CONSIDERATION OF REPORT OF THE
COMMITTEE ON PLANNING AND COMMUNITY SERVICES

The following clause contained in the Report of the Committee on Planning and Community Services, dated June 25th, 1990, was laid over by the Executive Policy Committee on July 4th, 1990. The Executive Policy Committee has further considered this clause and has taken the action noted below.

On motion of Councillor Mendelson, Clause 21 of the Report of the Committee on Planning and Community Services, dated June 25th, 1990, was considered.

SUBDIVISION AND REZONING - South of McGillivray Boulevard, north of Chevrier Boulevard, east and west of Dovercourt Drive, Assiniboine Park-Fort Garry Community

File No. DASZ 10/89

1337 - 21. Your Committee on Planning and Community Services has been advised that an application has been received from D. N. Sharpe and Associates Ltd., 753 Marion Street on behalf of the owners, S. J. Estates, Empire Hotel (1960) Ltd., Progressive Developments Ltd. and Kleyson Transport Ltd., for approval of a plan of subdivision and a related amendment to By-law No. 1800 by rezoning lands located south of McGillivray Boulevard, north of Chevrier Boulevard, east and west of Dovercourt Drive, from an "A" General Agricultural District and an "M1" Limited Industrial District to "R1-5" and "R1-6" Single-Family Districts, a "PR" Park and Recreational District, a "C2" General Commercial District and an "M1" Limited Industrial District for purposes of establishing new public streets, a 2.5 acre commercial site, a 12 acre park, two industrial sites, and approximately 195 single-family building lots.

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

Two industrial sites are indicated at the south-east corner of the plan area fronting Chevrier Boulevard. A street connection from the residential area to Chevrier Boulevard is shown between these industrial lands and Pineview Cemetery to the east.

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

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

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

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

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

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

The following persons appeared in support of the application:

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

The following persons appeared in opposition thereto:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. That By-law No. 1800 be amended by rezoning the subject land as shown on Schedule "B" for File No. DASZ 10/89, attached hereto and dated March 15th, 1990, to an "R1-5" Single-Family District, an "R1-6" Single-Family District, a "PR" Park and Recreational District, a "C2" General Commercial District, and an "M1" Limited Industrial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 605(1) of The City of Winnipeg Act to provide for the following:

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

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

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

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

2. That final construction plans indicating the design and location of the proposed building(s), including exterior finishing materials; and accessory parking areas; fencing and landscaping be subject to the approval of the Assiniboine Park-Fort Garry Community Committee and the Commissioner of Planning and Community Services prior to the issuance of a building permit.

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

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

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

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

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

1. That final construction plans indicating the design and location of the proposed building(s), including exterior finishing materials; and accessory parking areas; fencing and landscaping be subject to the approval of the Assiniboine Park-Fort Garry Community Committee and the Commissioner of Planning and Community Services prior to the issuance of a building permit.

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

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

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

1. Minimum 25.9 metres (85 feet) to any principal building,
2. Minimum 19.8 metres (65 feet) to any detached accessory building,
3. Minimum 8.5 metres (28 feet) to any temporary structure of swimming pool.

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

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

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

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

A. The approval of the Plan of Subdivision shall come into force when the Development Agreement has been executed; and B. The zoning district changes shall come into effect when:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. That By-law No. 1800 be amended by rezoning the subject land as shown on Schedule "B" for File No. DASZ 10/89, attached hereto and dated March 15th, 1990, to an "R1-5" Single-Family District, an "R1-6" Single-Family District, a "PR" Park and Recreational District, a "C2" General Commercial District, and an "M1" Limited Industrial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 605(1) of The City of Winnipeg Act to provide for the following:

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

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

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

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

2. That final construction plans indicating the design and location of the proposed building(s), including exterior finishing materials; and accessory parking areas; fencing and landscaping be subject to the approval of the Assiniboine Park-Fort Garry Community Committee and the Commissioner of Planning and Community Services prior to the issuance of a building permit.

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

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

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

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

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

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

1. That final construction plans indicating the design and location of the proposed building(s), including exterior finishing materials; and accessory parking areas; fencing and landscaping be subject to the approval of the Assiniboine Park-Fort Garry Community Committee and the Commissioner of Planning and Community Services prior to the issuance of a building permit.

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

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

1. Minimum 25.9 metres (85 feet) to any principal building,
2. Minimum 19.8 metres (65 feet) to any detached accessory building,
3. Minimum 8.5 metres (28 feet) to any temporary structure of swimming pool.

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

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

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

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

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

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

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

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

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

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

Moved by Councillor Mendelson,
Adoption of the clause.

In amendment,

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

Moved by Councillor O'Shaughnessy,
That the clause and proposed amendment be laid over to the next meeting of Council.

Carried.

(Note: Attachments referred to in the above clause are on file in the Office of the City Clerk.)

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 July 16th, 1990, has concurred in the recommendations contained therein, except as noted below, and submits same to Council for approval and adoption.

On motion of Councillor Mendelson, the Report of the Committee on Planning and Community Services, dated July 16th, 1990, was considered clause by clause.

West Committee Room,
Council Building,
Winnipeg, July 16th, 1990.

His Worship the Mayor and Councillors:-

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

Assignment of Development Agreements AG 10/87, 29/87A, 400/87 and 10/88 in connection with the subdivision and rezoning of land located on the south side of Springfield Road between Henderson Highway and Raleigh Street
Files DAS 10/87, DAS 29/87, DASSF 300/86 and DAS 10/88.

1338 - 1. The City executed four (4) Development Agreements with Continental Equities Ltd. as follows:

1. AG 10/87, Finance Department No. 7003 on July 31st, 1987.
2. AG 29/87A, Finance Department No. 7394 on July 15th, 1988.
3. AG 400/87, Finance Department No. 6955 on June 26th, 1987.
4. AG 10/88, Finance Department No. 7885 on August 11th, 1989.

The above four (4) Development Agreements were entered into as a condition of approval by Council of various development applications on land located on the south side of Springfield Road between Henderson Highway and Raleigh Street. The bulk of the services have been installed in accordance with the Agreements and all outstanding deficiencies are fully secured by irrevocable Letters of Credit.

In a letter dated June 29th, 1990 to the Land Development Department, the Solicitor for Continental Equities advised the City that her client is in the process of selling its interest in all the vacant residential land covered by the above four (4) Development Agreements including outstanding liabilities pursuant to those Agreements, to Flair Homes (Manitoba) Ltd. The Solicitor for Continental Equities Ltd. is therefore requesting that the City consent to the assignment of the four (4) Development Agreements to Flair Homes (Manitoba) Ltd.

The Department of Land Development has no objection to the assigning of the Agreements to Flair Homes (Manitoba) Ltd. or to any other party providing that the appropriate Letter(s) of Credit be posted by the new party to cover any and all outstanding obligations.

Your Committee on Planning and Community Services recommends that:

I. Development Agreements AG 10/87, 29/87A, 400/87 and 10/88 between Continental Equities Ltd. and the City be assigned to Flair Homes (Manitoba) Ltd.

II. The Proper Officers of the City to do all things necessary in connection with the above recommendation including assuring that Flair Homes (Manitoba) Ltd. post Letters of Credit satisfactory to the City Treasurer and the City Solicitor in an amount approved by the Land Development Department.

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

Moved by Councillor Mendelson,
Adoption of the clause.

Carried.

Amendment to Development Agreement No. AG 379 between The City of Winnipeg (former City of St. Vital) and Compark Developments Ltd. - Southglen Mobile Home Site File EP-2.

1339 - 2. Your Committee on Planning and Community Services has been advised that on June 12th, 1990, the St. Boniface-St. Vital Community Committee considered a communication dated June 7th, 1990, from Mr. M. A. McGonigal, General Manager, Compark Developments Ltd., with respect to the Development Agreement entered into between the former City of St. Vital and Compark Developments Ltd. dated April 19th, 1971, and more particularly in connection with a notice they received on April 12th, 1990 that the City intends to construct land drainage and road paving on Compark Road, along the north boundary of the Southglen Mobile Home Community which they own and operate asking them to contribute towards the cost of these improvements, currently estimated at:

Land drainage sewer -	$13,476.30
Asphalt surface roadway -	$25,081.27

The Manager of Compark Developments Ltd. advised the Community Committee that "Southglen" provides 366 mobile home sites for residents of the Community and it has been there for 19 years and they intend to be there for the next 20 years, and have no plans for redevelopment.

There is currently in place an adequate surface land drainage system for Southglen. The system has served the mobile home community effectively for the last 19 years, and they question why it is necessary that upgrading, which the City wishes to do for the benefit of parts of the Community District other than Southglen, should result in cost to their development for a service that they do not require. Indeed, the trunk land drainage sewer does not even front on their property.

With respect to the roadworks, while they are not comfortable with the costs involved, they recognize that there is a benefit to them. As this will undoubtedly be placed on a local improvement levy spread over time, they could live with this improvement although they feel it is not entirely necessary.

However, construction of the road has other implications for Compark. There is presently in force an existing sanitary sewer forcemain which runs from the lift station at the entrance to the mobile home community, east to St. Anne's Road. Substantially this lies under the planned area where the road will go, and the lines will undoubtedly be disturbed or destroyed by road construction, and require immediate replacement. They have been told that the cost of this replacement is estimated at $40,000.00. The existing private sanitary sewer service, previously approved by the City, has serviced their community for 19 years, and has the ability to continue to service the community forward into the indefinite future.

The Community Committee was advised by the District Engineer that Development Agreements covering adjacent property require the construction of a land drainage sewer and asphalt surface roadway on Compark Road from St. Anne's Road to a point approximately 1,006.75 feet west of St. Anne's Road and that this work may disturb the integrity of Compark's private cast iron sewer forcemain located within the area to be paved.

The Community Committee was further advised that in accordance with the Agreement dated April 19th, 1971, between The City of St. Vital and Compark Developments Ltd., the Developer is responsible for the maintenance of the cast forcemain sewer to its connection to the City's gravity flow sewer system on St. Anne's Road. The District Engineer further advised that Compark Developments Ltd. has agreed to realign and renew the forcemain to the City of Winnipeg Standard Construction Specifications at no cost to the City, provided that The City of Winnipeg agrees to amend the above-mentioned Agreement stipulating that the maintenance after final acceptance of reconstructed forcemain will be the responsibility of The City of Winnipeg.

The St. Boniface-St. Vital Community Committee recommended that the administration do all things necessary to have the Development Agreement amended in accordance with the foregoing.

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

Your Committee on Planning and Community Services recommends:

I. That Development Agreement No. AG 379 between the former City of St. Vital and Compark Developments Ltd., dated April 19th, 1971, be amended to provide:-

A. That the Developer, Compark Developments Ltd., will realign and renew the existing cast iron sanitary sewer forcemain connected to the City's gravity flow sewer system on St. Anne's Road, to the City of Winnipeg Standard Construction Specifications at no cost to the City.

B. That the City of Winnipeg as successors to the Agreement agrees that, in consideration of Condition A above, the maintenance after final acceptance of the new reconstructed sanitary sewer forcemain, will be the responsibility of The City of Winnipeg.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including, but not limited to the execution of an amending agreement.

Moved by Councillor Mendelson,
Adoption of the clause.

Carried.

Change in the Role of the Winnipeg Public Library Board and adoption of New Directions for Library Services
Files L-12 & L-11.

1340 - 3. LAID OVER BY EXECUTIVE POLICY COMMITTEE FOR FURTHER CONSIDERATION

(NOTE: SEE PAGES 1768 TO 1773 FOR OFFICIAL SET OF MINUTES FOR THE ABOVE CLAUSE).

ZONING AGREEMENT AMENDMENT
41 Omands Creek Boulevard St. James-Assiniboia Community
File No. DASZ 10/77 (ZAA 15/90).

1341 - 4. Your Committee on Planning and Community Services has been advised that an application has been received from Winfield Construction, 1642 St. James Street to amend the Zoning Agreement affecting 41 Omands Creek Boulevard to permit the erection of a free standing identification sign having a one (1) foot front yard instead of 25 feet as required by the Agreement.

The existing Zoning Agreement requires a minimum 25 foot front yard at the subject location. The proposed sign is low in profile, and is to be located within a proposed ornamental planter. The design and size of the sign are, in the opinion of the Department of Environmental Planning, compatible with development standards in the area, and can be located in the required front yard without any adverse effect.

A Public Meeting was held before the St. James-Assiniboia Community Committee on June 12th, 1990.

No one appeared in support or in opposition to the application.

The St. James-Assiniboia Community Committee recommended that the proposed Zoning Agreement Amendment be approved for the following reasons:

1. The proposed sign is low in profile, and is to be located within a proposed ornamental planter.
2. The design and size of the proposed sign are considered compatible with development standards in the area.
3. There should be no adverse effect resulting from the location of the sign in the required front yard.

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

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

I. That Zoning Agreement DASZ 10/77 be amended as it affects Lot 2, Plan 24669 to permit the erection of a free standing sign within the required minimum front yard of 25 feet, the said sign to be located not closer than one (1) foot to the front lot line, subject to the approval of the final construction plans by the St. James-Assiniboia Community Committee prior to issuance of a building permit.

II. That the City Solicitor be requested to prepare the necessary amendment to Zoning Agreement DASZ 10/77 as approved in Recommendation I above.

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

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

Moved by Councillor Mendelson,
Adoption of the clause.

Carried.

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

1342 - 5. LAID OVER BY EXECUTIVE POLICY COMMITTEE FOR FURTHER CONSIDERATION

(NOTE: SEE PAGES 1774 TO 1775 FOR OFFICIAL SET OF MINUTES FOR THE ABOVE CLAUSE)

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

1343 - 6. LAID OVER BY EXECUTIVE POLICY COMMITTEE FOR FURTHER CONSIDERATION

(NOTE: SEE PAGES 1775 T9 1778 FOR OFFICIAL SET OF MINUTES FOR THE ABOVE CLAUSE)

REZONING - 1075 Main Street Lord Selkirk-West Kildonan Community
File No. DAZ 222/90.

1344 - 7. Your Committee on Planning and Community Services has been advised that an application has been received from Esso Petroleum Canada Ltd., 986 Powell Avenue, to amend By-law No. 4450/86 by rezoning the land at 1075 Main Street from an "R2" Two-Family District to a "CZ" Commercial Zoning District to permit a commercial development which may include a gas kiosk and a car wash.

The frontage along Main Street north of Alfred Avenue is owned by Shell Canada Ltd. and rezoning "CZ" Commercial.

The frontage to the west along Main Street between Burrows and Alfred Avenues is owned by Esso Petroleum and is zoned "CZ" Commercial.

The properties to the immediate south and east are occupied by single-family dwellings and a few duplexes and are zoned for "R2" Two-Family development.

The applicants are proposing to redevelop their site in accordance with submitted plans which show a retail gas outlet with accompanying snack shop and a 5 bay car wash. The addition of the 33 foot strip of land to the overall parcel will allow the building to be pushed back further into the site allowing for more efficient traffic circulation at the front of the property. The new site plan is, in the opinion of the Department of Environmental Planning an improvement over the existing situation given that new cedar fencing and more extensive landscaping will be included in the proposal

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and more complete landscaping plans will have to be submitted to the said Department as a condition of approval. With proper fencing and landscaping in place to help buffer the operation from the neighbouring homes and restrictions in the hours of operation of the car wash component, the proposed redevelopment should not pose any major problems for the surrounding area.

A Public Meeting was held before the Lord Selkirk-West Kildonan Community Committee on May 22nd, 1990.

The following persons appeared in support of the application:

M. C. MacLean, Esso Petroleum Canada, 300 - 1661 Portage Avenue, Winnipeg, R3J 3T7,
John Olfert, 42 Sandham Crescent, Winnipeg, R3R 1M7.

No one appeared in opposition thereto.

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

1. The proposed redevelopment will not pose any major problems for the surrounding area.

Your Committee on Planning and Community Services concurs in the recommendations of the Lord Selkirk-West Kildonan Community 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 222/90, attached hereto and dated June 27th, 1990, to a "C2" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 605(1) of The City of Winnipeg Act to provide for the following:

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

   B. That a detailed fencing and landscaping plan be submitted and approved by the Lord Selkirk-West Kildonan Community Committee and the Commissioner of Planning and Community Services prior to the issuance of any building permits.

II. That the By-law not proceed to Council for final reading until the subject property has been consolidated with the contiguous "CZ" Commercial property lying immediately adjacent to the west thereof.

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

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

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

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

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

Moved by Councillor Mendelson,
Adoption of the clause.

Carried.

(Note: See Minute No. 1350 for attachment.)

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REZONING - North-east corner Grassie Boulevard and Skowron Crescent, East Kildonan-Transcona Community
File No. DAZ 225/90 (c/r DASSF 563/90).

1345 - 8. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. C. Koke, 4 Dounreay Bay to amend By-law No. 4440/86 by rezoning the land at the north-east corner of Grassie Boulevard and Skowron Crescent from an "R1-5.5" Single-Family District and an "AR-5" Agricultural-Residential District to an "R1-4" Single-Family District and an "RM-1" Multiple-Family District to allow for a multiple family development and for the construction of single family dwellings.

The land to the south is zoned "R1-5.5" Single-Family District, with single-family dwellings. To the north is vacant land, to be developed for single-family use under DASZ 57/86 and is zoned "R1-4" Single-Family District. The lands to the east and west are zoned "R1-5.5" Single-Family District and "AR-5" Agricultural-Residential District, with single-family dwellings.

The applicant proposes to develop a vacant 1.5 acre site at Grassie Boulevard and Skowron Crescent. The subject site includes a 36 foot wide strip of land adjacent to Skowron Crescent which is owned by the City. The applicant proposes to develop the Jacques Avenue frontage with five (5) single-family dwellings. A 0.8 acre multiple-family site has also been proposed. Services are in place along Jacques Avenue and Skowron Crescent. However, there are no services fronting the subject site along Grassie Boulevard.

The proposed rezoning has been circulated to the various departments and external agencies normally contacted and all have advised that they have no objections to the proposal subject to the developer entering into an Addendum to Development Agreement AG 57/86.

It is the opinion of the Department of Environmental Planning that the proposed zoning change should be proceeded with only for those lands to be rezoned to "R1-4".

The proposed single-family lots are consistent with the range of residential lot sizes in the area and they will allow for single-family development which is compatible with surrounding residential uses.

However, it is recommended that the rezoning to an "RM-1" Multiple-Family District not be supported because such development would not be compatible with single-family residential land uses in the area. It is also recommended that the lot depths of the "R1-4" sites be increased to 144 feet in order to accommodate single-family dwellings with attached garages, and match the lot depths approved under previous subdivision applications to the east.

Presently, under the existing zoning standards, the property owner is entitled to develop two building lots. Any additional lots are subject to 10 percent dedication for public purposes (open space). Since the Parks and Recreation Department have not identified any additional land requirements, payment of 10 percent cash dedication in lieu of land for open space, park and recreational use, would be required.

A Public Meeting was held before the East Kildonan-Transcona Community Committee on May 22nd, 1990.
Mr. C. Koke, 4 Dounreay Bay, Winnipeg, R2K 2V8 appeared in support of the application.

The following persons appeared and/or made representations in opposition thereto:

Mrs. J. Rislund, 421 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mrs. K. Epp, 453 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mr. H. Reuter, 328 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mr. D. J. McLean, 122 Williamson Crescent, Winnipeg, R3W 1E2,
Mrs. J. Leighton, 485 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mrs. N. Whitfield, 444 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mrs. E. Shanwaldt, 430 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mr. J. F. Wisniewski, 176 Skowron Crescent, Winnipeg, R3W 1N5,
Mr. & Mrs. B. Sych, 417 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mrs. K. Norris, 56 Williamson Crescent, Winnipeg, R3W 1G4,
Mr. R. Wiens, 121 Skowron Crescent, Winnipeg, R3N 1N4,
Mr. & Mrs. L. Csontos, 424 Grassie Boulevard, Winnipeg, R3W 1E1, by way of communication.

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The following persons registered in opposition thereto but did not speak:

Mr. A. Ducharme, 400 Grassie Boulevard, Winnipeg, R3W 1G4,
Mr. A. Leighton, 485 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mr. & Mrs. H. Dueck, 479 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mr. & Mrs. E. Kuypers, 124 Skowron Crescent, Winnipeg, R3W 1N4.

Mr. G. Arthur, 60 Williamson Crescent, Winnipeg, R3W 1G5 appeared for information purposes only.

The East Kildonan-Transcona Community Committee recommended that the proposed zoning change be not proceeded with for the following reason:

1. That the application be denied due to the opposition of the residents in the area.

The East Kildonan-Transcona Community Committee did not deal with the related short-form plan of subdivision under File No. DASSF 563/90 in view of the fact that the rezoning application under File No. DAZ 225/90 was denied, therefore, your Committee on Planning and Community Services directed that the short-form subdivision application File No. DASSF 563/90 be not proceeded with.

Your Committee on Planning and Community Services concurs in the recommendation of the East Kildonan-Transcona Community Committee under File DAZ 225/90 and recommends that the proposed zoning change to Zoning By-law No. 4440/86 by rezoning land under File No. DAZ 225/90 from an "R1-5.5" Single-Family District to an "R1-4" Single-Family District and an "RM-1" Multiple-Family District be not proceeded with.

Moved by Councillor Mendelson,
Adoption of the clause.

Carried.

REZONING - North side Kildare Avenue East between Binscarth Street and Alex Taylor Drive East Kildonan-Transcona Community
File No. DAZ 232/90 (c/r DASSF 581/90).

1346 - 9. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. Mario Raimondi, 30 Brigantine Bay to amend By-law No. 4440/86 by rezoning the land on the north side of Kildare Avenue East between Binscarth Street and Alex Taylor Drive, from an "AR-5" Agricultural-Residential District to an "R1-3" Single-Family District to allow for the construction of single-family dwellings.

The land to the south is zoned "R1-3" Single-Family District. To the north and east the land is zoned "R1-4" Single-Family District. Vacant land to the west is zoned "AR-5" Agricultural-Residential District.

The applicant proposes to develop a vacant 1.0 acre site along the north side of Kildare Avenue, between Binscarth Street and Alex Taylor Drive. The proposal calls for three lots facing Binscarth Street and six lots fronting on Kildare Avenue. There will be no front access to either Kildare Avenue or Alex Taylor Drive. A public lane abuts the rear of the six lots facing Kildare Avenue.

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The proposed rezoning and short-form subdivision has been circulated to the various departments and external agencies normally contacted and all have advised that they have no objections to the proposal, subject to the developer entering into a Servicing Agreement with the City containing the recommendations of the Administrative Co-ordinating Group.

It is the opinion of the Department of Environmental Planning that the proposed zoning change should be proceeded with as the proposed single-family lots are consistent with the range of residential lot sizes in the area, and the lots would allow for single-family development, which is compatible with the surrounding residential land uses.

A Public Meeting was held before the East Kildonan-Transcona Community Committee on June 19th, 1990.

Mr. M. Raimondi, 30 Brigantine Bay, Winnipeg, R3P 1B3 appeared in support of the application.

Mr. E. Dolhun, Novamet Development Corporation, 2200 - 360 Main Street, Winnipeg, R3C 4G9 appeared in opposition and subsequently withdrew his opposition.

The East Kildonan-Transcona Community Committee recommended that the proposed zoning change and short form plan of subdivision under File DASSF 581/90 be approved for the following reason:

1. The proposed single-family lots are consistent with the range of residential lot sizes in the area and they will allow for single- family development which is compatible with surrounding residential uses.

Your Committee on Planning and Community Services concurred with the recommendations of the East Kildonan-Transcona Community Committee on File No. DASSF 581/90 and pursuant to Section 642(30) of The City of Winnipeg Act approved the subdivision of the subject lands under said file DASSF 581/90 as shown on Schedule "A" for File No. DAZ 232/90 subject to the following:

1) That the Developer be required to enter into a Servicing Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated June 7th, 1990.

2) That the Proper Officers of the City be authorized to execute the Servicing Agreement.

3) That the Director of Environmental Planning be authorized to sign and release the survey mylars for DASSF 581/90 upon execution of the Servicing Agreement, and payment of the 10 percent cash dedication on the eight (8) additional building sites being created.

Your Committee on Planning and Community Services concurs in the recommendations of the East Kildonan-Transcona Community Committee under File DAZ 232/90 and recommends:

I. That By-law No. 4440/86 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 232/90, attached hereto and dated July 5th, 1990, to an "R1-3" Single-Family 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 Mendelson,
Adoption of the clause.

Carried.

(Note: See Minute No. 1351 for attachment.)

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Partial Assignment of Development Agreement between The City of Winnipeg and 2221756 Manitoba Ltd. AG 58/86 - Finance Department No. 8157 - Subdivision and Rezoning East of Dakota Street, South of Novavista Drive St. Boniface-St. Vital Community
File No. DASZ 58/86.

1347 - 10. Your Committee on Planning and Community Services has been advised that the Developer 2221756 Manitoba Ltd. has sold to Qualico Developments (Winnipeg) Ltd. Phase I of the development lands under a Development Agreement entered into between the Developer and the City as a condition of subdivision of land located east of Dakota Street, south of Novavista Drive, and has requested that the City consent to assignment of Development Agreement, insofar as it relates to the Phase I lands, to Qualico.

The consent of the City is required under paragraph 25(a) of the Development Agreement.

The Land Development Department has been consulted and has no objection to the City giving its consent for assignment of the agreement to the extent that it pertains to the Phase I lands to Qualico Developments (Winnipeg) Ltd.

Your Committee on Planning and Community Services recommends that the assignment of the Development Agreement requested be consented to, subject to the execution of an agreement between Qualico Developments (Winnipeg) Ltd., 2221756 Manitoba Ltd. and the City, in the form attached, and provision by Qualico Developments (Winnipeg) Ltd. of security guaranteeing the performance by Qualico of the Development Agreement, as it pertains to the Phase I lands, in an amount as determined by and in form satisfactory to the City.

Moved by Councillor Mendelson,
Adoption of the clause.

Carried.

SUBDIVISION AND REZONING West of Sharp Boulevard, between Silver and Ness Avenues St. James-Assiniboia Community
File No. DASZ 23/88.

1348 - 11. Your Committee on Planning and Community Services has been advised that an application has been received from the Department of National Defence, CFB-Winnipeg, Westwin, Manitoba, for approval of a plan of subdivision and a related amendment to Zoning By-law No. 1558 by rezoning lands located west of Sharp Boulevard between Ness and Silver Avenues from an "M2" Limited Industrial District to a "PR" Park and Recreational District and an "R1-5" Single-Family District for purposes of establishing by plan, the legal location of existing streets and lanes, and to rezone the intervening lands to residential and parks and recreational districts to reflect existing land use.

The application is necessitated by the intention of the City to accept, from the Department of National Defence, maintenance responsibilities for all the Municipal Services and Streets and lanes within the referenced area. The Subdivision application and plan will establish the legal location of the streets and lanes. A block plan will be established over the lands to include the existing residential development. These lands may be further subdivided from blocks to individual lots in the future, and prior to any disposition by the Department of National Defence for purposes of providing lots with separate titles. It is also proposed that the lands be rezoned to residential, and parks and recreational districts to reflect existing land use.

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The subject public roads, lanes and underground services are presently maintained by the Department of National Defence. In order to facilitate the assuming of maintenance responsibility by the City of Winnipeg, it is proposed to register a plan of subdivision over the lands establishing the precise location of the public streets and lanes. The majority of existing street and lane locations are consistent in location with the existing subdivision plan, Plan 1693. However, in some locations the existing alignments are not consistent with that plan. The legal closing of those parts of the registered streets and lanes plan, which are not consistent in location with the actual existing street and lane locations will be necessary. This will be accomplished by either closing by-law, or by plan cancellation.

The Works and Operations Department and the Streets and Transportation Department have made recommendations with regard to conditions under which the City of Winnipeg should assume responsibility for maintenance of streets and services. These recommendations are incorporated within the report of the Administrative Co-ordinating Group attached as Schedule "B" to this report, and dated July 4th, 1990.

A Public Meeting was held before the St. James-Assiniboia Community Committee on June 12th, 1990.

No one appeared in support or in opposition thereto.

The St. James-Assiniboia Community Committee recommended that the rezoning of the land to an "R1-5" Single-Family District and "PR" Park and Recreational District and the proposed plan of subdivision be approved in accordance with the terms and conditions hereinafter set forth.

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

I. That the Plan of Subdivision proposed under File No. DASZ 23/88 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/88 attached hereto and dated July 4th, 1990, for registration in the Winnipeg Land Titles office subject to the applicant entering into a Development Agreement with the City according to the draft terms of which are set forth within Schedule "B" for File DASZ 23/88, attached hereto and dated July 4th, 1990.

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

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

IV. That By-law No. 1558 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 23/88, attached hereto and dated July 4th, 1990, to an "R1-5" Single-Family District and a "PR" Park and Recreational District.

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

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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 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 Mendelson,
Adoption of the clause.

Carried.

(Note: See Minute Nos. 1352 and 1353 for attachments.)

SUBDIVISION AND REZONING - South of Knowles Avenue and East of Norris Road (Lagimodiere Boulevard). East Kildonan-Transcona Community
File No. DASZ 27/88

1349 - 12. Council on April 18th, 1990, adopted Clause 7 of the Report of the Committee on Planning and Community Services dated April 2nd, 1990, as amended by Executive Policy Committee which recommended approval of the subdivision and rezoning as shown on Schedule "A" attached hereto and dated January 11th, 1990, subject to certain terms and conditions specified therein.

Recommendation I.A. 1.a) stipulates that:

1.a) The Developer shall sell to the City Lots 1 and 2 as shown on the attached sketch identified as Schedule "X" (at the same price per square foot as the City paid for Lot 4 to the north thereof, as previously approved by the Committee on Finance and Administration) and these lots shall be retained for public street purposes for a period of 5 years from the date of the agreement.

Lots 1 and 2 shall be retained for potential opening of public street by the City but in the event they are not opened as a street by registration of a plan in the Winnipeg Land Titles Office within 5 years from execution of the agreement the City shall transfer Lots 1 and 3 back to the Developer upon refund to the City of an amount equivalent to the price paid adjusted on the basis of the Statistics Canada Cost of Living Index.

The Developer's Surveyor has commenced preparation of the mylars for the proposed plan of subdivision, however, an argument in interpretation has arisen regarding the establishment of proposed Lots 1 and 2 as illustrated on said Schedule "X".

Although the subject land is being zoned to an "RA" District which provides for lots having a minimum width of 80 feet and area of 20,000 square feet, the Kil-Cona Park Action Area Plan (West) which was passed by Council on October 5th, 1988, states in part that:

a) Lot sizes shall not be less than one (1) acre except that lots with lot frontage on Knowles Avenue may be a minimum of ½ acre in lot size;

b) Street rights-of-way shall be a minimum of 24 metres (80 feet) excepting the Headmaster Row extension that shall be 32 metres (105 feet).

Proposed Lot 1 contains an area of .6 acres while Lot 2 is .86 acres in area. Both lots would comply with the applicable zoning regulations, however, neither lot complies with the Action Area Plan.

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There would be no problem in establishing proposed Lot 1 and 2 in accordance with Schedule "X" if there was 100 percent assurance that the lots would be retained by the City and that a public street would be opened in the future. However, a problem arises if after 5 years it is determined that it is not necessary to open a public street over said Lots 1 and 2. In compliance with the above-noted recommendation, the Developer would then come into possession of 2 lots which do not comply with the Action Area Plan and would not be eligible for building permits.

The Developer argues that it was intended to include an option that would provide the City with developable lots if the land is deemed not to be required for public street purposes at the end of the 5 year expiry period.

The Administration has reviewed this matter and is of the opinion that it would be in the best interest of both parties to require the Developer to sell to the City, the 2 lots identified as Lots 1 and 3, Block 1 on the proposed plan attached hereto as Schedule "A" "Revised" and dated July 10th, 1990. Both Lots 1 and 3 comply with the Action Area Plan with respect to the minimum 1 acre requirement.

Your Committee on Planning and Community Services recommends:

I. That the opening paragraph of Recommendation I. contained in Clause 7 of the Report of the Committee on Planning and Community Services dated April 2nd, 1990 as amended by Executive Policy Committee and adopted by Council on April 18th, 1990 be rescinded and the following substituted therefor:

"I. That the plan of subdivision proposed under File No. DASZ 27/88 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule 'A' 'Revised' attached hereto and dated July 10th, 1990 for registration in the Winnipeg Land Titles Office subject to the applicant entering into a Development Agreement with the City containing therein all the conditions outlined in the attached report of the Administrative Co-ordinating Group dated November 21st, 1989, with the following amendments thereto, namely:"

II. That Recommendation I.A.1.a) of said Clause 7 be rescinded and the following substituted therefor:

"A.1.a) The Developer shall sell to the City Lots 1 and 3 as shown on said Schedule 'A' 'Revised' (at the same price per square foot as the City paid for Lot 4 to the north thereof, as previously approved by the Committee on Finance and Administration) and these lots shall be retained for public street purposes for a period of 5 years from the date of the agreement.

Lots 1 and 3 shall be retained for potential opening of public street (on northerly 32 metres of Lot 1 and easterly 24 metres of Lot 3) by the City but in the event they are not opened as a street by registration of a plan in the Winnipeg Land Titles Office within 5 years from execution of the agreement the City shall transfer Lots 1 and 2 back to the Developer upon refund to the City of an amount equivalent to the price paid adjusted on the basis of the Statistics Canada Cost of Living Index."

III. That the opening paragraph of Recommendation IV. of said Clause 7 be rescinded and the following substituted therefor:

"That By-law No. 4440/86 be amended by rezoning the subject land as shown on Schedule "A" "Revised" for File DASZ 27/88 attached hereto and dated July 10th, 1990, from an "AR-5" Agricultural- Residential District to an "RA" Single-Family District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 605(1) of The City of Winnipeg Act to provide for the following:"

IV. That the Proper Officers of the City be authorized to do all things necessary in order to implement the above.

Moved by Councillor Mendelson,
Adoption of the clause.

Carried.

(Note: See Minute Nos. 1354, 1355, and 1356 for attachments.)

1350 – Schedule “A” referred to in Clause 7 of the Report of the Committee on Planning and Community Services, dated July 16th, 1990

(NOTE: SEE PAGE 1788 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT).

1351 – Schedule “A” referred to in Clause 9 of the Report of the Committee on Planning and Community Services, dated July 16th, 1990

(NOTE; SEE PAGE 1789 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT).

1352 – Schedule “A” referred to in Clause 11 of the Report of the Committee on Planning and Community Services dated July 16th, 1990

(NOTE: SEE PAGE 1790 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

1353 – Schedule “B” referred to in Clause 11 of the Report of the Committee on Planning and Community Services, dated July 16th, 1990

(NOTE: SEE PAGES 1791 TO 1792 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENTS).

1354 – Schedule "A" referred to in Clause 12 of the Report of the Committee on Planning and Community Services, dated July 16th, 1990

(NOTE: SEE PAGE 1793 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT).

1356 – Schedule “A” “Revised” dated July 10th, 1990, referred to in Clause 12 of the Report of the Committee on Planning and Community Services, dated July 16th, 1990

(NOTE: SEE PAGE 1795 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

COMMITTEE ON PLANNING AND COMMUNITY SERVICES
MOTIONS

Moved by Councillor Murray,
Seconded by Councillor Mendelson,
1357 - WHEREAS the Committee on Planning and Community Services on July 18th, 1990, passed the following motion:-

"WHEREAS there are concerns about the viability of Housing programs in the aftermath of reductions in the Federal Residential Rehabilitation Assistance Program and the delay of Bill 42, the Province Landlord Tenant Act. These delays and withdrawals have created a gap in funding starting in 1991 where the survival of the most successful programs is in doubt;

BE IT RESOLVED that the Committee on Planning and Community Services request a meeting with the Provincial Ministers responsible for Municipal Affairs and Housing and other concerned members of the Government of Manitoba to find common ground on Housing Renewal and Maintenance Programs, to avert the loss of joint funded programs, and to initiate discussions on a Joint Housing Policy."

AND WHEREAS the resolve of the foregoing motion is deemed to be in conflict with Policy No. C153 relative to the conduct of formal relationships with the Government of Manitoba; (Copy of Policy attached)

AND WHEREAS the said Policy provides that the Official Delegation is empowered to add such other Members of Committees or Council as it deems necessary from time to time, at meetings of the Official Delegation;

THEREFORE BE IT RESOLVED that Council authorize all members of the Committee on Planning and Community Services to attend a meeting of the Official Delegation with the Government of Manitoba for the purpose of finding a common ground on Housing Renewal and Maintenance Programs in order to avert the loss of jointly funded programs, with a view to establishing a Joint Housing Policy.

Referred to the Executive
Policy Committee.

(Note: See Minute No. 1359 for attachment.)

Moved by Councillor Clement,
Seconded by Councillor Brown,
1358 - WHEREAS Council on March 19th, 1986, passed By-law No. 4253/86 implementing the plan of subdivision and rezoning of land under File DASZ 37/85, as outlined on the explanation sheet submitted in connection herewith;

AND WHEREAS the plan of subdivision approved under By-law No. 4253/86 has been registered in the Winnipeg Land Titles Office;

AND WHEREAS the plan of subdivision and zoning approved pursuant to By-law No. 4253/86 replaces a plan of subdivision and zoning proposed under By-law Nos. 2050/78 and 2051/78, which By-laws were given first and second reading by Council on August 17th, 1978;

THEREFORE BE IT RESOLVED that By-law Nos. 2050/78 and 2051/78 be declared obsolete and no longer necessary, and BE NOT PROCEEDED WITH.

Carried.

(Note: See Minute No. 1360 for attachment.)

1359 – Attachment referred to in Minute No. 1357.

(NOTE: SEE PAGE 1797 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT).

1360 – Attachment referred to in Minute No. 1358

(NOTE: SEE PAGE 1798 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT).

COMMITTEE ON PLANNING AND COMMUNITY SERVICES
CONSIDERATION OF BY-LAWS

1361 - On motion of Councillor Mendelson, 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. 5488/90, a By-law of the City of Winnipeg to amend its By-law No. 4667/87 and By-law No. 5479/90. File No. DASZ 53/86.

By-law No. 5489/90, 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 213/90.

By-law No. 5490/90, 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 221/90 (c/r DASSF 558/90).

On motion of Councillor Mendelson, the rule was suspended and 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. 5496/90, 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 224/90 (c/r DASZ 57/86).

By-law No. 5497/90, 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 204/90 (c/r DASSF 570/89).