REPORT OF THE

STANDING POLICY COMMITTEE ON

PROPERTY AND DEVELOPMENT DATED JUNE 26, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated June 26, 2001, was considered clause by clause.

Moved by Councillor Vandal,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11, and 12, be adopted.

Carried.

Proposed Closing of the Public Lane in the block bounded by Erindale Crescent, John Forsyth Road and Aldgate Road – Riel Community
File DAC 9/2001 [c/r DASZ 13/2001]

731 - 1. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department received a request from Qualico Developments (Winnipeg) Ltd. to acquire the public lane as outlined on Schedule "A".

Qualico Developments (Winnipeg) Ltd. has also made an application under File DASZ 13/2001 to subdivide the adjacent property and requires the lane for incorporation into the subdivision.

The proposal has been circulated to all affected City departments and public utilities. There have been no administrative objections to the closing and sale of this lane.

The public lane exists in a legal sense only. There is no roadway or any public use of the land.

The lane must be legally closed before it may be transferred. Title to all public rights-of-way in Manitoba is vested in the name of the Province of Manitoba. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right-of-way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

As private approaches are not permitted from collector streets, Qualico Developments (Winnipeg) Ltd. will be opening as street the area adjacent to John Forsyth Road identified as "proposed opening" on Schedule "A". The area of the lands to be dedicated for the opening is less than the area of the lane to be closed. In accordance with City policy, Qualico Developments (Winnipeg) Ltd. will be required to compensate the City for the difference in the value of the land.

This lane closing is contingent on the approval of the subdivision application. If the application under File DASZ 13/2001 is denied, the lane closing application will be abandoned.

On June 18, 2001, the Riel Community Committee considered the proposed closing application and recommended approval of the proposed lane closing as outlined below.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Schedule "A", Misc. Plan No. 11153.

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

(See Minute No. 791 for attachment)

Proposed Opening and Closing of parts of Bishop Grandin Boulevard and St. Mary's Road – Riel Community
File DAOC 2/2001

732 - 2. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Planning, Property and Development Department has recently concluded negotiations with the St. Vital Shopping Centre (OPB Realty Inc.) for the sale of the portions of Bishop Grandin Boulevard identified as "proposed closing" as outlined on Schedule "A", Misc. Plan No. 10695/6.

The St. Vital Shopping Centre intends to use the closed street to expand its existing parking area. One of the conditions of the sale was the dedication of the lands shown as "proposed opening" on Schedule "A" as public street.

The proposal has been circulated to all affected City departments and public utilities. There have been no administrative objections to the closing and sale of the subject portions of the streets.

The streets must be legally closed before they may be transferred. Title to all public rights-of-way in Manitoba is vested in the name of the Province of Manitoba. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

On June 18, 2001, the Riel Community Committee considered the proposed opening and closing application and recommended approval of the proposed street opening and closing as outlined below.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the opening and closing in accordance with Schedule "A", Misc. Plan No. 10695/6.

II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

(See Minute No. 792 for attachment)

Proposed Subdivision and Rezoning - west side of Lindenwood Drive West, north of Lindenwood Drive East – Assiniboia Community
File DASZ 6/2001

733 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been received from Genstar Development Company (Greg Jasper), 218-905 Waverley Street, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

rezoning the subject lands from an "A" Agricultural District and "MP-1" Industrial District to a "R1-4" Single-Family Residential District to permit a housing development.

Site Area
The subject site is approximately 20 acres.

Existing Land Use and Zoning
Vacant land zoned for industrial and agricultural use

Surrounding Land Use and Zoning

North:	Single-family housing zoned "R1-4" Residential District
South:	Seniors housing complex zoned "RM-3" (File DASZ 15/2000)
East:	Single-family housing zoned "R1-5" Residential
West:	Commercial development zoned "C2" (Wal-Mart, Safeway, et al)

The development is located on the west side of Lindenwood Drive West between Lindenwood Drive East and Deer Run Road. The land is currently vacant. The proposal is to subdivide the land into eighty-eight (88) single-family housing lots as Phase 1 of a 3-phase development. The lots are in the order of 42 to 44 feet in width and 120 feet in depth. The project complies with Plan Winnipeg.

The Development Management Branch of the Planning, Property and Development Department supports the application. The development is in keeping with the overall concept plan for the Lindenwoods community and is the logical extension of existing development. The land is jointly owned by Genstar Development Company and the City of Winnipeg.

The park dedication (10% cash dedication in lieu of land) is only owed on the City portion of the subject lands, and will be satisfied by the Real Estate Division of the Planning, Property and Development Department from the land sale proceeds in accordance with the Development Agreement.

On June 12, 2001, a public hearing was held before the Assiniboia Community Committee. Two persons appeared in support of the application and no one registered in opposition thereto.

The Assiniboia Community Committee recommended that the proposed subdivision and rezoning be approved, for the reason that the application is consistent with the development to the north and meets the long-term plan for the community.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 6/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/2001 dated May 14, 2001, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 15, 2001.

   B. That the ten percent (10%) cash dedication in lieu of land, to be calculated on that portion of the lands owned by the City of Winnipeg, be paid in accordance with the associated Development Agreement.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land outlined on Schedule "A" for File DASZ 6/2001 dated May 14, 2001, to a "R1-4" Single-Family Residential District.

IV. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VI. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

VIII. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

IX. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Adopted by consent.

(See Minute No. 793 for attachment)

Proposed Subdivision and Rezoning – land located on the southeast corner of Scotland Avenue and Stafford Street – Assiniboia Community

File DASZ 10/2001

734 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been submitted by the Real Estate Division of the Planning, Property and Development Department for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands located at the southeast corner of Scotland Avenue and Stafford Street from an "R1-3" Single-Family Residential District and an "RM-4" Multiple-Family District to a "C1" Commercial District to allow for future commercial development.

Site Area
The subject site is 17,255 square feet.

Existing Land Use and Zoning
The subject site is currently vacant land zoned "RM-4" Multiple Family Residential and "R1-3" Residential.

Surrounding Land Use and Zoning

North:	Across Scotland Avenue, a Petro Canada service station zoned "C1" Commerical, and housing zoned "R1-3" Residential District
South:	Across Grant Avenue, housing zoned "R1-3.5" Residential District
East:	Mini-Skool Daycare Centre, zoned "RM-4" Multiple Family Residential District
West:	Across Stafford Street, a Hydro substation zoned "R1-3.5" Residential District

The site is located on the east side of Stafford Street between Scotland and Grant Avenues. The site is comprised of seven (7) twenty-five foot by 100 foot lots. The four lots closest to Stafford Street are zoned "C1" Commercial District, while the three lots to the east are zoned "R1-3.5" Residential. The entire property was used by Winnipeg Hydro for a cooling facility, which was recently decommissioned. The proposal is to rezone the property, plus an adjoining strip of land to the south (closed public lane) to "C1" to permit the sale of the property for commercial development. At the same time, a 14-foot strip of land is being subdivided to provide for the possible future widening of Stafford Street.

Stafford Street is commercially developed in the vicinity of the subject site. Existing development includes a Re/Max Real Estate Inc. office, Robin's Donuts (vacant), a Hydro substation on the west side of Stafford Street, and a Petro-Canada service station and 7-Eleven convenience store on the east side of Stafford Street.

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

The proposal complies with Plan Winnipeg.

The Development Management Branch of the Planning, Property and Development Department supports the application on the grounds that the rezoning is appropriate with safeguards to ensure that any future commercial development is not detrimental to the housing across Scotland Avenue and the day-care centre to the east. These safeguards would be included in a sales agreement involving the lands and would include site plan approval and a zoning agreement limiting permitted uses. With respect to park dedication, any monies owed the City will be secured under the sales agreement.

The Forestry Branch of the Public Works Department has asked that the mature trees on the site be protected from harm or destruction during construction including the installation of approaches. These trees include the Poplar and Chinese Elms along the south limit of the site. The Development Management Branch of the Planning, Property and Development Department supports the preservation of existing trees and will use the Plan Approval process to ensure their protection.

On June 5, 2001, a public hearing was held before the City Centre Community Committee. One person appeared in support of the application, one person was registered in opposition thereto, and one person was registered for information purposes.

The City Centre Community Committee recommended that the proposed subdivision and rezoning be approved for the following reasons:

1. The proposal complies with Plan Winnipeg.

2. The Development Management Branch of the Planning, Property and Development Department supports the application on the grounds that the rezoning is appropriate with safeguards to ensure that any future commercial development is not detrimental to the housing across Scotland Avenue and the day-care centre to the east.

3. Safeguards involving the lands, including site plan approval and a zoning agreement limiting permitted uses, as well as park dedication and any monies owed the City, would be secured.

4. The Forestry Branch of the Public Works Department has requested that the mature trees on the site, including the Poplar and Chinese Elms along the south limit of the site, be protected from harm or destruction during construction including the installation of approaches. The Development Management Branch of the Planning, Property and Development Department supports the preservation of existing trees and will use the Plan Approval process to ensure their protection.

The Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 10/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 10/2001 dated May 15, 2001, for registration in the Winnipeg Land Titles Office.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 10/2001 dated May 15, 2001, to a "C1" Commercial District, subject to any future purchaser entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act, to include the following conditions:

A. That land usage be restricted to the following:

- Art/Antique: sales, service (with Conditional Use approval)
- Art/Crafts/Hobby: instruction, supplies, sales
- Bicycle: rental, sale or service
- Book: sales

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

- Clothing, alteration, repair, sales
- Dressmaker, furrier, tailor
- Drive-through facility (by zoning variance, excepting ATMs)
- Fabric/Yarn: sales
- Florist
- Gift Store
- Grocery, Confectionery, sales
- Jeweler, Watchmaker
- Medical, Dental, Optical, Counselling or other therapeutic clinic (with Conditional Use approval)
- Musical Instruments: rental, sale, service, music instruction
- Office (excluding real estate or insurance)
- Personal Service (not listed, not exceeding a floor area of 5,000 square feet and not first listed as a conditional use in a less restrictive commercial district, with Conditional Use approval)
- Restaurant (under 1,500 square feet or by conditional use or zoning variance)
- Retail Sales (not listed, not exceeding a floor area of 5,000 square feet and not first listed as a conditional use in a less restrictive commercial district, with Conditional Use approval)
- Sporting Goods: rental, sales, service, trophy sales
- Stationery Sales
- Toy: sales

B. That prior to the issuance of any development permits, plans showing the site layout including pedestrian and vehicular access, building location and elevations, facia and free-standing signage, parking, landscaping, existing trees, fencing, exterior lighting, and garbage enclosure be submitted for the approval of the City Centre Community Committee.

C. That business hours be limited to between the hours of 6:00 a.m. and 12:00 midnight daily.

D. That no outside storage or chain-link fencing be permitted on the lands.

E. That the building height on the lands be limited to two (2) storeys.

F. That the maximum height of free-standing signage be limited to eight (8) feet above grade and forty-eight (48) square feet in area, and that no mobile signs, poster boards, sandwich boards or other temporary signage be permitted on the lands.

V. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

VI. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the 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/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VIII. That the subdivision section of the by-law shall come into force and effect when the plan has been registered in the Winnipeg Land Titles Office.

IX. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands within two (2) years from the date of Council approval.

X. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

XI. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Adopted by consent.

(See Minute No. 794 for attachment)

Proposed Subdivision and Rezoning – land located at 535 St. Charles Street – Assiniboia Community
File DASZ 12/2001 [c/r DAV 214/2001D]

735 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from St. Charles Motors Inc. (Jack Goettler), 535 St. Charles Street, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "R1-5.5" Residential District to a "C2" Commercial District to allow for the expansion of an existing auto service.

Site Area
The subject site is .031 acres (123.444 square metres).

Existing Land Use and Zoning
Park space, zoned "R1-5.5" Residential District

Surrounding Land Use and Zoning
North: Chicken Chef restaurant, zoned "C2" Commercial District
South: Single-family dwelling, zoned "R1-5.5" Residential District
East: Stewart Street – St. Charles Street playground, zoned "R1-5.5" Residential District
West: Across St. Charles Street, a triplex zoned "R1-5.5" Residential District

The applicant plans to expand his auto service centre by purchasing and developing a parking area on a 15-foot by 90-foot portion of the City-owned park space located behind his existing building.

The subject property is located in a Neighbourhood Policy Area of Plan Winnipeg. The proposed development is generally in accordance with relevant Plan Winnipeg policies.

The property of interest to St. Charles Motors, and the subject of this rezoning application, constitutes 1,350 square feet of the 1.42 acre park that is located between St. Charles Street and Stewart Street, with access from Allard Avenue. The Stewart Street – St. Charles Street playground includes several pieces of playground equipment at the south end of the park.

The automotive service centre currently operates with vehicles parked east of their property on the park property. The requirement of a Zoning Agreement as a condition of approval will provide an opportunity to ensure the 15-foot by 90-foot area is well screened from the south and east to ensure neighbours and playground users do not have an unsightly and unsafe situation adjacent to their neighbourhood park. A solid wood ornamental fence would best achieve these objectives. The east and south edges of the property might also be landscaped to provide a more aesthetic buffer conducive to the park setting but this will require the ongoing maintenance of carefully chosen species by the property owner.

On June 12, 2001, a public hearing was held before the Assiniboia Community Committee. One person appeared in support of the application and two persons registered in opposition thereto.

The Assiniboia Community Committee recommended that the proposed subdivision and rezoning application be approved for the following reasons:

1. The subject application is an appropriate small development that will not be detrimental to the park area.

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

2. The project will be an enhancement to the area with the installation of a fence and landscaping.

On June 26, 2001, the Standing Policy Committee on Property and Development considered the Report from the Assiniboia Community Committee dated June 12, 2001, and approved the following amendments which have been incorporated in the recommendations set out below:

- Amend Recommendation VII. by deleting the following words "upon execution by the City of Winnipeg of the Development Agreement" and substituting therefor "when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office".

- Delete Recommendation VIII. in its entirety, and substitute therefor:
  VIII. 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 twenty-four (24) months from the date that the said rezoning by-law is adopted by Council, failing which the by-law shall become of no force and effect unless the deadline for registration is extended by a resolution of Council.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee, as amended, and recommends:

I. That the plan of subdivision proposed under File DASZ 12/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 12/2001 dated June 1, 2001, for registration in the Winnipeg Land Titles Office.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 12/2001 dated June 1, 2001, to a "C2" Commercial District and an " R1-5.5" Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site and to contiguous land owned or leased by the applicant, being 535 St. Charles Street, to include the following conditions:

   A. That a minimum 6.5-foot (1.98 metres) high solid wood ornamental fence or hedge row shall be installed along the east and south perimeter of the subject property by September 30, 2001, and maintained thereafter, to the satisfaction of the Assiniboia Community Committee.

IV. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

V. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VII. That the subdivision section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

VIII. 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 twenty-four (24) months from the date that the said rezoning by-law is adopted by Council, failing which the by-law shall become of no force and effect unless the deadline for registration is extended by a resolution of Council.

IX. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

X. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Adopted by consent.

(See Minute No. 795 for attachment)

Proposed Rezoning - lands located at 315–321 William Avenue – Lord Selkirk-West Kildonan Community
File DAZ 207/2001 [DCU 107/2001D]

736 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been submitted by the Director of Planning, Property and Development to adjust the boundaries of the Downtown Winnipeg Zoning By-law No. 4800/88 so as to include the entire Red River College Princess Street Campus within the Downtown Winnipeg Zoning By-law, as follows:

1. Amend the Winnipeg Zoning By-law No. 6400/94 by deleting the area affected.
2. Amend the Downtown Winnipeg Zoning By-law No. 4800/88 by adding the area affected.
3. Rezone the lands in the area affected from an "M1" Industrial District to the following designations:
   "Rc" Residential Use Group
   "NRe" Non-Residential Use Group
   "BR-2" Bulk Range
   "P/L2" Parking / Loading Range
   "S-3" Sign Range
   "HW" Design Review

Site Area
The site is bounded by Adelaide Street to the west, Elgin Avenue to the north, the north-south lane approximately midway between Adelaide Street and Princess Street to the east (the current Downtown Winnipeg Zoning By-law boundary), and William Avenue to the south. The site is approximately 0.75 acres (33,000 square feet).

Existing Land Use and Zoning
Land uses include a public lane, six-storey multi-tenant commercial/industrial building (with a one-storey annex), and surface parking area. The site is zoned "M1" Industrial District.

Surrounding Land Use and Zoning

North:	Automotive sales/service, three-storey industrial building, and surface parking area; zoned "M1" and "Rc", "NRe", "B-2", "P/L2", "S-3", "HW", respectively
South:	Shoe sales, three3-storey industrial building, and credit union; zoned "M1" Industrial District and "Rc", "NRe", "B-2", "P/L2", "S-3", "HW", respectively
East:	Princess Block heritage buildings (4-storey, including: Drake Hotel, House of Comoy, Hochman Building, Exchange Building, and Utility Building), soon to be redeveloped as part of the Red River College Princess Street Campus; zoned "Rc", "NRe", "B-2", "P/L2", "S-3", "HW"
West:	Restaurant, one-storey industrial building, moving/storage facility; zoned "M1" Industrial District.

The site is to be redeveloped as part of the Red River College Princess Street Campus (Phase 2). A four-storey building will be developed on the site of the current surface parking area. The existing six-storey commercial/industrial building will be renovated. Phase 1 of the development (to the east, including the Princess Block) is to be completed for occupancy by September 2002. Phase 2 of the development is to be completed by September 2003. The entire campus development will be horizontally and vertically integrated, including a central courtyard that will provide an east-west connection between Phase 1 and Phase 2.

Academic programs are to occupy approximately 230,000 square feet of the entire development, with a small food services cluster to occupy approximately 7,000 to 8,000 square feet. Phase 1 development will include approximately 100,000 square feet of operations and Phase 2 development will include the remaining 130,000

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

square feet of operations. In general, academic programming will include: information technology and computer applications; media and digital entertainment, aboriginal education; commerce; and electronic technology. Enrolment is anticipated to be 2,000 full-time (day) students and 400 part-time (evening/weekend) students. Staff complement will be approximately 200.

The extension of the Downtown Winnipeg Zoning By-law boundaries—beyond what is currently proposed for Plan Winnipeg 2020 Vision—is not problematic. While ideally the "Downtown Policy Area" boundaries of Plan Winnipeg should correspond to those of CentrePlan and the Downtown Winnipeg Zoning By-law, in this instance the extension of the boundaries represents a rationalization of the zoning for a site under redevelopment. A future review of the Plan Winnipeg "Downtown Policy Area" boundaries should take into account a larger context around the Red River College Princess Street Campus and may involve a readjustment beyond what is being proposed by this application. This may be done at a later date and does not restrict this rezoning application from proceeding at this time.

This application is desirable to simplify development of the Red River College Princess Street Campus, by having one set of zoning regulations (the Downtown Winnipeg Zoning By-law) apply to the entire campus, rather than two sets of zoning regulations (the Downtown Winnipeg Zoning By-law and the Winnipeg Zoning By-law). Although all of the proposed campus uses can be accommodated currently, the proposed expansion of the Downtown Winnipeg Zoning By-law boundaries will provide a more straightforward set of development regulations and approval procedures. In addition, the proposed extension of the Downtown Winnipeg Zoning By-law boundaries to Adelaide Street will more closely correspond with the boundaries of the Exchange District Business Improvement Zone.

This application is also necessary to accommodate a clause in the proposed City of Winnipeg - Government of Manitoba agreement regarding the Red River College Princess Street Campus. The clause commits the City of Winnipeg to include the entire Red River College Princess Street Campus within the boundaries of the Downtown Winnipeg Zoning By-law, that is, all properties located within the block bounded by Princess Street to the east, William Avenue to the south, Adelaide Street to the west, and Elgin Avenue to the north. The clause also specifies that the rezoning must be initiated by the City of Winnipeg. The proposed rezoning—from "M1" to "Rc", "NRe", "BR-2", "P/L2", "S-3", and "HW" — mirrors the zoning designations applicable to the Princess Block and to the majority of the Exchange District. In general, all uses and the form of development proposed for the Red River College Princess Street Campus can be accommodated in these Downtown Winnipeg Zoning By-law designations. An exception to this is the loading facility accessed from Adelaide Street, which is the subject of a conditional use application under File DCU 107/01D.

It should be noted that as the project requirements evolve and become more detailed, further development applications may be necessary. Such future development applications, if necessary, may involve variation of bulk, signage, or parking/loading requirements or conditional use applications, with public hearing before the Board of Adjustment. As is the case in the entire downtown, Downtown Design Board approval will also be required. Because the subject properties are to be included within the Historic Winnipeg Restoration Area ("HW"), recommendation from the Historic Winnipeg Advisory Committee will also be necessary. Future rezoning of the subject properties is not foreseen. Also noteworthy is the potential for college expansion to other area properties, which will depend on a number of factors, including the success of the initial phases of development.

On June 12, 2001, a public hearing was held before the Lord Selkirk-West Kildonan Community Committee. No representation either in support of or in opposition to this application was registered.

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

1. This application is desirable to simplify development of the Red River College Princess Street Campus by having one set of zoning regulations (Downtown Winnipeg Zoning By-law) apply to the entire campus.

2. The proposed expansion of Downtown Winnipeg Zoning By-law boundaries will provide a more straightforward set of development regulations and approval procedures.

3. The proposed extension of the Downtown Winnipeg Zoning By-law boundaries to Adelaide Street will more closely correspond with the boundaries of the Exchange District Business Improvement Zone.

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

The Standing Policy Committee on Property and Development concurred in the recommendations of the Lord Selkirk-West Kildonan Community Committee and recommends:

I. That the Winnipeg Zoning By-law No. 6400/94 be amended by removing the subject properties, as outlined on Schedule "A" for File DAZ 207/2001.

II. That the Downtown Winnipeg Zoning By-law No. 4800/88 be amended by adding the subject properties, as outlined on Schedule "A" for File DAZ 207/2001.

III. That the Downtown Winnipeg Zoning By-law No. 4800/88 be amended by rezoning the subject properties, as outlined on Schedule "A" for File DAZ 207/2001, from an "M1" Industrial District to the following designations:

"Rc" Residential Use Group
"NRe" Non-Residential Use Group
"BR-2" Bulk Range
"P/L2" Parking / Loading Range
"S-3" Sign Range
"HW" Design Review

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

Adopted by consent.

(See Minute No. 796 for attachment)

Proposed Zoning Agreement Amendment – 535 Academy Road – City Centre Community
File ZAA 11/2001 [c/r DAZ 234/88]

737 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Samuel Simcoff, 1434 Mathers Bay East, Winnipeg, to amend the Zoning Agreement affecting the subject property located at 535 Academy Road by adding to the list of permitted uses.

Site Dimensions
The subject site has 126 feet of frontage on Academy Road, and is 58 feet in depth.

Site Area
The subject area is 7,308 square feet.

Existing Land Use and Zoning
The subject site has a mixed use, residential-commercial building zoned "C1" Local Commercial District.

The property is located at the northwest corner of Renfrew Street and Academy Road. The building was initially constructed as a two-storey, six-unit apartment block, similar to the adjacent building to the north. The property was down-zoned in 1986 by City Council from a "C1" Commercial District to a "RM-2" Multiple-Family District, to reflect the then existing use of the property. The property was subsequently rezoned under File DAZ 234/88 to a "C1" Commercial District to permit the establishment of a limited range of commercial uses in the building. The number of residential units was consequently reduced to four, and a one-storey, 588 square foot commercial addition was added to the west end of building. The addition abuts parking for seven (7) vehicles off the public lane bounding the west limit of the property. The commercial rezoning was opposed by the City Centre Residents' Advisory Group and by one area resident.

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

In total, the building provides about 2,200 square feet of commercial space in two rental units. The ground floor unit provides 1,400 square feet of commercial space and is occupied by Paperwork Pro. A second floor unit provides 800 square feet of commercial space occupied by R.S.V.P., a firm specializing in promotional gifts.

The Zoning Agreement for the land restricts the use of the commercial space to an art gallery, bookstore, gift shop, jewellery store, stationery store, and travel bureau. The current application would substantially expand the range of permitted uses. In arriving at the expanded list, the applicant met with the City Centre District Planner. The proposed uses are believed to be compatible with the residential environment of the area and in keeping with the intensity and character of existing commercial development along Academy Road. The Planning, Property and Development Department is therefore prepared to support the expansion of permitted uses for the site, with a limit on the amount of commercial space in the building and hours of operation. The current commercial floor space of about 2,200 square feet has the effect of limiting the size and intensity of commercial uses on the property. It is also noted that certain of the proposed uses remain subject to Conditional Use approval. This means that a public hearing must be held to determine their suitability for the subject site. It is also noted that the "plan approval" clause remains in effect, preventing the building from being altered without Community Committee approval. The Planning, Property and Development Department is of the opinion that the safeguards offered by the amended Zoning Agreement will protect the neighbourhood from the establishment of inappropriate uses on the site.

On June 5, 2001, a public hearing was held before the City Centre Community Committee. Two persons registered in support of the application, and no one was registered in opposition thereto.

The City Centre Community Committee recommended that the proposed zoning agreement amendment be approved for the following reasons:

1. The proposed uses are compatible with the residential environment of the area and in keeping with the intensity and character of existing commercial development along Academy Road.

2. The Planning, Property and Development Department is prepared to support the expansion of permitted uses for the site, with a limit on the amount of commercial space in the building and hours of operation.

3. The current commercial floor space of about 2,200 square feet has the effect of limiting the size and intensity of commercial uses on the property while certain of the proposed uses remain subject to Conditional Use approval, which means that a public hearing must be held to determine their suitability for the subject site.

4. The Plan approval clause remains in effect, preventing the building from being altered without Community Committee approval.

5. The Planning, Property and Development Department is of the opinion that the safeguards offered by the amended Zoning Agreement will protect the neighbourhood from the establishment of inappropriate uses on the site.

The Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and recommends:

I. That Zoning Agreement DAZ 234/88 (By-law No. 4987/88) dated September 14, 1988, be amended by replacing Clause No. 2 with the following:

2a. The land and any building or structure thereon shall not be used for, and no building or structure erected, altered or enlarged on the land for, any use except:

Art/Antique: sales, service (with Conditional Use approval);
Art/Crafts/Hobby: instruction, supplies, sales;
Barber Shop, Beauty Salon;
Bicycle: rental, sale, or service;
Book: sales;
Clothing, alteration, repair, sales;
Dressmaker, furrier, tailor;
Fabric/Yarn: sales;

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

Florist;
Gift Store;
Grocery, Confectionary, sales (excluding convenience stores);
Jeweller, Watchmaker;
Medical, Dental, Optical, Counselling or other therapeutic clinic (with Conditional Use approval);
Museum, Art Gallery (with Conditional Use approval);
Musical Instruments: rental, sale, service, music instruction;
Office (excluding insurance and real estate);
Personal Service (not listed, not exceeding a floor area of 2,200 square with Conditional Use approval);
Restaurant limited to a coffee shop with no on-site cooking or frying (not exceeding 1,500 square feet in floor area subject to Conditional Use approval);
Retail Sales (not listed, not exceeding 2,200 square feet subject to Conditional Use approval);
Sporting Goods: rental, sales, service, trophy sales;
Stationery Sales
Toy: sales.

2b. That the maximum square footage of commercial space in any present or future commercial building on the site be limited to 2,200 square feet.

2c. That any commercial business on the site be closed between the hours of 12:00 midnight and 6:00 a.m. daily.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 234/88 (By-law No. 4987/88) dated September 14, 1988, as approved in Recommendation I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

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

Adopted by consent.

Proposed Subdivision and Rezoning – land located on Winterhaven Drive (south and east sides) and Erindale Crescent (east and south sides) – Riel Community
File DASZ 11/2001

738 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Qualico Developments (Winnipeg) Ltd. (Lyne Jones), 30 Speers Road, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "A5" Agricultural District to an "R1-4" Single-Family District to facilitate development of thirty-three (33) single-family lots.

Existing Land Use and Zoning
The land is currently vacant and zoned "A5" Agricultural.

Surrounding Land Use and Zoning
North: Mix of "R1-4" Residential and "A-5 Agricultural land.
South: Undeveloped "A-5" Agricultural lands.
East: Undeveloped "A-5" Agricultural lands.
West: Developed "R1-5" Residential and "PR" Public Reserve Areas.

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

The applicant, Qualico Developments (Winnipeg) Ltd., proposes to rezone and subdivide the subject lands into thirty-three (33) residential lots. The proposed development constitutes ongoing infill of the remaining vacant area off of Aldgate Road and John Forsyth Road.

The subject lands are designated Neighbourhood Areas and therefore the proposed development fully complies with Plan Winnipeg Policy.

The plan of subdivision calls for the establishment of a total of 33 lots, 17 on Winterhaven Drive and 16 on Erindale Crescent. Lots on Erindale Crescent are to range in width from 42 feet to forty-four (44) feet. Lots on Winterhaven Drive will range in size from 46 feet wide to 52 feet wide. The proposed "R1-4" zoning will allow for an increase in the number of lots and because of the 4 foot side yard requirement, 38 foot wide homes can be constructed on Winterhaven Drive and still meet the required side yard requirements. It is the position of the Planning, Property and Development Department that the proposed subdivision is fully in character with existing development along John Forsyth Road and Aldgate Road to the west.

The Planning, Property and Development Department therefore recommended that the proposed rezoning and subdivision be approved as submitted. It should be noted that under AG 31/84 the subject subdivisions were approved in principle. There is therefore no need for a Development Agreement or dedication as part of this application.

On June 18, 2001, a public hearing was held before the Riel Community Committee. One person appeared in support of the application and no one was registered in opposition thereto. The Riel Community Committee recommended that the proposed subdivision and rezoning be approved for the following reasons:

1. The subject lands are designated Neighbourhood Areas and the proposed development fully complies with Plan Winnipeg Policy.

2. The proposed subdivision is fully in character with existing development along John Forsyth Road and Aldgate Road to the west.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 11/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/2001 dated June 11, 2001, for registration in the Winnipeg Land Titles Office.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 11/2001 dated June 11, 2001, to an "R1-4" Residential District.

IV. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VI. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Adopted by consent.

(See Minute No. 797 for attachment)

Proposed Subdivision and Rezoning – land located on the north side of Erindale Crescent, south side of John Forsyth Road, west of Aldgate Road – Riel Community
File DASZ 13/2001 [c/r DAC 9/2001)

739 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from Qualico Developments (Winnipeg) Ltd. (Lyne Jones), 30 Speers Road, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "A5" Agricultural District to an "R1-3.5 and R1-4" Single-Family District to facilitate development of 20 single-family lots.

Existing Land Use and Zoning
The subject site is currently vacant land zoned "A-5" Agricultural.

Surrounding Land Use and Zoning:
North: "A-5" Agricultural land currently vacant
South: "A-5" Agricultural land currently vacant
East: "A-5" Agricultural land currently vacant
West: Some developed "R1-5" Residential areas and "PR" Public Reserve Areas.

The applicants propose to rezone and subdivide the subject parcel into nine (9) "R1-4" lots and eleven (11) "R1-3.5" lots. A lane separating the two is to be closed and a service road along John Forsyth Road is to be opened.

The land falls within a designated Neighbourhood Area and fully complies with Plan Winnipeg Policy. The subject lands are bounded on the north by John Forsyth Road, on the east by Aldgate Road and on the south by Erindale Crescent. The applicant, Qualico Developments (Winnipeg) Ltd., propose to rezone the northern half of the lands fronting onto John Forsyth Road to an "R1-3.5" Residential category for eleven (11) lots and the southern half of an "R1-4" Residential category for nine (9) lots. The existing lane right-of-way is to be closed from the old block plan and a service road is to be opened along John Forsyth Road (File DAC 9/2001). It should be noted that the parcel being rezoned to an "R1-3.5" Residential category would actually be subdivided into lots, most of which exceed forty (40) feet in width. The proposed rezoning and subdivision is consistent with similar recent subdivisions along Aldgate and John Forsyth Roads.

The Planning, Property and Development Department therefore recommended that the subject application be approved. It should be noted that under File AG 31/84, the subject subdivisions were approved in principle. There is therefore no need for a Development Agreement or dedication as part of this application.

On June 18, 2001, a public hearing was held before the Riel Community Committee. One person appeared in support of the proposed application and no one was registered in opposition thereto. The Riel Community Committee recommended that the proposed subdivision and related zoning change be approved for the following reasons:

1. The land falls within a designated Neighbourhood Area and fully complies with Plan Winnipeg Policy.

2. The proposed rezoning and subdivision is consistent with similar recent subdivisions along Aldgate Road and John Forsyth Road.

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 13/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 13/2001 dated June 11, 2001, for registration in the Winnipeg Land Titles Office.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 13/2001 dated June 11, 2001, to an "R1-3.5" Single-Family District and an "R1-4" Single-Family District.

IV. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VI. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan in the Winnipeg Land Titles Office.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Adopted by consent.

(See Minute No. 798 for attachment)

Proposed Zoning Agreement Amendment – land located on the southwest corner of Dakota Street and Warde Avenue – Riel Community

File ZAA 8/2001
[c/r DASZ 12/82A, ZAA 5/91]

740 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from Qualico Developments (Winnipeg) Ltd. (Lyne Jones), 30 Speers Road, Winnipeg, to amend the Zoning Agreement affecting the subject property by amending the addendum to Development Agreement AG 12A/82, ZAA 5/91 by the removal of Clause 15 which requires Qualico Development (Winnipeg) Ltd. to pay the City upon demand all costs associated with the traffic signals to be installed at the median opening, opposite the bi-directional approach to the Shopping Centre site as outlined on Schedule I of the Development Agreement at the time the four-lane divided cross-section is constructed on Dakota Street.

Site Dimensions
There are 100 metres of frontage on Warde Avenue and 125 metres of frontage on Dakota Street.

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

Site Area
The overall site area is approximately 2.5 acres.

Existing Land Use and Zoning
The site is currently zoned "C2" Commercial and occupied with multi-tenant commercial building. The main tenant is IGA.

In the original Development Agreement AG 12A/82 for the subject site, it was specified that the developer "pay to the City in cash upon demand by the City all costs associated with the traffic signals to be installed at the median opening, opposite the bi-directional approach to the Shopping Centre site as outlined on Schedule I of this agreement, at the time the four lane divided cross section is constructed on Dakota Street."

At the time, the requirement may have been a reasonable condition given that the subject commercial site was large and had the potential in the long term of generating a great deal of traffic. However, the site never developed on the scale that was anticipated. In fact almost half of the site, on the south periphery, was rezoned from future commercial to a residential designation. Also in 1991, in approving an unrelated Zoning Agreement Amendment, Council included the above-noted traffic signals requirement in the Zoning Agreement being amended. The Developer is of the view that the subject clause should be deleted from both the Development and the Zoning Agreements as it is no longer relevant.

Both the Legal Services Division of the Corporate Services Department and the Public Works Department have advised that they have no objections to deleting the developer's obligation as it relates to the installation of the subject traffic signals.

On June 18, 2001, a public hearing was held before the Riel Community Committee. One person appeared in support of the application and no one registered in opposition thereto. The Riel Community Committee recommended that the proposed zoning agreement amendment be approved for the reason that the site has never developed to the scale that was anticipated.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends:

I. That the addendum to AG 12A/82, ZAA 5/91 of Zoning Agreement DASZ 12A/82 (ZAA 5/91A) (By-law No. 374184) dated May 2, 1984 and September 25, 1991, be amended by the removal of Clause 15 which requires Qualico Developments (Winnipeg) Ltd. to pay the City upon demand all costs associated with the traffic signals to be installed at the median opening, opposite the bi-directional approach to the Shopping Centre site as outlined on Schedule I of the Development Agreement at the time the four lane divided cross-section is constructed on Dakota Street.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 12A/82, ZAA 5/91A (By-law No. 3741/84) dated May 2, 1984 and September 25, 1991, as approved in Recommendation I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

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

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

Proposed Amendment to Development Agreement AG 12A/82 – land located on the west side of Dakota Street, south of Warde Avenue – Qualico Developments (Winnipeg) Ltd. – Riel Community
File DASZ 12A/82

741 - 11. The Standing Policy Committee on Property and Development has been advised that Qualico Developments (Winnipeg) Ltd. has requested that in view of a significant downsizing of the River Park Village Shopping Centre from what was initially contemplated, the requirement for traffic control signals to the River Park Shopping Centre be deleted.

The Planning, Property and Development Department therefore recommended that Development Agreement AG 12A/82 be amended by deleting therefrom Clause 12A.

On June 18, 2001, the Riel Community Committee concurred in the recommendations contained in the report dated May 22, 2001, from the Land Development Engineer, Planning, Property and Development Department, as set out below.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends:

I. That Clause 12A in Section I of Schedule "C" be deleted from Development Agreement AG 12A/82, namely:

"The Developer shall pay to the City in cash upon demand by the City all costs associated with the traffic signals to be installed at the median opening, opposite the bi-directional approach to the Shopping Centre site as shown on Schedule I of this Agreement, at the time the four-land divided cross-section is constructed on Dakota Street."

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Proposed Amendment to Development Agreement AG 31/84 – Sidewalk on Beckwith Lane from John Forsyth Road to Winterhaven Drive - Qualico Developments (Winnipeg) Ltd. – Riel Community
File DASZ 31/84

742 - 12. The Standing Policy Committee on Property and Development has been advised that under the terms of Development Agreement AG 31/84, the Developer, Qualico Developments (Winnipeg) Ltd., is required to install sidewalks at certain locations, including on the west side of Beckwith Lane from John Forsyth Road to Winterhaven Drive. From that point there is a walkway leading to Forsyth Aldgate Park. On the west side of Beckwith Lane there are seven (7) lots with front drive access while on the east side there are two flanking lots. The Developer has requested that the sidewalk be installed instead on the east side of Beckwith Lane adjacent to the flankage of two lots. The affected flanking properties are vacant and the Developer has advised that they will not be sold in the immediate future. The Developer has also agreed to allow the City to file a caveat against the affected properties to notify prospective purchasers of the construction of the sidewalk in the future.

The Public Works Department and the Planning and Land Use Division of the Planning, Property and Development Department have reviewed the Developer's request and concur therewith.

Report of the Standing Policy Committee on Property and Development dated June 26, 2001

On June 18, 2001, the Riel Community Committee concurred in the recommendation contained in the report dated June 6, 2001 from the Land Development Engineer, Planning, Property and Development Department, to amend Development Agreement AG 31/84, as set out below.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends:

I. That Development Agreement AG 31/84 be amended as follows:

1. By requiring that a sidewalk be constructed on the east side rather than the west side of Beckwith Lane from John Forsyth Road to Winterhaven Drive.

2. By requiring the Developer to agree to the filing of caveats against the two affected flanking properties notifying prospective purchasers of the construction of the sidewalk in the future.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

REPORT OF THE

STANDING POLICY COMMITTEE ON

PROPERTY AND DEVELOPMENT DATED JULY 5, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated July 5, 2001, was considered clause by clause.

Moved by Councillor Vandal,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21, 22,23,24,25,26 and 27 be adopted.

Carried.

Development Agreement between Ladco Company Limited and the City – the City's share of the cost of street pavement and associated works on Keslar Road – Riel Community

File DASZ 44/79

743 - 1. The Standing Policy Committee on Property and Development has been advised that in accordance with the City of Winnipeg's Development Agreement Parameters, Ladco Company Limited is constructing an oversized pavement and associated works which benefit property other than the Developer and the City has agreed to pay its share of the cost thereof. Funds for the City's share of the cost of the works are available from surplus funds in the Commitment Reserve Fund for the Fairfield Park Local Improvement District.

On December 13, 2000, Council approved the following:

I. That the terms of Development Agreement AG 44/74 between the City and Ladco Company Limited be amended as follows:

1. By widening the Keslar Road right-of-way from 18 metres to 22 metres;
2. By constructing a concrete pavement to a width of 10.0 metres in Keslar Road;
3. By constructing sidewalks on both sides of Keslar Road, and
4. By adding clauses stipulating that:
   a) The City shall pay the incremental cost of constructing the 10.0 metre pavement versus a 7.5 metre pavement;
   b) The City shall pay the full cost of constructing 1.5 metre in width concrete sidewalks on both sides of Keslar Road, and
   c) The City shall pay 50% of the legal costs associated with adjustments to Plan 12976 to accommodate the widening of Keslar Road.

II. That the costs associated with establishing Keslar Road as a collector road estimated at $56,700.00 be charged to surplus funds from the Commitment Reserve Fund for the Fairfield Park Local Improvement District project.

III. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

The City's share of the cost of the Keslar Road improvements in the amount of $56,700.00 was based on a preliminary cost estimate.

In a letter dated May 18, 2001, UMA Engineering provided information to the Planning, Property and Development Department that the additional costs associated with upgrading Keslar Road in accordance with Council's December 13, 2000 approval based on the unit prices therefor by Borland Construction (1989) Ltd. is estimated at $84,000.00, including a 5% contingency but not including G.S.T. The City's share of the costs

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

associated with adjustments to Plan 12976 to accommodate the widening of Keslar Road has been estimated at $2,000.00.

The total amount required to fund the City's share of the cost of the above is therefore:

i)	Street works	$84,000.00
ii)	G.S.T. (3% net)	2,520.00
iii)	Legal survey	2,000.00
iv)	Finance and Administration (3%)	2,660.00
		$90,910.00
	Budget Requirement	$91,000.00

There are sufficient funds available in the Commitment Reserve Fund for the Fairfield Park Local Improvement District to cover this revised requirement. Council approval is required for the expenditure of capital funding.

The Standing Policy Committee on Property and Development recommends:

I. That funding in the amount of $91,000.00 be approved as the City's share of the cost of a concrete street pavement, concrete sidewalks and associated works being installed by Ladco Company Limited on Keslar Road during 2001 and that surplus funds from the Commitment Reserve Fund for the Fairfield Park Local Improvement District be utilized.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Proposed Amendment to Conditions of Subdivision/Rezoning – land located on the west side of St. Mary's Road, north of Normand Avenue – Riel Community
File DASZ 6/2000

744 - 2. The Standing Policy Committee on Property and Development has been advised that on July 19, 2000 Council approved an application under File DASZ 6/2000 to subdivide and rezone land located on the west side of St. Mary's Road, north of Normand Avenue, subject to a number of conditions. Clauses 1. and 3. of the Report of Administrative Co-ordinating Group dated April 18, 2000 formed part of Council's approval for File DASZ 6/2000 read as follows:

"1. The Developer shall pay its share of the cost of services installed by the City in St. Mary's Road abutting the proposed development as determined by the Director of Public Works. Based on the 2000 rates therefor that share is calculated as follows (subject to confirmation by plan of subdivision):

i)	Concrete pavement	537.0 feet x $168.00 per foot =	$90,216.00
ii)	Sidewalk	537.0 feet x $16.30 per foot =	8,753.10
iii)	Ornamental lighting	537.0 feet x $32.50 per foot =	7,452.50
iv)	Boulevard and trees	537.0 feet x $13.75 per foot =	7,383.75
v)	G.S.T. (7%) on i) to iv) above		8,666.37
			$132,471.72

3. The Developer shall pay the land drainage trunk charge (TSR) for the portion of the subject properties above the Floodway Line. The 2000 rate therefor is $11,913.00/acre. A portion of the Local Improvement paid for the St. Mary's Road frontage ($30.00/ft.) will be credited against the trunk charge."

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

Cedarcrest Construction (1988) Ltd. recently purchased the two privately-owned parcels of land within DASZ 6/2000 and will be proceeding with a land exchange with the City to acquire the portion of the Henteleff Nursery lands which is required to finalize the processing of DASZ 6/2000. Cedarcrest has requested that the costs associated with Clauses 1. and 3. of the Administrative Coordinating Group's report be paid by way of annual payments much in the same fashion as Local Improvements assessed against benefiting properties.

The Administration has considered the Developer's proposal and is prepared to support it. On April 24, 2001, the Riel Community Committee recommended to the Standing Policy Committee on Property and Development that a similar option be given to the developers of a personal care home at 715 St. Anne's Road under File DAZ 232/99.

On June 18, 2001, the Riel Community concurred in the recommendation contained in the report dated May 25, 2001, from the Land Development Engineer, Planning, Property and Development Department, as set out below.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends:

I. That Council's approval of File DASZ 6/2000 on July 19, 2000 be amended to include an option for the Developer to pay its share of the cost of surface improvements installed by the City in St. Mary's Road abutting the subject property and the land drainage trunk charge (TSR) attributable to the subject property by way of annual payments to the City. The costs would be based on the rates prevailing at the time the payments begin and amortized over a period of up to ten (10) years including interest and a 1% per annum administration fee.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Proposed Subdivision and Rezoning – land located at 2018 De Vries Avenue – East Kildonan-Transcona Community
File DASZ 8/2001

745 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been received from Doug Henne Planning Services, 917 Simpson Avenue, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "A5" Agricultural District to an "R1-5.5" Residential District to allow for the creation of additional sites for residential development.

Site Area
The subject site is 1.276 acres (5,166.486 square metres).

Existing Land Use and Zoning
The west portion of the land is vacant with a single-family dwelling and garage on the east side of the property and a shop which is to be removed. All property is currently zoned "A5" Agricultural District.

Surrounding Land Use and Zoning

North:	Vacant land and single family dwelling, zoned "R1-20" Residential District
South:	Across Ragsdill Road, future "R1-5" Residential District subdivision, currently vacant land zoned "A5" Agricultural District
East:	De Vries Avenue and Lagimodiere Boulevard
West:	Single family dwellings, zoned "R1-5" Residential District

The applicant proposes to subdivide the rear portion of their property to create four new residential lots. The subject property is located in a Neighbourhood Policy Area of Plan Winnipeg. The proposed development is generally in accordance with relevant Plan Winnipeg policies.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The proposed development includes three lots, 51.6 feet wide by 198.3 feet deep, and one lot 60 feet wide by 99.4 feet deep. The fifth lot will be the residual lands where the existing dwelling and detached garage are located. The existing shop will be removed from the property. The proposed lots are compatible with other residential lots in the area.

The original concept plan for the Algonquin Estates area proposed a cul-de-sac through the subject property which would have permitted undeveloped land to the north to be incorporated into urban scale residential lots. The plan also proposed a bay to the west of the subject property but, in reality, Allan Rouse Cove was developed as a cul-de-sac. This development to the west did not leave adequate land to proceed with the cul de sac on the subject property.

The property at 2034 De Vries Avenue is most affected by the proposed subdivision as the applicant also wants to develop the rear portion of his property. The applicant has met with the owner of 2034 De Vries Avenue to discuss development options. Incorporation of a cul-de-sac to accommodate both properties yields only seven lots and is not financially viable. There is enough land for two additional 8,000-plus square foot lots at the rear of 2034 De Vries Avenue but only by using a twenty-foot wide private road for access from De Vries Road.

Given this history, the Planning and Land Use Division of the Planning, Property and Development Department supports the proposed subdivision. However, it should be noted that the City will likely receive a future application to develop the back lands of 2034 De Vries Avenue and that these lots will only be accessible with a private road.

On June 19, 2001, a public hearing was held before the East Kildonan-Transcona Community Committee. Two persons appeared in support of the application and no one was registered in opposition thereto. The East Kildonan-Transcona Community Committee recommended that the proposed plan of subdivision and related rezoning be approved for the reason that the proposed lots are compatible with other residential lots in the area.

The Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 8/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/2001 dated June 1, 2001, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated May 22, 2001, and in addition, that the Developer shall install water and wastewater lot line connections to Lot 5, to the satisfaction of the Director of Water and Waste.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 8/2001 dated June 1, 2001, to an "R1-5.5" Residential District.

IV. That the Developer be required to pay to the City ten percent (10%) cash dedication in lieu of land dedication, to be calculated on the basis of four (4) additional building site(s) being created.

V. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VII. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VIII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

IX. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Adopted by consent.

(See Minute No. 799 for attachment)

Proposed Subdivision and Rezoning – land located at 217 Kingsford Avenue – East Kildonan-Transcona Community
File DASZ 18/2000 [c/r DAV 322/2001D]

746 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from 4006968 Manitoba Ltd. (Dominic Marrai), 8 River Park Close, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "R2" Residential District to an "RM-6" Residential District and re-aligning lot lines to develop a "55-plus" multiple family development.

Site Area
The subject area is 1.053 acres (4,260.849 square metres).

Existing Land Use and Zoning
The subject site is vacant land, formerly a church.

Surrounding Land Use and Zoning

North:	A three-storey apartment block, zoned "RM-3" Residential District
South:	A surface parking lot and single family dwellings, zoned "R1-5.5" Residential District
East:	Two-family dwellings, zoned "R2" Residential District
West:	Fourteen-storey elderly persons housing, zoned "RM-7" Multiple Family Residential, and park space, zoned "PR1" Parks and Recreation District

The applicant originally proposed to develop an eight-storey condominium, with approximately 100 units, on property that was formerly the location of the Mennonite Brethren Church. The applicant has since revised the details of the seniors housing to a four-storey assisted living development. In order to proceed, the lands must be rezoned to permit multiple-family housing and a variance granted to permit substandard yards and excess building height.

The proposed development is generally supported by Plan Winnipeg. High intensity residential development is directed toward sites in proximity to regional streets and transit corridors (Policy 5A-11 and 5A-12). New development that provides infill of vacant land (Policy 5A-04), adjoins and is compatible with existing development, and which is designed to minimize the use of land, is encouraged (Policy 5A-14). Plan Winnipeg also clearly articulates the primacy of accommodating redevelopment in existing neighbourhoods through consultation with residents and other local interests.

The original plans submitted with this rezoning application described a multi-storey seniors' condominium with innovative architecture, an interesting, articulated façade, substantial landscape features throughout the site, and plenty of underground parking. The eight-storey mass of the building was concentrated on the west side of the property and, in order to achieve the overall density, the building stepped down to two storeys, leaving 35 feet of open space on the east side of the site. The modulation of the building façade would add character to the exterior elevations and give the appearance that it is a higher quality building consistent with the adjoining Donwood Manor. There was immediate concern with the proposed access off Kingsford Avenue and the applicant reconfigured the site plan to direct the public lane and site access to Edison Avenue.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The developer held a public meeting on the evening of November 27, 2000, to discuss their plans to develop the subject property. Residents had several concerns including the height and intensity of the seniors' housing development that may affect traffic on Kingsford Avenue and privacy in the backyards of homes to the east. In order to address concerns about the impact of the eight-storey height on the neighbours to the east, additional information was requested from the applicant prior to the December 11, 2000 meeting of the East Kildonan-Transcona Community Committee. The information was never received and the Planner recommended adjournment of the application from the December 11, 2000 meeting in order to allow the applicant time to provide the requested information.

Due to apparent concerns from the neighbourhood, the developer also requested adjournments of this application from the December 11, 2000 meeting as well as the meetings of January 23, February 27, and April 24, 2001.

In April 2001, the developer submitted a new site plan to accompany this application. The new plan proposed a four-storey seniors housing complex with a plain façade and uninspired design. The site has forty-five surface parking stalls, significantly less opportunity for landscaping, and an eight-foot separation of the four-storey building mass from the east side of the property compared to thirty-five feet in the original plan. The developer maintained that this concept is more acceptable to the neighbourhood and that any reduction in the eight-storey height of the original, more architecturally driven scheme would render the project unfeasible.

The developer also indicated that over the past couple of months, he discussed with residents the plan to develop seventy-three seniors' assisted living units within the four-storey building on the site and that this concept had been met with a more favourable response. On May 10, 2001, the developer held a second public meeting with the residents to present and discuss further details about the revised plan.

Although it is disappointing to lose the more innovative project that was initially proposed for the site, the Planning and Land Use Division of the Planning, Property and Development Department can support a four-storey multiple family building on the subject property. This scale of residential development provides a transition between the fourteen-storey apartment building to the west while respecting the single-family dwellings to the east. The four-storey development still requires an "RM-6" zoning district in order to accommodate seventy-three units on the property without height or density variances.

The footprint of the four-storey building is similar to the eight-storey building originally proposed but, due to the height difference of the two proposals and the lack of underground parking for the new proposal, the required zoning variances will be slightly different for the revised plan.

The Planning and Land Use Division of the Planning, Property and Development Department recommended that the site should be accessed off Edison Avenue rather than Kingsford Avenue because Edison Avenue is a collector street and has the advantage of traffic signals at the Henderson Highway intersection. Site access via the existing public lane would provide a greater degree of flexibility for positioning the building and installing desirable landscape features.

The developer would have two options to address the property east of the north/south lane (Lot 1 Plan 21159). First, if the lane remains where it is, Lot 1 Plan 21159 would require a rezoning application to establish non-accessory parking. Alternatively, the north/south portion of the lane could be moved to the east edge of the subject property. In any case, it is recommended by the Administration that no buildings or structures be permitted on Lot 1 Plan 21159 in order to provide a buffer to the adjacent residential property.

As part of the approval, the Planning and Land Use Division recommended that a zoning agreement be required in order to restrict the proposed development to four storeys in height. The agreement should also contain a requirement for a Schedule "A" plan approval in order that the Community Committee could review and approve final development plans for the site, addressing any neighbourhood concerns that arise at the public hearing and ensuring that the development incorporates adequate landscaping to visually enhance the site and buffer the parking areas.

The applicant withdrew the application to close the land (File DAOC 5/2000) and this portion of the consolidation will not be proceeded with. The report of the Administrative Coordinating Group dated November 27, 2000, is no longer applicable as the lane is not being diverted.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

Public hearings were held by the East Kildonan-Transcona Community Committee on December 11, 2000, January 23, February 27, April 24, May 15 and June 19, 2001. Four persons registered in support of the application, and sixteen persons registered in opposition thereto, and four persons registered for information thereon.

On May 14, 2001, the East Kildonan-Transcona Community Committee concluded public representations and adjourned the public hearing to June 19, 2001, in order to allow the revised variance application (File DAV 322/2001D) to catch up to the subdivision and rezoning application.

The Administration also advised that accessory parking is proposed to be provided on property at 222 Edison Avenue. This requires that 222 Edison Avenue be rezoned to "C2" Commercial District in order to accommodate the non-accessory parking use. The "C2" Commercial District rezoning application (File DAZ 214/2001) accompanied the other applications at the June 19, 2001 Community Committee public meeting. As a procedural note, it is further recommended by the Administration that 222 Edison Avenue not be included in the original DASZ 18/2000 application to rezone certain lands to "RM-6" Multiple-Family Residential.

The Administration further advised that it is also not necessary to include the original Zoning Agreement condition that restricted development on 222 Edison Avenue. This can be accomplished through a separate Zoning Agreement associated with File DAZ 214/2001 that restricts the use of land at 222 Edison Avenue.

On June 19, 2001, the East Kildonan-Transcona Community Committee recommended that the proposed subdivision and rezoning be approved inasmuch as the subject application provides a transition between the fourteen-storey apartment building to the west while respecting the single-family dwellings to the east.

The Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 18/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "C" for File DASZ 18/2000, dated June 1, 2001, for registration in the Winnipeg Land Titles Office.

II. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "C" for File DASZ 18/2000 dated June 1, 2001, to an "RM-6" Residential District, subject to the following:

   A. That the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site to include the following conditions:

      1. That no buildings, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed buildings, the location and design of accessory parking areas, loading areas, private approaches, driveways, fencing, garbage enclosures, exterior lighting, facia signs, free-standing signs, balcony enclosures and landscaping are submitted to and approved by the East Kildonan-Transcona Community Committee, and the Chief Administrative Officer or designate under the designations as Schedule "A" to Zoning Agreement DASZ 18/2000, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement.

      2. That no building or structure shall be erected on the land exceeding four (4) storeys in height.

III. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

IV. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

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

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

VI. That the subdivision section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

VII. That the zoning section of the by-law shall come into force and effect when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VIII. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

Adopted by consent.

(See Minute No. 800 for attachment)

Proposed Subdivision and Rezoning – land located on the southeast corner of Grassie Boulevard and Molson Street – East Kildonan-Transcona Community
File DASZ 14/2001

747 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from MMP Architects (Orest Sedun), 500-321 McDermot Avenue, Winnipeg for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "R1-5.5" Residential District to an "RM-2" Multiple-Family District to permit the construction of life lease, senior citizens housing.

Site Area
The subject area is 1.622 acres (70,653.77 square feet).

Existing Land Use and Zoning
This land is at the southeast corner of Grassie Boulevard and Molson Street. Most of the site is vacant but there is a residence and detached accessory building on the south portion of the site which are to be removed. The entire site is zoned "R1-5.5" Residential District.

Surrounding Land Use and Zoning
North: Grassie Boulevard and single family, large lot residential
South: River East Personal Care Home
East: Single family, large lot residential
West: Molson Street and multi-family residential

The applicant, MMP Architects, representing River East Personal Care Home Ltd., proposes to build a 32 unit life-lease, senior citizens residential building. The structure will be three (3) storeys with surface and underground parking. The two lots that comprise this site are to be consolidated and the existing single-family dwelling and detached accessory building are to be removed.

This development is in a Neighbourhood Policy area and appears to conform to the intent of Plan Winnipeg. The new development will be an extension of existing multi-family seniors development to the south (River East Personal Care Home). The development will improve this intersection by the construction of a new building and the development of landscaping on site and along Molson Street and Grassie Boulevard. Grassie Boulevard and Molson Street is a fairly busy intersection. Because of this location and the configuration of the lot, it would be

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

very difficult to subdivide this into efficient single-family lots. This type of multi-family development or a commercial development is most appropriate at this site.

On June 19, 2001, a public hearing was held before the East Kildonan-Transcona Community Committee. Three persons appeared in support of the application, no one registered in opposition thereto, and one person appeared for information purposes.

The East Kildonan-Transcona Community Committee recommended that the proposed subdivision and related rezoning be approved for the reason that the subject application is compatible with the surrounding area.

The Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 14/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 14/2001 dated June 12, 2001, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 11, 2001.

   B. That the plan be amended to provide for a widening of the Molson Street right-of-way by 1.825 metres.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 14/2001 dated June 12, 2001, to an "RM-2 " Multiple Family District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site to include the following condition:

   A. That no buildings, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed buildings, the location and design of accessory parking areas, loading areas, private approaches, driveways, fencing, garbage enclosures, exterior lighting, facia signs, free-standing signs, balcony enclosures and landscaping are submitted to and approved by the East Kildonan-Transcona Community Committee, and the Chief Administrative Officer or designate under the designations as Schedule "A" to Zoning Agreement DASZ 14/2001, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement.

IV. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

V. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VII. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

VIII. That the zoning section of the by-law shall come into force and effect when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

IX. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Adopted by consent.

(See Minute No. 801 for attachment)

Extension of Time for Rezoning – land located on the northwest corner of Portage Avenue and David Street - Unicity Mall Ltd. – Assiniboia Community
File DAZ 230/98 [c/r DASSF 556/99]

748 - 6. The Standing Policy Committee on Property and Development has been advised that Unicity Mall Ltd. has been unable to register both the Zoning Agreement as a first charge under File DAZ 230/98 and the related plan of subdivision under File DASSF 556/99, due to the fact that five of the former tenants have, to date, not discharged their caveats protecting their leases, even though the building has now been demolished. The Winnipeg Land Titles Office will not allow these caveats to carry forward to the new plan because the new plan includes additional lands.

Since Unicity Mall Ltd. has also not been able to register the zoning agreement caveat, the subject rezoning to a "C4" Commercial District from a "CR" Commercial District has not legally come into effect.

Unicity Mall Ltd. has applied to the Court for an order vacating the remaining five caveats, which hearing is scheduled for July 20, 2001. Once the litigation has been completed, Unicity Mall Ltd. will be in a position to complete both the registrations required for the zoning agreement caveat and registration of the plan of subdivision.

On December 16, 1998, Council adopted Clause 9 of the Report of the Standing Policy Committee on Property and Development dated December 1, 1998, and approved the subject rezoning to a "C4" Commercial District as outlined on Schedule "A" dated June 25, 2001, to allow for commercial development subject to the execution of a zoning agreement. The plan of subdivision, under File DASSF 556/99 is outlined on Schedule “B” dated June 25, 2001.

Recommendation III. contained in the said clause stipulated:

III. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

Recommendation V. further stipulated the following:

V. 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 twelve (12) months from the date that the said rezoning by-law is adopted by Council.

The Rezoning By-law No. 7342/98 was passed by Council on December 16, 1998. The enactment section of the by-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Title Office by December 16, 2000, failing which the by-law shall expire unless that date is extended by a resolution of City Council, and that registration is completed before any such extended date.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The Administration has reviewed the applicant's request, and is of the opinion that approval for an extension of time would be acceptable in view of the fact that the City's interests remain secured and circumstances leading to the original approval remain unchanged.

The Standing Policy Committee on Property and Development therefore recommends:

I. That an extension of time to July 20, 2002 be granted to Unicity Mall Ltd. to complete requirements under Files DAZ 230/98 and DASSF 556/99.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

Proposed Rezoning – land located at 595 St. Anne's Road, east side, south of John Bruce Road – Riel Community
File DAZ 221/2000

749 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Mycom Group (Doug McCrae), 1208-220 Portage Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land from a "C1" Commercial District to a "C2" Commercial District to allow for a wider range of commercial uses in the existing floor space.

Site Area
The site has 141 metres (451 feet) of frontage along St. Anne's Road and a depth of 69 metres (220 feet). The total area encompasses 1.9 acres.

Existing Land Use and Zoning
The land is currently zoned "C1" Commercial and the buildings cover an area of 22,640 square feet. A number of retail businesses, including a food store, have occupied the site.

Surrounding Land Use and Zoning

North:	To the north between John Bruce Road and Meadowood Drive is "C1" Commercial land with a variety of businesses.
South:	To the south is a multiple-family complex zoned "RM-L".
East:	To the east is "R1-5" Single-Family housing and "PR-1" Public Reserve.
West:	To the west, across St. Anne's Road are City Operations facilities zoned "M1" Industrial, and a Community Centre.

The applicant proposes to rezone to a higher level of commercial category allowing a greater range of permitted and conditional uses.

The proposed application fully complies with Plan Winnipeg policy.

Over the years, a number of businesses including a ceramic retail products business, a medical laboratory, a retail carpets store and a grocery store (Kaufmann's Foods) have occupied the site. Several have been restricted to five-year maximum time periods because there was no provision for the uses under the "C1" zoning category. In order to increase the range of uses, the owners/applicants wish to rezone the property to restricted "C2" Commercial. The Planning and Land Use Division of the Planning, Property and Development Department is of the view that a significant amount of the frontage along St. Anne's Road is currently zoned "C2" Commercial. In fact several large parcels on the west side of St. Anne's Road opposite the subject property are currently zoned "M1" Industrial. The Administration is of the view that a rezoning to a higher category will not have an adverse effect on adjoining properties. Uses such as car washes, convenience stores, fuel sales, etc., are conditional uses and not

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

permitted outright. The Administration therefore recommended that the subject application be approved, subject to the conditions as outlined in the Zoning Agreement.

Public Hearings were held by the Riel Community Committee on October 10, 2000, November 7, 2000, January 16, 2001, March 19, 2001, May 22, 2001 and June 18, 2001. Six persons appeared in support of the application and thirty-five persons were registered in opposition thereto.

The Riel Community Committee recommended that the proposed rezoning be approved for the following reasons:

1. The applicant and the area residents have arrived at a mutually acceptable compromise.
2. The proposed "Cl.5" zoning will be compatible with the surrounding area.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 221/2000 dated October 2, 2000, to a "C1.5" Commercial District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

1. That the following uses be deemed to be prohibited uses on the subject lands:

a. auction room
b. automobile, including motorcycle, rentals, sales, including accessory repair, service, installation of supplies/parts
c. automobile, including motorcycle, supplies/parts, sales
d. bingo parlour
e. boat sales, service
f. boat docking, boat rental, marina
g. bowling alley
h. bus station
i. clubs, excluding licensed premises
j. cocktail lounge
k. dispatch for courier/delivery/express service, or taxi, (cleaning service, keylock service, security service or similar service excluding terminal to be permitted)
l. farm supplies: sales
m. flea market
n. fuel: sales kiosk
o. hotel, including motel, limited to guest rooms
p. recycling depot for collection of materials, in conjunction with a principal use, 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
q. tattoo parlour
r. tire: sales, service

2. The general hours operation for tenants of the shopping centre to be from 6:00 a.m. to 11:00 p.m. daily, except for the following:
- restaurant hours of operation to be from 6:00 a.m. to 02:00 a.m. daily
- post office hours of operation to be twenty-four (24) hours daily

3. The existing thirty feet buffer zone on the south property line that is currently in place with the "C1" zoning is to remain intact and in place for the "C1.5" zoning. The minimum landscaping requirements presently in place are to be maintained and nurtured.

4. The present landscaping to be nurtured and maintained so that it is viable and healthy.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

5. The fencing on the north, east and south property lines is to remain as a six- foot high solid wood fence ("good neighbour" style with wood boards alternating on both sides to create a solid fence) throughout with no openings to be allowed and properly repaired and maintained on both sides of the fencing at all times. The north fence is to match the existing fencing (to be six feet high solid wood fence – no openings allowed). The total six-foot high solid wood fencing to be repaired and constructed is to be maintained on both sides to conform to the residential property lines.

6. The waste container presently on the south portion of the shopping centre and openly visible to St. Anne's Road is to be changed to one with lids, and to be located on the south parking lot. The waste container is to be enclosed on 3 sides with the openings to be facing St. Anne's Road.

7. The waste container presently located in the access lane way south of John Bruce Road entrance to be changed to one with lids and three sides enclosed to prevent general community use and to better emphasize putting waste into the bin rather than around or near it; the final design of this enclosure to be subject to space limitations and to be jointly reviewed by Northco and Residents prior to implementation.

8. Waste container pick up times to be during day light hours with best efforts being made by Northco to have the pick up times restricted to the hours from 8:00 a.m. to 5:00 p.m.

9. All fencing, especially wood, to be repaired and maintained at all times.

10. Deliveries in lane way south of John Bruce Road to be encouraged during the day and to be kept to a minimum.

11. Parking for customers, staff, students, et cetera for the "Dance Studio" to be restricted to the shopping centre parking lot and regulations be implemented by Northco to influence this policy.

12. Any exterior shopping centre lot lighting to be diffused and directed away from the residences.

13. Any expansion to the shopping centre requires that detailed site plans showing the location, size and height of any commercial buildings, free-standing signage, location and design of garbage receptacles, traffic circulation patterns and parking areas, loading zone areas, approaches, fencing and landscaping (including edge treatment and interior of parking areas) to be submitted for the approval of the Riel Community Committee prior to the issuance of any building permit/occupancy permits.

II. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That former Zoning Caveat No. 87-105906 be withdrawn.

IV. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

VI. That the rezoning by-law shall come into effect 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 twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

VIII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

In amendment,

The Executive Policy Committee concurs in part with the recommendations of the Standing Policy Committee on Property and Development and recommends that the clause be amended due to an administrative oversight as follows:

- *That Recommendation I.A.3. be deleted in its entirety and replaced with the following new recommendation, namely:*

  The existing 30 feet buffer zone on the south property line that is currently in place with the "C1" zoning is to remain intact and in place for the "C1.5" zoning. The minimum landscaping requirements are thirty (30) trees (approximately half of which are evergreen trees and approximately half of which are deciduous trees) and grass. This landscaping is presently in place and is to be maintained and nurtured.

- *That Recommendation I.A.5. be deleted in its entirety and replaced with the following new recommendation, namely:*

  The fencing, (excepting for that fencing on the "John Bruce Road" north property line and"St. Anne's Road" west property line which is to remain at the existing City of Winnipeg fencing by-law bumper fencing height) along the north, east and south property lines is to remain as a six (6) foot high solid wood fence ("good neighbour" style with wood boards alternating on both sides to create a solid fence) throughout with no openings to be allowed and to be properly repaired and maintained on both sides of the fencing at all times. Any north property line fence, (excepting for the height of fence on the "John Bruce Road" north property line) is to match the existing fencing (to be six (6) feet high solid wood fence – "good neighbour" style with wood boards alternating on both sides to create a solid fence – no openings allowed). This total six (6) foot high solid wood fencing ("good neighbour" style with wood boards alternating on both sides to create a solid fence) with exceptions noted herein, is to be repaired and constructed and is to be maintained on both sides to conform to the residential property lines.

- *That the following sentence be added at the end of Recommendation I.A.6, namely:*

  The final design and location placement of this enclosure is to be jointly reviewed by Northco and the Residents prior to its implementation.

Adopted by consent.

(See Minute No. 802 for attachment)

Proposed Rezoning – land located at 1740 Fermor Avenue – Riel Community
File DAZ 204/2001 [c/r DAV 222/2001D and DCU 92/2001D]

750 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Imperial Oil, Products and Chemicals Division (Tom Wisener), 3535 Research Road, Calgary, Alberta, to amend Zoning By-law No. 6400/94 by rezoning the subject land from an "A-5" Agricultural District to a "C5-2" Commercial District to allow for the development of a non-accessory parking area.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

Site Area
The overall area to be rezoned (Block 20 and Block 21) totals 3.7 acres. The overall area being developed totals 10.7 acres.

Existing Land Use and Zoning
The existing Imperial Oil site is zoned "C3-2" Highway Commercial and the vacant City land being acquired by Imperial Oil is zoned "A-5" Agricultural.

Surrounding Land Use and Zoning:
North: Lands to the north are zoned "M1" Industrial and are developed.
South: Lands to the south are zoned "R1-4" Residential and are being developed.
East: Lands to the east are zoned "C3-2" Commercial and "M1" Industrial and are developed.
West: Lands to the west are zoned"A-5" Agricultural and are occupied by the Royal Canadian Mint.

The applicants propose to construct a drive-through restaurant and convenience store, gas kiosks and separate sit-down restaurant and a drive-through weigh scale facility on the eastern half of the site. The western half is reserved for truck trailer/RV/bus and car parking.

The land is designated Neighbourhood under Plan Winnipeg, and the proposed development fully complies with Plan Winnipeg policy.

Imperial Oil currently owns a six to seven acre parcel with frontage on Fermor Avenue. They propose to construct a convenience store with gas kiosks and drive-through restaurant component on the front half of that parcel. Further to the rear they propose to construct a number of drive-through weigh scale facilities while on the west periphery of their existing lot a 120-seat sit-down restaurant is proposed. In addition a three to four acre parcel lying immediately adjacent to the west is being acquired from the City of Winnipeg for purposes of a non-accessory parking lot for truck/trailers, RVs, buses and cars. The newly proposed parking area to the west is currently zoned "A-5" Agricultural and has to be rezoned to a "C3-2" Highway Commercial category to be utilized as proposed. A new access to Dawson Road is indicated immediately south of the proposed new weigh scale facility and Dawson Road to the west is to be realigned in a northerly direction to carry traffic to and from the new parking area to Fermor Avenue.

An overall total of 156 parking stalls are provided, well in excess of the 77 stalls required under the Winnipeg Zoning By-law. The Development Management Branch, Planning and Land Use Division of the Planning, Property and Development Department reviewed the subject application and fully supports both the proposed rezoning to a "C3-2" category and the proposed use of Blocks 20 and 21 for non-accessory parking. Unlike previous plans, large portions of Dawson Road will not be closed and incorporated into adjacent parcels, bringing highway commercial development unacceptably close to the residential areas lying adjacent. Dawson Road will remain open more or less in its current configuration until such time in the future as Royal Mint Drive is extended through to Fermor Avenue. It will continue to act as a buffer between Highway Commercial Uses and exiting residential areas to the south.

While the Planning, Property and Development Department supports the proposed rezoning and overall development, it is their view that in order to reduce impact on residential areas from vehicle movement and head lights, etc. on the overall site, a solid six-foot fence should be installed and maintained along the south boundary of Parcel 1, Block 20 and Block 21. The Department further suggested, in accordance with the recommendation of the Public Works Department that there be no vehicular access from Dawson Road to Parcel 1, Block 20 or Block 21 with the exception of the newly proposed temporary road at the west periphery of the overall site.

On May 22 and June 18, 2001, public hearings were held before the Riel Community Committee. Three persons appeared in support of the application, twelve persons were registered in opposition thereto, and two persons appeared for information purposes.

The Riel Community Committee recommended that the proposed rezoning be approved for the following reasons:

1. The proposed application fully complies with Plan Winnipeg Policy.
2. By revising its development plans, the applicant has demonstrated that it wishes to address the concerns and work with the community.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

3. The subject location for the proposed development is not unreasonable inasmuch as the subject property is located on Fermor Avenue / Highway No. 1.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 204/2001 dated May 13, 2001, to a "C3-2" Commercial District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

1. That final plans indicating building locations and detail of approaches, parking areas, landscaping, location of garbage enclosures, exterior lighting, and signage be submitted to and approved by the Planning and Land Use Division, Development Management Branch of the Planning, Property and Development Department and the Riel Community Committee prior to the issuance of any building permits.

2. That a six-foot solid wood fence be constructed and maintained starting from a point at the most south-easterly corner off the contiguous lands owned by Imperial Oil and continuing in a westerly direction along the south boundary line of Blocks 21 and 20, Plan 21549 to the juncture of the newly proposed north/south temporary road connecting Dawson Road with the Fermor Avenue service road.

3. That other than the aforementioned temporary road outlined on accompanying plans, no other accesses are to be permitted from the subject overall site to Dawson Road.

II. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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/Manager of Legal Services 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 come into effect 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 twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

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

Adopted by consent.

(See Minute No. 803 for attachment)

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

Proposed Rezoning – land located at 99 Gerard Street (498 River Avenue) – City Centre Community
File DAZ 212/2001 [c/r DCU 123/2001D and DAV 300/2001D]

751 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from the McGowan Russell Group (Susan Russell), 200-120 Fort Street, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land from an "R2-T" Two-Family Transitional Residential District to an "RM-7" Multiple-Family Residential District to allow for the construction of a mixed-use commercial/residential building.

Site Area
The subject site is 25,300 square feet.

Existing Land Use and Zoning
At 111 and 107 Gerard Street, houses were demolished and land used for parking.
At 105 Gerard Street, there is an occupied house.
At 101 Gerard Street, 492 River Avenue and 500/502 River Avenue, there are abandoned houses. All properties are zoned "R2-T" Two-Family Transitional Residential District.

Surrounding Land Use and Zoning

North:	Across River Avenue, zoned "C1.5" Commercial District (Safeway)
South:	Single-family and multiple-family housing zoned "R2-T" Two-Family Transitional Residential District
East:	Single-family and multiple-family housing zoned "R2-T" Two-Family Transitional Residential District
West:	Holy Rosary Catholic Church zoned "R2-T" Two-Family Transitional Residential District.

The proposal is to consolidate the properties into one building lot for purposes of constructing an eight-storey, mixed-use apartment building. The building would contain thirty-nine residential condominium units, seven live/work condominium units, and one commercial unit (bank). Non-accessory, ground floor parking is to be provided for forty-six vehicles with access off the public lane. Sub-surface (basement level) accessory parking is provided for fifty-seven vehicles with access off River Avenue. A related Conditional Use application (under File DCU 123/2001D) would permit the "bank" use and the establishment of seven live/work units with the commercial component limited to retail and personal service uses (restricted by Zoning Agreement) listed as permitted or conditional in a "C1" Commercial District. A related Variance application (under File DAV 300/2001D) would permit substandard parking and yards.

The building is comprised of two major architectural elements, a three-storey element giving the appearance of town houses, and an eight-storey apartment element. This building massing is intended to better integrate the project, in a physical sense, with the Gerard-Norquay neighbourhood. For example, the three-storey townhouse component uses height, setbacks and façade articulation to compliment the architectural character of the adjacent century homes on Gerard Street.

The proposed rezoning complies with Plan Winnipeg.

This project was developed in close consultation with the residents of the Gerard-Norquay neighbourhood, who are anxious to end the uncertainty surrounding the vacant lands and abandoned buildings currently comprising the site. The Planning, Property and Development Department is prepared to support the proposed development on this basis. Additionally, the Department is of the opinion that the mixed-use nature of the project is consistent with the urban character of Osborne Village and the supply of public parking would benefit the neighbourhood.

On June 11, 2001, a public hearing was held before the City Centre Community Committee. Ten persons appeared in support of the application, no one was registered in opposition thereto, and one person was registered for information purposes.

The City Centre Community Committee recommended that the proposed rezoning be approved for the following reasons:

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

1. The rezoning complies with Plan Winnipeg.

2. The project was developed in close consultation with the residents of the Gerard-Norquay neighbourhood who are anxious to end the uncertainty surrounding the vacant lands and abandoned buildings currently comprising the site.

3. The Planning, Property and Development Department is prepared to support the proposed development on the basis of the close consultation with the residents, and is of the opinion that the mixed-use nature of the project is consistent with the urban character of Osborne Village and the supply of public parking will benefit the neighbourhood.

On July 5, 2001, the Standing Policy Committee on Property and Development concurred in the recommendation contained in the supplementary administrative report dated June 25, 2001, that Recommendation No. I of the Report of the City Centre Community Committee dated June 21, 2001, be deleted in its entirety and replaced with the following:

- I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 212/2001 dated May 28, 2001, to a "RM-7" Multiple-Family District, subject to the following:

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

        1. That, prior to the issuance of a development permit, plans showing the site layout, access, building elevation and materials, fencing and landscaping, signage, garbage enclosures, and site lighting be submitted for the approval of the City Centre Community Committee.

        2. That the height of the building be limited to three storeys on the south one-half of the site and eight storeys on the north one-half of the site.

        3. That no retail sales or restaurant uses be permitted.

        4. That the use of the main floor commercial unit be limited to a bank, credit union or similar financial institution.

        5. That the hours of public operation of businesses be limited to between the hours of 8:30 a.m. and 6:00 p.m. Monday through Saturday with Sunday closings except a bank, credit union or similar financial institution.

        6. That no demolition of houses on the site occur prior to the issuance of a development permit for the apartment building.

In addition, the Standing Policy Committee on Property and Development did not concur in Recommendation No. II of the City Centre Community Committee that the requirement for ten percent (10%) dedication be waived, and amended the recommendations to concur with the administrative recommendation to provide for the dedication requirement, namely:

- Delete Recommendation II. in its entirety and substitute therefor

    II. That a ten percent (10%) dedication be made by payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

The foregoing changes have been incorporated into the recommendations set out below.

The Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee, as amended, and recommends:

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 212/2001 dated May 28, 2001, to a "RM-7" Multiple-Family District, subject to the following:

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

1. That, prior to the issuance of a development permit, plans showing the site layout, access, building elevation and materials, fencing and landscaping, signage, garbage enclosures, and site lighting be submitted for the approval of the City Centre Community Committee.

2. That the height of the building be limited to three storeys on the south one-half of the site and eight storeys on the north one-half of the site.

3. That no retail sales or restaurant uses be permitted.

4. That the use of the main floor commercial unit be limited to a bank, credit union or similar financial institution.

5. That the hours of public operation of businesses be limited to between the hours of 8:30 a.m. and 6:00 p.m. Monday through Saturday with Sunday closings except a bank, credit union or similar financial institution.

6. That no demolition of houses on the site occur prior to the issuance of a development permit for the apartment building.

II. That a ten percent (10%) dedication be made by payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the 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/Manager of Legal Services 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 come into effect 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 twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

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

Adopted by consent.

(See Minute No. 804 for attachment)

Proposed Rezoning – land located at 222 Edison Avenue – East Kildonan-Transcona Community
File DAZ 214/2001 [c/r DAV 317/2001D]

752 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from Georgian Bay Development (George Janzen), Unit C–1221 Gateway Road,

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land from an "R2" Residential District to a "C2" Commercial District to permit a non-accessory parking area.

Site Area
The subject site is .117 acres (473.812 square metres).

Existing Land Use and Zoning
The subject site is vacant land, formerly accessory parking to the Mennonite Brethren Church, zoned "R2" Two-Family Residential District

Surrounding Land Use and Zoning
North: Across Edison Avenue, an apartment building, zoned "RM-3" Multiple-Family Residential
South: Across public lane, vacant land, zoned "R2" Two-Family Residential District
East: Single family dwelling, zoned "R2" Two-Family Residential District
West: Across public lane, vacant land (formerly Mennonite Brethren Church), zoned "R2" Two-Family Residential District

The applicant proposes to develop the subject property for a parking area accessory to the multiple-family housing proposed at 217 Kingsford Avenue (File DASZ 18/2000).

The subject property is located in a Neighbourhood Policy Area of Plan Winnipeg. The proposed development is generally in accordance with relevant Plan Winnipeg policies.

The subject property at 222 Edison Avenue was used as a parking lot by the Mennonite Brethren Church upon approval of Files DCU 191/95C and DAV 523/95C. A public lane separates the subject property from the main development site of the proposed seniors' housing at 217 Kingsford Avenue (DASZ 18/2000).

Any parking on the subject property is considered non-accessory parking to the multi-family development. The zoning district that can best accommodate non-accessory parking is a "C2" Commercial District. Although this will create a situation of spot zoning which is not generally desirable, it is deemed by the Planning and Land Use Division of the Planning, Property and Development Department to provide site development that is more respectful of the adjacent residential properties by maintaining a separation distance between the lane and the neighbouring residence. The site plan submitted indicates parking will be limited to the west side of the lot and the easterly twenty-four feet will be landscaped.

It is recommended by the Planning, Property and Development Department that the applicant be required to enter into a Zoning Agreement to ensure that the use of the property is limited to parking for the seniors housing facility at 217 Kingsford Avenue. It is further recommended that the "C2" Commercial District zoning revert to "R2" Two-Family District should the property cease to be used for parking accessory to the senior housing facility.

On June 19, 2001, a public hearing was held before the East Kildonan-Transcona Community Committee. Three persons appeared in support of the application and two persons appeared in opposition thereto. The East Kildonan-Transcona Community Committee recommended that the proposed rezoning be approved for the reason that the subject application is compatible with the surrounding area.

The Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 214/2001 dated June 1, 2001, to a "C2" Commercial District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

      1. That the property shall be used only for a parking area accessory to the residential development at 217 Kingsford Avenue.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

2. That, at that time when the subject property ceases to be used for a parking area accessory to the residential development at 217 Kingsford Avenue and in accordance with the site development standards identified in this Zoning Agreement, the property shall revert to "R2" Residential District zoning.

3. That the easterly twenty-four feet of the subject property shall be an area of extensive landscaping in accordance with Schedule "A" to File DASZ 18/2000.

II. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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/Manager of Legal Services 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 come into effect 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 twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

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

Adopted by consent.

(See Minute No. 805 for attachment)

Proposed Zoning Agreement Amendment – Strongberg Drive, northeast corner of McIvor Avenue – East Kildonan-Transcona Community
File ZAA 7/2001 [c/r DASZ 6/98]

753 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from Doug Henne Planning Services, 917 Simpson Street, Winnipeg, to amend the Zoning Agreement affecting the subject property to permit a minimum rear yard setback of 12.8 metres (42.0 feet) instead of 17.5 metres (57.4 feet) on all lots lying west of De Vries Avenue as required by the Agreement.

Site Dimensions
The subject site is three (3) residential lots, approximately 50 feet by 125 feet each

Site Area
The subject site is 0.445 acres (1,801 square metres).

Existing Land Use and Zoning
The subject site is vacant land, zoned "R1-5" Residential District.

The applicant requests an amendment to the Zoning Agreement for File DASZ 6/98 that will permit a 42 foot setback from the rear property line instead of a 57.4 foot setback.

Lots 1, 2 and 3 of Block 2 for File DASZ 6/98 are located at the northwest corner of McIvor Avenue and De Vries Road. The rear lot lines of all three lots are adjacent to De Vries Road. The applicant has requested a rear yard of 42 feet for Lot 1, 43 feet for Lot 2 and 52 feet for Lot 3. The subdivision and rezoning application required a

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

57.4 foot rear yard set back for habitable structures from De Vries Road for noise attenuation purposes. A sound attenuation fence was also required.

The sound attenuation requirement results from a concern about noise from Lagimodiere Boulevard traffic. At the location of the three subject lots, De Vries Road curves west, away from Lagimodiere Boulevard, thus providing an increased separation distance from traffic. For this reason, the Planning and Land Use Division of the Planning, Property and Development Department supports this Zoning Agreement Amendment in that it appears the separation from heavy traffic intended by the original agreement will be maintained. Therefore, the recommendation includes approval of rear yards as presented in the site plan submitted by Doug Henne Planning Services.

On June 19, 2001, a public hearing was held before the East Kildonan-Transcona Community Committee. One person appeared in support of the application and no one was registered in opposition thereto. The East Kildonan-Transcona Community Committee recommended that the proposed zoning agreement amendment be approved for the reason that the separation from heavy traffic intended by the original rezoning subdivision application adopted by Council in 1998 is maintained.

The Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and recommends:

I. That Zoning Agreement DASZ 6/98 (By-law No. 7732/2000) dated January 31, 2001, be amended to permit a minimum rear yard setback of 12.8 metres (42.0 feet) instead of 17.5 metres (57.4 feet) on Lot 1 of Block 2, 13.1 metres (43.0 feet) instead of 17.5 metres (57.4 feet) on Lot 2 of Block 2 and 15.85 metres (52 feet) on Lot 3 of Block 2.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 6/98 (By-law No. 7732/2000) dated January 31, 2001, as approved in Recommendation No. I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

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

Adopted by consent.

Proposed Zoning Agreement Amendment – Bison Drive and Shore Street – Riel Community
File ZAA 10/2001 [c/r DASZ 2/98]

754 - 12. The Standing Policy Committee on Property and Development has been advised that an application has been received from Taylor McCaffrey (David Marshall), 900-400 St. Mary Avenue, Winnipeg, on behalf of Westfair Properties Ltd., to amend the Zoning Agreement affecting the property on Bison Drive and Shore Street by deleting Clause 4 and substituting the following:

"That no more than 215,000 square feet of gross leasable area in total shall be developed on the lands."

Site Area
The subject overall site area totals ±18 acres.

Existing Land Use and Zoning
The land is currently zoned "C2" Commercial District and occupied with a Superstore and a gas outlet.

The applicant proposes to increase the gross leasable area restrictions on Lot 1, in order to accommodate an expansion of the existing Superstore.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

Under the original Zoning Agreement for DASZ 2/98, there was a maximum limit set for Lot 1 (the Superstore site) of 135,000 square feet gross leasable floor space. An overall gross leasable area total for both Lots 1 and 2 was set at 215,000 square feet. Lot 2 is the most easterly of the two parcels and currently still remains vacant. In the last year, Westfair Properties Ltd. has been reviewing the possibility of expanding a number of the Superstores in the City, including the one situated on Lot 1 of the subject site. However, in order to accommodate a 20-30,000 square foot expansion on the south side of the building on the subject site, an amendment to the agreement is required.

Westfair Properties Ltd. has requested that any reference to a maximum gross leasable area for Lot 1 be deleted. It is the Planning, Property and Development Department's position that that should not be done. While the Department is prepared to support an amendment allowing for an expansion of the existing building, it is their recommendation that the maximum gross leasable area for Lot 1 be increased to 150,000 square feet and no more. This recommendation has been discussed with Westfair Properties Ltd. and they have concurred with the Department's position. That will still leave a maximum 65,000 square feet of gross leasable area for Lot 2. Some parking may be lost as a result of the expansion but the remaining number of stalls still exceeds the by-law requirements.

On June 18, 2001, a public hearing was held before the Riel Community Committee. Two persons appeared in support of the application, no one was registered in opposition thereto, and one person appeared for information purposes.

The Riel Community Committee recommended that the proposed zoning agreement amendment be approved for the following reasons:

1. The proposed expansion is relatively small and in excess of one hundred (100) feet of buffer would remain on the subject property.

2. The applicant has stated it is prepared to meet with the area residents in an effort to mitigate the concerns raised with respect to the issue of lighting on the Superstore property.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends:

I. That Zoning Agreement DASZ 2/98 (By-law No. 7247/98) dated June 24, 1998, be amended by deleting Clause 4 and substituting the following:

"That no more than 150,000 square feet of gross leasable area shall be developed on the proposed Lot 1 and no more than 215,000 square feet of gross leasable area in total shall be developed on the lands."

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 2/98 (By-law No. 7247/88) dated June 24, 1998, as approved in Recommendation I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

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

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

Proposed Amendment to Cemeteries By-law No. 1996/78 - Cancellation of Double Depth Lots at the Brookside and St. Vital Cemeteries

File PC (Vol. 5)

755 - 13. The Standing Policy Committee on Property and Development has been advised that Council on December 16, 1992, upon the recommendation of its former Committee on Protection, Parks and Culture, discontinued the provision of double depth burials at the Transcona Cemetery because of the danger factor with respect to employee safety.

The Brookside Cemetery, founded in 1878, occupies approximately 82 hectares of land located at 3001 Notre Dame Avenue, and since its inception has operated by the City of Winnipeg Cemeteries Branch. This cemetery is the final resting location of approximately 95,000 graves and is the largest military gravesite at a municipal cemetery in Canada, with over 9,700 veterans laid to rest. The cemetery has 750 annual burials with an inventory of over twenty hectares (70,000 lots) for future development and has an expected life span of approximately eighty to ninety years.

The St. Vital Cemetery, founded in 1936, was formerly operated by the City of St. Vital until 1977, when the operation of the cemetery became the responsibility of the City of Winnipeg and is operated by the Planning, Property and Development Department, Cemeteries Branch. This cemetery is located at 362 River Road, in St. Vital, occupies approximately 12.5 hectares along the Red River, and has a total of over 6,000 burial sites. The cemetery has 150 burials per year, an existing inventory of 14,000 available lots, and has an expected life span of approximately 90 years.

The Cemeteries Branch of the Planning, Property and Development Department has requested approval to discontinue the sale of double depth burial plots at the Brookside and St. Vital Cemeteries, similar to the practice at the Transcona Cemetery. The main reason for this recommendation is the fact that double depth graves are potentially dangerous for cemetery workers and the cost of providing shoring equipment is both uneconomical to purchase and time consuming to install.

A double depth grave consists of the first burial taking place at the ten-foot level and the second burial at the six-foot level. The current method of operation requires that the sidewalls need to be braced with sheets of plywood and metal braces. Employees occasionally have to go into the grave either to pump out water, trim the sides and bottom for a level installation, adjust either the casket or vault, or retrieve anything that may have fallen into the grave. There is the very real potential that the sidewalls may collapse, thereby placing the employees in a dangerous situation.

This situation has been reviewed by the Corporate Safety Officer, who recommended that the Cemeteries Branch discontinue the use of plywood and metal braces for double depth burials, and either purchase the necessary shoring equipment or cancel the double depth option for the safety of the employees, before a serious accident occurs.

The Province of Manitoba has published a document titled “Guidelines For Excavation Work” through the Provincial Work Place, Safety and Health Branch, outlining that it is both the employer’s and the worker’s responsibility that all holes dug below the six-foot level require shoring of the sidewalls for employee safety. The new shoring equipment cost is $5,000 per unit. Three units would be required for a total of $15,000. In addition, the new shoring equipment requires twenty to thirty minutes to install. This doubles the time normally required to dig a ten-foot grave and in many cases this amount of time is not always available in the cemetery business.
In addition, the new type of shoring equipment is not compatible with the lowering of the casket procedures commonly associated with graveside services.

During the past three years, only thirty-six double depth interments (out of a total of approximately 3,000 burials) have taken place. The Cemeteries Branch intends to honour its commitments to families who previously purchased lots with the intention of having a double depth burial. Families will be offered the opportunity to obtain two single depth plots side-by-side, in close proximity to the original plot at no additional cost (opening and closing fees will remain in effect). There are only eight pre-purchased plots, which will be affected by this change in procedure. Letters to this effect will be sent to all funeral homes to advise them of this change.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The Standing Policy Committee on Property and Development therefore recommends:

I. That the sale of double depth plots at the Brookside and St. Vital Cemeteries be discontinued as of July 1, 2001.

II. That the Cemeteries Branch of the Planning, Property and Development Department be authorized do all things necessary in order to provide safe burial procedures at the three City-operated cemeteries and to provide families who previously purchased double depth plots with alternate burial locations at no additional cost.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the preparation of the necessary amending by-law to effect the foregoing changes to the Cemetery By-law No. 1996/78 (Section 3.10).

Adopted by consent.

Proposed Amendment to the City Organization By-law No. 7100/97 – Acquisition of Property by Tax Sale
Files FI-2.1(Vol. 12) and GC-11 (Vol. 7)

756 - 14. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Planning, Property and Development Department has received advice from the Legal Services Division, Corporate Services Department, that there is an apparent overlap of jurisdiction between the Executive Policy Committee and the Standing Policy Committee on Property and Development over the matter of providing political direction with regard to management issues arising out of tax sale matters, including the matter of whether to complete a property acquisition by tax sale in unusual cases.

The Real Estate Division submitted a report regarding 415 Dawson Road to the Standing Policy Committee on Property and Development, recommending political approval as to a plan of action for a tax sale issue. During the preparation of that report, the Real Estate Division received the advice as to the apparent overlap of jurisdiction.

The Planning, Property and Development Department has been in the practice of consulting with the Standing Policy Committee on Property and Development with regard to management issues respecting tax sale matters.

The Legal Services Division advised of an apparent overlap in jurisdiction as follows:

> Section 4 of the City Organization By-law No. 7100/97 provides that Executive Policy Committee shall have jurisdiction over (among other things) financial management. As well, Executive Policy Committee has specific jurisdiction under section 4(12) to consider and report to Council on matters relating to property assessment, taxes, and financial matters. Arguably this is even more the case where the City, by taking title to a property, may be assuming a financial liability.
>
> Section 11 of that same By-law provides that the Standing Policy Committee on Property and Development shall have jurisdiction over (again among other things) land acquisition. It does make some sense that this would include land acquisition through the tax sale process. However, in light of the fact that there appears to be an overlapping jurisdiction between Executive Policy Committee and the Standing Policy Committee on Property and Development when the administration requires political direction as to whether the tax sale process on a property ought to be completed, the recommendation from Legal Services is that (currently) reports should be routed through Standing Policy Committee on Property and Development to Executive Policy Committee for a final decision.
>
> It would be possible to clarify the matter either way by amending the City Organization By-law. For example, "land acquisition" could be amended to read "land acquisition including but not limited to the acquisition of properties through the tax sale process." This would place the issue squarely within the jurisdiction of the Standing Policy Committee on Property and Development.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The Real Estate Division and the Legal Services Division are of the view that it would be reasonable and efficient if the City Organization By-law were amended as suggested in the preceding paragraph. This would also clarify the matter of jurisdiction.

The Standing Policy Committee on Property and Development therefore recommends:

I. That the City Organization By-law No. 7100/97 be amended as outlined, so as to provide the Standing Policy Committee on Property and Development clear authority to provide direction to the Administration with regard to management issues arising out of tax sale matters, including the matter of whether to complete property acquisition by tax sale in unusual cases.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending by-law.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Adopted by consent.

Proposed Sale of part of Public Reserve – land located south of George Marshall Way, off Rothshire Drive - East Kildonan-Transcona Community
File FI-2.4(33) (Vol. 4)

757 - 15. The Standing Policy Committee on Property and Development has been advised that in August 1999, the owners of 191 to 215 George Marshall Way submitted an application to the City to purchase twenty feet of the Public Reserve at the rear of their holdings.

The Urban Planning Branch of the Planning, Property and Development Department required a master plan for the park before commenting. In September 2000, the Urban Planning Branch advised that the preliminary master plan for the park illustrated that the sale of the twenty foot strip of land would not have a negative impact on the park development and could be declared surplus, assuming that all of the adjoining owners purchased the strip. As well, proceeds of the sale should be credited to the East Kildonan-Transcona Land Dedication Reserve Account. The proposal was circularized to the appropriate City Departments and the Utilities to determine if any easements are required. No easement requirements have been identified.

On December 11, 2000, the East Kildonan-Transcona Community Committee considered the proposal. There were no objections to the sale on the condition that 100% of the property owners (191 to 215 George Marshall Way) adjoining the Public Reserve proceed with the proposed purchase in order to have uniformity along the rear property lines.

The East Kildonan-Transcona Community Committee also requested that the proceeds derived from the proposed sale be earmarked for the purchase of land located at the northwest corner of Victoria Avenue East and Redonda Avenue, adjacent to Victoria Jason (formerly Crocus) Park, which land is currently owned by the Transcona-Springfield School Division No. 12 and used as park, and which as at December 11, 2000, was currently up for sale.

All seven of the adjoining owners have returned signed Offers to Purchase, particulars of which are in brief as follows:

The particulars common to all

Location:	South of George Marshall Way, West of Rothshire Drive
Roll No.:	09-17205
Certificate of Title:	1613794
Zoning:	“PR” – Park
Terms:	Ten percent (10%) of purchase price, deposited
Balance Due:	Within thirty (30) days of acceptance of the Offer by the City.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

Purpose: Addition to holding
Property
Description: Vacant land

Individual particulars:

1.	Legal Description:	Part Public Reserve in Plan 36714, shown as Parcel A on Misc. Plan No. 10782
	Size:	Irregular – 216.9 square metres (2,334.3 square feet)
	Assessed Value:	$4,090.00
	Applicants:	Kaj and Gail Rasmussen, 191 George Marshall Way
	Price Offered:	$2,045.00 ($0.88 per square foot)
2.	Legal Description:	Part Public Reserve in Plan 36714, shown as Parcel B on Misc. Plan No. 10782
	Size:	Irregular – 131.2 square metres. (1,412 square feet)
	Assessed Value:	$3,840.00
	Applicants:	Kevin Wright and Brenda Litchie, 195 George Marshall Way
	Price Offered:	$1,920.00($1.36 per square foot)
3.	Legal Description:	Part Public Reserve in Plan 36714, shown as Parcel C on Misc. Plan No. 10782
	Size:	Irregular – 81.8 square metres (880 square feet)
	Assessed Value:	$1,910.00
	Applicants:	Rod and Charlynne Diduch, 199 George Marshall Way
	Price Offered:	$955.00 ($1.09 per square foot)
4.	Legal Description:	Part Public Reserve in Plan 36714, shown as Parcel D on Misc. Plan No. 10782
	Size:	6.099 metres x 13.41 metres (20 feet x 44 feet = 800 square feet)
	Assessed Value:	$1,650.00
	Applicants:	Marjorie and Wayne Moroz, 203 George Marshall Way
	Price Offered:	$825.00($1.03 per square foot)
5.	Legal Description:	Part Public Reserve in Plan 36714, shown as Parcel E on Misc. Plan No. 10782
	Size:	6.099 metres x 13.41 metres (20 feet x 44 feet = 800 square feet)
	Assessed Value:	$1,650.00
	Applicants:	David and Gitta Schwartz, 207 George Marshall Way
	Price Offered:	$825.00 ($1.03 per square foot)
6.	Legal Description:	Part Public Reserve in Plan 36714, shown as Parcel F on Misc. Plan No. 10782
	Size:	6.099 metres x 13.41 metres (20 feet x 44 feet = 800 square feet)
	Assessed Value:	$1,650.00
	Applicants:	Jeffrey and Wendy Hands, 211 George Marshall Way
	Price Offered:	$825.00 ($1.03 per square foot)
7.	Legal Description:	Part Public Reserve in Plan 36714, shown as Parcel G on Misc. Plan No. 10782
	Size:	6.099 metres x 13.41 metres (20 feet x 44 feet = 880 square feet)
	Assessed Value:	$1,820.00
	Applicants:	Sharon and Darrell Zayac, 215 George Marshall Way
	Price Offered:	$910.00 ($1.03 per square foot)

Pursuant to City Policy on the sale of small unbuildable parcels of land, sales of the above lands have been negotiated on the basis of one-half the assessed value of the parcels.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The Planning, Property and Development Department is in favour of the proposed sales for the following reasons:

1. These properties would be on the Tax Roll upon the closing of the sale.
2. Each Purchaser will pay his fair share of the cost of the necessary subdivision of the land.
3. Each Purchaser has agreed to consolidate title to the Parcel being acquired with the title to his adjoining holding.

Pursuant to Section 156 (2) of The City of Winnipeg Act, all sales of property designated or acquired for park purposes requires approval of at least two-thirds majority of the Members of Council.

The Standing Policy Committee on Property and Development recommends:

I. That the subject City property, as outlined on Misc. Plan No. 10782, be declared surplus to the City's requirements.

II. That the Offers to Purchase the seven (7) parcels of "subject City property" outlined as Parcels A to G on Misc. Plan No. 10782 be approved at prices ranging from $910.00 to $2,045.00, each in accordance with the terms and conditions as negotiated.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Proposal to Declare City land as Surplus and for Sale - 45 Maude Street - Lord Selkirk-West Kildonan Community
File FI-2.4(34) (Vol. 7)

758 - 16. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Planning, Property, and Development Department has determined that there is no civic need for the subject property, and therefore would like to have the property declared surplus to the City's requirements for the purposes of sale.

The particulars of the subject property are as follows:

Location:	45 Maude Street
Legal Description:	Westerly 100 feet of Lot 1, Plan 5027
Registered Owner:	The City of Winnipeg
Certificate of Title No.:	714837
Realty Roll No.:	13-0-826881
Assessment:	$59,500.00
Zoning:	"M3" Industrial District
Site Size/Area:	1,666.22 square metres (17,935 square feet)
Building Size:	135.64 square metres (1,460 square feet)
Property Description:	The subject City property is located at the southeast corner of Henry Avenue and Maude Street. The subject property is improved with a single-storey office building. The building was constructed in the late 1940s.

The building was constructed for and used by the former Street Cleaning and Refuse Disposal Branch. The parking lot was used for employee parking. The Branch subsequently moved its operations and no longer required the use of the property. In the intervening years, the property has been included in the Planning, Property and Development Department's rental program.

On September 2, 1999, the Standing Policy Committee on Property and Development approved the lease of 45 Maude Street to Medd's Winnipeg. The lease included the building at 45 Maude Street and a small portion of the parking area located directly south of the building. The remaining parking area south of the building was not

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

included in the lease. Medd's Winnipeg is in the courier business for the delivery of prescription drugs and supplies to pharmacies. The building is used as a depot allowing the transfer of goods from one courier to another. Medd's Winnipeg entered into a five-year lease term commencing September 17, 1999. The lease agreement contains a 365-day cancellation clause by either party.

Medd's Winnipeg has indicated that the current heating/cooling system needs to be replaced. Under the lease agreement between the City, as Landlord and Medd's Winnipeg, as tenant, the replacement of the heating/cooling system is at the sole cost of the tenant. Medd's Winnipeg is reluctant to expend monies on the replacement of the heating/cooling system if their lease can be terminated on 365 days' notice. Medd's Winnipeg has indicated that their preference would be to own the building. The Planning, Property and Development Department has indicated to Medd's that it is recommending that the subject property be declared surplus to the City's requirements and to offer it for sale to the market.

On August 31, 2000, the Standing Policy Committee on Property and Development approved a lease of the remaining lands at 45 Maude Street to Greensteel Industries Ltd. for parking purposes. Greensteel Industries Ltd. owns the adjacent land and building to the east. The lease commenced January 1, 2001, and is co-terminus with the Medd's Winnipeg lease expiring on September 30, 2004. The lease provides for a ninety-day cancellation clause by the City. The Planning, Property and Development Department has also notified Greensteel of its intentions to have the property declared surplus and to offer it for sale.

The Real Estate Division of the Planning, Property, and Development Department has determined that there is no civic need for the property and therefore, would like to have the property declared surplus to the City's requirements for the purposes of sale.

The Planning, Property and Development Department requested the Lord Selkirk-West Kildonan Community Committee to review the site and comment on the potential disposition. On June 12, 2001, the Lord Selkirk-West Kildonan Community Committee advised the Department that it has no objections to declaring the property surplus for the purposes of sale.

The Planning, Property and Development Department is currently preparing an appraisal on the property and anticipates having it completed shortly.

The Planning, Property and Development Department would market the property as follows:

- Place "For Sale" signage on the site.
- Prepare an information brochure on the site.
- Place the property on the City of Winnipeg's Internet site.
- Advertise the property in the appropriate media.
- Use of ICI brokers – The Planning, Property and Development Department will put the property on the commercial listing service of the Winnipeg Real Estate Board. This information is available to all commercial agents that are members of the Winnipeg Real Estate Board.

In accordance with the policy approved on September 28, 2000, by the Standing Policy Committee on Property and Development, the Planning, Property and Development Department will recognize the participation of real estate agents. The commission that will be payable is as follows:

- Five percent (5%) on total sale price to $100,000.00
- Four percent (4%) on excess over $100,000.00 to $200,000.00
- Three percent (3%) on the balance

Any potential sale may be subject to the termination of the existing lease agreements and vacant possession of the property depending on who the purchaser is. Medd's Winnipeg appears to be the most likely candidate for purchasing the subject property. Medd's did indicate to the Planning, Property and Development Department that if it were successful in purchasing the property, they would most likely retain Greensteel Industries Ltd. as a tenant, as they would have no need for the rear parking area.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The Planning, Property and Development Department recommends that the subject lands be declared surplus and offered for sale. The Department will report back to the Standing Policy Committee on Property and Development upon receipt of an offer(s) to purchase the subject property.

The Standing Policy Committee on Property and Development recommends:

I. That the subject property identified as 45 Maude Street and outlined as "subject City property" on Misc. Plan No. 10400, be declared as surplus to the City's requirements.

II. That the Planning, Property and Development Department be authorized to commence marketing the property for sale.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Proposed Sale of a portion of the Kenaston Boulevard right-of-way to Tuxedo Business Park Inc. – Assiniboia Community
File DAC 1/2001 [c/r DASSF 539/99]

759 - 17. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has submitted an application to close the area highlighted as "proposed street closing" outlined on Misc. Plan 11070 to convey lands to the Tuxedo Business Park Inc. to satisfy the City's obligations under Clause 11(iii) of Servicing Agreement AG 539/99. As Council has not yet authorized the proposed street closure in its entirety, the proposed terms of sale will require Council approval.

The particulars of the subject property are as follows:

Location:	West side of Kenaston Boulevard, south of Rothwell Road
Registered Owner:	The City of Winnipeg
Legal Description:	n/a – open right-of-way
Certificate of Title No.:	n/a – open right-of-way
Zoning:	When closed the subject lands will take on the current zoning of the adjacent site owned by the applicant, that being "M3" Industrial.
Site Size/Area:	+/- 10,639.1 square metres (+/- 114,519 square feet)
Property Description:	The subject City property is currently a legally open right of way known as Kenaston Boulevard or Route 90. The subject lands are vacant and located west of the improved Kenaston Boulevard, south of Rothwell Road.

On January 4, 2000, the Standing Policy Committee on Property and Development approved the plan of subdivision under File DASSF 539/99 for the proposed Tuxedo Business Park Inc. Tuxedo Business Park Inc. is a new industrial complex with plans for eleven multi-tenant office/warehouse industrial buildings.

The plan of subdivision was subject to the Developer entering into a servicing agreement with the City. A condition under the servicing agreement required the developer to convey to the City eighteen acres of land containing part of a pond for stormwater retention purposes. The cost of the eighteen-acre site conveyed to the City shall be credited against the cost of the land drainage trunk facilities. The balance of the area identified as a "Lake" was to be conveyed to the City in part to satisfy the public open space dedication requirements and in part in exchange for surplus City lands within the public rights-of-way abutting the proposed industrial development. The following is the clause (Clause 11. of Schedule "B" of Servicing Agreement AG 539/99) pertaining to the requirement of the City to convey lands to the Developer in exchange for lands conveyed to the City to satisfy public open space dedication and as a credit for land drainage trunk charges:

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

"The land shown as Lot 7 on Schedule "A" of this Agreement shall be conveyed to the City upon registration of the approved plan of subdivision in the Land Titles Office under the following terms:

i) 18.00 acres for stormwater retention purposes (see Clause 3.c) of this schedule.
ii) 6.13 acres as open space dedication (see Clause 10. of this Schedule).
iii) 2.81 acres in exchange for City-owned lands including closed street abutting the Planned Area as may be determined by City Council at a later date."

The developer, Tuxedo Business Park Inc., has since transferred to the City 36.94 acres to satisfy its obligations under the above clause. The closing of the subject lands for conveyance to the developer was initiated by the Land Development Branch of the Planning, Property and Development Department in order to satisfy the above condition 11(iii) of Servicing Agreement AG 539/99. The subject Servicing Agreement AG 539/99 is between the City and Tuxedo Business Park Inc., and as part of that agreement the City is to transfer to the developer surplus portions of the right-of-way abutting the developer's subdivision. The conveyance of the subject right-of-way is compensation for lands conveyed from the developer to the City.

The proposed closing was circulated to all affected City Departments and public utilities. There were no administrative objections to the closing and sale of this subject right of way.

On March 13, 2001, the Assiniboia Community Committee considered the administrative report and recommended:

1. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Schedule "A", Misc. Plan No. 11070.

2. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

At the Assiniboia Community Committee meeting on March 13, 2001, there was no opposition to the proposed closing.

Terms and conditions have been negotiated with Tuxedo Business Park Inc. for the sale of the subject City property. The principle terms and conditions are as follows:

Purchaser:	Tuxedo Business Park Inc.
Principles:	Norbert Hansch
Proposed closing:	Thirty (30) days following the enactment of the closing by-law.
Purchase Price:	$1.00

In addition to the City's standard terms and conditions for the sale of rights-of-way, the following conditions are contained in the proposal:

1. The Purchaser is to consolidate the certificate of title of the subject lands with the certificate of title(s) to Lots 4 & 5, Plan 39113.

2. The sale of the subject lands to the Purchaser satisfies the City's requirements to convey lands to the Purchaser under Servicing Agreement AG 539/99.

The proposed sale is a straight exchange for 12.81 acres of land previously conveyed to the City as required under Servicing Agreement AG 539/99. The Planning, Property and Development Department reviewed the proposed exchange and has determined that the value of the 12.81 acres of private lands previously conveyed to the City are comparable in value to the subject lands to be conveyed to the developer.

The sale of the subject City property is subject to the approval of the road closing by Council and the successful enactment of the required by-law to effect the road closing. The Planning, Property and Development Department recommended that subject to the approval of the closing and enactment of the by-law, that the subject City property be declared surplus. The Department supports the sale of subject City property to Tuxedo Business Park Inc. for the following reasons:

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

- The proposed exchange is supported by the appraisal that was completed by the Department on the two parcels of land.
- The sale will result in the property going on the Tax Roll.
- The sale of the subject lands satisfies the City's requirement to convey lands to the developer under Servicing Agreement AG 539/99.

The Standing Policy Committee on Property and Development recommends:

I. That subject to enactment of the road closing application under File DAC 1/2001 and the enactment of the road closing by-law by Council:

A. The area highlighted as "Proposed Street Closing" on Misc. Plan 11070 be declared surplus to City requirements.

B. The proposed sale to Tuxedo Business Park Inc. be approved at a price of $1.00 and in accordance with the terms and conditions as negotiated.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Proposed Sale of City lands located south of Portage Avenue, west of the Perimeter Highway - Roman Catholic Archiepiscopal Corporation of Winnipeg - Assiniboia Community

File FI-2.4(31) (Vol. 9)

760 - 18. The Standing Policy Committee on Property and Development has been advised that on April 11, 2001, the Planning, Property and Development Department received an Offer to Purchase the subject City property, as outlined on Misc. Plan No. 10618/3, from the Roman Catholic Archiepiscopal Corporation of Winnipeg.

The particulars of the subject property are as follows:

Location:	Located south of Portage Avenue, west of the Perimeter Highway
Legal Description:	All that portion of RL 52 Parish of St. Charles, as outlined on Misc. Plan No. 10681/3 and described in the Offer to Purchase
Registered Owner:	The City of Winnipeg
Certificate of Title No.:	1772810
Realty Roll No.:	7-0-1053000
Assessment:	$6,000.00
Zoning:	"A" Agriculture
Site Size/Area:	2,428 square metres (26,136 square feet)
Property Description:	Vacant lot.

The former Municipality of St. James-Assiniboia acquired the subject property in 1938. It appears the lands were acquired to extend McCarthy Street to the west. There are no future plans that include the extension of this street to the west. The west lot line abuts the private lands of Chapel Lawn Cemetery.

The principle terms and conditions of the Offer to Purchase are as follows:

Purchaser:	Roman Catholic Archiepiscopal Corporation of Winnipeg
Proposed Closing:	May 1, 2001
Use:	Cemetery
Offering Price:	$5,000.00

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

Conditions: The offer is as per the City's standard terms and conditions. The purchaser at its cost and expense is required to consolidate Title to the subject City lands with Title to its adjacent lands.

The proposed closing date of May 1, 2001 will need to be amended. The Planning, Property and Development Department would propose November 1, 2001, or sooner to provide the purchaser with sufficient time to complete its environmental site assessment as per the Offer to Purchase.

The use of the site for cemetery purposes will conform to the current uses of the adjacent lands to the north, south, and west. The applicant owns the adjacent lands to the north and south of the subject City site (as outlined on Misc. Plan No. 10618/3). The lands directly west of the subject City site are owned by Chapel Lawn and are also used for cemetery purposes. The adjacent land to the east is a 34.5-acre vacant parcel that is owned by the City.

The current zoning for the subject City site is Agriculture. Under this zoning the applicant will be required to apply for a conditional use variance to allow them to use the site for cemetery purposes.

The sale of the subject site will not impact the development potential of the larger adjacent 34.5-acre site owned by the City. The Planning, Property and Development Department submitted a separate recommendation to the Standing Policy Committee on Property and Development with respect to selling the larger 34.5-acre parcel to the east. Longboat Capital Group has expressed interest in acquiring the 34.5-acre parcel for a proposed residential development.

The Planning, Property and Development Department requested the Assiniboia Community Committee to review the site and comment on the sale to Assumption Cemetery. On June 12, 2001, the Assiniboia Community Committee advised the Planning, Property and Development Department that they had no objections to the sale of the subject lands to the Assumption Cemetery.

The offer of $5,000.00 is supported by the appraised value of the subject City property as prepared by the Planning, Property and Development Department. There is no commission payable on the sale of this property to the Roman Catholic Archiepiscopal Corporation of Winnipeg.

The Planning, Property and Development Department recommended that the sale of the property to the Roman Catholic Archiepiscopal Corporation of Winnipeg be approved for the following reasons:

- The property is surplus to City requirements.
- The Offer received is supported by the appraised value.
- The sale will result in the property going on the Tax Roll.
- The subject City site currently splits the applicant's lands, and prevents the applicant from developing its lands to the south.

The Standing Policy Committee on Property and Development recommends:

I. That the subject City-owned property outlined on Misc. Plan 10618/3, be declared surplus to the City's requirements.

II. That the sale of City lands, as outlined on Misc. Plan 10618/3, to the Roman Catholic Archiepiscopal Corporation of Winnipeg, be approved at a price of $5,000.00 and in accordance with the terms and conditions as negotiated.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

Proposed Closing and Sale of part Atwood Street at Dugald Road - East Kildonan-Transcona Community
File DAC 15/1999

761 - 19. The Standing Policy Committee on Property and Development has been advised that in 1999, Peter Hnatishin of Custom Castings Ltd. applied to purchase that portion of Atwood Street that adjoins his holding. It is his intent to use the property for employee parking as the company will be losing a portion of the current parking area to a future building expansion.

The proposal was circularized to all appropriate City departments and public utilities. No objections have been received but Centra Gas Manitoba Inc. and Manitoba Hydro will require easements.

The owners of the property to the east, General Electric Canada Ltd., have not responded to written notices of the proposed closing. It is assumed that they have no objections to either the closing or sale of the entire parcel to the Purchaser.

On September 28, 1999, the East Kildonan-Transcona Community Committee recommended that the application under File DAC 15/99 to close part of Atwood Street north of Dugald Road be proceeded with.

Particulars of the street proposed to be closed and sold are summarized as follows:

Location:	North side of Dugald Road
Size:	Irregular – 3,237 square metres (34,847 square feet)
Assessed Value:	$34,800.00
Applicants:	Custom Castings Ltd. (Peter Hnatishin) 2021 Dugald Road
Price Offered:	$28,000.00($0.80 per square foot)
Estimated Market Value Range:	$26,000.00 to $28,000.00
Adjustments:	From date of enactment of the By-law

Custom Castings Ltd. has now agreed to purchase the property in accordance with the negotiated terms and conditions, which are consistent with similar terms and conditions of previously approved similar transactions.

The Planning Property and Development Department is in favour of the proposed sale for the following reasons:

- Due to the existence of a major gas line, the property is not developable on its own nor marketable to anyone other than the adjoining owner.
- The property will be on the tax roll upon the enactment of the closing by-law.
- The Purchaser will pay the cost of the necessary closing plan and including any required utility easement plans.
- The Purchaser has agreed to consolidate title to lands, when closed, with title to his adjoining holding.
- This is the Purchaser's final offer and the proposed price is at the top end of the appraised range of value.
- The sale will eliminate the liability for the City associated with holding this parcel of vacant land.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed sale of a portion of the subject lane, outlined as "proposed closing" on Misc. Plan No. 10675/2, be approved, at a price of $28,000.00 in accordance with terms and conditions as negotiated; and upon such additional terms and conditions that the Director of Planning, Property and Development and the City Solicitor/Manager of Legal Services consider necessary to protect the interest of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

Proposed Easement Agreement – land located in Forsyth Aldgate Park to Division Scolaire Franco-Manitobaine No. 49 – south side of John Forsyth Road east of Dakota Street – Riel Community
File FI-2.4(35) (Vol. 10)

762 - 20. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has negotiated an Easement Agreement in favour of Division Scolaire Franco-Manitobaine No. 49 for the use of the land located in Forsyth Aldgate Park to facilitate the construction of a bus loop and parking area.

The subject property, located south of John Forysth Road and east of Dakota Street, is City-owned parkland established under Development Agreement AG 31/84. The proposed parkland is 12.60 hectares (31.5 acres) in size with a 2.36 hectare (5.83 acre) retention pond along the south property line. Two school sites are proposed adjacent to the subject property. The 2.02 hectare (5 acre) parcel at the northwest corner is currently under construction by the Division Scolaire France-Manitobaine No. 49.

The Planning, Property and Development Department initially received a communication from the Division Scolaire Franco-Manitobaine No. 49 requesting approval for a median opening on John Forsyth Road opposite their proposed parking lot driveway. This driveway would have been entirely on school property. The request was circularized in the usual manner to all interested Departments.

The Public Works Department responded that, in accordance with standard criteria, this circumstance did not warrant an opening at this proposed location. The Department, however, suggested that if the School Division's lot could be reconfigured to provide frontage on John Forsyth Road directly opposite Manor Haven Drive, it would be prepared to support approval of a non-conforming private approach within the existing intersection thereby allowing the parking area to make use of the existing median opening.

On July 11, 2000, the Riel Community Committee approved plans submitted by the Manager of Planning and Land Use, Planning, Property and Development Department, pursuant to Conditional Use Order DCU 35/2000C, for a new elementary and junior high school at the southeast corner of John Forsyth Road at Dakota Street subject to the following conditions:

1. That the proposed sidewalk on the east side of Dakota Street be extended from John Forsyth Road to Aldgate Road.

2. That a Joint Use Agreement be entered into between Division Scolaire Franco-Manitobaine No. 49 and the City of Winnipeg for the creation of additional parking in Public Reserve B with access entrances/exits to the joint use parking area being located opposite Manor Haven Drive all to the satisfaction of the Director of Public Works. (The Community Services Department has advised that the terms and conditions are fully negotiated and the matter has been forwarded to Committees of Council for approval).

3. That the proposed playground area to the south of the site be enclosed with chain link fencing having a minimum height of 3.5 feet, which may include a gate(s).

4. That traffic control signals be installed at the intersection of Dakota Street and John Forsyth Road, at the expense of the Division Scolaire Franco-Manitobaine No. 49. (The Public Works Department has advised that this condition will be implemented, when warranted, under Development Agreement AG 31/84).

On November 8, 2000, the conditions of plan approval imposed by the Riel Community Committee on July 11, 2000, were amended by the Riel Community Committee as follows:

1. That the proposed sidewalk on the east side of Dakota Street be extended from John Forsyth Road to the existing crosswalk south on Dakota Street (to be implemented under Development Agreement AG 31/84).

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

2. That the exit from the school parking area shall be located opposite Manor Haven Drive to the satisfaction of the Director of Public Works, or his designate. (The Public Works Department has advised that all approvals to construct the bus loop and private approach are in place to allow the Division Scolaire Franco-Manitobaine No. 49 to proceed with the development of the exit).

3. That the south limit of the property be enclosed with chain link fencing having a minimum height of 3.5 feet. (The fence was a condition of the plan approval by the Riel Community Committee; the Zoning and Permits Division will be responsible to ensure that the fence is constructed by the applicant).

In order to facilitate the development of the bus loop and parking area, the Division Scolaire-Franco-Manitobaine No. 49 requires an easement from the City to construct these improvements upon the City-owned parklands.

The Planning, Property and Development and the Public Works Departments are supportive of the access drive crossing the northwest corner of Forsyth Aldgate Park and of entering into an easement agreement for the use of same, as outlined on Misc. Plan No. 11075/1.

Accordingly, representatives from the Division Scolaire Franco-Manitobaine No. 49 and the Planning, Property and Development Department negotiated the terms and conditions of the easement. The consideration for the easement is to be $1.00. The Planning, Property and Development Department is seeking approval to grant the easement in accordance with the terms and conditions as negotiated.

Pursuant to Section 156(2) of The City of Winnipeg Act, the disposal of (easement over) property designated or acquired for park purposes requires approval of at least two-thirds majority of the Members of Council.

The Standing Policy Committee on Property and Development recommends:

I. That an Easement Agreement in favour of Division Scolaire Franco-Manitobaine No. 49 for vehicular access within the area outlined as “Proposed Easement” on Misc. Plan No. 11075/1 be approved, in accordance with the terms and conditions as outlined in the report dated June 25, 2001; and such other terms and conditions as are deemed necessary by the Director of Planning, Property and Development and the City Solicitor/Manager of Legal Services to protect the City’s interests and to achieve the intent of Council.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Proposed Closing and Sale of a Public Lane south of Clarence Avenue, west of Marshall Bay – Assiniboia Community
File DAC 8/2000

763 - 21. The Standing Policy Committee on Property and Development has been advised that the proposed closing and sale of a public lane south of Clarence Avenue, west of Marshall Bay was initiated at the request of the owners of 1132 and 1126 Clarence Street. The lane is unpaved and there is no public use of the land, other than by the owners of the above properties.

The proposal has been circulated to all affected City departments and public utilities with no objections having been received. However, the Transportation Division of the Public Works Department has advised that the owners of 1126 Clarence Street will require approval for the private use of the approach to the lane from Marshall Bay. The Zoning and Permits Branch of the Planning, Property and Development Department has advised that title to the closed lane must be consolidated with the title to the applicants’ property. Manitoba Hydro will require an easement for an existing overhead line in the south portion of the lane.

The owner of the property adjoining on the south side of the lane has been advised in writing of this proposal. She has not raised any objections to the sale of the lane to the applicants.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The particulars of the lane proposed to be closed and sold are summarized as follows:

1.	Location:	South of Clarence Avenue, west of Marshall Bay
	Size:	Parcel A – Irregular: 108.1 square metres (1,163.4 square feet)
	Assessed Value:	$1,100.00
	Applicant:	Jeffrey Johnson 1132 Clarence Avenue
	Price Offered:	$550.00 ($0.47 per square foot)
	Adjustments:	From date of enactment of the By-law
2.	Location:	South of Clarence Avenue, west of Marshall Bay
	Size:	Parcel B – Irregular: 108.1 square metres (1,163.5 square feet)
	Assessed Value:	$900.00
	Applicants:	Michael Hart and Monique Bailey 1126 Clarence Avenue
	Price Offered:	$450.00 ($0.37 per square foot)
	Adjustments:	From date of enactment of the By-law

To date, only Jeffrey Johnson has returned a completed set of the Terms and Conditions. The sale of Parcel B requires that Michael Hart and Monique Bailey determine if they can retain the existing approach onto Marshall Bay as a private approach or must remove it and restore the boulevard at their expense. The Public Works Department advised that Michael Hart has been investigating the matter, that there will be no objections to his obtaining that permission. It is therefore expected that their signed Terms and Conditions will be forthcoming. Notwithstanding this expectation, the closing and sale of the lane is subject to both parties completing the purchase of Parcels A and B.

Pursuant to City policy on the sale of small unbuildable parcels of land, sales of the above lands have been negotiated on the basis of one-half the assessed value of the parcels.

- The Planning, Property and Development Department is in favour of these sales for the following reasons:
- This property would be on the Tax Roll upon the enactment of the by-law.
- The Purchasers would pay $50.00, being it's share of the By-law costs.
- The Purchasers would pay their fair share of the cost of the necessary closing plan and an easement plan, if required.
- The Purchasers have agreed to consolidate title to the Parcel being acquired with the title to his adjoining holding.
- The sale would eliminate the liability for the City associated with holding this parcel of undeveloped lane.

On September 12, 2000, the Assiniboia Community Committee recommended that the proposed closing of the public lane south of Clarence Avenue, west of Marshall Bay, be proceeded with.

The Standing Policy Committee on Property and Development recommends:

I. That Parcels "A" and "B", outlined as "proposed closing" on Misc. Plan No. 10967/2, be declared surplus to the City's requirements.

II. That the proposed sale of that portion of the public lane, outlined as Parcel "A" on Misc. Plan No. 10967/2, to Jeffrey Johnson, be approved, at a price of $550.00 and in accordance with terms and conditions as negotiated; and upon such additional terms and conditions that the Director of Planning, Property and Development and the City Solicitor/Manager of Legal Services consider necessary to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

III. That the Director of Planning, Property and Development be authorized to accept the Offer to Purchase from Michael Hart and Monique Bailey for the sale of Parcel "B" as outlined on Misc. Plan No. 10967/2, at a price of $450.00 and in accordance with terms and conditions consistent with those negotiated for Parcel "A".

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

IV. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Proposed Acquisition of the Abandoned CPR Rail Elmwood Lead Lands - East Kildonan-Transcona Community
File FI-2(33) (Vol. 3)

764 - 22. The Standing Policy Committee on Property and Development has been advised that in the spring of 2000, the Canadian Pacific Railway (CPR) advised the Real Estate Division of the Planning, Property and Development Department that the abandoned CPR-owned Elmwood Lead lands were available for sale at the asking price of $299,000.00 ($0.82 per square foot). Approval by Council is required in order to complete the proposed acquisition of any property not forming part of a previously Council-approved Capital Project.

The Public Works Department advised that the portion of the subject property, identified as "Lands For Public Works" on Misc. Plan No. 11027/2, is required for the future development of the Gateway Road/Raleigh Street Extension and is prepared to support the acquisition of these lands at this time.

On April 3, 2001, the Standing Policy Committee on Public Works authorized the Director of Planning, Property and Development to negotiate the acquisition of the abandoned CPR Elmwood Lead lands for the proposed Gateway/Raleigh Route.

The Planning and Land Use Division of the Planning, Property and Development Department advised that it was desirous of acquiring the portion of the subject property, identified as "Lands For Chalmers Community Centre" on Misc. Plan No. 11027/2, for expansion of the Chalmers Community Club's existing athletic facilities. However, due to the Community Club's lack of available funding, it was unlikely that the Planning and Land Use Division could support the acquisition of these lands at this time.

On October 24, 2000, the East Kildonan-Transcona Community Committee considered a recommendation from the Planning and Land Use Division that the East Kildonan-Transcona Land Dedication Reserve Account be authorized as the funding source for the proposed acquisition of the abandoned CPR Rail line adjacent to the Chalmers Community Centre, subject to the Standing Policy Committee on Property and Development granting the Director of the Planning, Property and Development Department authority to negotiate the acquisition. The East Kildonan-Transcona Community Committee laid this matter over so as to explore the possibility of the CPR gifting the City the "Lands For Chalmers Community Centre", in exchange for a tax receipt.

On October 26, 2000, the Standing Policy Committee on Property and Development authorized the Director of Planning, Property and Development to negotiate the acquisition of the abandoned CPR Rail-line adjacent to the Chalmers Community Club, subject to the East Kildonan-Transcona Community Committee recommending its Land Dedication Reserve fund as the source of funding.

The particulars of the "subject property" are as follows:

Owners:	Canadian Pacific Railway (CPR)
Location:	Between Talbot Avenue and Raleigh Street, as outlined on Misc. Plan No. 11027/2
Legal Description:	Part Plan 381 (currently under the Registry System; to be brought under The Real Property Act)
Realty Roll Numbers:	14081590200
Certificate of Title:	N/A
Assessment (1998 Base Year):	Land: $323,212.00
Area:	+/- 33,868 square metres (+/- 364,564 square feet)
Area Required:	Total Acquisition, (Public Works – +/- 212,164 square feet, Planning & Land Use – +/- 152,400 square feet)
Zoning:	PR1 - Parks & Recreational District

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

	C2 – Commercial District RM-2, RM-3, RM-4, R1-2.5, R2T – Residential Districts CF, M1, M2 – Industrial Districts
Property Description:	Vacant land with an elevated grade compared to adjacent lands, rail line tracks have been removed, however track bed ballast (crushed black granite), is still present.

The Canadian Pacific Railway (CPR) advised that it was aware that the City required a portion of the subject property, identified as "Lands Required For Public Works" on Misc. Plan No. 11027/2, for future road works and wanted the City to be aware of its availability prior to making portions of the subject property available for purchase by adjacent land owners. Also, the CPR suggested that the City might also be interested in acquiring the remaining portion of the subject property, outlined as "Lands For Chalmers Community Centre" on Misc. Plan No. 11027/2.

The CPR further advised that if the City was prepared to acquire the subject property in its entirety, it was prepared to sell the subject property at a "favourable" per square foot rate ($0.82 per square foot), so as to avoid the arduous task of subdividing the subject property and selling the newly created parcels of land to the various adjoining landowners.

The CPR was advised that the City was prepared to negotiate the acquisition of the "Land For Public Works", but due to the lack of funding was unable to include the "Lands For Chalmers Community Centre" in these negotiations. It was at this time that the Real Estate Division asked the CPR to give consideration to donating the "Lands For Chalmers Community Centre" in consideration of the fact that these lands would be used for the expansion of an existing public facility and would have a positive impact on an older neighbourhood in the City.

The CPR responded that it was not prepared to donate the "Lands For Chalmers Community Centre" to the City but would consider a lower purchase price for this portion of the subject property.

The proposed terms and condition for the acquisition of the subject property were forwarded to CPR. Upon review of the City's proposed terms and conditions, the CPR has advised that it concurred in principle to the proposed terms and conditions, subject to three changes (set out below).

The Public Works Department confirmed that the lands identified as "Lands For Public Works" on Misc. Plan No. 11027/2, are required for the future Gateway Road/Raleigh Street Extension project and at this time are prepared to support the acquisition of these lands.

In 1987, the City purchased a portion of the Elmwood Spur Line (285,753 square feet) north of the subject property from the CPR for the Gateway/Raleigh extension for $283,000.00 ($0.99 per square foot). Also, based on a number of other known sales of abandoned rail lines within the City's limits, the CPR's rate of $0.82 per square foot is considered reasonable.

The Public Works Department has advised that funding for the acquisition of the "Lands for Public Works", plus other associated acquisition costs have been encumbered from the Land Acquisition for Transportation Right-of-Way Account.

The Planning and Land Use Division of the Planning, Property and Development Department has advised that the acquisition of the lands identified as "Lands For Chalmers Community Centre", on Misc. No. 11027/2 would be extremely beneficial for the community and the Chalmers Community Club.

The existing facilities at Chalmers Community Centre are heavily utilized, offering numerous community based programs to the local residents (baseball, soccer, hockey, etc.). Some of the benefits that the acquisition of these lands would have upon the Community Club would be:

- Some of the existing baseball fields could be expanded to conform to regulation dimensions, thus making these fields more usable for a larger range of age groups.
- The development of an intermediate soccer field.
- Incorporating the existing playground on Thames Avenue as part of the Community Club.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

- Allow for the potential development of additional parking, thus reducing the on-street parking problem in the area while various activities are being held at the Community Club.
- Address a significant drainage problem caused by the higher grade of the existing rail line track bed.

The reduced $0.41 per square foot rate for the acquisition of the "Lands For Chalmers Community Centre" is subject to the "Lands For Public Works" being acquired in a single transaction. Should the Planning and Land Use Division decide to not proceed with this proposed acquisition the following risks may result:

- The $0.41 per square foot rate for the "Lands For Chalmers Community Centre" may be withdrawn. This rate should be considered very favourable and would likely not be offered again if at some later date in the future the City looks to acquire these lands.
- Acquiring the "Lands For Public Works" is subject to the "Lands For Chalmers Community Centre" being included in the same transaction. Should the "Lands For Chalmers Community Centre" not be included in this proposed acquisition, the Public Works Department may not acquire the land needed for the future Gateway/Raleigh Extension project at a reasonable cost.
- If the CPR subdivides the subject property and sells the newly created parcel of land to the adjacent land owners, the future costs to acquire the required lands for the Gateway/Raleigh Extension project would be significantly higher, i.e. going through the expropriation process.

On May 14, 2001, the East Kildonan-Transcona Community recommended that the balance of the Elmwood Ward allocation of the East Kildonan-Transcona Land Dedication Reserve Fund be authorized as the funding source for the proposed acquisition of the abandoned CPR Rail line adjacent to the Chalmers Community Centre and for a Phase II Environmental Audit Report, and forwarded to the Standing Policy Committee on Property and Development for approval.

Proposed Amendments to the City's Proposed Terms and Conditions

Condition No. 3 – Transfer of Mines and Mineral Rights

The CPR has advised that in some cases the mines and mineral rights for CPR-owned lands are held in the name of the Crown or in the name of a company called Pancanadian. In any case it is firmly the CPR's company policy to not include the mines and mineral rights with the sale of its lands, including the lands in this proposed transaction.

The Geomatics Branch of the Planning, Property and Development Department has been consulted regarding this matter and it has advised that the City not having ownership of the mines and mineral rights to the subject property will not impede in any way the City's intended use of these lands.

Condition No. 5 – Potential Survey Costs

Currently the subject property is under the Registry System and in order to register the ownership change at the Winnipeg Land Titles Office the subject property will have to be brought under The Real Property Act. Depending on how the land is described on the original deed to the subject property, some survey work may be required. The CPR is in the process of bringing the subject property under The Real Property Act and early indications are that no survey work will be required. However, this will be subject to review by the Winnipeg Land Titles Office. The CPR has advised that it is not at all prepared to pay for survey costs, if any, due to the fact that the City is already receiving a "favourable" purchase price for the subject property.

The Geomatics Branch has advised that if survey work is required to bring the subject property under The Real Property Act, the costs may range between $8,000.00 to $10,000.00. In anticipation of the possible necessity to perform this survey work, adequate funding was allocated within the Capital Cost Estimate for the acquisition of the subject property.

Condition No 6. (b) – Warranty that Hazardous Waste has never been Stored, Disposed, or Spilled on the Subject Property

The CPR's Legal Department has advised that it is not prepared to sign any agreements that requests the CPR to make warranties as to the environmental condition of CPR-owned properties, due to the lack of accurate historical records.

However, Condition No. 7 of the City's proposed terms and conditions, which the CPR is prepared to agree to, allows the City to perform environmental testing on the subject property and, should unfavourable environmental conditions exist, to cancel the proposed acquisition of the subject property.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The Real Estate Division of the Planning, Property and Development Department considers that it is in the City's best interest to acquire the subject property, in its entirety, at this time.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the "subject property" as outlined on Misc. Plan No. 11027/2, be approved for the purchase price of $236,500.00 and in accordance with the terms and conditions as negotiated, subject to Recommendation No. II.

II. That the Elmwood Ward allocation of the East Kildonan-Transcona Land Dedication Reserve Fund be authorized as the funding source for that part of the proposed acquisition of the abandoned CPR Elmwood Lead lands adjacent to the Chalmers Community Centre and for the Phase II Environmental Audit Report.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Proposed Marketing and Sales Strategy - Niakwa Business Park - Riel Community
File FI-2.4(35) (Vol. 10)

765 - 23. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has recently completed improvements with respect to the outstanding works that had previously prevented the sale and development of the Niakwa Business Park. The critical elements of these works have now been completed and the Administration is requesting the delegated authority to market and approve the sale of the subject City lands outlined as "available City lands" as outlined on Misc. Plan No. 8751/2C.

The particulars of the subject property are as follows:

Location:	Niakwa Road East, north of Fermor Avenue	
Legal Description:	Lots 1 and 2, Plan 15057	
Registered Owner:	The City of Winnipeg	
Certificate of Title No.:	1295615 and 1295608	
Realty Roll No.:	6-0-449001 and 6-0-449021	
2000 Assessment:	Lot 1, Plan 15057, Roll No. - 6-0-449001	$545,000.00
	Lot 2, Plan 15057, Roll No. - 6-0-449021	$238,000.00
	Total assessment	$783,000.00
Zoning:	"M1" Industrial District	
Site Size/Area:	59,872.74 square metres (14.795 acres)	
	Note: This includes the two acres conditionally sold to P-Four Management Group Inc.	
Property Description:	The property is a vacant fully serviced industrial site divided into three sections, as outlined on Misc. Plan 8751/2C.	

In 1979, Winfield Development Canada Ltd. entered into Development Agreement AG 41/78 to service and develop out the northeast quadrant of Lagimodiere Boulevard and Fermor Avenue. The installation of sub-surface utilities and an internal paved roadway followed. Building permits were issued to at least two sites prior to the developer's completion of the outstanding items in the development agreement. The outstanding items involved accesses off Fermor Avenue (P.T.H #1) and the northerly connection across the hydro transmission line to the existing Niakwa Road connection to Tascona Road. These access points were deemed crucial to the safe and acceptable operation of the Niakwa Business Park. Further building permit applications were denied pending the completion of these two access points. The developer's subsequent default on the Development Agreement and non-payment of property taxes on the residual vacant lands precipitated the City acquiring these lands by tax sale in 1993.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

In 1997, the Land Enhancement Program of the Planning, Property and Development Department undertook the task of evaluating these lands for marketability. This review identified the problem of accessibility. The Department commissioned UMA Engineering Ltd. to prepare a comprehensive engineering estimate of costs to complete the outstanding works on the lands as per the former Development Agreement between the City and Winfield Development Canada Ltd., as outlined on Misc. Plan No. 8751/2C, which illustrates the improvements completed to satisfy the amended access concerns to and from the Niakwa Business Park.

On January 26, 2000, Council adopted the following recommendations of the Standing Policy Committee on Property and Development, namely:

I. That the roadway access requirements contained within the Development Agreement AG 41/78 be amended, to provide for the construction of the Niakwa Road East public right-of- way improvements and including the intersection improvements at Fermor Avenue generally as outlined on Misc. Plan 8751/2A, subject to resolution of secondary access requirements for emergency vehicles.

II. That the cost of all works as proposed in Recommendation No. 1 be charged to the Land Operating Reserve Account.

The resolution of the secondary access requirements for emergency vehicles has been satisfied by providing access across the Manitoba Hydro right-of-way turn around and through the adjacent Church lands to the west. The Springs of Living Water Church is to provide unrestricted access through their site to Lagimodiere Boulevard.

The Real Estate Division of the Planning, Property and Development Department, acting on Council directive on January 26, 2000, has proceeded to complete the defaulted works, as amended, by contracting out the most pressing and critical elements of these installations, namely, the intersection improvements at Fermor Avenue (P.T.H. No. 1) and Niakwa Road East, and the installation of the P-Loop turn-around at the Manitoba Hydro transmission line right-of-way. The balance of the works, which are less critical, include the emergency and utility access required to cross the transmission line right-of-way between the P-loop and Mazenod Road, and the ancillary works of closing that portion of Mazenod Road to Lagimodiere Boulevard. The outstanding items will proceed as soon as arrangements are concluded with the purchase of the right-of-way over Hydro lands.

On November 30, 2000, the Planning, Property and Development Department received an Offer to Purchase the two acres highlighted as “Conditionally sold to P-Four Management Group Inc.” as outlined on Misc. Plan 8751/2C and located at the northeast corner of Fermor Avenue and Niakwa Road East. The offer was from P-Four Management Group Inc., who are currently located adjacent to and east of the two acre site. P-Four Management operates under the business name I.D.C. Communications. I.D.C. Communications indicated that they had outgrown their current facilities and wanted to construct a new building on the two acre site. I.D.C. Communications is in the sale and distribution of wireless communication equipment business.

On January 11, 2001, the Standing Policy Committee on Property and Development approved the sale of the subject City lands referred to as the “subject City property” on Misc. Plan 8751/4 to P-Four Management Group Inc. at a price of $170,000.00, subject to such terms and conditions that were satisfactory to the Director of Planning, Property and Development and the City Solicitor/Manager of Legal Services to protect the City’s interest, and to achieve the intent of the Standing Policy Committee on Property and Development.

This initial sale to P-Four Management was supported by the Planning, Property and Development Department as the type of industry was seen as a desirable use for an industrial park and the proposed development was seen as a potential catalyst in attracting other industry to the balance of the lands. The price per acre paid by P-Four Management was $85,000.00 per acre, which is slightly higher than the price recommended in this report for the remaining lands. The Planning, Property and Development Department valued the front two acres at a higher rate given the exposure the site offers to Fermor Avenue. The sale to P-Four Management Group is now unconditional and is set to close on June 30, 2001.

The Zoning and Permits Branch of the Planning, Property and Development Department has advised that sufficient works have now been completed to allow them to issue building permits as may be requested on these residual lands. The Real Estate Division is, therefore, in a position to market the available City lands (approximately 14.5 ± acres) to the general public.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The potential gross revenue achievable after negotiations and payment of commissions is approximately +/- $1,000,000.00. The Standing Policy Committee on Property and Development was previously advised that the sales program was expected to result in a loss after all expenses had been accounted for. It now appears that after all costs have been expensed, there could be a marginal return on this investment. The greatest benefit, of course, will be to take these lands off the City's Land Inventory and place them into productive service on the City's tax roll and to facilitate economic generators flowing from the subsequent development of these lands.

Niakwa Business Park's location at the northeast corner of the Lagimodiere Boulevard and Fermor Avenue intersection affords good access to all areas of the City. Fermor Avenue is a major east/west route and Lagimodiere Boulevard is a major north/south route. Both routes allow traffic access to major neighbourhood collector streets, the Perimeter Highway and other interconnecting throughways.

Lands to the immediate east are designated for industrial uses. Lands to the immediate south will undoubtedly develop into some form of highway commercial, with Southland Park, a residential community, lying south again. Lands to the west of Lagimodiere Boulevard are designated Highway Commercial and behind them is the established Windsor Park residential area. The southwest corner of the Lagimodiere Boulevard and Fermor Avenue intersection is used by the Royal Canadian Mint with multi-family developments to the west of the Mint. Further west is Southdale Square Shopping Centre, located approximately 3/4 mile west of the Niakwa Business Park.

The natural progression of residential development along with the accompanying commercial development to service the residential needs has extended to and immediately east of the Lagimodiere Boulevard and Fermor Avenue intersection. The continuing development of the Southland Park residential subdivision is an indication that the natural growth of the City of Winnipeg will continue to extend eastward, encompassing the lands lying to the southeast of the Fermor Avenue/Lagimodiere Boulevard intersection.

The subject site is designated for "M1" Industrial use, which allows for a wide variety of industrial uses and a majority of the uses allowed under the Commercial zoning designation. The sites that have already developed within the Niakwa Business Park have been improved with office/warehouse type buildings, comprised of two multi-tenant buildings and one owner- occupied building. Businesses occupying the Park are made up of Government offices, contractors, distributors, and a moving company.

The Administration advised that it is reasonable to assume that with the continuing development of the Southland Park residential subdivision to the southeast, there will be a natural eastward progression of commercial and industrial development along both sides of Fermor Avenue to service this area. This continuing development will tend to give the Niakwa Business Park a more combined industrial/commercial use setting rather than as a purely industrial entity.

Because of the location and neighbourhood influences affecting the Park, and because of the commercial uses allowed under the existing zoning, the Niakwa Business Park will have an advantage over the competing Industrial Parks that are designed and zoned for a more intense industrial use.

The following are fully serviced industrial parks within the City of Winnipeg that the Niakwa Business Park will compete with.

- Tuxedo Business Park 100 acres
- Inksbrook Park 29 acres
- West Fort Garry Business Park. 13 acres
- Kenaston Industrial Park 10 acres

Lands located in the above industrial parks are not formally for sale, as the owners, Sun-X Properties and Terracon Development, generally market these lands for development of multi-tenant buildings and then enter into a landlord/tenant arrangement.

Keewatin Estates, which is currently in the development application stage, is the newest industrial park within the City of Winnipeg. Keewatin Estates is located in the northwest quadrant of the City, north of the fully developed Inkster Industrial Park, and east of Brookside Boulevard. Keewatin Estates will bring an additional fifty acres to the market place. These lands will be marketed for sale and development by Sun-X Properties. This new development can draw on and be viewed as a natural extension of the Inkster Industrial Park.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The City's St. Boniface Industrial Park has a total of approximately 133 acres remaining, of which approximately forty-two acres are fully serviced and available for sale. Because of the location and zoning, the St. Boniface Industrial Park does not lend itself to the same mix of commercial and industrial uses as Niakwa Business Park does.

The initial strategy for marketing the Niakwa Business Park is to inform potential purchasers, real estate brokers and agents that the improvements are now complete, providing improved access to the Park and to create some general "excitement" in the market that the lands are now available for sale. The Planning, Property and Development Department's proposed marketing program is as follows:

Signage

Signage will be prepared for the northeast corner of Fermor Avenue and Niakwa Road East. The signage will be large enough to be visible from Fermor Avenue. The signage will include the following information:

- Name of the industrial park "Niakwa Business Park"
- Zoning - "M1" Industrial
- Available site sizes
- Sites are fully serviced
- Planning, Property and Development Department web-address
- Planning, Property and Development Department phone number, and
- Site plans

Property Brochure and Detailed Information Package

A property brochure and detailed information package will be created and provided to all interested parties and will be used in direct mailings and postal walks. All marketing material distributed (mailers, brochures, etc.) will include the Planning, Property and Development Department's web site address.

Use of ICI Brokers

The property will be placed on the Commercial Listing Service of the Winnipeg Real Estate Board. This information is available to all commercial agents that are members of the Winnipeg Real Estate Board. In addition, brochures and information packages will be mailed to all commercial ICI brokers in Winnipeg.

In accordance with the policy approved on September 28, 2000, by the Standing Policy Committee on Property and Development, the Planning, Property and Development Department will recognize the participation of real estate agents. The commission that will be payable is as follows:

- Five percent (5%) on total sale price to $100,000.00
- Four percent (4%) on excess over $100,000.00 to $200,000.00
- Three (3%) on the balance

The commission will be paid to any registered real estate agent or firm that submits an offer to the City, which offer is then accepted and ultimately closes. The terms and conditions for the payment of commissions is as follows:

1. Commission is payable only after the sale has closed and title has been transferred.
2. In all cases, agents shall submit invoices for commission due to them before payment by the City.
3. No member of Council or employee of the City shall acquire or gain, profit or interest under such transaction or shall have any pecuniary interest in the real estate firm.

The Planning, Property and Development Department will encourage the use of real estate brokers; however, it will also use its best efforts to market the property internally and to generate offers through its own efforts in order to minimize the cost of real estate commissions to the City.

Advertising in the Media

The Planning, Property and Development Department will selectively advertise the property in the Winnipeg Free Press and other publications such as Manitoba Business Magazine. The response from advertising in print media for commercial real estate is generally poor and is expensive compared to the other avenues for marketing commercial real estate.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

City of Winnipeg Internet Site

The Planning, Property and Development Department will place the property on the its web site, which will include all pertinent information on the industrial park, site plans and the City's standard Offer to Purchase document.

Pricing/Terms and Conditions of Sale

The Planning, Property and Development Department has completed an appraisal on the entire Niakwa Business Park which is highlighted as "available City lands" as outlined on Misc. Plan No.8751/2C. Based on the appraisal and further review of the current market conditions for serviced industrial sites, the Department recommends that the remaining lands be offered for sale at $78,000.00 per acre.

This is slightly less than the price paid by P–Four Management of $85,000.00 per acre. The two acre parcel to be purchased by P-Four Management offered higher visibility therefore commanding a higher purchase price.

The Planning, Property and Development Department recommended that the Director be delegated the authority to approve the sale of the subject lands provided that the sale price is in accordance with the proposed list price outlined above. This recommendation to provide the Director with the authority to approve Offers to Purchase is similar to the approval process for the sale of lands in St. Boniface Industrial Park. The Director has the authority to approve the sale of lands in St. Boniface Industrial Park provided the price is in accordance with the pre-approved price on a per acre basis.

With the assistance of the Corporate Services Department's Legal Services Division, the Planning, Property and Development Department is currently reviewing the terms and conditions contained in the Department's Offer to Purchase document. The amended terms and conditions, once approved by Legal Services, will be used as the standard Offer to Purchase document for the Niakwa Business Park.

On July 5, 2001, the Standing Policy Committee on Property and Development did not concur with the recommendation from the Planning, Property and Development Department to delegate authority to the Director, to approve land sales in the Niakwa Business Park, but rather recommended that the authority be delegated to the Chief Administrative Officer.

The Standing Policy Committee on Property and Development recommends:

I. That the Chief Administrative Officer be delegated the authority to approve Offers to Purchase in the sale of the subject City lands located on Niakwa Road East, provided the purchase price is no less than $78,000.00 per acre and subject to such terms and conditions as are deemed necessary by the Chief Administrative Officer (and the City Solicitor/Manager of Legal Services) to protect the City's interest, and to achieve the intent of the Standing Policy Committee on Property and Development.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Proposed Leave and License Agreement in favour of St. Vital Shopping Centre right-of-way located at the southwest corner of Bishop Grandin Boulevard at Dakota Street - Riel Community

File ED(35) (Vol. 2)

766 - 24. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has negotiated terms and conditions for a leave and license of the area highlighted as "Leave and License Area" on Misc. Plan No. 10695/7. As the proposed Leave and Licence Agreement is for an open right-of-way, the proposed terms and conditions will require Council approval.

The particulars of the subject property are as follows:

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

Location:	Southwest corner of Bishop Grandin Boulevard at Dakota Street
Legal Description:	n/a – open right-of-way
Certificate of Title No.:	n/a – open right-of-way
Zoning:	The subject lands will take on the current zoning of the St.Vital Shopping Centre site, "CR" Commercial District.
Site Size/Area:	9,866.2 square metres (or 106,200 square feet)
Property Description:	The subject City property is currently a legally open right-of-way at the southwest corner of Bishop Grandin Boulevard at Dakota Street. The site is developed as a boulevard containing grass and trees. The subject open right-of-way is being retained for the future grade separation and street improvements.

On August 10, 1999, the St.Vital Shopping Centre advised the Planning, Property and Development Department that it was interested in purchasing all surplus City lands adjacent to their property along Bishop Grandin Boulevard.

Pursuant to the September 2, 1999, instructions of the Standing Policy Committee on Property and Development, the Planning, Property and Development Department commenced negotiations with the St.Vital Shopping Centre for the sale of the surplus Bishop Grandin Boulevard right-of-ways. The initial lands that were identified as surplus to the requirements of the Public Works Department were 4.53 acres. In its negotiations with St.Vital Shopping Centre, the Planning, Property and Development Department was unable to achieve a price that was supportable.

On September 28, 2000, the Standing Policy Committee on Property and Development concurred with the recommendations of the Planning, Property and Development Department to hold the sale in abeyance until such time as the St.Vital Shopping Centre demonstrated a willingness to substantially increase its offering price. The Department notified St. Vital Shopping Centre of the decision of the Standing Policy Committee and St.Vital Shopping Centre indicated that they would wait until the spring of 2001 to discuss the potential acquisition.

On January 17, 2001, the Planning, Property and Development Department met with St.Vital Shopping Centre to again discuss the potential sale. The Department subsequently discussed the matter with the Public Works Department to confirm if the subject lands were still surplus to their requirements. The Public Works Department indicated that they were preparing a volume analysis and were in the process of revising their requirements for the future street improvements. The Public Works Department indicated that the lands available for sale are reduced from 4.53 acres to 2.6 acres. The reduction in area was due to the addition of an eastbound off-ramp from St. Mary's Road. The proposed off-ramp will provide northbound St. Mary's Road traffic with eastbound access onto Bishop Grandin Boulevard.

The Planning, Property and Development Department has negotiated the terms and conditions for the sale of the lands highlighted as "street right-of-way surplus to the Public Works Department" on Misc. Plan No. 10695/7. As per the negotiated terms and conditions, St. Vital Shopping Centre is to convey to the City lands highlighted as "private property required for street right-of-way" on Misc. Plan. No. 10695/7.

The Public Works Department also indicated that in addition to the lands available for sale, certain lands were available for leave and licence until required for the proposed Bishop Grandin Boulevard interchange. The Public Works Department confirmed that the lands available for leave and licence were 4.736 acres highlighted as "right-of-way available for leave and licence area" on Misc. Plan No. 10695/7. St. Vital Shopping Centre has expressed interest in entering into a Leave and License Agreement for approximately 2.44 acres of the total 4.736 acres available.

The principle terms and conditions that have been negotiated with St. Vital Shopping Centre are as follows:

Licensee:	OPB Realty Inc. (owner of St. Vital Shopping Centre)
Principles:	Ontario Pension Board
Rate:	$.52 per square foot per annum plus all applicable realty taxes.
Term:	Five (5) years
Renewal Period:	Five (5) years
Use:	Surface parking lot
Termination:	The City at its option can terminate the Leave and License Agreement during the renewal period with 365 days notice if the lands are required for the proposed Bishop Grandin Boulevard interchange.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The proposed leave and license rate of $0.52 per square foot per annum is supported by the appraisal that was completed on the subject property. The rate is based on ten percent (10%) of market value, represented by the overall rate of $5.22 per square foot being paid to the City by the Centre for the adjacent property. The value of the site is influenced by a number of factors: limited access, easement requirements and the configuration of the two parcels. The Centre indicated to the Planning, Property and Development Department that it felt that the rate of 10% was too high given the size of the site and the current rates of return used in today's commercial real estate investment market. The Centre suggested a rate of 8% would be fair and equitable for both parties. The Department held its position with respect to the proposed rate of 10%. The Department believes that 10% is fair based on the overall sales rate of $5.22 per square foot. In addition, the rate of 10% has been the standard used by the Department and any variance from that rate could set a precedent for future negotiations with other tenants/licensees. St. Vital Centre has agreed to the proposed rate of 10% of market value or $0.52 per square foot per annum provided that the rate remains constant for the initial term and the renewal period. This is acceptable to the Planning, Property and Development Department.

With respect to the termination provision, the City will be responsible for the reimbursement of unamortized costs of the parking lot improvements for the leave and license lands. St. Vital Centre have indicated that they require ten years to amortize the costs of the proposed parking lot for the leave and license lands. The estimated cost provided to the Department by St. Vital Centre to construct the parking lot is $472,169.60. This is an estimate only and actual costs will need to be confirmed. The maximum exposure to the Department provided the costs are in-line with the estimates provided is approximately $188,800.00 (4 years x $47,200.00 per annum), should the City give notice as per the proposed agreement. Should the City give notice in the first year of the renewal period, the City would have by that time received approximately $331,400.00 in leave and license payments plus estimated realty taxes of approximately $207,680.00.

The Planning, Property and Development Department has confirmed with the Public Works Department that the subject lands will not be required over the next ten years; however, the Planning, Property and Development Department has negotiated this term to ensure the City does have the option to terminate the agreement should the lands be required after the initial five-year term. Given that it is highly unlikely that the City will require the subject lands over the next ten years, and given the anticipated proceeds from the Leave and License Agreement over the initial six years, the Planning, Property and Development Department recommends that the City accept the termination provision requiring the payment of unamortized costs.

With respect to the end of the initial five-year term and five-year renewal period, St. Vital Centre has indicated that they would like to continue with a new Leave and Licence Agreement. St. Vital Centre would be required to enter into a new agreement at that time on terms and conditions to be negotiated. The Planning, Property and Development Department would support the continued lease of the lands to St. Vital Centre under a new Leave and Licence Agreement provided the terms are in the City's best interest and provided the Public Works Department does not require the subject right-of-way. This has not been negotiated as a condition in the Leave and Licence Agreement, however, the Planning, Property and Development Department wanted to inform Council that St.Vital Centre has indicated that it would likely enter into a new agreement after the initial ten years, provided the City has no civic requirements for the property.

On June 12, 2001, St. Vital Centre, along with the Ward Councillor, met with the Bishop Grandin Greenway Association to discuss the potential sale and lease of portions of the Bishop Grandin Boulevard right-of-way. The Bishop Grandin Greenway Association is a non-profit group that is looking to beautify and install paths along Bishop Grandin Boulevard. The mandate of the group is "to create, enhance and conserve an accessible network of nature area and pathways that link and support both wildlife and human communities along Bishop Grandin Boulevard." The group is in the planning and fund raising stages at this point. The Bishop Grandin Greenway Association indicated that they have no issues with the lands to be sold; however, they did have some concern over the lands to be leased to St. Vital Centre under a leave and license agreement. St. Vital Centre has agreed to relocate as many trees and shrubs as possible, at its cost, to other areas of the Bishop Grandin Boulevard right-of-way. In addition, the design of the proposed parking lot will retain as many of the larger mature trees as possible without impeding the efficiencies of the proposed parking lot. In addition, St. Vital Centre will make a financial contribution towards the Bishop Grandin Greenway Association's fundraising efforts for the installation of the proposed walking and bike trails.

On June 18, 2001, the Riel Community Committee recommended that the lands identified as right-of-way available for leave and licence be leased to St. Vital Shopping Centre (OPB Realty Inc.). There were no conditions attached to the Community Committee's concurrence.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The Public Works Department has requested that the proceeds from the potential leave and licence agreement be directed to the Land Acquisition for Transportation Right-of-Way Account. The Public Works Department have indicated that because it is responsible for the maintenance and management of the rights-of-ways, that it should be entitled to the proceeds. Should the agreement be terminated by the City during the renewal period, the Public Works Department would then be responsible for the unamortized costs which would be due and payable to the shopping centre. The Planning, Property and Development Department is requesting that consideration be given to the request of the Public Works Department that the net proceeds from the leave and licence agreement be directed to the Land Acquisition for Transportation Right of Way Account.

Should it be decided to approve the request of the Public Works Department, there will be a direct impact on the Planning, Property and Development Department's ability to deliver its budgeted year-end transfers of net revenue from both the leasing and the Surplus Real Property Sales Programs to the General Revenue Account.

The Planning, Property and Development Department supports a leave and license of the subject lands to OPB Realty Inc. for the following reasons:

- The lands are surplus to the requirements of the City until required for the future Bishop Grandin Boulevard interchange.
- The Public Works Department has confirmed that the lands are not required for the next ten years.
- The proposed rate of $.52 per square foot per annum is supported by the Planning, Property and Development Department's appraisal and by the overall rate being paid by the St. Vital Shopping Centre in the sale of the adjacent property.
- The leave and licence agreement will result in net revenue to the City of approximately $914,850.00 over the ten year period provided that the City does not terminate the agreement.

The Standing Policy Committee on Property and Development did not concur in the request from the Public Works Department to direct the net proceeds from the subject leave and licence agreement and sale of the subject lands to the Land Acquisition for Transportation Rights-of-Way Account.

The Standing Policy Committee on Property and Development recommends:

I. That the leave and license of the area identified as "Leave and License Area" on Misc. Plan No. 10695/7 to OPB Realty Inc. be approved in accordance with the terms and conditions as negotiated, with the Director of Planning, Property and Development being authorized to finalize terms and conditions of the Leave and License Agreement.

II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing and to protect the City's interest.

Adopted by consent.

Proposed Sale of surplus right-of-way located at the southeast corner of Bishop Grandin Boulevard at St. Mary's Road and the southwest corner of Bishop Grandin Boulevard at Dakota Street - St. Vital Shopping Centre (OPB Realty Inc.) - Riel Community

File DAOC 2/2001

767 - 25. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has negotiated terms and conditions for the sale of the area highlighted as "street right-of-way surplus to the Public Works Department", as outlined on Misc. Plan No. 10695/5. As the proposed street closure has not yet been authorized in its entirety by Council, the proposed terms of sale will require Council approval.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The particulars of the subject property are as follows:

Location:	Southwest and southeast corners of Bishop Grandin Boulevard at St. Mary's Road and Dakota Street
Legal Description:	n/a – open right-of-way
Certificate of Title No.:	n/a – open right of way.
Zoning:	When closed the subject lands will take on the current zoning of the St. Vital Shopping Centre site, "CR" Commercial District.
Site Size/Area:	Lands to be sold to St. Vital Shopping Centre - total size of the two parcels 10,683 square metres (or 114,992 square feet). Lands to be conveyed to City for street opening - total size of the two parcels 1,004 square metres (or 10,807 square feet).
Property Description:	The subject City properties are currently legally open rights-of-way located at the southeast corner of Bishop Grandin Boulevard at St. Mary's Road and the southwest corner of Bishop Grandin Boulevard at Dakota Street. The two parcels are developed as a boulevard containing grass and trees. The subject right-of-way parcels were being retained for the future Bishop Grandin Boulevard interchange.

On August 10, 1999, the St. Vital Shopping Centre (OPB Realty Inc.) advised the Planning, Property and Development Department that it was interested in purchasing all surplus City lands adjacent to their property along Bishop Grandin Boulevard.

Pursuant to the September 2, 1999 instructions of the Standing Policy Committee on Property and Development, the Planning, Property and Development Department commenced negotiations with St. Vital Shopping Centre for the sale of surplus Bishop Grandin Boulevard right-of-way. The initial lands that were identified as surplus to the requirements of the Public Works Department were 4.53 acres. Through its negotiations with St. Vital Shopping Centre, the Department was unable to achieve a price that was supportable.

On September 28, 2000, the Standing Policy Committee on Property and Development concurred with the recommendations of the Planning, Property and Development Department to hold the sale in abeyance until such time as the St. Vital Shopping Centre demonstrated a willingness to substantially increase its offering price. The Department notified St. Vital Centre of the decision of the foregoing, and St. Vital Centre indicated that they would wait until the spring of 2001 to discuss the potential acquisition.

On January 17, 2001, the Planning, Property and Development Department met with St. Vital Shopping Centre to again discuss the potential sale. The Department subsequently discussed the matter with the Public Works Department to confirm if the subject lands were still surplus to their requirements. The Public Works Department indicated that they were preparing a volume analysis and were in the process of revising their requirements for the future street improvements. The Public Works Department indicated that the lands surplus to their requirements have been reduced from 4.53 acres to 2.6 acres. The reduction in area was due to the addition of an eastbound off-ramp from St. Mary's Road. The proposed off-ramp will provide northbound St. Mary's Road traffic with eastbound access on Bishop Grandin Boulevard.

The proposed changes were provided to St. Vital Shopping Centre for their review. St. Vital Shopping Centre indicated that the proposed changes were positive as they would not lose their current access on the north side of the shopping centre. The previous street design contemplated the deletion of this north side access.

Upon confirmation from the Public Works Department as to which lands were surplus to their requirements, the Planning, Property and Development Department negotiated the terms of sale with the St. Vital Shopping Centre. The principle terms and conditions for the sale are as follows:

Purchaser:	OPB Realty Inc. (owner of St. Vital Shopping Centre)
Principles:	Ontario Pension Board
Proposed closing:	Thirty (30) days following the enactment of the closing by-law.
Purchase price:	$543,845.00
Deposit:	$ 54,384.50

In addition to the City's standard terms and conditions for the sale of rights-of-way, the following conditions are contained in the agreement:

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

1. The purchase price results in an overall rate of $5.22 per square foot and is subject to final measurement and survey.

2. The Purchaser is to convey to the City lands along both St. Mary's Road and Bishop Grandin Boulevard for street widening purposes. The Purchaser is to enter into a Leave and Licence Agreement for the use of the lands being acquired for the St. Mary's Road widening.

3. The Purchaser at its sole cost and expense will prepare all closing and opening plans as required.

4. The Purchaser is to consolidate title to the subject lands with the title of the adjoining lands of the St. Vital Shopping Centre.

5. The Purchaser agrees that the existing watermain located within both the Purchaser's property and the subject right of way lands is a private watermain and the Purchaser is responsible for all costs with respect to the operation, maintenance, repair and replacement of this watermain.

6. The Purchaser is to provide detailed plans to the City for approval showing the site layout, parking, access, landscaping, fencing, lighting, accessory structures, and signage in respect of the lands to be sold to the Centre. Such plans are subject to the approval of the City's District Planner for the area.

7. The Purchaser waives any and all rights it may have under Section 497(2) of The City of Winnipeg Act as it relates to the subject lands. St. Vital Shopping Centre had previously argued that as per the Act, they were entitled to the lands at no cost should the City close the subject right of way.

8. The sale is subject to the final approval of the Ontario Pension Board.

There are no commissions payable on the sale of this property to OPB Realty Inc.

Existing Watermain

The proposed purchase price of $543,845.00 is supported by the appraisal that was completed on the subject property. The value of the site is influenced by a number of factors: limited access, easement requirements and the configuration of the two parcels. The proposed purchase price is approximately 67% higher than the initial offer on a per square foot basis that was previously offered by the St. Vital Shopping Centre. In addition, the Centre has agreed to take on responsibility for the maintenance and replacement of the watermain running through the northern portion of the shopping centre parking lot. The cost to replace this line, if necessary, has been estimated by the Public Works Department at $400.00 per metre or $218,400.00 based on current costs.

Proposed Leave and Licence – St. Mary's Road Widening

Under the proposed purchase and sale, the Purchaser is to convey two parcels of land to the City for street widening purposes. The 10,215 square foot parcel of land along St. Mary's Road is to be conveyed to the City for street opening for the future widening of St. Mary's Road. St. Vital Shopping Centre has requested the opportunity to continue to use the 10,215 square foot parcel for the existing parking lot. St. Vital Shopping Centre would be required to enter into a Leave and License Agreement to continue to use the 10,215 square foot parcel until the lands are required by the Public Works Department for the widening of St. Mary's Road. The Real Estate Division of the Planning, Property and Development Department has informed St. Vital Shopping Centre that the Leave and License Agreement would be at the City's standard rate of ten percent of market value or ten percent of $5.22 per square foot – plus as additional rent an amount equivalent to realty and other applicable taxes and licences.

St. Vital Shopping Centre requested that the Leave and License Agreement be at $1.00 per annum plus realty taxes. St. Vital Centre indicated that the lands are being conveyed to the City to meet the City's future requirements and that the Centre developed the lands and have been used by the Centre for approximately two years.

St. Vital Shopping Centre also indicated that when the Centre was expanded two years ago, the Transit Department approached the Centre with respect to the creation of transit terminals on the shopping centre site. The Centre agreed to allow for the installation of the transit bays and lost approximately 100 parking stalls in the process. St. Vital Centre has requested that the accommodation given to the Transit Department be taken into consideration with respect to their request to enter into a leave and licence agreement for the 10,215 square foot parcel of land at a rate of $1.00 per annum plus realty taxes.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The Planning, Property and Development Department confirmed with the Transit Department the arrangement between the Centre and the City for the transit terminal. According to the Transit Department, the cost to the Centre was approximately $425,000.00 for the installation of the roadways and landscaping for the transit terminal. The Transit Department paid for the cost of the bus shelters and signage (approximately $68,000.00). The cost to maintain the transit terminal roadways and landscaping is paid for by the Centre. The transit terminal services six routes and approximately 315 buses on any given weekday. The Transit Department indicated that the transit terminal generates significant revenue for the Transit Department. The Transit Department confirmed that there is no formal agreement in place or payment due from the City for the use of those lands for the transit terminal and that the arrangement is currently on a good faith basis.

In recognition that the St. Vital Shopping Centre lost approximately 100 parking stalls to accommodate the request from the Transit Department for a transit terminal, the Planning, Property and Development Department would support a leave and licence of the 10,215 square foot parcel of land to the Centre at a rate of $1.00 per annum, plus an amount equivalent to taxes, until such time that the lands are required by the Public Works Department for the widening of St. Mary's Road.

Other Right-of-Way Lands Available for Leave and License Agreements

The Public Works Department indicated that the lands highlighted as "Right-of-way available for Leave and License" on Misc. Plan No. 10695/5, are available for leave and license until the lands are required for the Bishop Grandin Boulevard interchange. The lands available for a leave and license agreement or lease are approximately 4.736 acres. The Public Works Department indicated that they have no objections to a leave and license term of up to ten years. St. Vital Centre has expressed interest in leasing approximately 2.44 acres of the 4.736 acres available. St. Vital Shopping Centre would like to expand their parking lot onto the 2.44-acre site. The Planning, Property and Development Department has submitted a separate report to the Standing Policy Committee on Property and Development dealing with the leave and license of the 2.44-acre site.

Disposition of Transaction Proceeds

The Public Works Department requested that the net proceeds from the sale and any potential leave and license agreement be directed to the Land Acquisition for Transportation Right-of-Way Account. The Public Works Department has also indicated that because it is responsible for the maintenance and management of the rights-of-ways, it should be entitled to the net proceeds.

Should it be decided to approve the request from the Public Works Department, there will be a direct impact on the Planning, Property and Development Department's ability to deliver its budgeted year-end transfers of net revenue from both the leasing and the Surplus Real Property Sales Programs to the General Revenue Account.

On June 18 and June 26, 2001, the Riel Community Committee and the Standing Policy Committee on Property and Development, respectively, recommended that the closing of the subject portions of the Bishop Grandin Boulevard right-of-way at St. Mary's Road and Dakota Street be proceeded with.

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The sale of the subject lands to OPB Realty Inc. is subject to the approval of the road closing by Council and the successful enactment of the required by-law to effect the road closing. The Planning, Property and Development Department recommends that subject to the approval of the closing and enactment of the by-law, that the subject City lands be declared surplus. The Planning, Property and Development Department supports the sale of subject City lands to OPB Realty Inc. for the following reasons:

- The lands are surplus to the requirements of the City.
- The proposed purchase price of $543,845.00 is supported by the appraised value of the property.
- St. Vital Shopping Centre is to convey to the City lands along St. Mary's Road for future street widening. As a result, the St. Vital Shopping Centre will lose approximately thirty-eight parking stalls along the western portion of their site. If the City were to approach St. Vital Shopping Centre with respect to acquiring these lands in the future, it is anticipated that the costs to the City to acquire the lands would greatly exceed the costs to acquire the lands at present as part of this sale.
- The sale will result in the property going on the tax roll.

The Standing Policy Committee on Property and Development did not concur in the request from the Public Works Department to direct the net sale and leave and license proceeds from the subject lands to the Land Acquisition for Transportation Rights-of-Way Account.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

The Standing Policy Committee on Property and Development recommends:

I. That subject to the enactment of the road closing application under File DAOC 2/2001 and the enactment of the road closing by-law by Council:

A. That the area highlighted as "street right-of way-surplus to the Public Works Department" on Misc. Plan 10695/5 be declared surplus to the City's requirements.

B. That the proposed sale to OPB Realty Inc. be approved at a price of $543,845.00 and in accordance with terms and conditions as negotiated.

C. That the lands to be conveyed from OPB Realty Inc. to the City for street opening purposes for the future widening of St. Mary's Road be leased back to OPB Realty Inc. under a leave and licence agreement at a rate of $1.00 per annum plus additional rent in an amount equivalent to realty and other applicable taxes and licences, etc., until such time that the lands are required by the Public Works Department for the widening of St. Mary's Road.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Proposed Acquisition – land located on the east side of Nicolas Avenue, north of Charlotte Street – Proposed Marion-Dugald Connection - Riel Community
File FI-2(35) (Vol. 9)

768 - 26. The Standing Policy Committee on Property and Development has been advised that the City requires the property located on the east side of Nicolas Avenue, north of Charlotte Street, as outlined on Misc. Plan No. 11158, for the proposed Marion-Dugald Connection project. This project has not been approved as part of a capital program, nor included in the Five Year Capital Forecast; however, it is referred to in both Transplan and included on Policy Plate B of the revised (draft) Plan Winnipeg document.

On December 5, 2000, the Riel Community Committee referred to the Public Works Department the matter of the need for the City to purchase proposed Lot 1 under File DASSF 530/2000 for transportation purposes, as the cost of acquiring the subject property will reflect the conditions of approval for the plan of subdivision of land (DASSF 530/2000).

On February 6, 2001, the Standing Policy Committee on Public Works authorized the Director of Planning, Property and Development to negotiate the acquisition of proposed Lot 1 (subject property), as outlined on Misc. Plan No. 11158; which property is required for the proposed Marion-Dugald Connection, and that the alignment of the Marion-Dugald Connection, as currently proposed, be maintained as part of the City's long range transportation plan.

On June 5, 2001, the Standing Policy Committee on Property and Development approved a plan of subdivision for land located on the east side of Nicolas Avenue, north of Charlotte Street (under File DASSF 530/2000), subject to the owner entering into a Servicing Agreement containing a number of conditions, including the owner entering into a Subdivision Agreement whereby building permits will not be issued on proposed Lot 1. (The acquisition of which property is the subject of this clause.)

Ensuing negotiations conducted by the Real Estate Division of the Planning, Property and Development Department have produced the owner's agreement to sell the subject property to the City. The particulars of the subject property and the negotiated settlement are as follows:

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

Proposed Price:	$85,000.00
Location:	East side of Nicolas Avenue, north of Charlotte Street
Legal Description:	Part Lot 30, Plan 3197 (as outlined on Misc. Plan No. 11158)
Registered Owner:	4197802 Manitoba Ltd. (entitled to be registered owner pursuant to a purchase/sale with L.R. Ushkowski Trucking)
Zoning:	"M-3" Industrial District
Site Area:	0.3943 ha (0.9744 acres)/3,943.2 square metres(42,444 square feet)
Property Description:	The subject parcel is presently part of a larger industrial site that is subject to a proposal for industrial development in the form of a hog holding and distribution centre.

On June 25, 2001, the owner advised that as a result of discussions conducted with the Real Estate Division of the Planning, Property and Development Department, they are prepared to sell the subject property to the City at an all-inclusive purchase price of $85,000.00 as compared to his previously recommended offer of $95,000.00.

The Planning, Property and Development Department appraised the subject property and on the basis of that appraisal, supports the proposed settlement in the amount of $85,000.00. In addition, the proposed terms and conditions of purchase as now accepted by the owner are considered to be acceptable in the proposed purchase of the subject property by the City.

By proceeding with this proposed acquisition based on the proposed all-inclusive purchase price of $85,000.00 and the terms and conditions as now accepted by the property owner, the City will be in possession of the subject property and will not have to concern itself with market conditions in future years, which could potentially increase the acquisition cost. The proposed settlement will also eliminate the need for this property to be expropriated by the City together with the risk of a litigated award, plus costs such as legal fees, statutory interest, etc., all of which would be entitlements to the property owner under The Expropriation Act.

Thus, the Public Works and Planning, Property and Development Departments are both of the opinion that it would be in the best interests of the City to settle this matter on the basis of the proposal as outlined.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the "subject property" outlined on Misc. Plan No. 11158 be approved at an all-inclusive purchase price of $85,000.00 and in accordance with the terms and conditions as negotiated.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

Proposed Land Exchange – land located on the north side of Bannatyne Avenue, east of John Hirsch Place - Waterfront Drive Property Requirement - City Centre Community

File FI-2.4(32) (Vol. 10)

769 - 27. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has negotiated a proposed land exchange with the owner of Parcel B, as outlined on Misc. Plan No. 11110/1, to facilitate construction of Waterfront Drive. The proposed land exchange requires that a portion of adjacent City-owned property be declared surplus by Council.

Pursuant to Council's direction to proceed with construction of Waterfront Drive, the Public Works Department requested the Planning, Property and Development Department to negotiate acquisition of the land outlined as Parcel B on Misc. Plan No. 11110/1. At that time, the owner of said Parcel B had been in negotiations with CentreVenture Development Corporation to straighten the connection between John Hirsch Place and the proposed new Waterfront Drive.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

CentreVenture Development Corporation's proposal involves negotiations with another property owner as well, and given the immediate need to acquire the necessary property to construct Waterfront Drive, it is necessary that the property required immediately therefor be obtained in advance of the completion of CentreVenture's negotiations with the said property owners.

The particulars of the property proposed to be acquired by the City are as follows:

Location:	North side Bannatyne Avenue, east of John Hirsch Place, as outlined on Misc. Plan No. 11110/1
Legal Description:	Part Lot 10 Plan 577
Registered Owner:	115 Bannatyne General Partner Inc. c/o Sunridge Management, 1400 – 330 Portage Avenue (Ron Bailey, represented by Martin Hak of Levine Levene Tadman, Barristers and Attorneys–at-Law, 7th Floor, 330 St. Mary Avenue, Winnipeg)
Certificate of Title No.:	1118044
Realty Roll No.:	062829100
Assessment:	Not apportioned
Zoning:	Downtown Winnipeg Zoning By-law No. 4800/88
Site Size:	Irregular – 20.4 square metres (220 square feet)
Property Description:	Property forms part of a surface public parking lot.

The Planning, Property and Development Department had initially proposed a straightforward purchase of Parcel B; however, the property owner requires a land exchange whereby the City would provide in substitution for Parcel B, the City-owned Parcel A also outlined on Misc. Plan No. 11110/1. The Public Works Department, under whose jurisdiction lies the land comprising Parcel A, supports the proposed land exchange as does the CentreVenture Development Corporation.

The Planning, Property and Development Department and the property owner have negotiated a proposal, and the owner is in agreement with the terms and conditions with the following exceptions:

1. Delete condition 22. Condition 22 is redundant in the event that the Standing Policy Committee on Property and Development approves the remainder of the terms and conditions and Council declares Parcel A shown on Misc. Plan No. 11110/1 to be surplus to the City's requirements.

2. The owner requires the City to provide an alternative parking stall within walking distance to the subject property until such time as replacement stalls are available within the land shown as Parcel A on Misc. Plan No. 11110/1. This will be within the direct control of the Public Works Department in terms of providing a replacement parking area for that which is being acquired by the City for Waterfront Drive.

3. The City to pay the owner's legal fees not exceeding $850 plus disbursements. As indicated in condition 15 of the negotiated terms and conditions, the City ordinarily will absorb reasonable legal fees directly related to the review and execution of a Purchase/Sale Agreement; however, in this instance it would be reasonable to also absorb legal fees relating to negotiations and attendance at meetings to reach agreement in respect of this proposed transaction.

4. The owner insists that this proposed transaction be completely without prejudice to any future negotiations among the owner, the City and CentreVenture relating to other lands. The owner of Parcel B is in the midst of negotiations with CentreVenture for acquisition of other lands adjacent to his property and wishes those negotiations to be independent of the proposed transaction being reported at this time.

The Public Works Department supports this proposed land exchange, the funding for which is to be considered by Council on July 18, 2001, as part of the Canada-Manitoba Infrastructure Program. The interim funding source would be the Land Acquisition for Future Transportation Purposes Account.

The Standing Policy Committee on Property and Development recommends:

I. That the subject City property, outlined as Parcel A on Misc. Plan No. 11110/1, be declared surplus to the City's requirements.

Report of the Standing Policy Committee on Property and Development dated July 5, 2001

II. That the proposed land exchange of City-owned Parcel A for privately-owned Parcel B as outlined on Misc. Plan No. 11110/1, be approved in accordance with the terms and conditions as negotiated.

III. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

REPORT OF THE

STANDING POLICY COMMITTEE ON

PROPERTY AND DEVELOPMENT DATED JULY 12, 2001

On motion of Councillor Vandal, the rule was suspended and the Report of the Standing Policy Committee on Property and Development, dated July 12, 2001, was considered clause by clause.

Proposed Acquisition – land located on the north side of Logan Avenue at Brookside Boulevard (West Logan Industrial Park) - Lord Selkirk-West Kildonan Community
File FI-2(34) (Vol. 7)

770 - 1. The Standing Policy Committee on Property and Development has been advised that while the City has no identified need for the subject property at the northeast corner of Brookside Boulevard and Logan Avenue, the proposed settlement and acquisition of the subject property could result in substantial savings to the City over time in the areas of servicing costs, street maintenance and capital costs of bridge replacement and maintenance thereby reducing the City's long term financial burden at this location.

On May 30, 2000, the Standing Policy Committee on Property and Development referred to the Administration for review the matter of a proposed offer to sell property on the north side of Logan Avenue at Brookside Boulevard by Omand's Creek Industrial Park Ltd. and Royal LePage Professional Services.

On May 20, 2001, the Standing Policy Committee on Property and Development authorized the Director of Planning, Property and Development to negotiate the proposed acquisition of the "subject property" as outlined on Misc. Plan No. 10925, with the matter of funding to be investigated and identified for report back to the Standing Policy Committee.

Ensuing negotiations conducted by the Real Estate Division of the Planning, Property and Development Department have produced the owner's agreement to sell the subject property to the City.

The particulars of the subject property and the negotiated settlement are as follows:

Proposed Price:	$275,000.00
Location:	North side of Logan Avenue, east of Brookside Boulevard
Legal Description:	Part Block 1, Plan 14,183 (as outlined on Misc. Plan No. 10925)
Owner:	Omand's Creek Industrial Park Ltd., Curtis Steiman, President; c/o Patrick Hamilton, Royal Legal Professional Services 276-A Colony Street, Winnipeg
Assessment:	$218,000.00
Zoning:	"A5" Agricultural District
Site Area:	4.0430 hectares (9.9905 acres) or 40,430 square metres. (435,185 square feet)
Property Description:	A vacant parcel of unserviced land located immediately north of Brookside Boulevard.

On June 8, 2001, the owner's representative advised that as a result of discussions conducted with the Real Estate Division, his client was prepared to sell the subject property to the City at a reduced amount of $275,000.00 ($27,500.00 per acre) as compared to his previously recommended offer of $400,000.00 ($40,000.00 per acre).

The Planning, Property and Development Department appraised the subject property and on the basis of that appraisal supports the proposed settlement in the amount of $275,000.00 ($27,500.00 per acre) as recommended. In addition, the proposed terms and conditions of purchase as now amended by the owner are considered to be acceptable in the proposed purchase of the subject property by the City.

Condition No. 3 of the negotiated terms and conditions, outlines that the owner proposed that the date for vacant possession, payment of the purchase price and tax adjustments shall be no later than thirty days after final approval of City Council to this proposed purchase; and not later than July 31, 2001.

Report of the Standing Policy Committee on Property and Development dated July 12, 2001

Under Condition No. 9 of the negotiated terms and conditions, the owner has agreed to enter into a Purchase/Sales Agreement with the City, embodying the terms and conditions as negotiated, in a form to be satisfactory not only to the City Solicitor/Manager of Legal Services but also to his own solicitor, which amendment is considered to be acceptable by the City.

By proceeding with this proposed acquisition based on the proposed all inclusive price of $275,000.00, the City would avoid the real risk of incurring not only servicing costs, estimated internally at $250,000.00; but also the entire cost of future bridge replacement estimated internally at approximately $1.0 million, as well as the annual cost of existing bridge maintenance of approximately $3,000.00 to $5,000.00 since these costs cannot be passed on to the neighbouring property owners. Thus, when compared to the cost of services and future bridge maintenance and replacement costs, the proposed settlement is considered reasonable from a cost of business standpoint.

Furthermore, this proposed settlement would eliminate a possible claim by the owner that the City has rendered his land undevelopable by its refusal to contribute to the cost of services pursuant to Development Agreement AG 10/77.

Thus the Planning, Property and Development Department is of the opinion that it would be in the best interests of the City to settle this matter on the basis of the proposal as negotiated.

Once acquired, the Planning, Property and Development Department can then proceed to determine if Logan Avenue lying to the south of this property can be legally and physically closed and the existing bridge decommissioned. The closed Logan Avenue right-of-way can then be consolidated with the subject property for subsequent sales purposes.

On June 14, 2001, the Public Works Department advised the Planning, Property and Development Department that the Public Works Department was not willing to participate in funding the acquisition for two main reasons:
a) the Department has no approved funding for such a purchase, and
b) the Department has no approval from Standing Policy Committee or Council with respect to a street closing.

To facilitate the proposed acquisition of the subject property, the Administration proposed that the Land Operating Reserve Account be used as the source of funding.

The Standing Policy Committee on Property and Development therefore recommends:

I. That the proposed acquisition of the "subject property" outlined on Misc. Plan No. 10925 be approved at an all-inclusive purchase price of $275,000.00 and in accordance with the terms and conditions as negotiated.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Moved by Councillor Vandal,
Adoption of the clause.

Carried.

Proposed Acquisition – 177 St. Mary's Road – Proposed Widening of St. Mary's Road - Riel Community
File FI-2(35) (Vol. 9)

771 - 2. The Standing Policy Committee on Property and Development has been advised that the City requires the property at 177 St. Mary's Road for the proposed widening of St. Mary's Road to a six-lane divided roadway between Vivian Avenue and Eugenie Street. The widening of St. Mary's Road is not in the current Five-Year Capital Forecast, however, the subject property is critical to the project. The City has already acquired several properties along St. Mary's Road for the proposed widening of St. Mary's Road.

Report of the Standing Policy Committee on Property and Development dated July 12, 2001

The Real Estate Division of the Planning, Property and Development Department has completed its negotiations with the owner's real estate representative in respect of the proposed acquisition of the subject property by the City. The Department seeks the approval of Council to the proposed acquisition as negotiated.

On June 25, 2001, the Director of Public Works requested the Director of Planning, Property and Development to immediately enter into negotiations to acquire the subject property since it is considered critical to the proposed widening of St. Mary's Road project. The subject property is currently listed for sale with an offer to purchase pending from an interested private party.

On July 5, 2001, the owner's real estate representative advised the Real Estate Division that another offer was seriously being considered by the property owners and if the proposed settlement with the City did not proceed, would in all likelihood be accepted by the owners. The proposed settlement at this time would also eliminate the need for this property to be expropriated by the City in the future together with the risk of a litigated award, plus costs such as legal fees, statutory interest, etc., all of which would be entitlements to the property owners under The Expropriation Act.

Ensuing negotiations conducted by the Real Estate Division of the Planning, Property and Development Department have produced the owner's agreement to sell the subject property to the City. The particulars of the subject property and the negotiated settlement are as follows:

Proposed Price:	$40,000.00
Location:	177 St. Mary's Road at Kenny Street
Legal Description:	Lot 6, Plan 4354 (as shown on Misc. Plan No. 11214, attached)
Registered Owners:	David W. Cooke and Susanne E. A. Cooke c/o Debra Ann Kaminsky, Remax Real Estate Inc. 300 – 3025 Portage Avenue, Winnipeg, R3K 2E2
Zoning:	"C-1" Commercial District
Assessment:	$47,250.00
Site Area:	244.14 square metres (2,628 square feet)
Property Description:	The property is improved with a 1947, one-storey, 62.43 square metre (672 square foot) four-room residential building on full basement. The building is considered to be in fair to poor condition.

On July 6, 2001, the owner's representative advised the Real Estate Division that her clients are prepared to sell the subject property to the City at an all-inclusive purchase price of $40,000.00. The property is currently listed for sale at an amount of $44,900.00.

The Planning, Property and Development Department appraised the subject property and on the basis of that appraisal, supported the proposed settlement in the amount of $40,000.00 as recommended. In addition, the proposed terms and conditions of purchase as now accepted by the owner, are considered by the Department to be acceptable for the proposed purchase of the subject property by the City.

By proceeding with this proposed acquisition based on the proposed all-inclusive purchase price of $40,000.00, and the terms and conditions as now accepted by the property owners, the City will be in possession of the subject property and will not have to concern itself with either potential purchasers acquiring the property for speculation purposes or with market conditions in future years which could potentially increase the acquisition cost.

On July 9, 2001, the Public Works Department advised the Real Estate Division that the widening of St. Mary's Road to six (6) lanes between Vivian Avenue and the Norwood Bridge is a high priority in the City's long range transportation plan. Given the increasing traffic demand resulting from residential development in south Winnipeg, it is anticipated that this property will be required in the next six to ten years to complete the widening. Several properties have already been acquired for this project. Acquisition of 177 St. Mary's Road will eliminate the possibility of a potentially costly expropriation.

Thus, the Public Works and Planning, Property and Development Departments are both of the opinion that it would be in the best interests of he City to settle this matter on the basis of the proposal as outlined.

Report of the Standing Policy Committee on Property and Development dated July 12, 2001

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the "subject property" outlined on Misc. Plan No. 11214, be approved at an all-inclusive purchase price of $40,000.00 and in accordance with the terms and conditions as negotiated.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Moved by Councillor Vandal,
Adoption of the clause.

Carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

772 - On motion of Councillor Vandal, the following by-laws were 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. 7860/2001, a by-law of The City of Winnipeg to widen the southwest corner of Nairn Avenue and Keenleyside Street. File FI-2.3(33) (Vol. 1)

By-law No. 7861/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 1033 McIvor Avenue in the East Kildonan-Transcona Community.
File DASZ 9/2001

By-law No. 7862/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located adjacent to 535 St. Charles Street in the Assiniboia Community. File DASZ 12/2001

By-law No. 7863/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the south and east sides of Winterhaven Drive west and south sides of Erindale Crescent in the Riel Community. File DASZ 11/2001

By-law No. 7864/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located west of Lindenwood Drive West and north of Lindenwood Drive East in the Assiniboia Community. File DASZ 6/2001

By-law No. 7865/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the southwest corner of Aldgate Road and John Forsyth Road and Aldgate Road and Erindale Crescent in the Riel Community. File DASZ 13/2001

By-law No. 7871/2001, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the southwest corner of Gerard Street and River Avenue in the City Centre Community. File DAZ 212/2001

By-law No. 7872/2001, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 1740 Fermor Avenue in the Riel Community. File DAZ 204/2001

Standing Policy Committee on Property and Development – Consideration of By-laws (continued)

By-law No. 7873/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 217 Kingsford Avenue in the East Kildonan-Transcona Community.
File DASZ 18/2000

By-law No. 7874/2001, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 222 Edison Avenue in the East Kildonan-Transcona Community. File DAZ 214/2001

By-law No. 7875/2001, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 595 St. Anne's Road in the Riel Community. File DAZ 221/2000