REPORT OF THE

STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MAY 30, 2000

On motion of Councillor Vandal, Clause 9 of the Report of the Standing Policy Committee on Property and Development, dated May 30, 2000, was considered.

Riverbank Stability Characterization Study of City-owned Riverbanks
File E-5.1 (Vol. 19)

483 - 9. ***Note: In accordance with Section 61.5 of the Procedure By-law, the Executive Policy Committee recommends an additional 120 day extension of time be granted to allow the Administration to review and develop an Intergovernmental Policy.***

Moved by Councillor Vandal,
That an extension of time be granted.

Carried.

REPORT OF THE

STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED APRIL 3, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated April 3, 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 and 14, be adopted.

Councillor Steek requested that Clause 1 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 2,3,4,5,6,7,8,9,10,11,12,13 and 14, was put and declared carried.

Federal Incentives for the Rehabilitation of Heritage Buildings
File G-3.1.5 (Vol. 2)

484 - 1. The Standing Policy Committee on Property and Development has been advised that the past few years have seen a number of significant changes in heritage conservation in Winnipeg.

One impetus for action has been the availability of financial incentives to stimulate private-sector investment in the repair, restoration and adaptive reuse of designated heritage buildings. The incentives (capital grants and municipal tax credits) have been allocated through the tri-level Winnipeg Development Agreement (WDA) and three City of Winnipeg programs – the Heritage Conservation Tax Credit, Downtown Heritage Conservation Tax Credit and Capital Grants from the Gail Parvin Hammerquist Fund. Most of the assisted projects have been in the Downtown including the Exchange District.

A second impetus for action has been the federal designation of the Exchange District as a National Historic Site. The designation recognizes the critical roles played by the area's wholesalers, grain traders, manufacturers and financiers in the development of Western Canada from the 1880s to the 1910s. It also recognizes the architectural attributes of the district's surviving warehouses, banks, and office and industrial buildings.

Work is now proceeding on the preliminary steps needed to nominate the area for designation by UNESCO (United Nations Educational, Scientific and Cultural Organization) as a World Heritage Site. As well, a comprehensive Heritage Interpretation Strategy has been prepared under the auspices of The Exchange District Heritage Partnership, which includes representatives from the three levels of government and heritage and business organizations. City Council has authorized the City's Historical Buildings Committee to recommend options for interpreting the district's rich history based on the ideas presented in the strategy. Early attention has focused on a proposal to create an Exchange District interpretative centre. Interested parties are expected to be exploring the feasibility of this recommendation over the next few months.

In the last five years Winnipeg City Council has made available $32 million for heritage rehabilitation projects in the City of Winnipeg through tax credits or cost-sharing grants. This will result in over $70 million of private investment into Winnipeg's heritage buildings. The City of Winnipeg cannot invest into this city's heritage legacy on its own.

To sustain an increased level of conservation activity, City Council has approved two regulatory reforms:

- A set of fire safety alternatives intended to complement existing provisions of the Manitoba Building Code by addressing concerns about appropriate standards for the renovation and reuse of heritage buildings in Winnipeg, in particular buildings of heavy timber construction.

- Amendments to the Downtown Winnipeg Zoning By-law (No. 4800/88) to facilitate the provision of housing more widely throughout the Downtown and provide for mixed use, home occupations and live/work spaces.

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Another recent initiative has been the City's recommitment to a comprehensive and intensive effort to revitalize the Downtown. To date, this renewed focus has been expressed by City Council through a Downtown First planning priority, the creation of CentreVenture Development Corporation, a downtown development agency, the reallocation of budgetary and other resources, the restructuring of incentive programs, and changes to the Zoning By-law(s).

On February 28, 2000, the Honourable Paul Martin, Minister of Finance, tabled the 2000 Budget containing the following statement:

> "Heritage Property
> The Government is committed to the development of initiatives in support of the restoration and preservation of Canada's built heritage. Canadian Heritage officials have undertaken discussions with provincial territorial and municipal government officials with a view to establishing a national register and conservation standards in respect of heritage property. These tools will be instrumental in assessing the necessity of financial support to sustain and ensure the preservation of Canada's built heritage".

In March 2000, the Department of Canadian Heritage commenced the "Historic Place Initiative", a series of consultations with provincial and municipal officials to work towards the establishment of a "National Heritage Registry" and "National Conservation Standards". If an agreement can be reached on these issues, the Federal Government will be in a position to consider the implementation of these tax incentives. In view of these ongoing discussions, the City's Historical Buildings Committee considers it important to demonstrate the City's support for these initiatives.

On April 3, 2001, the Standing Policy Committee on Property and Development considered a report dated March 15, 2001, from the Chairperson of the Historical Buildings Committee, in this connection, which outlined the following resolution:

> WHEREAS the Government of Canada announced in its February 2000 budget its commitment to new initiatives in support of Canada's built heritage;
> AND WHEREAS the City of Winnipeg has successfully stimulated approximately $70 million in private investment in heritage building rehabilitation through its various heritage grant and tax credit initiatives;
>
> AND WHEREAS similar federal programs in the United States have generated millions of dollars of private investment in the rehabilitation of heritage buildings;
>
> THEREFORE BE IT RESOLVED that the City of Winnipeg write to the Prime Minister of Canada, the Minister of Finance and the Minister of Canadian Heritage to express its support for the work of the Historic Place Initiative and to urge the Government of Canada to join with local municipalities and the provinces to implement:
>
> 1. A system of long-term ongoing Federal Tax credits for costs incurred in the rehabilitation of designated heritage buildings, and
>
> 2. Initiate a long-term ongoing Goods and Services Tax rebate paid on goods, materials, services and labour in the rehabilitation of designated heritage buildings;
>
> AND BE IT FURTHER RESOLVED that Winnipeg's Exchange District, Canada's newest and largest National Historic District, be considered as a test area to work out the mechanics of a National Heritage Tax Credit and Goods and Services Tax Rebate program.

The Standing Policy Committee on Property and Development concurred in the resolution from the Historical Buildings Committee, and submits same to Council for approval.

Moved by Councillor Vandal,
Adoption of the clause.

Carried.

Report of the Standing Policy Committee on Property and Development dated April 3, 2001

Proposed Opening and Closing of Public Lanes in the block bounded by McGregor and Andrews Streets and Stella and Flora Avenues - Lord Selkirk-West Kildonan Community

File DAOC 1/2001

485 - 2. The Standing Policy Committee on Property and Development has been advised that in January of 2001, the Parish of St. Vladmir and Olga Cathedral approached the Planning, Property and Development Department with a request to purchase the portion of the public lane east of McGregor Street between Flora and Stella Avenues. The applicant requires the land to accommodate the planned construction of a new parish hall.

The public lane must be legally closed before it may be sold. Title to all public rights-of-way in Manitoba is vested in the name of the Province. 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.

There have been no administrative objections to the closing and sale of the lane. The following comments have been received.

The Transportation Division of the Public Works Department advised that the applicant will be responsible for the relocation of the lane, outlined as "proposed opening" on Misc. Plan No. 10556/1, with a 5.0 metre portland cement concrete pavement to be constructed within the right of way. The applicant is also responsible for removing the existing lane turnout at McGregor Street and restoring the curb, boulevard and sidewalk as required. All of the above works are to be constructed to the satisfaction of the Director of Public Works.

Winnipeg Hydro advised that the applicant's plans would necessitate the removal of an existing pole line in the area. The re-supply of services to the properties west of the proposed lane opening, including the existing Parish of St. Vladmir and Olga Cathedral buildings, depends on the location of the proposed parish hall. Additional customer loads may require provision of underground distribution services to these properties. All costs associated with the works are to be assumed by the applicant.

The Land Development Branch of the Planning, Property and Development Department advised that the applicant would be required to enter into a servicing agreement with respect to the above works.

The Zoning and Permits Branch advised that the lane closing would eliminate vehicular access to a number of lots. Each site will require a variance allowing vehicular access from the street. The Zoning and Permits Branch stated that the approval of the lane closing is contingent on the approval of the required zoning variances.

The Zoning and Permits Branch further advised that the residual portion of Lot 36, Plan 31675 that will be created by the dedication of the new lane is a substandard lot and will have to be addressed either by a variance or by consolidation with the title to the property adjoining to the east. The Parish of St. Vladmir and Olga Cathedral also owns the property adjoining to the east. Consolidation of title is the most efficient means of addressing this matter.

The area of the lane being closed is greater than the area of the lane being opened. In accordance with City policy, the applicant will be required to pay the City for the difference in the value of the lands.

The authority to open and close the public lanes will be exercised only if the applicant complies with the above-noted requirements.

On March 13, 2001, the Lord Selkirk-West Kildonan Community Committee considered a report dated February 19, 2001, from the Real Property Officer, Planning, Property and Development Department, and recommended that the proposed lane opening and closing as outlined on Misc. Plan No. 10556/1 be approved with the following amendment, namely, the portion of the existing public lane abutting the rear of 568 and 572 Flora Avenue not be closed so as to maintain access to the garage and parking areas of those residential properties.

The Lord Selkirk-West Kildonan Community Committee also recommended 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 a revised Misc. Plan No. 10556 to be submitted, which will:

Report of the Standing Policy Committee on Property and Development dated April 3, 2001

- exclude from the proposed closing, the portion of the public lane abutting the properties known as 568 and 572 Flora Avenue;
- exclude from the St. Vladmir and Olga Cathedral property the properties commonly known as 568 and 572 Flora Avenue.

On April 3, 2001, the Standing Policy Committee on Property and Development considered a report dated March 20, 2001, from the Director of Planning, Property and Development recommending that the proposed opening and closing as outlined on Misc. Plan No. 10556/3 be approved. It was also outlined therein that the prior report of March 13, 2001 erroneously described the properties at 568 and 572 Flora Avenues as being owned by the applicant.

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 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. 10556/3.

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

Adopted by consent.

(See Minute No. 512 for attachment)

Proposed Plan of Subdivision – 321/329 McIvor Avenue – East Kildonan-Transcona Community

File DAS 28/2000

486 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been received from Sanderson and Associates Inc. (Peter Sanderson), 110 Ridgeway Road, Winnipeg, for approval of a plan of subdivision for the property located at 321/329 McIvor Avenue.

Site Area
The subject site is 3.581 acres.

Existing Land Use and Zoning
North: Single-family dwellings zoned "R1-5.5 " Residential District
South: Across McIvor Avenue, single-family dwellings, zoned "R1-5.5" Residential District
East: Single-family dwellings zoned "R1-5.5" Residential District
West: Single-family dwellings zoned "R1-5.5" Residential District

The applicant proposes to subdivide the subject properties into 16 residential lots ranging in size from 6,059 square feet to 12,889 square feet.

The property is located in a neighborhood policy area and the proposed subdivision complies with the policies of Plan Winnipeg.

The subject property, formerly a mink farm, is one of the remaining larger land holdings in this area of North Kildonan. The proposed lots are consistent with the residential density in the immediate vicinity. The development is an orderly and efficient use of land provided the plan is amended in accordance with a revised plan, as outlined on Schedule "B". This will require a modification of the current Public Works Department's requirement of a 17.5 metre radius for the turn-around. It is proposed that a 15-metre radius would adequately address the requirements of this subdivision, permit the more orderly subdivision of the property, and remain consistent with the Ranch Place subdivision immediately to the west.

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On February 27, 2001, a public hearing was held before the East Kildonan-Transcona Community Committee. Seven persons appeared in support of the application, no one registered in opposition thereto, and thirteen persons registered for information purposes.

The East Kildonan-Transcona Community recommended that the proposed subdivision be approved for the reason that the subject application is consistent with the residential density in the immediate vicinity.

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

I. That the plan of subdivision proposed under File DAS 28/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DAS 28/2000 dated February 20, 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 February 13, 2001, with the following amendment:

1. That the turn-around be permitted with a radius of 15 metres.

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

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 by-law in accordance with the above.

V. 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.

VI. 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.

VII. 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. 513 for attachment)

Proposed Amendment to Southland Park Development Agreement AG 25/80 – Royal Mint Properties Inc. - Riel Community
File DASZ 25/80

487 - 4. The Standing Policy Committee on Property and Development has been advised that under the terms of the Southland Park Development Agreement AG 25/80, the Developer (Royal Mint Properties Inc.) is required to:

1. Install a full range of services in Royal Mint Drive between Dawson Road and Fermor Avenue, and

2. Pay its share of the cost of services to be installed by the City at some future date in Dawson Road adjacent to Southland Park as follows:

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a. a full range of services west of Royal Mint Drive, and
b. concrete pavement and watermain east of Royal Mint Drive.

To date, only the watermain has been installed in Royal Mint Drive and no services have been installed in Dawson Road.

The Developer has requested that Development Agreement AG 25/80 be amended to delete his obligations with respect to the servicing of Royal Mint Drive and of Dawson Road.

With respect to the servicing of Royal Mint Drive, in a letter dated January 29, 2001, the Developer stated:

> "This responsibility was placed on Royal Mint Properties Inc. to provide a secondary access/egress from the north boundary of the subdivision to Fermor Avenue. In order to construct the Royal Mint Drive extension pavement, it was logical to first install all the underground services. Thus Royal Mint Properties Inc. was required to front end these services with the provision for pay back from benefiting frontage on both sides if and when it is developed.
>
> Since Royal Mint Properties Inc. intends to provide road access from the north boundary of the subdivision to Fermor Avenue via the approved temporary road on the west side of the City of Winnipeg parcel the requirement for secondary access will be met and there will be no need for Royal Mint Properties Inc. to front end the installation of services in the Royal Mint Drive Extension.
>
> These services can logically be installed by the developer of the benefiting frontage when that development proceeds. Thus the unneeded services will not deteriorate and require maintenance before they are required."

With respect to the servicing of Dawson Road, the Developer's Consulting Engineer submitted a drawing demonstrating that in the long term, Dawson Road adjacent to Southland Park will not be required.

Under the approval of Linmar Way (File DASZ 5/99), the Developer was authorized to construct a temporary hard surfaced access road across City property from Southland Park to Fermor Avenue. The Developer is proposing to construct that access road during 2001 at a cost estimated at $240,000.00. Notwithstanding the temporary access road the Developer remains obligated under the development agreement for the installation of a full range of services in Royal Mint Drive when the temporary access road is abandoned in conjunction with the construction of the interchange at the intersection of Fermor Avenue and Lagimodiere Boulevard.

On the issue of Royal Mint Drive between Dawson Road and Fermor Avenue, the Developer is required to front-end the cost of installing the services and is virtually assured of recovering ∀40% of those costs from the currently City-owned property located on the west side. Imperial Oil, located on the east side, has assessable frontage amounting to ∀28% of the total benefiting frontage. Therefore, the services could be successfully advertised as local improvements, as a petition signed by the owners of sixty percent (60%) of the assessable frontage is required to defeat the enactment of the assessment by-laws. However there is no guarantee that the by-laws would be enacted as Council is under no obligation to do so even when there is an insufficient petition against the work. If this were to occur, the Developer would have to absorb the costs attributable to the east side.

On the issue of Dawson Road, it is highly desirable that the portion west of Royal Mint Drive be closed. In conjunction with the construction of the access road from Southland Park to Fermor Avenue during 2001, the Developer is also required to close the Dawson Road connections to Lagimodiere Boulevard and to Fermor Avenue. The plan prepared by the Developer's Consulting Engineer includes single-family residential development at the rear of the Imperial Oil site. This proposal had been put forward by Imperial Oil in 1990 and approved by the City under File DAZ 235/90. The proposal has not gone ahead and Imperial Oil's current plans include a complete redevelopment of the entire site as a truck stop/restaurant/service station using their entire holding plus the acquisition of the City-owned lands on the west side of Royal Mint Drive. There are also two additional undeveloped parcels between the Imperial Oil site and the future location of a new north/south street connecting to Dawson Road. Depending on future development, all three of these properties could require the section of Dawson Road east of Royal Mint Drive for access. The westerly site is zoned "M2" Industrial District and the easterly site is zoned "A-5" Agricultural District. The development of these two sites will therefore require rezoning which will be the subject of a future public hearing before the Riel Community Committee.

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On March 19, 2001, the Riel Community Committee considered report dated February 9, 2001, from the Land Development Engineer, Planning, Property and Development Department, which recommended:

1. That Development Agreement AG 25/80 be amended to delete the Developer's obligations to pay its share of the cost of a full range of services to be installed by the City in Dawson Road west of Royal Mint Drive.

2. That Development Agreement AG 25/80 not be amended to delete the Developer's obligation to pay its share of the cost of concrete pavement and watermain east of Royal Mint Drive until it has been determined that the three affected properties can be (re)developed without Dawson Road for access.

3. That Development Agreement AG 25/80 not be amended to delete the Developer's obligation to install a full range of services in Royal Mint Drive between Dawson Road and Fermor Avenue, inasmuch as Local Improvement by-laws could be enacted to assess the property on the east side of Royal Mint Drive.

The Riel Community Committee concurred in Recommendation No. 1 as set out above. The Community Committee did not concur in Recommendation Nos. 2 and 3, and recommended that the Development Agreement AG 25/80 be amended to delete the Developer's obligations as set out above.

On April 3, 2001, the Standing Policy Committee on Property and Development considered the report dated February 9, 2001, from the Planning, Property and Development Department in this connection, and concurred in the recommendations of the Riel Community Committee with the following amendment, which has been incorporated into the recommendations set out below, namely:

- Recommendation No. 2 be amended by deleting the words "until it has" and substituting therefore "prior to its having".

The Standing Policy Committee on Property and Development therefore recommends:

I. That Development Agreement AG 25/80 be amended to delete the Developer's obligations to pay its share of the cost of a full range of services to be installed by the City in Dawson Road west of Royal Mint Drive.

II. That Development Agreement AG 25/80 be amended to delete the Developer's obligation to pay its share of the cost of concrete pavement and watermain east of Royal Mint Drive prior to it having been determined that the three affected properties can be (re)developed without Dawson Road for access.

III. That Development Agreement AG 25/80 be amended to delete the Developer's obligation to install a full range of services in Royal Mint Drive between Dawson Road and Fermor Avenue, inasmuch as Local Improvement by-laws could be enacted to assess the property on the east side of Royal Mint Drive.

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 Subdivision and Rezoning – Phasing Plan for Canterbury Park – south of Kildare Avenue East, and east of Ravenhurst Street – East Kildonan-Transcona Community

File DASZ 42/87

488 - 5. The Standing Policy Committee on Property and Development has been advised that on May 31, 1989, Council approved an application under File DASZ 42/87 by Novamet Development Corporation to subdivide and rezone approximately 240 acres of land located south of Kildare Avenue East, and east of Ravenhurst Street. Map 1 outlines the plan approved by Council.

At the Developer's request, on August 2, 1989, Council approved the registration of the plan of subdivision in phases in accordance with Map 2. To date, only the following portions of the approved plan of subdivision have been registered:

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- All of Phase 1;
- The Public Reserve southeast of Murdoch MacKay Collegiate Institute;
- Twenty (20) lots on Chadwick Crescent in 1999; and
- Thirteen (13) lots on Redonda Street in 1999.

Due to unfavourable market conditions the Developer has decided not to register Phase 2 at this time. The Developer however has advised that he could service and market 40 lots off the easterly extension of John Duncan Drive, as outlined on Map 3.

The Administration has reviewed the Developer's proposal and deems it acceptable from servicing and access perspectives even though the subject land is located within Phase 4.

On March 20, 2001, the East Kildonan-Transcona Community Committee concurred in the recommendations contained in the report dated February 23, 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 recommendations of the East Kildonan-Transcona Community Committee and recommends:

I. That the Phasing Plan approved by Council on August 2, 1989 be amended to allow Phase 1.e., as outlined on Map 3.

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.

(See Minute No. 514 for attachment)

Proposed Subdivision and Rezoning – land located at 435 Christie Road – Riel Community
File DASZ 29/2000 [c/r DAV 6/2001D]

489 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Anhang Walsh and Company (Abe Anhang), 426 Portage 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 at 435 Christie Road from an "A-5" Agricultural District to an "RR2" Rural Residential District in order to create one 2.3- acre lot and one 4-acre lot.

Site Area
The overall site area is ±6.3 acres.

Existing Land Use and Zoning
The property is zoned "A-5" Agricultural District and occupied by a dwelling at the east periphery of the lot.

Surrounding Land Use and Zoning

North:	To the north is the Red River.
South:	To the south are housing lots; some are zoned "RR2" Rural Residential District, some remain "A-5" Agricultural District.
East:	To the east are housing lots; some are zoned "RR2" Rural Residential District, some remain "A-5" Agricultural District.
West:	To the west are housing lots; some are zoned "RR2" Rural Residential District, some remain "A-5" Agricultural District.

The applicant proposes to split his existing 6.3-acre parcel with a dwelling on it into a 2.3-acre lot and a 4-acre lot.

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Although Plan Winnipeg Policy does not customarily permit subdivision development in rural unserviced areas, in this instance there is a legal Secondary Plan in place which does accommodate both minimum two-acre and five-acre lots in designated areas south of the Perimeter Highway.

The location of the subject parcel of land is on the north side of Christie Road, west of Davis Road. The overall size of the lot being subdivided is 6.3 acres. The proposed subdivision will, if approved, create a 2.3-acre lot and a 4-acre lot upon which there will be an existing dwelling. Proposed Lot 1, due to the location of the Floodway line has only about 75 feet of developable area; construction is not permitted inside the Floodway lane. The two (2) lots being created exceed the minimum lot area required under the Perimeter South Action Area Plan for the area bounded on the east of St. Mary's Road and on the west by the Red River. They also satisfy the frontage requirements. The Development Management Branch, Planning and Land Use Division of the Planning, Property and Development Department fully supports the proposed subdivision given that it complies with the lot size requirements of the area plan.

However, concerns have been registered by resident groups in recent years relative to the number of wells that have been installed in the area between St. Mary's Road and the Red River and the detrimental effect that those wells are having on both water quantity and water quality. In fact, studies done in the past by the then Provincial Water Resources Division (Conservation) point out of the fact that

> "There is a fairly delicate equilibrium of groundwater flows existing in the area west of St. Mary's Road (see Map A). The data collected in past studies suggests the problems which may be caused by disturbing the balance through increased use of groundwater should be taken into consideration when prescribing development densities. A considerable increase in the rate of pumping would lower well water levels and change the groundwater flow pattern. Also, given an increase in the development density, pumping would lower well water levels and change the groundwater flow pattern. And given an increase in the development density, pumping may be sufficient to cause an eastward shift in the salt water/fresh water boundary and the intrusion of salt water into the fresh water area."

It is currently the view of the Provincial Conservation Branch, not to mention many local residents that this may, in fact, be already happening. As a result, the Province of Manitoba has begun some preliminary testing in the area between St. Mary's Road and the Red River. Until such time as their tests prove categorically that there is not a problem, it is the position of the Planning, Property and Development Department that new wells on new lots be prohibited, and that new lots rely solely on alternative sources of water (i.e. cisterns).

On February 20, 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 subdivision and related rezoning be approved, for the reason that the proposed subdivision is a large lot development and complies with the lot size requirements of the Perimeter South Action Area plan.

On April 3, 2001, the Standing Policy Committee on Property and Development considered the report dated March 16, 2001, from the Riel Community Committee, and approved the following amendment which has been incorporated into the recommendations set out below:

- Recommendation I. be amended by adding the words "subject to the applicant entering into a Subdivision Agreement with the City which will prohibit the drilling of wells on the land" after the words "Winnipeg Land Titles Office".

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

I. That the plan of subdivision proposed under File DASZ 29/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2000 dated February 13, 2001 for registration in the Winnipeg Land Titles Office, subject to the applicant entering into a Subdivision Agreement with the City which will prohibit the drilling of wells on the land.

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

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III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 29/2000 dated February 13, 2001, to an "RR2" Rural Residential District.

IV. That the owner of the subject lands prepays his share of the cost of perpetual oiling and gravelling of Christie Road as determined by the Director of Public Works.

V. 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 one (1) additional building site(s) being created.

VI. 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.

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 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.

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. 515 for attachment)

Proposed Subdivision and Rezoning – lands located at 2 / 6 / 10 / 14 / 18 / 22 / 26 / 30 Hillmartin Drive, southeast corner of Kirkbridge and Hillmartin Drives - Riel Community Committee

File DASZ 2/2001

490 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from DWE Holdings Ltd. (Warren Earl), 85 Wiebes Drive, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands outlined from an "RM-1" Multiple-Family District to an "R1-4" Single-Family District to facilitate development of nine (9) single-family lots and one (1) multiple-family lot.

Site Area
The subject site is approximately 45,000 square feet in total area (322 feet of frontage along Kirkbridge Drive and 510 feet of frontage along Hillmartin Drive).

Existing Land Use and Zoning
The subject property is currently zoned "RM-1" Multiple-Family District, and is vacant.

Surrounding Land Use and Zoning

North:	There is a church and seniors complex north of Kirkbridge Drive zoned "RM-1" Multiple-Family District and "RM-3" Multiple-Family District, respectively.
South:	Properties to the south are zoned "R1-5" Single-Family Residential District.
East:	To the east is the CN Railway right-of-way.
West:	To the west is a fully developed "R1-5" Single-Family District subdivision.

The applicant proposes to rezone and subdivide the subject lands into nine (9) single-family lots and a smaller residual parcel for four (4) multiple-family units.

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The proposal complies with Plan Winnipeg Policy in that its intent is to provide new infill housing in existing fully serviced neighbourhoods.

The subject property is situated at the southeast corner of Hillmartin Drive and Kirkbridge Drive. It is a triangular shaped vacant parcel slightly more than an acre in size (45,000 square feet). Adjacent properties north of Kirkbridge Drive are occupied by a Church and a Seniors Housing Complex affiliated with the Church. The Church is zoned "RM-1" Multiple-Family District and the housing complex is zoned "RM-3" Multiple-Family District. Properties west of Hillmartin Drive form part of a fully developed "R1-5" Single-Family District subdivision. The applicant's proposal to create nine "R1-4" (42 foot wide) Single-Family District lots fronting onto Hillmartin Drive with a residual lot to remain for a possible multiple-family four-plex appears to be appropriate and compatible land use. The densities being proposed – a maximum nine (9) single and four (4) multiple housing units is approximately seven (7) units less than that which could be accommodated on the subject property under the current zoning. The "R1-4" Single-Family District lots, while smaller than many of the lots along Calder Bay, are generally in character with that existing neighbourhood.

The multiple-family component will be accessed via Kirkbridge Drive and will be adjacent to the CNR Lettelier Lane on a parcel less suitable for single-family development. It is the opinion of the Development Management Branch of the Planning, Property and Development Department that the proposed rezoning and development is a preferable option to the current zoning. The Planning, Property and Development Department therefore recommended that the application be approved in its entirety.

On February 20, 2001, a public hearing was held before the Riel Community Committee. Two persons appeared in support of the application, and no one registered in opposition thereto.

The Riel Community Committee recommended that the proposed subdivision and related rezoning be approved for the reason that the proposed subdivision will be consistent with housing that has been developed in the surrounding area to date.

On April 3, 2001, the Standing Policy Committee on Property and Development considered report dated March 16, 2000, from the Riel Community Committee, and approved the following amendments which have been incorporated into the recommendations set out below, namely:

- Recommendation II. be deleted in its entirety and replaced with the following:
  II. That dedication is not required to be provided under the approval of this application in that it was previously provided under the approval of the larger surrounding development."

- Recommendation VIII. be amended by deleting the word "Development" and replacing it with "Servicing"

- Recommendation IX. be deleted in its entirety and replaced with the following :
  IX. 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 recommendations of the Riel Community Committee, as amended, and recommends:

I. That the plan of subdivision proposed under File DASZ 2/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 2/2001, dated February 13, 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 February 9, 2001.

II. That dedication is not required to be provided under the approval of this application in that it was previously provided under the approval of the larger surrounding development.

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

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IV. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 2/2001, dated February 13, 2001, to an "R1-4" Single-Family District and an "RM-1" 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 land and to contiguous land owned or leased by the applicant to include the following conditions:

A. That access to the lands remaining "RM-1" Multiple-Family District can only be provided at the west limit of those lands due to the proximity of this property to the CNR Lettelier Subdivision. The Developer is also to be advised that access will be limited to right-in/out only due to the proximity of this property to the CNR Lettelier Subdivision and the intersection of Kirkbridge and Hillmartin Drives.

V. That there be a withdrawal of Caveat 85-19306 as it affects the subject lands.

VI. 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.

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 upon execution by the City of Winnipeg of the Servicing Agreement.

IX. 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.

X. 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.

XI. 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. 516 for attachment)

Extension of Time - Proposed Rezoning of land located at 529 Wellington Crescent – City Centre Community

File DAZ 224/98

491 - 8. The Standing Policy Committee on Property and Development has been advised that WOW Hospitality had been waiting for Council's decision with respect to an application to amend Condition I.3 of Council's instructions of September 9, 1998, being the requirement for payment of 10% dedication, and as such, were not in a position to register the Zoning Agreement. On November 22, 2000, Council decided that the application under File ZAA 4/2000 would not be proceeded with, and the applicants have now paid their dedication and are in a position to complete the subject rezoning. Since the by-law expired on September 29, 2000, a further extension of time is required.

As background history, on September 9, 1998, Council adopted Clause 11 of the Report of the former Committee on Planning and Community Services dated August 24, 1998, which clause recommended approval of the subject rezoning of the property at 529 Wellington Crescent from an "R1-4" Single-Family Residential District to a "C2" Commercial District, to allow for the establishment of: a) restaurant; b) a cocktail lounge; c) professional offices;

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and, d) medical dental optical counselling or other health or therapeutic clinic subject to the execution of a zoning agreement.

Recommendation VI. contained in the said Clause stipulated:

> 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 III. contained in the said Clause further stipulated:

> 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.

On September 29, 2000, Council passed Rezoning By-law No. 7301/98. The enactment section of the by-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by September 29, 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.

The Administration is of the opinion that approval of 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 are unchanged.

On March 6, 2001, the City Centre Community Committee concurred in the recommendation contained in the report dated February 14, 2001, from the Subdivision Officer, Planning, Property and Development Department, as set out below.

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

I. That the time limit specified in the enactment clause of By-law No. 7301/98 be extended to December 31, 2001, to provide for the registration of the caveat for the Zoning Agreement under File DAZ 224/98.

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 Rezoning – 766 Crescent Drive – Assiniboia Community
File DAZ 233/2000

492 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from Allan Mark, 766 Crescent Drive, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject lands from a “PR1” Parks and Recreation District to an “R1-5” Residential District to allow for the construction of a new single family dwelling.

Site Area
The subject site is a river lot measuring 50 feet wide by approximately 233 feet deep, and is 11,650 square feet (0.27 acres).

Existing Land Use and Zoning
The land is currently used for a single-family dwelling and is zoned “PR1” Parks and Recreation District.

Surrounding Land Use and Zoning
North: Across Crescent Drive is the Crescent Drive Golf Course, zoned “PR1” Parks and Recreation District
South: Red River (no zoning designation)

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East: Single-family dwelling on a lot zoned "PR1" Parks and Recreation District (758 Crescent Drive)
West: Single-family dwelling on a lot zoned "PR1" Parks and Recreation District (770 Crescent Drive)

The current application would rezone the land as outlined on Schedule "A". It should be noted that this application is being applied for concurrently with a similar rezoning of the adjacent property (at 770 Crescent Drive) under File DAZ 237/2000.

Records indicate that the existing dwelling at 766 Crescent Drive was constructed in 1949, prior to the Town Planning Scheme for the R.M. of Fort Garry –1954. Under that plan, the subject property was designated "F" Floodplain District, which permitted only temporary dwellings such as cottages and cabins. The subsequent By-law No. 1800 redesignated the land "PR" Parks and Recreation District, in anticipation of the City acquiring the property for riverbank parkway purposes. The current Zoning By-law No. 6400/94 designated the land "PR1" Parks and Recreation District. The City no longer requires this land for parkway purposes. It is important to note that City-owned lands located adjacent to these properties have already been declared surplus and will not be needed for parkway development.

The applicants are proposing to demolish the existing dwelling and construct a new dwelling closer to the Crescent Drive frontage. The key reason behind this request is that the property was found to be vulnerable during the 1997 flood, as its elevation is approximately 1.4 metres below the current flood protection standard. The current dwelling could be in jeopardy of damage or loss if a similar flood were to occur or if the riverbank were to fail due to instability. The property qualifies for financial assistance under the City of Winnipeg Flood Proofing Program, jointly funded by the Federal, Provincial and Civic Governments. It is proposed that the property grade be raised to the required floodproofing level and that the riverbank be stabilized accordingly. In order to do so, the existing home would have to be moved, which is unfeasible considering its age and condition. As such, the applicants would like to construct a new home on the land, which is not permitted given the current "PR1" designation.

A key issue with this application is the fact that available wastewater sewer services end at the junction of Crescent Drive and South Drive. This leaves the subject property, along with the dwellings at 770 and 758 Crescent Drive, and a surplus City-owned parcel, without municipal sewer services. All of the existing dwellings currently make use of pump-out holding tanks or septic field. In an effort to market the surplus City lands, the Real Estate Division of the Planning, Property and Development Department has investigated the costs associated with bringing sewer services to these lots. Even with the subdivision and sale of three new lots from the City parcel, the required lift station and sewer services are, at this point in time, cost prohibitive.

Plan Winnipeg Policy 5A-17 Restrict Conversion of Land reads:

> "The City shall not approve the subdivision or conversion of land within designated areas as Neighbourhoods on Plate A with any independent system of water supply, sewage disposal, or drainage".

The intent of this policy is to maintain the City's standards of services and quality of environment in developing areas and to permit the efficient long-term extension and use of regional municipal services. The development of land within Neighbourhood Policy Areas without a full range of services can jeopardize the logical extension of municipal services in the future.

The comments of the Water and Waste Department regarding the applications at 766 and 770 Crescent Drive reference Policy Statement 5A-17 of Plan Winnipeg. In its interpretation of this policy, the Water and Waste Department is requiring that municipal wastewater services be extended to the property, which at this time is likely cost prohibitive for the applicant. The Water and Waste Department is increasingly concerned with the existence of private services in Neighbourhood Policy Areas as these invariably lead to environmental problems when they are operated improperly. Whenever possible a full range of services should be required.

The Planning, Property and Development Department is respectful of the position of the Water and Waste Department, and agrees with the importance of providing a full range of municipal services to new development. However, the Planning and Land Use Division has reviewed this application and its history, and is of the opinion that it is not contrary to the aforementioned policy statement. This view relates to the fact that the current application does not represent either a subdivision or creation of new lots, nor a conversion of land, defined as a change in the use of the land from that which currently exists. The application allows for the continuation of the existing circumstance of a single-family residential use of the land that is already serviced with a private sewage disposal system. While this situation is not ideal for a Neighbourhood Policy Area, in this circumstance, however, it would be onerous to require the applicant to upgrade to full municipal services in order to replace an existing dwelling.

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There is a need for a confirmation of the interpretation of this policy. The responsibility for the interpretation of Plan Winnipeg policies lies with the Executive Policy Committee, therefore the approval of this application will be subject to the interpretation agreed upon by that committee. Community Committee has made a recommendation regarding the rezoning of the property as well as the conditions of the servicing agreement, and by way of this document is submitting its recommendations to the Executive Policy Committee for confirmation through the usual rezoning process.

Notwithstanding the servicing concerns, the Planning, Property and Development Department is prepared to support the proposed rezoning for the following reasons:

1. The property has contained a single-family dwelling since 1949 and has a non-conforming right to maintain that dwelling, with its current holding tank, even under the current zoning designation.

2. The existing dwelling is in jeopardy of severe damage or loss due to flood protection and bank stability issues and the current application seeks to resolve these issues, while allowing the construction of a new dwelling.

3. The "PR" designation of private land is a contradiction, in that the City no longer requires the land for riverbank parkway purposes and results in the owner being injuriously affected by the designation.

4. This application represents the continuation of an existing circumstance and in no way advocates administrative support for unserviced development.

On February 20, 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 Executive Policy Committee determine that this application complies with the intent of Plan Winnipeg Policy Statement 5A-17, and may proceed with an independent system of sewage disposal in accordance with Sewer By-law No. 7070/97.

The Assiniboia Community Committee also recommended that Zoning By-law No. 6400/94 be amended by rezoning 766 Crescent Drive to a "R1-5" Residential District, subject to conditions (as set out below), for the reason that the homeowners who have acquired this property will want to construct their home consistent with neighbouring properties.

The Assiniboia Community Committee further recommended that should Executive Policy Committee determine that this application does not comply with the intent of Plan Winnipeg Policy Statement 5A-17, that the recommendations be amended to read as follows:

1. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 233/2000 dated February 16, 2001, to a "R1-5" Residential District, subject to the following:

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

        1. The applicant shall be required to construct, at no expense to the City, a wastewater sewer, lift station and forcemain in order to provide wastewater service for this property.

        2. All construction shall be in accordance with Floodproofing Criteria (FPL = 231.37 metres).

2. 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.

3. 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.

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4. That the rezoning by-law shall come into effect when the Servicing 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.

5. That the Proper Officers of the City are hereby authorized to execute said Servicing Agreement.

6. 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.

On April 3, 2001, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee, that the Executive Policy Committee determine that this application complies with the intent of Plan Winnipeg Policy Statement 5A-17, and may proceed with an independent system of sewage disposal in accordance with Sewer By-law No. 7070/97.

Pursuant thereto, the Standing Policy Committee on Property and Development recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 233/2000 dated February 16, 2001, to a "R1-5" Residential District, subject to the following:

   A. That all construction shall be in accordance with Floodproofing Criteria (FPL = 231.37 metres).

II. 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.

III. 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.

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.

(See Minute No. 517 for attachment)

Proposed Rezoning – 770 Crescent Drive – Assiniboia Community
File DAZ 237/2000

493 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from Steve Bigelow, 770 Crescent Drive, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject lands from a "PR1" Parks and Recreation District to an "R1-5" Residential District to allow for the construction of a new single family dwelling.

Site Area
The subject site is a river lot measuring 50 feet wide by approximately 235 feet deep, and is 11,750 square feet (0.27 acres).

Existing Land Use and Zoning
The land is currently used for a single-family dwelling and is zoned "PR1" Parks and Recreation District.

Surrounding Land Use and Zoning
North: Across Crescent Drive is the Crescent Drive Golf Course, zoned "PR1" Parks and Recreation District
South: Red River (no zoning designation)
East: Single-family dwelling on a lot zoned "PR1" Parks and Recreation District (766 Crescent Drive)
West: Vacant City-owned property zoned "PR1" Parks and Recreation District

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The current application would rezone the land as outlined on Schedule "A". It should be noted that this application is being applied for concurrently with a similar rezoning of the adjacent property (at 766 Crescent Drive) under File DAZ 233/2000.

Records indicate that the existing dwelling at 770 Crescent Drive was constructed in 1949, prior to the Town Planning Scheme for the R.M. of Fort Garry –1954. Under that plan, the subject property was designated "F" Floodplain District, which permitted only temporary dwellings such as cottages and cabins. The subsequent By-law No. 1800 redesignated the land "PR" Parks and Recreation District, in anticipation of the City acquiring the property for riverbank parkway purposes. The current Zoning By-law No. 6400/94 designated the land "PR1" Parks and Recreation District. The City no longer requires this land for parkway purposes. It is important to note that City-owned lands located adjacent to these properties have already been declared surplus and will not be needed for parkway development.

The applicants are proposing to demolish the existing dwelling and construct a new dwelling closer to the Crescent Drive frontage. The key reason behind this request is that the property was found to be vulnerable during the 1997 flood, as its elevation is approximately 1.4 metres below the current flood protection standard. The current dwelling could be in jeopardy of damage or loss if a similar flood were to occur or if the riverbank were to fail due to instability. The property qualifies for financial assistance under the City of Winnipeg Flood Proofing Program, jointly funded by the Federal, Provincial and Civic Governments. It is proposed that the property grade be raised to the required floodproofing level and that the riverbank be stabilized accordingly. In order to do so, the existing home would have to be moved, which is unfeasible considering its age and condition. As such, the applicants would like to construct a new home on the land, which is not permitted given the current "PR1" designation.

A key issue with this application is the fact that available wastewater sewer services end at the junction of Crescent Drive and South Drive. This leaves the subject property, along with the dwellings at 766 and 758 Crescent Drive, and a surplus City-owned parcel, without municipal sewer services. All of the existing dwellings currently make use of either a pump-out holding tank or septic field. In an effort to market the surplus City lands, the Real Estate Division of the Planning, Property and Development Department has investigated the costs of bringing sewer services to these lots.

Even with the subdivision and sale of three new lots from the City parcel, the required lift station and sewer services are, at this point in time, cost prohibitive.

Plan Winnipeg Policy 5A-17 Restrict Conversion of Land reads:

> "The City shall not approve the subdivision or conversion of land within designated areas as Neighbourhoods on Plate A with any independent system of water supply, sewage disposal, or drainage".

The intent of this policy is to maintain the City's standards of services and quality of environment in developing areas and to permit the efficient long-term extension and use of regional municipal services. The development of land within Neighbourhood Policy Areas without a full range of services can jeopardize the logical extension of municipal services in the future.

The comments of the Water and Waste Department regarding the applications at 766 and 770 Crescent Drive references Policy Statement 5A-17 of Plan Winnipeg. In its interpretation of this policy, the Water and Waste Department is requiring that municipal wastewater services be extended to the property, which at this time is likely cost prohibitive for the applicant. The Water and Waste Department is increasingly concerned with the existence of private services in Neighbourhood Policy Areas as these invariably lead to environmental problems when they are operated improperly. Whenever possible a full range of services should be required.

The Planning, Property and Development Department is respectful of the position of the Water and Waste Department, and agrees with the importance of providing a full range of municipal services to new development. However, the Planning and Land Use Division has reviewed this application and its history, and is of the opinion that it is not contrary to the aforementioned policy statement. This view relates to the fact that the current application does not represent either a subdivision or creation of new lots, nor a conversion of land, defined as a change in the use of the land from that which currently exists. The application allows for the continuation of the existing circumstance of a single-family residential use of the land that is already serviced with a private sewage disposal system. While this situation is not ideal for a Neighbourhood Policy Area, in this circumstance, however, it would be onerous to require the applicant to upgrade to full municipal services in order to replace an existing dwelling.

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There is a need for a confirmation of the interpretation of this policy. The responsibility for the interpretation of Plan Winnipeg policies lies with the Executive Policy Committee, therefore the approval of this application will be subject to the interpretation agreed upon by that committee. Community Committee has made a recommendation regarding the rezoning of the property as well as the conditions of the servicing agreement, and by way of this document is submitting its recommendations to the Executive Policy Committee for confirmation through the usual rezoning process.

Notwithstanding the servicing concerns, the Planning, Property and Development Department is prepared to support the proposed rezoning for the following reasons:

1. The property has contained a single-family dwelling since 1949 and has a non-conforming right to maintain that dwelling, with its current holding tank, even under the current zoning designation.

2. The existing dwelling is in jeopardy of severe damage or loss due to flood protection and bank stability issues and the current application seeks to resolve these issues, while allowing the construction of a new dwelling.

3. The "PR" designation of private land is a contradiction, in that the City no longer requires the land for riverbank parkway purposes and results in the owner being injuriously affected by the designation.

4. This application represents the continuation of an existing circumstance and in no way advocates Administrative support for unserviced development.

On February 20, 2001, a public hearing was held before the Assiniboia Community Committee. One person appeared in support of the application, no one registered in opposition thereto, and one person appeared for information purposes.

The Assiniboia Community Committee recommended that the Executive Policy Committee determine that this application complies with the intent of Plan Winnipeg Policy Statement 5A-17, and may proceed with an independent system of sewage disposal in accordance with Sewer By-law No. 7070/97.

The Assiniboia Community Committee also recommended that Zoning By-law No. 6400/94 be amended by rezoning 770 Crescent Drive to a "R1-5" Residential District, subject to conditions (as set out below), for the reason that the homeowners who have acquired this property will want to construct their home consistent with neighbouring properties.

The Assiniboia Community Committee further recommended that should Executive Policy Committee determine that this application does not comply with the intent of Plan Winnipeg Policy Statement 5A-17, that the recommendations be amended to read as follows:

1. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 237/2000 dated February 16, 2001, to a "R1-5" Residential District, subject to the following:

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

        1. The applicant shall be required to construct, at no expense to the City, a wastewater sewer, lift station and forcemain in order to provide wastewater service for this property.

        2. All construction shall be in accordance with Floodproofing Criteria (FPL = 231.37 metres).

2. 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.

3. 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.

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4. That the rezoning by-law shall come into effect when the Servicing 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.

5. That the Proper Officers of the City are hereby authorized to execute said Servicing Agreement.

6. 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.

On April 3, 2001, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee, that the Executive Policy Committee determine that this application complies with the intent of Plan Winnipeg Policy Statement 5A-17, and may proceed with an independent system of sewage disposal in accordance with Sewer By-law No. 7070/97.

Pursuant thereto, the Standing Policy Committee on Property and Development recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 237/2000 dated February 16, 2001, to a "R1-5" Residential District, subject to the following:

   A. That all construction shall be in accordance with Floodproofing Criteria (FPL = 231.37 metres).

II. 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.

III. 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.

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.

(See Minute No. 518 for attachment)

Proposed Zoning Agreement Amendment –
2900 Pembina Highway – Riel Community
File ZAA 2/2001 [c/r DAV 37/2001D]

494 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from ClearNET (Brock Enderton), 3500 Gilmore Way, Burnaby, British Columbia, to amend the Zoning Agreement affecting the subject property by adding to the list of permitted uses a non-accessory antennae (cellular communications antennae).

Site Dimensions
The subject site has seventy (70) metres of frontage along Pembina Highway and is approximately 84 metres in depth.

Site Area
The subject site has approximately 54,600 square feet of total area.

Existing Land Use and Zoning
There is a multi-floor, high-rise apartment complex on the site. It is zoned "RM-6" Multiple-Family Residential District.

The applicants propose to amend the agreement to permit installation of a cellular communications facility on the roof of an existing apartment complex.

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For some time, efforts have been underway by the business sector in conjunction with the Administration of the City of Winnipeg to identify suitable sites for cellular communications towers/antennae throughout the City. The most ideal scenario is to place an antennae on the top of an existing commercial or multiple-family structure thereby obtaining the necessary height requirement while at the same time having little or no adverse effect on the surrounding neighbourhood. The subject application is for just that – an antennae built into the roof of the top floor of the multi-floor apartment complex, Richmond Gardens, at 2900 Pembina Highway. The antennae itself is unobtrusive and is unlikely to be visible from neighbouring properties. However, alterations or additions of this type do require procedurally an amendment to the original agreement. The Planning, Property and Development Department therefore recommended that the subject application for a zoning agreement amendment be approved.

On February 20, 2001, a public hearing was held before the Riel Community Committee. Two persons appeared in support of the application, no one 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 reason that there was no opposition to the application.

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

I. That Zoning Agreement DAZ 194/74 (By-law No. 781/74) dated August 20, 1974, be amended by adding to the list of permitted uses a non-accessory antennae (cellular communications antennae).

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 194/74 (By-law No. 781/74) dated August 20, 1974, as approved in Recommendation I.

III. That the Proper Officers of the City be 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 – 238 Ragsdill Road – East Kildonan-Transcona Community
File ZAA 4/2001

495 - 12. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department made an application to amend the Zoning Agreement affecting the subject property located at 238 Ragsdill Road to permit the maintenance of a single-family dwelling to have a front yard of 20.45 feet, instead of 25 feet, as required by the Agreement.

Site Dimensions
The subject site is 52.5 feet wide by 111 feet deep (16 metres by 33.824 metres).

Site Area
The subject site is 5,825 square feet (541.184 square metres).

Existing Land Use and Zoning
The subject property is a single-family dwelling; zoned “R1-5” Residential District.

A single-family dwelling has been built on the subject property 20.45 feet from the front property line instead of 25 feet as required by the Zoning Agreement, and the Planning, Property and Development Department is submitting this application inasmuch as the City Administration contributed to the error.

Report of the Standing Policy Committee on Property and Development dated April 3, 2001

The builder for the property owner was issued a permit, in error, to construct a dwelling 20.45 feet from the front property line instead of 25 feet as required by Condition No. 2 of the Zoning Agreement for File DASZ 24/94. Condition No. 2 reads as follows:

> "The lots having frontage on Ragsdill Road and Strongberg Drive shall have a front yard of 7.62 metres (25.0 feet) in depth."

The rationale for this special yard requirement is included in the Planner's Report for File DASZ 24/94, and reads as follows:

> "In order to integrate the proposed subdivision with the existing development, the Community Planning Division also recommended that all lots having frontage onto Ragsdill Road should provide a minimum 7.62 metres (25.0 feet) front yard, consistent with existing dwellings on this collector street."

There was no comment in the Planner's Report that addressed the rationale for requiring a 25 foot front yard on Strongberg Drive and this portion of the condition is no longer relevant because the applicable by-law did not come into force and effect as per Recommendation VII. of the Clause adopted by Council on September 27, 1995.

There will be seven (7) lots fronting onto Ragsdill Road in this subdivision, all within Block 1, Plan 36244 (that is, six additional lots plus the one that has been built - Lot 2). Block 2 of Plan 36244 will include two lots adjacent to Ragsdill Road, both having flankage on Ragsdill Road.

The lots of this subdivision will constitute the most easterly development along Ragsdill Road and the seven lots with frontage on Ragsdill Road are isolated from other lots to the west that may have 25-foot front yards in accordance with a previous zoning by-law. Therefore, any inconsistency of existing dwelling frontages along this collector street will not be readily evident.

The front yards of the seven Block 1 properties are measured from the street to the front attached garage so the living space is generally removed from the street further than the required front yard. To the west and east of the seven subject lots, properties have flankage on Ragsdill Road and require a 5-foot corner side yard to the dwelling unit.

The Planning, Property and Development Department recently received applications for lots in this subdivision as well as other areas of the City to vary front yards in an effort to maximize back yard space. It is anticipated that the future property owners of the remaining six lots with Ragsdill Road frontage may find a 20-foot front yard desirable in light of the consequent increased back yard space.

The subject property (Lot 2) is the first dwelling to be built in Block 1 with Ragsdill Road frontage. Adjacent homes may be adversely affected by a requirement to be set back 25 feet while their neighbour maintains a 20-foot front yard. Rather than entertain the potential of future Zoning Agreement Amendments for each of these seven lots, the Planning, Property and Development Department recommended that the subject Zoning Agreement Amendment be approved, and the Department be requested to initiate another Zoning Agreement Amendment to address the front yard requirement for the remaining residential lots with Ragsdill Road frontage by deleting Condition No. 2 entirely for Zoning Agreement DASZ 24/94 (By-law No. 7215/98).

On February 27, 2001, a public hearing was held before the East Kildonan-Transcona Community Committee. One person appeared in support of the application, and no one registered in opposition thereto. The East Kildonan-Transcona Community Committee recommended that the proposed zoning agreement amendment be approved for the reason that the amendment will not have an adverse effect on the surrounding neighbourhood.

On February 27, 2001, the East Kildonan-Transcona Community Committee also recommended that the Director of Planning, Property and Development be requested to initiate a zoning agreement amendment to address the front yard requirement for the remaining residential lots with Ragsdill Road frontage by deleting Condition No. 2 entirely for Zoning Agreement DASZ 24/94 (By-law No. 7215/98). On April 3, 2001, the Standing Policy Committee on Property and Development concurred in this request, and requested the Director of Planning, Property and Development to initiate a zoning agreement amendment to reflect this change.

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

Report of the Standing Policy Committee on Property and Development dated April 3, 2001

I. That Zoning Agreement DASZ 24/94 (By-law No. 7215/98) dated June 8, 1998, be amended by revising Condition No. 2 to read:

"2. The lots having frontage on Ragsdill Road and Strongberg Drive shall have a front yard of 7.62 metres (25.0 feet) in depth, except Lot 2, Plan 36244 which shall have a front yard of 6.233 metres (20.45 feet)."

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 24/94 (By-law No. 7215/98) dated June 8, 1998, as approved in Recommendation I.

III. That the Proper Officers of the City be 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 Street Name Change – Pamela Road to Apex Street – Assiniboia Community
File SC-3.14(31) (Vol. 3)

496 - 13. The Standing Policy Committee on Property and Development has been advised that a situation has arisen in the Riel Community Committee whereby a resident of a former portion of John Bruce Road, lying east of the Canadian Pacific Railway – Emerson Line – has now been isolated by virtue of the physical closing of the street crossing over those tracks. The affected owner has been advised that it will now be necessary to change the existing name of John Bruce Road, and the owner has requested the street name of Pamela Road. As Pamela Road already exists in the Assiniboia Community Committee, it was noted that Pamela Road will be eliminated when the northerly continuation of Apex Street is advanced.

The Planning, Property and Development Department therefore recommended that Pamela Road be changed to Apex Street and that the name Pamela Road be made available to the Riel Community Committee.

On March 13, 2001, the Assiniboia Community Committee concurred in the recommendation contained in report dated February 23, 2001, from the Subdivision Officer, Planning, Property and Development Department, and recommended that the currently registered street name "Pamela Road" as outlined on Schedule "A" dated February 23, 2001, be changed to "Apex Street".

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

I. That the currently registered street name "Pamela Road" as outlined on Schedule "A" dated February 23, 2001, be changed to "Apex Street" and that in doing so, Council authorize the following:

A. That the Director of the Planning, Property and Development Department be requested to provide the necessary legal description to the City Solicitor/Manager of Legal Services for the purpose of preparing a by-law.

B. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law for approval by Council for registration in the Winnipeg Land Titles Office and that the street name change become effective upon third reading.

C. That the City Solicitor/Manager of Legal Services, upon passage and adoption of the by-law by Council, be authorized to publish the street name change in two daily newspapers having a general circulation throughout the City of Winnipeg.

Report of the Standing Policy Committee on Property and Development dated April 3, 2001

D. That the City Clerk be requested, upon passage of the by-law, to provide the relevant Community Clerk with a copy of the by-law and this report for the purpose of changing all pertinent records and notifying all persons affected by the by-law.

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.

(See Minute No. 519 for attachment)

Proposed Street Name Change – John Bruce Road to Pamela Road – Riel Community
File SC-3.14(35) (Vol. 2)

497 - 14. The Standing Policy Committee on Property and Development has been advised that since the closing of John Bruce Road at the Canadian Pacific Railway Emerson Subdivision crossing, one dwelling has been left in isolation. In consultation with the current owner it was recommended that this portion John Bruce Road be removed to avoid confusion for emergency vehicles, deliveries and service vehicles. The owner has requested the name “Pamela Road”, which is the name of her sole grandchild.

The Planning, Property and Development Department has no objection to this request, as “Pamela Road” does not duplicate or sound like any existing streets.

On March 19, 2001, the Riel Community Committee concurred in the recommendation contained in the report dated February 23, 2001, from the Subdivision Officer, Planning, Property and Development Department, and recommended that the currently registered street name "John Bruce Road" as outlined on Schedule "A" dated February 23, 2001, be changed to "Pamela Road".

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

I. That the currently registered street name "John Bruce Road" as outlined on Schedule "A" dated February 23, 2001, be changed to "Pamela Road" and that in doing so, Council authorize the following:

A. That the Director of the Planning, Property and Development Department be requested to provide the necessary legal description to the City Solicitor/Manager of Legal Services for the purpose of preparing a by-law.

B. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law for approval by Council for registration in the Winnipeg Land Titles Office and that the street name change become effective upon third reading.

C. That the City Solicitor/Manager of Legal Services, upon passage and adoption of the by-law by Council, be authorized to publish the street name change in two daily newspapers having a general circulation throughout the City of Winnipeg.

D. That the City Clerk be requested, upon passage of the by-law, to provide the relevant Community Clerk with a copy of the by-law and this report for the purpose of changing all pertinent records and notifying all persons affected by the by-law.

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.

(See Minute No. 520 for attachment)

REPORT OF THE

STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED APRIL 5, 2001

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

Moved by Councillor Vandal,

That the Consent Agenda, Clauses 1,2,3,4,5,6 and 7, be adopted.

Councillor Smith requested that Clauses 2 and 3 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,4,5,6 and 7, was put and declared carried.

The Speaker called the Deputy Speaker, Councillor Lazarenko, to the Chair.

Proposed Rezoning – 175 Ronald Street - Assiniboia Community File DAZ 230/2000 [c/r DAV 922/2000D and DCU 295/2000D]

498 - 1. The Standing Policy Committee on Property and Development has been advised that an application has been received from Gaboury Prefontaine Perry Architects (Ken McKinnon), 310 – 55 Donald Street, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land at 175 Ronald Street from an "R1-5.5A" Residential District to an "RM-5A" Multiple Family Residential District to allow for a multiple family development.

Site Area
The subject site is 656 acres (2,654.256 square metres).

Existing Land Use and Zoning
Surface parking area, accessory to the adjacent Courts of St. James commercial mall and the multiple-family dwelling on the west side of Ronald Street, zoned "R1-5.5A" Residential District.

Surrounding Land Use and Zoning

North: Single-family dwellings, zoned "R1-5.5A" Residential District separated from the proposed condominium development by a 1.359 acre asphalt parking area.

South: Dairy Queen and Perkins restaurants, zoned "C2" Commercial District, separated from the proposed condominium development by a public lane, paralleling Portage Avenue.

East: Ukrainian Catholic Church of St. Basil the Great and accessory parking area, zoned "R1-5.5A" Single-Family District. Single-family dwellings, also zoned "R1-5.5A" Residential District.

West: Courts of St. James commercial mall and accessory parking, zoned "C2" Commercial District 15-storey apartment buildings, zoned "RM-7A" Multiple-Family District.

The applicant proposes to develop a 6-storey, 40 unit condominium on property currently utilized for Courts of St. James overflow parking. In order to proceed, the lands must be rezoned to permit multiple-family housing, a conditional use order must be granted (to permit density of greater than 35 units per acre in the Airport Vicinity Protection Area II), and a variance order must be granted (to permit less than required yards and parking).
The proposed development is supported by Plan Winnipeg (Urban Development Management section). High intensity residential development is directed towards sites in proximity to regional streets and transit corridors. Further, new development which adjoins and is compatible with existing development, and which is designed to minimize the use of land, is encouraged. Plan Winnipeg also clearly articulates the primacy of accommodating redevelopment in existing neighbourhoods through consultation with residents and other local interests.

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

The Courts of St. James have been the source of ongoing land use issues in the subject neighbourhood since their development in 1964. This has been a difficult site to develop as evidenced by some of the City correspondence, Council Minutes and legal agreements dated between 1964 and 1968 that were retrieved for the previous application that was heard in 1997. Many neighbouring residential property owners would prefer to see the subject property developed with single-family residential dwellings. In 1997, File DAZ 206/97 proposed a similar multi-family residential development. The applicant did not undertake any meaningful consultation with the neighbourhood to negotiate the details, impacts and possible mitigation of the proposed condominium development. Issues including parking, traffic, noise, privacy, site drainage and property maintenance were voiced as concerns by neighbouring residents. The application was rejected on the basis that the developer and the community were unable to reach common ground.

With the current application, the applicant submitted an outline of the actions they have taken to resolve issues that arose through the 1997 public hearing process. They indicated that they reviewed this project in detail with some residents in July 1999. They subsequently hand delivered invitations to residential property owners along Harcourt Street, Lodge Avenue and Ronald Street to attend an informational meeting that was held on November 24, 1999, in St. Basil's Church basement. Project information was also presented to the church council in February 2000. The applicant also indicated they further shared the details of the application by personally visiting the most affected neighbours in the Fall of 2000.

The application before Community Committee was fundamentally the same as the application submitted in 1997. The site plan indicates additional consideration of perimeter landscaping as well as a 5,916 square foot public park adjacent to 245 Ronald Street, both to buffer the subject property from adjacent residences.

There continues to be a great deal of concern about the parking required for the Courts of St. James and the relationship that parking requirement has to the proposed development. A detailed zoning analysis was prepared by the Zoning Administrator of the Planning, Property and Development Department and submitted to the Assiniboia Community Committee with the previous application. Three separate zoning by-laws have been in effect since the Courts of St. James was approved in 1964. Each zoning by-law would have required a different number of parking spaces for the residential and commercial components of the project. The applicant and owner continue to claim that the "parking lot [east of Ronald Street] has remained predominantly vacant since it was built in conjunction with the Courts of St. James some thirty years ago and this will unlikely change into the future." The variance application that accompanies this rezoning application provides consideration of the actual parking stalls available, the actual parking stalls occupied and an estimate of additional parking stalls required for shopping centre activity and future residential demand.

There was concern at the 1997 public hearing and in recent phone calls from residents to the City Planner regarding land drainage. According to residents, the backyards of Harcourt Street properties collect much of the runoff from the adjacent Ronald Street parking area. Should the application be approved by Council, the Planning and Land Use Division of the Planning, Property and Development Department recommends that a detailed site drainage plan be prepared by a professional engineer and submitted to the Water and Waste Department for approval prior to the issuance of any permits for the property.

The applicant proposes to redevelop what they describe as an under-utilized and somewhat derelict parking area into condominium housing for seniors. The proposed configuration attempts to provide a transition between the 15+ storey high-density apartment development to the west and the single-family housing to the east. The application is compatible with adjacent development to the west and south. Its distance from the single-family dwellings to the north significantly reduces impacts to those properties. Less clear cut are potential impacts on those properties located to the immediate east, particularly the southernmost single-family dwellings along Harcourt Street.

It is difficult to quantify what an acceptable separation distance might be between a multi-storey residential building and an adjacent single-family dwelling. Examples of recent similar developments in the Assiniboia (North) area include the ANAVETS application at 3586-90 Portage Avenue and the Bruce Park Condos at 1976 Portage Avenue. Both developments concern 6-storey seniors housing units and are adjacent to single family neighbourhoods zoned "R1-5.5" Residential District. The ANAVETS development was approved in 1999 with a 50-foot rear yard buffer to the rear property line of 117-foot deep residential lots. The Bruce Park Condos were approved in 1993 with an 11.5-foot rear yard to the wall of the first storey and a 31.5-foot separation to the second and subsequent storeys from the side lot line of a single family dwelling.

The Harcourt Street residential properties that are most affected by this development are exceptionally deep at 236 feet. The first storey of the proposed development provides a 25-foot rear yard. A fifty foot width of the building is also set back 25 feet for the second and subsequent storeys. The rest of the building mass moves farther away

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

from the east property line due to the architecture of the building. The proposed development provides a separation distance comparable to similar recent multi-storey developments. It should be noted, though, that the other two multi-storey buildings were located to the north of single family homes rather than to the west where sunlight may be blocked.

Public Hearings were held before the Assiniboia Community Committee on December 12, 2000 and adjourned to February 20, 2001. Forty persons appeared in support of the application, thirteen persons registered in opposition thereto, and four persons appeared for information purposes. The Assiniboia Community Committee recommended that the proposed rezoning be approved for the following reasons:

1. The subject lands are no longer suitable or desirable for single-family residential development.

2. The proposed development will provide a positive addition to the residential component of the community.

3. The applicants have made public commitments to do everything they can to try to minimize or negate any negative effects this development may have on adjoining properties.

On April 5, 2001, the Standing Policy Committee on Property and Development considered the report dated March 8, 2001, from the Assiniboia Community Committee, and approved the following amendments which have been incorporated into the recommendations set out below, namely:

- Amend Recommendation No. I.A.3 to include the words "shall include recommendations for a uniform drainage plan including properties adjacent to the east, shall be completed in consultation with adjacent Harcourt Street property owners, and" between the words "Plan 18642" and "shall be prepared".

- Delete Recommendation Nos. I.A.4 and I.A.6 in their entirety, namely:

    4. That the "New Proposed Public Park" located at the northwest corner of Lot 2, Block 2, Plan 18642, shall be developed and maintained by the property owner to the satisfaction of the Director of Planning, Property and Development.

    6. That the applicant commit to assisting residents in coming to a common resolution regarding a uniform backyard drainage plan and a uniform screening plan, both of which would be done through consensus of all affected neighbours.

- Amend Recommendation No. I.A.5 to include the words "that includes a 68 foot by 87 foot landscaped buffer at the northwest corner of the property and uniform screening along the east property line determined in consultation with adjacent Harcourt residents," between the words "Landscape Architect" and "are submitted to".

  Further amend Recommendation No. I.A.5 to include the words "and maintained thereafter to the satisfaction of the Director" between the words "Planning, Property and Development" and "designated as Schedule A".

  Renumber Recommendation No. I.A.5 to I.A.4.

The Standing Policy Committee on Property and Development concurred in the recommendations of the Assiniboia Community Committee, as amended, 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 230/2000, dated December 5, 2000, to an "RM-5A" Multi-Family Residential 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 not more than forty (40) dwelling units shall be permitted on the land.

        2. That no building or structure shall be erected on the land exceeding six storeys (including the at-grade parking level) in height.

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3. That a site drainage plan for Lots 1 and 2, Block 2, Plan 18642 shall include recommendations for a uniform drainage plan including properties adjacent to the east, shall be completed in consultation with adjacent Harcourt Street property owners, and shall be prepared and implemented to the satisfaction of the Director of Public Works, prior to any permits issued for the subject property; a site drainage plan for Lots 1 and 2, Block 2, Plan 18642 shall include recommendations for a uniform drainage plan including properties adjacent to the east, shall be completed in consultation with adjacent Harcourt Street property owners, and shall be prepared and implemented to the satisfaction of the Director of Water and Waste prior to any permits issued for the subject property.

4. 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, fascia signs, free-standing signs, balcony enclosures and a landscaping plan prepared by a professional Landscape Architect that includes a 68 foot by 87 foot landscaped buffer at the northwest corner of the property and uniform screening along the east property line determined in consultation with adjacent Harcourt residents, are submitted to and approved by the Assiniboia Community Committee, and the Director of Planning, Property and Development, and maintained thereafter to the satisfaction of the Director, designated as Schedule "A" to Zoning Agreement DAZ 230/00, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement.

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 be 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. 521 for attachment)

Proposed Closing of part of Letinsky Place
– City Centre Community
Files DAC 2/2001 and DAC 3/2001

499 - 2. The Standing Policy Committee on Property and Development has been advised that in February of 2001, the Planning, Property and Development Department received a request from the Ashdown Arts Exchange Consortium Ltd. to purchase Letinsky Place. The applicant requires the street to permit the development of parking facilities for the Arts and Ideas Exchange Development site, to be located at the former Big Four Sales store site.

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

On February 28, 2001, Council amended the terms and conditions for the sale of 476/480 Main Street to the Ashdown Arts Exchange Consortium Ltd. The proposed street closing is contingent on that sale, and the authority to close the street will only be exercised when the adjoining property has been purchased.

The applicants stated in their application under File DAC 2/2001, that they require the street to permit the development of parking facilities for the Arts and Ideas Exchange Development site (the former Big Four Sales site). The applicants further stated that they were willing to leave a portion of the street open to honour the person for whom the street was named. Ed Letinsky was a planner with the City's former Planning Department who was instrumental in the development of the Exchange District concept.

On March 6, 2001, the City Centre Community Committee considered an application under File DAC 2/2001 to close a portion of Letinsky Place, as outlined on Misc. Plan No. 11077/1. The Community Committee recommended approval of the proposed closing, subject to seven stated conditions.

Subsequently thereafter, the applicants advised that they require the entire street, and thus have made a new application to close all of Letinsky Place under File DAC 3/2001. The portion that was to be left open will be required for an electrical transformer and other project components such as control systems for the overhead door to the parking structure.

Since the closing of the street will eliminate the street name, the applicants have offered to place a free-standing memorial to Ed Letinsky at the south end of what they intend to call Letinsky Plaza. It would include some form of plaque that bears testimony to Mr. Letinsky's contribution in raising awareness within the city about the important heritage of the Exchange District and the buildings in the area. The applicants' landscape architect, Garry Hilderman, Hilderman Thomas Frank Cram, has been in touch with Mr. Letinsky's widow and has explained to her his idea for a memorial. Although the concept needs to be further developed, it is thought that incorporating some of Mr. Letinsky's remarkable artwork and sketches would be fitting. In this way, current and future generations would have a much better understanding of who Mr. Letinsky was and the extent of his contribution to Winnipeg.

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 street.

The Geomatics Branch of the Planning, Property and Development Department has advised that all legal costs associated with the closing, including but not limited to the preparation of the closing plan and a plan of easement, are to be the responsibility of the applicant.

The Zoning and Permits Branch of the Planning, Property and Development Department has advised that its approval of the closing is subject to a conditional use approval by the Board of Adjustment for the elimination of the accessory parking/loading area (File DCU 209/2000C).

The Parks and Open Space Division of the Public Works Department has advised that it will require an agreement allowing the continued maintenance of a storage shed in the street right-of-way.

The Water and Waste Department advised that the following services are within the closing area:
- a 1950mm diameter concrete storm relief sewer, constructed in 1965;
- a 300mm diameter pvc combined sewer, renewed in 1999; and,
- a 250mm diameter cast iron watermain, constructed in 1908.

The conditions of the Water and Waste Department's approval of the closing are as follows:
- The applicant shall provide to the City, for approval, a plan/profile construction drawing prepared by a registered municipal engineer showing all existing services and proposed works, including the relocation of the 250mm watermain to avoid the down ramp proposed to be constructed by the applicant within the closing area.
- The applicant will be required to relocate the watermain and other items as deemed appropriate within the closing area at no expense to the City.
- The applicant shall grant to the City an easement over the entire closed street for access to and maintenance of the sewers and watermain contained therein. The agreement would contain a clause stipulating that no structures shall be constructed within the closing area without the prior consent of the Director of Water and Waste.

Winnipeg Hydro has advised that it will require an easement agreement over the entire closed street for access to and maintenance of the sewers and watermain contained therein. The agreement would contain a clause stipulating that no structures shall be constructed within the closing area without the prior consent of the Director of Water and Waste.

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

MTS and Centra Gas have advised that they will also require easements for their plants in the street.

An agreement with the City to allow the continued use of the street for access to the Old Market Square and the businesses located at 492 Main Street will be required.

On April 3, 2001, the City Centre Community Committee considered a new application under File DAC 3/2001, to close all of Letinsky Place, as outlined on Misc. Plan No. 11077/2. The Community Committee rescinded its recommendation of March 6, 2001 regarding File DAC 2/2001, and recommended that all of Letinsky Place, as outlined on Misc. Plan No. 11077/2 for File DAC 3/2001, be closed subject to eight stated conditions (as set out below).

The Standing Policy Committee on Property and Development concurred in the April 3, 2001 recommendation of the City Centre Community Committee and recommends:

I. That the application to close a portion of Letinsky Place under File DAC 2/2001 be filed.

II. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing of Letinsky Place (under File DAC 3/2001) in accordance with Schedule "A", Misc. Plan No. 11077/2.

III. That the closing of Letinsky Place be subject to the following conditions:

A. The applicant acquires conditional use approval for the elimination of the accessory parking/loading area.

B. The applicant enter into an agreement with the Public Works Department, Parks and Open Space Division, allowing the continued maintenance of a storage shed in the street right-of-way.

C. The applicant grant to the City an easement over the entire closed street for access to and maintenance of the sewers and watermains contained therein, the agreement to contain a clause stipulating that no structures shall be constructed within the closing area without the prior consent of the Director of Water and Waste.

D. The applicant grant to the City an easement over the portion of the closed street required for access to and maintenance of the Winnipeg Hydro plant contained therein.

E. The applicant enter into an agreement with the City allowing the continued use of the street for access to Old Market Square and the businesses located at 492 Main Street.

F. The applicant grant easements to the MTS and Centra Gas for the maintenance of their plants in the street.

G. The applicant assume responsibility for all legal costs associated with the closing, including but not limited to the preparation of the closing plan and a plan of easement.

H. A free-standing memorial to Ed Letinsky be placed at the south end of what is to be called "Letinsky Place", including some type of plaque bearing testimony to Mr. Letinsky's contribution in raising awareness within the City about the important heritage of the Exchange District and buildings in the area and perhaps the incorporation of some artwork and sketches by Mr. Letinsky.

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

Moved by Councillor Vandal,
Adoption of the clause.

Carried.

(See Minute No. 522 for attachment)

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

Proposed Sale of Letinsky Place right-of-way – located off Bannatyne Avenue adjacent to and west of 476/480 Main Street – City Centre Community
File DAC 3/2001

500 - 3. The Standing Policy Committee on Property and Development has been advised that on February 5, 2001, the Planning, Property and Development Department received a request from Shelter Canadian Properties Limited (Shelter) to purchase a portion of Letinsky Place. They indicated that a portion of Letinsky Place is required for surface parking for the construction of a ramp into the proposed parkade. Shelter Canadian Properties Limited through Ashdown Arts Exchange Consortium Ltd. has submitted an Offer to Purchase 476/480 Main Street from the City. Shelter has indicated that without the ability to purchase Letinsky Place it will not be able to proceed with its purchase and redevelopment plans for 476/480 Main Street.

The Planning, Property and Development Department is in receipt of proposed terms and conditions for the purchase of the area highlighted as "proposed closing" on Misc. Plan No. 11077/3. The particulars of the subject property are as follows:

Location:	Letinsky Place is located off Bannatyne Avenue adjacent to and west of 476/480 Main Street (the former Big Four Sales building)
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:	Downtown Winnipeg Zoning By-law No. 4800/88 When closed the subject lands will take on the current zoning of the Old Market Square lands and 476/480 Main Street: Residential "RA" Non-residential Group "NRe" Bulk Range "BR2" Parking/Loading "PL2" Signage "S3" Urban Design – "HW" – Historic Design Review
Site Size/Area:	8,685 square feet
Property Description:	The subject City property is located directly west of and adjacent to 476/480 Main Street. The property is currently an open right of way known as Letinsky Place. The property is improved with pavement, street lighting, sidewalks, and landscaping.

The proposal to close and sell Letinsky Place was circulated to all affected City Departments. The Water and Waste Department advised that they require an easement over the entire closed right-of-way for access and maintenance of its sewer and watermain located within the right of way. The Water and Waste Department have requested that the easement agreement state that no structures are to be located within the subject lands unless approved by the Director of Water and Waste. In addition, Winnipeg Hydro, MTS and Centra Gas have indicated that they will require an easement for maintenance of its underground services located in the lands.

The Planning and Land Use Division of the Planning, Property and Development Department advised that they have concerns with a private developer having control and ownership of the subject lands. The Planning and Land Use Division would support the closing of the Letinsky Place only if it enhances pedestrian movement and park use. The Planning and Land Use Division believes that at this time the City should maintain ownership of the Letinsky Place right-of-way.

On March 6, 2001, the City Centre Community Committee considered an application under File DAC 2/2001 and recommended that a portion of Letinsky Place be closed, subject to conditions, and that a portion of the street remain open to carry on the street name in honour of Ed Letinsky, a former City Planner.

On March 9, 2001, the applicant notified the Planning, Property and Development Department that they require all of Letinsky Place for the redevelopment of 476/480 Main Street. The portion that was to be left open is now required for an electrical transformer and other project components such as control systems for the overhead door to the proposed parking structure for 476/480 Main Street. In addition, the applicant indicated to the Planning, Property and Development Department that in order to meet the occupancy dates for its lead tenant for the project, all approvals must be in place by the beginning of May 2001.

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

On March 21, 2001, the Planning, Property and Development Department received the proposed terms and conditions for the sale of the subject City property from the proponent. The principle terms and conditions as negotiated are as follows:

Purchaser:	Ashdown Arts Exchange Consortium Ltd.
Principles:	Arni Thorsteinson
Proposed closing:	September 30, 2001 or sooner as mutually agreed to
Purchase Price:	$73,830.00
Deposit:	$7,383.00

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 476/480 Main Street.

2. The Purchaser at its sole cost and expense is to install a freestanding memorial on the subject lands in dedication to Ed Letinsky. The memorial is to recognize Ed Letinsky's contribution to the City as a former City Planner. The design and content of the memorial is subject to the approval of the City.

3. The Purchaser is to provide detailed plans to the City for approval showing the site layout, parking, access, landscaping, fencing, garbage enclosures, lighting, accessory structure, and signage.

4. The Purchaser acknowledges the terms and conditions contained in the Agreement dated July 29, 1996, between the "City of Winnipeg" as Lessor and "The Exchange District Business Improvement Zone" as Lessee, and will not develop or use the Lands in such manner that it impacts the operation of the Old Market Park and the Bijou Theatre Site as per the Agreement. The Purchaser at its sole cost, effort and expense shall enter into an agreement with "The Exchange District Business Improvement Zone" to allow access and use of the lands as required. The agreement between the Purchaser and "The Exchange District Business Improvement Zone" is subject to the approval of the City.

5. The Purchaser is to enter into agreement(s) with the City and the owner and tenant of 492 Main Street to allow access over the lands as required. The Purchaser shall at its sole cost, effort and expense enter into the agreement(s).

6. The sale of the subject City lands is conditional upon the Purchaser completing its purchase of 476/480 Main Street on or before September 30, 2001.

There are no commissions payable on the sale of this property to Ashdown Arts Exchange Consortium Ltd. The offer of $73,830.00 is supported by the appraisal that was completed on the subject property.

The Planning, Property and Development Department recommended that subject to the approval of the closing and enactment of the by-law, the subject City lands be declared surplus. The Department supports the sale of subject City lands to Ashdown Arts Exchange Consortium Ltd. for the following reasons:

- The Offer received is well supported by the appraised value of the property. The proposed sale price has been determined in recognition of the need to retain easements, and to enter into cross access agreements and to consolidate certificates of titles.

- The sale will result in the property going on the Tax Roll.

- The purchaser requires the subject property for its redevelopment of the adjacent 476/480 Main Street.

On April 3, 2001, the City Centre Community Committee considered a new application, under File DAC 3/2001, to close all of Letinsky Place. The Community Committee recommended that the closing of Letinsky Place (as outlined on Misc. Plan No. 11077/2) be approved, subject to the following conditions, namely:

A. The applicant acquire conditional use approval for the elimination of the accessory parking/loading area.

B. The applicant enter into an agreement with the Public Works Department, Parks and Open Space Division, allowing the continued maintenance of a storage shed in the street right-of-way.

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C. The applicant grant to the City an easement over the entire closed street for access to and maintenance of the sewers and watermains contained therein, the agreement to contain a clause stipulating that no structures shall be constructed within the closing area without the prior consent of the Director of Water and Waste.

D. The applicant grant to the City an easement over the portion of the closed street required for access to and maintenance of the Winnipeg Hydro plant contained therein.

E. The applicant enter into an agreement with the City allowing the continued use of the street for access to Old Market Square and the businesses located at 492 Main Street.

F. The applicant grant easements to the MTS and Centra Gas for the maintenance of their plants in the street.

G. The applicant assume responsibility for all legal costs associated with the closing, including but not limited to the preparation of the closing plan and a plan of easement.

H. A free-standing memorial to Ed Letinsky be placed at the south end of what is to be called "Letinsky Place", including some type of plaque bearing testimony to Mr. Letinsky's contribution in raising awareness within the City about the important heritage of the Exchange District and buildings in the area and perhaps the incorporation of some artwork and sketches by Mr. Letinsky.

On April 5, 2001, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee to close Letinsky Place, as outlined on Misc. Plan No. 11077/2 for File DAC 3/2001, subject to the aforementioned conditions, and submitted its recommendations to Council.

On April 5, 2001, the Standing Policy Committee on Property and Development considered the sale of Letinsky Place, and recommended that the sale be approved subject to the negotiated terms and conditions, with the exception that the purchase price be $36,915.00.

The sale of Letinsky Place 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 Standing Policy Committee on Property and Development recommends:

I. That the area outlined as "proposed closing" on Misc. Plan 11077/3 be declared as surplus to the City's requirements, subject Council approving the proposed closing of Letinsky Place and its enactment of the road closing by-law.

II. That the sale of the subject property to Ashdown Arts Exchange Consortium Ltd. be approved at a price of $36,915.00 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.

Moved by Councillor Vandal,
Adoption of the clause.

The motion for adoption of the clause was put.

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

Yea: Councillors Clement, De Smedt, Gerbasi, Prystanski, Smith, Steek, Steeves, Deputy Mayor Thomas, Timm-Rudolph, Vandal, Eadie, His Worship Mayor Murray and Councillor Lazarenko. 13

Nay: Councillor Lubosch. 1

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

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Proposed Acquisition of vacant land, located at the northwest corner of Victoria Avenue East and Redonda Street - Transcona-Springfield School Division No. 12 - East Kildonan-Transcona Community
File FI-2(33) (Vol. 3)

501 - 4. The Standing Policy Committee on Property and Development has been advised that on several occasions in the late 1980's, and the early 1990's, the Transcona-Springfield School Division No. 12 (the School Division), and the City discussed the possibility of a land exchange involving the "subject property" as outlined on Misc. Plan No. 11079 and a parcel of City-owned lands to be determined.

The particulars of the subject property are as follows:

Owner:	Transcona-Springfield School Division No. 12
Location:	North side of Victoria Avenue East, between Redonda Street and Widlake Street
Legal Description:	Block 8, Plan 7569 D.G.S. NE 4-11-4E
Realty Roll Number:	09001400000
Certificate of Title:	956430
Assessment:	$138,000.00 (1998 Base Year)
Site Size:	106.68 m x 159.73 m = 17,039.00 square metres (1.704 ha) 350 feet x 524.04 feet = 183,412.27 square feet (4.21 Ac.)
Zoning:	"PR1" Parks and Recreational District
Property Description:	Grass covered vacant land with a level grade, used as an athletic field

Although the City and the Transcona-Springfield School Division No. 12 have made several attempts to enter into a land exchange, due to various circumstances the potential for a land exchange was never brought to fruition.

Most recently the School Division "listed" the subject property for sale to the general public. Upon listing the subject property for sale, the School Division was inundated with calls from the local area residents who voiced concerns as to how the subject property might be developed if sold. In response to the numerous calls the School Division received from the area residents, the School Division Board held an informational open house to discuss the potential development of the subject property and to give the local area residents an opportunity to voice their concerns.

As a result of the open house it became clear to the School Division that the local area residents would not support any development of the subject property other than for recreational or open space purposes. This has resulted in the School Division delisting the subject property and offering to sell the subject property to the City for $1.00.

On December 21, 2000, the Transcona-Springfield School Division No. 12 advised the Ward Councillor that the School Division was prepared to sell the subject property to the City for $1.00.

On January 23, 2001, the East Kildonan-Transcona Community forwarded the following motion to the Real Estate Division of the Planning, Property and Development Department for attention, namely, the City of Winnipeg accept the offer from the Transcona-Springfield School Division No. 12 to sell divisional land located at the northwest corner of Victoria Avenue East and Redonda Street, Block 8, Plan 7569, to the City of Winnipeg for the sum of $1.00.

The subject property has been predominantly used as soccer fields and open space by the community for many years and is considered an important part to the success of the public programs offered by Crocus Park. Also, over the years the regular maintenance of the subject property has been included in the City's Community Services Department, Parks and Open Space Division's maintenance of Crocus Park.

The Urban Planning Branch of the Planning, Property and Development Department has advised that due to the location and size of the subject property, any development plans for Crocus Park's athletic fields have been subject to the approval of the School Division. Recently, the City approached the School Division to add a baseball diamond to the amenities of the site. The School Division Board declined to approve this proposal as it was exploring other opportunities to dispose of the subject property. The acquisition of the subject property would enable the City to control, operate and maintain the park without the need to consult with the School Division.

The Urban Planning Branch further advised that currently there is not a deficiency of open space in the area, but the further development of the Canterbury Park residential subdivision (east of the subject property) in the future may

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

result in the requirement for additional open space in the area. The acquisition of the subject property would help to insure that the community has adequate open space in the future.

The Real Estate Division of the Planning, Property and Development Department and the Transcona-Springfield School Division No. 12 School Board have discussed the proposed acquisition of the subject property and as a result of these discussions, the School Division Board has agreed to terms and conditions for the proposed acquisition of the subject property. The School Division advised that it had previously obtained approval from the Public Schools Finance Board to dispose of the subject property and, therefore, is not obligated to seek any further approvals to the proposed transaction.

In consideration of the above information, the Real Estate Division and the Urban Planning Branch of the Planning, Property and Development Department are of the opinion that the acquisition of the subject property, in accordance with the negotiated terms and conditions is in the best interests of the City.

On March 20, 2001, the East Kildonan-Transcona Community Committee concurred in the recommendations contained in a report dated March 7, 2001, from the Manager of Planning and Land Use, Planning, Property and Development Department, and recommended that the East Kildonan-Transcona Land Dedication Reserve Account be used to fund all costs associated with the acquisition of the subject property, as identified on Misc. Plan No. 11079. (The purchase price of the subject property is $1.00, with associated costs estimated to be $8,755.00, but not to exceed $11,000.00.)

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

I. That the proposed acquisition of the subject property as outlined on Misc. Plan No. 11079, be approved for the purchase price of $1.00 and in accordance with terms and conditions as negotiated.

II. That the East Kildonan-Transcona Land Dedication Reserve Account be used to fund costs associated with the proposed acquisition of the subject property.

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 Three Vacant Lots on Flora Avenue - 333, 343 and 363 Flora Avenue - Lord Selkirk-West Kildonan Community

File FI-2.4 (34) (Vol. 7)

502 - 5. The Standing Policy Committee on Property and Development has been advised that the vacant lots located at 333 and 343 Flora Avenue, as outlined on Misc. Plan Nos. 9816 and 9815 respectively, were acquired in 1968 by the Urban Renewal Partnership. Pursuant to Council's instruction of November 13, 1985, the City acquired these properties from the Urban Renewal Partnership and were declared surplus to the City's needs.

In 1993, Winnipeg Habitat for Humanity expressed interest in these two properties but withdrew that interest in 1995. In April 1997, the two properties were listed with Century 21, Carrie Realty but there was no interest shown by the public and hence the City removed the properties from the listing in 1998.

The vacant lot located at 363 Flora Avenue, as outlined on Misc. Plan No. 10471, was acquired in Tax Sale in 1995 and has not been listed for sale.

All properties have been placed before the Lord Selkirk-West Kildonan Community Committee with no objections to a sale being identified. The City of Winnipeg Housing Policy Co-ordinator had no objections to the proposed sales.

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North End Housing Project Inc., a non-profit group, requested to purchase these properties in order to build new homes, or move older homes onto the lands, in conjunction with R. B. Russell High School, and has now returned Offers to Purchase, particulars of which are, in brief, as follows:

Location:	343 Flora Avenue, north side, east of Aikins Street
Legal Description:	Part Lot 3, Block A, Plan 120
Size:	10.058 metres x 32.034 metres (33 feet x 105.48 feet=3480.84 square feet)
Zoning:	"R2-T" Two-Family Transitional District
Roll No.:	14-001522000
Certificate of Title:	B 17713
Assessed Value:	$7,400.00 (2001)
Price Offered:	$1.00
Applicants:	North End Housing Project Inc., 509 Selkirk Avenue
Property Description:	Vacant land
Location:	333 Flora Avenue, north side, east of Aikins Street
Legal Description:	Part Lot 6, Block A, Plan 120
Size:	10.058 metres x 32.034 metres (33 feet x 105.48 feet=3480.84 square feet)
Zoning:	"R2-T" Two-Family Transitional District
Roll No.:	14-001525000
Certificate of Title:	B 19962
Assessed Value:	$7,400 (2001)
Price Offered:	$1.00
Applicants:	North End Housing Project Inc., 509 Selkirk Ave
Property Description:	Vacant land

Location:	363 Flora Avenue, north side, west of Aikins Street
Legal Description:	Lot 3, Block 29, Plan 331
Size:	15.088 metres x 37.139 metres (49.50 feet x 121.85 feet=6,031.6 square feet)
Zoning:	"R2-T" Two-Family Transitional District
Roll No.:	14-00174300
Certificate of Title:	1384535
Assessed Value:	$10,400.00 (2001)
Price Offered:	$1.00
Applicants:	North End Housing Project Inc., 509 Selkirk Ave
Property Description:	Vacant land

The terms and conditions of the three Offers to Purchase from the North End Housing Project Inc. have been negotiated.

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

1. These properties would be on the tax roll immediately.
2. There has been little or no sales activity of vacant land in this area.
3. This is a very difficult location in which to sell a residential building site.
4. Should these proposed sales not be approved, there is, at this time, a high degree of probability that a purchaser other than the applicant will not be found.

Pursuant to the City Policy on sale or lease of City lands to non-profit organizations, any properties sold or leased at less than market value must be approved by the Standing Policy Committee on Property and Development.

Acceptance of the Offers to Purchase made by the North End Housing Project Inc. are subject to Council, in this instance, waiving that part of its policy for sale or leases of City-owned lands to non-profit organizations which requires all properties to revert back to the City at the conclusion of the economic life of the project.

The Standing Policy Committee on Property and Development recommends:

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I. That the portion of the City Policy for the Sale/Lease of City lands to Non-Profit Organizations (Council authority of October 31, 1990) which requires that properties sold at less than market value revert back to the City at the conclusion of the economic life of the project, be waived in this instance.

II. That the Offers to Purchase the three parcels of "subject City property" outlined on Misc. Plan Nos. 9815, 9816 and 10471, submitted by the North End Housing Project Inc., be accepted at a price of $1.00 each and in accordance with the terms and conditions as negotiated, with an additional condition requiring substantial construction upon each property within two (2) years from the date of sale, failing which, title to the property(s) will revert back to the City.

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.

Provencher Bridge and Roadworks Project – Proposed Transfer of Jurisdiction of a portion of the avenue Tache Riverbank, south of boulevard Provencher - Riel Community

File SB-13 (Vol. 5)

503 - 6. The Standing Policy Committee on Property and Development has been advised that the property located west of avenue Tache, south of boulevard Provencher, as outlined on Misc. Plan 11103, is required to facilitate the development of the Provencher Bridge project.

On February 7, 2001, the Real Estate Division of the Planning, Property and Development Department inquired of the Planning and Land Use Division as to the availability of a portion of the Tache Avenue riverbank lands for the Provencher Bridge Project.

On February 27, 2001, the Planning and Land Use Division of the Planning, Property and Development Department indicated that it had no objection to a proposed transfer of jurisdiction of the subject lands to the Public Works Department, provided that all riverbank linkages were planned for and protected.

The particulars of the City-owned vacant land outlined as “proposed street opening” on Misc. Plan No. 11103 are as follows:

Location:	West of avenue Tache, south of boulevard Provencher
Legal Description:	Lot 800, Plan 137 and Part Parcel A, Plan 9119
Certificate of Title:	C33167, A61196
Site Size:	Irregular ± 0.376 ac. (0.152 ha)
Zoning:	“PR1” Parks and Recreational District
Description of Property:	Vacant sloping riverbank land

This land will be used for the pedestrian bridge abutment and the walkway and stairs leading to the walkway under the bridge and for landscaping. The Public Works Department requested that the subject lands be made available for construction as at July 1, 2001.

The Real Estate Division of the Planning, Property and Development Department circulated the request to the Planning and Land Use Division for comments. The Planning and Land Use Division supports the proposal to transfer the subject lands from the jurisdiction of the Planning, Property and Development Department to the Public Works Department provided that the pedestrian linkages are established to incorporate the North Winnipeg and St. Boniface Riverbank Parkways into the design of the Bridge.

The Public Works Department subsequently provided pedestrian circulation plans to the Planning and Land Use Division identifying how pedestrian and cyclist traffic would be integrated into the Bridge Design. The Planning and Land Use Division advised that this pedestrian circulation plan is acceptable.

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Pursuant to Section 156(2) of The City of Winnipeg Act, the approval of at least two-thirds majority of the Members of Council is required for the transfer of jurisdiction of any property that has been designated or acquired for park purposes.

The Standing Policy Committee on Property and Development recommends:

I. That the transfer of City-owned vacant land designated as Park and outlined as "proposed street opening" on Misc. Plan No. 11103, from the jurisdiction of the Planning, Property and Development Department to the Public Works Department be approved effective July 1, 2001.

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 a Portion of John Hirsch Place right-of-way – City Centre Community

File DAC 9/2000

504 - 7. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department received a request from Number 10 Architectural Group, representing the Manitoba Theatre Centre, to purchase or lease the area outlined as "proposed closing" on Misc. Plan No. 10961/1. As the proposed street closure has not yet been authorized in its entirety by Council, the proposed terms of sale will require Council approval.

The particulars of the subject property are as follows:

Location:	John Hirsch Place located west of Rorie Street adjacent to and south of 174 Market Avenue (Manitoba Theatre Centre)
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:	Downtown Winnipeg Zoning By-law No. 4800/88 When closed the subject lands will take on the current zoning of 174 Market Avenue: Residential "Ra" Non-residential Group "NRe" Bulk Range "BR2" Parking/Loading "PL2" Signage "S3" Urban Design – "HW" – Historic Design Review
Site Size/Area:	2,610 square feet
Property Description:	The subject City property is located directly south of and adjacent to 174 Market Avenue. The property is currently a legally open right-of-way known as John Hirsch Place. The part of the right-of-way is improved with interlocking bricks, trees and street lighting.

The Manitoba Theatre Centre requires the property to expand its current building. The expansion is for the addition of a freight elevator, loading dock, and other additional areas to be used for wardrobe, rehearsal, and storage rooms. The balance of the subject City lands to be closed will be used for access and parking for vehicles delivering materials to the Theatre.

The proposed closing was circulated to all affected City Departments. The Water and Waste Department advised that there is a 375 mm clay combined sewer, constructed in 1943, within the part of the right-of-way to be closed. The Water and Waste Department indicated that the relocation of the sewer is likely and would be acceptable to the Department on the following conditions:

1. A report confirming the necessity to relocate prepared by a reputable engineering consulting firm.

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

2. If relocation is required, the report should specify the design and exact location of the relocated sewer to the satisfaction of the Director of Water and Waste.

3. All costs of the study, design and relocation of the sewer are to be the sole responsibility of the Manitoba Theatre Centre.

The Transportation Division of the Public Works Department reviewed the proposal to close a portion of John Hirsch Place and had the following comments and recommendations:

1. John Hirsch Place was originally intended to be a pedestrian-friendly environment and therefore the loss of the sidewalk along the north side of the street and the accommodation of large trucks backing into John Hirsch Place from Rorie Street is not entirely in keeping with that concept.
2. Removal of the existing trees in the area to be closed and sold will require the approval of the Ward Councillor.
3. As the closure results in a right-of-way of less than 9.114 (30.0 feet), this section of John Hirsch Place will no longer be a street under the Private Approaches By-law and therefore private approach approval will not be necessary.
4. The portion of the street to be closed is used for temporary snow storage in the winter.

On July 4, 2000, the City Centre Community Committee considered an administrative report relative to the proposed closing of a portion of John Hirsch Place, and recommended proposed street closing be approved.

On October 26, 2000, the Standing Policy Committee on Property and Development laid over the matter to its meeting scheduled for November 21, 2000, to allow the applicant to consult with the area residents. The Ashdown Warehouse Condominium Association had expressed concerns about the proposed expansion, and suggested that the design would negatively impact its residents. The Association also felt there had been inadequate notice about the closure and insufficient consultation with the neighbouring property owners. Finally, the Ashdown Warehouse Condominium Association residents felt that John Hirsch Place was intended to be a well-lit, landscaped pedestrian/vehicle route. They felt that this vision of a pedestrian-friendly environment has not been realized and that the proposed development would make the situation worse. Awaiting the outcome of the consultation process, the Standing Policy Committee on Property and Development laid over the matter on the following dates: November 21, 2000, January 9, 2001, February 6, 2001, and February 8, 2001.

CentreVenture Development Corporation, in the interest of promoting effective mixed-use development in the Exchange District, undertook to mediate a resolution. On March 1, 2001, CentreVenture Development Corporation advised that an agreement had been reached. Under the agreement, the Ashdown Warehouse Condominium Association Board will support the Manitoba Theatre Centre project with the expectation that the original plans for John Hirsch Place be moved closer to completion. This should include the addition of trees and lighting and improvement of the parking lot between Pantages Theatre and the Manitoba Theatre Centre. According to CentreVenture, the Manitoba Theatre Centre has agreed to some of these improvements, and have approached the Manitoba Centennial Corporation (owners of the parking lot west of the Manitoba Theatre Centre) to contribute towards the cost of the improvements. The Planning, Property and Development Department has considered supporting some work on John Hirsch Place as part of the streetscaping program.

On March 6, 2001, the Standing Policy Committee on Property and Development considered a supplementary administrative report dated March 2, 2001, providing information on the agreement between the Manitoba Theatre Centre and the Ashdown Warehouse Condominium Association. The Standing Policy Committee concurred with the recommendations of the City Centre Community Committee, and recommended to Council that the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing of part of John Hirsch Place, in accordance with Misc. Plan No. 10961.

On March 21, 2001, Council approved the closing of a portion of John Hirsch Place under File DAC 9/2000 as outlined on Misc. Plan No. 10961.

The Planning, Property and Development Department reviewed the closing of John Hirsch Place and has determined that the sale of the subject City property versus a lease (or leave and licence) is the most practical option. The Department approached the applicant on that basis and they have agreed, in principle, to the proposed purchase based on the following:

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1. The Purchaser is to consolidate the title of the subject lands with its adjacent title to Lot 4, Plan 29002. The subject City property will be surveyed and registered as a separate parcel, at the applicant's cost, to facilitate the reversion of the lands at some point in the future.

2. The Purchaser acknowledges that there is an existing 375 mm clay combined sewer within the subject lands and that the Water and Waste Department would approve the relocation of the sewer subject to the following:

    a. A report confirming the necessity to relocate the combined sewer to be prepared by a reputable civil engineering consulting firm.
    b. If relocation is required, the report should specify the design and exact location for the relocated sewer and be approved by the Director of the Water and Waste Department; and,
    c. All costs associated with the study, design and relocation of the sewer are to be the sole responsibility of the Purchaser. The Purchaser shall be responsible for any damage caused to the sewer through its inspection of the sewer.

3. The sale is subject to a "use restriction" limiting the use of the building to a theatre centre or similar cultural centre as it is presently used. In addition, the sale is to be subject to a reversionary agreement whereby the lands are to revert to the City in its current condition and free of any and all structures at no cost to the City, at such time as the building is demolished.

Further, conditions of the proposed sale are subject to the Purchaser's successful application for the required variance/conditional use for a loading dock/freight elevator. If approval is not obtained by the Purchaser on or before six (6) months from the date of acceptance of the terms and conditions, the sale may be rescinded at the option of the Purchaser. The Purchaser is required to obtain approval by the Historic Winnipeg Advisory Committee for the design of the proposed structure. If approval is not obtained by the Purchaser on or before six (6) months from the date of acceptance of the terms and conditions, the sale may be rescinded at the option of the Purchaser.

The applicant has requested that the subject City lands be sold for $1.00 citing the following reasons:

1. The anticipated costs to relocate the combined sewer.
2. The improvements to the remaining John Hirsch Place right-of-way to accommodate the Ashdown Warehouse Condominium Association; and
3. The "use restriction" and reversionary agreements to be caveated against the certificate of title to these lands.

The Planning, Property and Development Department prepared the terms and conditions for the sale of the subject City lands incorporating the above. In order to complete its addition prior to the Fall theatre season, Manitoba Theatre Centre has requested that they be given access to the subject City property prior to the approval of the enactment of the closing by-law by Council. The Planning, Property and Development Department consulted with Legal Services who have recommended that Manitoba Theatre Centre enter into a Release and Indemnity Agreement.

The Release and Indemnity Agreement would be subject to the consent of the Province of Manitoba as the Purchaser of the subject City property. The Province of Manitoba owns the lands upon which the Manitoba Theatre Centre is located. The Manitoba Theatre Centre is a tenant of the Province through a long-term land lease. The purchase of the subject City property by the Province is to accommodate the requirements of the Manitoba Theatre Centre.

The sale of the subject right-of-way is subject to the successful enactment of the required by-law to effect the road closing. The enactment of the by-law requires Council approval. The Planning, Property and Development Department recommends that subject to the successful enactment of the closing by-law, the subject City property be declared surplus. The Department supports the sale of subject City property to Her Majesty the Queen in Right of the Province of Manitoba at a purchase price of $1.00 based on the following:

1. The Purchaser at its cost is to relocate the existing combined sewer.
2. The Purchaser is to be responsible for all costs to effect this transaction, to include but not be limited to the cost to prepare the required closing and easement plans.
3. The Lands are to be caveated in respect of the required "use restrictions" and the "reversionary agreement".

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

The Standing Policy Committee on Property and Development recommends that subject to enactment of the road closing by-law by Council:

I. That the area outlined as "proposed closing" on Misc. Plan 10961/1 be declared surplus to the City's requirements.

II. That the proposed sale to Her Majesty the Queen in the Right of the Province of Manitoba at a price of $1.00, be approved in accordance with the terms and conditions as negotiated.

III. That the Director of Planning, Property and Development be authorized to enter into an agreement that will allow the applicant to enter upon the lands to commence construction prior to the transfer of land.

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

Adopted by consent.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS

Moved by Councillor Vandal,
Seconded by Councillor De Smedt,
505 - WHEREAS at the turn of the century the Exchange District Waterfront was the center for industry, trade, and commerce for the City;

AND WHEREAS the City of Winnipeg has recognized and documented the potential and merit for the development of the Exchange District Waterfront Drive for over a decade;

AND WHEREAS on July 19, 2000, Council recommended that the Exchange District Waterfront Drive be approved as a "unique" Capital Project for the City of Winnipeg;

AND WHEREAS in January 2001, the Waterfront Drive Concept Report identifying the proposed layout, key features, and character was completed;

AND WHEREAS the City of Winnipeg has submitted the Exchange District Waterfront Drive as one of the City's priorities for the National Infrastructure Program;

AND WHEREAS the City of Winnipeg will not recommend that the Public-Right-of-Way (ROW) for the proposed Waterfront Drive be opened until such time as the legal survey requirements are known;

AND WHEREAS the City Centre and the Lord Selkirk-West Kildonan Community Committees have recommended that the name "Waterfront Drive" be approved;

AND WHEREAS the CentreVenture Development Corporation, on behalf of business wishing to develop along the ROW, has requested that the name of the future scenic drive be approved as "Waterfront Drive" in order to facilitate marketing and street numbering of adjacent lots;

THEREFORE BE IT RESOLVED that once developed, the former Transfer Track lands Public ROW be named "Waterfront Drive."

The Speaker ruled automatic referral to the Standing Policy Committee on Property and Development in accordance with Rule 16.1 of the Procedure By-law.

Standing Policy Committee on Property and Development - Motions (continued)

Moved by Councillor Vandal,

That the rule be suspended to allow consideration of the motion at this time.

Carried.

The motion was put and declared carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

506 - On motion of Councillor Vandal, the following by-laws were read a first, second and third time, the rule being suspended for the third readings, and were passed and ordered to be signed and sealed.

By-law No. 7813/2001, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(31) (Vol. 3)

By-law No. 7814/2001, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(31) (Vol. 3)

By-law No. 7815/2001, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(35) (Vol. 2)

By-law No. 7816/2001, 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 175 Ronald Street in the Assiniboia Community. File DAZ 230/2000

By-law No. 7819/2001, a by-law of The City of Winnipeg to close Letinsky Place and Albert Street, north of Bannatyne Avenue. Files DAC 2/2001 and DAC 3/2001

By-law No. 7820/2001, a by-law of The City of Winnipeg to widen Beecher Avenue between Ferrier Street and Parr Street. File DAO 9/92

By-law No. 7821/2001, a by-law of The City of Winnipeg to close part of Sterling Avenue Plan 19019, west of Homewood Drive. File DAC 1/2000B

By-law No. 7822/2001, a by-law of The City of Winnipeg to widen the corner at the intersection of the first lane north of Belmont Avenue with the first lane west of Scotia Street and to widen the corner at the intersection of the first lane north of Hartford Avenue with the first lane west of Scotia Street. Files DAO 10/96 and DAO 11/97

On motion of Councillor Vandal, the rule was suspended and By-law No. 7824/2001, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File SC-3.14(31) (Vol. 3)