

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

**Report of the Committee on Planning and Community Services dated September 5, 1995**

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 215/95, dated August 4, 1995, to an "M2" Industrial District.

II. That the standard 10 per cent dedication fee be waived.

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

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

V2) That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See Minute No. 1226 for attachment)

**Proposed Rezoning - 500 Beaverhill Boulevard - Riel Community**
**File DAZ 216/95**

**1200 -** 16. The Committee on Planning and Community Services has been advised that an application has been received from Guy Prefontaine, Prefontaine Architects, 52 Hull Avenue, Winnipeg, Manitoba, R2M 0Z2, to amend By-Law No. 6400/94 by rezoning the land at 500 Beaverhill Boulevard from an "R2" Two-family District to an "RM-L" Multiple-family District to allow for the construction of a multiple-family development (Senior Citizen's).

Related Files: DAV 386/95 D - to permit the construction of a multiple family dwelling to height of 38 feet - GRANTED.

The site is zoned "R2" which permits one dwelling unit for each 2,500 ft² of site area, and without allowance for a right-of-way, the site area of 100,000 ft² would accommodate 40 dwelling units. However, because a right-of-way would be required to develop two-family dwellings, a multiple-family dwelling should be limited to a maximum of 35 dwelling units to represent an equal density. With equal density, the suitability of the proposed apartment block is a matter of neighbourhood character. The proposal is located between townhouses and low-density housing, and while no apartment block yet exists in the area, there are two vacant "RM-4" sites farther west on Beaverhill Boulevard and Willowlake Crescent, where apartment blocks may be constructed as of right.

Although an apartment block is not entirely consistent with neighbourhood character, it may be considered consistent with potential character if "RM-4" zoning in the area is exploited. That is, if development of the existing "RM-4" sites had preceded this application, the proposed development would be consistent.

Because the site could accommodate 35 units under existing "R2" zoning, an apartment block limited to 35 dwelling units would not be expected to generate additional traffic on Beaverhill Boulevard. A variance for building height was required for the proposed apartment block.

A noise attenuation set-back from the railway is recommended to be consistent with other recent development. The public reserve between the site and the railway is 20 feet in width, and will serve as a portion of this set-back.

A Public Hearing was held before the Riel Community Committee on July 4, 1995.

Twelve persons appeared in support of the application.

Three persons appeared in opposition to the application.

The Riel Community Committee recommended that:

**Report of the Committee on Planning and Community Services dated September 5, 1995**

A. The proposed rezoning be approved for the following reasons:

1. Seniors' housing is less intrusive than "R2" housing (side by sides) in residential areas and may very well add to the character of the neighbourhood.

2. Inasmuch as the site can accommodate 35 units under existing "R2" zoning, an apartment block limited to 33 dwelling units would not be expected to generate additional traffic on Beaverhill Boulevard.

B. The proposed rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation:

The Committee on Planning and Community Services concurred in the recommendation 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 216/95, dated August 17, 1995, to an "RM-L" Multiple-family 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 land be restricted to the following uses:

(a) a multiple-family dwelling for elderly persons, containing not more than 35 dwelling units;
(b) conditional uses;
(c) accessory uses;

2. that parking spaces be provided and maintained on the land at a minimum ratio of one parking space for each dwelling unit established on the land, plus two visitor parking spaces for each five dwelling units established on the land;

3. that no building or structure (including free-standing signs and fencing), parking or loading area, or landscaping be erected or located on the land except in accordance with plans approved by the Riel Community Committee and the Commissioner of Planning and Community Services;

II. The proposal is for elderly persons' housing, and pursuant to Council instructions it is recommended that the standard 10% dedication be waived in this instance.

III. That By-Law 6400/94 be amended to establish a special alignment of 20 metres from the west limit of the CPR Emerson Subdivision right-of-way to any dwelling unit.

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 authorized to prepare the necessary rezoning by-law and forward same to Council for all three readings.

VI. 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 the Winnipeg Land Titles Office provided that the said effective date occurs within 12 months from the date that the said rezoning by-law is adopted by Council.

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

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

Adopted by consent.

(See Minute No. 1227 for attachment)

**Report of the Committee on Planning and Community Services dated September 5, 1995**

**Proposed Rezoning - 565 Pembina Highway**
**- City Centre Community**
**File DAZ 218/95**

**1201 -** 17. The Committee on Planning and Community Services has been advised that an application has been received from G. Hanssen Ltd., 565 Pembina Highway, Winnipeg, Manitoba, R3M 2L3, for permission to amend By-law 6400/94, by rezoning the land shown below from a "C1.5" Commercial District to a "C2" Commercial District for the purposes of re-establishing certain commercial development rights under rezoning file DAZ 237B/94.

The following is the Site Description:

Site Area: approximately 15,873 sq. ft.

Existing
Land Use
and Zoning: An automobile repair and service use, with automobile sales, and parts and tire sales; zoned "C1.5" Commercial District.

The following is the Surrounding Land Use and Zoning:

north & east: commercial development on lands zoned "C1.5" and "C2" Commercial District

west: an apartment building zoned "R2" Two-Family District

south: a public lane and a buffer strip adjacent to the Grant Avenue right-of-way

This property was initially rezoned from an "R2" Two-Family District to a "C2" Commercial District in 1979 under File No. DAZ 163/72. (A dedication fee of $2,650.00 was paid to the City in conjunction with this rezoning). The site is presently used predominantly for an automobile repairs and service (which is a "C2" Commercial District use) with some secondary uses such as parts sales, tire sales, sales of other items such as boats and repair of heavy machinery.

DAZ 237/94 and DAZ 237B/94 will rezone all "C2" District lands on the west side of Pembina Highway between Corydon Avenue and Stafford Street to a "C1.5" Commercial District. This zoning change was initiated to protect the residential area to the west of the Pembina Highway commercial strip.

The existing automobile repair and service business will become a non-conforming use under the "C1.5" regulations. The present application would re-establish the existing use as a permitted use and would allow for the execution of a zoning agreement which could limit uses and require plans of any future buildings or structures to be approved by the Community Committee.

A Public Hearing was held before the City Centre Community Committee on July 4, 1995.

No one appeared in support or in opposition to the application.

The City Centre Community Committee recommended that:

1. The proposed rezoning be approved for the following reasons:

   A. DAZ 237/94 and DAZ 237B/94 will rezone all "C2" District lands on the west side of Pembina Highway between Corydon Avenue and Stafford Street to a "C1.5" Commercial District resulting in the existing automobile repair and service business becoming a non-conforming use.

   B. The subject application re-establishes the existing use as a permitted use and allows for the execution of a zoning agreement which will limit uses and require plans of any future buildings or structures to be approved by the Community Committee.

2. The proposed rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation:

**Report of the Committee on Planning and Community Services dated September 5, 1995**

The Committee on Planning and Community Services concurred in the recommendation of the City Centre 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 218/95, dated August 1, 1995, to a "C2" 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 following uses be prohibited on the subject land:
- amusement parlour
- arena, auditorium, stadium
- banquet hall, dance hall
- billiard parlour
- bowling alley
- cabaret
- catering commissary
- club
- exterminator
- farm supplies sales
- flea market
- hotel
- mobile home park
- pawn shop
- theatre, cinema, concert hall

2. That final construction plans indicating any additions or exterior modifications to the existing building or new structures including elevations and details of exterior finishing materials, accessory parking and loading areas, fencing, landscaping and garbage enclosures be subject to the approval of the Community Committee and the Commissioner of Planning and Community Services.

II. That in the event this application is not proceeded with expeditiously and the by-law 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.

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

IV. That the "C2" Commercial District shall become effective 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 12 months from the date that the said rezoning by-law is adopted 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.

Adopted by consent.

(See Minute No. 1228 for attachment)

**Report of the Committee on Planning and Community Services dated September 5, 1995**

**Proposed Rezoning - 395 Beaverhill Boulevard - Riel Community Committee File DAZ 221/95 (c/r DASSF 508/95A)**

**1202 -** 18. The Committee on Planning and Community Services has been advised that an application has been received from AGB Architects, 85 Dewdney Avenue, Winnipeg, Manitoba, R3B 0E1, to amend By-law No. 6400/94 by rezoning the land at 395 Beaverhill Boulevard from an "R2" Two-family District and an "RM-4" Multiple-family District to an "RM-1" Multiple-family District to allow for the construction of a multiple-family dwelling (Senior Citizen's).

Related Files: DAV 476/95 D - Height Variance and Lot Area Variance - GRANTED

The following is the Site Description:

The proposed site is irregular, and has yet to be defined by a plan of subdivision. The site proposed by the applicant would require that the extension of Willowlake Crescent south intersect with Bishop Grandin Boulevard, be instead located at the intersection of Beaverhill Boulevard and Bluewater Crescent. If this location is approved, the short-form subdivision required to establish the site would be approved.

Site Area: proposed 17,098 m² [184,000 ft²]

Existing Land Use: vacant land

The following is the Surrounding Land Use and Zoning:

north: vacant land and school zoned "RM-4" and "PR1"

east: vacant land zoned "R2"

west: proposed park and Seine River zoned "RM-4"

south: Hydro rights-of-way and Bishop Grandin Boulevard

An extension of Willowlake Crescent south to Bishop Grandin Boulevard is required as a condition of the Development Agreement for Niakwa Place. That street has not yet been established, because the City must absorb the costs for the portion of the street crossing the hydro rights-of-way. The location of the street as an extension of Bluewater Crescent was proposed by the applicant, and is called "acceptable" by the Streets and Transportation Department. It is not clear if this location would have the same effect(s) as an extension of Willowlake Crescent, and it should not be approved unless it is determined that there will be no adverse effect on Bluewater. The Community Committee has now recommended a new street alignment that would intersect Beaverhill Boulevard west of Bluewater Crescent as outlined on Schedule "B".

The rezoning of a site to "RM-1", west of either street location, is consistent with the existing "RM-4" zoning, even if inconsistent with neighbourhood character. Allowing a total number of dwelling units which would, in any case, be permitted under "RM-4" and "R2" zoning, does not change the expected volumes of traffic in the area. The height and type of building are permitted now under existing "RM-4" zoning. There is no justification for requiring the development of an apartment on a smaller site, with less open space and other amenities.

A Public Hearing was held before the Riel Community Committee on July 24, 1995 and August 23, 1995.

A number of persons appeared both in support and in opposition to the subject application as outlined on Pages 3 and 4 of the report of the Riel Community Clerk dated August 25, 1995.

The Riel Community Committee recommended that:

A. The proposed rezoning be approved for the following reasons:

1. The rezoning of the site to "RM-1" is consistent with the existing "RM-4" zoning and the "RM-1" zoning represents a compromise between the "R2" and the "RM-4" zoning categories.

**Report of the Committee on Planning and Community Services dated September 5, 1995**

2. The proposed density of the development should not change the expected volumes of traffic in the area and may even result in lower traffic volumes with the lower density.

3. The Riel Community Committee does not accept the argument that the application should not be approved because some area residents would prefer to have the land remain vacant.

4. The stability of the neighbourhood will be greatly enhanced by the establishment of a senior citizens residence and result in a balanced neighbourhood. The Community will also benefit from the various contributions that will be made by seniors both in person and in kind.

B. The proposed rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation.

Note: Attached Schedule "A" illustrates the amended rezoning approved under Schedule "B" dated July 21, 1995, recommended for approval by the Community Committee (Schedule "B" has been attached for reference).

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

I. That By-law No. 6400/94 be amended by rezoning proposed Lot 3 (DASSF 508/95A) as outlined on Schedule "A" for File DAZ 221/95, dated August 25, 1995, to an "RM-1" Multiple-family 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 land be restricted to the following uses:

(a) multiple-family dwelling(s) for elderly persons containing not more than 90 dwelling units;
(b) conditional uses;
(c) accessory uses;

(2) that parking spaces be provided and maintained on the land at a minimum ratio of one parking space for each dwelling unit established on the land, and that in addition to the parking requirement for each dwelling unit, visitor parking spaces be provided and maintained at a minimum ratio of one parking space for each five dwelling units established on the land;

(3) that no building or structure (including free-standing signs and fencing), parking or loading area, or landscaping be erected or located on the land except in accordance with plans approved by the Riel Community Committee and the Commissioner of Planning and Community Services;

(4) That no building or structure, and for the avoidance of doubt, including a fence, be located or erected on the westerly 5 metres of Lot 3.

II. This proposal is for elderly persons housing, in accordance with Council's instructions it is recommended that the standard 10% dedication be waived in this instance. It may also be noted that dedication for the development, including "RM-4" land, was made under the approval for the Southdale/Niakwa Place neighbourhood.

III. That in the event this application is not proceeded with expeditiously and the zoning 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 City Solicitor be authorized to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. 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 the Winnipeg Land Titles Office provided that the said effective date occurs within 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 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. 1229 for attachments)

**Proposed Amendment to the North Henderson Highway Secondary Plan (B/L 1300/76) - 2081 Henderson Highway - East Kildonan-Transcona Community**
**File SPA 40/95**

**1203 -** 19. The Committee on Planning and Community Services has been advised that Gateway Construction and Engineering Ltd., has applied for an amendment to the North Henderson Highway Secondary Plan to permit a future rezoning and construction of a 30 unit apartment building.

The subject site has 33.33 metres (109.35 feet) frontage on Henderson Highway and is 122.92 metres (403.3 feet) in depth. Site area is 0.409 ± ha (1.012 ± acres) and the land is presently zoned "R1-5.5" Single-family District. There is a single family dwelling on the site which will be removed.

The land to the south of the subject property is owned and occupied by the Knowles School and contains a number of residential and institutional buildings. The lands to the north and east of the subject site are occupied by single family dwellings.

The subject site is located within Sub-area No. 1 of the North Henderson Highway Secondary Plan and is presently designated a "low density" residential area with a maximum density of 12 dwelling units per acre. Sub-area No. 1 extends from Glenway on the North, McIvor on the South, Pentland Street and its northerly extension on the east, and Henderson Highway on the west. The entire frontage of Henderson Highway within Sub-area No. 1 from the south limit of Bunns Creek to McIvor Avenue is designated for Commercial use.

Although the lands within Sub-area No. 1, North of Bunns Creek are presently designated for a maximum of 12 units per acre, the principle existing uses are single family dwellings at density significantly less than 12 units per acre. Recent development along the west side of Henderson Highway, (within Sub-area No. 4 in the Plan), has however consisted principally of apartment buildings, including a personal care home, with densities between 12 to 25 units per acre. Single family dwellings on the west side of Henderson Highway are being replaced by multiple family developments, and have, on a number of sites, included amendments to the North Henderson Highway Secondary Plan from a Low Density Residential to a Medium Density Residential designation. The lands north of Bunns Creek on the west side of Henderson Highway are presently, residential low density use, although it is anticipated that higher density rezoning applications will also be received for these lands in the future.

On April 19, 1995, Council adopted Clause 17 of the report of the Committee on Planning and Community Services, dated April 4, 1995, under File SPA 40/95. The Committee on Planning and Community Services recommended that first reading be given to the proposed by-law and that the East Kildonan-Transcona Community Committee be requested to conduct a public meeting to consider representations.

Public Hearings were held by the East Kildonan-Transcona Community Committee on June 6, 1995 and July 4, 1995.

Two persons appeared in support of the application.

Twelve persons appeared in opposition to the application.

**Report of the Committee on Planning and Community Services dated September 5, 1995**

The Community Committee did not concur in the recommendation of the Community Planning Division and it was the decision of the Community Committee to not support the proposed Secondary Plan Amendment for the following reasons:

1. The increase in density will be precedent setting on the east side of Henderson Highway.

2. There is strong resident opposition.

3. A review of the Secondary Plan should be undertaken as soon as possible with regard to increased densities on the east side of Henderson Highway to avoid ad hoc planning and spot redesignations and rezoning as the subject application proposes.

4. The Community Planning Division should undertake a review of this area as requested by the residents to come up with a co-ordinated development proposal considering that there are several long and narrow lots in this location that will be difficult to develop in isolation of one another.

The Committee on Planning and Community Services concurred in the recommendation of the East Kildonan-Transcona Community Committee that the draft amendment to the North Henderson Highway Secondary Plan as outlined on Schedule "A" to SPA 40/95, dated August 21, 1995, be not proceeded with.

Adopted by consent.

(See Minute No. 1230 for attachment)

**Proposed Zoning Agreement Amendment -**
**36 McKall Bay - Riel Community**
**File ZAA 4/95 (c/r DASZ 8/86)**

**1204 -** 20. The Committee on Planning and Community Services has been advised that an application has been received from Qualico Developments Limited, 30 Speers Road, Winnipeg, Manitoba, R2J 1L9, to maintain a rear yard (noise attenuation set-back) of 16.20 metres (53.15 feet), instead of 17.5 metres (57.41 feet) as established as a condition of enactment of DASZ 8/86.

36 McKall Bay, developed with a single-family dwelling is the present Site Description.

The proposed Zoning Agreement Amendment is the equivalent of a variance, providing a 3.85 foot reduction in the noise attenuation set-back to Lagimodiere Boulevard to a corner of the dwelling.

The reduction in the setback is only to a corner of the dwelling, and any discomfort which may result from an increase in noise perceived by the residents of 36 McKall Bay would be minor in comparison to the cost of compliance.

A Public Hearing was held before the Riel Community Committee on July 4, 1995.

No one appeared in support or opposition to the application.

The Riel Community Committee recommended that:

1. The proposed rezoning be approved for the following reasons:

   1) The reduction in the set-back is only to a corner of the dwelling, and any discomfort which may result from an increase in noise perceived by the residents of 36 McKall Bay would be minor in comparison to the cost of compliance.

   2) The proposed rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation:

**Report of the Committee on Planning and Community Services dated September 5, 1995**

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

I. That Zoning Agreement DASZ 8/86 be amended as follows:

A. That section (6) be amended as it affects Lot 9, Block 1, Block 29767 by replacing the phrase "17.5 metres (57.41 feet)" with the phrase "16.20 metres (53.15 feet)".

II. That the City Solicitor be requested to prepare the necessary amendment to Zoning Agreement as approved in clause I. above.

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

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

Adopted by consent.

**Proposed Zoning Agreement Amendment - 241 Kildonan Meadow Drive - East Kildonan-Transcona Community**
**File ZAA 6/95**

**1205 -** 21. The Committee on Planning and Community Services has been advised that an application has been rceived from Mr. Joseph Lucki, 241 Kildonan Meadow Drive, Winnipeg, Manitoba, R3W 1K8, to amend the existing zoning agreement to permit the construction of an enclosed sunroom addition to the rear of an existing single-family dwelling.

Under the original rezoning and subdivision approval for these lands, a minimum rear yard of 25.9 metres (85.0 feet) was established for separation between principle structures and City of Winnipeg owned lands containing the storm water retention pond.

Under File ZAA 19/90, Mr. Lucki applied to have the 25.9 metre rear yard reduced to 24.6 metres (80.71 feet) to enable construction of an attached deck. The subject application (ZAA 6/95) is being made to further reduce the previously approved 24.6 metre (80.71 feet) rear yard to 20.9 metres (68.7 feet).

The principle issue with regard to the establishment of a sunroom with a rear yard of 68.7 feet, is the potential for flooding due to rising water storage in the storm water retention pond.

The Wastewater Planning Branch has reviewed the subject application and in this instance they have indicated no objection to the proposal since the floor elevation of the proposed sunroom will be at or near the floor level of the existing dwelling.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on July 4, 1995.

One person appeared in support of the application.

No one appeared in opposition to the application.

The East Kildonan-Transcona Community Committee recommended that:

1. The proposed rezoning be approved for the following reasons:

1) The Wastewater Planning Branch has no objection to the proposal since the floor elevation of the proposed sunroom will be at or near the floor level of the existing dwelling.

2) The proposed rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendation:

**Report of the Committee on Planning and Community Services dated September 5, 1995**

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

I. That the Zoning Agreement DASZ 33/74 A and B and DAZ 274/78 pursuant to File ZAA 6/95 be amended as follows:

A. That the special rear yard as it applies to Lot 7, Block 4, Plan 19693 W.L.T.O. be amended to 20.9 metres (68.7 feet) to a principle structure.

II. That the City Solicitor be requested to prepare the necessary amending agreement to Zoning Agreement DAZ 33/74 A and B and DAZ 274/78 as approved in aforesaid Clause I.

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

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

Adopted by consent.

**Proposed street closing of part of Beliveau Road, Plan 2566 - Riel Community**
**File DAC 9/95 (c/r DAS 5/95)**

**1206 -** 22. The Committee on Planning and Community Services has been advised that the Land and Development Services Department initiated the above-noted partial street closing as outlined Schedule "A", in accordance with Misc. Plan No. Riel 9408/2 as a result of the proposed plan of subdivision under File DAS 5/95. File DAS 5/95 advances the opening of a new east-west public street (cul-de-sac) incorporated within, which would be a portion of the existing 20 ft. wide "Beliveau Road", Plan 2566. The subject closing application is a result of that portion of the Beliveau Road right-of-way being incorporated within the plan of subdivision.

The subject street closing was circulated to all the applicable City Departments and public utilities with no objections having been reviewed in response to the closing.

In responding to the circulation letter, South-East District Operations identified the need to retain a 3 metre watermain easement. The easement is required to loop the watermain servicing for the proposed subdivision (DAS 5/95).

No other easements were identified by the circulation.

On June 6 and July 4, 1995, the Riel Community Committee held public hearings with respect to the proposed closing under file DAC 9/95. The Community Committee concurred in the recommendations of the report dated May 25, 1995, from the Acting Subdivision/Codes Administrator.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor be instructed to prepare the necessary By-law for submission to Council to effect the street closing in accordance with Misc. Plan No. RIEL 9408/2, as outlined on Schedule "A".

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. 1231 for attachment)

**Report of the Committee on Planning and Community Services dated September 5, 1995**

**Proposed street closing of John Bruce Road, West of Lagimodiere Boulevard - Riel Community**
**File DAC 11/95 (c/r DASZ 1/95 & DAC 16/95)**

**1207-** 23. The Committee on Planning and Community Services has been advised that the Land and Development Services Department initiated the above-noted street closing as a result of the proposed plan of subdivision under File DASZ 1/95, as outlined on Schedules “A” and “ B”. Misc. Plan No. Riel 9442, as outlined on Schedule "A", proposes to close only that portion of John Bruce Road affected by the plan of subdivision under File DASZ 1/95. Misc. Plan No. Riel 9442/1, as outlined on Schedule "B", proposes to close not only that portion of John Bruce Road affected by the subject plan of subdivision, but also that portion of John Bruce Road between the service road (Melnick Road), west of Lagimodiere Boulevard and the eastern limit of the subject subdivision. Subdivision File DASZ 1/95 incorporates the lands which are the subject of the proposed street closing into the proposed plan of subdivision, thereby necessitating the subject closing application. It is anticipated that the remainder of the lands proposed to be closed, outlined on Schedule "B", will be covered under a future plan of subdivision resulting in inclusion of this section of John Bruce Road, if closed. Schedule "B" closing would eliminate a fragmented street after the closing, and the resulting duplication of the street name, John Bruce Road (ie: John Bruce) would be split into two separate sections.

Schedule "A" and Schedule "B" were circulated to all applicable City Department's and public utilities with no outright objections being received for the proposed street closing as outlined on proposed Schedule "A". However, a major concern was identified in the response from the Manitoba Telephone System. The Manitoba Telephone System have indicated that John Bruce Road is a major M.T.S. communications route (containing a trunk service line between St. Anne's Road and Lagimodiere Boulevard. Based on Manitoba Telephone Systems comments there will be extensive relocation costs of existing M.T.S. facilities and/or easements with the closing of John Bruce Road. The Manitoba Telephone System requested to meet with the developer (Novamet) prior to giving their approval to this closing request.

The Assistant District Engineer has noted a concern about providing two means of access to the private property owners remaining on John Bruce Road. A second means of access is critical in the case of providing emergency services. This problem would be solved when the connection to Shorehill Drive is constructed (to intersect with John Bruce Road.

The Streets and Transportation Department had no objection to the proposal as illustrated on Schedule "A". However, the proposal as illustrated on Schedule "B" is not acceptable at this time. Access to Lagimodiere Boulevard must be maintained until the future extension of Warde Avenue and the construction of its intersection with Lagimodiere Boulevard approximately 100 metres North of John Bruce Road.

Based on the Streets and Transportation Department comments it could be judged premature to close the portion of John Bruce Road east of Warde Avenue at this point. However, if it remains open, it is recommended that this piece of John Bruce Road be renamed, at least to John Bruce Road East, so that there would be some distinction made in the minds of persons accessing this area, especially emergency service vehicles.

On June 6, 1995, the Riel Community Committee held a public hearing with respect to the proposed closing under file DAC 11/95. The Community Committee concurred in the recommendation of the report, dated May 26, 1995, from the Acting Subdivision/Codes Administrator.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor be instructed to prepare the necessary By-law for submission to Council to effect the street closing, in accordance with Misc. Plan No. RIEL 9442, as outlined on Schedule "A".

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. 1232 for attachment)

**Report of the Committee on Planning and Community Services dated September 5, 1995**

**Proposed closing of a portion of Arpin Bay, South of Pauline Boutal Crescent - Riel Community**
**File DAC 16/95 (c/r DASZ 1/95 & DAC 11/95)**

**1208 -** 24. The Committee on Planning and Community Services has been advised that the Land and Development Services Department initiated the above-noted partial street closing as outlined on Schedule "A", Misc. Plan No. RIEL 9442/2, as a result of the proposed plan of subdivision under File DASZ 1/95 as outlined on Schedule "B". File DASZ 1/95 extends Arpin Bay to the northern limit of John Bruce Road, thereby incorporating that portion of Arpin Bay (registered under Plan 25,692) into the proposed plan of subdivision; resulting in the present application.

The subject street closing was circulated to all the applicable City Departments and public utilities with no objections or concerns having been received in response to the closing.

On July 24, 1995, the Riel Community Committee held a public hearing with respect to this matter and no representations were made before the Community Committee.

The Committee on Planning and Community Services approves the proposal and recommends:

I. That the City Solicitor be instructed to prepare the necessary By-law for submission to Council to effect the street closing, in accordance with Misc. Plan No. RIEL 9442/2, as outlined on Schedule "A".

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. 1233 for attachments)

**Proposed closing of part of a lane within the block bounded by Charles and Aikins Streets, Pritchard and Selkirk Avenues - Lord Selkirk-West Kildonan Community**
**File DAC 17/95**

**1209 -** 25. The Committee on Planning and Community Services has been advised that the Real Estate Division initiated the above-noted closing proposal as outlined on Schedule "A" (Misc. Plan No. LSWK 7513/2), at the request of the Holy Ghost Roman Catholic Archiepiscopal Corp.

The church proposes that the City close and sell a portion of the lane, as outlined on Schedule "A" to the church for the purposes of including the subject land as part of their existing parking lot, and as part of their land holdings (the area shown shaded on Schedule "A").

The proposed closure was circulated to all concerned City Department's and public agencies, with the following objections and concerns received in response to the circulation.

North West District Operations strongly object to the subject lane closing proposal as it would require the District's refuse collection vehicle and snow clearing equipment drivers to perform a dangerous manoeuvre of backing up along the dead-ended lane. The only acceptable alternative to the District would be to have the Archiepiscopal Corp. pay for all costs involved in relocating the lane outlet to Pritchard Avenue to the west, through a portion of their property.

The Streets and Transportation Department do not support the closing of the subject lane without a replacement lane, as outlined on Schedule "B", to be provided from the church property, or at the very least a turnaround as outlined on Schedule "C".

**Report of the Committee on Planning and Community Services dated September 5, 1995**

Manitoba Telephone System presently maintains overhead facilities attached to a Winnipeg Hydro pole line as well as buried facilities within the lane proposed to be closed. A blanket easement would be required to cover M.T.S. facilities. It is anticipated that Winnipeg Hydro will also require an easement for their facilities, even though no response has been received at the writing of this report.

The Land Development Branch concurs with the North-West District Engineer and Streets and Transportation as to the need for some means of secondary lane access. Unless this issue can be addressed in a satisfactory manner, a negative recommendation would be in order. However, this Branch recommends a more positive approach which is to have this request amended to opening/closing application and processed as an opening/closing file in accordance with Schedule "B".

The Administration recommends that the subject lane closing request be amended to an opening/closing application (DAOC), and be recirculated and re-advertised.

On July 25, 1995, the Lord Selkirk-West Kildonan Community Committee considered the report dated July 5, 1995, from the Acting Subdivision/Codes Administrator and did not concur in the recommendations and therefore recommended that the subject lane closure under file DAC 17/95 be approved.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the lane closing in accordance with Misc. Plan LSWK 8832, as outlined on Schedule "C", and that the costs associated with the turnaround be paid by the applicant as negotiated with the Land and Development Department.

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. 1234 for attachment)

**Proposed closing of the public lane East of Scotia Street opposite Smithfield Avenue - Lord Selkirk-West Kildonan Community File DAC 19/95**

**1210 -** 26. The Committee on Planning and Community Services has been advised that the Land and Development Services Department initiated the above-noted lane closing as outlined on Schedule "A", Misc. Plan No. LSWK 9472 at the request of the owners of 233/235 and 239 Scotia Street, the Ukrainian Catholic Archeparchy of Winnipeg. The Catholic Archeparchy of Winnipeg wants to purchase the above-noted land which lies between their two aforementioned property holdings, thereby resulting in the subject application. At present the lane is used exclusively by 233/235 Scotia Street as a driveway and a parking area for 239 Scotia Street.

The subject lane closing was circulated to all applicable City Departments and public utilities with no objections or concerns having been received in response to the closing.

Manitoba Hydro and the Manitoba Telephone System have indicated that easements are required to protect overhead hydro lines and all future underground telephone services for the area.

On August 1, 1995, the Lord Selkirk-West Kildonan Community Committee considered a report from the Subdivision Officer, dated July 20, 1995 on the proposed lane closing under file DAC 19/95 and concurred in the recommendations contained therein.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor be instructed to prepare the necessary By-law for submission to Council to effect the lane closing in accordance with Misc. Plan No. LSWK 9472, as outlined on attached Schedule "A".

**Report of the Committee on Planning and Community Services dated September 5, 1995**

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. 1235 for attachment)

**Proposed opening (lane corner cut) at the first public lane intersection south of Inkster Boulevard and west of Scotia Street - Lord Selkirk-West Kildonan Community**
**File DAO 3/95**

**1211 -** 27. The Committee on Planning and Community Services has been advised that the subject lane corner cut (widening) has been requested by North-West District Operations to accommodate the turning radius of larger vehicles such as garbage trucks. The corner cut has been physically established at the consent of the property owners. All that is now required is to legally open the additional right-of-way (corner cut).

No objections or concerns were received in response to the circulation for this opening (lane corner cut).
On July 25, 1995, the Lord Selkirk-West Kildonan Community Committee considered the communication dated July 12, 1995, from the Acting Subdivision/Codes Administrator with respect to the proposed lane opening under File DAC 3/95 and concurred in the recommendation contained therein.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the lane opening (corner cut) in accordance with Misc. Plan LSWK 8832, as outlined on Schedule "A".

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. 1236 for attachment)

**Proposed partial closing and opening at the intersection of Pembina Highway and Turnbull Drive - Riel Community**
**File DAOC 3/95**

**1212 -** 28. The Committee on Planning and Community Services has been advised that the proposal to close Turnbull Drive at this location is an off-shoot of City Council approving the widening (dualing) of Pembina Highway in this area. This partial closing of Turnbull will allow for an improved (90 degrees) intersection at Pembina Highway. The proposed widening (opening) will further improve the new intersection.

Previously the intersection was considered dangerous because of the odd angle at which Turnbull Drive intersected with Pembina, making it difficult to see oncoming traffic from the south and difficult to turn left.

The lands from the closed portion of Turnbull are intended to be added to the existing St. Norbert Provincial Park. The subject opening (widening) would come from Provincially owned lands, and would form part of a land exchange between the City and Province.

The subject street opening/closing was circulated to all the applicable City Departments and public utilities with no objections having been received in response to the proposal.

No easements were identified by the circulation. Manitoba Hydro and M.T.S. noted that the respective owners would be responsible for the cost to remove any of their facilities.

**Report of the Committee on Planning and Community Services dated September 5, 1995**

On July 24, 1995, the Riel Community Committee held a public hearing with respect to this partial opening and closing under file DAOC 3/95. The Community Committee concurred in the recommendation contained in the report, dated July 12, 1995 from the Acting Subdivision/Codes Administrator.

The Committee on Planning and Community Services recommends:

I. That the City Solicitor be instructed to prepare the necessary By-law for submission to Council to effect the street closing, in accordance with Misc. Plan. No. RIEL 9459/2, as outlined on Schedule "A".

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. 1237 for attachment)

**Proposed Amendment to Subdivision and Rezoning - land located on rue Youville and Bertrand Street between rue Des Meurons and the Seine River - Riel Community Committee File DASZ 11/92**

**1213 -** 29. The Committee on Planning and Community Services has been advised that on January 27, 1993, Council amended and adopted Clause 10 of the Report of the Committee on Planning and Community Services dated January 15, 1993, which gave approval in principle to application under file DASZ 11/92, which contained, among others, the following conditions:

Condition I.B.

That a letter of Credit (or similar arrangement) be provided as a guarantee of the completion of place Georges Forest to Bertrand Street.

Condition V.

"That third reading not be given to the by-law unless and until the City establishes a program for overall residential redevelopment of the area (Hamel Avenue on the north, Goulet Street on the south, rue Des Meurons on the west and the Seine River on the east), including the following:

A. Negotiations between the Land Surveys and Real Estate Department and the owners of lands on the west side of rue Youville occupied by Macaw and Macdonald and Davey Auto Body, concerning possible relocation of in-compatible industrial uses;

B. A report by land Surveys and Real Estate Department on the terms and conditions of relocation by April 30, 1993;

C. Transfer of relevant lands to the City."

On December 17, 1993, Council further amended and adopted Clause 14 of the Report of the Committee on Planning and Community Services dated November 23, 1993. The Committee recommended that the subdivision and rezoning by-laws under application DASZ 11/92, proceed to Council for all three readings without acquiring the Macaw and Macdonald properties subject to the developer, St. Boniface Development Corporation, providing the City with written confirmation from the province of Manitoba that the condition of the land to be subdivided is suitable for residential and public purposes.

On September 5, 1995, the Committee on Planning and Community Services reconsidered the subdivision and rezoning application under file DASZ 11/92.

**Report of the Committee on Planning and Community Services dated September 5, 1995**

The Committee on Planning and Community Services therefore recommends:

I. That Condition 1. B be deleted in its entirety.

II. That Condition V. be deleted in its entirety.

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

Adopted by consent.

**REPORT OF THE COMMITTEE**

**ON PLANNING AND COMMUNITY SERVICES**

**DATED SEPTEMBER 14, 1995**

On motion of Councillor O'Shaughnessy, the Report of the Committee on Planning and Community Services, dated September 14, 1995, was considered.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clause 1, be adopted.

Councillor Murray requested that Clause 1 be pulled from the Consent Agenda.

Her Worship the Mayor and Councillors:

**Service Changes To Winnipeg Public Library Branches File L -1 (Vol. 12)**

**1214 -** 1. The Committee on Planning and Community Services on June 20, 1995 considered a report from the Commissioner of Planning and Community Services with respect to Service Changes to Winnipeg Public Library Branches and approved the recommendations in principle and referred the matter to all Community Committees and the Winnipeg Public Library Board for comment back on their respective libraries.

At a Special Meeting of the Committee on Planning and Community Services held on September 14, 1995, the responses from the Community Committees and the Winnipeg Public Library Board were considered as well as a number of presentations in this regard. Following discussion on the matter, the Committee on Planning and Community Services received the responses from the Assiniboia, Lord Selkirk-West Kildonan, East Kildonan-Transcona and Riel Community Committee's as information. The Committee on Planning and Community Services agreed with and amended the recommendations from the City Centre Community Committee, as recommended below.

The Committee on Planning and Community Services therefore recommends:

I. A) That the Planning and Community Services Committee develop library Current budgets consistent with the current Council library policy (Option 2) as adopted by City Council on October 31, 1990;

B) That specific attention be given to restoring staffing and material budgets to recommended levels and consistent with Council library policy;

C) That the Capital expenditures be reviewed during Capital Budget deliberations taking into consideration funding for capital improvements to improve and build better situated library buildings as recommended in the Council library policy (Option 2);

D) That a public consultation process be held to review the Council library policy (Option 2) to entertain revisions and amendments as proposed by the public and specifically matters such as:

i) the closure of the William Avenue Branch and consolidation with the Archives,
ii) expansion of the West End Branch,
iii) provision of mobile children's services including taking all monetary savings derived from said closing and investing them in more effective library services,
iv) the continuation of the Transcona Branch given recent investment of $125,000.00,
v) review of the location of the Charleswood Branch given the separation of the R.M. of Headingley
vi) review studies such as the Macdonald-Neville Report, Strategic Planning Process, Speak Out, Options, etc. Use a public consultation process to determine what is needed as of 1995, and to make predictions and suggestions for the future also include library staff when seeking input,
vii) develop a list of roles the library plays for its users and use this as a checklist before decisions are made as to changes,

**Report of the Committee on Planning and Community Services dated September 14, 1995**

viii) plot the optimal locations of branches in the current and projected City of Winnipeg. Develop a comprehensive plan for the development of libraries in Winnipeg and make this available to the public,

ix) establish a protocol for informing the public of proposed changes which will affect them and for gathering feedback,

E) That an inventory of what the library has already accomplished in terms of implementing the Council library policy (Option 2) be carried out, that the achievements be detailed to allow an opportunity to review what has been done and indicate in which direction the City must move in the future, to ensure that no further reductions are made in accordance with the report without the recommended enhancements;

F) That a review of the governance models of library systems be carried out to examine guaranteed funding standards for library services in the City guaranteeing minimal funding standards for public library systems, and, that recommendations be brought forward for changes to the governance and funding of the Winnipeg Public Library system; and

G) That a review and definition of the role of voluntarism and fund raising, to allow opportunities for private sector fundraising from both the corporate and private communities, be carried out, such review to include representatives of the Union, the Winnipeg Public Library Board, The Friends of the Winnipeg Public Library, the Administration and private stakeholders (private citizens).

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

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

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

## COMMITTEE ON PLANNING AND COMMUNITY SERVICES

## MOTIONS

Moved by Councillor Murray,
Seconded by Councillor Thomas,

**1215 -** WHEREAS the Minister of Family Services announced yesterday that the Province of Manitoba will cut back the funding of the food allowance, clothing allowance and personal needs fund for children on social assistance when the Province takes control of City Social Assistance;

AND WHEREAS Winnipeg has the highest level of child poverty of any City in Canada;

AND WHEREAS City Council and the Federal Government increased their support of children on Welfare to replace half the funds cut from this program by the Province in 1993. This still resulted in an 8% cut to the program;

AND WHEREAS maintaining current child Welfare rates would cost the Province less than $1,500,000.00;

BE IT RESOLVED that the City of Winnipeg insist that the Province of Manitoba maintain current child clothing, food and personal needs allowances and ensure income to children on Welfare be adjusted annually to increases in the consumer price index.

**Committee on Planning and Community Services - Motions (continued)**

The Speaker ruled automatic referral to the Committee on Planning and Community Services, in accordance with Rule 16.1 of the Procedure By-law.

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

Carried.

The motion was put and declared carried.

## COMMITTEE ON PLANNING AND COMMUNITY SERVICES

## CONSIDERATION OF BY-LAWS

**1216 -** On motion of Councillor O'Shaughnessy, the following By-laws be 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. 6655/95, a By-law of The City of Winnipeg to establish fees for development applications, permits and related matters. File EP-1 (Vol. 17)

By-law No. 6696/95, a By-law of The City of Winnipeg to close the most easterly 22.86 metres of Don Avenue. File DAC 23/94

By-law No. 6697/95, a By-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change at 754, 772, 776, 778, 784, 796, 802 and 804 McDermot Avenue, in the Lord Selkirk-West Kildonan Community. File DAZ 241/94

By-law No. 6698/95, a By-law of The City of Winnipeg to close part of the Disraeli Freeway (including street and lane pavements) at the south-east corner of Main Street and the Disraeli Freeway. File DAC 2/95

By-law No. 6699/95, 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 Fraser Road between the Red River and St. Mary’s Road.
File DASZ 4/95

By-law No. 6700/95, a By-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change at 611 Academy Road, in the City Centre Community.
File DAZ 210/95

By-law No. 6701/95, 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 at 1825 King Edward Street, in the Lord Selkirk-West Kildonan Community.
File DASZ 14/95

By-law No. 6702/95, a By-law of The City of Winnipeg to close a part of and to open a part of Turnbull Drive at the point of intersection with Pembina Highway. File DAOC 3/95

By-law No. 6703/95, a By-law of The City of Winnipeg to widen the west side of rue Thibault between rue Notre Dame and rue Dumoulin. File DAO 10/93

**Committee on Planning and Community Services - Consideration of By-laws (continued)**

On motion of Councillor O'Shaughnessy, the rules were suspended and 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. 6706/95, a By-law of The City of Winnipeg to close Almey Avenue between Lagimodiere Boulevard and Panet Road. File DAC 5/95

By-law No. 6707/95, 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 north and south of John Bruce Road between the CPR Emerson Subdivision and West of Lagimodiere Boulevard in the Riel Community. File DASZ 1/95