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 11th, 1991, has concurred in the recommendations contained therein, except as noted below, 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 11th, 1991, was considered clause by clause.

West Committee Room,
Council Building,
Winnipeg, March 11th, 1991.

His Worship the Mayor & Councillors:-

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

Text Amendment to the Untidy/Unsightly Premises By-law No. 762/74
File No. EB-1(U.P.).

653 - 1. Your Committee on Planning and Community Services has been advised that changes to other City of Winnipeg By-laws and to The City of Winnipeg Act necessitate changes to the Untidy/Unsightly Premises By-law No. 762/74 passed by Council on September 11th, 1974, to eliminate possible legal problems of conflict.

The translation of The City of Winnipeg Act from English into French plus some legislative amendments thereto, has resulted in some sections of the Act being renumbered. It is necessary to correct those references in the Untidy/Unsightly Premises By-law to eliminate possible legal complications in enforcement of the By-law.

The name "Committee on Environment" has, by By-law, been changed to the "Committee on Planning and Community Services". Also, the "Commissioner of Environment" was changed to the "Commissioner of Planning and Community Services". It is necessary to amend the Untidy/Unsightly Premises By-law to have the correct names referenced.

Your Committee on Planning and Community Services recommends:

I. That the Untidy/Unsightly Premises By-law No. 762/74 be amended as follows:

(1) That the reference to The City of Winnipeg Act of Section 434 be changed to Section 424;

(2) That the term "Commissioner of Environment" be changed to "Commissioner of Planning and Community Services";

(3) That the term "Committee of Environment" be changed to "Committee on Planning and Community Services"; and

(4) That the reference to Section 143.1 of The City of Winnipeg Act be changed to Section 155(1).

II. That the City Solicitor be requested to prepare the necessary amending by-law in accordance with Recommendation I above and forward same to Council for all three readings.

Report of the Committee on Planning and Community Services, dated March 11, 1991

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Assistance for Students under the Age of 18 File No. EH-2.

654 - 2. At its meeting held on January 7th, 1991, the Committee on Planning and Community Services requested the Director of Social Services attend its meeting to discuss the matter of obtaining funding assistance for young people between the ages of 16 and 18 who do not live at home and who wish to attend school.

Your Committee on Planning and Community Services has been advised that there is no government program specifically mandated to provide assistance to students under the age of 18 who are unable to live in their parents' home. However, there are several resources for teenage students who are in specific types of situations. All of these resources are based upon the legal premise that parents are responsible for the care and support of their children until they reach the age of 18. (See 1. below)

When parents are unable to care for their child and the child is deemed to be in need of protection, then child welfare authorities assume legal responsibility for the child. (See 2. below) In the case of a 16 or 17 year old student, the local Child and Family Services Agency might arrange placement in a foster home, a group home or in an independent living situation. However, while the Child and Family Services Act indicates a child lacking the basic necessities would be a child in need of protection, agencies usually will not take a child into care if the need is seen to be strictly financial. In such instances, the Provincial Social Allowances Aid to Dependent Children (5(1)F) Program may be a resource.

The Provincial Social Allowances Act makes provision for paying a social allowance on behalf of a "child both of whose parents are dead or in the opinion of the Director are unable to contribute to his maintenance and who is wholly dependent on another person for his basic necessities." (See 3. below) Provincial Income Security staff can provide assistance to the person caring for such a child after the local child welfare authorities have assessed the situation and recommended provincial support. In such cases, assistance includes allowances for room, board, clothing, personal, household and special needs.

1. Section 36 of the Family Maintenance Act (see attachment).

2. Part III, Section 17 (1) and (2) Child and Family Services Act (see attachment).

3. Section 5(1)(F) - The Social Allowances Act - Aid to Dependent Children.

Assistance programs specifically for students are geared towards adults. As a rule, the Provincial Student Social Allowances Program does not assist minors. The Provincial Department of Education, Student Financial Assistance Program (formerly Student Aid) does provide bursaries to high school students under the age of 18. However, these bursaries are small (up to $900), and are indented to cover incidentals such as bus fare, not food and shelter.

There is general recognition in the community that there is a gap in services for minors who cannot or will not live with their parents. In his 1988 and 1989 reports, the Provincial Ombudsman urged provincial authorities to come up with a solution to the problem. (See attached). A task force struck by the Deputy Minister of Family Services has been examining this issue of the past few years and has yet to come up with a final position on the matter. There is a very real concern that a program of support for children who do not come under the authority of the Director of Child Welfare might encourage children to leave their families, undermining both the rights and the responsibilities of the parents.

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Welfare programs are not seen as the answer. Traditionally, the City has taken the position that no person under the age of 18 would be considered to be entitled to assistance under the Social Services By- law as in all cases the minor would have a financial resource in the form of entitlement to support from his/her parents, Child and Family Services or Provincial Social Allowances through the Aid to Dependent Children Program. The Province has taken a similar position with respect to its regular assistance programs.

In the late 1970's and the early 1980's, the Social Services Department attempted to respond to the needs of 16 and 17 year olds with an assistance program developed in conjunction with local child welfare authorities. It was based upon the understanding child welfare authorities would conduct a thorough investigation of the family situation and the teen's ability to live independently. As well they promised to maintain contact with the teen, in effect act as the child's guardian, throughout the period of assistance. Unfortunately, none of this occurred. Soon the department was being deluged with inappropriate referrals. Instead of 16 and 17 year olds, the City was soon receiving recommendations to enroll 14 and 15 year olds. Once enrolled on our program, contact with child welfare authorities virtually ceased. In many instances the minors were too immature to manage on their own. Problems of irresponsible behaviour, in particular money mismanagement, were common. The situation became even more complicated when a number of these teens began living in common-law relationships and having children of their own. As the practical and legal problems of assisting minors escalated, the City reverted back to its original position on enrollment of minors. Today, the Department provides assistance to minors only in very exceptional circumstances.

Your Committee on Planning and Community Services recommends:

1. That the Minister of Family Services of the Province of Manitoba be advised there is a lack of support and assistance by the Province for Children under the age of 18 years who cannot live at home for whatever reason, who are very vulnerable and who would like to attend school and get some form of an education.

2. That the Province of Manitoba be requested to provide emergency funds to the City to handle the growing number of Children under the age of 18 years of age who require support and assistance or that the Province of Manitoba assume the responsibility of providing funding in this most important area.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Action Area Plan Amendment - West side of Tache Avenue between Provencher Bridge and C.N.R. Highline, St. Boniface-St. Vital Community
File No. EP-1.2(AAP 29/88).

655 - 3. Your Committee on Planning and Community Services has been advised that an application has been received from the Commissioner of Planning and Community Services to re-designate lands on the west side of Tache Avenue between the Provencher Bridge and the C.N.R. Highline from a "Proposed Park and Riverbank" land use designation to a "Future Residential" proposed land use designation. Council on July 27th, 1988 gave first reading to By-law No. 4940/88, which proposed to amend The North St. Boniface Action Area Plan By-law No. 965/75 by redesignating the lands shown outlined on the sketch submitted from "Proposed Park and Riverbank" to "Future Residential".

Gaboury Associates Architects Inc. applied for an "R3" rezoning of the lands opposite rue Notre Dame under File No. DAZ 229/90. The proposal was to develop a 90-unit multiple-family housing development on Tache Avenue with park lands along the riverbank. AAP 29/88 was advertised for a Public Meeting to reflect this proposal as shown on the sketch submitted.

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This concept of development would allow residential uses fronting on Tache Avenue proper, with dedication of riverbank lands in the case of private holdings. In the case of City-owned lands, it would allow the sale or lease of those portions which abut Tache Avenue and are not necessary to park development. This would result in a pattern of development which is identical to that which occurs following the re- zoning of private holdings on the rivers.

The applicant for the rezoning application DAZ 229/90 has submitted a geotechnical report, in order to fix the boundary of the designations "Park and Riverbank" and "Future Residential", which boundary is reflected in the advertising of this amendment.

Unless lands to the north of rue La Verendrye are acquired in total by the City of Winnipeg, the pattern of development on those lands might reasonably include housing abutting Tache Avenue and Riverbank Park to the west. There is no reason that such a pattern cannot be established on lands now owned by the City, between rue Dumoulin and rue La Verendrye. Extensive frontage is unnecessary to park development or for adequate access to riverbank parks. As long as an appropriate area is reserved for riverbank park, including points of access, the City may responsibly promote residential uses on lands between Tache Avenue and Riverbank Park.

The amendment considered by Council included lands between the CNR Highline and rue La Verendrye. These private holdings have not been the subject of a geotechnical report, and the location of a suitable boundary between park and residential development has not been fixed. Until such a boundary is fixed (both in terms of park requirements and bank stability) the amendment of the Action Area Plan cannot be recommended to apply to such lands.

It is expected that an application for re-zoning of privately- held lands for residential development will be made. At the time of such an application, the owner would be expected to prepare a geotechnical report to fix the limit of residential development. This report would be necessary to support a zoning change and any application for a building permit, in addition to a Plan Amendment. It is suggested that the redesignation of lands between the CNR Highline and rue La Verendrye should not be considered until a geotechnical report is submitted. It is not appropriate to redesignate all of the lands between the CNR Highline and rue La Verendrye for "Future Residential".

The Planning Department can support an amendment to The North St. Boniface Action Area Plan (B/L No. 965/75) to reclassify the lands between rue Dumoulin and rue La Verendrye as illustrated on Sketch No. 2 submitted in connection herewith.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on October 9th, November 13th and December 11th, 1990.

The following persons appeared and/or registered in support of the proposed change to The North St. Boniface Action Area Plan:

Mr. Alain Hogue, 196 blvd Provencher, Winnipeg, R2H 0G3,
Mr. Robert Arbez, 242 Kitson Street, Winnipeg, R2H 0Z7,
Ms M. Fritz Longergan, 293 blvd Provencher, Winnipeg, R2H 0G6,
Mr. Paul J. J. Gloux, 372 Cabana Place, Winnipeg, R2H 0K4,
Mr. Leo Grouette, 109 - 200 rue Masson, Winnipeg, R2H 3G1,
Mr. Henri E. Lambert, 301 rue Notre Dame, Winnipeg, R2H 0C7,
Mr. Omer Lamoureux, 176 Imperial Avenue, Winnipeg, R2M 0K8,
Mr. Fernand Laurencelle, 333 rue Dumoulin, Winnipeg, R2H 0C7,
Mr. Philippe Le Quere, 387 rue D'Eschambault, Winnipeg, R2H 0J9,
Mr. G. Perron, 71 Blue Water Crescent, Winnipeg, R2J 2X6,
Mr. Douglas Leeies, 710(D) Watt Street, Winnipeg, R2K 0S7,
Mr. G. Mulaire, 369 Cabana Place, Winnipeg, R2H 0K3,
Mr. A. Dean Gould, 18 Brentlawn Blvd., Winnipeg, R3T 4X8,
Mr. Michael Lysenko, 296 Kingsway, Winnipeg, R3M 0H4.

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

Mr. Michaud Gilbert, 447 rue Jeanne D'Arc, Winnipeg, R2H 2G4,
Mr. Ken Samuda, 430 rue Jeanne D'Arc, Winnipeg, R2H 2G5,
Mr. Alphonse Bernard, 103 Crawford Avenue, Winnipeg, R2H 1X6,
Mr. Marc Boily, 330 rue Dumoulin, Winnipeg, R2H 0E8,
Mr. Karl Brosch, 150 rue Notre Dame, Winnipeg, R2H 0C1,
Mr. Leo Dufault, 243 rue Dumoulin, Winnipeg, R2H 0E5,
Mr. Renald Guay, 300 blvd Provencher, Winnipeg, R2H 0G7,
Ms Carol James, 140 rue Notre Dame, Winnipeg, R2H 0C1,
(on behalf of St. Boniface Riverbank Preservation Committee),
Mr. Bryan Klein, 1700 - 360 Main Street, Winnipeg, R3C 3Z3
(on behalf of S.B.R. Investments Ltd.),
Mr. Robert Landry, 137 rue La Verendrye, Winnipeg, R2H 0B5,
(on behalf of St. Boniface Riverbank Preservation Committee),
St. Boniface Riverbank Preservation Committee),
Mr. Gerard Lecuyer, 5 Cherry Crescent, Winnipeg, R2J 1V8,
(on behalf of Enviraction),
Mr. Francois Ledorz, 141 rue Dumoulin, Winnipeg, R2H 0E2,
(on behalf of St. Boniface Riverbank Preservation Committee),
Mr. David McIntosh, 262 rue La Verendrye, Winnipeg, R2H 0B8,
Ms Marcelle Marion, 165 rue La Verendrye, Winnipeg, R2H 0B5,
(on behalf of St. Boniface Riverbank Preservation Committee),
Mrs. Marjolaine Pelletier, 143 Ashford Drive, Winnipeg, R2N 1K4,
(on behalf of Enviraction),
Mr. G. Ricard, 156 rue Notre Dame, Winnipeg, R2H 0C1,
Mr. Riel Rioux, 1 - 173 rue Aubert, Winnipeg, R2H 0B2,
Mr. Michael & Mrs. Del Stevens, 137 rue Dumoulin, Winnipeg, R2H 0E2,
(on behalf of St. Boniface Riverbank Preservation Committee),
Mr. Roger Turenne, 414 Cabana Place, Winnipeg, R2H 0K4,
Mr. Armand Bedard, 737 rue St. Jean Baptiste, Winnipeg, R2H 0Y6,
(on behalf of St. Boniface Riverbank Preservation Committee),
Mr. Christian Benhamou, 456 rue Aulneau, Winnipeg, R2H 2V2,
Mr. Richard Devigne, 772 rue St. Joseph, Winnipeg, R2H 3A7,
(on behalf of St. Boniface Riverbank Preservation Committee,
Mr. Ray Garnett, 165 rue La Verendrye, Winnipeg, R2H 0B5,
Ms C. Lambert, 588 rue St. Jean Baptiste, Winnipeg, R2H 2Y1,
Ms Kristina, Mrs. Donna & Mr. Claude Laurin, 165 rue Aubert, Winnipeg, R2H 0B2,
Chantal LeDorze, 545 Lipton Street, Winnipeg, R3G 2H4,
Mr. Brian F. Petursson, John A. Flanders, 90
Mr. G. Ricard, 156 rue Notre Dame, Winnipeg, R2H 0C1,
Linda LeBlanc, 220 rue Notre Dame, Winnipeg, R2H 0C3,
Valerie McPherson, 262 rue La Verendrye, Winnipeg, R2H 0B8,
R. Z. Battad, 305 rue Thibault, Winnipeg, R2H 3H1,
V. Battad, F. Zungaul, 309 rue Thibault, Winnipeg, R2H 3H1,
Louise LaFleche, 236 rue Aubert, Winnipeg, R2H 0B3.

The St. Boniface-St. Vital Community Committee recommended 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.

Report of the Committee on Planning and Community Services, dated March 11, 1991

Your Committee on Planning and Community services concurs in the recommendation of the St. Boniface-St. Vital Community Committee and recommends that By-law No. 4940/88 being a by-law to amend The North St. Boniface Action Area By-law No. 965/75 be not proceeded with and ordered filed.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Text Amendment to the Anti-Litter By-law No. 1075/75 File No. ER-1.5.

656 - 4. By-law No. 1075/75, the Anti-Litter By-law is a By-law of The City of Winnipeg to regulate the throwing or depositing of litter in The City of Winnipeg.

By-law No. 1075/75 was passed by Council on September 17th, 1975. Due to changes to other City of Winnipeg By-laws and to The City of Winnipeg Act, changes to the Anti-Litter By-law are necessary to eliminate possible problems of conflict.

The definition for the term "Commissioner" in the Anti-Litter By-law is the Commissioner of Environment. The position "Commissioner of Planning and Community Services" has been established by By-law to replace the former position of Commissioner of Environment. It is necessary to amend the Anti-Litter By-law to reflect this change to avoid any legal problems in enforcing the by-law.

Your Committee on Planning and Community Services recommends:

I. That By-law No. 1075/75, the Anti-Litter By-law, be amended by changing the definition for "Commissioner" to read as follows: "Commissioner" means the Commissioner of Planning and Community Services or any person authorized in writing by the said Commissioner to exercise some or all the powers vested in the Commissioner by this by-law.

II. That the City Solicitor be requested to prepare the necessary amending by-law in accordance with Recommendation I and forward same to Council for all three readings.

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried

Amendment to the Political and Administrative Organization By-law 4444/86 with regard to approval of the execution of Servicing Agreements required as a Condition of Conditional Use Approval or Variance Approval File No. GL-5.6 (c/r DCU 279/90).

657 - 5. Section 627(4) of The City of Winnipeg Act empowers a Community Committee, or the Designated Committee on appeal, to approve a Conditional Use application subject to conditions. On occasion an appropriate condition may be that services to a site be improved at the expense of the applicant to avoid adverse impact on neighbouring lands or requiring taxpayers to unfairly subsidize a development authorized by the approval.

The City of Winnipeg Act gives Council a broad power to enter into Servicing Agreements regarding the development of land which it can delegate to the Committee on Planning and Community Services under its Organization By-law

4444/86. Since this type of agreement is similar in concept to a short-form subdivision Servicing Agreement it would appear appropriate that Council delegate the authority for authorizing execution, to the Committee on Planning and Community Services, which has that statutory authority in respect of short-form subdivisions.

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The Act empowers such delegation to a Standing Committee but not to a Community Committee.

Your Committee on Planning and Community Services recommends:

I. That the City of Winnipeg Political and Administrative Organization By-law 4444/86 be amended to add to the powers and duties of the Committee on Planning and Community Services the following additional power: "(u.1) To approve the execution of any Servicing Agreement required as a condition of a Conditional Use Order or Variance Order."

II. That favourable consideration be given by Council to the draft By-law submitted herewith in order to implement the intent of recommendation I. above.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Councillor Timm-Rudolph asked to be recorded as voting against the clause, in accordance with Section 50.7 of the Procedure By-law.

Naming of Route 17 as "Avenue of the Kildonans", East Kildonan-Transcona & Lord Selkirk-West Kildonan Community Areas
Files No. SC-3.14(23) & SC-3.14(24).

658 - 6. LAID OVER BY EXECUTIVE POLICY COMMITTEE

(NOTE: SEE PAGES 886 TO 888 FOR OFFICIAL SET OF MINUTES FOR THE ABOVE CLAUSE)

Report of the Committee on Planning and Community Services, dated March 11, 1991

ZONING AGREEMENT AMENDMENT - 185 Scurfield Boulevard at north-west corner of Kenaston Boulevard - Assiniboine Park-Fort Garry Community File No. DAZ 264/85 (ZAA 26/90).

659 - 7. Your Committee on Planning and Community Services has been advised that an application has been received from Shell Canada Products Ltd., 250 Panet Road, to amend the Zoning Agreement affecting 185 Scurfield Boulevard by changing the condition that any food store on the land be closed for business between the hours of 11:00 p.m. and 7:00 a.m. in order to permit the operation of a 24 hour food store.

The food store has enjoyed a 24 hour operating schedule for two years pursuant to Conditional Use DCU 142/88 causing no apparent problems.

A Public Meeting was held before the Assiniboine Park-Fort Garry Community Committee on January 21st, 1991.

The following persons appeared in support of the application:

James M. Pitchko, Shell Canada Products Ltd., 250 Panet Road, P.O. Box 6700, Winnipeg, R3C 3A8,
J. C. Calhoun, Shell Canada Products Ltd., 250 Panet Road, Winnipeg, P.O. Box 6700, Winnipeg, R3C 3A8,
R. L. McMillan, Whyte Ridge Residents' Association, 75 Pincarrow Road, Winnipeg, R3Y 1E6. No one appeared in opposition thereto.

The Assiniboine Park-Fort Garry Community Committee recommended that the proposed Zoning Agreement amendment be approved for the following reasons:

1. The Applicant has surveyed the entire community, advising of this proposal, and no opposition has been received.

2. The food store has enjoyed a 24 hour operating schedule for two years, causing no apparent problems.

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

I. That Zoning Agreement DAZ 264/85 dated October 23rd, 1985 be amended by deleting therefrom, Clause 3 being that clause which limits the hours of operation for any food store established on the lands.

II. That the City Solicitor be requested to prepare the necessary amendment to Zoning Agreement DAZ 264/85 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.

REZONING - South side McGillivray Boulevard, west of Waverley Street - Manitoba Telephone System File No. DAZ 223/89.

660 - 8. Your Committee on Planning and Community Services has been advised that Council instructions of

June 21st, 1989 respecting a zoning change from "A" Agricultural to "M2" Industrial under File No. DAZ 223/89 required the owner, Manitoba Telephone System, to make a ten percent cash dedication in lieu of the requirement for open space, park and recreational use based on increase in the market value of the land.

Report of the Committee on Planning and Community Services, dated March 11, 1991

For the purposes of calculating the ten percent cash dedication the Land Surveys and Real Estate Department used a rate for agriculturally-zoned lands of $11,500.00 per acre in accordance with Council policy established in December 1979.

Following enactment of the relevant zoning by-law on July 12th, 1989 but prior to execution of the related Zoning Agreement this policy, however, was revised by the Committee on Finance and Administration on July 18th, 1989 fixing the rate to be used for agriculturally-zoned lands at $20,000.00 per acre.

Based on the new rate aforesaid of $20,000.00 per acre the Manitoba Telephone System should have made payment to the City of $3,635.00 calculated as follows:

"M2" Industrial	1.7 acres @ $41,382/ac =	$70,349.00
"A" Agricultural	1.7 acres @ $20,000/ac =	$34,000.00
		$36,349.00
Dedication payable		$ 3,635.00

Instead Manitoba Telephone paid the sum of $5,080.00 calculated as follows:

"M2" Industrial	1.7 acres @ $41,382/ac =	$70,349.00
"A" Agricultural	1.7 acres @ $11,500/ac =	$19,550.00
		$50,799.00
Dedication payable		$ 5,080.00

Accordingly Manitoba Telephone System is requesting that the City refund to it the sum of $1,445.00 representing the difference between $5,080.00 and $3,635.00.

The Land Surveys and Real Estate Department and the Planning Department both view Manitoba Telephone System's request as being reasonable, and recommended that the terms of the Zoning Agreement be amended to permit a refund of $1,445.00 to the Manitoba Telephone System. The Law Department also concurs with the recommendation of the said Departments.

Your Committee on Planning and Community Services concurs in the recommendation of the City Administration in this regard and recommends:-

I. That the terms of the Zoning Agreement under File No. DAZ 223/89 be amended by reducing the amount of the dedication in this instance to $3,635.00.

II. That the Manitoba Telephone System be refunded the sum of $1,445.00 being the amount of over dedication paid to the City under File DAZ 223/89.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing including but not limited to the execution of the said Agreement.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Report of the Committee on Planning and Community Services, dated March 11, 1991

REZONING - South-west corner McGillivray Boulevard at Waverley Street - Assiniboine Park-Fort Garry Community

File No. DAZ 228/89.

661 - 9. Your Committee on Planning and Community Services has been advised that an application has been received from Sherwood Park Homes Ltd., 670 Park Boulevard South, to amend By-law No. 1800 by rezoning the land on the south-west corner of McGillivray Boulevard at Waverley Street from an "A" General Agricultural District to an "M1" Limited Industrial District, to permit the construction of a gas kiosk and a multi-tenant industrial development.

Preliminary plans submitted indicate a proposed 8,670 square foot multi-tenant building on the eastern portion of the site and a gas kiosk on the westerly triangular portion of the site. All vehicular access to the land is to be from the service road to the south (MacDonald Road). Parking for 54 vehicles is indicated and a 5 foot wide landscaping strip is indicated along the north side of the site abutting McGillivray Boulevard.

The "M1" Limited Industrial District permits a wide range of commercial uses. The applicant indicates uses such as a beauty salon, convenience store, etc. are being considered for the multi-tenant building.

The requested "M1" District zoning is considered to be an appropriate zoning for the subject site. However, because the site location results in constraints on access, the Planning Department feels that the permitted uses should be restricted by a Zoning Agreement. An office/industrial use or a similar use with limited customer traffic would be the most preferable development for this site. The gas kiosk and multi-tenant rental development proposed, providing the type of tenant is restricted, is acceptable.

The Streets and Transportation Department has recommended all access to the site is to be taken from the street located along the south limit of the site only, and the applicant is to pay all costs associated with providing vehicular access to the subject site. Also, the applicant is to dedicate to the city a 3.0 metre by 3.0 metre right-of-way corner cut at the north-east corner of the subject site, by way of a plan of subdivision.

District 6 Operations have recommended that the street located along the south limit of the site be upgraded to a concrete street with land drainage; and that the applicant be required to pay for services installed by others on the Waverley Street right-of-way. A Servicing Agreement will be required to provide for these requirements.

A Public Meeting was held before the Assiniboine Park-Fort Garry Community Committee on July 11th, 1989 and at numerous adjourned meetings and the Public Meeting was finally concluded on January 21st, 1991.

The following persons appeared in support of the application:

David A. Jones, Sherwood Park Homes Ltd., 670 Park Boulevard South, Winnipeg, R3P 0X1,
Donald Stefanyk, 621 Park Boulevard East, Winnipeg, R3P 0T7.

No one appeared in opposition thereto.

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

1. The use of the property has been restricted to uses that would accommodate a limited amount of customer traffic, and should therefore not cause any detrimental effect to the surrounding neighbourhood.

2. The uses proposed are low intensive "M1" uses and should have no detrimental impact on surrounding properties.

Report of the Committee on Planning and Community Services, dated March 11, 1991

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

I. That By-law No. 1800 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 228/89 attached hereto and dated February 4th, 1991, to an "M1" Limited Industrial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 605(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:
   Food Store
   Bank or other financial institution
   Barber shop
   Beauty salon
   Blueprinting and photostatting establishment
   Medical office
   Clothing store
   Business machine, manufacture, repair and service
   Drugstore
   Dry-cleaning establishment
   Government Administrative Buildings
   Interior decorating establishments
   Offices- business and professional
   - equipment or machinery repair
   - wholesale with storage restricted to samples

   Photographic - Camera and photographic supply stores
   - Developing or printing establishments
   Restaurants (as approved by variance)

2. That no outside storage be permitted on site;

3. That final construction plans indicating the design and location of proposed buildings, including exterior elevations, all signs, accessory parking areas, fencing, landscaping and garbage enclosures be subject to the approval of the Assiniboine Park-Fort Garry Community Committee and the Commissioner of Planning and Community Services prior to the issuance of a building permit;

4. That no attention attracting devices, including bulletin boards, sandwich boards, placards, banners, flags, spinners, posters or lights shall be permitted on the land;

5. That no mobile advertising signs be permitted on the land except for a period of one month from the date of the business opening;

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

II. 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 dated June 23rd, 1989, attached hereto as Schedule "B" for DAZ 228/89 and dated February 4th, 1991, subject to Condition No. 4 being amended to read as follows:-

That the developer dedicate a right-of-way corner cut measuring 3.0 metres by 3.0 metres in the north-east corner of the subject property, should the corner cut be necessary under the Service Agreement conditions.

III. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings when the Zoning and Servicing Agreements have been executed.

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

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

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

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

Moved by Councillor Gilroy,
Adoption of the clause

Carried

(Note: See Minute No. 669 and 670 for attachments.)

REZONING - 3194 St. Mary's Road - St. Boniface-St. Vital Community
File No. DAZ 257/90.

662 - 10. Your Committee on Planning and Community Services has been advised that an application has been received from Niakwa Pizza Ltd., 3194 St. Mary's Road to amend The St. Vital Town Planning Scheme 1951 by rezoning the land located at 3194 St. Mary's Road located at the south- west corner of St. Mary's Road and Forbes Road, from a "C1" Limited Commercial District to a "C2" Commercial District to allow an existing restaurant to be licensed subject to Conditional Use approval.

The approval of "C2" zoning and a licensed restaurant south of the Perimeter Highway would imply a change in policy respecting this unserviced area of the City. The area is not designated for commercial uses under The St. Vital Perimeter South Action Area Plan, but because the area was not rezoned at the time of adoption of the Plan, the former commercial zoning remains in place. Such "C1" zoning is intended to accommodate neighbourhood services.

Profound concern about the availability of potable groundwater in the area suggests that the intensity of development should not be increased. Approval of regional uses such as licensed restaurants may be more significant than an increase in the number of dwelling sites, and the approval of urban commercial development would be inconsistent with the prohibition of urban residential development.

If a restaurant is deemed to be a local use (like the post office in the same building), it is necessary to distinguish the proposed licensed restaurant as a regional use. Approval of the current application must not be cited as a precedent for further increases in the intensity of commercial development in the area. The rezoning of lands to commercial districts would require the amendment of the Action Area Plan, but various sites remain zoned (inappropriately) for commercial use. Changes from "C1" zoning to "C2" Zoning would defeat the intent and purpose of the Action Area Plan, and if zoning had been amended to conform to the Action Area Plan the existing restaurant would have been made non- conforming.

A full, or even broad, range of commercial services cannot be provided in rural residential areas, and even if there is a market for regional uses they remain inappropriate in rural areas. The existing restaurant on the site does not imply the suitability of a licensed restaurant any more than the existing service station on the adjacent site implies the suitability of a public garage or carwash in this area.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on November 13th and December 11th, 1990.

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The following persons appeared in support of the application:

Mr. Jim Smith, Smith and Welch, 204 - 584 Pembina Highway, Winnipeg, R3M 3X7,
(on behalf of the applicant),
Mr. Bill Hiebert, 68 Charlotte Road, St. Germain P.O., R0G 2A0,
Mr. Nick Vardalos, 3140 St. Mary's Road, St. Germain P.O., R0G 2A0,
Mrs. Georgina Jarema, Box 176, St. Germain P.O., R0G 2A0,
(withdrew opposition at December 11th, 1990 meeting and supported the application),
Mr. D. Kucas, 3399 St. Mary's Road, St. Germain P.O., R0G 2A0.

The following persons appeared in opposition thereto;

Mr. R. C. Edwards, 211 Forbes Road West, St. Germain P.O., R0G 2A0,
Dr. L. J. Shapiro, Box 160, Winnipeg, R3V 1L6,
Mr. E. Golin, 255 Fraser Road, St. Germain P.O., R0G 2A0.

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

1. The applicant has done everything in his power to make the proposed changes to his restaurant amenable to the neighbourhood.

2. This application will have no substantial adverse effect on the neighbourhood.

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

The Committee was of the opinion that the change in zoning in this instance is not precedent setting in that the restaurant use and "C1" zoning existed on this land prior to the adoption of the St. Vital Perimeter South Action Area Plan, therefore allowing a Licensed Restaurant at this location does not imply a change in policy respecting this unserviced area of the City.

It is therefore recommended:

I. That The St. Vital Town Planning Scheme 1951 be amended by rezoning the subject land as shown on Schedule "A" under File No. DAZ 257/90, attached hereto and dated January 21st, 1991, to a "C2" Commercial District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 605(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. restaurant (which may include a licensed restaurant subject to the conditional use approval); b. post office; c. accessory uses.

      2. that any restaurant on the land be limited to a maximum of 80 seats and that said restaurant not operate later than 12 midnight.

      3. that no building or structure, parking area, fencing, landscaping or sign be erected or located on the land and that no exterior alterations or additions be made to existing buildings on the land except in accordance with plans approved by the St. Boniface-St. Vital Community Committee and the Commissioner of Planning and Community Services.

      4. that a fence be erected and maintained on the north lot limit from the existing building for a distance 75 feet to the east.

      5. that no vehicular access or egress be allowed from the subject property onto Forbes Road.

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

B. That the Applicant enter into a Servicing Agreement with the City containing the following conditions:

1. The Applicant shall pay, on demand, his share of the cost of upgrading Forbes Road flanking the parcel to be rezoned to an asphalt pavement as well as the cost of oiling or other dust treatment until the road is paved. The amount is estimated at $16,820.00 (290 feet by $58.00/foot) using current local improvement rates. The actual payment however shall be based on the rates in effect at the time of payment.

2. The Applicant shall provide a letter of credit in the amount of $16,820.00 upon execution of the agreement to guarantee the above payment in a form satisfactory to the Commissioner of Finance and City Solicitor. This security shall remain in place until the payment is made and shall be adjusted from time to time to compensate for any upward change in the rate.

3. The Applicant shall pay upon execution of the agreement an administration fee of $1,177.00 ($1100/acre x 1.07 acres) to cover the City's costs in the preparation and administration of the Servicing Agreement.

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

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

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

V. 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.

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 Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 671 for attachment.)

REZONING - 190 Raymond Place, west side of Kitson and Enfield Streets - St. Boniface- St. Vital Community
File No. DAZ 267/90

663 - 11. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. Serge Bibeau, 190 Raymond Place to amend The St. Boniface Town Planning Scheme 1957 by rezoning the land at 190 Raymond Place from an "R2-T" Two Family District to an "R4B-Two" Planned Building Group District to permit the conversion of a convent building to a multiple-family institutional use.

The subject site is 67 x 58.2 metre (220 feet x 191 feet) providing a total site area of 3900 metre (42,000 square feet).

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The surrounding lands on all sides are zoned "R2-T".

Institutions cannot be distinguished from commercial uses in their effects. Institutions should be located towards the outer edges of neighbourhoods to ensure that higher traffic volumes are not required to penetrate a significant distance into those neighbourhoods. These uses are also inappropriate in the centre of low-density neighbourhoods because of incompatible scale, intensity and character. The subject site is not served by a proper street, and access if provided by public lanes.

The conversion of the former convent on the subject site was permitted because of the remaining useful life of the existing building. New construction of an institutional use would not have been recommended at this location, and the proposal to double the intensity and site coverage of the use merely represents over-development of the land. Variances requested under DAV 821/90 indicate the inability of the site to support this scale of development. The high-quality landscaping on the site which is now available to the existing residents would be eliminated.

At the time of approval of the existing use, the residents of the surrounding area objected to the establishment of further institutions in this neighbourhood, suggesting that the residential character of the area was undermined. This proposal to double the intensity of an existing institution is totally inconsistent with the protection of residential character in the neighbourhood, and the proposal cannot be considered comparable in intensity to the former convent which was acceptable at this location.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on February 5th, 1991.

The following persons appeared in support of the application:-

Mr. Serge Bibeau, 190 Raymond Place, Winnipeg, R2H 1C8,
Mr. Michael DeSchutter, 232 Kitson Street, Winnipeg, R2H 0Z5,
Mrs. Claudette Savard, 226 rue Kitson, Winnipeg, R2H 0Z5,
(on behalf of Raymond Place Residents' Association).

No one appeared in opposition thereto.

The St. Boniface-St. Vital Community Committee recommended that the proposed zoning change be approved but did not provide any supporting reasons for this recommendation.

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. Boniface Town Planning Scheme 1957 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 267/90 attached hereto and dated February 25th, 1991, to an "R4B-Two" Planned Building Group District subject to the following:-

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 605(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) an institute for elderly persons not exceeding 102 units;
(b) accessory uses;

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

(3) that no building on the land exceed three stories in height;

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(4) that 30 parking spaces be provided and maintained on the land;

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

II. That the applicant enter into a Servicing Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated January 18th, 1991, attached hereto as Schedule "B" for DAZ 267/90 and dated February 25th, 1991, with the following amendment(s):-

(1) That Condition No. 1 be deleted and replaced with the following new number 1:

"1. The Developer shall pay to the City upon demand, its share of the cost of constructing a concrete pavement to a width of 7.5 metres in the north-south lane abutting the subject property as determined by the Commissioner of Works and Operations, which share shall not exceed $30,000.00 and be secured by a Letter of Credit. In the event the subject lane pavement is not constructed by the City within five years from the date of the rezoning by-law coming into force and effect, the Developer's obligation with respect to the lane pavement shall then terminate."

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

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

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

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

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute Nos. 672 and 673 for attachments.)

SUBDIVISION AGREEMENT AMENDMENT – North-east corner of Bentall Street and Redwood Avenue - Lord Selkirk-West Kildonan Community File No. DASZ 71/74 (SAA 27/90).

664 - 12. Your Committee on Planning and Community Services has been advised that an application has been received from Newman, MacLean, 436 Main Street, to remove the Subdivision Agreement affecting Lot 2, Plan 16,045, on Redwood Avenue east of Bentall Street which stipulates that there shall be no access from Redwood Avenue and no front yard on Redwood Avenue.

A Clause in the Subdivision Agreement on the subject lands has restricted access to and from the two properties at the north-west and north-east corners of Bentall Street and Redwood Avenue. Similar restrictions have not been imposed within any corresponding agreements for properties anywhere else in the Inkster Industrial Park. It should be noted that the existing right-of-way off of Bentall Street to the subject parcel is narrow and difficult for large vehicles to negotiate. The Planning Department is of the opinion that there is not a valid planning reason for rejecting the subject application. Provision for access to the subject property off of Redwood Avenue will not adversely affect the

surrounding area or defeat the intent and purpose of the Zoning By-law.

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A Public Meeting was held before the Lord Selkirk-West Kildonan Community Committee on January 15th, 1991.

The following persons appeared in support of the application:

David Skinner, Newman, MacLean, 436 Main Street, Winnipeg, R3B 1B2,
Ernest Thomas McCaffrey, 90 Civic Street, Winnipeg, R3R 3N8,
Paul Stanley, 71 Kilmarnock Bay, Winnipeg, R2M 4R7.

No one appeared in opposition thereto.

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

1. Similar restrictions have not been imposed within any corresponding agreements for properties anywhere else in the Industrial Park.

2. The existing right-of-way off of Bentall Street to the subject parcel is exceedingly narrow and difficult for large vehicles to negotiate.

3. Provision for access to the subject property off of Redwood Avenue will not adversely affect the surrounding area or defeat the intent and purpose of the Zoning By-law.

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

I. That Subdivision Agreement DAS 71/74 be amended as it affects Lot 2, Plan 16045 as follows: a. permitting direct vehicular access to and from Redwood Avenue to the subject site; and b. allowing for a front yard off of Redwood Avenue.

II. That the City Solicitor be requested to prepare the necessary amendment to Subdivision Agreement DAS 71/74 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.

ZONING AGREEMENT AMENDMENT - 9 Chapparal Crescent - Lord Selkirk-West Kildonan Community
File No. DASZ 29/85 (ZAA 29/90).

665 - 13. Your Committee on Planning and Community Services has been advised that an application has been received from the Commissioner of Planning and Community Services to amend the Zoning Agreement affecting 9 Chapparal Crescent to permit the maintenance of a single-family dwelling having a rear yard of 39.04 feet (11.9 metres) instead of 45 feet (13.71 metres) as required by the Agreement.

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The dwelling located at 9 Chapparal Crescent was constructed in 1985. When a Zoning Memorandum was originally issued at that time it was issued in error for a 25 foot rear yard. The present owner is now selling the property and the new owner has requested a Zoning Memorandum.

The Planning Department discovered that the first Zoning Memorandum was issued in error and didn't comply with the 45 foot rear yard required under the Zoning Agreement. It is felt that the location of the dwelling has not proven to have had an adverse effect on either neighbouring dwellings or on its proximity to Leila Avenue. The Planning Department has therefore recommended that the Zoning Agreement be amended to reflect the exact location of the dwelling.

A Public Meeting was held before the Lord Selkirk-West Kildonan Community Committee on January 15th, 1991.

Mr. K. Lalor, District Planner appeared on behalf of the Commissioner of Planning and Community Services, in support of the application.

No one appeared in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed Zoning Agreement Amendment be approved for the following reason:

1. The existing rear yard will offer adequate separation space, hence approval of the proposed amendment will not defeat the intent and purpose of the set-back requirement.

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

I. That Zoning Agreement DASZ 29/85 be amended as follows:

   A. That the single-family dwelling located on Lot 2 Plan 19971 shall be permitted a rear yard of 39.04 feet (11.9 metres).

II. That the City Solicitor be requested to prepare the necessary amendment to Zoning Agreement DASZ 29/85 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

ZONING AGREEMENT AMENDMENT - West and south sides of Barlow Crescent; east and west sides of Eastmount Drive between Dakota Street and St. Anne's Road - St. Boniface-St. Vital Community
File No. DASZ 53/86 (ZAA 1/91)

666 - 14. Your Committee on Planning and Community Services has been advised that an application has been received from Qualico Developments Ltd., 30 Speers Road to amend the Zoning Agreement affecting all lots backing onto the east side of Dakota Street between Warde Avenue and a point approximately 250 metres to the north and those lots backing onto the north side of Warde Avenue between Dakota Street and St. Anne's Road, to permit a 16 metre rear yard for noise attenuation instead of 17.5 metre rear yard as required by the Agreement.

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The set-back requirement established under DASZ 53/86 was a noise attenuation set-back for one-family dwellings at the time of the eventual construction of four-lane cross sections in Dakota Street and Warde Avenue.

The provision should have been established as an alignment under the Town Planning Scheme, and not as a condition of a Zoning Agreement. The provision should apply to one-family dwellings only.

It is proposed by the applicant that the set-back be amended because designs for housing on the affected lots were prepared for other areas of the City. Although designs which correspond with the building area of the affected lots might readily be prepared, the market appeal of existing designs is proven.

The noise attenuation which might be lost by the proposed amendment of 1.5 metres (5 feet) is difficult to quantify. The Streets and Transportation Department objects to any reduction in the rear yard requirement. "Any reduction in the minimum rear yards will result in increased traffic noise levels being experienced by the residents of the houses and will likely lead to complaints regarding noise."

The Planning Department anticipates that, whatever set-back is employed, complaints will result from the eventual construction of four- lane cross-sections and increased traffic volumes on these streets - if only because the concomitant increase in noise will at that time be unacceptable to residents in comparison to their previous experience.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on February 5th, 1991.

The following persons appeared in support of the application:-

Mr. Rahman Mustapha, 678 Tache Avenue, Winnipeg, R2H 2B7,
(on behalf of the applicant),
Mr. Jake Friesen, 193-B Henlow Bay, Winnipeg, R3Y 1L7.

No one appeared in opposition thereto.

The St. Boniface-St. Vital Community Committee recommended that the proposed zoning agreement amendment be approved, however did not provide any reasons supporting this decision.

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

I. That Zoning Agreement DASZ 53/86(C) dated June 20th, 1990 be amended by deleting therefrom Clause 3 and replacing same with the following new Clause 3; namely:

3. Every lot having a rear lot line abutting Dakota Street, Warde Avenue or St. Anne's Road shall have a minimum rear yard to any dwelling of 17.5 metres, except for the following:

a. those lots having a rear yard abutting the east limit of Dakota Street between the north limit of Warde Avenue and the north limit of Block 1, Plan 25,945 shall have a minimum rear yard to any dwelling of 16 metres, as shown on Schedule "A" to DASZ 53/86(C) attached hereto and dated February 12th, 1991; and

b. those lots having a rear yard abutting the north limit of Warde Avenue between the east limit of Dakota Street and the west limit of St. Anne's Road shall have a minimum rear yard to any dwelling of 16 metres; as shown on Schedule "A" to DASZ 53/86(C) attached hereto and dated February 12th, 1991.

II. That the City Solicitor be requested to prepare the necessary amendment to Zoning Agreement DASZ 53/86(C) as approved in Recommendation No. I. above.

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

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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.

(Note: See Minute No. 674 for attachment.)

SUBDIVISION AND REZONING - East of the Perimeter Highway, between the abandoned CNR Cabot Subdivision and the CNR Rivers Subdivision (main line) and Wilkes Avenue - Assiniboine Park-Fort Garry Community
File No. DASZ 21/85

667 - 15. Your Committee on Planning and Community Services has been advised that an application has been received from Novamet Development Corporation, 2070-360 Main Street, Winnipeg, for approval of a plan of subdivision and related zoning change to By-law No. 1800 by rezoning the subject land from an "A" General Agricultural District to a "C2" General Commercial District, an "RM-1" Multiple-Family District, an "RM-L" Low Density Multiple-Family District, an "R1-4" Single-Family District, an "R1-5" Single-Family District, an "R1-5.5" Single-Family District and a "PR" Park and Recreational District. This application would establish a mixed use residential development consisting of approximately 690 dwelling units, a 2.3 acre commercial site, 14 acres of park space, a 3.5 acre potential school site and a 14.8 stormwater retention pond.

The overall subdivision area is comprised of approximately 165 acres of land. The land uses proposed within this area, as indicated on Schedule "A" attached, are broken down as follows:-

	Acres	Dwelling Units
Storm Water Impoundment	14.77	
Streets	40.97	
Parks	14.24	
School Site	3.52	
"R1-4" lands	52.00	337
"R1-5.5" lands	2.93	18
"R1-5.5" lands	26.18	165
"RM-1" lands	1.83	65
"RM-L" lands	5.897	69
"C2" lands	2.31	
TOTAL:	164.62 acres	654 units

The single-family residential zoning categories are as follows:-

District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (Feet)
R1-4	4,000	40
R1-5	5,000	50
R1-5.5	5,500	50

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Street access will be provided from a major signalized intersection to the proposed South Charleswood Parkway at the north, from an intersection to Wilkes Avenue on the south, and from a new street intersecting Charleswood Road. Cardiff Avenue will provide a future second access to Charleswood Road when the properties adjacent to Cardiff are developed.

The proposed plan of subdivision was re-advertised for the January 21st, 1991 Public Meeting as shown on the Schedule "A". It was first advertised for public hearing in January of 1988. At that time, the District Planner's report drew attention to outstanding concerns of the Administrative Co-ordinating Group (ACG), and recommended that the application be laid over to allow the applicant and the Administration more time to resolve issues related to subdivision layout, development staging, traffic access, and the cost-sharing of regional transportation infrastructure.

Since January, 1988 several subsequent subdivision concepts have been submitted by the applicant for ACG review. In addition, the District Planning Branch in late 1990 prepared a conceptual subdivision plan for the entire area bounded on the north by the abandoned CNR Cabot rail line, on the east by Charleswood Road, on the south by the CNR main line, and on the west by the Perimeter Highway.

In comparison to the applicant's plan, the Administration's plan:-

- eliminates the commercial site at the north-east corner of the subdivision;

- centralizes lands dedicated for public parks;

- reduces the overall development density by eliminating all multiple-family zoning (RM-1, RM-L) and by reducing the amount of R1-4 zoning (40 foot lots);

- reorients the north-south collector to align with Cullen Drive and provide a more direct connection to Wilkes Avenue;

- shifts the South Charleswood Parkway southward to better buffer the Westdale neighbourhood and allow for a new street connection from the north-south collector to Dale Boulevard;

- closes the Charleswood Road at-grade crossing of the CNR main line; and

- illustrates a suggested subdivision pattern for the private lands west of Charleswood Road.

Owing to its recent completion, the Administration has not had sufficient time to formally review the City's plan with the applicant and seek his endorsement of the suggested changes. The Planning Department was of the opinion that an opportunity for such a review was warranted for the following reasons:-

1) The applicant's lands are designated under Plan Winnipeg as a Suburban Residential Policy Area.

2) The nature of the development proposed by the applicant is entirely appropriate for the subject lands and a logical extension of the Westdale neighbourhood to the north.

3) The full range of municipal water, wastewater and land drainage services are available to service, and sized to accommodate, the development area.

4) Traffic analyses undertaken by two engineering firms demonstrate that the existing Charleswood Street system, augmented by internal collector connections to Dale Boulevard, Cullen Drive, Charleswood Road and Wilkes Avenue, is capable of accommodating traffic generation from a maximum of 150 residential units prior to construction of the first stage of the South Charleswood Parkway from the Perimeter Highway to Charleswood Road; a finding supported by the Streets and Transportation Department.

5) Approval of 150 residential units as a first phase, with a probable development time frame of 4 to 5 years under prevailing market conditions, would contribute monies necessary for the staged construction of the South Charleswood Parkway and the upgrading of Wilkes Avenue.

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Based on the preceding comments the Planning Department had recommended that this application be laid over for further review, especially in light of the Administration's recent revisions suggested for the subdivision proposal.

This application had been adjourned ten times from the original hearing date of January 19th, 1988. The last Public Meeting was held on January 21st, 1991 before the Assiniboine Park-Fort Garry Community Committee, after the application was re-advertised.

The following persons appeared in support of the application:-

Mr. E. Dolhun, Novamet Development Corp., 2070-360 Main Street, Winnipeg, R3C 3Z3,
Mr. K. J. Galanchuk, Krawchuk, Galanchuk, 201-233 Portage Avenue, Winnipeg, R3B 2A7,
Mr. Richard Tebinka, DS-Lea Consultants Ltd., 111-93 Lombard Avenue, Winnipeg, R3B 3B1.

The following persons appeared in opposition thereto:-

Mr. Glen Nicholas, 115 Carlotta Crescent, Winnipeg, R3R 2V1,
Mr. & Mrs. J. S. Teeple, 856 Charleswood Road, Winnipeg, R3R 1K6,
Mr. Robert Dupras, 106 Bergman Crescent, Winnipeg, R3R 1Z7,
Mr. Vern and Sharon Laggo, 947 Dale Boulevard, Winnipeg, R3R 2R1,
Mr. & Mrs. P. Krecsy, 130 Shepton Bay, Winnipeg, R3R 2E9,
Gayle Timluk, 76 Bergman Crescent, Winnipeg, R3R 1Z7,
Mr. J. Hilgenga, 3600 Vialoux Drive, Winnipeg, R3R 0A4,
Mr. & Mrs. Patrick McKeag, 943 Dale Boulevard, Winnipeg, R3R 2R1,
Mr. & Mrs. J. Rosontretor, 134 Shepton Bay, Winnipeg, R3R 2E9,
Mr. W. Glitnak, 102 Shepton Bay, Winnipeg, R3R 2E9,
Mrs. W. Jackson, 5643 Rannock Avenue, Winnipeg, R3R 0N3,
Mrs. Lynn Rose, 80 Bergman Crescent, Winnipeg, R3R 1Z7,
Mr. James Hammel, 82 Bergman Crescent, Winnipeg, R3R 1Z7,
Mr. J. LeBlanc, 1103 Charleswood Road, Winnipeg, R3S 1A1,
Mr. & Mrs. T. Thompson, 918 Dale Boulevard, Winnipeg, R3R 2H9,
Mr. & Mrs. Norman Lambkin, 250 Cullen Drive, Winnipeg, R3R 1X5,
Mr. C. A. Gardiner, 743 Charleswood Road, Winnipeg, R3R 1K7,
Mr. Wayne Hnydiuk, 811 Conventry Road, Winnipeg, R3R 1B8,
Mr. R. A. Perry, 104 Bergman Crescent, Winnipeg, R3R 1Z7,
Mr. R. A. Van Cauwenberghe, 1071 Charleswood Road, Winnipeg, R3S 1A1,
Mr. & Mrs. T. Milne, 78 Bergman Crescent, Winnipeg, R3R 1Z7,
Mrs. B. V. Harris, 29 Willowridge Road, Winnipeg, R3R 1L5,
Mr. R. Betcher, 1081 Charleswood Road, Winnipeg, R3S 1A1,
Mr. R. Savard, 63 Collingham Bay, Winnipeg, R3R 1V3,
Mr. Fred Mann, 30 Bergman Crescent, Winnipeg, R3R 1Z7,
Mr. J. D. Hinds, 258 Cullen Drive, Winnipeg, R3R 1X5,
Mr. John A. Browning, 94 Bergman Crescent, Winnipeg, R3R 1Z7,
Mr. Boris Bachynski, 1061 Charleswood Road, Winnipeg, R3S 1A1,
Mr. Ralph C. Baker, 899 Charleswood Road, Winnipeg, R3R 1K8,
Mr. D. McGiffin, Residents' Advisory Group, 44 Providence Place, Winnipeg, R3T 4G8,
Mr. Cyril Fosh, 320 Lindsay Street, Winnipeg, R3N 1H4,
Mr. P. Gantzert, 256 Cullen Drive, Winnipeg, R3R 1X5,
Mr. Chris Garner, 237 Cullen Drive, Winnipeg, R3R 1X2,
Mr. Tom Antonick, 210 Cullen Drive, Winnipeg, R3R 1P6,
Ms J. Bachynsky, 1030 Charleswood Road, Winnipeg, R3S 1A2,
Mr. Ken Brown, 110 Bergman Crescent, Winnipeg, R3R 1Z7,
Mr. Edward Clayton, 26 Atkinson Road, Winnipeg, R3R 1Y8,
Ms M. Gail Wegert, 203 Cullen Drive, Winnipeg, R3R 1P5,
Mr. Dennis Schultz, 263 Cullen Drive, Winnipeg, R3R 1X4,
Mr. Larry D'Argis, 97 Cullen Drive, Winnipeg, R3R 1P3,
Mr. Murray Hiebert, 1115 Charleswood Road, Winnipeg, R3C 1A1,
Ms Donna Kennington, 283 Cullen Drive, Winnipeg, R3R 1X4,

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William & Rose Kotak, 238 Cullen Drive, Winnipeg, R3R 1X5,
Mr. Lloyd Mullings, 195 Cullen Drive, Winnipeg, R3R 1P5,
Mr. Hugh O'Hare, 267 Cullen Drive, Winnipeg, R3R 1X4,
Ray & Marlene Remple, 211 Cullen Drive, Winnipeg, R3R 1P5,
Ernie Schmidt, 167 Cullen Drive, Winnipeg, R3R 1P5,
Cornet Warmerdam, 1060 Charleswood Road, Winnipeg, R3S 1A2,
Blake N. Woods, 243 Cullen Drive, Winnipeg, R3R 1X4.

Mr. J. E. Fosh, 6P-300 Roslyn Road, Winnipeg, R3L 0H4, appeared for information purposes only.

The Assiniboine Park-Fort Garry Community Committee recommended that the proposed subdivision/rezoning application be not proceeded with for the following reasons:-

"1. The proposed development is premature at this time, inasmuch as the Administrative Co-ordinating Group was unable to resolve with the applicant, issues relative to the subdivision layout, development staging, traffic access, and the cost-sharing of regional transportation infrastructure.

2. Commercial development is an inappropriate land use in this area.

3. A Development Plan for South Charleswood should be initiated prior to approval of applications for subdivision."

The Planning Department was initially of the view that this application could have been laid over for further review and consultation, in order to address a number of varying concerns of the City Administration; noting that the advertised plan was unacceptable. However, the Community Committee has recommended that this application not be proceeded with based on what was advertised, and therefore, this Department concurs with this recommendation because the plan advertised was not acceptable.

Your Committee on Planning and Community Services concurs in the recommendation of the Assiniboine Park-Fort Garry Community Committee and recommends that the plan of subdivision and rezoning change proposed under File DASZ 21/85 be not proceeded with.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 675 for attachment.)

SUBDIVISION AND REZONING - North of Glencairn Road and Herner Avenue West, West of Main Street - Lord Selkirk-West Kildonan Community
File No. DASZ 19/90.

668 - 16. Your Committee on Planning and Community Services has been advised that an application has been received from Novamet Development Corporation, 2070 - 360 Main Street, Winnipeg, for approval of a plan of subdivision and related zoning change to the Lord Selkirk-West Kildonan Zoning By-law 4450 by rezoning lands located north of Glencairn Road and Herner Avenue West, west of Main Street, from an "RA" Single-Family District to an "R1- 4" Single-Family District for the purpose of establishing 36 new single- family building.

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

The Planning Department supports the proposed zoning and subdivision of land. The "R1-4" zoning allows for minimum 40 foot wide lots and is entirely consistent with previously zoned parcels immediately adjacent to the south of Glencairn Road. The subject parcel is one of the last remaining large blocks of land north of Fernbank Avenue to

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be rezoned and incorporated into the overall subdivision being developed by Novamet. It lies immediately adjacent to the boundary with the Rural Municipality of West St. Paul. Copies of the proposal have been circulated to the Selkirk and District Planning Area Board and the Department of Municipal Affairs.

When DASZ 43/87 was approved in 1989, the street name for the most northerly east-west street as shown on attached Schedule "B" was split into two names because it was thought at the time that Maplegrove Road was named Glencairn Road, while between Maplegrove Road and Riverwest Road would both be extended northerly. The portion of the right-of-way west of Maplegrove Road was named Glencairn Road, while between Maplegrove and Riverwest Road was named Herner Avenue West. However, since the present subdivision proposal cancels any possible northerly extension of Maplegrove Road, Herner Avenue West should be changed to Glencairn Road to eliminate the possibility of having two abutting residences opposite Maplegrove Road with different street name addresses.

The street name change is being accomplished by including the existing Herner Avenue West right-of-way in the new plan of subdivision. No street name identification change will be required since there have been no dwellings constructed on the street.

A Public Meeting was held before the Lord Selkirk-West Kildonan Community Committee on January 15th, 1991.

Mr. E. Dolhun, Novamet Development Corporation, 2010 - 360 Main Street, Winnipeg, R3C 3Z3, appeared in support of the application.

Mr. Nick Tkatchuk, 275 Benn Avenue, Winnipeg, R3C 4A2, appeared in opposition thereto, but withdrew his opposition at the meeting.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed subdivision and rezoning be approved subject to a number of conditions, all but one of which are included in the following recommendations.

Your Committee on Planning and Community Services concurs in part in the recommendations of the Lord Selkirk-West Kildonan Community Committee for the following reason:

> "The Community Committee recommended that a caveat be registered on the lots within the subdivision requiring the provision of full municipal services prior to the issuance of any building permits. The Land Development Department advises that there is no need to file caveats as recommended. The requirement was requested by the District No. 3 Operations Department at the Public Meeting to address a problem with the staging of servicing for the eastern portion of the subdivision. Further review revealed that there is a clause in the original agreement, AG 43/87, which restricts servicing in that area that adequately addresses the District's concerns. As this application will be handled as an addendum to that Agreement, that clause will cover these properties as well. Therefore there is no need for the time and expense involved in the registration and ultimate removal of caveats on each lot. This recommendation was discussed with the District personnel and they concur with the deletion of that condition."

and therefore recommends:

I. That the plan of subdivision proposed under File No. DASZ 19/90 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 19/90 attached hereto and dated January 30th, 1991, for registration in the Winnipeg Land Titles Office subject to:

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A. The applicant entering into an addendum to Development Agreement AG 43/87 with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated December 10th, 1990 identified as Schedule "C" under File No. DASZ 19/90 attached hereto and dated January 30th, 1991 subject to the following amendment:

1. that the words and figure "of 38.7 acres" be deleted from Condition No. 2 b) where they appear in the third line therein;

II. That the street name Herner Avenue West be changed to Glencairn Road.

III. That the Director of Planning and the Director of Land Surveys and Real Estate be authorized to certify any documents in connection herewith.

IV. 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.

V. That By-law 4450 be amended by rezoning the subject land as shown on said Schedule "A" to an "R1-4" Single-Family District.

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

VII. That the "R1-4" Single-Family District zoning shall become effective when the plan of subdivision has been registered in the Winnipeg Land Titles Office.

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

IX. That the City Solicitor be requested to do all things necessary for implementation 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 Nos. 676, 677 and 678 for attachments.)

669 Schedule “A” referred to in Clause 9 of the Report of the Committee on Planning and Community Services, dated March 11th, 1991.

(NOTE: SEE PAGE 907 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

670 Schedule “B” referred to in Clause 9 of the Report of the Committee on Planning and Community Services, dated March 11th, 1991.

(NOTE: SEE PAGE 908 TO 909 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

671 Schedule “A” referred to in Clause 10 of the Report of the Committee on Planning and Community Services, dated March 11th, 1991.

(NOTE: SEE PAGE 910 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

672 Schedule “A” referred to in Clause 11 of the Report of the Committee on Planning and Community Services, dated March 11th, 1991.

(NOTE: SEE PAGE 911 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

673 Schedule “B” referred to in Clause 11 of the Report of the Committee on Planning and Community Services, dated March 11th, 1991.

(NOTE: SEE PAGE 912 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

674 Schedule “A” referred to in Clause 14 of the Report of the Committee on Planning and Community Services, dated March 11th, 1991.

(NOTE: SEE PAGE 913 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

675 Schedule “A” referred to in Clause 15 of the Report of the Committee on Planning and Community Services, dated March 11th, 1991.

(NOTE: SEE PAGE 914 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

676 Schedule “A” referred to in Clause 16 of the Report of the Committee on Planning and Community Services, dated March 11th, 1991.

(NOTE: SEE PAGE 915 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

677 Schedule “B” referred to in Clause 16 of the Report of the Committee on Planning and Community Services, dated March 11th, 1991.

(NOTE: SEE PAGE 916 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

678 Schedule “C” referred to in Clause 16 of the Report of the Committee on Planning and Community Services, dated March 11th, 1991.

(NOTE: SEE PAGE 917 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

COMMITTEE ON PLANNING AND COMMUNITY SERVICES
MOTIONS

Moved by Councillor Selinger,
Seconded by Councillor Reese,
679 - THAT the following be appointed as members to the St. Boniface Museum Board for the term indicated, namely:-

Councillor Representatives:

Councillor Demare) Term expiring
Councillor Reese) November, 1991.

Carried.

CONSIDERATION OF BY-LAWS

680 - 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. 5662/91, a By-law of The City of Winnipeg to amend By-law No. 762/74, being The Untidy and Unsightly Premises By- law. File No. EB-1(U.P.)

By-law No. 5663/91, a By-law of The City of Winnipeg to amend By-law No. 1075/75, being the Anti-Litter By-law. File No. ER-1.5.

By-law No. 5664/91, 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 256/90.

By-law No. 5665/91, a By-law of The City of Winnipeg to amend By-law No. 4667/87 being a By-law to approve a Plan of Subdivision and to amend the St. Vital Town Planning Scheme 1951 for the enactment of a zoning change in the St. Boniface-St. Vital Community. File No. DASZ 53/86.

By-law No. 5666/91, a By-law of The City of Winnipeg to amend Zoning By-law No. 4450/86 for the enactment of a zoning change in the Lord Selkirk-West Kildonan Community. File No. DAZ 246/90.

By-law No. 5667/91, 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. File No. DAZ 239/90 (c/r DASSF 658/90).

By-law No. 5668/91, 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. File No. DAZ 252/90.

By-law No. 5669/91, 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 231/89.

On motion of Councillor Gilroy, the rule was suspended and By-law No. 5670/91, a By-law of The City of Winnipeg to amend By-law No. 4444/86, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File No. GL-5.6 (c/r DCU 279/90)

Councillor Timm-Rudolph asked to be recorded as voting against all three readings of the By-law, in accordance with Section 50.7 of the Procedure By-law.