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 April 16th, 1992, has concurred in the recommendations contained therein, except as noted below, 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 April 16th, 1992, was considered clause by clause.

West Committee Room,
Council Building
Winnipeg, April 16th, 1992.

His Worship the Mayor and Councillors:-

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

Removal of Building Restriction
Caveat Nos. 152148 and 576026
for premises located at 9 Blanchard Avenue,
City Centre - Fort Rouge Community.
File EC (BRC 1/92).

884 - 1. Your Committee on Planning and Community Services has been advised that an application has been received from David Friesen and Associates for the removal of Building Restriction Caveat Nos. 152148 and 576026 that limit the required yards on property located at 9 Blanchard Avenue.

Caveat No. 152148 is a private caveat that limits any yard provided to East Gate to a minimum of 25.4 feet. Caveat No. 576026 is building restrictions By-law No. 12573 that limits any yard provided to Blanchard Avenue to a minimum of 10 feet.

By-law No. 16502 now requires the yards to East Gate and Blanchard Avenue to be 25 feet and 10 feet respectively. Because the subject building restrictions are redundant, the Planning Department considers that these caveats are no longer required.

The City Centre-Fort Rouge Community concurred with the recommendation to remove the subject caveats at its meeting of March 24th, 1992.

Your Committee on Planning and Community Services concurs in the recommendation of the City Centre - Fort Rouge Community Committee and recommends that Building Restriction Caveat Nos. 152148 and 576026 be removed and that the following resolution be passed in connection therewith:

> "That in accordance with the provisions of Section 104(3) of The Municipal Board Act, the Council of the City of Winnipeg recommends that Building Restriction Caveat Nos. 152148 and 576026 be discharged as they affect the property located at 9 Blanchard Avenue and legally described as Lot 68, Plan 1352 WLTO, RL 86 Parish of St. James, as applied for by David Friesen and Associates."

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

Report of the Committee on Planning and Community Services dated April 16th, 1992.

SECONDARY PLAN AMENDMENT
South-east corner of rue Aubert
and avenue Tache,
St. Boniface-St. Vital Community.
File No. EP-1.2 (AAP 36/91.)

885 - 2. Council gave First Reading to By-law No. 5828/92, which proposes to amend The North St. Boniface Secondary Plan by reclassifying the lands located at the south-east corner of rue Aubert and avenue Tache, shown outlined below, from "Residential" to "Future Residential" proposed land use classification, to accommodate a proposed zoning change to permit the maintenance of a private parking area accessory to an existing commercial club.

Your Committee on Planning and Community Services has been advised that an application has been received from Festival du Voyageur Inc. for an amendment to The North St. Boniface Secondary Plan (By-law 965/75) in respect of the south-east corner of rue Aubert and avenue Tache. The site is currently designated "Residential" under the Secondary Plan, and is zoned "R2" Two-Family District under The St. Boniface Town Planning Scheme 1957.

It is proposed that the site be designated "Future Residential" in order to accommodate an application for a zoning change to a "C1" Limited Commercial District, to allow the maintenance of a parking area accessory to a commercial club.

The current designation of the site reflects an error, insofar as the site was not in residential use at the date of adoption of The North St. Boniface Secondary Plan, and should have been designated "Future Residential" in recognition of the existing industrial use of the lands. The present designation can, however, be interpreted to indicate an intent that the lands eventually be developed in residential use, which intent is also reflected in the current "R2" zoning on the site.

The amendment proposed represents a distinction between immediate residential development of the site and eventual residential development, after interim non-residential use. Although a particular interim use would be the subject of a zoning change application, if the amendment to the Secondary Plan is recommended, it must be recognized that the amendment is proposed only to accommodate the existing parking area as an appropriate interim use.

The implication of rejecting the proposed amendment is that immediate development of housing is suitable to the site and essential to the adjacent neighbourhood.

Notwithstanding the current "R2" zoning on the land, the marketability of immediate residential development on the site is questionable, and the alternative to interim non-residential use may be vacant land. The south frontage of rue Aubert between rue St. Joseph and avenue Tache is entirely non-residential use. The north frontage of rue Aubert, opposite the site, is occupied by industry.

A reduction of on-street parking generated by Le Rendezvous would provide a benefit to both the residential amenity of existing dwellings, and the marketability of new residential development, elsewhere in the neighbourhood. It is suggested that immediate residential development is not essential to the adjacent neighbourhood, and indeed, that if the parking area is found to be an appropriate interim use, there may be greater benefit to other areas of the neighbourhood that would be provided by immediate development of housing on the site.

It is suggested that the proposed redesignation would neither delay the development of housing on the site, nor delay the development of housing on vacant lands elsewhere in North St. Boniface. Because the land is zoned "R2" and a zoning change is required for non-residential use of the site, any particular interim use proposed can be reviewed in terms of its effects on existing and future housing.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on March 17th, 1992.

Report of the Committee on Planning and Community Services dated April 16th, 1992.

The following persons appeared in support of the application:

Mr. L. Paquin, 768 avenue Tache, Winnipeg, R2H 2C4.
Mr. R. Wiens, 439 rue Ritchot, Winnipeg, R2H 2W9.

No one appeared in opposition thereto.

The St. Boniface-St. Vital Community Committee recommended that the proposed Secondary Plan Amendment be approved for the following reasons:

1. The current designation of the site reflects an error, insofar as the site was not in residential use at the date of adoption of The North St. Boniface Secondary Plan, and should have been designated "Future Residential" in recognition of the then existing industrial use of the lands.

2. The amendment will accommodate the existing parking use on the subject land which, in turn, will reduce the vehicle traffic generated by the adjacent commercial club on the adjacent residential neighbourhood.

3. The amendment will accommodate the existing parking use on an interim basis, and is deemed to be of a greater benefit to this area of the neighbourhood than would be provided by immediate development of housing on the site.

Your Committee on Planning and Community Services concurs in the recommendations of the St. Boniface-St. Vital Community Committee on File No. EP-1.2 (AAP 36/91) and recommends:

I. That By-law No. 5828/91, being a by-law to amend The North St. Boniface Secondary Plan By-law No. 965/75 to reclassify the lands illustrated on Schedule "A" for File No. AAP 36/91 attached hereto and dated April 2nd, 1992, from a "Residential" proposed land use classification to a "Future Residential" proposed land use classification, be given second and third reading.

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 Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 893 for attachment.)

REZONING - 138 rue Aubert, St. Boniface-St. Vital Community.
File No. DAZ 231/91 (c/r AAP 36/91).

886 - 3. Your Committee on Planning and Community Services has been advised that an application has been received from Festival Du Voyageur Inc., 768 avenue Tache to amend The St. Boniface Town Planning Scheme 1957 be rezoning the land at 138 rue Aubert from an "R2" (Two-Family District) to a "C1" (Limited Commercial District) to allow for the maintenance of a private parking area accessory to an existing commercial club.

The replacement of the former industrial use on the site by parking represents a reduction in intensity of use, and the provision of off-street parking represents a reduction of the effects of the commercial club on the adjacent neighbourhood.

As long as non-residential buildings or structures are not constructed on the land, the use of the site for parking will not reduce its suitability for eventual residential development, as anticipated by The North St. Boniface Secondary Plan.

Report of the Committee on Planning and Community Services dated April 16th, 1992.

Improvement of the site by the installation of required fencing, landscaping, and paving would benefit adjacent housing on the south, and eventual residential development on adjacent industrial lands.

The zoning change should be made only to accommodate accessory off-street parking, in conjunction with the commercial club opposite, and other accessory uses within the existing building on the site. Prohibition of any other commercial use, and of any new building or structure other than a fence or directional sign, are considered necessary to maintain the intent and purpose of the Secondary Plan.

A Public Meeting was held before the St. Boniface-St. Vital Community Committee on March 17th, 1992.

The following persons appeared in support of the application:

Mr. Louis Paquin, 768 avenue Tache, Winnipeg, R2H 2C4.
Mr. Robin Wiens, 439 rue Ritchot, Winnipeg, R2H 2W9.

No one appeared in opposition thereto.

The St. Boniface-St. Vital 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 recommendation for the following reasons:

1. The replacement of the former industrial use on the site by parking represents a reduction in intensity of use, and the provision of off-street parking represents a reduction of the effects of the commercial club on the adjacent neighbourhood.

2. Improvement of the site by the installation of required fencing, landscaping, and paving would benefit adjacent housing on the south, and eventual residential development on adjacent industrial lands.

3. As long as non-residential buildings or structures are not constructed on the land, the use of the site for parking will not reduce its suitability for eventual residential development, as anticipated by The North St. Boniface Secondary Plan.

4. The zoning change will accommodate accessory off-street parking relative to the commercial club opposite to same, and other accessory uses within the existing building on the site, however, prohibition of any other commercial use, and of any new building or structure other than a fence or directional sign, would be considered necessary to maintain the intent and purpose of the Secondary Plan.

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

I. That The St. Boniface Town Planning Scheme 1957 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 231/91, attached hereto and dated April 2nd, 1992, to a "C1" Limited Commercial District subject to the following:

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

      (1) that the use of the land be restricted to the following uses:

         (a) a parking area accessory to the commercial club at 768 avenue Tache; and

         (b) accessory uses entirely contained within the existing building on the land;

      (2) that no non-residential building or structure be erected or located on the land, except fencing and directional signs;

Report of the Committee on Planning and Community Services dated April 16th, 1992.

(3) that no parking area, fencing, landscaping or sign be erected or located on the land and that no exterior alterations or additions be made to existing buildings on the land except in accordance with plans approved by the St. Boniface-St. Vital Community Committee;

(4) that payment of 10 per cent cash dedication be made 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 City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

III. 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.

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

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

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 894 for attachment.)

Proposed Policy - Granny Flats in One-Family "R1" and "R2" Zoning Districts. File EZ-DAZ(Gen.).

887 - 4. Council on November 27th, 1991, referred the following motion to your Committee, namely:-

WHEREAS the City of Winnipeg does not have, at present, a clear and comprehensive policy on zoning referring to "Granny Flats";

AND WHEREAS other countries do encourage of such uses, such as Australia;

AND WHEREAS such a zoning would be for family Granny Flats Only;

THEREFORE BE IT RESOLVED that Council instruct the Administration through the Committee on Planning and Community Services to report back to Council within 60 days concerning putting into place a clear and comprehensive policy on zoning referring to Granny Flats, in a one-family "R1" or "R2" zoning.

Your Committee on Planning and Community Services on January 6th, 1992, authorized the Chairman to raise the subject again through the Official Delegation to determine the Provincial Government's position on Granny Flats and the provision of government-owned and regulated garden suites for elderly persons housing, by virtue of the fact that no response had been received concerning the previous request of the Committee on Planning and Community Services in this regard, as adopted by Council on May 29th, 1991.

Report of the Committee on Planning and Community Services dated April 16th, 1992.

Your Committee on Planning and Community Services, on April 16th, 1992, was advised that the Minister of Housing for the Province of Manitoba has indicated that the Province is always supportive of expanded housing options being made available to seniors, particularly those which would enable them to enjoy the benefits of close proximity to their families, and, should the City choose to permit this type of unit is prepared to offer assistance under their programming to enhance affordability for low-income seniors meeting program eligibility criteria.

However, the Province has also advised that they see no reason to become involved in the regulations for facilitating provision of the units. It is their view that this initiative can be accommodated through the mechanisms available to the City of Winnipeg and Provincial involvement would simply result in an undue degree of bureaucratic complexity.

Your Committee on Planning and Community Services is of the opinion that privately-owned garden suites in the form of second dwelling units on residential properties poses a number of serious concerns, including control of the occupancy of such units on the basis of age and familial relationships as well as adequate enforcement procedures.

After reviewing all aspects of the matter, your Committee on Planning and Community Services is not prepared to recommend putting into place a clear and comprehensive policy on zoning referring to Granny Flats, in a one-family "R1" or "R2" zoning. However, if a specific proposal for "Granny Flats" is received by the City, your Committee is of the view that it should be referred to your Committee for review.

Your Committee on Planning and Community Services recommends, therefore, that the motion referred to it by Council in this regard be filed.

Moved by Councillor Douglas
Adoption of the clause.

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

Carried.

Zoning Text Amendment - To provide zoning regulations governing location of air conditioner units and swimming pool filters on a zoning lot. All Zoning By-laws and Town Planning Schemes except By-law 4800. File No. DAZ 215/91.

888 - 5. Council on April 17th, 1991, directed the Committee on Planning and Community Services to conduct a Public Meeting to consider proposed Text Amendments to all Zoning By-laws and Town Planning Schemes of the City of Winnipeg and amendments thereto, except for By-law 4800, to provide zoning regulations governing the location of air conditioner units and swimming pool filters on a zoning lot, and instructed the Commissioner of Planning and Community Services to initiate an application for consideration of the proposed Text Amendments.

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

Report of the Committee on Planning and Community Services dated April 16th, 1992.

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

AIR CONDITIONER CONDENSING UNITS (HEAT EXCHANGER)/SWIMMING POOL FILTER, PUMPS AND HEATERS OR ANY RELATED EQUIPMENT

It is proposed to amend all of the above By-laws and Schemes, except for By-law No. 4800 to provide zoning regulations governing the location of air conditioner units, swimming pool filters, pumps or heaters or any other related equipment on a zoning lot as follows:-

In a front yard: Not permitted

In a side yard: Air Conditioner Condensing Unit (Heat Exchanger), a Swimming Pool filter, pump or heater, or any other related equipment, provided the said equipment shall not be located:-

(a) closer to the front lot line than the front wall of the principal building; and

(b) not closer than ten (10) feet (3 m) to a window or door of a dwelling on an adjoining lot; and

In a rear yard: Air Conditioner Condensing Unit (Heat Exchanger), a swimming pool filter, pump or heater, or any other related equipment, provided the said equipment shall not be located closer than ten (10) feet (3 m) to a window or door of a dwelling on an adjoining lot.

At its meetings of March 9th and 30th, 1992, your Committee laid over consideration of proposed zoning text amendments regulating air conditioner units (heat exchanges) and swimming pool filter pumps and heaters pending further discussions between the administration and the air conditioning industry.

The industry has, on the basis of national research, prepared sound guidelines for the installation of residential air conditioning and heat pump systems. Under these guidelines, they have proposed that the placement of units be regulated under zoning on the basis of a relatively complex calculation that will ensure that noise-emission measured at a point of reception (open window, patio, etc.) not exceed 55 dBa.

The proposal is technically sound in that it takes into account all factors that can affect sound pollution from air conditioning units. However, it is not an appropriate means of zoning regulation for a number of reasons:-

1. It purports to regulate noise levels directly under zoning, which is not the intent of zoning. Noise levels are regulated under the anti-noise by-law.

2. It requires that the City accept measurements from licensed contractors as the basis for zoning compliance, even though the responsibility flowing from any miscalculations would fall upon the City.

3. The proposal is in conflict with noise limits set under the anti-noise by-law, which set maximums as measured at the property line. (In fact, strict compliance with the anti-noise by-law would severely restrict the placement of air conditioning units on residential properties generally given the calculations contained within the industry's guidelines.)

Report of the Committee on Planning and Community Services dated April 16th, 1992.

4. The proposal is not understandable by the public and it would not be possible for the City to adequately respond to enquiries by the public regarding permitted locations for air conditioner units.

5. The Planning Department does not have the resources to enforce zoning regulations prescribing maximum sound levels or any other kind of performance standard.

Accordingly, the following regulations were suggested regarding the placement of air conditioners on residential properties, which are generally based on the material contained within the industry's research report. It should be noted that this proposal suggests that air conditioner equipment be permitted to be located in the front yard provided that it is properly screened. This does cause concern to the Planning Department in terms of its potential adverse affect on residential character; however, it may, in some cases, represent one of the few viable alternatives for reducing noise impacts on adjacent properties.

IN A FRONT YARD: PERMITTED SUBJECT TO:

1. A minimum separation of 20 feet measured laterally to an openable window of a habitable room on an adjoining lot.

2. The unit being completely screened with a compact hedge or shrubs or other appropriate landscaping.

IN A SIDE YARD: Permitted subject to a minimum separation of 20 feet measured laterally to an openable window of a habitable room on an adjoining lot.

IN A REAR YARD: PERMITTED SUBJECT TO:

1. A minimum separation of 20 feet measured laterally to an openable window of a habitable room on an adjoining lot.

2. A minimum separation of 5 feet to the side lot line.

3. A minimum separation of 5 feet to the rear property line if abutting a residential property with no intervening lane.

Exhibits filed:

1. Copy of Clause 2 of the Report of the Committee on Planning and Community Services dated April 5th, 1991, recommending approval in principle to the proposed Zoning Text Amendments, authorizing the Committee on Planning and Community Services to hold the Public Meeting, as adopted by Council on April 17th, 1991.

2. Zoning application and documents shown on said application.

3. Copy of Notice of Public Meeting.

4. Report from Codes Officer, dated February 28th, 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 part, but recommends air conditioners be located not closer than fifteen feet to a window or door that can be opened in an adjoining dwelling subject to the restriction outlined in their communication.
City Centre-Fort Rouge	-	Concurred

Report of the Committee on Planning and Community Services dated April 16th, 1992.

East Kildonan-Transcona	-	Concurred subject to the restriction on the side yard variance, to provide that there are no openings of any kind in the facing wall on the building of the adjoining lot.
Lord Selkirk-West Kildonan	-	Proposal received as information.
St. Boniface-St. Vital	-	Concurred if the unit is at least ten feet from the window/door of an adjacent dwelling.
St. James-Assiniboia	-	Recommended that the Industry be consulted to determine the feasibility of the proposed Text Amendments prior to proceeding with the amendments, inasmuch as the cost to homeowners may not be feasible.

6. Communication dated March 4th, 1992, from Abe and Katherine Dueck, 67 Stoneham Crescent in opposition to the placement of condensers of central air- conditioning units no closer than 10 feet from a window or door of a dwelling on an adjoining lot, as it is totally inadequate.

7. Report from the Acting Director of Planning dated April 7th, 1992.

A Public Meeting was held before the Committee on Planning and Community Services on March 9th, March 30th and April 16th, 1992.

Representations:

In Support: Mr. R. Nicol, District Planning Co-ordinator, Planning Department, 395 Main Street, appeared on behalf of the Commissioner of Planning and Community Services.

In Opposition: No one appeared in opposition thereto.

Communication from Abe and Katherine Dueck, 67 Stoneham Crescent dated March 4th, 1992, in opposition to the placement of condensers of central air-conditioning units no closer than 10 feet from a window or door of a dwelling on an adjoining lot, as it is totally inadequate for the reasons outlined therein, was presented to the Committee and marked as Exhibit No. 6.

After considering all aspects of this matter, your Committee on Planning and Community Services recommends:-

I. That the City Centre-Fort Rouge Zoning By-law No. 16502, the St. James-Assiniboia Zoning By-law No. 1558, the Assiniboine Park- Fort Garry Zoning By-law No. 1800, The St. Vital Town Planning Scheme 1951, The St. Boniface Town Planning Scheme 1957, the East Kildonan-Transcona Zoning By-law No. 4440/86 and the Lord Selkirk- West Kildonan Zoning By-law No. 4450/86, be amended to provide for the location of air conditioner condensing units (heat exchanger)/swimming pool filter, pumps and heaters or any related equipment, as follows:-

IN A FRONT YARD: PERMITTED SUBJECT TO:

1. A minimum separation of 20 feet measured laterally to an openable window of a habitable room on an adjoining lot.

2. The unit being completely screened and maintained with a compact hedge or shrubs or other appropriate landscaping to the satisfaction of the Director of Planning.

Report of the Committee on Planning and Community Services dated April 16th, 1992.

IN A SIDE YARD: Permitted subject to a minimum separation of 20 feet measured laterally to an openable window of a habitable room on an adjoining lot.

IN A REAR YARD: PERMITTED SUBJECT TO:

1. A minimum separation of 20 feet measured laterally to an openable window of a habitable room on an adjoining lot.

2. A minimum separation of 5 feet to the side lot line.

3. A minimum separation of 5 feet to the rear property line if abutting a residential property with no intervening lane.

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.

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.

Your Executive Policy Committee recommends that the above provisions under recommendation I. detailing provisions for the location of air conditioner condensing units (heat exchanger)/swimming pool filter, pumps and heaters or any related equipment located in a "front yard", in a "side yard", and in a "rear yard", as detailed above, be deleted and the following inserted therein:-

IN A FRONT YARD: PERMITTED SUBJECT TO:

1. A minimum separation of 15 feet for air conditioner condensing units (heat exchanger) and 10 feet for swimming pool filter, pumps and heaters or any related equipment, measured laterally to an openable window of a habitable room on an adjoining lot.

2. The unit being completely screened and maintained with a compact hedge or shrubs or other appropriate landscaping to the satisfaction of the Director of Planning.

IN A SIDE YARD: Permitted subject to a minimum separation of 15 feet for air conditioner condensing units (heat exchanger) and 10 feet for swimming pool filter, pumps and heaters or any related equipment, measured laterally to an openable window of a habitable room on an adjoining lot.

IN A REAR YARD: PERMITTED SUBJECT TO:

1. A minimum separation of 15 feet for air conditioner condensing units (heat exchanger), and 10 feet for swimming pool filter, pumps and heaters or any related equipment, measured laterally to an openable window of a habitable room on an adjoining lot.

2. A minimum separation of 2 feet to the side lot line for air conditioner condensing units (heat exchanger)/swimming pool filter, pumps and heaters or any related equipment.

3. A minimum separation of 2 feet to the rear property line if abutting a residential property with no intervening lane, for air conditioner condensing units (heat exchanger)/swimming pool filter, pumps and heaters or any related equipment.

Report of the Committee on Planning and Community Services dated April 16th, 1992.

Moved by Councillor Douglas,
Adoption of the clause.

Pursuant to The Municipal Council Conflict of Interest Act, Councillor Clement advised Council he would refrain from entering the discussion and from voting on this clause, because of a possible business conflict, and left the Chamber.

In amendment,

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

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

Carried.

The amendment proposed by Executive Policy Committee was put.

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

Yea: Councillors Boychuk, Demare, Diamant, Douglas, Duguid, Fleisher, Fraser, Gilroy, Kaufmann, Lorenc, Murray, Reese, Timmers, Young, Mayor Norrie and Councillor Eadie. 16

Nay: Councillors Golden and Mitchelson. 2

and the amendment was declared carried.

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

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

Yea: Councillors Boychuk, Demare, Diamant, Douglas, Duguid, Fleisher, Fraser, Gilroy, Kaufmann, Lorenc, Murray, Reese, Timmers, Young, Mayor Norrie and Councillor Eadie. 16

Nay: Councillors Golden and Mitchelson. 2

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

Councillor Clement returned to the Chamber.

ZONING TEXT AMENDMENT - To regulate Recycling Uses - All Zoning by-laws and Town Planning Schemes except By-law 4800. File DAZ 246/91.

889 - 6. Council on March 25th, 1992, referred back Clause 6 of the Report of your Committee on Planning and Community Services dated March 9th, 1992, which recommended as follows:

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

1. Collection/Drop-Off Depot be allowed in conjunction with a Principal Use as a Conditional Use in "C1" District and as a Permitted Use in "C2" Highway Commercial, Shopping Centre, and "M1", "M2" and "M3" Districts provided all recyclable goods are stored entirely in an enclosed container constructed in compliance with a design endorsed by the Commissioner of Planning and Community Services so as to eliminate the escape on any such good.

Report of the Committee on Planning and Community Services dated April 16th, 1992.

2. Recycling, sorting and storage warehouses be permitted in "M1", "M2", "M3", "MP-1", "MP-2" and "MP-3" Districts provided use is contained within a completely enclosed building.

3. Processing, packaging, baling and treatment of recyclable products be a Permitted Use in "M3" and Conditional Use in "M2".

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.

Your Executive Policy Committee recommends that the clause be amended by adding the following item after item I. 3.:-

'4. That the recycling use collection/drop-off depots be permitted as an accessory use to schools and community clubs provided all recyclable goods are stored entirely in an enclosed container constructed in compliance with a design approved by the Commissioner of Planning and Community Services so as to eliminate the escape of any such good.'"

Council on March 25th, 1992, also referred to your Committee the following motions to amend said Clause 6, namely:

1. "WHEREAS the Administration of the Planning Department have advised that the report submitted to the Public Meeting to consider the proposed Zoning Text Amendment to regulate recycling uses in all parts of the City, omitted allowing "baling" in 'M1', 'M2', 'M3', 'MP-1', 'MP-2' and 'MP-3' Districts provided the use is contained within an enclosed building;

   AND WHEREAS 'baling' has to occur in the recycling process in order to package the product or ship it;

   THEREFORE BE IT RESOLVED that Recommendation No. I.2. of Clause 6 of the Report of the Committee on Planning and Community Services dated March 9th, 1992, be amended by adding the word 'baling' after the word 'sorting' in the first line thereof."

2. "THAT the amendment proposed by Executive Policy Committee to Recommendation No. 4 of Clause 6 of the Report of the Committee on Planning and Community Services, dated March 9th, 1992, be amended to also include churches."

After re-considering all aspects of this matter, your Committee on Planning and Community Services recommends:-

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

1. Collection/Drop-Off Depot be allowed in conjunction with a Principal Use as a Conditional Use in "C1" District and as a Permitted Use in "C2" Highway Commercial, Shopping Centre, and "M1", "M2" and "M3" Districts provided all recyclable goods are stored entirely in an enclosed container constructed in compliance with a design endorsed by the Commissioner of Planning and Community Services so as to eliminate the escape on any such good.

Report of the Committee on Planning and Community Services dated April 16th, 1992.

2. Recycling, sorting, baling and storage warehouses be permitted in "M1", "M2", "M3", "MP-1", "MP-2" and "MP-3" Districts provided use is contained within a completely enclosed building.

3. Processing, packaging, baling and treatment of recyclable products be a Permitted Use in "M3" and Conditional Use in "M2".

4. That the recycling use collection/drop-off depots be permitted as an accessory use to schools, community clubs, churches and public buildings and lands provided all recyclable goods are stored entirely in an enclosed container constructed in compliance with a design approved by the Commissioner of Planning and Community Services so as to eliminate the escape of any such good.

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.

(Note: See Minute No. 895 for attachment.)

Amendment to Development Agreement for land located on the north side of Wolever Avenue, west of Strathcona Street. File DAZ 250/91.

890 - 7. Council at its meeting held on December 18th, 1992, adopted Clause 12 of the Report of your Committee on Planning and Community Services dated December 2nd, 1991, with respect to the rezoning of land located on the north side of Wolever Avenue, west of Strathcona Street subject to the following condition being added to the Administrative Coordinating Group's report dated October 28th, 1991, (copy attached):

"10. The Developer shall pay to the City its proportionate share of any traffic control devices required on Strathcona Street or Wolever Avenue in the immediate area of the site."

Subsequent to Council approval the Land Development Department requested the Streets and Transportation Department to identify what those traffic control devices might be and undertook to submit their recommendations to the City Centre-Fort Rouge Community Committee for approval.

In a memo dated February 18th, 1992, the Streets and Transportation Department advised that they were unable to identify any additional traffic control devices which might be required as a result of the development proposed under DAZ 250/91. On March 24th, 1992 the City Centre-Fort Rouge Community Committee considered and concurred in the recommendation that Council's approval of December 18th, 1991, with respect to DAZ 250/91 be amended by deleting Condition 10 of the Servicing Agreement entered into between the City and the applicant.

Your Committee on Planning and Community Services concurs in the recommendation of the City Centre-Fort Rouge Community Committee and recommends that Council's approval of December 18th, 1991, with respect to DAZ 250/91 be amended by deleting Condition 10 of the Servicing Agreement entered into between the City and the applicant.

Report of the Committee on Planning and Community Services dated April 16th, 1992.

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 896 for attachment.)

**REZONING - 781 Winnipeg Avenue,
City Centre-Fort Rouge Community.
File No. DAZ 206/92.**

891 - 8. Your Committee on Planning and Community Services has been advised that an application has been received from Pitblado and Hoskin, 1900 - 360 Main Street on behalf of the Health Sciences Centre to amend By-Law No. 16502, by rezoning the land at 781 Winnipeg Avenue from an "R2" Two-Family District to a "C2" Commercial District to allow for the following:

1. the establishment of offices, business or professional, and

2. future medical facilities.

The applicant has indicated that the present plan for the property in question is to convert the existing dwelling to provide temporary offices for staff of the Health Sciences Centre Communication and Information Systems Department.

The subject property is within the boundaries of the Health Sciences Centre precinct bounded by Notre Dame Avenue, Tecumseh Street, Sherbrook Street and the north side of William Avenue. The Planning Department considers development of lands for hospital and university expansion purposes acceptable, so long as it is done in an orderly and contiguous fashion and in such a manner as to minimize any adverse impact on remaining residential lands within this precinct.

The Planning Department considers use of the existing residential structures on the subject land for office purposes as acceptable, but is concerned that demolition of this structure should not occur until substantial contiguous property ownership is achieved.

A Public Meeting was held before the City Centre-Fort Rouge Community Committee on March 24th, 1992.

The following persons appeared in support of the application:

Mr. Rick Handlon, Pitblado & Hoskin, 1900 - 360 Main Street, Winnipeg, R3C 3Z3,

Mr. Stanley Sparham, Health Sciences Centre, 640 - 700 McDermot Avenue, Winnipeg, R3E 0T2.

No one appeared in opposition thereto.

The City Centre-Fort Rouge 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 recommendation for the following reasons:

1. Development of lands for hospital and university expansion purposes is acceptable within the boundaries of the Health Sciences Centre precinct bounded by Notre Dame Avenue, Tecumseh Street and the north side of William Avenue, so long as it is done in an orderly and contiguous fashion and in such a manner as to minimize any adverse impact on the remaining residential lands within this precinct.

2. The proposed rezoning is consistent with the long range plan for this precinct.

Report of the Committee on Planning and Community Services dated April 16th, 1992.

3. Use of the existing residential structures on the subject land for office purposes is acceptable.

4. Inasmuch as demolition of the existing structure should not occur until substantial contiguous property ownership is achieved, an additional condition will ensure that the existing residential structure is maintained at this time in order to protect the residential character of this block.

Your Committee on Planning and Community Services concurs in the recommendation of the City Centre-Fort Rouge Community Committee and recommends:

I. That By-law No. 16502 be amended by rezoning the subject land as shown on Schedule "A" for File No. DAZ 206/92, attached hereto and dated April 2nd, 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 the use of the land be restricted to the following uses:

a) Hospitals, medical or dental clinics and laboratories.
b) Institutions of an educational and philanthropic nature except those of a correctional nature.
c) Kindergartens or day nurseries.
d) Multiple dwellings, subject to the "R3" Multiple- Family District regulations.
e) University, college or school, not conducted as a business enterprise.
f) Offices, business or professional, within the existing structure commonly known as 781 Winnipeg Avenue.
g) Accessory uses when located on the same lot.
h) Accessory off-street parking and loading areas or structures.
i) Any of the following incidental businesses, conducted as a service, provided that there is no entrance to such place of business except from the interior of the building and that no sign advertising such businesses shall be erected on the exterior of the building:

1) bank
2) barber shop or beauty salon
3) confectionery store
4) drug store
5) florist or gift shop
6) laundry, clothes, cleaning or pressing establishment
7) news stand
8) offices, business or professional
9) optician
10) postal sub-station of the Government of Canada
11) restaurant, without dancing or entertainment
12) book or stationery

B. That no building or structure or parking lot shall be erected or located on the land and no building permit issued for construction on the land unless and until plans including the design and location of the proposed buildings or structures, accessory parking areas, fencing and landscaping are submitted to and approved by The Commissioner of Planning and Community Services of the City and thereafter identified by the signature of that Commissioner under the designation and no buildings or structures shall be erected or located on the land except in accordance with that Schedule "A" to this agreement.

Report of the Committee on Planning and Community Services dated April 16th, 1992.

C. That no demolition permits be issued for the existing structure located on the subject lands unless otherwise approved by the City Centre-Fort Rouge Community Committee.

D. That payment of ten per cent cash dedication be made to the City in lieu of the requirement of land for open space, park and recreational use based on the increase in the market value of the land.

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

III. That the rezoning by-law shall be 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.

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

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

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

Moved by Councillor Douglas,
Adoption of the clause.

Carried.

(Note: See Minute No. 897 for attachment.)

REZONING - 130/138 Watson Street, located on the east side of Watson Street, north of Stardust Avenue, Lord Selkirk-West Kildonan Community. File No. DAZ 210/92 (c/r DASZ 3/85).

892 - 9. Your Committee on Planning and Community Services has been advised that an application has been received from Siwik/Rapson Consultants Ltd, 5 - 2633 Portage Avenue to amend By-law No. 4450/86 by rezoning the land at 130/138 Watson Street from an "RA" Single-Family District to a "C2-S" Suburban Commercial District to allow for the construction of a residential institution subject to Conditional Use approval.

The applicants propose to build a 24-unit complex, the purpose of which is to provide housing for rural natives (who are undergoing dialysis treatment) and their families if necessary. There are two complexes (each two level) and a separate detached amenity building which houses the dialysis equipment and other related treatment facilities. A total of 36 parking stalls will also occupy the premises. Access and exit will be via Watson Street.

It is the opinion of the Planning Department that there is both an overwhelming need and a shortage of housing of this type in the Lord Selkirk-West Kildonan area. The Planning Department supports the conversion of the subject land for the proposed development. It should be noted in addition that the subject site is particularly suitable for residential institutional development because of:

1) proximity to similar developments lying adjacent to the west. A 25-unit housing complex for the handicapped was recently approved on the west side of Watson Street for the same applicant (DAZ 208/91);

Report of the Committee on Planning and Community Services dated April 16th, 1992.

2) proximity to both nearby transit routes, major arterial streets and major commercial retail outlets, and the Seven Oaks Hospital on nearby Leila Avenue.

A Public Meeting was held before the Lord Selkirk-West Kildonan Community Committee on March 17th, 1992.

The following persons appeared in support of the application:

Mr. D. Rapson, 5 - 2633 Portage Avenue, Winnipeg, R3J 0P7,
Mary Stanislia, 430 rue Aulneau, Winnipeg, R2H 2V2,
Mr. G. Korzeniowski, 218 Overdale Street, Winnipeg, R3J 2G3,
Mr. L. F. Wilmot, 119 University Crescent, Winnipeg, R3T 2N5.

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 recommendation for the following reasons:

1. It is the opinion of the Planning Department that there is both an overwhelming need and a shortage of housing of this type in the Lord Selkirk-West Kildonan area.

2. The Planning Department readily supports the conversion of the subject land for the proposed development.

3. The subject site is particularly suitable for residential institutional development because of:

   a) proximity to similar developments lying adjacent to the west. A 25-unit housing complex for the handicapped was recently approved on the west side of Watson Street for the same applicant (DAZ 208/91);

   b) proximity to both nearby transit routes, major arterial streets and major commercial retail outlets, and the Seven Oaks Hospital on nearby Leila Avenue.

Your Committee on Planning and Community Services concurs in the recommendation 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 210/92, attached hereto and dated April 6th, 1992, to a "C2-S" Suburban Commercial District.

II. The registered owner of the property, The Megill-Stephenson Company Limited, be required to enter into an Addendum to Development Agreement AG 3/85 with the City containing therein all the conditions outlined in the report of the Administrative Co- ordinating Group dated February 29th, 1992, as shown on Schedule "B", attached hereto and dated April 6th, 1992.

III. That the payment of 10 per cent cash dedication 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 as The Megill-Stephenson Company Limited provided dedication in land through Development Agreement AG 3/85.

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

Report of the Committee on Planning and Community Services dated April 16th, 1992.

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. 898 for attachments.)

893 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

894 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

895 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

896 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

897 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

898 - SEE OFFICIAL SET OF MINUTES FOR ATTACHMENT.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

MOTIONS

Moved by Councillor Brown,
Seconded by Councillor Selinger,
899 - WHEREAS:

(a) Bill 35 amended The City of Winnipeg Act and effective March 18th, 1992 substituted for the former jurisdiction of Community Committees jurisdiction in the Board of Adjustment to grant variances and conditional use approvals, with appeal to the relevant Community Committee as designated under the City's Development Procedures By-law, and

(b) There are approximately four appeals or potential appeals from orders made by Community Committees under provisions of The City of Winnipeg Act now repealed, and

(c) Under the transitional provisions of Bill 35 those appeals must be dealt with under the new appeal provisions if consistently possible but otherwise may be heard and decided by the Variance, Conditional Use and License Appeal Committee under the appeal provisions of The City of Winnipeg Act now repealed, and

(d) Those appeals cannot be heard and decided under the new appeal provisions by the Community Committees which made the original orders appealed from and must therefore be heard and decided by the Variance, Conditional Use and License Appeal Committee, and

(e) That committee now has no members but continues in existence with its name unchanged although license appeals are now heard by the Committee on Planning and Community Services under amendments to the License By-law;

NOW THEREFORE BE IT RESOLVED that the members of the Committee on Planning and Community Services are hereby appointed to sit as members of the Variance, Conditional Use and License Appeal Committee for a term ending upon disposition of the last of the appeals against variance and conditional use orders made on or before March 18th, 1992;

AND THAT upon final disposition of the last of those appeals the City's Organization By-law No. 4444/86 be amended to delete the Variance, Conditional Use and License Appeal Committee.

Carried.

Moved by Councillor Douglas,
Seconded by Councillor Brown,
900 - WHEREAS the Committee on Planning and Community Services on January 6th, 1992, considered and concurred in an administrative report wherein the recommended rezoning of land located on the north side of Beecher Avenue between Parr and Ferrier Streets in the Lord Selkirk-West Kildonan Community, under File No. DASZ 6/91, was reported to be "R1-5.5" Single-Family District.

AND WHEREAS Council on January 22nd, 1992, adopted Clause 19 of the Report of the Committee on Planning and Community Services dated January 6th, 1992, relative to Subdivision and Rezoning of the subject land to an "R1-5.5" Single-Family District.

AND WHEREAS advice has been received that the recommended rezoning was incorrectly stated as "R1-5.5" Single-Family District instead of "R1-5" Single-Family District.

THEREFORE BE IT RESOLVED THAT Clause 19 of the Report of the Committee on Planning and Community Services dated January 6th, 1992, be amended to correct the zoning designation "R1-5.5" Single-Family District in all instances to read "R1-5" Single-Family District.

Carried.

COMMITTEE ON PLANNING AND COMMUNITY SERVICES

CONSIDERATION OF BY-LAWS

901 - 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. 5943/92, a By-law of the City of Winnipeg to amend Zoning By-law No. 1800 for the enactment of a zoning change in the Assiniboine Park - Fort Garry Community. File No. DAZ 253/90.

By-law No. 5944/92, a By-law of the City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 4450/86 for the enactment of a zoning change on the north side of Beecher Avenue between Parr and Ferrier Streets in the Lord Selkirk - West Kildonan Community. File No. DASZ 6/91.

By-law No. 5945/92, a By-law of the City of Winnipeg to amend Zoning By-law No. 1558 for the enactment of a zoning change at 3670 Portage Avenue in the St. James - Assiniboia Community. File No. DAZ 262/91.

By-law No. 5946/92, a By-law of the City of Winnipeg to amend The St. Boniface Town Planning Scheme 1957 for the enactment of a zoning change at 418 Horace Street in the St. Boniface - St. Vital Community. File No. DAZ 269/91.

By-law No. 5947/92, a By-law of the City of Winnipeg to amend Zoning By-law No. 16502 for the enactment of a zoning change at 484 Wellington Crescent in the City Centre - Fort Rouge Community. File No. DAZ 203/92.

By-law No. 5948/92, a By-law of the City of Winnipeg to approve a Plan of Subdivision in the Assiniboine Park - Fort Garry Community. File No. DASZ 2/90.