REPORT OF THE

STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MAY 1, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated May 1, 2001, was considered clause by clause.

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

Carried.

Proposed Grade III Listing – the former Ashdown Store building – 476 Main Street
File G-3.1.1. (Vol. 2)

561 - 1. The Standing Policy Committee on Property and Development has been advised that a request has been received from the Ashdown Arts Exchange Consortium Ltd., that the former J.H. Ashdown Store building currently owned by the City of Winnipeg, be placed on the Buildings Conservation List.

The Historical Buildings Committee evaluated this building in 1998 as a Grade III with an interior element of the tin ceilings. The listing on the Buildings Conservation List was turned down by City Council on June 24, 1998.

The Ashdown Arts Exchange Consortium Ltd. proposes to rehabilitate the building to accommodate a number of performing arts groups and a major commercial tenant. The redevelopment of this property will add greatly to the Exchange District and will considerably enhance the City Hall precinct of Main Street.

On April 5, 2001, the Historical Buildings Committee recommended that the former J.H. Ashdown Store building at 476 Main Street, be placed on the Buildings Conservation List with a Grade III rating, under the Historical Buildings By-law No. 1474/77, with the following interior element: 1) tin ceiling.

On April 24, 2001, the City Centre Community Committee concurred in the recommendation of the Historical Buildings Committee to list the former J.H. Ashdown Store building at 476 Main Street.

On May 1, 2001, R.J. (Bob) Mathieson, Vice President Design & Construction, Shelter Canadian Properties Limited, appeared in delegation before the Standing Policy Committee on Property and Development in support of the proposed listing of the building, however, without the interior element of the tin ceiling. Mr. Mathieson advised that a City of Winnipeg historic designation of the building is a principal element of their (Ashdown Arts Exchange Consortium Ltd.) redevelopment plan.

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

I. That the former J.H. Ashdown Store building at 476 Main Street be listed as a Grade III building on the Buildings Conservation List, under the Historical Buildings By-law No. 1474/77, with the following interior element to be maintained as much as practicable: 1) tin ceiling.

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

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated May 1, 2001

Downtown Winnipeg Business Improvement Zone Sign Banners - "Restaurant Row"

File FL-7.4 (Vol. 8)

562 - 2. The Standing Policy Committee on Property and Development has been advised that the Downtown Winnipeg Business Improvement Zone in consultation with various restaurants and hotels in the vicinity of the Convention Centre propose to establish a new district in the Downtown to be promoted as "Restaurant Row". The Downtown Winnipeg BIZ proposes to promote this new district with on-street banners installed on St. Mary and York Avenues between Osborne and Main Streets. Seventeen (17) establishments have committed to 59 banner locations and 6 others are considering the opportunity. Only 5 of 28 establishments have declined to participate.

Banner programs in the Downtown have been successful. Most City streetscaping projects make provision for banners on the street lighting. Examples include Portagescape and the Provencher Bridge. The pageantry provided by the banners helps to enliven the City and the banners have become as important to urban design as are pedestrian lighting, landscaping and street furniture.

Banners that are financed by sponsorship identification on the sign face are essentially advertising signs. There is no provision for advertising signs in the Downtown Winnipeg Zoning By-law No. 4800/88. However, the Downtown Winnipeg Zoning By-law does make provision under clause 600(3)(a) for "any signal, sign or device installed by, required by, or authorized by agreement with the City". This provision has been used in the past to permit, for example, banners with sponsor identification during the 1999 Pan Am Games. However, this type of agreement is a time consuming process and requires the approval of Council in each case.

The Administration and Council can continue to deal with banners and sponsorship on a case-by-case basis or, alternatively, amend the zoning by-laws to permit banners subject to certain criteria. The Planning, Property and Development Department recommends that the Downtown Winnipeg Zoning By-law No. 4800/88 be amended to permit this type of promotional banner. If the Downtown Winnipeg Zoning By-law is amended, any banner promotional initiative will still require design approval under the Urban Design Review provisions of the By-law.

Until the Downtown Winnipeg Zoning By-law is amended, any new banner initiative by the Business Improvement Zones will have to be authorized by agreement with the City and signed by the Mayor and City Clerk (section 108 of The City of Winnipeg Act).

Banner programs are typically initiated by the Business Improvement Zones. Suitable street lighting poles are identified which are structurally capable of supporting the wind loading of the banners. The banner support brackets are budgeted for and paid for by the Business Improvement Zones and installed by Hydro at cost. When banners are rotated the work has been done by Hydro at cost.

Any amendment to facilitate such banners should be accompanied by clear policies and standards by which future banner programs will be evaluated to ensure that the unique character of the Downtown precincts is maintained.

The Standing Policy Committee on Property and Development recommends:

I. That the City enter into an agreement with the Downtown Winnipeg Business Improvement Zone under clause 600(3)(a) of the Downtown Winnipeg Zoning By-law No. 4800/88 to permit the promotion of the proposed "Restaurant Row" district along St. Mary Avenue and York Avenue by the installation of banners, each having not more than twenty-five percent (25%) of its surface dedicated to promoting a specific business.

II. That the Administration be requested to prepare amendments to the Downtown Winnipeg Zoning By-law No. 4800/88 to permit such banners as a right, subject to certain criteria.

III. That the Administration be requested to prepare criteria for the installation of banners for the consideration and approval of the Standing Policy Committee on Property and Development.

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.

Report of the Standing Policy Committee on Property and Development dated May 1, 2001

Proposed Rezoning of land located at 336 Young Street – City Centre Community
File DAZ 200/2001 [c/r DAV 54/2001D]

563 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been received from Imperial Parking Canada Corporation (Randy McKinnon), 207 Notre Dame Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land at 336 Young Street from an "R2-T" Two-Family Transitional District to a "C2" Commercial District to allow for the maintenance of an existing non-accessory parking area.

Site Area

The subject site is 120 feet by 106 feet (12,835 square feet).

Existing Land Use and Zoning

The subject property is a parking lot zoned "R2-T" Two-Family Transitional District.

Surrounding Land Use and Zoning

The proposal is to rezone the subject property to permit the maintenance of a thirty-eight (38) stall parking lot. The stalls are rented primarily to University of Winnipeg students. On the south side of the property is a three-storey, older commercial building zoned "C2" Commercial District. The building contains an auction business and antique outlet. To the north is an older home converted into suites, with commercial parking covering much of the lot including the front yard. To the west, across the public lane, are a mixture of single- and multiple-family homes and rooming houses. Across Young Street is the Canadian Broadcasting Corporation (CBC) complex.

The parking lot was originally approved under File DAV 929/92C for a 5-year period ending July 1, 1998. The application complies with Plan Winnipeg.

The Planning, Property and Development Department is prepared to support this application on the condition (under the variance application) that trees be planted along the Young Street frontage. The University of Winnipeg creates a high parking demand which, short of constructing a parkade, must be satisfied through surface lots and on-street parking. As the subject lot has been in existence for some time, and as the property to the north is used for parking, and as the property to the south is zoned for commercial use, the Planning, Property and Development Department is of the opinion that the location and use of this parking lot is not detrimental to the surrounding neighbourhood.

On March 6 and April 3, 2001, a Public Hearing was held before the City Centre Community Committee. Two persons appeared in support of the application and no one was registered in opposition thereto. The City Centre Community Committee recommended that the proposed rezoning be approved for the following reasons:

1. The application complies with Plan Winnipeg.

2. The Planning and Land Use Division of the Planning, Property and Development Department is prepared to support the application on the condition (under the variance application) that trees be planted along the Young Street frontage.

3. The University of Winnipeg creates a high parking demand which, short of constructing a parkade, must be satisfied through surface lots and on-street parking.

4. The subject lot has been in existence for some time, and as the property to the north is used for parking, and the property to the south is zoned for commercial use, the Division is of the opinion that the location and use of this parking lot is not detrimental to the surrounding neighbourhood.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 200/2001 dated February 22, 2001, to a "C2" Commercial District, subject to the following:

Report of the Standing Policy Committee on Property and Development dated May 1, 2001

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

1. That the use of the land be limited to the following:
   a) accessory and non-accessory parking lot
   b) office
   c) dwelling units
   d) medical/dental or similar office
   e) trade school, business college
   f) university, college, technical school.

2. That, prior to the issuance of a development permit, plans showing the lot layout, fencing, landscaping, surfacing, drainage, access, signage, parking, garbage enclosures, building elevations, exterior materials, and site lighting be submitted for the approval of the City Centre Community Committee.

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 the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VI. That the Proper Officers of the City 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. 589 for attachment)

Proposed Rezoning – 637 rue La Fleche – Riel Community
File DAZ 201/2001 [c/r DAV 67/2001D]

564 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from Nova Star (Gerard Pelland), P.O. Box 1721, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land at 637 rue La Fleche from an “R2-T” Transitional District to a “C2” Commercial District to allow for the establishment of a contractor’s establishment.

Site Area

The overall site area totals 6,100 square feet.

Existing Land Use and Zoning

The existing zoning is “R2-T” Residential Transitional.

Report of the Standing Policy Committee on Property and Development dated May 1, 2001

Surrounding Land Use and Zoning

North: Land to the north is zoned "M1" Industrial.
South: Land to the south is zoned "R2-T" Residential.
East: Land to the east is zoned "R2-T" Residential.
West: Land to the east is zoned "R2-T" Residential.

The applicants propose to convert the existing building into an office area, storage area and future retail area. Kitchen equipment is to be repaired on site, but no welding, painting or manufacturing is to be done on the premises.

The proposed rezoning to a commercial category is in compliance with Plan Winnipeg Policy. The lot is in a designated Neighbourhood Area.

The subject site is located at 637 rue La Fleche, approximately a half block south of boulevard Provencher. The lot is zoned "R2-T" Residential but has been occupied by a range of businesses over the years including a service station and most recently a retail garden centre (approved by variance DAV 970/87 in 1987). The surrounding neighbourhood is a mix of residential, industrial and commercial businesses. Most of the properties along boulevard Provencher are zoned "M1" Industrial and the immediately adjacent property to the east is a hotel with beverage room.

The new prospective owners, Nova Star, are proposing to convert the building itself into three (3) areas: an office and work space; a storage area for inventory; and a future wholesale and retail area at the front of the building. The company in question repairs kitchen equipment but there is no welding, painting or manufacturing done on site. An enclosed compound area behind the building is primarily to be used for storing vehicles. Hours of operation are between 8:00 a.m. and 5:30 p.m., Monday to Friday.

It is the view of the Planning and Land Use Division of the Planning, Property and Development Department that the proposed use of site will have no more and possible less impact on the surrounding neighbourhood than past commercial uses. Business is to be confined to the interior of the building and no storage of materials is to be permitted outside of the building. The Planning, Property and Development Department recommended that the application be approved subject to conditions within a Zoning Agreement that the use of the site be restricted to a limited number of uses and with strict hours of operation in place.

On March 19, 2001, a public hearing was held before the Riel Community Committee. Three persons appeared in support of the application and no one was registered in opposition thereto. The Riel Community Committee recommended that the proposed rezoning be approved for the following reasons:

1. The proposed rezoning and business will be compatible with the surrounding neighbourhood, which is a mix of residential and industrial and commercial businesses.

2. 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 By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 201/2001, dated March 12, 2001, to a "C2"Commercial District, subject to the following:

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

      1. The use of the site be limited to:
         a) A contractor's establishment
         b) Offices
         c) Day Care Centre
         d) Appliances, including major applicants: Rental, Sale or Service
         e) Bank, Credit Union or similar financial service
         f) Barber Shop or Beauty Salon
         g) Neighbourhood Care Home

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h) Taxidermist
i) Toy Sales
j) Stationery Sales
k) Photography, Developing, Printing
l) Museum, Art Gallery

2. There is to be no outside storage of materials. Storage of vehicles is to be permitted.

3. Hours of operation are to be between 8:00 a.m. and 5:30 p.m., Monday to Friday, with the exception of after hours and weekends for emergency service only.

4. There is to be no welding, printing or manufacturing of kitchen equipment of other appliances on site.

5. The existing fencing on the property is to be maintained to a condition satisfactory to the Manager of Planning and Land Use or her designate.

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

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

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

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

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

Adopted by consent.

(See Minute No. 590 for attachment)

Proposed Zoning Agreement Amendment – land located at 200 Lucas Avenue – Lord Selkirk-West Kildonan Community
File ZAA 5/2000 [c/r DASZ 52/76]

565 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Ace Signs, 1534 Church Avenue, Winnipeg, to amend Clause 7 of Zoning Agreement DASZ 52/76 (By-law No. 2002), affecting the property at 200 Lucas Avenue, in order to permit a permanent structure, specifically a free-standing sign, in the 30 foot setback area off Lucas Avenue.

Site Dimensions

The subject property has 97 metres of frontage along Lucas Avenue and 137 metres of depth.

Site Area

The overall site is a total of 3.8 acres.

Report of the Standing Policy Committee on Property and Development dated May 1, 2001

Existing Land Use and Zoning

The site has a building on it owned by Ryder Trucking.

The applicant, on behalf of the owner, proposes to amend a clause in the original agreement, thereby allowing them the right to construct a free-standing pylon (advertising) sign in the 30 foot setback space along Lucas Avenue.

It is the view of the Planning, Property and Development Department that the restrictive clause probably was intended to refer to permanent building structures, not signs. The Department is therefore not opposed to an amendment, which would permit the installation of a free-standing identification sign set back 9.15 feet from the Lucas Avenue right-of-way.

On April 17, 2001, a public hearing was held before the Lord Selkirk-West Kildonan Community Committee. One person appeared in support of the application, and no one was registered in opposition thereto. The Lord Selkirk-West Kildonan Community Committee recommended that the zoning agreement amendment be approved for the reason that there is a positive administrative recommendation in this matter.

On May 1, 2001, the Standing Policy Committee on Property and Development considered the Report of the Lord Selkirk-West Kildonan Community Committee dated April 23, 2001, and approved the following amendment which has been incorporated into the recommendations set out below, namely:

- Recommendation I. be amended by adding the following words at the end of the recommendation "9.15 feet from the Lucas Avenue right-of-way".

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

I. That Clause 7 of Zoning Agreement DASZ 52/76 (By-law No. 2002) be amended in order to permit a permanent structure, specifically a free-standing sign, in the specified 30 foot setback area off Lucas Avenue, 9.15 feet from the Lucas Avenue right-of-way.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 52/76 (By-law No. 2002) as approved in Recommendation I.

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

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

Adopted by consent.

Proposed Zoning Agreement Amendment – land located at 920 Jefferson Avenue – Lord Selkirk-West Kildonan Community File ZAA 13/2000 [c/r DAZ 322/79]

566 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Connelly Signs, 61 Heaton Avenue, Winnipeg, to amend the Zoning Agreement affecting the subject property at 920 Jefferson Avenue by permitting a second free-standing sign on Lot 2, Plan 15894 for purposes of a Safeway Gas Bar.

Site Dimensions

The overall site has a width of 482 feet by 600 feet. The proposed gas bar area occupies the southeast quadrant of the site.

Site Area

The overall site area is slightly more than seven (7) acres.

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The property owners, Canada Safeway Limited, propose to locate a 23-foot high free-standing sign on the southeast corner of their proposed gas sales site.

The proposed sign appears to be suitably located and is of a reasonable height and width dimension. It should not adversely affect the surrounding area.

Public Hearings were held by the Lord Selkirk-West Kildonan Community Committee on February 13 and March 13, 2001. One person appeared in support of the application and one person registered in opposition thereto. The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning agreement amendment be approved for the reason that the parties have agreed to a mutually acceptable location for the proposed sign.

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

I. That Clause 2.5 of Zoning Agreement DAZ 322/79 (By-law No. 3012) be amended to permit a second free-standing sign on Lot 2, Plan 15894.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 322/79 (By-law No. 3012) as approved in Recommendation I.

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

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

Adopted by consent.

Proposed Zoning Agreement Amendment – 595 Mountain Avenue – Lord Selkirk-West Kildonan Community
File ZAA 1/2001 [c/r DAZ 231/83]

567 - 7. 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 at 595 Mountain Avenue by amending Condition No. 2 by including a non-accessory antennae (cellular communications antennae) as a listed permitted use.

Dimensions

The subject site has approximately 100 feet of frontage and 110 feet of depth.

Site Area

The overall site area is approximately one-quarter acre in size.

Existing Land Use and Zoning

There is currently a housing complex at the subject location, and it is zoned “RM-7” Multiple-Family District.

The applicant, ClearNet, proposes to place antennae for cellular communications on the rooftop of the multiple-family housing complex at 595 Mountain Avenue.

Efforts are currently underway by the business sector in conjunction with the Administration to identify suitable sites for cellular communications towers/antennae throughout the city. The most ideal scenario is to place 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 – antennae built into the roof of the top floor of the multiple-family complex at 595 Mountain Avenue. The antennae itself is unobtrusive and is unlikely to be even visible from most neighbouring properties.

Report of the Standing Policy Committee on Property and Development dated May 1, 2001

The Planning, Property and Development Department recommended as follows:

1. That Zoning Agreement DAZ 231/83 (By-law No. 3903/85) dated February 6, 1985 be amended by including a non-accessory cellular communications antennae as a listed permitted use.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending agreement to Zoning Agreement DAZ 231/83 (By-law No. 3903/85) dated February 6, 1985, as approved in Recommendation I.

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

4. 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.

Public Hearings were held by the Lord Selkirk-West Kildonan Community Committee on February 13 and March 13, 2001. Two persons appeared in support of the application, twenty persons registered in opposition thereto, and one person appeared for information purposes.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning agreement amendment not be proceeded with for the following reasons:

1. The Lord Selkirk-West Kildonan Community Committee does not concur in the recommendation of the Manager of Planning and Land Use, Planning Property and Development Department and is addressing the concerns of the area residents by rejecting the subject application.

2. The Ward Councillor is convinced approval of the proposed application will have a negative and adverse effect on the surrounding residential neighbourhood.

On May 1, 2001, the Standing Policy Committee on Property and Development considered a supplementary informational report dated April 4, 2001, from the Director of Planning, Property and Development, on the matter.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends that Zoning Agreement DAZ 231/83 (By-law No. 3903/85) dated February 6, 1985 not be amended.

Adopted by consent.

Proposed Rezoning – land located at 51 Burmac Road – Riel Community
File DAZ 206/2001 [c/r DAV 180/2001D]

568 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Central Canadian Structures (1998) Ltd., (Jeff Hickaway) 2245 McGillivray Boulevard, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the land as outlined from an “MP-1” Industrial District to an “MP-2” Industrial District to allow for a metal products manufacturing industry, and offices and warehouse.

Site Area

The overall area of the site encompasses a total of approximately 18 acres.

Existing Land Use and Zoning

An existing vacant 106,276 square foot building (industrial) currently occupies the site. The site is zoned “MP-1” Industrial.

Surrounding Land Use and Zoning

Report of the Standing Policy Committee on Property and Development dated May 1, 2001

North: To the north, the lands are zoned "A-5" Agricultural District and occupied by the Royal Canadian Mint.

South: To the south is a new church under construction, south of Burmac Road, zoned "R1-4" Residential District.

East: To the east, east of Lagimodiere Boulevard are residential areas, zoned "R1-5.5, RM-1 and RM-6" Residential District areas.

West: To the west are treed areas zoned "PR-1" Park District beyond which are "R1-5" Residential District areas.

The prospective owners, Monarch Industries Limited, propose to move a part of their operation onto the subject site. That would include their head offices, warehousing and a manufacturing component. Plans call for a 40,000 square foot expansion to the existing building. Loading areas are to be relocated to the north side of the building. A rezoning is required to accommodate the proposed use.

The subject site is located in a designated Industrial Area, therefore complying with Plan Winnipeg Policy guidelines.

The subject site is situated immediately south of the Royal Canadian Mint and adjacent to Lagimodiere Boulevard. The property is currently zoned "MP-1" Industrial District and the existing buildings were for years occupied by Unysis. The existing building, which is 106,000 square feet in area, lies on the north periphery of the lot, which encompasses an area of almost 18 acres. Current parking/loading areas and primary access are off of Burmac Road on the south side of building.

Monarch Industries Limited plans to move part of the operation from Erin Street into the building on Burmac Road. The planned usage of the Burmac Road facility will be for the company's head office, warehouse and also the manufacturing of water pumps (residential, commercial application) and hydraulic cylinders. They propose to fully utilize the existing structure and add a 40,000 square foot addition on the west side of the building. Employee parking and primary access to the building will remain on the south side of the building but loading areas are to be relocated to the north side of the building. Access to the proposed new loading ramps will be either directly east to Lagimodiere Boulevard or north and east through the Mint property tying in with the existing signalized intersection. Because the new use involves the manufacture of metal products, a rezoning to the "MP-2" Industrial category is required. Metal products manufacture is not a permitted use in the "MP-1" Industrial District category.

In order to expedite the rezoning process and allow the applicants to occupy the site as quickly as possible, the subject application was accompanied by a use variance application. A temporary use variance would allow Monarch Industries Limited to begin operations in advance of the final rezoning approval.

It is the position of the Development Management Branch, Planning, Property and Development Department, that the proposed change in use and zoning can be supported. In the Department's view, the proposed new use, when fully operational, will not have any added adverse effect on adjacent neighbourhoods; in fact, they contend that the relocation of the loading areas to the north side of the building will significantly reduce heavy vehicle traffic in Burmac Road. The proposed new addition will also be subject to design control guidelines required under the Industrial Park Section of Winnipeg Zoning By-law No. 6400/94.

On April 24, 2001, a public hearing was held before the Riel Community Committee. Thirteen persons appeared in support of the application and no one was registered in opposition thereto. The Riel Community Committee recommended that the proposed rezoning be approved for the reason that the Community Committee is of the opinion that Monarch Industries Limited is a good corporate citizen and will be a definite asset to the community.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 206/2001 dated April 12, 2001, to a "MP-2" Industrial District.

II. That there be a withdrawal of Caveat 235905 as it affects the subject lands.

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

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

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

VI. 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. 591 for attachment)

REPORT OF THE

STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MAY 3, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated May 3, 2001, was considered clause by clause.

Moved by Councillor Vandal,
That the Consent Agenda, Clauses 2 and 3, be adopted.

Carried.

Proposed Delegated Authority to the Director of Planning, Property and Development to enter into Lease Agreements to accommodate Film Groups in City-owned buildings
File GC-11 (Vol. 7)

569 - 1. The Standing Policy Committee on Property and Development has been advised that film groups, on an increasing basis, are approaching the Planning, Property and Development Department through the Film and Culture Liaison, requesting the City to provide accommodations for production offices and/or film locations. Authority is being sought for the Director of Planning, Property and Development to enter into these types of routine lease agreements, with little or no financial impact.

The Director of Planning, Property and Development Department recommends that he be delegated the authority to enter into routine lease agreements for civic buildings for a limited duration and to be occupied for film purposes, substantively in accordance with the following general terms and conditions, namely:

Lessee:	Various Production / Film Companies
Location:	City-owned buildings
Use:	Production Office / Filming Location for movie purposes
Term:	Not to exceed one (1) year
Rent:	Lessee to pay, as a minimum, any increase in utility costs; all MTS telephone lines – installation/monthly billings; any damage to asphalt parking lot or building.
Repair:	Lessee must restore the building to the condition in which it was received, at the Lessee's expense. All garbage must be removed; building cleaned and the building be turned over to the City in good condition.
Insurance:	Lessee to indemnify and save harmless the City of Winnipeg from and against any and all claims for damages which may arise out of the use of the premises by the Lessee; Comprehensive General Liability Policy including: The City of Winnipeg to be named as Additional Insured; $2.0 Million, all-inclusive insurance

The Standing Policy Committee on Property and Development recommends:

I. That the Director of Planning, Property and Development be delegated the authority to enter into lease agreements for civic buildings, which are to be occupied for film purposes and for a limited duration, substantively in accordance with the general terms and conditions as outlined.

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

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

The Executive Policy Committee concurs in part with the recommendations of the Standing Policy Committee on Property and Development and recommends that the following amendment be made to Recommendation I., namely:

That the words "Director of Planning, Property and Development", in the first line thereof, be deleted and replaced with "Chief Administrative Officer".

Moved by Councillor Vandal,
Adoption of the clause.

In amendment,

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

The recommendation of the Executive Policy Committee was put and declared carried.

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

Proposed Sale of City-owned park lands adjacent to 111 Eastcote Drive - Riel Community
File FI-2.4(35) (Vol. 9)

570 - 2. The Standing Policy Committee on Property and Development has been advised that Robert Chamberlain of 111 Eastcote Drive has requested to purchase City property adjoining his residence which is part of a Public Reserve, as outlined on Misc. Plan No. 18120.

Mr. Chamberlain has advised that the grass is never cut in that portion and that signs have been erected on the north-easterly extension of the north limit of his holding which say "beyond this point is private property".

The former Parks and Recreation Department reviewed the request and was supportive of the proposed sale in order to resolve the public access and maintenance problem.

The proposal was circularized in the usual manner and no objections were received; however, an easement will be necessary for an outfall pipe which is associated with the nearby retention pond. Mr. Chamberlain has been notified that a subdivision and Plan of Survey will be required and is aware that the cost will be at his expense.

On March 17, 1998, the Riel Community Committee considered the proposal and had no objection to the proposed sale, subject to the adjoining owners to 111 Eastcote Drive being canvassed and also having no objection.

The owner of 107 Eastcote Drive was agreeable, but the owner of 115 Eastcote Drive objected, stating that it would cut off his access to the park. Pursuant to Qualico Developments (Winnipeg) Ltd.'s Development Agreement, the lot lines of Nos. 111 and 115 extend directly to the normal water level and the owner of No. 115 does not have legal access to the park. This was confirmed by the Water and Waste Department.

A further report was forwarded to the Riel Community Committee outlining the new developments. However, the proposal was again rejected by the Community Committee at its meeting held September 7, 1999. Subsequently it was determined that Qualico Developments Ltd. was under the impression that it was the walkway adjoining No. 111 that was proposed to be sold. Upon clarification to Qualico Developments, it withdrew its objection.

On November 9, 1999 the Riel Community Committee rescinded its decision of September 7, 1999, and advised there was no longer an objection to the sale.

The owner of 111 Eastcote Drive, Mr. Robert Chamberlain, has now returned an Offer to Purchase; particulars of which are, in brief, as follows:

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

Location:	East of Eastcote Drive, adjoining No. 111
Legal Description:	Part Public Reserve in Plan 18120, as outlined on Misc. Plan No. 10187 and called "subject City property"
Size:	Irregular – 175.4 square metres (1,888 square feet)
Zoning:	"PR" Park District
Roll No.:	8-60460
Certificate of Title:	H 78623
Assessed Value:	$1,300.00
Price Offered:	$650.00
Applicant:	Robert Chamberlain 111 Eastcote Drive
Terms:	$650.00 cheque, deposited
Adjustments:	From date of acceptance of the offer
Purpose:	Addition to holding

The Real Estate Division of the Planning, Property and Development Department is in favour of the sale for the following reasons:

- The Purchaser will pay the costs of the necessary subdivision and rezoning of the land including a utility easement.
- The Purchaser has agreed to consolidate title to the subject property with title to his adjoining holding.
- The sale of the subject property will eliminate liability for the City.
- The sale of the subject property will eliminate an unsightly area, which has not been maintained by the City.
- The property will be on the tax roll immediately.

The net proceeds of the sale will be credited to the Land Dedication Reserve Account.

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

The Standing Policy Committee on Property and Development recommends:

I. That Council declare the subject City property, outlined as "subject City property" on Misc. Plan No. 10187, as surplus to the requirements of the City.

II. That the Offer to Purchase the "subject City property" at a price of $650.00 be approved in accordance with the terms and conditions in the Offer to Purchase.

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

Adopted by consent.

Redevelopment of the Union Bank Tower Building site - 500/504 Main Street – Request to Waive Encroachment Fees and for an Easement for a Winnipeg Hydro Transformer – Pace-Greentree Builders Inc. and Man-Shield Construction Inc.
File G-3.1.1 (Vol. 4)

571 - 3. Council on October 20, 1999, adopted the following recommendations of its Standing Policy Committee on Property and Development, as amended by Executive Policy Committee, namely:

I. That the proposal outlined in Schedule "B" from Pace-Greentree Builders Inc., which was revised to delete a requirement for the City of Winnipeg to lease approximately 24,600 square feet of space in the Union Bank Tower Building at 500/504 Main Street, be accepted as an unsolicited proposal.

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

II. That Council be requested to declare the Leland Hotel site, located at 218/222 William Avenue (Part River Lot 7/8, St. James, together with easement) surplus.

III. That acceptance of the purchase/sale agreement be subject to such final terms and conditions as may be negotiated and are satisfactory to the Chief Administrative Officer.

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

On December 20, 2000, the Chief Administrative Officer accepted the final terms and conditions of the purchase/sale agreement on the subject property. In accordance with the terms and conditions of the sale the due diligence date was established and agreed to by both parties as February 19, 2001, with the date of closing, possession and adjustment to be March 21, 2001.

The Planning, Property and Development Department is in receipt of following requests from Pace-Greentree Builders Inc., namely:

1. To waive encroachment fees for the Union Bank Tower Buildings; and
2. To grant of easement upon which to locate the Winnipeg Hydro Transformer on City parkland adjacent to the Union Bank Tower Buildings.

On April 20, 2001, the Legal Services Division advised the solicitors for the Purchaser (Campbell Marr) that it will have until the close of business May 30, 2001 (five days after meeting of Council) to secure such approvals as may be necessary to satisfy its concerns with respect to any required encroachment license fees and location of hydro-electric transformer, all as may be pertinent to the subject premises; and the date of closing (possession and adjustment) for this transaction shall be May 31, 2001 so as to accommodate the foregoing matters.

Request to Waive Encroachment Fees

The Purchaser alleges that the City did not disclose the status of encumbrances until March 29, 2001. As such the Purchaser advises that it reserves the right to claim for damages by reason of additional costs of ownership/occupation for which it was unprepared. The Purchaser also advised that had it known of these costs its position on sale price might have been different.

There are two sets of encroachments on the buildings:

a) The underground areaways, as outlined on Misc. Plan No. 10490/4, are an integral part of the basement structure of the building. Mechanical/electrical equipment, including piping and electrical lines, are located within the areaways.

   These areaways are identified and covered under Caveat No. 141559 and By-law No. 558899, and are referenced in clause 10(f) of the Sales Agreement. This clause, which is part of the due diligence conditions reads as follows: “Caveat No. 141559 and By-law No. 558899 are satisfactory to the Purchaser as to form and content”.

   The areaway encroachments amount to 1,175 square feet. The annual encroachment fees under the Encroachment By-law amount to $458.30 for the areaway encroachments.

b) The above ground encroachments consist primarily of cornice and foundation encroachments into William Avenue, Main Street and adjacent City-owned lands. The encroachments are outlined on a plan of survey done by Barnes and Duncan dated November 30, 2000.

   The above ground encroachments amount to 1,174 square feet. The annual encroachment fee for the above ground encroachments amounts to $457.00 per year.

   The total annual encroachment fees for the two areas are $915.30.

At a meeting between Pace-Greentree Builders Inc. and the City Administration on September 26, 2000, there was discussion with regard to the City providing a Building Location Certificate and Staking Certificates to determine if the building was encroaching. The Purchaser was very aware at that time that there was a good possibility that parts of the building were encroaching into the right-of-way. The exact location and size of the encroachments were not determined until the survey and Building Location Certificate was provided to the Purchaser. In

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

communicating with the City's Legal Services on February 16, 2001, Roger King, Solicitor, Campbell Marr acknowledged the status of the underground encroachments when he stated:

> "I note the survey has been completed for the above site and as a result I note that the basement of the building extends approximately 6 feet past the current property line. As this is not acceptable, please advise as to how you intend to address the issue. In addition, I note the top of the building also extends over the property line. It would appear that a new plan of subdivision may be in order."

Clause 5 of the draft Offer to Purchase document that was sent to Campbell Marr on October 19, 2000 stated as follows:

> "It is understood and agreed that the City will complete work necessary to produce a Building Location Certificate and Staking Certificate as necessary and any encroachment fees arising out of the completion of such certificates shall be the responsibility of the Purchaser."

On October 30, 2000, Campbell Marr indicated to the City's Legal Services Division that the Purchaser did not want to be responsible for paying encroachment fees. However, subsequent negotiations resulted in the Offer to Purchase and Redevelop Lands Agreement that was duly executed by both Pace-Greentree Builders Inc. and Man-Shield Construction Inc. and by the City on December 18, 2000 and on December 20th, 2000 respectively, which agreement included a revised Clause 5 that stated:

> "The Purchaser will accept title to the development lands subject to all exceptions, reservations and encumbrances expressed or implied in the City's title. It is understood and agreed that the City will complete work necessary to produce a building location certificate and staking certificate as necessary and any encroachment fees arising out of the completion of such certificates shall be the responsibility of the Purchaser."

Further with respect to the underground encroachments and an existing caveat, on March 21, 2001, Campbell Marr communicated the following to the City's Legal Services Division:

> "That you will forthwith provide our office with Transfers of Land which will, when registered in the WLTO vest title to the subject properties in the name of 4207106 Manitoba Ltd. free and clear of all registered encumbrances except for Caveat No. 141559, By-law No. 558899 and any encumbrances placed by or on behalf of our clients."

This referenced caveat was registered on the title long before the City became owner of this property. All parties were aware of its existence.

The Transportation Division of the Public Works Department is opposed to the extension of the Union Bank Tower Building property lines into William Avenue and Main Street in order to normalize the encroachments.

The Planning, Property and Development Department does not support the waiver of the annual encroachment fees because:

- Many of the buildings in the downtown area are encroaching into public rights-of-way and the owners of these buildings are paying annual encroachment fees.

- Clause 5 of the executed Sales and Purchase Agreement requires the Purchaser to be responsible for the payment of encroachment fees.

As further information, the Planning, Property and Development Department is unaware of any instances of a similar nature where encroachment fees had been waived. However, the Department advised that encroachment fees had been waived where encroachments were created by the City's actions (i.e. pursuant to road widening projects).

<u>Request for Grant of Easement for Hydro Pad Mount Transformer</u>

The Purchaser alleges that the City did not disclose the need to upgrade the electrical service to this building. As such the Purchaser advises that it reserves the right to claim for damages by reason of its additional costs to upgrade this service.

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

Various Clauses within the duly executed Offer to Purchase and Redevelop Lands Agreement address matters pertaining to the conditions associated to the land and buildings being purchased and the conditions under which the Purchaser agreed to accept them.

Specifically, Clause 10 provided that the Purchaser shall have sixty (60) days from the date of approval to perform due diligence investigations and satisfy itself as to the acceptable condition of the property.

Clause 21 stated "Notwithstanding any comments, term or condition in this Offer, the City expressly states and the Purchaser hereby acknowledges that the City is providing no warranty or representation of any kind related to the condition of the development lands and any buildings or improvements located thereon or its ability to be developed. The Purchaser must rely entirely upon its own investigations and must satisfy itself as to the suitability of such lands, buildings and improvements for its needs and it agrees that it shall take possession of the development lands, buildings and improvements on an "as-is" basis."

Execution of the agreement signifies that the Purchaser has performed its due diligence and all conditions have been satisfied and the building and lands are deemed to be acceptable to the Purchaser in their "as-is" state. Therefore, in the opinion of the Planning, Property and Development Department, there is no basis for the Purchaser's claim.

However, with respect to the request for the easement to facilitate the hydro pad-mount transformer the Planning, Property and Development Department agreed to convene a meeting between the Purchaser and Winnipeg Hydro. It has been determined that the Purchaser will have to expand the capacity of the hydro transformer to satisfy the requirements for servicing the renovated building. There are alternative ways of solving this problem. One would be to increase the existing transformer capacity that is located within the building. The dimensions of the existing transformer vault are adequate to accommodate the necessary increase in transformer capacity. Another would be to install a new transformer outside of the building and run the power into the building. If the transformer is to be located outside of the building it could be installed on the former Leland land site or the adjacent parklands. The most logical place to locate it appears to be as shown on Misc. Plan No. 10490/5 because the existing distribution panel and transformer are located in the front of the building adjacent to Main Street.

The Planning, Property and Development Department therefore suggested that the best method of providing the service (interior versus exterior) and the location for the required installation be subject to a determination made by the Acting Director of Winnipeg Hydro, having jurisdiction over hydro utility servicing.

In the event that the recommended method is exterior and the recommended best location is within the Bijou Park, then the installation should be constructed in such a manner so as to reduce the aesthetic and operation impact on the adjacent park, to the satisfaction of the Director on Planning, Property and Development. The size of the pad and transformer housing is quite large and the proposed location as shown on Misc. Plan No. 10490/5 would be on City-owned parkland.

With regard to the possible option of installing a new transformer on the adjacent Bijou Park the Planning, Property and Development Department advised that it has initiated a process to determine if an easement within Bijou Park can be created to resolve the Purchaser's request. The Department requested comments from the various City departments and the Exchange District Business Association (stakeholders in the parkland site). In the event an easement agreement for a portion of the parklands is required, the intention is that all concerns expressed would be considered and addressed in the development of terms and conditions of a proposed easement agreement beyond the standard terms used in such agreements. As at April 26, 2001, the Department received only one response to the preliminary circularizations, that being from the Exchange District BIZ.

The Planning, Property and Development Department also suggested that rather than an easement in perpetuity, the easement should terminate upon the demolition of the adjacent annex structure, at which time the transformer should be relocated by the Purchaser to the Purchaser's property.

A meeting was held on April 19, 2001, between the Legal Services and Real Estate Divisions, Campbell Marr and the Purchaser, to resolve the allegations made and discuss the requests. On April 20, 2001, the Legal Services Division confirmed to Campbell Marr, that the matters agreed to were as follows:

1. We would not proceed to close this transaction in accordance with your letter dated April 18, 2001;

2. Your client will not be pursuing a claim against the City for damages to the subject premises;

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

3. The Purchaser will have until the close of business May 30, 2001 (5 working days after the scheduled meeting of Council) to secure such approvals as may be necessary to satisfy its concerns with respect to any required encroachment license fees and location of hydro-electric transformer all as may be pertinent to the subject premises; and

4. The date of closing (possession and adjustment) for this transaction shall be May 31, 2001 so as to accommodate the foregoing matters.

The Administration recommended that the Proper Officers of the City should be instructed to proceed to finalize the proposed sale on May 31, 2001 in accordance with the terms and conditions of the approved and executed Offer to Purchase and Develop Lands Agreement that was executed by the Purchaser and accepted by the City of Winnipeg on December 20, 2000; and that subject to Council approval of the following recommendations, that the Proper Officers of the City be authorized to do all things necessary to effect the intent therein, including the execution of any documents related thereto.

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

The Standing Policy Committee on Property and Development recommends:

I. That the existing annual areaway and aboveground encroachment fees be waived at the request of Pace-Greentree Builders Inc., in connection with the proposed redevelopment of the Union Bank Tower Building site.

II. That the easement as shown on Misc. Plan No. 10490/5 be approved, subject to a determination by the Acting Director of Winnipeg Hydro, in his sole discretion, that the installation of an exterior hydro transformer is the most appropriate method to supply the required hydro service. In the event that the Acting Director of Winnipeg Hydro approves the exterior location, then the hydro pad mount transformer will be constructed in such a manner so as to reduce the aesthetic and operation impact upon the adjacent park, to the satisfaction of the Director of Planning, Property and Development.

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

Adopted by consent.

REPORT "A" OF THE

STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MAY 3, 2001

On motion of Councillor Vandal, Report "A" of the Standing Policy Committee on Property and Development, dated May 3, 2001, was considered.

Moved by Councillor Vandal,
That the Consent Agenda, Clause 1, be adopted.

Carried.

Proposed Expropriation Program – South Transcona Land Drainage Project Phase III – Parcels A through D and Temporary Construction Easement - East Kildonan-Transcona Community
File FI-2(33) (Vol. 3)

572 - 1. The Standing Policy Committee on Property and Development has been advised that the proposed acquisitions as outlined on Schedule B, and illustrated as Parcel A through Parcel D and Temporary Construction Easement on Misc. Plan No. 11123/1, are required for the development and implementation of Phase III of the South Transcona Land Drainage Project. Authorization to expropriate is required immediately to ensure that the City has a legal interest in all property required and vacant possession of the properties for construction to begin no later than November 1, 2001.

On April 9, 1996 the then Standing Committee on Works and Operations considered an administrative report entitled "South Transcona Land Drainage", which outlined alternatives to alleviate flooding in the South Transcona area. Upon consideration of the aforementioned report the administration was directed to identify a source of funding for the chosen alternative and to approach the Province of Manitoba to consider sharing the cost of the alternative on a 50-50 basis.

On May 28, 1997, Council approved the required funding for the South Transcona Land Drainage Project, contingent upon the Province of Manitoba advancing the cash flow of Urban Capital Project Allocation (UCPA) III funding in 1997 to be used for the South Transcona Land Drainage Project. In August of 1997, the Province confirmed that it had agreed to advance funding from the UCPA III in 1997, to be used for the South Transcona Land Drainage Project.

South Transcona Land Drainage Project (Phase I)
The construction of a stormwater retention basin (SRB) and pump station at the northwest corner of Murdoch and St. Boniface Roads took place in the fall and winter of 1997, and was functional by the spring of 1998. Ditches adjacent to St. Boniface Road and Plessis Road were upgraded in 1998. The Bibeau Drain, located within the CNR's Symington Yards, was not upgraded to the capacity that was originally anticipated. In order to upgrade this portion of the Bibeau Drain, extensive relocation or stabilization work would be required to the existing trackage, thus making the upgrade economically prohibitive. A more cost effective route that would meet the drainage capacity requirements for the South Transcona area was determined to be along Esselmont Avenue draining into the existing St. Boniface Industrial Park stormwater retention basins.

South Transcona Land Drainage Project (Phase II)
Phase II of the project called for the installation of a permanent land drainage sewer (LDS), extending in an easterly direction from the existing St. Boniface Industrial Park drainage system beneath Plessis Road and through the property shown as Land Drainage Sewer Easement, as outlined on Misc. Plan No. 11123/1. A permanent LDS is required along this stretch of land so as not to interfere with an existing natural gas pipeline running both parallel and perpendicular to the drainage system.

Report "A" of the Standing Policy Committee on Property and Development dated May 3, 2001

In October of 2000, the City secured a Land Drainage Sewer Easement Agreement for the installation of this segment of the land drainage sewer, and the contract for its construction was awarded in November of 2000. Subsequently, this land drainage sewer was constructed in March and April of 2001 and became functional on April 6, 2001.

South Transcona Land Drainage Project (Phase III)

Phase III is the last phase of the land drainage project. It requires regrading of the existing ditch within Esselmont Avenue and extending over into the adjacent private properties where shown as Parcels B, C and D on Misc. Plan No. 11123/1. Also, a new drainage ditch (together with catch basins) needs to be developed over Parcel A, as outlined on Misc. Plan No. 11123/1. This drainage ditch will then drain via the catch basins into the LDS installed in Phase II of the land drainage project.

Negotiations between the City and the owners of the required lands commenced in the summer of 1999. The owners advised that they were not prepared to sell the required portion of their lands until such time that their concerns, as well as those of several other homeowners on Esselmont Avenue, were addressed. In March of 2000, a meeting took place between the City's Water and Waste Department and the concerned homeowners on Esselmont Avenue. The homeowners advised that they had concerns about the design of the proposed ditch, (i.e. the depth of the ditch exceeded five feet in one location). As well, several residences did not like the location of the drainage ditch, as now they would have to always be looking at an unsightly ditch (their opinion). It also became apparent that there was a misconception about the overall objectives of the South Transcona Land Drainage Project.

Subsequent to the aforementioned meeting, an open house was held on June 14, 2000, for all South Transcona area residents. Several residents voiced their concerns as to the design and effectiveness of the project, as well as suggesting alternative solutions to the land drainage problem in the area. As a result of the open house, the Water and Waste Department has reviewed the expressed concerns and suggested solutions and it has been determined that the optimum location for the drainage ditch is still adjacent to Esselmont Avenue and over Parcel A, as outlined on Misc. Plan No. 11123/1. However, a modification has been made to address the expressed concerns of Esselmont residents regarding the depth of the drainage ditch between Foch and Bates Avenues. This portion of the drainage system will now be serviced by the installation of a shallow, oversized culvert within the existing road right-of-way, as opposed to the original open drainage ditch design.

The City's Water and Waste Department has also considered an alternative to the proposed route for the construction of the land drainage ditch through Parcel A. The Water and Waste Department has determined that an alternate route through the Transcona Golf Course is cost prohibitive.

Until recently, negotiations have been focused on the owner of Parcel A, i.e. Winnipeg (Transcona Lions Club) Inc. The acquisition of this land is most important to the success of Phase III of the South Transcona Land Drainage Project because it provides the land link between the existing land drainage system (which is to be upgraded as part of the proposed Phase III works), and the LDS installed in Phase II of the project. Over the last several months, the Real Estate Division of the Planning, Property and Development Department and a representative of the Transcona Lions Club have conducted several rounds of negotiations during which the Division formulated mutually acceptable terms and conditions for formal consideration by the principals for each party.

However, pursuant to a meeting held on March 16, 2001 the Transcona Lions Club advised that it is no longer prepared to negotiate the sale of the lands required by the City.

Winnipeg (Transcona Lions Club) Inc. – Parcel A Misc. Plan No. 11123/1

The Winnipeg (Transcona Lions Club) Inc. advised the Real Estate Division that it is not prepared to grant the temporary construction easement nor sell the required lands to the City. The Division has made every attempt to re-establish negotiations with the Lions Club; however, the Lions Club is steadfast in its decision to not sell the required lands to the City. The Division believes that the Club does not agree with the Water and Waste Department's solution to the South Transcona drainage problem, and if an expropriation is implemented, that the Club will initiate an "Inquiry" to be held at which it will argue that its land is not required and that the Transcona Golf Course lands can be used instead. However, provided that Council authorizes the expropriation no later than at its May 23, 2001, meeting, the City should be able to construct the works within the available time limits.

Transcona Golf Course Alternative Alignment

The Water and Waste Department has given consideration to incorporating the drainage ditch as part of the Transcona Golf Course layout. It has been determined that in order to relocate the drainage ditch through the golf course, additional works and materials would be required to maintain the integrity of the golf course and the ditch.

Report "A" of the Standing Policy Committee on Property and Development dated May 3, 2001

This would increase the estimate of required funding from $100,000.00, to cross Parcel A to $250,000.00 to cross the golf course. Additionally, the annual cost for maintaining the drainage ditch also increases if located on the golf course, as heavy machinery used for maintenance would likely cause some damage to the course resulting in additional costs for repairs.

Parcels B, C, D Misc. Plan No. 11123/1
Negotiations with the property owners of Parcel B through Parcel D are ongoing. Although it may be possible to acquire these Parcels through conventional purchase/sale agreements, this cannot be assured. As a result these Parcels are included in the recommended expropriation.

Project Timing
The Province of Manitoba has granted the Water and Waste Department its second extension to spend the UCPA III funding allocated for the South Transcona Land Drainage Project with the stipulation that all monies are to be spent by March 31, 2002. The regrading of the Esselmont Avenue ditch, installation of the shallow oversized culvert and the construction of a land drainage ditch through Parcel A, including catch basins at the westerly limit of Parcel A, cannot take place during the winter of 2001 or the spring of 2002 because the required land works cannot be accomplished while the ground is frozen. In consideration of the aforementioned, the required works must be completed by no later than late November 2001.

The Water and Waste Department advised that in order to meet the Province of Manitoba's March 31, 2002, deadline to use the Urban Capital Project Allocation III funding, the tender for the South Transcona Land Drainage Project Phase III related works must be advertised by no later than the last week of September 2001. Therefore, in order to meet the time requirements for this project, both the Water and Waste Department and the Real Estate Division are supportive of expropriation, which must be "confirmed" by Council before the works can be awarded. Also, both the Water and Waste Department and the Real Estate Division have considered that the Province of Manitoba (Lieutenant Governor in Council) could be requested to dispense with the Expropriation Inquiry Hearing process. If the requirement for an inquiry is not waived, and one were to be held (one of the Parcel owners has already stated that it would cause one to be held), then there is a risk that the process may not be completed in time for Council to "confirm" the expropriation at its scheduled September 26, 2001, meeting.

The Standing Policy Committee on Property and Development submits draft Expropriation By-law and recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to initiate expropriation proceedings in the acquisition of the properties identified and required by the City for the South Transcona Land Drainage Project Phase III.

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.

Copy of Misc. Plan No. 11123/1 and Schedule "B" are on file in the office of the City Clerk.

Adopted by consent.

REPORT OF THE

STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MAY 10, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated May 10, 2001, was considered.

Moved by Councillor Vandal,
That the Consent Agenda, Clause 1, be adopted.

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

Proposed Amendment to 2001 Home Renovation Tax Assistance Program – Addition of Hard-wired, Monitored Security Systems as Eligible Renovations
File FL (Vol. 8)

573 - 1. The Standing Policy Committee on Property and Development has been advised that on March 12, 2001, the Standing Policy Committee on Protection and Community Services received as information report dated February 9, 2001, from the Chief of Police, Winnipeg Police Service, and recommended that the criteria for the Home Renovation Tax Assistance Program be expanded to include hard-wired security systems.

On April 3, 2001, Standing Policy Committee on Property and Development considered the recommendation of the Standing Policy Committee on Protection and Community Services along with a communication received on March 16, 2001, from the President of the Canadian Alarm and Security Association (Manitoba Chapter) proposing that the City give consideration to establishing criteria that in order to qualify for the tax credits under the Home Renovation Tax Assistance Program, the alarm system must be installed by a company that belongs to the Canadian Alarm and Security Association.

On April 3, 2001, the Standing Policy Committee on Property and Development referred the matter to the Administration for further analysis as to whether or not hard-wired security systems should be included as an eligible renovation under the Home Renovation Tax Assistance Program, addressing therein standards for home alarm systems.

On May 10, 2001, the Standing Policy Committee on Property and Development considered a report dated May 4, 2001, from the Director of Planning, Property and Development, which outlined that Section 7 of By-law No. 7798/2001 currently reads:

> "The following are not eligible renovations:
> (h) purchasing, installing or repairing any of the following:
> (ix) a security system;"

Generally, Section 7 of the by-law outlines a list of prospective renovations that are considered to be "luxuries" as opposed to necessities (e.g. a hot tub, spa, or Jacuzzi). Accordingly, these particular renovations are stipulated as not being eligible in the By-law.

The 2001 Home Renovation Tax Assistance Program was approved by Council on February 28, 2001. Following adoption of the 2001 Program and By-law No. 7798/2001, information brochures were printed and distributed to citizens. These brochures state that a security system is an ineligible renovation. As well, this information was posted on the City's website and provided to various media outlets. Since the 2001 Program opened, staff have been informing citizens that a security system is an ineligible renovation. To amend By-law No. 7798/2001, at this time, for only one type of renovation could create confusion with citizens.

Report of the Standing Policy Committee on Property and Development dated May 10, 2001

Accordingly, the Designated Officer of the Home Renovation Tax Assistance Program is of the opinion that it would be inappropriate to amend the current By-law No. 7798/2001, at this time, and recommended that the matter be deferred for consideration with a 2002 Program.

The Administration therefore recommended as follows:

1. That By-law No. 7798/2001 not be amended, at this time, to include a security system as an eligible renovation.

2. That the proposal to classify a security system as an eligible renovation be evaluated in conjunction with this year's comprehensive review of the Home Renovation Tax Assistance Program.

The Standing Policy Committee on Property and Development did not concur in the administrative recommendations and recommends:

I. That the 2001 Home Renovation Tax Assistance Program By-law No. 7798/2001 be amended to include hard-wired, monitored security systems as an eligible renovation, and be made retroactive to the enactment date of the By-law (February 28, 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.

Moved by Councillor Vandal,
Adoption of the clause.

The motion for adoption of the clause was put.

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

Yea: Councillors Lazarenko, Angus, De Smedt, Lubosch, Prystanski, Smith, Steek, Steeves, Vandal, Eadie and O'Shaughnessy. 11

Nay: Councillors Clement and Deputy Mayor Thomas. 2

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

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

574 - On motion of Councillor Vandal, the following by-laws were read a first, second and third time, the rule being suspended for the third reading of each by-law and were passed and ordered to be signed and sealed, namely:

By-law No. 7825/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the north side of Winterhaven Drive, east of Beckwith Lane, in the Riel Community. File DASZ 31/84 (Phase 10)

By-law No. 7826/2001, 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. 7827/2001, 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)

Standing Policy Committee on Property and Development - Consideration of By-laws (continued)

By-law No. 7828/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 299 Young Street, 776 Spence Street and 546 Portage Avenue, in the City Centre Community. File DASZ 26/2000

By-law No. 7829/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the south side of Peter Herner Bay in the Lord Selkirk-West Kildonan Community. File DASZ 27/2000

By-law No. 7830/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located east of Ravenhurst Street south of Kildare Avenue East in the East Kildonan - Transcona Community. File DASZ 42/87 (Phase 1 E)

By-law No. 7831/2001, 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 766 Crescent Drive in the Assiniboia Community. File DAZ 233/2000

By-law No. 7832/2001, 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 770 Crescent Drive in the Assiniboia Community. File DAZ 237/2000

By-law No. 7836/2001, 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 336 Young Street in the City Centre Community. File DAZ 200/2001

By-law No. 7837/2001, 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 637 La Fleche Street in the Riel Community. File DAZ 201/2001

By-law No. 7838/2001, 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 51 Burmac Road in the Riel Community. File DAZ 206/2001

By-law No. 7839/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the east side of Aldgate Road south of John Forsyth Road in the Riel Community. File DASZ 31/84 (Phase 11)

By-law No. 7840/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision on land located at the southeast corner of Bishop Grandin Boulevard and Dakota Street in the Riel Community. File DAS 14/2000

By-law No. 7841/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 435 Christie Road in the Riel Community. File DASZ 29/2000

By-law No. 7842/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the east side of Hillmartin Drive south of Kirkbridge Drive in the Riel Community. File DASZ 2/2001

Standing Policy Committee on Property and Development - Consideration of By-laws (continued)

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

By-law No. 7845/2001, a by-law of The City of Winnipeg to acquire lands for the purposes of Public Street for the widening of Esselmont Avenue between Symington Road and Plessis Road and for Public Drain South of Esselmont Avenue and West of Bates Avenue, in connection with the South Transcona Land Drainage Project, in the City of Winnipeg, in Manitoba. File FI-2(33) (Vol. 3)

By-law No. 7846/2001, a by-law of The City of Winnipeg to acquire a temporary easement for the purpose of work space for construction of a Public Drain South of Esselmont Avenue and West of Bates Avenue, in connection with the South Transcona Land Drainage Project, in the City of Winnipeg, in Manitoba. File FI-2(33) (Vol. 3)