CONSIDERATION OF REPORT OF THE

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

The Executive Policy Committee has considered the reports of the concerned Community Committees and the recommendations of the Committee on Planning and Community Services, as contained in its Report, dated July 13th, 1992, has concurred in the recommendations contained therein and submits same to Council for approval and adoption.

On motion of Councillor Douglas, the Report of the Committee on Planning and Community Services, dated July 13th, 1992, was considered clause by clause.

West Committee Room,
Council Building,
Winnipeg, July 13th, 1992.

His Worship the Mayor and Councillors:

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

REZONING - 45 Robinson Street, located on the east side of Robinson Street, between Jarvis and Dufferin Avenues, Lord Selkirk-West Kildonan Community.
File No. DAZ 221/92.

1296 - 1. Your Committee on Planning and Community Services has been advised that an application has been received from the Indian Metis Friendship Centre of Winnipeg, 2nd Floor - 239 Magnus Avenue to rezone the land located at 45 Robinson Street, east side of Robinson Street, between Jarvis and Dufferin Avenues, from an "MP-2" Industrial Park District to a "C2" General Commercial District to allow for the establishment of a bingo parlour in conjunction with a friendship centre.

The applicants propose to convert the existing facility (approximately 20,000 square feet) which is a retail outlet (non-conforming) into an improved New Friendship Centre, part of which is to be used for both bingos and banquets. A total of 87 parking spaces is to be provided.

The Planning Department fully supports the proposed rezoning for a number of reasons. First of all, the site in question is in the middle of an area (between Salter and Main Streets; north of the CPR yards) which is regarded as an area in transition under the City's new Development Plan. Formerly an area of widespread light and heavy industrial use, there is now pressure to gradually rehabilitate, upgrade and convert existing properties into a range of residential and compatible neighbourhood commercial uses. While it acknowledges that the process will be slow, every effort will be made to replace the industrially zoned properties south of Dufferin Avenue, with either residential or light commercial zonings. In other words, the proposed zoning and use at the south-east corner of Robinson Street and Dufferin Avenue is deemed to be preferable to any of the prospective uses currently permitted as of right under the "MP-2" Industrial Zoning.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on May 19th, 1992.

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

Wayne Helgason, 264 Beaverbrook Avenue, Winnipeg, R3N 1M8,
Wayne Kinrade, 6337 Betsworth Avenue, Winnipeg, R3R 0K2,

Report of the Committee on Planning and Community Services dated July 13th, 1992.

Sandra Lagimodiere, Pritchard Place Drop-In Centre, 220 Andrews Street, Winnipeg, R2W 4T1,
Josie Hill, 224 Machray Avenue, Winnipeg, R2W 0Z8,
Malvin St. Goddard, Pritchard Place Drop-In Centre, 220 Andrews Street, Winnipeg, R2W 4T1,
John R. Lee, Indian Metis & Friendship Centre, 239 Magnus Avenue, Winnipeg, R2W 2B6,
Nelson Sanderson, Manitoba Metis Cultural Club Inc., 480 Harbison Avenue West, Winnipeg, R2L 0A9,
Stirling Ranville, 239 Magnus Avenue, R2W 2B6,
Ed Desjarlais, 317 - 2130 Main Street, Winnipeg, R2V 2B9,
Patrick LaRocque, 6 - 11 Lyndale Drive, Winnipeg, R2H 1K2,
Eric Robinson, Aboriginal Council of Winnipeg, 273 Selkirk Avenue, Winnipeg, R2K 4B6,
Don Wilson, Aboriginal Council of Winnipeg, 239 Magnus Avenue, Winnipeg, R3L 1J8,
Paul Lacasse, President, David Livingstone Community Council, 270 Flora Avenue, Winnipeg, R2W 2P9,
Chriss Tetlock, Executive Director, North End Women's Centre, 453 Selkirk Avenue, Winnipeg, R2W 2M4,
Arlene Mallett, President, Lord Selkirk Park Tenants' Association, 23 - 79 Charles Walk, Winnipeg, R2W 4A2,
Gloria Nobiss, Executive Director, Pritchard Place Drop-In Centre, 220 Andrews Street, Winnipeg, R2W 4T1,
Lucille Bruce, Executive Director, Native Women's Transition Centre, 105 Aikins Street, Winnipeg, R2W 4E4,
Claire T. Riddle, Vice-President, Winnipeg Region Manitoba Metis Federation Inc., 410 McGregor Street, Winnipeg, R2W 4X5,
Ma Mawi Wi Chi Itata Centre Inc., 220 Andrews Street, Winnipeg, R2W 2T1,
Bev Smith, Chairperson, Native Women's Transition Centre Inc., 105 Aikins Street, Winnipeg, R2W 4E4,
Oliver Bird, Executive Director, Native Alcoholism Council, 160 Salter Street, Winnipeg, R2W 4K1,
Aboriginal Centre of Winnipeg, 2nd Floor, 531 Notre Dame Avenue, Winnipeg, R3B 1S2.

The following persons appeared in opposition thereto:

Ernest Wallace, 102 - 377 Henderson Highway, Winnipeg, R2K 2H2,
Vernon McKay, 102 - 377 Henderson Highway, Winnipeg, R2K 2H2,
Rachael Holder, 102 - 377 Henderson Highway, Winnipeg, R2K 2H2.

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 site in question is in the middle of an area (between Salter and Main Streets; north of the CPR yards) which is regarded as an area in transition under the City's new Development Plan.

2. Formerly an area of widespread light and heavy industrial use, there is now pressure to gradually rehabilitate, upgrade and convert existing properties into a range of residential and compatible neighbourhood commercial uses.

3. While it is acknowledged that the process will be slow, every effort will be made to replace the industrially-zoned properties south of Dufferin Avenue, with either residential or light commercial zonings.
4. The proposed zoning and use at the south-east corner of Robinson Street and Dufferin Avenue is deemed to be preferable to any of the prospective uses currently permitted as of right under the "MP-2" Industrial Zoning.

5. Through the Plan Approval process, the Planning Department will attempt to ensure that potential disruption from the proposed banquet/bingo facility (noise, traffic, etc.) will be minimized.

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

Report of the Committee on Planning and Community Services dated July 13th, 1992.

The policy established by your Committee has been to only waive the ten per cent dedication when the rezoning is for a senior citizen development by a non-profit group.

Therefore, it is recommended:

I. That By-law No. 4450/86, be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 221/92, attached hereto and dated June 18th, 1992, to a "C2", Commercial District subject to the following:

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to provide for the following:

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

2. That the use of the site be restricted to a Bingo and Banquet Hall in conjunction with a Friendship Centre and accessory parking area.

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

II. That the 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 May 5th, 1992 as shown on Schedule "B" for File No. DAZ 221/92 and dated June 18th, 1992.

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 prepare the necessary Rezoning By-law and forward same to Council for all three readings.

V. That the Rezoning By-law shall become effective when the Zoning Agreement has been registered as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs within 12 months from the date that the said Rezoning By-law is adopted by Council.

VI. That the Proper Officers of the City be authorized to execute said Zoning Agreement and Servicing Agreement.

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 Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 1304 for attachment.)

Report of the Committee on Planning and Community Services dated July 13th, 1992.

REZONING - 1820 Henderson Highway, located on the west side of Henderson Highway, East Kildonan-Transcona Community.
File No. DAZ 228/92 (c/r DAZ 204/90).

1297 - 2. Your Committee on Planning and Community Services has been advised that an application has been received from Andrew Wach, Architect, 432 Assiniboine Avenue to amend By-law No. 4440/86 by rezoning the land at 1820 Henderson Highway, located on the west side of Henderson Highway, from a "PR" Park and Recreational District to an "RM-2" Multiple-Family District to accommodate an apartment building encroaching into the "PR" lands.

The subject site is a triangular piece of land approximately 4.6 square metres (50.0 square feet) in area. It is located approximately 9.6 metres (31.8 feet) from the north limit of the property boundary included in the original rezoning application DAZ 204/90.

Under File No. DAZ 204/90, approximately 4.7 acres of lands were rezoned to an "RM-2" district to accommodate a multiple-family development at 1820 Henderson Highway. The most westerly 140 feet, more or less, in depth were rezoned "PR" and dedicated for a future linear riverbank park along the Red River. In the course of constructing an apartment building on the subject site, an error was made in locating the structure to the extent that the north-west corner of the building projects into the City-owned "PR" lands.

The applicant is requesting that the City of Winnipeg sell the lands included within the subject application in order to maintain the building as constructed on the site. The subject site will be consolidated with the applicant's lands adjacent to the east.

The District Planning Branch has no objection to the proposed rezoning and sale of the subject property. The lands in question are small in area (50.0 square feet) and are located such that they and the building, will not adversely affect the establishment of the linear riverbank park.

The Rivers and Streams Authority has indicated that it will be necessary for the developer to apply to amend the previously approved Rivers and Streams Permit No. 102/90 to reflect the new location of the structure.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on June 16th, 1992.

Mr. Andrew Wach, 432 Assiniboine Avenue, Winnipeg, R3C 0X1 appeared in support of the application.

No one appeared in opposition thereto.

The East Kildonan-Transcona 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 lands in question are small in area (50.0 square feet) and are located such that they and the building, will not adversely affect the establishment of the linear riverbank park.

2. The Rivers and Streams Authority has indicated that it will be necessary for the Developer to apply to amend the previously approved Rivers and Streams Permit No. 102/90 to reflect the new location of the structure.

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

I. That By-law No. 4440/86 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 228/92, attached hereto and dated June 26th, 1992, to an "RM-2", Multiple-Family Dwelling subject to the following:

Report of the Committee on Planning and Community Services dated July 13th, 1992

A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to provide for the following:

(1) That the Zoning Agreement on the contiguous lands under File No. DAZ 204/90 be applied to the subject lands of this rezoning.

II. That the City Solicitor be requested to prepare the necessary Rezoning By-law upon the following approvals:

A. Council's required two-thirds vote to dispose of the "PR" lands; and

B. Council's approval of the sale of the subject lands within this rezoning to the contiguous land owners.

III. That the City Solicitor be requested to prepare the necessary Rezoning By-law and forward same to Council for all three readings upon Council's approval per Recommendation II. above.

IV. That the Rezoning By-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs within 12 months from the date that the said Rezoning By-law is adopted by Council.

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

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

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 1305 for attachment.)

ZONING TEXT AMENDMENT - To amend All Zoning By-laws and Town Planning Schemes to include regulations for micro-breweries and small scale wineries.
File No. DAZ 229/92.

298 - 3. The Commissioner of Planning and Community Services has initiated an amendment to all Zoning By-laws and Town Planning Schemes in force in the City to include therein regulations for micro-breweries and small-scale wineries.

Under current regulations, "brewery" is listed as "M3" Heavy Industrial Use in the various Zoning By-laws and Town Planning Schemes of the City. This has been considered necessary because of the scale of existing breweries and the potential effects of odour on adjacent uses.

However, advances in technology allow small-scale breweries to operate entirely within a completely enclosed building, without venting to the exterior. Under a floor area limitation, and subject to the prohibition of venting to the exterior of the building, these uses have effects similar to wholesale bakeries, which are permitted uses in more restrictive Industrial Districts.

In recognition of the trend in other Provinces to develop small scale, local breweries, The Manitoba Liquor Control Commission has established a policy to approve such uses. The first such use within the City of Winnipeg is now proposed, and cannot reasonably be accommodated because of limitation of use variances. It is suggested that small-scale wineries be included in an amendment because of the trend in other jurisdictions to develop these uses as local businesses.

Report of the Committee on Planning and Community Services dated July 13th, 1992.

If small-scale breweries and wineries are properly to be accommodated within the City, it is necessary to amend Light Industrial Districts ("M1" and "M2") and Industrial Park Districts ("MP-1" and "MP-2") regulations. The NRe" and NRg" Non-Residential Use Groups of the Downtown Winnipeg Zoning By-law, which accommodate light manufacture and wholesale business, may also be amended to accommodate these uses as Conditional Uses. In order to ensure that the effects of such uses remain consistent with the intent and purpose of those Districts and Use Groups, the proposed classification would be:

"brewery or winery, not exceeding a floor area of 464.5 square metres (5,000 square feet), entirely contained within a completely enclosed building and operated without venting to the exterior of such building"

These limitations are considered sufficient to ensure that the effects of "micro-breweries" and small-scale wineries are appropriate to Light Industrial and Industrial Park classifications, and appropriate to the Exchange District and The Forks within Downtown. These limits are consistent with the proposal under consideration by The Manitoba Liquor Control Commission. If allowed, subject to such restrictions, these uses would be indistinguishable in their effects from other wholesale businesses now permitted in these Districts and Use Groups.

A Public Hearing was held before the Committee on Planning and Community Services on July 13th, 1992, to consider the following application:-

Applicant: The Commissioner of Planning and Community Services

Subject: Proposed text amendments to the following By-laws and Town Planning Schemes which are in effect in the City of Winnipeg:-

1. Zoning By-law No. 16502
2. Zoning By-law No. 1558
3. Zoning By-law No. 1800
4. The St. Vital Town Planning Scheme 1951
5. The St. Boniface Town Planning Scheme 1957
6. Zoning By-law No. 4440
7. Zoning By-law No. 4450
8. By-law No. 4800

These By-laws and Schemes apply to those various areas of the City as shown outlined and correspondingly numbered on the sketch submitted herewith.

Nature of Application: PROPOSED ZONING TEXT AMENDMENT

MICRO-BREWERIES

It is proposed to amend all of the above By-laws and Schemes, to determine how the use "micro-breweries" will be permitted in the various industrial districts. A micro-brewery is a brewery or winery not exceeding a floor area of 464.5 square metres (5000 square feet), entirely within a building with no venting to the exterior.

Exhibits filed:

1. Report from Codes Officer dated May 27th, 1992.
2. Copy of communication dated June 5th, 1992 from the Committee on Planning and Community Services instructing the Commissioner of Planning and Community Services to initiate the necessary Zoning Text Amendment application for consideration at a Public Meeting before the Committee on Planning and Community Services.
3. Copy of Notice of Public Meeting.
4. Report from Codes Officer, dated July 2nd, 1992.

Report of the Committee on Planning and Community Services dated July 13th, 1992

5. Communications outlining comments and/or recommendations from the Community Committees relative to the proposed text amendments, were received from:-

Assiniboine Park-Fort Garry	Concurred in the recommendation of the Codes Officer.
City Centre-Fort Rouge	Concurred in the recommendation of the Codes Officer.
East Kildonan-Transcona	Concurred in the recommendation of the Codes Officer.
Lord Selkirk-West Kildonan	Concurred in the recommendation of the Codes Officer.
St. Boniface-St. Vital	Concurred in the recommendation of the Codes Officer.
St. James-Assiniboia	Concurred in the recommendation of the Codes Officer.

Representations:

In Support: Richard Hoeschen,
50 Dundurn Place,
Winnipeg, Manitoba,
R3G 1C2.

In Opposition: Nil.

For the City of Winnipeg: Mr. B. Nicol,
District Planning Co-ordinator,
395 Main Street.

After considering all aspects of the foregoing, including the representations received, your Committee on Planning and Community Services recommends:

I. That Zoning By-laws 16502, 1558, 1800, 4440/86, 4450/86, 4800/88 and The St. Vital Town Planning Scheme 1951 and The St. Boniface Town Planning Scheme 1957 be amended to include the following:

"brewery or winery, not exceeding a floor area of 464.5 square metres (5,000 square feet), entirely contained within a completely enclosed building and operated without venting to the exterior of such building"

as a Permitted Use in Light Industrial and Industrial Park Districts, and as a Conditional Use in the "NRe" and NRg" Non- Residential Use Groups of the Downtown Winnipeg Zoning By-law (By- law 4800).

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

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 Douglas,
Adoption of the clause.

Carried.

Report of the Committee on Planning and Community Services dated July 13th, 1992.

ZONING TEXT AMENDMENT to amend All Zoning By-laws (except By-law No. 4800/88) and Town Planning Schemes to include regulations for retail/personal service use and manufacturing/storage use. File No. DAZ 231/92.

1299 -4. The Commissioner of Planning and Community Services has initiated an amendment to amend all Zoning By-laws and Town Planning Schemes except By-law No. 4800/88, in force in the City to include therein regulations for retail/personal service use and manufacturing/storage use.

As a result of recent changes to The City of Winnipeg Act, the City no longer has the power to permanently change the use of land by variance order. This has caused a substantial number of procedural problems, most of which have been documented to your Committee in the past.

Of most significance at present is the processing of applications for commercial uses of land in commercial zoning districts and, to a lesser extent, for industrial uses of land in industrial zoning districts. It has not been possible, for example, to approve a listed "C2" use in a "C1" district even if the use, by virtue of a limit in scale, would be no more intensive than a typical listed "C1" use. In addition, applications have been received for the establishment of certain commercial uses in shopping centre districts that are not listed (e.g. veterinarian clinic.) In these cases, it has not been possible to even process the application to a public hearing, as the only available alternative is to rezone the property to a lesser zoning district (perhaps "C2") which lists the use as either permitted or conditional, something obviously not acceptable; or wait until the City amends its zoning by-law accordingly, a procedure that could, in many cases endanger the proposed development by virtue of the time frame involved. Accordingly, it is proposed that the City's zoning by-laws be amended as suggested below, as a means to facilitate the processing of applications for certain commercial and industrial uses in commercial and industrial zoning districts. As proposed, this reflects the notion that the intensity of use, and consequently, whether or not a commercial use of land is appropriate in a "C1" Local District or a "C2" General District, is determined at least in part by scale of use, and not just by the nature of the use itself.

A Public Hearing was held before the Committee on Planning and Community Services on July 13th, 1992, to consider the following application:-

Applicant: The Commissioner of Planning and Community Services

Subject: Proposed text amendments to the following By-laws and Town Planning Schemes which are in effect in the City of Winnipeg:

1. Zoning By-law No. 16502
2. Zoning By-law No. 1558
3. Zoning By-law No. 1800
4. The St. Vital Town
5. The St. Boniface Town Planning Scheme 1957
6. Zoning By-law No. 4440
7. Zoning By-law No. 4450 Planning Scheme 1951

These By-laws and Schemes apply to those various areas of the City as shown outlined and correspondingly numbered on the sketch submitted herewith.

Nature of Application: PROPOSED ZONING TEXT AMENDMENT

RETAIL/PERSONAL SERVICES USE AND MANUFACTURING/STORAGE USE

It is proposed to amend all of the above By-laws and Schemes, except for By-law No. 4800/88 as follows:

Report of the Committee on Planning and Community Services dated July13th, 1992.

RETAIL/PERSONAL SERVICE USE

1. To determine in what commercial districts the conditional use "any retail/personal services use" should be added. This use will allow for uses that are not listed in a commercial district use table to be considered at a Public Hearing.

MANUFACTURING/STORAGE USE

1. To determine if the conditional use "any manufacturing/storage use" should be added to the "M1" industrial district use table. This use would allow that manufacturing and storage uses not listed in the "M1" use table to be considered at a Public Hearing.

Exhibits filed:

1. Copy of Notice of Public Meeting.
2. Report of the Codes Officer dated July 2nd, 1992.
3. Communications outlining comments and/or recommendations from the Community Committees relative to the proposed text amendments, were received from:-

Assiniboine Park-Fort Garry	-	Received as information.
City Centre-Fort Rouge	-	Concurred in the report of the Acting Director of Planning.
East Kildonan-Transcona	-	No comment.
Lord Selkirk-West Kildonan	-	Concurred in the proposed text amendments.
St. Boniface-St. Vital	-	Concurred in the proposed text amendments.
St. James-Assiniboia	-	Concurred in the proposed text amendments.

Representations:

In Support: Vivian Patterson, Salvation Army, 180 Henry Street, Winnipeg, Manitoba.

In Opposition: Nil.

For the City of Winnipeg: Mr. B. Nicol, District Planning Co-ordinator, 395 Main Street, Winnipeg.

After considering all aspects of the foregoing, including representations received, your Committee on Planning and Community Services recommends:-

I. That Zoning By-laws 16502, 1558, 1800, 4440/86, 4450/86, The St. Vital Town Planning Scheme 1951 nd The St. Boniface Town Planning Scheme 1957 be amended as follows:

1)	Any retail/personal service use not listed above and not exceeding 5,000 square feet, and not first listed as a conditional use in a less restrictive commercial district.	Conditional "C1"
2)	Any retail/personal service use not listed above and not exceeding 5,000 square feet.	Conditional "C2"

Report of the Committee on Planning and Community Services dated July 13th, 1992.

3)	Any retail/personal service use not listed above.	Conditional all Shopping Centre Districts
4)	Any manufacturing/storage use not listed above entirely contained in a completely enclosed building.	Conditional "M1"

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

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 Douglas,
Adoption of the clause.

Carried.

ZONING TEXT AMENDMENT to amend All Zoning By-laws (except By-law No. 4800/88) and Town Planning Schemes to include regulations for day care uses in industrial districts. File DAZ 231/92.

1300 - 5. The Commissioner of Planning and Community Services has initiated an amendment to amend all Zoning By-laws (except By-law No. 4800/88) and Town Planning Schemes in force in the City to include therein regulations for day care uses in industrial districts.

Presently, day care uses are not permitted in industrial zoning districts. Because of the limitation on use variances, the only alternative available for approving such a use permanently is to rezone the property to a commercial zoning district.

In order to address this problem, and in order to make it easier to establish day care facilities in areas of employment it is proposed that the City's Zoning By-laws be amended so as to permit day care facilities in industrial districts.

It is proposed that day care uses which are accessory to a principle permitted use (i.e. for the use of employees of that industrial/commercial use) be listed as permitted uses in Light Industrial and Industrial Park areas. Such uses will not act to increase traffic or parking generation.

It is proposed that day care uses which are principle uses of land be listed as conditional uses in Light Industrial and Industrial Park areas so as to ascertain whether or not their land use affects, in terms of traffic, parking, and compatibility with adjacent uses, are substantially adverse in nature. A Public Hearing was held before the Committee on Planning and Community Services on July 13th, 1992, to consider the following application:-

Applicant: The Commissioner of Planning and Community Services

Subject: Proposed text amendments to the following By-laws and Town Planning Schemes which are in effect in the City of Winnipeg:-

1.	Zoning By-law No. 16502	5.	The St. Boniface Town Planning Scheme 1957
2.	Zoning By-law No. 1558		
3.	Zoning By-law No. 1800	6.	Zoning By-law No. 4440
4.	The St. Vital Town	7.	Zoning By-law No. 4450 Planning Scheme 1951

These By-laws and Schemes apply to those various areas of the City as shown outlined and correspondingly numbered on the sketch submitted herewith.

Report of the Committee on Planning and Community Services dated July 13th, 1992.

Nature of Application: PROPOSED ZONING TEXT AMENDMENT

DAYCARE USE IN INDUSTRIAL DISTRICTS

It is proposed to amend all of the above By-laws and Schemes, except for By-law No. 4800/88 as follows:

DAY CARE USE IN INDUSTRIAL DISTRICTS

1. To determine in what industrial districts and how the use "day care" may be allowed.

Exhibits filed:

1. Copy of Notice of Public Meeting.
2. Report of the Codes Officer dated July 2nd, 1992.
3. Communications outlining comments and/or recommendations from the Community Committees relative to the proposed text amendments, were received from:-

Assiniboine Park-Fort Garry	-	Received as information.
City Centre-Fort Rouge	-	Concurred in the report of the Acting Director of Planning.
East Kildonan-Transcona	-	Passed the following motion: "That the Committee on Planning and Community Services be advised that City Zoning By-laws should be amended to permit day care facilities in all industrial and industrial parks Districts (with the exception of the 'M3' Districts) as a conditional use for both free standing and as accessory uses".
Lord Selkirk-West Kildonan	-	Concurred in the proposed text amendments.
St. Boniface-St. Vital	-	Concurred in the proposed text amendments.
St. James-Assiniboia	-	Concurred in the proposed text amendments.

Representations:

In Support: Nil.

In Opposition: Nil.

For the City of Winnipeg: Mr. B. Nicol, District Planning Co-ordinator, 395 Main Street, Winnipeg.

After considering all aspects of the foregoing, including representations received, your Committee on Planning and Community Services recommends:-

I. That Zoning By-laws 16502, 1558, 1800, 4440/86, 4450/86, The St. Vital Town Planning Scheme 1951 and The St. Boniface Town Planning Scheme 1957 be amended as follows:

1) "Day Care" be listed as a permitted use in all Light Industrial and Industrial Park Districts if established accessory to an existing permitted use;

2) "Day Care" be listed as a conditional use in all Light Industrial and Industrial Park Districts if established as a principle use of land.

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

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 Douglas,
Adoption of the clause.

Carried.

ZONING TEXT AMENDMENT to amend All Zoning By-laws and Town Planning Schemes (except By-law No. 4800/88) to keep pigeons within Residential Zoning Districts. File No. DAZ 232/92.

1301 - 6. On March 9th, 1992, the Committee of Planning and Community Services instructed the Commissioner of Planning and Community Services to prepare a proposed text amendment to all Zoning By-laws and Town Planning Schemes (except By-law No. 4800/88) to require Conditional Use approval for the keeping of a limited number of pigeons in residential districts, thus requiring any new applicants to receive a Conditional Use Approval.

The Commissioner of Planning and Community Services has initiated an amendment to the Text of all Zoning By-laws and Town Planning Schemes except By-law No. 4800.

Requirements for the control of domestic pigeons by civic by- law pre-dates unicity amalgamation and the keeping of birds as a food source or aviaries with show and racing pigeons pre-dates the 1900's.

The current pigeon control by-law was passed by City Council in 1975 as a means to allow the Medical Health Officer to enforce sanitary standards for aviaries and regulate various facets of the practice which, in the absence of regulation, have the potential to create substantial nuisance value to neighbouring properties. Over the years, the number of individuals maintaining aviaries has diminished somewhat, while urban growth has encompassed what can be viewed as a quasi-agricultural practice.

Many residents living in proximity to an aviary keeper, despite the premises meeting the requirements of the existing by-law, view the practice as incompatible with modern urban living and complain of odours, droppings, noise, general nuisance and the like.

While such complaints to the Health Department are not excessive, this is attributed to the relatively small number of present keepers, however, the Medical Health Officer is of the view that the sheer nuisance value is of precedence over the pet value to the aviarytor.

In context as a control issue, existing zoning requirements were reviewed by the Law Department who conclude that the keeping of aviaries are permissible only in agriculturally zoned areas. It would appear that the zoning requirements and the Pigeon Control By-law were developed in isolation of each other, resulting in the situation where, despite prohibition under zoning regulations, permits to allow the keeping of aviaries under the Pigeon Control By-law were issued.

Recent changes to The City of Winnipeg Act by the Provincial Government have removed the avenue of processing applications for the keeping of pigeons on a permanent basis as zoning variances. As such, it is necessary to amend the City's zoning by-laws so as to list the keeping of pigeons within residential zoning districts. Because of existing concerns of the Health Department as outlined above, it is suggested that the subject use be listed as conditional, so as to allow for a determination of whether or not the proposed aviary might have substantial adverse impact by virtue of scale, manner of operation or adjacent land uses.

Report of the Committee on Planning and Community Services dated July 13th, 1992.

It is also suggested that existing aviaries licensed under the Pigeon Control By-law be treated as having equal to non-conforming status under the Zoning By-Law.

A Public Hearing was held before the Committee on Planning and Community Services on July 13th, 1992.

Applicant: The Commissioner of Planning and Community Services

Subject: Proposed text amendments to the following By-laws and Town Planning Schemes which are in effect in the City of Winnipeg:-

1. Zoning By-law No. 16502
2. Zoning By-law No. 1558
3. Zoning By-law No. 1800
4. The St. Vital Town Planning Scheme 1951
5. The St. Boniface Town Planning Scheme 1957
6. Zoning By-law No. 4440
7. Zoning By-law No. 4450

These By-laws and Schemes apply to those various areas of the City as shown outlined and correspondingly numbered on the sketch submitted herewith.

Nature of Application: PROPOSED ZONING TEXT AMENDMENT

KEEPING OF PIGEONS IN RESIDENTIAL DISTRICTS

It is proposed to amend all of the above By-laws and Schemes, proposed to make new applications for the keeping of pigeons in residential districts a conditional use. Existing aviaries licensed under the Pigeon Control By-law will be deemed to have been approved as a conditional use.

Exhibits filed:
1. Copy of Notice of Public Meeting.
2. Report from Codes Officer, dated July 2nd, 1992.

Representations:

In Support: Nil.

In Opposition: Nil.

For the City of Winnipeg: Mr. B. Nicol, District Planning Co-ordinator, 395 Main Street, Winnipeg.

After considering all aspects of the foregoing, including the representations received, your Committee on Planning and Community Services recommends:-

I. That Zoning By-laws 16502, 1558, 1800, 4440/86, 4450/86, The St. Vital Town Planning Scheme 1951 and The St. Boniface Town Planning Scheme 1957 be amended as follows:

1) That aviaries, accessory to an existing residential use, be listed as a conditional use in all residential zoning districts, excepting multi-family districts;

2) That existing aviaries licensed under the Pigeon Control By- law be treated as having equal to non-conforming status under the Zoning By-law.

Report of the Committee on Planning and Community Services dated July13th, 1992.

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

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 Douglas,
Adoption of the clause.

Carried.

SUBDIVISION AND REZONING - land located on the north and south sides of Victoria Grove, west of Delmar Street, St. Boniface-St. Vital Community Committee.
File No. DASZ 11/91.

1302 - 7. Your Committee on Planning and Community Services has been advised that an application has been submitted by Tupper and Adams, Barristers and Solicitors, 4th Floor, 200 Portage Avenue, Winnipeg, for the approval of a plan of subdivision and related zoning changes to The St. Vital Town Planning Scheme 1951 by rezoning the subject lands located on the north and south sides of Victoria Grove, west of Delmar Street, from an "R1-20" One-Family District to an "R1-9" One-Family District to allow for the establishment of seven additional lots for single-family housing.

The Victoria Grove cul-de-sac contains a new pavement and other services, not including sanitary sewer, and the majority of the frontage remains vacant. Under the existing "R1-20" zoning, an additional seven lots could be established on the street, provided that short-form subdivision approval was obtained for through lots extending from Victoria Grove to Victoria Crescent. Two existing lots fronting Victoria Grove do not meet the "R1-20" District lot width and area requirements.

The proposed zoning change and subdivision would create a character distinct from Victoria Crescent, which would be restricted to the Victoria Grove cul-de-sac. Approval would allow fourteen additional lots fronting on Victoria Grove, rather than the seven presently permitted, having widths of 75 feet rather than the 100 feet now required under the "R1-20" zoning. Lots of the proposed width and area now exist on both Victoria Grove and Victoria Crescent, but these lots are not typical of the character of the area.

Belfast Street is proposed to be closed and sold to adjacent owners. That closing and sale may result in the creation of one lot, for a total of fifteen additional lots fronting Victoria Grove.

The approval of the proposal would require the installation of sanitary sewer in Victoria Grove, which service is essential to the density proposed. That sewer is dependent upon installation by the City of a lift-station to serve the entire area west of Lotus Lane. The proposed sewer would traverse an area which has, and would retain, a character established by half-acre lot size and lot widths of 100 feet or more.

The proposal may not undermine the character of Victoria Crescent, as long as the "R1-9" density is limited to the Victoria Grove cul-de-sac. The mature trees in the area would allow the development of an enclave on Victoria Grove without obvious incompatibility with Victoria Crescent or Victoria Row. It must be expected that the trees which contribute to the attractiveness of the area would be retained, and that a different character established on Victoria Grove would be screened from, and would not compromise, abutting lots which front Victoria Crescent.

Permission for seven or eight additional one-family dwellings (beyond the seven dwellings which could be established under "R1-20" zoning) would have no evident effect on traffic in the area. The installation of a lift-station and sanitary sewer would not per se, change the character of the area, and should have no effect on other owners as long as they are not required to connect to, or pay for, that sewer.

Report of the Committee on Planning and Community Services dated July13th, 1992.

The existing, undeveloped right-of-way of Belfast Street is partially included in the proposed zoning change to the "R1-9" District. This reflects an expectation that the closed right-of-way would be acquired by the adjacent owners, and therefore, that some portions of that street would become part of lots fronting on Victoria Grove. If these portions of Belfast Street are not acquired by the owners of lands fronting Victoria Grove, they should not be rezoned to the "R1-9" District.

There were two Public Hearings held before the St. Boniface-St. Vital Community Committee on March 17th and May 19th, 1992.

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

Mr. Bruce Clapham, 1810 Ellice Avenue, Winnipeg, R3H 0B7,
Messrs. Don and Craig Eckstein, 123 Victoria Crescent, Winnipeg, R2M 1X6,
Ms. Janet Ross, Tupper and Adams, Barristers and Solicitors, 4th Floor - 200 Portage Avenue, Winnipeg, R3C 3X2,
Mr. Erwin and Mrs. Judith Huebner, 276 Wildwood Park, Winnipeg, R3T 0E4,
Mr. Roman and Mrs. Denise E. Dreysko, 1313 Plessis Road, Winnipeg, R2C 2Y4,
Mr. Mike McDonald, 36 Nichol Avenue, Winnipeg, R2M 1V9,
Ms. Winsome D. Milner, 186 Kirlystone Way, Winnipeg, R2G 3B7.

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

Mr. Douglas and Mrs. Elizabeth Grimes, 191 Victoria Crescent, Winnipeg, R2M 1X6, (on behalf of the Victoria Crescent Area Association Inc.),
Mr. Terry and Mrs. Allison Snell, 201 Victoria Crescent, Winnipeg, R2M 1X6,
Mr. Ian Kelly and Ms. Susan Wood, 167 Victoria Crescent, Winnipeg, R2M 1X6,
Mr. Jim and Mrs. Dorothy E. McFeetors, 277 Victoria Crescent, Winnipeg, R2M 1X8,
Mr. Ken Neufeld, 276 Victoria Crescent, Winnipeg, R2M 1X7,
Mrs. Eleanor and Ms Dana Kripp, 321 Victoria Crescent, Winnipeg, R2M 1X8,
Mr. Ken and Mrs. Patricia Vidal, 104 Victoria Crescent, Winnipeg, R2M 1X4,
Dr. Clement and Mrs. Karen Lang, 204 Victoria Crescent, Winnipeg, R2M 1X4,
Mr. Albert Longstaffe, 3 Victoria Row, Winnipeg, R2M 1Y1,
Mr. Marc Monnin and Ms. Donna Miller, 7 Victoria Row, Winnipeg, R2M 1Y1,
Mr. Don and Mrs. Janette Whitley, 16 Victoria Row, Winnipeg, R2M 1Y2,
Ms A. Zuk, 27 Victoria Crescent, Winnipeg, R2M 1X5,
Mr. Armand and Mrs. Margaret Gautron, 44 Victoria Crescent, Winnipeg, R2M 1X4,
Mr. John Prall, 50 Victoria Crescent, Winnipeg, R2M 1X4,
Mr. D. C. Crewson, 170 Victoria Crescent, Winnipeg, R2M 1X4,
Mr. Tony and Mrs. Jackie St. Vincent, 171 Victoria Crescent, Winnipeg, R2M 1X6,
Mr. R. R. and Mrs. Mable Ramsay, 184 Victoria Crescent, Winnipeg, R2M 1X4,
Mrs. Lillian Yule, 208 Victoria Crescent, Winnipeg, R2M 1X4,
Mrs. E. J. Kirby, 214 Victoria Crescent, Winnipeg, R2M 1X4,
Mr. Gerald and Mrs. Joan Kremer, 225 Victoria Crescent, Winnipeg, R2M 1X6,
Mrs. Mary Hardy, 248 Victoria Crescent, Winnipeg, R2M 1X4,
Ms Lena Pauls, 286 Victoria Crescent, Winnipeg, R2M 1X7,
Mr. Norman and Mrs. Dorothy M. Long, 295 Victoria Crescent, Winnipeg, R2M 1X8,
Mr. Francois and Mrs. Catherine Lentz, 300 Victoria Crescent, Winnipeg, R2M 1X7,
Mr. George and Mrs. Shirley Meszaros, 19 Victoria Row, Winnipeg, R2M 1Y1,
Dr. Jack Fainman, 260 Victoria Crescent, Winnipeg, R2M 1X4,
Ms Effi Von Helmolt, 63 Victoria Crescent, Winnipeg, R2M 1X5,
Ms Paige and R. M. McLeod, 333 Victoria Crescent, Winnipeg, R2M 1X8,
Mr. Brent Davidson and Ms Cynthia M. Chmelnytzki, 111 Victoria Crescent, Winnipeg, R2M 1X6,
Mr. John Maguire, 306 Victoria Crescent, Winnipeg, R2M 1X9,
Dr. E. Mike, 38 Victoria Crescent, Winnipeg, R2M 1X4,

Report of the Committee on Planning and Community Services dated July 13th, 1992

R. McV. Clarke, 211 Victoria Crescent, R2M 1X6,
Ms. Harriet M. Lederman, 140 Victoria Crescent, Winnipeg, R2M 1X4,
Dr. G. B. Watkins, 318 Victoria Crescent, Winnipeg, R2M 1X9,
G. R. Kendall, 155 Victoria Crescent, Winnipeg, R2M 1X9,
Mr. Ian and Ms Robin Watson, 141 Victoria Crescent, Winnipeg, R2M 1X6,
Mr. Chong Kim and Ms Hua Fang Mok, 77 Victoria Crescent, Winnipeg, R2M 1X5,
Ms Eleanor and Mr. H. E. Cramp, 20 Victoria Row, Winnipeg, R2M 1Y2,
Mr. Ken and Mrs. Lynn Cooper, 302 Victoria Crescent, Winnipeg, R2M 1X9,
Mr. Dan and Mrs. Carolyn Sullivan, 2 Victoria Crescent, Winnipeg, R2M 1X4,
Ms. Jane DeLeeuw, 144 Victoria Crescent, Winnipeg, R2M 1X4,
Mr. Bert and Mrs. Marilyn DeLeeuw, 327 Victoria Crescent, Winnipeg, R2M 1X8,
Mr. Sachchida N. Sinha, 116 Victoria Crescent, Winnipeg, R2M 1X4,
D. Gara, 180 Victoria Crescent, Winnipeg, R2M 1X4,
Ms Darlene and I. McKibbin, 292 Victoria Crescent, Winnipeg, R2M 1X7,
C. E. and D. W. Hayes, 237 Victoria Crescent, Winnipeg, R2M 1X6,
A. W. Hosegood, 309 Victoria Crescent, Winnipeg, R2M 1X8,
Ms Lillian Yule, 208 Victoria Crescent, Winnipeg, R2M 1X4,
Ms Lilias A. Ross, 154 Victoria Crescent, Winnipeg, R2M 1X4,
Mr. Albert Rectner, 315 Victoria Crescent, Winnipeg, R2M 1X8,
Mr. Paul L. Todley and Ms Jane Meagher, 275 Victoria Crescent, Winnipeg, R2M 1X6,
D. E. Render, 55 Victoria Crescent, Winnipeg, R2M 1X5,
Mr. Chris and Mrs. Mary Chapman, 6 Victoria Crescent, Winnipeg, R2M 1X4,
Mrs. Barbara E. and Mr. Robert J. Nickel, 145 Victoria Crescent, Winnipeg, R2M 1X6.

Upon conclusion of public representations, the St. Boniface- St. Vital Community Committee recommended that the proposed subdivision/rezoning application not be proceeded with for the following reasons:

1. Committee is of the firm belief the area in question is special and unique, and its character would be substantially adversely affected in the event this application was to be approved.

2. There was substantial opposition to this application.

3. Committee is of the view there is an alternative subdivision proposal available to the property owners that would be suitable to their needs and which would not create a substantial adverse effect on the neighbourhood.

4. More trees would have to be removed to provide the increased housing density, thereby further negatively impacting on the character of the area, and significantly reducing any screening effect between new and existing houses.

5. The proposed rezoning and subdivision would set a strong precedent for further subdivision in the area.

6. The residents felt the market value of existing homes might be impaired by the loss of the unique character of the area.

Report of the Committee on Planning and Community Services dated July 13th, 1992

7. The rezoning and subdivision is unnecessary inasmuch as all of the lots in question can be developed in compliance with the existing "R1-20" zoning regulations, or sold at market value, should the owners choose to do so.

8. Committee concurs in the residents' view that the only apparent purpose of the proposed rezoning is to accommodate profit oriented land speculation by a few individuals, most of whom are not residents of this area and it is deemed that the financial benefit to those individuals would be at the expense of the area residents.

Your Committee on Planning and Community Services concurs in the recommendation of the St. Boniface-St. Vital Community Committee and recommends that the proposed plan of subdivision and zoning change under File No. DASZ 11/91 be not proceeded with.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

SUBDIVISION AND REZONING - located between Dufferin and Jarvis Avenues, east of Robinson Street,
Lord Selkirk-West Kildonan Community.
File No. DASZ 5/92.

1303 - 8. Your Committee on Planning and Community Services has been advised that an application has been received from Winnipeg Habitat for Humanity, 181 Church Avenue, Winnipeg, for the approval of a plan of subdivision and related zoning changes to Zoning By-law No. 4450/86 by rezoning the subject land located between Dufferin and Jarvis Avenues, east of Robinson Street, from an "MP-2" Industrial Park District to an "R1-3.5" Single-Family District to allow for the establishment of 21 building sites for single-family housing.

In keeping with their on-going policy of providing affordable housing in the Lord Selkirk-Point Douglas area, Habitat for Humanity in conjunction with the City of Winnipeg is proposing to create individual lots on the south side of Dufferin Avenue to accommodate 21 single-family homes. The project will be not unlike Habitat's housing project on Angus Street in North Point Douglas, and it is hoped that when and if the proposal is endorsed by Council, construction could be underway by late spring or summer of 1993.

The District Planning Branch fully supports the proposed use of the land and the Administration has worked carefully with the applicants to ensure that the layout of the project blends in with the surrounding area.

This project is consistent with the spirit and objectives of the City's New Development Plan, which has been given a mandate to stimulate and encourage whenever possible new housing development in aging industrial areas. The area in question, south of Dufferin Avenue, is an area in transition. Many of the existing industrial buildings are old and no longer functional, and there is and will continue to be increasing pressure to convert much of the subject land into light commercial and residential use.

The Lord Selkirk-West Kildonan Community has already initiated the conversion process by recently endorsing an application (File No. DAZ 221/92) for a Friendship Centre immediately adjacent to the subject application at the corner of Robinson Street and Dufferin Avenue. It is hoped that these two applications and subsequent development will act as a catalyst for continued residential growth in the area south of Dufferin Avenue.

The proposal by Habitat and the anticipated success that they will, in all likelihood have in the aging Lord Selkirk Industrial area will be unique to the City of Winnipeg. The Planning Department supports the accompanying plan of subdivision subject to all accompanying conditions as outlined in the report of the Administrative Co-ordinating Group.

Report of the Committee on Planning and Community Services dated July 13th, 1992.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on June 9th, 1992.

The following persons appeared in support of the application:

Doug Henne, Doug Henne Planning Services, 917 Simpson Avenue, Winnipeg, R2K 1S5, (on behalf of Winnipeg Habitat for Humanity),
John E. Krahn, Winnipeg Habitat for Humanity, 199 Ethelbert Street, Winnipeg, R3G 1V8,
Wayne Helgason, 1451 Pritchard Avenue, Winnipeg, R2X 0H6.

The following persons appeared in opposition thereto:

Walter Klassen, 10 Charles Street, Winnipeg, R2W 4A1,
Albert Litz, 20 Appleton Street, Winnipeg, R2G 1K5,
Robert and Lynne Leah and Robert Cartwright, 15 Charles Street, Winnipeg, R2W 3Z9.

Upon conclusion of public representations, the Lord Selkirk- West Kildonan Community Committee recommended that the proposed subdivision and rezoning application be approved for the following reasons:

1. The Planning Department fully supports the proposed use of the land and the Administration has worked carefully with the Applicants to ensure the layout of the project blends in with the surrounding area.

2. The project is consistent with the spirit and objectives of the City's New Development Plan which has been given a mandate to stimulate and encourage whenever possible new housing development in aging industrial areas. The area in question - the area south of Dufferin Avenue - is an area in transition. Many of the existing industrial buildings are old and empty and there is and will continue to be increasing pressure to convert much of the subject land into light commercial and residential use.

3. The Lord Selkirk-West Kildonan Community Committee has already initiated the process by recently endorsing an application for a Friendship Centre immediately adjacent to the subject application at the corner of Robinson Street and Dufferin Avenue. It is hoped that these two applications and subsequent developments will act as a catalyst for continued residential growth of the area south of Dufferin Avenue.

4. The proposal by Habitat for Humanity and the anticipated success that they will, in all likelihood, have in the aging Lord Selkirk Industrial area will be unique to the City of Winnipeg.

5. Twenty-one or twenty-two families will have pride of ownership, a chance for a better life.

6. There is a time line for the proposal.

7. There will be a new community centre built and the R. B. Russell School grounds are close by for the children to play in.

An amended plan (refer to attached Schedule "B") was submitted at the hearing by the applicant. The main change involves the proposed north/south street, which ran between Jarvis and Dufferin Avenues, which now has been re-designed as a cul-de-sac. This revision (an internal one within the plan area) was not judged as being prejudicial. The Administration present at the Public Hearing supported the revised plan.

It should also be noted that this application is going forward on the presumption that By-law 5915/92 (Plan Winnipeg Review) will be passed by Council with the clauses allowing for such conversions as proposed by this application.

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

I. That the amended plan of subdivision proposed under File No. DASZ 5/92 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 5/92 attached hereto and dated July 2nd, 1992, for registration in the Winnipeg Land Titles Office subject to the following:

Report of the Committee on Planning and Community Services dated July 13th, 1992.

A. That the applicant enter into a Development Agreement with the City in accordance with the terms and conditions as set forth in the report of the Administrative Co-ordinating Group as amended by the Administrative Co-ordinating Group communication, attached hereto and identified as Schedule "C", dated July 2nd, 1992, amended as follows:

1) Amend Development Agreement No. 2 by deleting the words "Dufferin Avenue and" in the second and third lines;

2) Amend Development Agreement by deleting No. 3 in its entirety;

3) Amend Development Agreement by renumbering No. 4.a) to No. 3.a);

4) Amend Development Agreement No. 4.b) by renumbering same to 3.b) and inserting the words "and cul-de-sac island" after the word "island" in the first line;

5) Amend Development Agreement No. 8 to read as follows:

8. That the payment of 10 per cent dedication in cash 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 be waived in this instance, as has been done for this organization in the past.

6) Amend Development Agreement Nos. 5 - 11 by renumbering them Nos. 4 - 10 consecutively.

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. 4450/86 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 5/92 attached hereto and dated July 2nd, 1992 to an "R1-3.5" Single-Family District.

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

VI. That the Subdivision By-law shall become effective when the Development Agreement has been executed.

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

VIII. That in the event this application is not proceeded with expeditiously and the By-law is not enacted within 24 months after the 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.

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 1306 for attachment.)

1304 Schedule “A” referred to in Clause 1 of the Report of the Committee on Planning and Community Services, dated July 13th, 1992.

(SEE PAGES 1929 – 1930 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

1305 Schedule “A” referred to in Clause 2 of the Report of the Committee on Planning and Community Services, dated July 13th, 1992.

(SEE PAGE 1931 OFFICIAL SET OF MINUTES FOR ATTACHMENT)

1306 Schedule “A” referred to in Clause 8 of the Report of the Committee on Planning and Community Services, dated July 13th, 1992.

(SEE PAGES 1932 – 1935 FOR OFFICIAL SET OF MINUTES FOR ATTACHMENT)

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 May 11th, 1992, was laid over by the Executive Policy Committee on May 20th, 1992.

The Executive Policy Committee has further considered this clause, has concurred in the recommendations contained therein, except as noted below, and now submits it to Council for approval and adoption.

On motion of Councillor Douglas, Clause 2 of the Report of the Committee on Planning and Community Services, dated May 11th, 1992, was considered.

Tax Relief Incentives for the Rehabilitation
of Listed Heritage Buildings.
Files G-3.1 and FL-2.2.

1307 - 2. Council on March 25th, 1992, referred back Clause 2 of the Report of your Committee on Planning and Community Services dated March 9th, 1992, as follows:

"On December 12th, 1988, the Committee on Planning and Community Services requested that the recommendations of the Task Force on Tax Relief as amended and adopted by Council on May 29th, 1985 (see Appendix 'B') be reviewed for the purpose of providing Committee with an up-to-date summary on what has transpired to date, with a view to developing a policy on tax relief for heritage buildings.

A history of the consideration of a policy for the provision of tax relief incentives, is attached hereto, for the information of Council.

The report on Tax Relief as amended and adopted by Council on May 29th, 1985, limited the eligibility for tax relief to Grade I and II structures included on the 'Buildings Conservation List', undergoing substantial rehabilitation, and located within the 'Historic Winnipeg Restoration Area'. Approximately 30 buildings would have been eligible for this tax incentive and, after a two-year trial period, the program was to have been reviewed to determine whether or not wider applicability was warranted.

The two-year trial period has come and gone and three buildings (Prairie Housing Co-op at 113 Market Avenue, the Ashdown Warehouse at 167-179 Bannatyne Avenue and the Bank of Toronto at 456 Main Street) have been provided with assistance under the terms adopted by Council in 1985. The total average annual tax forgiveness for all three properties is estimated at $110,603.00. On its own the Ashdown Warehouse received on average an annual grant of $98,590.00. (For details see Appendix "C").

Contrary to Council's request, the Province's 1986 amendments to The City of Winnipeg Act expanded the eligibility for tax relief to all structures included on the 'Buildings Conservation List' (i.e. from 30 buildings to about 140 buildings city-wide). The Law Department is of the opinion that a court could determine that the owner of a Grade III Building or a Grade I or II Building outside of the 'HW' area who substantially rehabilitated the structure was entitled to the same tax exemption as the owner of one of the 30 specified in 1985. The proposed tax relief policy thus reflects the eligibility of all listed structures included on the 'Buildings Conservation List' and is consistent with the legislative amendments to date.

Report of the Committee on Planning and Community Services, dated May 11, 1992.

In addition, the City has agreed in principle to provide tax relief to the CP Station in accordance with the provisions of Council. Although the building could be listed as a heritage building by the City (likely as a Grade I or II structure) once ownership changed from CP to the Aboriginal Centre of Winnipeg, the location of the station outside of the Exchange District, precludes its eligibility for post-renovation tax reductions under the 1985 policy recommendations of the Task Force on Tax Relief adopted by Council. However, under the recommendations outlined in this report the building would be eligible for tax assistance from the City once the building was included on the 'Buildings Conservation List'.

In January of 1990, Provincial amendments to the Municipal Assessment Act replaced the changes made to The City of Winnipeg Act in 1986 as the vehicle for providing tax relief. These amendments extended the applicability of tax relief incentives from the City of Winnipeg and its 'Buildings Conservation List' to any municipality where 'heritage sites' are designated under the Province's 'Heritage Resources Act'.

Although there are sixteen provincially-designated 'heritage sites' within the City limits, these 1990 legislative amendments did not necessarily intend that 'heritage sites' within the City of Winnipeg be directly eligible for tax benefits. The recommended policy (see Appendix 'A') requires that 'heritage sites' within the City of Winnipeg also be listed under the provisions of the City's 'Historical Buildings By-law' to ensure that the City maintains control over the suitability of the improvements proposed and, ultimately, is also able to protect its investment in the listed building through the demolition control provisions of the by-law.

The Provincial amendments to both The City of Winnipeg Act (1986) and The Municipal Assessment Act (1990) enable the City to provide tax relief only during the 'two year' period of rehabilitation. As a result, Council's desire to provide further incentives during the five-year post-construction period can only be accomplished through The City of Winnipeg Act in the form of a grant equivalent to a municipal realty tax reduction. Therefore on an interim basis and for this purpose, Council must waive its policy adopted on May 17th, 1972, 'that no grants in lieu of taxes be made in future, commencing with the year 1973, and that grants in lieu of taxes not be extended in the year 1972 to any Association which did not enjoy this privilege in the year 1971.'

In part, the intent of the amendments requested by Council in 1985 was to enable the City to pass a universal by-law regarding the provision of tax relief incentives. The by-law would have made the application of the tax benefit non-discretionary since Council would not necessarily be involved in the approval of individual grant applications and would primarily concern itself with the approval of policy and annual budgets related to the tax incentives. The proposed interim method of a two-year tax exemption coupled with a five-year, post-construction grant described in the preceding paragraph will only fulfill Council's objective related to the duration of benefit and does not address a non-discretionary process.

At the end of the two-year trial period and dependent upon the financial implications being acceptable to Council, the City could request that the Province amend The Municipal Assessment Act such that the building improvements undertaken on eligible heritage properties could be exempted from municipal tax assessment for a period of five years following the completion of construction. In speaking with representatives from the Provincial Department of Urban Affairs, it will be necessary for draft amendments to the Act to accompany such a request. With the legislative amendment the City could ultimately implement the tax incentives program through an administrative procedure which would address Council's desire for a non-discretionary process.

I. That the interim policy outlined in Appendix 'A' and dated March 9th, 1992, be adopted to provide municipal property tax relief incentives to building owners undertaking the substantial rehabilitation of structures included on the 'Buildings Conservation List'.

II. That on an interim basis, and for a two-year trial period, Council waive its policy adopted on May 17th, 1972, as it applies to not making additional grants equivalent to a reduction in municipal property taxes available to property owners undertaking the substantial rehabilitation of heritage structures included on the 'Buildings Conservation List'.

III. That the Proper Officers be authorized to do all things necessary in connection herewith."

Report of the Committee on Planning and Community Services, dated May 11th, 1992.

Your Committee on Planning and Community Services has re- affirmed its previous recommendation and re-submits same for favourable consideration, namely:-

I. That the interim policy outlined in Appendix "A" attached hereto and dated March 9th, 1992, be adopted to provide municipal property tax relief incentives to building owners undertaking the substantial rehabilitation of structures included on the "Buildings Conservation List".

II. That on an interim basis, and for a two-year trial period, Council waive its policy adopted on May 17th, 1972, as it applies to not making additional grants equivalent to a reduction in municipal property taxes available to property owners undertaking the substantial rehabilitation of heritage structures included on the "Buildings Conservation List".

III. That the Proper Officers be authorized to do all things necessary in connection herewith.

Your Executive Policy Committee recommends that the clause be amended by deleting recommendation I. in its entirety and substituting the following therefor:-

I. That the interim policy outlined in Appendix "A" be amended by deleting the "Eligibility Criteria" 1. to 5. contained therein;
That recommendations II. and III. be renumbered as recommendations VI. and VII., respectively and that the following new recommendations be inserted:-

II. That Council approve in principle of the "Heritage Support Policy and Programs" report as submitted by Councillor Murray and dated July 10th, 1992. (Copy of report previously forwarded to all members of Council.)

III. That your Executive Policy Committee be authorized to appoint the Heritage Support Task Force as outlined in recommendation "C4.0 Implementation No. 4, Page 43".

IV. That the Heritage Support Task Force report to Council in 90 days on recommendations C3.1 Financial Assistance regarding the Municipal Tax Credit, Performance Grants and Discretionary Grants for inclusion in the 1993 Current and Capital Budgets.

V. That the Heritage Support Task Force relate to the administration over components of Appendix "B" which should be retained to effect a Heritage Support Policy.

(Note: Appendices A, B and C referred to in above clause are on file in the Office of the City Clerk.)

Moved by Councillor Douglas,
Adoption of the clause.

In amendment,

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

Carried.

Report of the Committee on Planning and Community Services, dated May 11th, 1992.

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

Councillor Golden moved that the rule be suspended to allow Council to re-consider the clause.

The motion to suspend the rule was put.

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

Yea: Councillors Brown, Clement, Demare, Fleisher, Fraser, Gilroy, Golden, Kaufmann, Lazarenko, Lorenc, Mitchelson, O'Shaughnessy, Prystanski, Young and Eadie. 15

Nay: Councillors Boychuk, Douglas, Duguid, Hyman, Mendelson, Murray, Reese, Selinger, Thomas, Yuen and Mayor Norrie. 11

and the motion to suspend the rule was declared lost not having attained the necessary two-thirds majority vote as required by Section 3 of the Procedure By-law.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

1308 - By-law No. 5992/92, a By-law of The City of Winnipeg to approve a plan of subdivision and to amend Zoning By-law No. 1800 for the enactment of a zoning change on lands on the north side of Roblin Boulevard between Harstone Road and Greenbriar Avenue in the Assiniboine Park - Fort Garry Community. File No. DASZ 8/91.

Moved by Councillor Douglas,
That this constitute the second reading of By-law No. 5992/92.

The motion was put.

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

Yea: Councillors Brown, Clement, Demare, Douglas, Fleisher, Fraser, Gilroy, Kaufmann, Lorenc, Mitchelson, O'Shaughnessy, Prystanski, Young, Mayor Norrie and Councillor Eadie. 15

Nay: Councillors Boychuk, Diamant, Duguid, Golden, Hyman, Lazarenko, Mendelson, Murray, Reese, Selinger, Thomas, Timmers and Yuen. 13

and the motion that this constitute the second reading of By-law No. 5992/92, was declared carried.

Moved by Councillor Douglas,
That By-law No. 5992/92 be read a third time.

The motion was put.

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

Yea: Councillors Brown, Clement, Demare, Douglas, Fleisher, Fraser, Gilroy, Kaufmann, Lorenc, Mitchelson, O'Shaughnessy, Prystanski, Young, Mayor Norrie and Councillor Eadie. 15

Nay: Councillors Boychuk, Diamant, Duguid, Golden, Hyman, Lazarenko, Mendelson, Murray, Reese, Selinger, Thomas, Timmers and Yuen. 13

and the motion that By-law No. 5992/92 be read a third time was declared carried.

Moved by Councillor Douglas,
That this constitute the third reading of By-law No. 5992/92, and that same be passed and ordered to be signed and sealed.

The motion was put.

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

Yea: Councillors Brown, Clement, Demare, Douglas, Fleisher, Fraser, Gilroy, Kaufmann, Lorenc, Mitchelson, O'Shaughnessy, Prystanski, Young, Mayor Norrie and Councillor Eadie. 15

Nay: Councillors Boychuk, Diamant, Duguid, Golden, Hyman, Lazarenko, Mendelson, Murray, Reese, Selinger, Thomas, Timmers and Yuen. 13

and the motion that this constitute the third reading of By-law No. 5992/92, and that same be passed and ordered to be signed and sealed, was declared carried.

Committee on Planning and Community Services – By-law (continued)

On motion of Councillor Douglas, By-law No. 5994/92, a By-law of The City of Winnipeg to approve a plan of subdivision and to amend Zoning By-law No. 1800 for the enactment of a zoning change on lands located on the east side of Columbia Drive between McGillivray Boulevard and Marygrove Crescent in the Assiniboine Park - Fort Garry Community was read a first, second and third time, the rule being suspended for third reading and was passed and order to be signed and sealed. File No. DASZ 4/92.

On motion of Councillor Douglas, 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. 6013/92, a By-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 1800 for the enactment of a zoning change on land located east of the C.P.R. Subdivision and south of McGillivray Boulevard, in the Assiniboine Park-Fort Garry Community. File No. DASZ 58/85.

By-law No. 6014/92, a By-law of The City of Winnipeg amend Zoning By-law No. 1800 for the enactment of a zoning change in the Assiniboine Park-Fort Garry Community by rezoning the land at 990 Crescent Drive from an "R1-5" Single-Family District to a "C2" General Commercial District. File No. DAZ 249/91.

By-law No. 6015/92, a By-law of The City of Winnipeg to amend Zoning By-law No. 4440/86 for the enactment of a zoning change at 870 Regent Avenue West in the East Kildonan-Transcona Community. File No. DAZ 220/92.

By-law No. 6016/92, a By-law of The City of Winnipeg to amend Zoning By-law No. 16502 for the enactment of a zoning change at 866 Corydon Avenue in the City Centre-Fort Rouge Community. File No. DAZ 223/92.

By-law No. 6017/92, a By-law of The City of Winnipeg to amend Zoning By-law No. 4440/86 for the enactment of a zoning change at 1820 Henderson Highway in the East Kildonan-Transcona Community. File No. DAZ 228/92.

On motion of Councillor Douglas, 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:

By-law No. 6019/92, a By-law of The City of Winnipeg to change the names of certain highways in the City of Winnipeg. File Nos. DASZ 1/92 & SC-3.14.

By-law No. 6022/92, a By-law of the City of Winnipeg to amend By-law No. 5675/91, being The Development Fees By-law for development applications, permits and related matters. File Nos. EZ-DAZ (gen) & E-1.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

QUESTION PERIOD

1309 - Councillor Hyman requested an update on the North West Library and indicated that she had understood the project was to have been started in 1992.

Councillor Douglas agreed to provide a report on the status of the project to Councillor Hyman.

Councillor O'Shaughnessy requested a copy of the report on the North West Library be submitted to the Lord Selkirk-West Kildonan Community Committee as well.