## 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 May 13th, 1991, has concurred in the recommendations contained therein, except as noted below, and submits same to Council for approval and adoption.

On motion of Councillor Gilroy, the Report of the Committee on Planning and Community Services, dated May 13th, 1991, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg,
May 13th, 1991.

His Worship the Mayor and Councillors:

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

**Development of Projects to qualify under Canada's "Green Plan". File No. E-5.1**

**897 -** 1. Your Committee on Planning and Community Services has been advised that on February 21st, 1991, the Riverbank Management Committee considered the attached briefing notes received from the Chairman, Professional Resource Group with regard to Canada's Green Plan, describing the general concept, the program and potential implications for the City of Winnipeg.

During the discussions of the report, it was suggested that the City should take the initiative to enter into discussions with the Rural Municipalities of East St. Paul, West St. Paul, St. Clements and the Town of Selkirk, to begin dialogue on projects that may qualify for funding under the Federal Government's "Green Plan".

It was further suggested that one of the most important issues that could be addressed would be the development of a regional plan to deal with Water Quality and Sewage Disposal in our rivers.

It was further suggested that the Riverbank Management Committee's recommendations on the White Paper on a Riverfront Corporation should be reviewed with a view to approaching the Province to commit some of the unused funds that were set aside for the establishment of a Riverfront Corporation.

Your Committee on Planning and Community Services concurs in the recommendations of the Riverbank Management Committee and recommends:-

I. That the Province of Manitoba be requested to submit a response to the second item of the Riverbank Management Committee's recommendations as adopted by Council on May 9th, 1990, with regard to the City of Winnipeg's Position on the Discussion Paper entitled "Towards a Riverfront Corporation for the Winnipeg Region", namely:-

"II. That the Province of Manitoba through the Minister of Urban Affairs be requested to take some initiative in establishing a forum for discussion with Municipal Governments affected by the Red River Drainage Basin, along with the Province and Federal Government's Departments having related jurisdictions in this regard, with a view to developing a regional concept for the Red River Drainage Basin."

and that the Official Delegation be requested to meet immediately with the Province of Manitoba to discuss cost sharing of a Regional Water/Riverfront Corporation utilizing some of the unused funds set aside by the Province in connection with the establishment of a Riverfront Corporation.

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

II. That application be made by the City immediately, through the Official Delegation with the Province including all Ministers responsible for the areas covered by the Green Plan, for funds under the Federal Government's Green Plan to develop projects that will qualify by establishing a Regional Plan to address:-

(1) Water quality in our rivers.
(2) Alternatives to sewage disposal in our rivers ie. Waste Management.
(3) Protection and enhancement of drinking water supply sources and establishment of guidelines and support for the protection of the quality of drinking water from sources such as the Shoal Lake Water Source.
(4) Tree replacement for trees affected by Dutch Elm Disease.
(5) Linear Park Development along the City's Rivers.

For the information of Council, your Committee on Planning and Community Services has requested the Commissioner of Planning and Community Services to take the whole matter of developing a strategy through the Board of Commissioners to take advantage of available funds under the Federal Government's "Green Plan", by developing projects within the City that would qualify under the "Green Plan".

Moved by Councillor Gilroy,
Adoption of the clause.

Moved by Councillor Timmers,
That the clause be referred back to the Committee on Planning and Community Services for further consideration by the Riverbank Management Committee.

Carried.

**Draft Headingley Action Area Plan.**
**File No. EP-1**

**898 -** 2. Your Committee on Planning and Community Services has been advised that a Draft Headingley Action Area Plan has been prepared in accordance with the directives of Council, under Part 20 of The City of Winnipeg Act.

Within the scope of Part 20 of The City of Winnipeg Act, the "Action Area," "Action Area Plan" and "Action Area Plan By-law" are required to be consistent with those definitions as set out in Section 574, and the process of adoption as set out within Section 590 of The Act.

As defined by the City of Winnipeg Act, an "Action Area Plan" means:

> "The statement of the City's policies and proposals for the comprehensive treatment during a period prescribed in it of an action area, by development, redevelopment or improvement of the whole or part of an area or by the establishment and implementation of a social development program, or partly by one and partly by another method, and the definition of the types of treatment selected, and may be expressed in texts, maps or illustrations."

The above-noted definition of an Action Area Plan provides a broad scope for addressing issues within the community of Headingley.

The Action Area Plan covers all of those lands to the west of the Perimeter Highway, lying between the north, south and west legal limits of the City.

To the extent that the Action Area Plan may be considered as a secondary plan to the Greater Winnipeg Development Plan, it is proposed that there be no specific termination date. The on-going validity of this plan will be periodically considered during any review of subsequent amendments to Plan Winnipeg.

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

Your Committee on Planning and Community Services recommends that pursuant to Section 590(1)(b) of The City of Winnipeg Act:

I. Council forward the Draft Action Area Plan to the St. James- Assiniboia and Assiniboine Park-Fort Garry Community Committees.

II. Council direct that the St. James-Assiniboia and Assiniboine Park-Fort Garry Community Committees be convened as one Committee to conduct the public meeting on the Draft Headingley Action Area Plan.

(Draft Headingley Action Area Plan to be forwarded to all Members of Council under separate cover.)

Your Executive Policy Committee recommends that recommendation II. be deleted in its entirety and the following substituted therefor:-

"II. Council direct that the St. James-Assiniboia and Assiniboine Park-Fort Garry Community Committees conduct public meetings to receive representation in respect to the Draft Headingley Action Area Plan."

Moved by Councillor Gilroy,
Adoption of the clause.

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

Carried.

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

**Regulation and Control of Garden Suites.**
**Files No. DAZ (Gen), EZ(Gen).**

**899 -** 3. Your Committee on Planning and Community Services has been advised that on September 18th, 1990, the Assiniboine Park-Fort Garry Community Committee, considered a variance application to permit the establishment of a second single-family dwelling on an existing site, at premises located at 3450 Wilkes Avenue. The applicant proposed to locate a home on his property for his elderly parents in order to allow the parents to live independently, while having family members nearby to provide assistance as required. The location of the property was rural in nature.

In this connection, the Community Committee requested your Committee on Planning and Community Services to examine the concept of "granny flats" with a view to developing appropriate criteria for their establishment in the City of Winnipeg.

A Garden Suite is a temporary dwelling erected in the backyard of an existing single-family residence. The intended occupants are elderly relatives of the residents of the associated (host) house. When use of the building is no longer needed, the structure is removed.

Most suites have one bedroom, a living room, a kitchen and a bathroom, as well as storage and laundry facilities. The suites are not intended as permanent additions to the lots and are designed so that they are easily movable. They are usually factory-built, and can be erected quickly with little disruption to the site.

Garden Suites also having been referred to as Granny Flats, Granny Annexes, Elder Cottage Housing Opportunity (ECHO) units, and Portable Living Units for Seniors (PLUS). These units provide elderly people with the added security and convenience of being close to the people and communities important to them, while still allowing for independent living.

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

The concept originated in Australia, where the Victoria Housing Commission operates a successful program. Since mid-1975, when the first unit was built, the Housing Commission has erected over 1,100 flats on lots where there was an existing house. In the United States, the idea of the Garden Suite has been around for some time, but communities attempting to implement such a housing program have run into two major problems: funding and zoning. In states such as Maryland and California, there have been attempts to get regulatory support for Garden Suites, with California now having enabling legislation to provide for Garden Suites development. In Canada, the Garden Suite concept is a more recent phenomenon. The Ministry of Municipal Affairs and Housing, in the Province of Ontario, ran a demonstration program (1984) to test the applicability of this housing approach. The Ministry constructed 12 units and located them in three different municipalities (four in each). Various rural, urban and suburban locations were selected. The units were owned and maintained by the Province and rented to occupants at a rent equivalent to that of the nearest market alternative. The initial findings of the demonstration are now being evaluated.

In 1987, CMHC displayed a sample Garden Suite at Home Shows across the country, surveying builders and the general public to determine if there was interest in and acceptance of the concept. The results of the display were favourable.

Zoning regulations, enforcement problems, and design and construction concerns have been the primary obstacles to the implementation of this form of elderly housing.

The zoning issues relate to the use of land (establishing a second dwelling unit on an existing single-family lot), the minimum lot area of the host site, yard requirements, the maximum lot coverage for the accessory dwelling, the size of the unit, and parking. In jurisdictions where Garden Suite programs have been successful, zoning problems have been solved by special by-law regulations which provide for "Accessory Dwellings" (living quarters detached or attached to the primary residence on a lot zoned for single-family use). Appropriate yards, minimum site areas, maximum site coverage, unit sizes and parking restrictions then have been imposed.

In Ontario, the local municipalities involved in the Garden Suite demonstration project had the right, in accordance with the provisions of The Planning Act, 1983 (Ontario), to enact a temporary use by-law to permit the location of a Garden Suite on a host site. Public hearings were held to consider each case.

Enforcement issues, associated with the ability to control occupancy, assurance of a temporary period for unit placement, and the ability to ensure removal of the unit when it is no longer needed by the elderly occupant(s), are difficult to address through a zoning by-law.

In terms of control of occupancy, the City generally has the right to regulate land use and not land users. Any zoning regulations or approvals which would allow the establishment of a second dwelling unit on a site strictly on the basis of age and/or familial relationship of the occupant could be subject to challenge on the basis of discrimination. In addition, such things as change of ownership could frustrate normal administrative enforcement of any imposed occupancy restrictions.

The greatest control over Garden Suites is provided by public ownership of the units. In Ontario, the Province entered into a licensing agreement with the owners of the host sites. The Province owned the units and agreed to install and maintain the units, to remove the units when required and to pay all necessary permits. The owners of the host sites paid all taxes and utilities, and a monthly rent for the unit. The license specified who the occupant of the unit could be, established termination procedures in case of any defaults by the owners of the house sites, and prescribed all legal remedies. The license was terminated in three years.

An appropriate mechanism to ensure municipal control over the Garden Suite units has not been developed where the suites are provided through a privately-sponsored program, are owned or leased by individuals, and are bought and sold on the private market.

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

Construction and design considerations are also important factors. The units must be portable, easy to replace and remove, and the foundation systems should be designed not to damage the yard. The exterior appearance of the units should be attractive and unobtrusive so that they will blend with the surrounding landscape.

Sewer, water and electrical utilities generally will be linked to the services of the existing residence. These services can be installed either below or above ground.

Acceptability of Garden Suites as a legitimate form of elderly housing is enhanced significantly if public agencies have direct and positive control over who lives in the units and when they may be erected or removed. Control of the distribution, use, tenancy and type of construction has been achieved elsewhere (Australia, Ontario) by requiring that the units be rented exclusively by a public agency, which also was responsible for design and construction standards, erection, maintenance, and removal when the original tenant vacates the dwelling.

However, approval of applications for privately-owned garden suites in the form of second dwelling units on residential properties poses a number of serious concerns. The legal right to control the occupancy of such units on the basis of age and familial relationship is questionable. In addition, normal administrative procedures may not be able to provide adequate enforcement.

Your Committee on Planning and Community Services is of the opinion that the Province of Manitoba should become involved in the provision and regulation of garden suites, in order to ensure a mechanism for proper enforcement, and submits the following criteria as a means to assess such applications:

1. That appropriate yards and separation be provided (this would imply the provision of side yards as required for the principal dwelling as well as appropriate separation (if necessary) from the principal dwelling for purposes of adequate light and air);

2. That normal regulations governing the establishment of detached accessory uses generally should apply (in single-family zoning districts these typically limit the height of building to 13 feet and total coverage of all detached accessory buildings to 12.5% of lot area to a maximum of 1,076 square feet);

3. That the structure must be temporary in nature;

4. That the design of the structure should not have an adverse impact on the residential character of the subject lands or adjacent properties (this issue becomes of critical importance in more urbanized areas as opposed to those more rural in character);

5. That any approval shall be for a temporary period of time;

6. That there not be a concentration of approvals in any one area (this would have the affect of doubling density within that area and, by inference, have the affect of changing zoning related to density by variance). This implies a need for separation between properties on which such buildings are to be located.

Your Committee on Planning and Community Services therefore recommends:

1. That the Province of Manitoba through the Official Delegation be requested to consider providing government-owned and regulated garden suites for elderly persons housing.

2. That regulations for the establishment of Garden Suites - "Granny Flats" for incorporation into zoning regulations, be limited to the area of the City covered by Zoning By-law No. 1800 in the Assiniboine Park-Fort Garry Community on an experimental basis.

3. That applications for privately-owned garden suites in the form of second dwelling units on residential properties be discouraged.

Moved by Councillor Gilroy,

Adoption of the clause.

Carried.

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

**Appointment to The Winnipeg Public Library Board.**
**Files No. L-11 & GC-7**

**900 -** 4. Your Committee on Planning and Community Services has been advised of the resignation of Mrs. Blanche Ashcroft from The Winnipeg Public Library Board, effective April 15th, 1991. The St. Boniface-St. Vital Community Committee at its meeting held April 30th, 1991, nominated Gilberte Proteau (letter attached) for appointment to The Winnipeg Public Library Board for the balance of Mrs. Ashcroft's term of office, expiring in January, 1992.

Your Committee on Planning and Community Services concurs in the recommendation of the St. Boniface-St. Vital Community Committee and recommends that Gilberte Proteau, 593 rue Langevin, Winnipeg, be appointed to The Winnipeg Public Library Board, effective immediately and that the term of office expire in January, 1992.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

**Proposed Street Name Change - Portion of Drayton Bay to Overwater Cove - Assiniboine Park-Fort Garry Community.**
**Files No. SC-3.14(21) & DASZ 1/83**

**901 -** 5. The Assiniboine Park-Fort Garry Community Committee on April 15th, 1991, considered a report dated March 22nd, 1991, from the Subdivision Administrator with respect to the proposed street name change of a portion of Drayton Bay to Overwater Cove in the Assiniboine Park-Fort Garry Community Committee.

The Assiniboine Park-Fort Garry Community Committee concurred in the recommendation contained in the report of the Subdivision Administrator that the currently registered name "Drayton Bay" extending north of the south limit of Lot 1, Block 4, Plan 17768, shown hatched on the attached Schedule "B" be changed to Overwater Cove.

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

I. That the street currently designated "Drayton Bay" extending north of the south limit of Lot 1, Block 4, Plan 17768, shown hatched on the attached Schedule "B" be changed to "Overwater Cove".

II. That the Director of Land Surveys and Real Estate provide the necessary legal description to the City Solicitor for the purpose 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 for registration in the Winnipeg Land Titles Office and that this 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 dispense with the usual advertising inasmuch as the change is of a legal nature with no physical changes being required and the general public is aware of only the currently utilized street name and not the registered street name.

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 915 for attachment.)

**SUBDIVISION - South side Gauvreau Road between Charbonneau Crescent and Island Shore Boulevard - St. Boniface-St. Vital Community. File No. DAS 21/90**

**902 -** 6. Your Committee on Planning and Community Services has been advised that an application has been received from Novamet Development Corporation, 2070-360 Main Street, Winnipeg, for approval of a plan of
subdivision on land located on the south side of Gauvreau Road between Charbonneau Crescent and Island Shore Boulevard for the purpose of establishing a new street and sixteen (16) single-family building sites.

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

The subject site was reserved for school construction at the time of the original approval under DASZ 37/78. The school division has determined that the site is surplus to its requirements and has released its interest. The proposed subdivision is entirely consistent with existing zoning and with adjacent development.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on January 15th, February 26th and March 19th, 1991.

The following persons appeared in support of the application:-

Mr. E. Dolhun, Novamet Development Corporation, 2270-360 Main Street, Winnipeg, R3C 3Z3,
Mr. David E. Scutter, Novamet Development Corporation, 2270- 360 Main Street, Winnipeg, R3C 3Z3.

The following persons appeared in opposition thereto:-

Mr. Paul Mahe, 270 Charbonneau Crescent, Winnipeg, R3X 1E2,
Mr. Brian Monkman, 15 Island Cove, Winnipeg R3X 1A2, (on behalf of Island Lakes Ratepayers Group),
Mr. T. Sookram, 10 Gavreau Road, Winnipeg, R3X 1E6,
Mr. M. Boreski, 122 Charbonneau Crescent, Winnipeg, R3X 1C1.

The St. Boniface-St. Vital Community Committee recommended that the proposed subdivision be approved subject to a number of conditions all of which are included in the following recommendation.

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

I. That the plan of subdivision proposed under File No. DAS 21/90 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 21/90 attached hereto and dated May 1st, 1991 for registration in the Winnipeg Land Titles Office subject to:

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

A. The applicant entering into an addendum to Development Agreement AG 37/78 with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated January 2nd, 1991, and attached hereto as Schedule "B" for file DAS 21/90 with the additional condition namely:

"That a post and chain link fence be erected at the end of the proposed new street (Place Corbeil) to prevent vehicles from entering thereon, but to allow for pedestrian access."

II. That the proposed street be named "Place Corbeil".

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

IV. That the City Solicitor be requested to prepare the necessary subdivision by-law upon submission by the applicant of a sworn plan of subdivision in accordance with Recommendation I above.

V. That the subdivision by-law shall become effective when the addendum to the development agreement has been executed.

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

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.

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

Moved by Councillor Gilroy,
Adoption of the clause.

In amendment,

Moved by Councillor Reese,
Seconded by Councillor Selinger,
THAT Clauses 6 and 7 of the Report of the Committee on Planning and Community Services, dated May 13th, 1991, be amended by adding the following sub-recommendation after Recommendation I. A. in each case, namely:-

"B. The Developer shall, at no expense to the City, provide haul-away type refuse containers for use by the housebuilders, as determined by, and to the satisfaction of, the Commissioner of Works and Operations."

Moved by Councillor Wade,
That the clause and proposed amendment be referred back to the Committee on Planning and Community Services.

The motion to refer was put.

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

Yea: Councillors Wade, Brown, Clement, Douglas, Duguid, Fleisher, Fraser, Gilroy, Lazarenko, Murray, Prystanski, Timmers and Mayor Norrie. 13

Nay: Councillors Boychuk, Demare, Diamant, Golden, Hyman, Kaufmann, Mitchelson, Reese, Selinger, Thomas, Yuen and Eadie. 12

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

and the motion to refer was declared carried.

(Note: Council later reconsidered this decision. For disposition of Clause 6, refer to Minute No. 928).

(Note: See Minute No. 916 for attachments.)

**SUBDIVISION - South side Waterfront Road between Island Shore Boulevard and Desjardins Drive - St. Boniface-St. Vital Community. File No. DAS 22/90**

**903** - 7. Your Committee on Planning and Community Services has been advised that an application has been received from Novamet Development Corporation, 2070-360 Main Street, Winnipeg, for approval of a plan of subdivision on land located on the south side of Waterfront Road between Island Shore Boulevard and Desjardins Drive for the purpose of establishing a new street and sixteen (16) single-family building sites as shown on attached "Schedule "A".

The proposed subdivision was circulated to all the various City departments and external agencies usually contacted and all have advised that they have no objections to the proposal provided all the conditions which are embodied within the development agreement are met.
The subject site was reserved for school construction at the time of original approval under DASZ 37/78. The School Division has determined that the site is surplus to its requirements, and has released its interest. The proposed subdivision is entirely consistent with existing zoning and with adjacent development.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on January 15th, February 26th and March 19th, 1991.

The following persons appeared in support of the application:-

Mr. E. Dolhun, Novamet Development Corporation, 2270-360 Main Street, Winnipeg, R3C 3Z3,
Mr. David E. Scutter, Novamet Development Corporation, 2270- 360 Main Street, Winnipeg, R3C 3Z3.

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

Mrs. Nora & Mr. Adrien Berriault, 25 Waterfront Road, Winnipeg, R3X 1L4,
Mr. Robert Canaday, 71 Waterfront Road, Winnipeg, R3L 1L4,
Mrs. Shirley Diduch, 71 Waterfront Road, Winnipeg, R3X 1L4,
Mrs. Mary E. & Mr. Gary Duff, 55 Waterfront Road, Winnipeg, R3X 1L4,
Mr. Todd Hollinger, 123 Waterfront Road, Winnipeg, R3X 1M9,
Mr. David L. Johnson, 87 Waterfront Road, Winnipeg, R3X 1L3,
Mrs. Patricia & Mr. Joseph Joubert, 75 Waterfront Road, Winnipeg, R3X 1L3,
Mrs. Maureen & Mr. Hubert Kuppe, 63 Waterfront Road, Winnipeg, R3X 1L4,
Mrs. Yvonne Lafreniere, 51 Waterfront Road, Winnipeg, R3X 1L4,
Mr. Raphael Leung, 107 Waterfront Road, Winnipeg, R3X 1M9,
Mr. Brian Monkman, 15 Island Cove, Winnipeg, R3X 1A2,
(on behalf of the Island Lakes Ratepayers Group),
Mr. Roland E. Savoie, 83 Waterfront Road, Winnipeg, R3X 1L3,
(on behalf of Sharon Effendi, John Prestay and Mildred Prestay),
Mrs. Pat & Mr. John Starrett, 99 Waterfront Road, Winnipeg, R3X 1L3,
Mrs. Anne Wilson, 79 Waterfront Road, Winnipeg, R3X 1L3,
Mr. Mark Boreskie, 122 Charbonneau Crescent, Winnipeg, R3X 1C1,
(on behalf of Island Lakes Residents' Group),
Mrs. Maria & Mr. Tony Bussoli, 115 Waterfront Road, Winnipeg, R3X 1M9,
Mrs. Sofia & Mr. Guistino Marrone, 127 Waterfront Road, Winnipeg, R3X 1M9,
Mr. G. Torchia, 111 Waterfront Road, Winnipeg, R3X 1M1,
Mr. Allan Zekebecki, 30 Waterfront Road, Winnipeg, R3X 1L2.

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

The St. Boniface-St. Vital Community Committee recommended that the proposed subdivision be approved with provision that the building lots front on the north side of Waterfront Road instead of flanking as originally proposed and subject to a number of conditions all of which are included in the following recommendations.

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

I. That the plan of subdivision proposed under File No. DAS 22/90 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DAS 22/90 attached hereto and dated May 1st, 1991 for registration in the Winnipeg Land Titles Office subject to:

A. The applicant entering into an addendum to Development Agreement AG 37/78 with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated January 2nd, 1991 and attached hereto as Schedule "C" for File DAS 22/90.

II. That the proposed new street be named "Windlass Bay".

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

IV. That the City Solicitor be requested to prepare the necessary subdivision by-law upon submission by the applicant of a sworn plan of subdivision in accordance with Recommendation I above.

V. That the subdivision by-law shall become effective when the addendum to the development agreement has been executed.

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

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.

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

Moved by Councillor Gilroy,
Adoption of the clause.

In amendment,

Moved by Councillor Reese,
Seconded by Councillor Selinger,
That Clauses 6 and 7 of the Report of the Committee on Planning and Community Services, dated May 13th, 1991, be amended by adding the following sub-recommendation after Recommendation I. A. in each case, namely:-

"B. The Developer shall, at no expense to the City, provide haul-away type refuse containers for use by the housebuilders, as determined by, and to the satisfaction of, the Commissioner of Works and Operations."

Moved by Councillor Reese,
That the clause and proposed amendment be referred back to the Committee on Planning and Community Services.

The motion to refer was put.

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

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

Yea: Councillors Wade, Brown, Clement, Douglas, Duguid, Fleisher, Fraser, Gilroy, Lazarenko, Murray, Prystanski, Timmers and Mayor Norrie. 13

Nay: Councillors Boychuk, Demare, Diamant, Golden, Hyman, Kaufmann, Mitchelson, Reese, Selinger, Thomas, Yuen and Eadie. 12

and the motion to refer was declared carried.

(Note: Council later reconsidered this decision. For disposition of Clause 7, refer to Minute No. 929.)

(Note: See Minute No. 917 for attachments.)

**SUBDIVISION AND REZONING - South of Knowles Avenue and north of Bonner Avenue between Gateway Road and De Vries Avenue - East Kildonan-Transcona Community. File No. DASZ 10/90**

**904 -** 8. Your Committee on Planning and Community Services has been advised that an application has been received from Kingsford Development Corporation, 60 Heaton Avenue, Winnipeg on behalf of 74841 Manitoba Ltd. and Mr. L. Kostynik, for approval of a plan of subdivision and related zoning change to By-law 4440/86 by rezoning the subject land from an "AR-5" Agricultural Residential District and "R1-5.5" Single Family District to an "R1-4" Single-Family District, a "PR" Park and Recreational District and a "C2-S" Suburban Commercial District in order to establish upwards of 200 single-family dwelling units on a new street system, a stormwater retention pond and a small commercial site at De Vries Avenue.

The applicant proposes to open a new system of streets. The extension of Headmaster Row will connect Gateway Road and Lagimodiere Boulevard. This route will serve as a residential collector street. Mitchelson Way will be extended from its present location at Bonner Avenue, northward to Knowles Avenue.

A retention lake will be constructed at the south-west corner of the subject property. Proposal "A" (attached Schedule "A") indicates that the lake will be built partially on "PR" land which must be transferred to Waterworks, Waste and Disposal to enable the construction of the lake. The lake is designed to accommodate the proposed subdivision and all other lands lying north of Knowles Avenue between Gateway Road and De Vries Avenue, which fall within the City's boundary.

Proposal "B" (attached Schedule "B") illustrates a lake (2.77 acres in size) which would provide drainage for the subject property only. Additional lakes will be required for property to the north.

A "C2-S" Suburban-Commercial District is proposed at the southern corner of the Headmaster extension and De Vries Avenue. The request for commercial use at the proposed location will compliment existing "C2-S" development in the immediate area.

The proposed subdivision and rezoning was circulated to the various Departments and external agencies normally contacted and all have advised that they have no objections to the proposal, provided all the conditions which have been embodied within the draft development and zoning agreements were met. However, the developer did not support the request of the Waterworks, Waste and Disposal Department that a minimum five acre lake be provided for stormwater retention. The five acre lake size was recommended so that no further lakes would be required for the lands to north (falling within an area bounded by Knowles Avenue on the south, by the City boundary on the north, and Gateway and De Vries to west and east respectively). The Waterworks, Waste and Disposal Department also considered that the five acre minimum lake size was the acceptable minimum from an operations standpoint. Smaller lakes have proven unacceptable because of problems associated with maintenance, water flow and general operation. This position was not supported by the East Kildonan-Transcona Community Committee.

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

A Public Meeting was held before the East Kildonan-Transcona Community Committee on October 23rd, November 29th, 1990; January 15th and February 26th, 1991.

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

Mr. J. Wiebe, The Kingsford Development Corporation, 60 Heaton Avenue, Winnipeg, R3B 3E3,
Mr. C. Koke, 4 Dounreay Bay, Winnipeg, R2K 2V8,
Mr. D. Mulder, 19 Stacey Bay, Winnipeg, R2K 3V4,
Mr. R. Klinck, 749 Bonner Avenue, Winnipeg, R2G 2J8,
Mr. H. Hindemith, 735 Bonner Avenue, Winnipeg, R2G 2J8,
Mr. R. Chambers, 2081 Henderson Highway, Winnipeg, R2G 1P7,
Mrs. June Shymko, 775 Bonner Avenue, Winnipeg, R2G 2J8,
Mr. R. Newman, 661 Bonner Avenue, Winnipeg, R2G 2J8.

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

Mr. P. Kotyk, 755 Bonner Avenue, Winnipeg, R2G 2J8,
Mr. S. Halabura, 840 Knowles Avenue, Winnipeg, R2G 2K1, (subsequently withdrew his opposition),
Mr. A. Alexander, 757 Bonner Avenue, Winnipeg, R2G 2J8, (subsequently withdrew his opposition),
Mrs. Maria Bartz, 711 Bonner Avenue, Winnipeg, R2G 2J8.

The East Kildonan-Transcona Community Committee recommended that the proposed subdivision/rezoning application be approved for the following reasons:

"1) In order to make the proposed development viable certain concessions had to be made from the City's standpoint without future impacting or burdening the taxpayers of the City of Winnipeg.

2) This was the most reasonable and just way that Community Committee could accommodate this infill development.

3) Residents that were in opposition to this application due to costs of street improvements and sidewalks will have a lesser impact because they will no longer have to share in the costs of the larger lake.

4) This development will allow adjoining residents an opportunity to subdivide their own lands."

It should be noted that the East Kildonan-Transcona Community Committee has recommended that this subdivision/rezoning application be approved in accordance with attached Schedule "B" (approving Proposal "B"). However Schedule "B" does not specify the two part development phasing requested by the developer, nor does it identify the specific zoning category for the lot located at the south-west corner of De Vries Avenue and the Headmaster Row extension. The Community Committee at their meeting on April 30th, 1991 clarified their approval indicating that the phasing requested has been approved, and that the zoning change at the corner in question was recommended to be "C2-S" Suburban Commercial District. A new Schedule "C" has been prepared showing the plan approved under Schedule "B" (Proposal "B") and the aforementioned clarifications made by the Community Committee on April 30th, 1991, ie: Schedule "C" shows Proposal "B" with the development phasing requested, and the "C2-S" zoning designated for the corner in question.

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

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

I. That the plan of subdivision proposed under File No. DASZ 10/90 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "C" for DASZ 10/90 attached hereto and dated May 1st, 1991 for registration in the Winnipeg Land Titles Office subject to:

A. the applicant entering into a development agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated October 11th, 1990 and January 8th, 1991 (attached Schedule "E"), subject to the following amendments:

1. That Condition No. A.1. be amended to read as follows:

   "That private approaches servicing single-family lots will be permitted off Park Green Boulevard (the extension of Headmaster Row) from Gateway Road to Lagimodiere Boulevard and not permitted off Gateway Road adjacent to the Planned Area."

2. That Condition No. A.2. be amended by deleting the figure "10.0" in the seventh line thereof and substituting therefor the figure "7.5".

3. That Condition No. B.2. be amended by adding the following words "but with a bulb radius of 15.5 m".

4. That Condition No. B.4. be deleted in its entirety.

5. That Condition No. B.6. be amended by deleting the figure "10.0" in the second line thereof and substituting therefor the figure "7.5".

6. That Conditions No. B.7. and No. B.8. be deleted in their entirety.

7. That Condition No. B.9. be amended be deleting the words "and the transfer of jurisdiction of Parcel 1 (as shown on Schedule "D") from the Parks and Recreation Department to the Waterworks, Waste and Disposal Department will be subject to subsequent authorization by Council upon approval of the proposed development application by the City)", starting on the sixth line thereof.

8. That Condition No. C.1. be amended by deleting the year "1991" in the third line thereof and substituting therefor the year "1992".

9. That Condition No. C.3.b) be amended to read as follows: "The Developer shall construct a 2.77 acre stormwater retention pond located as shown on the attached Proposal "B" as advertised, and shall construct outfall and inlet structures and all other related works, all to the satisfaction of the Commissioner of Works and Operations.

10. That Condition No. C.3.b)v) be amended to read as follows:

    "Notwithstanding the mandatory minimum one-year warranty period, the Developer shall be responsible for maintenance of the impoundment area during construction including appurtenances and landscaping until occupancy of 75% of the dwellings on the new lots immediately abutting the impoundment as determined by the Commissioner of Works and Operations."

11. That Condition No. C.7.b) be deleted in its entirety.

12. That Condition No. C.8. be amended to read as follows:

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

"8. Intersection Improvements

The Developer shall, prior to the release of the subdivision mylars, pay his share of the following improvements at the proposed intersection of Park Green Boulevard (the extension of Headmaster Row) and Lagimodiere Boulevard;

a) a street connection, channelization and turnouts between Lagimodiere Boulevard and De Vries Avenue;
b) a median opening and north bound left turn deceleration and storage lane;
c) a southbound right turn deceleration lane;
d) a realignment of De Vries Avenue to the south and north of Park Green Boulevard (the extension of Headmaster Row);
e) 25% of the costs associated with installing traffic control signals at the intersection of Park Green Boulevard (the extension of Headmaster Row) with Lagimodiere Boulevard including, but not necessarily limited to, pedestrian and vehicle actuation and interconnection to adjacent signals, and;
f) all related works, including but not necessarily limited to any necessary land drainage works, street lighting, advance street name signs and landscaping."

13. That Condition No. C.9.a) be amended by deleting the word "both" in the first line thereof and substituting therefor the word "south".

14. That Condition No. C.9.b) be amended by deleting the word "both" in the first line thereof and substituting therefor the word "west".

15. That Condition No. C.9.d) be amended by deleting the word "one" in the first line thereof and substituting therefor the word "west".

16. That Condition No. C.10.a) be amended to read "East boulevard of Gateway Road adjacent to the applicants lands".

17. That Condition No. C.10.b) be amended to read "West boulevard of De Vries Road adjacent to the applicants lands".

18. That Condition No. C.14. be amended by deleting the second paragraph in its entirety.

19. That Condition No. C.16. be amended by deleting the figure "2" in the fourth line thereof and substituting therefor the figure "1.8".

20. That Condition No. C.25. be amended as follows:

"The developer shall, at no expense to the City complete the full installation of municipal services in Mitchelson Way, excluding those required to be installed by others, from Blue Spruce Cove to the north limit of Bonner Avenue, all to the satisfaction of the Commissioner of Works and Operations. These works shall be completed as part of the first stage of servicing. The developer will be repaid from a share of the cost of the works as the City recovers through local improvement levies or agreements with benefiting properties."

21. That Condition No. C.26. be amended by deleting the figure "3.85" in the third line of the third paragraph thereof and substituting therefor "approximately 5.15"; and that the following sentence be added to the third paragraph of No. C.26: "The costs of the improvements including consulting and maintenance fees shall not exceed the developer's cash in lieu payment requirement".

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22. That the "*" asterisk located in condition C.26.a) be changed to read:

"* A security in the amount of 15% shall be retained for the duration of the maintenance period to guarantee the works."

23. That Condition Nos. a), b) and c) in the Administrative Co-ordinating Group Report dated January 8th, 1991, be deleted and Condition No. d) be deleted in its entirety and replaced with the following wording:

d) "Headmaster Row shall be established as a 22 metre wide right-of-way within this Planned Area except where the right-of-way abuts the rear of the properties fronting on Knowles Avenue east of Mitchelson Way. Along the rear of these properties the plan shall provide 20.56 metres of right-of-way. The balance of the 22 metre right-of-way is to be acquired from the Knowles properties as they back split. The services in this portion of Headmaster Row shall be installed on alignments consistent with the final 22.0 metre right-of-way."

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

III. That the City Solicitor be requested to prepare the necessary subdivision by-laws for Phase I and Phase II upon submission by the applicant of a sworn plan of subdivision in accordance with Recommendation I. above.

IV. That Zoning By-law No. 4440/86 be amended as follows:

A. By rezoning the subject lands as shown on said Schedule "C" to "R1-4" Single-Family District "PR" Park and Recreational District and "C2-5" Suburban Commercial District; and

B. By adding thereto the following text amendments:

1. That a minimum 22.5 metre (73.8 foot) rear yard shall be provided for any dwelling constructed on any lot backing onto the De Vries Avenue right-of-way;

2. That a minimum 15.0 metre (49.2 foot) rear yard shall be provided for any dwelling constructed on any lot backing onto Gateway Road;

3. That a minimum 7.5 metre (24.6 foot) corner side yard shall be provided for any dwelling constructed on any lot flanking Gateway Road; and

4. That where any lot has a rear lot line abutting or partly abutting the boundary of lands containing a stormwater retention lake, those lots shall provide the following special 'rear yard' setbacks, namely:

a. A minimum 25.9 metres (85 feet) measured from that rear lot line to any principal building,
b. A minimum 20.4 metres (67 feet) measured from that rear lot line to detached accessory building, and
c. A minimum 12.8 metres (42 feet) measured from that rear lot line to any temporary structure and open swimming pool.

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C. That the applicant enter into a zoning agreement with the City pursuant to Section 605(1) of The City of Winnipeg Act to provide for the following:-

5. That a caveat shall be registered against the title of each lot abutting De Vries Avenue and Gateway Road, requiring the owner to maintain or repair the fence as originally constructed by the Developer pursuant to the Development Agreement;

6. That the maximum lot widths (as defined in Part I of Zoning By-law 4440/86) for the approved R1-4 zoning districts shown on Schedule "D", dated January 7th, 1991, upon approval of a DASSF for said blocks, shall be as follows:

| | | |
|---|---|---|
| Block A | R1-4 | 20 metres (65.6 feet) |
| Block B | R1-4 | 14.32 metres (47.0 feet) |
| Block C | R1-4 | 14.32 metres (47.0 feet) |
| All other R1-4 blocks | | 13.71 metres (45.0 feet) |

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

VI. That the subdivision/rezoning by-law shall become effective when the plan of subdivision has been registered in the Winnipeg Land Titles Office and the Development Agreement has been executed.

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

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

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 918 for attachments.)

**ZONING AGREEMENT AMENDMENT - 1555 St. Mary's Road - St. Boniface-St. Vital Community. File No. DAZ 269/85 (ZAA 25/90).**

**905** - 9. Your Committee on Planning and Community Services has been advised that an application has been received from Meadowood Professional Group Inc., 1555 St. Mary's Road, to amend the Zoning Agreement affecting 1555 St. Mary's Road by adding to the list of permitted uses a radiology and medical laboratory, and to permit the legalization and maintenance of a pedestrian pathway through the 13 foot, landscaped strip on Abbotsford Crescent.

The applicant is seeking permission to maintain a medical laboratory.

The establishment of this use as a part of a medical office did not increase the intensity of the use to a level which is incompatible with adjacent housing. The amendment of the Zoning Agreement to allow the use is not unreasonable, and would not defeat the original purpose of the Zoning Agreement to limit development for the protection of dwellings to the east.

The applicant also seeks permission to maintain a pedestrian pathway.

This pathway was established by use of an opening in the fence which separates the site from Abbotsford Crescent.

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The original purpose of the prohibition of such a pathway was to preclude the use of local residential streets for parking in association with commercial uses. The provision of openings in the fence facing both Greenwood Avenue and Abbotsford Crescent clearly defeats that purpose, however indirectly. Amendment of the Zoning Agreement to allow the maintenance of a pathway is unreasonable, and would totally defeat the original purpose of the Zoning Agreement to protect dwellings to the east.

Further, the Zoning Agreement should be amended to prohibit specifically any openings in fencing facing either Greenwood Avenue or Abbotsford Crescent. The maintenance of continuous fencing would discourage the use of local streets for either employee or customer parking, as intended, in favour of on-site parking provided.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on February 26th and March 19th, 1991.

Mr. K. Greenhalgh, Manko Shypit, Robertson, 202-1555 St. Mary's Road, Winnipeg, R2M 3W2, (on behalf of the Applicant), appeared in support of the application.

Mrs. Nancy Kati, 1633B St. Mary's Road, Winnipeg, R2N 1Z3, appeared in opposition thereto.

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

1) Committee is of the opinion there is sufficient parking available in the existing parking lot.

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

In order to clarify the intent that no openings of any sort are to be permitted in the fence it is necessary to add an addition to state this to the St. Boniface-St. Vital Community Committee's recommendation and recommends:

I. That Zoning Agreement DAZ 269/85 be amended as follows:

A. That clause (2) be amended by adding to the list of permitted uses on the land:

"medical laboratory (including radiology)".

B. That clause (8) be deleted and replaced by the following:

"The Owner shall provide and maintain on the land a continuous and opaque wood fence not including any gate or other opening not less than four feet in height, parallel to the east and south limits of the land which abut Abbotsford Crescent and Greenwood Avenue, said fence to be constructed by no later than March 31st, 1993, and shall provide and maintain a landscaped set-back not less than thirteen feet in depth from the limit of Abbotsford Crescent to any building, structure or use."

II. That the City Solicitor be requested to prepare the necessary amendment to Zoning Agreement DAZ 269/85 as approved in Recommendation I above.

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

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

Moved by Councillor Gilroy,
Adoption of the clause.

In amendment,

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Moved by Councillor Kaufmann,
Seconded by Councillor Demare,

THAT Clause 9 of the Report of the Committee on Planning and Community Services, dated May 13th, 1991, be amended by deleting the words "a continuous and" where they appear in the second line of Recommendation I. B. and that the word "an" be inserted in place thereof;

AND THAT the third line of said Recommendation I. B. be amended by inserting the words "and any existing openings" after the word "opening" therein.

Moved by Councillor Kaufmann,

That the clause and proposed amendment be referred back to the Committee on Planning and Community Services.

The motion to refer was put.

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

Yea: Councillors Wade, Clement, Douglas, Fleisher, Fraser, Gilroy, Lazarenko, Murray, O'Shaughnessy, Prystanski, Thomas, Timmers, Young, Yuen and Mayor Norrie. 15

Nay: Councillors Boychuk, Brown, Demare, Diamant, Duguid, Golden, Hyman, Kaufmann, Selinger and Eadie. 10

and the motion to refer was declared carried.

(Note: Council later reconsidered this decision. For disposition of Clause 9, refer to Minute No. 930.)

**REZONING - 205 Lakewood Boulevard - St. Boniface-St. Vital Community File No. DAZ 201/91.**

**906 -** 10. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. Serge Bibeau, 190 Raymond Place, to amend The St. Boniface Town Planning Scheme 1957 by rezoning the land at 205 Lakewood Boulevard from an "R1" One-Family District to an "R4B-One" Planned Building Group District to permit the construction of a multiple-family/institutional dwelling.

The subject site is 80.8 metres frontage x 173.7 metres depth (265 feet frontage x 570 feet depth) providing a total site area of 12,440 square metres (133,900 square feet).

The surrounding land (north, south and east) consists of one family dwellings and a retention pond (Stillwater Park) on the west, zoned "R1".

Institutions cannot be distinguished from commercial uses in their effects. Both multiple-family dwellings and institutions should be located towards the outer edges of neighbourhoods to ensure that higher traffic volumes are not required to penetrate a significant distance into those neighbourhoods. These uses are also inappropriate in the centre of low-density neighbourhoods because of incompatible scale, intensity and character.

The subject site can support compatible development as a cul-de-sac, with approximately fifteen one-family lots. Such development is far more preferable on the basis of traffic generation alone, given the resident perception of existing unacceptable volumes of traffic on Lakewood Boulevard. The proximity of the site to the intersection of Lakewood Boulevard and Willowdale Crescent may also exacerbate perceived congestion at that intersection.

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The Streets and Transportation Department objects to the proposal because as illustrated it will generate approximately 300 vehicle trips per day, but under the proposed zoning the developer could establish development which would generate in excess of 700 vehicle trips per day. "All of these vehicle trips to and from this site will use Lakewood Boulevard which is already experiencing higher than desirable traffic volumes, resulting in complaints and concerns being expressed by residents of the Southdale area."

Sites identified for possible church development are zoned for one-family or multiple-family use in different circumstances, at the time of original approval. In the event that such a site is not used for a church, there is no justification for the later rezoning of that site for a multiple-family dwelling and institution. The original zoning of the land to "R1" clearly indicates that the alternative use contemplated would be one-family dwellings.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on February 5th, February 27th and March 19th, 1991.

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

Mr. S. Bibeau, 190 Raymond Place, Winnipeg, R2H 1C8,
Mr. Normand Boisvert, 88 Sweetwater Bay, Winnipeg, R2J 3G5,
(on behalf of the Applicant),
Mr. Roland Boisvert, 348 Royal Mint Drive, Winnipeg, R2J 3Z6,
(on behalf of the Applicant),
Mr. Omer Fontaine, 46 Burntwood Crescent, Winnipeg, R2J 3A1,
(on behalf of the Applicant),
Mrs. G. & Mr. Lucien Lussier, 19 Cypress Bay, Winnipeg, R2J 1Z7,
(on behalf of the applicant),
Mrs. Suzanne & Mr. Joseph Muller, 11 Huppe Bay, Winnipeg, R3X 1H4,
Mr. Calestin Alarie, 94 DeBourmont Bay, Winnipeg, R2J 1K3,
(on behalf of the Applicant),
Mr. Roland Arnal, 11 Bentwood Bay, Winnipeg, R2J 2G2,
(on behalf of the Applicant),
Mrs. Solange & Mr. Jacques Ayotte, 108 Lake Park Drive, Winnipeg, R2J 3A8,
(on behalf of theApplicant),
Mr. Marcel Beaudet, 827 Elizabeth Road, Winnipeg, R2J 1A5,
(on behalf of the Applicant),
Mr. Andre Blondeau, 11 Penfold Crescent, Winnipeg, R2J 1S3,
Mr. Maurice Cadieux, Box 27, Group 114, RR1, Vermette P.O., R0G 2W0,
Mr. Paul Carriere, 100 Brookhaven Bay, Winnipeg, R2J 2S3,
(on behalf of the Applicant),
Mrs. Simone Comeault, 18 Lochmoor Avenue, Winnipeg, R2J 1P6,
Mr. Jean-Paul Courcelles, 90 Penfold Crescent, Winnipeg, R2J 1S5,
Mr. Denis Delannoy, 139 Speers Road, Winnipeg, R2J 1M5,
(on behalf of the Applicant),
Mr. Hector Demarche, 67 Hansford Road, Winnipeg, R2J 2J5,
Mr. Albert Desautels, 6 Marwood Avenue, Winnipeg, R2J 3H4,
(on behalf of the Applicant),
Mrs. Agathe Forest, 937 Dugas Street, Winnipeg, R2J 0Z9,
(on behalf of the Applicant),
Mr. Victor Joubert, 21 Cascade Bay, Winnipeg, R2J 2N2,
(on behalf of the Applicant),
Mr. R. Laurin, 35 Island Cove, Winnipeg, R3V 1G1,
Mr. F. Lavallee, 108 Harper Avenue, Winnipeg, R2J 2Y6,
Mr. & Mrs. Rene J. Lepine, 134 Clearwater Road, Winnipeg, R2J 2T5,
(on behalf of the Applicant),
Mr. Albert Peloquin, 22 Wiltshire Bay, Winnipeg, R2J 2L5,
(on behalf of the Applicant),
Ms Irma Remillard, 5 Fleury Place, Winnipeg, R2J 2T3,
(on behalf of the Applicant),
Mr. Robert Ray, 7 Clearwater Road, Winnipeg, R2J 2T3,
(on behalf of the Applicant),
Mr. Gerald Rheault, 15 Morning Glory Crescent, Winnipeg, R2J 3Y5,
(on behalf of the Applicant),

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Mr. Louis Roch, 41 Bittersweet Bay, Winnipeg, R2J 2E5,
Mr. Edmond Roy, 14 Cherry Crescent, Winnipeg, R2J 1N9,
(on behalf of the Applicant),
Mr. Gerard Vermette, 11 Cascade Bay, Winnipeg, R2J 1W2,
(on behalf of the Applicant).

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

Mr. W. Cameron, 68 Tahoe Bay, Winnipeg, R2W 2W4,
Mr. Ed & Mrs. V.A. Chubb, 45 Cormorant Bay, Winnipeg, R2J 2V8,
Mr. Chris Drome, 59 Cormorant Bay, Winnipeg, R2J 2V8,
Mr. Mike Gaston, 18 Burntwood Crescent, Winnipeg, R2J 3T1,
Mr. Gerry M. Hradowy, 205 Lakewood Boulevard, Winnipeg, R2J 2N2
(on behalf of the Southdale Resident Advisory Group),
Mr. Robert Lee, 71 Park Grove Drive, Winnipeg, R2J 3L4,
Mrs. Ann & Mr. K. Reichert, 60 Edgewater Drive, Winnipeg, R2J 2V2,
Mr. John Robertson, 102 Tamarac Bay, Winnipeg, R2J 2Y8,
Mr. Roy Schellenberg, 35 Tamarac Bay, Winnipeg, R2J 2Y9,
Mrs. Diane & Mr. John Smaizys, 98 Tamarac Bay, Winnipeg, R2J 2Y8
(on behalf of the Southdale Resident Advisory Group),
Mrs. Judith J. Swendrowski, 195 Lakewood Boulevard, Winnipeg, R2J 2N1,
Mrs. Diane & Mr. James Worobec, 49 Cormorant Bay, Winnipeg, R2J 2V8,
Mr. & Mrs. B. Atamanchuk, 91 Tamarac Bay, Winnipeg, R2J 2Y9,
Mr. Doug Barclay, 35 Watercress Road, Winnipeg, R2J 2W2,
Mrs. Gerri & Mr. George Bazay, 19 Tamarac Bay, Winnipeg, R2J 2Y9,
Ms Nancy Barkley, 42 Meadowbrook Road, Winnipeg, R2J 2S6,
Mr. Dean Barzett, 27 Tamarac Bay, Winnipeg, R2J 2Y9,
Mrs. Hilda Berenesky, 94 Tamarac Bay, Winnipeg, R2J 2Y8,
Mr. Brian Bevan, 37 Cormorant Bay, Winnipeg, R2J 2V8,
Mrs. L. & Mr. Fred Binne, 21 Edgewater Drive, Winnipeg, R2J 2V4,
Mrs. Sylvia Bond, 91 Willow Point Road, Winnipeg, R2J 2P7,
Mr. Peter Bowyer, 393 Novavista Drive, Winnipeg, R2N 1E9,
Mrs. Jennifer Brown, 14 Cormorant Bay, Winnipeg, R2J 2V7,
Ms B. Cerilli, 38 Park Grove Drive, Winnipeg, R2J 3L6,
Mr. Rob Cowherd, 7 Gadwall Place, Winnipeg, R2J 2R7,
Mrs. Sandra Croteau, 82 Willow Point Road, Winnipeg, R2J 2Y3,
Mr. E. Crowston, 79 Tahoe Bay, Winnipeg, R2J 2W3,
Mr. Tom Dopson, 84 Sweetwater Bay, Winnipeg, R2J 3G5,
Mrs. Lorraine Douglas, 90 Tamarac Bay, Winnipeg, R2J 2Y9,
(on behalf of the Southdale Residents' Advisory Group),
Mrs. Hilda & Mr. Robert Drome, 59 Cormorant Bay, Winnipeg, R2J 2V8,
Mr. Brad Ehinger, 23 Tamarac Bay, Winnipeg, R2J 2Y9,
Mr. Grant Gregory Feschuk, 138 Cormorant Bay, Winnipeg, R2J 2V9,
Mr. Rudolf Fleischhaur, 88 Tahoe Bay, Winnipeg, R2J 2W4,
Mrs. Lynn Fulton, 15 Cullorden Road, Winnipeg, R2J 3S4,
Mr. John Gnall, 19 Cyril Place, Winnipeg, R2J 3B1,
Mrs. Marilyn & Mr. Kal Juvonen, 63 Stillwater Road, Winnipeg, R2J 2R2,
Mrs. Pramilla & Mr. Santer Kaura, 33 Edgewater Drive, Winnipeg, R2J 2V4,
Mr. Gary Kelly, 80 Tahoe Bay, Winnipeg, R2J 2W4,
Mr. William Leiper, 42 Meadowbrook Road, Winnipeg, R2J 2S6,
Mr. Denis Longpre, 139 Cormorant Bay, Winnipeg, R2J 2V8,
Mr. Bill Lucenkiw, 51 Tamarac Bay, Winnipeg, R2J 2Y9,
Mr. & Mrs. R. W. Manning, 133 Brookhaven Bay, Winnipeg, R2J 2S5,
Mrs. Marion & Mr. Richard Mantay, 79 Tamarac Bay, Winnipeg, R2J 2Y9,
Mrs. Sue Martin 68 Sweetwater Bay, Winnipeg, R2J 3G5,
Mrs. Adrienne & Mr. Jack Milton, 39 Tamarac, Winnipeg, R2J 2Y9,
Mrs. Evelyn & Mr. T. A. Morrison, 48 Sweetwater Bay, Winnipeg, R2J 3G5,
Mr. B. Neil, 41 Cormorant Bay, Winnipeg, R2J 2V3,
Mr. Albert Pazianowski, 194 Edgewater Drive, Winnipeg, R2J 3G7,
(on behalf of the Southdale Residents' Advisory Group),
Ms T. & Mr. L. Pyper, 108 Brookhaven Bay, Winnipeg, R2J 3S3,

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Mr. R. Pyper, 112 Brookhaven Bay, Winnipeg, R2J 2S3,
Mrs. Nancy & Mr. R. Reeve, 43 Tamarac Bay, Winnipeg, R2J 2Y9,
Mrs. Sharen Robertson, 102 Tamarac Bay, Winnipeg, R2J 2Y8,
Mrs. Elizabeth & Mr. Ron Romance, 27 Tamarac Bay, Winnipeg, R2J 2Y9,
Mr. James Ross, 26 Edgewater Drive, Winnipeg, R2J 2Y2,
Mrs. Roseanne & Mr. Frank E. Scholz, 99 Tamarac Bay, Winnipeg, R2J 2Y9,
Mr. Michael Scott, 8 Tahoe Bay, Winnipeg, R2J 2W4,
Mrs. Cathy Smith, 55 Sweetwater Bay, Winnipeg, R2J 3G4,
Mrs. Judith & Mr. Gerald Stevens, 83 Tahoe Bay, Winnipeg, R2J 2W3,
Mr. Paul Thibodeau, 19 Meadowbrook Road, Winnipeg, R2J 2S7,
Mr. Grant Thiessen, 75 Tamarac Bay, Winnipeg, R2J 2Y9,
Mrs. I. & Mr. Werner Trinkaus, 83 Tamarac Bay, Winnipeg, R2J 2Y9,
Joan Van Damme, 51 Stillwater Road, Winnipeg, R2J 2R2,
Mrs. Anne & Mr. Gordon Whyte, 57 Stillwater Road, Winnipeg, R2J 2R2,
Mr. Leslie Wilde, 10 Tamarac Bay, Winnipeg, R2J 2Y8,
Mrs. Eileen Wiseman, 7 Cormorant Bay, Winnipeg, R2J 2V8,
Mr. Buckman Yee, 66 Cormorant Bay, Winnipeg, R2J 2V9.

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

1) The Community Committee is of the opinion a more suitable site in Southdale can be found for the construction of a multiple- family/institutional dwelling.

Your Committee on Planning and Community Services concurs in the recommendation of the St. Boniface-St. Vital Community Committee and recommends that the proposed zoning change to amend The St. Boniface Town Planning Scheme 1957 by rezoning land under File No. DAZ 201/91 from an "R1" One-Family District to an "R4B-One" Planned Building Group District be not proceeded with.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

**REZONING - 1084 and 1090 Powers Street - Lord Selkirk-West Kildonan Community. File No. DAZ 207/91**

**907** - 11. Your Committee on Planning and Community Services has been advised that an application has been received from Jacques Rollier, Architect, 130 Scott Street, to amend By-law No. 4450/86 by rezoning the land at 1084 and 1090 Powers Street from an "RM-3" Multiple-Family District to an "RM-4" Multiple-Family District and an "RM-6" Multiple-Family District to allow for the construction of a multiple-family dwelling (Senior Citizen's).

On lands to the west is an existing 48 unit seniors complex zoned "RM-3" Multiple-Family District.

To the north is a fully developed single-family residential area north of Leila Avenue zoned "R1-5".

To the east is an existing 7 storey building zoned "RM-5" Multiple-Family District.

To the south is an existing 3 storey multiple-family structure zoned "RM-4" Multiple-Family District.

The owners are proposing to construct a 41 unit 6 storey seniors housing complex on the subject site which will be directly linked to an existing adjacent 48 unit seniors complex to the north. The proposed development will constitute the final stage of an overall development scheme which encompasses all of the land bounded by Powers Street, Partridge Avenue, Leila Avenue and Andrews Street.

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

The primary approach to the site and the new parking area will be a shared approach off of Powers Street. The approach also acts as one of two approaches to a group home lying immediately north of the subject property.

The Planning Department is of the view that the proposed development is appropriately sited and will not constitute a problem for the surrounding neighbourhood. There is an ever increasing need for additional seniors housing facilities in the immediate area and the choice of the subject property would appear to be appropriate given its proximity to major thoroughfares and major transit routes.

A Public Meeting was held before the Lord Selkirk-West Kildonan Community Committee on March 19th, 1991.

The following persons appeared in support of the application:

J. Rollier, 130 Scott Street, Winnipeg, R3L 0K8,
David Rapson, Suite 5 - 2633 Portage Avenue, Winnipeg, R3J 0P7,
W. Weind, 33 Peterboro Bay, Winnipeg, R2J 1S6.

No one appeared in opposition thereto.

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

1. The proposed development is appropriately sited and will not constitute a problem for the surrounding neighbourhood.

2. There is an ever increasing need for additional seniors housing facilities in the immediate area.

3. The choice of the subject property would appear to be appropriate given its proximity to major thoroughfares and major transit routes.

Your Committee on Planning and Community Services concurs in the 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 207/91, attached hereto and dated April 9th, 1991, to an "RM-6" Multiple-Family District and an "RM-4" Multiple-Family District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 605(1) of The City of Winnipeg Act as it affects Lot 3, Block 3, Plan 9815 and SP Lot 4, Plan 24178; to provide for the following:

      1. That no building or structure shall be constructed on the subject land and no building permit issued for construction of such building or structure until plans including the design and location of proposed buildings, parking, landscaping, fencing, location of refuse receptacles and methods of access and egress are submitted to and approved by the Lord Selkirk-West Kildonan Community Committee and the Commissioner of Planning and Community Services.

      2. 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 market value of the land.

II. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings 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 caveat with first charge against the subject land at the Winnipeg Land Titles Office.

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

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

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

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 919 for attachment.)

**REZONING - 151 Watson Street, West side, North of Stardust Avenue - Lord Selkirk-West Kildonan Community.**
**File No. DAZ 208/91**

**908 -** 12. Your Committee on Planning and Community Services has been advised that an application has been received from Siwak/Rapson Consultants Ltd., 5 - 2633 Portage Avenue, to amend By-law No. 4450/86 by rezoning the land at 151 Watson Street from an "PR" Park and Recreational District to an "RM-L" Multiple-Family District to allow for the construction of a multiple-family dwelling to house people and families which have at least one handicapped person in each household.

To the north there exists a fully developed Multiple-Family Complex, zoned "M-2".

The east side of Watson Street is a fully developed commercial area extending all the way through to McPhillips Street, zoned "C2-5".

To the south is the Manitoba Hydro Transmission Line.

To the west on the far side of the Manitoba Hydro Transmission Line is a single-family residential subdivision.

The applicants propose to build a 25 unit single storey complex to house the handicapped. There is a provision for 25 resident parking stalls and 8 visitor parking spaces. Access to and from the site will be directly off Watson Street. Overall building area totals 21,975 square feet.

It is the opinion of the Planning Department that there is a need for and a shortage of handicapped housing of this type in the Lord Selkirk-West Kildonan area. The Planning Department, therefore, supports the rezoning of the subject City land for the proposed development. It should be noted that the subject site is particularly suitable for low density multiple development because of

1) proximity to similar developments lying adjacent to the north, and

2) proximity to both nearby transit routes, major arterial streets and major commercial retail outlets.

A Public Meeting was held before the Lord Selkirk-West Kildonan Community Committee on February 26th, 1991.

The following persons appeared in support of the application:

David Rapson, Suite 5 - 2633 Portage Avenue, Winnipeg, R3V 0P7,
W. Arnott, 755 Lipton Street, Winnipeg, R3E 2L2,
Linda Plumridge, 16 - 19 Jack Donner Drive, Winnipeg, R2V 3N1,
Karen D. Darling, 16 - 1411 Fife Street, Winnipeg, R2P 0A2.

No one appeared in opposition thereto.

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

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

1. There is both an overwhelming need for and a shortage of handicapped housing of this type in the Lord Selkirk-West Kildonan area.

2. The subject site is particularly suitable for low density multiple development because of:

   a) proximity to similar developments lying adjacent to the north; and
   b) proximity to both nearby transit routes, major arterial streets and major commercial retail outlets.

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

1) Items I. C. and I. D. of the Lord Selkirk-West Kildonan Community report should be included in a Zoning Agreement. Item I. B. is already covered under the Servicing Agreement, and Item I. A. is an item which should be listed separately.

2) Your Committee is also of the view that the 10 per cent dedication should be waived for the following reasons:-

   1) The sales agreement with Tranquility is conditional on the fact that they will be able to achieve the upgraded zoning. The city therefore is selling rezoned land and the transaction will be structured accordingly.

   2) The terms of the sale will dictate that the City be responsible for the cost of the dedication therefore, the funds for dedication will reduce the net revenue scheduled to go back to the Land Dedication Reserve Account for the Lord Selkirk-West Kildonan Community.

   3) The non-profit policy dictates that the ownership of the land will revert back to the City at the end of the economic life of the project. Therefore, the City will eventually be the beneficial owner of the rezoned land;

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 208/91 attached hereto and dated March 7th, 1991, to an "RM-L" Multiple-Family District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 605(1) of The City of Winnipeg Act to provide for the following:

      1. That no building or structure shall be constructed on the subject land and no building permit issued for construction of such building or structure until plans including the design and location of proposed buildings, parking, landscaping, fencing, location of refuse receptacles and methods of access and egress are submitted to and approved by the Lord Selkirk-West Kildonan Community Committee and the Commissioner of Planning and Community Services.

      2. That the 10 per cent dedication be waived.

II. That the applicant enter into a Servicing Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated February 14th, 1991, attached hereto as Schedule "B" for DAZ 208/91 and dated March 7th, 1991.

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.

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

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

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

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

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 920 for attachments.)

**REZONING - North side of Mission Street, west of Auburn Street - St. Boniface - St. Vital Community.**
**File No. DAZ 209/91.**

**909 -** 13. Your Committee on Planning and Community Services has been advised that an application has been received from The City of Winnipeg, Land Surveys and Real Estate Department, 2nd Floor - 65 Garry Street, toamend The St. Boniface Town Planning Scheme 1957 by rezoning the land on the north side of Mission Street, west of Auburn Street from a "PR" Park and Recreational District to an "M3" Heavy Industrial District to allowfor industrial development. Schedule "A" to DAZ 209/91 attached hereto and dated April 30th, 1991 shows the lands proposed to be rezoned.

The subject site on the north side of Paris Avenue is 205.74 metres x 27.43 metres, (675 feet x 90 feet) and on the south side of Paris Avenue 190.5 metres x 27.43 metres (625 feet x 90 feet) providing a total site area of 10,870 square metres (117,000 square feet). To the north of the subject site is vacant land and railway, zoned "M3". To the south, east and west is a mix of vacant land, industrial uses and dwellings zoned "M3".

The subject site is not improved as a park, and such improvement is not appropriate at this location, because housing is not permitted in the "M3" District which surrounds the site.

The most appropriate use of the land would be for heavy industry, if industrial development takes place only as dwellings fronting Mission Street are removed. The proposal would allow the consolidation of the land with Mission frontage, following the closing of Paris Avenue.

Neither a Zoning Agreement nor a Servicing Agreement is required in this case, because the land is owned by the City. Any servicing costs which may be incurred would be recouped through the sale of the lands.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on March 20th, 1991.

The following persons appeared in support of the application:

Mr. Jim Galley, Land Surveys and Real Estate Department, 65 Garry Street, Winnipeg, R3C 4K1,
Mr. Myron Jaworski, 1005 Mission Street, Winnipeg, R2J OA4,
Mrs. Jeanne Tardiff, 891 Mission Street, Winnipeg, R2J OA4.

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

The following persons appeared in opposition thereto:

Mr. Pierre Deniset, 200 - 202 Provencher Boulevard, Winnipeg, R2H 2G3,
(on behalf of Mrs. Delphine Lang),
Mrs. Helmut & Mr. Eric Groth, 963 Mission Street, Winnipeg, R2J OA4,
Mr. Randy Groth, 217 Midwinter Avenue, Winnipeg, R2L OT9.

The St. Boniface-St. Vital Community Committee recommended that a portion of the proposed zoning change be approved however did not provide any supporting reasons for this decision.

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

I. That the St. Boniface Town Planning Scheme 1957 be amended by rezoning Lots 18 to 26, inclusive in Blocks 1 and 2, north and south of Paris Street, and the west 8 feet of Lot 27, in Blocks 1 and 2; shown on Schedule "B" for File No. DAZ 209/91, attached hereto and dated April 30th, 1991, to an "M3" Heavy Industrial District.

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

III. That the Committee on Finance and Administration be requested to:

a. Retain Lot 56 and part Lot 55, Block 2, for non-industrial use while 895 Mission Street is used for residential purposes;
b. Negotiate (a 10 foot east side yard) with the purchaser of Lot 59, Block 2;

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

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 921 for attachments.)

**REZONING - 466 St. Anne's Road west side between Hindley and Worthington Avenues - St. Boniface - St. Vital Community. File No. DAZ 210/91**

**910 -** 14. Your Committee on Planning and Community Services has been advised that an application has been received from Rutledge and Dyker, 310 - 3025 Portage Avenue, to amend The St. Vital Town Planning Scheme 1951 by rezoning the land at 466 St. Anne's Road from a "C1" (Limited Commercial District) to a "C2" (Commercial District) to allow an existing restaurant to be licensed subject to Conditional Use approval.

The subject site is 9.75 metres x 30.48 metres (32 feet x 100 feet), providing a total site area of 297 square metres (3,200 square feet).

The surrounding lands are all zoned "C1" Commercial.

The existing unlicensed restaurant at 466 St. Anne's Road contains 38 seats, although inadequate parking is provided on the land. The proposal to make the existing restaurant a licensed restaurant would reduce the capacity to 30 seats, and therefore, would not be considered to create additional demands on the adjacent local streets for traffic circulation and parking.

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

It cannot be recommended that a restaurant be established without the provision of 1 parking space for each 4 seats, or for each 100 square feet of floor area. However, in a case where a restaurant exists, its conversion to a licensed restaurant without a cocktail lounge on the premises would not be expected to have significantly different effects on adjacent uses if the capacity is not increased.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on April 9th, 1991.

Mr. Dimitrios Sinticharis, 466 St. Anne's Road, Winnipeg, R2M 3E1, appeared in support of the application.

No one appeared in opposition thereto.

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

1. The approval of this application will not attract additional traffic to the area.

2. There have been no previous complaints from the area residents relative to the operation of the existing restaurant.

3. The seating capacity of the existing restaurant is being reduced.

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 210/91 attached hereto and dated April 30th, 1991, to "C2" Commercial District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 605(1) of The City of Winnipeg Act to provide for the following:

      1. That 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;

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

II. That the City Solicitor be 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 caveat with first charge against the subject land at the Winnipeg Land Titles Office.

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

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.

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 922 for attachment.)

**REZONING - 825 Keewatin Street, south-east corner Keewatin Street and Burrows Avenue - Lord Selkirk-West Kildonan Community.**
**File No. DAZ 213/91 (c/r DASSF 514/91)**

**911 -** 15. LAID OVER BY EXECUTIVE POLICY COMMITTEE FOR FURTHER CONSIDERATION

**REZONING - 1824 Pembina Highway, south-east corner at Adamar Road - Assiniboine Park - Fort Garry Community. File No. DAZ 218/91**

**912 -** 16. Your Committee on Planning and Community Services has been advised that an application has been received from Leslie-Gowers Hotels Inc., 1824 Pembina Highway to amend By-Law No. 1800 by rezoning the land at 1824 Pembina Highway from an "RM-3" Multiple-Family District to a "C2" General Commercial District to reflect the existing use (hotel).

The applicant has applied to rezone the subject lands from "RM-3" Multiple-Family District to "C2" General Commercial District. The site contains the Ramada Inn which straddles the subject zoning lot (Lots 11 and 12, Plan 11,201) and the adjacent zoning lot to the south (Lot 10, Plan 11,201 and Lot 13, S.P. Plan 22,586) which are already zoned "C2".

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

This application has been made at the request of the Planning Department in order to bring the zoning in line with the existing land use, which was established with the hotel's construction in 1961. Therefore it was not deemed appropriate at this time to impose the ten percent dedication on the applicant requested under normal rezoning applications.

A Public Meeting was held before the Assiniboine Park-Fort Garry Community Committee on April 16th, 1991.

Stephen Cohlmeyer, Cohlmeyer Hanson and Associates, 62 Ellen Street, Winnipeg, R3A OX7, appeared in support of the application.

No one appeared in opposition thereto.

The Assiniboine Park-Fort Garry Community Committee recommended that the proposed zoning change be approved for the following reasons:

1. The site contains the Ramada Inn which straddles the subject zoning lot and the adjacent zoning lot to the south which is already zoned "C2".

2. The zoning designation will now be congruent with the land use, which was established with the hotel's construction in 1961.

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

I. That By-law No. 1800 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 218/91, attached hereto and dated April 26th, 1991, to a "C2" General Commercial District subject to the following:

   A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 605(1) of The City of Winnipeg Act on the subject site (Lots 11 and 12, Block 1, Plan 11,201) on the subject site and contiguous land (Lot 10, Block 1, Plan 11,201 and SP Lot 13, Plan 22,586) in the same ownership.

      1. That permitted land use be restricted to the following:

         a. a hotel
         b. accessory uses

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 caveat with first charge against the subject land (Lots 11 and 12, Block 1, Plan 11,201) and the contiguous lands (Lot 10, Block 1, Plan 11201 and SP Lot 13, Plan 22,586) at the Winnipeg Land Titles Office.

IV. That the Proper Officers of the City are hereby 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 Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 923 for attachment.)

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

**REZONING - East side of Highbury Road, south of John Forsyth Road - St. Boniface-St. Vital Community.**
**File No. DAZ 220/91.**

**913 -** 17. Your Committee on Planning and Community Services has been advised that an application has been received from the St. Vital School Division No. 6, 900 St. Mary's Road, to amend The St. Vital Town Planning Scheme 1951 by rezoning the land on the east side of Highbury Road, south of John Forsyth Road from an "A1" Agricultural District to a "PR" Park and Recreational District to allow for the construction of a school (kindergarten to grade nine).

The lands to the north and west consist of low-density housing zoned "R1-4", "RP-L" and "R1-5". To the east and south is a park zoned "PR".

This site has been reserved for construction of a school since the approval of DASZ 31/84, but was not rezoned from "A1" to "PR" at the time of that approval because the School Division optioned, and did not purchase, the land.

Although a school can be constructed in the "A1" District, the St. Vital School Division No. 6 proposes to exchange certain lands with the City, altering the shape of both the school site and the adjacent park in a manner which would not correspond to zoning boundaries. It is entirely appropriate that both the school and the park be zoned "PR".

Servicing requirements are already governed by a Servicing Agreement executed under DASZ 31/84. A Zoning Agreement is not required for a school site zoned "PR", and dedication is not applicable.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on April 9th, 1991.

No one appeared in support or opposition thereto.

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

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 220/91, attached hereto and dated April 30th, 1991, to a "PR" Park and Recreational District.

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

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

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 924 for attachment.)

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

**Proposed Plan of Survey and Consent(s) to convey land located on the north side of McGillivray Boulevard, west of Beaumont Street - Assiniboine Park-Fort Garry Community.**
**File No. DASZ 2/90 (c/r DASSF 524/91)**

**914 -** 18. Council on June 20th, 1990 adopted Clause 13 of the Report of the Committee on Planning and Community Services in connection with the subdivision and rezoning of land located north of McGillivray Boulevard, west of Beaumont Street from a "C3" Highway Commercial District to an "R1-5" Single-Family District for the establishment of 90 to 100 single family lots.

The existing property holding, commonly known as Garry Memorial Park, contains a cemetery (basically developed in the area shown as Parcel "A" on attached Schedules "A" and "B" atttached hereto and dated May 3rd, 1990 and April 29th, 1991) and a large tract of mainly vacant land (Parcels "B" and "C"), with the notable exception of a crematorium located at the south-west corner of the property. In the early part of 1990 Lombard North Group applied for a Subdivision and Rezoning (DASZ 2/90) approval on part of the subject property; proposed Parcel "B". The Lombard North Group was acting on behalf of the property owner, The Elmwood Cemetery Company. However, due to the recent economic conditions this application has not been completed. In the interim a sale of proposed Parcel "A" has been negotiated and agreed upon, again due to certain economic constraints. Proceeds from the sale of Parcel "A" were used to pay the property taxes applicable to this entire site; the taxes already being in arrears with penalties owing. The payment of the taxes and the aforementioned land transaction are contingent upon a Plan of Survey being approved and a consent being issued by the City for the conveyance of parcel "A". This would allow the transfer of land ownership to be fully completed.

Pursuant to Section 642(37) of The City of Winnipeg Act, your Committee on Planning and Community Services has approved the plan of survey and consent to convey proposed under file DASSF 524/91.

In order to ensure that the "R1-5" zoning is in place as soon as possible, it is necessary that the rezoning by-law for the "R1-5" zoning be passed prior to the completion and execution of the Development Agreement for DASZ 2/90, and the legal plan of subdivision being prepared. The rezoning should go ahead on the basis of the legal plan prepared for file DASSF 524/91. This action would enable Council's wishes to be fulfilled that the subject land (Parcel "B") be zoned for single family development, versus "C3" commercial purposes. The Assiniboine Park-Fort Garry Community Committee gave the following reasons for supporting the "R1-5" subdivision:-

"1. The present zoning would permit a land use that would be an undesirable intrusion into the surrounding residential neighbourhood.

2. This single-family residential development is consistent with the objectives of Plan Winnipeg and will revitalize an established neighbourhood by increasing the availability of family housing."

Recommendations IV., V. and VI. of Clause 13 of the Report of the Committee on Planning and Community Services dated May 28th, 1990, as amended and adopted by Council on June 20th, 1990, reads as follows:

"IV. That By-law No. 1800 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 2/90, attached hereto and dated May 3rd, 1990 to an "R1-5" Single-Family District.

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

VI. That the "R1-5" zoning district shall come into effect when the plan of subdivision has been registered in the Winnipeg Land Titles Office and the Development Agreement has been executed."

**Report of the Committee on Planning and Community Services, dated May 13th, 1991.**

Your Committee on Planning and Community Services recommends that Recommendations V. and VI. of Clause 13 of the Report of the Committee on Planning and Community Services dated may 28th, 1990 as amended and adopted by Council on June 20th, 1990, be rescinded and that the following be substituted therefor:-

V. That the City Solicitor be requested to prepare a rezoning by-law in accordance with above Recommendation IV.

VI. That the "R1-5" zoning district shall come into effect when the plan of survey approved under File No. DASSF 524/91 has been registered in the Winnipeg Land Titles Office.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 925 for attachments.)

**915** - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

**916** - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

**917** - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

**918** - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

**919** - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

**920** - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

**921** - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

**922** - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

**923** - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

**924** - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

**925** - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

## COMMITTEE ON PLANNING AND COMMUNITY SERVICES MOTIONS

Moved by Councillor Gilroy,
Seconded by Councillor O'Shaughnessy,
**926 -** THAT Councillor Hyman be appointed to the Committee on Planning and Community Services to replace former Councillor McKee for the balance of her term.

Carried.

## CONSIDERATION OF BY-LAWS

**927 -** On motion of Councillor Gilroy, the following By-laws were each read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:-

By-law No. 5698/91, a By-law of The City of Winnipeg to approve a Plan of Subdivision in the St. Boniface-St. Vital Community. File No. DASZ 8/89.

By-law No. 5699/91, a By-law of The City of Winnipeg to approve a Plan of Subdivision and to amend The St. Boniface Town Planning Scheme 1957 for the enactment of a zoning change in the St. Boniface-St. Vital Community. File No. DAS 21/90.

By-law No. 5700/91, a By-law of The City of Winnipeg to approve a Plan of Subdivision and to amend The St. Boniface Town Planning Scheme 1957 for the enactment of a zoning change in the St. Boniface-St. Vital Community. File No. DAS 22/90.

By-law No. 5701/91, a By-law of The City of Winnipeg to amend Zoning By-law No. 4450/86 for the enactment of a zoning change in the Lord Selkirk-West Kildonan Community. File No. DAZ 208/91.

By-law No. 5702/91, a By-law of The City of Winnipeg to amend The St. Boniface Town Planning Scheme 1957 for the enactment of a zoning change in the St. Boniface-St. Vital Community. File No. DAZ 209/91.

By-law No. 5703/91, a By-law of The City of Winnipeg to amend Zoning By-law No. 1800 for the enactment of a zoning change in the Assiniboine Park-Fort Garry Community. File No. DAZ 218/91.

By-law No. 5704/91, a By-law of The City of Winnipeg to amend The St. Vital Town Planning Scheme 1951 for the enactment of a zoning change in the St. Boniface-St. Vital Community. File No. DAZ 220/91.

On motion of Councillor Gilroy, the rule was suspended and By-law No. 5707/91, a By-law of The City of Winnipeg to amend Zoning By-law No. 16502 for the enactment of a zoning change in the City Centre-Fort Rouge Community was read a first, second and third time, the rule being suspended for the third reading and was passed and ordered to be signed and sealed. File No. DAZ 244/90.

**COMMITTEE ON PLANNING AND COMMUNITY SERVICES – CONSIDERATION OF BY-LAWS (continued)**

On motion of Councillor Gilroy, the rule was suspended and the following by-laws were each read a first time, namely:-

By-law No. 5705/91, a By-law of The City of Winnipeg to amend Zoning By-law No. 4440/86 for the enactment of a zoning change in the East Kildonan-Transcona Community. File No. DAZ 209A/89.

By-law No. 5706/91, a by-law of The City of Winnipeg to amend Zoning By-law No. 4440/86 for the enactment of a zoning change in the East Kildonan-Transcona Community. File No. DAZ 209B/89.

Councillor Gilroy moved that this constitute the first reading of By-law Nos. 5705/91 and 5706/91, which motion was carried.

Councillor Gilroy moved that By-law Nos. 5705/91 and 5706/91 be read a second time.

The motion that By-law No. 5705/91 be read a second time was put.

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

Yea: Councillors Brown, Clement, Demare, Fleisher, Fraser, Gilroy, Golden, Kaufmann, Mitchelson, O'Shaughnessy, Prystanski and Eadie. 12

Nay: Councillors Wade, Boychuk, Diamant, Douglas, Duguid, Hyman, Lazarenko, Murray, Reese, Selinger, Thomas, Timmers, Timm-Rudolph, Young and Yuen. 15

and the motion that By-law No. 5705/91 be read a second time was declared lost.

The motion that By-law No. 5706/91 be read a second time was put.

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

Yea: Councillors Brown, Clement, Demare, Fleisher, Fraser, Gilroy, Kaufmann, Mitchelson, Prystanski and Eadie. 10

Nay: Councillors Wade, Boychuk, Diamant, Douglas, Duguid, Golden, Hyman, Lazarenko, Murray, O'Shaughnessy, Reese, Selinger, Thomas, Timmers, Timm-Rudolph, Young and Yuen. 17

and the motion that By-law No. 5706/91 be read a second time was declared lost.

Moved by Councillor Reese,

That Rule 10 of the Procedure By-law No. 5400/90 be suspended to revert back to the order of business - "Consideration of Report of the Committee on Planning and Community Services."

Carried.

**CONSIDERATION OF REPORT OF THE**

**COMMITTEE ON PLANNING AND COMMUNITY SERVICES**

**928 -** Council proceeded to reconsider Clause 6 of the Report of the Committee on Planning and Community Services, dated May 13th, 1991, regarding the subdivision on the south side of Gauvreau Road between Charbonneau Crescent and Island Shore Boulevard, in the St. Boniface-St. Vital Community, under File No. DAS 21/90.

Moved by Councillor Gilroy,

That Council rescind its previous decision to refer Clause 6, and proposed amendment, back to Committee on Planning and Community Services.

Carried.

Council proceeded to reconsider the motion for the adoption of the clause, moved by Councillor Gilroy.

In amendment,

Moved by Councillor Reese,
Seconded by Councillor Selinger,

That Clauses 6 and 7 of the Report of the Committee on Planning and Community Services, dated May 13th, 1991, be amended by adding the following sub-recommendation after Recommendation I. A. in each case, namely:-

"B. The Developer shall, at no expense to the City, provide haul-away type refuse containers for use by the housebuilders, as determined by, and to the satisfaction of, the Commissioner of Works and Operations."

With the concurrence of the seconder and with the permission of Council, Councillor Reese withdrew her motion.

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

**929 -** Council proceeded to reconsider Clause 7 of the Report of the Committee on Planning and Community Services, dated May 13th, 1991, regarding the subdivision on the south side of Waterfront Road between Island Shore Boulevard and Desjardins Drive, in the St. Boniface-St. Vital Community, under File No. DAS 22/90.

Moved by Councillor Gilroy,

That Council rescind its previous decision to refer Clause 7, and proposed amendment, back to the Committee on Planning and Community Services.

Carried.

Council proceeded to reconsider the motion for the adoption of the clause, moved by Councillor Gilroy.

In amendment,

Moved by Councillor Reese,
Seconded by Councillor Selinger,

That Clauses 6 and 7 of the Report of the Committee on Planning and Community Services, dated May 13th, 1991, be amended by adding the following sub-recommendation after Recommendation I. A. in each case, namely:-

"B. The Developer shall, at no expense to the City, provide haul-away type refuse containers for use by the housebuilders, as determined by, and to the satisfaction of, the Commissioner of Works and Operations."

With the concurrence of the seconder and with the permission of Council, Councillor Reese withdrew her motion.

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

**930 -** Council proceeded to reconsider Clause 9 of the Report of the Committee on Planning and Community Services, dated May 13th, 1991, regarding the zoning agreement amendment for 1555 St. Mary's Road, in the St. Boniface-St. Vital Community, under File No. DAZ 269/85 (ZAA 25/90).

Moved by Councillor Kaufmann,

That the previous decision to refer the clause back to the Committee on Planning and Community Services be rescinded.

Carried.

Council proceeded to consider the motion for the adoption of the clause, moved by Councillor Gilroy.

In amendment,

Moved by Councillor Kaufmann,
Seconded by Councillor Demare,

THAT Clause 9 of the Report of the Committee on Planning and Community Services, dated May 13th, 1991, be amended by deleting the words "a continuous and" where it appears in the second line of Recommendation I. B. , and that the word "an" be inserted in place thereof;

AND THAT the third line of said Recommendation I. B. be amended by inserting the words "and any existing openings" after the word "opening" therein.

Carried.

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

Council reverted to consideration of the agenda in the regular order.