CONSIDERATION OF REPORT OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

The Executive Policy Committee has considered the reports of the concerned Community Committees and the recommendations of the Committee on Planning and Community Services, as contained in its Report, dated January 6th, 1992, has concurred in the recommendations contained therein, except as noted below, and submits same to Council for approval and adoption.

On motion of Councillor Douglas, the Report of the Committee on Planning and Community Services, dated January 6th, 1992, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg.
January 6th, 1992.

His Worship the Mayor and Councillors:

Your Committee on Planning and Community Services submits the following Report and recommends:

North St. Boniface Secondary Plan Amendment - South-east corner avenue Tache and rue Aubert - St. Boniface-St. Vital Community.
File No. EP-1.2(AAP 36/91).

448 - 1. Your Committee on Planning and Community Services has been advised that an application has been received from the Festival du Voyageur Inc. to amend The North St. Boniface Secondary Plan affecting lands located at the south-east corner of avenue Tache and rue Aubert, in the St. Boniface-St. Vital Community.

The application is NOT a proposal to change zoning, or the use of land, which matters may be considered under a rezoning application in the event that the Secondary Plan is amended. The application proposes that lands now in commercial use (and previously in industrial use) be redesignated to a "Future Residential" land use classification, from the current "Residential" classification.

The current "Residential" classification at the south-east corner of avenue Tache and rue Aubert was an error, as the designation was applied to land that was in industrial use. The "Future Residential" classification applies to the remainder of the lands on the south side of rue Aubert, between avenue Tache and St. Joseph Street North.

Because the lands are NOT in residential use, the effect of the proposed amendment would be merely to accommodate an application for a zoning change from the current "R2" Two-family District to a "C1" Limited Commercial District. Such a proposed zoning change must be considered on its merits as a separate matter, and the redesignation of land to a "Future Residential" classification does not imply that the current "R2" zoning on the land will (or should) be changed.

It is suggested that it would be entirely appropriate that the designation of the subject lands coincide with the designation of the remainder of the frontage, and with land use. Designation of these lands as "Future Residential" implies that the lands should eventually be redeveloped in residential use, which is considered desirable, and consistent with the intent of The North St. Boniface Secondary Plan.

The St. Boniface-St. Vital Community Committee recommended that the proposed amendment to The North St. Boniface Secondary Plan by redesignating lands at the south-east corner of avenue Tache and rue Aubert from "Residential" to "Future Residential" Designation be approved in principle and be given first reading by Council. The Community Committee further recommended that pursuant to Subsection 584(3) of The City of Winnipeg Act the proposed amendment to The North St. Boniface Secondary Plan be referred to the Community for a Public Hearing.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

Your Committee on Planning and Community Services concurs in the recommendations of the St. Boniface-St. Vital Community Committee and recommends:-

I. That Council accept in principle the proposal to redesignate the lands located at the south-east corner of avenue Tache and rue Aubert as a "Future Residential" Designation under The North St. Boniface Secondary Plan By-law No. 967/75.

II. That pursuant to Subsection 584(3) of The City of Winnipeg Act, Council give first reading to the draft by-law submitted in connection herewith.

III. That pursuant to Subsection 584(3) of The City of Winnipeg Act Council forward the aforementioned by-law after first reading to the St. Boniface-St. Vital Community Committee for consideration at a Public Hearing to be held before the said Community Committee.

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

Discharge of Building Restriction Caveat No. 224539 for premises located at 1042 Jefferson Avenue, Lord Selkirk-West Kildonan Community File EC(BRC 2/91)

449 - 2. Your Committee on Planning and Community Services has been advised that an application has been initiated on behalf of the Christian Life Assembly for the discharge of Building Restriction Caveat No. 224539 as it affects Lot 53, Block 12, Plan 10512, more commonly known as 1042 Jefferson Avenue.

The site is zoned "RM-3" Multiple-Family District and, as per Zoning By-Law No. 4450, the proposed conversion to a religious use (church) requires approval by Community Committee as per the Conditional Use process.

Because land use control within the city is established by zoning by-laws under the authority of Council, as per The City of Winnipeg Act, it is suggested that this Building Restriction Caveat under the jurisdiction of the Municipal Board is irrelevant and redundant.

The Lord Selkirk/West Kildonan Community Committee at its meeting of December 10th, 1991, recommended that Caveat No. 224539 be discharged by virtue of the fact that the Community Committee issued a Conditional Use Order No. DCU 198/91 allowing the use of the land as a Church.

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 110(3) of The Municipal Board Act, the Council of the City of Winnipeg recommends that Building Restriction Caveat No. 224539 be discharged as it affects the property located at No. 1042 Jefferson Avenue and legally described as Lot 53, Block 12, Plan 10512, as applied for by D. Frey and A. Yaworsky, Winnipeg, on behalf of the Christian Life Assembly to the extent that said Caveat restricts the use of land thereon."

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

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

450 - 3. Your Committee on Planning and Community Services recommends that the following persons nominated by the St. Boniface-St. Vital Community Committee on December 10th, 1991, be appointed to the Boulevard Provencher Advisory Committee, pursuant to the provisions of By-law No. 3993/85, for a two year term commencing January 24th, 1992, namely:

Mrs. Maureen Fritz-Lonergan, Architect,
293 Provencher Boulevard, Winnipeg.

Ms. Valerie Bodiroga, Tenant,
111-131 Provencher Boulevard, Winnipeg.

Janet Sabourin-Gatin, Property Owner,
436 rue Jeanne d'arc, Winnipeg.

Mr. G. de Margerie, Tenant,
B-154 Provencher Boulevard, Winnipeg.

Susan Cameron, Planner,
330 Dumoulin Street, Winnipeg.

Dr. Philippe Mailhot, Historian,
c/o St. Boniface Museum,
494 Tache Avenue, Winnipeg.

Mr. Don Hester, Landscape Architect,
1479 Buffalo Place, Winnipeg.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

Change in composition of Library Advisory Committees,
Files GC-7 & L-11.

451 - 4. Your Committee on Planning and Community Services has received a request from the St. Boniface-St. Vital Community Committee, that Section 6(2) of By-law No. 4334/86 governing the composition of the Library Advisory Committee be amended to permit up to six (6) citizen members, instead of just four citizen members as presently provided in said By-law.

Your Committee on Planning and Community Services concurs in the request of the St. Boniface-St. Vital Community Committee and recommends:-

I. That Section 6(2) of By-law No. 4334/86 being a by-law of the City of Winnipeg with respect to the Winnipeg Public Library Board and the Library Advisory Committees, be amended, to provide for up to six (6) citizen members appointed by the Community Committee, other than the two Citizen Library Board Members.

II. That the City Solicitor be requested to prepare the necessary by-law to implement the intentions of Recommendation I above.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

Appointment of a Board of Adjustment, Delegation of Authority to Designated City Administrator and Variance and Conditional Use Procedural Changes Under Bill 35. File GL-5.1.

452 - 5. With the passage of Bill 35, the City now has the authority and, in some cases, the requirement to pass Procedural By-laws governing land use regulation procedures. Many of the required procedural rules are already set out in the City's Procedures By-law or mandated under Bill 35. While it is preferable to ultimately consolidate all procedural matters under one City by-law, what is of importance at this time is to deal with the following issues and implement the appropriate procedures and delegation of authority by March 2nd, 1992, the proposed date of proclamation of Bill 35 as it relates to the Board of Adjustment, Subdivision Regulations and Appeals.

As an introduction, it should be noted that, upon proclamation of Bill 35, Variance applications will be referred to either a Designated City Administrator or to a Board of Adjustment (as determined by Council) for a Public Hearing. All Conditional Use applications will be referred to the Board of Adjustment for a Public Hearing. Appeals from the decision of the City Administrator or the Board of Adjustment with regard to Variance or Conditional Use Orders will be referred to a Committee of Council, either Executive Policy Committee, a Standing Committee, or a Community Committee (as determined by Council) for a Public Hearing.

Bill 35 also allows flexibility in terms of who will be the hearing body for Rezoning and Subdivision applications. This, however, has already been dealt with by Council. Under By-law No. 5769/91, Council has already directed as follows:-

> Subject to Section 3 of By-law No. 5769/91 a proposed Zoning (Development) By-law or application for Subdivision approval by by-law shall be referred under Part 20 of The City of Winnipeg Act to the Community Committee for the Community Area in which the land is located, or where that land is located in more than one Community Area to the Committee on Planning and Community Services or to one of those Community Committees as designated by the Committee on Planning and Community Services and the Committee to which the application is referred, shall conduct the Public Hearing required by that Part.
>
> A proposed Zoning (Development) By-law which would enact or amend a Zoning By-law establishing or amending the text of a Zoning By-law without changing the zoning classification of any land shall be referred to the Committee on Planning and Community Services to conduct the Public Hearing referred to above.
>
> An application for Subdivision approval under Section 619(1) of The City of Winnipeg Act ("short-form") or for a Consent under Section 623 of that Act shall be referred to the Committee on Planning and Community Services as the Designated Approval Committee under Section 619(1) of The City of Winnipeg Act.

ISSUE 1. HOW MUCH AUTHORITY WILL BE GRANTED TO THE ADMINISTRATION REGARDING APPROVAL OF VARIANCE APPLICATIONS?

Bill 35 allows for Variance application so be referred to a Board of Adjustment or to a Designated City Administrator for the issuance of an Order.

The City processes, on average, approximately 1,000 Variance applications annually, along with an additional (approximately) 1,000 tolerances. Note, Bill 35 does not allow for issuance of tolerances. It will be necessary at the very least to delegate to the Administration Authority to approve those variances which have up to now been processed as tolerances in order to maintain the status quo.

In addition, experience indicates that the majority of Variance applications heard by Community Committees have been approved in accordance with a recommendation of the Planning Department. As such, Administrative Delegation of Authority for approval of some significant number of Variances can be done with no appreciable change in the kinds of decisions being made. At the same time, the approval process will be shortened and made more efficient, while applicants will be able to avoid a sometimes time-consuming Public Hearing.

It should be noted that any Variance granted by the City Administrator that is greater than 5% of the requirement is subject to appeal.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

ISSUE 2. WHAT WILL BE THE APPEAL BODY FOR VARIANCE AND CONDITIONAL USE APPLICATIONS?

Decisions on Variance and Conditional Use applications may be appealed to the appropriate body, to be designated by Council. Bill 35 allows for the following alternatives: Executive Policy Committee, any Standing Committee, or a Community Committee.

Obviously, from a Planning perspective, the only two feasible alternatives are Community Committees or the Committee on Planning and Community services. The argument in support Community Committees is that this will allow for local political control and accountability over local land use issues (or at least over those decisions which are appealed). Having Community Committees as the Appeal Committee to deal with applications affecting land within their community area may result in a lack of consistency in appeal decisions. This is a frequent complaint of the development industry and the public regarding the existing decision-making process.

It was suggested that the designation of The Committee on Planning and Community Services as the Variance and Conditional Use Appeal Body would from a planning perspective address the issue of consistency. However your Committee is of the opinion that the designation of the Executive Policy Committee may result in more consistent decision-making on similar types of applications.

It should be noted that the appeal process under Bill 35 is a complete new Public Hearing. That is, public notification of the Appeal Hearing ie. posting and advertising where required has to be given and anyone who deems themselves aggrieved by the decision of the Designated City Administrator or Board of Adjustment would be allowed to appear.

ISSUE 3. HOW WILL THE BOARD OF ADJUSTMENT BE CONSTITUTED AND WHAT RULES OF PROCEDURE WILL APPLY?

Bill 35 requires that a Board of Adjustment be created to hear some (or all) Variance applications and all Conditional Use applications. It will be necessary to decide how the Board of Adjustment will be constituted and what Rules of Procedure will apply to it.

The City of Winnipeg Act, pursuant to Sections 649, 650 and 651, states:

(1) Council shall appoint a Board of not fewer than three members including a Chairman and a Vice-chairman.

(2) No member may hold a provincial or municipal office by appointment or election.

(3) The Board shall sit in panels of three.

(4) Council shall pass a by-law in respect of the Board.

The size and frequency of meetings of the Board of Adjustment will be dependent upon its work load. Assuming that Council concurs in recommendation (1) above, the recommendations hereinafter provided are put forward for favourable consideration regarding the Board of Adjustment.

Decisions required in order to prepare the necessary by-law:

a) Number of members to be appointed to the Board?
b) The terms of office for the Board members?
c) Remuneration to be paid to the Board members? - To be determined upon adoption of this report.
d) Rules of practise and procedure of the Board?
e) Who shall appoint the secretary and support staff for the Board?
f) What shall be the tariff of fees for any matter heard by the Board? - To be determined at a later date.
g) Schedule of meetings and location for meetings?

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

Your Committee on Planning and Community Services therefore recommends:-

RECOMMENDATION - ISSUE 1

I. That the City Solicitor be requested to prepare the necessary by-law pursuant to Sections 607 and 608 of The City of Winnipeg Act to authorize the Designated City Administrator (Director of Planning) to grant or refuse to grant, at his or her discretion, the following variances:-

a) Agricultural Districts

1) In all Agricultural Districts a variance on any yard or bulk requirement.

b) "R1", "R2", "R-PL" and "R2-T" Districts

In all "R1" Districts and in the "R2", "R-PL" and "R2-T" Districts a variance:-

1) on any district requirement for one/single-family and two-family dwellings other than lot area;

2) not exceeding ten per cent (10%) on any lot area requirement.

c) Multiple-Family Districts

In all Multiple-Family Districts a variance:-

1) not exceeding ten per cent (10%) on any density requirement;

2) not exceeding twenty-five per cent (25%) on any yard or bulk requirement;

3) not exceeding twenty-five per cent (25%) on any parking or loading requirement;

4) not exceeding twenty-five per cent (25%) on any sign requirement;

5) temporary parking or loading standards up to one (1) year.

d) Commercial Districts

In all Commercial Districts a variance:-

1) not exceeding twenty-five per cent (25%) on any yard, bulk or intensity (floor area limitations) requirement;

2) not exceeding twenty-five per cent (25%) on any sign requirement;

3) not exceeding twenty-five per cent (25%) on parking and loading spaces;

4) not exceeding one (1) year on the development of a parking and loading site;

5) for residential uses or buildings see (c) above.

e) Industrial Districts

In all Industrial Districts a variance:-

1) not exceeding twenty-five per cent (25%) on any yard, bulk or intensity (floor area limitations) requirements;

2) not exceeding twenty-five per cent (25%) on any sign requirement;

3) not exceeding twenty-five per cent (25%) on parking and loading spaces;

4) not exceeding one (1) year on the development of a parking and loading site;

5) for residential uses or buildings see (c) above

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f) Park and Recreational Districts

In all Park and Recreational Districts, a variance not to exceed twenty-five per cent (25%) on any yard, bulk or density requirement.

g) Accessory Structures

In all Districts for accessory structures not specified in the preceding rules a variance on any requirement for an accessory structure.

II. That the City Solicitor forward the by-law requested in Recommendation I 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.

RECOMMENDATION - ISSUE 2

I. That Council, pursuant to Subsection 647(1) of The City of Winnipeg Act, designate the Executive Policy Committee as the Committee of Council to conduct Public Hearings on Appeals respecting a Variance or Conditional Use.

II. That the following appeal provisions be approved:

(1) The applicant or any person who made representations at a public hearing on a Variance or a Conditional Use before the Board of Adjustment may appeal the Variance Order of the Conditional Use Order issued by the Board of Adjustment within 14 days after the date of issuance of the said Order, by filing in person an application to appeal with, or by sending notice of appeal by registered mail to, the City Clerk.

(2) A Variance Order granted by the Designated City Administrator which exceeds 5% of the requirement set out in the Zoning (Development) By-law may be appealed within 14 days after the date of issuance of an Order, by the applicant or any person who deems themselves aggrieved by the Variance Order issued, by filing in person an application to appeal with, or by sending notice of appeal by registered mail to, the City Clerk.

III. That the City Solicitor be requested to prepare the necessary by-law for implementation of the above 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.

RECOMMENDATION - ISSUE 3

I. That the City Solicitor be requested to prepare the necessary By-law pursuant to Sections 649, 650 and 651 of The City of Winnipeg Act to establish a Board of Adjustment as follows:-

a) the Board of Adjustment shall constitute six (6) members, including a Chairman and Vice-Chairman, as appointed by Council;

b) the term of Office of the Board shall be as follows:-

two (2) members for 3 years,
two (2) members for 2 years,
two (2) members for 1 year;

thereafter upon expiry of each term of office, appointments to the Board shall be for a three year term, thus providing for a rotation of one third of the Board's Membership on an annual basis as stipulated in The City of Winnipeg Act;

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

c) payment of Board members shall be such fee as Council shall establish from time to time;

d) the Rules of Practise and Procedure for the Board shall be as set forth in Schedule "A" to this report;

e) the appointment of a Secretary to the Board shall be delegated to the City Clerk for the assigning of a Clerk and support staff to attend, record and process decisions of the Board and any other duties relating to management of this function;

f) the fees for Variance and Conditional Use applications subject to a Public Hearing before the Board shall be as set forth in the Development Fees By-law;

g) the Board shall conduct its Hearings in the City Centre-Fort Rouge Community Office during the evening on a weekly basis or at such other locations and times as determined by the Chairman of the Board.

II. That the City Solicitor submit the necessary by-law as requested in Recommendation I above to Council for all three readings.

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

Your Executive Policy Committee recommends that the words "Executive Policy Committee" where they appear in item I. under "RECOMMENDATION - ISSUE 2" be deleted and the words "Committee on Planning and Community Services" be inserted therein.

Moved by Councillor Douglas,
Adoption of the clause.

In amendment,

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

In amendment to the amendment,

Moved by Councillor Timmers,
Seconded by Councillor Reese,
That the clause be amended by deleting the words "Executive Policy Committee" where they appear in Item I under "Recommendation - Issue 2" and replacing them with the words "respective Community Committee".

Moved by Councillor Gilroy,
That the question be now put.

The motion was put.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

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

Yea: Councillors Wade, Boychuk, Demare, Diamant, Douglas, Gilroy, Kaufmann, O'Shaughnessy, Prystanski, Young, Yuen, Mayor Norrie and Councillor Eadie. 13

Nay: Councillors Clement, Fleisher, Fraser, Hyman, Lorenc, Mendelson, Mitchelson, Murray, Reese, Selinger, Thomas and Timmers. 12

and the motion was declared carried.

The amendment to the amendment was put.

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

Yea: Councillors Wade, Boychuk, Brown, Clement, Demare, Diamant, Duguid, Hyman, Mitchelson, Murray, Prystanski, Reese, Selinger, Thomas, Timmers, Young and Yuen. 17

Nay: Councillors Douglas, Fleisher, Fraser, Gilroy, Kaufmann, Lorenc, Mendelson, O'Shaughnessy, Mayor Norrie and Councillor Eadie. 10

and the amendment to the amendment was declared carried.

The amendment, as amended, was put and declared carried.

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

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

(Note: See Minute No. 467 for attachment.)

Public Hearing for Secondary Plan By-laws
Files GL-5.1, GL-5.6 and GK-4.

453 - 6. Your Committee on Planning and Community Services has been advised that Section 586 of the new Part 20 of The City of Winnipeg Act under Bill 35 deems all existing Action Area Plans adopted by City By-law, to be Secondary Plans.

Subsection 584(3) of The City of Winnipeg Act states that after first reading and before second reading of any new proposed Secondary Plan By-law, Council shall refer it to a Committee of Council to conduct a Public Hearing.

"Committee of Council" as defined under Part 20 of The City of Winnipeg Act means Executive Policy Committee, a Standing Committee or a Community Committee designated under a by-law passed under Part 20.

Council passed By-law No. 5769/91 to provide for procedures under Part 20 of The City of Winnipeg Act. Within this by-law the Community Committees were designated as the Committee of Council to hold Public Hearings on proposed Zoning (Development) By-laws and proposed Subdivision By-laws.

The Planning Department recommends that By-law No. 5769/91 be amended to designate which committee may conduct the Public Hearings on proposed Secondary Plan By-laws.

The designation should provide Council with options as to which committee they wish to refer a Secondary Plan By-law to for a Public Hearing. The options could be:

(a) if all the lands within a proposed Secondary Plan By-law are within the boundaries of one Community, to that Community Committee;

(b) if the lands within a proposed Secondary Plan By-law are within the boundaries of more than one Community, to the Community Committee Council designates; or

(c) to any other Committee of Council that Council may from time to time designate.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

Your Committee on Planning and Community Services recommends:

I. That By-law No. 5769/91 be amended by adding thereto the following:

After first reading of a Secondary Plan By-law Council shall refer it for conduct of a Public Hearing in accordance with The City of Winnipeg Act:

(a) where the land to which the proposed Secondary By-law applies is located within one Community, to the Community Committee for that Community;

(b) where the land is located in two or more Communities, to the Community Committee for one of those Communities as designated by Council; but

(c) notwithstanding (a) and (b) Council may if it deems it more appropriate designate either the Executive Policy Committee or a Standing Committee to conduct that Public Hearing.

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.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

Naming of Public Street No. 1, west of Owen Street, connecting Regent Avenue West and Pandora Avenue West, to Starlight Drive, East Kildonan-Transcona Community.

File SC-3.14(23).

454 - 7. Your Committee on Planning and Community Services has been advised that the Streets and Transportation Department has requested that Public Street No. 1 be named so that street signs may be placed to provide identification by and direction to the public, and so that the maps and records of the various City Departments include an appropriate street name. The subject street is located west of Owen Street, connecting Regent Avenue West and Pandora Avenue West, as shown on the attached sketch and was opened by Plan No. 25494 on July 19th, 1990.

On November 19th, 1991, the East Kildonan-Transcona Community Committee recommended that Public Street No. 1 be named "Starlight Drive".

Your Committee on Planning and Community Services concurs in the recommendation of the East Kildonan-Transcona Community Committee and recommends that Public Street No. 1 shown on Plan No. 25494, west of Owen Street, connecting Regent Avenue West and Pandora Avenue West, be named "Starlight Drive" and that in approving this name, Council authorize the following:

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

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

III. That the City Solicitor upon passage and adoption of the By-law by Council, be authorized to publicize the naming of "Starlight Drive" in two daily newspapers having a general circulation throughout the City of Winnipeg.

IV. That the City Clerk upon passage of the By-law mail to the respective Community Clerk a copy of the By-law and this report for the purpose of changing all pertinent records and to notify all persons affected by this By-law.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 468 for attachment.)

Street Name Change - portion of Bertrand Street, east of Tache Avenue, to Rinella Place, St. Boniface-St. Vital Community
File SC-3.14(25).

455 - 8. On June 19th, 1991, Council passed By-law No. 5717/91 (DASZ 15/90) for the approval of the plan of subdivision shown outlined on the attached sketch. The plan which is presently being processed in The Winnipeg Land Titles Office for registration closes portions of Thomas Berry Street and Bertrand Street and portions of public lanes. The plan also opens a north-south right-of-way to connect Bertrand Street and Thomas Berry Street. The right-of-way was named Bertrand Street pursuant to the Community Committee's approval, in order to avoid confusion which may have been caused by the introduction of a new name.

The closing of the above-mentioned streets and lanes to consolidate the St. Boniface General Hospital lands has created a physical separation of a section of Bertrand Street. Because the portion of Bertrand Street intersecting with Tache Avenue will remain open for now, it is necessary to rename that portion in order to prevent confusion especially in response to an emergency situation.

Rinella Printers Ltd. is located in a building situated at the north-east corner of Tache Avenue and Bertrand Street which is addressed as 129 Bertrand Street. A street name change for this portion of Bertrand Street will require that a new address be assigned to this building. Because there is a good possibility that this portion of Bertrand Street may be closed in the future, the Planning Department will assign the building an address on Tache Avenue so that the owner will not be required to process a second change of address in the event that the right-of-way is closed.

The Subdivision Branch has no particular choice of name to offer other than "Rinella Place". The proposal has been discussed with Mr. Rinella and he has no objections to being assigned a new address on Tache Avenue nor to the use of his name for the street right-of-way.

The St. Boniface-St. Vital Community Committee at its meeting held on December 10th, 1991, recommended that the currently registered name "Bertrand Street" between the east limit of Tache Avenue and the west limit of Lot 4, Plan No. 27541 be renamed to Rinella Place.

Your Committee on Planning and Community Services concurs in the recommendation of the St. Boniface-St. Vital Community Committee and recommends that the currently registered name "Bertrand Street" between the east limit of Tache Avenue and the west limit of Lot 4, Plan No. 27541, shown hatched on the attached sketch be changed to "Rinella Place" and that in approving this change, Council authorize the following:

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

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

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

IV. That the City Clerk upon passage of the By-law mail to the respective Community Clerk a copy of the By-law and this report for the purpose of changing all pertinent records and to notify all persons affected by this By-law.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 469 for attachment.)

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

ZONING AGREEMENT AMENDMENT - 2449 Main Street, Lord Selkirk-West Kildonan Community.
File No. DAZ 225/84 (ZAA 8/91).

456 - 9. Your Committee on Planning and Community Services has been advised that an application has been received from Mordyck Auctions Ltd., Box 639 Ile des Chenes to amend the Zoning Agreement affecting 2449 Main Street to add to the list of permitted uses an automobile sales area (open).

The applicants are proposing to establish an open car sales area in conjunction with the primary use of the site which is a car wash. A total of 20 - 25 used cars are to be located along both the south and west property lines. The display area at the west side of the property is situated between the access and exit points onto Main Street. In principle, the Planning Department is not opposed to amending the existing agreement to allow for a small scale sales operation properly sited on the lot. However, it should be noted that the Lord Selkirk-West Kildonan Community Committee in 1985 presumably placed restrictions on the car sales/rental operations in the Zoning Agreement due to a concern that the use would not be compatible with anticipated residential developments on lands lying directly adjacent to the east. In fact, to date, development has not occurred on the lands adjacent and may not take place for the next 3 - 5 years.

A Public Meeting was held before the Lord Selkirk-West Kildonan Community Committee on July 23rd and September 3rd, 1991.

No one appeared in support or opposition to the subject application.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning agreement amendment be not proceeded with, for the following reason:

> In 1985, Community Committee placed restrictions on car sales/rental operations in the agreement due to a concern that the use would not be compatible with anticipated residential developments on lands lying directly adjacent to the east, and Community Committee is still of the same opinion.

Your Committee on Planning and Community Services concurs in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends that the proposed amendment to Zoning Agreement DAZ 225/84 under File DAZ 225/84 (ZAA 8/91) be not proceeded with.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

REZONING - East and west sides of avenue Tache, north of Provencher Boulevard, St. Boniface-St. Vital Community.
File No. DAZ 234/91.

457 - 10. Council on November 6th, 1991 approved in principle a proposed rezoning along avenue Tache and rue Grandin as shown on attached Schedule "A" for File No. DAZ 234/91 dated September 30th, 1991.

The Community Clerk, St. Boniface-St. Vital Community Committee, in a communication dated November 19th, 1991 advised that inadvertently, the recommendation of the Community Committee as outlined in its report dated August 30th, 1991 not to zone land located at 161 rue Grandin to an "R2" was omitted from the said report. See attached copy of Schedule "A" for location of 161 rue Grandin. The Planning Department recommends that Council's adopted Schedule "A" be amended by deleting therefrom the proposed rezoning of 161 rue Grandin to "R2".

Your Committee on Planning and Community Services concurs in the recommendation of the Codes Officer that the omission be corrected.

Further in regard to the subject rezoning application, your Committee on Planning and Community Services has been requested to recommend the rescinding of the instructions contained in Clause 7 of the Report of the Committee on Planning and Community Services, dated October 21st, 1991, that stipulated that the "PR" zoning of City-owned land on the west side of Tache Avenue, between rue Notre Dame and rue La Verendrye be implemented at the time these lands are cleared of existing buildings used by the Parks and Protection Department. It would be preferable if the Zoning By-law were to be given all three readings by Council instead of deferring third reading of the By-law for an undetermined period of time. If the "PR" zoning were to be implemented now then the Parks and Recreation Department's use of the buildings on the land would be deemed to have a non-conforming use status and any expansion of the present use would require a Conditional Use approval through the Public Hearing process.

Your Committee on Planning and Community Services therefore recommends that Recommendations I and II in Clause 7 of the Report of the Committee on Planning and Community Services, dated October 21st, 1991, as adopted by Council on November 6th, 1991, be rescinded and that the following recommendations be approved in substitution therefor:-

I. That The St. Boniface Town Planning Scheme 1957 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 234/91 attached hereto and dated December 18th, 1991 as follows:-

   A. City-owned lands on the west side of Tache Avenue, between Provencher Boulevard and rue Notre Dame, be rezoned from an "M2" Light Industrial District to a "PR" Park and Recreational District;

   B. City-owned lands on the west side of Tache Avenue, between rue Notre Dame and rue La Verendrye be rezoned from an "M2" Light Industrial District to a "PR" Park and Recreational District; and

   C. Dwellings on the north and south sides of rue Grandin except for 161 rue Grandin be rezoned from an "M2" Light Industrial District to an "R2" Two-Family District.

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 470 for attachment.)

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

REZONING - 4208 Grant Avenue, south-east corner of Grant Avenue and Oakdale Drive, Assiniboine Park-Fort Garry Community. File No. DAZ 241/91.

458 - 11. Your Committee on Planning and Community Services has been advised that an application has been received from A & S Builders Ltd., 66 St. Anne's Road to amend zoning By-law No. 1800 by rezoning the land at 4208 Grant Avenue from an "R1-6" Single-Family District to an "RM-1" Multiple-Family District, to allow for the construction of a four unit multiple-family dwelling.

The lot is approximately 1,279 square metres/13,762 square feet in area, providing 30.9 metres/101 feet of frontage on Grant Avenue and 41.4 metres/136 feet of flankage on Oakdale Drive. Adjacent housing to the west and south, and to the north across Grant Avenue, is single-family with "R1-6" zoning. To the east of the site, across Oakdale Drive, is Charleswood Collegiate.

The proposed two-storey, 234 square metre/2,520 square foot building is oriented east-west, facing Grant Avenue, and provides a 22.9 metre/75 foot rear yard with parking for 8 vehicles accessed via an existing Oakdale Drive approach. An accompanying Variance Application (DAV 424/91) has been filed in respect of substandard side yards.

Administration support for this application stems from the following considerations:

- Lot Size and Transitional Location: The size of the lot, the state of the existing dwelling, and the property's location fronting an arterial street adjacent to a school make it an excellent candidate for redevelopment at higher than prevailing densities.

- Development Scale: At two storeys, with a footprint of 2,500 square feet, the building is not out-of-scale with the immediate neighbourhood.

- Development Density and Character: The development represents a theoretical density of 12.6 units per acre. This compares to, say, an "R1-4" single-family detached dwelling unit density of 11 units per acre. This consideration, combined with the fact that the housing is ground-related, ensures that the development will maintain the low- density character of the neighbourhood.

- Building Separation: The proposed west side yard of 5 feet and rear yard of 75 feet result in a building separation equal to or greater than that which would be achieved under the current zoning. This, combined with appropriate fencing and landscaping, will protect the privacy and amenity of bordering single-family properties.

- Plan Winnipeg Support: Council policy promotes a suburban containment growth strategy which supports the sensitive infill redevelopment of older neighbourhoods, in part to increase the utilization of existing municipal, recreational and educational services and facilities.

- Precedent: Row-house developments are proven to be compatible with detached housing in suburban neighbourhoods as long as they are appropriately designed and well-integrated. Good (and bad) examples of this healthy mixing of housing types exist in Charleswood.

- Housing Alternatives: The subject site could accommodate subdivision into three "R1-4" single-family building lots, or two "R2" two-family building lots (4 units) fronting Oakdale Drive. However, as the current proposal confines 4 units to one moderately sized building oriented toward the arterial street, the physical and visual impact of the development is reduced in comparison to the detached and semi-detached housing options. In fact, the building will serve to buffer adjacent housing from the impact of traffic on the regional arterial street.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

A Public Meeting was held before the Assiniboine Park-Fort Garry Community Committee on November 4th, 1991.

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

Frank Bueti, 904 - 444 St. Mary Avenue, Winnipeg, R3C 3T1, (on behalf of A & S Builders Ltd.).,
Vince Bueti, 76 Shorecrest Drive, Winnipeg, R3P 1B1,
Tony Spezzano, 6303 Southboine Drive, Winnipeg, R3R 2Z3,
Sam Spezzano, 54 Park Royal Bay, Winnipeg, R3P 0X9.

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

John Barber, 518 Oakdale Drive, Winnipeg, R3R 1A1,
Mill Kaniuga, 524 Oakdale Drive, Winnipeg, R3R 1A1,
Rocco Curatolo, 19 Denton Place, Winnipeg, R3R 2Z9,
Pat and Lori Gaboury, 512 Oakdale Drive, Winnipeg, R3R 1A1,
H. Gregoire, 23 Denton Place, Winnipeg, R3R 2Z9,
Helen Henry, 425 Oakdale Drive, Winnipeg, R3R 0Z6,
Antonio and Adele Bozzelli, 4212 Grant Avenue, Winnipeg, R3R 0L2,
Arthur F. Gessner, 534 Oakdale Drive, Winnipeg, R3R 1A1,
Antonio and Letizia Ferriello, 4212 Grant Avenue, Winnipeg, R3R 0L2,
Particia Caron, 424 Oakdale Drive, Winnipeg, R3R 0Z8.

The Assiniboine Park-Fort Garry Community Committee recommended that the proposed zoning change be not proceeded with, for the following reasons:

1. The property has residential neighbouring properties adjacent on two sides as well as across the street.

2. The building would be out of scale with the immediate neighbourhood.

3. The dwelling would not maintain the low density character of the neighbourhood.

4. The privacy and amenity of bordering single-family properties will not be protected.

5. Council policy promotes a suburban containment growth strategy which protects older neighbourhoods from insensitive high density development in older residential areas.

6. Row house developments such as this in existing single-family residential areas have proven to not work well.

7. While the District Planner hypothecates that this row house is less than could be accommodated by this site, the same broad strategy could be made about any site.

8. The area residents are opposed to the application.

9. The residential component of Grant Avenue or Roblin Boulevard, must not be infringed upon.

Your Committee on Planning and Community Services concurs in the recommendation of the Assiniboine Park-Fort Garry Community Committee and recommends that the proposed zoning change to amend Zoning By-law No. 1800 by rezoning land under File No. DAZ 241/91 from an "R1-6" Single-Family District to an "RM-1" Multiple-Family District be not proceeded with.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

REZONING - 515 St. Anne's Road, south-east corner of St. Anne's and Beliveau Roads, St. Boniface-St. Vital Community.
File No. DAZ 244/91.

459 - 12. Your Committee on Planning and Community Services has been advised that an application has been received from Keystone Exterior and Renovations Ltd., 1401 Main Street to amend The St. Vital Town Planning Scheme 1951 by rezoning the land at 515 St. Anne's Road from an "RA" Suburban District to a "C2" Commercial District, to allow for the establishment of a showroom and office, business or professional.

In principle, conversion of this site to commercial use is consistent with development of the St. Anne's corridor.

However, it is necessary to limit development in order to protect low-density housing on the east, south and west. Uses more intense than the requested offices and showroom should be subject to a further hearing. Without a proper outlet for the public lane at the rear of the site, only a low level of traffic should be generated on the site.

The proposed limit on the height of development is consistent with the St. Anne's corridor, and with previous recommendations of the Community Committee.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on November 12th, 1991.

The following persons appeared in support of the application:

Mr. Paul Gerwing, 1401 Main Street, Winnipeg, R2W 3V2,
Mr. Bob Lagace, 42 Coburg Avenue, Winnipeg, R2L 0H6.

No one appeared in opposition thereto.

The Administrative Co-ordinating Group presented a report at the Public Meeting dated October 31st, 1991, attached hereto as Schedule "B" for File No. DAZ 244/91 dated December 18th, 1991. The St. Boniface-St. Vital Community Committee did not concur in the Administrative Co-ordinating Group's report and instead recommended a lane widening by way of a registered plan.

The St. Boniface-St. Vital Community Committee recommended that the proposed zoning change be approved subject to a number of conditions, all of which have been incorporated within the following recommendations but did not supply any supporting reasons.

Your Committee on Planning and Community Services concurs in the recommendations of the St. Boniface-St. Vital Community Committee and recommends:

I. That The St. Vital Town Planning Scheme 1951 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 244/91 attached hereto and dated December 18th, 1991, to a "C2" Commercial District subject to the following:

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

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

(a) offices, business or professional;
(b) showroom, incidental to offices;
(c) accessory uses;

(2) that no building or structure, parking area, fencing, landscaping or sign be erected or located on the land except in accordance with plans approved by the St. Boniface-St. Vital Community Committee and the Commissioner of Planning and Community Services;

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

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

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

II. That the applicant shall, at no expense to the City provide property to widen the existing lane at the rear of the proposed development from the existing 4.877 metres/16 feet to 7.25 metres/23.786 feet by the registration of a plan of subdivision.

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 rezoning by-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office.

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

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 in accordance with the terms of The City of Winnipeg Act.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 471 for attachments.)

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

REZONING - 349 Ravenhurst Street,
East Kildonan-Transcona Community.
File No. DAZ 247/91.

460 - 13. Your Committee on Planning and Community Services has been advised that an application has been received from Gordon Cox on behalf of Cox Construction Ltd., Box 11, Group 620, Winnipeg, to amend By-law No. 4440/86 by rezoning the land at 349 Ravenhurst Street from an "AR-5" Agricultural-Residential District to an "M3" Restricted Industrial District, to allow for the maintenance of a contractor's establishment.

The subject site is 600 feet in width by 363 feet in depth and comprises an area of five acres. The land is developed with two separate single-family dwellings, two metal storage bins, two accessory buildings and a 70 foot by 14 foot trailer unit which serves as general office space for the subject contractor's use.

The applicant is presently operating the subject contractor's establishment which consists mainly of an open gravel storage area developed at the south-east (rear) corner of the site. The said storage area is approximately 275 feet wide by 100 feet deep with a temporary office (trailer) situated towards the north end. The contractor's business consists of the installation of sewer and water services.

The property in question also features two existing single-family dwellings which were permitted on the site by way of variance (DAV 53/74) in 1974. The said dwellings would be allowed to remain on the site if this rezoning application is successful, since they will maintain the rights permitted by the above mentioned variance.

The subject site is located in an isolated location at present, far removed from any residential development. In October, 1986, the applicant applied to rezone the subject site to an "M1" Industrial District. At that time it was considered necessary that uniform standards for Minimum Services Industrial Areas be established prior to processing the aforementioned rezoning. The guidelines were to be determined by the Technical Advisory Committee on Development Agreement Parameters. However, the type of development envisioned for the lands lying north of the C.N.R. line (located immediately south of the subject site) had not yet been established. As such the applicant was encouraged to withdraw the rezoning application as a zoning change to an industrial use was considered premature (both in terms of potential land use and the absence of standards to minimum services industrial land). It was considered appropriate to deal with this issue by means of a variance and to establish a time limit on the proposed use to ensure flexibility in determining the future land use of the overall area. Subsequently, the subject contractor's establishment was permitted on the site by way of variance (DAV 400/88) in 1988 for a temporary period ending May 31st, 1991. The said variance has since expired and further permission is required to continue the use.

Circumstances surrounding the subject site itself have not changed substantially since the time of the last variance application. However, the Province of Manitoba has recently introduced changes to the City of Winnipeg Act under "Bill 35" which preclude any further "use" variances. Consequently, if the use is to continue under existing circumstances, the only remaining alternative is a temporary rezoning of the land.

A Public Meeting was held before the East Kildonan-Transcona Community Committee on November 19th, 1991.

Mr. Gordon Cox, Cox Construction Ltd., Box 11, Group 620, Winnipeg, R2Z 2Z3 appeared in support of the application.

No one appeared in opposition thereto.

The East Kildonan-Transcona Community Committee recommended that the proposed temporary zoning change be approved subject to a number of conditions, all of which have been incorporated within the following recommendations for the following reason:

If the use is to continue under the existing circumstances, the only remaining alternative is a temporary rezoning of the land.

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

I. That By-law No. 4440/86 be amended by temporarily rezoning the subject land as shown on Schedule "A" for File No. DAZ 247/91 attached hereto and dated December 18th, 1991 to an "M3" Industrial District subject to the following:

A. That the rezoning by-law of the subject land shall be restricted to a temporary period of five years from

the effective date of the By-law.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

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

1. That the area designated "Contractor's establishment/storage yard" shall be restricted to the area so designated and shown on Schedule "B" for File No. DAZ 247/91 attached hereto and dated December 18th, 1991.

C. That the payment of 10 percent cash dedication to the City in lieu of the requirement for land for open space, park and recreational use based on the increase in the market value of the land, be waived in this instance since the rezoning is temporary.

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

III. That the Rezoning By-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office.

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

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

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 472 for attachments.)

REZONING - 5930 Roblin Boulevard, South side of Roblin Boulevard at Municipal Road, Assiniboine Park-Fort Garry Community.
File No. DAZ 248/91.

461 - 14. Your Committee on Planning and Community Services has been advised that an application has been received from Hebert Design Services, 37 Edmonton Street, to amend By-law No. 1800 by rezoning the land at 5930 Roblin Boulevard from an "R1-20" Single-Family District to a "C2" General Commercial District, to allow for the expansion of an existing commercial building.

The land to the north of Roblin Boulevard is zoned "C2" General Commercial District upon which is located a Royal Canadian Legion, a multiple tenant commercial building and single family housing. Single-family dwellings to the east are zoned "R1-20" Single-Family District. The lands to the west of Municipal Road are zoned "C2" General Commercial District and "R1-5" Single-Family District and are developed with a multi-tenant commercial building and single-family dwellings. Single-family dwellings on land zoned "R1-20" and "R1-5.5" are located to the south.

The applicant proposes to construct a one-storey, 1,188 square foot addition to the east side of an existing 2,689 square foot Credit Union building.

The Planning Department is of the opinion that the requested rezoning to "C2" would be appropriate for the site as the zoning would then reflect the existing land use. It is recommended that the rezoning be subject to the execution of a Zoning Agreement restricting uses and controlling site development.

The Streets and Transportation Department and the Administrative Co-ordinating Group have recommended that approval be subject to the owners dedicating a 15-foot widening for the Roblin Boulevard right-of-way and a 5 metre by 5 metre corner cut at the south-east corner of Roblin Boulevard and Municipal Road by the registration of a plan of

subdivision.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

It was also recommended that the owners pay their share of the Charleswood Transportation Levy.

A Servicing Agreement is not required.

A Public Meeting was held before the Assiniboine Park-Fort Garry Community Committee on November 4th, 1991.

Charles Hebert, Hebert Design Services, 37 Edmonton Street, Winnipeg, R3C 1P8 appeared in support of the application. No one appeared in opposition thereto.

The Assiniboine Park-Fort Garry Community Committee recommended that the property owners pay their share of the Charleswood Transportation Levy. Council's adopted policy on the collection of this levy states "Where lands are approved for subdivision, the subdivision applicant shall be required by agreement to pay Charleswood Transportation Levy". In order to collect the levy on a rezoning it is necessary to consider each rezoning application on its own merits to determine if the proposed rezoning meets the same conditions that the subdivision's policy was developed on. The Assiniboine Park-Fort Garry Community Committee determined that the rezoning meets these conditions and therefore recommended that the applicant pay the levy.

The Assiniboine Park-Fort Garry Community Committee recommended that the proposed zoning change be approved subject to a number of conditions, all of which have been incorporated within the following recommendations except as noted below, for the following reasons:

1. The proposed zoning reflects the existing land use.

2. The proposal accommodates the required number of parking spaces, and will therefore not impact on adjacent streets in terms of parking requirements.

Your Committee on Planning and Community Services concurs in part with the recommendations of the Assiniboine Park-Fort Garry Community Committee for the following reasons:-

1. The Council Policy with regard to payment of the Charleswood Transportation Levy relates to the subdivision of land as hereinbefore stated.

2. The Committee agrees that the Community Committee has a right to assess or impose a levy in the case of a rezoning application, if such an application generates increased traffic such as a Multiple-Family or new Commercial Development.

3. In this instance, the rezoning of the land to "C2" is to facilitate the construction of a 1200 square foot (approximate) addition to an existing Credit Union Building and in the opinion of the Committee on Planning and Community Services will not create any measurable increase in traffic in the subject area.

4. Therefore, the Committee has amended the Community Committee recommendation to charge the levy based upon the size of the addition and <u>not</u> on the size of the entire site being rezoned.

It is therefore recommended:

I. That By-law No. 1800 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 248/91 attached hereto and dated December 19th, 1991, to a "C2" General Commercial District subject to the following:

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

      1. That the use of land be restricted to the following uses:

         a) Any use permitted in the "R1-20" Single-Family District;
         b) Financial Institutions;
         c) Business and professional office(s); and
         d) Accessory uses.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

2. That final plans indicating the design, including exterior elevations and location of proposed exterior alterations, additions or new buildings, accessory parking areas, fencing, landscaping and garbage enclosure shall be subject to the approval of the Assiniboine Park-Fort Garry Community Committee and the Commissioner of Planning and Community Services and thereafter identified by the Commissioner's signature under the designation Schedule "A" to Zoning Agreement DAZ 248/91 prior to the issuance of any building permit.

3. That no new building or additions exceed one (1) storey or 18 feet (5.5 metres) in height.

4. That no mobile advertising signs and/or mobile poster signs be permitted on the subject land.

5. That all signs on the subject site be subject to the approval of the Assiniboine Park-Fort Garry Community Committee and the Director of Planning of the City, and thereafter identified by his signature.

6. That payment of 10 percent cash dedication be made to the City in lieu of the requirement for land for open space, park and recreational use based on the increase in the market value of the land.

II. That the City Solicitor be requested to do all things necessary in order that the property owner dedicate pursuant to a plan of subdivision.

1. The most northerly 15 feet (4.57 metres) in width of the subject property for the widening of Roblin Boulevard; and

2. A 5 metre by 5 metre corner cut at the south-east corner of Roblin Boulevard and Municipal Road.

III. The lands for the proposed zoning change are within the area bounded by Wilkes Avenue, the West limit of the Assiniboine Forest and extension thereto, the Assiniboine River and the Perimeter Highway, and said proposed change will increase traffic within said area, therefore the applicant shall be required by agreement to pay to the City as a condition of the rezoning approval, $0.33 per square foot of the 1200 square foot addition to the existing building on the land, for phased construction of regional transportation facilities in the Charleswood area.

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

V. That the rezoning by-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land.

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

VII. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 18 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.

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

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

Your Executive Policy Committee does not concur in the recommendations of the Committee on Planning and Community Services as detailed in the above clause, and recommends that the clause be amended by deleting the Standing Committee recommendation in its entirety and by substituting therefor the following:-

After considering all aspects of this application, including the report of the Assiniboine Park-Fort Garry Community Committee, your Committee recommends that the recommendations of the Assiniboine Park-Fort Garry Community Committee as detailed below be adopted for the following reasons:-

1. The proposed zoning reflects the existing land use.
2. The proposal accommodates the required number of parking spaces, and will therefore not impact on adjacent streets in terms of parking requirements.

It is therefore recommended:-

I. That By-law No. 1800 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 248/91, attached hereto and dated December 19th, 1991, to a "C2" General Commercial District, subject to the applicant entering into a Zoning Agreement with the City to provide for the following:-

1. That the use of the land be restricted to the following uses:-

   a) Any use permitted in the "R1-20" Single-Family District;
   b) Financial Institutions;
   c) Business and professional office(s); and,
   d) Accessory uses.

2. That final plans indicating the design, including exterior elevations and location of proposed exterior alterations, additions or new buildings, accessory parking areas, fencing, landscaping and garbage enclosure shall be subject to the approval of the Assiniboine Park-Fort Garry Community Committee and the Commissioner of Planning prior to the issuance of any building permit.

3. That no new building or additions exceed one (1) storey or 18 feet (5.5 metres) in height.

4. That no mobile advertising signs and/or mobile poster signs be permitted on the subject land.

5. That all signs on the subject site be subject to the approval of the Assiniboine Park-Fort Garry Community Committee.
6. That a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land for open space, park and recreational use based on the increase in the market value of the land.

II. That the property owner dedicate the most northerly 15 feet (4.57 metres) in width of the subject property for the widening of Roblin Boulevard.

III. That the property owner dedicate a 5 metre by 5 metre corner cut at the south-east corner of Roblin Boulevard and Municipal Road by the registration of a plan of subdivision.

IV. That the property owners pay their share of the Charleswood Transportation Levy.

V. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings when the Zoning Agreement has been executed.

VI. That the rezoning by-law shall become effective when the Zoning Agreement has been registered as a first charge against the subject land at the Winnipeg Land Titles Office.

VII. That the Proper Offices of the City be authorized to execute said Zoning Agreement.

VIII. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within 18 months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

Moved by Councillor Douglas,
Adoption of the clause.

In amendment,

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

Carried.

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

(Note: See Minute No. 473 for attachment.)

REZONING - 990 Crescent Drive, south side of Crescent Drive at Pembina Highway, Assiniboine Park-Fort Garry Community.
File No. DAZ 249/91.

462 - 15. Your Committee on Planning and Community Services has been advised that an application has been received from the Royal Bank of Canada, 15th Floor - 220 Portage Avenue to amend By-law No. 1800 by rezoning the land at 990 Crescent Drive from an "R1-5" Single-Family District to a "C2" General Commercial District, to allow for the establishment of an accessory parking area.

The lot lies at the south-east corner of Crescent Drive and Pembina Highway, and contains an older dwelling. Land use in the area consists of commercial to the north, south and west on Pembina Highway, medium-density residential to the south on Pembina Highway, and low- density residential to the east fronting Crescent Drive and Riviera Avenue.

An Administrative rezoning under File No. DAZ 234/82 rezoned the subject site, and 7 other properties along the east side of Riviera Avenue, from "C2" and "RM-2" to the current zoning of "R1-5". This was done to reflect the existing, low-density residential use of the lands and to prevent the multi-family or commercial conversion of properties to the east of Riviera Avenue.

The current proposal by the applicant, the Royal Bank of Canada, would see the house demolished and the subject site combined with the vacant commercial property to the south, formerly occupied by the Country Kitchen Restaurant. The consolidated property provides an area of 2,950 square metres/31,755 square feet. Plans submitted show the restaurant removed and a new, 2 storey, 1,300 square metre/13,994 square foot bank constructed between two existing approaches off Pembina Highway. Parking would be provided for 56 vehicles, the minimum required under the by-law.

A related Conditional Use application (DCU 165/91) to permit the establishment of a "drive-thru" bank (banking machine) in conjunction with the new branch, was Granted by the Assiniboine Park-Fort Garry Community Committee.

The site has two existing bi-directional approaches off Pembina Highway, with vehicular movements restricted to right-in, right-out only (accommodating northbound Pembina Highway traffic). Customers wishing to travel southbound on Pembina Highway must exit the site via a proposed bi-directional approach off Riviera Avenue, which is provided with a median opening on Pembina Highway.

The Planning Department has concerns regarding the bi- directional approach off Riviera Avenue. Should heavy Pembina Highway traffic preclude use of the median opening for southbound movements (i.e. A.M. Peak Hour), bank customers may be inclined to use Riviera Avenue to access the traffic lights at the Pembina-Crescent/Chevrier intersection; adequate to handle the limited resident traffic it receives.

At the same time, it is acknowledged that the applicant could, by right, apply for and receive the bi-directional approach either directly from the Streets and Transportation Department or, under referral by them, from the Works and Operations Committee, without the present opportunity for public review and comment. Therefore, a compromise is recommended whereby the Riviera Avenue exit would be constructed with a median designed to create an angular exit directing traffic back to Pembina Highway. It is also recommended that a "no-left-turn" sign be posted at the exit. As

these matters fall outside the jurisdiction of the Community Committee, it is suggested that they be handled through the plan approval procedure rather than being made a condition of rezoning approval.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

With the neighbourhood protected from the unnecessary intrusion of commercial traffic, the Planning Department is in complete support of the proposed rezoning. The conversion of the subject residential property is a reasonable trade-off for upgrading the site and establishing a commercial use which is compatible with the neighbourhood.

A Public Meeting was held before the Assiniboine Park-Fort Garry Community Committee on November 4th, 1991.

The following persons appeared in support of the application:

R. D. Dripps, Royal Bank of Canada, P.O. Box 923, Winnipeg, R3C 2T5,
Stuart Blake, 17 - 360 Main Street, Winnipeg, R3C 3Z3,
John Prall, Pratt McGarry Inc., 202 - 140 Bannatyne Avenue, Winnipeg, R3B 3C5,
Brian Taillieu, 901 - 90 Garry Street, Winnipeg, R3C 4H1,
Robert Fabro, 990 Riviera Crescent, Winnipeg, R3T 2T3,
Martin Krawitz, 7A-220 Hugo Street North, Winnipeg, R3M 2N3,
Daniel Hamburg, 1616 Pembina Holdings Ltd., 75 Folkstone Boulevard, Winnipeg, R3P 0B4,
Bruce Wardrop, 1020 Riviera Crescent, Winnipeg, R3T 2J4,
Margit Vacola, 1030 Riviera Crescent, Winnipeg, R3T 2J4,
David and Rhoda Small, 974 Riviera Crescent, Winnipeg, R3T 2J3.

Grey MacKenzie, 978 Riviera Crescent, Winnipeg, R3T 2J3 appeared in opposition thereto.

The Assiniboine Park-Fort Garry Community Committee recommended that the proposed zoning change be approved subject to a number of conditions, all of which have been incorporated within the following recommendations for the following reasons:

1. This application provides an opportunity to upgrade this site on Pembina Highway.

2. A commercial use will be established which is compatible with the neighbourhood.

Your Committee on Planning and Community Services concurs in the recommendations of the Assiniboine Park-Fort Garry Community Committee and recommends:

I. That By-law No. 1800 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 249/91, attached hereto and dated December 18th, 1991, to a "C2" General Commercial District subject to the following:

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

1. That the use of the lands be restricted to the following: - financial institutions;

- professional and business offices;
- medical offices;
- accessory uses.

2. That no building or structure shall be erected or located on the land and no building permit issued for construction on the land unless and until plans, including the location and design of the proposed buildings and structures, access and approaches, accessory parking areas, storage areas, fencing and landscaping are submitted to and approved by the Assiniboine Park-Fort Garry Community Committee and the Director of Planning of the City and thereafter identified by his signature under the designation Schedule "A" to Zoning Agreement DAZ 249/91 and no buildings or structures shall be erected or located on the land except in accordance with that Schedule "A" to this agreement.

3. The landscaping referred to in item 2 above shall be installed in accordance with approved plans not later than 6 months after the date of issuance of an Occupancy Permit, unless an extension of that time is granted by the Assiniboine Park-Fort Garry Community Committee.

4. No free-standing signs shall be erected except in accordance with plans to be submitted to and approved by the Assiniboine Park-Fort Garry Community Committee and the Director of

Planning of the City and thereafter identified by his signature under the designation Schedule "B" to Zoning Agreement DAZ 249/91.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

5. That payment of 10 percent cash dedication be made to the City in lieu of land for open space, park and recreational use based on the increase in the market value of the land.

II. That the applicant be required to enter into a Servicing Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated October 29th, 1991 attached hereto as Schedule "B" for DAZ 249/91 and dated December 18th, 1991.

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 rezoning by-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at Winnipeg Land Titles Office.

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

VI. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 18 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 in accordance with the terms of The City of Winnipeg Act.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 474 for attachments.)

REZONING - 149 Helmsdale Avenue,
East Kildonan-Transcona Community.
File No. DAZ 251/91.

463 - 16. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. W. Bileski, 149 Helmsdale Avenue, to amend By-law No. 4440/86 by rezoning the land at 149 Helmsdale Avenue from an "R1-5.5" Single-Family District to an "R2" Two-Family District to permit the establishment of a second dwelling unit (Granny Flat) on an existing single-family lot.

The subject lot is 50 feet in width and 138 feet in depth and is served by a 16 foot in width public lane at the rear. The lot is presently developed with a one-family dwelling, and the surrounding land use consists of one-family dwellings, zoned "R1-5.5".

The applicant is presently constructing a detached 24 foot by 28 foot accessory building in the rear yard. The permit under which this structure was originally commenced was for the alteration of an existing detached garage. It appears however, that the previous garage has been demolished and a new building constructed. The subject accessory building has been constructed to exclude any vehicular access from the public lane.

Plans submitted with the concurrent Variance application (DAV 506/91) indicate that the accessory building has been designed for future use as a dwelling unit. The plans indicate therein separate kitchen, living and bedroom areas, together with a three piece bathroom. Plumbing has been installed within the building, but no permit for this has been approved, nor to allow it to be connected to the Municipal Sewer System.

A Garden Suite (granny flat), is generally defined as a temporary dwelling erected in the backyard of an existing single-family residence. The intended occupants are elderly relatives of the residents of the associated (host) house. When use of the temporary dwelling is no longer needed, the structure is removed from the site.

The City of Winnipeg does not presently have any land use (zoning) by-law which directly addressed the use and regulation of Garden Suites. Consequently, since a Garden Suite is a self-contained dwelling unit, the consideration of such applications can only be undertaken through a rezoning process to change the zoning on a site to one which permits an additional dwelling unit; in this case an "R2 Zoning".

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

In the Report of the Committee on Planning and Community Services dated May 13th, 1991, the following observations were provided with regard to Garden Suites.

> "In terms of control of occupancy, the City generally has the right to regulate land use and not land users. Any zoning regulations or approvals which would allow the establishment of a second dwelling unit on a site strictly on the basis of age and/or familial relationship of the occupant could be subject to challenge on the basis of discrimination.
>
> In addition, such things as change of ownership could frustrate normal administrative enforcement of any imposed occupancy restrictions.
>
> The greatest control over Garden Suites is provided by public ownership of the units. In Ontario, the Province entered into a licensing agreement with the owners of the host sites. The Province owned the units and agreed to install and maintain the units, to remove the units when required and to pay all necessary permits. The owners of the host sites paid all taxes and utilities, and a monthly rent for the unit. The license specified who the occupancy of the unit could be, established termination procedures in case of any defaults by the owners of the house sites, and prescribed all legal remedies. The license was terminated in three years.
>
> An appropriate mechanism to ensure municipal control over the Garden Suite units has not been developed where the suites are provided through a privately-sponsored program, are owned or leased by individuals, and are bought and sold on the private market.
>
> Construction and design considerations are also important factors. The units must be portable, easy to replace and remove, and the foundation systems should be designed not to damage the yard. The exterior appearance of the units should be attractive and unobtrusive so that they will blend with the surrounding landscape.
>
> Sewer, water and electrical utilities generally will be linked to the services of the existing residence. These services can be installed either below or above ground.
>
> Acceptability of Garden Suites as a legitimate form of elderly housing is enhanced significantly if public agencies have direct and positive control over who lives in the units and when they may be erected or removed. Control of the distribution, use, tenancy and type of construction has been achieved elsewhere (Australia and Ontario) by requiring that 16 units be rented exclusively by a public agency, which also was responsible for design and construction standards, erection, maintenance, and removal when the original tenant vacates the dwelling."

In considering the aforementioned report on May 29th, 1991, Council adopted as one of its policies, that applications for privately-owned garden suites in the form of second dwelling units as residential properties be discouraged.

The subject application is to enable the establishment of a Garden Suite in a privately owned and permanent building structure. The structure provides minimal side and rear yards compared to those required under the zoning by-law for single-family dwellings, and a concurrent variance application (DAV 506/91) is being made to vary these yards and to deal with substandard lot width. Consequently, none of the ownership, locational or site development criteria which are considered necessary to support such developments have been met by this application. In particular, the legal right of the City to control the occupancy of the subject Garden Suite on the basis of age and/or familial relationship is in doubt. Such control cannot appropriately be addressed by way of a zoning by-law. In addition, normal administrative procedures may not be able to provide adequate enforcement and it is the concern of the Planning Department that should the subject zoning be approved, the establishment of a second dwelling unit on this lot in perpetuity may be the result. It is considered, therefore, that approval of this application, in the circumstances, would establish an undesirable precedent at this time, and which could result in approval of similar future applications without the necessary controls being in place.

A Public Meeting was held before the East Kildonan-Transcona Community Committee on November 19th, 1991.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

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

Walter and Jamie Bileski, 149 Helmsdale Avenue, Winnipeg, R2K 0V8,
Anita Buller, 155 Helmsdale Avenue, Winnipeg, R2K 0V8,
Shawn Hughes, 143 Kimberly Avenue, Winnipeg, R2K 0X1,
Christian Cassidy, 371 Bonner Avenue, Winnipeg, R2G 1B4,
Christine Ranick, 11 Dunrobin Avenue, Winnipeg, R2K 0S9,
Mr. Garry Loewen, 93 Helmsdale Avenue, Winnipeg, R2K 0V8.

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

Monica Brechka, 147 Helmsdale Avenue, Winnipeg, R2K 0V8,
Douglas J. Petrick, 149 ½ Helmsdale Avenue, Winnipeg, R2K 0V8,
Hugh Gunn, 174 Roberta Avenue, Winnipeg, R2K 0J9,
Ken Hart-Swain, 103 Helmsdale Avenue, Winnipeg, R2K 0V8,
Kit Wilson, 83 Helmsdale Avenue, Winnipeg, R2K 0V8,
Paula Sinclair, 156 Helmsdale Avenue, Winnipeg, R2K 0V7,
Barbara Kowalski, 83 Helmsdale Avenue, Winnipeg, R2K 0V8,
Stuart S. Pateman, 180 Leighton Avenue, Winnipeg, R2K 0J2,
Carolyn Andrich, 721 Kildonan Drive, Winnipeg, R2K 2E6,
Kim Fedoryshyn, 153 Helmsdale Avenue, Winnipeg, R2K 0V8,
Lura M. McLuckie, 38 Greene Avenue, Winnipeg, R2K 0L3,
Mrs. Joan Birt, 140 Helmsdale Avenue, Winnipeg, R2K 0V7,
Ed Matthes, 165 Leighton Avenue, Winnipeg, R2H 0S3,
Harvey Szymanski, 139 Kimberly Avenue, Winnipeg, R2K 0X1,
Ron Sigurdson, 169 Greene Avenue, Winnipeg, R2K 0L5,
James A. Brechka, 147 Helmsdale Avenue, Winnipeg, R2K 0V8.

The following persons registered in opposition to the application but were not present at the time of consideration:

Peter Fedoryshyn, 153 Helmsdale Avenue, Winnipeg, R2K 0V8,
Gord Mikolayenko, 170 Greene Avenue, Winnipeg, R2K 0L4.

The following persons registered in opposition to the application by way of written communication:

Mr. & Mrs. C. Barker, 734 Kildonan Drive, Winnipeg, R2K 0H9,
Blair & Deborah MacAulay, 151 Helmsdale Avenue, Winnipeg, R2K 0V8,
Karen Hammerstrand, 149 ½ Helmsdale Avenue, Winnipeg, R2K 0V8,
Mr. & Mrs. E. Balodis, 141 Kimberly Avenue, Winnipeg, R2K 0X8,
Harry & Carol Lange, 68 Hazeldell Avenue, Winnipeg, R2K 0P4,
Mr. & Mrs. George Komadoski, 726 Kildonan Drive, Winnipeg, R2K 2E3,
Marvin & Mary Field, 143 Leighton Avenue, Winnipeg, R2K 0J3,
Mr. & Mrs. G. Hickey, 5 Hazeldell Avenue, Winnipeg, R2K 0P3,
Mr. & Mrs. T. M. Turnbull, 139 Helmsdale Avenue, Winnipeg, R2K 0V8,
Mr. Greg Kuzminski, 108 Leighton Avenue, Winnipeg, R2K 0J2,
Wilma Carlson, 113 Dunrobin Avenue, Winnipeg, R2K 0T3,
Connie Szymanski, 139 Kimberly Avenue, Winnipeg, R2K 0X1,
R. D. Howard, 719 Kildonan Drive, Winnipeg, R2K 2E6,
Mr. Charles Anning, 170 Roberta Avenue, Winnipeg, R2K 0J9,
George & Gert Pydee, 22 Oakview Avenue, Winnipeg, R2K 0R7,
Mr. &. Mrs. K. Litkowich, 160 Oakview Avenue, Winnipeg, R2K 0R8,
Mr. & Mrs. J. Jantz, 37 Hazel Dell Avenue, Winnipeg, R2K 0P3,
Sheila deJong, 833 Kildonan Drive, Winnipeg, R2K 2G2,
Mr. & Mrs. Driver, 64 Greene Avenue, Winnipeg, R2K 0L3,
O. Hlynka, 121 Oakview Avenue, Winnipeg, R2K 0R9,
Peter & Terrilynn Goertz, 152 Helmsdale Avenue, Winnipeg, R2K 0V7,
Esther & Reynold Redekopp, 111 Oakview Avenue, Winnipeg, R2K 0R9,
Lynda Hay, 42 Linden Avenue, Winnipeg, R2K 0M8,
K. H. Philipp, 869 Kildonan Drive, Winnipeg, R2K 2G5,
Pam Sigurdson, 169 Greene Avenue, Winnipeg, R2K 0L5,
Mrs. Stefania Timm, 15 Oakview Avenue, Winnipeg, R2K 0R6,
R. S. & Therese Ball, 728 Kildonan Drive, Winnipeg, R2K 2E3,

Mr. & Mrs. J. A. Bradford, 129 Helmsdale Avenue, Winnipeg, R2K 0V7,

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

Phil & Sue Loewen, 168 Leighton Avenue, Winnipeg, R2K 0J2,
D. & L. French, 845 Kildonan Drive, Winnipeg, R2K 2G2,
Albert Ott, 86 Leighton Avenue, Winnipeg, R2K 0H9,
Florence, J. & Alstair Lorimer, 830 Kildonan Drive, Winnipeg, R2K 2E9,
Grant & Debra Gregory, 33 Pleasant Bay, Winnipeg, R2K 0E2,
Mary Diduck, 136 Helmsdale Avenue, Winnipeg, R2K 0V7.

The East Kildonan-Transcona Community Committee recommended that the proposed zoning change by not proceeded with, for the following reasons:

1. The application in part is for the maintenance of a second principal building on a site which does not conform to the existing zoning by-law, and because of the overwhelming residents who appeared in opposition Community Committee is concerned.

2. By rezoning from an "R1" to an "R2" category, this would overdevelop a small lot.

3. The proposed structure is a permanent structure and cannot be moved.

4. The application, if approved, would create long term problems by converting this to a secondary building on site.

5. The neighbourhood is willing to work with the applicant in solving his problem.

6. None of the ownership, locational or site development criteria which are considered necessary to support such developments have been met by this application.

7. Normal administrative procedures may not be able to provide adequate enforcement and should the subject zoning be approved, the establishment of a second dwelling unit of this lot in perpetuity may be the result.

8. The approval of this application would establish an undesirable precedent at this time, and which could result in approval of similar future applications without the necessary controls being in place.

Your Committee on Planning and Community Services concurs in the recommendation of the East Kildonan-Transcona Community Committee that the proposed zoning change to amend Zoning By-law No. 4440/86 by rezoning land under File No. DAZ 251/91 from an "R1-5.5" Single-Family District to an "R2" Two-Family District be not proceeded with.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

REZONING - Area bounded by William and Notre Dame Avenues, Isabel and Dagmar Streets, City Centre-Fort Rouge Community.

File No. DAZ 252/91.

464 - 17. Your Committee on Planning and Community Services has been advised that an application has been received from the Commissioner of Planning and Community Services to amend By-law No. 16502 by rezoning the land in the area bounded by William and Notre Dame Avenues; Isabel and Dagmar Streets from a "C3" Commercial District, an "M1" Light Industrial and a "C2" Commercial District to either an "R2-T" Two-Family Transitional District, a "C1" Limited Commercial District or a "C2" Commercial District, to protect the existing housing stock in the area and yet encourage the continued viability of this area as a mixed use area.

With the exception of the Isabel Street frontage which is zoned "C2" and "C3" Commercial Districts, the entire area in question is zoned "M1" Limited Industrial District.

Existing development consists of a mix of housing, commercial and industrial land uses.

Residents in this area have formed an association (The McDermot-Sherbrook Residents Association) to work towards preserving the residential component of the area. Because the present zoning will allow for demolition or conversion of existing dwellings to establish permitted industrial, commercial or multiple-family uses, residential occupants have a sense of uncertainty regarding the potential future use of their neighbouring lands.

There are also a number of commercial and industrial land uses in the area that have established legally under the present zoning. These include Canadian Tire, Versatech Industries, All Canadian Emblem, Contempra Signs, Winnipeg Building & Decorating, Printex, Bulman Bros. and numerous other smaller industrial and commercial establishments. The importance of these uses as employment generators on the periphery of the downtown and the benefits of maintaining this area as an area of mixed uses, is recognized.

However, there is at present a certain amount of conflict between the residential and commercial/industrial uses which threatens the long term viability of both components. The aim of this process is to provide a degree of protection for each of these neighbourhood components and set a direction for future development so as to minimize potential land use conflicts.

The Planning Department considers it appropriate to rezone the residential components to an "R2-T" Two-Family Transitional District zoning. The "R2-T" District zoning permits single-family and two-family dwellings and allows for multiple-family dwellings, subject to Conditional Use approval. All existing multiple-family dwellings would be deemed to conform. Rooming houses are not listed as permitted. Consequently, any existing rooming house would be considered as non-conforming. This would not jeopardize the continued rights for an existing rooming house but would not permit expansion of existing rooming houses or the establishment of new rooming houses.

The most difficult decision with respect to this application relate to the existing industrial and commercial uses.

In the event that lands developed with industrial or commercial uses are zoned "R2-T", the existing uses would be deemed non-conforming. The existing non-conforming use would have rights to continue in perpetuity, however, any new use to be established may be of a more restricted classification (ie. a "C2" use can be replaced by a "C1" use) or must conform to the "R2-T" District regulations. Consideration should be given to an "R2-T" District category for those commercial and industrial sites which would be desirable and feasible for future conversion to residential use.

For those lands in this area on which residential redevelopment is not desirable or feasible, retention of the present "M1" Industrial District zoning or rezoning to a "C1" Commercial District is feasible. Several sites in this area are developed with uses which are categorized as "C1" or "C2" District uses. However, if a site developed with a permitted "M1" District use, is rezoned to a "C1" or "C2" District use, the "M1" use will establish non-conforming rights. The non- conforming use provisions are somewhat different from a non-conforming use in a residential district. In this case, any non-conforming "M1" use in a Commercial District could be converted to any other permitted "M1" use, however, expansion to building (ie. an intensification of the "M1" use) would not be permitted.

In general terms, the Planning Department recommended to the Community Committee that consideration be given to the following zoning changes:

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

1. That all clusters of existing housing be zoned to an "R2-T" Two-Family Transitional District.

   There is some concern that retention of the houses fronting Isabel Street north of Bannatyne Avenue is not feasible and it is recommended that these should remain "C2" Commercial District, or be zoned "C1" Limited Commercial District.

2. That the industrial lands (commonly known as Bulman Bros.) and the one remaining residential lot in the block south of McDermot Avenue between Gertie and Francis Streets be rezoned from an "M1" District to an "R2-T" Two-Family Transitional District. Much of this site is presently vacant and redevelopment for multiple-family housing purposes is feasible and seems like the most probable use.

3. That the blocks south of McDermot Avenue between Dagmar and Ellen Streets and Ellen and Frances Streets be deleted from this application and remain in an "M1" District zoning.

4. That the Notre Dame Avenue frontage between Frances, Gertie and Harriet Streets be rezoned from an "M1" District to a "C2" District to more accurately reflect existing land use.

5. That the zoning on the lands located east and west of Gertie Street north of Bannatyne Avenue, which currently accommodate Versatech Industries and All Canadian Emblem, not be changed and remain "M1" District.

6. That the William Avenue frontage on the east and west sides of Harriet Street be rezoned from "M1" to "C1" Limited Commercial District.

7. That the industrial and commercial lands north of McDermot Avenue between Ellen and Frances Streets remain as "M1" Industrial District.

8. That the isolated commercial uses in predominately residential blocks be rezoned to a "R2-T" Two-Family Transitional District. This is considered desirable to ensure that these sites are not changed to uses which are more intense than the present uses, and indicate a desire in the long term to re-establish these blocks as residential. For commercial buildings situated on corner sites in these blocks a "C1" Limited Commercial District is considered appropriate.

9. That the existing Canadian Tire building site north of Notre Dame Avenue between Isabel and Harriet Streets be rezoned from "M1", "C3" and "C2" to a "C2" Commercial District.

10. That the Canadian Tire parking lot on Harriet Street be rezoned to an "R2-T" Two-Family District. The Planning Department has suggested to Canadian Tire that consideration be given to the closure of Harriet Street north of Notre Dame Avenue to facilitate consolidation of the parking lot lands with the building site to the east. This consolidated site is considered an appropriate "C2" District site and a future rezoning of the Harriet Street parking lot to a "C2" District would be supported in conjunction with the Harriet Street closure.

    However, in the event that this street closure is not pursued, redevelopment of the land east of Harriet Street for commercial purposes is not considered desirable. It is on this basis that the "R2-T" zoning is recommended.

11. There was also some discussion about zoning the 3 residential properties at the south-east corner of McDermot Avenue and Isabel Street to a "C1" Limited Commercial District.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

A Public Meeting was held before the City Centre-Fort Rouge Community Committee on November 26th, 1991.

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

Mrs. C. Knoll, District Planner, Planning Department, 395 Main Street,
Catherine Collins, McDermot-Sherbrook Resident's Association, 460 McDermot Avenue, Winnipeg, R3A 0B4,
Joan and Ferdy Everton, 457 McDermot Avenue, Winnipeg, R3A 0B5,
Darren Walter Lazubski, Redboine-Ellice Community Council, 384 Langside Street, Winnipeg, R3B 2T4,
Pamela Delisle, 438 Bannatyne Avenue, Winnipeg, R3A 0E7,
Lori Smith, 294 Ellen Street, Winnipeg, R3A 1A9,
Fred Curry, 997 Dorchester Avenue, Winnipeg, R3M 0P9,
Leonor Medina, 105 - 442 William Avenue, Winnipeg, R3A 0J6,
Rosa Padua, 302 - 442 William Avenue, Winnipeg, R3A 0J6,
Caroline Ackerman, 438 Bannatyne Avenue, Winnipeg, R3A 0E7,
Cuong Chau, 598 William Avenue, Winnipeg, R3A 0K2,
Pedro Chagas, 505 - 270 Roslyn Road, Winnipeg, R3L 0H3,
Ana and Casimiro Marques, 597 Young Street, Winnipeg, R3B 2S8,
Maria Cenedese, 119 Harriet Street, Winnipeg, R3A 1E2,
Fel S. Rodriguez, 442 William Avenue, Winnipeg, R3A 0J6,
John Cardosa, 121 Kate Street, Winnipeg, R3A 1K1,
Leoradio and Loreto Dizon, 108 - 442 William Avenue, Winnipeg, R3A 0J6,
Antonio Portillo, 95 Ellen Street, Winnipeg, R3A 0M5,
Claudio N. and Grescenira Golinor Jr., 302 - 442 William Avenue, Winnipeg, R3A 0J6,
Leonor DeGuzman, 201 - 442 William Avenue, Winnipeg, R3A 0J6,
Enrique and Catalina Lazatin, 101 - 442 William Avenue, Winnipeg, R3A 0J6,
Dolores P. Bojl, 442 William Avenue, Winnipeg, R3A 0J6,
Eugenia Gardriola, 442 William Avenue, Winnipeg, R3A 0J6,
Gertrude L. Marte, 209 - 442 William Avenue, Winnipeg, R3A 0J6,
Comtancia Atienza, 202 - 442 William Avenue, Winnipeg, R3A 0J6,
Antonio and Maria Gomes, 456 McDermot Avenue, Winnipeg, R3A 0B4,
Ilda Goncalves, 450 McDermot Avenue, Winnipeg, R3A 0B4,
Lucy Chagas, 505 - 270 Roslyn Road, Winnipeg, R3L 0H3,
Tony Braga, 479 McDermot Avenue, Winnipeg, R3A 0B6,
Florentino Natnat, 442 William Avenue, Winnipeg, R3A 0J6,
Fel and Fely Cadiz, 203 - 442 William Avenue, Winnipeg, R3A 0J6,
Franz Klappstein, 470 McDermot Avenue, Winnipeg, R3A 0B7,
Federico Gardiola, 103 - 442 William Avenue, Winnipeg, R3A 0J6,
Jose V. Leyda, 110 - 442 William Avenue, Winnipeg, R3A 0J6,
Marcelo Pagtalunan, 107 - 442 William Avenue, Winnipeg, R3A 0J6,
Arlene Mallett, Lord Selkirk Tenants Association, 23 - 79 Charles Walk, Winnipeg, R2W 4A2,
Tom Campbell, 270 Flora Avenue, Winnipeg, R2W 2P9,
Jeff Murdock and Mavis Dixon, 19 - 28 Woodrow Place, Winnipeg, R3G 1J3,
Teenie Rudachek, 366 Spence Street, Winnipeg, R3B 2R6.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

A letter in support of the application was received from Singh Nguyen, Executive Director, Immigrant and Refugee Community Organization of Manitoba, 95 Ellen Street, Winnipeg, R3A 1S8.

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

Ian Cranna, Canadian Tire Corporation, 2180 Yonge Street, Toronto, Ontario, M4P 2V8,
Jim Moore, Versatech Industries, 436 William Avenue, Winnipeg, R3A 0J4,
Graeme T. Rowswell, 1107 - 220 Portage Avenue, Winnipeg, R3C 0A5,
Sandy G. Shindleman, Shindico Inc., 100 - One Evergreen Place, Winnipeg, R3L 0E9,
Rick Frechette, Roscoe Printers, 95 Gertie Street, Winnipeg, R3A 1B7,
Harold Baumer, Contempra Signs, 407 McDermot Avenue, R3A 0A8,
Louella Kohlmeier, Louberta Investments, A4 - 1692 Dublin Avenue, Winnipeg, R3H 1A3,
Robert Bulman, The Bulman Group, 61 Gertie Street, Winnipeg, R3A 1B5,
David MacAngus, Winnipeg Building and Decorating, 56 Ellen Street, Winnipeg, R3A 0E7,
Glenn Large, GEC Plessey Telecommunications, 419 Notre Dame Avenue, Winnipeg, R3B 1R3,
Stephen Cohlmeyer, Cohlmeyer Hanson, 62 Ellen Street, Winnipeg, R3A 0E7,
John H. Epp, 37 Glastonbury Boulevard, Winnipeg, R3P 0B5,
John Ferencz, All Canadian Emblem, 447 Bannatyne Avenue, Winnipeg, R3A 0E9,
Roger Hansell, 30 - 360 Main Street, Winnipeg, R3C 4G1,
Amelia Garcia, 44 Ellen Street, Winnipeg, R3A 0Z7,
Flor P. Garcia, 1103 - 411 Cumberland Avenue, Winnipeg, R3B 1T7.

The City Centre-Fort Rouge Community Committee recommended a proposed zoning change for the area as shown on Schedule "B" attached to their report for the following reasons:

1. The area has needed some rationale for long term zoning for a considerable period of time.

2. The proposed zoning changes will reflect existing land uses while not taking anything away from the existing "M1" uses.

3. A large block of "M1" property will remain to reflect existing uses.

4. The basic concept for the rezoning is to preserve the existing residential and business sections of the community.

5. The proposed zoning changes will alleviate the sense of uncertainty residential occupants have regarding the potential future use of their neighbouring lands.

6. The commercial and industrial land uses in the area that have established legally under the present zoning are important as employment generators on the periphery of the downtown and the benefits of maintaining this area as a mixed uses area is recognized.

7. There is at present a certain amount of conflict between the residential and commercial/industrial uses which threatens the long term viability of both components and the aim of the present process is to provide a degree of protection for each of these neighbourhood components and set a direction for future development so as to minimize potential land use conflicts.

8. The Planning Department considers it appropriate to rezone the residential components to an "R2-T" Two-Family Transitional District zoning which permits single-family and two-family dwellings and allows for multiple-family dwellings subject to conditional use approval, with all existing multiple-family dwellings, including rooming houses which are not listed as being permitted, being considered non-conforming.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

Your Committee on Planning and Community Services concurs in part with the recommendations of the City Centre-Fort Rouge Community Committee for the following reasons:

(1) When the Committee on Planning and Community Services authorized the imposition of a 60 day permit freeze on the Canadian Tire Corporation's properties on McDermot Avenue and recommended to Council that a 90 day permit freeze be also imposed on the said Company's property, it did so on the basis that in their view the Community Committee would arrive at a solution and do the right thing to protect the neighbourhood and also allow for a controlled and orderly development expansion of the existing Canadian Tire Store lands.

(2) It is the opinion of the Committee on Planning and Community Services that the Community Committee had the opportunity to recommend the down zoning of some of the "M1" lands to a Commercial Designation to allow uses that may be deemed compatible with "R2T" developments and to place restrictions on uses that would be permitted on the subject lands.

(3) It is also the opinion of the Committee that existing property owners had a right to request and to receive consideration to having their properties deleted from the proposed down zoning because of its negative impact on their current and future development rights.

(4) It is the understanding of your Committee that certain property owners asked to have their properties excluded from the "R2T" Designation and left as presently zoned or in the case of "M1" zoned lands, to have them designated as "C2" to facilitate the future commercial use of their lands, but these requests were denied.

(5) It is also the understanding of your Committee that the Community Committee granted the request of certain other property owners to have their property deleted from the down zoning and in one instance zoned to a "C2" Commercial Designation from a previous Residential Designation, and have not provided an explanation for these decisions being acceptable versus the other requests which they denied.

It is therefore recommended:-

I. That the following properties retain their existing zoning:-

(a) Roscoe Printers property located at 95 Gertie Street

(b) All Canadian Emblem Corporation properties located at 444 & 448 Bannatyne Avenue including property under option to purchase located at 455 Bannatyne Avenue.

II. That the recommendation of the City Centre-Fort Rouge Community to amend Zoning By-law No. 16502 to zone the lands as shown on Schedule "A" attached hereto and dated December 12th, 1991, be not concurred in.

III. That By-law No. 16502 be amended by rezoning the subject lands as shown on Schedule "B" for File No. DAZ 252/91, attached hereto and dated January 6th, 1992, to a "C2" Commercial District, a "C1" Limited Commercial District, and an "R2-T" Two-Family Transitional District.

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

V. That the City Solicitor be requested to take whatever steps are necessary to have the 90-day permit freeze which expires on March 9th, 1992, withdrawn when the by-law is passed.

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.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

Your Executive Policy Committee does not concur in the recommendations of the Committee on Planning and Community Services as detailed in the above clause, and recommends that the clause be amended by deleting the Standing Committee recommendation in its entirety and by substituting therefor the following:-

After considering all aspects of this application, including the report of the City Centre-Fort Rouge Community Committee, your Committee recommends that the recommendations of the City Centre-Fort Rouge Community Committee as detailed below be adopted for the following reasons:-

1. The area has needed some rationale for long term zoning for a considerable period of time.

2. The proposed zoning changes will reflect existing land uses while not taking anything away from the existing "M1" uses.

3. A large block of "M1" property will remain to reflect existing uses.

4. The basic concept for the rezoning is to preserve the existing residential and business sections of the community.

5. The proposed zoning changes will alleviate the sense of uncertainty residential occupants have regarding the potential future use of their neighbouring lands.

6. The commercial and industrial land uses in the area that have established legally under the present zoning are important as employment generators on the periphery of the downtown and the benefits of maintaining this area as a mixed uses area is recognized.

7. There is at present a certain amount of conflict between the residential and commercial/industrial uses which threatens the long term viability of both components and the aim of the present process is to provide a degree of protection for each of these neighbourhood components and set a direction for future development so as to minimize potential land use conflicts.

8. The Planning Department considers it appropriate to rezone the residential components to an "R2-T" Two-Family Transitional District zoning which permits single-family and two-family dwellings and allows for multiple-family dwellings subject to conditional use approval, with all existing multiple-family dwellings, including rooming houses which are not listed as being permitted, being considered non-conforming.

It is therefore recommended:-

I. That Zoning By-law No. 16502 be amended by rezoning the subject property as shown on Schedule "A" for File DAZ 252/91 dated December 12th, 1991, to a "C2" Commercial District, a "C1" Limited Commercial District and an "R2-T" Two-Family Transitional District as indicated.

II. That the City Solicitor be requested to prepare the necessary rezoning 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.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

Moved by Councillor Douglas,
Adoption of the clause.

In amendment,

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

In amendment to the amendment,

Moved by Councillor Eadie,
Seconded by Councillor Fraser,

WHEREAS under File DAZ 252/91, the City proposes to rezone certain lands in the City Centre-Fort Rouge Community from a "C3" Commercial District, an "M1" Light Industrial and a "C2" Commercial District to either an "R2-T" Two-Family Transitional District, a "C1" Limited Commercial District, or a "C2" Commercial District:

AND WHEREAS this proposed rezoning will have the effect of downzoning certain lands in the subject area, over the registered objections of the owners of the said lands;

AND WHEREAS the downzoning of certain lands in the subject area, over the registered objections of their owners, may have the effect of reducing their property values;

THEREFORE BE IT RESOLVED that the Executive Policy Committee amendment to Clause 17 of the Report of the Committee on Planning and Community Services be amended by inserting a new Recommendation II as follows:-

"II. That the Proper Officers of the City be instructed to negotiate a mutually agreeable compensation settlement with the owners of certain lands in the subject area who were registered in opposition to the proposed rezoning of their lands."

BE IT FURTHER RESOLVED that the original Recommendations II and III be renumbered III and IV accordingly. The Speaker called the Deputy Speaker, Councillor Wade, to the Chair in order to participate in the debate, and after speaking, resumed the Chair.

Moved by Councillor Lazarenko,
That the question be now put.

Carried.

The hour of midnight having arrived, Council continued in session.

Thursday, January 23rd, 1992.

The amendment to the amendment was put.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

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

Yea: Councillors Demare, Fraser, Golden, Kaufmann and Eadie. 5

Nay: Councillors Wade, Boychuk, Brown, Clement, Diamant, Douglas, Duguid, Fleisher, Gilroy, Hyman, Lazarenko, Lorenc, Mendelson, Mitchelson, Murray, O'Shaughnessy, Prystanski, Reese, Selinger, Thomas, Timmers, Young, Yuen and Mayor Norrie. 24

and the amendment to the amendment was declared lost.

The amendment proposed by the Executive Policy Committee was put.

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

Yea: Councillors Wade, Boychuk, Diamant, Duguid, Gilroy, Hyman, Lazarenko, Mendelson, Murray, Prystanski, Reese, Selinger, Thomas, Timmers, Young, Yuen and Mayor Norrie. 17

Nay: Councillors Brown, Clement, Demare, Douglas, Fleisher, Fraser, Golden, Kaufmann, Lorenc, Mitchelson, O'Shaughnessy and Eadie. 12

and the amendment was declared carried.

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

(Note: See Minute No. 475 for attachments.)

Amendment to Development Agreement AG 26/81 Theodor Kostynyk - St. Boniface-St. Vital Community.
File DASZ 26/81.

465 - 18. Your Committee on Planning and Community Services has been advised that a request has been received from Lombard North Group that payment of cash-in-lieu of dedication pursuant to Development Agreement AG 26/81 between the City and Theodor Kostynyk be phased.

On July 25th, 1991, the City executed Development Agreement AG 26/81, Finance Department No. 8483 with Theodor and Anne Kostynyk which Agreement deals with the development of 33 2-acre lots. Clause 1.a) in Section II of Schedule "C" of the subject Agreement reads as follows:

"1. Public Open Space

a) The Developer shall pay to the City in cash, prior to the release of the approved subdivision mylars for registration in the Winnipeg Land Titles Office, the sum of $67,130.00 in lieu of open space dedication, which amount is 10% of the appraised value of the land contained within the Planned Area."

The Developer's representative discussed the matter of paying the cash-in-lieu of dedication on a staged basis with the administration and was advised that this could not be done without an amendment to the Development Agreement. The Administration considers the Developer's request as reasonable and that procedures are available to ensure that the City's interest will be protected. The Land Development Department however would support a maximum of 6 transactions to minimize the paperwork as shown on the attached sketch.

On November 12th, 1991, the St. Boniface-St. Vital Community Committee concurred in the recommendations outlined in the report dated November 4th, 1991, from the Development Agreement Officer.

Your Committee on Planning and Community Services concurs in the recommendations of the St. Boniface-St. Vital Community Committee and recommends:-

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

I. That Clause 1.a) in Section II of Development Agreement AG 26/81, Finance Department No. 8483, be deleted in its entirety and replaced with the following new Clause 1.a):

"The Developer shall, prior to the issuance of a Building Permit for any lot within each block within the Planned Area, pay to the City 10 percent of the appraised value of the land contained within that block in lieu of dedicating land for public open space.

For the purposes of this Clause the term block shall apply to the lots legally described as follows:

1. Lots 1, 2 and 3, in Block 1, and Lots 1, 2 and 3, in Block 4;
2. Lots 1 to 5, both inclusive, in Block 2;
3. Lots 1 to 5, both inclusive, in Block 3;
4. Lots 4, 5 and 6, in Block 4, and Lots 1, 2 and 3, in Block 5;
5. Lots 6 to 10, both inclusive, in Block 3;
6. Lots 1 to 6, both inclusive, in Block 6.

as above Lots and Blocks are shown on Schedule "F" of this Agreement.

The Developer agrees that the City may file the appropriate caveat(s) in the Land Titles Office to record the Developer's covenant to make the above described payments."

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

III. 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.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 476 for attachment.)

SUBDIVISION AND REZONING - North side Beecher Avenue between Parr and Ferrier Streets, Lord Selkirk-West Kildonan Community.
File No. DASZ 6/91.

466 - 19. Your Committee on Planning and Community Services has been advised that an application has been received from Dawson A. Christie, 629 Beecher Avenue, Winnipeg, for approval of a plan of subdivision and related zoning change to the Zoning By-law No. 4450/86 by rezoning lands within the proposed plan on the north side of Beecher Avenue between Parr and Ferrier Streets, from an "R1" Single-Family District and an "M1" Industrial District to an "R1-5.5" Single-Family District for the purpose of establishing 18 single-family sites and 1 residual lot.

The proposed rezoning and subdivision was circulated to all the various Departments and external agencies usually contacted and all have advised that they have no objections to the proposal provided all the conditions which have been embodied within the Development Agreement are met.

Up until very recently the lands in question, while in part zoned residential, were designated for future Industrial Development under the City's overall Development Plan. However, in the fall of 1990, the Development Plan was successfully amended, redesignating the area south of Swailes Avenue and west of Ferrier Street to a residential category. Simultaneously the City has re-aligned the proposed McGregor Extension Right-of-Way to a location closer to Ferrier Street. The resulting changes allow for subdivision applications like the subject application to proceed to hearing provided that they fit within an overall development scheme. The applicants proposal does in fact fit in with preliminary development plans for the surrounding area which have been submitted to and endorsed by the Administrative Co-ordinating Group. The proposal also calls for the phased closing of a portion of Swailes Avenue under File DAC 9/91. The rationale for closing a portion of Swailes Avenue is to eliminate the possibility of industrial traffic accessing the remaining industrial lands north of Swailes Avenue via Swailes Avenue. Access to and from those lands will in the future be directed north and east to either the Bergen Cut-off or Ferrier Street.

Report of the Committee on Planning and Community Services, dated January 6th, 1992.

The closing of Swailes Avenue proposed under File No. DAC 9/91 was circularized to various utilities and City Department's and no objections were received. The applicants specific proposal involves the creation of 19 lots, all but one of which will front onto either the proposed cul-de-sac or Beecher Avenue. Proposed Lot 19 is to form part of an adjacent subdivision, similar in design, which is also currently being processed. The applicant has satisfied all of the development criteria generally required by the Administration's Subdivision Review Committee. The Planning Department is of the opinion that the proposal is consistent with development in the area and in keeping with the objectives of the Greater Winnipeg Development Plan.

A Public Meeting was held before the Lord Selkirk-West Kildonan Community Committee on December 10th, 1991.

Mr. Dawson A. Christie, 629 Beecher Avenue, Winnipeg, R2P 0G5 appeared in support of the application.

No one appeared in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed subdivision, rezoning and street closing be approved subject to a number of conditions.

Your Committee on Planning and Community Services approved as to planning details the street closing proposed under File No. DAC 9/91, shown shaded on the attached Schedule "B" dated December 23rd, 1991.

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

I. That the plan of subdivision proposed under File No. DASZ 6/91 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 6/91 attached hereto and dated December 23rd, 1991 for registration in the Winnipeg Land Titles Office subject to:

   A. The applicant entering into a Development Agreement with the City containing therein all the conditions outlined in the reports of the Administrative Co-ordinating Group dated November 26th and December 10th, 1991 attached hereto 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 Subdivision By-law upon submission by the applicant of a sworn Plan of Subdivision in accordance with Recommendation I. above.

IV. That By-law No. 4450 be amended by rezoning the subject land as shown on said Schedule "A" to an "R1-5.5" Single-Family District.

V. That the City Solicitor be requested to prepare the necessary Subdivision/Rezoning By-law in accordance with the above.

VI. That the "R1-5.5" Single-Family District zoning shall become effective 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 the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

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.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 477 for attachments.)

467 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

468 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

469 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

470 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

471 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

472 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

473 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

474 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

475 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

476 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

477 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

478 - On motion of Councillor Douglas, By-law No. 5828/92, a By-law of the City of Winnipeg to amend By-law No. 965/78, a By-law establishing a Secondary Plan for North St. Boniface, being a statement of the City's policies and proposals for the development of the North St. Boniface Area, was read a first time. File No. EP-1.2 (AAP 36/91).

Councillor Douglas moved that this constitute the first reading of By-law No. 5828/92, which motion was carried.

On motion of Councillor Douglas, 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. 5829/92, a By-law of the City of Winnipeg to amend Zoning By-law No. 1800 for the enactment of a zoning change in the Assiniboine Park-Fort Garry Community. File No. DAZ 239/91.

By-law No. 5830/92, a By-law of the City of Winnipeg to amend Zoning By-law No. 4450/86 for the enactment of a zoning change in the Lord Selkirk-West Kildonan Community to rezone lands on the south side of Aberdeen Avenue, east of Main Street from an "R2" Two-Family District to a "C1" Local Commercial District. File No. DAZ 245/91.

On motion of Councillor Douglas, the rule was suspended and 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. 5840/92, a By-law of the City of Winnipeg to amend Zoning By-law No. 16502 for the enactment of a temporary zoning change in the City Centre-Fort Rouge Community by rezoning lands at 521, 523 and 525 Doreen Street from an "R2" Two-Family District to a "C1" Limited Commercial District. File No. DAZ 238/91.

By-law No. 5841/92, a By-law of the City of Winnipeg to amend The St. Boniface Town Planning Scheme 1957 for the enactment of a temporary zoning change in the St. Boniface-St. Vital Community by rezoning the lands at 868 John Bruce Road from an "RA" Suburban District to an "M2" Light Industrial District. File No. DAZ 242/91.

By-law No. 5847/92, a By-law of the City of Winnipeg to amend By-law No. 4334/86 being a by-law in respect to the Winnipeg Public Library Board and Library Advisory Committees. File Nos. L-11 and L-12.

By-law No. 5848/92, a By-law of the City of Winnipeg for the enactment of zoning text changes to Zoning By-law No. 1558. File Nos. DAZ 234/90, DAZ 216/91, DAZ 217/91 and DAZ 224/91.