REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED NOVEMBER 23, 1999

On motion of Councillor Vandal, 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

56 - 2. ***Note: In accordance with Section 61.5 of the Procedure By-law, the Executive Policy Committee recommends that Council grant an extension of time of 90 days for consideration of the matter.***

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

Carried.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED OCTOBER 24, 2000

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated October 24, 2000, was considered clause by clause.

Moved by Councillor Vandal,

That the Consent Agenda, Clauses 1,4,5,6,7,8,9 and 10, be adopted.

Councillor Clement requested that Clause 6 be pulled from the Consent Agenda.

Councillor Steek requested that Clause 10 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,4,5,7,8 and 9 was put and declared carried.

Proposed Amendments to Schedule "A" of Historical Buildings By-law No. 1747/77

File G-3.1.1

57 - 1. The Standing Policy Committee on Property and Development has been advised that the City's adoption of the Amanda Record System for all property transactions has necessitated a complete review of the addresses for the historic buildings contained on the Buildings Conservation List.

The Historical Buildings Committee recommended that the Buildings Conservation List, Schedule "A" to the Historical Buildings By-law No. 1474/77, be amended to reflect the address changes as set out below.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Historical Buildings Committee and recommends:

I. That the Building Conservation List, Schedule "A" to Historical Buildings By-law No. 1474/77, be amended to reflect the following address changes:

Building / Structure	Current Address	Proposed Change
Former Gault Building	104 Arthur Street	100 Arthur Street
Assiniboine Park Pavilion	Assiniboine Park	55 Pavilion Crescent
Former Canadian Permanent Block	296 - 98 Garry Street	298 Garry Street
Pasadena Apartments	220 Hugo Street	220 Hugo Street North
St. Michael and All Angels Church	300 Hugo Street	300 Hugo Street North
Former Confederation Life Building	455 Main Street	457 Main Street
Ross House Museum	140 Meade Street	140 Meade Street North
Trappist Monastery	0 Saint Norbert	100 Ruines du Monastere
St. Charles Novitiate	310 St. Charles Street	320 St. Charles Street

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the preparation of the necessary amending by-law.

Adopted by consent.

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

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]

58 - ***Note: Clause 2 has been laid over by the Executive Policy Committee to January, 2001.***

Laid over by the Executive Policy Committee to January 2001

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 13/2000 and DEMO 14/2000]

59 - ***Note: Clause 3 has been laid over by the Executive Policy Committee to January, 2001.***

Laid over by the Executive Policy Committee to January 2001

Proposed Amendment to Development Agreement - Ladco Company Limited - Riel Community
File DASZ 5/90

60 - 4. The Standing Policy Committee on Property and Development has been advised that on October 10, 2000, the Riel Community Committee referred the following resolution to it for favourable consideration, namely:

WHEREAS Development Agreement AG 5/90 requires the Developer (Ladco Company Limited) to install interlocking paving stones, or an alternative impervious surface on service road median boulevards;

AND WHEREAS the Developer proposes to install a 600mm wide concrete "grass kill strip" immediately at the back of the curb around the entire perimeter of the service road medians and sod within this concrete border;

AND WHEREAS the Developer also proposes to provide trees and bushes within the sodded area at an acceptable distance to allow unimpeded snow clearing operations;

NOW THEREFORE BE IT RESOLVED that Development Agreement AG 5/90 be amended to permit the Developer's proposed finishing of service road medians as described above.

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

I. That Development Agreement AG 5/90 be amended to permit the Developer's proposed finishing of service road medians as outlined, rather than the impervious surface now stipulated in the Development Agreement.

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

Adopted by consent.

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

Proposed Amendment to Development Agreement AG 31/84 - Qualico Developments Ltd. - Riel Community
File DASZ 31/84

61 - 5. The Standing Policy Committee on Property and Development has been advised that Development Agreement AG 31/84 between the City of Winnipeg and Qualico Developments Ltd. requires that the Developer construct sidewalks on the west side of St. Anne's Road, on both sides of Dakota Street, on both sides of all collector streets, and on certain other local streets including the east side of Tilstone Bay from Aldgate Road to the south terminus of Tilstone Bay.

Development Agreement AG 31/84 pertains to lands in the River Park South residential area, which are bounded on the north by John Forsyth Road, St. Anne's Road on the east, private lands abutting the Perimeter Highway on the south, and Paddington Road on the west.

In a letter dated August 21, 2000, the Developer requested that Development Agreement AG 31/84 be amended by deleting the requirement to construct the sidewalk in Tilstone Bay. The Developer's request was considered by the Administration and concurred with.

As information, sidewalk are existing or proposed at the following locations in this area of River Park South:
i) on both sides of Dakota Street;
ii) on both sides of Aldgate Road;
iii) on both sides of Highbury Road;
iv) on both sides of John Forysth Road.

The Planning, Property and Development Department recommended that Development Agreement AG 31/84 be amended to delete the requirement that a sidewalk be constructed in Tilstone Bay.

On October 10, 2000, the Riel Community Committee concurred in the above recommendation as outlined in report dated September 29, 2000, from the Land Development Engineer, Planning Property and Development Department.

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

I. That Development Agreement AG 31/84 be amended to delete the requirement that a sidewalk be constructed in Tilstone Bay.

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 on the east side of Roseglen Crescent, south of Hawkwood Court - Assiniboia Community
File DASZ 9/2000

62 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Qualico Developments (Wpg.) Ltd., 30 Speers 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 "PR-1" Parks and Recreation District to a "R1-3.5" Single-Family Residential District to allow for the construction of single-family dwellings.

The following is the present site description:

Site Area:	About 2.7 acres
Existing Land Use and Zoning:	Undeveloped park land zoned "PR1" Parks and Recreation District

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

Surrounding Land Use
and Zoning: Single-family housing zoned "R1-4" Residential District

The development is located in the Whyte Ridge Community between Brady Road and the CPR rail line. The proposal is to rezone the lands to enable their future subdivision into 25 single-family lots ranging from 34 to 40 feet in width with an average depth of about 115 feet. The site was originally planned for a neighbourhood park, the need for which was eliminated by the establishment of the Whyte Ridge Community Centre. In view of the complaints received from people living near community centres, locating the facility next to the tracks seemed appropriate. The City exchanged the subject site for other developer owned lands in the area which were used to augment the community centre lands. The applicant indicated that area residents were notified of the land exchange and current subdivision proposal.

The proposed development is in keeping with the surrounding housing in terms of lot and building sizes. The applicant indicated that the housing guidelines would include double-attached garages and minimum floor areas of 1,200 square feet for two-storey homes and 1,000 square feet for bungalows. It is noted that, although the surrounding lands are zoned "R1-4", the lots on Cloverwood Road and Hawkwood Court were recently resubdivided to provide lots in the order of 34 to 40 feet in width.

In accordance with the report of the Land Development Engineer, Development and Inspections Division, Planning Property and Development Department, the application would be handled under an addendum to a previous Development Agreement. In addition, no park dedication money would be owed under this application.

The proposed development complies with Plan Winnipeg.

The Administration supported the application because the proposed development is compatible with the area and represents a continuation of the existing development pattern.

A Public Hearing was held before the Assiniboia Community Committee on September 12, 2000. Two persons were heard in support of the application, and nine persons registered in opposition thereto.

The Assiniboia Community Committee recommended that the proposed subdivision and rezoning be approved inasmuch as if the subject area was rezoned to a AR1-4" Residential District consistent with the neighbouring area, applications for variances could allow for smaller lot sizes than proposed in the subject application.

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

I. That the plan of subdivision proposed under File DASZ 9/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2000 dated August 28, 2000, 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 August 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 9/2000 dated August 24,2000, to a "R1-3.25" 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 provide for twenty-five (25) lots in accordance with Schedule "B" for File DASZ 9/2000 dated September 12, 2000.

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.

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

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 and 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.

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.

The Executive Policy Committee concurs with the recommendations of the Standing Policy Committee on Property and Development with the following amendment to Recommendation III., namely:

That the words "twenty-six (26), be inserted before the word "twenty-five" in the fourth line thereof.

Moved by Councillor Vandal,
That the clause be adopted.

In amendment,

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

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

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

(See Minute No. 78 for attachments)

Proposed Rezoning - land located at 4025 Roblin Boulevard Assiniboia Community
File DAZ 220/2000 [c/r DAV 509/2000D]

63 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Frederickson Cooper Architects (George Frederickson), 10 - 395 Berry Street, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the land at 4025 Roblin Boulevard from a/an "R1-6" Single-Family Residential District to a/an "RM-1" Multiple-family Residential District to allow for the conversion of an existing personal care home to a multiple-family dwelling (senior citizens apartments).

The following is the present site description:

Site Area: About 4.5 acres

Existing Land Use
and Zoning: "R1-6" zoning with an existing, 3 storey personal care home.

The following is the present surrounding land use and zoning:

North: "RM-1" zoned lands containing Assiniboine Links, 40 life-lease, semi-detached, single-storey condominium units developed by the Independent Order of OddFellows
South: Across Roblin Boulevard, Charleswood Golf Course zoned "PR-2" Parks and Recreation District
East: Charleswood Bridge right-of-way
West: Across McQuaker Drive, single-family housing zoned "R1-6"

The proposal is to convert an existing, three storey personal care home into seniors' assisted living, rental apartments. The project is being sponsored by the Oddfellows and Rebeccas of Manitoba. The building was constructed by the Independent Order of Odd Fellows in 1922 and has seen duty as an orphanage, widows home, old folks home and a personal care home. The building is listed on the Historic Buildings Inventory, but is not yet designated as a historic building on the Buildings Conservation List. When it was operated as a personal care home, the building

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accommodated up to forty-five residents plus staff. The current proposal would result in the establishment of thirty-three studio and one bedroom apartments including the caretaker's suite. It is anticipated that non-resident staff would include three kitchen workers and two maintenance workers. A related variance would permit the establishment of the assisted living facility prior to Council passage of the rezoning by-law.

Common dining and entertainment and personal service facilities are provided on the main floor and basement levels of the building, along with mechanical and storage rooms and the caretaker's unit. A new, three-storey addition is being added to the rear of the building to accommodate the commercial kitchen, additional apartments and a third stairwell. The addition requires a three foot height variance, which the Planning, Property and Development Department recommends be approved.

Parking is provided on site for eight vehicles at the rear of the building and for thirty vehicles in a new lot proposed for the east side of the site (thirty-eight stalls total). The parking requirement for regular apartment units would be 1.5 stalls per unit, or fifty stalls. The parking requirement for the seniors' buildings is one stall per five units, or seven stalls. The thirty-eight stalls proposed for the facility is regarded as adequate for residents, visitors and staff. Access to the site is restricted to an existing approach off Roblin Boulevard. A related variance requests the establishment of a gravel surface parking lot. The Planning, Property and Development Department recommends approval for a two-year grace period on pavement.

The development site is about four acres in area. Under the proposed zoning, the site could theoretically accommodate upwards of seventy (70) residential units. The Planning, Property and Development Department would be willing to review any future building proposal as long as it was limited to a height of three storeys and was located on the east side of the site (east of the current access road). Landscape buffering against the McQuaker Drive houses would be considered a priority.

The proposal complies with Plan Winnipeg.

The Planning, Property and Development Department supported the proposed development for the following reasons:

1. The proposed use is less intensive than the building's previous use as a personal care home.

2. The proposed use will result in the restoration and reuse of an historic Charleswood landmark.

3. The proposed development will have a minimal traffic impact on adjacent streets and access will be restricted to Roblin Boulevard (right-in, right-out only).

4. The Planning, Property and Development Department supports the development of alternative living arrangements for seniors in buildings that are located along major arterials in suburban areas.

A Public Hearing was held before the Assiniboia Community Committee on September 12, 2000. Thirty-one people registered in support of the application, three persons registered in opposition thereto, and five people registered for information thereon.

The Assiniboia Community Committee recommended that the proposed rezoning be approved inasmuch as the Oddfellows and Rebeccas of Manitoba perform important work in the community, and have proposed a good project that shows compassion for the neighbourhood and will save and reuse the existing historic building.
On October 24, 2000, the Standing Policy Committee on Property and Development considered the proposed rezoning under File DAZ 220/2000, and approved the following amendment which has been incorporated in the recommendations as set out below:

- Recommendation I.A.2. be deleted in its entirely and replaced with the following:

    2. That the existing building, along with its proposed addition, be the only principal building permitted on the site, and that such building be limited in height to three (3) storeys.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 220/2000 dated August 29, 2000, to a "RM-1" Multiple-family Residential District, subject to the following:

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

1. That the use of the land be limited to seniors' accommodations with a maximum of thirty-three (33) units.

2. That the existing building, along with its proposed addition, be the only principal building permitted on the site, and that such building be limited in height to three (3) storeys.

3. That no access to the site be permitted from McQuaker Drive.

4. That the western edge of the site be appropriately landscaped to help screen any existing and future development from McQuaker Drive.

5. That, prior to the issuance of any development permit, plans showing the site layout, access, parking, loading, garbage enclosures, building elevations and materials and site landscaping be submitted for the approval of the Assiniboia Community Committee.

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

III. That the ten percent (10%) dedication payment, based on the increase in the market value of the land, in lieu of the requirement for land for land dedication, be waived.

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. 79 for attachment)

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

Proposed Rezoning - land located at 1620 McGillivray Boulevard - Assiniboia Community

File DAZ 222/2000

64 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been made by the Planning, Property and Development Department for a proposed zoning change to Zoning By-law No. 6400/94 by rezoning the lands at 1620 McGillivray Boulevard from a "MP-2" Industrial District and "M2" Industrial District to a "M1-B" Industrial District.

The following is the present site description:

Site Area:	Approximately 11 acres
Existing Land Use and Zoning:	Vacant land previously part of the Waverley Street and McGillivray Boulevard rights-of-way, zoned for industrial use

The following is the present surrounding land use and zoning:

North:	Across Buffalo Place; office development zoned “MP-2” Industrial District
South:	Across McGillivray Boulevard; office and commercial development; zoned “M2” Industrial District
East:	Not applicable
West:	Across Waverley Boulevard; Lindenwoods Neighbourhood, zoned “R1-5” Single-Family Residential District

Schedule “A” to File DAZ 222/2000 shows an outline of the subject lands. (Figure 1 to File DAZ 222/2000 (Misc. Plan No. 8091/4) more specifically identifies the lands as Parcels "B" and "C." Parcel "B" is about 5.4 acres and Parcel "C" is about 5.7 acres. The current applications would rezone the parcels in accordance with Schedule "A".

The subject lands formed part of the McGillivray Boulevard and Waverley Street rights-of-way, but were deemed surplus to Public Works Department’s requirements. The Planning, Property and Development Department received several unsolicited offers from interested buyers. On the basis of this interest, the City established the parcels, as outlined on Misc. Plan No. 8091/4, through a partial street closure. Parcel "B" is encumbered with easements for several utilities located within the original Waverley Street alignment (east service road). Identified by shading on Misc. Plan No. 8091/4, the easement area can only be used for parking and access. Parcel "A" (1.3 acres) is not part of the current application, and received recent approval at the Board of Adjustment for construction of a one storey, 10,900 square foot professional building with access from the Waverley Street east service road.

With reference to Schedule "A," the Administration would like to rezone the property for uses which are consistent with the Industrial Park character of the Fort Garry Industrial Park, and compatible with the residential environment of Lindenwoods. A previous application under File DASZ 27/99 to subdivide and rezone the lands to”M1-B” or “M2” was rejected by the Assiniboia Community Committee. The proposal at the time involved construction of a donut shop and car wash on Parcel AB≅ fronting Waverley Street. Other uses contemplated for the balance of the lands included offices and warehousing.

Primary access to the development would be from Buffalo Place, which has a signalized intersection at Waverley Street opposite Hennessey Drive in Lindenwoods. Secondary access would occur off northbound Waverley Street via a right-in only. No direct access will be permitted off McGillivray Boulevard. However, Buffalo Place connects with Fennell Street which has a signalized intersection at McGillivray Boulevard. Cross access agreements will ensure the future sharing of public approaches and internal roadways and parking areas.

The Administration was instructed to meet with area residents to arrive at appropriate development standards for the lands. The Area Planner attended a meeting of the Lindenwoods Community Association Inc. on May 3, 2000, and the Association’s Annual General Meeting on June 26, 2000.

The following development parameters arose from the latter meeting:

- many residents would prefer no development of the lands;
- if development is to occur, the preference would be for office or low intensity industrial uses;
- a high standard of design and landscaping is important, reflecting Industrial Park standards;

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- hours of operation should be limited to regular day-time hours;
- the uses should not generate such traffic as to overload the Hennesey Drive/McGillivray Boulevard intersection;
- residents whose houses overlook the site would prefer a height limit of two or possibly three storeys;
- existing mature trees on the site should be retained as much as possible.

The Planning, Property and Development Department is confident that its recommendation on the subject rezoning reflects the concerns expressed by residents at the Public Hearing for DASZ 27/99 and at the June meeting of the Lindenwoods Community Association.

The Administration proposed that the land be rezoned to "M1-B" Industrial District. Unlike the existing "MP-2" zoning, the"M1-B" zone permits offices as a "principal use". The "M1-B" district also provides for greater building setbacks and a higher standard of landscaping than the existing "M2" zoning. Finally, building construction within "M1-B" zones is subject to Design Board approval, which ensures a higher standard of development.

The Development Management Branch of the Planning and Land Use Division, Planning Property and Development Department, is prepared to support the rezoning on the basis of the following:

- the lands have been declared surplus to the requirements of the Public Works Department;
- City Council approved the creation and sale of the parcels for development purposes;
- a Zoning Agreement will ensure that the lands will be developed so as not to have a detrimental impact on the Lindenwoods Community and the Fort Garry Industrial Park;
- the lands are currently zoned for a wide variety of commercial and industrial uses which, if established, could have a detrimental impact on the surrounding area.

A Public Hearing was held before the Assiniboia Community Committee on September 12, 2000. Four persons were heard in support of the application, two people registered in opposition, and four persons for information thereon.

The Assiniboia Community Committee recommended that the proposed rezoning be approved as the subject application is compatible with the surrounding area.

On October 24, 2000, the Standing Policy Committee on Property and Development considered the rezoning application under File DAZ 222/2000, and approved the following amendment which has been incorporated in the recommendations as set out below:

- Recommendation III. be deleted in its entirely and replaced with the following:

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

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 222/2000 dated August 31, 2000, to a"M1-B" Industrial District, subject to the following:

   A. That any future property owner(s) 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:

      That the following uses be permitted:

      - Banking/Teller Machines; automated
      - Electronic Equipment Manufacture
      - Laboratory: Medical, Dental, Optical
      - Laboratory: Research, Experimental or Testing
      - Manufacturing Uses, not listed (subject to conditional use)
      - Medical, Dental, Optical, Counselling, or other health or therapeutic clinic (by variance)
      - Medical, Dental, Optical, or other Precision Instruments; Prosthetics: rental, sales,service
      - Medical, Dental, Optical, or other Precision Instruments: manufacture
      - Office
      - Parking Area, non-accessory (subject to conditional use)
      - Pharmaceuticals: manufacture
      - Photographic Developing/Printing

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- Printing; Photocopying or similar service
- Printing; Publishing
- Showroom (accessory use)
- Trade School; Business College
- University; College; Technical School (subject to conditional use)
- Wholesale Establishment, including offices and showrooms.

B. That the following minimum yards (no signs, structures or parking) be provided:
- 20 feet, south side of Buffalo Place west of Beaver Street
- 15 feet, south side of Buffalo Place east of Beaver Street
- 20 feet, north side of McGillivray Boulevard
- 20 feet, east side of Waverley Boulevard.

C. That the maximum free-standing sign height be limited to 15 feet above grade and that mobile signs, poster signs and sandwich boards be prohibited.

D. That uses or businesses open to the public on a 24 hour basis be prohibited excepting a banking machine.

E. That prior to the issuance of development permits, detailed plans showing the site layout, parking, access, landscaping, fencing, garbage enclosures, exterior lighting, fascia and freestanding signage, and building elevations and exterior cladding materials, be submitted for approval by the Assiniboia Community Committee and the Building Design Board.

F. That no outside storage or chain link fencing be permitted on the lands.

G. That building height be limited to three (3) storeys on lands falling to the west of a southerly extension of the easterly limit of Beaver Street, and four (4) storeys on lands falling to the east of the extension of said limit.

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

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

IV. That 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. 80 for attachment)

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

Proposed Rezoning - land located at 2770 Main Street, west side between Benn Avenue and the Winnipeg City Limits - Lord Selkirk-West Kildonan Community

File DAZ 224/2000
[c/r DAV 715/2000D & DCU 236/2000D]

65 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from Kanahda Garden Products Ltd. (Gerald Bilenky), 354 Garden View Drive, West St. Paul, Manitoba, to amend Zoning By-law No. 6400/94 by rezoning the subject lands from a AR1-20≅ Residential District to an "A-5" Agricultural District to allow for a greenhouse nursery with landscape and garden product sales.

The following is the present site description:

Site Area:	The subject parcel has 169 feet of frontage along Main Street and approximately 241 feet of depth. The total area is almost an acre in size.
Existing Land Use and Zoning:	The land is currently zoned "R1-20" Residential and occupied.

The following is the present surrounding land use and zoning:

North:	To the north remain a few residences up to and adjoining the City boundary; zoned large lot "R1-20" Residential.
South:	To the south are several residences adjoining Benn Avenue; also zoned "R1-20" Residential.
East:	To the east is Main Street; to the east side of which is a cemetery and golf course/driving range zoned "PR-2".
West:	To the west are newly created lots along Peter Herner Bay. Those lots are zoned"R1-4" Residential but currently unoccupied.

The applicant proposes to construct a 32 foot by 75 foot greenhouse on the site, and plans to sell garden supplies. Access is to be via Main Street.

The proposed use is in full compliance with Plan Winnipeg policy.

The subject property lies close to the northern periphery of the City's boundary beyond which is West St. Paul. The few remaining properties along Main Street in this area, while zoned for residential, will not likely be assembled and developed for new residential housing. The areas north of Fernbank Avenue which will be developed single-family residential areas have been rezoned and subdivided and are nearing completion. The Novamet Development Corporation lands directly to the west along Peter Herner Bay are by in large, the last areas ready to be infilled with single-family housing and that will take place in the near future. Remaining properties along Main Street will, in all likelihood, be developed for restricted commercial uses or as in the case of the subject proposal, a limited agricultural use. The current "R1-20" zoning does not allow for a greenhouse/nursery, so the Administration recommended that "A-5" Agricultural zoning be applied. The "A-5" Agricultural zoning is in the Administration's view, a more restrictive zoning and more suitable to the site than a commercial zoning which was the only other alternative. It is not felt that the proposed use will have an adverse effect on adjoining properties if the scale of the operation is maintained as suggested and there is no outdoor storage of materials B soils, fertilizer, etc. It should be noted that virtually uses under the "A-5" zoning (including the subject use) are not permitted outright but require an additional conditional use application.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on October 10, 2000. One person was heard in support of the application, and no one registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended approval of the proposed rezoning as it is appropriate at this location.

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 AA≅, for File DAZ 224/2000 dated October 2, 2000, to an "A-5" Agricultural District.

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

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

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

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

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

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

Adopted by consent.

(See Minute No. 81 for attachment)

Proposed Zoning Agreement Amendment - land located at 529 Wellington Crescent - City Centre Community
File ZAA 4/2000 [c/r DAZ 224/98]

66 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from Thompson, Dorfman, Sweatman, Barristers and Solicitors (C.A. Walker), 2200 - 201 Portage Avenue, Winnipeg, to amend the Zoning Agreement affecting the property at 529 Wellington Crescent by deleting the requirement for the payment of ten percent (10%) cash dedication.

Site Description

The subject property is the (former) Khartum Shrine Temple, originally constructed as the Ashdown family home. The river site is about 1.2 acres in area, and is bounded by the Shaarey Zedek Synagogue on the north and Hampton Park condominiums on the south.

Development Description

W.O.W. Hospitality Inc. purchased the building with plans to convert it into an 8,940 square foot restaurant, lounge and banquet facility with on-site parking for 48 vehicles. The property was rezoned to allow this use under File DAZ 224/98. The Zoning Agreement included a standard clause requiring the payment of cash in lieu of park dedication, based on 10% of the increase in the value of the rezoned land. Monies collected under this clause are directed to the Land Dedication Reserve Fund for use in acquiring lands for parks and recreation purposes.

The Planning, Property and Development Department is opposed to the deletion of the cash-in-lieu of dedication clause for this development for the following reasons:

1. The development is a private business enterprise. Excusing private developments from the obligation to provide park land or cash-in-lieu amounts to a back door subsidy and would set a bad precedent.

2. The proposed eating and entertainment facility is not a public facility, and should not be excused from the cash-in-lieu payment on the basis that it provides a public amenity, i.e. The Forks.

3. In comparison to its suburban counterparts, the City Centre Community has a shortfall of parks and open space and far less opportunities for collecting land or development levies from rezonings and subdivisions.

A Public Hearing was held before the City Centre Community Committee on September 12, 2000. One person was heard in support of the application and one person registered in opposition thereto.

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

The City Centre Community Committee recommended that the zoning agreement amendment not be approved for the following reasons:

1. The development is a private business enterprise and excusing private developments from the obligation to provide park land or cash-in-lieu amounts to a back door subsidy and would set a bad precedent.

2. The proposed eating and entertainment facility is not a public facility, and should not be excused from the cash-in-lieu payment on the basis that it provides a public amenity similar to The Forks.

3. In comparison to its suburban counterparts, the City Centre Community has a shortfall of parks and open space and far less opportunities for collecting land or development levies from rezonings and subdivisions.

The Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and recommends that the application for an amendment to the Zoning Agreement under File DAZ 224/98 dated September 9, 1998, not be proceeded with.

Moved by Councillor Vandal,
Adoption of the clause.

Moved by Councillor Steek,
That the clause be referred back to the Standing Policy Committee on Property and Development.

The motion to refer the clause was put.

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

Yea: Councillors Steek, Eadie and O'Shaughnessy. 3

Nay: Councillors Lazarenko, Angus, Clement, De Smedt, Gerbasi, Lubosch, Prystanski, Smith, Steeves, Vandal and His Worship Mayor Murray. 11

and the motion to refer the clause was declared lost.

The Speaker called the Deputy Speaker, Councillor Lazarenko, to the Chair in order to participate in the debate.

The motion for the adoption of the clause was put.

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

Yea: Councillors O'Shaughnessy, Angus, Clement, De Smedt, Gerbasi, Lubosch, Prystanski, Smith, Steeves, Vandal, Eadie, His Worship Mayor Murray and Councillor Lazarenko. 13

Nay: Councillor Steek. 1

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

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED OCTOBER 26, 2000

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated October 26, 2000, was considered.

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

Carried.

Renewal of Leave and License Agreement
Kildonan Crossing Shopping Centre Ltd. –
East Kildonan-Transcona Community
File ED(33) (Vol. 2)

67 - 1. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department, Real Estate Division has negotiated proposed terms and conditions of a Leave and License in favour of Kildonan Crossing Shopping Centre Ltd., respecting the continued use of a portion of the Lagimodiere Boulevard right-of-way as identified on Misc. Plan No. 7282/1. The City of Winnipeg cannot grant the lease of land comprising of a public right-of-way unless by first legally closing same. The City can, however, permit or license the use of public right-of-way subject to the continuing will of Council.

Council has approved, since 1989, the use of that portion of Lagimodiere Boulevard outlined on Misc. Plan No. 7282/1 to the Kildonan Crossing Shopping Centre for parking purposes in conjunction with the Licensee's adjoining retail development. Furthermore, in 1993, Council approved the erection and maintenance of two pylon identification signs within the subject lands. The most recent Leave and License Agreement which was for a five (5) year term expired on March 31, 1999, and provided for annual rental of $7,516.00, plus an amount equivalent to realty taxes. The tenancy currently remains on a "over-holding basis".

At present, details of the property leased by way of Leave and License to Kildonan Crossing Shopping Centre Ltd., as follows:

Location:	Northwest corner of Lagimodiere Boulevard and Regent Avenue West
Realty Roll Number:	09-007757000
Assessment:	$160,000.00
Realty Taxes:	$7,352.38
Zoning:	"C2" – Commercial District
Leased Site Size:	1,853.0 square metres (19,950.0 square feet)

Kildonan Crossing Shopping Centre has recently advised that it is agreeable to renewing the Leave and License agreement for a further five (5) year term. Furthermore, the owners of the Shopping Centre have expressed an interest in purchasing the site.

The Public Works Department, Transportation Division, has indicated that at this time, it has no objections to a renewal of the subject Leave and License under similar terms and conditions as contained in the existing over-holding agreement.

The proposed negotiated terms and conditions of Leave and License which Kildonan Crossing Shopping Centre Ltd., is agreeable to are as follows:

Term:	Five (5) year term, commencing on April 1, 2001 and expiring March 31, 2006
Purpose:	Vehicle parking area and the maintenance of two pylon identification signs to be used in conjunction with the Licensee's adjourning retail development
Rental:	$14,000.00 per annum, plus an amount equivalent to realty taxes
Insurance:	Comprehensive general liability insurance of at least $1,000,000.00 naming The City of Winnipeg as additional insured and containing a cross-liability clause
Cancellation:	90 day notice by either party

Report of the Standing Policy Committee on Property and Development dated October 26, 2000

The Planning, Property and Development Department, Real Estate Division has negotiated a new proposed rental of $14,000.00, representing an approximate 86% increase. The Division is of the opinion that the negotiated terms and conditions of Leave and License are fair and reasonable given current market conditions. A financial implication sheet is on file in the City Clerk's Department.

The Standing Policy Committee on Property and Development recommends:

I. That a Leave and License in favour of Kildonan Crossing Shopping Centre Ltd., to permit the continued use and maintenance of a vehicle parking area in that portion of the Lagimodiere Boulevard right-of-way outlined on Misc. Plan No. 7282/1, in connection with its adjoining business operation, be approved, in accordance with the terms and conditions as negotiated; the Agreement to provide for such other terms and conditions as are deemed necessary by the Director of Planning, Property and Development and by the City Solicitor/Manager of Legal Services to achieve the intent of Council and to protect the City's interest.

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.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

68 - On motion of Councillor Vandal, the following by-laws were read a first time, 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. 7715/2000, 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. 7716/2000, 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 1405 St. Matthews Avenue in the Assiniboia Community. File DAZ 16/2000

By-law No. 7717/2000, 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 2770 Main Street in the Lord Selkirk-West Kildonan Community. File DAZ 224/2000

By-law No. 7718/2000, 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 4025 Roblin Boulevard in the Assiniboia Community. File DAZ 220/2000

By-law No. 7719/2000, 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 1620 McGillivray Boulevard in the Assiniboia Community. File DAZ 222/2000

By-law No. 7720/2000, 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 north side of John Forsyth Road west of Ashworth Street in the Riel Community. File DASZ 10/2000

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

69 - Councillor Steek questioned if the Union Bank Tower was one of the properties cited in the Auditor's Report as having been sold under its assessed value, to which Councillor Vandal agreed to investigate and report back.

Councillor Steek asked if Councillor Vandal was aware that the assessed value of the Union Bank Tower, the Tower Annex and the Leland Hotel site was formerly $1.55 million and was subsequently reduced to $436,000, a diminution of $1.2 million or 80 percent of its assessed value, to which Councillor Vandal replied in the negative.

In reference to Clause 10 of the Report of the Standing Policy Committee on Property and Development dated October 24, 2000, "Proposed Zoning Agreement Amendment – land located at 529 Wellington Crescent – City Centre Community", Councillor O'Shaughnessy asked if the City policy pertaining to cash in lieu of land dedication related to "an increase in the fair market value" or "an increase in the market value of the land".

Councillor Vandal advised that the clause stipulated "based on ten percent of the increase in the value of the rezoned land" but agreed to research the exact wording of the policy for report back.

Councillor Steek asked Councillor Vandal to ascertain if there was a City policy for charging dedication on temporarily rezoned land, to which Councillor Vandal agreed to take the question as notice.