REPORT OF THE COMMITTEE

ON PLANNING AND COMMUNITY SERVICES

DATED AUGUST 30, 1994

On motion of Councillor O'Shaughnessy, the Report of the Committee on Planning and Community Services, dated August 30, 1994, was considered clause by clause.

Moved by Councillor O'Shaughnessy,

That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11,12 and 13 be adopted.

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

Councillor Boychuk requested that Clause 2 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 3,4,5,6,7,8,9,10,11,12 and 13 was put and declared carried.

Her Worship the Mayor and Councillors:

Wilkes South Secondary Plan
File EP-1.2

1051 - 1. The Committee on Planning and Community Services has been advised that an application was received from the Commissioner of Planning and Community Services for approval of a Secondary Plan permitting residential subdivision of Rural Policy Area lands in the Wilkes South Neighbourhood.

The work program for the Wilkes South Secondary Plan was approved by the Executive Policy Committee on November 10, 1993. The Secondary Plan was prepared under Plan Winnipeg Policy 5A-40, which allows for the conversion of unserviced lands in accordance with the following criteria:

approving conversion for residential purposes only;
giving priority to property having frontage on an existing improved right-of-way other than a highway, and
requiring that the proposed developments be consistent with immediately prevailing densities.

The plan identified four streets in the Wilkes South Neighbourhood with existing rural residential development: McCreary Road, Loudoun Road, Liberty Street, and Charleswood Road. Based on a calculation of average and median parcel sizes within these areas, the plan recommended minimum lot sizes of 2.5 acres on Liberty Street and Loudoun Road north of Howe Avenue, and 5 acres on McCreary Road, Loudoun Road south of Howe, and Charleswood Road.

The plan was reviewed by residents at an open house held on January 31, 1994, and at a public meeting before the Assiniboia Community Committee on March 22, 1994. As a result of a concern expressed by many residents that the proposed lot sizes were too large, the Community Committee recommended that the plan be amended to reduce the minimum lot sizes to 1 acre on Liberty and Loudoun Road north of Howe, and 2.5 acres in the remaining areas. The Community Committee also recommended against a proposed frontage levy charged against subdivided property in the 2.5 acre area (Liberty-Loudoun north of Howe) to help defray the cost of road maintenance. The levy was to be set at 1/3 the cost of asphalt paving, estimated at about $20 per front foot initially. The Community Committee also recommended against a policy of acquiring road rights-of-way, as a condition of subdivision approval, to facilitate street widenings, future regional street requirements, and future infill development.

On April 5, 1994, the Committee on Planning and Community Services recommended that the plan proceed to Council for first reading and that the public hearing advertisement include both the original and amended lot size proposals. The plan received first reading at Council on April 28, 1994, and was referred to Community Committee for a public hearing.

Public hearings were held before the Assiniboia Community Committee on June 21, 1994, and adjourned to July 12, 1994 in order to resolve matters relating to septic tank and disposal fields.

Report of the Committee on Planning and Community Services dated August 30, 1994

Twelve persons appeared in support, five persons appeared in opposition and six persons appeared for information on the draft Secondary Plan, as amended.

The Assiniboia Community Committee recommended that:

The proposed Secondary Plan be approved for the following reasons:

a) Since the 1990 reassessment, property owners in the subject area have had to pay taxes based on the residential mill rate. In approving the Wilkes South Secondary Plan, residents will be given the opportunity to divide their lots and obtain relief from the high taxes they are currently required to pay.

b) The Plan, as amended, recognizes the many variations in the sizes and shapes of property in the area and allows it to be divided in a reasonable fashion.

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

The Committee on Planning and Community Services concurs in the recommendations of the Assiniboia Community Committee report, dated July 19, 1994 and the Administrative Coordinating Group (A.C.G.) report, dated August 24, 1994, and recommends to Council as follows:

That the Draft Wilkes South Secondary Plan be recommended for approval after amending Part Six (page 33) by deleting the paragraphs headed Land Subdivision, Streets and Sewage Disposal and replacing them with the following:

I. That on lands as outlined on Schedule "A" for File No. SP 1/94 dated August 19, 1994 and referred to as Charleswood Road, Liberty-Loudoun South, and McCreary Road North and South, subdivision shall be permitted down to a minimum lot area of 2.5 acres (1 hectare) and a minimum lot width of 130 feet (39.6 metres). Zoning variances for lot size may be considered in special circumstances. All lots less than 130 feet in width and 2.5 acres in area shall use a pump-out tank (total retention system) for sewage disposal.

II. That on lands as outlined on Schedule "A" for File No. SP 1/94 dated August 19, 1994 and referred to as Liberty-Loudoun North, subdivision shall be permitted down to a minimum lot area of 1.0 acre (0.4 hectare) and a minimum lot width of 100 feet (30.5 metres). Zoning variances for lot size may be granted in special circumstances. Lots smaller than 2.0 acres (0.8 hectares) in area shall use pump-out tank (total retention system) for sewage disposal.

III. That on lands as outlined on Schedule "A" for File No. SP 1/94 dated August 19, 1994 and referred to as Liberty-Loudoun North be subdivided for residential purposes only.

IV. That Type II oil surface roadways be constructed as local improvements in the proposed 2 1/2 acre lot Charleswood Road, Liberty-Loudoun South and McCreary Road North and South areas and the proposed 1 acre lot Liberty-Loudoun North area. That frontage foot charges be collected as a condition of approval of plans of subdivision, including the frontage of lots containing existing homes such that eventually all frontage on the subject roadways will have contributed. The charge shall be a one-time frontage charge to cover the cost of gravelling and oiling the existing roadways in perpetuity. The 1994 rate is $20.00 per front foot.

V. That septic system disposal fields be designed and located in accordance with the minimum requirements and specifications outlined on Schedule "B" for File No. SP 1/94 dated August 19, 1994.

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

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

The motion for the adoption of the clause was put.

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

Yea: Councillors Reese, Clement, Eadie, Golden, Lazarenko, O'Shaughnessy, Prystanski, Fraser, Her Worship Mayor Thompson and Councillor Angus. 10

Nay: Councillors Duguid, Hyman, Murray, Silva and Thomas. 5

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

(See Minute No. 1065 for attachment)

Listing of Fire Hall No. 6 - 349 Burrows Avenue as an Historic Building
File G-3.1.1

1052 - 2. The Committee on Planning and Community Services has been advised that the Historical Buildings Committee visited and evaluated the Fire Hall at 349 Burrows Avenue at the request of the Civic Buildings Department who are facilitating the process to redevelop this site for a proposed new sub-station for Winnipeg Hydro. The proposal requires the demolition of this building.

The Historical Buildings Committee is mandated only to evaluate the building for its architectural and historical interest and recommends that it be listed on as a Grade III Building on the Buildings Conservation List for the following reasons:

1. This 90 year old building is a very good example of an early suburban fire hall, the first in the North End of the city.

2. It is of great importance to the existing character of the neighbourhood.

3. Although the main doorways have been altered, the fire hall has retained its original interior organization and finishes including a metal pole connecting the bedrooms and the ground floor.

Mr. R.J. Linton, General Manager, Winnipeg Hydro, appeared before the Committee in opposition to the proposed listing of the Fire Hall.

On June 14, 1994, the Lord Selkirk-West Kildonan Community Committee considered this matter and recommended that Fire Hall No. 6 at 349 Burrows Avenue not be listed on the Buildings Conservation List, in light of the fact that Winnipeg Hydro is in desperate need of the subject property for expansion plans.

The Committee on Planning and Community Services concurs in the recommendation of the Lord Selkirk - West Kildonan Community Committee and recommends that the Fire Hall No. 6 at 349 Burrows Avenue not be listed on the Buildings Conservation List.

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

The motion for the adoption of the clause was put.

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

Yea: Councillors Clement, Duguid, Eadie, Hyman, Lazarenko, Murray, O'Shaughnessy, Prystanski, Silva, Thomas, Fraser and Angus. 12

Nay: Councillors Reese, Boychuk and Golden. 3

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

Report of the Committee on Planning and Community Services dated August 30, 1994

Street Name Change for proposed plan of subdivision and rezoning of land located on the east side of Ham Street, bounded by Jacques Avenue, Shauna Way and Outhwaite Street
Files SC-3.14(Vol. 1) & DASZ 17/92

1053 - 3. The Committee on Planning and Community Services has been advised that the East Kildonan-Transcona Community Committee at its meeting on June 14, 1994, recommended approval of an application for a proposed plan of subdivision and rezoning of land located on the east side of Ham Street, bounded by Jacques Avenue, Shauna Way and Outhwaite Street.

In conjunction with the recommended approval, Community Committee also recommended that the currently registered street name "Jacques Avenue", north of Shauna Way, be changed to "Orum Drive" in order to alleviate any confusion to emergency services and the public.

Your Committee on Planning and Community Services concurs in the recommendations of the East Kildonan-Transcona Community Committee and recommends that the currently registered street name "Jacques Avenue" under Plan 24625, north of Shauna Way, be changed to "Orum Drive" and that in approving this change, Council authorize the following:

I. That the Director of Land Surveys and Real Estate be requested to provide the necessary legal description to the City Solicitor for the purpose of preparing a by-law.

II. That the City Solicitor be requested to prepare the necessary by-law for approval by Council for registration in the Winnipeg Land Titles Office and that the name change become effective upon third reading.

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

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

Adopted by consent.

Rezoning - Extension of Time - 590/600 Notre Dame Avenue - City Centre Community DAZ 261/91

1054 - 4. On April 15, 1992, Council adopted Clause 4 of the report of the Committee on Planning and Community Services dated March 30, 1992, which clause recommended approval of the subject rezoning to a "C2" Commercial District as outlined on Schedule "A," dated March 29, 1992.

Recommendation VII contained in the referenced report stipulates:

> 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.

The by-law has not been enacted and the 24 month time limit expired on April 15, 1994.

Molson Breweries Properties Ltd. has requested a one year extension of time to complete the zoning. Molson Breweries has indicated that the zoning was not proceeded with due to the proposed purchaser not proceeding with acquisition of the lands due to poor economic conditions. Westfair Properties Ltd. has now submitted an offer to purchase the subject lands in order to construct a 25,000 square foot food store.

Report of the Committee on Planning and Community Services dated August 30, 1994

The Administration has reviewed the request and is of the opinion that approval for an extension of time would be acceptable in view of the fact that the City's interests remain secured and circumstances leading to the original approval remain unchanged.

A 4 m by 4 m corner cut at the southeast corner of Notre Dame and Furby Street is required. Westfair Properties has initiated work required to dedicate this to the City. The Zoning By-law, Zoning Agreement and Servicing Agreement are being prepared.

Westfair Properties has indicated their plans are to commence construction of the food store as soon as possible. Consistent with these plans, they would like to pave the site this Fall. Because of these time constraints, this application is being forwarded directly to Committee on Planning & Community Services without formal review by Community Committee.

Building permit plans which require Community Committee approval under the terms of the Zoning Agreement will be forwarded to City Centre Community Committee on September 13, 1994.

The Committee on Planning and Community Services recommends the following:

I. That Item VII of Council's report on file No. DAZ 261/91 be amended to read as follows:
"That in the event this application is not proceeded with expeditiously and the by-law is not enacted by April 15, 1995, the matter shall be deemed to be concluded and not proceeded with unless Council extends that date."

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

Adopted by consent.

Proposed Rezoning - 433 Young Street
File No. DAZ 207/94 (c/r DAV 242/94D)

1055 - 5. The Committee on Planning and Community Services has been advised that an application has been received from Shawano - Wapunong Building Inc., 205 - 522 Ellice Avenue, Winnipeg, Manitoba, R3B 1Y8 to amend Zoning By-law No. 16502 by rezoning the land at 433 Young Street from a "R2-T" two-family transitional district to a "C1" limited commercial district to accommodate an existing business office and parking area.

A related variance application was applied for under File DAV 242/94D for development standards of the accessory parking area which was granted.

The existing structure on this site is a former dwelling that has been used for office use as approved by a temporary rezoning. The northerly portion of the site is developed as a gravel surface parking lot.

The present use was established prior to 1987 when a rezoning was undertaken to seek approval for the subject office. Approval was granted for a 5 year time period to allow the applicant sufficient time to find an alternative location. A condition to approval was that the subject building be maintained as a functional dwelling unit to permit a residential use to be re-established.

This Department maintains the position that commercial uses should not be permitted to cross commercial back lanes into residential districts. The intent of the general downzoning to "R2-T" was to stabilize the neighbourhood to encourage residential investment and community improvement. It is considered that the approval of the subject application would be inconsistent with that intent by allowing the intrusion of commercial uses into a residential neighbourhood.

A Public Hearing was held before the City Centre Community Committee on June 7th, 1994.

Six people appeared in support of the application.

No one appeared in opposition to the application.

Report of the Committee on Planning and Community Services dated August 30, 1994

The City Centre Community Committee recommended that:

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

    1) The supportive aspect of the services being provided at the location to the growing aboriginal community in the City are a vital necessity.

    2) The commercial use of the property has been restricted to the current owner, with the zoning reverting to "R2-T" Two-Family Transitional upon the property no longer being occupied by Shawano-Wapunong Building Inc.

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

Due to the fact there was no opposition to this application, and the recommended approval being conditional (use restricted by a Zoning Agreement), the Planning Department is prepared to concur with the Community Committee's recommendation.

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

I. That By-law No. 16502 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 207/94, dated August 3, 1994, to a "C1" Limited Commercial District subject to the following:

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

        i) That the land and any business or structure thereon shall not be used for and no building or structure shall be erected, altered or enlarged on the land for any use except as a Business Office and parking area.

        ii) That the residential character of the existing buildings be retained.

        iii) That the zoning shall revert to an "R2-T" Two-Family Transitional District upon the property ceasing to be occupied by Shawano-Wapunong Building Inc.

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

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

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

Adopted by consent.

(See Minute No. 1066 for attachment)

Report of the Committee on Planning and Community Services dated August 30, 1994

Proposed Rezoning - John Duncan Drive between Ravenhurst Street and Rothshire Drive File No. DAZ 216/94

1056 - 6. The Committee on Planning and Community Services has been advised that an application on has been received from Novamet Development Corporation, 2070 - 360 Main Street, Winnipeg, Manitoba, R3C 3Z3 to amend By-law No. 4440/86, by rezoning lands shown below from an "R1-3" Single-Family District to an "R1-4" Single-Family District to allow for single-family housing.

The applicant proposes to rezone the subject land in order to make the zoning consistent with a proposed re-subdivision. Under File No. DASSF 538/94, the applicant proposes to create 16 lots meeting "R1-4" lot size standards instead of the presently approved 20 lots at "R1-3" standards, on the south side of John Duncan Drive. Similarly, under File No. DASSF 539/94, the applicant proposes to create 18 lots to comply with "R1-4" lot size standards instead of the presently approved 23 lots at "R1-3" standards, on the north side of the street. The applicant has also requested that the City close the proposed public lane (not physically developed) at the rear of lots on the south side of John Duncan Drive. There are no buildings on any of the subject lots. Development conditions are presently established and will be maintained within Development Agreement File AG 42/87. No additional dedication is required in this case.

The East Kildonan-Transcona Community Committee at their meetings held on May 17, 1994 and June 14, 1994, approved requests for non-conforming private approaches to serve the re-configured lots. The Planning Department has no objections to the subject rezoning application. The rezoning and concurrent short-form subdivision applications will result in a reduced number of lots than previously approved. The proposal is deemed compatible with adjacent development.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on July 12, 1994.

One person appeared in support of the application.

No one appeared in opposition to the application.

The East Kildonan-Transcona Community Committee recommended that:

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

    1) The proposal is compatible with adjacent development.

    2) The rezoning and concurrent short-form subdivision applications will result in a reduced number of lots with larger houses than previously approved.

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

The Committee on Planning and Community Services concurs 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 shown on Schedule "A" for File No. DAZ 216/94, dated July 25, 1994, to an "R1-4" Single-Family District.

II. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 12 months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

Report of the Committee on Planning and Community Services dated August 30, 1994

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. 1067 for attachment)

Proposed Rezoning - 228 Selkirk Avenue
File No. DAZ 218/94 (DAV 560/94D)

1057 - 7. The Committee on Planning and Community Services has been advised that an application has been received from Mr. Richard Grouette, 228 Selkirk Avenue, Winnipeg, Manitoba, R2W 2L5 to amend By-law No. 4450/86 by rezoning the land at 228 Selkirk Avenue from a "CZ" Commercial Zoning District to an "R2-T" Two-Family Transitional District to allow for the conversion of an existing commercial building to a two-family dwelling.

Related Files: DAV 560/94D - to allow for conversion to a two-family dwelling with yard variances - granted.

The building in question was originally a single family dwelling which was converted to commercial floor space some time ago. When By-law No. 4450/86 came into effect all of the subject frontage was zoned "CZ" Commercial - including all adjacent residential holdings to the east along Selkirk Avenue. The owner now wishes to convert the building back to a residential holding comprised of two separate dwelling units, one on the main floor and the other on the second. Given that the building is a residential structure and was primarily used throughout its history as a residence and given the fact that the adjacent properties to the east remain residential in nature; the Planning Department endorses the proposed change in land use. The conversion of the building for two-family use will not be out of character with the surrounding area nor adversely effect immediate properties to the east or west.

It should be noted that an increase in the residential density of the building beyond that which is currently requested by the applicant would not be appropriate. The Planning Department is recommending by way of the zoning agreement that the number of dwelling units in the subject structure be limited to a maximum of two (2).

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on July 12, 1994.

One person appeared in support of the application.

No one appeared in opposition to the application.

The Lord Selkirk-West Kildonan Community Committee recommended that:

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

    1) The conversion of the building for two-family use will not be out of character with the surrounding area nor adversely affect immediate properties to the east or west.

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 the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends:

I. That By-law No. 4450/86 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 218/94, dated July 25, 1994, to a "R2-T" Two-Family Transitional District.

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

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

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

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

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

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

Adopted by consent.

(See Minute No. 1068 for attachment)

Proposed Subdivision on land located at the northerly terminus of Coopman Crescent, west of Cathcart Street
File No. DAS 9/94

1058 - 8. The Committee on Planning and Community Services has been advised that an application has been received from Master Homes Inc., 3525 Roblin Boulevard, Winnipeg, Manitoba, R3R 0C6, for approval of a plan of subdivision to permit the establishment of four (4) single-family building lots.

Site Area: approximately 0.34 hectares/0.83 acres.

Existing Land Use: vacant, zoned "R1-6" Single-family Residential District

The following is the surrounding land use and zoning:

Single-family housing zoned "R1-6".

The subdivision requires the extension of Coopman Crescent, a new street off of Cathcart established under subdivision application File DAS 15/92. Coopman Crescent is planned to eventually extend northward to Beiko Avenue. The present subdivision would extend the street 34.7 metres/114 feet, enabling the subdivision of 4 lots, two per side. A related variance application under File DAV 327/94D requests lot widths of 57 feet instead of the required 60 feet. The Planning Department is recommending approval of the variances.

The proposal complies with Plan Winnipeg, is compatible with existing development in the immediate area, and represents the logical infill development of vacant backlands in Charleswood.

The report of the Administrative Co-ordinating Group supports the application as indicated in their report dated May 27, 1994.

In relation to the recently approved Airport Vicinity Development Plan (AVDP), it is noted that the proposed subdivision is located within the 30 NEF (Noise Exposure Forecast) contour. The AVDP allows for infill development within the 30 NEF contour as long as building construction complies with the CMHC guidelines for aircraft noise attenuation as contained in the document "New Housing and Airport Noise" (NHA 5185 81/05), or comparable City of Winnipeg Building Code by-laws and regulations.

A Public Hearing was held before the Assiniboia Community Committee on June 21, 1994.

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One person appeared in support of the application.

No one appeared in opposition to the application.

The Assiniboia Community Committee recommended that:

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

   A) The proposal complies with Plan Winnipeg.

   B) The proposal is compatible with existing development in the immediate area.

   C) The proposal is a continuation of an existing street.

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

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

I. That the plan of subdivision proposed under File No. DAS 9/94 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DAS 9/94 dated August 15, 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 May 27, 1994, as outlined in Schedule "B" dated August 16, 1994, subject to the following amendment to Clause 4.b:

      "4.b) The Developer shall, at no expense to the City, construct at the north-end of the proposed right-of-way, a driveway approach, to the satisfaction of the Commissioner of Works and Operations. The approach shall be of reinforced concrete pavement with a minimum width of 5.0 metres and a minimum thickness of 150 mm and shall be located fronting the southerly side of the most northerly 15.24 m (50') of proposed Lot 2."

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

   i) That the applicant register caveats on the titles of each of the newly created lots notifying owners that the lots are affected by aircraft noise which may impact the residential environment, especially outdoor activity;

   ii) That no building permits be issued for the newly created lots prior to certification by a Manitoba registered architect that the plans comply with CMHC guidelines for aircraft noise attenuation as contained in the document "New Housing and Aircraft Noise" (NHA 5158 81/05), or comparable City of Winnipeg Building Code regulations and by-laws.

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

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

V. That the subdivision by-law shall become effective when the subdivision agreement has been registered as a first charge against the subject land at Winnipeg Land Titles Office and the Development Agreement has been executed.

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

VII. 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.

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

A copy of Schedule "B" is on file in the office of the City Clerk.

Adopted by consent.

(See Minute No. 1069 for attachment)

Proposed Subdivision and Rezoning on land located south of Shauna Way, north of Jacques Avenue, east of Ham Street
File No. DASZ 17/92 & SC-3.1(33)

1059 - 9. The Committee on Planning and Community Services has been advised that an application has been received from Land Surveys and Real Estate Department, Att. G. Anderson, City of Winnipeg, 2nd. Floor, 65 Garry Street, Winnipeg, Manitoba, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 4440/86 by rezoning the subject lands from an "AR-5" Agricultural-Residential District and R1-5" Single-Family District to a "R1-4" Single-Family District and a "R1-5" Single-Family District to permit the establishment of single-family dwelling building sites.

The subject lands are the location of the Canford Sports Centre site. (now closed) The site is approximately 157.25 metres by 161.5 metres and 2.54 ha (6.27 acres) in area. All existing structures on the site are to be removed.

The following is a description of the surrounding land use and zoning:

North: Single-Family Residential Subdivision - zoned "R1-4"

East: Single-Family Residential Subdivision - zoned "R1-4"

West: Ham Street and Lagimodiere Boulevard

South: Rearage of lots fronting onto Grassie Boulevard - zoned "R1-5.5" Single-Family District

The subject application provides for the creation of 39 single-family residential lots in conjunction with the opening and development of new streets within the subdivision. Lots having frontage on the proposed new cul-de-sac will accommodate larger homes situated on proposed minimum 50.0 feet in width lots, under a "R1-5" zoning. The remaining lots in the subdivision are proposed to accommodate dwellings under the "R1-4" zoning standards.

The Planning Department considers the subject proposal to be consistent and compatible with zoning and development on the adjacent lands and in the neighbourhood.

The subdivision has been reviewed by the Administrative Co-ordinating Group (ACG) and provision has been made to deal with two specific concerns in addition to normal servicing issues. These concerns include a special rear yard set-back to habitable structures for lots having rearage onto Ham Street, as recommended by the Streets and Transportation Department. It is proposed that this special setback for sound attenuation separation of 27.5 metres (90.0 feet) be established in the "special yard" section of by-law 4440/86. Additionally, ACG has recommended that Jacques Avenue, south of and abutting proposed Lot 13, Block 1, be widened to 18.0 metres in order to provide the option for a future public street to the rear of the lots on Grassie Boulevard at that location. When a future subdivision plan dealing with part Lot 64A and 65 OTM and Lot 1, Plan 15453 is made, consideration can be given as to physically developing that part of Jacques Avenue, with a cul-de-sac type turnaround at Ham Street. The extension of Jacques Avenue to Ham Street will also ensure that lands containing a wastewater sewer will also remain in public ownership.

The longer term plans of the Streets and Transportation Department includes closing Ham Street, north of Grassie Boulevard. The Development agreement requires a uniform fence to be constructed at the rear of lots abutting Ham Street. No private approaches onto Ham Street will be allowed.

Report of the Committee on Planning and Community Services dated August 30, 1994

A Public Hearing was held before the East Kildonan-Transcona Community Committee on June 14, 1994.

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 subdivision and rezoning be approved for the following reasons:

    1) The subject proposal is considered to be consistent and compatible with zoning and development on the adjacent lands in the neighbourhood.

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

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

I. That the plan of subdivision proposed under File No. DASZ 17/92 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 17/92, dated July 25, 1994, for registration in the Winnipeg Land Titles Office subject to:

    A. The City being required to do all things outlined in the report of the Administrative Co-ordinating Group dated May 26, 1994, as outlined in Schedule "B", dated July 25, 1994.

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 Director of Land Surveys and Real Estate be instructed to include the following in the applicable sales agreement, namely:

    1) That a caveat shall be required against the title of each lot backing onto Ham Street requiring the owner to maintain or repair the fence as originally constructed by the Developer pursuant to the Development Agreement.

IV. That Zoning By-law No. 4440/86 be amended to establish the following special alignment:

    - Lots 1 - 13, Block 1, setback of 27.5 metres rear yard to a dwelling.

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

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

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

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

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

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

Report of the Committee on Planning and Community Services dated August 30, 1994

A copy of Schedule "B" is on file in the office of the City Clerk.

Adopted by consent.

(See Minute No. 1070 for attachment)

Proposed Subdivision and Rezoning - land located on the East side of Eaglemere Drive, South of Crozier Avenue
File No. DASZ 1/93

1060 - 10. The Committee on Planning and Community Services has been advised that an application has been received from the property owners, Mr. & Mrs. Gordon Crozier, 204 Crozier Avenue, Winnipeg, Manitoba, R2K 4E5, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 4440/86 by rezoning the subject lands from an "AR-5" Agricultural-Residential District and "R1-5.5" Single-Family Residential District to allow for the construction of single family dwellings on six (6) additional building lots.

The subject lands are vacant except for the applicants own dwelling. The gross area of the applicants lands proposed to be rezoned "R1-4" is approximately 0.291 ha (0.719 acres). The area of the proposed street closing is 944 square metres (0.233 acres).

The following is the Surrounding Land Use and Zoning:

North: Detached one-family dwellings on the north side of Crozier Avenue, zoned "R1-5.5" one-family district

East: Detached one-family dwellings on large lots (Lots 1, Plan 21194 and Lots 2 & 3, Plan 11133) zoned "AR-5" Agricultural District and "R1-5.5" one-family district

West: Proposed one-family dwellings on west side of Eaglemere Drive zoned "R1-4" one-family district

South: Proposed one-family dwellings, zoned "R1-4" one-family district

The applicants propose to subdivide and rezone the southerly part of their land to create (6) six new one-family dwelling sites. Proposed Lots 2 to 6 are to be 108 feet in depth and comply with "R1-4" zoning standards. The applicants have also requested the sale, by the City of Winnipeg, of the closed Crozier Avenue to the south of their property, and to incorporate these lands with their own lands south of Lot 6, to create an additional lot 7. Lot 7 will be approximately 240 feet in depth. It is also proposed that lands east of lot 7 be transferred to the City of Winnipeg for widening of Lagimodiere Boulevard at that point. The widening would include lands needed to continue the sound attenuation berm which already exists south of these lands. The applicants own dwelling will remain on Lot 1 and which is presently zoned "R1-5.5".

The subject lands are located between Crozier Avenue on the north and the recently subdivided "R1-4" lots within the Eaglemere Subdivision to the south. They constitute a major part of the vacant residual lands located between Eaglemere Drive and Lagimodiere Boulevard, south of Crozier Avenue, which are still to be subdivided and are still to have full municipal services installed in the future. Lot 1, Plan 21194 and Lots 2 and 3, Plan 11133 lying to the east of the subject lands, are all in separate ownership and contain dwellings fronting onto the south side of Crozier Avenue.

The subject subdivision application was reviewed by the Administrative Co-ordinating Group and by the District Planning Branch of the Planning Department. Although in principle the establishment of "R1-4" zoned lots in this general location would be consistent with the existing development, the administration had major concerns with the proposed subdivision plan. These concerns related to the apparent absence of any integration of the proposed subdivision with the lands to the east as part of an overall subdivision plan for the general area. The subject application did not fit within the concept plan for lands in this area which was previously submitted by Osland Properties Ltd., the original developers of the Eaglemere subdivision to the south.

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As a consequence, the Administrative Co-ordinating Group and District Planning Branch recommended that the subject application DASZ 1/93 not be approved for the following reasons:

(1) The proposed subdivision is not consistent with any conceptual future subdivision plan for the adjoining lands.

(2) The proposed subdivision will adversely affect the orderly subdivision and development of adjoining lands.

This application was initially reviewed by the East Kildonan-Transcona Community Committee at a hearing on January 18, 1994. At that hearing the matter was laid over to March 15, 1994, in order that Mr. Crozier could negotiate with the neighbours and interested parties, to arrive at a satisfactory subdivision proposal which incorporated the adjoining lands to the east (in the same block). This matter was subsequently laid over twice again to May 17th and June 14, 1994. The parties concerned were unable to arrive at satisfactory plan that involved development of all the aforementioned adjoining lands.

However the owners of the adjoining lands indicated that they were aware of all the costs and difficulties associated with including their lands and had chosen not to proceed further with a more comprehensive plan. They subsequently withdrew opposition to the subject application. In light of the above noted withdrawal of opposition the East Kildonan-Transcona Community Committee dealt with the matter at their public meeting on June 14, 1994.

The applicant appeared in support of the application.

Persons originally in opposition to this application are listed on pages 2 and 3 of the report of the East Kildonan-Transcona Community Clerk dated June 21, 1994.

The East Kildonan-Transcona Community Committee recommended that:

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

    A. The proposed development is compatible with the surrounding area.

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

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

I. That the plan of subdivision proposed under File No. DASZ 1/93 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "C" for File No. DASZ 1/93 dated August 17, 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 all of the conditions outlined in the report of the Administrative Co-ordinating Group dated May 27, 1994, as outlined in Schedule "D" and dated August 17.

    B. That the Developer be required to pay to the City 10% cash dedication to be calculated on the basis of six (6) additional building sites being created.

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 By-Law 4440/86 be amended by rezoning the subject land as shown on Schedule "C" for File No. DASZ 1/93 and dated August 17, to an "R1-4" Single-Family District, subject to the Developer entering into a zoning agreement with the City pursuant to Section 591(1) of the City of Winnipeg Act to include the following condition:

    1) That a caveat shall be required against the title of proposed Lot 7, backing onto Lagimodiere Boulevard, requiring the owner to maintain or repair the fence as originally constructed by the Developer pursuant to the Development Agreement.

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IV. That By-law 4440/86 be amended to establish the following special alignments:

(1) Proposed Lot 7, 27.5 metres (rear yard to habitable structures)

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

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

VII. That the zoning section of the by-law shall come into force and effect when the plan of subdivision has been registered in the Winnipeg Land Titles Office except that the "R1-4" District applying to proposed Lot 7 shall come into force and effect when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands.

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

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

A copy of Schedule "D" is on file in the office of the City Clerk.

Adopted by consent.

(See Minute No. 1071 for attachment)

Proposed Plan of Subdivision and Rezoning - land located south of the Westdale Neighbourhood, east of Perimeter Highway, west of Charleswood Road File No. DASZ 5/94

1061 - 11. The Committee on Planning and Community Services has received an application from Thompson, Dorfman, Sweatman, 2200 - 200 Portage Avenue, Winnipeg, Manitoba, R3B 3L3, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 1800 by rezoning the subject lands from "A" General Agricultural District to an "R1-4" Single-Family District and "R1-5" Single-Family District to permit the establishment of approximately 92 single-family building lots.

Site Area: approximately 26 acres (9.4 hectares)

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

The following is the Surrounding Land Use And Zoning:

North: Westdale neighbourhood, single-family development zoned "PR" Parks and Recreation District, "R1-6" Single-family District, and "R2" Two-Family District.

East: Residential development fronting Charleswood Road. Lot sizes vary from large lot holdings zoned "A" General Agricultural District to smaller lots zoned "R1-6" Single-family District.

West: Perimeter Highway.

South: CN Mainline (Rivers Subdivision) and Wilkes Avenue.

The application area covers approximately 26 acres with a yield of 92 lots. The proposed zoning of the lands is "R1-5" Single-family District and "R1-4" Single-family District. Some residual lands are to remain "A" General Agricultural District.

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This application is a redesign of the northerly portion of a subdivision plan previously recommended for approval by the then Assiniboine Park-Fort Garry Community Committee on March 2, 1992, under File DASZ 7/91. In proposing that frontage development be allowed on the South Charleswood Parkway, lands which under the previous plan(s) were undevelopable except as buffer or park space would be subdivided for single-family housing.

From the applicant's standpoint, the rationale for the redesign has to do with the status of the proposed South Charleswood Parkway. Initially envisioned as an arterial street connected to the Perimeter Highway on the west, via an interchange, and to Grant Avenue on the east via the Charleswood Corridor, the role of the South Charleswood Parkway is awaiting review as part of Trans Plan 2010, the City's long range transportation planning study.

The status of the South Charleswood Parkway is unclear for two main reasons. First, the previous subdivision plan approved by the Community Committee was not designed to accommodate an interchange at the Perimeter (right-out only). Second, Council's rejection of the Charleswood Corridor has left the Parkway without its original eastern anchor, although a connection to Wilkes Avenue is planned via Fairmont Road. As the Parkway does not now seem capable of performing a regional transportation function, the applicant is proposing that the street be recognized as, ultimately, a major collector serving south Charleswood. Its role would be to share, in tandem with Wilkes and Roblin the east-west traffic load as development proceeds in south Charleswood, taking some of the traffic pressure off substandard north-south streets connecting to Roblin.

File DASZ 7/91 is currently awaiting consideration by Executive Policy Committee in light of a Works and Operations Committee recommendation that the role of the South Charleswood Parkway first be reviewed in the context of the City's long range transportation requirements. The applicant's position is that the development has already been inordinately delayed, that the Plan Winnipeg process failed to identify a significant role for the Parkway in policy terms, and that Trans Plan 2010 will simply confirm the suspicion that the South Charleswood Parkway is the last vestige of the long defunct Southern Freeway proposed under the 1968 WATS study.

The current proposal would reduce the width of the Parkway West of Cullen 32 metres (105 feet), to that of a major collector. The roadway is shifted northward to leave a depth of 40 metres (131 feet) for lots backing onto Westdale development on Shepton Bay, Mosswood Place and Braewood Place. Frontage roads would provide limited access to the Parkway.

The net impact of the proposed revisions is an increase (over the previous plan (DASZ 7/91) in gross subdivision area of about 4 acres (to about 171 acres total) and a net increase in dwelling units of 35 (to 558 units).

Apart from a further de-emphasis of the South Charleswood Parkway as a major intracity transportation route, the present proposal replaces what was a defacto Parkway buffer with residential development. The Department supported this proposed change for several reasons as outlined below.

- frontage housing on the Parkway is an adequate buffer for adjacent Westdale development against the negligible impact of Parkway traffic.

- the City will derive revenue from the sale or development of the surplus lands comprising the abandoned rail line.

- the redesign better integrates the Westdale and Charleswood Park developments which is important for inter-neighbourhood relations and the shared use of facilities such as schools, community centres, parks and sports fields.

- the redesign terminates the Ridgewood bike path at a safe, exposed location at Cullen Drive. The previous plan continued the bike path to the Perimeter Highway encouraging residents including children to cross the highway to pick up the rail bed in what is now the RM of Headingley. The proposed right-out from the Parkway onto the northbound Perimeter would add another dangerous obstacle to this unsafe practice. Eliminating the rail bed bike path west of Cullen will not prevent Perimeter access or crossings by pedestrians and cyclists at the west and of the Parkway, but the visibility of such activity will be increased.

In a planning context, the proposed revision of a previously recommended plan was supportable for the following general reasons:

- the lands are designated by Plan Winnipeg for suburban residential development;

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- the type of development proposed is appropriate for lands and a long anticipated extension of the Westdale neighbourhood to the north;

- the full range of municipal water, wastewater and land drainage services is available and sized to accommodate the development area;

- the development will directly contribute $2.5M for regional transportation improvements under the Charleswood Transportation Levy of $14,593 per acre.

However, Planning Department support for this application was tempered by the knowledge that the Streets and Transportation Department has recommended through the ACG in its May 3rd. report that the current application not be considered until such time as Council has made a decision on DASZ 7/91 and the status of the South Charleswood Parkway in Trans Plan 2010. Therefore, the recommendation in favour of DASZ 5/94 only applied if the Assiniboia Community Committee had chosen to ignore the recommendations of the Streets and Transportation Department.

Two Public Hearings were held before the Assiniboia Community Committee one on May 17, 1994 and the other on July 12, 1994.

Persons in support of this application are listed on Page 4 of the report of the Assiniboia Community Clerk dated January 25, 1994.

Persons in opposition to this application are listed on Page 5 and 6 of the report of the Assiniboia Community Clerk dated January 25, 1994.

A number of persons are also listed for information purposes on Page 6 of the same report.

The Assiniboia Community Committee recommended that:

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

   A) Under DASZ 7/91, there were many meetings to deal with this development and to determine what would be acceptable to both the developer and the residents. DASZ 7/91 is a compromise which is acceptable to both.

   B) DASZ 7/91 will not be considered by Council until such time as Trans Plan 2010 has been completed. Further development should not proceed until such time as the Plan has been completed and it has been determined where roads will be situated in the area.

The Committee on Planning and Community Services concurs in the recommendation of the Assiniboia Community Committee and recommends that the plan of subdivision and rezoning proposed under File DASZ 5/94 BE NOT PROCEEDED WITH.

Adopted by consent.

Proposed Subdivision and Rezoning - land located at 4314 Grant Avenue, south east corner at Fairmont Road
File DASZ 7/94 (c/r DAZ 221/93)

1062 - 12. Council on July 20, 1994, referred back Clause 14 of the Report of the Committee on Planning and Community Services dated July 8, 1994, as outlined on Appendix "C".

The Committee on Planning and Community Services again considered this matter on August 30, 1994 and heard representation from Councillor Clement, and concurs with its previous recommendation that the proposed subdivision and rezoning of this property be proceeded with for the following reasons:

- The development density is moderate.

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- The project complies with the spirit and intent of Plan Winnipeg.

The Committee on Planning and Community Services has reconsidered this matter and reiterates its previous recommendation for approval of the plan of subdivision after incorporating a number of revisions which are included herein:

I. "That the plan of subdivision proposed under File DASZ 7/94 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/94, dated May 10, 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 May 2, 1994 after incorporating therein the amendments as outlined in Appendix "B".

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

III. That Zoning By-law No. 1800 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 7/94, dated May 10, 1994, to a "RM-1" Multiple-family district subject to the applicant entering into a zoning agreement with the City to provide for the following.

A. That no building or structures on the land exceed 2 storeys in height.

B. That no buildings or structures be erected or located on the land except in accordance with plans approved by the Commissioner of Planning and Community Services and the Assiniboia Community Committee prior to the issuance of any building permits, said plans to indicate the design and location of buildings or structures, exterior elevations, building materials, site access, accessory parking areas, fencing, landscaping, garbage enclosures and lighting.

IV. That the Acting 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.

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

Copy of attachments referred to in the above clause are in file in the office of the City Clerk.

Adopted by consent.

(See Minute No. 1072 for attachment)

(See Minute No. 1064 for disposition)

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Proposed Subdivision and Rezoning on land located between Dakota Street and St. Anne's Road, south of Warde Avenue and north of John Forsyth Road
File No. DASZ 8/94

1063 - 13. The Committee on Planning & Community Services has been advised that an application has been received from Qualico Developments (Winnipeg) Ltd., c/o E. Vogan, 30 Speers Road, Winnipeg, Manitoba, R2J 1L9, for approval of a plan of subdivision and related zoning change to The St. Vital Town Planning Scheme 1951 by rezoning the subject lands from an "A1" Agricultural District, an "R-PL" Planned Residential District and an "R1-4" One-family District to an "R1-3" One-family District, an "R1-3.5" One-family District, an "R1-4" One-family District and a "C2" Commercial District to permit the establishment of single-family dwellings and commercial structures.

The subject land is a riverlot approximately 90 m (295 ft) in width extending from Dakota Street to St. Anne's Road and totalling approximately 25 Acres in area.

This proposal is an extension of an overall plan which is reflected in previous approvals, and the approval of this extension would allow the completion of a number of streets which were implied by and acknowledged under those previous approvals. No reasonable alternative remains for the development of these lands, except for the frontages on Ashworth Street, St. Anne's Road and Dakota Street.

The following is the Surrounding Land Use And Zoning:

North: low-density housing, park and reserved school site
zoned "R1" and "PR" and "R3B-ONE"
East: St. Anne's Road

West: firehall and commercial development
zoned "R3B-ONE" and "CP"

South: low-density housing, park, and reserved school site
zoned "R1", "PR" and "R3B-ONE"

This development configuration, with the exception of proposed commercial zoning on Dakota Street was largely determined by previous applications, and it will equally determine the configuration of development of lands to the south owned by others. All of the streets proposed are extensions of existing streets approved to the north under DASZ 53/86 and to the south under DASZ 31/84, with the exception of the bay east of Abbotsfield Drive, and the crescent south of Fulton Street which is intended to connect with Abbotsfield Drive; both of which must be completed through lands owned by others.

This proposal would add approximately 160 one-family lots to the neighbourhood, but some of these lots cannot be developed without compatible subdivision of the riverlot to the south, and it is essential that the adjacent riverlot to the south be seen in the context of this (and previous) proposals.

The proposed commercial block at the intersection of Dakota Street and John Forsyth Road would abut a firehall on the north, and lie opposite a community shopping centre. Given conditions to protect housing to the east (on Manor Haven Drive), either commercial or multiple-family development can be considered for these lands. It is also feasible to retain the existing "A1" zoning on this block until a specific development proposal is available.

As noted, because of prior approvals, no reasonable alternative remains for the development of these lands, except for the frontages on Ashworth Street, St. Anne's Road and Dakota Street.

The following comments relate to the possible development of the future Ashworth frontage to the south.

The location of the future crescent south of Fulton Street, as proposed, would leave a block of land on the adjacent riverlot to the south which cannot be effectively subdivided for one-family dwellings, and which therefore implies a multiple-family development fronting the extension of Ashworth Street (on the east side).

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The future school site on Ashworth Street, reserved under DASZ 53/86, is now zoned for multiple-family development, but it is understood that either a school will be constructed or that the site is to be redeveloped as a cul-de-sac. The riverlot to the south should also be developed in one-family dwellings, with the exception of a block abutting "C2" zoning at the intersection of St. Anne's Road and Aldgate Road.

Therefore, the future crescent south of Fulton Street should be located farther west, at a point which allows efficient subdivision of all of the riverlot to the south for one-family dwellings. This would involve relocating the north/south stub of the future crescent approximately 60 m (200') further westward.

The second frontage of concern is on St. Anne's Road, south of the application area.

The location of the future bay east of Abbotsfield Drive, as proposed, would limit a block of land on the adjacent riverlot to the south for multiple-family or commercial development, abutting existing "C2" zoning at St. Anne's Road and Aldgate Road. Alternatively, one-family lots may be developed on the entire east frontage of Abbotsfield Drive, implying multiple-family or commercial development fronting St. Anne's Road for a distance of approximately 700 ft. north of Aldgate Road.

Given the absence of a market for either multiple-family or commercial development, the present proposal is entirely reasonable, but approval of the present proposal significantly affects the development configuration of the riverlot to the south.

The third frontage of concern is described as follows:

The proposed "C2" block at Dakota Street and John Forsyth Road would be consistent with development opposite and abutting. In order to ensure protection of housing to the east, conditions are recommended to be included in a Zoning Agreement.

The southerly terminus of Everden Road was approved under DASZ 53/86 without the appropriate radius to ensure alignment with the northerly terminus of Everden Road under DASZ 31/84. Proper alignment requires the widening of Everden Road north of this proposal, and the closing of a small portion of street opposite that widening (between the existing east limit and the limit following the appropriate radius) under DAC 12/94, as outlined on Schedule "C".

A Public Hearing was held before the Riel Community Committee on July 11, 1994.

One person appeared in support of the application and one person appeared in opposition.

The Riel Community Committee recommended that:

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

    1) This proposal is an extension of an overall plan which is reflected in previous approvals, and approval of this extension will allow the completion of a number of streets which were implied by and acknowledged under those previous approvals.

    2) Because of prior approvals, no reasonable alternative remains for the development of these lands, excepting frontages of Ashworth Street, St. Anne's Road and Dakota Street.

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 concurs in the recommendation of the Riel Community Committee and recommends:

I. That the plan of subdivision proposed under File No. DASZ 8/94 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 8/94, dated July 27, 1994, for registration in the Winnipeg Land Titles Office subject to the following:

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A. That the plan be amended to provide:

i) a 1.825 m widening along St. Anne's Road;

ii) a 3 m by 3 m corner cut at the north-east corner of Everden Road and Draho Crescent;

iii) a widening on the west side of Everden Road between Draho Crescent and Coombs Drive to establish the appropriate radius for alignment with Everden Road north of John Forsyth Road;

iv) relocation of the right-of-way stub for the future crescent south of Fulton Street to a point farther west, which allows efficient subdivision of all of the riverlot to the south for one-family dwellings;

B. That the Developer be required to enter into a Development Agreement (an addendum to Development Agreement AG 53/86) with the City containing therein all the conditions outlined in the report of the Administrative Coordinating Group dated June 23, 1994, as outlined in Schedule "B", dated July 27, 1994, with the following additional clauses:

3.g) the Developer shall, at no expense to the City, erect signage on the proposed "C2" land fronting Dakota Street identifying the site as "Future Commercial" with a plan showing its relationship to the surrounding area in accordance with plans to be submitted to and approved by the Riel Community Committee;

h) the Developer shall, at no expense to the City, construct a 6 foot wooden lightproof fence on the east limit of the "C2" land in accordance with plans to be submitted to and approved by the Riel Community Committee prior to the issuance of any occupancy permit on the "C2" lands.

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. A) That The St. Vital Town Planning Scheme 1951 be amended by rezoning the subject land as outlined on Schedule "A" for File No. DASZ 8/94, dated July 27, 1994, to a "R1-3" One-Family District, a "R1-3.5" One-Family District, a "R1-4" One-Family District, and a "C2" Commercial 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 "C2" lands to provide for the following.

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

ii) that no building on the land exceed one-storey in height, and that no structure on the land exceed 25 feet in height;

iii) that a landscaped setback be provided and maintained to any building, structure, parking or loading area, or refuse storage facility from the east lot line not less than 25 feet in depth;

B) That The St. Vital Town Planning Scheme 1951 be amended to establish the following special alignment:

- 16 m from the westerly limit of St. Anne's Road to any dwelling

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

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

VI. That the zoning section of the by-law shall come into force and effect as follows:

a) The "R1-3", "R1-3.5", "R1-4" Districts when the plan of subdivision has been registered in the Winnipeg Land Titles Office; and

b) The "C2" District 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.

A copy of Schedule "B" is on file in the office of the City Clerk.

Adopted by consent.

(See Minute No. 1073 for attachment)

Moved by Councillor Clement,

That Council revert back to reconsider Clause 12.

The motion to reconsider was put.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Reese, Boychuk, Clement, Duguid, Eadie, Hyman, Lazarenko, Murray, Prystanski, Silva, Thomas, Angus and Golden. 13

Nay: Councillors O'Shaughnessy and Fraser. 2

and the motion to reconsider was declared carried.

Proposed Subdivision and Rezoning - land located at 4314 Grant Avenue, south east corner at Fairmont Road
File DASZ 7/94 (c/r DAZ 221/93)

Moved by Councillor O'Shaughnessy,

1064 - Adoption of the clause.

The motion for the adoption of the clause was put.

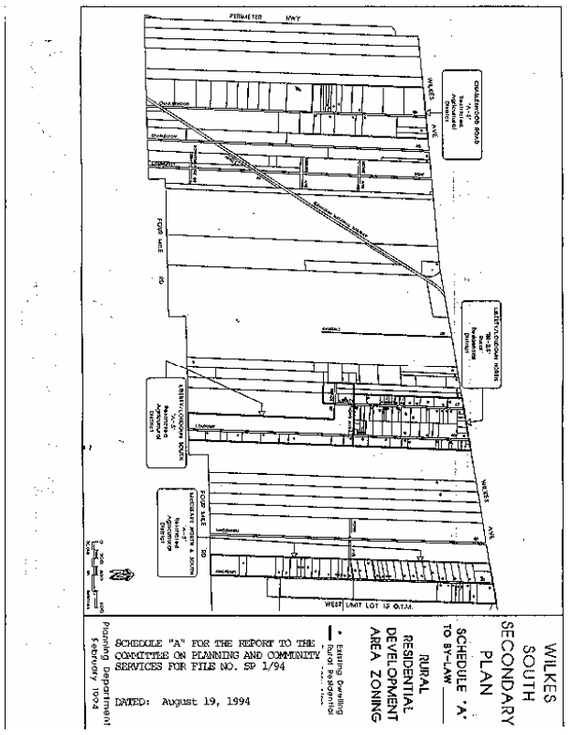
Councillor Clement called for the yeas and nays, which were as follows:-

Yea: Councillors Reese, Boychuk, Duguid, Eadie, Golden, Hyman, Lazarenko, Murray, O'Shaughnessy, Silva, Thomas, Fraser, Her Worship Mayor Thompson and Councillor Angus. 14

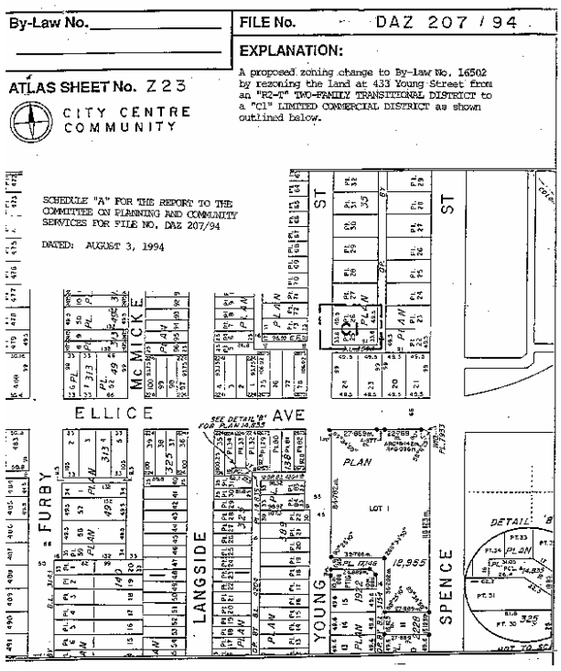
Nay: Councillors Clement and Prystanski. 2

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

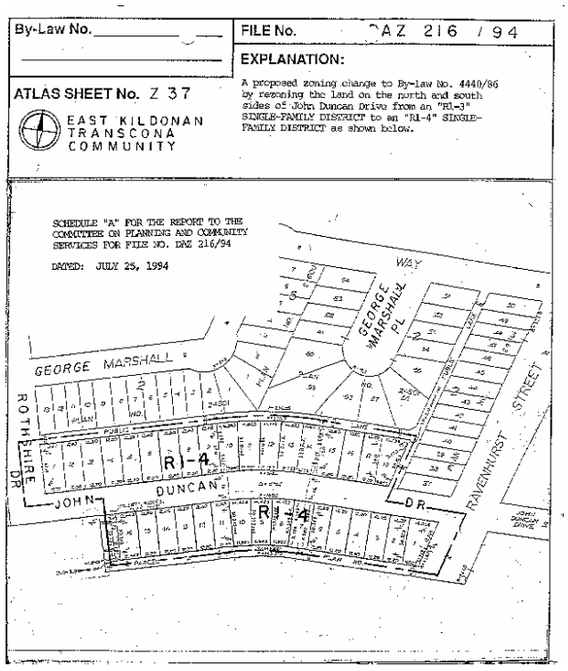
1065 - Schedule "A" referred to in Clause 1 of the Report of the Committee on Planning and Community Services dated August 30, 1994



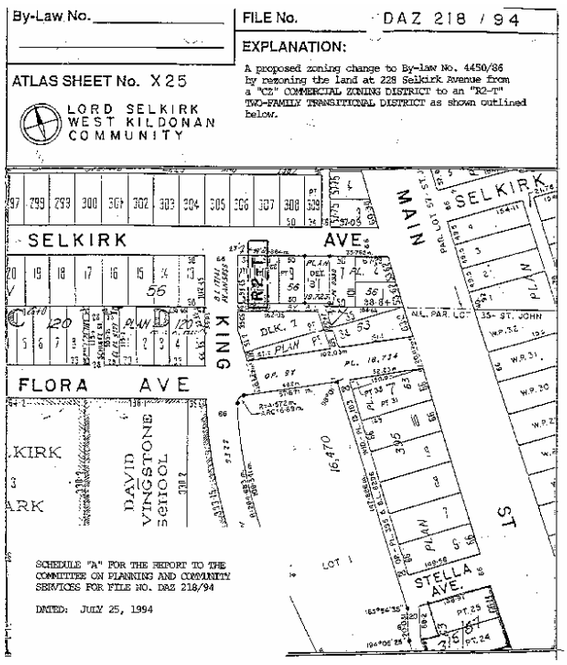
1066 - Schedule "A" referred to in Clause 5 of the Report of the Committee on Planning and Community Services dated August 30, 1994



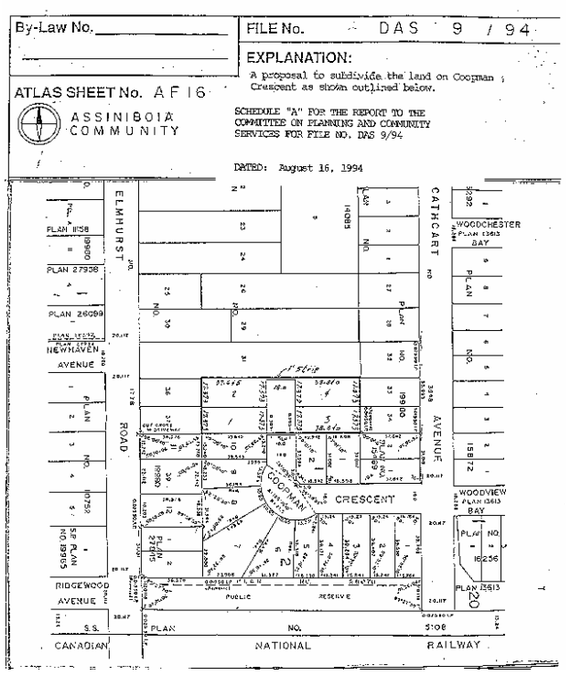
1067 - Schedule "A" referred to in Clause 6 of the Report of the Committee on Planning and Community Services dated August 30, 1994



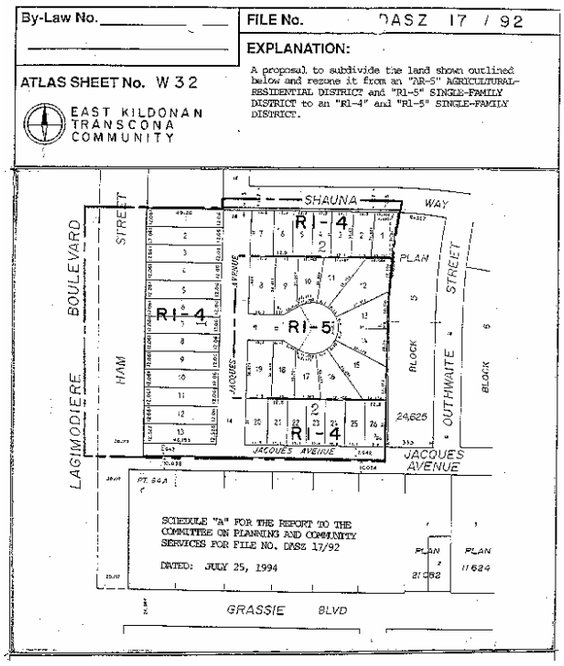
1068 - Schedule "A" referred to in Clause 7 of the Report of the Committee on Planning and Community Services dated August 30, 1994



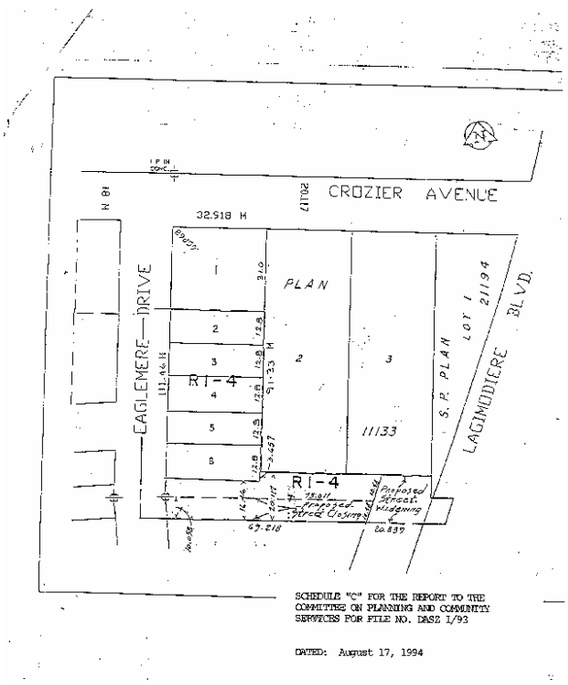
1069 - Schedule "A" referred to in Clause 8 of the Report of the Committee on Planning and Community Services dated August 30, 1994



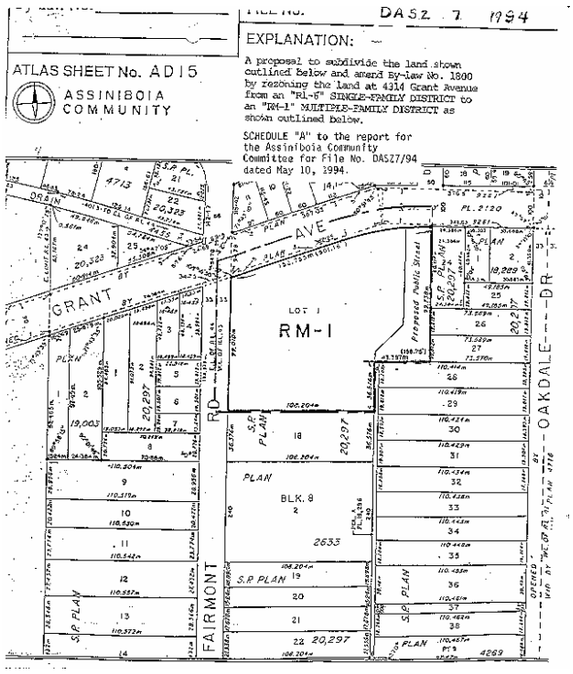
1070 - Schedule "A" referred to in Clause 9 of the Report of the Committee on Planning and Community Services dated August 30, 1994



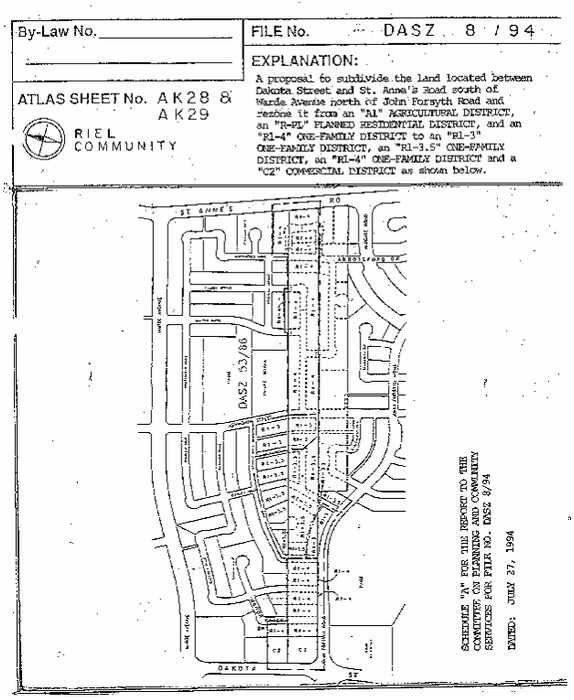
1071 - Schedule "C" referred to in Clause 10 of the Report of the Committee on Planning and Community Services dated August 30, 1994



1072 - Appendix "A" referred to in Clause 12 of the Report of the Committee on Planning and Community Services dated August 30, 1994



1073 - Schedule "A" referred to in Clause 13 of the Report of the Committee on Planning and Community Services dated August 30, 1994



COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

1074 - On motion of Councillor O'Shaughnessy, By-law No. 6391/94, a By-law of The City of Winnipeg to adopt a secondary plan for the Wilkes South area as defined in that plan, was read a second time. File EP-1.2

In amendment,

Moved by Councillor Clement,
Seconded by Councillor Fraser,

WHEREAS

(a) The Assiniboia Community Committee held a public hearing on June 21 and July 12, 1994 to consider By-law No. 6391/94 to adopt the Wilkes South Secondary Plan; and

(b) After considering a report and recommendation based on that public hearing, Council has concluded certain amendments should be made to that Plan prior to enactment of By-law No. 6391/94.

BE IT RESOLVED THAT By-law No. 6391/94 be amended by:

(a) Deleting from the Wilkes South Secondary Plan attached thereto the word "Draft" on the cover page; and

(b) Deleting from that Plan paragraphs heading Land Subdivision, Streets and Sewage Disposal in Part 6 on page 33 of that Plan and substituting the following new paragraphs:

"I. That on lands outlined on Schedule "A" and referred to as Charleswood Road, Liberty-Loudoun South, and McCreary Road North and South, subdivision shall be permitted down to a minimum lot area of 2.5 acres (1 hectare) and a minimum lot width of 130 feet (39.6 metres). Zoning variances for lot size may be considered in special circumstances. All lots less than 130 feet in width and 2.5 acres in area shall use a pump-out tank (total retention system) for sewage disposal.

II. That on lands as outlined on Schedule "A" and referred to as Liberty-Loudoun North, subdivision shall be permitted down to a minimum lot area of 1.0 acre (0.4 hectare) and a minimum lot width of 100 feet (30.5 metres). Zoning variances for lot size may be granted in special circumstances. Lots smaller than 2.0 acres (0.8 hectares) in area shall use pump-out tank (total retention system) for sewage disposal.

III. That on lands as outlined on Schedule "A" and referred to as Liberty-Loudoun North be subdivided for residential purposes only.

IV. That Type II oil surface roadways be constructed as local improvements in the proposed 2 1/2 acre lot Charleswood Road, Liberty-Loudoun South and McCreary Road North and South areas and the proposed 1 acre lot Liberty-Loudoun North area. That frontage foot charges be collected as a condition of approval of plans of subdivision, including the frontage of lots containing existing homes such that eventually all frontage on the subject roadways will have contributed. The charge shall be a one-time frontage charge to cover the cost of gravelling and oiling the existing roadways in perpetuity. The 1994 rate is $20.00 per front foot.

V. That septic system disposal fields be designed and located in accordance with the minimum requirements and specifications set out in Schedule "B".

(c) Deleting from that Plan Schedule "A" forming page 35 of that Plan and substituting the new Schedule "A" and Schedule "B" as attached to this motion as pages 35 and 36 of that Plan."

Carried.

Councillor O'Shaughnessy moved that this constitute the second reading of By-law No. 6391/94, as amended, which motion was carried.

On motion of Councillor O'Shaughnessy, By-law No. 6391/94, as amended, was read a third time, and was passed and ordered to be signed and sealed.

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

Councillors Hyman and Thomas asked to be recorded as having voted against the second and third readings of By-law 6391/94, as amended, in accordance with Rule 50.7 of the Procedure By-law.

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. 6472/94, a By-law of The City of Winnipeg to approve a Plan of Subdivision and amend Zoning By-law No. 4450/86 for the enactment of a zoning change on land located west of Main Street, east of Maplegrove Road between Horrox Bay and Fernbank Avenue in the Lord Selkirk-West Kildonan Community. File DASZ 24/93

By-law No. 6473/94, a By-law of The City of Winnipeg to amend Zoning By-law No. 4440/86 for the enactment of a zoning change at 305 McKay Avenue in the East Kildonan Transcona Community. File DAZ 208/94

By-law No. 6474/94, a By-law of The City of Winnipeg to amend The St. Vital Town Planning Scheme 1951 for the enactment of a zoning change on the northwest corner of Compark Road and St. Anne's Road, in the Riel Community. File DAZ 212/94

By-law No. 6475/94, a By-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 4450/86 for the enactment of a zoning change on land located on the west side of Pipeline Road between Leila Avenue and Ambergate Drive in the Lord Selkirk - West Kildonan. File DASZ 6/94

By-law No. 6476/94, a By-law of The City of Winnipeg to regulate advertising signs File DAZ 222/94

By-law No. 6477/94, a By-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 4450/86 for the enactment of a zoning change on land locatedsouth of Benn Avenue between Riverwest Road and Main Street in the Lord Selkirk - West Kildonan Community. File DASZ 8/93

By-law No. 6478/94, a By-law of The City of Winnipeg to approve a Plan of Subdivision on land located at the northerly terminus of Coopman Crescent, west of Cathcart Street in the Assiniboia Community. File DAS 9/94

By-law No. 6479/94, a By-law of The City of Winnipeg to amend Zoning By-law No. 16502 for the enactment of a zoning change at 590 - 600 Notre Dame Avenue in the City Centre Community. File DAZ 261/91

By-law No. 6481/94, a By-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. Files SC-3.14(34) and DASZ 8/93