REPORT OF THE

STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED NOVEMBER 23, 1999

On motion of Councillor Vandal, Clause 2 of the Report of the Standing Policy Committee on Property and Development, dated November 23, 1999, was considered.

Proposed Amendment to the Richmond West Development Agreement AG 44/74 - Ladco Company Limited - Riel Community
File DASZ 44/74

135 - 2. The Standing Policy Committee on Property and Development has been advised that in 1997, while planning the development and servicing of the area north of Richmond West known as Fairfield Park, the Administration proposed that Barnes Street should serve as a collector street from Richmond West northerly to Bison Drive.

On July 16, 1997, the Riel Community Committee considered the report from the Administrative Coordinating Group dated June 25, 1997, with respect to proposed amendments to the Richmond West Development Agreement, and referred the matter to the Fairfield Park Residents' Group for comment.

On April 21, 1998, the Riel Community Committee again considered the report from the Administrative Coordinating Group dated June 25, 1997, and referred the matter back to the Land Development Engineer to negotiate with the Developer, and to provide recommendations for amendments to the Agreement that would be required to provide for a bus to use an inter-community link to the lands to the north utilizing Keslar Road rather than Barnes Street.

The Administration negotiated an amendment to the Richmond West Development Agreement with Ladco Company Limited whereby Keslar Road would be converted from a local residential street to a collector street within the limits of the Richmond West Subdivision.

On June 15, 1999, the Riel Community Committee considered report dated May 17, 1999, and referred the matter back to the Administration to report on alternative proposals, including different options on design criteria and different costing formulas.

On October 5, 1999, the Riel Community Committee considered report dated August 23, 1999, which outlined ten (10) options for determination to which standards the collector street should be established. The Community Committee concurred in the administrative recommendations and selected Option 1 as the option for the establishment of a collector street of Keslar Road with frontage roads, at a cost to the City of $336,500.00.

The cost of converting Keslar Road from a local residential to a collector street has been estimated at $336,500.00 as itemized in administrative report dated May 17, 1999. Ladco Company Limited advised that Keslar Road is expected to be serviced in the year 2001. The City would therefore be required to pay Ladco Company Limited in the year 2002.

On November 23, 1999, the Standing Policy Committee on Property and Development considered report dated November 12, 1999, from the Land Development Engineer, Property and Development Services Department, and recommended approval of the recommendations contained therein as set out below.

On November 23, 1999, the Standing Policy Committee on Property and Development also referred the matter to the Standing Committee on Fiscal Issues for their consideration, and further requested that Executive Policy Committee hold its recommendations on the matter in abeyance pending receipt of the recommendation of the Standing Committee on Fiscal Issues.

Report of the Standing Policy Committee on Property and Development dated November 23, 1999

The Standing Policy Committee on Property and Development recommends:

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

A. By widening the Keslar Road right-of-way from 18 metres to 22 metres.

B. By providing frontage roads to widths of 9.0 metres on each side of Keslar Road.

C. By constructing concrete pavement to widths of 10.0 metres and 5.5 metres for the street and frontage roads respectively.

D. By adding clauses stipulating that:

i) The City shall pay all costs associated with providing the additional rights-of-way;
ii) The City shall pay the full cost of constructing the frontage roads on both sides of Keslar Road; and
iii) The City shall pay the incremental cost of constructing the 10.0 metre pavement versus a 7.5 metre pavement,

all as determined by the Director of Public Works.

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

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

On November 15, 2000, the Executive Policy Committee, in accordance with Section 61.5 of the Procedure By-law No. 5400/64, as amended, recommended that Council grant a further extension of time of 90 days for further consideration of the matter.

On November 22, 2000, Council granted a further extension of time of 90 days, for further consideration of the matter.

The Executive Policy Committee does not concur in the recommendations of the Standing Policy Committee on Property and Development and recommends as follows:-

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

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

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

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

Report of the Standing Policy Committee on Property and Development dated November 23, 1999

Moved by Councillor Vandal,
That the clause be considered.

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

Carried.

REPORT OF THE

STANDING POLICY COMMITTEE ON

PROPERTY AND DEVELOPMENT

DATED NOVEMBER 21, 2000

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated November 21, 2000, was considered clause by clause.

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

Carried.

Proposed Amendment to Development Agreement AG 18/90 - Whyte Ridge Subdivision - Qualico Developments Ltd. - Assiniboia Community
File DASZ 18/90

136 - 1. The Standing Policy Committee on Property and Development has been advised that Qualico Developments Ltd. will be servicing sixty-nine (69) lots this year on Leander Crescent, Inniscross Place and on Scurfield Boulevard at and near its north-easterly terminus, under File DASSF 530/2000 as outlined on Schedule “A”.

When the plan of subdivision under File DASZ 18/90 establishing the streets and blocks was approved, a condition of that approval was as follows:

“The Developer shall withhold from development two back-to-back building lots to a width and at a location to be determined by the Commissioner of Works and Operations. The two lots shall be located on Leander Place and Invermere Street and are required to provide temporary secondary access and watermain looping until such time as Scurfield Drive is connected to Columbia Drive and no building permits shall be applied for or issued in respect of those two lots until that connection is completed.”

In conjunction with the servicing of the sixty-nine (69) lots the Developer has proposed that emergency secondary access and the watermain looping be accomplished by going through Post Street to McGillivray Boulevard. Although, the Developer's proposal would result in a different function for the secondary access than that originally contemplated, Post Street could also be used by the residents when Scurfield Boulevard would not be available due to blockages at locations from the intersection of Invermere Street northward. The Developer has advised the residents of Post Street of its proposal and they would likely apprise the Community Committee of their objections thereto, if any.

The Administration has reviewed the request from the Developer (Qualico Developments Ltd.) and if Council approves the change, would amend the Development Agreement by a letter agreement to that effect. A copy of a sketch showing the Developer's proposal is outlined on Schedule “B”.

On October 17, 2000, the Assiniboia Community Committee considered report dated September 29, 2000, from the Chairman of the Administrative Coordinating Group, with respect to the Developer’s proposal, and recommended that Development Agreement 18/90 be amended as requested.

On November 21, 2000, the Standing Policy Committee on Property and Development considered the request to amend Development Agreement AG 18/90, and approved the following amendment which has been incorporated in the recommendation set out below:

the word “granular” be added after the words “subject to the roadway being a six (6) inch”.

Report of the Standing Policy Committee on Property and Development dated November 21, 2000

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

I. That Development Agreement AG 18/90 be amended so that emergency secondary access and the watermain looping be accomplished by going through Post Street to McGillivray Boulevard, subject to the roadway being a six-inch granular base and being gated at Post Street and Scurfield Boulevard.

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 432 Widlake Street – East Kildonan-Transcona Community
File DASZ 8/99

137 - 2. The Standing Policy Committee on Property and Development has been advised that an application has been submitted by David and Janice Lloyd, 432 Widlake Street, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from a "PR1" Parks and Recreation District to a "R1-5" Residential District to consolidate said lot with an existing adjacent lot at 432 Widlake Street for a future addition to an existing single family dwelling.

Site Area
The site measures 2,520 square feet (24 feet by 105 feet).

Existing Land Use and Zoning
The site is currently part of Crocus Park, zoned "PR1" Parks and Recreation District.

Surrounding Land Use and Zoning

North a parking lot for Crocus Park, zoned "PR1" Parks and Recreation
South: single family dwelling owned by applicant, zoned "R1-5" Residential District
East: Crocus Park, zoned "PR1" Parks and Recreation
West: across Widlake Street, single family dwellings zoned "R1-5" Residential District

Development Description
The proposed re-zoning will provide an additional 24 feet of frontage (2,520 square feet of lot area) to consolidate with the property at 432 Widlake Street in order to provide room for an addition to the existing dwelling at 432 Widlake Street. The applicant indicates their plans are to build an addition of approximately 300 square feet, construct a deck and install trees along the north of the property.

The proposed rezoning is generally supported by Plan Winnipeg.

This application, filed in April 1999, initially understood the subject land to be City-owned property. In fact, the subject property was owned by the Province of Manitoba. Interested parties have spent the past year negotiating the sale of the Provincially-owned land to the applicant. An agreement is now subject to the successful re-zoning of the property.

The subject property is bounded by 432 Widlake Street to the south, and a drainage ditch that runs through the park to the north. There is a gravel parking lot on the north side of the drainage ditch.

The Administration supported the application because the proposed development is consistent with the immediate residential neighbourhood. The subject land is an unused portion of park and an obvious extension of 432 Widlake Street.

Report of the Standing Policy Committee on Property and Development dated November 21, 2000

1. The proposed development is consistent with the immediate residential neighbourhood.

2. The subject land is an unused portion of park and an obvious extension of 432 Widlake Street.

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

I. That the plan of subdivision proposed under File DASZ 8/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 8/99 dated September 18, 2000, for registration in the Winnipeg Land Titles Office.

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 8/99 dated September 18, 2000, to an "R1-5" Residential District.

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

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

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

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

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

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

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

Adopted by consent.

(See Minute No. 150 for attachment)

Proposed Subdivision and Rezoning – land located on the north side of Lindenwood Drive East, east of Kenaston Boulevard – Assiniboia Community

File DASZ 15/2000

138 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been received from Genstar Development Company, 905 Waverley Street, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "A" Agricultural District and a "MP-1" Industrial District to a "RM-3" Multiple-Family Residential District to allow for the construction of seniors' housing.

Report of the Standing Policy Committee on Property and Development dated November 21, 2000

Site Area
Seven (7) acres

Existing Land Use and Zoning
Vacant land zoned "MP-1" Agricultural District and "A" Agricultural District

Surrounding Land Use and Zoning
North: Vacant land zoned "MP-1" Agricultural District and A" Agricultural District
South: Vacant land zoned "MP-1" Agricultural District and "A" Agricultural District
East: Single-Family Housing zoned "R1-5.5"
West: First Professional commercial development
(Walmart, Safeway, etc. zoned "C2" Commercial)

The lands are jointly owned by the City of Winnipeg and Genstar Development Company. The project proponent is Wellington Mennonite Personal Care Inc., a company formed by 11 Mennonite churches in the City. The proposal is for the phased construction of a seniors' housing complex. The site is to be subdivided into two lots. Proposed Lot 1, the easterly lot, has an area of 4.37 acres and would be the site of a three-storey supportive housing project. Proposed Lot 2, the westerly lot, has an area of 2.63 acres and would be the site of a three storey life-lease project.

The proponents envision a two-phase construction schedule. The life-lease component would involve one 42 one- and two-bedroom units in Phase 1 and 14 units in Phase 2, for a total of 60 units. The assisted living component would involve 77 units in Phase 1 and 24 units in Phase 2, for a total of 101 units.

A combination of underground and surface parking is proposed. The site plan shows a conceptual parking layout with what the Development Management Branch of the Planning and Land Use Division, Planning Property and Development Department, takes to be approximate parking numbers. The life-lease component would be provided with 43 underground stalls and about 37 surface stalls in Phase 1 (about 80 stalls total), with the possibility of developing an additional 40 surface stalls in Phase 2. The assisted living component would be provided with about 29 surface stalls in Phase 1, with the possibility of developing another 33 surface stalls in Phase 2. The assisted living component provides staff parking for 8 at the rear of the building.

The site plan shows underground and surface parking for about 150 vehicles under full development. At 161 total residential units, the by-law requirement for multiple-family dwellings is 1.5 stalls per unit, or about 242 stalls. The by-law requirement for seniors' housing is 1 stall per 5 dwelling units, or 32 stalls. Overall, the Planning, Property and Development Department is of the opinion that project has adequate parking for the residential components. The additional surface parking may be necessary should the third component - the Lindenridge Seniors' Centre - be constructed. The centre would be open to all area seniors.

Phase 1 of the Lindenridge Manor Supportive Seniors' Housing is proposed for construction in the Spring of 2001. The facility will employ up to 20 personnel, including a live-in caretaker and kitchen and housekeeping staff. Marketing for Phase 1 of the +55, life-lease component will commence with the approval of the project, with construction possibly as early as the fall of 2001. The project is similar to other seniors' housing projects in the City, including The Waverley at 850 Wilkes Avenue, the Portsmouth on Swindon Way in South Tuxedo, and Amber Meadow Retirement Residence at 320 Pipeline Road.

Access to the development would be provided by two all-turns approaches off Lindenwood Drive East. The westerly approach would provide access to the underground parking on Lot 2, while the easterly approach would provide access to the main project entry and surface parking area on Lot 1. The staff parking and service entry would be accessed from an all-turns approach off Lindenwood Drive West.

The project proponent will be required to site the Lot 2 building to allow for a maintenance easement for the existing 300mm watermain traversing Lot 2.

Plan Winnipeg provides policy support for mixed-use neighbourhoods where higher density housing is located close to major transportation arteries and transit routes.

The Planning, Property and Development Department supports the subject proposal for the following reasons:

Report of the Standing Policy Committee on Property and Development dated November 21, 2000

The Department supports the construction of seniors' housing projects in suburban areas so as to increase the range of housing opportunities in newer subdivisions for people in all stages of the life-cycle. Such projects enable the elderly and empty-nesters to remain in the neighbourhoods where they raised their families or where family members may currently reside. In addition, the proposed seniors' centre will provide a neighbourhood service.

The subject site is large enough to accommodate the proposed development. Building setbacks comply with zoning and will allow for generous yards and landscape buffering. The development will provide a suitable transition between the commercial development to the west and the single-family housing to the east.

An aging population will demand more of these seniors' projects in the coming years. They are a vital component of the City's housing stock and, where appropriate, should be integrated into all residential neighbourhoods.

The project complies with Plan Winnipeg and Zoning By-law No. 6400/94. At full development, the project will provide 161 residential units, whereas the proposed zoning would allow for 304 units based on the overall site area.

The Administrative Coordinating Group has reviewed the application and has no outstanding concerns. The Public Works Department is satisfied with the vehicular access to the site.

A Public Hearing was held before the Assiniboia Community Committee on October 17, 2000. Fifty-two (52) persons registered in support of the application, and one person registered in opposition thereto. The Community Committee recommended that the proposed subdivision and rezoning application be approved inasmuch as the results of the public open house indicated that the majority of residents felt the project was an appropriate use of the land.

On November 21, 2000, the Standing Policy Committee on Property and Development considered the proposed subdivision and rezoning application under File DASZ 15/2000, and approved the following amendment which has been incorporated in the recommendation as set out below:

That Recommendation VIII. be deleted in its entirety and replaced with the following:

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

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

I. That the plan of subdivision proposed under File DASZ 15/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2000 dated October 10, 2000, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the plan be amended to provide:

      A 32.0 metre to 24.0 metre transition within the Lindenwood Drive West right-of-way to match the existing pavement transition

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 15/2000 dated October 10, 2000, to a "RM-3" Multiple-Family Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act, to include the following conditions:

   A. That the use of the lands be limited to seniors' housing and secondary services and facilities.

   B. That the height of buildings on the lands be limited to (3) storeys and the maximum number of residential units on the land be limited to (60) units on proposed Lot 2 and 101 units on proposed Lot 1.

Report of the Standing Policy Committee on Property and Development dated November 21, 2000

C. That prior to the issuance of a development permit, plans showing the site layout, access, parking, building elevations and materials, garbage enclosures, accessory structures, fencing, landscaping, signage and exterior lighting be submitted for the approval of the Assiniboia Community Committee.

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

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

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

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

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

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

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

Adopted by consent.

(See Minute No. 151 for attachment)

Proposed Subdivision and Rezoning – land located at 228 Isabel Street, west side between Alexander and Pacific Avenues – Lord Selkirk-West Kildonan Community
File DASZ 20/2000 [c/r DAV 829/00D and DCU 262/00D]

139 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from JMK Construction Ltd. (Tim Klassen), 1019 Springfield Road, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from a “RM-L” Multiple-Family District to a “C2” Commercial District to accommodate an expansion to an existing convenience store and car wash.

Site Area
The overall site area to be rezoned and consolidated with the adjoining “C2” property is approximately 4,000 square feet in size.

Existing Land Use and Zoning
The two (2) existing residential dwellings are zoned “RM-L” Multiple Family and the adjoining convenience store and car wash are zoned “C2” Commercial.

Report of the Standing Policy Committee on Property and Development dated November 21, 2000

Surrounding Land Use and Zoning

North: To the north are "RM-L" Multiple-Family housing areas and businesses, zoned "M1" Industrial
South: To the south is a school area, zoned "PR-1"
East: To the east are several "C2" Commercial area
West: To the west is a multiple-family housing project zoned "RM-L"

The owners wish to expand their existing car wash and store facility into an adjoining area between two (2) residential rental dwellings also owned by Ashiana Corporation. The proposed addition will house a kitchen and storage area.

The proposed change in zoning fully complies with Plan Winnipeg policy.

The applicants, JMK Construction Ltd., on behalf of the owners Ashiana Corporation, have made an application to rezone to "C2" Commercial two (2) adjoining residential properties and consolidate both those properties with their existing commercial lot fronting on Isabel Street. The existing "C2" Commercial lot is currently occupied with a convenience store, gas pumps and car wash. The two (2) adjacent homes, one of which fronts onto Alexander Avenue and the other onto Pacific Avenue are rental properties owned by Ashiana Corporation and will continue to operate as rental properties.

As outlined on the maps appended to report dated October 31, 2000, from the Manager of Planning and Land Use, Planning Property and Development Department, the convenience store and car wash are to be expanded into the area which separates the two (2) homes. There will be no external access to the new addition from the residential lots. Access will continue to be via the main building. Because of the change in zoning, a related variance application under File DAV 829/2000D is required to address the maintenance of existing dwellings, and yard and parking variances, a conditional use is also required due to the expansion of the car wash, gas kiosk and convenience store components. The Planning and Land Use Division has evaluated the subject application and is of the view that the proposed expansion will not adversely affect the adjoining neighbourhood. The status quo will essentially be maintained by retaining the residential rental dwellings. The multiple-family areas to the west are unlikely to be affected by the building addition. No outside storage is contemplated at the rear of the sides of the building.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on November 7, 2000. Two persons 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 as the proposed rezoning is appropriate at this location.

On November 21, 2000, the Standing Policy Committee on Property and Development considered the proposed subdivision and rezoning application under File DASZ 20/2000, and approved the following amendment which has been incorporated in the recommendation as set out below:

That Recommendation VIII. be amended by deleting the words " except that the "C2" Commercial District, applying to DASZ 20/2000 shall come into force and effect" and adding the word "and", immediately after the words "Winnipeg Land Titles Office".

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

I. That the plan of subdivision proposed under File DASZ 20/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/2000 dated October 31, 2000, for registration in the Winnipeg Land Titles Office.

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 20/2000 dated October 31, 2000, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site and to contiguous land owned or leased by the applicant, to include the following conditions:

Report of the Standing Policy Committee on Property and Development dated November 21, 2000

A. No building or structure shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing building location, parking, landscaping, fencing exterior elevations, building design, including materials, location of waste receptacles, signs and methods of ingress and egress are submitted to and approved by the Chief Administrative Officer or her designate.

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

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

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

VII. That Zoning Caveat No. 1312638 (By-Law No. 5461/90) be rescinded.

VIII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands.

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

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

Adopted by consent.

(See Minute No. 152 for attachment)

Proposed Rezoning - land located at 55 Higgins Avenue, northeast Corner of Higgins Avenue and McFarlane Street – Lord Selkirk-West Kildonan Community
File DAZ 223/2000 [DAV 774/00D and DCU 250/00D]

140 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Da Roza Warner Architects, 618 - 808 Nelson Street, Vancouver, British Columbia, to amend Zoning By-law No. 6400/94 by rezoning the subject lands from a “M2” Industrial District to a “C2” Commercial District to allow for a private club and banquet facility.

Site Area
Overall site area totals 48,044 square feet, more than an acre in size.

Existing Land Use and Zoning
The existing structure is vacant, zoned “M2” Industrial.

Surrounding Land Use and Zoning

North: The CPR Mainline and an array of industrial buildings, zoned “M2”
South: Industrial and commercial businesses zoned “M2”
East: Industrial buildings zoned “M2”
West: Industrial and commercial businesses zoned “M2”

Report of the Standing Policy Committee on Property and Development dated November 21, 2000

The building on the east side of McFarlane Street is to be converted into a private club and banquet facility. The larger area west of McFarlane Street is to be maintained as a playground area and a separate parking area.

The proposed redevelopment is deemed to comply with Plan Winnipeg policy.

The subject property is located at 55 Higgins Avenue in the Point Douglas Ward, an area of older industrial buildings, many of which are being reclaimed and renovated for a range of commercial uses. Da Roza Warner Architects on behalf of the owners the Acoriano Cultural Centre of Manitoba propose to convert the existing building on site into a private licensed club and banquet facility for several hundred members. The proposed functions of the building will include:

a) a main floor multipurpose room of 3,991 square feet for accommodating banquets; the multi-purpose room is complete with a main stage area;
b) a basement level multi-purpose room of 1,756 square feet for banquets;
c) a commercial kitchen;
d) a licensed members lounge of approximately 340 square feet; and,
e) a small day care area.

The remaining space is to be used for washrooms and storage areas.

An exterior and existing grassed area encompassing 15,500 square feet is to be retained, and fenced off as a secure children's play area and for outdoor gatherings.

An existing parking area north of the grassed open space area can accommodate sixty-four (64) parking stalls and the owners propose to eventually asphalt finish the parking surface. Existing landscaping is extensive and it will be maintained with further landscaping (shrubs/trees) to be added in the future.

As illustrated on the photos/plans for Centro Cultural Acoriano prepared by Da Roza Warner Architects dated July 20, 2000, the existing building is in remarkably good condition. It was most recently used as a flea market, granted by variance in 1999. The Planning and Land Use Division,

Development Management Branch participated in several meetings with the applicants, evaluated the proposal and is of the view that the subject site is an appropriate location for the intended use. Too often, private clubs are sited in buildings adjacent to residential areas and they usually lack sufficient parking. There are no residences in the immediate area of the proposed club, just businesses, most of which are not operating at night or on weekends. The Planning, Property and Development therefore suggested that the subject application be endorsed.

A Public Hearing was held by the Lord Selkirk-West Kildonan Community Committee on November 7, 2000. Three persons registered in support of the application, and no one registered in opposition thereto. The Community Committee recommended that the proposed rezoning be approval as it is appropriate at this location.

On November 21, 2000, the Standing Policy Committee on Property and Development considered the proposed subdivision and rezoning application under File DAZ 223/2000, and approved the following amendment which has been incorporated in the recommendation as set out below:

- Recommendation V. be deleted in its entirety, namely:

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

  and the remaining Recommendation be renumbered accordingly.

The Standing Policy Committee on Property and Development concurred in the recommendation 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 223/2000 dated October 30, 2000, to a "C2" 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 if applicable.

Report of the Standing Policy Committee on Property and Development dated November 21, 2000

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. 153 for attachment)

Proposed Zoning Agreement Amendment –
land located at 51 Burmac Road
File ZAA 6/2000 [c/r DAZ 12/75]

141 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Taylor McCaffrey, Barristers and Solicitors, 9th Floor, 400 St. Mary Avenue, Winnipeg, to amend the Zoning Agreement affecting the subject property by deleting Clause No..3 which states "all loading spaces on the said land shall be located entirely within a building."

Site Area
The overall area totals almost twenty-one (21) acres.

Existing Land Use and Zoning
The land and buildings occupied by Unisys are zoned "MP-1" Industrial. The complex is part of a small industrial park area lying adjacent to and south of the Federal Canadian Mint building.

Development Description
The owners proposed to amend Zoning Agreement DAZ 12/75 in order to legitimize and maintain an outdoor/exterior loading area which has been in place for some time.

Under the original agreement for the industrial properties located along Burmac Road, west of Lagimodiere Boulevard, loading areas were to be situated entirely within proposed new buildings. Subsequently in the years following, Unisys which established at 51 Burmac Road constructed an exterior loading area. By way of a Zoning Agreement Amendment they now wish to legitimize the loading area on the south side of their building.

It is the view of the Development Management Branch of the Planning and Land Use Division, Planning Property and Development Department, that although contrary to the intent of the original agreement, the loading area put in place years ago has not adversely affected the neighbouring businesss or residential areas well removed to the west. The Administration therefore recommended that the proposed amendment be endorsed.

A Public Hearing was held before the Riel Community Committee on November 7, 2000. One person was heard in support of the application, and no one registered in opposition thereto. The Community Committee recommended that the zoning agreement amendment be approved inasmuch as there was no opposition to the application.

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

I. That Zoning Agreement DAZ 12/75 (By-law No. 1017/75) dated May 21, 1975, be amended by deleting Clause No. 3 which states that all loading spaces in the said land shall be located entirely within a building as it pertains to Lot 6, Plan 17,427.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 12/75 (By-law No. 1017/75) dated May 21, 1975, as approved in Recommendation I.

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

Report of the Standing Policy Committee on Property and Development dated November 21, 2000

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

Adopted by consent.

Proposed Street Name Change – Parr Street to Diplomat Drive – Lord Selkirk-West Kildonan Community
File SC-3.14(34) (Vol. 1)

142 - 7. The Standing Policy Committee on Property and Development has been advised it has recently been brought to the attention of the Planning, Property and Development Department that a portion of "Parr Street" as outlined on Schedule "A" dated October 30, 2000, is a continuation of Diplomat Drive. As no dwellings are addressed on this portion of Parr Street it would be in order to rename this "Parr Street" to "Diplomat Drive" to provide continuity in the street naming pattern.

On November 7, 2000, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendations contained in the report dated October 30, 2000, from the Subdivision Officer, Planning, Property and Development Department, and recommended that the currently street name "Parr Street" be renamed to "Diplomat Drive".

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

I. That the currently registered street name "Parr Street" as outlined on Schedule "A" dated October 30, 2000, be changed to "Diplomat Drive", and that in doing so, Council authorize the following:

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

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

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

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

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

Adopted by consent.

(See Minute No. 154 for attachment)

Report of the Standing Policy Committee on Property and Development dated November 21, 2000

Proposed Amendment to Winnipeg License By-law No. 6551/95 – Massage Therapists
File EL-1 (Vol. 32)

143 - 8. The Standing Policy Committee on Property and Development has been advised that on March 24, 1993, Council adopted Clause 8 of Report "A" of the former Committee on Finance and Administration dated March 1, 1993, with respect to amendments to the Winnipeg License By-law No. 6551/95 (formerly By-law No. 4007/85) relating to the licensing of massage therapists.

Effective September 1, 1993, massage therapists are distinguished from the general license category of "massagists" by providing evidence that the applicant has successfully completed the requirements of a training program in massage therapy and has received accreditation from a registered educational facility named in the By-law. That report recognized that additional schools over and above those initially identified likely existed and stated minor amendments to the by-law may be necessary in future to address such situation.

Graduates from the following institutions have made application to the City of Winnipeg for licensing as a "massage therapist", namely:

Odessa Medical Institute, Odessa, Ukraine
Sir Sandford Fleming College, Peterborough, Ontario
McKay School of Massage and Hydrotherapy, Saskatoon
Guild of Structural Integration, Inc., Boulder, Colorado,
College of the North Atlantic, Newfoundland and Labrador, and
Edmonton College of Swedish Relaxation Massage.

The applicants have supplied the necessary documentation indicating successful completion of a program of study in anatomy, physiology, kinesiology, biology, physical therapy and other related fields of study. The education institutions are all recognized with their respective provincial or state governments. In addition to the above named institutions, the College of Massage Therapists of Ontario is responsible for the regulation and control within Ontario.

Before recommending the addition of a school, the practice has been to review the criteria with respect to both the school and the applicant, including the curriculum, program content, hours of study, other related training and work experience and/or membership in a massage therapy association.

The Community Services Department recommended that these schools be added to the list of recognized schools of massage therapy in the Winnipeg License By-law to enable the applicant to be licensed as a massage therapist in the City of Winnipeg. Further reports of this nature may be submitted to Council in the future, to add to the list of registered educational facilities in the Winnipeg License By-law.

The Standing Policy Committee on Property and Development recommends:

I. That the Winnipeg License By-law No. 6551/95, with respect to massage therapists, be amended by adding the following educational institutions and regulatory body to the list of registered educational institutions recognized under the Winnipeg License By-law, namely:

A. Educational Institutions
   i) Odessa Medical Institute, Odessa, Ukraine
   ii) Sir Sandford Fleming College, Peterborough, Ontario
   iii) McKay School of Massage and Hydrotherapy, Saskatoon
   iv) Guild of Structural Integration, Inc., Boulder, Colorado,
   v) College of the North Atlantic, Newfoundland and Labrador, and
   vi) Edmonton College of Swedish Relaxation Massage.

B. Regulatory Body
   i) College of Massage Therapists of Ontario

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

Report of the Standing Policy Committee on Property and Development dated November 21, 2000

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

Adopted by consent.

Proposed Amendment to the Development Procedures By-law and the Winnipeg License By-law – Letters of Appeal
File Nos. EL-1 (Vol. 32) & EP-1 (Vol. 20)

144 - 9. The Standing Policy Committee on Property and Development has been advised that on October 10, 2000, the City Clerk's Department received a letter of appeal against Variance Order DAV 751/00B. While the letter purported to be sent on behalf of the Spruce, Telfer, and Clifton Streets Residents' Association, it was not signed and did not contain an address, telephone number, or any other means by which a representative of the appellant could be contacted.

The appeal was heard on November 2, 2000. No one appeared on behalf of the appellant, and the appeal was dismissed. The Appeals Committee (Standing Committee on Fiscal Issues) thereupon directed that as of November 2, 2000, all appeals of variance, conditional use, and licence orders must:

a) be in writing and signed by the appellant;
b) show the printed name of the appellant;
c) contain the mailing address and contact telephone number of the appellant;
d) contain brief reasons for the appeal and must describe whether the order is appealed in whole or in part only.

Section 21 of the Development Procedures By-law specifies that the Appeal Committee shall conduct a public hearing upon receipt of a letter of appeal filed in accordance with the by-law. However, the only requirement under the by-law concerning letters of appeal is that they must be filed within the specified 14-day deadline. Sections 4 and 9 of the Winnipeg License By-law are similarly worded.

It is the opinion of the Legal Services Division that it is inappropriate to accept anonymous letters of appeal. Moreover, practical difficulties may result if the City Clerks' Department is unable to communicate with an appellant prior to an appeal hearing. The proposed amending by-laws will address these issues. There are no financial implications associated with the foregoing.

Pursuant to sections 11(a) (vii) and (viii) of the City Organizational By-law No. 7100/97, the Standing Policy Committee on Property and Development has the power and duty to report to Council though the Executive Policy Committee on all matters respecting Part 20 of The City of Winnipeg Act and the Winnipeg License By-law No. 6551/95.

The Standing Policy Committee on Property and Development recommends:

I. That the Development Procedures By-law No. 5893/92 and Winnipeg License By-law No. 6551/95 be amended to add requirements that all letters and notices of appeal of conditional use, variance, or licence orders shall be signed by the appellant, shall contain both a mailing address and telephone number where the appellant may be contacted, and shall contain brief reasons for the appeal.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending by-laws for submission to Council.

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

Adopted by consent.

REPORT OF THE

STANDING POLICY COMMITTEE ON

PROPERTY AND DEVELOPMENT

DATED NOVEMBER 23, 2000

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated November 23, 2000, was considered clause by clause.

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

Carried.

Proposed Acquisition - 372 Magnus Avenue – Lord Selkirk-West Kildonan Community – Proposed Delegation of Authority to Chief Administrative Officer to Acquire Properties offered for Sale to the City Files FI-2(34) (Vol. 7) and GC-11 (Vol. 7)

145 - 1. The Standing Policy Committee on Property and Development has been advised that on September 26, 2000, the solicitor for the owner of 372 Magnus Avenue submitted a proposal to the Real Estate Division of the Planning, Property and Development Department for the conveyance of the property at 372 Magnus Avenue for the sum of $1.00.

Particulars of the subject property are as follows:

Location:	372 Magnus Avenue, south side, between Aikins and Salter Streets
Legal Description:	Part Lot 61, Plan 53
Certificate of Title:	1468687
Owner:	Michele Slabkowski
Assessment:	$40,950.00
Zoning:	"R2T" Residential
Site	Size 10.058 metres by 32.888 metres = 330.8 square metres 33 feet x 107.9 feet = 3,561 square feet)
Building Description:	A two storey wood frame single family dwelling built in 1913 comprising 1,398 square feet on a full basement. The property is vacant and in poor condition. There are no outstanding work orders against the property from the Health Services Division or the Existing Buildings Division.

The property taxes, arrears and penalties for the subject property have not been paid for the years 1998, 1999 and 2000, and are in the amount of $4,572.28. The owner has indicated through her lawyer that she has no intention of paying the tax arrears. If the taxes remain unpaid, the City will be in a position to complete a tax sale acquisition of title in approximately one and one-half to two years from now.

Tax arrears and penalties for any properties acquired by the City in tax sale are charged to the Land Operating Reserve Account. The acquisition of the subject property, if approved now, will cap the liability to the Land Operating Reserve at the current amount of the tax arrears, whereas if the tax sale process is allowed to run its normal course, another one and one-half to two years of additional taxes plus penalties would accumulate (two years estimated at $2,645.00).

The City has no specific need for this property. The property is in poor condition and, upon acquisition by the City, will likely be demolished at an estimated cost of $7,000.00 resulting in a total approximate cost to the Land Operation Reserve of $11,572.00.

Report of the Standing Policy Committee on Property and Development dated November 23, 2000

The Legal Services Division, Corporate Services Department, advised that if the tax sale process is followed to completion, the resulting title is guaranteed by law to be free and clear of all encumbrances or claims and is virtually unassailable. Legal Services has also indicated that if, alternatively, the property is purchased for $1.00, the City could be left exposed to potential third party claims inasmuch as non-payment of taxes is an indicator of general insolvency and so the City would need to take steps to protect itself from other potential financial problems on the part of the vendor.

The Legal Services Division and the Real Estate Division, Planning Property and Development Department, cannot predict the frequency with which problems may potentially arise. Even a small percentage of purchases with problems can result in significant work to resolve claims and litigation. This would also hamper efforts to re-sell and redevelop a property. However, the City's exposure to these risks can be minimized if the vendor will agree to the terms and conditions as recommended, and any others that the City Solicitor/Manager of Legal Services may require to protect the City's interests.

Additionally, the Administration is concerned there is a potential for a great many such "purchases" should it become generally known that the City is willing to accept such properties. The City may potentially be inundated with similar proposals without a program and personnel to process, inspect, secure and sell the properties. On the other hand, it is probably more likely that few property owners in tax sale will agree with all of the terms and conditions necessary to protect the City's interests. Therefore, only those owners of tax sale properties who are genuinely interested in an orderly conveyance of their property to the City would likely be handled in this manner, i.e. a purchase in advance of completing the tax sale.

The Taxation and Revenue Division of the Corporate Finance Department advised that so long as the Land Operating Reserve Account will be used to pay all outstanding taxes and penalties, it fully supports the proposed acquisition of the subject property. That Division added that often enough owners of land with tax arrears problems do request that a transfer of ownership to the City be expedited.

Therefore, it appears that the impact on the Land Operating Reserve Account can be effectively reduced by completing future acquisitions by way of purchase and, in order to achieve additional administrative efficiencies, the Administration recommended that the authority to complete such purchases be delegated to the Director of Planning, Property and Development, subject to the terms and conditions to be established by the Director and the City Solicitor/Manager of Legal Services.

In the event this purchase is approved, notice of this property acquisition will be circulated among various City departments to determine whether the property is surplus to City needs. In the event that no civic need is identified, the property may be listed for sale or offered to public agencies or to the adjoining owners. The property, however is not considered highly marketable. Consequently, it is not likely that the costs to the Land Operation Reserve Account are recoverable.

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

The subject property has been offered for sale to the City and it does not form part of any Council approved land acquisition program. Acquisition of the subject property (in accordance with the terms and conditions as negotiated) require Council approval, as will the delegation of authority requested in order to achieve efficiencies when dealing with such matters in the future.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of 372 Magnus Avenue, outlined on "subject property" on Misc. Plan No. 11014, be approved, subject to the vendor agreeing completely with the terms and conditions as negotiated, and such other terms and conditions as the Director of Planning, Property and Development and the City Solicitor/Manager of Legal Services consider necessary to protect the interests of the City and to achieve the intent of Council.

II. That the Chief Administrative Officer or her designate be delegated the authority to acquire properties offered for sale to the City that are in tax sale and when the vendor can meet the terms and conditions established by the Director of Planning, Property and Development and the City Solicitor/Manager of Legal Services in order to protect the interests of the City.

Report of the Standing Policy Committee on Property and Development dated November 23, 2000

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

Adopted by consent.

Proposed Closing and Sale of part of Gablehurst Crescent and adjoining lane and southerly adjacent lane – Riel Community – Proposed Policy and Delegation of Authority for Sale of portions of Streets and Lanes
File DAC 6/2000 and GC-11 (Vol. 7)

146 - 2. The Standing Policy Committee on Property and Development has been advised that the proposed closings were initiated at the request of Qualico Developments (Winnipeg) Ltd. for the express purpose of incorporating the lands within its resubdivision of its surrounding lands. The proposed closings were originally opened under Qualico's subdivision under File DASZ 31/84. Qualico Developments (Winnipeg) Ltd. has now proposed to replace the street and lanes with a cul-de-sac and another lane as outlined on "Map 2 DASZ 10/2000" within the resubdivision.

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

Location:	North of John Forsyth Road, west of Ashworth Street
Size:	Difference in lands being exchanged 8,835 square feet in favour of Qualico Developments (Winnipeg) Ltd.
Assessed Value:	Not assessed
Applicant:	Qualico Developments (Winnipeg) Limited, 30 Speers Road, Winnipeg
Estimated Market Value Range:	$11,500.00 to $14,000.00

A purchase price of $14,000.00 was proposed to Qualico Developments (Winnipeg) Ltd. However, Qualico disputed the method whereby the proposed sale price was determined, i.e. market value. Qualico has advised that it is willing to pay a purchase price equal to the amount of taxes which would have otherwise been received by the City had the lands been under Qualico's control the entire time.

The City has in the past, approved three sales to Qualico Developments (Winnipeg) Ltd. based on the amount of unrealized taxes which shows the infrequency of these circumstances.

The City has five alternatives which may be considered in arriving at a purchase price:

A.	Market Value	$14,000.00 ($1.59 per square foot)
B	Full Assessed Value	- not assessed
C	One-half (½) Assessed Value	- Not assessed
D	Taxes unrealized (excluding interest)	- $1,222.00
E.	Paragraph 5 of the City's Development Agreement Parameters	- $4,060.00 ($20,000.00 per acre)

Notwithstanding the precedent set by the three prior examples, all with Qualico Developments (Winnipeg) Ltd., the Planning, Property and Development Department's normal practice is to sell such properties for Market Value. However, the Department now feels a more equitable handling of these situations would be as follows:

1. Where the current owner is also the initial Developer, the City would use Alternative E. Paragraph 5 of the City's Development Agreement Parameters states that "the cost of land will be a value determined by the Standing Policy Committee on Property and Development annually based upon the appraised market value of raw acreage trading for imminent development."

2. Where the current owner is not the initial Developer, the City would use Alternative A, market value.

Report of the Standing Policy Committee on Property and Development dated November 23, 2000

The Technical Advisory Committee on City Properties, in considering this matter, debated a variety of opinions from its members. Initially many members considered that Qualico Developments (Winnipeg) Ltd.'s position is most fair in these instances. However, many members also considered that a flat fee which is efficient to administer best serves the City's interests and that Qualico's rationale does not reflect the work of the Administration in having to calculate the unrealized taxes, prepare a closing by-law and plan, and other tasks associated with the Applicant's request. In conclusion, the Technical Advisory Committee on City Properties deferred to the judgement of the Real Estate Division of the Planning, Property and Development Department on this matter, namely, Alternative E.

Notwithstanding the foregoing, the Land Development Branch of the Development and Inspections Division, Planning Property and Development Department does not concur with the proposal to have Qualico Developments (Winnipeg) Ltd. pay for the net reduction in right-of-way resulting from a change in the layout of the subdivision. That Branch agreed that Qualico should pay any costs associated with the change in layout (application fees, WLTO charges, etc.) and should possibly compensate the City for any potential loss in tax revenue over the interim period that the old plan was in effect. However, that Branch believed that it is unfair to make the original developer pay for land that it originally provided at no charge to the City. Under the terms of the City's Development Agreement Parameters, a developer is required to provide at no cost to the City, "street right-of-way within and necessary to serve the subdivision". In the subject instance either layout does this, and so that Branch does not think that Qualico Developments (Winnipeg) Ltd. should have to pay for the difference in area. In fact, there is a distinct financial advantage to the City to have less right-of-way to maintain and more area added to the Tax Assessment Rolls.

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

The Standing Policy Committee on Property and Development recommends:

I. That the proposed sale of those portions of street and lane, as outlined on Misc. Plan No. 10936, to Qualico Developments (Winnipeg) Ltd.'s Offer to Purchase be approved at a price of $4,060.00, in accordance with the City's standard terms and conditions, and upon such additional terms and conditions that the Director of Planning, Property and Development and the City Solicitor/Manager of Legal Services consider necessary to protect the interest of the City and to achieve the intent of Council.

II. That future sales under similar conditions (i.e. a redesign of a subdivision by the original Developer necessitating an exchange of lands whereby the Developer acquires more land than does the City) be for the sum per acre as outlined in Paragraph Five of the Development Agreement Parameters, and that full market value be used when a subsequent Developer makes the same request.

III. That the Chief Administrative Officer or her designate be delegated the authority to finalize future sales of portions of streets and lanes that are similar in nature to those outlined herein.

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

Adopted by consent.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS

Moved by Councillor Vandal,
Seconded by His Worship Mayor Murray,
147 - WHEREAS Council on March 22, 2000, amended and adopted Clause 3 of the Report of the Standing Policy Committee on Property and Development dated October 26, 1999;

AND WHEREAS Recommendation I.(a) as amended on March 22, 2000 directed:

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

That A and S Builders and the City of Winnipeg (Standing Policy Committee on Property and Development) shall agree as to what conditions, including applicable relocation costs of the City Tree Nursery, shall apply to such switch by September 22, 2000, failing which this declaration that the City lands are surplus to its requirements shall be automatically rescinded;

AND WHEREAS Council on September 20, 2000, extended the September 22, 2000 deadline by 90 days until December 21, 2000;

THEREFORE BE IT RESOLVED that the December 21, 2000 deadline be extended by 90 days.

The Deputy Speaker ruled automatic referral to the Standing Policy Committee on Property and Development.

Moved by Councillor Vandal,
That the rule be suspended to allow consideration of the motion at this time.

Carried.

The motion was put and declared carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

148 - 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. 7731/2000, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on lands located on the west side of St. Anne's Road between Bishop Grandin Boulevard and Beliveau Road in the Riel Community.
File DAZ 220/96

By-law No. 7732/2000, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 1085 McIvor Avenue, north west corner of McIvor Avenue and De Vries Road in the East Kildonan - Transcona Community. File DASZ 6/98

By-law No. 7733/2000, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 432 Widlake Street in the East Kildonan - Transcona Community. File DASZ 8/99

By-law No. 7734/2000, 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 55 Higgins Avenue in the Lord Selkirk - West Kildonan Community. File DAZ 223/2000

By-law No. 7735/2000, a by-law of The City of Winnipeg to amend By-law No. 6551/95, being a by-law to regulate, control and license the carrying on of certain trades.
File EL-1 (Vol. 32)

By-law No. 7736/2000, a by-law of The City of Winnipeg to amend By-law No. 5893/92, being a by-law to provide for the procedures under Part 20 of The City of Winnipeg Act and the making of zoning variance orders and conditional use zoning orders.
File EP-1 (Vol. 20)

By-law No. 7737/2000, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the east side of Roseglen Crescent south of Hawkwood Gate in the Assiniboia Community.
File DASZ 9/2000