CONSIDERATION OF REPORT OF THE
COMMITTEE ON PLANNING AND COMMUNITY SERVICES

The following clauses contained in the Report of the Committee on Planning and Community Services, dated July 16th, 1990, were laid over by the Executive Policy Committee on July 25th, 1990. The Executive Policy Committee has further considered these clauses, has concurred in the recommendations contained therein, and now submits them to Council for approval and adoption.

On motion of Councillor McKee, the following clauses contained in the Report of the Committee on Planning and Community Services, dated July 16th, 1990, were considered.

ZONING AGREEMENT AMENDMENT
18 Harbour Bay Assiniboine Park-Fort Garry Community
File No. DASZ 33/77 (ZAA 14/90).

1489 - 5. Your Committee on Planning and Community on Planning and Community Services has been advised that an application has been received from Rahman Mustapha, 18 Harbour Bay to amend the Zoning Agreement affecting 18 Harbour Bay to permit the construction of an accessory building (gazebo) providing a 20 foot rear yard to the adjoining stormwater retention pond instead of 42 feet as required.

The Zoning Agreement enacted as a condition of approval of the subdivision which established the subject site requires in part that:

3. The rear yard setbacks to be provided and maintained for the lots on the "R1-5.5" lands shall be as follows:

(a) minimum 20.4 metres (67 feet) to any principal building;

(b) minimum 12.8 metres (42 feet) to any detached accessory building;

(c) minimum 8.5 metres (28 feet) to any temporary structure.

The primary reason for the special rear yard setback is to accommodate fluctuations in the water level of the stormwater retention lake. The water level of the lake can be expected to inundate the rear 42 feet of the lot during a 100 year storm event.

The applicant is proposing to establish a gazebo structure providing a rear yard of 20 feet instead of 42 feet as required. The proposed gazebo is hexagonal in shape and is 14'6" across at the largest dimension. The gazebo would be situated 10 feet from the western property limit, and a platform located an estimated 2 ½ to 3 feet above grade at the rear. The gazebo is 12'10" high to the peak of the roof.

The building in question may be subject to flooding, however, being that the structure is a gazebo, any flooding that occurs may be tolerable.

A secondary benefit of the rear yard setbacks has been to provide some protection of views from residential properties to the lake.

The Department of Environmental Planning has some concerns about the location of the proposed gazebo, insofar as it affects the views from the adjoining property to the west. It is the opinion of the Department of Environmental Planning that this request would have some adverse impact on this adjoining property. Noting the above comments, the Department of Environmental Planning does not support the application as submitted.

A Public Meeting was held before the Assiniboine Park-Fort Garry Community Committee on May 29th and June 13th, 1990.

Report of the Committee on Planning and Community Services, dated July 16th, 1990

The following persons appeared in support of the application:

Rahman and Bal Mustapha, 18 Harbour Bay, Winnipeg, R3T 5G6,
Mike Hofer, 6 Harbour Bay, Winnipeg, R3T 5G6,
Bert and Debbie Elam, 14 Harbour Bay, Winnipeg, R3T 5G6,
Chris and D. Didier Chinien, 10 Harbour Bay, Winnipeg, R3T 5G6,
Jay Mustapha, 467 Seaton Street, Winnipeg, R3K 1M3.

Rodney and Barbara Bennett, 22 Harbour Bay, Winnipeg, R3T 5G6 appeared in opposition thereto.

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

1. The view for the adjoining resident to the west of the subject property of the stormwater retention lake would be adversely affected by the construction of an accessory building providing a 20 foot rear yard instead of 42 feet as required by the Zoning Agreement.

2. The primary reason for the special rear yard setback is to accommodate fluctuations in the water level of the stormwater retention lake. The water level of the lake can be expected to inundate the rear 42 feet of the lot during a 100 year storm event, in which case the proposed building may be subject to flooding.

3. The rear yard setbacks have been established to provide some protection of views from residential properties to the lake.

Your Committee on Planning and Community Services concurs in the recommendation of the Assiniboine Park-Fort Garry Community Committee and recommends that the proposed amendment to Zoning Agreement DASZ 33/77 under File ZAA 14/90, be not proceeded with.

Moved by Councillor McKee,
Adoption of the clause.

Carried.

REZONING - South side of Garven Road, west of Deacon Road, Rural Municipality of Springfield
File No. DAZ 209/90 (c/r DASSF 508/90).

1490 - 6. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. R. Michalkow, 46 Skye Place to amend The Springfield Town Planning Scheme 1959 by rezoning the land on the south side of Garven Road, west of Deacon Road from an "A" Rural District to an "M1" Light Industrial District in order to operate and expand an existing well house and tanker enclosure as a spring water bottling plant.

The dimensions shown relate to a large site from which a smaller parcel (Lot 6) is to be established and rezoned for industrial use.

The width of the subject site is 665.24 metres/2182.57 feet frontage along the south side of Garven Road. While the depth at the middle of the site is 199.26 metres/653.75 feet, the measurements along the east and west property lines are respectively 98.8 metres/324.16 feet and 109.7 metres/359.94 feet.

The total site area is 11.34 hectares/28 acres (including the 2.5 acres proposed to be rezoned "M1").

The land in Section 2 to the north is predominantly large lot agricultural land in parcels ranging from 15 to 70 acres, with one being 5 acres. Section 2 is zoned "A" Rural District.

Report of the Committee on Planning and Community Services, dated July 16th, 1990

On the southerly boundary, the property is abutted by a hydro transmission line towards the east and by three lots towards the west. Immediately east of the subject property is a church on a 2 acre site which abuts Deacon Road (P.R. 207). On the west side of the property, across Fairview Street, there are a number of 5 acre or larger sites.

Except for a vacant "C2" site at the north-west corner of Garven and Deacon Roads, the entire area surrounding the 28 acre site is zoned "A" Rural District.

The Greater Winnipeg Development Plan or "Plan Winnipeg" designates the subject land as an "Area of Limited Urban Expansion". Under this designation the Council of the Rural Municipality of Springfield may consider and determine subdivision requirements which are designed to maintain a basic development standard ensuring that all local services are available at a reasonable cost to the Municipality and that in particular there is potable water available, that adequate sewage disposal facilities will be provided which will not cause or be a contributing factor to pollution of water resources and that there is adequate surface drainage and no periodic flooding.

The draft Springfield Development Plan designates the subject land as a "Rural Area" and suggests that Council will organize lands in these areas in a manner which will preserve farmland, protect farmlands from the encroachment of incompatible land uses and maintain the open space and rural character of the country side.

Manitoba Highways and Transportation - under statutory regulations of the Act, no access to P.R. 213 (Garven Road) may be constructed except by permit from the Highways Department. A permit will also be required to erect any structure within 125 feet (or to place any planting within 50 feet) from the edge of the right-of-way. The

Manitoba Highways and Transportation Department has no objection to the proposed subdivision provided:

(i) arrangements are made to accommodate legal access to all the requested lots without requiring any additional driveways onto P.R. 213, and

(ii) the developer undertakes to be responsible for any modifications and associated costs that may be necessary, as determined by the Highways Department, as a result of the proposed development.

In view of the heavy traffic volume on P.R. 213, the Highways Department has suggested that some kind of sound buffering/screening system be incorporated into the development. Also, in view of the possibility of acquiring some additional land for future improvements of P.R. 213, structures to be located on the subject land should be placed well outside the 125 foot control area.

Manitoba Hydro - can provide overhead electrical service to the proposed subdivision, and easements are not required.

Manitoba Telephone System has no objection.

Inter-City Gas Company has no objection.

Manitoba Department of Agriculture has no concerns with the subdivision application.

The applicant states that Coolmore Springs proposes to start a spring water bottling plant by utilizing an existing well house and pump formerly used by Carling Breweries and located at the east end of a 28 acre property which presently also contains a single family residence. The property owner has made a separate application (DASSF 508/90) to subdivide his property into six lots, of which five (Lots 1 - 5), with complying width and area, are to remain in "A" Rural District, whereas the sixth (Lot 6) is proposed to be rezoned by "M1", to permit the proposed operation.

In accordance with an agreement between the buyer and the property owner, Lot 6 will have to be established as a separate site which would be possible only if the subdivision application is successful and approved by the Highways Department for an additional access to the industrial site. Another condition in the aforementioned agreement is the issuance of a license for the use of the well water. Preliminary approval for that has already been obtained to the extent that the Water Resources Branch of Manitoba Natural Resources has issued to Coolmore Springs a letter of intent to issue a license under the Water Rights Act to use groundwater for commercial bottling purposes after the said land has been purchased.

Report of the Committee on Planning and Community Services, dated July 16th, 1990

The existing well house and tanker enclosure were used for pumping and trucking away the well water for use by a brewery and then by a soft drink manufacturer, without generating any complaints by residents in the area. Now the potential owner, Coolmore Springs, wants to revive the discontinued operation by adding bottling and testing facilities to the existing building to be expanded by incorporating a one storey building addition, with extensive landscaping proposed to make the site more compatible with the character of the area.

The prospective owner advises that for an economically viable operation, the plant will need to operate 14-15 hours a day, Monday through Saturday. The preferred starting time is 4:00 a.m., but could be as late as 6:00 a.m. Empty trailers stored at the plant's loading area will be loaded with cases of bottled water and will be hauled away by drivers, who will bring in more empty trailers to be left at the plant site for subsequent loading. It is anticipated that a maximum of 18 semi- trailers will leave the site every week, at an average of 3 per day. The plant will not operate on Sundays.

In view of the rural nature of the general area, a rezoning for industrial use would not normally be supported by the Department of Environmental Planning. Spot rezonings, not in keeping with the adjacent areas and likely to set an undesirable precedent, have not been supported by the Department of Environmental Planning in the past. However, the subject application to rezone the property is to recognize a use which has been going on and off for a number of years, without any undesirable impact or generating any complaints. If the use of the site is restricted to only the previous and associated uses of a non-polluting nature and further structural/site developments and landscaping are regulated to maintain compatibility with the general area, the Department of Environmental Planning would have no objection to the proposed rezoning.

A Public Meeting was held before the Council of the Rural Municipality of Springfield on April 24th, 1990.

The following persons appeared in support of the application:

Mr. Andrew Hretzay, on behalf of Coolmore Springs, 433 Kimberley Avenue, Winnipeg, R2K 0X7,
Mr. Scott Kennedy, Barrister and Solicitor, 810 - 444 St. Mary Avenue, Winnipeg, R3C 3T1,
Linda Brotchie, Box 18, Group 535, R.R. 5, Winnipeg, R2C 2Z2,
Mr. Nick Hilderbrand, Box 13, Group 535, R.R. 5, Winnipeg, R2C 2Z2,
Mr. Lawrence Wiebe, Box 20, Group 535, R.R. 5, Winnipeg, R2C 2Z2,
Mr. Donald Enns,
Brenda Bruce, Box 37, Group 3, R.R. 1, Dugald,
Mr. Harvey Penner, 44 Oakbank Drive, Oakbank, ROE 1J0,
Mr. Zoppa, c/o Andrew Hretzay, 433 Kimberly Avenue, Winnipeg, R2K 0X7,
Mr. John Penner, Box 15, Group 535, R.R. 5, Winnipeg, R2C 2Z2,
Dr. Hurskowich, c/o Andrew Hretzay, 433 Kimberly Avenue, Winnipeg, R2K 0X7,
Mr. R. A. Wilson, Box 34, R.R. 2, Dugald, R0E 0K0.

The following persons appeared in opposition thereto;

Mr. John Bagnall, Box 1, Group 535, R.R. 5, Winnipeg, R2C 2Z2,
Mr. Ernest Parrish, Box 82D, R.R. 5, Winnipeg, R2C 2Z2,
Mrs. Janice Gerylo, Box 16, Group 546, R.R. 5, Winnipeg, R2C 2Z2,
Mr. Garry Hudzick, Box 84A, R.R. 5, Winnipeg, R2C 2Z2,
Mrs. B. Hiebert, Box 10, Group 535, R.R. 5, Winnipeg, R2C 2Z2,
Mr. L. Skolovy, Box 67, R.R. 5, Winnipeg, R2C 2Z2,
Mr. L. Cherpako, Box 6, Group 546, R.R. 5, Winnipeg, R2C 2Z2,
Mr. B. Leuschen, Box 83A, R.R. 5, Winnipeg, R2C 2Z2,

Report of the Committee on Planning and Community Services, dated July 16th, 1990

Mr. E. Paleshnuik, 35 Brereton Road, Winnipeg, R2J 2T7,
Mr. S. Gerylo, Box 16, Group 546, R.R. 5, Winnipeg, R2C 2Z2,
Mrs. Terry Longtin, Box 140A, R.R. 5, Winnipeg, R2C 2Z2,
Mr. R. F. Morris, Box 100, R.R. 5, Winnipeg, R2C 2Z2,
Mr. M. Zelinsky, Box 143, R.R. 5, Winnipeg, R2C 2Z2,
Mr. .S. Maslovsky, Box 74, R.R. 5, Winnipeg, R2C 2Z2,
Mr. D. Rivest, Box 9, Anola, R0E 0A0,
Mrs. S. Stanley, Box 4, Group 546, R.R. 5, Winnipeg, R2C 2Z2,
Mrs. E. Kelly, Box 134A, R.R. 5, Winnipeg, R2C 2Z2.

The Council of the Rural Municipality of Springfield recommended that the proposed zoning change be not proceeded with, but did not provide any supporting reasons.

Under Section 665(1) of The City of Winnipeg Act, except by the establishment of the Winnipeg Development Plan or a community plan, the City shall not enact a by-law that would have the effect of changing the use to which any land in the additional zone might be put unless the Council of the Municipality in which the land is situated has, by resolution, consented to the change.

Your Committee on Planning and Community Services concurs in the recommendation of the Council of the Rural Municipality of Springfield and recommends that the proposed zoning change to amend The Springfield Town Planning Scheme 1959 by rezoning land under File No. DAZ 209/90 from an "A" Rural District to an "M1" Light Industrial District be not proceeded with.

Moved by Councillor McKee,
Adoption of the clause.

Carried.

(Note: See Minute No. 1491 for attachment.)

1491 - Schedule “A” referred to in Clause 6 of the Report of the Committee on Planning and Community Services, dated July 16th, 1990.

(NOTE: SEE PAGE 1989 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

CONSIDERATION OF REPORT OF THE
COMMITTEE ON PLANNING AND COMMUNITY SERVICES

The Executive Policy Committee has considered the reports of the concerned Community Committees and the recommendations of the Committee on Planning and Community Services, as contained in its Report, dated September 10th, 1990, has concurred in the recommendations contained therein, except as noted below, and submits same to Council for approval and adoption.

On motion of Councillor McKee, the Report of the Committee on Planning and Community Services, dated September 10th, 1990, was considered clause by clause.

West Committee Room,
Council Building
Winnipeg, September 10th, 1990.

His Worship the Mayor & Councillors:

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

Proposed Reimbursement of Monies to Southam Properties Ltd., Development Agreement AG 14/75 - File DASZ 14/75

1492 - 1. Your Committee has been advised that the Assiniboine Park-Fort Garry Community Committee on July 31st, 1990 considered a report from the Administrative Co-ordinating Group, dated May 30th, 1990, wherein, the Community Committee was advised that on November 23rd, 1977, the City executed Development Agreement AG 14/75, Finance Department No. 2344 in connection with the southerly extension of Lynbrook Drive. The Agreement provides among other things for the Developer paying the sum of $25,425.00 as its share of the cost of acquiring an access to Cathcart Street or Elmhurst Road at some future date. The administration felt that the extension of Lynbrook Drive would eventually require a connection to either Cathcart Street or Elmhurst Road and that all benefitting Developers should pay their share of the cost of acquiring such an access road, the market value of which was estimated at $41,500.00. As Southam Properties Ltd.'s land comprised 61.25 percent of the benefitting property, its share of the acquisition cost was set at $25,425.00 i.e. 0.6126 X $41,500.00 = $25,425.00.

On May 25th, 1988 Council approved development application DASSF 54/87 being a further southerly extension of Lynbrook Drive. The administration recommended that Lynbrook Drive be connected to Elmhurst Road with a regular 7.5 metre wide pavement constructed with a standard 18 metre right-of-way. Council however approved the extension of Lynbrook Drive as a bulbed cul-de-sac with a 12 foot wide asphaltic concrete roadway constructed within a 20 foot right-of-way to Elmhurst Road.

The Assiniboine Park-Fort Garry Community Committee recommended that Southam Properties Ltd. be reimbursed as hereinafter provided.

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

I. That Southam Properties Ltd. be reimbursed in the amount of $25,425.00.

II. That the Proper Officers of the City be authorized to do all things necessary in connection herewith.

Report of the Committee on Planning and Community Services dated September 10th, 1990

A plan showing the extent of development application DASZ 14/75 is attached hereto, for the information of Council.

Moved by Councillor McKee,
Adoption of the clause.

Carried.

Amendment to Servicing Agreement AG 283/87 - Finance Department No. 7790 - 2266067 Manitoba Ltd. - St. James-Assiniboia Community
File DAZ 283/87.

1493 - 2. Your Committee on Planning and Community Services has been advised that on July 17th, 1990 the St. James-Assiniboia Community Committee considered a communication from the Development Agreement Officer, dated July 5th, 1990 enclosing a report of the Administrative Co-ordinating Group, dated June 18th, 1990, with regard to a proposed amendment to Servicing Agreement AG 283/87, relating to the proposed construction of 43 dwelling units on Sturgeon Road, wherein, the Administrative Co-ordinating Group advised that:-

On June 6th, 1989 the City executed Servicing Agreement AG 283/87, Finance Department No. 7790, with 2266067 Manitoba Ltd. pursuant to Council's approval on May 25th, 1988 of Development Application DAZ 283/87 being an application to rezone land on Sturgeon Road to permit the construction of 43 dwelling units.

The Agreement provides, among other things, as follows:

1. That the Developer shall pay $30,844.13 as its share of the cost of certain improvements in Sturgeon Road to be constructed and installed by the City.

2. That the Developer shall construct a lane pavement widening at the rear of the site.

A copy of Clauses 2. and 3. of Schedule "B" of the Agreement dealing with these matters is attached hereto.

In a letter dated May 7th, 1990 the Dynasty Group, agents for the Developer, requested that the City consider amending the Servicing Agreement whereby the City would be responsible for the lane pavement widening costs and the Developer would be allowed to pay for the Sturgeon Road improvements over a period of 4 years. A copy of Dynasty's letter is also attached hereto.

At its meeting held on May 31st, 1990 the Administrative Co- ordinating Group reviewed Dynasty's requests and made the following recommendation:

> "It is recommended that the Servicing Agreement be amended to provide that the Developer shall be reimbursed the money paid as his share of the cost of Sturgeon Road improvements and that he instead pay over a period of 4 years in 1990 dollars. The Developer will be required to post a Letter of Credit to the satisfaction of the City Treasurer to guarantee payment. There will be a provision however that in the event the Sturgeon Road improvements are installed prior to the 4 year period the money will then become due and payable."

The Administrative Co-ordinating Group did not concur however that the City be responsible for the cost of the concrete lane pavement widening.

The St. James-Assiniboia Community Committee concurred in the recommendations of the Administrative Co-ordinating Group and recommended approval of the amendments to the Servicing Agreement as hereinafter provided.

Report of the Committee on Planning and Community Services dated September 10th, 1990

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

I. That Servicing Agreement AG 283/87, Finance Department No. 7790 be amended by deleting therefrom Clause 3. in Schedule "B" in its entirety and replacing it with a new Clause 3. as follows:

"3. Improvements in Sturgeon Road

The Developer shall pay to the City, upon demand by the City, on or before December 31st, 1994, an amount as determined by the City Treasurer equal to the sum of $30,844.13 in 1990 dollars which sum is calculated as follows:-

i)	4.0 m lane of concrete pavement 175.7 feet X $138.00 =	$24,246.60
ii)	1.5 m concrete sidewalk 175.7 feet X $22.25 =	$ 3,909.32
iii)	boulevard sodding (10 feet wide) 175.7 feet X $6.70 =	$ 1,177.19
iv)	ornamental lighting 175.7 feet X $8.60 =	$ 1,511.02
	Total	$30,844.13'

It is understood and agreed that the Developer shall post a Letter of Credit in the amount of $40,000.00 to guarantee payment.

It is further understood and agreed that payment for the Sturgeon Road improvements shall become due and payable if and when they are installed prior to December 31st, 1994."

II. That the Proper Officers of the City do all things necessary to implement Recommendation I above, including the reimbursement of $30,844.13 to the Developer upon the posting of the Letter of Credit for $40,000.00.

Moved by Councillor McKee,
Adoption of the clause.

Carried.

Amendment to Servicing Agreement AG 403/84 Motel Development at 3900 Portage Avenue - St. James-Assiniboia Community File EP-1.

1494 - 3. Your Committee on Planning and Community Services has been advised that on May 29th, 1985, the City executed Servicing Agreement AG 403/84, Finance Department No. 6052 with Victoria Park Development in connection with the construction of a motel complex at 3900 Portage Avenue, west of the Perimeter Highway. The Servicing Agreement was assigned to Number One West Development Company Ltd. on September 24th, 1986 and subsequently amended on April 30th, 1987 and May 24th, 1988.

The motel complex was partially constructed but in the summer of 1988 construction came to a halt when the Developer ran into financial difficulties. In a letter dated November 9th, 1989, Mr. Don Benson, President of Western Warner Oils Ltd., advised the City that his Company has undertaken to complete the project and will be responsible for all the Developer's obligations pursuant to Servicing Agreement AG 403/84.

Report of the Committee on Planning and Community Services dated September 10th, 1990

Servicing Agreement AG 403/84 deals among other things with the construction of a concrete pavement and a watermain to serve the site as well as the relocation of a City water standpipe facility which is situated across the McCarthy Street right-of-way adjacent to the site. To date an alternate location for the water standpipe has not been found and until that happens the Developer is unable to relocate the standpipe or construct the pavement in McCarthy Street to provide proper access to the site. In the meantime the Developer is making arrangements with the Province of Manitoba Highways Department to obtain temporary access off the Perimeter Highway Services Road. The Developer has agreed to permit truck traffic utilizing the City's standpipe to circulate through Developer owned property by utilizing the temporary access off the service road. The Developer has also agreed to construct an all-weather roadway on Developer owned land to the City's specifications to accommodate the truck traffic. This maneuver will significantly reduce the conflict between the motel traffic as the truck traffic will no longer have to back up to the standpipe before filling up. A copy of the aerial photograph of the area is attached for your information.

At its meeting held on July 18th, 1988 the St. James-Assiniboia Community Committee considered and approved the recommendations of the Administrative Co-ordinating Group in order to permit temporary access to the motel complex until such time as the standpipe facility can be relocated.

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

I. That Servicing Agreement AG 403/84 as assigned to Number One West Development Company Ltd., be amended to provide:

(1) Prior to the issuance of an Occupancy Permit for the motel complex, the Developer shall post Letters of Credit guaranteeing the relocation of the water standpipe and construction of the McCarthy Street pavement and watermain.

(2) a) The Developer shall permit the City to register a caveat over developer owned land to permit the construction and maintenance and public access to an all-weather roadway to the satisfaction of the Commissioner of Works and Operations and in form satisfactory to the City Solicitor;

b) The Developer shall, at no expense to the City, surface the roads over developer owned land with a 6 inch application of aggregate overlaying, a minimum 12 inch compacted sub-base which sub-base shall be a material, width, depth and density as determined by and to the satisfaction of the Commissioner of Works and Operations;

c) The Developer shall, at no expense to the City, maintain the temporary roadway to the satisfaction of the Commissioner of Works and Operations until McCarthy Street is paved and the standpipe relocated, all in accordance with the terms and conditions of Development Agreement AG 403/84.

II. That the Proper Officers of the City be authorized to execute an amending agreement or a new agreement with the landowner consolidating the existing Servicing Agreement and all amendments thereto.

Moved by Councillor McKee,
Adoption of the clause.

Carried.

Report of the Committee on Planning and Community Services dated September 10th, 1990

Conversion of Heating Systems in Heritage Buildings Previously Heated by Steam - Files G-3.1.1 & HP-1.

1495 - 4. REFERRED BACK TO THE COMMITTEE ON PLANNING AND COMMUNITY SERVICES AND TO THE LAW DEPARTMENT WITH INSTRUCTIONS TO REPORT TO THE SAID STANDING COMMITTEE AT ITS MEETING TO BE HELD ON SEPTEMBER 24TH, 1990

(NOTE: SEE PAGE 1994 FOR OFFICIAL SET OF MINUTES WITH RESPECT TO THE ABOVE CLAUSE 4)

Street Name Change - Lord Selkirk-West Kildonan Community File SC-3.14(21).

1496 - 5. Your Committee on Planning and Community Services has been advised that the Lord Selkirk-West Kildonan Community Committee on July 24th, 1990, recommended that the name "Allan Blye" be placed on the street name reserve list for the Lord Selkirk area of the Community.

Subsequent to the July 24th, 1990 meeting of the Lord Selkirk- West Kildonan Community Committee the Seven Oaks Hospital Foundation Inc. initiated a request for naming a street after Mr. Allan Blye. The following comments were furnished in support of this request:-

Report of the Committee on Planning and Community Services dated September 10th, 1990

"Allan Blye would be a worthy recipient of having a street named after him for the following reasons:-

Allan Blye, who was born and raised in Winnipeg's North End, has had a distinguished local career in music and an international career in the entertainment business.

He has never forgotten that his roots are in Winnipeg. His commitment to Winnipeg is evident in a song he wrote - 'Winnipeg, My Home', of which he donated the rights to the United Way of Winnipeg.

In 1986, he was honoured in Winnipeg as 'Man of the Year' at a dinner for Jewish Education. He has enthusiastically supported several Winnipeg community projects and has raised funds for Winnipeg projects on his own in California.

The Seven Oaks General Hospital Foundation Inc. is pleased that Mr. Blye has consented to help us raise funds for a C.T. Scanner which costs approximately $850,000.00. He will be honoured at our 9th Annual Fund Raising Dinner to be held on November 3rd, 1990. We would like to have confirmation of a street named after him by that date."

The above comments in the last paragraph note the reasons for having the street name change approved as soon as possible.

The Subdivision Branch suggested that the street type be amended from "Street" to "Drive" i.e. Allan Blye Drive versus Allan Blye Street.

the Lord Selkirk-West Kildonan Community Committee on September 4th, 1990 recommended that Ashville Street north of Leila Avenue in the Jefferson Ward of the Community be changed to "Allan Blye Drive".

It is further noted that there is no existing development on either side of Ashville Street (the street right-of-way has not been constructed). Consequently no street addresses would be affected by this requested street name change.

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

I. That "Ashville Street" be changed to "Allan Blye Drive" as shown on attached Schedule "A".

II. That the Director of Land Surveys and Real Estate provide the necessary legal description to the City Solicitor for purposes of preparing a by-law.

III. That the City Solicitor prepare the necessary by-law for approval by Council for registration in the Winnipeg Land Titles Office and that this by-law and name change become effective upon third reading.

IV. 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.

V. That the City Clerk, upon passage of the by-law, provide the respective Community Clerk with a copy of the by-law and this report for the purpose of changing all pertinent records where applicable, and notify all persons affected by this by-law.

Report of the Committee on Planning and Community Services dated September 10th, 1990

Moved by Councillor McKee,
Adoption of the clause.

Carried.

(Note: See Minute No. 1505 for attachment.)

ZONING AGREEMENT AMENDMENT
East side of Marygrove Crescent, west of Kenaston Boulevard, Assiniboine Park-Fort Garry Community
File No. DASZ 2/89 (ZAA 17/90).

1497 - 6. Your Committee on Planning and Community Services has been advised that an application has been received from 2374323 Manitoba Inc., 153 Scurfield Boulevard to amend the Zoning Agreement affecting the lands on the east side of Marygrove Crescent, west of Kenaston Boulevard to permit the construction of a single-family dwelling on each of the subject lots to have a minimum rear yard of 17 metres (55.7 feet) instead of 18 metres (59 feet) as required by the Agreement.

The Zoning Agreement enacted as a condition of approval of DASZ 2/89 required a special 18 metre rear yard setback for all "R1-4" lots within the subdivision area abutting Kenaston Boulevard. This special rear yard condition was imposed at the request of the Streets and Transportation Department to reduce the noise to the dwellings from Kenaston Boulevard traffic.

The applicant has indicated that the 18 metre rear yard requirement severely restricts the dwelling design on these lots and that the additional 1 metre of buildable area would be beneficial to them.

The Department of Environmental Planning and the Streets and Transportation Department have no objections to a reduction of the rear yard requirement to 17 metres. The standard residential rear yard requirement is 7.6 metres. It is considered that a 17 metre rear yard setback will still provide for adequate noise attenuation.

A Public Meeting was held before the Assiniboine Park-Fort Garry Community Committee on July 31st, 1990.

The following persons appeared in support of the application:

James Gallagher, 2374323 Manitoba Inc., 153 Scurfield Boulevard, Winnipeg, R3Y 1L6,
R. 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 reason:

1. This amendment reduces the rear yard for residential lands abutting Kenaston Boulevard by one metre, however still provides for a seventeen (17) metre rear yard setback for adequate noise attenuation.

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

I. That Clause 17 of Zoning Agreement DASZ 2/89 be amended to read as follows:

"It is understood and agreed that all lots within the "R1-4" lands abutting Kenaston Boulevard and identified on a plan hereto attached as Schedule "C" and dated August 25th, 1990, shall have a minimum rear yard of 17 metres."

Report of the Committee on Planning and Community Services dated September 10th, 1990

II. That the City Solicitor be requested to prepare the necessary amendment to Zoning Agreement DASZ 2/89 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 McKee,
Adoption of the clause.

Carried.

(Note: See Minute No. 1506 for attachment.)

REZONING - North side of William Avenue East of Isabel Street - City Centre- Fort Rouge Community
File DAZ 204/87.

1498 - 7. Your Committee on Planning and Community Services has been advised that on February 10th, 1987, the City Centre-Fort Rouge Community Committee recommended approval of an application to rezone land at 473/475 William Avenue from an "R2" District to a "C2" District, subject to certain restrictions established by a zoning agreement. The Community Committee had also permitted use of the land for commercial purposes by Orders DAV 11/87, DAV 4/86 and DAV 394/84. The Community Committee's recommendation was adopted by Council on April 15th, 1987, with the provision that a by-law be enacted within eighteen months, unless an extension of time were granted. Accordingly, the Department of Environmental Planning invoiced the applicant for the ten percent dedication, prior to preparing the necessary rezoning by-law. Because of a misunderstanding between the applicant and his lawyer, the applicant believed that the rezoning would proceed and the dedication fee need not be paid unless the land were redeveloped. Since the applicant intended to have the commercial activities conducted in the existing buildings and commercial uses were permitted by Variance Orders, the applicant was under the impression that a zoning by-law had been enacted and did not become aware of the error until he attempted to obtain a building permit. He has now paid the dedication and wishes to have the land rezoned.

Council's approval expired on October 15th, 1988 and it is the opinion of the Department of Environmental Planning that an extension of time should be granted without the assessment of an additional fee, other than the dedication, because the applicant did not knowingly interrupt the process and would have acted expediently if he had a clear understanding of the matter. The Department of Environmental Planning was also of the opinion that a by-law should be proceeded with without further advertising or public hearing. No one opposed the application on February 10th, 1989; commercial uses are presently in operation on the site and the situation has remained unchanged since the City Centre-Fort Rouge Community Committee considered the application. No one is therefore expected to be prejudiced.

At its meeting held on July 10th, 1990, the City Centre-Fort Rouge Community Committee recommended that the time period for the enactment of a by-law be extended to December 15th, 1990.

Your Committee on Planning and Community Services recommends that the time period for the enactment of a by-law for DAZ 204/87 be extended to December 15th, 1990.

Moved by Councillor McKee,
Adoption of the clause.

Carried.

Report of the Committee on Planning and Community Services dated September 10th, 1990

REZONING - 161 - 165 Lindsay Street -
Assiniboine Park-Fort Garry Community
File DAZ 231/90

1499 - 8. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. Joseph Pollock, 165 Lindsay Street, Winnipeg, to amend By-law No. 1800 by rezoning the land at 161 - 165 Lindsay Street from an "R1-4" Single-Family District to a "C1" Local Commercial District to allow for commercial development.

The subject site is 65 feet x 140 feet, comprising a total site area of 9,100 square feet. On the north-east corner of Academy Road and Lindsay Street there is a church; on the north-west corner there is a single-family dwelling. Both are zoned "R1-4" Single-Family District.

On the land to the east across Lindsay Street is a single- family dwelling zoned "R1-4". To the west is a 20 foot wide public lane; a 60 foot (plus or minus) wide strip of park land zoned "PR" Park and Recreational District and a 200 foot wide railway right-of-way.

The land to the south consists of single-family housing zoned "R1-4".

The applicant is proposing to convert the existing two family dwelling on the subject property for commercial occupancy. No specific uses have been indicated at this time. The "C1" Local Commercial District would permit a wide range of office, retail and service uses.

The existing building is two storeys in height and provides a total floor area of 4,200 square feet including the basement.

At present there is a two-car garage at the rear of the site. The applicant proposes to remove the garage and establish parking off the rear lane. Seven parking spaces could be accommodated directly off the rear lane, leaving 45 feet of the rear yard landscaped. If the entire rear yard were developed for parking, up to 14 spaces could be provided. The "C1" Local Commercial District regulations require one parking space for each 750 square feet occupied with business and professional offices with a minimum of 2 spaces per tenant. One parking space for each 250 square feet of general retail, service or medical/dental office use, with a minimum of 4 spaces per tenant; and one parking space for each 100 square feet occupied with a restaurant but not less than 2 spaces. If the entire building including the basement area were developed with office uses; a minimum of 6 parking spaces would be required.

The Department of Environmental Planning is of the opinion that the existing two-family dwelling is an appropriate use of the land and that the residential character of Lindsay Street should be protected from commercial intrusion. The residential area near Academy Road is already experiencing some adverse effects from the existing Academy Road commercial development, particularly with regard to increased traffic and parking problems associated with the commercial uses. It is felt that any further expansion of the commercial area would aggravate the existing problems in the area and would be cited as a precedent to allow conversions of other dwelling units abutting Academy Road.

Noting the above comments, it is felt that a commercial rezoning of this site cannot be justified, and that the existing "R1-4" zoning should be retained.

A Public Meeting was held before the Assiniboine Park-Fort Garry Community Committee on June 13th and July 10th, 1990.

The following persons appeared in support of the application:-

Mr. Joseph Pollock, 165 Lindsay Street, Winnipeg, R3N 1G9
Mr. Ivan Master, 620-A Academy Road, Winnipeg, R3N 0E6
Thomas A. Moore and Margaret Moore, 500 Academy Road, Winnipeg, R3N 0C8

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The following persons appeared in opposition to the application:-

Frank and Gladys Trueman, 169 Lindsay Street, Winnipeg, R3N 1G9
Chris and Heather Jenkins, 170 Lindsay Street, Winnipeg, R3N 1H1
Mr. Jeff Malcovish, Residents' Advisory Group, 99 Greensboro Square, Winnipeg, R3T 4K9
Pat Kumka, 213 Lindsay Street, Winnipeg, R3N 1G9
Terry Kumka, 86 Hollington Road, Winnipeg, R3P 1R9
Mr. Wayne Ferrand, 256 Lindsay Street, Winnipeg, R3N 1H1
Clara E. Peterson, 173 Lindsay Street, Winnipeg, R3N 1G9
Mr. Kevin Sanders, 220 Lindsay Street, Winnipeg, R3N 1H1
Robert and Richenia J. Ridgway, 182 Lindsay Street, Winnipeg, R3N 1H1

Effie Moffat, 221 Lindsay Street, Winnipeg, R3N 1G9
Dolores and Roy Kratsch, 177 Lindsay Street, Winnipeg, R3N 1G9 J.
Eastman on behalf of Anna Margaret Levy, 185 Lindsay Street, Winnipeg, R3N 1G9
Mr. Bob Wiebe on behalf of Sylvia Hiebert, 181 Lindsay Street, Winnipeg, R3N 1G9.

Communications in opposition to the application were received from the following:-

Mr. and Mrs. Steidles, 119 Lindsay Street, Winnipeg, R3N 1G7
Mary Bartlett, 245 Lindsay Street, Winnipeg, R3N 1G9
Elva Humphries, 137 Lindsay Street, Winnipeg, R3N 1G7
Donna M. Grant, 141 Lindsay Street, Winnipeg, R3N 1G7

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

1. The existing two-family dwelling is an appropriate use of the land and the residential character of Lindsay Street should be protected from commercial intrusion.

2. The residential area near Academy Road is already experiencing some adverse effects from the existing Academy Road commercial development, particularly with regard to increased traffic and parking problems associated with the commercial uses.

3. Any further expansion of the commercial area would aggravate the existing problems in the area and would be cited as a precedent to allow conversions of other dwelling units abutting Academy Road.

4. There is overwhelming opposition expressed by the residents most adversely affected by this application for rezoning.

Your Committee on Planning and Community Services concurs in the recommendation of the Assiniboine Park-Fort Garry Community Committee and recommends that the proposed zoning change to amend Zoning By-law No. 1800 by rezoning land under File No. DAZ 231/90 from an "R1-4" Single-Family District to a "C1" Local Commercial District be not proceeded with.

Moved by Councillor McKee,
Adoption of the clause.

Carried.

REZONING - 1080 Sargent Avenue - City Centre- Fort Rouge Community
File DAZ 233/90

1500 - 9. Your Committee on Planning and Community Services has been advised that an application has been received from Don Mitchell, 101 -1765 Sargent Avenue to amend By-law No. 16502 by rezoning the land at 1080 Sargent Avenue from an "R1" One Family District to a "C2" Commercial District to accommodate commercial development which may include a car wash, convenience store, and a gas kiosk.

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The subject site is 50 metres (164.1 feet) x 25.3 metres (82.95 feet); providing a total site area of 1265 square metres (13,617 square feet).

The subject property is located on the south-west corner of Erin Street and Sargent Avenue and is presently occupied by a former automobile service station building and gasoline pumps. Existing zoning is "R1" One-Family Residential.

The applicant proposes to demolish the existing building and construct a car wash/gas kiosk/convenience store development. The car wash is to be a four-bay self-serve operation, while the convenience store is to be just under 400 square feet in size.

The subject lands are located at the intersection of two major streets. In addition, the entire east side of Erin Street is zoned industrially ("M1") with a large Building Contractor's Yard located directly across the street from the subject property. A parking lot accessory to this Building Contractor's Yard is located to the immediate west. Consequently, redevelopment of these lands under existing residential zoning would not appear to be a practical alternative.

The degree to which any commercial development on the land might be appropriate, however, is dependent upon whether or not it will have substantial adverse effects upon residential lands located further to the south along the west side of Erin Street and across the lane on Clifton Street.

Gasoline sales typically pick-up passing traffic from the street as opposed to attracting substantial traffic specifically to the site. In addition, the site is to be organized such that the car wash building will act as a buffer between the gasoline pumps and dwellings on Clifton Street. The applicant has also indicated that hours of operation will be 7:00 a.m. to 11:00 p.m. inclusive.

The proposed convenience store is to be only about 400 square feet in size. At this scale and in conjunction with retail gas sales, convenience stores have not posed significant concern.

If there is a questionable component to this development proposed, it is the car wash. In order to allow the site to properly function and to protect nearby residential properties, the applicant has made a number of plan changes, including a reduction from five bays to four; provision of proper parking; provision of adequate vehicle queuing in accordance with Streets and Transportation standards. It is also suggested that a brick wall be erected along the rear property line adjacent to the car wash entrance. In addition, hours of operation are to be only until 10:00 p.m.

A request for a 4.0 metre x 4.0 metre corner cut at the intersection of Erin and Sargent has been made. Plans submitted indicate that land necessary for this corner cut are to be protected.

A Public Meeting was held before the City Centre-Fort Rouge Community Committee on June 19th and July 10th, 1990.

The following persons appeared in support of the application:-

Mr. Ken Galanchuk, 201-233 Portage Avenue, Winnipeg, R3B 2A7
Miss Michelle P. Mann, 201-233 Portage Avenue, Winnipeg, R3B 2A7
Mr. Don P. Mitchell, 101-1765 Sargent Avenue, Winnipeg, R3H 0C6
Mr. R. M. Kozminski, 1765 Sargent Avenue, Winnipeg, R3H 0C6
Mr. Jim Stokes, 101-1765 Sargent Avenue, Winnipeg, R3H 0C6
Mr. Tom Armour, 200-1765 Sargent Avenue, Winnipeg, R3H 0C6
Mr. John Shanski, 101-1765 Sargent Avenue, Winnipeg, R3H 0C6
Mr. Albert Cheung, 3-90 Market Avenue, Winnipeg, R3B 0P3
Mr. L. C. Greenberg, 805-141 Wellington Crescent, Winnipeg, R3M 0A1
Mr. Gary Friesen, Box 550, Morris, Manitoba, R0G 1K0

The following persons appeared in opposition thereto:-

Mr. John M. Clearwater, 1164 Spruce Street, Winnipeg, R3E 2V3

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Mr. W. Queck, 989 Clifton Street, Winnipeg, R3G 2Y2
Miss Ingrid Lach, 1017 Clifton Street, Winnipeg, R3G 2Y2
Mr. John Gregg, 204-1061 Sargent Avenue, Winnipeg, R3E 3M6
Mrs. Jan Sjoberg, 1025 Clifton Street, Winnipeg, R3G 2Y2
Mr. C. Scrymgeour, 211-1061 Sargent Avenue, Winnipeg, R3E 3M6
Mrs. Corinne Johnson, 1035 Clifton Street, Winnipeg, R3G 2Y3
Mr. James Aird, Resident Advisory Group, 103-86 Young Street, Winnipeg, R3C 1Y6
Mrs. Ann Klassen, 1033 Clifton Street, Winnipeg, R3G 2Y2
Mr. Robert Lougheed, 200-1061 Sargent Avenue, Winnipeg, R3E 3M6
Mrs. Olga Clearwater, 1164 Spruce Street, Winnipeg, R3E 2V3
Mrs. C. Neault, 1326 Erin Street, Winnipeg, R3E 2S6
Mrs. Beth Hannesson, 1220 Clifton Street, Winnipeg, R3E 2T9
Verner Jensen, 1004 Erin Street, Winnipeg, R3G 2W9
Miss Emma Metzlaff, 1019 Clifton Street, Winnipeg, R3G 2Y2
Miss Nadine Vankleek, 304-324 Arlington Street, Winnipeg, R3G 1Y9
Mrs. Alice Brandson, 1029 Clifton Street, Winnipeg, R3G 2Y2
Mr. D. Johnson, 1035 Clifton Street, Winnipeg, R3G 2Y2
Mrs. D. Castles, 1001 Clifton Street, Winnipeg, R3G 2Y2
Mrs. A. Strom, 1000 Clifton Street, Winnipeg, R3G 2Y3
Mr. C. F. Brown, 991 Clifton Street, Winnipeg, R3G 2Y2
Mrs. Margaret Brown, 991 Clifton Street, Winnipeg, R3G 2Y2
Miss O. Jobin, 957 Clifton Street, Winnipeg, R3G 2Y2

The following persons registered in opposition but were not present when dealt with:-

Mrs. B. E. Adams, 1056 Erin Street, Winnipeg, R3G 2W9
K. I. Manson, 1231 Clifton Street, Winnipeg, R3E 2T8
Mrs. Frieda Tourond, 1021 Clifton Street, Winnipeg, R3G 2Y2

Communications in opposition to the application were received from the following:-

Carole Anderson, 1030 Clifton Street, Winnipeg, R3G 2Y2
Olive S. Preston, 1005 Clifton Street, Winnipeg, R3G 2Y2
Mrs. Norman Matheson, 1298 Erin Street, Winnipeg, R3E 2S6
Heather Wenzel, 1063 Clifton Street, Winnipeg, R3G 2Y2
Mr. Frank B. Wright & Mrs. S. Wright, 1368 Erin Street, Winnipeg, R3E 2S6

The City Centre-Fort Rouge Community Committee recommended that the proposed zoning change be approved for the following reasons:-

1. Redevelopment of these lands under existing residential zoning would not appear to be a practical alternate because the entire east side of Erin Street is zoned industrially ("M1") with a large building contractor's yard located directly across the street from the subject property.

2. Gasoline sales typically pick up passing traffic from the street as opposed to attracting substantial traffic specifically to the site.

3. The site is to be organized such that the car wash building will act as a buffer between the gasoline pumps and dwellings on Clifton Street.

4. Convenience stores, of approximately 400 square feet in size, in conjunction with retail gas sales, have not posed significant concern.

5. The conditions attached to the approval are such that the site will function properly and will protect nearby residential properties.

6. In order to protect the residential properties the applicant has made a number of plan changes, including a reduction from five bays to four, provision of proper parking, and provision of adequate vehicle queuing in accordance with Streets and Transportation standards.

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

Report of the Committee on Planning and Community Services dated September 10th, 1990

I. That By-law No. 16502 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 233/90, attached hereto and dated August 27th, 1990, to a "C2" Commercial 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:-

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

B. that no vehicular ingress or egress shall be permitted to or from the adjoining lane to the west;

C. that no building or structure shall be erected on the subject lands, and no building permit issued for construction on the subject lands, until plans showing building location, parking, landscaping, fencing, exterior elevations, building design including facing materials, location of waste receptacles, signs and methods of ingress and egress are submitted to and approved by the Commissioner of Planning and Community Services of the City and identified as Schedule "A" to DAZ 233/90, and, further that no construction shall take place except in accordance with said Schedule "A" to DAZ 233/90;

D. that all fencing and landscaping shall be maintained to the satisfaction of the Commissioner of Planning and Community Services;

E. that the hours of operation of any use on the site shall be 7:00 a.m. to 9:30 p.m., Monday to Saturday, inclusive and 9:00 a.m. to 9:00 p.m. Sunday;

F. that the only exit from the property onto Sargent Avenue shall be limited to a right turn only eastbound; and

G. that there shall be no flashing signage.

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 has been executed.

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

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

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

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 McKee,
Adoption of the clause.

Carried.

(Note: See Minute No. 1507 for attachment.)

Report of the Committee on Planning and Community Services dated September 10th, 1990

REZONING - south side of Talbot Avenue, between Levis and Stadacona Streets, East Kildonan-Transcona Community File No. DAZ 237/90.

1501 - 10. Your Committee on Planning and Community Services has been advised that an application has been received from the Commissioner of Planning and Community Services to amend By-law No. 4440/86 by rezoning the land, on the south side of Talbot Avenue, between Levis and Stadacona Streets, from an "R2-T" Two-Family Transitional District and an "RM-5" Multiple-Family District to a "CF" Commercial-Fabrication District, in order to consolidate the land within a single zoning district.

Under By-law No. 16502, which previously applied to the area, the subject land, together with the C.P.R. right-of-way and some of the lands to the east, fronting on Stadacona Street, were zoned as an "M2" Light Industrial District. When zoning designations were selected for By-law 4440/86, it was considered appropriate to remove the "M2" zoning from the railway line and, in accordance with current practice, have the zoning boundaries for the flanking lands to the east and west established on the centre line of the C.P.R. right-of-way. The remaining "M2" lands were rezoned to a "CF" Commercial-Fabrication District, which was more suitable to the area. When maps were prepared for By-law 4440/86, the zoning boundary line running along the railway right-of-way was accidentally extended down the centre of the subject land, placing the front and rear portions of the site in different zoning districts. The present application is intended to correct the error.

Being surrounded by streets on all sides, the site is relatively isolated. It is occupied by a one-storey multi-tenant building accommodating a variety of retail and service uses, serving both household and business needs. While nearby land uses consist principally of multiple-family dwellings, there is also a park in the vicinity, and a building converted for use as a church, with the site of Allmar Distributors in view.

The proposed "CF" Commercial-Fabrication District would be appropriate for uses located on the site and for future, small-scale retail and service occupancies relating to nearby residential, commercial and industrial uses. It would also eliminate the problem of multiple zoning categories on a single site.

A Public Meeting was held before the East Kildonan-Transcona Community Committee on July 25th, 1990.

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

No one appeared in opposition to the application.

The East Kildonan-Transcona Community Committee recommended that the proposed zoning change be approved for the following reasons:

1. The proposed "CF" Commercial-Fabrication District would be appropriate for uses located on the site and for future, small- scale retail and service occupancies relating to nearby residential, commercial and industrial uses.

2. It would eliminate the problem of multiple zoning categories on a single site.

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

I. That By-law No. 4440/86 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 237/90, attached hereto and dated August 13th, 1990, to a "CF" Commercial-Fabrication District.

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

Report of the Committee on Planning and Community Services dated September 10th, 1990

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 McKee,
Adoption of the clause.

Carried.

(Note: See Minute No. 1508 for attachment.)

REZONING - East Side St. Anne's Road between Lavalee Road and Bishop Grandin Boulevard - St. Boniface-St. Vital Community File DAZ 239/90

1502 - 11. Your Committee on Planning and Community Services has been advised that an application has been received from Acorn Development Consultants Ltd., 710D Watt Street, Winnipeg, to amend The St. Vital Town Planning Scheme 1951 by rezoning the land on the east side of St. Anne's Road between Lavalee Road and Bishop Grandin Boulevard from an "RA" Suburban District to an "R3B-Two" Planned Building Group District and a "PR" Park and Recreational District to allow for the construction of a multiple-family (senior citizens) dwelling and to provide public park land.

The subject land is 19,500 square meters/209,903 square feet (4.82 acres) and is presently vacant.

The surrounding land to the north consists of low-density housing and a Hydro Right-of-Way, which are zoned "RA". To the east and south is the Seine River, Hydro and Aqueduct Rights-of-Way zoned "F" and "RA". The lands to the west consist of commercial developments which are zoned "C2".

The applicant proposes to construct 96 multiple-family units consisting of two 6-storey apartment blocks, which is intended to concentrate development near St. Anne's Road, both to reduce costs of servicing and development and to permit the maximum area of riverbank park. The density of development does not exceed 22 units per acre on the gross site, being the restriction applied to such sites east of St. Anne's Road.

This development would be consistent with the type and intensity of development approved between St. Anne's Road and the Seine River. Although low-density housing abuts the north limit of the site, it is considered that the frontage of Lavalee Road in the long term is unlikely to be improved with one-family dwellings. Because Lavalee Road provides only one developable frontage, and because of its location, it would be anticipated that lands to the north of the subject site will ultimately be developed with multiple-family housing and Lavalee Road may be closed. In the short term, housing to the north should be protected with a set-back and fence.

The ten percent dedication is being given in land in lieu of cash.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on July 17th, 1990.

Mr. Douglas Leeies, 444 Bredin Drive, Winnipeg, R2K 2S7, appeared in support of the application.

The following persons appeared in opposition thereto:-

Mr. N. Poitras, 125 - 200 Beliveau Road, Winnipeg, R2M 1T2
Mr. Jack Hillhouse, 122 St. Anne's Road, Winnipeg, R2M 2Z2

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

1. This project represents a great investment by the other levels of government.

Report of the Committee on Planning and Community Services dated September 10th, 1990

2. This is a very worthwhile project which will be beneficial to 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 239/90, attached hereto and dated August 27th, 1990, to an "R3B-Two" Planned Building Group District and a "PR" Park and Recreational 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 apply to the "R3B-Two" lands providing as follows:-

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

a) multiple-family dwellings containing not more than 96 dwelling units;

b) accessory uses;

2. That no building or structure, parking area, fencing, landscaping or sign be erected or located on the land except in accordance with plans approved by the St. Boniface-St. Vital Community Committee;

3. That no building on the land exceed six storeys in height;

4. That a landscaped set-back be provided and maintained to any building, structure, parking or loading area, or refuse storage facility from the north lot limit, not less than 10 feet in depth;

5. That an opaque wood fence, not less than 2 metres in height, be established and maintained on the north lot limit;

6. That no occupancy permit be issued for any use on the land until the registration of a plan showing:-

a) The "PR" lands as public reserve; and b) A 5 metre widening of St. Anne's Road.

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 has been executed.

III. That the rezoning by-law shall become effective when the Zoning Agreement has been registered as a first charge against the "R3B- Two" lands at the Winnipeg Land Titles Office.

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

V. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within 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 McKee,
Adoption of the clause.

Carried.

(Note: See Minute No. 1509 for attachment.)

Report of the Committee on Planning and Community Services dated September 10th, 1990

REZONING - 520 Airlies Street, Lord Selkirk-West Kildonan Community
File DAZ 242/90.

1503 - 12. Your Committee on Planning has been advised that an application has been received from Jong Yeon Choi, Box 117, Group 10, R.R. 1C to amend By-law No. 4450/86 by rezoning the land at 520 Airlies Street from an "R1-4" Single-Family District to a "C2" General Commercial District to allow for the establishment of a wholesale office with storage of display items.

The lands to the north, east and west are zoned "R1-4" Single- Family District, and are occupied with single-family dwellings. Lands to the south are zoned "R1-4" Single-Family District with several lots along Airlies Street being occupied by small non-conforming businesses (i.e. hair stylist, etc.).

The applicant proposes to convert the subject buildings into office space and display area for leather and hardware products. Storage space is minimal and display areas only account for approximately 25 percent of the overall floor area. The remaining floor area is occupied by management offices, meeting areas and receptionist area. Access to the site is more than adequate and parking will not be a problem.

The land in question is currently occupied by a vacant building - once used for a Payfair Store (commercial) outlet. It has been vacant for some time and consequently has lost any non-conforming right it previously had under the "R1-4" zoning category. Given the nature of the proposed use, your Committee on Planning and Community Services ruled on May 14th, 1990 that the application had to be dealt with as a rezoning application, as opposed to a variance application and the applicant has complied with the decision. It is the view of the Department of Environmental Planning that, given the size of the lot and the nature of the previous use, the proposed use (offices and display) will not defeat the intent and purpose of the zoning by-law or adversely affect the amenity of adjoining lands. The Department of Environmental Planning has recommended that use of the site be restricted to uses which are deemed either to be light or are compatible with the surrounding neighbourhood.

A Public Meeting was held before the Lord Selkirk-West Kildonan Community Committee on July 25th, 1990.

The following persons appeared in support of the application:

John Yeon Choi, 2 Main Street, Clandeboye, Manitoba, R0C 0P0,
Rosemary Lingal, 323 Brittania Close, Selkirk, Manitoba, R1A 2G7.

The following persons appeared in opposition thereto:

A. Braz and Karen Braz, on behalf of Nela Braz of 903 Cathedral Avenue, 1008 Atlantic Avenue, Winnipeg, R2X 1L6.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning change be approved for the following reasons:

1. The proposed use (offices and display) will not defeat the intent and purpose of the zoning by-law or adversely affect the amenity of adjoining lands.

2. Access to the site is more than adequate and parking will not be a problem.

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

I. That By-law No. 4450/86 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 242/90 attached hereto and dated August 25th, 1990, to a "C2" General Commercial 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:

Report of the Committee on Planning and Community Services dated September 10th, 1990

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

B. That the use of the land be restricted to:

1. Day care centres, occasional day care centres or group day care centres.

2. Arts and crafts schools studies and workshops including instruction in arts, crafts, music, dancing, martial arts, photography and other similar arts/crafts.

3. Pet food stores, pet supplies.

4. Art galleries, artist's or photographer's studio, sale of art works and handicrafts with all production on the premises limited to products made by hand from previously processed or manufactured materials.

5. Drug stores.

6. Grocery store, delicatessen, meat market, food speciality store, soft drink store.

7. Banks and credit unions.

8. Barber shops, beauty salons.

9. Business or professional offices.

10. Medical, dental, chiropractic, optical, counselling and similar or related health and therapeutic services. Clinics or centres for group practice with or without a laboratory.

11. Wholesaling office with storage restricted to display items.

C. Notwithstanding anything herein before outlined to the contrary, there shall be no fish market/shop established on the site.

D. That the hours of delivery for any business established on the site shall be restricted to Monday thru Saturday, from 7:00 a.m. to 7:00 p.m.

E. That a detailed fencing, parking and landscaping plan be submitted and approved by the Community Committee and the Administration prior to the issuance of any occupancy permits.

II. That the applicant be required to enter into a Servicing Agreement to provide for the following:

1. That the approach on Cathedral Avenue be upgraded to a commercial standard.

2. That the existing water connection serving the premises be renewed with a new commercial-sized water connection.

3. That one additional deciduous tree be planted on the Cathedral Avenue boulevard flanking 520 Airlies Street.

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 first charge against the subject land at Winnipeg Land Titles office.

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V. That the Proper Officers of the City be 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 McKee,
Adoption of the clause.

Carried.

(Note: See Minute No. 1510 for attachment.)

REZONING - 465 Pembina Highway - City Centre-Fort Rouge Community
File DAZ 244/90

1504 - 13. Your Committee on Planning and Community Services has been advised that an application has been received from Valley Steel Ltd., Box 550, Morris, Manitoba, to amend By-law No. 16502 by rezoning the land at 465 Pembina Highway from an "R2" Two-Family District to a "C2" Commercial District to accommodate commercial development which may include a car wash, food store and a gas kiosk, subject to Conditional Use approval.

The subject site is 7.62 metres (25 feet) x 30.48 metres (100 feet), providing a total site area of 232 square meters (2,500 square feet).

The land to the north consists of low-density residential which is zoned "R2". The lands to the south, east and west are zoned "C2" for commercial uses.

The subject property is located on the north side of Dudley Avenue just west of Pembina Highway and consists of a 25 foot building lot presently used as a parking area in conjunction with an automobile dealership. Existing zoning is "R2" Two-Family Residential.

The applicant proposes to rezone the lands to a "C2" Commercial District in order to permit the establishment of a car wash/gas kiosk/food store operation on this property as well as adjacent properties to the east which are already zoned "C2". Related conditional use and variance applications were heard at the public meeting held on July 31st, 1990, granting the establishment of a gas kiosk with yard variances.

Commercial zoning upon the subject lands is appropriate. The remainder of the north side of Dudley Avenue between Hugo Street and Pembina Highway is zoned commercially and all of these lands, including the subject property are presently used, or under construction, for commercial purposes. The subject property has, in fact, been used as part of an automobile dealership located on it as well as adjoining lands.

A Public Meeting was held before the City Centre-Fort Rouge Community Committee on July 31st, 1990.

The following persons appeared in support of the application:-

Mr. Don Mitchell, 101 - 1765 Sargent Avenue, Winnipeg, R3H 0C6
Mr. Lawrence C. Greenberg, 805 - 141 Wellington Crescent, Winnipeg, R3M 0A1
Mr. Gary Friesen, Box 550, Morris, Manitoba, R0G 1K0

Ron and Ramone Kindrat, 610 Garwood Avenue, Winnipeg, R3M 1N1, appeared in opposition thereto and subsequently withdrew their opposition.

Report of the Committee on Planning and Community Services dated September 10th, 1990

The City Centre-Fort Rouge Community Committee recommended that the proposed zoning change be approved for the following reasons:-

1. Commercial zoning upon the subject lands is appropriate.

2. The proposed use is appropriate on the site given its location along a major regional street such as Pembina Highway.

3. The remainder of the north side of Dudley Avenue between Hugo Street and Pembina Highway is zoned commercial and all of the lands, including the subject property, are presently used, or under construction for commercial purposes.

4. Most surrounding lands, including lands to the immediate west, are zoned and developed commercially.

5. The subject property has been used as part of an automobile dealership located on it as well as adjoining lands.

6. The only affected adjacent residents have withdrawn their opposition to the application.

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

I. That By-law No. 16502 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 244/90, attached hereto and dated August 25th, 1990, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 605(1) of The City of Winnipeg Act, said agreement to apply to the subject lands as well as to all of Pt. Lots 6 - 11 inclusive, Block 17, Plan 254, to provide for the following:-

   A. That a 10 percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land for open space, park and recreational use based on the increase in the market value of the land, on Lot 5, Block 17, Plan 254.

   B. That no building or structure shall be erected on the subject lands and no building permit issued for construction on the subject lands until plans showing building location, parking, landscaping, fencing, exterior elevations, building design including facing materials, location of waste receptacles, signs and methods of ingress and egress are submitted to and approved by the Commissioner of Planning and Community Services of the City and identified as Schedule "A" to DAZ 244/90 and, further that no construction shall take place except in accordance with Schedule "A" to DAZ 244/90.

   C. That all fencing and landscaping shall be maintained to the satisfaction of the Commissioner of Planning and Community Services.

   D. That no flashing signage shall be permitted.

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 has been executed.

III. That the rezoning by-law shall become effective when the Zoning Agreement has been registered as a first charge against the subject land and adjoining lands outlined in Recommendation I. above at the Winnipeg Land Titles Office.

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

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

Report of the Committee on Planning and Community Services dated September 10th, 1990

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 McKee,
Adoption of the clause.

Carried.

(Note: See Minute No. 1511 for attachment.)

1505 – Schedule “A” referred to in Clause 5 of the Committee on Planning and Community Services, dated September 10th, 1990

(NOTE: SEE PAGE 2011 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

1506 – Schedule “C” referred to in Clause 6 of the Committee on Planning and Community Services, dated September 10th, 1990

(NOTE: SEE PAGE 2012 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

1507 – Schedule “A” referred to in Clause 9 of the Committee on Planning and Community Services, dated September 10th, 1990

(NOTE: SEE PAGE 2013 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

1508 – Schedule “A” referred to in Clause 10 of the Committee on Planning and Community Services, dated September 10th, 1990

(NOTE: SEE PAGE 2014 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

1509 – Schedule “A” referred to in Clause 11 of the Committee on Planning and Community Services, dated September 10th, 1990

(NOTE: SEE PAGE 2015 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

1510 – Schedule “A” referred to in Clause 12 of the Committee on Planning and Community Services, dated September 10th, 1990

(NOTE: SEE PAGE 2016 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

1511 – Schedule “A” referred to in Clause 13 of the Committee on Planning and Community Services, dated September 10th, 1990

(NOTE: SEE PAGE 2017 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

CONSIDERATION OF REPORT OF THE
COMMITTEE ON PLANNING AND COMMUNITY SERVICES

The Executive Policy Committee has had before it Report "A" of the Committee on Planning and Community Services, dated September 10th, 1990, has concurred in the recommendations contained therein and submits same to Council for approval and adoption.

On motion of Councillor McKee, Report "A" of the Committee on Planning and Community Services, dated September 10th, 1990, was considered.

West Committee Room,
Council Building,
Winnipeg, September 10th, 1990.

His Worship the Mayor & Councillors:-

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

Amendment to Development Agreement AG 4/90 in connection with the subdivision and rezoning of land on Radium Cove, west of Uxbridge Road - East Kildonan-Transcona Community
File DASZ 4/90.

1512 - 1. Your Committee on Planning and Community Services has received representations concerning the amount of residential encroachment into the Bunn's Creek area as shown on the attached sketch i.e. fencing, buildings, sheds, gardens, landscaping ties, patio stones and barbecue stands, etc. It was suggested that in order to prevent similar occurrences from happening within the Radium Cove extension, that fencing should be made a requirement along the rear of Lots 1 to 5 and the east lot line of Lot 6 adjacent to the Bunn's Creek Waterway prior to the issuance of building permits.

Your Committee on Planning and Community Services agrees with the concern in this regard and recommends:

I. That the Development Agreement to be executed as a condition of enactment of the necessary subdivision and rezoning by-law under File DASZ 4/90, be amended by adding the following new condition:-

"The Developer shall construct a minimum 5 foot high fence along the rear of Lots 1 to 5 and the east lot line of Lot 6, Block 1, adjacent to the Bunn's Creek Waterway prior to the issuance of building permits for Lots 1 to 6. The fence design shall be to the satisfaction of the East Kildonan-Transcona Community Committee and the Director of Environmental Planning. A caveat shall be registered against the titles of Lots 1 to 6, Block 1, requiring the owners to maintain the fence in an as-constructed condition."

II. The City Solicitor be instructed to incorporate the additional condition contained in Recommendation I above into the Development Agreement AG 4/90 and do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

III. The Proper Officers of the City be authorized to execute the amended Agreement.

Moved by Councillor McKee,
Adoption of the report.

Carried.

(Note: See Minute No. 1513 for attachment.)

1513 - "Sketch" referred to in Report "A" of the Report of the Committee on Planning and Community Services, dated September 10th, 1990.

(NOTE: SEE PAGE 2019 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

COMMITTEE ON PLANNING AND COMMUNITY SERVICES
UNFINISHED BUSINESS

Clause 21 of the Report of the Committee on Planning and Community Services, dated June 25th, 1990.

SUBDIVISION AND REZONING - South of McGillivray Boulevard, north of Chevrier Boulevard, east and west of Dovercourt Drive, Assiniboine Park-Fort Garry Community File No. DASZ 10/89.

1514 - 21. Your Committee on Planning and Community Services has been advised that an application has been received from D. N. Sharpe and Associates Ltd., 753 Marion Street on behalf of the owners, S. J. Estates, Empire Hotel (1960) Ltd., Progressive Developments Ltd. and Kleyson Transport Ltd., for approval of a plan of subdivision and a related amendment to By-law No. 1800 by rezoning lands located south of McGillivray Boulevard, north of Chevrier Boulevard, east and west of Dovercourt Drive, from an "A" General Agricultural District and an "M1" Limited Industrial District to "R1-5" and "R1-6" Single-Family Districts, a "PR" Park and Recreational District, a "C2" General Commercial District and an "M1" Limited Industrial District for purposes of establishing new public streets, a 2.5 acre commercial site, a 12 acre park, two industrial sites, and approximately 195 single-family building lots.

The applicant is proposing to subdivide and rezone the subject lands to establish a primarily residential development. The proposed plan represents the first phase of the subdivision and would establish approximately 195 single family building lots to be zoned "R1-5" and "R1- 6" Single-Family District. Provision will be made for a stormwater retention lake central to the plan. Primary access to the land is provided via Dovercourt Drive from McGillivray Boulevard and Scurfield Boulevard. A second access to McGillivray Boulevard is proposed in Phase II. The plan proposes to establish a 2.5 acre commercial site at McGillivray Boulevard and Dovercourt Drive and a 12.0 acre park site to the south of the commercial area along the west side of Dovercourt Drive. Two industrial sites are indicated at the south-east corner of the plan area fronting Chevrier Boulevard. A street connection from the residential area to Chevrier Boulevard is shown between these industrial lands and Pineview Cemetery to the east.

The subject application was circulated to the usual administrative agencies for comment and was reviewed by the Administrative Co-ordinating Group. The following comments should be noted:

- The Parks and Recreation Department recommended that the plan be revised to provide a neighbourhood park site central to the subdivision. The applicant agreed to incorporate the neighbourhood park site within Phase II of the subdivision area.

- The Department of Environmental Planning had concerns regarding the proposed southerly street connection to Chevrier Boulevard which is indicated adjacent to the proposed "M1" District lands. It is this Department's view that residential and industrial areas should be separated where possible. The developer has now eliminated this street connection.

- The Transit Department had concerns with respect to the walking distance to the nearest available bus service. To address this concern, the applicant has secured land to provide a pedestrian connection to Waverley Street in Phase II of the subdivision.

A Public Meeting was held before the Assiniboine Park-Fort Garry Community Committee on October 10th, November 21st, and December 12th, 1989 and January 23rd, 1990.

The following persons appeared in support of the application:

Mr. David N. Sharpe, D. N. Sharpe and Associates Ltd., 312 Victoria Crescent, Winnipeg, R2M 1X9,
Mr. Richard L. McMillan, Whyteridge Residents' Association, 75 Pincarrow Road, Winnipeg, R3Y 1E6,
Mr. Peter Gualtieri, Genstar Development Company, 117 Victor Lewis Drive, Winnipeg, R3P 1J6.

The following persons appeared in opposition thereto:

Mr. Doug McGiffin, Residents' Advisory Group, 44 Providence Place, Winnipeg, R3T 4G8,
Mr. Coleman Green, 845 Ash Street, Winnipeg, R3L 0H7,
Barbara G. Daien, 845 Ash Street, Winnipeg, R3L 0H7.

Mr. Paul McNeil, 211 Cambridge Street, Winnipeg, R3M 3E7 appeared for information purposes only.

In response to concerns expressed during the hearings of October 10th, November 21st and December 12th, 1989, the applicant submitted a revised plan attached hereto as Schedule "B". As noted above the street connection to Chevrier Boulevard originally proposed has now been eliminated, thereby also reducing the size of the proposed industrial sites.

The revised plan (Schedule "B") has been reviewed by the Administrative Co-ordinating Group. With the revisions to the plan identified above, all administrative departments are satisfied with the new plan.

It is suggested that adoption by Council of the revised plan without public notice first being given and a further public meeting being held would be acceptable in this instance, as the amendments to the plan as originally advertised are not considered to be prejudicial to the public or any interested person, all of which is provided for under Section 642(21) of The City of Winnipeg Act.

The Assiniboine Park-Fort Garry Community Committee recommended that the proposed plan of subdivision and rezoning be approved subject to the terms and conditions hereinafter recommended by the Department of Environmental Planning, with the exception noted below.

The Department of Environmental Planning recommended that the Committee on Planning and Community Services concur in part with the recommendations of the Assiniboine Park-Fort Garry Community Committee for the following reason:

1. Pursuant to the Committee on Planning and Community Services policy, the special building setbacks adjacent to the proposed lake and for the "M1" Industrial District are to be included in the Special Yard provisions of Zoning By-law No. 1800 and not within the Zoning Agreement. The necessary adjustments have been incorporated within the following recommendations.

The Department of Environmental Planning therefore recommended approval of the application for subdivision and rezoning of the land under File DASZ 10/89, as follows:-

I. That the plan of subdivision proposed under File No. DASZ 10/89 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 10/89 attached hereto and dated March 15th, 1990, for registration in the Winnipeg Land Titles Office subject to the applicant entering into a Development Agreement with the City according to the draft terms of which are set forth within Schedule "C" for File DASZ 10/89 attached hereto and dated March 15th, 1990, subject to the following amendment:

   A. That recommendation 15.v) be amended by adding to the last line - "west of Dovercourt Drive".

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

III. That the City Solicitor be requested to prepare the necessary Subdivision By-law upon submission by the applicant of a sworn Plan of Subdivision in accordance with Recommendation I. above.

IV. That By-law No. 1800 be amended by rezoning the subject land as shown on Schedule "B" for File No. DASZ 10/89, attached hereto and dated March 15th, 1990, to an "R1-5" Single-Family District, an "R1-6" Single-Family District, a "PR" Park and Recreational District, a "C2" General Commercial District, and 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:

A. That no private vehicular approaches or access shall be permitted to or from Chevrier Boulevard or McGillivray Boulevard in respect to those Single-Family lots having rearage onto same.

B. That development of the "C2" General Commercial District lands be restricted as follows:

1. That the following "C2" General Commercial District uses not be permitted on the lands:-

a. Automobile driving schools
b. Automobile glass or mirror shops
c. Automobile rental establishments
d. Automobile sales areas and showrooms
e. Automobile seat cover and convertible top establishments
f. Automobile supply stores, wholesale
g. Banquet halls
h. Board, rooming and lodging houses
i. Bowling alleys
j. Cabarets
k. Catering establishments
l. Freezer plants and cold storage
m. Linen supply establishments
n. Monument sales
0. Moving or storage offices
p. Towel supply establishments
q. Truck rental establishments
r. Truck sales areas and showrooms.

2. That final construction plans indicating the design and location of the proposed building(s), including exterior finishing materials; and accessory parking areas; fencing and landscaping 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.

3. That no building shall be erected or located on the most northerly 12.1 metres (40 feet) of the land.

4. That the first 6 metres (19.68 feet) of land adjacent to McGillivray Boulevard be landscaped.

5. That all free standing signs be in accordance with plans approved by the Assiniboine Park-Fort Garry Community Committee and the Commissioner of Planning and Community Services prior to the issuance of permits.

6. That no mobile advertising signs be permitted on the land except for a period of 12 months from the date of the first occupancy of the building.

C. That development on the "M1" Limited Industrial District lands be restricted as follows:

1. That final construction plans indicating the design and location of the proposed building(s), including exterior finishing materials; and accessory parking areas; fencing and landscaping 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.

V. That By-law No. 1800 be further amended by including therein the following special set back regulations:

A. That on all lots which are directly adjoining the stormwater retention lake the following rear yard setbacks shall be provided:-

1. Minimum 25.9 metres (85 feet) to any principal building,

2. Minimum 19.8 metres (65 feet) to any detached accessory building,

3. Minimum 8.5 metres (28 feet) to any temporary structure of swimming pool.

B. That all buildings located within the "M1" Limited Industrial District shall provide the following minimum yard requirements:

12 metre (39.37 foot) Front yard
0 metre (0 foot) Rear yard
4.5 metre (14.76 foot) Interior side yard

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

VII. That the Subdivision/Rezoning By-law shall become effective as follows:

A. The approval of the Plan of Subdivision shall come into force when the Development Agreement has been executed; and

B. The zoning district changes shall come into effect when:

1. the Plan of Subdivision has been registered in the Winnipeg Land Titles Office; and

2. on those lands wherein a Zoning Agreement is required, upon the filing of the associated caveat as a first charge 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.

On April 2nd, 1990, the Committee on Planning and Community Services laid over consideration of this application for subdivision and rezoning pending receipt of a financial impact report and an environmental impact analysis report from the Board of Commissioners.

The Committee requested the Board of Commissioners to provide a financial impact report identifying all of the costs of providing full and soft services to this subdivision area, including but not limited to police, fire, ambulance, bus services, library services and recreational services.

In response to the Committee's requests, the Board of Commissioners submitted a report through the Commissioner of Planning and Community Services, dated June 7th, 1990, advising as follows:-

On June 21st, 1989, Council adopted Clause 2 of the Report of the Executive Policy Committee, dated June 14th, 1989, regarding amendments to the development agreement parameters. In adopting said clause, Council deleted the requirement for financial impact analysis for new development. Prior to that time the City could require a developer or applicant for subdivision and/or rezoning to pay the full cost of a financial impact analysis where City financing was required for the construction of one or more regional services, any unusual capital costs for municipal services, including City structures required to provide these services, or any other related capital outlay for unusual operating costs caused by the development location, or standard of services as may be determined by The Board of Commissioners and/or the Executive Policy Committee.

On October 10th, November 21st, December 12th, 1989 and January 23rd, 1990 the Assiniboine Park-Fort Garry Community Committee considered an application from D. N. Sharpe & Associates Ltd. for the approval of a plan of subdivision and for a proposed zoning change from "A" General Agricultural District and an "M1" Limited Industrial District to an "R1-5" Single-Family District, an "R1-6" Single-Family District, a "PR" Park and Recreational District, a "C2" General Commercial District and an "M1" Limited Industrial District to allow for a single-family residential development on the south side of McGillivray Boulevard, between Kenaston Boulevard and Waverley Street. The Community Committee recommended that the plan of subdivision be approved, subject to certain conditions and that zoning By-law No. 1800 be amended by rezoning as requested, subject to the applicant entering into a zoning agreement with the City, and subject to the applicant also entering into a development agreement with the City.

During the review of the 1990 Capital and Current Estimates, Council considered various resolutions requesting that new sources of revenue be investigated for implementation in 1991.

On May 2nd, 1990, the Executive Policy Committee appointed an Ad Hoc Committee composed of His Worship the Mayor, the Deputy Mayor, the Chairman of the Committee on Finance and Administration, the Chairman on the Committee on Planning and Community Services, the Chairman of the Committee on Protection, Parks and Culture and the Chairman of the Committee on Works and Operations to deal with the budget process and to also review, in consultation with

The Board of Commissioners, certain matters relative to sources of revenue. The Board has been advised by the Administrative Co-ordinating Group that even if the requirement for a financial impact study was still in place, no such study would have been requested for the above proposed subdivision and rezoning (DASZ 10/89). The group advises that in its opinion the proposed subdivision complies with Plan Winnipeg, is situated between two existing residential subdivisions (Lindenwoods and Whyteridge) and does not require the extension of major services, such as trunk sewers, feedermains, regional streets, etc.

As previously stated, an Ad Hoc Committee of the Executive Policy Committee, in consultation with The Board of Commissioners, is looking at new sources of revenue. Two such possible sources are a land transfer tax and a land impost or lot levy.

A land development charge is normally used to recover the cost of new infrastructure built to services new development.

A land transfer tax is meant to recover the increase in value of urban land due to the urban services provided by a municipal government.

The above two sources of revenue would apply city wide and would probably replace the present charges to developers under the development agreements. The charges would cover capital costs, cost of expansion, etc.

At the present time the Board is preparing background papers for consideration by the Executive Policy Committee on the various sources of revenue, including the land transfer tax and land impost or lot levy. It would be unwise to divert the resources to prepare a financial implications report on a specific application.

If it is the intention of the City to impose such levies in the future, it would be unfair to stop rezoning or subdivision applications presently in the process awaiting implementation of the above. If it is the intention to delay new subdivisions and rezonings Council should so indicate and such decision should be applicable to any new applications received by the City after the Council decision.

It should be pointed out that the Ad Hoc Committee will be submitting its report to the Executive Policy Committee on the matter of additional sources of revenue. At that time, the Committee on Planning and Community Services could request to be kept advised on the matter of land transfer taxes and land impost or lot levy.

The Board therefore recommended that the Committee on Planning and Community Services consider the above application for subdivision and rezoning and forward its recommendation thereon to Council for consideration.

After considering all aspects of the foregoing, your Committee on Planning and Community Services concurred in the recommendation of the Commissioner of Planning and Community Services and submits the following recommendations for favourable consideration namely:-

That the recommendations of the Assiniboine Park-Fort Garry Community and the recommendations of the Department of Environmental Planning as outlined in this report, be not concurred in; and that the application for Subdivision and Rezoning under File DASZ 10/89 be not proceeded with, as the Committee is of the opinion that approval of a residential development in close proximity to an "M1" Industrial area, will generate complaints from the residents of the proposed residential subdivision. The Committee is also of the view that allowing this residential subdivision to proceed will have an impact on the City's Operating and Capital Budgets in the future.

Your Executive Policy Committee concurs in the recommendation of the Department of Environmental Planning to approve the application for the subdivision and rezoning of the lands under File No. DASZ 10/89, as follows:-

I. That the plan of subdivision proposed under File No. DASZ 10/89 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 10/89 attached hereto and dated March 15th, 1990, for registration in the Winnipeg Land Titles Office subject to the applicant entering into a Development Agreement with the City according to the draft terms of which are set forth within Schedule "C" for File DASZ 10/89 attached hereto and dated March 15th, 1990, subject to the following amendment:

A. That recommendation 15.v) be amended by adding to the last line - "west of Dovercourt Drive".

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

III. That the City Solicitor be requested to prepare the necessary Subdivision By-law upon submission by the applicant of a sworn Plan of Subdivision in accordance with Recommendation I. above.

IV. That By-law No. 1800 be amended by rezoning the subject land as shown on Schedule "B" for File No. DASZ 10/89, attached hereto and dated March 15th, 1990, to an "R1-5" Single-Family District, an "R1-6" Single-Family District, a "PR" Park and Recreational District, a "C2" General Commercial District, and 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:

A. That no private vehicular approaches or access shall be permitted to or from Chevrier Boulevard or McGillivray Boulevard in respect to those Single-Family lots having rearage onto same.

B. That development of the "C2" General Commercial District lands be restricted as follows:

1. That the following "C2" General Commercial District uses not be permitted on the lands:-

a. Automobile driving schools
b. Automobile glass or mirror shops
c. Automobile rental establishments
d. Automobile sales areas and showrooms
e. Automobile seat cover and convertible top establishments
f. Automobile supply stores, wholesale
g. Banquet halls
h. Board, rooming and lodging houses
i. Bowling alleys
j. Cabarets
k. Catering establishments

l. Freezer plants and cold storage
m. Linen supply establishments
n. Monument sales
0. Moving or storage offices
p. Towel supply establishments
q. Truck rental establishments
r. Truck sales areas and showrooms.

2. That final construction plans indicating the design and location of the proposed building(s), including exterior finishing materials; and accessory parking areas; fencing and landscaping 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.

3. That no building shall be erected or located on the most northerly 12.1 metres (40 feet) of the land.

4. That the first 6 metres (19.68 feet) of land adjacent to McGillivray Boulevard be landscaped.

5. That all free standing signs be in accordance with plans approved by the Assiniboine Park-Fort Garry Community Committee and the Commissioner of Planning and Community Services prior to the issuance of permits.

6. That no mobile advertising signs be permitted on the land except for a period of 12 months from the date of the first occupancy of the building.

C. That development on the "M1" Limited Industrial District lands be restricted as follows:

1. That final construction plans indicating the design and location of the proposed building(s), including exterior finishing materials; and accessory parking areas; fencing and landscaping 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.

V. That By-law No. 1800 be further amended by including therein the following special set back regulations:

A. That on all lots which are directly adjoining the stormwater retention lake the following rear yard setbacks shall be provided:-

1. Minimum 25.9 metres (85 feet) to any principal building,

2. Minimum 19.8 metres (65 feet) to any detached accessory building,

3. Minimum 8.5 metres (28 feet) to any temporary structure of swimming pool.

B. That all buildings located within the "M1" Limited Industrial District shall provide the following minimum yard requirements:

12 metre (39.37 foot) Front yard
0 metre (0 foot) Rear yard
4.5 metre (14.76 foot) Interior side yard

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

VII. That the Subdivision/Rezoning By-law shall become effective as follows:

A. The approval of the Plan of Subdivision shall come into force when the Development Agreement has been executed; and

B. The zoning district changes shall come into effect when:

1. the Plan of Subdivision has been registered in the Winnipeg Land Titles Office; and

2. on those lands wherein a Zoning Agreement is required, upon the filing of the associated caveat as a first charge 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.

Moved by Councillor McKee,
Adoption of the clause.

In amendment,

Moved by Councillor Brown,
That the recommendation of the Executive Policy Committee be adopted.

The Speaker called Councillor Demare to the Chair and left the Chamber.

Councillor Eadie returned to the Chamber and resumed the Chair.

Moved by Councillor Golden,
That the clause be tabled.

Lost.

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

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

Yea: Councillors Boychuk, Demare, Douglas, Duguid, Fleisher, Lazarenko, McKee, Mendelson, Murray, Prystanski, Reese, Selinger, Thomas, Timmers, Timm-Rudolph, Young and Yuen. 17

Nay: Councillors Wade, Brown, Clement, Fraser, Gilroy, Golden, Kaufmann, Lorenc, Mitchelson, O'Shaughnessy and Eadie. 11

and the motion that the question be put was declared carried.

The motion for the adoption of the amendment proposed by Executive Policy Committee was put.

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

Yea: Councillors Brown, Clement, Demare, Fleisher, Fraser, Gilroy, Kaufmann, Lazarenko, Lorenc, Mitchelson, O'Shaughnessy, Prystanski, Timm-Rudolph and Eadie. 14

Nay: Councillors Wade, Boychuk, Douglas, Duguid, Golden, McKee, Mendelson, Murray, Reese, Selinger, Thomas, Timmers, Young and Yuen. 14

and the Speaker declared the amendment lost, in view of a tie vote, in accordance with Section 18(2) of The City of Winnipeg Act.

The motion for the adoption of the clause was put.

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

Yea: Councillors Wade, Boychuk, Douglas, Duguid, Golden, McKee, Mendelson, Murray, Reese, Selinger, Thomas, Timmers, Young and Yuen. 14

Nay: Councillors Brown, Clement, Demare, Fleisher, Fraser, Gilroy, Kaufmann, Lazarenko, Lorenc, Mitchelson, O'Shaughnessy, Prystanski, Timm-Rudolph and Eadie. 14

and the Speaker declared the motion for the adoption of the clause lost, in view of a tie vote, in accordance with Section 18(2) of The City of Winnipeg Act.

(Note: See Minute Nos. 1515, 1516 and 1517 for attachments.)

1515 – Schedule “A” referred to in Clause 21 of the Report of the Committee on Planning and Community Services, dated June 25th, 1990.

(NOTE: SEE PAGE 2029 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

1516 – Schedule “B” referred to in Clause 21 of the Report of the Committee on Planning and Community Services, dated June 25th, 1990.

(NOTE: SEE PAGE 2029 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)30

1517 – Schedule “C” referred to in Clause 21 of the Report of the Committee on Planning and Community Services, dated June 25th, 1990.

(NOTE: SEE PAGES 2031 TO 2042 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENTS)

COMMITTEE ON PLANNING AND COMMUNITY SERVICES
MOTIONS

Moved by Councillor Douglas,
Seconded by Councillor Eadie,
1518 - WHEREAS Council on December 20th, 1989, passed a motion appointing members of Council to the Variance, Conditional Use and License Appeal Committee for the year 1990 in accordance with the provisions of By-law No. 4444/86;

AND WHEREAS in the Motion passed by Council, it was noted therein that the appointment of a Councillor for the St. James-Assiniboia Community for the months of October, November and December would be made at a later date;

AND WHEREAS the St. James-Assiniboia Community Committee at its meeting held on September 18th, nominated Councillor Fraser to fill the vacancy on the Variance, Conditional Use and License Appeal Committee for the months of October, November and December, 1990;

THEREFORE BE IT RESOLVED that Councillor Fraser be appointed to the Variance, Conditional Use and License Appeal Committee for the months of October, November and December, 1990, in accordance with the provisions of By-law No. 4444/86.

Carried.

CONSIDERATION OF BY-LAWS

1519 - On motion of Councillor McKee, 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. 5509/90, a By-law of the City of Winnipeg to amend the by-law respecting the prohibition of unauthorized parking on private property. File No. ST-9.2.

By-law No. 5510/90, a By-law of the City of Winnipeg to change the names of certain highways in the City of Winnipeg. File Nos. SC-3.14(21) & SC-3.14(25).

By-law No. 5511/90, 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 245/89 (c/r DASSF 628/90).

By-law No. 5516/90, a By-law of the City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 4450/86 for the enactment of a zoning change in the Lord Selkirk-West Kildonan Community. File No. DASZ 56/85.

By-law No. 5517/90, 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 223/87.

By-law No. 5518/90, 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 204/87.

By-law No. 5519/90, a By-law of the City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 4440/86 for the enactment of a zoning change in the East Kildonan- Transcona Community. File No. DASZ 27/88.

By-law No. 5520/90, 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 211/90.