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 March 25th, 1991, has concurred in the recommendations contained therein and submits same to Council for approval and adoption.

On motion of Councillor Gilroy, the Report of the Committee on Planning and Community Services, dated March 25th, 1991, was considered clause by clause.

West Committee Room,
Council Building,
Winnipeg, March 25th, 1991.

His Worship the Mayor and Councillors:-

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

ZONING AGREEMENT
AMENDMENT - 629 St. Mary's Road -
St. Boniface-St. Vital Community
File No. DAZ 231/76 (ZAA 2/91)

694 - 1. Your Committee on Planning and Community Services has been advised that an application has been received from Dr. T. Mulhall, 72 Turnham Drive, to amend the Zoning Agreement affecting 629 St. Mary's Road to permit the following: 1) office, business or professional; 2) medical or dental clinic; 3) medical or dental laboratory; and 4) accessory uses thereto; instead of only a dental laboratory as permitted by the present Agreement.

The subject site is 17.77 metres x 30.48 metres (58.31 feet x 100 feet), providing a total site area of 541.7 square metres (5,831 square feet). The surrounding area is a combination of low density and mixed density housing, zoned "R1" and "R3".

The Zoning Agreement which applies to this site is an early Agreement, and several amendments are desirable.

The present limitation of use to "a dental laboratory" is unnecessarily restrictive, and similar uses might be established in the existing building without any change, in effect, upon adjacent housing. The use of the existing building for offices, a clinic, or a medical or dental laboratory would not be unreasonable. The size of the existing building now limits the scale of use, and in order to continue to limit intensity as originally intended, the requested uses should be permitted as alternatives and not at the same time.

The Agreement seems to reflect an assumption that the existing building would remain, but does not prohibit replacement. Any replacement of the existing building should not establish development which is out of scale with the area. The broadening of the uses permitted on the land should not lead to development which is too intense for this small site. Any further building should be limited to a height of one storey.

The present section (9) of the Agreement is unnecessary and may mislead the owner of the land. The Agreement cannot be altered under variance approval procedures.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on February 26th, 1991.

Mrs. F. Mulhall, 72 Turnham Drive, Winnipeg, R2N 2K2 appeared in support of the application.

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No one appeared in opposition thereto.

The St. Boniface-St. Vital Community Committee recommended that the proposed zoning agreement amendment be approved for the following reasons:

1) There is no opposition to the application.

2) Approval of this application will have no substantial adverse effect on the area.

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

I. That Zoning Agreement DAZ 231/76 be amended as follows:

A. That section (2) be deleted and replaced by the following sections:

(2.1) No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged on the land for any use except:

(a) any one of the following uses:
(i) offices, business or professional;
(ii) medical or dental clinic;
(iii) medical or dental laboratory;
(b) accessory uses.

(2.2) Parking spaces shall be provided and maintained on the land at a minimum ratio of one space to reach 500 square feet of floor area established on the land, but in no case fewer than four (4) parking spaces.

B. That section (9) be deleted and replaced by the following section:

(9) No building shall be erected on the land exceeding one storey in height.

II. That the City Solicitor be requested to prepare the necessary amendment to Zoning Agreement DAZ 231/76 as approved in Recommendation I above.

III. That the Proper Officers of the City be authorized to execute said amending agreement.

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Text Amendments to all Zoning By-laws and Town Planning Schemes with regard to Air Conditioner Units (Heat Exchanger)/Swimming Pool Filter Pumps and Heaters File No. DAZ 215/91

695 - 2. Your Committee on Planning and Community Services has been advised that By-law No. 4440/86, the zoning by-law for the East Kildonan- Transcona Community and By-law No. 4450/86, the Zoning By-law for the Lord Selkirk-West Kildonan Community, provide zoning regulations governing the location of air conditioner units and swimming pool filters on a zoning lot. These regulations for single-family and two-family dwellings area as follows:

In a front yard: not permitted

In a side yard: air conditioner (heat exchanger), a swimming pool filter, or a swimming pool heater, or both, provided the said equipment shall not be located:

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(a) closer to the front lot line than the front wall of the principal building; and

(b) not closer than ten (10) feet (3 m) to a window or door of a dwelling on an adjoining lot; and

In a rear yard: air conditioner (heat exchanger), a swimming pool filter, or a swimming pool heater, or both, provided the said equipment shall not be located closer than ten (10) feet (3 m) to a window or a door of a dwelling on an adjoining lot.

It should be noted that these zoning regulations for a swimming pool filter and a swimming pool heater are the same in all other zoning by-laws and schemes in the City of Winnipeg. However, all the other zoning by-laws and schemes do not have any regulations for air conditioner units.

It was intended to propose the acceptance of the air conditioner unit zoning regulation of By-laws 4440 and 4450 into the remaining zoning by-laws and schemes in order to have standard regulations throughout the City.

To this end the above stated air conditioner unit zoning regulations were submitted to a public meeting before the Assiniboine Park-Fort Garry Community Committee. It was proposed to add these regulations to zoning By-law No. 1800. The Assiniboine Park-Fort Garry Community Committee referred the proposed amendment back to planning administration for further consideration as a result of concerns expressed by the public. The "10 foot" separation distance appeared inadequate and the Community Committee expressed an opinion that additional regulations are required to more strictly control the location of these units.

Further, the East Kildonan-Transcona Community Committee, wherein the "10 foot" rule applies under Zoning By-law No. 4440 have requested that your Committee on Planning and Community Services review the air conditioner unit zoning regulations regarding its location inadequacy.

Potential noise problems emanating from air conditioning units (and swimming pool equipment) is dependant upon a number of factors, including make, age, and maintenance of the unit, as well as its location. With regard to location, the greatest area of concern is residential side yards. When equipment is placed between dwelling units, there is no opportunity for noise dissipation. Consequently, it is suggested that all units be prohibited within residential side yards and that they also be required to be placed to the rear wall of the principal building. This will allow for noise dissipation and reduce the problem of the reverberation of noise between dwelling units.

It is further suggested that they not be permitted in front yards, so as to protect residential character; and that they not be permitted within five feet of the rear lot lines where no lane exits, as it may abut a side or rear lot line of another residential building lot.

Your Committee on Planning and Community Services recommends:-

I. That Council approve in principle that Zoning By-laws 16502, 1558, 1800, 4440/86 and 4450/86, The St. Vital Town Planning Scheme 1951 and The St. Boniface Town Planning Scheme 1957 be amended to provide the following regulations for air conditioners and swimming pool filter pumps and heaters on lots for single-family and two-family dwellings:

1. Air conditioner units, swimming pool filters and/or heaters may be located on a zoning lot for a single-family dwelling or a two-family dwelling as follows:

   Permitted to be located on the lot to the rear of any rear wall of the dwelling provided the unit is not closer to the side lot line than the required district side yard regulation and shall provide a 5" rear yard where there is no lane.

II. That the Commissioner of Planning and Community Services initiate the necessary application to consider the above proposed Text Amendment to the above stated Zoning By-laws and Town Planning Schemes within the City of Winnipeg.

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III. That pursuant to Section 615(2) of The City of Winnipeg Act, Council direct that the Committee on Planning and Community Services be the Designated Committee to conduct the Public Meeting to consider the above proposed zoning text amendment.

IV. That pursuant to the provisions of The City of Winnipeg Act, Council deem the public notice given in accordance with Section 614(8) of the Act, "the advertising of the proposed Text Amendment in two local newspapers, two times prior to the Public Meeting", is sufficient.

V. That upon Council giving direction to conduct the Public Meeting on the foregoing, this report be forwarded to each Community Committee requesting that they either:

A. report back to the Committee on Planning and Community Services with their comments on the proposed Text Amendment;

or

B. that they make personal representation at the Public Meeting before the Committee on Planning and Community Services.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Text Amendment to all Zoning By-laws and Town Planning Schemes with regard to establishing Conforming Date for Single-Family and Two-Family Dwellings File No. DAZ 216/91

696 - 3. Your Committee on Planning and Community Services has been advised that each Zoning By-law and Town Planning Scheme in effect in the City of Winnipeg has a provision therein that as of a certain date, all single-family and two-family dwellings constructed prior thereto are deemed to be conforming. This rule was added to the zoning by-laws and schemes to eliminate time in the processing of zoning memos. The City processes in the neighbourhood of 10,000 zoning memos a year. The conforming date regulation has helped in reducing the time to process a zoning memo. The existing dates are as follows:

By-law No. 4440/86 (East Kildonan-Transcona) - April 16th, 1987
By-law No. 4450/86 (Lord Selkirk-West Kildonan) - May 27th, 1987

St. Boniface Town Planning Scheme 1957 - January 1st, 1985
St. Vital Town Planning Scheme 1951 - January 1st, 1985

By-law No. 1558 (St. James-Assiniboia) - January 1st, 1985
By-law No. 1800 (Assiniboine Park-Fort Garry) - January 1st, 1985
By-law No. 16502 (City Centre-Fort Rouge) - January 1st, 1985

These provisions were originally included with the intent that they would amount to direction to administration to excuse trivial "old" violations which had not raised any objections, rather than put owners through the procedures and expense of obtaining variances - possibly with last-minute delays in closing sales. At that time, the administration was unable to grant tolerances.

Because the Law Department has raised concerns regarding the legitimacy of this regulation, and because its intent is generally being fulfilled by the tolerance process, it is recommended that it be deleted from all zoning by-laws.

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At the same time, it is also suggested that a clause be added that would allow for additions to be made to non-conforming one and two- family dwellings (i.e., dwellings that don't conform to the by-law but are not unlawful because they pre-date it) so long as the addition itself complies in all respects.

Your Committee on Planning and Community Services recommends:-

I. That Council approve in principle that Zoning By-laws 16502, 1558, 1800, 4440/86 and 4450/86, The St. Vital Town Planning Scheme 1951 and The St. Boniface Town Planning Scheme 1957 be amended in order that the following zoning regulation will apply to single-family and two-family dwellings:

(a) Delete the existing provision relating to the date of construction and replace with the following:

"Notwithstanding, anything elsewhere contained in this by-law/scheme a non-conforming single-family/two-family dwelling in any district, may be added to or enlarged provided that the addition or enlargement conforms to the applicable district bulk regulations; based on the size of the lot on which the dwelling is located."

II. That the Commissioner of Planning and Community Services initiate the necessary application to consider the above proposed Text Amendment to the above stated Zoning By-laws and Town Planning Schemes within the City of Winnipeg.

III. That pursuant to Section 615(2) of The City of Winnipeg Act, Council direct that the Committee on Planning and Community Services be the Designated Committee to conduct the Public Meeting to consider the above proposed Zoning Text Amendment.

IV. That pursuant to the provisions of The City of Winnipeg Act, Council deem the public notice given in accordance with Section 614(8) of the Act, "the advertising of the proposed Text Amendment in two local newspapers, two times prior to the Public Meeting", is sufficient.

V. That upon Council giving direction to conduct the Public Meeting on the foregoing, this report be forwarded to each Community Committee requesting that they either:

A. report back to the Committee on Planning and Community Services with their comments on the p roposed Text Amendment; or

B. that they make personal representation at the Public Meeting before the Committee on Planning and Community Services.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

SUBDIVISION AND REZONING - East of Lagimodiere Boulevard, north of Perfanick Drive - East Kildonan - Transcona Community
File No. DASZ 44/85.

697 - 4. Council on February 13th, 1991 referred back Clause 10 of the Committee on Planning and Community Services dated January 28th, 1991, which reads in part as follows:-

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"Your Committee on Planning and Community Services has been advised that an application has been received from Qualico Development Ltd., 30 Speers Road, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 4440/86 by rezoning lands located east of Lagimodiere Boulevard, north of Perfanick Drive from an "AR-5" Agricultural-Residential District to "R1-5" and "R1-4" Single- Family Districts and a "PR" Park and Recreational District to permit the establishment of a single-family development and a school site as illustrated on Schedule "A" dated January 4th, 1991.

Qualico proposes to develop Phase II of the Harbour View South subdivision. The development proposal includes 45.73 acres of land under the control of the company. There are to be 180 "R1-4" Single-Family building sites, and 23 "R1-5" lots. A school site is proposed to be located north of the extension of Concordia Avenue.

An existing retention lake located within Phase I of the Harbour View South subdivision is to be enlarged by 4 acres under this proposal. Concordia Avenue will be extended within the boundaries of the subdivision. Provision will be made to provide a buffer zone adjacent to the high pressure gas transmission pipeline which passes through the subject area.

The Manitoba Public Utilities Board advised that the gas transmission line passing through the subject site has a maximum operating pressure of 1725 kPa (250 psi). The Manitoba Public Utilities Board recommended that a 50 foot buffer be maintained on both sides of the gas line right-of-way.

The Streets and Transportation Department stated that in order to move traffic efficiently within and beyond the proposed subdivision the construction of either 2 lanes of concrete pavement in Concordia Avenue to Lagimodiere Boulevard or the construction of improvements in Grassie Boulevard between McLellan Drive and Lagimodiere Boulevard will be required. The Right-of-Way does not presently exist to provide for the extension of Concordia Avenue to Lagimodiere Boulevard. The construction of additional lanes and related improvements on Grassie Boulevard between McLellan Drive and Lagimodiere Boulevard is an obligation of another developer, North Grassie Properties Ltd., under the terms of its Development Agreement AG 57/86 with the City. It is anticipated that the Grassie Boulevard improvements will be constructed in 1991.

The Waterworks, Waste and Disposal Department recommended that the developer abandon the existing stormwater pump station and construct an outfall to Bunn's Creek. The City would reimburse the developer for the cost of this work in excess of the developer's share thereof. The Parks and Recreation Department advised that they have no major objections to the proposal.

The Parks and Recreation Department identified that park and open space dedicated under DASZ 44/85 is dependent on the full development of land lying south of the subject property. The Parks and Recreation Department recommended that in order to facilitate the consolidation of a community park, future development applications must provide for land dedications as illustrated conceptually on Schedule "C".

The Planning Department supports the aforementioned recommendation of the Parks and Recreation Department. The Planning Department also is concerned that the private landowners, those individuals owning land south and west of the subject property, be treated in a fair and equitable manner in terms of future subdivision in the area. To ensure such treatment, it would be advisable that a concept plan for the remaining lands lying north of the C.P.R. Molson Line, be established by the developer, so that the subject land and adjacent lands can be developed in a rational manner and that the interests of surrounding landowners are not compromised. In order to retain flexibility for future subdivision planning, the Planning Department recommended that the proposed subdivision as illustrated on Schedule "A" be modified and that the lands as shown on Schedule "D" be deleted from the plan.

During the time period since the filing of this application, a number of significant modifications have been made in order to alleviate concerns of both the Planning Department and the East Kildonan-Transcona Community Committee. These modifications are reflected in the now proposed plan of subdivision shown on Schedule "E".

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It is the opinion of the Planning Department that the subdivision/rezoning proposal should be proceeded with for the following reasons:

1. The residential land uses proposed within the subdivision would be compatible with those proposed on the adjoining lands.

2. The proposed subdivision would provide for a logical extension of the surrounding street pattern.

A Public Meeting was held before the East Kildonan-Transcona Community Committee on May 23rd and October 31st, 1989 and September 25th and November 1st, 1990.

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

Mr. E. Vogan, Qualico Developments Ltd., 30 Speers Road, Winnipeg, R2J 1L9,
Mr. & Mrs. Drobot, 61 Filbert Crescent, Winnipeg, R3W 1H7,
Mr. & Mrs. D. Karpish, 69 Filbert Crescent, Winnipeg, R3W 1H7,
Mrs. R. Calvez, 53 Filbert Crescent, Winnipeg, R3W 1H7,
Mr. C. Logan, 206 Rutledge Crescent, Winnipeg, R3W 1E7,
D. Cochrane & L. Manness, 22 Whittington Road, Winnipeg, R3W 1A3,
Mr. & Mrs. C. Parsley, 10 Timmerman Place, Winnipeg, R3W 1J9,
Mr. G. Walls, 42 Timmerman Place, Winnipeg, R3W 1J9,
Mr. R. Walls, 30 Timmerman Place, Winnipeg, R3W 1J9,
Mrs. K. Steinmann, 50 Whittington Road, Winnipeg, R3W 1H5,
Mr. & Mrs. Schroeder, 22 Timmerman Place, Winnipeg, R3W 1J9,
Mr. G. Tuckett, 18 Timmerman Place, Winnipeg, R3W 1J9,
Mr. R. Youngson, 46 Timmerman Place, Winnipeg, R3W 1J9,
Mrs. C. Black, 81 Filbert Crescent, Winnipeg, R3W 1H4,
Mr. B. Van Haute, 31 Radley Bay, Winnipeg, R3W 1J1,
Mr. & Mrs. G. Desrochers, 57 Filbert Crescent, Winnipeg, R3W 1H7,
Mr. & Mrs. Hassar, 198 Rutledge Crescent, Winnipeg, R3W 1E7,
Mr. L. Kohut, 202 Rutledge Crescent, Winnipeg, R3W 1E7,
Mr. & Mrs. R. Friesen, 65 Filbert Crescent, Winnipeg, R3W 1H7,
T. Barclay, 34 Radley Bay, Winnipeg, R3W 1H9,
Mr. J. Stevenson, 66 Whittington Road, Winnipeg, R3W 1H6,
Mr. A. K. Kellar, 1607 Concordia Avenue East, Winnipeg, R3W 1G9,
Mr. J. M. Anderson, 6 Evelyn Shannon Place, Winnipeg, R3W 1J7,
Mr. A. Honigman, 30 Speers Road, Winnipeg, R2J 1L9,
Mr. D. Bruce, 1109 Henderson Highway, Winnipeg, R2G 1L4,
Mr. & Mrs. F. Robson, 138 Rutledge Crescent, Winnipeg, R3W 1E6.

Mr. C. McCaw, 233 Hazeldell Avenue, Winnipeg, R2K 0P7, appeared for information purposes only.

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

Ms D. McDonald, Box 15, Group 6A, RR1B, Winnipeg, R3C 4A3,
Mr. & Mrs. J. Perfanick, 236 Almey Avenue, Winnipeg, R2K 4C7,
Messrs. G. & A. Crozier, 204 Crozier Avenue, Winnipeg, R2K 4E5
(subsequently withdrew their opposition),
Mr. & Mrs. D. Picklyk, 18 McLellan Drive, Winnipeg R3W 1G9
(subsequently withdrew their opposition),
Mr. & Mrs. D. McLean, 122 Williamson Crescent, Winnipeg, R3W 1E2
(subsequently withdrew their opposition),
Mr. & Mrs. S. Johnston, 62 McLellan Drive, Winnipeg, R3W 1G7,
Mr. B. Robertson, Box 15, Group 6A, RR1B, Winnipeg, R3C 4A3,
Mr. & Mrs. D. Reimer, 66 McLellan Drive, Winnipeg, R3W 1G7,
Mr. K. Manzuik, 35 Howard Kendel Place, Winnipeg, R3W 1G6,
Mr. E. Thiessen, 126 Williamson Crescent, Winnipeg, R3W 1E3,

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Mr. & Mrs. J. Jaworsky, 1541 Lagimodiere Boulevard, Winnipeg, R2C 2Z2,
(submitted letter in opposition designated as Exhibit No. 9),
Mr. M. Jaworsky, 1541 Lagimodiere Boulevard, Winnipeg, R2C 2Z2,
Mrs. P. Machado, 43 Parasiuk Place, Winnipeg, R3W 1G1,
Mr. K. Barrett, 114 Williamson Crescent, Winnipeg, R3W 1E3,
Mr. A. Suga, 115 Williamson Crescent, Winnipeg, R3W 1E3,
Mr. B. Prosyk & Ms T. Wach, 119 Williamson Crescent, Winnipeg, R3W 1E3,
Mr. & Mrs. T. Bergman, 127 Williamson Crescent, Winnipeg, R3W 1E3,
Ms B. McGimpsey, 75 Whittington Road, Winnipeg, R3W 1H6,
Mr. R. Schultz, 42 Whittington Road, Winnipeg, R3W 1H5,
Mr. G. Balzar, 35 Whittington Road, Winnipeg, R3W 1H6,
Mr. D. Demski, 30 Whittington Road, Winnipeg, R3W 1H5,
Mrs. L. McLean, 355 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mrs. R. Kein, 58 McLellan Drive, Winnipeg, R3W 1G7,
Mr. G. Mulvihill, 54 McLellan Drive, Winnipeg, R3W 1G7,
Mr. L. & Mrs. K. Norris, 56 Williamson Crescent, Winnipeg, R3W 1G4,
Mrs. K. Steinmann, 50 Whittington Road, Winnipeg, R3W 1H5,
(withdrew opposition and spoke in support),
Mr. G. Jarvis, 7 Howard Kendel Place, Winnipeg, R3W 1G6,
Mr. D. Sokol, 22 McLellan Drive, Winnipeg, R3W 1G9,
Mrs. K. Epp, 453 Grassie Boulevard, Winnipeg, R2C 2Z2,
Ms J. Rislund, 421 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mr. R. Townsend, 1642 Concordia Avenue, Winnipeg, R3W 1J2,
Mr. W. Zajac, 35 McMahon Place, Winnipeg, R3W 1H1,
Mr. K. Mulligan, 75 Whittington Road, Winnipeg, R3W 1H6,
Mr. & Mrs. T. Mathes, 34 Whittington Road, Winnipeg, R3W 1H5,
Mr. B. Harris, 589 Roch Street, Winnipeg, R2K 2P7,
Mr. A. Mandel, 75 Lincrest Road, Winnipeg, R2V 2S8,
Mr. R. J. Fraser, 845 Louelda Street, Winnipeg, R2K 3H3,
Mr. B. Dhillon, 319 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mr. K. Verhaeghe, 26 Parasiuk Place, Winnipeg, R3W 1E9,
Mr. K. Crozier, 117 Pike Crescent, Winnipeg, R2K 3C1,
Mrs. E. Estabrooks, 103 Williamson Crescent, Winnipeg, R3W 1E3,
Mr. R. Funk, 410 Grassie Boulevard, Winnipeg, R3W 1G4,
B. Sych, 417 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mr. & Mrs. W. Lambert, 15 Howard Kendel Place, Winnipeg, R3W 1G6,
Mr. & Mrs. J. Wilgosh, 251 Rutledge Crescent, Winnipeg, R3W 1E4,
Mr. D. & Mrs. R. Smyrski, 2 Whittington Road, Winnipeg, R3W 1H3,
(subsequently withdrew their opposition),
Mr. & Mrs. R. Naumiuk, 170 Rutledge Crescent, Winnipeg, R3W 1E7,
(subsequently withdrew their opposition).

The East Kildonan-Transcona Community Committee recommended that the proposed subdivision and rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendations.

The East Kildonan-Transcona Community Committee requested that the Land Development Department include an additional condition in the Administration's Report to the Committee on Planning and Community Services with regard to the installation of barricades at the south end of the existing pavements on Concordia Avenue, Rutledge Crescent and Filbert Crescent prior to the start of any construction as part of the conditions to be imposed in connection with the approval of this application. Condition I. G. reflects the change requested by the Community Committee."

Your Committee on Planning and Community Services concurs in part with the recommendations of the East Kildonan-Transcona Community Committee for the reasons outlined in the report from the Manager of Land Development Department, attached hereto, dated March 14th, 1991, and recommends:

I. That the plan of subdivision proposed under File No. DASZ 44/85 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "E" attached hereto and dated January 4th, 1991 for registration in the Winnipeg Land Titles Office, subject to the applicant entering into a Development Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co- ordinating Group dated October 25th, 1990, as amended by the Administrative

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Co-ordinating Group Report dated November 1st, 1990, attached hereto as Schedules "F" & "G", with the following additional amendments, namely:-

A. That Condition No. 6 e) be amended by deleting the words "chain link" in the second line thereof and adding the words "post and chain" in its place.

B. That Condition No. 9 a) i) be amended by deleting the word "development" in the first line thereof and replacing it with the words "building permits"; and by deleting the word "permitted" in the first line thereof and replacing it with the word "issued".

C. That Condition No. 9 b) i) and ii) be deleted in its entirety.

D. That the following changes recommended in the report from the Manager, Land Development Department, dated March 14th, 1991 be implemented as recommended therein, namely:-

(1) That Section 9(a)(ii) of the report of the Administrative Co-ordinating Group dated October 25th, 1990 be amended, as shown on Appendix "A" attached to the said report.

(2) That Figure 1 of the report of the Administrative Co- ordinating Group dated October 25th, 1990 be replaced with Figure 1A, as shown on Appendix "B" attached to the said report.

(3) That Figure 1B be added to the report of the Administrative Co-ordinating Group, as illustrated on Appendix "C" attached to the said report.

E. That Condition No. 12 b) be amended by adding the words "or a combination of pavement and landscaped area all to the satisfaction of the General Manager of Parks and Recreation and the Commissioner of Works and Operations" after the word "areas" in the third line thereof.

F. That Condition No. 20 a) be amended by replacing the word "may" with the word "will" in the second last line thereof.

G. That Condition No. 25 be amended by adding the words "North- South" after the word "future" in the fourth line thereof; and by adding the words "and the proposed extension of Concordia Avenue" after the word "corridor" in the fourth line thereof.

H. That Condition No. 20 be amended by adding the following new subsection (c):

"The Developer shall, at no expense to the City, install full right-of-way width barricades at the south end of the existing pavements on Concordia Avenue, Rutledge Crescent and Filbert Crescent prior to the start of any construction. The barricades shall include all necessary signing and shall remain in place until house building is complete and occupancy of houses commences or as determined by the Commissioner of Works and Operations."

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. 4440/86 be amended as follows:

A. By rezoning subject land to an "R1-4" Single-Family District and a "PR" Park and Recreation District as shown on said Schedule "E";

B. By providing the following the special rear yard setbacks for any lot that has a rear lot line abutting or partly abutting the boundary of lands containing a stormwater retention lake, as shown on said Schedule "E", namely:

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a. a minimum of 25.9 metres (85 feet) measured from that rear lot line to any principal building, and

b. a minimum of 20.4 metres (67 feet) measured from that rear lot line to detached accessory building, and

c. a minimum 12.8 metres (42 feet) measured from that rear lot line to any temporary structure and open swimming pool; C. By providing a special setback for any lot that abuts the existing high pressure gas pipeline right-of-way as shown on said Schedule "E" of 15.24 metres (50 feet) from the right-of- way to any principal building.

NOTE: The map attached as Schedule "E" to the Community Clerk's report designates the proposed school site on Concordia Avenue as an "R1-4" Single-Family District, however, a school (public or private) is not a permitted use in that District. That map which is also attached hereto as Schedule "E" has been revised by changing the zoning designation to a "PR" category which is the zoning district required for use as a school. The map has also been revised to designate the storm water retention lake and impoundment area "PR" as advertised.

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

VI. That the "R1-4" Single-Family District shall come into effect when the plan of subdivision approved pursuant to Recommendation No. I above is registered in the Winnipeg Land Titles Office.

VII. That the subdivision/rezoning by-law be forwarded to Council for all three readings when all necessary agreements have been executed.

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

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

X. 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 Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 698 for attachments.)

698 - Attachment referred to in Clause 4 of the Report of the Committee on Planning and Community Services, dated March 25th, 1991.

(NOTE: SEE PAGE 934 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

Schedule “B” referred to in Clause 4 of the Report of the Committee on Planning and Community Services, dated March 25th, 1991.

(NOTE: SEE PAGE 935 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

Schedule “C” referred to in Clause 4 of the Report of the Committee on Planning and Community Services, dated March 25th, 1991.

(NOTE: SEE PAGE 936 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

Schedule “D” referred to in Clause 4 of the Report of the Committee on Planning and Community Services, dated March 25th, 1991.

(NOTE: SEE PAGE 937 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

Schedule “E” referred to in Clause 4 of the Report of the Committee on Planning and Community Services, dated March 25th, 1991.

(NOTE: SEE PAGE 938 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

Schedule “F” referred to in Clause 4 of the Report of the Committee on Planning and Community Services, dated March 25th, 1991.

(NOTE: SEE PAGES 939 TO 950 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENTS)

Schedule “G” referred to in Clause 4 of the Report of the Committee on Planning and Community Services, dated March 25th, 1991.

(NOTE: SEE PAGES 951 TO 957 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENTS)

Appendix "A" referred to in Clause 4 of the Report of the Committee on Planning and Community Services, dated March 25th, 1991.

(NOTE: SEE PAGE 958 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

Appendix “B” referred to in Clause 4 of the Report of the Committee on Planning and Community Services, dated March 25th, 1991.

(NOTE: SEE PAGE 959 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

Appendix "C" referred to in Clause 4 of the Report of the Committee on Planning and Community Services, dated March 25th, 1991.

(NOTE: SEE PAGE 960 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

Appendix "D" referred to in Clause 4 of the Report of the Committee on Planning and Community Services, dated March 25th, 1991.

(NOTE: SEE PAGE 961 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

Appendix "E" referred to in Clause 4 of the Report of the Committee on Planning and Community Services, dated March 25th, 1991.

(NOTE: SEE PAGE 962 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

COMMITTEE ON PLANNING AND COMMUNITY SERVICES
CONSIDERATION OF BY-LAWS

699 - Councillor Gilroy moved that By-law No. 4940/88, a By-law of The City of Winnipeg to amend By-law No. 965/75, a By-law establishing an Action Area Plan for North St. Boniface, being a statement of the City's policies and proposals for the development of the North St. Boniface area, be read a second time. File No. EP-1.2 (AAP 29/88).

Moved by Councillor Gilroy,
Seconded by Councillor O'Shaughnessy,

WHEREAS Council on July 27th, 1988, gave first reading to By- law No. 4940/88, being a By-law to amend By-law No. 965/75, a By-law establishing an Action Area Plan for North St. Boniface, being a statement of the City's policies and proposals for the development of the North St. Boniface area;

AND WHEREAS on March 27th, 1991, Council concurred in the recommendation contained in Clause 3 of the Report of the Committee on Planning and Community Services, dated March 11th, 1991, and the St. Boniface-St. Vital Community Committee, that the proposed amendment to The North St. Boniface Action Area Plan under File AAP 29/88, being By-law No. 4940/88, be not proceeded with for the following reasons:

1. The timing of this application would set a precedent for opening up the riverbank for others.

2. A very strong case has been made that the City must protect the riverbank as it will set a precedent for future development of the community;

THEREFORE BE IT RESOLVED that in view of the action of Council in rejecting the proposed amendment to the Action Area Plan, no further action be taken relative to By-law No. 4940/88, and that By-law No. 4940/88 be not proceeded with.

Carried.

On motion of Councillor Gilroy, 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. 5676/91, a By-law of the City of Winnipeg to amend Zoning By-law No. 16502 for the enactment of a zoning change in the City Centre-Fort Rouge Community. File No. DAZ 233/90.

By-law No. 5677/91, a By-law of the City of Winnipeg to amend The St. Boniface Town Planning Scheme 1957 for the enactment of a zoning change in the St. Boniface-St. Vital Community. File No. DAZ 267/90.

On motion of Councillor Gilroy, the rule was suspended and By-law No. 5682/91, a By-law of the City of Winnipeg to amend The St. Vital Town Planning Scheme 1951 for the enactment of a zoning change in the St. Boniface-St. Vital Community, was read a first, second and third time, the rule being suspended for third reading, and was passed and ordered to be signed and sealed. File No. DAZ 264/90.