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 November 5th, 1990, 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 November 5th, 1990, was considered clause by clause.

West Committee Room,
Council Building,
Winnipeg, November 5th, 1990.

His Worship the Mayor and Councillors:

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

ASSIGNMENT OF
ZONING/SUBDIVISION
AGREEMENTS
TO THE RURAL MUNICIPALITY OF
EAST ST. PAUL.
Files EP-1(AZ) and EZ(DAZ)-Ad Zone

120 - 1. Your Committee on Planning and Community Services has been advised that on January 1st, 1991, the Rural Municipality of East St. Paul will become a member of the Selkirk and District Planning Area. Thereafter, the administration of zoning and subdivision regulations will no longer be a responsibility of the City of Winnipeg.

A number of rezoning and subdivision applications processed by the City of Winnipeg in the Rural Municipality of East St. Paul have zoning and/or subdivision agreements attached thereto. These agreements are between the City of Winnipeg and the respective owners of land in the Rural Municipality of East St. Paul. In order that the Selkirk and District Planning Area may continue to administer these zoning agreements, the Crown Counsel of the Attorney General's Department, Province of Manitoba, has requested that the Agreements be assigned to the Rural Municipality of East St. Paul.

Your Committee on Planning and Community Services recommends:

I. That the City Solicitor be authorized to sign the necessary documents to assign the following agreements to the Rural Municipality of East St. Paul:

File No.	By-law No.	Dated	Zoning/Subdivision Caveat No.
1. DAZ 65/73	B/L 477/73	April 17th, 1974	Zoning - 236634
2. DAZ 48/74	B/L 992/75	December 4th, 1974	Sub. - 240358
3. DAZ 235/76	B/L 1584/77	March 2nd, 1977	Zoning - 259111
4. DAZ 295/79	B/L 2601/80	November 7th, 1979	Zoning - 80- 10504
5. DAZ 221/82	B/L 3444/83	September 15th, 1982	Zoning - 83- 68071
6. DASZ 44/75	B/L 1622/77	December 1st, 1976	Zoning - 248953
7. DASZ 45/79	B/L 3465/83	July 14th, 1982	Zoning - 84- 65572
8. DASZ 25/79	B/L 3794/84	November 7th, 1979	Zoning - 84- 83160
9. DAS 23/80	B/L 4915/88	December 7th, 1987	Sub. - 1040556
10. DASZ 35/81	B/L 3552/83	May 5th, 1982	Zoning - 83- 82241
11. DASZ 45/85	B/L 4395/86	April 9th, 1986	Zoning - 86- 99468
12. DASZ 32/85	B/L 4252/86	October 23rd, 1985	Zoning - 86- 32176
13. DAS 23/85	B/L 4397/86	October 23rd, 1985	Sub. - 86- 99803
14. DAS 10/86	B/L 4838/88	August 20th, 1986	Sub. - 1014808
15. DASZ 49/86	B/L 4662/87	April 15th, 1987	Zoning - 87- 84651
16. DASZ 55/87	B/L 4999/88	May 4th, 1988	Zoning - 1083213

Report of the Committee on Planning and Community Services, dated November 5th, 1990.

17.	DASSF 153/87		January 11th, 1988	Sub. - 88- 17274
18.	DASSF 110/84		July 30th, 1984	Sub. - 87- 33114
19.	DASSF 213/88		October 31st, 1988	Sub. - 1266655
20.	DAS 21/87	B/L 5477/90	August 2nd, 1990	Sub. - 1324063

II. 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.

ASSIGNMENT OF ZONING/SUBDIVISION AGREEMENTS TO THE RURAL MUNICIPALITY OF SPRINGFIELD. Files EP-1(AZ) and EZ(DAZ)-Ad Zone.

121 - 2. Your Committee on Planning and Community Services has been advised that on January 1st, 1991, the Rural Municipality of Springfield will become administering their own zoning and subdivision regulations. Thereafter, the administration of these regulations will no longer be a responsibility of the City of Winnipeg.

A number of rezoning and subdivision applications processed by the City of Winnipeg in the Rural Municipality of Springfield have zoning and/or subdivision agreements attached thereto. These agreements are between the City of Winnipeg and the respective owners of land in the Rural Municipality of Springfield. In order that the Rural Municipality of Springfield may continue to administer these zoning and/or subdivision agreements, the Crown Counsel of the Attorney General's Department Province of Manitoba has requested that the Agreements be assigned to the Rural Municipality of Springfield.

Your Committee on Planning and Community Services recommends:

I. That the City Solicitor be authorized to sign the necessary documents to assign the following agreements to the Rural Municipality of Springfield:

File No.	By-law No.	Dated	Zoning/Subdivision Caveat No.
1. DAZ 196/73	B/L 847/74	September 30th, 1974	Zoning - 233023
2. DAZ 64/74	B/L 1053/75	May 21st, 1975	Zoning - 251520
3. DAZ 228/77	B/L 1913/78	August 17th, 1977	Zoning - 248658
4. DAZ 267/78	B/L 2839/80	October 18th, 1978	Zoning - 80- 86617
5. DAZ 316/78	B/L 2328/79	June 6th, 1979	Zoning - 261729
6. DAZ 223/82	B/L 3316/82	July 14th, 1982	Zoning - 82- 78386
7. DAZ 277/84	B/L 4053/85	March 6th, 1985	Zoning - 1133921
8. DAZ 317/86	B/L 4639/87	June 17th, 1987	Zoning - 87- 81342
9. DAZ 208/87	B/L 5064/89	June 17th, 1987	Zoning - 1112020
10. DAZ 212/88	B/L 4919/88	May 25th, 1988	Zoning - 1057101
11. DASZ 26/76	B/L 1414/76	September 15th, 1976	Zoning - 243822
12. DAS 31/85	B/L 4698/87	January 21st, 1987	Sub. - 1010017
13. DASZ 47/86	B/L 4871/88	June 17th, 1987	Zoning - 1017273
14. DASZ 6/87	B/L 4778/87	November 12th, 1987	Zoning - 88- 20017
15. CA 1/87		January 5th, 1987	Sub. - 1100617
16. DASSF 32/84		March 5th, 1984	Sub. - 84- 91450
17. DASSF 639/89		September 11th, 1989	Sub. - 1269162

II. 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.

Report of the Committee on Planning and Community Services, dated November 5th, 1990.

ASSIGNMENT OF SUBDIVISION AGREEMENTS TO THE RURAL MUNICIPALITY OF TACHE.
Files EP-1(AZ) and EZ(DAZ)-Ad Zone.

122 - 3. Your Committee on Planning and Community Services has been advised that on January 1st, 1991, the Rural Municipality of Tache will be responsible for administering their own subdivision regulations. Thereafter, the administration of subdivision regulations will no longer be a responsibility of the City of Winnipeg.

A number of subdivision applications processed by the City of Winnipeg in the Rural Municipality of Tache have subdivision agreements attached thereto. These subdivision agreements are between the City of Winnipeg and the respective owners of land in the Rural Municipality of Tache. In order that the Rural Municipality of Tache may continue to administer these subdivision agreements, the Crown Counsel of the Attorney General's Department, Province of Manitoba, has requested that the Agreements be assigned to the Rural Municipality of Tache.

Your Committee on Planning and Community Services recommends:

I. That the City Solicitor be authorized to sign the necessary documents to assign the following agreements to the Rural Municipality of Tache:

File No.	By-law No.	Dated	Zoning/Subdivision Caveat No.
1. DAS 46/76	B/L 2158/78	October 5th, 1977	260997
2. DAS 29/79	B/L 2707/80	February 20th, 1980	80-52132
3. DAS 22/83	B/L 4040/85	September 5th, 1984	85-84356
4. DAS 28/84	B/L 4113/85	April 17th, 1985	86-6067
5. DAS 5/85	B/L 5059/88	May 4th, 1988	1117324
6. DAS 34/86	B/L 4589/87	October 15th, 1986	87-61999
7. DAS 18/87	B/L 4839/88	December 2nd, 1987	1016706
8. DASSF 678/89		December 4th, 1989	1288239
9. DASSF 299/86		November 21st, 1988	1153833

II. 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.

EXTENSION OF TIME - Zoning north side Kimberly Avenue between London Street and - Gateway Road - East Kildonan-Transcona Community.
File No. DAZ 239/88.

23 - 4. Your Committee on Planning and Community Services has been advised that an application was made by R. K. J. Enterprises Ltd., 1382 Henderson Highway for a proposed zoning change to By-law No. 4440/86 for rezoning of the lands located on the north side of Kimberly Avenue between London Street and Gateway Road, from an "RA" Single-Family District to an "RM-2" Multiple Family District. This recommendation was adopted by Council on September 14th, 1988, subject to the By-law being enacted prior to September 14th, 1990.

Since this time period has lapsed the applicant is now requesting an extension of time to September 14th, 1992 due to a slow economy as well as high interest rates which have been a deterrent factor in proceeding to develop the lands for a multiple family dwelling.

It is considered that such an extension would have no adverse effect on any person or property.

On September 25th, 1990, the East Kildonan-Transcona Community Committee approved the request for a two

Report of the Committee on Planning and Community Services, dated November 5th, 1990.

year extension of time, subject to the applicant erecting a sign on the property illustrating to the neighbourhood that a multiple-family dwelling will be built on the site in the future.

The East Kildonan-Transcona Community Committee requested that your Committee give favourable consideration to extending the subject zoning agreement dates to September 14th, 1992.

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

I. That Recommendation No. VI of the Report of the Committee on Planning and Community Services, dated August 29th, 1988 as adopted by Council on September 14th, 1988 under File No. DAZ 239/88 be rescinded and that the following be substituted therefor:

"VI. That in the event this application is not proceeded with expeditiously and the By-law is not enacted by September 14th, 1992, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that date."

II. That the applicant erect and maintain a sign on the site to indicate that future development of the site is proposed for multiple-family development. The location and type of sign to be approved by the Director of Environmental Planning.

Moved by Councillor Gilroy,

Adoption of the clause.

Carried.

ZONING AGREEMENT
AMENDMENT 827 Dakota Street St. Boniface-St. Vital Community.
File No. DAZ 314/85 (ZAA 18/90).

24 - 5. Your Committee on Planning and Community Services has been advised that an application has been received from Pratt McGarry Inc., 202 - 140 Bannatye Avenue, to amend the zoning agreement affecting 827 Dakota Avenue to amend Clause 10 of the Zoning Agreement executed as a condition of the enactment of the Rezoning of the subject property, which clause stipulated: "That no business on the land shall be conducted between the hours of 1:00 a.m. and 7:00 a.m." in order to permit the operation of a 24 hour restaurant.

The Zoning Agreement executed as a condition of DAZ 314/85 provides in clause 10 that:

"No business on the land shall be open between the hours of 1:00 a.m. and 7:00 a.m., but this clause shall not apply to licensed premises established in accordance with the requirements of The Manitoba Liquor Control Board."

Which then prohibits an unlicensed restaurant with 24 hour operation but allows a licensed restaurant with 24 hour operation.

Because the present rule allows the more disruptive use and prohibits the less disruptive use, it is absurd as well as unreasonable. It is unnecessary to limit the hours of operation of any use which is a Conditional Use, and which may be controlled through a Conditional Use Order.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on August 14th, September 12th and October 9th, 1990.

The following persons appeared in support of the application:

Mr. Wayne Pratt, 202 - 140 Bannatyne Avenue, Winnipeg, R3B 3C5,
Mr. John Prall, Pratt McGarry Inc., 202 - 140 Bannatyne Avenue, Winnipeg, R3B 3C5.

Report of the Committee on Planning and Community Services, dated November 5th, 1990.

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

Mr. Nelson Collins, 4 Fennbark Place, Winnipeg, R2M 4S3,
Ms Yvan Haeften, 14 Wakopa Place, Winnipeg, R2M 5H1,
Mr. R. L. Harvich, 14 Wakopa Place, Winnipeg, R2M 5H1.

The following persons registered in opposition thereto but subsequently left the meeting before the application was heard:

Mr. A. Rasmussen, 48 Homewood Drive, Winnipeg, R2M 5H7,
M. Oleschuk, 6 Fennbark Place, Winnipeg, R2M 4S4,
Mr. and Mrs. C. Campbell, 14 Plumtree Place, Winnipeg, R2M 4W6.

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

1. The buffer zone separating the shopping centre and the residential properties is large.

2. A 24 hour donut shop such as Tim Horton's is much more preferable than a fast food restaurant open until 1:00 a.m.

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

I. That Zoning Agreement DAZ 314/85 be amended as follows:

1. By deleting the words following "shall not apply to" in Clause 10 of the Agreement and substituting therefor the words "one restaurant adjacent to Dakota Street."

2. By adding the following new clause:

"That all parking to the east of the principal (existing) building be designated "Employee Parking Only", and that removable bollards, approved by the Fire Department, be installed in the driveway to the east of the existing building to restrict vehicular traffic; said bollards to be kept in place between the hours of 9:00 p.m. and 7:00 a.m."

II. That the Zoning Agreement not be amended until such time as:

1. The applicant replaces dead and dying trees on the west side of Hollyhock Road, to the satisfaction of the Commissioner of Protection, Parks and Culture.

2. The applicant obtains approval from the City for the additional parking and an additional private approach on Dakota Street, on lands now part of the Dakota right-of-way.

III. That the City Solicitor be requested to prepare the necessary amendment to Zoning Agreement DAZ 314/85 as approved in Recommendation I above.

IV. That the Proper Officers of the City be authorized to execute said amending agreement when Recommendation II has been complied with.

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

Moved by Councillor Gilroy,

Adoption of the clause.

Carried.

Report of the Committee on Planning and Community Services, dated November 5th, 1990.

REZONING - 1076 Selkirk Avenue
Lord Selkirk-West Kildonan Community.
File No. DAZ 210/90.

125 - 6. Your Committee on Planning and Community Services has been advised that an application has been received from Smordin, Gindin, Soronow, Ludwig, Barristers and Solicitors, on behalf of Mr. and Mrs. D. F. Ancheta, to amend By-law No. 4450/86 by rezoning the land commonly known as 1076 Selkirk Avenue from an "R1-2.5" Single-Family District to a "CF" Commercial-Fabrication District to permit the operation of an ornamental ironworks shop in an existing garage located at the rear of the property.

The "CF" Commercial-Fabrication zoning district would both accommodate the use and be consistent with the existing zoning along parts of the south side of Selkirk Avenue. The Department of Environmental Planning is of the opinion that all of the land south of Selkirk Avenue between the C.P.R. right-of-way and McPhillips Street is destined for commercial or light industrial development. Much of the above-noted area is already occupied by such uses, one of the few exceptions being the lot in question and several other residential lots lying to the east. Given the existing situation and the fact that the remaining properties are eventually destined for commercial/industrial development, the Department of Environmental Planning supports the application subject to certain conditions all of which have been incorporated within the following recommendations.

Both the District Engineer and the Streets and Transportation Department have requested that an eleven foot (11') widening be obtained along the Selkirk Avenue frontage. The future widening of Selkirk Avenue is necessary to bring the right-of way up to a 66 foot standard as opposed to the 50 foot width which currently exists.

A Public Meeting was held before the Lord Selkirk-West Kildonan Community Committee on February 27th, 1990.

The following persons appeared in support of the application:

Lyle Smordin, 805 - 386 Broadway, Winnipeg, R3C 3T5,
Dominador Ancheta, 1076 Selkirk Avenue, Winnipeg, R2V 0N8,
Teresita Ancheta, 1076 Selkirk Avenue, Winnipeg, R2V 0N8.

No one appeared in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning change be approved, subject to a number of conditions, all of which have been incorporated within the following recommendations for the following reason:

1. The "CF" Commercial Fabrication zoning would both accommodate the use and be consistent with the existing zoning already in place along much of the south side of Selkirk Avenue.

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

1. In its report to the Lord Selkirk-West Kildonan Community Committee, the Department of Environmental Planning omitted to recommend payment of a 10 percent dedication fee and the omission was carried through in the report of the Community Committee. It is assumed that the Community Committee intended to impose such a condition, pursuant to Section 605(1) of The City of Winnipeg Act. It should be noted, however, that the Zoning Agreement because it is for a 10 percent dedication only will not need to be registered against the land, as required in Recommendation V of the Community Committee's report.

   Neither the Community Committee, nor the Department of Environmental Planning recommended the execution of a Servicing Agreement, so reference to is has been removed from the following recommendations, the conclusion being that its presence in previous reports is an oversight.

Report of the Committee on Planning and Community Services, dated November 5th, 1990.

Your Committee on Planning and Community Services therefore recommends:

I. That By-law No. 4450/86 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 210/90, attached hereto and dated October 24th, 1990, to a "CF" Commercial-Fabrication 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 percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land for open space, park and recreational use based on the increase in the market value of the land.

II. That the applicant agree to sell to the City 3.353 metres (11 feet) of land for widening to the south side of Selkirk Avenue, in accordance with terms and conditions to be approved by the Committee on Finance and Administration, which terms may include the extension of the Reversionary Agreement presently existing on Lot 492.

III. That the approach and all accessory parking and loading areas and access driveway thereto be surfaced with asphalt or concrete, in accordance with subsection 19.(7) of PART XII of By-law No. 4450/86.

IV. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings when the Zoning Agreement and the Reversionary Agreement have been executed.

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

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

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

Moved by Councillor Gilroy,

Adoption of the clause.

Carried.

(Note: See Minute No. 134 for attachment.)

REZONING - 2350 McPhillips Street
Lord Selkirk-West Kildonan Community.
File No. DAZ 246/90.

126 - 7. Your Committee on Planning and Community Services has been advised that an application has been received from Fillmore & Riley to amend By-law No. 4450/86 by rezoning the land commonly known as 2350 McPhillips Street from a "C1" Local Commercial District to a "C2" Commercial District to allow for the establishment of a full services bank with a drive-thru teller.

The owners propose to construct a tiered Bank building no more than two storeys in height within which will be centered all of the Royal Bank services for the immediate area. The new building will be oriented towards the south

Report of the Committee on Planning and Community Services, dated November 5th, 1990.

(Court Avenue). Parking stalls (visitor) area to be provided both east and west of the new building. Employee parking is to be provided elsewhere off site. Access to the property will be provided both via Court Avenue and McPhillips Street and a drive-thru banking facility will be provided along the north side of the proposed building.

The subject property is situated at the north-west corner of McPhillips Street and Court Avenue and is currently zoned "C1" Commercial. A rezoning is therefore required in order to accommodate a Bank facility. As mentioned earlier, the Royal Bank intends to consolidate most of its local offices into the new structure. Twenty-six parking stalls are provided to meet visitor requirements but it is the view of the owners that many bank clients will avail themselves of the drive-thru facility. The proposed plans indicate that the drive-thru facility can accommodate up to 9 or 10 cars at any given time. The Department of Environmental Planning is of the opinion that the corner in question is an appropriate location for a Banking facility. Similarly the allowance for parking should be sufficient given that the Bank has a policy whereby employees have to make alternate parking arrangements.

A Public Meeting was held before the Lord Selkirk-West Kildonan Community Committee on September 4th, 1990.

The following persons appeared in support of the application:

Glen R. Peters, Fillmore & Riley, 1700 - 360 Main Street, Winnipeg, R3C 3Z3,
Alex Dratowany, Royal Bank of Canada, 15th Floor, 220 Portage Avenue, Winnipeg, R3C 3T5.

No one appeared in opposition thereto.

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

1. The corner in question is an appropriate location for a banking facility.

2. The allowance for parking should be sufficient given that the Bank has a policy whereby employees have to make alternate parking arrangements.

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

I. That By-law No. 4450/86 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 246/90, attached hereto and dated October 24th, 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:

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

   2. that no signs be permitted on the land except for one (1) free standing identification sign and one (1) drive-in teller sign provided that the height of said signs above finished grade are limited to a maximum of thirty (30) feet and have a setback of not less than ten (10) feet from the west limit of the existing McPhillips Street right-of-way;

   3. that no building shall be located within forth (40) feet of the west limit of the existing McPhillips Street right-of-way;

   4. that no parking shall be located within ten (10) feet of the west limit of the existing McPhillips right-of-way;

   5. that a minimum front yard of 3.048 metres (10.0 feet) be retained along the frontage of the subject site abutting McPhillips Street in order to allow for the future widening of the McPhillips Street right-of-way by 3.048 metres (10.0 feet) on the west side.

   A. That the applicant 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 August 22nd, 1990, attached hereto as Schedule "B" and dated October 24th, 1990 being amended as follows:

Report of the Committee on Planning and Community Services, dated November 5th, 1990.

(1) That Condition No. 1 be amended to provide for a right-of- way corner cut measuring 3.0 metres by 3.0 metres instead of 4.0 metres by 4.0 metres as outlined therein.

(2) That Condition No. 3 be amended by substituting the figures 3.96 metres (13.0 feet) with the figures 3.048 metres (10.0 feet) where they appear in the second and fifth lines therein.

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 and Servicing Agreement have been executed.

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

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 Nos. 135 and 136 for attachments.)

REZONING - 639 St. Anne's Road
St. Boniface-St. Vital Community.
File No. DAZ 247/90.

127 - 8. Your Committee on Planning and Community Services has been advised that an application has been received from Kevin and Sybil Lloyd, 15 Iowa Street to amend The St. Vital Town Planning Scheme 1951 by rezoning the land commonly known as 639 St. Anne's Road from an "RA" Suburban District and an "F" Flood Plain District to a "C1" Limited Commercial District (temporary rezoning) for the conversion of a dwelling to a commercial use (barbershop or beauty parlour).

The proposal would be a spot zoning change, and would therefore undermine the protection of existing housing on both frontages of St. Anne's Road. The proposal would particularly destroy the amenity of adjacent one-family housing to the north and south. Proposed site development with parking in the front yard and south side yard (immediately adjacent to the neighbouring dwelling) demonstrates complete insensitivity to the residential character of the area.

The establishment of commercial uses on the land is, at best, premature. The present use of the land is entirely suitable for riverbank property, and the dwelling is in very good condition. If, in the future, low-density housing is found inappropriate by all of the residents, it is suitable for the site to be redeveloped, in conjunction with adjacent lands, for multiple-housing.

At present, it is totally unacceptable that one dwelling be re-zoned for commercial use, and there is no justification whatsoever for the proposed change at this location.

Report of the Committee on Planning and Community Services, dated November 5th, 1990.

The suggestion that the proposed change be "temporary" would in no way reduce the detrimental effects of the proposal on adjacent housing, particularly in light of the totally insensitive site development which is proposed.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on August 14th and September 12th, 1990.

Kevin and Sybil Lloyd, 15 Iowa Street, Winnipeg, R2M 4P7 appeared in support of the application.

The following persons appeared in opposition thereto:

Mr. and Mrs. R. Painchaud, 641 St. Anne's Road, Winnipeg, R2M 3G6,
Mr. and Mrs. P. Doerksen, 635 St. Anne's Road, Winnipeg, R2M 3G6,
Mr. E. Warkentin, 649 St. Anne's Road, Winnipeg, R2M 3G6,
Mr. David Venema, 661 St. Anne's Road, Winnipeg, R2M 3G6.

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

1) The applicant made an error in that they purchased the property without first obtaining the necessary rezoning required for their proposed commercial operation.

2) The neighbours should not have to pay for the applicants' mistakes.

3) The application is not compatible with the neighbourhood at this time.

4) There is no shortage of commercial space in the area.

Your Committee on Planning and Community Services concurs in the recommendation of the St. Boniface-St. Vital Community Committee and recommends that the proposed zoning change to amend The St. Vital Town Planning Scheme 1951 by rezoning land under File No. DAZ 247/90 from an "RA" Suburban District and an "F" Flood Plain District to a "C1" Limited Commercial District be not proceeded with.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

REZONING - 114 St. Mary's Road
St. Boniface-St. Vital Community.
File No. DAZ 249/90.

128 - 9. Your Committee on Planning and Community Services has been advised that an application has been received from Mr. L. Frovich, 58 Applemans Bay to amend The St. Boniface Town Planning Scheme 1957 by rezoning the land commonly known as 114 St. Mary's Road from an "R4" Multiple-Family District to a "C1" Limited Commercial District to allow for the establishment of a professional office (engineer).

The appropriate use of land overlooking any park is residential. This site is proposed for commercial use because the property fronts on St. Mary's Road, and was for sale, and neither of these reasons is an appropriate basis for land use change.

None of the dwellings within the Norwood West neighbourhood which front on St. Mary's Road should be converted for commercial use, because traffic and parking for these sites must be oriented to residential lanes at the rear, or residential streets which intersect with St. Mary's Road (such as Tache Avenue).

Spot zoning changes undermine the intent of zoning at any time, but if approved, this proposal would stand as a precedent for the rezoning of frontage from Ferndale Avenue to Tache Avenue with significant detrimental effects on the character of Norwood.

Report of the Committee on Planning and Community Services, dated November 5th, 1990.

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

The following persons appeared in support of the application:

Mr. L. Frovich, 58 Applemans Bay, Winnipeg, R2N 2C6,
Ms V. Trood, 58 Applemans Bay, Winnipeg, R2N 2C6.

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

Mr. T. A. Saunders, 100 Tache Avenue, Winnipeg, R2H 1Z2,
Mrs. Elaine Hoorne, 141 Tache Avenue, Winnipeg, R2H 1Z4,
Mr. Guy Joubert, 72 Tache Avenue, Winnipeg, R2H 1Z1,
Mr. Patrick Leslie, 137 Lawndale Avenue, Winnipeg, R2H 1T2,
Mr. Ernie McLean, 151 Tache Avenue, Winnipeg, R2H 1Z4,
Mr. Aurelle Teffaine, 138 Tache Avenue, Winnipeg, R2H 1Z5,
Ms Brenda Leslie, 137 Lawndale Avenue, Winnipeg, R2H 1T2,
Mr. Daniel A. Hoorne, 141 Tache Avenue, Winnipeg, R2H 1Z4,
Ms Sonya Fawcett, 157 Tache Avenue, Winnipeg, R2H 0Z4,
Mr. and Mrs. P. DeCraene, 165 Birchdale Avenue, Winnipeg, R2H 1S3,
Mr. and Mrs. W. G. MacCallum, 142 Ferndale Avenue, Winnipeg, R2H 1V3,
Ms D. Cantin, 141 Tache Avenue, Winnipeg, R2H 1Z4,
Mr. James Dangerfield, 190 Claremont Avenue, Winnipeg, R2H 1W5,
Ms Liane Dartnell, 138 Tache Avenue, Winnipeg, R2H 1Z5,
Mr. Blair Dawe, 137 Tache Avenue, Winnipeg, R2H 1Z4,
Mr. Bert De Pape, 128 Lawndale Avenue, Winnipeg, R2H 1T3,
Mrs. Denise Doiron, 201 Claremont Avenue, Winnipeg, R2H 1W4,
Ms Joanne Doiron, 201 Claremont Avenue, Winnipeg, R2H 1W4,
Mr. Gord Guest, 129 Tache Avenue, Winnipeg, R2H 1Z4,
Mr. and Mrs. Bruce Grimes, 127 Tache Avenue, Winnipeg, R2H 1Z4,
Mr. and Mrs. Rich Hince, 56 Tache Avenue, Winnipeg, R2H 1Z1,
Mr. N. and Mrs. K. Ahin, 47 Tache Avenue, Winnipeg, R2H 1T9,
Mrs. Lorraine Labossiere, 55 Tache Avenue, Winnipeg, R2H 1Y9,
Mrs. Richard Leonard, 110 Lawndale Avenue, Winnipeg, R2H 1Y1,
Mr. and Mrs. J. Lafreniere, 102 Monck Avenue, Winnipeg, R2H 1W9,
Mrs. Lucette McLean, 151 Tache Avenue, Winnipeg, R2H 1Z4,
Mrs. Sandy McNeill, 140 Monck Avenue, Winnipeg, R2H 1X2,
Ms Gail Nep, 137 Tache Avenue, Winnipeg, R2H 1X2,
Ms Helen O'Connor, 142 Tache Avenue, Winnipeg, R2H 1Z5,
Mr. Bob Paizen, 154 Monck Avenue, Winnipeg R2H 1X2,
Mr. Terry Ryder, 109 Monck Avenue, Winnipeg, R2H 1W8,
Mr. Eugene Statkewich, 139 Lawndale Avenue, Winnipeg, R2H 1T2,
Mrs. June Watson, 200 Lawndale Avenue, Winnipeg, R2H 1T5,
Mrs. Margaret Wentz, 195 Lawndale Avenue, Winnipeg, R2H 1T4.

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

1. This is an old St. Boniface area with a unique character and Committee has a tremendous responsibility to protect and retain same.

2. It would be inappropriate to rezone this property to commercial when there are other sites in the area that are already available for commercial businesses.

3. Approval of this application would generate additional business traffic and would add to the existing parking problem in the area.

4. The District Planner's report indicated that no commercial properties should be located across from a park.

Your Committee on Planning and Community Services concurs in the recommendation of the St. Bonifact-St. Vital Community Committee and recommends that the proposed zoning change to amend The St. Boniface Town Planning

Report of the Committee on Planning and Community Services, dated November 5th, 1990.

Scheme 1957 by rezoning land under File No. DAZ 249/90 from an "R4" Multiple-Family District to a "C1" Limited Commercial District be not proceeded with.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

REZONING - South-west corner Machray Avenue and Cairnsmore Street, west side Penninghame Street, between Mountain and Church Avenues. Lord Selkirk-West Kildonan Community. File DAZ 250/90.

129 - 10. Your Committee on Planning and Community Services has been advised that an application has been received from the Commissioner of Planning and Community Services to amend By-law No. 4450/86 by rezoning the land located at the south-west corner of Machray Avenue and Cairnsmore Street, and the west side of Penninghame Street between Mountain and Church Avenues, from an "R1-3" Single-Family District and an "R1-4" Single-Family District to a "PR" Park and Recreational District.

The surrounding area is predominantly a single-family housing area. West of Penninghame Street and north of Church Avenue the lands are zoned "R1-4" Single-Family District. East and west of Cairnsmore Street the properties are zoned "R1-3" Single-Family District.

On May 3rd, 1988 the Lord Selkirk-West Kildonan Community Committee heard representation from area residents opposed to the proposed sale and subdivision of two parcels of City owned land situated south of Church Avenue between Penninghame Street and Cairnsmore Street. As a result of heavy opposition by the area residents to the proposed development by Manitoba Housing and Renewal Corporation, the offer to purchase the property as well as the short-form subdivision and variance applications were withdrawn. On July 5th, 1988, the Lord Selkirk-West Kildonan Community Committee was advised by the area Councillor that the residents wished to see the subject property retained for parks and recreational use. Shortly thereafter under DAZ 262/88, the subject parcels were rezoned to a "PR" Park and Recreational District.

During the public hearings for DAZ 262/88, the area residents made it clear that they desired to have the remaining neighbouring City parcels on Machray Avenue and Penninghame Street also rezoned to a "PR" Public Reserve zoning category, thus the reason for this application.

On January 10th, 1989, the Committee on Finance and Administration considered Item 11 of Report No. 2 of the Technical Advisory Committee on Civic Properties dated December 20th, 1988, relative to the sale and development of lots adjacent to the CPR Beach Line fronting on Penninghame Street and Cairnsmore Street; and referred the matter to the Committee on Protection, Parks and Culture for report as to the need of the subject property for park purposes.

The Parks and Recreation Department recommended that the City not retain the subject city-owned lots adjacent to the CPR Beach Line fronting on Penninghame Street and Cairnsmore Street for parks and recreation purposes because of (1)sufficient existing open space in the neighbourhood and (2) the maintenance costs of such small properties were considered to be greater than their value as open space to the community at large.

On June 12th, 1990, the Lord Selkirk-West Kildonan Community Committee again considered the question of designating City-owned lands in the above-noted area for parks and recreation purposes.

The Community Committee signified its intent to designate all five triangles of land as Parks and Recreation lands. To date, only two of the properties have been zoned "PR" Park and Recreational. It was the wish of the Community Committee to pursue its intent to designate all properties as a "PR" District.

The Community Committee therefore recommended that the Commissioner of Planning and Community Services be instructed to do all things necessary to pursue the rezoning of the following lands from Single-Family Residential District to a "PR" Parks and Recreational District:

1. Lots 1 to 4 and Part Lots 5 to 11; Block 8, Plan 192.
2. Lots 24 to 28 and Part Lots 29 to 37; Block 9; Plan 192.
3. Part Lots 40 and 41; Block 9, Plan 192.

The Department of Environmental Planning supports the proposed rezoning of the subject properties.

A Public Meeting was held before the Lord Selkirk-West Kildonan Community Committee on September 4th, 1990.

The following persons appeared in support of the application:-

Mr. K. Lalor, District Planner, appeared on behalf of the Commissioner of Planning and Community Services, Diane Chliboyko, 470 Penninghame Street, Winnipeg, R3C 4B3.

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 area residents are in favour of having this property retained for parks and recreational use.

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

I. That By-law No. 4450/86 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 250/90, attached hereto and dated October 24th, 1990 to a "PR" Park and Recreational District.

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

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

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 137 for attachment.)

REZONING - North-west corner Wilkes Avenue and Brock Street - Assiniboine Park-Fort Garry Community.
File No. DAZ 253/90.

130 - 11. Your Committee on Planning and Community Services has been advised that an application has been received from William R. Coady, 812 Dorchester Avenue, to amend By-law No. 1800 by rezoning the land located at the north-west corner of Wilkes Avenue and Brock Street from an "M2" Limited Industrial District to a "C2" General Commercial District to allow for site development to possibly include a church, cultural centre, personal care home, multiple-family dwelling and commercial development.

The Italian Canadian Community Development Corp. is proposing a 60 - 80 unit low rise seniors housing development on the subject lands as phase one of the proposed development. Future plans for the subject land and adjoining optioned City lands to the west include a possible personal care home, church, cultural/recreational centre and a small multi-tenant commercial development.

Preliminary plans of the housing component have been provided along with a conceptual plan of the final development.

The proposed church/cultural and housing development under consideration is similar in concept to the Grant Memorial Baptist Church and Immanuel Pentecostal Church developments located to the east of this site, and would be compatible with other land uses in the vicinity.

The Department of Environmental Planning considers the requested "C2" General Commercial District zoning appropriate for these lands, subject to the execution of a zoning agreement limiting permitted uses and containing site development controls.

While the existing "M2" District zoning allows a wide range of commercial uses, the proposed commercial component of this development is of some concern to the Department of Environmental Planning. The adjoining developments to the east have been permitted only commercial uses which are strictly ancillary to the residential components. The commercial needs of Lindenwoods have been planned for and an appropriate commercial site has been established at Waverley Street and Sterling Lyon Parkway meeting the community's needs.

If a commercial component is deemed acceptable, uses should be restricted and the site design controlled to minimize potential conflicts between the housing and commercial uses.

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

The following persons appeared in support of the application:

William R. Coady, 812 Dorchester Avenue, Winnipeg, R3M 0R7,
Gus Fiorino, 915 Kilkenny Drive, Winnipeg, R3T 3Z4,
Vincent J. Bueti, 54 Billingham Place, Winnipeg, R3P 2C1,
D. M. Fiore, 510 River Avenue, Winnipeg, R3L 0E1,
Dr. Frank and Elaine Albi, 100 Middle Gate, Winnipeg, R3C 2C7,
Joe Bova, 18 Winslow Drive, Winnipeg, R2M 4M9,
August A. and Virginia Cosentino, 10 Ghent Cove, Winnipeg, R3R 3K2,
Alessandra Esposito, 7 Oakdean Crescent, Winnipeg, R3J 3N4,
Tony Gagliardi, 8 Ronse Cove, Winnipeg, R3R 3K5,
Amiello Longobardi, 67 Thornhill Bay, Winnipeg, R3T 3W4,
Art and Josie Licidi, 15 Wallingford Crescent, Winnipeg, R3P 1C7,
Joe Paletta, 59 Waterbury Drive, Winnipeg, R3P 1R6,
Luciano and Lidia Toppazzini, 119 Lindenwood Drive West, Winnipeg, R3P 1K8.

A communication dated October 9th, 1990 from Emilio J. Guercio, Italian Canadian League of Manitoba, 556 Notre Dame Avenue, Winnipeg, R3B 1S4 was received in opposition thereto, requesting adjournment of the Public Meeting.

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

1. The Community Committee is very supportive of and very cognizant of the need for seniors housing and (personal) care home facilities, and this particular application deals with these two components.

2. Any broader use of the land involving other uses that might be established can be dealt with in the future, that is, after the completion of Phase I.

3. The proposed church/cultural and housing development is similar in concept to the Grant Memorial Baptist Church and Immanuel Pentecostal Church developments located to the east of this site, and therefore would be compatible with other land uses in the vicinity.

4. "C2" General Commercial District zoning is appropriate for these lands subject to the limited permitted uses and site development controls as set out in the zoning agreement. Your Committee on Planning and Community Services concurs in the recommendations of the Assiniboine Park-Fort Garry Community Committee and recommends:

   I. That By-law No. 1800 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 253/90, attached hereto and dated October 25th, 1990, to a "C2" General Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 605(1) of The City of Winnipeg Act to provide for the following:

      1. That the use of the land be restricted to

         - church and parish hall, including offices for the administration of the religious institution;
         - rectory or parsonage;
         - day care centre, occasional day care centre, group day care home;
         - nursing and care home;
         - multiple family dwelling (subject to conditional use approval);
         - physical cultural establishment; - sports fields;
         - banquet hall (subject to conditional use approval);
         - private and/or recreational club;
         - any other listed "C2" General Commercial District retail or services use providing that the total

square footage of these uses not exceed 5,000 sq. ft. in area.

2. That the first phase of the proposed development consist of a seniors housing complex and/or (personal) care home and that no other uses be established on the land until Phase I is constructed.

3. That final construction plans indicating the size, design including exterior finishing materials and location of the proposed buildings, accessory parking areas, fencing, landscaping and garbage enclosures be subject to the approval of the Assiniboia Park-Fort Garry Community Committee and the Commissioner of Planning and Community Services prior to the issuance of a building permit.

4. That any building be set back a minimum distance of 15.24 metres (50 feet) from Wilkes Avenue and that a 6.096 metre (20 foot) landscaped yard be provided adjacent to the above referenced street.

5. That any free standing sign provide a yard of not less than 7.6 metres (25 feet) to any property line.

6. That the design of any free standing sign 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 sign permit.

7. That no mobile advertising signs be permitted on the site.

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

II. That the applicant enter into a Servicing Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated September 21st, 1990, attached hereto as Schedule "B" for DAZ 253/90 and dated October 25th, 1990.

III. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings when the Zoning Agreement and Servicing Agreement have been executed, and one of the following has occurred:

A. the underground local improvement by-laws for services in Wilkes Avenue have been enacted, or

B. the Applicant has installed the required services or the services have been installed by others and the Applicant has paid his share of those services equivalent to the City's local improvement rates.

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

V. That the Proper Officers of the City be authorized to execute said Zoning and Servicing Agreements.

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

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

Moved by Councillor Gilroy,

Adoption of the clause.

Carried.

(Note: See Minute Nos. 138 and 139 for attachments.)

REZONING - 21 Aikins Street,
between Jarvis and Sutherland Avenues -
Lord Selkirk-West Kildonan Community.
File No. DAZ 254/90.

131 - 12. 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. 4450/86 by rezoning the land commonly known as 21 Aikins Street from an "M2" Industrial District to an "M3" Restricted Industrial District to reflect the existing use (scrap yard and auto wrecking facility).

On May 27th, 1987, the Lord Selkirk-West Kildonan Zoning By- law No. 4450/86 was passed. There were numerous zoning changes made with respect to both large tracts of land and individual properties. Depending on a given situation, parcels were occasionally up-zoned but more often than not were down zoned to reflect the long term land use objectives for a specific neighbourhood. In the case of the lands along Sutherland Avenue, west of Main Street, there was emphasis placed on down zoning as many of the existing "M3" parcels as possible to an "M2" Industrial category.

This was particularly evident where the parcels in question were either vacant or occupied by a designated "M2" Industrial Use. Where parcels were occupied by "M3" uses, the parcels were left "M3" to reflect the existing situation.

With respect to the subject parcel, it appears that the City erred by down zoning the land to an "M2" category which did not reflect the existing and long term use of the land. For years a licensed scrap metal and auto wrecking yard (which is clearly a listed "M3" Industrial use) had occupied the site. The down zoning was also not consistent with the way in which other adjacent parcels were able to retain their "M3" Industrial status.

The owners of the land, J. L. F. Enterprises have only recently become aware of the new zoning that was put in place in 1987. They wish to have the original "M3" zoning re-established as quickly as possible. The Commissioner of Planning and Community Services therefore initiated a rezoning application on behalf of the owners and the Department of Environmental Planning supports the proposed change.

A Public Meeting was held before the Lord Selkirk-West Kildonan Community Committee on October 2nd, 1990.

The following persons appeared in support of the application:-

Mr. K. Lalor, District Planner, on behalf of the Commissioner of Planning and Community Services,
Mr. Johnathon L. Fulop, President, J. L. F. Enterprises Ltd., 21 Aikins Street, Winnipeg, R2W 4E2.

No one appeared in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning change be approved subject to a number of conditions, all of which have been incorporated within the following recommendations for the following reasons:

1. The City erred by down-zoning the land to an "M2" category which did not reflect the existing and long-term use of the land.

2. The existing down-zoning is not consistent with the past and present use of the site (a licensed scrap metal and auto wrecking yard) and is also not consistent with the way in which other adjacent parcels were able to retain their "M3" Industrial status.

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

I. That By-law No. 4450/86 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 254/90, attached hereto and dated October 24th, 1990, to an "M3" Restricted Industrial District.

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

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

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

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 140 for attachment.)

SUBDIVISION AND REZONING -
located between Dawson and Lorne Hill
Roads; north of Prairie Grove Road -
Rural Municipality of Springfield.
File No. DASZ 3/90.

132 - 13. Your Committee on Planning and Community Services has been advised that an application has been received from Hilderman, Witty, Crosby, Hanna & Associates, 500 - 115 Bannatyne Avenue, Winnipeg, c/o Mr. Dave Witty on behalf of the property owners for approval of a plan of subdivision and related amendment to The Springfield Town Planning Scheme 1959 by rezoning the land located between Dawson Road and Lorne Hill Road, north of Prairie Grove Road, from an "A" Rural District to an "A2" Rural Agricultural District for the purpose of establishing a new street with 12 single-family building sites, not less than two (2) acres in lot area.

In Phase I a road is proposed to extend westerly from the Government Road Allowance starting at the south-east corner of the site. The road will extend north-westerly for approximately one-half mile then turn west and south-west to intersect Dawson Road. A second phase of the proposal would link a road from the north-east corner of the site to the Dawson Road arm.

The 12 lots in Phase I are comprised of five lots on the north-east side and seven lots on the south-west side generally matching the existing property lines on Dawson Road and ending with Lot 6, where the existing development ends.

Phase II is expected to be held in two blocks of land without internal property lines until such time as further development is deemed appropriate. A total of 17 lots of 2 acres or more comprise a reserve of 5 acres south of the new road and 30 acres, more or less, bordering the north and east limits.

The road rights-of-way are proposed at a width of 100 feet.

"Plan Winnipeg" designates the Hamlet of Prairie Grove as an "Area of Limited Urban Expansion". This designation provides for the further development of existing settlements, such as Prairie Grove under the following guidelines:

"To endeavour to direct limited urban expansion into suitable areas into which the extension of the existing water supply and sewage collection system of the City of Winnipeg is not anticipated and to control such expansion within those areas;"

"To develop as determined by the Council, subdivision requirements which are designed to maintain a basic development standard ensuring that all local services are available at a reasonable cost to the Municipality and that in particular there is potable water available, that adequate sewage disposal facilities will be provided which will not cause or be a contributing factor to pollution of water resources and that there is adequate surface drainage and no periodic flooding;"

"To locate compatible uses as determined by the Council, through Land Use Control By-laws or development permission, in areas designated as Limited Urban Expansion Areas..."

The Springfield Development Plan designates Prairie Grove as a Rural Non-Farm Settlement Area where Council may consider limited non-farm development in accordance with certain strategies.

"New rural-residential building sites will only be considered immediately adjacent to existing development, on existing roads and when there is, in the opinion of Council, a demonstrated demand for a dwelling site."

"The major factors and impact limited the amount of development in Prairie Grove, which Council will consider and assess for each proposal are:

i) Community's distance from municipal and school services extended from the service centres of Oakbank and Dugald; and

ii) the substantial livestock operations located within very close proximity to Prairie Grove (including) in the Rural Municipality of Tache."

In responding to the subdivision circulation, the Manitoba Department of Health and Community Services has advised that heavy clay soils interfere with percolation of effluents and liquids into the subsoil; the problem is further compounded where available elevations restrict effective drainage patterns. Drainage or ditching should be adequate to ensure that the upper one metre of soil is free from saturation - a condition necessary for installing a sewage disposal field. An assessment of the surface water table in the subject area requires, for monitoring purposes, the use of the test holes. Further comments or recommendations cannot be submitted by the Health Department prior to making

an assessment of the situation based on test hold results.

The Manitoba Department of Agriculture reported as follows:

"The land area contains 36 acres of prime agriculture land of which approximately half is currently farmed. As well as being prime farm land, there is a dairy farm across the road to the west having approximately 50 cows. Previously development in this area, which was also objected to by our Department, has led to the closure of a large viable livestock operation. Additional development could also result in the closure of this farm.

The Department is concerned about the proliferation of large lot rural residential development in this area. These lots area wasteful of a valuable land resource.

If prime farm lands must be converted to homes it should be done in the most efficient manner possible. This same 36 acres could accommodate approximately 70 houses if developed to the Oakbank or Dugald standard. Taxes from that number of lots would be approximately $112,000 per year versus approximately $24,000 generated from this proposal.

The Department of Agriculture, therefore, recommends rejection of this application as it could endanger a livestock operation and is wasteful of a natural resource."

The Manitoba Department of Natural Resources, Water Resources Branch, indicated the groundwater supply ranges between adequate and abundant for residential purposes. The water is of good quality although hardness may be reduced, as desired, by use of conventional softeners.

The above correspondence have been paraphrased and represents information previously supplied for development of the subject land.

It is the opinion of the District Planning Branch that the development proposed could be judged as satisfying the intent and purpose of both Plan Winnipeg and the Springfield Development Plan designations of limited expansion. However, this Branch also assessed and considered the impact on the existing livestock operations located in close proximity to the proposed development. The cessation of the Betzhold hog operation 1/4 to ½ mile to the north-west was a factor motivating the owner to again attempt development of the land. The closing of the hog operation is no doubt beneficial to the existing and proposed residential component of the area. Conversely, it is the opinion of the District Planning Branch that the hog operation was adversely affected by the existing residences and was a factor in its demise. Any increase in the number of non-farm related dwellings in this area will also increase the potential of conflict and, in addition to depleting agricultural land, further developments may adversely affect other agricultural activities and land in this Municipality and the adjoining Rural Municipality of Tache.

A three-lot subdivision, under File No. DASZ 10/85, covering part of the subject area was rejected by the Rural Municipality of Springfield in 1985 on the grounds that the subdivision would detrimentally affect existing livestock operations in the area; and the creation of three additional lots would set a precedent for developing the residual 80 acres, more or less, of the applicant's land. Although the Betzhold hog operation, to the north-west of the site, has since closed down, there are, in the vicinity of this much-larger, currently proposed development, a number of livestock operations which have a right to continue on lands that are zoned agricultural.

A recent discussion paper on the Farm Practices Bill also suggests that consideration should be given to legislation which would give the farmers of Manitoba security to continue farming in those areas which have been traditional agricultural areas, without fear of closure resulting from other conflicting uses moving into their areas.

The Department of Environmental Planning recommended to the Council of the Rural Municipality of Springfield that this application be not proceeded with.

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

The following persons appeared in support of the application:

Mr. David Witty, 500 - 115 Bannatyne Avenue East, Winnipeg, R3B 0R3,
Mr. T. Town, Grande Pointe, N0P 1S0,
Mr. Leonard Winder, 106 Brigantine Bay, Winnipeg, R3P 1R3.

The following persons appeared in opposition thereto:

Mr. L. Feuillatire, Box 16, Group 20, R.R. 2, Lorette, R0A 0Y0,
Mr. L. Larter, R.R. 2, Lorette, R0A 0Y0,
Mr. E. Natrasowany, Box 17, Group 20, R.R. 2, Lorette, R0A 0Y0,

Mr. E. Mistlebacher, R.R. 2, Lorette, R0A 0Y0,
Mr. B. Bedard, Box 15, Group 20, R.R. 2, Lorette, R0A 0Y0,
Mr. D. Paterson, R.R. 2, Lorette, R0A 0Y0,
Mr. L. Devrbrouck, Box 23, Group 20, R.R. 2, Lorette, R0A 0Y0,
Mr. M. DeMeyer, Box 7, Group 615, S.S. 6, Winnipeg, R2C 2Z3.

The Council of the Rural Municipality of Springfield recommended that the proposed subdivision/rezoning application be not proceeded with for the following reasons:

(1) the location is too far removed from municipal services based in Oakbank;
(2) the proposal may have a detrimental impact on existing livestock operations;
(3) the proposal is not supported by neighbouring land owners and/or residents of the area.

Your Committee on Planning and Community Services concurs in the recommendation of the Council of the Rural Municipality of Springfield and recommends that the plan of subdivision and rezoning change proposed under File No. DASZ 3/90 be not proceeded with.

Moved by Councillor Gilroy,
Adoption of the clause.

Carried.

(Note: See Minute No. 141 for attachment.)

SUBDIVISION AND
REZONING - Harrogate Bay, north of Betsworth Avenue between Hunterspoint and Municipal Road, Assiniboine Park-Fort Garry Community.
File No. DASZ 17/90.

133 - 14. Your Committee on Planning and Community Services has been advised that an application has been received from Riverside Realty and Construction Ltd., 3354 Roblin Boulevard, Winnipeg, for approval of a plan of subdivision and zoning change to By-law No. 1800 by rezoning the lands located on Harrogate Bay, north of Betsworth Avenue between Hunterspoint and Municipal Road from a "PR" Park and Recreational District and an "R1-20" Single Family District to an "R1-5.5" Single Family District for the purpose of establishing 9 single family building lots and completing the cul-de-sac (Harrogate Bay).

This application proposes the westerly extension of Harrogate Bay and the establishment of nine single family building lots to be zoned "R1-5.5" Single Family District fronting on the cul-de-sac.

The "R1-5.5" District regulations require a minimum lot width of 50 feet and minimum lot area of 5,500 square feet. All of the proposed lots exceed the minimum lot size requirements.

Coincident with this subdivision application, the Commissioner of Planning and Community Services has proposed to rezone adjoining existing single family lots, fronting on Municipal Road, to an "R1-5.5" District category to make them consistent with surrounding lands, and to reflect the existing lot sizes.

The subject application has been circulated to the usual administrative agencies and utilities for comment, and was reviewed by the Administrative Co-ordinating Group. No objections were received. The plan is in conformance with the concept plan for this area and the "R1-5.5" District zoning is consistent with established zoning on the lands to the north and east.

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

Mr. Jack Morrow, Riverside Realty Co. Ltd., 3354 Roblin Boulevard, Winnipeg, R3R 0C6 appeared in support of the application.

The following persons appeared in opposition thereto:

Mr. Douglas Small, 14 Harrogate Bay, Winnipeg, R3R 3C4,
Mr. David Petz, 15 Harrogate Bay, Winnipeg, R3R 3E3.

The Assiniboine Park-Fort Garry Community Committee recommended that the proposed subdivision/rezoning be approved for the following reasons:

1. The plan conforms to the concept plan for this area and the "R1-5.5" District zoning is consistent with established zoning on the lands to the north and east.

2. This application to subdivide will complete the development of the cul-de-sac and the Hunterspoint Subdivision and will use up all of the excess property that is currently outside the limits of the Hunterspoint Subdivision.

3. The concerns of the opposition were addressed by the Community Committee recommending the widths of Lots 1 and 9 (as shown on attached Schedule "A") be increased to 55 feet.

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

I. That the plan of subdivision proposed under File No. DASZ 17/90 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/90 attached hereto and dated October 24th, 1990, for registration in the Winnipeg Land Titles Office subject to: A. The subdivision plan being amended to increase the lot width of Lots 1 and 9 to fifty-five (55') feet. B. 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 17/90 attached hereto and dated October 24th, 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. 1800 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 17/90 attached hereto and dated October 24th, 1990 to an "R1-5.5" Single Family District. V. That the City Solicitor be requested to prepare the necessary 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.

VIII. That the City Solicitor be requested to do all things necessary for implementation 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 Gilroy,

Adoption of the clause.

Carried.

(Note: See Minute Nos. 142 and 143 for attachments.)

134 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

135 & 136- SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

137 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

138 &139 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

140 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

141 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

142 & 143 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

MOTIONS

Moved by Councillor Golden,
Seconded by Councillor Clement,

144 - WHEREAS the water level of the river systems of the City of Winnipeg has been lowered thereby exposing a large expanse of riverbank containing various debris;

AND WHEREAS there is presently a lawsuit filed that may prevent the water levels from being lowered in the future;

AND WHEREAS lowering the water level further, would not harm water life (fish, etc.);

BE IT RESOLVED that City Council undertake a clean-up of the riverbanks as soon as possible within the existing budget;

AND BE IT FURTHER RESOLVED that the Board of Commissioners determine the advisability of lowering the water to further expose the banks for clean-up.

The Speaker advised that the motion is automatically referred to Committee on Planning and Community Services.

Moved by Councillor Golden,
That the rule be suspended to allow consideration of the motion at this time.

The motion to suspend the rule was put.

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

Yea: Councillors Boychuk, Clement, Demare, Diamant, Duguid, Fleisher, Fraser, Golden, Kaufmann, McKee, Mendelson, Murray, O'Shaughnessy, Prystanski, Reese, Selinger, Thomas, Timmers, Timm-Rudolph, Young and Yuen. 21

Nay: Councillors Wade, Brown, Douglas, Gilroy, Mayor Norrie and Councillor Eadie. 6

and the motion to suspend the rule was declared carried.

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

Carried.

Councillor Mendelson asked that the two resolves of the motion be considered separately.

Councillor Yuen called for the yeas and nays on each of the two resolves, the results of which were as follows:-

The first resolve of the motion was put.

Yea: Councillors Boychuk, Brown, Clement, Demare, Diamant, Duguid, Fleisher, Fraser, Gilroy, Golden, Kaufmann, McKee, Mendelson, Mitchelson, Murray, O'Shaughnessy, Prystanski, Reese, Thomas, Timmers, Young, Yuen and Eadie. 23

Nay: Councillors Wade, Douglas, Timm-Rudolph and Mayor Norrie. 4

and the first resolve of the motion was declared carried. The second resolve of the motion was put. Yea: Councillors Boychuk, Brown, Clement, Demare, Diamant, Fleisher, Fraser, Gilroy, Golden, Kaufmann, McKee, Mendelson, Murray, Prystanski, Reese, Young and Yuen. 17

Nay: Councillors Wade, Douglas, Duguid, Mitchelson, O'Shaughnessy, Thomas, Timmers, Timm-Rudolph, Mayor Norrie and Councillor Eadie. 10

and the second resolve of the motion was declared carried.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

145 - 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. 5556/90, 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 Kildonon-Transcona Community. File No. DAZ 271/88. By-law

No. 5557/90, 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 237/90.

By-law No. 5558/90, a By-law of the City of Winnipeg to amend Zoning By-law No. 4450/86 for the enactment of a zoning change in the Lord Selkirk-West Kildonan Community. File No. DAZ 242/90.

By-law No. 5559/90, a By-law of the City of Winnipeg to change the names of certain highways in the City of Winnipeg. File No. SC-3.14(25).

By-law No. 5560/90, 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 277/89.

By-law No. 5561/90, a By-law of the City of Winnipeg to amend The St. Vital Town Planning Scheme 1951 for the enactment of a zoning change in the St. Boniface-St. Vital Community. File No. DAZ 243/90.

On motion of Councillor Gilroy, 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. 5567/90, a By-law of the City of Winnipeg to authorize expenditure of monies out of the Assiniboine Park- Fort Garry Land Dedication Reserve Account. File No. DASZ 58/87.

By-law No. 5568/90, a By-law of the City of Winnipeg to amend The East St. Paul Town Planning Scheme 1956 in the Rural Municipality of East St. Paul. File No. DAZ 248/90.