CONSIDERATION OF REPORT OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

The following clause contained in the Report of the Committee on Planning and Community Services, dated June 1st, 1992, was laid over by the Executive Policy Committee on June 10th, 1992. The Executive Policy Committee has further considered this clause and now submits it to Council for approval and adoption.

On motion of Councillor Douglas, Clause 3 of the Report of the Committee on Planning and Community Services, dated June 1st, 1992, was considered.

Proposed Policy - Granny Flats in One Family "R1" and "R2" Zoning Districts.
File EZ DAZ(Gen.).

1204 3. Council on May 6th, 1992, referred back Clause 4 of the Report of the Committee on Planning and Community Services dated April 16th, 992, with respect to the proposed policy Granny Flats in One Family "R1" and "R2" Zoning Districts as outlined below:

"4. Council on November 27th, 1991, referred the following motion to your Committee, namely:

WHEREAS the City of Winnipeg does not have, at present, a clear and comprehensive policy on zoning referring to 'Granny Flats';

AND WHEREAS other countries do encourage of such uses, such as Australia;
AND WHEREAS such a zoning would be for family Granny Flats Only;

THEREFORE BE IT RESOLVED that Council instruct the Administration through the Committee on Planning and Community Services to report back to Council within 60 days concerning putting into place a clear and comprehensive policy on zoning referring to Granny Flats, in a one family 'R1' or 'R2' zoning.

Your Committee on Planning and Community Services on January 6th, 1992, authorized the Chairman to raise the subject again through the Official Delegation to determine the Provincial Government's position on Granny Flats and the provision of government owned and regulated garden suites for elderly persons housing, by virtue of the fact that no response had been received concerning the previous request of the Committee on Planning and Community Services in this regard, as adopted by Council on May 29th, 1991.

Your Committee on Planning and Community Services, on April 16th, 1992, was advised that the Minister of Housing for the Province of Manitoba has indicated that the Province is always supportive of expanded housing options being made available to seniors, particularly those which would enable them to enjoy the benefits of close proximity to their families, and, should the City choose to permit this type of unit is prepared to offer assistance under their programming to enhance affordability for low income seniors meeting program eligibility criteria.
However, the Province has also advised that they see no reason to become involved in the regulations for facilitating provision of the units. It is their view that this initiative can be accommodated through the mechanisms available to the City of Winnipeg and Provincial involvement would simply result in an undue degree of bureaucratic complexity.

Your Committee on Planning and Community Services is of the opinion that privately owned garden suites in the form of second dwelling units on residential properties poses a number of serious concerns, including control of the occupancy of such units on the basis of age and familial relationships as well as adequate enforcement procedures.

After reviewing all aspects of the matter, your Committee on Planning and Community Services is not prepared to recommend putting into place a clear and comprehensive policy on zoning referring to Granny Flats, in a one family 'R1' or 'R2' zoning. However, if a specific proposal for 'Granny Flats' is received by the City, your Committee is of the view that it should be referred to your Committee for review."

Your Committee on Planning and Community Services recommends, therefore, that the motion referred to it by Council in this regard be filed.

Your Committee on June 1st, 1992, again reviewed the proposed policy relative to Granny Flats in One Family "R1" and "R2" Zoning Districts.

Your Committee reaffirmed its previous recommendation that the motion referred to it by Council in this regard be filed for the reasons outlined in said Clause 4 of the Committee's Report dated April 16th, 1992, as well as those contained in Clause 3 of Committee's Report dated May 13th, 1991 which was adopted by Council on May 29th, 1991.

A copy of said Clause 3 of Committee's Report dated May 13th, 1991 and adopted by Council on May 29th, 1991 is attached hereto.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 1205 for attachment.)

1205 Attachment referred to in Clause 3 of the Report of the Committee on Planning and Community Services, dated June 1st, 1992.

SEE PAGES 1770 – 1772 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT.

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 June 22nd, 1992, has concurred in the recommendations contained therein 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 June 22nd, 1992, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg, June 22nd, 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 - St. Boniface-St. Vital
Community. File EP-1.2 (AAP 37/92).

1206 - 1. Your Committee on Planning and Community Services has been advised that an appeal has been received from La Caisse Populaire, 185 boulevard Provencher to amend the North St. Boniface Secondary Plan in respect of a one-family dwelling located at 190 rue Dumoulin. The site is currently designated "Residential" under the Plan, and is zoned "R1" One-Family District under The St. Boniface Town Planning Scheme 1957.

It is proposed that the site be designated "Future Residential" in order to accommodate an application for a zoning change to the "C1" Limited Commercial District, to allow a parking area.

A parking area exists abutting the site, which use was approved and established prior to the adoption of the Plan. The site is opposite a former brewery, which remains in commercial and industrial use.

The applicant has discussed the proposal with the Old St. Boniface Residents' Association, which considers the proposal not to be a precedent for commercial expansion into the neighbourhood, because the site abuts parking and is opposite non-residential development. If the site is redesignated, it may temporarily be re-zoned for a parking area without defeating the intent and purpose of the 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 190 rue Dumoulin from a "Residential" to a "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.

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 190 rue Dumoulin as a "Future Residential" Designation under The North St. Boniface Secondary Plan By-law No. 967/75, as shown on the attached Schedule "A" dated May 22nd, 1992.

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.

Report of the Committee on Planning and Community Services dated June 22nd,1992.

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.

(Note: See Minute No. 1218 for attachments.)

Proposed delisting of the Ryan Block, 104 King Street, from the Buildings Conservation List under By-law No. 1474/77. File G-3.1.1.

1207 - 2. Your Committee on Planning and Community Services has received a request from Bedford Investments, the owner of Ryan Block located at 104 King Street, to remove the said building from the Buildings Conservation List.

Pursuant to the provisions of By-law No. 1474/77 and amendments thereto, your Committee on Planning and Community Services heard the appeal on June 22nd, 1992.

Mr. H. Reiss & Mr. K. Reiss, Bedford Investments, 275 McDermot Avenue, accompanied by Mr. D. Stephen, representing The Old Spaghetti Factory, appeared in support of removing the Ryan Block located at 104 King Street from the Buildings Conservation List as the building cannot be made economically viable for leasing purposes. Mr. H. Reiss submitted copy of his presentation dated June 22nd, 1992, (Appendix 1), together with a petition purporting to contain 42 signatures from merchants, tenants and property owners who make up the Exchange District in support of the delisting and ultimate demolition of the Ryan Block.

Mr. George Siamandas, Special Projects Director, Heritage Winnipeg, 131 Albert Street, who submitted historical information (Appendix 2), Mr. Herman Holla, Friends of Winnipeg Heritage, 485 Walker Avenue and Rosemary Malamer, representing The Manitoba Historical Society, 470 - 167 Lombard Avenue, who submitted her brief (Appendix 3), appeared in opposition to the delisting of the Ryan Block. The Historical Buildings Committee evaluated the building as a Grade II structure on August 30th, 1990 based on an interest by the owner, Mr. Harry Reiss, to develop the site into a parkade.

On June 11th, 1992, the Historical Buildings Committee recommended that the former Ryan Block continue to be listed for the following reasons:

1. Located at the corner of King and Bannatyne Streets, the Ryan Block is very important in establishing the unique character of the Exchange District (Winnipeg's only historic district). Situated facing Old Market Square this building is very significant in establishing the dominant visual character of the area and contributes greatly to the historical continuity of the streetscape.

2. While this building is modest in its exterior ornamentation, construction method, and design, the Ryan Block is a typical warehouse structure built in 1895, of which only a few survive. The building still retains most of its original materials and design features. Designed by British architect Hugh S. Griffith, this warehouse is a rare example of his work in Manitoba.

Report of the Committee on Planning and Community Services dated June 22nd, 1992.

3. The Ryan Block is associated with Thomas Ryan, a significant Winnipeg businessman, City Councillor and Mayor.

During his term as Mayor the "Ryan Sunday By-laws" were passed which limited Sunday shopping. The by-laws were seen as his major accomplishment as the result of his religious beliefs.

Your Committee on Planning and Community Services considered the entire matter and a motion was introduced to recommend to Council that the Ryan Block located at 104 King Street remain as a Grade II Building on the Buildings Conservation List. However, the motion was declared lost by virtue of a tie vote having occurred, pursuant to Section 58 of Procedure By-law 5400/90, therefore, the subject is referred to Council without recommendation.

For your information, copy of the petition is on file in the office of the City Clerk.

Moved by Councillor Douglas,
That the clause be laid over to the meeting of Council to be held on October 14th, 1992.

Carried.

REZONING - 434 St. Anne's Road, west side of St. Anne's Road between Sadler and Oustic Avenues, St. Boniface- St. Vital Community. File No. DAZ 211/92.

1208 - 3. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. Ed Nakamura, 37 Hull Avenue to amend The St. Vital Town Planning Scheme 1951 by rezoning the land at 434 St. Anne's Road, west side of St. Anne's Road between Sadler and Oustic Avenues, from a "C1" Limited Commercial District to a "C2" Commercial District to allow for the establishment of a public garage subject to Conditional Use approval.

A video rental store is situated on lands to the north, and a convenience store on lands to the south; both are zoned "C1". Land to the east is also zoned "C1". Low density housing, zoned "R1(d)", is on lands to the west of the subject site.

Limited to a building of less than 1800 square feet, with a work area of 1150 square feet, the proposed public garage would operate at an intensity compatible with existing commercial development on the street, and would represent a local service (rather than a regional use) at that scale. The public garage must be expected to generate less traffic than the convenience store to the south or video-rental store to the north.

Orientation of the use to St. Anne's Road is essential to direct any traffic and noise generated by the use to non-residential streets, and away from housing on the west. Traffic generated by commercial uses, including ancillary traffic such as parts delivery or garbage pick-up, is not acceptable on residential streets or lanes. The building and landscaped rear yard would buffer housing from such effects, if no openings are permitted in the west wall of the building, and no vehicular access is permitted to the public lane.

Because of resident opposition to rezoning on the opposite side of St. Anne's Road in this block, it is considered that uses on the land should be restricted.

A Public Hearing was held before the St. Boniface-St. Vital Community Committee on April 14th, 1992.

Mr. Ed Nakamura, 37 Hull Avenue, Winnipeg, R2M 0Z1 appeared in support of the application.

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

Report of the Committee on Planning and Community Services dated June 22nd,1992.

Mrs. Eleanor Smith, 426 St. Anne's Road, Winnipeg, R2M 3C2,
Mrs. Joy Janssen, 223 Worthington Avenue, Winnipeg, R2M 1S1,
Mr. Glen Hewitt, Chairperson, St. Boniface-St. Vital Residents' Advisory Group, c/o 604 St. Mary's Road, Winnipeg, R2M 3L5,
Mrs. Dawn Ostapyk, 83 Bright Oaks Bay, Winnipeg, R2M 2C9,
Mrs. Darlene Gibson, 31 - 515 Meadowood Drive, Winnipeg, R2M 5C1,
Mrs. Cathy Mondor, 160 Avalon Road, Winnipeg, R2L 2L6.

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 for the following reasons:

1. Approval of this application will not have a negative impact on the surrounding area.

2. Restricting the use of the land to a public garage will be a less intense use of the land than other commercial uses located nearby, and will not be a noxious use to the neighbourhood.

3. The public garage is expected to generate less traffic than the convenience store to the south or the video-rental store to the north.

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 211/92, attached hereto and dated May 14th, 1992, 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. Public garage, subject to conditional use approval;
         b. Any use permitted in the "C1" Limited Commercial District; and
         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;

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

      4. that a front yard not less than 4 feet in depth be provided to any parking area, excepting approved private approaches;

      5. that any building on the land provide no south side yard and provide a north side yard not less than 8 feet in depth;

      6. that no openings be permitted in the west wall of any building on the land, no vehicular ingress or egress be permitted to or from the public lane abutting the west limit of the land, and an opaque wood fence, not less than 2.5 feet in height, be established and maintained on the west limit of the site;

      7. that a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

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

Report of the Committee on Planning and Community Services dated June 22nd, 1992.

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

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

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

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 1219 for attachment.)

REZONING - 275 Almey Avenue, East
Kildonan-Transcona Community.
File No. DAZ 214/92.

1209 - 4. Your Committee on Planning and Community Services has been advised that an application has been received from The Regional Group, 600 - 338 Broadway to amend By-law No. 4440/86 by rezoning the land at 275 Almey Avenue from an "R1-5.5" Single-Family District and an "AR-5" Agricultural-Residential District to a "C3-1" Highway Commercial District to allow for the establishment of a sporting goods store including the retail sale of recreational machines including boats, outboard motors and power toboggans.

The subject site is approximately 0.993 hectares (2.45 acres) in area and has 155.68 metres (510.77 feet) frontage on Ravelston Avenue West, and 67.29 metres (220.77 feet) frontage on Almey Avenue. The site abuts Lagimodiere Boulevard on the west. The site is presently vacant and is zoned "R1-5.5" Single-Family District (southerly 110.0 feet in depth) and "AR-5" Agricultural-Residential District under By-law 4440/86.

The proposed "C3-1" Highway Commercial District would permit a range of Institutional, Manufacturing, recreation/Entertainment, Retail, Services and Wholesale uses as set out in By-law 4440/86. The applicants have indicated that it is intended to establish a retail and service business for recreational machines (boats and motors, motorcycles, snowmobiles, etc.) and sporting goods on the site. A 12,000 square foot one-storey building is proposed, with parking for approximately 59 vehicles. Vehicular access is shown from Ravelston Avenue West and from Almey Avenue. The Developer proposes using private water, waste water and land drainage services. The site plan submitted by the applicant does not indicate what uses or development (if any) is proposed for the most northerly 200.0 feet of the site and which area comprises approximately 0.87 acres (approximately 35 per cent of the total subject land holding).

The Planning Department does not support the subject application for the following reasons:

I. The application is premature:

- The site is a small part of the lands included within the larger area concept plans for development east of Lagimodiere Boulevard. Actual zoning should be determined in conjunction with simultaneous applications for subdivision and rezoning of lands at a neighbourhood scale.

Report of the Committee on Planning and Community Services dated June 22nd, 1992.

- Points for vehicular access to the site are uncertain since the Streets and Transportation Department presently intend to recommend future closure of Almey Avenue. Almey Avenue, consequently, would no longer connect to Lagimodiere Boulevard. Not only would this preclude private approaches on the south side of the subject property from Almey Avenue, but it could result in future commercial traffic to the site being channelled from Lagimodiere Boulevard through future new residential streets and areas east of the site.

- The site is adjacent to vacant lands (to the north) in the ownership of the City of Winnipeg and which should be rezoned in a manner consistent and compatible with the subject lands. This includes resolving the issues of street patterns and future vehicular access to those lands and the subject site.

II. Approval of the application would be contrary to Plan Winnipeg.

Plan Winnipeg Policy 12(1)(2) states:

SECTION: SUBURBAN RESIDENTIAL NEIGHBOURHOODS

SUBJECT: MUNICIPAL SERVICE LEVELS

12(1) POLICY

Within Suburban Residential Neighbourhoods the City shall require a full range of municipal services and infrastructure in proposed development. Specifications and costs shall be as provided in Development Agreements, guidelines for which will be maintained in the City's Development Agreement Parameters, as amended from time to time.

12(2) OBJECTIVE

To maintain the City's standards of services and quality of environment in newly developing areas. The subject lands do not have access to any piped Municipal Services. The provision of Municipal piped water supply, land drainage works and sanitary sewer will be planned and constructed in the future in conjunction with the development of new residential subdivisions, east of Lagimodiere Boulevard having regard to existing concept plans for future development. The timing of installation of services will depend upon the decisions of land owners and developers in the area, responding to demand for serviced lots and sites and consistent with policies 11(1) and 11(2) of Plan Winnipeg:

SECTION: SUBURBAN RESIDENTIAL NEIGHBOURHOODS
SUBJECT: CRITERIA FOR APPROVAL OF DEVELOPMENT

11(1) POLICY

(a) The City shall only approve new residential development which, in the opinion of Council, can be economically serviced;

(b) The City shall ensure, as determined by Council, that optimum use is made of existing public investment in the approval of residential development;

(c) As determined by Council, within Suburban Residential Neighbourhoods, the City shall stage approval of development so as to facilitate the economic and timely provision of a full range of new municipal and educational services.

11(2) OBJECTIVE

(a) To minimize the operation costs and difficulties of extending municipal and educational facilities to future residents;

Report of the Committee on Planning and Community Services dated June 22nd, 1992.

(b) To maximize use of the City's investment in infrastructure and services;

(c) To minimize the development of small or isolated suburban residential neighbourhoods which are difficult and uneconomic to provide with a full range of municipal and educational services.

The subject application was reviewed by the Administrative Co-ordinating Group at the meeting held on March 18th, 1992. The minutes of the meeting contain the following recommendation with regard to the subject application:

"It is recommended that this application be denied as there are no underground services to serve the proposed development. It is the Group's opinion that to recommend approval of this application with private water and sewage disposal system and open ditch drainage would set a precedent for similar parcels along Lagimodiere Boulevard."

A Public Hearing was held before the East Kildonan-Transcona Community Committee on May 19th, 1992.

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

Bernie Wolfe, 1050 Plessis Road, Winnipeg, R2C 3C2,
Murray Bonk, The Regional Group, 600 - 338 Broadway, Winnipeg, R3C 0T3,
Warren Mills, 140 East Gate, Winnipeg, R3C 2C3,
Ted Lange, Winnipeg Yamaha, 1500 Regent Avenue West, Winnipeg, R2C 3A8,
Alvin Knopp, Winnipeg Yamaha, 1500 Regent Avenue West, Winnipeg, R2C 3A8.

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

Doug Henne, Doug Henne Planning Services, 917 Simpson Avenue, Winnipeg, R2K 1S5,
Fred and Christine Kaita, 284 Almey Avenue, Winnipeg, R2C 2Z2,
Donna, Reg and Russ Wyatt, 283 Almey Avenue, Winnipeg, R2C 2Z2,
Maureen Christenson, 329 Almey Avenue, Winnipeg, R2C 2Z2,
Walter B. Feys, 444 Almey Avenue, Winnipeg, R2C 2Z2,
Elliott Hunter, 412 Almey Avenue, Winnipeg, R2C 2Z2,
Nora Johnston, 1650 Ravelston Avenue West, Winnipeg, R2C 2Z2,
Estelle Lamoureux, 412 Almey Avenue, Winnipeg, R2C 2Z2,
James and Lucille Semenchuk, 454 Almey Avenue, Winnipeg, R2C 2Z2.

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

1. The residents in the surrounding area appeared in opposition to the application.

2. A petition in opposition to the application signed by 43 of 50 homes on Almey Avenue and Ravelston Avenue representing almost 100% of the residents.

3. The report of the District Planner recommends that the application not be proceeded with.

4. The Administrative Co-ordinating Group recommends that the application be denied as there are no underground services to serve the proposed development. It is the Group's opinion that to recommend approval of this application with private water and sewage disposal system and open ditch drainage would set a precedent for similar parcels along Lagimodiere Boulevard.

5. The application is premature and may set a precedent in the general area.

Report of the Committee on Planning and Community Services dated June 22nd, 1992.

6. Approval of this application may have future implications on the future closing of Almey Avenue at Lagimodiere Boulevard.

7. Streets and Transportation Department intend to recommend future closure of Almey Avenue and consequently, it would no longer connect to Lagimodiere Boulevard. Not only would this preclude private approaches on the south side of the subject property from Almey Avenue, it could result in future commercial traffic to the site being channelled from Lagimodiere Boulevard through future new residential streets and areas east of the site which would be undesirable.

8. Approval of the application would be contrary to the new Plan Winnipeg document which has yet to be approved by Council.

9. The proposed use for this site is not compatible with the surrounding area.

10. In this recessionary period, new development should be in serviced vacant buildings.

11. To preserve the existing neighbourhood.

12. Property owners have a right to protect their investments.

Your Committee on Planning and Community Services concurs in the recommendation of the East Kildonan-Transcona Community Committee and recommends that the proposed zoning change to amend Zoning By-law No. 4440/86 by rezoning land under File No. DAZ 214/92 from an "AR-5" Agricultural-Residential District and an "R1-5.5" Single-Family District to a "C3-1" Highway Commercial District be not proceeded with.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

REZONING - Browton Place, north of
Barlow Crescent, west of Ashworth Street,
St. Boniface-St. Vital Community.
File No. DAZ 216/92.

1210 - 5. Your Committee on Planning and Community Services has been advised that an application has been received from Qualico Developments (Winnipeg) Ltd., 30 Speers Road to amend The St. Vital Town Planning Scheme 1951 by rezoning the land fronting Browton Place north of Barlow Crescent, west of Ashworth Street from an "R1-5" One-Family District to an "R1-4" One-Family District to allow for additional one-family lots.

The isolated "R1-5" zoning on this cul-de-sac is inconsistent with the "R1-4" zoning which surrounds it, and the "R1-4" blocks are already subdivided. The proposed change will ensure a character compatible with the neighbourhood, and one-family lots consistent with existing housing in the area. Although Alderbrook Road is not yet improved, dwellings are constructed on "R1-4" lots on Barlow Crescent.

A Public Hearing was held before the St. Boniface-St. Vital Community Committee on May 19th, 1992.

Mr. Eric Vogan, 30 Speers Road, Winnipeg, R2J 1L9, appeared in support of the application.

No one appeared in opposition thereto.

The St. Boniface-St. Vital Community Committee recommended that the proposed zoning change be approved for the following reason:

1. The proposed change will ensure a character compatible with the neighbourhood, and one-family lots consistent with existing housing in the area.

Report of the Committee on Planning and Community Services dated June 22nd,1992.

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 216/92, attached hereto and dated June 9th, 1992, to an "R1-4", One-Family District.

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

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

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 1220 for attachment.)

REZONING - north side of Grant Avenue,
between Laxdal and Elmhurst Roads,
Assiniboine Park-Fort Garry Community.
File No. DAZ 217/92.

1211 - 6. Your Committee on Planning and Community Services has been advised that an application has been received from Henry Schmidt, 115 Robindale Road to amend By-law No. 1800 by rezoning the land on the north side of Grant Avenue between Laxdale and Elmhurst Roads, from an "R1-6" Single-Family District to an "R2" Two-Family District to allow for the construction of a two-family dwelling.

The subject site is an irregular lot 15.24 metres/50 feet in width and 35.84 metres/117.6 feet in depth. To the north is vacant land zoned "R1-20" Single-Family District, to the east is housing zoned "R2" Two-Family District. A hydro substation zoned "R1-6" Single-Family District, lies on the lands to the west. A seniors' complex, zoned "RM-3" Multiple-Family District, is proposed for lands on the south side of Grant Avenue. The zoning applied for on the subject site is consistent with the current residential development of the northside grant frontage between Laxdal and Elmhurst Roads.

A Public Hearing was held before the Assiniboine Park-Fort Garry Community Committee on May 4th, 1992.

Mr. Henry Schmidt, 115 Robindale Road, Winnipeg, R3R 1C8, appeared in support of the application.

No one appeared in opposition thereto.

The Assiniboine Park-Fort Garry Community Committee recommended that the proposed zoning change be approved subject to conditions which are incorporated in the following recommendations, for the following reasons:

1. The proposed "R2" zoning is consistent with the surrounding residential area.

2. The subject property is adjacent to a Hydro substation on the west and to the north, at the rear of the property, is vacant undeveloped land.

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

Report of the Committee on Planning and Community Services dated June 22nd, 1992.

I. That By-law No. 1800 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 217/92, attached hereto and dated May 29th, 1992, to an "R2" Two-Family District subject to the applicant entering into a Zoning Agreement with the City pursuant to subsection 591(1) of The City of Winnipeg Act to provide for the following:

A. that a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

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

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

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

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 1221 for attachment.)

REZONING - 941 Sherbrook Street and 645 Pacific Avenue, City Centre-Fort Rouge Community. File No. DAZ 218/92.

1212 - 7. Your Committee on Planning and Community Services has been advised that an application has been received from Independent Fish Co. Ltd., 941 Sherbrook Street to amend By-law No. 16502 by rezoning the land at 941 Sherbrook Street and 645 Pacific Avenue from an "R3" Multiple-Family District and a "C2" Commercial District to an "M1" Light Industrial District to allow for future expansion of an existing use.

The subject site is 78.4 feet by 166.5 feet providing a total site area of 13,053.6 square feet; 0.3 acres. Lot 37 is occupied by a vacant single-family dwelling zoned "R3". Lot 38 is vacant land zoned "R3" and lots 39 to 41 are developed with a non-conforming industrial use on land zoned "C2". Low density residential development to the north are zoned "C2" and "R3" (2 lots to the north of the subject site are vacant and owned by the City); and low density residential uses, zoned "R3" to the east. To the west across Sherbrook Street, the land consists of commercial development zoned "C2" and across Pacific Avenue to the south is a City-owned park, zoned "M2".

Of the 5 lots involved in this application, Independent Fish Co. Ltd. operates a dry goods and frozen goods products facility on the most westerly three lots. They have applied to purchase the most easterly two lots from the City to facilitate expansion of their storage facilities and the establishment of more suitable loading facilities. Detailed plans of the proposed expansion have not yet been provided.

In general, the Planning Department has not supported the removal of housing stock to facilitate commercial or industrial expansion; however, at the same time, efforts are being made to retain the employment based in the inner-city. Often, in order to keep a business viable, some opportunity for expansion or modernization has to be available.

Report of the Committee on Planning and Community Services dated June 22nd, 1992.

In this particular instance, it is considered that expansion of this use to the adjacent vacant property would not result in any adverse impact to the adjoining residential area. The suitability of expansion onto the most easterly lot is somewhat questionable and is difficult to access in the absence of specific plans. The compatibility of development on this land depends largely on the physical form of the expansion and would be acceptable only if appropriate front, side and rear yard setbacks are provided. The Planning Department recommends that the applicant enter into a Zoning Agreement to ensure an appropriate site development.

A Public Hearing was held before the City Centre-Fort Rouge Community Committee on May 5th, 1992.

Mr. John Linklater, 941 Sherbrook Street, Winnipeg, R3A 1N3, appeared in support of the application.

The following persons appeared in opposition thereto:

Mr. W. C. Eisler, 640 Alexander Avenue, Winnipeg, R3A 0N8,
Michael Ahmad, 641 Pacific Avenue, Winnipeg, R3A 0M6.

The City Centre-Fort Rouge 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. While the Planning Department has not generally supported the removal of housing stock to facilitate commercial or industrial expansion, efforts are being made to retain the employment base in the inner city, and as it is crucial that the business remains viable, some opportunity for expansion or modernization has to be made available.

2. Expansion of the use to the adjacent vacant property will not result in any adverse impact to the adjoining residential area.

3. As the compatibility of development on the land depends largely on the physical form of the expansion, the Zoning Agreement will provide for appropriate front, side and rear yard setbacks as well as restricting the maximum height to 25 feet for any new building or structure and ensuring no building or structure is erected on Lot 37.

4. The 25 foot rear yard requirements will protect the residents on Alexander Avenue and represents a compromise which will ensure that over-development does not occur.

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

I. That By-law No. 16502 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 218/92, attached hereto and dated May 28th, 1992, to an "M1", Light Industrial District subject to the following:

A. (1) That in the event that Lot 37 Plan 3655 is not held in the same title as Lots 38 to 41 Plan 3655, the zoning on Lot 37 Plan 3655 shall revert to an "R3" Multiple-Family District.

(2) That in the event that Lot 38 Plan 3655 is not held in the same title as Lots 39 to 41 Plan 3655, the zoning on Lot 38 Plan 3655 shall revert to an "R3" Multiple-Family District.

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

(1) That the use of the land be restricted to:

i) any use permitted in the "C2" Commercial District including multiple-family housing as allowed in the "R3" Multiple-Family District; and

Report of the Committee on Planning and Community Services dated June 22nd,1992.

ii) the following "M1" District uses:

- Frozen food lockers;
- Distribution plants, parcel delivery, ice and cold storage plant, bottling plant and food commissary or catering establishments.
- Wholesale business, storage buildings, and warehouses.
- Fresh fish filleting, freezing, dressing and smoking provided the processing and waste disposal procedures are so arranged as to cause no odour nuisance.

(2) That the final construction plans indicating any additions or exterior modifications to the existing building or new structure including elevations and details of exterior finishing materials, accessory parking and loading areas, fencing, landscaping and garbage enclosures be subject to the approval of the City Centre-Fort Rouge Community Committee and the Commissioner of Planning and Community Services.

(3) That no new building or structure exceed 25 feet in height.

(4) That all signs be subject to the approval of the Commissioner of Planning and Community Services.

(5) That a 10 percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

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

III. That the City Solicitor be 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 provided that the said effective date occurs within 12 months from the date that the said Rezoning By-law is adopted by Council. V. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 1222 for attachment.)

REZONING - 870 Regent Avenue West,
East Kildonan-Transcona Community.
File No. DAZ 220/92.

1213 - 8. Your Committee on Planning and Community Services has been advised that an application has been received from Esso Petroleum Canada, 300 - 1661 Portage Avenue, to amend By-law No. 4440/86 by rezoning the land at 870 Regent Avenue West from a "C3-1" Highway Commercial District to a "C2" General Commercial District to allow for the establishment of a carwash, gas kiosk and a convenience store subject to Conditional Use approval.

Report of the Committee on Planning and Community Services dated June 22nd, 1992.

The subject site is 76.2 metres (250 feet) in width and approximately 72.0 metres (236 feet) in depth. The area of the site is approximately 5486.4 square metres (1.35 acres). The site is vacant except for the remains of a previous service station canopy.

The applicant is intending to redevelop the site with a gas kiosk, carwash, and convenience store. The gas kiosk and carwash are permitted uses within the existing "C3-1" zoning. The rezoning to "C2" is intended to permit the establishment of a convenience store on the lands, which use is a Conditional Use under the proposed "C2" zoning, and is not permitted under the "C3-1" zoning district regulations.

The Planning Department considers that the subject application to facilitate a convenience store would be compatible with existing development along Regent Avenue. However, this Department has some concern for the precedent that the subject application might be seen to establish for other lands along Regent Avenue. At the present time, the north side of Regent Avenue between Owen Street and Plessis Road is zoned "M1" Industrial. On the south side of Regent Avenue between Pandora Avenue and Plessis Road, lands are zoned "C3-1" Highway Commercial District. The Planning Department does not consider the subject application to be precedent setting for further "C2" zoning along Regent Avenue since it is intended to facilitate construction of a convenience store only. All future applications for "C2" Zonings to permit "C2" uses and buildings at heights and densities greater than the existing "C3-1" Zonings should, in the opinion of the Planning Department, be reviewed within the context of a set of development guidelines which the East Kildonan-Transcona Community Committee may wish to adopt, and establish within the context of a small area plan for Regent Avenue.

In order that development under the proposed "C2" zoning for the subject site, (and also for any further "C2" rezoning on other sites) be consistent with established development under the "C3-1" zoning, it is proposed that a minimum front yard of 7.5 metres (25.0 feet) be required as a condition of approval. The proposed front yard requirement would be established within the "special yard" section of By-law No. 4440/86, Appendix B.

Additionally, it is also recommended that the applicant enter into a Zoning Agreement with the City to restrict development height and density to that of the "C3-1" Zoning District.

Because the proposed rezoning from "C3-1" to "C2" in conjunction with a Zoning Agreement restricting the density will not substantially change the development potential of the lands, it is recommended that cash dedication in lieu of lands for open space, park and recreation purposes not be required in this instance.

The Land Development Department recommends that the applicant enter into a Servicing Agreement with the City as a cor

A Public Hearing was held before the East Kildonan-Transcona Community Committee on May 19th, 1992.

Mr. M. C. Maclean, 300 - 1661 Portage Avenue, Winnipeg, R3J 3T7 appeared in support of the application.

No one appeared in opposition thereto.

The East Kildonan-Transcona Community Committee recommended that the proposed zoning change be approved subject to conditions which are incorporated in the following recommendation, for the following reasons:

1. The subject application to facilitate a convenience store is compatible with existing development along Regent Avenue.

2. This application is not considered to be precedent-setting for further "C2" zoning along Regent Avenue since it is intended to facilitate construction of a convenience store only.

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

Report of the Committee on Planning and Community Services dated June 22nd, 1992.

I. That By-Law No. 4440/86 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 220/92, attached hereto and dated June 8th, 1992, 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 maximum height of buildings permitted on the lands shall not exceed 9 metres (30.0 feet).

(2) That the maximum floor area ratio applicable to the site shall be 0.50.

II. That the Special Yard Requirements Section (Appendix B) of By-law No. 4440/86 be amended by requiring a minimum front yard for the subject site of 7.5 metres (25.0 feet).

III. That the applicant enter into a Servicing Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group attached hereto as Schedule "B" for File No. DAZ 220/92 and dated June 8th, 1992.

IV. 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.

V. That the City Solicitor be requested to prepare the necessary Rezoning and Text Amendment By-law and forward same to Council for all three readings.

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

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

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 1223 for attachments.)

REZONING - 866 Corydon Avenue, City Centre-Fort Rouge Community.
File No. DAZ 223/92.

1214 - 9. Your Committee on Planning and Community Services has been advised that an application has been received from Aurlie Young, 3433 Vialoux Drive to amend By-law No. 16502 by rezoning the land at 866 Corydon Avenue from an "R3" Multiple-Family District to a "C1" Limited Commercial District to permit the establishment of a commercial use (clothing store) on the main floor of a residential dwelling.

The site is presently developed with a two-family dwelling and is zoned "R3" Multiple-Family District. The north and south sides of Corydon Avenue in this block are developed with a mix of multiple-family housing and commercial uses on lands zoned "R3" Multiple-Family District and "C1" and "C2" Commercial Districts. To the south of the subject site is a 20 foot wide public lane and low density residential development zoned "R2".

Report of the Committee on Planning and Community Services dated June 22nd,1992.

The applicant is proposing to renovate the existing duplex structure and to establish a clothing store on the main floor and retain the residential dwelling on the second floor.

There is an existing two car garage at the rear of the site and sufficient space to provide a complying loading space and an additional parking space. In a commercial district all parking and loading areas are required to be surfaced with asphalt or concrete. The proposed mixed residential/commercial use is considered appropriate for the subject site. The use is consistent with established land uses in the vicinity and the scale of development is compatible with adjacent buildings.

It is recommended that a Zoning Agreement be required as a condition of approval of this application. The recommended Zoning Agreement contains conditions restricting the permitted uses and requiring approval of building plans and signs to ensure that this development remains compatible with the surrounding area.

The application has been reviewed by the Administrative Co-ordinating Group. District Operations has advised that the Applicant will be required to disconnect the existing 3/4-inch residential water service and install a new 1-inch service in accordance with the Waterworks By-law. The Streets and Transportation Department advised that the City has rights to a 7 foot widening to Corydon Avenue in the future and that structures will not be permitted within the caveated area.

A Public Hearing was held before the City Centre-Fort Rouge Community Committee on May 26th, 1992.

Aurlie Young, 3433 Vialoux Drive, Winnipeg, R3R 0E5, appeared in support of the application.

No one appeared in opposition thereto.

The City Centre-Fort Rouge Community Committee recommended that the proposed zoning change be approved subject to conditions, all of which have been incorporated within the following recommendations for the following reasons:

1. There is an existing two car garage at the rear of the site and sufficient space to provide a complying loading space and an additional parking space.

2. The north and south sides of Corydon Avenue in this block are developed with a mix of multiple-family housing and commercial uses on lands zoned "R3" Multiple-Family District and "C1" and "C2" Commercial Districts.

3. The proposed mixed residential/commercial use is considered appropriate for the subject site as it is consistent with established land uses in the vicinity and the scale of development is compatible with adjacent buildings.

4. To ensure that the development remains compatible with the surrounding area, the proposed zoning agreement contains conditions restricting the permitted uses and requiring approval of building plans and signs.

5. There was no opposition from the Community.

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

I. That By-law No. 16502 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 223/92 attached hereto and dated June 9th, 1992 to a "C1" Limited Commercial District subject to the following:

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

Report of the Committee on Planning and Community Services dated June 22nd, 1992.

(1) That the use of the land be restricted to:

I) any permitted "C1" Limited Commercial District use excepting a restaurant on the main floor;

ii) one dwelling unit on the second floor.

(2) That final construction plans indicating any additions or exterior modifications to the existing building or new structure including elevations and details of exterior finishing materials, accessory parking and loading areas, fencing, landscaping and garbage enclosures be subject to the approval of the Community Committee and the Commissioner of Planning and Community Services.

(3) That all signs be subject to the approval of the Commissioner of Planning and Community Services.

(4) That a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

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 provided that the said effective date occurs within 12 months from the date that the said Rezoning By-law is adopted by Council.

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

VI. That 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. 1224 for attachment.)

Amendment to Plan of Subdivision approved by By-law 5458/90 - west of Lagimodiere Boulevard, east of Sioux Road, south of the Perimeter Highway, St. Boniface-St. Vital Community.
File No. DASZ 26/81.

1215 - 10. Your Committee on Planning and Community Services has been advised that on May 30th, 1990, Council passed By-law No. 5458/90 approving the plan of subdivision shown outlined on attached Schedule "A" on property located west of Lagimodiere Boulevard, east of Sioux Road, south of the Perimeter Highway. The By-law came into force and effect on July 25th, 1991 when the Development Agreement was executed by the City of Winnipeg.

Pursuant to Section 622 of The City of Winnipeg Act, the applicant has until July 25th, 1992 to register the plan of subdivision in the Winnipeg Land Titles Office. Registration of the plan of subdivision requires the co-operation of several property owners. The Land Titles Office requires that each of these property owners who agreed to provide land for half of the Ramblewood Road North right-of-way, as shown on attached Schedule "B", provide the applicant a transfer of land to facilitate inclusion of their lands within the road.

Report of the Committee on Planning and Community Services dated June 22nd, 1992.

The applicant has advised that he cannot satisfy one of the property owner's demands and as a result has not been able to obtain the required transfer to allow registration of the plan of subdivision. The applicant further advised that the only solution to resolve this matter is to relocate all of the Ramblewood Road North right-of-way onto his property as illustrated on said Schedule "B". The applicant, accordingly, is requesting that the City approve an amendment to the plan of subdivision to accommodate the proposed relocation of Ramblewood Road North.

It is the opinion of the Planning Department that the requested plan amendment is of a minor nature and does not prejudice the rights of any person. Moving the road right-of-way slightly to the west will not have any affect on adjoining property owners' rights to subdivide their property in the future.

The Subdivision Branch has discussed this matter with the adjoining owners and advise they have no objections to this proposal.

Under the terms of the Development Agreement, Lot 6, Block 2, on the north side of Kosty Lane, is to be transferred to the City for development control purposes. The lot would be used for half of the right-of-way to extend Ramblewood Road North when the adjoining owner to the east wishes to subdivide in the future. If the right-of-way is located entirely within the applicant's property, this provision will no longer be necessary. A one (1) foot strip will still be retained along the east limit of the right-of-way for development control purposes.

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

I. That the proposed amendment to the plan of subdivision approved by By-law No. 5458/90 is of a minor nature and does not prejudice the rights of any person.

II. That By-law No. 5458/90 be amended by substituting the plan of subdivision, Schedule "A" therein approved, by the plan of subdivision attached as Schedule "C" dated May 21st, 1992, to reflect the relocation of Ramblewood Road North.

III. That the City Solicitor be requested to prepare the necessary by-law in accordance with Recommendation II above and forward same to Council for enactment.

IV. That the Proper Officers of the City be authorized to implement the intent of the foregoing, including, but not limited to the execution of any amendment to the Development Agreement.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 1225 for attachments.)

SUBDIVISION AND REZONING- east of McLellan Drive, being the extension of Williamson Crescent, between Grassie Boulevard and Rutledge Crescent, East Kildonan-Transcona Community.
File No. DASZ 5/89 "A".

1216 - 11. Your Committee on Planning and Community Services has been advised that under File No. DASZ 5/89, the East Kildonan-Transcona Community Committee held a Public Hearing on December 11th, 1990 to consider an application to extend Williamson Crescent and create 11 one-family dwelling lots within an "R1-5" zoning category. The application as shown on attached Schedule "A", dated January 9th, 1991, was approved in principle by Council on February 13th, 1991. The applicant has not proceeded further with that application, and the by-laws under File No. DASZ 5/89 have not been given third reading by Council.

Report of the Committee on Planning and Community Services, dated June 22nd, 1992.

A revised application has been submitted by Doug Henne Planning Services, 917 Simpson Avenue, Winnipeg, on behalf of the Developer, Betron Holdings Ltd., for approval of a plan amendment and related zoning change to Zoning By-law No. 4440/86 by rezoning the subject lands from an "R1-5" Single-Family District to an "R1-4" Single-Family District. The revised plan as shown on attached Schedule "B" would allow for the establishment of fourteen (14) single-family lots versus the previous proposal which requested eleven (11) lots. One lot would contain the existing dwelling on Grassie Boulevard.

A zoning change to "R1-4" would have several consequences:

(1) The Grassie Boulevard frontage lots would be significantly smaller in width compared to existing lots and dwellings on that street.

(2) The "R1-4" lots on Williamson Crescent would not be consistent with the "R1-5" lot widths established and developed with dwellings immediately west of the subject land.

(3) The proposed "R1-4" zoning on Williamson Crescent would establish a precedent and basis for approval of further "R1-4" zoning along Williamson Crescent as it is developed eastward in the future.

(4) The minimum 20.0 foot front yard requirements and minimum 4.0 foot side yard requirements of the "R1-4" zoning category differ from the 25.0 minimum front yard and 5.0 foot side yard requirements for the existing dwellings on the "R1-5" lots to the west.

The District Planning Branch does not support the establishment of "R1-4" zoning on Grassie Boulevard and the applicant has since withdrawn the proposed rezoning at is applies to the Grassie Boulevard lots (see attached Schedule "C"). The District Planning Branch considers that the establishment of "R1-4" zoning on Williamson Crescent can be supported on the subject lands and for subsequent lots developed to the east, if the applicant is prepared to enter into a Zoning Agreement with the City to provide for minimum front yard setbacks of 25.0 feet in order to ensure compatibility with building setbacks already established on the abutting lands to the west.

The Administrative Co-ordinating Group reviewed the application and recommended approval subject to the terms and conditions as approved by Council for DASZ 5/89 (see attached Schedule "D").

A Public Hearing was held before the East Kildonan-Transcona Community Committee on April 28th, 1992.

Mr. Doug Henne, Doug Henne Planning Services, 917 Simpson Avenue, Winnipeg, R2K 1S5, appeared in support of the application.

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

Norma Whitfield, 444 Grassie Boulevard, Box 9, Group 512, R.R. 5, Winnipeg, R2C 2Z2,
Doug McLean, 122 Williamson Crescent, Winnipeg, R3W 1E2,
Jo Ann Leighton and Lise Hebert, 485 Grassie Boulevard, Winnipeg, R2C 2Z2,
Sandy Dueck, 479 Grassie Boulevard, Winnipeg, R2C 2Z2,
Kevin Barrett and Connie Erskine, 114 Williamson Crescent, Winnipeg, R3W 1E2,
Wayne Betker, 118 Williamson Crescent, Winnipeg, R3W 1E2,
Larry Toews, 123 Williamson Crescent, Winnipeg, R3W 1W3,
Erdman and Anna Thiessen, 126 Williamson Crescent, Winnipeg, R3W 1E3,
Ted and Marguerite Bergman, 127 Williamson Crescent, Winnipeg, R3W 1E3.

Report of the Committee on Planning and Community Services dated June 22nd, 1992.

The East Kildonan-Transcona Community Committee recommended that the proposed subdivision/rezoning application not be proceeded with for the following reasons:

1. The proposal is inconsistent with the surrounding development and the residents are concerned with their property values decreasing and the resulting change in character of the neighbourhood.

2. Approval of "R1-4" zoning on Williamson Crescent will establish a precedent and basis for approval of further "R1-4" zoning for Phase II of the Harbour View South development and other undeveloped lands in the area.

3. The creation of 50-foot lots at this site may allow for the preservation of some of the existing trees along the property lines.

4. The neighbouring landowners and many area residents are opposed to the application.

Considering the extent and nature of the resident opposition the Planning Department is of the view the revised plan and "R1-4" zoning should not be approved. The surrounding area residents are not prepared to accept the consequences as outlined above of the "R1-4" change in zoning and the subsequent increase in lots.

For your information Council approval of February 13th, 1991 will remain in effect in accordance with attached Schedule "A" dated January 9th, 1991.

Your Committee on Planning and Community Services concurs in the recommendation of the East Kildonan-Transcona Community Committee and recommends that the plan amendment and zoning change proposed under DASZ 5/89 "A" be not proceeded with.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 1226 for attachments.)

Phasing of Dedication
Payments - Subdivision and
Rezoning - north side of McGillivray
Boulevard, west of Beaumont Street,
Assiniboine Park-Fort Garry Community.
File No. DASZ 2/90.

1217 - 12. Council on June 20th, 1990 amended and adopted Clause 13 of the Report of the Committee on Planning and Community Services dated May 28th, 1990 with regard to plan of subdivision and related zoning change to By-law No. 1800 by rezoning land north of McGillivray Boulevard, west of Beaumont Street to an "R1-5" Single-Family District, which approved amongst other things, the following namely:-

"The Developer shall pay cash in lieu of 10% land dedication for public open space in accordance with the methodology approved by the Committee on Finance and Administration on February 20th, 1990."

The amount was determined in 1991 in the amount of $167,400.00 and incorporated into the draft Development Agreement to be paid prior to the release of the approved subdivision mylars establishing the streets and undivided blocks.

In March of 1992 the Developer's representative requested that the dedication be paid as development proceeds i.e. on a proportionate basis as the mylars establishing individual lot lines are released for registration. The administration is not opposed to the Developer's request and in fact considers it fair and workable inasmuch as the rates prevailing at the time each short-form subdivision mylar is released would be utilized.

Report of the committee on Planning and Community Services dated June 22nd, 1992.

The Assiniboine Park-Fort Garry Community Committee on May 25th, 1992 recommended that dedication be paid on a proportionate basis as development proceeds, based on the attached Phasing Plan dated May 19th, 1990.

The administration concurs in the recommendation of the Assiniboine Park-Fort Garry Community Committee to allow the phased payments of dedication. The payments shall be made prior to the release for registration of the short-form subdivision mylars for each phase as shown on the attached Phasing Plan identified as Figure 1. The payments shall be calculated based on the area of each phase and the prevailing rates at the time that each mylar is released.

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

I. That the Draft Development Agreement AG 2/90 under File DASZ 2/90 be amended to allow the phasing of the dedication payments with the phasing coinciding with the attached Phasing Plan identified as Figure 1 dated May 19th, 1990.

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 1227 for attachment.)

1218 - Schedule “A” referred to in Clause 1 of the Report of the Committee on Planning and Community Services, dated June 22nd, 1992.

SEE PAGES 1793-1794 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1219 - Schedule “A” referred to in Clause 3 of the Report of the Committee on Planning and Community Services, dated June 22nd, 1992.

SEE PAGE 1795 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1220 - Schedule “A” referred to in Clause 5 of the Report of the Committee on Planning and Community Services, dated June 22nd, 1992.

SEE PAGE 1796 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1221 - Schedule “A” referred to in Clause 6 of the Report of the Committee on Planning and Community Services, dated June 22nd, 1992.

SEE PAGE 1797 OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1222 - Schedule “A” referred to in Clause 7 of the Report of the Committee on Planning and Community Services, dated June 22nd, 1992.

SEE PAGE 1798 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1223 - Schedule “A” referred to in clause 8 of the Report of the Committee on Planning and Community Services, dated June 22nd, 1992.

SEE PAGES 1799-1800 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1224 - Schedule “A” referred to in Clause 9 of the Report of the Committee on Planning and Community Services, dated June 22nd, 1992.

SEE PAGE 1801 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1225 - Schedule “A” referred to in Clause 10 of the Report of the Committee on Planning and Community Services, dated June 22nd, 1992.

SEE PAGES 1802-1804 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1226 - Schedule “A” referred to in Clause 11 of the Report of the Committee on Planning and Community Services, dated June 22nd, 1992.

SEE PAGES 1805-1808 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1227 - Figure 1 referred to in Clause 12 of the Report of the Committee on Planning and Community Services, dated June 22nd, 1992.

SEE PAGE 1809 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

MOTIONS

Moved by Councillor Gilroy,
Seconded by Councillor Young,

1228 - WHEREAS the Richardson Property in Charleswood is one of the only original prairie forests in Winnipeg;

AND WHEREAS the value to the public of this historic site has been unknown to the general public because the property has been held in private hands outside of public access for generations;

AND WHEREAS considerable public debate has focused on the loss of these lands to the general public use forever;

AND WHEREAS limited financial resources preclude the purchase of these lands by the City;

AND WHEREAS on March 3rd, 1992, Council approved the rezoning and subdivision of the subject lands;

NOW THEREFORE BE IT RESOLVED that the City of Winnipeg request the owners of the subject property to voluntarily delay their plans to subdivide the subject property;

THEREFORE BE IT FURTHER RESOLVED that a citizen committee be appointed by Council to explore viable alternatives to the subdivision of the subject lands such as TREE PLAN CANADA, a federal program for funding projects through THE GREEN PLAN in partnership with private sector funders which is administered by the NATIONAL COMMUNITY TREE FOUNDATION.

Automatic Referral to Committee on Planning and Community Services in accordance with Section 16.1 of the Procedure By-law.

Moved by Councillor Duguid,
Seconded by Councillor Diamant,

1229 - WHEREAS Plan Winnipeg 2010 commits itself to the preservation of the riverbanks and natural areas as well as provisions for environmental assessments on sensitive lands;

AND WHEREAS there has only been a preliminary assessment of the biology of the site after the subdivision was approved;

AND WHEREAS less than 5% of the mature trees will remain if the subdivision proceeds;

AND WHEREAS it is prudent to find out what plants and animal species inhabit the site before they are destroyed;

AND WHEREAS three rare butterfly species have been identified on the unique Elm/Basswood/Flood Plain ecosystem known as 5209 Roblin Boulevard;

AND WHEREAS this is an important area of the river for migratory birds;

THEREFORE BE IT RESOLVED that a proper environmental assessment under the auspices of the Manitoba Environment Act be performed before any development proceeds on the property.

Automatic Referral to Committee on Planning and Community Services in accordance with Section 16.1 of the Procedure By-law.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

1230 - On motion of Councillor Douglas, By-law No. 5980/92, 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 EP-1.2 (AAP 37/92).

Councillor Douglas moved that this constitute first reading of By-law No. 5980/92, which motion was carried.

Councillor Douglas moved that By-law No. 5982/92, a By-law of the City of Winnipeg to amend Zoning By-law No. 4450/86 for the enactment of a zoning change at 484 McPhillips Street in the Lord Selkirk-West Kildonan Community, be read a first time. File No. DAZ 209/92.

Pursuant to The Municipal Council Conflict of Interest Act, Councillor Timm-Rudolph advised Council that she would refrain from entering the discussion and from voting on By-law No. 5982/92, due to a potential conflict of interest involving a family member and left the Chamber.

The motion that By-law No. 5982/92 be read a first time was put and declared carried.

On motion of Councillor Douglas, By-law No. 5982/92 was read a second and third time, the rule being suspended for the third reading and was passed and ordered to be signed and sealed.

Councillor Timm-Rudolph here returned to the Chamber.

The Deputy Speaker advised that consistent with the request by Councillor Thomas and general consensus of Council, By-law No. 5992/92 will be considered separately.

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. 5981/92, a By-law of the City of Winnipeg to amend Zoning By-law No. 4450/86 for the enactment of a zoning change at 2819 McPhillips Street in the Lord Selkirk-West Kildonan Community. File No.3DAZ 266/91.

By-law No. 5983/92, a By-law of the City of Winnipeg to amend Zoning By-law No. 16502 for the enactment of a zoning change at 320 Sherbrook Street in the City Centre-Fort Rouge Community. File No. DAZ 213/92.

By-law No. 5984/92, a By-law of the City of Winnipeg to amend Zoning By-law No. 4450/86 for the enactment of a zoning change at 210 Enniskillen Avenue in the Lord Selkirk-West Kildonan Community. File No. DAZ 215/92.

By-law No. 5985/92, a By-law of the City of Winnipeg to amend Zoning By-law No. 16502 for the enactment of a zoning change at 495/499 and 505/507 Stradbrook Avenue in the City Centre-Fort Rouge Community. File No. DAZ 200/92.

By-law No. 5986/92, a By-law of the City of Winnipeg to amend The St. Vital Town Planning Scheme 1951 for the enactment of a zoning change at 434 St. Anne's Road in the St. Boniface-St. Vital Community. File No. DAZ 211/92.

By-law No. 5987/92, a By-law of the City of Winnipeg to amend The St. Vital Town Planning Scheme 1951 for the enactment of a zoning change on Browton Place north of Barlow Crescent, west of Ashworth Street in the St. Boniface-St. Vital Community. File No. DAZ 216/92.

By-law No. 5988/92, a By-law of the City of Winnipeg to amend Zoning By-law No. 1800 for the enactment of a zoning change on the north side of Grant Avenue between Laxdal and Elmhurst Roads in the Assiniboine Park-Fort Garry Community. File No. DAZ 217/92.

By-law No. 5989/92, a By-law of the City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 4440/86 for the enactment of a zoning change on the east side of Molson Street, south of Grassie Boulevard in the East Kildonan- Transcona Community. File No. DASZ 12/91.

By-law No. 5990/92, a By-law of the City of Winnipeg to amend Zoning By-law No. 4440/86 for the enactment of a zoning change at 1970 Henderson Highway in the East Kildonan-Transcona Community. File No. DAZ 234/89.

Councillor Douglas moved that By-law No. 5992/92, a By-law of the City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 1800 for the enactment of a zoning change on lands on the north side of Roblin Boulevard between Harstone Road and Greenbriar Avenue in the Assiniboine Park-Fort Garry Community, be read a first time. File No. DASZ 8/91.

The motion that By-law No. 5992/92 be read a first time was put and declared carried.

Councillor Douglas moved that this constitute the first reading of By-law No. 5992/92.

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

Yea: Councillors Brown, Clement, Douglas, Fleisher, Fraser, Gilroy, Golden, Kaufmann, Lorenc, O'Shaughnessy, Prystanski, Timm-Rudolph, Young, Mayor Norrie and Councillor Demare. 15

Nay: Councillors Boychuk, Diamant, Duguid, Hyman, Lazarenko, Mendelson, Mitchelson, Murray, Reese, Selinger, Thomas and Timmers. 12

and the motion that this constitute first reading of By-law No. 5992/92 was declared carried.

Councillor Douglas moved that By-law No. 5992/92 be read a second time.

Councillor Mendelson rose on a point of order on the Deputy Speaker's ruling that the motion being proposed by

Councillors Diamant and Murray was not an amendment to the by-law.

Councillor Mendelson challenged the ruling of the Chair.

The question "Shall the ruling of the Chair be sustained?" was put.

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

Yea: Councillors Brown, Clement, Douglas, Fleisher, Fraser, Gilroy, Golden, Kaufmann, Lazarenko, Lorenc, Mitchelson, O'Shaughnessy, Prystanski, Timm-Rudolph, Young, Mayor Norrie and Councillor Demare. 17

Nay: Councillors Boychuk, Diamant, Duguid, Hyman, Mendelson, Murray, Reese, Selinger, Thomas and Timmers. 10

and the ruling of the Chair was sustained.

The motion that By-law No. 5992/92 be read a second time was put.

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

Yea: Councillors Brown, Clement, Douglas, Fraser, Golden, Kaufmann, Lorenc, Mitchelson, O'Shaughnessy, Prystanski, Timm-Rudolph, Young, Mayor Norrie and Councillor Demare. 14

Nay: Councillors Boychuk, Diamant, Duguid, Hyman, Lazarenko, Mendelson, Murray, Reese, Selinger, Thomas and Timmers. 11

and the motion that By-law No. 5992/92 be read a second time was declared carried.

Councillor Douglas moved that this constitute the second reading of By-law No. 5992/92.

Moved by Councillor Clement,
Seconded by Mayor Norrie,

THAT second reading of By-law No. 5992/92 be laid over until the Council meeting of July 29th, 1992;

AND THAT the Land Surveys and Real Estate Department be instructed to immediately enter into discussions with the developers of this subdivision with a view to acquiring either all or part of the river bottom forest land within the subdivision, and to report to Executive Policy Committee no later than Wednesday, July 22nd, 1992.

In amendment,

Moved by Councillor Diamant,
Seconded by Councillor Murray,

BE IT RESOLVED that the motion proposed by Councillor Clement and Mayor Norrie, regarding By-law No. 5992/92, be amended by:

1. Deleting the word "second" in the first line and replacing it with "first", and;

2. Adding after "subdivision" in line 8, the following:-

   "and that the Planning and Parks and Recreation Departments be instructed to immediately enter into discussions with the developers on the redesign of the subdivision with a view to preserving the riverbank and treed areas for public purposes."

The Deputy Speaker ruled the first part of the amendment proposed by Councillors Diamant and Murray redundant in light of Council having already given first reading to By-law No. 5992/92.

The second part of the amendment was put.

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

Yea: Councillors Boychuk, Diamant, Duguid, Golden, Hyman, Lazarenko, Mendelson, Murray, Reese, Selinger, Thomas and Timmers. 12

Nay: Councillors Brown, Clement, Douglas, Fleisher, Fraser, Gilroy, Kaufmann, Lorenc, Mitchelson, O'Shaughnessy, Prystanski, Timm-Rudolph, Young, Mayor Norrie and Councillor Demare. 15

and the second part of the amendment was declared lost.

The motion proposed by Councillor Clement and Mayor Norrie was put.

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

Yea: Councillors Boychuk, Brown, Clement, Douglas, Duguid, Fleisher, Fraser, Gilroy, Golden, Hyman, Kaufmann, Lorenc, Mendelson, Mitchelson, Murray, O'Shaughnessy, Prystanski, Reese, Selinger, Thomas, Timmers, Timm-Rudolph, Young, Mayor Norrie and Councillor Demare. 25

Nay: Councillors Diamant and Lazarenko. 2

and the motion was declared carried.

Councillor Douglas moved that the following by-laws be read a first time:-

By-law No. 5993/92, a By-law of the City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 4440/86 for the enactment of a zoning change on lands east of McLellan Drive between Grassie Boulevard and Rutledge Crescent in the East Kildonan-Transcona Community. File No. DASZ 5/89.

By-law No. 5994/92, a By-law of the City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 1800 for the enactment of a zoning change on lands located on the east side of Columbia Drive between McGillivray Boulevard and Marygrove Crescent in the Assiniboine Park-Fort Garry Community. File No. DASZ 4/92.

By-law No. 5995/92, a By-law of the City of Winnipeg to amend its By-law No. 5458/90, being a By-law for the approval of a Plan of Subdivision and for the enactment of a zoning change to The St. Vital Town Planning Scheme 1951 in the St. Boniface-St. Vital Community. File No. DASZ 26/81.

Moved by Councillor Douglas,

That consideration of By-law No. 5994/92 be laid over until the next regular meeting of Council, to be held on Wednesday, July 29th, 1992.

Carried.

The motion that By-law Nos. 5993/92 and 5995/92 be read a first time was put and declared carried.

On motion of Councillor Douglas, By-law Nos. 5993/92 and 5995/92 were read a 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.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

QUESTION PERIOD

1231 - Councillor Golden asked if the Chairman was aware that as a result of the Civic Properties Department installing an antennae system in the Public Safety Building, cable vision coverage of Council meetings is now available to the entire City.

Councillor Brown, in reference to Council's decision to lay over second reading of By-law No. 5992/92, asked for the Chairman's assurance that he would undertake to include a member of the Planning Department, preferably the Chief Planner, and a member of the Parks and Recreation Department, preferably the Acting General Manager, to be involved with Land Surveys and Real Estate in the negotiations and discussions.

Councillor Douglas agreed to discuss the matter with the Commissioner of Planning and Community Services.

Councillor Murray asked if the Chairman could give Council an update on what, if any, communication he has had with the Minister of Health and other ministers responsible for funding the Street Links program.

Councillor Douglas advised that there has been a recent letter from the Mayor, outlining Council's direction and the discussions held at the last Official Delegation meeting. Since that time he indicated he has had no further direct contact.

Councillor Murray asked the Chairman if he could state at what point they have to start giving notice to employees in that program regarding lay-off.

Councillor Murray asked if the Chairman could give his assurance that he will inform members of Council before any action is taken to dismantle the program.

Mayor Norrie rose on a point of personal privilege to thank all those members of Council who spoke so graciously about his service.

Councillor Hyman inquired as to the timing and the process for the Ad Hoc Committee on the relocation of the Red River Exhibition.

Councillor Douglas replied that the Ad Hoc Committee is not yet in a position to report.

Councillor Golden enquired whether or not the Committee for the Revitalization of Main Street has been able to hold a meeting since the enquiry of Councillor Hyman at the last Council meeting.

Councillor Douglas answered in the negative, as they were waiting for the announcement of a third Core Area program.