REPORT OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

DATED MARCH 2, 1993

On motion of Councillor Murray, the Report of the Committee on Planning and Community Services, dated March 2, 1993, was considered clause by clause.

Moved by Councillor Murray,
That the Consent Agenda items, clauses 1,2,3,4,5,6,7,8 and 9 be adopted.

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

The motion for the adoption of the Consent Agenda, clauses 1,2,3,4,5,6,7 and 9 was put and declared carried.

Her Worship the Mayor and Councillors:

Amendment to the Delegation of Authority By-law No. 4444/86 - Composition of the Rivers and Streams Permit Committee.
Files E-5.1 & GL-5.6

458 - 1. On January 21, 1993, The Riverbank Management Committee appointed Councillor M. O'Shaughnessy as Chairman of the Riverbank Management Committee and Councillor E. Reese to serve as members on the Rivers and Streams Permit Committee for the year 1993.

The Committee raised concerns relative to the composition of the Rivers and Streams Permit Committee. In accordance with the Delegation of Authority By-law No. 4444/86, as amended by By-law No. 5448/90, the Composition of the Rivers and Streams Permit Committee is as follows:

"Rivers and Streams Permit Committee
7.(4) A committee shall be established as the working level committee that relates to flow impedance and riverbank stability and shall be comprised of the chairman of the Riverbank Management Committee, one other member from the Riverbank Management Committee to be appointed by the Riverbank Management Committee and the Director of the Department of Environmental Planning or his designate, which committee shall be called the Rivers and Streams Permit Committee."

Due to the Chairman's many responsibilities on the Riverbank Management Committee and also as Chairman of the Committee on Protection, Parks and Culture, it is not always possible for Councillor O'Shaughnessy to attend the meetings of the Rivers and Streams Permit Committee which are held every two weeks. Committee is of the opinion that another member of the Riverbank Management Committee should be appointed to serve on this Committee other than the Chairman.

Your Committee on Planning and Community Services recommends the City Solicitor prepare an amendment to the Delegation of Authority By-law No. 4444/86 in order that the Chairman of the Riverbank Management Committee does not have to be one of the two members of the Riverbank Management Committee to serve on the Rivers and Streams Permit Committee.

Adopted by consent.

Report of the Committee on Planning and Community Services, dated March 2, 199

Discharge of Building Restriction Caveat No. 151976, City Centre Community
File EB-1.4

459 - 2. Your Committee on Planning and Community Services has been advised that the purchaser of a property at 181 Montgomery Avenue in the Riverview Community has questioned the purpose of an old caveat, registered against this and other properties in the area, respecting house setbacks and similar matters. It has since been determined that the caveat is redundant in view of zoning restrictions which now apply to the lands, and therefore, the Planning Department are of the opinion that Caveat No. 151976 should be discharged.

Before the Manitoba Municipal Board will authorize the discharge of the caveat, it must be presented with a Council resolution in support of this action.

Your Committee on Planning and Community Services therefore recommends that the following resolution be passed in connection herewith:

> "That in accordance with the provisions of Section 104(3) of The Municipal Board Act, the Council of The City of Winnipeg recommends that Building Restriction Caveat No. 151976 be discharged as it affects the property at 181 Montgomery Avenue and other properties in the area, respecting house setbacks and similar matters."

Your Committee further recommends that the Proper Officers of the City do all things necessary to implement the intent of the foregoing.

Adopted by consent.

Citizen Appointment - Boulevard Provencher Advisory Committee.
Files GC-7 and DAZ 220/84/BP

460 - 3. Council on January 22, 1992, adopted Clause 3 of the Report of the Committee on Planning and Community Services dated January 6, 1992, which appointed the following citizen members to The Boulevard Provencher Advisory Committee for the term to expire on January 1, 1994.

Mrs. Maureen Fritz-Lonergan, Architect,
Ms. Valerie Bodiroga, Tenant,
Janet Sabourin-Gatin, Property Owner,
Mr. G. de Margerie, Tenant,
Susan Cameron, Planner,
Dr. Philippe Mailhot, Historian,
Mr. Don Hester, Landscape Architect.

A vacancy for one citizen member, Architect, has resulted due to the demise of Mrs. Maureen Fritz-Lonergan, 293 Provencher Boulevard.

Section C.2.(b), of By-law No. 3993/85 reads as follows:

> "C.2.(b) If a member specified to be of a certain profession ceases to be of that profession or if a vacancy occurs for any other reason, a new member of that same profession may be appointed in his or her place."

On March 2, 1993, your Committee considered a request from the Riel Community Committee recommending that Mr. Guy Prefontaine, 13 - 1894 St. Mary's Road, be nominated in his capacity as an Architect to fill the balance of the term on The Boulevard Provencher Advisory Committee which expires January, 1994.

Your Committee on Planning and Community Services recommends that Mr. Guy Prefontaine, 13 - 1894 St. Mary's Road, be appointed to fill the citizen member vacancy on The Boulevard Provencher Advisory Committee for the remainder of the term, expiring January, 1994.

Adopted by consent.

Report of the Committee on Planning and Community Services, dated March 2, 199

Waivers and Settlements of Social Assistance Liens. File GL-6(Volume 5)

461 - 4. On December 15th, 1992 the Assiniboia Community Committee considered a communication from the Acting City Solicitor, requesting the Community Committee to comment upon a request that the City settle a social assistance lien. The Community Committee directed that the Board of Commissioners consider the existing lien settlement procedures and advised of its opinion that the City's policy "should be changed in order to provide the Administration with the authority to deal with these matters inasmuch as they are of a confidential nature".

The Municipal Act contains provisions permitting the City of Winnipeg to file liens in the Land Titles Offices to recover certain monies paid as municipal assistance.

On March 15th, 1972 the City of Winnipeg enacted By-law No. 48/72 which provides as follows:

1. The Board of Commissioners is authorized and instructed to settle and discharge any lien or charge created by a statement filed in pursuance of Section 721 of The Municipal Act upon such terms and conditions as the Board may decide after consultation with the appropriate Community Committee.

2. The City Treasurer is directed to execute on behalf of the City all such discharges of liens as may be authorized from time to time by the Board of Commissioners.

On December 22nd, 1972 the Board of Commissioners delegated its power to authorize settlements of social assistance liens to the City Solicitor.

Prior to 1986 the provisions of The Municipal Act permitted the City to file liens to recover the total amount of social assistance provided to any person and liens were filed by the City to recover all such amounts except where the amount of assistance provided was less than $200.00 or, in the opinion of the Director of Social Services, the likelihood of recovery was remote. Provincial laws permitted the filing of a lien either against particular property owned by the social assistance recipient or against the name of the social assistance recipient in the General Registry of the Land Titles Offices. In the latter case the lien would become effective if a person against whose name the lien was filed subsequently acquired property.

The procedure used to consider requests for social assistance lien settlements was reviewed in great detail by the Committee of Recreation and Social Services between 1984 and 1985. On June 13th, 1984 the Commissioner of Environment submitted a report to that Committee recommending that social assistance lien settlements be handled administratively, without consultation with the Community Committees, based on the sensitivity of the subject matter and the desirability that lien settlements be handled consistently throughout the City. The Committee obtained comments from all Community Committees; four Community Committees advised that they did not wish to consider lien settlements whereas two Community Committees wished to retain the existing process. On June 12th, 1985 the Committee on Recreation, Cultural and Social Services determined that "there be no change in the current procedure whereby the City Solicitor has the power to settle and discharge liens, after consultation with the appropriate Community Committee".

Prior to 1986 the City typically received approximately 50 requests per year to waive or settle social assistance liens. Those requests were referred to the appropriate Community Committee for comment, following which a decision concerning the matter was made by the City Solicitor.

In 1986 the provisions of The Municipal Act were amended, limiting the ability of the City to file liens only in the following situations:

1. to recover that portion of a mortgage payment paid toward the mortgage principal;

2. to recover payments for property tax arrears;

3. to recover payments for major home repairs;

4. to recover monies paid to a recipient as a result of a fraud or an error;

5. to recover monies from the spouse of a recipient who had defaulted in providing maintenance to the recipient.

Report of the Committee on Planning and Community Services, dated March 2, 199

As a result of that change in legislation approximately 30,000 existing social assistance liens ceased to have effect. The number of social assistance liens filed annually after 1986 was dramatically reduced and the amount recoverable under the liens that were filed was significantly less. (Prior to 1986, a lien would typically provide for the recovery of several thousand dollars; after 1986 most liens secured recovery amounts of less than $500.00).

In 1987 The Provincial Real Property Act was amended to abolish the Land Titles Office General Registry. The City's ability to file liens was therefore further restricted to only those situations where the social assistance recipient was known to own land.

Following the Provincial amendments, the number of requests for a lien settlement declined to an average of less than one per year.

Since The Municipal Act was amended in 1986 the City has received an insignificant number of requests to settle social assistance liens. This likely reflects the fact that the majority of liens are now for payments by the City towards the principal portion of a mortgage, thereby directly increasing the homeowner's equity.

The procedure used by the Law Department to deal with requests to settle liens is that the person making the request is asked to provide a letter outlining their current financial circumstances including the value of the property against which the lien is filed and the amount outstanding on mortgages and encumbrances. The person is also asked to outline in writing any extenuating circumstances which they feel justify a settlement of the social assistance lien. The Law Department then refers the information to the Social Services Department and requests a report outlining the circumstances under which social assistance was provided, any current information concerning the file and that department's recommendation concerning the request. Under existing procedures this information is then summarized in a report and is provided to the appropriate Community Committee for comment. The report to Community Committee does not refer to the individuals by name. Upon receipt of the Community Committee's recommendation, a decision concerning the matter is made by the City Solicitor and communicated to the person affected.

It may be noted that in the vast majority of cases, the recommendations of the Social Services Department and Community Committee have been consistent and have been followed by the City Solicitor.

The Board of Commissioners is of the opinion that the requirement for consultation with the Community Committees be deleted for the following reasons:

1. The matters involved are personal and sensitive and would be better not discussed in a public setting, even without any reference to the names of the parties.

2. Requests for lien settlements often arise as a result of the sale of property. As the Community Committees meet on a monthly basis, completion of the transaction is often delayed by the requirement for consultation with the Community Committee.

3. The small numbers of requests likely to be received by any one Community Committee make it unlikely that the Committees will be able to establish any pattern of consistency in dealing with the requests.

Your Committee on Planning and Community Services concurs with the opinion of the Board of Commissioners and submits draft by-law amending By-law No. 48/72 which recommends that the City of Winnipeg delete the requirement that Community Committees be consulted concerning social assistance lien settlements and waivers.

Adopted by consent.

Report of the Committee on Planning and Community Services, dated March 2, 199

ZONING AGREEMENT AMENDMENT - 481/499 Thompson Drive, 511/525 Thompson Drive, 30/80 Strauss Drive, 130/140 Strauss Drive, 35/75 Strauss Drive, Assiniboia Community.
File No. DAZ 111/73(ZAA 7/92)

462 - 5. Your Committee on Planning and Community Services has been advised that an application has been received from the law firm of McJannet, Rich, 1100-447 Portage Avenue and Fillmore and Riley, 1700-360 Main Street to amend the Zoning Agreement affecting 481/499 Thompson Drive, 511/525 Thompson Drive, 30/80 Strauss Drive, 130/140 Strauss Drive and 35/75 Strauss Drive by repealing the existing Zoning Agreement and replacing it with two separate agreements, each covering a portion of the land in accordance with existing ownership and to provide plan approval prior to the issuance of any building permits.

The overall development consists of 552 housing units developed in four phases, as outlined below and illustrated on Schedule "A" dated February 5, 1993.

Phase	Units	Recreation Facilities
One	145	- swimming pool - wading pool - putting green - tot lot - multi-purpose court for volleyball and badminton
Two	158	- 5,000 square foot recreation building with fireplace, lounge, billiards and table tennis - tot lot - tennis court
Three	154	- swimming pool - wading pool - tot lot
Four	95	- swimming pool - multi-purpose room with billiard table - fitness room - unisex sauna

The current zoning agreement amendment was initiated to eliminate the owners' obligation to construct certain recreational facilities outstanding under the original zoning agreement between Lakeview Developments Ltd. and the City of St. James. The facilities include a skating rink, an indoor swimming pool within the recreation building, a tennis court and a shuffleboard court.

As the site is developed in accordance with the original agreement, the Planning Department has recommended that the Zoning Agreement also be amended to delete certain conditions which are no longer necessary. These conditions deal with construction material specifications, restrictions on total units, total bedrooms and bedrooms per unit, and floor area limitations on associated commercial development.

The Planning Department is satisfied the lands are fully developed in accordance with the conditions and intent of DAZ 111/73 as amended, and that the range of recreational facilities provided is adequate to meet the basic needs of the residents. Moreover, such matters are typically not regulated by the City through zoning agreements, the subject agreement having been executed prior to Unicity.

The Planning Department is confident that the development control provided by virtue of the existing "RM-1" zoning, augmented by Plan Approval by the Assiniboia Community Committee, is adequate for regulating future development on the lands.

A Public Hearing was held before the Assiniboia Community Committee on January 19, 1993.

Report of the Committee on Planning and Community Services, dated March 2, 199

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

Michael Willcock, McJannet, Rich, 1100-447 Portage Avenue, Winnipeg, Manitoba, R3B 3H5
Leslie D. Gergely, Fillmore and Riley, 1700-360 Main Street, Winnipeg, Manitoba, R3C 3Z3

No one appeared in opposition thereto.

Nora McDermid, 11-80 Strauss Drive, Winnipeg, Manitoba, R3J 3S6 appeared for information purposes only.

The Assiniboia Community Committee recommended that the proposed zoning agreement amendment be approved for the following reason:

1. The lands are fully developed in accordance with the conditions and intent of DAZ 111/73, as amended.

subject to conditions which are incorporated in the following recommendation.

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

I. That Zoning Agreement DAZ 111/73 dated July 9, 1974 be amended as follows:

A. That Zoning Agreement DAZ 111/73, dated July 9, 1974 (Caveat No. 231900), as amended by Zoning Agreement ZAA 22/87, dated September 30, 1987 (Caveat No. 1215868), be repealed, and replaced by two zoning agreements governing separate portions of the application area as described below and illustrated on Schedule "A":

i) A zoning agreement for those lands legally described on Schedule "A", dated February 5, 1993, as Lot 1, Plan 11,442, Lots 1 and 2, Plan 16,708 and Lot 2, Plan 21,964, to provide for the following:

(a) that no building or structure be erected or located on the land, and that no exterior alterations or additions be made to existing buildings on the land except in accordance with plans approved by the Assiniboia Community Committee and the Director of Planning.

ii) A Zoning Agreement for those lands legally described on Schedule "A" dated February 5, 1993, as Lot 1, Plan 21,964, to provide for the following:

(a) that no building or structure be erected or located on the land, and that no exterior alterations or additions be made to existing buildings on the land except in accordance with plans approved by the Assiniboia Community Committee and the Director of Planning.

II. That the City Solicitor be requested to prepare the necessary amending agreement to Zoning Agreement DAZ 111/73 dated July 9, 1974 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: Schedule "A" referred to in the above clause is on file in the office of the City Clerk.)

Report of the Committee on Planning and Community Services, dated March 2, 199

ZONING AGREEMENT AMENDMENT - 1121 Ellice Avenue, City Centre Community.
File No. DAZ 226/75 (ZAA 5/92)

463 - 6. Your Committee on Planning and Community Services has been advised that an application has been received from Pacific Motors, 1121 Ellice Avenue to amend the Zoning Agreement affecting 1121 Ellice Avenue to permit all "C2" Commercial District uses on the land.

In 1975, the subject site was rezoned under File No. DAZ 226/75 to a "C2" Commercial District. The zoning agreement enacted as a condition of approval of the "C2" District zoning restricted use of the site to a service station only.

In 1987, zoning agreement ZAA 2/87 affecting these lands was amended to permit the following uses:

a) automobile service station;
b) automobile and truck sales;
c) automobile and truck rentals;
d) accessory uses.

The applicant is requesting an amendment to the zoning agreement to remove all use restrictions so that any listed "C2" Commercial District use might be established on the site.

No proposals for redevelopment or change of use have been indicated.

An unrestricted "C2" Commercial District zoning would permit a wide range of retail and service commercial uses as well as multiple family housing in accordance with the "R3" Multiple-Family District regulations.

There are certainly some additional commercial uses that could suitably be located on the subject site and that may have less impact on the adjoining residential development than the existing permitted uses. However, because this site does abut a residential area and because the "C2" Commercial District has no height or hours of operation restrictions, the permitted uses should be reviewed carefully.

The Planning Department suggests that the list of permitted uses would most appropriately be expanded by adding any "C1" Limited Commercial District use and limiting the height to 35 feet.

A Public Hearing was held before the City Centre Community Committee on October 13 and November 24, 1992, and January 12 and February 2, 1993.

Brian and Sheryle King, 48 Risbey Crescent, Winnipeg, R2Y 1M3 appeared in support of the application.

Mr. K.G. Elsdon, 945 Clifton Street, Winnipeg, R3G 2Y4 registered in opposition to the application by way of letter.

The City Centre Community Committee recommended that the proposed zoning agreement be partially amended for the following reasons:

1. An unrestricted "C2" District Zoning would permit a wide range of retail and service commercial uses as well as multiple-family housing in accordance with the "R3" Multiple-Family District regulations.

2. There are some additional commercial uses that could suitably be located on the subject site that may have less impact on the adjoining residential development than the existing permitted uses.

3. Because the site abuts a residential area and the "C2" District has no height or hours of operation restrictions, the use list would more appropriately be expanded by adding any "C1" Limited Commercial District use and limiting the height to 35 feet.

Your Committee on Planning and Community Services concurs in the recommendations of the City Centre Community Committee and recommends:

Report of the Committee on Planning and Community Services, dated March 2, 199

I. That Zoning Agreement DAZ 226/75 dated April 15, 1987 be amended as it affects Part Lots 45 to 49, Block 3, Plan 2303, by adding the following:

1. To the list of permitted uses contained in paragraph 2 of the Zoning Agreement, any use permitted in the "C1" Limited Commercial District;

2. That no building or structure be erected on the land exceeding 35 feet in height.

II. That the City Solicitor be requested to prepare the necessary amending agreement to Zoning Agreement DAZ 226/75 dated April 15, 1987 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.

ZONING AGREEMENT AMENDMENT - 465 Egesz Street, east side north of Oak Point Highway, Lord Selkirk-West Kildonan Community.
File No. DAZ 52/76 (ZAA 9/92)

464 - 7. Your Committee on Planning and Community Services has been advised that an application has been received from Central Lift and Equipment, 465 Egesz Street to amend the Zoning Agreement affecting 465 Egesz Street to permit the outside storage of material within the required thirty (30) foot front yard.

A related application for the maintenance of the storage area in the front and west side yard and said storage projecting above the height of the fence under File DAV 845/92D was granted.

The above mentioned 30 foot front yard storage prohibition was established a number of years ago to upgrade the image of the Highway Commercial/Industrial Development Areas along Oak Point Highway. The standards were well intended and generally speaking most of the businesses along Oak Point Highway have willingly supported the efforts of the City to restrict storage of vehicles/supplies to the rear areas of lots.

The applicant is in violation of the required standards and is in contravention of the agreement. However, the Planning Department, in this instance, is prepared to support a zoning agreement amendment deleting the front yard storage requirement for the following reason:

a) the alternative to front yard storage in this instance is storage in a very narrow rear yard abutting residential dwellings. The configuration of the lot thereby creates a situation where storage in the front/side yard is preferable to the alternative which creates problems for the neighbouring residents.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on January 19, 1993.

Mr. Ron Wach, Central Lift and Equipment, 465 Egesz Street, Winnipeg, R2R 2V5 appeared in support of the application.

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 reason:

1. The alternative to front yard storage in this instance is storage in a very narrow rear yard abutting residential dwellings. The configuration of the lot thereby creates a situation where storage in the front/side yard is probably preferable to the alternative which creates problems for the neighbouring residents.

Report of the Committee on Planning and Community Services, dated March 2, 199

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

I. That Zoning Agreement DAZ 52/76, Caveat No. 258998 dated June 15, 1977 be amended as follows:

1. that the subject zoning agreement, Clause 7 be amended to permit outside storage of material within the required thirty (30) foot front yard;

II. That the City Solicitor be requested to prepare the necessary amending agreement to Zoning Agreement DAZ 52/76, Caveat No. 258998 dated June 15, 1977 as approved in aforesaid Clause.

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.

SUBDIVISION - land located between Elmhurst Road and Cathcart Street, north at C.N.R. right-of-way, Assiniboia Community. File No. DAS 15/92

465 - 8. Your Committee on Planning and Community Services has been advised that an application has been received from Scatliff and Associates, c/o Mr. M. Scatliff, 90 Albert Street, Winnipeg, Manitoba, R3B 1G2 on behalf of Mr. R. Dixon for approval of a plan of subdivision, by subdividing the land located between Elmhurst Road and Cathcart Street, north at C.N.R. right-of-way, to permit the establishment of ten (10) single-family dwelling sites as illustrated on Schedule "A" dated February 19, 1992.

The site is approximately 1.35 hectares/3.34 acres of vacant land, zoned "R1-6" Single-Family Residential District. To the north is Single-Family housing fronting Elmhurst Road and Cathcart Street and intervening vacant backlands, zoned "R1-6". To the east, on the East side of Cathcart, is single-family development zoned "R1-5", "R1-4", and "R-PL". To the south is the C.N.R. Cabot Subdivision; short spur off mainline; and to the west, on the west side of Elmhurst Road, is single-family development zoned "R1-20", "R1-6", and "R1-5.5".

The applicant intends to subdivide the property into 10 lots, with a potential for 2 additional lots with further land assembly. The project involves the construction of a new street running west off Cathcart opposite Woodview Bay. Eventually, this new street will connect through to Beiko Avenue on the north, allowing for the complete infill development of the backlands between Elmhurst Road and Cathcart Street. The residual pieces of lots 7 and 8 shown on said Schedule "A" will transfer to the City until such time as consolidation with subdivided portions of existing lots fronting Elmhurst occurs. The developer will then be able to reacquire these pieces at a nominal cost. In addition, that portion of the application area marked Parks Reserve is being transferred to the City for possible future incorporation into a bike path extending from the Assiniboine Forest westward to the Perimeter Highway along the north limit of the proposed Charleswood Transportation Corridor.

The applicant has agreed on changes to the lotting plan as illustrated on Schedule "B" dated February 19, 1992, to this report. The changes are minor and intended to improve the lot configuration of the future lots requiring further land assembly.

The Planning Department is encouraged by this type of infill development. It is felt that, where appropriate, the injection of new construction and new families into existing residential areas is a cost-effective way to add housing stock while enhancing neighbourhood vitality and property value.

And while the prevailing zoning in the area requires 60 foot lot widths, it is believed that housing on 50+ foot wide lots is compatible with existing residential development.

The Administrative Co-ordinating Group has reviewed the application and prepared recommendations for approval subject to the owner entering into a Development Agreement containing all provisions as outlined in Schedule "C" dated December 29, 1992.

A Public Hearing was held before the Assiniboia Community Committee on January 19, 1993.

Report of the Committee on Planning and Community Services, dated March 2, 199

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

Mike Scatliff, Scatliff and Associates, 90 Albert Street, Winnipeg, Manitoba, R3B 1G2,
Richard Brokopp, 1266 Lorette Avenue, Winnipeg, Manitoba, R3M 1W5,

No one registered in opposition to the application.

The Assiniboia Community Committee recommended that the proposed subdivision and rezoning be approved for the following reasons:

1. The application is compatible with the surrounding area.

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

One of the conditions of the Assiniboia Community Committee is that the cash payment in lieu of open space dedication be used to complete the landscaping of the dyke project in Wildwood Park. While The City of Winnipeg Act provides for council to utilize such monies for purposes other than the purchase of land, this recommendation is not consistent with the process established by City policy for doing so.

On September 12, 1990, Council adopted a policy which allowed for 75% of every dollar collected for the Land Dedication Reserve Fund be allocated by the Community Committee to Parks and Recreation projects in that community. In addition, it adopted a procedure whereby each Community Committee shall recommend it's projects to be funded, from the respective Community Land Dedication Reserve, to the Executive Policy Committee and the Executive Policy Committee shall forward the relative recommendation to Council for approval.

Consequently, the recommendation from the Community Committee on this matter should not be incorporated as part of a Development Agreement, but should instead be in the form of a separate motion to Executive Policy Committee.

Your Committee on Planning and Community Services concurs in part with the recommendations of the Assiniboia Community Committee and recommends:

I. That the plan of subdivision proposed under File No. DAS 15/92 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File No. DAS 15/92 dated February 19, 1993, with the exception that Lots 9 and 10 are to be orientated in a north-south direction, 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 December 29, 1992 designated as Schedule "C".

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 the above.

IV. 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.

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

VI. 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.

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

Report of the Committee on Planning and Community Services, dated March 2, 199

Moved by Councillor Murray,
Adoption of the clause.

In amendment,

Moved by Councillor Clement,
Seconded by Councillor Prystanski,
THAT the street being created as part of the Subdivision be named "Coopman Crescent".

Carried.

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

(Note: Schedules "A", "B" and "C" referred to in the above clause are on file in the office of the City Clerk.)

SUBDIVISION - Land located north of Beiko and east of Elmhurst Road; northerly extension of Donnington Road Assiniboia Community.
File No. DAS 16/92

466 - 9. Your Committee on Planning and Community Services has been advised that an application has been received from Riverside Realty and Construction Ltd., 3320 Roblin Boulevard, Winnipeg, Manitoba, R3R 0C3, for approval of a plan of subdivision to permit the establishment of four (4) single-family building lots.

The site is approximately 0.28 hectares/0.70 acres of vacant land zoned "R1-6" Single-Family Residential District. There is Single-Family housing fronting Elmhurst Road and Cathcart Street and intervening vacant backlands, zoned "R1-6". Donnington Road, running north off Beiko Avenue, currently ends at the south limit of the application area, and is likewise developed with single-family housing zoned "R1-6".

The application area is the rear portion of a large lot fronting Elmhurst Road. The applicant intends to extend Donnington Road northward, enabling the subdivision of 4 lots with frontage on the street extension.

Under a related variance application (File No. DAV 909/92D) the applicant was granted relief from the lot width and area requirements of By-Law No. 1800. Specifically, the lots will have widths of approximately 50 and 55 feet, instead of the required 60 feet, and areas of approximately 5,100 and 5,500 square feet, instead of the required 6,000 square feet.

Such infill development is supported by the Planning Department and, with respect to the current application, is occurring in accordance with the Department's suggested subdivision pattern for the area. Eventually, it is planned that Donnington Road will extend further north from it's present terminus to link up with that portion of Donnington which now extends southward from Eldridge Avenue on the same alignment. This will enable the complete infill development of the backlands between Elmhurst and Cathcart, north of Beiko.

And while the prevailing zoning in the area requires 60 foot lot widths, it is believed that housing on 50 and 55 foot wide lots is compatible in terms of size and quality with existing residential development.

A Public Hearing was held before the Assiniboia Community Committee on January 19, 1993.

Mr. Jack Morrow, Riverside Realty and Construction Ltd., Winnipeg, R3R 0C3 appeared in support of the application.

No one appeared in opposition thereto.

Report of the Committee on Planning and Community Services, dated March 2, 199

The Assiniboia Community Committee recommended that the proposed subdivision and rezoning be approved for the following reasons:

1. The application is compatible with the surrounding area.

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

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

I. That the plan of subdivision proposed under File No. DAS 16/92 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DAS 16/92 dated February 9, 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 December 24, 1992 designated as Schedule "B" dated February 9, 1993, with the following amendments thereto:

      i) That the word "sodding" be removed from line 5 in Condition No. 2a.

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 the above.

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

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

VI. 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.

VII. 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: Schedules "A" and "B" referred to in the above clause are on file in the office of the City Clerk.)

REPORT "A" OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

DATED MARCH 2, 1993

On motion of Councillor Murray, the Report "A" of the Committee on Planning and Community Services, dated March 2, 1993, was considered.

Moved by Councillor Murray,
That the Consent Agenda items, clause 1 be adopted.

Carried.

Her Worship the Mayor and Councillors:

Rezoning and Short-Form Plan of Subdivision - Extension of Time - land located on the south side of Fraser Road, west of St. Mary's Road, Riel Community. File DAZ 263/86 and DASSF 98/83

467 - 1. Your Committee on Planning and Community Services has been advised that on January 20, 1993, the Riel Community Committee again considered report dated November 26, 1992, from the Subdivision Administrator, recommending re-approval of the proposed short-form plan of subdivision under File DASSF 98/83 shown on Schedule "A" dated November 26, 1992, subject to conditions outlined in the report.

On December 8, 1992, Community Committee heard representation from Mr. Chris Loscerbo, 817 Lyon Street, in opposition to the frontage rate (the rate for 1992, $58.00 per foot) charges for the upgrading of Fraser Road to an asphalt roadway. Mr. Loscerbo requested that he be granted the same concession as approved by Council on September 23, 1992, relative to Christie Road, ie., the prepayment of one-third of the cost of asphalt upgrading to cover the oiling in perpetuity of the existing granular roadway.

On January 20, 1993, the Riel Community Committee further considered this matter and concurred in the recommendations contained in the administrative report with the exception of Clause I.1.

Your Committee on Planning and Community Services concurs in the recommendations of the Riel Community Committee namely:-

I. Re-approval of the proposed short-form plan of subdivision under File DASSF 98/83 as shown on Schedule "A", subject to the following conditions:

1. That the applicant be required to enter into a Servicing Agreement with the City to provide for a payment equivalent to one-third (1/3) of the estimated cost of upgrading Fraser Road to an asphalt roadway. The payment shall be based on the estimated local improvement rate current at the time of payment (the rate for asphalt roadway for 1992 is $58.00 per foot), and shall constitute payment in full for the share of the cost of any future gravelling and applications of dust inhibitor (oil treatment) attributable to the subdivision frontage.

2. That the applicant enter into a Subdivision Agreement with the City to provide for the following:

   a) that the westerly side yard setback for proposed Lot 1 shall be not less than 19.812 metres (65 feet);
   b) that no buildings shall be constructed or located on the most southerly 28.956 metres (95 feet) of proposed Lots 1 to 5.

3. That the applicant shall pay cash in lieu of 10% cash dedication to be assessed against the three additional building sites being created.

4. That the Proper Officers of the City be authorized to execute the said agreements.

Report "A" of the Committee on Planning and Community Services dated March 2, 1993

5. That the Director of Planning be authorized to sign and release the survey mylars for DASSF 98/83 upon execution of the Servicing and Subdivision Agreements and payment of the 10% cash dedication, but that authority shall expire December 8th, 1994, unless extended by a further resolution of the Committee on Planning and Community Services.

Your Committee on Planning and Community Services recommends that an extension of time until December 8th, 1994, be granted for completion of the proposed zoning change to an "RR-2" Rural Residential District under File DAZ 263/86, and that the Proper Officers of the City do all things necessary to implement the foregoing.

Adopted by consent.

(Note: Schedule "A" referred to in the above clause is on file in the office of the City Clerk.)

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

468 - 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. 6131/93, a By-law of the City of Winnipeg to change the names of certain highways in the City of Winnipeg. File SC-3.14(23) (Vol. 4).

By-law No. 6132/93, a By-law of the City of Winnipeg to change the names of certain highways in the City of Winnipeg. File SC-3.14(24) (Vol. 4).

By-law No. 6133/93, a By-law of the City of Winnipeg to amend By-law No. 48/72. File GL-6 (Vol. 5).

By-law No. 6134/93, a By-law of the City of Winnipeg for the enactment of a zoning change at 1976 Portage Avenue. File DAZ 244/92.

By-law No. 6135/93, a By-law of the City of Winnipeg, to amend Zoning By-law No. 1800 for the enactment of a zoning change on the north-east corner of Beaumont Street and Waterford Avenue. File DASZ 10/92.

By-law No. 6145/93, a By-law of the City of Winnipeg for the enactment of zoning text changes to The St. Boniface Town Planning Scheme 1957. Files DAZ 258/87; DAZ 301/87; DAZ 215/91; DAZ 217/91; DAZ 246/91; DAZ 263/91; DAZ 264/91; DAZ 229/92; DAZ 231/92 & DAZ 232/92.

By-law No. 6147/93, a By-law of the City of Winnipeg to amend Zoning By-law No. 1800 for the enactment of a zoning change at 3420 Grant Avenue. File DAZ 226/91.