REPORT OF THE

STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JUNE 5, 2001

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

Moved by Councillor Vandal,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11,12 and 13, be adopted.

Carried.

Proposed Amendment to Whyte Ridge Industrial Development Agreement AG 44/79 – Assiniboia Community
File DAS 30/88

617 - 1. The Standing Policy Committee on Property and Development has been advised that pursuant to the approval of DAS 30/88 by Council on April 18, 1990, an addendum to the Whyte Ridge Industrial Development Agreement AG 44/79 was entered into. (File DAS 30/88 created Fultz Boulevard, south of the C.P.R. Spur Line). The addendum to Development Agreement AG 44/79 contains the following clause:

> "The Developer shall be allowed to stage the development of those lands covered under Addendum AG 30/88 as follows:
>
> Stage I - North-south roadway, all required underground services and a paved turnaround at the south end.
>
> Stage II - East-west roadway, balance of underground services and a second access either through the property to the east to Waverley Street or north to Henlow Bay.
>
> No building permit will be issued for Lot 2, Block 1 until the second access has been established to the satisfaction of the Commissioner of Works and Operations."

Over the past ten years, proposals to extend Fultz Boulevard easterly to connect Waverley Street have been approved by Council, but to date this has not materialized. The subject lands on the south side of Fultz Boulevard have been sold to Sun-X Properties Ltd. and Development Agreement AG 44/79 as it applies to the subject lands has been assigned to Sun-X Properties Ltd., who have requested that they be permitted to proceed with development of Lot 2, Block 1 without completing construction of the east-west leg of Fultz Boulevard and secondary egress north to Henlow Bay at this time. Access to the proposed building site would be achieved by using the existing north-south leg of Fultz Boulevard with a temporary turnaround being constructed to complete the cul-de-sac.

The underground services, including fire hydrants in the east-west portion of Fultz Boulevard, were installed by the original developer, Whyte Ridge Industrial Development Ltd., as part of Stage I.

The request from Sun-X Properties Ltd. has been reviewed by the Administration and was found to be acceptable subject to the following:

1. Sun-X Properties Ltd. constructing a larger turnaround at the south terminus of Fultz Boulevard to the satisfaction of the Director of Public Works.
2. Sun-X Properties Ltd. installing any additional hydrants on site as required by the Fire Paramedic Service.
3. Sun-X Properties Ltd. posting a Letter of Credit in the full amount of the estimated cost of constructing the surface improvements in Fultz Boulevard and secondary egress north to Henlow Bay.

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

The above information was transmitted to Sun-X Properties Ltd. and they do not concur with the requirement to post a letter of credit.

The Planning, Property and Development Department recommended that the Addendum to Development Agreement AG 44/79 (DAS 30/88) between the City and Sun-X Properties Ltd. be amended by deleting therefrom the clause restricting the issuance of a building permit for Lot 2, Block 1 until an access is in place and replacing it with the following:

"In conjunction with the development of Lot 2, Block 1 the Developer shall:

a) Construct a larger asphalt turnaround at the south terminus of Fultz Boulevard to the satisfaction of the Director of Public Works;
b) Install any additional hydrants on site as required by the Fire Paramedic Service; and
c) Prior to the issuance of a building permit, post a Letter of Credit in the full amount of the estimated cost of constructing the surface improvements in Fultz Boulevard and a secondary egress north to Henlow Bay."

On May 15, 2001, the Assiniboia Community Committee considered report dated May 7, 2001, from the Land Development Engineer, Planning, Property and Development Department and concurred in the recommendation, with the following amendment to Item c), namely:

- That the words “Letter of Credit” be replaced with “Security”, and that the following words be added to the end thereof, “to the satisfaction of the Director of Planning, Property and Development.

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

I. That the Addendum to Development Agreement AG 44/79 (DAS 30/88) between the City and Sun-X Properties Ltd. be amended by deleting therefrom the clause restricting the issuance of a building permit for Lot 2, Block 1 until an access is in place and replacing it with the following:

A. In conjunction with the development of Lot 2, Block 1 the Developer shall:

a) Construct a larger asphalt turnaround at the south terminus of Fultz Boulevard to the satisfaction of the Director of Public Works;

b) Install any additional hydrants on site as required by the Fire Paramedic Service; and

c) Prior to the issuance of a building permit, post Security in the full amount of the estimated cost of constructing the surface improvements in Fultz Boulevard and a secondary egress north to Henlow Bay, to the satisfaction of the Director of Planning, Property and Development.

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

Adopted by consent.

Proposed Amendment to the Royalwood Development AG 5/90 – Riel Community
File DASZ 5/90

618 - 2. The Standing Policy Committee on Property and Development has been advised that under the terms of the Royalwood Development Agreement AG 5/90, the Developer is required to pay the full cost of installing a pedestrian walkway over the CPR Emerson Subdivision between Wildfire Drive in Royalwood and Island Shore Park in Island Lakes.

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

During consideration of the Royalwood development application (File DASZ 5/90), concern was expressed by the Island Lakes residents regarding pedestrian access from Island Lakes to a proposed school site in Royalwood at the intersection of Shorehill Drive and Ridgeway Crescent. This location has been abandoned for a school site and a school is being constructed in Island Lakes at the intersection of Island Shore Boulevard and the former John Bruce right-of-way. In order to accommodate pedestrian access from Royalwood to the school currently under construction in Island Lakes, it makes more sense to locate the proposed walkway at the former John Bruce Road crossing which will provide a more direct connection from Royalwood to the school. Under the terms of AG 5/90, the Developer is required to construct a sidewalk on the north side of John Bruce Road between Shorehill Drive and the Seine River where it is intended to close the existing bridge to vehicular traffic and have it remain for pedestrians and cyclists only.

The Developer has agreed to extend the sidewalk easterly from Shorehill Drive to the CPR Emerson Subdivision, subject to it not being installed in conjunction with the construction of the concrete pavement in John Bruce Road. The Developer has agreed, however, to allow the City to file caveats against the affected lots notifying perspective owners of the requirement for the sidewalk.

The Planning, Property and Development Department therefore recommended that Development Agreement AG 5/90 be amended as follows:

1. By relocating the proposed pedestrian walkway over the CPR Emerson Subdivision from Wildfire Drive to John Bruce Road; and
2. By adding the requirement for the construction of a sidewalk on the north side of John Bruce Road from Shorehill Drive easterly to the CPR Emerson Subdivision; and
3. By stipulating that the sidewalk east of Shorehill Drive need not be constructed at the same time as the concrete pavement.

On May 22, 2001, the Riel Community Committee concurred in the recommendations contained in the report dated May 2, 2001, from the Land Development Engineer, Planning, Property and Development Department, to amend the Royalwood Development Agreement, as set out below.

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

I. That the Development Agreement for File DASZ 5/90 between the City and the Developer be amended to reflect the following:

   A. By relocating the proposed pedestrian walkway over the CPR Emerson Subdivision from Wildfire Drive to John Bruce Road.

   B. By adding the requirement for the construction of a sidewalk on the north side of John Bruce road from Shorehill Drive easterly to the CPR Emerson Subdivision.

   C. By stipulating that the sidewalk east of Shorehill Drive need not be constructed at the same time as the concrete pavement.

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 June 5, 2001

Request to Amend the Development Agreement for the Kostynyk Subdivision – land located on the south side of the Perimeter Highway between Sioux Road and Lagimodiere Boulevard (at 335 Sioux Road) – Riel Community
File DASZ 8/2000

619 - 3. On March 21, 2001, Council passed By-law No. 7805/2001 and in doing so approved a plan of subdivision and an amendment to Winnipeg Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the south side of the Perimeter Highway between Sioux Road and Lagimodiere Boulevard.

The Standing Policy Committee on Property and Development has been advised that on May 22, 2001, the Riel Community Committee considered a request from Lombard North Group (1984) Ltd., with respect to a reduction in the dedication fees and relief from the costs associated with the redevelopment of Sioux Road required under File DASZ 8/2000, the subdivision and rezoning of the subject lands.

The Riel Community Committee also considered a report dated May 15, 2001, from the Land Development Engineer, Planning, Property and Development Department, in response to the May 8, 2001 letter from Lombard North Group (1984) Ltd.

The Land Development Engineer advised that with respect to the dedication fee, based on the information provided by David Palubeski of the Lombard North Group (1984) Ltd., the Real Estate Appraisal Branch of the Planning, Property and Development Department reduced the dedication fee from $52,000.00 down to $38,900.00.

With respect to Sioux Road, the requirement is to upgrade that roadway from the north limit to the south limit of the developer's land. Originally the recommendation was to go to Budd Road but that was amended by the Riel Community Committee at the public hearing (for File DASZ 8/2000) at the developer's request. The Administration does not support a further amendment with respect to the upgrading of Sioux Road.

The Land Development Engineer in his report dated May 15, 2001, also outlined that David Palubeski of the Lombard North Group (1984) Ltd., stated that "the Community Committee did not require other local property owners to upgrade Sioux Road". This statement applied to the five property owners within River Lots 158, 159 and 160 only. The developers of the original Halparin subdivision and Phase 1 of the Kostynyk subdivision were both required to upgrade Sioux Road abutting their land.

On May 22, 2001, the Riel Community Committee recommended that the Council decision of October 18, 2000, relative to a plan of subdivision and rezoning under File DASZ 8/2000, for the property located at 335 Sioux Road, be amended as set out below.

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

I. That the Development Agreement for File DASZ 8/2000 between the City and the Developer be amended to reflect the following:

   A. That the requirement for the Developer to construct an asphaltic concrete roadway from the north limit to the south limit of the proposed subdivision be deleted and replaced with the following: "The Developer shall prepay its share of the cost of gravelling and oiling Sioux Road in perpetuity from the north limit to the south limit of the proposed subdivision, as determined by the Director of Public Works. The 2001 rate therefor is $20.00 per frontage foot".

   B. That the $375.00 per acre in lieu of the landscaping and serviced park frontage which the Developer would have been required to contribute if land had been dedicated within the proposed subdivision, be reduced to $307.50.

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 June 5, 2001

Proposed Subdivision and Rezoning – land located at 2366 McPhillips Street – Lord Selkirk-West Kildonan Community
File DASZ 4/2001 [c/r DAV 114/2001D]

620 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from Pollock and Wright (Cadastre Management Ltd. - Al Degner), 117 Fort Street, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "R1-20" Residential District and a "C2" Commercial District to a "C4" Commercial District to allow for future shopping centre development and to maintain an existing home improvement supplies store.

Site Area
The subject site is approximately thirty-one (31) acres of overall size.

Existing Land Use and Zoning
The land is currently zoned "C2" Commercial and "R1-20" Residential and is occupied by several dwellings and a home improvement supplies store.

Surrounding Land Use and Zoning

North:	Lands to the north are zoned "M2" Industrial (old City Operations Yard).
South:	The Seven Oaks General Hospital, zoned "R1-20" Residential and "C2" Commercial.
East:	The east side of McPhillips Street is a combination of "C2"commercial businesses and residential neighbourhoods.
West:	Occupied by a Hydro power line and open areas, zoned "R1-20" Residential.

The applicants propose to subdivide and rezone the subject property in order to facilitate development of a new shopping centre and associated businesses.

The proposed development complies with Plan Winnipeg Policy. The site falls within a designated Regional Shopping Centre zone.

The subject land being assembled, rezoned in part and developed, lies between Court Avenue and Templeton Avenue and west of McPhillips Street. The Power Transmission Line defines the west boundary of the site. The entire site, including an existing McDiarmid Lumber Co. parcel encompasses approximately thirty-one (31) acres.

It is proposed that the entire site be rezoned to a "C4" Commercial District (exclusive of the McDiarmid Lumber Co., which will remain "C2") to accommodate large-scale shopping centre development. The site, it should be noted, is both designated Neighbourhood Policy Area under Plan Winnipeg and within a defined Regional Shopping Centre Area under Plan Winnipeg. Preliminary plans indicate that there are two (2) large primary buildings proposed at the west periphery of the property. One has a proposed square footage of 120,000 square feet (single tenant), the other 132,000 square feet (three tenants). Another five (5) buildings are proposed on the site ranging in size from 4,000 square feet to 40,000 square feet. A total of 2,049 parking stalls will be established to serve not only the nine (9) proposed new buildings but also the existing McDiarmid Lumber Co. facility. It should be noted that existing residential buildings on site would either be demolished or removed.

Primary access to the site is to be via the existing lighted intersection at Templeton Avenue and McPhillips Street. A Traffic Impact Study has been completed and submitted by ND Lea Engineers and Planners Inc. and their conclusions verify that existing left turn lanes off of McPhillips Street should be able to accommodate future development traffic. Some modifications will have to be made to the northbound left turn storage lane at Court Avenue. The Study also suggests that daily traffic on Court Avenue, Templeton Avenue West and Templeton Avenue East will remain within the City of Winnipeg's guidelines for local and collector streets.

The Development Management Branch, Planning and Land Use Division of the Planning, Property and Development Department reviewed the proposed application to rezone to a "C4" Commercial category and fully supports the zoning change. There are no indications at this time as to who the anchor tenants will be, but the proposed development should compliment ongoing commercial development along Leila Avenue and McPhillips Street. It is not felt that there will be any adverse effects on adjacent neighbourhoods to the east or to the west.

The Planning, Property and Development Department therefore recommended that the subject subdivision and rezoning application be approved.

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

On April 17 and May 15, 2001, a public hearing was held before the Lord Selkirk-West Kildonan Community Committee. One person appeared in support of the application, and one person was registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed subdivision and rezoning application be approved, for the following reasons:

1. The Lord Selkirk-West Kildonan Community Committee did not share the belief that approval of this application will cause a decrease in property values or harm commercial businesses in the surrounding area.

2. The Lord Selkirk-West Kildonan Community Committee viewed the proposed shopping centre development as a synergy which will attract more businesses to the area and will recreate the Leila Avenue and McPhillips Street area as a major shopping centre in the City.

On June 5, 2001, the Standing Policy Committee on Property and Development considered the Report from the Lord Selkirk-West Kildonan Community Committee dated May 28, 2001, and approved the following amendment which has been incorporated in the recommendations set out below, namely:

- Delete Recommendation VIII. in its entirety, and substitute therefor

  VIII. That the rezoning by-law shall become effective when the Zoning Agreement has been registered as a first charge against the subject land at the Winnipeg land Titles Office, provided that the said effective date occurs within the twenty-four (24) months from the date that the said rezoning by-law is adopted by Council, failing which the by-law shall become of no force and effect unless the deadline for registration is extended by a resolution of Council.

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

I. That the plan of subdivision proposed under File DASZ 4/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 4/2001 dated April 10, 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 April 6, 2001.

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 4/2001 dated April 10, 2001, to a "C4" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site:

   A. That detailed site plans showing the location, size and height of any commercial buildings, free-standing signage, location and designs of garbage receptacles, traffic circulation patterns and parking areas, loading zone areas, approaches, fencing and landscaping (including edge treatment and interior of parking areas) to be submitted for the approval of the Lord Selkirk-West Kildonan Community Committee prior to the issuance of any building permit.

   B. That no mobile signs or mobile poster signs be permitted on site.

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

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

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

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

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

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

IX. 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. 660 for attachment)

Proposed Subdivision and Rezoning – land located at 1033 McIvor Avenue – East Kildonan-Transcona Community
File DASZ 9/2001

621 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Doug Henne Planning Services, 917 Simpson Avenue, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands at 1033 McIvor Avenue from an "A5" Agricultural District to a "R1-5.5" Residential District to allow for the creation of two additional sites for single-family development.

Site Area
The overall site is .87 acres (3,523.7 square metres).

Existing Land Use and Zoning
There is currently one single-family dwelling on the property zoned "R1-5.5" Residential District and "A5" Agricultural District.

Surrounding Land Use and Zoning
North: Single family dwellings, zoned "R1-5" Residential District
South: Single family dwellings, zoned "R1-5.5" Residential District
East: Vacant land (approved subdivision for single family residential), zoned "R1-4.5"Residential District
West: Single family dwellings, zoned "R1-5.5" Residential District and "A5" Agricultural District

The applicant proposes to create two additional residential lots on Strongberg Drive and make the last remaining land available for the full extension of Strongberg Drive through to McIvor Avenue. Land will also be taken for a widening of McIvor Avenue.

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

The subject subdivision is a continuation of the orderly development of land in this neighbourhood. The proposed residential lots are consistent with adjacent properties. Development of the subject property will permit the completion of Strongberg Drive.

On May 24, 2001, a public hearing was held before the East Kildonan-Transcona Community Committee. Two persons appeared in support of the application and no one registered in opposition thereto.

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

The East Kildonan-Transcona Community Committee recommended that the proposed subdivision and related rezoning be approved, for the reason that the subject application is compatible with contiguous development of the area in accordance with the long-range plans for Strongberg Drive and McIvor Avenue.

On June 5, 2001, the Standing Policy Committee on Property and Development considered the Report from the East Kildonan-Transcona Community Committee dated May 22, 2001, and approved the following amendment which has been incorporated in the recommendations set out below, namely:

- Amend Recommendation VI. by adding the following words at the end of the recommendations "upon execution by the City of the Addendum to the Development Agreement AG 9/2001".

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

I. That the plan of subdivision proposed under File DASZ 9/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2001 dated May 4, 2001, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an Addendum to Development Agreement AG 13/2000 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 27, 2001.

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 9/2001 dated May 4, 2001, to an "R1-5" Residential District.

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

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

VI. That the subdivision section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, upon execution by the City of the Addendum to the Development Agreement AG 9/2001.

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

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

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

Adopted by consent.

(See Minute No. 661 for attachment)

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

Proposed Amendment to Servicing Agreement AG 206/95 – land located on the south side of Logan Avenue immediately east of Omand's Creek - 3068553 Manitoba Inc. – Lord Selkirk-West Kildonan Community

File DAZ 206/95

622 - 6. The Standing Policy Committee on Property and Development has been advised that on February 8, 2001, the City executed Servicing Agreement AG 206/95 with 3068553 Manitoba Inc. which deals with land located on the south side of Logan Avenue just east of Omand's Creek. Clause 3.b) in Schedule "B" of the Agreement reads as follows:

> The Developer shall, at no expense to the City, grade and landscape the 20metre strip in accordance with plans and specifications approved prior to construction by the Director of Public Works. The Developer shall maintain the landscaping works for a period of one year following completion of those works.
>
> Prior to the issuance of a building permit within the Planned Area, the Developer shall post a Letter of Credit in the amount of $20,000.00 to ensure the installation and maintenance of the landscaping works.

Based on discussions between the Developer, the Community Services Department, the Planning, Property and Development Department and The Friends of Omand's Creek, the following arrangements have been agreed upon:

- That only approximately 1,100 square metres of the bank of Omand's Creek be disturbed in accordance with a Grading Plan approved by the City;
- That a 1.5 metres (5 foot) wide crushed limestone pathway be constructed within the disturbed area and the balance be reinstated with naturalized plant materials;
- That the Developer be responsible at his sole cost to grade the creek bank and install the 1.5 metre (5 foot) wide crushed limestone pathway; and
- That the Developer submit a cheque in the amount of $4,555.00 to the City to be utilized by The Friends of Omand's Creek to reinstate the disturbed creek bank.

The Planning, Property and Development Department therefore recommended that Servicing Agreement AG 206/95 be amended by deleting Clause 3.b) in Schedule "B" of the Agreement in its entirety and replacing same with the above described arrangements agreed upon by the Developer, The Friends of Omand's Creek and the City's Administration.

On May 15, 2001, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation contained in the report dated April 27, 2001 from the Land Development Engineer, Planning, Property and Development Department, as set out below.

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

I. That Servicing Agreement AG 206/95 be amended by deleting Clause 3.b) in Schedule "B" of the Agreement in its entirety and replacing same with the arrangements agreed upon by the Developer, The Friends of Omand's Creek and the City's Administration, namely:

1. That only approximately 1,100 square metres of the bank of Omand's Creek be disturbed in accordance with a Grading Plan approved by the City;

2. That a 1.5 metre (5 foot) wide crushed limestone pathway be constructed within the disturbed area and the balance be reinstated with naturalized plant materials;

3. That the Developer be responsible at his sole cost to grade the creek bank and install the 1.5 metre (5 foot) wide crushed limestone pathway; and

4. That the Developer submit a cheque in the amount of $4,555.00 to the City to be utilized by The Friends of Omand's Creek to reinstate the disturbed creek bank.

Report of the Standing Policy Committee on Property and Development dated June 5, 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 Amendment to Servicing Agreement – land located at 715 St. Anne's Road - Riel Community
File DAZ 232/99

623 - 7. On February 23, 2000, Council adopted Clause 2 of the Report of the Standing Policy Committee on Property and Development dated February 1, 2000, and in doing so, approved an amendment to Winnipeg Zoning By-law No. 6400/94 for a zoning change on land located at 715 St. Anne's Road to allow for a Personal Care Home and accessory historic residential buildings.

The Standing Policy Committee on Property and Development has been advised that on April 24, 2001, the Riel Community Committee recommended that the February 23, 2000 Council approval of File DAZ 232/99 be amended to include an option for the Faith Lutheran Personal Care Home to pay its share of the cost of surface improvements to be installed by the City in St. Anne's Road by way of annual payments to the City; said costs to be amortized over a period of up to ten (10) years including interest and a 1% per annum administrative fee.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submits the matter to Council for approval.

Adopted by consent.

Proposed Rezoning – land located at 337 - 345 Pandora Avenue West – East Kildonan-Transcona Community
File DAZ 231/2000 [c/r DAV 910/2000D and DCU 72/2001D]

624 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Ram Auto Body (1999) Ltd., (Tony Shirley), 345 Pandora Avenue West, Winnipeg, to amend Winnipeg Zoning By-law No. 6400/94 by rezoning the land located at 345 Pandora Avenue West from an "R1-4" Residential District and an "M1" Industrial District to a "C2" Commercial District, to allow for expansion of an auto body shop and accessory parking area.

Site Area
The subject area is 3,240.264 square feet (301.020 square metres).

Existing Land Use and Zoning
Lot 20, vacant, zoned "R1-4" Residential District
Lots 21-24, autobody shop, zoned "M1" Industrial District

Surrounding Land Use and Zoning
North: Across the public lane, single family dwellings, zoned "R1-4" Residential District
South: Across Pandora Avenue West, CN Yards, zoned "M3" Industrial District
East: Single family dwelling, zoned "R1-4" Residential District
West: Auto repair / service center, zoned "M1" Industrial District

The applicant proposes to purchase the adjacent 27-foot wide property to use as a parking area in order to expand an existing auto body shop. In order to proceed, the lands must be rezoned to permit commercial development, a conditional use granted for an auto body shop, and a variance granted to permit less than required yards and to permit the use on a temporary basis until the rezoning comes into effect.

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

The subject property is located in a Plan Winnipeg Neighbourhood Policy Area that can support a rezoning to a commercial district. This property can function as a transitional zone between industrial uses to the west and south, and residential districts to the north and east. A rezoning to "C2" Commercial District permits the auto body shop as a conditional use.

The Melrose neighbourhood is a small area two blocks wide between Plessis Road and Wayoata Street. It is a transitional area between the heavy industrial character of the Transcona Yards and the established residential neighbourhoods of Victoria West and Kern Park. The Melrose neighbourhood includes a mix of single-family, two-family and multi-family residential properties as well as commercial and industrial uses. Properties are well maintained and recent investment in the area is evident.

Just east of the subject property a new church was built in 1999 that incorporated a high quality of site development including fencing, landscaping and adherence to the "R1-4" 20-foot front yard requirement. The auto body shop at 351 Pandora Avenue West, adjacent to the applicant's auto body shop, expanded in 1988 and although the variance order required an 11-foot front yard be maintained they do not have any landscaped setback. Pandora Avenue West has boulevard trees and the subject property has a row of mature trees east of the building.

The area between the subject property and Winona Street remains an "R1-4" Single Family Residential area. The vacant subject property has functioned as a 27-foot buffer between the industrial uses and the residential area. There is only one home, on an 81-foot lot, between the subject property and the church property, and there are six more homes to the east before Winona Street.

Initially, in 1982, the then East Kildonan-Transcona Community Committee rejected an application for establishment of an auto body use on the subject property. The auto body use was later approved in 1984, subject to conditions listed in the next paragraph. In 1990, the Zoning and Permits Branch of the Planning, Property and Development Department issued a stop work order to the current property owners for building an addition without a permit. Earlier this year, the Zoning Inspector was required to ensure action was taken to bring a pylon sign into compliance.

The Variance Order (File DAV 551/84) to allow an automotive service shop and auto body / paint shop was approved subject to several conditions, including:

- That no damaged or repaired vehicles shall be parked or stored between the rear (north) of the existing building and the adjoining public lane.
- That any vehicular parking situated to the rear (north) of the existing building shall be limited to employee parking only.
- That any auto-oriented parts storage / disposal area established at the rear of the building shall be fenced by a minimum 1.5 metre (5 foot) high wood fence, the location and design to be subject to the approval of the then Director of Environmental Planning.
- That the hours of operation of both the automotive service shop and the auto body shop on the site shall be restricted to between 8:00 a.m. and 8:00 p.m. Monday through Friday; and 8:00 a.m. and 2:00 p.m. on Saturday, with no operation on Sunday.
- That a .76 metre (2 ½ foot) to .91 metre (3 foot) high wood bumper stop fence shall be erected along the front (south) lot line except at points of ingress and egress from the site by August 31, 1985 in accordance with a plan, to be approved by the then Director of Environmental Planning.
- That a 6.096 metre by 6.096 metre (20 feet by 20 feet) landscaped area shall be provided at the southeast corner of the land, the design and location to be subject to the approval of the then Director of Environmental Planning, and said landscaping to be completed by August 31, 1986.
- That with the exception of the above-noted landscaped area, the parking area situated to the front of the existing building shall be surfaced with asphalt or concrete by September 30, 1988, in accordance with a plan, to be approved by the East Kildonan-Transcona Community Committee.

The existing auto body workshop is 2,130 square feet. The applicant plans to build an addition onto the building for a total area of 5,112 square feet. The concurrent variance application requests front and east yards to be zero (0) feet instead of twenty (20) and ten (10) feet, respectively, and that the rear yard be four (4) feet instead of twenty-five (25) feet. This proposal constitutes a major expansion of the auto body use.

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The expanded auto body shop use will increase the amount of associated auto body repair and traffic on the property. This will include the fumes from painting associated with vehicle repair. In order to minimize this issue, overhead door access to the shop should be located away from the residences. Traffic access via the public lane should also be minimized.

The aesthetics of the property are also a concern to local residents. Installation and enhancement of previously required landscaping as well as wood fencing can create a buffer to alleviate some of the hardship imposed on the value of neighbouring residential properties by the expansion of the auto body shop.

As these impacts can be partially addressed through the design of the site, the Planning, Property and Development Department recommended that approval of this rezoning be subject to approval by the East Kildonan-Transcona Community Committee of site development plans that should include:

- 20 feet by 20 feet landscaped area in the southeast corner of the site;
- additional landscaping as deemed necessary to enhance Lot 20 as a buffer between commercial and residential activity;
- a minimum five-foot high light-proof wood fence along the public lane east of the proposed building wall, restricting access to the lane from the east side of the building;
- a minimum six-foot high light-proof wood fence shall be constructed along the east property line except the front 20 feet;
- location of overhead doors on the east side of the proposed building;
- landscape plans prepared by a qualified professional to ensure species selected are appropriate to survive in the proposed context and serve the purpose of providing an adequate buffer between residential and commercial.

On December 11, 2000, January 23, 2001, February 27, 2001, March 20, 2001 and April 24, 2001, public hearings were held before the East Kildonan-Transcona Community Committee. Four persons appeared in support of the application, and no one was registered in opposition thereto.

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

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 231/2000 dated April 12, 2001, to a "C2" Commercial District, subject to the following:

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

      1. That the only use permitted on Lot 20, Block 2, Plan 150 shall be a parking area accessory to an auto body shop and that no buildings, structures or signage shall be located on same.

      2. That no buildings, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed buildings, the location and design of accessory parking areas, loading areas, private approaches, driveways, fencing, garbage enclosures, exterior lighting, facia signs, free-standing signs, and landscaping plan prepared by a professional landscape architect, are submitted to and approved by the East Kildonan-Transcona Community Committee and the Director of Planning, Property and Development, and maintained thereafter to the satisfaction of the Director of Planning, Property and Development, designated as Schedule "A" to Zoning Agreement DAZ 231/2000, 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.

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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. 662 for attachment)

Proposed Rezoning – 163, 165, 173 rue Aubert, and 773 rue St. Joseph – Riel Community

File DAZ 205/2001

625 - 9. The Standing Policy Committee on Property and Development has been advised that an application to amend Zoning By-law No. 6400/94 by rezoning the subject lands on rue Aubert and rue St. Joseph from an "M2" Industrial District to an "R2-T" Residential District has been submitted in accordance with its direction of March 6, 2001 to the Director of Planning, Property and Development to initiate an application to rezone those lands covered by the North St. Boniface Action Area Plan By-law No. 965/75 to be consistent with Plan Winnipeg.

Site Area
The overall area being rezoned totals approximately 0.6 acres (131 feet by 193 feet).

Existing Land Use and Zoning
Three of the private parcels are occupied by dwellings, and one is a storage yard.

Surrounding Land Use and Zoning
North: Properties to the north are a mix of "M2" Industrial, "R2" Residential and "RM-4" Residential.
South: Properties to the south are a mix of "C1" Commercial and "R2" Residential.
East: Properties to the east are predominantly single-family lots zoned "R1-3.5" and "RM-2" Multiple Family.
West: Properties to the west are zoned "C2" Commercial (Le Rendez-Vous).

The proposed application is intended to rezone the subject properties from "M2" Industrial to "R2-T" Residential. The purpose of the subject rezoning to an "R2-T" Residential category is to bring the subject properties into compliance with Plan Winnipeg Policy, which has designated the area as a Neighbourhood Policy Area, not an Industrial Policy Area.

The five (5) subject parcels being down-zoned lie at the northwest corner of rue Aubert and rue St. Joseph in North St. Boniface. Specifically, two of the properties, 773 rue St. Joseph and 173 rue Aubert are owned by Real and Aline Rioux. The property at 165 rue Aubert is owned by Claude and Donna Laurin, and 163 rue Aubert is under the ownership of Leonard Alarie. A smaller parcel on the north boundary of the site (Lot 19A, Plan 29,666) is owned by the City of Winnipeg.

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The current action by the City of Winnipeg, at the request of the Ward Councillor, began in January 2001 when the owners of 773 rue St. Joseph and 173 rue Aubert, Real and Aline Rioux, applied to rezone their lands from the existing "M2" Industrial category to a "C2" Commercial category to:

- permit the construction of two new single-family dwellings on the two adjoining lots; and
- maintain a small contractor's business/storage yard at the rear of one of the lots.

In addition to the proposed rezoning, there would have been accompanying variances for exterior storage and yard variances and conditional use applications for the new residential development. The Development Applications Branch of the Planning, Property and Development Department was generally supportive of the proposal on the basis that the proposed conversion to commercial with a housing component would have made the lots comply with Neighbourhood Designation under Plan Winnipeg Policy.

The owners soon thereafter withdrew their application (under File DAZ 1/2000) to rezone the subject lots. In early February 2001, the owners applied for a new contractor's establishment and warehouse on the site. They were instructed that the proposed use is contrary to the neighbourhood development provisions of Plan Winnipeg and contrary to the North St. Boniface Action Area Plan (By-law No. 965/75). Pursuant to Section 600(1) of The City of Winnipeg Act, Council (Standing Committee) has instructed that building and development permits not be issued for industrial or commercial use in the North St. Boniface area.

On March 6, 2001, the Standing Policy Committee on Property and Development concurred with the Planning, Property and Development Department's recommendation to continue the policy of withholding permits for new industrial development in the North St. Boniface, and instructed the Administration to initiate a down-zoning of "M2" Industrial properties on rue Aubert between avenue Tache and rue St. Joseph. The new zoning category selected for this subject property was to be both compatible with Plan Winnipeg Neighbourhood Policy and generally in conformity with the objectives of the North St. Boniface Action Area Plan (By-law No. 965/75). Since the aforementioned Action Area Plan states that one of its objectives is to "endeavour to ensure that any redevelopment in North St. Boniface is compatible with the area by allowing redevelopment of smaller parcels with housing types reasonable in character with existing development", the zoning category selected was an "R2-T" Residential category. The "R2-T" zoning category allows single and two-family residential development as of right and makes provision for low-density multiple-family development. Single-family housing with a mix of low-density multiple-family housing is the unquestionably predominant land use/character of North St. Boniface.

There are several other areas in North St. Boniface zoned "M-1" and "M-2" Industrial, and these areas are also contrary to the Neighbourhood designation contained in both the present and proposed Plan Winnipeg guidelines. Those sites will eventually also be brought into line with Plan Winnipeg Policy for Neighbourhoods. Three things should be noted as this process evolves over the months and years ahead. First, the prime motivation for the down-zonings is to eliminate the possibility of new industrial development occurring; development which is non-compatible with the neighbourhood and in direct conflict with Plan Winnipeg Policy. Second, the down-zonings should not directly affect existing industries which have been operating for years in North St. Boniface (i.e. Scott Screen and Wire, Beatrice Foods). They will continue to operate with a non-conforming status. Third, efforts will continue to be made by the City of Winnipeg in league with the Ward Councillor and resident groups to either acquire directly or encourage the acquisition by the private sector of existing industrial sites for purposes of residential redevelopment or as in some cases, along Red River, parks and recreational development.

On April 24, 2001, a public hearing was held before the Riel Community Committee. Six persons appeared in support of the application, four persons were registered in opposition thereto, and one person appeared for information purposes.

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

1. Although this is a highly unconventional application, since 1975, the North St. Boniface Action Area Plan has given the City the authority and direction to proceed with the down-zoning process of "M2" Industrial lands in the North St. Boniface area.

2. The Riel Community Committee is of the opinion the proposed down-zoning is inevitable and is the best thing to do for the North St. Boniface area, and will not affect existing industries which have been operating for years in this area.

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3. The down-zoning of these properties will eliminate the possibility of new industrial development occurring in the area, which is in direct conflict with Plan Winnipeg policy.

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 205/2001 dated April 16, 2001, to an "R2-T" Residential District.

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. 663 for attachment)

Proposed Zoning Agreement Amendment – 465 Egesz, east side, north of Oak Point Highway – Lord Selkirk-West Kildonan Community
File ZAA 5/2001 [c/r DASZ 52/76]

626 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from Streu Investments Inc., to amend the Zoning Agreement affecting the subject property at 465 Egesz Street by permitting the construction of a building with a 25 foot (7.62 metre) side yard abutting a residential area instead of 50 feet (15.25 metres) as required.

Site Dimensions
The subject property has 134 feet of frontage on Egesz Street and approximately 300 to 500 feet of depth.

Site Area
The subject property is approximately a half acre in size.

Existing Land Use and Zoning
The land is currently zoned "M1" Industrial but is vacant.

The applicants/owners propose to construct a 12,000 foot building on the site for the purpose of storing and repairing heavy vehicles and machinery. Large overhead doors are to be established on the south side of the building.

Under Zoning Agreement DASZ 52/76 (By-law No. 2002/78) Clause 6 specified that:

> "Wherein a side lot line or rear lot line of a site on the land abuts a residential district or is separated from a residential district by only a lane, a side yard or rear yard shall be provided on the land (i.e., on the industrial site) or not less than 50 feet, which yard shall be developed and maintained as a grassed area."

The purpose of that condition was to minimize the impact of industrial businesses along Egesz Street and Oak Point Highway on adjacent residential areas lying to the east. In this case, the developers would like to construct a new building for storing and/or repairing vehicles only twenty-five (25) feet from the residences along Poplynn Drive. Procedurally they are required to amend the original zoning agreement and attend a public hearing.

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The Planning, Property and Development Department noted that an identical application was submitted by the applicants in May of 2000. At that time the matter was laid over in order for the applicant to arrange an informal informational meeting with the neighbouring residents on Poplynn Drive to address and hopefully resolve issues raised at the public hearing. The Administration attended that meeting and was able to confirm that a consensus could not be reached between both parties. Subsequently the applicants withdrew their application.

It is apparent that the neighbouring residents have reviewed the proposed amendment and do not want any structures that close to their rear property lines. Since the fifty (50) foot buffer was established at the outset to protect the residential interests, then an encroachment into that separation space by industry should only be done with the collective support of those same residential interest. Given the neighbouring opposition to the proposed amendment, the Planning, Property and Development Department was unable to recommend approval.

On May 13 and May 15, 2001, public hearings were held before the Lord Selkirk-West Kildonan Community Committee. One person appeared in support of the application, and four persons registered in opposition thereto.

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

1. The Community Committee concurred in the administrative recommendation that the Zoning Agreement Amendment not be proceeded with inasmuch as the 50 foot buffer was included as a condition of approval of the original zoning to minimize the impact of industrial businesses along Egesz Street and Oakbank Highway on adjacent residential areas.

2. The Community Committee was convinced approval of this application will have a negative and adverse effect on the surrounding residential neighbourhood, and by recommending that the subject application not be proceeded with, the concerns of the area residents will be addressed.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends that Clause 6 of the Zoning Agreement DASZ 52/76 (By-law No. 2002/78) dated June 15, 1977 not be amended to permit the construction of a building with a 25 foot (7.62 metres) side yard abutting a residential district instead of 50 feet (15.34 metres) as required.

Adopted by consent.

Proposed Zoning Agreement Amendment – southeast corner of Dakota Street and Meadowood Drive – Riel Community
File ZAA 6/2001 [DAZ 205/2000, DAV 908/2000C, DAV 136/2001D]

627 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from Alain J. Hogue, 194 Provencher Boulevard, Winnipeg, to amend the Zoning Agreement affecting the subject property located at the southeast corner of Dakota Street and Meadowood Drive by adding to the list of permitted uses a drive-through facility, and amending Clause 3 of the Agreement which states that "no business shall be conducted on the land except between the hours of 6:30 a.m. and 9:30 p.m." by adding "to permit the operation of a 24 hour ATM."

Site Dimensions
The lot has 100 feet of frontage along Meadowood Drive and 200 feet of frontage along Dakota Street.

Site Area
The subject area is approximately one-half (½) acre in overall size.

Existing Land Use and Zoning
The site is currently zoned "C1-5" Commercial but is vacant.

The applicant proposes to attach an automated teller machine (ATM) component to a banking facility at the southwest corner of the property and amend the existing Zoning Agreement to permit a 24-hour operation for the ATM.
Report of the Standing Policy Committee on Property and Development dated June 5, 2001

The subject property is approximately one-half (½) acre in size and is situated at the southeast corner of Meadowood Drive and Dakota Street. There are a half-dozen immediately-adjacent residential lots to the south and east (zoned

"R1-5" Residential) but the remaining three (3) corners at the subject intersection are developed "C2" Commercial sites.

The subject parcel was originally owned by the City of Winnipeg and at one time was viewed as a potential site for a mobile library. However, the site was sold to Tyron Enterprises and subsequently a number of commercial proposals were submitted to the owner but generally rejected by local residents at informal meetings.

In May 2000, an application was made by the owner to rezone the land from an "R1-5" Residential District to a "C1-5" Commercial District. The applicant indicated that the primary tenant at that time was to be a medical and/or dental office or clinic with possibly a banking facility occupying the remaining space.

On May 16, 2000, after several informal resident meetings intended to solicit further feedback and comment from neighbouring residents, the Riel Community Committee recommended approval to rezone the lands to a "C1-5" Commercial District (with restrictions). The Zoning Agreement recommended by the Riel Community Committee made modifications to the restricted use list suggested by the Planning and Land Use Division of the Planning, Property and Development Department by deleting uses such as Banks, Credit Unions and other Financial Institutions. Hours of operation for all uses proposed were limited to 6:30 a.m. to 9:30 p.m.

Subsequently on June 27, 2000, the Standing Policy Committee on Property and Development recommended approval of File DAZ 205/2000 but amended the Riel Community Committee's recommendations. Specifically Banks, Credit Unions and similar Financial Institutions were re-instated as permitted uses.

In the Fall of 2000, the owner followed up with a Conditional Use application to permit an ATM and drive-through in the west side of a proposed Caisse Populaire Banking facility. Initial plans were regarded as unsatisfactory but subsequent proposals reflected changes that the Planning, Property and Development Department felt were necessary to make the project viable. The proposed application was approved by the Board of Adjustment but was subsequently rejected on appeal, in part, because it was determined that procedurally the original application should have been processed as a use variance as opposed to a conditional use.

The owner has now re-submitted his application for an ATM drive-through under File DAV 136/2001D. He has also requested that the original Zoning Agreement (By-law No. 7667/2000) be amended to add a drive-through to the list of permitted uses, and to expand the hours of operation for an ATM (if approved) from 15 hours daily to 24 hours.

It is the position of the Development Management Branch, Planning, Property and Development Department, once again, that an ATM on the west side of the proposed building at the southwest corner of the lot (if constructed in accordance with plans submitted) is workable. While not the ideal location for an ATM, given the relatively small size of the lot, it is the Department's view that an ATM can function without posing a significant problem for neighbouring property owners – business or residential. The proposed building itself should act as an adequate buffer particularly between the ATM and existing residences to the east.

If the proposed use variance for an ATM is granted by the appropriate Committee of Council, then in the Department's view, then it follows that the Zoning Agreement should be amended to permit 24-hour service exclusively for that specific use. It is the Department's position that a 24-hour banking ATM does not have any greater impact on adjacent neighborhoods, in this instance, than would 15-hour operation. The Planning, Property and Development Department therefore recommended that both applications be approved, recognizing that the expanded hours of operation are intended to only apply to the proposed ATM.

On April 24, 2001, a public hearing was held before the Riel Community Committee. Ninety-three persons appeared in support of the application and thirteen persons were registered in opposition thereto. The Riel Community Committee recommended that the proposed zoning agreement amendment be approved for the following reasons:

1. The Ward Councillor has stated the subject application has been a very difficult one for him inasmuch as the subject property was rezoned to a limited commercial zoning designation, with a Bank, Credit Union or other similar financial institution as permitted uses, before he was elected to Council.

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2. The Riel Community Committee is of the opinion the applicant has, to a fair degree, endeavoured to address the concerns raised by the area residents relative to lighting and noise, by revising his plans and moving the location of the proposed building. The Riel Community Committee believes the new location will be advantageous in addressing the concerns relative to lighting and noise inasmuch as the proposed building will act as a buffer between the commercial property and the adjacent residential neighbourhood.

3. The Riel Community Committee is of the opinion the proposed 24-hour ATM will have no greater impact on the adjacent residential neighbourhood than would a 15-hour operation.

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

I. That Zoning Agreement DAZ 205/2000 (By-law No. 7667/2000) dated August 19, 2000, be amended by:

A. Adding an ATM drive-through facility to the list of permitted uses; and,

B. Amending Clause 3 to read as follows: No business "excluding the operation of a 24 hour ATM", shall be conducted on the land except between the hours of 6:30 a.m. to 9:30 p.m.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 205/2000 (By-law No. 7667/2000) dated August 19, 2000, as approved in Recommendation No. I.

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

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

Adopted by consent.

Proposed Closing of part of Somerset Avenue, east of Pembina Highway - Assiniboia Community

File DAC 6/2001

628 - 12. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department received a request from 3616061 Manitoba Ltd. (Perry Ginakes), 1140 Pembina Highway, Winnipeg, to purchase a portion of Somerset Avenue as outlined on Schedule "A".

The applicant (Perry Ginakes) owns the adjacent property north of the area proposed to be closed. He is considering constructing a commercial building at the south end of his property and would like to purchase the subject portion of Somerset Avenue to be used as a parking area.

The proposal has been circulated to all affected City departments and public utilities. The following objections were received.

The Traffic Assessment Engineer for the Transportation Division of the Public Works Department objected to the closing as the subject area is currently used for 90-degree parking by the general public who may be attending to matters at one of the businesses on Pembina Highway. He stated that the parking is particularly important during those times when "stopping" is not allowed on Pembina Highway.

The Senior Planner for the Planning and Land Use Division of the Planning, Property and Development Department objected to the closing because of the long-standing use of the area for parking for the customers – and probably the staff – of the area businesses. He indicated that the Assistant Manager of the Canadian Imperial Bank of Commerce on the south side of Somerset Avenue advised that the Bank of Commerce maintains the parking lot and provides snow removal when required. The Senior Planner recommended that the present status of the street as a parking area be continued.

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The portion of the street proposed to be closed has been in use as a parking area for local businesses and area residents for twenty-five years or more.

The closure of the street is opposed by the Public Works Department (the Department responsible for the use of streets), and by the Planning, Property and Development Department (the Department responsible for ensuring that projects such as the one being considered do not conflict with the quality of life in the neighbourhood).

The recommendation of the Planning, Property and Development Department that the street closing not be approved is based on these objections.

On May 13, 2001, the Assiniboia Community Committee recommended that the proposed street closing under File DAC 6/2001 not be approved.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and recommends that the application under File DAC 6/2001 to close a portion of Somerset Avenue, east of Pembina Highway, not be approved.

Adopted by consent.

(See Minute No. 664 for attachment)

Proposed closing of parts of John Bruce Road east and west of Lagimodiere Boulevard – Riel Community
File DAC 7/2001

629 - 13. The Standing Policy Committee on Property and Development has been advised that the Land Development Branch of the Planning, Property and Development Department has submitted a request to close the portions of John Bruce Road as outlined on Schedule “A”.

The Land Development Branch is concerned about the effect that the proposed fragmentation of John Bruce Road between St. Anne’s Road and Island Shore Boulevard will have on the City’s emergency response system. As illustrated on Schedule “B”, the following changes are proposed for the area:

1. John Bruce Road is to be barricaded to traffic at the bridge crossing the Seine River the Fall of 2001.
2. The portion of John Bruce Road lying between the Seine River and the railway tracks is to be renamed in the immediate future.
3. On May 23, 2001, Council passed By-law No. 7827/2001 changing the name of the portion of John Bruce Road lying between the railway tracks and Island Shore Drive to Pamela Road.

When these changes have taken effect, the Fire Paramedic Service and Winnipeg Police Service will be able to define an unambiguous route for an emergency response to any of the residences on the three segments of street described above. John Bruce Road will only be accessible from St. Anne’s Road, the section described in Item No. 2 above will only be accessible from Shorehill Drive, and Pamela Road will only be accessible from Island Shore Drive.

There is no roadway in the section of John Bruce Road proposed to be closed east of Lagimodière Boulevard. The section of John Bruce Road proposed to be closed west of Lagimodière Boulevard is barricaded to traffic at Melnick Road.

This proposal has been circulated to all affected City departments and public utilities. There were no objections to the closing.

The Transportation Division of the Public Works Department advised that a portion of the closed right-of-way will be required in the future to accommodate the realignment of Melnick Road to Warde Avenue, when Warde Avenue is constructed as the connection to Lagimodière Boulevard replacing the existing John Bruce Road extension. This construction will only take place when the area is developed. The City of Winnipeg will retain title to the closed road until it may be incorporated into a future development.

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MTS has advised that it will require an easement for its existing services in the right-of-way.

The portions of John Bruce Road proposed to be closed serve no public purpose. The closure of these portions of the street will eliminate their designation in City records, atlases and roadmaps and will ensure that any emergency vehicle directed to an address on John Bruce Road will be aware that the only access to that address is from St. Anne's Road.

On May 22, 2001, the Riel Community Committee concurred in the recommendation contained in the report dated May 9, 2001, from the Real Property Officer, Planning, Property and Development Department, and recommended that the proposed closing be approved.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Schedule "A", Misc. Plan No. 11135.

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. 665 for attachment)

REPORT OF THE

STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JUNE 7, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated June 7, 2001, was considered clause by clause.

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

Carried.

Tax Incentives for the Rehabilitation of Homes in Winnipeg's Inner City
File EX (Vol. 14) [c/r FL (Vol. 8)]

630 - 1. The Standing Policy Committee on Property and Development has been advised that non-profit community and housing organizations involved in the rehabilitation and/or delivery of inner city housing may not be aware that they have the ability to issue tax receipts for income tax purposes for donated property, if they are registered charities.

On April 3, 2001, the Standing Policy Committee on Property and Development referred the following matters to the Administration for review and report back in thirty (30) days, namely:

1. That the City of Winnipeg provide tax receipts to those property owners who donate residential/commercial properties to non-profit organizations for rehabilitation under programs associated with the Winnipeg Housing Rehabilitation Corporation (WHRC). This would allow non-profit organizations to utilize more of their financial resources towards the rehabilitation of a property rather than towards the purchase price of the property.

2. That the City of Winnipeg investigate a long term, ongoing Goods and Services Tax rebate paid on goods, materials, services and labour in the rehabilitation of housing in the Winnipeg inner city.

Staff from the Planning, Property and Development Department, together with staff from the Department of Corporate Finance and the Legal Services Division of the Corporate Services Department, have investigated these proposals and can provide the following information concerning them.

With respect to the possibility that the City would offer tax receipts for the donation of real property for rehabilitation, the Administration provided the following information.

- The City of Winnipeg must accept ownership of a donated property in order to issue an income tax receipt. The transfer of property involves legal fees and registration costs. The City's income tax receipt confers the same income tax benefits as those issued by a registered charity. Therefore, it would be more expedient and cost effective to make such transfers directly to a registered charity.

- The Winnipeg Housing Rehabilitation Corporation (WHRC) is a registered charity and, as such, can issue receipts directly for income tax purposes.

- Many other non-profit organizations administering housing rehabilitation programs in the inner city are also registered charities and can also issue receipts for income tax purposes. Registered charities that are active in current housing rehabilitation efforts include, for example, the Westminster Housing Society Inc., the Community Education Development Association (CEDA), and the North End Housing Project.

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- Revenue Canada has verbally advised that:

  - Income tax receipts can only be issued for donations of real property when the property is provided free and clear of all mortgages and similar encumbrances.

  - The amount of the receipt must reflect the fair market value of the property as determined by an independent appraisal. This means that the City's Property Assessment Department could not provide appraisals for properties for which the City or the WHRC wishes to issue tax receipts.

  - The fair market value on which the tax receipt is based need not reflect the tax arrears owing on the property. Therefore, a receipt for the full market value of the property could be offered even if the "net" value (the fair market value minus the tax arrears) may be considerably lower and even a negative value.

  - Current inner city housing rehabilitation programs funded by the three levels of government provide grants and loans to cover the costs of acquiring buildings for rehabilitation, including paying tax arrears.

With respect to the possibility of a Goods and Services Tax (GST) rebate for the costs of housing rehabilitation, the following information has been obtained:

- All registered charities – including the Winnipeg Housing and Rehabilitation Corporation and many organizations involved in inner city housing rehabilitation - are entitled to receive rebates of 50% of GST paid.

- Municipalities, including the City of Winnipeg, are entitled to receive a GST rebate of 57.14%.

- There does not appear to be an obvious means by which the additional 7.14% GST benefit enjoyed by the City as opposed to charities (which amounts to less than 1% of the purchase price of goods or services) could be transferred to organizations engaged in housing rehabilitation.

- The Federation of Canadian Municipalities has adopted the position that municipalities should be completely exempt from the GST on expenditures related to social housing, but the Federal Government has demonstrated little interest in taking action on this proposal.

- The Provincial Government currently offers no rebate or exemption for either the City or charitable organizations from the impact of the Provincial Sales Tax (PST) of 7%. The City may wish to approach the Province about the possibility of foregoing or rebating PST for inner city housing rehabilitation projects.

On June 7, 2001, the Standing Policy Committee on Property and Development received as information the report dated May 17, 2001, from the Director of Planning, Property and Development, in this connection. The Committee authorized the City Administration to provide the information contained within the report to non-profit organizations involved in housing rehabilitation programs for their consideration. The City Administration was also requested to encourage donors of residential or commercial properties that can be rehabilitated to gift them directly to charitable organizations, including the Winnipeg Housing and Rehabilitation Corporation, rather than to the City of Winnipeg.

On June 7, 2001, the Standing Policy Committee on Property and Development also requested the Director of Planning, Property and Development to coordinate a policy working session for the Members of the Standing Policy Committee and submit to that meeting a summary of the policies/programs to stimulate housing development in the inner city. Also to be discussed at the working session is the concept of the City investigating the opportunity to stimulate and expedite the redevelopment of inner city properties by waiving/granting tax arrears.

The Standing Policy Committee on Property and Development recommends:

I. That the City of Winnipeg request the Province of Manitoba to explore the possibility of foregoing or rebating Provincial Sales Tax (PST) for inner city housing rehabilitation projects.

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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 – land located at 258 River Road – Riel Community
File DAZ 235/2000 [c/r DAV 46/2001D]

631 - 2. The Standing Policy Committee on Property and Development has been advised that an application has been submitted by Smith Carter Architects (Grant Van Iderstine), 1601 Buffalo Place, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land at 258 River Road from an "R1-5" Residential District to a "PR-2" Parks and Recreation District to allow for the establishment of a new YM-YWCA.

Site Area
The overall area recommended for rezoning encompasses approximately 4.5 acres.

Existing Land Use and Zoning
While single-family dwellings occupy the River Road frontage, the bulk of the property lies vacant and extending directly west to the Red River. The parcel in its entirety is currently zoned "R1-5" Residential.

Surrounding Land Use and Zoning

North:	To the north is the Bishop Grandin Boulevard right-of-way and the off ramps from Bishop Grandin Boulevard onto River Road
South:	To the south is Blackmore Avenue, zoned "R1-5" Residential and occupied with several dozen lots. Further south is the comparatively new River Pointe Subdivision developed by Qualico Developments ten to fifteen years ago and zoned "R1-5" and "R1-6" Single-Family Residential.
East:	Lands to the east are fully developed residential subdivisions along Avalon Road and Riel Avenue zoned "R1-5" Residential.
West:	To the west is a dyke physically separating the developable areas of the subject property from the Red River.

The prospective owners of the subject property, the YM-YWCA propose to rezone the subject property to a "PR-2" Parks and Recreation category which would allow for the establishment of a new 59,414 square foot facility. The new facility would include a day care centre, canteen, a gymnasium, a pool and administrative offices. Estimated membership is to be 8,000 members.

The proposed application fully complies with Plan Winnipeg Policy guidelines in that it falls within a designated Neighbourhood Policy Area which allows for the kinds of recreational facilities being proposed.

The subject site is situated at the southwest corner of Bishop Grandin Boulevard and River Road. It is approximately four and a half (4 ½) acres in overall size extending from River Road at its east periphery directly west to the Red River. Several dwellings occupy the frontage along River Road; the remainder of the land is vacant. The land in its entirety is zoned "R1-5" Residential. The YM-YWCA has an option to purchase the property if they are successful in obtaining a rezoning of the land to a "PR-2" Parks and Recreation category. If successful, the existing dwellings will be removed or demolished and a new 59,414 square foot YM-YWCA facility will be constructed towards the west periphery of the property. The proposed new facility is a modern state of the art structure which will have a day car centre, a gymnasium, pool, fitness-workout area and administrative offices. The facility is designed to accommodate 8,000 members. According to the Transportation Impact Review done by ND Lea Engineers and Planners Inc, the 8,000 membership total will be achieved within the first year of operation. Transportation to and from the facility is estimated to be as follows: 90% to arrive by car; 5% to arrive by bus and 5% to arrive on foot or by bicycle. There are 263 on site parking spaces proposed giving a parking ratio of 34.6 parking spaces per 1,000 members.

At the request of the City's Public Works Department, the prospective owners, the YM-YWCA, commissioned ND Lea Engineers and Planners Inc. to do a Transportation Impact Review and that report was completed in March 2001. Generally speaking, the report concludes that there will be minimal impacts to the adjacent road network as a result of the development. The Public Works Department has reviewed the ND Lea Engineers and Planners Inc.

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report and generally concurs with their conclusions. However they have also expressed concern that by increasing vehicle traffic by from 50% to 100% (approximately 266 additional vehicles) a day along River Road, the subject development will be perceived by area residents as unacceptable.

A separate Parking Review, also completed by ND Lea Engineers and Planners Inc., concluded that while the 277 on-site stalls proposed is 70 stalls less than the City's By-law requirement, the parking area proposed exceeds existing requirements for similar sized facilities in other parts of the country, actually the Zoning Branch of the Planning, Property and Development Department determined that the By-law requires 346 stalls relative to the 263 stalls being provided, making for a deficiency of 83 parking spaces (see variance under File 46/01D).

The Development Management Branch, Planning and Land Use Division of the Planning, Property and Development Department has reviewed the proposal carefully and the accompanying Transportation Impact and Parking Reviews. In spite of the conclusions reached in those reports, it is the consensus of this Branch that the site in question is not the appropriate location for a high intensity use such as that proposed. Because of the limited options for access and the anticipated traffic generation anticipated (when the new YM-YWCA is fully operational on River Road), it is the Branch's view that a development proposal of this scale and magnitude will have an adverse effect on adjoining residential neighbourhoods to the south. While River Road may be able to physically handle significant increases in traffic both north and south, the overall and long term impact on surrounding neighbourhoods is not, in the Department's view, within acceptable limits.

It is the position of the Planning, Property and Development Department that a new facility of this type is a needed in Winnipeg South, but at a location that will have minimal negative impact on existing and neighbouring residential neighbourhoods.

On April 30, 2001, a public hearing was held before the Riel Community Committee. Approximately one hundred (100) persons appeared in support of the application, approximately 403 persons were registered in opposition thereto, and 2 persons registered for information thereon. The Riel Community Committee recommended that the proposed rezoning not be proceeded with for the following reasons:

1. That although there is overwhelming consensus that a new Y would be a great addition to the community, the Riel Community Committee agrees with the area residents that the subject property is too small and not appropriate for an intensive use such as proposed by the Y. A development of this magnitude should be located on a main thoroughfare like St. Mary's or St. Anne's Roads, or near an intensive commercial zone like the area surrounding the St. Vital Centre.

2. The Riel Community Committee concurs in the concerns raised by the majority of area residents in opposition that the proposed development will generate substantially more traffic into the area and make the traffic flow at the intersection at River Road and Bishop Grandin Boulevard even more congested and hazardous. The Planning and Land Use Division has stated that even though River Road may be able to physically handle significant increases in traffic, both north and south, the overall and long-term impact on surrounding neighbourhoods is not within acceptable limits.

3. It is also the consensus of the Zoning Branch that the site in question is not an appropriate location for a high intensity use such as that proposed because of the limited options for access and the anticipated traffic generation anticipated when the Y would be fully operational.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends that the application under File DAZ 235/2000 to amend Zoning By-law No. 6400/94 by rezoning the subject land at 258 River Road (as outlined on Schedule "A" dated April 17, 2001) to "PR-2" Parks and Recreation District, not be proceeded with.

Adopted by consent.

(See Minute No. 666 for attachment)

Report of the Standing Policy Committee on Property and Development dated June 7, 2001

Proposed Closing of part of John Hirsch Place – City Centre Community
File DAC 8/2001 [c/r DAC 9/2000]

632 - 3. On March 21, 2001, Council approved an application under File DAC 9/2000, submitted by Number 10 Architectural Group, on behalf of the Manitoba Theatre Centre, for the closing of part of John Hirsch Place as outlined on Misc. Plan No. 10961, to accommodate the expansion of the Manitoba Theatre Centre.

The Standing Policy Committee on Property and Development has been advised that the consulting engineers for the Manitoba Theatre Centre (MTC) have recently advised that an error was made in identifying the amount of the street required. The dimension given in the application was measured from the building face on Rorie Avenue, not from the property line. As the building is set back 2.6 metres from the property line, the Manitoba Theatre Centre requires that additional area to allow for the construction of the freight elevator/loading dock addition at the west end of the building.

The closing under File DAC 9/2000 was granted subject to the following conditions:

- That the design of the freight elevator/loading dock is consistent with the existing building and to the satisfaction of the Historic Winnipeg Advisory Committee.
- That the portion of the street proposed to be closed is used for temporary snow storage in the winter.
- That the construction of a pavement of sufficient strength to accommodate vehicles using the freight elevator/loading dock is as determined by and to the satisfaction of the Director of Public Works.
- That the Manitoba Theatre Centre enter into a Servicing Agreement with the City.
- That the Ward Councillor approve the removal of the trees within the closing area.
- That the Manitoba Theatre Centre assume all of the costs of the relocation of the sewer line located in the closing area.
- That Conditional Use approval is granted for the loading dock.
- That title to the lane, once closed, is to be consolidated with the title to the adjoining Manitoba Theatre Centre property.
- That the Fire Paramedic Service be consulted regarding any potential safety factors that might arise from the increased parking area being created by this closing.

There have been no administrative objections to the additional closing and sale of this street, provided that the additional closing is subject to the above conditions.

On June 5, 2001, the City Centre Community Committee concurred in the recommendations contained in the report dated May 22, 2001, from the Real Property Officer, Planning, Property and Development Department, and recommended that the proposed closing be approved, subject to the conditions 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 proposed closing of part of John Hirsch Place, as outlined on Misc. Plan No. 10961/2 for File DAC 8/2001, be approved, subject to the following conditions:

1. That the design of the freight elevator/loading dock is consistent with the existing building and to the satisfaction of the Historic Winnipeg Advisory Committee;
2. That the portion of the street proposed to be closed is used for temporary snow storage in the winter;
3. That the construction of a pavement of sufficient strength to accommodate vehicles using the freight elevator/loading dock is as determined by and to the satisfaction of the Director of Public Works;
4. That the Manitoba Theatre Centre enter into a Servicing Agreement with the City;
5. That the Ward Councillor approve the removal of the trees within the closing area;
6. That the Manitoba Theatre Centre assumes all of the costs of the relocation of the sewer line located in the closing area;
7. That Conditional Use approval is granted for the loading dock;
8. That title to the lane, once closed, is to be consolidated with the title to the adjoining Manitoba Theatre Centre property;
9. That the Fire Paramedic Service be consulted regarding any potential safety factors that might arise from the increased parking area being created by this closing.

Report of the Standing Policy Committee on Property and Development dated June 7, 2001

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 in accordance with Schedule "A", Misc. Plan No. 10961/2.

III. 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. 667 for attachment)

Proposed Sale of a portion of John Hirsch Place right-of-way – City Centre Community

File DAC 8/2001

633 - 4. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department was notified by the applicant that the portion of John Hirsch Place right-of-way to be closed and sold to Her Majesty the Queen in Right of the Province of Manitoba needs to be amended from 2,610 square feet to 2,748 square feet to accommodate the proposed expansion of the Manitoba Theatre Centre. The additional lands are highlighted as "proposed closing – DAC 8/2001" on Misc. Plan No. 10961/2.

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:	+/- 12.9 square metres (+/- 138 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

On April 25, 2001, Council adopted the April 5, 2001 recommendations of its Standing Policy Committee on Property and Development and approved that subject to the enactment of the road closing by-law:

I. That the area outlined as "proposed closing" on Misc. Plan No. 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.

Report of the Standing Policy Committee on Property and Development dated June 7, 2001

The Planning, Property and Development Department was subsequently informed by ND Lea Engineers and Planners Inc., consultants for the Manitoba Theatre Centre, that the portion of the John Hirsch Place right-of-way that was required for the expansion needed to be amended. When the initial application was submitted to close a portion of the John Hirsch Place right-of-way located adjacent to and behind the Manitoba Theatre Centre, the applicant took its measurements for the closing from the south-east property line along Rorie Street, when in fact the measurements should have been taken from the south-east corner of the existing building. Due to the error in measurement an additional +/- 12.9 square meters (+/- 138 square feet) is required as outlined as "Proposed Closing – DAC 8/2001" on the Misc. Plan 10961/2.

The applicant has since submitted a new closing application for the additional lands within the John Hirsch Place right-of-way.

The Planning, Property and Development Department circulated the request to the affected City Departments and no objections were made to close and sell the additional lands.

As per the Council Order of April 25, 2001, the Manitoba Theatre Centre (MTC) will be entering into a "Permission to Enter/Release and Indemnification Agreement" to allow them (MTC) access on the lands prior to the transfer of the lands. The Manitoba Theatre Centre has indicated that the construction will take approximately four months to complete, and needs to be finished in time for the fall theatre season commencing in September 2001.

The Planning, Property and Development Department is seeking the approval of Council to amend the square footage to be sold to Her Majesty the Queen in Right of the Province of Manitoba from 2,610 square feet as previously approved to 2,748 square feet. The sale is subject to the successful enactment of the required by-law to effect the road closing. The enactment of the by-law will require the approval of Council.

The Standing Policy Committee on Property and Development recommends that subject to enactment of the road closing application under File DAC 8/2001 and the enactment of the road closing by-law by Council:

I. That the area highlighted as "proposed closing – DAC 8/2001" on Misc. Plan No. 10961/2 be declared surplus to City requirements.

II. That the Council Order of April 25, 2001, relative to Clause 7 of the Report of the Standing Policy Committee on Property and Development dated April 5, 2001, be amended to include the additional +/- 12.9 square meters (+/- 138 square feet) identified as "proposed closing – DAC 8/2001" on Misc. Plan No. 10961/2.

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

Adopted by consent.

Proposed Sale of City property adjoining 535 St. Charles Street - Assiniboia Community

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

634 - 5. The Standing Policy Committee on Property and Development has been advised that the owner of 535 St. Charles Street, Jack Geottler of St. Charles Motors, has applied to purchase the City property outlined as "subject City property" on Misc. Plan No. 10994/1, to be used for parking/storage purposes in connection with his business. The sale would be subject to the construction of appropriate fencing, and compliance with rezoning conditions and applicable by-laws.

As at May 23, 2001, no record has been found revealing how the subject property was initially acquired by the City. It may have been set aside to be opened as a future lane but it is presently considered to be park property. A portion of it is zoned "C2" Commercial and a portion is zoned "R1-5.5" Residential.

The appropriate City Departments and Utilities were canvassed for their comments. No objections were received but easements will be required for Manitoba Hydro, MTS and Videon.

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The Urban Planning Branch of the Planning, Property and Development Department supports the sale providing that no opposition is expressed within the neighbourhood and providing that the Purchaser erect a fence to the satisfaction of the Director of Public Works for the purpose of separating his property from the adjoining public park.

The Development Management Branch, Planning, Property and Development Department, is supportive of the sale subject to the following conditions:

- That there is no opposition from the residential neighbourhood that uses the park.
- That there is a fence constructed on the east and south side of the subject lands to screen the use from the park.
- That the portion of the subject property that is zoned "R1-5.5" Residential be re-zoned to accommodate a parking area.
- That the property sold be consolidated, by title, with the adjoining property.

In addition, the Purchaser will be required to pay for the consolidation of titles, and pay all costs connected with the required subdivision and rezoning as well as any necessary easement plans. The sale will be conditional upon a successful subdivision and rezoning.

On November 14, 2000, the Assiniboia Community Committee considered the proposal and had no objections to a sale.

St. Charles Motors has provided the City with an executed Offer to Purchase, particulars of which are, in brief, as follows:

Location:	South of Portage Avenue, east of St. Charles Street
Legal Description:	Part Parcel J, Plan 28944
Size:	Irregular – 124.8 square metres (1,343.5 square feet)
Zoning:	"C2" Commercial and "R1-5.5" Single-family Residential
Roll No.:	02-0-2086360
Assessed Value:	Not apportioned
Certificate of Title:	1276314
Applicants:	St. Charles Motors (Jack Goettler) 535 St. Charles Street
Price Offered:	$3,400.00($2.53/square foot)
Terms:	$340.00 certified cheque, being 10% of the purchase price, deposited
Balance Due:	Upon approval of the subdivision/rezoning
Purpose:	Addition to holding
Property Description:	Vacant land

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

- The property will be on the Tax Roll immediately, upon the sale closing date.
- The Purchaser will incur all costs related to the subdivision/rezoning.
- The Purchaser is paying the top of the appraised value range.
- The Purchaser has agreed to consolidate title to Part Parcel J on Misc. Plan No. 10994/1 with title to his adjoining holding.

The net sale proceeds 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 City-owned park land, outlined as "subject City property" on Misc. Plan No. 10994/1, as surplus to the City's requirements, subject to the following conditions:

   A. If the sale to St. Charles Motors is not concluded, that the subject property revert to non-surplus status.

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B. That the St. Charles Motors' Offer to Purchase the "subject City property", be approved at a price of $3,400.00 and in accordance with the terms and conditions as negotiated, subject to the subdivision and rezoning being completed within eight (8) months from date of acceptance of the Offer.

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

Adopted by consent.

Proposed Lease Agreement between the West Kildonan Tiny Tots Inc. and the City Of Winnipeg for the use of a portion of the West Kildonan Community Centre – 346 Perth Avenue - Lord Selkirk-West Kildonan Community
File FI-2.2(34) (Vol. 4)

635 - 6. The Standing Policy Committee on Property and Development has been advised that the West Kildonan Tiny Tots Inc. has occupied a portion of the West Kildonan Memorial Community Centre building since approximately 1978. There has never been a formal agreement to facilitate this occupancy.

On July 23, 1997, Council approved the terms and conditions for an Agreement with the West Kildonan Memorial Community Centre for the operation of the West Kildonan Arena including the Community Centre building.

During the period between October, 2000 and March, 2001, representatives of the West Kildonan Memorial Community Centre, West Kildonan Tiny Tots Inc. and the City of Winnipeg met on numerous occasions to develop the terms and conditions for a new lease agreement.

On April 20, 2001, the West Kildonan Memorial Community Centre and West Kildonan Tiny Tots Inc. advised the Planning, Property and Development Department that they had reached an agreement on terms of a lease agreement.

The particulars of the subject City-owned property and proposed terms of lease are as follows:

Location:	346 Perth Avenue, Winnipeg – Misc. Plan No.11157
Legal Description:	Lots 1,2,3,5 and 6, Plan 25075, Lots 1 through 7, Block 30, Plan 2266
Certificates of Title:	1160766, 1160768, 1160799
Landlord:	The City of Winnipeg
Lessee:	West Kildonan Tiny Tots Inc.
Leased Premises:	Building Area 4,231 square feet – Misc. Plan No. 11157/1 Acceptance of Premises in "as is " condition
Term:	Five (5) years, commencing January 1, 2001. Expires December 31, 2006 and period of use to be portion of September through portion of June (9.5 months)
Cancellation:	Ninety (90) days written notice prior to March 31 in each year by Landlord or Tenant
Option to Renew:	One hundred-eighty (180) days notice for one 5-year term
Net Rent:	$3,637.44/ 9.5 month period or $382.88/month to be paid monthly to the West Kildonan Memorial Community Centre Rental rate to be revised each year. It has been the City's longstanding practise to allow Community Centres to generate revenues from the occupation of its space in order to finance its operations.

As part of the proposed terms of lease, the following are the responsibilities of the tenant and the landlord (City), namely:

Tenant Responsibilities

- Reimbursement to Landlord for proportionate share of eligible operating costs for exclusive and joint use space plus cleaning service and supply fees

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- Reimbursement to Landlord for proportionate share of Utilities for exclusive and joint use space
- Realty and business taxes if assessed
- Hazardous waste removal
- Signage
- Security
- Tenant to provide comprehensive general liability insurance of $2 Million with cross liability indemnification clause
- Tenant to provide contents coverage
- Tenant responsible for all costs of tenant improvements to meet any codes for pre-school programming
- Tenant to sit on Works Committee
- Tenant to provide copy of financial statements to City and West Kildonan Memorial Community Centre
- Tenant to provide access to all accounting records
- Access to be 7:30 a.m. to 5:30 p.m. Monday through Friday
- Operate the premises in accordance with all laws, directions, rules and regulations of every governmental authority
- Cancellation on default with ten (10) day remedy, and
- Standard Arbitration clauses in accord with The Arbitration Act of Manitoba.

Landlord's (City's) Responsibilities

- Management and operation of the building via the West Kildonan Memorial Community Centre
- Structural and Capital repairs
- The operating costs are paid to the West Kildonan Memorial Community Centre by means of an annual grant.

The proposed terms of lease also includes the following:

- That all other conditions for the mutual protection of either party will be subject to the approval of the City Solicitor/Manager of Legal Services.
- Arrears in the amount of $2,297.28 for the period between January 1 and June 30, 2001 to be paid to the West Kildonan Memorial Community Centre.

The Planning, Property and Development Department is in agreement with the proposed terms and conditions and supports the approval of the subject lease for the following reasons:

- the lease promotes utilization of the community asset during non-use times by the West Kildonan Memorial Community Centre;
- the lease is a desired service within the neighbourhood;
- the lease occurs without cost to the City;
- the lease reduces risk and liability to the City, and
- the lease establishes a formal contract between the City, West Kildonan Memorial Community Centre and the West Kildonan Tiny Tots Inc. for the operation of the Tiny Tots daycare program.(i.e. eliminates the current informal arrangement).

The proposed lease agreement is in keeping with the form and content of agreement used at other Community Centre sites in the City. Most recently, Council has approved such arrangements at the Waverley Heights and Lord Roberts Community Centre sites.

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

The Standing Policy Committee on Property and Development recommends:

I. That the proposed terms of lease to the West Kildonan Tiny Tots Inc. for a portion of the West Kildonan Memorial Community Centre building at 346 Perth Avenue be approved as negotiated.

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

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated June 7, 2001

Proposed Leave and License Agreement to permit an Outdoor Bocce Field encroaching into the Renfrew Street right-of-way adjoining 1697 Corydon Avenue – City Centre Community

File ED(32) Vol. 3)

636 - 7. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has negotiated proposed terms and conditions of a Leave and License Agreement in favour of DNJ Enterprises Ltd. respecting the use of a portion of Renfrew Street right-of-way for a bocce field, as outlined on Misc. Plan No. 10960.

On May 13, 1985, the former Committee on Environment approved an application from Mr. Domenico Mandaliti, President of DNJ Enterprises Ltd., to open a sidewalk café extension to their Mona Lisa Restaurant on an annual continuing basis.

In the Spring of 2000, the Planning, Property and Development Department received a request from DNJ Enterprises Ltd. for permission to establish an outdoor bocce field within the Renfrew Street Avenue right-of-way adjacent to 1697 Corydon Avenue.

The proposed use of this property was circularized for comments in the usual manner, with no objections received.

On June 21, 2000, the Planning, Property and Development Department advised the applicant that it had delegated authority under Section 4(1)(c) of the Encroachment By-law (No. 692/74). The use has since been established in accordance with the terms and conditions

Subsequently, the Administration determined that the approval of this application did not comply with the Encroachment By-law. The proposed terms of the Agreement should have been submitted to Council for approval in accordance with Section 4(1)(d) of the By-law. The Planning, Property and Development Department is therefore the matter to Council to establish the correct authority to the leave and license and to amend the terms and conditions to increase the site area and the rental rate.

In this regard, the fundamental negotiated terms and conditions of the Leave and License Agreement, which DNJ Enterprises Ltd. is agreeable to (to facilitate the bocce field), are as follows:

Area:	113.4 square metres (1,220.67 square feet)
Term:	Annual Continuing (season of operation from April 1 to October 31)
Purpose:	Operation and maintenance of an outdoor bocce field
Rental:	$1,400.00 per season
Insurance:	Comprehensive general liability insurance of at least $1,000,000.00 naming the City as additional insured and containing a cross liability clause
Cancellation:	Ten (10) days notice by either party
Note:	The full set of terms and conditions of the Agreement will be substantially in accordance with the Agreement consented to by DNJ Enterprises Ltd. o/a Mona Lisa Restaurant & Mercato in June 2000. The terms dealing with the size area and with rental will be amended in accordance with the revisions as negotiated.

The Planning, Property and Development Department has negotiated a rental rate based upon a ten percent (10%) economic return to market value plus an amount equivalent to realty taxes. The rental rate is adjusted to reflect the seasonal operation of 214 days.

The Planning, Property and Development Department is of the opinion that the negotiated terms and conditions of this proposed Leave and License are fair and reasonable and are consistent with other leases of a similar type.

The Standing Policy Committee on Property and Development recommends:

I. That Council approve a Leave and License Agreement in favour of DNJ Enterprises Ltd. operating as Mona Lisa Restaurant to permit the use and maintenance of a bocce field (lawn bowling) in that portion of the Renfrew Street right-of-way shown outlined as “Leave and License” on Misc. Plan No. 10960, in connection with its adjoining business operation and in accordance with the terms and conditions as outlined;

Report of the Standing Policy Committee on Property and Development dated June 7, 2001

the Agreement to provide for such other terms and conditions as are deemed necessary by the Director of Planning, Property and Development and by the City Solicitor/Manager of Legal Services to achieve the intent of Council and to protect the City's interests.

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.

Provencher Bridge and Roadworks Project - Proposed Transfer of Jurisdiction of a portion of Riverbank located at the northwest corner of rue Tache and boulevard Provencher - Riel Community
File SB-13 (Vol. 5)

637 - 8. The Standing Policy Committee on Property and Development has been advised that the subject property is required to facilitate the development of the Provencher Bridge project. The Public Works Department requested that the subject lands be made available for construction as at July 1, 2001.

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

Location:	East of avenue Tache, north of the Provencher Bridge
Legal Description:	Part Lot 12, Plan 29723
Certificate of Title:	1313228
Owner:	City of Winnipeg
Site Size:	.004 acre
Zoning:	"PR-1" Park
Description of Property:	Developed as riverbank park.

The Real Estate Division of the Planning, Property and Development Department circulated this request to the Planning and Land Use Division of the Planning, Property and Development Department 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 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 circulation plans to the Planning and Land Use Division, identifying how pedestrian and cyclist traffic would be integrated into the Bridge Design.

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 proposed transfer of City-owned vacant land designated as Park and outlined as "Proposed Transfer of Jurisdiction" on Misc. Plan No. 11147, from the jurisdiction of the Planning, Property and Development Department to the Public Works Department, be approved.

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

Adopted by consent.

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Proposed Sale of City Property located at the southwest corner of Goulet Street at rue Youville - Riel Community
File FI-2.4 (35) (Vol. 9)

638 - 9. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Planning, Property and Development Department has concluded negotiations with Centra Gas Manitoba Inc. for the sale of the subject City property located at the southwest corner of Goulet Street at rue Youville.

In 1982, the subject property was acquired by expropriation for the Marion-Goulet Extension.

In 1984, the Greater Winnipeg Gas Company applied to purchase only a small portion of the property in order to install an above grade regulator station. That possibility was investigated but the former Streets and Transportation Department did not consider any portion of the property surplus and the proposal was rejected in 1989.

In December 1999, Centra Gas Manitoba Inc. applied to purchase the entire property for the installation of an above-grade 8 foot by 8 foot station. Their intention is to ensure that all parties with any interest in this corner benefit from this proposal. They are willing to discuss improvements such as shrubs, benches, gravel surface parking, or whatever suggestions might come from the City, the community, or other stakeholders.

The proposal was circulated to all appropriate City Departments and Utilities and it was determined that no easements are required.

The Public Works Department has indicated its requirements for the future widening and it is the City's intent to subdivide the property and open as a street right-of-way the two small hatched portions, as outlined on Misc. Plan No. 10579/2, for this purpose.

Centra Gas Manitoba Inc. has now returned a completed Offer to Purchase, as well as a list of its proposed changes to the City's standard terms and conditions.

Particulars of the Offer are, in brief, as follows:

Location:	Southwest corner of Goulet Street at rue Youville
Legal Description:	Part Lot 11, Plan 29256
Size:	Irregular – 361.1 square metres (3,887 square feet)
Zoning:	"R2-T" Two-family Transitional
Roll No.:	06 0 813960
Assessed Value:	$18,600.00 (entire site)
Certificate of Title:	1289367
Applicants:	Centra Gas Manitoba Inc., 444 St. Mary's Road, Winnipeg
Price Offered:	$15,000.00 ($3.86 per square foot)
Terms:	$1,500.00 cheque, being ten percent (10%) of the purchase price, deposited
Balance Due:	$13,500.00 within thirty (30) days from date of approval
Purpose:	Construction of an above-grade station
Property Description:	Vacant land

Centra Gas Manitoba Inc. has indicated that it requires an amendment to Article 9 of the Offer to Purchase. Article 9 is a standard term in all of the City's real estate transaction agreements and is intended to protect the City's interests in the event that contamination is found on the property. By agreeing to Centra Gas Manitoba Inc.'s required amendment, the City would be liable for any contamination which occurred prior to the possession date.

Centra Gas Manitoba Inc.'s required amendment is not acceptable to the Planning, Property and Development Department. The Department does not support variance from the City's standard terms. Centra Gas Manitoba Inc. can carry out an Environmental Site Assessment to satisfy itself as to the environmental condition of the property.

The Planning, Property and Development Department recommends acceptance of Centra Gas Manitoba Inc.'s request for amending Article 11(1) that Centra will convey title with the same rights, restrictions, easements, or caveats as title is received from the City of Winnipeg.

Report of the Standing Policy Committee on Property and Development dated June 7, 2001

The Planning, Property and Development Department recommends the sale of the subject City property to Centra Gas Manitoba Inc. at a price of $15,000.00 for the following reasons:

- The property would be on the tax roll immediately, upon the close of the sale.
- This is the Purchaser's final offer.
- Should this proposed sale not be accepted there is, at this time, due to the odd size of the property and its corner location, a high degree of probability that another Purchaser will not be found and if an alternate Purchaser is indeed found, there is no guarantee that a price can be negotiated which will exceed the price which is currently offered.
- The Purchaser will require a variance, which will be at the Purchaser's expense.

The Standing Policy Committee on Property and Development recommends:

I. That Council declare the subject City property, as outlined on Misc. Plan No. 10579/2, as surplus to the City's requirements.

II. That Centra Gas Manitoba Inc.'s Offer to Purchase the subject City property as outlined on Misc. Plan No. 10579/2, be approved at a price of $15,000.00 and in accordance with the terms and conditions in the Offer to Purchase, subject to the amendment respecting Article 11(1) as requested by Centra Gas Manitoba Inc.

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 the any documents related thereto.

Adopted by consent.

REPORT OF THE

STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JUNE 12, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated June 12, 2001, was considered.

Proposed Historic Listing of the T. Eaton Company Store at 320 Portage Avenue on the Buildings Conservation List Files F-5.1 (Vol. 6) and G-3.1.1 (Vol. 1)

639 - 1. On May 23, 2001, Council approved a Term Sheet which provided a conceptual outline of the principal terms and conditions under which it is proposed that the True North Entertainment Complex Limited Partnership, the Government of Canada, the Government of Manitoba, and the City of Winnipeg will enter into certain agreements regarding the development and financing of a new multi-purpose sports and entertainment complex (the True North Centre) on the downtown Winnipeg Eaton's store and annex building bounded by Portage Avenue, Graham Avenue, Donald Street and Hargrave Street.

The Standing Policy Committee on Property and Development has been advised that on June 7, 2001, the Historical Buildings Committee visited and evaluated the T. Eaton Company Store at 320 Portage Avenue, after being advised on April 23, 2001 that a proposed re-development of the property was being negotiated by True-North – a local business group. The re-use of the property would require complete demolition of the Eaton's building and the annex.

The structure at 320 Portage Avenue is on the "Inventory of Buildings" under the Historical Buildings By-law No. 1474/77. This means that a demolition permit may not be issued until the Historical Buildings Committee has been able to review the building to establish whether it has special architectural or historical interest.

The Historical Buildings Committee can only evaluate the building for architectural and historical significance; they do not have the expertise, or the mandate to look at the economic viability issue; that is the purview of City Council.

On June 7, 2001, the Historical Buildings Committee recommended that the T. Eaton Company Store at 320 Portage Avenue be placed on the Buildings Conservation List for the following reasons:

1. The building is a very early example of the Chicago Commercial Style, where the windows of these buildings are patterned in regular groupings, main façade is generally unornamented and a modest cornice terminates the building.

2. The method of construction of a steel frame with wood flooring was a transitional technology of which few buildings are found in Winnipeg. The engineering of the building was leading edge for the time with the foundations being designed to accommodate a twelve-storey building and sprinkler system from the opening day.

3. There is no doubt that the building is of great importance in contributing to the historical character of Portage Avenue. Eaton's shifted development away from the Exchange District and began retail development along Portage Avenue. Eaton's was one of the key forces that helped to preserve the Exchange District as it shifted development pressure away from that area.

4. The building is associated with the Eaton family and the retail enterprise that they established outside of Toronto. The building shows that the faith and confidence of Winnipeg's early business community in the city's great future was also shared by people with vision outside of Winnipeg, Timothy Eaton himself. Eaton's introduced a new way of retail in the city; no bartering, and the one-cent coin was introduced here in 1905.

Report of the Standing Policy Committee on Property and Development dated June 12, 2001

5. The building is an important historical and visual landmark in the city. For many years it symbolized the dominant role that Winnipeg played as the leading wholesale and retail centre of Western Canada, attracting customers from not only Winnipeg but the surrounding developing prairie rural and urban centres.

On June 12, 2001, the Standing Policy Committee on Property and Development considered the report dated June 8, 2001, from the Historical Buildings Committee, which recommended that the T. Eaton Company Store at 320 Portage Avenue be listed as a Grade II building on the Buildings Conservation List, under the Historical Buildings By-law No. 1474/77, with the following interior elements:

1. Main Floor – Two (2) war memorial plaques
2. Fifth Floor – Grill Room and Manager's Dining Room
3. Sixth Floor, west side – Interior space of the executive office with fireplace, its adjoining bathroom, and the former executive board room at the north-end of the connected offices
4. Tenth Floor – Diamond "E" metal ceilings in the penthouse.

On June 12, 2001, the Standing Policy Committee on Property and Development heard representation in opposition to the proposed historic listing from Jim Millican, Vice-President, True North Entertainment Complex Limited Partnership, and Wayne Chernecki on behalf of the owner, Winnipeg City Centre Investments Inc./Graham Hargrave Investments Inc.

The following persons registered in support of the proposed historic listing, namely: Olivar Botar – spokesperson for the Save the Eaton's Building Coalition, Linda Fairfield, Les Stechesen (A Two for One Plan), Benjamin Stewart, David Lettner, Rocky Kravetsky on behalf of Christine Common-Singh, Carolyn Garlich, Julia Van De Spiegel, Ashleigh Drewett-Laird, Pat Stewart, Ryan Bragg, Giovanni Geremia, Michael Stevens, William J. Hutton, Christine Mooney, Professor Claude de Forest, Kathleen Leathers, Terri Fuglem, and Patrick Harrop, Irene Shaw (Manitoba Historical Society), Jim Pomeroy, Roger Cloutier, Megan Collison, Jeff Lowe, Kent Emberley, Frank Liebzeit, Margaret Carter, Marjorie Jaman, Celine Kear (Heritage Winnipeg), David Mackling, Lily Stearns, Patricia Thomson, and Bernie Wolfe.

The Standing Policy Committee on Property and Development did not concur in the recommendation of the Historical Buildings Committee.

The Standing Policy Committee on Property and Development therefore recommends:

I. That the T. Eaton Company Store at 320 Portage Avenue not be listed as a Grade II structure on the Buildings Conservation List, under the Historical Buildings By-law No. 1474/77.

II. That the proponent be requested to incorporate the following interior elements of the T. Eaton Company Store at 320 Portage Avenue, as identified by the Historical Buildings Committee, into the proposed redevelopment of the site, namely:

    1. Main Floor – Two (2) war memorial plaques
    2. Fifth Floor – Grill Room and Manager's Dining Room
    3. Sixth Floor, west side – Interior space of the executive office with fireplace, its adjoining bathroom, and the former executive board room at the north-end of the connected offices
    4. Tenth Floor – Diamond "E" metal ceilings in the penthouse

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

Copies of the documents received with respect to the proposed listing are on file in the office of the City Clerk.

Moved by Councillor Vandal,
Adoption of the clause.

Report of the Standing Policy Committee on Property and Development dated June 12, 2001

Moved by Councillor Lubosch,
Seconded by Councillor Smith,

WHEREAS the T. Eaton Company Store at 320 Portage Avenue has been professionally evaluated as a Grade II "Heritage Building";

AND WHEREAS there is significant and credible evidence to suggest the Eaton's Building may be suitable for an economically viable, adaptive re-use, meriting immediate and additional due diligence and examination;

AND WHEREAS Council has established numerous precedents for examining the adaptive re-use and re-development of Heritage Buildings with private sector partners and the use of Request for Proposal tender calls;

AND WHEREAS Council has adopted and implemented a Heritage Buildings Policy and Heritage Building Tax Credit Program, expressly for the purpose of stimulating the re-development and economically viable re-use of Heritage Buildings;

AND WHEREAS the proponents of the True North Project have stated on record that their project would be feasible at downtown locations other than 320 Portage Avenue;

AND WHEREAS the True North Project timeline does not require demolition of the Eaton's building until the fall of 2001, therefore the project timeline is not compromised by the time required for additional due diligence;

THEREFORE BE IT RESOLVED the clause be referred back to the Standing Policy Committee on Property and Development;

AND BE IT FURTHER RESOLVED that the Administration be directed to develop a Request for Proposal for the adaptive re-use of the T. Eaton Store and forward same to Council for consideration.

The Speaker called Councillor Eadie to the Chair and left the Chamber.

The Speaker resumed the Chair.

The motion to refer with instructions was put.

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

Yea: Councillors Lazarenko, Lubosch and Smith. 3

Nay: Councillors Angus, De Smedt, Gerbasi, Prystanski, Steek, Steeves, Deputy Mayor Thomas, Timm-Rudolph, Vandal, Eadie, His Worship Mayor Murray and Councillor O'Shaughnessy. 12

and the motion to refer was declared lost.

The motion for the adoption of the clause was put.

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

Yea: Councillors Angus, De Smedt, Gerbasi, Prystanski, Steek, Steeves, Deputy Mayor Thomas, Timm-Rudolph, Vandal, Eadie, His Worship Mayor Murray and Councillor O'Shaughnessy. 12

Nay: Councillors Lazarenko, Lubosch and Smith. 3

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

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

640 - 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. 7848/2001, 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 337 - 345 Pandora Avenue West in the East Kildonan - Transcona Community. File DAZ 231/2000

By-law No. 7849/2001, 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 163, 165, 173 Aubert Street and 773 St. Joseph Street in the Riel Community. File DAZ 205/2001

By-law No. 7850/2001, 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 west side of McPhillips Street between Templeton Avenue and Court Avenue in the Lord Selkirk - West Kildonan Community. File DASZ 4/2001

By-law No. 7852/2001, a by-law of The City of Winnipeg to amend By-law No. 7798/2001, being the 2001 Home Renovation Tax Assistance Program By-law. File FL (Vol. 8)

By-law No. 7853/2001, 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 west side of St. Mary's Road north of Normand Avenue in the Riel Community. File DASZ 6/2000

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

641 - Councillor Steek referenced a newspaper article, which cited that in 1978, a building permit for Eaton's was issued but was never subject to an inspection of the work done. He questioned if there were other arrangements in the city similar to this situation. Councillor Vandal took the question under advisement

Councillor Steek made reference to a building that had undergone a million dollar renovation, yet the building permit had only been issued the week prior to its opening. Councillor Steek questioned why the building permits were never issued. Councillor Vandal took the question under advisement.