REPORT "A" OF THE COMMITTEE ON

PLANNING AND COMMUNITY SERVICES

DATED JUNE 29, 1993

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

Her Worship the Mayor and Councillors:

Request for a Certificate of Suitability to demolish 545 Broadway - The Former Klinic Community Health Centre.
File G-3.1.1

951 - 1. On January 23, 1991, Council adopted Clause 8 of the Report of the Committee on Planning and Community Services dated January 7, 1991 listing the Klinic Community Health Centre Building located at 545 Broadway, on the Historical Buildings Conservation List as a Grade III designation.

For the information of Council, the Historical Buildings Committee evaluated the building on its age and architectural and historical significance on June 12, 1990 and recommended that the building be listed for the following reasons:

1. This building is a very good example of an early 20th century brick residence designed in the Queen Anne style of which only a few survive.

2. The Historical Buildings Committee considers that this is a particularly attractive building because of the excellence of the design and composition of the exterior.

3. The house was designed by one of Winnipeg's best known architects John H. G. Russell. He designed many monumental churches in the City as well as warehouses, office buildings and residences of which only a few remain.

The Historical Buildings Committee, at their meeting held on July 9, 1992, reviewed a request from the Smith Agency Limited to issue a Certificate of Suitability to demolish the above heritage building.

The Committee visited the structure on September 10, 1992 to review the amount of deterioration to the building from the time it was listed by City Council on January 23, 1991. Members of the Committee also advised Mr. Tom Smith of Smith Agencies, that City Council had just adopted in principle the "Heritage Support-Policy and Program" report and that incentives to rehabilitate the building would soon be forthcoming.

The Committee hoped that the City would have a heritage incentive policy in place by the fall of 1992 in order to negotiate the retention of the former Klinic building. Since no policy is in place and since the Committee received another letter from The Smith Agency, dated November 13, 1992, urging a recommendation, the Historical Buildings Committee at its meeting on December 10, 1992 recommended that a Certificate of Suitability for demolition not be issued and that this matter be dealt with as a de-listing with a hearing at the Committee on Planning and Community Services and at Council.

Your Committee on Planning and Community Services concurs with the recommendation of the Historical Buildings Committee and recommends:

I That a Certificate of Suitability for demolition of 545 Broadway not be issued and the building remain on the Historical Buildings Conservation List as a Grade III designation.

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

REFERRED BACK BY EXECUTIVE POLICY COMMITTEE TO THE COMMITTEE ON PLANNING AND COMMUNITY SERVICES

REPORT OF THE COMMITTEE ON

PLANNING AND COMMUNITY SERVICES

DATED APRIL 6, 1993

On motion of Councillor Murray, Clause 6 of the Report of the Committee on Planning and Community Services, dated April 6, 1993, was considered.

Moved by Councillor Murray,
That the Consent Agenda item, Clause 1, be adopted.

Carried.

Her Worship the Mayor and Councillors:

Christie Road Subdivision - pre-payments of future local improvement for paving - proposed amendments to Development Agreements AG 234/80-A, AG 214/82, AG 236/83
Files DAZ 234/80, DAZ 214/82, DAZ 236/83

952 - 6. On September 23, 1992, Council directed that nine amending agreements between the City and various developers including Development Agreements AG 234/80-A, AG 214/82 and AG 236/83 be executed to provide for:

(a) retention by the City of one-third of local improvement pre-payments for future asphalting (i.e. to be used for maintenance instead of a local improvement), and

(b) return of letters of credit securing future payments, or

(c) where one hundred percent was prepaid a refund of two-thirds to be distributed among current lot owners.

Between 1980 and 1990 the City approved subdivisions of Christie Road frontage subject to pre-payment of the estimated cost of future asphalting or pre-payment of one-third with a letter of credit securing the balance. It was then expected that over time development would generate the need and support for paving Christie Road as a local improvement.

During July of 1992 the St. Boniface-St. Vital Community Committee heard representations from some of the lot purchasers and developers requesting refund of the pre-payments. The Community Committee concluded that a successful local improvement would not be possible in the foreseeable future.

The Community Committee, therefore, recommended that where one hundred percent had been prepaid, a refund be distributed among current land owners within thirty days after execution of the necessary amending agreement by the relevant developer.

Pursuant to Council's approval and instructions, amending agreements have been executed, letters of credit returned and refunds distributed to lot owners under amending agreements signed by six of the nine developers.

Three of the five developers who prepaid one hundred percent of the asphalting cost do not agree that their purchasers are entitled to the two-thirds refund.

Some of the purchasers may have valid claims against the developer/vendors and others may not. Whatever the merits of various purchasers' claims against developer/vendors, the City has no power to resolve disputes over the terms of their land sales agreements.

Your Committee on Planning and Community Services recommends that Council further consider its instructions of September 23, 1992 regarding Development Agreements AG 234/80-A, AG 214/82 and AG 236/83 and instruct that the refunds approved by Council, subject to amendment of the relevant agreements, be paid to the relevant developer where no competing claims are made but otherwise paid or distributed among whoever establishes entitlement to the refund or some part of it.

Adopted by consent.

(Note: Agreements referred to in the above clause are on file in the office of the City Clerk)

REPORT OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

DATED AUGUST 31, 1993

On motion of Councillor Murray, the Report of the Committee on Planning and Community Services, dated August 31, 1993, was considered clause by clause.

Moved by Councillor Murray,
That the Consent Agenda items, Clauses 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17, 18,19,20,21,22,23 and 24 be adopted.

Councillor Thomas requested that Clause 6 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3,4,5,7,8,9,10,11,12,13,14, 15,16,17,18,19,20,21,22,23 and 24 was put and declared carried.

Her Worship the Mayor and Councillors:

English for Job Finding Program - 1993/1994 File EH-1 (Vol.7)

953 - 1. Your Committee on Planning and Community Services has been advised that the Social Services Department has applied to the Federal Government for the provision of 100% of the funding in the amount of $93,662.00, for an English skills program for people who have recently immigrated to this country (and are currently in receipt of financial assistance).

A list of the budgeted items is as follows:

Office and Classroom Rental	$ 9,200
Telephone Costs	300
Administration Materials	1,000
Administration/Supervision Costs	
Paid to Public Institution	9,150
Staff Travel	250
Coordinator (44 weeks)	30,800
Instructor (24 weeks)	16,800
M.E.R.C.'s	5,932
Course Purchases	4,000
Books and Supplies	5,500
Graduation	450
Bus Passes	8,280
Clothing and Tools	2,000
Total	$93,662

If approved, this program would be the fourth 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 Social Services Department is of the opinion that the English For Job Finding Program has been successful in assisting social assistance recipients who are new to this country to locate employment and training (resulting in independence from social assistance). The Department has requested funding from the Federal Government for a fourth program for 1993.

A Program Co-ordinator and Instructor will be hired by South Winnipeg Technical Centre to implement this program, working on contract with the City of Winnipeg. The City will be responsible for the recruitment of participants, the administration of the budget, and the preparation of reports and financial claims related to the program. The City will incur no additional financial costs as a result of participating in this training program.

Funding for the instructor, course costs, and training costs will be borne in total by the Federal Government.

Report of the Committee on Planning and Community Services dated August 31, 1993

Your Committee on Planning and Community Services recommends:

I. That The City of Winnipeg participate in the English For Job Finding Program, subject to 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 all necessary documents.

Adopted by consent.

Social Assistance Recipient Trades Training Program - 1993/1994
File EH-2.3 (Vol.3)

954 - 2. Your Committee on Planning and Community Services has been advised that the Social Services Department has applied for funding from the Federal Government in the amount of $99,887.00 to fund 100% of the cost of the Social Assistance Recipient Trades Training Program - 1993/1994 for ten (10) social assistance recipients.

The budget for this program is as follows:

Program Manager/Counsellor:	$31,444
Benefits @ 12.66%:	3,983
Training Costs:	
$40.00/day x 150 days x 10 trainees	60,000
Overhead Costs:	
Course Fees	500
Transportation	1,000
Administration	2,960
Total	$99,887

The Social Services Department has sponsored three previous programs in conjunction with the South Winnipeg Technical Centre (S.W.T.C.) in 1988/1989, 1991/1992, and 1992/1993. These programs provided valuable opportunities for social assistance recipients to acquire the trade skills necessary to gain financial independence.

The South Winnipeg Technical Centre offers a unique approach: combining vocational and technical training with on-the-job experience, in a modular system.

Selected participants will undergo training in trades of their choice such as: commercial food services, industrial mechanics, building maintenance, power engineering, auto diesel mechanics, industrial welding, autobody repair, industrial electronics, industrial electricity, production art, industrial drafting and design.

Trainees develop their skills on the latest available equipment in the various trade areas mentioned. Training will be provided under contract by South Winnipeg Technical Centre staff. A program co-ordinator, selected by South Winnipeg Technical Centre, will provide life skills training, work site liaison, and day-to-day monitoring of the students' progress.

Candidates for the proposed program will be selected from social assistance recipients who have expressed an interest in technical training. A social worker from the Social Services Department will be assigned to assist trainees in adjusting to student life.

Your Committee on Planning and Community Services recommends:

I. That, subject to total funding by the Government of Canada, the City of Winnipeg participate in providing program support, in terms of personnel, for the Social Assistance Recipient Trades Training Program at South Winnipeg Technical Centre.

Report of the Committee on Planning and Community Services dated August 31, 1993

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

Adopted by consent.

Employability Skills Enhancement Program - 1993/1994

File EH-2.3 (Vol.3)

955 - 3. Your Committee on Planning and Community Services has been advised that the Social Services Department has applied for funding from the Federal Government in the amount of $65,960.00 to fund 100% of the cost of the Employability Skills Enhancement Program - 1993/1994 for ten (10) social assistance recipients.

The budget for this program is as follows:

Training Costs:		
$40.00/day x 150 days x 10 trainees	60,000	
Overhead Costs:		
Course Fees		2,000
Transportation		1,000
Administration		2,960
Total		$65,960

The Social Services Department has sponsored three previous programs in conjunction with the South Winnipeg Technical Centre (S.W.T.C.) in 1988/1989, 1991, 1992, and 1992/1993. These programs provided valuable opportunities for social assistance recipients to acquire the trade skills necessary to gain financial independence.

This new program is designed to assist those persons who have been displaced from their jobs due to a restructuring of the economy - downsizing of their company, the mechanization/modernization of their plant which has made their former job and job skills redundant. Generally candidates will be older family men who have had stable work histories in the past but now find themselves unable to find employment. Having exhausted their unemployment benefits, they now find themselves on assistance, many for the first time.

The South Winnipeg Technical Centre offers a unique approach: combining vocational and technical training with on-the-job experience, in a modular system.

Selected participants will undergo training in trades of their choice such as: commercial food services, industrial mechanics, building maintenance, power engineering, auto diesel mechanics, industrial welding, autobody repair, industrial electronics, industrial electricity, production art, industrial drafting and design.

Trainees develop their skills on the latest available equipment in the various trade areas mentioned. Training will be provided under contract by South Winnipeg Technical Centre staff. A program co-ordinator, selected by South Winnipeg Technical Centre, will provide life skills training, work site liaison, and day-to-day monitoring of the students' progress.

Candidates for the proposed program will be selected from social assistance recipients who have expressed an interest in technical training in order to enhance their employability skills. A social worker from the Social Services Department will be assigned to assist trainees in adjusting to student life.

Your Committee on Planning and Community Services recommends:

I. That, subject to total funding by the Government of Canada, the City of Winnipeg Social Services Department participate in providing program support, in terms of personnel, for the Employability Skills Enhancement Program at South Winnipeg Technical Centre.

Report of the Committee on Planning and Community Services dated August 31, 1993

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

Adopted by consent.

Request for Additional Appropriation for the Social Services Department
File FE-1

956 - 4. Your Committee on Planning and Community Services has been advised that the recent Provincial policy change has created a situation wherein each municipality will be responsible for the provision of social assistance to a group of students, which have been delineated by Provincial criteria.

Following computerization of the Social Services Department in 1987, the department achieved a reduction in its staffing level from 201 in 1987, to 156 in 1990; an annual reduction of $866,314 (in 1990 dollars) in salaries. The department's current staff establishment has increased to 169; the department has experienced a dramatic increase in caseload because of the impact of the recession. At the end of June, 1990, the social assistance caseload was 8,208; at the end of June 1993, the caseload was 17,415 - a 112% increase.

Because of a Provincial policy change regarding students, it is anticipated that the current caseload of students, approximately 900 cases, will rise to approximately 1,200 cases in the Fall of 1993. This is based on the past experience of the Student Social Allowances Program. The supervisor directly responsible for the student caseload is carrying this responsibility in addition to other duties previously assigned. No additional supervisory staff is required.

However, line staff - social workers and eligibility workers - had been assigned to this section on a temporary basis for what had been seen as a trial period following which some resolution of the student situation would occur. Since the Province had determined that municipalities henceforth be responsible for this function, the department will require additional staff. The department is facing an enormous increase in caseload with limited resources. Not to provide additional staff will result in a serious reduction in services in other areas of the department's program.

On August 12, 1993, The Board of Commissioners authorized the Director of Social Services to overexpend his budget, on an emergency basis, to accommodate six temporary eligibility workers and one temporary Clerk A.

Your Committee on Planning and Community Services recommends that:

I. An additional appropriation in the amount of $78,970.00* for the hiring of six temporary eligibility workers and one temporary Clerk A be approved and charged to the Salaries, temporary. (*The net cost to the City for the additional appropriation of $78,970.00 following cost sharing with Senior Government will be $42,644.00).

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.

Appointment of a new member to the Historical Buildings Committee
File G-3.1 (GC-7)

957 - 5. Your Committee on Planning and Community Services has been advised that Mr. John White, the representative from The Historical and Scientific Society of Manitoba, has submitted his formal resignation as a member of the Historical Buildings Committee effective June 10, 1993. Mr. White submits Philip Haese, 785 Pasadena Avenue, Winnipeg, R3T 2T6, currently an alternate member of the Historical Buildings Committee, as a permanent member and Glen Brown, 318 Culver Street, Winnipeg, R2L 1Z7, as the alternate member.

Report of the Committee on Planning and Community Services dated August 31, 1993

Your Committee on Planning and Community Services recommends that Mr. Philip Haese be appointed as a permanent member to the Historical Buildings Committee, representing The Historical and Scientific Society of Manitoba replacing Mr. John White, and further, that Mr. Glen Brown be appointed as the alternate.

Adopted by consent.

Amendment to By-law No. 4334/86 - Winnipeg Public Library Board and Library Board Advisory Committees
File L-1

958 - 6. On June 12, 1986, Council passed By-law No. 4334/86, establishing The Winnipeg Public Library Board, whose function is to advise and report to the Committee on Planning and Community Services on library policy and budgets, and on administrative matters to the extent that they have significant policy or service implications.

By-law No. 4334/86 further stipulated the following:-

(4)The City Librarian shall provide the Board with facilities and support staff within the existing staff complement of the Library System, as reasonably required, as will enable the Board to carry out its duties.

When the Library Board was initially established in 1978 by By-law No. 2165/78 (which by-law was repealed by By-law No. 4334/86), clerical support to the Board was also provided by a member of the Library Department staff.

As a board established by a Standing Committee, The Winnipeg Public Library Board reports directly to the Committee on Planning and Community Services. The Board meets on the second Tuesday of each month.

Since its formation in 1978, secretarial duties (preparation of agendas, recording of minutes) of the Board have been performed by a staff member of the Library Department, unlike other Ad Hoc Committees established by the Committees of Council for which the City Clerk's Department provides support.

The City Clerk's Department presently serves thirty-two (32) Ad Hoc Committees, which may or may not be active at this time. Some Committees meet as often as once a week, for which an agenda must be prepared and a Clerk must be available to record minutes. The Department must also be prepared to provide support to any new Ad Hoc Committees as they are established. These requirements are over and above the normal responsibilities of the City Clerk's Department to provide support to Executive Policy Committee, Standing Committees and Community Committees.

In recent years, the City Clerk's Department has reduced the number of Clerks in its service, yet has provided for an increased level of service as a whole. This has resulted in a heavier workload for remaining employees.

The City Clerk's Department is prepared to provide clerical support to The Winnipeg Public Library Board, however, due to extremely-taxed personnel resources, the Department must insist that meetings of the Board be held at City Hall during normal works hours (8:30 a.m. - 4:30 p.m.), to ensure staff availability.

On June 29, 1993, the Committee on Planning and Community Services concurred with the request from The Winnipeg Public Library Board, namely:

"That clerical support be provided through the City Clerk's office for the taking of Board Minutes at regular meetings of the Board at City Hall or in Branch Libraries during working hours between 8:30 a.m. and 4:30 p.m."

On August 31, 1993, your Committee on Planning and Community Services considered representation from the Chairperson of The Winnipeg Public Library Board advising that due to the employment commitments of members of The Winnipeg Public Library Board, they would be unable to attend meetings of The Winnipeg Public Library Board during the hours of 8:30 a.m. - 4:30 p.m.

Your Committee on Planning and Community Services is of the opinion that The Winnipeg Public Library Board should hire outside clerical support for the balance of 1993, and that the issue of clerical support for The Winnipeg Public Library Board be reconsidered during the 1994 budget deliberations.

Report of the Committee on Planning and Community Services dated August 31, 1993

Your Committee on Planning and Community Services recommends:

I. That for the balance of the 1993 fiscal year, The Winnipeg Public Library Board hire outside clerical support, to be funded out of their current budget.

II. That By-law No. 4334/86, being a By-law of the City of Winnipeg in respect to The Winnipeg Public Library Board and Library Advisory Committees of The City of Winnipeg, be amended by deleting the requirement that the City Librarian provide the Board with clerical support staff to enable the Board to carry out its duties.

III. That the City Solicitor be requested to prepare the necessary amending by-law to effect the intent of the foregoing.

Moved by Councillor Murray,
Adoption of the clause.

Moved by Councillor Thomas,
Seconded by Councillor Hyman,
THAT the clause be referred back to the Standing Committee;

AND THAT the item not reappear on the Council agenda earlier than the November meeting, to allow for ample discussion between the Winnipeg Public Library Board and the Standing Committee.

Carried.

Zoning Agreement Amendment - 2449 Main Street, Lord Selkirk-West Kildonan Community
File No. DAZ 225/84 (ZAA 4/93)

959 - 7. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. Peter Palaschuk, 135 McGregor Street, to amend the Zoning Agreement affecting the land at 2449 Main Street to add to the list of uses a swimming pool display area.

A related application for a Conditional Use to allow for the swimming pool display area was granted under related File No. DCU 104/93.

The site is currently occupied by a Buggy Bath operation on the rear half of the property. A Royal Bank kiosk and drive thru was recently approved for construction at the front of the lot.

The applicant, Mr. Palaschuk, wishes to amend the existing zoning agreement (DAZ 225/84) to add a "Contractors Display and Storage Area" to the list of permitted uses on the land. Mr. Palaschuk plans to operate an office out of the existing building and store and display at least two (2) precast fibreglass pools to the rear of the property. The Planning Department is not in opposition to the requested amendment if certain specified conditions are adhered to. Specifically, the Planning Department recommends that the number of units being stored and/or advertised be limited to a maximum of two.

Secondly, Council recently approved an amendment by the Royal Bank for the installation of a banking kiosk/drive thru at the front of the subject property (ZAA 2/93). Those plans call for the upgrading and landscaping at the front portion of the site. It would not therefore be appropriate to locate what are large unsightly swimming pool units at or near the front of the property. The Planning Department therefore recommends that the storage of the subject units be confined to the rear 80 feet of the property. That would allow for approximately 150 feet of setback from the front property line and would not visually impair the front portion of the site.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on July 13, 1993.

Peter Palaschuk, 135 McGregor Street, Winnipeg, R2W 4V7, appeared in support of the application.

No one appeared in opposition thereto.

Report of the Committee on Planning and Community Services dated August 31, 1993

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning agreement amendment be approved subject to a number of conditions, all of which have been incorporated within the following recommendation for the following reason:

1. It would have no adverse effect on the adjoining property owners.

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

I. That Zoning Agreement DAZ 225/84 dated August 15, 1984 be amended as follows:

A. To permit a swimming pool display and storage area subject to the following conditions:

1. that the number of swimming pool display units on site be restricted to a maximum of two (2); and
2. that storage/display of said units be confined to the rear 80 feet of the subject property.

II. That the City Solicitor be requested to prepare the necessary amending agreement to Zoning Agreement DAZ 225/84 dated August 15, 1984 as approved in aforesaid Recommendation 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.

(Note:Attachments referred to in the above clause are on file in the office of the City Clerk)

Rezoning - 1651 St. Anne's Road, Riel Community
File No. DAZ 261/84 (ZAA 3/93)

960 - 8. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. Murray Wedlake, Box 39, Group 170, RR1, to amend the Zoning Agreement affecting 1651 St. Anne's Road; said approach restricted to access over Lot 2 by the present agreement.

It is proposed that a separate private approach onto St. Anne's Road be established for Lot 4, instead of the requirement that both Lots 1 and 4 take access over Lot 2 in order that all three dwellings add only one private approach to St. Anne's Road.

The restriction of approaches under DAZ 261/84 was established on the recommendation of the Streets and Transportation Department who object to the proposed change because of the following:

"St. Anne's Road south of the perimeter is planned to be an arterial street (i.e. intended for transportation of large volumes of through traffic).

Private approaches serving single-family dwellings are not normally permitted on arterial streets. Private approaches tend to diminish the capacity of and level of motorist safety on streets on which they are located. These undesirable aspects are exacerbated on arterial streets which are intended to carry large volumes of traffic at relatively high speeds.

This Department erroneously issued a private Approach Approval for the subject lot on April 5, 1993, unaware of the provisions of the Zoning Agreement. Had the Department been aware ... a Private Approach Approval would not have been issued."

A Public Hearing was held before the Riel Community Committee on June 16th, 1993.

Report of the Committee on Planning and Community Services dated August 31, 1993

Mr. Murray Wedlake, Box 33, Group 170 RR1, Vermette, Manitoba, ROG 2WO appeared in support of the application.

No one appeared in opposition thereto.

The Riel Community Committee recommended that the proposed zoning agreement amendment be approved for the following reasons:

1 .Approval of this amendment is not considered to be an encroachment onto St. Anne's Road and as well is not precedent setting.

2. Mr. Wedlake has historical rights to an approach on to St. Anne's Road.

Your Committee on Planning and Community Services concurs in the recommendation of the Riel Community Committee and recommends:

I. That Clause 2.(ii) and Clause 3 of Zoning Agreement DAZ 261/84 dated February 13, 1985 be amended to permit the construction of an approach from Lot 4 to St. Anne's Road.

II. That the City Solicitor be requested to prepare the necessary amending agreement to Zoning Agreement DAZ 261/84 dated February 13, 1985 as approved in Recommendation I.

III. That the Proper Officers of the City are hereby 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.

(Note:Attachments referred to in the above clause are on file in the office of the City Clerk)

Zoning Text Amendments - To Standardize the Regulations for Driveways and Parking Spaces accessory to Single and Two-Family Dwellings - All Zoning By-laws and Town Planning Schemes except By-law No. 4800/88

File No. DAZ 228/90

961 - 9. Council, on June 20, 1990, directed the Committee on Planning and Community Services to conduct a public meeting to consider proposed text amendments to all Zoning By-laws and Town Planning Schemes of the City of Winnipeg and amendments thereto, except for By-law No. 4800/88, to standardize the regulations for driveways and parking spaces accessory to single and two-family dwellings, and instructed the Commissioner of Planning and Community Services to initiate an application for consideration of the proposed text amendments.

In the September 30, 1991 report of the Committee on Planning and Community Services, it was recommended in Clause 2 that:

"I. The Zoning By-laws 16502, 1558, 1800, 4440/86, 4450/86, St. Vital Town Planning Scheme 1951 and St. Boniface Town Planning Scheme 1957, all being Development By-laws under The City of Winnipeg Act, be amended as follows:

(1) Delete therefrom all zoning requirements for driveways and parking spaces accessory to a single/one-family dwelling and to a two-family dwelling; and

(2) Add thereto the following new requirements for driveways and parking spaces accessory to single/one-family dwellings and two-family dwellings:

Report of the Committee on Planning and Community Services dated August 31, 1993

'Notwithstanding anything elsewhere contained in this By-law/Scheme, every driveway and parking space accessory to a single/one-family dwelling and to a two-family dwelling shall be provided with an all-weather hard surface, which may include compacted gravel, asphalt or some other similar type of surface, installed and maintained so that loose material is not dislodged by vehicles.'

II. That the City Solicitor be requested to prepare the necessary text amending Zoning (Development) By-laws in accordance with Recommendation I. above and forward same to Council for all three readings.

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

After various referrals from Executive Policy Committee to the Committee on Works and Operations and Administration, Council at its meeting held on July 8, 1992, granted the Executive Policy Committee a further 90 day extension in order to consider the referenced Clause 2 of the Report of the Committee on Planning and Community Services, dated September 30, 1991.

On November 17, 1992, the Executive Policy Committee further considered this issue and referred the entire matter back to the Committee on Works and Operations. The Executive Policy Committee felt that inasmuch as the Ad Hoc Committee on Development Agreement Parameters was technically nonexistent at the time, input from the Committee on Works and Operations was more appropriate.

At its meeting on December 3, 1992, the Committee on Works and Operations passed a motion that there be no change to the referenced zoning text amendments. Subsequently, the Streets and Transportation Department was requested to provide an updated report on the matter to the Committee on Works and Operations. This updated report was submitted January 8, 1993, and made the same recommendations as the February 12, 1992 report, namely:

"(1)That Recommendation I.(2) from the September 30, 1991 report of the Committee on Planning and Community Services be modified to state:

'Notwithstanding anything elsewhere contained in this By-law/Scheme, every driveway and parking space accessory to a single/one-family dwelling and to a two-family dwelling shall be provided with an all-weather, adequately drained, hard-surface of compacted crushed stone, asphalt, concrete or similar materials constructed and maintained so loose material is not dislodged and thrown or carried onto adjoining public streets or lanes.'

(2) That the Zoning By-laws and Town Planning Schemes be amended accordingly.

(3) That the City Solicitor be requested to undertake the necessary procedures in this regard."

On March 9, 1993, the Committee on Works and Operations laid this matter over to enable further input or comments from the Committee on Planning and Community Services. On April 6, 1993, the Committee on Planning and Community Services concurred with the suggested amendments contained in the Streets and Transportation Department report dated January 8, 1993.

On July 14, 1993, Executive Policy Committee requested the Committee on Planning and Community Services to do whatever is required to amend the appropriate By-laws and Town Planning Schemes.

Standards for driveways and parking spaces accessory to single family and two family dwellings are inconsistent throughout the City. The Planning Department recommends that this inconsistency be eliminated. By-law No. 4450 (the Lord Selkirk-West Kildonan Community Zoning By-law) and By-law 4440 (the East Kildonan-Transcona Community Zoning By-law) both require that driveways be paved with asphalt or concrete. The Maintenance and Occupancy By-law (which applies to the entire City) and all other Zoning By-laws and Town Planning Schemes do not impose this stringent requirement.

The Operations Department has reviewed the proposed amendments and has made the following comments:

(1) The Zoning text amendments are not consistent with the Private Approach By-law (Schedule 6 to By-law No. 329/73). Under Schedule 6 of the Private Approach By-law, the material/surface type requirement for an approach is consistent with the roadway type. The proposed regulations for private driveways could either be more or less stringent than the Private Approach By-law, depending on the roadway type. For example:

Report of the Committee on Planning and Community Services dated August 31, 1993

Error! Bookmark not defined.ROADWA	APPROACH	PRIVATE DRIVEWAY
Concrete with curb	Concrete	All-weather hard surfaced with compacted stone
Gravel	Gravel	All-weather hard surfaced with compacted stone

(2) A "grace period" of five years could reduce the financial burden imposed by the requirement for the paving, with asphalt or concrete, of a driveway or parking space.

The Operations Department has concerns regarding the phrase "compacted gravel" in the proposed Regulation. Some gravels are incapable or being sufficiently compacted to be considered as "hard surfaced".

Although front driveways usually are found to have adequate drainage, parking spaces adjacent to back lanes do not. Poor drainage from these parking spaces can produce ponding of water during wet periods with significant material deposits resulting on the pavement.

The main concern of the Streets and Transportation Department regarding the proposed amendments is the prevention of deleterious materials such as loose gravel, mud, dust, etc. from entering the travelled roadway. This, as well as addressing the concerns of the Operations Department, could be accomplished if the Committee on Planning and Community Services Recommendation I.(2), of September 30, 1991, was modified to state:

"Notwithstanding anything elsewhere contained in this By-law/Scheme, every driveway and parking space accessory to a single/one-family dwelling and to a two-family dwelling shall be provided with an all-weather, adequately drained, hard-surface of compacted crushed stone, asphalt, concrete or similar materials constructed and maintained so loose material is not dislodged and thrown or carried onto adjoining public streets or lanes."

It should be noted that the Law Department has advised that enforcement of the proposed amendments would be by prosecution for breach of the Zoning By-law if a problem was not voluntarily corrected, and there would be no enforcement problem assuming the offending material can be proven to have come from the offending owner's land. The Development Agreement Parameters have no relevance to prosecution for breach of a Zoning By-law, nor has the Private Approaches By-law.

Your Committee on Planning and Community Services reiterates its recommendation of April 6, 1993 and recommends:

I. That the Zoning By-laws 16502, 1558, 1800, 4440/86, 4450/86, The St. Vital Town Planning Scheme 1951 and The St. Boniface Town Planning Scheme 1957, all being Development By-laws under The City of Winnipeg Act, be amended as follows:

(1) Delete therefrom all zoning requirements for driveways and parking spaces accessory to a single/one-family dwelling and to a two-family dwelling; and

(2) Add thereto the following new requirements for driveways and parking spaces accessory to single/one-family dwellings and two-family dwellings:

"Notwithstanding anything elsewhere contained in this By-law/Scheme, every driveway and parking space accessory to a single/one-family dwelling and to a two-family dwelling shall be provided with an all-weather, adequately drained, hard surface of compacted crushed stone, asphalt, concrete or similar materials constructed and maintained so loose material is not dislodged and thrown or carried onto adjoining public streets or lanes."

II. That the City Solicitor be requested to prepare the necessary text amending Zoning (Development) By-laws in accordance with Recommendation I. above and forward same to Council for all three readings.

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

Adopted by consent.

(Note: Attachments referred to in the above clause are on file in the office of the City Clerk)

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Rezoning - North-west corner of Pembina Highway and Chancellor Drive, Riel Community

File No. DAZ 250/92

962 - 10. Your Committee on Planning and Community Services has been advised that an application has been received from The City of Winnipeg Land Surveys and Real Estate Department, 2nd Floor, 65 Garry Street, to amend By-law No. 1800 by rezoning the land at the northwest corner of Pembina Highway and Chancellor Drive from an "R2" Two-Family District to a "C2" General Commercial District to allow for commercial development.

The existing "R2" zoning on the land is inappropriate. Conforming development is unlikely to be marketable because of proximity to Pembina Highway, also the development of the site separate from lands to the north, is impractical because of limitations on access to the land.

Commercial development of the land is entirely consistent with existing development of Pembina Highway frontage, both opposite and to the south.

The difficulty in providing access to this site, because it is located at a major intersection, requires that the site be consolidated. This will prevent the establishment of different titles, and request for separate access from different owners. That consolidation into one title should take place before sale and rezoning of the land.

Following the adjournment of this application by the Riel Community Committee on June 16, 1993, the list of uses provided in the "C2" Commercial district under By-law No. 1800 was reviewed in terms of concerns about limited access to the site. A recommendation is made for use restriction in order to alleviate those concerns.

In order to accommodate expeditious development, the Planning Department suggests that your Committee on Planning and Community Services deal with access to the lands through plan approval. If access is approved as a Schedule to a Zoning Agreement, the zoning change need not be delayed pending any refinement of approved approaches, etc. This would also allow approval without restriction of subdivision of the lands, which restriction was intended to prevent separate applications for vehicular access from an uncontrolled number of parcels.

Finally, in order that the prospective purchaser of the lands may be assured of the final terms of approval, it is suggested that third reading be given to the rezoning by-law prior to purchase, but that the rezoning not come into effect until execution and registration of the Zoning Agreement by the new owner. The purchaser may also obtain all necessary plan approvals from your Committee on Planning and Community Services before completion of purchase.

A Public Hearing was held before the Riel Community Committee on February 17, March 17, April 21, May 19, June 16 and June 29, 1993.

The following persons appeared and/or registered in support of the application:

G. Anderson, Senior Real Estate Officer, Land Surveys and Real Estate Department, 65 Garry Street, Winnipeg, R3C 4K4
J. Galley, Land Surveys and Real Estate Department, 65 Garry Street, Winnipeg, R3C 4K4
C. Nixon, Esso (Imperial Oil Ltd.), 700-166 Portage Avenue, Winnipeg, R3J 3J7
Mr. S. Shindleman, 100 - One Evergreen Place, Winnipeg, R3L OE9
Mr. R. W. Shindleman, 100 - One Evergreen Place, Winnipeg, R3L OE9

No one appeared in opposition thereto.

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

1. Commercial development of the land is entirely consistent with existing development of Pembina Highway frontage, both opposite and to the south.

2. No opposition was registered against the application.

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Your Committee on Planning and Community Services concurs in part with the recommendation of the Riel Community Committee for the following reason:

"This application was made by the Land Surveys and Real Estate Department to facilitate the rezoning. The Land Surveys and Real Estate Department has now entered into a sales agreement on these lands with Esso. They are now the applicant and can therefor enter into a zoning agreement with the City."

and therefore recommends:

I. That By-law No. 1800 be amended by rezoning the subject land as outlined on Schedule "A" for File No. DAZ 250/92, dated August 9, 1993, 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(1) of The City of Winnipeg Act to provide for the following:

(1) that the following uses not be permitted:
(a) boarding, rooming and lodging houses;
(b) clubs licensed by the M.L.C.C.;
(c) concert halls or opera houses;
(d) dry goods and fabric stores;
(e) food stores exceeding a floor are of 12,000 ft²;
f) institutions;
(g) libraries;
(h) police stations;
(i) religious institutions;
(j) rinks exceeding a floor are of 20,000 ft²;
(k) schools;
(l) theatres and cinemas;

(2) that the following uses be permitted only if entirely contained within a completely enclosed building:
(a) building materials sales;
(b) garden and seed supply stores;
(c) motorcycle and autoboggan sales;

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

(4) that no vehicular approach for ingress to or egress from the land be located on the land except in accordance with plans approved by the Riel Community Committee and the Commissioner or Works and Operations, and that cross-access easements be executed and maintained to ensure equal access to and from all private approaches for all uses on the lands.

II. That the 10% dedication be waived in this instance because the lands are being sold by the City at a price reflecting the increase in the value established by the zoning change.

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 executed by the applicant and 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.

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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.

(Note: See Minute No. 977 for attachment)

Waiver of Dedication Fees for Senior Citizens Homes
File Nos. DAZ 202/93 and DAZ (Gen.)

963 - 11. Your Committee on Planning and Community Services has received a request from the President, Villa Tache Inc., (a non-profit Senior Citizens Home,) 400 Des Meurons Street, for a waiver of the 10% cash in lieu of land dedication fee in the amount of $8,560.00 imposed by the City of Winnipeg on approval of their application to rezone the lands under File No. DAZ 202/93, approved by Council on June 23, 1993.

The following is a list of rezoning applications for senior citizen homes in the City since 1985 and the disposition of how the dedication fee was dealt with in each case:

1985:

DAZ 202/85	Foyer St. Boniface Home Inc. River Road	Community Committee recommended waiver/waived by Council
DAZ 238/85	St. Josaphat's Inc. Burnell Street	Community Committee recommended waiver/waived by Council
DAZ 289/85	Mennonite Brethren Geriatric Association Portage Avenue between Empress and Doreen Streets	Paid $11,000.00

1986:

DAZ 288/86	Faith Lutheran Church East side Dakota Street, north of Southglen Boulevard	no increase in value (no dedication)
DAZ 309/86	The Reading Association of Prosvita - south-west corner of Selkirk Avenue and McKenzie Street	Community Committee recommended waiver/waived by Council

1987:

DAZ 206/87	Cancorp Seniors Inc. - north-east corner of Grant Avenue and Chalfont Road	Paid $13,476.00
DAZ 251/87	LM Architectural Group on behalf of Ukrainian Orthodox Cathedral of St. Mary the Protectress south side Burrows Avenue at Sinclair Street	no increase in value (no dedication)

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1988:		
DAZ 242/88	St. Michael's Ukrainian Church, Day Street and Yale Avenue	no increase in value (no dedication)
DAZ 253/88	Friesen, Tokar, Reynolds Watt Street and Desalaberry	no increase in value (no dedication)
DAZ 265/88	James Rollier Architect, Rue St. Pierre and Avenue St. Therese	dedication $9,900.00 appealed Committee on Planning and Community Services recommended waiver/waived by Council
DAZ 270/88	Ken Galanchuk on behalf of Marwest Construction Ltd. Devonshire and Plessis	EPC recommended waiver/waived by Council
DAZ 271/88	Ken Galanchuk on behalf of Marwest Construction Ltd. Regent and Madeline	dedication $6,600.00 appealed, EPC recommended waiver/waived by Council
DAZ 275/88	Ken Galanchuk on behalf of Marwest Construction Ltd. Henderson and Douglas	Community Committee recommended waiver/waived by Council
1989:		
DAZ 242/89	Immanuel Pentecostal Church and Commissioner of Planning Wilkes at Sterling Lyon Parkway	Community Committee recommended waiver/waived by Council
1990:		
DAZ 239/90	Acorn Developments, St. Anne's Road	no increase in value (no dedication)
1991:		
DAZ 207/91	Jacques Rollier, Architect Powers and Partridge	no increase in value (no dedication)
DAZ 226/91	Ken Galanchuk 3420 Grant Avenue	Paid $7,500.00
1992:		
DAZ 200/92	Thorvaldson Care Homes Ltd. 495 Stradbrook Avenue	no increase in value (no dedication)
DAZ 252/92	Transcona Place Inc. 110 Victoria Avenue West	no increase in value (no dedication)
1993:		
DAZ 202/93	Villa Tache Inc.dedication	$8,000.00 being appealed

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Your Committee on Planning and Community Services is of the opinion that a policy should be established where all rezoning applications for non-profit senior citizen homes receive a waiver of the 10% cash in lieu of land dedication fees.

The Planning Department advises that all rezoning applications for proposed senior citizen homes processed by the City come under the "multiple family district". Administration has always recommended the 10% dedication be collected in each instance. The recommendation for waiver normally is made by a Community Committee. The question of establishing a policy for waiving of dedication fees for senior citizen homes has been considered in past by the previous Committee on Environment and the Committee on Planning and Community Services. The conclusion each time has been to consider each waiver request based on its own merits.

Your Committee on Planning and Community Services therefore recommends:

That a policy be established to waive the 10% cash in lieu of land dedication fee for all non-profit Senior Citizen Homes.

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

Adopted by consent.

(Note:Attachments referred to in the above clause are on file in the office of the City Clerk)

Rezoning - East side Archibald Street between Marion Street and public lane north of Cusson Street, Riel Community

File No. DAZ 204/93

964 - 12. Your Committee on Planning and Community Services has been advised that an application has been received from The Commissioner of Planning and Community Services and Mr. Norbert Hansch, 1 Terracon Place, to amend The St. Boniface Town Planning Scheme 1957 by rezoning the land on the east side of Archibald Street between Marion Street and the public lane north of Cusson Street from an "M2" Light Industrial District to either an "M1" Light Industrial District or a "C2" Commercial District to make the zoning more compatible with the adjacent neighbourhood.

The subject lands were formerly used for parking for both the Canada Packers and Swifts plants, but are now not to be used as accessory parking for those properties on the east side of the CPR Emerson Subdivision. The development of these lands with principal uses will have a significant effect on the Archwood Neighbourhood to the west and south, and on rue Archibald traffic. The northerly portion of these lands is in private hands, while the former Swifts property is owned by the City of Winnipeg.

The development of these lands in "M3" uses is unlikely, because they are more marketable and more valuable if developed in commercial uses, but any "M2" development would be entirely incompatible with the neighbourhood to the west and south. Both the "M1" Light Industrial District and the "C2" Commercial District were advertised for these lands to provide latitude in establishing compatible zoning, while respecting the proposals of the purchaser of the northerly portion.

"M1" zoning on a portion of the area to allow an auto-body shop as proposed by the owner (entirely contained within a building under "M1" regulations), would not substantially affect the neighbourhood to the west. However, to retain industrial zoning on a significant portion of the frontage would be likely to create a land use conflict with housing to the west. If not used for accessory parking, these lands must be recognized as part of that neighbourhood.

A Public Hearing was held before the Riel Community Committee on June 16 and June 18, 1993.

The following persons appeared and/or registered in support of the application:

Mr. Bill McGarry, 185 Kingston Row, Winnipeg, R2M OT1
Mr. Norbert Hansch, 1 Terracon Place, Winnipeg, R2J 4B3

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No one appeared in opposition thereto.

The Riel Community Committee recommended that the proposed zoning change be approved for the following reason:

1. Approval of this rezoning is considered to be compatible with the residential area across Archibald Street and will be an enhancement to the area, subject to conditions which are incorporated in the following recommendation.

The Planning Department concurs in the recommendation of the Riel Community Committee. However, the Planning Department is of the opinion that the recommendation should more clearly outline the specific sites affected by the Zoning Agreement.

Your Committee on Planning and Community Services recommends:

I. That The St. Boniface Town Planning Scheme 1957 be amended by rezoning the subject land as outlined on Schedule "A" for File No. DAZ 204/93, dated August 4, 1993, to a "C2" Commercial District and an "M1" Light Industrial District subject to the following:

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

(1) That no building or structure (including free-standing signs and fencing), parking or loading areas, or landscaping be erected or located on the land except in accordance with plans approved by the Riel Community Committee.

(2) That there be a sixteen (16) foot landscaped front yard abutting Archibald Street.

(3) That the following "C2" uses be prohibited on the land, namely:
(a) automobile service station, if unenclosed;
(b) automobile and trailer sales area;
(c) flour and feed stores;
(d) pawnshop;
(e) amusement devices;

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

(1) That no building or structure (including free-standing signs and fencing), parking or loading areas, or landscaping be erected or located on the land except in accordance with plans approved by the Riel Community Committee.

(2) That there be a sixteen (16) foot landscaped front yard abutting Archibald Street.

(3) That the following "C2" uses be prohibited on the land, namely:
(a) automobile service station, if unenclosed;
(b) automobile and trailer sales area;
(c) flour and feed stores;
(d) pawnshop;
(e) amusement devices;

(4) That the following "M1" uses be prohibited on the land, namely:
autobody shop;
blacksmith shop;
chicken hatchery;
kennels;
poultry killing;
building material sales yard;
contractor's equipment storage yard;
retail lumber yard;
feed and fuel yard;
draying or trucking yard;
public utility service yard; and
small boat building.

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(5) That all other permitted "M1" uses be contained within a completely enclosed building.

That a 10 per cent dedication in lieu of the requirement for land dedication based on the increase in the market value of the land be waived as this amount has been reflected in the purchase price of the City-owned lands.

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

V. That the rezoning by-law for Site "A" and Site "B" shall become effective when the Zoning Agreements have been registered by a caveat as a first charge against the subject lands 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 Agreements.

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.

(Note:See Minute No. 978 for attachment)

Rezoning - Lot 3, Plan 22461, west side of Henderson Highway, opposite Springfield Road, East Kildonan-Transcona Community
File No. DAZ 206/93

965 - 13. Your Committee on Planning and Community Services has been advised that an application has been received from East River Park and Residential Company Limited, 500-115 Bannatyne Avenue to amend By-law No. 4440/86 by rezoning Lot 3, Plan 22461 on the west side of Henderson Highway, opposite Springfield Road from an "R1-5" Single-Family District to a "C2" General Commercial District to allow for commercial development.

The applicants have submitted plans which propose the construction of a one-storey (8,000 ft²) plan area Bank Building. The building would include a full basement which would house service systems and provide space for staff lunch facilities, washrooms and storage. The bank would also provide a 24-hour drive-through automatic teller, subject to approval of a future conditional use application.

Vehicular access to the site is to be provided by construction of a bi-directional approach from Henderson Highway. Signal modifications and construction of a left turn storage lane for north bound traffic will also be required as intersection improvements. Staff and customer parking is proposed on the north and west (rear) of the site.

The subject site was formerly part of the railway lands commonly known as the Bergen Cut-Off. The City of Winnipeg has acquired the majority of the previous Bergen Cut-Off lands west of the subject site and which have now been rezoned "PR" Park and Recreational District.

The subject site is the only privately-owned vacant developable land having frontage on Henderson Highway which formed a part of the previous railway property. The subject site is presently zoned "R1-5" (Single-Family District) and under Zoning By-law 4440/86, single-family dwellings and some higher intensity uses are permitted as of right or by conditional use. A residential enclave of a number of single-family dwellings or, for example, a church use, could be accommodated on this site without a rezoning of the lands.

The subject lands are presently unfenced and vacant. The present owners have permitted temporary use of part of the site by the adjacent auto-body shop to the north for vehicle storage. Additionally, The City of Winnipeg presently informally incorporates part of the lands within its Essar Avenue park area and the public at large uses the southerly part of the site as an informal access from Henderson Highway to the City Park lands to the west. Under any residential development proposal, the owner will have absolute right to use of all his property and to terminate all

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existing formal and informal uses. No rezoning would be required and the City of Winnipeg would not have the right to ask for property to be dedicated for Parks and Recreation purposes.

The original development plan submitted by the applicants in conjunction with the subject rezoning application proposed that their site be levelled. This would involve complete removal of the existing residual railway embankment along the south of the property and "public access" to the City-owned park to the west from Henderson Highway would be terminated.

The Planning Department had two main concerns relative to this proposal. Firstly, access to the city parks from the Henderson Highway area would subsequently be legally available only from the public lane at the rear of dwellings at the northwest corner of Slater Avenue and Henderson Highway and from Appleton Street. (The city-owned park land on Essar Avenue is not effectively contiguous with the city park lands on the Bergen Site.) Secondly, the removal of all of the previous railway embankment on the Henderson frontage would be undesirable from a visual perspective. The embankment provides a major opportunity for site enhancement, including existing trees, which very few sites possess, and from an historical and community perspective, the embankment should be maintained to the greatest reasonable extent possible.

Subsequent discussion with the applicants have resulted in a revised plan for the site. The Parks and Recreation Department has also now recommended that lands be acquired by dedication to facilitate improved access to the City park lands. The amended plan therefore, now incorporates dedication of the most southerly 6.096 m (20.0 ft) in width of the site abutting Henderson Highway, and will provide for a formal, permanent linkage between the Essar Avenue park and the Bergen Park Lands. Additionally, in order to enhance the opportunity for maintaining a substantial part of the embankment closest to Henderson Highway without the need for significant retaining walls on the subject site, the Planning Department recommends that a strip of the most southerly residual private lands (after dedication) be used for landscaping purposes only.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on May 18, July 13 and July 21, 1993.

The following persons appeared and/or registered in support of the application:

Garry Hilderman, 115 Bannatyne Avenue, Winnipeg, R3B 0R3
Cam Neirinck, 676 Bardal Bay, Winnipeg, R2G 0J2
Mark Olson, 2A - 2020 Portage Avenue, Winnipeg, R3J 0K4
Griff Tripp, 5035 Benton Court, Victoria, B.C., V8Y 2Z5

The following persons appeared and/or registered in opposition thereto:

Alex and Joan Anstruther, 194 Cheriton Avenue, Winnipeg, R2G 0E3 (subsequently withdrew opposition on July 21, 1993)
A. G. Bedford, 160 Slater Avenue, Winnipeg, R2G 0N7 (subsequently withdrew opposition on July 21, 1993)
Helen Christie, 518 Stalker Bay, Winnipeg, R2G 0C8
Rick Cordy, 143 Slater Avenue, Winnipeg, R2G 0N6
Margaret Davenport, 170 Slater Avenue, Winnipeg, R2G 0N8
L. E. Davidson, 148 Slater Avenue, Winnipeg, R2G 0N7 (subsequently withdrew opposition on July 21, 1993)
Walter Dolhan, 153 Slater Avenue, Winnipeg, R2G 0N6
David Ellie, 145 Slater Avenue, Winnipeg, R2G 0N6
Roy and Ethel Ellie, 154 Slater Avenue, Winnipeg, R2G 0N7
Alfred Enns, 160 Essar Avenue, Winnipeg, R2G 0S7
Margaret and Norman Frederickson, 148 Grandview Street, Winnipeg, R2G 0L2 (subsequently withdrew opposition on July 21, 1993)
A. E. and Dorothy Gascoigne, 171 Slater Avenue, Winnipeg, R2G 0N6 (subsequently withdrew opposition on July 21, 1993)
Sophie and Ted Gierys, 74 Essar Avenue, Winnipeg, R2G 0S5
Brian Glays, 1350 Henderson Highway, Winnipeg, R2G 1M7
Marie Hales, 1393 Kildonan Drive, Winnipeg, R2G 1K2
Cliff and Glennis King, 1221 Kildonan Drive, Winnipeg, R2G 1J8
Adele Korolyk, 26 Litz Place, Winnipeg, R2G 0V1
Debra Kostyk, 171 Essar Avenue, Winnipeg, R2G 0S7
Myron Kruk, 24 Corne Street, Winnipeg, R2G 1K3 (subsequently withdrew opposition on July 21, 1993)

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Lesley and Lucy LeGrand, 157 Slater Avenue, Winnipeg, R2G 0N6 (subsequently withdrew opposition on July 21, 1993)

Mrs. Jerry March, 110 Willowdale Place, Winnipeg, R2G 0A1 (subsequently withdrew opposition on July 21, 1993)
Lorraine Marsland, 86 Edelweiss Crescent, Winnipeg, R2G 1Z4
Mr. and Mrs. C. O'Connor, 304 - 1335 Henderson Highway, Winnipeg, R2G 1M6
Edna N. Parris, 308 - 1335 Henderson Highway, Winnipeg, R2G 1M6 (subsequently withdrew opposition on July 21, 1993)
Michelle Anne Penner, 125 Essar Avenue, Winnipeg, R2G 0S6 (subsequently withdrew opposition on July 21, 1993)
Janice and Matt Poleschuk, 444 Sharron Bay, Winnipeg, R2G 0H7
Nancy Prokop, 506 Stalker Bay, Winnipeg, R2G 0C8
A. Rack, 150 Slater Avenue, Winnipeg, R2G 0N7
Jack Reimer, 25 Litz Place, Winnipeg, R2G 0T9 (subsequently withdrew opposition on July 21, 1993)
A. Reinfort, 85 Essar Avenue, Winnipeg, R2G 0S4
R. Schorpion, 167 Slater Avenue, Winnipeg, R2G 0N6 (subsequently withdrew opposition on July 21, 1993)
Frank T. Shalapata, 156 Essar Avenue, Winnipeg, R2G 0S7
Mary Stewart, 168 Slater Avenue, Winnipeg, R2G 0N8 (subsequently withdrew opposition on July 21, 1993)
K. Stuve, 30 Litz Place, Winnipeg, R2G 0V1 (subsequently withdrew opposition on July 21, 1993)
John Timm, 55 Appleton Street, Winnipeg, R2G 1K7
Peggie Trainer, 505 - 1335 Henderson Highway, Winnipeg, R2G 1M6 (subsequently withdrew opposition on July 21, 1993)
Herman and Minnie Veinot, 701 - 1335 Henderson Highway, Winnipeg, R2G 1M6
Erich Warkentin, 133 Essar Avenue, Winnipeg, R2G 0S6 (subsequently withdrew opposition on July 21, 1993)
Irene Welch, 1216 Kildonan Drive, Winnipeg, R2G 1J6
Nicolas Wiens, 183 Essar Avenue, Winnipeg, R2G 0S6
Larry Zitzelsberger, 22 Litz Place, Winnipeg, R2G 0V1

Henry Kroeger, 1372 Henderson Highway, Winnipeg, R2G 1M8 appeared for information purposes only.

The East Kildonan-Transcona Community Committee recommended that the proposed zoning change be approved for the following reasons:

1. The revised plan for the site incorporates dedication of the most southerly 6,096 m (20.0 ft) in width of the site abutting Henderson Highway and will provide for a formal, permanent linkage between Essar Avenue Park and the Bergen Park lands.

2. Maintenance of a substantial part of the embankment closest to Henderson Highway has been ensured by the provision of a strip of the most southerly residual private lands (after dedication) being used for landscaping purposes only.

3. Use of the site has been restricted to only those associated with the operation of a bank, credit union or trust company, which is deemed to be the least objectionable by concerned area residents.

4. Following review and discussion of the revised plan submitted by the Developer, many of those previously registered in opposition are now in support of this application.

5. Following much discussion, cooperation and compromise by the Developer, the Administration and area residents, a suitable proposal has now been developed which is agreeable to all affected parties, subject to conditions which are incorporated in the following recommendation.

Your 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 outlined on Schedule "A" for File No. DAZ 206/93, dated August 10, 1993, to a "C2" General Commercial District subject to the following:

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

(1) That no other uses shall be permitted on the lands except for the following:
(a) Bank, Credit Union, or Trust Company
(b) Drive-through Automatic teller,
(c) Accessory uses.

(2) That the maximum height of any building on the site shall be limited to one storey.

(3) That the maximum gross main floor area of the building shall be limited to 743.2 m² (8,000 ft²); plus basement area.

(4) That those parts of the subject lands, outlined crosshatched on Schedule "C" for File No. DAZ 206/93, dated August 10, 1993, shall not be used for any other purpose except landscaping.

(5) That no building, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed building, the type and colour of all exterior materials, the location and design of accessory parking areas, loading areas, private approaches, fencing, garbage enclosures, retaining walls, landscaping and all permanent signs are submitted to and approved by the East Kildonan-Transcona Community Committee, and thereafter identified by the signature of the Commissioner of Planning and Community Services under the designations as Schedule "A" to Zoning Agreement DAZ 206/93, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement;

II. That the applicant dedicate lands (by Plan of Subdivision at no cost to the City) for park and recreational purposes as outlined on Schedule "B" to File No. DAZ 206/93, dated August 10, 1993.

III. That the applicant enter into a Servicing Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group, designated as Schedule "D" for File No. DAZ 206/93, dated August 10, 1993, and Schedule "E" for File No. DAZ 206/93, dated August 10, 1993, both being further amended as follows:

A. That Clause 3 of the supplementary report of the Administrative Co-ordinating Group dated July 21, 1993, and Clause 4 of the June 24, 1993 report of the Administrative Co-ordinating Group be amended by deleting therefrom the 20 feet of frontage of dedicated property from the calculation of the Developer's share of the costs of the various services (i.e. 184.4 feet instead of 204.4 feet).

B. That Clause 10 of the supplementary report of the Administrative Co-ordinating Group dated July 21, 1993 be amended to read as follows;

"10.The Developer shall provide securities to provide Builders' Lien and Performance purposes with respect to the sewer installation and for Guarantee purposes with respect to any outstanding requirements at the time of the issuance of building permits. The securities shall be provided in amounts and form satisfactory to the Manager of the Land Development Department and the City Solicitor."

C. That an additional clause be added to the proposed Servicing Agreement to read as follows:

"11. That the final servicing design for both land drainage and waste water sewer shall be approved by the East Kildonan-Transcona Community Committee."

IV. 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.

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

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

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

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

Adopted by consent.

(Note:See Minute No. 979 for attachment)

Rezoning - 215 - 219 Oakland Avenue, East Kildonan-Transcona Community
File No. DAZ 207/93

966 - 14. Your Committee on Planning and Community Services has been advised that an application has been received from Kildonan Printing, 215 Oakland Avenue to amend By-law No. 4440/86 by rezoning the land at 215 - 219 Oakland Avenue from an "R2" Two-Family District to a "C2" General Commercial District to allow for the expansion of a custom printing establishment.

The subject site consists of four 25.0 feet in width registered lots. The overall width of the site is 30.48 m (100.0 ft) and the depth is 30.2 m (99.18 ft). Site area is 920.5 m² (9,908.4 ft²). The most westerly two lots are presently developed with a two-storey two-family dwelling (duplex) with a concrete block addition to the rear and which is presently occupied by Kildonan Printing. The two most easterly lots of the site are developed with a one-family dwelling (to be demolished). The subject site (four lots) is all zoned "R2"-Two Family District under Zoning By-law No. 4440/86.

The applicants are proposing to demolish the existing one-family dwelling on the easterly half of the site and construct a 1,558 ft² area building for use as a custom printing shop. A new 404 ft² building link would connect the new building on the easterly lots to the existing 1,000 ft² print shop structure at the rear of the existing duplex on the two westerly lots. Total square foot plan area of the commercial printing shop would be approximately 3,000 ft².

In the report submitted to the East Kildonan-Transcona Community Committee in connection with the subject application, the Planning Department recommended that the rezoning of the site not be proceeded with.

The reasons for the Planning Department's recommendation were:

1. The rezoning would be contrary to the intent of Zoning By-law No. 4440/86. "C2" Zonings are intended to provide appropriate space along major thoroughfares for a wide range of retail, service and business establishments catering to the needs of both residents and non-residents of a community. The subject site is located on a residential street and would result in a "spot" rezoning within a residentially zoned and developed block.

2. The proposed rezoning would be incompatible with existing zoning and development on the block since the intensity of use would adversely affect existing residential development.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on June 15th, 1993.

The following persons appeared and/or registered in support of the application:

Randy, Ralph A. Nelson and Christine More, 215 Oakland Avenue, Winnipeg, R2G 0A7
Alec and Debra Belinsky, 21 Algonquin Avenue, Winnipeg, R2G 2H2
Walter Doomernik, 198 Cheriton Avenue, Winnipeg, R2G 0E3
Herb Ford, 461 McLeod Avenue, Winnipeg, R2K 0B2
Andrew Gryba, 1112 Brazier Street, Winnipeg, R2G 1R4
Peter Harapiak, 1627 Selkirk Avenue, Winnipeg, R2X 0E6
Viktor G. Loewen, 1115 Henderson Highway, Winnipeg, R2G 1L4
Ron MacMillan, 313 Larche Crescent, Winnipeg, R2C 1A6
Charlene Petrash, 21 Algonquin Avenue, Winnipeg, R2G 2H2
Jacob Redekopp, 1114 Brazier Street, Winnipeg, R2G 1R4
Morgan Turney, 68 Bret Bay, Winnipeg, R2G 2C4

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The following persons appeared and/or registered in opposition thereto:

Maria Halkewycz, 18 Pleasant Bay, Winnipeg, R2K 0E1
Vo Ho (on behalf of Mr. & Mrs. Ho Trieu Quy), 223 Oakland Avenue, Winnipeg, R2G 0A7
Katherine and Richard Kopynsky, 7 Roman Street, Winnipeg, R2G 1R1
Vera Kopynsky, 53 Pleasant Bay, Winnipeg, R2K 0E2
Rev. Fr. Victor and Leisa Zaiachkowski, 17 Roman Street, Winnipeg, R2G 1R1

The East Kildonan-Transcona Community Committee did not concur with the recommendation of the Planning Department and recommended that the proposed zoning change be approved as a temporary rezoning for the following reasons:

1. This expansion will allow a local business to remain in the community; one which has operated responsibly for 16 years with no known negative impact or complaints.

2. The facade and scale of the building will maintain a residential character.

3. The lands will revert to a residential zoning district ("R2" Two-family) at some future date, and the commercial zoning is restricted to this one business operation and owner(s).

4. The 10-year temporary rezoning allows for some control by the community.

5. There is much support for this application as demonstrated by the petition submitted and the public representation heard.

The concerns expressed by those in opposition have been addressed by way of the proposed Zoning Agreement restrictions, subject to conditions which are incorporated in the following recommendation.

Your 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 temporarily rezoning the subject land as outlined on Schedule "A" for File No. DAZ 207/93, dated July 27, 1993, to a "C2" General Commercial District, and that the temporary rezoning shall terminate and the lands revert to an "R2" Two-Family District on October 31st, 2003, 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 for the duration of the temporary rezoning to provide for the following:

      a) That no other use shall be established or maintained on the lands except for:
         i) a "Custom Printing Establishment";
         ii) accessory uses limited to the following:

            - office incidental to a "custom printing establishment" (within the permitted gross floor area of the building only);
            - parking and loading spaces;
            - signs as permitted by Zoning Agreement only (see Section I.e) below);
            - storage of goods used in or produced by a "custom printing establishment" (within the permitted gross floor area of the building only);
            - two dwelling units as presently established on the site;

      b) the operation and ownership of the business establishment shall be limited only to Kildonan Printing Ltd. in the ownership of Randy and Ralph A. Nelson;

      c) that the maximum gross floor area of the entire custom printing establishment permitted on the site shall not exceed 276.0 m² (2,970 ft²);

      d) that pick up and deliveries shall be restricted to within the hours of 8:00 a.m. to 5:00 p.m., Monday to Saturday inclusive; no pick up and deliveries on Sunday and no business operation on Sunday;

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e) that there shall be no permanent identification, business or advertising signs permitted on the lands or upon any building or structure thereon, except for a non-illuminated facia identification sign on the most westerly wall of the building, said sign not to exceed 3.716 m² (40 ft²) in area, and directional signage as may be approved by the East Kildonan-Transcona Community Committee;

f) that no temporary or special event signs of any kind shall be permitted including mobile signs, balloon or inflatable signs, sandwich boards, bulletin boards, posters or banner signs, and further that no flags, banners, bunting, streamers or other similar attention-getting devices shall be permitted on the lands or upon any building or structure thereon;

g) that the temporary trailer shall be removed from the site prior to issuance of an Occupancy Permit for any new building;

h) that all parking areas, loading areas and driveways shall be paved with asphalt or concrete prior to issuance of an Occupancy Permit;

i) that no building, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed building, the type and colour of all exterior materials including type and location of windows and doors, the proposed means of conversion of the building into future residential use, the location and design of accessory parking areas, loading areas, approaches, fencing, garbage enclosures, landscaping and all signs are submitted to and approved by the East Kildonan-Transcona Community Committee, and thereafter identified by the signature of the Commissioner of Planning and Community Services under the designation as Schedule "A" to Zoning Agreement DAZ 207/93, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement;

j) that, except as provided for in II. below, only parking for private passenger automobiles shall be permitted on Lots 15 and 16, with access from the public lane, and all other loading, unloading and parking of commercial vehicles, including garbage pick-up, shall be restricted to Lots 17 and 18, with access only by a new private approach to be constructed and maintained from Roman Street, and, further, that a 1.524 m (5.0 ft) in height solid wood fence be constructed and maintained along the full length of the north lot limit of Lots 17 and 18, and that a 0.7662 m (2.5 ft) in height bumper guard fence be constructed and maintained along the full length of the common abutting (side) lot lines of Lots 16 and 17, extending between the north limit of said lots at the public lane southerly to the north limit of any building on said lots.

II. Should the applicant choose not to construct a private approach from Roman Street to provide access to Lots 17 and 18, as provided for in I.(j) above,then the applicant shall be required to enter into a Servicing Agreement containing the following:

a) that the applicant dedicate a 2.373 m (7.78 ft) widening to the lane right-of-way abutting the proposed development for the full width of Lots 15 to 18 inclusive;
b) that the applicant shall, at no expense to the City, construct a concrete pavement to a width of 6 m in the lane abutting the proposed development, including any utility pole relocation and including a turn-out at Roman Street, all as determined by and to the satisfaction of the Commissioner of Works and Operations;
c) that the applicant shall pay the full cost of engineering services provided by or on behalf of the City in connection with the construction of the concrete lane pavement and associated works;
d) that the applicant shall pay $1,500.00 in lieu of the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

III. 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.

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 enacted by Council.

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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.

(Note: See Minute No. 980 for attachment)

Rezoning - 2677 Pembina Highway, Riel Community

File No. DAZ 208/93

967 - 15. Your Committee on Planning and Community Services has been advised that an application has been received from Dinnerex Inc., 2nd Floor-355 Adelaide Street West, Toronto, Ontario, to amend By-Law No. 1800 by rezoning the land at 2677 Pembina Highway from a "C3" Highway Commercial District to a "C2" General Commercial District to reflect the existing land use.

This application is made solely to reflect existing use, including optical sales approved under DAV 58/93 which must expire February 19, 1998. Clearly, "C2" zoning is entirely consistent with the development of the Pembina Commercial Corridor and it is the zoning district which applies to the opposite frontage. "C3" Highway Commercial is no longer appropriate in this area.

A Public Hearing was held before the Riel Community Committee on July 14th, 1993.

Mr. Steven Tsambalieros, Harvey's Restaurant, 2677 Pembina Highway, Winnipeg, R3T 2H7 appeared in support of the application.

No one appeared in opposition thereto.

The Riel Community Committee recommended that the proposed zoning change be approved for the following reason:

1. The rezoning of the subject property will reflect the existing land use which is entirely consistent with the development of the Pembina Commercial Corridor.

Your Committee on Planning and Community Services concurs in the recommendation of the Riel Community Committee and recommends:

I. That By-law No. 1800 be amended by rezoning the subject land as outlined on Schedule "A" for File No. DAZ 208/93, dated August 16, 1993, to a "C2" General Commercial District.

II. That the standard 10% dedication be waived in this instance, in view of the fact that the zoning change reflects the existing use.

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

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.

(Note: See Minute No. 981 for attachment)

Report of the Committee on Planning and Community Services dated August 31, 1993

Zoning Text Amendment - Design Approval Procedures within Industrial Park District Regulations - All Zoning By-laws and Town Planning Schemes with the exception of By-law No. 4800/88
File No. DAZ 209/93

968 - 16. Your Committee on Planning and Community Services has been advised that an application has been initiated by the Commissioner of Planning and Community Services to amend the text of the following By-laws and Town Planning Schemes which are in effect in the City of Winnipeg:

1. Zoning By-law No. 16502
2. Zoning By-law No. 1558
3 .Zoning By-law No. 1800
4. The St. Boniface Town Planning Scheme 1957
5. Zoning By-law No. 4440/86
6. Zoning By-law No. 4450/86

These By-laws and Schemes apply to those various areas of the City as shown outlined and correspondingly numbered on the sketch of the City of Winnipeg.

Nature of Application:

PROPOSED ZONING TEXT AMENDMENT

It is proposed to amend the text of all the above-referenced by-laws and schemes to provide a consistent design approval process namely, one political Design Board for all approvals with the authority to delegate to the administration the right to approve specific items.

The various Zoning By-laws of the City of Winnipeg provide for a design approval procedure within Industrial Park districts. While this is desirable in terms of maintaining development standards within these districts, the existing procedures themselves have some inadequacies. Firstly, they are inconsistent with each other. Secondly, they are administrative only, with no political involvement and no appeal mechanism.

In order to resolve these concerns, it is proposed to amend these processes to make them consistent with that provided for under the Downtown Zoning By-law No. 4800/88. Such a process would designate the Committee on Planning and Community Services as the ultimate approval authority, with delegation of approval authority back to the administration for all applications excepting new buildings or significant additions to existing buildings.

Such a process has worked very well in the downtown area. It allows for the expedient processing of relatively minor applications while still requiring political approval of more major ones. In addition, final authority will ultimately rest with the Committee on Planning and Community Services for any applicant who is not completely satisfied with an administrative decision.

A Public Hearing was held before the Committee on Planning and Community Services on June 29, 1993 and adjourned to August 31, 1993.

The following exhibits were filed with the Committee, namely:

Exhibits Filed:

1. Report from the Acting Director of Planning dated February 16, 1993.
2. Approval in principle by the Committee on Planning and Community Services on March 2, 1993.
3. Zoning application and documents shown on said application.
4. Copy of Notice of Public Hearing.
5. Report from the Acting Director of Planning dated June 15, 1993.

Mr. R. Nicol, District Planning Co-ordinator, Planning Department, 395 Main Street, Winnipeg, appeared on behalf of the Commissioner of Planning and Community Services in support of the application.

No one appeared in opposition thereto.

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After considering all aspects of this matter, your Committee on Planning and Community Services recommends:

I. That the design approved procedures in the Industrial Park District regulations of Zoning By-law No. 16502 (portion of City Centre, portion of Lord Selkirk-West Kildonan and portion of Assiniboia), The St. Boniface Town Planning Scheme 1957 (portion of Riel and portion of East Kildonan-Transcona), By-law No. 1558 (portion of Assiniboia and portion of Lord Selkirk-West Kildonan), By-law No. 1800 (portion of Riel, portion of Assiniboia and portion of City Centre), By-law No. 4440/86 (portion of East Kildonan-Transcona and portion of Riel), and By-law No. 4450/86 (portion of Lord Selkirk-West Kildonan) be deleted and replaced with the following:-

INDUSTRIAL PARK DESIGN APPROVAL PROCESS

There is hereby established the Building Design Board, which shall consist of the members of the Committee on Planning and Community Services from time to time.

Whether or not a building permit is required for the remodelling of a building or its details, no building shall be remodelled, erected or enlarged except in accordance with plans submitted to and approved by the Board, and no permit shall be issued for the remodelling, erection or enlargement of a building except in accordance with plans approved by the Board, including all conditions and limitations endorsed thereon.

This requirement shall also pertain to other elements of site development, including fencing, signage, landscaping, lighting, parking areas and refuse facilities.

II. That the City Solicitor be requested to prepare the necessary amending by-laws in accordance with the above and forward same to Council for all three readings.

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

Your Committee on Planning and Community Services further recommends that subject to Council approval of the proposed amendments, your Committee delegate to the Director of Planning, authority for design approval of the following:

a) signs
b) parking and loading facilities
c) fencing and landscaping
d) remodelled building facades
e) exterior alterations
f) refuse-storage facilities, and
g) temporary structures

subject to report on the next available agenda of your Building Design Board, and subject to any application not being approved by the Director of Planning being referred to your Building Design Board for their consideration on the next available agenda.

Adopted by consent.

(Note: Attachments referred to in the above clause are on file in the office of the City Clerk)

Zoning Text Amendments - Definitions and Regulations regarding Care Homes, Neighbourhood Care Homes and Neighbourhood Rehabilitation Homes Within Residential and Commercial Zoning Districts - All Zoning By-laws and Town Planning Schemes

File DAZ 210/93

969 - 17. Your Committee on Planning and Community Services has been advised that an application has been initiated by the Commissioner of Planning and Community Services to amend the text of the following By-laws and Town Planning Schemes which are in effect in the City of Winnipeg:

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1. Zoning By-law No. 16502
2. Zoning By-law No. 1558
3. Zoning By-law No. 1800
4. The St. Vital Town Planning Scheme 1951
5. The St. Boniface Town Planning Scheme 1957
6. Zoning By-law No. 4440/86
7. Zoning By-law No. 4450/86
8. Zoning By-law No. 4800/88

These By-laws and Schemes apply to those various areas of the City as shown outlined and correspondingly numbered on the sketch of the City of Winnipeg.

Nature of
Application: PROPOSED ZONING TEXT AMENDMENT

It is proposed to amend the text of all the above-referenced by-laws and schemes to enact definitions and regulations regarding the establishment of care homes, neighbourhood care homes, and neighbourhood rehabilitation homes within residential and commercial zoning districts. The intent is to establish regulations for those such uses which provide care and/or supervision to its residents in addition to boarding or other residential accommodation. It is also proposed to adopt a zoning definition for the word "family".

Your Committee on Planning and Community Services has been advised that judgement by the Manitoba Court of Appeal on April 24, 1990, ruled that the then-existing provisions of Zoning By-law No. 4440/86 regarding "care homes", "neighbourhood care homes", and "neighbourhood rehabilitation homes" were discriminatory and void and are of no force and affect by reason of inconsistency with Section 15(1) of the Charter.

The Law Department has stated that this has created some uncertainty in the administration of zoning by-laws regarding such facilities. It has been argued by proponents of these facilities that the judgement implies such facilities are no different than any other kind of "household" or "family". The City's Law Department, however, suggest that the opposite is probably more consistent with the ruling, that being such uses are no longer permitted by right at any scale within residential zoning districts. This uncertainty can be resolved by the implementation of the suggested Text Amendments.

The zoning regulations which were dealt with by the Courts were originally developed in order to allow such uses to establish at reasonable scales of use in residential neighbourhoods without the need for zoning approvals through the public hearing process. In this way, they rendered zoning provisions much more permissable than they had previously been. It was recognized that mutual benefit could occur to both the neighbourhood and the residents of group care homes if such uses were allowed to establish at a limited scale in residential areas.

The intent of the subject zoning regulations was <u>not</u> to limit or regulate the residential component of these uses of land. It <u>was</u> to limit the institutional component of these uses so as to not have an adverse impact upon existing residential character and amenity. A limitation upon numbers of residents being provided care and supervision was seen as the most practical means of limiting the institutional (non-residential) component of these uses. Supervisory and other operational standards are set by the Province of Manitoba.

In addition to limits on scale of use, minimum separation distances between such uses were established as it was felt that a concentration of many smaller facilities in any given neighbourhood would have the same effect as the establishment of one larger institutional use.

While it might be somewhat difficult to understand the adverse effects of the non-institutional characteristics of a small-scale group care home, it is much easier to understand them as a result of the establishment of one of a larger institutional-like scale in a residential neighbourhood. These uses have employees and service needs. This gives rise to traffic and other characteristics not compatible with low-density residential character and amenity. However, when the scale of use is limited, these non-residential characteristics become imperceptible.

It can be useful to compare care homes and their effects to other non-residential uses permitted in residential neighbourhoods on a limited basis, those being home occupations.

The intent of home occupation regulations is to allow limited business activities to take place in residential neighbourhoods so long as the manner of operation is entirely non-obtrusive and will have no adverse impact on neighbourhood character and amenity. To this end, restrictions on scale of use and prohibitions on such things as the utilization of outside employees are provided for within zoning regulations.

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The intent of these restrictions is obvious. They, in part, define the difference between traditional "cottage industries" and full-scale commercial businesses, which cannot be located in neighbourhoods without having adverse affects thereon. In a similar manner, previous regulations regarding care homes contained restrictions on scale of use and, by inference in many cases, the utilization of outside employees, so that the institutional/commercial aspects of these uses would not overwhelm and have an adverse impact upon the neighbourhoods in which they might choose to locate.

The following points can be made regarding the proposed amendments:

Firstly, if zoning regulations now prohibit the establishment of such uses at any scale in residential zoning districts, it is desirable to amend these by-laws so as to permit them by right at a reasonable scale of use. Mutual benefits accrue to both the neighbourhood and care home residents from residential locations.

Secondly, it is necessary to maintain some restrictions on scale of use and some requirements for separation so as to ensure that the non-residential characteristics of these uses do not have an adverse impact on residential character and amenity.

Thirdly, those portions of zoning regulations which made reference to the care or treatment of "...aged, convalescent or disabled persons" is clearly contradictory to the intent of the court ruling. This should be removed from any proposed regulations.

Finally, it is suggested that uses of land commonly referred to as "half-way houses" (where incarcerated persons or persons receiving treatment for drugs or are spending some portion of mandatory supervision in a residential environment) should not be permitted by right in residential neighbourhoods. Not only do they have an institutional component to them, but they also have a lack of compatible residential characteristics by virtue of an inability of residents to come and go as they please.

In summary, then, it would seem reasonable, in light of the Law Department's analysis of recent court rulings, to reintroduce the former regulations which permitted the establishment of Group Care Homes on a limited basis in residential districts while deleting any reference to specific groups. This would allow residents of these facilities and the neighbourhood to mutually benefit from a residential location while ensuring that the non-residential characteristics of these uses do no overwhelm and have an adverse impact on residential character and amenity.

A Public Hearing was held before the Committee on Planning and Community Services on June 29, 1993 and adjourned to August 31, 1993.

The following exhibits were filed with the Committee, namely:

Exhibits Filed:

1. Report from the Acting Director of Planning, dated July 4, 1991.
2. Copy of Clause 10 of the Report of the Committee on Planning and Community Services, dated July 15, 1991, recommending approval in principle to the proposed Zoning Text Amendments, authorizing the Committee on Planning and Community Services to hold the Public Hearing, as adopted by Council on July 31, 1991.
3. Zoning application and documents shown on said application.
4. Copy of Notice of Public Hearing.
5. Communications outlining comments and/or recommendations from the Community Committees relative to the proposed text amendments, were received from:
   Assiniboine Park-Fort Garry - concurred in the recommendations
   City Centre-Fort Rouge - concurred in the recommendations
   East Kildonan-Transcona - concurred in the recommendations
   Lord Selkirk-West Kildonan - received as information
   St. Boniface-St. Vital - concurred in the recommendations
   St. James-Assiniboia - concurred in the recommendations
6. Report from the Acting Director of Planning, dated June 16, 1993.
7. Report from the Acting Director of Planning, dated August 5, 1993.

Mr. R. Nicol, District Planning Co-ordinator, Planning Department, 395 Main Street, appeared on behalf of the Commissioner of Planning and Community Services in support of the application.

No one appeared in opposition thereto.

The following persons appeared and/or registered for information purposes only:

Report of the Committee on Planning and Community Services dated August 31, 1993

Claudette Moquin, Department of Health and Family Services, 21 - 185 Smith Street, Winnipeg, R3C 3G4
Vicki Burns, Direct Action Service Community Homes (D.A.S.C.H. Inc.), 560 Academy Road, Winnipeg, R3N 0E3

After considering all aspects of this matter, your Committee on Planning and Community Services recommends:

I. That By-law No. 16502 (portion of City Centre, portion of Lord Selkirk-West Kildonan and portion of Assiniboia), The St. Vital Town Planning Scheme 1951 (portion of Riel), The St. Boniface Town Planning Scheme 1957 (portion of Riel and portion of East Kildonan-Transcona), By-law No. 1558 (portion of Assiniboia and portion of Lord Selkirk-West Kildonan), By-law No. 1800 (portion of Riel, portion of Assiniboia and portion of City Centre), By-law No. 4440/86 (portion of East Kildonan-Transcona and portion of Riel), and By-law No. 4450/86 (portion of Lord Selkirk-West Kildonan) and By-law No. 4800/88 (part of City Centre) be amended be adopting the following definitions and regulations:-

A. "Care Home" means a dwelling used for the boarding or other accommodation, plus care or treatment of not more than six (6) persons, and in which care or treatment is not provided to any persons not resident in the care home, and that complies with the Provincial Government's licensing requirements for care homes.

B. "Neighbourhood Care Home" means a building or portion thereof used for the boarding or other accommodations plus care or treatment of more than six (6) but not more than twelve (12) persons and in which care is not provided to any persons not resident in the care home and that complies with the Provincial Government's licensing requirements for Neighbourhood Care Homes.

C. "Neighbourhood Rehabilitation Home" means a building or portion thereof used for the boarding or other residential accommodation plus penal or other mandatory supervision or treatment of not more than twelve (12) persons; in which supervision or treatment is not provided to any persons not resident in the rehabilitation home; and that complies with the Provincial Government's licensing requirements for Neighbourhood Rehabilitation Homes.

	RR/RA/R1/R2/R2T/RP-L	All Multiple Family Districts	All "C" Districts except Shopping Centre Districts
Care Home, providing minimum separation of 330 feet/100 m from similar care homes and 990 feet/300 m from a Neighbourhood Care Home or Neighbourhood Rehabilitation Home	P	P	P
Neighbourhood Care Home, providing minimum separation of 990 feet/300 m from a Care Home, Neighbourhood Care Home, or Neighbourhood Rehabilitation Home	C	P	P
Neighbourhood Rehabilitation Home, providing minimum separation of 990 feet/300 m from a Care Home, Neighbourhood Care Home or Neighbourhood Rehabilitation Home	C	C	P

D. "Family" means one person, or two or more persons voluntarily associated, plus any dependants, living together as an independent self-governing single-housekeeping unit.

II. That the City Solicitor be requested to prepare the necessary text amending Zoning (Development) By-laws in accordance with Recommendation I. above and forward same to Council for all three readings.

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

Adopted by consent.

(Note: Attachments referred to in the above clause are on file in the office of the City Clerk)

Amendment to Development Agreement AG 37/78 - Berm on private property adjacent to CPR right-of-way, Island Lakes
File DASZ 37/78

970 - 18. Your Committee on Planning and Community Services has been advised that the Development Agreement AG 37/78 entered into by Novamet Development Corporation and The City of Winnipeg required the applicant to provide a berm and sodding and screen planting to visually screen the railway track and provide for uniform planting. The requirement to provide for a berm has been fulfilled, but subsequently all properties of the subject subdivision have been purchased and are now privately owned. Consequently all property owners have made landscape improvements to their properties including their part of the berm (with the exception of one).

Novamet Development Corporation has advised it is therefore impossible at this time to fulfil the requirement to provide for sodding and screen planting along the berm, inasmuch as consent from each property owner must be obtained before accessing the subject properties. It is also their opinion that it is not feasible to compel the property owners to accept landscaping they do not want inasmuch as the property owners would have been free to modify the landscaping after taking possession even if uniform screening had been initially planted.

Novamet Development Corporation has advised that they are willing to provide each property owner a sum of money proportionate to the total cost of sodding and screen landscaping their portion of the berm to fulfil Novamet's obligation under the Development Agreement.

The Land Development and Law Departments are supportive of the applicant's proposal and are of the opinion that it is the only reasonable solution to the situation.

Your Committee on Planning and Community Services concurs in the proposal submitted by Novamet Development Corporation and therefore recommends:

I. That Development Agreement AG 37/78 be amended as follows:

A. Novamet Development Corporation offers to pay to each property owner the proportionate share of the total cost of sod and screen landscaping which would have been their part of the berm and such payments would be deemed to satisfy the developer's obligations pursuant to the development agreement.

II. That Novamet Development Corporation compensate each property owner an amount of $74.00 per lineal meter of berm across the width of each lot.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including, but not limited to the execution of any amending agreement.

Adopted by consent.

(Note:Attachments referred to in the above clause are on file in the office of the City Clerk)

Subdivision and Rezoning - land located south of Chernichan Drive between Henderson Highway and Pentland Street, East Kildonan-Transcona Community
File No. DASZ 13/92

971 - 19. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. B. Quiring, 116 Dunrobin Avenue, Winnipeg, R2K OT2, on behalf of Nettie Quiring, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 4440/86 by rezoning the land located south of Chernichan Drive between Henderson Highway and Pentland Street outlined on Schedule "A" dated

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July 27, 1993, from an "R2" Two-Family District to an "R1-5" Single-Family District to permit the establishment of eleven (11) single-family building sites and one (1) residual site for future development.

The subject site is approximately 153 m (502.0 ft) in width, 62.3 m (204.0 ft) in depth, and 0.956 ha (2.36 A) in area and is presently vacant.

The surrounding land use and zoning to the north consists of detached one-family dwellings on Chernichan Drive zoned "R2" Two-Family Residential District; the east part of Norvilla Hotel parking lot zoned "R2" Two-Family District which parking lot was permitted under previous variance approval. To the east the lands fronting on Pentland Street are vacant and zoned "R2" Two-Family District. To the west the lands are vacant and zoned "RM-1" Multiple-Family District and to the south are One-family dwellings on north side of Fortier Avenue, zoned "R1-5.5" Single-Family District.

The applicant is proposing to extend Chernichan Drive to create a cul-de-sac containing 11 single-family dwelling sites. The residual lands in the title, east of the southerly extension of the public lane, will remain undeveloped pending future development on the west side of Pentland Street. A concurrent application, File No. DAV 343/93 D, has been made to establish a landlocked site (Lot 12) and to establish 2 lots in the subdivision which would be substandard in area under the proposed zoning. It will be necessary for the owner to enter into a subdivision agreement with the City to ensure that any future owner of the landlocked proposed Lot 12, is made aware that Lot 12 will not be deemed to be a buildable lot until frontage to a physically improved right-of-way can be provided.

The proposed development is a logical extension of Chernichan Drive to provide for similar compatible single-family residential development. The subject site can only be developed by means of the extension of Chernichan Drive since it has no frontage to Pentland Street. The proposed Subdivision allows for future development of the residual of the subject site (Proposed Lot 12) and of Lot 6 to the east upon agreement between the respective land owners.

The land to the west of the subject site, Lot 4, Plan 20574, as outlined on Schedule "C" dated July 27, 1993, is not part of this application. Lot 4 was apparently established as a landlocked parcel prior to subdivision control under the City of Winnipeg. Lot 4 is zoned RM-1 Multiple Family District, and because of this zoning, is more appropriately accessed and serviced from Henderson Highway than from Chernichan Drive. The owner of Lot 4 has taken steps to secure access to Henderson Highway by means of private agreement, over the most southerly 20.0 feet in width of the adjacent Norvilla Hotel site. It is the opinion of the Planning Department that approval of the subject application will not adversely impact upon future development of the lands to the west (Lot 4, Plan 20574).

A Public Hearing was held before the East Kildonan-Transcona Community Committee on June 15, 1993.

The following persons appeared and/or registered in support of the application:

Brian Quiring, 116 Dunrobin Avenue, Winnipeg, R2K OT2
Frank Quiring, 132 Larchdale Crescent, Winnipeg, R2K OC1
Doug Henne, 917 Simpson Avenue, Winnipeg, Manitoba R2K 1S5

No one appeared in opposition thereto.

Garry Milne, 245 Fortier Avenue, Winnipeg, R2G OZ5 appeared for information purposes only.

The East Kildonan-Transcona Community Committee recommended that:

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

    A. There is no opposition registered against this application.

    B. The proposed development is a logical extension to Chernichan Drive and will provide for similar compatible single-family residential development.

    C. This property has been vacant for some twenty-five years or more, and suitable development has long been welcome here.

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

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

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I. That the plan of subdivision proposed under File No. DASZ 13/92 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 13/92 dated July 27, 1993 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 June 22, 1993, as outlined on Schedule "B" dated August 19, 2010, with the following amendments thereto:

i) That Condition No. 4 c) be deleted in its entirety.

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 No. 4440/86 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 13/92 dated July 27, 1993 to an "R1-5" Single-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 proposed Lots 1, 2, 3 and 12 and provide for the following:

(i) That the applicant shall ensure that notice is given to prospective purchasers of proposed Lots 1, 2 and 3 inclusive, to the fact that the lands to the west of and abutting said lots is presently zoned "RM-1" and may be eligible for permits for construction of multiple-family dwellings, and that such notice shall be registered by way of caveat on the titles of said proposed Lots 1, 2 and 3.

(ii) That proposed Lot 12 not be considered as a building site until frontage on a physically improved street is provided.

Note: The Community Clerk's report dated June 22, 1993 inadvertently refers to the applicant being required to enter into a Subdivision Agreement pursuant to Section 619(1) of The City of Winnipeg Act. Section 619(1) is for agreements under the short-form subdivision process. Section 591(1) is for Zoning Agreement under DASZ files.

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.

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.

(Note: See Minute No. 982 for attachment)

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Amendment to Development Agreement AG 2/93 - Subdivision and Rezoning of Land Located Between River Road and St. Michael Road (Extension of Harry Wyatt Place), Riel Community
File No. DASZ 2/93

972 - 20. Your Committee on Planning and Community Services has been advised that on May 19, 1993, the Riel Community Committee approved the subdivision and rezoning of land located between River Road and St. Michael Road (extension of Harry Wyatt Place)

Community Committee deferred the decision with respect to compensation for a dedicated future right-of-way under this application until such time as the Streets and Transportation Department has conducted a traffic study of St. Michael Road at Darwin Street and Arden Avenue at River Road and a determination made relative to the street configuration of the lands located between Arden Avenue and St. Michael Road. On April 21, 1993, the Riel Community Committee laid over application DASZ 2/93 to allow the Developer to meet with the area residents, the Resident Advisory Group and the Administration to review alternative development configurations.

On June 16, 1993 the Streets and Transportation Department submitted the results of their traffic count study undertaken between May 25th and June 1, 1993.

At the residents meeting and at the public hearing for this application, a side issue was raised with respect to where access would be taken for the development of a future cul-de-sac in the rear lands between Arden Avenue and St. Michael Road. The two options identified were north to Arden Avenue or south to St. Michael Road. The final decision of access to the future cul-de-sac does not have to be made until the balance of the properties subdivide and the required land is obtained for that cul-de-sac right-of-way.

The City presently owns sufficient land to provide access out to St. Michael Road if ultimately that becomes the access point. In the interim Administration recommends that the property required for the tie-in to Arden Avenue which has already been identified to be dedicated under the approval of DASZ 2/93 be retained by the City as well. In that way both options remain open. Therefore at this time the deferred issues under this application should be resolved so that the agreement can be finalized.

With respect to compensation for this Applicant, the administration recommends that the conditions contained in the Administrative Coordinating Group's reports of April 1, 1993 and May 10, 1993, be concurred in. This would require this Developer to pay for a share of the services previously installed by the City in Harry Wyatt Place (estimated at $22,856.48). In addition, Administration recommends that the property for the right-of-way tie-in to Arden Avenue be dedicated and that the agreement contain a clause such that if the land is not used for the purpose (i.e. access to the future cul-de-sac is provided from St. Michael Road) that the property be returned to the Developer for $1.00.

On May 19, 1993, the Riel Community Committee did not concur with Administration's recommendation, namely:

"The Development Agreement that was a condition of the approval of the above application contain the following additional conditions:

1. The Developer shall pay its share of the cost of services installed by the City in Harry Wyatt Place abutting the proposed subdivision on the basis of the current Local Improvement rates and 105.92' of frontage. (Based on the 1993 rates that share is 105.92' x $215.79 = $22,856.48).

2. That if the land dedicated as "Arden Avenue" on Schedule "D" for use for a future right-of-way is not used for that purpose, it shall be returned to the Developer for $1.00;"

and recommended that the Development Agreement that was a condition of the approval of the above application contain the following additional condition:

1. That the transfer to the City of the land to be dedicated as "Arden Avenue" on Schedule "D" for use for a future right-of-way be deferred for ninety (90) days from the date of execution of the Development Agreement. If within that time the City determines that the land is not needed for that purpose, then the requirement for that dedication under this agreement shall be deleted.

Your Committee on Planning and Community Services subsequently considered an additional recommendation from the Land Development Department that the motion of the Riel Community Committee be amended as follows:

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1. That the ultimate use of the land to be transferred by the developer to the City as "Arden Avenue" on Schedule "D" for possible future use as a right-of-way be deferred for 90 days from the date of execution of the Development Agreement. If within that time the City determines that the land is not needed for that purpose, then the requirement for that dedication under the agreement shall be deleted and the land shall be returned to the developer under terms and conditions to be determined by the Committee on Finance and Administration which terms may include payment for a share of the existing services installed by the City in Harry Wyatt Place.

Your Committee on Planning and Community Services concurs with the amendment and recommends:

I. That the Development Agreement AG 2/93, that was a condition of the approval of the above application be amended to include the following additional condition; namely:

   A. That the ultimate use of the land to be transferred by the developer to the City as "Arden Avenue" on Schedule "D" for possible future use as a right-of-way be deferred for 90 days from the date of execution of the Development Agreement. If within that time the City determines that the land is not needed for that purpose, then the requirement for that dedication under the agreement shall be deleted and the land shall be returned to the developer under terms and conditions to be determined by the Committee on Finance and Administration which terms may include payment for a share of the existing services installed by the City in Harry Wyatt Place.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including but not limited to the execution of any amending agreement.

Adopted by consent.

(Note:See Minute No. 983 for attachment)

Subdivision and Rezoning - land located north of Leila Avenue and west of Pipeline Road, extending Amber Trail and Allan Blye Drive, Lord Selkirk-West Kildonan Community

File No. DASZ 3/93

973 - 21. Your Committee on Planning and Community Services has been advised that an application has been received from Genstar Development Company Central Ltd. for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 4450/86 by rezoning the lands located north of Leila Avenue and west of Pipeline Road, extending Amber Trail and Allan Blye Drive, from an "AR-5" Agricultural Residential District to an "R1-5" Single-Family District and a "PR" Park and Recreational District to permit the establishment of a single-family residential area along with park and recreational lands and a storm water retention lake.

The area of the subject site is 58.4 acres and is essentially vacant agricultural lands, zoned "AR-5" Agricultural-Residential District. To the north the surrounding land use consists of lands zoned "AR-5" Agricultural Residential; to the east the lands are partially developed single-family zoned "R1-5" Single-Family Residential District. To the west the land is vacant and zoned "AR-5" Agricultural Residential; and the lands to the south consist of Single-family housing, zoned "R1-3", "R1-4" or "R1-5" Single-Family District (south of Leila Avenue).

The subject property is located north of Leila Avenue and west of Pipeline Road, and constitutes Phase II of Genstar's Development known as Amber Trails. The proposal is in most respects similar to Phase I allowing single-family development (185 lots) adjacent to a 5-acre retention lake and linked by a system of public reserve areas. Primary access to the subdivision will be via Amber Trail which connects the area to Pipeline Road. Leila Avenue is to be extended and upgraded to Allan Blye Drive which will constitute a second access link to the subdivision. Finally, access to Templeton Avenue on the north side of the subdivision has also been provided for and Templeton Avenue will be maintained with a granular surface with a dust palliative treatment.

The Planning Department has reviewed the subject proposal relative to the previous Genstar Development proposal under Phase I, and also in the context of their overall concept plan for the area. The applicants have made every effort to accommodate the City's requirements relative to right-of-way alignments, location and size of a retention lake area and park and recreational areas. The proposal is also consistent and compatible with housing developments already in place north of Leila Avenue. While this Department endorses the proposal as indicated, that should not necessarily be

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interpreted as an endorsement of the overall concept plan as submitted by the applicant for adjoining lands between Leila and Templeton Avenues. What Genstar have proposed for the future development of those lands may or may not prove to be viable or fair to the existing land owners upon scrutiny at some future date. The Planning Department with other City Departments therefore remain flexible at this juncture as to the future development of those adjoining lands.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on July 13, 1993.

The following persons appeared and/or registered in support of the application:

Greg Jasper, Genstar Development Company Central Ltd., 117 Victor Lewis Drive, Winnipeg, R3P 1J6
Arch Honigman, 60 Arrowwood Drive North, Winnipeg, R2V 2R1

No one appeared in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that:

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

    A. From the land use stand point, it is the view of the Planning Department that the applicants have made every effort to accommodate the City's requirements relative to right-of-way alignments, location and size of a retention lake area and park and recreational areas.

    B. The proposal is consistent and compatible with housing developments already in place north of Leila Avenue.

    C. The proposal would not have any adverse or prejudicial effect on the adjoining lands.

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

Schedule "A" outlines what was initially advertised for approval, while Schedule "B" outlines the latest plan and what has been recommended for approval by the Lord Selkirk-West Kildonan Community Committee.

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

The Lord Selkirk-West Kildonan Community Committee recommended Clauses 4(g) and 4(m) of the report of the Administrative Co-ordinating Group be deleted.

Clause 4(g) was recommemded to be deleted because the Community Committee concluded that the construction of a boat launch would generate unnecessary on-going maintenance costs to the City. However, at its meeting on July 21, 1993 Council approved implementation of the revised set of design standards specified in Section 7.0 of the Stormwater Retention Review Study. These design standards include installation of a concrete boat ramp on each new basin to allow mechanical weed harvesting equipment to be launched and retrieved. The ramps will also avoid the situation where the sod is left in a damaged state until work crews can attend to its restoration. In addition, without the concrete ramp below the water line, launching and retrieving the harvesting equipment becomes much more difficult. The developer will pay its proportionate share of the ramp, and not its full cost, as the cost of the ramp will be included in the Land Drainage Trunk Capacity Charge. It is, therefore, recommended that clause 4(g) of the report of the Administrative Co-ordinating Group <u>not</u> be deleted.

The Lord Selkirk-West Kildonan Community Committee also recommended that Clause 4(m) be deleted because the Committee concluded that the letter of credit for the land drainage impoundment was unnecessary since the City had already received a number of letters of credit from the developer and construction of the impoundment will have been long completed prior to the developer completing the entire development. The Community Committee also felt that the extra cost of the letter of credit would tend to drive up the cost of the lots for prospective buyers.

The Planning Department advises that although the developer has a number of letters of credit filed with the City, none of them pertains to the retention pond to be constructed under this application. On subdivisions of the magnitude of this application, the practice has been for the City to take security to guarantee performance in the amount of 15% of the value of construction of the works. The letter of credit proposed under Clause 4(m) would be a 15% letter of credit separate from letter of credit which will be required to cover the other above-ground and

underground services.

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This separate letter of credit is required to comply with the City's Development Agreement Parameters which state that the developer is required to maintain the stormwater impoundment "until occupancy of 75% of the dwellings on lots immediately abutting the impoundment." The Planning Department therefore, recommends that Clause 4(m) of the report of the Administrative Co-ordinating Group not be deleted.

Your Committee on Planning and Community Services therefore recommends:

I. That the plan of subdivision proposed under File No. DASZ 3/93 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File No. DASZ 3/93 dated August 19, 1993 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 July 28, 1993 (Schedule "C" dated August 19, 1993), with the following amendments thereto:

(i) That the following be added to Clause 2, namely:
... and that front approaches be allowed along the north side of Amber Trail.

(ii) That Clauses 11 and 24 be deleted.

(iii) That Clauses 6(b) be amended by adding after the word "landscaping" in the fourth line, the following "including all unpaved portions of the right-of-way."

(iv) That Clause 6(c) be replaced as follows:

"The Developer's share of the cost of improvements as determined in a) above shall be off-set against the cost of services to be constructed pursuant to b) above and the City shall reimburse the Developer for the difference as certified by the Commissioner of Works and Operations with interest as it collects from the benefitting lands in accordance with the City's Development Agreement Parameters.

(v) That Clause 14 be amended by adding after the word "City" in the first line, the following "at the time when bus services are provided in the area".

(vi) That Clause 15 be amended by adding after the word "streets" in the second line, the following "and on the south side of Amber Trail".

(vii) That Clause 26(a) be amended by adding after the word "dedicate" in the first line and after the word "representing" in the second line, the following word "approximately".

(viii) That Clause 28(c) be amended by adding after the word "stones" in the first line, the following words "or sod", and replacing the words "Commissioner of Works and Operations" with "Lord Selkirk-West Kildonan Community Committee".

II. That the 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. 4450/86 be amended by rezoning the subject land as outlined on Schedule "B" for File No. DASZ 3/93 dated August 19, 1993 to an "R1-5" Single-Family District and a "PR" Park and Recreational District subject to the following:

1. That where any lot has a rear lot line abutting or partly abutting the boundary of lands containing a stormwater retention lake, those lots shall provide the following special "rear yard" setbacks, namely:

a) a minimum 93 feet measured from that rear lot line to any principal building, and

b) a minimum 75 feet measured from that rear lot line to detached accessory building, and

c) a minimum 50 feet measured from that rear lot line to any temporary structure and open swimming pool.

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

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

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

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

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

(Note:See Minute No. 984 for attachment)

Subdivision and Rezoning - land located south of Benn Avenue, between Riverwest Road and Main Street, including related street type change Signet Bay to Signet Road, Lord Selkirk-West Kildonan Community
File Nos. DASZ 8/93 and SC-3.14(34)

974 - 22. Your Committee on Planning and Community Services has been advised that an application has been received from Novamet Corporation c/o Mr. E. Dolhun, 2070 - 350 Main Street, Winnipeg, Manitoba, R3C 3Z3, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 4450/86 by rezoning the lands located south of Benn Avenue, between Riverwest Road and Main Street, from an "RA" Single-Family District to an "R1-4" Single-Family District to permit the establishment of twenty-nine (29) or thirty-two (32) single-family dwelling sites.

The subject lands zoned "RA" Single-Family District, are vacant and located east of Riverwest Road and west of Main Street, south of Benn Avenue and north of Fernbank Avenue.

Lands lying adjacent to the north and south are zoned "RA" Residential. The properties to the north along Benn Avenue are occupied with single-family homes on large unserviced lots. Lands to the west are largely unoccupied but zoned "R1-4" Single-Family under application DASZ 24/90.

Lands to the East on the opposite side of Main Street are occupied by several small businesses (Zoned C1) and a mobile home park (Zoned MH-P).

The applicant has prepared two alternative layouts for development of the subject site. Proposal "A", outlined on Schedule "A" dated July 27, 1993, advocates a cul-de-sac which contains 29 lots. In the short term, under this proposal, a lot (lot 20, Block 1) on the south side is reserved for future access to the south. A temporary all-weather road connection linking the cul-de-sac with Main Street also has to be provided. That connection would be closed upon the successful northward extension of Signet Bay. Proposal "B", outlined on Schedule "B" dated July 27, 1993, provides for a thirty-two (32) lot subdivision which includes an east-west street with an intersection at Main Street.

At a meeting on April 28, 1993, the Administrative Co-ordinating Group reviewed both proposals submitted by the Developer and recommended that Proposal "A" be accepted as it was felt that Proposal "A" would allow for greater separation space/better buffering between any new dwellings and Main Street which is a major arterial route.

Proposal "B" was not deemed appropriate primarily due to the fact that the proposed intersection at Main Street would be unacceptably close to the future signalized intersection to the north at Benn Avenue and Main Street.

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It is the view of the Planning Department that while Proposal "B" provides more lots for the developer and will probably not create traffic problems in the short term, the long term impact on Main Street traffic patterns would appear to be significant and cannot be underestimated.

The approval of either proposal would require the closing of the portion of Signet Bay approved under File No. DASZ 24/90 and registered in the Winnipeg Land Titles Office under Plan No. 29585 because the limits of the existing and proposed rights-of-way are not aligned.

Signet Bay consists of two (2) segments as outlined on Schedule "D" dated July 27, 1993. Signet Bay North of Fernbank Avenue was approved under File No. DASZ 13/87 and registered in the Winnipeg Land Titles Office on December 21, 1988. There are six dwellings within this segment. The segment of Signet Bay east of Riverwest Road was approved under File No. DASZ 24/90 and has been recently registered in the Winnipeg Land Titles Office. There are no dwellings in this segment of Signet Bay as the street is as yet undeveloped.

With the approval of either Proposal "A" or "B", there are implications with respect to the existing segments of Signet Bay. The new east-west right-of-way under either proposal should be assigned a new street name and the segment of Signet Bay running north from Fernbank Avenue should be changed to Signet Road because it will no longer be a bay-type configuration.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on June 15, 1993.

Mr. Blake Mills, 1479 Buffalo Place, Winnipeg, R3T 1L7 appeared on behalf of the applicant in support of the application

M. Barin, 300 Benn Avenue, Winnipeg, R3C 4N2 appeared in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that:

1. The proposed subdivision and rezoning under Proposal "A" be approved for the following reasons:

   A. Proposal "A" with flankage lots along Main Street would allow for greater separation space/better buffering between any new dwellings and Main Street which is a major arterial route.

   B. Proposal "B" was not deemed appropriate primarily due to the fact that the proposed intersection at Main Street would be unacceptably close to the future signalized intersection to the north at Benn Avenue and Main Street.

   C. While Proposal "B" provides more lots for the developer and will probably not create traffic problems in the short term, the long term impact on Main Street traffic patterns would appear to be significant. The long term traffic implications of Proposal "B" has to take precedence and cannot be underestimated.

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 Community Committee also approved the names John Reeves Place for the new east-west right-of-way and Signet Road for the north-south right-of-way and further recommended that Signet Bay currently registered under Plan No. 23,273 be changed to Signet Road.

   On June 29, 1993, under File No. DAC 7/93, your Committee on Planning and Community Services concurred in the recommendation of the Lord-Selkirk West Kildonan Community Committee to close that portion of Signet Bay approved under File No. DASZ 24/89 and registered in the Winnipeg Land Titles Offices as Plan No. 29,585.

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

I. That the plan of subdivision proposed under File No. DASZ 8/93 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 8/93 dated July 17, 1993 for registration in the Winnipeg Land Titles Office subject to the following:

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A. That the Developer be required to enter into a Development Agreement (an addendum to Development Agreement AG 43/87) with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated May 27, 1993, outlined on Schedule "C" dated July 27, 1993, with the following amendments thereto:

1) by deleting the words "all weather" in the first line of 3 a) and substituting "temporary secondary paved";

2) by adding at the end of 3 b) the following:

", and should development patterns on the privately owned land to the south not require access through Lot 20, that said lot be then transferred back to the developer at no cost except for transfer fees."

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

III. That By-law No. 4450/86 be amended by rezoning the subject land as outlined on Schedule "A" for File No. DASZ 8/93 dated July 27, 1993 to an "R1-4" Single-Family 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 Addendum to Development Agreement 43/87.

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 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.

Your Committee on Planning and Community Services further recommends that the currently registered street name "Signet Bay" north of Fernbank Avenue as shown on Plan No. 23,273 be changed to "Signet Road", as outlined on Schedule "E" dated July 27, 1993, 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 by 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 report for the purpose of changing all pertinent records and notifying all persons affected by the by-law.

Adopted by consent.

(Note: See Minute 985 for attachment)

Report of the Committee on Planning and Community Services dated August 31, 1993

Subdivision and Rezoning - land located on the west side of Brentcliffe Drive, north of Shoreline Drive, Assiniboia Community
File No. DASZ 9/93

975 - 23. Your Committee on Planning and Community Services has been advised that an application has been received from June Van Wynsberghe, 120 Brentcliffe Drive, Winnipeg, Manitoba R3P 2B5 for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 1800 by rezoning the lands located on the west side of Brentcliffe Drive, north of Shoreline Drive, from an "A" General Agricultural District to an "R1-6" Single-Family District to permit the establishment of six (6) single-family building lots.

The site area consists of approximately 0.46 hectares/1.13 acres and is zoned "A" General Agricultural. There is one house on the property.

The surrounding land is Single-Family and zoned "R1-6". Lands to the west will be developed with housing by Genstar as part of Lindenwoods Phase II.

The application involves one of the few private land holdings not acquired by Genstar in their land assembly program for Lindenwoods. The proposal is to create 3 additional building lots fronting Brentcliffe Drive from three existing holdings for a total of six single-family lots. The existing house is to remain. No zoning variances were triggered on account of the rezoning and subdivision.

The proposal complies with Plan Winnipeg and represents the logical continuation of single-family subdivision in Lindenwoods.

The report of the Administrative Co-ordinating Group is supportive of the application with conditions related to servicing and payment of development charges.

A Public Hearing was held before the Assiniboia Community Committee on June 15, 1993.

June Van Wynsberghe, 120 Brentcliffe Drive, Winnipeg, R3P 2B5 appeared in support of the application.

No one appeared in opposition thereto.

The Assiniboia Community Committee recommended that:

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

   "The proposal complies with Plan Winnipeg and represents the logical continuation of single-family subdivision in Lindenwoods."

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

Your Committee on Planning and Community Services concurs in the recommendation of the Assiniboia Community Committee and recommends:

I. That the plan of subdivision proposed under File No. DASZ 9/93 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 9/93 dated July 16, 1993 for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated May 27, 1993, identified as Schedule "B" dated July 16, 1993.

   B. That the Developer be required to pay to the City 10% cash dedication in lieu of land dedications, to be calculated on the basis of additional building sites being created, and that the money be credited to the Lindenwoods Residents Association Foundation, for the purpose of a community recreation facility in the Lindenwoods neighbourhood.

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

Report of the Committee on Planning and Community Services dated August 31, 1993

III. That Zoning By-law No. 1800 be amended by rezoning the subject land as outlined on Schedule "A" for File No. DASZ 9/93, dated July 16, 1993, to an "R1-6" Single-Family 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 Servicing 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 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.

(Note:See Minute 986 for attachment)

Subdivision and Rezoning - land located on the east side of Skowron Crescent, between Grassie Boulevard and Jacques Avenue, East Kildonan-Transcona Community
File No. DASZ 11/93 (DAV 448/93 D)

976 - 24. Your Committee on Planning and Community Services has been advised that an application has been received from Kingsford Developments (Winnipeg) Ltd. for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 4440/86 by rezoning the lands located on the east side of Skowron Crescent between Grassie Boulevard and Jacques Avenue from an "AR-5" Agricultural Residential District and an "R1-5.5" Single-Family District to an "R1-4" Single-Family District and an "R1-5.5" Single-Family District to permit the establishment of ten (10) single-family building lots.

The subject site is 71.925 m (235.97 ft) in width, 81.991 m (268.9 ft) in depth, and 0.5897 ha (1.457 acres) in area. Lands are all presently vacant and zoned "AR-5" Agricultural-Residential District and "R1-5.5" Single-Family District.

To the north the lands consist of One-family detached dwellings on the north side of Jacques Avenue and zoned "R1-4" One-Family District. To the east and west there exists One-family detached dwellings with frontage on Grassie Boulevard and zoned "R1-5.5" One-Family District. Lands to the south consist of One-family dwellings on south side of Grassie Boulevard and zoned "R1-5.5" One-Family District.

The applicant proposes to subdivide the lands to create 10 new building lots for one-family dwellings. The lots will have widths ranging from 14.05 m (46.09 ft) to 15.125 m (49.62 ft) and a lot depth of 40.00 m (134.48 ft). A concurrent variance application (File No. DAV 448/93 D) has been made to permit the establishment of the lots on Grassie Boulevard with widths of less than the 15.25 m (50.0 ft) required by the present "R1-5.5" zoning.

The Planning Department considers the proposed development to be compatible with existing adjacent zoning and land use. As a condition of approval of Variance Order No. DAV 448/93 D, a 13.7 m (45.0 ft) front yard will be required for new dwellings on Grassie Boulevard, to be consistent with the front yard set backs of existing adjacent dwellings fronting onto that street.

Services are available in Jacques Avenue at the present time; the lots fronting on Grassie Boulevard will be developed as services, presently at Skowron Crescent, are extended eastward in the future. Upon circulation to affected Departments and agencies, no objections were received to the proposal.

Report of the Committee on Planning and Community Services dated August 31, 1993

A Public Hearing was held before the East Kildonan-Transcona Community Committee on July 13, 1993.

The following persons appeared and/or registered in support of the application:

Randy Wiebe, Kingsford Developments (Wpg.) Ltd., 205-377 Henderson Hwy., Winnipeg, R2K 2H2

Allan Dittmar, 373 Jacques Ave., Winnipeg, R3W 1N5

Brian and Caren Sych, 417 Grassie Blvd., Winnipeg, R3W 1S5 appeared in opposition thereto.

The East Kildonan-Transcona Community Committee recommended that:

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

    A. The proposed development is compatible with existing adjacent zoning and land use.

    B. Services are available in Jacques Avenue at the present time; the lots fronting on Grassie Boulevard will be developed as services, presently at Skowron Avenue, are extended eastward in the future.

    C. No objections were received to the proposal from affected Departments and agencies.

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

Your 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 11/93 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 11/93 dated August 19, 2010 for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the applicant 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 June 24, 1993, identified as Schedule "B" dated August 19, 2010, with the following amendments hereto:

        i) that Clause 3.d) be deleted in its entirety and replaced with the following new Clause 3.d):

            "pay its share of the cost of a full range of services including concrete pavement installed or to be installed in Grassie Boulevard abutting the proposed subdivision as determined by the Commissioner of Works and Operations.

        ii) that the following two additional clauses be added to AG 57/86 requiring the Developer to:

            f) supply, place and maintain, at no expense to the City, commercial refuse containers throughout the development during the installation of services and construction buildings; and

            g) remove the existing trailer and refuse container from the planned area by October 31, 1993.

    B. That the applicant be required to pay to the City 10% cash dedication in lieu of land dedication to be calculated on the basis of 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 herewith.

III. That By-law No. 4440/86 be amended by rezoning the subject land as outlined on Schedule "A" for File No. DASZ 11/93 dated August 4, 1993 to "R1-4" and "R1-5.5" Single-Family Districts.

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.

Report of the Committee on Planning and Community Services dated August 31, 1993

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.

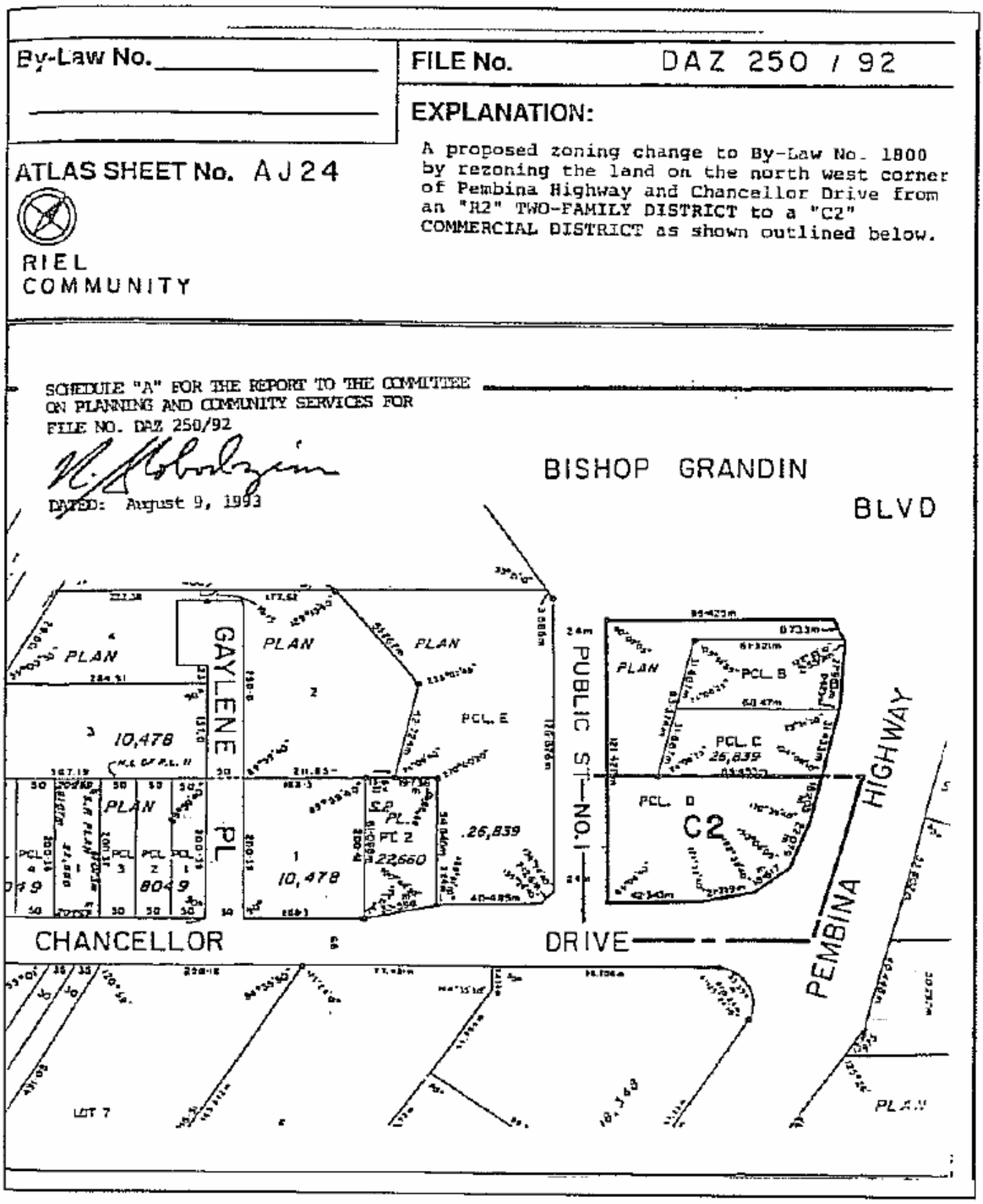
VIII. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 24 months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IX. That the 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.

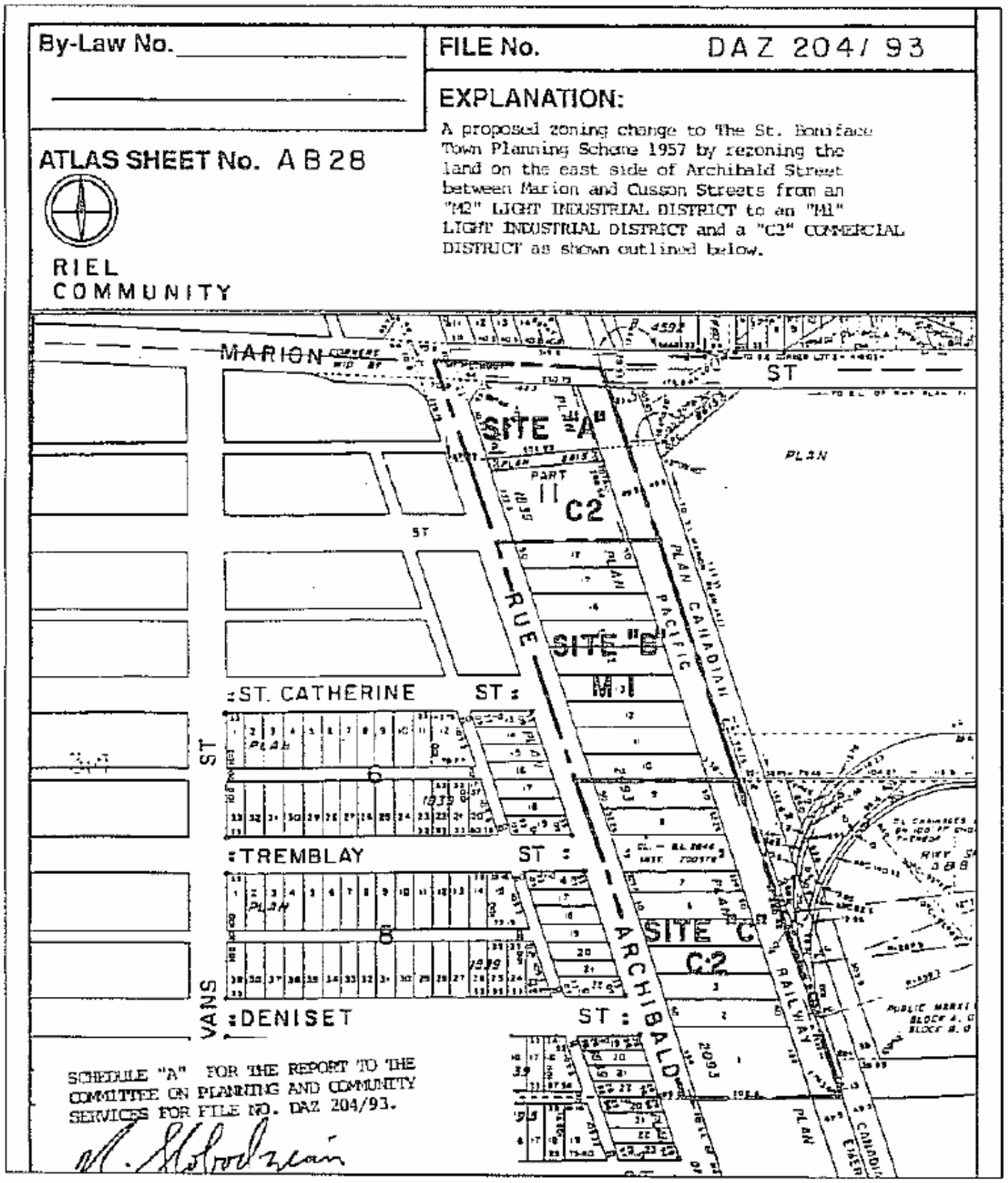
Adopted by consent.

(Note: See Minute No. 987 for attachment)

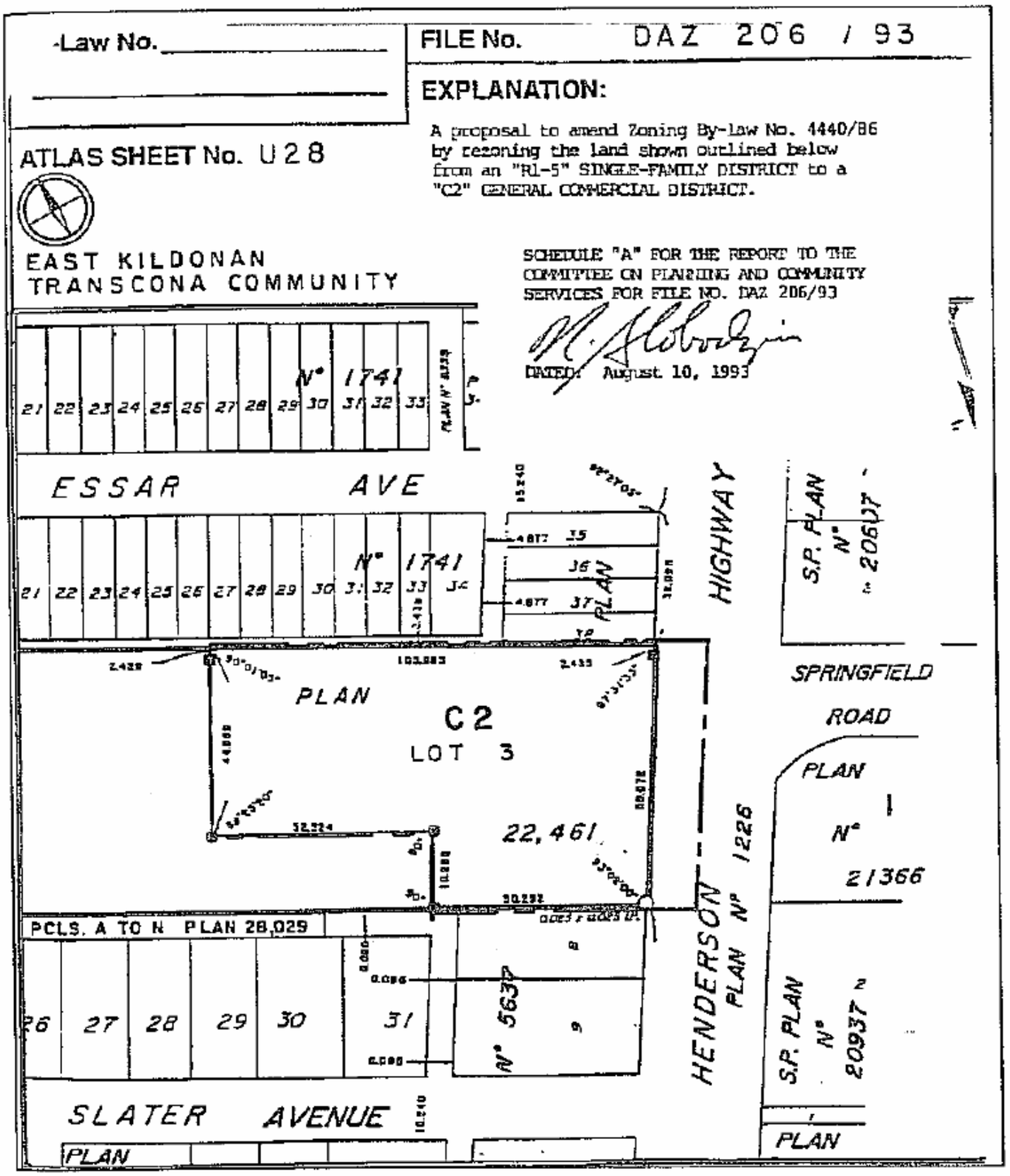
977 - Schedule "A" referred to in Clause 10 of the Report of the Committee on Planning and Community Services dated August 31, 1993



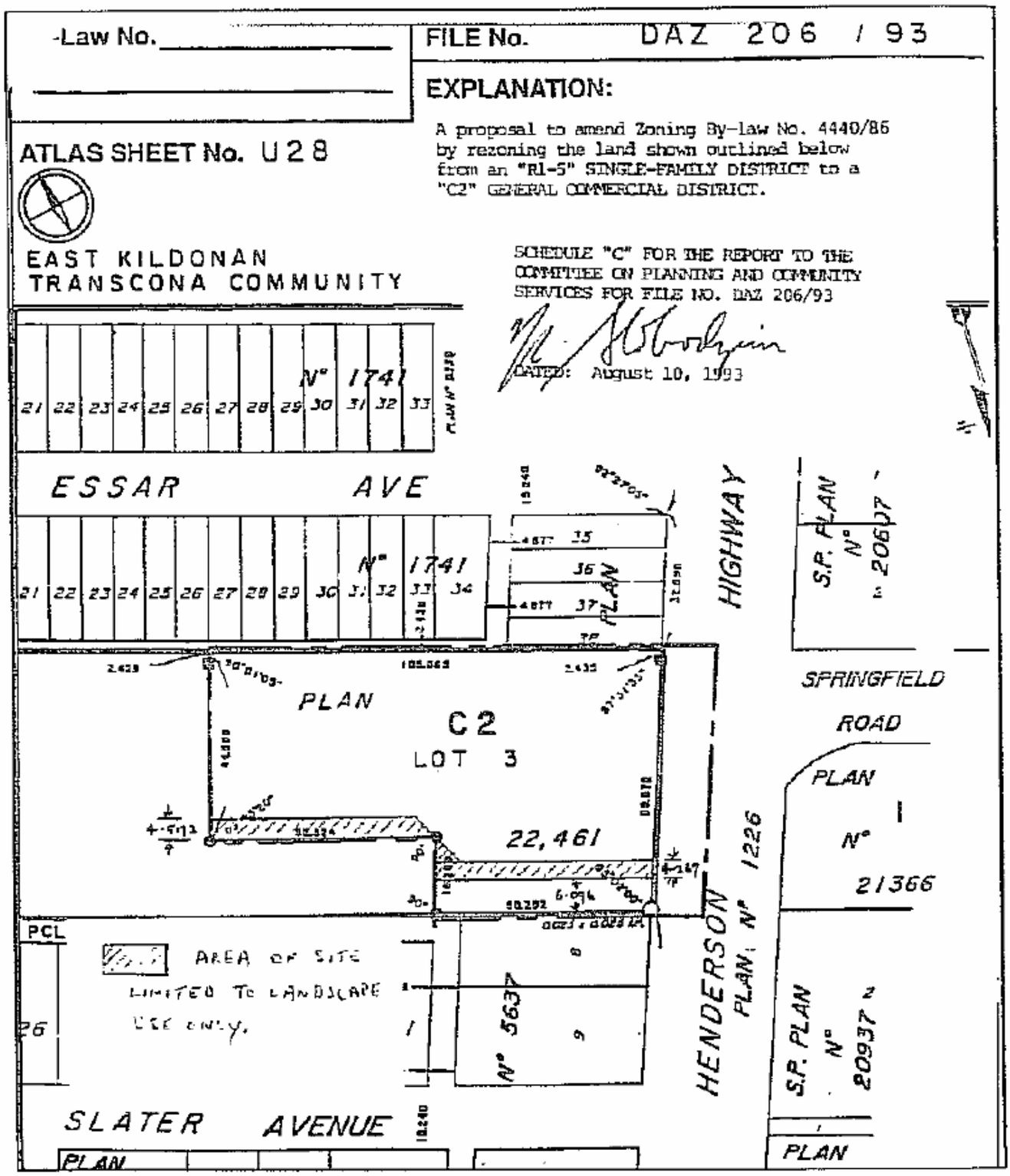
978 - Schedule "A" referred to in Clause 12 of the Report of the Committee on Planning and Community Services dated August 31, 1993



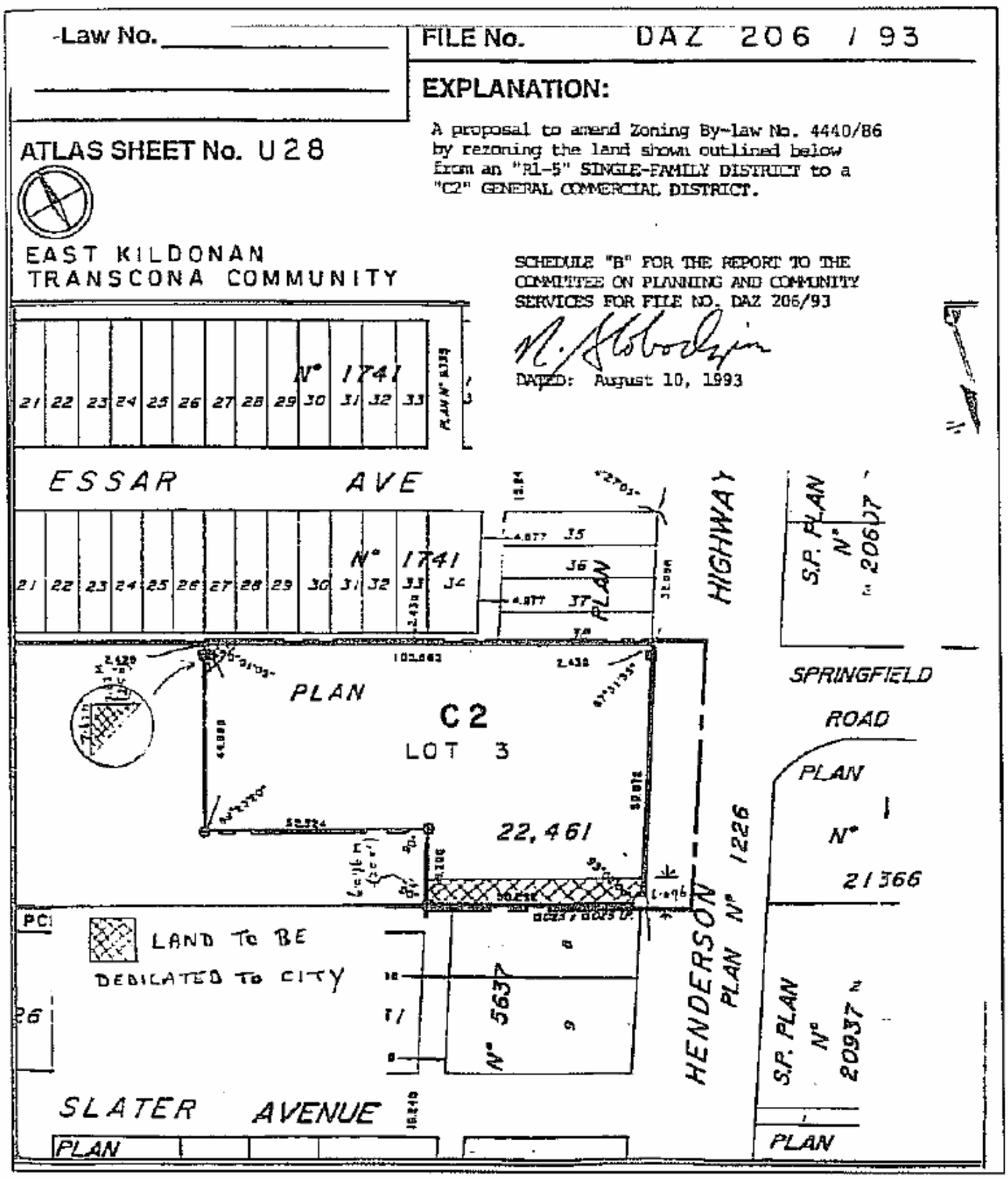
979 - Schedule "A" referred to in Clause 13 of the Report of the Committee on Planning and Community Services dated August 31, 1993



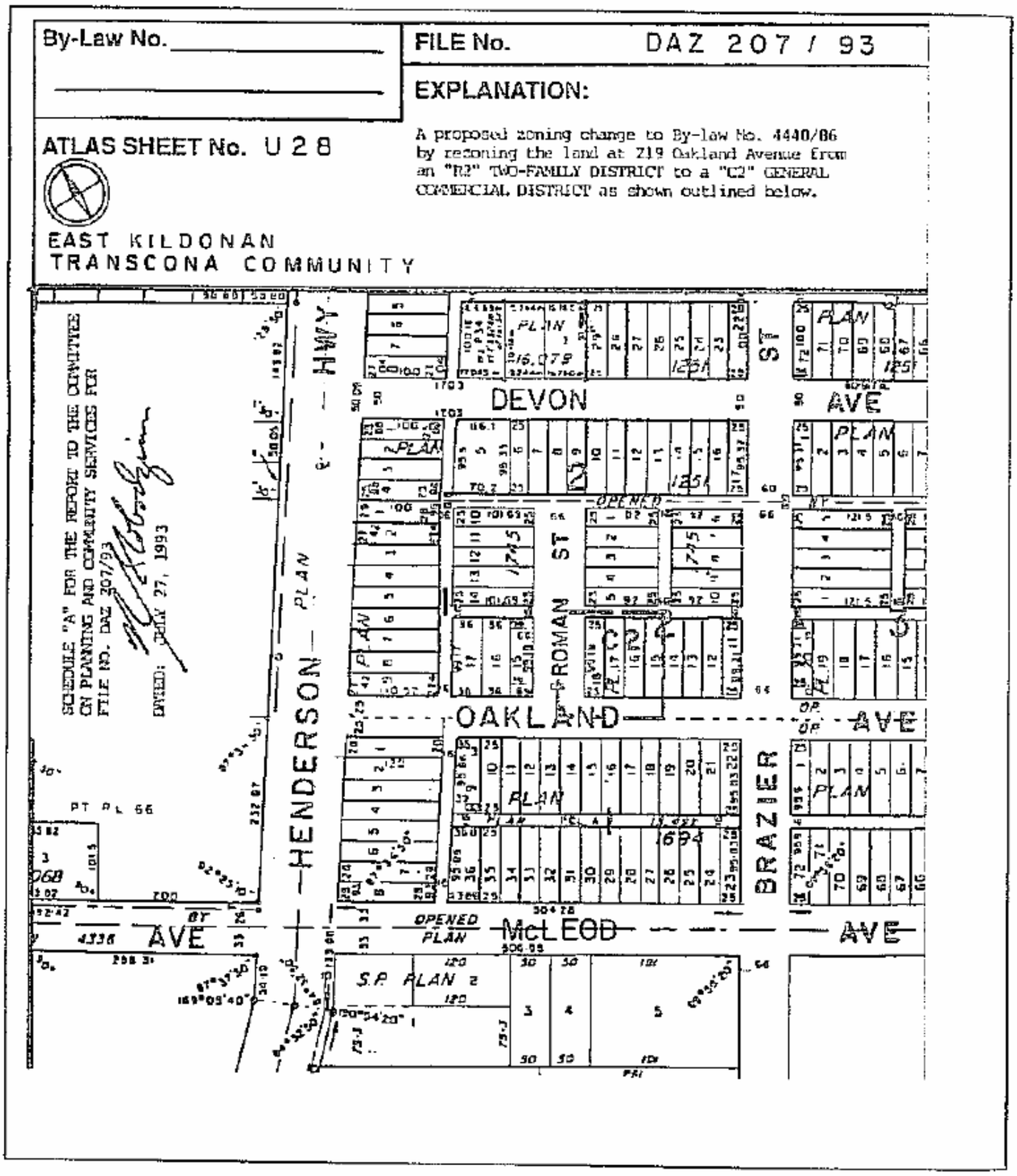
Schedule "B" referred to in Clause 13 of the Report of the Committee on Planning and Community Services dated August 31, 1993



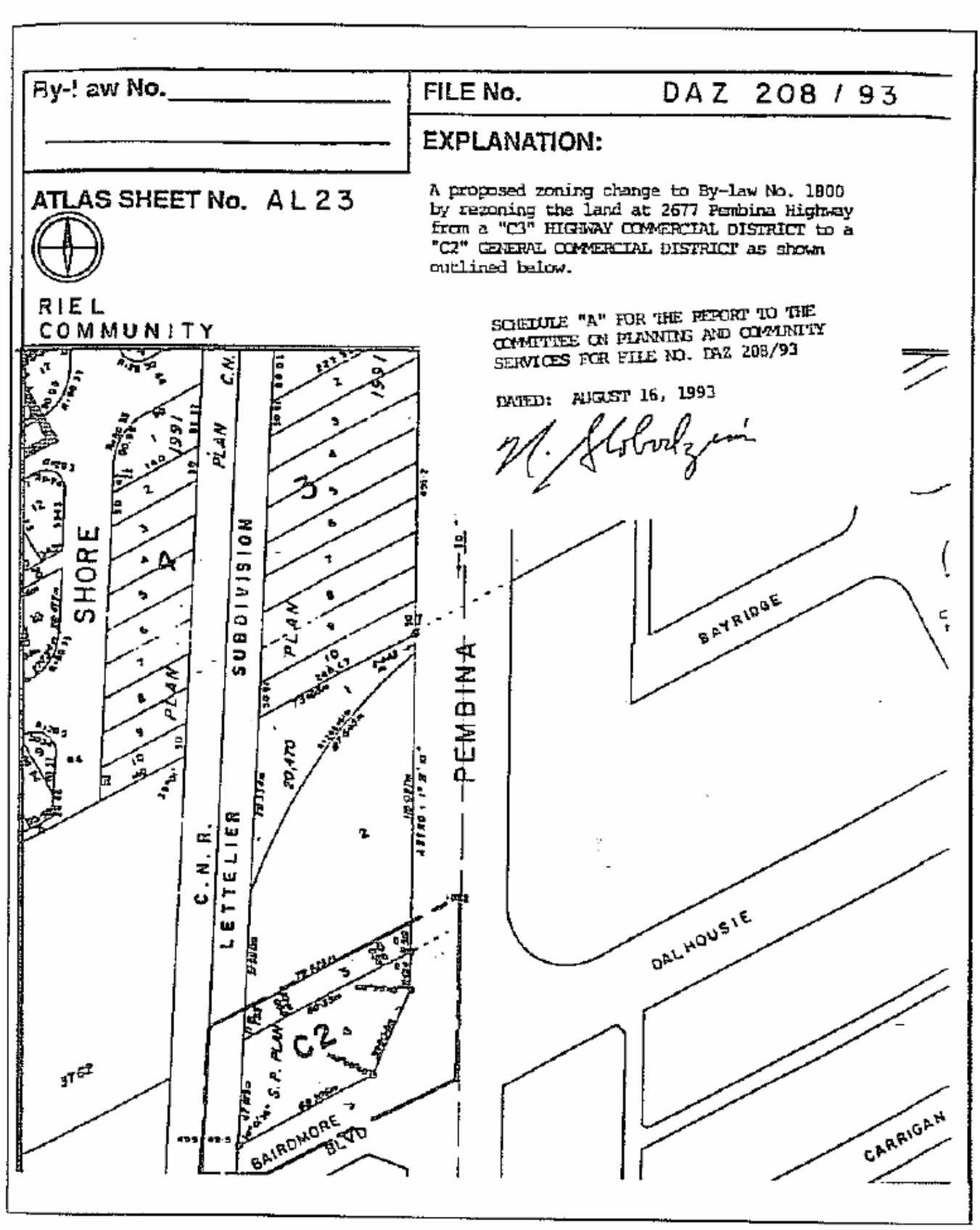
Schedule "C" referred to in Clause 13 of the Report of the Committee on Planning and Community Services dated August 31, 1993



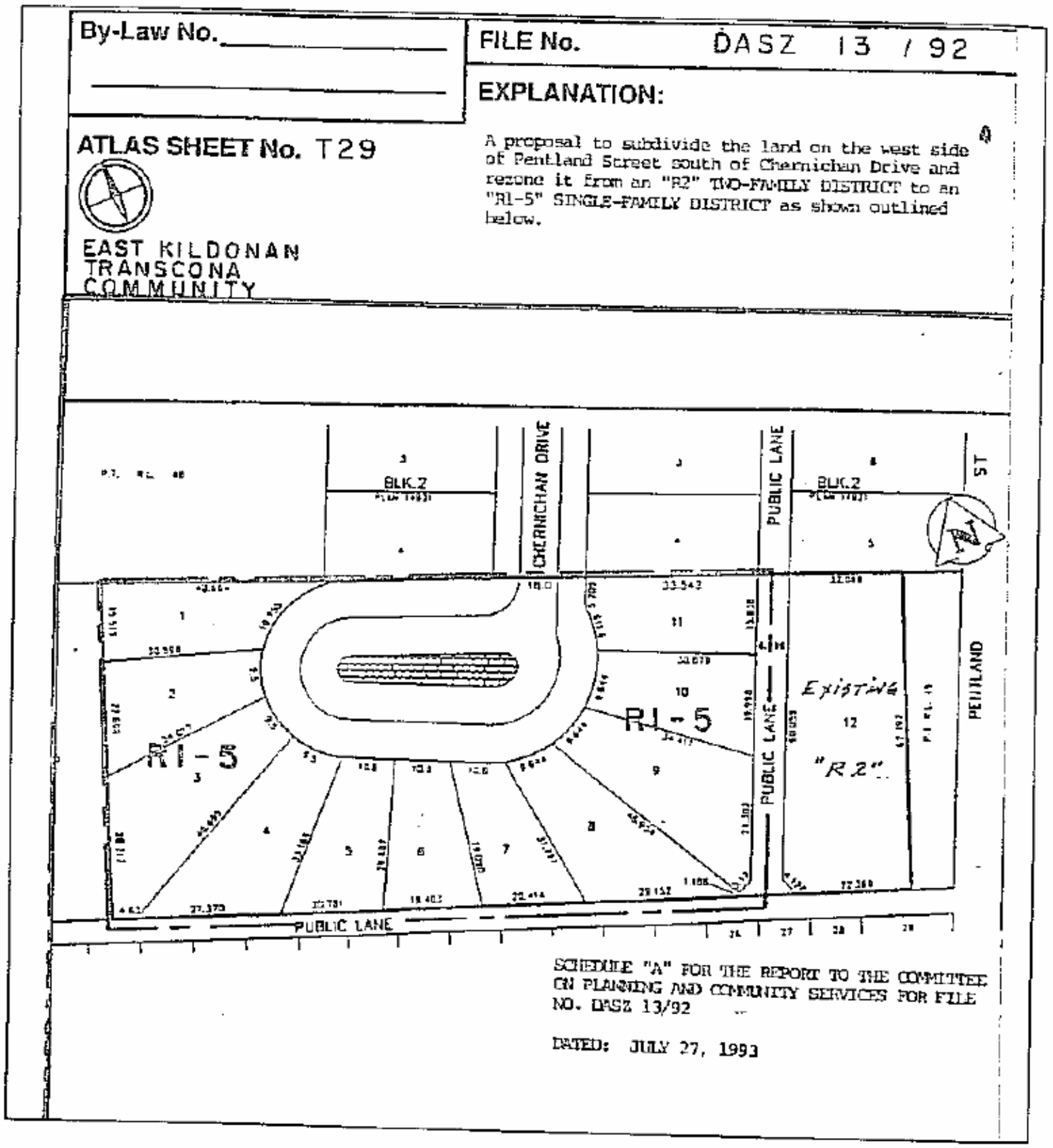
980 - Schedule "A" referred to in Clause 14 of the Report of the Committee on Planning and Community Services dated August 31, 1993



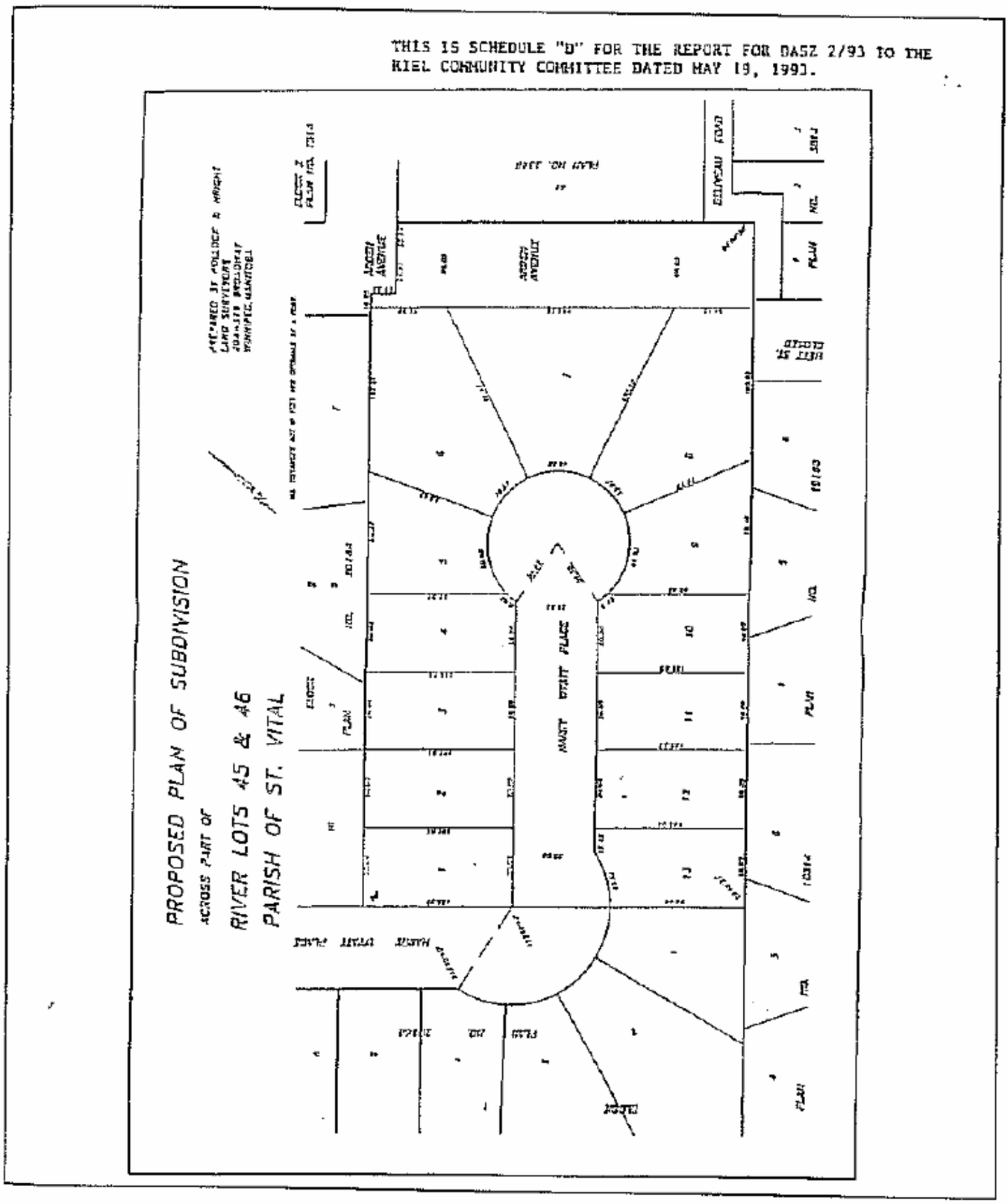
981 - Schedule "A" referred to in Clause 15 of the Report of the Committee on Planning and Community Services dated August 31, 1993



982 - Schedule "A" referred to in Clause 19 of the Report of the Committee on Planning and Community Services dated August 31, 1993



983 - Schedule "D" referred to in Clause 20 of the Report of the Committee on Planning and Community Services dated August 31, 1993



984 - Schedule "B" referred to in Clause 21 of the Report of the Committee on Planning and Community Services dated August 31, 1993

By-Law No. _____

FILE No. DASZ 3 / 93

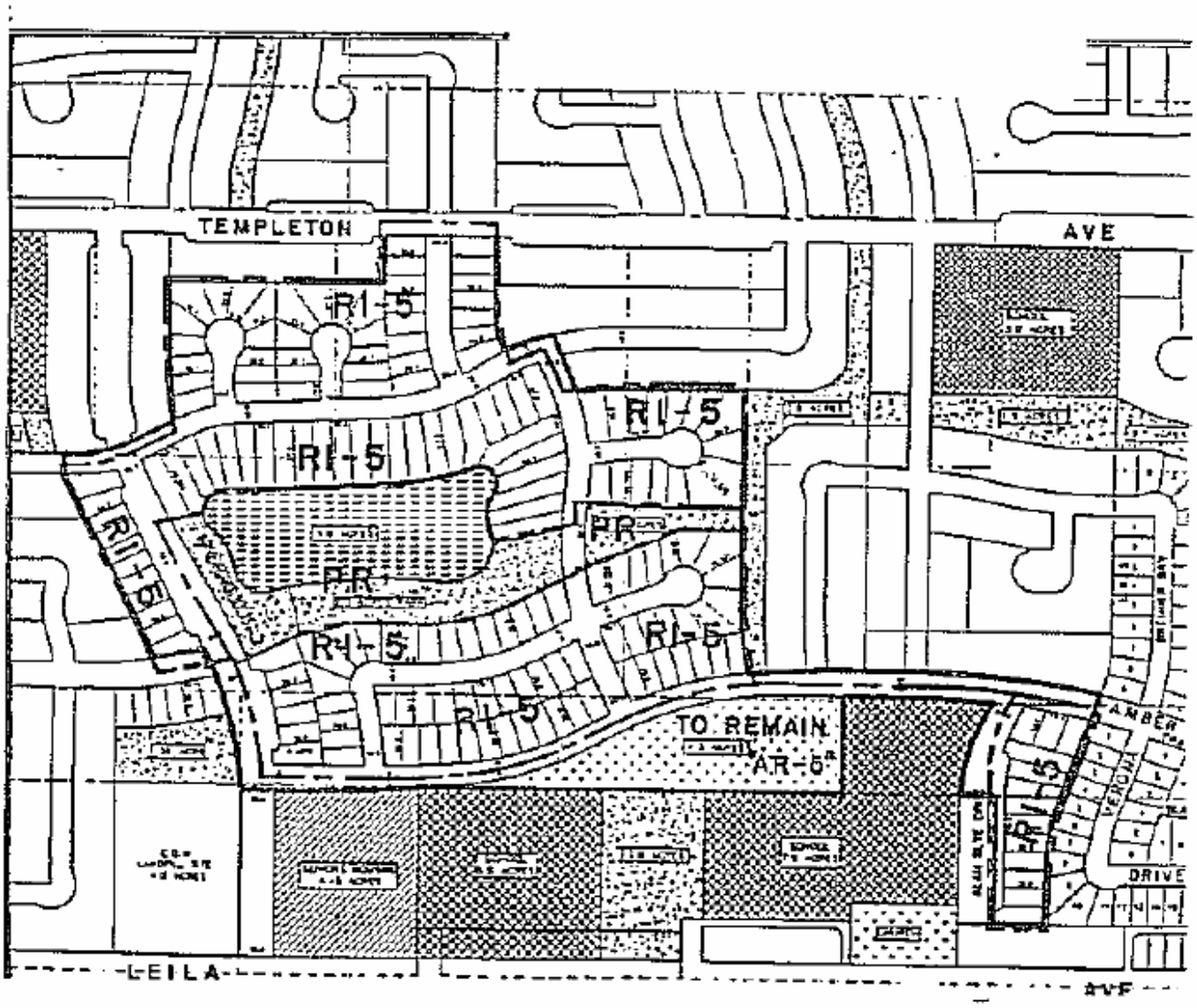
EXPLANATION:

ATLAS SHEET No. R 22

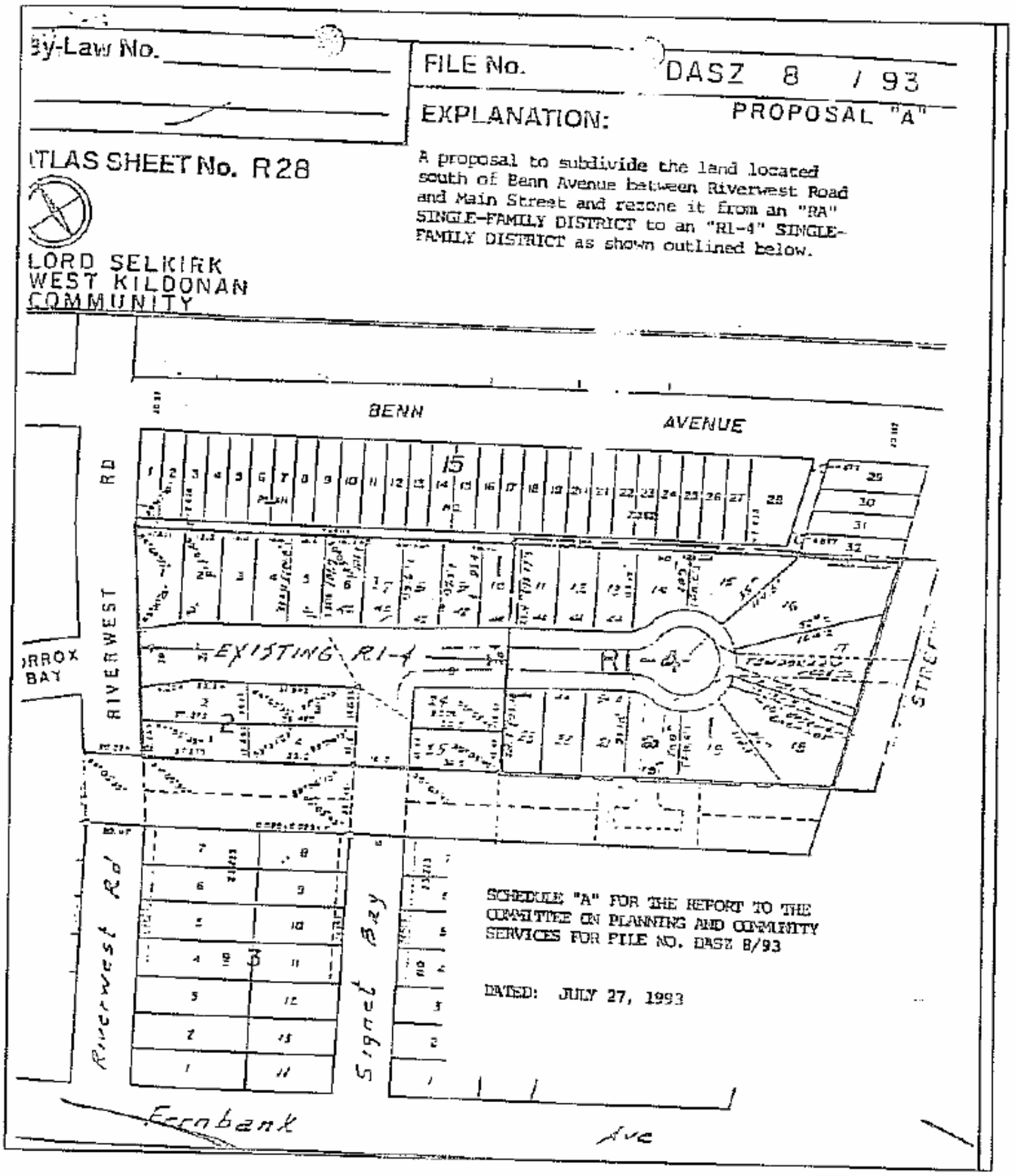
LORD SELKIRK
WEST KILDONAN
COMMUNITY

SCHEDULE "B" FOR THE REPORT TO THE COMMITTEE ON PLANNING AND COMMUNITY SERVICES FOR FILE NO. DASZ 3/93

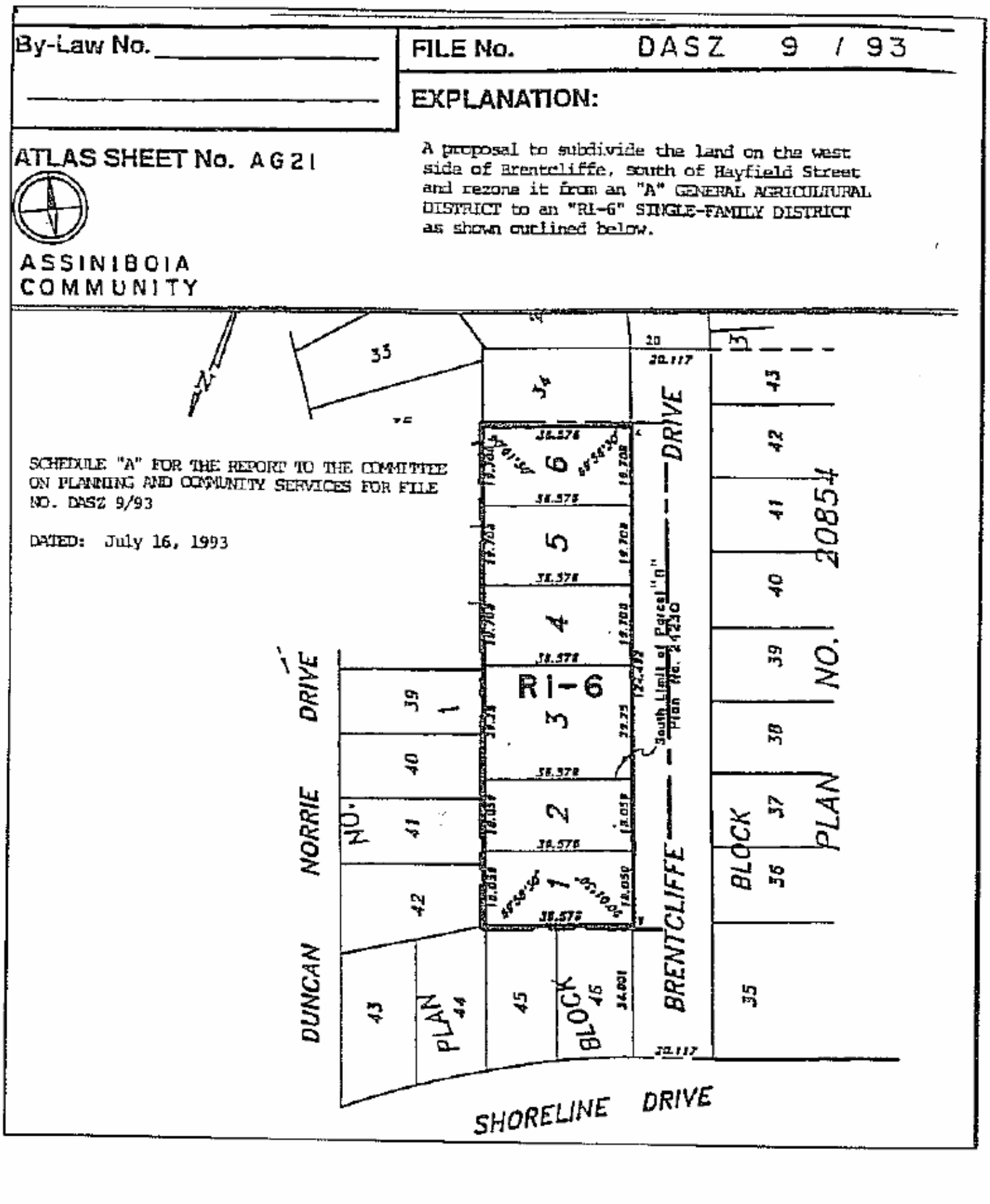
DATED: August 19, 1993



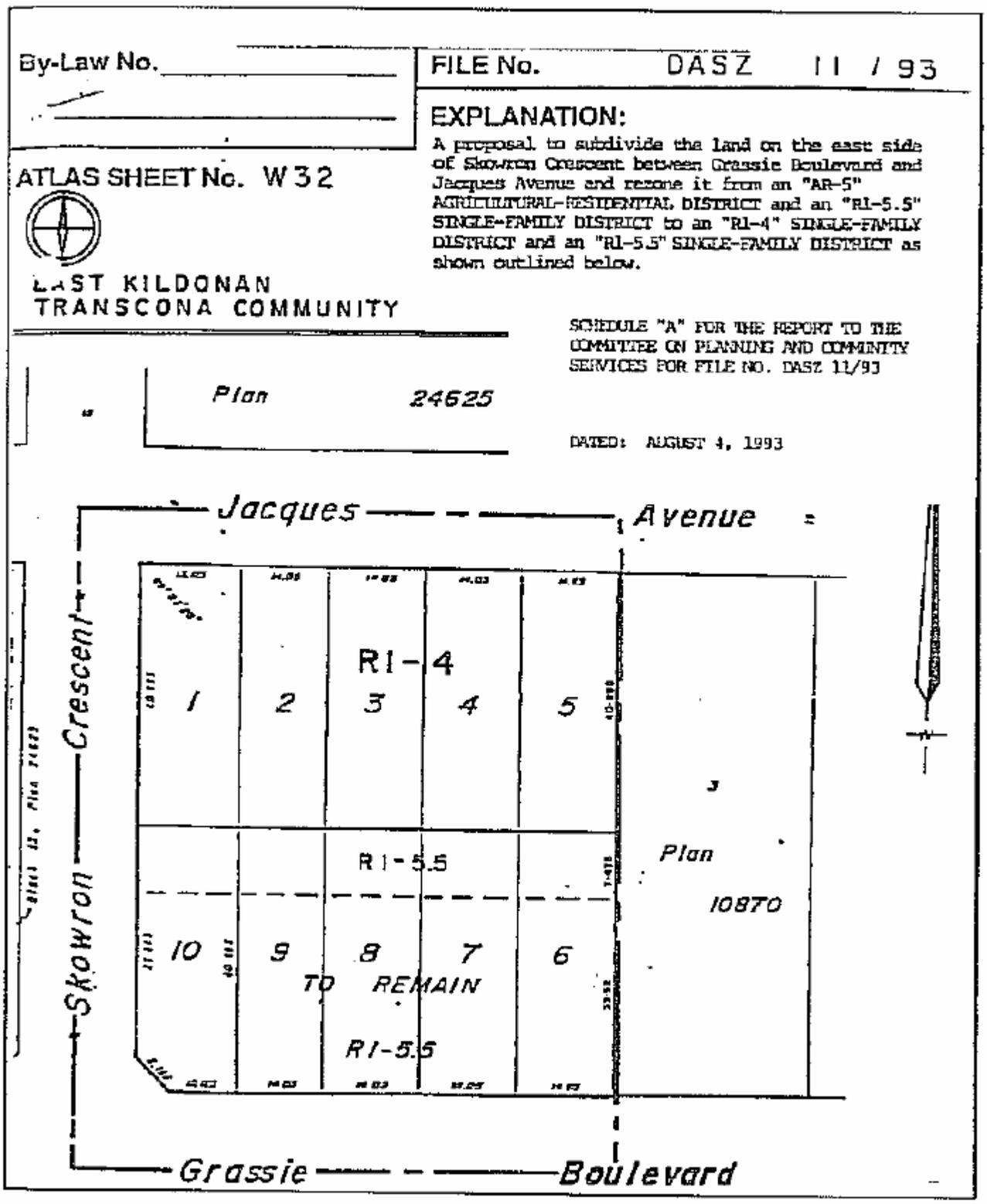
985 - Schedule "A" referred to in Clause 22 of the Report of the Committee on Planning and Community Services dated August 31, 1993



986 - Schedule "A" referred to in Clause 23 of the Report of the Committee on Planning and Community Services dated August 31, 1993



987 - Schedule "A" referred to in Clause 24 of the Report of the Committee on Planning and Community Services dated August 31, 1993



COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

988 - On motion of Councillor Murray, 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. 6230/93, a By-law of the City of Winnipeg for the enactment of zoning text changes to The St. Boniface Town Planning Scheme 1957. File DAZ 200/93

By-law No. 6231/93, 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 land located east of St. Mary's Road and west of Aldgate Road, south of Burland Avenue and north of Willesden Crescent in the Riel Community.
File DASZ 4/93

By-law No. 6232/93, 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 land located at the south-west corner of John Forsythe Road and Dakota Street in the Riel Community. File DASZ 5/93

By-law No. 6233/93, a By-law of the City of Winnipeg to amend Zoning By-law No. 1800 for the enactment of a zoning change at 2677 Pembina Highway in the Riel Community. File DAZ 208/93

By-law No. 6234/93, a By-law of the City of Winnipeg to amend Zoning By-law No. 4440/86 for the enactment of a zoning change on land located south of Chernichan Drive between Henderson Highway and Pentland Street in the East Kildonan-Transcona Community. File DASZ 13/92

By-law No. 6235/93, a By-law of the City of Winnipeg to correct zoning text changes to The St. Boniface Town Planning Scheme 1957 and The St. Vital Town Planning Scheme 1951 affected by enactment of By-law Nos. 6145/93 and 6167/93. File DAZ 231/92

On motion of Councillor Murray, the rule was suspended and By-law No. 6236/93, a By-law of the City of Winnipeg to amend Zoning By-law No. 4440/86 for the enactment of a temporary zoning change at 215 - 219 Oakland Avenue, in the East Kildonan-Transcona Community 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 207/93

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

QUESTION PERIOD

989 - Councillor Thomas inquired whether the Committee on Planning and Community Services had been consulted by the Forks office prior to the Forks Renewal Corporation's release of public information, if the Forks Renewal Corporation had reported to the Committee and whether Councillor Murray had been invited to the Forks Renewal Corporation's annual general meeting.

Councillor Murray noted that the Forks Renewal Corporation had appeared before the Committee, but that the Committee had had concerns that the Corporation was not responsive or forthcoming on its plans. Councillor Murray noted that Council had adopted a consultation process for the Forks which has not been adhered to, and that a requested site plan and overall development plan have been outstanding for some time. Finally, Councillor Murray stated that he had not been invited to the annual general meeting.