REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED JANUARY 4, 1995

On motion of Councillor O'Shaughnessy, the Report of the Committee on Planning and Community Services dated January 4, 1995, was considered clause by clause.

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

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

Councillor Clement requested that Clause 8 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 2,3,4,5,6,7,9,11,12,13,14,15, 16,17,18,19,20,21,22,23,24, 25,26,27 and 28 was put and declared carried.

Her Worship the Mayor and Councillors:

Review of By-Law No. 3541/83 - A By-Law to Regulate Smoking
File EH-1.2 (Vol. 7)

381 - 1. On September 28, 1983, City Council passed By-law No. 3541/83, a By-law to regulate smoking, which was heralded as one of the first of its kind in the country. There have been two subsequent amendments approved by Council; on July 11, 1990 to include pedestrian walkways and tunnels and on February 13, 1991 to increase the no smoking capacity in restaurants to 50% of the seating area.

Smoking regulations from the cities of Calgary, Vancouver, Victoria, Regina, Toronto, Etobicoke, Scarborough, the Province of British Columbia and Bill 26 of the Province of Manitoba were reviewed and compared to the City of Winnipeg By-law No. 3541/83. The result was the City of Winnipeg regulations were found to be commensurate with the other regulations in most instances.

There is, however, an issue presently occurring which calls for an amendment to By-law No. 3541/83. The current provision of the By-law, stipulates that 50% of the floor area in a place of public assembly must be designated as a non smoking area. There is no delineation as to the locations or method of segregation between the smoking and non smoking areas. This is particularly problematical in premises such as casinos where the public is very mobile and inadequate segregation has resulted in numerous complaints from the public.

In order to resolve this issue, Health Department staff have consulted with the City Law Department and jointly recommend an amendment to Section 12, "Public Assembly". In addition, the Department has commenced a study with industry to determine what is necessary to provide further improvements in smoke free areas in public places.

The Committee on Planning and Community Services therefore recommends:

I. That By-law No. 3541/83 which regulates smoking be amended by adding a requirement to Section 12 "Public Assembly" requiring that:

a) 50% of the total seating area, and 50% of any area used for casinos or gaming houses, wagering or betting where no seating is provided, be designated as "no smoking" areas.

b) said areas be arranged in such a way that they are smoke-free areas in which no person shall smoke.

c) designate all aisleways, corridors, hallways and public washrooms as "no smoking" areas.

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

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

Carried.

English for Job Finding Program - 1995
File EH-2.1 (Vol. 9)

382 - 2. The Social Services Department has applied to the Federal Government for the provision of 100% of the funding for an English skills program for people who have recently immigrated to this country.

The program would be delivered in partnership with South Winnipeg Technical Centre. It is scheduled to operate between January 30 and December 1, 1995.

The Department has requested funding in the amount of $83,860 from the Federal Government.

If approved, this program would be the seventh in a series of English language programs which has helped recent immigrants who are in receipt of financial assistance with the City to access employment or further training. Previous English for Job Finding Programs have been in operation for immigrant clients since 1989.

The program is designed to provide training for twenty participants. Included in the 40 week training sequence are classroom activities focused on acquisition of better English language skills, job search skills, interview preparation, goal setting and confidence building. A volunteer placement during the training sequence is used by participants to practice English language skills and to give them exposure to the Canadian work environment. Our past experience has demonstrated that the volunteer placement will often lead to employment for the trainee.

Some examples of placements from the 1993 program include the following: Kidney Foundation, University of Manitoba - Plant Sciences, Department of Education Library, Aerotech International, Unicef Gift Shop, Habitat for Humanity, Manitoba Hydro and Fort Garry Child Care Centre.

Presently the Department is delivering an English for Job Finding Program by contractual agreement with Canada, Human Resource Development and South Winnipeg Technical Centre for 20 persons ending June 9, 1995. A concurrent program of an additional 20 persons starting June 30, 1995 to December 1, 1995 can be implemented at considerable cost savings. By over-lapping two programs teaching and administrative overhead costs incurred by the South Winnipeg Technical Centre are reduced. Specific savings are:

- reduction of training costs of $661.00 per student;

- improvement in the program content, including follow-up services for former participants;

- a 22% reduction in social services staff time commitment;

- significant savings in start-up costs

- utilization of experienced staff and avoiding costs attributable to the learning curve.

The concurrent program would be delivered with no additional financial or staff costs to the City of Winnipeg. Funding for the instructor, course costs, and training costs will be borne in total by the Federal Government.

The Committee on Planning and Community Services therefore recommends that:

I. That the City of Winnipeg participate in the English for Job Finding Program, contingent upon the Federal Government providing total funding.

II. That the Proper Officers of the City of Winnipeg be authorized to do all things necessary to implement this program, including the execution of documents.

Adopted by consent.

Report of the Committee on Planning and Community Services dated January 4, 1995

Main Street Bridge - Design approval for the Main Street Bridge under the "RB" Urban Design Designation of By-law No. 4800 File DDB 160/94

383 - 3. The Committee on Planning and Community Services has been advised that plans prepared by Reid Crowther Consulting Engineers and Scatliff and Associates Landscape Architects have been submitted by the City's Streets and Transportation Department for Downtown Design Board approval in connection with the above proposal.

DDB approval is related to the general appearance of the Main Street Bridge as outlined on Appendix "A". As described in Appendix "B", prepared by the consultants, the appearance of the bridge is a product of the structural system (Level 1 design), and the design theme (Level 2 design) chosen. In the next few months a second design submission will be made for the details of the Main Street Bridge including streetscaping treatment, pedestrian underpasses, decorative lighting, etc. (Level 3 design).

The proposed architecture for the Main Street Bridge, as well as for the Norwood Bridge, was presented at the meeting of the 1994 Project Advisory Committee (PAC); at the River Bridges Architecture Open Houses of October 19 (Norwood Hotel), October 20 (Fort Rouge School) and October 22 (The Forks Pavilion); at the Riel Community Committee on November 7, 1994; and at the City Centre/Fort Rouge Community Committee on November 8, 1994. The CN Rail Overpass architecture was presented to the City Centre/Fort Rouge Community Committee on June 7, 1994, and to Riel Community Committee on June 15, 1994. Sketches of the appearances of the CN Rail Overpass and the Norwood Bridge are outlined on Appendix "C" and included for contextual reference only. Both of these bridges lie outside of the Downtown and are therefore not subject to DDB approval.

The Administrative Design Review Committee has reviewed the proposed Main Street Bridge design and is satisfied that a good design relationship will be established with the CN and Norwood Bridges. The committee also feels that the Main Street Bridge proposal meets the objectives of the design guidelines contained in the "Bridge Accessibility and Enhancement Study" adopted by the Committee on Planning and Community Services on July 8, 1994.

The Committee on Planning and Community Services therefore recommends that the Downtown Design Board approve in principle the DDB 160/94 application for the Main Street Bridge subject to approval of the (Level 3) design details by the Director of Planning.

Adopted by consent.

(See Minute No. 412 for attachments)

Proposed Amendment to Servicing Agreement AG 429/88 - Finance Department No. 8088 - Thulium Limited - Lord Selkirk-West Kildonan Community File DASSF 82/88

384 - 4. The Committee on Planning and Community Services has been advised that on March 2, 1990, the City entered into a Servicing Agreement with The Great-West Life Assurance Company pursuant to the approval of DASSF 82/88, being an application to subdivide land located at the north east corner of Burrows Avenue and Plymouth Street. On April 5, 1994 the Committee on Planning and Community Services gave its consent to the assignment of the Servicing Agreement from The Great West Life Assurance Company to Thulium Limited. The only outstanding work required to be performed pursuant to the Servicing Agreement is the construction of a concrete sidewalk on the north side of Burrows Avenue abutting Thulium Limited's lands. Thulium Limited has deposited cash in the amount of $15,750.00 to guarantee the construction of the subject sidewalk. A sketch for the location of the outstanding sidewalk is outlined on Appendix "A".

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In a letter dated October 21, 1994, Thulium Limited's solicitors requested that instead of the cash deposit the City file a caveat against their clients land "that would indicate that no further development of the property would be allowed unless the developer/owner would fulfil its obligations." The Operations Department and the Land Development Department have considered Thulium Limited's request and find it to be reasonable and workable.

On December 6, 1994, the Lord Selkirk-West Kildonan Community Committee considered the proposed amendment and concurs with the recommendation contained in the report dated November 16, 1994 from the Administrative Co-ordinating Group.

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

I. That Servicing Agreement AG 429/88 be amended to delete the requirement that cash be deposited with the City to guarantee the construction of outstanding works and that the City instead file an appropriate caveat against Thulium Limited's land which would restrict the issuance of a building permit until Thulium Limited has fulfilled its obligations or posted a Letter of Credit or cash guarantee.

II. That Thulium be required to pay $500.00 upon execution of the amending agreement to defray the City's administration costs in connection with the preparation and implementation of the amending agreement.

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.

(See Minute No. 413 for attachment)

Proposed Amendment to Development Agreement AG 26/81 - Kostynyk Subdivision East of Sioux Road - Riel Community File DASZ 26/81

385 - 5. The Committee on Planning and Community Services has been advised that on July 25, 1991 the City executed Development Agreement AG 26/81, Finance Department No. 8483 with Theodore and Anne Kostynyk. The Agreement deals with the staged construction of asphaltic concrete roadways within all new streets registered pursuant to the City's approval of DASZ 26/81. A copy of the plan of subdivision approved under DASZ 26/81 and registered in the Land Titles Office as No. 28567, as outlined on Appendix "A".

Under the terms of Development Agreement AG 26/81, the Developer is required to post a Letter of Credit to guarantee the asphalt paving of the roads. The District Engineer will determine when it is appropriate to pave the roads usually once approximately 50% of the lots have been built upon. The Developer has posted a Letter of Credit in the amount of $327,000.00 to guarantee performance of its obligations pursuant to the Development Agreement approximately $260,000.00 of which is earmarked for the asphalt paving of the roads.

To date the Developer has constructed all the roads within the subdivision but the asphalt pavement has not yet been constructed as the Developer has been unable to sell any of the lots. Mr. Kostynyk has requested that the Letter of Credit guaranteeing the construction of the asphalt pavement be returned to him and that the City file caveats against his property to the effect that building permits will not be issued until either the roadways required to provide access to individual lots have been paved or a Letter of Credit guaranteeing the construction of the pavements has been posted.

The Law Department and the Land Development Department have considered the Developer's request and deem it to be reasonable and workable and fully protecting the City's interests. Enclosed is a sketch showing the cost of paving various stretches of roads within the subdivision. For example if the Developer were to request a building on Lot 4, Block 6 on Phil-Chris Way the Developer would be required to post a Letter of Credit in the amount of $85,450.00 i.e. $45,690.00 + $39,760.00, prior to the issuance of the building permit for Lot 4, Block 6. Following the posting of the Letter of Credit for $85,450.00 all lots on Phil-Chris Way east of Halparin Drive would qualify for building permits.

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On December 5, 1994, the Riel Community Committee considered the proposed amendment and concurs with the recommendation contained in the report of the Administrative Co-ordinating Group.

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

I. That Development Agreement AG 26/81 be amended to allow the City to file caveats against the Developer's land to guarantee the asphalt paving of the roads within the subdivision required to provide access to individual lots.

II. That the Proper Officers of the City do all things necessary in connection with this report including reducing the amount of the existing Letter of Credit.

Adopted by consent.

(See Minute No. 414 for attachment)

Proposed Subdivision and Rezoning - Removal of Caveat, Lots 16 - 26, Block 1, Plan 19038 - East Kildonan-Transcona Community File DASZ 17/84

386 - 6. The Committee on Planning and Community Services has been advised that the subdivision and rezoning application DASZ 17/84 established Walter Copp Crescent. A condition of approval, initiated by the North-East District Operations Department, was that Lots 16 to 26, Block 1 as stipulated in a zoning agreement be caveated to prevent front approaches to these lots, because the lots have lane access. The lots affected by this caveat are outlined on Schedule "A".

Mr. Sidney G. Soronow of Walsh, Micay and Company acts on behalf of clients who propose to construct a single-family dwelling on Lot 16, Block 1, Plan 19038, having a double attached garage utilizing a front drive instead of lane access.

The North-East District Operations Department have been contacted with regard to the above-mentioned caveat restriction, and have stated that the caveat is no longer required, nor is it present practice to implement such control by caveat.

The Subdivision/Codes Branch proposes that the caveat be removed as it applies to Lot 16, Block 1, Plan 19038.

The Committee on Planning and Community Services recommends that the Law Department be instructed to prepare the necessary documentation to facilitate the removal of Caveat No. 85-47696 as it applies to Lot 16, Block 1, Plan 19038 as shown outlined on Schedule "A".

Adopted by consent.

(See Minute No. 415 for attachment)

Proposed Amendment to AG 14/87 - Roebuck Ltd. - North West Corner Jefferson Avenue and Ritchie Street - Lord Selkirk-West Kildonan Community DASZ 14/87

387 - 7. The Committee on Planning and Community Services has been advised that the Developer has requested the City amend its agreement to allow for the staging of the final phase of this development. This would entail staging payments that would normally be required to be paid in full upon any portion of Phase III proceeding.

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The Land Development Department reviewed the request and have no objections. The only condition of approval the Administration is recommending is that, as is done in more recent agreements, provision be included for the deferred payments to be escalated to account for the increased costs during the period over which the payments are staged.

On December 6, 1994, the Lord Selkirk-West Kildonan Community Committee considered the report dated November 29, 1994 from the Assistant Manager, Land Development Department.

The Community Committee heard Mona Brown of McKenzie, Mooney and Brown, Barristers and Solicitors, accompanied by George Pratt, of G. A. Pratt and Associates in delegation requesting an amendment to the fee schedule for Phase III.

The Community Committee concurred in the recommendation, contained in the report dated November 29, 1994 from the Assistant Manager, Land Development Department, but amended the fee schedule for Phrase III, to be paid after December 31, 1998.

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

I. That Agreement AG 14/87 dated December 2, 1987 between Roebuck Ltd. and The City of Winnipeg as amended by subsequent addenda be further amended to allow staging of the development of Phase III of the subdivision and more specifically the staging of certain payments that are required to be made upon release of the mylars for Phase III. The staging shall be as per the attached revised Schedule "F".

II. The fees to be paid for Phase III according to the existing agreement are as follows:

Administration Fee	26.27 acres x $1100.00 per acre = $28,897.00 + GST
Land Drainage Capacity Charge	22.72 acres x $612.00 per acre = $13,904.64 + GST
Future Watermain in Leila Ave.	394.2 feet x $24.00 per foot = $ 9,460.80 + GST
Future Concrete Pavement in Ritchie St.	$36,660.00 + GST
Dedication	balance approximately $40,000.00 + GST

III. Payments shall be made on a pro-rated basis upon the registration of the lotting plan for each stage of Phase III. The fees to be paid for the first stage of Phase III shall be based on the above rates and amounts. However, the portion of fees deferred beyond the initial stage of Phase III, and which are paid after December 31, 1998, shall be adjusted at the time of payment using the current rates for the various items (e.g. 1995 rate for admin. fee is $1165.00 per acre). Where there is no standard rate for a particular item the payment shall be adjusted using the change in the Consumer Price Index over the period in question.

IV. The staging shall be to the satisfaction of the Commissioner of Works and Operations to meet all servicing requirements for water supply and access.

V. 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. 416 for attachment)

Proposed Subdivision and Rezoning - Land located on the west side of Loudoun Road and east side of Liberty Street; south of Howe Avenue - Assiniboia Community

File DASZ 14A/92

388 - 8. 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. 1800 by rezoning the subject lands

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from "A" General Agricultural District to an "RR-2" Rural Residential District to permit the establishment of up to 37 single family building sites.

Site Area: approximately 36 hectares/90 acres

Existing Land Use: vacant land zoned "A" General Agricultural District

The following is the Surrounding Land Use and Zoning:

Development in the area consists of farm enterprise and rural residential development on agriculturally zoned lands permitting either 40 acre or 5 acre development. Some properties zoned "M1" Limited Industrial District remain on Liberty and Loudoun north of Howe.

The application area consists of a portion of a obsolete 5 acre subdivision plan running between Howe Avenue on the north and Four Mile Road on the south. The applicant proposes to subdivide the existing frontage into 2.47 acre lots. The subdivision would result in the creation of 37 lots; four lots fronting Liberty Street south of Howe Avenue, and 33 lots fronting Loudoun Road south of Howe. Most of the proposed lots have frontages in the order of 190 feet.

A future street allowance has been reserved running west from Loudoun midway between Howe and Four Mile Road. This street allowance, plus a southerly extension of Liberty Street, will eventually permit the development of the applicant's remaining lands. It is requested that this street allowance be widened to 24 metres to permit construction of a rural roadway with ditch drainage.

The requested "RR-2" zoning requires a minimum lot area of 2 acres. The proposal therefore complies with the requested zoning. The Wilkes South Secondary Plan permits 2.5 acre subdivision on improved public right-of-way in designated areas of the Wilkes South neighbourhood. Lots less than 130 feet in width and 2.5 acres in area will require pump-out tanks for sewage disposal. The Planning Department recommended that the proposed plan be amended to provide a minimum lot size of 2.5 acres.

The report of the Administrative Co-ordinating Group is supportive of the application with conditions related to road widening, drainage, lot servicing and development charges.

A public meeting was held before the Assiniboia Community Committee on November 8, 1994.

One person appeared in support of the application.

Three persons appeared in opposition to this application.

Four persons appeared for information purposes.

At the meeting, Mr. D. Paetkau advised the Assiniboia Community Committee that, "There is already a problem with flooding and that if the residential property is built up it would create even more of a problem." Subsequent to the public hearing the Administrative Co-ordinating Group (A.C.G.) discussed the drainage problem of the area and concluded that the situation would not be worsened if the new lots are graded in accordance with a grading plan prepared by a municipal engineer and approved by the District Engineer or as already recommended in the A.C.G.'s report. However to assist in ensuring that the lots are graded correctly A.C. G. recommended that the appropriate caveats be filed against the titles of the new lots to put prospective owners on notice of the grading requirements.

The Assiniboia Community Committee recommended that:

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

    A) The recommendation complies with the Wilkes South Secondary Plan and does not require any changes.

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

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I. That the plan of subdivision proposed under File DASZ 14A/92 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14A/92, attached hereto, and dated December 21, 1994, 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 Co-ordinating Group dated October 18, 1994, as outlined on Schedule "B" dated December 21, 1994;

B) That the Developer be required to pay to the City 10% cash dedication in lieu of land dedication to be calculated on the basis of the final number of additional building lots created;

C) That the Developer be required to amend the plan to increase the width of the proposed future street right-of-way, between Lots 21 and 22, to 24.0 metres in width.

D) That the Developer be required to amend the plan so that the minimum lot size shall be no less than 2.5 acres.

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

III. That Zoning By-law 1800 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 14A/92, dated December 21, 1994, from an "A" General Agricultural District to an "RR-2" Rural Residential District, subject to the Developer entering into a zoning agreement with the City to provide for the following:

a) that the minimum lot size shall be 2.5 acres.

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 the Development Agreement has been executed, except that the rezoning of the lands shall not come into force and effect until the zoning agreement has been filed by caveat as a first charge against the lands at 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 in accordance with the terms of The City of Winnipeg Act.

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

Moved by Councillor Clement,
That the motion be referred back to the Committee on Planning and Community Services.

Carried.

(See Minute No. 417 for attachments)

Report of the Committee on Planning and Community Services dated January 4, 1995

**Proposed Subdivision and Rezoning -
Land located on 2270 St. Mary's Road -
Riel Community File No. DASZ 1/94**

389 - 9. On May 25, 1994, Council adopted Clause 4 of the report of the Committee on Planning and Community Services dated May 3, 1994, which clause recommended approval of the subject subdivision and rezoning to an "R3" Multiple-family District, an "R1-5" One-family District and an "R1-5.5" One-family District as outlined on Schedule "A".

Recommendation III (4) contained in the referenced report stipulates:

That the St. Vital Town Planning Scheme 1951 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 1/94, to an "R3" Multiple-Family District, an "R1-5" One-Family District and an "R1-5.5" One-Family 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 "R3" Multiple-Family District site to include the following condition (one of the four conditions applied):

> "(4) that a 10% dedication be made by payment of a sum of money to the City in lieu of the requirement for land for open space, park and recreational use based on the increase in market value of the "R3" land."

Kingsford Developments has requested that the payment of the 10% dedication be deferred on proposed Lot 2, to be rezoned to an "R3" Multiple-Family District due to depressed economic conditions, and their inability to secure a suitable developer for the site. Lots 1 and 3, fronting on Redview Drive and are to be rezoned to an "R1-5" One-family District and an "R1-5.5" One-family District respectively, are not being assessed dedication because no additional lots or density increase is taking place. The applicants also indicated that the prospective purchaser of Lot 3 has expressed a desire to begin construction of a single family dwelling as soon as possible. A Zoning Agreement is required for the above referenced application, but the Agreement only applies to proposed Lot 2.

The Administration has reviewed this request for deferral of the 10% dedication payment until such time as a building permit is requested for proposed Lot 2. Approval of the deferral would allow both the Zoning Agreement and the plan of subdivision to be registered in the Winnipeg Land Titles Office in advance of the dedication payment. This would then allow the owners of both Lots 1 and 3 to receive titles to their lands as required. The applicants would not be permitted development application approval on Lot 2 until the dedication fees owing are paid. This control mechanism would be ensured by filing a caveat on proposed Lot 2 to that effect.

The Committee on Planning and Community Services therefore recommends the following:

I. That Item III (4) of Council's report on File DASZ 1/94, as adopted on May 25, 1994, be amended to read as follows:

> That the 10% dedication be made by payment of a sum of money to the City in lieu of the requirement for land for open space, park and recreational use based on the increase in market value of the "R3" land, be deferred to such time as a building permit is requested for construction on Lot 2 and such payment shall be based on the prevailing rates at that time.

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

Adopted by consent.

(See Minute No. 418 for attachment)

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**Proposed Subdivision and Rezoning -
Land located East and West sides of
Scotia Street, North of John Black Road -
Lord Selkirk-West Kildonan Community File DASZ 15/94**

Note: This clause has been referred back by Executive Policy Committee to the Committee on Planning and Community Services.

390 - 10. The Committee on Planning and Community Services has been advised that an application has been received from Mr. Gerald D. MacDonald, 985 Roch Street, Winnipeg, Manitoba, R2K 2R2, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 4450/86 by rezoning the subject lands from an "AR-5" Agricultural-residential District to an "RM-L" Multiple-family District and an "R1-6" Single-family District to permit the establishment of single family dwellings and a fourteen (14) unit condominium development. (detached housing)

The subject property is rectangular in shape (Part River Lot), and is approximately 88 metres (290 feet) wide and 343 metres (1,131 feet) deep along the north property line.

Site Area: 7.5 acres

Existing Land Use: vacant

The following is the Surrounding Land Use and Zoning:

North: "RA" Single-Family District, and largely vacant

East: The Red River forms the east boundary of the site.

West: "RA" Single-Family District

South: "RA" Single-Family District, and occupied with single-family dwellings.

A previous application, DASZ 9/88, as outlined on Plan I, proposed to rezone and subdivide the subject land to an "R1-5" category and creating twenty (20) single-family lots. Under the current plan the alignment of Scotia Street has been reconfigured and the cul-de-sac is on the river side of the afore-mentioned right-of-way, as outlined on Schedule "A". Similar to the conceptual plan, there is provision for a temporary access through to Main Street. That access is to be maintained until such time as an alternate public access is provided to the north as part of an eventual overall development of that area.

The Planning Department has reviewed the subject proposal and endorses it in its entirety. Initially, there was some concern that a rezoning to the multiple-family category meant a substantial increase in density relative to what was approved under the original application. However, the site plans for the condominiums suggest a maximum of fourteen (14) detached single-family housing units which, combined with the "R1-6" lots on the river, total twenty-one (21) dwelling units, only one more than was approved under the original plan (DASZ 9/88). It will be stipulated as a condition of approval within the zoning agreement that a number of dwelling units within the area identified for "RM-L" zoning be restricted to a maximum of fourteen (14) units. Any increase in the density suggested would require a zoning agreement amendment which requires the applicant to enter once again into the same approval process as that which is required for this current subdivision and rezoning application.

The report of the Administrative Co-ordinating Group dated September 21, 1994, outlined how the subject properties are to be serviced via John Black and Scotia Street. In order to accommodate the recommendations of a previous geotechnical report, the river lots east of Scotia Street provide an adequate depth in order to meet safe setback standards for housing, as determined by the Rivers and Streams Authority.

Public meetings were held before the Lord Selkirk-West Kildonan Community Committee on October 11, November 8, and December 6, 1994.

One person appeared in support of the application.

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Two persons appeared in opposition of the application.

One person appeared for information purposes.

The Lord Selkirk-West Kildonan Community Committee recommended that:

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

   A) 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 15/94 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "A" for File DASZ 15/94, and dated December 20, 1994, for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the plan be amended to provide:

      1. A 2.743 m (9.0 ft.) widening to the Main Street right-of-way along the proposed subdivision frontage.

      2. A right-of-way being established for the proposed cul-de-sac turnaround is to have dimensions as per Streets and Transportation Department Drawing No. ST-90 (revised).

   B. 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 September 21, 1994, as outlined on Schedule "B" and dated December 20, 1994, with the following amendments thereto:

      1) that Item 2 (c) be deleted; and

      2) that Item 2. under the "Firstly" portion of the recommendation be amended to read as follows:

         "2. Right-of-way being established for the proposed cul-de-sac turnaround is to have dimensions to the satisfaction of the Commissioner of Works and Operations."

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

III. That The Zoning By-law No. 4450/86 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 15/94 and dated December 20, 1994, to an "RML" Multiple-Family District, and a "R1-6" Single-Family District subject to the following:

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

      i) that the maximum number of dwelling units in the area defined for "RM-L" housing be restricted to fourteen (14) units;

      ii) that the housing within the defined "RM-L" zoned area be limited to detached condominium housing units;

      iii) that final site plans outlining approaches, fencing, landscaping, building location, etc., for the defined "RM-L" Multiple-Family housing area be submitted for approval by the Commissioner of Planning and Community Services and the Lord Selkirk-West Kildonan Community Committee.

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iv) that no building or structures shall be constructed on that portion of the land (proposed Lots 3-6) which portion has been designated floodway area as defined in Part 15 of the City of Winnipeg Act.

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 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.

REFERRED BACK BY EXECUTIVE POLICY COMMITTEE TO THE COMMITTEE ON PLANNING AND COMMUNITY SERVICES ON JANUARY 18, 1995

(See Minute No. 419 for attachments)

Proposed Subdivision and Rezoning - Land located West of Lindenwood Drive West, East of the C.P.R. Right-of-way, South of Tweedsmuir Road - Assiniboia Community File DASZ 19/94

391 - 11. The Committee on Planning and Community Services has been advised that an application has been received from Genstar Development Company, 117 Victor Lewis Drive, Winnipeg, R3P 1J6, for approval of a plan of subdivision and related zoning change by rezoning the subject lands from an "A" General Agricultural District to an "R1-4" Single-Family District and a "PR1" Parks and Recreational District under proposed Zoning By-law 6400 to permit the construction of single-family dwellings and a school or to temporarily rezone said lands to an "R1-4" Single-Family District and "PR" Park and Recreational District under Zoning By-law 1800 or until the enactment of By-law 6400.

Application Area: approximately 15.2 hectares/37.5 acres

Existing Land Use: vacant land, zoned "A" General Agricultural District

The following is the Surrounding Land Use and Zoning:

North: Future community park site zoned "A" General Agricultural District, containing proposed facilities including a community centre, hockey pens, tennis courts, basketball court, soccer fields, baseball diamond, and playground.

East: Existing and as yet undeveloped single-family development, zoned "R1-6".

South: Vacant city land, zoned "A" General Agricultural District.

West: Site bounded on west by CPR La Riviere Subdivision. Beyond is industrial development on Lowson Crescent on lands zoned "M3" Heavy Industrial District.

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The applicant wishes to create a residential enclave of 40 foot lots. To compensate for the narrower width, the lots are a minimum of 125 feet deep. Lots bordering the CPR tracks are for the most part 143 feet deep to allow for a minimum rear yard of 50 feet.

The applicant intends to back the lots onto Lindenwood Drive West. This is a departure from the existing frontage development associated with this collector street elsewhere in Lindenwoods.

For appearances, and in order to lend an air of exclusivity to the project, the development is to be surrounded by a common fence. In addition, to improve the appearance from future frontage development on the east side of Lindenwood Drive West, opposite the project, it is proposed to construct a landscaped berm on a 20 foot strip of land adjoining the west limit of the right-of-way.

A future 5.0 acre school site is being reserved at the northeast corner of the development bordering the proposed community park. The Assiniboine South School Division is reportedly in need of a school at this location. If not required, the site could be subdivided for single-family development.

The Planning Department is supportive of narrower lots where, as in the current case, they will not detract from the character of existing development. In addition to easier maintenance, the lots will be more affordable, reducing the overall cost of the house/lot package or, alternatively, enabling a proportionately greater investment in the house and its amenities. There is not always a positive correlation between lot width (or size) and property value or development character, as projects such as this will hopefully demonstrate.

The report of the Administrative Co-ordinating Group is generally supportive of the application. Requested changes include:

- shifting the public walkway to align with the future community park instead of the school site and;

- placing the proposed berm along Lindenwood Drive West on private property to avoid City maintenance.

Respecting the berm, the Planning Department regards such landscaping as crucial to the appearance of the project from Lindenwood Drive West and opposing frontage development. The Planning Department had initially recommended that the berm be privately maintained, but the community committee chose the public ownership option.

The proposed development is adjacent to the CPR La Riviere Subdivision. The line reportedly carries about 3 trains per day. The CP Rail company are on record with a list of concerns regarding dwelling setbacks, noise attenuation, air-borne and ground-borne vibration, sight lines, trespassing and land drainage.

To help mitigate the impact of train traffic, a 70 foot hydro right-of-way currently exists between the subject development and the rail line. In addition, the developer is proposing to construct a berm of unspecified height topped by a 6 foot screen fence adjacent to the hydro property. According to a representative of the CPR, the La Riviere Subdivision is unlikely to carry heavy rail traffic over the coming years.

A public meeting was held before the Assiniboia Community Committee on December 6, 1994.

Three persons 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 for the following reasons:

   A) The development complies with Plan Winnipeg.

   B) The development is a logical extension of the Lindenwoods suburban community;

   C) The single-family housing is compatible with existing development.

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

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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 19/94 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, as outlined on Schedule "A" for File No. DASZ 19/94, and dated December 20, 1994, 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 November 18, 1994, as outlined on Schedule "B" and dated December 20, 1994, with the following amendments thereto:

i) That recommendation 2. on page 1 of the report be deleted in its entirety and recommendation 3. be renumbered recommendation 2.;

ii) That a recommendation 14. be added as follows:

"The Developer shall grant an option to the City, on behalf of the School Division, to purchase a 5-acre school site for the price of $20,000.00 per acre plus the cost of services including land drainage truck charges, as determined by the Commissioner of Works and Operations."

iii) That a recommendation 15. be added as follows:

"The Developer shall, at no expense to the City, grade, sod and landscape the buffer strip on the west side of Lindenwood Drive West in accordance with construction specifications and plans approved, prior to installation, by the Director of Parks and Recreation. The Developer shall, at no expense to the City, maintain the improvements for a period of one year in accordance with the specifications of the Director of Parks and Recreation."

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

III. That Zoning By-law 1800 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 19/94 attached hereto and dated December 20, 1994, to an "A" General Agricultural District, to a "R1-4" Single-Family Residential District and a "PR" Parks and Recreational District.

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 the Development Agreement has been executed.

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. 420 for attachments)

Report of the Committee on Planning and Community Services dated January 4, 1995

Proposed Zoning Agreement Amendment - 5606 Roblin Boulevard - Assiniboia Community
File ZAA 3/94 (c/r DAZ 245/75A)

392 - 12. The Committee on Planning and Community Services has been advised that an application has been received from Anatex Development Inc., 5606 Roblin Boulevard, Winnipeg, R3R 0H2, to amend the existing zoning agreement affecting the and at 5606 Roblin Boulevard to allow the eating and drinking place to open at 10:00 a.m. daily instead of variable hours of operation. The exact site is shown outlined below.

Application Area: Trapezoidal shape measuring 37.9 metres/124.32 feet in frontage on Roblin and 56.3 metres/184.78 feet in depth. About 1/2 acre in area.

Existing Land Use: Multi-tenant, L-shaped strip mall zoned "C1" Limited Commercial District containing, in addition to the subject Mediterraneo Pizza Restaurant, a convenience store, Pic-a-Pop, hair salon, pet food store, veterinary clinic, meat store, and office space.

The following is the Surrounding Land Use And Zoning:

north: Across Roblin, residential including nursing home zoned "R1-20" Single-Family District and cluster housing zoned "RM-1" Multiple-Family District.

east: Residential zoned "RM-1" Multiple-Family District.

south: Residential zoned "R1-6" Single-Family District.

west: Residential zoned "R1-6" Single-Family District.

The site contains 839 sq. metres/9031 square feet of building area and provides parking for about 35 vehicles with 23 stalls accessed off Roblin.

The subject restaurant was approved under File ZAA 22/85 and was limited to a floor area 926 square feet and a seating capacity of 28. The hours of operation were 4:00 PM to midnight Sunday through Thursday, and to 1:00 AM Friday and Saturday, and the restaurant was permitted for a three year trial period.

Under File ZAA 12/92, the clause regarding the trial period for the restaurant was eliminated. In addition, the hours of operation were extended: from 10:00 AM to 12:00 PM Sunday through Friday, from 4:00 PM to 1:00 AM on Saturday, and from 10:00 AM to 1:00 AM on Sunday.

Under the current application, the applicant wants permission to open at 10:00 AM on Saturday as well, with the same closing times for all days as approved under ZAA 12/92.

The original application to establish a restaurant at this location was opposed by some area residents. It was decided, however, that the limited size and hours of operation were consistent with a neighbourhood restaurant and would not disrupt the residential character of the area.

The current application would relax the restriction on operating hours, permitting the restaurant to open at 10:00 AM daily, whereas the original zoning agreement permitted 4:00 PM opening only.

Since 1985, zoning agreement restrictions have had the effect of gradually increasing the restaurant's operating hours. Evidently, negative impacts on the neighbourhood have not materialized. The Planning Department has received no complaints whatsoever concerning the operation of the restaurant, or the strip mall for that matter. Opposition at previous hearings have suggested problems of traffic congestion, parking shortages, and pedestrian safety in connection with the strip mall. Apart from a reported shortage of parking on Saturday, the traffic problems have not been verified.

In the opinion of the Planning Department, the restaurant has demonstrated itself to be a compatible neighbour and has earned the right to operating hours of its choosing.

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It is noted that, under current by-law parking requirements, the development would have to provide about 40 parking stalls, in comparison to the 35 stalls currently available as a non-conforming right.

A public meeting was held before the Assiniboia Community Committee on December 6, 1994.

One person appeared in support of the application.

No one appeared in opposition to the application.

One person appeared for information purposes.

The Assiniboia Community Committee recommended that:

1. The proposed zoning agreement amendment be approved for the following reason:

   A) The recommendation responds to concerns regarding parking on Saturdays and the restaurant has demonstrated itself to be a compatible neighbour.

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

I. That Zoning Agreement DAZ 245/75A be amended as follows:

   A. by changing Clause e.1 to permit the said restaurant to open Monday to Friday at 10:00 A.M, and to close at 12:00 P.M., to open Saturday at 4:00 P.M. and close at 1:00 A.M., and to open at 10:00 A.M. on Sunday and close at 1:00 A.M.

II. That the City Solicitor be requested to prepare the necessary amendment to Zoning Agreement DAZ 245/75A, 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 - 603 Corydon Avenue - City Centre Community
File No. DAZ 212/84 (ZAA 4/94)

393 - 13. The Committee on Planning and Community Services has been advised that an application has been received from Moira Raglan, 5 - 363 Clare Avenue, Winnipeg, Manitoba, R3R 1S2, to amend the Zoning Agreement affecting the land at 603 Corydon Avenue to allow for the establishment of a restaurant, tea room or cafe.

The subject site was rezoned to a "C1" Limited Commercial District on May 3, 1978, under File No. DAZ 212/77. The use of the land was restricted to one commercial use; a grocery store. On May 2, 1984, the site was rezoned to a "C2" Commercial District, under File No. DAZ 212/84, to permit the establishment of a sporting goods store and allow for other potential retail uses. The zoning agreement enacted as a condition of approval of this rezoning, among other things, prohibited the following uses on the land;

"2. PROHIBITED USES - None of the following uses shall be established or carried on the land:

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(a) Advertising signs or structures and billboards;
(b) Car washing;
(c) Plumbing or sheet metal shops;
(d) Printing, lithographing or publishing;
(e) Sign painting shop;
(f) Tire shop;
(g) Upholstering shop;
(h) Restaurant, tea room or cafe (with or without dancing or entertainment."

The applicant is requesting an amendment to the zoning agreement to allow a restaurant on the subject site. If this amendment is approved, the "C2" District regulations would allow a restaurant up to 2,500 square feet. The existing building is 2466 square feet.

The portion of Corydon Avenue, east of Daly Street has a significant residential component. Commercial rezonings approved in this block have been limited in intensity to provide a level of protection to the residents and to attempt to achieve a compatible land use mix which will provide for the continued viability of the residential uses.

The Planning Department feels that further eastward expansion of the Corydon Avenue restaurant area will significantly adversely impact the residential uses.

A public meeting was held before the City Centre Community Committee on November 8, 1994.

One person appeared in support of the application.

No one appeared in opposition to the application.

The City Centre Community Committee recommended that:

1. The proposed zoning agreement amendment be approved for the following reasons:

    1) The subject property is commercially zoned land with compatible commercial usage on either side to both the east and west.

    2) The proposed use will provide a unique character restaurant which is compatible with existing adjacent businesses.

    3) The application is well supported by both the commercial and residential portions of the adjacent area.

The Committee on Planning and Community Services concurs in the recommendation of the City Centre Community Committee and recommends:

I. That Zoning Agreement DAZ 212/84 dated May 2, 1984, be amended as follows:

    A. That Clause 2 of the subject Zoning Agreement be amended by deleting Clause (h) prohibiting the establishment of a restaurant, tea room or cafe (with or without dancing entertainment).

II. That the City Solicitor be requested to prepare the necessary amending agreement to Zoning Agreement DAZ 212/84 dated May 2, 1984 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.

Report of the Committee on Planning and Community Services dated January 4, 1995

Proposed Rezoning - 995 and 999 Corydon Avenue - City Centre Community
File No. DAZ 214/94

394 - 14. The Committee on Planning and Community Services has been advised that an application has been received from Mr. Gerry Parent, 1 - 995 Corydon Avenue, Winnipeg, Manitoba, R3L 0X1, to amend By-law No. 1800 by rezoning the land at 995 - 999 Corydon Avenue from an "RM-1" Multiple-family District to a "C2" General Commercial District to allow for limited commercial development.

In 1985 and in 1988, the applicant obtained the right, through the conditional use application process, to establish business offices in the two subject dwellings at 999 and 995 Corydon. Both applications were approved by the City Centre-Fort Rouge Community Committee, but with the expressed understanding at the time that the 1) the existing buildings would be maintained and 2) that no other commercial use other than office use would be permitted on the site. There were further restrictions in the Conditional Use Orders relative to hours of operation and on-site parking.

In the current application, the applicant has requested that the overall site area encompassing the two dwelling units be rezoned to a "C2" Commercial category. The rezoning, if approved, would allow for a wide range of uses, including amongst others, all "C1" commercial uses, retail stores, banks, drug stores, medical clinics, restaurants (max. 2500 sq. ft.) and dry-cleaning outlets etc. The applicant is of the position that the current restrictions on the use of the subject property are too prohibitive and that without a change in the zoning, it will become increasingly difficult to find tenants for his existing leasable floor space.

The District Planning Branch has in the interim met with Mr. Parent, a spokesperson for St. Ignatius Church and several local residents who occupy residential property immediately adjacent to the north and who would be most dramatically affected by expanded use of the site. That meeting served to indicate that there is no middle ground, no compromise position between what currently exists and what the applicant is proposing for use of the site. The resident spokespeople are of the view that further concessions cannot be made without risking further commercial encroachment west of Harrow and without causing undue adverse effect on the neighbourhood. The District Planning Branch is also of the view that the status quo should be maintained. At the very best, the subject application is premature in the absence of any approved development guidelines or policy for commercial development along Corydon Avenue.

Such a plan may be developed in the months to come between the Business Community, Resident Advisory Groups and the Administration. However, in the interim, and on the face of the position taken by past community committees relative to the use of the subject site, the District Planning Branch recommends denial of the proposed change in land use.

A public meeting was held before the City Centre Community Committee on July 5, 1994 and adjourned to be concluded on October 4, 1994.

Two following persons appeared in support of the application.

Persons in opposition to this application are listed on Page 6 of the report of the City Centre Community Clerk dated October 18, 1994.

The City Centre Community Committee recommended that:

1. The proposed rezoning be not proceeded with for the following reasons:

    1) The District Planning Branch is of the view that the status quo should be maintained.

    2) The subject application is premature in the absence of any approved development guidelines or policy for commercial development along Corydon Avenue.

    3) The residents of the community are of mixed opinion as to whether to proceed further with commercial zoning or limit zoning changes and are concerned that further concessions cannot be made without risking further commercial encroachment west of Harrow Street and without causing undue adverse effect on the neighbourhood.

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4) The Planning Department recommended denial of the application.

The Committee on Planning and Community Services concurs in the recommendation of the City Centre Community Committee and recommends to Council as follows:

I. That the proposed zoning change to amend Zoning By-Law No. 1800 by rezoning land under File No. DAZ 214/94 from an "RM-1" Multiple-family District to a "C2" General Commercial District be not proceeded with.

Adopted by consent.

Proposed Rezoning Bairdmore Boulevard, Briarlynn Road, Calderwood Bay, Colebrook Lane, Craigmohr Drive, Dalemore Drive, Keslar Road and Kinlock Lane - Riel Community
File No. DAZ 228/94

395 - 15. The Committee on Planning and Community Services has been advised that an application has been received from Ladco Company Limited, c/o Mr. D. Amodeo, 150-50 Lakewood Boulevard, Winnipeg, Manitoba, R2J 2M7, to amend By-law 1800 by rezoning lands shown below from an "R1-5.5" Single-Family District to an "R1-4" Single-Family District to allow for the construction of single-family dwellings.

The proposed reduction in minimum lot width required, from 50 feet to 40 feet is a response to market conditions, and actual lot widths are expected to exceed the minimum. Even if the entire area is subdivided at the minimum width, the additional number of lots created would not have any significant effect on streets or other services. The re-zoning applies to both frontages of affected streets, ensuring consistent character throughout this portion of the Neighbourhood.

A public meeting was held before the Riel Community Committee on November 7, 1994.

One person appeared in support of the application.

No one appeared in opposition to the application.

One person appeared for information.

The Riel Community Committee recommended that:

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

   A) The proposed amendment to this development are consistent with the surrounding area and the contiguous properties.

   B) Approval of this rezoning will not have a deleterious effect on the neighbourhood.

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 concurs in part with the recommendations of the Riel Community Committee for the following reason:

- That condition No. I (2) be amended to delete at the end thereof, "all at the expense of the applicant", and substitute with the following, "by the applicant to the satisfaction of the Commissioner of Works and Operations."

The Committee on Planning and Community Services therefore recommends:

Report of the Committee on Planning and Community Services dated January 4, 1995

I. That By-law No. 1800 be amended by rezoning the subject lands as outlined on Schedule "A" for File No. DAZ 228/94, dated November 30, 1994, to an "R1-4" Single-Family District subject to the applicant amending Development Agreement No. AG 44/74 with the City of Winnipeg pursuant to Section 591(1) of The City of Winnipeg Act to provide for the following:

1) That the applicant be required to install a berm not more than four feet (4') in height, where practicable, on the west side of the proposed development, both north and south of Sandusky Drive, to the satisfaction of the Commissioner of Planning and Community Services and the Commissioner of Works and Operations, or their designate.

2) That if it is deemed necessary by the Director of Streets and Transportation Department or his designate, and if it can reasonably be accommodated, a paved shoulder be provided for a passing lane on Waverley Street at Sandusky Drive, by the applicant to the satisfaction of the Commissioner of Works and Operations.

II. 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.

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 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. 421 for attachment)

Proposed Rezoning - 280 - 282 Edison Avenue, south side between Roch Street and Henderson Highway - East Kildonan-Transcona Community

File DAZ 232/94

396 - 16. The Committee on Planning and Community Services has been advised that an application has been received from Monica Wood, 137 Rowandale Crescent, Winnipeg, Manitoba, R2K 0M3, to amend By-law No. 4440/86 by rezoning the land at 280 - 282 Edison Avenue from an "R2" Two-family District to an "RM-1" Multiple-family District to reflect the existing land use.

Related Files: DAV 1096/94 - Variance Order for substandard lot width and area - Granted

The subject lands were originally developed with a bi-level type residential building containing two dwelling units, in 1966. A recent inspection of the building by the City of Winnipeg zoning and building inspectors at the request of the applicant has revealed that at some date since its original construction, two additional dwelling units have been created in the lower level of the building. The applicant is requesting a rezoning of the lands in order to be able to sell the property as a four unit multiple dwelling as presently constructed. A concurrent variance application DAV 1096/94 was made to deal with substandard lot area and width, and other deficiencies under the proposed "RM-1" zoning district.

The District Planning Branch considers that approval of the rezoning will not adversely affect adjacent one-family dwellings. The rezoning will contribute to the legalization of a residential development that has existed for many years without complaint from the adjacent community. The development density (four units) is not significantly out of character with the prevailing "R2" zonings on the block, or the "RM-3" multiple family zoning facing the subject site on the north side of Edison Avenue.

A public meeting was held before the East Kildonan-Transcona Community Committee on December 6, 1994.

Report of the Committee on Planning and Community Services dated January 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:

   A) The proposal is compatible with the existing land use.

   B) There is no opposition to the application.

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. 4440/86 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 232/94, and dated, December 19, 1994, 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 a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

II. That in the event this application is not proceeded with expeditiously and the zoning 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 be 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. 422 for attachment)

Proposed partial street closing of Signet Bay - Lord Selkirk-West Kildonan Community File DAC 7/93

397 - 17. The Committee on Planning and Community Services has been advised that the Land Surveys and Real Estate Department initiated the above-noted street closing shown on Misc. Plan LSWK 9104/3, as outlined on Schedule "A", to facilitate the registration of a proposed plan of subdivision as outlined on Schedule "B", by Novamet Properties. The subject plan was approved by Council in principle on September 21, 1994, under File No. DASZ 8/93.

The proposed closing was circulated to all concerned City departments and public agencies under the Subdivision/Rezoning Application DASZ 8/93, with no objection having been received.

The Lord Selkirk-West Kildonan Community Committee approved the proposed closing June 15, 1993.

The Committee on Planning and Community Services has approved the proposal and recommends:

Report of the Committee on Planning and Community Services dated January 4, 1995

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 9104/3, 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. 423 for attachments)

Proposed closing of first East/West lane, South of Portage Avenue between Windham Road and Lake Street - Assiniboia Community File DAC 2/94

398 - 18. The Committee on Planning and Community Services has been advised that the Land Surveys and Real Estate Department initiated the above-noted lane closing shown on Misc. Plan No. ASBA 9099, at the request of Ladco Company Limited, as outlined on Schedule "A".

Ladco Company Limited is the owner of the adjoining lands to the north, legally described as: Lots 22 to 25, Plan 1106; and Lots 154 to 156, Plan 1582, as the applicant's property. Ladco proposes to consolidate the unimproved lane (once closed) with their present holding fronting Portage Avenue, and develop the lands for commercial purposes.

The proposed closing was circulated to all concerned City Departments and public agencies with no objection having been received. However, Manitoba Hydro requires the applicant to enter into a joint easement agreement to allow for the maintenance of existing overhead distribution.

The Assiniboia Community Committee considered and approved the proposal on June 21, 1994.

That Committee on Planning and Community Services has approved the proposal and 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. ASBA 9099, as attached 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. 424 for attachment)

Proposed closing of public lane South of John Duncan Drive, West of Ravenhurst Street - East Kildonan-Transcona Community File DAC 11/94

399 - 19. The Committee on Planning and Community Services has been advised that the Land Surveys and Real Estate Department initiated the above-noted lane closing shown on Misc. Plan No. EKT 9192, at the request of Novamet Development Corporation, as outlined on Schedule "A".

Report of the Committee on Planning and Community Services dated January 4, 1995

The lands of the south side of John Duncan Drive are in the process of being rezoned (DAZ 216/94) and re-subdivided with lots of a sufficient size to accommodate front drives. The lane shown on Misc. Plan No. EKT 9192, is not physically improved. The developer is proposing to include the subject lane into Stage 2 of the Canterbury Park Subdivision, which will proceed at a later date.

The proposed closing was circulated to all City Departments and public agencies with no objections having been received.

The proposal was approved by the East Kildonan-Transcona Community Committee July 13, 1994.

The Committee on Planning and Community Services has approved the proposal and 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 EKT 9192, as outlined on Schedule "A", the cost of the by-law, estimated at $200.00 and all other costs to be borne by Novamet Development Corporation.

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. 425 for attachment)

Proposed partial closing of Everden Road, South of Coombs Drive - Riel Community File DAC 12/94

400 - 20. The Land Surveys and Real Estate Department initiated the above-noted closing shown on attached Misc. Plan No. Riel 9249 as outlined on Schedule "A" at the request of Qualico Developments Winnipeg (Ltd.).

The proposed closing is required as the plan of subdivision submitted under rezoning and subdivision File No. DASZ 8/94, as outlined on Schedule "B", requires that Everden Road be slightly altered in its configuration for that portion established by an earlier subdivision application DASZ 53/86. The opening portion is deemed not to be part of the application, as street openings may be accommodated via the registration of the overall plan of subdivision, while the City of Winnipeg Act requires posting and passage of a by-law by Council for the closing.

The proposed closing was circulated to all concerned City Departments and public agencies, with no objections having been received. The Riel Community Committee approved the proposal at their meeting of July 11, 1994.

The Committee on Planning and Community Services has approved 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 attached Schedule "A" Misc. Plan Riel 9249.

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

Adopted by consent.

(See Minute No. 426 for attachments)

Report of the Committee on Planning and Community Services dated January 4, 1995

Proposed partial closing of North-South public lane in the block bounded by Lodge and Portage Avenues and Vernon and Whytewold Roads - Assiniboia Community File DAC 16/94

401 - 21. The Land Surveys and Real Estate Department initiated the above-noted closing shown on Misc. Plan ASBA 8919/1, as outlined in Schedule "A", at the request of Mr. Henry Garvey, of 270 Vernon Road. Mr. Garvey requested that the lane right-of-way be closed and sold to him and adjacent property owners whose lands abut the lane.

The proposed lane closing was circulated to all concerned City Departments and public agencies. Manitoba Hydro has requested a joint easement for existing facilities.

However, the Assiniboia Community Committee at their October 11, 1994, meeting did not support the proposed closing after hearing representation from Mr. G. Page, 266 Vernon Road and after giving consideration to the attached petition in opposition to the closure, and recommended that the subject lane not be closed.

The Committee on Planning and Community Services rejected the proposed closing as shown on Misc. Plan ASBA 8919/1, and recommends that the matter not be proceeded with.

Adopted by consent.

(See Minute No. 427 for attachment)

Proposed Closing of Lane North of St. Mary Avenue Bounded by Memorial Boulevard and Colony Street - City Centre Community File DAC 21/94

402 - 22. The Land Surveys and Real Estate Department initiated the above noted lane closing shown on Misc. Plan No. CCFR 7090/1, as outlined on Schedule "A" at the request of the Winnipeg Art Gallery. The above noted lane closing had previously been approved by the Committee on Planning and Community Services on August 29, 1988 (previous File DAC 18/88). Subsequent to this former approval, the Land Surveys and Real Estate Department commenced negotiations to sell the lane to the Winnipeg Art Gallery. However, no response was ever received, and the matter was then filed. The Art Gallery has recently advised the City that it now owns the complete land triangle illustrated on the attached plan (having acquired the Mall Medical Building); except for the subject public lane.

The proposed lane closure was circulated to all concerned City Departments and public utilities with the following recommendations being received.

The Streets and Transportation Department is recommending that the existing lane approach on the north side of St. Mary Avenue be removed and the curb and sidewalk reconstructed should the Winnipeg Art Gallery not require the approach to access the property.

Winnipeg Hydro will require a 3 m wide easement along the east side of the proposed lane closing; for existing and future underground plant. Hydro also requires that their existing easement area to the east of the subject lane closing be extended to the north, so that it encompasses their existing plant and is 3m in total width.

The West Central District has advised that there is an existing catch basin in the lane, and should the Art Gallery purchase the lane, then this catch basin and sewer connection would become a private sewer owned by the Art Gallery. The Art Gallery would then become responsible for all maintenance or its removal according to the Sewer By-law if not required. The District also advises that the lane turn-off of St. Mary Avenue would become a private approach to the property subject to the provisions of the Private Approach By-Law.

Report of the Committee on Planning and Community Services dated January 4, 1995

On November 8, 1994, the City Centre Community Committee recommended approval of the lane closing as illustrated on attached Schedule "A" (Misc. Plan No. CCFR 7090/1).

The Committee on Planning and Community Services has approved the proposal and 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 Schedule "A", Misc. Plan No. CCFR 7090/1.

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. 428 for attachment)

Proposed partial closing of the public lane Kingston Crescent, East of Riverdale Avenue - Riel Community
File DAC 22/94

403 - 23. The Committee on Planning and Community Services has been advised that the Land Surveys and Real Estate Department earlier this year, received a request from Mr. K. Davidson of 448 Kingston Crescent who proposed to acquire or lease a portion of the lane at the rear of his holding upon which a garage would be partly built. The subject property is shown on Misc. Plan No. RIEL 9270, as outlined on Schedule "A".

The South East District Operations Department and the Streets and Transportation Department reviewed the request and both were not in favour of a sale or lease of part of the lane as either arrangement would reduce the ease for vehicles to turn around within the existing lane cul-de-sac. Mr. Davidson was thereafter advised accordingly.

Mr. Davidson, recently, reiterated his request and that of his neighbour at 326 Kingston Crescent (being Part Lot 12, Lot 11, Block 5, Plan 1395) and submitted a petition from the area residents in support of his request. The matter was referred to the Riel Community Committee for its consideration.

On September 12, 1994, the Riel Community Committee considered the applicants request to purchase portions of the lane and noting the supporting petition submitted, recommended that the lands be approved for sale to the applicants, respectively.

The proposed closing was formally circulated as required under the newly implemented closing process.

The District Operations negative position respecting the proposed closing did not change. The Streets and Transportation Department objected to the proposal as it would require vehicles to back up or use adjoining property to turn around. The District Planning Branch also objected on the basis that a bad precedent would be established.

The Community Committee, at their meeting of December 5, 1994, recommended approval of the closing.

The Committee on Planning and Community Services has approved the proposal and recommends:

I. That the City Solicitor be instructed to prepare the necessary By-law for submission to Council to effect the partial lane closing in accordance with Misc. Plan No. RIEL 9270, 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. 429 for attachment)

Report of the Committee on Planning and Community Services dated January 4, 1995

Proposed partial closing of Don Avenue - City Centre Community
File DAC 23/94

404 - 24. The Committee on Planning and Community Services has been advised that the Land Surveys and Real Estate Department initiated the above-noted partial street closing shown on Misc. Plan. No. CC 9031/2, as outlined on Schedule "A", in response to a directive from City Council. Council at a meeting on July 20, 1994, approved a long-term lease of the City's lands identified as "Subject City Property" on the aforementioned Schedule "A". The lease is in favour of the Golden Rule Seniors Organization, for development of a senior citizens' residential housing complex. The request for the partial closing involves only the most easterly 22.86 metres of the Don Avenue right-of-way. The portion to the west intersecting with Osborne Street would remain open, as it is used as access by existing properties on the north and south side of Don Avenue.

The proposed partial street closure was circulated to all concerned City Departments and Public Utilities. There were no objections received from the respondents but a number of concerns were identified as noted in the following comments.

The Manitoba Telephone System has no objections to the proposed partial closing, however any relocation of MTS facilities would be at the cost of the developer.

The Streets and Transportation Department has no objections to the closing subject to the Golden Rule Senior's Organization making provision for a vehicle turn-around at the eastern terminus of the closing, for use by the general public and the City.

The South West District Operations has outlined the following conditions be incorporated in the approval of the proposed partial street closing:

1. The applicant shall at no cost to the City, at the new easterly terminus of Don Avenue, cut-off and abandon the existing combined sewer and watermain within the closing area.

2. A new manhole shall be installed on the combined sewer; and the watermain shall be appropriately plugged.

Centra Gas has indicated that the proposed street closing would necessitate an easement agreement for the 2 inch diameter gas main located in the Don Avenue right-of-way.

Winnipeg Hydro has no objections to the subject closing, however, to accommodate the proposed parking lot to be developed in the closure area, modifications will be required to the existing hydro plant. The estimated cost of relocating the hydro facilities is $6,000.

On December 6, 1994, the City Centre Community Committee recommended approval of the proposed partial street closing in accordance with Misc. Plan No. CC 9031/2, as outlined on Schedule "A".

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 partial street closing in accordance with Misc. Plan No. CC 9031/2, as outlined on Schedule "A",

II. That the closing approval be subject to the following conditions:

   A. The applicant shall at no cost to the City, at the new easterly terminus of Don Avenue, cut-off and abandon the existing combined sewer and watermain within the closing area.

   B. A new manhole shall be installed on the combined sewer, and the watermain shall be appropriately plugged.

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.

(See Minute No. 430 for attachment)

Report of the Committee on Planning and Community Services dated January 4, 1995

Proposed street opening West of Nassau Street South, between Brandon and Carlaw Avenues - City Centre Community File DA0 11/93

405 - 25. The Committee on Planning and Community Services has been advised that during the latter part of 1992, the former Assiniboine Park-Fort Garry Community Committee had requested that the feasibility of opening a street connection between Carlaw and Brandon Avenues, at the westerly terminus of the said avenues, West of Nassau Street South, shown on Misc. Plan No. CC 8857, as outlined on Appendix "A". An opening file for this request was subsequently set up in 1993, for consideration by the now City Centre Community Committee. The subject street opening was circulated to the various applicable City Departments and Public Utilities for information and comment. No objections were identified by the circulation.

A number of costs were identified with respect to the street opening in question. The circulation revealed development costs estimated at approximately a $150,000, in order to remove the existing failed lane pavement and construct a new street pavement complete with land drainage sewer and boulevards (prepared by South West District Operations). Winnipeg Hydro estimated the cost of its work at $10,500, which included one pole removal and the installation of four (4) ornamental light standards. A related cost of $3,000 was also identified, to upgrade the street lighting on Brandon Avenue (presently wood pole mounted luminaries) to ornamental light standards. No other concerns were identified by the circulation.

It should be noted that no acquisition costs were submitted at the time of the initial Community Committee review. It was pointed out in the Planning Department's report to the Community Committee that no neighbourhood input had occurred, and as a consequence, the Committee may wish to canvass the surrounding residential neighbourhood. At this suggestion the Community Committee requested the Streets and Transportation Department to do a survey of residents living within one block of the subject street opening on whether they are in support or in opposition to same.

The Streets and Transportation Department questionnaire, regarding the opening in question, was delivered to the 31 properties within a one block area. Of the replies received to the questionnaire, 5 were in favour of the street opening and 5 were not. No response was received from the remaining properties.

The Community Committee directed that this opening request be filed, presumably based on the inconclusive survey. In light of this recommendation the application would not be further processed, and consequently the Administration recommends that the subject opening proposal not be proceeded with.

The Committee on Planning and Community Services has considered the proposal and recommends that the proposed opening not be proceeded with.

Adopted by consent.

(See Minute No. 431 for attachment)

Proposed opening/closing (relocation) of lanes on the West side of McGregor Street between Boyd and Redwood Avenues - Lord Selkirk-West Kildonan Community File DAOC 3/94

406 - 26. The Committee on Planning and Community Services has been advised that a subject lane relocation required to accommodate a fire hall site was recommended for approval by the Lord Selkirk-West Kildonan Community Committee on September 13, 1994, and subsequently approved by your Committee on September 27, 1994. However, due to the change in procedures involving openings and closings, this matter is being referred back to your Committee to hear any public representations regarding the lane relocation. The lane locations have been posted to notify the public that this matter will be dealt with by your Committee.

Report of the Committee on Planning and Community Services dated January 4, 1995

However, since your Committee's planning approval, the Land Surveys and Real Estate Department have raised a concern that the lane corner cut asked for by the Streets and Transportation Department and North West District Operations, will necessitate further land negotiations with another party. Further to this end they have asked whether another solution is possible. In further consultation with the District Engineer for North West District Operations, he indicated that widening the lane to a width of 25' (7.62 m) would be an acceptable alternative. This increased lane width would facilitate turning movements for larger vehicles such as refuse trucks and snow removal equipment.

Therefore, this Branch would recommend two options, with an amended approval, allowing for either a corner cut or a 25' (7.62 m) wide lane opening. The fire hall development proposal, as outlined on Schedule "B", indicates a north south connection to Boyd Avenue, as outlined on Schedule "A" (Figure 2).

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 lane openings and closings in accordance with Schedule "A", (Figure 2) with a corner cut as shown or the width of the lane to be opened be increased to 25' (7.62 m).

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

In amendment,

The Executive Policy Committee recommends that Recommendation I. above, be deleted in its entirety and the following recommendation inserted therein, namely:

I. That the City Solicitor be instructed to prepare the necessary By-law for submission to Council to effect the lane openings and closings in accordance with Schedule "A", (Figure 2) with the width of the lane to be increased to 25' (7.62 m).

Adopted by consent.

(See Minute No. 432 for attachments)

Proposed partial closing of public lane in the block bounded by Pembina Highway, Daly Street, Dudley and Lorette Avenues - City Centre Community
File DA0C 4/94

407 - 27. The Committee on Planning and Community Services has been advised that the initial closing proposal was initiated in 1992 under File No. DAC 14/93, requested by Gerry Gordon's Mazda Ltd., (Coventry Motors Ltd.), shown on Misc. Plan CC 8670/1, as outlined on Schedule "A". The applicant requests the closing to facilitate consolidation of land and a more efficient use of the vehicle sales establishment fronting Pembina Highway.

As a result of several meetings with the applicant and at the request of the Streets and Transportation Department, a turnaround is proposed, shown on Misc. Plan CC 8670/3, as outlined on Schedule "B". The applicant has agreed to provide the land to accommodate the proposed turnaround. Subsequently, the former application (DAC 14/93) was changed to a DAOC file to reflect both the proposed lane closing and the turnaround configuration which constitutes a lane opening.

The proposed opening/closing was circulated to all concerned City Departments and public agencies, with no objections having been received. The Winnipeg Hydro and Manitoba Telephone System require both overhead and underground easements for their services.

The City Centre Community Committee recommended approval of the proposal at their November 8, 1994 meeting.

The Committee on Planning and Community Services has approved the proposal and recommends:

Report of the Committee on Planning and Community Services dated January 4, 1995

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the lane closing/opening in accordance with Misc. Plan 8670/3, as outlined on Schedule "B".

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. 433 for attachments)

Winnipeg Rivers and Streams Permits - Waiver of Application Fees for City Projects File E-5 (Vol. 17)

408 - 28. On May 14, 1992, the Riverbank Management Committee, while discussing means to generate income for riverbank management studies, directed that effective immediately, all City departments making an application for a Winnipeg Rivers and Streams Permit be charged an application fee in accordance with the schedule of fees contained in Volume 123, No.6, of the Manitoba Gazette.

Prior to June 5, 1992, City departments were exempt from paying an application fee associated with processing a Winnipeg Rivers and Streams Permit.

The application fee charges paid to date on three major bridge projects that are now entering into the construction phase already amount to $3,603.95, as outlined in Appendix "A". Currently, there are several applications currently pending which involve paying another $16,000.00 in application fee charges over the next several months, of which $12,321.85 is due for the CN rail grade separation works of the Main Street and Norwood Bridges project. In addition, $15,372.57 in charges will have to be committed for the Charleswood Bridge project by the private developers on behalf of the City.

This decision has significant cost implications associated with the implementation of several major bridge projects currently commencing in The City of Winnipeg. The estimated application fee charge that would be applicable to these three civic bridge projects is outlined in Appendix "A".

It is the opinion of the Administration that the application fees proposed do not accurately reflect the cost of processing and granting applications submitted to the Rivers and Streams Authority by City departments for various Civic projects. As an example, these projects are designed and administered by in-house and consultant professional engineering staff qualified in the areas of riverbank stability and of implementation of construction works on riverbanks and in the river. Furthermore, full geotechnical soils investigations and reports are undertaken prior to commencement of design, to ensure that the proposed works reflect the requirements of the site. With fully engineered and detailed construction drawings provided, professionally sealed and signed, assessment of such applications should typically be routine.

The Administration believes that the 1% administration fee being levied against all City capital projects and credited to General Revenue, already serves to recover the costs associated with the routine involvement of all City departments in the implementation of these civic projects. For the construction works associated with the above-identified three civic bridge projects, the administration fee amounts to $672,600.00.

It is recognized that there is a need for funding to carry out riverbank management studies. However, in the opinion of the Administration, it would be more appropriately obtained by including same in current estimates for review by the appropriate Standing Committees. This would allow for consideration and prioritization of the funding relative to all civic programs.

On September 29, 1994, the Riverbank Management Committee considered the report and referred the matter to the Committee on Finance and Administration to find alternate funding.

On October 24, 1994, the Committee on Finance and Administration considered a request from the Riverbank Management Committee regarding alternate funding for riverbank management studies and

Report of the Committee on Planning and Community Services dated January 4, 1995

recommended that the present policy wherein all City Departments are charged application fees for the processing of Winnipeg Rivers and Streams Permits be discontinued, and instead, the administration be requested to establish a line item for funding of riverbank management studies in the current estimates of the Rivers and Streams Authority. The matter was also referred to the Administration to re-examine the 1% fee levied against all capital projets, with a view to decreasing/eliminating the fee.

On November 22, 1994, the Committee on Planning and Community Services considered the recommendations from the Committee on Finance and Administration and recommended that the matter not be concurred in.

On January 4, 1995, the Committee on Planning and Community Services, considered the recommendations of the report dated July 21, 1994, as submitted by the Administration:

I. That funding for riverbank management studies be included in the current estimates of the Rivers and Streams Authority.

II. That fees charged to City departments be established, to accurately reflect the actual cost involved by the Rivers and Streams Authority in dealing with and granting permits to City departments.

However, the Committee on Planning and Community Services does not concur in the above recommendations and recommends as follows:

I. That all City Departments making an application for Winnipeg Rivers and Streams Permits, be charged an Application Fee in accordance with the Schedule of Fees, as regulated in clause 11 (c) of the Rivers and Streams Act (C.C.S.M. c. R160) and as outlined in Appendix "B".

Adopted by consent.

(See Minute No. 434 for attachments)

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

MOTIONS

Moved by Councillor O'Shaughnessy,
Seconded by Councillor Fraser,

409 - WHEREAS Council on December 14, 1994 adopted Clause 6 of the Report of the Committee on Planning and Community Services, dated November 22, 1994, under File No. DAZ 230/94 (c/r DCU 201A/94D), as amended;

AND WHEREAS the recommendation adopted by Council included the following:

"1. THAT By-law No. 1558 be amended by rezoning the subject lands outlined on Schedule "A" for File No. DAZ 230/94, attached hereto and dated November 18, 1994, to a "C2" General Commercial District subject to the following:

a) That the applicant enter into a Zoning Agreement with the City pursuant to subsection 591 of The City of Winnipeg Act to affect the subject lands, and to provide for the following in accordance with the District Planners report, dated November 1, 1994, as outlined on Appendix "A":

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

(a) grocery store (supermarket);
(b) department store;
(c) accessory uses;
(d) conditional uses except a gas bar;

(3) that the development be limited to a maximum floor area ratio of 0.43";

AND WHEREAS the Appeals Committee of the Committee on Planning and Community Services on January 5, 1995, ordered that the appeal against Order No. DCU 201/94D be allowed to permit on "the land" the construction of an automobile gas kiosk;

AND WHEREAS the Appeals Committee of the Committee on Planning and Community Services on January 5, 1995, further ordered that Conditional Use Appeal Order DCU 201A/94D, shall come into force and effect upon the date Council amends its instructions of December 14, 1994 under rezoning File No. DAZ 230/94 in respect of contents of the zoning agreement to delete therefrom the restriction against the use "automobile gas kiosk" on the site;

NOW THEREFORE BE IT RESOLVED that Clause 6 of the Report of the Committee on Planning and Community Services dated November 22, 1994 as adopted by Council on December 14, 1994 be amended by deleting the words "except a gas bar" from recommendation 1.a)(1)(d) as noted above;

AND BE IT FURTHER RESOLVED that said Clause 6 of the Report of the Committee on Planning and Community Services be further amended by deleting from recommendation 1.a)(3) as noted above the number "0.43" and substituting therefor the number "0.462".

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 O'Shaughnessy,
That the rule be suspended to allow consideration of the motion at this time.

The Speaker called the Deputy Speaker, Councillor Reese, to the Chair in order to participate in the debate.

The motion to suspend the rule was put and declared carried.

Committee on Planning and Community Services - Motions (continued)

Councillors Boychuk and Thomas asked to be recorded as having voted against the suspension of the rule, in accordance with Rule 50.7 of the Procedure By-law.

The motion proposed by Councillors O'Shaughnessy and Fraser was put and declared carried.

Councillors Boychuk and Thomas asked to be recorded as having voted against the motion, in accordance with Rule 50.7 of the Procedure By-law.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

410 - On motion of Councillor O'Shaughnessy, 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. 6557/95, a By-law of The City of Winnipeg to widen the public lane south of Lansdowne Avenue, west of McPhillips Street, at the southeast corner of 1100 Lansdowne Avenue. File DAO 10/94.

By-law No. 6582/95, a By-law of The City of Winnipeg to amend Zoning By-law No. 4440/86 for the enactment of a zoning change at 1381 Henderson Highway in the East Kildonan - Transcona Community. File DAZ 229/94

By-law No. 6585/95, a By-law of The City of Winnipeg to amend Zoning By-law No. 1558 for the enactment of a zoning change on land located on the north-east corner of Portage Avenue at School Road in the Assiniboia Community. File DAZ 230/94

Councillors Boychuk, Duguid and Thomas asked to be recorded as having voted against all three readings of By-law No. 6585/95, in accordance with Rule 50.7 of the Procedure By-law.

On motion of Councillor O'Shaughnessy, the rule was suspended and By-law No. 6400/94, a By-law of The City of Winnipeg regulating and restricting the use of land and location of buildings and structures in the City of Winnipeg as defined in The City of Winnipeg Act excepting lands governed by the Downtown Winnipeg Zoning By-law No. 4800/88, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File DAZ 209/94

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

QUESTION PERIOD

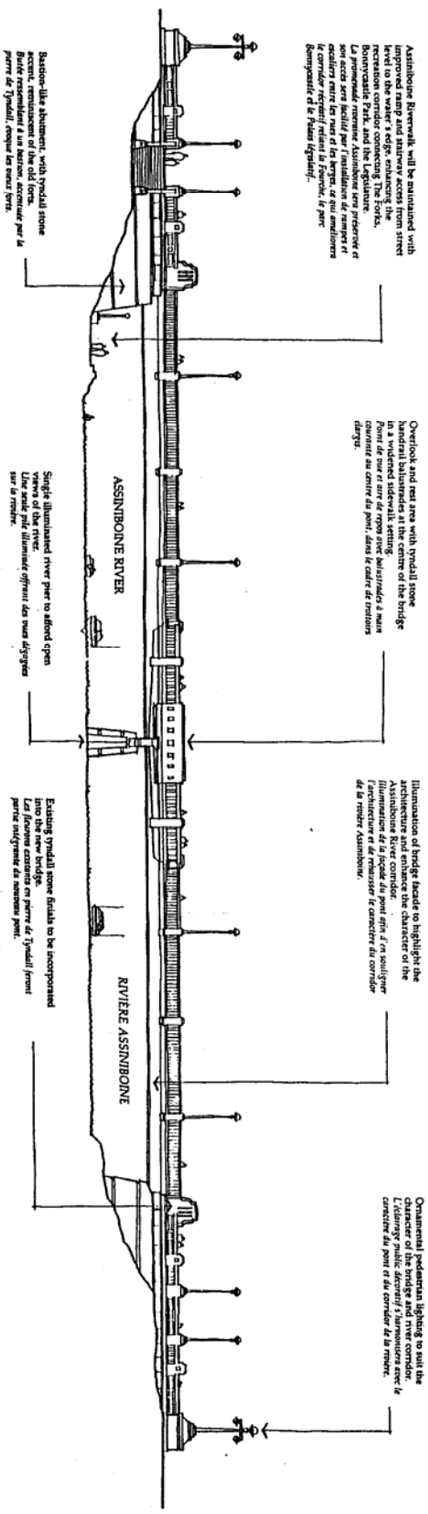
411 - Councillor Angus noted that Council had directed that first reading be given to a Plan Winnipeg amendment at its meeting of January 25, 1995, yet the advertisement for the amendment had appeared in the newspaper on the next day and questioned the procedure, noting the timing.

Deputy Mayor Fraser noted that approval in principle had been received at Council’s meeting of December 14, 1994 and directed Councillor Angus to the Plan Winnipeg Amendment Process schedule for the matter.

412 - Appendix "A" referred to in Clause 3 of the Report of the Committee on Planning and Community Services dated January 4, 1995

APPENDIX "A"

RIVER VIEW OF PROPOSED ARCHITECTURAL APPEARANCE OF THE NEW MAIN STREET BRIDGE
ASPECT ARCHITECTURAL PROPOSÉ POUR LE NOUVEAU PONT MAIN, DEPUIS LA PERSPECTIVE DE LA RIVIÈRE
("THE BRIDGE OF THE OLD FORTS") (*« LE PONT DES VIEUX FORTS »*)



DOWNTOWN DESIGN BOARD SUBMISSION

Appendix "B" referred to in Clause 3 of the Report of the Committee on Planning and Community Services dated January 4, 1995

INTRODUCTION

With an almost unlimited number of possible variations to the form of a bridge, identifying the most appropriate aesthetic solution provides a significant design challenge. A bridge structure is such a prominent feature in the landscape that beauty, harmony with the surroundings, and adherence to sound engineering practices, must all be part of the total concept. The Main Street and Norwood Bridges, and the CN Rail Overpass are viewed as separate entities, since they are not seen together at any single vantage point. The designs of these structures do, however, have consistency and continuity in character and materials.

The general methodology used to determine the bridge aesthetics considered three levels of design information being evaluated for each bridge.

1. *The first level involved the development of the basic structure (superstructure, piers, and abutments) to ensure that the design would be sound from a purely technical basis.*

2. *The second level involved the development of a design theme, one that fits the context and history of the bridge. The development of the basic structural options were then re-assessed in conjunction with the design theme, to ensure compatibility between theme and structure.*

3. *The third level, which is in progress, is the development of the architectural details (preliminary design to construction drawings).*

Described below for the Main Street Bridge is an overview of the aesthetic considerations that developed from each level of analysis.

Level 1 - Basic Structure (Superstructure, Piers, and Abutments)

The large variety of engineering concepts that were considered and evaluated for the basic structure, can be grouped into three architectural categories:

- *Suspension (including cable-stay)*
- *Arch (steel, cast-in-place concrete, and precast concrete)*
- *Constant Depth (steel, cast-in-place concrete, and precast concrete)*

The following aesthetic and functional criteria were also investigated:

- *Structural Integrity (most structurally appropriate)*
- *Functional Considerations*
- *Scale, Rhythm and Proportion (harmonizing the structure to the setting)*
- *Theme Compatibility*

Outlined below are the findings with respect to the recommended structural approach for the Main Street Bridge.

The suspension concept was abandoned from the outset. It was considered an inefficient and unlikely solution for such a narrow and shallow river crossing, and therefore lacking in structural integrity. Typically this type of structure is only cost effective for large span requirements, or for gorges, or deep water, to avoid costly, deep piers.

The two-span structure (either arch or constant depth) was considered most appropriate since it allowed optimal navigational options, and accommodated the most desirable open-to-the-water riverbank walkway passage (thereby satisfying the functional criteria). The three span option appeared congested for navigation, and required pier locations in close proximity to the Assiniboine Riverwalk, thereby creating an unattractive tunnel effect for those passing under the bridges.

The constant depth structural approach was preferred over the arch, because of the lack of symmetry in the pier placement (the centre pier being off-centre with the river corridor), and the increased headroom afforded to the Assiniboine Riverwalk. The arch accentuated the asymmetry in an uncomplimentary and awkward way (compromising principles of scale, rhythm and proportion), and the increased depth of the arch at the abutments, significantly reduced head clearance. Both the constant depth and arch structure were considered compatible with the theme being proposed for the Main Street Bridge (the theme will be discussed further in the report).

Appendix "B" referred to in Clause 3 of the Report of the Committee on Planning and Community Services dated January 4, 1995 (continued)

The recommended basic structure for the Main Street Bridge is a two-span (single-pier), constant depth superstructure.

Level 2 - Design Theme

The name of the existing bridge, "The Bridge of the Old Forts", eludes to the rich history of Forts that were built in the vicinity of this bridge crossing site, especially Upper Fort Garry. This is an important part of the City's history, and the theme being proposed for the new bridge maintains the identity and the name "The Bridge of the Old Forts". The concept represents a bridge structure that is an expression of modern engineering technology, however a structure that is reminiscent of an old fort, with bastion--like abutments, a central overlook, and a general fortress-like appearance. This theme is consistent with the existing bridge, and will fit well into the nearby Bonnycastle Park, and the symbolic Upper Fort Garry Bastion that sits at the entrance to the park, near the north approach to the bridge. This theme is also consistent with the larger historic precinct developing between the Legislative Grounds, and extending along the Assiniboine Riverwalk, to the Forks National Historic Site. Features proposed for the bridge includes:

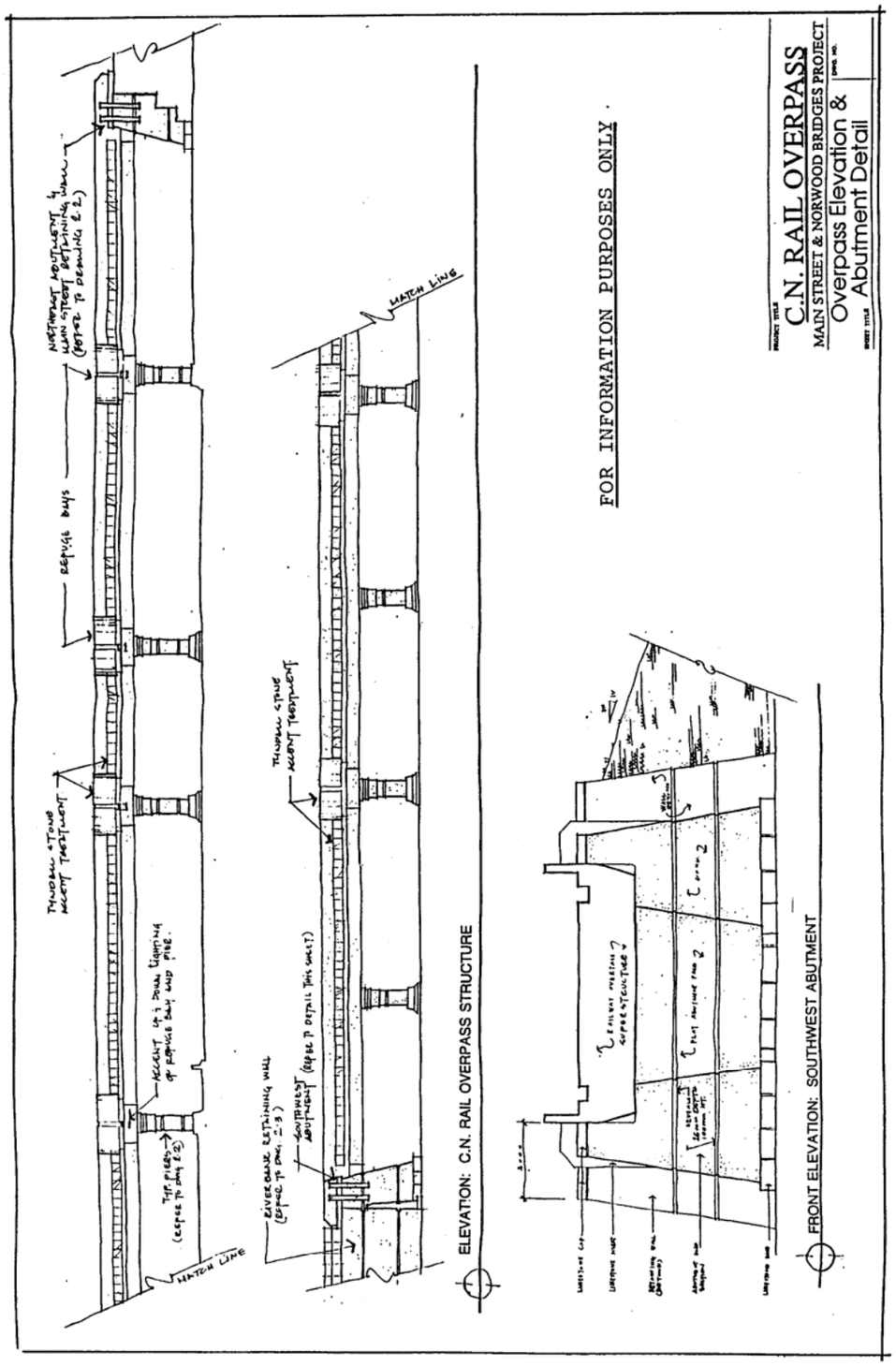
- *limestone accept treatment throughout structure*
- *oxidized copper (patina or antique green - similar to Fort Garry Hotel, CN Station, Forks, etc.., other metal finishes are also being evaluated)*
- *accent flood lighting of the face of the structure, for river view prominence*
- *pedestrian overlooks/viewing areas*

Level 3 - Architectural Details *(The next application)*

The architectural detailing for both the Main Street and Norwood Bridges is at the completion of the preliminary design stage. The details address the concept that has been adopted for the Main Street Bridge, as shown on the attached "River View" drawing. Also attached, for comparison purposes, are drawings representing the CN Rail overpass structure.

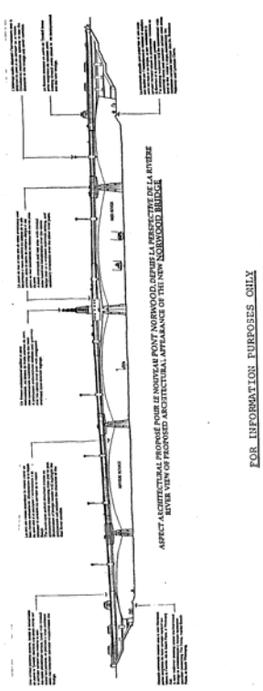
Appendix "C" referred to in Clause 3 of the Report of the Committee on Planning and Community Services dated January 4, 1995

APPENDIX "C"
Page 1



Appendix "C" referred to in Clause 3 of the Report of the Committee on Planning and Community Services dated January 4, 1995 (continued)

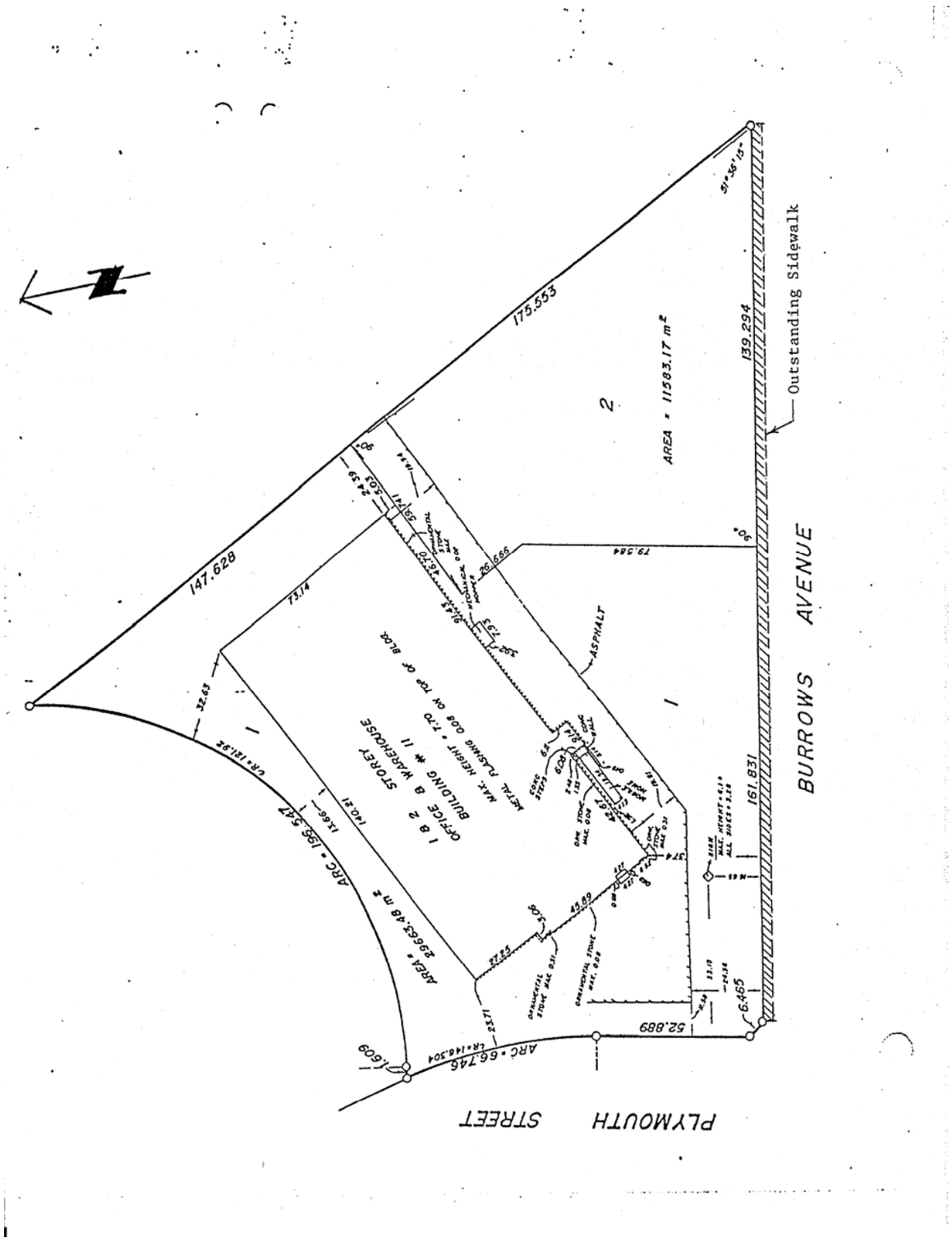
APPENDIX "C"
Page 2



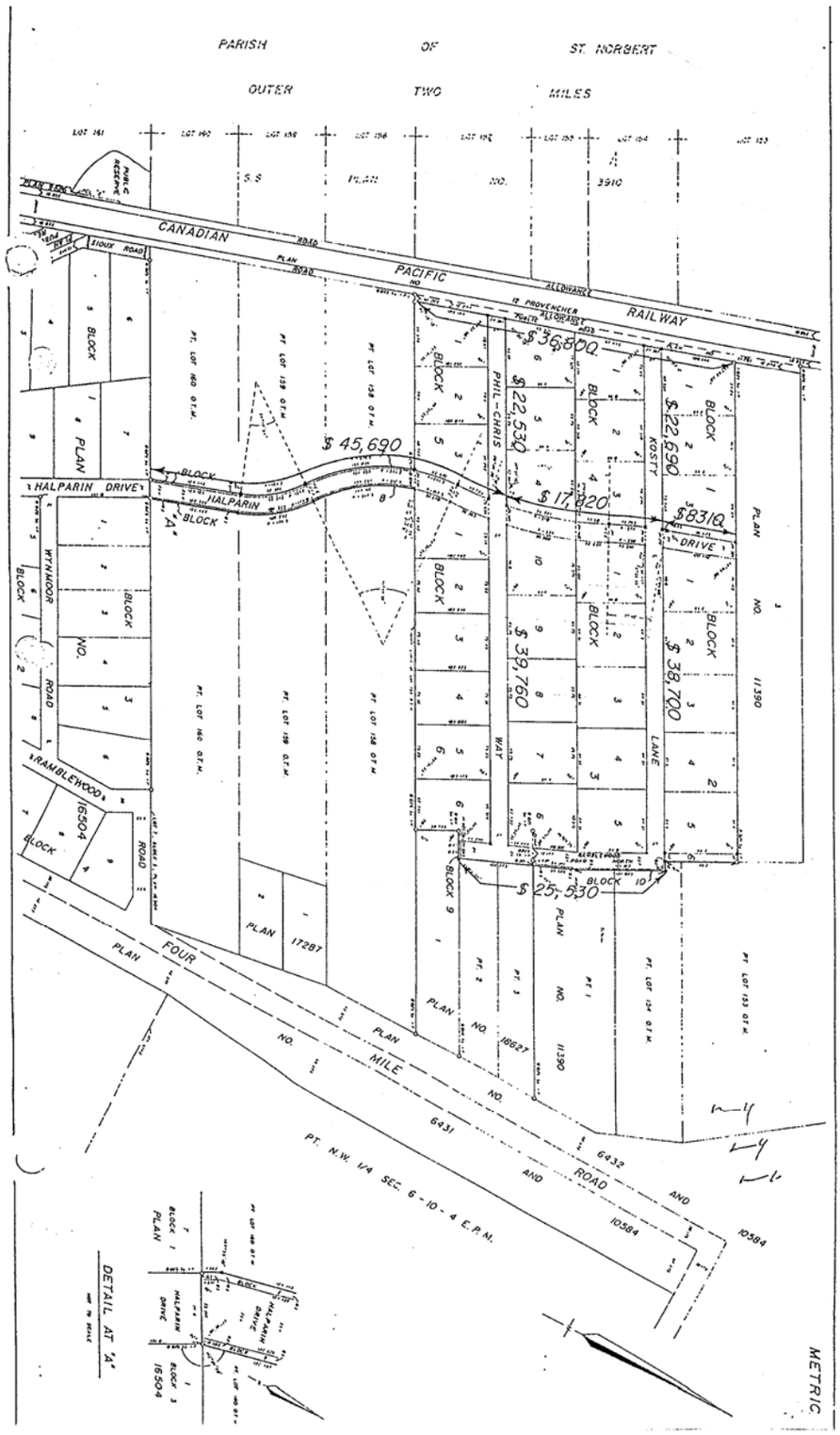
ASPECT ARCHITECTURAL PROPOSÉ POUR LE NOUVEAU PONT NORWOOD, DEPUIS LA PERSPECTIVE DE LA RIVIÈRE
RIVER VIEW OF PROPOSED ARCHITECTURAL APPEARANCE OF THE NEW NORWOOD BRIDGE

FOR INFORMATION PURPOSES ONLY

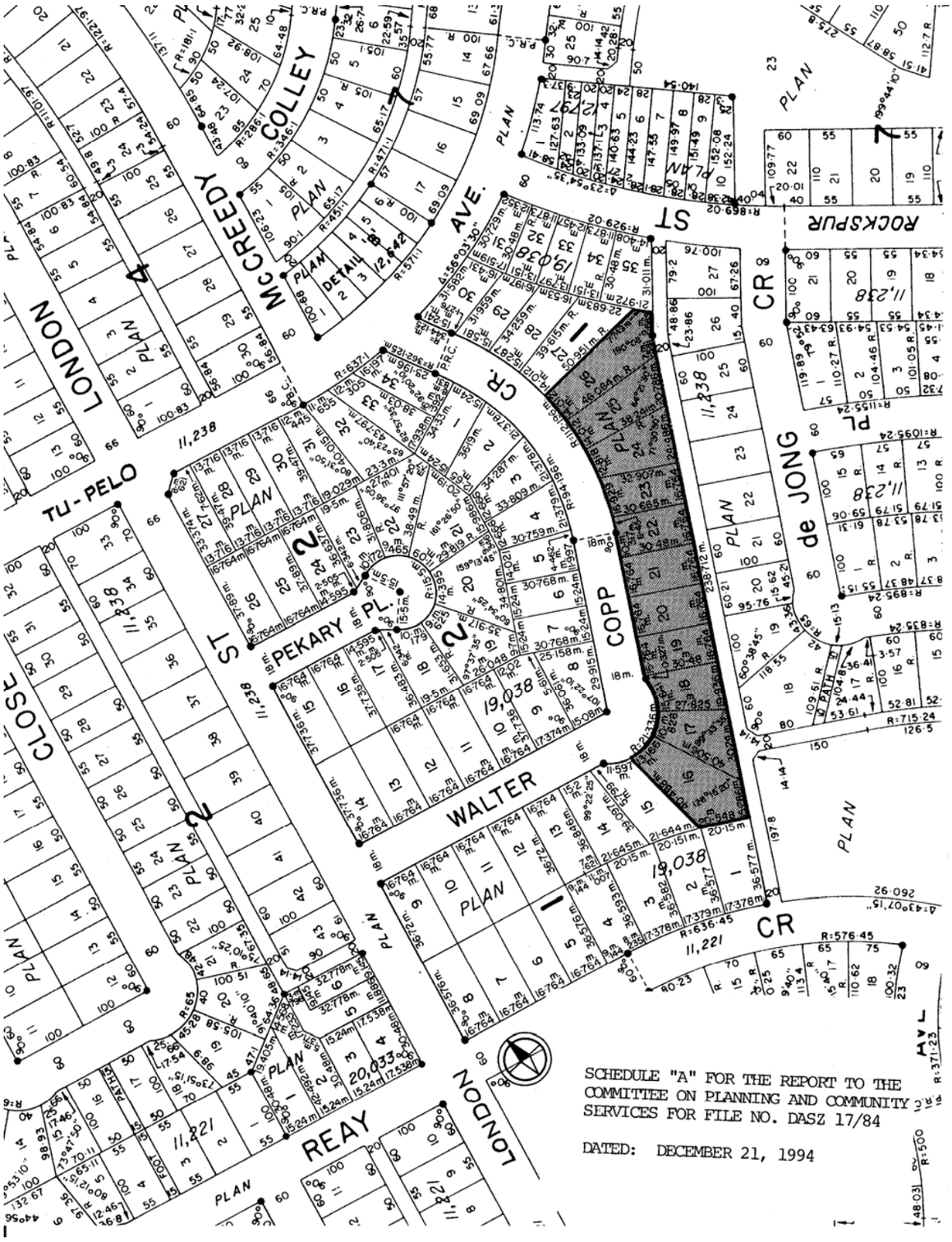
413 - Appendix "A" referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated January 4, 1995



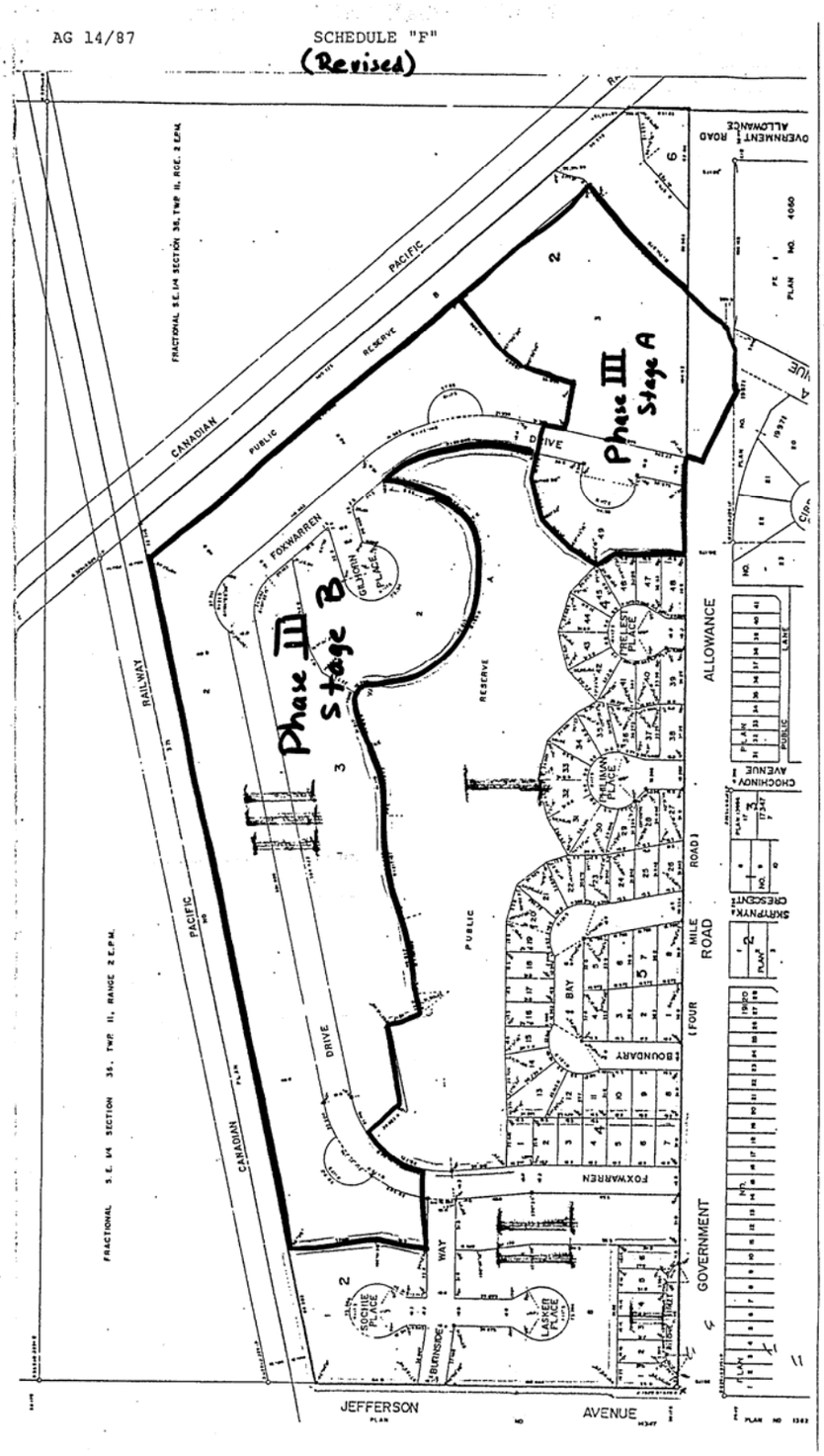
414 - Appendix "A" referred to in Clause 5 of the Report of the Committee on Planning and Community Services dated January 4, 1995



415 - Schedule "A" referred to in Clause 6 of the Report of the Committee on Planning and Community Services dated January 4, 1995



416 - Schedule "F" referred to in Clause 7 of the Report of the Committee on Planning and Community Services dated January 4, 1995



417 - Schedule "A" referred to in Clause 8 of the Report of the Committee on Planning and Community Services dated January 4, 1995

By-Law No. _____

_____

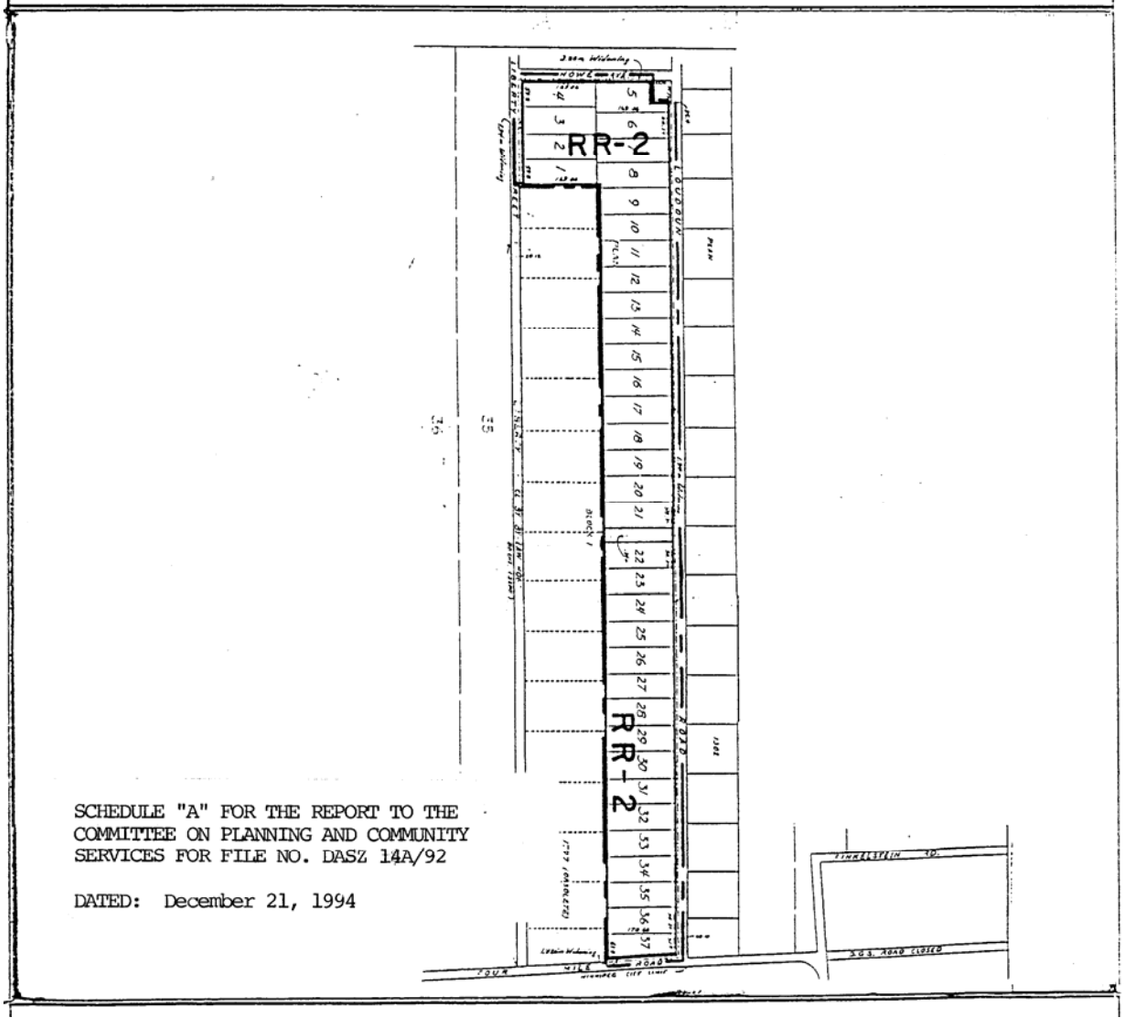
FILE No. DASZ 14 / 94

EXPLANATION:

A proposal to subdivide the land on Loudoun Road and Liberty Street, south of Howe Avenue and rezone it from an "A" GENERAL AGRICULTURAL DISTRICT to an "RR-2" RURAL RESIDENTIAL DISTRICT as shown outlined below.

ATLAS SHEET No. AG12

ASSINIBOIA COMMUNITY



SCHEDULE "A" FOR THE REPORT TO THE COMMITTEE ON PLANNING AND COMMUNITY SERVICES FOR FILE NO. DASZ 14A/92

DATED: December 21, 1994

Schedule "B" referred to in Clause 8 of the Report of the Committee on Planning and Community Services dated January 4, 1995

SCHEDULE "B" FOR THE REPORT TO THE COMMITTEE ON PLANNING AND COMMUNITY SERVICES FOR FILE NO. DASZ 14A/92

DATED: December 21, 1994

October 18, 1994

AG 14/92

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

TO THE CHAIRPERSON AND MEMBERS OF THE
ASSINIBOIA COMMUNITY COMMITTEE

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE WEST SIDE OF LOUDOUN ROAD AND ON THE EAST SIDE OF LIBERTY STREET BETWEEN HOWE AVENUE AND FOUR MILE ROAD - DASZ 14"A"/92

An application has been submitted by Doug Henne Planning Services on behalf of 2779928 Manitoba Ltd. to subdivide and rezone land located on the west side of Loudoun Road and on the east side of Liberty Street between Howe Avenue and Four Mile Road.

It is recommended that the applicant amend its plan as follows:

1. By providing a widening of 3.883 m (12.74') on Howe Avenue for the full length of that street abutting the proposed subdivision.

It is recommended that approval of the plan of subdivision amended as per 1. above be subject to the Developer entering into a Development Agreement containing the following:

1. The Developer shall pay $20.00 per foot for the full frontage and flankage of the proposed subdivision on Loudoun Road and Liberty Street as prepayment of its share of the cost of oiling and gravelling the abutting streets in perpetuity.

2. a) The Developer shall have a lot grading plan prepared by a municipal engineer to the District's requirements on which are indicated all required easements.

   b) The Developer provide all drainage easements as necessitated by the drainage design.

3. The City shall file appropriate caveats in the Land Titles Office to record the following covenants:

   a) All sewage disposal facilities to be installed within the proposed subdivision shall be private and in accordance with the Wilkes South Secondary Plan By-law No. 6391/94 and the City's Sewer Utility By-law No. 5058/88 and amendments thereto.

Schedule "B" referred to in Clause 8 of the Report of the Committee on Planning and Community Services dated January 4, 1995 (continued)

b) All water supply facilities servicing the proposed subdivision shall be private.

c) The City shall not extend and the Developer shall not request the City to extend the City wastewater sewers or the City watermains to the proposed subdivision.

4. The Developer shall pay $525.00 to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

418 - Schedule "A" referred to in Clause 9 of the Report of the Committee on Planning and Community Services dated January 4, 1995

By-Law No. _____

_____

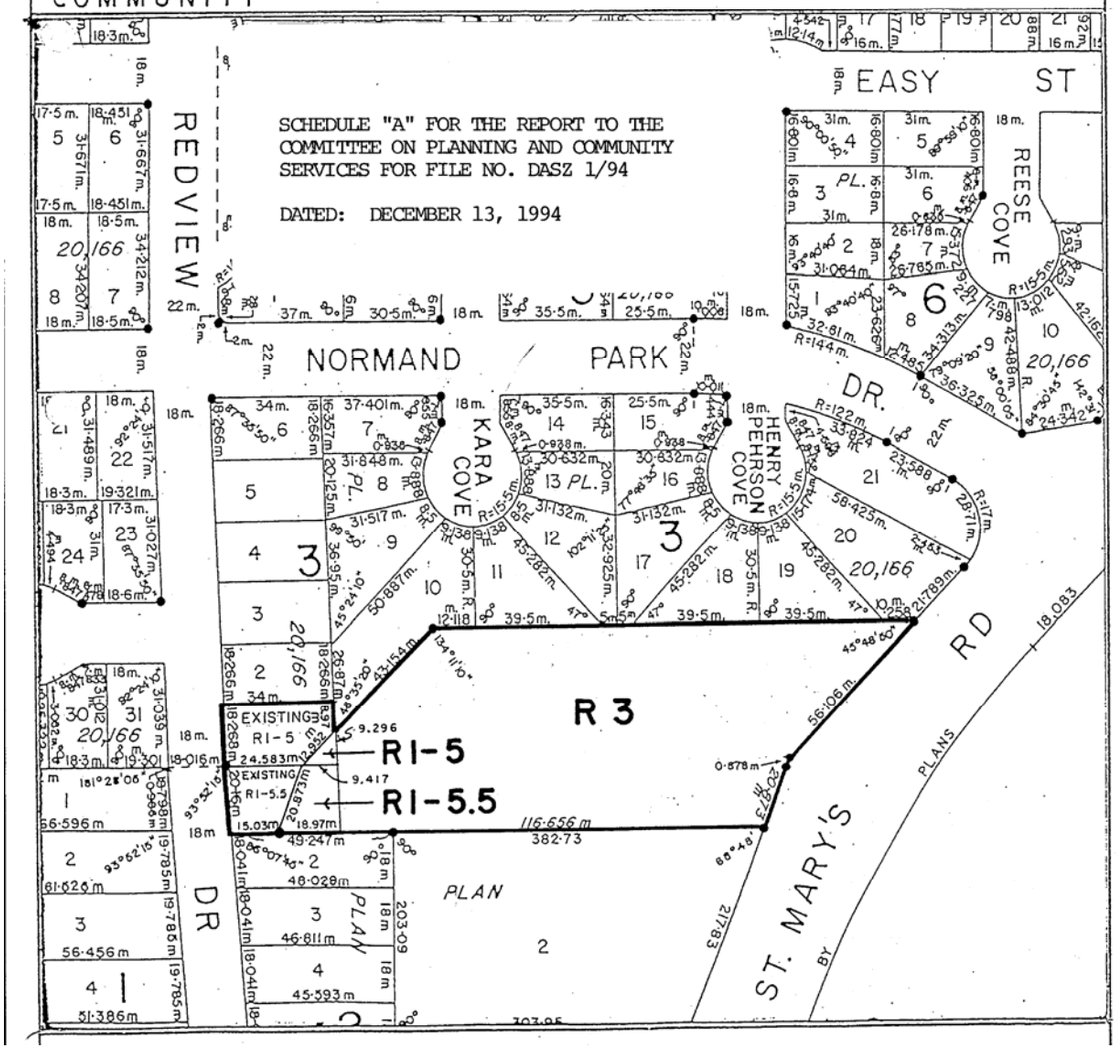
FILE No. DASZ 1 / 94

EXPLANATION:

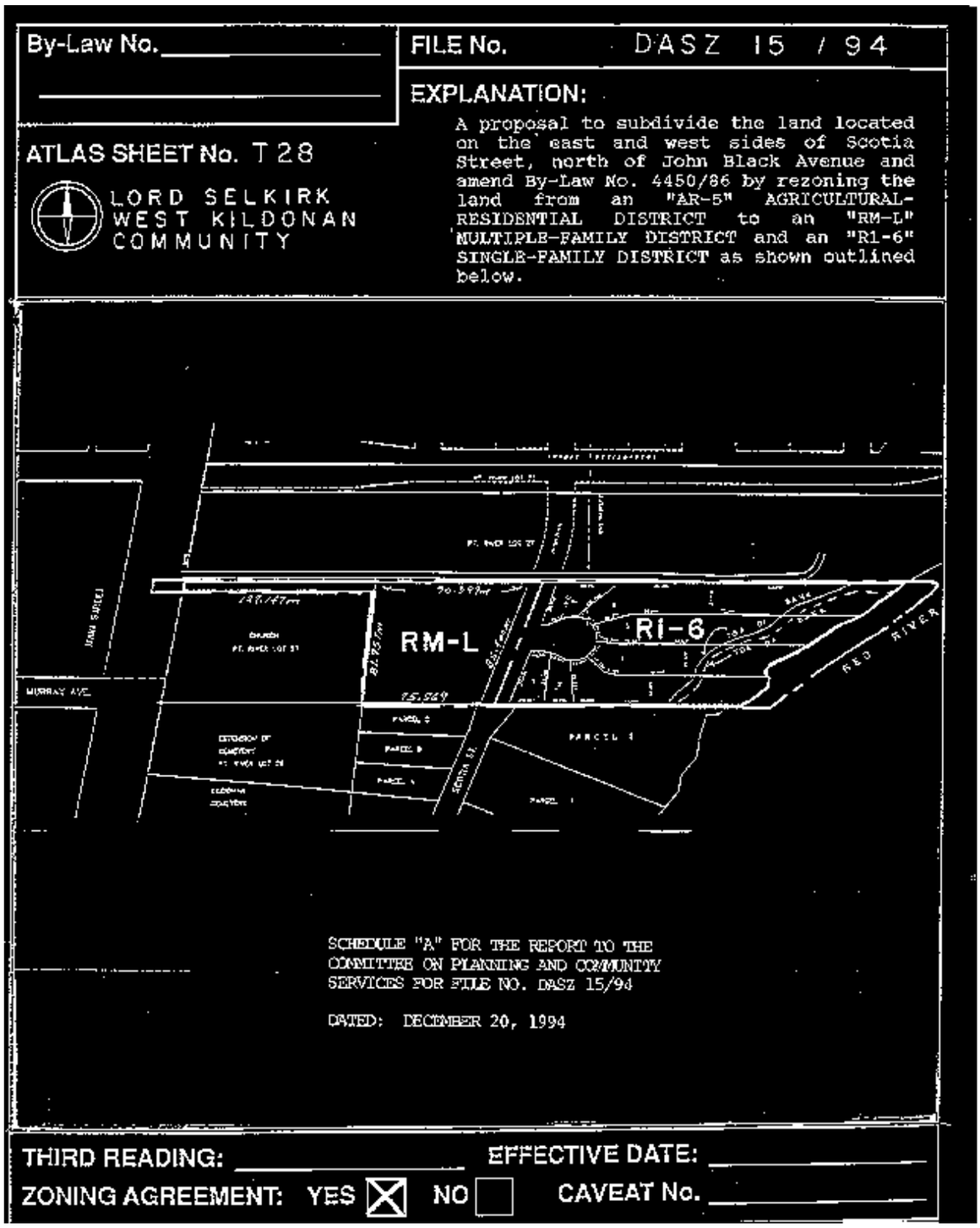
A proposal to subdivide the land at 2270 St. Mary's Road, on the west side between Normand Park Drive and Burland Avenue and amend The St. Vital Town Planning Scheme 1951 by rezoning the land shown outlined below from an "A1" AGRICULTURAL DISTRICT to an "R1-5.5" ONE-FAMILY DISTRICT an "R1-5" ONE-FAMILY DISTRICT and an "R3" MULTIPLE-FAMILY DISTRICT.

ATLAS SHEET No. AL 26

RIEL COMMUNITY



419 - Schedule "A" referred to in Clause 10 of the Report of the Committee on Planning and Community Services dated January 4, 1995



Schedule "B" referred to in Clause 10 of the Report of the Committee on Planning and Community Services dated January 4, 1995 (continued)

SCHEDULE "B" FOR THE REPORT TO THE COMMITTEE ON PLANNING AND COMMUNITY SERVICES FOR FILE NO. DASZ 15/94

DATED: DECEMBER 20, 1994

September 21, 1994 AG 15/94

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

TO THE CHAIRPERSON AND MEMBERS OF THE
LORD SELKIRK/WEST KILDONAN COMMUNITY COMMITTEE

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON THE EAST AND WEST SIDES OF SCOTIA STREET, NORTH OF JOHN BLACK AVENUE - DASZ 15/94

An application has been submitted by Geal Investments Ltd. to subdivide and rezone land located on the east and west sides of Scotia Street, north of John Black Avenue.

It is recommended that approval of DASZ 15/94 be subject to the following conditions:

Firstly, that the Developer amend its plan as follows:

1. By providing a 2.743 m (9.0′) widening to the Main Street right-of-way along the proposed subdivision frontage.

2. Right-of-way being established for the proposed cul-de-sac turnaround is to have dimensions as per Streets & Transportation Department Drawing No. ST-90 (revised).

Secondly, the Developer shall enter into a Development Agreement containing the following:

1. The Developer shall, at no expense to the City, install wastewater sewers and watermains to serve the proposed subdivision including a secondary watermain feed from Main Street to the satisfaction of the Commissioner of Works and Operations.

2. a) The Developer shall, at no expense to the City, install land drainage sewers complete with catchbasins to serve the proposed subdivision and adjacent land including the extension of the land drainage sewer in Scotia Street and connection to the existing land drainage trunk sewer in John Black Avenue to the satisfaction of the Commissioner of Works and Operations.

   The Developer shall construct all swales, catchbasins and leads on private property, in locations where rear lot drainage has to be provided prior to the issuance of Building Permits.

Schedule "B" referred to in Clause 10 of the Report of the Committee on Planning and Community Services dated January 4, 1995 (continued)

b) The Developer shall, at no expense to the City, provide easements with respect to the installation, maintenance and replacement of catchbasins and leads in private property for lot drainage upon registration of the approved subdivision mylars in the Land Titles Office.

c) The Developer shall pay a land drainage trunk capacity charge as determined by the Commissioner of Works and Operations.

3. The Developer shall, at no expense to the City, install separate water and wastewater lot line connections to serve each lot within the proposed subdivision.

4. a) The Developer shall, at no expense to the City, construct reinforced portland cement concrete pavements to a minimum width of 7.5 m and to a thickness of 150 mm in all streets within the proposed subdivision to the satisfaction of the Commissioner of Works and Operations;

b) The Developer shall provide and maintain an all-weather secondary means of vehicular access to serve the proposed subdivision prior to the occupancy of any dwelling unit located therein to the satisfaction of the Commissioner of Works and Operations.

c) The Developer shall, at no expense to the City, upgrade the road surface of Scotia Street and John Black Avenue with a Type III oiling to the satisfaction of the Commissioner of Works and Operations upon substantial completion of the dwelling units within the proposed subdivision.

5. a) The Developer shall lay sod and plant trees on the boulevards within the proposed subdivision in accordance with plans and specifications approved prior to installation by the Director of Parks and Recreation. The Developer shall be responsible for maintenance of the landscaping improvements for a period of one year in accordance with maintenance specifications of the Director of Parks and Recreation.

b) The Developer shall, at no expense to the City, pave the cul-de-sac island with interlocking paving stones in accordance with construction specifications approved by the Director of Parks and Recreation. The Developer shall be responsible for maintenance of the improvement for a period of one year in accordance with maintenance specifications of the Director of Parks and Recreation.

6. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and shall pay the full cost of converting any existing overhead services within the proposed subdivision to underground.

Schedule "B" referred to in Clause 10 of the Report of the Committee on Planning and Community Services dated January 4, 1995 (continued)

7. The Developer shall, at no expense to the City, cause ornamental street lighting to be installed in all streets within the proposed subdivision.

8. The Developer shall, at no expense to the City, cause standard reflectorized permanent street name signs to be installed at the new street intersection.

9. The Developer shall pay to the City its share of the cost of the following improvements constructed by the City in Main Street along the full length of the subject property abutting Main Street:

   i) a 4.0 m in width portland cement concrete lane of pavement;
   ii) a 1.5 m in width by 100 mm in thickness portland cement concrete sidewalk;
   iii) landscaping in the east boulevard;
   iv) land drainage works;
   v) street lighting in the east boulevard; and
   vii) related works

   as determined by the Commissioner of Works and Operations.

10. The Developer shall provide a cash payment in lieu of parkland dedication, landscaping and services prior to the release of the approved subdivision mylars for registration in the Land Titles Office.

11. The Developer shall pay $1,150.00 per acre in lieu of the City's administrative and related costs associated with the preparation and implementation of the Development Agreement.

12. The Developer shall pay the cost of all engineering services provided by or on behalf of the City, all to the satisfaction of the Commissioner of Works and Operations.

13. a) Construction traffic access shall be directly off Main Street to the site;

    b) The Developer shall be responsible for the cleaning of the access route of all tracked-on or spilled mud emanating from the proposed subdivision to the satisfaction of the Commissioner of Works and Operations.

420 - Appendix "A" referred to in Clause 11 of the Report of the Committee on Planning and Community Services dated January 4, 1995

By-Law No. _____

_____

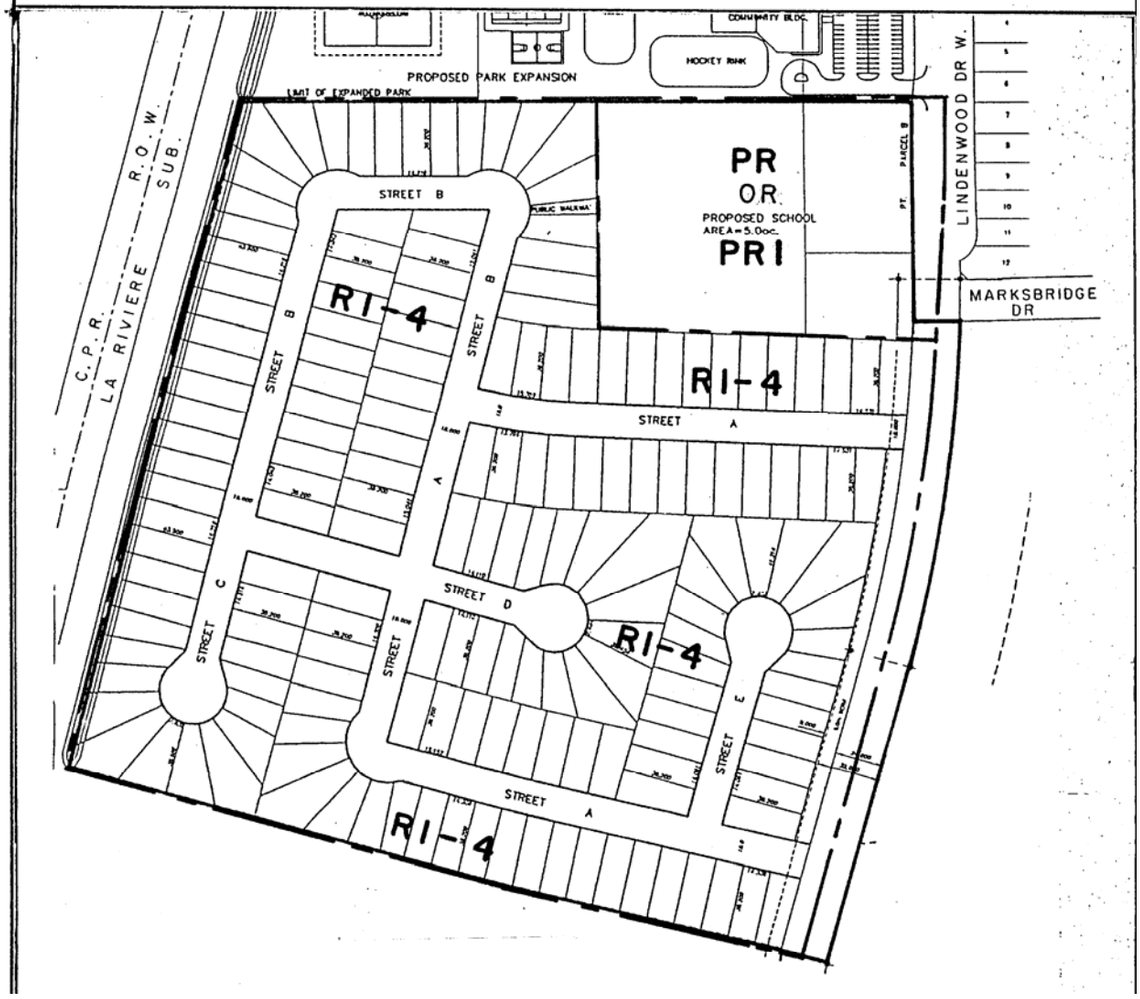
FILE No. DASZ 19 / 94

EXPLANATION:

A proposal to subdivide the land located west of Lindenwood Drive West, East of C.P.R. right-of-way, south of Tweedsmuir Road, north of Rothwell Road from an "A" GENERAL AGRICULTURAL DISTRICT to an "R1-4" SINGLE-FAMILY DISTRICT and "PR1" PARK AND RECREATIONAL DISTRICT as shown below.

ATLAS SHEET No. AG20

ASSINIBOIA COMMUNITY



Schedule "B" referred to in Clause 11 of the Report of the Committee on Planning and Community Services dated January 4, 1995

SCHEDULE "B" FOR THE REPORT TO THE COMMITTEE ON PLANNING AND COMMUNITY SERVICES FOR FILE NO. DASZ 19/94

November 18, 1994 DATED: DECEMBER 20, 1994 AG 19/94

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

TO THE CHAIRPERSON AND MEMBERS OF THE
ASSINIBOIA COMMUNITY COMMITTEE

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED WEST OF LINDENWOOD DRIVE WEST, EAST OF THE C.P.R. RIGHT-OF-WAY, SOUTH OF TWEEDSMUIR ROAD - DASZ 19/94

An application has been submitted by Genstar Development Company to subdivide and rezone land located west of Lindenwood Drive West, east of the C.P.R. right-of-way, south of Tweedsmuir Road.

It is recommended that the Developer amend its plan as follows:

1. By including the Lindenwood Drive West right-of-way within the proposed plan southerly to Lindenwood Drive East.

2. By deleting the proposed 9.0 m buffer along the west limit of Lindenwood Drive West, and

3. By orienting the proposed public walkway toward the park rather than to the proposed school site.

It is also recommended that the Developer provide the City with an updated report prepared by a municipal engineer confirming that the land drainage run-off from the development area can be accommodated within the current stormwater retention basin (SRB) area and indicating the route by which the run-off will reach the SRB.

It is also recommended that private approaches fronting tee intersections be pre-approved by the Assiniboia Community Committee.

It is further recommended that the approval of the amended plan be subject to the Developer entering into a Development Agreement containing the following:

1. The Developer shall, at no expense to the City, install waste water sewers and watermains to serve the proposed subdivision to the satisfaction of the Commissioner of Works and Operations;

Schedule "B" referred to in Clause 11 of the Report of the Committee on Planning and Community Services dated January 4, 1995 (continued)

2. a) The Developer shall, at no expense to the City, install land drainage sewers complete with catchbasins and swales required to accommodate the proposed subdivision to the satisfaction of the Commissioner of Works and Operations. The Developer shall construct all swales, including sodding, catchbasins and leads required to provide rear lot drainage prior to the issuance of Building Permits;

   b) The Developer shall, at no expense to the City, provide easements with respect to the maintenance of lot drainage and underground services upon registration of approved subdivision mylars in the Land Titles Office;

   c) The Developer shall pay a land drainage trunk capacity charge and also the Sommerville trunk users' charge, as determined by the Commissioner of Works and Operations.

3. a) The Developer shall, at no expense to the City, install water and waste water lot line connections to serve each lot within the proposed subdivision. The Developer shall warranty the lot line connections until one year after the water has been turned on for domestic purposes;

   b) The Developer shall be required to undertake that sewer and water connections to houses will not be installed within the lots until such time as each house foundation is backfilled and its roof has been sheathed.

4. a) The Developer shall, at no expense to the City, construct a reinforced portland cement concrete pavement to a minimum width of 7.5 m and to a thickness of 150 mm in all streets within the proposed subdivision to the satisfaction of the Commissioner of Works and Operations;

   b) The Developer shall, at no expense to the City, construct a reinforced portland cement concrete pavement to a width of 10 m and to a thickness of 200 mm in Lindenwood Drive West abutting the proposed subdivision to the satisfaction of the Commissioner of Works and Operations.

   c) Notwithstanding that the Lindenwood Drive West right-of-way will be registered southerly to its intersection with Lindenwood Drive East, the Developer shall, at no expense to the City, maintain the existing oiled granular road surface on Lindenwood Drive West to a level as determined by and to the satisfaction of the Commissioner of Works and Operations.

   d) The Developer shall, at no expense to the City, construct a concrete sidewalk to a width of 1.5 m and a thickness of 100 mm on the west side of Lindenwood Drive West abutting the proposed subdivision to the satisfaction of the Commissioner of Works and Operations.

Schedule "B" referred to in Clause 11 of the Report of the Committee on Planning and Community Services dated January 4, 1995 (continued)

5. a) The Developer shall, at no expense to the City, install boulevard sod and trees on the west side of Lindenwood Drive West and new road allowances within the proposed subdivision in accordance with construction specifications and plans approved, prior to installation, by the Director of Parks and Recreation. The Developer shall, at no expense to the City, maintain the boulevard improvements for a period of one year in accordance with specifications of the Director of Parks and Recreation.

b) The Developer shall, at no expense to the City, install interlocking paving stones in the cul-de-sac island boulevards in accordance with construction specifications approved by the Director of Parks and Recreation. The Developer shall, at no expense to the City, maintain the boulevard improvements for a period of one year in accordance with specifications of the Director of Parks and Recreation.

c) The Developer shall, at no expense to the City, install the following improvements within the Public Walkway in accordance with construction specifications and plans approved, prior to installation, by the Director of Parks and Recreation:

i) concrete sidewalk
ii) sod on both sides of the sidewalk
iii) lighting
iv) post and chain fencing along the front and rear property lines
v) as required, appropriate fencing along both side property lines

The Developer shall, at no expense to the City, maintain the Public Walkway improvements for a period of one year in accordance with specifications of the Director of Parks and Recreation.

6. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and shall pay the full cost of removing or relocating any existing equipment to accommodate the proposed subdivision.

7. The Developer shall, at no expense to the City, cause ornamental street lighting to be installed in all streets within the proposed subdivision.

8. The designated access route to the site shall be McGillivray Boulevard to Lindenwood Drive West to the subject site.

a) The Developer shall endeavour to ensure that all construction vehicles use the haul and access route during the installation of services and the house construction;

Schedule "B" referred to in Clause 11 of the Report of the Committee on Planning and Community Services dated January 4, 1995 (continued)

b) The Developer shall exercise all of its powers in restricting all other construction traffic, including basement excavators, housebuilders, landscapers and any other vehicles related to the development of the proposed subdivision to the above specified haul and access roads;

c) The Developer shall be responsible for maintenance of the designated haul roads during the installation of services and construction of houses until the development is substantially complete. Substantial completion shall be determined by the Commissioner of Works and Operations and will require that 100% of the services be installed and that 80% of the houses have been constructed.

Maintenance of the haul roads shall include, but not be limited to, scraping and sweeping of concrete pavements. Where two or more developers are using the same haul roads and are both responsible for maintenance, an equitable sharing of the responsibility shall be determined by the Commissioner of Works and Operations.

The Developer shall be responsible for the removal of dropped or tracked mud and dust control on the on-site roadways as paving is completed until substantial completion of the development. This shall include sweeping on a regular basis as determined by the Commissioner of Works and Operations.

If construction traffic from the development is found to be using roads other than designated haul roads, the Developer shall be responsible for any remedial work required to restore those roads as above. Where the roads involved are paved roads, sweeping shall be included in the dust control measures for which the Developer is responsible.

9. The Developer shall pay the full cost of installing standard reflectorized permanent street name signs at each new street intersection.

10. The Developer shall prevent or initiate the cleanup of litter from the proposed subdivision and surrounding properties which has been generated by the installation of services and the housebuilders' activities until the project has been substantially completed.

11. a) The Developer shall dedicate 3 acres of land for parks and recreation purposes, representing 8% of the gross area of the development application.

b) The Developer shall, at no expense to the City, install sod and irrigation/land drainage systems within the 3 acres of dedicated parkland; in accordance with construction specifications and plans approved, prior to installation, by the Director of Parks and Recreation.

Schedule "B" referred to in Clause 11 of the Report of the Committee on Planning and Community Services dated January 4, 1995 (continued)

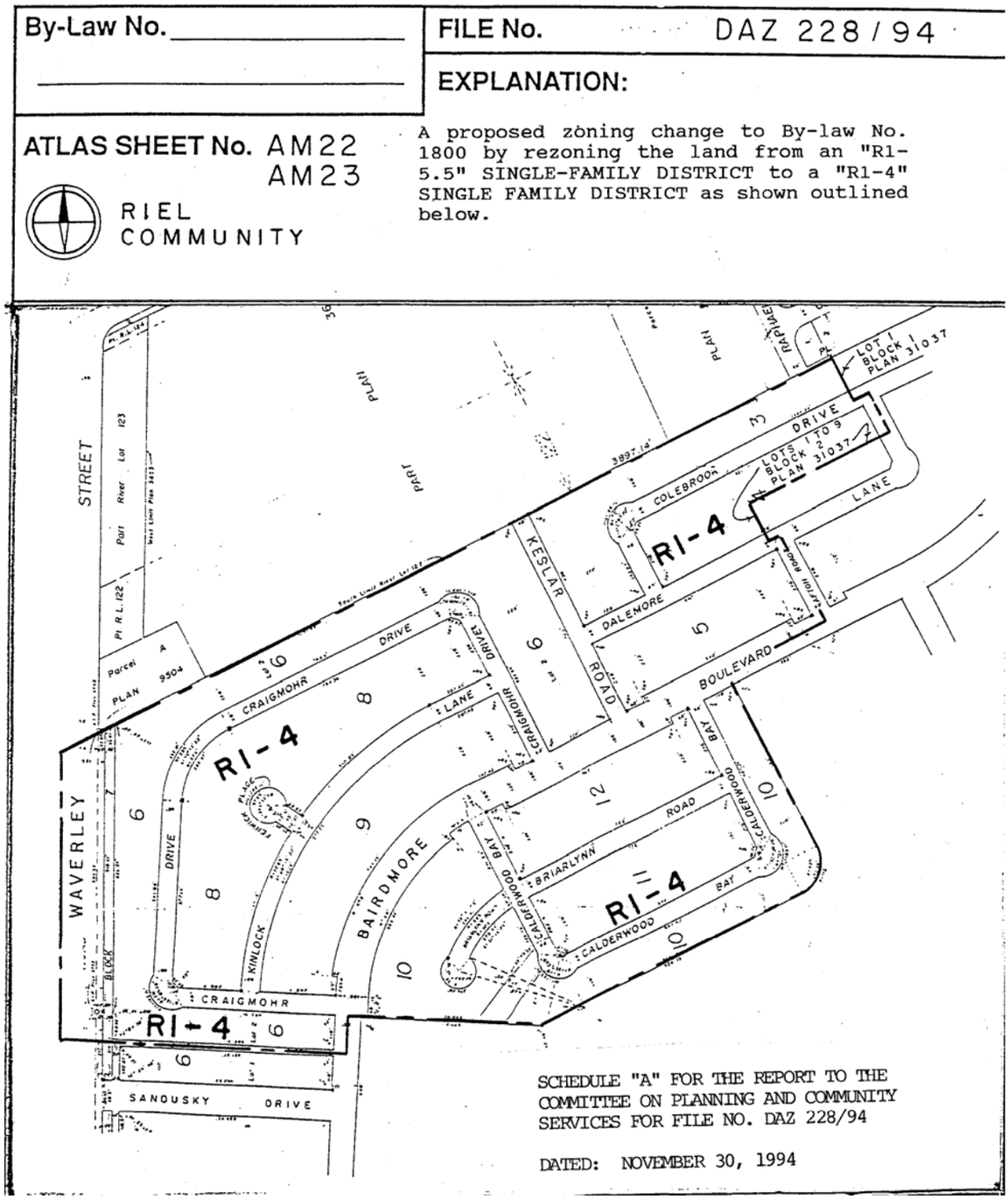
c) The Developer shall, at no expense to the City, install 91 m of services in road allowances located adjacent to the 3 acres of dedication parkland.

Conditions a), b) & c) shall be deferred to other Genstar-owned lands located outside of the DASZ 19/94 development application area. The City may register appropriate caveat(s) against the title(s) of other Genstar-owned lands; notifying Genstar, or any succeeding property owner, of the subject conditions.

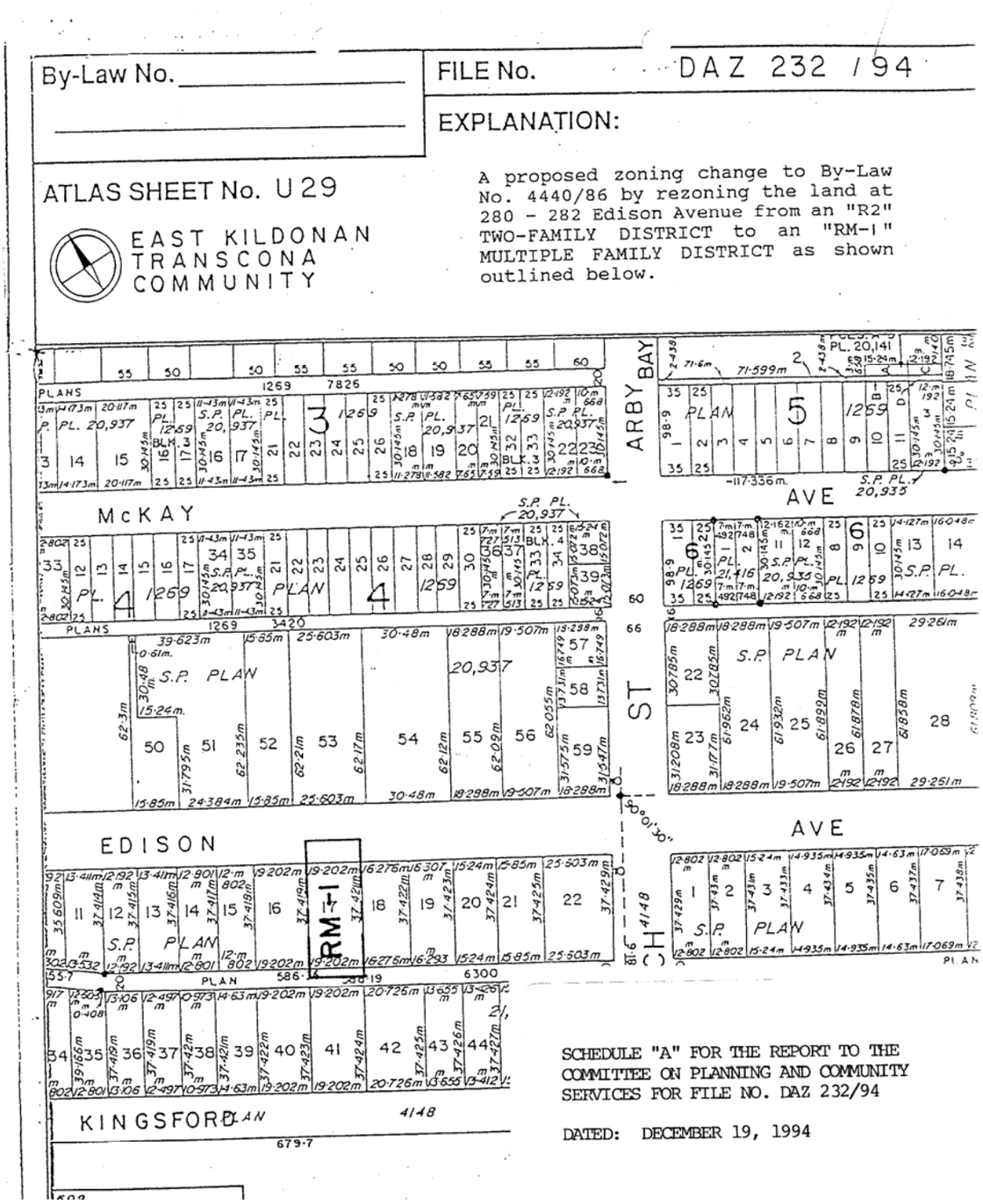
12. The Developer shall pay an administration fee based on an area rate as approved from time to time by the City. The 1995 rate therefor is $1,165.00 per acre.

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

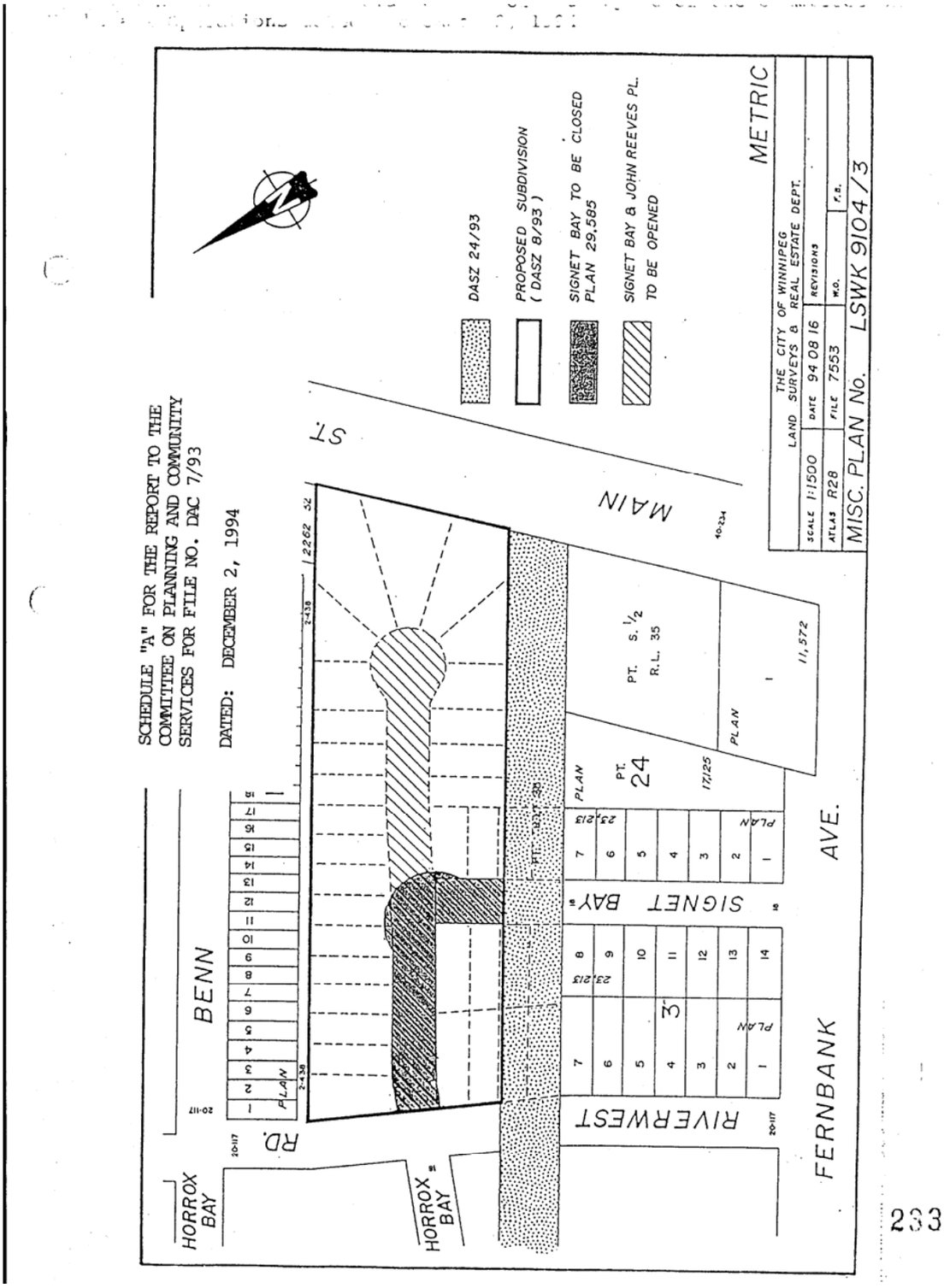
421 - Schedule "A" referred to in Clause 15 of the Report of the Committee on Planning and Community Services dated January 4, 1995



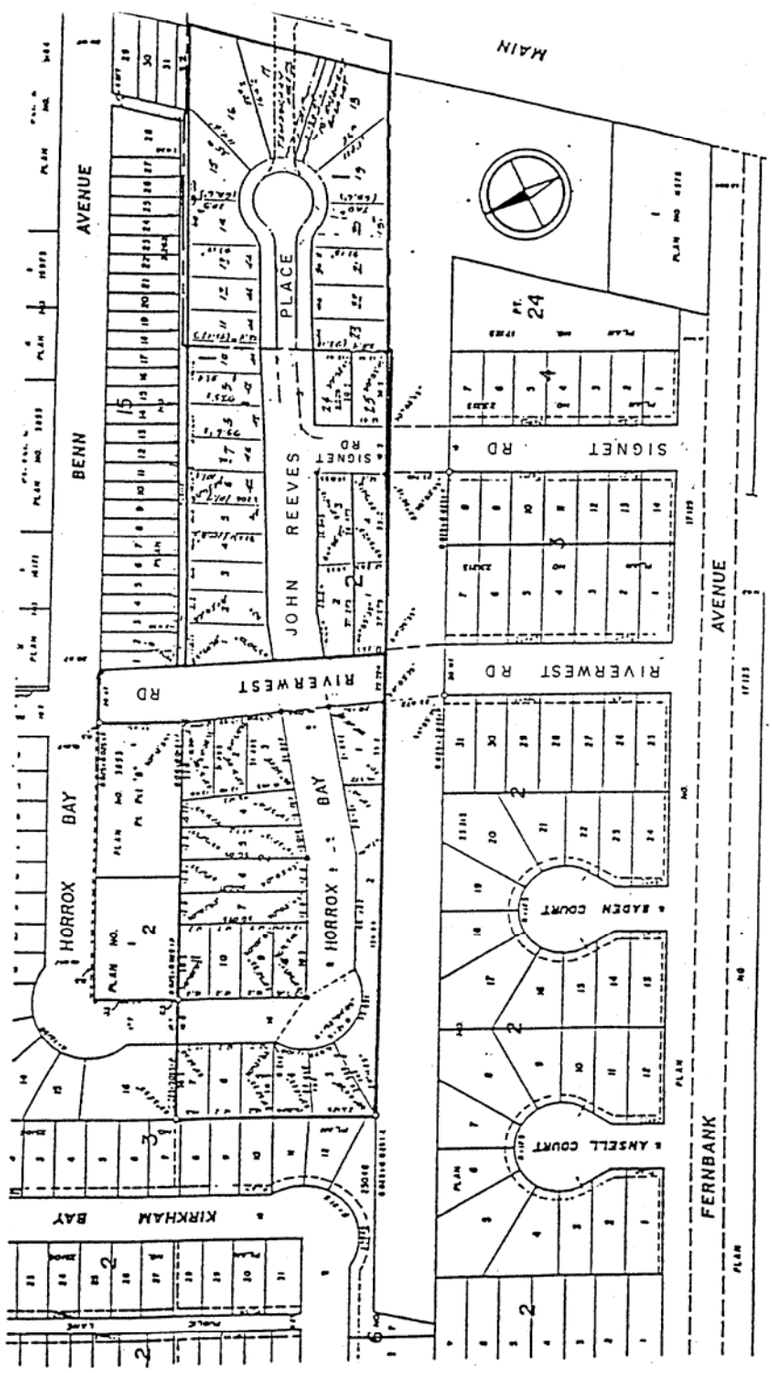
422 - Schedule "A" referred to in Clause 16 of the Report of the Committee on Planning and Community Services dated January 4, 1995



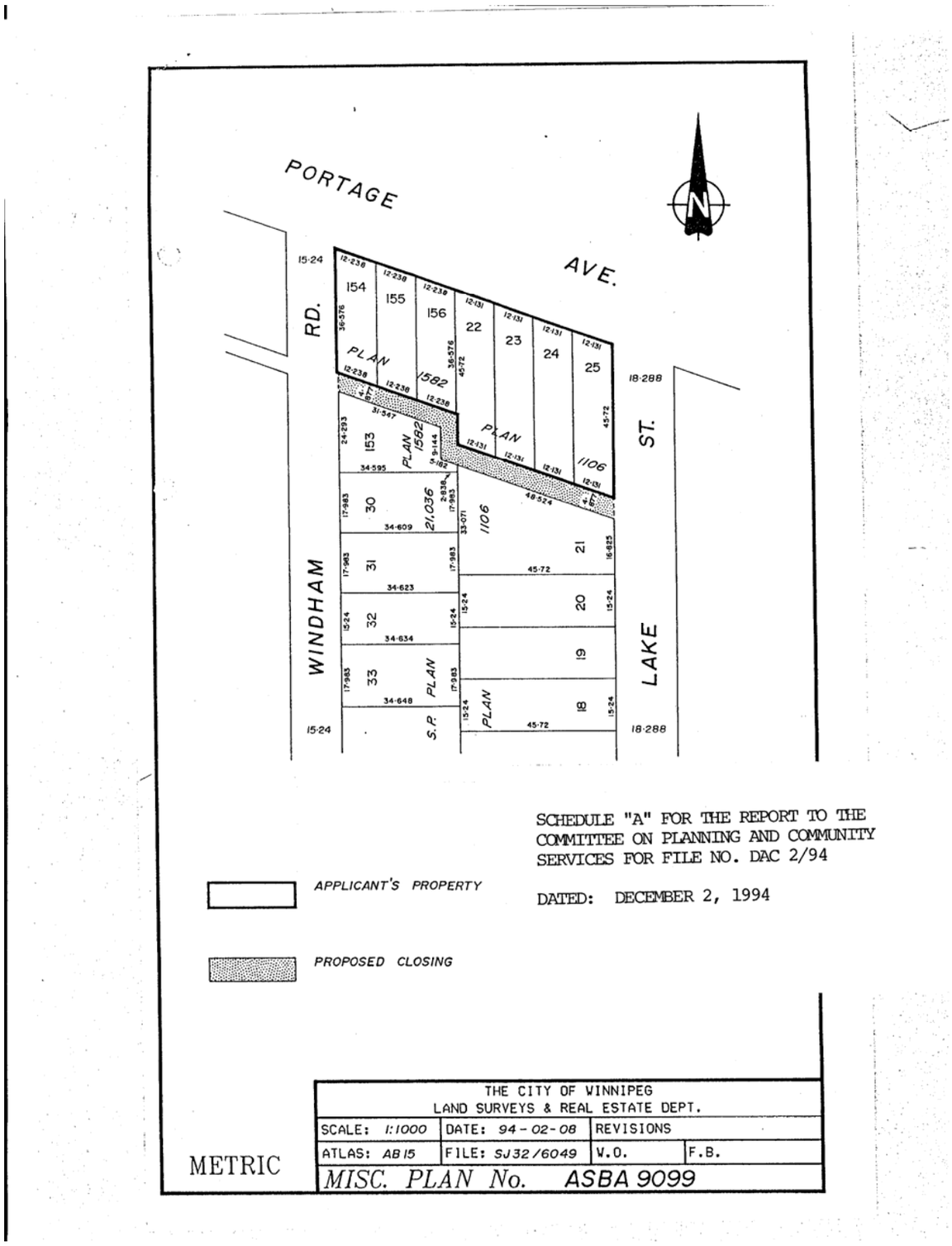
423 - Schedule "A" referred to in Clause 17 of the Report of the Committee on Planning and Community Services dated January 4, 1995



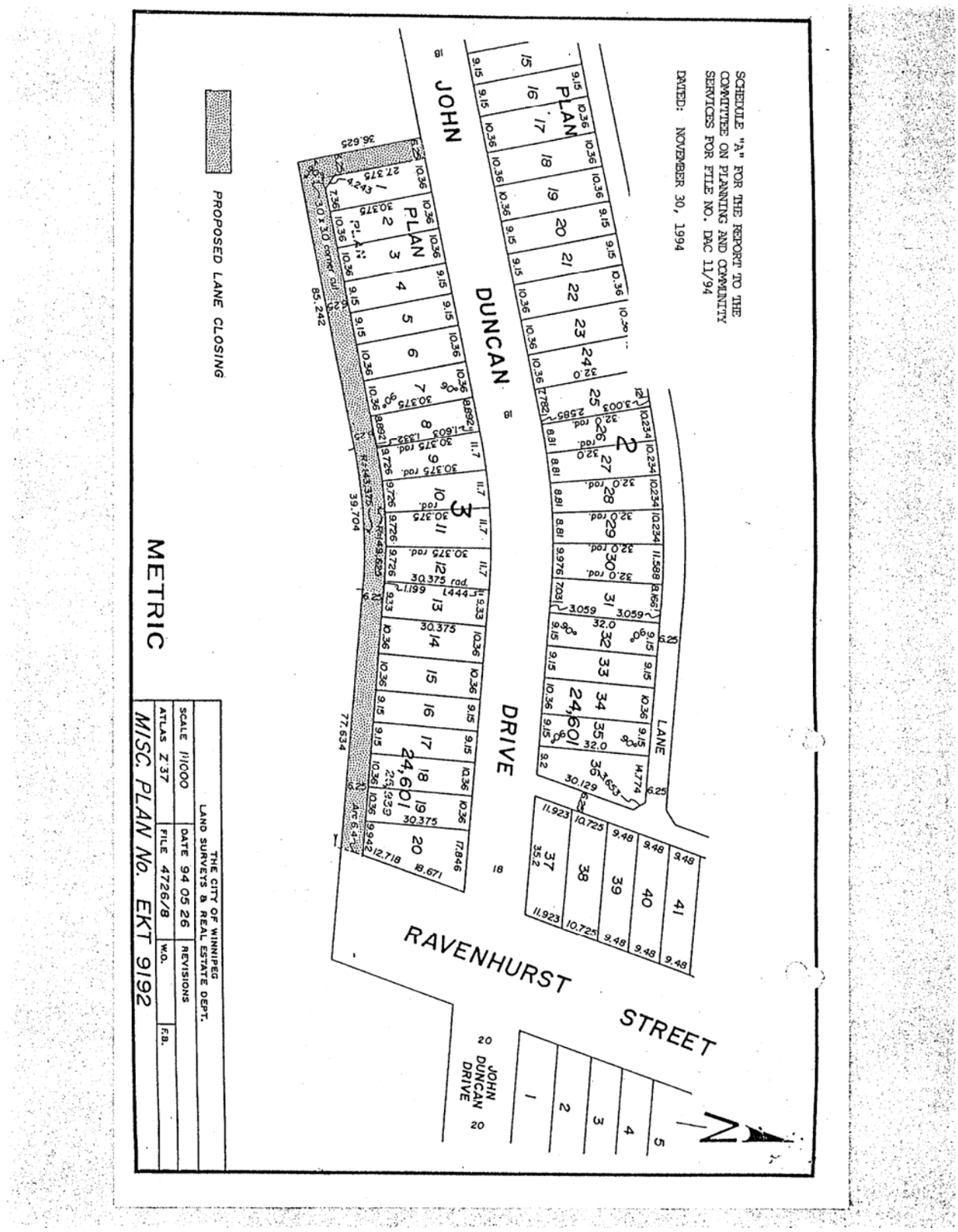
Schedule "B" referred to in Clause 17 of the Report of the Committee on Planning and Community Services dated January 4, 1995



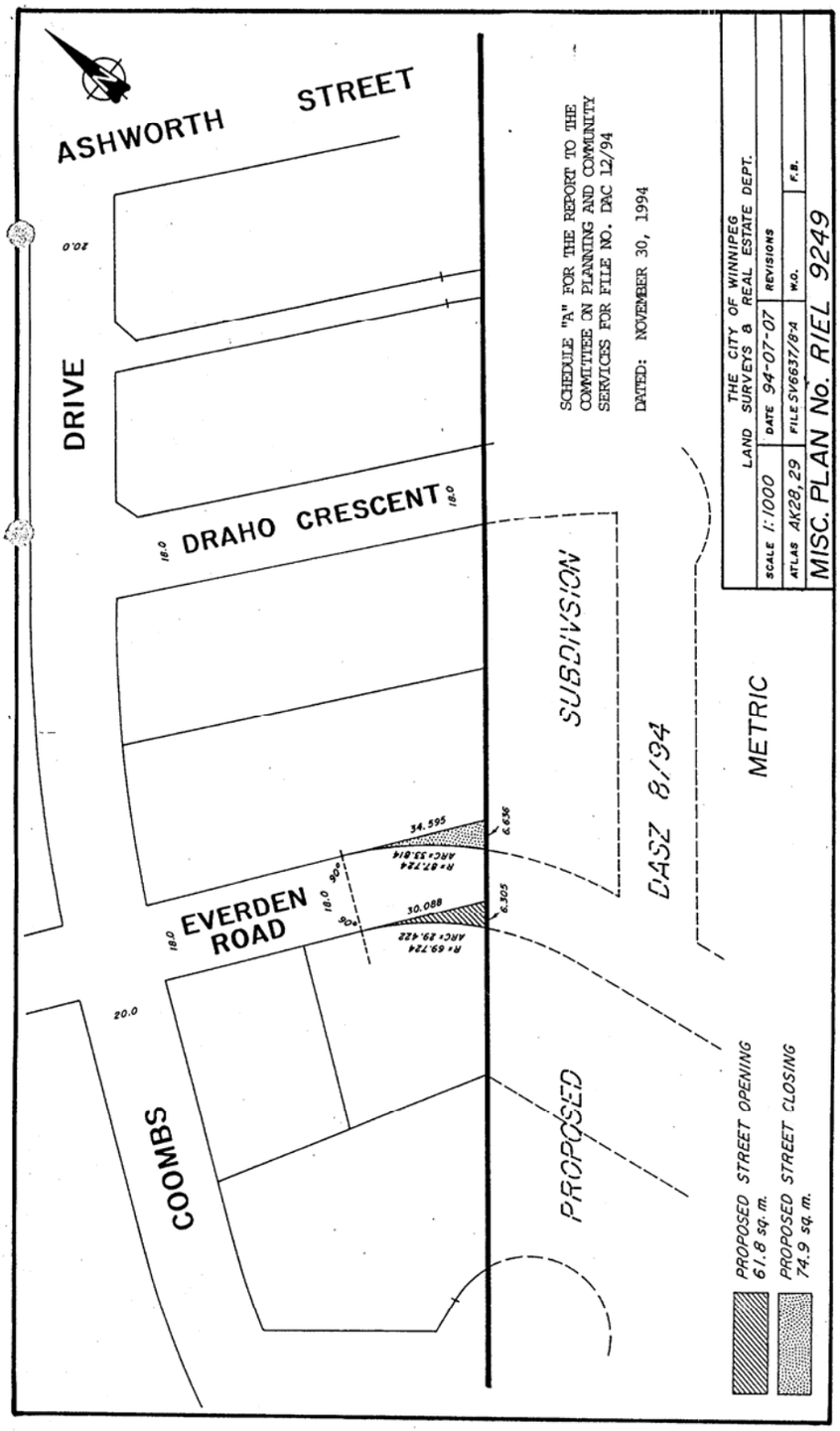
424 - Schedule "A" referred to in Clause 18 of the Report of the Committee on Planning and Community Services dated January 4, 1995



425 - Schedule "A" referred to in Clause 19 of the Report of the Committee on Planning and Community Services dated January 4, 1995



426 - Schedule "A" referred to in Clause 20 of the Report of the Committee on Planning and Community Services dated January 4, 1995



Schedule "B" referred to in Clause 20 of the Report of the Committee on Planning and Community Services dated January 4, 1995

By-Law No. _____

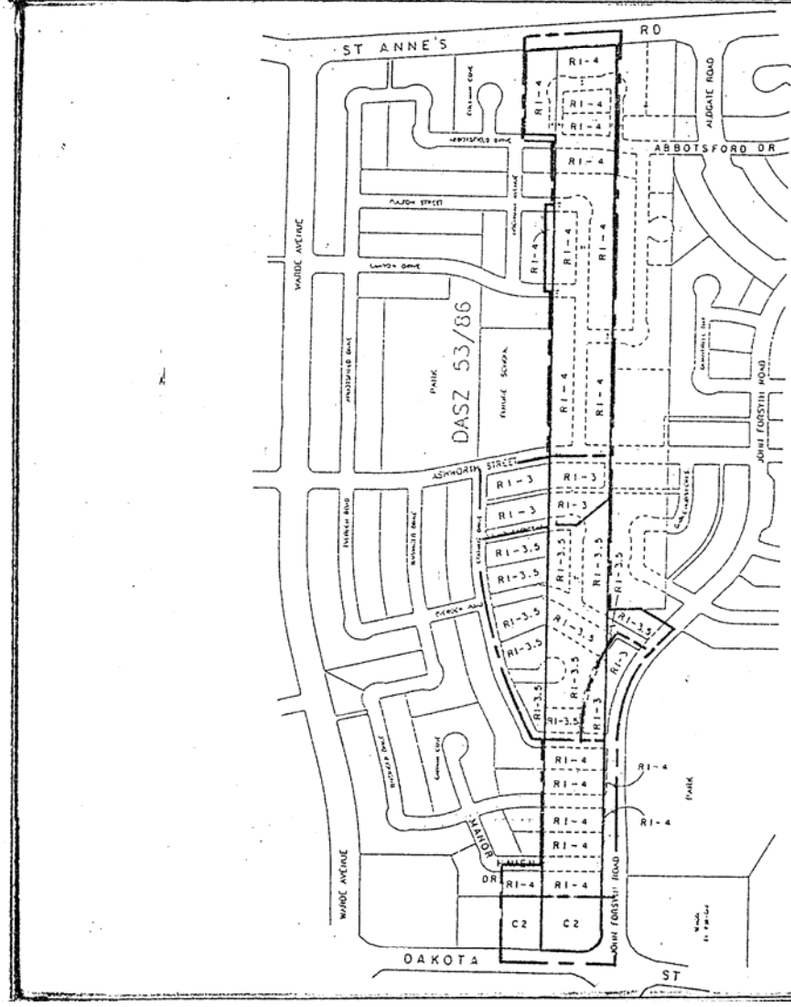
FILE No. DASZ 8 / 94

ATLAS SHEET No. AK28 & AK29

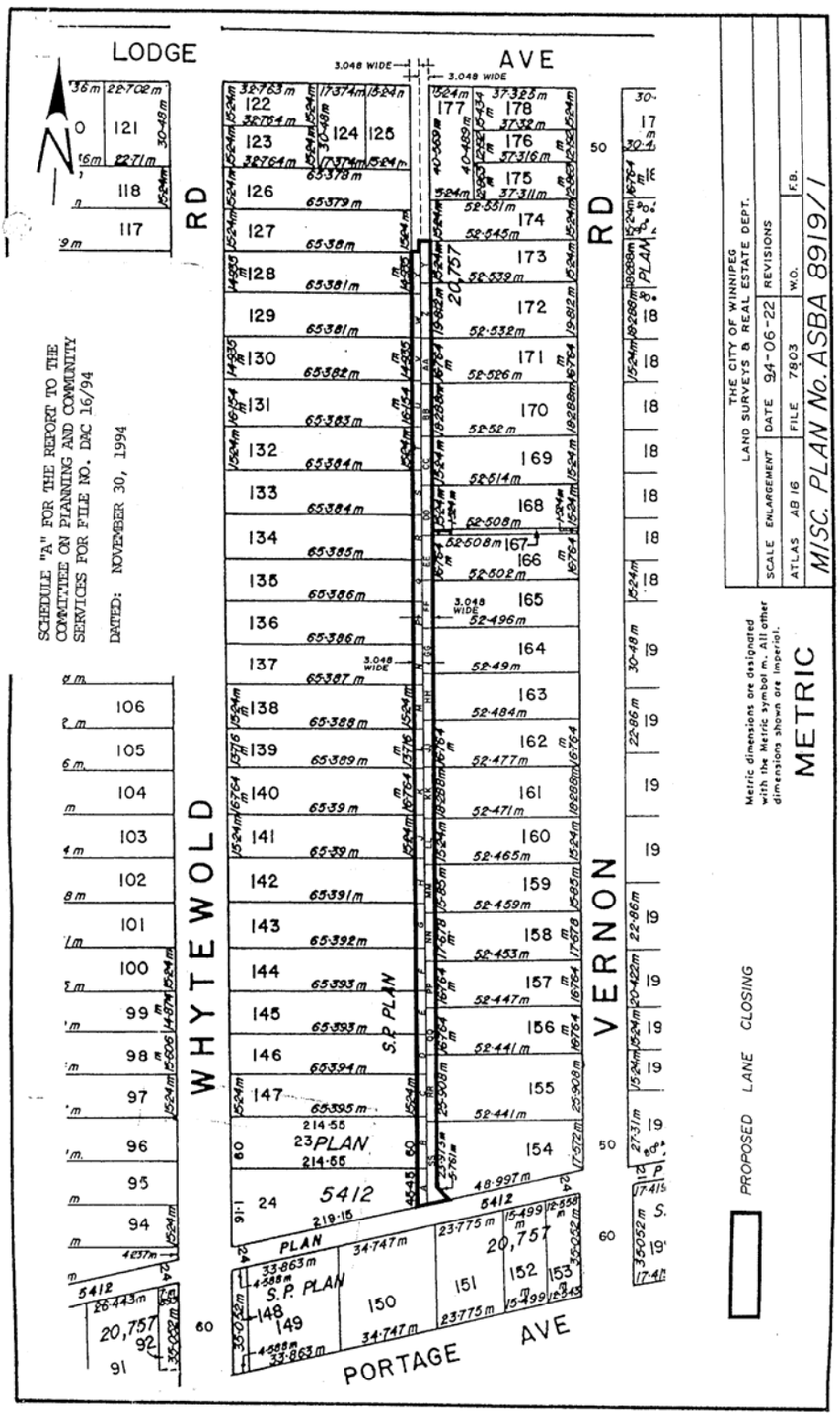
RIEL COMMUNITY

SCHEDULE "B" FOR THE REPORT TO THE COMMITTEE ON PLANNING AND COMMUNITY SERVICES FOR FILE NO. DAC 12/94

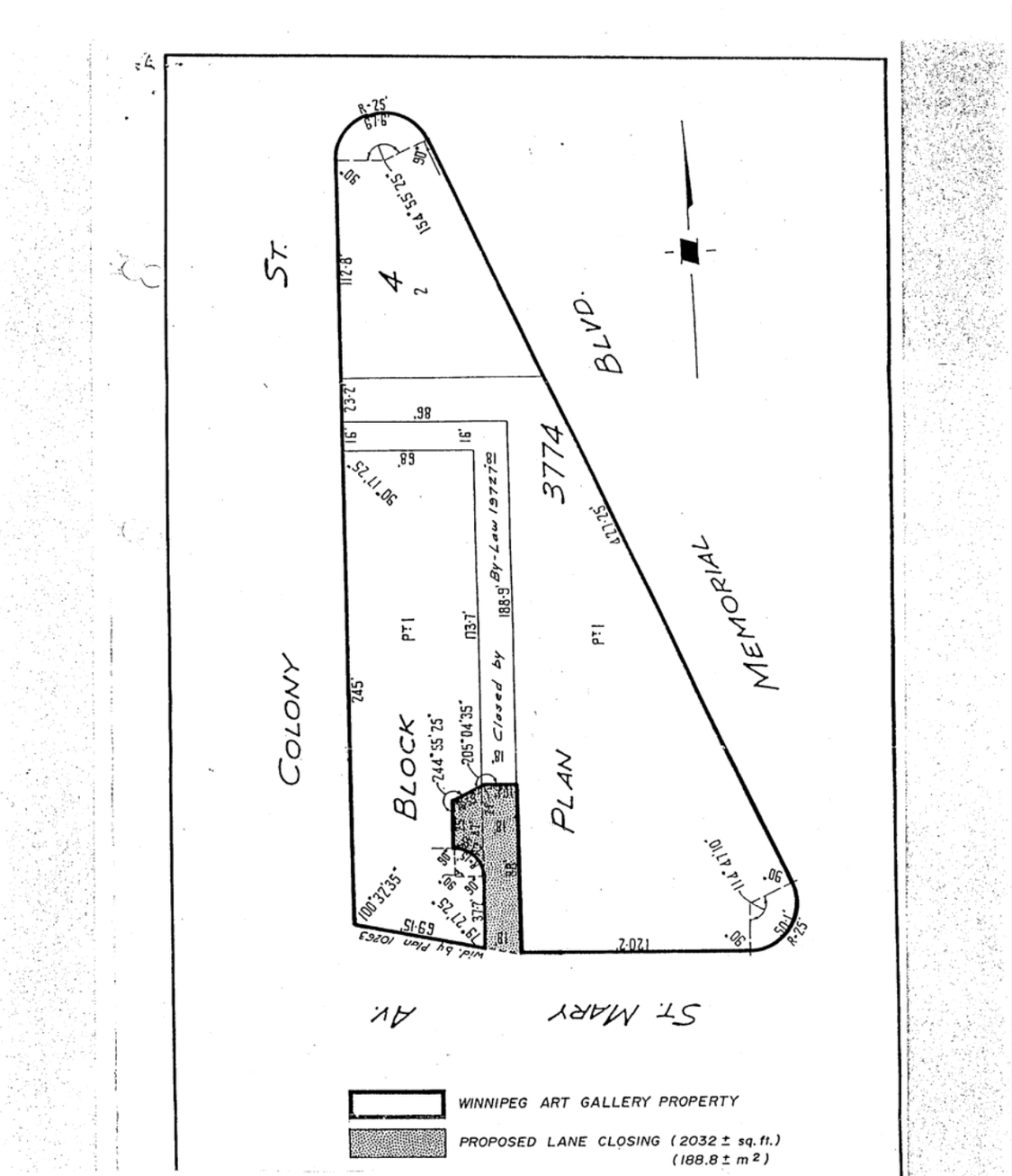
DATED: NOVEMBER 30, 1994



427 - Schedule "A" referred to in Clause 21 of the Report of the Committee on Planning and Community Services dated January 4, 1995



428 - Schedule "A" referred to in Clause 22 of the Report of the Committee on Planning and Community Services dated January 4, 1995



SCHEDULE "A" FOR THE REPORT TO THE COMMITTEE ON PLANNING AND COMMUNITY SERVICES FOR FILE NO. DAC 21/94

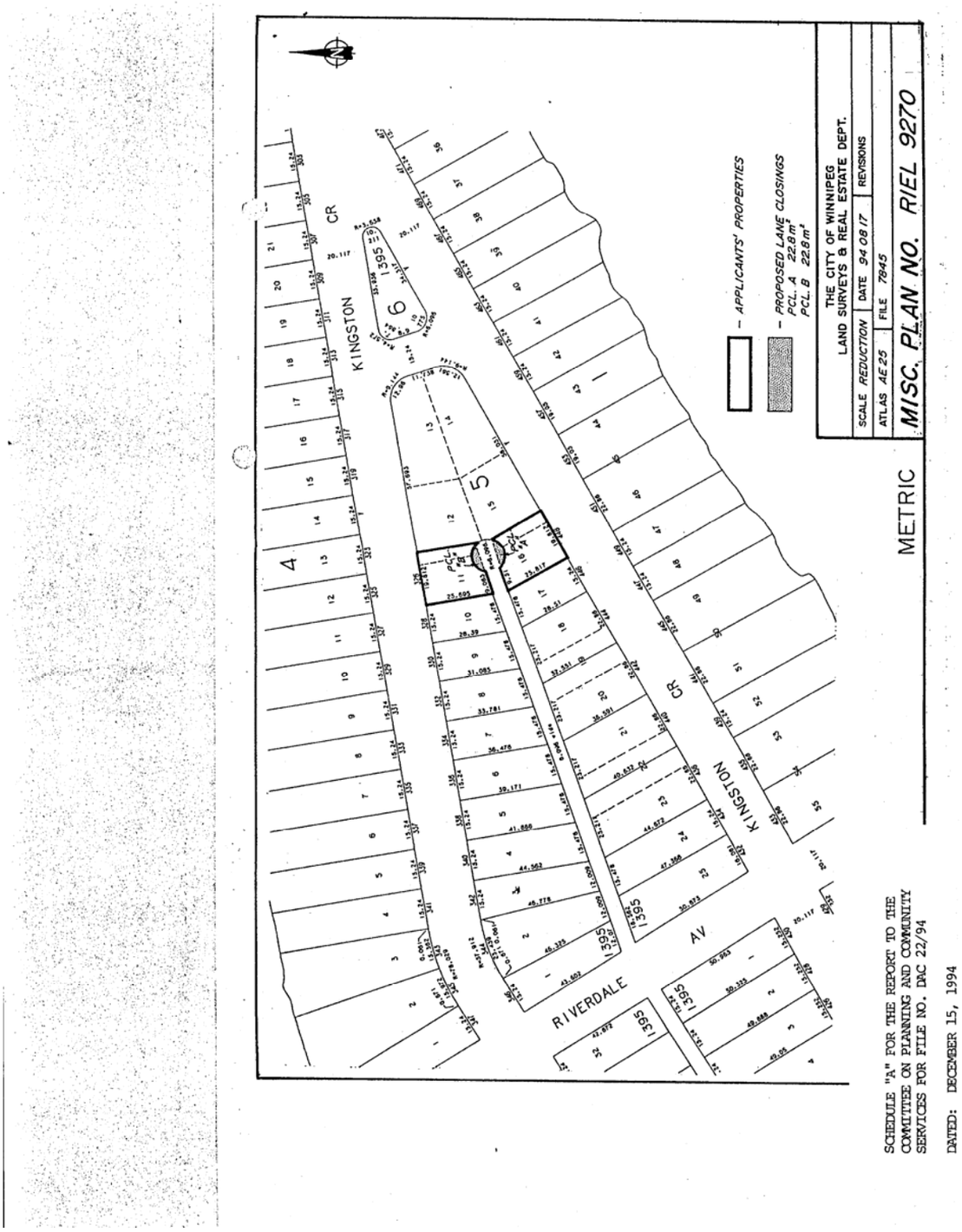
NOVEMBER 29, 1994

THE CITY OF WINNIPEG
LAND SURVEYS & REAL ESTATE DEPT.

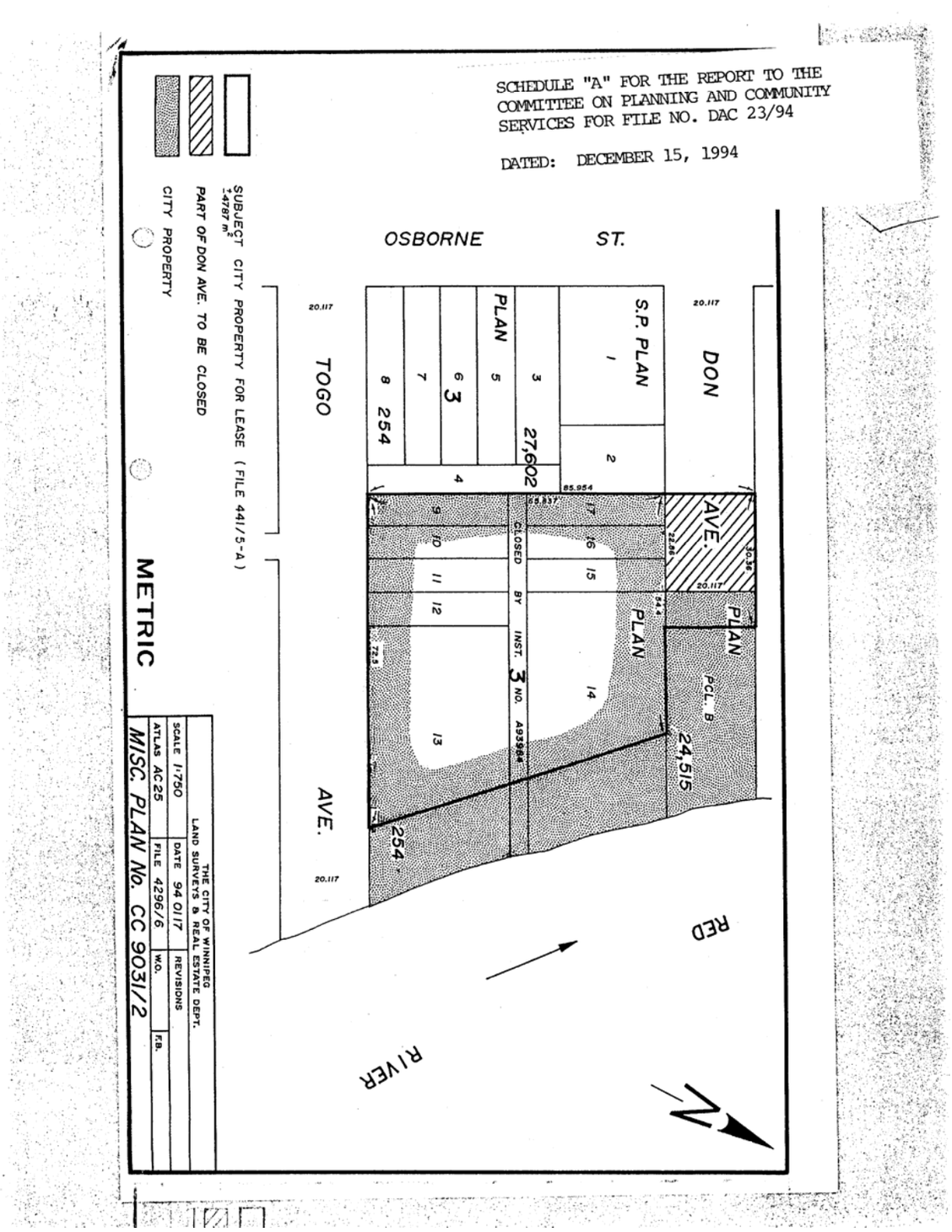
SCALE 1" = 50'	DATE 94-09-20	REVISIONS	
ATLAS AA 24	FILE 2059	W.O.	F.B.

MISC. PLAN No. CCFR 7090/1

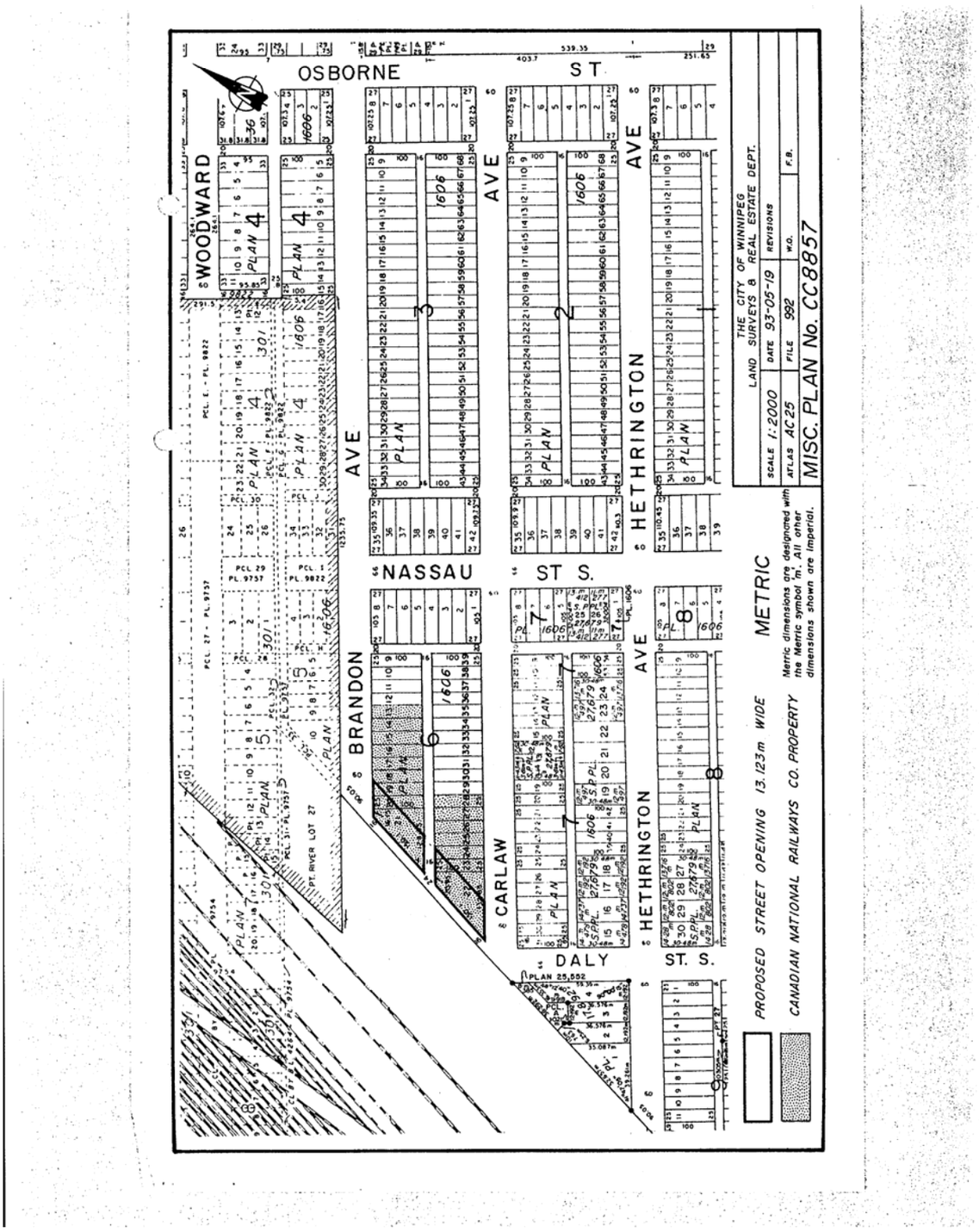
429 - Schedule "A" referred to in Clause 23 of the Report of the Committee on Planning and Community Services dated January 4, 1995



430 - Schedule "A" referred to in Clause 24 of the Report of the Committee on Planning and Community Services dated January 4, 1995



431 - Appendix "A" referred to in Clause 25 of the Report of the Committee on Planning and Community Services dated January 4, 1995



432 - Schedule "A" referred to in Clause 26 of the Report of the Committee on Planning and Community Services dated January 4, 1995

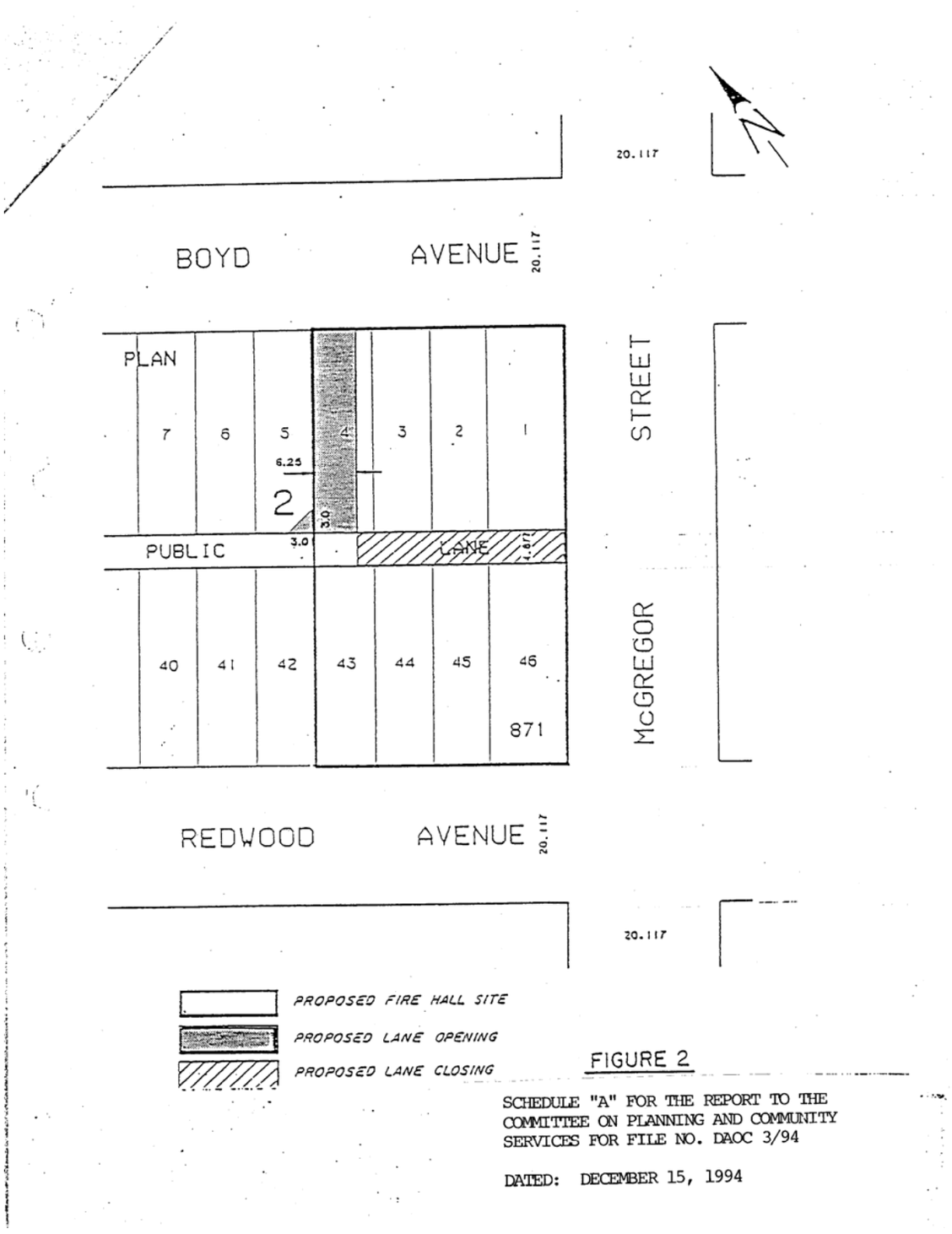
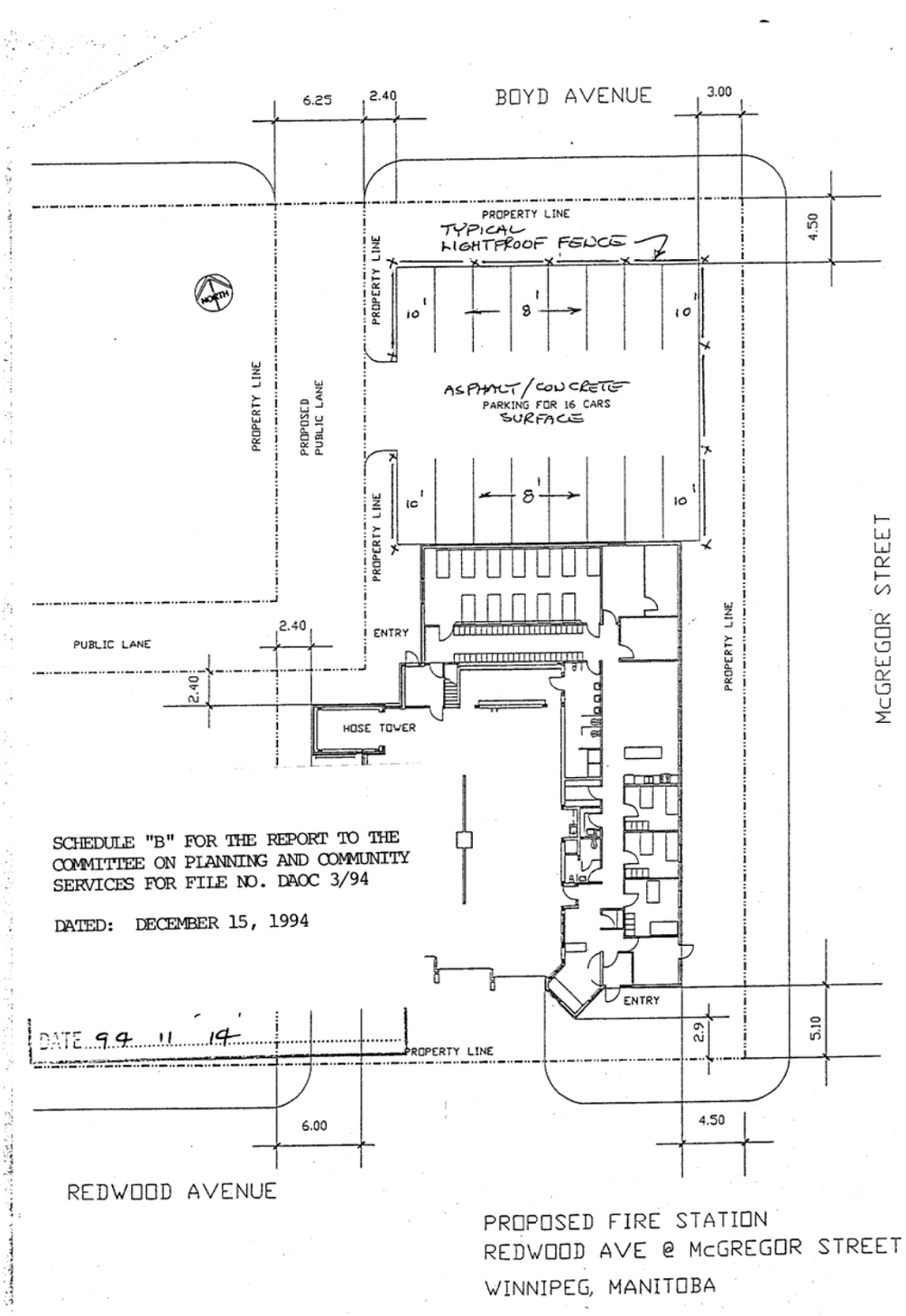


FIGURE 2

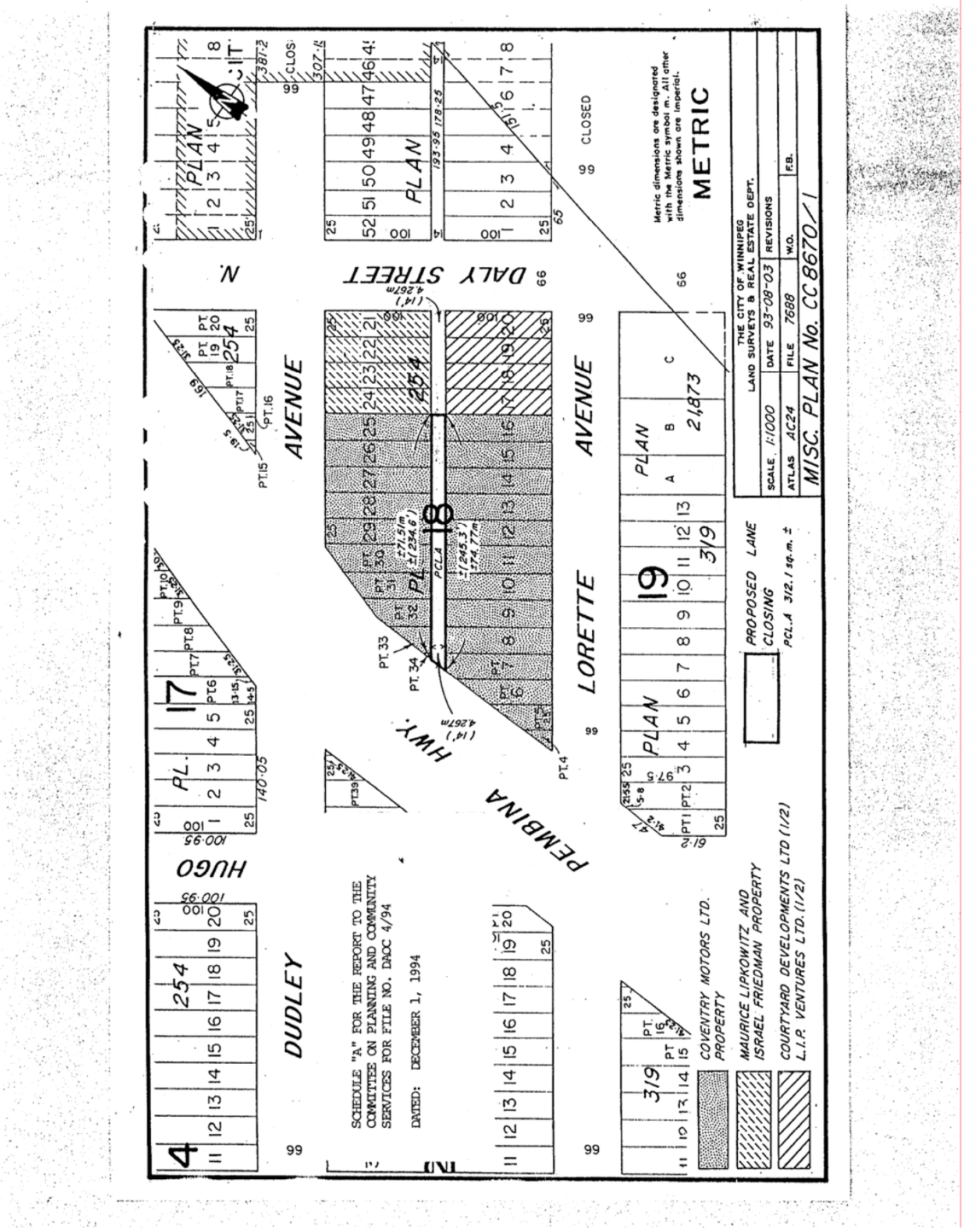
SCHEDULE "A" FOR THE REPORT TO THE COMMITTEE ON PLANNING AND COMMUNITY SERVICES FOR FILE NO. DAOC 3/94

DATED: DECEMBER 15, 1994

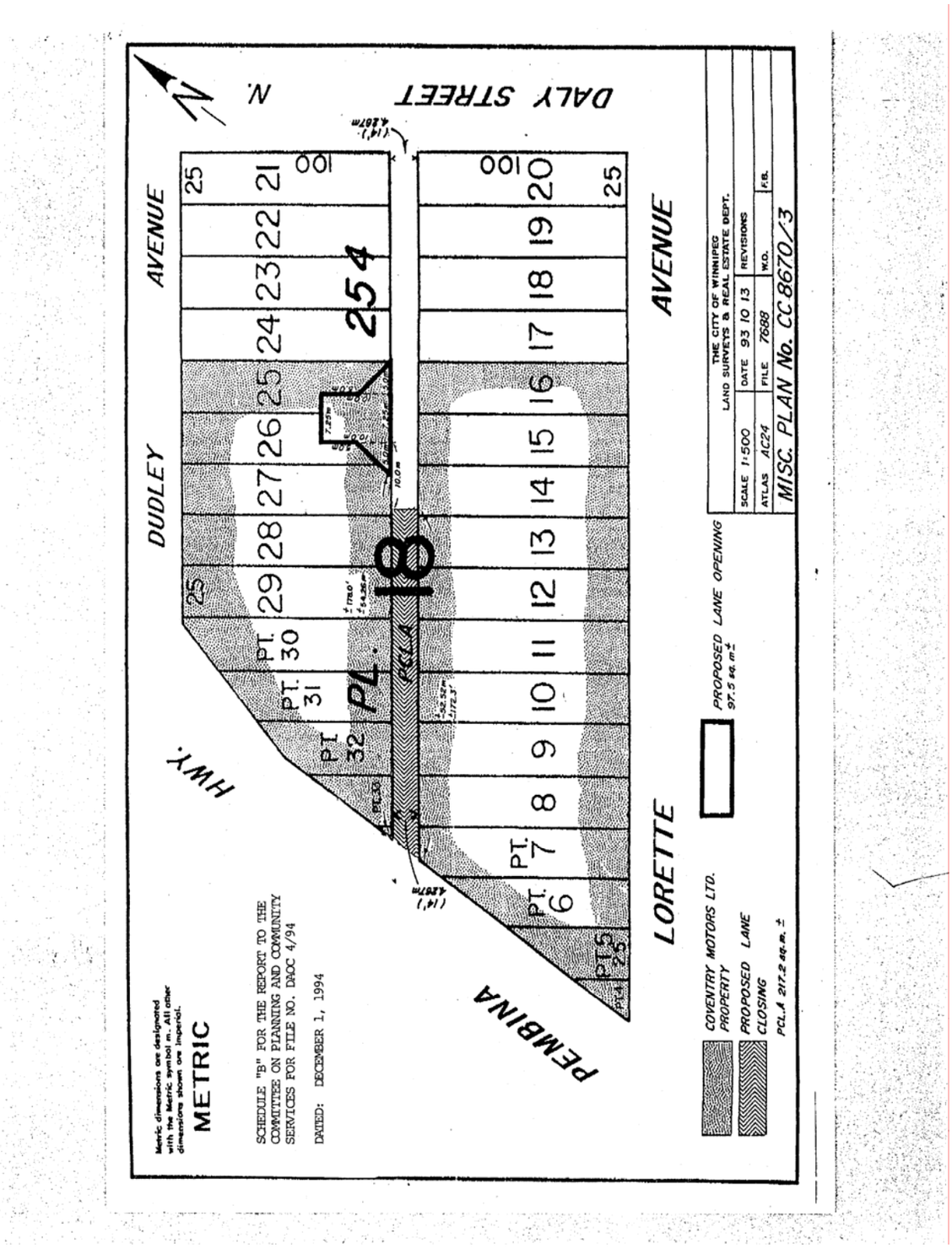
Schedule "B" referred to in Clause 26 of the Report of the Committee on Planning and Community Services dated January 4, 1995



433 - Schedule "A" referred to in Clause 27 of the Report of the Committee on Planning and Community Services dated January 4, 1995



Schedule "B" referred to in Clause 27 of the Report of the Committee on Planning and Community Services dated January 4, 1995



434 - Appendix "A" referred to in Clause 28 of the Report of the Committee on Planning and Community Services dated January 4, 1995

TABLE 1

PROJECT	CONSTRUCTION VALUE WITHIN DESIGNATED AREA	NUMBER OF PERMITS REQUIRED	PERMIT "APPLICATION FEE" CHARGES
Main St. & Norwood Bridges Project	$51,461,000	19	$ 87,624 [*1]
Pembina Highway Widening Project [Twin Bridge over La Salle River]	$ 7,380,000	5	$ 13,298 [*2]
Charleswood Bridge Project [Public-Private Partnership]	$ 8,425,000	9	$ 15,913 [*3]
TOTALS	$67,260,000	33	$116,835

*Fees already paid: [*1] - $ 966.45 [2 permits]
[*2] - $2,097.50 [2 permits]
[*3] - $ 540.00 [1 permit]
Total $3,603.95

Appendix "B" referred to in Clause 28 of the Report of the Committee on Planning and Community Services dated January 4, 1995

SCHEDULE OF FEES

To construct, build, deposit material or make riverbank modifications within the designated area of The Winnipeg Rivers and Streams Authority No. 1, the following fees are payable:

	Subject	*Fee*
(a)	*Deposition of Material*	
	(i) for quantity of 300 cubic yards or less	*$ 80.00*
	(ii) for quantity of over 300 cubic yards	*$220.00*
(b)	*Construction*	
	for value of construction $0 to $5,000.	*$ 50.00*
	for value of construction in excess of $5,000.	*$ 50.00 (Base Fee)*
	plus for each $1,000. or part thereof	
	(i) in excess of $5,000 up to $500,000.	*add $2.15*
	(ii) in excess of $500,000 up to $1,000,000.	*add $1.90*
	(iii) in excess of $1,000,000.	*add $1.60*
(c)	*Permit Extension*	
	for one extension	*$ 55.00*
(d)	*For an application made under deposition of material or after construction commences an additional administrative fee of 50% of the fees set out in clauses (a) and (b).*	