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 January 7th, 1991, was laid over by the Executive Policy Committee on January 16th, 1991. The Executive Policy Committee has further considered this clause, has concurred in the recommendations contained therein and now submits it to Council for approval and adoption.

On motion of Councillor Gilroy, Clause 9 of the Report of the Committee on Planning and Community Services, dated January 7th, 1991, was considered.

ZONING AGREEMENT AMENDMENT 60 - 70 Whellams Lane East Kildonan-Transcona Community File No. DAZ 210/74 (ZAA 23/90).

457 - 9. Your Committee on Planning and Community Services has been advised that an application has been received from Shafran Investments, 103 - 7 Evergreen Place to amend the Zoning Agreement affecting 60 - 70 Whellams Lane. The Zoning Agreement allows for two apartment buildings as now exists.

The applicant proposes to construct a building addition that would join two existing apartment towers to a height of 12 storeys. The existing two buildings are 12 and 17 storeys respectively and share a common breezeway entrance.
The applicant proposes to build eight (8) additional storeys (additional to the four storeys that now join the two separate apartment buildings including three floors of suites plus the common entrance way) between the two apartment structures. The new construction would include an upgraded entrance and the renovation of the existing three floors of suites that currently are located between the two towers. A total of 60 new units would be built. If the proposal were approved, the subject site would have a total of 533 apartments.

Parking on-site is sufficient to accommodate the expansion. There are 113 surface stalls existing on the site and 590 underground stalls (703 total stalls).

The existing zoning agreement does not provide for any additional construction or expansion on the subject site. In order to allow for the development to proceed, it is necessary to amend the existing agreement.

The planned expansion to the Edgewood Estates development was supported by the Planning Department for two reasons.

First, the proposal will involve the construction of 60 new apartment units. Currently, over 60% of the tenants are seniors. In the past two years, your Committee on Planning and Community Services has approved five seniors apartment developments totalling over 350 units. Only 68 units in one complex were approved for federal and provincial funding and, to date that project has not been initiated.

The applicant plans to construct the expansion using private monies. No public funding is being sought. It is safe to suggest that the current rate of takeup by seniors (60%) will continue and therefore that seniors seeking accommodation in the North Kildonan area will benefit, if the project is approved.

Second, residents of Kildonan Drive at the south boundary of the subject site have complained of problems associated with automobile traffic accessing the subject site from Kildonan Drive and creating disturbances. The zoning agreement amendment procedure and other approvals will allow for conditions to be included within the new agreement to address this problem. Namely, fencing and landscaping can be installed to restrict access to pedestrians only.

Report of the Committee on Planning and Community Services, dated January 7th, 1991

Increased traffic on Whellams Lane will result if the proposal is approved. The Streets and Transportation Department indicated that no new facility improvements (i.e. widenings, intersection upgrading) will be necessary to accommodate the proposed development.

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

The following persons appeared in support of the application:

Mr. W. K. Rankin, 103 - 7 Evergreen Place, Winnipeg, R3L 2T3,
Mr. Stephen M. Pellerin, 6 Donald Street, Winnipeg, R3L 0K6,
Mr. Vic Thielmann, 1394 Kildonan Drive, Winnipeg, R2G 1J9.

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

Mr. Glen Miller, 22 Bayne Crescent, Winnipeg, R2K 3Y9,
Mrs. Kim Hamilton, 26 Tamarind Drive, Winnipeg, R2G 2A6,
Mr. Brian Borowski, 143 Whellams Lane, Winnipeg, R2G 3N5,
Mr. D. W. Blain, 163 Essar Avenue, Winnipeg, R2G 0S6,
Mr. & Mrs. Alex Grierson, 114 Whellams Lane, Winnipeg, R2G 0V8,
Mr. R. Strand, 218 Melbourne Avenue, Winnipeg, R2K 1A8,
Mrs. Adele Korolyk, 26 Litz Place, Winnipeg, R2G 0V1,
Mrs. Gerda De Jong, 184 Whellams Lane, Winnipeg, R2G 2A4,
Mr. Kris Singh, 46 Tamarind Drive, Winnipeg, R2G 2A6,
Mr. W. Dolhan, 153 Slater Avenue, Winnipeg, R2G 0N6,
Mrs. A. M. Kojima, 94 Tamarind Drive, Winnipeg, R2G 2A6,
Mr. & Mrs. M. Sersun, 48 Appleton Street, Winnipeg, R2G 1K5,
Mrs. Natal Rodrigues, 10 Tamarind Drive, Winnipeg, R2G 2A6,
Mr. & Mrs. R. Kusnier, 74 Tamarind Drive, Winnipeg, R2G 2A6 by way of communication dated November 21st, 1990.

The East Kildonan-Transcona Community Committee recommended that the proposed zoning agreement amendment, be not proceeded with, for the following reasons:

1. The area residents have submitted a petition with 276 signatures opposing the project.

2. The additional traffic created by this project would jeopardize the safety of the children in the area, and also the children attending John Pritchard School.

3. The intersection of Henderson Highway and Whellams Lane is currently too congested and this project would add to the problem.

Your Committee on Planning and Community Services concurs in the report and recommendations of the District Planner, dated October 15th, 1990 and therefore, the Committee does not concur in the recommendation of the East Kildonan-Transcona Community Committee, for the following reasons:-

1. The applicant proposes to build eight (8) additional storeys (additional to the four storeys that now join the two separate apartment buildings including three floors of suites plus the common entrance way) between the two apartment structures. The new construction would include an upgraded entrance and the renovation of the existing three floors of suites that currently are located between the two towers. A total of 60 new units would be built. If the proposal were approved, the subject site would have a total of 533 apartments.

2. Parking on-site is sufficient to accommodate the expansion. There are 113 surface stalls existing on the site and 590 underground stalls (703 total stalls).

3. The proposal will involve the construction of 60 new apartment units. Currently, over 60% of the tenants are seniors. In the past two years, the Community Committee has approved five seniors apartment developments totalling over 350 units. Only 68 units in one complex were approved for federal and provincial funding and, to date that project has not been initiated.

Report of the Committee on Planning and Community Services, dated January 7th, 1991

4. The applicant plans to construct the expansion using private monies. No public funding is being sought. It is safe to suggest that the current rate of takeup by seniors (60%) will continue and therefore that seniors seeking accommodation in the North Kildonan area will benefit if the project is approved.

5. The residents of Kildonan Drive at the south boundary of the subject site have complained of problems associated with automobile traffic accessing the subject site from Kildonan Drive and creating disturbances. The zoning agreement amendment procedure and other approvals will allow for conditions to be included within the new agreement to address this problem. Namely, fencing and landscaping can be installed to restrict access to pedestrians only.

6. The Streets and Transportation Department indicates that no new facility improvements (i.e. widenings, intersection upgrading) will be necessary to accommodate the proposed development and any increased traffic.

It is therefore recommended:-

I. That Zoning Agreement DAZ 210/74 executed as a condition of enactment of By-law No. 806/74, be amended as follows:

   A. That Clause 2 of the said Agreement be deleted and replaced by the following provisions:

      1. That a maximum of 533 dwelling (apartment) units shall be permitted on the subject land.

   B. That the applicant dedicate property to the City for the widening of the public lane right-of-way and its extension, and for a future turnaround at the end of Kildonan Drive as illustrated on attached Schedule "B".

   C. That the applicant shall grant an easement to allow the City to erect a dyke on the "PR" property if required as determined by the Commissioner of Works and Operations.

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

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

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

Moved by Councillor Gilroy,
Adoption of the clause.

Pursuant to The Municipal Council Conflict of Interest Act, Councillor Timm-Rudolph advised Council that she would refrain from entering the discussion and from voting on the clause due to a potential conflict in view of the involvement of her father by way of petition on the matter, and left the Chamber.

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

Councillors Duguid and Thomas asked to be recorded as voting against the clause, in accordance with Section 50.7 of the Procedure By- law.

Councillor Timm-Rudolph here returned to the Chamber.

(Note: See Minute No. 458 for attachment.)

458 - Schedule “B” referred to in Clause 9 of the Report of the Committee on Planning and Community Services, dated January 7th, 1991

(NOTE: SEE PAGE 517 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

CONSIDERATION OF REPORT OF THE
COMMITTEE ON PLANNING AND COMMUNITY SERVICES

The Executive Policy Committee has considered the reports of the concerned Community Committees and the recommendations of the Committee on Planning and Community Services, as contained in its Report, dated January 28th, 1991, has concurred in the recommendations contained therein 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 January 28th, 1991, was considered clause by clause.

West Committee Room,
Council Building, Winnipeg,
January 28th, 1991.

His Worship the Mayor & Councillors:-

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

Amendment to the Winnipeg Electrical By-law No. 5530/90

Files E-1 and EB-2.1.

459 - 1. Your Committee on Planning and Community Services has been advised that the new Winnipeg Electrical By-law, No. 5530/90, was adopted by Council on October 31st, 1990. This By-law will come into effect on April 1st, 1991.

The electrical permit fees and building permit fees have in the past been contained within their respective by-laws. When the new Winnipeg Building By-law was adopted in 1989 the building permit fees were put into the Development Application Fees By-law. The same procedure is proposed to be followed with the adoption of the new Winnipeg Electrical By-law. All fees that are collected by the Planning Department will then be contained within one by-law.

Pursuant to Council's instructions a report on proposed changes to all fees being collected by the Planning Department is before the Board of Commissioners. The problem that has developed is that the proposed new fees will not come into effect by April 1st, 1991, for the following reason:

> A new fees by-law always gives a minimum of 60 days before the new fees come into effect. This allows the industry time to adjust for bids on proposals and to rearrange their accounting procedures.

The result of this is that on April 1st, 1991 the City will not have a by-law in place to collect Electrical Permit fees. The Planning Department recommends that the new Winnipeg Electrical By-law be amended to allow for the existing electrical permit fees under By-law 4354/86 to continue to be in effect until a new fees by-law with new electrical permit fees is adopted.

The Planning Department are printing copies of the new Winnipeg Electrical By-law for sale to the public. The cost of printing is $2.02 per copy. Pursuant to the Fees By-law your Committee on Planning and Community Services has the authorization to establish what fee will be charged for copies of the new Winnipeg Electrical By-law. The Planning Department recommended a fee of $5.00 per copy.

Pursuant to Subsection 3.1 of the Development Applications Fees By-law No. 2266/79, your Committee on Planning and Community Services authorized the establishment of the following fee:

> "Printed copies of the Winnipeg Electrical By-law No. 5530/90.....$5.00".

Report of the Committee on Planning and Community Services dated January 28th, 1991

Your Committee on Planning and Community Services recommends:

I. That the Winnipeg Electrical By-law No. 5530/90 be amended to permit the electrical permit fees under By-law No. 4354/86 to remain in effect until new electrical permit fees are established under the Fees By-law.

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

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Appointments to the Winnipeg Housing Rehabilitation Corporation
Files EX-9 & GC-7.

460 - 2. By-law No. 1 of the Winnipeg Housing Rehabilitation Corporation established the Winnipeg Housing Rehabilitation Corporation to consider the acquisition, improvement and rehabilitation of existing buildings for, and the conversion thereof to, housing accommodation of all kinds for sale or rent to persons of low or modest income.

Council on November 7th, 1990, referred to your Committee on Planning and Community Services the matter of the appointment of four Council representatives to the Winnipeg Housing Rehabilitation Corporation.

Your Committee on Planning and Community Services recommends that the following Councillors be appointed for a one-year term to the Winnipeg Housing Rehabilitation Corporation, namely:-

Councillor Brown
Councillor Gilroy
Councillor O'Shaughnessy
Councillor Timmers.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Appointment of Citizen Members to the Winnipeg Municipal Hospital Commission
Files FH-3 and GC-7.

461 - 3. Your Committee on Planning and Community Services has received the names of persons nominated by the Nominating Committee of the Municipal Hospital Board and in addition to that has received a number of applications from citizens for appointment to the said Commission. There are three vacancies to be filled for 1991.

Your Committee on Planning and Community Services recommends that the following citizens be appointed to the Municipal Hospital Commission for a one year term of office, effective on the date of the adoption of this Clause by Council, namely:-

Aaron Eric Joseph
Beverley Marlene Mary Sawicki.

Report of the Committee on Planning and Community Services dated January 28th, 1991

Moved by Councillor Gilroy,
Adoption of the clause.

In amendment,

Moved by Councillor Young,
Seconded by Councillor Gilroy,
THAT Clause 3 of the Report of the Committee on Planning and Community Services be amended to read:-

"THAT the following citizens be appointed to the Municipal Hospital Commission for a one-year term:-

Aaron Eric Joseph
Beverley Marlene Mary Sawicki
Rebecca Rakar"

Carried.

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

ZONING TEXT AMENDMENT - Detached Accessory Buildings and Air Conditioning Units - Assiniboine Park-Fort Garry Community File No. DAZ 226/90.

462 - 4. Your Committee on Planning and Community Services has been advised that an application has been received from the Commissioner of Planning and Community Services for proposed text amendments to the "R1" and "R2" zoning district regulations of By-law No. 1800 with respect to the lot coverage for detached accessory buildings for single-family and two-family dwellings and for the location of air conditioners.

The existing zoning requirements governing lot coverage for detached accessory buildings in the "R1" and "R2" zoning districts within By-law No. 1800 are as follows:

"Fifty percent (50%) of the rear yard when located therein."

There are presently no restrictions on the size of detached accessory buildings when located within the buildable area of a lot. The result of these regulations is that a very large garage or other accessory structure such as a greenhouse workshop or enclosed pool could be constructed, on larger lots.

In the most recent community zoning by-laws (Lord Selkirk-West Kildonan and East Kildonan-Transcona) adopted by Council, the size of detached accessory buildings is first controlled by the size of the lot and second by applying a maximum size to the detached accessory building itself. This type of regulation was introduced in 1986 and has been found to be satisfactory. These regulations are as follows:

a) That the maximum lot coverage for the total of all detached accessory buildings on a lot be restricted to 12.5% of the total lot area, to a maximum of 1076 square feet/100 square metres.

b) Notwithstanding the 12.5% limit of total lot area, on lots less than 3,850 square feet (357.6 square metres), the maximum lot coverage for all detached accessory buildings shall not exceed 480 square feet/44.5 square metres.

At the Public Meeting before the Assiniboine Park-Fort Garry Community Committee on May 8th, 1990, representations were considered from residents of the Lindenwoods area who felt that the proposed limitation of 12.5% lot coverage to a maximum of 1,076 square feet for detached accessory structures was too large for lots abutting stormwater retention ponds. They suggested that on lots adjoining stormwater retention ponds where homes provide attached garages that the square footage of any detached accessory structures be limited to 180 square feet.

Report of the Committee on Planning and Community Services dated January 28th, 1991

The Planning Department is of the opinion that the 1,076 square foot maximum is appropriate. This is basically a structure (or combination of structures) 45 feet by 24 feet or equivalent to a 4 car garage. Detached accessory structures may be located as close as 2 feet to a rear or side property line and have a height of 13 feet to the middle of the peak. The proposed regulations would not be overly restrictive to most individual property owners located within "R1" Districts or "R2" Districts.

With respect to a reduction of the maximum allowable square footage for detached accessory structures, the Planning Department supports a reduction on lots abutting stormwater retention ponds and would also suggest that in any instance where a dwelling provides an attached garage that the total allowable area of detached accessory structures be reduced by the square footage of the attached garage. For example, if a lot is over 8,600 square feet in area, the total area of accessory structures allowable would be 1,076 square feet. If a 24 foot by 24 foot two car attached garage of 576 square feet is provided it is recommended that the maximum allowable area for any detached accessory structures to be located in the rear yard then be limited to 1,076 - 576 = 500 square feet.

The Assiniboine Park-Fort Garry Community Committee indicated that the maximum limit for accessory buildings of 1076 square feet/100 square metres in their opinion is too large and recommended that the limit be 876 square feet/81.38 square metres except for lots which abut a stormwater retention basin, which in their opinion should only be allowed up to a maximum of 200 square feet/18.58 square metres.

The Planning Department recommended the 1,076 square foot maximum in order to be consistent with other zoning by-laws within the City. The said Department is of the opinion that the zoning regulations for accessory buildings for single-family and two family districts should be the same throughout the City. The Assiniboine Park-Fort Garry Community Committee was requested to consider in its deliberations, which of the following two recommendations to accept:-

(1) should the 1,076 square foot maximum be the standard, or

(2) should a 876 square foot maximum be the standard.

A Public Meeting was held before the Assiniboine Park-Fort Garry Community Committee on May 8th and June 12th, 1990.

Mrs. C. Knoll, District Planner, City of Winnipeg appeared on behalf of the Commissioner of Planning and Community Services in support of the application.

The following persons appeared in opposition thereto:

Mary Louise Baragar, 27 Shorecrest Drive, Winnipeg, R3P 1N8,
Arnold and Ertrice Eddy, Box 692, Winnipeg, R3C 2K3,
W. J. Rettie, 41 Cordova Street, Winnipeg, R3N 0Z9.

The Assiniboine Park-Fort Garry Community Committee recommended approval of the proposed text amendment for accessory buildings as outlined below, under Recommendation A., for the following reasons:

1. There are presently no restrictions in By-law No. 1800 on the size of detached accessory buildings when located within the buildable area of a lot, and the proposed amendments will limit the size of accessory structures on larger lots and more particularly on lots abutting a stormwater retention basin.

With regard to the zoning regulations for the location of air conditioners in "R1" and "R2" Zoning Districts. There are no specific regulations in By-law No. 1800 governing the location of air conditioners on single-family and two-family lots. However, existing regulations do provide that they cannot be located in any yard, but are allowed within the buildable area.

Report of the Committee on Planning and Community Services dated January 28th, 1991

The zoning regulations for air conditioners in other zoning by-laws within the City, control the distance from the air conditioners to a window or door on the neighbouring lot. The problem encountered with air conditioners is noise, thus the regulation for distance is to eliminate as much noise as possible. The standard distance that is applied is 10 feet, plus that the air conditioner cannot be located in front of the dwelling.

The Assiniboine Park-Fort Garry Community Committee recommended that the proposed text amendment for air conditioners not proceed for the reason that the Community Committee does not support an amendment to the regulations under Zoning By-law No. 1800 relative to the location of air conditioning units at the rear or side of a dwelling.

A. Your Committee on Planning and Community Services concurs in the intent of the recommendations of the Assinboine Park-Fort Garry Community Committee with regard to accessory buildings and has reviewed the concerns of the Planning Department in this regard, and recommends as follows:-

I. That Zoning By-law No. 1800 be amended as follows:

1. That all "R1" Single-Family Districts and the "R2" Two-Family District Regulations be amended by deleting the following zoning regulation for accessory buildings, namely:

"A detached accessory building may be located in a rear yard provided the maximum lot coverage shall not exceed fifty percent (50%) of the rear yard.";

and substituting therefor the following:

a) that the maximum lot coverage for the total of all detached accessory buildings on a lot be restricted to 12.5% of the total lot area, to a maximum of 876 square feet/81.38 square metres.

b) notwithstanding the above, the maximum lot coverage for the total of all detached accessory buildings on any lot which abuts a stormwater retention basin shall be 200 square feet/18.58 square metres.

c) notwithstanding the 12.5% limit of total lot area, on lots less than 3,850 square feet (357.6 square metres), the maximum lot coverage for all detached accessory buildings shall not exceed 480 square feet/44.5 square metres.

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

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

B. Your Committee on Planning and Community Services concurs in the recommendation of the Assiniboine Park-Fort Garry Community Committee with regard to the proposed text amendments concerning regulating the location of air conditioners and recommends that By-law No. 1800 not be amended to provide regulations for air conditioners in "R1" and "R2" Districts as advertised under File DAZ 226/90.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

Report of the Committee on Planning and Community Services dated January 28th, 1991

REZONING - East and west sides of St. Mary's Road between St. Anne's Road and Fermor Avenue - St. Boniface- St. Vital Community File DAZ 252/90

463 - 5. Your Committee on Planning and Community Services has been advised that an application has been received from the Commissioner of Planning and Community Services, to amend The St. Vital Town Planning Scheme 1951 by rezoning the lands on the east and west sides of St. Mary's Road between St. Anne's Road and Fermor Avenue from an "R3" Multiple- Family District to a "C1" Limited Commercial District and a "C2" Commercial District to an "R1" One-Family District to reflect the existing use.

In order for zoning to function properly in its protection of adjacent properties, and its provision of control over land use change to Council, it is necessary that zoning reflect existing land use, (except where uses are made deliberately non-conforming in order that they will eventually be eliminated).

Past practice has resulted in situations, such as the frontages of St. Mary's Road, where less restrictive zoning has been applied to one-family dwellings. This eliminates protection of the residents of one-family dwellings, who are denied the opportunity to review changes to multiple-family dwellings or commercial uses on adjoining lands. Where zoning is established in advance of land use there is no control over the introduction of incompatible uses into areas of one-family dwellings, and a basic function of zoning is vitiated.

This situation was highlighted because of a proposed change of use at 618 St. Mary's Road and the downzoning of the St. Mary's Road frontage. The present proposal includes all identified one-family dwellings which can reasonably be offered protection of residential character.

Such a downzoning does not preclude a change to either a multiple-family dwelling or a commercial use on any of these sites, but does ensure that a public hearing would be required in order to effect such a change. This is the only function of downzoning.

Downzoning is not intended to make rigid the existing pattern of land use but merely re-establishes the control over changes to the established pattern. This measure is not necessary in emerging neighbourhoods, where zoning is limited to reflect use, but only in older areas where overzoning was used (wrongly) in the absence of plans for development. This has created an inequity, insofar as residents of older areas are not provided the same protection from unannounced changes in land use.

Overzoning also eliminates the ability to utilize Zoning Agreements, in order to tailor development to specific sites. A Zoning Agreement can only be required as a condition of approval of a zoning change, and where zoning is established in advance of land use, development is permitted according to only the most basic requirements stated in the Zoning By-law.

The frontages of St. Mary's Road are particularly liable to haphazard development as a result of overzoning, when there is a common conviction that every property is suitable for commercial use. This would lead to continued erratic development of such uses, abutting one-family dwellings and utilizing residential lanes for access to commercial development.

If these frontages are to be developed in multiple-family dwellings or commercial uses, such development should follow a public hearing, allowing representation from adjacent residents and the establishment of necessary conditions.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on September 12th, October 9th and November 13th, 1990.

Mr. D. Pentland, District Planner, Planning Department, 395 Main Street appeared on behalf of the Commissioner of Planning and Community Services, in support of the application.

Report of the Committee on Planning and Community Services dated January 28th, 1991

The following persons appeared in opposition thereto:

Ms Bev Bear, 675 St. Mary's Road, Winnipeg, R2M 3M6,
Mr. L. & Mrs. P. Hewitt, 716 St. Mary's Road, Winnipeg, R2M 3N2,
Mr. James Hutchinson, 917 Ash Street, Winnipeg, R3N 0S1, (owner of 722 St. Mary's Road)
Mr. S. Jorgenson, 616 St. Mary's Road, Winnipeg, R2M 3C5, (Exhibit 6)
Mr. D. G. Impey, 488 Hazeldell Avenue, Winnipeg, R2K 0R2, (on behalf of Mary Impey),
Ms Debra Jensen, 87 Cunnington Avenue, Winnipeg, R2M 0W6,
Mr. William Lister, 685 St. Mary's Road, Winnipeg, R2M 3M8,
Mr. Don Marks, 6 Elm Park Road, Winnipeg, R2M 0V9,
Ms Frances Mustard, 724 St. Mary's Road, Winnipeg, R2M 3N2,
Ms Ingrid K. Nickel, 641 St. Mary's Road, Winnipeg, R2M 3M2, (on behalf of Rosskin Holdings Ltd.), Mr. R. & Mrs. J. Prefontaine, 728 St. Mary's Road, Winnipeg, R2M 3N2,
Mr. Lloyd Sotas, 67 Nicollet Avenue, Winnipeg, R2M 4X6,
Mr. Les Williams, 627 St. Mary's Road, Winnipeg, R2M 3M1,
Mr. Werner Beuchel, 616 Patricia Avenue, Winnipeg, R3T 3A6,
Mr. B. Baizley, 723 St. Mary's Road, Winnipeg, R2M 3N3,
Mr. Terry Robert, 712 St. Mary's Road, Winnipeg, R2M 3N1.

The St. Boniface-St. Vital Community Committee recommended that the proposed zoning change be approved within the following area only: on the west side of St. Mary's Road between Kingston Row and Elm Park Road for the following reason:

> The Committee must respect the wishes of the residents who do not wish to have their existing zoning changed and therefore must maintain the status quo in these instances.

The St. Boniface-St. Vital Community Committee recommended that your Committee on Planning and Community Services recommend to Council that The St. Vital Town Planning Scheme 1951 be amended by rezoning the lands as shown on schedule "B" for File No. DAZ 252/90, attached hereto and dated January 9th, 1991, to an "R1" One-Family District.

The Planning Department recommended that your Committee on Planning and Community Services concur in part with the recommendations of the St. Boniface-St. Vital Community Committee and proposed that The St. Vital Town Planning Scheme 1951 be amended by rezoning the subject lands as shown on Schedule "C" for DAZ 252/90 to an "R1" One-Family District, being the lots advertised for rezoning on the west frontage of St. Mary's Road between Elm Park Road and Mager Drive West, for the following reasons, namely:

> The down-zoning was initiated by the St. Boniface-St. Vital Community Committee partly to enable re-zoning of 618 St. Mary's Road from "C1" to "R1", at no expense to the owner. The proposed changes are shown on pages one and two of Schedule "A" for the report to the St. Boniface-St. Vital Community Committee for File No. DAZ 252/90.
>
> Because the St. Boniface-St. Vital Community Committee did not approve offices at 618 St. Mary's Road, the owner proposed to restore the use of that site as a one-family dwelling, which use is not permitted under the relevant zoning agreement. File No. DAZ 252/90 was originally initiated to re-zone 618 St. Mary's Road (and similar sites) to "R1" One-Family District.
>
> No one appeared in opposition to the proposed down-zoning in respect of the west frontage of St. Mary's Road between Kingston Row and Mager Drive West. It is consistent with the St. Boniface-St. Vital Community Committee's reason for only limited approval of the zoning change to include those areas advertised between Kingston Row and Mager Drive West, i.e. the residents did not indicate that the status quo should be maintained and one owner specifically requested "R1" zoning.

Your Committee on Planning and Community Services recommends:

I. That The St. Vital Town Planning Scheme 1951 be amended by rezoning the lands as shown on Schedule "C" for File No. DAZ 252/90, attached hereto and dated January 9th, 1991 to an "R1" One-Family District.

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

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

Report of the Committee on Planning and Community Services dated January 28th, 1991

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute Nos. 470, 471 and 472 for attachments.)

REZONING - East side of Liberty Street, east and west sides Loudoun Road, south of Wilkes Avenue - Assiniboine Park-Fort Garry Community File No. DAZ 259/90.

464 - 6. Your Committee on Planning and Community Services has been advised that an application has been received from the Commissioner of Planning and Community Services to amend By-law No. 1800 by rezoning the land on the east side of Liberty Street; east and west sides of Loudoun Road; south of Wilkes Avenue from an "M1" Limited Industrial District to an "A-5" Restricted Agricultural District to reflect the existing land use.

The Liberty-Loudoun area is presently unserviced and is located outside the Urban Limit Line. The majority of lands in the area are zoned "A-5" Restricted Agricultural District and are developed with single-family dwellings on lots ranging from .75 acres to 5 acres in size. There are, however, a number of small parcels scattered throughout the area which are zoned "M1" Limited Industrial District. The majority of these industrially-zoned parcels are developed with small unserviced industrial uses. The Assiniboine Park-Fort Garry Community Committee recommended that these industrial zoned parcels of land, as shown on Schedule "A" attached hereto and dated December 10th, 1990 be rezoned to an "A-5" Restricted Agricultural District to reflect the existing land use.

The land in the vicinity of Liberty Street and Loudoun Road was zoned as an "M1" Industrial District under The Charleswood Town Planning Scheme 1951. Said "M1" District permitted both industrial and residential development. The land fronting on Liberty Street and Loudoun Road developed with a mixture of industrial and residential land uses, the latter gaining prominence over the years. The Tuxedo-Fort Garry- Charleswood Zoning By-law No. 1800, approved in 1971, reflected the existing zoning in the Liberty-Loudoun area, designating the land as an "M1" Light Industrial District. The residents of the area opposed the industrial zoning classification, and the City initiated an amendment to the zoning by-law to rezone lands in the area from an "M1" District to an "A" General Agricultural District and an "A-5" Restricted Agricultural District.

Upon the recommendation of the Assiniboine Park-Fort Garry Community Committee, certain portions of the land, those developed with industrial uses, were subsequently deleted from the draft by-law and remained in the industrial zoning classification. This rezoning was approved in 1973 pursuant to By-law 282/73.

At that time the Greater Winnipeg Development Plan designated the subject lands as "Working Area Reserve", however, in order to ensure the preservation of the predominant residential character of the area, Council in 1975 adopted By-law 1002/75 which reclassified the land in the vicinity of Liberty Street and Loudoun Road to a "Living Area A".

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Noting the lack of urban services and the predominant "A-5" Restricted Agricultural District Zoning, Plan Winnipeg designated these lands as a "Rural Area". The intention of this designation is to protect the rural residential character and to discourage further unserviced industrial development.

If the lands in question are rezoned from an "M1" Limited Industrial District to an "A-5" Restricted Agricultural District, any existing industrial uses will establish non-conforming rights. Any change from the existing non-conforming use to another industrial use would require approval through a variance application.

A Public Meeting was held before the Assiniboine Park-Fort Garry Community on November 21st, 1990.

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

Mr. R. Mitchell, District Planner, Planning Department, 395 Main Street,
on behalf of the Commissioner of Planning and Community Services,
John Duerksen, 1381 Liberty Street, Winnipeg, R3S 1A5,
Diane MacArthur, 1525 Loudoun Road, Winnipeg, R3S 1A3,
Henry Schmidt, 1265 Liberty Street, Winnipeg, R3S 1A5,
Nick Wiersema, 1370 Loudoun Road, Winnipeg, R3S 1A4,
Jerry W. Scott, 1234 Liberty Street, Winnipeg, R3S 1A6,
R. Finlayson, 1384 Liberty Street, Winnipeg, R3S 1A6,
Gary Smith, 1410 Liberty Street, Winnipeg, R3S 1A6.

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

George Gerbrandt, 1449 Loudoun Road, Winnipeg, R3S 1A3,
Albert Gerbrandt, 41 Alboro Road, Headingley, R0H 0J0,
Dave Kafka, 1225 Loudoun Road, Winnipeg, R3S 1A3,
Milton Kelm, 71 Musgrove Street, Winnipeg, R3R 2J2,
Elery Wood, 741 Coventry Road, Winnipeg, R3R 1B8,
Marvin R. Sanness, 390 Hillery Crescent, Winnipeg, R2Y 0Y7,
Darcy Baker, 1210 Wolseley Avenue, Winnipeg, R3G 1H4.

The Assiniboine Park-Fort Garry Community Committee recommended that the proposed zoning change be approved on Lots 3, 4, 5, 6, 7, 8 and 9 as identified on Schedule "B", attached hereto and dated December 10th, 1990 for the following reasons:

1. The existing "M1" Limited Industrial District zoning conflicts with the Plan Winnipeg designation of "Rural Area" in this area.

2. The predominant development in this area is rural residential and this rezoning of property will protect the character of the area and prevent further unserviced industrial development.

3. The rezoning of the subject lands is consistent with good planning principles and in the best interest of the immediate area.

The above recommendation is incorporated within the following recommendations as shown on Schedule "C", attached hereto and dated January 2nd, 1991.

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

I. That By-law No. 1800 be amended by rezoning the subject lands as shown outlined on Schedule "C" under File No. DAZ 259/90, attached hereto and dated January 2nd, 1991 to an "A-5" Restricted Agricultural District.

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

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

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 Nos. 473, 474 and 475 for attachments.)

REZONING - 1124 Corydon Avenue - Assiniboine Park-Fort Garry Community
File No. DAZ 262/90.

465 - 7. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. Jake Peters, 159 Lake Street, to amend By-law No. 1800 by rezoning the land commonly known as 1124 Corydon Avenue from an "R1-4" Single Family District to a "C2" General Commercial District to allow for the establishment of a professional office (engineer).

The subject property is zoned "R1-4" Single-Family District and contains a 1 ½ storey dwelling which appears well maintained. The property abuts a parcel of land to the east, zoned "C2" General Commercial District, which contains a recently constructed single storey commercial building. Adjacent properties to the north, south and west are zoned "R1- 4" and contain houses of similar style and vintage.

The Planning Department cannot support this application for rezoning for the following reasons:

1. The subject property, along with others fronting Corydon Avenue, was down-zoned under DAZ 276/80 from "R3" Multiple-Family District (City of Winnipeg By-law No. 16502) in order to preserve the single-family residential character of the general area. In the interest of this neighbourhood character, the encroachment of commercial uses should also be avoided.

2. From a planning and land use perspective, there are no compelling reasons or extenuating circumstances which might favour a relaxation of departmental policy in the present instance. Allowing this rezoning would therefore set a dangerous precedent for further re-zoning requests along the Corydon Avenue frontage, to the detriment of the residential component.

A Public Meeting was held before the Assiniboine Park-Fort Garry Community Committee on December 11th, 1990.

The following persons appeared in support of the application:

Jake Peters, 159 Lake Street, Winnipeg, R3J 3B6,
Arthur J. Pankratz, 91 Harvard Avenue, Winnipeg, R3M 0J7.

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

Robert Lelieveld, 1132 Corydon Avenue, Winnipeg, R3M 0Y9,
George Iluk, 1152 Corydon Avenue, Winnipeg, R3M 0Y9 (by way of communication dated November 27th, 1990).

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

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1. The subject property, along with others fronting Corydon Avenue, were rezoned under File DAZ 276/80 from "R3" Multiple Family District to "R1-4" Single-Family District in order to preserve the single-family residential character of the general area.

2. To allow the subject property to be rezoned would set a dangerous precedent for further rezoning requests along Corydon Avenue frontage, which would be to the detriment of the residential component in the area.

Your Committee on Planning and Community Services concurs in the recommendation of the Assiniboine Park-Fort Garry Community Committee and recommends that the proposed zoning change to amend Zoning By-law No. 1800 by rezoning land under File No. DAZ 262/90 from an "R1-4" Single- Family District to a "C2" General Commercial District be not proceeded with.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

REZONING - 152 Bertrand Street - St. Boniface-St. Vital Community
File No. DAZ 263/90 (c/r DASZ 15/90).

466 - 8. Your Committee on Planning and Community Services has been advised that an application has been received from DS Lea Consultants Ltd. on behalf of the St. Boniface General Hospital to amend The St. Boniface Town Planning Scheme 1957 to rezone the lands commonly known as 152 Bertrand Street from an "R2-T" Two-Family Transitional District to a "C2" Commercial District to allow for future hospital expansion.

Under the terms of the Zoning Agreement recommended pursuant to DASZ 15/90, this land if rezoned would become a landscaped set-back from the easterly limit of the "C2" District.

This application was anticipated with the acquisition of the land by the St. Boniface General Hospital. The site abuts the boundary of the "medical precinct" and would constitute the landscaped buffer to any building constructed to the west.

The application is entirely consistent with the proposal under DASZ 15/90, if approval is made subject to the same conditions as were applied to that application.

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

Mr. Paul McNeil, DS Lea Consultants Ltd., 111 - 91 Lombard Avenue, Winnipeg, R3B 3H1, appeared on behalf of the St. Boniface General Hospital, 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 reason:

1. Approval of this application will provide enhancement to the area.

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

I. That The St. Boniface Town Planning Scheme 1957 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 263/90, attached hereto and dated January 2nd, 1991, to a "C2" Commercial District subject to the following:

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

1. That the use of the land be restricted to the following uses: a. hospital; b. accessory uses, not including any parking structure;

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

3. That no building on the land exceed the height limit defined by the slope: from 25 feet above grade at the easterly limit of the proposed new street which abuts the land (and its production north and south) increasing 10 feet above grade for each seventy-five feet in horizontal distance to the west from that limit and its production;

4. That a landscaped set-back be provided and maintained to any building, structure (other than a fence), parking or loading area, or refuse storage facility not less than 25 feet in depth from the easterly limit of the "C2" District:

5. That an opaque wood fence, not less than 4 feet in height, be established and maintained on the east limit of the land;

6. That no vehicular approach for ingress to or egress from the land be located on any public Right-of-Way which intersects with Kenny Street;

7. 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.

B. That the Servicing Agreement under DASZ 15/90 apply also to the subject site.

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. (Note: Subject lands for this application, namely DAZ 263/90 may be included within the rezoning by-law for DASZ 15/90).

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

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

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

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

VII. That Council, pursuant to Subsection 642(22) of The City of Winnipeg Act, find that in their opinion the lands under DAZ 263/90 may be included within the plan of subdivision for DASZ 15/90 since this would not constitute a significant change to the plan and will not prejudice the public or any interested person.

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Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 476 for attachment.)

REZONING - 66 St. Anne's Road - St. Boniface-St. Vital Community
File No. DAZ 264/90.

467 - 9. Your Committee on Planning and Community Services has been advised that an application has been received from Wolch, Pinx, Barristers and Solicitors, 904 - 444 St. Mary Avenue, to amend The St. Vital Town Planning Scheme 1951 by rezoning the land commonly known as 66 St. Anne's Road from an "R3" Multiple-Family District to a "C1" Limited Commercial District to allow for the establishment of an office business or professional contractors office.

The proposed change is consistent with the re-zoning of 60 St. Anne's Road, with commercial zoning opposite. The proposal is not inconsistent with other changes on St. Mary's Road and St. Anne's Road frontage, and may be less intensive than a permitted multiple-family development following land assembly.

Effects of the proposed use may be kept to a minimum, as long as the dwelling between No. 60 and No. 66 is not isolated by the change. Conditions are recommended to ensure that the effects of parking at the rear of the site are not detrimental to the adjacent dwelling.

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

The following persons appeared in support of the application:

Mr. J. Bueti, 4208 Grant Avenue, Winnipeg, R3R 0L2,
Mr. Frank Bueti, 904 - 444 St. Mary Avenue, Winnipeg, R3C 3T1,
Mr. Tony Spezzeno, 6303 Southboine Drive, Winnipeg, R3R 0B7.

No one appeared in opposition thereto.

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

1. There was no opposition to the application.

2. Approval of this application will not have a substantial adverse effect on the neighbourhood and is in fact, a preferred use for this area.

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

I. That The St. Vital Town Planning Scheme 1951 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 264/90, attached hereto and dated January 4th, 1991, to a "C1" Limited Commercial District subject to the following:

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

         a. offices, business or professional,
         b. accessory uses.

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

3. That no new structure be erected within the rear 4 feet of the site, and that the rear 4 feet be dedicated for future lane widening by means of a non-registered transfer of the land.

4. That an opaque wood fence, not less than four feet in height, be established and maintained at the north and east limits of the parking area.

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

II. That the 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 be authorized to execute said Zoning Agreement.

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

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 477 for attachment.)

SUBDIVISION AND REZONING - East of Lagimodiere Boulevard, north of Perfanick Drive - East Kildonan- Transcona Community. File No. DASZ 44/85.

468 - 10 Your Committee on Planning and Community Services has been advised that an application has been received from Qualico Development Ltd., 30 Speers Road, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 4440/86 by rezoning lands located east of Lagimodiere Boulevard, north of Perfanick Drive from an "AR-5" Agricultural-Residential District to "R1-5" and "R1-4" Single- Family Districts and a "PR" Park and Recreational District to permit the establishment of a single-family development and a school site as illustrated on Schedule "A" dated January 4th, 1991.

Qualico proposes to develop Phase II of the Harbour View South subdivision. The development proposal includes 45.73 acres of land under the control of the company. There are to be 180 "R1-4" Single-Family building sites, and 23 "R1-5" lots. A school site is proposed to be located north of the extension of Concordia Avenue.

An existing retention lake located within Phase I of the Harbour View South subdivision is to be enlarged by 4 acres under this proposal. Concordia Avenue will be extended within the boundaries of the subdivision. Provision will be made to provide a buffer zone adjacent to the high pressure gas transmission pipeline which passes through the subject area.

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The Manitoba Public Utilities Board advised that the gas transmission line passing through the subject site has a maximum operating pressure of 1725 kPa (250 psi). The Manitoba Public Utilities Board recommended that a 50 foot buffer be maintained on both sides of the gas line right-of-way.

The Streets and Transportation Department stated that in order to move traffic efficiently within and beyond the proposed subdivision the construction of either 2 lanes of concrete pavement in Concordia Avenue to Lagimodiere Boulevard or the construction of improvements in Grassie Boulevard between McLellan Drive and Lagimodiere Boulevard will be required. The Right-of-Way does not presently exist to provide for the extension of Concordia Avenue to Lagimodiere Boulevard. The construction of additional lanes and related improvements on Grassie Boulevard between McLellan Drive and Lagimodiere Boulevard is an obligation of another developer, North Grassie Properties Ltd., under the terms of its Development Agreement AG 57/86 with the City. It is anticipated that the Grassie Boulevard improvements will be constructed in 1991.

The Waterworks, Waste and Disposal Department recommended that the developer abandon the existing stormwater pump station and construct an outfall to Bunn's Creek. The City would reimburse the developer for the cost of this work in excess of the developer's share thereof.

The Parks and Recreation Department advised that they have no major objections to the proposal. The Parks and Recreation Department identified that park and open space dedicated under DASZ 44/85 is dependent on the full development of land lying south of the subject property. The Parks and Recreation Department recommended that in order to facilitate the consolidation of a community park, future development applications must provide for land dedications as illustrated conceptually on Schedule "C".

The Planning Department supports the aforementioned recommendation of the Parks and Recreation Department. The Planning Department also is concerned that the private landowners, those individuals owning land south and west of the subject property, be treated in a fair and equitable manner in terms of future subdivision in the area. To ensure such treatment, it would be advisable that a concept plan for the remaining lands lying north of the C.P.R. Molson Line, be established by the developer, so that the subject land and adjacent lands can be developed in a rational manner and that the interests of surrounding landowners are not compromised. In order to retain flexibility for future subdivision planning, the Planning Department recommended that the proposed subdivision as illustrated on Schedule "A" be modified and that the lands as shown on Schedule "D" be deleted from the plan.

During the time period since the filing of this application, a number of significant modifications have been made in order to alleviate concerns of both the Planning Department and the East Kildonan-Transcona Community Committee. These modifications are reflected in the now proposed plan of subdivision shown on Schedule "E".

It is the opinion of the Planning Department that the subdivision/rezoning proposal should be proceeded with for the following reasons:

1. The residential land uses proposed within the subdivision would be compatible with those proposed on the adjoining lands.

2. The proposed subdivision would provide for a logical extension of the surrounding street pattern.

A Public Meeting was held before the East Kildonan-Transcona Community Committee on May 23rd and October 31st, 1989 and September 25th and November 1st, 1990.

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

Mr. E. Vogan, Qualico Developments Ltd., 30 Speers Road, Winnipeg, R2J 1L9,
Mr. & Mrs. Drobot, 61 Filbert Crescent, Winnipeg, R3W 1H7,
Mr. & Mrs. D. Karpish, 69 Filbert Crescent, Winnipeg, R3W 1H7,
Mrs. R. Calvez, 53 Filbert Crescent, Winnipeg, R3W 1H7,
Mr. C. Logan, 206 Rutledge Crescent, Winnipeg, R3W 1E7,
D. Cochrane & L. Manness, 22 Whittington Road, Winnipeg, R3W 1A3,
Mr. & Mrs. C. Parsley, 10 Timmerman Place, Winnipeg, R3W 1J9,
Mr. G. Walls, 42 Timmerman Place, Winnipeg, R3W 1J9,
Mr. R. Walls, 30 Timmerman Place, Winnipeg, R3W 1J9,
Mrs. K. Steinmann, 50 Whittington Road, Winnipeg, R3W 1H5,
Mr. & Mrs. Schroeder, 22 Timmerman Place, Winnipeg, R3W 1J9,
Mr. G. Tuckett, 18 Timmerman Place, Winnipeg, R3W 1J9,
Mr. R. Youngson, 46 Timmerman Place, Winnipeg, R3W 1J9,
Mrs. C. Black, 81 Filbert Crescent, Winnipeg, R3W 1H4,
Mr. B. Van Haute, 31 Radley Bay, Winnipeg, R3W 1J1,
Mr. & Mrs. G. Desrochers, 57 Filbert Crescent, Winnipeg, R3W 1H7,
Mr. & Mrs. Hassar, 198 Rutledge Crescent, Winnipeg, R3W 1E7,
Mr. L. Kohut, 202 Rutledge Crescent, Winnipeg, R3W 1E7,
Mr. & Mrs. R. Friesen, 65 Filbert Crescent, Winnipeg, R3W 1H7,
T. Barclay, 34 Radley Bay, Winnipeg, R3W 1H9,
Mr. J. Stevenson, 66 Whittington Road, Winnipeg, R3W 1H6,
Mr. A. K. Kellar, 1607 Concordia Avenue East, Winnipeg, R3W 1G9,
Mr. J. M. Anderson, 6 Evelyn Shannon Place, Winnipeg, R3W 1J7,
Mr. A. Honigman, 30 Speers Road, Winnipeg, R2J 1L9,
Mr. D. Bruce, 1109 Henderson Highway, Winnipeg, R2G 1L4,
Mr. & Mrs. F. Robson, 138 Rutledge Crescent, Winnipeg, R3W 1E6.

Mr. C. McCaw, 233 Hazeldell Avenue, Winnipeg, R2K 0P7, appeared for information purposes only.

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

Ms D. McDonald, Box 15, Group 6A, RR1B, Winnipeg, R3C 4A3,
Mr. & Mrs. J. Perfanick, 236 Almey Avenue, Winnipeg, R2K 4C7,
Messrs. G. & A. Crozier, 204 Crozier Avenue, Winnipeg, R2K 4E5 (subsequently withdrew their opposition),
Mr. & Mrs. D. Picklyk, 18 McLellan Drive, Winnipeg R3W 1G9 (subsequently withdrew their opposition),
Mr. & Mrs. D. McLean, 122 Williamson Crescent, Winnipeg, R3W 1E2 (subsequently withdrew their opposition),
Mr. & Mrs. S. Johnston, 62 McLellan Drive, Winnipeg, R3W 1G7,
Mr. B. Robertson, Box 15, Group 6A, RR1B, Winnipeg, R3C 4A3,
Mr. & Mrs. D. Reimer, 66 McLellan Drive, Winnipeg, R3W 1G7,
Mr. K. Manzuik, 35 Howard Kendel Place, Winnipeg, R3W 1G6,
Mr. E. Thiessen, 126 Williamson Crescent, Winnipeg, R3W 1E3,
Mr. & Mrs. J. Jaworsky, 1541 Lagimodiere Boulevard, Winnipeg, R2C 2Z2, (submitted letter in opposition designated as Exhibit No. 9),
Mr. M. Jaworsky, 1541 Lagimodiere Boulevard, Winnipeg, R2C 2Z2,
Mrs. P. Machado, 43 Parasiuk Place, Winnipeg, R3W 1G1,
Mr. K. Barrett, 114 Williamson Crescent, Winnipeg, R3W 1E3,
Mr. A. Suga, 115 Williamson Crescent, Winnipeg, R3W 1E3,
Mr. B. Prosyk & Ms T. Wach, 119 Williamson Crescent, Winnipeg, R3W 1E3,
Mr. & Mrs. T. Bergman, 127 Williamson Crescent, Winnipeg, R3W 1E3,
Ms B. McGimpsey, 75 Whittington Road, Winnipeg, R3W 1H6,
Mr. R. Schultz, 42 Whittington Road, Winnipeg, R3W 1H5,
Mr. G. Balzar, 35 Whittington Road, Winnipeg, R3W 1H6,
Mr. D. Demski, 30 Whittington Road, Winnipeg, R3W 1H5,
Mrs. L. McLean, 355 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mrs. R. Kein, 58 McLellan Drive, Winnipeg, R3W 1G7,
Mr. G. Mulvihill, 54 McLellan Drive, Winnipeg, R3W 1G7,

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Mr. L. & Mrs. K. Norris, 56 Williamson Crescent, Winnipeg, R3W 1G4,
Mrs. K. Steinmann, 50 Whittington Road, Winnipeg, R3W 1H5, (withdrew opposition and spoke in support),
Mr. G. Jarvis, 7 Howard Kendel Place, Winnipeg, R3W 1G6,
Mr. D. Sokol, 22 McLellan Drive, Winnipeg, R3W 1G9,
Mrs. K. Epp, 453 Grassie Boulevard, Winnipeg, R2C 2Z2,
Ms J. Rislund, 421 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mr. R. Townsend, 1642 Concordia Avenue, Winnipeg, R3W 1J2,
Mr. W. Zajac, 35 McMahon Place, Winnipeg, R3W 1H1,
Mr. K. Mulligan, 75 Whittington Road, Winnipeg, R3W 1H6,
Mr. & Mrs. T. Mathes, 34 Whittington Road, Winnipeg, R3W 1H5,
Mr. B. Harris, 589 Roch Street, Winnipeg, R2K 2P7,
Mr. A. Mandel, 75 Lincrest Road, Winnipeg, R2V 2S8,
Mr. R. J. Fraser, 845 Louelda Street, Winnipeg, R2K 3H3,
Mr. B. Dhillon, 319 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mr. K. Verhaeghe, 26 Parasiuk Place, Winnipeg, R3W 1E9,
Mr. K. Crozier, 117 Pike Crescent, Winnipeg, R2K 3C1,
Mrs. E. Estabrooks, 103 Williamson Crescent, Winnipeg, R3W 1E3,
Mr. R. Funk, 410 Grassie Boulevard, Winnipeg, R3W 1G4,
B. Sych, 417 Grassie Boulevard, Winnipeg, R2C 2Z2,
Mr. & Mrs. W. Lambert, 15 Howard Kendel Place, Winnipeg, R3W 1G6,
Mr. & Mrs. J. Wilgosh, 251 Rutledge Crescent, Winnipeg, R3W 1E4,
Mr. D. & Mrs. R. Smyrski, 2 Whittington Road, Winnipeg, R3W 1H3, (subsequently withdrew their opposition),
Mr. & Mrs. R. Naumiuk, 170 Rutledge Crescent, Winnipeg, R3W 1E7, (subsequently withdrew their opposition).

The East Kildonan-Transcona Community Committee recommended that the proposed subdivision and rezoning be approved subject to a number of conditions all of which have been incorporated within the following recommendations.

The East Kildonan-Transcona Community Committee requested that the Land Development Department include an additional condition in the Administration's Report to the Committee on Planning and Community Services with regard to the installation of barricades at the south end of the existing pavements on Concordia Avenue, Rutledge Crescent and Filbert Crescent prior to the start of any construction as part of the conditions to be imposed in connection with the approval of this application. Condition I. G. reflects the change requested by the Community Committee.

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

I. That the plan of subdivision proposed under File No. DASZ 44/85 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "E" attached hereto and dated January 4th, 1991 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 report of the Administrative Co- ordinating Group dated October 25th, 1990, as amended by the Administrative Co-ordinating Group Report dated November 1st, 1990, attached hereto as Schedules "F" & "G", with the following additional amendments, namely:-

A. That Condition No. 6 e) be amended by deleting the words "chain link" in the second line thereof and adding the words "post and chain" in its place.

B. That Condition No. 9 a) i) be amended by deleting the word "development" in the first line thereof and replacing it with the words "building permits"; and by deleting the word "permitted" in the first line thereof and replacing it with the word "issued".

C. That Condition No. 9 b) i) and ii) be deleted in its entirety.

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D. That Condition No. 12 b) be amended by adding the words "or a combination of pavement and landscaped area all to the satisfaction of the General Manager of Parks and Recreation and the Commissioner of Works and Operations" after the word "areas" in the third line thereof.

E. That Condition No. 20 a) be amended by replacing the word "may" with the word "will" in the second last line thereof.

F. That Condition No. 25 be amended by adding the words "North- South" after the word "future" in the fourth line thereof; and by adding the words "and the proposed extension of Concordia Avenue" after the word "corridor" in the fourth line thereof.

G. That Condition No. 20 be amended by adding the following new subsection (c): "The Developer shall, at no expense to the City, install full right-of-way width barricades at the south end of the existing pavements on Concordia Avenue, Rutledge Crescent and Filbert Crescent prior to the start of any construction. The barricades shall include all necessary signing and shall remain in place until house building is complete and occupancy of houses commences or as determined by the Commissioner of Works and Operations."

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-law upon submission by the applicant of a sworn plan of subdivision in accordance with Recommendation I. above.

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

A. By rezoning subject land to an "R1-4" Single-Family District and a "PR" Park and Recreation District as shown on said Schedule "E";

B. By providing the following the special rear yard setbacks for any lot that has a rear lot line abutting or partly abutting the boundary of lands containing a stormwater retention lake, as shown on said Schedule "E", namely:

a. a minimum of 25.9 metres (85 feet) measured from that rear lot line to any principal building, and

b. a minimum of 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;

C. By providing a special setback for any lot that abuts the existing high pressure gas pipeline right-of-way as shown on said Schedule "E" of 15.24 metres (50 feet) from the right-of- way to any principal building.

NOTE: The map attached as Schedule "E" to the Community Clerk's report designates the proposed school site on Concordia Avenue as an "R1-4" Single-Family District, however, a school (public or private) is not a permitted use in that District. That map which is also attached hereto as Schedule "E" has been revised by changing the zoning designation to a "PR" category which is the zoning district required for use as a school. The map has also been revised to designate the storm water retention lake and impoundment area "PR" as advertised.

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

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VI. That the "R1-4" Single-Family District shall come into effect when the plan of subdivision approved pursuant to Recommendation No. I above is registered in the Winnipeg Land Titles Office. VII. That the subdivision/rezoning by-law be forwarded to Council for all three readings when all necessary agreements have been executed.

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 of the above in accordance with the terms of The City of Winnipeg Act.

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

Moved by Councillor Gilroy,

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

Carried.

SUBDIVISION AND REZONING - East of McLellan Drive between Grassie Boulevard and Rutledge Crescent - East Kildonan-Transcona Community
File No. DASZ 5/89.

469 - 11. Your Committee on Planning and Community Services has been advised that an application has been received from Betron Holdings Ltd., 26 Ranch Road, Winnipeg, for approval of a plan of subdivision and related zoning change to the East Kildonan-Transcona Zoning By-law No. 4440/86 by rezoning lands located east of McLellan Drive between Grassie Boulevard and Rutledge Crescent, from an "AR-5" Agricultural-Residential District and an "R1-5.5" Single-Family District to an "R1-5" Single-Family District for the purpose of establishing 10 new single-family building sites.

The applicant proposes to create 10 new single-family lots from an existing 2 acre parcel of land at 430 Grassie Boulevard. The property extends 439 feet south from Grassie Boulevard and has a frontage on Grassie Boulevard of 200 feet. Williamson Crescent will be extended eastward to allow for new lot development.

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

A Public Meeting was held before the East Kildonan-Transcona Community Committee on December 11th, 1990.

Mr. Doug Henne, 917 Simpson Avenue, Winnipeg, R2K 1S5 appeared in support of the application.

Mr. Erdman Thiessen, 126 Williamson Crescent, Winnipeg, R3W 1E3, appeared in opposition thereto.

Doug McLean, 122 Williamson Crescent, Winnipeg, R3W 1E2, appeared for information.

The East Kildonan-Transcona Community Committee recommended that the proposed subdivision and rezoning be approved 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 recommendations of the East Kildonan-Transcona Community Committee and recommends:

I. That the plan of subdivision proposed under File No. DASZ 5/89 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" attached hereto and dated January 9th, 1991, for registration in the Winnipeg Land Titles Office subject to the applicant entering into a

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Development Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated November 29th, 1990 attached hereto as Schedule "B"; with the following amendments thereto, namely:

A. That Recommendation 3. be deleted in its entirety.

B. That Recommendation 5 b) be amended to read as follows:

"The Developer shall ensure that no building is occupied on the Williamson Crescent extension nor application made for water turn on for domestic use prior to the construction of street pavements."

C. That Recommendation 5 d) be amended by deleting the word "and" in the seventh line thereof and substituting therefore the word "or"; and adding in the eighth line thereof following the words "Grassie Boulevard" the words "whichever occurs sooner".

D. That Recommendation 6.iv) be amended to read as follows: "Concrete Pavement (3.75 m x 150 mm) 200' x $100.00 per foot = $20,000.00"

E. That Recommendation 6.vi) be amended by deleting the figure "$51,300.00" in the third line thereof and substituting therefore the figure "$45,130.00".

F. That Recommendation 13. be amended by adding at the end thereof the following sentence; "Access to the proposed subdivision during servicing and house construction shall be directly off Grassie Boulevard i.e. McLellan Drive and Williamson Crescent shall not be used."

G. That Recommendation 16. be amended to read as follows:

"The Developer shall install signs at the entrance to the subdivision upon which is displayed a plan of subdivision showing thereon the locations of community mailboxes to be installed if applicable."

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 By law No. 4440/86 be amended, by rezoning the subject land as shown on Schedule "A" attached hereto and dated January 9th, 1991 to an "R1 5" Single Family District.

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

V. That the "R1 5" zoning shall come into force and effect when the plan of subdivision has been registered in the Winnipeg Land Titles Office.

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.

Carried.

(Note: See Minute Nos. 478 and 479 for attachments.)

470 - Schedule “A” referred to in Clause 5 of the Report of the Committee on Planning and Community Services, dated January 28th, 1991

(NOTE: SEE PAGES 538 TO 539 OFFICIAL SET OF MINUTES FOR ATTACHMENT)

471 - Schedule “B” referred to in Clause 5 of the Report of the Committee on Planning and Community Services, dated January 28th, 1991

(NOTE: SEE PAGE 540 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

472 - Schedule “C” referred to in Clause 5 of the Report of the Committee on Planning and Community Services, dated January 28th, 1991

(NOTE: SEE PAGE 541 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

473 - Schedule “A” referred to in Clause 6 of the Report of the Committee on Planning and Community Services, dated January 28th, 1991

(NOTE: SEE PAGE 542 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

474 - Schedule “B” referred to in Clause 6 of the Report of the Committee on Planning and Community Services, dated January 28th, 1991

(NOTE: SEE PAGE 543 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

475 - Schedule “C” referred to in Clause 6 of the Report of the Committee on Planning and Community Services, dated January 28th, 1991

(NOTE: SEE PAGE 544 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

476 - Schedule “A” referred to in Clause 8 of the Report of the Committee on Planning and Community Services, dated January 28th, 1991

(NOTE: SEE PAGE 545 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

477 - Schedule “A” referred to in Clause 9 of the Report of the Committee on Planning and Community Services, dated January 28th, 1991

(NOTE: SEE PAGE 546 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

478 - Schedule “A” referred to in Clause 11 of the Report of the Committee on Planning and Community Services, dated January 28th, 1991

(NOTE: SEE PAGE 547 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

479 - Schedule “B” referred to in Clause 11 of the Report of the Committee on Planning and Community Services, dated January 28th, 1991

(NOTE: SEE PAGES 548 TO 550 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

COMMITTEE ON PLANNING AND COMMUNITY SERVICES
CONSIDERATION OF BY-LAWS

480 - 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. 5633/91, a By-law of The City of Winnipeg to amend the Winnipeg Electrical By-law No. 5530/90. File Nos. E-1 and EB-2.1.

By-law No. 5634/91, a By-law of The City of Winnipeg to amend By-law No. 2466/79, being The City of Winnipeg Social Services By-law. File No. EH-2 and GG-1.

On motion of Councillor Gilroy, the rule was suspended and By-law No. 5605/91, a By-law of The City of Winnipeg to amend By-law No. 3541/83 being a By-law to regulate smoking, 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. EH-1.2.