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 September 5th, 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 September 5th, 1991, was considered clause by clause.

West Committee Room,
Council Building,
Winnipeg, September 5th, 1991.

His Worship Mayor Norrie and Councillors:-

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

Variance of Building Restriction Caveat
No. 174922 for Premises Located at
326 Martin Avenue West - East Kildonan-
Transcona Community. File BRC 1/91

1285 - 1. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. and Mrs. S. Madigan, who have applied for the variance of the above-noted Building Restriction Caveat as it affects Part Lots 35, 36 and 37, Block 3, Plan 847, more commonly known as 326 Martin Avenue West.

This Building Restriction Caveat prohibits any building or structure, other than a fence having a maximum height of four (4) feet, within the westerly 18.0 feet in width of the lot abutting the Winnipeg Hydro Power Transmission Line Right-of-Way.

The site is presently occupied by a one-family dwelling, and the owners wish to construct a wood fence 6.0 feet in height on their west property line, subject to provisions of Zoning By-law No. 4440/86.

This matter was referred to the East Kildonan-Transcona Community Committee at its meeting of July 23rd, 1991, and it was recommended that the Building Restriction Caveat should be varied as it affects the subject site.

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

"That in accordance with the provisions of Section 110(3) of The Municipal Board Act, the Council of the City of Winnipeg recommends that Building Restriction Caveat No. 174922 be varied but not discharged as it affects the property located at 326 Martin Avenue West and legally described as Part Lots 35, 36 and 37, Block 3, Plan 847, as applied for by Mr. and Mrs. S. Madigan, Winnipeg, to the extent that construction of a wood fence 6.0 feet in height be permitted along the west property line of the site, subject to provisions of Zoning By-law No. 4440/86."

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Report on the Committee on Planning and Community Services, dated September 5th, 1991.

Motion from Council on May 8th, 1991, relative to Pines Project. Files EP-1.1(PW 1/81), GG-1, DAZ 208/89 & DAV 297/89

1286 - 2. Council at its meeting held on May 8th, 1991, referred the following motion to the Committee on Planning and Community Services for its consideration and recommendations:-

"WHEREAS the Minister for Urban Affairs has requested that the City adopt stronger and more comprehensive airport protection policies;

AND WHEREAS the report and recommendations of the Advisory Committee for the Protection of the Winnipeg International Airport recommends that Plan Winnipeg's airport policies and objectives be strengthened;

THEREFORE BE IT RESOLVED That City Council:

1. Authorize for approval the preparation of an amendment to the Winnipeg Development Plan which establishes regulations and requirements designed to ensure the maximum degree of compatibility and protection in flight approach zones with existing or proposed developments in close proximity to the airport; and

2. Under Section 612(1) of The City of Winnipeg Act withhold a permit for the construction of a building on property commonly referred to as The Pines for a period of 60 days from the date of application for a permit (Legal description: Lots 1, 2, 3, 4 and 5 in Plan 4821, plus all that portion of River Lot 16, of the Parish of Saint James, in Manitoba, lying to the south of the southern limit of the main highway, as same is shown on a plan filed in the Winnipeg Land Titles Office as No. 547, which lies between the western limit of Lot 1, as the same is shown on a plan registered in the said Office as No. 4821, and a line drawn west of, parallel with and perpendicularly distant 90 feet from said western limit);

3. Request that the Province of Manitoba Undertake an Environment Impact Assessment of the above project."

On June 3rd, 1991, the Committee on Planning and Community Services recommended that Item 3 of the resolution be approved and requested that the Commissioner of Planning and Community Services report back with respect to Items 1 and 2.

Council on July 31st, 1991 adopted the recommendation of the Committee on Planning and Community Services, as outlined in Clause 1 of its report dated June 3rd, 1991, that Item No. 3 of the resolution be approved, namely:-

"That the Province of Manitoba undertake an Environmental Impact Assessment of the Pines Project on the southside of Portage Avenue, west of Mount Royal Crescent."

With regard to Items 1 and 2 of the motion referred by Council on May 8th, 1991, to the Committee on Planning and Community Services, your Committee submits the following comments, namely:-

Item 1 of the resolve of the motion requests Council to authorize for approval the preparation of an amendment to Plan Winnipeg which "establishes regulations and requirements designed to ensure the maximum degree of compatibility and protection in flight approach zones with existing or proposed developments in close proximity to the airport."

Your Committee is of the view that the airport has become an important issue of the Plan Winnipeg Review process and it is suggested that this review process is the most appropriate mechanism for dealing with this issue. Your Committee is also of the view that any amendments to Plan Winnipeg regarding protection of the airport be done within the context of the proposed new by-law anticipated to be introduced later this year. It will, in fact, take some time to

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determine exactly what form airport related policy should take for inclusion within Plan Winnipeg.

Item 2 of the resolve of the motion requests that Council withhold a permit for construction of The Pines Project for sixty days in accordance with Section 612(1) of The City of Winnipeg Act (Section 600(1) as per Bill 35).

If it is deemed appropriate by Council that the over-all Plan Winnipeg Review '92 process is the best mechanism for dealing with the issue of providing a policy for the protection of the airport, then imposition of a sixty day permit withholding procedure regarding the Pines property at this time poses significant concern. Section 612(1) of The Act only allows a permit to be withheld for sixty days, after which it must be issued, unless it is deemed that the permit does not conform to a formal plan (including Plan Winnipeg) or an amendment thereto that has been authorized, processed and enacted by Council into law within the time period specified in The City of Winnipeg Act.

Your Committee on Planning and Community Services therefore recommends that no action be taken on Items 1 and 2 of the motion referred to it by Council on May 8th, 1991 and that same be filed.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Councillor Thomas asked to be recorded as being opposed to the above motion, in accordance with Section 50.7 of the Procedure By-law.

Endorsement of a Resolution with regard to
Maintenance of Co-op Housing in Canada.
File No. EX

1287 - 3. The Committee on Planning and Community Services at its meeting held on July 15th, 1991, considered a communication from the President, Co-operative Housing Federation of Canada, Ottawa, Ontario, dated June 17th, 1991, requesting the endorsement of a resolution with respect to maintaining the co-op housing program in Canada, a copy of which is attached hereto for the information of Council.

The Executive Policy Committee on July 29th, 1991, referred back to the Committee on Planning and Community Services, Clause 3 of its Report dated July 15th, 1991. In this regard, the Committee also considered a suggestion by Councillor Eadie on behalf of the Federation of Canadian Municipalities Board of Directors, that the said resolution be amended to provide for the submission of the resolution through the Federation of Canadian Municipalities to the Government of Canada.

Your Committee on Planning and Community Services concurred with the suggestion submitted by Councillor Eadie.

Your Committee also passed an amendment to the resolve of the resolution received from the President, Co-operative Housing Federation of Canada, by including therein a proviso that a percentage of the new non-profit co-op housing units to be sponsored each year shall be rent geared to income units.

Your Committee on Planning and Community Services recommends endorsement of the following resolution as amended, and that the same be forwarded to the Federation of Canadian Municipalities, namely:-

g WHEREAS many Canadians experience serious housing problems; and

WHEREAS the Federal Non-Profit Co-operative Housing Program is the last direct non-profit housing program funded

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by the Government of Canada; and

WHEREAS a 1990 evaluation conducted by the Canada Mortgage and Housing Corporation has shown co-op housing to be highly successful in creating healthy mixed-income communities; and

WHEREAS co-operative housing is an important alternative for the 38% of Canadians who are not homeowners; and

WHEREAS the index-linked mortgage, introduced in Canada by the co-op housing sector, has substantially reduced the cost to the government of producing non-profit co-op housing.

THEREFORE BE IT RESOLVED That The City of Winnipeg through the Federation of the Canadian Municipalities, ask the Government of Canada to commit itself to sponsoring at least 5,000 new non-profit co-op housing units a year, a percentage of which shall be rent geared to income units, and that its co-op housing program allow for access to co-operative housing by all without economic or social barriers.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

City of Winnipeg's position with regard to the "Open Skies" Treaty-free Trade in the Airlines Industry. Files No. G-4 & GG-1

1288 - 4. LAID OVER BY EXECUTIVE POLICY COMMITTEE

Report on the Committee on Planning and Community Services, dated September 5th, 1991.

Council's Position on the New Winnipeg Child and Family Services Agency. File No. GG-2

1289 - 5. The Executive Policy Committee on July 24th, 1991, referred back to the Committee on Planning and Community Services, Clause 4 of its report dated July 15th, 1991, namely:-

> "The Committee on Planning and Community Services at its meeting held on July 15th, 1991, considered a communication from His Worship Mayor Norrie dated July 3rd, 1991, enclosing a copy of a letter received from the Honourable Harold Gilleshammer, Minister of Family Services, enclosing a Manitoba Government News Release dated June 24th, 1991, with respect to the plan to improve service to families and children in need, a copy of which is attached for the information of Council.
>
> Your Committee on Planning and Community Services recommends that the City go on record as disagreeing with the manner in which the overall restructuring and reform of the Winnipeg Child and Family Services Agency was carried out, without advising the Administration of the six Winnipeg-based Child and Family Services agencies, prior to its implementation."

Your Committee on Planning and Community Services reaffirms its recommendation and submits same to Council for approval and adoption, namely:-

> "That the City go on record as disagreeing with the manner in which the overall restructuring and reform of the Winnipeg Child and Family Services Agency was carried out, without advising the Administration of the six Winnipeg-based Child and Family Services agencies, prior to its implementation."

Your Executive Policy Committee recommends that the recommendation in the last paragraph above be amended by deleting the words "without advising the Administration of the six Winnipeg-based Child and Family Services agencies," where they appear in the third and fourth lines thereof and substituting therefor the following:-

> "without consultation with the City of Winnipeg,".

Moved by Councillor Gilroy,
Adoption of the clause.

In amendment,

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

The recommendation of the Executive Policy Committee was put.

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

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Yea: Councillors Wade, Boychuk, Brown, Clement, Demare, Diamant, Douglas, Duguid, Fleisher, Gilroy, Golden, Lazarenko, Lorenc, Mendelson, Prystanski, Reese, Selinger, Thomas, Timmers, Young, Yuen, Mayor Norrie and Councillor Eadie. 23

Nay: Councillors Fraser, Hyman, Kaufmann, Mitchelson and Murray. 5

and the motion for the adoption of the recommendation of the Executive Policy Committee was declared carried.

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

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

Yea: Councillors Wade, Boychuk, Clement, Diamant, Douglas, Duguid, Fleisher, Gilroy, Golden, Hyman, Lazarenko, Lorenc, Mendelson, Murray, Prystanski, Reese, Selinger, Thomas, Timmers, Young, Yuen, Mayor Norrie and Councillor Eadie. 23

Nay: Councillors Brown, Demare, Fraser, Kaufmann and Mitchelson. 5

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

Amendments to the City of Winnipeg Act
under Bill 35. File No. GL-5.1

1290 - 6. Your Committee on Planning and Community Services has been advised that a request has been received from the Acting Minister of Urban Affairs to advise the Honourable J. A. Ernst, prior to September 30th, 1991, of any pressing amendments to The City of Winnipeg Act requested to be considered for the next Legislative Session.

In response to the request by the Acting Minister of Urban Affairs for any amendments to The City of Winnipeg Act, your Committee on Planning and Community Services wishes to advise that there is a deficiency in the Definition provided under the recent amendments to the Act under Bill 35 which reads as follows, namely:-

> "committee of council" means executive policy committee, a standing committee or community committee designated under a by-law passed under this Part.

If the above definition of a "Committee of Council" is not amended, then Council would not have any options to consider, if it wished to retain the present Appeal Committee (Variance, Conditional Use and License Appeal Committee) in its present form, or such other form as yet not determined.

Under the provisions of the amendments to the Act, Community Committees may be holding the Public Hearings on Variance and Conditional Use Applications, when they form part of a rezoning and/or subdivision application. Presumably, Council may wish to retain the option of creating a separate Appeal Committee, which might consist of one Councillor from each Community Area with provision for alternate members on the Committee.

Council would have to appoint either a Standing Committee or Community Committees, or possibly both, to hear appeals from the decisions of either the Designated Administrator or the Board of Adjustment, upon the passage of a By-law as required under the new provisions of Section 628(1) of The City of Winnipeg Act.

It is not believed that it was the intention of the Provincial Government to require appeals against decisions pertaining to Variance and Conditional Use Applications to go to a Standing Committee, Executive Policy

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Committee or a Community Committee. It may just have been an oversight on their part when certain amendments to the draft legislation were being reviewed by the Provincial Government's Standing Committee on Municipal Affairs.

Your Committee on Planning and Community Services recommends that the Province of Manitoba be requested to amend the definition of a "Committee of Council" to read as follows:-

> means executive policy committee, a community committee, a standing committee established by by-law under Part 1 or an appeal committee established by by-law under this Part.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Passage of a By-law to define procedures, provide direction, designation of Committees to hold Public Meetings and Delegation of Authority under The City of Winnipeg Act pursuant to the requirements of the recent amendments to said Act under Bill 35.
File No. GL-5.1

1291 - 7. Your Committee on Planning and Community Services has been advised that a recent adoption of Bill 35 has resulted in significant changes to the manner in which development applications are to be processed by the City. Part of these changes require Council to pass by- laws which will, to some extent, specifically define what these procedures will be.

It is anticipated that the content of these procedure by-laws will be developed in consultation with your Committee on Planning and Community Services. There is, however, some matters which require immediate attention, namely:-

A. The required manner for providing public notification for variance applications.

I In accordance with Bill 35, all variance applications are now required to pay advertising fees.

Section 632(4) of Bill 35, however, does allow for Council to pass a by-law which would permit the posting of properties to substitute for the mandated newspaper advertising for variance applications if, in the opinion of a designated employee, the subject application "affects only a specific building or building site".

The practice of newspaper advertising of variance applications was discontinued several years ago with no apparent adverse affect in terms of informing potentially affected persons. To now require applicants to pay for the advertising of such applications is considered onerous and will produce no significant benefit.

B. New Notice Requirements - After a Public Hearing mailing of a notice advising of Council's consideration of a report of a Committee of Council, (Community Committee or Standing Committee) is required to be sent by ordinary mail but notice of the decision of Council is required to be sent by certified mail, ie. reports on rezoning applications and subdivision applications.

The rules regarding the mailing of notice after a Public Hearing of a report of the Committee that hears a rezoning application, text amendment application or subdivision application under the Bill 35 Amendments, are the same as contained in the repealed Part 20, except the new requirement for certified mail of the notice of Council's decision.

The addition of certified mail in the case of Council's decision on rezoning, zoning text amendments and subdivision applications, may have been an oversight on the part of the Province

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of Manitoba in the rush of last minute amendments. It is therefore suggested that the Province of Manitoba be requested to amend these provisions by substituting the word "ordinary" for the word "certified" where under Part 20 of The City of Winnipeg Act notice of Council's decision is required to be sent by certified mail, since the sending of such notice by certified mail seems to serve no purpose and is a waste of taxpayers' dollars.

C. The existing authority of the Committee on Planning and Community Services to approve consents and shortform subdivisions continues under temporary provisions of Bill 35, but for clarity, it would be desirable that the recommended by- law to be adopted pursuant to Section 628(1) of The City of Winnipeg Act, include designation of that Committee's authority.

Your Committee on Planning and Community Services recommends as follows:-

1. That, pursuant to Sections 628(1) and 632(4) of The City of Winnipeg Act, Council pass a by-law whereby, if a Designated Employee determines that a variance application affects only a specific building or building site, a notice of the application shall be posted in accordance with Subsection 634(1), and the posting of a notice may substitute for publication of the notice in a newspaper under 632(2)(b);

2. That said posting shall be as follows:-

   a) of a size, number and colour as the designated employee may, from time to time, prescribe;

   b) not less than 14 consecutive days before the day of the public hearing;

   c) to be displayed outdoors in conspicuous locations facing each street adjacent to the land or building referred to in the notice;

   d) to be located on the lands affected so that the notice is not more than one metre inside the lot line;

   e) explaining the nature of the application;

   f) stating the time and place at which the application will be heard;

   g) by the applicant as prescribed under b), c) and d) above.

3. That the said Designated Employee shall be the Director of Planning.

4. That, pursuant to Section 628(1) of The City of Winnipeg Act, Council pass a by-law to include the following provisions, namely:-

   (1) subject to section 3 of this by-law a proposed zoning (development) by-law or application for subdivision approval by by-law shall be referred under Part 20 of The City of Winnipeg Act to the community committee for the community area in which the land is located, or where that land is located in more than one community area to the Committee on Planning and Community Services or to one of the community committees designated by the Committee on Planning and Community Services and the committee to which the application is referred shall conduct the public hearing required by Part 20 except for zoning changes affecting only the text of zoning rules without rezoning land and applications for shortform subdivision approval or the issuance of consents.

   (2) designation of the Committee on Planning and Community Services to conduct a Public Hearing on a proposed zoning by-law which would enact or amend a zoning by-law establishing or amending the text

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only without changing the zoning classification of any land and applications for subdivision approval under Section 619(1) of The City of Winnipeg Act ("shortform") or for a consent under Section 623.

(3) (a) a direction to the City Clerk that where under Part 20 of The City of Winnipeg Act notice is required to be given after a public hearing of a report of a Committee of Council or of the decision of Council it shall be sent by ordinary mail (and certified mail in the case of Council's decision) to all persons who submitted oral or written representations to or at that public hearing, and

(b) where a written representation was received at that hearing by mail or other means without the appearance of the person making it, the notice shall be mailed to any single address set out thereon for receipt of notice, if any, or if none to any single address given on the filing of the representation, or if none to any one of the addresses contained thereon, and in the absence of any such address or any such legible address to whatever address the City Clerk determines.

5. That Council give favourable consideration to the draft by-law submitted by the City Solicitor in connection herewith in order to implement the intent of the foregoing recommendations.

6. That the Province of Manitoba through the Minister of Urban Affairs be requested to amend The City of Winnipeg Act by deleting the requirement to send out Council's decision on Zoning and Subdivision Applications "by certified mail" and substitute therefor the words "by regular mail".

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Street Name Change - Discovery Bay to Amanda Crescent – Lord Selkirk-West Kildonan Community. File SC-3.14(24)

1292 - 8. Your Committee on Planning and Community Services has been advised that Discovery Bay is located north of Leila Avenue and west of Sinclair Street, as shown on attached Map 1. The right-of-way was established in 1989 under File No. DASZ 11/88. At the present time, only one dwelling has been constructed on the right-of-way. The dwelling is located on Lot 10 and is numbered 4 Discovery Bay. The owner has advised that delivery personnel are experiencing difficulties in locating the property because of the existing alignment of Amanda Crescent. In order to rectify the problem, it is necessary to change the east/west leg of Amanda Crescent to Ambassador Row and change Discovery Bay to Amanda Crescent. This change will require that new house numbers be assigned to Lots 1 to 10 as illustrated on attached Map 2. The existing residences on Amanda Crescent will not be affected.

On July 23rd, 1991, the Lord Selkirk-West Kildonan Community Committee considered the matter and recommended that Discovery Bay be changed to Amanda Crescent and that the east/west leg of Amanda Crescent be changed to Ambassador Row.

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

I. The currently registered name "Discovery Bay" be changed to "Amanda Crescent".

II. The currently registered name "Amanda Crescent" located between the west of Lot 11, Block 6, Plan 14022 and the west limit of Sinclair Street as shown hatched on attached Map 2 be changed to "Ambassador Row".

III. That the Director of Land Surveys and Real Estate provide the necessary legal description to the City Solicitor

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for the purpose of preparing a by-law.

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

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

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 1299 for attachments.)

ZONING AGREEMENT AMENDMENT –
375 Stafford Street – Assiniboine Park-
Fort Garry Community.
File No. DAZ 254/88 (ZAA 9/91)

1293 - 9. Your Committee on Planning and Community Services has been advised that an application has been received from Kent Walters, 203-205 Alexander Avenue, to amend the zoning agreement affecting 375 Stafford Street to add to the list of permitted uses office, business and professional and to permit the erection of a free standing sign.

The application involves the premises at 375 Stafford Street previously dealt with under DAZ 254/88 by the City Centre-Fort Rouge Community Committee. The building contains a one-storey, single-family residence (890 Garwood Avenue) and a one-storey commercial addition to the rear and east side (375 Stafford Street). The site provides parking for three vehicles off the lane.

The rezoning from "R1" Single-Family Residential District to "C1" Limited Commercial District was subject to the owner entering into a zoning agreement with the City limiting the use of the commercial portion of the building to: "the business offices of accountants, architects, engineers, interior designers, land surveyors or lawyers..."(AG 254/88). The present application would amend the zoning agreement in part, to permit "business and professional offices" irrespective of type.

The commercial portion of the building contains approximately 1,500 square feet of gross leasable area (GLA). Currently, the owner's accounting business occupies approximately 925 square feet, leaving 575 square feet vacant.

The owner is experiencing difficulty in leasing the vacant space primarily due to the restrictive nature of the current zoning agreement. For instance, two prospective tenants were reportedly Unicef Manitoba (currently operating in the midst of a residential area) and a computer software designer/consultant. In the opinion of the Planning Department, such tenants would be just as compatible with the residential character of the neighbourhood as the types of businesses listed in the zoning agreement.

For example, architects, engineers and land surveyors often employ field staff during the summer construction season or on an as-required basis, rendering these operations less suitable for the subject premises than businesses or professions with little or no need for flexibility in staffing levels.

Traffic generation (client/employee/service and deliver) is an important consideration. However, again, there is no basis for concluding that the permitted uses generate less traffic than others not listed. No such

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distinction is made under the zoning by-law with respect to parking requirements, at one stall per 750 square feet of gross floor area, the subject premises does comply.

The small area available for rent, alone, is the overriding factor which tends to limit the attractiveness or practicality of the premises for most users. When gauging the neighbourhood impact of a particular business or professional office use, it is as much a question of "scale" of use as it is a question of "nature" of use. In this regard, the subject premises is to a large degree self-policing.

On the basis of the above discussion, it was recommended that the zoning agreement be changed to permit business and professional offices.

The applicant is also requesting that the zoning agreement be amended to permit a free-standing sign. However, as the building exposure from Stafford Street is good, and as the existing facia signs are clearly visible and closely situated to the street, was recommended that this part of the application be denied.

A Public Meeting was held before the Assiniboine Park-Fort Garry Community Committee on July 29th, 1991.

The following persons appeared in support of the application:-

Kent Walters, 203-205 Alexander Avenue, Winnipeg, R3B 0C1,
Richard Watson, 930 Campbell Street, Winnipeg, R3N 1C7,
Sidney Weinstein, 139 Ramsgate Bay, Winnipeg, R3P 0V3.

No one appeared in opposition thereto.

The Assiniboine Park-Fort Garry Community Committee recommended that the proposed zoning agreement amendment be approved with regard to the proposed modification of permitted uses for the following reasons:-

1. The owner is experiencing difficulty in leasing the vacant space primarily due to the restrictive nature of the current zoning agreement, limiting the commercial use of the building.

2. There is only a small area available for rent, approximately 575 square feet, and the size or scale of a full scale Commercial Operation would have more of an impact on the neighbourhood than the nature of the use proposed.

3. The building exposure from Stafford Street is good, and the existing facia signs are clearly visible and closely situated to the street.

4. There is adequate parking spaces for the traffic generated by the proposed use.

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 254/88 be amended by replacing clause 2(a) with the following:-

2(a) business and professional offices provided such offices may be located only in that portion of the building shown cross- hatched on Schedule "A" to this agreement.

II. That the City Solicitor be requested to prepare the necessary amendment to Zoning Agreement DAZ 254/88 as approved in Recommendation I. above.

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

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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.

REZONING - West side Tache Avenue between La Verendrye Street and Dumoulin Street - St. Boniface-St. Vital Community.
File DAZ 229/90

1294 - 10. Your Committee on Planning and Community Services has been advised that an application has been received from Gaboury Associates Architects Inc., 209 - 675 Pembina Highway, to amend The St. Boniface Town Planning Scheme 1957 by rezoning the land on the west side of Tache Avenue between La Verendrye Street and Dumoulin Street from an "F" Flood Plain District and an "M2" Light Industrial District to an "R3" Limited Multiple-Family District and a "PR" Park and Recreational District to allow for the construction of a multiple family dwelling complex (senior citizen).

The subject site has 193 metre frontage x 47.5 metre average depth (613 foot frontage x 156 foot average depth); an irregular site providing a total site area of 8,500 square metres (2.1 acres). To the north is industrial land, zoned "M2". To the east is mixed-density housing, zoned "R1", "R2" and "R3". On the west is a proposed riverbank park and the Red River, to be zoned "PR". A riverbank park and parking lot zoned "F" and "C2" lie on lands to the south.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on October 9th, November 13th and December 11th, 1990, and July 9th, 1991.

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

Mr. Robert Arbez, 242 Kitson Street, Winnipeg, R2H 0Z7,
Mr. Etienne Aubry, 8 - 207 rue Masson, Winnipeg, R2H 0H3,
Mr. D. Dandeneau, 311 rue Dumoulin, Winnipeg, R2H 0E7,
Mr. Gabriel Forest, 301 - 160 Niakwa Road, Winnipeg, R2M 5L1,
(on behalf of Knights of Columbus),
Ms M. Fritz Lonergan, 293 Provencher Boulevard, Winnipeg, R2H 0G6,
(on behalf of Association des Residents du Vieux St. Boniface),
Mr. Paul J. J. Gloux, 372 Cabana Place, Winnipeg, R2H 0K4,
(on behalf of the Old St. Boniface Residents Association),
Mr. A. Dean Gould, 18 Brentlawn Boulevard, Winnipeg, R3T 4X8,
Mr. Leo Grouette, 109 - 200 rue Masson, Winnipeg, R2H 3G1,
(on behalf of Chevalier de Colomb-Conseil Saint Boniface),
Mr. Alan Hogue, 196 Provencher Boulevard, Winnipeg, R2H 0G3,
Mr. Rayond Lafond, 160 rue Masson, Winnipeg, R2H 0H2,
(on behalf of La Chambre de Commerce francophone de St. Boniface),
Mr. Henri E. Lambert, 301 rue Notre Dame, Winnipeg, R2H 0C7,
(on behalf of the Knights of Columbus),
Mr. Omer Lamoureux, 176 Imperial Avenue, Winnipeg, R2M 0K8,
Mr. Fernand Laurencelle, 333 rue Dumoulin, Winnipeg, R2H 0C7,
Mr. Douglas Leeies, 710(D) Watt Street, Winnipeg, R2K 0S7,
(on behalf of Gaboury-Tache),
Mr. Philippe Le Quere, 387 rue D'Eschambault, Winnipeg, R2H 0S9,
Mr. Michael Lysenko, 296 Kingsway, Winnipeg, R3M 0H4,
Mr. G. Mulaire, 369 Cabana Place, Winnipeg, R2H 0K3,
Mr. G. Perron, 71 Blue Water Crescent, Winnipeg, R2J 2X6,
Mr. Jules Roch, 484 Tissot Street, Winnipeg, R2J 0C7.

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

R. Z. Battad, 305 Thibault Street, Winnipeg, R2H 3H1,
V. Battad, F. Zungaul, 309 Thibault Street, Winnipeg, R2H 3H1,
Mr. Armand Bedard, 737 rue St. Jean Baptiste, Winnipeg, R2H 0Y6,
(on behalf of St. Boniface Riverbank Preservation Committee),
Christian Benhamou, 456 rue Aulneau, Winnipeg, R2H 2V2,
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. Richard Devigne, 772 rue St. Joseph, Winnipeg, R2H 3A7,
(on behalf of St. Boniface Riverbank Preservation Committee),
Mr. Leo Dufault, 243 rue Dumoulin, Winnipeg, R2H 0E5,
Mr. Ray Garnett, 165 rue LaVerendrye, Winnipeg, R2H 0B5,
Mr. Renald Guay, 300 Provencher Boulevard, 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.),
Louise LaFleche, 236 rue Aubert, Winnipeg, R2H 0B3,
Ms C. Lambert, 588 rue St. Jean Baptiste, Winnipeg, R2H 2Y1,
Mr. Robert Landry, 137 rue LaVerendrye, Winnipeg, R2H 0B5,
(on behalf of St. Boniface Riverbank Preservation Committee),
Mr. Claude Laurin, 165 rue Aubert, Winnipeg, R2H 0B2,
(on behalf of St. Boniface Riverbank Preservation Committee),
Mrs. Donna Laurin, 165 rue Aubert, Winnipeg, R2H 0B2,
Ms Kristine Laurin, 165 rue Aubert, Winnipeg, R2H 0B2,
Linda LeBlanc, 220 rue Notre Dame, Winnipeg, R2H 0C3,
Mr. Gerard Lecuyer, 5 Cherry Crescent, Winnipeg, R2J 1V8,
(on behalf of Enviraction),
Chantal LeDorze, 545 Lipton Street, Winnipeg, R3G 2H4,
Mr. Francois LeDorz, 141 rue Dumoulin, Winnipeg, R2H 0E2,
(on behalf of St. Boniface Riverbank Preservation Committee),
Mr. David McIntosh, 262 rue LaVerendrye, Winnipeg, R2H 0B8,
Ms Marcelle Marion, 165 rue LaVerendrye, Winnipeg, R2H 0B5,
Mrs. Marjolaine Pelletier, 143 Ashford Drive, Winnipeg, R2N 1K4,
(on behalf of Enviraction),
Mr. Brian F. Petursson, John A. Flanders Ltd., 900 - 305 Broadway, Winnipeg, R3C 3J7,
(on behalf of S.B.R. Investments Ltd.),
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.

It should be noted that an amendment to the North St. Boniface Action Area Plan was also being processed to allow for multiple family development at this site. This amendment was not approved by Council.

The St. Boniface-St. Vital Community Committee recommended that the proposed zoning change be not proceeded with for the following reason:

1. The application does not conform with the Action Area Plan in place for the area.

Your Committee on Planning and Community Services concurs in the recommendation of the St. Boniface-St. Vital Community Committee and recommends that the proposed zoning change to amend The St. Boniface Town Planning Scheme 1957 by rezoning land under File No. DAZ 229/90 from an "F" Flood Plain District and an "M2" Light Industrial District to an "R3" Limited Multiple-Family District and a "PR" Park and Recreational District be not proceeded with.

Report on the Committee on Planning and Community Services, dated September 5th, 1991.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

REZONING - 685 St. Mary's Road - St. Boniface-St. Vital Community. File No. DAZ 223/91

1295 - 11. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. W. Lister, 685 St. Mary's Road, to amend The St. Vital Town Planning Scheme 1951 by rezoning the land at 685 St. Mary's Road from an "R3" Multiple-Family District to a "C2" Commercial District to allow for the establishment of a printing shop and other commercial uses.

The subject site is 15.25 metres x 36.58 metres (50 feet x 120 feet); providing a total site area of 557 square metres (6,000 square feet). The land to the north consists of commercial uses, zoned "C2". To the east and west is low-density housing, zoned "R1(d)" and "R3" respectively. To the south is land consisting of commercial uses, zoned "R3". The site is adjacent to commercial uses on both the north and south, and if development is limited, to protect housing to the east and west, the proposal is entirely consistent with development of this section of St. Mary's Road.

The location of a printing shop in a detached structure with a floor area of 700 square feet provides automatic limits on the intensity of use. At this scale, parking and loading demand should be minimal. The site is served by an unpaved lane, 16 feet in width, which is not appropriate access for higher intensity commercial development.

It is suggested that offices also be permitted on the land, in anticipation of the conversion of the existing dwelling, subject to the recommended limit on height of development.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on June 11th, 1991.

Mr. Will Lister, 685 St. Mary's Road, Winnipeg, R2M 3M8, appeared in support of the application.

No one appeared in opposition thereto.

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

1. There is no opposition to the application.
2. The application is compatible with 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 The St. Vital Town Planning Scheme 1951 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 223/91 attached hereto and dated August 14th, 1991, to a "C2" Commercial District subject to the following:

A. That the applicant be required to enter into a Zoning Agreement (Development Agreement) with the City pursuant to Section 591(1) of The City of Winnipeg Act, to provide as follows:-

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

(a) offices, business or professional;
(b) printing shop, not exceeding a floor area of 1,200 square feet;
(c) accessory uses;

Report on the Committee on Planning and Community Services, dated September 5th, 1991.

(2) 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;

(3) that no building on the land exceed two (2) storeys in height, and that no structure on the land exceed 25 feet in height;

(4) 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 City Solicitor be required to prepare the necessary Lane Widening Agreement between the registered owner and the City of Winnipeg that the owner be required to convey 4 feet of land for the widening of the rear lane when the City proceeds with the pavement of the lane.

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 and the agreement under Recommendation II. is completed to the satisfaction of the City Solicitor.

IV. That the rezoning by-law shall become effective when the Zoning Agreement has been registered as a caveat with the 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 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. 1300 for attachment.)

REZONING - 3420 Grant Avenue - Assiniboine Park - Fort Garry Community File No. DAZ 226/91

1296 - 12. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. Kenneth J. Galanchuk, 201-233 Portage Avenue to amend By-law No. 1800 by rezoning the land at 3420 Grant Avenue from an "R1-20" Single Family District to an "RM-3" Multiple-Family District to allow for the construction of a multiple-family dwelling (Senior Citizen's).

An application has been received to rezone a .56 hectare/1.37 acre parcel of land on the south side of Grant Avenue, between Elmhurst and Laxdal Roads, from an "R1-20" Single-Family District to an "RM-3" Multiple-Family District. The rezoning would permit construction of a three-storey, 84 unit senior citizens building in accordance with plans submitted with this application.

The site is bounded on the north (across Grant Avenue) by semi-detached housing on lots zoned "R2" Two-Family District, on the east by a Manitoba Telephone System switching facility on land zoned "R1-20" Single-Family District, and on the west by town-housing on land zoned "RM-1" Multiple-Family District.

Report on the Committee on Planning and Community Services, dated September 5th, 1991.

Site ingress and egress would be via two, unidirectional approaches off Grant Avenue. Parking would be provided for 23 vehicles, in excess of the by-law requirement of 17 stalls. The height of the three-storey residential portion of the structure is approximately 10.1 metre/33 feet, measured at the mid-point of the rise from the eave to the peak. This compares to the height limitation in an "R1-6 "Single-Family District of 9.1 metre/30 feet or 2.5 storeys.

In addition to the parking fencing, the artist's rendering of the project shows a 1.8 metre/6 foot wooden fence along maintained, the department would accept this feature as adequately addressing the need of residents of both the project and adjoining properties for privacy and security. However, a hedge of shrubs might accomplish similar ends while beautifying the project and softening the built form.

Given its size and orientation, the parcel is suitable for multiple-family housing and, at the scale proposed, the project is compatible with the surrounding, lower density. Being seniors' housing, the nature of the project and the activity generated will not be offensive to the property enjoyment of adjoining residents nor the peace and quiet of the neighbourhood.

A Public Meeting was held before the Assiniboine Park-Fort Garry Community Committee on July 18th, 1991.

The following persons appeared and/or registered in support of the application:-
Kenneth J. Galanchuk, 201-233 Portage Avenue, Winnipeg, R3B 2A7,
Cornelius Martens, 670-360 Main Street, Winnipeg, R3C 3Z3,
W. K. Rankin, Cooper, Rankin Architects, 103-7 Evergreen Place, Winnipeg, R3L 2T3,
Jake Klassen, 451 Laxdal Road, Winnipeg, R3R 0W5,
Frank Aitken, 532 Elmhurst Road, Winnipeg, R3R 0V1,
Donald and R. McKercher, 104-3901 Grant Avenue, Winnipeg, R3R 2Z4,
Herb and Helen Hutchinson, 702-3901 Grant Avenue, Winnipeg, R3R 2Z4,
Lloyd and Ena Macklin, 610 Coventry Road, Winnipeg, R3R 1B6,
Margaret MacAulay 504-1710 Portage Avenue, Winnipeg, R3J 0E2,
Don York, 802-3901 Grant Avenue, Winnipeg, R3R 2Z4,
Betsy McIntosh, 2101-7 Evergreen Place, Winnipeg, R3L 2T3,
Theo Law, 35 Monarch Mews, Winnipeg, R3R 2G8,
Myrtle Sundberg, 14F-1975 Corydon Avenue, Winnipeg, R3P 0R1,
Anne Martin, 765 Centennial Street, Winnipeg, R3N 1R4,
Levina Kostenko, 1-120 Scotswood Drive, Winnipeg, R3R 2X9,
Jack Spillett, 602-3901 Grant Avenue, Winnipeg, R3R 2Z4,
Harry Winter, 306 McLean Street, Winnipeg, R3R 0V7,
Eileen and Corrie Hamilton, 3030 Grant Avenue, Winnipeg, R3R 0K5,
Beverly Beckwith, 595 Fairmont Road, Winnipeg, R3R 1B2,
Irene Gordon, 42 Blossom Bay, Winnipeg, R3R 2V9.

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

D. C. Brooking, 10 Elmridge Cove, Winnipeg, R3R 2Z8,
Mary and Lewis Webber, 3440 Grant Avenue, Winnipeg, R3R 3P6,
Marjorie and Wayne Curle, 3456 Grant Avenue, Winnipeg, R3R 3P6,
Mike and Judy Dunn, 522 Elmhurst Road, Winnipeg, R3R 0V1,
Dawn and Tony Klockow, 3434 Grant Avenue, Winnipeg, R3R 3P6,
Margaret Abrassart, 3442 Grant Avenue, Winnipeg, R3R 3P6,
Ellis R. and Dorothy Taylor, 3448 Grant Avenue, Winnipeg, R3R 3P6,
Carol Storey, 3430 Grant Avenue, Winnipeg, R3R 3P6,
Raymond and Beatrice Hayward, 3432 Grant Avenue, Winnipeg, R3R 3P6,
Ellen E. Lamberd, 3436 Grant Avenue, Winnipeg, R3R 3P6,
Glenwood and L. M. Senton, 3438 Grant Avenue, Winnipeg, R3R 3P6,
Carol Petty, 3444 Grant Avenue, Winnipeg, R3R 3P6,
Peter and Phyllis Chester, 3446 Grant Avenue, Winnipeg, R3R 3P6,
Katherine and Mary-Kate Sullivan, 3450 Grant Avenue, Winnipeg, R3R 3P6,
Kenneth Whitlaw, 3452 Grant Avenue, Winnipeg, R3R 3P6,
Ruth Matthews, 3454 Grant Avenue, Winnipeg, R3R 3P6.

Report on the Committee on Planning and Community Services, dated September 5th, 1991.

The Assiniboine Park-Fort Garry Community Committee recommended approval of the rezoning of the property under File DAZ 226/91, for the following reasons:-

1. There is a need for senior citizen housing.

2. The project is aesthetically pleasing and compatible with the surrounding, lower density housing.

3. The nature of the project and the activity generated will not be offensive to the proper enjoyment of adjoining residents nor the peace and quiet of the neighbourhood.

subject to:

A. The applicant entering into a Zoning Agreement containing therein the conditions outlined below; and

B. The applicant entering into a Servicing Agreement containing therein all of the conditions outlined in the report of the Administrative Co-ordinating Group, dated June 20th, 1991, attached hereto as Schedule "B";

subject to the said report being amended whereby the Developer would be obliged to install a median cut and a storage lane on Grant Avenue to service the project, the cost of which would be credited towards the Developer's share of the cost of constructing a regional transportation facility for Charleswood.

With respect to the latter recommendation, your Committee on Planning and Community Services has been advised that, Council on November 26th, 1986, adopted the following recommendation:-
"Where lands approved for subdivision in the area bounded by Wilkes Avenue, the West limit of the Assiniboine Forest and extension thereto, the Assiniboine River and the Perimeter Highway, the Subdivision applicant shall be required by agreement to pay to the City as a condition of subdivision $.25 (1987) per square foot of gross subdivision area for phased construction of regional transportation facilities in the Charleswood area to remedy the existing inadequate street capacity."

The current rate is $.33 per square foot.

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

The median cut and storage lane recommended by the Assiniboine Park- Fort Garry Community Committee does not constitute "regional transportation facilities". Therefore, the recommendation of the Community Committee that the cost of constructing the median cut and storage lane by the Developer be credited towards the Developer's share of the cost of a regional transportation facility does not comply with the intent of Council's Policy. Moreover, as the developer did not request the median opening, as the Streets and Transportation Department are in strong opposition to it, a dangerous precedent would be set by crediting these costs towards the Developer's share of the Charleswood Transportation Levy.

The Committee on Works and Operations at its meeting held on September 10th, 1991 concurred in the recommendations of the report of the Acting Director of Streets and Transportation, namely:-

1. A mid-block median opening not be constructed on Grant Avenue between Laxdal Road and Elmhurst Road to serve the proposed Charleswood Manor; and

2. The requirement for the developer to install such a median opening and left turn storage lane not be a condition of DAZ 226/91.

It is therefore recommended:-

I. That By-law No. 1800 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 226/91, attached hereto and dated August 28th, 1991, to an "RM-3" Multiple-Family District subject to the following:-

Report on the Committee on Planning and Community Services, dated September 5th, 1991.

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:

a. An elderly persons multiple-family development of not more than 84 dwelling units.
b. Accessory structures thereto.

2. That any building or structure erected on the land not exceed three storeys in height.

3. That final construction plans indicating the design and location of any new building(s) or structures (including exterior elevations) 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 to the building permit or the establishment of same.

4. That a 10% 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 20th, 1991, attached hereto as Schedule "B" for DAZ 226/91.

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 and the Servicing Agreement 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.

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

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

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

Moved by Councillor Gilroy,
Adoption of the clause.

In amendment,

Moved by Councillor Clement,
Seconded by Councillor Brown,
That Clause 12 of the Report of the Committee on Planning and Community Services, dated September 5th, 1991, be amended to add the following recommendation, namely:

Report on the Committee on Planning and Community Services, dated September 5th, 1991.

" I. A. 5. That a median cut and storage lane be installed on Grant Avenue as recommended by the Assiniboine Park-Fort Garry Community Committee at the developer's cost."

Carried.

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

(Note: See Minute No. 1301 for attachments.)

ZONING AGREEMENT AMENDMENT –
South-west corner Warde Avenue and Dakota Street (1490, 1540 and 1550 Dakota Street) –
St. Boniface-St. Vital Community.
File No. DASZ 12/82 (ZAA 5/91)

1297 - 13. Your Committee on Planning and Community Services has been advised that an application has been received from Qualico Developments, 30 Speers Road, to amend the Zoning Agreement affecting 1490, 1540 and 1550 Dakota Street by deleting the clause referring to median openings and private approaches on Dakota Street and to permit buildings, free standing signs, structures and lamp standards, for property located at the south-west corner of Warde Avenue and Dakota Street.

The site occupies the entire block of Dakota Street, between Warde Avenue and John Forsyth Road, with approximately 330 metres of frontage on Dakota Street and approximately 130 metres of frontage on those intersecting streets.

The site has been designated for shopping centre development since the approval of the adjacent residential area in 1982.

The Zoning Agreement which applies to the site does not include many of the provisions which have been established as conditions of later approvals, and which are considered necessary for the protection of adjacent housing. Amendment of the Zoning Agreement is desirable, if only to add these conditions.

There is no reason to maintain the building restriction expressed in clause 16, insofar as there is no street-widening proposed which would now require, that portions of the site remain unoccupied. In order to allow maximum visibility of signage, and therefore, to permit restriction of sign area and height, it is important that signage be located as close to intersections as may be consistent with safety.

The deletion of clause 14 is irrevelant to zoning, insofar as the approval of the median openings (with appropriate left-turn storage lanes) is subject to the approval of the Committee on Works and Operations. On April 23rd, 1991, that Committee approved a median opening in Dakota Street to serve the site. Therefore, the clause may be deleted.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on March 19th, April 9th and 30th, May 21st and June 11th, 1991.

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

Mr. Gilles Huizinga, on behalf of Qualico Developments Ltd., 30 Speers Road, Winnipeg, R2J 1L9,
Mr. Don Blakey, 396 Assiniboine Avenue, Winnipeg, R3C 0Y1 (on behalf of the applicant).

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

Mr. Reg Richard, 39 Theydon Place, Winnipeg, R2N 3B1,
Mr. and Mrs. K. Bewski, 118 Brotman Bay, Winnipeg, R2N 2Y6,

Report on the Committee on Planning and Community Services, dated September 5th, 1991.

Mr. Stu Duncan, 34 Southfields Drive, Winnipeg, R2N 2N1,
Mrs. Debra Duncan, 34 Southfields Drive, Winnipeg, R2N 2N1,
Mr. Gord and Mrs. Darinka Ginter, 46 Theydon Place, Winnipeg, R2N 3B1,
Mrs. Heather Richard, 38 Theydon Place, Winnipeg, R2N 3B1,
Mr. Raj Rattan, 34 Theydon Place, Winnipeg, R2N 3B1.
Mr. G. Hewitt, c/o 604 St. Mary's Road, Winnipeg, R2M 0L5, (on behalf of the St. Boniface-St. Vital Residents' Advisory Group) appeared for information purposes only.

The St. Boniface-St. Vital Community Committee recommended that the zoning agreement be amended as applied for, for the following reason:-

1. The concerns expressed by the neighbouring residents and the St. Boniface-St. Vital Residents Advisory Group have been addressed.

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 DASZ 12/82 be amended as follows:

1. That clause 14 be deleted.

2. That clause 16 be deleted.

3. That the following sections be added, to apply only to the "CP" Planned Commercial District land:

(a) that development of the land be limited to a maximum Floor Area Ratio of 0.25;

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

(c) that no building or structure on the land exceed 25 feet in height;

(d) that parking spaces be provided and maintained on the land at a minimum ratio of one space for each 200 square feet of floor area established on the land;

(e) that a landscaped set-back, not less than 25 feet in depth, be provided and maintained from the west lot limit to any building, structure (except the masonry wall referred to in the following clause), parking or loading area, or refuse storage facility, except for one loading space not greater than 20 feet/6.096 metres in width within the northerly 170 feet of the site; said loading area to have a noise attenuation barrier, subject to the satisfaction of the Commissioner of Planning and Community Services;

(f) that a masonry wall, not less than 8 feet in height, be established and maintained at a distance 20 feet from, and parallel to, the west lot limit, as follows:

(i) where buildings face the landscaped set-back abutting the west lot limit: for the entire length of any space between such buildings, and overlapping each such building for a distance of 5 feet;

(ii) where refuse storage facilities or loading areas face the landscaped set-back abutting the west lot limit: for the entire length of any refuse storage facility or loading area, and overlapping each such facility or loading area, for a distance of 10 feet;

(g) that an opaque wood fence, not less than 6 feet in height, be established and maintained on the west lot limit;

Report on the Committee on Planning and Community Services, dated September 5th, 1991.

(h) that no vehicular approach for ingress to or egress from the land be located on the public lane abutting the west lot limit;

(i) that traffic control signals be installed at the intersection of Warde Avenue and Dakota Street upon completion of Phase I, and that a second set of traffic control signals be installed at the median opening at the time the four lane cross section is constructed on Dakota Street;

(j) that a right hand passing lane on the east side of Dakota Street be constructed opposite the bi-directional approach, as illustrated on Schedule "A" to ZAA 5/91 attached hereto and dated August 20th, 1991.

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

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

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. 1302 for attachment.)

Proposed Amendment to the Sunrise Park Development Agreement AG 57/86 - North Grassie Properties Inc. on property located north of Grassie Boulevard and east of Lagimodiere Boulevard
Files DASZ 57/86, DAZ 224/90, DASSF 566"A"/90 & ZAA 7/90.

1298 - 14. Your Committee on Planning and Community Services has been advised that on September 26th, 1989, the City executed Development Agreement AG 57/86, Finance Department No. 7939 being an Agreement with North Grassie Properties Inc. in connection with the development of land located north of Grassie Boulevard and east of Lagimodiere Boulevard. Development Agreement AG 57/86 makes provision for the development of the land as well as the payment of certain monies in two phases.

Phase I being the area generally east of Silverfields Lane is well underway and the Developer has requested that he be allowed to proceed with a small portion of Phase II as shown on the attached plan identified as Schedule "A", DASSF 566"A"/90 and that the payment of monies for Phase II be also adjusted to reflect the staging of Phase II. Copies of the paragraphs from Development Agreement AG 57/86 dealing with phasing and pavements in Grassie Boulevard are attached to this report as Schedule "B".

The Administrative Co-ordinating Group has considered the Developer's request and felt that it was reasonable. However the administration had serious concerns about allowing any portion of Phase II to proceed prior to Grassie Boulevard being widened to 4-lanes.

The East Kildonan-Transcona Community Committee at its meeting held on July 23rd, 1991 concurred in the recommendations of the Administrative Co-ordinating Group dated June 20th, 1991, and recommended approval of the Development Agreement Amendments as set out below.

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

Report on the Committee on Planning and Community Services, dated September 5th, 1991.

I. That Phase II be developed in two stages subject to Development Agreement AG 57/86 being amended as follows:

1. By adding a sub-paragraph c) to paragraph 26, "Phasing" in Section I of Schedule "c" of the Agreement as follows:

"c) At the Developer's option Phase II may be developed in two stages with the first stage being in accordance with the plan attached hereto approved under DASSF 566"A"/90 in which event the Developer shall prior to the release of approved subdivision mylars establishing lot lines within each Stage of Phase II pay a proportional amount of certain of its financial obligations pursuant to this Agreement as follows:-

Stage I

i)	Land drainage capacity charge 0.15 x $125,180.69	$18,777.10
ii)	Open space dedication 0.15 x $33,740.45	5,061.07
iii)	Landscaping 0.15 x $4,552.10	682.82
iv)	Administration fees 0.15 x $21,542.36	3,231.35
v)	Off-site pavement 0.15 x $45,238.16	6,785.72
		$34,538.06

Stage II

i)	Land drainage capacity charge 0.85 x $125,180.69	$106,403.59
ii)	Open space dedication 0.85 x $33,740.45	28,679.38
iii)	Landscaping 0.85 x $4,552.10	3,869.28
iv)	Administration fees 0.85 x $21,542.36	18,311.01
v)	Off-site pavement 0.85 x $45,238.16	38,452.44
		$195,715.70

2. By adding a sentence to sub-paragraph 6.b) "Pavements" in Section I of Schedule "C" of the Agreement as follows:

"Subdivision mylars establishing lot lines within Phase II shall not be released by the City for registration in the Land Titles Office until the Developer has fulfilled its obligations with respect to pavement construction in Grassie Boulevard as outlined in this sub-paragraph 6.b)."

Report on the Committee on Planning and Community Services, dated September 5th, 1991.

II. That the Proper Officers of the City be authorized to execute any documents in connection with the amendment to Development Agreement AG 57/86.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 1303 for attachments.)

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1299 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1300 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1301 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1302 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

1303 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

MOTIONS

Moved by Councillor Murray,
Seconded by Mayor Norrie,

1304 - WHEREAS Executive Policy Committee has laid over consideration of Clause 4 of the Report on Planning and Community Services, dated September 5th, 1991, regarding the City of Winnipeg's position with regard to the "Open Skies" Treaty-free Trade in the Airlines Industry;

AND WHEREAS the result of such action renders the matter to not be before Council for consideration at this particular Council Meeting;

AND WHEREAS it is the view of the mover and the seconder that this matter should be considered today and the following motion adopted, namely:

"WHEREAS industry analysts agree that Canadian carriers would not be able to compete with the American mega carriers which have considerable cost advantages and under utilized fleets; and

WHEREAS the all party special parliamentary committee's unanimous report to the Transport Minister warns "Open Skies" would have a devastating impact on the Canadian Airline Industry; and

WHEREAS days after the "Open Skies" announcement Air Canada and Canadian Airlines announced massive layoffs to better position themselves to compete with American carriers under the proposed treaty; and

WHEREAS the major United States Airlines, anticipating "Open Skies", are already buying up existing routes into Canada; and

WHEREAS the treaty would further deregulate the airline industry, leading to more corporate concentration through mergers, takeovers and bankruptcies, lower standards and may even allow cabotage - the unrestricted right of U.S. carriers to carry passengers between Canadian cities; and

WHEREAS it would distort our national priorities by expanding north-south ties and further eroding the essential east-west transportation links that help bind our country together; and

WHEREAS Canada can improve air links with U.S. cities by negotiating improvements to the current bi-lateral agreement to obtain more city pairs with a fairer share of routes to Canadian carriers;

THEREFORE BE IT RESOLVED that the Council of the City of Winnipeg urge the Federal Transport Minister to abandon his plans for "Open Skies", and instead adopt a Canadian strategy in negotiations to update the bi-lateral agreement with the United States of America with the goal of obtaining more city pairs with a fairer share of routes for Canadian carriers."

NOW THEREFORE BE IT RESOLVED that Council suspend the rules to have this matter considered at this Council meeting.

AND BE IT FURTHER RESOLVED that Council adopt the motion set out above.

The Speaker ruled that the motion is automatically referred to the Executive Policy Committee.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES – MOTIONS (continued)

Moved by Councillor Murray,

That the rule be suspended to allow consideration of the motion at this time.

The motion to suspend the rule was put and declared carried.

With the concurrence of the seconder and with the permission of Council, Councillor Murray withdrew his motion.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

1305 - 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. 5762/91, 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 269/89A.

By-law No. 5763/91, a By-law of The City of Winnipeg to amend By-law No. 692/74, being the Encroachment By-law to regulate the construction and maintenance of certain encroachment streets. File Nos. ED & E-1.

By-law No. 5764/91, a By-law of The City of Winnipeg to change the names of certain highways in the City of Winnipeg. File No. SC-3.14(25)

By-law No. 5765/91, 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 225/91.

By-law No. 5767/91, 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 240/89.

By-law No. 5768/91, a By-law of The City of Winnipeg to amend Zoning By-law No. 1800 for the enactment of a zoning change in the Assiniboine Park-Fort Garry Community. File No. DAZ 217/90.

By-law No. 5769/91, a By-law of The City of Winnipeg to provide for procedures under Part 20 of The City of Winnipeg Act. File Nos. GL-5.1, GL-5.6 and GK-4.