REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED OCTOBER 24, 2000

On motion of Councillor Vandal, Clauses 2 and 3 of the Report of the Standing Policy Committee on Property and Development, dated October 24, 2000, were considered.

Proposed Subdivision and Rezoning- land located at 499 River Avenue - City Centre Community
File DASZ 12/2000 [c/r DAV 647/2000D, DAC 11/2000, DEMO 13/2000 and DEMO 14/2000]

210 - 2. The Standing Policy Committee on Property and Development has been advised that an application has been submitted by LM Architectural Group (David J. Kressock), 300 - 290 Vaughan 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 at 499 River Avenue from a "C1.5" Commercial District and a "RM-7" Multiple-Family Residential District to a "C2" Commercial District and "RM-7" Multiple-Family Residential District to allow for the redevelopment of a supermarket.

The following is the present site description:

Site Area:	Proposed "RM-7" lands, approximately 0.5 acres; proposed "C2" lands, approximately 3.5 acres; total application area, approximately 4 acres.
Existing Land Use and Zoning:	Existing 29,000 square foot Canada Safeway supermarket zoned "C1.5"; Clifford Arms, a three-storey, 33 unit apartment building zoned "RM-7"; Campbell House, a 2.5 storey century home office conversion previously occupied by the Liberal Party of Manitoba, zoned "RM-7".

The following is the present surrounding land use and zoning (outlined on Figure 1):

North:	Apartment buildings on Roslyn Road zoned "RM-7"
South:	Across River Avenue, single-and multiple-family dwellings and Holy Rosary Catholic Church zoned "R2-T:, commercial buildings at the intersection of River and Osborne, zoned "C1.5"
East:	Commercial buildings, including Shoppers' Drug Mart, Vi-Ann's Restaurant, and Movie Village, zoned "C1.5"
West:	Christian Science Church and apartment buildings on Nassau Street zoned "RM-7"

The proposal is to replace the existing 29,000 square foot Canada Safeway Store and parking for 160 plus cars with a 40,700 square foot store and parking for 210 cars. The original Safeway Store, housing the liquor store, Toronto Dominion Bank and Safeway Pharmacy, is to be demolished.

The Clifford Arms apartment building and Campbell House are to be demolished and a portion of the lands incorporated into a landscaped buffer strip along Roslyn Road, zoned "RM-7". The southwest corner of the site beside the Christian Science Church is to be rezoned "C2" from "RM-7". A related variance application under File DAV 647/2000D deals with matters including substandard yards, parking lot screening, and loading. A related street closure under File DAC 11/2000 would close the east-west portion of the public lane previously serving Campbell House and Clifford Arms. Also subject to public hearing is the proposed demolition of Campbell House (Demo 13/2000) and Clifford Arms (Demo 14/2000).

In future, it is proposed to redevelop the portion of the site extending out to the River Avenue/Osborne Street intersection south of Movie Village. This land falls to the east of the north-south public lane serving Shoppers' Drug Mart, Vi-Ann's and Movie Village, and is a separate zoning lot. The site plan shows construction of a 5,000 square foot commercial building (possibly a liquor store), a "public plaza" and parking for six cars.

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The proposed layout would maintain the existing public lane off River Avenue west of the Osborne Street intersection. This lane would continue to provide access to the Canada Safeway site and adjacent commercial properties. The next approach on River Avenue, opposite Gerard Street, would shift slightly to the west providing access to the front of the store. The existing approach at the southwest corner of the site would be relocated further to the west to provide access to the staff parking area behind the proposed store.

In 1972, under File DAZ 3/72, a certain portion of the subject lands, including those containing the existing store, were rezoned from a multiple-family residential district to a "C2" Commercial District. The related Zoning Agreement limited the use of the lands to a supermarket and ancillary parking. As well, the Zoning Agreement placed other restrictions on the lands owned or leased by Canada Safeway at the time. The lands were subsequently down zoned from "C2" to "C1.5" under Zoning By-law No. 6400/94. Canada Safeway enjoys non-conforming rights to their existing development, and the Zoning Agreement remains in place.

In the opinion of the Planning, Property and Development Department, the lands cannot be redeveloped to the extent envisioned by either Canada Safeway or the neighbourhood in advance of a discharge of the current Zoning Agreement. A condition requiring the discharge of the Zoning Agreement would therefore be required in the event that the subject application is approved by Council.

The introduction to the Local Area Planning section of Plan Winnipeg states the following: the first priority of the City in terms of housing and community development must be the protection of existing neighbourhoods. Plan Winnipeg introduces the concept of Neighbourhood Management, which aims to involve local residents and business owners in planning, and development decision-making. Plan Winnipeg goes on to say: The neighbour-hood management approach is not intended to oppose change, but to accommodate it in a manner that respects the unique quality, form, and character of the neighbourhood.

The Planning, Property and Development Department is of the opinion that the Canada Safeway redevelopment, as proposed, does not comply with Plan Winnipeg, with specific reference to the following policies:

Policy 5A-02iv considers the preservation of existing character as an important element in the maintenance of neighbourhoods and their commercial districts. The Planning, Property and Development Department believes that the proposed redevelopment is contrary to Plan Winnipeg Policy 5A-02iv in that it would detract from the character of Osborne Village by destroying mature trees, expanding asphalt areas, removing housing, and demolishing a character building in Campbell House.

Policy 5A-13 (Protect Existing Neighbourhoods) states the following: The City shall evaluate new development to protect existing neighbourhoods from unacceptable economic, environmental, or social impacts. The Planning, Property and Development Department has evaluated the Canada Safeway proposal and has concluded that, as proposed, it would have an unacceptable economic, environmental and social impact on Osborne Village. To approve the present proposal in light of this evaluation would be contrary to Policy 5A-13.

Policy 5A-28 (Monitor Neighbourhood Shopping Centres) aims at ensuring that further development is to a scale and to uses that cater to the daily household and personal needs of the surrounding residential areas. (page 81) The Planning, Property and Development Department is of the opinion that the daily household and personal needs of Osborne Village are ably met by the existing store and ancillary services (liquor supply, banking, pharmacy), and that the proposed store and parking areas are in fact out-of-scale with the neighbourhood and would cater to regional needs in a neighbourhood setting. At 40,700 square feet, the proposed store is only 15% smaller than the new store constructed at Kenaston and McGillivray Boulevards to service the entire Lindenwoods and Whyte Ridge communities.

The Fort Rouge Neighbourhood Management Plan was adopted by City Council on June, 21, 2000, as a strategy and guideline for City decision-making in the Fort Rouge area. The Plan was prepared over a two-year period in consultation with the Fort Rouge Councillor, local residents and business owners, and representatives of community associations. The plan speaks to the village feeling and character of Fort Rouge, and heralds the community's heritage, socio-economic diversity, and desire for self-determination including greater control over local planning and development matters. The document contains the following observation:

> The predominance of traditional, pedestrian-friendly storefront development and the lively mix of restaurants, sidewalks cafes and speciality stores invites casual strolling, window shopping and street socializing. But the very quality of the commercial environment that attracts residents to the village also acts as a magnet for commercialization at a scale increasingly aimed at the wider urban market.

In light of the above, the Plan recommends the examination of development trends with a view to establishing limits of (commercial) expansion necessary for the coexistence of commercial and residential environments in which the

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enhancement of one component does not come at the expense of the other. The Planning, Property and Development Department believes that the Canada Safeway redevelopment, as proposed, would occur at the expense of the adjacent residential areas in Osborne Village, and that approval of the application plan would be contrary to the intent of the Fort Rouge Neighbourhood Management Plan.

The Plan calls for the establishment of Design Controls to protect the community's heritage features including buildings, the urban forest, and main street shopping areas and streetscapes. The Plan recommends that the City and the Community collaborate to discourage suburban-type commercial development in the villages which, by nature of its site design, parking layout, auto-orientation or traffic generation, conflicts with the pedestrian-friendly, main street character of the commercial precincts.

The Planning, Property and Development Department believes that the proposed Canada Safeway redevelopment is not appropriate in an urban setting like Osborne Village, and its approval would be contrary to the intent of the Fort Rouge Neighbourhood Management Plan.

Canada Safeway has been an important part of Osborne Village for the better part of a century. The neighbourhood has returned this record of service by making the River Avenue store one of the most profitable in the Safeway chain. The store has even developed its own character, and is part of the neighbourhood lore. The store is called Celebrity Safeway for the clientele it serves, and is a major neighbourhood meeting place. In view of the demo-graphics (singles, elderly, low car ownership, fixed or limited budgets) and shopping habits of the customer base, it can candidly be regarded as the City's biggest convenience store.

In light of this long-term relationship, it was reasonable to expect that the process of site redevelopment and new store construction would be an exciting and mutually beneficial experience for the company and the neighbourhood. In reality, on the eve of the public hearing into the site rezoning, the two sides remain divided on their visions for the store and the neighbourhood. An abbreviated history of the project may help explain the current impasse.

Rumours of store redevelopment had been circulating for some time before Canada Safeway first met with the Planning, Property and Development Department in latter part of 1998 to review their preliminary plan for the new store. This first plan, as outlined on Figure 2, proposed a 42,800 square foot store with the same orientation as the existing store. Clifford Arms and the original store (Manitoba Liquor Control Commission, Toronto Dominion Bank, and previous Shoppers' Drug Mart) are shown demolished. The bank and liquor store are shown relocated to two commercial rental units at the southwest corner of the site adjacent to the Christian Science Church. Significantly, the plan indicates underground parking for 90 cars and surface parking for 182 cars.

Upon reviewing this initial plan, the Development Management Branch of the Planning, Property and Development Department expressed concerns about the location of the commercial rental units and the lack of regard for existing site conditions. The Branch indicated its preference for a street or sidewalk building orientation in keeping with the village's commercial character and pedestrian-friendly nature. The Branch suggested, for instance, relocating the commercial rental units to the southeast corner of the site to enclose the River Avenue/Osborne Street intersection. Most importantly, Canada Safeway was asked to present a range of options, at a purely conceptual level of detail, to serve as a basis for needed community consultation.

Canada Safeway responded by submitting an even more detailed plan, outlined on Figure 3, which they intended to introduce to the public at an Open House. This plan shows the store rotated 90 degrees to face east. The underground parking is deleted, and surface parking for 182 cars would have necessitated the demolition of Campbell House. The original store is partially demolished while the portion containing the Toronto Dominion Bank is outlined retained until the termination of their lease. The liquor store is outlined as attached to the store. Minor landscaping elements are added, including a public plaza beside Movie Village. A Roslyn Road approach and an internal street connection to River Avenue augment vehicular access to the site and store loading. The proposal would have resulted in the destruction of many Century Elms, none of which were identified by the plan as existing on the site.

The revised plan fell short of addressing the values, issues and needs of the residents of Osborne Village. The public response to the Open House in June of 1999 was overwhelmingly negative, and the official unveiling of the plan was aborted. Those in attendance wanted basic information and answers to questions regarding Canada Safeway's intentions. Subsequently, the Osborne Village Neighbourhood Coalition was established to represent the community in discussions with Canada Safeway. The Coalition included representatives from the Business Improvement Zone, the Roslyn West Neighbourhood Association, the Gerard/Norquay area, Villa Cabrini and 64 Nassau Street.

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Beginning in September 1999 and continuing into December, Canada Safeway and the Osborne Village Neighbourhood Coalition met on five occasions to identify the issues, to set down development criteria as a basis for review-ing conceptual plans, and to compare conceptual plans against their respective development objectives. The meetings were chaired by the Area Councillor, recorded by the project architect and current applicant, and attended by representatives of the Planning, Property and Development Department.

The plans that emerged for serious consideration, and selected for review by the City's Administrative Coordinating Group are outlined on Figures 4, 5, and 6. Collectively, the plans indicate a willingness of the company, or at least their architect, to consider alternative store locations. However, it became apparent over the course of discussions that Canada Safeway's needs and requirements were evolving and solidifying over time. It was therefore difficult to tell whether the many design changes and plan iterations were being driven by a sincere attempt to address the issues, or by Safeway's corporate agenda. Ultimately, the Osborne Village Neighbourhood Coalition came out in favour of Option 4-R (Figure 4) and its derivatives, hereafter referred to as the Coalition plan. This plan is substantially different from the application plan (Figure 7: "A1" dated August 4, 2000) and its predecessor, Figure 5. The application plan is hereafter referred to as the Safeway plan. The Safeway plan was introduced to the neighbourhood at an Open House in June 2000.

While it is impossible, in the context of the report, to capture the intensity and range of the discussions that took place regarding the options, the following sections discuss the critical and interrelated site planning issues and how successfully each plan addresses those issues. The sections conclude with the Planning, Property and Development Department's opinion as to the superior plan.

Traffic Access

Both plans prohibit access to Roslyn Road and maintain three approaches from River Avenue including the public lane. The Safeway plan requires a new approach opposite Norquay Street to their staff parking and garbage enclosure. The north-south leg of the public lane remains open under both plans, allowing for access onto Roslyn Road through the Shoppers Drug Mart site. This remains an issue for the Roslyn neighbourhood, although Shoppers Drug Mart or Canada Safeway could decide to block access to their site from the public lane. The Public Works Department did not require the applicant to undertake a traffic study, although they have recently indicated concerns regarding increased use of the lane for site access.

The Osborne Village Neighbourhood Coalition plan offers an advantage in that one of the store approaches shown on the plan should in fact be closed. This would reduce car-pedestrian conflicts on River Avenue and lessen the risk of vehicle accidents.

The Planning, Property and Development Department is of the opinion that the Osborne Village Neighbourhood Coalition plan is the superior plan in relation to site access because it would reduce lane traffic and shift the main Canada Safeway site entry point to the west, further away from the badly congested River Avenue-Osborne Street intersection. The Coalition plan would also discourage access to the site via Roslyn Road and the Shoppers' Drug Mart parking lot.

Pedestrian Movement

Currently, pedestrians make liberal use of the Canada Safeway lot for moving about the neighbourhood, and this will not change with a new store. Overall, the Osborne Village Neighbourhood Coalition plan is more pedestrian-friendly in that the buildings abut the public sidewalk. For the elderly residents of Villa Cabrini and 64 Nassau Street, store access is an important issue. The Development Management Branch is of the opinion that, in relations to these projects, the Coalition plan offers the safest and most direct access. The Coalition plan also does more to minimize the car-pedestrian conflicts in the vicinity of the bus stop at River Avenue and Osborne Street. The Safeway plan orients the store entrances to their parking lot, where customers become pedestrians when they leave their vehicles. The Safeway plan does favour pedestrians coming from Roslyn Road.

The Safeway plan is more detailed and indicates the kinds of design elements that can be used to guide pedestrians. For instance, the plan shows raised pedways connecting the parking lot to the store's main entry points. This surface treatment is also used in the vicinity of the loading dock. Special attention has been paid to the needs of elderly customers coming from 64 Nassau Street. The walkway along the north side of the store is wide, attractively landscaped, well lit and signed to warn of loading dock traffic.

The Planning, Property and Development Department is of the opinion that, although pedestrian safety features can be built into both plans, the Osborne Village Neighbourhood Coalition plan is superior in relation to pedestrian circulation and building access.

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Parking

Parking is a major issue and a driving force behind the site design. The initial Safeway plan provided underground parking which effectively increased the range of site design options. Canada Safeway dropped the underground parking because, in their experience, the utilization rates for underground parking failed to justify the costs. Instead, Canada Safeway purchased both Clifford Arms and Campbell House for surface parking; acquisitions that have compromised the design of the project at almost every turn.

There is disagreement over the amount of parking required by the development. The Osborne Village Neighbourhood Coalition points out that Canada Safeway's own customer exit survey indicates that upwards of 65% either walk, bus, or cycle to the Osborne store, thereby decreasing the need for surface parking. On the other hand, Canada Safeway's own standard for surface parking even exceeds the by-law requirement and is aimed more at a suburban market. The existing development has about 160 stalls. The Winnipeg Zoning By-law requires 182 stalls including the commercial rental units. The Safeway plan shows parking for 215 stalls, while the Coalition plan shows, conceptually, parking for 149 cars.

From Canada Safeway's standpoint, parking location is as important as total numbers. The existing store provides parking for about 100 stalls directly in front of the store. The Canada Safeway plan proposes the greatest number of total stalls at 215, provided in three separate areas with only 125 stalls immediately in front of the new store. In comparison, the Coalition plan shows parking for 136 stalls in location convenient to a west-facing store.

It is also worth noting that the Canada Safeway lot serves as a public parking lot for adjacent businesses and institutions. This unauthorized use is difficult to police and will intensify the demand for the 125 convenient stalls shown on the Safeway plan. The parking lot on the Coalition plan would be easier to manage and monitor, an important consideration where pedestrian safety is an issue.

The Planning, Property and Development Department is of the opinion that the Coalition plan is superior in terms of parking lot size, orientation and access. The high proportion of pedestrian traffic warrants the lesser amount of overall parking, while the location of the parking on the Coalition plan is functionally superior to the Safeway plan and could be more convenient for Safeway customers.

Site Vegetation and Landscaping

The earlier Canada Safeway plans failed to indicate existing vegetation on the site. At the request of the Planning, Property and Development Department, the Forestry Branch of the Public Works Department prepared a detailed tree inventory including size and location, which was provided to the applicant for incorporation into latter site plans. Tree preservation remains an important goal for the project. Unfortunately, trees are threatened under both plans; the largest being two Elms and a Manitoba Maple located to the rear of the Campbell House and Clifford Arms properties.

However, while both plans attempt to minimize tree loss, it is noteworthy that the Safeway plan could save the above trees by simply adjusting their parking layout.

In terms of general landscaping, both plans offer great potential for improving the appearance of the site. However, being conceptual, the Coalition plan does not illustrate landscaping. The Safeway landscape plan (Figure 8) was professionally prepared and responds to issues raised by the Coalition. Landscaping is used to screen the parking areas, soften the building and help define site circulation, public plazas and pedestrian walkways. Along River Avenue and Osborne Street, the public boulevard is shown landscaped to match previous streetscaping projects undertaken in the Village.

The Planning, Property and Development Department is of the opinion that tree preservation and adequate and appropriate landscaping can be achieved under either plan.

Development Buffering

Development buffering is a contentious issue for Roslyn Road, Nassau Street and Gerard/Norquay residents. In relation to Roslyn Road, the loss of Clifford Arms and Campbell House would change the character of the street. Early on, the Coalition pressured Canada Safeway to try to save both buildings. Canada Safeway refused to either become a landlord or sell the properties at a loss. Nonetheless, the Osborne Village Neighbourhood Coalition plan has the potential for saving one or both buildings. The Coalitions fall back position was to demand a continuous 100-foot buffer along Safeway's north property limit. The Coalition wanted the buffer down zoned to "RM-3" and made available for housing development. In accordance with their application, Canada Safeway refused to downzone the property, and insisted on being able to use a portion of the buffer for parking. The Canada Safeway plan shows the buffer as being 86 feet at its widest point.

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In relation to Gerard/Norquay, the Osborne Village Neighbourhood Coalition was, at one time, willing to accept the Canada Safeway plan if, among other improvements, the original store was replaced by a commercial rental unit. The Coalition envisioned a building abutting the sidewalk, running between the lane and the first Canada Safeway approach on River Avenue. A building in this location would shield the parking lot, provide Gerard residents with a familiar view, and help block winter winds. Canada Safeway refused this plan due to the location of the commercial rental unit amidst their main parking area. Instead, Canada Safeway proposed to create a linear plaza along River Avenue incorporating a bus shelter and using landscape elements like shrub beds and planters to screen the parking and provide a windbreak.

For residents of 64 Nassau Street, the Safeway plan places the store within 10 feet of the property line. This building placement helps buffer 64 Nassau Street from the parking lot and loading activity, but raises the issue of how to mitigate the impact of a building wall 26 feet high and 250 feet long. This issue is important for 64 Nassau Street on account of their substantial investment in, and extensive use of, a garden area at the southeast corner of their property. Canada Safeway proposed to use landscaping to incorporate their 10 foot rear yard into the existing garden area, and to plant trees within the yard to help screen and soften the building. In contrast, the Coalition plan essentially maintains the existing relationship between 64 Nassau Street and the Safeway site.

The Planning, Property and Development Department is of the opinion that the Osborne Village Neighbourhood Coalition plan is superior in relation to development buffering.

Loading

Safeway's loading requirements pose a constraint to store siting because of the manoeuvring requirements of large trucks and the spatial relationship between the loading dock and the store's interior elements. Both the Canada Safeway and Osborne Village Neighbourhood Coalition plans indicate a depressed loading dock screened by a masonry wall. Unlike their suburban stores, the loading area of the Osborne store cannot be segregated from customer parking and vehicular and pedestrian circulation areas. Being more detailed, the Safeway plan demonstrates how sidewalks, landscaping, and surface treatments can be used to define pedestrian corridors so as to minimize vehicular/pedestrian conflicts.

The Planning, Property and Development Department is of the opinion that both plans are able to satisfactorily address the issue of store loading.

Mechanical Elements

The proposed store has a mezzanine level with a roofless mechanical room into which portable HVAC units are installed and, when necessary, removed by crane. The applicant indicates that the units themselves are state-of-the-art and will generate less noise than the current store's mechanical units. However, in that the Coalition plan locates the store away from existing apartment buildings, the potential for adjacent properties being impacted by noise and fumes (truck idling, air ventilation units, garbage removal, etc.) is minimized.

The Planning, Property and Development Department is of the opinion that the Coalition plan is superior in relation to the location of the store's mechanical elements.

Garbage Enclosure

The Osborne Village Neighbourhood Coalition plan is too conceptual to show a garbage enclosure, although the likely locations would either be beside the loading dock or at the northeast corner of the site behind Vi-Ann's restaurant and Movie Village accessed from the public lane. The Safeway plan shows a large garbage bin and fenced enclosure to the rear of the store in a corner of the staff parking lot. This location is a concern to the residents of 64 Nassau Street on account of its proximity to their building and garden. The Coalition plan is preferable as several dumpsters belonging to Shoppers Drug Mart, Canada Safeway Pharmacy, and Vi-Ann's Restaurant are already clustered in the vicinity.

It is also noteworthy that a private caveat limits the use of the area, shown on the Safeway plan for staff parking and garbage enclosure, to a parking lot. The caveat was registered in 1976 when the owners of the Christian Science Church sold the parking lot to Safeway. The Legal Services Division advises that this caveat may have to be discharged or amended in order to allow Safeway to establish a garbage enclosure on the lands. Such amendment or discharge must be approved by the Provincial Municipal Board. Because the land is within the City of Winnipeg, however, the Municipal Board will require a Council resolution before making its decision.

The Planning, Property and Development Department is of the opinion that the Osborne Village Neighbourhood Coalition plan is superior relative to the placement of garbage bins, compactors and enclosures.

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Store Siting and Orientation

The conceptual plans have explored virtually the entire range of store siting options. The pros and cons of each option were itemized and rated against the agreed upon development criteria. All of the options have drawbacks, but the two preferred options serve to highlight the divergent objectives of Canada Safeway and the Osborne Village Neighbourhood Coalition, as the following paragraphs will explain.

The interiors of modern supermarkets are meticulously planned, designed and engineered. Every square foot is programmed for some function related to product sales, customer service, and store management and operations. Moreover, the store designs are universal. This reduces store costs, simplifies design, speeds construction, and ensures that Safeway's customers feel at home in whatever store they enter. In suburban locations, this design approach greatly simplifies site layout. The store is simply turned to face the parking lot and elements like entrances, loading docks and garbage enclosures fall into place.

In a very real sense, the sites are designed to fit the stores; an approach that is completely at odds with an urban location like Osborne Village.

Canada Safeway's preferred plan, indeed their entire approach to this project, reflects this "inside out" approach to site design and explains why their initial plan omitted such key considerations as adjacent buildings and the locations of 100 year old Elm trees. The unique context and characteristics of the River Avenue site really demand that the development be designed from the "outside in" wherein the store is designed to fit the site. The Osborne Village Neighbourhood Coalition plan would require the new Safeway to be as unique as the community in which it is located. The Coalition plan calls for a continuation of the village's commercial character and pedestrian orientation with buildings fronting the street, windows overlooking the street, and entrances directly off public sidewalks.

Canada Safeway could design such a building for the site and still maintain the desired relationship between the parking lot and the main store entrances. Thus, with reference to the Coalition plan, the main store entry and cashier bank could be located along the west wall of the building. Ancillary services like the coffee shop, deli, bakery and flower store, pharmacy and bank outlet could be located along River Avenue with direct sidewalk entry. Alternatively, the store could be designed with separate commercial rental units fronting River Avenue. In either case, the building would reflect the pedestrian-friendly commercial character of the Village. The Coalition plan also shows a commercial rental unit located south of Movie Village that would serve to enclose the corner and shield the blank east wall of the Safeway store. Finally, the Coalition plan draws the building away from the Nassau developments and opens up an attractive view corridor, framed by existing buildings and mature trees, down the entire west half of the site.

The Planning, Property and Development Department is of the opinion that the Osborne Village Neighbourhood Coalition plan is the superior plan in relation to building orientation.

Building Appearance

In consultation with the Planning, Property and Development Department's Senior Urban Designer, the project architect has taken steps to improve the external design and appearance of the building. Exterior materials have been upgraded and design elements and landscaping introduced to reduce the apparent scale and bulk of the building. However, the Safeway plan presents a blank building wall to River Avenue in contrast to the Osborne Village Neighbourhood Coalition plan. And while it is difficult to have substantial bearing on the building architecture in the absence of formal design control, the Coalition plan does offer the best opportunity to positively influence the appearance of the building and its relationship to the street.

The Planning, Property and Development Department is of the opinion that the Coalition plan is the superior plan in terms of building appearance and the potential that it offers for a positive interface with River Avenue.

The Planning, Property and Development Department has always been supportive of the redevelopment of the Osborne Village Safeway if undertaken in a manner complimentary to the prevailing urban character and respectful of adjacent development. The negotiations between the Osborne Village Neighbourhood Coalition and Canada Safeway pointed to design solutions that actually achieved this goal. And although referred herein as the Coalition Plan, it is to be understood that the Option 4R plan was prepared by Canada Safeway's architect and was acknowledged by the Vice President of Real Estate, Construction and Design for Canada Safeway as being achievable from the company's standpoint.

In comparing Option 4R with the application plan, the Planning, Property and Development Department believes that, with the refinements that come from more detailed analysis, Option 4R can successfully address most of the planning and urban design issues raised by the Coalition in relation to site redevelopment while achieving most of Safeway's

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development objectives. This can be achieved through compromise. The Department is aware of successful projects in other cities undertaken by Canada Safeway that are extremely sensitive to the urban context. The Department and the neighbourhood are asking only that Canada Safeway extend to Winnipeg the same degree of respect in constructing what could be a flagship store for the company.

Canada Safeway has indicated that one of the stumbling blocks to the Option 4R plan is the ongoing lease with the Toronto Dominion Bank. The Planning, Property and Development Department is of the opinion that, if this is the case, the redevelopment of the site should be postponed until the lease expires and the building can be demolished.

In conclusion, the Planning, Property and Development Department was not prepared to support the subject rezoning at this time for the following reasons:

1. If the Toronto Dominion Bank lease is preventing the implementation of Option 4R, the rezoning is premature and should await the termination of the lease.

2. If the Toronto Dominion Bank lease is not an issue, and Safeway wishes to pursue the application plan for internal reasons, the rezoning would be detrimental to the neighbourhood and should be denied.

3. In a well established and unique urban context like Osborne Village, and especially given the degree of local involvement in this project to date, the needs and interests of the residents should be paramount to those of developers where zoning has to be intensified in order to accommodate the scale of development proposed.

4. From the outset, the Development Management Branch has been eager to assist the applicant in under-standing the local issues and exploring design alternatives, and has provided the applicant with a set of development parameters. The Branch's Senior Urban Designer proposed several store-siting options in an attempt to stretch Safeway's imagination. In a letter to the applicant dated May 17, 2000, the Administration indicated that it could not support a store on the western edge of the site. The Planning, Property and Development Department remains hopeful that an acceptable design solution can be found, and was prepared to have the application adjourned by Community Committee to allow for a more detailed analysis and evaluation of Option 4R. From an administrative standpoint, this analysis is necessary to determine what zoning variances would be triggered by Option 4R. Barring an adjournment, the Planning, Property and Development Department must respectfully recommend that the application be denied.

In view of the foregoing, the Planning, Property and Development Department recommended that the rezoning and plan of subdivision proposed under File DASZ 12/2000, as outlined on Schedule "A", be denied.

A Public Hearing was held before the City Centre Community Committee on October 3, 2000. Fourteen persons registered in support of the application, eighty persons registered in opposition, and four persons registered for information thereon.

The City Centre Community Committee recommended that the proposed subdivision and rezoning not be proceeded with for the following reasons:

1. The proposed redevelopment is contrary to Plan Winnipeg Policy 5A-02iv in that it would detract from the character of Osborne Village by destroying mature trees, expanding asphalt areas, removing housing and demolishing a character building in Campbell House.

2. As proposed the redevelopment would have an unacceptable economic, environmental and social impact on Osborne Village and would be contrary to Policy 5A-13.

3. The daily household and personal needs of Osborne Village are ably met by the existing store and ancillary services (liquor supply, banking, pharmacy).

4. The proposed store and parking areas are out of scale with the neighbourhood and would cater to regional needs in a neighbourhood setting.

5. At 40,700 square feet the proposed store is only fifteen percent (15%) smaller than the new store constructed at Kenaston and McGillivray Boulevards to service the entire Lindenwoods and Whyte Ridge communities.

6. The redevelopment, as proposed, would occur at the expense of the adjacent residential areas in Osborne Village and would be contrary to the intent of the Fort Rouge Neighbourhood Management Plan

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7. The proposed redevelopment is not appropriate in an urban setting like Osborne Village.

8. If implementation of Option 4R, submitted by the Osborne Village Neighbourhood Coalition, is being prevented by the lease with the Toronto Dominion Bank, the application is premature and should await the termination of the lease.

9. If the above noted lease is not an issue, and the applicant is pursuing the redevelopment for internal reasons, the rezoning would be detrimental to the neighbourhood.

10. In a well established and unique urban context like Osborne Village, and given the degree of local involvement in the project to date, the needs and interests of the residents should be paramount to those of developers where zoning has to be intensified in order to accommodate the scale of the development proposed.

On October 24, 2000, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee that the proposed subdivision and rezoning not be proceeded with.

The Standing Policy Committee concurred with supporting reasons 3 to 10 of the Community Committee, and subsequently provided the following supporting reasons, namely:

- The proposed development is unacceptable to the Committee in that it could detract from the character of Osborne Village by destroying mature trees, expanding asphalt areas, removing housing and demolishing a character building in Campbell House.

- As proposed the redevelopment could have an unacceptable economic, environmental and social impact on Osborne Village.

The Standing Policy Committee on Property and Development therefore recommends that the application for approval of a plan of subdivision and a zoning change under File DASZ 12/2000 be not proceeded with.

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

For the information of Council, Aikins, MacAulay and Thorvaldson, the Solicitors for Canada Safeway Limited, submitted communication dated January 8, 2001, advising that they are hereby withdrawing applications under Files DASZ 12/2000, DAV 647/2000D and DAC 11/2000.

The Executive Policy Committee recommends that the clause be filed.

Moved by Councillor Vandal,
That the recommendation of the Executive Policy Committee, that the clause be filed, be adopted.

Carried.

Proposed Closing of the public lane north of River Avenue, west of Osborne Street - City Centre Community
File DAC 11/2000 [c/r DASZ 12/2000, DAV 647/2000D, DEMO 13/2000and DEMO 14/2000]

211 - 3. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has received a request from David Kressock of the LM Architectural Group, on behalf of Canada Safeway, to acquire a portion of the subject lane outlined as proposed closing on Misc. Plan No. 10976.

Canada Safeway would like to incorporate the lane into the planned development of their property, as outlined in File DASZ 12/2000, the application to subdivide and rezone the property being considered in conjunction with the closing application.

Report of the Standing Policy Committee on Property and Development dated October 24, 2000

Canada Safeway has recently acquired the lot shown on Schedule “A”as Campbell House Inc. and now owns all of the land adjacent to the lane proposed to be closed, with the exception of the Shoppers Drug Mart site, shown as Imasco R.I. Inc. on the drawing. Imasco R.I. Inc. has been notified by mail of the proposal, and has not objected to the lane closure.

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

The Water and Waste Department, and the Transportation Division of the Public Works Department, will require a commercial branch type lane turnaround to accommodate traffic in the lane. This turnaround would allow vehicles to turn and exit the lane, thus eliminating the potentially dangerous situation where a large vehicle such as a snow plow or garbage truck is forced to exit the lane in reverse. The provision of this turnaround has been addressed in the application to subdivide and rezone the property, and is one of the conditions the Administration recommended be included should Council approve the application under File DASZ 12/2000.

Winnipeg Hydro will require an easement for their present and proposed underground plant in the lane.

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

The closing of the lane is contingent on Council approval of the application under File DASZ 12/2000, the application to subdivide and rezone the Safeway property. If the subdivision and rezoning application is rejected, the closing process will be abandoned.

On October 3, 2000, the City Centre Community Committee considered an application for the proposed closing under File DAC 11/2000. The administrative report dated September 18, 2000, recommended that the Community Committee approve the proposed lane closing and recommend to Council as follows:

1. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Schedule "A", Misc. Plan No. 10976.

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

Fourteen persons appeared in support of the application, eighty persons registered in opposition thereto, and four persons registered for information thereon. The City Centre Community did not concur in the administrative recommendation, and recommended that the proposed lane closing not be proceeded with.

The Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and recommended that the application under File DAC 11/2000 to close the public lane north of River Avenue, west of Osborne Street, not be proceeded with.

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

For the information of Council, Aikins, MacAulay and Thorvaldson, the Solicitors for Canada Safeway Limited, submitted communication dated January 8, 2001, advising that they are hereby withdrawing applications under Files DASZ 12/2000, DAV 647/2000D and DAC 11/20000.

The Executive Policy Committee recommends that the clause be filed.

Moved by Councillor Vandal,
That the recommendation of the Executive Policy Committee, that the clause be filed, be adopted.

Carried.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JANUARY 9, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development dated January 9, 2001, was considered clause by clause.

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

Carried.

Proposed Opening and Closing of a Public Lane east of Battery Street and south of Boyd Avenue – Lord Selkirk-West Kildonan Community
File DAOC 2/2000

212 - 1. The Standing Policy Committee on Property and Development has been advised that in 1985, the District Engineer made an application to open a public lane connecting Boyd Avenue, east of Battery Street, to the first public lane to the south and to close parts of the existing lane that would become surplus upon the opening of the new lane. Snow removal and refuse collection vehicles were unable to turn around at the end of the existing lane, and were forced to either enter or exit the lane in reverse. The lane opening would eliminate this unsafe practice.

The application was processed under File DAOC 3/85 and received the approval of Council in May of 1988. A by-law effecting the lane opening and closing (By-law No. 5256/89) was given first reading by Council. At the public meeting at which the second and third readings of the by-law were to take place, representation in opposition to the opening was submitted. Council subsequently referred the matter back to the former Committee on Works and Operations. The former Committee on Works and Operations considered the objections to the lane opening and recommended to Council that the application not be proceeded with. In January 1990, Council approved that recommendation and the application was terminated.

In 1993, the District Engineer resubmitted the proposal. The application was processed under File DAOC 1/93. Public opposition to the proposed lane opening again resulted in the project being abandoned.

In 1996, the District Engineer submitted an alternative proposal to alleviate the concern about the danger of vehicles entering or exiting the lane in reverse. This proposal eliminated the need to connect a new lane to Boyd Avenue by constructing a turnaround at the eastern terminus of the existing lane. This third application was processed under File DAO 26/96. In April 1997, Council approved the proposal. The opening of the turnaround was placed in abeyance when the Public Works Department was advised that the opposition to the original proposal had been withdrawn.
In January 2000, the Public Works Department abandoned the turnaround concept addressed by File DAO 26/96 and submitted the subject proposal.

On May 9, 2000, the Lord Selkirk-West Kildonan Community Committee considered and recommended approval of the proposed opening and closing under File DAOC 2/2000. No one registered in support or opposition to the subject application.

The subject application proposed to open the lane as outlined on Schedule “A”, and to close the surplus portions of the existing lane shown as Parcels A and B on the drawing. Parcel A will be incorporated into the City-owned lot adjacent to it, and Parcel B will be offered for sale to the adjacent property owner. All costs associated with the project would be assumed by the Public Works Department.

The Standing Policy Committee on Property and Development 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 lane opening and closing in accordance with Schedule “A”, Misc. Plan No. 10072/1.

Report of the Standing Policy Committee on Property and Development dated January 9, 2001

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. 251 for attachment)

Proposed Amendment to Development Agreement AG 8/85 - Redview Properties Corporation - Riel Community

File DASZ 8/85

213 - 2. The Standing Policy Committee on Property and Development has been advised that under the terms of Development Agreement AG 8/85, the Developer (Redview Properties Corporation) is required to construct a sidewalk on the west side of Redview Drive from the north limit of the subdivision, southerly to the public walk leading to the park, ie. in front of 148 to 176 Redview Drive.

In a communication dated June 9, 2000, the Developer (John E. Wiebe) provided the Planning, Property and Development Department with a copy of a petition opposing the construction of the subject sidewalk signed by six of the eight affected property owners. Mr. John Wiebe subsequently requested that Development Agreement AG 8/85 be amended to delete the subject sidewalk. As information, there is a sidewalk on the west side of Redview Drive south of the walkway, and from the north side of Waterview Cove northerly to Normand Park Drive and beyond. There is no sidewalk on the flankage of the lot on the south side of Waterview Cove.

In a report dated August 6, 1987, to the former St. Boniface-St. Vital Community Committee, the former Development Agreement Officer recommended that sidewalks be deleted on Redview Drive south of Normand Park Drive. The former Community Committee did not concur with the administrative recommendation, and recommended that the sidewalk be deleted from the south side of Waterview Cove only.

On October 21, 1987, Council concurred in the recommendation of the former St. Boniface-St. Vital Community Committee and amended Development Agreement AG 14/80 to delete the sidewalk south of Waterview Cove. (Development Agreement AG 14/80 covers the land immediately adjacent and to the north of Development Agreement AG 8/85.)

The Public Works Department considered the Developer's request to delete the subject sidewalk, and does not support the request. Redview Drive is one of only two accesses into the Normand Park residential area, and therefore there is a need for a sidewalk along at least one side of this street to provide safe and convenient pedestrian access to the area from St. Mary's Road. The sidewalk is also required to maintain continuity of the pedestrian route from the south where there is already a sidewalk, which will be extended in the future as further development occurs. The sidewalk also provides for safe and convenient pedestrian access to the walkway to the public reserve along the river.

The Planning, Property and Development Department therefore recommended that the construction of sidewalks under Development Agreement AG 5/85 not be deleted.

On October 10, 2000, the Riel Community Committee considered report dated June 29, 2000, from the Land Development Engineer, Planning, Property and Development Department, along with a petition submitted by Roy Parker, Private Citizen, purporting to contain the signatures of seventeen area residents in opposition to the installation of a sidewalk on Redview Drive.

The Riel Community Committee did not concur in the administrative recommendation, and recommended that Development Agreement AG 8/85 be amended to delete the requirement for a sidewalk on Redview Drive.

On October 24, 2000, the Standing Policy Committee on Property and Development referred the matter back to the Riel Community Committee.

On November 7, 2000, the Riel Community Committee reaffirmed its motion of October 10, 2000, that the administrative recommendation not be concurred in, and that Development Agreement AG 8/85 be amended to delete the requirement for a sidewalk on Redview Drive.

Report of the Standing Policy Committee on Property and Development dated January 9, 2001

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

I. That Development Agreement AG 8/85, pertaining to the lands located south of Waterview Cove and the terminus of Redview Drive, west of St. Mary's Road, be amended to delete the requirement for a sidewalk on Redview Drive.

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

Adopted by consent.

Proposed Subdivision and Rezoning – land located at 1965 De Vries Road – East Kildonan-Transcona Community

File DASZ 13/2000

214 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been submitted by Doug Henne Planning Services, 917 Simpson Avenue, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "A5" Agricultural District to an "R1-4.5" Residential District.

Site Area
2.056 acres (8318.899 square metres)

Existing Land Use and Zoning
The subject property is currently zoned "A5" Agricultural District with a single family dwelling located on the property facing De Vries Avenue.

Surrounding Land Use and Zoning

North: Residential subdivision with some established single family dwellings and some vacant land, zoned "R1-5" Residential District

South: Single family dwellings zoned "R1-5.5" Residential District and vacant land zoned "R1-5" Residential District

East: Across De Vries Avenue, Lagimodiere Boulevard

West: Vacant land zoned "A5" Agricultural District and single family residential zoned "R1-5" Residential District

The applicant intends to rezone the land to "R1-4.5" Residential District to provide 18 new building lots located to the north and south of a proposed new street. Proposed lot widths generally on the submitted plan generally range from 46 feet to 48 feet.

This development is generally supported by Plan Winnipeg and finds more specific support from Plan Winnipeg through the following policy:

5A-14 Promote Compact Development
The City shall promote compact urban development by encouraging infilling of vacant lands and the revitalization of existing neighborhoods, and supporting new development which adjoins, and is compatible with, existing development and which is designed to minimize the use of land.

The proposed subdivision and rezoning is consistent with the development proposals and concept plans for the extension of the Algonquin Estates community. The proposed new east / west road will complete the planned Strongberg Drive connection to McIvor Avenue. This will finalize the longer-term proposal to disconnect McIvor Avenue from DeVries Road.

Report of the Standing Policy Committee on Property and Development dated January 9, 2001

Ten new lots were approved adjacent to the subject property to the south by subdivision and rezoning in November 1998 (File DASZ 6/98). Those lots were created with "R1-5" zoning and variances to permit some 46- and 47-foot lots. The Administration finds it preferable that the subject application include the appropriate zoning rather than applying variances to lot width and area.

Adjacent property to the north (known as the Drobot Place subdivision) was approved for subdivision and rezoning to "R1-5" in 1994 (File DASZ 20/94) upon opposition by residents to an application for an "R1-4" subdivision / rezoning. In April 1998, Council approved an extension to the time limit of enactment of this subdivision/rezoning to September 2000. The reason for the request for extension from the developer was due to a lack of demand for those building lots. Most of the 50-foot lots remain as vacant land today.

"R1-4" Residential Districts are the most common subdivisions taking place in new residential subdivisions in suburban Winnipeg, including south St. Vital, Whyte Ridge and Lindenwoods. Developers in these areas indicate the market is more receptive to smaller lots where purchasers can still afford to build larger homes. The subject application proposes a somewhat larger lot development than this, an "R1-4.5" Residential District.

The City, with policies promoting a compact urban form, is also supportive of smaller urban lot developments that have more efficient servicing and infrastructure demands. Although there was a concern with the Drobot Place subdivision about the impact of 40 foot lots in an area with 50 foot lots, a representative of the Property Assessment Department indicated he does not see this perceived impact realized in their assessments of the market.

The Administration supported the application because the proposed development is compatible with the area and completes the overall plan for Algonguin Estates including the extension of Strongberg Drive.

On October 24 and November 14, 2000, public hearings were before the East Kildonan-Transcona Community Committee. Fifteen persons appeared in support of the application, and fifty-five registered in opposition thereto, and one person registered for information thereon. The Community Committee recommended that the proposed subdivision and rezoning be approved for the following reasons:

1. During the public hearing, the East Kildonan-Transcona Community Committee heard many concerns regarding the proposed smaller lot sizes. Therefore, the reduction of one lot in the subdivision plan will make for wider lots overall.

2. The special rear yard setback for the lots backing onto DeVries Avenue will afford more protection from the traffic noise.

On January 9, 2001, the Standing Policy Committee on Property and Development considered the Report from the East Kildonan-Transcona Community Committee dated December 21, 2000, and approved the following amendments which have been incorporated in the recommendations set out below:

- Recommendation I.A.(a) be amended by deleting the words "east" in the third and fourth lines, and substituting therefor "west".

- Recommendation I.A.(a) be amended by deleting the phrase "2.5 metres (8 feet) on the north side of the McIvor Avenue right-of-way be retained for a walkway" and substituting therefor the phrase "property on the north side of the McIvor Avenue right-of-way be retained for a walkway at a width to be determined by Council".

- Recommendation I.A(b) be deleted in its entirety, namely:

  (b) In return for the closure of McIvor Avenue right-of-way and its related costs, the Developer shall be offered, free of charge, the residual McIvor Avenue right-of-way lands for future residential development.

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

Report of the Standing Policy Committee on Property and Development dated January 9, 2001

That the plan of subdivision proposed under File DASZ 13/2000 be amended to provide a maximum of seventeen (17) lots in Block One and a maximum of ten (10) lots in Block Two, and be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September 18, 2000, and the following additional conditions; namely:

a) The Developer shall be responsible for the closure of McIvor Avenue at DeVries Avenue and installing asphalt paving on McIvor Avenue in front of the newly created lots (road closure) to the west end of the flankage property on the west side of Strongberg Drive, as well as any reasonable land drainage works required when Strongberg Drive is physically continuous from McIvor Avenue to the existing Strongberg Drive, and that property on the north side of the McIvor Avenue right-of-way be retained for a walkway at a width to be determined by Council, said walkway to be asphalted at the cost of the Developer;

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

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule “A” for File DASZ 13/2000 dated September 18, 2000, to an “R1-4.5” Residential District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 59(1) of The City of Winnipeg Act, to provide for the following:

a) That there be a minimum rear yard setback of 17.5 metres for the lots west of DeVries Avenue.

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

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

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

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

VIII. 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. 252 for attachment)

Report of the Standing Policy Committee on Property and Development dated January 9, 2001

Proposed Subdivision and Rezoning – land located on the southeast corner of Dovercourt Drive and Falcon Ridge Drive – Assiniboia Community

File DASZ 23/2000

215 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from the Linden Ridge Development Corporation (Dave Sharpe), 312 Victoria Crescent, Winnipeg, for the approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "A" Agricultural District to a "R1-5" Single-Family Residential District to allow for Residential Development.

Site Area
About 6.1 acres

Existing Land Use and Zoning
The subject property is vacant land, and is zoned "A" Agricultural District

Surrounding Land Use and Zoning

North:	Across Falcon Ridge Drive, Sharon Homes Inc. personal care home zoned "RM-5" Multiple-Family Residential District (under File DASZ 21/98); across McGillivray Boulevard, Lindenwoods Community
South:	Future single-family development, zoned "A" Agricultural District
East:	Across Dovercourt Drive, future commercial and multiple-family residential, zoned "A" Agricultural District
West:	Future park, zoned "A" Agricultural District

The proposal is to rezone a portion of the future Linden Ridge residential subdivision to allow for single-family development. Under File DASZ 6/97, the subject site was to be zoned "RM-1" Multiple-Family Residential District. The related by-law was not enacted, and the lands retained their agricultural zoning. The current application would allow for the development of about thirty (30) single-family lots under the proposed "R1-5" zoning. A stormwater retention lake will border the subdivision site on the south and east sides. The lake is currently under construction. Major access to the subdivision will occur via Dovercourt Drive which connects to McGillivray Boulevard on the north (future signal) and Scurfield Boulevard on the south.

Although the Planning, Property and Development Department opposed the redesignation of the subject lands from an Industrial Policy Area to a Neighbourhood Policy Area, the change in designation was approved by Council. Therefore, the current application complies with Plan Winnipeg in relation to the policy designation.

The Planning, Property and Development Department remains philosophically opposed to the residential development of the subject lands. The lands should have been developed for industrial uses in view of their history and location. The development represents the creation of an isolated residential neighbourhood that will never reach the threshold population necessary for a school or indoor recreation facility. As at December 4, 2000, the Fort Garry and Assiniboine South School Divisions were discussing how to accommodate school children from the area. Given the need to cross McGillivray Boulevard, it is likely that the children will be bussed to schools in Lindenwoods at taxpayers' cost.

It was noted by the Administration that the land dedication is part of the overall development agreement ratified under File DASZ 6/97.

On December 12, 2000, a public hearing was held by the Assiniboia Community Committee. One person appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended that the proposed subdivision and rezoning be approved for the reason that the subject application is compatible with the zoning to the south and blends with the community to the north.

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

Report of the Standing Policy Committee on Property and Development dated January 9, 2001

I. That the plan of subdivision proposed under File DASZ 23/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/2000 dated December 5, 2000, 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 6/87 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 24, 2000.

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 23/2000 dated December 5, 2000, to a "R1-5" Single-Family Residential District.

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

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

VI. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the addendum to Development Agreement 6/87.

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. 253 for attachment)

Proposed Rezoning – land located at 2081 King Edward Street – Lord Selkirk-West Kildonan Community

File DAZ 210/2000

216 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Cherniak Smith, Barristers and Solicitors (Roman Stachurski), Second Floor, 100 Osborne Street, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land from a "R1-4" Residential District to a "M1" Industrial District to accommodate a business currently operating on premises in non-compliance with the by-law.

Site Area
The overall site area is approximately 120 feet wide by 100 feet in depth (12,000 square feet).

Existing Land Use and Zoning
The subject lot is zoned "R1-4" Single-Family Residential, but is occupied with an industrial / commercial building which is operational but has lost its non-conformity. The current business is effectively operating illegally.

Surrounding Land Use and Zoning
All adjacent lands are fully developed residential lots, zoned "R1-4" Single-Family.

Report of the Standing Policy Committee on Property and Development dated January 9, 2001

The applicant, on behalf of the owner, Nor-Tec Electric Ltd., is applying to rezone the property in question in order to legitimize and maintain a business currently operating on site which is in contravention of the zoning by-law.

The subject site is situated a half block north of the Selkirk Avenue/King Edward Street intersection on the east side of the street. A 3,450 square foot single-storey industrial building occupies the lot which is well landscaped and fenced. The property was for many years used as an electrical contractors establishment with non-conforming right status. Existing by-laws at the time allowed for the use to continue indefinitely as a non-conforming use, regarding of existing zoning, as it was in existence prior to the enactment of existing by-laws. However such uses are and were not allowed to expand and all rights are lost if the use is discontinued for a period of 365 days. The use was discontinued in the mid 80's and in 1986, an application to rezone to industrial was made by a former owner. The application was denied. The land in question reverted to its "R1-4" Single-Family Residential status. In 1987, Nor-Tec Electric Ltd. applied once again to rezone the land to a "M1" Industrial category in order to re-establish an electrical contractors office and warehouse. The Administration recommended denial of the application citing that it was not an appropriate location for industrial development.

There was significant opposition to the proposal. However, at a public hearing held on December 15, 1987, the Lord Selkirk-West Kildonan Community Committee recommended approval of the application subject to the long list of conditions including the following:

1. No use to be permitted on the land except the following:
   a) An electrical contractor establishment and accessory uses;

2. The land would revert back to a "R1-4" Single-Family Residential District if:
   a) The land ceases to be used as an electrical contractors establishment for a period of three (3) months, or
   b) The demolition or removal of the principal building takes place, or
   c) Nor-Tec Electric Ltd. ceases to be the owner of the subject land, or
   d) Nor-Tec Electric Ltd. ceases to operate an electric contractors establishment on the premises, and
   e) The principal building is destroyed or damaged to an extent equal to or greater than 25% of its replacement cost.

In the interim, the land has ceased to be used as an electrical contractors establishment although Nor-Tec Electric Ltd. remains the owner. The current occupants presumably lease the space and operate different industrial business. Therefore, in accordance with the previous conditions the zoning has reverted back to its previous "R1-4" status. The current occupants, in order to remain and legitimize their operation are required to request a change in zoning, as was the case on previous occasions.

In accordance with the instructions of the Lord Selkirk-West Kildonan Community Committee, the Administration organized a residents meeting to speak to the issues at Sir William Stephenson Library on October 3, 2000. All adjoining property owners, exclusive of the applicant, on King Edward Street and Inglis Street were invited to attend. That meeting was held and adjoining neighbours at 2099 and 2077 King Edward and 34 and 38 Inglis Street were in attendance and voiced their opposition to the application to rezone. They cited a variety of problems but the recurring theme was that the business is simply out of scale with the neighbourhood, which in particular causes ongoing rear lane traffic problems.

The Planning, Property and Development Department recommended that the subject application be denied for the following reasons:

1. Industrial use of the subject property does not have the support of adjoining residents.

2. That subject property is not deemed to be an appropriate location for industrial use, as the site is small, close to neighbouring residences and access for business vehicles is restricted to the existing rear lane.

3. The proposed use was perceived not to comply with Plan Winnipeg policy, which effectively restricts industrial uses to designated Industrial areas.

Report of the Standing Policy Committee on Property and Development dated January 9, 2001

The Lord Selkirk-West Kildonan Community Committee conducted public hearings on the application on July 4, September 5, October 10 and November 17, 2000. One person was heard in support of the application, and one person registered in opposition thereto. The Community Committee recommended that the proposed rezoning be approved for the following reason, the proposed rezoning is appropriate at this location.

On November 21, 2000, the Standing Policy Committee on Property and Development considered the Report of the Lord Selkirk-West Kildonan Community Committee dated November 10, 2000, and laid over consideration of the subject application to allow an administrative review of the compliance of the proposed rezoning with Plan Winnipeg.

The Planning and Land Use Division of the Planning, Property and Development Department from the outset took the position that the subject application should be denied – in part - because of land use conflicts with adjoining neighbours but primarily because of the perceived non-compliance with Plan Winnipeg Policy. However, at the public hearing held on November 7, 2000, by the Lord Selkirk-West Kildonan Community Committee, the application was recommended for approval subject to the use of the land being restricted to specific uses.

It was the initial position of the Development Applications Branch, Development and Inspections Division of the Planning, Property and Development Department, that the proposed rezoning did not in fact comply with Plan Winnipeg Policy. However, the Urban Planning Branch (which oversees and interprets Plan Winnipeg Policy) of the Planning and Land Use Division had subsequently indicated that under certain circumstances, a rezoning to an "M1-B" Industrial or even an "M1" Industrial category in a Neighborhood Policy Area can be procedurally appropriate. If it is determined that the proposed industrial use satisfies a high standard of site development as it relates to landscaping, signage, setbacks, outside storage, etc., and by providing high standards for site development, the proposed industrial use does not pose any greater impact in the surrounding area than would otherwise be created by a similar commercial use, then an application can be processed. The proposed use of the subject property at 2081 King Edward certainly meets the aforementioned criteria. The scale of the operation combined with very restrictive conditions as recommended by the Lord Selkirk-West Kildonan Community Committee make the proposed industrial use of the site no more onerous a proposition for the neighbourhood that would be a rezoning to restricted commercial category at the same location. It is therefore apparent to the Planning, Property and Development Department that the application in question does comply with Plan Winnipeg Guidelines.

On January 9, 2001, the Standing Policy Committee on Property and Development again considered and received as information the supplementary report dated January 2, 2001, submitted by the Director of Planning, Property and Development.

The Standing Policy Committee on Property and Development concurred in the recommendations of the Lord Selkirk-West Kildonan 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 210/2000 dated November 7, 2000, to a "M1" Industrial District, subject to the following:

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

1. That use of the subject land be restricted to the following uses:

a) Artisan, crafting of custom products from finished materials
b) Awning-manufacture, rental, sales (wholesale)
c) Barber Shop, Beauty Salon or similar grooming service
d) Church, Synagogue or similar place of religious worship
e) Communication equipment, rental, sales, service
f) Contractors establishment
g) Day Care Centre
h) Dwelling unit – for staff/family employed on the premises
i) Electronic Equipment – manufacture
j) Family Day Care
k) Furnishings, household or office including carpet and furniture manufacture
l) Glass products manufacture; from finished glass
m) Group Day Care Home

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n) Jeweler, Watchmaker – including custom manufacture
o) Luggage manufacture
p) Manufacturers Agent
q) Medical, Dental Optical or other precision instruments, prosthetics – manufacture
r) Musical Instruments; manufacture
s) Office
t) Paper Products, manufacture from finished products
u) Photographic; Developing/Printing Business
v) Printing, Publishing Business
w) Repair, restoration, refinishing of household goods
x) Sporting goods, service, including incidental assembly and engraving
y) Upholstering, custom

2. That no outside storage be permitted on site;

3. That there be no on site storage of trucks.

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

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

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

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

VI. That the Proper Officers of the City 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. 254 for attachment)

Proposed Rezoning – land located at 1069 Sargent Avenue – City Centre Community
File DAZ 225/2000 [c/r DCU 237/2000D, DAV 716/2000D]

217 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Anh Nguyen of Cookatoo's Restaurant and Lounge, c/o 1480 Bannatyne Avenue West, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject lands from a/an "R1-4A" Single-Family Residential District to a "C1.5" Commercial District to allow for the establishment of a restaurant/cocktail lounge in an existing non-conforming commercial building.

Site Area
The subject site is 8,311.1 square feet, with 100.17 feet of frontage on Erin Street and 82.97 feet of frontage on Sargent Avenue.

Existing Land Use and Zoning
A vacant commercial building and parking area, previously occupied by a branch of the Toronto Dominion Bank.

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Surrounding Land Use and Zoning

North: Single-family housing zoned "R1-4A" Residential

South: Across Sargent Avenue is Royal Vending; zoned "C2" Commercial District

East: Across Erin Street is Betelstadur Seniors'complex; a six-storey apartment building zoned "M1" Industrial District

West: Across a public lane, single-family housing zoned "R1-4A" Residential

The proposal involves converting a vacant bank into a restaurant and lounge. The building is about 3,000 square feet in area. On site parking is provided for 12 cars plus a loading zone. Access is provided off the public lane and off Erin Street (one-way southbound). The restaurant provides seating for 72 in the dining room and 33 in the cocktail lounge. A related Conditional Use application (under File DCU 237/2000D) would permit the establish-ment of a restaurant with a floor area of 3,025 square feet instead of 2,500 square feet. A related Zoning Variance (under File DAV 716/2000D) would permit a substandard parking aisle and loading zone, and 12 parking spaces instead of 30 spaces. The Planning, Property and Development Department is supportive of the conditional use and zoning variances.

The general area is mixed-use residential, commercial and industrial. The west side of Erin Street is primarily single-family residential. The east side of Erin Street is primarily commercial and industrial. The Erin Street/Sargent Avenue intersection is developed with a seniors' co-op apartment on the northeast corner, an industrial building on the southeast corner (Refrigeration Supplies), and a commercial use on the southwest corner (Royal Vending) in what was previously a three-bay auto repair garage. The subject building had non-conforming rights to the bank use. The accessory parking area had a five (5) year use variance that expired in 1998.

The application complies with Plan Winnipeg. Historically, the property has been used for commercial use and it is located at the intersection of two major streets currently developed with commercial and industrial uses.

The Planning, Property and Development Department is prepared to support the application. Neighbourhood banks are being closed and the buildings and properties made available for reuse or redevelopment. The Department would prefer to accommodate new uses that contribute to the "livability" of the neighbourhood. The proposed restaurant use will serve both residents and workers in the area. Seniors' buildings in the area include the six-storey Betelstadur seniors complex across Erin Stret and the adjacent three-storey Calvary Place nursing home. The restaurant would provide a service to the residents of these buildings or their visitors and family members. The Department recommended that a Zoning Agreement be placed on the land with restrictions on land use. Council has the authority to attach other conditions it deems necessary to protect the property enjoyment of adjacent residents and business owners.

A Public Hearing was held before the City Centre Community Committee on November 7, 2000. Three persons appeared in support of the application, and seven persons registered in opposition thereto. The City Centre Community Committee recommended that the proposed rezoning be approved for the following reasons:

1. The application complies with Plan Winnipeg.

2. Historically the property has been used for commercial use and is located at the intersection of two major streets currently developed with commercial and industrial uses.

3. The Planning, Property and Development Department is prepared to support this application given that neighbourhood banks are being closed and the buildings and properties made available for reuse or redevelopment.

4. The Planning, Property and Development Department prefers to accommodate new uses that contribute to the "livability" of the neighbourhood and the proposed restaurant use will serve both residents and workers in the area given that seniors in the area include the six-storey Betelstadur across Erin Street and the adjacent three-storey Calvary Place nursing home.

5. The restaurant will provide a service to the residents of these buildings or their visitors and family members particularly if a Zoning Agreement is placed on the land with restrictions on land use.

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

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I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 225/2000 dated October 30, 2000, to a "C-1.5" Commercial District, subject to the following:

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

1. That the use of the lands be limited to the following:
   a) art/antique: sales, service
   b) art/craft/hobby: instruction, supplies
   c) bakery, baked goods: sales (subject to conditional use)
   d) barber shop, beauty salon
   e) book: sales
   f) clothing: alteration, repair, sales
   g) cocktail lounge (subject to conditional use)
   h) drug store
   i) florist
   j) gift store
   k) general merchandise, retail (subject to conditional use)
   l) jeweller, watchmaker
   m) medical, dental, optical, counselling clinic
   n) business and professional offices (excepting real estate brokers)
   o) accessory parking
   p) personal service under 5,000 square feet (subject to conditional use) excepting massage parlours and dating and escort services
   q) restaurant (excepting drive-through and drive-in)
   r) retail sales under 5,000 square feet (subject to conditional use)
   s) studio (subject to conditional use)
   t) toy: sales
   u) sporting goods: rental, sales, service, trophy sales
   v) stationery sales
   w) accessory and secondary uses

2. That the capacity of the dining room be limited to seventy-two (72) seats and the capacity of the cocktail lounge be limited to thirty-three (33) seats.

3. That prior to the issuance of a development permit plans showing the building and site layout, including parking, loading, site and building access, lighting, signage, garbage enclosure, fencing, landscaping, patios, and building elevations and materials, be submitted to the City Centre Community Committee for their approval.

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

III. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, this 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.

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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. 255 for attachment)

Proposed Rezoning – land located at 592 Talbot Avenue – East Kildonan-Transcona Community File DAZ 228/2000 [c/r DAV 787/2000D, DCU 225/2000D]

218 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Alex Sommer, 24 – 1800 Wellington Crescent, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject lands from a/an "R1-3A" Residential District to a "C1" Commercial District to allow for future commercial development.

Site Area
The subject site is 4,169 square feet (387.3 square metres).

Existing Land Use and Zoning
An existing non-conforming commercial/residential building, zoned "R1-3" Residential District.

Surrounding Land Use and Zoning
North: Across Talbot Avenue, single family dwellings, zoned "R1-3" Residential District
South: Across a public lane is a two family dwelling, zoned "R1-3" Residential District
East: Single family dwelling zoned "R1-3" Residential District
West: Across Eaton Street is a church, zoned "R1-3" Residential District

The applicant proposes to use the existing commercial/residential structure for limited commercial uses and a residence.

The subject property is located in a Plan Winnipeg Neighbourhood Policy Area. The proposal does not appear to be contrary to any Plan Winnipeg Policy. The application is generally supported through the following specific policies:

5A-02 Maintain and Enhance Neighbourhood Stability,
5A-12 Allow Mixed Land Uses,
5A-30 Support Existing Neighbourhood Commercial Uses.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on October 24, 2000. One person was heard in support of the application, one person registered for information purposes, and no one registered in opposition thereto. The Community Committee recommended that the proposed rezoning be approved for the following reasons:

1. Approval of this rezoning is considered to be compatible with the surrounding area.

2. The subject property has been non-conforming and used for commercial purposes for a long period of time with no registered complaints.

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 lands as outlined on Schedule "A", for File DAZ 228/2000, dated October 17, 2000, to a "C1" Commercial District.

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 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. 256 for attachment)

Proposed Rezoning – land located at 600 Clifton Street – City Centre Community
File DAZ 232/2000

219 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Trickett Holdings Ltd., Unit C – 600 Clifton Street, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject lands from a/an "R1-4A" Single-Family Residential District to a "CF" Commercial Fabrication District to to reflect the existing land use.

Site Area
The subject site is 100 feet by 234 feet (23,400 square feet).

Existing Land Use and Zoning
A multi-tenant, industrial/commercial building, zoned "R1-4A" Single-Family Residential District.

Surrounding Land Use and Zoning

North:	Single family housing zoned "R1-4A" Residential District
South:	Single family housing zoned "R1-4A" Residential District
East:	587 Clifton Street, multi-tenant commercial building zoned "R1-4A" Residential District; 595 Clifton Street, commercial building zoned "C1" Commercial District; single-family housing zoned "R1-4A" Residential District
West:	Single family housing zoned "R1-4A" Residential District

The subject property is a non-conforming industrial building which at one time housed a brass foundry and, more recently, the Yamaha Music Centre's piano storage, and lesson and office space. The front part of the building is a two-storey structure with full basement providing 4,500 square feet of floor area per level (13,500 square feet). The rear part of the building is a one-storey structure providing 7,500 square feet of floor area. The building contains the following uses:

- Trickett Interiors – design and manufacture of store interiors
- Iders – electronic equipment design and prototype manufacture
- Dancing Rose Rugs – rug manufacture and wholesale
- Rationally Applied Design – machinist and metal products fabrication
- Owner's residence

The site is accessed from Clifton Street and the public lane bounding the south limit of the property. Paved parking is provided on site for twenty-eight vehicles. Loading occurs from the parking area through two overhead doors, and from Percy Avenue through one overhead door. The garbage enclosure is located in the parking area adjacent to the public lane. The site is fenced and landscaped.

This property has had a checkered past. After being vacated by the Yamaha Music Centre, the building was used as a clearance centre for damaged and liquidated furniture. In 1992, approval was received to occupy the building as a church and offices, a proposal that did not proceed. Between 1992 and 1997, the Planning, Property and Development Department fielded several inquiries from prospective purchasers wishing to use the building for a

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variety of uses including vehicle storage, a paint ball arcade, a limousine service, furniture upholstery, used furniture sales, and machine shop. The building was vacant and in deteriorated condition prior to the applicant purchasing the property in 1997. Under File DAV 330/97C, the use of the building was approved for a contractor/cabinet maker, electronic equipment designer, and sign manufacturer, and the owner proceeded to renovate and upgrade the building.

The Planning, Property and Development Department is prepared to support the application for the following reasons:

- The applicant has improved the building to the point where it no longer detracts from the appearance of the neighbourhood.
- The existing and proposed uses are low intensity commercial/industrial uses that, with adequate operational controls, should not be detrimental to the surrounding residential neighbourhood.
- There are precedents for the adaptive reuse of older industrial buildings in the immediate area (587 Clifton, File DAV 127/00C; 595 Clifton, File DAZ 238/99).
- The neighbourhood has been mixed-use since its inception and the residents are accustomed to the related commercial traffic and activity.
- The owner maintains a residence in the building and has a substantial personal investment in the property.
- Zoning By-law No. 6400/94 identifies the intent of the proposed "Commercial Fabrication District" as being… "to accommodate existing industrial uses that have continued within the surroundings of a residential neighbourhood" (Section 800.8).

Since the application was advertised for a public hearing, the Planning, Property and Development Department received two inquiries from nearby residents. One person was in the process of selling her home and indicated her support for the proposal and for the property improvements undertaken by the applicant. The second inquiry involved a resident living across the public lane to the south who registered complaints concerning wind borne sawdust and odours from the cabinet-making operation and debris from the dumpster. The applicant has been advised of this complaint, and will mitigate the impacts through fencing and equipment/operational improvements.

A Public Hearing was held before the City Centre Community Committee on December 5, 2000. Three persons appeared in support of the application and no one registered in opposition. The City Centre Community Committee recommended that the proposed rezoning be approved for the following reasons:

1. The applicant has improved the building to the point where it no longer detracts from the appearance of the neighbourhood.

2. The existing and proposed uses are low intensity commercial/industrial uses that, with adequate operational controls, should not be detrimental to the surrounding residential neighbourhood.

3. There is precedent for the adaptive reuse of older industrial buildings in the immediate area (587 Clifton Street under File DAV 127/00C and 595 Clifton Street under File DAZ 238/99).

4. The neighbourhood has been mixed-use since its inception and the residents are accustomed to the related commercial traffic and activity.

5. The owner maintains a residence in the building and has a substantial personal investment in the property.

6. Zoning By-law No. 6400/94 identifies the intent of the proposed "Commercial Fabrication District" as being "to accommodate existing industrial uses that have continued within the surroundings of a residential neighbourhood" (Section 800.8).

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 232/2000 dated November 28, 2000, to a "CF" Commercial Fabrication District, subject to the following:

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

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1. That the uses be limited to the following:
   a) Artisan; crafting of custom products from finished materials
   b) Contractor (excepting landscape, roofing, foundation work, excavation, plumbing, heating and electrical)
   c) Dwelling unit (subject to variance approval for two or more units)
   d) Electronic equipment; manufacture and service
   e) Furnishings, household, or office, including carpet and furniture; rental and sales
   f) Laboratory; medical, dental, optical
   g) Manufacturer's agent
   h) Metal products manufacture from finished metal
   i) Office (excluding real estate)
   j) Repair, restoration; refinishing of household goods
   k) Warehousing
   l) Whole sale establishment
   m) Wood products, manufacture from finished wood

2. That the outside storage, product assembly and product finishing be prohibited.

3. That appropriate and adequate noise abatement and fume and dust collection systems and operational methods be employed in the on-site manufacture of products in compliance with relevant environmental and health and safety regulations.

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

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, this 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. 257 for attachment)

Proposed Zoning Agreement Amendment – land located at 2280 St. Mary's Road – Riel Community
File ZAA 9/2000 [c/r DAZ 332/76 & DCU 282/2000D]

220 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from YM-YWCA of Winnipeg (Valerie Slater), 301 Vaughan Street, Winnipeg, to amend Zoning Agreement DAZ 332/76, (By-law No. 1568/77) affecting the subject property by including a non-accessory day care centre as a permitted use on the subject land in addition to an existing personal care home.

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Site Area
The overall site area is slightly more than three (3) acres in total. The Golden Links Lodge occupies the north half of the property. Access is via St. Mary's Road.

Existing Land Use and Zoning
The existing building is utilized as a Personal Care Home. It is three-storeys in height and has a maximum of 90 beds. In addition to a lounge and dining area, there are multi-purpose rooms, offices, conference rooms and barber shop. The land is zoned "RM-1" Multiple-Family.

The applicants, the YM-YWCA with the support of the Golden Links Lodge have applied to amend a twenty-three year old Zoning Agreement to obtain the right to utilize a small portion of the main floor of the subject personal care home for a day care facility. The YM-YWCA currently runs day cares of varying size in many of their City-wide facilities. The subject application is an attempt to do something different – to establish a small scale day care centre in a personal care facility close to Samuel Burland Elementary School. The Golden Links Lodge evidently welcomes the opportunity to utilize a portion of its space not being utilized and assist the YM-YWCA in its efforts to provide a much needed day care service not currently available in the immediate area. The actual area to be set aside to accommodate the day care is only 700 square feet of the multi-purpose area at the centre of the complex. The total floor area of the main floor is close to 15,000 square feet. The program is to be set up as a before and after school program. First and second graders will be dropped off and walked to Samuel Burland Elementary School in the morning and picked up and brought back later in the day. Approximately twenty (20) children will be in the program at the outset.

It is the view of the Development Management Branch, Planning and Land Use Division that the proposed amendment and accompanying conditional use applications can be supported without adversely affecting the surrounding neighbourhood. The YM-YWCA will be closely regulating the program in conjunction with the Golden Links Lodge and the YM-YWCA administrators have given their assurance that the program will be maintained at a relatively small and manageable scale. At this time there are no plans to have an outdoor component but that could ultimately happen in the future if the program is successful. Access to these is via St. Mary's Road and there should not be any traffic problems given that the main exit coincides with a signalised intersection.

A Public Hearing was held before the Riel Community Committee on December 5, 2000. Three persons registered in support of the application, and no one registered in opposition thereto. The Community Committee recommended that the proposed zoning agreement amendment be approved for the following reasons:

1. The Riel Community Committee is of the opinion the proposed day care program is an excellent one and is an appropriate use in conjunction with the existing personal care home at the subject location.

2. Approval of this application will provide a much needed day care service not currently available in the immediate area and will be the first program in the City which combines seniors with children.

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

I. That Zoning Agreement DAZ 332/76 (By-law No. 1568/77) dated October 19, 1977, be amended by adding non-accessory day care centres to the list of permitted uses outlined in the Zoning Agreement.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 332/76 (By-law No. 1568/77), dated October 19, 1977, as approved in aforesaid Recommendation I.

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

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

Adopted by consent.

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Proposed Zoning Agreement Amendment - 701, 703, 705 & 707 Blantyre Avenue - East Kildonan-Transcona Community
File ZAA 10/2000 [c/r DASZ 11/87 & DASSF 545/2000]

221 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from Art Polnau, 23 Deborah Place, Winnipeg, to amend the Zoning Agreement affecting the subject property by deleting the clause which stipulates that no vehicular approach for ingress or egress to the land shall be constructed from Gateway Road.

Site Dimensions
The overall site is approximately 150 feet by 153 feet.

Site Area
The subject site is 514 acres (2,078.983 square metres).

Existing Land Use and Zoning
Currently there are 2 two-family dwellings facing Blantyre Avenue, zoned "R2" Two-Family Residential District. The applicant proposes to create an additional lot for residential development by subdividing off the rear 61.33 feet of the two existing properties fronting onto Blantyre Avenue, thus creating a property that has a frontage on Gateway Road and requires an approach off Gateway Road. This requires removal of Condition No. 3 from the Zoning Agreement (File DASZ 11/87).

When the Zoning Agreement was prepared, it was logical that Lot 1, Block 1, Plan 21747 should be required to have an approach off Blantyre Avenue rather than Gateway Road as both Lot 1 and Lot 2 of Block 1, Plan 21747 are "R2" lots with Blantyre Avenue frontage.

The two original lots are over one-quarter acre each and it is reasonable that a third large lot can be created on this land. There is a public lane that runs parallel to Gateway Road and serves some of the Gateway properties. It is not feasible to extend the public lane to provide access to the proposed lot due to the cost of improvements and because there is currently a garage located at the terminus of the lane. The six properties north of the proposed lot (addresses 789, 791, 793, 795, 797, 799 Gateway Road) each have a private approach onto Gateway Road. The new lot will be in context with the adjacent lots along Gateway Road to the north.

The Planning and Land Use Division of the Planning, Property and Development Department agreed with the Public Works Department's recommendation that the Agreement should be amended only to permit access from proposed Lot 3 (under File DASSF 545/2000) to Gateway Road. Proposed Lot 1 (under File DASSF 545/2000) should still be prohibited from accessing Gateway Road.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on December 11, 2000. One person appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended that the proposed zoning agreement amendment be approved for the following reasons:

1. There was a positive recommendation in the administrative report.

2. The proposed Zoning Agreement Amendment will not have an adverse effect on the surrounding neighbourhood.

3. There was no opposition to the application.

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

I. That Zoning Agreement DASZ 11/87 (By-law No. 4687/87) dated July 29, 1987, be amended or discharged and re-applied (as deemed most appropriate by the City Solicitor/Manager of Legal Services) to permit access from Gateway Road to Proposed Lot 3 of DASSF 545/2000 and to prohibit access from Gateway Road to Proposed Lot 1 of DASSF 545/2000.

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II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 11/87 (By-law No. 4687/87) dated July 29, 1987, as approved in Recommendation I.

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

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

Adopted by consent.

Proposed Amendment to Servicing Agreement AG 202/93 – Sidewalk on the north side of rue Bertrand between rue Des Meurons and rue Youville – Riel Community

File DAZ 202/93

222 - 11. The Standing Policy Committee on Property and Development has been advised that on August 24, 1993, the Developer entered into a Servicing Agreement with the City of Winnipeg in which one of the conditions of approval was the construction of a concrete sidewalk on the north side of rue Bertrand. These works were to be constructed following the installation by the City or others of a land drainage sewer and a watermain in Bertrand Street or three years following enactment of the rezoning by-law pursuant to File DAZ 202/93, whichever occurred sooner. The aforementioned conditions have since been satisfied.

In a letter dated June 26, 1988, the Developer requested that Servicing Agreement AG 202/93 be amended to delete the subject sidewalk. Based on the comments from the Public Works Department, the Planning, Property and Development Department suggested that the Developer meet on site with the Developments Projects Engineer of the Public Works Department to review the issue. No meeting was ever scheduled and no further action was initiated by the Developer until October 11, 2000, when Bob Beaudin of Villa Tache Inc. requested that the subject sidewalk be deleted altogether or a compromise be worked out if Council did not concur with the requested deletion.

The Public Works Department considered the Developer's initial request to delete the subject sidewalk and at that time (1988) did not support that request. The subject outstanding sidewalk is required to provide the critical pedestrian link between the existing sidewalk system in rue Des Meurons and the sidewalk system in rue Youville. With the recent creation of place Georges Forest, the sidewalk on rue Bertrand will provide the necessary continuity between this residential area including the newly constructed river walk and rue Des Meurons. It is the position of the Public Works Department that the requirement to extend the sidewalk between the limits of rue Des Meurons and rue Youville is needed to provide sidewalk continuity and general urban enhancement to the neighbourhood.

On December 5, 2000, the Riel Community Committee considered report dated November 27, 2000, from the Land Development Administrator, Planning, Property and Development Department, which recommended that AG 202/93 (Schedule B, Clause 2.b) not be amended to delete the requirement to construct a sidewalk on the north side of rue Bertrand between rue Des Meurons and rue Youville.

The Riel Community Committee did not concur in the administrative recommendation, and recommended that Development Agreement AG 202/93 be amended to delete the requirement for a sidewalk on the north side of rue Bertrand from the east limit of the "C3-B" Commerical Planned Building Group District (the developed) site to rue Youville.

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

I. That Servicing Agreement AG 202/93 be amended to delete the requirement for a sidewalk on the north side of rue Bertrand from the east limit to the "C3B" Commercial Planned Building Group District (the developed) site to rue Youville.

Report of the Standing Policy Committee on Property and Development dated January 9, 2001

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

Adopted by consent.

Proposed Joint Use Agreement - Peguis Trail Health and Fitness Centre – River East School Division No. 9

File PR-2.3 (Vol. 15)

223 - 12. The Standing Policy Committee on Property and Development has been advised that in January 1997, Council approved the operation of the Peguis Trail Health and Fitness Centre by the former Parks and Recreation Department for an initial period of two years.

The Peguis Trail Health and Fitness Centre is located in the basement of the Chief Peguis Junior High School at 1400 Rothesay Street, and was a concept made possible in the original school construction in 1969. The basement was constructed in such a way that a running track could be installed at some future date.

From 1985 to 1996, the groundwork was laid by a local committee, incorporated as 1017 Co-op, to advance the project. Through grants and a secured line of credit, the Co-op raised $309,000.00, and in 1996 the River East School Division No. 9 gave permission to proceed with development of the Peguis Trail Health and Fitness Centre.

As the facility neared completion in late 1996, a number of issues and recommendations were presented to Council. On January 22, 1997, Council adopted the recommendation of its former Committee on Protection, Parks and Culture that the (former) Parks and Recreation Department would operate the Health and Fitness Centre located at the Chief Peguis Junior High School at 1400 Rothesay Street, under specific terms and conditions, and authorized the Administration to do all things necessary to implement an agreement which provided for the following:

1. That a formal operating agreement be drawn up between the City of Winnipeg and the River East School Division No. 9; the term of said agreement to be for an initial period of two years.

2. That the agreement give the City of Winnipeg full management control over the Health and Fitness Centre.

3. That the City of Winnipeg attempt to sustain the community involvement of 1017 Co-op Inc. by encouraging that organization's role as an advisory body relative to the operation of the Health and Fitness Centre.

4. That the City of Winnipeg continue to accept no liability for the current or future financial liabilities of the 1017 Co-op Inc., including those liabilities incurred in the capital development of the Fitness Centre.

5. That the 1017 Co-op Inc.'s involvement in the capital development of the Fitness Centre be recognized.

6. That the 1017 Co-op Inc. modify its by-laws to reflect the revised role relative to the Fitness Centre's operation.

Council, in approving the City's operation of the Peguis Trail Health and Fitness Centre, affirmed that the operation of the Centre was to be on a full cost recovery basis, and that the intention of "full cost recovery" was that if any payment received from the Health and Fitness Centre goes into arrears, that the (former) Parks and Recreation Department be instructed to immediately cease all involvement with the facility.

Though most issues were resolved administratively through 1998 and 1999, there remained two points of contention:

- Payment of Utilities
  It had been the understanding of the River East School Division No. 9 that the cost of utilities would be offset by revenues.

- Recovery of Capital Costs
  The River East School Division No. 9 expected that any surplus revenues from the Centre's operation would be directed to offset the Division's capital costs ($36,000.00) incurred early in the development stages.

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At a meeting on December 3, 1999, Councillor M. Lubosch and John D. Carlyle, the Superintendent and CEO of the River East School Division No. 9, came to an understanding and agreed:

1. That the Peguis Trail Health and Fitness Centre would be available free of charge for use by River East School Division students and staff during school hours.

2. That the River East School Division would pay for utility costs (heat, light, and water) incurred by the Centre.

3. To re-invest any surplus revenue from the Peguis Trail Health and Fitness Centre operations back into the Centre for equipment and fitness programming**.**

On March 8, 2000, the Board of Trustees of the River East School Division No. 9 agreed in principle with the proposed terms and conditions of the draft agreement, which reflected the above understanding. The Board agreed to pay all utility costs as fair and reasonable compensation for student access. However, the Board was concerned that the agreement made no reference to financial return on the investment made by the River East School Division ($36,000.00). It also requested that any agreement include the opportunity to review the financial results of the operation and, "if profitable, the Trustees would wish to be in a position to receive a return on its investment."

On March 21, 2000, the East Kildonan-Transcona Community Committee concurred in the proposed terms and conditions of the draft agreement.

The total investment in the Peguis Trail Health and Fitness Centre is summarized as follows:

River East School Division No. 9	$36,000.00
1017 Co-op Inc.	70,725.00
Canada Infrastructure	100,000.00
Province of Manitoba	66,000.00
City of Winnipeg Community Incentive Grant	144,100.00
Total	$416,825.00

As directed by Council in January 1997, negotiations between the City of Winnipeg and the River East School Division No. 9 proceeded, and the issues identified early in 1997 were resolved for the most part. The Peguis Health and Fitness Centre currently operates under City of Winnipeg supervision at public admission rates, comparable to other fitness centres throughout the City. 1017 Co-op Inc. has evolved into the Peguis Trail Health and Fitness Centre Advisory Board to ensure community involvement and to support ongoing development of the facility through fund raising efforts. The Advisory Board is not involved in day-to-day operations of the Centre.

The terms of the Joint Use Agreement, as outlined in Appendix "A", are summarized as follows:

- The City of Winnipeg has full management control over the fitness content, facility promotion, and staff selection;

- The River East School Division No. 9 retains ownership rights of the facility, and retains all access rights to view the state of repair and maintain safety standards;

- The City is responsible for janitorial and maintenance services directly related to the fitness facility;

- The School Division provides five parking stalls for public use during school hours, with additional parking available evenings and weekends;

- Surplus revenues are to be invested back into the facility for equipment and programming;

- The School Division pays all utility costs for the facility;

- School Division students and staff are given second priority access to the facility for Division sponsored activities at no charge;

- The City is obligated to provide insurance for the facility;

- An annual meeting between the City and the School Division representatives will include a review of attendance, revenues, expenditures, and plans for the coming year;

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- The agreement is effective from October 1, 2000, to September 30, 2017.

There remains no liability concerns associated with the 1017 Co-op, as the capital debt incurred during development of the Fitness Centre has been cleared. This joint use agreement, as drafted, is between the River East School Division No. 9 and the City of Winnipeg; the 1017 Co-op Inc. is not named-party on the document.

Recent Developments and Agreement Revision
Subsequent to March 21, 2000 approval of the draft Joint Use Agreement by the East Kildonan–Transcona Community Committee, an amendment was introduced at the request of the River East School Division No. 9. The School Division insisted that any agreement include the provision to review the financial results of the operation to determine if there is opportunity to provide a return on this investment.

A new Article 19 was introduced to address this matter. It provided for an annual mutual review of the Fitness Centre's operation, including an analysis of expenditures and revenues, attendance, trends in use, problems encountered, and plans for the coming year. It has been agreed that both parties wish to see any surplus revenue invested back into the Fitness Centre for facility improvements or equipment replacement, and this article is intended to encourage that reinvestment. The capital investments of both parties can be proportionately recovered in the event that a pattern of surplus is noted.

Current Operations
The Peguis Trail Health and Fitness Centre has over one-half an acre beneath Chief Peguis Junior High School, equipped with a running track, cardiovascular equipment, and areas for weight training, boxing, and aerobics. City of Winnipeg staff supervise the facility with input from the Peguis Trail Health and Fitness Centre Advisory Board and the River East School Division No. 9. A representative from the Community Services Department attends the regular meetings of the Advisory Board.

The Fitness Centre operates Monday to Thursday from 6:00 a.m. to 10:00 p.m., Friday from 6:00 a.m. to 9:00 p.m., and Saturday and Sunday from 9:00 a.m. to 4:00 p.m., and has the following facility user fees:

Adult	$175.00 (annual membership)	$3.00 (daily)
Youth/Senior	$145.00	$2.00
Family	$335.00	$6.00

The Fitness Centre is operated and budgeted on a cost-neutral/break-even basis (2000 Council approved budget is $76,000.00). The largest expense, at $35,000.00 per year, is contract salaries for supervision. Total visits have averaged 40,000 per year, with over fifty percent being adults. The City of Winnipeg has used the operating surplus of about $6,000.00 per year to upgrade the facility lighting in 1997, and to purchase additional fitness equipment and install more flooring in 1998 and 1999. This operating surplus was a result of the School Division waiving the utility costs.

Currently the Fitness Centre provides fitness opportunities for community members and the River East School Division No. 9, primarily the Chief Peguis Junior High School. The Physical Education program uses the facility as part of the regular class time and intramural program.

The Property Assessment Department advised that there are no property tax implications in the proposed Agreement.

The Community Services Department advised that there is no financial impact associated with the proposed Joint Use Agreement.

The Standing Policy Committee on Property and Development recommends:

I. That the terms and conditions of the Joint Use Agreement, as outlined in Appendix "A", be approved as the basis for the City of Winnipeg to enter into a Joint Use Agreement with the River East School Division No. 9 for the joint use and operation of the Peguis Trail Health and Fitness Centre .

II. That any revenue surplus generated through the operation of the Peguis Trail Health and Fitness Centre be retained for equipment upgrades and facility improvements.

Report of the Standing Policy Committee on Property and Development dated January 9, 2001

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

Adopted by consent.

(See Minute No. 258 for attachment)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JANUARY 11, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development dated January 11, 2001, was considered clause by clause.

Moved by Councillor Vandal,
That the Consent Agenda, Clauses 1,2 and 3, be adopted.

Carried.

Proposed Sale of City-owned Property – 124 and 126 Langside Street – City Centre Community
File FI-2.4(32) (Vol. 10)

224 - 1. The Standing Policy Committee on Property and Development has been advised that the subject City property located at 124 Langside Street was acquired in tax sale in December 1999. Costs incurred by the City pursuant to the tax sale process, as at May 2000, were in the amount of $1,994.69. The subject City property located at 126 Langside Street was acquired in tax sale in December 2000, and costs incurred by the City pursuant to the tax sale process were not available as at January 3, 2001.

Existing water and sewer facilities exist within the Langside Street right-of-way, suitable for servicing the lots. Clause 8 of the Offer to Purchase states that new sewer and water lot line connections will be required with these costs to be borne by the Purchaser.

There is one encumbrance on title which dates back to 1943. This encumbrance is a caveat allowing the building located at 128 Langside Street to encroach onto the subject property. This caveat could most likely be discharged considering there is no longer a building located on 128 Langside Street. This would be a matter between the proposed purchaser and the owner of 128 Langside Street.

Previously the Real Estate Division of the Planning, Property and Development Department received a request from the West Broadway Development Corporation to purchase 124 Langside Street. On December 12, 2000, the West Broadway Development Corporation advised the Real Estate Division that the Corporation wished to give up all claims to this property so that Westminster Housing Society Inc. would be able to acquire this property and construct duplex. The West Broadway Development Corporation did not express any interest in 126 Langside Street.

On December 8, 2000, the Real Estate Division received a letter of interest from the Westminster Housing Society Inc. to purchase the subject City properties in order to construct a duplex. Westminster Housing Society Inc. is a non-profit charitable organization providing economical quality housing to low income earners.

Details of the subject sites are as follows:

Location:	124 and 126 Langside Street, north of Westminster Avenue, as outlined on Misc. Plan No. 11055/1
Legal Description:	Lots I & J, Plan 3304
Site Size:	15.478 metres by 30.175 metres = 467.1 square metres (50.78 feet by 99 feet =±5,028 square feet)
Zoning:	"R2-T" Transitional District
Roll Nos.:	124 Langside Street - 12-090798100 126 Langside Street - 12-090798500
Assessment:	124 Langside Street - $ 6,950.00 (1999) 126 Langside Street - $ 6,950.00 (1999)
Total:	$13,900.00
Certificate of Titles:	1692468 & 1767360
Applicant:	Westminster Housing Society Inc.
Price Offered:	$1.00
Purpose:	Construction of a duplex
Building Description:	Vacant Land

Report of the Standing Policy Committee on Property and Development dated January 11, 2001

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

1. The properties will be on the tax roll immediately.
2. This is a very difficult location in which to sell a residential building site.

A financial impact sheet is on file in the City Clerk's Department.

Pursuant to the City Policy for Sale/Lease of City Lands to Non-Profit Organizations, any properties sold or leased at less than market value must be approved by the Standing Policy Committee on Property and Development as successor to the Committee on Finance and Administration.

Acceptance of the Offer to Purchase made by Westminster Housing Society is subject to Council approval inasmuch as part of the City Policy for Sales/Leases of City Lands to Non-Profit Organizations which requires all properties to revert back to the City at the conclusion of the economic life of the project, would be waived in this instance.

The Standing Policy Committee on Property and Development recommends:

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

II. That Westminster Housing Society Inc.'s Offer to Purchase the "subject City property", as outlined on Misc. Plan No. 11055/1, at a price of $1.00, be accepted, in accordance with the terms and conditions as negotiated, with an additional condition requiring substantial completion of the construction upon the property within two (2) years from the date of sale, failing which, title to the property will revert back to the City.

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

Adopted by consent.

Proposed Acquisition for Red River College Campus development – Canadian Pacific Railway – north side of William Avenue and south side of Elgin Avenue – Lord Selkirk-West Kildonan Community

File FI-2(34) (Vol. 7)

225 - 2. The Standing Policy Committee on Property and Development has been advised by the Real Estate Division of the Planning, Property and Development Department that negotiations with the registered owner (Canadian Pacific Railway) to acquire the properties, as outlined on Misc. Plan No. 10729/5, for the Red River College Campus development, have been completed.

On November 22, 2000, Council adopted in principle the Red River College Campus development project. The project extends along Princess Street to William Avenue, and Adelaide Street to Elgin Avenue, and would necessitate the proposed acquisition of privately-owned properties within this city block, which would include the subject properties.

To locate a new downtown campus for Red River College on Princess Street, the Province of Manitoba recommended that certain requirements be met by the City of Winnipeg. The City must assemble all the privately-owned and City-owned land bordered by William Avenue, Princess Street, Elgin Avenue and Adelaide Street; and also expedite the purchase or expropriation of the land and all associated public processes in order to meet the Province's deadline for Phase I opening of the Red River College building on September 1, 2002.

Report of the Standing Policy Committee on Property and Development dated January 11, 2001

Furthermore, on November 22, 2000, Council requested the Chief Administrative Officer to provide due diligence to the approval and the terms and conditions for report back within sixty (60) days to Executive Policy Committee and Council.

Ensuing negotiations conducted by the Real Estate Division of the Planning, Property and Development Department have now produced the owner's agreement to sell the subject properties to the City. The particulars of the subject property and the negotiated settlement are as follows:

Proposed Price:	$21,000.00
Location:	Parcel 1 - North side of William Avenue Parcel 2 - South side of Elgin Avenue
Legal Description:	Parcel 1 – Part Lot 27, Plan 2627 (as outlined on Misc. Plan No. 10729/5) Parcel 2 – Part Lot 30, Plan 2627 (as outlined on Misc. Plan No. 10729/5)
Owner:	Canadian Pacific Railway, c/o Cole Crook, Area Manager – Sales Suite 1100 – Gulf Canada Square, 401 – 9th Avenue SW Calgary, Alberta, T2P 4Z4
Certificate of Title Nos.:	Parcel 1 – 91734 Parcel 2 – 65553
Zoning:	"M1" Industrial District
Realty Roll No.:	701090
Site Area:	Parcel 1 – 98.09 square metres (1,056 square feet) Parcel 2 - 181.5 square metres (1,953 square feet)
Description of Property:	Vacant parcels of land (former C.P.R. spur lines that have been abandoned)

On December 2, 2000, the Real Estate Division was advised that the Canadian Pacific Railway is prepared to sell the subject property based on a sale price of $21,000.00 ($6.98 per square foot) with all costs including subdivision being the responsibility of the City of Winnipeg and the transaction being documented on Canadian Pacific Railway Company's standard offer to purchase documentation.

In comparison, the property owners rejected the City's recommended offer in the amount of $18,800.00 ($6.25 per square foot). An analysis prepared by the Real Estate Division reflected unadjusted sale prices on a square foot basis ranging from $6.23 to $7.68; which range of value supports the owner's counter offer as specified.

With respect to the owner's recommendation that the City absorb all costs including subdivision, the Real Estate Division has determined from the Geomatics Branch of the Planning, Property and Development Department that there is no need for a subdivision since title to the subject parcels can be conveyed to the City via Transfers of Land. The owner's representative has now acknowledged same.

Additionally, the Canadian Pacific Railway has confirmed that each party to this transaction would be responsible for their own legal costs.

The Planning, Property and Development Department supported the proposed settlement in the amount of $21,000.00. In addition, according to the Legal Services Division of the Corporate Services Department, the proposed terms and conditions of purchase as identified in the Canadian Pacific Railway's standard Offer/Purchase and Sale Agreement are considered to be acceptable conditions in the proposed purchase of the subject property by the City.

By proceeding with this proposed acquisition based on the owner's recommended purchase price, the City will be in possession of the subject property for consolidation with its current holdings in order to accommodate the proposed construction of the proposed college campus project.

Furthermore, this proposed settlement will eliminate the real risk of a time-consuming and costly expropriation process together with the risk of a litigated award, plus costs such as legal fees, statutory interest, etc., all of which would be entitlements to the property owners under The Expropriation Act.

The Planning, Property and Development Department is of the opinion that it would be in the best interests of the City to settle this matter on the basis of the proposal as outlined.

In the interim, the Real Estate Division has determined from the Public Works Department that the subject parcels of land; being former spur lines that have been abandoned, have been included in a proposed expropriation of privately-

Report of the Standing Policy Committee on Property and Development dated January 11, 2001

owned properties required for the proposed Red River College Campus development project. This action is being taken in order to ensure that the City has a legal interest in the subject property and to ensure possession should this transaction not be finalized in time for the start of construction of the proposed campus project.

A financial impact sheet which outlines the proposed purchase price is on file in the City Clerk's Department. Additional incidental costs such as payment of WLTO registration and GST will also be incurred.

The account for land assembly (purchase/expropriation) and its attendant costs has been identified as the Economic Development Reserve Fund. The accounts that can be used for the Red River College Campus Project are as follows:

Appraisal/surveys, etc.	Account No. 59-552101-010101
Any costs associated with land acquisition	Account No. 59-554301-010101.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the "subject property" as outlined on Misc. Plan No. 10729/5 be approved at an all-inclusive purchase price of $21,000.00 and in accordance with the terms and conditions as negotiated.

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

Adopted by consent.

Proposal to Declare City Lands Surplus - northeast corner of Stafford Street and Grant Avenue -City Centre Community
File FI-2.4(32) (Vol. 10)

226 - 3. The Standing Policy Committee on Property and Development has been advised by the Planning, Property, and Development Department that there is no civic need for the property located at the northeast corner of Stafford Street and Grant Avenue, as outlined on Misc. Plan No. 9312/3, and therefore requested that the subject property be declared surplus to the City's requirements.

The particulars of the subject City property are as follows:

Location:	Northeast corner of Stafford Street and Grant Avenue
Legal Description:	Part of Lot 1, Lots 2-7, Block 41, Plan 319, Part of Lot 1, Plan 10747
Registered Owner:	The City of Winnipeg
Certificate of Title No.:	415062
Realty Roll No.:	12-1-153320
1999/2000 Assessment:	$239,700 (assessment includes lands along Stafford Street to be retained for future street widening – approximately 146.4 square metres or 1,575.85 square feet)
Zoning:	Lots 1 to 4, Block 41, Plan 319 - "C1" Commercial District Lot 1, Plan 10747 – "R1-3" – Residential Lots 5-7, Block 41, Plan 319 – "RM-4" Multi-Family District
Site Size/Area:	1,689.4 square metres (18,185 square feet)
Property Description:	The site is a vacant lot with a chain link fence around the perimeter.

The site was previously used by Winnipeg Hydro for a cooling basin. The basin was used for the cooling of the transformers located across the street. The basin has since been removed. Winnipeg Hydro has advised the Planning, Property and Development Department that the property is surplus to its requirements.

The Planning, Property and Development Department has circulated to the appropriate internal departments as to the civic need for the site. The Departments that responded declared no need for the site, with the exception of the Public Works Department, who have requested that the City retain 4.267 metres for the future widening of Stafford Street. The lands required by Public Works are outlined on Misc. Plan No. 9312/3 and identified as "to be retained for future street widening".

Report of the Standing Policy Committee on Property and Development dated January 11, 2001

There were previous concerns with respect to the amount of green space in the area, and that the City should retain the subject site for use as a park. Upon further investigation, the Planning Branch of the Planning, Property and Development Department indicated that the subject site was not a good potential park site based on the following:

- The subject property is small in size and would not significantly increase the open space inventory in this neighborhood.

- The property is located at a very busy intersection, which would make it potentially dangerous for a park/playground.

- The subject property is not located close to any existing open space within the neighborhood, and therefore, the site cannot be easily incorporated into the existing recreation and maintenance programs in conjunction with another site.

The Planning, Property and Development Department requested the City Centre Community Committee to review the site and to comment on the potential disposition. On November 7, 2000, the City Centre Community Committee recommended that the land be declared surplus and offered for sale.

The Planning, Property and Development Department recently received four inquiries with respect to the property, namely:

1. Gary Stanley – Village Landscaping, to be used for selling landscaping supplies in the summer and Christmas trees in the winter.

2. Dave Bergman – Re-Max Commercial, has a client interested in developing an office building on the site.

3. Lawrence Hart – Hart Realty Co., has a client interested in utilizing the lands for commercial purposes.

4. Robin's Donuts – Currently located at 401 Stafford Street, Robin's would like to relocate their store.

The Department has not been actively soliciting interest in the site, but has accommodated those parties who requested information. The parties were advised that the property was currently not for sale, but that it may become available at sometime in the future should the property be declared surplus to the City's requirements.

Given the location of the property and the exposure that it offers, the Department is confident that it will be able to secure a potential purchaser for the site. The Department recommended that the subject lands be declared surplus and offered for sale. The Department will report back to the Standing Policy Committee on Property and Development upon receipt of an offer(s) to purchase the subject site.

The Standing Policy Committee on Property and Development recommends:

I. That the "subject City property" as outlined Misc. Plan No. 9312/3 be declared surplus to the City's requirements.

II. That the Director of Planning, Property and Development be authorized to market and enter into negotiations to sell the subject property as outlined on Misc. Plan No. 9312/3.

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

Adopted by consent.

REPORT "A" OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JANUARY 11, 2001

On motion of Councillor Vandal, Report "A" of the Standing Policy Committee on Property and Development, dated January 11, 2001, was considered.

Moved by Councillor Vandal,

That the Consent Agenda, Clause 1, be adopted.

Carried.

Proposed Expropriation – Proposed Red River College Campus Development – Princess Street to William Avenue and Adelaide Street to Elgin Avenue - City Centre Community
File FI-2.4.4.1 (Vol. 8)
[c/r G-3.1.1 (Vol. 7)]

227 - 1. The Standing Policy Committee on Property and Development has been advised that the subject properties numbered 1 through 5, as outlined on Misc. Plan No. 10729/10, are required for the development and implementation of Phase I of the proposed Red River College Campus development project. Authorization to expropriate is required immediately to ensure that the City has a legal interest in all property required to ensure possession of the properties for construction to begin in April of 2001.

On November 22, 2000, Council concurred in principle with the requirements set out in the letter from the Province of Manitoba dated October 31, 2000, subject to successful negotiations between the Province and the City on specific terms and conditions. The Chief Administrative Officer was requested to provide due diligence to the approval and the terms and conditions for report back within sixty (60) days to Executive Policy Committee and Council.

The Red River College Campus development project extends along Princess Street to William Avenue and Adelaide Street to Elgin Avenue and would necessitate the proposed acquisition of privately-owned properties within this city block.

The letter dated October 31, 2000, the Province of Manitoba confirmed its discussions with the City of Winnipeg regarding a shared goal to revitalize the historic Exchange District and the important role that a new Red River College Campus on Princess Street could play in advancing that goal.

To locate a new downtown campus for Red River College on Princess Street, the Province of Manitoba recommended that certain requirements be met by the City of Winnipeg. The City must assemble all the privately-owned and City-owned land bordered by William Avenue, Princess Street, Elgin Avenue and Adelaide Street; and also expedite the purchase or expropriation of the land and all associated public processes in order to meet the Province's deadline for Phase I opening of the Red River College building on September 1, 2002.

Furthermore, the proposed terms and conditions as negotiated between the Province of Manitoba and the City of Winnipeg for the proposed project are to be considered by Executive Policy Committee /Council in January 2001.

The particulars of the "subject properties" required for the proposed project are outlined on Schedule "A".

The City has acquired via purchase and tax sale those properties shown shaded on Misc. Plan 10729/10. The Planning, Property and Development Department has jurisdiction over these properties and has no objections to a proposed transfer of jurisdiction to facilitate this proposed Red River College Campus development.

In order to ensure possession of properties numbered 1 to 5, outlined as "subject properties" on Misc. Plan 10729/10, and to establish one common date for evaluation purposes, thus fixing the circumstances under which value is to be determined for the remaining properties yet to be acquired, it is the consensus of the Real Estate

Report "A" of the Standing Policy Committee on Property and Development dated January 11, 2001

Division, Planning, Property and Development Department and the Legal Services Division, Corporate Services Department, that expropriation proceedings commence at the present time.

Given the limited time frame for the City to obtain possession of all the required properties, by April 2001, in order to meet the Province's deadline for Phase I opening of the Red River College Campus building on September 1, 2002, both the Real Estate Division and the Legal Services Division are of the opinion that it is necessary for the City to formally request the Province of Manitoba (Lieutenant Governor in Council) to dispense with the Expropriation Inquiry Hearing process.

The Planning, Property and Development Department has initiated a proposed closing of the public lanes in the block bounded by Princess and Adelaide Streets and William and Elgin Avenues, for consolidation with the City's current holdings for the implementation of the proposed Red River College Campus development. This closing proposal was circulated to the various City Departments and utility companies for comments. A report dealing with the closing of the public lanes was submitted to the City Centre and Lord Selkirk-West Kildonan Community Committees in January 2001, for recommendation to the Standing Policy Committee on Property and Development/Council in February 2001.

It is the City's intent to expedite the expropriation process by submitting formal Offers of Compensation to Council for approval concurrently with Council's confirmation of the expropriation. Therefore, upon issuance of the Offers of Compensation, all of the expropriated owners can demand the payment of the Offer as an advance on Due Compensation. Also, the City can issue notices for vacant possession of the subject properties concurrently with the formal Offers of Compensation.

The Real Estate Division of the Planning, Property and Development Department has commenced negotiations to acquire the various subject properties. It may be possible to reach early agreement on the terms and conditions of purchase/sale with the owners of these properties, but this is not assured. Therefore, in order to meet the time requirements for this project, an expropriation is necessary.

Costs associated with the proposed expropriations would include estimated market values of the subject properties and additional entitlements and obligations under The Expropriation Act of Manitoba, with an allowance for contingencies, plus statutory interest accruing from the date of possession, and appraisal, legal, court and administrative costs. Under the proposed agreement with the Province of Manitoba, the City would be responsible for the actual cost of all of these components. Because of the number of unknown variables relating to these costs and because only a small number of properties will be involved in the project, there is not a financial impact statement or any other cost estimates. Funding for this proposed expropriation will be obtained from the Economic Development Investment Reserve.

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

I. That subject to Council approving the terms and conditions negotiated between The Province of Manitoba and The City of Winnipeg for the proposed Red River College Campus development Project:

   A. The City Solicitor/Manager of Legal Services be instructed to initiate expropriation proceedings in the acquisition of the properties identified and required by the City for the proposed Red River College Campus Development.

   B. That the Proper Officers of the City be instructed to formally request the Province of Manitoba (Lieutenant Governor in Council) to dispense with the need for an Expropriation Inquiry Hearing in connection with this proposed expropriation, in accordance with Section 9, Sub-section 8 of The Expropriation Act of Manitoba.

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

Copy of Misc. Plan No. 10729/10 and Schedule "A" are on file in the City Clerk's Department.

Adopted by consent.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

228 - 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. 7747/2001, a by-law of The City of Winnipeg to acquire lands for the purpose of the assembly of land for the development or redevelopment of the area lying South of Elgin Avenue, West of Princess Street, North of William Avenue and East of Adelaide Street, including the development of a downtown Red River College Campus, in the City of Winnipeg, in Manitoba. File FI-2.4.4.1 (Vol. 8)

By-law No. 7760/2001, 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 868 Sturgeon Road, west side north of Ness Avenue, in the Assiniboia Community. File DAZ 230/99

By-law No. 7761/2001, a by-law of The City of Winnipeg to change the names of certain highways in the City of Winnipeg. File SC-3.14(34) (Vol. 1)

By-law No. 7762/2001, 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 2081 King Edward Street in the Lord Selkirk-West Kildonan Community. File DAZ 210/2000

By-law No. 7763/2001, 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 1069 Sargent Avenue in the City Centre Community. File DAZ 225/2000

By-law No. 7764/2001, 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 592 Talbot Avenue in the East Kildonan-Transcona Community. File DAZ 228/2000

By-law No. 7765/2001, 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 the 600 Clifton Street in the City Centre Community. File DAZ 232/2000

By-law No. 7772/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the north side of Lindenwood Drive East, east of Kenaston Boulevard in the Assiniboia Community. File DASZ 15/2000

By-law No. 7774/2001, a by-law of The City of Winnipeg to amend By-law No. 6551/95, being The City of Winnipeg License By-law. File EL-1 (Vol. 32)