REPORT OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

DATED JUNE 29, 1993

On motion of Councillor Murray, the Report of the Committee on Planning and Community Services, dated June 29, 1993, was considered clause by clause.

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

Moved by Councillor Murray,
That the Consent Agenda items Clauses 1,2,3,4,5,6,7,8,9,10,11,12, 13 and 14 be adopted.

Councillor Angus requested that Clause 14 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11,12 and 13 was put and declared carried.

Her Worship the Mayor and Councillors:

Amendment to The Winnipeg Building By-law No. 4555/87 - Occupancy Permits, Supervisor of Building Inspections, Building Permits
Files EB-1.1 (Vol. 8) & EB-1.4 (1993)

842 - 1. Your Committee on Planning and Community Services has been advised that the Commissioner of Planning and Community Services initiated an amendment to the Text of all Zoning By-laws and Town Planning Schemes to delete therefrom the zoning provisions for Occupancy Permits and replace them with a new type of zoning permit called a "Development Permit". The Commissioner further proposed to transfer the Occupancy Permit provisions to the Winnipeg Building By-law No. 4555/87.

Council on March 25, 1992 approved the changes to the zoning by-laws and requested a study of what changes would be necessary to the building by-law.

The initiation of these changes by the Commissioner of Planning and Community Services was predicated by amendments to The City of Winnipeg Act. A new definition for an occupancy permit was added as follows:

> "Occupancy permit means a permit issued under a by-law passed under section 472 for the occupancy of a building or part of a building."

The by-law that is passed under section 472 of The City of Winnipeg Act is the Winnipeg Building By-law.

The existing provision for occupancy permits is within the zoning by-laws and town planning schemes administered by the City; thus the reason for the Commissioner's changes to the zoning by-laws.

The new Part 20, Planning and Development of The City of Winnipeg Act, provides for a Development Permit, namely:

> "Development permit means a permit authorizing a development that is subject to a Development By-law (Zoning By-law)."

The Building Inspections Division of the Planning Department has reviewed with the Law Department what changes are necessary to the Building By-law to incorporate therein occupancy permit provisions. These changes are contained within the recommendation set out herein.

The City of Winnipeg Act stated that Council appoint a person as the Supervisor of Building Inspections whose responsibility was to administer the building by-law. The recent amendments to the Act removed these provisions and introduced the terms "designated city administrator" and "designated employee". The Act defines them as follows:

> "designated city administrator means a city administrator appointed by council and designated by council to carry out a specific responsibility under this Act or a by-law."

"designated employee means an employee of the city designated by council to carry out a responsibility under this Act."

Part 15, Building Standards, of The City of Winnipeg Act gives Council the authority to pass a Building By-law and therein give a designated employee various responsibilities. The Planning Department is of the opinion that the present position "Supervisor of Building Inspections" should be continued and that the Winnipeg Building By-law be amended to indicate that the designated employee is the Supervisor of Building Inspections.

A ruling of the court on a recent building by-law case has raised concerns on certain items for which building permits can and cannot be issued. The following changes are proposed for clarification on building permits:

1) Define what "underpinning" is, and state that a building permit is required for underpinning;

2) Along with not requiring a permit for painting or decorating indicate no permit is required for patching;

3) Indicate that a building permit is not required for:
   i) replacement of stucco, siding or shingles with the same material;
   ii) replacement of doors when the opening is not altered;
   iii) replacement of open landing and stairs;
   iv) construction of fences;
   v) installation of cabinets and shelves; and
   vi) mobile homes situated in mobile home parks.

4) Include a statement that even though a building permit is not required the work shall comply with Building By-law standards.

On June 4, 1993, your Committee suggested, in addition to the items mentioned in the said report, that a minimum dollar value of construction be specified in order to exempt minor work from requiring a Building Permit. The Planning Department has reviewed this matter and proposes the following amendment.

I. Add the following to the list of items that do not require a building permit.

"(g) non-structural alterations or repairs where the value of such work is less than one thousand dollars ($1,000.00) provided the alterations or repairs do not place the building or structure in contravention or further contravention of the Code or any other By-law."

Your Committee on Planning and Community Services concurs with the opinion of the Planning Department and therefore recommends:

I. That the position of "Supervisor of Building Inspections" be retained.

II. That Building By-law No. 4555/87 be amended as follows:

1. that the "Supervisor of Building Inspections" be the designated employee to administer the Building By-law;

2. that building occupancy permit regulations be added to the By-law, as contained within Schedule "A", copy of which is on file in the office of the City Clerk;

3. Define what "underpinning" is, and state that a building permit is required for underpinning;

4. Along with not requiring a permit for painting or decorating indicate no permit is required for patching;

5. Indicate that a building permit is not required for:
   a) replacement of stucco, siding or shingles with the same material;
   b) replacement of doors when the opening is not altered;
   c) replacement of open landing and stairs;
   d) construction of fences;
   e) installation of cabinets and shelves;
   f) mobile homes situated in mobile home parks; and
   g) non-structural alterations or repairs where the value of such work is less than one thousand dollars ($1,000.00) provided the alterations or repairs do not place the building or structure in contravention or further contravention of the Code or any other By-law;

6. Include a statement that even though a building permit is not required the work shall comply with

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Building By-law standards.

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

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

Adopted by consent.

Amendment to The Winnipeg Building By-law No. 4555/87 - Sump Pit Covers
File EB-1.4 (1993)

843 - 2. Your Committee on Planning and Community Services has been advised that inasmuch as The Winnipeg Building By-law was amended in 1991 to provide regulations for the installation of sump pumps, the by-law did not provide specific regulations on making it necessary to safely secure the cover for the sump pit. Inspectors have been having difficulties in making some owners satisfactorily secure the sump pit covers for safety reasons.

The Planning Department is of the opinion that a provision should be provided in The Winnipeg Building By-law to require that sump pit covers be screwed down, locked or fastened in a manner that is acceptable to the City.

Your Committee on Planning and Community Services therefore recommends:

I. That Clause 23.3.1. of The Winnipeg Building By-law No. 4555/87 be amended by adding the following new subclause:

"(d) the cover of the sump pit must be screwed down, locked or fastened in a manner acceptable to the authority having jurisdiction."

II. That the City Solicitor be requested to prepare the necessary amending by-law 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.

Federal Cost-sharing on City Grants to Local Social Service Organizations
File FG-1.1(M) (Vol. 3)

844 - 3. Your Committee on Planning and Community Services has been advised that in 1990 the Administration of the Social Services Department determined that some of the grants the City provided to local social agencies might be eligible for Federal cost-sharing under the provisions of the Canada Assistance Plan and the Vocational Rehabilitation of Disabled Persons Agreement.

On January 23, 1991, City Council directed the Director of Social Services to provide the Province of Manitoba with documentation on City funding to social agencies in order that the Province of Manitoba apply to the Government of Canada for cost-sharing. Council also approved the recommendation "that the City negotiate an agreement with the Province of Manitoba for a refund to the City of all or a portion of any Federal funding recovered through cost-sharing on both past and future grants made by the City of Winnipeg to local social agencies".

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Since then, the Province has recovered more than $300,000.00 on City grants to local social agencies. None of this money has been turned over to the City despite attempts by the former Mayor and former Chairperson of the Committee on Planning and Community Services to secure the recoveries.

Recently the Province of Manitoba agreed to facilitate Federal cost-sharing on social assistance payments beyond provincial standards. Provincial and City Officials are currently working on an arrangement to forward these recoveries to the City. The process could also encompass eligible grants if the Provincial Ministers of Urban Affairs and Family Services agree.

The Province of Manitoba is receiving approximately $60,000.00 annually in Federal recoveries on City grants to the Age and Opportunity Centre and Versatech Industries. Cost-sharing on the City's support for Rossbrook House and Main Street Project is being pursued. If accepted by the Federal Government, as much as $680,000.00 could be secured on the grants the City has made to these two organizations over the past decade. Thereafter, the annual recovery would be about $75,000.00. This would bring the annual recoveries for all four organizations to approximately $135,000.00.

Your Committee on Planning and Community Services recommends that the City again approach the Province of Manitoba to request that Federal recoveries on City grants to local social services agencies be turned over to the City of Winnipeg.

Adopted by consent.

Main Street Project Short-Term Hostel - Request for a Grant
File FG-1.1(M) (Vol. 3)

845 - 4. Your Committee on Planning and Community Services has been advised that from 1975 to 1984, the Province of Manitoba, the United Way and the City of Winnipeg provided funding to the Main Street Project (M.S.P.) for its crisis shelter. In 1984, the City and the United Way agreed to shift funding to the staffing costs of M.S.P.'s newly-opened short-term hostel for the hard-to-house when the Province agreed to pick up 100% of the costs of the crisis shelter and detoxification unit. As well, the City agreed to pay minimal per diem board and lodging payments for the City social assistance recipients who stayed at the hostel.

In 1987, the funding agreement between the City and M.S.P. was renegotiated and restructured to lower the city's net costs while maintaining support for the hostel. The grant for staffing was reduced from $79,570 to $32,563 and the per diem rates for City social assistance clients were raised from $13 to $23 to take advantage of Federal and Provincial cost-sharing on the per diems. From 1987 to March 31, 1993, the same basic formula, incorporating cost-of-living increases, was maintained.

On April 1, 1993, changes in provincial legislation covering municipal social assistance programs reduced the per diem rates (i.e. supervised board and lodging payments) eligible for cost-sharing at several local residential facilities. The provincially-approved rate for City clients staying at the M.S.P. hostel dropped from $27.90 to $16.40/day.

Main Street Project was the only organization affected by this change which had a formal agreement with the City (#5690). To comply with the terms of the agreement, on May 26, 1993, City Council approved the payment of the higher per diem for a further 90 days until June 30, 1993.

On June 4, 1993, the Executive Director of M.S.P. requested an additional grant of $41,785 to cover the shortfall in per diem revenue. On June 21, 1993, he revised the request to $27,915 as the Provincial Department of Housing had increased its subsidization of the hostel.

Additional support in the form of an emergency grant for the Main Street Project is warranted for a number of reasons. First, of all of the organizations affected by the change, Main Street Project was the hardest hit. Thirty-nine percent of its revenue from fees paid on behalf of City clients has been lost. (Appendix "A") This translates into a 10% shortfall in the overall budget for the hostel. This funding reduction comes at a critical time for the organization.

After years of negotiations, the Province of Manitoba recently approved support for a new 34-bed residence to replace the ancient and decaying hostel at 105 Galt Street. Construction on the new facility has started. However, despite considerable subsidization from the Provincial Department of Housing, the reduction in City per diem funding has placed the new facility in jeopardy.

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Main Street Project is different from the other four organizations in other ways as well. The Main Street Project facility is a short-term shelter for men and women with active but untreated mental health and substance abuse problems. Their behaviour renders them unable to obtain and maintain stable housing in the community or shelter in other residential facilities.

Three of the affected organizations: Kiazan, Union Gospel Mission and the St. Norbert Foundation, are alcohol and drug treatment facilities offering long-term residential programs for people with substance abuse problems. As such, two of these facilities already receive significant funding for their programs from the Province of Manitoba, through the Alcoholism Foundation of Manitoba. The third has been encouraged to seek provincial support for its treatment program.

The other facility affected by the change is the Salvation Army Men's Hostel. This residence offers short-term housing for transient men. While the Salvation Army also is experiencing a significant decrease in per diem revenues, the men's hostel program is not in as precarious a financial situation as the Main Street Project. The provincially-approved per diem rate at the Salvation Army Men's Hostel at $25.60 still remains significantly higher than the approved rate ($16.40) at the Main Street Project Hostel (and the other three facilities). As well, a number of the services which the City used to purchase from the Salvation Army with the former per diem of $38.10 now will be provided directly to City clients by the Social Services Department at no cost to the Salvation Army (e.g. busfare, toiletries, hair cuts).

Finally, unlike the Main Street Project which is small, local and minimally-funded, the Salvation Army is a huge international organization with a very sophisticated and successful record of fundraising. While significant, the shortfall in revenue is not likely to place the organization, the facility or the program in jeopardy.

A final reason for providing emergency funding for the Main Street Project relates to the history of City support. The City has had agreements with the Main Street Project for almost two decades. During that time the Main Street Project has provided unique and necessary programs for a very difficult population in a very cost-effective manner.

Providing emergency funding to the Main Street Project will give the organization time to restructure its finances. This could include re-negotiating per diem rates with the Province of Manitoba. It also will allow City administrators the opportunity to review future City support for the program.

There is a good possibility that Federal cost-sharing may be secured on the grant. If approved and the recoveries are passed on by the Province, the City's net cost for the emergency grant would be approximately $13,958.00.

The alternative is that the City of Winnipeg continue to pay the previously-approved per diem of $27.90 to the Main Street Project up until December 31, 1993. The additional net cost to the City to maintain the old rate from July 1 to December 31, 1993, would be approximately $11,703.00. (This amount incorporates full Federal and Provincial cost-sharing on the first portion of the rate {$16.40 + $1.00 personal allowance} and Federal cost-sharing only on the remaining $10.50.)

While an increased per diem would cost slightly less than the recommended grant, provision of a grant addressing the unique circumstances of M.S.P. is less likely to generate similar requests from other organizations impacted by the change than an increased per diem.

Your Committee on Planning and Community Services recommends:

I. That an additional appropriation of $27,915 be approved in order to provide a one-time only emergency grant to the Main Street Project for its short-term hostel.

II. That Administration be instructed to review and report on long-term funding for the hostel.

Adopted by consent.

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Proposal to name the street that runs from Turnbull Drive to St. Mary's Road and the bridge over the Red River on this street to Courchaine Road and Courchaine Bridge
Files SB (Vol. 4) & SC-3.14(35) (Vol. 1)

846 - 5. Your Committee on Planning and Community Services has been advised that the Riel Community Committee at its meeting held on June 16, 1993, was apprised of a street that runs from Turnbull Drive to St. Mary's Road, and the bridge over the Red River on this street, are both unnamed, but which are commonly referred to respectively as the "Floodway Bridge Road" and the "Floodway Bridge".

For purposes of easier identification and to eliminate difficulties for emergency vehicles, both the street and bridge should be given a name. The name proposed for said street is "Courchaine Road" in honour of the Courchaine family who were pioneers of the area and have a long history in the St. Germain District.

Levis Courchaine (1854 - 1944) married Celine Bergeron and they raised their family in the St. Germain area. Their son's name was Oscar. He was the father of Lorenzo. He lived in St. Adolphe and moved to St. Norbert.

Oscar Courchaine (1882 - 1960) was married to Emma Trottier in St. Norbert. They raised all of their family in St. Germain on Christie Farm. The family home where Oscar was born is currently the museum located in Heritage Park on Turnbull Drive. That home was moved from St. Adolphe to it's current location a few years ago. Oscar and Emma had eleven children. Oscar worked in a number of labour intensive positions while raising his family. His activities included cutting cordwood and clearing land.

Lorenzo Courchaine (1913 - 1992) was born in St. Germain where he married Roseanna Dufault. Lorenzo was born at the family home on Christie Road in St. Germain and was married for fifty-nine years to Roseanna. She still lives on Forbes Road in St. Germain (their original home for the past sixty years). He was known as Pepere by all the young and old in the area. Roseanna is called Memere by many of the residents of the area to this day.

Nine of his ten children were educated in Mountbatten School in St. Germain. All of his sons worked on the floodway including the installation of the actual floodway gates on this bridge. Some of Lorenzo's leisure activities included calling bingo at Notre Dam du cap church and being the lead singer of the church choir.

He held a number of jobs during the depression. Some of the jobs did include threshing and cutting wood. After the depression some of the jobs he held included highway construction for Peterson Company, the cordite plant for a few years, carpentry for Commonwealth Construction at the St. Boniface Hospital. He cleared land for a number of farmers and companies. Lorenzo also worked for Max's Construction building homes, digging basements and raising houses. He had worked for Kenny's Garage for eleven years. In addition with Kenny's, he was a self-employed tow truck operator until 1968. He retired at the age of fifty-eight due to illness.

Lorenzo passed away in May 1992, leaving his wife and nine surviving children. Also of historical note is that Louis Riel is his mother-in-law's godfather.

There have been four generations of Courchaines living in the St. Germain district. By selecting the Courchaine name, the Committee will be honouring all of the typical families who form the history of St. Germain.

For the information of Council, the Riel Community Committee has recommended to the Executive Policy Committee that The City of Winnipeg be authorized to approach the Province of Manitoba, Department of Highways and Transportation, with the request to have the Floodway Bridge named the "Courchaine Bridge" for the reasons outlined above.

Your Committee on Planning and Community Services concurs with the recommendations of the Riel Community Committee and recommends:

I. That the existing public road on Plan 10,104 between Turnbull Drive and St. Mary's Road crossing the Red River floodway be assigned the name "Courchaine Road" as outlined on Schedule "A".

II. 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.

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III. 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.

IV. 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.

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

In amendment,

Your Executive Policy Committee recommends that the City of Winnipeg be authorized to approach the Province of Manitoba, Department of Highways and Transportation, with the request to have the bridge crossing the Red River, between Turnbull Drive and St. Mary's Road to "Courchaine Bridge".

Adopted by consent.

Zoning Agreement Amendment - 2449 Main Street, Lord Selkirk-West Kildonan Community
File DAZ 225/84 (ZAA 2/93)
(c/r DCU 52/93)

847 - 6. Your Committee on Planning and Community Services has been advised that an application has been received from the Royal Bank of Canada, 220 Portage Avenue to amend the Zoning Agreement affecting the land at 2449 Main Street to allow for the following:

1) a drive-in bank, subject to Conditional Use approval; and
2) a building to be within the westerly 30 feet of the land, instead of 40 feet as required by the Agreement.

Related application to allow for establishment of a Drive-in Bank was granted under File DCU 52/93.

The Royal Bank is proposing to install a standard Drive-Up Kiosk on the final portion of the property currently occupied by a Bubble Bath Car Wash at 2449 Main Street.

Procedurally, a Zoning Agreement Amendment and a Conditional Use Approval are required in order for the applicants to proceed. Under the original zoning agreement in 1984, a fairly extensive list of cases were listed as permitted uses (including banks) but drive-in/drive-thru banking facilities were excluded.

The Planning Department supports the subject amendments recognizing that the bank kiosk will probably not generate higher levels of traffic than would a walk-in banking facility which is a permitted use under the Agreement. The applicants have also made a sincere effort to site the kiosk in such a way as to avoid future problems with traffic circulation on the overall site.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on May 18, 1993.

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

Glen R. Peters, Fillmore & Riley, 1700 - 360 Main St., Winnipeg, R3C 3Z3
Alex Dratonany, 15th Floor - 220 Portage Avenue, Winnipeg, R3B 3L3

No one appeared in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning agreement amendment be approved for the following reasons:

1. The Planning Department supports the proposed amendments recognizing that the bank kiosk will probably not generate higher levels of traffic than would a walk-in banking facility which is a permitted use under the Agreement.

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2. The applicants have also made a sincere effort to site the kiosk in such a way as to avoid future problems with traffic circulation on the overall site.

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

I. That Clause 2 of Zoning Agreement DAZ 225/84 dated August 15th, 1984 be amended by adding to the list of permitted uses:

1. A drive-in bank (drive-up banking kiosk) subject to approval as a Conditional Use under The City of Winnipeg Act.

II. That Clause 4 of Zoning Agreement DAZ 225/84 dated August 15, 1984 be amended by deleting:

1. That no building shall be constructed or placed within the westerly 40 feet of the land.

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 Recommendations I and II.

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

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

Adopted by consent.

Rezoning - Extension of Time - east side of King Edward Street, south of Chapman Avenue, Lord Selkirk-West Kildonan Community File No. DAZ 219/89 (c/r DASSF 560/89)

848 - 7. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. Garry Bistyak, 1061 Lansdowne Avenue, for an extension of time to complete a zoning change under File No. DAZ 219/89. An enactment of a zoning by-law did not take place within twenty-four months of the adoption of recommendations by Council, and authority expired July 12th, 1991. The applicant cites that the reason for the failure to proceed was a result of the fact that the bank financing which was secured in order to carry out the Servicing requirements fell through and the applicant wasn't able to secure funding through other sources. The applicant has now indicated that he has a purchaser for the above-mentioned lands, but they want this land with the "R1-4" zoning in place and are willing to put forth the money required to complete the rezoning.

Since all the conditions necessary to complete the rezoning have not changed, an extension of time to complete the proposed zoning change will not adversely affect any person or property.

The Lord Selkirk-West Kildonan Community Committee at its meeting held on June 15, 1993 endorsed the extension of time for completion of installation of services and construction to July 12, 1994.

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

I. That Item V. of Council's report on File No. DAZ 219/89 be amended to read as follows:

"V. That in the event this application is not proceeded with expeditiously and the By-law not enacted by July 12th, 1994, the matter shall be deemed to be concluded and not proceeded with unless Council extends that date."

subject to the following conditions:

(a) Clause 8 of the report of the Administrative Co-ordinating Group dated May 1, 1989 be amended to provide that the cash in lieu of land dedication payment shall be calculated on the basis of the

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City's formulas and rates in effect at the time of execution of the Servicing Agreement.

(b) Payments to be made to the City under the terms of the servicing agreement for fees and/or services shall be calculated on the basis of rates in effect at the time of execution of the servicing agreement.

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

Adopted by consent.

Rezoning - Extension of Time - south-west corner McGillivray Boulevard at Waverley Street, Assiniboia Community
File No. DAZ 228/89 (c/r DAOC 9/89)

849 - 8. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. David Jones, 670 Park Boulevard South, for an extension of time to complete a zoning change under File DAZ 228/89. An enactment of a zoning by-law did not take place within twenty-four months of the adoption of recommendations by Council, and authority to proceed expired March 27, 1993. The applicant cites that the reason for the failure to proceed is a result of the difficult rental market conditions over the last two years, stating that it has been impossible to get the right tenant mix to proceed. Secondly, the applicant is now negotiating with the City for the purchase of 18,000 feet of right-of-way and also a request for the complete closure of McGillivray Boulevard at Waverley Street (DAOC 9/89), thereby allowing for a purchase of this land from the City.

The Land Surveys and Real Estate Department has indicated that this request is still eight to nine months away from completion. An extension of time to complete the proposed zoning change will not adversely affect any person or property.

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

I. That Item VI. of Council's report on File No. DAZ 228/89 be amended to read as follows:

"VI. That in the event this application is not proceeded with expeditiously and the By-law not enacted by March 27, 1995, the matter shall be deemed to be concluded and not proceeded with unless Council extends that date.

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

Adopted by consent.

Rezoning - Extension of Time, 825 Keewatin Street, south-east corner Keewatin Street and Burrows Avenue, Lord Selkirk-West Kildonan Community
File No. DAZ 213/91 (c/r DASSF 514/91)

850 - 9. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. G. Anderson, Land Surveys and Real Estate Department, for an extension of time to complete a zoning change under File DAZ 213/91. An enactment of a zoning by-law did not take place within twenty-four months of the adoption of recommendations by Council, and authority expired June 19, 1993. The applicant cites that the reason for the failure to proceed was a result of the fact that the previous buyer and applicant (First City Realty) aborted the sale as they could not line up a major supermarket tenant for the site.

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The applicant has now indicated that the subject property was offered for tender recently and there is one bidder on the site (2514141 Manitoba Ltd. - Shindico and Mark Olson).

Since all the conditions necessary to complete the rezoning have not changed, an extension of time to complete the proposed zoning change will not adversely affect any person or property.

The Lord Selkirk-West Kildonan Community Committee at its meeting held on June 15, 1993 endorsed the request for an extension of time to June 19, 1994.

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

I. That Item VI of Council's report on File DAZ 213/91 be amended to read as follows:

"VI. That in the event this application is not proceeded with expeditiously and the by-law not enacted by June 19, 1994, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time."

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

Adopted by consent.

Concrete Lane Pavement between Trudell Bay and Pandora Avenue, Development Agreement No. AG 55/86, Concord Properties Ltd., East Kildonan-Transcona Community File DASZ 55/86

851 - 10. At its meeting held on June 4, 1993, your Committee on Planning and Community Services heard representation from Mr. L. Sharfe on behalf of Concord Properties Ltd. with respect to a proposed amendment to Development Agreement No. AG 55/86 and the Committee referred this matter to the Land Development Department for review and a report.

Your Committee on Planning and Community Services has been advised that on July 27, 1988, Council approved in principle the Developer's subdivision and rezoning application. The approval provided for the Developer to construct the subject lane pavement which borders Developer-owned land on the south and City-owned land on the north. The approval did not provide for the City to share in the cost of the lane. On August 15, 1989, the Developer, Concord Properties Ltd., signed Development Agreement No. AG 55/86.

On October 31, 1989, the Director of Land Development advised the Developer to petition the City for a local improvement for the lane pavement which action would result in the City paying a share of the pavement benefitting the City-owned land (Lot 15, Block 2, Plan 25,241). The Developer wrote the City Treasurer on November 7, 1989 petitioning the City for a local improvement for construction of the lane.

On November 23, 1989, the Development Agreement was signed by the Mayor and City Clerk.

On December 23, 1992, the Developer wrote the Land Development Department requesting confirmation that the City would advertise the lane pavement in order to reimburse Concord Properties Ltd. through a local improvement levy.

The Acting City Solicitor wrote the Developer on January 18, 1993 and advised that a local improvement would be irrelevant and further advised that any City payment would require a resolution of Council reversing its condition of zoning/subdivision approval that the Developer pay the full cost.

The Developer appeared before the East Kildonan-Transcona Community Committee on March 16, 1993, but his request for reimbursement was denied. On June 4, 1993 he appealed the Community Committee's decision, to the Committee on Planning and Community Services.

The City's Lot 15 and the lane pavement are shown on Figure 1.

The Developer's subdivision is zoned "R1-5" and the City's vacant Lot 15 abutting the subject lane pavement is

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zoned "AR-5". The lots on Pandora Avenue adjacent to and in the vicinity of Lot 15 contain single family detached houses.

The future use for the City's land has not yet been determined, but if it were to be developed consistent with existing uses in the immediate neighbourhood, it would be developed as "R1" zoned land. Because of a possible future transportation corridor adjacent to Lot 15, access to Lot 15 from the subject lane is highly probable.

The lane pavement was constructed by the Developer in 1992. Advertisement of the pavement as a local improvement would be irrelevant since the only property which would be assessed would be the City's Lot 15.

If it is deemed appropriate for the City to share in the cost of the lane pavement constructed by the Developer adjacent to Lot 15 a resolution of Council will be required to amend Development Agreement AG 55/86 which required the Developer to install the lane at no expense to the city. There is nothing in the files of the Land Development Department which indicates that the Developer received considerations at the time of subdivision/rezoning approval which precluded the City from sharing in the cost of the lane pavement. It is unlikely that the Developer received any such consideration as evidenced by the former Director of Land Development's letter to the Developer recommending that the Developer petition the City for a local improvement which would result in the City paying its share of the pavement.

If Lot 15 were privately owned, rather than City-owned, the Developer would have been able to have had a local improvement advertised prior to construction of the lane pavement. Approval of the local improvement would have resulted in the benefitting private owner paying a proportionate share of the pavement on the basis of the lesser of the actual cost of construction and the cost determined using the City's local improvement rate.

The Planning Department is of the opinion that since the City's Lot 15 benefits from the lane pavement just as privately owned land would benefit, Development Agreement AG 55/86 be amended to provide for payment to Concord Properties Ltd. for the City's share of the lane pavement. The payment would be the lesser of the actual cost of construction and the cost determined using the local improvement rate. At the date of this report the actual construction cost had not been established but it was likely in the order of $5,000.00. Based on 1993 rates, the local improvement cost would be $7,113.00.

The Planning Department is also of the opinion that the payment should be funded from the Land Operating Reserve Account.

Your Committee on Planning and Community Services recommends:

I. That Development Agreement No. AG 55/86 be amended to provide for payment to the Developer, Concord Properties Ltd., for the City's share of a concrete lane pavement between Trudell Bay and Pandora Avenue on the basis of the lesser of actual construction costs and local improvement rates and that the payment be funded from the Land Operating Reserve Account.

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

Adopted by consent.

Subdivision and Rezoning - land located between River Road and St. Michael Road, Riel Community

File No. DASZ 2/93

852 - 11. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. B. McGarry, 185 Kingston Row, Winnipeg, Manitoba, R2M OT1, on behalf of Mr. R. Carpenter, for approval of a plan of subdivision and related zoning change to The St. Vital Town Planning Scheme 1951 by rezoning the land located between River Road and St. Michael Road from an "RA" Suburban District to an "R1-5" One-Family District to permit the establishment of sixteen (16) single-family dwelling sites outlined on Schedule "B" dated June 18, 1993.

The dimensions of the subject site are 82.3 m x 148.7 m (270 ft x 488 ft) with a site area of 12,283 m² (3 Acres). The current land use is one-family dwelling with one family dwelling, while the proposed land use is for 16 one-family dwelling lots, with one family dwellings.

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The surrounding land use and zoning to the North is low-density housing, zoned "R1-5"; to the East is low-density housing, zoned "R1(b)" and "RA"; to the west is low-density housing, zoned "R1-5"; and to the South is low-density housing, zoned "R1" and "RA".

The Planning Department is of the opinion that development of the site in one-family dwellings is entirely consistent with the adjacent neighbourhood, and clearly was anticipated at the time of development of Hardy Bay and the existing portion of Harry Wyatt Place. There is no more compatible use for these lands.

Unfortunately, the development configuration proposed by the applicant as shown on Schedule "B" cannot be recommended, because the extension south of Arden Avenue to the present Beliveau Road is essential to permit infill development between Arden Avenue and St. Michael Road. It is considered unreasonable that the owners of double-depth lots on both Arden Avenue and St. Michael Road should be denied an equal opportunity for subdivision, on the pattern of Bethune Way to the east. The cul-de-sac illustrated on Schedule "B" (Proposed "B" on the advertising notice) precludes further orderly development in this area.

However, while the extension south of Arden Avenue is necessary for orderly development, the extension of Harry Wyatt Place to intersect with that street as shown on Schedule "A" dated June 18, 1993 is not necessary. That is, extension of Harry Wyatt Place as a cul-de-sac to a point farther west than shown (because of the width of Arden Avenue) represents orderly development, strictly addressing planning considerations and ignoring servicing efficiency. Two proposals were advertised for this reason, giving the Community Committee the scope to approve both the extension of Arden Avenue and a cul-de-sac, if that best reflects the existing character of Harry Wyatt Place.

The Planning Department does not recommend such a configuration, insofar as the traffic generated by 16 lots on the subject site, and by future infill development on the east, is expected to be consistent with the character of a local residential street. Servicing efficiency, and particularly the costs of future maintenance of services, are best served by the intersection of Harry Wyatt Place with the extension of Arden Avenue.

A Public Hearing was held before the Riel Community Committee on April 21 and May 19, 1993.

The applicant had an informal meeting with the Riel Residents' Advisory Group on May 3, 1993. A revised plan, designated as Schedule "C" and dated June 18, 1993, was presented by the applicant. The revised plan moves the cul-de-sac bulb to a point further west, provides for a possible future right-of-way to connect Arden Avenue and Beliveau Road and reduces the number of lots from sixteen (16) to thirteen (13).

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

Bill McGarry, 185 Kingston Row, Winnipeg, R2M 0T1
Samuel Braker, 501 - 228 Notre Dame Avenue, Winnipeg, R3B 1N7
Doug Chapman, 14 Darwin Street, Winnipeg, R2M 3X7
Eugene Gauthier, 1013 Riverwood Avenue, Winnipeg, R3T 1L4
Mark Harrison, 3 Harry Wyatt Place, Winnipeg, R2M 5M7
G. R. Karasevich, 132 Crofton Bay, Winnipeg, R2M 2E5
J. G. Karasevich, 260 Dunkirk Drive, Winnipeg, R2M 3W9
Ron Kirby, 23 Harry Wyatt Place, Winnipeg, R2M 5M7
Wayne Lee, 113 Elm Park Road, Winnipeg, R2M 0W3
Roger D. Richert, 136 Arden Avenue, Winnipeg, R2M 2K3.

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

Jill and Ray Amyot, 34 Harry Wyatt Place, Winnipeg, R2M 5M7
Rico Bertschinger, 7 Hardy Bay, Winnipeg, R2M 5M5
Clare Bowden, 225 St. Michael Road, Winnipeg, R2M 2L1
Lynn William Brown, 35 Hardy Bay, Winnipeg, R2M 5M6
James E. Cossette, 113 St. Michael Road, Winnipeg, R2M 2L1
Louis and Jill Courchaine, 26 Waterview Cove, Winnipeg, R2N 3C8
Mary Hum, 23 Hardy Bay, Winnipeg, R2M 5M5
Jack and Adeline Lauder, 134 Arden Avenue, Winnipeg, R2M 2K3
Brian and Meredith McArthur, 26 Harry Wyatt Place, Winnipeg, R2M 5M7
B. McDonald, 42 Harry Wyatt Place, Winnipeg, R2M 5M7
Jim and Nicole Matthews, 18 Harry Wyatt Place, Winnipeg, R2M 5M6
Bryan and Terri Okurley, 15 Harry Wyatt Place, Winnipeg, R2M 5M7
Mr. and Mrs. C. Parrish, 66 McNulty Crescent, Winnipeg, R2M 5H4

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Jan Perron, 148 Arden Avenue, Winnipeg, R2M 2K3
Sital Rihal, 31 Hardy Bay, Winnipeg, R2M 5M5
Laverne Roberts, 38 Harry Wyatt Place, Winnipeg, R2M 5M7
Adolph Schurek, 19 Hardy Bay, Winnipeg, R2M 5M5
Johann Schnebl, 30 Harry Wyatt Place, Winnipeg, R2M 5M7
Hollis Singh, 2 Harry Wyatt Place, Winnipeg, R2M 5M7
Lonn Trickett, 3 Hardy Bay, Winnipeg, R2M 5M5
Laraine and Marcel Vermette, 22 Harry Wyatt Place, Winnipeg, R2M 5M7
Mrs. Bonnie and Bruce Piercy, 150 Arden Avenue, Winnipeg, R2M 2K3

The following persons appeared for information purposes only:

Monica Chapman, 14 Darwin Street, Winnipeg, R2M 3X7
Mr. G. Hewitt, Chairperson, Riel Residents' Advisory Group, c/o 604 St. Mary's Road, Winnipeg, R2M 3L5.

The Riel Community Committee recommended that:

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

   A. Development of the site in one-family dwellings is consistent with the adjacent neighbourhood.

   B. The proposed plan of subdivision as shown on Schedule "C" represents the consensus reached by the applicant and the area residents.

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 Riel Community Committee and recommends:

I. That the plan of subdivision proposed under File No. DASZ 2/93 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "C" for File No. DASZ 2/93 dated June 18, 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 April 1, 1993, and the supplementary report dated May 10, 1993, designated as Schedule "D", and dated June 18, 1993 with the following amendments thereto:

      1. The costs identified in Clause 9 of the Report dated April 1, 1993 be deferred 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 Beliveau Road.

      2. Clause (d) of the Supplementary Report dated May 10, 1993 be deleted.

      3. That the following clause be added:

   "That the Developer be required to grant to the City by way of registered caveat a total of a 20 foot easement on Lots 6 and 7 of the proposed subdivision for the installation of sewer and water services."

   B. That the Developer dedicate to the City the land indicated as "Arden Avenue" on Schedule "C" for a future right-of-way and that said land, not be called Arden Avenue until such time as the traffic study and street configuration referred to in 1. above have been completed. (Note: It is the intent of the Community Committee that a right-of-way not be opened by this plan of subdivision, but be reserved for a possible future right-of-way to connect Arden Avenue to Beliveau Road).

   C. That the matter of compensation for the above land dedication not be settled until such time as the traffic study and street configuration referred to in 1. above have been completed.

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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. A. That The St. Vital Town Planning Scheme 1951 be amended by rezoning the subject land as shown on Schedule "C" for File No. DASZ 2/93 dated June 18, 1993, to an "R1-5" One-Family District subject to the following:

B. That the St. Vital Town Planning Scheme 1951 be amended to establish a front yard alignment of 6 meters (20 feet) on the extension of Harry Wyatt Place.

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. 856 for attachments)

Subdivision and Rezoning - land located east of St. Mary's Road and west of Aldgate Road, south of Burland Avenue and North of Willesden Crescent, Riel Community
File No. DASZ 4/93 (c/r DAV 240/93D)

853 - 12. Your Committee on Planning and Community Services has been advised that an application has been received from Qualico Developments Ltd., 30 Speers Road, c/o E. Vogan, Winnipeg, Manitoba, R2J 1L9 for approval of a plan of subdivision and related zoning change to The St. Vital Town Planning Scheme 1951 by rezoning the subject lands located to the east of St. Mary's Road and west of Aldgate Road, south of Burland Avenue and north of Willesden Crescent from an "A" Agricultural District to an "R1-3.5" and "R1-4" One-Family District to permit the establishment of two single-family sites fronting Burland Avenue with the balance of the land being in block plan until further lotting plans are submitted, all as outlined on Schedule "A" dated June 16, 1993.

The site area consists of approximately 16,900 m^2 (4.18 Acres) of vacant land. The surrounding land use and zoning to the north is dwelling and vacant land, zoned "A1" and "R-PL"; to the east is low-density housing, zoned "R-PL"; to the west is church and soils dealer, zoned "A1", and to the south is low-density housing, zoned "R-PL".

This subdivision. was anticipated at the time of approval of one-family development to the south and east, including the reservation of land for the intersection of Gobert Crescent with Aldgate Road. The proposal includes the completion of Gobert Crescent. One-family lots are entirely consistent with adjacent development. The two "R1-3.5" lots proposed to front Burland Avenue are consistent with abutting "R-PL" development, and with provision of lane access.

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Residual parcels to the west (fronting St. Mary's Road) will remain zoned "A1" Agricultural District, and are dealt with under related File DAV 240/93 D, which was approved by the Riel Community Committee on May 19, 1993.

Public Hearings were held before the Riel Community Committee on May 19 and May 20, 1993.

E. Vogan, Qualico Developments Ltd., 30 Speers Road, Winnipeg, R2J 1L9 appeared in support of the application.

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

T. Nahorney, 19 Aldgate Road, Winnipeg, R2N 2X8
C. Rozmus, 23 Aldgate Road, Winnipeg, R2N 2X8

The Riel Community Committee recommended that:

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

   A. The proposal includes the completion of Gobert Crescent.

   B. One-family lots are entirely consistent with adjacent development.

   C. The two "R1-3.5" lots proposed to front Burland Avenue are consistent with abutting "R-PL" development, and with provision of lane access.

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 Riel Community Committee and recommends:

I. That the plan of subdivision proposed under File No. DASZ 4/93 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 4/93 dated June 16, 1993 for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the plan be amended to provide a 3 m x 3 m corner cut at the north east corner of the intersection of the public lanes parallel to and intersecting with Burland Avenue.

   B. That the Developer be required to enter into an Addendum to Development Agreement AG 12/82 with the City containing therein all the conditions outlined in the report of the Administrative Coordinating Group dated April 23, 1993 designated as Schedule "B" and dated June 16, 1993.

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 The St. Vital Town Planning Scheme 1951 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 4/93 dated June 16, 1993 to an "R1-4" One-Family District and a "R1-3.5" One-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 AG 12/92.

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.

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

Adopted by consent.

(Note: See Minute No. 857 for attachment)

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

854 - 13. Your Committee on Planning and Community Services has been advised that an application has been received from Qualico Developments (Winnipeg) Ltd., 30 Speers Road, Winnipeg, Manitoba, R2J 1L9, for approval of a plan of subdivision and related zoning change to The St. Vital Town Planning Scheme 1951 by rezoning the subject lands located at the south-west corner of John Forsythe Road and Dakota Street from an "A1" Agricultural District to an "R1-4" One-Family District in order to permit the establishment of fifteen (15) single-family lots.

The site area consists of approximately 13,500 m² (3.34 Acres) of vacant land. The surrounding land use and zoning to the north is future shopping centre, zoned "CP"; to the east is vacant land, zoned "A1"; to the west is low-density housing, zoned "R1-4"; and to the south is park, zoned "PR".

The applicant proposes to establish a cul-de-sac running south off John Forsythe Road. The proposed plan encompasses 15 single-family building sites, all to be zoned "R1-4" One-Family District.

The subject site abuts Hackmore Crescent and a park; and proposed one-family lots are entirely consistent with adjacent development. Insofar as the site was reserved for possible multiple-family development, the present proposal is to be preferred. Proposed "R1-4" zoning reflects the density of Hackmore Crescent.

Lot depths abutting Dakota Street are adequate to provide noise attenuation, in conjunction with fencing at the rear of those lots. A rear yard of 17.5 m is required from Dakota Street to dwellings, in order to ensure protection from noise, as elsewhere provided.

A Public Hearing was held before the Riel Community Committee on May 19, 1993.

Mr. Eric Vogan, Qualico Developments (Winnipeg) Ltd., 30 Speers Road, Winnipeg, Manitoba R2J 1L9 appeared in support of the application.

No one appeared in opposition thereto.

The Riel Community Committee recommended that:

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

   A. The site abuts Hackmore Crescent and park, and proposed one-family lots are entirely consistent with adjacent development.

   B. Lot depths abutting Dakota Street are adequate to provide noise attenuation, in conjunction with fencing at the rear of those lots.

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 Riel Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 5/93 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 5/93 dated June 10, 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 with the city as an addendum to Development Agreement AG 31/84 in accordance with the report of the Administrative Co-ordinating Group dated April 26, 1993 designated as Schedule "B" and dated June 10, 1993.

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 The St. Vital Town Planning Scheme 1951 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 5/93 and dated June 10, 1993 to an "R1-4" One-Family District.

IV. That The St. Vital Town Planning Scheme 1951 be amended by establishing an alignment of 17.5 m from Dakota Street to any dwelling.

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

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

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

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

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

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

Adopted by consent.

(Note: See Minute No. 858 for attachment)

Subdivision and Rezoning - land located at the south-east corner of Prairie Grove Road and Willow Grove Road, Riel Community
File No. DASZ 6/93 (c/r DAV 298/93D)

855 - 14. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. D. Vincent, 246-A St. Anne's Road, Winnipeg, Manitoba, R2M 3A4, for approval of a plan of subdivision and related zoning change to The St. Vital Town Planning Scheme 1951 by rezoning the subject lands located at the south-east corner of Prairie Grove Road and Willow Grove Road from an "A1" Agricultural District to an "RR-2" Rural Residential District to permit the establishment of twelve (12) single-family lots as outlined on Schedule "A" dated June 17, 1993.

The site area consists of approximately 15.75 ha (38.9 Acres) and will house a clubhouse and three accessory buildings to be utilized as a private club/recreation ground. The surrounding land use and zoning to the north is large lot residential, zoned "RR-2"; to the east is P.T.H. 59. To the west the land is zoned "A1" and "RR-2", large lot residential while to the south is the Red River Floodway.

The applicant proposes to create a rural residential development on a cul-de-sac consisting of 2 acre lots. The initial plan submitted by the applicant indicates twelve (12) single-family building lots, as illustrated on Schedule "A".

The area is designated for 2 Acre large lot residential development under the St. Vital Perimeter South Secondary Plan. Similar 2 Acre development exists to the north and west, and subject to an appropriate standard of servicing, the proposal is entirely consistent with the surrounding area. Lands are reserved as required by the

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Province of Manitoba Department of Highways for future grade-separation of Prairie Grove Road and P.T.H. 59.

These lands are presently an area of overlap of the jurisdictions of the City of Winnipeg and the R.M. of Ritchot, which contradiction is to be resolved by the Province of Manitoba. On the assumption that these lands will be exclusively within the City's jurisdiction, this application was forwarded for a hearing, but required by-laws when passed should not come into force and effect until the lands are exclusively within the City's jurisdiction.

On November 7, 1984, Council adopted the recommendation of the then Committee on Environment to include the subject lands in The St. Vital Town Planning Scheme 1951, and rezone those lands to an "A1" Agricultural District under File No. DAZ 263/83. That text amendment can be finalized when the lands are exclusively within the City's jurisdiction, and the rezoning from "A1" to "RR-2" under File No. DASZ 6/93 would then follow.

A Public Hearing was held before the Riel Community Committee on May 19, 1993.

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

Mr. David Vincent, 246 St. Anne's Road, Winnipeg, Manitoba R2M 3A4
Mr. David Lewis, 133 Lanark Street, Winnipeg, Manitoba R3N 1K9
Mr. Rick Lewis, 38 Beechwood Place, Winnipeg, Manitoba R2H 1L1

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

Mr. O. Ratfelder, 190 Prairie Grove Road, Winnipeg, Manitoba ROG 2WO
Mrs. F. Starkell, Grp 150, Box 2, RR1, Winnipeg, Manitoba ROG 2WO
Mrs. E. Gill , Grp 150, Box 7, RR1, Winnipeg, Manitoba ROG 2WO
Mr. Fred Corey, Grp 100, Box 21, RR1, Winnipeg, Manitoba ROG 2WO
Mr. T. Kostynyk, 83 Ragsdill Road, Winnipeg, Manitoba R2G 4C3
Mr. D. Palubeskie, 505-93 Lombard Avenue, Winnipeg, Manitoba R3A 3A1
Ms. G. Jarema, Box 176, St. Germain P.O., Winnipeg, Manitoba ROG 2AO
Mr. G. Hewitt, c/o 604 St. Mary's Road, Winnipeg, Manitoba R2M 3L5
Dr. L. J. Shapiro, Box 160, St. Norbert, Manitoba R3V 1L6
E. & R. King, 435 Christie Road, Winnipeg, Manitoba

During the public hearing representations a numbers of concerns and issues were brought forward by area residents, some of which are reflected by the revised plan, designated as Schedule "B" to the report of the Assistant Subdivision Administrator dated June 17, 1993. The first plan revision incorporates the dedication of 1.6 acre park area (designated as public reserve on Schedule "B"), which the area residents requested. The Riel Community Committee's recommendation imposes no obligation upon the developer to undertake any improvements to the park area. The developer will, however, be required to make up the deficiency in satisfying the 10% land dedication requirement with a cash-in-lieu payment. It follows that the number of lots proposed has been reduced to eleven (11). The second revision to the plan relocates the cul-de-sac entrance further south on Willow Grove Road which is considered to be a more acceptable location; based on the neighbourhood representations. Conditional on these revisions as outlined on Schedule "B", the Riel Community Committee recommended approval of this application as noted in the following statements. It should be further noted that related variance application DAV 298/93 was approved by Riel Community Committee on June 16, 1993 allowing for lot sizes not less than 1.8 acres.

The Riel Community Committee recommended that:

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

    A. Similar development exists to the north and west, and subject to an appropriate standard of servicing the proposal is entirely consistent with the surrounding area.

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

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

I. That the plan of subdivision proposed under File No. DASZ 6/93 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File No. DASZ 6/93 and

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dated June 17, 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 May 5, 1993, designated as Schedule "C" and dated June 17, 1993 with the following amendment:

"That Clause 5. be deleted and substituted with the following new Clause 5. namely:

'The Developer shall dedicate to the City the land identified as Public Reserve on the approved plan and that any deficiency to satisfy the 10% requirement be made up in cash.'"

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 the City Solicitor be requested to prepare the necessary by-law in accordance with DAZ 263/83, and forward same to Council for enactment on the understanding that the by-law will not come into force and effect until the lands are exclusively within the City's jurisdiction.

IV. That The St. Vital Town Planning Scheme 1951 be amended by rezoning the subject land as shown on Schedule "B" for File No. DASZ 6/93 and dated June 17, 1993 to an "RR-2" Rural Residential 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 provide for the following:

(1) that, excepting the Public Reserve, no vehicular approach for ingress to or egress from the land be located on Willow Grove Road, and that any such approach which exists shall be removed;

(2) that no dwellings or septic fields be located on the lots fronting the cul-de-sac except in accordance with plans approved by the Riel Community Committee.

(3) That no buildings or structures shall be allowed on Lot 12 (on the highway portion indicated for future highway development) as shown on Schedule "B" dated June 17, 1993.

V. That the City Solicitor be requested to prepare the necessary subdivision/rezoning by-law in accordance with items I and IV above, and forward the by-law to Council for third reading following the adoption of the by-law pursuant to item III above.

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

VII. That the zoning section of the by-law shall come into force and effect when the plan of subdivision has been registered in the Winnipeg Land Titles Office and when the Zoning agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands.

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

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

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

Your Executive Policy Committee recommends:

1) That recommendations I. to V. be deleted in their entirety and replaced with the following:

I. That the plan of subdivision proposed under File No. DASZ 6/93 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "D" for File No. DASZ 6/93 and dated July 8, 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 with the City; containing therein all the conditions outlined in the report of the Administrative Coordinating Group dated May 5, 1993, designated as Schedule "C" and dated June 17, 1993.

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 the draft by-law in accordance with File No. DAZ 263/83, be approved for enactment on the understanding that the by-law will not come into force and effect until the lands are exclusively within the City's jurisdiction.

IV. That The St. Vital Town Planning Scheme 1951 be amended by rezoning the subject land as shown on Schedule "D" for File No. DASZ 6/93 and dated July 8, 1993 to an "RR-2" Rural Residential 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 provide for the following:

(1) that no vehicular approach for ingress to or egress from the land be located on Willow Grove Road, and that any such approach which exists shall be removed;

(2) that no dwellings or septic fields be located on the lots fronting the cul-de-sac except in accordance with plans approved by the Riel Community Committee.

(3) that no buildings or structures shall be allowed on Lot 13 (on the highway portion indicated for future highway development) as shown on Schedule "D" dated July 8, 1993.

2) That recommendations VI. to X. be re-numbered V. to IX. accordingly.

Moved by Councillor Murray,
Adoption of the clause.

In amendment,

Moved by Mayor Thompson,
That the recommendation of Executive Policy Committee be adopted.

The Speaker here resumed the Chair.

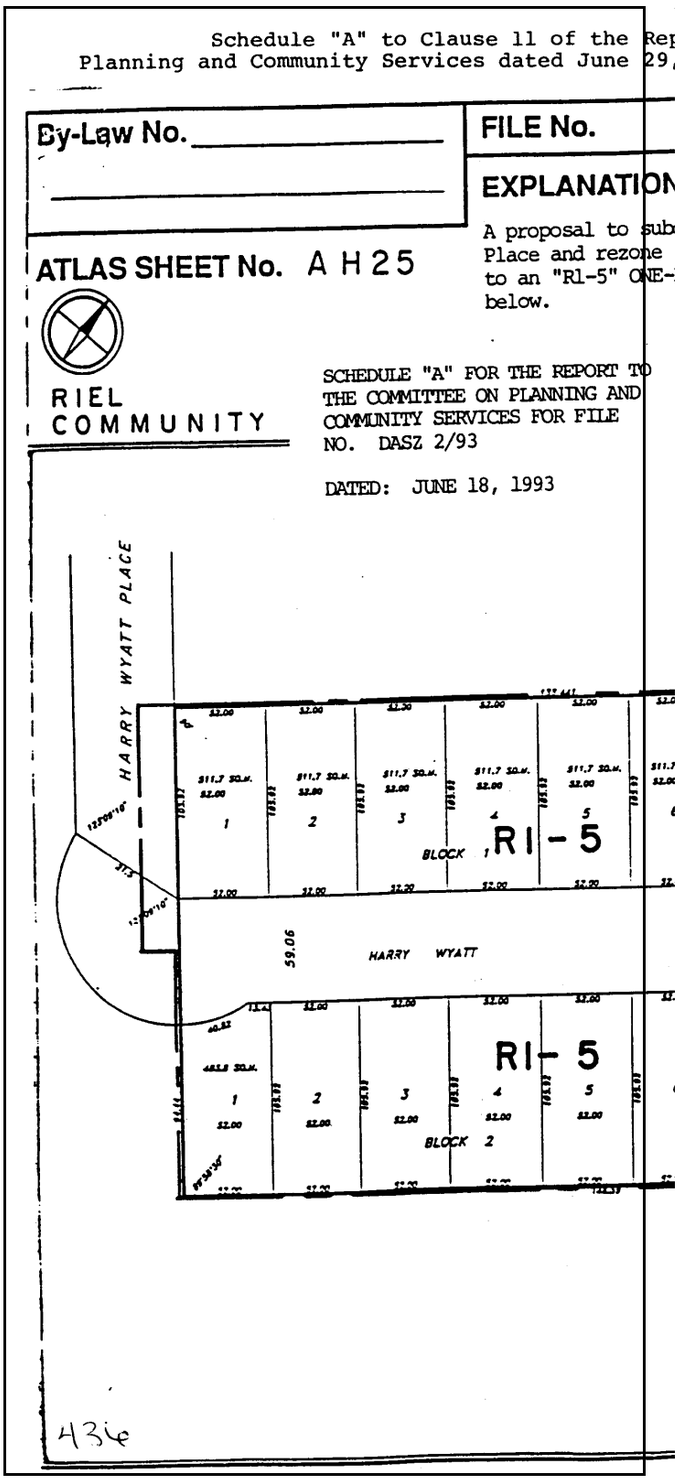
The recommendation of the Executive Policy Committee was put and declared lost.

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

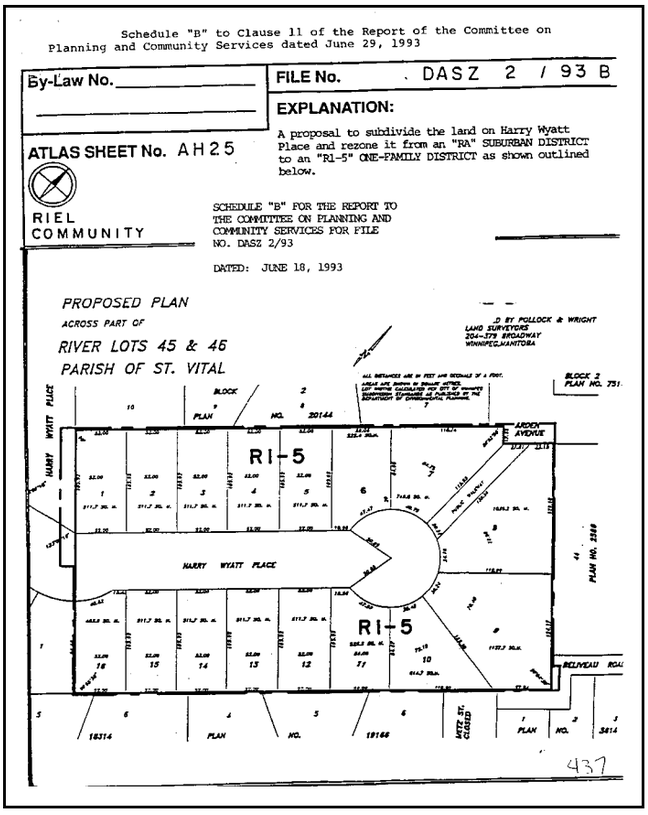
Councillor O'Shaughnessy asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

(Note: See Minute No. 859 for attachment)

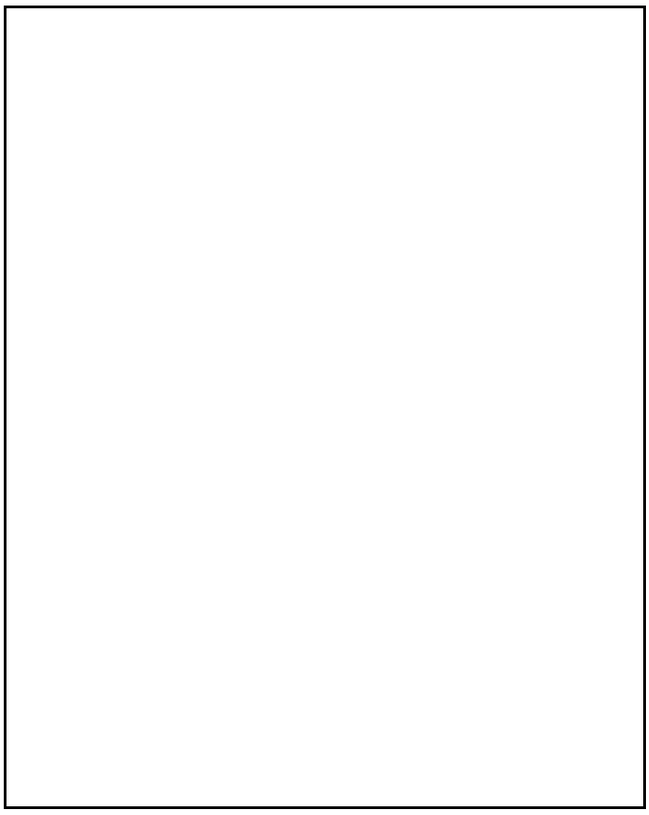
856 - Schedule "A" referred to in Clause 11 of the Report of the Committee on Planning and Community Services, dated June 29, 1993



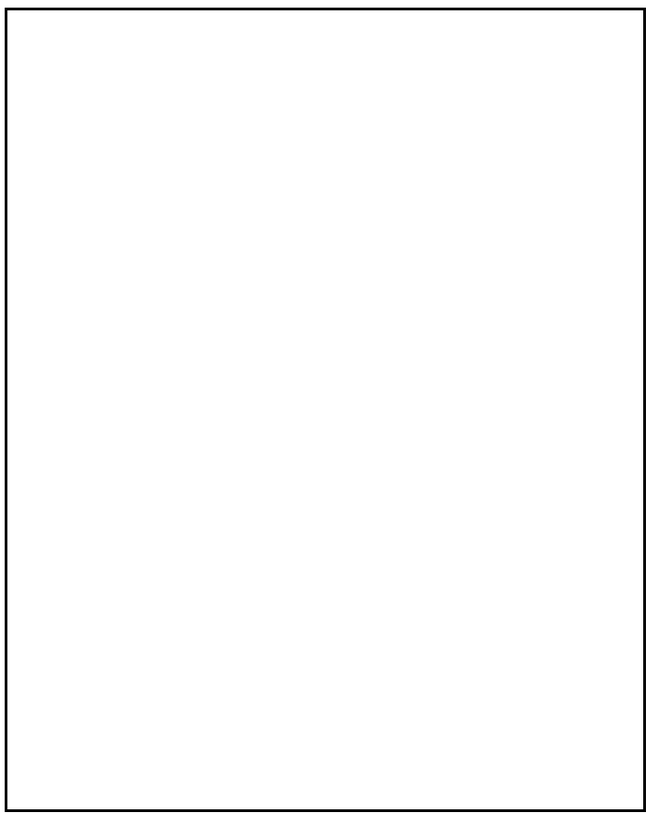
Schedule "B" referred to in Clause 11 of the Report of the Committee on Planning and Community Services, dated June 29, 1993



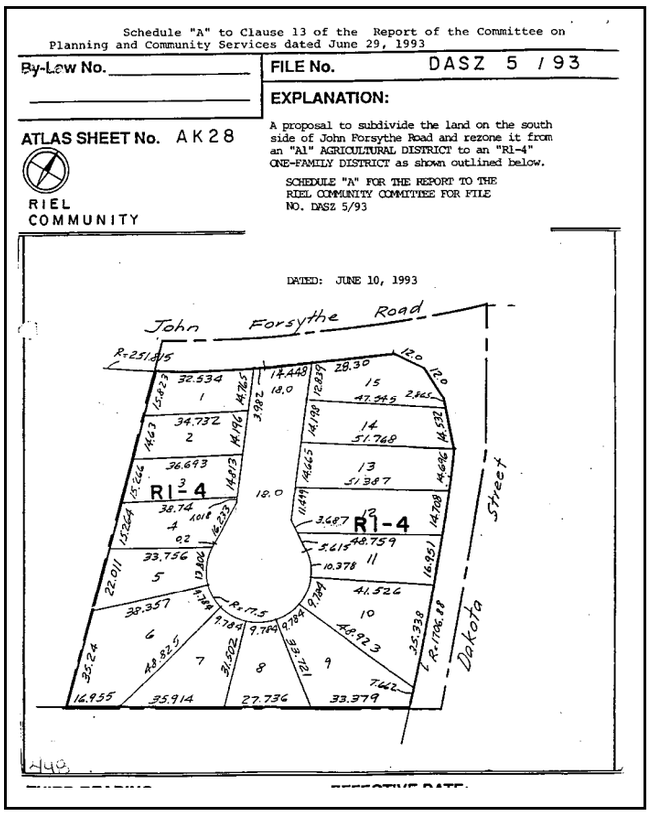
Schedule "C" referred to in Clause 11 of the Report of the Committee on Planning and Community Services, dated June 29, 1993



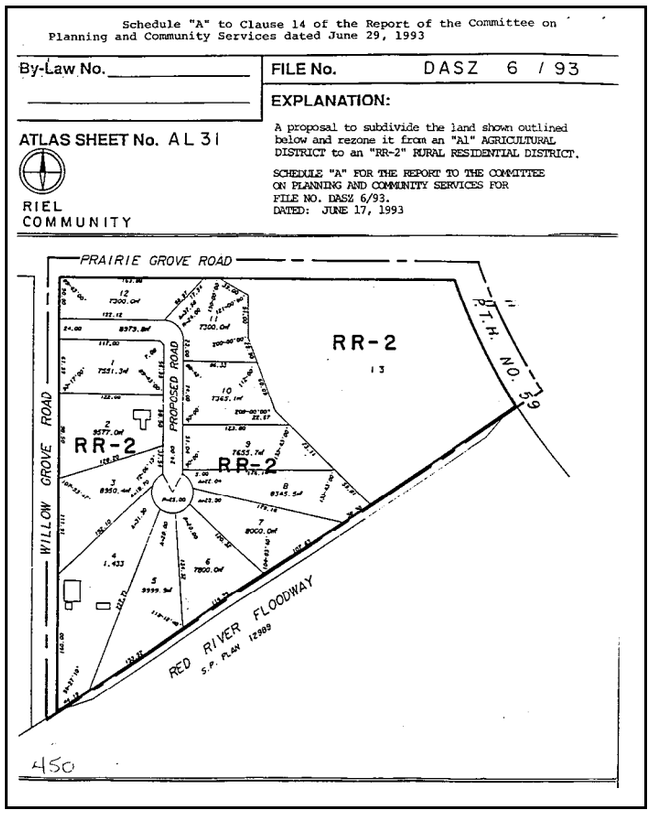
857 - Schedule "A" referred to in Clause 12 of the Report of the Committee on Planning and Community Services, dated June 29, 1993



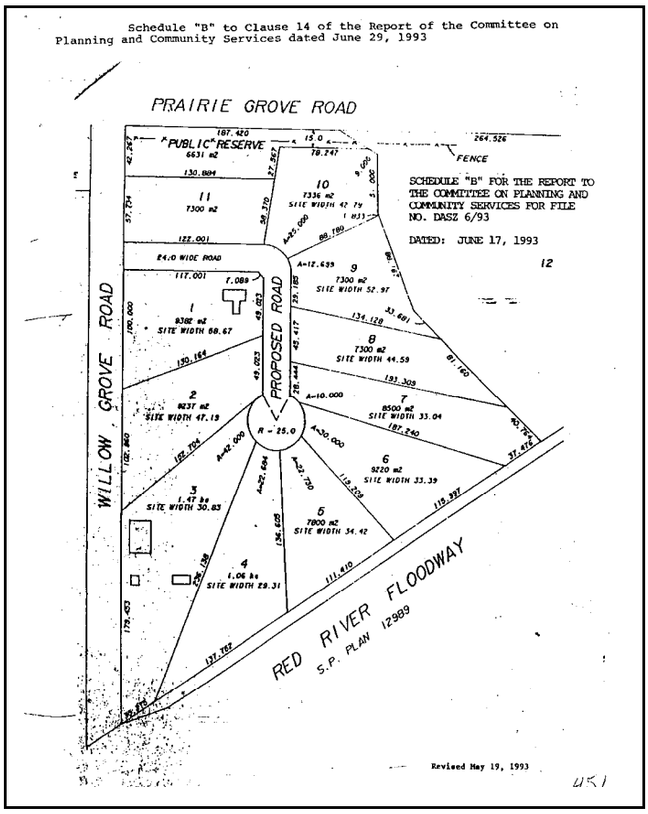
858 - Schedule "A" referred to in Clause 13 of the Report of the Committee on Planning and Community Services, dated June 29, 1993



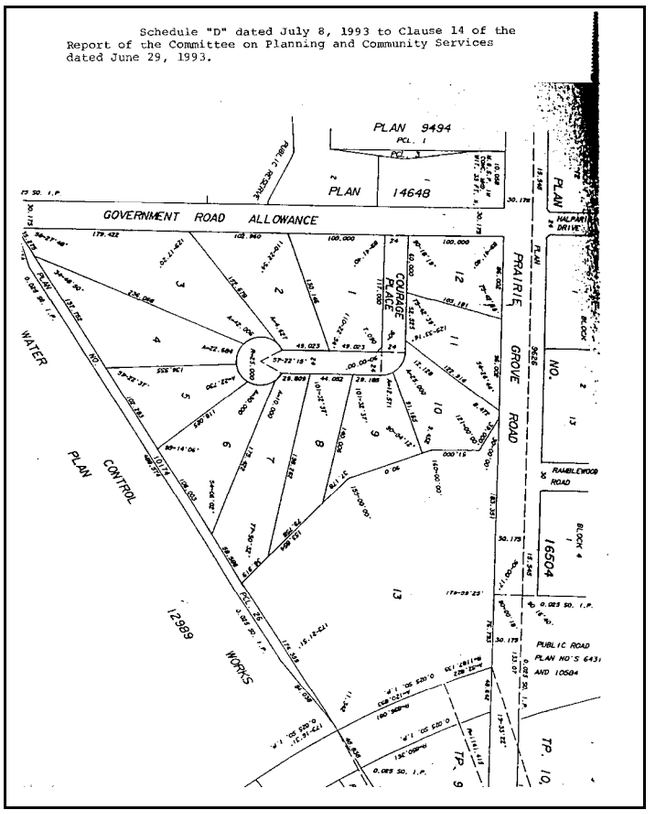
859 - Schedule "A" referred to in Clause 14 of the Report of the Committee on Planning and Community Services, dated June 29, 1993



Schedule "B" referred to in Clause 14 of the Report of the Committee on Planning and Community Services, dated June 29, 1993



Schedule "D" referred to in Clause 14 of the Report of the Committee on Planning and Community Services, dated June 29, 1993



COMMITTEE ON PLANNING AND COMMUNITY SERVICES

MOTIONS

Moved by Councillor Reese,
Seconded by Councillor Golden,

860 - WHEREAS Council on June 23, 1993, amended and adopted Clause 8 of the Report of the Committee on Planning and Community Services dated June 4, 1993; permitting 20 foot front yard alignments on all streets proposed under File DASZ 5/90 in the Royalwood Subdivision, lying south of Bishop Grandin Boulevard, north of Bruce Road, east of the Seine River and west of Island Lakes;

AND WHEREAS in said clause, the street names shown on Schedule "A" for File No. DAZ 200/93 dated April 29, 1993 were referred to the Riel Community Committee for further consideration and discussion with the developer;

AND WHEREAS on July 14, 1993, the Riel Community Committee delegated the authority to Councillor Reese to bring forward, by way of motion to Council on July 21, 1993, after consultation with Ladco Company Limited, the appropriate recommendation relative to the street names for the subject subdivision;

THEREFORE BE IT RESOLVED that Clause 8 of the Report of the Committee on Planning and Community Services dated June 4, 1993 be further amended as follows: changing recommendation I. (h) from "Callander Crescent" to "Willmington Drive"; changing recommendation I. (l) from "Landon Court" to "Lardon Court"; and reinstating recommendation I. (n) as "Orchard Hill Drive".

The Speaker recognized the mover of the motion, Councillor Reese, permitting her to explain why the motion should be dealt with at this time.

The Speaker ruled that the motion would be considered in accordance with Rule 16.3 of The Procedure By-law.

The motion was put.

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

Yea: Councillors Reese, Boychuk, Duguid, Eadie, Fraser, Lazarenko, Prystanski, Silva, Thomas, Mayor Thompson and Councillor Angus. 11

Nay: Councillors Murray, O'Shaughnessy and Clement. 3

and the motion was declared carried.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

Moved by Councillor Murray,

861 - That By-law No. 6209/93, a By-law of the City of Winnipeg to amend The Residential Buildings Fire Safety By-law No. 4304/86 be laid over. File EB-1 (RBFS) (Vol. 4)

Carried.

On motion of Councillor Murray, the following By-laws were each 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. 6210/93, a By-law of the City of Winnipeg to change the names of certain highways in the City of Winnipeg. File SC-3.14(35) (Vol. 1)

By-law No. 6211/93, a By-law of the City of Winnipeg to approve a plan of subdivision and to amend Zoning By-law No. 1558 for the enactment of a zoning change on land located on the west side of Sharp Boulevard between Ness and Silver Avenues in the Assiniboia Community. File DASZ 23/88

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

By-law No. 6212/93, a By-law of the City of Winnipeg to approve a Plan of Subdivision and to amend The St. Vital Town Planning Scheme 1951 for the enactment of a zoning change on land located between River Road and St. Michael Road in the Riel Community. File DASZ 2/93

By-law No. 6213/93, a By-law of the City of Winnipeg to amend The St. Boniface Town Planning Scheme 1957 for the enactment of a zoning change at 400 Rue Des Meurons in the Riel Community. File DAZ 202/93

By-law No. 6214/93, a By-law of the City of Winnipeg to amend Zoning By-law No. 4440/86 for the enactment of a zoning change at 1617-1627 Henderson Highway in the East Kildonan-Transcona Community. File DAZ 203/93

By-law No. 6215/93, a By-law of the City of Winnipeg to amend Zoning By-law No. 4440/86 for the enactment of a zoning change at 1111 Regent Avenue West in the East-Kildonan Community. File DAZ 251/92

By-law No. 6221/93, a By-law of the City of Winnipeg to amend The St. Vital Town Planning Scheme 1951. File DAZ 263/83

By-law No. 6222/93, a By-law of the City of Winnipeg to approve a Plan of Subdivision and to amend The St. Vital Town Planning Scheme 1951 for the enactment of a zoning change on land located at the southeast corner of Prairie Grove Road and Willowgrove Road in the Riel Community. File DASZ 6/93